



New York City Campaign Finance Board
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Executive Director

February 6, 2023

By Email and CFB Portal

Vito Fossella
[REDACTED]

Nancy Marks
Treasurer – Fossella BP TIE
[REDACTED]

Fossella BP TIE
[REDACTED]

**FINAL BOARD DETERMINATION – EC2021 T TRANSITION AND
INAUGURATION ENTITY (“TIE”)**

The New York City Campaign Finance Board (the “Board”), at a meeting held on January 17, 2023, made the following final determination regarding Vito Fossella’s 2021 transition and inauguration entity (the “TIE”):

The Board determined that the Candidate, the Treasurer, and the TIE named above violated the Act and Board rules and are jointly and severally liable for paying \$2,683 in penalties as follows:

1. A penalty of \$2,483 for accepting prohibited donations. *See* Admin. Code §§ 3-702(18), 3-801(2)(d), (3); Board Rule 13-03(a).

The TIE received a \$1,016 in-kind donation from Luke’s Copy Shop, a corporation registered with the New York State Department of State. The TIE refunded the donation after the deadline.

The TIE received a \$3,950 donation from an individual listed on the DBDB at the time of the donation. The TIE refunded the donation more than 20 days after notification from the CFB.

The Board assessed total penalties of \$2,483 (50% of the amount of the donation, for each donation) for these violations.

2. A penalty of \$100 for failing to properly wind down TIE activities. *See* Admin. Code § 3-801(1), (2)(c), (6), (7); Board Rules 1-02, 13-03(b)(iii), (iv), (c).

The TIE's reported balance as of the Disclosure Statement #9 filing on August 5, 2022, was \$5,268.44. According to its bank statement, the TIE's balance as of June 30, 2022, was \$5,627.24. The TIE thus failed to properly wind down its activities by the April 30, 2022, deadline.

The Board assessed a \$100 penalty for this violation.

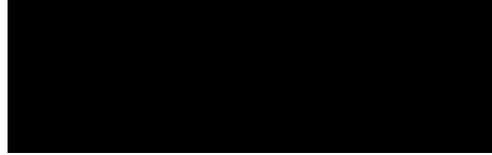
3. A penalty of \$100 for late response to requests for information or documentation. *See* Board Rules 13-04(a)-(d).

On April 18, 2022, CFB staff requested information and documentation regarding certain expenditures. The deadline to respond was May 6. Following the TIE's failure to respond or provide the documents, CFB staff reiterated its request for expenditure documentation on May 20 and June 21. Documentation related to the listed expenditures was provided for the first time in response to the Penalty Notice, submitted on October 20.

The Board assessed a \$100 penalty (\$50 per day late, up to the greater of 0.2% of aggregate donations or expenditures or \$100) for this violation.

You may 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 Senior Associate Counsel Jason Yee at (212) 409-1765 or jyee@nyccfb.info.



Bethany Perskie
General Counsel

**NEW YORK CITY
CAMPAIGN FINANCE BOARD**

SIGNATURE ON ORIGINAL