



THE COMMONWEALTH OF MASSACHUSETTS  
OFFICE OF CAMPAIGN & POLITICAL FINANCE

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April 19, 2024

Christopher Flanagan  
Flanagan Committee  
c/o Thomas Kiley, Esq.  
22 Ferncliff Road  
Dennis Port, MA 02639

Re: Flanagan Committee and Conservatives for Dennis - CPF-22-75

Dear Representative Flanagan:

This office has completed its review of a complaint we received concerning a mailer that was sent by “Conservatives for Dennis” (the “mailer”) to residents in the town of Dennis, Massachusetts in support of the Flanagan Committee (the “Committee”) prior to your 2022 race for State Representative in the 1<sup>st</sup> Barnstable District. No disclosure for this mailer was filed with OCPF. OCPF also conducted a review of the Committee’s financial activity from January 2021 to the present. As a result of this extensive review, OCPF has concluded that you and your Committee did not comply with M.G.L. c. 55, the Massachusetts campaign finance law.

1. Relevant Sections of the Campaign Finance Law

The campaign finance law allows committees to make expenditures “for the enhancement of the political future of the candidate . . . so long as such expenditure is not primarily for the candidate’s or any other person’s personal use.” See M.G.L. c. 55, § 6. When raising or spending money the Committee is required to accurately and timely disclose all contributions received, expenditures made, and liabilities incurred. See M.G.L. c. 55, § 18 & 19. This includes the filing of subvendor reports for payments made or liabilities incurred to vendors where the committee paid or owes \$5,000 or more to the vendor and where a subvendor received payment of \$500 or more from the vendor. See M.G.L. c. 55, § 18D.

Separately, candidates and committees are prohibited from accepting cash contributions in excess of \$50 or cashier’s check in excess of \$100 in a calendar year from any individual contributor. Finally, “[a] candidate shall be deemed to have committed a corrupt practice [by]...[m]aking or permitting any person or non-elected political committee authorized by him to make a false return in any statement filed under sections eighteen, nineteen, and twenty-four by him or on his behalf.” See M.G.L. c. 55, § 32. Thus, a committee cannot file false statements in



regard to any of their filings as required by Sections 18 or 19 of the Massachusetts campaign finance law.

## 2. The Mailer

After the November 8, 2022 election, OCPF received a complaint regarding a mailer in the town of Dennis that was sent before that election. The mailer encouraged voters to support you in the upcoming race for State Representative in the 1<sup>st</sup> Barnstable District. It purported to be from a group called “Conservatives for Dennis”, but no disclosure was filed with OCPF by any group of that name. OCPF obtained a copy of the mailer and determined that Reynolds DeWalt Corporation (“Reynolds”) of New Bedford, Massachusetts printed the mailer. No disclosure of an expenditure to Reynolds had been made to OCPF by any committee or group in relation to this mailer.

OCPF obtained the customer intake form for the “Conservatives for Dennis” mailer from Reynolds. The form provided OCPF with two new pieces of information. First, Reynolds was a subvendor on this mailer for Bergmann Zwerdling Direct (“BZD”), a direct mail firm located in Washington, D.C. Second, the intake form listed the customer as Jeanne Louise. Reynolds staff relayed that nobody had spoken directly with Jeanne Louise, rather they had only worked with the intermediate vendor, BZD. Furthermore, OCPF noted that the Committee had previously disclosed expenditures to BZD but reported that BZD did not use subvendors.

This created the first discrepancy. On the one hand, OCPF had a primary source document showing that BZD used Reynolds as a subvendor for mailers. However, previous to this review, you had forwarded OCPF an email, purporting to be from a BZD employee, that claimed BZD did not use subvendors. OCPF next reached out to you to better understand this discrepancy.

After noting this inconsistency, OCPF made multiple attempts to contact you both by emails and phone calls. You did not respond to any request to discuss the mailer with OCPF’s legal team until OCPF notified you via email that a continued lack of response would leave OCPF no alternative but to begin the process of referring the Committee to the Attorney General’s office. You responded to that email the same day.

