

**RAD REFERRAL #: A23-10****DATE:** March 27, 2023**AUDIT REFERRAL #** 23-04R**ANALYST:** Patrick Harkins**ABC:** Jaime Amrhein**REPORTS ANALYSIS DIVISION AUDIT REFERRAL**

- I. CANDIDATE:** Anthony P. D'Esposito  
**CANDIDATE ID NUMBER:** H2NY04277  
**STATE/DISTRICT:** NY/04
- II. PRINCIPAL CAMPAIGN COMMITTEE:** DEsposito for New York  
C00809426  
Claudia Armendinger, Treasurer  
PO Box 188  
Island Park, NY 11558
- OTHER AUTHORIZED COMMITTEE(S)<sup>1</sup>:** DEsposito Victory Fund  
DEsposito for NY-04  
NRCC New York Victory  
Take Back the House 2022<sup>2</sup>
- III. REGISTRATION DATE:** March 16, 2022  
**DATE OF CANDIDACY FOR THE  
AUDIT PERIOD:** March 16, 2022
- IV. ELECTION RESULTS:** Won the 2022 General Election by 3.72%
- V. TOTAL POINTS ASSESSED:** ■

**VI. SUMMARY OF AUDIT POINTS BY STANDARD:**

Standard	#	Description	Total # of Point(s)	Points for Receipts	Points for Disbursements	Other Points
Standard	5	Excessive, Prohibited and Other Impermissible Contributions and Transfers	■ Point(s)	■	■	■
Standard	7	Failure to Provide Schedules	■ Point(s)	■	■	■
Standard	8	Failure to Properly Itemize Contributions from Individuals	■ Point(s)	■	■	■
Standard	11	Failure to Properly Itemize Disbursements	■ Point(s)	■	■	■
		<b>TOTAL</b>	■ Point(s)	■	■	■

<sup>1</sup> The Committee listed Protect the House 2024 and New York Majority Makers as Joint Fundraising Representatives on the [Form 1](#) filed on 2/23/2023. Protect the House 2024 registered with the Commission on 1/23/2023 and New York Majority Makers registered with the Commission on 2/21/2023.

<sup>2</sup> Added on the Form 1 filed on 9/26/2022 and removed on Form 1 filed on 9/27/2022.

**VII. NOTICES SENT TO AND RESPONSES RECEIVED FROM THE COMMITTEE:**

See attached O-Index for the Committee and the Committee information page: [DEsposito for New York](#).

**VIII. PROBLEMS FOR WHICH AUDIT POINTS WERE ASSESSED:****A. Standard 5 – Excessive, Prohibited and Other Impermissible Contributions/Transfers:**

Report Type	Violation (Description)	Points
2022 Q2	<p>Schedule A of the Committee's report disclosed the receipt of excessive and apparent prohibited contributions totaling \$133,395.00 or 24.46% of the total contributions (Line 11(e), Column A of the Detailed Summary Page). These contributions were received from thirty-seven (37) individuals, one (1) federal candidate committee, and fifty-four (54) unregistered political organizations, as detailed below:</p> <p>Schedule A of the Committee's report disclosed the receipt of excessive contributions from thirty-seven (37) individuals totaling \$83,300.00.</p> <p>Schedule A of the Committee's report disclosed the receipt of excessive contributions of \$2,000.00 from one (1) federal candidate committee.</p> <p>Schedule A of the Committee's report disclosed the receipt of apparent prohibited contributions totaling \$48,095.00 from fifty-four (54) unregistered political organizations.</p>	■
2022 12P	<p>Schedule A of the Committee's report disclosed the receipt of excessive and apparent prohibited contributions totaling \$10,300.00 or 15.46% of the total contributions (Line 11(e), Column A of the Detailed Summary Page). These contributions were received from four (4) individuals and two (2) unregistered political organizations, as detailed below:</p> <p>Schedule A of the Committee's report disclosed the receipt of excessive contributions from four (4) individuals totaling \$9,100.00.</p> <p>Schedule A of the Committee's report disclosed the receipt of apparent prohibited contributions totaling \$1,200.00 from two (2)</p>	■

unregistered political organizations.

2022 Q3

Schedule A of the Committee’s report disclosed the receipt of excessive, impermissible, and apparent prohibited contributions totaling \$9,400.00 or 3.40% of the Committee’s total contributions (Line 11(e), Column A of the Detailed Summary Page). These contributions were received from four (4) individuals and one (1) unregistered political organization, as detailed below:



Schedule A of the Committee’s report disclosed the receipt of an excessive contribution of \$500.00 from one (1) individual.

