

REPORTS ANALYSIS REFERRAL

TO

OFFICE OF GENERAL COUNSEL

DATE: October 26, 2007

ANALYST: Julie A. Fleming

- I. COMMITTEE: United Food & Commercial Workers International
Union, Active Ballot Club
C00002766
Anthony M. Perrone, Treasurer
1775 K Street, N.W.
Washington, DC 20006
- II. RELEVANT STATUTE: 2 U.S.C. §434(b)(2)
11 CFR §104.3(a)(2)

III. BACKGROUND:

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

United Food & Commercial Workers International Union, Active Ballot Club ("the Committee") amended its 2006 Year-End Report to disclose additional receipts totaling \$100,973.92 (Attachment 2).

On January 30, 2007, the Committee filed the 2006 Year-End Report covering the period from November 28, 2006 through December 31, 2006. This original report disclosed \$54,035.64 on Line 11(a)(i) (Itemized Contributions from Individuals/Persons Other Than Political Committees), \$353,558.52 on Line 11(a)(ii) (Unitemized Contributions from Individuals/Persons Other Than Political Committees), and \$7,723.86 on Line 17 (Other Federal Receipts) of the Detailed Summary Page (Image 27940095369).

On March 13, 2007, the Committee filed an Amended 2006 Year-End Report. This amended report disclosed \$78,545.70 on Line 11(a)(i) (Itemized Contributions from Individuals/Persons Other Than Political Committees), \$420,335.25 on Line 11(a)(ii) (Unitemized Contributions from Individuals/Persons Other Than Political Committees),

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and \$17,410.99 on Line 17 (Other Federal Receipts) of the Detailed Summary Page (Image 27930246074).

On May 16, 2007, a Request for Additional Information ("RFAI") was sent to the Committee referencing the Amended 2006 Year-End Report, received on March 13, 2007. The RFAI asked for clarification regarding the \$100,973.92 in additional receipts on Lines 11(a)(i), 11(a)(ii), and 17 that were not disclosed on the Committee's original 2006 Year-End Report (Image 27039442312).

On June 15, 2007, the Committee filed a Miscellaneous Electronic Submission (Form 99) referencing the RFAI for the Amended 2006 Year-End Report, received on March 13, 2007, which stated,

"This letter is to provide clarification of the \$100,973.92 of additional receipts which were reported on our amended year end report but were not disclosed on our original report. The \$100,973.92 represents contributions to the United Food and Commercial Workers International Union (UFCWIU) Active Ballot Club (ABC) that were received at the UFCWIU's lock box and deposited in our bank account during December, 2006, but were not posted to the ABC system until January, 2007. Although those lock boxes were entered into the accounting system with December 2006 bookkeeping dates, the system recognized the January 2007 posting dates for F.E.C. reporting purposes and therefore, inadvertently omitted those lock box deposits from the year end report. Once the omission was discovered through the reconciliation process, the amended year end report was filed. Please contact my office if you require any further explanation." (Image 27930812642)

On June 26, 2007, the RAD Analyst called Anthony Perrone, the Committee's Treasurer. The RAD Analyst spoke to his secretary, who informed the Analyst that all calls regarding the Committee were sent to the Legislative Office, and subsequently transferred the Analyst. The Analyst spoke to a woman in the Legislative Office, who offered to take a message and find someone to return the phone call. The RAD Analyst informed the woman that the Committee's increase in receipts on its Amended 2006 Year-End Report, received on March 13, 2007, was referable to the Office of General Counsel and asked if someone would return the call (Attachment 3).

On July 2, 2007, the RAD Analyst called Anthony Perrone, the Committee's Treasurer. Mr. Perrone's secretary informed the Analyst that Mr. Perrone was not in and that the Analyst would have to speak to the Legislative Office. The Analyst informed the secretary that she needed to speak with Mr. Perrone, since he is liable as Treasurer of the Committee, and that the last time she left a message with someone in the Legislative Office, her call was not returned. The secretary repeated that Mr. Perrone was not in the office and that the Analyst should speak to the Legislative Office. The RAD Analyst requested to leave a message for Mr. Perrone and left her name, phone number, and stated that she needed to speak with him regarding a pending referral to the Commission's

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Office of General Counsel regarding an increase in receipts on the Committee's Amended 2006 Year-End Report, received on March 13, 2007 (Attachment 3).

Subsequently on July 2, 2007, Betty Roberts in the Legislative Office returned the Analyst's call. She apologized for not returning the first call and stated that she never received that initial message. The RAD Analyst informed Ms. Roberts that the Commission received the Form 99 in response to the RFAI referencing the Committee's Amended 2006 Year-End Report, received on March 13, 2007. The RAD Analyst then informed Ms. Roberts that the increase in receipts on the amended report was going to be referred to the Commission's Office of General Counsel. The Analyst advised Ms. Roberts to add any additional information to the public record regarding the increase in activity by submitting a Form 99 (Attachment 3).

