

REPORTS ANALYSIS REFERRAL
TO
ALTERNATIVE DISPUTE RESOLUTION OFFICE

DATE: September 10, 2009

ANALYST: Robin Kelly

- I. COMMITTEE: Doug Heckman for Congress
C00449652
Jennifer C. Pinson-Harvey, Treasurer
P.O. Box 921626
Norcross, GA 30010
- II. RELEVANT STATUTE: 2 U.S.C. § 434(b)(4)
11 CFR § 104.3(b)

III. BACKGROUND:

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

Doug Heckman for Congress ("the Committee") amended its 2008 12 Day Pre-General Report to disclose increased disbursements totaling \$50,672.30 (Attachment 2).

On October 22, 2008, the Committee filed the original 2008 12 Day Pre-General Report covering the period October 1, 2008 through October 15, 2008. This report disclosed \$500.00 in disbursements on Line 17 (Operating Expenditures) of the Detailed Summary Page (Image 28992878384).

On November 10, 2008, the Committee filed an Amended 2008 12 Day Pre-General Report covering the period from October 1, 2008 through October 15, 2008. The amount of disbursements disclosed on the report remained the same. (Image 28993104659)

On May 21, 2009, the Reports Analysis Division ("RAD") Analyst spoke with Lindsay Eierman, a representative for the Committee. Ms. Eierman was getting ready to file amendments for reports starting with the beginning of the campaign through the 2008 Year End Report. Ms. Eierman was correcting cash on hand discrepancies, as well as some other errors detected. She was having difficulty filing the reports and needed help. The RAD Analyst said she would check over the amendments once they were filed (Attachment 3).

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On May 21, 2009, the Committee filed another Amended 2008 12 Day Pre-General Report, disclosing \$51,172.30 in disbursements on Line 17 (Operating Expenditures) of the Detailed Summary Page (Image 29992134480).

On May 26, 2009, the RAD Analyst spoke with Ms. Eierman, and noted that the cash on hand problem had been fixed, but there was now a substantial increase in disbursements. Ms. Eierman was aware of this, and said there had been some problems with the software. The RAD Analyst said that a letter would be sent to the Committee concerning the matter, and that it may warrant further action by the Commission. The Analyst told Ms. Eierman that she could respond with a memo text explaining the situation (Attachment 3).

On May 27, 2009, Doug Heckman, the candidate, called the RAD Analyst. The candidate said that the campaign staff had filed the reports the best they could. They were a small campaign and had lost big. Mr. Heckman said that he realized that the Committee had missed some information, but noted it was inadvertent, and they had gone back and fixed the problems. The RAD Analyst said the Committee would receive a letter from the Commission regarding the substantial increase in disbursements and that it may warrant further action by the Commission. The RAD Analyst advised the candidate to have the Committee respond to the letter by explaining the situation (Attachment 3).

On June 11, 2009, a Request for Additional Information (RAFI) was sent to the Committee. The RAFI referenced the 2008 Amended 12 Day Pre-General Report, received on May 21, 2009, asking for clarification regarding the substantial increase in disbursements that were not disclosed in the original filing on October 22, 2008 (Image 29030101326).

On July 6, 2009, Ms Eierman called to say she was getting ready to electronically submit a response to the letter regarding the Amended 12 Day Pre-General Report and the substantial increase in disbursements. Ms. Eierman was getting an error when trying to file. The RAD Analyst explained that the Committee could respond by submitting a Miscellaneous Electronic Submission (FEC Form 99). The RAD Analyst again noted that this matter may warrant further action by the Commission, and Ms. Eierman responded that she understood (Attachment 3).

On July 6, 2009, a Miscellaneous Electronic Submission (FEC Form 99) was received from the Committee in response to the RAFI questioning the increase in disbursements, which stated in full:

“Our pre-General Report (10/1/08 - 10/15/08) was incorrect - the contribution part (the most important part) was correct - we missed listing our expenses and this threw off our cash. Looking back at our e-mail traffic, we IDed this problem, but failed to act until after the election. The major reason for our failure was that we found the FEC software to not be user friendly and we missed our error. Also, we would argue that the error made no material difference in my opponent's strategy nor in the eventual outcome

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of the election. We accept full responsibility for our error and ask for leniency due to the honest nature of our actions.” (Image 29934213536)

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

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