

21L-45

REPORTS ANALYSIS DIVISION REFERRAL
 TO
 ALTERNATIVE DISPUTE RESOLUTION OFFICE

DATE: July 23, 2021

ANALYST: Nataliya Ioffe

I. COMMITTEE: Sharice for Congress
 C00670034
 Jay Petterson, Treasurer (9/10/19 – Present)
 Doug Smith, Treasurer (2/14/18 – 9/9/19)
 13851 W. 63rd St., Num. 303
 Shawnee, TX 79923

II. RELEVANT STATUTE: 52 U.S.C. § 30104 (b)(2)
 52 U.S.C. § 30116(a) and (f)
 11 CFR § 103.3
 11 CFR § 110.1(b)

III. BACKGROUND:

Excessive, Prohibited and Other Impermissible Contributions (Failure to Refund, Redesignate, or Reattribute Excessive and Prohibited Contributions within the Permissible Timeframe)

Sharice for Congress (“the Committee”) received excessive contributions totaling \$33,040.00 for the 2020 Primary and General Elections from fifteen (15) individuals, one (1) federal candidate committee, and one (1) Native American tribe. The Committee refunded these contributions outside of the permissible timeframe (Attachment 2).

2019 April Quarterly Report

During the 2019 April Quarterly reporting period, January 1, 2019 through March 31, 2019, the Committee received excessive contributions totaling \$18,000.00 from seven (7) individuals that were not refunded, reattributed, or redesignated within the permissible timeframe (Attachment 2).

On October 15, 2019, a Request for Additional Information (RAI) referencing the 2019 April Quarterly Report was sent to the Committee. The RAI noted the Committee's receipt of apparent excessive contributions, among other items, and requested that the Committee refund, reattribute, or redesignate these contributions (Images 201910150300048820-24).

On November 19, 2019, the Committee filed a Miscellaneous Electronic Submission (FEC Form 99) that stated, in part:

“This letter is in reference to your request for additional information regarding the Sharice for Congress (the ‘Committee’) April Quarterly report covering 01/01/19 to 03/31/19. In particular, you have requested additional information regarding the Committee’s designations of certain contributions for the primary election, which, in fact, should have been designated for the general election.

The Committee has corrected this inadvertent error. The contributions listed by you were intended to be presumptively re-designated to the general election in accordance with Commission regulations. Upon receipt of your letter, however, the Committee reviewed its records and discovered that due to a clerical error, the Committee did not retain a copy of the notifications which may have been sent to the contributors by its previous Treasurer. Accordingly, in order to completely rectify the situation, as the newly appointed Treasurer, I have determined to refund the contributions listed in your letter. Copies of the refund checks are attached.

In addition, as I was not Treasurer at the time that these contributions were initially made, I have decided to implement a new procedure whereby contributors are notified of presumptive re-designations, where necessary, at or near the time their contributions are made. Because the Committee promptly took action to correct these inadvertent errors upon notification by the Reports Analysis Division, we respectfully request that no further action be taken by the Commission. The Committee anticipates this has been corrected in its entirety, as will be clarified on the public record with the filing of its next report” (Image 201911199165591535).

On November 21, 2019, the Committee filed an Amended 2019 April Quarterly Report (Image 201911219166071972). The report disclosed a data correction for one of the contributors cited in the RAI. The report also disclosed memo text for each of the contributors cited in the RAI indicating that the excessive amounts were refunded during the 2019 Year-End reporting period.

On December 2, 2019, the Reports Analysis Division (“RAD”) Management called Jay Petterson, the Committee’s treasurer, concerning refunds of excessive contributions made during the 2019 Year-End reporting period. RAD Management noted that the refunds were made outside of the permissible timeframe, and this may require referral to another Commission office for potential further action (Attachment 3).

On January 31, 2020, the Committee filed a 2019 Year-End Report (Image 202001319185096601). The report disclosed refunds of excessive contributions received during the 2019 April Quarterly period that were previously cited in the RFAI, totaling \$18,000.00. All of these refunds were made outside of the permissible timeframe.

2019 July Quarterly Report

During the 2019 July Quarterly reporting period, April 1, 2019 through June 30, 2019, the Committee received excessive contributions totaling \$14,540.00 from nine (9) individuals, one (1) federal candidate committee, and one (1) Native American Tribe that were not refunded, reattributed, or redesignated within the permissible timeframe (Attachment 2).

