

RECEIVED
FEDERAL ELECTION COMMISSION
AUGUST 11, 2022 8:07 AM
OFFICE OF GENERAL COUNSEL

MUR 8051

August 9, 2022

VIA ELECTRONIC AND OVERNIGHT MAIL

Office of General Counsel
Federal Election Commission
1050 First Street, NE
Washington, DC 20463

Re: Kiley for Congress Federal Election Campaign Act Violation

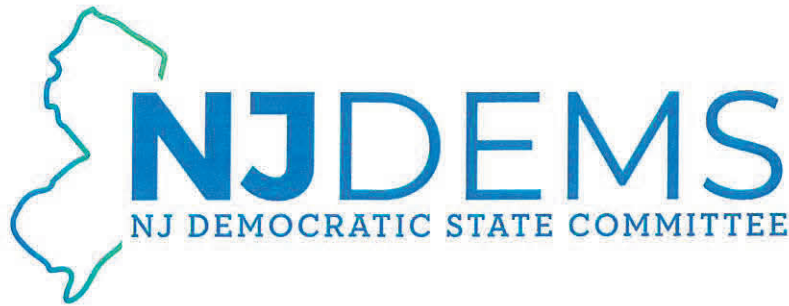
To Whom It May Concern:

Please accept this letter on behalf of the New Jersey Democratic State Committee (“NJDCS”) regarding what appears to be a violation of the Federal Election Campaign Act (“FECA” or “Act”) by Susan Kiley and Kiley for Congress (collectively the “Campaign”). Ms. Kiley is currently serving her second term as a non-federal elected official on the Monmouth County Board of County Commissioners, while simultaneously running as the Republican nominee for Member of Congress for New Jersey’s sixth Congressional district.

On May 31, 2022, the Commission sent a Request for Additional (“RFAI”) Information (Identification Number: C00800557), attached hereto as Exhibit A, requiring the Campaign to account for contributions from an organization(s) which is not a political committee registered with the Commission. Specifically, on January 7, 2022, the campaign received a \$1000 contribution from “Friends Of Sue Kiley For Commissioner” designated for the 2022 Congressional Primary Election. We understand that the “Friends of Sue Kiley for Commissioner” is a single candidate committee registered with the New Jersey Election Law Enforcement Commission. Attached hereto as Exhibit B is a copy of the registration form for this non-federal committee.

On June 1, 2022, the Campaign responded to the RFAI with an FEC Form 99 stating the following:

In regards to unregistered organizations (sic) contributions; we demonstrate a reasonable accounting method that the organization has received sufficient funds subject to the limitations and prohibitions in order to make the contribution by obtaining an affidavit from each committee. Each is limited to \$1000 per calendar year.



Attached hereto as Exhibit B is a copy of the FEC Form 99.

However, and as you are aware, 52 U.S.C. § 30125(e)(1) and 11 C.F.R. § 300.61 prohibit candidates for federal office from spending funds in connection with a campaign for federal office, unless funds are subject to the limitations, prohibitions, and reporting requirements under FECA. As a result, in accordance with 11 C.F.R. § 110.3(d), "Transfers of funds or assets from a candidate's campaign committee or account for a nonfederal election to his or her principal campaign committee or other authorized committee for a federal election are prohibited." As such, we request that the Commission determine and impose appropriate sanctions for any and all violations of law by the Campaign.

Further, the Commission should enjoin the Campaign from any future violations, and impose any necessary and appropriate remedies to ensure respondents future compliance with FECA.

Sincerely,

Saily Avelenda, Esq.
 Executive Director
 New Jersey Democratic State Committee
 194-196 West State Street
 Trenton, New Jersey 08608

Verification

Dated: Aug 9, 2022

Subscribed and sworn to me on this
 9 day of August the year 2022.

