



**New York City Campaign Finance Board**  
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Via C-Access  
 October 7, 2016

Katiuska Lopez  
 Raquel Batista 2013  
 2741 Seymour Avenue  
 Bronx, NY 10469

Dear Katiuska Lopez:

Please find attached the New York City Campaign Finance Board’s (“CFB” or “Board”) Final Audit Report for the 2013 campaign of Raquel Batista (the “Campaign”). CFB staff prepared the report based on a review of the Campaign’s financial disclosure statements and documentation submitted by the Campaign.

This report incorporates the Board’s final determination of March 17, 2016, (attached). The report concludes that the Campaign did not fully demonstrate compliance with the requirements of the Campaign Finance Act (the “Act”) and Board Rules (the “Rules”).

As detailed in the attached Final Board Determination, the Campaign must repay the following:

CATEGORY	AMOUNT
Public Funds	\$463.16
Penalties Assessed	\$1,633.00
<b>Total Owed</b>	<b>\$2,096.16</b>

The full amount owed must be paid no later than **November 7, 2016**. Please send a check in the amount of \$2,096.16, payable to the “New York City Election Campaign Finance Fund,” to: New York City Campaign Finance Board, 100 Church Street, 12th Floor, New York, NY 10007.

If the CFB is not in receipt of the full amount owed by **November 7, 2016**, the Candidate’s name and the amount owed will be posted on the CFB’s website. The CFB may also initiate a civil action to compel payment. In addition, the Candidate will not be eligible to receive public funds

for any future election until the full amount is paid. Further information regarding liability for this debt can be found in the attached Final Board Determination.

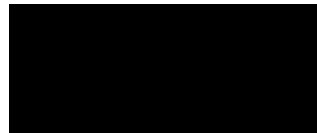
The Campaign may challenge a public funds determination in a petition for Board reconsideration within thirty days of the date of the Final Audit Report as set forth in Board Rule 5-02(a). However, the Board will not consider the petition unless the Campaign submits new information and/or documentation and shows good cause for its previous failure to provide this information or documentation. To submit a petition, please call the Legal Unit at 212-409-1800.

The January 15, 2014 disclosure statement (#16) was the last disclosure statement the Campaign was required to file with the CFB for the 2013 elections. If the Campaign raises additional contributions to pay outstanding liabilities, please note that all 2013 election requirements, including contribution limits, remain in effect. The Campaign is required to maintain its records for six years after the election, and the CFB may require the Campaign to demonstrate ongoing compliance. *See* Rules 3-02(b)(3), 4-01(a), and 4-03. In addition, please contact the New York State Board of Elections for information concerning its filing requirements.

The CFB appreciates the Campaign's cooperation during the 2013 election cycle. Please contact the Audit Unit at 212-409-1800 or [AuditMail@nyccfb.info](mailto:AuditMail@nyccfb.info) with any questions about the enclosed report.

Sincerely,

Signature on Original



Sauda S. Chapman  
Director of Auditing and Accounting

c: Raquel Batista  
A black rectangular redaction box covering contact information.

Raquel Batista 2013  
2741 Seymour Avenue  
Bronx, NY 10469

Attachments



# **EC2013 Final Audit Report**

Raquel Batista 2013

October 2016

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## **RESULTS IN BRIEF**

The results of the New York City Campaign Finance Board's ("CFB" or "Board") review of the reporting and documentation of the 2013 campaign of Raquel Batista (the "Campaign") indicate findings of non-compliance with the Campaign Finance Act (the "Act") and Board Rules (the "Rules") as detailed below:

### ***Disclosure Findings***

Accurate public disclosure is an important part of the CFB's mission. Findings in this section relate to the Campaign's failure to completely and timely disclose the Campaign's financial activity.

- The Campaign did not file the required daily disclosure statements during the two weeks preceding the 2013 primary election (see Finding #1).
- The Campaign must disclose payments made by a vendor to subcontractors (see Finding #2).

### ***Expenditure Findings***

Campaigns participating in the Campaign Finance Program are required to comply with the spending limit. All campaigns are required to properly disclose and document expenditures and disburse funds in accordance with the Act and Rules. Findings in this section relate to the Campaign's failure to comply with the Act and Rules related to its spending.

- The Campaign did not report personal contributions to non-candidate political committees made by the candidate that are attributable to the Campaign (see Finding #3).
- The Campaign made expenditures which were converted to a personal use (see Finding #4).
- The Campaign made post-election expenditures that are not permissible (see Finding #5).

### ***Public Matching Funds Findings***

The CFB matches contributions from individual New York City residents at a \$6-to-\$1 rate, up to \$1,050 per contributor. The CFB performs reviews to ensure that the correct amount of public funds was received by the Campaign and that public funds were spent in accordance with the Act and Rules. Findings in this section relate to whether any additional public funds are due, or any return of public funds by the Campaign is necessary.

