



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20461

July 27, 2004

RQ-2

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

Response Due Date:
August 26, 2004

Identification Number: C00272211

Reference: July Quarterly Report (4/1/04 - 6/30/04)

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))

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).

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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.

-Your report contains incorrect Column B figures for Lines 6(a), 6(e), 7(a), 7(e), 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))

-A review of your itemized receipts indicates a discrepancy in your aggregate election cycle-to-date totals. The reported aggregate totals on your report should include all contributions from an individual or committee given in the election cycle. Please review your procedures for compliance with this requirement and amend your report(s) as necessary. (11 CFR §104.3(a)(3))

-Schedule A of your report discloses contributions from political committees but fails to include the full and/or recognizable name. Reporting only the name of the connected organization, abbreviating the name of the committee so it is unrecognizable or using an indistinguishable acronym is inadequate. (11 CFR §§102.14(c) and 104.3(a)(4)(ii)) A listing of the full FEC-registered committee names, FEC Committee ID numbers and approved acronyms can be found on the FEC web site (www.fec.gov) or can be obtained by contacting the FEC Public Disclosure Division. Please amend your report to include the missing information.

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

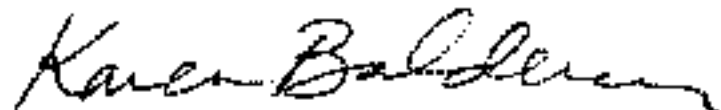
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will be taken into consideration in determining whether audit action will be initiated. **Requests for extensions of time in which to respond will not be considered.** Failure to provide an adequate response by this date may result in an audit of the 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 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
 Committee Name (Committee ID number)
 Report Type (coverage dates)

P = Primary Election
 G = General Election

| CONTRIBUTOR NAME | DATE | AMOUNT | ELECTION |
|--|------------|-------------|----------|
| ASSOCIATION OF TRIAL LAWYERS OF AMERICA POLITICAL | 04/02/2003 | \$ 2,500.00 | P2004 |
| ATLA PAC | 04/02/2003 | \$ 2,500.00 | P2004 |
| ATLA PAC | 10/15/2003 | \$ 2,500.00 | P2004 |
| ASSOCIATION OF TRIAL LAWYERS OF AMERICA POLITICAL | 05/07/2004 | \$ 1,000.00 | P2004 |
| INTERNATIONAL UNION OF OPERATING ENGINEERS LOCAL 1 | 07/08/2003 | \$ 1,000.00 | P2004 |
| INTERNATIONAL UNION OF OPERATING ENGINEERS LOCAL 1 | 10/22/2003 | \$ 1,000.00 | P2004 |
| INTERNATIONAL UNION OF OPERATING ENGINEERS LOCAL 1 | 06/24/2004 | \$ 500.00 | P2004 |
| LOCAL 138 138A AND 138B INTERNATIONAL UNION OF OPE | 04/16/2003 | \$ 500.00 | P2004 |
| LOCAL 138 138A AND 138B INTERNATIONAL UNION OF OPE | 07/08/2003 | \$ 500.00 | P2004 |
| LOCAL 138 138A AND 138B INTERNATIONAL UNION OF OPE | 10/22/2003 | \$ 1,000.00 | P2004 |
| LOCAL 138 138A AND 138B INTERNATIONAL UNION OF OPE | 04/27/2004 | \$ 500.00 | P2004 |
| LOCAL 138 138A AND 138B INTERNATIONAL UNION OF OPE | 06/24/2004 | \$ 500.00 | P2004 |
| Above committees are affiliated. See 11 CFR § 110.3(e)(1) for more information | | | |

