

23L-12

REPORTS ANALYSIS DIVISION REFERRAL
TO
ALTERNATIVE DISPUTE RESOLUTION OFFICE

DATE: April 12, 2023

ANALYST: R. Bradley Austin

I. COMMITTEE: Pennsylvania United
C90017443
Deanna Sylte, Operations Manager
841 California Avenue
Pittsburgh, PA 15212

II. RELEVANT STATUTE: 52 U.S.C. § 30104(c)
52 U.S.C. § 30104(g)
11 C.F.R. § 109.10

III. BACKGROUND:

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

2020 October Quarterly Report

Pennsylvania United (“PA United”) failed to file four (4) 48-Hour Reports to support twenty (20) independent expenditures totaling \$66,987.88, disclosed in the Amended 2020 October Quarterly Report, received June 9, 2021, that were made during the period up to and including the 20th day before the 2020 General Election (Attachment 1).

On October 15, 2020, PA United filed the [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 sixteen (16) independent expenditures totaling \$69,271.38, made in opposition to one (1) federal candidate.

On May 5, 2021, a [Request for Additional Information](#) (RAFI) was sent to PA United referencing the 2020 October Quarterly Report. The RAFI noted that PA United may have failed to timely file 48-Hour Reports for sixteen (16) independent expenditures disclosed on Schedule 5-E of the report.

On June 9, 2021, PA United filed an [Amended 2020 October Quarterly Report](#). Schedule 5-E of the report disclosed twenty-three (23) independent expenditures totaling \$70,567.16, made in opposition to one (1) federal candidate. The amendment also updated vendor information for some of the expenditures.

On the same date, PA United filed an [FEC Form 99 \(Miscellaneous Electronic Submission\)](#), which stated, in part:

“We misinterpreted the instructions and filed two 24-hour reports for expenditures that occurred after we submitted the third quarter report. This error was based on the mistaken belief that the state and federal reporting requirements were identical and this is how the state reporting is done in Pennsylvania. We misunderstood that these reports are due for the whole calendar year under federal law. We apologize for this error. Please advise if there is anything further we need to do to correct this mistake.”

On August 24, 2021, an [RFAI](#) was sent to PA United referencing the Amended 2020 October Quarterly Report, received June 9, 2021. The RFAI noted that PA United may have failed to timely file 48-Hour Reports for twenty-three (23) independent expenditures¹ disclosed on Schedule 5-E of the report.

On October 4, 2021, PA United filed an [FEC Form 99](#) which stated:

“Per request we are filing this Form 99 regarding the second letters outlining questions about our 2020 FEC filings. As stated before, the mistakes made regarding 24- and 48-hour filing were due to misunderstanding the requirements, especially regarding the difference between federal and state reporting. We did review the list of expenditures and did not find anything new to report or any changes. We are happy to answer any questions about specific expenditures as needed.”

2022 October Quarterly Report

PA United failed to file one (1) 48-Hour Report to support one (1) independent expenditure totaling \$39,951.38, disclosed in the 2022 October Quarterly Report, that was made during the period up to and including the 20th day before the 2022 General Election (Attachment 1).

On October 14, 2022, PA United filed an [Amended 2022 October Quarterly Report](#) covering the period from July 1, 2022 through September 30, 2022. Schedule 5-E (Itemized Independent Expenditures) of the report disclosed one (1) independent expenditure totaling \$39,951.38 made in support of one (1) federal candidate for the 2022 General Election.

¹ Twelve (12) of the independent expenditures were cited in the RFAI sent on the original [2020 October Quarterly Report](#), received October 15, 2020.

On November 1, 2022, an [RFAI](#) was sent to PA United referencing the Amended 2022 October Quarterly Report. The RFAI noted that PA United may have failed to file a 48-Hour Report for one (1) independent expenditure disclosed on Schedule 5-E of the report.

