

REPORTS ANALYSIS REFERRAL

TO

OFFICE OF GENERAL COUNSEL

DATE: December 3, 2004

ANALYST: Debbie Chacona

I. COMMITTEE: National Right to Life Political Action Committee  
(C00111278)  
Amarie C. Natividad, Treasurer  
512 10th Street N.W.  
Washington, DC 20004

II. RELEVANT STATUTE: 11 C.F.R. §104.3(a)(2)(i)(B), 2 U.S.C. §434(b)(2)(A)

III. BACKGROUND:

Failure to Disclose All Financial Activity

National Right to Life Political Action Committee (“the Committee”) filed an Amended 2003 Year-End Report on April 8, 2004 to disclose additional unitemized contributions of \$125,099.76, which were not disclosed within the original 2003 Year-End Report.

On January 29, 2004, the Committee filed the 2003 Year-End Report covering the period from July 1, 2003 through December 31, 2003. This original report disclosed \$126,651.50 on Line 11(a)(ii) (unitemized contributions from individuals/persons other than political committees) of the Detailed Summary Page (Image # 24990268473).

On April 8, 2004, the Committee filed an Amended 2003 Year-End Report, which disclosed \$251,751.26 on Line 11(a)(ii) (unitemized contributions from individuals/persons) of the Detailed Summary Page, an increase of \$125,099.76 in unitemized contributions (Image # 24990938931).

On May 12, 2004, a Request for Additional Information (“RFAI”) was sent to the Committee. The RFAI asked for clarification regarding the \$125,099.76 in

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additional receipts that were not disclosed on the Committee's original 2003 Year-End Report (Image # 24038410304).

On June 10, 2004, the Committee filed another Amended 2003 Year-End Report<sup>1</sup>. This amendment, however, was not in response to the RFAI dated May 12, 2004 (Image # 24971247867).

On June 23, 2004, the Reports Analysis Division ("RAD") analyst called the Committee and left a message for Ms. Amarie Natividad, the Treasurer of the Committee. The RAD analyst indicated that the Committee's Amended 2003 Year-End Report filed on June 10, 2004 had not provided clarification regarding the increase in receipts, and that the Committee had one week to respond before the matter would be referred to our Office of General Counsel. The analyst asked Ms. Natividad to contact her immediately concerning the matter (Attachment 1).

On June 23, 2004, the RAD analyst received a call from Ms. Natividad. Ms. Natividad explained that the additional receipts filed on the Committee's Amended 2003 Year-End Report filed on April 8, 2004 had been inadvertently left off the original filing, and that the amount disclosed on the most current amendment was correct. The RAD analyst asked Ms. Natividad to file this information with the Commission electronically using a miscellaneous electronic submission (Attachment 2).

On July 21, 2004, the RAD analyst called the Committee and left a message for Ms. Natividad concerning the Committee's pending referral to the Office of General Counsel on the Amended 2003 Year-End Report. The RAD analyst asked Ms. Natividad to contact her immediately (Attachment 3).

On July 21, 2004, the RAD analyst received a call from Ms. Natividad. Ms. Natividad indicated that she had been under the impression that the Committee's consultants, Aristotle, had filed miscellaneous electronic submissions clarifying that the increases in receipts and disbursements were the result of incorrectly reported refunds. The RAD analyst told Ms. Natividad that the Commission had not received any clarification on this manner, and that the Committee's report still disclosed additional receipts that had not been explained. Ms. Natividad said that she would call the analyst back after speaking with the Committee's consultants (Attachment 4).

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<sup>1</sup> The Committee's original 2003 Year-End Report filed on January 29, 2004 disclosed \$126,651.50 on Line 11(a)(ii) (unitemized contributions from individuals/persons). The Committee's Amended 2003 Year-End Report filed on April 8, 2004 disclosed \$251,751.26 on Line 11(a)(ii), creating an increase of \$125,099.76. However, the Committee filed another Amended 2003 Year-End Report on June 10, 2004 that disclosed \$258,351.26 on Line 11(a)(ii). This amendment moved \$6,600 from Line 11(a)(i) (itemized contributions from individuals/persons other than political committees) to Line 11(a)(ii), which involved no further increase in receipts.

