



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-2

January 22, 2020

RICHARD BUERY, TREASURER
FAIRNESS PAC
400 JAY ST SUITE 120
BROOKLYN, NY 11201-5116

Response Due Date
02/26/2020

IDENTIFICATION NUMBER: C00683664

REFERENCE: MID-YEAR REPORT (01/01/2019 - 06/30/2019)

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 1 item(s):

- Schedule B discloses one or more disbursements related to a candidate who was in the exploratory stage of his/her campaign (see attached). A multicandidate political committee may accept a reimbursement from an authorized committee for expenditures related to a candidate who is in the exploratory stage of his/her campaign, but certain requirements apply. If the candidate, through an authorized committee, reimburses the multicandidate political committee it must be within 30 days of becoming a candidate. This allows the payment to not be deemed an in-kind contribution for either entity, and the reimbursement shall be an expenditure of the candidate. 11 CFR 110.2(l)

The receipt from "De Blasio 2020" on Line 15 for "reimbursement of polling expenses" appears to be more than 30 days from when the candidate filed Statement of Candidacy (FEC Form 2).

Please be advised that 52 U.S.C. §30116(a) prohibits a multicandidate committee and its affiliates from making a contribution to a candidate for federal office in excess of \$5,000 per election.

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

The Commission notes the Miscellaneous Electronic Submission filed on

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12/23/19 stating, "This receipt was a reimbursement by De Blasio 2020 of Fairness PAC for polling expenses that Fairness PAC had incurred for testing-the-waters purposes. The reimbursement was due on June 14 in accordance with 11 C.F.R. ? 110.2(1)(1)(iii)(A) and (2). Absent reimbursement, Fairness PAC could be construed as having made an excessive contribution to De Blasio 2020, which neither committee intended. Accepting the reimbursement, even if untimely, was a compliant action, and the committee completely and correctly disclosed this receipt to the Commission." Although the Commission may take further legal action concerning this matter, your clarification and any additional clarification you may have will be taken into consideration.

Although the Commission may take further legal action regarding the excessive contribution(s), your prompt action in obtaining a refund and/or redesignating the contribution(s) will be taken into consideration. (11 CFR §103.3(b)(1) and (3))

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. For information about the report review process or specific filing information for your committee type, please visit www.fec.gov/help-candidates-and-committees. For more information about Requests for Additional Information (RAI), why you received a letter, and how to respond, please visit www.fec.gov/help-candidates-and-committees/request-additional-information. Should you 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) 694-1169.

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Sincerely,

A handwritten signature in black ink that reads "Kevin Fortkiewicz". The signature is written in a cursive style with a large, stylized 'K' and 'F'.

Kevin Fortkiewicz
Sr. Campaign Finance & Reviewing Analyst
Reports Analysis Division

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**Apparent Impermissible, Excessive, and Prohibited Contributions
FAIRNESS PAC (C00683664)**

Apparent Disbursements on Behalf of Authorized Committee

Vendor	Date	Amount	Purpose
Brilliant Corners Research & Strategies	3/27/19	\$68,000.00	Polling
Keating Research	5/13/19	\$55,000.00	Research and Polling