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FEDERAL ELECTION COMMISSION  
999 E Street, N.W.  
Washington, D.C. 20463

FIRST GENERAL COUNSEL'S REPORT

CELA

MUR: 6985

DATE COMPLAINT FILED: November 19, 2015

DATE OF NOTIFICATION: November 24, 2015

DATE OF LAST RESPONSE: January 29, 2016

DATE ACTIVATED: May 12, 2016

EXPIRATION OF SOL: October 7, 2018 (earliest)

to December 23, 2019 (latest)

ELECTION CYCLE: 2014

COMPLAINANT:

Robin Long

RESPONDENTS:

Lee Zeldin  
Zeldin for Congress and Nancy Marks in her  
official capacity as treasurer  
Zeldin for Senate  
Islip Town Conservative Executive Committee  
Suffolk Conservative Chairman's Club  
Friends of Senft  
New York State Conservative Party  
Smithtown Conservatives for Victory  
Smithtown Women's Republican Club  
Smithtown Republican Victory Fund  
Babylon Conservative Committee  
Riverhead Republican Committee  
Committee to Elect a Republican Majority  
Queens County Conservative Party  
New York Republican State Committee

RELEVANT STATUTES  
AND REGULATIONS:

52 U.S.C. § 30101(20)(A)(iii)  
52 U.S.C. § 30103  
52 U.S.C. § 30104  
52 U.S.C. § 30125(e)  
11 C.F.R. § 100.24(b)(3)  
11 C.F.R. § 109.21  
11 C.F.R. § 110.3(d)

INTERNAL REPORTS CHECKED:

Disclosure Reports  
New York Campaign Finance Reports

FEDERAL AGENCIES CHECKED:

None

1-100244-1100

1 **I. INTRODUCTION**

2  
3 This matter relates to U.S. Representative Lee Zeldin, a former New York state senator,  
4 and transactions involving his federal and state political committees after Zeldin announced his  
5 federal candidacy in October 2013. The Complaint alleges that Zeldin for Senate ("State  
6 Committee") raised and spent funds outside of the limits and source prohibitions of the Federal  
7 Election Campaign Act of 1971, as amended (the "Act"), including improper transfers to Zeldin  
8 for Congress ("Federal Committee") via reciprocal contributions from state and local political  
9 committees and candidates, and coordinated advertisements. The Complaint also alleges that the  
10 Federal Committee accepted illegal contributions from the State Committee's transfer of  
11 nonfederal funds and that the Federal Committee failed to report those contributions. Finally, the  
12 Complaint alleges that the State Committee may have failed to register and report with the  
13 Commission as a federal political committee based on its spending and other activities. In a joint  
14 response, Lee Zeldin, the State Committee, and the Federal Committee ("Zeldin Response")  
15 deny that they improperly caused State Committee funds to be transferred to the Federal  
16 Committee or coordinated the ads.

17 As discussed below, the available information indicates that after Zeldin became a federal  
18 candidate, he and the State Committee accepted funds outside the Act's limitations and source  
19 prohibitions, and they transferred such funds to state and local political groups. Therefore, we  
20 recommend that the Commission find reason to believe that Zeldin and Zeldin for Senate  
21 violated 52 U.S.C. § 30125(e)(1)(B), authorize pre-probable cause conciliation, and approve the  
22 attached conciliation agreement. We further recommend that the Commission find no reason to  
23 believe as to the Zeldin Respondents and the respondent state and local political committees

1 regarding the alleged reciprocal contributions and the advertisements, and no reason to believe  
2 that the State Committee should have registered as a federal political committee.

3 **II. FACTS**

4 In 2013, Lee Zeldin was a state senator in Suffolk County, New York. On October 7,  
5 2013, Zeldin announced that he would seek the U.S. House seat in New York's First  
6 Congressional District in 2014.<sup>1</sup> The Commission received Zeldin's Statement of Candidacy on  
7 October 21, 2013, and the Federal Committee's Statement of Organization on November 26,  
8 2013.<sup>2</sup>

9 The State Committee remained active while Zeldin completed his state senate term and  
10 campaigned for the U.S. House.<sup>3</sup> New York State allows state candidates to receive  
11 contributions that would be impermissible under the Act; for example, a corporation can  
12 contribute \$5,000 to a candidate per year.<sup>4</sup> During the 2012 and 2014 election cycles, the  
13 contribution limit for a state senate candidate was \$6,500 for the primary election and \$10,300

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<sup>1</sup> Zeldin won his congressional race in 2014 and is seeking reelection in 2016.

