



New York City Campaign Finance Board
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December 17, 2015

By First Class Mail and C-ACCESS

Ritchie Torres



Marjorie Velazquez



Friends of Torres
P.O. Box 670192
Bronx, NY 10467

FINAL BOARD DETERMINATION – EC2013 CAMPAIGN

The New York City Campaign Finance Board (“Board”), at a meeting held on December 17, 2015, made the following final determination concerning the Ritchie Torres 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 \$1,711 in penalties as follows:

1. A penalty of \$250 for failing to timely deposit campaign contributions. *See Admin Admin. Code §§ 3-703(1)(d), (g), (6), (10), (11), (12); Board Rules 1-04(b), 1-09, 3-03(c), (d), (e), 4-01.* The Campaign submitted three deposit slips dated February 7, 2014 accounting for \$10,404.17 in receipts, comprised of 35 contributions received

Candidate ID Number: 1710-P

and reported during the election. All monetary contributions must be deposited into the committee's bank account within 10 business days of receipt. Primarily because the Campaign did not timely deposit its contributions, the Campaign's bank account shows a receipts variance of \$11,453.61, or 4.03%.

2. A finding of violation but no penalty for filing a late disclosure statement. *See* N.Y.C. Charter § 1052(a)(8); Admin. Code §§ 3-703(6), (12), 3-708(8), 3-719(1); Board Rules 1-09, 3-02. The Campaign filed disclosure statement 15 on December 3, 2013, one day after the December 2, 2013 deadline.

3. A penalty of \$125 for failing to file and late filing of pre-election disclosure statements. *See* Admin. Code §§ 3-703(6), (12), 3-708(8); Board Rules 1-09, 3-02(e). The Campaign did not file the required primary or general election daily disclosures to report expenditures to Red Horse Strategies totaling \$47,192.85. In addition, the Campaign filed the required primary election daily disclosure for an October 22, 2013 expenditure of \$28,765.32 to Red Horse Strategies 11 days late.

4. A penalty of \$250 for accepting an over-the-limit contribution. *See* Admin. Code §§ 3-702(8), 3-703(1)(f), (11); Board Rules 1-04(c)(1), (h), 1-07(c). The Campaign accepted a \$2,750 monetary contribution and a \$305.96 in-kind contribution from Mason Tenders DC PAC. These contributions totaled \$3,055.96, \$305.96 over the applicable contribution limit. The Campaign refunded the overage but did not do so promptly.

5. A finding of violation but no penalty for failing to demonstrate compliance with intermediary reporting and documentation requirements. *See* Admin. Code §§ 3-703(1)(d), (g), (6), (11), 3-719(1); Board Rules 3-03(c)(7), 4-01(b)(5). The Campaign submitted an intermediary affirmation form for Brad Lander 2013 as an intermediary for a \$175 contribution from Sarah Kovner. However, the Campaign did not report the intermediary for the contribution.

6. A penalty of \$100 for failing to document transactions. *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 made a joint petitioning expenditure as part of the Bronx Democratic County's designating petitioning. The Campaign submitted a copy of an invoice from Century Direct, but the invoice does not list the total cost of the expenditure or a methodology for how the Campaign's share of the expenditure was determined.

7. A penalty of \$836 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). The Campaign made \$3,345.03 in expenditures that are impermissible post-election expenditures based on their reported or documented timing, amount, or purpose.

8. A penalty of \$150 for a late response to the Draft Audit Report. *See* Admin. Code §§ 3-703(1)(d), (g), (6), (11), (12), 3-708(5), 3-710(1), 3-719(1)(b); Board

Rules 1-09(a), 4-01, 4-05(a). The Campaign submitted its Draft Audit Report response three days after the extended deadline.

Public Funds Calculation

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

Type of Repayment ¹	Amount
1. Final Bank Balance	\$7,143.01
2. Qualified Expenditure Deficit	Not Applicable
3. Overpayment of Public Funds Based on Valid Matching Claims	Not Applicable

The Candidate and Committee named above will be responsible for repaying the Final Bank Balance amount of \$7,143.01.

The Board determined that the amount due is \$8,854.01 (\$1,711 in penalties and \$7,143.01 in public funds).

On November 23, 2015, the Campaign paid \$6,827.05. Therefore, \$2,026.96 remains due.

You must pay to the Board the remaining amount due of \$2,026.96 no later than **October 21, 2016**. Checks should be made payable to the “New York City Election Campaign Finance Fund,” and mailed to the attention of Ashley E. Siegel, Associate Counsel, New York City Campaign Finance Board, 100 Church Street, 12th Floor, New York, NY 10007 or delivered to the offices of the Board.

If the Board is not in receipt of the full \$2,026.96 by **October 21, 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 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.

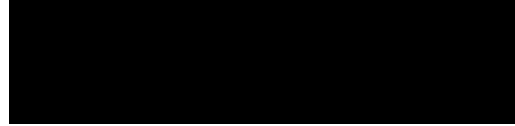
You may challenge a public funds calculation in a petition for Board reconsideration within thirty days of the date of the Final Audit Report as set forth in Board Rule 5-02(a). However, the Board will not consider the petition unless the Campaign submits new information and/or documentation and shows 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.

¹ For explanations of the types of repayments, see the Public Funds Notice sent to the Campaign on August 12, 2015.

If you need additional time to pay this amount or if you have any questions concerning this Final Board Determination, please contact Ashley E. Siegel, Associate Counsel, at (212) 409-1866 or asiegel@nyccfb.info.

Signature on Original



Sue Ellen Dodell
General Counsel

**NEW YORK CITY
CAMPAIGN FINANCE BOARD**

SED/AES