

21L-25

REPORTS ANALYSIS DIVISION REFERRAL
TO
ALTERNATIVE DISPUTE RESOLUTION OFFICE

DATE: May 7, 2021

ANALYST: Kevin Fortkiewicz

- I. COMMITTEE: Keep America America Action Fund
C00762658
Phil Willard, Treasurer
601 New Jersey Ave NW
Suite 610
Washington, DC 20001
- II. RELEVANT STATUTE: 52 U.S.C. § 30104(b)(2)
11 CFR § 104.3(a)

III. BACKGROUND:

Failure to Provide Supporting Schedules (Failure to Disclose All Financial Activity)

Keep America America Action Fund (“the Committee”) amended its 2020 12-Day Pre-Runoff Report to disclose additional receipts totaling \$100,000.00, which were not disclosed in the original report (Attachment 2).

On December 24, 2020, the Committee filed the original 2020 12-Day Pre-Runoff Report covering the period from November 24, 2020 through December 16, 2020. The report disclosed \$878,895.00 in receipts on Line 11(a)(i) (Itemized Contributions from Individuals) of the Detailed Summary Page (Image 202012249393820665).

On February 4, 2021, the Committee filed an Amended 2020 12-Day Pre-Runoff Report. The report disclosed \$978,895.00 in receipts on Line 11(a)(i) of the Detailed Summary Page, an increase of \$100,000.00 from the original report (Image 202102049425084445).

On March 11, 2021, a Request for Additional Information (RAFI) was sent to the Committee referencing the Amended 2020 12-Day Pre-Runoff Report, received February 4, 2021. The RAFI requested clarification regarding the substantial increase in receipts

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Keep America America Action Fund
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disclosed on the Amended 2020 12-Day Pre-Runoff Report (Images 202103110300111023-24).

On April 14, 2021, the Committee filed an FEC Form 99 (Miscellaneous Electronic Submission) in response to the RFAI referencing the Amended 2020 12-Day Pre-Runoff Report, received February 4, 2021. The Committee stated:

“The Request for Additional Information dated March 11, 2021 notes that the amended report discloses an increase in receipts totaling \$100,000 from the amounts disclosed on the original report and requests clarifying information on why it was not disclosed on the original report.

The omission of the \$100,000 contribution on the original report was an oversight. The contribution came into the committee as a wire on November 25, 2020 while staff was out of the office for the Thanksgiving holiday. As a result, the staff did not timely capture the wired contribution for the reporting spreadsheet when information was gathered for the report.

When the bank statements were reconciled with the FEC reports while preparing the post run-off report, the discrepancy was noted, the omitted contribution found, and an amended report was immediately filed.

The committee has instituted policies and procedures to prevent future such occurrences” (Image 202104149443350873).

On April 21, 2021, the Reports Analysis Division (RAD) Analyst called Phil Willard, the Committee’s Treasurer, regarding the Amended 2020 12-Day Pre-Runoff Report. The RAD Analyst reached Mr. Willard’s voice mailbox. The Analyst left a message explaining the Committee may be referred for potential further action regarding the increase in activity disclosed on the Amended 2020 12-Day Pre-Runoff Report. The Analyst explained there was still time to provide clarification for the public record and left his contact information (Attachment 3).

On the same day, the RAD Analyst spoke to Heidi Abegg, Committee’s Counsel. Ms. Abegg said Mr. Willard had forwarded the Analyst’s earlier message and asked if there was any specific information the Commission wanted regarding the increase in receipts disclosed on the Amended 2020 12-Day Pre-Runoff Report. The Analyst explained that the Committee had the opportunity to provide any additional information it felt was relevant for the public record. Ms. Abegg stated she was not sure if the Committee would file an additional FEC Form 99, as it had already filed one explaining the issue (Attachment 3).

