



Summary of Final Board Determination

Raquel Batista

Candidate, 2013, City Council District 15, Bronx

Program participant: \$89,940 in public funds received

1. Converting campaign funds to a personal use. \$929

Campaigns are prohibited from converting campaign funds to a personal use. *See* Admin. Code §§ 3-702(21)(b); Board Rules 1-03(a), 2-02.

Batista used her personal cellphone for campaign purposes, and the Campaign reimbursed her \$1,378.26 for a pro rata portion of her cellphone expenses from August 24, 2012 to September 23, 2013. In addition to the pro rata portion of Batista's cellphone bill, the Campaign also paid \$466.08 in personal cellphone costs on September 6, 2013. Because this payment was over and above the pro rata share of campaign-related calls, the Campaign subsidized Batista's personal calls. Further, the Campaign paid \$140.87 on April 1, 2013, for a second cellphone with accessories, assigned to Batista's personal phone number. In April 2013, the Campaign also paid \$89.20 for an "Early Device Upgrade" and "Device Updated Activation Fee" for the new cellphone. The Campaign's purchase of a replacement cellphone with accessories and related fees was impermissible, because the phone was a durable good purchased for her personal use. Although Batista used the phone for her campaign, it was her personal property.

The Board assessed a penalty of \$929 for this violation.

2. Making impermissible post-election expenditures. \$654

After an election and before repaying leftover campaign funds to the Board, participants may spend campaign funds only to pay campaign-related expenses incurred in the preceding election and for "routine activities involving nominal cost associated with winding up a campaign and responding to the post-election audit." *See* Admin. Code §§ 3-702(21)(a)(8), 3-703(1)(d), (g), (6), (11), 3-710(2)(c); Board Rules 1-03(a), 1-08(b), 5-03(e)(2). With regard to post-election events, a campaign may only hold a single event for staff, volunteers and/or supporters within thirty days of the election. *See* Admin. Code § 3-702(21)(a)(8); Board Rule 5-03(e)(2)(ii).

The Campaign made 60 expenditures, totaling \$2,619.28, that due to their timing, amount and/or purpose are impermissible.

From January through March 2015, the Campaign paid Nationbuilder a total of \$72. It paid recurring charges totaling \$282.48 to 3DNA Corp from November 2013 through November 2014. The Campaign also paid recurring charges totaling \$585.90 to Authorize.Net, and \$1,407.95 to Flagship Merchant Services, from December 2013 through August 2015. On April 15, 2015, the Campaign paid the New York City Department of Transportation \$13. It paid an unknown entity \$181.95 on June 3, 2015. It paid Register.Com \$38 on June 12, 2014 and \$38 on June 12, 2015.



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The election took place on September 10, 2013. These expenditures were incurred and paid long after the election and therefore are impermissible.

The Board assessed a penalty of \$654 for these violations.

3. Failing to respond/late response to audit documentation and information requests. \$50

Campaigns are required to maintain records, such as copies of checks, invoices, and bank records, to verify financial transactions reported in disclosure statements, and campaigns are required to provide such records to the Board upon request and to respond to specific questions regarding compliance with the Act and Rules. *See* Admin. Code §§ 3-703(1)(d), (g), (6), (11), (12), 3-708(5), 3-710(1); Board Rules 1-09(a), 4-01, 4-05(a).

The Campaign submitted its response to the Draft Audit Report one day late, on January 17, 2015.

The Board assessed a penalty of \$50 for this violation.