

REPORTS ANALYSIS DIVISION REFERRAL
TO
ALTERNATIVE DISPUTE RESOLUTION OFFICE

DATE: September 19, 2023

ANALYST: Michael Adamsky

I. COMMITTEE: Occupy Democrats Election Fund
C00718510
Omar Rivero, Treasurer (6/25/21 – Present)
John Robinson, Treasurer (4/15/21 – 6/24/21)
Megan Troy, Treasurer (9/6/19 – 4/14/21)
2021 L Street NW STE 101-173
Washington, DC 20036

TYPE OF COMMITTEE: Nonconnected with Non-Contribution Account¹

II. REGISTRATION DATE: September 6, 2019

III. MULTICANDIDATE STATUS: Qualified

IV. BACKGROUND:

The Committee was sent seven (7) Requests for Additional Information (RFAIs) for reporting errors including excessive, prohibited, and other impermissible contributions or transfers; mathematical discrepancies; failure to provide supporting schedules; failure to properly itemize disbursements; and independent expenditure reporting problems.

¹ This committee is a Hybrid PAC.

DATE: September 19, 2023**ANALYST:** Michael Adamsky

**REPORTS ANALYSIS DIVISION AUDIT REFERRAL
TO
ALTERNATIVE DISPUTE RESOLUTION OFFICE**

- I. COMMITTEE:** Occupy Democrats Election Fund
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Omar Rivero, Treasurer (6/25/21 – Present)
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2021 L Street NW STE 101-173
Washington, DC 20036
- TYPE OF COMMITTEE:** Nonconnected with Non-Contribution Account
- II. REGISTRATION:** September 6, 2019
- III. MULTICANDIDATE STATUS:** Qualified
- IV. SUMMARY OF RFAI RESPONSES:** The Committee did not respond, responded inadequately, or responded late to seven (7) of seven (7) RFAs sent in the 2021-2022 election cycle.

V. SUMMARY OF AUDIT POINTS BY STANDARD:

STANDARD	STANDARD DESCRIPTION	POINT(S) ASSIGNED	REPORT(S)	DESCRIPTION OF VIOLATION FOR WHICH AUDIT POINT(S) WAS ASSESSED	COMMITTEE RESPONSE TO RFAI
5	Excessive, Prohibited, and Other Impermissible Contributions or Transfers		2021 MY	<p>Schedule A supporting Line 11(a)(i) disclosed the receipt of apparent prohibited and excessive contributions totaling \$20,550.00, or of the contributions from individuals and other federal political committees as detailed below:</p> <p>Schedule A supporting Line 11(a)(i) disclosed the receipt of an apparent prohibited contribution from one (1) apparent foreign national totaling \$300.00.</p> <p>Schedule A supporting Line 11(a)(i) disclosed the receipt of a prohibited contribution totaling \$4,000.00 from one (1) limited liability company.</p>	LAR (1/24/22)

