

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

**FINDINGS IN THE MATTER OF A COMPLAINT REGARDING THE  
MINNESOTA WILD, MAYOR RANDY KELLY, COUNCILMEMBER DEBORAH MONTGOMERY AND  
COUNCILMEMBER LEE HELGEN**

**Procedural Background**

On February 23, 2004, David A. Schultz filed a complaint with the Campaign Finance and Public Disclosure Board ("The Board") against the Minnesota Wild, St. Paul Mayor Randy Kelly, and St. Paul City Councilmembers Lee Helgen and Deborah Montgomery.

Mr. Schultz alleged that agents of the Minnesota Wild (doing business as Minnesota Hockey Ventures Group, LP, #4661, and Rose-Wild, LLC, #5143), lobbyist principals, and Mayor Randy Kelly and Councilmembers Helgen and Montgomery, local officials of a metropolitan governmental unit, violated Minn. Stat. 10A.071, subd. 2, when Mayor Kelly and Councilmembers Helgen and Montgomery accepted an offer from the Minnesota Wild to facilitate the purchase of 2004 National Hockey League All Star Game Tickets. Minn. Stat. 10A.071, subd. 2, prohibits a principal from giving a gift to an official and prohibits an official from accepting a gift from a principal. Minnesota Rules, 4512.0100, Subp. 3, c, defines preferential treatment for purchases as a gift.

By letters dated February 24, 2004, Board staff notified Mayor Kelly, Councilmembers Helgen and Montgomery, and Jac Sperling, Minnesota Wild, of the complaint.

On March 10, 2004, Gerald Hendrickson responded on behalf of Mayor Randy Kelly and Councilmembers Helgen and Montgomery. Mr. Hendrickson stated that Mayor Kelly and Councilmembers Helgen and Montgomery received an invitation to purchase tickets to the All Star Hockey Game from the National Hockey League, and not the Minnesota Wild. Mr. Hendrickson further stated "the National Hockey league is not a lobbyist or principal under the law."

On March 24, 2004, Ellen Sampson replied on behalf of Minnesota Sports and Entertainment (another assumed name of Minnesota Hockey Ventures Group, LP), Rose-Wild LLC, Minnesota Hockey Ventures Group, LP and the Minnesota Wild Hockey Club. Ms. Sampson provided a copy of a letter sent to Mayor Kelly and the St. Paul City Council that offered to facilitate the purchase of tickets to events that were a part of the 2004 National Hockey League All Star Weekend. The letter dated February 3, 2004, is on Minnesota Wild letterhead, and is signed by Pamela Wheelock, senior vice president and chief financial officer of Minnesota Sports and Entertainment.

Ms. Sampson stated that all lobbyists registered on behalf of all Minnesota Hockey Ventures Group LP and related entities should have terminated effective December 31, 2003. Ms. Sampson also stated that "no money has been spent in 2004 on behalf of any of the Minnesota Sports and Entertainment Entities" for lobbying. Ms. Sampson further stated that Minnesota Sports and Entertainment "has not employed any lobbyists during 2004 and, but for the lack of promptness in the termination of old lobbyist registrations, it would not be a lobbyist principal."

Mr. Schultz submitted an additional letter to the Board on April 21, 2004.

This matter was considered by the Board in executive sessions in its meetings on February 25, 2004, and April 28, 2004. Mr. Hendrickson appeared at the Board's meeting on April 28, 2004. The Board's decision was based upon the complaint, the documents provided in support of the complaint, the responses received from Ms. Sampson and Mr. Hendrickson, Mr. Hendrickson's testimony, and Board records.

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

**EVIDENTIARY FINDINGS**

1. Minn. Stat. 10A.071, subd. 1, (b) defines a "gift" as money, real or personal property, a service, a loan, a forbearance or forgiveness of indebtedness, or a promise of future employment, that is given and received without the giver receiving consideration of equal or greater value in return.

2. Minnesota Rules, 4512.0100, Subp. 3, c, defines preferential treatment for purchases as a gift.

3. Minn. Stat. 10A.071, subd. 1, (c) defines an "official" as a public official, an employee of the legislature, or a local official of a metropolitan governmental unit. As mayor of the City of St. Paul, Mayor Kelly is a local official of a metropolitan governmental unit and therefore an official. As members of the St. Paul City Council, Councilmembers Helgen and Montgomery are also officials.

4. Minn. Stat. 10A.01, subd. 33, defines a "principal" as an individual or association that: spends more than \$500 in the aggregate in any calendar year to engage a lobbyist, compensate a lobbyist, or authorize the expenditure of money by a lobbyist" or "spends a total of at least \$50,000 in any calendar year on efforts to influence legislative action, administrative action, or the official action of metropolitan governmental units, as described in section 10A.04, subd. 6."

5. On February 3, 2004, Minnesota Hockey Ventures Group, LP, doing business as Minnesota Sports and Entertainment and the Minnesota Wild, extended an offer to local officials of a metropolitan governmental unit to facilitate purchase of tickets to events that were a part of the National Hockey League All Star Game weekend.

6. The only lobbying expenditures that Minnesota Hockey Ventures Group, LP and related entities incurred in 2004 were for payment of lobbyist fees to the Board. There is no evidence of any additional lobbying disbursements being made in 2004. The total cost of these lobbyist fees was less than \$500. Thus, there is no evidence that any entities of Minnesota Hockey Ventures Group met the definition of lobbyist principal in 2004.

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

#### **FINDINGS CONCERNING PROBABLE CAUSE**

1. Rose-Wild and Minnesota Hockey Ventures Group had less than \$500 in lobbyist expenditures in 2004 and all lobbyists for all Minnesota Sports and Entertainment entities have terminated. There is no probable cause to believe that either Rose-Wild or Minnesota Hockey Ventures Group are lobbyist principals in 2004 and thus no probable cause to believe Rose-Wild or Minnesota Hockey Ventures Group violated Minn. Stat. 10A.071, when an offer to facilitate the purchase of tickets was made in 2004.
2. Because Rose-Wild and Minnesota Hockey Ventures Group were not lobbyist principals in 2004 there is no probable cause to believe Mayor Kelly or Councilmembers Helgen or Montgomery violated Minn. Stat. 10A.071.

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

#### **ORDER**

1. The complaint alleging that Minnesota Hockey Ventures Group violated Minn. Stat. 10A.071 by offering a gift to an official is dismissed in its entirety.
2. The complaint alleging that Rose Wild violated Minn. Stat. 10A.071 by offering a gift to an official is dismissed in its entirety.
3. The complaint alleging that Mayor Kelly violated Minn. Stat. 10A.071, by accepting a gift from a principal is dismissed in its entirety.
4. The complaint alleging that Councilmember Helgen violated Minn. Stat. 10A.071, by accepting a gift from a principal is dismissed in its entirety.
5. The complaint alleging that Councilmember Montgomery violated Minn. Stat. 10A.071, by accepting a gift from a principal is dismissed in its entirety.
6. The record in this matter and all correspondence is entered into the public record in accordance with Minn. Stat. 10A.02, subd. 11. Board staff shall provide copies to Mayor Kelly, Councilmember Helgen, Councilmember

Montgomery, Gerald Hendrickson, Ellen Sampson, and David Schultz.

Dated: April 28, 2004

Wil Flugel, Chair  
Campaign Finance and Public Disclosure Board