



Summary of Final Board Determination

Robert P. Capano

Candidate, 2017, City Council District 43

Program participant: \$88,890 in public funds received

Alexander K Buckholz, Treasurer of Bob for Brooklyn

1. Filing a late disclosure statement Infraction

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 #8 on May 16, 2017, one day after the deadline.

The Board determined that this was an infraction and did not assess a penalty.

2. Failing to document transactions \$150

Campaigns are required to document all financial transactions. *See* Admin. Code § 3-703(1)(d), (g), (11), (12); Board Rules 1-09, 4-01(a), (c), (g), (k), 4-03.

The Campaign did not report or provide documentation for expenditures relating to three transactions: a Campaign poster featured on the Candidate's Facebook profile, and two newspaper advertisements.

The Board assessed total penalties of \$150 for these violations.

3. Accepting contributions from corporations, limited liability companies, or partnerships \$445

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 or at a special discount not available to others. *See* Admin. Code § 3-702(8); Board Rules 1-02. 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).

The Campaign accepted a \$250 contribution on July 5, 2017 from Pan Brothers Associates, Inc., an entity listed on the New York State Department of State's website as a corporation, partnership, and/or LLC. The Campaign did not refund the prohibited contribution until August 4, 2017, 9 days after the July 26, 2017 deadline.



New York City Campaign Finance Board
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Documentation also showed that the Campaign only paid \$565.91 on a contract totaling \$635.91 to RoboCent, Inc., an entity listed on the Commonwealth of Virginia State Corporate Commission's website as a corporation, partnership, and/or LLC. The \$70 unpaid portion of the contract was not reported as an outstanding liability and is therefore considered an in-kind contribution from the vendor. The Campaign stated that RoboCent, Inc. failed to charge the Campaign \$70 of the contracted amount. However, the Campaign did not provide documentation from RoboCent, Inc. supporting this claim or documentation indicating that RoboCent, Inc. did not perform the \$70 in services provided for under the contract.

The Board assessed total penalties of \$445 for these violations.