



FEDERAL ELECTION COMMISSION  
WASHINGTON, D C 20463

January 5, 2004

**MEMORANDUM**

TO: ALLAN D. SILBERMAN  
DIRECTOR, ALTERNATIVE DISPUTE RESOLUTION OFFICE

THROUGH: JAMES A. PEHRKON *APJ*  
STAFF DIRECTOR

ROBERT J. COSTA *RC*  
DEPUTY STAFF DIRECTOR

FROM: JOHN D. GIBSON *JDG*  
ASSISTANT STAFF DIRECTOR  
REPORTS ANALYSIS DIVISION

SUBJECT: REFERRAL OF RICHARD POMBO FOR CONGRESS

Richard Pombo for Congress ("the Committee") submitted an amendment to the 2003 July Quarterly Report which disclosed an increase in receipts of 84.5% and \$117,069.74 when compared to the original 2003 July Quarterly Report. In accordance with the RAD Review and Referral Procedures for the 2003-2004 Election Cycle (Standard 7) and the 2003 Guidelines for Referrals to Alternative Dispute Resolution ("ADR"), a review by your office is required in regards to the adequacy of the referral for ADR.

The Committee supports Richard Pombo, an incumbent Republican candidate in the 2003-2004 Election Cycle for California's Eleventh (11<sup>th</sup>) Congressional District.

Please apprise me of your determination by **January 22, 2004**.

Copies of any reports or letters either filed by the Committee or sent by the Reports Analysis Division, and referenced in this referral are available for your review on the FEC Imaging System or the web site.

If you have any questions regarding this referral, please contact Jill Sugarman at 694-1165.

Attachments

## REPORTS ANALYSIS REFERRAL

DATE: January 5, 2004

ANALYST: Jill Sugarman

- I. COMMITTEE: Richard Pombo for Congress  
C00261370  
Randall C. Pombo, Treasurer  
28375 South Chrisman Road  
Tracy, CA 95304
- II. RELEVANT STATUTE: 11 CFR §104.3  
2 U.S.C. §434(b)(2)  
2 U.S.C. §434(b)(3)

## III. BACKGROUND:

## Increased Activity Disclosed on Amended Report

Richard Pombo for Congress ("the Committee") submitted an amendment to the 2003 July Quarterly Report which disclosed an increase in receipts of 84.5% and \$117,069.74 when compared to the original 2003 July Quarterly Report.

On July 16, 2003, the Committee filed the 2003 July Quarterly Report, which disclosed total receipts of \$138,491.00 (image #23991424483). On August 12, 2003, the Reports Analysis Division (RAD) sent a Request for Additional Information (RAI) requesting (1) a correction of the discrepancy between the beginning cash balance on the July Quarterly Report and the ending cash balance on the April Quarterly Report and (2) a completed Form 3Z-1 (image #23038190081). On September 12, 2003, the Committee filed an Amended July Quarterly Report, which adequately (although untimely) responded to the RAI (image #23991917409). The amended report, however, disclosed total receipts of \$255,560.74, an increase of 84.5% and \$117,069.74 when compared to the original 2003 July Quarterly Report.

On September 23, 2003, RAD sent an RAI to the Committee referencing the Amended July Quarterly Report (image #22038203199). The RAI requested that the Committee clarify why the additional activity was not disclosed on the original filing. The Committee did not respond to the RAI.

On November 19, 2003, the RAD Analyst called Randy Pombo, the Committee's treasurer (Attachment #2). The Analyst stated that she was calling in regard to the RAI sent on the Amended July Quarterly Report. Mr. Pombo was told to amend the report to explain the increase in receipts. Mr. Pombo replied that the additional activity was due to

a problem with his reporting software. The Analyst told Mr. Pombo that the matter could be referred for possible enforcement action if a response was not received within one or two weeks. Mr. Pombo said he would fax a response to the analyst as soon as possible.

To date, no further communications have been received from the Committee regarding this matter.