



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-2

July 17, 2009

David Alpert, Treasurer
New York State Democratic Committee
461 Park Avenue South
10th Floor
New York, NY 10016

**Response Due Date:
August 21, 2009**

Identification Number: C00143230

Reference: June Monthly Report (5/1/09-5/31/09)

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 2 items:

1. Schedule A supporting Line 17 of your report discloses a payment(s) from an organization(s) which is not a political committee(s) registered with the Commission (see attached). It appears the receipt(s) was for goods and/or services provided by your committee. Pursuant to Advisory Opinion 1979-18, the sale/purchase price paid to a political committee could involve the receipt of a contribution from a purchaser if the purchase price exceeds the "usual and normal charge". The term "usual and normal charge" for goods is defined as the price of those goods in the market from which they ordinarily would have been purchased at the time of the contribution. Examples of goods and services include equipment, supplies, personnel, advertising services, membership lists, and mailing lists. 11 CFR §100.52(d)(1)

Please clarify whether your committee assessed the usual and normal charge for the goods and/or services you provided and explain the steps your committee took in determining the amount charged. If your committee provided the goods and/or services at more than the usual and normal charge, the difference between the two is considered to be an in-kind contribution(s) received by your committee from an unregistered

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NEW YORK STATE DEMOCRATIC COMMITTEE

Page 2

organization(s) and is prohibited subject to the limits set forth at 2 U.S.C. §§441a(f) and 441b or 11 CFR §102.5(b).

2. Itemized disbursements must include a brief statement or description of why the disbursements were made. Please amend Schedule(s) H4 of your report to clarify the following description(s): "Admin & Political Consulting Non-Candidate Specific." For further guidance regarding acceptable purposes of disbursements, please refer to 11 CFR §104.3(b)(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. 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 DeCarmine

Kristin DeCarmine
Senior Campaign Finance Analyst
Reports Analysis Division

NEW YORK STATE DEMOCRATIC COMMITTEE

Page 3

Name	Date	Amount
Cyrus Vance for Manhattan D.A.	05/26/09	\$26,637.50
David Yassky for Comptroller	05/19/09	\$41,362.90
Dutchess County Democratic Committee	05/08/09	\$4,355.00
Friends of Swaranjit Singh	05/13/09	\$1,818.05
Jo Anne Simon for City Council	05/22/09	\$2,170.03
Margaret Chin 2009	05/26/09	\$2,084.20
New Yorkers for Thompson	05/06/09	\$41,362.90
Otsego County Democratic Committee	05/19/09	\$776.00
Quinn 2009	05/19/09	\$2,807.60
Re-Elect Diana Reyna 2009	05/06/09	\$1,516.69
Smithtown Democratic Town Committee	05/26/09	\$2,021.75
Southampton Town Democratic Committee	05/29/09	\$786.56

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