

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

**FINDINGS IN THE MATTER OF A COMPLAINT REGARDING
THE CORPORATE COMMISSION OF THE MILLE LACS BAND OF OJIBWE
INDIANS AND H. THEODORE GRINDAL**

PROCEDURAL BACKGROUND

On July 25, 2003, David Hoch filed a complaint with the Campaign Finance and Public Disclosure Board (“Board”) alleging that the Corporate Commission of the Mille Lacs Band of Ojibwe Indians (#3587) and lobbyist H. Theodore Grindal (#7237) violated Minnesota Statutes, Chapter 10A.

Mr. Hoch alleged that Mr. Grindal, the designated lobbyist for the Corporate Commission of the Mille Lacs Band of Ojibwe Indians, failed to provide sufficient disclosure regarding media advertising disbursements on his Lobbyist Disbursement Report for the period covering April 1, 2003, through June 30, 2003. Mr. Hoch alleged that Mr. Grindal knowingly omitted this information from this report.

On July 28, 2003, Mr. Grindal was notified of the complaint and afforded an opportunity to respond. On August 7, 2003, Christian Sande responded on behalf of Mr. Grindal and the Corporate Commission of the Mille Lacs Band of Ojibwe. Mr. Sande included amended Lobbyist Disbursement Reports for Mr. Grindal for the periods covering January 1, 2003, through March 31, 2003, and April 1, 2003, through June 30, 2003, with his response. These reports disclosed disbursements totaling \$179,735.58 that were not disclosed on the reports originally filed with the Board.

Mr. Sande stated that a third party made the media disbursements referenced in the complaint and that Mr. Grindal was unaware of these expenditures when he filed his report. Mr. Sande stated “the amended reports are the result of a comprehensive search last week by our office of all the possible outlets potentially related to state lobbying issues during January through March 2003 and April through June 2003. We will make every effort in the future to conduct these searches prior to filing our report in order to ensure that all potentially reportable expenditures are reviewed and included.”

In reference to the alleged violation of Minn. Stat. §10A.025, subd. 2, Mr. Sande stated “the reports contained all of the information Mr. Grindal was aware of at the time he filed them. Any alleged failure to include additional information was, at most, an oversight. It is our intent to correct the reports fully and completely now.”

The matter was considered by the Board in executive session on August 27, 2003. The Board’s decision was based upon the complaint, the response, and Board records.

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

EVIDENTIARY FINDINGS

1. Minn. Stat. §10A.04, subd. 3, requires that an association about whose activities a lobbyist is required to report must provide the information required to the designated lobbyist no later than five days before the prescribed filing date.
2. Minn. Stat. §10A.04, subd. 4, requires that a lobbyist disclose all disbursements for lobbying, including media disbursements.
3. Upon notification of the complaint, Mr. Grindal acquired information on disbursements made by the Corporate Commission of the Mille Lacs Band of Ojibwe and amended his Lobbyist Disbursement Reports for the periods covering January 1, 2003, through March 31, 2003, and April 1, 2003, through June 30, 2003, to disclose an additional \$179,735.58 in disbursements for media advertisements.
4. There is no evidence that Mr. Grindal knowingly omitted these disbursements from his Lobbyist Disbursement Reports for the periods covering January 1, 2003, through March 31, 2003, and April 1, 2003, through June 30, 2003. Mr. Grindal amended his reports within ten days of becoming aware of the need to amend.

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

CONCLUSIONS CONCERNING PROBABLE CAUSE

1. There is no probable cause to believe that the reporting violations alleged in the complaint continue to exist. When Mr. Grindal's Lobbyist Disbursement Reports for the periods covering January 1, 2003, through March 31, 2003, and April 1, 2003, through June 30, 2003, were filed with the Board they failed to include all media expenditures made by the Corporate Commission of the Mille Lacs Band of Ojibwe Indians. Mr. Grindal amended his Lobbyist Disbursement Reports for the periods covering January 1, 2003, through March 31, 2003, and April 1, 2003, through June 30, 2003, within ten days of receiving the Board's inquiry regarding the complaint.

2. There is no probable cause to believe that Mr. Grindal knowingly omitted the information regarding the media expenditures from his Lobbyist Disbursement Report.

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

ORDER

The Board directs that in the future the Mille Lacs Band of Ojibwe Indians Corporate Commission provide information on all lobbying disbursements to their designated lobbyist at least five days prior to the prescribed filing date of a Lobbyist Disbursement Report.

The complaint regarding the intentional omission of information from the report is dismissed. The reporting violation alleged in the complaint having been resolved, this matter is concluded. The record in this matter and all correspondence is hereby entered into public record in accordance with Minn. Stat. §10A.02, subd. 11.

Board staff shall provide copies of these Findings to H. Theodore Grindal, the Mille Lacs Band of Ojibwe Indians Corporate Commission and David Hoch.

Dated: August 27, 2003

Clyde Miller, Chair
Campaign Finance and Public Disclosure Board