

**STATE OF MINNESOTA
CAMPAIGN FINANCE AND PUBLIC DISCLOSURE BOARD**

PROBABLE CAUSE DETERMINATION

IN THE MATTER OF THE COMPLAINT OF TIMOTHY DJEZIENSKI REGARDING THE JOHNSON (JEFF) FOR GOVERNOR COMMITTEE:

This complaint alleges that the Johnson for Governor Committee failed to properly disclose payments made to campaign staff because its May 2014 Report of Receipts and Expenditures did not disclose the names and addresses of individuals who had been paid to work for the campaign.

Minnesota Statutes section 10A.20, subdivision 3, requires that payments in excess of \$200 in aggregate to a provider of services be itemized on a report of receipts and expenditures. The itemization must include the name and address of the provider of the services.

On its 2014 May Report of Receipts and Expenditures, the Johnson for Governor Committee reported a number of expenditures made for the purpose of "Employee Expense: Salary" as being made to vendor "Paychex." The expenditures should have been reported as payments to each individual employee of the committee because the provider of the services in this instance was the employee of the committee, not the payroll vendor "Paychex."

The 2014 pre-primary-election Report of Receipts and Expenditures submitted by the Johnson for Governor Committee in July 2014 reported all "Employee Expense: Salary" expenditures as being made directly to the employees. Each payment was itemized by individual and included the individual's address.

Findings:

1. The Johnson for Governor Committee reported employee salary expenditures as being made to an entity other than the employee providing the services on its May 2014 Report of Receipts and Expenditures.
2. The Johnson for Governor Committee's 2014 pre-primary-election Report of Receipts and Expenditures listed employee salary expenditures as being made directly to employees of the committee.
3. There was no allegation, and there is no evidence, that the omission of employee names and addresses from the original report was done with the intent to avoid disclosure.

Conclusions:

1. Probable cause exists to believe that the Johnson for Governor Committee violated section 10A.20, subdivision 3, of the Minnesota Statutes.
2. The Johnson for Governor Committee has remedied the reporting error contained in its 2014 May Report of Receipts and Expenditures by properly itemizing employee salary expenditures on its 2014 pre-primary-election Report of Receipts and Expenditures.

3. No penalty is provided for by statute when a reporting error has been corrected by the submission of an amendment.
4. Because the reporting error has been corrected and because no further penalty is provided for by statute, the Board concludes that it should commit no further resources to investigating this matter.

Order:

1. The complaint in the above matter is dismissed.

_____/s/ Deanna Wiener

Dated: September 2, 2014

Deanna Wiener, Chair
Campaign Finance and Public Disclosure Board