



**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

November 12, 2015

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

Mendy Mirocznik



Jack A. DeSantis



Mendy for Council  
81 Radcliffe Drive  
Lincroft, NJ 07738

**FINAL BOARD DETERMINATION – EC2013 CAMPAIGN**

The New York City Campaign Finance Board (“Board”), at a meeting held on November 12, 2015, made the following final determination concerning the Mendy Mirocznik 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 \$2,178, in penalties as follows:

1. A finding of violation with no associated penalty for failing to provide merchant account statements. *See* Admin. Code §§ 3-703(1)(d), (g), (11); Board Rule 4-01(f). The Campaign used a merchant account as a payment gateway. It submitted “Monthly Details” reports for May 2013 and June 2013, but failed to submit them for the period from inception of the account through April 2013 and from July 2013 to its closing.

2. A \$2,178 penalty for accepting contributions from unregistered political committees. *See* Admin. Code §§ 3-702(11), 3-703(1)(k), 3-707; Board Rules 1-04(c)(1), (d), (g)(4), (5), 1-05. On September 9, 2013, Life of the Party PAC (“Life PAC”), which was not registered with the CFB, provided the Campaign with palm cards worth \$520. In response to the Board staff’s inquiry, the Campaign stated that the \$520 transaction was an unreported outstanding liability. The Board staff notified the Campaign that the transaction had become a contribution from a prohibited source, and the Campaign reimbursed Life PAC.

The Campaign submitted a contract with the New York State Democratic Committee (“NYS DC”) for access to voter software. It reported paying \$1,752.48 on July 17, 2013 to NYS DC, but this transaction does not appear on the Campaign’s bank statements. Therefore this unpaid liability is an in-kind contribution from a political committee that was not registered with the CFB.

The Campaign failed to report any expenditures for office supplies, but stated that it printed flyers using supplies donated by the Democratic Committee of Richmond County (“DCRC”), which was not registered with the CFB. The Campaign submitted an invoice from DCRC for its \$51.11 share of the office supplies, and reimbursed DCRC.

### Public Funds Calculation

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

Type of Repayment <sup>1</sup>	Amount
1. Final Bank Balance	\$14,706.64
2. Qualified Expenditure Deficit	\$12,096.00

The Final Bank Balance is the largest Amount. Accordingly, the Campaign/Committee named above will be responsible for repaying \$14,706.64 in public funds and Candidate named above will be jointly and severally responsible for repaying this amount.

**The Board determined that the amount due is \$16,884.64 (\$2,178 in penalties and \$14,706.64 in public funds).**

---

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

You must pay to the Board the full amount due of \$16,884.64 no later than **September 14, 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.

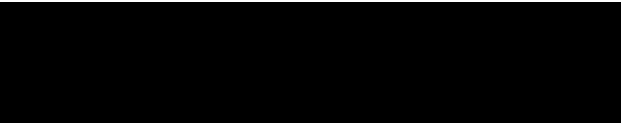
If the Board is not in receipt of the full \$16,884.64 by **September 14, 2016**, the candidate’s name and the unpaid amount will be posted on the Board’s Website and the Board may initiate a civil action against the Candidate, the Treasurer and the Committee for the penalty amount and the Committee 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.

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**

SED/MPG