



## Summary of Final Board Determination

### **Dawn R. Simmons**

**Candidate, 2017A, City Council District 9**

**Program participant: \$0 public funds received**

#### **1. Submission of false or fictitious information \$2,500**

“The intentional or knowing furnishing of any false or fictitious evidence, books or information to the board . . . or the inclusion in any evidence, books, or information so furnished of a misrepresentation of a material fact, or the falsifying or concealment of any evidence, books, or information” shall subject the Campaign to penalties and the recovery of any public funds obtained. *See* Admin. Code § 3-711(3). Any candidate who violates any provision of the Campaign Finance Act or Board rules is subject to a civil penalty not exceeding \$10,000 per violation. *See* Admin. Code § 3-711(1).

The following constitute a “fundamental breach of the obligations affirmed and accepted by the participant or limited participant in the certification”: “(a) submission of a disclosure statement which the participant knew or should have known includes substantial fraudulent matchable contribution claims; [and] . . . (e) submission of substantial information which the participant . . . knew or should have known was false, or the submission of substantial documentation which the participant . . . knew or should have known was fabricated or falsified, which would avoid a finding of violation or public funds repayment determination.”

Board Rule 2-02.

In January 2017, CFB staff identified several cash contribution cards submitted by the Campaign that contained shared handwriting and similar signatures, as well as several cards containing white-out and altered amounts. CFB staff reviewed all of the Campaign’s cash contribution cards and identified several groups of cards with handwriting commonalities and/or signature discrepancies, including highly similar signatures or nondescript signatures.

Based on these irregularities in documentation, CFB staff contacted many of the Campaign’s reported cash contributors. Of the 212 cash contributions reported by the Campaign, CFB staff was able to reach the reported contributors for 52 contributions (24.5%) by phone and mail. Of these contributors, 25 (48%) denied having made the contribution, and two were unsure whether they had contributed.

While most of the reported contributors who denied making a contribution stated that they had never heard of the Campaign, a number of them stated that they had been contacted over the phone by an individual soliciting contributions for the Campaign. When they indicated that they did not wish to make a contribution, the solicitor said that they would not need to contribute funds, but could instead give permission for a contribution card to be signed on their behalf. A number of reported contributors assented, and contributions were reported by the Campaign in their names.



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As a result of the discrepancies in submitted documentation, the large number of denials by reported contributors, and contributor reports of improper activity by individuals soliciting contributions for the Campaign, the Board determined that the Campaign's reporting of cash contributions could not be relied upon. Therefore, matching claims for all of the Campaign's cash contributions were deemed invalid, except for those explicitly affirmed by the contributor.

The Board determined that this violation and penalty should be assessed because the Campaign should have known that the purported contributions were not legitimate.

The Board assessed a penalty of \$2,500 for this violation. It also determined that the violation constitutes a breach of the Candidate's certification.

### **2. Failing to demonstrate compliance with intermediary reporting and documentation requirements \$100**

Campaigns are required to report the intermediary for each contribution that was delivered or solicited by an intermediary. In addition, campaigns are required to provide a signed intermediary affirmation statement for each intermediated contribution. *See* Admin. Code §§ 3-702(12), 3-703(1)(d), (g), (6), (11); Board Rules 3-03(c)(7), 4-01(b)(5).

The Campaign stated that several of the contributions described in Violation #1 were intermediated by an individual. However, the Campaign did not report him as an intermediary or report the contributions in question as having been intermediated, nor did it submit an intermediary statement for him.

The Board assessed a penalty of \$100 for this violation.