



14 December 2009

Andrew J. O'Leary
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Mr. Gary Goldsmith,
Executive Director
Campaign Finance &
Public Disclosure Board
190 Centennial Office Building
658 Cedar Street
St. Paul, MN 55155

BY FAX TO 651.296.1722
ORIGINAL FOLLOWS BY MAIL

Dear Mr. Goldsmith:

I am writing to report an incident that may fall under the Minnesota campaign-finance laws. You may have already received a separate letter on this subject from Jaime Tincher, campaign manager for the Kelliher for Governor campaign, dated the 11th.

When Ms. Tincher approached me in August 2009 about the possibility of letting the Kelliher campaign pay the fee that the DFL Party was charging for access to its voter file by helping the Party raise funds from sources outside the Kelliher campaign, I was operating under the mistaken belief that the Party had received a legal opinion during the 2006 gubernatorial campaign that such an arrangement was permissible. The Party accordingly credited some such fundraising toward the Kelliher campaign's fee for the voter file.

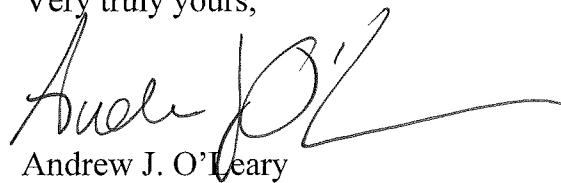
A second gubernatorial campaign approached me in December 2009 about paying its fee for the voter file under a similar arrangement, but asked me for confirmation of the opinion that I believed the Party had received. I could not find

any such opinion and, upon consulting legal counsel, learned that the arrangement was not permissible. I so informed that campaign, as well as the Kelliher campaign. I also reported the facts to the state-party chair, Brian Melendez, who instructed me to immediately correct the situation.

I have therefore reversed the amounts credited to the Kelliher campaign's fee for the voter file, and have asked that the Kelliher campaign replace those amounts with payments from its own campaign treasury. The Kelliher campaign has done so. I have also offered to return any contribution that was wholly or partly credited to the Kelliher campaign's fee for the voter file. Some of the contributors declined a refund, since they were not expecting that the Party would use their contribution in any particular way. The Party has accordingly refunded \$1500 to contributors who have not declined.

Please let me know if you would like any further information, or if there is any further action that the DFL Party should take. The Party will cooperate fully with any guidance that the Board offers or any investigation that the Board undertakes. Thank you very much.

Very truly yours,

A handwritten signature in black ink, appearing to read "Andrew J. O'Leary", with a long horizontal flourish extending to the right.

Andrew J. O'Leary
Executive Director