

MISCELLANEOUS TEXT (FEC Form 99)

NAME OF COMMITTEE (In Full)
CINCINNATUS PAC

FEC IDENTIFICATION NUMBER
C00574228

Mailing Address 225 W COURT STREET

City State ZIP Code
CINCINNATI OH 45202-1012

RECEIVED
FEC MAIL CENTER
2017 MAY -2 AM 10: 12

Mr. Brian Jones
Federal Election Commission
Sr. Campaign Finance & Reviewing Analyst
Reports Analysis Division

Re: October Quarterly Report (7/1/16-9/30/16)

Dear Mr. Jones,

We are in receipt of your letter dated March 28, 2017 regarding the above referenced report for the Cincinnatus PAC, C00574228.

Regarding Item 1, the committee has amended the report to attribute each contribution from an LLC to the specific member who made the contribution. After researching the matter, none of the contributions were prohibited, they were merely recorded incorrectly. Thus, the amended report properly attributes each contribution to the appropriate LLC member.

Regarding Item 2, we have refunded the \$1,000 contribution to OAPSE/AFSCME Turnaround Ohio PAC ("OAPSE"). A copy of the check has been mailed to your office via certified mail.

I would like to further clarify the situation as we were originally assured that the contribution came from a federally permissible fund. When we received your letter dated March 28, 2017 we contacted OAPSE and were assured that the \$1,000 contribution was from a federally permissible fund. We then amended our October Quarterly report and added a text explanation to the transaction reflecting this. However, several days later OAPSE contacted us and informed us that they were mistaken and the contribution was not from a federally permissible fund. Upon learning this, we took immediate corrective action and prepared a refund check to OAPSE for the full amount, a copy of which has been mailed to your office.

We have since amended the quarterly report, removing the text explaining that the contribution was from a federally permissible fund. We will show the corrective action we took on the 2017 mid-year report.

201704289053485727



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-2

March 28, 2017

SEAN P. CALLAN, TREASURER
CINCINNATUS PAC
225 W. COURT STREET
CINCINNATI, OH 45202-1012

Response Due Date
05/02/2017

IDENTIFICATION NUMBER: C00574228

REFERENCE: OCTOBER QUARTERLY REPORT (07/01/2016 - 09/30/2016)

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 2 item(s):

1. Schedule A (see attached) discloses one or more contributions which appears to be from a corporation(s). Please be advised that 52 U.S.C. §30118(a) (formerly 2 U.S.C. §441b(a)) prohibits the receipt of contributions from corporations unless made from a separate segregated fund established by the corporation. Limited liability companies (LLCs) that choose to be treated as corporations under the Internal Revenue Service rules, or have shares that are traded publicly, are considered corporations. In the event that the LLC is treated as a partnership under IRS rules, the aforementioned contributions are to be attributed to each member in direct proportion to his or her share of the LLC's profit or by agreement of its members. Each member who has contributed in excess of \$200 for the calendar year should be identified by name, address, amount of contribution, name of employer, occupation and aggregate total on Schedule A. (11 CFR §110.1(g)(1) through (5))

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

If you have received a prohibited contribution(s), you may have to make a refund. If within 30 days of receipt you (1) transferred the prohibited amount to an account not used to influence federal elections, and (2) provided written notice to the person making the contribution of the option of receiving a refund, you may retain the contribution in an account not used to influence federal elections.

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CINCINNATUS PAC

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Any request from a donor for a refund must be honored.

If the foregoing conditions for transfers to a non-federal account were not met within 30 days of receipt, the prohibited amount must be refunded. (11 CFR §103.3(b)(1))

Please inform the Commission of your corrective action promptly in writing and provide a photocopy of your check for any transfer out or refund. In addition, any transfers out or refunds should be disclosed on Schedule B supporting Line 22 or 28 of the report covering the period during which the transaction was made.

Although the Commission may take further legal action concerning the acceptance of a prohibited contribution, prompt action by your committee to transfer out or refund the amount will be taken into consideration.

2. Schedule A of your report (see attached) discloses one or more contributions from an organization(s), which is not a political committee registered with the Commission. In order for your committee to accept contributions from unregistered organizations into accounts used to influence federal elections, your committee should take steps to insure 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.

