



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-2

March 6, 2008

Melvyn I. Monzack, Treasurer
Biden for President, Inc.
P.O. Box 438
Wilmington, DE 19899

Response Due Date:
April 7, 2008

Identification Number: C00431916

Reference: Amended Year End Report (10/1/07 – 12/31/07), received 1/31/2008

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 items:

1. Schedule A-P of your report discloses one contribution that appears to be from a corporation (see attached). 2 U.S.C. § 441b(a) prohibits the receipt of contributions from 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. (11 CFR § 103.3(b)(1)) The refund must be made within thirty (30) days of the treasurer becoming aware of the illegality of the contribution. (11 CFR § 103.3(b)(2))

Please inform the Commission of your corrective action immediately and provide a photocopy of any refund checks. Refunds must be reported on a Schedule B-P supporting Line 28(a) of the report covering the period in which the refund was made. (11 CFR § 104.8(d)(4))

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Although the Commission may take further legal action, prompt action by you to refund the prohibited amount will be taken into consideration.

2. Schedule A-P of your report discloses one or more contributions that appear to exceed the limits set forth in the Act (see attached). You should examine all of your contributions to check for additional excessive contributions. The Committee's procedures for processing contributions should also be reviewed.

An individual or a political committee other than an authorized committee or qualified multi-candidate committee may not make a contribution to a candidate for federal office in excess of \$2,300 per election. An authorized committee may not make a contribution 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 sixty (60) days of receipt, the excessive portions are properly redesignated or reattributed. Guidelines for each option are provided below:

For reattributions, excessive contributions from individuals can be retained, if within sixty (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

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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 sixty (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)(3).

Please inform the Commission of your 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 28 of the Detailed Summary Page and on a supporting Schedule B-P of the report covering the period in which they are made. Redesignations and reattributions are reported as memo entries on Schedule A-P 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))

The acceptance of excessive contributions is a serious problem. Again, the committee's procedures for processing contributions should be examined and corrected in order to avoid this problem. Although the Commission may take further legal action, prompt action by you to refund, redesignate, and/or reattribute of the excessive amount will be taken into consideration.

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3. The election cycle-to-date totals for certain entries on your report indicate that additional contributions should have been itemized. When contributions from an individual reach \$200 for an election cycle, each subsequent contribution from that individual must be itemized, regardless of the amount. Additionally, each contribution from a political committee must be itemized, regardless of the amount (2 U.S.C. § 434(b) and 11 CFR § 104.3(a)(4)). Please amend your report to correct the discrepancies in the aggregate totals for:

<u>Name</u>	<u>Date</u>	<u>Amount</u>	<u>Reported ECTD Total</u>	<u>ECTD Total Calculated by the FEC</u>
Conard, Phil Ciasullo	11/8/07	\$100.00	\$800.00	\$600.00
Coons, Christopher	11/19/07	\$100.00	\$1,225.00	\$1,100.00
Gianelli, Arthur F.	12/10/07	\$100.00	\$800.00	\$550.00
Hunsinger, Christine	12/16/07	\$250.00	\$900.00	\$850.00
Koerner, Christine	11/25/07	\$500.00	\$1,600.00	\$1,250.00
Lefevre, Russell	12/28/07	\$100.00	\$1,000.00	\$900.00
Loughner, William	11/14/07	\$100.00	\$400.00	\$100.00
Schnierow, Muriel	12/9/07	\$10.00	\$2430.00	\$2,155.00
Spatola, Alfred A.	12/11/07	(\$2,300.00)	\$2,300.00	\$0.00
Whitaker, Rhoda Jan	12/20/07	\$100.00	\$1,600.00	\$550.00

4. Your report discloses \$538,207.35 in un-itemized individual contributions on Line 17(a), Column A, of the Detailed Summary Page. When contributions from an individual reach \$200 for an election cycle, each subsequent contribution from that individual must be itemized, regardless of the amount. The itemization should include the full name, mailing address and zip code of the person, along with the name of his/her employer, the date of the contribution, his/her occupation, the election designation and the election cycle-to-date amount of contributions made by the person. Please amend your report to provide a Schedule A-P if necessary, or to clarify that for the contributions in question, the aggregate total for the election cycle for each contributor does not exceed \$200. (11 CFR § 104.3(a)(4)(i))

5. Your report discloses the receipt of contributions from a limited liability corporation and unincorporated partnerships. Generally, these types of contributions are attributed to each person based on their percentage of ownership in the firm. However, any other acceptable formula may be used. Each person who has contributed in excess of \$200 since January 1 should be identified, on a memo Schedule A-P, by name, address, occupation, name of employer, amount of contribution, and aggregate total. (11 CFR § 110.1)

6. Schedule A-P of your report contains entries for contributions made by more than one person. For contributions made by more than one individual in a single written instrument, you must report the amount attributed to each contributor along with all the required contributor information (full name, address, occupation and employer) in a separate entry for each person. See 11 CFR §§ 100.12, 104.8(a), (b) and (d)(1) and the Campaign Guide for Congressional Candidates for additional clarification.

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) 694-1168.

