



New York City Campaign Finance Board
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April 14, 2016

By First Class Mail and C-ACCESS

Erlene J. King
[REDACTED]

Junior A. Theodore
[REDACTED]

King 2013
4523 Clarendon Road, 1st Floor
Brooklyn, NY 11203

FINAL BOARD DETERMINATION – EC2009 CAMPAIGN

The New York City Campaign Finance Board (“Board”), at a meeting held on April 14, 2016, made the following final determination concerning the Erlene 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 \$2,907 in penalties as follows:

1. A penalty of \$250 for failing to report a Bank of America merchant account used for campaign purposes. *See* Admin. Code §§ 3-703(1)(c), (d), (g), (6), (10), (11); Board Rules 1-11(d), 2-06, 4-01(f).

2. A penalty of \$500 for failing to provide merchant account statements for its CyberSource account from December 2013 to the present, or its Bank of America account from inception to the present. *See* Admin. Code §§ 3-703(1)(d), (g), (11); Board Rule 4-01(f).

Candidate ID Number: 716-P

3. A penalty of \$712 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 \$4,435 in cash receipts but deposited \$7,285, a difference of \$2,850 (a variance of -64.26%).

4. A penalty of \$250 for failing to demonstrate compliance with reporting requirements for receipts. *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 \$54,190 in receipts, but deposited \$57,799.04, a difference of \$3,609.04 (a variance of -6.66%).

5. A penalty of \$50 for filing Disclosure Statement 16, due on January 15, 2014, one day late. *See* N.Y.C. Charter § 1052(a)(8); Admin. Code §§ 3-703(6), (12), 3-708(8); Board Rules 1-09, 3-02.

6. A penalty of \$50 for making a cash expenditure greater than \$100. *See* Board Rules 1-08(i) and 4-01(e)(2). The Campaign paid \$150 in cash for an air conditioner.

7. A penalty of \$180 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).

(a) The Campaign failed to provide an explanation from the Campaign Manager or receipts supporting his alleged payment of \$720 in cash to 36 election day workers for meals.

(b) The Campaign contracted with a Campaign driver from June 15 – November 11, 2013 for a flat fee. He worked for the Campaign on 121 of the 144 days through general election day. Although the Candidate used the driver for a few personal trips that were not in furtherance of the Campaign, the use did not create additional Campaign expenditures.

The Board assessed a penalty of \$180 for violation (a) and no penalty for violation (b).

8. A penalty of \$915 for filing its response to the Initial Documentation Request (“IDR”) 22 days late, and its response to the Draft Audit Report (“DAR”) one day late. *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 assessed a penalty of \$865 for the late response to the IDR and \$50 for the late response to the DAR.

Public Funds Calculation

The Board determined that the Campaign shall receive additional Public Funds as follows:

Type of Payment ¹	Amount
1. Unpaid Public Funds Claims	\$15,000
2. Documented Outstanding Liabilities	\$32,930
3. Qualified Expenditure Surplus	\$33,009

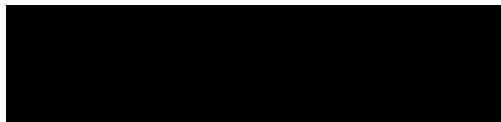
Accordingly, the Board determined that the Committee named above shall receive an additional payment of \$15,000 in public funds less \$2,907 in penalties assessed by the Board, for a net payment of \$12,093.

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 Katharine Loving, Associate Counsel, at (212) 409-1864 or kloving@nyccfb.info.

Signature on Original



Sue Ellen Dodell
General Counsel

**NEW YORK CITY
CAMPAIGN FINANCE BOARD**

SED/KGL

¹ For a description of the payment amounts see the Campaign's Enforcement Notice dated July 2, 2015.