

**22L-03**

REPORTS ANALYSIS DIVISION REFERRAL  
TO  
ALTERNATIVE DISPUTE RESOLUTION OFFICE

DATE: January 27, 2022

ANALYST: R. Bradley Austin

- I. COMMITTEE: NC A Phillip Randolph Educational Fund  
Inc  
C90020405  
Joe Patton, Representative  
PO Box 10428  
Raleigh, NC 27605
- 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 File 48-Hour Reports)**

NC A Phillip Randolph Educational Fund Inc (“NCAPREF Inc”) failed to file one (1) 48-Hour Report to support one (1) independent expenditure totaling \$158,708.60, disclosed in the 2020 October Quarterly Report, 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 24, 2020, NCAPREF Inc filed a 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 one (1) independent expenditure totaling \$158,708.60, made in support of one (1) federal candidate for the 2020 General Election (Images 202010269336531369-71).

On October 27, 2020, Joe Patton, a representative of NCAPREF Inc, contacted the Reports Analysis Division (RAD) Analyst to confirm receipt of the 2020 October Quarterly Report. The RAD Analyst confirmed receipt and noted the entity did not file any 48-Hour Reports during the October Quarterly reporting period. The RAD Analyst explained that

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this issue may be subject to further review by another Commission office, but that RAD would send a Request for Additional Information (RFAI) before starting that process (Attachment 3).

On May 5, 2021, an RFAI was sent to NCAPREF Inc referencing the 2020 October Quarterly Report. Among other items, the RFAI noted that NCAPREF Inc may have failed to file a 48-Hour Report for one (1) independent expenditure disclosed on Schedule 5-E of the report (Images 202105060300117849-51).

On June 10, 2021, the RAD Analyst returned a call from Mr. Patton to discuss the RFAI and how best to address the issues raised. Besides addressing other issues raised in the RFAI, the Analyst suggested Mr. Patton supply any additional clarification regarding the missing 48-Hour Reports. The Analyst reiterated this issue may be referred for potential further action to another Commission office (Attachment 3).

On the same date, Mr. Patton filed an FEC Form 99 (Miscellaneous Electronic Submission) that stated, in part:

“The 2020 3rd quarter report that I filed, was filed with the correct dates. This is the first time that this organization has had to file federal reports and were unaware of the 24 and 48 hour deadlines. In the future all 24 and 48 hour reports will be filed timely. We ask that you waive any penalties for the late filing” (Image 202106109448898613).

To date, no further communications have been received from NCAPREF Inc regarding this matter.

O-Index (2021-2022)															
Cmte. ID: C90020405    Cmte. Name: NC A PHILLIP RANDOLPH EDUCATIONAL FUND INC															
Treasurer Name: null    Address: PO BOX 10428, RALEIGH, NC 27605															
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			6/10/2021	1	202106109448898613				-	-	-	-	-	-	-
Totals										\$0	\$0				

O-Index (2019-2020)															
					Cmte. ID: C90020405				Cmte. Name: NC A PHILLIP RANDOLPH EDUCATIONAL FUND INC						
					Treasurer Name: null				Address: PO BOX 10428, RALEIGH, NC 27605						
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	Ltr Mail Dt	Begin Cash	Recpts	Disb	End Cash	Debts	Loans	Debts & Loans
RQ2	Q3	N	5/5/2021	3	202105060300117849	7/1/2020	9/30/2020	5/5/2021	-	-	-	-	-	-	-
F5N	Q3	N	10/24/2020	3	202010269336531369	7/1/2020	9/30/2020		-	\$162,000	\$158,708	-	-	-	-
Totals										\$162,000	\$158,708				

O-Index (2017-2018)															
Cmte. ID: C90020405					Cmte. Name: NC A PHILLIP RANDOLPH EDUCATIONAL FUND INC										
Treasurer Name: null					Address: PO BOX 10428, RALEIGH, NC 27605										
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	Ltr Mail Dt	Begin Cash	Recpts	Disb	End Cash	Debts	Loans	Debts & Loans

No records were found for this cycle.

**NC A Phillip Randolph Educational Fund Inc (C90020405)**

2020 October Quarterly Report, received 10/24/2020

48-Hour Report Not Filed

<b>Name of Payee</b>	<b>Date of Dissemination</b>	<b>Expenditure Amount</b>	<b>Candidate Supported</b>	<b>Election</b>
NC A Phillip Randolph Educational Fund Inc	9/25/2020	\$158,708.60 <i>48-Hour Report Required</i>	Cal Cunningham	2020 General