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On July 23, 2004, the RAD analyst received a call from Ms. Robin Sexton, the Aristotle consultant handling the Committee's compliance. Ms. Sexton asked what the Committee could do to respond to the analyst's inquiries. The analyst indicated that the Committee had not yet explained the increase in receipts found on the Amended 2003 Year-End Report. Ms. Sexton said that while she would need to research the situation, she determined upon taking over the Committee's compliance, that the Committee's Treasurer and preparer were operating the PAC on an accrual basis and that the recordkeeping was typically done after the Committee had already completed its reporting requirements for the quarter. She indicated that in most situations the Committee would file its FEC report and complete a book audit three months later to reconcile the accounts, requiring an amendment of the original filing to be filed at a later date. Ms. Sexton told the analyst that she had recommended that the Committee operate on a cash basis; however, she could not ensure that this would occur. She assured the analyst that she would research the situation and file a miscellaneous electronic submission detailing clarification for the additional receipts on the Amended 2003 Year-End Report (Attachment 5).

On July 28, 2004, the RAD analyst called Ms. Sexton regarding a miscellaneous electronic submission the Committee filed on July 23, 2004 (Image # 24962003871). The analyst asked why the Committee had provided no clarification concerning the additional receipts found on the Amended 2003 Year-End Report and Ms. Sexton indicated that she had overlooked the beginning of the paragraph in the letter and had only provided clarification regarding the additional disbursements. Ms. Sexton said that she would file the clarification regarding the additional receipts that day (Attachment 6).

On August 3, 2004, the Committee filed a miscellaneous text document in response to the RFAI which stated, "The additional receipts are due to the fact that the reconciliation of our books was not completed by the time the original report was due. We therefore, made the corrections when the information was available and filed the amended report. You will note that on a subsequent amendment, the same dollar amount of receipts is listed" (Image # 24962060702).

To date, no further communication has been received from the Committee regarding the Amended 2003 Year-End Report.

## Communication Log

**Date/Time:** 06/23/2004 09:47 AM

**ID:** C00111278

**Name:** NATIONAL RIGHT TO LIFE POLITICAL ACTION  
COMMITTEE

**Phone:** (202) 626-8816

**E-Mail Address:**

**Candidate:**

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**Type:** Phone Call

**Contact:** Amarie Natividad

**Title:** Treasurer

**Communications Category Type:**

**Summary:** I contacted the Treasurer and left a message informing her of the pending referral to the Office of General Counsel concerning the committee's increase in receipts on the 2003 YE report. I explained that we had received the committee's amendment of this report, however, that no clarification was given concerning the increase in receipts, and told Ms. Natividad that the committee has one week to respond. I also asked her to contact me immediately concerning this issue or file clarification concerning the report prior to Wednesday, June 30.

**Additional Remarks:**

**Analyst:** Kristen Davis

**Branch:** Party/Non-Party

**AF#:**

25190262323

**Communication Log**

**Date/Time:** 06/23/2004 11:36 AM

**ID:** C00111278

**Name:** NATIONAL RIGHT TO LIFE POLITICAL ACTION COMMITTEE

**Phone:** (202) 626-8816

**E-Mail Address:**

**Candidate:**

**Type:** Phone Call

**Contact:** Amarie Natividad

**Title:** Treasurer

**Communications Category Type:**

**Summary:** Amarie returned my phone call regarding the pending OGC referral on the committee's 2003 YE report. She explained that the committee is in the process of amending all of its 2001-2002 reports, which explained the opening cash discrepancy on this report. I told Amarie that this was not the discrepancy I was calling about, however, that the committee needed to provide clarification concerning the \$124,799 in additional receipts filed on the committee's amended Year-End report. She indicated that these entries had been inadvertently left off the original filing, and that the amount listed on the amendment was correct. I told her that the committee needed to file this information in a miscellaneous electronic submission by Wednesday, June 30.

