



**New York City Campaign Finance Board**  
100 Church Street, 12<sup>th</sup> Floor, New York, NY 10007  
212.409.1800 | www.nycffb.info

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February 11, 2016

**By First Class Mail and C-ACCESS**

Humberto Soto  
[REDACTED]

Humberto Soto, Jr.  
[REDACTED]

Humberto Soto for New York City Council 2013  
268 Jefferson Street, #2B  
Brooklyn, NY 11237

**FINAL BOARD DETERMINATION – EC2013 CAMPAIGN**

The New York City Campaign Finance Board (“Board”), at a meeting held on February 11, 2016, made the following final determination concerning the Humberto Soto 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 \$1,080 in penalties as follows:

1. A penalty of \$105 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 \$3,020 in cash receipts, but the deposit slips the Campaign has provided account for \$3,440 in cash receipts, a difference of \$420. This consti-

**Candidate ID Number: 1700-P**

tutes a variance of 13.91% between the cash receipts reported and documented by the Campaign.

2. A penalty of \$797 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's reporting and documentation show that the Campaign made eight expenditures, totaling \$3,191.50 that it failed to demonstrate were in furtherance of the campaign. The Campaign reported five expenditures totaling \$2,348.78, as being made in September 2013 to "unknown." In addition, it reported paying two individuals \$140 each on September 10, 2013, and reported paying G & E Auto Repair \$562.72 that same day. The Campaign failed to submit sufficient documentation and information for these expenditures, and thus failed to demonstrate that they were made in furtherance of the campaign.

3. A penalty of \$178 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 seven expenditures, totaling \$712.12, that are improper post-election expenditures, due to their timing, amount and/or purpose. One expenditure was to Harland Check Order for \$79.12 on September 11, 2013. The Campaign reported the other six expenditures, totaling \$633, as being made in September and November 2013 to "unknown." The Campaign failed to submit sufficient documentation and information for any of these expenditures, and thus failed to demonstrate that they were permissible post-election expenditures.

### **Public Funds Calculation**

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

<b>Type of Repayment<sup>1</sup></b>	<b>Amount</b>
1. Overpayment of Public Funds Based on Valid Matching Claims	\$505
2. Qualified Expenditure Deficit	\$424

The Overpayment of Public Funds Amount of \$505 is the largest Amount. Accordingly, the Committee named above will be responsible for repaying \$505.

**The Board determined that the amount due is \$1,585 (\$1,080 in penalties and \$505 in public funds).**

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<sup>1</sup> For explanations of the types of repayments, see the Public Funds Notice sent to the Campaign on July 22, 2015.

You must pay to the Board the full amount due of \$1,585 no later than **October 31, 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, 12<sup>th</sup> Floor, New York, NY 10007 or delivered to the offices of the Board.

If the Board is not in receipt of the full \$1,585 by **October 31, 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.

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**

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