

STATE OF RHODE ISLAND BOARD OF ELECTIONS

CAMPAIGN FINANCE AUDIT

DIANA GARLINGTON

CAMPAIGN FINANCE AUDIT



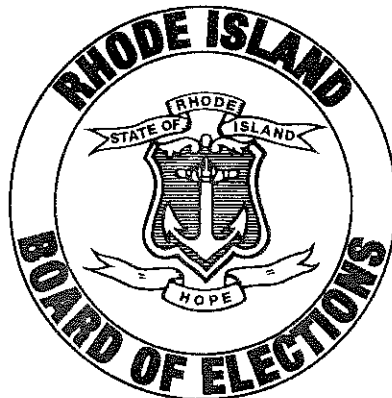
Audit Conducted By: Richard E. Thornton, Director of Campaign Finance

STATE OF RHODE ISLAND
BOARD OF ELECTIONS

Diane C. Mederos, Chairwoman
William West
Marcela Betancur
David H. Sholes
Jennifer L. Johnson
Louis A. DeSimone, Jr.

Robert Rapoza
Executive Director

Richard E. Thornton
Director of Campaign Finance



2000 Plainfield Pike
Cranston, Rhode Island 02921
(401) 222-2345 (401) 222-4424 FAX

www.elections.ri.gov
Email: campaign.finance@elections.ri.gov

Diana Garlington

TABLE OF CONTENTS

Introduction	4
Scope	5
Methodology	5
History	5
Findings.....	5
Summary	6
Auditee Response	7
Action.....	7

Diana Garlington

INTRODUCTION

Audit Authority

Pursuant to Rhode Island General Law §17-25-5(a)(8), the Board of Elections is authorized to perform any duties that are necessary to implement the provisions of Chapter 25 of Title 17. Without limiting the generality of this provision, the Board is authorized and empowered to: Conduct compliance reviews and audits of campaign accounts as necessary, and in a manner consistent with the provisions of Chapter 25, Title 17.

Audit Purpose

Campaign Finance audits assist the Board of Elections with enforcement of campaign finance laws, provides a tool to evaluate the effectiveness of those laws and the campaign finance reporting process, verifies the accuracy and propriety of campaign finance receipts and validity and legality of campaign finance expenses and helps provide timely and accurate information to the public.

Campaign Finance audits assist and encourage candidate compliance with campaign finance reporting laws and promotes candidate accountability and integrity.

Diana Garlington

Scope: Review campaign finance reports and supporting documentation for the period June 1, 2022 through March 31, 2023.

Methodology: Review Contributions:

- Compare contributions received to bank statement deposits
- Compare contributions received to contributions reported on campaign finance reports
- Verify there are no prohibited contributions
- Verify contributions do not exceed aggregate annual limit

Review Expenditures:

- Compare expenditures made to bank statement checks/debits
- Compare expenditures made to expenditures reported on campaign finance reports
- Verify there are no prohibited uses of campaign funds
- Verify campaign expenditures are valid and legal.

History: Diana Garlington (“Garlington”), a Democrat, ran unsuccessfully for State Representative – District 5 in 2022.

In May 2023, the Board initiated an audit of Garlington’s campaign finances pursuant to R.I.G.L. §17-25-5(a), due to her failure to file three (3) campaign finance reports, pursuant to R.I.G.L. §17-25-11, and her failure to submit a copy of her December 2022 campaign bank account statement pursuant to R.I.G.L. §17-25-11(c)(2).

On June 5, 2023, the Board received via subpoena served upon the bank of Garlington’s campaign account, campaign depository account bank statements, bank deposits, and checks/money orders deposited into and checks written from the account, for the period June 1, 2022 through March 31, 2023.

On June 6, 2023, the Board received voluntarily from Garlington, ActBlue statements for July 2022 through October 2022.

Findings: The following are Findings of campaign finance violations discovered during the Audit Review of campaign finances, campaign bank account and supporting documentation for Garlington:

Diana Garlington

Contributions:

Total contributions received during 2022: \$6,280.01

- Contributions (24) not reported: \$1,527.00

Expenditures:

Total expenditures made during 2022: \$3,241.03

- Expenditures (48) not reported: \$599.79
- Expenditure (1) reported inaccurately or incompletely: \$42.70
- Expenditures (2) not validated as campaign-related: \$30.00

Other:

Campaign Finance reports that were not filed:

- 2022 28 Days After Primary
- 2022 On-Going Qrtly (4th)
- 2023 On-Going Qrtly (1st)

Summary: The Audit Review of Garlington's campaign finances, campaign bank account and supporting documentation for the period June 1, 2022 through March 31, 2023 demonstrates:

- Contributions totaling \$1,527.00 were disclosed on campaign bank account statements or ActBlue statements, but not disclosed on campaign finance reports, in violation of R.I.G.L. § § 17-25-7 and 17-25-11;
- Expenditures totaling \$599.79 were disclosed on campaign bank account statements or ActBlue statements, but not disclosed on campaign finance reports, in violation of R.I.G.L. § § 17-25-7 and 17-25-11;
- Expenditure totaling \$42.70 was disclosed on campaign bank account statements, but disclosed inaccurately on a campaign finance report, violation of R.I.G.L. § § 17-25-7 and 17-25-11;
- Three (3) campaign finance reports were not filed, in violation of R.I.G.L. § 17-25-11;
- Expenses that could not be validated as campaign-related totaling \$30.00 were paid from the campaign bank account, in violation of R.I.G.L. §17-25-7.2; and
- A copy of the December 2022 campaign bank account statement was not submitted, in violation of R.I.G.L. §17-25-11(c)(2).