				Schedule A supporting Lines 11(a)(i) and 11(c) disclosed the receipt of excessive contributions totaling \$16,250.00 from one (1) individual and one (1) federal political committee.	LIR (1/24/22)
5	Excessive, Prohibited, and Other Impermissible Contributions or Transfers		Amended 2022 Q3, received 10/28/22	Schedule A supporting Line 11(a)(i) disclosed the receipt of excessive contributions totaling \$4,000.00, or of the Committee's total contributions from individuals, and did not include an indication that they were deposited into the non-contribution account. These contributions were received from one (1) individual.	NR
6	Mathematical Discrepancies		Amended 2022 12G, received 10/28/22	The beginning cash balance, \$66,703.30, was less than the ending cash balance on the previous report, \$71,703.30, a discrepancy of \$5,000.00.	NR
6	Mathematical Discrepancies		2022 12R	Line 8, Column A, \$174,722.78, of the Summary Page did not equal Line 8, Column B, \$179,722.78, of the Summary Page, a discrepancy of \$5,000.00.	NR
6	Mathematical Discrepancies		2022 30R	Line 8, Column A, -\$2,356.70, of the Summary Page did not equal Line 8, Column B, \$2,643.30, of the Summary Page, a discrepancy of \$5,000.00.	NR
6	Mathematical Discrepancies		2022 YE	Line 8, Column A, -\$3,149.40, of the Summary Page did not equal Line 8, Column B, \$1,850.60, of the Summary Page, a discrepancy of \$5,000.00.	NR
7	Failure to Provide Supporting Schedules		2021 MY	Schedule D supporting Line 10 disclosed one (1) debt owed by the Committee with an outstanding beginning balance. However, Schedule D of the previous report disclosed no outstanding ending balance at the close of the period, resulting in a missing schedule of \$30,000.00.	LAR (1/24/22)
7	Failure to Provide Supporting Schedules		2022 30R	The report disclosed a negative cash-on-hand balance totaling \$2,356.70 for the reporting period.	NR
11	Failure to Properly Itemize Disbursements		2021 MY	Schedule B supporting Line 21(b) failed to disclose an adequate purpose of disbursement for one (1) vendor totaling \$13,600.00.	LAR (1/24/22)
14	Independent Expenditure Reporting Problems		48-Hour Report, received 6/14/21	Schedule E failed to disclose the Treasurer's signature for two (2) independent expenditures totaling \$10,598.50.	LAR (8/24/21)
	TOTAL				

Response Codes

IR – Inadequate Response

LAR – Late Adequate Response

LIR – Late Inadequate Response

NR – No Response

Occupy Democrats Election Fund (C00718510)
ADRO Referral Response Guide

Excessive, Prohibited, and Other Impermissible Contributions or Transfers

Report	RFAI Due Date	Response Date(s)	Response Code	Reason for code
2021 MY	12/16/21	1/24/22	LAR	<p>Schedule A supporting Line 11(a)(i) disclosed the receipt of apparent prohibited and excessive contributions totaling \$20,550.00, or of the contributions from individuals and other federal political committees as detailed below:</p> <p>Schedule A supporting Line 11(a)(i) disclosed the receipt of an apparent prohibited contribution from one (1) apparent foreign national totaling \$300.00.</p> <p>The Committee provided memo text on their Amended 2021 MY, received 1/24/22, stating, "All of Mr. Barter's contributions were donated through ActBlue; as such, he could not have proceeded to the donation page unless he agreed to the contribution rules which state, I am a U.S. Citizen or lawfully admitted permanent resident (i.e. green card holder)."</p> <p>Schedule A supporting Line 11(a)(i) disclosed the receipt of a prohibited contribution totaling \$4,000.00 from one (1) limited liability company.</p> <p>The Committee provided memo text on their Amended 2021 MY, received 1/24/22, stating, "Item #2 of the RFAI letter also references the inkind contribution from hey digital LLC. The inkind contribution should have appeared on Line 17. It has been corrected and the text Contribution; IE-Only Account has been added to the inkind contribution."</p> <p>The receipt was moved to Line 17 with clarifying text provided.</p>
		1/24/22	LIR	<p>Schedule A supporting Lines 11(a)(i) and 11(c) disclosed the receipt of excessive contributions totaling \$16,250.00 from one (1) individual and one (1) federal political committee.</p> <p>The Committee provided memo text on their Amended 2021 MY, received 1/24/22, stating, "Item #1 of the RFAI letter references the contributions from Catherine Gidlow. Her contributions should have appeared on Line 17; they have been corrected to appear on Line 17 and the text Contribution; IE-Only Account have been added to her contributions. Item #2 of the RFAI letter references the contribution from the Fair and Balanced PAC. The contribution should have appeared on Line 17. It has been corrected to appear on Line 17 and the text Contribution; IE-Only Account has been added to the contribution."</p> <p>The receipts from Catherine Gidlow were moved to Line 17 with clarifying text provided. The \$20,000.00 receipt from Fair and Balanced PAC is still disclosed on Line 11(c) with no clarifying text, resulting in an apparent excessive contribution totaling \$15,000.00.</p>
Amended 2022 Q3, received 10/28/22	3/2/23	N/A	NR	<p>Schedule A supporting Line 11(a)(i) disclosed the receipt of excessive contributions totaling \$4,000.00, or of the Committee's total contributions from individuals, and did not include an indication that they were deposited into the non-contribution account. These contributions were received from one (1) individual.</p> <p>The Committee failed to respond to the RFAI.</p>

