

Helen M. Marshall, Borough President - Queens (2009)

1. Accepting a corporate contribution \$250

A campaign may not accept, either directly or indirectly, a campaign contribution, loan, guarantee or other security for such loan, from any corporation. *See* Admin. Code § 3-703(1)(l); Board Rule 1-04(e).

The Campaign accepted a \$150 contribution from a corporation on May 3, 2009. The Campaign was notified that it had to refund this contribution by June 26, 2009, but did not refund it until July 24, 2009.

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

2. Accepting a contribution from an unregistered political committee \$125

A campaign may not accept a contribution from a political committee unless the committee is registered with the CFB within ten days of receipt of the contribution. *See* Admin. Code §§ 3-703(1)(k) and 3-707, and Board Rule 1-04(d).

The Campaign accepted a \$300 contribution from the National Grid Vol NYS PAC, an unregistered political committee, which it promptly refunded.

The Board assessed a penalty of \$125 for this violation.

3. 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. For Borough President candidates in the 2009 election this limit was \$320. *See* Admin. Code §§ 3-702(18), 3-703(1-a), (1-b). 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).

On April 29, 2009, the Campaign accepted a \$1,000 contribution from Showky Kaldawy, who was listed on the Doing Business database. The Campaign was instructed by CFB staff to refund the contribution on or before June 22, 2009. The Campaign refunded the contribution, but not until July 15, 2009.

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

4. Using an entity other than the principal committee in furtherance of the election **\$855**

A participating candidate may use only her principal committee in connection with an election campaign, and the use of an entity other than the designated principal committee to aid an election is prohibited. *See* Admin. Code §§ 3-702(2) and 3-703(1)(e).

New York State Board of Elections filings revealed that the candidate's 2005 campaign committee, Marshall for Queens 2005, made expenditures totaling \$8,549 which were in furtherance of the candidate's 2009 election campaign. The 2005 committee also made advance purchases for the 2009 committee, which were later repaid. The Campaign was advised by Board staff in March 2009 that "(i)n order for the candidate to be able to use the funds remaining in the 2005 committee, the funds must be transferred to the current 2009 committee." Accordingly, any expenditures made directly from the 2005 committee were improper.

The Board assessed a penalty of \$855 for these violations.

5. Failing to document transactions **\$250**

Upon the Board's request, a campaign is required to provide records, such as copies of checks, bills, or other documentation, to verify contributions, expenditures or other transactions reported in the campaign's disclosure statements. *See* Admin. Code §§ 3-703(1)(d) and (g), and Board Rule 4-01.

The Campaign failed to adequately document a reported expenditure refund of \$560; three advance purchases by Marshall for Queens 2005, totaling \$1,087; and a reported \$500 in-kind contribution. The Campaign provided a signed contribution card for the in-kind contribution with a handwritten dollar amount in the corner. This documentation did not specify what the contribution was or who wrote the dollar amount. As a result, the value could not be substantiated and the documentation was deemed inadequate.

The Board assessed a penalty of \$250 for these violations.