



Summary of Final Board Determination

Gale Brewer

Candidate, 2013, Borough President, Manhattan

Program participant: \$847,451 in public funds received

1. Failing to provide bank or merchant account statements **No Penalty**

Campaigns are required to provide copies of all bank and merchant account statements for accounts used for each election. *See* Admin. Code §§ 3-703(1)(d), (g), (11); Board Rule 4-01(f).

The Campaign did not provide any bank statements for its Chase Payment Tech account.

The Board determined that this was a violation but did not assess a penalty.

2. Failing to report transactions **\$207**

Campaigns are required to properly report all financial transactions to the Board. *See* Admin. Code §§ 3-703(1)(d), (g), (6), (11), (12); Board Rules 1-09, 3-03(c), (e), 4-01.

The Campaign improperly reported six transactions (totaling \$10,143.64) as expenditures, rather than as advanced payments. The Campaign also failed to report \$250 in personal contributions from the Candidate to two political committees.

The Board assessed a penalty of \$207 for these violations.

3. Accepting an over-the-limit contribution **No Penalty**

Campaigns are prohibited from accepting contributions in excess of the applicable contribution limit (\$3,850 for EC2013 Borough President candidates). *See* Admin. Code §§ 3-702(8), 3-703(1)(f), (11); Board Rules 1-04(c)(1).

The Campaign accepted a contribution from an individual that was \$40 over the contribution limit, which it refunded timely.

The Board determined that this was a violation but did not assess a penalty.

4. Failing to document joint expenditures **\$100**

Campaigns are required to properly report all financial transactions to the Board. *See* Admin. Code §§ 3-703(1)(d), (g), (11), (12); Board Rules 1-09, 3-03(c), (e), 4-01.

The Campaign engaged in joint campaign activity with the 2013 campaign of Ralina Cardona, but did not report or provide sufficient documentation for the joint activity.



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The Board assessed a penalty of \$100 for this violations.

5. Making impermissible post-election expenditures \$129

After an election and before repaying leftover campaign funds to the Board, participants may spend campaign funds only to pay campaign-related expenses incurred in the preceding election and for “routine activities involving nominal cost associated with winding up a campaign and responding to the post-election audit.” *See* Admin. Code §§ 3-702(21)(a)(8), 3-703(1)(d), (g), (11), 3-710(2)(c); Board Rules 1-03(a), 1-08(b), 5-03(e)(2).

The Campaign made 20 expenditures totaling \$1,037 that, due to timing, amount, and/or purported purpose, were not permissible.

The Board assessed a penalty of \$129 for this violation.

6. Late response to the Draft Audit Report \$2,600

Campaigns are required to maintain records, such as copies of checks, invoices, and bank records, to verify financial transactions reported in disclosure statements, and campaigns are required to provide such records to the Board upon request and to respond to specific questions regarding compliance with the Act and Board Rules. *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 responded to the Draft Audit Report 72 days after the deadline.

The Board assessed a penalty of \$2,600 for this violation.