



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF CAMPAIGN & POLITICAL FINANCE

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March 24, 2021

Danielle W. Gregoire
Gregoire Committee
173 Greenwood Street
Marlborough, MA 01752-3285

Re: CPF-21-11

Dear Representative Gregoire:

This office has completed its routine analysis of the Gregoire Committee's (the "Committee's") campaign finance reports for the period August 2020 through December 2020. As a result of this review, we have concluded that the Committee violated multiple provisions of M.G.L. c. 55, the Massachusetts campaign finance law.

1. Late Disclosure of Deposits

The campaign finance law requires political committees to file timely campaign finance reports that accurately reflect financial activity. In addition, all contributions and expenditures over \$50 must be itemized in those reports. See M.G.L. ca. 55, §§ 18 and 19. During the course of its review, OCPF concluded that the Committee failed to e-file deposit reports to disclose contributor information for bank-reported deposits made between August 2020 and October 2020, totaling approximately \$8,320.

After numerous letters, phone calls, and emails from OCPF staff, the Committee e-filed the required deposit reports. The reports, however, were filed substantially late, as illustrated by the chart below:

Deposit Date	Amount	Deposit Report		Days Late
		Due Date	Date E-Filed	
8/3/2020	\$9,650.00	8/24/2020	9/10/2020	17
8/13/2020	\$2,400.00	8/24/2020	9/10/2020	17
8/27/2020	\$1,250.00	10/26/2020	3/10/2021	135
9/4/2020	\$2,675.00	10/26/2020	3/10/2021	135
9/10/2020	\$750.00	10/26/2020	1/28/2021	94
10/1/2020	\$2,050.00	10/26/2020	3/10/2021	135
10/16/2020	\$2,500.00	10/26/2020	3/10/2021	135
11/13/2020	\$4,035.00	1/20/2021	1/28/2021	8

\$25,310.00¹

¹ This amount represents the Committee's total e-filed deposit reports between August 2020 and November 2020. The actual total amount deposited during this period, as reported by the Committee's depository bank, was \$25,064.28. It does not appear that the Committee deducted the required merchant provider fees from its deposit reports.

Candidates for State Representative must disclose contributor information by e-filing deposit reports during election years by January 20th, April 20th, July 20th, and eight days prior to the primary election and eight days prior to the general election. The Committee's delay in filing the reports frustrated the goal of the campaign finance law's requirement of accurate and timely disclosure and violated M.G.L. c. 55, §§ 18 and 19.

2. Expenditures Not Clarified

OCPF has previously notified your Committee of its obligation to clarify the purpose information of thirty-five expenditures, totaling \$9,239.67, that were made from the campaign account between October 2020 and December 2020. See Exhibit A. In addition, your Committee's bank reports disclosed five payments made through Venmo, totaling \$684.95, between August 2020 and November 2020; the purpose information for four of those Venmo payments remains outstanding. See Exhibit B.

As noted above, M.G.L. c. 55, § 18 requires committees to file timely and accurate campaign finance reports, which includes purpose information for all itemized expenditures. In addition, M.G.L. c. 55, § 19 requires expenditures to be drawn directly on your campaign account. Expenditures through peer-to-peer payment systems, such as Venmo and PayPal, are prohibited if your committee's depository bank cannot accurately disclose the vendor. See M-19-03 (enclosed). By failing to provide purpose or vendor information, the Committee violated Sections 18 and 19 of the Massachusetts campaign finance law.

In accordance with OCPF's previous letters to your Committee, the Committee must append its bank reports to clarify the purpose of each expenditure and provide the vendor names for the payments made through Venmo. In the future, your Committee must avoid payments through PayPal or Venmo, as such payments do not provide third-party identification of the name of the vendor.

3. Possible Personal Use Expenditures

During the review, OCPF identified ten expenditures made between May 11, 2020 and February 11, 2021 to Amazon Prime, totaling \$129.90, which appear to be a monthly membership fee; without appropriate documentation, these fees are presumed to be primarily for the candidate's or another person's personal use. See Exhibit C; 970 CMR 1.10(9).² M.G.L. c. 55, § 6 permits political committees to "expend money or other things of value for the enhancement of the political future of the candidate...provided, however, that the expenditure shall not be primarily for the candidate's or any other person's personal use." If the payments to Amazon Prime were legitimate campaign expenditures, please provide OCPF with sufficient documentation, as required by 970 CMR 1.10(9). If the expenditures are determined to be for the candidate's or any other person's personal use, however, you must personally refund the Committee \$129.90. You must also remove the campaign account from Amazon Prime to prevent future monthly debits.

In addition, the same personal use concerns apply to the majority of the Venmo expenditures described above. Accordingly, you must provide OCPF with sufficient documentation, as required by 970 CMR 1.10(9), regarding those expenditures. If the expenditures are determined to be for the candidate's or any other person's personal use, however, you must personally refund the Committee for those unsubstantiated Venmo expenditures.

The Committee's late disclosure of contributor information, lack of details relating to expenditures, and the presumed personal use expenditures did not comply with the campaign finance law. You should be aware that

² 970 CMR 1.10(9) specifies that "any committee expenditure that is not supported by bills, receipts, or other documentation reflecting the purpose of the expenditure creates a presumption that the expenditure was made for the personal use of the candidate or another person."

Danielle W. Gregoire
March 24, 2021
Page 3

further instances of noncompliance may result in referral to the Attorney General pursuant to Section 3 of the campaign finance law.

In accordance with the opinion of the Supervisor of Public Records, this letter is a public record.

Sincerely,



Michael J. Sullivan
Director Pro Tem

MJS/mj

cc: Jean Peters, Treasurer
Gregoire Committee