



FEDERAL ELECTION COMMISSION  
WASHINGTON, D C 20463

May 20, 2005

**MEMORANDUM**

TO: LAWRENCE H. NORTON  
GENERAL COUNSEL

THROUGH: JAMES A. PEHRKON  
STAFF DIRECTOR

ROBERT J. COSTA  
DEPUTY STAFF DIRECTOR

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

SUBJECT: REFERRAL OF WALCHER FOR CONGRESS

Walcher For Congress ("the Committee") is being referred to the Office of General Counsel for amending its 2004 12 Day Pre-Primary Report to disclose additional debts totaling \$100,794.51, a 13,145% increase over the financial activity reported in their original 2004 12 Day Pre-Primary Report. According to the *2003-2004 RAD Review and Referral Procedures for Authorized Committees (Standard 7)*, this matter requires further examination by your office. Please note that due to the amount and nature of the additional debt disclosed, RAD would recommend that this matter be sent to the Office of Alternative Dispute Resolution for further processing.

The Committee is the Principal Campaign Committee for Gregory Edward Walcher, a candidate in the 2003-2004 Election Cycle for Colorado's Third (3<sup>rd</sup>) Congressional District. The candidate lost the November 2, 2004 General Election, receiving forty-seven percent (47%) of the vote.

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 Jennifer E. Pittman at 694-1166.

Attachments

26190263706

REPORTS ANALYSIS REFERRAL  
TO  
OFFICE OF GENERAL COUNSEL

DATE: May 20, 2005

ANALYST: Jennifer E. Pittman

I. COMMITTEE: Walcher For Congress  
C00392282  
Lon Carpenter, Treasurer  
Post Office Box 4800  
Grand Junction, CO 81502

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

III. BACKGROUND:

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

Walcher For Congress ("the Committee") amended its 2004 12 Day Pre-Primary Report disclosing additional debts totaling \$100,794.51, an increase over the financial activity reported in their original 2004 12 Day Pre-Primary Report (Image 24981480899) (Attachment 2).

On July 29, 2004, the Committee filed the 2004 12 Day Pre- Primary Report. The report disclosed \$761.00 in debts on Line 10 (Debts and Obligations owed by the Committee) of the Summary Page (Image 24962050663).

On August 25, 2004, the Committee filed an Amended 12 Day Pre-Primary Report. The report again disclosed \$761.00 in debts on Line 10 (Debts and Obligations owed by the Committee) of the Summary Page (Image 24971419706).

On December 1, 2004, the Committee filed a Miscellaneous Document stating that they did not understand how to account for Primary Election expenses that were not due until after the date of the election. The Committee stated it would file amendments accurately reflecting the debt incurred for the Primary Election (Image 24981480776).

26190263707

OK

Also, on December 1, 2004, the Committee filed an Amended 2004 12 Day Pre-Primary Report. The report disclosed \$100,794.51 in debts on Line 10 (Debts and Obligations owed by the Committee) of the Summary Page (Image 24981480900).

On January 6, 2005, a Request for Additional Information ("RFAI") was sent by RAD to the Committee referencing the Amended 2004 12 Day Pre-Primary Report, received on December 1, 2004. The RFAI requested that the committee clarify why this additional activity was not disclosed in the original filing (Image 25038682035).

On January 25, 2005, Gregory Walcher, ("the Candidate") called the RAD Analyst in reference to the RFAI sent to the Committee questioning the increased activity on the Amended 12 Day Pre-Primary Report. The Analyst advised the Candidate to file an explanation as to why the activity was omitted from the original report. The Analyst informed the Candidate that the explanation would be posted for the public record (Attachment 3).

On February 7, 2005, the Committee filed another Miscellaneous Document that included two reasons for the increased debt on the Amended 12 Day Pre-Primary Report. First, the Committee stated that "volunteers who filed the FEC reports for [their] campaign did not understand how to account for expenses incurred in the primary cycle that did not come due until well into the general election cycle." Second, the Committee stated that they were unaware of the incurred expenses "until bills arrived during the general election cycle." The document also listed the vendors to which debts were owed, dates incurred, amounts, and the dates the invoices were paid by the Committee. Finally, the Committee stated that the Miscellaneous Document previously filed on December 1, 2004 attempted to address the same Primary Election debt issue (Image 2597018226).

On February 14, 2005, the RAD Analyst called the Candidate to inform him that the Committee was being referred to the Office of General Counsel for the increased activity disclosed on the Amended 12 Day Pre-Primary Report, received on December 1, 2004 (Attachment 4).

To date, no further communication has been received from the Committee regarding these matters.

