



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-2

January 4, 2023

NANCY MARKS, TREASURER
DEVOLDER SANTOS NASSAU VICTORY
COMMITTEE
47 FLINTLOCK DR
SHIRLEY, NY 11967

Response Due Date
02/08/2023

IDENTIFICATION NUMBER: C00822783

REFERENCE: OCTOBER QUARTERLY REPORT (08/04/2022 - 09/30/2022)

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. Commission Regulations require that a committee discloses the identification of all individuals who contribute in excess of \$200 in a calendar year. (11 CFR § 104.3(a)(4)(i)) Identification for an individual is defined as the full name (initials for first or last name are not acceptable), complete mailing address, occupation, and name of employer. (11 CFR § 100.12) Your report discloses contributions from individuals for which the identification is not complete.

The following employer name and occupation entries appear on your report and are not considered acceptable: "Best Efforts/Best Efforts," "NYCBS/MD," and "NYCBS/Self Employed."

You must provide the missing information, or if you are unable to do so, you must demonstrate that "best efforts" have been used to obtain the information. To establish "best efforts," you must provide the Commission with a detailed description of your procedures for requesting the information. Establishing "best efforts" is a three-fold process.

First, your original solicitation must include a clear and conspicuous request for the contributor information and must inform the contributor of the requirements of federal law for the reporting of such information. (11 CFR § 104.7(b)(1)) See 11 CFR § 104.7(b)(1)(B) for examples of acceptable statements regarding the requirements of federal law.

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Second, if the information is not provided, you must make one follow-up, stand alone effort to obtain this information, regardless of whether the contribution(s) was solicited or not. This effort must occur no later than 30 days after receipt of the contribution and may be in the form of a written request or an oral request documented in writing. (11 CFR § 104.7(b)(2)) The requests must:

- clearly ask for the missing information, without soliciting a contribution,
- inform the contributor of the requirements of federal law for the reporting of such information, and
- if the request is written, include a pre-addressed post card or return envelope.

Third, if you receive contributor information after the contribution(s) has been reported, you should either a) file with your next regularly scheduled report, an amended memo Schedule A listing all the contributions for which additional information was received; or b) file on or before your next regularly scheduled reporting date, amendments to the report(s) originally disclosing the contribution(s). (11 CFR § 104.7(b)(4))

Please amend your report to provide the missing information or a detailed description of your procedures for requesting the information. For more information on demonstrating "best efforts," please refer to the Campaign Guide.

2. Schedule A of your report (see attached) discloses one or more contributions which appear to exceed the limits set forth in the Act. Please be advised that 11 CFR §102.17(c)(5) prohibits a Joint Fundraising Committee from receiving contributions greater than the combined applicable limits of the participants as set forth under 11 CFR 110.1 and 110.2. The amounts disclosed on the attached chart appear greater than the total amount the three (3) participant committees of the Joint Fundraising Committee can accept.

Please provide clarifying information regarding this possible discrepancy. If any apparently excessive contribution in question was incompletely or incorrectly disclosed, you must amend your original report with the clarifying information. If the current Statement of Organization (FEC Form 1) fails to list all participants of the Joint Fundraising Committee, you must amend the Statement of Organization in order to show all participants.

If any contribution you received exceeds the limits, you may have to refund the excessive amount. The funds can be retained if within 60 days of receipt, (1) the excessive amount is properly reattributed to another person, such as a joint account holder, by obtaining signed written authorizations from each person

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making the contribution pursuant to 11 CFR 110.1(k)(3), and (2) the treasurer informs the person making the contribution that he or she may request the return of the excessive portion of the contribution if it is not intended to be a joint contribution. Any request from a donor for a refund must be honored.

Alternatively, the funds can be retained if within 60 days of receipt you (1) transferred the excessive amount to an account not used to influence federal elections, and (2) provided written notice to the person making the contribution of the option of receiving a refund. Any request from a donor for a refund must be honored.

If the foregoing conditions for reattributions or transfers to a non-federal account were not met within 60 days of receipt, the excessive amount must be refunded.

Please inform the Commission of your corrective action promptly by providing the date and method of your remedy (refund, transfer to a non-federal account and/or reattribution) for each contribution. The committee should retain for its records copies of refund checks, transfers to nonfederal account, and/or letters reattributing the contributions in question. In addition, any reattributions should be reported as memo entries on Schedule A of the report covering the period during which the authorization for the reattribution is received. Any transfers-out or refunds should be disclosed on Schedule B supporting Line 22 or 28 of the report during which the transaction was made.

Although the Commission may take further legal action regarding the acceptance of excessive contributions, prompt action by your committee to seek reattribution, transfer-out or refund the excessive amounts 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

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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) 694-1175.

Sincerely,

A handwritten signature in cursive script that reads "Sarah Vivian".

Sarah Vivian

Sr. Campaign Finance & Reviewing Analyst

Apparent Impermissible, Excessive, and Prohibited Contributions
Devolder Santos Nassau Victory Committee (C00822783)

Apparent Excessive Contributions from Individuals

Contributor Name	Date	Amount	Report
	9/6/22	\$25,000.00	2022 October Quarterly
	9/6/22	\$1,000.00	2022 October Quarterly
	9/2/22	\$25,000.00	2022 October Quarterly
	9/2/22	\$25,000.00	2022 October Quarterly