



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

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March 17, 2016

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

Raquel E. Batista



Katiuska M. Lopez



Raquel Batista 2013  
2741 Seymour Avenue  
Bronx, NY 10469

**FINAL BOARD DETERMINATION – EC2013 CAMPAIGN**

The New York City Campaign Finance Board (“Board”), at a meeting held on March 17, 2016, made the following final determination concerning the Raquel E. Batista 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 \$1,633 in penalties as follows:

1. A penalty of \$929 for converting campaign funds to a personal use. *See* Admin. Code § 3-702(21)(b); Board Rule 1-03(a), 2-02.

**Candidate ID Number: 1208**

The Campaign paid \$466.08 in Batista’s personal cellphone costs on September 6, 2013. In April 2013, it paid \$140.87 to replace Batista’s personal cellphone and accessories, as well as \$89.20 for an “Early Device Upgrade” and “Device Updated Activation Fee” for the new cellphone. These expenditures, totaling \$696.15, were converted to Batista’s personal use.

2. A penalty of \$654 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)(ii).

The Campaign made 60 expenditures, totaling \$2,619.28, that due to their timing, amount and/or purpose are impermissible.

3. A penalty of \$50 for failing to respond/late response to audit documentation and information requests. *See* Admin. Code §§ 3-703(1)(d), (g), (6), (11), (12), 3-708(5), 3-710(1); Board Rules 1-09(a), 4-01, 4-05(a).

The Campaign submitted its response to the Draft Audit Report one day late, on January 17, 2015.

#### Public Funds Calculation

Type of Repayment <sup>1</sup>	Amount
1. Final Bank Balance	\$463.16

The Final Bank Balance Amount of \$463.16 is the largest Amount. Accordingly, the Committee and Candidate named above will be responsible for repaying \$463.16.

**The Board determined that the amount due is \$2,096.16 (\$1,633 in penalties and \$463.16 in public funds).**

You must pay to the Board the full amount due of \$2,096.16 no later than **November 7, 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 \$2,096.16 by **November 7, 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.

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<sup>1</sup> For explanations of the types of repayments, see the Public Funds Notice sent to the Campaign on August 7, 2015.

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