

REPORTS ANALYSIS REFERRAL
TO
ALTERNATIVE DISPUTE RESOLUTION OFFICE

DATE: August 25, 2009

ANALYST: Nicole Della Rocco

- I. COMMITTEE: League of Conservation Voters Action Fund
C00252940
Patrick Collins, Treasurer
1920 L St., NW
Suite 800
Washington, DC 20036
- II. RELEVANT STATUTE: 2 U.S.C. § 434(b)(2)(A)
11 CFR § 104.3(a)(2)(i)(A) and (B)
- III. BACKGROUND:

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

The League of Conservation Voters Action Fund ("the Committee") filed an Amended 2008 October Monthly Report to disclose additional receipts totaling \$71,076.40 that were not disclosed on the original report. The Committee also filed an Amended 2008 12 Day Pre-General Report to disclose additional disbursements totaling \$52,353.24 that were not disclosed on the original report (Attachment 2).

2008 October Monthly Report

On October 20, 2008, the Committee filed its 2008 October Monthly Report covering the period from September 1, 2008 to September 30, 2008. The original report disclosed \$119,421.52 on Line 11(a)(i) (Itemized Contributions from Individuals/Persons Other than Political Committees) and \$48,655.55 on Line 11(a)(ii) (Unitemized Contributions from Individuals/Persons Other than Political Committees) (Image 28933622260).

On January 30, 2009, the Committee filed an Amended 2008 October Monthly Report, which disclosed \$146,646.60 on Line 11(a)(i) and \$92,506.87 on Line 11(a)(ii) (Image 29990891590).

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On April 10, 2009, a Request for Additional Information ("RFAI") was sent to the Committee referencing the Amended 2008 October Monthly Report, received January 30, 2009. The RFAI asked for clarification regarding the \$71,076.40 in additional receipts on Lines 11(a)(i) and 11(a)(ii) that were not disclosed on the Committee's original 2008 October Monthly Report (Image 29030064114).

On May 7, 2009, Carrie Gursinski, a consultant for the Committee, called the Reports Analysis Division (RAD) Analyst to discuss the RFAI referencing the Amended 2008 October Monthly Report, received January 30, 2009, among other issues. Ms. Gursinski told the Analyst that she was working on the response to the RFAI. She stated the Committee was clear about how to respond to the increase in activity issue, and that she would be able to revise some of the Committee's methods to improve the accuracy of its reports. The Analyst advised her that the increase in receipts on the report may be looked at further by the Commission. Ms. Gursinski said she was not sure how else the Committee could respond, but she would inform the Counsel for the Committee. The Analyst said the Committee would most likely be contacted about the referable issue in the future (Attachment 3).

On May 8, 2009, the Committee filed a Miscellaneous Electronic Submission (FEC FORM 99) in response to the RFAI referencing the Amended 2008 October Monthly Report, received January 30, 2009, which stated, in part:

"The Amended October Monthly Report was filed on 1/30/09 when it was discovered internally by the League of Conservation Voters (LCVAF) that receipts totaling \$71,076.40 were not disclosed to the FEC in the original October Monthly Report. This occurred because of bank deposits in transit (contributions deposited into the bank account outside of the October monthly reporting period). LCVAF believed that the contributions had been reported in the following reporting period and discovered this error in the process of preparing their Year-End Report for 2008.

The Amended October Monthly Report correctly reflects these receipts within the proper reporting period, and LCVAF has since modified the method by which it processes such contributions to eliminate future occurrences of this nature."
(Image 29933725756)

On May 15, 2009, the Analyst left a voicemail message for Richard Thomas, the Counsel for the Committee, to inform him, among other issues, that the matter of increased receipts on the Amended 2008 October Monthly Report, received January 30, 2009, would be referred for further action by the Commission. The Analyst further stated that the Committee was welcome to put additional information on the public record, but the matter would be referred, and that Mr. Thomas should call with any questions (Attachment 3).

On May 19, 2009, Mr. Thomas called the Analyst to discuss the referable issue, among other matters. Mr. Thomas stated he believed the receipts were never reported because of a cash-in-transit issue and that there must be other committees with similar practices. The Analyst explained that since the receipts were not reported, the issue would need to be referred for further

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action by the Commission. The Analyst further stated that the Committee may put additional information on the public record to explain the increase further by May 29, 2009 (Attachment 3).

On June 1, 2009, the Analyst returned a voicemail from Mr. Thomas. Among other issues, Mr. Thomas indicated the Committee would not be submitting any additional information regarding the increase of receipts at this time. He stated that other details would need to be investigated more thoroughly to see if they were worthy to be submitted as a supplement (Attachment 3).

