



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RQ-2

March 8, 2012

STEVEN AUERBACH, TREASURER  
FRACK ACTION USA PAC  
100 BUTTERVILLE RD  
NEW PALTZ, NY 12561

**Response Due Date**  
**04/12/2012**

IDENTIFICATION NUMBER: C00490631

REFERENCE: YEAR-END REPORT (10/01/2010 - 01/31/2011)

Dear Treasurer:

This letter is prompted by the Commission's preliminary review of the report(s) 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 1 item(s):

- Schedule E of your report indicates that your committee may have failed to file one or more of the required 24 hour notices regarding "last minute" independent expenditures (see attached). A political committee must file a 24 hour report with the Federal Election Commission as specified in 11 CFR §104.4(c), within 24 hours of any independent expenditures of \$1,000 or more with respect to a given election, made between two and twenty days before an election. The notice must be received by the Commission by 11:59 p.m. on the day following the date on which independent expenditures that aggregate \$1,000 or more are publicly distributed or disseminated. These expenditures must then be fully itemized on Schedule E, or as memo entries on Schedule E and reflected on Schedule D if distributed or disseminated prior to payment, of the next report required to be filed by the committee. Although the Commission may take further action concerning this matter, your prompt response will be taken into consideration. 11 CFR §104.3(b)

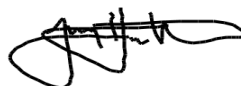
**Please note, you will not receive an additional notice from the Commission on this matter.** Adequate responses must be received by the Commission on or before the due date noted above to be taken into consideration in determining whether audit action will be initiated. Failure to comply with the provisions 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) 694-1148.

Sincerely,

A handwritten signature in black ink, appearing to read 'Quy Vuong', with a stylized flourish at the end.

Quy Vuong  
Senior Campaign Finance Analyst  
Reports Analysis Division

| Name of Payee      | Date     | Amount      | Purpose  | Candidate       |
|--------------------|----------|-------------|--|-----------------|
| Auerbach + Company | 10/20/10 | \$4,800.00  | TV Ads in Ithaca,<br>Binghamton, Sullivan<br>County NY | Maurice Hinchey |
| Auerbach + Company | 10/25/10 | \$15,088.00 | TV Ads in Ithaca,<br>Binghamton, Sullivan<br>County NY | Maurice Hinchey |
| Auerbach + Company | 10/27/10 | \$9,510.00  | TV Ads in Ithaca,<br>Binghamton, Sullivan<br>County NY | Maurice Hinchey |
| Auerbach + Company | 10/28/10 | \$1,589.00  | TV Ads in Ithaca,<br>Binghamton, Sullivan<br>County NY | Maurice Hinchey |
| Auerbach + Company | 10/29/10 | \$5,000.00  | TV Ads   | Maurice Hinchey |