

Donald M Payne Jr. For Congress
P.O Box 2406
Newark, NJ 07114

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July 8, 2020

William Searles
Campaign Finance Analyst
Reports Analysis Division
Federal Election Commission
Washington D.C 20463

IDENTIFICATION NUMBER: C00519355

REFERENCE; JULY QUARTERLY REPORT (04/01/2019 – 06/30/2019)

Dear Mr. Searles:

We receive the letter dated June 8, 2020, in respect of July Quarterly Report 04/1/2019 - 06/30/2019, which raised some questions and requested additional information on the report.

- 1) Schedule A of your Report discloses one or more contributions that appear to exceed the limits outlined in the Act.

Sunrise Care LLC

Sunrise Care LLC is a Single Member-owned LLC owned by Mohammed Naeem contributed \$5,000 to the Election Cycle. The \$2,5000 was for 2020 Primary Election and General Election each. We have corrected it in the amended returns.

Heath Coach PAC

Apparent Excessive Contributions from Committee Not Qualified for Multi-Candidate Status.

The Campaign Committee has made inquiries to determine whether the PAC has met the three requirements to be a Multi-Candidate. Committee It appeared the PAC met two of the three condition conditions.

- Be registered with the FEC for at least six months.
- Receive contributions from at least 51 persons; and
- Contribute to at least five federal candidates.

We are waiting for confirmation from the PAC if it receives contributions from at least 51 persons and a proof that it qualifies as a Multi-Candidate committee.

Schedule A of Discloses one or more contribution received after 2018 Primary Elections

We noted that one of the contributions received through the Campaign online platform incorrectly classified as 2018 Primary instead of the 2020 Primary Election Cycle. It has been corrected in the amended returns.

2) Schedule A list some contributions that are not Registered with the Federal Election Commission

The Campaign receives contributions from local election committees that may not have registered with the Commission; The Campaign traditionally sends confirmation letters to the committee to confirm the following:

- certification that the committee has sufficient federally permissible funds in its account(s)
- certification that the committee has registered/will register with the FEC if the committee's contribution to the Donald M. Payne Jr. for Congress exceeds \$1,000.
- Certification that the committee will file the requisite Form 3X disclosing the committee's contribution to Donald M. Payne, Jr. for Congress if the donation exceeds \$1,000.

We have sent letters to the following local Committees mentioned in your letter seeking the required confirmation.

- Annette Quijano Election Fund
- Committee to Re-Elect Oat Perkins-Auguste
- Election Fund of Joseph Cryan
- Union Township Democratic Municipal Committee Inc
- Victor De Luca Campaign Committee.
- The Re-Election Fund of Armando F. Sheriff, Inc
- New Jersey State Firefighters Mutual Benevolent Association

Retail Wholesale & Department Store Union (C00174011)

Retail Wholesale & Department Store Union Committee on Political Education (RWDSU COPE) with FEC ID C00174011. We classified the Organization as a Non-Federal Committee instead of it being a Federal PAC. We reclassified in the system of the Campaign database and the amended returns.

The NEA Fund for Children & Public Education (C00003251)

The NEA Fund for Children and Public Education with FEC ID C00003251 We classified the Organization as a Non-Federal Committee instead of being a Federal PAC. We have reclassified it in the database and the amended returns.

The Campaign has filed an amendment that incorporated these corrections.

I trust our explanations have cleared the concerns on the returns.

Yours Truly,

A handwritten signature in black ink, appearing to read 'Femi Amarin', with a stylized flourish at the end.

Femi Amarin

Assistant to the Treasurer

H. O Neil Williams

Donald M Payne Jr for Congress Campaign Committee

2025 RELEASE UNDER E.O. 14176



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-2

June 8, 2020

WILLIAMS H. O'NEIL, TREASURER
DONALD M PAYNE JR FOR CONGRESS
PO BOX 2406
NEWARK, NJ 07114

Response Due Date

07/13/2020

IDENTIFICATION NUMBER: C00519355

REFERENCE: JULY QUARTERLY REPORT (04/01/2019 - 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 3 item(s):

1. Schedule A of your report discloses one or more contributions that appear to exceed the limits set forth in the Act (see attached).

