



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-2

June 11, 2014

NANCY MARKS, TREASURER
ZELDIN FOR CONGRESS
47 FLINTLOCK DRIVE
SHIRLEY, NY 11967

Response Due Date
07/16/2014

IDENTIFICATION NUMBER: C00552547

REFERENCE: AMENDED APRIL QUARTERLY REPORT (01/01/2014 - 03/31/2014),
RECEIVED 05/13/2014

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 6 item(s):

1. Schedule A 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 \$2,600 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

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each option are provided below.

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).

If you have not already done so, please inform the Commission of your

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corrective action immediately in writing and provide photocopies of any refund checks and/or letters reattributing or redesignating the contributions in question. Refunds are reported on Line 20(a), (b), or (c), as applicable, of the Detailed Summary Page and on a supporting Schedule B of the report covering the period in which they are made. Redesignations and reattributions are reported as memo entries on Schedule A 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. Schedule A of your report discloses one or more in-kind contributions made before the primary election that are designated for the general election (see attached).

In-kind contributions of equipment, such as computers, with a long-term useful life (e.g., an election cycle, or perhaps longer) are similar to contributions of money and may be designated for elections beyond the next election, provided the contributor designates the contribution as such in writing. A contribution of this type of equipment is distinguishable from in-kind contributions that are used only for one particular election, such as non-exempt contributions of food or beverages consumed by primary election day workers, or printing or mailing costs related to general election events or fundraisers. **Please amend your report to include a description of the nature of the in-kind contribution in question.**

If the in-kind contribution on your report does not have a "long-term useful life," it may constitute an excessive contribution for the primary election (see Advisory Opinion 1996-29). If this is the case, you must refund the excessive amount to the donor and inform the Commission of your corrective action immediately in writing and provide photocopies of any refund checks. Refunds are reported on Line 20 of the Detailed Summary Page and on a supporting Schedule B of the report covering the period in which they are made. (11 CFR § 104.8(d)(2), (3) and (4))

3. Schedule A of your report discloses one or more contributions that appear to be from a corporation(s) and/or labor organization(s) (see attached). 2 U.S.C. § 441b(a) and 11 CFR § 103.3(b) prohibit the receipt of contributions from

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corporations and labor organizations unless made from separate segregated funds established by the corporations and labor organizations.

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

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

If you have not already done so, please inform the Commission of your corrective action immediately in writing and provide a photocopy of any refund checks. Refunds must be reported on a Schedule B supporting Line 20(a) of the report covering the period in which the refund is made. (11 CFR § 104.8(d)(4))

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.

4. Schedule A of your report discloses one or more contributions that appear to be from limited liability corporation(s) (LLC) (see attached). 11 C.F.R. §110.1(g) allows the receipt of contributions from LLCs providing the LLC is treated as a partnership for tax purposes, and has not elected to be treated as a corporation by the Internal Revenue Service (IRS). Both LLCs that claim corporate status and those that publicly traded would be treated as corporations for FECA purposes.

Please amend your report to clarify if the LLCs in question are treated as partnerships. If any apparently prohibited contribution in question was incompletely or incorrectly disclosed, you must amend your original report with clarifying information.

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))

If you have not already done so, please inform the Commission of your corrective action immediately in writing and provide a photocopy of any refund checks. Refunds must be reported on a Schedule B supporting Line 20(a) of the report covering the period in which the refund was made. (11 CFR § 104.8(d))

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(4)

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.

5. On Schedule B supporting Line 17 of your report, you have itemized disbursements for which you have failed to include the address. Please amend your report to include the missing information. (11 CFR § 104.3(b)(4))

6. Itemized disbursements must include a brief statement or description of why each disbursement was made. Please amend Schedule B supporting Line 17 of your report to clarify the following descriptions: "consultant," "consulting," "event," "in-kind -," and "production expenses." For further guidance regarding acceptable purposes of disbursement, please refer to 11 CFR 104.3(b)(4)(i)(A).

Additional clarification regarding inadequate purposes of disbursement published in the Federal Register is available on the FEC website at www.fec.gov/law/policy/purposeofdisbursement/inadequate_purpose_list_3507.pdf. A non-exhaustive list of acceptable purposes is also available on the FEC website at <http://www.fec.gov/rad/pacs/documents/ExamplesofAdequatePurposes.pdf>.

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.

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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

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**Excessive, Prohibited, and Impermissible Contributions
Zeldin for Congress (C00552547)**

Excessive Contributions from Individuals

Contributor Name	Date	Amount	Election
Brown, Michael	10/22/13	\$2,500.00	P2014
Brown, Michael D	3/18/14	\$1,500.00	P2014
Chu, David	2/24/14	\$500.00	P2014
Chu, David	12/13/13	\$2,600.00	P2014

In-Kind General before Primary

Contributor Name	Date	Amount	Election
McBride, Robert	3/13/14	\$1,175.00	G2014

Contributions from Possible Prohibited Entities

Contributor Name	Date	Amount	Election
100 Mariners Way LLC	3/15/14	\$500.00	P2014
160 South Ocean LLC	2/5/14	\$500.00	P2014
Baldassano Architecture	2/12/14	\$250.00	P2014
Barrett Associates	2/19/14	\$1,500.00	P2014
Bethpage Associates LLC	3/18/14	\$2,500.00	P2014
BK Development LLC	1/27/14	\$1,000.00	P2014
Bond Schoeneck & King PLLC	1/7/14	\$500.00	P2014
Carlson Mechanical LLC	3/20/14	\$300.00	P2014
Cartier Bernstein Auerbach Dazzo Attorneys & Counselors at Law	3/20/14	\$250.00	P2014
ERB Limited Liability Company	1/6/14	\$1,000.00	P2014
Farkas Management LLC	3/21/14	\$500.00	P2014
Final Touch Flooring	3/19/14	\$250.00	P2014
First Rate Building Services	3/18/14	\$250.00	P2014
LLobell Realty Property Management Real	3/20/14	\$150.00	P2014
Lynn & Peter LLC	2/5/14	\$1,000.00	P2014
Mahon Mahon Kerins & O'Brien LLC	2/5/14	\$500.00	P2014
Manorville Property Partners LLC	3/20/14	\$1,000.00	P2014
National Translational Research Group LLC	3/20/14	\$1,500.00	P2014
Quatela Hargraves Mari	3/12/14	\$1,000.00	P2014
R & R Property Management LLC	2/7/14	\$500.00	P2014
Relations Auto	3/18/14	\$250.00	P2014
Riverhead Pistol & Rifle Club	2/22/14	\$300.00	P2014
Ultimate Care Assisted Living Management LLC	2/24/14	\$1,500.00	P2014
W R Equipment LLC	1/29/14	\$1,000.00	P2014