26199263796

WALCHER, GREGORY EDWARD

ID #H4C003126

WALCHER FOR CONGRESS  
Lon Carpenter  
FILING FREQUENCY: QUARTERLY

P.O. Box 4800

HOUSE  
Grand Junction CO 81502

ID #C00392282

FORM TYPE	RPT TYPE	AI	PGI	REC DATE	PGS	BEG IMAGE	COVERAGE DATES	BEG CASH	RECEIPTS	DISBURSE	END CASH	DEBTS BY
1			N	11/07/2003	5	23038240237						
1			A	9/11/2004	4	24971443003						
1			A	10/16/2004	4	24962545507						
MS			T	3/29/2004	2	24038344335						
MS			N	4/06/2004	2	24038351309						
MS			T	4/13/2004	2	24038361403						
MS			T	4/28/2004	1	24991190421						
MS			4	7/30/2004	2	24962053121						
MS			4	10/16/2004	3	24971746890						
MS			4	10/17/2004	3	24962549725						
MS			4	10/18/2004	4	24962556507						
MS			4	10/19/2004	2	24962566553						
MS			4	10/20/2004	3	24981368229						
MS			4	10/21/2004	3	24962660578						
MS			4	10/22/2004	2	24962706612						
MS			4	10/25/2004	5	24962711066						
MS			4	10/26/2004	3	24962715014						
MS			4	10/27/2004	3	24962717662						
MS			4	10/28/2004	3	24971892098						
MS			4	10/29/2004	3	24971892452						
MS			T	12/01/2004	1	24981480776						
RQ	YE	2		2/24/2004	3	24038324547	10/01/2003 12/31/2003					
RQ	Q2	2		7/27/2004	4	24038482435	4/01/2004 6/30/2004					
RQ	12P	2		1/06/2005	3	25038682035	7/01/2004 7/21/2004					
RQ	Q3	2		11/02/2004	4	24038611057	7/22/2004 9/30/2004					
RQ	30G	2		1/06/2005	4	25038682031	10/14/2004 11/22/2004					
RQ	YE	2		3/22/2005	4	25038761867	11/23/2004 12/31/2004					
3	YE	N	P	1/27/2004	65	24990194006	10/01/2003 12/31/2003	0	112554	6302	106251	696

26160263709

110

WALCHER, GREGORY EDWARD

ID #H4C003126

WALCHER FOR CONGRESS

Lon Carpenter

P.O. Box 4800

Grand Junction

HOUSE

CO 81502

ID #C00392282

FILING FREQUENCY: QUARTERLY

FORM TYPE	RPT TYPE	AI	PGI	REC DATE	PGS	BEG IMAGE	COVERAGE DATES	BEG CASH	RECEIPTS	DISBURSE	END CASH	DEBTS BY
3	YE	A	P	8/25/2004	64	24962274722	10/01/2003 12/31/2003	0	112629	6302	106326	0
3	Q1	N	P	4/09/2004	151	24990955334	1/01/2004 3/31/2004	106251	80569	70931	115890	761
3	Q1	A	P	8/25/2004	148	24962274553	1/01/2004 3/31/2004	106251	81319	70464	117106	761
3	Q1	A	P	8/25/2004	148	24971419377	1/01/2004 3/31/2004	106326	81319	70464	117181	761
3	Q2	N	P	7/15/2004	123	24961863767	4/01/2004 6/30/2004	115890	103427	92488	126829	761
3	Q2	A	P	8/25/2004	124	24971419581	4/01/2004 6/30/2004	117181	104202	92488	128895	761
3	12P	N	P	7/29/2004	38	24962050662	7/01/2004 7/21/2004	126829	44907	54051	117685	761
3	12P	A	P	8/25/2004	39	24971419705	7/01/2004 7/21/2004	128895	45422	54051	120267	761
3	12P	A	P	12/01/2004	46	24981480899	7/01/2004 7/21/2004	128895	45422	54051	120267	100794
3	Q3	N	G	10/15/2004	271	24981356535	7/22/2004 9/30/2004	120267	689502	438127	371641	0
3	Q3	A	G	12/01/2004	280	24981480945	7/22/2004 9/30/2004	120267	689502	438127	371641	7963
3	12G	N	G	10/21/2004	65	24962679612	10/01/2004 10/13/2004	371641	115687	288346	198982	0
3	12G	A	G	12/01/2004	66	24981481506	10/01/2004 10/13/2004	371641	115687	288346	198982	7963
	12G	A	G	1/31/2005	66	25980422746	10/01/2004 10/13/2004	371641	115687	288125	199204	7963
	12G	A	G	2/01/2005	66	25970139914	10/01/2004 10/13/2004	371641	115687	288346	198982	7963
	30G	N	G	12/02/2004	264	24991463254	10/14/2004 11/22/2004	198982	475367	596038	78311	0
	30G	A	G	2/01/2005	266	25970140001	10/14/2004 11/22/2004	198982	476492	596667	78806	0
	30G	A		2/07/2005	23	25038730220	10/14/2004 11/22/2004	-	-	-	-	-
	YE	N	G	2/01/2005	43	25970140388	11/23/2004 12/31/2004	78806	13051	15636	76222	0
	YE	A	P	4/15/2005	40	25990507103	11/23/2004 12/31/2004	78806	13051	15636	76222	0
TOTAL									1638304	1562081		

01750206192

NO

**Walcher For Congress (C00392282)**

**2004 12 Day Pre-Primary Report/Amended 2004 12 Day Pre-Primary Report  
Overview of Debt Variance**

Line	Original 2004 12 Day Pre-Primary Report filed on 7/29/04 (Image 24962050663)	Amended 2004 12 Day Pre-Primary Report filed on 12/1/04 (Image 24981480900)	Debt Variance Amount
10	\$761.00	\$100,794.51	\$100,033.51

26190263711