

## REPORTS ANALYSIS REFERRAL

TO

OFFICE OF GENERAL COUNSEL

DATE: March 9, 2006

ANALYST: Katrina Senger

- I. COMMITTEE: International Association of Firefighters Interested in Registration and Education PAC  
(C00029447)  
Vincent J. Bollon, Treasurer  
1750 New York Ave, N.W.  
Washington, DC 20006
- II. RELEVANT STATUTE: 2 U.S.C. § 434(b)(2)(A)  
2 U.S.C. § 434(b)(6)(B)(iii)  
2 U.S.C. § 434(g)(1) and (2)  
11 C.F.R. § 104.3(a)(2)(i)(A)  
11 C.F.R. § 104.4(b)(2) and (c)
- III. BACKGROUND:

**Failure to Provide Supporting Schedules (Failure to File 48-Hour and 24-Hour Notices and Failure to Disclose All Financial Activity)**

International Association of Firefighters Interested in Registration and Education PAC ("the Committee") failed to file four (4) 48-Hour Notices to support four (4) independent expenditures totaling \$102,993.20 made between January 1<sup>st</sup> and the 20<sup>th</sup> day before the 2004 Presidential Primary Elections held in the States of Arkansas and Kentucky and between January 1<sup>st</sup> and the 20<sup>th</sup> day before the 2004 General Election. The Committee also failed to file four (4) 24-Hour Notices to support five (5) independent expenditures totaling \$35,584.50 made less than 20 days, but more than 24 hours before the 2004 General Election. Additionally, the Committee filed an Amended 2005 March Monthly Report disclosing \$75,249.79 in additional receipts (Attachment 2).

Prior Notices listing the official filing dates for monthly filers were sent to the Committee on February 2, 2004 and August 27, 2004. These notices included a section titled *48- and 24-Hour Reports on Independent Expenditures*. This section reads: "Any PAC or Party Committee that makes independent expenditures in connection with an election may also have to file 48-hour or 24-hour reports. The 48-hour reporting requirement will be triggered each time the committee makes independent expenditures aggregating \$10,000 or more between January 1st and the 20th day before the election.

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The 24-hour reporting requirement will be triggered each time the committee makes independent expenditures aggregating \$1,000 or more after the 20th day, but more than 24 hours, before the day of the election. See 11 CFR 104.4. These reports are *not* required when a Party Committee or PAC makes a contribution directly to a candidate" (Attachment 3).

### **Amended 2004 April Monthly Report**

On April 20, 2004, the Committee filed the 2004 April Monthly Report covering the period from March 1, 2004 to March 31, 2004 (Image 24991130838). The report included a Schedule E (Itemized Independent Expenditures) disclosing three (3) independent expenditure totaling \$7,050.00 made on behalf of one (1) federal candidate (Images 24991130972 and 24991130973).

On May 20, 2004, August 5, 2004, October 5, 2004 and November 10, 2004, the Committee filed Amended April Monthly Reports covering the period from March 1, 2004 to March 31, 2004. The amended reports disclosed no change in the status of independent expenditures made by the Committee on Schedule E (Images 24961412857, 24962069815, 24962382717, 24962862205).

On March 10, 2005, the Committee filed an Amended 2004 April Monthly Report covering the period from March 1, 2004 to March 31, 2004 (Image 25990211521). The amended report included a Schedule E (Itemized Independent Expenditures) disclosing two (2) additional independent expenditures totaling \$30,517.60 made on behalf of one (1) federal candidate (Images 25990211657-59). Based on the information and expenditures disclosed on the amended report, the Committee failed to file two (2) 48-Hour Notices for two (2) independent expenditures totaling \$30,517.60.

On April 8, 2005, a Request for Additional Information ("RFAI") was sent to the Committee referencing the Amended April Monthly Report, received March 10, 2005. The RFAI noted that the Committee may have failed to file one or more of the required 48-Hour Notices for independent expenditures disclosed on the report. Furthermore, the RFAI stated that, although the Commission may take further legal action, the Committee's prompt response concerning the matter would be taken into consideration. A chart was included with the RFAI identifying two (2) independent expenditures totaling \$30,517.60, for which a 48-Hour Notice had not been filed (Images 25038771822-24).