Mathematical Discrepancies

Report	RFAI Due Date	Response Date(s)	Response Code	Reason for code
Amended 2022 12G, received 10/28/22	2/7/23	N/A	NR	The beginning cash balance, \$66,703.30, was less than the ending cash balance on the previous report, \$71,703.30, a discrepancy of \$5,000.00. The Committee failed to respond to the RFAI.
2022 12R	4/25/23	N/A	NR	Line 8, Column A, \$174,722.78, of the Summary Page did not equal Line 8, Column B, \$179,722.78, of the Summary Page, a discrepancy of \$5,000.00. The Committee failed to respond to the RFAI.
2022 30R	4/25/23	N/A	NR	Line 8, Column A, -\$2,356.70, of the Summary Page did not equal Line 8, Column B, \$2,643.30, of the Summary Page, a discrepancy of \$5,000.00. The Committee failed to respond to the RFAI.
2022 YE	4/25/23	N/A	NR	Line 8, Column A, -\$3,149.40, of the Summary Page did not equal Line 8, Column B, \$1,850.60, of the Summary Page, a discrepancy of \$5,000.00. The Committee failed to respond to the RFAI.

Failure to Provide Supporting Schedules

Report	RFAI Due Date	Response Date(s)	Response Code	Reason for code
2021 MY	12/16/21	1/24/22	LAR	Schedule D supporting Line 10 disclosed one (1) debt owed by the Committee with an outstanding beginning balance. However, Schedule D of the previous report disclosed no outstanding ending balance at the close of the period, resulting in a missing schedule of \$30,000.00. The Committee provided memo text on their Amended 2021 MY, received 1/24/22, stating, "The debt was reported on the Pre General 2020 FEC report as being attributed to 'Facebook'. The debt should have been reported as owed to Van Ness Creative Strategies for Digital Advertising on Facebook. An internal audit of our software indicates that the mistake was found on 12/20/21 and the Facebook record was merged with the Van Ness Creative Strategies record; hence why it does not show up on previous reports as correctly attributed to Van Ness Creative Strategies." An Amended 2020 YE was also filed on 1/24/22, which disclosed the debt on Schedule D.
2022 30R	4/25/23	N/A	NR	The report disclosed a negative cash-on-hand balance totaling \$2,356.70 for the reporting period. The Committee failed to respond to the RFAI.

Failure to Properly Itemize Disbursements

Report	RFAI Due Date	Response Date(s)	Response Code	Reason for code
2021 MY	12/16/21	1/24/22	LAR	<p>Schedule B supporting Line 21(b) failed to disclose an adequate purpose of disbursement for one (1) vendor totaling \$13,600.00.</p> <p>The Committee filed an Amended 2021 MY on 1/24/22 which disclosed an adequate purpose for this disbursement.</p>

Independent Expenditure Reporting Problems

Report	RFAI Due Date	Response Date(s)	Response Code	Reason for code
48-Hour Report, received 6/14/21	8/19/21	8/24/21	LAR	<p>Schedule E failed to disclose the Treasurer's signature for two (2) independent expenditures totaling \$10,598.50.</p> <p>The Committee filed an Amended 48-Hour Report on 8/24/21 which disclosed the Treasurer's signature.</p>