<sup>2</sup> The Federal Committee's Statement of Organization was filed late. Commission regulations require the Statement of Organization to be filed within 10 days of the date a committee is designated in the Statement of Candidacy. 11 C.F.R. § 102.1(a). We do not recommend taking action regarding this apparent late filing because the Federal Committee's first-filed report, the 2013 Year-End Report, was the first the Committee was required to file, even if the Statement of Organization had been timely filed. The 2013 Year-End Report, which was timely filed, shows that Zeldin had accepted more than \$5,000 in contributions by October 7, 2013.

<sup>3</sup> The State Committee terminated on April 28, 2016. See New York State Board of Elections campaign finance disclosure website ([http://www.elections.ny.gov:8080/plsql\\_browser/getfiler2\\_loaddates](http://www.elections.ny.gov:8080/plsql_browser/getfiler2_loaddates)). It does not appear that Zeldin ever sought to be a candidate for the state senate seat in 2014. See Celeste Katz, *Wake-Up Call*, NY Daily News (Jan. 10, 2014), [http://live.nydailynews.com/Evcnt/Wake-Up\\_Call\\_Jan\\_10\\_2014](http://live.nydailynews.com/Evcnt/Wake-Up_Call_Jan_10_2014) (Zeldin is not seeking reelection to New York state senate).

<sup>4</sup> See N.Y. ELEC. LAW § 14-116(2) (McKinney 2016).

1 for the general election.<sup>5</sup> Zeldin's State Committee accepted such contributions.<sup>6</sup> In addition,  
2 political committees in New York cannot terminate if funds remain in their accounts.<sup>7</sup> Under  
3 New York law, state officeholders who wish to terminate their committees may spend down their  
4 accounts through donations to other political committees.<sup>8</sup>

### 5 III. LEGAL ANALYSIS

#### 6 A. There is Reason to Believe Zeldin and the State Committee Raised and Spent 7 Nonfederal Funds After Zeldin Became a Federal Candidate

8  
9 The Complaint alleges that the State Committee raised and spent funds outside the  
10 federal limits and source prohibitions after Zeldin became a federal candidate on October 7,  
11 2013.<sup>9</sup> The State Committee's disclosure reports reveal that after that date, it received \$2,750  
12 from a corporation and unregistered entities and contributed or transferred \$99,655 to 39 state  
13 and local political committees through December 23, 2015, the date the State Committee spent  
14 its last funds.<sup>10</sup>

<sup>5</sup> See *id.* § 14-114(b); N.Y. COMP. CODES R. & REGS. tit. 9, § 6214.0 (2016). A candidate's family members have a separate, higher limit. See N.Y. ELEC. LAW § 14-114(b).

<sup>6</sup> See, e.g., State Committee 2014 January Periodic Report, Schedules A and B (available in the voting ballot matters folder along with all other cited State Committee finance reports).

<sup>7</sup> See N.Y. Comp. Codes R. & Regs. tit. 9, § 6200.2(b) (2016).

<sup>8</sup> See New York State Board of Elections Campaign Finance Handbook at 46 (2014).

<sup>9</sup> Compl. at 3, 5, 7.

<sup>10</sup> The Complaint generally alleges that the State Committee accepted nonfederal funds after Zeldin became a federal candidate. Compl. at 1-2. In addition, the Complaint only identifies State Committee contributions to state and local political committees through October 28, 2014. See Compl. Att. A. The State Committee's publicly available reports provide more specific information about contributions received, and those reports revealed that the State Committee made state and local political contributions until late 2015. See State Committee 2014 and 2015 January and July Periodic Reports. When Zeldin became a federal candidate, the State Committee had at least \$130,379 cash on hand. See State Committee 2014 January Periodic Report (showing range of cash on hand between \$205,580 and \$130,379 in the July 2013-December 2013 reporting period). Roughly 48% of the State Committee's available funds as of July 1, 2013, were spent on state and local political contributions (\$99,655 divided by \$206,000 = .4837 x 100 = 48.37%).

