

STATE OF MINNESOTA
CAMPAIGN FINANCE AND PUBLIC DISCLOSURE BOARD

CONCILIATION

AGREEMENT

In the matter of the Gerald Seck, Lobbyist (# 5839):

Pursuant to Minnesota Statutes, section 10A.28, subdivision 3, the Campaign Finance and Public Disclosure Board and Gerald Seck hereby agree as follows:

1. During calendar year 2008 the contribution limit from a lobbyist to a State Senate candidate was \$100 as set out in Minnesota Statutes, section 10A.27, subdivision 1, clause a (4). In 2008 Gerald Seck made two contributions that cumulatively total \$200 to the (Leo) Foley for Senate Volunteer Committee. The cumulative contributions exceeded by \$100 the applicable limit. The amount of the excess contribution was not returned within 60 days, and thus, is deemed accepted under Minnesota Statutes, section 10A.15, subdivision 3.

2. In correspondence dated February 9, 2009, Gerald Seck, states "I am at a loss to explain how this happened. I keep a detailed record of all political contributions. ...However, after receiving your letter, I rechecked my records and found that I either never received copies of my January, 2008 checks...or I had misplaced them. I normally enter each political contribution check in my master sheet...and double-check them when I receive copies of checks...with my monthly statement. Obviously, my system failed in this instance."

3. Board records show that this is Gerald Seck's first violation of Minnesota Statutes, section 10A.27, subdivision 1(c), which prohibits a lobbyist from making an excess contribution to a principal campaign committee. The statute prohibiting a lobbyist from making contributions in excess of specified amounts went into effect in 2005.

4. The parties agree that Gerald Seck made cumulative contributions to the aforementioned principal campaign committee in calendar year 2008, resulting in an inadvertent violation of Minnesota Statutes, section 10A.27, subdivision 1, clause c.

5. The Board imposes a civil penalty of \$100 to be paid to the Board for deposit in the general fund of the state. This civil penalty represents one times the amount by which the total contributions exceeded the applicable contribution limit.

6. Gerald Seck hereby agrees to forward to the Board \$100 by check or money order payable to the STATE OF MINNESOTA within thirty days after the date this Agreement is signed by the Board chair. It is agreed by the parties that the payment of the civil penalty of \$100 and this Conciliation Agreement will be a bar to any civil proceeding under Minnesota Statutes, section 10A.28, subdivisions 3 and 4.

7. It is further understood and agreed, however, that if the civil penalty of \$100 is not paid within the time specified in paragraph 6 above, then Gerald Seck will be personally liable to pay a civil penalty, under Minnesota Statutes, section 10A.34, subdivision 1, in an amount calculated as follows:

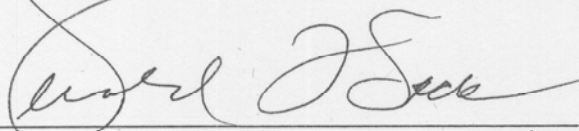
(a) \$200 which is two times the amount by which the contributions exceeded the statutory limit, if payment is received 31 to 60 days after the date this agreement is signed by the Board chair;

(b) \$300 which is three times the amount by which the contributions exceeded the statutory limit, if payment is received 61 to 90 days after the date this agreement is signed by the Board chair;

(c) \$400, four times the amount by which the contributions exceeded the statutory limit, if payment is received after 90 days after the date this agreement is signed by the Board chair;

8. It is further understood that if the civil penalty is not paid as agreed, within the time specified in paragraph 6 above, the Board will proceed to enforce the provisions of Minnesota Statutes, section 10A.28, subdivision 4.

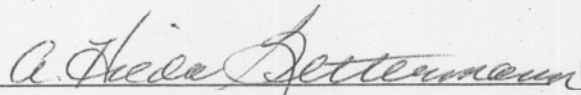
9. It is further understood and agreed that this Agreement is confidential until signed by Gerald Seck and the Board Chair. Once signed, the Agreement shall become a matter of public record, and the statutory requirement of confidentiality shall no longer apply. Minnesota Statutes, section 10A.02, subdivision 11 and section 10A.28, subdivision 3.



Gerald Seck

Dated: 3/9/09

Approved by the Campaign Finance and Public Disclosure Board

By  Dated: 3/16/09
A. Hilda Bettermann, Chair
Campaign Finance and Public Disclosure Board