



Summary of Final Board Determination

I. Robert Rodriguez

Candidate, EC 2017, City Council District 8 Manhattan and the Bronx
Program participant: \$96,600 in public funds received
Joseph Delorme, Treasurer of New Yorkers for Robert Rodriguez

The Board determined that the Campaign has failed to comply with the Campaign Finance Act and Board rules, and assessed violations and penalties as detailed below.

1. Failing to demonstrate compliance with cash receipts reporting and documentation requirements **\$1,031**

Campaigns are required to report all cash receipts, deposit them into the bank account listed on the candidate's filer registration and/or certification within ten business days of receipt, and provide the deposit slips for the account to the Board. *See* Admin. Code §§ 3-703(1)(d), (g), (6), (10), (11), (12); Board Rules 1-04(a), (b), 2-06(a), 3-03(c), 4-01(a), (b)(1), (3), (f).

The Campaign reported \$1,195 in cash receipts, but the deposit slips provided account for \$5,320 in cash receipts, a difference of \$4,125. This constitutes a variance of 345.19% between the cash receipts reported and documented by the Campaign.

The Board assessed a penalty of \$1,031 for this violation.

2. Filing late disclosure statements **\$100**

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 7 on March 16, 2017, one day after the March 15 deadline. Additionally, the Campaign filed Disclosure Statement 8 on May 16, 2017, one day after the May 15 deadline.

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

3. Accepting an over-the-limit contribution **\$125**

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

The Campaign accepted a \$500 contribution from a contributor doing business with the city on May 5, 2017. The Campaign was notified on May 30, 2017 that it was required to refund the \$250 overage by June 19, 2017. The Campaign refunded the \$250 overage to the Public Fund on December 19, 2019. *See* Exhibit 4 at 14.

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

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

Campaigns may not accept a contribution (monetary or in-kind) 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 received a \$250 contribution from ENPAC-New York, an unregistered political committee, on January 6, 2017. The Campaign was notified on April 13, 2017 that it was required to refund the contribution by May 15, 2017. The Campaign untimely refunded the contribution on July 7, 2017.

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

5. Making a cash expenditure greater than \$100 \$156

Campaigns are prohibited from making an expenditure greater than \$100 using cash. *See* Board Rules 1-08(i), 4-01(e)(2).

The Campaign made an unreported \$1,660 withdrawal on July 10, 2017. Absent documentation, the withdrawal is presumed to be a cash expenditure.

The Board assessed a penalty of \$156 for this violation.

6. Failing to demonstrate that spending was in furtherance of the campaign \$2,681

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), 1-08(p), 4-01(e).

The Campaign reported payments to an individual totaling \$30,180, which exceeds the amount reflected in the contract and timesheets by \$10,725. The amount of the overpayment is considered not in furtherance of the campaign.

The Board assessed a penalty of \$2,681 for this violation.

7. Making impermissible post-election expenditures

\$657

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 pre-ceding 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 post-election expenditures totaling \$2,631.25 that are impermissible based on their timing, amount, and/or purpose.

The Board assessed a penalty of \$657 for this violation.

8. Exceeding the expenditure limit

\$32,000

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), (j), 7-05(b). An expenditure is presumed to be made for the first election in which the participant is a candidate following the day it is made. *See* Board Rule 1-08(c). Candidates have the burden of demonstrating that expenditures made by committees reported not to be involved in the election in which the candidate is currently a participant were not made in connection with such election. Failure to meet this burden will result in the application of all Program requirements to these committees for such election. *See* Board Rule 1-08(c)(3).

The Campaign exceeded the primary election expenditure limit by \$29,614.51 (16.27%). *See* Exhibit 6. This includes expenditures totaling \$25,884.82 made by the Candidate’s state committee, which were attributed to the Campaign.

The Board assessed a penalty of \$32,000 for this violation.