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

O-Index

5/6/2021 8:53 PM

O-Index (2021-2022)															
Cmte. ID: C00762658 Cmte. Name: KEEP AMERICA AMERICA ACTION FUND															
Treasurer Name: WILLARD, PHIL Address: 601 NEW JERSEY AVE NW SUITE 610, WASHINGTON, DC 20001															
Cmte. Type: O (INDEPENDENT EXPENDITURE-ONLY COMMITTEE) 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	Ltr Mail Dt	Begin Cash	Recpts	Disb	End Cash	Debts	Loans	Debts & Loans
MS-T			4/14/2021	1	202104149443350873				-	-	-	-	-	-	-
F3XN	30R	N	2/4/2021	42	202102049425085270	12/17/2020	1/25/2021		\$526,233	\$26,639	\$413,223	\$139,648	\$17,192	-	\$17,192
Totals										\$26,639	\$413,223				

O-Index (2019-2020)															
Cmte. ID: C00762658 Cmte. Name: KEEP AMERICA AMERICA ACTION FUND															
Treasurer Name: WILLARD, PHIL Address: 601 NEW JERSEY AVE NW SUITE 610, WASHINGTON, DC 20001															
Cmte. Type: O (INDEPENDENT EXPENDITURE-ONLY COMMITTEE) 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	Ltr Mail Dt	Begin Cash	Recpts	Disb	End Cash	Debts	Loans	Debts & Loans
RQ2	12R	A	3/11/2021	2	202103110300111023	11/24/2020	12/16/2020	3/11/2021	-	-	-	-	-	-	-
F3XN	30G	N	12/3/2020	28	202012039351627665	11/10/2020	11/23/2020		\$0	\$341,430	\$169,750	\$171,680	-	-	\$0
F3XN	12R	N	12/24/2020	65	202012249393820663	11/24/2020	12/16/2020		\$171,680	\$902,170	\$647,618	\$426,233	-	-	\$0
F3XA	12R	A	2/4/2021	65	202102049425084443	11/24/2020	12/16/2020		\$171,680	\$1,002,170	\$647,618	\$526,233	-	-	\$0
F1A		A	11/13/2020	5	202011139336988791				-	-	-	-	-	-	-
F1N		N	11/10/2020	5	202011109336984538				-	-	-	-	-	-	-
F24N	48		12/14/2020	21	202012149387301014				-	-	-	-	-	-	-
F24N	48		12/14/2020	1	202012149387301047				-	-	-	-	-	-	-
F24N	48		12/11/2020	4	202012119366533407				-	-	-	-	-	-	-
F24N	48		12/1/2020	5	202012019337393687				-	-	-	-	-	-	-
F24N	24		12/22/2020	8	202012229393400123				-	-	-	-	-	-	-
F24N	24		12/29/2020	3	202012299394416291				-	-	-	-	-	-	-
F24N	48		12/16/2020	5	202012169387364299				-	-	-	-	-	-	-
F24N	24		12/19/2020	10	202012199393376942				-	-	-	-	-	-	-
Totals										\$1,343,601	\$817,368				

O-Index (2017-2018)															
Cmte. ID: C00762658 Cmte. Name: KEEP AMERICA AMERICA ACTION FUND															
Treasurer Name: WILLARD, PHIL Address: 601 NEW JERSEY AVE NW SUITE 610, WASHINGTON, DC 20001															
Cmte. Type: O (INDEPENDENT EXPENDITURE-ONLY COMMITTEE) 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	Ltr Mail Dt	Begin Cash	Recpts	Disb	End Cash	Debts	Loans	Debts & Loans

No records were found for this cycle.

Keep America America Action Fund (C00762658)

2020 12-Day Pre-Runoff Report/Amended 2020 12-Day Pre-Runoff Report

Overview of Additional Receipts

Report Line	Original 2020 12-Day Pre-Runoff Report (Image 202012249393820665)	Amended 2020 12-Day Pre-Runoff Report, Received 2/4/2021 (Image 20210204942508444 5)	Variance Amount
Line 11(a)(i): Itemized Contributions from Individuals	\$878,895.00	\$978,895.00	\$100,000.00
		Total:	\$100,000.00