



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

RQ-3

April 25, 2002

Michael Avella, Treasurer
New York Republican Federal Campaign
Committee
315 State Street
Albany, NY 12210

Identification Number: C00055582

Reference: Amended Mid-Year Report (1/1/01-6/30/01), received 8/15/01

Dear Mr. Avella:

On March 20, 2002, you were notified that a review of the above-referenced report(s) raised questions as to specific contributions and/or expenditures, and the reporting of certain information required by the Federal Election Campaign Act.

Your April 2, 2002, response is incomplete because you have not provided all the requested information. For this response to be considered adequate, the following information is still required.

-In order to establish best efforts you must demonstrate that a follow-up request is made within 30 days of receipt of the contribution.

-On Schedule A supporting Line 11(a)(i) of the Detailed Summary Page, your report disclosed contributions from individuals that omit the aggregate year-to-date totals. Please amend your report by supplying the information.
11 CFR §104.3(a)(4)(i)

-Schedule A supporting Line 15 discloses offsets to operating expenditures from Bush-Cheney 2000 Inc./Recount. However, it appears that your committee did not previously report making the disbursement(s). Please amend the appropriate report(s) and disclose the original date of the disbursement(s) on Schedule B or H4 supporting Line 21(a) or 21(b) of the Detailed Summary Page.

-Schedule H3 discloses the receipt of \$41,836.85 from your non-federal account for a fundraising event(s) which is listed as 100% federal on

Schedules H2 and H4. A committee is permitted to pay the entire amount of an allocable activity from its federal account and receive a transfer(s) from its non-federal account solely to cover the non-federal share of the allocable expenses(s). 11 CFR §106.5(g)(i) However, a 100% federal fundraising event does not fall within the definitions of an allocable expense, and constitutes an impermissible transfer of funds received by your federal account from your non-federal account.

The Commission recommends you immediately transfer the total amount received by your federal account back to your non-federal account. Although the Commission may take further legal action concerning this prohibited activity, your prompt action will be taken into consideration.

-On Schedule H4, you disclose a payment of \$8,918.08 to your non-federal account for "transfer of non-fed share of reimbursement". Please be advised that refunds must be allocated between the federal and non-federal accounts according to the same ratio used to allocate the original disbursement. Please amend your report to disclose the name of the vendor and the date of the reimbursement.

-Schedules H2 and H4 disclose 100% federal activity. Please be advised that by definition, this activity does not qualify as a shared expense to be allocated between your federal and non-federal accounts. This activity should be itemized on a Schedule B for Line 21(b) of the Detailed Summary Page. Any reimbursement from your committee's non-federal account for any portion of this activity is not permissible and must be returned. Please amend your report to clarify this discrepancy.

-On Schedule H2, you disclose the ratios for "GC Inaugural Reception 1/19/01" and "Seaport Reception 3/15/01" as 28% Federal/72% Non-Federal and 8% Federal/93% Non-Federal and "the same as previously reported". However, the reports filed in the previous election cycle disclosed the ratios of 50% Federal/50% Non-Federal and 8% Federal/92% Non-Federal for these events. Please amend your report to clarify these apparent discrepancies. 11 CFR §104.10(a)(1)

-Line 18, 21(a)(i) and 21(a)(ii) of the Detailed Summary Page of your report discloses a total(s) of \$1,262,647.05, \$352,860.20 and \$1,274,269.05 in Transfers from Nonfederal Account for Joint Activity and Shared Federal/Non-Federal Activity. The sum of the entries itemized on Schedules H3 and H4, however, indicates these totals to be \$2,003,053.89, \$351,411.18, and \$1,270,543, respectively. Please amend your report to clarify these discrepancies.

-On Schedule(s) H4 supporting Line(s) 21(a) of the Detailed Summary Page, you have not included the full name and/or mailing address for several vendors listed. Please amend your report accordingly.

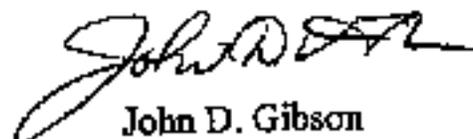
-On Schedule H4 supporting Line 21(a), you disclose a disbursement to American Express for "credit for duplicate payment". If American Express credited your account for this amount, it should be itemized as a negative entry. Please amend your report to clarify this apparent discrepancy.

-Your EVENT YEAR-TO-DATE calculations for "Telemarketing Jan", "Telemarketing March/April", "GC Buffalo Reception" and "Oct. 11 Dinner" are incorrect. EVENT YEAR-TO-DATE totals for administrative and voter drive costs are derived by aggregating all disbursements during the calendar year for the whole Administrative/Voter Drive category. EVENT YEAR-TO-DATE totals for fundraising, direct candidate support, and exempt activities are derived by aggregating all disbursements during the calendar year within a specific event. These should be calculated by adding the latest disbursement for a category or event to the previous EVENT YEAR-TO-DATE total for that category or event. This running EVENT YEAR-TO-DATE total should be disclosed after each disbursement is listed. Please amend your report by providing the correct EVENT YEAR-TO-DATE totals.

An adequate response must be received at the Commission by May 15, 2002. Adequate responses received on or before this date will be taken into consideration in determining whether audit action will be initiated. **Requests for extensions of time in which to respond will not be considered.** Failure to provide an adequate response by this date may result in an audit of the committee. 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.

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 related to this matter, please contact Angel Williamson on our toll-free number (800) 424-9530 (at the prompt press 1, then press 2 to reach the Reports Analysis Division) or our local number (202) 694-1130.

Sincerely,



John D. Gibson
Assistant Staff Director
Reports Analysis Division

