

Billy Talen, Mayor (2009)

1. Filing disclosure statements late \$1,831

Campaigns are required to file disclosure statements on scheduled dates. *See* N.Y.C. Charter § 1052(a)(8); Admin. Code §§ 3-703(6), 3-708(8); Board Rules 1-09(a), 3-02.

The Campaign filed Statement 13 seven days late on October 9, 2009; Statement 14 three days late on October 26, 2009; and Statement 15 two days late on December 2, 2009.

The Board assessed a penalty of \$1,831 for these violations.

2. Failing to provide merchant account and bank account statements \$763

Campaigns must maintain records, such as copies of bank records, merchant account statements, 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. Campaigns are required to furnish such records to the CFB upon request. *See* Admin. Code § 3-703(1)(d), (g). The Campaign did not provide statements from Amalgamated Bank, Authorize.net, and American Express.

The Board assessed a penalty of \$763 for this these violations.

3. Failing to provide employment information for contributions in excess of \$99 \$381

Campaigns are required to report the occupation, employer, and business address of a contributor whose total contributions exceed \$99. *See* Admin. Code 3-703(6), (11), (12); Board Rules 3-03(c)(1), (6).

The Campaign failed to report this required information for 35.17% of contributors who gave contributions in excess of \$99.

The Board assessed a penalty of \$381 for this violation.

4. Accepting an over-the-limit contribution \$229

Mayoral campaigns may not accept contributions from a single source that, added together, exceed \$4,950. *See* Admin. Code §§ 3-702(8), 3-703(1)(d), (f), (g), (6); Board Rules 1-02, 1-04(h). If a campaign accepts such an over-the-limit contribution, it must return the excess portion to the contributor. Board Rules 1-04(c)(1), 4-01(g). If a loan is not repaid by the date of the election, it is deemed a contribution by the lender. *See* Admin. Code § 3-702(8); Board Rule 1-05(a), (b).

The Campaign accepted an over-the-limit contribution from an individual in the amount of \$5,000, \$50 over the limit. The Campaign reported that it refunded the overage on November 2, 2009, but did not provide a copy of the cancelled check used to repay the loan or the relevant bank statement as requested by Board staff.

The Board assessed a penalty of \$229 for this violation.

5. Accepting a corporate contribution \$954

Campaigns may not accept a contribution, loan, guarantee or other security for such loan, from any corporation. *See* Admin. Code § 3-703(1)(l); Board Rules 1-04(c),(e). Campaigns may also not accept a contribution, in-kind or otherwise, from a limited liability company (LLC). *See* New York City Charter § 1052(a)(13), Admin. Code § 3-703(1)(l), and Board Rules 1-04(c), (e).

The Campaign accepted a contribution on May 13, 2009 for \$1,000 that was drawn on a corporate account in the name of Sodada, Inc. The Campaign did not refund the contribution.

The Board assessed a penalty of \$954 for this violation.

6. Failing to respond to post-election requests for documentation and information \$528

All candidates are subject to a post-election audit by the CFB, for which they must furnish certain records, regardless whether the candidate received public funds. *See* Admin. Code §§ 3-703(11), (12), 3-710(1), 3-719(1)(b); Board Rule 4-05(a).

CFB staff sent the Campaign an initial request for documentation and records on December 18, 2009, a Late Response to the Initial Request for Documentation letter on January 22, 2010, and a follow-up letter on March 26, 2010. The Campaign did not respond to the CFB's multiple requests for documentation. The Campaign likewise failed completely to respond to the Board's Draft Audit Report.

The Board assessed a penalty of \$528 for these violations.

7. Failing to accurately report receipts \$3,052

Campaigns must accurately report all receipts and disbursements. *See* Admin. Code § 3-703(1) (d), (6); Board Rule 3-03(c). A review of the bank records submitted by the Campaign revealed that although the Campaign reported receipts totaling \$73,618, its bank statements reflect only \$55,538 in actual receipts. This discrepancy constitutes a variance of 32.55% (or \$18,080).

The Board assessed a penalty of \$3,052 for this violation.

8. Maintaining a cash variance of 78.21% \$6,104

Campaigns are required to deposit all receipts into an account listed on the candidate's Certification. *See* Admin. Code § 3-703(1) and Board Rule 3-03. Campaigns are also required to provide bank records, including periodic bank statements and deposit slips. *See* Admin. Code §§ 3-703(1)(d), (g) and Board Rules 4-01(a), (b)(1), (f).

A review of the deposit slips submitted revealed that although the Campaign reported cash receipts of \$7,375, it provided deposit slips documenting only \$1,607 in cash receipts. This discrepancy constitutes a variance of 78.21% (or \$5,768).

The Board assessed a penalty of \$6,104 for this violation.