**Additional Remarks:**

**Analyst:** Kristen Davis

**Branch:** Party/Non-Party

**AF#:**

25190262324

**Communication Log**

**Date/Time:** 07/21/2004 09:17 AM

**ID:** C00111278                      **Name:** NATIONAL RIGHT TO LIFE POLITICAL ACTION COMMITTEE

**Phone:** (202) 626-8816              **EMail Address:**

**Candidate:**

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**Type:** Phone Call

**Contact:** Amarie Natividad

**Title:** Treasurer

**Communications Category Type:** RFAI

**Summary:** I left a message for Ms. Natividad asking her to return my phone call regarding the pending referral of the committee's 2003 Year-End report.

**Additional Remarks:**

**Analyst:** Kristen Davis                      **Branch:** Party/Non-Party

**AF#:**

25190262325

## Communication Log

**Date/Time:** 07/21/2004 11:42 AM

**ID:** C00111278

**Name:** NATIONAL RIGHT TO LIFE POLITICAL ACTION  
COMMITTEE

**Phone:** (202) 626-8816

**E-Mail Address:**

**Candidate:**

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**Type:** Phone Call

**Contact:** Amarie Natividad

**Title:** Treasurer

**Communications Category Type:**

**Summary:** Amarie returned my phone call from this morning regarding the committee's pending OGC referral on the 2003 YE report. Amarie indicated that she was under the impression that the committee's consultants, Aristotle, had filed miscellaneous electronic submissions clarifying that the increases in receipts and disbursements were the results of refunds incorrectly reported. I told Amarie that nothing had been filed with the Commission stating this and explained that Line 11(d) shows approximately a \$124,000 increase in receipts. Amarie asked if she could consult with the committee's consultants and get back with me, and I told her that the committee has one week to respond before the issue will be referred to our Office of General Counsel.

**Additional Remarks:**

**Analyst:** Kristen Davis

**Branch:** Party/Non-Party

**AF#:**

25190262326

**Communication Log**

**Date/Time:** 07/23/2004 02:55 PM

**ID:** C00111278

**Name:** NATIONAL RIGHT TO LIFE POLITICAL ACTION COMMITTEE

**Phone:** (202) 626-8816

**E-Mail Address:**

**Candidate:**

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**Type:** Phone Call

**Contact:** Robin Sexton

**Title:** Consultant

**Communications Category Type:**

**Summary:** Robin called me after speaking with Amarie Natividad about the committee's pending OGC issues. Robin asked what I needed from the committee, and I told her that in this particular case I needed an explanation concerning why the committee's receipts increased approximately \$125,000 on the second amendment of the 2003 Year-End Report. Robin said that she would have to do some research, however, wanted me to know that when she took over compliance for the committee she noticed that they were operating the PAC on an accrual basis, and that the recordkeeping was typically done after the fact. For instance, she said that in most situations the committee would file it's FEC report and complete a book audit 3 months later that reconciled accounts, requiring an amendment of the original filing to be filed. She said that she has recommended that the committee function on a cash basis, however, couldn't assure that this is happening at this point. She assured me that she would research the situation and file a miscellaneous electronic submission regarding any information she could find concerning this increase in receipts on Line 11(d).

