

REPORTS ANALYSIS REFERRAL
TO
OFFICE OF ALTERNATIVE DISPUTE RESOLUTION

DATE: August 21, 2006

ANALYST: Ryan J. Lanz

- I. COMMITTEE: International Association of Heat & Frost Insulators and Asbestos Workers PAC
(C00115527)
Mr. James P. McCourt, Treasurer (8/29/05 – present)
James A. Grogan, Treasurer (10/14/92 – 8/28/05)
9602 Martin Luther King Highway
Lanham, MD 20706
- II. RELEVANT STATUTE: 2 U.S.C. §434(b)(2)(A)
11 C.F.R. §104.3(a)(2)(i)(B)
- III. BACKGROUND:

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

International Association of Heat & Frost Insulators and Asbestos Workers PAC (“the Committee”) filed an Amended 2005 Mid-Year Report to disclose additional receipts totaling \$90,088.01 on January 31, 2006 (Attachment 2).

On July 28, 2005, the Committee filed the 2005 Mid-Year Report covering the period of January 1, 2005 through June 30, 2005. This original report disclosed \$22,655.00 in receipts on Line 11(a)(ii) (Unitemized Contributions From Individuals/Persons Other Than Political Committees) of the Detailed Summary Page (Image 25970819164).

On January 31, 2006, the Committee filed an Amended 2005 Mid-Year Report, which disclosed \$112,743.01 in receipts on Line 11(a)(ii) (Unitemized Contributions From Individuals/Persons Other Than Political Committees) of the Detailed Summary Page (Image 26980059323).

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On March 22, 2006, a Request for Additional Information ("RFAI") was sent to the Committee referencing the Amended 2005 Mid-Year Report, received January 31, 2006. Among another discrepancy questioned, the RFAI sought clarification regarding \$90,088.01 in additional receipts on Line 11(a)(ii) (Unitemized Contributions From Individuals/Persons Other Than Political Committees) that were not disclosed on the Committee's original 2005 Mid-Year Report (Image 26039020650).

On April 4, 2006, Robert Kurnick, a Committee employee, contacted the Reports Analysis Division ("RAD") analyst in response to the RFAI sent to the committee. He wanted to explain the reason for the increase in activity on the Amended 2005 Mid-Year Report. He stated that the individual who filed the reports did so incorrectly, leaving information off of the report. The Analyst informed Mr. Kurnick that as a required electronic filer, he should file a Form 99 (miscellaneous electronic submission) to explain the situation. That same afternoon, Veira Chapman-Carroll, a Committee employee, contacted the RAD analyst for assistance in installing the FEC software and uploading the requested Form 99 (Attachment 3).

On April 5, 2006, Ms. Chapman-Carroll again contacted the RAD analyst because she was having trouble loading the appropriate files in order to submit a Form 99. The Analyst outlined the necessary steps required to upload the files and generate a Form 99. Ms. Chapman-Carroll stated that she did not know the password necessary to submit the Form 99 but she would locate it and upload the form as soon as possible (Attachment 3).

On April 27, 2006 at 13:15, the RAD analyst called and left a message for Mr. Kurick explaining that the matter of increased receipts, disclosed on the Committee's Amended 2005 Mid-Year Report, was referable to the Office of Alternative Dispute Resolution ("ADR"). The Analyst reiterated that a response for the public record should be submitted to the Commission within a week. Mr. Kurnick returned the Analyst's call, that same day, and stated that he thought the Committee had already filed a response with the Commission. The Analyst explained that the Commission had not yet received a response. Mr. Kurnick stated that he would check to see if Ms. Chapman-Carroll had filed the Form 99. Mr. Kurnick called back and stated that the Committee had filed the Form 99. The Analyst asked if the Committee had received Commission confirmation that the Form 99 was uploaded successfully. Mr. Kurnick stated that they had not. The Analyst asked them to again attempt to upload the Form 99 (Attachment 3).

On April 27, 2006 at 13:29, the Committee filed a miscellaneous electronic submission referencing the RFAI for the Amended 2005 Mid-Year Report, received January 31, 2006, which stated, "...the mid-year report was amended because our office discovered that it contained certain errors. Our office prepares AWPAC's FEC reports based on computer print-outs provided by AWPAC. In October we hired a new clerical employee whose responsibility it is to prepare those reports. In January, while preparing AWPAC's year-end report, she discovered that her predecessor had not included certain reportable information in the mid-year report. Accordingly, we prepared and filed an amended mid-year report including that additional information. In short, we discovered

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that a clerical mistake had been made, and we corrected it as soon as it was discovered.”
(Image 26940104114)

Also, on April 27, 2006 at 14:30, Mr. Kurnick again called the RAD analyst to further explain the situation surrounding the possible ADR referable issue. The Analyst advised Mr. Kurnick that the conversation could not serve as an adequate response and that any Committee response had to be publicly disclosed. Mr. Kurnick highlighted that it was his fault not that of the PAC or Union, that the information was not reported correctly. He stated that he had not checked the work of another individual to ensure that all transactions were being reported on the 2005 Mid-Year Report. The Analyst advised him to submit another Form 99 with any additional information outlined (Attachment 3).

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

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April 5, 2006

Mr. Ryan J. Lanz
Campaign Finance Analyst
Reports Analyst Division
Federal Election Commission
Washington, D.C. 20461

Re: International Association of Heat and Frost Insulators
and Asbestos Workers Political Action Committee, ID
No. C00115527
Amended Mid-Year Report

Dear Mr. Lanz:

This office represents the International Association of Heat and Frost Insulators and Asbestos Workers Political Action Committee ('AWPAC'). I am writing in response to your letter of March 22, 2006. In that letter you ask about the additional receipts and disbursements listed in AWPAC's amended 2005 mid-year report.

As I explained in our telephone conversation, the mid-year report was amended because our office discovered that it contained certain errors. Our office prepares AWPAC's FEC reports based on computer print-outs provided by AWPAC. In October we hired a new clerical employee whose responsibility it is to prepare those reports. In January, while preparing AWPAC's year-end report, she discovered that her predecessor had not included certain reportable information in the mid-year report. Accordingly, we prepared and filed an amended mid-year report including that additional information.

In short, we discovered that a clerical mistake had been made, and we corrected it as soon as it was discovered. Please let me know if you need any other information about this matter.

Sincerely,

Sherman, Dunn, Cohen,

Leifer & Yellig, P.C.

By: Robert D. Kurnick

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