

OHIO ELECTIONS COMMISSION

CHARTER COMMITTEE OF GREATER CINCINNATI

227 Stark St.
Cincinnati, OH 45214

And

DONALD J. MOONEY, JR.

3406 Manor Hill Dr.
Cincinnati, OH 45220

COMPLAINANTS

VS.

**CRANLEY FOR CINCINNATI
AND HELEN H. BLACK, TREASURER**

225 W. COURT ST.
CINCINNATI, OH 45202

RESPONDENTS

**COMPLAINT ALLEGING VIOLATIONS OF RC 3517.10 AND 3517.13 WITH
SUPPORTING AFFIDAVIT AND EXHIBITS**

State of Ohio

County of Hamilton

Donald Mooney, Jr, being first duly cautioned and sworn, hereby presents the following affidavit in support of this Complaint, based upon personal knowledge, including information contained in documents obtained from the Hamilton County Board of Elections:

1. The campaign committee of Cincinnati Mayor John Cranley has violated Ohio law by failing to disclose the owners of about 280 Limited Liability Companies that contributed more than \$270,000 to finance his 2017 re-election campaign prior to the May 2017 primary.

2. I am a resident of Cincinnati, and registered to vote in the City of Cincinnati. I am also a member in good standing of the Ohio Bar, and act herein as counsel for all complainants.

3. The Complainant **Charter Committee of Greater Cincinnati** is a non-partisan unincorporated association that since the 1920's has worked to improve the quality and integrity of Cincinnati City government. The Charter Committee has endorsed a candidate for Mayor of the City of Cincinnati in the 2017 election who will oppose incumbent Mayor John Cranley, in the November 2017 general election.

4. Respondent **Cranley for Cincinnati** is the campaign committee of John Cranley, the incumbent Mayor of Cincinnati and a candidate for re-election in November, 2017. Respondent Helen H. Black is the Treasurer of Cranley for Cincinnati

FACTUAL ALLEGATIONS

5. Cincinnati conducted a non-partisan primary for the office of Mayor in May, 2017 to reduce the field of candidates from three to two. John Cranley finished second in the May primary, and therefore will be a candidate on the November 2017 ballot.

6. Cranley for Cincinnati (hereinafter “Cranley”) has raised campaign funds for the 2017 Mayoral election since 2015. Cranley has filed campaign finance reports with the Hamilton County Board of Elections as required by Ohio law. The “contributions” pages of relevant campaign finance reports are included with this complaint as:

Ex. A – July 31, 2015 Cranley Report

Ex. B – January 31, 2016 Cranley Report

Ex. C – July 20, 2016 Cranley Report

Ex. D – January 31, 2017 Cranley Report

Ex. E – April 17, 2017 Cranley Report

7. In May, 2017, Cranley filed with the Cincinnati Elections Commission a post primary report showing on a consolidated basis all contributions made to Cranley since 2015.

Ex. F hereto is the Cranley report of contributions received (other than at fundraisers) from April, 2015 thru April 25, 2017; **Ex. G** is a Statement of Contributions Received at Fundraising Events from February, 2015 through March 31, 2017. These filings add some additional contributions made after the April 17, 2017 to the previously filed reports.

8. I personally reviewed the Cranley financial report. (Exs. A-E). Those reports show that Cranley reported contributions of about \$270,000 prior to the May, 2017 primary from a total of 283 Limited Liability Companies (LCCs). **Ex. H** hereto is a spreadsheet I prepared from the Cranley financial reports. Ex H lists each of Cranley’s LLC donors, their street or post office box addresses, and the dates and amounts of their contributions to Cranley.

9. The Cranley reports fail to identify the name of any of the owner(s) of the LLC’s listed on Ex. H. As a result, Cranley’s LLC contributions appear to come directly from the LLCs, rather than any individual persons. The Cranley reports do not allow voters to determine

the owner(s) of the LLC contributors, or the amount of the contribution attributable to any particular LLC owner.

VIOLATIONS OF OHIO CAMPAIGN FINANCE LAW

10. Cranley's campaign finance reports violate RC 3517.10, which requires campaign committees to provide sufficient information that would allow voters to determine the owner(s) of any LCC that makes a campaign contribution.

11. RC 3517.10 (H) only allows contributions from LLC accounts if attributed to an individual owner identified on the campaign finance report. RC 3517.10(I) provides in part:

“(5) No partnership or other unincorporated business shall make a contribution or contributions solely in the name of the partnership or other unincorporated business.

(6) As used in division (I) of this section, “partnership or other unincorporated business” includes, but is not limited to . . . a limited liability company”.

12. While an owner of an LLC may make a contribution to a candidate from his/her LLC funds, RC 3517.10(I) sets forth the obligation of the donor and the campaign committee to report the individual owner(s) responsible for the contribution:

(I) In the case of a contribution made by a partner of a partnership or an owner or a member of another unincorporated business from any funds of the partnership or other unincorporated business, all of the following apply:

(1) The recipient of the contribution shall report the contribution by listing both the partnership or other unincorporated business and

the name of the partner, owner, or member making the contribution.

