



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-2

September 18, 2008

Lisa Lisker, Treasurer
Committee to Re-Elect Vito Fossella
34 Dumont Avenue
Staten Island, NY 10305

Response Due Date:
October 20, 2008

Identification Number: C00328070

Reference: July Quarterly Report (4/1/08 - 6/30/08)

Dear Treasurer:

This letter is prompted by the Commission's preliminary review of the report(s) 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 items:

1. Schedule A of your report discloses the receipt of contributions designated for the primary election that were received after the date the candidate terminated their candidacy (see attached).

The candidate was running for Congressional office until their announcement on 5/20/08 not to seek office/re-election. At this time, their status as a candidate for the 2007-2008 Election Cycle ended. Your committee is entitled to keep all primary election contributions received prior to that announcement, and is allowed to use them in accordance with 11 CFR § 113.2. However, primary election contributions received after the date of the announcement must be refunded, except to the extent there are net debts outstanding for the campaign on the date each primary election contribution is received. (11 CFR § 110.1(b)(3)(ii))

If any of the apparent primary election contributions in question were incompletely or incorrectly disclosed, you must amend your original report with the clarifying information.

Please inform the Commission of your corrective action immediately in writing and provide photocopies of any refund checks. Refunds are

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reported on Line 20 of the Detailed Summary Page and on a supporting Schedule B of the report covering the period in which they are made. (11 CFR § 104.8(d)(4))

Please amend your report to disclose what action will be taken in regard to these primary election contributions received by your committee. Although the Commission may take further legal action, prompt action by you to refund of these contributions will be taken into consideration.

2. While it is permissible for a person to make a contribution for the general election prior to the primary election, the recipient committee must employ an acceptable accounting method to distinguish between primary and general election contributions. (11 CFR § 102.9(e)) This general election amount must be maintained in the committee's account.

Since the candidate is not seeking office and will not participate in the general election, any contribution received for the general election must be returned to the donors, in accordance with 11 CFR § 110.1(b)(3) (see attached). The use of general election contributions to pay primary debts and obligations is prohibited under the Act as such use could result in individuals making contributions with respect to the primary election in excess of the \$2,300 per election limit. Any subsequent report(s) filed with the Commission must disclose the refund of any general election contributions. Refunds must be done within sixty (60) days after the candidate's announcement not to seek office/re-election.

Please inform the Commission of your corrective action immediately in writing and provide a photocopy of your check for any refund. Refunds are reported on Line 20 of the Detailed Summary Page and on a supporting Schedule B of the report covering the period in which they are made. (11 CFR § 104.8(d)(4)).

Please amend your report to disclose what action will be taken in regard to the general election contributions received by your committee. Although the Commission may take further legal action, prompt action by you to refund of these contributions 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

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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. If you should 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) 694-1395.

Sincerely,



Christian Hilland
Senior Campaign Finance Analyst
Reports Analysis Division

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**Excessive and/or Prohibited Contributions
Committee to Re-Elect Vito Fossella (C00328070)
July Quarterly Report (4/1/08 - 6/30/08)**

