



## **Summary of Final Board Determination**

### **Sal Albanese**

**Candidate, 2013, Mayor**

**Program participant: \$0 in public funds received**

**1. Failing to provide merchant account statements. \$50**

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 merchant account statements for its CyberSource merchant account for November 2013 through January 2014, and failed to provide merchant account statements for its American Express merchant account for January 2013 and April 2013.

The Board assessed a penalty of \$50 for these violations.

**2. Failing to file a daily pre-election disclosure statement. \$250**

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 received a \$30,000 loan from Albanese on September 9, 2013 which it failed to report in a daily pre-election disclosure statement.

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



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### **3. Accepting an over-the-limit contribution. \$10,000**

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). A loan not repaid by the day of the election is considered a contribution subject to the contribution limit. Loans that are forgiven or settled for less than the amount owed are also considered contributions. *See* Admin. Code § 3-702(8); Board Rules 1-05(a), (j).

Under the Act, Albanese was permitted to contribute up to three times the \$4,950 limit, or \$14,850, to his campaign. *See* Admin. Code § 3-703(1)(h). He made three \$4,950 contributions to the Campaign in January 2013. In addition, he made three loans to the Campaign: \$100,000 on December 12, 2012, \$25,000 on August 10, 2013, and \$30,000 on September 9, 2013. The Campaign failed to repay the loans, and therefore Albanese's contributions to the Campaign exceeded the permissible limit by \$155,000.

The Board assessed a penalty of \$10,000 for this violation.

### **4. Accepting a contribution from a corporation. \$125**

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.

The Campaign accepted a \$250 contribution from John M. Giordano P.C. on March 6, 2013, and refunded it after being notified by the Board staff.

The Board assessed a penalty of \$125 for this violation.