



FEC LC  
ALTERNATIVE DISPUTE  
RESOLUTION OFFICE

05L-08

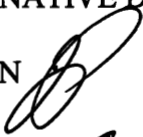
FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463


2005-MAR-10-PP 4:07:50


March 10, 2005

**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 AMALGAMATED TRANSIT UNION –  
COPE

Amalgamated Transit Union – COPE (“the Committee”) is being referred to the Office of Alternative Dispute Resolution (ADR) for failure to file one (1) 48-Hour Notice to support two (2) independent expenditures totaling \$42,245.26 disclosed on the 2004 October Monthly Report for the 2003-2004 election cycle. In accordance with the 2003-2004 *RAD Review and Referral Procedures for Unauthorized Committees (Standard 7)*, this matter requires further examination by your office.

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 Web Site.

If you have any questions regarding this referral, please contact Bradley Decker at 694-1301.

Attachments

25190261429

REPORTS ANALYSIS REFERRAL  
TO  
OFFICE OF ALTERNATIVE DISPUTE RESOLUTION

DATE: March 10, 2005

ANALYST: Bradley Decker

- I. COMMITTEE: Amalgamated Transit Union – COPE  
(C00032995)  
Oscar Owens, Treasurer  
5025 Wisconsin Avenue, N.W.  
Washington, DC 20016
- II. RELEVANT STATUTE: 2 U.S.C. §434(b)(6)(B)(iii) and (g)(2)  
11 CFR §104.4(b)(2)
- III. BACKGROUND:

**Failure to Provide Supporting Schedules (Failure to File 48-Hour Notice)**

Amalgamated Transit Union – COPE (“the Committee”) failed to timely file one (1) 48-Hour Notice for two (2) independent expenditures totaling \$42,245.26 made in the 2004 calendar year during the period prior to and including the 20<sup>th</sup> day before the 2004 General Election.

The Prior Notice listing the official filing dates for monthly filers was sent to the Committee on August 27, 2004. The notice included a section titled *48- and 24-Hour Reports on Independent Expenditures* which read as follows "Any PAC or Party Committee that makes independent expenditures in connection with an election may also have to file 48-hour or 24-hour reports. The 48-hour reporting requirement will be triggered each time the committee makes independent expenditures aggregating \$10,000 or more between January 1st and the 20th day before the election. The 24-hour reporting requirement will be triggered each time the committee makes independent expenditures aggregating \$1,000 or more after the 20th day, but more than 24 hours, before the day of the election. These reports are *not* required when a Party Committee or PAC makes a contribution directly to a candidate." (Attachment 2)

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On October 16, 2004, the Committee filed a 2004 October Monthly Report which included a Schedule E disclosing two (2) independent expenditures totaling \$42,245.26 made on behalf of one (1) federal candidate (Image 24962545437). These combined expenditures required that a 48-Hour Notice be filed with the Commission.

On November 24, 2004, a Request for Additional Information ("RFAI") was sent to the Committee referencing the 2004 October Monthly Report (Image 24038630408). The RFAI noted that the Committee may have failed to file the required 48-Hour Notice regarding independent expenditures in support of a federal candidate. Additionally, the RFAI stated that, although the Commission may take further legal action, the Committee's prompt response concerning the matter would be taken into consideration. A chart was also included with the RFAI identifying the two (2) independent expenditures, totaling \$42,245.26, for which a 48-Hour Notice had not been filed (Attachment 3).

On December 15, 2004, Karen Head, a representative of the Committee, called the Reports Analysis Division ("RAD") analyst regarding the RFAI referencing the 2004 October Monthly Report. She informed the RAD analyst that the Committee was encountering difficulties in reporting its independent expenditures because it was not being billed by its vendors until long after independent expenditures had been publicly disseminated. Ms. Head said that, consequently, she believed the Committee had reported independent expenditures on Schedule E using the date that the Committee received final bills from its vendors rather than the date the independent expenditures were publicly disseminated. The RAD analyst informed her that independent expenditures had to be reported on the dates they were disseminated and recommended that the Committee amend its reports if it discovered that any of the independent expenditures were being reported incorrectly. The RAD analyst also reminded Ms. Head that the Committee had received the RFAI for not filing a required 48-hour notice. She acknowledged the omission and asked how the Committee could resolve this issue. The analyst recommended that she file the 48-hour notice to demonstrate to the Commission that the Committee was aware of its reporting requirements, and also provide any clarifying information as to why the notice had not been filed, but informed her that this would not negate the Commission taking further action (Attachment 4).

