

James P. Pierson v Gary P. Cote

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

COMPLAINT

On November 30, 2017, James P. Pierson ("Pierson") filed a complaint against Gary P. Cote ("Cote"), alleging violations of RI campaign finance law, specifically, violation of RI General Law 17-25-10.1 (x):

1. On September 14, 2017, Cote held a fundraiser for which the requested donation was advertised as \$35.00.
2. On October 31, 2017, Cote filed his 2017 On-Going Quarterly (3rd) report and disclosed two separate entries for Aggregate Cash contributions; one for \$1,290.00 and the other for \$1,485.00;
3. Per RI General Law 17-25-10.1 (X), campaigns may accept cash contributions that do not exceed \$25.00 in the aggregate from an individual in a calendar year.
4. Since Cote's fundraiser donations were advertised as \$35.00 per individual, and no contributions were reported from other sources according to Cote's On-Going Quarterly (3rd) campaign finance report, it appeared Cote accepted cash contributions from individuals in excess of the annual allowable limit of \$25.00.

INVESTIGATION

On November 30, 2017, Director of Campaign Finance, Richard E. Thornton ("Thornton") corresponded to Cote by email, first-class mail and certified mail, sending a copy of the Complaint and a request for Cote to examine and respond to the allegation no later than December 13, 2017.

RESPONSE

On December 12, 2017, the Board of Elections received a response from Cote in which he acknowledged as accurate the facts presented in the complaint, and stated he misinterpreted campaign finance law regarding individual contribution limits.

ACTION

On January 10, 2018, Cote, at the direction of Director Thornton, identified all the individuals who donated \$35.00 cash and amended his 2017 On-Going Quarterly (3rd) campaign finance report.

On January 11, 2018, Cote, at the direction of Director Thornton, forfeited \$800.00 from his campaign account, representing the total amount received in excess of the \$25.00 allowable annual cash limit from each individual donor. The expenditure will be reported on Cote's 2018 On-Going Quarterly (1st) report, due by April 30, 2018.

RECOMMENDATION

Pursuant to *Policy on Fines & Penalties For Contributions Made & Received in Excess of the Allowable Annual Contribution Limits*, adopted June 1, 2004, the Board of Elections to issue a warning to Gary Cote against accepting contributions which exceed the allowable annual limits.

On February 27, 2018, the Board voted unanimously to approve the Recommendation.