



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

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March 17, 2016

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

Rafael Espinal Jr.  
[REDACTED]

Wilson Rodriguez  
[REDACTED]

Espinal for City Council  
52 Hale Avenue  
Brooklyn, NY 11208

**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 Rafael Espinal Jr. 2013 Campaign (“Campaign”):

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 \$1,409 in penalties as follows:

1. A penalty of \$250 for accepting an over-the-limit doing business contribution. *See* Admin. Code §§ 3-702(8), (18), (20), 3-703 (1-a), (1-b); Board Rules 1-04(c)(1), (h).

The Campaign accepted a \$300 contribution from an individual having business dealings with the City. It issued a \$50 refund which was not processed until after the 20-day refund deadline.

2. A penalty of \$300 for accepting a contribution from a corporation. *See* N.Y.C. Charter § 1052(a)(13); Admin. Code §§ 3-702(8), 3-703(1)(l); Board Rules 1-04(c)(1), (e), (g)(4), (5), 1-05.

The Campaign paid Get Out The Vote, a corporation, for robocalls. The invoice showed that a \$50 “set up” fee was waived, making this amount a corporate in-kind contribution.

3. A penalty of \$759 for accepting in-kind 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), 1-05.

The Campaign shared the use of a postage meter account, owned by the 54<sup>th</sup> Democratic Club (“54 DC”), with 54 DC and Friends of Gonzalez (“FOG”). The Campaign and FOG used the same mailing permit number. 54 DC and FOG are political committees that were not registered with the CFB.

The Campaign used postage meter services from this account totaling \$17,344.52, but documentation shows that it paid only \$17,085.10 for these services. The \$259.42 difference consists of two in-kind contributions. FOG paid \$3,400 for postage meter services, but used only \$3,232.95, a difference of \$167.05. Because the Campaign and FOG shared use of the postage meter account, the \$167.05 that FOG did not use is an in-kind contribution to the Campaign. A \$92.37 difference remains between the \$259.42 in services used but not paid for by the Campaign, and the \$167.05 in-kind contribution from FOG. This remaining \$92.37 in services used by the Campaign was paid for by 54 DC, the owner of the account. Thus, these amounts (\$167.05 and \$92.37) are in-kind contributions from unregistered political committees.

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.

The Campaign paid A Better Living Resource Coalition, Inc. (“ABLRC”) \$45,500 to hire and track campaign workers. On the day of the primary election, CFB observers interviewed a worker handing out flyers who stated that he and his father distributed flyers that day, and he would be paid \$150. He stated that he had worked for the Campaign for seven additional days before the election, and he believed that he would be paid for that previously performed work as well. However, the records provided by the Campaign do not show that this individual was paid by ABLRC to perform services on the Campaign’s behalf.

**The Board determined that the amount due is \$1,409.**

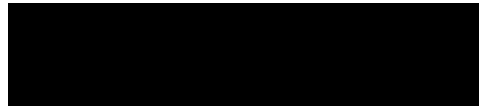
You must pay to the Board the full amount due of \$1,409 no later than **November 7, 2016**. Checks should be made payable to the “New York City Election Campaign Finance Fund,” and mailed to the attention of Mark Griffin, Associate Counsel, New York City Campaign Finance Board, 100 Church Street, 12<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 \$1,409 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 Committee, the Candidate, and the Treasurer to compel payment. In addition, you will be ineligible for public funds in any future election until this debt is paid in full.

You may 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**

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