- The Campaign is required to return its final bank balance (see Finding #6).

*Other Findings*

- The Campaign did not respond timely to the Draft Audit Report (see Finding #7)

## BACKGROUND

The Campaign Finance Act of 1988, which changed the way election campaigns are financed in New York City, created the voluntary Campaign Finance Program. The Program increases the information available to the public about elections and candidates' campaign finances, and reduces the potential for actual or perceived corruption by matching up to \$175 of contributions from individual New York City residents. In exchange, candidates agree to strict spending limits. Those who receive funds are required to spend the money for purposes that advance their campaign.

The CFB is the nonpartisan, independent city agency that administers the Campaign Finance Program for elections to the five offices covered by the Act: Mayor, Public Advocate, Comptroller, Borough President, and City Council member. All candidates are required to disclose all campaign activity to the CFB. This information is made available via the CFB's online searchable database, increasing the information available to the public about candidates for office and their campaign finances.

All candidates must adhere to strict contribution limits and are banned from accepting contributions from corporations, partnerships, and limited liability companies. Additionally, participating candidates are prohibited from accepting contributions from unregistered political committees. Campaigns must register with the CFB, and must file periodic disclosure statements reporting all financial activity. The CFB reviews these statements after they are filed and provides feedback to the campaigns.

The table below provides detailed information about the Campaign:

Name: Raquel Batista 2013	Contribution Limit:
ID: 1208	\$2,750
Office Sought: City Council	
District: 15	Expenditure Limit:
	2010–2012: \$45,000
Committee Name: Raquel Batista 2013	2013 Primary: \$168,000
Classification: Participant	2013 General: N/A
Certification Date: June 10, 2013	
	Public Funds:
Ballot Status: Primary	Received: \$89,940.00
Primary Election Date: September 10, 2013	Returned: \$0
Party: Democratic	Campaign Finance Summary:
	<a href="http://bit.ly/1k8BxGe">http://bit.ly/1k8BxGe</a>

## SCOPE AND METHODOLOGY

Pursuant to Admin. Code § 3-710(1), the CFB conducted this audit to determine whether the Campaign complied with the Act and Rules. Specifically, we evaluated whether the Campaign:

1. Accurately reported financial transactions and maintained adequate books and records.
2. Adhered to contribution limits and prohibitions.
3. Disbursed funds in accordance with the Act and Rules.
4. Complied with expenditure limits.
5. Received the correct amount of public funds, or whether additional funds are due to the Campaign or must be returned.

Prior to the election, we performed preliminary reviews of the Campaign's compliance with the Act and Rules. We evaluated the eligibility of each contribution for which the Campaign claimed matching funds, based on the Campaign's reporting and supporting documentation. We also determined the Candidate's eligibility for public funds by ensuring the Candidate was on the ballot for an election, was opposed by another candidate on the ballot, and met the two-part threshold for receiving public funds. In January of 2013, we requested all bank statements to date from the Campaign and reconciled the activity on the statements provided to the Campaign's reporting. We then provided the results of this preliminary bank reconciliation to the Campaign on April 16, 2013. Based on various criteria, we also selected the Campaign for an onsite review, and visited the Campaign's location to observe its activity and review its recordkeeping. After the election, we performed an audit of all financial disclosure statements submitted for the election (see summary of activity reported in these statements at Appendix #1).

To verify that the Campaign accurately reported and documented all financial transactions, we requested all of the Campaign's bank statements and reconciled the financial activity on the bank statements to the financial activity reported on the Campaign's disclosure statements. We identified unreported, misreported, and duplicate disbursements, as well as reported disbursements that did not appear on the Campaign's bank statements. We also calculated debit and credit variances by comparing the total reported debits and credits to the total debits and credits amounts appearing on the bank statements. Because the Campaign reported that more than 25% of the dollar amount of its total contributions were in the form of credit card contributions—or had a variance between the total credit card contributions reported and the credits on its merchant account statements of more than 4%—we reconciled the transfers on the submitted merchant account statements to the deposits on the bank account statements.

As part of our reconciliation of reported activity to the bank statements the Campaign provided, we determined whether the Campaign properly disclosed all bank accounts. We also determined if the Campaign filed disclosure statements timely and reported required activity daily during the



two weeks before the election. Finally, we reviewed the Campaign's reporting to ensure it disclosed required information related to contribution and expenditure transactions, such as intermediaries and subcontractors.

To determine if the Campaign adhered to contribution limits and prohibitions, we conducted a comprehensive review of the financial transactions reported in the Campaign's disclosure statements. Based on the Campaign's reported contributions, we assessed the total amount contributed by any one source and determined if it exceeded the applicable limit. We also determined if any of the contribution sources were prohibited. We reviewed literature and other documentation to determine if the Campaign accounted for joint activity with other campaigns.

