



New York City Campaign Finance Board

100 Church Street, 12th Floor, New York, NY 10007
212.409.1800 | www.nycffb.info

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October 8, 2015

By First Class Mail and C-ACCESS

Ede S. Fox



Judith T. Pierce



Friends of Ede Fox



FINAL BOARD DETERMINATION – EC2013 CAMPAIGN

The New York City Campaign Finance Board (“Board”), at a meeting held on October 8, 2015, made the following final determination concerning the Ede S. Fox 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 \$1,080 in penalties as follows:

1. A penalty of \$74 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 failed to report four transactions totaling \$2,010 that appeared in its bank

Candidate ID Number: 1508-P

records.

The Campaign also failed to report March 21, 2011 and June 28, 2012 contributions from Ede S. Fox (the “Candidate”) to the Working Families Party (“WFP”), totaling \$230, that appear in the WFP’s reporting to the State Board of Elections. Campaigns are required to report candidates’ 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* Board Final Determination No. 2009-1. Here, the Campaign failed to rebut the presumption.

The Campaign failed to report a \$546 in-kind contribution from an employee. The Campaign reported two expenditures totaling this amount to the employee and provided timesheets indicating that she was working for wages. However, she refused payment for her work, which constituted an in-kind contribution that the Campaign did not report.

Finally, the Campaign did not report a \$921.89 in-kind contribution from the 2013 Letitia James campaign. The Campaign designed and printed joint palm cards with the James campaign. The designing and printing of the palm cards cost \$3,187.58. The Campaign invoiced and collected from the James campaign \$1,718.79, or approximately 54% of the total cost of the expenditure. However, references to the Candidate appear on approximately 75% of the palm card, whereas James only appears on approximately 25% of the card. Therefore the James campaign should have paid, at most, 25% of the total cost of the expenditure, or \$796.90. Thus, the \$921.89 paid by the James campaign in excess of this amount constituted an unreported in-kind contribution to the Campaign.

2. A penalty of \$200 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 on September 3, 2013, four days after the August 30, 2013 deadline.

3. A penalty of \$250 for accepting an over-the-limit contribution. *See* Admin. Code §§ 3-702(8), (18), (20), 3-703 (1-a), (1-b); Board Rules 1-04(c)(1), (h). On December 28, 2012, the Campaign accepted a \$300 contribution from an individual that was chairman of the board of an organization listed in the City of New York’s Doing Business Database. The contribution was therefore \$50 over the applicable doing business contribution limit. CFB Staff notified the Campaign that it had accepted an over-the-limit doing business contribution on February 1, 2013, and gave it 20 days to refund the over-the-limit portion. The overage was not refunded until July 2013.

4. A penalty of \$300 for failing to document in-kind contributions. *See* Admin. Code §§ 3-703(1)(d), (g), (11), (12), 3-715; Board Rules 1-04(g)(4), (5), 1-09, 4-01(a), (c), (g), (k), 4-03.

The Campaign reported two transactions to SaveMor Digital Printing (“SaveMor”) totaling \$614.31. However, payment for these transactions does not appear on any of the Campaign’s bank records. As such, it appears that SaveMor forgave the debt or that a third party paid for the expenditures, either of which constitutes an in-kind contribution that the Campaign did not document (or report).

CFB Staff obtained two palm cards advocating the Candidate’s election. Payments for the printing and distribution of the palm cards do not appear in the Campaign’s reported or documented expenditures. As such, it appears that third parties paid for the palm cards, which constitute in-kind contributions that the Campaign did not document (or report).

5. A violation and no associated penalty for failing to document a loan. *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 received a May 31, 2013 loan of \$100 from the Treasurer and reported repayment of the loan on August 20, 2013. The Campaign failed to maintain and, upon request, provide documentation for this loan and loan repayment.

6. A penalty of \$100 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 hired an individual to coordinate volunteers and perform field canvassing work. Based on her contract and time sheets, the individual was entitled to \$2,022 in wages, but instead received \$2,379 from the Campaign. The \$357 of excess wage payments was not in furtherance of the campaign.

The Campaign also made a July 23, 2013 expenditure of \$21.32 to Prospect Heights Beer. Although the Campaign stated that the expenditure was for a house party fundraiser, the Campaign did not provide any documentation regarding the expenditure or report any contributions as received on July 23, 2013.

7. A penalty of \$156 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 \$624.89 of impermissible post-

election expenditures based on the Campaign's reporting and documentation.

8. A violation and no associated penalty for a late response to audit documentation and information requests. *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 Treasurer was unable to deliver the Campaign's response to the post-election initial document request ("IDR") by the deadline date because of a powerful snow storm and the Treasurer's disabilities. The Campaign contacted the Board to ask for an additional extension, and submitted the IDR response the first business day after the storm.

The Board determined that the amount due is \$1,080. You must pay to the Board the full amount due no later than **March 28, 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 \$1,080 by **March 28, 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 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.



Sue Ellen Dodell
General Counsel

**NEW YORK CITY
CAMPAIGN FINANCE BOARD**

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