

Adrian M. Straker, CD #36 (2009)

1. Making improper post-election expenditures \$213

After an election and before repaying leftover campaign funds to the Board, Program 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 § 3-710 and Board Rules 1-03(a) and 5-03(e)(2).

The campaign made expenditures totaling \$2,132.01 that, due to their timing and purpose, appear to be improper post-election expenditures.

The Board assessed a penalty of \$213 for this violation.

2. Accepting a contribution from a limited liability company \$50

Campaigns may not accept contributions from a limited liability company. *See* New York City Charter § 1052(a)(13), Admin. Code § 3-703(1)(l), and Board Rules 1-04(c) and (e).

The Campaign reported a \$50 contribution from Nanette S. Egerton. However, the contribution check indicates that the contribution was actually from Hoops at Sea, a limited liability company. In a notice dated June 12, 2009, CFB staff informed the Campaign that it was required to refund the prohibited contribution by June 26, 2009. The contribution was not refunded until July 28, 2009.

The Board assessed a penalty of \$50 for this violation.

3. Failing to demonstrate that spending was in furtherance of the campaign \$50

Campaigns may only spend campaign funds for items that further the candidate’s election. Expenditures for purposes other than the candidate’s election are considered “non-campaign related.” The Act enumerates types of expenditures that are presumed to be campaign related and non-campaign related. *See* Admin. Code § 3-702(21). Among the factors the CFB considers relevant to determining the campaign-relatedness of an expenditure are: the quality of the documentation submitted; the timing and necessity of the expenditure; the amount of the expenditure and/or all expenditures of a specific type in relation to the Campaign’s total expenditures; and whether the expenditure is duplicative of other spending. *See* Admin. Code §§ 3-702(21), 3-703(1)(d), (g), and 3-710(2)(c), Board Rules 1-03(a), 4-01, and 5-03(e), and Advisory Opinion No. 2007-3 (March 7, 2007).

The wireless communications plans used by the Campaign were personal accounts that preceded the Campaign’s formation. As a result, the Campaign should have only paid amounts

above the standard wireless service costs of its pre-existing plans. Nevertheless, the Campaign paid 100% of pre-existing Verizon and AT&T services for much of 2009; the total amount the Campaign paid to Verizon and AT&T for those periods is \$944.87.

The Board assessed a penalty of \$50 for this violation.

4. Making cash payments greater than \$100 limit \$50

Campaigns may not make cash expenditures in excess of \$100 per transaction or purchase. *See* Board Rule 4-01(e)(2). Expenditures in excess of \$100 must be paid using a check from the campaign's bank account. *See* Board Rule 1-08(i).

The Campaign reported making a cash expenditure of \$260 to the candidate on November 23, 2009. The Campaign's bank statement shows a withdrawal of \$260 on the same day.

The Board assessed a penalty of \$50 for this violation.