

REPORTS ANALYSIS REFERRAL

TO

ALTERNATIVE DISPUTE RESOLUTION OFFICE

DATE: August 20, 2009

ANALYST: Nicole Della Rocco

I. COMMITTEE: Wyoming Republican Party, Inc.
 C00005785
 Donna Robitaille, Treasurer (12/09/08-present)
 Bruce Brown, Treasurer (6/13/07-12/08/08)
 152 N. Durbin St., Suite #210
 Casper, WY 82601

II. RELEVANT STATUTE: 2 U.S.C. §434(b)(4)
 11 CFR §104.3(b)(1)
 11 CFR §300.36(b)(2)(iv)

III. BACKGROUND:

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

The Wyoming Republican Party, Inc. ("the Committee") amended its 2008 30 Day Post-General Report to disclose additional disbursements totaling \$129,103.08 (Attachment 2).

On December 4, 2008, the Committee filed the 2008 30 Day Post-General Report covering the period from October 16 through November 24, 2008. The report disclosed \$21,242.00 in disbursements on Line 21(b) (Other Federal Operating Expenditures), \$0.00 in disbursements on Line 23 (Contributions to Federal Candidates/Committees and Other Political Committees), and \$125,980.00 in disbursements on Line 30(b) (Federal Election Activity Paid Entirely with Federal Funds) of the Detailed Summary Page (Image 28934753274; Attachment 2).

On January 16, 2009, the Committee filed an Amended 2008 30 Day Post-General Report which disclosed \$36,879.00 in disbursements on Line 21(b), \$4,200.00 in disbursements on Line 23, and \$235,246.08 in disbursements on Line 30(b) of the Detailed Summary Page (Image 29990066312).

On April 22, 2009, a Request for Additional Information ("RFAI") was sent to the Committee referencing the Amended 2008 30 Day Post-General Report, received January 16, 2009. The RFAI, among other issues, asked for clarification regarding the \$129,103.08 in

1019029009Z

additional disbursements on Lines 21(b), 23, and 30(b) of the Detailed Summary Page that were not disclosed on the Committee's original 2008 30 Day Post-General Report (Image 29030080215).

On June 1, 2009, the Reports Analysis Division (RAD) Analyst called Donna Robitaille, the Committee's treasurer, regarding the increase in disbursements referenced in the RFAI. The RAD Analyst was told Mike McCauley, a consultant for the Committee, handled the Committee's report filings. The Analyst subsequently called Mr. McCauley to state that the Committee had failed to respond to the RFAI referencing the Amended 2008 30 Day Post-General Report and the issues may be referred for further action by the Commission. Mr. McCauley said that the Committee had not received the letter, but he saw the RFAI on the Commission website and would respond. The Analyst stated that the Committee had until June 9, 2009 to file a response. The Analyst mentioned that an increase in receipts and/or disbursements was an issue that may be referred for further action regardless of the response provided (Attachment 3).

On June 8, 2009, Mr. McCauley called the Analyst to say that the Committee's software was finally working and they would upload the response to the RFAI on the Amended 2008 30 Day Post-General Report that day. The Analyst said she would review the responses; however, the increase in disbursements may still be referred for further action as previously discussed. Mr. McCauley said that the response would explain that the Committee switched filing software providers, and the information was not available at the report filing deadline. Instead of missing the deadline, the Committee felt they should file on time with the activity available and then amend the report when the information was available (Attachment 3).

Subsequently, on June 8, 2009, the Committee filed an Amended 2008 30 Day Post-General Report which disclosed \$21,242.00 in disbursements on Line 21(b), \$4,200 in disbursements on Line 23, and \$250,883.08 in disbursements on Line 30(b) of the Detailed Summary Page (Image 29933997035; Attachment 2).¹ Further, in memo text attached to the report, the Committee stated, in part:

"We are in receipt of your letter dated April 22, 2009 regarding our amended 30 Day Post General Report (10/16/08-11/24/08) in which you questioned the following: 1. Our amended report discloses additional receipts and disbursements that were not in our original filing. During the reporting period the Wyoming Republican Party switched software providers for thier [sic] campaign finance compliance needs. The necessary data to make a complete and accurate filing had not been converted to the new software by the date the filing was due. It was determined that a report should be filed with an amendment to follow rather than miss the report filing deadline" (Image 29933997037).

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

¹ The overall total increase in disbursements did not change on this amendment; however, the totals for Lines 21(b) and 30(b) were revised.

46006206101