



Summary of Final Board Determination

Mark Levine

Candidate, 2013, Council District 7

Program participant: \$92,400 in public funds received

1. Failing to provide merchant account statements \$50

Campaigns are required to provide copies of all bank and merchant account statements for accounts used for each election. *See* Admin. Code §§ 3-703(1)(d), (g), (11); Board Rule 4-01(f).

The Campaign did not provide statements from its ActBlue account from inception to the present.

The Board assessed a penalty of \$50 for this violation.

2. Accepting contributions from corporations, limited liability companies, or partnerships \$325

Campaigns may not accept, either directly or by transfer, a campaign contribution or loan, or guarantee or other security for such loan, from any corporation, limited liability company (LLC), or partnership. *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 receiving contributions from Michael Uysal (\$100) and James Quintessenza (\$50). However, the documentation provided indicates that the contributions were from the Law Offices of Michael D. Uysal PLLC and Jocarl Management Ltd., respectively, both of which are entities listed on the New York State Department of State's website as corporations, partnerships, and/or LLCs. The Campaign timely refunded the Uysal contribution, and refunded the Jocarl contribution after the deadline.

The Campaign received an in-kind contribution of \$250 in the form of rental space for an event on January 9, 2013 at RIO Gallery, whose space is owned by Broadway Housing Communities, a corporation. The Campaign timely refunded the contribution.

The Board assessed total penalties of \$325 for these violations.

3. Accepting over-the-limit contributions \$250



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Campaigns are prohibited from accepting contributions 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 accepted transfer-in contributions in the amount of \$3,000 (\$250 over the limit) and \$5,000 (\$2,250 over the limit). Both contributions were transferred in from the Candidate's state committee for the 2012 primary election, Levine for New York. After notification from the CFB, the Campaign timely transferred out the overages.

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

4. Accepting contributions from unregistered political committees \$278

Campaigns may not accept a contribution from a political committee unless the political committee is registered with the CFB or registers with the CFB within 10 days of receipt of the contribution. *See* Admin. Code §§ 3-702(11), 3-703(1)(k), 3-707; Board Rules 1-04(c)(1), (d), (g), 1-05.

The Campaign accepted contributions of \$50 from Friends of Manny de los Santos ("de los Santos") on January 11, 2013 and \$1,000 from Nadler for Congress, Inc. ("Nadler") on January 11, 2013. The Campaign timely refunded both contributions.

The Campaign received an in-kind contribution of \$103 in the form of literature from Barack Obama Democratic Club of Upper Manhattan ("BODC") on August 13, 2013. CFB staff obtained a palm card from the BODC which featured the Candidate, among others. Because the Campaign had not reported payments for the palm card, it was considered an in-kind contribution from an unregistered political committee. The Campaign timely refunded the contribution.

The Board assessed total penalties of \$278 for these violations.

5. Failing to document a transaction \$100

Campaigns are required to document all financial transactions, including loans, in-kind contributions, and joint expenditures. *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 provided an invoice from NY Prints for joint petitioning totaling \$1,578.69. The invoice states: "your equal share of the following club petitions: Broadway Dems, CF 69 AD, Obama Dems, Tioga, 3 Parks, Marisol Alcantera – 70 D." No further narrative or methodology was provided to explain the allocation of the cost of the petitions.

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



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6. Exceeding the expenditure limit \$1,590

Candidates who participate in the Campaign Finance Program may not spend in excess of the expenditure limits. *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 \$1,590.16 (0.94%).

The Board assessed a penalty of \$1,590 for this violation.

7. Commingling campaign funds with funds accepted for a different election No penalty

Campaigns are required to establish and maintain a separate campaign bank account and to report all bank, merchant, and depository accounts used for campaign purposes. *See* Admin. Code §§ 3-703(1)(c), (d), (g), (6), (10), (11); Board Rules 1-11(d), 2-06, 4-01(f). Campaign receipts must be deposited into an account listed on the candidate's Certification and campaigns are prohibited from commingling campaign funds with personal or business funds or funds accepted for another election. *See* Board Rules 1-03(a)(2), 2-06(b), (e). Expenditures are presumed to be for the first election following the day they are made, with the exception of state or local election expenditures made before the first January 12 following the election, or federal election expenditures made before the first January 1 following the election. *See* Board Rules 1-08(c)(1), (3).

The Candidate's state committee for the 2012 primary election, Levine for New York ("LNY"), made a \$1,200 payment to NGP VAN on October 1, 2012, for services that were rendered to the Campaign rather than to LNY. This payment therefore represents a commingling of campaign funds with funds accepted for a different election.

The Campaign conceded that LNY made the expenditure, which should have been made by the Campaign. The Campaign stated that the mistake was inadvertent and provided documentation demonstrating that the Campaign had reimbursed LNY for the expenditure after receiving the Penalty Notice. The Campaign reimbursed the expenditure and does not appear to have derived an undue benefit from the transaction, nor is there any indication that the violation was intentional.

The Board did not assess a penalty for this violation.