

Andy L. King CD #12 (2009)

1. Accepting contributions from corporations and limited liability companies \$2,295

Candidates are prohibited from accepting contributions from corporations or limited liability companies. *See* Admin. Code § 3-703(1)(l), Board Rule 1-04(e). When a candidate has received a prohibited contribution, the candidate must promptly refund the contribution by bank check or certified check made out to the contributor. *See* Board Rule 1-04(c)(1).

The Campaign accepted contributions from fourteen corporations and one LLC. It refunded eight of the contributions in a timely fashion, five of them late, and never refunded two.

The Board assessed a total of \$2,295 for these violations.

2. Accepting a contribution from a political committee that was not registered with the CFB. \$125

Candidates are prohibited from accepting contributions from political committees that are not registered with the CFB. *See* Admin. Code § 3-703(1)(k), Board Rule 1-04(d). When a candidate has received a contribution from an unregistered political committee, the candidate must promptly refund the contribution by bank check or certified check made out to the contributor. *See* Board Rule 1-04(c)(1).

On May 7, 2009, Citizens for Rod Bashir, an unregistered political committee, contributed \$50 to the Campaign. The Campaign had a deadline of June 26, 2009 to promptly make a refund, but did not refund it until July 1, 2009. The Board assessed a penalty of \$125 for this violation.

3. Failing to accurately report receipts resulting in a 39.31% cash variance \$1000

Candidates must accurately report and document all Campaign receipts. *See* Admin. Code §§ 3-703(1)(d), (g), (6), Board Rule 3-03(c), 4-01(b)(1). The Campaign's bank records show a 39.31% variance between reported cash receipts and submitted documentation. The Campaign failed to submit itemized deposit slips for 12 deposits. The Board assessed a penalty of \$1,000 for this violation.

4. Making cash expenditures greater than \$100. \$150

Candidates may not make cash expenditures in excess of \$100 per transaction or purchase. Board Rule 4-01(e)(2). Expenditures in excess of \$100 must be paid using a check from the Campaign's bank account. Board Rule 1-08(i), 4-01(e)(1). On June 22, 2009, the Campaign made a \$250 cash withdrawal. On October 22, 2009, the Campaign made two

\$121.75 cash withdrawals. The Board assessed a penalty of \$50 per transaction, for a total penalty of \$150, for these violations.

5. Making impermissible post-election expenditures. \$216

A candidate may not use funds for any purpose other than for the current election. *See* Board Rule 1-03(a). A candidate must demonstrate that post-election expenditures were made only for routine activities involving nominal cost associated with winding up a campaign and responding to the post-election audit. Board Rule 5-03(e)(2).

The Campaign made impermissible post-election expenditures totaling \$2,160.41. It spent \$234.91 at Ohana Japanese Hibachi on September 17, 2009, and \$223 at Prime House on September 24, 2009, although it had already held a cook-out for volunteers. Board Rule 5-03(e)(2) permits only a single post-election event for staff, volunteers and supporters. It purchased a City News advertisement to thank voters, which is not a permissible expenditure pursuant to Board Rule 5-03(e)(2). The September 24, 2009 \$34 parking charge and the two October 22, 2009 \$121.75 ATM withdrawals are not permissible under Board Rule 5-03(e)(2). The Campaign's wage records for post-election workers fail to meet the requirements for acceptable post-election expenditures, due to the number of hours billed, the type of work done, and the lack of detail in the description of the work. There is no evidence that what the workers did in the post-election period was "routine" or involved "winding up" the campaign, and the wages for their 149 hours of work particularly are not "nominal costs."

The Board assessed a penalty of \$216 for these violations (10% of \$2,160.41).