An individual or a political committee other than an authorized committee or qualified multi-candidate committee may not make a contribution(s) to a candidate for federal office in excess of \$2,800 per election. An authorized committee may not make a contribution(s) 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. (52 U.S.C. § 30116(a) and (f) (formerly 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 60 days of receipt, the excessive portions are properly redesignated or reattributed. Guidelines for each option are provided below.

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For reattributions, excessive contributions from individuals can be retained if, within 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 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 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)(1).

If you have not already done so, 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.

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Refunds are reported on Line 20(a), (b), or (c), as applicable, of the Detailed Summary Page and on a supporting Schedule B of the report covering the period in which they are made. Redesignations and reattributions are reported as memo entries on Schedule A 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))

Although the Commission may take further legal action concerning the acceptance of excessive contributions, your prompt action to refund, redesignate, and/or reattribute the excessive amount will be taken into consideration.

2. Schedule A of your report discloses one or more contributions received after the 2018 primary election that are designated for the 2018 primary. These contributions may only be accepted to the extent that the committee has net debts outstanding from the 2018 primary election. The Commission notes your additional explanation regarding the committee's corrective action taken for all of these contributions. For more information on how to calculate net debts outstanding, please see page 27 of the Campaign Guide for Congressional Candidates and Committees, which is available online at <https://www.fec.gov/resources/cms-content/documents/candgui.pdf>. (11 CFR § 110.1(b)(3)(i))

A contribution is considered made when the contributor relinquishes control over the contribution. A contributor shall be considered to have relinquished control over the contribution when it is delivered to the candidate, when it is delivered to an authorized committee of the candidate, or to an agent of an authorized committee of the candidate. A contribution that is mailed to any of the aforementioned recipients will be considered made on the date of the postmark. Envelopes should be retained for the committee's records. (11 CFR § 110.1(b)(6))

If any contribution in question was incompletely or incorrectly disclosed, you must amend your original report with the clarifying information. If a contribution was made by the contributor before or on the date of the applicable election, please amend your report to indicate this using memo text, or provide this information in a Miscellaneous Document (Form 99 for electronic filers). If a contribution was received before or on the date of the applicable election by a joint fundraising representative and then transferred to your committee after the election, please ensure that you have reported the original date of receipt of the contribution by the joint fundraising representative in a memo entry supporting the transfer.

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If a contribution exceeds the amount of net debts outstanding from the 2018 primary election, you may have to refund or redesignate the contribution.

The funds can be retained if, within 60 days of receipt, the excessive amount was 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) the 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))

If the foregoing conditions for redesignations are not met within 60 days of receipt, the excessive amount must be refunded. See 11 CFR § 103.3(b)(3).

If you have not already done so, please inform the Commission of your corrective action immediately in writing and provide photocopies of any refund checks and/or letters redesignating the contributions in question. Refunds are reported on Line 20(a), (b) or (c), as applicable, of the Detailed Summary Page and on a supporting Schedule B of the report covering the period in which they are made. Redesignations are reported as memo entries on Schedule A of the report covering the period in which the authorization for the redesignation is received. (11 CFR § 104.8(d)(2), (3) and (4))

Although the Commission may take further legal action concerning the acceptance of excessive contributions, your prompt action to refund or redesignate the excessive amount will be taken into consideration.

3. Schedule A of your report discloses one or more contributions from an organization(s) which is not a political committee registered with the Commission (see attached). The Commission notes your additional explanation regarding the committee's corrective action taken for all of these contributions. In order for your committee to accept contributions from unregistered organizations, your committee should take steps to ensure that the contributor(s) used permissible funds to make the contribution(s) to avoid violating 52 U.S.C. §§ 30116(f) and 30118 (formerly 2 U.S.C. §§ 441a(f) and 441b) or 11 CFR

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§102.5(b). Under 11 CFR §102.5(b), organizations which are not political committees under the Act and choose to contribute to federal committees must either: (1) establish a separate account which contains only those funds permitted under the Act, or (2) demonstrate through a reasonable accounting method that the organization has received sufficient funds subject to the limitations and prohibitions in order to make the contribution.

