Bob Zuckerman, CD #39 (2009)

**1.   Accepting contributions from unregistered $225
          political committees**

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), 1-04(c)(1).

The Campaign accepted two contributions from unregistered political committees: $100 from Friends of Devin Cohen, and $150 from Friends of Dick Gottfried. The Campaign timely refunded both contributions.

The Board assessed a penalty of $225 for these violations.

2.   Accepting an over-the-limit "Doing Business" contribution $2,000

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(18), 3-703(1-a). For City Council candidates in the 2009 election this limit was $250. 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 September 8, 2009, the Campaign accepted a $2,000 contribution from Gary Barnett, who was listed on the Doing Business database. The Campaign was instructed by CFB staff to refund the contribution by October 26, 2009. The Campaign did not refund the contribution.

The Board assessed a penalty of $2,000 for this violation.

3.   Failing to document transactions $50

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

The Campaign failed to provide a merchant account statement from September 2009. The Campaign also failed to document when it closed the account.

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

4.   Exceeding the expenditure limit $1,603

Candidates who participate in the Campaign Finance Program must abide by limits on the amount of money they can spend on their campaigns. *See* Admin. Code §§ 3-703(1)(i), 3-706, 3-711(2)(a); Board Rules 1-08(d), (l). The expenditure limit for candidates running for City Council in the 2009 primary election was $161,000. The Campaign exceeded the expenditure limit by $1,603.13.

The Campaign made certain expenditures on December 30 and 31, 2008: $1,280 for web design; $1,366 for computers, a printer and a video recorder; $257 for printer toner; and $150 in legal expenses.

CFB staff attributed these expenditures to the 2009 primary election year, pursuant to Board Rule 1-108(b), not to 2008 (the "out year").[1] The Campaign derived the benefit of its web design, computers, printers, and video recorder in 2009, and not in the out year. If these expenditures are not attributed to the election year, campaigns may attempt to evade the election year expenditure limit by making large expenditures at the end of the out year for items that will be used in the election year.

The Board assessed a penalty of $1,603 for this violation.

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[1] *See* Board Rule 1-108(b) ("an expenditure for goods or services is made when the goods or services are received, used, or rendered, regardless when payment is made. Expenditures for goods or services received, used, or rendered in more than one year shall be attributed in a reasonable manner to the expenditure limits of §3-706(1) or (2) of the Code, as appropriate.").