

**Kevin D. Kim, CD #19 (2009)**

**1. Accepting an over-the-limit “Doing Business” contribution \$250**

Campaigns may not accept contributions from individuals or entities that have business dealings with New York City government in excess of the applicable Doing Business contribution limit for the entire election cycle. *See* Admin. Code §§ 3-702(8), (18), (20), 3-703(1-a), (1-b), 3-719(2); Board Rules 1-02, 1-04(c)(1), 1-04(h). When a candidate receives a contribution in excess of the limit from contributors who have business dealings with the City, the candidate must return the excess portion to the contributor within twenty days of being notified by the Board. *See* Board Rule 1-04(c)(1).

The Campaign accepted a contribution of \$2,750 from Kyu Heung Park that exceeded the applicable \$250 limit. Mr. Park has been listed in the Doing Business Database (DBDB) as the CEO and owner of the Shine Electronics Company, Inc., continuously since July 31, 2008. The Campaign was notified that it must issue a refund of this prohibited contribution by September 8, 2009. The Campaign issued a refund on May 8, 2012.

The Board assessed a penalty of \$250 for this violation.

**2. Filing a disclosure statement late \$150**

Campaigns are required to file complete and timely disclosure statements on scheduled dates. *See* N.Y.C. Charter § 1052(a)(8); Admin. Code §§ 3-703(6), (11), (12), 3-708(8), 3-719; Board Rules 1-09(a), 3-02.

A disclosure statement was due on May 15, 2009. The Campaign filed this statement three days late, on May 18.

The Board assessed a penalty of \$150 for this violation.

**3. Failing to file daily disclosure statements \$200**

During the two weeks preceding an election, a campaign is required to report all contributions or loans accepted from a single source exceeding \$1,000, and expenditures that exceed \$20,000, within 24 hours after they are accepted or made. These contributions and expenditures must also be reported in the Campaign’s next disclosure statement. *See* Admin. Code §§ 3-703(1), (g), (6), (12); Board Rule 3-02(e).

The Campaign failed to file the required daily disclosures to report 20 such transactions that were reported on its subsequent financial disclosure statements.

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

**4. Failing to provide merchant account statements \$250**

Campaigns are required to report all bank, merchant, and depository accounts used for campaign purposes. *See* Admin. Code § 3-703(1)(c); Board Rules 1-11(d), 2-01(a), 2-06(a). Campaigns are required to provide the Board with bank records, including periodic bank statements and deposit slips. *See* Admin. Code §§ 3-703(1)(d), (g), 3-719; Board Rule 4-01(f).

The Campaign failed to provide merchant account statements from Piryx (the only medium through which it received credit card contributions), despite reporting credit card contributions in the amount of \$144,336.01, or 27.52% of its total reported contributions. It is the responsibility of campaigns to maintain adequate and complete documentation and to produce that documentation to the CFB upon request. CFB staff requires merchant account statements to review the credit card contributions reported by campaigns, which is a critical component of the audit process.

The Board assessed a penalty of \$250 for this violation.

**5. Failing to report employment information for contributions exceeding \$99 \$200**

Campaigns are required to report the occupation, employer, and business address of a contributor whose total contributions exceed \$99. *See* Admin. Code §§ 3-703(6), 3-719; Board Rules 3-03(c)(1), (6).

The Campaign has not reported the required employment information for 40.25% of such contributions.

The Board assessed a penalty of \$200 for this violation.

**6. Accepting over-the-limit contributions \$1,625**

Campaigns may not accept contributions from a single source in excess of the applicable contribution limit for the entire election cycle. *See* Admin. Code §§ 3-702(8), 3-703(1)(f), (11), (12), 3-719; Board Rules 1-04(c)(1), 1-04(h), 1-07(c). The contribution limit for candidates running for City Council in the 2009 election was \$2,750. *See* Admin. Code § 3-703(1)(f).

The Campaign accepted over-the-limit contributions from Kuo Ching Chiang. Chiang made contributions of \$2,500 on May 21, 2009, and \$2,750 on October 8, 2009. The Campaign promptly refunded the \$2,750 overage amount upon notification from CFB Staff.

The Campaign also accepted over-the-limit contributions from Sonia Kim. Kim made a contribution of \$2,750 on April 7, 2009, and a loan to the Campaign for \$30,000 on October 31,

2009. Loans to campaigns that remain outstanding on the date of the election are considered contributions. The Campaign repaid the \$30,000 loan via two \$15,000 payments, one on September 30, 2010, and one on October 31, 2010, well after the 2009 general election. The Campaign had the use of the \$30,000 during a competitive election; the loan was repaid after the general election, which makes it a contribution.

The Board assessed penalties of \$1,625 for these violations.