

FOR IMMEDIATE RELEASE
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LAWRENCE MAYOR SUED BY AG'S OFFICE AND OFFICE FOR CAMPAIGN AND POLITICAL FINANCE FOR INACCURATE REPORTING AND POTENTIALLY ILLEGAL CASH CONTRIBUTIONS

Complaint Seeks Civil Penalties and Future Compliance with Finance Laws

BOSTON – The Mayor of Lawrence has been sued for allegedly committing several campaign finance law violations, including accepting several thousands of dollars in potentially illegal cash and corporate contributions, Attorney General Martha Coakley and the Office of Campaign and Political Finance announced today.

“Campaign finance laws ensure the integrity of the electoral system,” AG Coakley said. “These disclosures are important to let voters know where candidates’ contributions are coming from and to help them make informed decisions about who to support.”

The lawsuit was filed in Suffolk Superior Court today by the AG’s Office and the Office of Campaign and Political Finance (OCPF) against Mayor William Lantigua, the Committee to Elect William Lantigua and Ana Soto, of Lawrence, the committee’s current treasurer. The case was referred to the AG’s Office by OCPF in January 2012.

The complaint alleges that during his first run for mayor between the calendar years 2008 to 2010, Lantigua accepted 16 cashier’s checks or money orders worth more than \$50, a potential violation of state law.

During calendar year 2009, the complaint alleges that Lantigua or his committee accepted more than \$14,000 in potentially illegal cash contributions but failed to keep accurate accounts of the 22 individual deposits. Due to the inaccurate and sometimes incomplete nature of Lantigua’s financial disclosures it is difficult to discern if the 22 deposits comprised smaller individual donations.

Also in 2009, Lantigua allegedly either received or failed to report as expenditures or unpaid liabilities four potentially illegal contributions from Rumbo Newspaper in the form of advertisements. In 2010, the mayor received or failed to report close to \$5,000 in contributions from 60 Island Street, L.L.C. in the form of food and beverage and room rental fees.

The complaint further alleges that Lantigua failed to report nearly \$20,000 worth of expenditures from his campaign account during 2009, including a more than \$9,000 payment to Costa Eagle Radio for advertising.

State campaign finance laws prohibit public employees from soliciting or receiving contributions for any candidate for public office. The complaint alleges that during his run for mayor in 2009, Lantigua permitted Methuen police officer Elvin Alarcon to act as his campaign's finance director and Lorenza Ortega, who worked in the City of Lawrence's personnel department, to serve as treasurer.

According to the complaint, due to previous inaccurate campaign finance disclosures, Lantigua agreed to an enhanced reporting schedule with OCPF during 2009 but failed to meet the deadlines for three periods including Jan. 1 to April 30, 2009, May 1 to Aug. 31, 2009 and Jan. 1 to Dec. 31, 2009. In addition to being filed late, all three were also inaccurate, incomplete or unsigned.

In January 2013, AG Coakley and OCPF [sued Lantigua](#) for failing to file a 2011 campaign finance report. Lantigua later paid a \$5,000 civil fine and filed the missing report.

Today's lawsuit asks the court to order Lantigua to forfeit, by payment to the Commonwealth, certain contributions that may not have been accurately reported or were illegal. The lawsuit also seeks to fine Lantigua based on the various violations alleged and to order Lantigua to pay the costs of the investigation. In addition, it seeks to order future compliance with the law.

Assistant Attorney General Carrie Benedon of AG Coakley's Administrative Law Division is handling this case.

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COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPERIOR COURT
CIVIL ACTION NO. 3-3065-13

COMMONWEALTH OF MASSACHUSETTS)
and MICHAEL J. SULLIVAN, in his official)
capacity as Director of the OFFICE OF)
CAMPAIGN & POLITICAL FINANCE,)
Plaintiffs,)

v.)

WILLIAM LANTIGUA,)
COMMITTEE TO ELECT WILLIAM LANTIGUA,)
and ANA SOTO, as she is Treasurer of the)
Committee to Elect William Lantigua,)
Defendants.)