O-Index (2023-2024)															
Cmte. ID: C00718510				Cmte. Name: OCCUPY DEMOCRATS ELECTION FUND											
Treasurer Name: RIVERO, OMAR				Address: 2021 L STREET NW STE 101-173, WASHINGTON, DC 20036											
Cmte. Type: W (HYBRID PAC (WITH NON-CONTRIBUTION ACCOUNT) - QUALIFIED)								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			1/5/2023	1	202301059574317286				-	-	-	-	-	-	-
F3XN	MY	N	7/31/2023	6090	202307319588958435	1/1/2023	6/30/2023		(\$3,149	\$480,275	\$386,761	\$90,364	\$15,000	-	\$15,000
Totals										\$480,275	\$386,761				

O-Index (2021-2022)															
Cmte. ID: C00718510				Cmte. Name: OCCUPY DEMOCRATS ELECTION FUND											
Treasurer Name: RIVERO, OMAR				Address: 2021 L STREET NW STE 101-173, WASHINGTON, DC 20036											
Cmte. Type: W (HYBRID PAC (WITH NON-CONTRIBUTION ACCOUNT) - QUALIFIED)								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			2/24/2021	1	202102249428822519				-	-	-	-	-	-	-
MS-T			3/29/2021	2	202103299442614572				-	-	-	-	-	-	-
RQ2	48		1/20/2021	2	202101200300101461			1/20/2021	-	-	-	-	-	-	-
RQ2	24		1/20/2021	2	202101200300101463			1/20/2021	-	-	-	-	-	-	-
RQ2	48		7/15/2021	2	202107150300120951			7/15/2021	-	-	-	-	-	-	-
RQ9			11/24/2022	2	202211240300161818			11/24/2022	-	-	-	-	-	-	-
RQ2	MY	N	11/11/2021	6	202111110300128859	1/1/2021	6/30/2021	11/11/2021	-	-	-	-	-	-	-
RQ2	Q3	A	1/26/2023	4	202301260300169135	7/1/2022	9/30/2022	1/26/2023	-	-	-	-	-	-	-
RQ2	12G	A	1/3/2023	2	202301030300166767	10/1/2022	10/19/2022	1/3/2023	-	-	-	-	-	-	-
RQ2	12R	N	3/21/2023	2	202303210300176377	10/20/2022	11/16/2022	3/21/2023	-	-	-	-	-	-	-
RQ7	30G		12/22/2022	2	202212220300165073	11/17/2022	11/28/2022	12/22/2022	-	-	-	-	-	-	-
RQ2	30R	N	3/21/2023	2	202303210300176461	11/17/2022	12/26/2022	3/21/2023	-	-	-	-	-	-	-
RQ2	YE	N	3/21/2023	2	202303210300176463	12/27/2022	12/31/2022	3/21/2023	-	-	-	-	-	-	-
F3XN	MY	N	7/31/2021	1348	202107319465818142	1/1/2021	6/30/2021		\$433,245	\$321,849	\$581,761	\$173,334	\$30,000	-	\$30,000