On December 22, 2004, Anne Washenko, the Committee's Assistant for Political Affairs, called another RAD analyst for assistance using FEC software to upload the missing 48-hour notice. The RAD analyst helped her to upload the notice and also referred her to the Electronic Filing Office for further assistance (Attachment 5). On the same date, the Committee filed a 48-hour notice for the independent expenditures reported on the 2004 October Monthly Report (Image 24981812985).

To this date, no additional information has been provided by the Committee regarding this matter.

25190261431

AMALGAMATED TRANSIT UNION-COPE  
 Owens, Oscar Mr.  
 FILING FREQUENCY: MONTHLY

5025 WISCONSIN AVE. N.W.

WASHINGTON

NON-PARTY QUALIFIED  
 DC 20016

ID #C00032995

FORM TYPE	RPT TYPE	AI	PGI	REC DATE	PGS	BEG IMAGE	COVERAGE DATES	BEG CASH	RECEIPTS	DISBURSE	END CASH	DEBTS BY
MS			2	12/22/2004	2	24981812985						
RQ	M8		2	9/24/2003	3	23038210115	7/01/2003 7/31/2003					
RQ	M10		2	11/24/2004	4	24038630408	9/01/2004 9/30/2004					
3	M2	N	P	2/20/2003	9	23990433884	1/01/2003 1/31/2003	107731	61199	20500	148431	0
3	M3	N	P	3/13/2003	12	23990524797	2/01/2003 2/28/2003	148431	42206	36375	154262	0
3	M4	N	P	4/17/2003	25	23990764917	3/01/2003 3/31/2003	154262	51643	75950	129955	0
3	M5	N	P	5/14/2003	18	23990909149	4/01/2003 4/30/2003	129955	71250	45950	155255	0
3	M6	N	P	6/13/2003	18	23991078316	5/01/2003 5/31/2003	155255	71055	31650	194661	0
3	M7	N	P	7/15/2003	28	23991358506	6/01/2003 6/30/2003	194661	41293	74180	161774	0
3	M8	N	P	8/12/2003	18	23991697899	7/01/2003 7/31/2003	161774	35791	23500	174066	0
3	M8	A	P	10/14/2003	18	23992035076	7/01/2003 7/31/2003	161774	35791	23500	174066	0
3	M9	N	P	9/12/2003	16	23991915922	8/01/2003 8/31/2003	174066	63235	1350	235951	0
3	M10	N	P	10/20/2003	36	23992179123	9/01/2003 9/30/2003	235951	27839	71163	192628	0
3	M11	N	P	11/18/2003	53	23992278134	10/01/2003 10/31/2003	192628	45822	36000	202451	0
3	M12	N	P	12/12/2003	69	23992446471	11/01/2003 11/30/2003	202451	47789	13600	236640	0
3	YE	N	P	1/23/2004	89	24990143438	12/01/2003 12/31/2003	236640	41152	44710	233083	0
3	M2	N	P	2/18/2004	13	24990515621	1/01/2004 1/31/2004	233083	60786	30698	263171	0
3	M3	N	P	3/18/2004	17	24990772231	2/01/2004 2/29/2004	263171	61387	38750	285809	0
3	M4	N	P	4/16/2004	24	24991078179	3/01/2004 3/31/2004	285809	47433	64000	269243	0
3	M5	N	P	5/19/2004	16	24971227923	4/01/2004 4/30/2004	269243	61532	34367	296408	0

