

COPY

**KENTUCKY REGISTRY OF ELECTION FINANCE
CASE NO. 2016-39**

**In re: Matt Teaford, Candidate for Kentucky House of Representatives, District 67, and
Treasurer of the Campaign Fund of Matt Teaford for State Representative,
District 67**

NOTICE

The above-styled case will be heard by the Kentucky Registry of Election Finance (Registry) at its next regular meeting to be held on **Thursday, September 29, 2016, at 10:00 a.m. EDT** in the Registry's office at **140 Walnut Street, Frankfort, Kentucky 40601**. Appearance by Respondent(s) at the Registry's meeting is permitted, but not required. Please contact the Registry's General Counsel if you wish to appear before the Registry at its meeting.

**SUPPLEMENTAL STAFF REPORT
AND RECOMMENDATIONS**

On June 1, 2016, Respondent Matt Teaford (Teaford), Candidate for the Kentucky House of Representatives, District 67, and Treasurer of the Campaign Fund of Matt Teaford for State Representative, District 67 (Teaford Campaign Fund), was sent notice of a Complaint filed by Paul L. Whalen (Whalen), alleging violations of KRS 121.180 and 32 KAR 1:020 based on Teaford's failure to file the 32 Day Pre Election Finance Statement, due to be filed with the Registry by no later than April 20, 2016, via certified mail, return receipt requested. The allegations in Whalen's complaint and Teaford's additional failure to file the 15 Day Pre Election Finance Statement, due to be filed by no later than May 9, 2016, formed the basis of the General Counsel's reason to believe finding that Teaford had violated provisions of the campaign finance law (KRS Chapter 121).¹

¹ See Notice and Staff Report dated June 1, 2016.

As of July 15, 2016, the Notice and Staff Report was returned to the Registry as “Unclaimed.”² On September 6, 2016, the Registry re-mailed the Notice and Staff Report via U.S. Mail, First Class postage pre-paid. This Notice and Supplemental Staff Report is sent to provide Teaford notice of the date and time of the upcoming Registry meeting and to recommend Registry action based on the following facts as reflected in Registry records:

1. Teaford’s Appointment of Campaign Treasurer and Optional Request for Reporting Exemption, received and filed in the Kentucky Secretary of State’s Office on January 19, 2016, indicated Teaford’s intent to raise and spend more than \$3,000 in the 2016 primary and general elections.³
2. To date, the Registry has received no reports for and on behalf of the Teaford Campaign Fund for the 2016 primary election cycle. The reports that are overdue and the corresponding delinquency case references are as follows: the 32 Day Pre Election Finance Statement, due no later than April 20, 2016 (Case No. 2016-32), the 15 Day Pre Election Finance Statement, due no later than May 9, 2016 (Case No. 2016-48), and the 30 Day Post Election Finance Statement, due no later than June 21, 2016 (Case No. 2016-81).
3. Registry records reflect that Teaford was notified of failure to file the 32 Day Pre Election Finance Statement, Case No. 2016-32, by telephone call on April 27, 2016, to which Teaford verbally advised Registry staff he would file delinquent report same day; however, he did not.

² See attached Exhibit A: Copy of envelope addressed to Teaford, sent via certified mail, returned to sender as “unclaimed” and “unable to forward.”

³ See attached Exhibit B: Appointment of Campaign Treasurer and Optional Request for Reporting Exemption (KREF 001) for Matt Teaford, KREF Filer # 293173, received by the Registry on January 19, 2016.

4. Registry records reflect that Teaford was sent written notice of his failure to file the 32 Day Pre Election Finance Statement (Case No. 2016-32) and 15 Day Pre Election Statement by letter dated May 20, 2016.⁴
5. Teaford was again notified of the delinquent Pre Election Finance Statements (32 Day Pre and 15 Day Pre), in addition to the delinquent 30 Day Post Election Finance Statement, due to be filed by no later than June 21, 2016 (Case No. 2016-81), by letter dated July 13, 2016.⁵
6. The Registry is unable to reach Teaford via telephone as the phone numbers reported on his KREF-001 Form (859-446-1068 and 859-496-7699) are “not accepting calls.”
7. Teaford is designated as a current candidate for the 2016 General Election with a spending intent of more than \$3,000, which requires full pre and post election reporting of campaign finances by the Teaford Campaign Fund.
8. This case incorporates by reference and supercedes the following delinquency case matters: Case No. 2016-32 (32 Day Pre Election Finance Statement), Case No. 2016-48 (15 Day Pre Election Finance Statement), and Case No. 2016-81 (30 Day Post Election Finance Statement).

