

STATE OF ILLINOIS)
)
COUNTY OF SANGAMON) SS

STATE BOARD OF ELECTIONS
STATE OF ILLINOIS

In the Matter Of:)
)
David W. Cooke,)
)
 Complainant(s),)
 vs.) 16 CD 093
)
Committee for Frank J. Mautino,)
)
 Respondent(s).)

FINAL ORDER ON COMPLAINT

TO: David W. Cooke Committee for Frank J. Mautino
 1 Ridge Place P.O. Box 36
 Streator, IL 61364 Spring Valley, IL 61362

This matter coming to be heard this 15th day of May, 2017, following a Public Hearing as a result of a Complaint filed pursuant to “An Act to Regulate Campaign Financing” (Illinois Compiled Statutes, 10 ILCS 5/9-1 *et seq.*, herein referred to as the “Act”), alleging that the Respondent violated 10 ILCS 5/9-7 and 5/9-8.10 in that the Respondent committee failed to keep a detailed and accurate account of contributions and expenditures and made expenditures in excess of the fair market value; and the State Board of Elections having read the report of the Hearing Officer and hearing the recommendation of the Hearing Officer and the General Counsel and now being fully advised in the premises,

THE BOARD FINDS:

1. On February 16, 2016, Complainant filed his Complaint against the Respondent; following filing of the same, the Board appointed James Tenuto, Hearing Officer, to conduct a closed hearing for the purpose of determining whether the complaint was filed on justifiable grounds; and
2. On April 29, 2016, the Hearing Officer filed his report, finding that the complaint was filed on justifiable grounds and recommending that the matter proceed to a public hearing unless the Respondent filed amended campaign disclosure report to detail certain expenditures made to Happy’s Super Service and Spring Valley City Bank; and
3. On May 18, 2016, the Board adopted the Hearing Officer’s recommendation finding justifiable grounds for filing the complaint, and issued an Order directing the Respondent

to amend its campaign disclosure reports to provide an accurate breakdown between gas and repair, indicate whether vehicles involved were owned or leased by the Committee or were privately owned, and identify the actual recipient of each itemized expenditure as well as the specific purpose for each one; such amendments were to be completed no later than July 1, 2016; and

4. On June 1, 2016, a Motion to Stay was filed by the Respondent requesting that the Board stay its proceedings in the instant matter pending resolution of a parallel federal criminal investigation; and
5. On June 15, 2016, an Order on Motion to Stay was entered continuing hearing on the Motion to Stay to July 11, 2016 at 10:30 a.m., and the July 1, 2016 deadline to file amended reports was extended to July 11, 2016 at 10:30 a.m., at which time the Respondent committee was ordered to be prepared to file amended reports *instanter*; and
6. On July 13, 2016, the Board issued an Order again directing the Respondent to amend its campaign disclosure reports to detail the expenditures made to Happy's Super Service and Spring Valley City Bank, with the amendments to be completed no later than July 25, 2016; and
7. The Respondent did not file amended campaign disclosure reports as ordered, and pursuant to the July 13, 2016 Order, Hearing Officer Phil Krasny was appointed for the purpose of holding a timely public hearing; and
8. On September 6, 2016, another Motion to Stay was filed by the Respondent, requesting that the Board stay its proceedings in the public hearing pending resolution of a federal investigation; and
9. On September 9, 2016, the Complainant filed a Motion for Additional Time to Respond to Respondent's most recent Motion to Stay; and
10. On September 21, 2016, the Board denied both the Respondent's Motion to Stay and the Complainant's Motion for Additional Time to Respond, and remanded the matter back to the appointed Hearing Officer for public hearing; and
11. A public hearing was held on April 20, 2017, and a recommendation submitted to the Board by the appointed Hearing Officer, which recommendation was considered and heard, along with the arguments of counsel for Complainant and Respondent, at the Board's meeting of May 17, 2017; and
12. The evidence presented at public hearing established that the Respondent violated Section 9-8.10 of the Illinois Election Code by filing disclosure reports that were insufficient with regard to documentation, amount and accuracy of reported expenditures to Spring Valley City Bank and Happy's Super Service; and
13. Insofar as whether the Respondent committee has willfully violated the Board's Order of May 18, 2016, the evidence at public hearing established that the Respondent has not violated the Order(s) in regard to any disclosure reports filed prior to 2014, since those records were lawfully destroyed. However, the evidence shows the Respondent willfully violated the Board's Order(s) in the following particulars: (a) by failing to provide information regarding the ownership or lease of vehicles repaired or serviced with committee funds, (b) by failing to amend disclosure reports filed in 2014 and 2015 to reflect an accurate breakdown between gas and repair made to Happy's Super Service, (c) by failing to amend disclosure reports filed in 2014 and 2015 to identify the actual recipient of each itemized expenditure made to Happy's Super Service, and (d) by failing to amend

disclosure reports filed in 2014 and 2015 to identify the specific purpose of expenditures made to Spring Valley City Bank.

IT IS HEREBY ORDERED:

1. Hearing Officer and the General Counsel recommendations numbered one and three are adopted; and
2. Hearing Officer and the General Counsel recommendation number two is not adopted; and
3. For its willful violation of the Board's May 18, 2016 Order ordering it to provide information as to the ownership or lease of repaired or serviced vehicles, and to amend its disclosure reports filed in 2014 and 2015 to reflect an accurate breakdown between gas and repairs made to Happy's Super Service, and to identify the specific purposes of expenditures made to Spring Valley City Bank, the Respondent is hereby assessed a civil penalty in the amount of \$5000.00; and
4. The effective date of this Order is May 18, 2017; and
5. This is a Final Order subject to review under the Administrative Review Law and Section 9-22 of the Election Code.

DATED: 5/18/2017



Charles W. Scholz, Chairman