

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

**FINDINGS IN THE MATTER OF A COMPLAINT REGARDING
THE PRAIRIE ISLAND DAKOTA COMMUNITY AND JOHN KNAPP**

PROCEDURAL BACKGROUND

On September 26, 2003, David Hoch filed a complaint against the Prairie Island Dakota Community (#3766) and its designated lobbyist, John Knapp (#5841).

Mr. Hoch alleged that Mr. Knapp failed to disclose lobbying expenditures made by the association on his Lobbyist Disbursement Reports for the periods covering January 1, 2003, through March 31, 2003, and April 1, 2003, through June 30, 2003. Specifically, Mr. Hoch alleged that Mr. Knapp failed to disclose expenditures for the construction and maintenance of the www.highstakesmn.org web site.

By letter dated September 29, 2003, Mr. Knapp was notified of the complaint and offered an opportunity to respond. On October 14, 2003, Michael Hatting, attorney, responded on behalf of Mr. Knapp and the Prairie Island Dakota Community. Mr. Hatting submitted amended Lobbyist Disbursement Reports for the periods covering January 1, 2002, through March 31, 2002, January 1, 2003, through March 31, 2003, and April 1, 2003, through June 30, 2003. These reports disclosed additional disbursements totaling \$36,450 that were not disclosed on the reports originally filed with the Board. Mr. Hatting stated that a third party made the lobbying expenditures and that "Mr. Knapp reported all lobbying expenditures of which he was aware of at the time he filed his reports."

Mr. Hatting further stated, "these amended reports are the result of a search we conducted to determine if Community lobbying expenditures had not been reported. We will make every effort to engage in this type of search prior to the filing of future reports in order to avoid this type of oversight from occurring again."

The matter was considered by the Board in executive session on October 22, 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. Rules 4511.0100, subp. 1a, defines a "designated lobbyist" as "a lobbyist responsible for reporting the lobbying disbursements of the entity the lobbyist represents."
2. Minn. Rules 4511.0100, subp. 4, defines "lobbyist's disbursements" as "all disbursements for lobbying made by the lobbyist, the lobbyist's employer or employee, or any person or association represented by the lobbyist, but do not include compensation paid to the lobbyist."
3. 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.
4. Upon notification of the complaint, Mr. Knapp acquired information on disbursements made by the Prairie Island Dakota Community and amended his Lobbyist Disbursement Reports for the periods covering January 1, 2002, through March 31, 2002, January 1, 2003, through March 31,

2003, and April 1, 2003, through June 30, 2003, to disclose an additional \$36,450 in lobbying disbursements.

5. There is no evidence that Mr. Knapp knowingly omitted these disbursements from his Lobbyist Disbursement Reports for the periods covering January 1, 2002, through March 31, 2002, January 1, 2003, through March 31, 2003, and April 1, 2003, through June 30, 2003. Mr. Knapp 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. Knapp's Lobbyist Disbursement Reports for the periods covering January 1, 2002, through March 31, 2002, 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 lobbying disbursements made by the Prairie Island Dakota Community. Mr. Knapp amended his Lobbyist Disbursement Reports for the periods covering January 1, 2002, through March 31, 2002, 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. Knapp knowingly omitted the information regarding the lobbying disbursements from his Lobbyist Disbursement Report.
3. There is probable cause to believe that the Prairie Island Dakota Community violated Minn. Stat. §10A.04, subd. 3, by failing to timely provide the association's designated lobbyist with required information. Minnesota Statutes, Chapter 10A provides no penalty for this violation.

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

ORDER

1. The Board directs that in the future the Prairie Island Dakota Community 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.
2. The complaint regarding the intentional omission of information from the report is dismissed.
3. The reporting violations alleged in the complaint having been resolved, this matter is concluded.
4. 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 Michael Hatting, John Knapp, and David Hoch.

Dated: October 22, 2003

Clyde Miller, Chair
Campaign Finance and Public Disclosure Board