#16577949v6

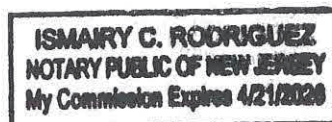


EXHIBIT A



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-2

May 31, 2022

RONALD GRAVINO, TREASURER
KILEY FOR CONGRESS
PO BOX 999
EDISON, NJ 08818

Response Due Date
07/05/2022

IDENTIFICATION NUMBER: C00800557

REFERENCE: APRIL QUARTERLY REPORT (01/01/2022 - 03/31/2022)

Dear Treasurer:

This letter is prompted by the Commission's preliminary review of the report 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 1 item(s):

- Schedule A of your report discloses one or more contributions from an organization(s) which is not a political committee registered with the Commission (see attached). In order for your committee to accept contributions from unregistered organizations, your committee should take steps to ensure that the contributor(s) used permissible funds to make the contribution(s) to avoid violating 52 U.S.C. §§ 30116(f) and 30118 (formerly 2 U.S.C. §§ 441a(f) and 441b) or 11 CFR §102.5(b). Under 11 CFR §102.5(b), organizations which are not political committees under the Act and choose to contribute to federal committees must either: (1) establish a separate account which contains only those funds permitted under the Act, or (2) demonstrate through a reasonable accounting method that the organization has received sufficient funds subject to the limitations and prohibitions in order to make the contribution.

If any apparently prohibited contribution in question was incompletely or incorrectly disclosed, you should amend your original report with clarifying information. In addition, please clarify whether the contribution(s) received from the referenced organization(s) is permissible.

If you have received prohibited contributions, you must make a refund. (11 CFR § 103.3(b)(1)) The refund must be made within 30 days of the treasurer becoming aware of the illegality of the contribution. (11 CFR § 103.3(b)(2))

If you have not already done so, please inform the Commission of your

KILEY FOR CONGRESS

Page 2 of 2

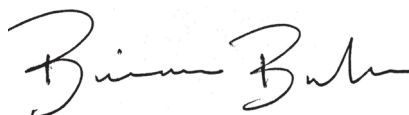
corrective action immediately in writing and provide a photocopy of any refund checks. Refunds must be reported on a Schedule B supporting Line 20(b) or (c), as applicable, of the report covering the period in which the refund was made. (11 CFR § 104.8(d)(4))

Although the Commission may take further legal action concerning the acceptance of prohibited contributions, your prompt action to refund the prohibited amount 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 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. For information about the report review process or specific filing information for your committee type, please visit www.fec.gov/help-candidates-and-committees. For more information about Requests for Additional Information (RAI), why you received a letter, and how to respond, please visit www.fec.gov/help-candidates-and-committees/request-additional-information. Should you 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) 694-1338.

Sincerely,



Brian Buhr

Senior Campaign Finance Analyst

**Apparent Prohibited and Impermissible Contributions
Kiley for Congress (C00800557)**

Contributions from Possible Unregistered Organizations

Contributor Name	Date	Amount	Election
Anita Greenberg-Belli For Council	3/31/22	\$500.00	P2022
Friends Of Cole For Council	3/22/22	\$100.00	P2022
Friends Of Mike Glackin	3/31/22	\$1,000.00	P2022
Friends Of Ross Licitra For Commissioner	1/18/22	\$500.00	P2022
Friends Of Sue Kiley For Commissioner	1/7/22	\$1,000.00	P2022
Koch For Council	3/16/22	\$100.00	P2022
O'Scanlon For Senate	1/28/22	\$1,000.00	P2022
Owen Henry For Mayor	3/25/22	\$300.00	P2022
Scharfenberger For Assembly	1/29/22	\$1,000.00	P2022
Senator Kyrillos Committee	1/19/22	\$500.00	P2022

EXHIBIT B



SINGLE CANDIDATE COMMITTEE - CERTIFICATE OF ORGANIZATION AND DESIGNATION OF CAMPAIGN TREASURER AND DEPOSITORY

NEW JERSEY ELECTION LAW ENFORCEMENT COMMISSION
P.O. Box 185, Trenton, NJ 08625-0185
(609) 292-8700 or Toll Free Within NJ 1-888-313-ELEC (3532)
Website: www.elec.nj.gov