To ensure that the Campaign disbursed funds in accordance with the Act and Rules, we reviewed the Campaign's reported expenditures and obtained documentation to assess whether funds were spent in furtherance of the Candidate's nomination or election. We also reviewed information from the New York State Board of Elections and the Federal Election Commission to determine if the Candidate had other political committees active during the 2013 election cycle. We determined if the Campaign properly disclosed these committees, and considered all relevant expenditures made by such committees in the assessment of the Campaign's total expenditures.

We requested records necessary to verify that the Campaign's disbursement of public funds was in accordance with the Act and Rules. Our review ensured that the Campaign maintained and submitted sufficiently detailed records for expenditures made in the election year that furthered the Candidate's nomination and election, or "qualified expenditures" for which public funds may be used. We specifically omitted expenditures made by the Campaign that are not qualified as defined by the Campaign Finance Act § 3-704.

We also reviewed the Campaign's activity to ensure that it complied with the applicable expenditure limits. We reviewed reporting and documentation to ensure that all expenditures—including those not reported, or misreported—were attributed to the period in which the good or service was received, used, or rendered. We also reviewed expenditures made after the election to determine if they were for routine activities involving nominal costs associated with winding up a campaign and responding to the post-election audit.

To ensure that the Campaign received the correct amount of public funds, and to determine if the Campaign must return public funds or was due additional public funds, we reviewed the Campaign's eligibility for public matching funds, and ensured that all contributions claimed for match by the Campaign were in compliance with the Act and Rules. We determined if the Campaign's activity subsequent to the pre-election reviews affected its eligibility for payment. We also compared the amount of valid matching claims to the amount of public funds paid pre-election and determined if the Campaign was overpaid, or if it had sufficient matching claims, qualified expenditures, and outstanding liabilities to receive a post-election payment. As part of this review, we identified any deductions from public funds required under Rule 5-01(n).

We determined if the Campaign met its mandatory training requirement based on records of training attendance kept throughout the 2013 election cycle. Finally, we determined if the Campaign submitted timely responses to post-election audit requests sent by the CFB.

Following an election, campaigns may only make limited winding up expenditures and are not going concerns. Because the activity occurring after the post-election audit is extremely limited, the audit focused on substantive testing of the entire universe of past transactions. The results of the substantive testing served to establish the existence and efficacy of internal controls. The CFB also publishes and provides to all campaigns guidance regarding best practices for internal controls.

To determine if contributors were prohibited sources, we compared them to entities listed in the New York State Department of State's Corporation/Business Entity Database. Because this was the only source of such information, because it was neither practical nor cost effective to test the completeness of the information, and because candidates could provide information to dispute the Department of State data, we did not perform data reliability testing. To determine if reported addresses were residential or commercially zoned within New York City, we compared them to a database of addresses maintained by the New York City Department of Finance. Because this was the only source of such data available, because it was not cost effective to test the completeness of the information, and because campaigns had the opportunity to dispute residential/commercial designations by providing documentation, we did not perform data reliability testing.

In the course of our reviews, we determined that during the 2013 election cycle a programming error affected C-SMART, the application created and maintained by the CFB for campaigns to disclose their activity. Although the error was subsequently fixed, we determined that certain specific data had been inadvertently deleted when campaigns amended their disclosure statements and was not subsequently restored after the error was corrected. We were able to identify these instances and did not cite exceptions that were the result of the missing data or recommend violations to the Board. The possibility exists, however, that we were unable to identify all data deleted as a result of this error.

The CFB's Special Compliance Unit investigated any complaints filed against the Campaign that alleged a specific violation of the Act or Rules. The Campaign was sent a copy of all formal complaints made against it, as well as relevant informal complaints, and was given an opportunity to submit a response.

The Campaign was provided with a preliminary draft of this audit report and was asked to provide a response to the findings. The Campaign responded, and the CFB evaluated any additional documentation provided and/or amendments to reporting made by the Campaign in response. The Campaign was subsequently informed of its alleged violations and obligation to repay public funds, and was asked to respond. The Campaign responded and the CFB evaluated any additional information provided by the Campaign. CFB staff recommended that the Board find that the Campaign must repay public funds and committed violations subject to penalty. The Campaign chose to contest the CFB staff recommendations, and subsequently appeared before the Board on March 17, 2016. The Board's actions are summarized as a part of each Finding in

the Audit Results section. The finding numbers and exhibit numbers, as well as the number of transactions included in the findings, may have changed from the Draft Audit Report to the Final Audit Report.

