



## Summary of Final Board Determination

### Kimberly Council

**Candidate, 2013, City Council District 37, Brooklyn  
Program participant; \$104,336 in public funds received**

**1. Failing to demonstrate compliance with reporting requirements for receipts \$250**

Campaigns are required to demonstrate compliance with the reporting requirements and are required to provide bank records, including bank statements and deposit slips. *See* Admin. Code §§ 3-703(1)(d), (g), (6), (11), (12); Board Rules 1-09, 3-03(c), (d), (e), 4-01.

The Campaign reported \$171,775.19 in receipts, but the bank statements provided account for \$181,421.55 in receipts, a difference of \$9,646.36. This constitutes a variance of 5.62% between the receipts reported and documented by the Campaign.

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

**2. Accepting contributions from a corporation and a limited liability company \$350**

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), 3-719(2)(b); Board Rules 1-04(c)(1), (e), (g), 1-05.

The Campaign accepted a \$500 contribution from Sullivan & Cromwell LLP and refunded the contribution nearly three months after the deadline. The Campaign also accepted a \$50 contribution from Body and Soul Hair Studio, a partnership. The Campaign refunded the contribution nine days after the deadline.

The Board assessed a penalty of \$350 for these violations.

**3. Accepting a contribution from an unregistered political committee \$275**

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.

The Campaign accepted a \$25 contribution from Friends of Decosta Headly, an unregistered political committee. It did not refund the contribution.

The Board assessed a penalty of \$275 for this violation.



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**4. Failing to demonstrate compliance with intermediary reporting and documentation requirements \$100**

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), 3-719(1); Board Rules 3-03(c)(7), 4-01(b)(5).

The Campaign provided an intermediary statement from Progressive Caucus Alliance listing contributions that were not reported by the Campaign as intermediated.

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

**5. Failing to demonstrate that spending was in furtherance of the campaign \$100**

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).

Two weeks prior to the general election, the Campaign made a \$163.30 expenditure for a one year computer protection plan. The plan only covered two weeks of computer use for the general election and is therefore considered non-campaign related.

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

**6. Making impermissible post-election expenditures \$247**

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).

The Campaign made expenditures totaling \$991.96 that were impermissible post-election expenditures. The Campaign stated that the expenditures were for expenses related to winding down the campaign, but it did not provide receipts or invoices.

The Board assessed a penalty of \$247 for this violation.



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**7. Late response to the initial documentation request \$2,086**

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), 3-719(1)(b); Board Rules 1-09(a), 4-01, 4 05(a). The Campaign responded to the initial documentation request 123 days late.

The Board assessed a penalty of \$2,086 for this violation.