F3XA	MY	A	1/24/2022	1349	202201249475126921	1/1/2021	6/30/2021		\$433,245	\$321,849	\$581,761	\$173,334	\$30,000	-	\$30,000
F3XA	MY	A	9/27/2022	1349	202209279531998844	1/1/2021	6/30/2021		\$433,245	\$321,849	\$581,761	\$173,334	\$30,000	-	\$30,000
F3XN	YE	N	1/31/2022	926	202201319486377595	7/1/2021	12/31/2021		\$173,334	\$207,851	\$325,651	\$55,534	\$30,000	-	\$30,000
F3XA	YE	A	9/27/2022	927	202209279532000193	7/1/2021	12/31/2021		\$173,334	\$207,851	\$325,676	\$55,509	\$30,000	-	\$30,000
F3XN	Q1	N	4/15/2022	632	202204159499762724	1/1/2022	3/31/2022		\$55,534	\$133,870	\$155,200	\$34,204	\$15,000	-	\$15,000
F3XN	Q2	N	7/15/2022	1024	202207159521897917	4/1/2022	6/30/2022		\$34,204	\$134,426	\$111,309	\$57,321	\$15,000	-	\$15,000
F3XN	Q3	N	10/15/2022	2772	202210159532735359	7/1/2022	9/30/2022		\$57,321	\$340,388	\$331,006	\$66,703	\$15,000	-	\$15,000
F3XA	Q3	A	10/28/2022	2771	202210289546669074	7/1/2022	9/30/2022		\$57,321	\$340,388	\$326,006	\$71,703	\$15,000	-	\$15,000
F3XN	12G	N	10/27/2022	955	202210279546577542	10/1/2022	10/19/2022		\$66,703	\$146,887	\$46,928	\$166,662	\$15,000	-	\$15,000
F3XA	12G	A	10/28/2022	956	202210289546671855	10/1/2022	10/19/2022		\$66,703	\$146,887	\$46,928	\$166,662	\$15,000	-	\$15,000
F3XN	12R	N	11/24/2022	1017	202211249547035428	10/20/2022	11/16/2022		\$166,662	\$264,588	\$256,528	\$174,722	\$15,000	-	\$15,000
F3XN	30R	N	1/5/2023	1338	202301059574323480	11/17/2022	12/26/2022		\$174,722	\$137,120	\$314,200	(\$2,356	\$15,000	-	\$15,000
F3XN	YE	N	1/31/2023	156	202301319575471934	12/27/2022	12/31/2022		(\$2,356	\$9,177	\$9,970	(\$3,149	\$15,000	-	\$15,000
F24N	24		1/3/2021	2	202101039394495492				-	-	-	-	-	-	-
F24A	48		1/26/2021	1	202101269413409770				-	-	-	-	-	-	-
F24A	24		1/26/2021	2	202101269413411283				-	-	-	-	-	-	-
F24A	24		2/24/2021	6	202102249428822386				-	-	-	-	-	-	-
F24A	24		3/29/2021	1	202103299442614574				-	-	-	-	-	-	-
F1A		A	4/15/2021	5	202104159443500895				-	-	-	-	-	-	-
F1A		A	4/29/2021	5	202104299446121636				-	-	-	-	-	-	-
F1A		A	4/27/2021	5	202104279445512155				-	-	-	-	-	-	-