Schedule A of the Committee’s report disclosed the receipt of contributions designated for 2022 Primary Election, which were received after the date of the Primary Election. The Committee had insufficient net debts to support approximately<sup>3</sup> \$8,700 of these contributions, which were received from three (3) individuals.

Schedule A of the Committee’s report disclosed the receipt of an apparent prohibited contribution of \$200.00 from one (1) unregistered political organization.

**Standard 5 Total:**



Points for Receipts	Points for Disbursements	Other Points
■	■	■

**B. Standard 7 - Failure to Provide Supporting Schedules:**

Report Type	Violation (Description)	Points
2022 30G	The Committee failed to file the required 48-Hour Notices from 10/20/2022 through 11/05/2022 for contributions totaling \$10,000.00 from one (1) individual, three (3) multicandidate committees, and one (1) federal candidate committee.	■

**Standard 7 Total:**



<sup>3</sup> Please note, RAD’s calculation of the Committee’s net debts outstanding is an estimate, since an exact calculation is not possible due to the unitemized activity disclosed on its reports.

Points for Receipts	Points for Disbursements	Other Points
█	█	█

**C. Standard 8 - Failure to Properly Itemize Contributions from Individuals:**

Report Type	Violation (Description)	Points
2022 Q2	The Committee failed to provide the adequate identification for 123 of 422, or 29.15%, of the contributions from individuals that require itemization (name and occupation/employer).	█
2022 Q3	The Committee failed to provide the adequate identification for 74 of 354, or 20.90%, of the contributions from individuals that require itemization (name and occupation/employer).	█
2022 30G	The Committee failed to provide the adequate identification for 40 of 185, or 21.62%, of the contributions from individuals that require itemization (name and occupation/employer).	█

**Standard 8 Total:** █

Points for Receipts	Points for Disbursements	Other Points
█	█	█

**D. Standard 11 – Failure to Properly Itemize Disbursements:**

Report Type	Violation (Description)	Points
2022 12G	The Committee failed to provide an adequate purpose for a \$16,779.29 disbursement to a vendor.	█

**Standard 11 Total:** █

Points for Receipts	Points for Disbursements	Other Points
█	█	█

**IX. MATTERS REQUIRING REFERRAL TO OGC/ADRO/AF:**

**A. OGC –**

**Excessive, Prohibited and Other Impermissible Contributions or Transfers (Standard 5)**

The Committee can be referred to the Office of General Counsel (OGC) for the receipt of excessive, impermissible, and apparent prohibited contributions totaling \$106,950.00 and 8.46% of the Committee's total contributions during the 2021-2022 election cycle.

B. ADRO –  
None.

C. AF –  
None.

**X. OTHER COMMISSION ACTIONS DURING THE 2019-2020 AND 2021-2022 ELECTION CYCLES:**

None.

**XI. OTHER RELEVANT INFORMATION:**

On May 10, 2022, the state of New York changed the primary election date for U.S. House of Representatives candidates from June 28, 2022 to August 23, 2022. The date change was necessitated by court order. While the court order established the new primary election as August 23, 2022, [Advisory Opinion 2022-08](#) states that “The new limit applies to contributions made after May 20, 2022 (the date of the court’s final order setting the district lines for August 23 election).”

O-Index (2023-2024)															
Cmte. ID: C00809426 Cmte. Name: DESPOSITO FOR NEW YORK															
Treasurer Name: ARMENDINGER, CLAUDIA Address: PO BOX 188, ISLAND PARK, NY 11558															
Cmte. Type: H (HOUSE) Cmte. Designation: P (PRINCIPAL CAMPAIGN COMMITTEE OF A CANDIDATE) Filing Frequency: QUARTERLY FILER															
Form Tp	Rpt Tp	A/I	Recpt Dt	Pgs	Begin Img#	Beg Cvg Dt	End Cvg Dt	Ltrr Mail Dt	Begin Cash	Recpts	Disb	End Cash	Debts	Loans	Debts & Loans
F1A		A	1/28/2023	7	202301289575093780				-	-	-	-	-	-	-
F2A		A	1/28/2023	2	202301289575093787				-	-	-	-	-	-	-
F1A		A	2/23/2023	8	202302239578722842				-	-	-	-	-	-	-
F2A		A	2/23/2023	2	202302239578722850				-	-	-	-	-	-	-
<b>Totals</b>										<b>\$0</b>	<b>\$0</b>				

