



FEDERAL ELECTION COMMISSION
WASHINGTON, D C 20463

May 24, 2005

MEMORANDUM

TO: ALLAN D. SILBERMAN
DIRECTOR
ALTERNATIVE DISPUTE RESOLUTION

THROUGH: JAMES A. PEHRKON
STAFF DIRECTOR

ROBERT J. COSTA *AK*
DEPUTY STAFF DIRECTOR

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

SUBJECT: REFERRAL OF BRADY FOR CONGRESS

Brady for Congress ("the Committee") failed to provide adequate contributor identification for 80 of 192, or forty-two percent (42%), of the contributions from individuals that required itemization during the 2003-2004 Election Cycle. In accordance with the *RAD Review and Referral Procedures for the 2003-2004 Election Cycle* (Standard 8), a review by your office is required.

The Committee is the Principal Campaign Committee for Kevin Brady, the incumbent candidate in the 2003-2004 Election Cycle for the Eighth (8th) Congressional District in Texas. The candidate won the November 2, 2004 General Election with sixty-nine percent (69%) 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 Michelle Liljeroot at 694-1168.

Attachments

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REPORTS ANALYSIS REFERRAL
TO
ALTERNATIVE DISPUTE RESOLUTION

DATE: May 24, 2005

ANALYST: Michelle Liljeroot

I. COMMITTEE: Brady For Congress
C00311043
W. R. Eissler, Treasurer
P.O. Box 8277
The Woodlands, TX 77387

II. RELEVANT STATUTE: 2 U.S.C. §434(b)(3)(A)
11 CFR §100.12
11 CFR §104.3(a)(4)(i)
11 CFR §104.7(b)

III. BACKGROUND:

Failure to Properly Itemize Contributions from Individuals (Failure to Provide Adequate Identification for Individual Contributors)

Brady for Congress ("the Committee") failed to provide adequate contributor identification for 80 of 192, or forty-two percent (42%), of the contributions from individuals that required itemization during the 2003-2004 Election Cycle. (Attachment 2)

On April 16, 2003, the Committee filed the 2003 April Quarterly Report covering the period from January 1, 2003 to March 31, 2003. Schedule A of the report failed to provide adequate contributor identification for 1 of 2, or fifty percent (50%), of the contributions from individuals that required itemization. (Image 23990758700)

On July 14, 2003, the Committee filed the 2003 July Quarterly Report covering the period from April 1, 2003 to June 30, 2003. Schedule A of the report failed to provide adequate contributor identification for 1 of 1, or one-hundred percent (100%), of the contributions from individuals that required itemization. (Image 23991349248)

On October 15, 2003, the Committee filed the 2003 October Quarterly Report covering the period from July 1, 2003 to September 30, 2003. Schedule A of the report failed to provide adequate contributor identification for 1 of 5, or twenty percent (20%), of the contributions from individuals that required itemization. (Image 23992090898)

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On November 24, 2003, the Committee filed an Amended 2003 April Quarterly Report (Image 23992371537) and Amended 2003 July Quarterly Report (Image 23992371663). The contributor identification disclosed in these amendments was the same as in the original reports.

On January 29, 2004, the Committee filed the 2003 Year-End Report covering the period from October 1, 2003 to December 31, 2003. Schedule A of the report failed to provide adequate contributor identification for 21 of 51, or forty-one percent (41%), of the contributions from individuals that required itemization. (Image 24990237042)

On January 31, 2004, the Committee filed an Amended 2003 July Quarterly Report (Image 24990396108) and Amended 2003 Year-End Report (Image 24990394597). The contributor identification disclosed in these amendments was the same as in the original reports.