O-Index

9/15/2023 9:39 AM

F24N	48		6/14/2021	1	202106149449032223					-	-	-	-	-	-	-
F1A		A	6/25/2021	5	202106259450857589					-	-	-	-	-	-	-
F24N	48		11/23/2022	1	202211239546876550					-	-	-	-	-	-	-
F24A	48		8/24/2021	3	202108249466561294					-	-	-	-	-	-	-
F24N	24		11/4/2022	1	202211049546708370					-	-	-	-	-	-	-
F24N	24		10/28/2022	1	202210289546672882					-	-	-	-	-	-	-
F1MN			10/28/2022	1	202210289546614256					-	-	-	-	-	-	-
Totals												\$1,696,161	\$2,127,581			

O-Index (2019-2020)																
Cmte. ID: C00718510					Cmte. Name: OCCUPY DEMOCRATS ELECTION FUND											
Treasurer Name: RIVERO, OMAR					Address: 2021 L STREET NW STE 101-173, WASHINGTON, DC 20036											
Cmte. Type: W (HYBRID PAC (WITH NON-CONTRIBUTION ACCOUNT) - QUALIFIED)					Cmte. Designation: U (UNAUTHORIZED)					Filing Frequency: QUARTERLY FILER						
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RQ2	48		12/22/2020	2	202012220300099492			12/22/2020	-	-	-	-	-	-	-	-
RQ2	24		12/22/2020	2	202012220300099494			12/22/2020	-	-	-	-	-	-	-	-
RQ2	12G	N	1/20/2021	3	202101200300101458	10/1/2020	10/14/2020	1/20/2021	-	-	-	-	-	-	-	-
RQ2	30G	N	2/21/2021	6	202102210300108982	10/15/2020	11/23/2020	2/21/2021	-	-	-	-	-	-	-	-
F3XN	YE	N	1/31/2020	5	202001319184578661	7/1/2019	12/31/2019		\$0	\$0	\$0	\$0	-	-	-	\$0
F3XN	Q1	N	4/15/2020	5	202004159216724804	1/1/2020	3/31/2020		\$0	\$0	\$0	\$0	-	-	-	\$0
F3XN	Q2	N	7/15/2020	15	202007159244949481	4/1/2020	6/30/2020		\$0	\$133,416	\$23,811	\$109,604	-	-	-	\$0
F3XN	Q3	N	10/15/2020	549	202010159295160370	7/1/2020	9/30/2020		\$109,604	\$301,842	\$99,642	\$311,803	-	-	-	\$0
F3XN	12G	N	10/22/2020	794	202010229333108854	10/1/2020	10/14/2020		\$311,803	\$146,844	\$47,881	\$410,767	\$30,000	-	-	\$30,000
F3XA	12G	A	1/24/2022	795	202201249475122584	10/1/2020	10/14/2020		\$311,803	\$146,844	\$47,881	\$410,767	\$30,000	-	-	\$30,000
F3XN	30G	N	12/3/2020	2262	202012039340936396	10/15/2020	11/23/2020		\$410,767	\$345,874	\$447,598	\$309,043	\$0	-	-	\$0
F3XA	30G	A	1/24/2022	2269	202201249475123561	10/15/2020	11/23/2020		\$410,767	\$345,874	\$447,598	\$309,043	\$30,000	-	-	\$30,000
F3XA	30G	A	9/27/2022	2269	202209279531995524	10/15/2020	11/23/2020		\$410,767	\$345,874	\$447,598	\$309,043	\$30,000	-	-	\$30,000
F3XA	30G	A	9/28/2022	2269	202209289532003256	10/15/2020	11/23/2020		\$410,767	\$345,874	\$447,598	\$309,043	\$30,000	-	-	\$30,000
F3XN	12R	N	12/21/2020	575	202012219393379961	11/24/2020	12/16/2020		\$309,043	\$95,131	\$15,715	\$388,459	-	-	-	\$0
F3XA	12R	A	1/24/2022	577	202201249475125856	11/24/2020	12/16/2020		\$309,043	\$95,131	\$15,715	\$388,459	\$30,000	-	-	\$30,000
F3XA	12R	A	9/27/2022	577	202209279531997793	11/24/2020	12/16/2020		\$309,043	\$95,131	\$15,715	\$388,459	\$30,000	-	-	\$30,000
F3XN	YE	N	1/31/2021	402	202101319423894015	12/17/2020	12/31/2020		\$388,459	\$59,582	\$14,796	\$433,245	-	-	-	\$0
F3XA	YE	A	1/24/2022	404	202201249475126443	12/17/2020	12/31/2020		\$388,459	\$59,582	\$14,796	\$433,245	\$30,000	-	-	\$30,000
F3XA	YE	A	9/27/2022	404	202209279531998370	12/17/2020	12/31/2020		\$388,459	\$59,582	\$14,796	\$433,245	\$30,000	-	-	\$30,000
F24A	48		12/3/2020	1	202012039340903328				-	-	-	-	-	-	-	-
F24A	24		12/3/2020	2	202012039340903557				-	-	-	-	-	-	-	-
F24A	24		12/3/2020	1	202012039340903559				-	-	-	-	-	-	-	-
F1A		A	6/9/2020	4	202006099239658411				-	-	-	-	-	-	-	-
F1N		N	9/6/2019	5	201909069163202701				-	-	-	-	-	-	-	-
F24A	24		10/31/2020	6	202010319336677321				-	-	-	-	-	-	-	-
F24N	24		10/27/2020	3	202010279336628566				-	-	-	-	-	-	-	-
F24A	48		10/21/2020	1	202010219326778971				-	-	-	-	-	-	-	-
F24N	24		10/21/2020	1	202010219326778972				-	-	-	-	-	-	-	-
F24N	48		10/16/2020	1	202010169297134954				-	-	-	-	-	-	-	-
F24N	24		10/24/2020	1	202010249336528534				-	-	-	-	-	-	-	-
Totals											\$1,082,691	\$649,445				