

REPORTS ANALYSIS REFERRAL

TO

OFFICE OF GENERAL COUNSEL

DATE: September 26, 2005

ANALYST: Camilla Reminsky

I. COMMITTEE: Clay for Congress.com
(C00388280)
Thomas Rogers, Treasurer
337 S. Milledge Avenue Ste. 204
Athens, GA 30605

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

III. BACKGROUND:

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

Clay for Congress.com ("the Committee") amended its 2004 October Quarterly Report on May 20, 2005 to disclose additional disbursements totaling \$247,519.72, a 54% increase over the disbursements reported in their original 2004 October Quarterly Report (Attachment 2).

On October 15, 2004, the Committee filed the 2004 October Quarterly Report (Image 25990910721) covering the period from July 1 through September 30, 2004. The report disclosed disbursements of \$450,468.26 on Line 17 (Operating Expenditures) and \$454,468.26 on Line 22 (Total Disbursements) of the Detailed Summary Page (Image 24962530735).

On May 20, 2005, the Committee filed an Amended 2004 October Quarterly Report (Image 25990910721) which disclosed disbursements of \$697,987.98 on Line 17 (Operating Expenditures) and \$701,987.98 on Line 22 (Total Disbursements) of the Detailed Summary Page (Image 25990910724).

On May 26, 2005, the Reports Analysis Division ("RAD") sent a Request for Additional Information ("RFAI") to the Committee referencing the Amended 2004 October Quarterly Report, received on May 20, 2005. The RFAI requested that the Committee clarify the substantial increase in the amount of receipts and

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disbursements not disclosed on the original 2004 October Quarterly Report (Image 25038814551).

On July 1, 2005, the RAD analyst called Paul Kilgore, the FEC Filing Consultant for the Committee, to verify the Committee's address of record. The Analyst advised Mr. Kilgore that a RFAI referencing the Amended 2004 October Quarterly Report, received May 20, 2005, was returned to the Commission as "undeliverable." Mr. Kilgore provided an updated address and stated that he did not know that the Post Office Box had been closed. The Analyst also explained that the RFAI requested that the Committee clarify the substantial increase in the amount of receipts and disbursements not disclosed on the original 2004 October Quarterly Report (Attachment 3).

On July 5, 2005, the RFAI to the Committee referencing the Amended 2004 October Quarterly Report, received on May 20, 2005 was resent, with a response due date of August 4, 2005.

On July 21, 2005, the Committee filed a miscellaneous electronic submission with the Commission. The submission referenced the Amended 2004 October Quarterly Report and stated that the failure in reporting the receipts and disbursements on the original 2004 October Quarterly Report was due to poor record keeping. According to the Committee, the poor record keeping resulted from the candidate's loss in the 2004 Primary Election and the disbanding of the campaign staff. The Committee stated further: "Many of the people who had been in charge of receiving, tracking, and recording financial activity were no longer there. A breakdown occurred and some things were missed." The Committee acknowledged that "no excuse is acceptable, but wanted to simply inform the Commission of the circumstances that led to the campaign not reporting some expenditures for media buys. We have attempted to correct the public record and completely disclose all activity." (Image 25970744544)

On August 8, 2005, the RAD analyst called Paul Kilgore to advise that a referral regarding the Committee's increased activity on the 2004 October Quarterly Report would be forwarded to the FEC's Office of General Counsel (Attachment 4).

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

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