



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-2

October 5, 2022

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

Response Due Date
11/09/2022

IDENTIFICATION NUMBER: C00721365

REFERENCE: AMENDED JULY QUARTERLY REPORT (04/01/2022 - 06/30/2022),
RECEIVED 09/12/2022

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 5 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

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option are provided below.

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

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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 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 \$2,900 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

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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. Your report discloses contributions designated to the "P2022 Special Election Monies for August" election on Schedule A supporting Line(s) 11(a)(i) and 12 that were received before May 20, 2022. Since these contributions were received before the decision was made to reschedule the New York Primary Election for the U.S. House of Representatives to August 23, 2022, these designations appear to be incorrect.

Authorized committees should indicate the election for which the contribution was designated. If no election is designated, the contribution is applied to the next election for the federal office the candidate is seeking after the contribution date. Please be advised that incorrect election designations may result in excessive or impermissible contributions. Please amend your report to clarify election designations. (11 CFR §§ 110.1(b) and 110.2(b))

If these contributions were originally designated for the June 28, 2022 Primary Election and subsequently redesignated to the August 23, 2022 Primary Election, please amend your report(s) to disclose the proper format for redesignations. The first entry must disclose the information for the contribution as it was originally received. (This entry would be a memo entry if the contribution was received and reported in a prior reporting period and is being redesignated in a later reporting period.) The second entry must disclose, as a memo entry, the amount of the redesignation as a negative amount. The third entry must disclose, as a memo entry, the information on the contribution as it was redesignated, including the date the redesignation was made and the election for which the contribution was redesignated. (11 CFR § 104.8(d)(2)) Please refer to the

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Campaign Guide for Congressional Candidates and Committees for further guidance on how to report redesignations.

4. Your report fails to provide proper election designations for contributions disclosed on Schedule A supporting Line(s) 11(a)(i) and 12. Authorized committees should indicate the election for which the contribution was designated. If no election is designated, the contribution is applied to the next election for the federal office the candidate is seeking after the contribution date. Please be advised that incorrect election designations may result in excessive or impermissible contributions. Please amend your report to clarify election designations "Special Election Monies for August," since the candidate is not participating in a Special Election. (11 CFR §§ 110.1(b) and 110.2(b))

5. 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 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

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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 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
Devolder-Santos for Congress (C00721365)**

Apparent Excessive Contributions from Individuals

Contributor Name	Date	Amount	Election
Boich, Daryl	5/22/22	\$1,000.00	P2022
Boich, Daryl	6/30/22	\$600.00	P2022
Boich, Daryl	6/30/22	\$400.00	P2022
Boich, Daryl	6/30/22	\$1,500.00	P2022
Cassidy, Gloria	6/30/22	\$2,900.00	P2022
Cassidy, Gloria	6/30/22	\$2,900.00	P2022
Cotgreave, James	3/24/22	\$1,000.00	P2022
Cotgreave, James	6/30/22	\$1,000.00	P2022
Cotgreave, James	6/30/22	\$2,900.00	P2022
Cotgreave, James	6/30/22	\$1,900.00	P2022
Deaton, Tyler	6/27/22	\$2,900.00	P2022
Deaton, Tyler	6/30/22	\$2,900.00	P2022
Fernandez, Octavio	6/30/22	\$2,900.00	P2022
Fernandez, Octavio	6/30/22	\$1,100.00	P2022
Fisher, Kenneth	5/20/22	\$2,900.00	P2022
Fisher, Kenneth	5/20/22	\$2,900.00	P2022
Fisher, Sherrilyn	5/20/22	\$2,900.00	P2022
Fisher, Sherrilyn	5/20/22	\$2,900.00	P2022
Friedberg, Daniel	6/28/22	\$2,900.00	P2022
Friedberg, Daniel	6/28/22	\$2,900.00	P2022
Grace, Oliver	5/28/22	\$2,900.00	P2022
Grace, Oliver	5/28/22	\$2,900.00	P2022
Hill, Vernon	6/30/22	\$2,900.00	P2022
Hill, Vernon	6/30/22	\$2,900.00	P2022
Ireland, Debra	6/10/22	\$2,900.00	P2022
Ireland, Debra	6/10/22	\$2,900.00	P2022

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

Maidenbaum, Iris	6/2/22	\$2,900.00	P2022
Maidenbaum, Iris	6/2/22	\$2,100.00	P2022
Matuszewski, Daniel	6/27/22	\$2,900.00	P2022
Matuszewski, Daniel	6/27/22	\$2,900.00	P2022
Niamonitakis, Mike	7/8/21	\$2,900.00	P2022
Niamonitakis, Mike	4/20/22	\$2,900.00	P2022
Ruiz, Alex	5/4/22	\$2,900.00	P2022
Ruiz, Alex	5/4/22	\$1,100.00	P2022
Salame, Michael	6/29/22	\$2,900.00	P2022
Salame, Michael	6/29/22	\$2,900.00	P2022
Salame, Ryan	6/27/22	\$2,900.00	P2022
Salame, Ryan	6/27/22	\$2,900.00	P2022
Salame, Susan	6/30/22	\$2,900.00	P2022
Salame, Susan	6/30/22	\$2,900.00	P2022
Salamone, Edward	6/24/22	\$2,900.00	P2022
Salamone, Edward	6/24/22	\$2,100.00	P2022
Sutherland, Matthew	6/26/22	\$2,900.00	P2022
Sutherland, Matthew	6/26/22	\$2,900.00	P2022
Tantillo, Aimee	6/30/22	\$2,900.00	P2022
Tantillo, Aimee	6/30/22	\$2,900.00	P2022
Tantillo, Raymond	5/16/22	\$2,900.00	P2022
Tantillo, Raymond	5/16/22	\$2,900.00	P2022
Trabucco, John	6/27/22	\$2,900.00	P2022
Trabucco, John	6/30/22	\$2,900.00	P2022
Tucker, Hank	3/29/22	\$2,500.00	P2022
Tucker, Hank	5/6/22	\$600.00	P2022
Tucker, Hank	5/6/22	\$1,000.00	P2022
Tucker, Hank	5/6/22	\$400.00	P2022

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

Watanabe, Clarissa	6/30/22	\$2,900.00	P2022
Watanabe, Clarissa	6/30/22	\$2,900.00	P2022
Woldenberg, Jorge	5/11/22	\$2,900.00	P2022
Woldenberg, Jorge	5/11/22	\$2,500.00	P2022
Zervos, Joanne	3/5/21	\$1,000.00	P2022
Zervos, Joanne	4/5/21	\$1,000.00	P2022
Zervos, Joanne	6/4/21	\$750.00	P2022
Zervos, Joanne	6/21/21	\$250.00	P2022
Zervos, Joanne	6/22/21	-\$100.00	P2022
Zervos, Joanne	4/8/22	\$25.00	P2022
Zervos, Joanne	4/17/22	\$35.00	P2022
Zervos, Joanne	5/8/22	\$25.00	P2022
Zervos, Joanne	5/17/22	\$35.00	P2022

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

Contributor Name	Date	Amount	Election
Faith in America PAC	6/16/22	\$5,000.00	P2022
Patriots Always Triumph	6/24/22	\$5,000.00	G2022

Contributions from Possible Unregistered Organizations

Contributor Name	Date	Amount	Election
Friends of Judge Rhonda Fischer	6/30/22	\$300.00	P2022
BVD PAC	6/9/22	\$5,000.00	P2022