On October 15, 2019, an RFAI referencing the 2019 July Quarterly Report was sent to the Committee. The RFAI noted the Committee's receipt of apparent excessive contributions, among other items, and requested that the Committee refund, reattribute, or redesignate these contributions (Images 201910150300048825-30).

On November 19, 2019, the Committee filed an FEC Form 99 that stated, in part:

“This letter is in reference to your request for additional information regarding the Sharice for Congress (the ‘Committee’) July Quarterly report covering 04/01/19 to 06/30/19. In particular, you have requested additional information regarding the Committee’s designations of certain contributions for the primary election, which, in fact, should have been designated for the general election.

The Committee has corrected this inadvertent error. The contributions listed by you were intended to be presumptively re-designated to the general election in accordance with Commission regulations. Upon receipt of your letter, however, the Committee reviewed its records and discovered that due to a clerical error, the Committee did not retain a copy of the notifications which may have been sent to the contributors by its previous Treasurer. Accordingly, in order to completely rectify the situation, as the newly appointed Treasurer, I have determined to refund the contributions listed in your letter. Copies of the refund checks are attached.

In addition, as I was not Treasurer at the time that these contributions were initially made, I have decided to implement a new procedure whereby contributors are notified of presumptive re-designations, where necessary, at or near the time their contributions are made. Because the Committee promptly took action to correct this inadvertent error upon notification by the Reports Analysis Division, we respectfully request that no further action be taken by the Commission. The Committee anticipates this has been corrected in its entirety, as will be clarified on the public record with the filing of its next report” (Image 201911199165591636).

On December 2, 2019, Reports Analysis Division (“RAD”) Management called Jay Petterson, the Committee’s treasurer, concerning refunds of excessive contributions made during the 2019 Year-End reporting period. RAD Management noted that the refunds were made outside of the permissible timeframe, and this may require referral to another Commission office for potential further action (Attachment 3).

On January 31, 2020, the Committee filed a 2019 Year-End Report (Image 202001319185096601). The report disclosed refunds of excessive contributions received during the 2019 July Quarterly period that were previously cited in the October 15, 2019 RFAI, totaling \$14,540.00. All of these refunds were made outside of the permissible timeframe.

On July 15, 2020, the Committee filed an Amended 2019 July Quarterly Report (Image 202007159244978689). The report disclosed a data correction for one of the contributors cited in the RFAI. The report also disclosed memo text for each of the contributors cited in the RFAI indicating that the excessive amounts were refunded during the 2019 Year-End reporting period.

2019 Year-End Report

During the 2019 Year-End reporting period, October 1, 2019 through December 31, 2019, the Committee received excessive contributions totaling \$500.00 from two (2) individuals that were not refunded, reattributed, or redesignated within the permissible timeframe (Attachment 2).

On April 8, 2020, an RFAI referencing the 2019 Year-End Report was sent to the Committee. The RFAI noted the Committee’s receipt of apparent excessive contributions, among other items, and requested that the Committee refund, reattribute, or redesignate these contributions (Images 202004080300063282-86).

On April 15, 2020, the Committee filed a Form 99 stating, in part:

“The Committee noted on its Year End report that the excessive contributions below were being refunded in the first quarter of 2020. These refunds will be reflected on the Committee’s April Quarterly report. These excessive contributions were refunded in a timely manner.

- Amy Lee
- Kathleen Newman
- Puyallup Tribe
- Shakopee Mdewakanton Sioux Community
- Henry Van Ameringen
- Equality PAC

The Committee incorrectly reported \$700 received on 12/31/2019 and \$1,000 received on 11/26/2019 from Elect Democratic Women as General

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election contributions. Elect Democratic Women intended these contributions to be for the Primary election and reported as such. The Committee has amended its Year End report to correct this error” (Image 202004159219139870).

On the same date, the Committee filed a 2020 April Quarterly Report (Image 202007159245041704). The report disclosed refunds of excessive contributions totaling \$500.00 received from two (2) individuals during the 2019 Year-End period that were made outside of the permissible timeframe.

On June 15, 2021, RAD Management called the Committee’s treasurer, Jay Petterson, to notify him that the 2020 Primary and General Election excessive contributions that were refunded late would be referred for further review by another Commission office. RAD Management acknowledged the receipt of the Committee’s explanatory FEC Form 99s (Attachment 3).