Sincerely,



Michelle Lee Grant
Senior Campaign Finance Analyst
Reports Analysis Division

Excessive and/or Prohibited Contributions
 Biden for President, Inc. (C00431916)
 Year End Report (10/1/07 - 12/31/07)

P = Primary Election
 G = General Election

CONTRIBUTOR NAME		DATE	AMOUNT	ELECTION
Allen	Warren L. Sr.	10/3/07	\$150.00	P2008
Allen	Warren L. Sr.	10/29/07	\$2,300.00	P2008
Allen	Warren L. Sr.	10/29/07	\$2,300.00	G2008
Angelos	Louis F.	6/20/07	\$2,300.00	P2008
Angelos	Louis F.	11/13/07	\$250.00	P2008
Angelos	Louis F.	12/21/07	\$500.00	P2008
Anglin	Hollis	3/26/07	\$1,000.00	P2008
Anglin	Hollis	9/26/07	\$500.00	P2008
Anglin	Hollis	11/8/07	\$800.00	P2008
Anglin	Hollis	11/9/07	\$1,300.00	P2008
Bajaj	Ken	7/30/07	\$2,300.00	P2008
Bajaj	Ken	12/13/07	\$250.00	P2008
Bifferato	Ian Connor	10/19/07	\$2,300.00	P2008
Bifferato	Ian Connor	12/3/07	\$325.00	P2008
Brumbley	Virginia J.	2/27/07	\$100.00	P2008
Brumbley	Virginia J.	3/7/07	\$100.00	P2008
Brumbley	Virginia J.	3/26/07	\$250.00	P2008
Brumbley	Virginia J.	3/28/07	\$50.00	P2008
Brumbley	Virginia J.	4/19/07	\$100.00	P2008
Brumbley	Virginia J.	5/2/07	\$100.00	P2008
Brumbley	Virginia J.	5/15/07	\$100.00	P2008
Brumbley	Virginia J.	6/3/07	\$300.00	P2008
Brumbley	Virginia J.	6/12/07	\$300.00	P2008
Brumbley	Virginia J.	6/15/07	\$250.00	P2008
Brumbley	Virginia J.	6/26/07	\$200.00	P2008
Brumbley	Virginia J.	6/29/07	\$100.00	P2008
Brumbley	Virginia J.	7/23/07	\$250.00	P2008
Brumbley	Virginia J.	8/20/07	\$200.00	P2008
Brumbley	Virginia J.	8/28/07	\$100.00	P2008

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Excessive and/or Prohibited Contributions
 Biden for President, Inc. (C00431916)
 Year End Report (10/1/07 - 12/31/07)

P = Primary Election
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CONTRIBUTOR NAME		DATE	AMOUNT	ELECTION
Brumbley	Virginia J.	9/17/07	\$200.00	P2008
Brumbley	Virginia J.	10/11/07	\$100.00	P2008
Brumbley	Virginia J.	11/14/07	\$100.00	P2008
Brumbley	Virginia J.	12/4/07	\$100.00	P2008
Caggiano	Frank	6/26/07	\$250.00	P2008
Caggiano	Frank	10/3/07	\$2,000.00	P2008
Caggiano	Frank	11/21/07	\$250.00	P2008
Caggiano	Frank	11/30/07	\$250.00	P2008
Caggiano	Frank	12/10/07	\$250.00	P2008
Caggiano	Frank	12/21/07	\$250.00	P2008
Caggiano	Frank	12/29/07	\$150.00	P2008
Ciabattoni	Michael	4/17/06	\$2,100.00	P2008
Ciabattoni	Michael	12/12/07	\$500.00	P2008
Cohn	Norman	5/10/06	\$250.00	P2008
Cohn	Norman	4/19/07	\$2,000.00	P2008
Cohn	Norman	11/27/07	\$600.00	P2008
Creal	Tom	7/31/06	\$1,000.00	P2008
Creal	Tom	3/30/07	\$1,000.00	P2008
Creal	Tom	6/25/07	\$100.00	P2008
Creal	Tom	7/9/07	\$535.52	P2008
Creal	Tom	8/22/07	\$127.00	P2008
Creal	Tom	12/30/07	\$1,000.00	P2008
Faulkner	Sarah	2/1/07	\$100.00	P2008
Faulkner	Sarah	3/7/07	\$250.00	P2008
Faulkner	Sarah	4/5/07	\$1,000.00	P2008
Faulkner	Sarah	6/26/07	\$500.00	P2008
Faulkner	Sarah	8/22/07	\$50.00	P2008
Faulkner	Sarah	9/19/07	\$100.00	P2008
Faulkner	Sarah	11/5/07	\$300.00	P2008

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Excessive and/or Prohibited Contributions
 Biden for President, Inc. (C00431916)
 Year End Report (10/1/07 - 12/31/07)