On December 5, 2022, Penn United filed an [FEC Form 99](#), which stated:

“Regarding item 2, that an expenditure for staff hours dated 9/23/22 was not on a 24/48 hour report, that was simply an oversight on my part and I apologize. I believe all other expenditures were reported on the 24/48 hour reports appropriately, hopefully showing that we are indeed trying our best to be compliant.”

Independent Expenditure Reporting Problems – Persons Other Than Political Committees (Form 5) (Independent Expenditures Reported after the General Election)

2020 Year-End Report

PA United disclosed dissemination dates after the 2020 Election for eight (8) independent expenditures totaling \$111,463.86. PA United did not disclose these expenditures on 24- or 48-Hour Reports, and only disclosed them on the 2020 Year-End Report (Attachment 1).

On October 15, 2020, PA United filed one (1) [48-Hour Report](#)² disclosing one (1) independent expenditure totaling \$41,963.53, disseminated on October 9, 2020.

On October 27, 2020, PA United filed one (1) [24-Hour Report](#)³ disclosing two (2) independent expenditures totaling \$83,991.26, disseminated on October 23, 2020.

On October 30, 2020, PA United filed one (1) [24-Hour Report](#)⁴ disclosing one (1) independent expenditure totaling \$597.96, disseminated on October 30, 2020.

On January 28, 2021, PA United filed its [2020 Year-End Report](#) covering the period from October 1, 2020 through December 31, 2020. Schedule 5-E of the report disclosed thirty-nine (39) independent expenditures totaling \$262,633.82 made in opposition to one (1) federal candidate.

On May 5, 2021, an [RFAI](#) was sent to PA United referencing the 2020 Year-End Report. The RFAI noted that PA United disclosed eighteen (18) independent expenditures on Schedule 5-E of the report that had apparently incorrect dissemination dates after the November 3, 2020 General Election.

² PA United disclosed the 48-Hour Report on Schedule E of the Form 3X rather than the Form 5.

³ PA United disclosed the 24-Hour Report on Schedule E of the Form 3X rather than the Form 5.

⁴ PA United disclosed the 24-Hour Report on Schedule E of the Form 3X rather than the Form 5.

On June 9, 2021, PA United filed an [Amended 2020 Year-End Report](#). Schedule 5-E of the report disclosed thirty-one (31) independent expenditures totaling \$257,239.00 made in opposition to one (1) federal candidate.

On the same date, PA United filed an [FEC Form 99](#) which stated, in part:

“[W]e apologize for misinterpreting the instructions for 24- and 48-hour reporting...

...We are amending the report for quarter four to include the payment information (payee name and address) for each of the expenditures listed in the FEC letter, to correct certain dissemination dates, and to remove some items which were determined to not qualify as independent expenditures.”

On August 24, 2021, an [RFAI](#) was sent to PA United referencing the Amended 2020 Year-End Report, received June 9, 2021. The RFAI noted that PA United disclosed eight⁵ (8) independent expenditures on Schedule 5-E of the report that had apparently incorrect dissemination dates after the November 3, 2020 General Election.

On October 4, 2021, PA United filed an [FEC Form 99](#) which stated:

“Per request we are filing this Form 99 regarding the second letters outlining questions about our 2020 FEC filings. As stated before, the mistakes made regarding 24- and 48-hour filing were due to misunderstanding the requirements, especially regarding the difference between federal and state reporting. We did review the list of expenditures and did not find anything new to report or any changes. We are happy to answer any questions about specific expenditures as needed.”

Since May 27, 2021, the Reports Analysis Division (RAD) logged ten (10) communications with a representative of PA United which reflect efforts to help PA United voluntarily comply with the Act. RAD was able to connect with the entity on all but one of these occasions and notified Deanna Sylte, PA United’s Operations Manager, that these matters would be referred to another office at the Commission for further review. RAD advised the Committee to file the missing 24- or 48- Hour Reports or an FEC Form 99 with any clarifying information for the public record. Ms. Sylte indicated the entity would benefit from education concerning independent expenditure reporting requirements and hoped the Commission would take this into consideration (Attachment 2).

Filings and correspondence related to the entity can be found here: [PA United](#). To date, no further communications have been received from PA United regarding these matters.

