



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-2

November 5, 2015

TERRY LEE LIERMAN, TREASURER
O'MALLEY FOR PRESIDENT
1501 ST PAUL STREET SUITE 114
BALTIMORE, MD 21202-2846

Response Due Date

12/10/2015

IDENTIFICATION NUMBER: C00578658

REFERENCE: OCTOBER QUARTERLY REPORT (07/01/2015 - 09/30/2015)

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 4 item(s):

1. Schedule A-P of your report discloses one or more contributions that appear to exceed the limits set forth in the Act (see attached). The Commission notes your additional explanation regarding the committee's corrective action taken for some of these contributions.

An individual or a political committee other than an authorized committee or a qualified multi-candidate committee may not make a contribution(s) to a candidate for federal office in excess of \$2,700 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. (52 U.S.C. § 30116(a) and (f) (formerly 2 U.S.C. § 441a(a) and (f)); 11 CFR §§ 110.1(b), (e) and (k), and 102.13(c))

If any apparently excessive contribution in question was incompletely or incorrectly disclosed, you must amend your original report with clarifying information.

Please be reminded that all refunds, redesignations and reattributions must be

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made within 60 days of receipt of the contribution. To date, one or more of the apparent excessive contributions have not been refunded, redesignated, or reattributed.

For reattributions, the funds can be retained if, within 60 days of receipt, the excessive amount was properly reattributed to another person. 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 who signed the check 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 was properly designated 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) the 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)) 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, the excessive amount must be refunded. (11 CFR § 103.3(b)(1))

Please inform the Commission of your corrective action immediately in writing and provide photocopies of any refund checks and/or letters reattributing or

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redesignating the contributions in question. Refunds are reported on Line 28(a), (b), or (c), as applicable, of the Detailed Summary Page and on a supporting Schedule B-P of the report covering the period in which they are made. Redesignations and reattributions are reported as memo entries on Schedule A-P 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 or redesignate and/or reattribute the excessive amount will be taken into consideration.

2. Schedule A-P of your report discloses one or more contributions from an organization(s), which is not a political committee registered with the Commission (see attached). In order for your committee to accept contributions from unregistered organizations, your committee should take steps to ensure that the contributor(s) used permissible funds to make the contribution(s) to avoid violating 52 U.S.C. §§ 30116(f) and 30118 (formerly 2 U.S.C. §§ 441a(f) and 441b) or 11 CFR §102.5(b). Under 11 CFR §102.5(b), organizations which are not political committees under the Act and choose to contribute to federal committees must either: (1) establish a separate account which contains only those funds permitted under the Act, or (2) demonstrate through a reasonable accounting method that the organization has received sufficient funds subject to the limitations and prohibitions in order to make the contribution.

If any apparently prohibited contribution in question was incompletely or incorrectly disclosed, you should amend your original report with clarifying information. In addition, please clarify whether the contribution(s) received from the referenced organization(s) is permissible.

If you have received prohibited contributions, you must make a refund. (11 CFR § 103.3(b)(1)) The refund must be made within 30 days of the treasurer becoming aware of the illegality of the contribution. (11 CFR § 103.3(b)(2))

Please inform the Commission of your corrective action immediately and provide a photocopy of any refund checks. Refunds must be reported on a Schedule B-P supporting Line 28(b) of the report covering the period in which the refund was made. (11 CFR § 104.8(d)(4))

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Although the Commission may take further legal action concerning the acceptance of prohibited contributions, your prompt action to refund the prohibited amount will be taken into consideration.

3. Your report discloses \$39,834.40 from O'Say Can You See - Federal PAC in "Offsets to Operating Expenditures" on Line 20(a) of the Detailed Summary Page. Please be advised that if there are not corresponding operating expenditures for these entries, this may constitute an excessive contribution. (11 CFR § 104.3(a)(4)(v)) The Commission notes that your committee has previously reported expenditures to O'Say Can You See - Federal PAC for "Expense Reimbursement," with the expenses itemized.