**P = Primary Election
G = General Election**

PROHIBITED CONTRIBUTIONS RECEIVED AFTER 5/20/08				
CONTRIBUTOR NAME		DATE	AMOUNT	ELECTION
Abrams	David C.	5/27/2008	\$300.00	P2008
Akley	William J.	5/27/2008	\$250.00	P2008
Antonacci	Espie	5/27/2008	\$300.00	P2008
Ayyad	Rula	5/27/2008	\$300.00	P2008
Brooks	Pearl	6/2/2008	\$100.00	P2008
Buttermark	Paul J.	5/27/2008	\$250.00	P2008
D'Agostino	Jonathan	5/27/2008	\$1,000.00	P2008
Daiuto	Ralph A. Mr. Jr.	5/27/2008	\$500.00	P2008
Farag	Sherif A. MD	5/27/2008	\$300.00	P2008
Federico	Alexander Mr. Jr.	5/27/2008	\$150.00	P2008
Fortunato	Michael J.	5/27/2008	\$300.00	P2008
Hill	Howard R. Jr	5/27/2008	\$150.00	P2008
Jeffrey	John R. Mr. Jr.	5/27/2008	\$250.00	P2008
Kim	Jhong Uhk	5/27/2008	\$2,300.00	P2008
Kim	Susan A.	5/27/2008	\$2,300.00	P2008
Lobasso	Jeannette	5/27/2008	\$300.00	P2008
Marin	Louis Villa	5/27/2008	\$250.00	P2008
Merlino	John R. Jr.	5/27/2008	\$300.00	P2008
Mormino	Joseph T. DDS	5/27/2008	\$300.00	P2008
Poznansky	Jonathan H.	5/27/2008	\$300.00	P2008
Ruta	Annmarie C.	5/27/2008	\$300.00	P2008
Sidor	Jill	5/27/2008	\$300.00	P2008
Silberberg	Penny	5/27/2008	\$1,500.00	P2008
Stawiarski	Marek D. MD	5/27/2008	\$400.00	P2008
Stewart	Roland H.	5/27/2008	\$250.00	P2008
Suarez	Joseph Dr.	5/27/2008	\$1,000.00	P2008
Syed	Hamim Mr.	5/27/2008	\$1,000.00	P2008
Bank of New York Mellon Corporation Federal PAC		5/27/2008	\$1,000.00	P2008
Friends of Zach Wamp		6/17/2008	\$1,000.00	P2008
International Association of Firefighters...Education PAC		5/27/2008	\$2,000.00	P2008
NRG Energy Inc Political Action Committee		5/27/2008	\$2,300.00	P2008
Renew America PAC		5/27/2008	\$1,000.00	P2008
UST Inc. Executives Administrators and Managers PAC		6/2/2008	\$1,000.00	P2008

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PROHIBITED GENERAL ELECTION CONTRIBUTIONS				
CONTRIBUTOR NAME		DATE	AMOUNT	ELECTION
Addeo	Gina Ms.	4/30/2007	\$2,300.00	G2008
Campitiello	Gerardo	7/31/2007	\$2,300.00	G2008
Celiberti	John C. Jr	4/30/2007	\$2,300.00	G2008
Crispi	Sam	4/17/2008	\$1,000.00	G2008
Crispi	Sam	12/7/2007	\$450.00	G2008
D'Ambrosio	William Mr.	12/7/2007	\$200.00	G2008
Devine	James Mr.	12/7/2007	\$200.00	G2008
Farina	Charles Mr.	12/14/2007	\$200.00	G2008
Finello	Frank	11/13/2007	\$1,750.00	G2008
Finello	Frank	2/21/2008	\$500.00	G2008
Friedman	Shiya H.	11/13/2007	\$2,000.00	G2008
Galante	Anthony Mr.	3/31/2008	\$200.00	G2008
Gallelli	Aldo Mr.	3/31/2008	\$2,300.00	G2008
Hansen	Dennis Mr.	6/21/2007	\$2,300.00	G2008
Hansen	Katrina	4/17/2008	\$2,300.00	G2008
Kolari	Ibrahim Mr.	3/31/2008	\$150.00	G2008
Krkuti	Agim	3/31/2008	\$2,700.00	G2008
Lagana	John Mr. Jr.	12/7/2007	\$600.00	G2008
Lagana	John Mr. Jr.	4/22/2008	\$1,700.00	G2008
Leider	Andrew Mr.	2/23/2007	\$2,300.00	G2008
Mannix	Kevin B.	11/20/2007	\$500.00	G2008
Martinelli	Vincent Mr.	12/7/2007	\$1,500.00	G2008
Masucci	Raymond	6/30/2007	\$2,300.00	G2008
Menicucci	Elizabeth	12/31/2007	\$1,500.00	G2008
Miglino	Michael Mr.	6/14/2007	\$2,300.00	G2008
Miley	Clare H.	4/30/2007	\$2,300.00	G2008
Naso	Frank Mr.	2/26/2008	\$2,000.00	G2008
Naso	Frank N. Mr.	10/26/2007	\$300.00	G2008
Noce	Alice Ms.	2/13/2007	\$200.00	G2008
Noce	Lisa Ms.	2/13/2007	\$200.00	G2008
Noce	Lisa Ms.	12/7/2007	\$1,500.00	G2008
Passarelli	Guido Mr.	12/4/2007	\$750.00	G2008
Picataggi	Gemma	3/31/2008	\$2,300.00	G2008
Pitera II	John Mr.	12/31/2007	\$500.00	G2008