**AUDIT RESULTS**

*Disclosure Findings*

**1. Daily Pre-Election Disclosure – Statements of Contributions/Expenditures**

During the 14 days preceding an election, if a candidate: (1) accepts a loan, contribution, or contributions from a single source in excess of \$1,000; or (2) makes aggregate expenditures to a single vendor in excess of \$20,000, the candidate shall report such contributions, loans, and expenditures to the Board in a disclosure, received by the Board within 24 hours of the reportable transaction. *See* Rule 3-02(e). This includes additional payments of any amount to vendors who have received aggregate payments in excess of \$20,000 during the 14-day pre-election period. These contributions and expenditures must also be reported in the Campaign’s next disclosure statement.

The Campaign did not file the required daily disclosure to report the following transaction:

EXPENDITURE				
NAME	STATEMENT/ SCHEDULE/ TRANSACTION	DATE INCURRED	AMOUNT	NOTE
Berlin Rosen	12/F/R0001428	09/05/13	\$925.00	(1)

(1) The Campaign paid, in aggregate, \$21,248.00 to Berlin Rosen in the 14 days prior to the election. The Campaign disclosed the other expenditures within the required period.

**Previously Provided Recommendation**

If the Campaign believes it filed the required daily disclosure timely, as part of its response it must submit the C-SMART disclosure statement confirmation email as proof of the submission. The Campaign may provide an explanation if it believes that its failure to file the daily disclosure is not a violation, but it cannot file daily pre-election disclosures now.

**Campaign’s Response**

In response to the Draft Audit Report, the Campaign stated that it received a Berlin Rosen invoice for \$925 on September 5, 2013, which it paid on September 9, 2013. It explained that it did not file the required disclosure because, at that time, it believed it did not need to report a payment under \$20,000 during the 14 days preceding the election.

## Board Action

The Board has taken no further action on this matter other than to make this a part of the Candidate's record with the Board.

## 2. Disclosure – Possible Subcontractors

Subcontractors are vendors that a campaign's vendor hires to supply goods/services. If a vendor hired by a campaign pays a subcontractor more than \$5,000, the campaign must report the vendor, the name and address of the subcontractor, the amounts paid to the subcontractor, and the purpose of the subcontracted goods/services. *See* Rule 3-03(e)(3).

The vendor listed below received large payments and may have subcontracted goods and services. However, the Campaign did not report subcontractors used by this vendor:

PAYEE	AMOUNT PAID
Berlin Rosen	\$28,470.00

## Previously Provided Recommendation

The Campaign must contact the vendor, who must verify whether subcontractors were used. The Campaign may provide the vendor with a copy of the Subcontractor Form (available on the CFB website at [http://www.nyccfb.info/PDF/forms/subcontractor\\_disclosure\\_form.pdf](http://www.nyccfb.info/PDF/forms/subcontractor_disclosure_form.pdf)) for this purpose, and submit the completed form with the Campaign's response. In addition, if subcontractors were used and paid more than \$5,000, the Campaign must amend its disclosure statements to report subcontractor information. If the vendor does not complete the Subcontractor Form, the Campaign should submit documentation of its attempts to obtain this information, including copies of certified mail receipts and the letters sent to the vendors.

## Campaign's Response

In response to the Draft Audit Report, the Campaign provided a signed Subcontractor Form from Berlin Rosen indicating that it subcontracted more than \$5,000 in goods and services to Westerleigh Concepts for printing and mailing campaign literature. However, Berlin Rosen declined to disclose exactly how much and, subsequently, the Campaign was unable to report the subcontracted transactions.

## Board Action

The Board has taken no further action on this matter other than to make this a part of the Candidate's record with the Board.

## *Expenditure Findings*

### **3. Candidate Personal Contributions**

Campaigns are required to report the candidate's personal contributions of \$99 or more to political committees that support candidates in New York City and throughout New York State (except political committees of other candidates). Such contributions are presumptively campaign expenditures, unless the candidate rebuts the presumption. *See* CFB Final Determination No. 2009-1. Such contributions are also considered contributions by the candidate to the campaign, and count toward the candidate's contribution limit.

Contributions reported to the New York State Board of Elections and the Federal Election Commission by the recipients indicate that the Candidate made a contribution that the Campaign should have reported as a Candidate Personal Contribution. *See* Exhibit I.

### **Previously Provided Recommendation**

If the Campaign believes that it is not required to disclose the contribution listed on Exhibit I, it must provide an explanation and supporting documentation to demonstrate that:

- The Candidate has a prior personal relationship with the recipient political committee as described in CFB Final Determination No. 2009-1.
- The Candidate has a lengthy history of contributing to the entity at a similar or greater financial level.
- The transaction was a purchase of a good or service rather than a contribution.

If the Campaign cannot provide evidence of any of the scenarios listed above, it must enter the contributions listed on Exhibit I in C-SMART as Candidate Personal Contributions and submit amendments to its disclosure statements to report the transactions.

### **Campaign's Response**

In response to the Draft Audit Report, the Campaign submitted documentation from the Candidate that stated that the transaction was for the Working Families annual gala and made before she considered running for office. However, though the Campaign contends this is not a contribution, it did not include documentation of a good and/or service which the candidate received in exchange. Additionally, the transaction occurred during the 2013 election cycle when the Candidate could have been considering running for office.

