

DISPOSITION AGREEMENT

CAMPAIGN & POLITICAL
FINANCE

2015 DEC 17 A 12: 08th

This Disposition Agreement (“Agreement”) is entered into as of December 18, 2015, by and between the Office of Campaign and Political Finance (“OCPF”) and Quincy Auto Auction, Inc. (“QAA”) and Daniel J. Quirk, Inc. (“DJQ”) (collectively referred to as the “Respondents”), in which the parties mutually agree, for the purposes of this Agreement only, as follows:

I. Introduction

1. The fundraising activities described in this Agreement are subject to the provisions of M.G.L. c. 55, the Massachusetts campaign finance law.
2. OCPF has the power and authority to review and investigate the legality, validity, completeness, and accuracy of all reports and actions required to be filed or taken by candidates, treasurers, political committees, and any other person or entity pursuant to M.G.L. c 55 or any other laws of the Commonwealth relative to campaign contributions and expenditures.
3. The following committees, at all times relevant to this Agreement, were duly organized political committees subject to the provisions of M.G.L. c. 55:

Thomas P. Koch Committee (“Koch Committee”)
Warren Tolman Committee (“Tolman Committee”)
Charlie Baker Committee (“Baker Committee”)
Brad Croall Committee (“Croall Committee”).
4. The political contributions, expenditures, and other activities noted herein are subject to the provisions of M.G.L. c. 55 and the regulations promulgated thereunder.

II. Facts and Specific Transactions

1. After an initial review of the campaign reports filed by the committees referenced above in Section I, Paragraph 3, OCPF commenced an investigation to determine whether the

contributions listed in the committees' reports were actually made by the named contributors using their own funds.

2. Based upon a subsequent review of bank records and other information obtained by OCPF, OCPF learned that several employees of Quirk, QAA, or DJQ deposited funds received from QAA or DJQ into their personal checking accounts either shortly before or shortly after they made contributions to Massachusetts candidates. As described below, the contributions were made by Daniel Quirk and nine individuals employed by QAA or DJQ, using corporate funds that were provided for the purpose of making political contributions. Certain reimbursement checks given to the employees were drawn on an account titled "Daniel J. Quirk, Inc., DBA Quirk Auto Dealerships." In accordance with OCPF's long-standing practice with respect to contributions from DBAs, checks written on a DBA account are attributed to the underlying individual or entity. Therefore, any checks written on the account for Daniel J. Quirk, Inc., DBA Quirk Auto Dealerships are attributable to Daniel J. Quirk, Inc., and are accordingly considered corporate funds.

3. On or about March 1, 2013, Daniel Quirk, using his personal funds, made a \$500 contribution to the Koch Committee. On or about April 20, 2013, each of the following six corporate employees made a \$500 contribution to the Koch Committee from their personal checking accounts, using funds provided by either QAA or DJQ for that purpose: Melanie Chirokas; Paul Butts; James Smith; David Thomas; Ralph Voller; and Michael Quirk.

4. On or about November 29, 2013, Daniel Quirk, using his personal funds, made a \$500 contribution to the Croall Committee. On or about the same day, Michael Quirk made a \$500 contribution to the Croall Committee, for which he was subsequently reimbursed by QAA or DJQ.

5. On or about March 9, 2014, each of the following eight corporate employees made a \$500 contribution to the Koch Committee from their personal checking accounts, using funds provided by either QAA or DJQ for that purpose: Melanie Chirokas; James Smith; David Thomas; Ralph Voller; Michael Quirk; Michael Cooley; Craig Laleme; and Margaret McNeil. Daniel Quirk did not make a direct contribution to the Koch Committee in 2014.

6. On or about July 31, 2014, Daniel Quirk, using his personal funds, made a \$500 contribution to the Tolman Committee. On or about the same date, each of the following eight corporate employees made a \$500 contribution to the Tolman Committee from their personal checking accounts, using funds provided by either QAA or DJQ for that purpose: Melanie Chirokas; James Smith; David Thomas; Ralph Voller; Michael Quirk; Michael Cooley; Craig Laleme; and Margaret McNeil.

7. On or about October 14, 2014, Daniel Quirk, using his personal funds, made a \$500 contribution to the Baker Committee. On or about October 27, 2014, each of the following five corporate employees made a \$500 contribution to the Baker Committee from their personal checking accounts, using funds provided by either QAA or DJQ for that purpose: Melanie Chirokas; James Smith; David Thomas; Michael Quirk; and Craig Laleme.