1           The Act prohibits federal candidates, federal officeholders, their agents, and entities  
2 established, financed, maintained, or controlled ("EFMC'd") by federal candidates or  
3 officeholders from soliciting, receiving, directing, transferring, or spending funds in connection  
4 with any election other than an election for Federal office unless the funds are in amounts and  
5 from sources permitted by the Act.<sup>11</sup> Further, Commission regulations prohibit the transfer of  
6 funds or assets from a candidate's campaign committee for a nonfederal election to his or her  
7 principal campaign committee.<sup>12</sup>

8           Zeldin, a federal candidate as of October 2013 and subsequently, a federal officeholder,  
9 directly EFMC'd the State Committee that donated to state and local candidates and parties,<sup>13</sup>  
10 thus transferring, spending, or disbursing funds in connection with a nonfederal election.  
11 Therefore, any funds the State Committee transferred, spent, or disbursed after Zeldin became a  
12 federal candidate or officeholder had to have been federally permissible.<sup>14</sup>

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<sup>11</sup> 52 U.S.C. § 30125(e)(1)(B); 11 C.F.R. § 300.62.

<sup>12</sup> 11 C.F.R. § 110.3(d).

<sup>13</sup> See Advisory Op. 2009-26 (Coulson) at 5 ("AO 2009-26"); Advisory Op. 2007-01 (McCaskill) at 3 ("AO 2007-01"); Factual & Legal Analysis at 9, MUR 6601 (Oelrich).

<sup>14</sup> Although the Act prohibits a federal candidate from spending an EFMC'd entity's funds in connection with nonfederal elections, the Act allows a simultaneous federal and state candidate to spend nonfederal funds "solely in connection with such election for State or local office." See 52 U.S.C. § 30125(e)(2). Thus, a simultaneous state candidate and federal candidate may spend otherwise impermissible funds in connection with his or her own state election. See Advisory Op. 2005-02 (Corzine) at 2, 4; Advisory Op. 2003-32 (Tenenbaum) at 5. Zeldin, however, did not appear to be a state candidate at the time the State Committee made the contributions. See note 4. Thus, he cannot take advantage of this state candidate exception.

1           The State Committee's disclosure reports reveal that it accepted contributions from  
2 corporations and from individuals in amounts greater than permitted by the Act.<sup>15</sup> Thus, some  
3 portion of the \$99,655 disbursed to state and local recipients after Zeldin became a federal  
4 candidate and officeholder were funds that did not comply with the Act's amount limitations and  
5 source prohibitions.

6           Notwithstanding the prohibitions of section 30125(e), the Commission has allowed a  
7 state officeholder and federal candidate to donate federally permissible funds in a state account  
8 to other state and local political committees if the state committee uses a "reasonable accounting  
9 method" to separate permissible from impermissible funds, and it makes the contributions with  
10 the permissible funds.<sup>16</sup> We do not have information that the State Committee used such an  
11 accounting method and thus only used federally permissible funds to make the contributions.

12           The State Committee also accepted \$3,150 in contributions after Zeldin became a federal  
13 candidate and was no longer a state candidate.<sup>17</sup> Of that, \$2,750 appears to be from unregistered

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<sup>15</sup> See, e.g., State Committee July 2013 Report (showing that State Committee received \$48,050 in corporate contributions (Sched B); \$25,300 in facially excessive individual contributions (Sched A); and \$97,875 from state PACs, LLCs, and other entities (Sched. C). Thus, at least 32% of the contributions received by the State Committee during the July 2013 reporting period were from impermissible sources or in excessive amounts.  $\$48,050 + \$25,300 = \$73,350$  divided by  $\$227,034 = .3230 \times 100 = 32.30\%$ . Further, the vast majority of the state PACs, LLCs, and other entities listed on the July 2013 report are not registered with the Commission, so it seems likely that the contributions from those entities were impermissible as well.

<sup>16</sup> Advisory Op. 2007-26 (Schock) at 3-5; Advisory Op. 2006-38 (Casey) at 4.

<sup>17</sup> As stated above, the "state candidate" exception to 52 U.S.C. § 30125(e)(1)(B) that permits concurrent state and federal candidates to receive and spend nonfederal funds "solely in connection with *such* election for State or local office," does not apply by its terms to a non-state candidate. See 52 U.S.C. § 30125(e)(2); 11 C.F.R. § 300.63 (emphasis added).

1 political committees and a corporation. Therefore, Zeldin and the State Committee appear to  
2 have accepted \$2,750 in impermissible contributions.<sup>18</sup>

3 Thus, we recommend that the Commission find reason to believe that Zeldin and the  
4 State Committee violated 52 U.S.C. § 30125(e)(1)(B) by receiving and spending funds in  
5 connection with a nonfederal election in amounts and from sources prohibited by the Act.

