



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C.

RQ-2

September 11, 2024

PAUL KILGORE, TREASURER
BERNIE MORENO FOR SENATE
PO BOX 340797
COLUMBUS, OH 43234

Response Due Date
10/16/2024

IDENTIFICATION NUMBER: C00837484

REFERENCE: JULY QUARTERLY REPORT (04/01/2024 - 06/30/2024)

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 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). The Commission notes your additional explanation regarding the committee's corrective action taken for some of these contributions.

An individual or a political committee other than an authorized committee or a 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), and 102.13(c))

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

Please be reminded that all refunds, redesignations and reattributions must be made within 60 days of receipt of the contribution. To date, one or more of the

BERNIE MORENO FOR SENATE

Page 2 of 6

apparent excessive contributions have not been refunded, redesignated, or reattributed.

For reattributions, the funds can be retained if, within 60 days of receipt, the excessive amount was properly reattributed to another person. 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 who signed the check 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 was properly designated 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 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 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, the excessive amount must be refunded. (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. 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

BERNIE MORENO FOR SENATE

Page 3 of 6

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 or 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. 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 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))

BERNIE MORENO FOR SENATE

Page 4 of 6

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 that appear to be from a limited liability corporation(s) (LLC) (see attached). The Commission notes your additional explanation regarding the committee's corrective action taken for all of these contributions. 11 C.F.R. §110.1(g) allows the receipt of contributions from LLCs providing the LLC is treated as a partnership for tax purposes, and has not elected to be treated as a corporation by the Internal Revenue Service (IRS). Both LLCs that claim corporate status and those that are publicly traded would be treated as corporations for FECA purposes.

Please amend your report to clarify if the LLCs in question are treated as partnerships. If any apparently prohibited contribution in question was incompletely or incorrectly disclosed, you must amend your original report with clarifying information.

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(a) 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 A of your report discloses one or more contributions from an

BERNIE MORENO FOR SENATE

Page 5 of 6

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.

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.**

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

BERNIE MORENO FOR SENATE

Page 6 of 6

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
Bernie Moreno for Senate (C00837484)

Apparent Excessive Contributions from Individuals

Contributor Name	Date	Amount	Election
Bartlett, Patricia	4/28/24	\$6,600.00	G2024
Chomczynski, Piotr Mr	8/9/23	\$1,500.00	P2024
Chomczynski, Piotr Mr	10/4/23	\$1,500.00	P2024
Chomczynski, Pitor	5/29/24	\$3,300.00	P2024
Clark, Donald	12/4/23	\$1,700.00	G2024
Clark, Donald	6/17/24	\$3,300.00	G2024
Cooper, Derick	6/27/24	\$13,200.00	G2024
Dever, Shane	9/29/23	\$6,600.00	P2024
Dever, Shane	9/29/23	-\$3,300.00	P2024
Dever, Shane	5/8/24	\$3,300.00	P2024
Digeronimo, Kevin	6/25/24	\$6,600.00	G2024
Gillespie, Bob	6/18/24	\$5,000.00	G2024
Harpst, Gary	6/25/23	\$1,000.00	P2024
Harpst, Gary	6/4/24	\$2,500.00	P2024
Hininger, Damon	6/27/24	\$3,435.35	G2024
Huffer, Michael	4/11/24	\$1,041.02	G2024
Huffer, Mike	5/6/24	\$2,500.00	G2024
Huffer, Michael	6/21/24	\$812.50	G2024
Jeanblanc, Guy V. Mr	4/17/24	\$2,000.00	G2024
Jeanblanc, Guy V. Mr	4/26/24	\$1,000.00	G2024
Jeanblanc, Guy V. Mr	5/30/24	\$1,000.00	G2024
Kalmbach, Paul M. Mr.	6/25/24	\$10,000.00	G2024
Malacos, George G. Mr.	11/15/23	\$100.00	G2024
Malacos, George G. Mr.	11/30/23	\$50.00	G2024
Malacos, George G. Mr.	1/26/24	\$500.00	G2024
Malacos, George G. Mr.	2/3/24	\$20.00	G2024

Apparent Excessive, Prohibited, and Impermissible Contributions
Bernie Moreno for Senate (C00837484)

