




FEDERAL ELECTION COMMISSION
WASHINGTON, D C 20463


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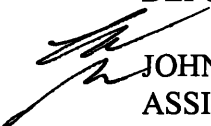
December 21, 2004

MEMORANDUM

TO: ALLAN D. SILBERMAN
DIRECTOR, ALTERNATIVE DISPUTE RESOLUTION

THROUGH: JAMES A. PEHRKON 
STAFF DIRECTOR

ROBERT J. COSTA 
DEPUTY STAFF DIRECTOR

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

SUBJECT: ADR REFERRAL OF NATIONAL ITALIAN AMERICAN
POLITICAL ACTION COMMITTEE

The National Italian American Political Action Committee ("the Committee") failed to provide an address and/or adequate purpose for 28 of 32 (87.5%) disbursements totaling \$53,034.66 disclosed on its 2003 April Quarterly Report. In accordance with the 2003-2004 RAD Review and Referral Procedures for Unauthorized Committees (Standard 11), a review by your office is required.

For your information, this committee was also referred to the Audit Division for the 2001-2002 election cycle and subsequently approved for audit.

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 should have any questions regarding this referral, please contact Jennifer Thangavelu at 694-1143.

Attachments

REPORTS ANALYSIS REFERRAL

TO

OFFICE OF ALTERNATIVE DISPUTE RESOLUTION

DATE: December 21, 2004

ANALYST: Jennifer Thangavelu

- I. COMMITTEE: National Italian American Political
Action Committee (C00355388)
Anthony N. Mallace, CPA, J.D., Treasurer
(6/17/04 – present)
Vincent M. LaSorsa, CPA, MBA, Treasurer
(3/31/01 – 6/16/04)
1205 Locust Street, Suite 100
Philadelphia, PA 19107
- II. RELEVANT STATUTE: 2 U.S.C. §434(b)(5)(A)
11 C.F.R. §104.3(b)(3)(i)
- III. BACKGROUND:

A. Failure to Properly Itemize Disbursements

The National Italian American Political Action Committee (“the Committee”) failed to provide an address and/or adequate purpose for 28 of 32 (87.5%) disbursements totaling \$53,034.66 disclosed on its 2003 April Quarterly Report.

On January 7, 2004, the Committee filed a 2003 April Quarterly Report covering the period from January 1, 2003 through March 31, 2003. The report disclosed twenty-six (26) disbursements lacking a purpose and/or a complete address, and six (6) disbursements with inadequate purposes. Of those expenditures, a total of twenty-eight (28) entries failed to be properly itemized (Image 24990021259).

On April 28, 2004, a Request for Additional Information (RFAI) was sent to the Committee referencing the 2003 April Quarterly Report (Image 24038394396). The RFAI requested further clarification of the purposes “Commissions,” “Miscellaneous Carnevale Event Costs,” “Miscellaneous Expenses,” and “Site/Event Costs,” and also requested a complete address and purpose for each disbursement itemized on Schedule B.¹

¹ Please note, that the RFAI sent on April 28, 2004 also identified that the Committee failed to disclose adequate payments for administrative expenses within the 2003 April Quarterly Report. The Committee

On July 13, 2004, the Reports Analysis Division ("RAD") analyst attempted to contact Mr. Mallace, the Treasurer, by phone to discuss the RFAI referencing the 2003 April Quarterly Report. The analyst left a voice mail message requesting a response to the RFAI (Attachment 1).

On July 14, 2004, Mr. Mallace returned the RAD analyst's call. The analyst explained that a response to the RFAI for the Committee's 2003 April Quarterly Report is due within one (1) week (by July 27, 2004) or enforcement action may be taken. Mr. Mallace said that he would work on a response (Attachment 2).

On July 27, 2004, Mr. Mallace phoned the RAD analyst to say that he was getting ready to send a response to the RFAI concerning the Committee's 2003 April Quarterly Report (Attachment 3).

On July 30, 2004, the RAD analyst phoned Mr. Mallace inquiring about the lack of a response to the RFAI for the Committee's 2003 April Quarterly Report. Mr. Mallace said that he had finished his response and asked if he could e-mail or fax it in. The analyst said that the Commission does not accept e-mailed or faxed reports, and suggested that he mail it in instead (Attachment 4).

On August 10, 2004, the RAD analyst attempted to contact Mr. Mallace by phone, but there was no answer, so the analyst left a voice mail message informing him that the Commission had still not received a response from the Committee regarding the RFAI for the 2003 April Quarterly Report. The analyst asked the Treasurer to return the phone call and said that a response was due by Friday, August 12, 2004, of that week (Attachment 5).