On May 6, 2005, the treasurer of the Committee filed a miscellaneous electronic document which stated, "With regard to the independent expenditures and their disclosure on 24- and 48-hour reports, the Committee has reviewed its records and concurs with the Commission's interpretation. Action has been taken to educate staff and improve procedures to insure this does not happen in the future" (Image 25980499785).

On September 29, 2005, a Reports Analysis Division ("RAD") analyst called the Committee regarding the RFAI referencing the Amended 2004 April Monthly Report. The RAD analyst informed Jennifer Lebin, a Committee representative, that given the amounts involved, failure to file the 48-Hour Notices was a matter which could be

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referred to the Office of General Counsel for further consideration. The Analyst asked that any additional information regarding this matter be filed by the Committee before the end of the week. Ms. Lebin stated that the Committee did not have any new information to provide regarding this matter (Attachment 4).

To date, there have been no further communications provided by the Committee regarding this matter.

### **Amended 2004 August Monthly Report**

On August 12, 2004, the Committee filed the 2004 August Monthly Report covering the period from July 1, 2004 to July 31, 2004 (Image 24962086441). The report included a Schedule E (Itemized Independent Expenditures) disclosing one (1) independent expenditure totaling \$2,550.00 made on behalf of one (1) federal candidate (Image 24962086609).

On October 5, 2004, the Committee filed an Amended August Monthly Report covering the period from July 1, 2004 to July 31, 2004 (Image 24962382934). The amended report disclosed no change in the status of independent expenditures made by the Committee on Schedule E.

On March 10, 2005, March 18, 2005 and March 19, 2005, the Committee filed additional Amended 2004 August Monthly Reports covering the period from July 1, 2004 to July 31, 2004 (Images 25990212948, 25980451193, 25990270174). These reports included a Schedule E (Itemized Independent Expenditures) disclosing two (2) additional independent expenditures totaling \$72,475.60 made on behalf of one (1) federal candidate (Images 2599021213116-17; 25980451361-62; 25990270342-43). Based on the information and expenditures disclosed on the amended reports, the Committee failed to file two (2) 48-Hour Notices for two (2) independent expenditures totaling \$72,475.60.

On April 13, 2005, an RFAI was sent to the Committee referencing the Amended 2004 August Monthly Report, received March 19, 2005. The RFAI noted the Committee may have failed to file one or more of the required 48-Hour Notices for independent expenditures disclosed on the report. Additionally, the RFAI stated that although the Commission may take further legal action, the Committee's prompt response concerning the matter would be taken into consideration. A chart was included with the RFAI identifying two (2) independent expenditures totaling \$72,475.60, for which a 48-Hour Notice had not been filed (Image 25038773934-36).

On May 6, 2005, the Committee filed a miscellaneous electronic document which stated, "With regard to the independent expenditures and their disclosure on 24- and 48-hour reports, the Committee has reviewed its records and concurs with the Commission's interpretation. Action has been taken to educate staff and improve procedures to insure this does not happen in the future" (Image 25980499785).

On September 29, 2005, a Reports Analysis Division ("RAD") analyst called the Committee regarding the RFAI referencing the Amended 2004 April Monthly Report. The RAD analyst informed Jennifer Lebin, a Committee representative, that given the

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amounts involved, failure to file the 48-Hour Notices was a matter which could be referred to the Office of General Counsel for further consideration. The Analyst asked that any additional information regarding this matter be filed by the Committee before the end of the week. Ms. Lebin stated that the Committee did not have any new information to provide regarding this matter (Attachment 4).

To date, there have been no further communications provided by the Committee regarding this matter.

### **Amended 2004 30 Day Post General Report**

On December 2, 2004, the Committee filed the 2004 30 Day Post General Report covering the period from October 14, 2004 through November 22, 2004 (Image 24991358808). The report included a Schedule E (Itemized Independent Expenditures), disclosing eleven (11) independent expenditures totaling \$54,160.38 and supporting (3) three federal candidates (Images 24991359003-08).

On March 10, 2005, March 17, 2005, March 18, 2005 and March 19, 2005, the Committee filed Amended 2004 30 Day Post-General Reports covering the period from October 14, 2004 through November 22, 2004 (Images 25990212496, 25990248306, 25990256592, 25990270833). These reports all included a Schedule E (Itemized Independent Expenditures) disclosing three (3) additional independent expenditures totaling \$11,446.50 made on behalf of one (1) federal candidate (Images 25990212693-99; 25990248503-09; 25990256789-95; 25990271030-36). Based on the information and expenditures disclosed on the amended reports, the Committee failed to file four (4) 24-Hour Notices for five (5) independent expenditures totaling \$35,584.50.