⁵ Six (6) of the independent expenditures were cited in the RFAI sent on the original 2020 Year-End Report, received January 28, 2021.

Pennsylvania United (C90017443)

Amended 2020 October Quarterly Report, received 6/9/2021

48-Hour Reports Not Filed

Name of Payee	Date of Dissemination	Expenditure Amount	Candidate Opposed	Election
Pennsylvania United	7/1/2020	\$97.50	Donald Trump	Presidential, 2020 General
Pennsylvania United	7/2/2020	\$5,877.07	Donald Trump	Presidential, 2020 General
AT&T	7/11/2020	\$169.58	Donald Trump	Presidential, 2020 General
Pennsylvania United	7/17/2020	\$6,043.62 <i>48-Hour Report Required</i>	Donald Trump	Presidential, 2020 General
Pennsylvania United	7/31/2020	\$5,335.06	Donald Trump	Presidential, 2020 General
Pennsylvania United	7/31/2020	\$370.50	Donald Trump	Presidential, 2020 General
Sequal Consulting	8/1/2020	\$72.81	Donald Trump	Presidential, 2020 General
Sequal Consulting	8/1/2020	\$914.85	Donald Trump	Presidential, 2020 General
Sequal Consulting	8/1/2020	\$138.54	Donald Trump	Presidential, 2020 General
Facebook	8/8/2020	\$129.98	Donald Trump	Presidential, 2020 General
Pennsylvania United	8/14/2020	\$1,882.25	Donald Trump	Presidential, 2020 General
Pennsylvania United	8/14/2020	\$3,213.90 <i>48-Hour Report Required</i>	Donald Trump	Presidential, 2020 General
Pennsylvania United	8/28/2020	\$1,882.25	Donald Trump	Presidential, 2020 General
Pennsylvania United	8/28/2020	\$1,920.29	Donald Trump	Presidential, 2020 General
Pennsylvania United	8/31/2020	\$159.25	Donald Trump	Presidential, 2020 General
Pennsylvania United	9/1/2020	\$97.50	Donald Trump	Presidential, 2020 General

Pennsylvania United	9/11/2020	\$2,467.50	Donald Trump	Presidential, 2020 General
Pennsylvania United	9/11/2020	\$16,646.78 <i>48-Hour Report Required</i>	Donald Trump	Presidential, 2020 General
Pennsylvania United	9/25/2020	\$2,467.50	Donald Trump	Presidential, 2020 General
Pennsylvania United	9/25/2020	\$17,101.15 <i>48-Hour Report Required</i>	Donald Trump	Presidential, 2020 General

Pennsylvania United (C90017443)Amended 2022 October Quarterly Report, received 12/5/202248-Hour Report Not Filed

Name of Payee	Date of Dissemination	Expenditure Amount	Candidate Supported	Election
Pennsylvania United	9/23/2022	\$39,951.38	John Karl Fetterman	Pennsylvania - 2022 General

Amended 2020 Year-End Report, received 6/9/2021Independent Expenditures with Dates after the Election (11/3/2020)

Name of Payee	Date of Dissemination	Expenditure Amount	Candidate Opposed	Election
Tarlau, Becky	11/4/2020	\$2,500.00	Donald Trump	Presidential, 2020 General
Pennsylvania United	11/6/2020	\$95,655.64	Donald Trump	Presidential, 2020 General
Pennsylvania United	11/6/2020	\$1,954.25	Donald Trump	Presidential, 2020 General
Pennsylvania United	11/6/2020	\$652.73	Donald Trump	Presidential, 2020 General
Pennsylvania United	11/6/2020	\$1,317.29	Donald Trump	Presidential, 2020 General
Pennsylvania United	11/6/2020	\$7,058.00	Donald Trump	Presidential, 2020 General
Giftcards.com	11/18/2020	\$223.80	Donald Trump	Presidential, 2020 General
Pennsylvania United	11/20/2020	\$2,102.15	Donald Trump	Presidential, 2020 General