On February 26, 2004, the Committee filed the 2004 12 Day Pre-Primary Report covering the period from January 1, 2004 to February 18, 2004. Schedule A of the report included no individual contributions which required itemization. (Image 24990695931)

On March 2, 2004, a Request for Additional Information ("RFAI") was sent to the Committee referencing the Amended 2003 Year-End Report, received January 31, 2004. The RFAI requested that the Committee file an amendment to the report to include the missing contributor information. The RFAI also informed the Committee of the procedures to establish "best efforts" for obtaining missing contributor information. No response was received from the Committee. (Image 24038332643)

On April 15, 2004, the Committee filed the 2004 April Quarterly Report covering the period from February 19, 2004 to March 31, 2004. Schedule A of the report failed to provide adequate contributor identification for 14 of 44, or thirty-two percent (32%), of the contributions from individuals that required itemization. (Image 24991001876)

On June 15, 2004, an RFAI was sent to the Committee referencing the 2004 April Quarterly Report. The RFAI requested that the Committee file an amendment to the report to include the missing contributor information. The RFAI again informed the Committee of the procedures to establish "best efforts" for missing contributor information. No response was received from the Committee. (Image 24038425086)

On July 14, 2004, the Committee filed the 2004 July Quarterly Report covering the period from April 1, 2004 to June 30, 2004. Schedule A of the report failed to provide adequate contributor identification for 9 of 10, or ninety percent (90%), of the contributions from individuals that required itemization. (Image 24961811674)

On October 15, 2004, the Committee filed the 2004 October Quarterly Report covering the period from July 1, 2004 to September 30, 2004. Schedule A of the report failed to provide adequate contributor identification for 4 of 8, or fifty percent (50%), of the contributions from individuals that required itemization. (Image 24962538227)

On October 21, 2004, the Committee filed the 2004 12 Day Pre-General Report covering the period from October 1, 2004 to October 13, 2004. The report contained no Schedule A information. (Image 24981429293)

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On December 2, 2004, the Committee filed the 2004 30 Day Post-General Report covering the period from October 14, 2004 to November 22, 2004. Schedule A of the report failed to provide adequate contributor identification for 29 of 71, or forty-one percent (41%), of the contributions from individuals that required itemization. (Image 24981597885)

On January 25, 2005, an RFAI was sent to the Committee referencing the 2004 30 Day Post-General Report. The RFAI requested that the Committee file an amendment to the report to include the missing contributor information. The RFAI also informed the Committee of the procedures to establish "best efforts" documentation. No response was received from the Committee. (Image 25038702336)

On March 14, 2005, the RAD Analyst left voice mail messages for both for treasurer, W.R. Eissler, and the political director, Kindra Hefner. The Analyst explained that the committee failed to provide the required identification for a number of contributions from individuals during the 2003-2004 Election Cycle. She stated that this matter will be referred to the Office of Alternative Dispute Resolution for further investigation. The Analyst advised Mr. Eissler and Ms. Hefner to file amendments to the 2003-2004 Election Cycle Reports to include the missing contributor information as soon as possible. The Analyst also stated that they could provide the Commission with a detailed explanation of their procedures for requesting the missing information (Attachment 3 and 4).

On May 17, 2005, the RAD Analyst again left a voice mail message for, Kindra Hefner, the political director of the Committee. The message highlighted that a Committee response was required concerning the missing contributor information for the 2003-2004 Election Cycle (Attachment 5).

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

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FEDERAL ELECTION COMMISSION
Washington, DC 20463

June 10, 2005

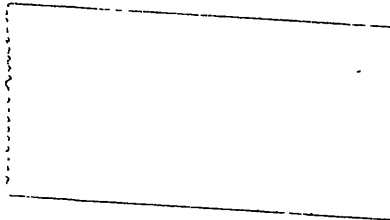
MEMORANDUM

TO: Allan D. Silberman
Alternate Dispute Resolution Office

FROM: Leroy C. Rhinehart
Complaints Examination Legal Administration

SUBJECT: Transferred Cases

The following enforcement case is being permanently transferred to the Alternate Dispute Resolution Office, effective June 10 2005



VRAD Referral 05L-23 264

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