To the extent that your committee has received prohibited funds, you may have to make a refund. If within 30 days of receipt you (1) transferred the prohibited amount to an account not used to influence federal elections, and (2) provided written notice to the person making the contribution of the option of receiving a refund, you may retain the contribution in an account not used to influence federal elections. Any request from a donor for a refund must be honored.

If the foregoing conditions for transfers to a non-federal account were not met

CINCINNATUS PAC

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within 30 days of receipt, the prohibited amount must be refunded. (11 CFR §103.3(b)(1))

Please inform the Commission of your corrective action promptly in writing and provide a photocopy of your check for any transfer-out or refund. Should you choose to transfer-out or refund the contribution(s), the Commission will presume the funds were impermissible if no statement from your committee provides information to the contrary. Transfers-out and refunds should be disclosed on a Schedule B supporting Line 22 or 28 of the report covering the period during which the transaction was made.

Although the Commission may take further legal action concerning the acceptance of prohibited contributions, prompt action by your committee in transferring-out or refunding the amounts will be taken into consideration.

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. For additional information about the report review process or specific filing information for your committee type, please visit the Reports Analysis Division's Frequently Asked Questions on the FEC website. 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) 694-1177.

Sincerely,



Brian Jones
Sr. Campaign Finance & Reviewing Analyst
Reports Analysis Division

201703280300083338

Prohibited Contributions
CINCINNATUS PAC (C00574228)

Contributions from Possible Prohibited Entities (Corporations, LLCs)

Contributor Name	Date	Amount	Report
122 E. 6th Street, LLC	7/29/16	\$1,000.00	2016 October Quarterly
Ambrose BD, LLC	7/29/16	\$1,000.00	2016 October Quarterly
Lackman Bar, LLC	7/29/16	\$1,000.00	2016 October Quarterly
Low Spark, LLC	7/29/16	\$1,000.00	2016 October Quarterly
nSixty, LLC	9/26/16	\$500.00	2016 October Quarterly
Prus Properties, LLC	7/13/16	\$1,100.00	2016 October Quarterly
Righteous Room, LLC	7/29/16	\$1,000.00	2016 October Quarterly
Wooster Development	7/13/16	\$1,100.00	2016 October Quarterly

Contributions from Unregistered Organizations

Contributor Name	Date	Amount	Report
OAPSE/AFSCME Turnaround Ohio PAC	7/11/16	\$1,000.00	2016 October Quarterly

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Visit us at www.53.com

13-31/420

CINCINNATUS PAC

303

05/01/17

Pay to the Order of CARPE/AFSCME Turnaround PAC \$ 1,000.00
ONE thousand + xx/100

Date

\$ 1,000.00

Pay to the Order of

Dollars



FIFTH THIRD BANK

For Contribution Refund

[Signature]

MP

UPS 2nd Day Air

Apply shipping documents on this side.

RECEIVED
FEC MAIL CENTER
2017 MAY -2 AMTO: 12

1 of 1

dated

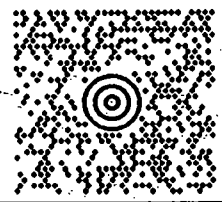
FOR UPS SHIPPING ONLY

5/1/17 3:42 PM

PATRICK K. HOGAN
513-721-5525 1340
MANLEY BURKE, LPA
225 W. COURT STREET
CINCINNATI OH 45202

0.0 LBS LTR 1 OF 1

SHIP TO:
FEDERAL ELECTION COMMISSION
999 E STREET, NW
WASHINGTON DC 20463-0001



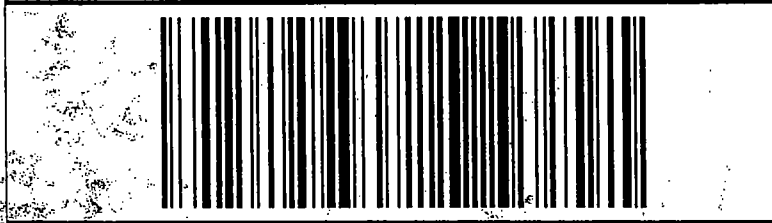
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Reference #1: CINCINNATUSPAC

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Federal Election Commission
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5/8/17

 *5/8/17*
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