

## REPORTS ANALYSIS REFERRAL

TO

OFFICE OF GENERAL COUNSEL

DATE: July 20, 2005

ANALYST: Anne Marie Brady

- I. COMMITTEE: Marsha Blackburn for Congress Inc.  
(C00376939)  
Tea Hoffman, Treasurer  
P.O. Box 682185  
Franklin, TN 37068
- II. RELEVANT STATUTE: 11 CFR §104.3(a)  
11 CFR §104.3(b)  
2 U.S.C. §434(b)

## III. BACKGROUND:

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

Marsha Blackburn for Congress Inc. ("the Committee") amended its 2004 12 Day Pre-General Report on April 21, 2005 to disclose additional disbursements totaling \$50,046.96, a 100% increase over the disbursements reported in their original 2004 12 Day Pre-General Report (Image 25990542754). Additionally, the Committee also amended its 2004 30 Day Post General Report on April 21, 2005 to disclose additional receipts totaling \$61,856.00, a 932% increase over the receipts reported in their original 2004 30 Day Post General Report<sup>1</sup> (Image 25990175062) (Attachment 2).

**12 Day Pre-General Report**

On October 18, 2004, the Committee filed the 2004 12 Day Pre-General Report covering the period from October 1 through October 13, 2004. The report disclosed disbursements of \$50,154.60 on Line 17 (Operating Expenditures), \$0 on Line 21 (Other Disbursements) and \$50,154.60 on Line 22 (Total

<sup>1</sup> Please note that the Committee also disclosed an additional \$14,099.00 in disbursements on its Amended 2004 Year End Report. However, this amount failed to meet RAD referral thresholds and, as such, was not included within the referral.

Disbursements) of the Detailed Summary Page (Image 24962552704).

On November 10, 2004, the Committee filed an Amended 2004 12 Day Pre-General Report which disclosed disbursements of \$154.60 on Line 17 (Operating Expenditures), \$50,000.00 on Line 21 (Other Disbursements) and \$50,154.60 on Line 22 (Total Disbursements) of the Detailed Summary Page (Image 24962552704).

On November 29, 2004, the Committee filed another Amended 2004 12 Day Pre-General Report which again disclosed disbursements of \$154.60 on Line 17 (Operating Expenditures), \$50,000.00 on Line 21 (Other Disbursements) and \$50,154.60 on Line 22 (Total Disbursements) of the Detailed Summary Page (Image 24971940947).

On April 21, 2005, the Committee filed their last Amended 2004 12 Day Pre-General Report. The report disclosed disbursements of \$50,154.60 on Line 17 (Operating Expenditures), \$50,000.00 on Line 21 (Other Disbursements) and \$100,201.56 on Line 22 (Total Disbursements) of the Detailed Summary Page.<sup>2</sup> (Image 25990542757)

On May 10, 2005, the Reports Analysis Division (RAD) sent a Request for Additional Information (RFAI) to the Committee referencing the Amended 2004 12 Day Pre-General Report, received on April 21, 2005. The RFAI requested that the Committee clarify the substantial increase in the amount of receipts and disbursements not disclosed on the original filing (Image 25038811183).

On June 17, 2005, the Treasurer of the Committee called and spoke with the RAD Analyst. The Analyst informed Ms. Tea Hoffman that a referral regarding the increased activity on the 2004 12 Day Pre-General and 2004 30 Day Post General Reports would be forwarded to the Office of General Counsel (OGC) (Attachment 8).

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

### **30 Day Post-General Report**

On November 29, 2004, the Committee filed the 2004 30 Day Post General Report covering the period November 2 through November 22, 2004. The report disclosed receipts of \$3,135.00 on Line 11 (a) (iii) (Total of contributions from Individuals), \$0 on Line 11 (b) (Contributions from Political Party Committees) and \$3,500.00 on Line 11 (c) (Contributions from other Political Committees) and total contributions of \$6,635.00 on Line 11 (e) (Total Contributions) of the Post-Election Detailed Summary Page (Image 24971940061-24971940062).

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<sup>2</sup> The Amended 2004 12 Day Pre-General Report also disclosed additional receipts of \$8,000.00. This amount, however, falls below RAD referral threshold amounts and is not addressed within the referral.

On January 11, 2005, the Committee filed an Amended 2004 30 Day Post General Report covering the period October 14 through November 22, 2004. The report disclosed receipts of \$43,747.00 on Line 11 (a) (iii) (Total of contributions from Individuals), \$0 on Line 11 (b) (Contributions from Political Party Committees) and \$39,750.00 on Line 11 (c) (Contributions from other Political Committees) and total contributions of \$83,497.00 on Line 11 (e) (Total Contributions) of the Post-Election Detailed Summary Page<sup>3</sup> (Image 25980144199-25980144200).

