



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF CAMPAIGN & POLITICAL FINANCE
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February 19, 2016

Mayor Richard Alcombright
40 Williams Street
North Adams, MA 01247

Re: CPF-16-01

Dear Mayor Alcombright:

This office has completed its review of a complaint alleging the Committee to Elect Richard Alcombright (the "Committee") received an in-kind contribution for office space for your 2015 campaign for North Adams Mayor. Based on this review, we have determined that there is no reason to believe the Committee did not comply with M.G.L. c. 55, the campaign finance law.

M.G.L. c. 55, § 8 prohibits corporations from giving, paying, expending, or contributing, directly or indirectly, "any money or other valuable thing for the purpose of aiding, promoting, or preventing the nomination or election of any person to public office...". M.G.L. c. 55, § 1 defines a contribution as "money or anything of value...[given] for the purpose of influencing the nomination or election of a...candidate...". Contributions include "discount[s] or rebate[s] not available to other candidates for the same office and to the general public...". M.G.L. c. 55, § 1.

You have provided OCPF with a copy of a lease agreement for the commercial space at 67 Main Street in North Adams, owned by Scarafoni Associates, Inc. (the "Landlord"). The lease states that the Committee paid rent at a rate of \$500 per month, for a total of \$1,000 in 2015, which was disclosed on the Committee's 2015 Pre-Primary report. You indicated that the Committee occupied the property from early September through early November, 2015. It is our understanding that your Committee provided the furnishings, was contractually limited to using only the front portion of the space, was not permitted to use the large commercial kitchen that is included in the leased space, and was required to display the Landlord's "For Lease" sign in the front window. The Committee also would have been required to vacate the property with 24 hours' notice if the Landlord had an opportunity to lease the space to a long-term tenant.

You have indicated that the space formerly leased by the Committee was vacant prior to the Committee's occupancy, and it has remained empty since the Committee vacated the premises. David Carver, the Landlord's representative, confirmed that the company regularly rents vacant storefronts in the downtown area on a short-term or day-to-day basis for less than what it would charge a long-term tenant to encourage foot traffic in the area, advertise the availability of space to lease, and to generate revenue from an otherwise-unoccupied property. Carver further stated that, in the past, the property at 67 Main Street has been available to other short-term tenants under the



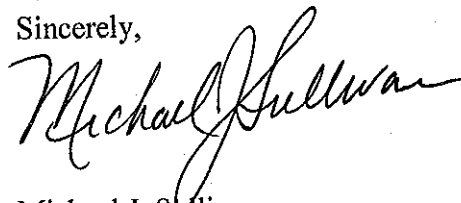
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same terms and conditions as were offered to the Committee, and that it would be available to other similar tenants in the future.

Based on our review, we have determined that the Committee did not receive an in-kind contribution from a corporation in the form of a discount on office space. The Committee's actions were consistent with the Massachusetts campaign finance law, and further action is not warranted at this time.

In accordance with the 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.

Sincerely,

A handwritten signature in black ink that reads "Michael J. Sullivan". The signature is written in a cursive style with a large, sweeping initial "M".

Michael J. Sullivan
Director

MJS/mc