ISSUE

The sole issue before the Registry is whether Respondent, Matt Teaford, has knowingly failed to file required Election Finance Statements fully disclosing the finances of the Teaford Campaign Fund for the 2016 primary election.

⁴ See attached Exhibit C: Letter dated May 20, 2016 to Matt Teaford regarding First Notice of Case No. 2016-32.

⁵ See attached Exhibit D: Letter dated July 13, 2016 to Matt Teaford regarding First Notice of Case No. 2016-81.

ANALYSIS

The core purpose of Kentucky's campaign finance law is to assure the integrity of the Commonwealth's electoral process by providing the public full access to a candidate's campaign financial data. To that end, KRS 121.180(3) requires a candidate's designated campaign Treasurer to fully report to the Registry "all money, loans, or other things of value, received from any source, and expenditures authorized, incurred and made" on behalf of a candidate's campaign. All candidate campaigns - with the limited exception of those who elect to raise or spend \$3,000.00 or less in an election - are required to file a Pre Election Finance Statement thirty-two (32) days before an election. See KRS 121.180(3)(b)2. In addition, all candidate campaigns - with the limited exception of those who elect to raise or spend \$1,000.00 or less in an election - are required to file Pre Election Finance Statement fifteen (15) days before an election. See KRS 121.180(3)(b)3. Finally, all candidate campaigns - with the limited exception of those who elect to raise or spend \$1,000.00 or less in an election - are required to file a Post Election Finance Statement thirty (30) days after an election. See KRS 121.180(4).

Despite numerous notices of pre and post election reporting requirements sent to Teaford, no reports or responses have been received to date. Teaford has failed to keep the Registry apprised of current contact information and appears to be evading the Registry's attempts to serve notice of this case. He will appear as a candidate on the 2016 general election ballot having filed no election finance statements or having otherwise provided the Registry with notice of where he is located or any explanation whatsoever for his failure to file the required reports.

RECOMMENDATION


Based on the record of this case, in the absence of any filing or contact whatsoever with the Registry regarding the delinquent filings, the General Counsel recommends that the Registry find probable cause to believe that Teaford has knowingly failed to file required Election Finance

Statements fully disclosing the finances of the Teaford Campaign Fund, in violation of KRS 121.180 and 32 KAR 1:020.

Pursuant to KRS 121.140(5), if the Registry concludes that there is probable cause to believe that the campaign finance law has been violated knowingly, it shall refer the violation to the Attorney General for further investigation and potential prosecution. KRS 121.990(3) provides that any person who knowingly fails to file required reports or to file reports at times specified shall be guilty of a Class D felony. Therefore, the General Counsel further recommends that the Registry refer this case to the Office of the Attorney General for further investigation and potential prosecution.

This 12th day of September, 2016.

Respectfully submitted,



EMILY DENNIS
General Counsel
Kentucky Registry of Election Finance
140 Walnut Street
Frankfort, Kentucky 40601
(502) 573-2226
Emily.Dennis@ky.gov

REGISTRY COUNSEL

CERTIFICATE OF SERVICE

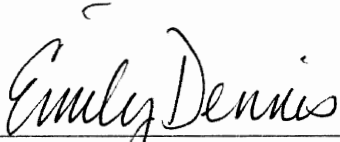
The undersigned hereby certifies that copies of this Notice and Complaint were served by U.S. Certified Mail, Return Receipt Requested, postage prepaid, and by U.S. Mail, First Class, Postage Prepaid on the following Respondent:

Matt Teaford
2529 South Main Avenue
Highland Heights, KY 41076

with copy served by U.S. Mail, first class postage prepaid, to Complainant:

Paul L. Whalen
113 Ridgeway Avenue
Fort Thomas, KY 41075-1333

this 12th day of September, 2016:



Emily Dennis
General Counsel

INDEX OF EXHIBITS

- Exhibit A:** Copy of envelope addressed to Teaford, sent via certified mail, returned to sender as “unclaimed” and “unable to forward”
- Exhibit B:** Appointment of Campaign Treasurer and Optional Request for Reporting Exemption (KREF 001) for Matt Teaford, KREF Filer # 293173, received by the Registry on January 19, 2016
- Exhibit C:** Letter dated May 20, 2016 to Matt Teaford regarding First Notice of Case No. 2016-32
- Exhibit D:** Letter dated July 13, 2016 to Matt Teaford regarding First Notice of Case No. 2016-81

