



New York City Campaign Finance Board
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April 14, 2016

By First Class Mail and C-ACCESS

Carlton Berkley



Alexander Williams



People for Carlton Berkley
15 Debs Place, Townhouse #B
New York, NY 10475

FINAL BOARD DETERMINATION – EC2013 CAMPAIGN

The New York City Campaign Finance Board (“Board”), at a meeting held on April 14, 2016, made the following final determination concerning the Carlton Berkley 2013 Campaign (“Campaign”):

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 \$2,865 in penalties as follows:

1. A penalty of \$194 for failing to provide bank statements. *See* Admin. Code §§ 3-703(1)(d), (g), (11); Board Rule 4-01(f). The Campaign failed to submit statements for its TD Bank account.

Candidate ID Number: 1273-P

2. A penalty of \$104 for failing to demonstrate compliance with cash receipts reporting and documentation requirements. *See* Admin. Code §§ 3-703(1)(d), (g), (6), (10), (11), (12); Board Rules 1-04(a), (b), 2-06(a), 3-03(c), 4-01(a), (b)(1), (3), (f). The Campaign reported \$6,170 in cash receipts, but the deposit slips the Campaign has provided account for \$7,235 in cash receipts, a difference of \$1,065 or 17.26%.

3. A penalty of \$290 for failing to demonstrate compliance with reporting requirements for receipts and disbursements. *See* Admin. Code §§ 3-703(1)(d), (g), (6), (11), (12); Board Rules 1-09, 3-03(c), (d), (e), 4-01. The Campaign reported \$12,630 in receipts, but the bank statements the Campaign provided account for only \$7,540 in receipts, a difference of \$5,090 or 40.30%. The Campaign reported \$8,852.51 in disbursements, but the bank statements the Campaign has provided account for only \$4,544.91 in disbursements, a difference of \$4,307.60 or 48.66%.

4. A penalty of \$290 for failing to file a 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 failed to file Disclosure Statement 16.

5. A penalty of \$687 for accepting contributions from corporations, limited liability companies, or partnerships. *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)(4), (5), 1-05. The Campaign reported receiving a \$25 contribution from 4Control Media, Inc., on August 11, 2013, and refunding it on September 4, 2013, but failed to submit proof of the refund. It reported receiving a \$500 contribution from Emdin & Russell, LLP, on August 20, 2013, and refunding it on August 30, 2013, but failed to submit proof of the refund. It reported two expenditures to The Copy Store & Office Supplies, Inc. on February 15, 2013 – \$122.69 and \$122.00. However, these expenditures do not appear on the bank statements and therefore are in-kind contributions from a corporation.

6. A penalty of \$78 for failing to 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 reported a \$313 outstanding liability to Costco, incurred January 18, 2013. It deleted this transaction, but failed to report or document this liability as either outstanding, or paid, on subsequent disclosure statements. In addition, the Campaign reported three expenditures that do not appear on bank statements: 1) \$225 to Colorgraphicsrus, paid March 11, 2013, 2) \$900 to Sam's Restaurant, paid August 11, 2013, and 3) \$610 to Cedric Durant, paid September 3, 2013. The Campaign failed to submit documentation demonstrating that these expenditures either remained outstanding or were paid.

7. A penalty of \$194 for failing to report and document basic campaign functions/activities. *See* Admin. Code §§ 3-702(8), 3-703(1)(d), (g), (6), (11), (12); Board Rules 1-02, 1-04(g), 1-08(a), (b), (c), (h), 1-09, 3-02, 3-03(e), 4-01. Although the Candidate ran in the primary election, which required the Campaign to copy and circulate petitions, the Campaign failed to report or document any petitioning expenses.

8. A penalty of \$28 for making cash expenditures greater than \$100. *See* Board Rules 1-08(i) and 4-01(e)(2). The Campaign withdrew \$720 on March 11, 2013. It did not report withdrawing this amount, but instead reported petty cash of \$500 and paying Colorgraphicsrus \$225 via debit on that date.

9. A penalty of \$500 for failing to respond to the Initial Documentation 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).

10. A penalty of \$500 for failing to respond to the Draft Audit Report. *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 Board determined that the amount due is \$2,865.

You must pay to the Board the full amount due of \$2,865 no later than **August 22, 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 \$2,865 by **August 22, 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 Committee, the Candidate, and the Treasurer to compel payment. In addition, you will be ineligible for public funds in any future election until this debt is paid in full.

You may 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.

Signature on original



Sue Ellen Dodell
General Counsel

**NEW YORK CITY
CAMPAIGN FINANCE BOARD**

SED/MPG