



Summary of Final Board Determination

Vanessa Gibson

Candidate, 2013, City Council District 16, Bronx

Program participant: \$95,712 in public funds received

1. Failing to provide merchant account statements **Violation, 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 the April 2014 statement from its First Data account.

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

2. Failing to report transactions **\$66**

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), (d), (e), 4-01.

The Campaign failed to report five transactions totaling \$1,022.76 that appear on its bank statements. The Campaign misreported a \$2,000 transfer from Gibson for Assembly as a contribution. Additionally, the Campaign did not report any costs associated with the transfer.

The Board assessed a penalty of \$66 for this violation.

3. Filing a late disclosure statement **\$150**

Campaigns are required to file complete and timely disclosure statements on scheduled dates. *See* N.Y.C. Charter § 1052(a)(8); Admin. Code §§ 3-703(6), (12), 3-708(8); Board Rules 1-09, 3-02.

The Campaign filed Statement 15 three days late.

The Board assessed a penalty of \$150 for these violations.

4. Failing to file daily pre-election disclosure statements **\$100**

Aggregate contributions and loans from a single source in excess of \$1,000, and aggregate expenditures in excess of \$20,000, received or made within 14 days of an election, must be disclosed to the Board within 24 hours. *See* Admin. Code §§ 3-703(6), (12), 3-708(8); Board Rules 1-09, 3-02(e).

The Campaign did not file the required daily disclosures to report five expenditures totaling \$22,674.37.



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

5. Accepting an over-the-limit contribution \$125

Campaigns are prohibited from accepting contributions in excess of the applicable contribution limit. *See* Admin. Code §§ 3-702(8), 3-703(1)(f), (11); Board Rules 1-04(c)(1), (h), 1-07(c).

The Campaign accepted aggregate contributions from 1199 SEIU NYS PAC that were \$500 over the limit, which it refunded timely.

The Board assessed a penalty of \$125 for this violation.

6. Accepting a contribution from a corporation, limited liability company, or partnership \$739

Campaigns may not accept, either directly or by transfer, a campaign contribution or loan, or guarantee or other security for such loan, from any corporation, limited liability company (LLC), or partnership. *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), 1-05. Creditors who extend credit beyond 90 days are considered to have made a contribution equal to the credit extended, unless the creditor continues to seek payment of the debt. Outstanding liabilities that are forgiven or settled for less than the amount owed are also considered contributions. *See* Board Rules 1-04(g)(4), (5).

The Campaign provided a copy machine rental agreement with CCP Solutions, LLC in which the Campaign committed to rent a copier from CCP for three months. However, the Campaign's reporting and documentation indicate that it paid for a total of only two months, and that the vendor forgave the last month's payment.

The Board assessed a penalty of \$739 for this violation.

7. Accepting a contribution from an unregistered political committee \$125

Campaigns may not accept a contribution from a political committee unless the political committee is registered with the CFB or registers with the CFB within 10 days of receipt of the contribution. *See* Admin. Code §§ 3-702(11), 3-703(1)(k), 3-707; Board Rules 1-04(c)(1), (d), (g), 1-05.

The Campaign accepted a \$1,000 contribution from Tobacco Free Kids Action Fund, which it timely refunded.

The Board assessed a penalty of \$125 for this violation.



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8. Failing to document a transaction \$100

Campaigns are required to document all financial transactions, including loans, in-kind contributions, and joint expenditures. *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 provided an invoice from Century Direct for \$503 which indicated that this was a joint expenditure. However, the Campaign did not provide a breakdown of how its share was calculated and thus did not fully account for this joint activity with other candidates.

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

9. Failing to demonstrate compliance with intermediary reporting and documentation requirements Violation, no penalty

Campaigns are required to report the intermediary for each contribution that was delivered or solicited by an intermediary. In addition, campaigns are required to provide a signed intermediary affirmation statement for each intermediated contribution. *See* Admin. Code §§ 3-703(1)(d), (g), (6), (11); Board Rules 3-03(c)(7), 4-01(b)(5).

An intermediary statement submitted by the Campaign shows a \$50 contribution received through an intermediary who was not reported by the Campaign. The Campaign also reported a \$50 contribution from another individual, but submitted an intermediary statement listing the amount as \$20.

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

10. Making impermissible post-election expenditures \$1,660

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), (6), (11), 3-710(2)(c); Board Rules 1-03(a), 1-08(b), 5-03(e)(2).

The Campaign made expenditures totaling \$6,641.87 that, based on their timing, amount, and/or purpose, appear to be impermissible post-election expenditures.

The Board assessed a penalty of \$1,660 for these violations.



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11. Exceeding the expenditure limit \$65,574

Candidates who participate in the Campaign Finance Program may not spend in excess of the expenditure limits. *See* Admin. Code §§ 3-703(1)(i), (11), 3-706, 3-711(2)(a); Board Rules 1-08(c), (d), (l), 7-05(b).

The Campaign exceeded the primary election expenditure limit by \$32,787.26 (19.51%).

The Board assessed a penalty of \$65,574 for this violation.