

21L-24

REPORTS ANALYSIS DIVISION REFERRAL  
TO  
ALTERNATIVE DISPUTE RESOLUTION OFFICE

DATE: May 3, 2021

ANALYST: Abigail Capps

I. COMMITTEE: BLACK AMERICA'S POLITICAL  
ACTION COMMITTEE  
C00300921  
Margaret Ekam, Treasurer  
1325 G Street, NW, Suite 500  
Washington, DC 20005

II. RELEVANT STATUTE: 52 U.S.C. § 30104 (g)(2)  
11 CFR § 104.4(b)(2)

III. BACKGROUND:

**Failure to Provide Supporting Schedules (Failure to Timely File 48-Hour Reports)**

BLACK AMERICA'S POLITICAL ACTION COMMITTEE ("the Committee") failed to timely file two (2) 48-Hour Reports totaling \$54,494.00 to support four (4) independent expenditures disclosed on the 2020 12-Day Pre-General Report, made up to and including the 20<sup>th</sup> day before the 2020 General Election (Attachment 2).

On October 22, 2020, the Committee filed its 2020 12-Day Pre-General Report, covering the period from October 1, 2020 through October 14, 2020. The report included a Schedule E (Itemized Independent Expenditures) disclosing four (4) independent expenditures, totaling \$54,494.00, made in support of one (1) Federal candidate (Images 202010229332820532-33).

On December 28, 2020, a Request for Additional Information (RFAI) was sent to the Committee referencing the 2020 12-Day Pre-General Report. Among other items, the RFAI noted that the Committee may have failed to file one (1) or more of the required 48-Hour Reports regarding independent expenditures. A chart was included with the RFAI

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BLACK AMERICA'S POLITICAL ACTION COMMITTEE  
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identifying four (4) independent expenditures, totaling \$54,494.00, for which a 48-Hour Report had not been filed (Images 202012280300099779-81, Attachment 2).

On January 4, 2021, Brady Buckner, the Committee's Assistant Treasurer, called the Reports Analysis Division (RAD) Analyst. Mr. Buckner explained that he had misunderstood the reporting requirements for independent expenditures and that he would be filing the missing 48-Hour Reports as soon as possible (Attachment 3).

On January 27, 2021, Mr. Buckner called the RAD Analyst to further discuss the issue of the missing 48-Hour Report. The Analyst encouraged Mr. Buckner to respond to the RFAI as soon as possible (Attachment 3).

On January 31, 2021, the Committee filed an FEC Form 99 (Miscellaneous Electronic Submission), which stated, in part:

"This form 99 is being filed to address issues related to the FEC Request for Additional Information dated December 28, 2020 regarding the Pre-General Report in 2020. 1.Schedule E of your report indicates that your committee may have failed to file one or more of the required 48-hour report(s) for independent expenditures. This was an error. While the 4 transaction in question were recorded as independent expenditures on the Pre-General Election report as required, we neglected to file the corresponding 48-hour reports required in an election year. I incorrectly believed since they were over 20 days from the actual election date, we did not have to file a 48-hour report. I spoke to an FEC analyst and now understand my error. I have since added these transactions to the 48-hour (24 hour) report and amended the Pre-General election report (and subsequent reports). Thank you for your understanding and assistance correcting these omissions" (Image 202101319418653502).

On February 2, 2021, Mr. Buckner called the RAD Analyst to confirm the Commission's receipt of its 2020 Year-End Report. In addition to assisting the Committee with uploading its 2020 Year-End Report, the Analyst again encouraged Mr. Buckner to respond to the RFAI as soon as possible (Attachment 3).

On the same day, the Committee filed an Amended 2020 12-Day Pre-General Report. The report amended Schedule E to update the vendor names for four (4) independent expenditures made in support of one (1) Federal candidate (Images 202102029424913758-59).

On February 4, 2021, the Committee filed one (1) 48-Hour Report to support four (4) independent expenditures, totaling \$54,494.00, disseminated October 5, 2020, October 6, 2020, and October 9, 2020 (Images 202102049425032116-17).

On February 26, 2021, the RAD Analyst left a voicemail for Margaret Ekam, the Committee's Treasurer. The Analyst explained that the 48-Hour Report in question had not been timely filed and that the Committee may be referred to another Commission office

for potential further action. The Analyst requested a return phone call as soon as possible to discuss this matter further (Attachment 3).

