

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

**FINDINGS AND ORDER IN THE MATTER OF THE
COMMITTEE TO ELECT KEITH ELLISON**

Findings Of Fact

Campaign Finance and Public Disclosure Board (“Board”) staff reviewed the Report of Receipts and Expenditures of the Committee to Elect Keith Ellison (“the Committee”) for calendar years 2002, 2003, and 2004, and found discrepancies in cash balances, misclassified disbursements, and unreported contributions.

On July 16, 2004, July 27, 2005, September 9, 2005, October 18, 2005, and November 3, 2005, staff sent letters of inquiry to the Committee for additional information about previously filed Reports of Receipts and Expenditures. The letters were sent both by Certified and First Class mail. The Certified letters were returned to the Board as ‘unclaimed’. Because the Committee failed to provide the additional information or to amend the Reports within the ten day period as required by Minnesota Statute section 10A.025, subdivision 4., a late filing fee of \$100 and a civil penalty of \$1,000 accrued.

On November 22, 2005, the Board voted to open an investigation concerning the Reports of Receipts and Expenditures filed by the Committee. A letter informing Representative Ellison of the investigation was sent November 28, 2005. On December 13, 2005, a subpoena was issued to produce records pertaining to the 2003 and 2004 reports.

On December 15, 2005, Kim Ellison, treasurer, filed amendments to the 2002 and 2003 Reports of Receipts and Expenditures. On December 28, 2005, Kim Ellison filed an amendment to the 2004 Report of Receipts and Expenditures.

The Board considered this matter in executive sessions on November 22, 2005, December 15, 2005, and January 11, 2006. The Board’s decision was based upon Board records.

Relevant Statutes

Minnesota Statute section 10A.025, subdivision 4. **Changes and corrections.** Material changes in information previously submitted and corrections to a report or statement must be reported in writing to the board within ten days following the date of the event prompting the change or the date upon which the person filing became aware of the inaccuracy. The change or correction must identify the form and the paragraph containing the information to be changed or corrected.

A person who willfully fails to report a material change or correction is guilty of a gross misdemeanor and is subject to a civil penalty imposed by the board of up to \$3,000.

The board must send a notice by certified mail to any individual who fails to file a report required by this subdivision. If the individual fails to file the required report within ten business days after the notice was sent, the board may impose a late filing fee of \$5 per day up to \$100 starting on the 11th day after the notice was sent. The board must send an additional notice by certified mail to an individual who fails to file a report within 14 days after the first notice was sent by the board that the individual may be subject to a civil penalty for failure to file a report. An individual who fails to file a report required by this subdivision with seven days after the second notice was sent by the board is subject to a civil penalty imposed by the board of up to \$1,000.

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

Probable Cause Findings

1. There is evidence that the Committee did not respond to repeated requests to amend documents filed with the Board within ten days after notification. The Board finds probable cause to believe that the Committee to Elect Keith Ellison violated Minnesota Statute section 10A.025, subdivision 4.


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

Order

1. The Board orders the Committee to Elect Keith Ellison to pay a late filing fee of \$100 and a civil penalty of \$1,000 for failure to file an amended report after second notice.
2. The Board orders the Committee to Elect Keith Ellison to pay a civil penalty of \$1,500 for willful failure to file an amended report within 30 days, a remedy provided by Minnesota Statute section 10A.025, subdivision 4.
3. If the Committee or Keith Ellison fails to pay the late filing fee and civil penalties within 30 days, the Board directs the Executive Director to transmit the Findings to the Hennepin County Attorney who must bring an action to collect the civil penalties.
4. The Board investigation of this matter is hereby made a part of the public records of the Board pursuant to Minnesota Statute section 10A.02, subdivision 11.

Board staff shall provide a copy of the Findings to Representative Ellison.

Dated: 2/24/06



Bob Milbert, Chair
Campaign Finance and Public Disclosure Board