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

O-Index (2021-2022)															
Cmte. ID: C00670034 Cmte. Name: SHARICE FOR CONGRESS															
Treasurer Name: PETERSON, JAY Address: 13851 W. 63RD ST. NUM 303, SHAWNEE, KS 66216															
Cmte. Type: H (HOUSE) Cmte. Designation: P (PRINCIPAL CAMPAIGN COMMITTEE OF A CANDIDATE) 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
F3N	Q1	N	4/15/2021	497	202104159443596960	1/1/2021	3/31/2021		\$479,150	\$540,168	\$244,035	\$775,283	-	-	\$0
F3N	Q2	N	7/15/2021	793	202107159451400597	4/1/2021	6/30/2021		\$775,283	\$652,696	\$205,963	\$1,222,016	-	-	\$0
F1A		A	5/27/2021	7	202105279447485535				-	-	-	-	-	-	-
F1A		A	7/12/2021	9	202107129451015541				-	-	-	-	-	-	-
Totals										\$1,192,865	\$449,998				

O-Index (2019-2020)															
Cmte. ID: C00670034 Cmte. Name: SHARICE FOR CONGRESS															
Treasurer Name: PETERSON, JAY Address: 13851 W. 63RD ST. NUM 303, SHAWNEE, KS 66216															
Cmte. Type: H (HOUSE) Cmte. Designation: P (PRINCIPAL CAMPAIGN COMMITTEE OF A CANDIDATE) Filing Frequency: QUARTERLY FILER															
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MS-T			4/15/2019	1	201904159146359336				-	-	-	-	-	-	-
MS-T			9/9/2019	8	201909100300294306				-	-	-	-	-	-	-
MS-T			11/19/2019	1	201911199165591535				-	-	-	-	-	-	-
MS-T			11/19/2019	1	201911199165591636				-	-	-	-	-	-	-
MS-T			4/15/2020	1	202004159219139870				-	-	-	-	-	-	-
MS-T			11/30/2020	1	202011309337204797				-	-	-	-	-	-	-
RQ2	Q1	N	10/15/2019	5	201910150300048820	1/1/2019	3/31/2019	10/15/2019	-	-	-	-	-	-	-
RQ2	Q2	N	10/15/2019	6	201910150300048825	4/1/2019	6/30/2019	10/15/2019	-	-	-	-	-	-	-
RQ2	YE	N	4/8/2020	5	202004080300063282	10/1/2019	12/31/2019	4/8/2020	-	-	-	-	-	-	-
RQ2	Q3	N	11/26/2020	3	202011260300093688	7/16/2020	9/30/2020	11/26/2020	-	-	-	-	-	-	-
F3N	Q1	N	4/15/2019	320	201904159146376551	1/1/2019	3/31/2019		\$8,632	\$474,671	\$118,384	\$364,920	\$83,613	-	\$83,613
F3A	Q1	A	11/21/2019	388	201911219166071972	1/1/2019	3/31/2019		\$8,632	\$474,671	\$118,384	\$364,920	\$83,613	-	\$83,613
F3N	Q2	N	7/15/2019	548	201907159150995155	4/1/2019	6/30/2019		\$364,920	\$538,379	\$153,193	\$750,105	\$81,189	-	\$81,189
F3A	Q2	A	7/15/2020	561	202007159244978689	4/1/2019	6/30/2019		\$364,920	\$538,379	\$153,193	\$750,105	\$82,281	-	\$82,281
F3N	Q3	N	10/15/2019	810	201910159163896905	7/1/2019	9/30/2019		\$750,105	\$571,908	\$160,572	\$1,161,442	\$79,613	-	\$79,613
F3A	Q3	A	7/15/2020	815	202007159244985808	7/1/2019	9/30/2019		\$750,105	\$566,908	\$160,572	\$1,156,442	\$89,613	-	\$80,706
F3N	YE	N	1/31/2020	969	202001319185096601	10/1/2019	12/31/2019		\$1,161,442	\$623,248	\$252,914	\$1,531,776	\$65,293	-	\$65,293
F3A	YE	A	4/15/2020	978	202004159219133685	10/1/2019	12/31/2019		\$1,161,442	\$623,248	\$252,914	\$1,531,776	\$65,293	-	\$65,293
F3A	YE	A	7/15/2020	978	202007159245006720	10/1/2019	12/31/2019		\$1,156,442	\$623,248	\$252,914	\$1,526,776	\$75,293	-	\$66,385
F3N	Q1	N	4/15/2020	1050	202004159219172244	1/1/2020	3/31/2020		\$1,531,776	\$541,393	\$208,295	\$1,864,875	\$68,383	-	\$68,383
F3A	Q1	A	7/15/2020	1053	202007159245041704	1/1/2020	3/31/2020		\$1,526,776	\$546,993	\$213,895	\$1,859,875	\$68,383	-	\$59,476
F3N	Q2	N	7/15/2020	1539	202007159245047249	4/1/2020	6/30/2020		\$1,859,875	\$875,192	\$255,045	\$2,480,022	\$38,552	-	\$38,552
F3N	12P	N	7/23/2020	244	202007239260745937	7/1/2020	7/15/2020		\$2,480,022	\$87,661	\$74,317	\$2,493,366	\$38,000	-	\$38,000
F3N	Q3	N	10/15/2020	2703	202010159295595346	7/16/2020	9/30/2020		\$2,493,366	\$1,440,321	\$2,039,389	\$1,894,298	\$3,854	-	\$3,854
F3N	12G	N	10/22/2020	444	202010229336300135	10/1/2020	10/14/2020		\$1,894,298	\$181,498	\$1,402,188	\$673,608	\$0	-	\$0
F3N	30G	N	12/3/2020	1002	202012039338283197	10/15/2020	11/23/2020		\$673,608	\$395,459	\$533,015	\$536,052	\$53,235	-	\$53,235
F3N	YE	N	1/29/2021	62	202101299417700838	11/24/2020	12/31/2020		\$536,052	\$60,501	\$117,404	\$479,150	\$0	-	\$0
F1A		A	4/9/2020	12	202004099216623035				-	-	-	-	-	-	-
F1A		A	4/15/2019	9	201904159146187120				-	-	-	-	-	-	-
F2A		A	5/14/2019	3	201905149149694583				-	-	-	-	-	-	-
F1A		A	1/31/2020	10	202001319185525961				-	-	-	-	-	-	-
F2A		A	6/5/2019	3	201906059149933284				-	-	-	-	-	-	-
F2A		A	7/1/2019	3	201907019150442347				-	-	-	-	-	-	-
F6N			7/18/2020	2	202007189250402302				-	-	-	-	-	-	-

