

Anthony L. Herbert, CD #41 (2009)

1. Filing disclosure statements late \$834

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 8 sixty-one days late, and filed Statement 16 seventeen days late.

The Board assessed penalty of \$834 for these violations.

2. Failing to provide bank statements \$139

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 from November 1, 2009 through September 30, 2010.

The Board assessed a penalty of \$139 for this violation.

3. Failing to accurately report cash receipts \$1,112

Candidates must accurately report and document all Campaign cash receipts. *See* Admin. Code §§ 3-703(1)(d), (6), Board Rules 3-03(c), 4-01(b).

A review of the Campaign's deposit slips indicates a 66.61% variance between reported cash receipts and submitted deposit slips (\$2,965 was reported but \$990 is recorded on deposit slips). The Campaign failed to submit 17 itemized deposit slips.

The Board assessed a penalty of \$1,112 for this violation.

4. Failing to accurately report receipts \$139

Candidates must accurately report and document all Campaign receipts. *See* Admin. Code §§ 3-703(1)(d), (6), Board Rules 3-03(c), 4-01(b).

A review of the Campaign's bank records indicates a 10.50% variance between reported receipts and submitted documentation (\$10,380 was reported but \$11,597.27 was deposited into the bank account).

The Board assessed a penalty of \$139 for this violation.

5. Accepting an over-the-limit contribution \$756

Candidates for City Council in the 2009 election were prohibited from receiving contributions in excess of \$2,750 from a single contributor. *See* Admin. Code § 3-703(1)(f). When a candidate has received an over-the-limit contribution, the candidate must promptly refund the contribution overage by bank check or certified check made out to the contributor. *See* Board Rule 1-04(c)(1). Debts incurred by a campaign that are forgiven become in-kind contributions. *See* Board Rule 1-04(g)(1), (5).

The Campaign received a \$10 contribution from an individual on August 5, 2009. It incurred two liabilities from the same person, \$2,500 on August 14, 2009 and \$1,350 on August 15, 2009, which remain unpaid and therefore are considered to be contributions that exceed the \$2,750 contribution limit by \$1,110.

The Board assessed a penalty of \$756 for this violation.

6. Accepting a corporate contribution \$2,821

Candidates are prohibited from accepting contributions from corporations. *See* Admin. Code § 3-703(1)(l), Board Rule 1-04(e). When a candidate has received a prohibited contribution, the candidate must promptly refund the contribution by bank check or certified check made out to the contributor. *See* Board Rule 1-04(c)(1). Debts incurred by a campaign that are forgiven become in-kind contributions. *See* Board Rule 1-04(g)(1), (5).

The Campaign incurred two liabilities (\$725 on July 7, 2009 and \$4,100 on September 10, 2009) to OK 2 Print Corp., a corporation. These liabilities remain unpaid and are therefore considered to be corporate contributions.

The Board assessed a penalty of \$2,821 for this violation.

7. Failing to respond to the Draft Audit Report \$298

Candidates must provide information about, and documentation for, contributions and expenditures at the Board's request. *See* Admin. Code §§ 3-703(1)(d), (g), (6), (11), Board Rules 4-01, 4-05(a).

CFB staff sent the Draft Audit Report to the Campaign on September 29, 2010, and the Campaign's deadline to respond was October 29, 2010. The Campaign received several extensions, but failed to respond.

The Board assessed a penalty of \$298 for this violation.