



Summary of Final Board Determination

Joel R. Rivera

Candidate, 2013, City Council District 15, Bronx

Program participant: \$62,525 in public funds received

1. Accepting over-the-limit contributions \$2,850

Campaigns are prohibited from accepting contributions in excess of the applicable contribution limit. *See* Admin. Code §§ 3-702(8), 3-703(1)(f), (11), 3-719(2); Board Rules 1-04(c)(1), (h), 1-07(c). In addition, campaigns may not accept contributions in excess of the “doing business” contribution limits from individuals or entities that have business dealings with the City (\$250 for candidates for City Council). *See* Admin. Code §§ 3-702(8), (18), (20), 3-703 (1-a), (1-b), 3-719(2); Board Rules 1-04(c)(1), (h).

The Campaign accepted a contribution from Radame J. Perez, who was listed in the Doing Business Database, that was \$2,500 over the doing business limit. The Campaign failed to refund the contribution.

The Board assessed a penalty of \$2,850 for this violation.

2. Accepting contributions from corporations, limited liability companies, or partnerships \$602

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), 3-719(2)(b); 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 accepted a \$352.58 in-kind contribution from Hotcards.com.

The Board assessed a penalty of \$602 for this violation.

3. Failing to document transactions \$300

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, 3-719(1)(b); Board Rules 1-09, 4-01(a), (c), (g), (k), 4-03. If any of these transactions constituted in-kind contributions, the Campaign must submit an in-kind contribution form completed by the contributor. If any of the vendors have forgiven a liability, or if a debt was paid by a third party, the Campaign may be penalized for accepting over-the-limit contributions or contributions from



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prohibited sources. See N.Y.C. Charter § 1052(a)(13); Admin. Code §§ 3-702(8), (18), (20), 3-703(1)(l), (1-a), (1-b), 3-719(2)(b); Board Rules 1-04(c)(1), (e), (g), (h), 1-05.

The Campaign reported receiving a \$300 in-kind contribution from an individual who stated that he had created banners valued at \$300, but failed to provide documentation to substantiate the value of this in-kind contribution.

The Campaign also reported receiving a \$2,750 in-kind contribution from another individual who stated that he had paid the expense of printing newsletters valued at \$2,750, but failed to provide documentation to substantiate the value of this in-kind contribution.

Additionally, the Campaign reported a \$102.20 expenditure that does not appear on the Campaign's bank statements, indicating that a third party may have paid this expenditure, or that the goods and services were provided by the reported payee for free.

The Board assessed a penalty of \$300 for these violations.

4. Failing to demonstrate that spending was in furtherance of the campaign \$2,621

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 made an overpayment of \$213.70 when repaying a loan to an individual. The Campaign also submitted a memorandum from an individual stating that he received a payment from the Campaign for the rental of his vehicle for February 2013, but the Campaign has not provided documentation to demonstrate that it used the vehicle for campaign-related purposes.

The Campaign reported expenditures totaling \$9,273.37, including regular purchases of food for the Candidate and a group of associates, which, based on the characteristics of the expenditures, were non-campaign related.

The Board assessed a penalty of \$2,621 for these violations.

6. Failing to respond to the supplemental document request and late response to the Draft Audit Report \$2,349

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), 3-719(1)(b); Board Rules 1-09(a), 4-01, 4-05(a). Candidates who fail to



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respond to the Draft Audit Report (“DAR”) may be subject to a penalty of up to 10% of total public funds received. See Admin. Code § 3-711(2)(b).

The Campaign failed to respond to the Supplemental Document Request, and submitted a response to the Draft Audit Report, which had a response due date of January 20, 2015, on October 20, 2016.

The Board assessed a penalty of \$2,349 for these violations.