



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

Rose Gill Hearn  
Chair

Art Chang  
Richard J. Davis  
Courtney C. Hall  
Mark S. Piazza  
Members

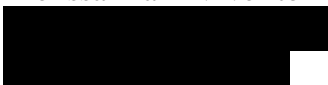
Amy M. Loprest  
Executive Director

Sue Ellen Dodell  
General Counsel

October 8, 2015

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

Melissa Mark-Viverito



Randolph Mark  
Viverito 2013  
211 East 111th Street, #2  
New York, NY 10029

Viverito 2013  
211 East 111th Street, #2  
New York, NY 10029

Vito Pitta, Esq.  
Pitta & Giblin LLP  
Attorneys at Law  
120 Broadway, 28th Floor  
New York, NY 10271

**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 Melissa Mark-Viverito 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 \$850 in penalties as follows:

1. A penalty of \$100 for accepting a contribution from an unregistered political

**Candidate ID Number: 743-P**

committee. 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 \$50 contribution from Educational Justice PAC on April 27, 2011. The Campaign refunded the contribution after notification from the CFB, but the refund was not prompt.

2. A penalty of \$750 for making an impermissible post-election expenditure. 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 reported a \$3,000 expenditure to Brendan S. Kelly on November 16, 2013, with the purpose code “consulting,” and has failed to demonstrate that this was a permissible post-election expenditure.

**Public Funds Calculation**

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

Type of Repayment	Amount
1. Final Bank Balance	<b>\$20,361.69</b>
2. Overpayment of Public Funds Based on Valid Matching Claims	Not Applicable <sup>1</sup>
3. Qualified Expenditure Deficit	Not Applicable <sup>2</sup>

The Final Bank Balance Amount of \$20,361.69 is the largest Amount. Accordingly, the Committee and Candidate named above will be responsible for repaying \$20,361.69.

**The Board determined that the amount due is \$21,211.69 (\$850 in penalties and \$20,361.69 in public funds).**

You must pay to the Board the full amount due of \$21,211.69 no later than **October 26, 2016**. Checks should be made payable to the “New York City Election Campaign Finance Fund,” and mailed to the attention of Bethany M. Perskie, Senior 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 \$21,211.69 by **October 26, 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 amount. In addition, you will be ineligible for public funds in any future election until this debt is paid in full.

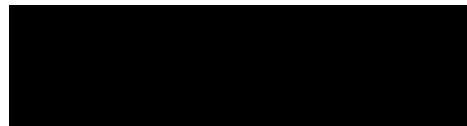
<sup>1</sup> This Amount is not applicable because the Campaign did not receive public funds in excess of its valid matching claims, multiplied by the applicable matching factor.

<sup>2</sup> This Amount is not applicable because the Campaign has documented qualified expenditures greater than the \$158,502 it received in public funds.

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 Bethany M. Perskie, Senior Associate Counsel, at (212) 409-1861 or [bperskie@nyccfb.info](mailto:bperskie@nyccfb.info).



Signature on  
original

\_\_\_\_\_  
Sue Ellen Dodell  
General Counsel

**NEW YORK CITY  
CAMPAIGN FINANCE BOARD**

SED/BMP