

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

**Findings and Order in the Matter of a Contribution Made by James Bertrand to
the Atkins (Joe) for State Representative Committee**

Summary of the Facts

Minnesota Statutes section 10A.15, subdivision 5, prohibits a lobbyist registered with the Campaign Finance and Public Disclosure Board from making a contribution to a candidate without providing the lobbyist's name and registration number. A lobbyist who violates this section is subject to a civil penalty imposed by the Board of up to \$1,000. This statutory provision exists to ensure that candidates may accurately identify the source of the contribution and thereby apply the amount of the contribution against the appropriate aggregate special source contribution limit. The aggregate special source limit is the total amount that a candidate may accept from political committees or funds, lobbyists, and large donors.

The 2012 pre-general election Report of Receipts and Expenditures filed with the Board by the Atkins (Joe) for State Representative Committee (the Committee) reported receiving a \$200 contribution from James Bertrand on August 21, 2012. The contribution was reported as a donation from an individual. After notification from Board staff that the contribution may have been from a similarly named lobbyist, the Committee concluded the individual was a registered lobbyist. An amended pre-general election report was filed on December 17, 2012, acknowledging the reclassification of the contribution from Mr. Bertrand.

After reclassifying the contribution, the Committee received \$7,100 in special source contributions, which exceeded by \$200 the applicable aggregate special source limit of \$6,900 for a state representative candidate.

Minnesota Statutes section 10A.15, subdivision 3, allows a candidate to return a contribution within 60 days of deposit to clear a limits violation. On December 14, 2012, the Committee returned \$200 to Mr. Bertrand, but the return was not within the 60-day period. As a result, the Committee exceeded the aggregate special source limit in 2012 by \$200. A copy of the check used to return the contribution was provided to the Board.

In a letter dated January 4, 2013, Mr. Bertrand acknowledged his failure to provide his lobbyist registration number on the check.

This matter was considered by the Board in executive session on February 5, 2013. The Board's decision is based on the correspondence from Mr. Bertrand and on Board records.

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

Findings Concerning Probable Cause

1. There is probable cause to believe that James Bertrand violated Minnesota Statutes section 10A.15, subdivision 5, by contributing \$200 to the Atkins (Joe) for State Representative Committee without providing his lobbyist registration number with the contribution.
2. There is probable cause to believe that because there was no registration number to identify the donor as a lobbyist the Atkins (Joe) for State Representative Committee accepted the donation with the belief that the contribution was from an individual, and not from a registered lobbyist.
3. There is probable cause to believe that the Atkins (Joe) for State Representative Committee exceeded the special source aggregate limit and has returned \$200 to James Bertrand, thereby removing the excess contribution from its account.
4. There is no probable cause to believe that the violations were intentional or done with the intent to circumvent the requirements of Minnesota Statutes Chapter 10A.

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

Order

1. The Board imposes no civil penalty on the Atkins (Joe) for State Representative Committee for exceeding the 2012 aggregate contribution limit from special source contributors.
2. The Board imposes a civil penalty of \$200, which is one times the amount of the contribution, on James Bertrand for failure to provide a registration number with the contribution.
3. James Bertrand is directed to forward to the Board payment of the \$200 civil penalty, by check or money order payable to the State of Minnesota, within 30 days of receipt of this order.
4. If James Bertrand does not comply with the provisions of this order, the Board's Executive Director may request that the Attorney General bring an action for the remedies available under Minnesota Statutes section 10A.34.
5. The Board investigation of this matter is entered into the public record in accordance with Minnesota Statutes section 10A.02, subdivision 11, and upon payment by James Bertrand of the civil penalty imposed herein, the matter is concluded.

Dated: February 5, 2013

/s/ Andrew M. Luger
Andrew M. Luger, Chair
Campaign Finance and Public Disclosure Board

Relevant Statute

Minnesota Statutes section 10A.15, subdivision 5. **Registration number on checks.** A contribution made to a candidate by a lobbyist, political committee, political fund, or party unit must show the name of the lobbyist, political committee, political fund, or party unit and the number under which it is registered with the board.