On July 3, 2007, the RAD Analyst received a phone call from George Wiszynski, an attorney with the Committee. Mr. Wiszynski wanted information regarding the pending referral to the Commission's Office of General Counsel, specifically how the process is handled. The RAD Analyst informed Mr. Wiszynski that the issue would be sent to the Office of General Counsel and that a decision on whether to pursue the matter would be made by that office. Mr. Wiszynski wanted more information concerning how the Committee violated the Federal Election Campaign Act. The RAD Analyst advised Mr. Wiszynski that the Committee had not originally reported the receipts which were later disclosed. The Analyst also informed Mr. Wiszynski that in the Committee's response to the RFAI regarding the increase in activity, the Committee stated that the receipts were deposited during the reporting period and were inadvertently omitted from the original Year-End Report (Attachment 3).

On July 5, 2007, the RAD Analyst received a phone call from Mike Murphy, an attorney with the Committee. The RAD Analyst again explained the situation regarding the increase in activity on the 2006 Year End Report to Mr. Murphy and stated that the purpose of the initial phone call was to inform the Treasurer that the Committee may be hearing from the Commission's Office of General Counsel, as well as to give the Committee an opportunity to add any additional information to the public record (Attachment 3).

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

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UNITED FOOD & COMMERCIAL WORKERS INTERNATIONAL UNION ACTIVE BALLOT CLUB
 PERRONE, ANTHONY M.
 FILING FREQUENCY: MONTHLY

1775 K STREET N.W.

WASHINGTON

NON-PARTY QUALIFIED
 DC 20006

ID #C00002766

| FORM TYPE | RPT TYPE | AI | PGI | REC DATE | PGS | BEG IMAGE | COVERAGE DATES | BEG CASH | RECEIPTS | DISBURSE | END CASH | DEBTS BY |
|-----------|----------|----|-----|------------|-----|-------------|-----------------------|----------|----------|----------|----------|----------|
| 1 | | | A | 9/12/2006 | 4 | 26930370770 | | | | | | |
| MS | | | T | 3/07/2005 | 1 | 25990186632 | | | | | | |
| MS | | | T | 3/07/2005 | 2 | 25990188638 | | | | | | |
| MS | | | T | 3/11/2005 | 1 | 25990219714 | | | | | | |
| MS | | | 2 | 2/28/2006 | 1 | 26970069541 | | | | | | |
| MS | | | 2 | 3/03/2006 | 1 | 26970085450 | | | | | | |
| RQ | M4 | | 2 | 6/17/2005 | 3 | 25038823908 | 3/01/2005 3/31/2005 | | | | | |
| RQ | M5 | | 2 | 6/02/2006 | 5 | 26039092834 | 4/01/2006 4/30/2006 | | | | | |
| RQ | M7 | | 2 | 9/15/2006 | 4 | 26039183061 | 6/01/2006 6/30/2006 | | | | | |
| RQ | YE | | 2 | 3/02/2007 | 5 | 27039394850 | 11/28/2006 12/31/2006 | | | | | |
| RQ | YE | | 2 | 5/16/2007 | 3 | 27039442312 | 11/28/2006 12/31/2006 | | | | | |
| 3 | M2 | N | P | 2/18/2005 | 16 | 25980432069 | 1/01/2005 1/31/2005 | 857563 | 264592 | 81925 | 1040230 | 0 |
| 3 | M2 | A | P | 3/15/2005 | 16 | 25990239789 | 1/01/2005 1/31/2005 | 857563 | 264592 | 81925 | 1040230 | 0 |
| 3 | M3 | N | P | 3/17/2005 | 25 | 25990247725 | 2/01/2005 2/28/2005 | 1040230 | 158569 | 59535 | 1139264 | 0 |
| 3 | M4 | N | P | 4/19/2005 | 23 | 25990518582 | 3/01/2005 3/31/2005 | 1139264 | 285877 | 80288 | 1344853 | 0 |
| 3 | M4 | A | P | 6/28/2005 | 23 | 25970446502 | 3/01/2005 3/31/2005 | 1139264 | 285877 | 80288 | 1344853 | 0 |
| 3 | M5 | N | P | 5/10/2005 | 28 | 25990742912 | 4/01/2005 4/30/2005 | 1344853 | 181915 | 55374 | 1471394 | 0 |
| 3 | M6 | N | P | 6/17/2005 | 37 | 25970306486 | 5/01/2005 5/31/2005 | 1471394 | 238276 | 66629 | 1643041 | 0 |
| 3 | M7 | N | P | 7/12/2005 | 81 | 25970581186 | 6/01/2005 6/30/2005 | 1643041 | 227853 | 204535 | 1666360 | 0 |
| 3 | M8 | N | P | 8/19/2005 | 96 | 25991038874 | 7/01/2005 7/31/2005 | 1666360 | 228121 | 165266 | 1729216 | 0 |
| 3 | M9 | N | P | 9/16/2005 | 129 | 25971028968 | 8/01/2005 8/31/2005 | 1729216 | 295657 | 185386 | 1839487 | 0 |
| 3 | M10 | N | P | 10/14/2005 | 277 | 25971172790 | 9/01/2005 9/30/2005 | 1839487 | 209312 | 32287 | 2016512 | 0 |
| 3 | M11 | N | P | 11/17/2005 | 215 | 25971472373 | 10/01/2005 10/31/2005 | 2016512 | 274050 | 179235 | 2111327 | 0 |

