



New York City Campaign Finance Board
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December 17, 2015

By First Class Mail and C-ACCESS

Carlos Menchaca



Aimee Davis
Carlos for Council



Carlos for Council



FINAL BOARD DETERMINATION – EC2013 CAMPAIGN

The New York City Campaign Finance Board (“Board”), at a meeting held on December 17, 2015, made the following final determination concerning the Carlos Menchaca 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 \$2,313 in penalties as follows:

1. A penalty of \$500 for failing to provide merchant account statements. *See* Admin. Code §§ 3-703(1)(d), (g), (11); Board Rule 4-01(f). The Campaign did not provide sufficient documentation from two merchant accounts. For its American Express merchant account from March 10, 2014 to present, the Campaign did not submit sufficient documentation to demonstrate that there had been no activity in the account. For its Authorize.net/Cybersource merchant account, the Campaign did not provide any account statements.

2. A penalty of \$100 for failing to report transactions. *See* Admin. Code §§ 3-703(1)(d), (g), (6), (11), (12); Board Rules 1-09, 3-03(c), (d), (e), 4-01. The Campaign did not report transactions totaling \$5,006.39 that appear on its bank statements.

3. A penalty of \$100 for failing to file pre-election disclosure statements. *See* Admin. Code §§ 3-703(6), (12), 3-708(8); Board Rules 1-09, 3-02(e). The Campaign did not file the required daily disclosures to report a \$2,500 contribution from the United Brotherhood of Carpenters and Joiners of America on September 9, 2013, or expenditures to Red Horse Strategies totaling \$33,103.85.

4. A penalty of \$250 for accepting contributions from unregistered political committees. *See* Admin. Code §§ 3-702(11), 3-703(1)(k), 3-707; Board Rules 1-04(c)(1), (d), (g), 1-05. The Campaign accepted a \$500 contribution from New Kings Democrats on May 20, 2013 and a \$1,500 contribution from Empire State Pride Agenda on September 6, 2013. Neither committee was registered with the CFB. After notification, the Campaign timely refunded the contributions.

5. A penalty of \$100 for failing to document a transaction. *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 \$1,254.77 expenditure to the New York State Democratic Committee on April 26, 2013, but payment for the expenditure does not appear on the Campaign's bank statements, nor was it reported as an outstanding liability.

6. A penalty of \$851 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 expenditures totaling \$3,406.18 that, based on their timing, amount, and/or purpose, appear to be impermissible post-election expenditures.

7. A penalty of \$412 for exceeding the expenditure limit. *See* Admin. Code §§ 3-703(1)(i), (11), 3-706, 3-711(2)(a); Board Rules 1-08(c), (d), (l), 7-05(b). The Campaign exceeded the primary election expenditure limit by \$412.84.

Public Funds Calculation

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

Type of Repayment ¹	Amount
1. Final Bank Balance	\$18,063.91
2. Qualified Expenditure Deficit	Not Applicable
3. Overpayment of Public Funds Based on Valid Matching Claims	Not Applicable

The Candidate and Committee named above will be responsible for repaying the Final Bank Balance amount of \$18,063.91.

The Board determined that the amount due is \$20,376.91 (\$2,313 in penalties and \$18,063.91 in public funds).

On August 18, 2015, the Campaign paid \$18,063.91. Therefore, \$2,313 remains due.

You must pay to the Board the remaining amount due of \$2,313 no later than **August 5, 2016**. Checks should be made payable to the “New York City Election Campaign Finance Fund,” and mailed to the attention of Ashley E. Siegel, 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 \$2,313 by **August 5, 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 for the penalty amount and the Committee 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.

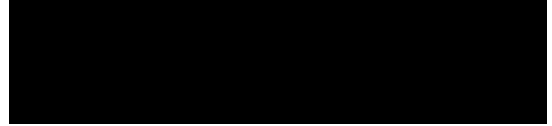
You may challenge a public funds calculation in a petition for Board reconsideration within thirty days of the date of the Final Audit Report as set forth in Board Rule 5-02(a). However, the Board will not consider the petition unless the Campaign submits new information and/or documentation and shows 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.

¹ For explanations of the types of repayments, see the Public Funds Notice sent to the Campaign on July 20, 2015.

If you need additional time to pay this amount or if you have any questions concerning this Final Board Determination, please contact Ashley E. Siegel, Associate Counsel, at (212) 409-1866 or asiegel@nyccfb.info.

Signature on original



Sue Ellen Dodell
General Counsel

**NEW YORK CITY
CAMPAIGN FINANCE BOARD**

SED/AES