

Melissa Mark-Viverito, CD #8 (2009)

1. Accepting over-the-limit Doing Business contributions \$550

For individuals who have business dealings with the City, there was a limit of \$250 on contributions to City Council candidates in the 2009 election. *See* Admin. Code §§ 3-702(18), 3-703(1-a). When a campaign receives a contribution in excess of the limit from contributors who have business dealings with the City, the campaign must return the excess portion to the contributor within twenty days of being notified by the Board. *See* Board Rule 1-04(c)(1).

The Campaign accepted over-the-limit contributions from two Doing Business contributors. One contribution exceeded the Doing Business limit by \$50, and the Campaign failed to return the over-the-limit portion to the contributor. The other contribution exceeded the Doing Business limit by \$175. CFB staff notified the Campaign of the over-the-limit contribution on June 2, 2009 with a refund due date of June 22, 2009. The Campaign refunded the excess portion to the contributor on August 7, 2009.

The Board assessed a penalty of \$550 for these violations.

2. Accepting an over-the-limit contribution \$125

Campaigns may not accept contributions from a single source in excess of the applicable contribution limit for the entire election cycle. *See* Admin. Code §§ 3-702(8), 3-703(1)(f), (11), (12); Board Rules 1-04(c)(1), 1-04(h), 1-07(c). The contribution limit for City Council in the 2009 election was \$2,750. *See* Admin. Code § 3-703(1)(f).

The Campaign accepted contributions from Local 32BJ SEIU exceeding the \$2,750 limit. The Campaign refunded the over-the-limit portion in a timely fashion.

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

3. Exceeding the expenditure limit \$1,547

Candidates who participate in the Campaign Finance Program must abide by limits on the amount of money they can spend on their campaigns. *See* Admin. Code §§ 3-703(1)(i), 3-706, 3-711(2)(a); Board Rules 1-08(d), (1). An expenditure for services is made when the benefit of such services are received, used, or rendered, regardless when payment is made. *See* Board Rule 1-08(b).

The Board determined that the Campaign exceeded the primary election expenditure limit by \$1,547.

The Board assessed a penalty of \$1,547 for this violation.