



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-2

June 20, 2014

RAFAEL LANTIGUA, TREASURER
ESPAILLAT FOR CONGRESS
210 SHERMAN AVENUE SUITE B
NEW YORK, NY 10034

Response Due Date
07/25/2014

IDENTIFICATION NUMBER: C00518365

REFERENCE: APRIL QUARTERLY REPORT (01/01/2014 - 03/31/2014)

Dear Treasurer:

This letter is prompted by the Commission's preliminary review of the report referenced above. This notice requests information essential to full public disclosure of your federal election campaign finances. **Failure to adequately respond by the response date noted above could result in an audit or enforcement action.** Additional information is needed for the following 6 item(s):

1. Schedule A of your report discloses one or more contributions that appear to exceed the limits set forth in the Act (see attached).

An individual or a political committee other than an authorized committee or qualified multi-candidate committee may not make a contribution(s) to a candidate for federal office in excess of \$2,600 per election. An authorized committee may not make a contribution(s) to a candidate for federal office in excess of \$2,000 per election. A qualified multi-candidate committee and all affiliated committees may not make a contribution(s) to a candidate for federal office in excess of \$5,000 per election. The term "contribution" includes any gift, subscription, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing any election for federal office. (2 U.S.C. § 441a(a) and (f); 11 CFR § 110.1(b), (e) and (k))

If any apparently excessive contribution in question was incompletely or incorrectly disclosed, you must amend your original report with the clarifying information. If any contribution you received exceeds the limits, you may have to refund the excessive amount.

Excessive contributions may be retained if, within 60 days of receipt, the excessive portions are properly redesignated or reattributed. Guidelines for each option are provided below.

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For reattributions, excessive contributions from individuals can be retained if, within 60 days of receipt, the excessive amount is properly reattributed to another person. Please note that reattributions only apply to excessive contributions from individuals. An excessive contribution is considered properly reattributed if (1) the contributors provide the committee with written documentation, signed by each contributor, authorizing a reattribution and indicating the amount of the contribution to be attributed to each contributor; or (2) the committee reattributes by presumption the excessive portion of the contribution if the contribution was made on a written instrument from a joint account and was signed by only one of the account holders. In this case, the treasurer must notify the contributors in writing within 60 days of receiving the contribution that the committee intends to reattribute the excessive portion and must give the contributor an opportunity to request a refund. (11 CFR § 110.1(k)(3)(ii)(B))

For redesignations, the funds can be retained if, within 60 days of receipt, the excessive amount is properly redesignated for a different election. An excessive contribution is considered properly redesignated if (1) the committee obtains signed written documentation from the contributor(s) authorizing the redesignation of the contribution for another election, provided that the new designation does not exceed the limitations on contributions made with respect to that election; or (2) your committee redesignates by presumption the excessive portion of the contribution for another election provided that the new designation does not exceed the limitations on contributions made with respect to that election. In this case, the treasurer must notify the contributor of the redesignation in writing within 60 days of the treasurer's receipt of the contribution. The notification must give the contributor an opportunity to request a refund. (11 CFR § 110.1(b)(5)(ii)(B)) Please note that you cannot presumptively redesignate an excessive contribution from a multi-candidate committee. Also, a contribution can only be redesignated to a previous election to the extent that the contribution does not exceed the committee's net debts outstanding for that election. (11 CFR § 110.1(b)(3)(i))

If the foregoing conditions for reattributions or redesignations are not met within 60 days of receipt of the contribution, the excessive amount must be refunded. See 11 CFR § 103.3(b)(1).

If you have not already done so, please inform the Commission of your corrective action immediately in writing and provide photocopies of any refund

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checks and/or letters reattributing or redesignating the contributions in question. Refunds are reported on Line 20(a), (b), or (c), as applicable, of the Detailed Summary Page and on a supporting Schedule B of the report covering the period in which they are made. Redesignations and reattributions are reported as memo entries on Schedule A of the report covering the period in which the authorization for the redesignation and/or reattribution is received. (11 CFR § 104.8(d)(2), (3) and (4))

Although the Commission may take further legal action concerning the acceptance of excessive contributions, your prompt action to refund, redesignate, and/or reattribute the excessive amount will be taken into consideration.

