

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

Findings in the Matter of the womenwinning State PAC

Summary of the Facts

Pursuant to Minnesota Statutes, Section 10A.27, subdivision 13, candidates, political party units, and political committees registered with the Campaign Finance and Public Disclosure Board (the Board) may not accept a contribution in excess of \$100 from an association that is not registered with the Board unless the contribution is accompanied by financial disclosure of the donating association's receipts and expenditures in the form specified by statute.

In the 2008 Preprimary Report of Receipts and Expenditures filed with the Board, the womenwinning State PAC disclosed receipt of a contribution in the amount of \$1,250 from the Amy Klobuchar for Minnesota Committee, a federal candidate committee not registered with the Board. No financial disclosure was provided.

By letter dated October 24, 2008, Tammera Diehm, attorney, representing womenwinning State PAC, responded to a Board inquiry. Ms. Diehm states "In addition to the PAC, there is a tax-exempt, 501(c)(4) organization with the name womenwinning. Through an error in accounting, the receipt was improperly placed in the account of the PAC, instead of the 501 (c) (4). We have been advised that the check was not written to the PAC...and that Klobuchar for Minnesota understood the contribution to be to the 501 (c)(4)..."

Sarah Taylor-Nanista, executive director, womenwinning, responded in a letter dated November 19, 2008, stating "We have addressed the accounting error and on 10/29/08 at 1:48 pm we moved the \$1,250 contribution from the State PAC into our 501(c)(4) organization." Ms. Taylor-Nanista provided a copy of the bank statement showing the transfer.

Brigid McDonough from the Klobuchar for Minnesota Committee (KFM) responded to a Board inquiry on November 12, 2008. Ms. McDonough states "KFM's intent was to make a contribution to the Women Winning 501(c)(4) entity...and expected the contribution to be deposited into the bank account of the...entity. KFM did not intend for its contribution to be deposited in the Women Wining state political action committee..."

This matter was considered by the Board in executive session on December 2, 2008. The Board's decision was based upon correspondence from Ms. Diehm, Ms. Taylor-Nanista, Ms. McDonough, and Board records.

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

Finding Concerning Probable Cause

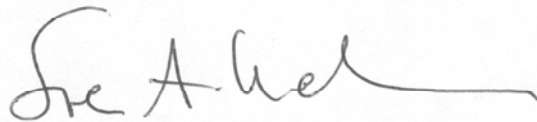
1. There is probable cause to believe that the womenwinning State PAC inadvertently violated Minnesota Statutes, section 10A.27, subdivision 13, when it accepted and deposited to the political committee account a contribution in excess of \$100 from an unregistered association that was intended for the womenwinning 501(c)(4) corporation.
2. There is probable cause that the contribution was not returned within 60 days as permitted in Minnesota Statutes, section 10A.15, subdivision 3.

Based on the above Finding Concerning Probable Cause, the Board issues the following:

ORDER

1. The Board imposes a civil penalty of \$1,150, one times the amount by which the contribution exceeded \$100, on the womenwinning State PAC for accepting and depositing a contribution from an unregistered association without the disclosure required by Minnesota Statutes, section 10A.27, subdivision 13.
2. The womenwinning State PAC 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 the womenwinning State PAC does not comply with the provisions of this order, the Board's Executive Director may request that the Attorney General bring an action for the remedies available under Minnesota Statutes, section 10A.34.
4. The Board investigation of this matter is hereby made a part of the public records of the Board pursuant to Minnesota Statutes, section 10A.02, subdivision 11, and upon payment by the civil penalty imposed herein, this matter is concluded.

Dated: December 2, 2008



Sven A. Wehrwein, Chair
Campaign Finance and Public Disclosure Board

Relevant Statutes

10A.27, subdivision 13. Unregistered association limit; statement; penalty. (a) The treasurer of a political committee, political fund, principal campaign committee, or party unit must not accept a contribution of more than \$100 from an association not registered under this chapter unless the contribution is accompanied by a written statement that meets the disclosure and reporting period requirements imposed by section 10A.20. This statement must be certified as true and correct by an officer of the contributing association. The committee, fund, or party unit that accepts the contribution must include a copy of the statement with the report that discloses the contribution to the board. This subdivision does not apply when a national political party contributes money to its affiliate in this state.

(b) An unregistered association may provide the written statement required by this subdivision to no more than three committees, funds, or party units in a calendar year. Each statement must cover at least the 30 days immediately preceding and including the date on which the contribution was made. An unregistered association or an officer of it is subject to a civil penalty imposed by the board of up to \$1,000, if the association or its officer:

(1) fails to provide a written statement as required by this subdivision; or

(2) fails to register after giving the written statement required by this subdivision to more than three committees, funds, or party units in a calendar year.

(c) The treasurer of a political committee, political fund, principal campaign committee, or party unit who accepts a contribution in excess of \$100 from an unregistered association without the required written disclosure statement is subject to a civil penalty up to four times the amount in excess of \$100.