

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

**FINDINGS AND ORDER IN THE MATTER OF
A CONTRIBUTION DURING THE REGULAR 2006 LEGISLATIVE SESSION
BY EUGENE MARTINEZ**

Summary of the Facts

On November 20, 2006, the Patricia Ray Torres for State Senate Committee (“the Committee”) voluntarily notified the Campaign Finance and Public Disclosure Board (“the Board”) that the Committee received a \$50 contribution from Eugene Martinez on April 17, 2006. Mr. Martinez registered with the Board as a lobbyist in 1994. The 2006 regular legislative session was held from March 1, 2006, to May 21, 2006.

Minnesota Statutes, section 10A.273, subdivision 1(b), prohibits a registered lobbyist from making a contribution to a principal campaign committee during a regular legislative session. A lobbyist that violates this section is subject to a civil penalty imposed by the Board of up to \$1,000.

By letter dated November 20, 2006, the Board notified Eugene Martinez of the correspondence received from the Committee and the statutory provision that appeared to be violated. Mr. Martinez responded by letter dated November 21, 2006. Mr. Martinez stated, “...I did make the contribution. However, I thought that the prohibition on campaign contributions during the legislative session only applied to people who are sitting legislators. ...I would not have knowingly committed this offense.”

This matter was considered by the Board in executive session on January 9, 2007. The Findings are based on the correspondence from the Patricia Ray Torres for State Senate Committee, Mr. Martinez, and Board records.

Based on the above Summary of the Facts and Relevant Statutes, the Board makes the following:

Findings Concerning Probable Cause

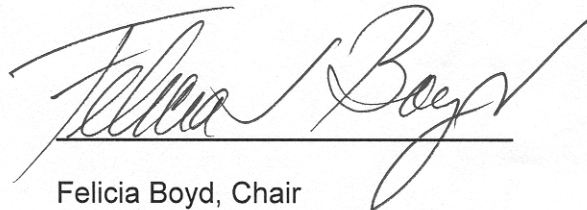
- 1 There is evidence that Eugene Martinez failed to indicate his lobbyist registration number on a contribution to a candidate. The Board finds that there is probable cause to believe that Mr. Martinez inadvertently violated Minnesota Statutes section 10A.15, subdivision 5.
- 2 There is evidence that Eugene Martinez, a registered lobbyist, contributed \$50 to the Patricia Ray Torres for State Senate Committee during the 2006 regular legislative session. The Board finds that Eugene Martinez inadvertently violated Minnesota Statutes, section 10A.273, subdivision 1(b).

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

Order

1. For failure to provide a lobbyist registration number on or with the contribution the Board orders Eugene Martinez to pay a civil penalty of \$50, which is one times the amount of the contribution. This civil penalty must be paid within 30 days.
2. For making a contribution to a candidate during the 2006 regular legislative session the Board orders Eugene Martinez, to pay a civil penalty of \$50, which is one times the amount of the contribution. This civil penalty must be paid within 30 days.
3. If Eugene Martinez does not comply with the provisions of this order, the Board's Executive Director shall refer this matter to the Ramsey County Attorney for civil enforcement pursuant to Minnesota Statutes, section 10A.273.
4. The Board investigation of this matter is entered into the public record in accordance with Minnesota Statutes, section 10A.02, subdivision 11, and upon payment by Eugene Martinez of the civil penalties imposed herein, the matter is concluded

Dated: January 9, 2007



Felicia Boyd, Chair
Campaign Finance and Public Disclosure Board

Relevant Statutes

1. Minnesota Statutes section 10A.15, subdivision 5. **Registration number on checks.** A contribution made to a candidate by a lobbyist, political committee, political fund, or party unit must show the name of the lobbyist, political committee, political fund, or party unit and the number under which it is registered with the board.
2. Minnesota Statutes, section 10A.273, subdivision 1, clause b. **Contributions during legislative session.** A registered lobbyist, political committee, political fund, or dissolving principal campaign committee, or a party unit established by the party organization within a house of the legislature, must not make a contribution to a candidate for the legislature or for constitutional office, the candidate's principal campaign committee, or a political committee or party unit established by all or a part of the party organization within a house of the legislature during a regular session of the legislature.