On April 8, 2005, an RFAI was sent to the Committee referencing the Amended 2004 30 Day Post General Report, received March 19, 2005. The RFAI noted, among another matter, that the Committee may have failed to file one or more of the required 24-Hour Notices for independent expenditures disclosed on the report. Additionally, the RFAI stated that although the Commission may take further legal action, the Committee's prompt response concerning the matter would be taken into consideration. A chart was included with the RFAI identifying the five (5) independent expenditures totaling \$35,584.50, for which a 24-Hour Notice had not been filed (Image 25038771810-12).

On May 6, 2005, the Committee filed a miscellaneous electronic document which stated, "With regard to the independent expenditures and their disclosure on 24- and 48-hour reports, the Committee has reviewed its records and concurs with the Commission's interpretation. Action has been taken to educate staff and improve procedures to insure this does not happen in the future" (Image 25980499785).

On September 29, 2005, a Reports Analysis Division ("RAD") analyst called the Committee regarding the RFAI referencing the Amended 2004 April Monthly Report. The RAD analyst informed Jennifer Lebin, a Committee representative, that given the amounts involved, failure to file the 48-Hour Notices was a matter which could be referred to the Office of General Counsel for further consideration. The Analyst asked

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that any additional information regarding this matter be filed by the Committee before the end of the week. Ms. Lebin stated that the Committee did not have any new information to provide regarding this matter (Attachment 4).

To date, there have been no further communications provided by the Committee regarding this matter.

### **Amended 2005 March Monthly Report**

On March 20, 2005, the Committee filed its 2005 March Monthly Report covering the period of February 1, 2005 to February 28, 2005 (Image 25990272596). This original report disclosed \$52,226.45 in receipts on Line 11(a)(i) (Itemized Contributions from Individuals/Persons Other than Political Committees) and \$51,198.67 in receipts on Line 11(a)(ii) (Unitemized Contributions from Individuals/Persons Other than Political Committees) of the Detailed Summary Page (Image 25990272598).

On April 4, 2005 and May 13, 2005, the Committee filed Amended 2005 March Monthly Reports covering the period of February 1, 2005 to February 28, 2005 (Images 25990413079, 25990815869). The amended reports disclosed \$131,004.30 in receipts on Line 11(a)(i) (Itemized Contributions from Individuals/Persons Other than Political Committees) and \$47,670.61 in receipts on Line 11(a)(ii) (Unitemized Contributions from Individuals/Persons Other than Political Committees) of the Detailed Summary Page (Images 25990413081, 25990815871).

On June 15, 2005, an RFAI was sent to the Committee referencing the Amended March Monthly Report, received May 13, 2005. The RFAI asked for clarification regarding the \$75,249.79<sup>1</sup> in additional receipts that were not disclosed on the Committee's original 2005 March Monthly Report (Image 25038823391-92).

On July 7, 2005, the Committee filed a miscellaneous electronic document which stated, "The difference between the two reports was due to a technical error that prevented these receipts from being entered into the Committee's membership database, and subsequently into the Committee's FEC reporting software. Once the error was discovered and the technical issues were resolved, the Committee immediately filed an amendment that disclosed the correct figure on Line 11(a)(i) of the Detailed Summary Page. Action has been taken to educate staff and improve procedures to insure that this does not happen in the future" (Image 25970533455).

On August 1, 2005, the RAD analyst called the Committee regarding the RFAI referencing the Amended 2005 March Monthly Report. The RAD analyst advised a Committee representative, Jennifer Berrigan, that the matter of increased receipts disclosed on the Committee's Amended 2005 March Monthly Report was referable to the Office of Alternative Dispute Resolution. The Analyst also instructed that any further information regarding the matter be submitted within one week (Attachment 4).

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<sup>1</sup> Please note, the Committee's original 2005 March Monthly Report filed on March 20, 2005 disclosed \$51,198.67 on Line 11(a)(ii) (Unitemized contributions from individuals/persons other than political committees). However, the Amended March Monthly Report filed on May 13, 2005 disclosed \$47,670.61 on Line 11(a)(ii), thereby creating a decrease of \$3,528.06 and reducing the total increase in receipts for the amended report to \$75,249.79.

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

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