



Summary of Final Board Determination

Ritchie Torres

Candidate, 2013, City Council District 15, Bronx
Program participant: \$143,460 in public funds received

1. Failing to timely deposit campaign contributions \$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), (10), (11), (12); Board Rules 1-04(b), 1-09, 3-03(c), (d), (e), 4-01. Campaigns are required to timely deposit all contributions into the committee's bank account.

The Campaign submitted three deposit slips dated February 7, 2014, accounting for \$10,404.17 in receipts, comprised of thirty-five contributions received and reported prior to the election. Primarily because the Campaign did not timely deposit these contributions, the Campaign's bank reconciliation shows a 4.03% receipts variance.

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

2. Filing a late disclosure statement No Penalty

Campaigns are required to file complete and timely disclosure statements on scheduled dates. *See* N.Y.C. Charter § 1052(a)(8); Admin. Code §§ 3-703(6), (12), 3-708(8), 3-719(1); Board Rules 1-09, 3-02. The Campaign filed Disclosure Statement 15 one day late.

The Board did not assess a penalty for this violation.

3. Failing to file and late filing of pre-election disclosure statements \$125

Aggregate contributions and loans from a single source in excess of \$1,000, and aggregate expenditures in excess of \$20,000, received or made within 14 days of an election, must be disclosed to the Board within 24 hours. *See* Admin. Code §§ 3-703(6), (12), 3-708(8); Board Rules 1-09, 3-02(e).

The Campaign failed to file the required daily disclosures to report expenditures totaling \$47,192.85 to Red Horse Strategies. In addition, it filed the required daily disclosure for a \$28,765.32 expenditure to Red Horse Strategies eleven days late.

The Board assessed a penalty of \$125 for these violations.



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4. Accepting an over-the-limit contribution \$250

Campaigns are prohibited from accepting contributions in excess of the applicable contribution limit (\$2,750 for 2013 City Council candidates). *See* Admin. Code §§ 3-702(8), 3-703(1)(f), (11); Board Rules 1-04(c)(1), (h), 1-07(c).

The Campaign accepted a \$2,750 monetary contribution and a \$305.96 in-kind contribution from Mason Tenders DC PAC. These contributions total \$3,055.96, \$305.96 over the applicable contribution limit.

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

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

The Campaign submitted an intermediary affirmation form for Brad Lander 2013 as an intermediary for a \$175 contribution, but did not report the intermediary.

The Board did not assess a penalty for this violation.

6. Failing to document transactions \$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 Campaign made a joint expenditure as part of the Bronx Democratic County's designating petitioning. The invoice provided by the Campaign indicates the total amount billed to the Campaign, but does not show the total cost of the expenditure or the methodology for how the Campaign's share was determined.

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



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7. Making impermissible post-election expenditures \$836

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 \$3345.03 that, based on their timing, amount, and/or purpose, are impermissible post-election expenditures. These expenditures included payments for cellphone bills and merchant account fees.

The Board assessed a penalty of \$836 for these violations.

8. Late response to the Draft Audit Report \$150

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 submitted its response to the Draft Audit Report three days late.

The Board assessed a penalty of \$150 for this violation.