COMPLAINT

1. The Commonwealth of Massachusetts (“the Commonwealth”) and Michael J. Sullivan, in his official capacity as Director of the Office of Campaign and Political Finance (“OCPF”), bring this action to enforce provisions of the state campaign finance laws, G.L. c. 55, against William Lantigua (“Lantigua” or the “Candidate”), a successful candidate for the office of Mayor of Lawrence, Massachusetts, and the Committee to Elect William Lantigua (“the Committee”). The Commonwealth and OCPF seek (1) an order that Lantigua disgorge, by payment to the Commonwealth, certain contributions, in an amount to be determined, that have not been explained or documented as required by law or that are in violation of law; (2) an order requiring Lantigua to pay an amount to be determined as a civil penalty or equitable forfeiture for violations of G.L. c. 55; (3) an award of the costs of the investigation by OCPF and the

Office of the Attorney General (“OAG”); and (4) an order that, going forward, Lantigua and the Committee shall comply with all applicable sections of Chapter 55 of the Massachusetts General Laws and Chapter 970 of the Code of Massachusetts Regulations.

2. The financial record-keeping and reporting requirements of G.L. c. 55 are at the heart of the Commonwealth’s campaign finance regulatory system. Lantigua’s failure to comply with these requirements has made it impossible for OCPF and the OAG to determine in a timely fashion, and for the citizens of the Commonwealth to ascertain in a timely fashion, how and from whom Lantigua raised funds, to whom and for what purposes the Committee paid those funds out, and whether funds were raised and expended in accordance with the laws of the Commonwealth. The violations have also caused OCPF and the OAG to incur expenses over and above those normally incurred in reviewing campaign finance reports. The Commonwealth and OCPF bring this action to redress these and other violations and to recover the costs resulting from Lantigua’s conduct.

PARTIES

3. The plaintiff Commonwealth of Massachusetts is a sovereign state, represented by the Attorney General, who has her principal place of business at One Ashburton Place, Boston, Massachusetts 02108.

4. The plaintiff Michael J. Sullivan, the Director of OCPF, is a duly appointed state official authorized to enforce the campaign finance laws pursuant to G.L. c. 55, § 3. He maintains his principal place of business at One Ashburton Place, 4th Floor, Boston, Massachusetts 02108.

5. The defendant William Lantigua is the Mayor of Lawrence, Massachusetts, with a last known residential address of 86 Boxford Street, Lawrence, Massachusetts 01842. He is sued

in his individual capacity and as principal officer of the Committee to Elect William Lantigua. Lantigua was elected to a four-year term as Mayor of Lawrence in November 2009.

6. The defendant Committee to Elect William Lantigua (“the Committee”) is a political committee organized under G.L. c. 55, § 5, to raise and expend funds for political purposes on behalf of Lantigua. The Committee has reported its address as P.O. Box 1767, Lawrence, Massachusetts 01842.

7. The defendant Ana Soto (“Soto”) is Treasurer of the Committee. Her last known residential address is 6 Barnard Road, Lawrence, Massachusetts. Soto is sued solely in her capacity as Treasurer of the Committee.

JURISDICTION AND VENUE

8. This Court has jurisdiction under G.L. c. 56, § 59, to enforce the provisions of G.L. chapters 50 to 56 inclusive, including G.L. c. 55, through equitable or mandamus relief.

9. Venue in Suffolk County is proper under G.L. c. 223, § 5, because the Commonwealth is a plaintiff.

GOVERNING STATUTORY PROVISIONS

10. Lantigua, as a candidate, was required to keep detailed accounts of all campaign contributions received by him, or by a person acting on his behalf, and of all expenditures made by him, or by a person acting on his behalf: G.L. c. 55, § 2. These accounts may be kept by a duly authorized agent, but Lantigua, as the candidate, was responsible for all such accounts. *Id.*

11. Individuals may make campaign contributions to candidates or candidates’ committees provided that the aggregate of all such contributions for the benefit of any one candidate “shall not exceed the sum of five hundred dollars in any calendar year.” G.L. c. 55, § 7A.

