

**POLITICAL FUNDRAISING UNDER REFORM**  
An Analysis of the 2003 Campaign Finance Reports for  
Akron Mayoral Candidates  
Covering Friday Before Election Reports of Akron Mayoral candidates  
*Don Plusquellic and Bryan Williams*

Produced by  
Northeast Ohio American Friends Service Committee  
513 West Exchange Street ~ Akron, Ohio 44302  
Phone: 330-253-7151 / Fax: 330-996-4664  
Email: [AFSCole@aol.com](mailto:AFSCole@aol.com) ~ Web: [www.afsc.net](http://www.afsc.net)

## **Introduction**

In 1998, citizens of the City of Akron placed on the ballot an initiative on campaign finance reform. The proposed reforms called for a number of measures that proponents felt would reduce the perceived and actual corrosive influence of big money in Akron politics. The centerpieces of the reforms consisted of enhanced disclosure requirements (i.e. more detailed information of contributions and contributors to candidates running for local office) and the creation of modest limits on individuals who and entities (i.e. PACS, political parties, etc.) which contribute to political candidates. Nearly 100 citizens circulated petitions to gain ballot access for the reforms. Dollars and Democracy, a joint effort of the American Friends Service Committee of Northeast Ohio, a Quaker-related social action organization, and the Catholic Commission, a Catholic social action organization, coordinated the campaign. Both groups are based in Akron.

Despite persistent charges to the citizen initiative by Akron political elites and most media commentators that the reforms were unconstitutional, the initiative passed overwhelmingly by citizens with over 60% support. Akron political elites quickly challenged the new law in federal court. Challengers included the City of Akron Law Department, on direction by the Mayor, in spite of the chartered responsibility of the Law Department to defend all Akron laws. Defense of the citizen-enacted law in the courts was left to several citizens and Yes on Issue 11, the grassroots coalition that had organized for its passage once it had reached the ballot.

The Federal Judge quickly ruled in favor of the political elites that the entire law was unconstitutional. The citizen defenders appealed the decision to the US Federal Sixth Circuit Court of Appeals. In late 2002, that court overturned the decision of the Federal Judge and declared the provisions of the law before it as constitutional. The political elites, which again included the City of Akron Law Department, appealed the Sixth Circuit decision to the US Supreme Court. The High Court decided in early 2003 not to hear the case, thus affirming the Sixth Circuit decision that the law was constitutional.

Akron City Council enacted enabling legislation for the new law in July 2003. The municipal elections for Mayor and 10 Ward Councilpersons in November 2003 are the first elections in which the new laws apply.

## **Provisions of the Law**

The campaign finance law passed by voters in 1998 and upheld by the Sixth Circuit includes the following provisions:

### *LIMITS ON CASH CONTRIBUTIONS*

*No candidate for Mayor or City Council shall accept, as a campaign contribution, more than \$25 in cash (i.e. hard currency) from any person within any fundraising season. No person shall contribute cash in excess of said amount.*

### *LIMITS ON NONCASH MONETARY AND IN-KIND CONTRIBUTIONS AND LOANS*

*No candidate for Mayor or At-Large Council shall accept or solicit, as a non-cash monetary (i.e. checks, money orders, credit cards) or in-kind campaign contribution or loans, more than \$300 from any person, campaign committee, political party, or political action committee.*

*No candidate for a Council Ward position shall accept or solicit, as a non-cash monetary or in-kind campaign contribution or loan, more than \$100 from any person, campaign committee, political party, or political action committee.*

*No person, political action committee, political party or political campaign shall contribute funds or in-kind contributions in excess of said amounts. Contributions from the candidate and labor of volunteers are exempt from these provisions.*

#### **DISCLOSURE**

*(a) Home Address: All persons who make any financial contribution or loan to any campaign for municipal office shall be listed by home address on the candidate's Financial Report filed with the Summit County Board of Elections.*