25190261432

AMALGAMATED TRANSIT UNION-COPE  
 Owens, Oscar Mr.  
 FILING FREQUENCY: MONTHLY

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ID #C00032995

FORM TYPE	RPT TYPE	AI	PGI	REC DATE	PGS	BEG IMAGE	COVERAGE DATES		BEG CASH	RECEIPTS	DISBURSE	END CASH	DEBTS BY
3	M6	N	P	6/16/2004	28	24961587474	5/01/2004	5/31/2004	296408	48399	108750	236057	0
3	M7	N	P	7/19/2004	36	24961884357	6/01/2004	6/30/2004	236057	43060	87691	191427	0
3	M8	N	P	8/19/2004	33	24962133873	7/01/2004	7/31/2004	191427	62188	49772	203843	0
3	M9	N	P	9/07/2004	27	24971422402	8/01/2004	8/31/2004	203843	29442	30550	202736	0
3	M10	N	P	10/16/2004	45	24962545394	9/01/2004	9/30/2004	202736	27712	140073	90375	0
3	12G	N	P	10/20/2004	17	24971769468	10/01/2004	10/13/2004	90375	11231	20890	80716	0
3	30G	N	P	12/02/2004	60	24981534374	10/14/2004	11/22/2004	80716	53641	62625	71732	0
3	YE	N	P	1/28/2005	77	25970033703	11/23/2004	12/31/2004	71732	43180	19500	95413	0
TOTAL										1150265	1162594		

25190261433

# MONTHLY REPORT NOTICE

FEDERAL ELECTION COMMISSION

PARTIES AND PACS

August 27, 2004

## REPORTING DATES FOR REMAINDER OF 2004

REPORT	REPORTING PERIOD <sup>1</sup>	REG./CERT. & OVERNIGHT MAILING DATE <sup>2</sup>	FILING DATE
September	08/01/04 - 08/31/04	09/20/04	09/20/04
October	09/01/04 - 09/30/04	10/20/04	10/20/04
Pre-General	10/01/04 - 10/13/04	10/18/04	10/21/04
Post-General	10/14/04 - 11/22/04	12/02/04	12/02/04
Year-End	11/23/04 - 12/31/04	01/31/05	01/31/05

### WHO MUST FILE

Party Committees and PACs (Nonconnected Committees and Separate Segregated Funds) filing on a monthly basis must file Monthly Reports in 2004. Committees must continue to file reports until the Commission notifies them in writing that their termination report has been accepted.

In an election year, the 12-Day Pre-General and 30-Day Post-General Election Reports are filed in lieu of the November and December Monthly Reports.

**NOTE:** A recent legislative change allows committees to file reports using overnight mail on the same terms as registered/certified mail. (See footnote 2).

<sup>1</sup>These dates indicate the beginning and the end of the reporting period. A reporting period always begins the day after the closing date of the last report filed. If the committee is new and has not previously filed a report, the first report must cover all activity that occurred before the committee registered.

<sup>2</sup>Monthly reports sent by registered or certified mail must be postmarked by the mailing date. Committees should keep the mailing receipt with its postmark as proof of filing. If using overnight mail, the delivery service must receive the report by the mailing date. "Overnight mail" means an overnight service with an on-line tracking system. Monthly reports filed by any other means must be received by the Commission (or Secretary of the Senate for committees supporting only Senate candidates) by the filing date.

(over)

**ELECTRONIC FILING**

Political committees that receive contributions or make expenditures in excess of \$50,000 in a calendar year, or that expect to do so, must submit their reports electronically. For additional information, review the enclosed handout entitled "Electronic Filing," call the FEC's Electronic Filing office at (800) 424-9530 or (202) 694-1642, and visit our web site at <http://www.fec.gov/electfil/electron.html>.

**48- AND 24-HOUR REPORTS ON INDEPENDENT EXPENDITURES**

Any PAC or Party Committee that makes independent expenditures in connection with an election may also have to file 48-hour or 24-hour reports. The 48-hour reporting requirement will be triggered each time the committee makes independent expenditures aggregating \$10,000 or more between January 1<sup>st</sup> and the 20<sup>th</sup> day before the election. The 24-hour reporting requirement will be triggered each time the committee makes independent expenditures aggregating \$1,000 or more after the 20<sup>th</sup> day, but more than 24 hours, before the day of the election. See 11 CFR 104.4.

These reports are *not* required when a Party Committee or PAC makes a contribution directly to a candidate. Visit the FEC web site at [http://www.fec.gov/pages/charts\\_ie\\_dates.htm](http://www.fec.gov/pages/charts_ie_dates.htm) for a state-by-state chart of 48- and 24-hour reporting periods.

