

Fred Masson, CD #7 (2009)

1. Filing a disclosure statement three days late \$150

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 three days late.

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

2. Failing to report seven transactions \$100

Campaigns are required to report every contribution, loan, receipt, and disbursement in order to enable CFB staff to verify contributions and expenditures reported in the candidate's disclosure statements. *See* Admin. Code §§ 3-703(1)(d), (g), (6); Board Rules 3-03, 4-01.

The Campaign did not report seven transactions.

The Board assessed a penalty of \$100 for this violation.

3. Failing to provide deposit slips \$50

Campaigns must maintain records, such as copies of checks, deposit slips, and other documentation that enables CFB staff to verify the contributions and expenditures reported in the candidate's 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 copies of five deposit slips.

The Board assessed a penalty of \$50 for this violation.

4. Materially misrepresenting campaign contributions, resulting in a breach of Certification \$5,000

Campaigns must report to the CFB every contribution and the correct full name, residential address, occupation, employer, and business address of each contributor. *See* Admin. Code § 3-703(6); Board Rule 3-03(c)(1); New York State Election Law § 14-120. Campaigns that intentionally or knowingly furnish false or misleading information relevant to an audit, such as (1) submitting a disclosure statement which the campaign knew or should have known includes substantial fraudulent matchable contribution claims, or (2) substantial information which a campaign knew or should have known was false, fabricated, or falsified, may be found in breach of Certification and thus ineligible for public funds and may be subject to civil and criminal sanctions, including a penalty of up to \$10,000 per violation. *See* Admin. Code §§ 3-711(1), (3); Board Rule 2-02.

The Campaign reported to the CFB that all of the contributions it received were made in cash between July 20 and August 6, 2009. CFB staff attempted multiple times to confirm the contribution information but was unable to reach a single contributor using the information provided by the Campaign. On several occasions, CFB staff asked the Campaign to provide signed affidavits verifying the contribution information. Although the Campaign stated on three separate occasions that it would provide the affidavits requested by the CFB, it never did so and no public funds were ever paid to the Campaign.

The CFB does not have sufficient assurance that the Campaign's reported contributors did, in fact, contribute to the Campaign, or that they contributed the amounts reported to the CFB.

The Board found the Campaign in breach of its certification and assessed a penalty of \$5,000 for this violation.

5. Failing to respond to the Draft Audit Report

\$94

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; 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 January 19, 2012. On February 28, 2012, a "no response" letter was sent to the Campaign. The Campaign has made no response to the DAR.

The Board assessed a penalty of \$94 for this violation.