



Via Email and U.S. Mail

February 22, 2016

Conflicts of Interest Board  
2 Lafayette Street  
New York, New York, 10007.

Campaign Finance Board  
100 Church St  
New York, NY 10007

Re: Violation of Campaign Finance Law and/or Conflicts of Interest Law  
arising from The Campaign for One New York and United for Affordable  
NYC

Dear Sirs/Madams:

Common Cause/NY asserts, on information and belief, that the conduct of Mayor Bill de Blasio, in establishing, and soliciting funds for, The Campaign for One New York and, most recently, directing the transfer of funds from The Campaign for One New York to United for Affordable NYC has violated New York City Charter Sec.2603 as well as the spirit and, we believe, letter of Sec. 3-703 of the New York City Campaign Finance Law. We further assert, on information and belief, that, in employing consultants who simultaneously provide public relations and strategic advice to the Mayor and to firms doing business with the City of New York, and, indeed, on occasion meet with and negotiate directly with the Mayor and his staff, questions have arisen as to whether Mayor de Blasio has violated the conflicts of interest provisions of the City Charter, specifically Sec. 2604 (c)(4).

Campaign for One New York & United for Affordable NYC

In examining Mayor de Blasio's actions in establishing and directing the Campaign for One New York and now fostering the establishment of United for Affordable New York, we are mindful of Sec. 2600 of the New York City Charter, which provides:

Public service is a public trust. These prohibitions on the conduct of public servants are enacted to preserve the trust placed in the public servants of the city, to promote public confidence in government, to protect the integrity of government decision-making and to enhance government efficiency.

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Additionally, Section 1052 a.10 is also relevant:

The board may take such other actions as are necessary and proper to carry out the purposes of any local law establishing a voluntary system of campaign finance reform.

It is widely reported that the Campaign for One New York was “set up” by Mayor Bill de Blasio [See Appendix A for press reports referenced herein]. Indeed, Mayor de Blasio is quoted in news articles as confirming that he set up the Campaign for One New York in order to raise and spend unlimited amounts of money. Goldenberg, “*De Blasio defends Campaign for One New York’s unlimited spending, raising*” Politico New York, November 6, 2015. It appears that Mayor de Blasio directs the Campaign for One New York and that he directly raises money to fund its operations.

Information provided to the press and in disclosures filed with New York State indicate that the funding for what is variously termed “a political campaign” (New York Times), “a political fund” (Politico New York) or an “organization created by Mayor de Blasio’s political team” (New York Daily News) comes primarily from entities which do business with the City of New York, including unions and companies in various industries including real estate, taxi companies and waste management. Reported contributions include contributions that range from \$10,000 to \$250,000 or more – far exceeding the limits in New York City’s well-regarded campaign finance law. New York City’s campaign finance law is designed to moderate the corrosive impact of large campaign contributions on elected officials. New York City’s interest in avoiding “pay to play” politics is so strong that, since 2007, it prohibits those who do business with New York City from contributing more than \$400 in campaign contributions to City candidates.

We believe that the Mayor’s direct involvement with the Campaign for One New York raises troubling questions regarding the legality of his conduct under New York City’s conflict of interest and campaign finance laws. While the Mayor’s actions have been widely criticized in the press, there has to date been no official investigation into the legality of this conduct, through which it appears the Mayor trades his public office for personal political advantage, and makes a mockery of the city’s long-followed public policy behind the campaign finance laws designed to avoid using monetary contributions to curry favor with, and gain access to, public officials.

#### Issues Presented

We believe the Mayor’s conduct presents the following issues that the Conflict of Interest Board must address:

1. Is the Mayor’s conduct in regard to the Campaign for One New York in conflict with the proper discharge of his official duties in violation of Sec. 2604 (b)(2) of the New York City Charter?

