

DISPOSITION AGREEMENT

This Disposition Agreement ("Agreement") entered into on ^{Feb 18} January ___, 2009 by and between the Office of Campaign and Political Finance (OCPF) and the Springfield Democratic City Committee (the "Committee"), by E. Henry Twiggs (the "Chairman") in his capacity as Chairman of the Committee and Vera V. O'Connor (the "Treasurer") in her capacity as Treasurer of the Committee, in which the parties mutually agree, for the purposes of this Agreement only, as follows:

I. INTRODUCTION

1. The Committee, at all times relevant to this Agreement, was a political party committee subject to the provisions of M.G.L. c. 55, the Massachusetts campaign finance law.
2. OCPF has the authority to review and investigate the legality, validity, completeness and accuracy of all reports required to be filed and all actions required to be taken by political committees, candidates, campaign treasurers and any other person pursuant to M.G.L. c. 55 or any other laws of the commonwealth relative to campaign contributions and expenditures.
3. The political contributions, expenditures and other activities noted in this Agreement are subject to the provisions of M.G.L. c. 55 and the regulations issued by this office in accordance with M.G.L. c. 55.

II. FACTS

1. A local party committee must disclose its financial activity by completing and filing a campaign finance report (Form CPF 102 WTC) for each reporting period in which the committee raises, spends or incurs debts of more than \$100. See M.G.L. c. 55, § 18. The campaign finance law provides that a civil penalty of \$10.00 per day be assessed against the treasurer of such a committee if a report is not filed when due. Failure to file a required report may also result in referral to the Attorney General.

2. The Committee repeatedly failed to file timely campaign finance reports from 2004 through 2008. The 2004 year-end report (due on January 20, 2005) was not filed until June 8, 2005; the 2005 year-end report (due on January 20, 2006) was not filed until May 1, 2006; the 2006 year-end report (due on January 22, 2007) was not filed until September 20, 2007; and the 2007 year-end report (due on January 22, 2008) was not filed until September 8, 2008. In addition, the reports required to be filed for the pre-primary and pre-election reports in election years (due eight days before the primary and eight days before the election) were also consistently filed late, or not filed at all.

3. The Committee's non-compliance with the disclosure requirements of the campaign finance law came into focus with the late filing of the 2007 year-end report. On December 27, 2007, OCPF notified the Treasurer of the requirement that the Committee file a 2007 year-end report by January 22, 2008. No report was filed, and OCPF contacted the Committee in March 2008 after the office became aware of the Committee's receipts for 2007 in the normal course of its review of expenditures to the Committee that had been disclosed by other political committees. Based on this information, OCPF notified the Committee that it must file a year-end report for 2007. When the report was still not filed, notwithstanding this additional notice, the Committee was referred to the Attorney General for enforcement of the filing requirement. After referral, the Committee electronically filed its 2007 year-end report on September 29, 2008.

4. Like other reports that had been filed late by the Committee, the 2007 year-end report reflected a level of financial activity substantially greater than the \$100 minimum threshold for a reporting period, above which filing is required. Specifically, the report disclosed \$17,355.00 in receipts and \$15,425.81 in expenditures during 2007. The report also disclosed that during 2007 the Committee received eight contributions from business corporations, in violation of Section 8 of the campaign finance law. In addition, in 2008, the Committee reported the receipt of two more corporate contributions. Some of the corporate contributions received in 2007 were described as being for "ads in program booklets." Political committees, to comply with M.G.L. c. 55, § 8, may not accept corporate funds for such purposes.

III. CONCLUSIONS

I. FAILURE TO DISCLOSE CAMPAIGN FINANCE ACTIVITY, M.G.L. c. 55, § 18

Section 18 of the campaign finance law requires that the treasurer of each ward, town and city committee established pursuant to M.G.L. c. 52 file periodic reports of contributions and expenditures with OCPF. These reports are due for those reporting periods where the committee has received contributions or made expenditures in excess of one hundred dollars during the reporting period, on or before: (1) the eighth day preceding a state primary; (2) the eighth day preceding a biennial state election, and (3) on the twentieth day of January each year complete as of December 31 of the prior year.