Please note, 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. (52 U.S.C. § 30116(a) and (f) (formerly 2 U.S.C. § 441a(a) and (f)); 11 CFR § 110.1(b), (e) and (k))

If the receipt in question was incompletely or incorrectly disclosed, you must amend your original report with the clarifying information. If the receipt exceeds the contribution limit you must refund the excessive amount. Although the Commission may take further legal action regarding the acceptance of an apparent excessive contribution, prompt action by the committee to refund the excessive amount will be taken into consideration.

4. 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 the omitted debts owed to Robert G. Johnson for \$800.00 and Robert Trone for \$2,700.00.

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.**

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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) 694-1166.

Sincerely,

A handwritten signature in black ink that reads "Bradley Matheson". The signature is written in a cursive, flowing style.

Bradley Matheson
Sr. Campaign Finance & Reviewing Analyst
Reports Analysis Division

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**Excessive, Prohibited, and Impermissible Contributions
O'Malley for President (C00578658)**

Excessive Contributions from Individuals

Contributor Name	Date	Amount	Election
Abdallah, Khaled S.	6/14/15	\$1,500.00	P2016
Abdallah, Khaled S.	9/25/15	\$1,000.00	P2016
Abdallah, Khaled S.	9/26/15	\$500.00	P2016
Alexander, Sally	6/10/15	\$2,700.00	P2016
Alexander, Sally	8/12/15	\$100.00	P2016
Bedell, Elinor	9/8/15	\$1,000.00	P2016
Bedell, Elinor	9/25/15	\$2,700.00	P2016
Berliner, Art	8/31/15	\$4,900.00	P2016
Doherty, Edward M.	6/30/15	\$1,000.00	P2016
Doherty, Edward M.	9/5/15	\$4,400.00	P2016
Hall, Cullen	6/10/15	\$1,000.00	P2016
Hall, Cullen	9/29/15	\$1,800.00	P2016
Harmon, John	8/28/15	\$5,400.00	P2016
Jung, Jerold	9/14/15	\$5,400.00	P2016
Lee, Peter J	9/1/15	\$5,400.00	P2016
Osoba, Mufutau	6/14/15	\$2,000.00	P2016
Osoba, Mufutau	9/19/15	\$1,000.00	P2016
Pang, Sheldon	9/8/15	\$5,400.00	P2016
Pflaum, Bruce	9/3/15	\$5,400.00	P2016
Rivero, Ninette	5/27/15	\$5,400.00	P2016
Smith, Georgia D.	5/27/15	\$1,500.00	P2016
Smith, Georgia D	6/30/15	\$1,200.00	P2016
Smith, Georgia D.	9/30/15	\$1,200.00	P2016

**Excessive, Prohibited, and Impermissible Contributions
O'Malley for President (C00578658)**

Contributions from Unregistered Organizations

Contributor Name	Date	Amount	Election
Blarney PAC	9/16/15	\$500.00	P2016
Citizens for Frosh	8/28/15	\$990.00	P2016
Committee For Kamenetz	9/14/15	\$999.00	P2016
Committee to Elect Joseph A Curtatone	9/5/15	\$1,000.00	P2016
Friends For Grace G Connolly	9/30/15	\$500.00	P2016
Friends for John Olszewski	9/30/15	\$999.00	P2016
Friends of George Leventhal	9/16/15	\$400.00	P2016
Friends of Karen Lewis Young	7/27/15	\$250.00	P2016
Friends of Liam Davis	9/3/15	\$135.00	P2016
Friends Of Mike Driscoll	9/12/15	\$1,000.00	P2016
Friends of Ron Young	7/27/15	\$250.00	P2016
Friends of Tom Hucker	9/12/15	\$999.00	P2016
Green for Philadelphia	9/12/15	\$999.00	P2016
Steve Lafferty for Delegate Committee	8/24/15	\$249.00	P2016
Tavern PAC	9/12/15	\$999.00	P2016
The O'Malley Committee	9/5/15	\$900.00	P2016