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Polatsek	Sarah	11/13/2007	\$2,000.00	G2008
Powers	Dianne Mrs.	2/21/2008	\$2,100.00	G2008
Powers	Francis	2/21/2008	\$2,100.00	G2008
Prendamano	James Mr.	12/31/2007	\$500.00	G2008
Puretz	Aron	12/31/2007	\$1,500.00	G2008
Rusi	Ilirjan Mr.	12/7/2007	\$1,200.00	G2008
Saccheri	Carlo	10/15/2007	\$2,300.00	G2008
Salami	Esfandiar Mr.	11/20/2007	\$2,300.00	G2008
Santo	Anthony Mr.	3/20/2007	\$2,300.00	G2008
Santo	Anthony Mr.	11/20/2007	\$1,500.00	G2008
Savo	Bruno Mr.	4/17/2008	\$1,000.00	G2008
Savo	Bruno Mr.	12/7/2007	\$1,200.00	G2008
Savo	Michelle	4/17/2008	\$700.00	G2008
Savo	Savino Mr.	4/17/2008	\$700.00	G2008
Savo	Savino Mr.	12/7/2007	\$750.00	G2008
Scimone	Susan Mrs.	6/14/2007	\$2,300.00	G2008
Shah	Darshan T. T. Dr.	12/7/2007	\$2,300.00	G2008
Siad	Mufeed	6/29/2007	\$2,300.00	G2008
Siegel	Herbert	5/13/2008	\$2,300.00	G2008
Siegel	Jeanne S	5/13/2008	\$2,300.00	G2008
Sullivan	Michael P.	4/30/2007	\$2,300.00	G2008
Tranchina	Anthony J.	3/30/2007	\$2,300.00	G2008
Tranchina	Madeline Ms.	2/26/2008	\$200.00	G2008
Tranchina	Madeline Ms.	3/31/2008	\$25.00	G2008
Wade	George Mr.	3/19/2007	\$2,300.00	G2008
Waldman	Stuart	3/30/2007	\$2,300.00	G2008
Weinberg	Harold	3/30/2007	\$700.00	G2008
Weinberg	Harold	12/7/2007	\$1,500.00	G2008
Welsh	Edward Mr.	6/4/2007	\$700.00	G2008
Wyne	Jamshad Dr.	6/30/2007	\$2,300.00	G2008
Zahriyeh	Joseph	6/29/2007	\$2,300.00	G2008
American Institute Of Certified Public Accountants PAC		4/17/2008	\$1,500.00	G2008
American Podiatric Medical Assoc PAC		8/20/2007	\$1,000.00	G2008
AT&T Federal PAC		3/22/2008	\$2,500.00	G2008
Chicago Mercantile Exchange Inc PAC		4/28/2008	\$2,000.00	G2008

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Committee For The Preservation Of Capitalism (CPC)	3/31/2008	\$5,000.00	G2008
Deloitte & Touche Federal PAC	12/31/2007	\$1,500.00	G2008
Deloitte & Touche Federal PAC	3/31/2008	\$1,500.00	G2008
Every Republican Is Crucial (ERICPAC)	4/28/2008	\$5,000.00	G2008
Freedom Project	12/31/2007	\$5,000.00	G2008
Koch Industries Inc PAC (KOCHPAC)	3/22/2008	\$1,000.00	G2008
Massachusetts Mutual Life Ins Co PAC	4/28/2008	\$3,000.00	G2008
New York Life PAC	8/13/2007	\$3,000.00	G2008
Oppenheimer Funds PAC	4/28/2008	\$2,000.00	G2008
PriceWaterhouseCoopers PAC	3/31/2008	\$1,500.00	G2008
RR Donnelley Good Government Fund	6/30/2007	\$1,000.00	G2008
Society Of Independent Gasoline Marketers...PAC	3/13/2008	\$2,500.00	G2008
Together For Our Majority Political Action Committee	3/31/2008	\$2,500.00	G2008

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