



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-2

Douglas White, Treasurer
Black America's Political Action Committee
2029 P Street, NW, Suite 302
Washington, DC 20036

MAR 28 2001

Identification Number: C00300921

Reference: 12 Day Pre-General Report (10/1/00-10/18/00)

Dear Mr. White:

This letter is prompted by the Commission's preliminary review of the report(s) referenced above. The review raised questions concerning certain information contained in the report(s). An itemization follows:

-Schedule A of your report discloses an aggregate year-to-date total(s) for a contribution(s) received from Elizabeth May Stern which appears to be incorrect. Please amend your report to provide the correct aggregate year-to-date total(s).

-You have previously indicated that your committee has been using "best efforts" to obtain the occupation and name of employer for each contributor. However, an increasing number of entries lack this information. Please amend your report by supplying the omitted information or providing an explanation of your efforts in this regard. 11 CFR §§104.3(a)(4)(i) and 104.7

-Schedule A of your report (pertinent portion(s) attached) discloses a contribution(s) which appears to exceed the limits set forth in the Act. 2 U.S.C. §441a(f) and 11 CFR §110.1(d) preclude a committee and its affiliates from receiving contributions from another political committee or person in excess of \$5,000 per calendar year.

If the contribution(s) in question was incompletely or incorrectly disclosed, you should amend your original report with the clarifying information. If the contribution(s) you received exceeded the limits, you must seek

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retribution of the contribution pursuant to 11 CFR §110.1(k), transfer-out the amount in excess of \$5,000 to an account not used to influence federal elections or refund the excessive amount to the donor(a) in accordance with 11 CFR §103.3(b). In the best interest of your committee, all reattributions, transfers-out, and refunds should be made within sixty days of the treasurer's receipt of the contribution(s). In order to protect the donor's interests, the Commission recommends that you inform the contributor(s) in writing to provide the donor(s) with the option of granting written authorization for a retribution or transfer-out to another account or receiving a refund.

Please inform the Commission of your corrective action immediately in writing and provide a photocopy of your check for the transfer-out or refund. In addition, any reattributions should be reported as memo entries on Schedule A of the report covering the period during which the authorization for the retribution is received. Any transfers-out or refunds should be disclosed on Schedule B supporting Line 22 or 28 of the report during which the transaction was made.

Although the Commission may take further legal action regarding the acceptance of an excessive contribution(s), prompt action by your committee to seek retribution, transfer-out or refund the excessive amount will be taken into consideration.

-Schedule A supporting Line 17 of your report discloses a payment from Omega List Company. It appears this receipt was for goods and/or services provided by your committee. 11 CFR §100.7(a)(1)(iii)(A) states that "...the provision of any goods or services without charge or at a charge which is less than the usual and normal charge for such goods or services is a contribution." Examples of goods and services include equipment, supplies, personnel, advertising services, membership lists, and mailing lists. The term "usual and normal charge" for goods is defined as "...the price of those goods in the market from which they ordinarily would have been purchased at the time of the contribution".

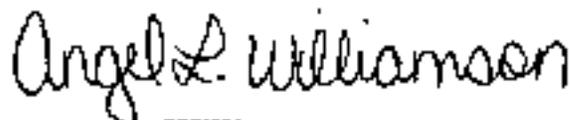
Furthermore, Advisory Opinion 1986-14 states "...to avoid treatment as a contribution, the sale/purchase price paid to the political committee may not exceed the "usual and normal charge". Please clarify whether your committee assessed the usual and normal charge for the goods and/or services you provided and explain the steps your committee took in determining the amount charged. If your committee provided the goods

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and/or services at less than the usual and normal charge, the difference between the two is considered to be an in-kind contribution received by your committee from a corporation and is prohibited subject to the limits set forth at 2 U.S.C. §441b(a)

A written response or an amendment to your original report(s) correcting the above problem(s) should be filed with the Federal Election Commission within fifteen (15) days of the date of this letter. If you need assistance, please feel free to contact me on our toll-free number, (800) 424-9530 (at the prompt press 1, then press 2 to reach the Reports Analysis Division). My local number is (202) 694-1130.