On February 24, 2005, RAD sent a Request for Additional Information (RFAI) to the Committee referencing the Amended 2004 30 Day Post General Report received January 11, 2005. The RFAI requested that the Committee clarify, along with other matters, the substantial increase in the amount of receipts and disbursements from those disclosed on the original filing (Image 25038742181).

On March 2, 2005, the Committee filed another Amended 2004 30 Day Post General Report covering the period October 14 through November 22, 2004. The report disclosed receipts of \$32,247.00 on Line 11 (a) (iii) (Total of contributions from Individuals), \$0 on Line 11 (b) (Contributions from Political Party Committees) and \$36,250.00 on Line 11 (c) (Contributions from other Political Committees) and total contributions of \$68,497.00 on Line 11 (e) (Total Contributions) of the Detailed Summary Page (Image 25990175064).

On March 17, 2005, the Committee filed a six (6) page response to the RFAI sent on February 24, 2005. The response is listed as an 'Amended 2004 30 Day Post General Report' and provides information concerning other issues addressed within the RFAI but does not provide further clarification concerning the increase in receipts.

On April 19, 2005, the RAD Analyst called the Committee and left a message for Paul Ketchel, Assistant to the Treasurer, requesting that he call back regarding the pending referral to the Office of General Counsel (OGC) for the increased activity on the Committee's Amended 2004 30 Day Post General Report (Attachment 3).

On April 20, 2005 at 11:21 a.m., the RAD Analyst again called the Committee and left a message for the Treasurer of the Committee, Tea Hoffman. This message also requested that she call the Analyst regarding the pending OGC referral concerning increased activity on the Committee's Amended 2004 30 Day Post General Report (Attachment 4).

On April 20, 2005 at 02:40 p.m., Ms. Hoffman spoke with the RAD Analyst concerning the pending OGC referral. The Analyst explained to Ms. Hoffman that due to increased receipts and disbursements between the original and amended 2004 30 Day Post General Report the matter would be referred to

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<sup>3</sup> The Amended 2004 30 Day Post General Report also disclosed additional disbursements totaling \$32,420.39. This amount is also below the RAD referral threshold and, as such, is not formally cited within the referral.

OGC. The Analyst informed Ms. Hoffman that the Committee had a week to respond with a detailed description explaining the discrepancy between the original and amended reports. Ms. Hoffman said she would have to speak with Paul Ketchel, the staff member, who does the actual data entry for the Committee but that she would send a response to the FEC as soon as possible (Attachment 5).

On April 21, 2005 at 12:22 p.m., Paul Ketchel, an Assistant of the Committee, called the RAD Analyst. The RAD Analyst reiterated that due to the increased activity between the original and amended 2004 30 Day Post General Report, the matter would be referred to OGC. The RAD Analyst also requested that an amendment which detailed why the increase in receipts and disbursements be filed. Mr. Ketchel agreed to file an Amended 2004 30 Day Post General Report (Attachment 6).

On April 21, 2005 at 01:05 p.m., the Committee filed another Amended 2004 30 Day Post General Report covering the period October 14 through November 22, 2004. The report disclosed receipts of \$26,747.00 on Line 11 (a) (iii) (Total of contributions from Individuals), \$500.00 on Line 11 (b) (Contributions from Political Party Committees), \$41,250.00 on Line 11 (c) (Contributions from other Political Committees) and total contributions of \$68,497.00 on Line 11 (e) (Total Contributions) of the Detailed Summary Page (Image 25990542860).

On May 2, 2005, the Committee filed a Miscellaneous Report to the Commission. The filing was an e-text response which explained that the reason for the increased activity in the Amended 2004 30 Day Post General Report was because the Original report was filed with incorrect coverage dates of 11/2/04-11/22/04. When the Committee filed an amendment with the correct coverage dates, of 10/14/04-11/22/04, the 19 days of additional financial activity, caused the increase in activity noted on the amended 30 Day Post General Report (Image 25980491709).

On June 15, 2005, the RAD Analyst left a message for Tea Hoffman, Treasurer, notifying her that a referral would be forwarded to OGC (Attachment 7).

On June 17, 2005, the Treasurer of the Committee called and spoke with the RAD Analyst. The Analyst again informed Ms. Tea Hoffman that a referral regarding the increased activity on the 2004 12 Day Pre-General and 2004 30 Day Post General Reports would be forwarded to OGC (Attachment 8).

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

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