2. Is the use of moneys contributed from the real estate industry to the Campaign for One New York to now fund United for Affordable New York in conflict with the proper discharge of his official duties in violation of Sec. 2604 (b)(2) of the New York City Charter?
3. Does the Mayor's solicitation of entities and individuals who do business with New York City to make sizeable monetary contributions to the Campaign for One New York constitute the use of his position as a public servant to obtain personal advantage for himself and for his political consultants who are paid through the Campaign for One New York in violation of Sec. 2604 (b)(3) of the New York City Charter?
4. If the Campaign for One New York is not an Independent Expenditure Committee, because it works in close coordination with the Mayor, and if it is not a campaign committee subject to the restrictions of New York City's campaign finance laws, are contributions made to it at the behest of the Mayor gifts from entities that are engaged or intend to be engaged in business dealings with the City, in violation of Sec. 2604 (b)(5) of the New York City Charter?
5. Is the Mayor's conduct in relation to the Campaign for One New York and United for Affordable NYC covered by Advisory Opinion 2008-6, and if so, has the Mayor complied with its requirements?
6. By seeking advice on strategy and messaging from paid consultants hired by the Campaign for One New York who are also employed by companies that have business dealings with the City of New York, in particular, individuals and companies with real estate interests actively engaged in projects that require approval or funding from the City of New York, has Mayor de Blasio disclosed confidential information regarding the affairs or government of the City that is not otherwise available to the public, in violation of Sec. 2604 (b)(4) of the New York City Charter?

We believe the Mayor's conduct presents the following issues that the Campaign Finance Board must address:

1. In this age of perpetual campaigning, where public opinion polling as to the re-electability of elected officials is virtually constant, is the Campaign for One New York a campaign committee that should be subject to the New York City campaign finance law?
2. Do contributions to the Campaign for One New York violate New York City Campaign Finance Law 3-703(1)(f) ?
3. Do contributions to the Campaign for One New York violate New York City Campaign Finance Law 3-703 (1-a)?

4. If the Campaign for One New York was not a committee subject to the New York City campaign finance laws when it is founded in December, 2013, did (would) it become subject to the campaign finance laws at some later date in closer chronological proximity to the Mayor's running for re-election? If so, when did (would) that occur?

Finally, if upon completion of a thorough investigation either the Conflict of Interest Board or the Campaign Finance Board disagrees with our contention that the cited conduct of Mayor de Blasio violates the City's Conflict of Interest Law and Campaign Finance Law, then Common Cause/NY requests that each Board consider and propose amendments to clarify the applicable law to prohibit elected officials from creating entities, like the Campaign for One New York, which violate the protections, public policy, and spirit of those laws. We believe that such a prohibition can be included in the terms and conditions that the Campaign Finance Board sets for candidates who voluntarily participate in the campaign finance matching fund program.

Thank you for your anticipated prompt and thorough response to these important issues. Common Cause/NY stands ready to cooperate in any way we can to aid your investigation and consideration of the issues that we have raised.

Respectfully submitted,

/s/

Susan Lerner  
Executive Director

cc: Amy Loprest, Esq., Campaign Finance Board  
Eric Friedman, Esq., Campaign Finance Board  
Carolyn Lisa Miller, Esq., Conflicts of Interest Board  
**Wayne G.Hawley**, Esq., Conflicts of Interest Board

## APENDIX A

<http://www.nytimes.com/2015/03/11/nyregion/mayor-de-blasio-is-quietly-soliciting-donations-for-future-policy-battles.html>

<http://www.nytimes.com/interactive/2015/11/04/nyregion/mayor-de-blasios-shadow-cabinet.html>

<http://www.capitalnewyork.com/article/city-hall/2015/11/8582206/de-blasio-defends-campaign-one-new-yorks-unlimited-spending-raisin>

<http://www.capitalnewyork.com/article/city-hall/2016/02/8590389/ahead-council-vote-mayors-allies-organize-defense-housing-agenda>

<http://www.capitalnewyork.com/article/city-hall/2015/10/8580105/de-blasios-progressive-agenda-launches-fundraising-operation>

<http://www.capitalnewyork.com/article/city-hall/2015/07/8572274/mayors-organization-raises-17-m-january>

<http://therealdeal.com/2015/09/24/donating-to-de-blasio-connected-group-pays-off-for-developers/>

<http://observer.com/2015/04/bill-de-blasio-wont-say-what-hes-doing-with-his-campaign-nonprofit-today/>

<http://www.nydailynews.com/news/politics/big-city-unions-bankroll-1-7m-mayor-de-blasio-lobbying-arm-article-1.1868484>