



Summary of Final Board Determination#

Carlina Rivera

Candidate, 2017, City Council District #02

Program participant: \$123,017 in public funds received

James Rogers, Treasurer of Carlina for Council

The Board determined that the Campaign has substantially complied with the requirements of the Campaign Finance Act and Board rules, and assessed violations and penalties as detailed below.

1. Failing to report transactions

\$149

Campaigns are required to report all financial transactions in disclosure statements filed according to the schedule provided by the Board. *See* Admin. Code §§ 3-703(1)(d), (g), (6), (11), (12); Board Rules 1-09, 3-02, 3-03(a), (c), (d), (e), 4-01

The Campaign failed to report debits totaling \$6,714.53 that appear on its bank statements.

The Campaign reported a \$150 expenditure with the explanation “77 Columbia Rm Rent.” However, documentation submitted indicates that the transaction was in fact an advance. The Campaign did not report the advance or the corresponding repayment.

The Campaign provided an in-kind contribution form and accompanying email, which state that the contributor paid \$165 for food and beverages. However, the Campaign did not report the in-kind contribution.

The Campaign provided an in-kind contribution form from an individual related to a Progressive Caucus Alliance Fundraiser, as well as an invoice for the goods purchased. The invoice indicates that the Campaign’s share of the purchase was \$494.10, which was paid by the contributor. However, the Campaign did not report the in-kind contribution.

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The Board assessed total penalties of \$149 for these violations.

2. Filing a late disclosure statement

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

Disclosure Statement 7 was due on March 15, 2017. The Campaign filed the statement on March 16, one day late.

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The Board assessed an infraction with no penalty because the statement was filed less than ten days late and the Campaign's remaining penalties total \$1,000 or less.

3. Failing to report transactions in daily pre-election disclosure statements \$250

All aggregate contributions and/or loans from a single source in excess of \$1,000, and all aggregate expenditures to a single vendor 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 1-08(b), 1-09, 3-02(e).

The Campaign made expenditures of \$9,742 and \$24,105.54 to Red Horse Strategies on September 11, 2017. The Campaign reported the expenditures on September 13, one day late. Because the transactions were reported after the election, the filing is considered failed.

The Board assessed total penalties of \$250 for these violations.

4. Failing to document transactions \$156

Campaigns are required to document all financial 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. In-kind contributions include goods or services donated to a candidate free of charge or at a special discount not available to others. *See* Admin. Code § 3-702(8); Board Rule 1-02. Creditors who extend credit beyond 90 days are considered to have made a contribution equal to the credit extended, unless the creditor continues to seek payment of the debt. Outstanding liabilities that are forgiven or settled for less than the amount owed are also considered contributions. *See* Board Rules 1-04(g)(4), (5). If a candidate accepts more than one contribution from a single source, the contributions shall be totaled to determine the candidate's compliance with the applicable contribution limit. A "single source" includes any person, persons in combination, or entity who or which establishes, maintains, or controls another entity and every entity so established, maintained, or controlled, including every political committee established, maintained, or controlled by the same person, persons in combination, or entity. *See* Board Rule 1-04(h).

The Campaign reported in-kind contributions from Individual 1 and Individual 2 for \$140 each, and provided an invoice for food and beverages totaling \$280. The Campaign provided in-kind contribution forms for both contributors, with Individual 2's occupation listed as the owner of Jimmy's No. 43. The Campaign subsequently deleted the in-kind contribution from Individual 2 from its reporting and provided an updated in-kind contribution form for Individual 1, stating that the entire \$280 was contributed by her. Because the Campaign did not provide proof of payment or an affirmation from Individual 2 or Individual 1, it did not demonstrate that the entire \$280 contribution was made by Individual 1, rather than Individual 1 and Individual 2 each contributing \$140 as reflected in the original reporting and documentation. Additionally, because Individual 2 and Jimmy's No. 43 are considered a single source, the Campaign did not demonstrate



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that any portion of the contribution made by Individual 2 was made from his personal funds rather than business funds.

The Campaign reported in-kind contributions from an individual in the amounts of \$640 and \$480 related to a fundraiser held at The Stand NYC and provided an invoice listing the cost of show tickets at \$480 and food and beverage at \$640. The Campaign also provided two in-kind contribution forms for the individual, which list his occupation as the proprietor of The Stand. The individual and The Stand are considered a single source pursuant to Board Rule 1-04(h). Because the Campaign did not provide proof of payment or an affirmation from the individual, it did not demonstrate that the contributions were made from his personal funds.

The Campaign did not report expenditures related to an LGBT fundraiser listed on its C-SMART fundraiser report. The Campaign provided an email exchange between the event coordinator, Rosie Mendez, and the Campaign. The coordinator stated in the email that neither he nor Mendez incurred any expenses on the Campaign's behalf, and that "everything was donated by Henrietta Hudson [the event venue]." This constitutes an in-kind contribution from Henrietta Hudson.

The Board assessed total penalties of \$156 for these violations.

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