12. Candidates and treasurers of political committees are required to file with OCPF periodic reports of contributions received and expenditures made. G.L. c. 55, § 18. Such reports must include the full name and residential address of each person who has made a contribution in an amount or value in excess of fifty dollars, as well as the name and address of the contributor for each contribution of less than or equal to fifty dollars if the aggregate of all contributions received from that contributor within a reporting period is in excess of fifty dollars, and the amount or value and date of contribution and the total of all contributions listed. G.L. c. 55, § 18(h)(2).

13. G.L. c. 55, § 18(h)(8) requires the reporting of expenditures in excess of fifty dollars, including “the amount and value, date and purpose of each such expenditure and the total of all such expenditures listed”

14. Under G.L. c. 55, § 3, the Director has “the power and authority to investigate the legality, validity, completeness and accuracy of all reports and actions required to be filed and taken by candidates, treasurers, political committees, and any other person pursuant to” Chapter 55. In addition, the Director “shall assess a civil penalty for any report, statement or affidavit required to be filed with him . . . which is filed later than the prescribed date.” *Id.* Prior to January 1, 2010, the civil penalty was in the amount of \$10 per day, up to a maximum of \$2,500 for any one report, statement or affidavit that was filed later than the prescribed date. G.L. c. 55, § 3 (2008). As of January 1, 2010, the civil penalty shall be in the amount of \$25 per day; provided, however, that the maximum penalty shall be no greater than \$5,000 for any one report, statement or affidavit that is filed later than the prescribed date. G.L. c. 55, § 3 (2010). In the case of a failure to file by a candidate or a candidate’s committee, the civil penalty shall be assessed against the candidate. *Id.*

15. Political committees may be established on behalf of a candidate for public office, and each such committee must through its treasurer “keep and preserve detailed accounts, vouchers, and receipts as prescribed for a candidate by the provisions of section two. Each treasurer of a political committee shall keep said records for a period of six years following the date of the relevant election.” G.L. c. 55, § 5.

16. G.L. c. 55, § 8 prohibits business corporations, partnerships and limited liability companies (LLCs) from contributing “any money or other valuable thing for the purpose of aiding, promoting or preventing the nomination or election of any person to public office”

17. G.L. c. 55, § 9 prohibits receipt by the candidate of cash, cashier’s checks, money orders, or other similar negotiable instruments that are not written on the personal account of a person or political committee, except if received by direct deposit, “from any one person or political committee if the aggregate amount contributed in a calendar year exceeds \$50.”

18. G.L. c. 55, § 13 prohibits compensated public employees from directly or indirectly soliciting or receiving “any gift, payment, contribution, assessment, subscription or promise of money or other thing of value for the political campaign purposes of any candidate for public office...”

19. 970 CMR 1.04(8) obligates Candidates to “exercise their best efforts to determine whether contributions are legal at the time of receipt,” and to return or purge contributions that were made in violation of Chapter 55.

FACTUAL ALLEGATIONS

Solicitation and Receipt of Campaign Contributions by Public Employees

20. In 2009, Elvin Alarcon (“Alarcon”) was employed as a full-time police officer by the Methuen Police Department.

21. Lantigua knew that Alarcon was a public employee, as demonstrated by his statement that "...my campaign finances are in the hands of (Elvin Alarcon) a Methuen Police Officer..." (Rumbo Bilingual Newspaper, 10/22/09, page 7).

22. Alarcon was identified on Lantigua's website (www.lantiguaformayor.com) as the "Campaign Finance Director."

23. Alarcon was directly involved in setting up campaign fundraising events, selling tickets to those events, collecting checks and cash for those events, and making deposits of the proceeds from those events.

24. For example, a posting on www.lantiguaformayor.com dated 9/28/09 stated, in pertinent part:

Anyone wishing to make a contribution to the campaign can make a check payable to: (Committee to Elect) CTE William Lantigua. You may deliver your contribution one of four ways, in person by stopping at the campaign headquarters, 225 Essex Street, by contacting me, Elvin, Director of Finance for the campaign, by going to our website, lantiguaformayor.com and clicking on donation; follow the on-line instruction through PayPal and your donation will be deposited into our account or by mailing your check to The Committee to Elect William Lantigua, P.O. Box 1767, Lawrence, MA 01842.