**COMPLIANCE**

- Treasurers of political committees are responsible for both the timeliness and the accuracy of all reports. They may be subject to monetary penalties if reports are inaccurate or are not filed on time.
- Under the Administrative Fine Program, political committees and their treasurers who fail to file their reports on time may be subject to civil money penalties up to \$16,000 (or more for repeat late- and non-filers). For additional information, see the enclosed handout entitled, "Administrative Fine Program," and visit our web site at <http://www.fec.gov/adminfines1.html>.
- In addition, political committees that file illegible reports or use non-FEC forms (except for FEC-approved, computer-generated forms) will be required to refile their reports.
- Electronic filers who instead file on paper or submit an electronic report (either by direct transmission or on 3.5" diskette) that does not pass the validation test will be considered non-filers and may be subject to enforcement actions (including administrative fines).

**CHANGE IN FILING FREQUENCY**

Committees able to change their reporting schedule (for example, from monthly to quarterly) who wish to do so must notify the Commission in writing when they file their next report due under their current reporting schedule. Committees may change their filing frequency no more than once per calendar year

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FOR INFORMATION, CALL: (800) 424-9530 or (202) 694-1100

**Amalgamated Transit Union – COPE (C00032995)  
Independent Expenditure Overview**

<b>Name of Payee</b>	<b>Date of Expenditure</b>	<b>Amount of Expenditure</b>	<b>Candidate Supported</b>	<b>Election</b>
<b>Greco Advertising Specialties Co.</b>	<b>9/3/04</b>	<b>\$8,363.46</b>	<b>John Kerry</b>	<b>2004 General</b>
<b>Kelly Press</b>	<b>9/27/04</b>	<b>\$33,881.80</b>	<b>John Kerry</b>	<b>2004 General</b>

25190261436

**Communication Log****Date/Time:** 12/15/2004 03:57 PM**ID:** C00032995**Name:** Amalgamated Transit Union-COPE**Phone:** (202) 537-1645**E-Mail Address:****Candidate:****Type:** Phone Call**Contact:** Karen Head**Title:****Communications Category Type:** RFAI

**Summary** Ms Head called because her committee had received an RFAI for a missing 48-hour notice for Independent Expenditures reported on the October Monthly Report. She explained that her committee had trouble reporting Independent Expenditures because they did not receive a bill or estimate from the vendor until months after the Independent Expenditures were publicly disseminated. As a result she said that she would have no way to report these expenses as debts to the vendor as required. Because of this, the committee had reported independent expenditures as being made on the date that the committee was billed by the vendor rather than on the date the materials were distributed.

I let Ms head know that this way of reporting was problematic but also informed her that the reason she had received the letter was because the committee had not filed a required 48-hour notice. I recommended that she file these notices as soon as possible, but told her that because they were being submitted significantly late and after the election, the committee could still be subject to action by the Commission. I also told her that all committees were required to report independent expenditures when they were publicly disseminated/distributed. I told her that in the future the committee should attempt to get an estimate or quote from a vendor for Independent Expenditure materials so they could properly report this type of activity. I told her that the committee might also need to amend its reports to correctly disclose the dates of independent expenditures if they were not being reported correctly on the October Monthly Report. Ms Head said she would work on fixing her reports and filing the missing notice.

**Additional Remarks:****Analyst:** Bradley Decker**Branch:** Party/Non-Party**AF#**

**Communication Log**

**Date/Time:** 12/22/2004 04.10 PM

**ID:** C00032995                      **Name:** Amalgamated Transit Union-COPE

**Phone:** (202) 537-1645              **E-Mail Address:**

**Candidate:**

**Type:** Phone Call

**Contact:** Anne Washenko

**Title:** Treasurer

**Communications Category Type:** RFAI

**Summary:** Anne called in response to an RFAI sent by Brad Decker because she needed to file a 48 hour notice for two expenditures made on the October Monthly Report. I walked her through filing a 48 hour notice in FECFile. I said she had to create the notice as a 24 hour notice and mark the box for a 48 hour notice. She later called because she was getting several errors, and since I had followed the FECFile Guide and the error codes were not clear to me (Error Levels 16, 12, and 8), I sent her to EFO.

**Additional Remarks:**

**Analyst:** Elizabeth Boody              **Branch:** Party/Non-Party

**AF#:**

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