(2) *In reporting the contribution, the recipient of the contribution shall be entitled to conclusively rely upon the information provided by the partnership or other unincorporated business, provided that the information includes one of the following:*

(a) *The name of each partner, owner, or member as of the date of the contribution or contributions, and a statement that the total contributions are to be allocated equally among all of the partners, owners, or members; or*

(b) *The name of each partner, owner, or member as of the date of the contribution or contributions who is participating in the contribution or contributions, and a statement that the contribution or contributions are to be allocated to those individuals in accordance with the information provided by the partnership or other unincorporated business to the recipient of the contribution.*

(3) *For purposes of section 3517.102 of the Revised Code, the contribution shall be considered to have been made by the partner, owner, or member reported under division (1)(1) of this section.*

(4) *No contribution from a partner of a partnership or an owner or a member of another unincorporated business shall be accepted from any funds of the partnership or other unincorporated*

business unless the recipient reports the contribution under division (I)(1) of this section together with the information provided under division (I)(2) of this section.

13. The Cranley campaign's finance reports violate RC 3317.10(I) by reporting only the names of 283 LLC contributors without identifying any owner, member or partner. Further, the Cranley campaign violated RC 3317.10(I)(4) by accepting such contributions without reporting the information required by RC 3317.10(I)(1) and (2), including the name of "each partner, owner, or member as of the date of the contributions", or the names of owners who are "participating in the contribution."

14. This interpretation of RC 3317.10(I) is consistent with the Ohio Secretary Of State's *Campaign Finance Handbook* (p. 2-12), which provides:

"A partnership or other unincorporated business may use its checking account to transmit a contribution to a candidate. The contribution must be accompanied by detailed information about each partner, owner or member and their allocated portion of the contribution. The recipient of such contribution must itemize each allocated portion according to the information provided. No contribution from a partnership or other unincorporated business may be accepted, deposited or used unless the recipient has the allocation information necessary to itemize the contribution by the partner, owner or member."

15. The failure of the Cranley committee to file financial reports that disclose the owners of 278 LLCs violates RC 3517.13 which provides that:

- (B) No campaign committee shall fail to file a complete and accurate statement required under division (A)(1) of section 3517.10 of the Revised Code.
- (C) No campaign committee shall fail to file a complete and accurate statement required under division (A)(2) of section 3517.10 of the Revised Code.
- (D) No campaign committee shall fail to file a complete and accurate statement required under division (A)(3) or (4) of section 3517.10 of the Revised Code.

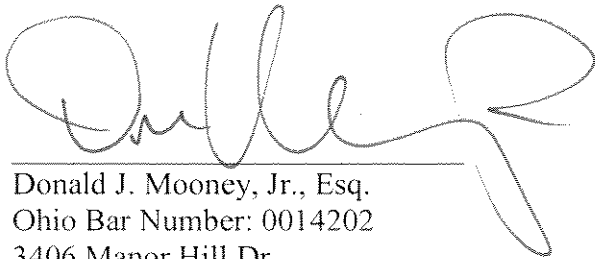
18. Contributions from LLC funds without making the ownership and attribution disclosures required by RC 3317.10(I) violate RC 3517.13(G)(2), which provides:

- (a) No person shall make a contribution to a campaign committee . . . in the name of another person.*
- (b) A person does not make a contribution in the name of another when either of the following applies:*
 - (i) An individual makes a contribution from a partnership or other unincorporated business account, if the contribution is reported by listing both the name of the partnership or other unincorporated business and the name of the partner or owner making the contribution as required under division (I) of section 3517.10 of the Revised Code.*

The owners of the LLC's that donated to Cranley either failed to provide the required information or the Cranley committee failed to disclose the information provided.

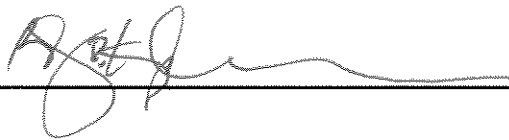
Requested Remedy.

The Commission should impose on Cranley the fines allowed by RC 3519.99 for the violations alleged in this Complaint. In addition, the Commission should direct Cranley for Cincinnati to either promptly provide the required information concerning its LLC contributors or return the contributions to the respective LLC's. Finally, the Commission should refer this matter to the Hamilton County Prosecutor for appropriate action.



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Sworn to and subscribed before me this 6 day of June, 2017 by Donald J. Mooney, Jr:



Notary Public



BRADLEY DAVID KAPLAN
Attorney at Law
NOTARY PUBLIC, STATE OF OHIO
My Commission Expires No Expiration
Date, Section 147.08 O.R.C.