EXHIBIT A



REGISTRY OF ELECTION FINANCE

140 Walnut Street
Covington, Kentucky 40601-3740

IN SERVICE REQUESTED



7008 1830 0003 6515 9376

1015 88935504
97,400
06/01/2016
Dated Front-OR

07/08/16

410762001-1N

NIXIE

RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD
RETURN TO SENDER



W.S. 6/9/16
6/9
6/19
cc-

Matt Teaford
2529 South Main Avenue
Highland Heights, KY 41076



RECEIVED
JUN 15 A 0:27
KY REGISTRY OF
ELECTION FINANCE

EXHIBIT B

FN # 293173
 1/19/16 ms
 + 3000

RECEIVED

2016 JAN 19 P 1:51

KY REGISTRY OF ELECTION FINANCE

KENTUCKY REGISTRY OF ELECTION FINANCE 140 Walnut Street Frankfort, Kentucky 40601 (502) 573-2226 / Fax (502) 573-5622 www.kref.ky.gov	This Space for Filing Officer Use Only RECEIVED AND FILED DATE <u>January 19, 2016</u> <u>Alison Lundergan Grimes</u> ALISON LUNDERGAN GRIMES SECRETARY OF STATE COMMONWEALTH OF KENTUCKY BY <u>[Signature]</u> FN _____ By _____ Date _____	This Space for Registry Use Only
	APPOINTMENT OF CAMPAIGN TREASURER AND OPTIONAL REQUEST FOR REPORTING EXEMPTION	

SECTION 1. CANDIDATE INFORMATION (Please type or print)

Name of Candidate (as will appear on ballot) <u>Matt Teaford</u>	County of Candidate's Residence <u>Campbell</u>
Candidate's Mailing Address: Street, P.O. Box, Rural Route <u>2529 South Main Ave.</u>	City <u>Highland Heights</u> State <u>KY</u> Zip Code <u>41076</u>
Candidate's Telephone Number <u>(859)-440-1068</u>	Candidate's Alternate Telephone Number <u>(859)-446-7699</u>
Candidate's Date of Birth <u>08/15/1992</u>	Optional - Additional Methods of Contact (Example: e-mail address, fax number, other telephone number)

SECTION 2. ELECTION INFORMATION

Date of Election <u>5/17/2016</u>	Type of Election (Check One) <input checked="" type="checkbox"/> Primary Nominations <input type="checkbox"/> General Election <input type="checkbox"/> Special Election or Election to Fill Unexpired Term	Is Candidate the incumbent for This Office? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Is Candidate Filing as a Write-In Candidate? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Office Sought <u>House of Representatives</u>	Jurisdiction of Office Sought, including District, Circuit, or Division Number, if Applicable <u>House District 67</u>		
This Race Is: (Check One) <input checked="" type="checkbox"/> Partisan <input type="checkbox"/> Non-Partisan	If Partisan Race, Indicate Candidate's Designation on the Ballot (Check One) <input type="checkbox"/> Democrat <input checked="" type="checkbox"/> Republican <input type="checkbox"/> Independent <input type="checkbox"/> Other (Specify) _____		

SECTION 3. TREASURER AND DEPOSITORY INFORMATION

Name of Treasurer - Required Designation Even if Candidate is Serving as Own Treasurer <u>Self</u>	Treasurer's Mailing Address: Street, P.O. Box, Rural Route	City	State	Zip Code
Treasurer's Telephone Number	Treasurer's Alternate Telephone Number			
Name of Financial Institution Intended for Use as Campaign Depository <u>Fifth Third Bank</u>	Address of Financial Institution Intended for Use as Campaign Depository <u>2700 Alexandra Pike, Highland Hts KY, 41076</u>			

SECTION 4. OPTIONAL REQUEST FOR REPORTING EXEMPTION PURSUANT TO KRS 121.180(1)

I am not requesting a reporting exemption. I intend to file all campaign finance reports. I understand that I will have campaign finance reports due 32 and 15 days before the election(s) and 30 days after the election(s). This is my intent for the: (Check One)

Primary and General Elections Primary Election Only General Election Only

EXEMPTION OPTION A. I expect to raise and spend \$3,000 or less during each election as indicated below which entitles me to request an exemption from all pre-election reporting. I understand that I will have one campaign finance report due no later than 30 days after the election indicated unless my campaign exceeds the \$3,000 threshold at which time I will immediately begin filing the required campaign finance reports. This is my intent for the: (Check One)

Primary and General Elections Primary Election Only General Election Only

EXEMPTION OPTION B. I expect to raise and spend \$1,000 or less during each election as indicated below which entitles me to request a reporting exemption. I understand that I will have no campaign finance reports due for the election(s) indicated unless my campaign exceeds the \$1,000 threshold at which time I will immediately begin filing the required campaign finance reports. This is my intent for the: (Check One)

