

**21L-29**

REPORTS ANALYSIS DIVISION REFERRAL  
TO  
ALTERNATIVE DISPUTE RESOLUTION OFFICE

DATE: May 19, 2021

ANALYST: R. Bradley Austin

- I. COMMITTEE: Poder NC Action  
C90020090  
Joe Patton, Representative  
PO Box 445  
Raleigh, NC 27602
- II. RELEVANT STATUTE: 52 U.S.C. § 30104(c)  
52 U.S.C. § 30104(g)(2)  
11 CFR § 109.10

III. BACKGROUND:

**Independent Expenditure Reporting Problems – Persons Other Than Political Committees (Form 5) (Failure to Timely File 48-Hour Reports)**

Poder NC Action (“Poder Action”) failed to timely file two (2) 48-Hour Reports to support eight (8) independent expenditures totaling \$132,671.24, disclosed in the Amended 2020 October Quarterly Report, received December, 30, 2020, that were made during the period up to and including the 20<sup>th</sup> day before the 2020 General Election (Attachment 2).

On October 16, 2020, Poder Action filed its 2020 October Quarterly Report covering the period from July 1, 2020 through September 30, 2020. Schedule 5-E (Itemized Independent Expenditures) of the report disclosed six (6) independent expenditures totaling \$130,871.24, made in support of one (1) federal candidate (Images 202010169296950474-75).

On October 21, 2020, Poder Action filed an Amended 2020 October Quarterly Report. Schedule 5-E of the report disclosed eight (8) independent expenditures totaling \$132,671.24, made in support of one (1) federal candidate (Images 202010219326758826-28). Poder Action failed to timely file two (2) 48-Hour Reports to support the eight (8)

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Poder NC Action  
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independent expenditures totaling \$132,671.24 for the 2020 General Election (Attachment 2).

On the same date, Joe Patton, a representative of Poder Action, contacted the Reports Analysis Division (RAD) Analyst to confirm receipt of the Amended 2020 October Quarterly Report. The Analyst confirmed receipt and noted that it appeared the entity failed to file any 48-Hour Reports during the October Quarterly reporting period. The Analyst explained that this issue may be subject to further review by another Commission office, but that RAD would send a Request for Additional Information (RFAI) before initiating that process (Attachment 3).

On December 20, 2020, an RFAI was sent to Poder Action referencing the Amended 2020 October Quarterly Report, received October 21, 2020. Among other items, the RFAI noted that Poder Action may have failed to timely file 48-Hour Reports for eight (8) independent expenditures disclosed on Schedule 5-E of the report (Images 202012210300099371-74).

On December 30, 2020, Poder Action filed another Amended 2020 October Quarterly Report that disclosed no changes regarding the eight (8) independent expenditures cited in the RFAI (Images 202012309394487859-61).

On the same date, Mr. Patton called the RAD Analyst to discuss the RFAI. The Analyst suggested Mr. Patton supply additional clarification regarding the missing 48-Hour Reports. The Analyst explained that this issue may be subject to further review by another Commission office (Attachment 3).

On January 1, 2021, Poder Action filed an FEC Form 99 (Miscellaneous Electronic Submission) that stated, in part:

“We are a new committee and were not aware of all of the required filings. I apologize for the omission and ask that you waive any financial penalties. I promise that all future filings will be timely” (Image 202101019394493619).

To date, no further communications have been received from Poder Action regarding this matter.

O-Index (2021-2022)															
Cmte. ID: C90020090 Cmte. Name: PODER NC ACTION															
Treasurer Name: null Address: PO BOX 445, RALEIGH, NC 27602															
Cmte. Type: I (INDEPENDENT EXPENDITURE - PERSON OR GROUP NOT A 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	Ltrr Mail Dt	Begin Cash	Recpts	Disb	End Cash	Debts	Loans	Debts & Loans
MS-T			1/1/2021	1	202101019394493619				-	-	-	-	-	-	-
<b>Totals</b>										<b>\$0</b>	<b>\$0</b>				

O-Index (2019-2020)															
Cmte. ID: C90020090 Cmte. Name: PODER NC ACTION															
Treasurer Name: null Address: PO BOX 445, RALEIGH, NC 27602															
Cmte. Type: I (INDEPENDENT EXPENDITURE - PERSON OR GROUP NOT A 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	Ltrr Mail Dt	Begin Cash	Recpts	Disb	End Cash	Debts	Loans	Debts & Loans
RQ2	Q3	A	12/20/2020	4	202012210300099371	7/1/2020	9/30/2020	12/20/2020	-	-	-	-	-	-	-
F5N	24	N	10/30/2020	3	202010309336673773				-	\$0	\$2,808	-	-	-	-
F5N	24	N	10/26/2020	2	202010269336571659				-	\$0	\$1,408	-	-	-	-
F5N	24	N	10/27/2020	2	202010279336589001				-	\$0	\$26,385	-	-	-	-
F5N	Q3	N	10/16/2020	4	202010169296950472	7/1/2020	9/30/2020		-	\$140,000	\$130,871	-	-	-	-
F5A	Q3	A	10/21/2020	5	202010219326758824	7/1/2020	9/30/2020		-	\$140,000	\$132,671	-	-	-	-
F5A	Q3	A	12/30/2020	6	202012309394487856	7/1/2020	9/30/2020		-	\$140,000	\$132,671	-	-	-	-
F5N	YE	N	1/9/2021	6	202101099398329651	10/1/2020	12/31/2020		-	\$250,000	\$32,401	-	-	-	-
<b>Totals</b>										<b>\$670,000</b>	<b>\$459,217</b>				

O-Index (2017-2018)															
Cmte. ID: C90020090 Cmte. Name: PODER NC ACTION															
Treasurer Name: null Address: PO BOX 445, RALEIGH, NC 27602															
Cmte. Type: I (INDEPENDENT EXPENDITURE - PERSON OR GROUP NOT A 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	Ltrr Mail Dt	Begin Cash	Recpts	Disb	End Cash	Debts	Loans	Debts & Loans
No records were found for this cycle.															

**Poder NC Action (C90020090)**

Amended 2020 October Quarterly Report, received December 30, 2020

48-Hour Reports Not Filed

<b>Name of Payee</b>	<b>Date of Dissemination (Schedule E)</b>	<b>Expenditure Amount</b>	<b>Candidate Supported</b>	<b>State and Date of Election</b>
Picaz Music	9/23/2020	\$1,000.00	Cal Cunningham	North Carolina 2020 General (11/3/2020)
Solidarity Strategies	9/25/2020	\$90,441.24 <i>48-Hour Report Required</i>	Cal Cunningham	North Carolina 2020 General (11/3/2020)
Ramos, Axel	9/26/2020	\$300.00	Cal Cunningham	North Carolina 2020 General (11/3/2020)
Facebook	9/30/2020	\$3,000.00	Cal Cunningham	North Carolina 2020 General (11/3/2020)
Get Thru	9/30/2020	\$14,780.00	Cal Cunningham	North Carolina 2020 General (11/3/2020)
Get Thru	9/30/2020	\$21,050.00	Cal Cunningham	North Carolina 2020 General (11/3/2020)
Norsan Media	9/30/2020	\$1,300.00	Cal Cunningham	North Carolina 2020 General (11/3/2020)
Triad Studio	9/30/2020	\$800.00 <i>48-Hour Report Required</i>	Cal Cunningham	North Carolina 2020 General (11/3/2020)