*(b) Employer Identification: The candidate for any municipal office shall identify all persons who contribute \$50 or more by primary employer. If this information is not on file with the Summit County Board of Elections, the contribution shall be returned to the contributor within thirty (30) days after the filing of the candidate's Financial Report.*

*(c) Friday Report: All candidates for Mayor or City Council shall submit a Campaign Finance Report to the Clerk of City Council by noon on Friday prior to the Primary Election and General Election. This report shall identify all campaign contributions and expenditures made as of said Friday and this report shall be available for public viewing by the Clerk of City Council at the Akron Municipal Building within an hour after the filing deadline.*

#### **Political Fundraising by Akron Mayoral Candidates Under Reform**

Akron Mayoral candidates Don Plusquellic and Bryan Williams submitted Friday Before Election Reports on September 5, 2003 and September 4, 2003 respectively. These reports were submitted as required prior to the September 9 primary election.

What follows is a summary by candidate of their report.

#### **Don Plusquellic**

Incumbent Don Plusquellic collected 809 contributions totaling \$169,500. The mean contribution was \$210.

Eighty five percent of his contributions (nearly \$145,000) came from individuals. Only twenty six percent of his contributions (\$40,900) came from residents or entities (i.e. PACs, law firms, etc.) within the City of Akron.

Forty six percent of his contributions were at the maximum level of \$300. Only 17% of his \$300 contributions came from residents or entities within the City of Akron.

Most contributions in Plusquellic's report were designated as a "P" (for Primary) or "G" (for General) election contribution. This stems from his interpretation (and included in the Council's enabling legislation) that the \$300 contribution limits applies to each individual election rather than an election cycle. Eighty percent of his contributions were designated for the primary election, while twenty percent (equaling \$39,000) were earmarked for the general election, even though funds were raised during the primary election season.

The new campaign finance law stipulates that all individual contributors of \$50 or more must list their primary employer. Of 682 contributors who gave \$50 or more, only 24 (4% compliance rate) entries had an employer listed. A total of 658 entries were not in compliance with the law.

The major groupings of individual political contributions/investments came from several sources.

- Lucarelli family of Cuyahoga and Medina counties: \$4600
- Kurtz family (primary business is hauling, demolition and mulching of Independence): \$4300
- Scala family (primary business is Kenmore Construction) of Summit and Stark counties: \$3300
- McCoy family of Medina: \$2400
- Panzarella family of Mentor: \$1800
- Zuercher family of Cuyahoga county: \$1800
- Eslich (primary business is demolition) family of Stark county: \$1500

Plusquellic received contributions from 48 entities (companies, unions, law firms, PACs). The largest are the following:

- Glaus, Pyle, Schomer, Burns & DeHaven Inc (Akron engineering firm) and its employees: \$6100
- Roetzel & Andress (Akron law firm): \$2200
- Carpenters PAC (Akron): \$600
- Builders PAC (Akron): \$600
- Vorys, Slater & Pease (Columbus law firm): \$600

Finally, the Plusquellic report contained 7 listings of contributions in excess of \$300. One was a \$9600 reimbursement of the Plusquellic campaign for expenses for a fundraising event. The others included three from Glaus, Pyle, Schomer, Burns & DeHaven for \$2400, \$800 and \$600; two from the law firm of Roetzel and Andress for \$1500 and \$400; and one from the law firm of Buckingham-Doolittle for \$600. These contributions appear to be illegal.

While this report is focused on contributions, one apparent glaring omission in Plusquellic's listing of expenses relate to his annual fundraiser at Good Park public golf course. It is unclear where, if at all, the expense for rental of the course is listed. The event is a large money-raiser, yielding between the golf outing and green fees more than \$58,000 in 2003.

### **Bryan Williams**

Challenger Bryan Williams collected 241 contributions totaling almost \$28,500. His mean contribution was \$118.

Ninety one percent of his contributions (\$25,700) came from individuals. Forty four percent of his contributions (\$25,749) came from residents or entities within the City of Akron.