Sharice for Congress (C00670034)

Excessive Contributions Not Refunded and/or Refunded Outside Permissible Timeframes, Listed by Contributor

Name	Date	Contribution Amount	Election	Report	Excessive Amount Received During Reporting Period & Not Refunded within Timeframe	Refunded # Days Since Receipt
Bland Walsh, Hailee	3/13/2019	\$5,600.00	P2020	2019 April Quarterly	\$2,800.00	245
Bland-Walsh, Hailee	6/18/2019	\$30.00	P2020	2019 April Quarterly	\$30.00	148
Chase, Stephanie	2/27/2019	\$5,600.00	P2020	2019 April Quarterly	\$2,800.00	259
Cicilline Committee	3/27/2019	\$1,000.00	P2020	2019 April Quarterly		
Cicilline Committee	6/25/2019	\$3,000.00	P2020	2019 July Quarterly	\$2,000.00	141
Day, Jennifer	2/2/2019	\$2,700.00	P2020	2019 April Quarterly		
Day, Jennifer	6/20/2019	\$30.00	P2020	2019 July Quarterly		
Day, Jennifer	6/27/2019	\$2,770.00	P2020	2019 July Quarterly	\$2,700.00	139
Day, Jesse	2/2/2019	\$2,700.00	P2020	2019 April Quarterly		
Day, Jesse	6/27/2019	\$2,770.00	P2020	2019 July Quarterly		
Day, Jesse	6/27/2019	\$30.00	P2020	2019 July Quarterly	\$2,700.00	139
Gershun, Martha	2/11/2019	\$1,000.00	P2020	2019 April Quarterly		
Gershun, Martha	3/23/2019	\$500.00	P2020	2019 April Quarterly		
Gershun, Martha	5/4/2019	\$500.00	P2020	2019 July Quarterly		
Gershun, Martha	6/15/2019	\$1,000.00	P2020	2019 July Quarterly	\$200.00	151
Harris, W Gordon	6/18/2019	\$5,600.00	P2020	2019 July Quarterly	\$2,800.00	148
Laue, Chuck	2/23/2019	\$2,800.00	P2020	2019 April Quarterly		
Laue, Charles	6/18/2019	\$500.00	P2020	2019 July Quarterly	\$500.00	148
Lee, Amy	12/10/2019	\$3,050.00	G2020	2019 Year-End	\$250.00	112
McNamee, Roger	3/13/2019	\$5,600.00	P2020	2019 April Quarterly	\$2,800.00	245
Newman, Kathleen	1/30/2019	\$250.00	P2020	2019 April Quarterly		
Newman, Kathleen	2/14/2019	\$1,000.00	P2020	2019 April Quarterly		
Newman, Kathleen	2/17/2019	\$100.00	P2020	2019 April Quarterly		
Newman, Kathleen	2/28/2019	\$250.00	P2020	2019 April Quarterly		
Newman, Kathleen	3/30/2019	\$500.00	P2020	2019 April Quarterly		
Newman, Kathleen	4/15/2019	\$500.00	P2020	2019 July Quarterly		
Newman, Kathleen	5/13/2019	\$250.00	P2020	2019 July Quarterly	\$50.00	184

