



FEDERAL ELECTION COMMISSION
Washington, DC 20463

SECRETARIAT

2005 OCT -6 A 10: 44
October 5, 2005

MEMORANDUM

TO: The Commission

THROUGH: James A. Pehrkon
Staff Director

FROM: Allan D. Silberman
Director ADR Office

SUBJECT: ADR 296 – Porter for Congress and Chrissie Hastie, Treasurer
Recommendation to Assign Case

SENSITIVE

On August 31, 2005, the ADR Office received from RAD 05L-50 to review and determine its appropriateness for ADR processing. Based on that review, we determined that the case, ADR 296, is appropriate for ADR and recommend that it be assigned to the ADR Office.

Summary: RAD referred Porter for Congress and Chrissie Hastie, Treasurer, (the “Respondents” or “Committee”) for amending their 2004 30 Day Post-General Report in order to disclose additional debts totaling \$55,000. The Committee’s original 2004 30 Day Post-General Report disclosed total debt of \$25,000. An amended 2004 30 Day Post-General Report disclosed the same total debt. A second amended 2004 30 Day Post-General Report disclosed total debt of \$80,000 – a \$55,000 or 220% increase over the debts reported on Respondent’s original 2004 30 Day Post-General Report. Respondents initially explained that the subject report had been amended to correct the debt that had been omitted due to an oversight. In reply to an RFAI dated May 31, 2005, Respondents explained that at the time the original 2004 30 Day Post-General Report was filed, they believed that the amount of debt reported was correct. The Treasurer subsequently advised that as soon as she became aware of the Committee’s outstanding debts, the appropriate reports were amended to correctly reflect the additional information received in the appropriate report time frame.

Attached for the Commission’s review is the *ADR Case Analysis Report* on ADR 296 along with a copy of the EPS and ADR Rating Sheets. The *Case Analysis Report* includes an analysis of the case and a description of the issues that the ADR Office (ADRO) anticipates addressing if the case is assigned to ADR. In addition, the Report has been reviewed by OGC, which concurs in the description of the case. If the Commission concurs in the recommendation to assign the matter to ADRO, the above case description will be provided to Respondents as part of ADRO’s notification package sent to Respondents.

Recommendation:

1. Assign ADR 296/RAD 05L-50 to the ADR Office.

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ADR CASE ANALYSIS REPORT

ADR Case: 296

Respondents: Porter for Congress
Chrissie Hastie, Treasurer

RAD: 05L-50

Respondents Rep: Chrissie Hastie

Case Opened: 8-26-05

Committee Type: Authorized

Date Forwarded to ADRO: 8-31-05

Committee Name: Porter for Congress

Date Reviewed by ADRO: 9-30-05

Election Cycle: 2004

District #/or State: 3rd C.D. -- NV

Election: Won

Complainant: RAD Referral

Summary of Referral: RAD referred Porter for Congress and Chrissie Hastie, Treasurer, (the "Respondents" or "Committee") for amending their 2004 30 Day Post-General Report, filed on May 19, 2005, in order to disclose additional debts totaling \$55,000. The Committee's original 2004 30 Day Post-General Report, filed on December 2, 2004, disclosed total debt of \$25,000. An amended 2004 30 Day Post-General Report, filed on February 21, 2005, disclosed the same total debt. On May 19, 2005, Respondents filed a second amended 2004 30 Day Post-General Report which disclosed total debt of \$80,000 – a \$55,000 or 220% increase over the debts reported on Respondent's original 2004 30 Day Post-General Report.

Respondents' Reply: Respondents initially explained that the subject report had been amended to correct the debt that had been omitted due to an oversight. In reply to an RFAI dated May 31, 2005, Respondents explained that at the time the original 2004 30 Day Post-General Report was filed, they believed that the amount of debt reported was correct. The Treasurer subsequently advised that as soon as she became aware of the Committee's outstanding debts, the appropriate reports were amended to correctly reflect the additional information received in the appropriate report time frame.

Analysis: Treasurers of political committees are obliged to report the amount and nature of outstanding debts and obligations owed by or to such political committees. 2 U.S.C. § 434(b) (8) and 11 C.F.R. § 104.3(d). In addition, debts and obligations owed by or to a political committee which remain outstanding shall be continuously reported until extinguished. 11 C.F.R. § 104.11.

Issue:

- Reporting of Debts and Obligations, 2 U.S.C. § 434(b)(8) and 11 C.F.R. §§ 104.3(d) and 104.11.

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Recommendation: Assign to ADR

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