



Summary of Final Board Determination

Ydanis Rodriguez

Candidate, 2013, 10 Manhattan

Program participant: \$87,350 in public funds received

1. Failing to provide merchant account statements. \$500

Campaigns are required to provide copies of all bank and merchant account statements for accounts used for each election. *See* Admin. Code §§ 3-703(1)(d), (g), (11); Board Rule 4-01(f).

The Campaign failed to provide statements for its First Data merchant from inception through June 2013, and August 2013.

The Board assessed a penalty of \$500 for this violation.

2. Accepting over-the-limit contributions. \$625

Campaigns are prohibited from accepting contributions in excess of the applicable contribution limit. *See* Admin. Code §§ 3-702(8), 3-703(1)(f), (11); Board Rules 1-04(c)(1), (h), 1-07(c). In addition, campaigns may not accept contributions in excess of the “doing business” contribution limits from individuals or entities that have business dealings with the City: \$250 (for candidates for City Council). *See* Admin. Code §§ 3-702(8), (18), (20), 3-703 (1-a), (1-b); Board Rules 1-04(c)(1), (h).

The Campaign received two contributions from Mason Tenders’ District Council which exceeded the \$2,750 limit by \$1,000. Following notification by Board staff, the Campaign promptly refunded the overage.

The Campaign received three contributions totaling \$260 from one individual who is listed in the New York City Doing Business database, and refunded the overage 48 days late. The Campaign received four contributions totaling \$350 from a second individual who is listed in the database, and refunded the overage 141 days late.

The Board assessed penalties totaling \$625 for these violations.

3. Accepting an in-kind contribution from a corporation. \$550

Campaigns may not accept, either directly or by transfer, a campaign contribution or loan, or guarantee or other security for such loan, from any corporation, limited liability company (LLC), or partnership. *See* N.Y.C. Charter § 1052(a)(13); Admin. Code §§ 3-702(8), 3-703(1)(l); Board Rules 1-04(c)(1), (e), (g), 1-05. Creditors who extend credit beyond 90 days are considered to have made a contribution equal to the credit extended, unless the creditor continues to seek payment of the debt. Outstanding liabilities that are forgiven or settled for less than the amount owed are also considered contributions. *See* Board Rules 1-04(g)(4), (5).



Summary of Final Board Determination

The Campaign reported paying El Tiburon Entertainment Inc. \$300 on September 3, 2013, but bank records do not show this payment.

The Board assessed a penalty of \$550 for this violation.

4. Accepting contributions from unregistered political committees. \$2,922

Campaigns may not accept a contribution from a political committee unless the political committee is registered with the CFB or registers with the CFB within 10 days of receipt of the contribution. *See* Admin. Code §§ 3-702(11), 3-703(1)(k), 3-707; Board Rules 1-04(c)(1), (d), (g), 1-05. Creditors who extend credit beyond 90 days are considered to have made a contribution equal to the credit extended, unless the creditor continues to seek payment of the debt. Outstanding liabilities that are forgiven or settled for less than the amount owed are also considered contributions. *See* Board Rules 1-04(g)(4), (5).

On June 15, 2011, the Campaign accepted a \$40 contribution from Friends of Manny De Los Santos, a political committee that was not registered with the CFB. Following notification by the Board, the Campaign promptly refunded the contribution.

The candidate appeared on a two-lot palm card order commissioned by Northern Manhattan Democrats for Change (“NMDC”), which cost a total of \$16,331.25. NMDC, a political committee that was not registered with the CFB, paid \$8,000. The portion of the cards attributable to the Campaign is 25% of the total order (50% of one side of each two-sided palm card), or \$4,082.81. However, the Campaign only paid \$1,500, resulting in a \$2,582.81 difference, which is an unreported in-kind contribution from NMDC.

The Board assessed penalties totaling \$2,922 (\$90 Friends of Manny De Los Santos + \$2,832 NMDC) for these violations.

5. Failing to report and document a transaction. \$100

Campaigns are required to document all financial transactions, including loans, in-kind contributions, and joint expenditures. *See* Admin. Code §§ 3-703(1)(d), (g), (11), (12), 3-715; Board Rules 1-09, 4-01(a), (c), (g), (k), 4-03.

The candidate appeared on a palm card used by the Julie Menin 2013 (“Menin”) campaign. The Menin campaign paid \$3,750 to its consultant, Berlin Rosen, for these cards. The Campaign did not report or document paying Berlin Rosen or the Menin campaign for the cards, or report receiving an in-kind contribution of the cards from the Menin campaign.

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



Summary of Final Board Determination

6. Failing to demonstrate compliance with intermediary reporting and documentation requirements. No Penalty

Campaigns are required to report the intermediary for each contribution that was delivered or solicited by an intermediary. In addition, campaigns are required to provide a signed intermediary affirmation statement for each intermediated contribution. *See* Admin. Code §§ 3-703(1)(d), (g), (6), (11); Board Rules 3-03(c)(7), 4-01(b)(5).

The Campaign reported receiving four \$300 contributions, intermediated on February 4, 2013, but failed to submit the Intermediary Form.

The Board determined that this was a violation but did not assess a penalty.

7. Failing to demonstrate that spending was in furtherance of the campaign. \$956

Campaigns are required to demonstrate that all spending was in furtherance of the campaign. *See* Admin. Code §§ 3-702(21)(a), (b); 3-703(1)(d), (g), (6), (11); Board Rules 1-03(a), 4-01(e).

The Campaign made 111 expenditures, totaling \$3,826.27, which it failed to demonstrate were in furtherance of the campaign. These included payments for food, transportation, gasoline, tolls, restaurants and parking tickets.

The Board assessed a penalty of \$956 for this violation.