6 **B. There is no Reason to Believe Respondents Illegally Transferred Funds to the**  
7 **Federal Committee Through Reciprocal Contributions**

8  
9 The Complaint identifies a dozen instances after Zeldin announced his federal candidacy  
10 when the State Committee made a contribution to a state or local political organization that was  
11 preceded or followed by a contribution to the Federal Committee by that same organization.<sup>19</sup>

12 The Complaint alleges that the Federal Committee received \$16,651 of these reciprocal  
13 contributions as part of a scheme to impermissibly transfer State Committee funds to the Federal  
14 Committee.<sup>20</sup>

15 The Zeldin Respondents argue that none of the State Committee contributions were  
16 earmarked or contained any “designations, instructions and encumbrances,” and that the State  
17 Committee made no other express or implied instruction to the recipient committees.<sup>21</sup>

18 The Commission has considered arrangements to transfer a state committee’s funds into a  
19 federal committee’s account through intermediaries. In MUR 5278, candidate Gingrey admitted

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<sup>18</sup> Cf. Factual & Legal Analysis at 12, MUR 6820 (Carter) (Based on prosecutorial discretion, Commission dismissed allegation that Carter’s state committee accepted \$3,250 in corporate contributions after Carter became a federal candidate; Carter was a concurrent state candidate at the time, which would have necessitated investigating whether contributions were in connection with his state election.).

<sup>19</sup> See Compl. at 6-7 and Attachs. A, B; see also FGCR Attach. 1 (table of alleged reciprocal contributions).

<sup>20</sup> Compl. at 3.

<sup>21</sup> Zeldin Resp. at 5. The responses of the state and local political committee respondents are summarized in the attached table; the lack of a response is noted where applicable.

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1 in a state proceeding to having arranged "reciprocal contributions" for the purpose of funneling  
2 state funds into his federal account.<sup>22</sup> Similarly, in an advisory opinion, the Commission found  
3 impermissible the requestor's plan to use surplus state funds to make indirect transfers to the  
4 requestor's federal committee.<sup>23</sup>

5 In contrast, the Zeldin Respondents and the alleged intermediaries that filed responses  
6 deny that such indirect transfers occurred, and a review of the available information, summarized  
7 on the chart attached to this report, reveals that most of the alleged reciprocal contributions do  
8 not match up closely in amounts or time.<sup>24</sup> For example, in the first transaction identified in the  
9 Complaint, the State Committee contributed \$500 to the Committee to Elect a Republican  
10 Majority ("CERM") on October 25, 2013, and CERM contributed \$1,000 to the Federal  
11 Committee on March 20, 2014, about five months later.<sup>25</sup> Similarly, the second such identified  
12 transaction involves a \$100 transfer from the State Committee to the Smithtown Republican  
13 Women's Club in early December 2013 and a \$500 contribution from that group to the Federal  
14 Committee over seven months later.<sup>26</sup> The closest alleged reciprocal contribution appears to  
15 involve the Islip Town Conservative Executive Committee ("ITCEC"). On January 25, 2014,  
16 the State Committee contributed \$1,000 to ITCEC, and on March 19, 2014, ITCEC contributed

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<sup>22</sup> Factual & Legal Analysis at 3-4, MUR 5278 (Gingrey). Gingrey acknowledged four reciprocal transfers, three of which involved the same amount of money on the same day or a few days apart. The fourth involved contributions of \$1,000 and \$500 about five months apart. *See id.* The Commission entered into a conciliation agreement with the Gingrey Committee for this violation and others, and the Committee paid a \$1,800 civil penalty.

<sup>23</sup> Advisory Op. 1996-33 (Colantuono) (Requester sought to contribute surplus state funds to fellow state legislators who would then make "roughly equivalent" contributions to Colantuono's federal committee.)

<sup>24</sup> *See* Attach. 1. In fact, two respondents stated they received no donations from the State Committee.

<sup>25</sup> *See* Compl. at 6.

