

Commonwealth of Massachusetts
Office of Campaign and Political Finance

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OCPF, Sen. Barrios sign disposition agreement concerning reporting of expenditures

The Office of Campaign and Political Finance announced today that it has entered into a disposition agreement with state Sen. Jarrett T. Barrios of Cambridge and his campaign committee regarding disclosure of expenditures made during his campaign for election in the Middlesex, Suffolk and Essex Senate District in 2002.

The agreement concerned the Barrios Committee's delay in reporting approximately \$70,000 in expenditures in the pre-primary period, which was Jan. 1 through Aug. 30, 2002.

The Committee's original pre-primary report, filed on the Sept. 9 due date, disclosed total expenditures of \$236,090.37 during the reporting period. On October 28, 2002, however, the Committee, on its own initiative, filed an amended pre-primary report disclosing an additional \$70,100.86 in expenditures for the reporting period, bringing the total actually spent in the period to \$306,191.23.

After receiving the amended report, OCPF contacted the Committee and requested records relating to the expenditures that were omitted from the original pre-primary report and an explanation of the original underreporting and the subsequent amendment. The Committee provided the requested records and an explanation of its accounting procedures and cause of the underreporting. The agreement states the omission of the full expenditure information was the result of a breakdown in the Committee's accounting procedure for the reporting of expenditure information to OCPF.

After a review of the Committee's reporting activities for the pre-primary reporting period, OCPF concluded that while the Committee's records substantially complied with recordkeeping requirements, the Committee did not comply with the campaign finance law by not disclosing \$70,100.86 in expenditures at the time the pre-primary report was due.

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The agreement included a payment by the Committee for the delayed disclosure. M.G.L. c. 55, §3 requires OCPF to assess a civil penalty of \$10 per day for any required report that is filed later than the prescribed date. Because the Committee did not file either an electronic or paper report providing complete disclosure of its campaign finance activity during the pre-primary reporting period until 49 days after the statutory due date, OCPF assessed a civil penalty of \$980 upon the Committee. In the agreement, the Committee paid \$490 of the penalty to the Commonwealth and OCPF suspended the remaining payment of \$490 on the condition of future compliance. The Committee agreed to retain an independent certified public accountant to review all campaign finance reports due to be filed with OCPF through January 20, 2005, and also agreed to provide OCPF with copies of all relevant bank statements of the Committee's campaign account for each reporting period.

OCPF agreed not to refer the matter to the Attorney General for further action.

The agreement was signed by OCPF Director Michael J. Sullivan, Barrios and Glen A. Tagliamonte, the committee treasurer.

A copy of the agreement, and all reports filed by the Barrios Committee, are available at OCPF's office at One Ashburton Place, Room 411, Boston. The Committee's reports may also be viewed online on OCPF's electronic filing system at www.mass.gov/ocpf.

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