**Additional Remarks:**

**Analyst:** Kristen Davis

**Branch:** Party/Non-Party

**AF#:**

25190262327

**Communication Log**

**Date/Time:** 07/28/2004 10:03 AM

**ID:** C00111278                      **Name:** NATIONAL RIGHT TO LIFE POLITICAL ACTION COMMITTEE

**Phone:** (202) 626-8816              **E-Mail Address:**

**Candidate:**

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**Type:** Phone Call

**Contact:** Robin Sexton

**Title:** Contact

**Communications Category Type:**

**Summary:** I contacted Ms. Sexton after reviewing a miscellaneous document the committee filed on 7/23/04 regarding the 2003 Year-End report. I asked Robin if there was any reason the committee hadn't provided clarification concerning the additional receipts of approximately \$125,000, and Ms. Sexton indicated that she had simply overlooked the beginning of the sentence, and had thought that the committee only needed to provide clarification regarding the additional disbursements. Ms. Sexton said that she would file clarification sometime today.

**Additional Remarks:**

**Analyst:** Kristen Davis                      **Branch:** Party/Non-Party

**AF#:**

25190262328

NATIONAL RIGHT TO LIFE POLITICAL ACTION COMMITTEE

NON-PARTY QUALIFIED

ID #C00111278

Amarie C Natividad

512 10th Street N.W.

Washington

DC 20004

FILING FREQUENCY QUARTERLY

FORM TYPE RPT TYPE AI PGI REC DATE PGS BEG IMAGE COVERAGE DATES BEG CASH RECEIPTS DISBURSE END CASH DEBTS BY

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1		A	4/05/2004	4	24990920804							
MS		T	3/19/2003	1	23990556461							
MS		T	3/27/2003	1	23990615256							
MS		T	4/15/2003	1	23990722351							
MS		T	5/19/2003	1	23990941773							
MS		T	5/19/2003	1	23990942064							
MS		2	2/10/2004	2	24990495977							
MS		T	4/08/2004	1	24990939259							
MS		2	4/15/2004	1	24991024746							
MS		2	4/21/2004	1	24991177945							
MS		2	4/23/2004	1	24991182979							
MS		2	7/16/2004	2	24961879564							
MS		2	7/22/2004	1	24961977022							
MS		2	7/23/2004	4	24962003852							
MS		T	7/23/2004	1	24962003870							
MS		T	7/23/2004	1	24962003871							
MS		T	7/23/2004	1	24962003900							
MS		T	8/03/2004	1	24962060702							
MS		T	8/09/2004	1	24962074576							
MS		2	8/19/2004	1	24962140828							
MS		T	8/26/2004	1	24962292361							
MS		2	10/15/2004	62	24962522616							
MS		2	10/18/2004	4	24962555003							
MS		2	10/19/2004	3	24962562633							
MS		2	10/20/2004	82	24962587552							
MS		2	10/21/2004	122	24962645049							
MS		2	10/22/2004	135	24962697882							
MS		2	10/25/2004	54	24962710653							
MS		2	10/26/2004	35	24962713228							
MS		2	10/27/2004	32	24971891145							
MS		2	10/28/2004	24	24971891832							
MS		2	10/29/2004	2	24962723373							
MS		2	12/02/2004	2	24991380700							

RQ	MY	2	12/31/2003	4	23038254479	1/01/2003	6/30/2003
RQ	MY	2	3/10/2004	3	24038335038	1/01/2003	6/30/2003
RQ	MY	2	5/12/2004	3	24038410301	1/01/2003	6/30/2003