On the same day, Mr. Buckner called the RAD Analyst to discuss this outstanding matter. The Analyst explained that the Committee may be referred to another Commission office for potential further action and stated that the Committee may provide any additional information for the public record via an FEC Form 99 (Attachment 3).

On March 2, 2021, the RAD Analyst called Mr. Buckner to discuss the potential referral. The Analyst acknowledged that while the Committee had filed the missing 48-Hour Report on February 4, 2021, the Committee may still be referred to another Commission office because the 48-Hour Report was not filed timely. The Analyst encouraged the Committee to provide any additional information for the public record via an FEC Form 99 and stated that this information would be taken into consideration (Attachment 3).

Later, on the same day, the Committee filed an FEC Form 99. The Committee stated,

“This form 99 is being filed to address the RFAI for the Pre-General Election Report for 2020. My mistake was not filing a 48-hour report for 2 independent expenditures for a federal candidate that were over \$10,000. This was a mistake. When studying the reporting guidelines and rules I misread the section regarding the 48-hour report requirements. I believed I only had to file a 48-hour report if the expenditure was within 20 days of the election. I realize after talking to my analyst that this was an error. I did file the 2 independent expenditures on Schedule E of the BAMPAC Pre-General Election Report in 2020. I hope you will take into account that this was an honest mistake and I now understand the rules on independent expenditures so will not repeat the mistake. Your consideration is greatly appreciated” (Image 202103029431311880).

To date, no further communications have been received from the Committee regarding this matter.

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O-Index (2021-2022)															
Cmte. ID: C00300921 Cmte. Name: BLACK AMERICA'S POLITICAL ACTION COMMITTEE															
Treasurer Name: EKAM, MARGARET Address: 1325 G STREET, N.W. SUITE 500, WASHINGTON, DC 20005															
Cmte. Type: W (QUALIFIED NON-PARTY WITH NON-CONTRIBUTION ACCOUNT) Cmte. Designation: U (UNAUTHORIZED) Filing Frequency: QUARTERLY FILER															
Form Tp	Rpt Tp	A/I	Recpt Dt	Pgs	Begin Img#	Beg Cvg Dt	End Cvg Dt	Ltrr Mail Dt	Begin Cash	Recpts	Disb	End Cash	Debts	Loans	Debts & Loans
MS-T			1/31/2021	1	202101319418653502				-	-	-	-	-	-	-
MS-T			1/31/2021	1	202101319418705665				-	-	-	-	-	-	-
MS-T			3/2/2021	1	202103029431311880				-	-	-	-	-	-	-
F24A	24		2/2/2021	1	202102029424913610				-	-	-	-	-	-	-
F24N	48		2/4/2021	2	202102049425032116				-	-	-	-	-	-	-
<b>Totals</b>										<b>\$0</b>	<b>\$0</b>				

