

REPORTS ANALYSIS REFERRAL  
TO  
ALTERNATIVE DISPUTE RESOLUTION OFFICE

DATE: July 14, 2009

ANALYST: Eric Fusselle

- I. COMMITTEE: Alaskans for Begich  
C00446260  
Kevin Wiley, Treasurer  
P.O. Box 240287  
Anchorage, AK 99524
- II. RELEVANT STATUTE: 2 U.S.C. § 434(b)(8)  
11 CFR § 104.3(d)

III. BACKGROUND:

**Failure to Provide Supporting Schedules: Failure to Disclose All Financial Activity**

Alaskans for Begich ("the Committee") amended its 2008 30 Day Post-General Report to disclose debts totaling \$309,907.70 when there were no debts disclosed on the original report. In addition, the Committee amended its 2008 Year End Report to disclose debts totaling \$109,370.32 when there were no debts disclosed on the original report (Attachment 2).

**2008 30 Day Post-General Report**

The Committee filed a 2008 30 Day Post-General Report, dated December 3, 2008, covering the period from October 16 through November 24, 2008, which disclosed \$0.00 in debts on Line 10 (Debts and Obligations Owed by the Committee) of the Detailed Summary Page (Image 28020800265). In addition, Schedule A (Itemized Receipts) disclosed one hundred twenty-three (123) contributions totaling \$57,502.00 designated for the 2008 General Election and 2008 General Election debt retirement that were received after the date of the election (Images 28020800270-647).

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On January 13, 2009, a Request for Additional Information ("RFAI") was sent to the Committee. Among other issues, the RFAI referenced contributions designated for the 2008 General Election that were received after the date of the 2008 General Election and requested that the Committee take corrective action (Image 29039981098).

The Committee filed an Amended 2008 30 Day Post-General Report, dated February 11, 2009, in response to the RFAI, which stated in part:

"You also ask about contributions received for the general election after the date of the election. The Committee had net debts outstanding for the general election and accepted contributions after the date of the general election to retire the debt." (Image 29020120001)

On March 9, 2009, the Reports Analysis Division (RAD) Analyst attempted to call the Committee Treasurer, Kevin Wiley, and found that the number was out of service. The Analyst then called the Senator's office in Washington, D.C. in an attempt to contact the Treasurer, and left a voicemail for Leslie Ridle, the Senator's Deputy Chief of Staff (Attachment 3).

On March 12, 2009, Ms. Ridle returned the RAD Analyst's call. Ms. Ridle said she would inform Mr. Wiley of the Analyst's attempt to reach him and also provided the Analyst with a contact number for Mr. Wiley. Mr. Wiley called the Analyst to discuss the Committee's response to the RFAI, stating that the Committee did have net debts outstanding; however, they did not list the debts on the report because they did not have exact figures for all the debts. The Analyst advised Mr. Wiley to amend the 2008 30 Day Post-General Report, among other reports, to show the debts, and mentioned that the Commission may take further action for the contributions designated for the 2008 General Election and 2008 General Election debt retirement that were received after the date of the election (Attachment 3).

On March 23, 2009, the RAD Analyst left a voicemail for Mr. Wiley asking for the status of the amendment to the 2008 30 Day Post-General Report, among other reports. Mr. Wiley returned the Analyst's voicemail and stated that he was working on the amendments and would be sending them as soon as possible (Attachment 3).

On March 24, 2009, Mr. Wiley called the RAD Analyst to ask about how to report various types of debt. The Analyst answered his questions and pointed him to the relevant section in the *FEC Campaign Guide for Congressional Candidates and Committees* (Attachment 3).

The Committee filed an Amended 2008 30 Day Post-General Report, dated March 24, 2009, disclosing \$280,586.89 in debts on Line 10 (Debts and Obligations Owed by the Committee) of the Detailed Summary Page (Image 29020140805).

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On March 25, 2009, Mr. Wiley called the RAD Analyst to ask whether debts incurred and paid during the same period needed to be listed on Schedule D. The Analyst told him that in these cases, he should just list them on Schedule B. Debts should only be listed on Schedule D if they were incurred and paid in different reporting periods. Mr. Wiley called again and asked how to report debts that had not been contracted but were known debts. The Analyst told him to report the debts as they came in, and if they did not come in until after January 1, 2009 to amend the 2009 April Quarterly Report to show those debts. The Analyst also advised that he include a note on the report stating that the Committee was aware of outstanding debts, and therefore was collecting contributions designated for the 2008 General Election and 2008 General Election debt retirement after the date of the election (Attachment 3).

On March 26, 2009, Mr. Wiley called to inform the RAD Analyst that he was mailing the amendment for the 2008 30 Day Post-General Report (Attachment 3).

The Committee filed an Amended 2008 30 Day Post-General Report, dated March 30, 2009, disclosing \$309,907.70 in debts on Line 10 (Debts and Obligations Owed by the Committee) of the Detailed Summary Page (Image 29020141679).

On April 2, 2009, the RAD Analyst called Mr. Wiley asking for the status of the amendment to the 2008 30 Day Post-General Report, among other reports. Mr. Wiley said that he had mailed them and they should be arriving any day. The Analyst mentioned delivery and processing times, and that he would continue checking with the Secretary of Senate (Attachment 3).

On May 5, 2009, Mr. Wiley called the RAD Analyst to ask whether the Committee could terminate with outstanding debts. The Analyst told Mr. Wiley that the Committee needed to first pay the debts or submit a debt settlement plan to resolve the debts (Attachment 3).

