



**New York City
Campaign Finance Board**

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February 16, 2012

By First Class Mail and C-ACCESS

Francesca M. Castellanos



Mercedes Regalado
Treasurer – People for Castellanos



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People for Castellanos



FINAL BOARD DETERMINATION – EC2009 CAMPAIGN

The New York City Campaign Finance Board (“Board”), at a meeting held on February 16, 2012, made the following final determination concerning the Castellanos 2009 Campaign (“Campaign”):

Violations and Penalties

The Board determined that the Candidate, Treasurer, and Committee named above violated the New York City Campaign Finance Act (“Act”) and Board Rules and are jointly and severally liable for the payment of \$4,296 in penalties as follows:

1. A penalty of \$3,546 for converting campaign funds to a personal use. *See* N.Y.S Election Law § 14-130, Admin. Code §§ 3-702(21), 3-703(1)(d), (g), and 3-710(2)(c), Board Rules 1-03(a), 4-01, and 5-03(e), and Advisory Opinion No. 2007-3 (March 7, 2007). The Board determined that the Campaign purchased the following

Candidate ID Number: DT-P

items totaling \$3,223.68 close to the election, and that they were converted to a personal use:

- Dell Studio 15 Notebook; \$1,071.35; August 24, 2009.
- Two (2) netbooks, wireless router; \$816.53; August 29, 2009.
- Sony Ericsson smart phone; \$533.90; August 22, 2009.
- HDTV, mini-fridge, DVD Player, et al.; \$490.65; August 26, 2009.
- Nikon Camera, 2G Memory Card; \$123.01; August 26, 2009

Additionally, the Campaign failed to provide a receipt or other documentation for purchases totaling \$188.24 from Target on August 31, 2009.

The Board determined that the Campaign failed to demonstrate that the items listed above were for use in the 2009 election. The penalty amount of \$3,546 represents a disgorgement of the funds converted to a personal use, plus 10%.

2. A penalty of \$750 for filing a disclosure statement late. *See* Admin. Code §§ 3-703(6) and 3-708(8), and Board Rules 1-09(a) and 3-02. Disclosure Statement No. 12 was due September 25, 2009. The Campaign filed it 18 days late on October 13, 2009.

3. A violation with no corresponding penalty for making improper post-election expenditures. *See* Admin. Code §§ 3-702(21) and 3-710, and Board Rules 1-03(a) and 5-03(e)(2). The Campaign made nine (9) expenditures totaling \$987.93 that, due to their timing and purpose, were determined to be improper post-election expenditures.

4. A violation with no corresponding penalty for failing to document expenditures. *See* Admin. Code §§ 3-703(1)(d) and (g), and Board Rule 4-01. The Campaign failed to provide documentation for two expenditures to The Home Depot.

5. A violation with no corresponding penalty for failing to comply with subcontractor reporting requirements. *See* Admin. Code §§ 3-703(1)(d), (g) and 3-703(6), and Board Rules 3-03(e)(3) and 4-01(h). The Campaign failed to provide information regarding the use of subcontractors from H2G Media Corp.

Public Funds Calculation

The Board determined that the Campaign shall be required to repay public funds based on the largest payment amount from the following public funds calculation.

Type of Repayment ¹	Amount
1. Qualified Expenditure Deficit	\$18,754
2. Overpayment of Public Funds Based on Valid Matching Claims	\$2,310
3. Final Bank Balance	\$234.64

Accordingly, the Board determined that the amount due is \$23,050 (including \$4,296 in penalties and \$18,754 in public funds). People for Castellanos is responsible for repaying \$18,754 in public funds, and Francesca Castellanos is jointly and severally responsible for repaying \$12,000 of this amount.

You must pay to the Board \$23,050 no later than April 13, 2012. Checks should be made payable to the “New York City Election Campaign Finance Fund,” and mailed to the attention of Mark Sattinger, Associate Counsel, New York City Campaign Finance Board, 40 Rector Street, 7th Floor, New York, New York 10006, or delivered to the offices of the Board.

If the Board is not in receipt of the full \$23,050 by April 13, 2012, the candidate’s name and the unpaid amount will be posted on the Board’s Website. The Board may initiate a civil action against the Candidate, the Treasurer and the Committee for the penalty amount, and against the Committee and the Candidate for the public funds amount.

You may challenge a public funds calculation 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.

You may also challenge this final determination, within four months, in the New York State Supreme Court pursuant to Article 78 of the Civil Practice Law and Rules.

If you need additional time to pay this amount or if you have any questions concerning this Final Board Determination, please contact Mark Sattinger, Associate Counsel, at (212) 306-7168 or msattinger@nyccfb.info.



[signature on original]

Sue Ellen Dodell
General Counsel

**NEW YORK CITY
CAMPAIGN FINANCE BOARD**

¹ For more information regarding the payment amounts and public funds calculation, please refer to the Public Funds Calculation sent to the Campaign on September 29, 2011.