RQ-2

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 16, 2005

Carol Beatty, Treasurer
American Academy of Ophthalmology Inc.
Political Committee ("OPHTHPAC")
655 Beach Street
San Francisco, CA 94109

Response Due Date:
April 15, 2005

Identification Number: C00196246

Reference: Year End Report (11/23/04 – 12/31/04)

Dear Ms. Beatty:

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. **An adequate response must be received at the Commission by the response date noted above.** An itemization of the information needed follows:

-Schedule A of your report (see attached) discloses one or more contributions which appear to exceed the limits set forth in the Act. 2 U.S.C. §441a(f) and 11 CFR §§110.1(d) and 110.2(d) prohibit a committee and its affiliates from receiving any contribution from another political committee or person in excess of $5,000 per calendar year.

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. The funds can be retained if within 60 days of receipt, (1) the excessive amount was properly reattributed to another person, such as a joint account holder, by obtaining signed written authorizations from <u>each</u> person making the contribution pursuant to 11 CFR 110.1(k)(3), and (2) the treasurer informs the person making the contribution that he or she may request the return of the excessive portion of the contribution if it is not intended to be a joint contribution. Any request from a donor for a refund must be honored.

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Alternatively, the funds can be retained if within 60 days of receipt you (1) transferred the excessive 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. Any request from a donor for a refund must be honored.

If the foregoing conditions for reattributions or transfers to a non-federal account were not met within 60 days of receipt, the excessive amount must be refunded.

Please inform the Commission of your corrective action immediately in writing and provide a photocopy of your check for any transfer-out or refund. In addition, any reattributions should be reported as memo entries on Schedule A of the report covering the period during which the authorization for the reattribution is received. Any transfers-out or refunds should be disclosed on Schedule B supporting Line 22 or 28 of the report during which the transaction was made.

Although the Commission may take further legal action regarding the acceptance of an excessive contribution(s), prompt action by your committee to seek reattribution, transfer-out or refund the excessive amount will be taken into consideration.

Unlike previous election cycles, you will not receive an additional notice from the Commission on this matter. Adequate responses received on or before this date will be taken into consideration in determining whether audit action will be initiated. **Requests for extensions of time in which to respond will not be considered**. Failure to provide an adequate response by this date may result in an audit of the committee. 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.

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) 694-1301.

Sincerely,

Bradley Decker
Campaign Finance Analyst
Reports Analysis Division

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Contributor Name	Date	Amount	Report
Mark Hughes	1/7/04	$1,250	February Monthly Report
Mark Hughes	2/10/04	$1,250	March Monthly Report
Mark Hughes	3/4/04	$1,250	April Monthly Report
Mark Hughes	11/4/04	$1,250	30 Day Post-General Report
Mark Hughes	12/4/04	$1,250	Year End Report
Delia Sang	1/7/04	$1,250	February Monthly Report
Delia Sang	2/10/04	$1,250	March Monthly Report
Delia Sang	3/4/04	$1,250	April Monthly Report
Delia Sang	11/4/04	$1,250	30 Day Post-General Report
Delia Sang	12/4/04	$1,250	Year End Report

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