<sup>26</sup> *Id.*

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1 the same amount to the Federal Committee.<sup>27</sup> ITCEC's treasurer, however, denied in a sworn  
2 affidavit that the committee served as an intermediary between the State and Federal committees,  
3 and other respondent committees submitted affidavits denying the allegation in the Complaint.<sup>28</sup>  
4 Further, the Federal Committee, in response to requests sent by the Reports Analysis Division  
5 regarding contributions from unregistered organizations, including state and local political  
6 committees, has responded that the contributions were made using permissible funds.<sup>29</sup>

7 Thus, although the State Committee donated funds to state and local political  
8 organizations that contributed to the Federal Committee, there does not appear to be a sufficient  
9 factual nexus between the transactions to conclude that the State Committee was impermissibly  
10 funneling its funds to the Federal Committee. Thus, we recommend that the Commission find no  
11 reason to believe the Federal Committee accepted and failed to report the receipt of prohibited  
12 funds through indirect transfers from the State Committee and that any of the local and state  
13 committees violated the Act.

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<sup>27</sup> See Attach. 1. A close-in-time reverse transaction involved the Smithtown Republican Victory Fund ("SRVF"), which made a \$700 contribution to the Federal Committee on March 28, 2014, and received a \$500 contribution from the State Committee on April 16, 2014. SRVF did not respond to the Complaint notice.

<sup>28</sup> See John Lorenzo Aff. (ITCEC Resp.) ¶ 4 (Dec. 10, 2015). See also Regina Duffy Aff. (Suffolk Conservative Chairman's Club Resp. ¶¶ 3-4 (Dec. 10, 2015) (explaining prior similar contributions and that purpose of alleged reciprocal contribution was to sponsor fundraising event; Club was never requested to make a contribution to the Federal Committee in return for contribution to it); John Lorenzo Aff. (Friends of Senft Resp.) ¶¶ 3-4 (Dec. 10, 2015) (same, and alleged reciprocal contribution was made by a different Senft committee than one that contributed to Federal Committee).

<sup>29</sup> RAD deemed the Federal Committee's responses as sufficiently adequate. In the current cycle, RAD has sent the Federal Committee only one RFAI regarding two \$1,000 contributions from unregistered entities. The Federal Committee responded that those contributions came from permissible funds. See Zeldin for Congress 2016 Pre-Primary (amended) (Aug. 30, 2016).

1           **C.     Journal Advertisements**

2           The Complaint alleges that the State Committee paid \$3,765 for "journal" advertisements  
3 featuring Zeldin from January through October 2014 that constitute coordinated communications  
4 and prohibited in-kind transfers to the Federal Committee.<sup>30</sup>

5           Zeldin responds that the ads at issue are sponsored pages in booklets and journals printed  
6 by various local civic, religious, and charitable organizations that typically honor individuals or  
7 groups for their achievements.<sup>31</sup> Zeldin asserts that the ads were placed solely in his capacity as  
8 state senator and contain no electoral advocacy, and he denies that the ads constitute coordinated  
9 communications.<sup>32</sup> Zeldin supplied examples of such ads; they contain a headline reading  
10 "Senator Lee M. Zeldin," his photograph, his congratulations or "best wishes," and his contact  
11 information. They make no reference to Zeldin's status as a federal candidate and do not  
12 describe him in any manner.<sup>33</sup> One of the ads is reproduced below.

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<sup>30</sup> Compl. at 2-4.

<sup>31</sup> Zeldin Resp. at 2.

<sup>32</sup> *Id.*

<sup>33</sup> *See id.* at 7-11.

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## Senator Lee M. Zeldin



**Congratulations to the  
James V. Kavanaugh Columbiettes  
and  
Honorees**

**Rose Marie Oliveri, Barabara Kruk, Bill  
Guiducci, and Lynda Zachon  
~ Senator Lee Zeldin**

**Third Senate District  
District Office:  
4155 Veterans Memorial Hwy.  
Suite 5  
Ronkonkoma, NY 11779  
(631) 585-0608**

**Email: [Zeldin@nysenate.gov](mailto:Zeldin@nysenate.gov)  
Website: [www.zeldin.nysenate.gov](http://www.zeldin.nysenate.gov)**

1

2

A communication is coordinated with a candidate, an authorized committee, or agent

3

thereof if it meets a three-pronged test: (1) payment for the communication by a third party;

1 (2) satisfaction of one of the "content" standards;<sup>34</sup> and (3) satisfaction of one of the "conduct"  
2 standards.<sup>35</sup>

3 The ads here do not appear to be coordinated communications because they do not satisfy  
4 the payment prong. The Commission has determined that an advertisement paid for by a federal  
5 candidate's state committee does not constitute payment by a third party.<sup>36</sup> Therefore, we  
6 recommend that the Commission find no reason to believe that the Zeldin Respondents violated  
7 the Act by making and accepting and failing to report prohibited contributions in the form of  
8 coordinated communications.

