



Jeffrey T. Buley
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October 6, 2020

Federal Election Commission
Office of Complaints Examination and Legal Administration
Attn: Kathryn Ross, Paralegal
1050 First Street, NE
Washington, DC 20463

Re: MUR 7802

Dear Commissioners and FEC Staff:

Please be advised that I represent respondents "Nicole for New York", Treasurer Laura Schwartz and candidate Nicole Malliotakis in MUR 7802. We respectfully submit that the true respondent of interest in this MUR is "Nicole for New York". This MUR pertains to two television commercials paid for by respondent "Nicole for New York" and their compliance with 11 CFR Section 110.11.

Nicole for New York endeavored to comply with this section by including an express "statement that identifies the candidate and states that...she has approved communication" which was "accompanied by a clearly identifiable photographic or similar image of the candidate." In addition, the referenced advertisements included all the necessary written disclaimers to properly disclose the source of funding.

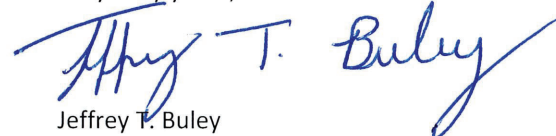
Upon receipt of the MUR, Nicole for New York elected to take a "belt and suspenders" approach to the disclosure requirements set forth in 11 CFR Section 110.11 by immediately adjusting the written disclaimer for the television advertisement subject to the complaint as demonstrated in the attached file. This adjustment is consistent with the advertisement's existing oral disclaimer and should fully address any concerns raised by the complainant.

By requiring candidates to personally endorse the content of the advertisement in their own voice, the oral "stand by your ad" requirement remains one of BCRA's most important and notable provisions. Moreover, this provision continues to receive notoriety with the media and the public due to its inherently informative nature.

While adding corresponding text to the existing written disclaimer is of de minimus value compared to the prominent oral statement over the candidate's image, we appreciate your correspondence so that we could address the complainant's concern and we will ensure that all future television advertisements remain in full conformity with 11 CFR Section 110.11.

Thank you for your assistance in this matter.

Very truly yours,



Jeffrey T. Buley



NICOLE
MALLOTAKIS
FOR CONGRESS

PAID FOR AND AUTHORIZED BY NICOLE FOR NEW YORK (FEDERAL). APPROVED BY NICOLE MALLOTAKIS.



FEDERAL ELECTION COMMISSION
1050 First Street, NE
Washington, DC 20463

STATEMENT OF DESIGNATION OF COUNSEL

Provide one form for each Respondent/Witness

EMAIL cela@fec.gov

FAX 202-219-3923

AR/MUR/RR/P-MUR# 7802

Name of Counsel: Jeffrey Buley

Firm: ~~Brown~~ ~~Winters~~

Address: 50 State St. 4th fl.

Albany, NY 12207

Office#: 518-427-7350 Fax#: _____

Mobile#: _____

E-mail: _____

The above-named individual and/or firm is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

9/29/20
Date

[Signature]
(Signature - Respondent/Agent/Treasurer)

Treasurer
Title

Laura Schwartz
(Name - Please Print)

RESPONDENT: Nicole for New York / Laura Schwartz
(Please print Committee Name/ Company Name/Individual Named in Notification Letter)

Mailing Address: PO Box 68
(Please Print)

South Salem, NY 10590

Home#: _____ Mobile#: _____

Office#: _____ Fax#: _____

E-mail: _____

This form relates to a Federal Election Commission matter that is subject to the confidentiality provisions of 52 U.S.C. § 30109(a)(12)(A). This section prohibits making public any notification or investigation conducted by the Federal Election Commission without the express written consent of the person under investigation.