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CONTRIBUTOR NAME		DATE	AMOUNT	ELECTION
Faulkner	Sarah	12/17/07	\$250.00	P2008
Feinstein	Robert J.	6/30/07	\$2,300.00	P2008
Feinstein	Robert J.	11/30/07	\$500.00	P2008
Forman Holt & Eliades LLC		12/14/07	\$2,300.00	P2008
Grassgreen	Debra	6/30/07	\$2,300.00	P2008
Grassgreen	Debra	11/30/07	\$500.00	P2008
Hall	Edwin K.	2/26/07	\$1,000.00	P2008
Hall	Edwin K.	9/4/07	\$1,000.00	P2008
Hall	Edwin K.	11/23/07	\$500.00	P2008
Harvey	E. Thomas III	5/15/06	\$1,000.00	P2008
Harvey	E. Thomas III	7/13/07	\$1,000.00	P2008
Harvey	E. Thomas III	10/16/07	\$300.00	P2008
Harvey	E. Thomas III	10/16/07	\$800.00	P2008
Hoines	David Alan	2/26/07	\$2,000.00	P2008
Hoines	David Alan	12/13/07	\$250.00	P2008
Hoines	David Alan	12/30/07	\$250.00	P2008
Jochelson	Maxine	11/28/06	\$500.00	P2008
Jochelson	Maxine	5/23/07	\$500.00	P2008
Jochelson	Maxine	5/23/07	\$750.00	P2008
Jochelson	Maxine	6/30/07	\$500.00	P2008
Jochelson	Maxine	11/28/07	\$100.00	P2008
Kharasch	Ira David	6/30/07	\$2,300.00	P2008
Kharasch	Ira David	11/30/07	\$500.00	P2008
Riley	Nancy	10/31/07	\$5,000.00	G2008
Riley	Nancy	8/29/07	\$2,300.00	P2008

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Excessive and/or Prohibited Contributions
 Biden for President, Inc. (C00431916)
 Year End Report (10/1/07 - 12/31/07)

P = Primary Election
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CONTRIBUTOR NAME	DATE	AMOUNT	ELECTION	
Riley,	Sara Lynne	7/24/07	\$250.00	P2008
Riley,	Sara Lynne	8/22/07	\$500.00	P2008
Riley,	Sara Lynne	8/24/07	\$250.00	P2008
Riley,	Sara Lynne	8/29/07	\$250.00	P2008
Riley,	Sara Lynne	9/13/07	\$500.00	P2008
Riley,	Sara Lynne	9/23/07	\$50.00	P2008
Riley,	Sara Lynne	9/23/07	\$500.00	P2008
Riley,	Sara Lynne	10/31/07	\$500.00	G2008
Riley,	Sara Lynne	10/31/07	\$4,500.00	G2008
Riley	Tom	8/21/07	\$2,100.00	P2008
Riley	Tom	8/29/07	\$200.00	P2008
Riley	Tom	10/31/07	\$5,000.00	G2008
Rosenfeld	John	8/25/07	\$500.00	P2008
Rosenfeld	John	8/25/07	\$500.00	P2008
Rosenfeld	John	11/7/07	\$1,000.00	P2008
Rosenfeld	John	12/13/07	\$300.00	P2008
Rosenfeld	John	12/13/07	\$1,000.00	P2008
Simon,	Sanford	5/29/07	\$1,500.00	P2008
Simon,	Sanford	5/29/07	\$1,500.00	P2008
Simon,	Sanford	5/29/07	\$1,500.00	P2008
Spizzirri	Marc J.	4/17/06	\$2,100.00	P2008
Spizzirri	Marc J.	12/18/07	\$400.00	P2008
Storey	Bayard T.	5/24/06	\$500.00	P2008
Storey	Bayard T.	6/20/07	\$500.00	P2008
Storey	Bayard T.	8/24/07	\$200.00	P2008
Storey	Bayard T.	9/14/07	\$500.00	P2008
Storey	Bayard T.	10/30/07	\$300.00	P2008
Storey	Bayard T.	11/12/07	\$200.00	P2008

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Excessive and/or Prohibited Contributions
 Biden for President, Inc. (C00431916)
 Year End Report (10/1/07 - 12/31/07)

P = Primary Election
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CONTRIBUTOR NAME		DATE	AMOUNT	ELECTION
Storey	Bayard T.	12/12/07	\$170.00	P2008
Stradley Ronan Stevens & Young LLP		11/18/07	\$5,000.00	P2008
Symmes	Cheryl	2/1/07	\$500.00	P2008
Symmes	Cheryl	3/23/07	\$500.00	P2008
Symmes	Cheryl	3/31/07	\$500.00	P2008
Symmes	Cheryl	8/20/07	\$250.00	P2008
Symmes	Cheryl	9/5/07	\$550.00	P2008
Symmes	Cheryl	9/5/07	\$450.00	G2008
Symmes	Cheryl	9/30/07	\$500.00	P2008
Symmes	Cheryl	10/31/07	\$1,000.00	P2008
Voorhees	John B.	6/29/07	\$2,300.00	P2008
Voorhees	John B.	12/16/07	\$250.00	P2008
Whitby,	John W. Jr.	5/31/06	\$600.00	P2008
Whitby,	Jr., John W. W. Jr.	10/29/07	\$2,300.00	P2008

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