8. On or about December 1, 2014, Daniel Quirk, using his personal funds, made a \$500 contribution to the Croall Committee. On or about the same day, each of the following seven corporate employees made a \$500 contribution to the Croall Committee from their personal checking accounts, using funds provided by either QAA or DJQ for that purpose: Melanie Chirokas; James Smith; David Thomas; Ralph Voller; Michael Quirk; Michael Cooley; and Craig Laleme.

9. On or about April 10, 2015, Daniel Quirk used his personal funds to make a \$1,000 contribution to the Croall Committee. On or about July 27, 2015, each of the following four corporate employees made a \$500 contribution to the Croall Committee from their personal checking accounts, using funds provided by either QAA or DJQ for that purpose: Melanie Chirokas; Ralph Voller; Michael Quirk; and Michael Cooley.

10. Of the \$23,000 in total contributions made as noted above, six contributions totaling \$3,500 were legal contributions made by Daniel Quirk using his personal funds. All of the remaining contributions (39 contributions totaling \$19,500) were made using funds provided by QAA and DJQ.

11. On October 20, 2015, each of the following four Quirk employees made a \$1,000 contribution to the Koch Committee: James Smith; David Thomas; Ralph Voller; and Michael Quirk. The employees have stated under oath and by the attached affidavits that those contributions were

made from their personal checking accounts, using their personal funds, and that they were not reimbursed by Quirk, QAA, or DJQ for those contributions. *See attached affidavits.*

12. Neither the recipient candidates nor their respective Committees had any knowledge that the contributions they received were made with corporate funds and/or with funds provided by another until they were so notified during OCPF's review. The contributions were made using checks drawn on the individual checking accounts of the named contributors. It would have appeared to the recipients of the checks, absent other information, that the contributions were, in fact, made using the personal funds of those individuals. OCPF has no reason to believe that the relevant candidates or Committees had knowledge that the named contributors did not make the contributions, until they were so notified.

13. The Committees have voluntarily disgorged or will voluntarily disgorge amounts equivalent to the illegal contributions made by the named contributors by payments to be made in a manner consistent with the residual funds clause in M.G.L. c. 55, § 18 in the following aggregate amounts: \$7,000 (by the Koch Committee); \$6,000 (by the Croall Committee); \$4,000 (by the Tolman Committee); and \$2,500 (by the Baker Committee). The funds will be disgorged by February 28, 2016.

III. Conclusions

Based upon OCPF's review, OCPF has concluded that the Respondents have violated the following sections of Chapter 55:

1. Corporate Contributions – M.G.L. c. 55, § 8

Section 8 states that business corporations may not "directly or indirectly" contribute to a candidate. The statute also provides that officers or agents acting on behalf of a corporation may not make such contributions using corporate money. OCPF concludes that, on at least 39 occasions since 2013, QAA and DJQ provided corporate funds totaling \$19,500 to employees who subsequently used those funds to make contributions to Massachusetts candidates.

2. Contributions Made in a Manner Intended to Disguise the True Source of the Contributions – M.G.L. c. 55, § 10

Section 10 prohibits any person from making “a campaign contribution in any name except his own, or in any manner for the purpose of disguising the true origin of the contribution...”. The Respondents violated this provision by arranging for corporate employees to make 39 contributions of \$500 each, using funds provided by QAA and/or DJQ in a manner that disguised the true origin of the funds.

IV. Resolution

In order to resolve the matters 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, unless otherwise noted:
 - (a) The Respondents will make a payment totaling \$60,000 to the Commonwealth of Massachusetts in the nature of a civil forfeiture. Said payment may be made with corporate funds.
 - (b) Daniel Quirk agrees not to solicit contributions for any Massachusetts candidate or political committee from any employee of QAA, or DJQ for a period of three years.
 - (c) Daniel Quirk, Quincy Auto Auction, Inc., and Daniel J. Quirk, Inc., agree not to permit solicitation of contributions for any Massachusetts candidate or political committee on corporate grounds through December 31, 2017.
 - (d) The Respondents further agree not to provide or arrange to provide funds to any third person to enable that person to make a political contribution, whether from corporate or personal funds.
2. OCPF agrees not to refer Daniel J. Quirk, QAA, or DJQ to any other governmental agency, including, without limitation, the Office of the Attorney General, for any failure to comply

with the provisions of M.G.L. c. 55, as cited herein, with respect to the conduct that is specifically referenced in this Agreement.

