

REPORTS ANALYSIS DIVISION REFERRAL

TO

OFFICE OF GENERAL COUNSEL

DATE: October 6, 2017

ANALYST: Scott Traum

- I. COMMITTEE: Wright 2016
C00579433
Charlette Mimiasie, Treasurer
2160 Madison Ave Apt. 11G
New York, NY 10037
- II. RELEVANT STATUTE: 52 U.S.C. § 30104(b)(2)
52 U.S.C. § 30116(a) and (f)
52 U.S.C. § 30118(a)
11 CFR §102.5(b)
11 CFR §102.9(e)
11 CFR §103.3(b)
11 CFR §110.1(b)
11 CFR §110.2(b)(3)
11 CFR §114.2

III. BACKGROUND:

Excessive, Prohibited, and Other Impermissible Contributions: Failure to Refund, Redesignate, or Reattribute Excessive and Prohibited Contributions within the Permissible Timeframe

Wright 2016 ("the Committee") received excessive and prohibited contributions totaling \$9,250.00 for the 2016 Primary Election from three (3) individuals, two (2) affiliated multicandidate political action committees, four (4) unregistered organizations, and two (2) apparent corporate entities. The Committee did not timely refund, reattribute, or redesignate these excessive contributions (Attachment 2).

2015 July Quarterly Report

On July 15, 2015 the Committee filed the 2015 July Quarterly Report, covering the period from February 17, 2015 to June 30, 2015 (Image 201507159000178609). This

180044141410001

report disclosed potentially prohibited contributions totaling \$11,562.27 from seven (7) limited liability companies and four (4) unregistered organizations on Schedule A supporting Line 11(a)(i) (Itemized Contributions from Individuals) and Line 11(c) (Contributions from Other Political Committees) of the Detailed Summary Page.

The Committee was sent a Request for Additional Information (RAI) on July 28, 2015 referencing the 2015 July Quarterly Report (Image 201507280300000636). The RAI noted the Committee's receipt of potentially prohibited contributions and requested that the Committee take corrective action.

On September 1, 2015, the Committee filed a Miscellaneous Electronic Document (FEC Form 99) stating that the Committee will amend the 2015 July Quarterly Report to address the issues raised in the RAI (Image 201509019001587619).

On October 15, 2015, the Committee filed an Amended 2015 July Quarterly Report. Schedule A of the report included notations indicating that the contributions cited in the July 28, 2015 RAI were either refunded during the subsequent reporting periods or consisted of federally permissible funds (Image 201510159002907711).

On October 15, 2015 the Committee filed the 2015 October Quarterly Report, covering the period of July 1, 2015 to September 30, 2015. Schedule B supporting Line 20(a) (Refunds of Contributions to Individuals) of the Detailed Summary Page disclosed refunds totaling \$3,700.00 to one (1) limited liability company and one (1) unregistered organization made within the permissible timeframe, as well as a refund of \$1,000.00 to one (1) unregistered organization made outside of the permissible timeframe (Image 201510159002988134). No corrective action was disclosed for a \$500.00 contribution from one (1) unregistered entity (Attachment 2).¹

2016 July Quarterly Report

On July 15, 2016 the Committee filed the 2016 July Quarterly Report, covering the period from June 9, 2016 to June 30, 2016 (Image 201607159020605353). This report disclosed excessive and prohibited contributions of \$7,750.00 from three (3) individuals, two (2) affiliated multicandidate political action committees, two (2) unregistered organizations, and two (2) possible corporate entities on Schedule A supporting Lines 11(a)(i) and 11(c) (Attachment 2).

The Committee was sent a Request for Additional Information (RAI) on September 20, 2016 referencing the 2016 July Quarterly (Image 201609200300058785). The RAI noted the Committee's receipt of excessive contributions and requested that the Committee take corrective action. No response was received to the RAI.

¹ On January 29, 2016 and June 16, 2016 the Committee filed Amended 2015 October Quarterly Reports, which disclosed no changes in regard to the above refund (Images 201601299004776202 and 201606169018216657). The \$500.00 contribution from one (1) unregistered entity was notated as pending a refund on the Amended 2015 July Quarterly Report (Image 201510159002907752), but no refund was subsequently disclosed.

