

## **Mark Winston Griffith, CD #36 (2009)**

### **1. 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 (“the City”) in excess of the applicable Doing Business contribution limit for the entire election cycle. *See* Admin. Code §§ 3-702(8), (18), (20), 3-703(1-a), (1-b), 3-719(2); Board Rules 1-02, 1-04(c)(1), 1-04(h). 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 by bank check or certified check made out to the contributor within twenty days of being notified by the Board. *See* Board Rule 1-04(c)(1).

The Campaign accepted \$400 from a contributor subject to the \$250 Doing Business contribution limit. The Campaign refunded \$50 to the contributor, resulting in a \$100 remaining overage. The Campaign was notified of the overage, but did not issue a refund until three years after the 2009 deadline.

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

### **2. Filing a disclosure statement five days late \$250**

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 failed to file a disclosure statement by the due date. Statement #16 was due on January 15, 2010, but the Campaign filed it five days late.

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

### **3. Failure 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 two check disbursements, for \$1,000 and \$600.

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

### **4. Failing to report transactions in the appropriate disclosure statement period \$2,000**

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

The Campaign did not report transactions in the appropriate disclosure statement period. Specifically, the Campaign delayed reporting \$59,439.03 in net transactions until Statement #14 (October 23, 2009) and \$134,526.42 in net transactions until Statement #16 (January 15, 2010). These transactions should have been reported in Statement #12 (September 25, 2009) or earlier.

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

**5. Failing to report and document in-kind contributions \$500**

Campaigns are required to report and document all receipts and expenditures. *See* Admin. Code § 3-703(1)(d), (g), (6); Board Rules 3-03, 4-01. Any unpaid debt owed that is outstanding beyond 90 days is treated as an in-kind contribution equal to the value of the credit extended, unless the entity has made a reasonable attempt to collect the debt. *See* Board Rule 1-04(g).

Based on documentation submitted by the Campaign, the Campaign entered into a contract with Sprint for phone and data service. The Campaign did not report or provide documentation demonstrating that either Sprint is awaiting payment, or the Campaign or another party paid for the monthly service charges from August 27, 2009 to June 26, 2010 (\$59.90 per month; \$599.90 for ten months of service). Therefore, the debt is considered an in-kind contribution.

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

**6. Failing to adequately document transactions \$250**

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

The Campaign reported \$36,028.30 in expenditures to Citizens' Services, Inc./NY Citizens' Services, Inc. ("CSI"), but did not provide adequate documentation substantiating the expenditures. CFB staff obtained four CSI contracts, but the contracts conflict or are incomplete; specifically, (1) two contracts cover identical services provided during the same time period, but are valued differently; (2) the payment schedule listed on a contract does not add up to the total amount of the contract; and (3) one contract is not signed by either party.

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

**7. Failing to respond timely to the Initial Document Request \$250**

Campaigns are required to respond to an Initial Documentation Request ("IDR") by the due date. Admin. Code §§ 3-703(1)(d), (g), 3-710, 3-710.5, 3-711; Board Rule 4-01. Failing to respond to the IDR imposes significant burdens on CFB staff and frustrates the purpose of the Act's disclosure requirements.

The deadline for the Campaign's response to the IDR was January 8, 2010. The Campaign requested and was granted eight extensions of time to respond, extending the deadline

to September 29, 2010. The Campaign responded to the IDR on November 3, 2010, 35 days after the extended due date.

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

**8. Failing to respond to the Draft Audit Report \$3,477**

Campaigns are required to respond to the Draft Audit Report (“DAR”) by the due date. Admin. Code §§ 3-703(1)(d), (g), (11), 3-708(5), 3-710(1), 3-711(1); Board Rules 1-09(a), 4-01, 4-05. Failing to respond to the DAR imposes significant burdens on CFB staff and frustrates the purpose of the Act’s disclosure requirements. Campaigns that fail to respond to the DAR are subject to a penalty of up to 10% of public funds received. Admin. Code §§ 3-711(2)(b).

The deadline for the Campaign’s response to the DAR was August 21, 2011. The Campaign requested and was granted four extensions of time to respond. The Campaign failed to respond to the DAR, and was sent No Response letters on March 7 and April 6, 2012.

The Board assessed a \$3,477 penalty for this violation.