On August 18, 2004, the RAD analyst attempted to contact Mr. Mallace by phone, but there was no answer, so the analyst left a voice mail message requesting a response by Friday, August 20, 2004 regarding the RFAI for the 2003 April Quarterly Report (Attachment # 6).

On September 10, 2004, the RAD Party/Non Party Branch Chief ("Branch Chief") called Mr. Mallace to give him one more opportunity to respond to the RFAI referencing the 2003 April Quarterly Report before referring the matter to the Office of Alternative Dispute Resolution. The Branch Chief left a voice mail message requesting a response to the RFAI by Wednesday, September 15, 2004, and said that if the Commission did not receive a response by that date, the RAD analyst would write a referral. The Branch Chief acknowledged that the Committee was undergoing an FEC audit for the 2001-2002 election cycle, but said that the Audit Division had assured her that the Committee's work on that audit should not have delayed responding to the RFAI. The Branch Chief explained that RAD has a history of working with committees to assist them in responding to RFAIs in order to avoid referral to the FEC's legal division, but cautioned that RAD could no longer offer the Committee further assistance with this matter if a response was not received by the following Wednesday (Attachment 7).

responded to the RFAI with a Miscellaneous Report (Image 24038612827) on November 5, 2004 which adequately resolved this issue and therefore is not addressed in this referral.

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

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NATIONAL ITALIAN AMERICAN POLITICAL ACTION COMMITTEE
 ANTHONY N. MALLACE CPA J.D.
 FILING FREQUENCY: QUARTERLY

1205 Locust Street

Philadelphia

NON-PARTY NON-QUALIFIED ID #C00355388
 PA 19107

FORM TYPE	RPT TYPE	AI	PGI	REC DATE	PGS	BEG IMAGE	COVERAGE DATES	BEG CASH	RECEIPTS	DISBURSE	END CASH	DEBTS BY
1		A		6/17/2004	4	24961593429						
MS		T		11/05/2004	4	24038612827						
RQ	Q1	2		4/28/2004	7	24038394396	1/01/2003 3/31/2003					
RQ	Q2	2		5/05/2004	3	24038402896	4/01/2003 6/30/2003					
RQ	MY	7		8/19/2003	2	23038193700	1/01/2003 6/30/2003					
RQ	Q3	2		5/12/2004	2	24038410188	7/01/2003 9/30/2003					
RQ	YE	2		5/12/2004	3	24038410190	10/01/2003 12/31/2003					
RQ	Q1	2		10/06/2004	3	24038531972	1/01/2004 3/31/2004					
RQ	Q1	7		5/05/2004	2	24038411235	1/01/2004 3/31/2004					
3	Q1	N	P	1/07/2004	52	24990021220	1/01/2003 3/31/2003	6723	74692	56139	25275	10000
3	Q2	N	P	1/11/2004	17	24990046249	4/01/2003 6/30/2003	25275	4699	3866	26107	10000
3	Q3	N	P	1/11/2004	19	24990046266	7/01/2003 9/30/2003	26107	10759	4720	32147	10000
3	YE	N	P	2/02/2004	14	24990452351	10/01/2003 12/31/2003	32147	9100	0	41247	10000
3	Q1	N	P	6/17/2004	48	24961594380	1/01/2004 3/31/2004	41247	77529	75279	43497	10000
3	Q2	N	P	7/15/2004	14	24961853850	4/01/2004 6/30/2004	43497	21512	3012	61996	10000
3	Q3	N	P	10/19/2004	8	24962573563	7/01/2004 9/30/2004	61996	7285	0	69281	10000
TOTAL									205576	143016		

Communication Log

Date/Time: 07/13/2004 01:00 PM

ID: C00355388

Name: NATIONAL ITALIAN AMERICAN POLITICAL
ACTION COMMITTEE

Phone: (856) 546-1800

E-Mail Address:

Candidate:

Type: Phone Call

Contact: Anthony Mallace

Title: Treasurer

Communications Category Type:

Summary: Left message regarding committee's failure to respond to RFAI with ADR referable issues.