O-Index (2021-2022)															
Cmte. ID: C00809426 Cmte. Name: DESPOSITO FOR NEW YORK															
Treasurer Name: ARMENDINGER, CLAUDIA Address: PO BOX 188, ISLAND PARK, NY 11558															
Cmte. Type: H (HOUSE) Cmte. Designation: P (PRINCIPAL CAMPAIGN COMMITTEE OF A CANDIDATE) Filing Frequency: QUARTERLY FILER															
Form Tp	Rpt Tp	A/I	Recpt Dt	Pgs	Begin Img#	Beg Cvg Dt	End Cvg Dt	Ltrr Mail Dt	Begin Cash	Recpts	Disb	End Cash	Debts	Loans	Debts & Loans
RQ2	Q2	N	9/29/2022	10	202209290300154413	4/1/2022	6/30/2022	9/29/2022	-	-	-	-	-	-	-
RQ2	12P	N	9/29/2022	5	202209290300154479	7/1/2022	8/3/2022	9/29/2022	-	-	-	-	-	-	-
RQ2	Q3	N	12/7/2022	8	202212070300162893	8/4/2022	9/30/2022	12/7/2022	-	-	-	-	-	-	-
RQ2	12G	N	12/7/2022	5	202212070300162913	10/1/2022	10/19/2022	12/7/2022	-	-	-	-	-	-	-
RQ2	30G	N	12/20/2022	10	202212210300163785	10/20/2022	11/28/2022	12/20/2022	-	-	-	-	-	-	-
F3N	Q1	N	4/15/2022	16	202204159496452708	1/1/2022	3/31/2022		\$0	\$29,900	\$395	\$29,504	-	-	\$0
F3N	Q2	N	7/15/2022	219	202207159518737254	4/1/2022	6/30/2022		\$29,504	\$545,320	\$25,209	\$549,615	-	-	\$0
F3A	Q2	A	11/11/2022	230	202211119546754116	4/1/2022	6/30/2022		\$29,504	\$545,320	\$25,209	\$549,615	-	-	\$0
F3N	12P	N	8/11/2022	41	202208119525267001	7/1/2022	8/3/2022		\$549,615	\$66,633	\$70,832	\$545,416	-	-	\$0
F3A	12P	A	11/11/2022	43	202211119546754346	7/1/2022	8/3/2022		\$549,615	\$66,633	\$70,832	\$545,416	-	-	\$0
F3N	Q3	N	10/15/2022	197	202210159532811609	8/4/2022	9/30/2022		\$545,416	\$289,204	\$589,090	\$245,530	-	-	\$0
F3A	Q3	A	12/11/2022	199	202212119557531550	8/4/2022	9/30/2022		\$545,416	\$289,204	\$589,090	\$245,530	-	-	\$0
F3N	12G	N	10/27/2022	92	202210279541756094	10/1/2022	10/19/2022		\$245,530	\$120,524	\$254,875	\$111,179	-	-	\$0
F3A	12G	A	12/11/2022	95	202212119557531749	10/1/2022	10/19/2022		\$245,530	\$120,524	\$254,875	\$111,179	-	-	\$0
F3N	30G	N	12/8/2022	133	202212089550179255	10/20/2022	11/28/2022		\$111,179	\$222,184	\$313,590	\$19,773	-	-	\$0
F3A	30G	A	12/27/2022	146	202212279574227257	10/20/2022	11/28/2022		\$111,179	\$222,184	\$313,590	\$19,773	-	-	\$0
F3N	YE	N	1/31/2023	26	202301319575288578	11/29/2022	12/31/2022		\$19,773	\$35,108	\$33,519	\$21,363	-	-	\$0
F1N		N	3/16/2022	4	202203169493959764				-	-	-	-	-	-	-
F1A		A	3/17/2022	4	202203179493978609				-	-	-	-	-	-	-
F2N		N	3/16/2022	1	202203169493959768				-	-	-	-	-	-	-
F2A		A	3/17/2022	1	202203179493978623				-	-	-	-	-	-	-
F1A		A	3/28/2022	4	202203289495911546				-	-	-	-	-	-	-
F1A		A	5/10/2022	4	202205109502716056				-	-	-	-	-	-	-
F2A		A	5/10/2022	1	202205109502716055				-	-	-	-	-	-	-
F6N			8/9/2022	1	202208099525163965				-	-	-	-	-	-	-
F6N			8/18/2022	1	202208189525536989				-	-	-	-	-	-	-
F6N			8/22/2022	1	202208229528159498				-	-	-	-	-	-	-
F6N			8/19/2022	1	202208199525594551				-	-	-	-	-	-	-
F1A		A	9/26/2022	5	202209269531992587				-	-	-	-	-	-	-
F2A		A	9/26/2022	2	202209269531992592				-	-	-	-	-	-	-
F1A		A	9/27/2022	5	202209279531995511				-	-	-	-	-	-	-
F2A		A	9/27/2022	2	202209279531995516				-	-	-	-	-	-	-
F6N			10/23/2022	1	202210239541501486				-	-	-	-	-	-	-

