

*Commonwealth of Massachusetts*  
*Office of Campaign and Political Finance*

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**OCPF, Sheriff Bretschneider sign disposition agreement  
concerning campaign finance violations**

The Office of Campaign and Political Finance announced today that it has entered into a disposition agreement with Nantucket County Sheriff Richard M. Bretschneider regarding violations of the campaign finance law in 2004, including failing to disclose expenditures in a timely manner, using public employees in fundraising and receiving political contributions in a government building.

According to the agreement, Bretschneider spent more than \$12,000 during his successful campaign for re-election, but in a manner that did not provide the required timely public disclosure.

M.G.L. Chapter 55, Section 19 requires candidates for county office to disclose campaign finance activity by means of regular reports filed by their depository banks, showing all receipts to and expenditures from their accounts. The reports are filed monthly and, in the second half of an election year, twice a month. The campaign finance law also requires that all expenditures exceeding \$50 to promote candidates for county office, including sheriff, be made by special depository check. Like most depository candidates, Bretschneider had previously signed an affidavit stating he would have no activity outside of his depository account.

The Bretschneider Committee's appointed depository bank's campaign finance reports did not reflect any expenditures through the report period ending September 15, 2004, though there was visible activity in Nantucket to raise money and promote the candidate's re-election in the September 14 primary election. The committee's activity included, at a minimum, mailings, lawn signs, ballot stickers for his write-in candidacy in the primary, and newspaper ads.

In the course of OCPF's review, Bretschneider acknowledged that he personally made \$12,343 in expenditures outside of the depository disclosure system to promote his campaign. Nearly all of the expenditures were paid for by Bretschneider using checks drawn on one of three accounts that contained his personal funds. In one instance, a personal credit card was used.

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As a result of the financial activity outside of the committee's appointed depository bank, the public and OCPF did not have disclosure regarding the campaign's expenditures until after the relevant election.

The issue of solicitation using public employees stems from one of the expenditures that was not originally disclosed: a mailing in July 2004 that solicited contributions from about 6,000 recipients. The pre-printed reply card included the names of approximately 33 supporters, including the Nantucket Police Department and four public employees. The inclusion of a list referencing public employee supporters with a solicitation for political contributions was not consistent with M.G.L. Chapter 55, Section 13, which prohibits compensated, appointed public employees from soliciting or receiving political contributions and also prohibits political committees from using their names for such purposes. Bretschneider provided copies of nine completed contribution reply cards that he received in response to the mailing, representing a total of \$3,050 in contributions.

The evidence of receipt of contributions in a public building arose in response to a follow-up request by OCPF as to whether Bretschneider or his committee received or retained any more reply cards. OCPF learned that some contributors brought their checks to Bretschneider at his office, which is located on the second floor of Nantucket Town Hall. M.G.L. Chapter 55, Section 14 prohibits the solicitation or receipt of political contributions by any person in "any building or part thereof occupied for state, county or municipal purposes." The receipt of political contributions in the sheriff's office did not comply with this provision.

In the agreement, Bretschneider agreed to pay a civil forfeiture of \$15,000 from his personal funds to the Commonwealth. OCPF agreed to suspend the payment of half of that amount provided Bretschneider and the committee comply with the agreement and the campaign finance law through the next election in which his name appears on the ballot for a state or county office. (The next scheduled election for county sheriff is in 2010.) Of the remaining \$7,500, Bretschneider paid \$1,500 upon execution of the agreement and agreed to pay the rest over the next two years.

Bretschneider also agreed that all future campaign finance activity by his committee will be made through his depository account. OCPF agreed not to refer Bretschneider or the committee to the Attorney General for any violations referenced in the agreement.

The agreement was signed by Bretschneider, committee treasurer Elizabeth Bretschneider and OCPF Director Michael J. Sullivan. Copies are available from OCPF.

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