

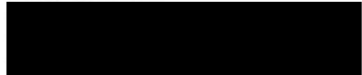


DIVISION OF ELECTION LAW ENFORCEMENT
STATE BOARD OF ELECTIONS

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ALBANY, N.Y. 12207-2729
Phone: 518.486.7858

February 14, 2022

Peter C. Rizzo



Dear Mr. Rizzo:

I write in response to your correspondence to the Division of Election Law Enforcement (DELE) dated August 22, 2021, in which you alleged that the Brown for Buffalo committee accepted overcontributions and failed to document campaign contributions from limited liability companies by failing to identify members of those limited liability companies.

By letter to Brown for Buffalo's treasurer dated 9/14/21, DELE requested that the committee (1) amend 5 reports to include statutorily required identification and allocation information for several LLC contributions; (2) verify LLC ownership information and amend reports accordingly; (3) review and amend as necessary LLP contribution allocations; (4) refund \$2,550 of an overcontribution received from an LLC, Collins and Collins, LLC, based on the LLC's aggregate annual giving limit; (5) refund an overcontribution from GBUAHN in amount of \$5000; (6) refund to RP Oak Hill Building CO, Inc an overcontribution (based on corporate annual aggregate giving limits) of \$6,000 in 2017; (7) refund overcontributions in amount of \$436.25 from Michael Marion, and \$382.25 from Howard Zemsky (based on candidate's 2021 election cycle limit) (8) explain use of Statler hotel for press conference on 6/28/21 and report contributions or expenditure therefore; (9) explain use of 500 Pearl (Aloft) for fundraiser on 10/6/20 and report contributions or expenditure therefore.

The committee and all matters raised were satisfactorily resolved as follows:

All reports were amended to include ownership and allocation information for LLCs, LLP and correcting prior errors (1, 2 and 3).

With respect to item 5, committee confirmed and provided documentation of a typographical error, which was corrected and therefore no refund needed.

Refunds were issued for \$436.25 to Michael Marion, and \$382.25 to Howard Zemsky (item 7).

As to item 8, described as an oversight, the committee paid \$326.25 on 9/23/21 for a June 2021 invoice, and reflected expenditure on appropriate report.

As to item 9, similarly described as oversight, \$5,247.51 was paid to Aloft for 2020 event on 9/23/21 and reflected expenditure on appropriate report.

As to the LLC and corporate overcontributions based on contributors giving limits (items 4 and 6), it was requested that the LLC and corporation determine which committees to seek refunds from. Brown for Buffalo later promptly complied with the LLC and corporation requests for refunds (see below), resulting in refund to Collins & Collins in amount of \$2500, and refund to RP Oakhill in amount of \$6,070.40.

As result of DELE investigation and efforts, the Brown for Buffalo committee paid out \$9,388.90 in refunds for overcontributions, and \$5,573.76 for invoiced expenses not previously reported, for a total of \$14,962.66. Due to the committee's cooperation and prompt payments, this matter is now closed, and no further enforcement action is needed.

We thank you for bringing this matter to our attention and assure you that all complaints received by the Division are treated as serious matters.

Michael L. Johnson
Chief Enforcement Counsel

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