## Board Action

The Board has taken no further action on this matter other than to make this a part of the Candidate's record with the Board.

### 4. Expenditures – Not In Furtherance of the Campaign

Campaigns may only spend campaign funds for items that further the candidate's election. Campaigns must keep detailed records to demonstrate that campaign funds were used only for those purposes. *See* Admin. Code §§ 3-703(1)(d), (g); Rule 4-01. The law gives examples of the types of expenditures that are presumed to be campaign-related, although in certain circumstances expenditures of the types listed as appropriate may be questioned. Among the relevant factors 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. The law also prohibits the conversion of campaign funds to personal use which is unrelated to a political campaign, and provides examples of expenditures that are not in furtherance of a campaign. *See* New York State Election Law §14-130; Admin. Code §§ 3-702(21), 3-703, and 3-710(2)(c); Rules 1-03(a), and 5-03(e), and Advisory Opinion No. 2007-3 (March 7, 2007). Expenditures not demonstrated to be in furtherance of the candidate's election are considered "non-campaign related."

The Campaign reported the expenditures listed below which—based on the reporting and/or documentation—are non-campaign related:

PAYEE	STATEMENT/ SCHEDULE/ TRANSACTION	PURPOSE CODE	INVOICE DATE	DATE PAID	AMOUNT	NOTES
Sprint Premier Store	8/F/R0000782	OFFCE	04/02/13	04/02/13	\$140.87	(1)
Sprint Wireless	12/F/R0001285	OTHER	09/06/13	09/06/13	\$466.08	(1)
Batista, Raquel E	16/F/R0001565	OTHER	11/01/13	11/01/13	\$89.20	(2)
<b>Total</b>					<b>\$696.15</b>	

(1) In its response to the Draft Audit Report, the Campaign explained that it reimbursed the Candidate for a pro rata portion of her personal cell phone expenses from August 24, 2012, to September 23, 2013 (16/F/R0001565). However, the Campaign submitted documentation that indicates the Campaign also paid the full expenses for an iPhone and accessories on 04/01/13 (8/F/R0000782) and an additional expenditure for "Raquel's phone bill" (12/F/R0001285). These expenses appear to have been converted to the candidate's personal use.

(2) The total amount of the payment is \$1,378.26; of that total, there were \$89.20 in charges for a new phone in April 2013. The April 2013 bill shows a \$50.00 "Early Device Upgrade" and \$39.20 "Device Updated Activation Fee." This expense appears to have been converted to the candidate's personal use.



### **Previously Provided Recommendation**

This finding was identified as a result of the Campaign's response to the Draft Audit Report.

### **Campaign's Response**

In its response to the Notice of Alleged Violations and Recommended Penalties, the Campaign did not contest the \$466.08 charge (Transaction ID 12/F/R0001285), acknowledging that it was for the candidate's phone line and "over and above the pro rata share of campaign-related calls." However, it disputed the characterization of the remaining charges as conversion. The Campaign stated that the \$140.87 (Transaction IDs 8/F/R0000782 and 16/F/R0001565) for replacing the Candidate's broken personal phone was campaign-related because the Candidate used her phone as the only dedicated campaign phone number until August 2013. However, the replacement of Candidate personal belongings is, by definition, not an expenditure in furtherance of the campaign.

### **Board Action**

The Board found the Campaign in violation and assessed \$929 in penalties.

## **5. Expenditures – Improper Post-Election**

After the election, campaigns may only make disbursements for the preceding election, or for limited, routine activities of nominal cost associated with winding up a campaign and responding to the post-election audit. Campaigns have the burden of demonstrating that post-election expenditures were for the preceding election or the limited and routine activities described in the law. *See* Admin. Code § 3-710(2)(c); Rule 5-03(e)(2).

Each expenditure listed on Exhibit II is an improper post-election expenditure due to the timing, amount and/or purpose reported by the Campaign or identified from a review of Campaign bank statements and/or documentation. In some cases, the transactions were identified solely from a review of the New York State Board of Elections disclosure statements.

### **Previously Provided Recommendation**

The Campaign must explain how each expenditure was for the preceding election, or was a routine and nominal expenditure associated with winding up the Campaign, and must provide supporting documentation. Expenditures that are not proper post-election expenditures may increase the amount of public funds that must be repaid.



