

THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF CAMPAIGN & POLITICAL FINANCE

ONE ASHBURTON PLACE, ROOM 411
BOSTON, MASSACHUSETTS 02108

MICHAEL J. SULLIVAN
DIRECTOR

TEL: (617) 727-8352
(800) 462-OCPF
FAX: (617) 727-6549

August 13, 2009

Sal DiDomenico
125 Clarence Street
Everett, MA 02149

Re: CPF-09-41

Dear Mr. DiDomenico:

This office has completed its review of a complaint regarding e-mail solicitations for a June 10, 2009, fundraising event for your political committee held at the Silver Fox Restaurant in Everett. Some of the solicitations were sent to public employees at their place of work and were sent with your name at the bottom.

Section 13 of M.G.L. c. 55, the campaign finance law, prohibits public employees from soliciting and receiving campaign contributions. Because you are a compensated public employee, these e-mails raised an issue under Section 13. You have informed us that your wife sent the invitations from your personal e-mail account, adding your name at the bottom, without your knowledge. Sending these e-mails was inconsistent with Section 13.

In addition, Section 14 states, in relevant part, that "[n]o person shall in any building or part thereof occupied for state, county or municipal purposes demand, solicit or receive any payment or gift of money or other thing of value for any political purpose." We have also concluded that your e-mail solicitations for the event, to the extent that they were sent to public employees at their places of employment, were inconsistent with Section 14. This section prohibits solicitation in a public building whether done in person or by mail. See United States v. Thayer, 209 U.S. 39 (1909) interpreting an analogous federal law, now codified at 18 U.S.C. § 607. There is no similar prohibition on mailing a solicitation to a public employee at his or her home address.

You have stated that the invitation was intended to be complimentary, and no funds were received from public employees who received the invitations at their place of work. In the future, any complimentary invitations should be clearly marked as complimentary or be accompanied by a written statement from an agent of your committee indicating that the invitation is complimentary and that no funds will be accepted.

We have determined, however, that further review or action by this office is not warranted. We anticipate that our review and guidance will ensure future compliance with the campaign finance law.

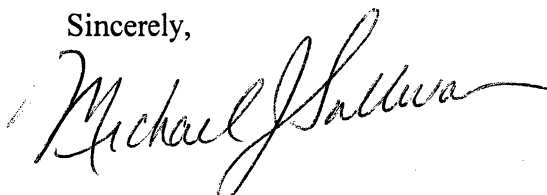


Sal DiDomenico
August 13, 2009
Page 2

In accordance with an opinion of the Supervisor of Public Records, this letter is a public record. A copy is being provided to the person(s) who brought this matter to our attention. Thank you for your cooperation in resolving this matter.

If you have any questions about this letter or any other campaign finance matter, please do not hesitate to contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Michael J. Sullivan". The signature is written in black ink and is positioned to the right of the word "Sincerely,".

Michael J. Sullivan
Director

MJS/sh