



Summary of Final Board Determination

Joann Otero

Candidate, EC2016A, City Council District 17

Program participant: No public funds received

1. Failing to provide bank and 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 bank account statements for one Bank of America account from August 2016 to the present and for another Bank of America account from its inception to the present. The Campaign also failed to provide merchant account statements for its Vantiv account from January 2016 to the present.

The Board assessed a penalty of \$500 for these violations.

2. Failing to demonstrate compliance with cash receipts reporting and documentation requirements \$205

Campaigns are required to report all cash receipts, deposit them into the bank account listed on the candidate's filer registration and/or certification, and provide the deposit slips for the account to the Board. *See* Admin. Code §§ 3-703(1)(d), (g), (6), (10), (11), (12); Board Rules 1-04(a), (b), 2-06(a), 3-03(c), 4-01(a), (b)(1), (3), (f).

The Campaign reported \$2,464 in cash receipts but only provided deposit slips accounting for \$1,641 in cash receipts, a difference of \$823, resulting in a 33.40% variance between cash receipts reported and documented.

The Board assessed a penalty of \$205 for these violations.

3. Failing to demonstrate compliance with subcontractor reporting and documentation requirements \$50

If a campaign makes an expenditure to a vendor that relied on subcontractors to provide the goods or services to the campaign, and the cost of the subcontracted goods or services provided by a single subcontractor exceeds \$5,000, the campaign must report, in addition to the expenditure, the name and address of the subcontractor, the amount(s) of the expenditure(s) to the subcontractor, and the purpose(s) of the subcontracting. The candidate must also obtain and maintain documentation from each vendor that used subcontractors. *See* Admin. Code §§ 3-703(1)(d), (g), (6), (11); Board Rules 3-03(e)(3), 4-01(h).

The Campaign reported expenditures to First Line Printing totaling \$10,378.37. The Campaign provided an unsigned Subcontractor form indicating that First Line Printing had used



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Valentin Consulting as a subcontractor, as well as a signed contract between Valentin Consulting and the Campaign for consulting services.

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

4. Accepting an over-the-limit contribution \$1,600

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: \$125 (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 accepted a \$1,375 (\$1,250 over the applicable contribution limit) contribution from an individual listed in the Doing Business Database, on January 21, 2016. The campaign did not refund the overage.

The Board assessed a penalty of \$1,600 for this violation.

5. Failing to document outstanding liabilities \$1,500

Campaigns are required to provide documentation for outstanding liabilities upon Board request. *See* Admin. Code §§ 3-702(8), 3-703(1)(d), (g), (6), (11); Board Rules 1-04(g)(4)-(7), 1-09, 4-01(c), (d), (l).

The Campaign reported, but failed to document, outstanding liabilities of \$10,378.37 to First Line Printing and \$4,989.04 to Valentin Consulting, which suggests that they remain outstanding.

The Board assessed a penalty of \$1,500 for this violation.

6. Filing late disclosure statements \$650

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); Board Rules 1-09, 3-02.

The Campaign filed disclosure statement 4 one day late and disclosure statement 5 twelve days late.

The Board assessed a penalty of \$650 for this violation.



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7. Late response to the Initial Documentation 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).

The Campaign responded to the Initial Documentation Request one day late.

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