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UNITED FOOD & COMMERCIAL WORKERS INTERNATIONAL UNION ACTIVE BALLOT CLUB
 PERRONE, ANTHONY M.
 FILING FREQUENCY: MONTHLY

1775 K STREET N.W.

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| FORM TYPE | RPT TYPE | AI | PGI | REC DATE | PGS | BEG IMAGE | COVERAGE DATES | BEG CASH | RECEIPTS | DISBURSE | END CASH | DEBTS BY |
|-----------|----------|----|-----|------------|-----|-------------|-----------------------|----------|----------|----------|----------|----------|
| 3 | M12 | N | P | 12/16/2005 | 359 | 25971606291 | 11/01/2005 11/30/2005 | 2111327 | 190844 | 69317 | 2232854 | 0 |
| 3 | YE | N | P | 1/27/2006 | 278 | 26990156762 | 12/01/2005 12/31/2005 | 2232854 | 303565 | 122519 | 2413899 | 0 |
| 3 | M2 | N | P | 2/16/2006 | 21 | 26980114003 | 1/01/2006 1/31/2006 | 2413899 | 331863 | 105100 | 2640462 | 0 |
| 3 | M3 | N | P | 3/17/2006 | 37 | 26980172135 | 2/01/2006 2/28/2006 | 2640462 | 158790 | 76879 | 2722374 | 0 |
| 3 | M4 | N | P | 4/20/2006 | 61 | 26940097559 | 3/01/2006 3/31/2006 | 2722374 | 292565 | 361535 | 2653404 | 0 |
| 3 | M5 | N | P | 5/19/2006 | 49 | 26960107664 | 4/01/2006 4/30/2006 | 2653404 | 185207 | 130535 | 2708077 | 0 |
| 3 | M5 | A | P | 6/30/2006 | 7 | 26039104051 | 4/01/2006 4/30/2006 | - | - | - | - | - |
| 3 | M6 | N | P | 6/19/2006 | 45 | 26960151406 | 5/01/2006 5/31/2006 | 2708077 | 345170 | 198078 | 2855170 | 0 |
| 3 | M7 | N | P | 7/20/2006 | 73 | 26950314186 | 6/01/2006 6/30/2006 | 2855170 | 198803 | 249413 | 2804560 | 0 |
| 3 | M7 | A | P | 10/05/2006 | 73 | 26960425321 | 6/01/2006 6/30/2006 | 2855170 | 198803 | 249413 | 2804560 | 0 |
| 3 | M8 | N | P | 8/17/2006 | 45 | 26950418045 | 7/01/2006 7/31/2006 | 2804560 | 273881 | 117487 | 2960954 | 0 |
| 3 | M9 | N | P | 9/20/2006 | 154 | 26930383405 | 8/01/2006 8/31/2006 | 2960954 | 219502 | 168311 | 3012146 | 0 |
| 3 | M10 | N | P | 10/17/2006 | 95 | 26940454131 | 9/01/2006 9/30/2006 | 3012146 | 180227 | 565861 | 2626512 | 0 |
| 3 | 12G | N | P | 10/24/2006 | 120 | 26940519800 | 10/01/2006 10/18/2006 | 2626512 | 114186 | 1003773 | 1736925 | 0 |
| 3 | 30G | N | P | 12/07/2006 | 389 | 26930628421 | 10/19/2006 11/27/2006 | 1736925 | 176138 | 569681 | 1343382 | 0 |
| 3 | 30G | A | P | 3/06/2007 | 389 | 27930224241 | 10/19/2006 11/27/2006 | 1736925 | 176138 | 572181 | 1340882 | 0 |
| 3 | 30G | A | P | 3/08/2007 | 389 | 27930232030 | 10/19/2006 11/27/2006 | 1736925 | 176138 | 572181 | 1340882 | 0 |
| 3 | YE | N | P | 1/30/2007 | 363 | 27940095367 | 11/28/2006 12/31/2006 | 1343382 | 415318 | 137537 | 1621163 | 0 |
| 3 | YE | A | P | 3/13/2007 | 542 | 27930246072 | 11/28/2006 12/31/2006 | 1340882 | 516291 | 134610 | 1722564 | 0 |
| TOTAL | | | | | | | | | 5851054 | 4986059 | | |

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United Food & Commercial Workers International Union, Active Ballot Club (C00002766)
2006 Year-End Report/Amended 2006 Year-End Report
Overview of Additional Receipts

| Report Line | Original 2006 Year-End Report (Image 27940095369) | Amended 2006 Year-End Report, Received 3/13/07 (Image 27930246074) | Receipt Variance Amount |
|-----------------------|--|--|-------------------------|
| Line 11(a)(i) | \$54,035.64 | \$78,545.70 | \$24,510.06 |
| Line 11(a)(ii) | \$353,558.52 | \$420,335.25 | \$66,776.73 |
| Line 17 | \$7,723.86 | \$17,410.99 | \$9,687.13 |
| Total | \$415,318.02 | \$516,291.94 | \$100,973.92 |

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