



## Summary of Final Board Determination

### Sean Henry

Candidate, 2013, City Council District 42, Brooklyn

Participant: \$86,070 in public funds received

**1. Failing to report a bank or merchant account used for campaign purposes \$250**

Campaigns are required to report all bank, merchant, and depository accounts used for campaign purposes. *See* Admin. Code §§ 3-703(1)(c), (d), (g), (6), (10), 3-719(1); Board Rules 1-22(d), 2-06, 4-01(f). The Campaign did not disclose an American Express merchant account that was used for campaign purposes.

The Board assessed a penalty of \$250 for this violation.

**2. Failing to provide bank or merchant account statements \$500**

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), 3-719(1); Board Rule 4-01(f). The Campaign failed to provide any statements for an American Express merchant account that was used for campaign purposes.

The Board assessed a penalty of \$500 for this violation.

**3. Failing to report transactions No penalty**

Campaigns are required to properly report all financial transactions to the Board. *See* Admin. Code §§ 3-703(1)(d), (g), (6), (11), (12), 3-719(1); Board Rules 1-09, 3-03(c), (d), (e), 4-01. The Campaign failed to report a \$3,000 and a \$175 transaction. Bank statements indicated these were returned deposits.

The Board did not assess a penalty for these violations.

**4. Filing a late disclosure statement No penalty**

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), 3-719(1); Board Rules 1-09, 3-02. The Campaign filed Statement 8 one day late.

The Board did not assess a penalty for this violation.



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**5. Making impermissible post-election expenditures \$100**

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 seven expenditures totaling \$325.29 between October 2013 and September 2014, including expenditures for car services, credit card fees, and computer software.

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

**6. Commingling campaign funds with funds No penalty  
accepted for a different election**

Campaigns are required to establish and maintain a separate campaign bank account for campaign purposes. *See* Admin. Code §§ 3-703(1)(c), (d), (g), (6), (10), (11); Board Rules 1-11(d), 2-06, 4-01(f). Campaigns are prohibited from commingling campaign funds with funds accepted for another election. *See* Board Rules 2-06(b), (e).

The Campaign deposited a total of \$1,034 from its bank account to Henry’s 2014 State Senate election account. The campaign made the deposits in error and corrected the mistakes prior to notification from the Board.

The Board did not assess a penalty for this violation.