



Summary of Final Board Determination

Heriberto Mateo

Candidate, 2013, City Council District 37, Brooklyn

Participant: \$89,640 in public funds received

1. Failing to demonstrate that spending was in furtherance of the campaign \$2,000

Campaigns are required to demonstrate that all spending was in furtherance of the campaign. *See* Admin. Code §§ 3-702(21)(a), (b); 3-703(1)(d), (g), (6), (11); Board Rules 1-03(a), 4-01(e).

The Campaign paid one of its campaign managers \$14,000 for 40 days of service. This rate of pay is unusually high compared to the pay rates for any other campaign managers/consultants employed during the primary election. Additionally, the Campaign failed to explain how the services provided by this individual were not duplicative of services provided by two other campaign workers.

The Board assessed a penalty of \$2,000 for this violation.

2. Making impermissible post-election expenditures \$175

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 a \$700 expenditure to Gran Mar De Plata on October 19, 2013 for a “victory party” held on October 29, 2013. The party was held outside the thirty day permissible time period for a post-election campaign event for staff and volunteers.

The Board assessed a penalty of \$175 for this violation.



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3. Late response to documentation and information request \$215

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 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 initial documentation and information request 232 days late.

The Board assessed a penalty of \$215 for this violation.