

STATE OF MINNESOTA
CAMPAIGN FINANCE AND PUBLIC DISCLOSURE BOARD

CONCILIATION
AGREEMENT

In the matter of the Minn CAP-PAC Committee (#30553):

Pursuant to Minnesota Statutes, section 10A.28, subdivision 3, the Campaign Finance and Public Disclosure Board and the Minn CAP-PAC Committee hereby agree as follows:

1. During calendar year 2011 the contribution limit from a political committee to the principal campaign committee of a state senate candidate was \$100 as provided in Minnesota Statutes, section 10A.27, subdivision 1(a)(3). In 2011 the Minn CAP-PAC Committee (the Committee) made a \$150 contribution to the Dan Skogen for Senate Committee. The contribution exceeds by \$50 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 a letter dated February 23, 2012, Patrick McFarland, treasurer, states, "On October 11, 2011 Minn CAP-PAC made a contribution of \$150.00 to the Dan Skogan [sic] for Senate Committee. After realizing that the contribution exceeded the 2011 allocated allowance by \$50.00, I contacted a campaign committee member, at that time I was told that they would send the overage of \$50.00 back. ...Minn CAP-PAC did not receive the returned contribution...until the second week of February 2012."

3. Board records show that this is the first violation for the Minn CAP-PAC Committee of Minnesota Statutes, section 10A.27, subdivision 1(c), which prohibits a political committee from making an excess contribution to a principal campaign committee. The Committee registered with the Board on February 12, 1996.

4. The parties agree that the Minn CAP-PAC Committee made a facially excess contribution in the amount of \$150 to the aforementioned principal campaign committee in calendar year 2011, resulting in an inadvertent violation of Minnesota Statutes, section 10A.27, subdivision 1(c).

5. The Minn CAP-PAC Committee agrees to pay a civil penalty of \$100, two times the amount by which the contribution exceeded the applicable limit, to be paid to the Board for deposit in the general fund of the state. The assessment of a penalty of two times the amount of the violation recognizes that this matter involved a facially excessive contribution.

6. Patrick McFarland, treasurer, 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 both parties. 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 failure to pay the civil penalty of \$100 within the time specified in paragraph 6 above, is a violation of the terms of this conciliation agreement and the Board may declare this agreement to be null and void and may take further action to resolve this matter.

8. It is further understood and agreed that this agreement is confidential until signed by the Committee's treasurer 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.

 _____ Dated: 4/19/2012

Patrick McFarland, treasurer
Minn CAP-PAC Committee

Approved by the Campaign Finance and Public Disclosure Board

By  _____ Dated: April 3, 2012

Greg McCullough, Chair
Campaign Finance and Public Disclosure Board