Sincerely,



Angel L. Williamson

Reports Analyst

Reports Analysis Division

SCHEDULE A

ITEMIZED RECEIPTS

For line # 11(a)

Any information copied from such Reports and Statements may not be sold or use by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

Name of Committee (in full) : Black America's Pac

Full Name, Address and ZIP Code	Name of Employer	Date	Amount
ELIZABETH MAY STERN CHASE MANHATTAN BANK HARTSDALE, NY 10530-0000	Occupation QUILT DEALER	10/04/00	2000.00

Receipt for : Primary General Other (specify) : (Aggr YTD > \$ 2000.00)

Full Name, Address and ZIP Code	Name of Employer	Date	Amount
MR WILLIAM A DONOVAN PO BOX B32 WHITE PLAINS, NY 10602-0892	Occupation LAWYER	10/03/00	150.00

Receipt for : Primary General Other (specify) : (Aggr YTD > \$ 300.00)

Full Name, Address and ZIP Code	Name of Employer	Date	Amount
MR RICHARD B DEVEREUX MD 11 GREENFIELD AVE BRONXVILLE, NY 10708-2501	Occupation PHYSICIAN	10/18/00	100.00

Receipt for : Primary General Other (specify) : (Aggr YTD > \$ 400.00)

Full Name, Address and ZIP Code	Name of Employer	Date	Amount
MR WILLIAM REGAN 2 NORTHWAY BRONXVILLE, NY 10708-4304	Occupation RETIRED	10/03/00	101.00

Receipt for : Primary General Other (specify) : (Aggr YTD > \$ 401.00)

Subtotal of Receipts This Page (optional).....\$ 2351.00

SCHEDULE A

ITEMIZED RECEIPTS

For line # 11(a)

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Name of Committee (in full) : Black America's Pac

Full Name, Address and ZIP Code Name of Employer Date Amount
MR JOHN M CLARKE

4 HOLLY LN Occupation
RYE, NY 10580-3908

Receipt for : [] Primary [] General [] Other (specify) :
IAggr YTD > \$ 250.00

Full Name, Address and ZIP Code Name of Employer Date Amount
MRS ELIZABETH M STERN
450 FORT HILL RD Occupation
SCARSDALE, NY 10583-2413 QUILT DEALER

Receipt for : [] Primary [] General [] Other (specify) :
IAggr YTD > \$ 2000.00

Full Name, Address and ZIP Code Name of Employer Date Amount
MR JOHN BOKER JR
9 WILDWOOD RD Occupation
SCARSDALE, NY 10583-7431 RETIRED

Receipt for : [] Primary [] General [] Other (specify) :
IAggr YTD > \$ 700.00

Full Name, Address and ZIP Code Name of Employer Date Amount
MS HELEN H HENSHAW
PO BOX 189 Occupation
WACCABUC, NY 10597-0189 HOMEMAKER

Receipt for : [] Primary [] General [] Other (specify) :
IAggr YTD > \$ 1000.00

Subtotal of Receipts This Page (optional).....\$ 2850.00

SCHEDULE A ITEMIZED RECEIPTS

For line # 11(a)

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Name of Committee (in full) : Black America's Pac

Full Name, Address and ZIP Code	Name of Employer	Date	Amount
MS LETTY G LUTZKER M D 9 CRICKET LN DOBBS FERRY, NY 10522-1202	Y Occupation PH	04/24/00	500.00

Receipt for : Primary General
 Other (specify) : | Aggr YTD > \$ 1000.00

Full Name, Address and ZIP Code	Name of Employer	Date	Amount
MS LETTY G LUTZKER M D 9 CRICKET LN DOBBS FERRY, NY 10522-1202	Y Occupation PH	06/29/00	500.00

Receipt for : Primary General
 Other (specify) : | Aggr YTD > \$ 1000.00

Full Name, Address and ZIP Code	Name of Employer	Date	Amount
MRS ELIZABETH M STERN 450 FT HILL RD SCARSDALE, NY 10583-2413	Occupation ANTIQUE QUILT D	05/08/00	2500.00

Receipt for : Primary General
 Other (specify) : | Aggr YTD > \$ 2500.00

Full Name, Address and ZIP Code	Name of Employer	Date	Amount
MS HELEN H HENSHAW PO BOX 189 WACCABUC, NY 10687-0189	Occupation HOMEMAKER	05/17/00	500.00

Receipt for : Primary General
 Other (specify) : | Aggr YTD > \$ 500.00

Subtotal of Receipts This Page (optional)..... \$ 4000.00

