



July 27, 2023

**Via email at [cela@fec.gov](mailto:cela@fec.gov)**

Wanda Brown  
Acting Assistant General Counsel  
Complaints Examination & Legal Administration  
Federal Election Commission  
1050 First Street, NE  
Washington, D.C. 20463

**RE: MUR 8133 – Response to Amended Complaint**

Dear Ms. Brown,

We represent Mario Fratto for Congress and Thomas Datwyler in his official capacity as treasurer (the “Committee”), and we write in response to your letter regarding the amended complaint (the “Complaint”) filed in the above-listed matter. The Complaint alleges that the Committee failed to refund ten donors who contributed to the 2022 general election, totaling \$29,600. The Complaint’s allegations are inaccurate, as set forth below:

- **Fratto, Scott M** – Mr. Fratto’s second \$2,900 contribution was reattributed to the rescheduled primary election consistent with AO 2022-08.
- **Fratto, Brittany** – Ms. Fratto’s second \$2,900 contribution was reattributed to the rescheduled primary election consistent with AO 2022-08.
- **Fratto, Frank** – Mr. Fratto’s second \$2,900 contribution was reattributed to the rescheduled primary election consistent with AO 2022-08.
- **Fratto, Sally Ann** – Ms. Fratto’s second \$2,900 contribution was reattributed to the rescheduled primary election consistent with AO 2022-08.
- **Massa, Nicholas P** – Mr. Massa’s \$2,900 general election contribution was refunded on October 3, 2022, as reflected in the Committee’s 2022 Year End report.
- **Fratto, Ralph** – Mr. Fratto’s second \$2,900 contribution was reattributed to the rescheduled primary election consistent with AO 2022-08.

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- **Klingenstein, Thomas** – Mr. Klingenstein’s second \$2,900 contribution was reattributed to his wife, Hanna, on May 4, 2022, and thus there was no general election contribution to refund.
- **Maher, Mariah** – Ms. Maher’s second \$2,900 contribution was reattributed to the rescheduled primary election consistent with AO 2022-08.
- **Pitifer, Noah** – Mr. Pitifer’s second \$2,900 contribution was reattributed to the rescheduled primary election consistent with AO 2022-08.
- **Williams, Janet** – Ms. Williams’ second \$2,900 contribution was reattributed to the rescheduled primary election consistent with AO 2022-08.

As the Commission is aware, the litigation surrounding the 2022 New York congressional map created “an unusual electoral situation” that permitted certain donors to make contributions to the same candidate for two separate 2022 primary elections. *See* AO 2022-08 (NRCC) (the “AO”). This presented unique challenges for New York candidate committees when preparing and filing their periodic reports. The AO did not provide specific guidance on how donations to the two primaries should be reported, nor how to treat contributions that were redesignated to the general election before the Commission issued the AO. Committees seeking guidance from the Commission were often given conflicting advice, with Commission staff, too, presented with the same unique reporting challenges.

The Committee here made its best efforts to follow the advice it was given by the Commission and believes that its reports accurately reflect its activity and comply with all reporting requirements. Accordingly, we respectfully request that the Commission find no reason to believe a violation occurred and dismiss the matter.

Sincerely,



Derek H. Ross  
Senior Counsel  
Compass Legal Group