

**STATE OF MINNESOTA
CAMPAIGN FINANCE AND PUBLIC DISCLOSURE BOARD
FINDINGS REGARDING ROCHESTER MARRIOTT HOTEL**

Procedural Background

In response to an inquiry from the Campaign Finance and Public Disclosure Board (“the Board”). Tara Mattessich, counsel, People in Construction Political Action Committee (#30268), notified the Board that Rochester Marriott Hotel, an association that is not registered with the Board, made a \$200 in-kind contribution to People in Construction Political Action Committee.

Minn. Stat. §10A.27, subd. 13 (b), prohibits an unregistered association from making a contribution to a registered political committee unless, at the time the contribution was made, the unregistered association provides the recipient with the disclosure required by Minn. Stat. §10A.20.

On November 15, 2004, People in Construction Political Action Committee, notified the Board that it had returned \$200 to Rochester Marriott Hotel on October 25, 2004.

On December 7, 2004, Bill McCollom, Rochester Marriott Hotel, stated “I had received a letter from People in Construction asking for a donation, which we provided... We receive such requests throughout the year from charities and regularly provide some sort of in-kind item. I will be more careful in the future to ensure that it is not for a political action committee.”

This matter was considered by the Board in executive sessions in its meetings on November 17, 2004, and December 17, 2004. The Board’s decision was based upon correspondence from Ms. Mattessich, correspondence from Mr. McCollom, and Board records.

Based on the record before it, the Board issues the following:

EVIDENTIARY FINDINGS

1. There is evidence that Rochester Marriott Hotel inadvertently violated Minn. Stat. §10A.27, subd. 13, when it made a contribution in excess of \$100 to the People in Construction Political Action Committee without providing the required disclosure.
2. There is evidence that this contribution was not returned within 60 days. Minn. Stat. §10A.27, subd. 13 (b), provides that an unregistered association that makes a contribution to a political committee without the required disclosure is subject to civil penalty of up to \$1,000.

Based on the above Statement of the Evidence, the Board makes the following:

FINDINGS CONCERNING PROBABLE CAUSE

There is probable cause to believe that Rochester Marriott Hotel inadvertently violated Minn. Stat. §10A.27, subd. 13, by making a contribution to People in Construction Political Action Committee without providing the required disclosure.

Based on the above Findings, the Board issues the following:

ORDER

1. The Board imposes a civil penalty of \$100, one times the amount by which the contribution exceeded \$100, on Rochester Marriott Hotel, an unregistered association, for making a contribution to a registered political committee without providing the disclosure required by Minn. Stat. §10A.20.
2. Rochester Marriott Hotel is directed to forward to the Board payment of the civil penalty, by check or money order payable to the State of Minnesota, within thirty days of receipt of this order.
3. If Rochester Marriott Hotel does not comply with the provisions of this order, the Board's Executive Director shall refer this matter to the appropriate County Attorney for civil enforcement pursuant to Minn. Stat. §10A.28, subd.4.
4. The Board investigation of this matter is hereby made a part of the public records of the Board pursuant to Minn. Stat. §10A.02, subd. 11, and upon payment by the civil penalty imposed herein, this matter is concluded.

Dated: December 17, 2004

Wil Flugel, Chair
Campaign Finance and Public Disclosure Board