F1A	A	10/27/2022	6	202210279541769789	-	-	-	-	-	-	-	-	-	-
F2A	A	10/27/2022	2	202210279541769610	-	-	-	-	-	-	-	-	-	-
F6N		10/27/2022	2	202210279543324253	-	-	-	-	-	-	-	-	-	-
F6N		10/25/2022	1	202210259541652404	-	-	-	-	-	-	-	-	-	-
F6N		10/31/2022	1	202210319546694658	-	-	-	-	-	-	-	-	-	-
F6N		11/3/2022	4	202211039546703760	-	-	-	-	-	-	-	-	-	-
F2A	A	11/16/2022	2	202211169546803184	-	-	-	-	-	-	-	-	-	-
F6N		11/7/2022	1	202211079546727045	-	-	-	-	-	-	-	-	-	-
F6N		11/5/2022	4	202211059546711880	-	-	-	-	-	-	-	-	-	-
F6N		10/29/2022	1	202210299546673770	-	-	-	-	-	-	-	-	-	-
F6N		12/27/2022	1	202212279574227252	-	-	-	-	-	-	-	-	-	-
<b>Totals</b>										\$1,308,876	\$1,287,513			

<b>O-Index (2019-2020)</b>															
Cmte. ID: C00809426    Cmte. Name: DESPOSITO FOR NEW YORK															
Treasurer Name: ARMENDINGER, CLAUDIA    Address: PO BOX 188, ISLAND PARK, NY 11558															
Cmte. Type: H (HOUSE)    Cmte. Designation: P (PRINCIPAL CAMPAIGN COMMITTEE OF A CANDIDATE)    Filing Frequency: QUARTERLY FILER															
Form Tp	Rpt Tp	A/I	Recpt Dt	Pgs	Begin Img#	Beg Cvg Dt	End Cvg Dt	Ltrr Mail Dt	Begin Cash	Recpts	Disb	End Cash	Debts	Loans	Debts & Loans

No records were found for this cycle.

**Response Codes, Due Dates, and Receipt Dates for  
DEposito for New York  
(C00809426)**

**Standard 5**

Report	Response Code	Description	Due Date	Response Date	Points
2022 Q2	LIR	Receipt of Contribution from Persons/Individuals > \$2,900 (A5-04)	11/03/2022	11/11/2022	■
		Receipt of Contributions from federal candidate committee >\$2,000 (A5-09)			
		Receipt of Contributions from Unregistered Committees or Organizations (A5-36)			
2022 12P	LIR	Receipt of Contributions from Persons/Individuals >\$2,900 (A5-04)	11/03/2022	11/11/2022	■
	LAR	Receipt of Contributions from Unregistered Committees or Organizations (A5-36)			
2022 Q3	IR	Receipt of Contributions from Persons/Individuals >\$2,900 (A5-04)	1/11/2023	12/11/2022	■
		Receipt of Primary Contributions after Primary (A5-16)			
		Receipt of Contributions from Unregistered Committees or Organizations (A5-36)			

**Standard 7**

Report	Response Code	Description	Due Date	Response Date	Points
2022 30G	LIR	Failure to File 48-Hour Notice (A7-24)	1/24/2023	12/27/2022 <sup>1</sup>	■

**Standard 8**

Report	Response Code	Description	Due Date	Response Date	Points
2022 Q2	LIR	Inadequate/Incomplete Contributor Information – Citing Emp/Occ (A8-02A)	11/03/2022	11/11/2022	■
2022 Q3	IR	Inadequate/Incomplete Contributor Information – Citing Emp/Occ (A8-02A)	1/11/2023	12/11/2022	■
2022 30G	IR	Inadequate/Incomplete Contributor Information – Citing Emp/Occ (A8-02A)	1/24/2023	12/27/2022	■

**Standard 11**

Report	Response Code	Description	Due Date	Response Date	Points
2022 12G	IR	Itemized Disbursements with Inadequate Purposes (A11-05)	1/11/2023	12/11/2022	■

<sup>1</sup> The required [48-Hour Notice](#) was filed on 12/27/2022, before the RFAI response deadline but after the election. As such, the response is considered LIR.