## **Campaign's Response**

In its responses to the Draft Audit Report and Notice of Alleged Violations and Recommended Penalties, the Campaign stated that it paid monthly fees to keep its fundraising accounts (3dna Corp, Authorize Net, and Flagship Merchant Services) open to retain online access for the post-election audit and to process payments for the items in storage. However, the Campaign did not need to pay to keep these accounts, as it is only required to provide merchant account statement through the account's closing date. Neither the Campaign's bank statements nor merchant account statements indicate that the Campaign processed any credit card payments after September 2013. The Campaign also stated that it needed to keep its Flagship Merchant Services and Authorize Net accounts open, because it had intended to sell some Campaign supplies and needed those accounts in order to accept online payment. However, the Campaign did not provide any documentation as evidence of its attempts to sell the items; instead, it documented that it donated them on March 23, 2015 to Mothers on the Move. The Campaign provided an email addressed to Flagship Merchant Services and dated December 26, 2014, to close its merchant account; the merchant continued to charge the Campaign. The Campaign provided an additional email dated August 12, 2015 to Flagship Merchant Services, eight months after the initial request, in which it requested refunds for fee payments made from January 2014 onward. According to bank records, the Campaign continued to be billed for this service through August 3, 2015.

The Campaign also paid to renew its online domain name, RaquelBatista2013. The Campaign stated that the charge was automatic. The Campaign is required to promptly wind up all campaign activity, including cancelling automatic charges, after the election.

The Campaign stated that payment to Honey Thai Pavilion and Saffron Indian Cuisine was for a post-election audit meeting. Food and beverage expenses after the election are not in furtherance of the Campaign, nor part of the post-election audit process.

A charge on the Campaign's bank statement to NYC DOT in April 2015 did not appear to be related to the post-election audit.

## **Board Action**

The Board found the Campaign in violation and assessed \$654 in penalties.

## **6. Return of Final Bank Balance**

Campaigns are required to return excess public funds after the election. *See* Admin. Code § 3-710(2)(c); Rule 5-03(e). Public funds are only intended to be used for campaign expenditures, and not every campaign will use all of the public funds it received. This may occur when additional contributions were received or a campaign spent less than anticipated. To ensure that excess public funds are not wasted, until excess public funds have been repaid the only disbursements allowed are those for the preceding election and routine post-election expenditures. Routine post-

election expenditures are those involving nominal cost associated with winding up a campaign and responding to the post-election audit. *See* Rule 5-03(e)(2)(i), (ii).

The remaining balance in the Campaign's bank account was \$463.13 according to the Campaign's September 30, 2015, bank statement. Based on the activity reported by the Campaign and additional information obtained and reviewed in the course of this audit, the Campaign must return \$463.13 to the Public Fund as its final bank balance.

### **Previously Provided Recommendation**

The Campaign must respond to all findings in this Draft Audit Report, including providing additional bank statements if requested. The Campaign must repay the final bank balance above with a check payable to the "New York City Election Campaign Finance Fund." If the Campaign disagrees with the amount, it must provide documentation and explanation to show why the amount is not correct. The Campaign may reduce the amount it must return to the Public Fund by proving that outstanding loans or outstanding liabilities timely reported on Statement 16 and not previously documented are still outstanding.

### **Campaign's Response**

In its response to the Notice of Alleged Violations, the Campaign submitted banks statements through September 30, 2015. The balance remaining in the Campaign's checking account as of September 30, 2015, was \$463.16.

### **Board Action**

The Board determined that the Campaign must repay \$463.16 to the Public Fund.

## **7. Failure to Respond Timely**

Campaigns are required to respond timely to requests from the CFB. *See* Admin. Code § 3-703(1)(d); Rules 1-09, 4-01.

The Campaign failed to submit, by the due date, the following:

REQUEST	DUE DATE	DATE SUBMITTED	# DAYS LATE
Draft Audit Report	01/16/15	01/17/15	1

### **Previously Provided Recommendation**

This finding was identified as a result of the Campaign's response to the Draft Audit Report.

### **Campaign's Response**

The Campaign did not contest this finding.

### **Board Action**

The Board found the Campaign in violation and assessed \$50 in penalties.

We performed this audit in accordance with the audit responsibilities of the CFB as set forth in Admin. Code § 3-710. We limited our review to the areas specified in this report's audit scope.