2. The totals listed on Line(s) 6(a), 6(b), 6(c), 7(a), 7(c), 11(c), 11(e), 16, 17, 20(a), 20(d) and 22, Column B of the Summary and Detailed Summary Page(s) appear to be incorrect. Column B figures for the Summary and Detailed Summary Pages should equal the sum of the Column B figures on your previous report and the Column A figures on this report. Please file an amendment to your report to correct the Column B discrepancies for this report and all subsequent report(s) which may be affected by this correction. Note that Column B should reflect only the election cycle-to-date totals (11/7/12 through 11/4/14). (2 U.S.C. § 434(b) and 11 CFR § 104.3)

3. Commission Regulations require the continuous reporting of all outstanding debts. This report omits debts itemized on your previous report(s). (11 CFR §§ 104.3(d) and 104.11) Please file an amendment to your report to disclose the current status of this omitted debt: Stoll Glickman & Bellina - \$9,177.10.

4. On Schedule B supporting Line 17 of your report, you have itemized disbursements for which you have failed to include the purpose and address. Please amend your report to include the missing information. (11 CFR § 104.3(b)(4))

5. Itemized disbursements must include a brief statement or description of why each disbursement was made. Please amend Schedule B supporting Line 17 of your report to clarify the following descriptions: "consultant," "in-kind received," "inv. 728," "reimbursement," "services rendered," "system," and "12/6/13 event." For further guidance regarding acceptable purposes of disbursement, please refer to 11 CFR 104.3(b)(4)(i)(A).

Additional clarification regarding inadequate purposes of disbursement

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published in the Federal Register is available on the FEC website at www.fec.gov/law/policy/purposeofdisbursement/inadequate_purpose_list_3507.pdf. A non-exhaustive list of acceptable purposes is also available on the FEC website at <http://www.fec.gov/rad/pacs/documents/ExamplesofAdequatePurposes.pdf>.

6. Schedule B supporting Line 17 discloses disbursements to "Petty Cash" for petty cash. Please be advised that cash disbursements to any person or vendor for any single purchase or transaction may not exceed \$100. If payments to the original vendor exceed \$200 in an election cycle, a memo entry including the name of the original vendor as well as address, date, amount, and purpose of the original purchase must be provided. Please amend your report to include the missing information or provide clarifying information if memo items are not required. (2 U.S.C. §432(h)(2) and 11 CFR § 102.11)

Please note, you will not receive an additional notice from the Commission on this matter. Adequate responses must be received by the Commission on or before the due date noted above to be taken into consideration in determining whether audit action will be initiated. Failure to comply with the provisions of the Act may also result in an enforcement action against the committee. Any response submitted by your committee will be placed on the public record and will be considered by the Commission prior to taking enforcement action. **Requests for extensions of time in which to respond will not be considered.**

Electronic filers must file amendments (to include statements, designations and reports) in an electronic format and must submit an amended report in its entirety, rather than just those portions of the report that are being amended.

If you should have any questions regarding this matter or wish to verify the adequacy of your response, please contact me on our toll-free number (800) 424-9530 (at the prompt press 5 to reach the Reports Analysis Division) or my local number (202) 694-1154.

Sincerely,



Jill Sugarman
Sr. Campaign Finance & Reviewing Analyst
Reports Analysis Division

**Excessive, Prohibited, and Impermissible Contributions
Espaillat for Congress (C00518365)**

Excessive Contributions from Individuals

Contributor Name	Date	Amount	Election
Fuertes, Rodolfo	7/27/13	\$1,500.00	P2014
Fuertes, Rodolfo	9/9/13	\$1,000.00	P2014
Fuertes, Rodolfo	3/31/14	\$2,600.00	P2014
Gagliardi, Paul	12/31/13	\$2,500.00	P2014
Gagliardi, Paul	3/31/14	\$2,000.00	P2014
Kabessa, Avik	6/30/13	\$1,500.00	P2014
Kabessa, Avik	9/30/13	\$1,000.00	P2014
Kabessa, Avik	2/21/14	\$1,000.00	P2014
Kabessa, Avik	3/8/14	\$1,000.00	P2014
Kabessa, Avik	3/31/14	\$600.00	P2014
Kabessa, Avik	3/31/14	\$2,600.00	P2014
Levy Nelson, Anita	3/30/14	\$2,600.00	P2014
Levy Nelson, Anita	3/30/14	\$2,600.00	P2014
Moronta, Cirilo	9/30/13	\$1,000.00	P2014
Moronta, Cirilo	2/3/14	\$3,000.00	P2014
Oleaga, Dario A	6/30/13	\$2,500.00	P2014
Oleaga, Dario A	12/30/13	\$2,500.00	P2014
Oleaga, Dario A	3/14/14	\$2,500.00	P2014