Only 18% of Williams' contributions were at the maximum level of \$300. Thirty nine percent of his \$300 contributions came from residents or entities within the City of Akron.

No contributions in Williams' report were designated for the general election. It is assumed, thus, that 100% of his contributions were earmarked for the primary election.

The new campaign finance law stipulates that all individual contributors of \$50 or more must list their primary employer. Of 160 contributors who gave \$50 or more, 125 (78% compliance rate) entries had an employer listed. A total of 35 entries were not in compliance with the law.

The major grouping of political contributions/investments came from several sources.

- Piscitello (main business is Pride One) family of Akron: \$1500
- Collins (Collins Construction) family of Akron: \$600
- Fiume (main business is Pride One) family of Cuyahoga Falls: \$600
- Johnson (main business is Parker Fabricating) family of Akron: \$600
- Mielke (main business is MW Mielke Co.) family of Medina: \$600
- Moser (Moser Construction) family of Rootstown: \$600

- Parker (main business is Rinker Enterprises) family of Fairlawn: \$600
- Fiume (main business is Pride One) family of Cuyahoga Falls: \$600
- Steingass (main business is William Steingass) family of Medina: \$600

Williams received contributions from 12 entities. The largest are the following:

- Citizens for Geoffrey Smith (Columbus): \$300
- Builders and Contractors PAC (Broadview Hts): \$300
- Committee for Mary Taylor (Uniontown): \$300

Finally, two individuals exceeded the \$300 contribution limit allowed by law, as listed in the Williams report. They are Mary Stormer of Akron (\$500) and Donald Johnson (\$400) of Akron.

### **Conclusion**

Both candidates for Mayor of the City of Akron have violated the spirit and the letter of the campaign finance reform law enacted by voters 1998 and upheld by Federal Court in 2002. Don Plusquellic's, who's Law Department fought against the citizen-initiated law at every turn despite its chartered duty to defend city laws, committed numerous violations. His challenger, Bryan Williams, had, by comparison, few violations.

It is the responsibility of the City of Akron Law Department to immediately investigate these charges and impose penalties where violations have occurred as stipulated in the enabling legislation (i.e. fines and returned funds).

### **Employer identification**

The law clearly states that candidates must provide on their campaign reports the primary employer for each contributor of \$50 or more. This provision is reinforced in the "City of Akron Friday Before Election Report" cover sheet supplied to candidates, which was signed by both Plusquellic and Williams, and submitted with their reports in early September. Plusquellic failed to identify the primary employer of 658 of 682 (96%) individual contributors. Williams failed to identify 35 of 160 (22%) individual contributors. The public has a right to know who is funding public campaigns, including where they work, in their effort to establish possible conflicts of interest between candidates and contributors.

### **\$300 contribution limits**

Opponents of the law argued in filings to the Federal Court and US Supreme Court that \$300 contribution limits per election cycle were unconstitutionally low. Opponents, including the Mayor's Law Department, referenced \$300 contribution limits as limits per election cycle. Once they lost that battle in court, however, the City and the Mayor now interpret the law to stipulate limits to be \$300 per election.

Plusquellic has raised more than \$40,000 from 155 individual contributors and 8 entities who gave more than \$300. Williams raised just \$300 from 2 individuals who contributed more than \$300. All these contributions should immediately be returned to contributors.

Even if it's legal to raise \$300 per election, Plusquellic raised general election money (\$39,800) during the primary election period. This money should be immediately returned to contributors.

Finally, Plusquellic received 6 single contributions in excess of the \$300 limits. They came from an engineering firm and two law firms. These contributions should be immediately returned.

---

It is the role and responsibility of the City and its public servants to implement the will of the public. Citizens enacted campaign finance laws in 1998 that were upheld by Federal Court. The City of Akron has a legal and moral duty to ensure that the spirit and letter of the citizen initiated law is implemented and enforced. This includes an immediate review of all contributions (and in the case of Don Plusquellic, the rental of Good Park golf course) of both Don Plusquellic and Bryan Williams and an imposition of penalties for all violations.