Additional Remarks:

Analyst: Jennifer Thangavelu

Branch: Party/Non-Party

AF#:

Communication Log

Date/Time: 07/14/2004 04:04 PM

ID: C00355388

Name: NATIONAL ITALIAN AMERICAN POLITICAL
ACTION COMMITTEE

Phone: (856) 546-1800

E-Mail Address:

Candidate:

Type: Phone Call

Contact: Anthony Mallace

Title: Treasurer

Communications Category Type:

Summary: Mr. Mallace returned my call re: his cmte's lack of response to RFAI with ADR referable issues. I told him that we needed a response within a week or else we may have to take enforcement action. He said that he would work on a response.

Additional Remarks:

Analyst: Jennifer Thangavelu

Branch: Party/Non-Party

AF#:

Communication Log

Date/Time: 07/27/2004 11:32 AM

ID: C00355388 **Name:** NATIONAL ITALIAN AMERICAN POLITICAL ACTION COMMITTEE

Phone: (856) 546-1800 **E-Mail Address:**

Candidate:

Type: Phone Call

Contact: Anthony Mallace

Title: Treasurer

Communications Category Type:

Summary: Mr. Mallace called just to say that he was getting ready to send a response to our request for more information regarding ADR referable issues on his committee's Q1 '03 report that his committee had not addressed after receiving an RFAI. (Note: the deadline is today, 7/27/04)

Additional Remarks:

Analyst: Jennifer Thangavelu **Branch:** Party/Non-Party

AF#:

Communication Log

Date/Time: 07/30/2004 01:25 PM

ID: C00355388 **Name:** NATIONAL ITALIAN AMERICAN POLITICAL ACTION COMMITTEE

Phone: (215) 355-5429 **E-Mail Address:**

Candidate:

Type: Phone Call

Contact: Anthony Mallace

Title: Treasurer

Communications Category Type:

Summary: Mr. Mallace said that he finished his reponse to our question regarding his Q1 '03 report with ADR referable issues, and I said to mail it in ASAP (he said he'd e-mail or fax, but I said we don't accept those; mail instead).

Additional Remarks:

Analyst: Jennifer Thangavelu **Branch:** Party/Non-Party

AF#:

Communication Log

Date/Time: 08/10/2004 01:36 PM

ID: C00355388 **Name:** NATIONAL ITALIAN AMERICAN POLITICAL ACTION COMMITTEE

Phone: (856) 546-1800 **E-Mail Address:**

Candidate:

Type: Phone Call

Contact: Anthony Mallace

Title: Treasurer

Communications Category Type:

Summary: I left a voice mail for Mr. Mallace informing him that we have not received a response from his committee regarding outstanding issues on the 2003 Q1 report. I asked that he call me today, and said that we needed to have a response by this Friday.

Additional Remarks:

Analyst: Jennifer Thangavelu **Branch:** Party/Non-Party

AF#:

Communication Log

Date/Time: 08/18/2004 01:27 PM

ID: C00355388

Name: NATIONAL ITALIAN AMERICAN POLITICAL
ACTION COMMITTEE

Phone: (856) 546-1800

E-Mail Address:

Candidate:

Type: Phone Call

Contact: Anthony Mallace

Title: Treasurer

Communications Category Type: RFAI

Summary: I left a voicemail for Mr. Mallace regarding his 2003 April Quarterly report with ADR-referable issues that he has not responded to yet. I asked that he call me, and said that we would like to see a response by this Friday, August 20th.

Additional Remarks:

Analyst: Jennifer Thangavelu

Branch: Party/Non-Party

AF#:

Communication Log

Date/Time: 09/10/2004 11:45 AM

ID: C00355388

Name: NATIONAL ITALIAN AMERICAN POLITICAL
ACTION COMMITTEE

Phone: (856) 546-1800

E-Mail Address:

Candidate:

Type: Phone Call

Contact: Anthony Mallace

Title: Treasuer

Communications Category Type: RFAI

Summary: I called Mr. Mallace to give him one more opportunity to respond to the 2003 April Quarterly RFAI before the matter was referred to the Office of Alternative Dispute Resolution. I left a voice mail message telling him that we need a response by Wednesday, September 15th, 2004 and that if we did not have a response by that date, I would be instructing the analyst to go ahead and write the referral. I also said that I was aware that our Audit Division was working on an audit of the Committee for the 2001-2002 election cycle, but that our Audit Division assured me that the Committee was not working on anything related to the audit which may have caused a delay in the RFAI response. I went on to say that the Reports Analysis Division has a history of working with committees to assist them in responding to RFAs to avoid referral to our legal division, but that the matter in fact be referred and no longer in our hands if a response was not received by next Wednesday.

Additional Remarks:

Analyst: Deborah Chacona

Branch: Party/Non-Party

AF#: