2016-1: In the Matter of Campaign for One New York and United for Affordable NYC

July 6, 2016

The New York City Campaign Finance Board (the "Board" or "CFB") issues this determination concerning a complaint received on February 22, 2016 from Common Cause/NY ("the Complaint"). The issue presented is whether a candidate, Bill de Blasio ("Mr. de Blasio"), and his 2017 campaign for Mayor (the "2017 Campaign") have violated the Campaign Finance Act ("the Act") and Board Rules by establishing and cooperating closely with Campaign for One New York ("C41NY") and United for Affordable NYC ("UFANYC").

The Board's central mandate is to protect the integrity of the Act and administer the Campaign Finance Program ("the Program"). The effectiveness of the Program depends on the Act's contribution and expenditure limits, which restrict the potential influence of large special interest donors. The Board is concerned about candidates engaging in cooperation with outside organizations that have made expenditures on issue advocacy communications promoting the candidate, especially organizations that raise contributions that would be otherwise impermissible under the Act. Such cooperative activity raises the question of whether these organizations are making expenditures in connection with a covered election.

The Board simultaneously issues Advisory Opinion 2016-1 to provide further guidance in this area of the law. The Advisory Opinion provides a basis for the Board to review the issue presented by the Complaint, and establishes a set of factors the Board will consider to determine whether coordinated expenditures were made in connection with a covered election.

The Board has determined that C41NY is not independent of the 2017 Campaign. However, because C41NY's communications promoting Mr. de Blasio occurred during the six months following the 2013 election and focused on issues being discussed by a governmental body, the Board cannot conclude that those communications were made in connection with the 2017 election.

The Board will enforce Advisory Opinion 2016-1 going forward. If C41NY continues its activities, or if the 2017 Campaign makes use of any work product created by C41NY, those expenditures may be considered in-kind contributions to the 2017 Campaign. While the Board does not have enough information to reach a conclusion about whether UFANYC's activities were coordinated, they implicate many of the same factors laid out in the Advisory Opinion.¹

While the Act helps prevent actual or perceived corruption by limiting contributions

¹ A third organization was founded and funded by C41NY, called The Progressive Agenda, which was not mentioned in the Complaint. The Progressive Agenda focused its activities on supporting Mr. de Blasio's progressive ideals outside of New York State. *See infra* Factual Background section.

to candidates for covered office, the facts raised in the Complaint illuminate the ways in which the jurisdiction of the Act is limited in this area. The Board strongly urges the City Council to strengthen the city's protections against influence-seeking by wealthy interests, and pass legislation to more closely regulate fundraising solicitations by elected officials for non-profit organizations, especially § 501(c)(4) entities.

With this determination, the Board dismisses the Complaint and concludes its inquiry.

FACTUAL BACKGROUND

C41NY

As a candidate for mayor, Bill de Blasio made a proposal to establish universal prekindergarten, funded by a tax on high-income New Yorkers, a centerpiece of his campaign agenda. After winning the general election in December 2013, Mr. de Blasio announced "a grassroots campaign... to ensure that this legislation is passed in Albany," which was conducted by UPKNYC.² In May 2014, UPKNYC was renamed C41NY.

Public records indicate that C41NY is a § 501(c)(4) tax-exempt organization incorporated with the New York Department of State on December 12, 2013 as a domestic non-profit corporation. C41NY has not registered as a political committee with the New York State Board of Elections. It filed as a lobbyist with the New York State Joint Commission on Public Ethics for 2014.³ In May 2015, C41NY launched The Progressive Agenda to Combat Income Inequality ("The Progressive Agenda"), which formed its own fundraising § 501(c)(4) entity in October 2015.⁴

C41NY has fundraised and made expenditures to advocate for universal prekindergarten in New York City (as UPKNYC), affordable housing by funding UFANYC, and in support of The Progressive Agenda at the national level.⁵ C41NY has reported

² See Jill Colvin, *Bill de Blasio Launches Star-Studded Campaign for Universal Pre-K*, OBSERVER, Dec. 19, 2013, http://observer.com/2013/12/bill-de-blasio-launches-campaign-for-universal-pre-k/.

³ See, e.g., Joe Anuta, De Blasio group quits the lobbying business (for now), CRAIN'S, Apr. 21, 2015, http://www.crainsnewyork.com/article/20150421/BLOGS04/150429966/de-blasio-group-quits-the-lobbying-business-for-now.

⁴ See Laura Nahmias, De Blasio's Progressive Agenda launches fundraising operation, POLITICO N.Y, Oct. 20, 2015, http://www.capitalnewyork.com/article/city-hall/2015/10/8580105/de-blasios-progressive-agenda-launches-fundraising-operation (stating that "[u]ntil recently, [The Progressive Agenda's] expenses were being paid for with donations made to [C41NY], a 501(c)(4) de Blasio started in December of 2013 to advance his mayoral agenda But now the committee has formally registered as its own 501(c)(4) nonprofit, and 'has its own fundraising operation' which has already begun raising money, committee spokeswoman Rebecca Katz told POLITCO New York."); Laura Nahmias, *National de Blasio group discloses lone donor*, POLITICO N.Y., May 16, 2016, http://www.capitalnewyork.com/article/city-hall/2016/05/8599255/national-de-blasio-group-discloses-lone-donor (reporting that the entirety of The Progressive Agenda's funding came from \$480,000 in seed funding provided by "the mayor's other nonprofit," C41NY).

⁵ See, e.g., Sally Goldenberg, De Blasio defends Campaign for One New York's unlimited spending, raising, POLITICO N.Y., Nov. 6, 2015, http://www.capitalnewyork.com/article/city-

raising and spending over \$4 million since it was created. Many of these contributions greatly exceeded the contribution limits and/or were from sources that are prohibited from contributing to campaigns. Contributions have included hundreds of thousands of dollars from entities with business before the City, at least \$1.3 million from unions, and more than \$1 million from real estate interests. C41NY has also reported that it paid \$500,000 to BerlinRosen, \$284,000 to Hilltop Public Solutions ("Hilltop"), \$325,000 to Greenberg Quinlan Rosner Research ("Greenberg") and \$1.4 million to AKPD Message and Media ("AKPD"), all companies with ties to Mr. de Blasio and his 2013 mayoral campaign ("the 2013 Campaign"). The 2013 Campaign reported paying \$265,000 to BerlinRosen, \$544,000 to Hilltop, \$427,000 to Greenberg, and \$7,503,000 to AKPD, and the 2017 Campaign has made payments to each of these entities except AKPD.

Mr. de Blasio actively engaged in fundraising on behalf of C41NY and participated in its activities by attending meetings. 11 C41NY was active on social media platforms, including Facebook and Twitter, to promote UPKNYC or the Progressive Agenda, sometimes featuring Mr. de Blasio's name or image.

In 2014, C41NY created seven videos in support of Mr. de Blasio's universal prekindergarten initiative. Three of these videos featured either direct references to Mr. de Blasio, or appearances by Mr. de Blasio or his wife, Chirlane McCray ("Ms. McCray"):

 C41NY released "National Experts Agree," a video compilation of clips of political and media figures discussing their support of "de Blasio's universal

hall/2015/11/8582206/de-blasio-defends-campaign-one-new-yorks-unlimited-spending-raising; Nahmias, *supra* note 4.

⁶ See J. David Goodman, *Nonprofit Linked to Mayor de Blasio Is Closing*, N.Y. TIMES, Mar. 17, 2016, http://www.nytimes.com/2016/03/18/nyregion/nonprofit-group-campaign-for-one-new-york-with-close-ties-to-mayor-de-blasio-is-closing.html. Financial information for 2014 is as reported to the New York State Joint Commission on Public Ethics. For 2015, C41NY did not file financial data with any known governmental entity, but released information through January 2016 to the press.

⁷ See Appendix A.

⁸ See Goodman, supra note 6.

⁹ See, e.g., Larry Buchanan & Ford Fessenden, Mayor de Blasio's Private Advisors: Who Gives the Money and Who Gets It, N.Y. TIMES, Nov. 4, 2015,

http://www.nytimes.com/interactive/2015/11/04/nyregion/mayor-de-blasios-shadow-cabinet.html; Courtney Gross, *A Look at How The Mayor's Nonprofit Groups Have Been Selling His Agenda for the Past Two Years*, TIME WARNER CABLE NEWS, May 20, 2016, http://www.ny1.com/nyc/all-boroughs/fundraising-probe/2016/05/20/a-look-at-how-the-mayor-s-nonprofit-groups-have-been-selling-his-agenda-for-the-past-two-years.html.

¹⁰ As reported to the CFB and the New York State Board of Elections through January 11, 2016.

¹¹ See, e.g., Ross Barkan, Bill de Blasio Won't Say What He's Doing With His Campaign Nonprofit Today, OBSERVER, Apr. 21, 2015, http://observer.com/2015/04/bill-de-blasio-wont-say-what-hes-doing-with-his-campaign-nonprofit-today (reporting that Mr. de Blasio and C41NY refused to discuss what the April 21 event was for or who else would attend in addition to Mr. de Blasio); Liz Benjamin, Here and Now, TIME WARNER CABLE NEWS, Mar. 26, 2015, http://www.nystateofpolitics.com/2015/03/here-and-now-1238 (noting that "NYC Mayor Bill de Blasio will attend an event hosted by the Campaign for One New York, which is closed to members of the press"); Email from Azi Paybarah & Gloria Pazmino, Capital N.Y. (Apr. 21, 2015) (reporting that the Mr. de Blasio's public schedule for that day included "a closed-door event with members of [C41NY]").

pre-k plan." ¹² The clips include Mr. de Blasio's name repeatedly, with several images of Mr. de Blasio. The video opens with statements identifying universal pre-kindergarten with Mr. de Blasio: "Mayor-elect Bill de Blasio is making a big push for his universal pre-K plan" and "de Blasio wants mandatory pre-K across the board. I'm good for that." The video also includes a clip of Larry Summers stating that he was "struck . . . by the incoming mayor here in New York" In each instance universal pre-kindergarten is mentioned in the video, it is identified as Mr. de Blasio's plan.

- In April 2014, C41NY purchased and ran a 30-second air spot to play another video, "The Time is Now," on local and broadcast networks in New York City. The video featured Ms. McCray, identified as the "First Lady of NYC," extolling Mr. de Blasio's education initiatives, and included images of both Mr. de Blasio and his children, who were also featured in advertisements for the 2013 Campaign. ¹³ The video also included a headline graphic praising Mr. de Blasio's past work: "Class Action: de Blasio Notches Near-Total Pre-K Victory in First Real Fight." According to reported sources, the air spot cost \$500,000, and C41NY was planning to spend more than \$1 million to keep it on the air through that month. ¹⁴
- Another video, "Clergy Breakfast: We Want a Vote!," compiles clips from a public appearance made by Mr. de Blasio and Ms. McCray arguing for a vote on universal pre-kindergarten.¹⁵

Four of the videos created by C41NY promoted universal pre-kindergarten in New York City without featuring Mr. de Blasio's name or image.

C41NY was also responsible for over 200,000 robocalls in March 2014. The calls offered "some breaking news about Mayor de Blasio's game-changing plan" for universal pre-kindergarten, and noted that the "New York Assembly majority just resolved to fund the Mayor's plan" before thanking the Assembly for its leadership. ¹⁶ C41NY also paid for a mailer sent to households in Brooklyn concerning Long Island College Hospital on June 26, 2014 from Carroll Gardens Neighborhood Association board member Gary Reilly ("Reilly"). In the mailer, Reilly stated "I was asked by Mayor de Blasio to share my views on what this means for families in Cobble Hill, Carroll Gardens, Brooklyn Heights, Boerum Hill, downtown Brooklyn and Red Hook. . . . The outcome is much better than we

¹⁵ See Clergy Breakfast: "We want a vote!", UPKNYC (Feb. 16, 2014), https://www.youtube.com/watch?v=yo yBBVnlLk.

¹² See National Experts Agree, UPKNYC (Dec. 10, 2013), https://www.youtube.com/watch?v=chh5u7-IOuE.

¹³ See The Time is Now, UPKNYC (Apr. 8, 2014), https://www.youtube.com/watch?v=6qkqOpVqiI4. See also Michael M. Grynbaum, Pre-K Victory Ad With Mayor de Blasio's Family Aims to Help Him Regain His Footing, N.Y. TIMES, Apr. 8, 2014, http://www.nytimes.com/2014/04/09/nyregion/pre-k-victory-ad-with-mayor-de-blasios-family-aims-to-help-him-regain-his-footing.html.

¹⁴ Grynbaum, *supra* note 13.

¹⁶ See Colin Campbell, *Pre-K Campaign Launches Robocalls to Thank State Assembly*, OBSERVER, Mar. 12, 2014, http://observer.com/2014/03/pre-k-campaign-launches-robocalls-to-thank-state-assembly/.

expected."17 The mailer listed C41NY on its return address.

C41NY has represented that it stopped soliciting contributions and began to wind down its operations in March $2016.^{18}$

<u>UFANYC</u>

UFANYC was incorporated as a § 501(c)(4) organization in February 2016. It has been reported that the organization has raised most of its funds from C41NY and a number of unions.¹⁹

According to a spokesperson for UFANYC, the organization was formed "with the explicit purpose of supporting the Mayor's affordable housing plan," and its communications have focused exclusively on that plan. A Facebook post from the organization on February 8, 2016 stated that "Mayor de Blasio has a plan to make NYC more affordable for all New Yorkers. His housing plan will invest \$41 billion to create 200,000 affordable housing units. And for the first time ever, affordable housing will be required for all new housing developments." UFANYC has also conducted a significant Twitter campaign to promote Mr. de Blasio's plan. It tweeted on February 8, 2016 for its followers to "[1]earn more about @BilldeBlasio's #AffordableHousing plan that will bring #RealAffordability to NYers most in need." On February 25, 2016, the organization tweeted "w/ a 0% housing vacancy rate in #NYC, we need Mayor @BilldeBlasio's #Affordable Housing plan now more than ever."

UFANYC also purchased a 60 second spot that aired for two weeks on MSNBC, CNN, NY1, and News 12 to promote Mr. de Blasio's housing plan. ²¹ The spot featured clips from Mr. de Blasio's 2015 State of the City address regarding affordable housing, including the details of Mr. de Blasio's plan. ²² Mr. de Blasio's image and voice are prominent throughout the spot.

¹⁹ See id. See also Gross, supra note 9 ("Officials at [C41NY] insist the affordable housing group was not their idea. The unions started it to run a six-week campaign to push the mayor's affordable housing agenda to the City Council. But it was also a place for [C41NY] to drop \$150,000 in revenue as it began to shut down.").

¹⁷ See Dana Rubenstein, De Blasio-allied group defends LICH deal to brownstone Brooklyn, POLITICO N.Y., Jul. 1, 2014, http://www.capitalnewyork.com/article/city-hall/2014/07/8548261/de-blasio-allied-group-defends-lich-deal-brownstone-brooklyn. See also Letter from Gary Reilly, Board Member, Carroll Gardens Neighborhood Assoc. (Jun. 26, 2014), available at http://www.capitalnewyork.com/sites/default/files/LICH%20letter.pdf

¹⁸ See Goodman, supra note 6.

²⁰ See Samar Khurshid, *The Mayor's Nonprofit Experiment and His Reelection Bid*, GOTHAM GAZETTE, Apr. 15, 2016, http://gothamgazette.com/index.php/city/6280-the-mayor-s-nonprofit-experiment-and-his-reelection-bid.

²¹ See Sally Goldenberg, Labor group hits the airwaves for de Blasio housing plan, POLITICO N.Y., Mar. 3, 2016, http://www.capitalnewyork.com/article/city-hall/2016/03/8592603/labor-group-hits-airwaves-de-blasio-housing-plan. While UFANYC did not disclose the cost of the advertisement, it did describe the advertisement as a "robust, five-figure buy."

²² See Affordable NYC, Twitter (Mar. 3, 2016, 5:42 AM EST), https://twitter.com/affordable_nyc/status/705387759125434369.

UFANYC has represented that it stopped soliciting contributions and began to wind down operations in March 2016.²³

CFB Inquiry

On June 18, 2015, Board staff sent a letter to the 2017 Campaign requesting information about Mr. de Blasio's role in appointing, hiring, and firing individuals paid by C41NY; whether past lobbying activity by C41NY differed from the work of the New York City Office of State Legislative Affairs; whether any guidance had been requested from the New York City Conflicts of Interest Board ("COIB") regarding C41NY's activities; and whether the 2017 Campaign believed that any C41NY activities constituted "expenditures" under the Act.²⁴

The 2017 Campaign responded on July 13, 2015. ²⁵ The response stated that C41NY was not an authorized committee because, according to its Certificate of Incorporation, it was "formed to advocate for One New York and New York City by informing the public and policymakers about legislative and public policy options" and not to aid or take part in any covered election. The response indicated that Mr. de Blasio occasionally "seeks assistance" from C41NY to advocate for New York City by exercising its mandate, and that C41NY is "enthusiastic" about assisting Mr. de Blasio. While the response noted that Mr. de Blasio does not have any legal rights or responsibilities to govern C41NY and holds no position with the organization, it did state that "Mr. de Blasio may from time to time have made suggestions to [C41NY] regarding the appointing, hiring or firing of individuals and firms paid by [C41NY], although Mr. de Blasio has no authority to make such decisions for [C41NY]."

The 2017 Campaign also provided a letter of guidance from COIB, in response to a 2013 inquiry by Mr. de Blasio regarding Mr. de Blasio's fundraising efforts for C41NY. The letter indicates that "among [C41NY's] staff or consultants may be individuals who have been or will be employed or retained by a political campaign committee that Mr. de Blasio has authorized to work in support of his electoral efforts," and that among C41NY's three incorporators and initial directors was Bill Hyers, who was "the manager of Mr. de Blasio's 2013 mayoral campaign." The letter stated that Mr. de Blasio and Ms. McCray have occasionally fundraised for C41NY, including Mr. de Blasio being designated an "honorary chair" of fundraising campaigns. Additionally, the letter indicated that Mr. de Blasio occasionally used his official position to solicit funds for C41NY when C41NY's work supported a major initiative of the mayoral office. COIB, based on its past guidance, found no conflict of interest under the facts Mr. de Blasio provided.

²³ See Khurshid, supra note 20.

²⁴ See Letter from Peri Horowitz, Assistant Exec. Dir. for Campaign Fin. Admin., N.Y.C. Campaign Fin. Bd., to Joni Kletter, Treasurer, 2017 Campaign (Jun. 18, 2015).

²⁵ See Letter from Laurence D. Laufer, Counsel for the 2017 Campaign and C41NY, to Peri Horowitz, Assistant Exec. Dir. for Campaign Fin. Admin., N.Y.C. Campaign Fin. Bd. (Jul. 13, 2015). ²⁶ See id.

Common Cause/NY Complaint

On February 22, 2016, the Board received the Complaint. The Complaint alleged that "the conduct of Mayor Bill de Blasio, in establishing, and soliciting funds for [C41NY] and, most recently, directing the transfer of funds from [C41NY] to [UFANYC] has violated . . . the spirit, and we believe, the letter of Sec. 3-703 of the New York Campaign Finance Law." The Complaint questioned whether C41NY was a campaign committee subject to the Act and Board Rules; whether contributions to C41NY violated the contributions limits imposed by Admin. Code §§ 3-703(1)(f) and (1-a); and whether, if C41NY could not be considered a committee subject to the Act and Board Rules previously, if it might at some date closer to the election become subject to the Act and Board Rules. ²⁸

In accordance with Board Rule 7-01, Board staff sent the Complaint to the 2017 Campaign. ²⁹ The Board received a response from the 2017 Campaign on March 14, 2016. ³⁰ The response asserted that the Complaint did not "allege or present any facts that suggest [C41NY] is an 'authorized committee'" within the meaning of the Act. The response stated that since C41NY is not a political committee under the Act, it does not receive contributions as defined by the Act. It further argued that the limitations of Admin. Code §3-703(1)(f) and (1-a) did not apply to C41NY, since those provisions only apply to contributions accepted by a candidate or authorized committee.

ANALYSIS

The Board simultaneously issues Advisory Opinion 2016-1 to provide further guidance to candidates who participate in the efforts of outside organizations.

If an organization's expenditures are coordinated with a campaign, and are made in connection with a covered election, those expenditures will be subject to the Act and Board Rules governing candidates. Advisory Opinion 2016-1 enumerates factors the Board will consider in determining when coordinated expenditures are considered to be in connection with an election. While C41NY's communications as listed above focused on and promoted Mr. de Blasio, they occurred more than three years before his next covered election and focused on issues being discussed by a governmental body. The promotional benefits of those communications likely dissipated during that time, and the Board has determined that they are not connected to the 2017 election for the purpose of applying the limits in the Act.

²⁷ Complaint at 1.

²⁸ *Id*. at 3-4.

²⁹ See Letter from Cameron Ferrante, Complaints & Investigations Analyst, N.Y.C. Campaign Fin. Bd., to Sam Nagourney, 2017 Campaign (Feb. 23, 2016).

³⁰ See Letter from Laurence D. Laufer, Counsel for C41NY, to Cameron Ferrante, Complaints & Investigations Analyst, N.Y.C. Campaign Fin. Bd. (Mar. 14, 2016).

<u>Independence</u>

The Act defines "independent" activity as that in which a candidate or a candidate's committee "did not authorize, request, suggest, foster or cooperate." Admin. Code § 3-702(8); Board Rules 1-08(f)(2), (3).

Pursuant to Board Rule 1-08(f)(1):

Factors for determining whether an expenditure is independent include, but are not limited to:

- i) whether the . . . entity making the expenditure is also an agent of a candidate;
- ii) whether the treasurer of, or other person authorized to accept receipts or make expenditures for the . . . entity making the expenditure is also an agent of a candidate;
- iii) whether a candidate has authorized, requested, suggested, fostered, or otherwise cooperated in any way in the formation or operation of the . . . entity making the expenditure;
- iv) whether the . . . entity making the expenditure has been established, financed, maintained, or controlled by any of the same persons, political committees, or other entities as those which have established, financed, maintained, or controlled a political committee authorized by the candidate; v) whether the . . . entity making the expenditure and the candidates have each retained, consulted, or otherwise been in communication with the same third party or parties, if the candidate knew or should have known that the candidate's communication or relationship to the third party or parties would inform or result in expenditures to benefit the candidate

Whether expenditures are non-independent "is necessarily fact specific." ³¹

Mr. de Blasio's involvement in C41NY's operations and activities demonstrates that C41NY is not independent of Mr. de Blasio and the 2017 Campaign. Mr. de Blasio has authorized, requested, suggested, fostered, and/or cooperated with C41NY's formation and operations. C41NY was established by Mr. de Blasio and other individuals connected to Mr. de Blasio, including those who worked on the 2013 Campaign and the Mayoralty. Mr. de Blasio occasionally "seeks assistance" from C41NY to advocate for particular issues related to the mayor's office, and may "make suggestions" over hiring and firing questions at C41NY.

Additionally, C41NY was established and is maintained and controlled by the same individuals who established and controlled the 2013 Campaign, and who occupy similar roles in the 2017 Campaign. Individuals with long-standing relationships to Mr. de Blasio

³¹ See Advisory Opinion No. 2009-7 (Aug. 6, 2009); see also Advisory Opinion Nos. 2013-1 (Jan. 10, 2013) and 2012-1 (Jun. 21, 2012).

appear to control, direct, and speak on behalf of C41NY.³² Examples of these ties are included in the analysis below.

Finally, C41NY and Mr. de Blasio have each retained, consulted, or otherwise been in communication with the same third party or parties. Review of C41NY's financial disclosure through August 2015 shows an overlap between the 2013 and 2017 Campaigns' and C41NY's use of legal representation, public relations consulting, media consulting, and personnel. Given the nature of the third parties employed by C41NY and the 2013 and 2017 Campaigns, Mr. de Blasio knows or should have known that the overlapping relationship to third parties would inform or result in expenditures that benefited him.

Therefore, the Board considers C41NY and expenditures made by the organization to be coordinated with Mr. de Blasio.

In Connection with a Covered Campaign

Issue groups and other entities regularly conduct public advocacy on issues that have no connection to an election or a candidate, and are not subject to the Act. However, candidate-coordinated communications that refer to or otherwise promote candidates may be considered to be made in connection with a covered election. *See* Advisory Opinion No. 2016-1 (July 7, 2016). The Board will consider a number of factors to determine whether a coordinated expenditure is made in connection with a covered election, including, but not limited to:

- (1) whether the content focuses on the candidate, his/her opponent, or otherwise promotes the candidate and/or denigrates his/her opponent;
- (2) whether, in cases where the communication refers to more than one individual, the content references the candidate in a manner that overshadows references to the other individuals, or otherwise promotes the candidate and/or denigrates his/her opponent;
- (3) whether the distribution of a communication appears designed to reach the candidate's electorate;
- (4) whether the communications are focused on the candidate's past accomplishments or positions, rather than focusing on issues being discussed by a governmental body;
- (5) whether there is consistent and repeated overlap between campaign staff, the organization's staff, and/or their consultants' staff, or the candidate or his/her agent has raised funds for the organization;

³² See, e.g., Jill Colvin, Bill de Blasio's Old Campaign Operations Live On, in One Form or Another, OBSERVER, Feb. 19, 2014, http://observer.com/2014/02/bill-hyers-keeping-his-distance-from-de-blasio-for-now; Sally Goldenberg, New director for de Blasio's political arm, POLITICO N.Y., May 8, 2015, http://www.capitalnewyork.com/article/city-hall/2015/05/8567658/new-director-de-blasios-political-arm; Yoav Gonen, Group pushing for Pre-K are de Blasio insiders, N.Y. POST, Feb. 7, 2014,

http://nypost.com/2014/02/07/pre-k-pushers-are-de-blasio-insiders/; Nikita Stewart, Familiar Consultants Hired by de Blasio's Pre-K Drive, N.Y. TIMES, Mar. 19, 2014,

http://www.nytimes.com/2014/03/20/nyregion/familiar-consultants-hired-by-the-mayors-pre-kdrive.html?_r=0.

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- (6) whether the organization lacks a history of advocacy on issues or other work that is separate from a candidate or campaign; or
- (7) whether the timing coincides with the candidate's campaign.

See Advisory Opinion No. 2016-1. See also Advisory Opinion Nos. 2003-2 (July 14, 2003), 2000-1 (March 7, 2000), 1997-6 (June 24, 1997), 1993-10 (September 23, 1993), 1993-9 (September 9, 1993). The Board will generally find that expenditures made prior to January 1 of the election year are not in connection with a covered election. When, however, numerous or substantial factors are present, such that those expenditures closely overlap with election activity, including by focusing on the candidate's past accomplishments or otherwise promoting the candidate and/or denigrating his/her opponent, the Board may consider activity prior to January 1 of the election year to be in connection with a covered election, particularly if it occurs closer to the election year. Expenditures in connection with a covered election that are made with the cooperation of a campaign are in-kind contributions, which must be accounted for and reported by campaigns.³³

Many of the factors noted in Advisory Opinion 2016-1 are present in this case. As in the examples cited above, C41NY's communications have focused on Mr. de Blasio by name, specifically promoted Mr. de Blasio's policy initiatives, and have publicized Mr. de Blasio's past accomplishments. The content of many communications have made exclusive reference to Mr. de Blasio, his role as mayor, and his initiatives, beyond merely advocating for the underlying issues. Mr. de Blasio's name and image are sometimes featured in these communications, as are Ms. McCray's voice and image.

Further, there has been extensive and repeated overlap between the staffs of the 2013 and 2017 Campaigns, Mr. de Blasio's mayoral staff, C41NY, Hilltop, BerlinRosen, and Mr. de Blasio himself.³⁴ Examples of these ties include:

- Bill Hyers, adviser to the Mayor, an initial director of C41NY, manager of the 2013 Campaign, and currently a partner at Hilltop, which consulted on the 2013 Campaign and is consulting on the 2017 Campaign;
- Ross Offinger, who served as C41NY treasurer after raising money for the 2013 Campaign, and who the 2017 Campaign reported as a consultant;
- Jonathan Rosen, adviser to the Mayor and principal at BerlinRosen, which worked extensively with the 2013 Campaign and C41NY, and is a consultant for the 2017 Campaign;
- Dan Levitan, a spokesperson for the 2013 and 2017 Campaigns, who served as an officer of C41NY and works as a vice president for BerlinRosen;

³³ See Admin. Code § 3-703(6)(a); Board Rules 1-04(a), (g), 3-03(c), 4-01(c).

³⁴ See, e.g., Mayor de Blasio Hosts Press Conference with Business Leaders to Discuss Mayoral Control (May 18, 2016), *transcript available at*: http://www1.nyc.gov/office-of-the-mayor/news/472-16/transcript-mayor-de-blasio-hosts-press-conference-business-leaders-discuss-mayoral-control.

• Sam Nagourney, finance director for the 2013 Campaign, consultant for the 2017 Campaign, and a principal at Hilltop, who helped C41NY raise funds.³⁵

Recently, de Blasio Administration officials announced that Mr. Hyers and Mr. Rosen were "agents of the City" based on their close connection to Mr. de Blasio.³⁶

Additionally, C41NY does not have a history of engaging in issue advocacy or other work unrelated to a candidate or campaign; it was created by associates of Mr. de Blasio solely to advocate for Mr. de Blasio's policy initiatives.

Nevertheless, it is difficult for the Board to conclude that the timing of these communications, completed more than three years before any ballots will be cast, can be said to coincide with the candidate's campaign in the 2017 elections. Additionally, many of the communications were directly related to issues that were at the time being considered by a governmental body and were a matter of general public debate. Therefore, the Board determines that the expenditures related to these communications were not made in connection with a covered election. However, if they had occurred closer to the election, the number and significance of the factors is such that the Board would likely have found that they were made in connection to the 2017 election.

C41NY has represented that it has ceased operations, and will not make additional expenditures for public communications between now and the 2017 elections. Still, some of the work conducted by C41NY may have enduring value, including research, polling, organizing, or list-building. Given the significant presence of the factors described above, and in particular the extensive use of common consultants by C41NY and the 2017 Campaign, the Board will closely review the activities of the 2017 Campaign during the pre-election period to ensure that any work product prepared by C41NY and made available to the 2017 Campaign is appropriately valued and accounted for under the applicable limits on contributions and expenditures.

<u>against-de-blasio</u>. See also David W. Chen, Larry Buchanan & Ford Fessenden, Bill de Blasio's Circle of Power, N.Y. TIMES, Nov. 8, 2013, http://www.nytimes.com/interactive/2013/11/08/nyregion/bill-de-blasios-circle-of-power.html; Jeff Mays, James Fanelli & Katie Honan, De Blasio Advisers Easily Moved From City Hall to Mayor's Probed Nonprofit, DNAINFO, May 12, 2016, https://www.dnainfo.com/new-york/20160512/civic-center/de-blasio-advisors-easily-moved-from-city-hall-mayors-probed-nonprofit;">https://www.nytimes.com/interactive/2013/11/08/nyregion/bill-de-blasios-circle-of-power.html; Jeff Mays, James Fanelli & Katie Honan, De Blasio Advisers Easily Moved From City Hall to Mayor's Probed Nonprofit, DNAINFO, May 12, 2016, https://www.dnainfo.com/new-york/20160512/civic-center/de-blasio-advisors-easily-moved-from-city-hall-mayors-probed-nonprofit; Khurshid, https://www.nytimes.com/new-york/20160512/civic-center/de-blasio-advisors-easily-moved-from-city-hall-mayors-probed-nonprofit; Khurshid, https://www.nytimes.com/new-york/20160512/civic-center/de-blasio-advisors-easily-moved-from-city-hall-mayors-probed-nonprofit; Khurshid, https://www.nytimes.com/new-york/20160512 Advisors of the com/new-york/20160512 Advisors of the com/new-york/20160512 Advisors of the com/new-york/20160512 Advisors of the com/new

35 See Kenneth Lovett, Bill de Blasio fund-raiser asking for \$50G to help Democrats capture state Senate

made developer feel 'uncomfortable,' N.Y. DAILY NEWS, Oct. 30, 2014, http://www.nydailynews.com/news/politics/de-blasio-fundraiser-50g-made-developer-feel-uncomfortable-article-1.1992475; Laura Nahmias, *De Blasio's 2017 committee makes two hires*, POLITICO N.Y., Apr. 19, 2016, http://www.capitalnewyork.com/article/city-hall/2016/04/8597097/de-blasios-2017-committee-makes-two-hires; Laura Nahmias & Dana Rubinstein, *De Blasio lists advisers he considers exempt from transparency law*, POLITICO N.Y., May 19, 2016, http://www.capitalnewyork.com/article/city-hall/2016/05/8599680/de-blasio-lists-advisers-he-considers-exempt-transparency-law (stating that Mr. de Blasio has called Jonathan Rosen and Bill Hyers, among others, "personal advisers to the Mayor," and therefore "agents" of the City exempt from the Freedom of Information Law); Azi Paybarah, *Ulrich prepares a 'confidence' case against de Blasio*, POLITICO N.Y., May 20, 2016, http://www.capitalnewyork.com/article/city-hall/2016/05/8599249/ulrich-prepares-confidence-case-">http://www.capitalnewyork.com/article/city-hall/2016/05/8599249/ulrich-prepares-confidence-case-

³⁶ Nahmias & Rubinstein, *supra* note 35.

UFANYC

The Board currently does not have enough information to determine whether UFANYC was non-independent of Mr. de Blasio or his 2017 Campaign, and without such determination, Advisory Opinion 2016-1 does not apply. However, UFANYC's communications appear to implicate the factors discussed in Advisory Opinion 2016-1 as being in connection with a covered election. UFANYC has exclusively promoted Mr. de Blasio's affordable housing plan. The organization has not advocated for affordable housing generally, but specifically for "de Blasio's affordable housing plan." As such, UFANYC's communications have not just focused on the underlying issue, but also promoted Mr. de Blasio. Additionally, UFANYC was created with the express purpose of promoting Mr. de Blasio's housing plan; it has not engaged in issue advocacy independent of this initiative. For the reasons stated above, however, the Board cannot conclude that these expenditures are in connection with the 2017 election.

CONCLUSION

In response to the questions posed in the Complaint, the Board finds that contributions to C41NY are not subject to the Act and Board Rules. The Board does find that C41NY coordinated with the 2017 Campaign. However, as discussed in Advisory Opinion 2016-1, when determining whether a coordinated expenditure is made in connection with a covered election, the Board will consider the timing of the expenditure of particular importance.

C41NY created and distributed communications promoting the candidate, implicating many of the factors discussed in Advisory Opinion 2016-1. In particular, there was consistent and repeated overlap between key staff and consultants to the 2013 and 2017 Campaigns and C41NY. However, because C41NY's communications as described above occurred more than three years before the 2017 elections, any consequent benefit to the candidate is attenuated. As a result, those activities are not considered in connection with a covered election, and as such are not considered to be in-kind contributions to the 2017 Campaign.

If C41NY had engaged in similar activity closer in time to the upcoming 2017 election, it is likely the Board would have considered those expenditures subject to the Act and Board Rules. Given the extensive use of common consultants by C41NY and the 2017 Campaign, the Board will closely review the activities of the 2017 Campaign during the pre-election period to ensure that any C41NY work product transferred to the 2017 Campaign is subject to the limits on contributions and expenditures.

These findings concerning C41NY's expenditures do not fully address the perceptions generated by C41NY's fundraising activities. The Program was created to reduce the influence of campaign fundraising on government decision-making. The drafters and supporters of the Act recognized that any time a candidate or elected official solicits large contributions, the resulting transaction creates the potential for perceived or actual corruption. As such, the Act places reasonable, common-sense limits on

contributions to candidates. Mayoral candidates, for example, may accept contributions no larger than \$4,950 from any single contributor, and no more than \$400 from individuals doing business with the city. The Act recognizes that fundraising by elected officials can present a heightened possibility of improper influence-seeking or coercion. As such, winning candidates are prohibited from accepting contributions from individuals doing business with the city for their transition or inaugural expenses.

More than 95 percent of the funds accepted by C41NY could not have been accepted by campaigns under the Act, including a dozen contributions of \$100,000 or more. Some came from individuals who were doing business with the city. Many came from corporations, limited liability companies, and other sources prohibited from making contributions to candidates for city office.³⁷

These facts raise serious policy and perception issues and clearly illuminate the ways in which the jurisdiction of the Act is limited. While fundraising activities for election campaigns are closely regulated by the Act, other provisions of city law allow elected officials to solicit funds practically without limits. City laws must be strengthened to provide a more uniform set of protections against the possibility and perception that favor-seeking wealthy interests may influence government decision-makers by contributing to entities associated with an office-holder.

The Board calls upon the City Council to close this solicitation loophole, and amend the law to more closely regulate fundraising solicitations by elected officials and their agents for non-profit organizations, especially § 501(c)(4) entities.

This determination hereby concludes the Board's investigation into the Complaint, which is now closed. However, as with all 2017 campaigns, the Board will continue to closely monitor the activities of the 2017 Campaign as it conducts its pre-election audit reviews to ensure the Campaign complies with the Act's limits on contributions and expenditures.

NEW YORK CITY CAMPAIGN FINANCE BOARD

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³⁷ See Appendix A.



Via Email and U.S. Mail

February 22, 2016

Conflicts of Interest Board 2 Lafayette Street New York, New York, 10007.

Campaign Finance Board 100 Church St New York, NY 10007

Re: Violation of Campaign Finance Law and/or Conflicts of Interest Law arising from The Campaign for One New York and United for Affordable NYC

Dear Sirs/Madams:

Common Cause/NY asserts, on information and belief, that the conduct of Mayor Bill de Blasio, in establishing, and soliciting funds for, The Campaign for One New York and, most recently, directing the transfer of funds from The Campaign for One New York to United for Affordable NYC has violated New York City Charter Sec.2603 as well as the spirit and, we believe, letter of Sec. 3-703 of the New York City Campaign Finance Law. We further assert, on information and belief, that, in employing consultants who simultaneously provide public relations and strategic advice to the Mayor and to firms doing business with the City of New York, and, indeed, on occasion meet with and negotiate directly with the Mayor and his staff, questions have arisen as to whether Mayor de Blasio has violated the conflicts of interest provisions of the City Charter, specifically Sec. 2604 (c)(4).

Campaign for One New York & United for Affordable NYC

In examining Mayor de Blasio's actions in establishing and directing the Campaign for One New York and now fostering the establishment of United for Affordable New York, we are mindful of Sec. 2600 of the New York City Charter, which provides:

Public service is a public trust. These prohibitions on the conduct of public servants are enacted to preserve the trust placed in the public servants of the city, to promote public confidence in government, to protect the integrity of government decision-making and to enhance government efficiency.

February 22, 2016 Conflicts of Interest Board Campaign Finance Board Page 2 of 5

Additionally, Section 1052 a.10 is also relevant:

The board may take such other actions as are necessary and proper to carry out the purposes of any local law establishing a voluntary system of campaign finance reform.

It is widely reported that the Campaign for One New York was "set up" by Mayor Bill de Blasio [See Appendix A for press reports referenced herein]. Indeed, Mayor de Blasio is quoted in news articles as confirming that he set up the Campaign for One New York in order to raise and spend unlimited amounts of money. Goldenberg, "De Blasio defends Campaign for One New York's unlimited spending, raising" Politico New York, November 6, 2015. It appears that Mayor de Blasio directs the Campaign for One New York and that he directly raises money to fund its operations.

Information provided to the press and in disclosures filed with New York State indicate that the funding for what is variously termed "a political campaign" (New York Times), "a political fund" (Politico New York) or an "organization created by Mayor de Blasio's political team" (New York Daily News) comes primarily from entities which do business with the City of New York, including unions and companies in various industries including real estate, taxi companies and waste management. Reported contributions include contributions that range from \$10,000 to \$250,000 or more – far exceeding the limits in New York City's well-regarded campaign finance law. New York City's campaign finance law is designed to moderate the corrosive impact of large campaign contributions on elected officials. New York City's interest in avoiding "pay to play" politics is so strong that, since 2007, it prohibits those who do business with New York City from contributing more than \$400 in campaign contributions to City candidates.

We believe that the Mayor's direct involvement with the Campaign for One New York raises troubling questions regarding the legality of his conduct under New York City's conflict of interest and campaign finance laws. While the Mayor's actions have been widely criticized in the press, there has to date been no official investigation into the legality of this conduct, through which it appears the Mayor trades his public office for personal political advantage, and makes a mockery of the city's long-followed public policy behind the campaign finance laws designed to avoid using monetary contributions to curry favor with, and gain access to, public officials.

Issues Presented

We believe the Mayor's conduct presents the following issues that the Conflict of Interest Board must address:

1. Is the Mayor's conduct in regard to the Campaign for One New York in conflict with the proper discharge of his official duties in violation of Sec. 2604 (b)(2) of the New York City Charter?

February 22, 2016 Conflicts of Interest Board Campaign Finance Board Page 3 of 5

- 2. Is the use of moneys contributed from the real estate industry to the Campaign for One New York to now fund United for Affordable New York in conflict with the proper discharge of his official duties in violation of Sec. 2604 (b)(2) of the New York City Charter?
- 3. Does the Mayor's solicitation of entities and individuals who do business with New York City to make sizeable monetary contributions to the Campaign for One New York constitute the use of his position as a public servant to obtain personal advantage for himself and for his political consultants who are paid through the Campaign for One New York in violation of Sec. 2604 (b)(3) of the New York City Charter?
- 4. If the Campaign for One New York is not an Independent Expenditure Committee, because it works in close coordination with the Mayor, and if it is not a campaign committee subject to the restrictions of New York City's campaign finance laws, are contributions made to it at the behest of the Mayor gifts from entities that are engaged or intend to be engaged in business dealings with the City, in violation of Sec. 2604 (b)(5) of the New York City Charter?
- 5. Is the Mayor's conduct in relation to the Campaign for One New York and United for Affordable NYC covered by Advisory Opinion 2008-6, and if so, has the Mayor complied with its requirements?
- 6. By seeking advice on strategy and messaging from paid consultants hired by the Campaign for One New York who are also employed by companies that have business dealings with the City of New York, in particular, individuals and companies with real estate interests actively engaged in projects that require approval or funding from the City of New York, has Mayor de Blasio disclosed confidential information regarding the affairs or government of the City that is not otherwise available to the public, in violation of Sec. 2604 (b)(4) of the New York City Charter?

We believe the Mayor's conduct presents the following issues that the Campaign Finance Board must address:

- 1. In this age of perpetual campaigning, where public opinion polling as to the re-electability of elected officials is virtually constant, is the Campaign for One New York a campaign committee that should be subject to the New York City campaign finance law?
- 2. Do contributions to the Campaign for One New York violate New York City Campaign Finance Law 3-703(1)(f)?
- 3. Do contributions to the Campaign for One New York violate New York City Campaign Finance Law 3-703 (1-a)?

February 22, 2016 Conflicts of Interest Board Campaign Finance Board Page 4 of 5

> 4. If the Campaign for One New York was not a committee subject to the New York City campaign finance laws when it is founded in December, 2013, did (would) it become subject to the campaign finance laws at some later date in closer chronological proximity to the Mayor's running for re-election? If so, when did (would) that occur?

Finally, if upon completion of a thorough investigation either the Conflict of Interest Board or the Campaign Finance Board disagrees with our contention that the cited conduct of Mayor de Blasio violates the City's Conflict of Interest Law and Campaign Finance Law, then Common Cause/NY requests that each Board consider and propose amendments to clarify the applicable law to prohibit elected officials from creating entities, like the Campaign for One New York, which violate the protections, public policy, and spirit of those laws. We believe that such a prohibition can be included in the terms and conditions that the Campaign Finance Board sets for candidates who voluntarily participate in the campaign finance matching fund program.

Thank you for your anticipated prompt and thorough response to these important issues. Common Cause/NY stands ready to cooperate in any way we can to aid your investigation and consideration of the issues that we have raised.

Respectfully submitted,

/s/

Susan Lerner Executive Director

cc: Amy Loprest, Esq., Campaign Finance Board Eric Friedman, Esq., Campaign Finance Board Carolyn Lisa Miller, Esq., Conflicts of Interest Board Wayne G.Hawley, Esq., Conflicts of Interest Board February 22, 2016 Conflicts of Interest Board Campaign Finance Board Page 5 of 5

APENDIX A

http://www.nytimes.com/2015/03/11/nyregion/mayor-de-blasio-is-quietly-soliciting-donations-for-future-policy-battles.html

http://www.nytimes.com/interactive/2015/11/04/nyregion/mayor-de-blasios-shadow-cabinet.html

 $\frac{http://www.capitalnewyork.com/article/city-hall/2015/11/8582206/de-blasio-defends-campaign-one-new-yorks-unlimited-spending-raisin}{}$

 $\underline{\text{http://www.capitalnewyork.com/article/city-hall/2016/02/8590389/ahead-council-vote-mayors-allies-organize-defense-housing-agenda}$

http://www.capitalnewyork.com/article/city-hall/2015/10/8580105/de-blasios-progressive-agenda-launches-fundraising-operation

http://www.capitalnewyork.com/article/city-hall/2015/07/8572274/mayors-organization-raises-17-m-january

 $\underline{http://thereal deal.com/2015/09/24/donating-to-de-blasio-connected-group-pays-off-for-developers/}$

http://observer.com/2015/04/bill-de-blasio-wont-say-what-hes-doing-with-his-campaign-nonprofit-today/

http://www.nydailynews.com/news/politics/big-city-unions-bankroll-1-7m-mayor-de-blasio-lobbying-arm-article-1.1868484



Rose Gill Hearn Chair

Art Chang Richard J. Davis Courtney C. Hall Mark S. Piazza Members

By C-Access June 18, 2015 Amy M. Loprest Executive Director

Sue Ellen Dodell General Counsel

Joni Kletter 2014 Administrative Account 459 12th Street, #2B Brooklyn, NY 11215

Dear Ms. Kletter:

As you know, the New York City Campaign Finance Board ("CFB" or "Board") is responsible for administering the New York City Campaign Finance Act ("Act") and the Board Rules, including enforcing contribution and spending limits. The nature and scope of the Campaign for One New York's ("CONY") activities as described in media accounts raise questions regarding whether it is engaging in election-related activity which would trigger the application of the Act to its activities. *See* Admin. Code § 3-703(1)(e).¹

Public records indicate that CONY is a 501(c)(4) tax exempt organization incorporated with the New York Department of State on December 12, 2013 as a domestic non-for-profit corporation. CONY has not registered as a political committee with the New York State Board of Elections and has indicated that it does not intend to do so. It made filings with the New York State Joint Commission on Public Ethics for 2014, but has not registered as a lobbyist for 2015 and has publicly indicated that it does not intend to do so at this time.²

CONY has accepted donations that are in excess of the Act's contribution limits and/or that covered campaigns may not accept due to their source. Mr. de Blasio appears to be actively engaging in fundraising on behalf of CONY and participating in its activities by attending meetings.³ Individuals and firms with longstanding associations to Mr. de Blasio, including but not limited to his most recent covered election campaign (New Yorkers for de Blasio), appear to control, direct, and speak on behalf of CONY.⁴ In addition, CONY and Mr. de Blasio's 2017 election campaign (the "Campaign") share legal counsel.

¹ "The use of an entity other than the designated principal committee to aid or otherwise take part in the election(s) covered by the candidate's certification shall be a violation of this section and shall trigger the application to such entity of all provisions of this chapter governing principal committees."

² See, e.g., http://www.crainsnewyork.com/article/20150421/BLOGS04/150429966/de-blasio-group-quits-the-lobbying-business-for-now

³ See, e.g., http://www.nytimes.com/2015/03/11/nyregion/mayor-de-blasio-is-quietly-soliciting-donations-for-future-policy-battles.html; http://www.nytimes.com/2014/07/15/nyregion/lobbying-group-adopts-de-blasios-agenda.html; http://www.nytimes.com/2014/07/15/nyregion/lobbying-group-adopts-de-blasios-agenda.html; http://www.nytona.html; http://www.nytona.h

⁴ See, e.g., http://nypost.com/2014/02/07/pre-k-pushers-are-de-blasio-insiders/; http://nypost.com/2014/02/bill-hyers-keeping-his-distance-from-de-blasio-for-now/; http://www.capitalnewyork.com/article/city-hall/2015/05/8567658/new-director-de-blasios-political-arm

Accordingly, the CFB requests that the Campaign explain the following:

- 1. Mr. de Blasio's role in appointing, hiring, and firing individuals and firms paid by CONY.
- 2. Whether any of the monies spent by CONY could have legally been spent using government resources, and specifically how past lobbying activity by CONY differed from the work of the New York City Office of State Legislative Affairs and any other mayoral agency or office.
- 3. Whether the Campaign, CONY, and/or Mr. de Blasio or anyone acting on their behalf have requested guidance from the New York City Conflicts of Interest Board regarding CONY's activities. If so, provide a copy of such guidance.
- 4. Whether any CONY activities constitute "expenditure[s]" under the Act, which "include all payments and liabilities in furtherance of a political campaign for covered office" and why or why not. *See* Admin. Code § 3-702(21)(a).

If the Campaign disagrees with the accuracy of the published accounts of CONY's activities, the quotes from people speaking on its behalf, and in particular with the descriptions of Mr. de Blasio's role in fundraising and meetings, the CFB would welcome any additional information that the Campaign can provide. The Campaign is also free to supplement its response with material not specifically requested but that would be useful to the CFB's analysis of whether CONY's activities should be subject to the Act and Rules.

Please submit your response by July 13, 2015. Thank you for your cooperation in this matter.

Sincerely,

Peri Horowitz

Assistant Executive Director for Campaign Finance Administration

KANTOR DAVIDOFF

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Laurence D. Laufer

Of Counsel

Writer's extension: 720

Writer's e-mail: laufer@kantordavidoff.com

July 13, 2015

BY EMAIL
Peri Horowitz
Assistant Executive Director for Campaign Finance Administration
NYC Campaign Finance Board
100 Church Street
New York, NY 10007

Re: 2014 Administrative Account/Campaign for One New York, Inc.

Dear Ms. Horowitz:

The 2014 Administrative Account (the "Committee") is in receipt of your letter, dated June 18, 2015, (the "June 18 letter") which poses questions concerning a different entity, the Campaign for One New York, Inc. (the "Corporation"). Your letter was addressed to Ms. Kletter, the former treasurer of the Committee. Because Ms. Kletter has no role and no direct knowledge of the activities of the Corporation and because, as you allude in your letter, I am legal counsel to both the Committee and the Corporation, I am responding to your letter.

The overall question you pose is "whether [the Corporation] is engaging in electionrelated activity which would trigger the application of the Act to its activities", specifically Admin. Code §3-703(1)(e). Section 3-703(1)(e) states, in full:

 To be eligible for optional public financing under this chapter, a candidate for nomination for election or election must:

* * *

¹ Ms. Kletter resigned as treasurer effective July 11, 2015 and an amended Filer Registration Form will be submitted to the CFB shortly.

² For reasons that remain unclear to me, the June 18 letter seems to suggest that the Committee's and the Corporation's decisions to each retain my legal counsel is in some way relevant to the CFB's administration of the NYC Campaign Finance Act and the CFB rules. I find this notion unclear and perplexing.

(e) notify the board in the candidate's written certification as to: (i) the existence of each authorized committee authorized by such candidate that has not been terminated, (ii) whether any such committee also has been authorized by any other candidate, and (iii) if the candidate has authorized more than one authorized committee, which authorized committee has been designated by the candidate as the candidate's principal committee for the election(s) covered by the candidate's certification; provided, that such principal committee (i) shall be the only committee authorized by such candidate to aid or otherwise take part in the election(s) covered by the candidate's certification, (ii) shall not be an authorized committee of any other candidate, and (iii) shall not have been authorized or otherwise active for any election prior to the election(s) covered by the candidate's certification. The use of an entity other than the designated principal committee to aid or otherwise take part in the election(s) covered by the candidate's certification shall be a violation of this section and shall trigger the application to such entity of all provisions of this chapter governing principal committees;

Because neither Mr. de Blasio nor the 2014 Administrative Account has submitted a certification pursuant to Admin. Code §3-703(1)(c) for the 2017 City-wide elections, Admin. Code §3-703(1)(e) has no present applicability to the subject of the June 18 letter.

In any event, I take it you are asking whether the Corporation is, in actuality, an "authorized committee" within the meaning of Admin. Code §3-702(7), which states:

The term "authorized committee" shall mean a political committee which has been authorized by one or more candidates to aid or take part in the elections of such candidate or candidates and which has filed a statement that such candidate or candidates have authorized such political committee pursuant to section 14-112 of the election law.

The Corporation is not an authorized committee. The Corporation was not organized to aid or take part in the election of any candidate. Rather, the Corporation was "formed to advocate for One New York and New York City by informing the public and policymakers about legislative and public policy options." See Certificate of Incorporation (copy enclosed).

The Corporation has not accepted any donations that would be subject to the New York City Campaign Finance Act's contribution limits or prohibited source provisions. See Admin. Code §3-702(8) (defining "contribution"). Because it would be a time-consuming exercise for no apparent purpose other than policing the media, I am declining your invitation to review the accuracy of media accounts concerning the Corporation's activities. For this reason I have not reviewed and I offer no comment concerning any of the articles referenced in your letter.

With respect to the issues for which you seek explanation:

 From time to time, Mayor de Blasio seeks assistance from the Corporation in advocating for one New York and New York City by informing the public and policymakers about legislative and public policy options. The Corporation, in turn, is enthusiastic about assisting the Mayor in his public policy advocacy.

Mr. de Blasio does not, however, participate in, or have any legal rights or responsibilities with respect to the governance of the Corporation and he holds no position with the Corporation. It is not inconceivable to me (although I don't know it for a fact) that Mr. de Blasio may from time to time have made suggestions to the Corporation regarding the appointing, hiring or firing of individuals and firms paid by the Corporation, although Mr. de Blasio has no authority to make such decisions for the Corporation. If Mr. de Blasio has made suggestions to the Corporation in that realm it would likely stem from the Mayor's seeking of assistance from the Corporation in his public policy advocacy.

In any event, because the Corporation makes no contributions to candidates in City elections, any corporate interaction with the Mayor regarding such issues should be of no relevance to the CFB. See CFB Rule 1-04(h)(1)(i)(pertaining solely to multiple contributions from a single source).

2. The Corporation's State lobbying activities, to date, took place and concluded in 2014. These lobbying activities were conducted under the trade name UPKNYC and pertained solely to obtaining State legislative enactment of universal pre-kindergarten for children in the City of New York. Thus, the Corporation's lobbying activities differed from the work of the New York City Office of State Legislative Affairs and any other mayoral agency or office in that the Corporation's lobbying activities were focused only on one State legislative objective, conducted under the trade name UPKNYC, and came to an end with the enactment of universal pre-prekindergarten legislation in 2014.

Guidance has been obtained from the Conflicts of Interest Board (COIB) recognizing that the Corporation's expenditures made in 2015 in support of the Mayor's national-level advocacy of The Progressive Agenda could have been properly paid for with City funds. See COIB Rule 1-01(h)(1). A copy of The Progressive Agenda is enclosed.

3. Neither the Committee nor the Corporation has sought guidance from the New York City COIB on any matter, since neither of these entities is subject to COIB jurisdiction. Representatives of the Mayor, on the other hand, routinely seek guidance from COIB, including on questions regarding the Corporation's activities. See, e.g., Letter of COIB Chairman Nicholas Scoppetta, dated January 8, 2014 (copy

enclosed), which permitted and has provided guidance in relation to the Mayor's efforts to help the Corporation raise funds.

4. In brief, to date, the Corporation's expenditures have concerned enactment and implementation of universal pre-kindergarten in the City of New York (in 2014) and advocacy of The Progressive Agenda at the national-level (in 2015), enactment of which, the Corporation (and the Mayor) believe, would be of enormous benefit to the City of New York and its residents. City tax dollars could have been used for either of these purposes; instead the Corporation stepped forward and supplemented City resources.

Regardless, expenditures for the above-described lobbying and public policy advocacy purposes are not campaign expenditures within the meaning of Administrative Code §3-702(21)(a) or any other provision of the New York City Campaign Finance Act. The Campaign Finance Act's expenditure limits were not intended or drawn to cap the amount of public policy advocacy undertaken by any City elected official or social welfare organization. The CFB has long distinguished similar advocacy from campaign speech and expenditures. See, e.g., CFB AOs 2001-8 and 1993-9.

Should you have any further questions on this subject, I request that you present these to my direct attention. Thank you.

Very truly yours,

KANTOR, DAVIDOFF, MANDELKER, TWOMEY, GALLANTY & OLENICK, P.C.

LAURENCE D. LAUFER

Enclosures

CSC 45 Drawdown

New York State
Department of State
Division of Corporations
Albany, NY 12231

CERTIFICATE OF INCORPORATION

OF

CAMPAIGN FOR ONE NEW YORK, INC.

Under Section 402 of the Not-for-Profit Corporation Law of the State of New York

The undersigned, being of legal age, in order to form a corporation pursuant to the laws of the State of New York, do hereby set forth as follows:

FIRST:

The name of the corporation is:

CAMPAIGN FOR ONE NEW YORK, INC.

SECOND:

The Corporation is a corporation as defined in subparagraph (a)(5) of Section 102 (Definitions) of the Not-for-Profit Corporation Law.

THIRD:

The purpose or purposes for which the corporation is formed are:

The purpose for which the corporation is formed is to advocate for One New York and New York City by informing the public and policymakers about legislative and public policy options.

All solicitations, contributions and expenditures by the corporation shall be made in accordance with applicable laws and regulations and the provisions of this Certificate of Incorporation.

The Corporation shall have and exercise all powers conferred by the laws of the State of New York upon corporations formed under, and may engage in any lawful act or activity, not in conflict with the foregoing, for which the Corporation may be formed under the New York Not-for-Profit Corporation Law.

Notwithstanding any other provision of these articles, the Corporation is organized exclusively as a social welfare organization, within the meaning of section 501(c)(4) of the Internal Revenue Code of 1986, as amended, and shall not carry on any activities not permitted to be carried on by a Corporation exempt from Federal income tax under section 501(c)(4) of the Internal Revenue Code of 1986, as amended.

FOURTH:

The corporation shall be a Type A corporation pursuant to Section 201 of the Not-for-Frofit Corporation Law.

PIPTH:

The office of the corporation is to be located in the County of Kings, State of New York.

SIXTH:

The names and addresses of the initial directors of the corporation are:

Name	Address
Bill Hyers	14 Schemerhorn Street #10 Exceldyn, NY 11201
Ross Offinger	141 Lefayette Avenue Brooklyn, NY 10238
Stephanie Yazgi	345 St. Marks Avenue Brooklyn, NY 11238

The number of directors and the method of their appointment shall be determined by the Bylaws of the Corporation, and shall be subject to change from time to time as the bylaws may be amended.

The Directors are empowered to set basic policies with respect to expenditures to be made by the Corporation, and to direct disbursements. The Directors shall determine the procedures for collection and distribution of funds that the Corporation shall issue and the amount of all expenditures and disbursements by the Corporation.

SEVENTH:

The Secretary of State is designated as agent of the corporation upon whom process against it may be served. The address which the Secretary of State shall mail a copy of any process accepted on behalf of the corporation is:

Laurence D. Laufer Genova Burns Giantomasi Webster, LLC 115 Broadway, Suite 1501 New York, New York, 10006

EIGHTH:

All of the property of the Corporation and accumulations thereof shall be held and administered to effectuate its purposes. In the case of the liquidation, dissolution, or winding up of the Corporation, whether voluntary or involuntary or by operation of law, any disposition made of the assets or properties of the Corporation shall be such as is calculated to carry out the purposes for which it is formed as set forth in Article Third.

No part of income of the Corporation shall inure to the benefit of any member, trustee, director, or officer of the Corporation, or any private individual (except that reasonable compensation may be paid for pervices rendered to or for the Corporation affecting one or more of its purposes).

NINTH:

Except as limited by this Cartificate of Incorporation or its Bylaws, the Corporation shall have and exercise all rights and powers in furtherance of its purposes as are or may hereafter be conferred on not for profit corporations under the laws of the State of New York.

TENTH:

The duration of the Corporation shall be perpetual.

ELEVENTH:

Every current or former corporate agent of the Corporation shall be entitled to indemnification to the fullest extent provided in the New York Not-for-Profit Corporation Law as in effect from time to time.

TWELTH:

No approvals or consents for the formation of this corporation are

required by law.

IN WITNESS WHEREOF, the undersigned incorporator, being at least eighteen (18) years of age, affirms the statements made herein are true under the penalties of perjury this 11th day of December 2013

/s/ Bill Hyers

Bill Hyers, Incorporator 14 Schemerhorn Street #10 Brooklyn, NY 11201

OSC 45 Drawdown

CERTIFICATE OF INCORPORATION

OF

CAMPAIGN FOR ONE NEW YORK, INC.

FILED 2013 DEC 12 AM 9: 46

Under Section 402 of the Not-for-Profit Corporation Law of the State of New York

RECEIVED 7019 DEC 12 AM 9: 16

Filed Genova Burns Giantomasi
by: Webster LLC
Trinity Centre
115 Broadway, Suite 1501
New York, New York 10006

Cust Reg # 919338

STATE OF NEW YORK DEPARTMENT OF STATE

FILED DEC 12 2013

4

STATE OF NEW YORK DEPARTMENT OF STATE

I hereby certify that the annexed copy has been compared with the original document in the custody of the Secretary of State and that the same is a true copy of said original.



WITNESS my hand and official seal of the Department of State, at the City of Albany, on December 12, 2013.

Anthony Giardina

Executive Deputy Secretary of State

Outry Sicidina.

Rev. 06/13



CITY OF NEW YORK CONFLICTS OF INTEREST BOARD

2 Lafayette Street, Suite 1010 New York, New York 10007 (212) 442-1400 Fax: (212) 442-1407 TDD: (212) 442-1443

January 8, 2014

Lawrence D. Laufer, Esq. Genova Burns Giantomasi Webster LLC 115 Broadway, 15th Floor New York, NY 10006

Re: Conflicts of Interest Board Case No. 2013-899 (Bill de Blasio)

Dear Mr. Laufer:

This is in response to your letter, dated December 16, 2013, to the Conflicts of Interest Board (the "Board"), and subsequent communications with Board staff, requesting an opinion as to whether, consistent with the conflicts of interest provisions of Chapter 68 of the New York City Charter, Mayor-Elect Bill de Blasio may, upon taking office as Mayor on January 1, 2014, engage in fundraising on behalf of the Campaign for One New York, Inc. (the "Corporation").

You advise the Board that the Corporation is a newly formed New York not-for-profit corporation that was created to advocate on behalf of the City of New York by informing the public and policymakers about legislative and public policy options; that the Corporation is a charitable organization that is subject to the registration and reporting requirements set forth in New York Executive Law Article 7-A and enforced by the Attorney General's Charities Bureau; that as a social welfare organization it is expected that the Corporation will qualify as a tax exempt organization pursuant to Section 501(c)(4) of the Internal Revenue Code; that in all likelihood the Corporation will be engaged in lobbying and will therefore register and file periodic reports with the Joint Commission on Public Ethics ("JCOPE"); and that the Corporation's expenditures for direct and indirect lobbying activities and the donations that it receives for lobbying activities will be reported to JCOPE, as required.

You further advise that neither Mayor de Blasio nor his wife, Chirlane McCray, will participate in, or have any legal rights or responsibilities with respect to, the governance of the Corporation and that neither Mayor de Blasio nor Ms. McCray will have a position with the Corporation. You also advise, however, that, without limiting the foregoing, among the Corporation's staff or consultants may be individuals who have been or will be employed or retained by a political campaign committee that Mr. de Blasio has authorized to work in support

Visit our home page at http://nyc.gov/ethics

COIB Case No. 2013-899 January 8, 2014 Page 2 of 4

of his electoral efforts. In this regard you advise that among the three incorporators (and initial directors) of the Corporation is Bill Hyers, who, the Board is advised, was the manager of Mr. de Blasio's 2013 mayoral campaign.

You advise that Mayor de Blasio and/or Ms. McCray may from time to time be asked by the Corporation to participate in fundraising efforts for the Corporation; that such assistance might include the designation of the Mayor or Ms. McCray as an "honorary chair" of a fundraising campaign; that it is further contemplated that the Mayor may choose to use his official position to solicit funds for the Corporation should he determine that the Corporation's work would support a major initiative of the Office of the Mayor; that the Mayor would solicit such funds consistent with the Board's guidance in Advisory Opinions as Nos. 2003-4 and 2008-6 on targeted and untargeted solicitations; and that Ms. McCray will adhere to the same restrictions on targeted fundraising that will be applicable to the Mayor himself.

Charter Section 2604(b)(2) prohibits a public servant from engaging in any business, or having any private interest, that conflicts with the proper discharge of his or her official duties.

Charter Section 2604(b)(3) prohibits a public servant from using or attempting to use his or her City position to obtain any private advantage for the public servant or for any person or firm associated with the public servant. Charter Section 2601(5) defines those "associated" with a public servant to include a spouse, domestic partner, child, parent, or sibling; a person with whom the public servant has a business or other financial relationship; and each firm in which the public servant has a present or potential interest.

In Advisory Opinion No. 2003-4 the Board addressed the question of fundraising by City officials for the City itself and for not-for-profit entities determined to be closely affiliated with City offices and agencies. The Board reserved, however, the question of "what other kinds of not-for-profit entities might be permissible beneficiaries of officials' fundraising." Id. at 2 (emphasis added).

In Advisory Opinion No. 2008-6 the Board addressed this reserved question and determined that elected officials and agency heads, and their specified designees, may in their official capacities, using City time and resources, participate in fundraising for certain not-for-profit organizations not affiliated with the City, provided that (1) the work of the not-for-profit organization must have some nexus with the City and further must support the mission of the elected official or agency head's City office or agency (the Board observed that this latter limitation would not greatly restrict otherwise permissible fundraising of those elected officials "whose official responsibilities are defined quite broadly," such as the Mayor and the Public Advocate; id. at 7-8); (2) the elected official or agency head may not be personally associated within the meaning of Charter Section 2601(5) with the not-for-profit organization or its compensated leadership; (3) the fundraising solicitations on behalf of the not-for-profit must comply in all respects with the requirements of Advisory Opinion No. 2003-4, including that the solicitations contain an express statement that a decision whether or not to give will not result in official favor or disfavor and that, as to "targeted" solicitations (as defined in Opinion No. 2003-

COIB Case No. 2013-899 January 8, 2014 Page 3 of 4

4), the "official could [not] solicit any person or firm with a matter 'pending or about to be pending before the City official or his or her agency, where it is within the legal authority or the duties of the soliciting official to make, affect, or direct the outcome of the matter"; and (4) the elected official or agency head must identify each not-for-profit for which support is solicited in a public report to be filed with the Board by May 15 and November 15 of each year for the sixthmonth period ending March 31 and September 30, respectively.

Here, it is the view of the Board that Mr. de Blasio's proposal to solicit funding in his official capacity as Mayor for the Corporation conforms with the requirement of Advisory Opinion No. 2008-6 that the organization must support the mission of the office of the soliciting official, given that the purpose of the Corporation lies in advocating for New York City. In addition, based on your representations, this request likewise satisfies the condition that the soliciting official may not be personally associated, within the meaning of Charter Section 2601(5), with the organization or with its compensated leadership.

More particularly, Mr. de Blasio will not be associated with the Corporation itself because, you advise, he will not have a position at the Corporation nor otherwise have any legal rights or responsibilities with respect to its governance. In addition, he will not be associated with any of the Corporation's staff, inasmuch as his wife, with whom he is associated, will not, you advise, have a position at the Corporation, and inasmuch as he will not be associated with any of the Corporation's employees, including any of his campaign staff who may be employed there. In this regard, it is the view of the Board that a public servant is not associated within the meaning of Section 2601(5) with persons who are employed by campaign committees formed by that public servant for the purpose of seeking elective office. Such individuals are employees of or consultants to the campaign committee, not employees of or consultants to the candidate in question. Moreover, while it is well settled that a public servant will violate Charter Section 2604(b)(3) by supervising an "associated" person, the Board determined in Advisory Opinion No. 2003-6 that the subordinate of a public servant who is seeking elective office may simultaneously serve as staff of the public servant's campaign committee. That result necessarily meant that a public servant/candidate does not become "associated" with the subordinate when the subordinate goes to work for the campaign committee.

Because Mr. de Blasio's proposed solicitation may include "targeted" solicitations, as that term is defined in Advisory Opinion No. 2003-4, any such solicitations may not be addressed to anyone "with a matter 'pending or about to be pending" before the City official making the solicitation, or his or her agency, "where it is within the legal authority or the duties of the soliciting official to make, affect, or direct the outcome of the matter." It is the Board's conclusion that, as applied to the Mayor, the "agency" referred to is the entire executive branch, other than offices of other elected officials, because the Mayor has the legal authority to "make, affect or direct the outcome" of all matters pending before such executive branch agencies. See Charter Section 2604(a)(5). Mayor de Blasio may not, therefore, direct a targeted solicitation to any individual who has, or whose organization has, a matter pending or about to be pending before any such executive branch office or agency. If you have any question about the application of this standard to a particular individual or entity, you should seek further guidance

COIB Case No. 2013-899 January 8, 2014 Page 4 of 4

from the Board, giving the nature and status of the specific matter pending or about to be pending before the office or agency in question.

You are accordingly advised that, based on your representations, it would not violate Chapter 68 for Mayor de Blasio to solicit funds for the Corporation and to use City letterhead and resources to do so, provided that all such solicitations must include the statement that a decision to give or not give will not result in official favor or disfavor; that the Corporation is identified in each public report to be filed with the Board pursuant to Opinion No. 2008-6 for each six-month period in which the Mayor or his designee undertakes such activity; and that none of these solicitations is targeted to any person or organization with a matter pending or about to be pending before any executive branch office or agency, other than offices of other elected officials.

Finally, you are advised that Mayor de Blasio may not request any public servants who are his subordinates to work for the Corporation, although these subordinates may volunteer to do so. That said, any public servant, whether or not a subordinate of the Mayor, who proposes to serve the Corporation would be well advised to first seek the Board's advice to ensure that this activity would not violate the prohibitions of Chapter 68, including, without limitation, the prohibition in Charter Section 2604(a)(1)(b) against having a position with a firm that has business dealings with the City, the prohibition in Charter Section 2604(b)(6) against compensated communications with the City on behalf of a non-City entity, and the prohibition in Charter Section 2604(b)(13) against receiving compensation except from the City for performing one's City duties.

The advice conveyed expressed in this letter is conditioned on the correctness and completeness of the facts supplied to us. If such facts are in any respect incorrect or incomplete, the advice we have given to you may not apply. If at any time you would like further advice based on a change of circumstances or additional information, please contact us.

Very truly yours

Wicho

Anthony Crowell Andrew Irving Burton Lehman Erika Thomas-Yuille



Rose Gill Hearn

Art Chang Richard J. Davis Courtney C. Hall Mark S. Piazza Members

Amy M. Loprest Executive Director

Sue Ellen Dodell General Counsel

By C-Access February 23, 2016

Sam Nagourney de Blasio 2017

Dear Sam Nagourney:

On February 22, 2016, the New York City Campaign Finance Board (the "Board") received the enclosed complaint. The complaint alleges that the 2017 campaign of Bill de Blasio (the "Campaign") violated the New York City Campaign Finance Act and/or Board Rules. Pursuant to Board Rule 7-01(e), the Campaign may submit a verified answer (which is notarized and contains a statement affirming the truth of its contents) to the complaint.

Your answer must be received no later than **March 14, 2016**. The Board will review and consider the answer in the process of determining the disposition of the complaint. Your answer should provide a detailed description of the Campaign's activities, and include copies of any documentary evidence, responsive to the allegations.

This letter should not be construed as an evaluation of the merits of any allegation contained in the complaint. Again, your answer must be received no later than **March 14, 2016** and may be submitted by mail, hand-delivered, or sent by fax to (212) 409-1705 or as an e-mail attachment to cferrante@nyccfb.info. If you have any questions regarding the complaints process, please contact me by email or at (212) 409-1851.

Thank you for your cooperation in this matter.

Sincerely,

Cameron Ferrante
Complaints & Investigations Analyst

cc: Laurence Laufer (by Email)

Enclosure



Via Email and U.S. Mail

February 22, 2016

Conflicts of Interest Board 2 Lafayette Street New York, New York, 10007.

Campaign Finance Board 100 Church St New York, NY 10007

Re: Violation of Campaign Finance Law and/or Conflicts of Interest Law arising from The Campaign for One New York and United for Affordable NYC

Dear Sirs/Madams:

Common Cause/NY asserts, on information and belief, that the conduct of Mayor Bill de Blasio, in establishing, and soliciting funds for, The Campaign for One New York and, most recently, directing the transfer of funds from The Campaign for One New York to United for Affordable NYC has violated New York City Charter Sec.2603 as well as the spirit and, we believe, letter of Sec. 3-703 of the New York City Campaign Finance Law. We further assert, on information and belief, that, in employing consultants who simultaneously provide public relations and strategic advice to the Mayor and to firms doing business with the City of New York, and, indeed, on occasion meet with and negotiate directly with the Mayor and his staff, questions have arisen as to whether Mayor de Blasio has violated the conflicts of interest provisions of the City Charter, specifically Sec. 2604 (c)(4).

Campaign for One New York & United for Affordable NYC

In examining Mayor de Blasio's actions in establishing and directing the Campaign for One New York and now fostering the establishment of United for Affordable New York, we are mindful of Sec. 2600 of the New York City Charter, which provides:

Public service is a public trust. These prohibitions on the conduct of public servants are enacted to preserve the trust placed in the public servants of the city, to promote public confidence in government, to protect the integrity of government decision-making and to enhance government efficiency.

February 22, 2016 Conflicts of Interest Board Campaign Finance Board Page 2 of 5

Additionally, Section 1052 a.10 is also relevant:

The board may take such other actions as are necessary and proper to carry out the purposes of any local law establishing a voluntary system of campaign finance reform.

It is widely reported that the Campaign for One New York was "set up" by Mayor Bill de Blasio [See Appendix A for press reports referenced herein]. Indeed, Mayor de Blasio is quoted in news articles as confirming that he set up the Campaign for One New York in order to raise and spend unlimited amounts of money. Goldenberg, "De Blasio defends Campaign for One New York's unlimited spending, raising" Politico New York, November 6, 2015. It appears that Mayor de Blasio directs the Campaign for One New York and that he directly raises money to fund its operations.

Information provided to the press and in disclosures filed with New York State indicate that the funding for what is variously termed "a political campaign" (New York Times), "a political fund" (Politico New York) or an "organization created by Mayor de Blasio's political team" (New York Daily News) comes primarily from entities which do business with the City of New York, including unions and companies in various industries including real estate, taxi companies and waste management. Reported contributions include contributions that range from \$10,000 to \$250,000 or more – far exceeding the limits in New York City's well-regarded campaign finance law. New York City's campaign finance law is designed to moderate the corrosive impact of large campaign contributions on elected officials. New York City's interest in avoiding "pay to play" politics is so strong that, since 2007, it prohibits those who do business with New York City from contributing more than \$400 in campaign contributions to City candidates.

We believe that the Mayor's direct involvement with the Campaign for One New York raises troubling questions regarding the legality of his conduct under New York City's conflict of interest and campaign finance laws. While the Mayor's actions have been widely criticized in the press, there has to date been no official investigation into the legality of this conduct, through which it appears the Mayor trades his public office for personal political advantage, and makes a mockery of the city's long-followed public policy behind the campaign finance laws designed to avoid using monetary contributions to curry favor with, and gain access to, public officials.

Issues Presented

We believe the Mayor's conduct presents the following issues that the Conflict of Interest Board must address:

1. Is the Mayor's conduct in regard to the Campaign for One New York in conflict with the proper discharge of his official duties in violation of Sec. 2604 (b)(2) of the New York City Charter?

February 22, 2016 Conflicts of Interest Board Campaign Finance Board Page 3 of 5

- 2. Is the use of moneys contributed from the real estate industry to the Campaign for One New York to now fund United for Affordable New York in conflict with the proper discharge of his official duties in violation of Sec. 2604 (b)(2) of the New York City Charter?
- 3. Does the Mayor's solicitation of entities and individuals who do business with New York City to make sizeable monetary contributions to the Campaign for One New York constitute the use of his position as a public servant to obtain personal advantage for himself and for his political consultants who are paid through the Campaign for One New York in violation of Sec. 2604 (b)(3) of the New York City Charter?
- 4. If the Campaign for One New York is not an Independent Expenditure Committee, because it works in close coordination with the Mayor, and if it is not a campaign committee subject to the restrictions of New York City's campaign finance laws, are contributions made to it at the behest of the Mayor gifts from entities that are engaged or intend to be engaged in business dealings with the City, in violation of Sec. 2604 (b)(5) of the New York City Charter?
- 5. Is the Mayor's conduct in relation to the Campaign for One New York and United for Affordable NYC covered by Advisory Opinion 2008-6, and if so, has the Mayor complied with its requirements?
- 6. By seeking advice on strategy and messaging from paid consultants hired by the Campaign for One New York who are also employed by companies that have business dealings with the City of New York, in particular, individuals and companies with real estate interests actively engaged in projects that require approval or funding from the City of New York, has Mayor de Blasio disclosed confidential information regarding the affairs or government of the City that is not otherwise available to the public, in violation of Sec. 2604 (b)(4) of the New York City Charter?

We believe the Mayor's conduct presents the following issues that the Campaign Finance Board must address:

- 1. In this age of perpetual campaigning, where public opinion polling as to the re-electability of elected officials is virtually constant, is the Campaign for One New York a campaign committee that should be subject to the New York City campaign finance law?
- 2. Do contributions to the Campaign for One New York violate New York City Campaign Finance Law 3-703(1)(f)?
- 3. Do contributions to the Campaign for One New York violate New York City Campaign Finance Law 3-703 (1-a)?

February 22, 2016 Conflicts of Interest Board Campaign Finance Board Page 4 of 5

> 4. If the Campaign for One New York was not a committee subject to the New York City campaign finance laws when it is founded in December, 2013, did (would) it become subject to the campaign finance laws at some later date in closer chronological proximity to the Mayor's running for re-election? If so, when did (would) that occur?

Finally, if upon completion of a thorough investigation either the Conflict of Interest Board or the Campaign Finance Board disagrees with our contention that the cited conduct of Mayor de Blasio violates the City's Conflict of Interest Law and Campaign Finance Law, then Common Cause/NY requests that each Board consider and propose amendments to clarify the applicable law to prohibit elected officials from creating entities, like the Campaign for One New York, which violate the protections, public policy, and spirit of those laws. We believe that such a prohibition can be included in the terms and conditions that the Campaign Finance Board sets for candidates who voluntarily participate in the campaign finance matching fund program.

Thank you for your anticipated prompt and thorough response to these important issues. Common Cause/NY stands ready to cooperate in any way we can to aid your investigation and consideration of the issues that we have raised.

Respectfully submitted,

/s/

Susan Lerner Executive Director

cc: Amy Loprest, Esq., Campaign Finance Board Eric Friedman, Esq., Campaign Finance Board Carolyn Lisa Miller, Esq., Conflicts of Interest Board Wayne G.Hawley, Esq., Conflicts of Interest Board February 22, 2016 Conflicts of Interest Board Campaign Finance Board Page 5 of 5

APENDIX A

http://www.nytimes.com/2015/03/11/nyregion/mayor-de-blasio-is-quietly-soliciting-donations-for-future-policy-battles.html

 $\underline{\text{http://www.nytimes.com/interactive/2015/11/04/nyregion/mayor-de-blasios-shadow-cabinet.html}}$

 $\frac{http://www.capitalnewyork.com/article/city-hall/2015/11/8582206/de-blasio-defends-campaign-one-new-yorks-unlimited-spending-raisin}{}$

 $\underline{\text{http://www.capitalnewyork.com/article/city-hall/2016/02/8590389/ahead-council-vote-mayors-allies-organize-defense-housing-agenda}$

http://www.capitalnewyork.com/article/city-hall/2015/10/8580105/de-blasios-progressive-agenda-launches-fundraising-operation

http://www.capitalnewyork.com/article/city-hall/2015/07/8572274/mayors-organization-raises-17-m-january

 $\underline{http://thereal deal.com/2015/09/24/donating-to-de-blasio-connected-group-pays-off-for-developers/}$

http://observer.com/2015/04/bill-de-blasio-wont-say-what-hes-doing-with-his-campaign-nonprofit-today/

http://www.nydailynews.com/news/politics/big-city-unions-bankroll-1-7m-mayor-de-blasio-lobbying-arm-article-1.1868484



APPENDIX A

The New York Times

De Blasio Said to Seek Donations for Nonprofit to Promote His Policy Goals

By MICHAEL M. GRYNBAUMMARCH 10, 2015



Mayor Bill de Blasio of New York at a budget hearing in Albany last month. Mr. de Blasio is quietly filling a war chest to finance future policy battles. CreditNathaniel Brooks for The New York Times

Mayor <u>Bill de Blasio</u> is ramping up a political campaign to promote his housing and education priorities, with an eye toward amassing a financial war chest that can compete with well-financed opponents.

Mr. de Blasio and his fund-raising team have quietly solicited large contributions in recent weeks from donors in the mayor's inner circle, according to three people who requested anonymity to describe moves by the administration that were not yet intended to be public.

The mayor's aim, according to these people, is to create an advertising and social media campaign that would buttress his top policy goals, such as securing more state money

for New York City public schools and advancing his affordable housing plan in neighborhoods that are wary of gentrification.

Donors are being asked to contribute to a nonprofit fund, the Campaign for One New York, that is operated by political consultants with close ties to Mr. de Blasio. The fund can accept donations that are significantly larger than those allowed within New York City's strict campaign finance system. Last year, when the fund was also known as <u>UPKNYC</u>, it spent more than \$2 million, mostly to promote the mayor's main issue of universal prekindergarten.

This year's campaign is still in the planning stages, with many details still to be determined. But ideas on how the fund could complement City Hall's work have circulated among Mr. de Blasio and his aides for months, according to one of the people with knowledge of the mayor's discussions.

One motivation for the effort, the person said, is to avoid repeating one of Mr. de Blasio's low points from last year, when City Hall was blindsided by charter school advocates who ran a \$5 million advertising blitz attacking the mayor.

Mr. de Blasio has since conceded that his administration was caught flat-footed. The new fund-raising effort, if successful, would potentially generate millions of dollars that the mayor and his team could use to quickly respond to critics, or to jump-start their own public relations efforts.

Officials at one of Mr. de Blasio's closest labor allies, 1199 S.E.I.U. United Healthcare Workers East, confirmed on Monday that the union had contributed \$250,000 this year.

The mayor is not the only prominent elected official in New York to be bolstered by an outside organization. Allies of Gov. Andrew M. Cuomo, including several real estate developers, donated millions of dollars to the Committee to Save New York, a similar nonprofit fund that supported the governor's priorities during his first years in office.

The funds have drawn criticism from some government watchdogs for accepting contributions from organizations with business before the state or the city. In Mr. de Blasio's case, the parent union of the United Federation of Teachers made a \$350,000 contribution to the fund last spring, as City Hall and the teachers' union negotiated a labor contract.

Representatives of the mayor and the union have said the two were not connected. Mr. de Blasio has said his administration's actions are determined on the merits.

Susan Lerner, executive director of Common Cause New York, said on Monday that "it's unfortunate" that the mayor was again turning to private contributions.

"This is a way to get close to, or do a favor for, a mayor who would not otherwise be accepting your campaign dollars in these amounts," Ms. Lerner said in an interview. She urged the mayor to rely on his taxpayer-financed team: "We believe that elected

officials, particularly executives like the mayor and the governor, have fabulous communications apparatuses at their control, through the level of government that they head."

Because the Campaign for One New York is incorporated as a nonprofit, it is required to identify its donors only twice a year.

A spokesman for the Campaign for One New York, Dan Levitan, declined to specify how much money the group had raised this year.

"Just as we helped build a groundswell for universal pre-K and after school for all New Yorkers, we'll continue to build support for New York City's progressive agenda," said Mr. Levitan, who also served as a spokesman for Mr. de Blasio's mayoral campaign and now works at BerlinRosen, a public relations firm led by one of Mr. de Blasio's top political strategists.

Under state rules, donations given this calendar year will be disclosed in July. Mr. Levitan said the group would identify all of its contributors, beyond requirements that it only identify those who give \$5,000 or more. But he said the group would wait until July to do so.

The New York Times

Mayor de Blasio's Private Advisers: Who Gives the Money and Who Gets It

By LARRY BUCHANAN and FORD FESSENDEN NOV. 4, 2015

Some deep-pocketed interests top the list of contributors to the Campaign for One New York, which has paid large sums to the firms of several private consultants who advise the mayor. Unions have been the most generous, followed by real estate developers, including several with an interest in the Brooklyn waterfront. Liberal philanthropists are also prominent, along with a handful of Silicon Valley entrepreneurs.

To see the full chart, please see link below:

http://www.nytimes.com/interactive/2015/11/04/nyregion/mayor-de-blasios-shadow-cabinet.html



De Blasio defends Campaign for One New York's unlimited spending, raising

By SALLY GOLDENBERG 7:37 p.m. | Nov. 6, 2015

Mayor Bill de Blasio said Friday that he set up a political fund that raises and spends unlimited amounts of cash to essentially level the playing field against his opponents who spend just as freely.

"I think it's really important to look at the laws that govern us and I would like to see a very, very different world but we're not in that world yet," the mayor said during a wide-ranging press conference at City Hall.

Shortly after becoming mayor, de Blasio started a group called Campaign for One New York, which is not regulated by the city's Campaign Finance Board. Unlike a standard election account, this fund spends on advocating the mayor's agenda and issues, such as expanded pre-kindergarten and affordable housing.

The fund has been cricitized because de Blasio was a staunch opponent of the 2010 Citizens United U.S. Supreme Court case, which led to unlimited amounts of money being spent on elections.

But it's because of that case, the mayor said Friday, that he needs his own fund.

"I respect that the media is supposed to hold us all accountable, and ask us all tough questions, but I would ask for context. There are lots and lots of groups spending vast

amounts of money without any examination, without any disclosure," de Blasio said. He noted that the Republican Koch brothers have said they will spend nearly \$1 billion in advance of the 2016 presidential election.

"Anything that's associated with me is going to be fully disclosed," de Blasio said.

The mayor has voluntarily released his filings to reporters twice a year.

He also spoke about unregulated money being spent against him.

"In a dynamic where millions and millions of dollars, multiple times, have been spent to attack things that I'm trying to do, it makes sense that there's going to be other people who try to push back and say this agenda is important," he said.

Yet the groups that have spent money running ads and holding rallies to oppose de Blasio's causes didn't need Citizens United to be able to do that. Charter schools and Uber, two of his top and most well-funded foes, would have been able to spend as much as they wanted on advertising before that court decision.

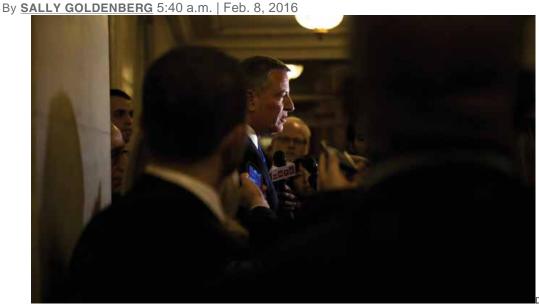
Meanwhile, the mayor indicated he does not think anyone donates money because they want something in return.

"First of all you, should ask them. Second, what I say to people and what others have said is, this is what we're trying to do and this is what we're asking for support for. I don't think people tend to give money to something they disagree with," he said.

<u>A POLITICO New York story in September</u> found examples of donors who want — and sometimes have received — things from City Hall that are unrelated to the mayor's agenda.



Ahead of Council vote, mayor's allies organize in defense of housing agenda



De Blasio. (Ed

Reed/Mayoral Photography Office)

As Mayor Bill de Blasio's controversial housing plans come before the City Council this week, his union allies are joining forces with the AARP and the Brooklyn Chamber of Commerce to form an organization that will push for the mayor's proposals.

The group, United For Affordable NYC, is being incorporated with city and state agencies as a 501(c)4, lead strategist Neal Kwatra told POLITICO New York.

The four founding unions are the Hotel Trades Council, health care workers union 1199 SEIU, building service employees' 32BJ SEIU and District Council 37 — the largest municipal labor organization in the city.

The fund-raising organization will begin with a seed grant from some of its members and the mayor's other 501(c)4, Campaign for One New York, according to a source familiar with the effort who would only speak on background. The donors have made a six-figure commitment for the initial grant, but the details are still being worked out, the source added.

The blend of organizations is meant to show that the mayor's plans, which were rejected by most community boards and borough presidents last year, have diverse backing — from private and municipal unionized workers to senior citizens and business leaders.

"We represent hotel workers and workers in private clubs. So, they're not exactly the richest people in the city, and their ability to access housing has become more and more stressful," Hotel Trades Council president Peter Ward said in an interview. "We see our members being pushed to further reaches of the city. We see them being pushed outside the city."

Ward, who lives in the suburban Grasmere section of Staten Island, said his daughters reside in apartments in Manhattan he called "frighteningly small."

In recent months, Ward's members have appeared en masse at rallies and Department of City Planning hearings to vouch for the mayor's proposals. On Jan. 30, more than 100 of them fanned out through 25 commercial corridors across the city to hand out literature and get businesses to sign letters of support. They showed up in areas the mayor hopes to rezone, such as Jerome Avenue in the Bronx, East Harlem, Flushing and Bay Street on Staten Island.

Ward said the group will continue lobbying each of the 51 City Council members before they cast their binding votes sometime in the next few months. The Council will hold two hearings Tuesday and Wednesday in City Hall on the plans. "We're going to attend hearings in large numbers and we're going to make sure our voices are heard," Ward said. "We realize the plan is imperfect, but unfortunately I don't think it's possible to put together a perfect plan at this stage of the game."

The organization is also launching a website, www.unitedaffordable.nyc.

The mayor is proposing that anyone who develops residential buildings of 11 units or more in an area approved for a rezoning must devote at least 25 percent of those apartments to below-market-rate housing. Known as Mandatory Inclusionary Housing, or MIH for short, the idea is to get more low- to moderate-income housing out of builders in exchange for the benefit of more allowed density.

Many City Council members say they support the idea, but the specific rents the city would require have been met with objections from housing advocates and some politicians who feel the plan should require more affordable housing, both in number of units and income bands targeted.

Developers have privately hinted the plan is legally questionable — something planning commissioner Carl Weisbrod has publicly argued against. More importantly, many developers say the plan is pointless unless the state reenacts the development tax break known as 421-a, which expired last month. The thinking is that without that lucrative exemption on property taxes, developers will not build more low-income housing with only a rezoning to offset the cost. The other part of the mayor's overall proposal, known as Zoning for Quality and Affordability or ZQA, would rewrite the city's zoning text to enable more residential development. That plan has been the subject of even more debate than MIH, because New Yorkers throughout the city are wary of more density.

The AARP, which represents people aged 50 and older, has seized on ZQA because it would enable the creation of more affordable senior housing at a time when the city's elderly population is growing. ZQA would, for instance, limit parking facilities that are currently required alongside below-market-rate senior developments and allow builders to use that space for housing instead.

"When we talk to our older members and say, how do you see yourself aging, their number one concern is that they want to age in their community, if not their home," Chris Widelo, associate state director of the AARP, said in an interview. "It really is about making sure that older New Yorkers have options to be able to age successfully in place."

He and Ward both declined to discuss whether they would eventually donate money to the organization and if so, how much.

"We haven't talked about a formal number or anything like that," Widelo said. "We're still in the infant stages."



De Blasio's Progressive Agenda launches fundraising operation

By LAURA NAHMIAS 5:25 a.m. | Oct. 20, 2015



De Blasio greets a supporter at the African American Day Parade. (Ed Reed/Mayoral Photography Office)

The Progressive Agenda Committee, the political organization Mayor Bill de Blasio formed in May, has formed a fundraising operation.

The group is planning its first major event, a <u>bipartisan presidential forum on</u> <u>economic inequality in Iowa</u>, to be held in early December.

Until recently, the group's expenses were being paid for with donations made to the Campaign For One New York, a 501(c)4 nonprofit de Blasio started in December of 2013 to advance his mayoral agenda, including expanding universal pre-kindergarten and building more affordable housing. The Campaign For One New York has raised \$3.87 million since its inception, and spent \$668,373 on consulting fees and other expenses between January and June of this year.