9 Also applicable here is the Act's prohibition on entities EFMC'd by a federal candidate,  
10 such as Zeldin's State Committee, spending funds in connection with a federal election,  
11 including funds for "federal election activity" ("FEA"), unless the funds are subject to the  
12 limitations, prohibitions, and reporting requirements of the Act.<sup>37</sup> Section 30125(e) would thus  
13 prohibit the disbursements for the journal ads by the State Committee if they qualify as FEA.<sup>38</sup>  
14 The Act defines FEA to include public communications that refer to a clearly identified  
15 candidate for federal office and that promote, attack, support, or oppose ("PASO") a candidate  
16 for that office, regardless of whether the communication expressly advocates a vote for or  
17 against a candidate.<sup>39</sup>

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<sup>34</sup> 11 C.F.R. § 109.21(c)(1)-(5).

<sup>35</sup> 11 C.F.R. § 109.21(d)(1)-(6).

<sup>36</sup> See AO 2009-26 at 10; AO 2007-01 at 5; F&LA, MUR 6601 (Oelrich for Congress) at 9 n.10.

<sup>37</sup> See 52 U.S.C. § 30125(e)(1)(A).

<sup>38</sup> See *id.*

<sup>39</sup> 52 U.S.C. § 30101(20)(A)(iii); 11 C.F.R. § 100.24(b)(3).

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1           The journal ads, which ran after Zeldin declared his candidacy, clearly identify Zeldin by  
2 name and photograph.<sup>40</sup> Even if they are public communications,<sup>41</sup> we do not believe the ads fall  
3 within the prohibitions of section 30125(e) because they do not "PASO" Zeldin.<sup>42</sup> Merely  
4 identifying a Federal candidate by name and photograph does not PASO that candidate.<sup>43</sup> The  
5 journal ads do not otherwise promote, attack, support, or oppose any candidate. Thus, the  
6 journal ads do not appear to be in connection with a federal election and did not have to be paid  
7 for with federally permissible funds.<sup>44</sup> We therefore recommend that the Commission find no  
8 reason to believe that the Zeldin Respondents violated section 30125(e) by spending nonfederal  
9 funds on journal ads.

10           Finally, the Complaint alleges that the State Committee's federal expenditures require  
11 that it register and report as a federal political committee.<sup>45</sup> This allegation appears to  
12 correspond to the State Committee's purchase of journal ads. Based on the analysis above, we  
13 recommend that the Commission find no reason to believe that the State Committee violated  
14 52 U.S.C. §§ 30103 and 30104 by failing to register and report as a federal political committee.

<sup>40</sup> See 52 U.S.C. § 30101(18); 11 C.F.R. § 100.17; AO 2009-26 at 7.

<sup>41</sup> See 52 U.S.C. § 30101(22); 11 C.F.R. § 100.26 ("public communication" includes newspapers, magazines, and mass mailings).

<sup>42</sup> See 52 U.S.C. § 30125(e)(1)(A).

<sup>43</sup> See AO 2009-26 at 7.

<sup>44</sup> Contrary to the Response's assertion and as noted previously, the exception at section 30125(f)(2) does not apply to Zeldin because he was not a state candidate. See AO 2007-1 at 5.

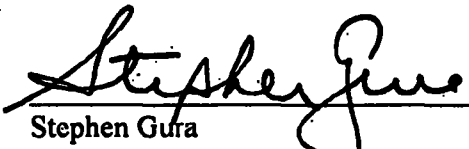
<sup>45</sup> See Compl. at 5.