Sharice for Congress (C00670034)

Excessive Contributions Not Refunded and/or Refunded Outside Permissible Timeframes, Listed by Contributor

Name	Date	Contribution Amount	Election	Report	Excessive Amount Received During Reporting Period & Not Refunded within Timeframe	Refunded # Days Since Receipt
Newman, Kathleen	6/13/2019	\$500.00	P2020	2019 July Quarterly	\$500.00	153
Newman, Kathleen	7/19/2019	\$500.00	G2020	2019 October Quarterly		
Newman, Kathleen	7/26/2019	\$250.00	G2020	2019 October Quarterly		
Newman, Kathleen	7/30/2019	\$250.00	G2020	2019 October Quarterly		
Newman, Kathleen	8/27/2019	\$250.00	G2020	2019 October Quarterly		
Newman, Kathleen	9/13/2019	\$500.00	G2020	2019 October Quarterly		
Newman, Kathleen	9/16/2019	\$100.00	G2020	2019 October Quarterly		
Newman, Kathleen	9/20/2019	\$250.00	G2020	2019 October Quarterly		
Newman, Kathleen	9/25/2019	\$500.00	G2020	2019 October Quarterly		
Newman, Kathleen	9/30/2019	\$500.00	G2020	2019 October Quarterly		
Newman, Kathleen	10/29/2019	\$250.00	G2020	2019 Year-End	\$250.00	78
Ricketts, Laura	3/25/2019	\$5,600.00	P2020	2019 April Quarterly	\$2,800.00	233
Rosen, Hilary	4/30/2019	\$2,000.00	P2020	2019 July Quarterly		
Rosen, Hilary	6/9/2019	\$1,000.00	P2020	2019 July Quarterly	\$200.00	157
Schwartz, Teresa	11/29/2018	\$500.00	P2020	2018 Year- End		
Schwartz, Teresa	12/29/2018	\$500.00	P2020	2019 April Quarterly		
Schwartz, Teresa	1/25/2019	\$1,000.00	P2020	2019 April Quarterly		
Schwartz, Teresa	3/27/2019	\$2,000.00	P2020	2019 April Quarterly	\$1,200.00	231
Schwartz, Teresa	6/19/2019	\$60.00	P2020	2019 July Quarterly	\$60.00	147
Spriggs, Tiffany	3/13/2019	\$5,600.00	P2020	2019 April Quarterly	\$2,800.00	245
Sussman, S. Donald	3/31/2019	\$5,600.00	P2020	2019 April Quarterly	\$2,800.00	227
Sycuan Band of The Numeyaay Nation	4/8/2019	\$5,600.00	P2020	2019 July Quarterly	\$2,800.00	219
					\$33,040.00	

Sharice for Congress (C00670034)

Breakdown of Remedied and Unremedied Excessive Contributions (all reports)

Total Amount of Prohibited Receipts (all reports):	\$0.00
Total Amount of Excessive Receipts (all reports):	\$33,040.00
Total Excessive/Prohibited Amount Remedied Outside of the Permissible Timeframe (all reports):	\$33,040.00
Total Excessive/Prohibited Amount Unremedied (all reports):	\$0.00
Total Excessive/Prohibited Amount Not Remedied within Timeframe (all reports):	\$33,040.00