Respectfully submitted,



Signature on Original

Sauda S. Chapman

Director of Auditing and Accounting

Date: October 7, 2016

Staff: Sonia M. Simões

**New York City Campaign Finance Board  
Campaign Finance Information System  
Transaction Summary Report  
Appendix 1**

**Candidate:** Batista, Raquel E (ID:1208-P)**Office:** 5 (City Council)**Election:** 2013

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1. Opening cash balance (All committees)		\$0.00
2. Total itemized monetary contributions (Sch ABC)		\$39,293.00
3. Total unitemized monetary contributions		\$0.00
4. Total in-kind contributions (Sch D)		\$234.18
5. Total unitemized in-kind contributions		\$0.00
6. Total other receipts (Sch E - excluding CFB payments)		\$0.00
7. Total unitemized other receipts		\$0.00
8. Total itemized expenditures (Sch F)		\$124,919.74
Expenditure payments	\$124,319.06	
Advance repayments	\$600.68	
9. Total unitemized expenditures		\$0.00
10. Total transfers-In (Sch G)		\$0.00
Type 1	\$0.00	
Type 2a	\$0.00	
Type 2b	\$0.00	
11. Total transfers-out (Sch H)		\$0.00
Type 1	\$0.00	
Type 2a	\$0.00	
Type 2b	\$0.00	
12. Total loans received (Sch I)		\$0.00
13. Total loan repayments (Sch J)		\$0.00
14. Total loans forgiven (Sch K)		\$0.00
15. Total liabilities forgiven (Sch K)		\$0.00
16. Total expenditures refunded (Sch L)		\$2,465.70
17. Total receipts adjustment (Sch M - excluding CFB repayments)		\$10.00
18. Total outstanding liabilities (Sch N - last statement submitted)		\$747.21
Outstanding Bills	\$747.21	
Outstanding Advances	\$0.00	
19. Total advanced amount (Sch X)		\$0.00
20. Net public fund payments from CFB		\$89,940.00
Total public funds payment	\$89,940.00	
Total public funds returned	\$0.00	
21. Total Valid Matchable Claims		\$15,255.00
22. Total Invalid Matchable Claims		\$4,815.00
23. Total Amount of Penalties Assessed		\$1,633.00
24. Total Amount of Penalty Payments		\$0.00
25. Total Amount of Penalties Withheld		\$0.00

**Exhibit I**  
**Raquel Batista 2013**  
**Unreported Candidate Political Committee Contributions**  
**(see Finding #3)**

<b>Contributor</b>	<b>Payee</b>	<b>Source</b>	<b>Date</b>	<b>Amount</b>
Raquel Batista	Working Families Party, Inc.	BOE	06/28/12	\$100.00

**Exhibit II**  
**Raquel Batista 2013**  
**Improper Post-Election Expenditures**  
**(see Finding #5)**

Name	Statement/ Schedule/ Transaction ID/ Bank Statement	Purpose Code	Invoice Date	Paid Date	Amount	Note:
Honeys Thai Pavillion	16/F/R0001550	OTHER	11/27/13	11/27/13	\$22.48	(1)
3DNA Corp	16/F/R0001552	FUNDR	11/29/13	11/29/13	\$24.00	
Authorize Net	16/F/R0001576	FUNDR	12/03/13	12/03/13	\$27.90	
Flagship Merchant Services	16/F/R0001574	FUNDR	12/02/13	12/20/13	\$62.95	
3DNA Corp	16/F/R0001572	OTHER	12/30/13	12/30/13	\$24.00	
Flagship Merchant Services	16/F/R0001582	FUNDR	01/02/14	01/02/14	\$62.95	
Authorize Net	16/F/R0001580	FUNDR	01/03/14	01/03/14	\$27.90	
Authorize Net	2014 July Periodic	FUNDR	N/A	02/04/14	\$27.90	
3DNA Corp	2014 July Periodic	FUNDR	N/A	02/05/14	\$24.00	
Flagship Merchant Services	2014 July Periodic	FUNDR	N/A	02/05/14	\$62.95	
Flagship Merchant Services	2014 July Periodic	FUNDR	N/A	03/03/14	\$62.95	
Authorize Net	2014 July Periodic	OTHER	N/A	03/04/14	\$27.90	
3DNA Corp	2014 July Periodic	OTHER	N/A	03/05/14	\$24.00	
Authorize Net	2014 July Periodic	FUNDR	N/A	04/02/14	\$27.90	
Flagship Merchant Services	2014 July Periodic	OTHER	N/A	04/02/14	\$62.95	
3DNA Corp	2014 July Periodic	FUNDR	N/A	04/05/14	\$24.00	
Authorize Net	2014 July Periodic	FUNDR	N/A	05/02/14	\$27.90	
3DNA Corp	2014 July Periodic	FUNDR	N/A	05/05/14	\$24.00	
Flagship Merchant Services	2014 July Periodic	FUNDR	N/A	05/05/14	\$62.95	
Flagship Merchant Services	2014 July Periodic	OTHER	N/A	06/02/14	\$161.95	
Authorize Net	2014 July Periodic	FUNDR	N/A	06/03/14	\$27.90	
3DNA Corp	2014 July Periodic	FUNDR	N/A	06/05/14	\$18.48	
Register.Com	2014 July Periodic	OTHER	N/A	06/12/14	\$38.00	
Authorize Net	2014 July Periodic	FUNDR	N/A	07/02/14	\$27.90	
Flagship Merchant Services	2014 July Periodic	FUNDR	N/A	07/03/14	\$62.95	
3DNA Corp	2014 July Periodic	FUNDR	N/A	07/07/14	\$24.00	
Authorize Net	2015 Jan Periodic	OTHER	N/A	08/04/14	\$27.90	
Flagship Merchant Services	2015 Jan Periodic	OTHER	N/A	08/04/14	\$62.95	
3DNA Corp	2015 Jan Periodic	OTHER	N/A	08/05/14	\$24.00	