25. A posting on Lantigua's Facebook page dated 10/13/09 stated, in pertinent part:

Wednesday, October 14, from 2-5 pm we will be hosting a buffet style reception for Willy Lantigua at Casa Blanca Restaurant at 1070 Osgood Street in North Andover. For tickets, suggested donation of \$100.00 per person. Tickets can be purchased at the door or by contacting me, Elvin Alarcon at 978.590.6254.

26. Lantigua also knew that a second person involved with his campaign, Lorenza Ortega ("Ortega"), was a public employee.

27. In 2009, Ortega was employed as the Confidential Secretary to the City of Lawrence's Personnel Director.

28. Nonetheless, on July 13, 2009, Lantigua drove Ortega to OCPF's Boston office so that Ortega could complete the paperwork to serve as treasurer of Lantigua's Committee, a position that she held throughout the remainder of 2009 and all of 2010.

Receiving Cashier's Checks and Money Orders over \$50

29. For calendar years 2008-2010, Lantigua's Committee accepted 16 cashier's checks or money orders exceeding \$50, as set forth in the following table:

Date	Issuer	Amount	Amount Over \$50
03/04/08	Money Gram	\$150.00	\$100.00
05/23/08	Banknorth	\$100.00	\$50.00
07/22/08	Western Union	\$100.00	\$50.00
12/03/08	Western Union	\$200.00	\$150.00
10/01/09	TDBank	\$200.00	\$150.00
10/06/09	Merchants Express	\$200.00	\$150.00
10/13/09	Postal Service	\$300.00	\$250.00
10/15/09	Money Gram	\$100.00	\$50.00
10/15/09	Money Gram	\$100.00	\$50.00
10/15/09	Money Gram	\$100.00	\$50.00
10/15/09	Money Gram	\$200.00	\$150.00
10/15/09	Money Gram	\$200.00	\$150.00
10/29/09	TDBank Check	\$500.00	\$450.00
12/17/09	Western Union	\$100.00	\$50.00
04/28/10	TD Bank Check	\$500.00	\$450.00
12/03/10	NESC Credit Union	\$500.00	\$450.00
Total	--	\$3,550.00	\$2,750.00

30. Moreover, the money orders dated 10/15/09 all appear to have been written out by the same person, and therefore indicate a single contributor exceeding the annual \$500 limit.

Receiving Corporate Contributions and/or Failing to Properly Report Liabilities

31. During calendar years 2009-2010, Lantigua or his Committee either received an unlawful in-kind contribution from the following businesses, or failed to report the receipt of the product or service as an expenditure or unpaid liability:

Date	Amount	Vendor	In-Kind Donation
09/08/09	\$390.00	Rumbo Newspaper	Advertisement
09/15/09	\$450.00	Rumbo Newspaper	Advertisement
10/22/09	\$780.00	Rumbo Newspaper	Advertisement
11/01/09	\$780.00	Rumbo Newspaper	Advertisement
04/28/10	\$4,863.52	60 Island Street LLC d/b/a Chester's	Food/beverage/room rental
Total	\$7,263.52	--	--

32. Rumbo Newspaper is a division of SUDA, Inc., which is a business corporation for purposes of G.L. c. 55, § 8.

33. 60 Island Street LLC d/b/a Chester's is a limited liability company for purposes of G.L. c. 55, § 8.

Failure to Timely File Campaign Finance Reports

34. As a result of a prior inaccurate campaign finance disclosure related to the Committee's campaign finance activity for 2006, OCPF notified Lantigua by a public resolution letter dated February 6, 2008, that in order to "ensure accurate disclosure in the future, the Committee has agreed to the following enhanced reporting schedule through January, 2010."

