



**New York City Campaign Finance Board**

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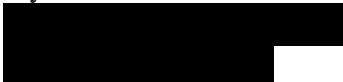
August 13, 2015

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

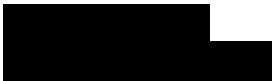
Nikki Lucas



Aysha Gourdine



Nikki Lucas 2013



**FINAL BOARD DETERMINATION – EC2013 CAMPAIGN**

The New York City Campaign Finance Board (“Board”), at a meeting held on August 13, 2015, made the following final determination concerning the Nikki Lucas 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 \$5,942 in penalties as follows:

1. A penalty of \$250 for failing to report a merchant account used for campaign purposes. *See* Administrative Code of the City of New York (“Admin. Code”) §§ 3-703(1)(c), (d), (g), (6), (10), (11); Board Rules 1-11(d), 2-06, 4-01(f). The bank statements provided by the Campaign indicated that a Litle & Co. merchant account was used for campaign purposes but was not reported to the Board.

**Candidate ID Number: 1612-P**

2. A penalty of \$500 for failing to provide bank or merchant account statements. *See* Admin. Code §§ 3-703(1)(d), (g), (11); Board Rule 4-01(f). The Campaign failed to provide the following bank or merchant account statements:

<b>Financial Institution</b>	<b>Account</b>	<b>Statement Period</b>
JP Morgan Chase	XXXXX1695	Jan 2014 to Present
Litle & Co.	XXXXX5881	Inception to Present
ActBlue	Unknown	Inception to Present

3. A penalty of \$47 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 cash receipts of \$4,560.80 but provided deposit slips for only \$4,370, a difference of \$190.80. This constituted a 4.18% variance between the cash receipts reported and documented by the Campaign.

4. A penalty of \$100 for failing to document a transaction. *See* Admin. Code §§ 3-703(1)(d), (g), (11), (12), 3-715; Board Rules 1-09, 4-01(a), (c), (g), (k), 4-03. According to a contract with Grace Christian Church, the Campaign agreed to pay \$4,500 for the use of facilities at the church. However, the Campaign reported payments to the vendor totaling only \$3,000, indicating that it received a discount that the Campaign did not document as an in-kind contribution.

5. A penalty of \$1,250 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), 1-08(k), 4-01(e). The Campaign paid \$2,500 each to two workers for work purportedly performed on September 10, 2013. The wage payments to these workers were above the fair market value for the work performed based on a comparison of their timesheets to those of other campaign workers. One of the workers paid an above-market rate was the Campaign’s volunteer treasurer who was providing similar services in her capacity as a volunteer. Therefore, her wage payments also represented payment for services already performed on a volunteer basis.

6. A penalty of \$137 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 a review of the Campaign’s reporting and documentation, the Campaign made post-election expenditures totaling \$550.81 that were impermissible due to their timing, amount or purpose.

7. A penalty of \$3,658 for a late response and failing to respond to audit documentation and information requests. *See* Admin. Code §§ 3-703(1)(d), (g), (6), (11), (12), 3-708(5), 3-710(1), 3-711(2)(b); Board Rules 1-09(a), 4-01, 4-05(a). The Campaign failed to timely respond to the Board’s post-election initial document request and did not request an extension until 18 days after the deadline. The Campaign also failed to respond to the Board’s Draft Audit Report, issued on October 22, 2014.

**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>
<b>1. Qualified Expenditure Deficit (“QED”)</b>	<b>\$22,371</b>
2. Overpayment of Public Funds	\$1,170
3. Final Bank Balance	Not Applicable

The Qualified Expenditure Deficit is the largest Amount. Accordingly, the Committee named above will be responsible for repaying \$22,371 in public funds and the Candidate named above will be jointly and severally responsible for repaying \$18,507 of this Amount.

**The Board determined that the amount due is \$28,313 (\$5,942 in penalties and \$22,371 in public funds).**

You must pay to the Board the full amount due of \$28,313 no later than **December 24, 2015**. 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 \$28,313 by **December 24, 2015**, 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

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<sup>1</sup> For explanations of the types of repayments, see the Public Funds Notice sent to the Campaign on March 20, 2015.

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 Mark Griffin, Associate Counsel, at (212) 409-1863 or mgriffin@nyccfb.info.



Sue Ellen Dodell  
General Counsel  
**NEW YORK CITY**  
**CAMPAIGN FINANCE BOARD**

signature on original