



## Summary of Final Board Determination

### **Pierre Gooding**

**Candidate, 2017, Council District #09**

**Non-participant**

**Torrell Gooding, Treasurer of Gooding for Harlem 91217**

#### **1. Accepting a contribution from a corporation**

**Violation;  
No Penalty**

Campaigns may not accept a campaign contribution 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. In-kind contributions include goods or services donated to a candidate free of charge. *See* Admin. Code § 3-702(8); Board Rule 1-02.

On March 15, 2017, the Campaign signed a service agreement with the Leadership for Educational Equity (“LEE”), a corporation registered in Washington, D.C, in which it agreed to pay a \$1,000 retainer for consulting services. The same day, the Campaign received a \$1,000 contribution from the Leadership for Educational Equity PAC (“LEE PAC”). The Chairperson of LEE PAC is also the Executive Director of LEE. Because the Chairperson has authority over both LEE and LEE PAC, including to whom LEE PAC makes contributions, the two groups are considered a single source for the purposes of campaign contributions. The Campaign paid LEE \$1,000 two days after receiving the contribution from LEE PAC. However, because LEE and LEE PAC are a single source, the Campaign effectively paid LEE’s retainer with LEE PAC’s funds, resulting in a \$1,000 in-kind contribution of consulting services from LEE.

The Board found the Campaign in violation, but did not assess a penalty for this violation.

#### **2. Filing late disclosure statements**

**\$285**

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 Statements 7, 8, and 13 one day late and Disclosure Statement 16 three days late.

The Board assessed total penalties of \$285 for these violations. The Board reduced the penalty because of the size of the Campaign and the fact that it did not receive public funds.



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### **3. Failing to provide bank statements \$50**

Campaigns are required to provide copies of bank, credit card, and merchant account statements, for all accounts used for each election. *See* Admin. Code §§ 3-703(1)(d), (g), (11); Board Rule 3-03(f), 4-01(f)(1).

The Campaign did not provide statements for a TD Bank account from December 2017 to the present.

The Board assessed a penalty of \$50 for this violation. The Board reduced the penalty because of the size of the Campaign and the fact that it did not receive public funds.

### **4. Failing to document expenditures \$5,000**

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 failed to provide documentation of \$10,375.61 (77.9% of its total expenditures) in expenditures identified in the Campaign's bank statements and reporting. This includes more than 200 expenditures to restaurants, cafes, and grocery stores, totaling \$3,515.37 (26% of its total expenditures), \$1,116.99 (8.3% of all expenditures) it reportedly spent on transportation, and \$5,743.25 (43% of its total expenditures) it reportedly spent on wages and other goods and services.

Board staff recommended a penalty of \$12,969 for "converting campaign funds to a personal use." Following the Campaign's testimony, the Board assessed a \$5,000 penalty for "failing to document expenditures." The Board increased the penalty above the standard amount for this violation due to the nature of the expenditures and the fact that they represented a very large proportion of the Campaign's total spending.

### **5. Commingling campaign funds with personal or business funds or funds accepted for a different election \$237**

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). Campaigns are prohibited from commingling campaign funds with personal or business funds or funds accepted for another election. *See* Board Rules 2-06(b), (e). Contributions are attributed to the first covered election following their receipt in which the participant is a candidate. *See* Board Rules 1-04(f), (m).



## New York City Campaign Finance Board

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The candidate solicited and received contributions for the 2017A special election through CrowdPAC.com. However, based on the documentation the Campaign provided, the candidate received contributions through CrowdPAC after terminating his 2017A campaign. Those contributions are therefore attributed to the 2017 election. The Campaign's bank statements do not show any deposits corresponding to the CrowdPAC contributions, indicating that the Campaign deposited those contributions into an account other than the Committee bank account.

The Board assessed a penalty of \$237 for this violation. The Board reduced the penalty because of the size of the Campaign and the fact that it did not receive public funds.