OCPF has concluded that the Treasurer violated M.G.L. c. 55, § 18 by failing to file campaign finance reports in a timely manner to disclose the Committee's activity in 2004, 2005, 2006, 2007 and 2008.

2. RECEIPT OF CORPORATE CONTRIBUTIONS, M.G.L. c. 55, § 8

Section 8 of the campaign finance law states that business corporations may not directly or

indirectly give "any money or other valuable thing for the purpose of ... aiding or promoting or antagonizing the interest of any political party." To comply with this statute, local party committees must ensure that no contributions are accepted from business corporations. This includes receiving funds for ads in program books. If such funds are received the funds must be immediately refunded to the contributor.

OCPF has concluded that the Committee violated M.G.L. c. 55, § 8 by accepting contributions from business corporations.

Based on OCPF's review of the campaign finance reports referenced on the first page of this Agreement, there was no indication that campaign funds were used for any person's personal use during the period covered by those reports.

IV. RESOLUTION

In order to resolve the matter now before OCPF, the parties agree, pursuant to 970 CMR 3.07(1) and M.G.L. c. 55, § 3, as follows:

1. Upon execution of this Agreement, the Committee agrees to simultaneously pay \$1,800 to the Commonwealth of Massachusetts in the nature of a civil forfeiture.

2. To ensure accurate disclosure in the future, the Committee has agreed to the following enhanced reporting schedule through January, 2011:

1/1/09-6/30/09	paper report	due 7/20/09
1/1/09-12/31/09	electronic report	due 1/20/10
1/1/10-3/31/10	paper report	due 4/20/10
4/1/10-6/30/10	paper report	due 7/20/10
1/1/10-8/27/10	electronic report	due 9/7/10
8/28/10-10/15/10	electronic report	due 10/25/10
10/16/10-12/31/10	electronic report	due 1/20/11

3. In addition to the additional reporting required above (the paper reports are in addition to what is required by the statute), the Committee will submit copies of bank statements for the referenced periods to OCPF, for OCPF's review, at the same time each report is filed. The Committee will also make available, within 10 days, any supporting documentation requested by OCPF, including committee bills, invoices, and copies of contributor checks.

4. OCPF agrees not to refer the Committee, the Chairman, or the Treasurer to the Office of the Attorney General for the violations of the provisions of M.G.L. c. 55 referenced in this Agreement.


5. OCPF may, at any time, review compliance with this Agreement. Notwithstanding any payments made by the Committee according to this Agreement, OCPF may proceed with any action consistent with M.G.L. c. 55 or otherwise authorized by law if it believes that this Agreement or any related requirement thereof has been violated.

6. This Agreement shall be binding upon OCPF, the Committee and the Treasurer.

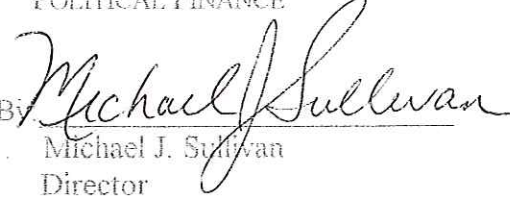
7. The parties have entered into this Agreement, knowingly and voluntarily, in an effort to resolve all matters set forth in the Agreement.

8. This Agreement is a public record under M.G.L. c. 4, § 7 and shall be subject to public inspection as required by M.G.L. c. 66, § 10.

SPRINGFIELD DEMOCRATIC CITY COMMITTEE

By: 
E. Henry Twiggs, Chairman

OFFICE OF CAMPAIGN AND
POLITICAL FINANCE

By: 
Michael J. Sullivan
Director

By: 
Vera V. O'Connor, Treasurer