

REPORTS ANALYSIS REFERRAL
TO
OFFICE OF GENERAL COUNSEL

DATE: February 9, 2005

ANALYST: William Wiquist

I. COMMITTEE: Libertarian National Committee
(C00255695)
David Mark Nelson, Treasurer
2600 Virginia Ave NW, Suite 100
Washington, DC 20037

II. RELEVANT STATUTE: 2 U.S.C. §434(b)(8)
11 C.F.R. §104.3(d)

III. BACKGROUND:

Failure to Provide Supporting Schedules (Failure to Disclose All Financial Activity)

On August 3, 2004, the Libertarian National Committee ("the Committee") filed an Amended 2003 February Monthly Report in order to disclose additional debts owed by the Committee totaling \$69,946.62 (Image 24962056454) (Attachment 2).

On February 20, 2003, the Committee originally filed its 2003 February Monthly Report covering the period of January 1, 2003 through January 31, 2003. This original report disclosed \$219,889.23 on Line 10 (Debts and Obligations Owed by the Committee) of the Summary Page (Image 23990437859).

On August 3, 2004, the Committee filed an Amended 2003 February Monthly Report that disclosed \$289,835.85 on Line 10 (Debts and Obligations Owed by the Committee) of the Summary Page (Image 24962056455).

On September 15, 2004, a Request for Additional Information ("RFAI") was sent to the Committee. The RFAI asked for clarification regarding the \$69,946 in additional debts owed by the Committee that were not disclosed on the Committee's original 2003 February Monthly Report (Image 24038514421).

On September 22, 2004 and October 7, 2004, the Committee called the Reports Analysis Division ("RAD") analyst regarding the RFAI. The Committee asked how they

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should respond to the RFAI. The RAD analyst advised the Committee to provide as much detail as possible as to why the activity in question was not disclosed on the original report (Attachment 3).

On October 7, 2004, the Committee filed a miscellaneous electronic submission in response to the RFAI which stated in part: "The Libertarian National Committee, Inc. in Calendar Year 2003 changed accounting systems, changed FEC filing software and changed the persons preparing and submitting FEC reports. Amendments filed for Calendar Year 2003 were amended to reflect additional information and correct information submitted to fully comply with applicable regulations." (Image 24971654164)

Additionally, on October 7, 2004, Rod Severson from the Committee called the RAD analyst regarding the Committee's electronic response to the RFAI's, which included the issue of the additional debts. The Committee explained that, over time, they discovered the undisclosed debts and thereby included this activity on their amended reports. The RAD analyst stated that the Committee's effort to provide any information explaining the undisclosed debts would be correct (Attachment 3).

On October 25, 2004, the RAD analyst called the Committee and spoke to Rod Severson, the individual who filed all of the Committee's reports and the only person for which the Commission had contact information. The analyst informed Mr. Severson that the issue of debts on the Amended 2003 February Monthly Report was referable to the Office of General Counsel. Additionally, the analyst received a phone number for David Mark Nelson, the Committee's Treasurer. The analyst called Mr. Nelson and left him a voice mail message informing him that the increased activity disclosed on the Amended 2003 February Monthly Report was referable to the Office of General Counsel (Attachment 5).

On October 28, 200⁴5, Mr. Sam New from the Committee called to inform the analyst that Mr. Rod Severson, the individual responsible for filing the Committee's reports had left the Committee. Mr. New proceeded to ask about any outstanding issues that the Committee still faced with the Commission. The analyst replied that the Committee had a potential OGC referral regarding the 2003 February Report. Additionally, the analyst stated that the Committee should make sure it responded to any outstanding RFAI's (Attachment 6).

On November 5, 2004, Mr. Nelson, the Committee's Treasurer, called the RAD analyst regarding the RFAI. Mr. Nelson asked how the Committee should respond to the RFAI. The analyst told Mr. Nelson to provide as much information as possible regarding the increased debt disclosed on the Amended 2003 February Monthly Report. Mr. Nelson stated that the Committee had recently experienced significant staff turnover and difficulties with bookkeeping. In closing, Mr. Nelson stated that when the Office of General Counsel contacted him, he would work with them to settle the matter (Attachment 7).

To date, no further communication has been received from the Committee regarding this matter.

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