Malacos, George G. Mr.	2/26/24	\$99.00	G2024
Malacos, George G. Mr.	3/11/24	\$50.00	G2024
Malacos, George G. Mr.	3/21/24	\$40.00	G2024
Malacos, George G. Mr.	3/27/24	\$100.00	G2024
Malacos, George G. Mr.	4/29/24	\$2,441.00	G2024
Malacos, George G. Mr.	6/11/24	\$500.00	G2024
Mccurdy, David M.	5/24/24	\$10,000.00	G2024
Miller, Carol	6/30/24	\$5,000.00	G2024
Nutter, Mary	9/1/23	\$1,650.00	P2024
Nutter, Mary	5/9/24	\$3,300.00	P2024
Peck, John Jr	5/19/24	\$3,300.00	G2024
Peck, John Jr	6/2/24	\$5,000.00	G2024
Peck, John Jr	6/27/24	\$3,435.35	G2024
Reusser, Karena	6/5/24	\$6,600.00	G2024
Ricart, Rhett C. Mr.	4/24/24	\$2,700.00	G2024
Ricart, Rhett C. Mr.	6/10/24	\$5,000.00	G2024
Ricart, Rhett	6/30/24	-\$1,700.00	G2024
Russell, Brian M. Mr.	6/29/23	\$2,500.00	P2024
Russell, Brian	5/15/24	\$2,500.00	P2024
Smith, Johnathan A. Mr.	6/10/24	\$1,700.00	G2024
Smith, Johnathan A. Mr.	6/10/24	\$3,300.00	G2024
Weiss, Richard	6/2/24	\$6,600.00	G2024
Zidian, Tom	5/13/24	\$5,000.00	G2024
Zinn, Warren	3/27/24	\$900.00	G2024
Zinn, Warren	4/27/24	\$900.00	G2024
Zinn, Warren	5/27/24	\$900.00	G2024
Zinn, Warren	6/27/24	\$900.00	G2024

Apparent Excessive, Prohibited, and Impermissible Contributions
Bernie Moreno for Senate (C00837484)

Apparent Excessive Contributions from Affiliated Committees

Contributor Name	Date	Amount	Election
Commonsense, Conservative Values PAC*	2/3/23	\$5,000.00	
Heartland Values PAC	3/31/24	\$5,000.00	G2024
Heartland Values PAC	3/31/24	\$5,000.00	P2024

*Contribution transferred from the candidate's other authorized committee, Moreno for OH Senate Republican Nominee Fund (C00829499)

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

Contributor Name	Date	Amount	Election
Ramaco Resources Inc. PAC	6/5/24	\$5,000.00	P2024

Contributions from Possible Prohibited Entities

Contributor Name	Date	Amount	Election
Stata Family Office	6/27/24	\$500.00	G2024

Contributions from Possible Unregistered Organizations

Contributor Name	Date	Amount	Election
Boosters for Perciak	5/30/24	\$500.00	P2024
Citizens for Amy Murray	6/25/24	\$500.00	P2024
Citizens for Crank	6/25/24	\$300.00	P2024
Committee to Elect Harless	5/24/24	\$150.00	P2024
Committee to Elect Jeremiah Upp	6/21/24	\$1,000.00	P2024
Committee to Elect John P. O'Donnell	5/22/24	\$250.00	P2024
Committee to Elect Lynn Maro	5/23/24	\$250.00	P2024
Committee to Elect Sarah Fowler Arthur	5/22/24	\$250.00	P2024
Committee to Elect Zinni	5/23/24	\$250.00	P2024
Dixon for Commissioner	6/30/24	\$1,000.00	P2024
Friends of David Thomas	5/23/24	\$150.00	P2024
Friends of Denny Malloy	5/24/24	\$250.00	P2024
Friends of Mcmillen	6/18/24	\$150.00	P2024
Friends of TC Rogers Campaign Fund	6/14/24	\$1,000.00	P2024
Friends of Wilkens	6/30/24	\$1,000.00	P2024
Hildenbrand for Sheriff	5/14/24	\$100.00	P2024
Logue for Trustee	6/27/24	\$1,000.00	P2024
Monica Robb Blasdel for State Representative	5/24/24	\$1,000.00	P2024
Ritter for Ohio	6/30/24	\$100.00	P2024