But now the committee has formally registered as its own 501(c)4 nonprofit, and "has its own fundraising operation" which has already begun raising money, committee spokeswoman Rebecca Katz told POLITICO New York.

Katz declined to detail how much money the committee has already raised, or who its donors were.

"The Progressive Agenda to Combat Income Inequality was launched in May of 2015 as a project of the Campaign for One New York," Katz said in an emailed statement describing the shift.

"Work to launch and advance The Progressive Agenda has been the central focus of the activity of the Campaign for One New York throughout 2015, to date. The Progressive Agenda Committee is a 501(c)4 non-profit organization that will raise money from those who believe in its mission of combatting inequality. TPAC was provided a seed grant by the Campaign for One New York," Katz said.

The activities of 501(c)4 political committees have become increasingly controversial in recent years as the number of politically active nonprofits has grown, following the Supreme Court's decision in the Citizens United case in 2010.

Such groups are required to file paperwork with the Internal Revenue Service, but are not obligated to disclose their donors' identities to the public.

But de Blasio, who railed against secrecy in political spending when he was the city's public advocate, has attempted to blunt criticism from good government groups over the Campaign For One New York by voluntarily disclosing the names and addresses of donors to the Campaign.

The Progressive Agenda Committee will adopt a similar standard of transparency, voluntarily disclosing its donors and expenses, Katz said.

Katz declined to offer more details, saying only that the people and groups who will donate are likely ones who care about the issue of inequality.

De Blasio will be involved with fundraising for TPAC, in much the same way he has been involved in fundraising for the Campaign For One New York.

While he does not directly solicit donations for the group, he has hosted events for donors. He will have a similar level of involvement in the fundraising process for the Progressive Agenda Committee, Katz said. Other individuals who have signed on to the Progressive Agenda's platform, which includes raising the minimum wage and closing the carried interest loophole at the federal level, will also likely be involved with fundraising.



Mayor's organization raises \$1.7 M. since January

By SALLY GOLDENBERG and LAURA NAHMIAS 6:24 p.m. | Jul. 16, 2015



De Blasio. (Demetrius

Freeman/Mayoral Photography Office) TweetShare on FacebookPrint

The Campaign for One New York, Mayor Bill de Blasio's political organization, took in \$1.71 million and spent \$668,373 during the past six months, new records show.

His largest donations, of \$250,000 each, came from 1199 SEIU, the massive health care union that helped propel him to office in 2013, and the Fund for Policy Reform Inc., a 501(c) 4 organization that describes its mission in tax filings as "promot[ing] social welfare, including funding initiatives related to public welfare, drug policy, alleviation of poverty and electoral reform."

Two wealthy donors pushing a controversial ban on horse carriages, Stephen Nislick and Wendy Neu, each gave \$50,000 in March.

The mayor also received dozens of donations from real estate executives, unions and lobbyists, some of whom have business before the city.

The city's top lobbyist, James Capalino, gave \$10,000 on May 27, just one day before records show he had a meeting with de Blasio to lobby him on the Downtown Manhattan Heliport, which opposes a City Council bill to ban helicopter tours in the city. A call to Capalino for comment was not immediately returned.

Ral Development, which is building two towers at Brooklyn Bridge Park, donated \$10,000 in May as well.

The Toll Brothers, which builds homes throughout the metropolitan region, gave \$25,000 in April.

Alma Realty, which is behind the Astoria Cove redevelopment project that was a model for the mayor's yet-to-be-unveiled mandatory inclusionary zoning policy, gave him \$5,000 in April.

He received a \$20,000 gift from John Catsimatidis' Red Apple Group in April as well. Catsimatidis, who owns supermarkets and real estate throughout the city, ran in the Republican mayoral primary in 2013 and now hosts a radio show featuring police commissioner Bill Bratton as a frequent guest.

A spokesman for the mayor's organization, Dan Levitan, said it focused on de Blasio's "progressive agenda" in recent months—an effort that took him to Washington, D.C. and to states around the country to discuss national progressive ideals.

"The Campaign for One New York is supported by individuals, foundations and organizations committed to New York City's progressive agenda," Levitan said. As part of our commitment to transparency, we are voluntarily disclosing all of our fundraising and spending."

Some individual donors include those who have given to the organization since its inception last year, such as wealthy businessman Alexander Levin and Joseph Dussich, a Queens businessman who had raised more than \$30,000 for de Blasio's Republican rival, Joe Lhota, in 2013.

Dussich runs JAD Corp. of America, which sells maintenance and cleaning supplies for buildings. The company has had several contracts with New York City in recent years.

The group spent hundreds of thousands of dollars on political consultants with ties to the mayor. The committee paid more than \$60,000 to Berlin Rosen, which advised de Blasio's mayoral campaign, more than \$100,000 to Hilltop Public Solutions, which employs de Blasio's former campaign manager, and \$150,000 to AKPD, which made de Blasio's TV ads during the campaign.

The committee also made two separate payments of \$23,413 and \$10,825 to SKD Knickerbocker for consulting done between February and May this year, which a campaign spokesman said was paid to SKD managing director Anita Dunn, who provided the committee with strategic advice.

The payments to SKD are notable—the firm ran the mayoral campaign of Christine Quinn, the early front-runner for the Democratic nomination in 2013. Quinn eventually faded as de Blasio prevailed in the primary.



Donating to de Blasio-connected group pays off for developers

Mayor's Campaign for One New York raises pay-to-play questions

September 24, 2015 10:13AM



Bill de Blasio

Since December of 2013, Campaign for One New York, a nonprofit run by political consultants close to Mayor Bill de Blasio, has accepted nearly \$4 million in donations from real estate developers, unions and others.

Many donors gave money just before or after the city threw them a bone. At least 46 of 74 donors listed in the six-month filing either had business or labor contracts with City Hall or were looking to receive approval for a project.

A spokesman for Campaign for One New York said the group discloses all fundraising and spending and is supported by progressives, Politico reported.

Half of the donations came from real estate companies with a vested interest in maintaining the 421a tax abatement program.

In May, <u>de Blasio agreed to extend 421a</u>, with increased affordable housing requirements, just week after numerous developers had donated to one of his fundraisers.

The mayor didn't require that developers pay workers a prevailing wage, a major coup for developers and construction industry titans like JDS, which contributed to Campaign for One New York.

The biggest donors to the nonprofit were Two Trees Management, which gave \$100,000 through an LLC, Brookfield Financial Property L.P., which donated \$50,000, Douglaston Development, which contributed \$25,000; and Alma Realty Corp., which gave \$5,000.

In June, architect Ariel Aufgang said the mayor's 421a plan helped his business. He made a \$2,500 campaign donation in April 2015. Aufgang received city approval for more than 930 new apartments after meeting with city officials. [Politico] – *Ariel Stulberg*



Bill de Blasio Won't Say What He's Doing With His Campaign Nonprofit Today

By Ross Barkan • 04/21/15 2:41pm



Mayor Bill de Blasio. (Photo: Andrew Burton/Getty Images)

Mayor Bill de Blasio will attend an event today for his nonprofit fund, the Campaign for One New York, according to his public schedule.

That's about all the public is permitted to know about the event, likely a fundraiser, for a type of campaign fund that has drawn scrutinity from good government groups.

A spokesman for Mr. de Blasio, Dan Levitan, would not say where the Campaign for One New York event will be held or who will be attending. Mr. Levitan, a vice president with the firm BerlinRosen, did not reveal the purpose of the event.

But Mr. de Blasio, a Democrat, is reportedly laying the groundwork for an extensive advertising and social media campaign to promote his progressive agenda and push back against potentially well-heeled opponents. To do this, Mr. de Blasio is soliciting donations to the nonprofit fund, operated by political consultants with close ties to him. The nonprofit also helped pay for a portion of his travel expenses to Iowa and Nebraska last week.

For the mayor, there are several advantages to using a nonprofit instead of his own campaign cash, especially in a post Citizens United world that allows for unregulated outside spending. The fund can accept far larger donations than what would be allowed under strict New York City Campaign Finance Board regulations and only has to report its donors twice a year. Last year, the nonprofit extensively promoted Mr. de Blasio's universal pre-kindergarten initiative.

Good government groups like Common Cause New York have criticized Mr. de Blasio in the past because the nonprofit allows donors to curry favor with the mayor by funneling unusually large donations and sidestepping the CFB system.

A previous filing showed that Mr. de Blasio's allies in organized labor, along with real estate and the taxi industry, flooded the nonprofit's coffers.

Under state rules, donations given this calender year will be disclosed in July.

DAILY®NEWS

Big city unions are bankrolling Mayor de Blasio's lobbying arm with \$1.7 million

The Campaign for One New York has received a total of \$1.7 million in less than seven months and about three-quarters of that, \$1.2 million, came from just five donors, the records show.

BY JENNIFER FERMINO, ERIN DURKIN

Wednesday, July 16, 2014, 1:56 AM



SETH WENIG/AP

Mayor de Blasio's lobbying organization is getting big bucks, \$1.7 million this year, with most of it coming from just five donors.

Some of the city's biggest unions and some powerful businesses interests are bankrolling the organization created by Mayor de Blasio's political team to lobby for his agenda, records released Tuesday show.

The Campaign for One New York has received a total of \$1.7 million in less than seven months - and about three-quarters of that, \$1.2 million, came from just five donors, the records show.

The American Federation of Teachers gave the most, at \$350,000. The health care union 1199 SEIU gave \$250,000, and the union UNITE HERE - which was once headed by de Blasio's cousin, John Wilhelm - ponied up \$200,000.

And NY Progress, a political action committee founded by the United Federation of Teachers and the Communication Workers of America, gave \$175,000.

The only donor in the top five that wasn't connected to the labor movement was the Rockefeller Family Foundation, which made donations totaling \$250,000.

The taxi industry, which is regulated by the city, also donated to the pro-de Blasio group; five cab companies gave a total of \$10,000, the records show.

And real estate companies dug deep for the organization, with four companies giving a total \$47,500.

Because the Campaign for One New York is a lobbying group, and not a political campaign, it does not have to abide by the city's strict campaign finance rules, which limit individual donates to \$4,950.

The eye-popping contributions drew criticism from government watchdogs.

"It's a brand-new way of currying favor with the mayor. It's legal, but it's unseemly," said Dick Dadey, the director of Citizens Union.

"It's an end run around the city's campaign finance rules," he added

The Campaign For New York originally was launched under the name UPKNYC to lobby for de Blasio's proposal to expand pre-kindergarten.

It has since broadened its mission to lobby for other parts of his agenda, an expansion first reported by the New York Times. As part of that broader effort, it was renamed the Campaign for One New York.

According to the new fundraising and spending reports, the organization has spent \$1.67 million this year, including \$26,000 on buses to transport supporters to Albany in March to lobby for the pre-k expansion.

It also spent another \$950,000 on the advertisement that featured First Lady Chirlane McCray talking up the pre-K expansion.

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March 14, 2016

BY EMAIL

Cameron Ferrante Complaints & Investigations Analyst NYC Campaign Finance Board 100 Church Street, 12 Fl. New York, New York 10007

Re: Unverified Complaint By New York Common Cause

Dear Mr. Ferrante:

De Blasio 2017 (the "Committee") is in receipt of your letter, dated February 23, 2016, enclosing a February 22, 2016 letter from Susan Lerner of New York Common Cause ("Lerner Letter"). Your letter characterizes the Lerner Letter as a "complaint alleg[ing] that the 2017 campaign of Bill de Blasio ... violated the New York City Campaign Finance Act and/or Board rules." Your letter invites de Blasio 2017 to submit a verified answer by March 14, 2016.

Because it does not appear to be sworn to or affirmed, we note the Lerner Letter is facially deficient as a basis for initiating a proceeding pursuant to CFB Rule 7-01(a)(i). For this reason, we have chosen to respond to the Lerner Letter's allegations by this letter rather than by verified answer.

We further note that the Lerner Letter is also addressed to the Conflicts of Interest Board and raises issues concerning NYC Charter Chapter 68, which are not within the CFB's jurisdiction. We thus refrain from addressing those issues herein.

The Lerner Letter raises four issues it urges the CFB to address. We address each in turn.

1. In this age of perpetual campaigning, where public opinion polling as to the reelectability of elected officials is virtually constant, is Campaign for One New York a campaign committee that should be subject to the New York City campaign finance law? In asking whether the Campaign for One New York, Inc. ("C41NY") "should" be treated as a campaign committee subject to the New York City campaign finance law, the Lerner Letter does not allege or present any facts that suggest C41NY is an "authorized committee" within the meaning of the New York City Campaign Finance Act. As you know, the Committee previously made an extensive submission to the CFB demonstrating that C41NY is not an authorized committee within the meaning of the New York City Campaign Finance Act. See my letter to Peri Horowitz, dated July 13, 2015 (copy enclosed).

Thus, to the extent this first issue in the Lerner Letter may be alleging a violation, the answer is No, C41NY is not a campaign committee subject to the New York City Campaign Finance Act. As for the Lerner Letter's aspirations for the future of City campaign finance law amendments, we address that issue below.

2. Do contributions to Campaign for One New York violate New York City Campaign Finance Law 3-703(1)(f)?

No. First, because C41NY is not a political committee within the meaning of City or State law, it does not receive "contributions" as that term is defined in either City or State law. See NYC Admin. Code §3-702(8), defining "contribution", (11), defining "political committee"; N.Y. Election Law §14-100(1), defining "political committee", (9) defining "contribution". Donations made to a not-for-profit corporation operating as a social welfare organization engaged in issue advocacy and/or lobbying are not contributions subject to campaign finance limitations.

Second, the limitations of Admin. Code §3-703(1)(f) apply solely to contributions accepted by a candidate or authorized committee. C41NY is neither a candidate nor an authorized committee. See CFB Rule 1-02, defining "candidate", and Admin. Code §3-702(7), defining "authorized committee."

Third, the NYC Campaign Finance Act distinguishes the act of soliciting funds from the act of accepting funds. See, e.g., Admin. Code §3-702(12) and §3-703(1)(f). The Campaign Finance Act places no limit on the amount of funds a public servant may solicit for a good cause or even for Common Cause.

Indeed, the New York City Charter's conflict of interest provisions likewise places no limit on the donation amounts that a public servant may solicit. Rather, the COIB (not the CFB) is charged with addressing the permissibility and manner of solicitations by public servants. As you know, Mayor de Blasio received clearance from the COIB before rendering any fundraising assistance to support C41NY's advocacy on behalf of New York City and its residents.

- 3. Do contributions to Campaign for One New York violate New York City Campaign Finance Law 3-703(1)(1-a)?
 - No. See response to issue 2, above.
- 4. If the Campaign for One New York was not a committee subject to the New York City campaign finance laws when it is founded in December 2013, did (would) it become subject to the campaign finance laws at some later date in closer chronological proximity to the Mayor's running for re-election? If so, when did (would) that occur?

This last issue does not appear to be an allegation of violation, but rather in the nature of a request for an advisory opinion. As you know, the New York City Campaign Finance Act does not set a deadline after which issue advocacy is deemed to be electioneering or advocacy organizations are deemed to be campaign committees. One would think the First Amendment would pose a rather large impediment to such treatment.

The Lerner Letter appears to acknowledge that C41NY is not an "Independent Expenditure Committee" and, in any event, none of C41NY's public communications to date has occurred within a proximity to the 2017 mayoral election that could bring such communications within the scope of the CFB's definition of "electioneering communications." See CFB Rule 13-01 ("disseminated within 30 days of a covered primary ... or within 60 days of a covered general election").

The last portion of the Lerner Letter requests the CFB to "propose amendments to clarify ... applicable law" and for the CFB to include a prohibition against entities like C41NY in the "terms and conditions" the CFB "sets" for participating candidates. We note that the Lerner Letter misperceives the scope of CFB regulatory authority. Clearly the terms and conditions of the City's matching funds program are set by local law and then administered by the CFB.

As for the prospect of legislative amendments, the Committee welcomes the opportunity to participate in that future discussion. This is a complicated subject, not least because it concerns the ability of elected officials to marshal both public and private resources in support of their public policy advocacy at the local, state, and federal levels. Restrictions applicable solely to City public servants, as opposed to State and federal officials as well as special and private interests, risk uniquely harming the ability of the City's elected officials to effectively exert their leadership on behalf of the public interest. Clearly, that should not be the goal of any campaign finance law.

Thank you for this opportunity to address the Lerner Letter.

Very truly yours,

KANTOR, DAVIDOFF, MANDELKER, TWOMEY, GALLANTY & KESTEN, P.C.

LAURENCE D. LAUFER

Enclosure

Final Board Determination 2016-1 Appendix A

Analysis of Contributions Received by the Campaign for One New York

Contributions	\$4,360,600	% of Contributions
Over The Limit	\$3,798,700	87%
Prohibited	\$1,718,750	39%
Acceptable	\$212,300	5%

- * Contribution data for 2014 as reported by C41NY to JCOPE.
- * Contribution data for 2015 as released by C41NY on July 15, 2015 and January 15, 2016.
- * Over The Limit calculation is based on the citywide contribution limit of \$4,950 and individual doing business limit of \$400.
- * Prohibited Source calculation is based on the name of the entity and listings in the NYS corporation database.
- * Acceptable is the amount of these contributions that would be able to be accepted by a citywide campaign.

Contributor	Amount	Date	Prohibited Source	Doing Business	Amount Over The Limit
1199 SEIU	\$250,000	3/7/2014		Organization	¢40E 0E0
1199/SEIU	\$250,000	3/2/2015		Organization	\$495,050
1440 Story LLC	\$20,000	7/30/2014	Yes		\$15,050
316 Kent Construction LLC	\$100,000	4/2/2015	Yes		\$95,050
360 Tenth Avenue LLC	\$50,000	4/3/2015	Yes		\$45,050
553 Marcy Ave Owner LLC	\$50,000	3/31/2015	Yes		\$45,050
57 Caton Partners LLC	\$5,000	4/21/2015	Yes		\$50
62 Thomas Special Account	\$25,000	3/6/2014	Yes		\$20,050
88th Street Self Storage Incorporated	\$1,500	6/5/2014	Yes		\$0
Alma Realty Corp	\$5,000	4/21/2015	Yes		\$50
American Federation of Teachers	\$350,000	4/9/2014			\$345,050
Anemone Taxi, Incorporated	\$1,000	6/10/2014	Yes		\$0
Apercen Partners	\$10,000	4/9/2015	Yes		\$5,050
Arch Brokerage LTD	\$6,000	5/28/2015	Yes		\$1,050
Argent Ventures, LLC	\$10,000	5/21/2014	Yes		\$5,050
Argento, Gina	\$25,000	1/24/2014			
Argento, Gina	\$10,000	5/28/2015			\$30,050
Ashnu International Incorporated	\$5,000	6/10/2014	Yes	Organization	\$50
Aufgang Architects LLC	\$2,500	4/21/2015	Yes	organization	\$0
Begonia Taxi Incorporated	\$1,000	6/10/2014	Yes		\$0
Big Hen Group I LCC	\$50,000	3/12/2014	Yes		\$45,050
Brett Howard, Lorna	\$10,000	2/21/2014	103	Yes	\$9,600
Broadway Stages, LTD	\$25,000	1/24/2014	Yes	103	\$20,050
Brookfield Financial Prop L.P.	\$50,000	5/27/2015	Yes		\$45,050
Building for New Yorkers PAC	\$49,000	4/16/2015	103		\$44,050
Cadman Associates LLC	\$10,000	6/20/2015	Yes		\$5,050
Caiazzo, Michael	\$2,500	6/5/2014	103		\$0
Caparella, Richard	\$2,500	6/5/2014			\$0
Capoccia, Donald	\$10,000	3/12/2014		Yes	\$9,600
Carrier, Brent	\$5,000	9/10/2014		103	\$50
Cherrywood Center LLC	\$2,500	5/21/2014	Yes		\$0
Cipriani USA Inc	\$10,000	5/27/2015	Yes		\$5,050
Clayscott Insurance Agency, Inc	\$250	5/13/2015	Yes		\$5,030
Cohler, Matthew	\$5,000	5/26/2015	163		\$50
Competitor Group, Incorporated	\$5,000	6/10/2014	Yes		\$50
Conway Family Trust	\$25,000	5/15/2015	163		\$30
Conway Family Trust	\$17,250	6/8/2015			\$44,800
	47.500	6/15/2015			φ 44 ,000
Conway Family Trust Cornell Realty Management LLC	\$7,500 \$10,000	7/30/2014	Yes		\$5,050
Crown Acquistions, Inc	\$10,000	3/18/2015	Yes		\$5,050
Cuti, Hecker, Wang	\$20,000	3/18/2015	162		
D'Acunto, Anthony	\$5,000	3/20/2014			\$0 \$50
Daus, Matt	\$10,000	3/20/2014			\$5,050
DDG Partners LLC	\$10,000	7/1/2015	Yes		\$5,050 \$5,050
De Nardis Engineering LLC					
De Marcio Engineering LLC	\$2,000	6/5/2015	Yes	ļ	\$0

District Council 37 Dixon, Christopher Douglaston Development, LLC Dussich, Joseph Dussich, Joseph Edison Properties Eisenhofer, Jay W Empire Office First Investors Equipment Leasing Corporation Fischer, Cary Freedman, Daniel Freeze Frame Frias Transportation Infrastructure, LLC Fund for Policy Reform Inc Fund for Policy Reform INC Gabrielli, Amedeo Ganapavarapu, Praneeth Gounaris, Savros Graham, Paul Green Asphalt Company, LLC Grosbard, Lisa Guardian Bus Company, Incorporated	\$20,000 \$10,000 \$25,000 \$50,000 \$50,000 \$10,000 \$10,000 \$110,000 \$15,000 \$15,000 \$25,000 \$250,000 \$250,000 \$5,000 \$5,000 \$5,000 \$10,000 \$10,000 \$10,000 \$10,000 \$10,000 \$10,000	3/23/2015 5/21/2015 4/1/2015 12/10/2014 2/3/2015 3/5/2014 2/7/2014 4/21/2015 6/5/2014 6/5/2014 8/12/2014 3/10/2014 2/7/2014 11/18/2015 5/8/2015 7/19/2014 6/6/2014 3/20/2014 5/12/2015	Yes Yes Yes Yes Yes Yes Yes Yes Yes	Organization Organization Organization Ves	\$15,050 \$5,050 \$20,050 \$95,050 \$20,050 \$5,050 \$5,050 \$0 \$10,050 \$20,050 \$495,050
Douglaston Development, LLC Dussich, Joseph Dussich, Joseph Edison Properties Eisenhofer, Jay W Empire Office First Investors Equipment Leasing Corporation Fischer, Cary Freedman, Daniel Freeze Frame Frias Transportation Infrastructure, LLC Fund for Policy Reform Inc Fund for Policy Reform INC Gabrielli, Amedeo Ganapavarapu, Praneeth Gounaris, Savros Graham, Paul Green Asphalt Company, LLC Grosbard, Lisa	\$25,000 \$50,000 \$50,000 \$25,000 \$10,000 \$10,000 \$1,000 \$1,000 \$15,000 \$25,000 \$250,000 \$250,000 \$5,000 \$5,000 \$10,000 \$5,000	4/1/2015 12/10/2014 2/3/2015 3/5/2014 2/7/2014 4/21/2015 6/5/2014 6/5/2014 8/12/2014 3/10/2014 2/7/2014 11/18/2015 5/8/2015 7/19/2014 6/6/2014 3/20/2014 5/12/2015	Yes Yes Yes Yes Yes Yes	Organization	\$20,050 \$95,050 \$20,050 \$5,050 \$0 \$0 \$10,050 \$20,050 \$495,050
Dussich, Joseph Dussich, Joseph Edison Properties Eisenhofer, Jay W Empire Office First Investors Equipment Leasing Corporation Fischer, Cary Freedman, Daniel Freeze Frame Frias Transportation Infrastructure, LLC Fund for Policy Reform Inc Fund for Policy Reform INC Gabrielli, Amedeo Ganapavarapu, Praneeth Gounaris, Savros Graham, Paul Green Asphalt Company, LLC Grosbard, Lisa	\$50,000 \$50,000 \$25,000 \$10,000 \$10,000 \$4,000 \$15,000 \$15,000 \$25,000 \$250,000 \$250,000 \$5,000 \$5,000 \$10,000 \$25,000	12/10/2014 2/3/2015 3/5/2014 2/7/2014 4/21/2015 6/5/2014 6/5/2014 8/12/2014 3/10/2014 2/7/2014 11/18/2015 5/8/2015 7/19/2014 6/6/2014 3/20/2014 5/12/2015	Yes Yes Yes Yes Yes Yes	Organization	\$95,050 \$20,050 \$5,050 \$5,050 \$0 \$10,050 \$0 \$20,050 \$495,050
Dussich, Joseph Edison Properties Eisenhofer, Jay W Empire Office First Investors Equipment Leasing Corporation Fischer, Cary Freedman, Daniel Freeze Frame Frias Transportation Infrastructure, LLC Fund for Policy Reform Inc Fund for Policy Reform INC Gabrielli, Amedeo Ganapavarapu, Praneeth Gounaris, Savros Graham, Paul Green Asphalt Company, LLC Grosbard, Lisa	\$50,000 \$25,000 \$10,000 \$10,000 \$4,000 \$100 \$15,000 \$15,000 \$25,000 \$250,000 \$250,000 \$5,000 \$5,000 \$10,000 \$5,000 \$10,000 \$25,000	2/3/2015 3/5/2014 2/7/2014 4/21/2015 6/5/2014 6/5/2014 8/12/2014 3/10/2014 2/7/2014 11/18/2015 5/8/2015 7/19/2014 6/6/2014 3/20/2014 5/12/2015	Yes Yes Yes Yes		\$20,050 \$5,050 \$5,050 \$0 \$0 \$10,050 \$20,050 \$495,050
Edison Properties Eisenhofer, Jay W Empire Office First Investors Equipment Leasing Corporation Fischer, Cary Freedman, Daniel Freeze Frame Frias Transportation Infrastructure, LLC Fund for Policy Reform Inc Fund for Policy Reform INC Gabrielli, Amedeo Ganapavarapu, Praneeth Gounaris, Savros Graham, Paul Green Asphalt Company, LLC Grosbard, Lisa	\$25,000 \$10,000 \$10,000 \$4,000 \$100 \$15,000 \$15,000 \$25,000 \$250,000 \$250,000 \$5,000 \$5,000 \$10,000 \$5,000 \$25,000	3/5/2014 2/7/2014 4/21/2015 6/5/2014 6/5/2014 8/12/2014 3/10/2014 2/7/2014 11/18/2015 5/8/2015 7/19/2014 6/6/2014 3/20/2014 5/12/2015	Yes Yes Yes Yes		\$20,050 \$5,050 \$5,050 \$0 \$0 \$10,050 \$20,050 \$495,050
Eisenhofer, Jay W Empire Office First Investors Equipment Leasing Corporation Fischer, Cary Freedman, Daniel Freeze Frame Frias Transportation Infrastructure, LLC Fund for Policy Reform Inc Fund for Policy Reform INC Gabrielli, Amedeo Ganapavarapu, Praneeth Gounaris, Savros Graham, Paul Green Asphalt Company, LLC Grosbard, Lisa	\$10,000 \$10,000 \$4,000 \$100 \$15,000 \$15,000 \$25,000 \$250,000 \$250,000 \$5,000 \$5,000 \$10,000 \$5,000 \$25,000	2/7/2014 4/21/2015 6/5/2014 6/5/2014 8/12/2014 3/10/2014 2/7/2014 11/18/2015 5/8/2015 7/19/2014 6/6/2014 3/20/2014 5/12/2015	Yes Yes Yes Yes		\$5,050 \$5,050 \$0 \$10,050 \$0 \$20,050 \$495,050
Empire Office First Investors Equipment Leasing Corporation Fischer, Cary Freedman, Daniel Freeze Frame Frias Transportation Infrastructure, LLC Fund for Policy Reform Inc Fund for Policy Reform INC Gabrielli, Amedeo Ganapavarapu, Praneeth Gounaris, Savros Graham, Paul Green Asphalt Company, LLC Grosbard, Lisa	\$10,000 \$4,000 \$100 \$15,000 \$15,000 \$25,000 \$250,000 \$250,000 \$5,000 \$7,500 \$10,000 \$5,000	4/21/2015 6/5/2014 6/5/2014 8/12/2014 3/10/2014 2/7/2014 11/18/2015 5/8/2015 7/19/2014 6/6/2014 3/20/2014 5/12/2015	Yes Yes Yes		\$5,050 \$0 \$0 \$10,050 \$0 \$20,050 \$495,050
First Investors Equipment Leasing Corporation Fischer, Cary Freedman, Daniel Freeze Frame Frias Transportation Infrastructure, LLC Fund for Policy Reform Inc Fund for Policy Reform INC Gabrielli, Amedeo Ganapavarapu, Praneeth Gounaris, Savros Graham, Paul Green Asphalt Company, LLC Grosbard, Lisa	\$4,000 \$100 \$15,000 \$1,000 \$25,000 \$250,000 \$250,000 \$5,000 \$7,500 \$10,000 \$5,000 \$2,000	6/5/2014 6/5/2014 8/12/2014 3/10/2014 2/7/2014 11/18/2015 5/8/2015 7/19/2014 6/6/2014 3/20/2014 5/12/2015	Yes Yes Yes		\$0 \$0 \$10,050 \$0 \$20,050 \$495,050
Fischer, Cary Freedman, Daniel Freeze Frame Frias Transportation Infrastructure, LLC Fund for Policy Reform Inc Fund for Policy Reform INC Gabrielli, Amedeo Ganapavarapu, Praneeth Gounaris, Savros Graham, Paul Green Asphalt Company, LLC Grosbard, Lisa	\$100 \$15,000 \$1,000 \$25,000 \$250,000 \$250,000 \$5,000 \$7,500 \$10,000 \$5,000	6/5/2014 8/12/2014 3/10/2014 2/7/2014 11/18/2015 5/8/2015 7/19/2014 6/6/2014 3/20/2014 5/12/2015	Yes Yes	Yes	\$0 \$10,050 \$0 \$20,050 \$495,050
Freedman, Daniel Freeze Frame Frias Transportation Infrastructure, LLC Fund for Policy Reform Inc Fund for Policy Reform INC Gabrielli, Amedeo Ganapavarapu, Praneeth Gounaris, Savros Graham, Paul Green Asphalt Company, LLC Grosbard, Lisa	\$15,000 \$1,000 \$25,000 \$250,000 \$250,000 \$5,000 \$7,500 \$500 \$10,000 \$5,000	8/12/2014 3/10/2014 2/7/2014 11/18/2015 5/8/2015 7/19/2014 6/6/2014 3/20/2014 5/12/2015	Yes	Yes	\$10,050 \$0 \$20,050 \$495,050 \$4,600
Freedman, Daniel Freeze Frame Frias Transportation Infrastructure, LLC Fund for Policy Reform Inc Fund for Policy Reform INC Gabrielli, Amedeo Ganapavarapu, Praneeth Gounaris, Savros Graham, Paul Green Asphalt Company, LLC Grosbard, Lisa	\$1,000 \$25,000 \$250,000 \$250,000 \$5,000 \$7,500 \$500 \$10,000 \$5,000	8/12/2014 3/10/2014 2/7/2014 11/18/2015 5/8/2015 7/19/2014 6/6/2014 3/20/2014 5/12/2015	Yes	Yes	\$0 \$20,050 \$495,050 \$4,600
Freeze Frame Frias Transportation Infrastructure, LLC Fund for Policy Reform Inc Fund for Policy Reform INC Gabrielli, Amedeo Ganapavarapu, Praneeth Gounaris, Savros Graham, Paul Green Asphalt Company, LLC Grosbard, Lisa	\$1,000 \$25,000 \$250,000 \$250,000 \$5,000 \$7,500 \$500 \$10,000 \$5,000	3/10/2014 2/7/2014 11/18/2015 5/8/2015 7/19/2014 6/6/2014 3/20/2014 5/12/2015	Yes	Yes	\$0 \$20,050 \$495,050 \$4,600
Fund for Policy Reform Inc Fund for Policy Reform INC Gabrielli, Amedeo Ganapavarapu, Praneeth Gounaris, Savros Graham, Paul Green Asphalt Company, LLC Grosbard, Lisa	\$250,000 \$250,000 \$5,000 \$7,500 \$500 \$10,000 \$5,000 \$2,000	2/7/2014 11/18/2015 5/8/2015 7/19/2014 6/6/2014 3/20/2014 5/12/2015		Yes	\$495,050 \$4,600
Fund for Policy Reform Inc Fund for Policy Reform INC Gabrielli, Amedeo Ganapavarapu, Praneeth Gounaris, Savros Graham, Paul Green Asphalt Company, LLC Grosbard, Lisa	\$250,000 \$250,000 \$5,000 \$7,500 \$500 \$10,000 \$5,000 \$2,000	11/18/2015 5/8/2015 7/19/2014 6/6/2014 3/20/2014 5/12/2015		Yes	\$495,050 \$4,600
Fund for Policy Reform INC Gabrielli, Amedeo Ganapavarapu, Praneeth Gounaris, Savros Graham, Paul Green Asphalt Company, LLC Grosbard, Lisa	\$250,000 \$5,000 \$7,500 \$500 \$10,000 \$5,000 \$2,000	5/8/2015 7/19/2014 6/6/2014 3/20/2014 5/12/2015	Yes	Yes	\$4,600
Gabrielli, Amedeo Ganapavarapu, Praneeth Gounaris, Savros Graham, Paul Green Asphalt Company, LLC Grosbard, Lisa	\$5,000 \$7,500 \$500 \$10,000 \$5,000 \$2,000	7/19/2014 6/6/2014 3/20/2014 5/12/2015		Yes	
Ganapavarapu, Praneeth Gounaris, Savros Graham, Paul Green Asphalt Company, LLC Grosbard, Lisa	\$7,500 \$500 \$10,000 \$5,000 \$2,000	6/6/2014 3/20/2014 5/12/2015		1.22	
Gounaris, Savros Graham, Paul Green Asphalt Company, LLC Grosbard, Lisa	\$500 \$10,000 \$5,000 \$2,000	3/20/2014 5/12/2015		1	\$2,550
Graham, Paul Green Asphalt Company, LLC Grosbard, Lisa	\$10,000 \$5,000 \$2,000	5/12/2015			\$0
Green Asphalt Company, LLC Grosbard, Lisa	\$5,000 \$2,000				\$5,050
Grosbard, Lisa	\$2,000	6/10/2014	Yes		\$50
		6/23/2014	103		\$0
	ፈደ ሀሀሀ	6/10/2014	Yes		\$50
H & M, LLC	\$5,000 \$5,000	4/21/2015	Yes		\$50 \$50
Halpern, Jon	\$5,000	3/10/2014	162	Yes	
Hein, Christopher	\$5,000	6/20/2014		162	\$4,600
			Yes		\$50
Hibiscus Taxi Corporation	\$1,500 \$500	6/10/2014	res		\$0 \$0
Hitch, Leslie P		2/23/2014	Vaa	Onnonination	
James F. Capalino & Associates, Inc	\$10,000	5/27/2015	Yes	Organization	\$5,050
JDS Construction Group LLC	\$10,000	6/2/2015	Yes		\$5,050
Jordan, Jeffery	\$10,000	5/26/2015			\$5,050
JSTD Madison, LLC	\$50,000	1/28/2014	Yes		\$45,050
Kalikow, Peter	\$5,000	6/10/2014			\$50
KB Property Mangers, LLC	\$4,000	5/28/2015	Yes		\$0
Ken-Mar Industries, Incorporated	\$1,500	6/5/2014	Yes		\$0
Kofinas Fertility Services, P.C.	\$5,000	4/21/2015	Yes		\$50
Kuperberg, David	\$25,000	3/24/2015			\$20,050
Lamar Advertising of Penn LLC	\$5,000	6/10/2014	Yes		\$50
Levin, Alexander	\$20,000	6/14/2014			
Levin, Alexander	\$15,000	9/10/2014			
Levin, Alexander	\$15,000	11/24/2014			
Levin, Alexander	\$10,000	3/20/2015			\$95,050
Levin, Alexander	\$10,000	4/22/2015			
Levin, Alexander	\$10,000	5/27/2015			
Levin, Alexander	\$20,000	3/2/2015			
Local 508 District Council 37	\$1,000	4/2/2015			\$0
Lowenfeld, David	\$5,000	5/27/2015			\$50
Maddd Equities LLC	\$10,000	4/21/2015	Yes		\$5,050
Marvel Architects PLLC	\$2,000	6/5/2015	Yes	Organization	\$0
Mastermind Management LTD	\$5,000	4/21/2015	Yes		\$50
Mega Contracting Group, LLC	\$5,000	4/21/2015	Yes	Organization	\$50
Mehiel, Dennis	\$10,000	4/21/2015		Ü	\$5,050
Melrose Credit Union	\$5,000	6/10/2014	Yes		\$50
Morning Glory Taxi Corporation	\$1,500	6/10/2014	Yes		\$0
Mosler, Wendy	\$10,000	3/6/2014			\$5,050
Neu, Wendy	\$50,000	3/2/2015		Yes	
Neu, Wendy K	\$25,000	3/5/2014			\$70,050
New York City Local 246	\$2,500	4/21/2015			\$0
New Yorker's For Affordable Housing	\$1,000	4/16/2015		1	\$0 \$0
Newstat, Joyce	\$2,500	5/27/2015		+	\$0 \$0
Nislick, Stephen	\$50,000	3/2/2015		Yes	\$49,600
Nussbaum, Andrew	\$10,000	6/9/2015		163	\$49,000 \$5,050