Excessive, Prohibited, and Other Impermissible Contributions: Failure to Refund or Redesignate General Election Contributions within the Permissible Timeframe after the Candidate's Loss in the Primary Election

Wright 2016 ("the Committee") received 2016 General Election Contributions from forty-four (44) individuals, five (5) partnerships, one (1) federal candidate committee, three (3) multicandidate political action committees, and one (1) unregistered organization that were not refunded or redesignated within the permissible timeframe from the date Keith L.T. Wright ("the Candidate") was defeated in the 2016 New York Primary Election. The contributions totaled \$117,450.00, as disclosed on the 2015 July Quarterly, 2015 October Quarterly, 2015 Year-End, 2016 April Quarterly, 2016 12 Day Pre-Primary and the 2016 July Quarterly Reports (Attachment 3).

2015 July Quarterly Report

On July 15, 2015, the Committee filed the 2015 July Quarterly Report, covering the period from February 17, 2015 to June 30, 2015 (Image 201507159000178609). This report disclosed the receipt of \$16,200.00 in 2016 General Election contributions from six (6) individuals (Attachment 3).²

2015 October Quarterly Report

On October 15, 2015, the Committee filed the 2015 October Quarterly Report, covering the period from July 1, 2015 to September 30, 2015 (Image 201510159002988134). This report disclosed the receipt of \$14,400.00 in 2016 General Election Contributions from five (5) individuals and one (1) partnership.

On January 29, 2016, the Committee filed an Amended 2015 October Quarterly Report (Image 201601299004776202), which disclosed an additional receipt of \$5,400.00 in 2016 General Election Contributions from two (2) individuals with no changes to the other 2016 General Election contributions (Attachment 3).³

2015 Year-End Report

On January 29, 2016, the Committee filed the 2015 Year-End Report, covering the period from October 1, 2015 to December 31, 2015 (Image 201601299004931920). This report disclosed the receipt of \$24,350.00 in 2016 General Election contributions from eleven (11) individuals, one (1) partnership, and one (1) multicandidate political action committee (Attachment 3).⁴

² On October 15, 2015 the Committee filed an Amended 2015 July Quarterly Report, which disclosed no changes in regard to the above 2016 General Election Contributions (Image 201510159002907711).

³ On June 16, 2016 the Committee filed an Amended 2015 October Quarterly Report, which disclosed no changes in regard to the above 2016 General Election Contributions (Image 201606169018216657).

⁴ On June 16, 2016 the Committee filed an Amended 2015 Year-End Report, which disclosed no changes in regard to the above 2016 General Election Contributions (Image 201606169018219247).

2016 April Quarterly Report

On April 15, 2016, the Committee filed the 2016 April Quarterly Report, covering the period from January 1, 2016 to March 31, 2016 (Image 201604159012506868). This report disclosed the receipt of \$15,050.00 in 2016 General Election Contributions from six (6) individuals, two (2) partnerships, and two (2) multicandidate political action committees (Attachment 3).

On June 16, 2016, the Committee filed an Amended 2016 April Quarterly Report (Image 201606169018219353), which disclosed a negative adjustment to a receipt of \$200.00 received from one (1) individual and no changes to the other 2016 General Election contributions.

2016 12 Day Pre-Primary Report

On June 16, 2016, the Committee filed the 2016 12 Day Pre-Primary Report, covering the period from April 1, 2016 to June 8, 2016 (Image 201606169018417119). This report disclosed the receipt of \$16,100.00 in 2016 General Election contributions from eight (8) individuals, one (1) partnership, one (1) federal candidate committee, and one (1) unregistered committee⁵ (Attachment 3).

2016 July Quarterly Report

On June 28, 2016, the Candidate lost the New York Primary Election and was no longer eligible to participate in the General Election for the New York House of Representatives seat.

On July 15, 2016, the Committee filed the 2016 July Quarterly Report, covering the period from June 9, 2016 to June 30, 2016 (Image 201607159020605353). This report disclosed the receipt of \$26,150.00 in 2016 General Election contributions from ten (10) individuals and one (1) multicandidate political action committee (Attachment 3).

