

Sara Gonzalez, CD #38 (2009)

1. Accepting corporate contributions \$250

Candidates are prohibited from accepting corporate contributions. *See* New York City Charter § 1052(a)(13), 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 a \$500 contribution from Rufina Restaurant & Catering on November 1, 2007, which it refunded promptly. The Campaign also accepted a \$20 contribution from Laurentino's Pasticceria & Caffe on February 15, 2009, which it refunded after the deadline.

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

2. Accepting contributions from unregistered political committees \$500

Campaigns may not accept a contribution from a political committee unless the committee has registered with the CFB or registers with the CFB within ten days of receipt of the contribution. *See* Admin. Code §§ 3-703(1)(k), 3-707; Board Rule 1-04(d). A campaign must return a prohibited contribution by bank check or certified check made out to the contributor. *See* Board Rule 1-04(c)(1).

The Campaign accepted a \$250 contribution from Friends of Lewis Fidler on November 14, 2007, a \$200 contribution from Baez For The Future on July 12, 2007, and a \$500 contribution from the Committee to Elect Eric Adams on April 29, 2011. The Fidler and Baez contributions were refunded promptly. The Committee to Elect Eric Adams registered after the 2009 elections, on June 22, 2010. Registration after the election is considered not to be prompt.

The Board assessed a penalty of \$500 for this violation.

3. Filing a disclosure statement late \$350

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), (12), 3-708(8); Board Rules 1-09(a), 3-02.

The Campaign filed Statement #16 on January 21, 2010, seven days past the deadline.

The Board assessed a penalty of \$350 for this violation.

4. Failing to report transactions \$100

Campaigns are required to report every contribution, loan, receipt, and disbursement. *See* Admin. Code § 3-703(6); Board Rule 3-03.

The Campaign failed to report a check for \$237.77 to Verizon Wireless on February 12, 2010, and an expenditure refund from Con Edison for \$184.17 on February 11, 2010.

The Board assessed a penalty of \$100 for this violation.

5. Failing to provide signed intermediary affirmation statements \$50

Intermediaries solicit and/or deliver contributions to campaigns. Campaigns are required to report all contributions delivered or solicited by an intermediary. In addition, campaigns are required to provide a signed intermediary affirmation statement for each instance in which a candidate accepts receipts from an intermediary. *See* Admin. Code §§ 3-703(1)(d), (g), (6); Board Rules 3-03(c)(7), 4-01(b)(5).

The Campaign provided an unsigned intermediary affirmation statement for intermediary Lili Wang.

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

6. Exceeding the expenditure limit No Penalty

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 \$4,769.81. The Campaign reported Environmental Control Board (“ECB”) fines totaling \$17,500 in its July 2011 and January 2012 disclosure filings with the Board of Elections. The Board of Elections reporting does not indicate whether the fines are from the primary or the general elections. The total amount of \$17,500 was attributed to the primary election.

The Board did not assess a penalty for this violation.

7. Making improper post-election expenditures \$950

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 §§ 3-702(21), 3-710; Board Rules 1-03(a), 5-03(e)(2). Further, “an expenditure for goods or services is made when

the goods or services are received, used, or rendered, regardless when payment is made.” Board Rule 1-08(b).

The Campaign reported four post-election expenditures in its July 2011 and January 2012 disclosure filings with the Board of Elections. Three payments, totaling \$7,000, were made to Adelaida Montalvo on February 2, 2011 (\$1,000), July 28, 2011 (\$3,000), and August 25, 2011 (\$3,000). One payment of \$2,500 was made to Frank Seddio on May 2, 2011.

The Board assessed a penalty of \$950 for these violations.

8. Failing to adequately document transactions \$2,500

Campaigns must maintain records, such as copies of checks, bills and other documentation, that enable the CFB to verify the contributions and expenditures reported in the candidate’s disclosure statements. *See* Admin. Code §§ 3-703(1)(d), (g); Board Rule 4-01. The records shall be made and maintained contemporaneously with the transactions recorded, and maintained and organized in a manner that facilitates expeditious review by the Board. *See* Board Rule 4-01(a). Campaigns are required to furnish such records to the CFB upon request. *See* Admin. Code §§ 3-703(1)(d), (g).

The Campaign failed to adequately document expenditures totaling \$23,410.

The Board assessed a penalty of \$2,500 for this violation.