



New York City Campaign Finance Board

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August 13, 2015

By First Class Mail and C-ACCESS

Sylvia G. Kinard



Ian Jones



Friends of Sylvia Kinard



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 Sylvia G. Kinard 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 \$1,540 in penalties as follows:

1. A penalty of \$306 for failing to provide merchant account statements. *See* Admin. Code §§ 3-703(1)(d), (g), (11); Board Rule 4-01(f). The Campaign failed to provide merchant account statements for Democracy Engine. The penalty was reduced from the Board’s penalty guideline amount because of the size of the Campaign.

Candidate ID Number: 1769-P

2. A penalty of \$104 for failing to report transactions. *See* Admin. Code §§ 3-703(1)(d), (g), (6), (11), (12); Board Rules 1-09, 3-03(c), (d), (e), 4-01. The Campaign failed to report 69 transactions totaling \$8,539.75. The penalty was reduced from the Board's penalty guideline amount because of the size of the Campaign.

3. A penalty of \$764 for failing to demonstrate compliance with reporting requirements for receipts or disbursements. *See* Admin. Code §§ 3-703(1)(d), (g), (6), (11), (12); Board Rules 1-09, 3-03(c), (d), (e), 4-01.

The Campaign reported \$8,599.00 in receipts but the Campaign's bank statements account for \$10,267.37 in receipts, a difference of \$1,668.12. This constitutes a variance of 19% between the receipts reported and documented by the Campaign. It reported \$1,727.37 in disbursements, but the Campaign's bank statements account for \$10,267.37 in disbursements, a difference of \$8,539.75. This constitutes a variance of 494% between the disbursements reported and documented by the Campaign. The penalty was reduced from the Board's penalty guideline amount because of the size of the Campaign.

4. A penalty of \$213 for filing late disclosure statements. *See* N.Y.C. Charter § 1052(a)(8); Admin. Code §§ 3-703(6), (12), 3-708(8); Board Rules 1-09, 3-02. Disclosure Statement 10 was due August 9, 2013, but the Campaign filed it one day late on August 10, 2013. Disclosure Statement 14 was due October 25, 2013, but the Campaign filed it six days late on October 31, 2013. The penalty was reduced from the Board's penalty guideline amount because of the size of the Campaign.

5. A penalty of \$153 for accepting a corporate contribution. *See* N.Y.C. Charter § 1052(a)(13); Admin. Code §§ 3-702(8), 3-703(1)(1); Board Rules 1-04(c)(1), (e), (g), 1-05.

The Campaign reported receiving a \$500 contribution on May 30, 2013, from an individual. Documentation submitted by the Campaign showed that the check was drawn from the account of Berkman, Henoch, Peterson, Peddy & Fenchel, P.C. The Campaign was notified of the prohibited contribution on September 26, 2014, and had a deadline of October 27 to promptly refund it. The Campaign refunded the contribution on April 8, 2015. The penalty was reduced from the Board's penalty guideline amount because of the size of the Campaign.

The Board determined that the amount due is \$1,540.

You must pay to the Board the full amount due of \$1,540 no later than **March 24, 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, 12th Floor, New York, NY 10007 or delivered to the offices of the Board.

If the Board is not in receipt of the full \$1,540 by **March 24, 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**

SED/MPG