



FEDERAL ELECTION COMMISSION

WASHINGTON, D C 20463

AUG 16 2004

Vance K. Opperman  
Key Investment, Inc.  
100 Washington Avenue, South  
Suite 220  
Minneapolis, MN 55401

RE: MUR 5349

Dear Mr. Opperman:

On August 4, 2004, the Federal Election Commission found reason to believe that you violated 2 U.S.C. § 441a(a)(1) of the Federal Election Campaign Act of 1971, as amended (the "Act"). However, after considering the circumstances of this matter, the Commission also determined to take no further action and closed its file as it pertains to you. The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

The Commission reminds you that making contributions to affiliated committees, such as the Minnesota Democratic Farmer Labor Party and the Minnesota Democratic Farmer Labor House Caucus, in excess of their shared contribution limit is a violation of 2 U.S.C. § 441a(a)(1). You should take steps to ensure that this activity does not occur in the future.

You are advised that the confidentiality provisions of 2 U.S.C. § 437g(a)(12)(A) remain in effect, and that this matter is still open with respect to other respondents. The Commission will notify you when the entire file has been closed.

If you have any questions, please contact Camilla Jackson Jones, the attorney assigned to this matter, at (202) 694-1650.

Sincerely,

A handwritten signature in black ink, appearing to read "Bradley A. Smith".

Bradley A. Smith  
Chairman

Enclosure  
Factual and Legal Analysis

# FEDERAL ELECTION COMMISSION

## FACTUAL AND LEGAL ANALYSIS

RESPONDENT: Vance K. Opperman

MUR: 5349

### I. INTRODUCTION

As it pertains to the Respondent, this matter was generated by the Commission in the ordinary course of its supervisory responsibilities. *See* 2 U.S.C. § 437g(a)(2). The Minnesota Democratic Farmer Labor House Caucus and Paul Rogosheske, as treasurer, (the "Caucus") and the Minnesota Democratic Farmer Labor State Party and Paul Schulte, as treasurer, (the "Party") are affiliated, and share a single contribution limit. In 2002, Respondent Vance K. Opperman ("Respondent") contributed \$5000 to the Party on March 21, 2002 and \$5000 to the Caucus on September 13, 2002.

### II. FACTUAL AND LEGAL ANALYSIS

#### A. Background

The Minnesota Democratic Farmer Labor Party is registered with the Commission as a qualified State Committee of the Democratic Party. The Democratic Farmer Labor House Caucus registered with the Commission on August 24, 2000, and is comprised of all members of the Party that are elected to the State legislature's House of Representatives.

The Caucus and the Party are affiliated. First, the Caucus registered as a subordinate committee of the Party and has consistently identified itself as a Party "affiliate."<sup>1</sup> Membership in the Caucus appears to be based on an individual's

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<sup>1</sup> The Party and the Caucus are located at the same address, even though the committees maintain separate treasurers and telephone numbers. *Complaint* at 4. When the Caucus first registered with the Commission on August 23, 2000, both the Caucus and the Party listed their address as 352 Wacouta Street, St. Paul, MN 55101. Currently both committees use the address of 255 E. Plato Blvd., St. Paul, MN 55107.

membership in the Party, as the House Caucus is comprised of all members of the Party that are elected to the State legislature's House of Representatives. Further, the Party's website includes a direct link for accessing web pages for the DFL House Caucus and the Caucus's Campaign. See <http://www.dfl.org>. Moreover, both committees have made regular and consistent transfers to one another. Finally, the Caucus and the Party also have similar patterns of making contributions to third parties and receive contributions from several of the same donors. Thus, the Commission concluded that the Caucus and the Party are affiliated, pursuant to 2 U.S.C. § 441a(a)(5), and therefore share a single contribution limit, as set forth in 2 U.S.C. § 441a.

**B. Excessive Contributions**

Section 441a(a)(1) provides that an individual may not make contributions to affiliated political party committees that, when aggregated, exceed \$5000. 2 U.S.C. § 441a(a)(1)(C). Thus, the committees are limited to receiving an aggregate total of \$5000 from individual contributors in each calendar year. 2 U.S.C. § 441a(f).

A review of the Receipts and Disbursements reports for the 2002 calendar shows that Respondent contributed \$5000 to the Party on March 21, 2002 and \$5000 to the affiliated Caucus on September 13, 2002, for a total of \$10,000 in contributions in that year. Five thousand dollars (\$5000) of these contributions were excessive and to date, have not been refunded.

Therefore, there is reason to believe that Respondent made \$5000 in excessive contributions to the Caucus and Party, in violation of 2 U.S.C. § 441a(a)(1).