The Committee was sent a Request for Additional Information (RFAI) on September 20, 2016 referencing the 2016 July Quarterly Report. Among other items, the RFAI noted the Committee's receipt of 2016 General Election contributions during the 2015-2016 election cycle and requested that the Committee refund or redesignate the contributions since the Candidate was not eligible to participate in the 2016 General Election (Image 201609200300058789).

On October 27, 2016 the Reports Analysis Division (RAD) Analyst contacted the Committee's Treasurer, Charlette Mimiasie, to inform the Committee of the violation and determine if there was any planned corrective action. Ms. Mimiasie stated that she had not seen the RFAI sent on September 20, 2016 and the listed email address was no longer valid. The Analyst explained that the excessive, prohibited, and unrefunded General Election contributions would be referred to other Commission offices for further action

⁵ The Committee's report indicated this 5/3/2016 contribution from a non-federal committee, Friends of Kevin Parker Committee, was comprised of federally permissible funds.

and encouraged Ms. Mimiasie to review the letter and provide any necessary amendment or clarifications. The Analyst advised the Committee to make any refunds of General Election contributions that they are able and to file a Miscellaneous Electronic Document ("FEC Form 99") to provide additional details. Additionally, the Committee was told to electronically amend their Statement of Organization ("FEC Form 1") to change the official email address (Attachment 4).

On November 8, 2016, Ms. Mimiasie informed the RAD Analyst via email that the Committee had begun to refund some of the General Election contributions received prior to the Candidate's Primary Election defeat. The Analyst advised the Committee to convey the specific refund information via a Form 99 (Attachment 4).

On January 31, 2017, the Committee filed the 2016 Year-End Report, covering the period from October 1, 2016 to December 31, 2016 (Image 201610159032659297). This report disclosed a refund of \$6,450.00 of 2016 General Election contributions to eight (8) individuals and one (1) multicandidate political action committee (Attachment 3).

On April 25, 2017, the RAD Analyst contacted Ms. Mimiasie concerning the unrefunded 2016 General Election contributions, cited in the September 20, 2016 RFAI, among other items. Ms. Mimiasie indicated the Committee did not have sufficient cash on hand to issue the necessary refunds. The Analyst stated that any remedies, albeit late, will be taken into consideration. The Analyst also informed Ms. Mimiasie that the matter would be referred to another Commission office for further action. Upon request of the Committee, the Analyst supplied a list of the 2016 General Election contributions received during the 2015-2016 election cycle by email following the phone call (Attachment 4).

On May 31, 2017 the RAD Analyst contacted Ms. Mimiasie to confirm that the Committee did not have the necessary funds to refund the impermissible contributions detailed in the most recent correspondence. Ms. Mimiasie stated that the Committee did not currently have excess cash on hand and could not make refunds. Ms. Mimiasie requested a summary of the conversation via email from the RAD Analyst, which was provided on June 1, 2017 (Attachment 4).

On July 4, 2017, the Committee filed the 2017 July Quarterly Report, covering the period from April 1, 2017 to June 30, 2017 (Image 201707049066466896). This report disclosed a refund of \$14,600.00 of 2016 General Election contributions to six (6) individuals (Attachment 3).

To date, no further communications have been received from the Committee regarding these matters.

1806441001

\$942,504 \$886,269

O-Index (2013-2014)

Cmte. ID: C00579433 Cmte. Name: WRIGHT 2016

Treasurer Name: MIMIASIE, CHARLETTE Address: WRIGHT 2016 2160 MADISON AVE APT 11G, NEW YORK, NY 10037

Cmte. Type: H (HOUSE) Cmte. Designation: P (PRINCIPAL CAMPAIGN COMMITTEE OF A CANDIDATE) Filing Frequency: QUARTERLY FILER

Recpt Dt	Pgs	Begin Img#	Beg Cvg Dt	End Cvg Dt	Ltr Mail Dt	Begin Cash	Recpts	Disb	End Cash	Debits	Loans
----------	-----	------------	------------	------------	-------------	------------	--------	------	----------	--------	-------

No records were found for this cycle.