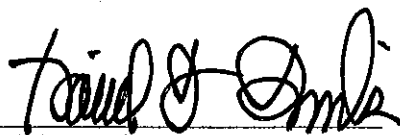
3. OCPF may, at any time, review compliance with this Agreement. If it believes that the provisions of this Agreement have been violated, after notice to Daniel Quirk, QAA, and DJQ, OCPF may, notwithstanding the provisions of the foregoing paragraph, proceed with any action consistent with M.G.L. c. 55 or otherwise authorized by law.

4. This Agreement shall be binding upon OCPF and the Respondents.

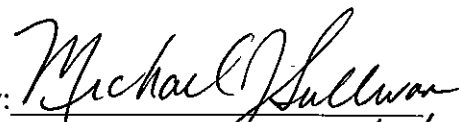
5. The parties have entered into this Agreement, knowingly and voluntarily, in an effort to resolve all matters set forth in the Agreement.

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


QUINCY AUTO AUCTION, INC.

By: 
Daniel J. Quirk
President

OFFICE OF CAMPAIGN AND
POLITICAL FINANCE

By: 
Michael J. Sullivan 12/18/15
Director

DANIEL J. QUIRK, INC.

By: 
Daniel J. Quirk
President

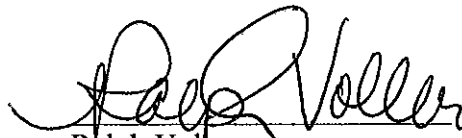
COMMONWEALTH OF MASSACHUSETTS

Affidavit of Ralph Voller

I, Ralph Voller, on oath depose and say that I have personal knowledge of the facts set forth herein:

1. I am an employee of Quirk Auto Dealerships in Quincy and Braintree, Massachusetts.
2. On or about October 20, 2015, I made a contribution of \$1,000 to the Thomas P. Koch Committee in Quincy.
3. The October 2015 contribution was made by a check drawn on my personal checking account, using my personal funds. I was not reimbursed by any individual or entity for said contribution.

Signed the ____ day of December 2015, under the penalties of perjury.


Ralph Voller

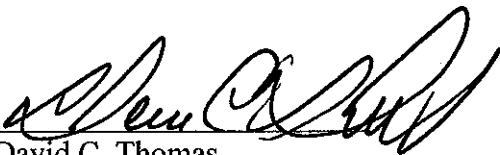
COMMONWEALTH OF MASSACHUSETTS

Affidavit of David C. Thomas

I, David C. Thomas, on oath depose and say that I have personal knowledge of the facts set forth herein:

1. I am an employee of Quirk Auto Dealerships in Quincy and Braintree, Massachusetts.
2. On or about October 20, 2015, I made a contribution of \$1,000 to the Thomas P. Koch Committee in Quincy.
3. The October 2015 contribution was made by a check drawn on my personal checking account, using my personal funds. I was not reimbursed by any individual or entity for said contribution.

Signed the 16 day of December 2015, under the penalties of perjury.


David C. Thomas

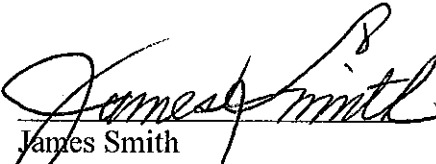
COMMONWEALTH OF MASSACHUSETTS

Affidavit of James Smith

I, James Smith, on oath depose and say that I have personal knowledge of the facts set forth herein:

1. I am an employee of Quirk Auto Dealerships in Quincy and Braintree, Massachusetts.
2. On or about October 20, 2015, I made a contribution of \$1,000 to the Thomas P. Koch Committee in Quincy.
3. The October 2015 contribution was made by a check drawn on my personal checking account, using my personal funds. I was not reimbursed by any individual or entity for said contribution.

Signed the 16 day of December 2015, under the penalties of perjury.


James Smith

COMMONWEALTH OF MASSACHUSETTS

Affidavit of Michael Quirk

I, Michael Quirk, on oath depose and say that I have personal knowledge of the facts set forth herein:

1. I am an employee of Quirk Auto Dealerships in Quincy and Braintree, Massachusetts.
2. On or about October 20, 2015, I made a contribution of \$1,000 to the Thomas P. Koch Committee in Quincy.
3. The October 2015 contribution was made by a check drawn on my personal checking account, using my personal funds. I was not reimbursed by any individual or entity for said contribution.

Signed the 16 day of December 2015, under the penalties of perjury.


Michael Quirk