



New York City Campaign Finance Board

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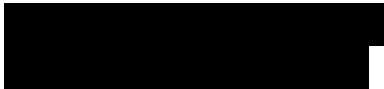
Amy M. Loprest
Executive Director

Sue Ellen Dodell
General Counsel

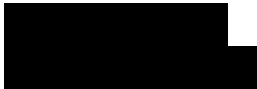
October 23, 2015

By First Class Mail and C-ACCESS

I. Daneek Miller



Mark A. Henry



Friends of I. Daneek Miller
1078 Clyde Road
Baldwin, NY 11510

FINAL BOARD DETERMINATION – EC2013 CAMPAIGN

The New York City Campaign Finance Board (“Board”), at a meeting held on October 23, 2015, made the following final determination concerning the I. Daneek Miller 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 \$13,030 in penalties as follows:

Candidate ID Number: 1703-P

1. A penalty of \$250 for failing to report merchant accounts 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). Bank statements provided by the Campaign revealed that Authorize.net and American Express merchant accounts used by the Campaign were not reported to the Board.

2. A penalty of \$500 for failing to provide bank and merchant account statements. *See* Admin. Code §§ 3-703(1)(d), (g), (11); Board Rule 4-01(f). The Campaign failed to provide requested statements for its BMO Harris Bank, Authorize.net and American Express bank and merchant accounts.

3. A penalty of \$100 for failing to file daily 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 four expenditures made within the two weeks prior to the primary election totaling \$31,489.78.

4. A penalty of \$563 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). Based on its reporting and documentation, the Campaign made expenditures totaling \$2,253.80 that were impermissible post-election expenditures because they were not for routine activities involving nominal cost associated with winding up a campaign and responding to the post-election audit.

5. A penalty of \$11,617 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). Based on the Campaign's reporting and documentation, the Campaign exceeded the primary election expenditure limit for 2013 City Council candidates (\$168,000) by \$7,745.

Public Funds Calculation

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

Type of Repayment	Amount
1. Final Bank Balance	\$439.51
2. Qualified Expenditure Deficit	Not Applicable
3. Overpayment of Public Funds	Not Applicable

The Committee and Candidate named above will be responsible for repaying the Final Bank Balance amount of \$439.51.

The Board determined that the total amount due is \$13,469.51. You must pay to the Board the full amount due no later than **November 17, 2016**. Checks should be made payable to the “New York City Election Campaign Finance Fund,” and mailed to the attention of Katharine Loving 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.

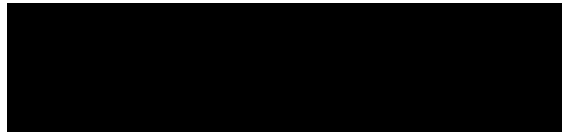
If the Board is not in receipt of the full \$13,469.51 by **November 17, 2016**, the candidate’s name and the unpaid amount will be posted on the Board’s Website and the Board may initiate a civil action against the Candidate, the Treasurer and the Committee for the penalty amount, and the Committee and the Candidate for the public funds repayment 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 need additional time to pay this amount or 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**

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