FORM D-1

ELEC Received
Dec 27, 2021 4:13 PM

Amendment

Candidate Name: SUSAN M KILEY
Candidate Committee Name: FRIENDS OF SUE KILEY FOR COMMISSIONER
Street Address: PO BOX 999
City: EDISON, State: NJ, Zip Code: 08818, *Day Telephone: 732-742-3347, *Evening Telephone: 732-742-3347
Committee Email: RON@RONGRAVINO.COM
Election Type: Primary
Election Date: 06/04/2024
County: MONMOUTH COUNTY, Political Party: REPUBLICAN

CHAIRPERSON

Name:
Mailing Address:
City: State: Zip Code: *Day Telephone: *Evening Telephone:

TREASURER

Name: RONALD GRAVINO
Mailing Address: PO BOX 999
City: EDISON, State: NJ, Zip Code: 08818, *Day Telephone: 732-742-3347, *Evening Telephone: 732-742-3347
Resident Address:
City: State: Zip Code:

DEPOSITORY INFORMATION

Name of Bank or Depository: TD BANK
Mailing Address: 1398 HIGHWAY 9
City: OLD BRIDGE, State: NJ, Zip Code: 08857, Day Telephone:
Account Name: FRIENDS OF SUE KILEY FOR COMMISSIONER
Account Number: *****2546

LIST THE NAME(S), MAILING ADDRESS(ES) AND TELEPHONE NUMBER(S) OF ANY PERSON(S) AUTHORIZED TO SIGN CHECKS OR OTHERWISE MAKE TRANSACTIONS

Name

RONALD GRAVINO

Mailing Address

PO BOX 999

City	State	Zip Code	*Day Telephone	*Evening Telephone
EDISON	NJ	08818	732-742-3347	732-742-3347

Name

DIANA KASPER

Mailing Address

PO BOX 999

City	State	Zip Code	*Day Telephone	*Evening Telephone
EDISON	NJ	08818	609-575-8997	609-575-8997

Name

Mailing Address

City	State	Zip Code	*Day Telephone	*Evening Telephone
_____	_____	_____	_____	_____

CANDIDATE CERTIFICATION: I certify that the statements on this document are true. I further certify that I have not, and will not during the existence of the candidate committee, establish, authorize the establishment of, maintain, or participate directly or indirectly in the management or control of any political committee or continuing political committee. I am aware that if any of the statements are willfully false, I may be subject to punishment.

Registration Number	*****	PIN	*****
<u>SUSAN M KILEY</u>		<u>12/27/2021</u>	
Candidate		Date	

CHAIRPERSON/TREASURER CERTIFICATION: I certify that the statements on this document are true. I am aware that if any of the statements are willfully false, I may be subject to punishment.

Registration Number	_____	PIN	_____
_____		_____	
Chairperson		Date	

Registration Number	*****	PIN	*****
<u>RONALD GRAVINO</u>		<u>12/27/2021</u>	
Treasurer		Date	

Treasurers for Gubernatorial and Legislative candidates are required to receive training with the NJ ELEC. If you have completed the training enter your Treasurer Training ID# C0010

*Leave this field blank if your telephone number is unlisted. Pursuant to N.J.S.A. 47:1A-1.1, an unlisted telephone number is not a public record and must not be provided on this form.

EXHIBIT C

MISCELLANEOUS TEXT (FEC Form 99)

NAME OF COMMITTEE (In Full)
KILEY FOR CONGRESS

FEC IDENTIFICATION NUMBER
C00800557

Mailing Address PO BOX 999

City State ZIP Code
EDISON NJ 08818

IDENTIFICATION NUMBER: C00800557

REFERENCE: APRIL QUARTERLY REPORT (01/01/2022 - 03/31/2022)

Dear Commission,

In regards to unregistered organizations contributions; we demonstrate a reasonable accounting method that the organization has received sufficient funds subject to the limitations and prohibitions in order to make the contribution by obtaining an affidavit from each committee. Each is limited to \$1000 per calendar year.

Thank you,
Ron Gravino
Treasurer