



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-2

March 29, 2023

MELISSA A. MENDEZ, TREASURER
MALONEY FOR CONGRESS
49 E. 92ND ST, 1
NEW YORK, NY 10128

Response Due Date
05/03/2023

IDENTIFICATION NUMBER: C00273169

REFERENCE: OCTOBER QUARTERLY REPORT (08/04/2022 - 09/30/2022)

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 4 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 \$2,900 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. While it is permissible for a person to make a contribution for the general election prior to the primary election, the recipient committee must employ an acceptable accounting method to distinguish between primary and general election contributions. (11 CFR § 102.9(e)) This general election amount must be maintained in the committee's account.

Since the candidate will not participate in the general election, any contribution received for the general election must be returned to the donors or redesignated to the primary if your committee has net debts outstanding for the primary election. To redesignate a contribution the committee must either (1) obtain 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) redesignate the contribution by presumption to the primary election, for undesignated contributions made after the primary but before the general 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. The notification must give the contributor an opportunity to request a refund. A contribution can only be redesignated to a previous election to the extent that the contribution does not exceed net debts outstanding for that election. (11 CFR § 110.1(b)(3)(i) and (5)(ii)(C))

The attached general election contributions do not appear to have been remedied. Any subsequent report(s) filed with the Commission must disclose the refund or redesignation of any general election contribution. Refunds or redesignations must be done within 60 days after the 2022 Primary Election.

Although the Commission may take further legal action, your prompt action to refund these contributions will be taken into consideration.

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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). 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 §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.

4. Your committee filed 48-hour notices reporting the following "last minute" contributions (see attached). However, these contributions do not appear on Schedule A of this report. Please amend your report to include these contributions or provide an explanation of these apparent discrepancies. (11 CFR § 104.3(a)(4)(i))

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

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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 (RFAI), 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) 694-1167.

Sincerely,

A handwritten signature in black ink, appearing to read "Denise Stilla", with a long horizontal flourish extending to the right.

Denise Stilla
Senior Campaign Finance Analyst

**Apparent Excessive, Prohibited, and Impermissible Contributions
Maloney for Congress (C00273169)**

Apparent Excessive Contributions from Individuals

Contributor Name	Date	Amount	Election
Kasen-Windsor, Judith M.	3/17/22	\$1,000.00	P2022
Kasen-Windsor, Judith M.	7/23/22	\$1,000.00	P2022
Kasen-Windsor, Judith M.	8/20/22	\$1,000.00	P2022
Kasen-Windsor, Judith M.	8/20/22	\$1,500.00	P2022
Senay, Emily	6/7/22	\$2,900.00	P2022
Senay, Emily	8/19/22	\$2,900.00	P2022

Contributions from Possible Unregistered Organizations

Contributor Name	Date	Amount	Election
Seneca Club of Kings County	8/22/22	\$100.00	P2022

**Apparent General Election Contributions
Maloney for Congress (C00273169)**

2020 Year-End Report

Contributor Name	Date	Amount	Election
Martone, Patricia A	11/15/20	\$121.43	G2022

2021 April Quarterly Report

Contributor Name	Date	Amount	Election
Martone, Patricia A	3/11/21	\$200.00	G2022

2021 July Quarterly Report

Contributor Name	Date	Amount	Election
DiAngelo, Christopher J. Esq.	4/12/21	\$100.00	G2022

2021 October Quarterly Report

Contributor Name	Date	Amount	Election
Transdigm Group Inc PAC	9/29/21	\$2,500.00	G2022

2021 Year-End Report

Contributor Name	Date	Amount	Election
Jasty, Susmita	10/18/21	\$100.00	G2022
Transdigm Group Inc PAC	11/23/21	\$2,500.00	G2022

2022 April Quarterly Report

Contributor Name	Date	Amount	Election
Callahan, Charles E. III	2/24/22	\$100.00	G2022
Commercial Real Estate Finance Council PAC	3/31/22	\$1,000.00	G2022
Foa, Conrad M.	3/31/22	\$100.00	G2022
Martone, Patricia A	1/12/22	\$2,778.57	G2022

2022 July Quarterly Report

Contributor Name	Date	Amount	Election
Adelson, Nancy	5/23/22	\$100.00	G2022
Berresford, Geoffrey C	6/15/22	\$160.00	G2022
Brown, Gregory	4/16/22	\$10.00	G2022
Haleblian, John	4/3/22	\$100.00	G2022
Schlegel, Peter	5/23/22	\$100.00	G2022

2022 October Quarterly Report

Contributor Name	Date	Amount	Election
Shin, Bumcho	8/11/22	\$100.00	G2022

**Apparent General Election Contributions
Maloney for Congress (C00273169)**

2022 Year-End Report

Contributor Name	Date	Amount	Election
Martone, Patricia	10/9/22	-\$2,900.00	

**Incorrectly Reported Receipts on 48-Hour Notices
Maloney for Congress (C00273169)**

48-Hour Notices Filed/Contributions Not Disclosed on Schedule A

Contributor Name	Date	Amount
Berger, Stephen	8/17/22	\$2,900.00
Bernstein, Jay	8/17/22	\$2,500.00
Feinberg, Marc	8/17/22	\$1,000.00
Friedman, Brian	8/17/22	\$2,500.00
Garner, Charles	8/17/22	\$1,000.00
Haber, James	8/17/22	\$2,900.00
Haber, Jill	8/17/22	\$2,900.00
Krivoruchko, Ruslan	8/17/22	\$2,500.00
Lauder, Leonard A.	8/17/22	\$2,900.00
Ratner, Bruce	8/17/22	\$2,900.00
Samuelson, Joshua	8/17/22	\$2,500.00
Silverman, Doug	8/17/22	\$2,500.00
Spiegel, Heidi Jo	8/17/22	\$1,000.00
Talpins, Mara	8/17/22	\$2,500.00
Tenzer, Gil	8/17/22	\$2,500.00
Wainwright, Cynthia C	8/17/22	\$2,900.00
Weitman, Aaron	8/17/22	\$2,500.00
Zaccaro, Donna	8/17/22	\$1,000.00