



Summary of Final Board Determination

Anthony Weiner

Candidate, 2013, Mayor

Program participant: \$1,652,074 in public funds received

1. Failing to report transactions \$1,227

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 \$61,369.70 in transactions that appear in its bank records.

The Board assessed a penalty of \$1,227 for these violations.

2. Filing a late disclosure statement \$200

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 Disclosure Statement 16 one day after the deadline.

The Board assessed a penalty of \$200 for this violation.

3. Failing to file and late filing of daily pre-election disclosure statements \$312

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), 3-719(1); Board Rules 1-09, 3-02(e).

The Campaign failed to file the required daily disclosures to report five expenditures. The Campaign also disclosed a \$13,800 expenditure to Penczner Media four days late.

The Board assessed a penalty of \$312 for these violations.

4. Accepting over-the-limit contributions \$8,652

Campaigns are prohibited from accepting contributions in excess of the applicable contribution limit (\$4,950 for 2013 mayoral candidates). *See* Admin. Code §§ 3-702(8), 3-703(1)(f), (11); Board Rules 1-04(c)(1), (h), 1-07(c).



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The Campaign accepted 21 over-the-limit contributions, six of which were refunded after the deadline, and the remainder of which were refunded timely. The Campaign also accepted two \$175 over-the-limit contributions from two individuals, for which it did not document a refund.

The Board assessed a penalty of \$8,652 for these violations.

5. Accepting over-the-limit Doing Business contributions \$675

Campaigns may not accept contributions in excess of the “doing business” contribution limits from individuals or entities that have business dealings with the City (\$400 for mayoral candidates). *See* Admin. Code §§ 3-702(8), (18), (20), 3-703 (1-a), (1-b); Board Rules 1-04(c)(1), (h).

The Campaign accepted two contributions in excess of the doing business limit. It refunded the over-the-limit portion of one of the contributions fully, and only partially refunded the over-the-limit portion of the second contribution. Both refunds were made after the deadline.

The Board assessed a penalty of \$675 for these violations.

6. Accepting contributions from corporations, limited liability companies, or partnerships \$1,177

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)(1); 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 reported a \$462.50 expenditure to Baker & Hostetler LLP, but payment for the expenditure does not appear on the Campaign’s bank records. The outstanding liability is considered an in-kind contribution. The Campaign received a \$215.10 discount from Paychex, which it did not demonstrate was available to the general public. The discount is thus considered an in-kind contribution.

The Board assessed a penalty of \$1,177 for these violations.



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7. Failing to demonstrate compliance with intermediary reporting and documentation requirements \$1,100

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).

The Campaign failed to report intermediaries for 11 contributions totaling \$2,740; for seven contributions totaling \$685; or for eight contributions totaling \$245. The Campaign also failed to provide intermediary affirmation statements for nine reported intermediaries.

The Board assessed a penalty of \$1,100 for these violations.

8. Failing to demonstrate that spending was in furtherance of the campaign \$22,031

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 the Esler Group \$26,000 in excess of the wages described in the vendor's contract, and failed to demonstrate how this expenditure was in furtherance of the campaign.

The Campaign made payments totaling \$56,210 to individuals that were either in excess of the wages described in their contracts; for whom it provided contracts that did not list any duties; or for whom it failed to provide contracts, timesheets and contemporaneous documentation describing the individuals' duties, rate of pay and dates of engagement.

The Campaign did not explain or document a \$600 expenditure to an individual for televisions.

The Board assessed total penalties of \$22,031 for these violations.



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9. Converting campaign funds to a personal use \$2,308

Campaigns are prohibited from converting campaign funds to a personal use. *See* Admin. Code §§ 3-702(21)(b); Board Rules 1-03(a), 2-02. Expenditures for defraying the normal living expenses of the Candidate and gifts of greater than \$50 are not in furtherance of a Campaign. Admin. Code § 3-702(21)(b).

Expenditures totaling \$1,539.04 for dry cleaning and mobile wireless service appear to be personal expenses of the Candidate. The Campaign stated that the phone advances were for two telephone numbers, one acquired during the Candidate's 2005 campaign, and the other the Candidate's personal line, which was used for fundraising. Because this line remained the Candidate's personal phone from May-September 2013, its usage is presumed to be personal.

The Board assessed a penalty of \$2,308 for these violations.

10. Making impermissible post-election expenditures \$27,724

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 \$115,268.62, including expenditures totaling \$46,169 to a consultant, expenditures to Vimeo that continued through 2014, and expenditures to individuals that were impermissible because the Campaign did not provide contracts or other documentation for their work.

The Board assessed a penalty of \$27,724 for these violations.