



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RQ-2

October 29, 2013

DARRELL CRATE, TREASURER  
ROMNEY FOR PRESIDENT, INC.  
C/O RED CURVE SOLUTIONS LLC 138 CONANT ST. 1ST FLOOR  
BEVERLY, MA 01915

**Response Due Date**

**12/03/2013**

IDENTIFICATION NUMBER: C00431171

REFERENCE: APRIL QUARTERLY REPORT (01/01/2013 - 03/31/2013)

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 3 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).

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 \$2,500 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.

ROMNEY FOR PRESIDENT INC.

Page 2 of 5

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).

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

ROMNEY FOR PRESIDENT INC.

Page 3 of 5

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, redesignate, and/or reattribute the excessive amount will be taken into consideration.

**2.** It appears that your committee has received money from the sale of campaign assets. Generally, the Commission has viewed the sale of committee assets to be fundraising for political purposes, resulting in contributions subject to the limitations and prohibitions of the Act. (Advisory Opinions 1990-3, 1988-12, and 1983-2)

The Commission has reached this conclusion with respect to the proposed sale of campaign fundraising items or political campaign materials developed uniquely for the committee (such as artwork, publications, and opinion polls). (11 CFR 100.53, Advisory Opinions 1982-24 and 1980-19) Please note the exception for mailing lists below.

The Commission has further reviewed situations where a committee seeks to use its assets to generate income through ongoing business or commercial ventures. The Commission has found these proposals to be merely fundraising in another form and the proceeds are considered to be contributions from the purchasers. (Advisory Opinions 1991-34, 1990-3, 1988-12 and 1983-2)

The Commission has identified limited circumstances under which selling a campaign asset does not result in a contribution from the purchaser. The Commission specifically isolated cases where assets that had been purchased or developed for the committee's own particular use (rather than for sale in campaign fundraising activity) and those assets had ascertainable market value to be cases without inherent contribution consequences.

Mailing lists developed by a campaign for its own use may be sold at the "usual and normal" charge without the purchaser making a contribution. (Advisory Opinions 2002-14, 1982-41, and 1981-53)

ROMNEY FOR PRESIDENT INC.

Page 4 of 5

The Commission has said that the sale of campaign equipment and supplies does not result in a contribution under certain circumstances. (Advisory Opinions 2003-19, 1989-4, and 1986-14)

**Please amend your report to provide clarifying information about the nature of the assets sold by your committee reported on Schedule A-P supporting Line 21** and whether or not these assets were sold at fair market rates.

If any of the contributions you received exceed the limits, you must refund, redesignate, or reattribute (whichever may be applicable depending on the donor) the excessive amount within 60 days of receipt of the contribution.

**3.** Your report discloses \$85,727.16 from First General Realty Corp. in Offsets to Operating Expenditures on Line 20(a) of the Detailed Summary Page. It also discloses \$206.23 from Rio Virgin Telephone in Other Receipts on Line 21 of the Detailed Summary Page. Please be advised that if there are not corresponding expenditures for these entries, they may constitute excessive or prohibited contributions. Please amend your report or provide an explanation for these apparent discrepancies. (11 CFR § 104.3(a)(4)(v))

**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.

ROMNEY FOR PRESIDENT INC.

Page 5 of 5

Sincerely,

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

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

476

**Excessive, Prohibited, and Impermissible Contributions  
Romney for President, Inc. (C00431171)**

**Excessive Contributions from Individuals**

<b>Contributor Name</b>	<b>Date</b>	<b>Amount</b>	<b>Election</b>
Maurillo, Joseph Mr.	8/15/12	\$2,500.00	G2012
Maurillo, Joseph Mr.	1/15/13	\$2,500.00	G2012