



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-2

February 13, 2009

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

**Response Due Date:
March 16, 2009**

Identification Number: C00055582

Reference: Year End Report (11/25/08-12/31/08)

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 7 items:

1. The totals listed on Lines 7, 21(b), 21(c), 31, and 32, Column B of the Summary and Detailed Summary Page(s) appear to be incorrect. Please be advised that you should add the "Calendar Year-to-Date" total from your previous report to the current "Total This Period" figure from Column A to derive the correct Column B totals. Please amend your report and any subsequent reports that may be affected by this correction.
2. The beginning cash balance of this report should equal the ending balance of your 30 Day Post-General Report (10/16/08-11/24/08). Please clarify this discrepancy and amend any subsequent report(s) that may be affected by this correction.
3. Your calculations for Line 8 appear to be incorrect. Cash-on-hand at the close of the current reporting period should always equal the closing calendar year-to-date cash-on-hand amount. Please provide the corrected total on the Summary Page.
4. Your 12 Day Pre-General (10/1/08-10/15/08), 30 Day Post-General (10/16/08-11/24/08), and Year End (11/25/08-12/31/08) Reports combined do not disclose any payments for salary or wages on Schedule B supporting

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Line 30(b) of the Detailed Summary Page. 11 CFR §100.24 defines as Federal Election Activity, services provided by an employee of a State, district or local party committee who spends more than 25 percent of their time during that month on activities in connection with a Federal election. You are advised that payments for salaries and wages for employees who spend more than 25 percent of their compensated time in a given month on Federal Election Activity or activities in connection with a Federal election must be made with Federal funds only. Please provide clarification regarding the lack of payments for salary and wages disclosed by your committee.

5. Schedule B supporting Line 21(b) of your report discloses a payment(s) totaling \$18,668.20 for "postage printing mail service," "telemarketing," and "telemarketing fundraiser." Expenditures and disbursements for public communications (as defined under 11 CFR §100.26) that refer to a clearly identified candidate for Federal office and that promote, support, attack or oppose any candidate for Federal office, meet the definition of Federal Election Activity under 11 CFR §100.24 and should be disclosed on Schedule B for Line 30(b) along with the identity of the candidate(s).

Further, public communications that meet the definition of Federal Election Activity and that also contain express advocacy as defined under 11 CFR §100.22, but do not meet the conditions of exempt activity, would constitute an in-kind contribution, an independent expenditure or a coordinated party expenditure and should be properly disclosed on a Schedule B, E, or F supporting Lines 23, 24, or 25, as appropriate, rather than on Schedule B for Line 30(b). Please clarify if this activity meets the definition of Federal Election Activity or if it contains express advocacy and amend your report to properly disclose this activity, if necessary.

6. Schedule H4 discloses a disbursement(s) which is categorized as a fundraising expense(s); however, a Schedule H2 has not been filed to disclose the allocation ratio. All committees are required to allocate the direct costs of each fundraising event in which the committee collects both federal and non-federal funds. The costs are allocated according to the funds received ratio and reported on Schedule H2. 11 CFR §§106.6(d) and 106.7(d)(4). Please file a Schedule H2 to disclose the ratio for the fundraising event(s).

7. Schedule B supporting Line 21(b) of your report discloses payments for "FEA 401k 11/24-12/05," "FEA 401k 12/07-12/20," "FEA 401k 12/22-1/02," "FEA employees health insurance," "FEA payroll taxes," "FEA salary 11/24-12/05," "FEA Salary 12/07-12/20," and "FEA salary 12/22-1/02." Please be advised that payments for salaries and wages for

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employees who spend more than 25 percent of their compensated time in a given month on Federal Election Activity or activities in connection with a Federal election should be properly disclosed on Schedule B for Line 30(b) of the Detailed Summary Page. Please amend your report to properly disclose this activity.

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) 694-1153.

Sincerely,



Kristin DeCarminé
Senior Campaign Finance Analyst
Reports Analysis Division

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