35. For calendar year 2009, the enhanced reporting schedule was as follows:

Reporting Period	Report Type	Due Date
1/1/09-4/30/09	paper report	5/15/09
5/1/09-8/31/09	paper report	9/15/09
1/1/09-12/31/09	electronic report	1/20/10

36. The Committee failed to file a report for the 1/1/09-4/30/09 reporting period on or before May 15, 2009. Instead, on November 18, 2011, approximately 2½ years after the agreed upon due date, the Committee filed an unsigned draft report for the period 1/1/09-4/30/09.

37. The Committee failed to file a report for the 5/1/09-8/31/09 reporting period on or before September 15, 2009. Instead, on October 26, 2009, the Committee filed a report for the period 5/1/09-9/14/09.

38. The Committee failed to file an electronic report for the 1/1/09-12/31/09 reporting period on or before January 20, 2010. Instead, On October 27, 2009 the Committee filed a paper report for the period 9/15/09-10/26/09, and on February 7, 2010, the Committee filed an electronic report for the period 10/27/09-12/31/09.

39. Because the Committee failed to timely file reports for calendar year 2009 campaign finance activity, OCPF was delayed by almost two years in reviewing, among other things, whether there were violations of G.L. c. 55, § 7A(a)(1) (limitations on annual aggregate total contributions by an individual to a candidate), § 9 (limitations on annual aggregate cash contributions by an individual to a candidate), and § 18(h)(2) (failure to report contributions in excess of \$50 during a reporting period).

Failure to File Complete Campaign Finance Reports

40. For calendar year 2009, a total of \$97,460.54 in expenditures were debited from Lantigua's Campaign Checking Account Number *****158.

41. Of that \$97,460.54, at least \$19,034.45 (19.5%) in expenditures were not reported to OCPF in filings for calendar year 2009, as set forth in the table below:

Debit Date	Amount	Payee	Purpose
06/23/09	\$1,433.28	Sprint	Phone
10/21/09	\$1,100.00	Ditto Printing	Printing
10/23/09	\$1,344.00	Postmaster	Postage
10/23/09	\$1,308.53	Sprint	Phone
10/23/09	\$368.64	Postmaster	Postage
10/26/09	\$9,130.00	Costa Eagle Radio	Advertising
10/26/09	\$2,000.00	Postmaster	Postage
10/29/09	\$1,350.00	Postmaster	Postage
10/29/09	\$1,000.00	Postmaster	Postage
Total	\$19,034.45	--	--

Failure to Keep and Preserve Detailed Records of Cash Contributions

42. For calendar year 2009, a total of \$97,631.64 in receipts was deposited into Lantigua's Campaign Checking Account *****158.

43. Of that \$97,631.64, a total of \$14,672 (15%) of the 2009 receipts constituted cash deposits, as follows:

2009 Cash Deposits			
02/13/09	\$100.00	09/15/09	\$60.00
02/18/09	\$780.00	09/15/09	\$150.00
02/26/09	\$390.00	09/15/09	\$50.00
03/18/09	\$1,025.00	09/16/09	\$950.00
04/10/09	\$600.00	09/17/09	\$1,000.00
05/08/09	\$1,447.00	09/18/09	\$1,600.00
05/11/09	\$100.00	10/13/09	\$15.00
06/10/09	\$1,310.00	10/13/09	\$100.00
07/06/09	\$200.00	10/13/09	\$2,515.00
09/15/09	\$550.00	10/29/09	\$450.00
09/15/09	\$100.00	11/03/09	\$1,180.00
		Total	\$14,672.00

44. Lantigua and his Committee failed to keep detailed accounts of any of the twenty-two cash deposits totaling \$14,672 in contributions. Neither Lantigua nor his Committee kept any record of who contributed the cash, how much they contributed, and whether their cash contribution(s) exceeded \$50 for the calendar year.

45. In addition to failing to keep detailed records of cash contributions during 2009, campaign workers kept a guest register book at the entrance to fundraisers for Lantigua. The book noted the name and contact information of attendees, many of whom made cash contributions by placing cash in baskets or jars positioned next to the guest register book. The Committee failed to keep and preserve that book following the 2009 election.