In OCPF’s initial phone conversations with you, you repeatedly claimed that you had no knowledge of the mailer and believed that BZD did not use any subvendors for their work. You also alleged that the Committee had been erroneously charged for the mailer by BZD as it was in support of your campaign but that your Committee did not pay the bill because you had no knowledge of or involvement with the mailer. At the same time, OCPF spoke with representatives from BZD, who relayed that the Committee had never been charged for the mailer and that BZD did use subvendors that met the criteria for requiring a subvendor report.

At this point in the review, OCPF believed there were significant discrepancies between the version of events from you and the version of events from all other groups, including BZD

and Reynolds. These other groups also had substantial supporting documents that corroborated their assertions.

BZD outlined to OCPF, and provided relevant emails and text messages, that they had significant, direct involvement with the Committee before the November 2022 election. This activity included four mailers and several other pieces of material for the campaign. In the weeks before the November 2022 election, you spoke with staff at BZD about a group of supporters who wanted to do a mailer “separate from the campaign” to support you. BZD’s representatives stated that you put BZD in touch with a Jeanne Louise, via email. BZD and Jeanne Louise then had extensive conversations by email regarding the mailer.

With this new information, OCPF again attempted to contact you regarding the significant discrepancy between your version of events and the version supported by third parties and documentation. You again did not respond to OCPF’s multiple attempts to reach you until OCPF served you with a summons on October 3, 2023. Within an hour of OCPF sending the summons, you contacted OCPF and said that you wanted to cooperate with the review and wished to meet. Throughout this process, OCPF had done extensive research to attempt to identify Jeanne Louise, as OCPF had been unable to contact her via the proffered email and the telephone number associated with her BZD account was out of service. OCPF hoped that this meeting with you would help identify Jeanne Louise, as you had put her in contact with BZD.

During the meeting, you told OCPF’s General Counsel and myself that you met Jeanne Louise in August of 2022 at a public event. You claimed that Jeanne Louise approached you at this event about her desire to support several candidates, including yourself. During this meeting, you went so far as to describe the woman’s physical characteristics. However, you claimed that you did not know Jeanne Louise’s last name, had never met her before the August event and had no additional information about her. You also claimed that you did not respond to BZD regarding Jeanne Louise’s nonpayment because you did not want to get involved. You were unable to provide any emails, texts, or phone logs of communications with Jeanne Louise.

Jeanne Louise’s identity was clarified to OCPF the following day. When directly asked by OCPF, you, through your counsel, told OCPF that Jeanne Louise did not exist. You had fabricated her existence from the start. The communications between BZD and “Jeanne Louise” about the mailer were from you using an alias email address. The previous day’s meeting, when you made statements to OCPF’s General Counsel and myself that you had met Jeanne Louise in August of 2022, described her physical characteristics, and working relationship with her, were all not true.

Over several conversations in the months after the fabrication was uncovered, your attorney asserted that you never intended the mailer to go out because you never prepaid for the mailer and did not believe that BZD would allow a mailer to be sent without payment.

### 3. The Committee's Financial Activity and Campaign Finance Reports

Upon learning that you had created the Jeanne Louise alias with the goal of concealing your involvement in the mailer, OCPF commenced a broader investigation into the Committee's activity.

#### A. Subvendor Reports

OCPF reviewed the discrepancy of the use of subvendors by BZD. On March 27, 2023, you had forwarded to OCPF an email, claiming to be from a BZD employee, stating that BZD had not used subvendors. However, OCPF knew, through conversations with and documentation from BZD and Reynolds, that BZD had used Reynolds as a subvendor. OCPF asked BZD if they had sent the email to you that you subsequently had filed with OCPF. BZD confirmed that they never sent that email. Thus, OCPF determined that you fabricated the BZD email and allowed it to be published as a response to a subvendor request on your Committee's campaign finance page. This fabrication significantly frustrated the public disclosure of the underlying events in this case and hampered OCPF's investigation because it hid Reynolds' connection to the Committee.

