



**New York City Campaign Finance Board**

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April 14, 2016

**By First Class Mail and C-ACCESS**

Laurie Cumbo



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**FINAL BOARD DETERMINATION – EC2013 CAMPAIGN**

The New York City Campaign Finance Board (“Board”), at a meeting held on April 14, 2016, made the following final determination concerning the Laurie Cumbo 2013 Campaign (“Campaign”):

**Violations and Penalties**

The Board determined that the Candidate, the Treasurer, and the Committee named above violated the New York City Campaign Finance Act (“Act”) and Board Rules and are jointly and severally liable for paying \$9,279 in penalties as follows:

1. A penalty of \$100 for failing to file daily pre-election disclosure statements.

**Candidate ID Number: 1589-P**

See Admin. Code §§ 3-703(6), (12), 3-708(8); Board Rules 1-09, 3-02(e).

The Campaign did not file the required daily disclosures to report the following expenditures:

NAME	DATE INCURRED	AMOUNT
The Advance Group	09/03/13	\$3,000.00
The Advance Group	09/03/13	\$3,692.60
The Advance Group	09/03/13	\$9,372.10
The Advance Group	09/09/13	\$22,991.00

As a result of the final transaction, the Campaign incurred more than \$20,000 in aggregate expenditures to The Advance Group during the two weeks preceding the primary election, and was therefore required to file a daily disclosure to report this expenditure and all preceding expenditures incurred to this vendor within those two weeks.

2. A penalty of \$1,016 for accepting an over-the-limit contribution. See Admin. Code §§ 3-702(8), 3-703(1)(f), (11); Board Rules 1-04(c)(1), (g)(4), (g)(5), (h), 1-07(c). The Campaign stated that it agreed to pay Jarvis Houston (“Houston”) at a rate of \$3,250 per month from May 1-September 20, 2013. However, the Campaign did not pay Houston for the month of July and paid him \$2,000 for work performed from September 1-20, for which the correct prorated amount would have been \$2,166 (( $\$3,250/30$  days) x 20 days worked). Accordingly, the Campaign underpaid Houston by a total of \$3,416 (\$3,250 for July plus \$166 for September). The unpaid amount is considered an in-kind contribution from Houston, which exceeds the legal limit by \$666 ( $\$3,416 - \$2,750$ ). The Board assessed a penalty of \$350 plus the overage.

3. A penalty of \$450 for accepting contributions from corporations, limited liability companies, or partnerships. 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 reported a \$100 contribution from Rodney Leon (“Leon”) on December 3, 2012. The documentation provided indicates that the contribution was from Rodney Leon Architects, which is listed on the New York State Department of State’s Corporation and Business Entity Database (the “Database”) as Rodney Leon Architect PLLC. After notification from the CFB, the Campaign timely refunded the contribution.

The Campaign provided a signed affidavit from Rotimi Akinnuoye (“Akinnuoye”) stating that he donated \$100 in wine for a campaign fundraising event on March 9, 2013 at the House of Art Gallery. Akinnuoye stated that the wine was from his store, Bed Vyne Brew, of which he is the sole proprietor. However, according to the Database, Bed Vyne Brew is an LLC.

The Board assessed penalties of \$100 for Leon and \$350 (\$250 plus the amount of the contribution) for Akinuoye.

4. A penalty of \$200 for failing to document transactions. *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 reported, but failed to adequately document, in-kind contributions totaling \$2,250. Due to the lack of documentation, the fair market value of the contributions could not be substantiated.

A palm card obtained by the CFB indicates that the Campaign engaged in joint campaign activity with William C. Thompson, Scott M. Stringer, Letitia James, and Charles J. Hynes. However, the Campaign did not provide this literature or account for the joint activity.

The Board assessed penalties of \$100 per transaction.

5. A penalty of \$707 for maintaining a petty cash fund greater than \$500. *See* Board Rule 4-01(e)(2). The Campaign made a cash withdrawal of \$7,577 on September 11, 2013. The Board assessed a penalty of 10% of the amount of the impermissible portion of the fund.

6. A penalty of \$6,806 for exceeding the expenditure limit. *See* Admin. Code §§ 3-703(1)(i), (11), 3-706, 3-711(2)(a); Board Rules 1-08(c), (d), (l), 7-05(b). The Campaign exceeded the primary election expenditure limit by \$4,537.77 (2.7%). The Board assessed a penalty of 1.5 times the amount of the overage.

### **Public Funds Calculation**

The Board determined that the Campaign must return \$486.45, representing its Final Bank Balance. Accordingly, the Committee and Candidate named above will be responsible for repaying \$486.45.

**The Board determined that the amount due is \$9,765.45 (\$9,279 in penalties and \$486.45 in public funds).**

You must pay to the Board the full amount due of \$9,765.45 no later than **February 21, 2017**. Checks should be made payable to the “New York City Election Campaign Finance Fund,” and mailed to the attention of Bethany M. Perskie, Senior Associate Counsel, New York City Campaign Finance Board, 100 Church Street, 12<sup>th</sup> Floor, New York, NY 10007 or delivered to the offices of the Board.

If the Board is not in receipt of the full \$9,765.45 by February 21, 2017, the candidate’s name and the unpaid amount will be posted on the Board’s Website and the Board may initiate a civil action against the Candidate, the Treasurer and the Committee for the penalty amount and the Committee and the Candidate for the public funds

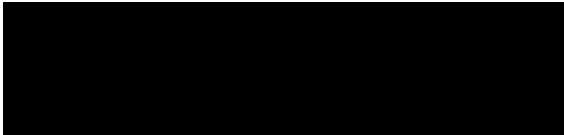
amount. In addition, you will be ineligible for public funds in any future election until this debt is paid in full.

You may challenge a public funds calculation in a petition for Board reconsideration within thirty days of the date of the Final Audit Report as set forth in Board Rule 5-02(a). However, the Board will not consider the petition unless the Campaign submits new information and/or documentation and shows good cause for its previous failure to provide this information or documentation.

You may also challenge this final determination, within four months, in the New York State Supreme Court pursuant to Article 78 of the Civil Practice Law and Rules.

If you need additional time to pay this amount or if you have any questions concerning this Final Board Determination, please contact Bethany M. Perskie, Senior Associate Counsel, at (212) 409-1861 or [bperskie@nyccfb.info](mailto:bperskie@nyccfb.info).

Signature on original



Sue Ellen Dodell  
General Counsel

**NEW YORK CITY  
CAMPAIGN FINANCE BOARD**

SED/BMP