46. Without a detailed account of the cash contributions, OCPF could not review, among other things, whether there were violations of G.L. c. 55, § 7A(a)(1) (limitations on annual aggregate total contributions by an individual to a candidate), § 9 (limitations on annual aggregate cash contributions by an individual to a candidate), and § 18(h)(2) (failure to report contributions in excess of \$50 during a reporting period).

COUNT I

(Violation of G.L. c. 55, § 13: Permitting a Public Employee to Solicit and Receive Campaign Contributions, and Retaining Resulting Contributions)

47. Paragraphs 1-45 are incorporated by reference as if fully set forth herein.

48. G.L. c. 55, § 13 prohibits compensated public employees from directly or indirectly soliciting or receiving contributions for the political campaign purpose of any candidate for public office.

49. 970 CMR 1.04(8) requires Candidates to return or purge contributions that were made in violation of Chapter 55.

50. Lantigua knew that Alarcon was a public employee, and that Alarcon solicited and/or received contributions for Lantigua's political campaign.

51. Lantigua knew that Ortega was a public employee, and that Ortega served as treasurer of Lantigua's Committee.

52. Lantigua violated G.L. c. 55, § 13 by allowing public employees to solicit or receive contributions for his political campaign, and Lantigua violated 970 CMR 1.04(8) by failing to return or purge contributions that were solicited or received by Alarcon or Ortega.

53. The Court should impose a civil penalty or equitable forfeiture on Lantigua for allowing public employees to solicit and receive campaign contributions on his behalf and for failing to return or purge such contributions, in violation of G.L. c. 55, § 13 and 970 CMR 1.04(8).

COUNT II
(Violation of G.L. c. 55, § 9: Receiving Cashier's Checks
and Money Orders in Amounts Over \$50)

54. Paragraphs 1-45 are incorporated by reference as if fully set forth herein.

55. G.L. c. 55, § 9 prohibits candidates or political committees from receiving cashier's checks and money orders in amounts over \$50.

56. Between 2008 and 2010, Lantigua or his Committee received 16 separate cashier's checks and money orders in amounts exceeding \$50.

57. Lantigua violated G.L. c. 55, § 9 by receiving cashier's checks and money orders in amounts over \$50.

58. To the extent that Lantigua or his Committee received cashier's checks and money orders in amounts over \$50, in violation of G.L. c. 55, § 9, it would be inequitable to allow Lantigua to benefit from the contributions.

59. As a result, the Court should order Lantigua and his Committee to disgorge the improper contributions, and to pay a civil penalty or equitable forfeiture.

COUNT III
(Violation of G.L. c. 55, § 8 and/or § 18(h)(8): Receiving Corporate Contributions and/or Failing to Properly Report Liabilities)

60. Paragraphs 1-45 are incorporated by reference as if fully set forth herein.

61. G.L. c. 55, § 8 prohibits business corporations, partnerships and LLC's from contributing any money or other valuable thing for the purpose of aiding, promoting or preventing the nomination or election of any person to public office.

62. G.L. c. 55, § 18(h)(2) requires candidates to report expenditures in excess of \$50, including the amount and value, date and purpose of each such expenditure.

63. Between 2008 and 2010, Lantigua or his Committee either received unlawful in-kind contributions from various businesses, or failed to timely report the matters as expenditures or unpaid liabilities.

64. Lantigua violated G.L. c. 55, § 8 by receiving unlawful corporate or other business contributions and/or violated G.L. c. 55, § 18(h)(2) by failing to properly report liabilities.

65. The Court should impose a civil penalty or equitable forfeiture on Lantigua for receiving corporate contributions and/or failing to properly report liabilities.

COUNT IV
(Violation of G.L. c. 55, § 18: Failing to File Timely Campaign Finance Reports)

66. Paragraphs 1-45 are incorporated by reference as if fully set forth herein.

67. G.L. c. 55, § 18 requires the Candidate and/or his Committee to periodically file reports of contributions and expenditures made during specified reporting periods.