- 1 4. Find no reason to believe that Lee Zeldin or Zeldin for Senate violated 52 U.S.C.  
2 § 30125(e)(1) in connection with alleged reciprocal contributions and journal  
3 advertisements;
- 4
- 5 5. Find no reason to believe that Zeldin for Senate violated 52 U.S.C. §§ 30103 and  
6 30104 by failing to register and report as a federal political committee;
- 7
- 8 6. Find no reason to believe that Islip Town Conservative Executive Committee,  
9 Suffolk Conservative Chairman's Club, Friends of Senft, New York State  
10 Conservative Party, Smithtown Conservatives for Victory, Smithtown Women's  
11 Republican Club, Smithtown Republican Victory Fund, Babylon Conservative  
12 Committee, Riverhead Republican Committee, Committee to Elect a Republican  
13 Majority, Queens County Conservative Party, or New York Republican State  
14 Committee violated the Act;
- 15
- 16 7. Close the file as to Zeldin for Congress and Nancy Marks in her official capacity  
17 as treasurer, Islip Town Conservative Executive Committee, Suffolk  
18 Conservative Chairman's Club, Friends of Senft, New York State  
19 Conservative Party, Smithtown Conservatives for Victory, Smithtown Women's  
20 Republican Club, Smithtown Republican Victory Fund, Babylon Conservative  
21 Committee, Riverhead Republican Committee, Committee to Elect a Republican  
22 Majority, Queens County Conservative Party, and New York Republican State  
23 Committee;
- 24
- 25 8. Approve the attached Factual and Legal Analyses;
- 26
- 27 9. Enter into conciliation with Lee Zeldin and Zeldin for Senate prior to a finding of  
28 probable cause to believe;
- 29
- 30 10. Approve the attached Conciliation Agreement; and
- 31
- 32 11. Approve the appropriate letters.
- 33

Kathleen M. Guith  
Acting Associate General Counsel  
For Enforcement

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Stephen Gura  
Deputy Associate General Counsel  
for Enforcement





**Alleged Reciprocal Contributions**  
(contributions in parenthesis were made pre-Federal candidacy)

State or Local Political Committee	Amount received from State Committee	Date	Amount contributed to Federal Committee	Date	Response
Islip Town Conservative Executive Committee	(\$500) (\$1,000) \$1,000	(1/9/13) (7/23/13) 1/25/14	\$1,000	3/19/14	In affidavit, treasurer attests that ITCEC was not directed to contribute to the Federal Committee and did not serve as an intermediary between Zeldin's State and Federal Committees.
Suffolk County Conservative Chairman's Club	(\$1,000) \$1,000 \$1,000 \$10,000 \$1,000	(7/22/13) 10/21/13 12/9/13 1/25/14 10/28/14	\$1,000	6/18/14	In affidavit (though not sworn), treasurer attests that SCCCC was not directed to contribute to the Federal Committee and did not serve as an intermediary between Zeldin's State and Federal Committees.
Friends of Senft	\$5,000	4/1/14	\$1,000	3/31/14	In affidavit, treasurer attests that Friends of Senft was not directed to contribute to the Federal Committee and did not serve as an intermediary between Zeldin's State and Federal Committees. In addition, treasurer attests that a different Senft committee made the federal contribution than the one receiving the state contribution.
New York State Conservative Party	\$1,000 \$1,000 \$1,000 \$1,000	1/23/14 3/21/14 6/18/14 1/11/15	\$500 \$250	3/14/14 8/13/14	Chairman of NYSCP identifies the purpose of each check it received from the State Committee (e.g., membership renewal, annual state dinner) and then states the reasons for its contributions to the Federal Committee (e.g., campaign events).
Smithtown Conservatives for Victory	\$1,000	1/25/14	\$995	11/2/14	No response.

Smithtown Women's Republican Club	\$1,000	12/2/13	\$500	7/23/14	No response.
Smithtown Republican Victory Fund	(\$500) \$1,000 \$500 \$1,500 \$3,000	(9/18/13) 1/25/14 4/16/14 9/17/14 1/11/15	\$300 \$700	11/15/13 3/28/14	No response.
Babylon Conservative Committee	\$75	8/22/14	\$100	12/11/13	No response.
Riverhead Republican Committee	\$1,500	1/11/15	\$1,000	10/6/14	Adopts Zeidin Response.
Committee to Elect a Republican Majority	(1,000) (\$500) (\$1,500) \$500 \$4,000 \$2,000 \$10,000	(7/22/13) (7/23/13) (8/14/13) 10/25/13 1/16/14 7/28/14 12/4/14	\$1,000 \$1,000 \$350	3/20/14 3/31/16 8/13/14	Adopts Zeidin Response.
Queens County Conservative Party	0				Responded that QCCP did not receive a contribution from the State Committee.
New York Republican State Committee	0		\$3,956 \$5,000	2/21/14 6/17/14	Responded that NYRSC did not receive a contribution from the State Committee.