



## Summary of Final Board Determination

### Michael R. Duncan

#### **Candidate, February 2013, Council District 31**

#### **1. Accepting contributions from corporations \$115**

Candidates are prohibited from accepting contributions from corporations. *See* Admin. Code § 3-703(1)(l); Board Rule 1-04(e). When a candidate has received a prohibited contribution, the candidate must promptly refund the contribution. *See* Board Rule 1-04(c)(1).

The Campaign received contributions from two corporations: \$50 from Smith Electronics on November 29, 2012, and \$65 from Mitchell Group on November 30, 2012. Following notification by CFB staff, the Campaign promptly refunded both contributions.

The Board assessed penalties totaling \$115 for these violations.

#### **2. Failing to demonstrate that spending was in furtherance of the campaign \$423**

Campaigns may only spend campaign funds for items that further the candidate's election. Expenditures for purposes other than the candidate's election are considered "non-campaign related." In examining whether an expenditure is in furtherance of a campaign, CFB staff considers, among other things, the timing of the expenditure, its purpose, and its cost. *See* Admin. Code § 3-702(21); *also* Advisory Opinion No. 2007-3 (March 7, 2007).

The Campaign made the following expenditures, totaling \$1,694.49:

<u>Payee</u>	<u>Invoice Date</u>	<u>Date Paid</u>	<u>Amount</u>
Best Buy	2/07/13	2/07/13	\$868.99
Best Buy	2/07/13	2/07/13	\$716.89
Best Buy	2/09/13	2/09/13	\$32.59
Best Buy	2/11/13	2/11/13	\$76.02

The election was held on February 19, 2013. The Campaign failed to provide adequate explanations and documentation demonstrating that these expenditures, which were made less than two weeks before the election, were in furtherance of the Campaign.

The Board assessed a penalty of \$423 for this violation.



## New York City Campaign Finance Board

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### **3. Making impermissible post-election expenditures \$371**

A candidate may use public funds only to further his or her nomination or election. *See* Admin. Code § 3-702(21); Board Rule 1-08(g). A candidate must demonstrate that post-election expenditures were made only for routine activities involving nominal cost associated with winding up a campaign and responding to the post-election audit. Board Rule 5-03(e)(2).

The 2013A special election for District 31 was held on February 19, 2013, and the Campaign reported receiving its final contribution for the 2013A election on February 14, 2013. The Campaign made post-election expenditures totaling \$1,486.86. Under the Act and Board Rules, only one “post-election event for staff, volunteers, and/or supporters held within thirty days of the election” is permissible. *See* Admin. Code § 3-702(21)(a)(8); Board Rule 5-03(e)(2)(ii). The Campaign had already reported a “Thank You” event held on March 17, 2013. For other expenditures, the Campaign failed to demonstrate that they were for routine activities involving nominal cost associated with winding up the campaign and responding to the post-election audit.

The Board assessed a penalty of \$371 for this violation.