O-Index (2019-2020)															
Cmte. ID: C00300921 Cmte. Name: BLACK AMERICA'S POLITICAL ACTION COMMITTEE															
Treasurer Name: EKAM, MARGARET Address: 1325 G STREET, N.W. SUITE 500, WASHINGTON, DC 20005															
Cmte. Type: W (QUALIFIED NON-PARTY WITH NON-CONTRIBUTION ACCOUNT) Cmte. Designation: U (UNAUTHORIZED) Filing Frequency: QUARTERLY FILER															
Form Tp	Rpt Tp	A/I	Recpt Dt	Pgs	Begin Img#	Beg Cvg Dt	End Cvg Dt	Ltrr Mail Dt	Begin Cash	Recpts	Disb	End Cash	Debts	Loans	Debts & Loans
MS-T			5/2/2019	1	201905029149617326				-	-	-	-	-	-	-
MS-T			9/3/2019	1	201909039163133404				-	-	-	-	-	-	-
MS-T			4/16/2020	1	202004169219672589				-	-	-	-	-	-	-
MS-T			7/18/2020	1	202007189250402159				-	-	-	-	-	-	-
MS-T			10/20/2020	1	202010209297973143				-	-	-	-	-	-	-
RQ2	Q2	N	7/30/2019	2	201907300300043290	4/1/2019	6/30/2019	7/30/2019	-	-	-	-	-	-	-
RQ2	12G	N	12/28/2020	3	202012280300099779	10/1/2020	10/14/2020	12/28/2020	-	-	-	-	-	-	-
F3XN	Q1	N	4/10/2019	65	201904109146067673	1/1/2019	3/31/2019		\$76,909	\$207,310	\$147,551	\$136,668	-	-	\$0
F3XA	Q1	A	6/11/2019	65	201906119150012029	1/1/2019	3/31/2019		\$76,909	\$207,310	\$147,551	\$136,668	-	-	\$0
F3XN	Q2	N	7/14/2019	77	201907149150593437	4/1/2019	6/30/2019		\$136,668	\$358,497	\$358,593	\$136,573	-	-	\$0
F3XN	YE	N	1/30/2020	117	202001309184062365	7/1/2019	12/31/2019		\$136,573	\$941,008	\$978,060	\$99,521	-	-	\$0
F3XN	Q1	N	4/16/2020	123	202004169219672248	1/1/2020	3/31/2020		\$99,521	\$760,365	\$590,341	\$269,545	-	-	\$0
F3XN	Q2	N	7/14/2020	81	202007149244563728	4/1/2020	6/30/2020		\$269,545	\$521,432	\$505,660	\$285,316	-	-	\$0
F3XN	Q3	N	10/15/2020	95	202010159294406224	7/1/2020	9/30/2020		\$285,316	\$1,062,024	\$863,482	\$483,859	-	-	\$0
F3XA	Q3	A	2/2/2021	98	202102029424913621	7/1/2020	9/30/2020		\$285,316	\$1,072,124	\$873,582	\$483,859	-	-	\$0
F3XN	12G	N	10/22/2020	40	202010229332820494	10/1/2020	10/14/2020		\$483,859	\$350,249	\$146,170	\$687,938	-	-	\$0
F3XA	12G	A	2/2/2021	40	202102029424913720	10/1/2020	10/14/2020		\$483,859	\$350,249	\$146,170	\$687,938	-	-	\$0
F3XN	30G	N	12/3/2020	70	202012039340901685	10/15/2020	11/23/2020		\$687,938	\$203,442	\$357,027	\$534,353	-	-	\$0
F3XA	30G	A	2/2/2021	70	202102029424913760	10/15/2020	11/23/2020		\$687,938	\$203,442	\$357,027	\$534,353	-	-	\$0
F3XN	YE	N	2/1/2021	41	202102019424887843	11/24/2020	12/31/2020		\$534,353	\$246,654	\$93,372	\$687,634	-	-	\$0
F3XA	YE	A	2/2/2021	41	202102029424913839	11/24/2020	12/31/2020		\$534,353	\$246,654	\$93,372	\$687,634	-	-	\$0
F24N	24		10/20/2020	1	202010209298240050				-	-	-	-	-	-	-
F24N	24		10/22/2020	1	202010229326801749				-	-	-	-	-	-	-
<b>Totals</b>										<b>\$4,661,084</b>	<b>\$4,050,359</b>				

O-Index (2017-2018)															
Cmte. ID: C00300921 Cmte. Name: BLACK AMERICA'S POLITICAL ACTION COMMITTEE															
Treasurer Name: EKAM, MARGARET Address: 1325 G STREET, N.W. SUITE 500, WASHINGTON, DC 20005															
Cmte. Type: W (QUALIFIED NON-PARTY WITH NON-CONTRIBUTION ACCOUNT) Cmte. Designation: U (UNAUTHORIZED) Filing Frequency: QUARTERLY FILER															
Form Tp	Rpt Tp	A/I	Recpt Dt	Pgs	Begin Img#	Beg Cvg Dt	End Cvg Dt	Ltrr Mail Dt	Begin Cash	Recpts	Disb	End Cash	Debts	Loans	Debts & Loans
MS-T			8/15/2018	2	201808159119621483				-	-	-	-	-	-	-
MS-T			12/11/2018	1	201812119142290156				-	-	-	-	-	-	-