Wright 2016 (C00579433)
Excessive and Prohibited Contributions Not Refunded and/or Refunded Outside Permissible Timeframes, Listed by Report

2015 July Quarterly Report (2/17/2015 – 6/30/2015)

Name	Date	Contribution Amount	Election	Excessive/Prohibited Amount Received During Reporting Period & Not Refunded within Timeframe	Excessive/Prohibited Amount Refunded Outside of Timeframe	Refunded # Days Since Receipt
Neighborhood Preservation PAC	4/6/2015	\$1,000.00	P2016			
Neighborhood Preservation PAC	8/21/2015	-\$1,000.00	P2016	\$1,000.00	\$1,000.00	137
NYS Association of Wholesale Marketers & Distributors ¹	6/22/2015	\$500.00	P2016	\$500.00		
Total Amount Not Refunded and/or Refunded Outside Permissible Timeframes:				\$1,500.00		

2016 July Quarterly Report (6/9/2016 – 6/30/2016)

Name	Date	Contribution Amount	Election	Excessive/Prohibited Amount Received During Reporting Period & Not Refunded within Timeframe	Excessive/Prohibited Amount Refunded Outside of Timeframe	Refunded # Days Since Receipt
Catsimatidis, Margo	6/28/2016	\$2,700.00	P2016			
Catsimatidis, Margo	6/28/2016	\$2,700.00	P2016	\$2,700.00		
Davis, Gordon	12/9/2015	\$1,000.00	P2016			
Davis, Gordon	6/18/2016	\$2,000.00	P2016	\$300.00		
Dickens for New York	6/23/2016	\$1,000.00	P2016	\$1,000.00		
Hoylman for Senate	6/16/2016	\$500.00	P2016	\$500.00		
Int'l Union of Operating Engineers Local 14-14B	11/30/2015	\$250.00	P2016			
Local 94-94A-94B IUOE Political	6/8/2016	\$2,500.00	P2016			

¹ The Amended 2015 July Quarterly Report included a notation that this contribution would be refunded on 10/25/2015 (Image 201510159002907752). However, no refund was disclosed on the subsequent reports.

Wright 2016 (C00579433)
Excessive and Prohibited Contributions Not Refunded and/or Refunded Outside Permissible Timeframes, Listed by Contributor

Name	Date	Contribution Amount	Election	Report	Excessive/Prohibited Amount Not Refunded within Timeframe	Refunded # Days Since Receipt
Catsimatidis, Margo	6/28/2016	\$2,700.00	P2016	2016 July Quarterly		
Catsimatidis, Margo	6/28/2016	\$2,700.00	P2016	2016 July Quarterly	\$2,700.00	
Davis, Gordon	12/9/2015	\$1,000.00	P2016	2015 Year-End		
Davis, Gordon	6/18/2016	\$2,000.00	P2016	2016 July Quarterly	\$300.00	
Dickens for New York	6/23/2016	\$1,000.00	P2016	2016 July Quarterly	\$1,000.00	
Hoylman for Senate	6/16/2016	\$500.00	P2016	2016 July Quarterly	\$500.00	
Int'l Union of Operating Engineers Local 14-14B	11/30/2015	\$250.00	P2016	2015 Year-End		
Local 94-94A-94B IUOE Political Action Committee	6/8/2016	\$2,500.00	P2016	2016 July Quarterly		
International Union of Operating Engineers Local 14-14B Voluntary Political Committee	6/21/2016	\$2,500.00	P2016	2016 July Quarterly	\$250.00	
Neighborhood Preservation PAC	4/6/2015	\$1,000.00	P2016	2015 July Quarterly		
Neighborhood Preservation PAC	8/21/2015	-\$1,000.00	P2016	2015 October Quarterly	\$1,000.00	137
Nines Clothiers	6/21/2016	\$1,000.00	P2016	2016 July Quarterly	\$1,000.00	
NYS Association of Wholesale Marketers & Distributors	6/22/2015	\$500.00	P2016	2015 July Quarterly	\$500.00	
Silver, Adam	6/29/2015	\$1,000.00	P2016	2015 July Quarterly		
Silver, Adam	11/28/2015	\$1,700.00	P2016	2015 Year-End		
Silver, Adam	6/11/2016	\$1,000.00	P2016	2016 July Quarterly	\$1,000.00	
Urban Builders Collaborative, LLC	6/27/2016	\$1,000.00	P2016	2016 July Quarterly	\$1,000.00	
Total Excessive/Prohibited Amount Not Refunded Within Timeframe:					\$9,250.00	

