



Summary of Final Board Determination

Letitia James

Candidate, 2013, Public Advocate

Program participant: \$1,153,058 in public funds received

1. Failing to provide merchant account statements \$500

Campaigns are required to provide copies of all bank and merchant account statements for accounts used for each election. *See* Admin. Code §§ 3-703(1)(d), (g), (11); Board Rule 4-01(f).

The Campaign failed to provide statements from its First Data merchant account from April-September 2014, and from its Sage Payment Solutions merchant account from inception-September 2013.

The Board assessed a penalty of \$500 for these violations.

2. Failing to report transactions \$399

Campaigns are required to properly report all financial transactions to the Board. *See* Admin. Code §§ 3-703(1)(d), (g), (6), (11), (12); Board Rules 1-09, 3-03(c), (d), (e), 4-01. Campaigns are required to report the candidate's personal contributions of \$99 or more to political committees that support candidates in New York City and throughout New York State (except political committees of other candidates). Such contributions are presumptively campaign expenditures, unless the candidate rebuts the presumption. *See* CFB Final Determination No. 2009-1; Board Rule 3-03(e)(5). Such contributions are also considered contributions by the candidate to the campaign, and count toward the candidate's contribution limit.

The Campaign did not report transactions totaling \$19,682.33 that appear on its bank statements.

The Candidate failed to report personal political contributions totaling \$475 to the Working Families Party, Inc. and \$250 to the Eleanor Roosevelt Legacy Committee. Additionally, the Campaign misreported a \$125 contribution to the ERLC as \$100.

The Board assessed a penalty of \$399 for these violations.

3. Failing to file daily pre-election disclosure statements \$1,500

Aggregate contributions and loans from a single source in excess of \$1,000, and aggregate expenditures in excess of \$20,000, received or made within 14 days of an election, must be disclosed to the Board within 24 hours. *See* Admin. Code §§ 3-703(6), (12), 3-708(8); Board Rules 1-09, 3-02(e).



Summary of Final Board Determination

The Campaign failed to file the required daily disclosures for 33 transactions.

The Board assessed a penalty of \$1,500 for this violation.

4. Accepting over-the-limit contributions \$825

Campaigns are prohibited from accepting contributions in excess of the applicable contribution limit. *See* Admin. Code §§ 3-702(8), 3-703(1)(f), (11); Board Rules 1-04(c)(1), (h), 1-07(c).

The Campaign accepted six over-the-limit contributions. One contribution was refunded after the deadline; the remaining contributions were refunded timely.

The Board assessed a penalty of \$825 for these violations.

5. Accepting contributions from corporations, limited liability companies, or partnerships \$703

Campaigns may not accept, either directly or by transfer, a campaign contribution or loan, or guarantee or other security for such loan, from any corporation, limited liability company (LLC), or partnership. *See* N.Y.C. Charter § 1052(a)(13); Admin. Code §§ 3-702(8), 3-703(1)(l); Board Rules 1-04(c)(1), (e), (g), 1-05. Outstanding liabilities that are forgiven or settled for less than the amount owed are considered contributions. *See* Board Rules 1-04(g)(4), (5).

The Campaign accepted a \$50 contribution from Jeannette Brown, and timely refunded the contribution. The Campaign also accepted an in-kind contribution valued at \$403.97 from Balance Point Payroll, which it did not refund.

The Board assessed a penalty of \$703 for these violations.

6. Accepting contributions from unregistered political committees \$875

Campaigns may not accept a contribution from a political committee unless the political committee is registered with the CFB or registers with the CFB within 10 days of receipt of the contribution. *See* Admin. Code §§ 3-702(11), 3-703(1)(k), 3-707; Board Rules 1-04(c)(1), (d), (g), 1-05.

The Campaign accepted the following contributions from unregistered political committees: \$250 from ALA 1 Political Action Committee; \$500 each from Affordable Housing PAC, NY CC Refreshments USA, and NYC Chapter NASW PAC; and \$1,000 each from NY CCE Non Partisan PAC For Go, and NY CC Refreshments USA.



Summary of Final Board Determination

The Campaign refunded two of the contributions after the deadline, and the rest were refunded timely.

The Board assessed a penalty of \$875 for these violations.

7. Failing to document transactions \$200

Campaigns are required to document all financial transactions, including loans, in-kind contributions, and joint expenditures. *See* Admin. Code §§ 3-703(1)(d), (g), (11), (12), 3-715; Board Rules 1-09, 4-01(a), (c), (g), (k), 4-03.

The Campaign failed to adequately document an in-kind contribution from an individual in the amount of \$115.99. The Campaign paid Saundra Thomas 2013 \$2,500 for field work, but did not provide documentation of the joint expenditure.

The Board assessed a penalty of \$200 for these violations.

8. Making impermissible post-election expenditures \$703

After an election and before repaying leftover campaign funds to the Board, participants may spend campaign funds only to pay campaign-related expenses incurred in the preceding election and for “routine activities involving nominal cost associated with winding up a campaign and responding to the post-election audit.” *See* Admin. Code §§ 3-702(21)(a)(8), 3-703(1)(d), (g), (6), (11), 3-710(2)(c); Board Rules 1-03(a), 1-08(b), 5-03(e)(2).

The Campaign made impermissible post-election expenditures totaling \$8,908.72, including expenditures made to an individual after the end date of her contract, and post-election payments made to the New York State Board of Elections.

The Board assessed a penalty of \$703 for this violation.