If any apparently prohibited contribution in question was incompletely or incorrectly disclosed, you should amend your original report with clarifying information. In addition, please clarify whether the contribution(s) received from the referenced organization(s) is permissible.

If you have received prohibited contributions, you must make a refund. (11 CFR § 103.3(b)(1)) The refund must be made within 30 days of the treasurer becoming aware of the illegality of the contribution. (11 CFR § 103.3(b)(2))

If you have not already done so, please inform the Commission of your corrective action immediately in writing and provide a photocopy of any refund checks. Refunds must be reported on a Schedule B supporting Line 20(b) or (c), as applicable, of the report covering the period in which the refund was made. (11 CFR § 104.8(d)(4))

Although the Commission may take further legal action concerning the acceptance of prohibited contributions, your prompt action to refund the prohibited amount will be taken into consideration.

- Your report disclosed a category of financial activity that appears to be disclosed on the wrong line of the Detailed Summary Page. For your information and consideration when preparing future filings, contributions made to other committees should be properly disclosed on a separate Schedule B, supporting Line 21 of the Detailed Summary Page. Please refer to the Form 3 instructions for each line when determining the proper categorization(s) for your next filing. (11 CFR § 104.3(a) and (b))

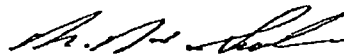
Please note, you will not receive an additional notice from the Commission on this matter. Adequate responses must be received by the Commission on or before the due date noted above to be taken into consideration in determining whether audit action will be initiated. Failure to comply with the provisions 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.**

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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) 694-1187.

Sincerely,



William Searles
Campaign Finance Analyst
Reports Analysis Division

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**Apparent Excessive, Prohibited, and Impermissible Contributions
Donald M. Payne Jr. for Congress (C00519355)**

Apparent Excessive Contributions from Individuals

Contributor Name	Date	Amount	Election
Sunrise Care LLC	6/17/19	\$5,000.00	P2020

Apparent Excessive Contributions from Committees not Qualified for Multi-Candidate Status

Contributor Name	Date	Amount	Election
Health Coach PAC	5/20/19	\$3,500.00	P2020

Contributions from Possible Unregistered Organizations

Contributor Name	Date	Amount	Election
Annette Quijano Election Fund	6/12/19	\$150.00	P2020
Annette Quijano Election Fund	6/17/19	\$175.00	P2020
Comm. to Re-Elect Pat Perkins-Auguste	5/8/19	\$500.00	P2020
Election Fund of Joseph Cryan	5/22/19	\$1,000.00	P2020
New Jersey State Firefighter's Mutual Benevolent Assn.	5/22/19	\$1,050.00	P2020
Retail Wholesale & Dept. Store Union	6/12/19	\$2,100.00	P2020
The NEA Fund - For Children & Public Education	5/31/19	\$2,000.00	P2020
The Re-Election Fund of Armando F Sheriff, Inc	5/15/19	\$350.00	P2020
Union Township Democratic Municipal Committee Inc	5/22/19	\$500.00	P2020
Victor De Luca Campaign Committee	5/15/19	\$350.00	P2020

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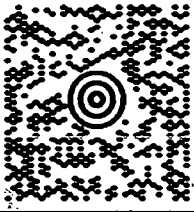
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TO: REPORT ANALYSIS DIVISION
FEDERAL ELECTION COMMISSION
1050 FIRST STREET, NE

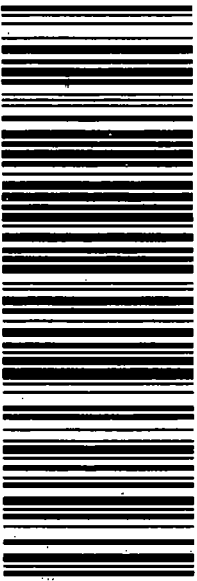
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