

Marquez Claxton, CD #31 (2009)

1. Filing a disclosure statement 13 days late \$650

Campaigns are required to file complete and timely disclosure statements on scheduled dates. *See* Admin. Code §§ 3-703(1)(d), (g), (6), (11), (12), 3-708; Board Rules 1-09(a), 3-02.

The Campaign filed a disclosure statement 13 days late.

The Board assessed a penalty of \$650 for this violation.

2. Failing to provide bank statements \$250

Campaigns must maintain records, such as copies of bank records, merchant account statements, checks, bills, and other documentation, that enable the CFB to verify the contributions and expenditures reported in disclosure statements. *See* Admin. Code §§ 3-703(1)(d), (g); Board Rule 4-01. Campaigns are required to furnish such records to the CFB upon request. *See* Admin. Code § 3-703(1)(d), (g).

The Campaign did not submit bank statements from January 1, 2010 to the present.

The Board assessed a \$250 penalty for this violation.

3. Failing to accurately report cash receipts \$500

Campaigns must accurately report and document all receipts. *See* Admin. Code §§ 3-703(1)(d), (g), (6), Board Rule 3-303(c), 4-01(b)(1).

The Campaign reported cash receipts of \$5,254 but only submitted deposit slips totaling \$3,911, resulting in a 25.56% variance. Additionally, the Campaign failed to submit seven deposit slips.

The Board assessed a penalty of \$500 for these violations.

4. Failing to accurately report receipts and disbursements \$250

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

The Campaign reported \$101,413.96 in disbursements, but the bank statements document \$111,657.64 in debits, resulting in a 10.10% variance.

The Board assessed the baseline penalty of \$250 for this violation.

5. Failing to demonstrate compliance with subcontractor reporting requirements \$200

Campaigns are required to report the use of subcontractors by vendors who receive payments of more than \$5,000 for goods or services. *See* Admin. Code § 3-703(6); Board Rule 3-03(e)(3). Campaigns also are required to obtain and maintain documentation from a vendor that used a subcontractor. *See* Admin. Code §§ 3-703(1)(d), (g); Board Rule 4-01(h).

The Campaign paid over \$50,000 to O & B Enterprises, but did not indicate whether or not the vendor paid any subcontractors more than \$5,000.

The Board assessed the baseline penalty of \$200 for this violation.

6. Accepting an over-the-limit contribution \$3,850

Campaigns may not accept contributions from a single source that, when added together, are in excess of the applicable contribution for the entire election cycle. *See* Admin. Code §§ 3-702(8), 3-703(1)(f), (11), (12); Board Rules 1-04(c)(1), 1-04(h), 1-07(c). The contribution limit for candidates running for City Council in the 2009 election was \$2,750. *See* Admin. Code § 3-703(1)(f). When a campaign has received an over-the-limit contribution, it must return the excess portion to the contributor within 20 days of being notified by the CFB. Board Rule 1-04(c)(1). Outstanding liabilities that are forgiven or settled for less than the amount owed are considered in-kind contributions. *See* Board Rule 1-04(g)(4), (5).

The campaign paid an individual \$1,000 due under a \$7,000 contract. The \$6,000 that remained unpaid on the contract is considered a contribution. In addition, the same individual made two \$50 contributions to the Campaign. This results in an over-the-limit contribution of \$3,350 to the Campaign.

The Board assessed a penalty of \$3,850 for this violation.

7. Failing to document three transactions \$150

Campaigns are required to report every contribution, loan, and other receipt received, and every disbursement made. *See* Admin. Code § 3-703(6) and Board Rule 3-03. Upon request from the Board, campaigns are required to provide copies of checks, bills, or other documentation to verify contributions, expenditures, or other transactions reported in disclosure statements. *See* Admin. Code § 3-703(1)(d), (g) and Board Rule 4-01.

The Campaign did not provide supporting documentation for three transactions.

The Board assessed the baseline penalty of \$150 for this violation.

8. Failing to respond to the Draft Audit Report

\$8,347

Campaigns are required to respond to the Draft Audit Report (“DAR”) by the due date. *See* Admin Code §§ 3-703(1)(d), (g), (11), 3-708(5), 3-710(1), 3-711(1); Board Rules 1-09(a), 4-01, 4-05. Failing to respond to the DAR imposes significant burdens on CFB staff and frustrates the purpose of the Act’s disclosure requirements.

The CFB sent the DAR to the Campaign on April 1, 2010. The Campaign requested and was granted two extensions of time to respond. On March 8, 2011, a “no response” letter was sent to the Campaign. The Campaign has made no response to the DAR.

The Board assessed a penalty of \$8,347 for this violation.