

Carlton Berkley, CD #9 (2009)

1. Filing two disclosure statements late \$40

Candidates must file disclosure reports listing contributions and expenditures at such times as the CFB requires. *See* Admin. Code § 3-703(6), Board Rule 3-02.

The Campaign filed Statement 11 five days late, and filed Statement 16 four days late.

The Board assessed a penalty of \$40 for these violations.

2. Failing to provide bank statements \$89

Campaigns are required to provide bank records, including periodic bank statements. *See* Admin. Code §§ 3-703(1)(d), (g), and Board Rules 4-01(a), (f).

The Campaign failed to provide bank statements for TD Bank for the period from August 1, 2009 through September 30, 2011.

The Board assessed a penalty of \$89 for this violation.

3. Failing to accurately report cash receipts \$715

Candidates must accurately report and document all Campaign receipts. *See* Admin. Code §§ 3-703(1)(d), (g), (6), Board Rule 3-03(c), 4-01(b)(1). Receipts must be deposited into the account listed on the candidate's certification. *See* Board Rule 2-06(a).

The Campaign's bank records indicated a 77.55% variance (\$3,385) between reported cash receipts and submitted documentation (\$4,365 was reported but only \$980 was documented on deposit slips). The Campaign failed to submit itemized deposit slips for six deposits.

The Board assessed a penalty of \$715 for this violation.

4. Failing to accurately report disbursements and receipts \$715

Candidates must accurately report all Campaign disbursements and receipts. *See* Admin. Code §§ 3-703(1)(d), (g), (6), (11); Board Rules 3-03(c), (d), (e).

The Campaign's bank records indicated a 53.50% variance (\$2,993.32) between reported disbursements and submitted documentation (\$2,601.74 in disbursements was reported but 5,595.06 was documented). The bank records also indicated a 45.50% (\$3,280) variance between reported receipts and submitted documentation (\$10,486.56 in receipts was reported but only \$7,206.56 was documented).

The Board assessed a penalty of \$715 for these violations.

5. Maintaining a petty cash fund greater than \$500 **No Penalty**

Candidates may not maintain petty cash funds in excess of \$500. Board Rule 4-01(e)(2).

On December 10, 2008, the Campaign made a cash withdrawal of \$600, which exceeds the \$500 limit by \$100.

The Board did not assess a penalty for this violation.

6. Making cash payments greater than \$100 **\$18**

Candidates may not make cash expenditures in excess of \$100 per transaction or purchase. Board Rule 4-01(e)(2). Expenditures in excess of \$100 must be paid using a check from the Campaign's bank account. Board Rules 1-08(i), 4-01(e)(1).

On December 11, 2008, the Campaign made a cash withdrawal of \$480, which exceeds the \$100 limit by \$380.

The Board assessed a penalty of \$18 for this violation.

7. Failing to demonstrate spending was in furtherance of the campaign **\$36**

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). In examining whether an expenditure is in furtherance of a campaign, CFB staff considers, among other things, the timing of the expenditure, its purpose, and its cost. *Id.*; see also Advisory Opinion No. 2007-3 (March 7, 2007).

The Campaign made two expenditures to Hess: \$22 on June 22, 2009, and \$47.39 on June 25, 2009. The Campaign failed to provide explanations and documentation demonstrating that these expenditures were in furtherance of the Campaign.

The Board assessed a penalty of \$36 for this violation.

8. Failing to respond to the initial request for documentation **\$113**

Candidates must timely furnish any information the Board requests relating to campaign expenditures and contributions, including a response to post-election audit notices. See Admin. Code §§ 3-703(1)(d), (g), 3-710(1); Board Rule 4-05(a).

CFB staff sent the Campaign an initial request for documentation and records on October 30, 2009, with a due date of November 30, 2009. The Campaign requested several extensions, but failed to respond.

The Board assessed a penalty of \$113 for this violation.

9. Failing to respond to the Draft Audit Report \$113

Candidates must timely furnish any information the Board requests relating to campaign expenditures and contributions, including a response to post-election audit notices. See Admin. Code §§ 3-703(1)(d), (g), 3-710(1); Board Rule 4-05(a).

CFB staff sent the Campaign the Draft Audit Report on September 27, 2011, with a due date of October 27, 2011. The Campaign did not respond.

The Board assessed a penalty of \$113 for this violation.