Wright 2016 (C00579433)

Breakdown of Remedied and Unremedied Prohibited and Excessive Contributions (all reports)

Total Amount of Prohibited Receipts (all reports):	\$5,000.00
Total Amount of Excessive Receipts (all reports):	\$4,250.00
Total Excessive/Prohibited Amount Remedied Outside of the Permissible Timeframe (all reports):	\$1,000.00
Total Excessive/Prohibited Amount Unremedied (all reports):	\$8,250.00
Total Excessive/Prohibited Amount Not Remedied within Timeframe (all reports):	\$9,250.00

Wright 2016 (C00579433)
 2016 General Election Contributions Not Refunded and/or Refunded Outside Permissible Timeframes, Listed by Contributor

Name	Date	Contribution Amount	Amount Not Refunded within Timeframe	Refunded # Days since Primary Loss
Agalli, Dennis	9/22/2015	\$1,300.00		
Agalli, Dennis	11/6/2016	-\$1,300.00	\$1,300.00	131
Anthony T. Rinaldi, LLC ¹	5/24/2016	\$2,700.00	\$2,700.00	
Callaghan, Michael	12/31/2015	\$2,300.00		
Callaghan, Michael	6/1/2017	-\$2,300.00	\$2,300.00	338
Callaghan, Tiffany	12/31/2015	\$2,300.00		
Callaghan, Tiffany	6/1/2017	-\$2,300.00	\$2,300.00	338
Capoccia, Donald A.	12/9/2015	\$2,700.00	\$2,700.00	
Catsimatidis, John A.	12/23/2015	\$2,700.00	\$2,700.00	
Cornfeld, Aruthur	6/6/2016	\$2,700.00	\$2,700.00	
Cross, Jay	6/23/2016	\$2,300.00	\$2,300.00	
D'Amato, Alfonso M.	3/31/2016	\$2,500.00	\$2,500.00	
Donald M. Payne Jr. for Congress	6/8/2016	\$2,000.00	\$2,000.00	
Donaldson & Chilliest LLP ²	3/10/2016	\$2,700.00	\$2,700.00	
DRIVE Committee	12/18/2015	\$1,000.00		
DRIVE Committee	6/22/2016	\$4,000.00	\$5,000.00	
Fisher, Alan	6/20/2016	\$2,700.00	\$2,700.00	
Friends of Kevin Parker Committee ³	5/3/2016	\$1,000.00	\$1,000.00	
Giscombe, Eugene	12/9/2015	\$1,000.00		
Giscombe, Eugene	5/27/2016	\$500.00	\$1,500.00	

¹ The Committee disclosed an attribution of the full amount of this contribution (\$2,700.00) to Rinaldi, Anthony.

² The Committee disclosed an attribution of the full amount of this contribution (\$2,700.00) to Chilliest, Anthony.

³ The Committee's report indicated this contribution from a non-federal committee was comprised of federally permissible funds.

