

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

**CONCILIATION**

**AGREEMENT**

In the matter of the (Leo) Foley for Senate Volunteer Committee (#13422);

Pursuant to Minnesota Statutes, section 10A.28, subdivision 3, the Campaign Finance and Public Disclosure Board and Senator Leo Foley (hereinafter referred to as "the Candidate") hereby agree as follows:

1. The 2008 non-election year contribution limit from a lobbyist to a State Senate candidate is \$100, as set out in Minnesota Statutes, section 10A.27, subdivision 1, clause a (4). During 2008, the (Leo) Foley for Senate Volunteer Committee ("the Committee") accepted cumulative contributions that total \$200 from a registered lobbyist. The contributions exceed the applicable contribution limit by \$100. The amount of the excess contributions was not returned within 60 days, and thus, is deemed accepted under Minnesota Statutes, section 10A.15, subdivision 3.

2. In a letter dated February 12, 2009, Senator Foley, states, "After reviewing our records, we believe an inadvertent error did occur during this reporting period when we accepted two checks from a registered lobbyist totaling \$200. Since this matter was unintentional, I have instructed my treasurer to return the sum of \$100 to the individual named in your correspondence..."

3. Board records show that this is the first calendar year in which the Committee reported acceptance of a contribution that exceeded the applicable contribution limit. The Committee registered with the Board on February 2, 1996.

4. The parties agree that the Committee accepted excessive contributions from a lobbyist resulting in an inadvertent violation of Minnesota Statutes, section 10A.27, subdivision 1 (a), clause 4, in calendar year 2008.

5. The Committee has returned \$100 to the individual that made the excess contribution. A copy of the check and accompanying letter used to return the excess amount must be forwarded to the Board within 30 days after the date this Conciliation Agreement is signed by the Board chair.

6. The Committee agrees to pay a civil penalty of \$100, one times the amount by which the contribution exceeded the applicable limit, to be paid to the Board for deposit in the general fund of the state.

7. The Candidate hereby agrees to forward to the Board \$100 by check or money order payable to the STATE OF MINNESOTA within 30 days after the date this Agreement is signed by the Board chair. It is agreed by the parties that payment of the civil penalty of \$100, and this Conciliation Agreement will be a bar to any civil proceeding under Minnesota Statutes, section 10A.28, subdivisions 3 and 4.

8. It is further understood and agreed, however, that if the civil penalty of \$100 is not paid within the time specified in paragraph 7 above, then the Candidate will be personally liable to pay a civil penalty, under Minnesota Statutes, sections 10A.28 and 10A.34, subdivision 1, in an amount calculated as follows:

(a) \$200 which is two times the amount by which the contributions exceeded the statutory limit, if payment is received 31 to 60 days after the date this Agreement is signed by the Board Chair;

(b) \$300 which is three times the amount by which the contributions exceeded the statutory limit, if payment is received 61 to 90 days after the date this Agreement is signed by the Board Chair;

(c) \$400 which is four times the amount by which the contributions exceeded the statutory limit, if payment is received more than 90 days after the date this Agreement is signed by the Board Chair.

9. It is further understood and agreed that this Agreement is confidential until signed by the Candidate and the Board Chair. Once signed, the Agreement shall become a matter of public record, and the statutory requirement of confidentiality shall no longer apply. Minnesota Statutes, section 10A.02, subdivision 11 and section 10A.28, subdivision 3.

Leo Foley

Dated: 03-09-09

Senator Leo Foley

Approved by the Campaign Finance and Public Disclosure Board

By A. Hilda Bettermann Dated: 3/19/09

A. Hilda Bettermann, Chair

Campaign Finance and Public Disclosure Board