On June 2, 2009, Mr. Thomas called RAD Management to follow up regarding the issue of the Committee's referral for increases in activity on the 2008 October Monthly Report. RAD Management confirmed that the referral would go forward and told Mr. Thomas that if he had any additional questions, he should feel free to call anytime (Attachment 3).

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

2008 12 Day Pre-General Report

On October 23, 2008, the Committee filed its 2008 12 Day Pre-General Report covering the period from October 1, 2008 to October 15, 2008. The original report disclosed \$5,535.16 on Line 11(a)(i) (Itemized Contributions from Individuals/Persons Other than Political Committees) and \$11,715.94 on Line 11(a)(ii) (Unitemized Contributions from Individuals/Persons Other than Political Committees) (Image 28934166885).

On January 30, 2009, the Committee filed an Amended 2008 12 Day Pre-General Report, which disclosed \$46,373.88 on Line 11(a)(i) and \$23,230.46 on Line 11(a)(ii) (Image 29990895406).

On April 10, 2009, an RFAI was sent to the Committee referencing the Amended 2008 12 Day Pre-General Report, received January 30, 2009. The RFAI asked for clarification regarding the \$52,353.24 in additional receipts on Lines 11(a)(i) and 11(a)(ii) that were not disclosed on the Committee's original 2008 12 Day Pre-General Report (Image 29030064111).

On May 7, 2009, Carrie Gursinski, a consultant for the Committee, called the Analyst to discuss the RFAI referencing the 2008 Amended 12 Day Pre-General Report, received January 30, 2009, among other issues. Ms. Gursinski told the Analyst that she was working on the response to the RFAI. She stated the Committee was clear about how to respond to the increase in activity issue, and that she would be able to revise some of the Committee's methods to improve the accuracy of its reports. The Analyst advised her that the increase in receipts on the report may be looked at further by the Commission since it was a large increase on an election sensitive report. Ms. Gursinski said she was not sure how else the Committee could respond, but she would inform the Counsel for the Committee. The Analyst said the Committee would most likely be contacted about the referable issue in the future (Attachment 3).

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On May 8, 2009, the Committee filed an FEC FORM 99 in response to the RFAI referencing the Amended 2008 12 Day Pre-General Report, received January 30, 2009, which stated, in part:

"The Amended Pre-General Report was filed on 1/30/09 when it was discovered internally by the League of Conservation Voters (LCVAF) that receipts totaling \$52,353.24 were not disclosed to the FEC in the original Pre-General Monthly Report. This occurred because of bank deposits in transit (contributions deposited into the bank account outside of the Pre-General reporting period). LCVAF believed that the contributions had been reported in the following reporting period and discovered this error in the process of preparing their Year-End Report for 2008.

The Amended Pre-General Report correctly reflects these receipts within the proper reporting period, and LCVAF has since modified the method by which it processes such contributions to eliminate future occurrences of this nature."
(Image 29992086359)

On May 15, 2009, the Analyst left a voicemail message for Richard Thomas, the Counsel for the Committee, to inform him, among other issues, that the matter of increased receipts on the Amended 2008 12 Day Pre-General Report, received January 30, 2009, would be referred for further action by the Commission. The Analyst further stated that the Committee was welcome to put additional information on the public record, but the matter would be referred, and that Mr. Thomas should call with any questions (Attachment 3).

On May 19, 2009, Mr. Thomas called the Analyst to discuss the referable matter, among other issues. He stated he believed that the receipts were never reported because of a cash-in-transit issue and that there must be other committees with similar practices. The Analyst explained that since the receipts were not reported, the issue would need to be referred for further action by the Commission. The Analyst further stated that the Committee may put additional information on the public record to explain the increase further by May 29, 2009 (Attachment 3).

On June 1, 2009, the Analyst returned a voicemail from Mr. Thomas. Among other issues, Mr. Thomas indicated the Committee would not be submitting any additional information regarding the increase of receipts at this time. He stated that other details would need to be investigated more thoroughly to see if they were worthy to be submitted as a supplement (Attachment 3).

On June 2, 2009, Mr. Thomas called RAD Management to follow-up regarding the issue of the Committee's referral for increases in activity on the 12 Day Pre-General Report. RAD Management confirmed that the referral would go forward and told Mr. Thomas that if he had any additional questions, he should feel free to call anytime (Attachment 3).

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

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