



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF CAMPAIGN & POLITICAL FINANCE

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June 1, 2009

Councilor Kelly A. Timilty
c/o Thomas R. Kiley
Cosgrove, Eisenberg and Kiley, P.C.
One International Place, Suite 1820
Boston, MA 02110

Re: Disclosure of Campaign Finance Activities; CPF 08-68

Dear Councilor Timilty:

This office has completed its review of issues raised in a complaint received by this office relating to the disclosure of campaign finance activity by the Friends of Kelly A. Timilty Committee (the Committee) in 2008. For the reasons described below, we have determined that the Committee did not comply with the campaign finance law.

1. Late and inaccurate reporting of contributions

All funds received by a candidate for Governor's Council or her committee must be deposited into the committee's depository bank account in the form in which the funds were received by the end of the seventh day following receipt. See M.G.L. c. 55, § 19(b). The Report of Receipts (Form D106) should be electronically filed with OCPF on the same day the deposit is made or shortly thereafter. See M-90-05.

The Committee violated Section 19 by failing to file timely and accurate Reports of Receipts. Five deposits made in August 2008 totaling \$17,200 were not documented by the filing of D106 reports until March 2009. The required information has now been filed, but it was filed nearly seven months late, and only after OCPF's repeated requests that you address material omissions in your campaign finance disclosures.

In addition, the Committee reported making two deposits in June 2008 totaling \$3,375, which were, in fact, not deposited until August 23, 2008. Amendments were filed in March 2009, however, to accurately report the deposits.

The Committee's failure to disclose activity in a timely manner frustrated the essential purpose of the campaign finance law, which is to provide timely public disclosure of campaign finance activity.



2. Late filing of the 2008 year-end campaign finance report

In addition, the Committee initially filed a year-end campaign finance report late, on February 20, 2009. The report was due on January 22, 2009. The year-end report as initially filed did not, however, list any receipts or expenditures. After OCPF contacted you, an accurate year-end report was filed, but not until April 5, 2009.

In accordance with M.G.L. c. 55, § 3, a penalty of \$310 was assessed against you personally for the late filing of the year-end report. In addition, for each day that the D106 reports were filed late, you were also subject to a late-filing penalty of \$10 per day up to \$2,500 per report. See 970 CMR 2.14.

To resolve this matter, however, you have paid a \$1,000 civil forfeiture from your personal funds to the Commonwealth. In addition, you have appointed a new treasurer and have agreed to provide OCPF with copies of all deposit slips and checks deposited into the Committee's account, by the fifth and twentieth of each month through 2010.

Because you have taken this corrective action, and have now filed an accurate 2008 year-end report and D106 reports, we have concluded that this matter may be closed at this time. Please note that failure to disclose campaign finance activity in a timely and accurate manner in the future could result in referral to the Attorney General, pursuant to M.G.L. c. 55, Section 3.

In accordance with the opinion of the Supervisor of Public Records this letter is a public record. If you have any questions regarding this letter or any other campaign finance matter, please do not hesitate to contact this office.

Sincerely,



Michael J. Sullivan
Director

MJS/gb