



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF CAMPAIGN & POLITICAL FINANCE

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November 6, 2020

Richard O'Brien
Gator Auto Parts, Inc.
111 Stow Street
Acton, MA 01720

Re: CPF 20-87

Dear Mr. O'Brien:

This office has completed its review of a complaint received regarding the use of two vans, each with campaign signs affixed, supporting candidates prior to the June 29, 2020 municipal election in Lancaster. The candidates supported were Stanley Starr (for Selectman) and Francis Sullivan (for Planning Board). The vans, with signage, were parked in Lancaster for approximately one month prior to the election.

Based on this review, we have determined that, as discussed below, you did not comply with the disclosure requirements of the Massachusetts Campaign Finance Law, M.G.L. c. 55, that apply to independent expenditures.

Independent expenditures are defined, in part, as expenditures that expressly advocate the election of a candidate not made in consultation or cooperation with a candidate or the candidate's committee. See M.G.L. c. 55, § 18A. Independent expenditures are not subject to contribution limits, but they must be disclosed in a timely manner. Section 18A requires individuals, or other entities making an independent expenditure exceeding \$250 in a calendar year to disclose the expenditure within seven business days of when the goods or services are utilized.¹ Reports of independent expenditures made to support or oppose municipal candidates must be filed with the local election official. Since the vans were utilized beginning June 1, 2020, the Independent Expenditure Report should have been filed by June 10, 2020.

Once contacted by OCPF, you acknowledged that you were solely responsible for the vans and the campaign signs and you affirmed that it was done without coordinating with Starr or Sullivan. Additionally, you stated that you were not aware of the campaign finance law and the disclosure requirement associated with this type of activity. Once you were informed of the

¹ If the goods or services are utilized after the 10th day, but more than 24 hours before the date of any election, a report must be filed within 24 hours of utilization. See M.G.L. c. 55, §§ 1 and 18A.

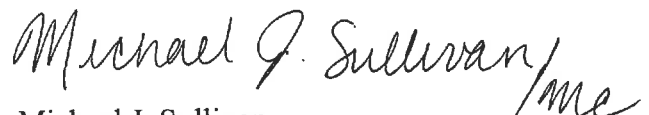
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requirement, however, you promptly filed the Independent Expenditure Report (Form CPF M 18A) with the Lancaster Town Clerk. The report was filed on October 13, 2020 and it disclosed that the total cost associated with the vans and signs supporting Starr and Sullivan was \$2,250.

As noted above, the disclosure report was not filed in a timely manner. To resolve this matter, you have made a \$250 payment to the Commonwealth. Additionally, because you have cooperated fully with our review, and have taken the appropriate remedial action, including filing the required report, we have concluded that this matter may be closed at this time. We anticipate that our guidance will ensure future compliance with the campaign finance law.

In accordance with the opinion of the Supervisor of Public Records this letter is a public record. A copy is being provided to the person(s) who brought this matter to our attention. If you have any questions regarding this letter or any other campaign finance matter, please do not hesitate to contact this office.

Sincerely,


Michael J. Sullivan
Director Pro Tem

cc: Dianne Reardon, Lancaster Town Clerk

MJS/mj