68. G.L. c. 55, § 3 mandates a payment of \$10 per day as a penalty for each day a report was late prior to January 1, 2010, up to a maximum of \$2,500 for each report, and \$25 per day as a penalty for each day a report was late beginning on January 1, 2010, up to a maximum of \$5,000 for each report. The candidate must pay the amount personally. G.L. c. 55, § 3.

69. Lantigua violated G.L. c. 55, § 18 by failing to timely file reports of contributions and expenditures.

70. The Court should impose a civil penalty of \$5,000 on Lantigua for filing on November 18, 2011, approximately 2½ years after the agreed upon May 15, 2009, due date, the report for the period 1/1/09-4/30/09.

71. The Court should impose a civil penalty of \$410 on Lantigua for filing on October 26, 2009, 41 days after the agreed upon September 15, 2009, due date, the report for the period 5/1/09-8/31/09.

72. The Court should impose a civil penalty of \$5,000 on Lantigua for failing to file, as of yet, the electronic report for the full period 1/1/09-12/31/09.

COUNT V
(Violation of G.L. c. 55, § 18(h)(8): Failure to File
Complete Campaign Finance Reports)

73. Paragraphs 1-45 are incorporated by reference as if fully set forth herein.

74. G.L. c. 55, § 18(h)(8) requires the Committee to report the name and address of each person to whom an expenditure over \$50 is made in the reporting period, including the amount and value, date and purpose of each such expenditure.

75. At least nine separate expenditures over \$50 were not reported to OCPF in filings for calendar year 2009.

76. Lantigua violated G.L. c. 55, § 18(h)(8) by failing to report all expenditures over \$50.

77. The Court should impose a civil penalty or equitable forfeiture on Lantigua for failing to report all expenditures over \$50 and thereby failing to file complete campaign finance reports.

COUNT VI
(Violation of G.L. c. 55, §§ 2, 5, and 9: Failure to Keep and Preserve Detailed Records of Cash Contributions)

78. Paragraphs 1-45 are incorporated by reference as if fully set forth herein.

79. G.L. c. 55, § 2 requires the Candidate and his Committee to keep detailed accounts of all contributions received and to preserve these for six years following the date of the relevant election.

80. G.L. c. 55, § 9 prohibits the receipt of cash from any one person or political committee if the aggregate amount contributed in a calendar year exceeds \$50.

81. During 2009, 22 cash deposits totaling \$14,672 in contributions were deposited into Lantigua's campaign checking account, yet no record was kept of who contributed the cash, how much they contributed, or whether the contributors' cash contribution(s) exceeded \$50 for the calendar year.

82. Lantigua violated G.L. c. 55, § 2 by failing to keep records of cash contributions.

83. To the extent that Lantigua or his Committee received cash contributions for which they failed to keep and preserve detailed records, it would be inequitable to allow Lantigua to benefit from the contributions.

84. As a result, the Court should order Lantigua and his Committee to disgorge the undocumented cash contributions, and to pay a civil penalty or equitable forfeiture.

PRAYERS FOR RELIEF

WHEREFORE, the Commonwealth of Massachusetts and Michael J. Sullivan, in his official capacity as Director of the Office of Campaign and Political Finance, respectfully request that this Court:

- A. Order Lantigua to disgorge, by payment to the Commonwealth, certain contributions, in an amount to be determined, that have not been explained or documented as required by law or that are in violation of law;
- B. Order Lantigua to pay to the Commonwealth a civil penalty or equitable forfeiture, in an amount to be determined, on account of violations of G.L. c. 55;
- C. Order Lantigua to pay the costs of OCPF's and the Office of the Attorney General's investigation;
- D. Order Lantigua and his Committee to comply with all applicable sections of Chapter 55 of the Massachusetts General Laws and Chapter 970 of the Code of Massachusetts Regulations; and
- E. Order such other and further relief as may be appropriate.

Respectfully submitted,

COMMONWEALTH OF MASSACHUSETTS
and
DIRECTOR OF THE OFFICE OF CAMPAIGN
AND POLITICAL FINANCE,

By their attorney,

MARTHA COAKLEY
ATTORNEY GENERAL



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Dated: August 27, 2013