The Committee filed an Amended 2008 30 Day Post-General Report, dated May 12, 2009, which stated in part:

“The Committee did have net debts outstanding for the general election and accepted contributions after the date of the general election to retire debt as reflected in the Committee’s amendments. Additionally, since the Committee is terminating, it had an amount of estimated “winding down” costs (office rental, staff salaries, office supplies, etc.) that were budgeted for by the Committee prior to the end of the election cycle. While these winding down costs should have been listed in the original Schedule D as estimated debts/obligations, they were not. In the amended reports, the debt amounts for these winding down costs were reported in exact amounts based on final payments.” (Image 29020203952)

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On June 4, 2009, Mr. Wiley called the RAD Analyst and left a voicemail asking if the Commission would be taking further action for increased activity. The Analyst returned the call and told Mr. Wiley that the issue would be going forward for further action as the activity should have been included on the original report. Mr. Wiley said he understood and would wait for further information from the Commission (Attachment 3).

### **2008 Year End Report**

The Committee filed a 2008 Year End Report, dated January 30, 2009, covering the period from November 25 through December 31, 2008, which disclosed \$0.00 in disbursements on Line 10 (Debts and Obligations Owed by the Committee) of the Detailed Summary Page (Image 29020082129). In addition, Schedule A (Itemized Receipts) disclosed fifty-six (56) contributions totaling \$95,316.00 designated for the 2008 General Election and 2008 General Election debt retirement that were received after the date of the election (Images 29020082132-52).

On March 12, 2009, Mr. Wiley called the RAD Analyst, and among other things, stated that the Committee did have net debts outstanding; however, they did not list the debts on the report because they did not have exact figures for all the debts. The Analyst advised Mr. Wiley to amend the 2008 Year-End Report, among other reports, to show the debts, and mentioned that the Commission may take further action for the contributions designated for the 2008 General Election and 2008 General Election debt retirement that were received after the date of the election (Attachment 3).

On March 19, 2009, an RFAI was sent to the Committee. The RFAI referenced contributions designated for the 2008 General Election that were received after the date of the 2008 General Election and requested that the Committee take corrective action (Image 29030053282).

On March 23, 2009, the RAD Analyst left a voicemail for Mr. Wiley asking for the status of the amendment to the 2008 Year End Report, among other reports. Mr. Wiley returned the Analyst's voicemail and stated that he was working on the amendments and would be sending them as soon as possible (Attachment 3).

On March 24, 2009, Mr. Wiley called the RAD Analyst to ask about how to report various types of debt. The Analyst answered his questions and pointed him to the relevant section in the FEC *Campaign Guide for Congressional Candidates and Committees* (Attachment 3).

On March 25, 2009, Mr. Wiley called the RAD Analyst to ask whether debts incurred and paid during the same period needed to be listed on Schedule D. The Analyst told him that in these cases, he should just list them on Schedule B. Debts should only be listed on Schedule D if they were incurred and paid in different reporting periods. Mr. Wiley called again and asked how to report debts that had not been contracted but were known debts. The Analyst told him to report the debts as they came in, and if they did not come in until after

January 1, 2009 to amend the 2009 April Quarterly Report to show those debts. The Analyst also advised that he include a note on the report stating that the Committee was aware of outstanding debts, and therefore was collecting contributions designated for the 2008 General Election and 2008 General Election debt retirement after the date of the election (Attachment 3).

On March 26, 2009, Mr. Wiley called to inform the RAD Analyst that he would soon be mailing the amendment for the 2008 Year End Report (Attachment 3).

The Committee filed an Amended 2008 Year End Report, dated March 29, 2009, disclosing \$109,370.32 in debts on Line 10 (Debts and Obligations Owed by the Committee) on the Detailed Summary Page (Image 29020140742).

The Committee subsequently filed an Amended 2008 Year End Report, dated March 30, 2009, also disclosing \$109,370.32 in debts on Line 10 (Debts and Obligations Owed by the Committee) on the Detailed Summary Page (Image 29020140787).

On April 2, 2009, the RAD Analyst called Mr. Wiley asking for the status of the amendment to the 2008 Year End Report, among other reports. Mr. Wiley said that he had mailed them and they should be arriving any day. The Analyst mentioned delivery and processing times, and that he would continue checking with the Secretary of Senate (Attachment 3).

On May 5, 2009, Mr. Wiley called the RAD Analyst to ask whether the Committee could terminate with outstanding debts. The Analyst told Mr. Wiley that the Committee needed to first pay the debts or submit a debt settlement plan to resolve the debts (Attachment 3).

On May 7, 2009, an RFAI was sent to the Committee. The RFAI referenced the increase in activity on the Amended 2008 Year End Report, received April 1, 2009, and requested clarification as to why this activity was not included on the original filing (Image 29030084099).

The Committee filed an Amended 2008 Year End Report, dated May 12, 2009, which stated in part:

“The Committee did have net debts outstanding for the general election and accepted contributions after the date of the general election to retire debt as reflected in the Committee’s amendments. Additionally, since the Committee is terminating, it had an amount of estimated “winding down” costs (office rental, staff salaries, office supplies, etc.) that were budgeted for by the Committee prior to the end of the election cycle. While these winding down costs should have been listed in the original Schedule D as estimated debts/obligations, they were not. In the amended reports, the debt amounts for

these winding down costs were reported in exact amounts based on final payments.” (Image 29030094464)

On June 4, 2009, Mr. Wiley called the RAD Analyst and left a voicemail asking if the Commission would be taking further action for increased activity. The Analyst returned the call and told Mr. Wiley that the issue would be going forward for further action as the activity should have been included on the original report. Mr. Wiley said he understood and would wait for further information from the Commission (Attachment 3).

To date, no further communications have been received from the Committee regarding these matters.

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