**RFAI Response Codes:**

IR = Inadequate Response; Remaining Violation Exceeds RFAI Threshold

LAR = Late Adequate Response

LIR = Late Inadequate Response; Remaining Violation Exceeds RFAI Threshold

LIRB = Late Inadequate Response; Remaining Violation is Below RFAI Threshold

NR = No Response

## DEsposito for New York (C00809426)

1. List of Pseudonyms: None.
2. List of All 48-Hour Notices Filed:

Type	New/ Amended	Date Filed	48-Hour Notice Link
48-Hour Notice	N	08/09/2022	<a href="https://docquery.fec.gov/cgi-bin/fecimg/?_id=202208099525163965+0">https://docquery.fec.gov/cgi-bin/fecimg/?_id=202208099525163965+0</a>
48-Hour Notice	N	08/18/2022	<a href="https://docquery.fec.gov/cgi-bin/fecimg/?_id=202208189525536989+0">https://docquery.fec.gov/cgi-bin/fecimg/?_id=202208189525536989+0</a>
48-Hour Notice	N	08/19/2022	<a href="https://docquery.fec.gov/cgi-bin/fecimg/?_id=202208199525594551+0">https://docquery.fec.gov/cgi-bin/fecimg/?_id=202208199525594551+0</a>
48-Hour Notice	N	8/22/2022	<a href="https://docquery.fec.gov/cgi-bin/fecimg/?_id=202208229528159498+0">https://docquery.fec.gov/cgi-bin/fecimg/?_id=202208229528159498+0</a>
48-Hour Notice	N	10/23/2022	<a href="https://docquery.fec.gov/cgi-bin/fecimg/?_id=202210239541501486+0">https://docquery.fec.gov/cgi-bin/fecimg/?_id=202210239541501486+0</a>
48-Hour Notice	N	10/25/2022	<a href="https://docquery.fec.gov/cgi-bin/fecimg/?_id=202210259541652404+0">https://docquery.fec.gov/cgi-bin/fecimg/?_id=202210259541652404+0</a>
48-Hour Notice	N	10/27/2022	<a href="https://docquery.fec.gov/cgi-bin/fecimg/?_id=202210279543324253+0">https://docquery.fec.gov/cgi-bin/fecimg/?_id=202210279543324253+0</a>
48-Hour Notice	N	10/29/2022	<a href="https://docquery.fec.gov/cgi-bin/fecimg/?_id=202210299546673770+0">https://docquery.fec.gov/cgi-bin/fecimg/?_id=202210299546673770+0</a>
48-Hour Notice	N	10/31/2022	<a href="https://docquery.fec.gov/cgi-bin/fecimg/?_id=202210319546694658+0">https://docquery.fec.gov/cgi-bin/fecimg/?_id=202210319546694658+0</a>
48-Hour Notice	N	11/03/2022	<a href="https://docquery.fec.gov/cgi-bin/fecimg/?_id=202211039546703760+0">https://docquery.fec.gov/cgi-bin/fecimg/?_id=202211039546703760+0</a>
48-Hour Notice	N	11/05/2022	<a href="https://docquery.fec.gov/cgi-bin/fecimg/?_id=202211059546711880+0">https://docquery.fec.gov/cgi-bin/fecimg/?_id=202211059546711880+0</a>
48-Hour Notice	N	11/07/2022	<a href="https://docquery.fec.gov/cgi-bin/fecimg/?_id=202211079546727045+0">https://docquery.fec.gov/cgi-bin/fecimg/?_id=202211079546727045+0</a>
48-Hour Notice	N	12/27/2022 <sup>1</sup>	<a href="https://docquery.fec.gov/cgi-bin/fecimg/?_id=202212279574227252+0">https://docquery.fec.gov/cgi-bin/fecimg/?_id=202212279574227252+0</a>

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<sup>1</sup> Received after the 2022 General Election.