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RQ2	YE	N	2/27/2018	2	201802280300000247	7/1/2017	12/31/2017	2/27/2018	-	-	-	-	-	-	-
RQ2	Q1	N	7/12/2018	3	201807120300013631	1/1/2018	3/31/2018	7/12/2018	-	-	-	-	-	-	-
RQ2	Q2	N	9/19/2018	4	201809190300020221	4/1/2018	6/30/2018	9/19/2018	-	-	-	-	-	-	-
RQ2	Q3	N	4/1/2019	6	201904020300036443	7/1/2018	9/30/2018	4/1/2019	-	-	-	-	-	-	-
RQ2	30G	N	5/13/2019	3	201905130300040057	10/1/2018	11/26/2018	5/13/2019	-	-	-	-	-	-	-
F3XN	MY	N	7/25/2017	7	201707259069812673	1/1/2017	6/30/2017		\$20,549	\$12,218	\$21,078	\$11,689	-	-	\$0
F3XN	YE	N	1/26/2018	32	201801269090658921	7/1/2017	12/31/2017		\$50,503	\$119,209	\$90,386	\$79,325	-	-	\$0
F3XA	YE	A	4/2/2018	31	201804029097934874	7/1/2017	12/31/2017		\$11,689	\$119,209	\$90,386	\$40,511	-	-	\$0
F3XN	Q1	N	4/12/2018	85	201804129107996543	1/1/2018	3/31/2018		\$40,511	\$426,806	\$312,022	\$155,295	-	-	\$0
F3XN	Q2	N	7/14/2018	114	201807149115487030	4/1/2018	6/30/2018		\$155,295	\$402,429	\$371,297	\$186,427	-	-	\$0
F3XA	Q2	A	10/23/2018	117	201810239130804356	4/1/2018	6/30/2018		\$155,295	\$402,429	\$371,297	\$186,427	-	-	\$0
F3XN	Q3	N	10/12/2018	94	201810129124516990	7/1/2018	9/30/2018		\$186,427	\$253,508	\$338,187	\$101,748	-	-	\$0
F3XA	Q3	A	5/2/2019	95	201905029149626738	7/1/2018	9/30/2018		\$186,427	\$253,508	\$338,187	\$101,748	-	-	\$0
F3XN	30G	N	12/7/2018	56	201812079135386234	10/1/2018	11/26/2018		\$101,748	\$235,158	\$247,127	\$89,779	-	-	\$0
F3XA	30G	A	6/11/2019	57	201906119150011890	10/1/2018	11/26/2018		\$101,748	\$235,158	\$247,127	\$89,779	-	-	\$0
F3XN	YE	N	1/28/2019	33	201901289144030876	11/27/2018	12/31/2018		\$89,779	\$81,882	\$94,752	\$76,909	-	-	\$0
F3XA	YE	A	6/11/2019	33	201906119150011988	11/27/2018	12/31/2018		\$89,779	\$81,882	\$94,752	\$76,909	-	-	\$0
F1A		A	9/21/2017	4	201709219075514642				-	-	-	-	-	-	-
<b>Totals</b>										<b>\$1,531,211</b>	<b>\$1,474,852</b>				

**BLACK AMERICA'S POLITICAL ACTION COMMITTEE (C00300921)**

2020 12-Day Pre-General Report, received October 22, 2020

48-Hour Reports Not Timely Filed

<b>Name of Payee <sup>1</sup></b>	<b>Date of Dissemination</b>	<b>Expenditure Amount</b>	<b>Candidate Supported</b>	<b>Election</b>	<b>48-Hour Report Filed</b>
Lamar Advertising Company	10/5/2020	\$5,445.00	JOHN JAMES	2020 General	2/4/2021
Lamar Advertising Company	10/5/2020	\$4,275.00	JOHN JAMES	2020 General	2/4/2021
Pierce Communications	10/6/2020	<b>\$24,774.00</b> <i>48-Hour Report Required</i>	JOHN JAMES	2020 General	2/4/2021
Pierce Communications	10/9/2020	<b>\$20,000.00</b> <i>48-Hour Report Required</i>	JOHN JAMES	2020 General	2/4/2021

<sup>1</sup> Vendors reported as "JAMES, JOHN" on the original 2020 12 Day Pre-General Report, received October 22, 2020, have been updated to "Lamar Advertising Company" and "Pierce Communications," per the Amended 2020 12-Day Pre-General Report, received February 2, 2021.