**Exhibit II**  
**Raquel Batista 2013**  
**Improper Post-Election Expenditures**  
**(see Finding #5)**

Name	Statement/ Schedule/ Transaction ID/ Bank Statement	Purpose Code	Invoice Date	Paid Date	Amount	Note:
Authorize Net	2015 Jan Periodic	OTHER	N/A	09/03/14	\$27.90	
Flagship Merchant Services	2015 Jan Periodic	OTHER	N/A	09/03/14	\$62.95	
3DNA Corp	2015 Jan Periodic	OTHER	N/A	09/05/14	\$24.00	
Authorize Net	2015 Jan Periodic	OTHER	N/A	10/02/14	\$27.90	
Flagship Merchant Services	2015 Jan Periodic	OTHER	N/A	10/03/14	\$62.95	
3DNA Corp	2015 Jan Periodic	OTHER	N/A	10/06/14	\$24.00	
Saffron Indian Cuisine	2015 Jan Periodic	OTHER	N/A	10/09/14	\$11.41	(1)
Flagship Merchant Services	2015 Jan Periodic	OTHER	N/A	11/03/14	\$62.95	
Authorize Net	2015 Jan Periodic	OTHER	N/A	11/04/14	\$27.90	
3DNA Corp	2015 Jan Periodic	OTHER	N/A	11/05/14	\$24.00	
Authorize Net	2015 Jan Periodic	OTHER	N/A	12/02/14	\$27.90	
Flagship Merchant Services	2015 Jan Periodic	OTHER	N/A	12/03/14	\$62.95	
Authorize Net	2015 Jan Periodic	OTHER	N/A	01/05/15	\$27.90	
Flagship Merchant Services	2015 Jan Periodic	OTHER	N/A	01/05/15	\$112.90	
Nationbuilder	Jan 2015 bank statement XXXX4078	N/A	N/A	01/15/15	\$24.00	
Flagship Merchant Services	Feb 2015 bank statement XXXX4078	N/A	N/A	02/02/15	\$62.95	
Authorize Net	Feb 2015 bank statement XXXX4078	N/A	N/A	02/03/15	\$27.90	
Nationbuilder	Feb 2015 bank statement XXXX4078	N/A	N/A	02/17/15	\$24.00	
Flagship Merchant Services	Mar 2015 bank statement XXXX4078	N/A	N/A	03/02/15	\$62.95	
Authorize Net	Mar 2015 bank statement XXXX4078	N/A	N/A	03/03/15	\$27.90	
Nationbuilder	Mar 2015 bank statement XXXX4078	N/A	N/A	03/16/15	\$24.00	
Flagship Merchant Services	Apr 2015 bank statement XXXX4078	N/A	N/A	04/02/15	\$62.95	
Authorize Net	Apr 2015 bank statement XXXX4078	N/A	N/A	04/02/15	\$27.90	
NYCDOT	Apr 2015 bank statement XXXX4078	N/A	N/A	04/15/15	\$13.00	
Flagship Merchant Services	May 2015 bank statement XXXX4078	N/A	N/A	05/04/15	\$62.95	
Authorize Net	May 2015 bank statement XXXX4078	N/A	N/A	05/04/15	\$27.90	
Authorize Net	June 2015 bank statement XXXX4078	N/A	N/A	06/02/15	\$27.90	
Unknown	June 2015 bank statement XXXX4078	N/A	N/A	06/03/15	\$181.95	
Register.Com	June 2015 bank statement XXXX4078	N/A	N/A	06/12/15	\$38.00	



**Exhibit II**  
**Raquel Batista 2013**  
**Improper Post-Election Expenditures**  
**(see Finding #5)**

<b>Name</b>	<b>Statement/ Schedule/ Transaction ID/ Bank Statement</b>	<b>Purpose Code</b>	<b>Invoice Date</b>	<b>Paid Date</b>	<b>Amount</b>	<b>Note:</b>
Flagship Merchant Services	July 2015 bank statement XXXX4078	N/A	N/A	07/02/15	\$62.95	
Authorize Net	July 2015 bank statement XXXX4078	N/A	N/A	07/03/15	\$27.90	
Flagship Merchant Services	Aug 2015 bank statement XXXX4078	N/A	N/A	08/03/15	\$62.95	
Authorize Net	Aug 2015 bank statement XXXX4078	N/A	N/A	08/04/15	\$27.90	
<b>Total</b>					<b><u>\$2,653.17</u></b>	

**Note:**

(1) The Board has not included this transaction in its penalty calculation, and has taken no further on this matter other than to make this a part of the Candidate's record with the Board.