

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

FINDINGS REGARDING THE OLMSTED COUNTY DFL

Procedural Background

On its Report of Receipts and Expenditures for the period covering January 1, 2004, through August 23, 2004, filed with the Campaign Finance and Public Disclosure Board, (“the Board”), Phil Castrovinci, treasurer, Olmsted County DFL, disclosed receiving a \$225 contribution on April 28, 2004, from Mayer for Congress, an association that is not registered with the Board.

Minn. Stat. §10A.27, subd. 13 (a), prohibits a political party unit from accepting a contribution in excess of \$100 from an unregistered association, unless, at the time the contribution was made, the unregistered association provides the political party unit with the disclosure required by Minn. Stat. §10A.20.

In a letter received October 13, 2004, Mr. Castrovinci stated “this contribution was received for purchase of 3 tickets to our Spring Fundraising event. . .there was no intentional violation of the Campaign Finance rules on my part, and I now know better, and will not allow this to happen again.”

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 Mr. Castrovinci and Board records.

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

EVIDENTIARY FINDINGS

1. There is evidence that the Olmsted County DFL inadvertently violated Minn. Stat. §10A.27, subd. 13, when it accepted a contribution in excess of \$100 from Mayer for Congress, an unregistered association.
2. There is evidence that this contribution was not returned within 60 days. Minn. Stat. §10A.27, subd. 13 (c), provides that the treasurer of a political party unit that accepts a contribution in excess of \$100 from an unregistered association without the required written disclosure is subject to a civil penalty of up to four times the amount by which the contribution exceeded \$100.

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

FINDINGS CONCERNING PROBABLE CAUSE

There is probable cause to believe that the Olmsted County DFL inadvertently violated Minn. Stat. §10A.27, subd. 13, by accepting a contribution from the Mayer for Congress.

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

ORDER

1. The Olmsted County DFL is directed to return \$125 to Mayer for Congress, and to provide the Board with a copy of the check and accompanying letter returning the contribution within thirty days.
2. The Board imposes a civil fine of \$125, one times the amount by which the contribution exceeded \$100, on the Olmsted County DFL for accepting a contribution in excess of \$100 from an unregistered association without obtaining the disclosure required by Minn. Stat. §10A.20.
3. The Olmsted County DFL 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.
4. If the Olmsted County DFL does not comply with the provisions of this order, the Board's Executive Director shall refer this matter to the Olmsted County Attorney for civil enforcement pursuant to Minn. Stat. §10A.28, subd.4.
5. 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 receipt of the copy of check and accompanying letter returning the contribution and of the civil penalty imposed herein, this matter is concluded.

Dated: December 17, 2004

Wil Fluegel, Chair
Campaign Finance and Public Disclosure Board