



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 15, 2023

Scott M. Hubay, Esq., Treasurer
McClellan for Congress
P.O. Box 6623
Cleveland, OH 44101

**Response Due Date
November 25, 2023**

Re: ADR 1143 (RAD 23L-55)
McClellan for Congress and Scott M. Hubay, Esq., Treasurer (C00829812)

Dear Scott M. Hubay, Esq.:

The Federal Election Commission (FEC or Commission) referred a compliance issue to the FEC's Alternative Dispute Resolution Office (ADR Office) for processing. The referral by the Reports Analysis Division (RAD) was based on a review of reports filed by McClellan for Congress which reflect a possible failure to comply with the Federal Election Campaign Act of 1971, as amended.

An email was sent to your office on October 23, 2023, regarding an opportunity to participate in the ADR program at the Commission to resolve this matter. To date, the Commission has received no response. The FEC established the ADR Program to provide an informal means for resolving matters that come before the Commission and to facilitate negotiations directly with McClellan for Congress and Scott M. Hubay, Esq., Treasurer (Respondents or the Committee). The ADR Program provides Respondents with an opportunity to negotiate settlement of a matter that is mutually agreeable. The negotiations occur prior to any Commission consideration of whether there is reason to believe a violation has occurred. If negotiations are successful, the resulting settlement would conclude the matter.

The Commission, in referring the matter to the ADR Office, determined that the case is eligible for processing in the ADR program. If Respondents decide to participate in the ADR Program, you must: 1) indicate in writing a willingness to have your case submitted for ADR processing; 2) agree to participate in the bilateral interest based negotiations; and 3) waive the statute of limitations while the matter is being processed under the FEC's ADR program.

The issues referred to the ADRO, and the focus of our subsequent negotiations are summarized as follows:

RAD referred McClellan for Congress and Scott M. Hubay, Treasurer (Respondents or the Committee) for failing to disclose all financial activity on its 2023 12-Day Pre-Special

FEDERAL ELECTION COMMISSION, ALTERNATIVE DISPUTE RESOLUTION OFFICE
1050 FIRST STREET N.E., WASHINGTON, DC 20463
TELEPHONE: (202) 694-1136
EMAIL: JREBOLLOZO@FEC.GOV

Report. On March 23, 2023, the Committee filed an Amended 2023 12-Day Pre-Special Report which disclosed \$56,029.88 in additional disbursements.

On August 17, 2023, the Committee filed a Form 99 (Miscellaneous Electronic Submission) stating all expenditures were not properly recorded and added to the Committee's reporting software due to issues with its software. Further, the Committee stated upon discovery of the error, it filed an amendment to correct its reports and it took additional steps to ensure the error does not reoccur, including more frequent audits of the Committee's data.

If after reviewing this letter and the enclosed ADR Frequently Asked Questions, which describe the ADR program, Respondent(s) would like to participate in ADR processing, you need to affirmatively indicate that on the enclosed Commitment to Submit Matter to ADR form. **Failure to respond affirmatively by November 25, 2023 will be taken as a notice of disinterest in the program and your case will be dropped from further consideration for ADR.** In that event, your case will be sent to the FEC's Office of General Counsel for further processing.

This matter has been designated as **ADR 1143**. Please refer to this number in future correspondence with the FEC. If you have questions about the ADR Program, please contact the ADRO at my direct dial as indicated below

Sincerely,



Joshua A. Rebollozo
Assistant Director
Alternative Dispute Resolution Office