



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-2

November 17, 2022

NANCY MARKS, TREASURER
DEVOLDER-SANTOS FOR CONGRESS
47 FLINTLOCK DRIVE
SHIRLEY, NY 11967

Response Due Date
12/22/2022

IDENTIFICATION NUMBER: C00721365

REFERENCE: 12 DAY PRE-GENERAL REPORT (10/01/2022 - 10/19/2022)

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 2 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. Schedule A supporting Line 12 of your report discloses transfers from Scott Franklin Wingman Fund that appear to be received through joint fundraising efforts. However, Scott Franklin Wingman Fund is not disclosed as a joint fundraising representative on your Statement of Organization. Please amend your Statement of Organization to disclose the joint fundraising representative as an authorized committee of the candidate or amend your report to provide clarifying information. (11 CFR §102.2(b)(1)(i) and 11 CFR §102.17(b)(2))

- 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 authorized committees such as Devolder-Santos for NY-03 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))

- Your committee has previously indicated that it has been using "best efforts" to obtain the full name, mailing address, occupation and name of employer for each contributor. However, please note that this report discloses a significant increase in the number of entries that lack this information. (11 CFR §§104.3(a)(4)(i) and 104.7)

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) 694-1167.

Sincerely,

A handwritten signature in black ink, appearing to read "Denise Stilla", with a stylized flourish at the end.

Denise Stilla
Senior Campaign Finance Analyst

**Apparent Excessive, Prohibited, and Impermissible Contributions
Devolder-Santos for Congress (C00721365)**

Apparent Excessive Contributions from Individuals

Contributor Name	Date	Amount	Election
Carlton, Andrea	10/11/22	\$5,800.00	G2022
Cassidy, Albert	3/4/22	\$2,900.00	G2022
Cassidy, Albert S.	10/11/22	\$1,250.00	G2022
Catsimatidis, John *	9/30/22	\$1,000.00	G2022
Catsimatidis, John	10/17/22	\$2,900.00	G2022
Fisher, Kenneth	8/18/22	\$2,900.00	G2022
Fisher, Kenneth L. *	8/18/22	\$2,900.00	G2022
Fisher, Sherrilyn	8/18/22	\$2,900.00	G2022
Fisher, Sherrilyn A. *	8/18/22	\$2,900.00	G2022
Zervos, Joanne	6/22/21	\$100.00	G2022
Zervos, Joanne	6/30/21	\$100.00	G2022
Zervos, Joanne	6/30/21	\$1,500.00	G2022
Zervos, Joanne	9/30/21	\$1,000.00	G2022
Zervos, Joanne	11/9/21	\$230.00	G2022
Zervos, Joanne	9/17/22	\$35.00	G2022
Zervos, Joanne	10/17/22	\$35.00	G2022
* Contributions transferred from Devolder-Santos for NY-03			