Diana Garlington

Auditee Response:

Garlington relied on her campaign manager to file her campaign finance reports. After she lost the primary election, she was unsuccessful reaching her campaign manager. Garlington changed her email and phone number, so she was not receiving all the communications sent by the Campaign Finance Division.

Action:

Consent Order (follows)

State of Rhode Island
Board of Elections

CONSENT ORDER

In Re: Diana Garlington

Diana Garlington (“Garlington”) hereby agrees to the entry of this Order and to each term and condition set forth herein:

1. At all times relevant hereto, Garlington has been subject to the reporting requirements set forth in Title 17, Chapter 25 of the General Laws, pertaining to campaign contributions and expenditures.
2. In May 2023, the Board of Elections (“Board”) initiated an audit of the campaign account of Garlington pursuant to R.I.G.L. §17-25-5(a), due to her failure to file three (3) campaign finance reports, pursuant to R.I.G.L. §17-25-11, and her failure to submit a copy of her December 2022 campaign bank account statement pursuant to R.I.G.L. §17-25-11(c)(2).
3. The Board conducted a full review of campaign finance reports, supporting documentation, bank records and ActBlue statements to verify the accuracy and propriety of campaign receipts and expenditures for the period June 1, 2022 through March 31, 2023. The review determined the following:
 - Contributions totaling \$1,527.00 were disclosed on campaign bank account statements or ActBlue statements, but not disclosed on campaign finance reports, in violation of R.I.G.L. § § 17-25-7 and 17-25-11;
 - Expenditures totaling \$599.79 were disclosed on campaign bank account statements or ActBlue statements, but not disclosed on campaign finance reports, in violation of R.I.G.L. § § 17-25-7 and 17-25-11;
 - Expenditure totaling \$42.70 was disclosed on campaign bank account statements, but disclosed inaccurately on a campaign finance report, violation of R.I.G.L. § § 17-25-7 and 17-25-11;
 - Three (3) campaign finance reports were not filed, in violation of R.I.G.L. § 17-25-11; and
 - Expenses totaling \$30.00 were paid from the campaign bank account, but could not be validated as campaign-related, in violation of R.I.G.L. §17-25-7.2.

- A copy of the December 2022 campaign bank account statement was not submitted, in violation of R.I.G.L. §17-25-11(c)(2).
4. Garlington hereby acknowledges that she violated the provisions of Title 17, Chapter 25, as summarized in Paragraph 3. Garlington's campaign finance reporting is now complete and accurate through 2023 1st quarter.
 5. Garlington hereby waives her right to any further hearing before the Board, and her right to bring any legal challenge before any state or federal court and expressly consents to a finding by the Board that her actions, as more fully described in Section 3, violate the reporting and compliance requirements of Title 17, Chapter 25.
 6. Garlington further consents to the entry of this Order and the imposition of a fine by the Board pursuant to R.I.G.L. §17-25-13(b), in the amount of \$500.00 to be paid personally by her; consents to a forfeiture of campaign funds to the State of RI for unreported contributions pursuant to R.I.G.L. §17-25-16(a), in the amount of \$1,527.00; and consents to a reimbursement to her campaign account for campaign funds expended for use that could not be validated as campaign-related, in the amount of \$30.00.
 7. Garlington hereby agrees to the following schedule for forfeiture, reimbursement and fine payments:
 - \$1,527.00 forfeiture from the Friends of Diana Garlington campaign account within thirty (30) days of the execution of this Consent Order;
 - \$30.00 reimbursement to the Friends of Diana Garlington campaign account from her personal funds within thirty (30) days of the execution of this Consent Order; and
 - \$500.00 fine to be paid personally by Diana Garlington by September 30, 2023.
 8. Garlington agrees to make the forfeiture and fine payments described above on or before the Due Date. In the event Garlington fails to make a payment by the corresponding Due Date, the Board shall notify Garlington both by U.S. Mail First Class and electronically at the residence and email address set forth in her Notice of Organization ("Delinquency Notice"). Garlington shall be afforded ten (10) calendar days from the date of the Delinquency Notice to make the overdue payment. In the event the aforesaid payment is not made within the ten (10) day notice period, Garlington agrees that any unpaid portion of the fine shall double, which shall immediately become due and payable to the Board and that the Board shall refer the unpaid debt to the Department of Revenue-Central Collections Unit for collection. Garlington consents to the personal jurisdiction and entry of this Order as a final judgment and waives any and all defenses that she may have to its enforcement.

The fine contained herein relates only to the violations identified in this Order and do not cover any violations not listed.

I, Diana Garlington, agree to each and every term set forth above and further agree to the entry of this Order.

Diana Garlington
Diana Garlington

6/8/2023
Date

So entered this 10th day of July, 2023.

Diane Mederos
Diane Mederos, Chairwoman