



THE COMMONWEALTH OF MASSACHUSETTS  
OFFICE OF CAMPAIGN & POLITICAL FINANCE

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November 10, 2020

District Attorney Andrea Harrington  
268 Lenox Rd.  
Richmond, MA 01254

Re: CPF-20-96

Dear District Attorney Harrington:

This office has completed a review of the Harrington for District Attorney Inauguration Fund (“the Inauguration Fund”), a segregated account established under M.G.L. c. 55, § 18E, and the Harrington for District Attorney Committee (“the Committee”). Based on our review, we have determined that the Inauguration Fund and the Committee did not comply with several requirements of the campaign finance law.

The Committee notified OCPF on three occasions (in November 2019, and twice in April 2020) that funds were deposited into the incorrect account. Because of the commingling of activity, and also because the Inauguration Fund did not notify OCPF of the dissolution of the Inauguration Fund as required within one year after the January 2019 inaugural event, the office initiated a review of the Inauguration Fund and the Committee.<sup>1</sup>

The campaign finance law allows candidates to create inauguration funds “to pay for the costs associated with an inaugural event.” M.G.L. c. 55, § 18E(a). Inauguration funds may accept donations from any individual or entity, in any amount. The donations, if received on behalf of a candidate who files with OCPF, must be disclosed, on a monthly basis, to OCPF by the fifth day of each month; expenditures, however, are not required to be disclosed. Inauguration funds are not subject to contribution limits and may receive donations from corporate sources. Therefore, *inauguration funds must be kept separate from the candidate’s or committee’s campaign account, and any donations received by the inauguration fund may not be deposited into the campaign account.* M.G.L. c. 55, § 18E; 970 CMR 1.20.

In addition, inauguration funds must dissolve no later than 12 months after an inaugural by filing a written notification with OCPF. 970 CMR 1.20(8). Any balance remaining in the inauguration fund’s account must be disposed of in a manner consistent with the residual funds clause (i.e., it may be donated to a charitable, religious entity, a scholarship fund, or it may be donated to the commonwealth or a municipality.) *Funds remaining in the account on dissolution may not be given to the candidate’s political committee.* M-10-02. The Inauguration Fund was organized with OCPF on December 21, 2018 shortly before your January 2019 inaugural. The Inauguration Fund transferred \$5,943.64, its remaining funds, to the Committee in September 2020, but never filed a notice of dissolution.

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<sup>1</sup> OCPF’s review focused on 2020, with the goal of facilitating the closure of the Inaugural Fund.

OCPF's review involved a comparison of the reports filed by the Inauguration Fund and the Committee, and an analysis of Inauguration Fund and Committee bank records, to determine the extent of commingling of the accounts during 2020. The review confirmed that funds were commingled by the Inauguration Fund and Committee and that neither the Inauguration Fund nor the Committee accurately disclosed financial activity.

For example, on July 3, 2020, you apparently intended to loan \$5,000 from your personal account to your Committee account, but the \$5,000 was mistakenly deposited into the Inauguration Fund account. In addition, the Committee transferred \$1,700 to the Inauguration Fund on February 24, 2020, and also deposited \$288.14 into the Inauguration Fund using two contributions received by the Committee in February 2020 (after deduction of credit card processing fees). The Inauguration Fund did not file the required donation reports.

Also, payments were made from the Inauguration Fund that were meant to be Committee expenditures, including an expenditure of \$1,097.97 for website design on March 2, 2020. Since the expenditure was made from the Inauguration Fund and therefore not reported by the Committee's bank, there was no timely disclosure of the expenditure.

On September 4, 2020, the \$5,000 that you intended to loan to your Committee account was withdrawn from the Inauguration Fund, along with the remaining balance of \$943.64. The resulting sum of \$5,943.64 was then deposited into the Committee account. As previously noted, the campaign finance law does not allow the transfer of funds from a segregated account such as the Inauguration Fund to a candidate's committee.

To resolve this matter, the Committee must, upon receipt of this letter: (1) file a deposit report for the \$943.64 transferred from the Inauguration Fund (the deposit type should be described as a "non-contribution receipt"); (2) amend the July 3, 2020 deposit report to reflect the correct date of the \$5,000 deposit, which was September 4, 2020; and (3) file a completed Form CPF 18E: Notice of Dissolution Segregated Fund Account (attached) to finalize closure of the Inauguration Fund.

Because we anticipate that the guidance provided as a result of this review will ensure future compliance with the campaign finance law, this matter may be closed at this time. You should be aware, however, that future instances of non-disclosure of campaign finance activity, or future use of a segregated account in a manner not consistent with the requirements of Section 18E of the campaign finance law, may result in referral to the Office of the Attorney General pursuant to M.G.L. c. 55, § 3.

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

Sincerely,

  
Michael J. Sullivan  
Director Pro Tem