Greenwald, Allen	6/8/2016	\$250.00		
Greenwald, Allen	11/6/2016	-\$250.00	\$250.00	131
Griffith, Pharein	6/28/2016	\$2,700.00	\$2,700.00	
Guerrero, Christina	9/1/2015	\$2,700.00		
Guerrero, Christina	6/1/2017	-\$2,700.00	\$2,700.00	338
Hargress, Samuel	4/25/2016	\$300.00		
Hargress, Samuel	11/6/2016	-\$300.00	\$300.00	131
Harra, William	6/20/2016	\$2,900.00	\$2,900.00	
Harter Secrest & Emery LLP	3/24/2016	\$2,700.00	\$2,700.00	
Jones, James H	4/25/2016	\$2,400.00	\$2,400.00	
Lansley, David	6/20/2016	\$2,700.00	\$2,700.00	
Lemor Development Group LLC ⁴	10/29/2015	\$2,700.00	\$2,700.00	
Lewis, Carol S	6/30/2015	\$2,700.00	\$2,700.00	
Lewis, William M Jr	6/30/2015	\$2,700.00	\$2,700.00	
Liguori, Erol L.	9/22/2015	\$2,300.00	\$2,300.00	
Livingston, Craig	12/31/2015	\$2,300.00		
Livingston, Craig	6/1/2017	-\$2,300.00	\$2,300.00	338
Livingston, Naeema	12/31/2015	\$2,300.00		
Livingston, Naeema	6/1/2017	-\$2,300.00	\$2,300.00	338
Morrison, Pamela Flood	3/10/2016	\$50.00		
Morrison, Pamela Flood	6/25/2016	\$2,000.00	\$2,050.00	
O'Luck, Mark	6/8/2016	\$1,050.00		
O'Luck, Mark	6/25/2016	\$1,250.00		
O'Luck, Mark	11/6/2016	-\$1,250.00		
O'Luck, Mark	11/6/2016	-\$1,050.00	\$2,300.00	131
Ramseur, Kenneth E	12/9/2015	\$2,700.00		
Renew America PAC	3/31/2016	\$200.00		

⁴ The Committee disclosed an attribution of the full amount of this contribution (\$2,700.00) to Morrison, Kenneth.

Renew America PAC	11/6/2016	-\$200.00	\$200.00	131
Rivers, Voza	5/26/2016	\$500.00		
Rivers, Voza	11/6/2016	-\$500.00	\$500.00	131
Rosen, Jack	6/21/2016	\$2,300.00	\$2,300.00	
Rosen, Phyllis	6/21/2016	\$2,300.00	\$2,300.00	
Rubler, Allison	9/30/2015	\$2,700.00	\$2,700.00	
Sacks, Ivan	3/27/2016	\$300.00		
Sacks, Ivan	11/6/2016	-\$300.00	\$300.00	131
Salinas, Loreto	9/1/2015	\$2,700.00		
Salinas, Loreto	6/1/2017	-\$2,700.00	\$2,700.00	338
Schneur, Eugene	12/14/2015	\$1,000.00		
Schneur, Eugene	11/6/2016	-\$1,000.00	\$1,000.00	131
Seavey, Avery	6/30/2015	\$2,700.00	\$2,700.00	
Seavey, Harry S	6/30/2015	\$2,700.00	\$2,700.00	
Seavey, Lucy	6/30/2015	\$2,700.00	\$2,700.00	
Seavey, Ruby	6/30/2015	\$2,700.00	\$2,700.00	
Seltzer, Eric	4/18/2016	\$2,700.00	\$2,700.00	
Senay, Emily J	3/31/2016	\$2,700.00	\$2,700.00	
Silver, Adam	11/28/2015	\$300.00		
Silver, Adam	11/6/2016	-\$300.00	\$300.00	131
Sutton, Michael	6/25/2016	\$1,000.00	\$1,000.00	
Tahl, Vicki	3/10/2016	\$2,300.00	\$2,300.00	
Tisch, Jonathan M	9/30/2015	\$2,700.00	\$2,700.00	
Tisch, Lizzie	9/30/2015	\$2,700.00	\$2,700.00	
Wg & Associates Management and Development LLC ⁵	9/1/2015	\$2,700.00	\$2,700.00	
Williams, M. Steven	12/14/2015	\$1,050.00		

⁵ The Committee disclosed an attribution of the full amount of this contribution (\$2,700.00) to Guerrero, William.

Williams, M. Steven	2/29/2016	\$100.00	\$1,150.00
Zuffa Political Action Committee	2/5/2016	\$1,300.00	\$1,300.00
Total Amount Not Refunded and/or Refunded Outside Permissible Timeframes:			\$117,450.00 ⁶

⁶ As of the date of this referral, \$21,050.00 of the 2016 General Election contributions have been refunded subsequent to the Candidate's loss in the 2016 Primary Election.