

REPORTS ANALYSIS REFERRAL

TO

ALTERNATIVE DISPUTE RESOLUTION OFFICE

DATE: January 14, 2010

ANALYST: Chris Jones

- I. COMMITTEE: Stivers for Congress  
C00441352  
Matthew J. Yuskewich, Treasurer (10/15/09 - present)  
Wade Steen, Treasurer (11/6/07 - 10/14/09)  
4679 Winterset Drive  
Columbus, OH 43220-8113
- II. RELEVANT STATUTE: 2 U.S.C. § 434(b)  
11 CFR § 104.3(a)

III. BACKGROUND:

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

Stivers for Congress ("the Committee") amended its 2008 October Quarterly Report to disclose additional disbursements totaling \$158,387.36 which were not reported on the original 2008 October Quarterly Report (Attachment 2).

On October 15, 2008, the Committee filed its original 2008 October Quarterly Report covering the period from July 1, 2008 through September 30, 2008 (Image 28992547566). The report disclosed disbursements totaling \$808,706.59 on Line 17 (Operating Expenditures) of the Detailed Summary Page (Image 28992547569).

On July 9, 2009, the Committee filed an Amended 2008 October Quarterly Report, covering the period from July 1, 2008 through September 30, 2008 (Image 29992412345). The report disclosed disbursements totaling \$967,093.95 on Line 17 (Operating Expenditures) of the Detailed Summary Page (Image 29992412348).

On September 15, 2009 a Request for Additional Information ("RFAI") was sent to the Committee referencing the Amended 2008 October Quarterly Report, received July 9, 2009. The RFAI requested clarification regarding the substantial increase in

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disbursements that were not disclosed in the original 2008 October Quarterly Report filed October 15, 2008. The RFAI was returned to the Commission as Undeliverable as Addressed (UAA) by the United States Postal Service.

On October 15, 2009, a Reports Analysis Division (RAD) Analyst contacted Wade Steen, Treasurer, regarding the address for the Committee and the UAA RFAI. Mr. Steen stated that an ownership issue with the building had caused mail to be returned; however, the issue had been resolved and mail could now be received at the address of record. Mr. Steen also stated that he was no longer the treasurer. The RAD Analyst instructed Mr. Steen to have the new treasurer file an Amended Statement of Organization (FEC Form 1), indicating that at the present time the RFAI would be sent to the address of record and addressed to Mr. Steen, as he was listed as the treasurer of record (Attachment 3).

On October 15, 2009, Susan Jones, an employee of J. Matthew Yuskewich, contacted the RAD Analyst. Ms. Jones stated she would be filing an Amended FEC Form 1 for the Committee to disclose J. Matthew Yuskewich as the new treasurer. At this time, the RAD Analyst made Ms. Jones aware of the RFAI requesting clarification regarding the substantial increase in disbursements on the Amended 2008 October Quarterly Report (Attachment 3).

On October 15, 2009, the Committee filed an Amended FEC Form 1 designating Mr. Yuskewich as the Committee's new treasurer (Image 29934890309).

On October 16, 2009, Ms. Jones contacted the RAD Analyst to request guidance in viewing the RFAI requesting clarification regarding the substantial increase in disbursements on the Amended 2008 October Quarterly Report on the Commission's website. The RAD Analyst instructed Ms. Jones on how to view the RFAI. The Analyst also advised her the Committee could be referred for additional action by the Commission, and recommended that she speak with the Committee's former treasurer, Wade Steen, regarding providing a statement explaining the increase in disbursements for the public record (Attachment 3).

On November 12, 2009, Ms. Jones contacted the RAD Analyst to request the re-mail date and response due date for the UAA RFAI for the Amended 2008 October Quarterly Report. The Analyst responded the re-mail date was October 14, 2009 and the response due date would be 35 days from the mail date or November 18, 2009 (Attachment 3).

On November 13, 2009, Ms. Jones contacted the RAD Analyst to ask if he had spoken with the former treasurer, Wade Steen. Mr. Steen had told Ms. Jones he faxed a letter to the FEC in response to the RFAI requesting clarification regarding the substantial increase in disbursements on the Amended 2008 October Quarterly Report. The Analyst stated he had not spoken with Mr. Steen and no response had been filed (Attachment 3).

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On November 19, 2009, Ms. Jones called to ask if the RAD Analyst had yet received a faxed response from Mr. Steen. The Analyst stated he had not received the fax (Attachment 3).

On November 30, 2009, the RAD Analyst called Ms. Jones and notified her the Committee had made no response to the RFAI requesting clarification regarding the substantial increase in disbursements on the Amended 2008 October Quarterly Report, and the matter would be referred for additional action by the Commission. Ms. Jones stated that since the increase in disbursements occurred under Mr. Steen, the Committee would not be placing any additional information on the public record (Attachment 3).

On November 30, 2009, the RAD Analyst called Mr. Steen as a courtesy, as he was the treasurer of record when the Amended 2008 October Quarterly Report was filed, and informed him the issue was going to be referred for additional action by the Commission. Mr. Steen stated he faxed a letter to RAD earlier in the month. The Analyst stated that a fax was not received and instructed Mr. Steen to fax the letter again as well as file a hard copy with the Commission via regular mail (Attachment 3).

On December 7, 2009, Mr. Steen filed a Miscellaneous Paper Document to FEC (FEC Form 99) stating in part,

“In reference to the substantial increase in the amount of disbursements from the original report, the increase was attributed to one wire transaction to Stevens, Reed, Curcio & Potholm, media buyers and advertising consultants to the campaign. We believed, in error, that a wire transfer had been reported for the period in question when in fact it had not been. We did not detect the discrepancy until final cash reconciliations were completed after the campaign was over. During the period in question, significant cash receipts were being received and disbursements being made to the media consultant based on available cash. These specific transactions further complicated our reconciliation process since the above-referenced vendor required wire ACH transactions from our bank, rather than checks which were the primary mechanism used to account for all of the other campaign related expenses” (Image 29030194977).

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

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