



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C.

RQ-2

January 20, 2025

CLAUDIA ARMENDINGER, TREASURER
DESPOSITO FOR NEW YORK
PO BOX 188
ISLAND PARK, NY 11558

Response Due Date
02/24/2025

IDENTIFICATION NUMBER: C00809426

REFERENCE: 30 DAY POST-GENERAL REPORT (10/17/2024 - 11/25/2024)

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 8 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 \$3,300 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 that appear to exceed the limit set forth in the Act (see attached).

No political committee other than a qualified multi-candidate committee may make contributions to a candidate for federal office in excess of \$3,300 per election. The attached PACs did not meet the requirements for qualified multi-candidate status as of the date the contribution(s) was made to your committee. **A non-qualified committee and all affiliated committees may not make a contribution(s) to a candidate for federal office in excess of \$3,300 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))

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(s) you received exceeds the limits, you may have to refund the excessive amount. 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) 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

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contribution. The notification must give the contributor an opportunity to request a refund. (11 CFR § 110.1(b)(5)(ii)(B)) 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))

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). 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

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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. Schedule B supporting Line 20(a) discloses a refund of a contribution made to Mack, Sondra. However, it appears that your committee refunded an amount greater than the original contribution. Please amend the appropriate report(s) to disclose the original contribution or provide clarifying information. (52 U.S.C. § 30104(b) (formerly 2 U.S.C. § 434(b)) and 11 CFR § 104.3(a) & (b))

5. Schedule A supporting Line 12 of the Detailed Summary Page(s) of your combined 2024 reports discloses transfer(s) that exceed the sum of memo Schedule A entries (see attached). Please note that the sum of memo Schedule A supporting a transfer(s) from a joint fundraising committee should be greater than or equal to the amount of the transfer(s).

Each participating committee shall report its share for **net** proceeds received from the joint fundraising committee as a transfer-in on Schedule A. A memo Schedule A must be provided to itemize your committee's share of the **gross** contributions received through the joint fundraiser. The memo schedule should itemize each individual who has contributed an aggregate in excess of \$200 during the election cycle and provide the amount of unitemized contributions received. In addition, the memo schedule should itemize your committee's share of all contributions from political committees, regardless of amount. (11 CFR § 102.17(c)(8)(i)(B)) Please amend your report to include the missing Schedule A or provide an explanation for this apparent discrepancy.

6. 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 (to include loans, in-kind contributions, and advances) received by your committee after the close of books for the 12 Day Pre-General 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

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48-hour notices may result in civil money penalties or legal enforcement action. (11 CFR § 104.5(f))

If any contribution of \$1,000 or more was incorrectly reported, you must amend your original report with the clarifying information. For each contribution received by a joint fundraising representative and subsequently transferred to your committee, please ensure that your report discloses the original date of receipt of the contribution by the joint fundraising representative in a memo entry supporting the transfer. The entry for the transfer itself should show the date the contribution was transferred to your committee by the joint fundraising representative.

7. 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))

8. It appears that your committee may have filed duplicate 48-hour notices. Your committee filed two 48-hour notices for the contribution from Flanagan, John on 10/21/2024 for \$1,500.00; however, this contribution is only disclosed once on Schedule A of your report. Please amend your report to include the additional contribution or provide an explanation of the apparent discrepancy. (11 CFR §104.3(a)(4)(i))

- 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, transfers from joint fundraising committees should be properly disclosed on a separate Schedule A, supporting Line 12 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) 694-1229.

Sincerely,

A handwritten signature in black ink, reading "L. Schleyer-Hinchey". The signature is written in a cursive, flowing style.

Lauren Schleyer-Hinchey
Senior Campaign Finance Analyst

**Apparent Excessive, Prohibited, and Impermissible Contributions
D'Esposito for New York (C00809426)**

Apparent Excessive Contributions from Committees

Contributor Name	Date	Amount	Election
No Nonsense PAC	12/28/23	\$5,000.00	G2024
No Nonsense PAC	10/22/24	\$2,000.00	G2024

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

Contributor Name	Date	Amount	Election
Circle The Wagons PAC	6/30/24	\$2,500.00	G2024
Right Here Right Now PAC	10/30/24	\$3,300.00	G2024

**Records indicate committees have been affiliated since 05/13/2024.*

Contributions from Possible Unregistered Organizations

Contributor Name	Date	Amount	Election
Citizens Committee To Re-Elect Sen. Ken Lavallo	10/30/24	\$500.00	G2024
Delivers PAC	10/29/24	\$1,000.00	G2024
Friend Of Laura Ryder	10/25/24	\$300.00	G2024

**Joint Fundraising Transfers Exceed Memo Entries
D'Esposito for New York (C00809426)**

American Battleground Fund

Report	Transfers	Memo Entries
2024 July Quarterly	\$19,579.36	\$10,895.09
2024 October Quarterly	\$15,043.87	\$17,556.00
2024 30-Day Post-General	\$3,406.54	\$3,133.33
Total	\$38,029.77	\$31,584.42

Hispanic Leadership Trust Partnership

Report	Transfers	Memo Entries
2024 July Quarterly	\$4,011.75	\$0.00
Total	\$4,011.75	\$0.00

New Yorkers for Common Sense

Report	Transfers	Memo Entries
2024 30-Day Post-General	\$22,835.30	\$11,466.69
Total	\$22,835.30	\$11,466.69

Protect the House 2024

Report	Transfers	Memo Entries
2024 October Quarterly	\$41,742.27	\$0.00
Total	\$41,742.27	\$0.00

Scalise Leadership Fund 2024

Report	Transfers	Memo Entries
2024 April Quarterly	\$30,382.27	\$30,607.64
2024 July Quarterly	\$198,055.22	\$107,776.79
2024 October Quarterly	\$37,841.77	\$13,049.89
2024 30-Day Post-General	\$11,669.04	\$19,528.09
Total	\$277,948.30	\$170,962.41

Missing 48-Hour Notices
D'Esposito for New York (C00809426)

Contributor Name	Date	Amount	Election
Defending The American Dream PAC	10/22/24	\$2,000.00	G2024
No Nonsense PAC	10/22/24	\$2,000.00	G2024
Delivering American Values In DC	10/23/24	\$1,000.00	G2024
Blitzer, Judi R	10/30/24	\$1,666.67	G2024

**Incorrectly Reported Receipts on 48-Hour Notices
D'Esposito for New York (C00809426)**

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

Contributor Name	Date	Amount
Blitzer, David S.	10/30/24	\$1,666.67
DAVID PAC	10/23/24	\$1,000.00