



ERIE COUNTY COMPTROLLER  
KEVIN R. HARDWICK

November 28, 2022

Honorable Michael P. Kearns, Erie County Clerk  
92 Franklin Street  
Buffalo, New York 14202

**Re: Professional Service Expenditures on Paid Advertisements**

Dear Clerk Kearns:

In mid-October I heard an ad on WBEN that featured your voice. I assumed it was a campaign ad targeted at veterans, highlighting your appreciation for their service. But by the end of the spot it became apparent that it was not a campaign ad, as there was no mention of election day or voting. It sure sounded like a campaign spot, and I asked my staff to see if the County had paid for it.

They reported back that at the time they could not find any record of radio ads for WBEN or Audacy, the station's parent company, which were paid for by county taxpayer dollars. They cautioned me, however, that the County's purchasing procedures would allow ads to be purchased by your office as "direct to pay" invoices, in which case, it is possible that there was no pre-authorization or approval for their payment other than your sign off. They also told me that while searching for radio invoices they had uncovered several more questionable, seemingly political, expenditures from your office's professional services line. Among these were expenses for ads in programs published by various organizations, local newspaper ads, billboards, Facebook ads and a county paid "Catching Up with the Clerk" weekly radio program. Moreover, my staff noted that the timing of many of these expenditures was suspicious, as they seemed to cover periods just prior to this year's primary and general elections.

More recently, we appear to have received an invoice for over \$10,000 from Audacy for radio ads that began on October 15, three weeks before the election. We have not found evidence of expenditures of this nature in any other year that you have served as County Clerk. These ads are the sorts of things that most of us pay for with campaign committee funds or out of our own pockets. I was tempted to raise this issue last month, but I chose not to do so as I did not want to insert my governmental office into the campaign for County Clerk.

Now that this year's election is over, I am asking for an explanation of the public expenditures you approved which seem to have political overtones. It may well be the case that your office complied with existing County procedures. If so, I would be in favor of changing those procedures to prevent this type of spending from happening in the future. I understand the benefit incumbency brings to any campaign, having enjoyed it myself. But I hope you'd agree we should establish some important ground rules for the future.

Sincerely,

A handwritten signature in blue ink, appearing to read "K. R. Hardwick".

Kevin R. Hardwick, Ph.D.  
Erie County Comptroller

Cc: Erie County Legislature Chair, April Baskin