



Summary of Final Board Determination#

Jasmin Sanchez

Candidate, 2017, Council District #02

Program Participant

Yvette Garcia, Treasurer of People for Jasmin Sanchez

The Board determined that the Campaign has failed to comply with the Campaign Finance Act and Board rules, and assessed violations and penalties as detailed below.

1. Filing a late disclosure statement \$600

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 7 on March 27, 2017, twelve days after the March 15, 2017 deadline.

The board assessed a penalty of \$600 for this violation.

2. Failing to report and document basic campaign functions/activities \$1,000

Campaigns are required to report and document all financial transactions, including basic categories of expenditures such as postage, printing, rent, fundraising, utilities, and petitioning. See Admin. Code §§ 3-702(8), 3-703(1)(d), (g), (6), (11), (12); Board Rules 1-02, 1-04(g), 1-08(a), (b), (c), (h), 1-09, 3-02, 3-03(e), 4-01.

The Campaign did not report any expenditures associated with petitioning or postage.

The Board assessed total penalties of \$1,000 for these violations.

3. Failing to document transactions \$137

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.

The Campaign reported a \$2,750 in-kind contribution from a donor consisting of four laptop computers. However, the documentation the Campaign provided did not support the reported value of the in-kind contribution. The Campaign made multiple amendments to the reported value of the contribution but, in each case, failed to provide sufficient documentation to support the reported valuation or adequately document the value of the in-kind contribution.

The Board assessed a penalty of \$137 for this violation.



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4. Accepting an over-the-limit contribution \$125

Campaigns are prohibited from accepting contributions (monetary or in-kind) 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).

The Campaign received a \$3,200 in-kind contribution from a donor on April 24, 2017, which is \$450 over the contribution limit (\$2,750). CFB staff instructed the Campaign to refund the over-the-limit amount of the contribution by July 21, 2017, but the Campaign did not refund the contribution until August 23, 2017.

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

5. Material misrepresentation \$10,000

“The intentional or knowing furnishing of any false or fictitious evidence, books or information to the board...or the inclusion in any evidence, books, or information so furnished of a misrepresentation of a material fact, or the falsifying or concealment of any evidence, books, or information relevant to any audit by the board or the intentional or knowing violation of any other provision of [the Act]...” shall subject the Campaign to penalties and the recovery of any public funds obtained. *See* Admin. Code § 3-711(3). Any candidate, treasurer, or agent of a candidate¹ who violates any provision of the Act or Board rules is subject to a civil penalty not exceeding \$10,000 per violation. *See* Admin. Code § 3-711(1).

The following are considered to constitute a “fundamental breach of the obligations affirmed and accepted by the participant or limited participant in the certification”:

- (a) submission of a disclosure statement which the participant knew or should have known includes substantial fraudulent matchable contribution claims; and

...

- (e) submission of substantial information which the participant or limited participant knew or should have known was false, or the submission of substantial documentation which the participant or limited participant knew or should have known was fabricated or falsified, which would avoid a finding of violation or public funds repayment determination.

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In response to a suspicious pattern in the Campaign’s reported cash contributions, CFB staff conducted an investigation in which seven reported contributors denied making the contributions the Campaign reported. When confronted with these findings, the Campaign admitted that it had submitted falsified documentation for as many as 17 contributions. However, the admittedly falsified contributions included only four of the seven denied contributions. In

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¹ *See supra*, note 1.

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New York City Campaign Finance Board

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addition, the Campaign provided 33 affirmation statements from reported contributors attesting to the validity of their contributions. However, 26 of the 33 affirmation statements bore signatures that were not consistent with the contribution backup documentation the Campaign provided for those contributors. The Campaign was unable to explain these discrepancies, offered conflicting explanations to CFB staff, and apparently submitted falsified contribution documentation and affirmation statements to the Board, which constitutes material misrepresentation. *See* Admin. Code §§ 3-711(1), (3); Board Rule 2-02.#

The board issued a breach of certification and assessed a penalty of \$10,000 for this violation.

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