

Donald Pagano, CD #49 (2009-Special)

1. Failing to respond to the Draft Audit Report \$3,289

Candidates must timely furnish any information the Board requests relating to campaign expenditures and contributions, including a response to the Draft Audit Report. *See* Admin. Code §§ 3-703(1)(d), (g), 3-710(1), and 3-711(2)(b), and Board Rule 4-05.

The Draft Audit Report was issued to the Campaign on March 15, 2010, but the Campaign never responded to it, despite having received extensions of time to respond.

The Board assessed a penalty of \$3,289 for this violation.

2. Making non-campaign related expenditures \$100

Campaigns may only spend campaign funds for items that further the candidate's election. Expenditures for purposes other than the candidate's election are considered "non-campaign related." The Act enumerates types of expenditures that are presumed to be campaign related and non-campaign related. *See* Admin. Code § 3-702(21). Among the factors the CFB considers relevant to determining the campaign-relatedness of an expenditure are: the quality of the documentation submitted; the timing and necessity of the expenditure; the amount of the expenditure and/or all expenditures of a specific type in relation to the Campaign's total expenditures; and whether the expenditure is duplicative of other spending. *See* Admin. Code §§ 3-702(21), 3-703(1)(d), (g), and 3-710(2)(c), Board Rules 1-03(a), 4-01, and 5-03(e), and Advisory Opinion No. 2007-3 (March 7, 2007). Further, after an election and before repaying leftover campaign funds to the Board, Program participants may spend campaign funds only to pay campaign-related expenses incurred in the preceding election and for "routine activities involving nominal cost associated with winding up a campaign and responding to the post-election audit." *See* Admin. Code §§ 3-702(21) and 3-710, and Board Rules 1-03(a) and 5-03(e)(2).

The Campaign made \$636.29 of expenditures during the election that were not in furtherance of the candidate's election, as well as expenditures that, due to their timing and purpose, are improper post-election expenditures. The impermissible expenditures include payments for parking tickets, the candidate's dry cleaning, and post-election gas purchases.

The Board assessed a penalty of \$100 for these violations.

3. Failing to file a daily disclosure statement \$100

During the two weeks preceding an election, a campaign is required to report all contributions or loans accepted from a single source exceeding \$1,000 within 24 hours after they are accepted. Such contributions must also be reported in the Campaign's next disclosure statement. *See* Admin. Code §§ 3-703(6) and (12), and Board Rule 3-02(e).

The Campaign failed to file a required daily disclosure to report three separate contributions from individuals, each worth \$1,375, received on February 21, 2009.

The Board assessed a penalty of \$100 for these violations.