

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

Findings and Order in the Matter of the International Union of Operating Engineers

Summary of the Facts

In response to an inquiry from the Campaign Finance and Public Disclosure Board (“the Board”) Reid LeBeau, Alliance for a Better Minnesota (“the Committee”), confirmed that the Committee accepted a \$5,000 contribution from the International Union of Operating Engineers general fund.

By letter received May 31, 2007, James Hansen, treasurer, states “I must have been under a misunderstanding as to the exact nature of the organization... Therefore, the early contribution was mistakenly made from our general fund money.”

The International Union of Operating Engineers has a political committee registered with the Board, however, the contribution was from the union itself, which is an association not registered with the Board.

Minnesota Statutes, section 10A.27, subdivision 13(b), prohibits an association not registered with the Board from making a contribution in excess of \$100 to a registered political committee or political fund unless, at the time the contribution was made, the unregistered association provides the recipient with the disclosure required by Minnesota Statutes, section 10A.20. An unregistered association that fails to provide the appropriate disclosure with the contribution is subject to a civil penalty of up to \$1,000.

This matter was considered by the Board in executive session at its meeting on July 10, 2007. The Board’s decision was based upon correspondence from Mr. Hansen, Mr. LeBeau, and Board records.

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

Findings Concerning Probable Cause

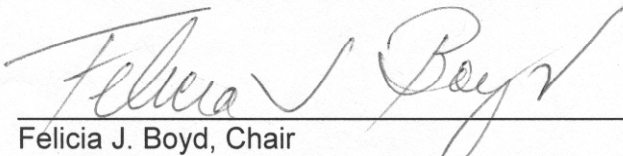
1. There is probable cause to believe that the International Union of Operating Engineers, an association not registered with the Campaign Finance and Public Disclosure Board, contributed to the Alliance for a Better Minnesota from the its general fund without providing the disclosure required by Minnesota Statutes, Section 10A.27, subd. 13.
2. There is probable cause to believe that the International Union of Operating Engineers inadvertently violated Minnesota Statutes, section 10A.27, subdivision 13.
3. The contribution was not returned within 60 days as permitted in Minnesota Statutes, section 10A.15, subdivision 3.

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

ORDER

1. The Board imposes a civil penalty of \$500 on the International Union of Operating Engineers for making a contribution to a political committee without the disclosure required by Minnesota Statutes, section 10A.27, subdivision 13.
2. The International Union of Operating Engineers is directed to forward to the Board payment of the civil penalty, by check or money order payable to the State of Minnesota, within 30 days of receipt of this order.
3. If the International Union of Operating Engineers 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.28, subdivision 4.
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: July 10, 2007



Felicia J. Boyd, Chair
Campaign Finance and Public Disclosure Board

Relevant Statute

Minnesota Statutes, section 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.