

23L-10

REPORTS ANALYSIS DIVISION REFERRAL

TO

ALTERNATIVE DISPUTE RESOLUTION OFFICE

DATE: March 28, 2023

ANALYST: Maggie Hanna

I. COMMITTEE: Pennsylvania Conservative Fund
C00802793
Paul Kilgore, Treasurer
824 S. Milledge Ave., Ste. 101
Athens, GA 30605

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 File 48-Hour Reports)

Pennsylvania Conservative Fund (“the Committee”) failed to file one (1) 48-Hour Report totaling \$210,330.00 to support one (1) independent expenditure disclosed on the 2022 Termination Report, made up to and including the 20th day before the 2022 Pennsylvania Primary Election held on May 17, 2022 (Attachment 1).

On June 10, 2022, the Committee filed its original [2022 Termination Report](#), covering the period from April 28, 2022 through June 30, 2022. The report included a [Schedule E \(Itemized Independent Expenditures\)](#) disclosing one (1) independent expenditure totaling \$210,330.00, made in opposition to one (1) federal candidate.

On July 11, 2022, the Committee filed an [Amended 2022 Termination Report](#), covering the period from April 1, 2022, through June 30, 2022. The report included a [Schedule E \(Itemized Independent Expenditures\)](#) disclosing two (2) independent expenditures totaling \$420,660.00, made in opposition to one (1) federal candidate.

On July 26, 2022, a [Request for Additional Information \(RFAI\)](#) was sent to the Committee referencing the Amended 2022 Termination Report, received July 11, 2022. The RFAI noted the Committee may have failed to file one (1) of the required 48-Hour Reports of independent expenditures. A chart was included with the RFAI identifying one

(1) independent expenditure, totaling \$210,330.00, for which a 48-Hour Report had not been filed.

On August 23, 2022, the Committee filed an [FEC Form 99](#) (Miscellaneous Electronic Submission) in response to the RFAI referencing the Amended 2022 Termination Report. The Committee stated, in part:

“The PAC made two separate independent expenditures of identical size \$210,330.00 to the same vendor, Arena, LLC, in early April 2022. The first independent expenditure was distributed on April 1, 2022, and the second was distributed on April 9, 2022. The second expenditure was timely reported in a 48-hour report filed on April 11, 2022. Due to an administrative oversight, the first expenditure was not timely reported within 48 hours, although it was included in the PACs Amended Termination Report once the oversight was identified. Therefore, as of the date of receipt of the RFAI, the error has been voluntarily corrected and all outstanding independent expenditures have been publicly reported by the PAC.”

Since October 5, 2022, the Reports Analysis Division (RAD) logged seven (7) communications with a representative of the Committee which reflect efforts to help the Committee voluntarily comply with the Act. RAD notified Paul Kilgore, a representative of the Committee, that the Committee would be referred to another Commission office for further review (Attachment 2). To date, no further communications have been received from the Committee regarding this matter.¹

Filings and correspondence relating to the Committee can be found here: [Pennsylvania Conservative Fund](#).

¹ Please note the Committee filed an [Amended 2022 Termination Report](#), received February 2, 2023, changing the coverage period back to April 28, 2022 through June 30, 2022 as disclosed on the original 2022 Termination Report. The Amended Report correctly disclosed one (1) independent expenditure totaling \$210,330.00, made in opposition to one (1) federal candidate. On February 15, 2023, RAD [informed](#) the Committee they would not be permitted to terminate until all outstanding issues were resolved.

Pennsylvania Conservative Fund (C00802793)[2022 Termination Report](#)48-Hour Report Not Filed

Name of Payee	Date of Dissemination (Schedule E)	Expenditure Amount	Candidate Opposed	Election
Arena, LLC	4/1/2022	\$210,330.00 <i>48-Hour Report Required</i>	Oz, Mehmet	2022 PA Primary (5/17/2022)