



State of New York

STATE BOARD OF ELECTIONS

40 N. PEARL STREET, STE. 5

ALBANY, N.Y. 12207-2729

Phone: 518/474-2063 Fax: 518/486-6627

www.elections.ny.gov

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Elizabeth C. Hogan
Enforcement Counsel

February 11, 2013

Hon. Thomas J. Spota
Suffolk County District Attorney
North County Complex, Bldg. 77
Veterans Memorial Highway
Hauppauge, NY 11788

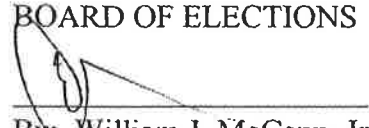
Re: Kelly Development Corp.; CMP12-37

Dear District Attorney Spota:

The New York State Board of Elections is forwarding to you the Board's Determination and the contact information of the above named corporation which has made political contributions in 2011 in excess of the annual aggregate statutory limit of \$5,000. See Election Law § 14-116(2.) This Determination is the result of a full investigatory audit by the Board. In light of the Board's efforts to contact the named corporation with regard to the over contribution, and that this named entity never responded to our several correspondences and phone calls, or after an initial contact, never followed through with any attempt to comply as required, the Board considers the over contributions to be knowing and willful, and requests that you consider for prosecution pursuant to Election Law §14-126(3.)

At such time as you may require any supporting documentation resulting from this audit in reference to this matter, please contact the Board's Audit and Review staff at (518) 474-2063. Should you direct the named corporation to contact the Board for any reason, please let us know of your directive by copy of the letter sent. In any event, the Board would appreciate correspondence from you as to what your office ultimately decides regarding prosecution.

Very Truly Yours,
NEW YORK STATE
BOARD OF ELECTIONS


By: William J. McCann, Jr.
Special Deputy Counsel

WJM/dch
Encs.