



COMPLAINT FOR VIOLATION OF THE ETHICS IN GOVERNMENT ACT

All information on this form is private and confidential until a finding is issued by the Board.

Information about complaint filer

Name of complaint filer STEVEN J. TIMMER	
Address 5348 OAKLAWN AVENUE	
City, state, zip EDINA, MN 55424	Daytime telephone no. 952-922-8440

Identify person/entity you are complaining about

Name of person/entity being complained about KING BARNATHAN	WWTC RADIO
Address ST. CLOUD, MN	2110 CLIFF RD.
City, state, zip	EDGEMOND, MN 55122
Title of respondent (if applicable)	
Board/Department/Agency/District # (if legislator)	

Steven J. Timmer
Signature of person filing complaint

8/5/2010
Date

Send completed form to: Campaign Finance & Public Disclosure Board
Suite 190, Centennial Building
658 Cedar Street
St. Paul, MN 55155

If you have questions call: 651/296-1721; 800/657-3889; or
for TTY/TDD communication contact us through the Minn. Relay Service at 800/627-3529

Board staff may also be reached by e-mail at: cf.board@state.mn.us.

Please see attached 2 page memo

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Memorandum

To: Campaign Finance & Public Disclosure Board

From: Steven J. Timmer, 5348 Oaklawn Avenue, Edina, MN 55424

Re: Minnesota House candidate King Banaian and radio station AM 1280

Date: August 5, 2010

Ladies and Gentlemen,

The purpose of this memorandum is to lodge a complaint against King Banaian, a Republican candidate for the Minnesota House of Representatives and the radio station that carries the show he hosts, AM 1280, sometimes also called the "Patriot." I complain on two grounds.

First, giving candidate Banaian airtime every week is an illegal, direct in-kind contribution by a corporation, prohibited by Minn. Stat. sec. 211B.15 Subd. 2. This section of the statute was untouched by the decision in *Citizens United* and the recent decision of Judge Paul Magnuson in a case involving the Chamber of Commerce.

Second, even if these contributions were legal, the fair market value of them should have been disclosed – for the period between Mr. Banaian's announcement as a candidate and June 30, 2010, the most recent filing date cutoff, anyway. I have looked at a copy of Mr. Banaian's report to the Board that has been forwarded to me; no such disclosure has been made.

Mr. Banaian has for some time been a radio personality on AM 1280; he has a regular radio show on Saturday, in the afternoons, I believe. AM 1280 is a commercial, for-profit radio station in the Twin Cities.

This spring, Mr. Banaian announced that he would be a candidate for a House seat in the Minnesota Legislature in District 15B. He was endorsed for the seat by the Republican Party. I don't have the date of his announcement or the

endorsement, but both obviously occurred prior to the state Republican convention in early May.

Since his announcement, and his endorsement by the party, Mr. Banaian has continued to do his radio show. I think he is scheduled as usual on this coming Saturday, August 7th.

The Board has ruled in Advisory Opinion 365 that free airtime for a candidate given to a candidate by a political party is an in-kind contribution to a candidate, counting toward the contribution limit of a party to a candidate. The logic of the Advisory Opinion applies with equal force to a commercial radio station, particularly one with an identified political bias; AM 1280 is not a non-partisan, - non-commercial broadcaster. Giving candidate Banaian a platform for his political views on the radio is clearly a contribution to his campaign, prohibited by law.

Even if we were to assume, for the sake of argument, that such contributions were legal, they would still be limited as to amount by Minn. Stat. sec. 10A.27 and by the disclosure requirements of Minn. Stat. sec.10A.025.

This arrangement between the station and the candidate probably triggers an obligation to offer equal time, too, but I recognize that is an FCC matter.

The campaign finance and disclosure aspects of it are an important consideration for the Board. Two candidates for governor and one for the U.S. Senate who resigned their radio positions before becoming candidates spring readily to mind.

Mr. Banaian lives, according to his campaign website, in St. Cloud, Minnesota. AM 1280, call letters WWTC, is located at 2110 Cliff Road, Eagan, MN 55122.

If I may be of further assistance in this matter, do not hesitate to contact me; my address is listed at the top of this memorandum, and my telephone number is 952.922.8440.

/sjt

A handwritten signature in black ink, appearing to read "Stephen J. Tamm". The signature is written in a cursive style with a long, sweeping tail.