NATIONAL RIGHT TO LIFE POLITICAL ACTION COMMITTEE

NON-PARTY QUALIFIED

ID #C0011278

Amarie C Natividad

512 10th Street N W

Washington

DC 20004

FILING FREQUENCY QUARTERLY

FORM TYPE	RPT TYPE	AI	PGI	REC DATE	PGS	BEG IMAGE	COVERAGE DATES	BEG CASH	RECEIPTS	DISBURSE	END CASH	DEBTS BY
RQ	MY	2		6/23/2004	3	24038432581	1/01/2003 6/30/2003					
RQ	MY	2		6/30/2004	3	24038433831	1/01/2003 6/30/2003					
RQ	YE	2		3/10/2004	3	24038335032	7/01/2003 12/31/2003					
RQ	YE	2		5/12/2004	3	24038410304	7/01/2003 12/31/2003					
RQ	Q1	2		5/19/2004	4	24038413648	1/29/2004 3/31/2004					
RQ	Q1	2		7/14/2004	4	24038454032	1/29/2004 3/31/2004					
RQ	12P	2		6/30/2004	4	24038433827	4/01/2004 5/12/2004					
RQ	Q2	2		11/17/2004	5	24038620922	5/13/2004 6/30/2004					
RQ	12G	2		3/24/2004	3	24038343604	1/28/2004 1/28/2004					
3	MY	N	P	7/29/2003	24	23991585098	1/01/2003 6/30/2003	59052-	92886	24874	8959	0
3	MY	A	P	1/29/2004	20	24990231497	1/01/2003 6/30/2003	59052-	93386	32323	2010	0
3	MY	A	P	2/20/2004	20	24990588801	1/01/2003 6/30/2003	59052-	93386	32323	2010	0
3	MY	A	P	4/08/2004	21	24990938177	1/01/2003 6/30/2003	59052-	93386	91376	57041-	0
3	MY	A	P	6/10/2004	20	24961553315	1/01/2003 6/30/2003	12030-	93430	44725	36674	0
3	YE	N	P	1/29/2004	36	24990268471	7/01/2003 12/31/2003	2010	167658	1684	167985	0
3	YE	A	P	4/08/2004	37	24990938929	7/01/2003 12/31/2003	57041-	292458	34996	200419	0
3	YE	A	P	6/10/2004	31	24971247867	7/01/2003 12/31/2003	36674	292473	10561	318586	0
3	12S	A	P	4/14/2004	12	24990989504	1/01/2004 1/28/2004	200419	23509	8524	215405	0
3	12S	A	P	10/13/2004	9	24962419705	1/01/2004 1/28/2004	318586	23509	8524	333571	0
3	Q1	N	P	4/14/2004	37	24990985446	1/29/2004 3/31/2004	215405	598499	27246	786657	0
3	Q1	A	P	6/10/2004	25	24971247909	1/29/2004 3/31/2004	333571	598502	18722	913351	0
3	12P	N	P	5/20/2004	48	24961434053	4/01/2004 5/12/2004	786657	419857	54169	1152345	0
3	12P	A	P	7/14/2004	38	24961792684	4/01/2004 5/12/2004	913351	408374	54169	1267556	0
3	12P	A	P	8/09/2004	35	24962074541	4/01/2004 5/12/2004	913351	419857	45236	1287972	0
3	Q2	N	P	7/14/2004	13	24961801543	5/13/2004 6/30/2004	1267556	440308	41305	1666559	0
3	Q2	A	P	7/19/2004	38	24961889938	5/13/2004 6/30/2004	1267556	479490	41305	1705741	0
3	Q3	N	P	10/15/2004	38	24971744542	7/01/2004 9/30/2004	1705741	1439151	121892	3023000	0

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FEDERAL ELECTION COMMISSION  
OGC INDEX - (0) (2003-2004)

DATE 12/03/2004  
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NATIONAL RIGHT TO LIFE POLITICAL ACTION COMMITTEE  
Amarie C Natividad  
FILING FREQUENCY. QUARTERLY

512 10th Street N.W

Washington

NON-PARTY QUALIFIED  
DC 20004

ID #C00111278

FORM TYPE	RPT TYPE	AI	PGI	REC DATE	PGS	BEG IMAGE	COVERAGE DATES		BEG CASH	RECEIPTS	DISBURSE	END CASH	DEBTS BY
3	12G	N	P	2/04/2004	6	24990477556	1/28/2004	1/28/2004	167985	0	8524	159460	0
3	12G	N	P	10/22/2004	53	24962696212	10/01/2004	10/13/2004	3023000	44000	1076566	1990434	0
									TOTAL	3390412	1367531		

25190262331