Contributor	Amount	Date	Prohibited Source	Doing Business	Amount Over The Limit
NY Progress PAC	\$175,000	1/28/2014			\$170,050
Pali Realty, LLC	\$5,000	4/21/2015	Yes		\$50
Park Tower Group, LTD	\$50,000	3/16/2015	Yes		\$45,050
Phufas, John	\$2,500	4/21/2015		Yes	\$2,100
Pritzker, J.B.	\$50,000	3/19/2015			\$45,050
Property Markets Group Inc	\$5,000	4/22/2015			\$50
PW Realty Investors, LLC	\$50,000	3/27/2015			\$45,050
Queens Medallion Funding, LLC	\$5,000	3/20/2014			\$50
Ral Development Services, LLC	\$10,000	5/27/2015			\$5,050
Real Builders, Inc	\$2,500	4/21/2015			\$0
Red Apple Group	\$20,000	4/21/2015			\$15,050
Riese, Dennis	\$5,000	6/10/2014	163		\$15,030
Rima Investors Corporation	\$10,000	5/21/2014	Yes		
					\$5,050
Riverside Abstract	\$10,000	6/16/2015			\$5,050
Rockefeller Family Fund	\$150,000	2/25/2014			\$245,050
Rockefeller Family Fund	\$100,000	2/11/2014			
Rosen Partners LLC	\$25,000	5/10/2015			\$20,050
Ross, James	\$2,500	4/21/2015		Yes	\$2,100
Royalton Capital, LLC	\$1,000	4/21/2015			\$0
Sackler, Elizabeth	\$5,000	3/12/2014			\$25,050
Sackler, Elizabeth	\$25,000	4/21/2015			\$25,030
Salesforce Inc	\$2,500	5/27/2015	Yes		\$0
Sapan, Joshua	\$5,000	4/9/2015			\$50
Simmons, lan	\$10,000	3/19/2015			\$5,050
Skydell, Rachel Cohen	\$5,000	5/21/2014			\$50
Somerset Capital Associates LLC	\$5,000	6/10/2014	Yes		\$50
Sportelli, Muriel	\$2,500	6/10/2014			\$0
Stable Realty LLC	\$15,000	6/5/2014	Yes		\$10,050
Stanton, James	\$5,000	5/27/2015			\$50
Stream Line Circles LLC	\$25,000	5/8/2015			\$20,050
Sugarman, Jay	\$5,000	6/10/2014	163		\$20,030
Tektite, Inc	\$250,000	7/7/2014	Yes		\$245,050
Termini, Chris		4/10/2014		Yes	
	\$5,000				\$4,600
Termini, Joseph	\$5,000	4/9/2014 11/20/2015		Yes	\$4,600
TF Cornerstone	\$25,000				\$20,050
The Bluestone Group	\$5,000	4/21/2015			\$5,050
The Bluestone Group	\$5,000	4/21/2015			4-0
The Hudson Companies, Inc	\$5,000				\$50
The John W. Hill Foundation	\$5,000	6/10/2014			\$50
Toll Bros., Inc	\$25,000	4/3/2015			\$45,050
Toll Brothers Incorporated	\$25,000	2/12/2014			
Tri Global Financial Services	\$5,000	3/18/2014	Yes		\$50
Tri Realty Mgmt LLC	\$2,500	5/21/2014	Yes		\$0
Twin America	\$5,000	3/4/2014	Yes		\$50
Unite Here	\$200,000	3/17/2014			¢205.050
Unite Here	\$200,000	11/23/2015			\$395,050
Via Novus Capital LLC	\$5,000	7/19/2014			\$50
Wassner, David	\$15,000	8/12/2014			\$10,050
Waste Management of New York LLC	\$5,000	4/21/2015		Organization	\$50
Weiss, Jack	\$5,000	5/21/2014		Or garnzation	\$50
(No Name), 125 Barclay St	\$2,000				\$30
			Yes: Anonymous		
(No Name), 125 Barclay St	\$20,000		Yes; Anonymous		\$15,050
(No Name), 44 W 28th St	\$10,000		Yes; Anonymous		\$5,050
(No Name), 617 Broadway	\$1,000	4/13/2015	Yes; Anonymous		\$0

Written by Azi Paybarah (@Azi) and Gloria Pazmino (@GloriaPazmino)

SUCCESS ACADEMY RAISES \$9.3 MILLION AT SPRING BENEFIT -- Capital's Eliza Shapiro and Conor Skelding: The Success Academy charter school network raised \$9.3 million at its third annual spring benefit on Monday night, according to an attendee, up from \$7.7 million at last year's benefit. The figure was announced by Dan Loeb, a hedge fund manager who serves as the chairman of Success' board of directors. The event was held at Cipriani in midtown Manhattan.

Rep. Hakeem Jeffries delivered the keynote address in lieu of Governor Andrew Cuomo, who was to give the keynote before his trade visit to Cuba was planned for the same day. ...

"I stand here because I unequivocally support quality public education and that's what Eva Moskowitz and Success Academy provide," Jeffries said, according to a quote posted on Success' Twitter account. "It's easier to raise strong children than it is to repair broken men."

Television host Katie Couric, Weekly Standard founder William Kristol, California Rep. Kevin McCarthy, Rep. Gregory Meeks of Queens and former Department of Education chancellor Joel Klein also attended the benefit, according to the attendee and Twitter posts. http://goo.gl/Mt1bSH

U.F.T. vs CUOMO: Teaches union unleash 'multi-million dollar' ad blitz -- The U.F.T. says the "ad will run on major broadcast and cable news programs" plus during shows like "Scandal," the finale of "The Americans," "American Crime," "The Blacklist," "Mad Men," "The Daily Show with Jon Stewart," and during the Mets and Yankee games.

-- The script: "For months, Andrew Cuomo attacked teachers and public schools. Now, with support at record lows, so-called education reformers and their billionaire backers are running TV ads trying to rewrite history. But we know the truth. Cuomo wants to pile on high-stakes testing, privatize classrooms, and divert money away from public schools by giving huge tax breaks to the wealthy. Governor, New Yorkers agree. Put politics aside, and put our kids first." **THE VIDEO:** http://goo.gl/xe4iDV

CITY HALL MOVES -- Emma Wolfe names new chief of staff -- Capital's Sally Goldenberg: Regina Schwartz will earn \$140,000 a year in her new role as chief of staff to the Office of Intergovernmental Affairs, according to a spokeswoman for the mayor. Schwartz will attend to the office's legislative agendas at all levels of government while also working on Mayor Bill de Blasio's effort to organize municipalities throughout the country around common goals for urban areas.

Schwartz, 31, previously worked for four years as a deputy director for the Analyst Institute on field experiments and training throughout the country to improve voter turnout, according an online biography. A Harvard graduate, she also worked for Kirsten Gillibrand's 2006 run for Congress, Howard Dean's unsuccessful 2004 presidential bid and Rock the Vote. She also served as an intern in Hillary Clinton's Senate office. http://bit.ly/1J3Yu83

IT'S TUESDAY -- Got a tip? Feedback? News to share? Let us know. By email: <u>Azi@CapitalNewYork.com</u>, <u>GPazmino@CapitalNewYork.com</u>, Twitter: <u>@Azi @GloriaPazmino</u>

Have you seen the latest cover? Check out this month's issue of <u>CAPITAL Magazine</u> on <u>Infrastructure</u>. Interested in showcasing your company or cause inside? To learn more about what's coming up in May in *The TECHNOLOGY Issue*, including rates and deadlines, email: advertising@capitalnewyork.com

TODAY: De Blasio has a closed-door event with members of the Campaign for One New York. There is no Q&A scheduled.

FRONT PAGES: "Assembly Speaker Benefited From His Mother's Embezzlement" -- News: "Policing for DUMMIES" -- Post: "QUID PRO DOUGH"

NEW TWITTER PROFILE: "Bill de Blasio is preparing to run for president as Democrats' 'leftist' alternative to Clinton." -- via @DraftDeBlasio http://bit.ly/1QbRIPM

FUN WITH BILL AND HILLARY -- On Fox, Dick Morris said: "There's a vacancy. There's like an ad on Craigslist, 'Wanted: Leftist to run for president as a Democrat.' And the left certainly wants one. They are opposed to Hillary on any number of issues. The problem is that nobody of sufficient stature has stepped up top the plate. If de Blasio did, he would make a very potent candidate because I think that he certainly has demonstrated, as mayor of New York, a fidelity to a screwed-up agenda. At least he's faithful to it. And I believe that it's way too early to concede this nomination to Hillary." via Mediaite: http://goo.gl/JWyFpg

-- WATCH: De Blasio walking out of the Blue Room as CBS's Dick Brennan tries asking the mayor about running for president. http://goo.gl/6Yi3j3

REVIEWING THE GARNER DECISION -- Capital's Colby Hamilton: A state appeals court has granted a request by Public Advocate Letitia James and others to reconsider whether the grand jury proceedings in the case of Eric Garner should be made public, according to an attorney for the public advocate.

The four petitioners asked the court to review a Staten Island judge's decision to deny their request to unseal portions of the grand jury proceeding. The appeals court agreed to fast-track the review. ... James: "The crisis of confidence in our criminal justice system is intensifying every way, and we must act now" and "The public has the right to know what happened behind closed doors so we can restore transparency in our faith in the criminal justice system." http://goo.gl/Xf5AtI

TARGETING BROKEN WINDOWS -- Capital's Azi Paybarah: City Council Speaker Melissa Mark-Viverito is touting a plan she says will help "minimize" the public's contact with the criminal justice system "as much as possible" by reducing penalties for a host of quality-of-life offenses, including drinking in public, hopping turnstiles and public urination.

Mark-Viverito said criminal penalties for certain quality-of-life crimes are punitive and do long-term harm to too many people. "We have a lot of young people that are interacting, being arrested, being put in jail at times from the age of 16, 17, 18 even up to 20," she said. "But we are concerned about that interaction because it can have negative results in the long-term, in terms of people being able to get a job, in terms of retaining their housing if they're in jail for seven to 10 days, the impact it has in the larger scope are things that have to be taken into account. So we want to minimize that much interaction."

CRIME STATS -- Capital's Azi Paybarah: Eight people were murdered in New York City last week, bringing this year's total to 94, a 10.6-percent increase from this time last year, when 85 murders had been recorded, according to newly released data from the NYPD. Thirty-six people were victims of gunfire last

week, bringing the total for the year to 312, slightly higher than the 302 that were recorded a year ago at this time. According to the NYPD, there were 31 shooting incidents last week, bringing the year's total to 276, slightly higher than the 262 recorded at this time last year.

Uneasy support: Some of the progressive groups opposing the push to hire more police are welcoming this latest effort to reduce criminal penalties on quality-of-life crimes. But, they say, there should not be any deal-making on these two issues. "Decriminalizing low-level infractions can be a positive step, because it will decrease the unnecessary collateral consequences of over-criminalization that harms New Yorkers and our city," Priscilla Gonzalez of Communities United for Police Reform, said in a statement. But she warned about the need "to acknowledge and tackle the root causes that feed disparities" in police enforcement. Alex Vitale, a professor at Brooklyn College and critic of Bratton's police tactics, said reducing quality-of-life penalties "would be a major step toward ending Broken Windows policing because it decriminalizes many of the most commonly used offenses that police rely on to intervene in people's public non-criminal behavior. http://bit.ly/1HpeFeb

A BRONX TALE -- How Heastie bought his home -- Times' Russ Buettner and David Chen: "About 16 years ago, when he had not yet run for public office but had already become entrenched in Bronx Democratic politics, [Assembly Speaker Carl] Heastie was able to hold onto a home that prosecutors said his mother had bought with embezzled money and that a judge had instructed him to sell. Selling it years later brought what appears to be the only significant financial gain of his life. ... An unusual string of legal lapses enabled Mr. Heastie to keep the home, an apartment in a three-story row house in the Bronx. Carelessness of those involved in the case could be to blame, or something more unsettling could have occurred, given the Bronx Democratic Party's influence on the court system and its long history of back-room deal-making." http://goo.gl/pVFREk

POOR DOOR -- Times Mireya Navarro: "A glassy new tower in New York City attracted an outcry for featuring one entrance for condominium owners and another for low-income tenants. But having to walk through a so-called poor door has not deterred those seeking an affordable place to live. As of Monday, the deadline for applying, more than 88,000 people had put their name in for the 55 low-priced units, the developer said. 'I guess people like it,' said Gary Barnett, founder and president of Extell Development Company, the tower's developer. 'It shows that there's a tremendous demand for high-quality affordable housing in beautiful neighborhoods.' ...

-- "Despite the controversy, it is not surprising that people are knocking down the poor door to get in. Housing lotteries, which the city uses to distribute subsidized apartments in new buildings, have been drawing record numbers after the system began allowing online applications in 2013 and as the rental market has gotten tighter. The lotteries are expected to multiply after [Mayor Bill] de Blasio's pledge to produce 80,000 new affordable units over 10 years. Already this year, 10 lotteries have been held for 698 units that received about 486,000 applications." http://goo.gl/5EzzSj

RUDY'S FUND-RAISER FOR DONOVAN -- Capital's Colby Hamilton: Former mayor Rudy Giuliani will headline a fund-raiser and rally for congressional candidate Daniel Donovan, his campaign announced Sunday. The event, described as a "supporters rally" by a Donovan campaign spokeswoman, is scheduled for next Saturday at the Hilltop Garden Inn in Staten Island. Tickets are \$25 per person. The campaign expects a few hundred supporters.

Giuliani was an early support of Donovan's campaign. Former aides organized a super PAC for Donovan weeks before he officially announced he was running. Donovan, the Staten Island district attorney, is running to replace former congressman Michael Grimm, who resigned from Congress in early January after pleading guilty to federal tax fraud. The election in the 11th Congressional District, which encompasses all of Staten Island and a portion of southwest Brooklyn, will be held on May 5.

CITY COUNCIL

ACCESSIBLE WEB -- Bills requires the city's websites to be translated and meet federal accessibility standards -- Capital's Miranda Neubauer: Chris Long, assistant commissioner for web strategy and operations at the Department of Information Technology and Telecommunications, said the department is working with city agencies to redesign their websites based on the template of the redesigned homepage, which offers automatic translation options through Google. He also said the Mayor's Office of Immigrant Affairs launched a comprehensive program earlier this year to step up its language access issues.

The Council found in a report that of the 91 agencies and offices with active websites, 25 percent did not have a translation option. Williams said that while the NYPD had such an option, it was only in English and that the FDNY had none. http://bit.ly/1J3XwZC

SANITATION UPGRADE -- News' Lisa Colangelo: "The City Council wants to spend \$2.7 million to get dungeon-like facilities for female sanitation workers out of the Dark Ages. Council Speaker Melissa Mark-Viverito said the funds — paired with another \$2.5 million in the city's proposed budget — could finally bring bathrooms, showers and lockers for women at old city garages into the modern era." http://goo.gl/nXW396

TODAY

10 a.m. -- The health committee meets to hear three bills. Two will make technical corrections to pet shop bills passed earlier this year. Intro. 599 would "require all schools, grades 6-12, gyms, health clubs and athletic clubs to post warnings in locker rooms regarding anabolic steroid and human growth hormone use." City Hall, Council Chambers. http://on.nyc.gov/1Dvcq3g

10 a.m. -- The Committee on Economic Development will hold an oversight hearing on "the economic impact of the federal export-import bank in New York City." City Hall, Committee Room. http://on.nyc.gov/1JnW6G4

1 p.m. -- The Committee on Contracts and the Committee on Housing and Buildings will hold a joint oversight hearing of contracting processes for the mayor's affordable housing plan. City Hall, Chambers. Public Advocate Tish James to testify: http://on.nyc.gov/1DFHWyK

-- FOLLOW Capital's Council Bill Tracker to keep up with the latest bills being introduced, and relevant legislation including the number of sponsors for each bill: http://bit.ly/1H5DVYj

And Capital's Council Agenda Tracker to keep up with the week ahead at the City Council, including hearings and events: http://bit.ly/1FYQU8E Via @BrendanCheney

SHORT READS:

- **-- Rep. Greg Meeks of Queens defended** his support of the controversial Trans Pacific Partnership trade deal many Democrats and union leaders oppose. Observer's Will Bredderman: http://goo.gl/gPpyh8
- -- Charges were dropped against Jeanine Johnson, a staffer to Assemblyman Keith Wright, related to a D.U.I. stop last year. Post's Rebecca Rosenberg and Kathleen Culliton: http://goo.gl/C46XKk
- -- "Two bullets pierced an MTA bus filled with passengers in a shooting near Central Park on Monday, police said. The gunman began shooting at E. 104 St. and Madison Ave. in front of the George Washington Carver Houses in East Harlem around 5:15 p.m., police said. One bullet hit 31-year-old Kasheef Queen, who

was on the street, in the heel, and two other slugs hit an M3 bus, the sources said." News' Pete Donohue, Laura Bult, Joseph Stepansky and Kerry Burke: http://goo.gl/fbg041

EVENTS:

9:30 a.m. -- City Comptroller Scott Stringer speaks at press conference on Export-Import Bank, on the City Hall steps.

10 a.m. -- New York Power Authority president and C.E.O. Gil Quiniones and M.T.A. chairman Tom Prendergast announce completion of a \$25 million energy efficiency project at Grand Central Terminal, 89 E. 42nd Street in Manhattan.

11 a.m. -- Mothers and child safety advocates deliver piles of toxic toys to the Manhattan headquarters of the Toy Industry Association, a group that opposes laws aimed at getting toxic chemicals out of toys and other children's products. Toy Industry Association, 1115 Broadway in Manhattan.

5:30 p.m. -- Public Advocate Letitia James speaks at John Jay College's Women in Politics Series, at 524 West 59th Street, in Manhattan.

6 p.m. -- Governor Andrew Cuomo speaks at the Food Bank for New York City's annual Can Do awards dinner, Cipriani Wall Street, 55 Wall Street in Manhattan.

6:30 p.m. -- Councilman Andy King hosts a Constituent Night event, Eastchester Gardens Community Center, 3016 Yates Avenue in the Bronx.

7 p.m. -- NY1's "Inside City Hall": Hillary Clinton adviser Karen Finney; Steve Banks, city Human Resource Administration and, and Vicki Been, city housing and preservation; plus the NY1 Wise Guys, with Al D'Amato, Anthony Weiner & C. Virginia Fields.

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