



New York City Campaign Finance Board
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November 12, 2015

By First Class Mail and C-ACCESS

Andrew King
[REDACTED]

William Rivera
[REDACTED]

Andy King 2013
[REDACTED]

FINAL BOARD DETERMINATION – EC2013 CAMPAIGN

The New York City Campaign Finance Board (“Board”), at a meeting held on November 12, 2015, made the following final determination concerning the Andrew King 2013 Campaign (“Campaign”):

Violations and Penalties

The Board determined that the Candidate, the Treasurer, and the Committee named above violated the New York City Campaign Finance Act (“Act”) and Board Rules and are jointly and severally liable for paying \$16,848 in penalties as follows:

1. A penalty of \$50 for filing a late disclosure statement. *See* N.Y.C. Charter § 1052(a)(8); Admin. Code §§ 3-703(6), (12), 3-708(8); Board Rules 1-09, 3-02. The Campaign filed Disclosure Statement 11 one day late.

Candidate ID Number: 1185-P

2. A penalty of \$1,169 for accepting a contribution from a corporation, limited liability company, or partnership. *See* N.Y.C. Charter § 1052(a)(13); Admin. Code §§ 3-702(8), 3 703(1)(l); Board Rules 1-04(c)(1), (e), (g), 1-05. The Campaign entered into a “Community Room License Agreement” with Surrey Co-op Apartments Inc., a corporation. The agreement stated that the cost of rent, including a “License Fee” for August 3, 2013 through November 7, 2013 would be \$3,919.50. The Campaign paid \$3,000 of the total amount, resulting in an unreported in-kind contribution of \$919.50.

3. A violation with no associated penalty for failing to demonstrate compliance with intermediary reporting and documentation requirements. *See* Admin. Code §§ 3-703(1)(d), (g), (6), (11); Board Rules 3-03(c)(7), 4-01(b)(5). On July 8, 2013, and July 11, 2013, the Campaign received contributions totaling \$161 from 13 contributors who shared an employer. The Campaign failed to report and document these contributions as being intermediated, nor did it explain the commonalities among the contributions or how they were gathered.

4. A penalty of \$200 for failing to properly document transactions. *See* Admin. Code §§ 3-703(1)(d), (g), (11), (12), 3-715; Board Rules 1-09, 4-01(a), (c), (g), (k), 4-03. The Campaign failed to adequately document a \$164.10 payment to JLC Printing & Graphics and a \$2,275.80 payment to Century Direct.

5. A penalty of \$10,000 for converting campaign funds to a personal use. *See* Admin. Code § 3-702(21)(b); Board Rules 1-03(a), 2-02. The Campaign reported nine expenditures from February 2013 to May 2014, totaling \$3,568.70, to Verizon which were billed to the Candidate’s home address. The Campaign reported two expenditures to Neva Shillingford-King, the Candidate’s spouse, totaling \$7,000, made on October 4, 2013, and November 5, 2013, and submitted an accompanying agreement for services dated August 21, 2014. The Campaign failed to demonstrate that these expenditures to Verizon and Neva Shillingford-King were not made for a personal use.

6. A penalty of \$1,367 for failing to demonstrate that spending was in furtherance of the campaign. *See* Admin. Code §§ 3-702(21)(a), (b); 3-703(1)(d), (g), (6), (11); Board Rules 1-03(a), 4-01(e). The Campaign reported nine expenditures to American Airlines, Surrey Co-Op Apartments Inc., WVIP Radio Station, Delta New York, Nick Lugo, and Rosetta Archible which, based on the reporting and/or documentation, are non-campaign related.

7. A penalty of \$1,811 for making impermissible post-election expenditures. *See* Admin. Code §§ 3-702(21)(a)(8), 3-703(1)(d), (g), (6), (11), 3-710(2)(c); Board Rules 1-03(a), 1-08(b), 5-03(e)(2). The Campaign made six post-election expenditures to Intercontinental Hotel PR, Staples, SEIC-CC LLC, Rain Inc., and WVIP Radio Station, totaling \$7,247.85, which, based on the timing, amount and/or purpose, were impermissible.

8. A penalty of \$1,500 for commingling campaign funds with funds accepted for a different election. *See* Admin. Code §§ 3-703(1)(c), (d), (g), (6), (10), (11); Board Rules 1-11(d), 2-06, 4-01(f). The Candidate’s 2012A special election committee, the Committee to Elect Andy King, made sixteen expenditures (totaling \$1,882.35) between January 12, 2013 and November 5, 2013, which, based on their timing and nature, were made in furtherance of the 2013 Campaign. The Campaign also accepted two contributions (totaling \$650), dated March 2013 and payable to Andy King 2013, which were not reported, but appear to have been deposited into the Candidate’s 2012A special election committee bank account.

9. A penalty of \$751 for failing to respond to an audit documentation and information request. *See* Admin. Code §§ 3-703(1)(d), (g), (6), (11), (12), 3-708(5), 3-710(1); Board Rules 1-09(a), 4-01, 4-05(a). The Campaign failed to respond to the CFB staff’s Request for Information, dated August 13, 2014.

Public Funds Calculation

The Board determined that the Campaign must return Public Funds as follows:

Type of Repayment¹	Amount
1. Qualified Expenditure Deficit	\$26,971.00
2. Final Bank Balance	\$11,368.17

The Qualified Expenditure Deficit is the largest Amount. Accordingly, the Committee named above will be responsible for repaying \$26,971 in public funds and Candidate named above will be jointly and severally responsible for repaying \$15,371 of this Amount.²

The Board determined that the amount due is \$43,819 (\$16,848 in penalties and \$26,971 in public funds).

You must pay to the Board the full amount due of \$43,819 no later than January 14, 2016. Checks should be made payable to the “New York City Election Campaign Finance Fund,” and mailed to the attention of Mark Griffin, Associate Counsel, New York City Campaign Finance Board, 100 Church Street, 12th Floor, New York, NY 10007 or delivered to the offices of the Board.

If the Board is not in receipt of the full \$43,819 by January 14, 2016, the candidate’s name and the unpaid amount will be posted on the Board’s Website and the Board may initiate a civil action against the Candidate, the Treasurer and the Committee

¹ For explanations of the types of repayments, see the Public Funds Notice sent to the Campaign on June 3, 2015.

² The Board collects public funds repayments in whole dollar amounts.

for the penalty amount and the Committee and the Candidate for the public funds amount. In addition, you will be ineligible for public funds in any future election until this debt is paid in full.

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 have any questions concerning this Final Board Determination, please contact Mark Griffin, Associate Counsel, at (212) 409-1863 or mgriffin@nyccfb.info.



Sue Ellen Dodell
General Counsel

**NEW YORK CITY
CAMPAIGN FINANCE BOARD**

signature on original

SED/MPG