



THE COMMONWEALTH OF MASSACHUSETTS  
OFFICE OF CAMPAIGN & POLITICAL FINANCE

ONE ASHBURTON PLACE, ROOM 411  
BOSTON, MASSACHUSETTS 02108

MICHAEL J. SULLIVAN  
DIRECTOR

TEL: (617) 979-8300  
(800) 462-OCPF  
FAX: (617) 727-6549

November 20, 2012

Representative Carolyn Dykema  
c/o Louis A. Rizoli, Esq.  
Smith & Ruddock  
Attorneys at Law  
50 Congress Street, Suite 500  
Boston, MA 02109

Re: CPF-12-74

Dear Representative Dykema:

This office has completed its review of a complaint we received alleging that the Dykema Committee (the "Committee") received corporate contributions from local incorporated businesses when those businesses donated gift certificates and merchandise to be distributed as door prizes at Representative Dykema's annual senior picnic.

Section 8 of M.G.L. c. 55, the campaign finance law, states, in pertinent part: "...[N]o business or professional corporation, partnership, limited liability company partnership under the laws or doing business in the commonwealth and no officer or agent acting in behalf of any corporation mentioned in this section, shall directly or indirectly give, pay, expend or contribute, or promise to give, pay, expend or contribute, any money or other valuable thing for the purpose of aiding, promoting or preventing the nomination or election of any person to public office, or aiding or promoting or antagonizing the interest of any political party."

In August 2012, the Committee hosted its annual picnic for senior citizens residing in Holliston, Hopkinton, Medway, Southborough, and Westborough.<sup>1</sup> Approximately 125 seniors attended the picnic, at which there were no signs or materials related to fundraising or campaigning. The Committee paid approximately \$1,500.00 for the food, decorations, music, paper goods, cake, and other supplies for the event.

In preparation for the event, members of Representative Dykema's staff contacted local vendors to request donations to be used as door prizes. Each of the vendors contacted had donated door prizes for the picnic in previous years. This year, thirteen local businesses donated merchandise and gift certificates worth approximately \$500.00 in the aggregate; of those thirteen businesses, eleven incorporated entities donated prizes worth approximately \$400.00. These prizes

<sup>1</sup> Local senior centers had started the tradition of a senior picnic approximately twenty years ago, but after the initial picnic the sitting state representative in that district has hosted the picnic each year.



were distributed to the seniors at the event as door prizes; no raffle tickets were sold and no money was raised for the Committee as a result of prizes being distributed at the picnic.<sup>2</sup>

Such corporate donations could be construed as indirectly aiding or promoting a candidacy in violation of §8. We believe, however, that the prizes were donated to benefit the seniors, not to support Representative Dykema's campaign, and that many of the donors have donated similar prizes in the past, regardless of who was hosting the event. Because the donors did not intend to benefit Representative Dykema's campaign, and because the event is a long-standing constituent event that was not political in nature, the office has concluded that no further action is warranted at this time.<sup>3</sup> The office has reached this conclusion in part because the senior picnic was not a fundraising event, and no money was raised for Representative Dykema's campaign at the event or as a result of the event.

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. Thank you for your cooperation in resolving this matter.

Sincerely,



Michael J. Sullivan  
Director

MJS/mc

---

<sup>2</sup> Door prizes may raise issues under Massachusetts gaming or campaign finance laws under certain circumstances. See M-89-01; Office of the Attorney General guidance on raffles (<http://www.mass.gov/ago/doing-business-in-massachusetts/public-charities-or-not-for-profits/soliciting-funds/raffles-and-other-gaming-activity/>). However, because this was a free event and there was no charge to enter the drawing for door prizes, the distribution of door prizes at this event appears to comply with the requirements of Massachusetts law.

<sup>3</sup> To avoid even the appearance of an issue under the campaign finance law, the Committee has indicated it will no longer accept merchandise or gift certificates from any entity subject to the restrictions of §8.