Primary and General Elections Primary Election Only General Election Only

SECTION 5. AMENDED INFORMATION, REVOCATION OR CHANGE OF REPORTING EXEMPTION

If using this form to amend candidate, election, treasurer, or depository information, check this box

If using this form to revoke a prior request for exemption and/or to exercise a different option, check this box

Briefly describe reason for amendment, revocation, or change:

SECTION 6. VERIFICATION

I certify that I have examined this Appointment of Campaign Treasurer and Optional Request for Reporting Exemption form and to the best of my knowledge and belief it is true, correct, and complete. I understand that submission of false, erroneous, or incomplete information may subject me to the penalties of KRS 121.990.


Candidate's Signature Matt Teaford Date 01/19/16 

EXHIBIT C



KENTUCKY REGISTRY OF ELECTION FINANCE

Craig C. Dilger, Chairman
Terry Naydan, Vice-Chair
Reid Haire, Member
Robert D. Mattingly, Member
Chastity Ross, Member
Elizabeth G. Weber, Member

140 Walnut Street
Frankfort, Kentucky 40601-3240
Phone: (502) 573-2226
Fax: (502) 573-5622
www.kref.ky.gov

John R. Steffen
Executive Director

Emily Dennis
General Counsel

May 20, 2016

Matt Teaford
2529 South Main Avenue
Highland Heights, KY 41076

Re: KREF Filer No. 293173 - Matt Teaford, Candidate/Treasurer
FIRST NOTICE – Case No. 2016-32

Dear Candidate/Treasurer Teaford:

Registry records indicate that your 32 Day Pre Election Finance Statement, due no later than April 20, 2016, has not been filed.

Section 10 of 32 KAR 2:040 provides that failure to comply with the reporting requirements of KRS 121.180 constitutes prima facie evidence that probable cause exists to believe a violation may have occurred. An administrative penalty accrues for each day that an election finance statement is late.

In addition, the Registry has no record of having received your 15 Day Pre Election Finance Statement, which was due to be filed on Monday, May 9, 2016.

It is critical that you file required election finance statements immediately to avoid accrual of penalties or further legal action. You may obtain a copy of the form at <http://kref.ky.gov>, "Forms & Brochures," "Election Finance Statement- KREF 006 (.pdf 438kb)." Please contact your administrator if you need assistance preparing the statement or obtaining a form. Penalties up to \$100.00 per day for each day of late filing may be assessed, with a maximum of \$5,000.00 per violation.

We look forward to your prompt reply.

Sincerely,



Emily Dennis
General Counsel

EXHIBIT D

Mailed out 07-13-2016
-KREF



KENTUCKY REGISTRY OF ELECTION FINANCE

Craig C. Dilger, Chairman
Terry Naydan, Vice-Chair
Reid Haire, Member
Robert D. Mattingly, Member
Chastity Ross, Member
Elizabeth G. Weber, Member

140 Walnut Street
Frankfort, Kentucky 40601-3240
Phone: (502) 573-2226
Fax: (502) 573-5622
www.kref.ky.gov

John R. Steffen
Executive Director
Emily Dennis
General Counsel

July 13, 2016

Matt Teaford
2529 South Main Avenue
Highland Heights, KY 41076

Re: KREF Filer No. 293173; Matt Teaford, Candidate
FIRST NOTICE – Case No. 2016-81


Dear Candidate Teaford:

Registry records indicate that the 30 Day Post Election Finance Statement, due no later than June 21, 2016, for Candidate Matt Teaford, has not been filed. **Furthermore, Registry records indicate that the 32 Day and 15 Day Pre Election Finance Statements due no later than April 20, 2016 and May 09, 2016, respectively, have yet to be received. In a letter dated, May 20, 2016, the Registry attempted to alert you to these delinquencies; however, no response has been received.**

Section 10 of 32 KAR 2:040 provides that failure to comply with the reporting requirements of KRS 121.180 constitutes prima facie evidence that probable cause exists to believe a violation may have occurred. An administrative penalty accrues for each day that an election finance statement is late.

It is critical that you file required election finance statement immediately to avoid accrual of penalties or further legal action. You may obtain a copy of the form at <http://kref.ky.gov>, "Forms & Brochures," "Election Finance Statement- KREF 006 (.pdf 438kb)." Please contact your administrator if you need assistance preparing the statement or obtaining a form. Penalties up to \$100.00 per day for each day of late filing may be assessed, with a maximum of \$5,000.00 per violation.

We look forward to your prompt reply.

Sincerely,

Emily Dennis
General Counsel

