

REPORTS ANALYSIS DIVISION REFERRAL
TO
ALTERNATIVE DISPUTE RESOLUTION OFFICE

DATE: October 20, 2010

ANALYST: Kristin DeCarmine

- I. COMMITTEE: American Resort Development Association
Resort Owners Coalition PAC
(ARDA-ROC PAC)
C00358663
Sandra Yartin DePoy, Treasurer
1201 15th Street NW, Suite 400
Washington, DC 20005
- II. RELEVANT STATUTES: 2 U.S.C. §434(b)(4)
11 CFR §104.3(b)(1)
- III. BACKGROUND:

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

The American Resort Development Association Resort Owners Coalition PAC (ARDA-ROC PAC) ("the Committee") amended its 2009 30 Day Post-Special Report to disclose additional disbursements of \$119,791.06 that were not disclosed within the original 2009 30 Day Post-Special Report (Attachment 2).

On December 3, 2009, the Committee filed its original 2009 30 Day Post-Special Report covering the period from July 1, 2009 through November 23, 2009. The original report disclosed \$355,415.31 on Line 21(b) (Other Federal Operating Expenditures) and \$289,850.00 on Line 29 (Other Disbursements) of the Detailed Summary Page (Image 29993406014).

On May 20, 2010, the Committee filed an Amended 30 Day Post-Special Report which disclosed \$485,556.37 on Line 21(b) and \$279,500.00 on Line 29 of the Detailed Summary Page (Image 10990693104). The Committee attached a memo text to this report which stated,

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"This report is being amended to include an operating expenditure made on 9/30/09 to ARDA-ROC for Quarterly State Consulting and Lobbying Retainer & Fees. This payment was inadvertently omitted from the original report" (Image 10990693101).

On June 2, 2010, the Committee filed an Amended 30 Day Post-Special Report which reflected no change in disbursements as disclosed on the May 20, 2010 amendment (Image 10990725308).

On July 14, 2010, a Request for Additional Information (RFAI) was sent to the Committee referencing the Amended 2009 30 Day Post-Special Report, received June 2, 2010. The RFAI requested clarification regarding the increase in disbursements totaling \$119,791.06² that were not disclosed on the original 2009 30 Day Post-Special Report (Image 10030371159).

On July 28, 2010, the Committee filed a Miscellaneous Electronic Submission ("Form 99"), which stated,

"This Form 99 Miscellaneous Report is being filed in response to the July 14, 2010 letter from the FEC in connection with ARDA-ROC PAC's (the PAC) Amended 2009 30 Day Post-Special Report. Specifically, the FEC's letter raises a question regarding 'additional disbursements totaling \$119,791.06' that was not included on the PAC's amended report. As noted in the memo text included with the amended report, the additional expense is a single disbursement that, as a result of a clerical error, was inadvertently omitted from the original report. By mistake, this expenditure was not included with the list of other disbursements that were entered into the database used to generate the PAC's FEC reports. An amendment was prepared and filed immediately upon the discovery that the expenditure was omitted. It is important to note that the omission was of a single expenditure made by the PAC, not a series of expenditures. Moreover, the expenditure was not made to support or oppose with any candidate or committee or in connection with any other federal or state election activity. It was an administrative expense incurred by the PAC. The omission of the expenditure was discovered through an internal review of the PAC's activities and the correction was made immediately once the mistake was discovered. Be assured that it is the policy of ARDA to fully and accurately disclose to the FEC all of the PAC's reportable activity. ARDA will continue to review and make improvements [to] its practices to ensure it meets its obligations with the FEC" (Image 10991028633).

² The additional disbursements on Line 21(b) of the Detailed Summary Page equaled \$130,141.06; however, there was a decrease in disbursements on Line 29 of the Detailed Summary Page equal to \$10,350.00, so the net increase in disbursements equaled \$119,791.06 (Attachment 2).

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On August 16, 2010, Peter Sherman, a consultant for the Committee, called the Reports Analysis Division (RAD) Analyst to ensure that she had received the Miscellaneous Electronic Submission ("Form 99") filed on July 28, 2010. The Analyst confirmed receipt of the document (Attachment 3).

On August 26, 2010, the Analyst left a message for Sandra Yartin DePoy, the Treasurer of the Committee, explaining that the Committee might be referred for further Commission action in reference to the increase in disbursements on the Amended 2009 30 Day Post-Special Report, received June 2, 2010. Subsequently, Peter Sherman returned the Analyst's call on behalf of Ms. DePoy. The Analyst then told Mr. Sherman that the Committee had an opportunity to place additional information on the public record regarding the increase in disbursements on its Amended 2009 30 Day Post-Special Report, received June 2, 2010 (Attachment 3).

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

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