



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RQ-2

November 6, 2018

MARK B. FREDKIN, TREASURER  
MAINSTREAM PAC  
1346 THE ALAMEDA STE. 7-380  
SAN JOSE, CA 95126

**Response Due Date**  
**12/11/2018**

IDENTIFICATION NUMBER: C00343574

REFERENCE: OCTOBER QUARTERLY REPORT (07/01/2018 - 09/30/2018)

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 enforcement action.** Additional information is needed for the following 2 item(s):

1. Schedule A of your report (see attached) discloses one or more contributions which appear to exceed the limits set forth in the Act. Please be advised that 52 U.S.C. §30116(f) (formerly 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 each 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.

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

MAINSTREAM PAC

Page 2 of 3

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 promptly 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.

2. Schedule B of your report (see attached) discloses one or more contributions which appear to exceed the limits set forth in the Act. Please be advised that 52 U.S.C. §30116(a) (formerly 2 U.S.C. §441a(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.

If any contribution you made exceeds the limits, you must request a refund of the excessive amount or provide a written authorization for a redesignation of the contribution pursuant to 11 CFR §110.2(b) within 60 days of the treasurer's receipt.

If the foregoing conditions for redesignations were not met within 60 days of the treasurer's receipt, your committee must obtain a refund of the excessive amount.

Please inform the Commission of your corrective action promptly in writing and provide a photocopy of the refund or redesignation request sent to the recipient committee(s). In addition, any refunds should be disclosed on Schedule A supporting Line 16 of the report covering the period during which they are

MAINSTREAM PAC

Page 3 of 3

received. Any redesignations should be disclosed as memo entries on Schedule B supporting Line 23 of the report covering the period during which the redesignation is made. (11 CFR §110.1(b))

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))

- Schedule B supporting Line 23 of your report discloses a contribution(s) to "Bay Area Municipal Election Committee." In the event this is a non-federal committee(s), for your information and consideration when preparing future filings, please disclose it on Schedule B supporting Line 29 of the Detailed Summary Page. (11 CFR §104.3 (b)(1)) For your next filing, please refer to the instructions for each line when determining the proper categorization(s).

**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 additional information about the report review process or specific filing information for your committee type, please visit the Reports Analysis Division's Frequently Asked Questions on the FEC website. 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) 694-1157.

Sincerely,



Andrea Chamorro  
Campaign Finance Analyst  
Reports Analysis Division

**Impermissible, Excessive, and Prohibited Contributions  
Mainstream PAC (C00343574)**

**Excessive Contributions from Individuals**

| <b>Contributor Name</b> | <b>Date</b> | <b>Amount</b> | <b>Report</b>          |
|-------------------------|-------------|---------------|------------------------|
| Luczo, Steve J.         | 4/6/18      | \$5,000.00    | 2018 12-Day Pre Pimary |
| Luczo, Steve J.         | 6/22/18     | \$625.00      | 2018 October Quarterly |
| Shoch, John             | 5/7/18      | \$5,000.00    | 2018 12-Day Pre Pimary |
| Shoch, John             | 6/28/18     | \$625.00      | 2018 October Quarterly |

**Excessive Contributions to a Committee/Candidate Committee**

| <b>Recipient Name</b> | <b>Date</b> | <b>Amount</b> | <b>Election</b> | <b>Report</b>          |
|-----------------------|-------------|---------------|-----------------|------------------------|
| TJ Cox for Congress   | 6/30/18     | \$5,000.00    | G2018           | 2018 July Quarterly    |
| TJ Cox for Congress   | 8/6/18      | \$5,000.00    | G2018           | 2018 October Quarterly |