



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-2

November 30, 2004

Anne Rosenfeld, Treasurer
Pete King for Congress Committee
Post Office Box 1428
Seaford, NY 11783

Response Due Date:
December 30, 2004

Identification Number: C00272211

Reference: October Quarterly Report (8/26/04 - 9/30/04)

Dear Ms. Rosenfeld:

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. **An adequate response must be received at the Commission by the response date noted above.** An itemization of the information needed follows:

-Schedule A 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 \$2,000 per election. An authorized committee may not make a contribution to a candidate for federal office in excess of \$1,000 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

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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 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))

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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).

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 20 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))

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.

-Schedule B of your report (see attached) discloses one or more contributions that appear to exceed the limits established by the Act. The Act precludes an individual or a political committee from making a contribution to a national party committee in excess of \$25,000.00 per calendar year. (2 U.S.C. §441a(a)) However, a political committee may make unlimited transfers to a national party committee if the transferred amount is determined to be and disclosed as "transfer of campaign funds" or "excess campaign funds". (11 CFR §113.2(c))

If any apparent excessive contribution in question was incompletely or incorrectly reported, you must amend your original report with the clarifying information.

If the contribution made was excessive, you must notify the recipient and request a refund of the amount in excess of \$25,000.00. You also must inform the Commission in writing of such a refund. The refund must appear on Line 15 of the Detailed Summary Page and on a supporting Schedule A of the report covering the period in which the refund is received.

Although the Commission may take further legal action, prompt action by you to obtain a refund of the excessive contribution amount will be taken into consideration.

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-Your report contains incorrect Column B figures for Lines 6(a), 6(c), 7(a), 7(c), 11(a)(iii), 11(b), 11(e), 15, 16, 17, 18, and 22 of the Summary and Detailed Summary Page information. When aggregating and reporting receipts and disbursements, candidate committees are required to disclose their activity on an election-cycle basis, from 11/6/02 to 11/2/04. Please amend your report to show election cycle-to-date figures for all aggregate amounts. (2 U.S.C. §434(b))

-The beginning cash balance of this report does not equal the ending balance of your Amended 12 Day Pre-Primary Report, received 11/9/04. Please correct this discrepancy and amend all subsequent reports(s) that may be affected by the correction. (2 U.S.C. §434(b)(7))

-Schedule A of your report indicates that your committee may have failed to file one or more of the required 48 hour notices regarding "last minute" contributions received by your committee after the close of books for the 12 Day Pre-Primary Report (see attached). A principal campaign committee must notify the Commission, in writing, within 48 hours of any contribution of \$1,000 or more received between two and twenty days before an election. These contributions are then reported on the next report required to be filed by the committee. To ensure that the Commission is notified of last minute contributions of \$1,000 or more to your campaign, it is recommended that you review your procedures for checking contributions received during the aforementioned time period. The failure to file 48-hour notices may result in civil money penalties or legal enforcement action. If any contribution of \$1,000 or more was incorrectly reported, you must amend your original report with the clarifying information. (11 CFR §104.5(f))

Unlike previous election cycles, you will not receive an additional notice from the Commission on this matter. Adequate responses received on or before this date will be taken into consideration in determining whether audit action will be initiated. Requests for extensions of time in which to respond will not be considered. Failure to provide an adequate response by this date may result in an audit of the committee. 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.

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

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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) 694-1164.

Sincerely,



Karen J. Balderama
Senior Campaign Finance Analyst
Reports Analysis Division

Excessive and/or Prohibited Contributions
 Pete King for Congress Committee (C00272211)
 October Quarterly Report (8/26/04 - 9/30/04)

P = Primary Election
 G = General Election

CONTRIBUTOR NAME	DATE	AMOUNT	ELECTION
ATLA PAC	04/02/2003	\$ 2,500.00	P2004
ATLA PAC	10/15/2003	\$ 2,500.00	P2004
ATLA PAC	09/14/2004	\$ 1,000.00	P2004
ATLA PAC	09/14/2004	\$ 1,000.00	G2004
RECIPIENT NAME	DATE	AMOUNT	ELECTION
National Republican Congressional Committee	09/22/2004	\$ 35,000.00	
Contributions to national and state parties do not require election designation because they are based on			
a per calendar year amount. See 2 U.S.C. §441a(a) and the Campaign Guide for Congressional			
Candidates for further information			

Missing 48-hour notices

Pete King for Congress Committee (C00272211)

October Quarterly Report (8/26/04 - 9/30/04)

Primary Election 2004

48 Hour Notice Period (8/26/04 - 9/11/04)

CONTRIBUTOR NAME		DATE	AMOUNT	ELECTION
KPMG PAC		08/31/2004	\$ 3,176.88	P2004
Flynn	William Mr.	09/02/2004	\$ 1,000.00	P2004
Graham	Michael Mr.	09/02/2004	\$ 1,000.00	G2004
Johnson	Annette Ms.	09/09/2004	\$ 1,000.00	G2004