OCPF then reviewed your previous responses to OCPF's subvendor information requests and found that that you had fabricated another email. Your email to OCPF on May 14, 2023, allegedly forwarding a response from Joseph Manning of Fulcrum East, included almost verbatim language matching your previous response to the subvendor information request for BZD. OCPF spoke with Joseph Manning and he confirmed that he never sent the email that you filed with OCPF.

Your fabricated BZD subvendor responses and the subsequent fabricated Fulcrum East response did not comply with Sections 18D and 32. See M.G.L. c. 55, §§ 18D & 32. At every stage, Fulcrum East, BZD and Reynolds fully cooperated with OCPF's review.

#### B. Excess Contributions

As part of OCPF's review, OCPF obtained the Committee's bank records. These records revealed that the Committee received four excess cash/cashier's check contributions. First, on February 2, 2023, the Committee deposited a \$10,000 cashier's check, purportedly from you, which you reported as a loan to the Committee. This check was in excess of the \$100 limit, resulting in an excess cashier's check contribution in the amount of \$9,900. Second, the Committee deposited three cash contributions, which resulted in excess cash contributions in the total amount of \$680. In total, the Committee received \$10,580 in excess contributions in 2022 and 2023, all of which were reported by the Committee as the tender type "check." The receipt of these contributions did not comply with Section 9. See M.G.L. c. 55, § 9.

### C. Liabilities

Finally, the Committee failed to report liabilities incurred. The mailer, previously thought to be a third-party expense by the fictitious Jeanne Louise, was actually a Committee liability, as you incurred the expense on behalf of your Committee when you held yourself out as Jeanne Louise. OCPF's review also uncovered a liability to Fulcrum East for services provided to your Committee. Neither liability was properly nor timely reported by the Committee in its 2022 year-end report. Again, had the Committee properly reported the liability to BZD, the public would have more easily understood who paid for the mailer because the Committee would have reported its outstanding liability to BZD and identified it as being for the "Conservatives for Dennis" mailer. This lack of disclosure and inaccurate reporting did not comply with Sections 18 and 19. See M.G.L. c. 55, §§ 18 & 19.

#### 4. Resolution

As outlined above, after extensive efforts OCPF's review eventually revealed that you created an alias, "Jeanne Louise", to conceal your financial role in the creation of the mailer in support of your election. Furthermore, you fabricated emails to avoid filing the necessary subvendor reports that would have disclosed your Committee's connection to the mailer. For months, you did not cooperate with the review by being nonresponsive to requests for information and denied your involvement with the mailer, which delayed and obstructed OCPF's investigation.

OCPF concluded that your intent was to influence the election without disclosing to the public who planned and financed the mailer. Given the balance of interests, particularly timely disclosure of the violations outlined above, OCPF believes that the following resolution is in the best interest of the public. This does not take away from OCPF's conclusion that your non-disclosure did not comply with the campaign finance law at its most fundamental level.

In January 2024, the Committee amended its 2022 year-end report to include the BZD liability for the "Conservatives for Dennis" mailer in the amount of \$5,132.88. The Committee also reported the Fulcrum East liability at that time. On March 15, 2024, the Committee purged \$10,580, by making a charitable contribution for the excess cashier's check and cash contributions.

On April 18, 2024, the Committee filed a subvendor report to disclose Reynolds as a subvendor with respect to the Committee's expenditures and liabilities to BZD. On that date, your Committee also paid a penalty of \$6,000 and you agreed to personally pay a penalty to the Commonwealth of \$9,000 by April 26, 2024. This resulted in a total penalty payment of \$15,000. Finally, you forgave all outstanding loans that your Committee owed to you, totaling \$13,992.89. In total, between the penalty payment to the Commonwealth, the purge to charity, and the loan forgiveness, you and the Committee paid \$39,572.89.

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In accordance with a ruling by the Supervisor of Public Records, this letter and all related correspondence is a matter of public record. As such, it will be placed in the Committee's public file. If you have any questions regarding this or any other campaign finance matter do not hesitate to contact this office.

Sincerely,

A handwritten signature in black ink that reads "William C. Campbell". The signature is written in a cursive style with a large, looping initial "W".

William C. Campbell  
Director

cc: Thomas Flanagan, Treasurer  
Flanagan Committee

WCC/ef