



## Summary of Final Board Determination

### Kirsten Foy

Candidate, 2013, Council District 36

Program participant: \$92,390 in public funds received

**1. Failing to report a merchant account used for campaign purposes \$250**

Campaigns are required to report all bank, merchant, and depository accounts used for campaign purposes. *See* Admin. Code §§ 3-703(1)(c), (d), (11); Board Rules 1-11(d), 2-06. The bank statements provided by the Campaign revealed that a Litle & Co. merchant account was used for campaign purposes but was not reported to the Board.

The Board assessed a penalty of \$250 for this violation.

**2. Filing late disclosure statements \$300**

Campaigns are required to file complete and timely disclosure statements on scheduled dates. *See* NYC Charter § 1052(a)(8); Admin. Code §§ 3-703(6), (12), 3-708(8); Board Rules 1-09, 3-02. The Campaign filed disclosure statement 12 on January 25, 2013, five days after the relevant deadline, and disclosure statement 14 on October 26, 2013, one day after the relevant deadline.

The Board assessed total penalties of \$300 for these violations.

**3. Accepting an over-the-limit contribution \$250**

Campaigns may not accept contributions in excess of the “doing business” contribution limit (\$250 for candidates for City Council) from individuals or entities that have business dealings with New York City (the “City”). *See* Admin. Code §§ 3-702(8), (18), (20), 3-703 (1-a), (1-b); Board Rules 1-04(c)(1), (h).

On May 11, 2013, the Campaign received a \$1,000 contribution from an individual who appears on the City Doing Business Database. On June 4, 2013, the Board staff notified the Campaign that it had accepted an over-the-limit doing business contribution and instructed it to return the \$750 overage to the contributor no later than June 24, 2013. The Campaign did not refund the overage until June 26, 2013, two days after the deadline.

The Board assessed a penalty of \$250 for this violation.



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**4. Failing to demonstrate compliance with intermediary reporting and documentation requests** **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 did not submit an intermediary affirmation statement for intermediary James P. Hedge.

The Board did not assess a penalty for this violation.

**5. Failing to demonstrate that spending was in furtherance of the campaign** **\$875**

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 reported an expenditure to “DV Toon Consulting” in the amount of \$3,500. However, the expenditure documentation provided by the Campaign failed to describe the specific services provided by the vendor and therefore lacked sufficient details to demonstrate that such expenditure was in furtherance of the campaign.

The Board assessed a penalty of \$875 for this violation.

**6. Late response to the initial document request** **\$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).

On January 24, 2014, the Board staff sent the Campaign an initial document request (“IDR”) as part of the Campaign’s post-election audit. The Campaign responded to the IDR on February 25, 2014, one day after the February 24, 2014 response deadline.

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