

## REPORTS ANALYSIS DIVISION REFERRAL

TO

## ALTERNATIVE DISPUTE RESOLUTION OFFICE

DATE: December 13, 2010

ANALYST: Andrea Needles

- I. COMMITTEE: Congressional Black Caucus PAC  
C00147512  
Earl Jenkins, Treasurer  
455 Massachusetts Avenue, NW,  
#150-355  
Washington, DC 20001
- II. RELEVANT STATUTES: 2 U.S.C. §§434(b)(2) and (4)  
11 CFR §104.3(a)  
11 CFR §104.3(b)
- III. BACKGROUND:

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

The Congressional Black Caucus PAC ("the Committee") amended its 2009 Year End Report to disclose additional receipts of \$142,087.64 and additional disbursements of \$135,616.50. The Committee also amended its 2010 April Quarterly Report to disclose additional receipts of \$115,000.00 (Attachments 2 and 3).

**2009 Year End Report**

On January 29, 2010, the Committee filed the original 2009 Year End Report covering the period of July 1, 2009 through December 31, 2009. This report disclosed \$0.00 in receipts on Line 11(a)(i) (Itemized Contributions from Individuals/Persons Other than Political Committees), \$0.00 on Line 11(a)(ii) (Unitemized Contributions from Individual/Persons Other than Political Committees), \$0.00 on Line 11(c) (Contributions from Other Political Committees), and \$0.00 on Line 17 (Other Federal Receipts) of the Detailed Summary Page (Image 10930235124). The Committee also disclosed \$0.00 in disbursements on Line 21(b) (Other Federal Operating Expenditures) and \$0.00 on Line 23 (Contributions to Federal Candidates/Committees and Other Political Committees) of the Detailed Summary Page (Image 10930235125, Attachment 2).

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On May 14, 2010, Shauna Polk, a representative of the Committee, called the Reports Analysis Division (RAD) Analyst and stated that the Committee would file amendments to its 2009 Year End and 2010 April Quarterly Reports to disclose additional transactions that were not reported on the Committee's initial filings. Ms. Polk asked if an explanation should be provided with the amended reports in order to prevent any punitive action. The RAD Analyst encouraged Ms. Polk to provide the Commission with an explanation for the increased activity and stated that a Request for Additional Information (RAI) regarding the increases in activity may still be sent to the Committee (Attachment 4).

On May 14, 2010, the Committee filed an Amended 2009 Year End Report which disclosed \$20,250.00 on Line 11(a)(i), \$791.00 on Line 11(a)(ii), \$120,694.00 on Line 11(c) and \$325.64 on Line 17 of the Detailed Summary Page (Image 10930710491). The Amended Year End Report also disclosed \$115,616.50 on Line 21(b) and \$20,000.00 on Line 23 of the Detailed Summary Page (Image 10930710492, Attachment 2). The Committee attached a memo text to this report which stated, in full:

"This report is being amended to reflect activity that took place for the CBC PAC covering the dates of 07/01/2009 through 12/31/2009. Because the information was not accessible at the time the January 31 Year End Report was due, we were left with no other option but to file a no activity report in order to be considered a timely filer" (Image 10930710489).

On September 15, 2010, an RAI was sent to the Committee referencing the 2009 Amended Year End Report, received May 14, 2010. The RAI requested clarification regarding the additional receipts and disbursements<sup>2</sup> disclosed on Lines 11(a)(i), 11(a)(ii), 11(c), 17, 21(b) and 23 of the Detailed Summary Page that were not previously disclosed on the Committee's original 2009 Year End Report (Image 10030423101).

On October 20, 2010, the RAD Analyst called the Committee and spoke with the Committee's Executive Director, Jessica Knight. The Analyst called to discuss the increase in activity on the Amended 2009 Year End and Amended 2010 April Reports, to inform the Committee that these issues may be referred for further Commission action and to ask if the Committee would like to submit any additional clarifying information for the public record. Ms. Knight stated that the Committee did not wish to provide any additional information and indicated that the Committee had engaged a new compliance firm to process the Committee's filings and that this issue should not arise in the future (Attachment 4).

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<sup>2</sup> The total amounts of the additional receipts and disbursements referenced in the RAI were \$142,088.00 and \$135,617.00, respectively. These figures were rounded to the nearest dollar; the exact total amount of additional receipts and disbursements disclosed on the Amended 2009 Year End Report, received 5/14/10, equaled \$142,087.64 and \$135,616.50, respectively.

**2010 April Quarterly Report**

On April 15, 2010, the Committee filed its original 2010 April Quarterly Report covering the period of January 1, 2010 to March 31, 2010. The report disclosed \$0.00 on Line 11(a)(i) (Itemized Contributions from Individuals/Persons Other than Political Committees) and \$0.00 on Line 11(c) (Contributions from Other Federal Candidates/Committees) of the Detailed Summary Page (Image 1099057223, Attachment 3).

On May 14, 2010, Ms. Polk called the RAD Analyst and stated that the Committee would file amendments to its 2009 Year End and 2010 April Quarterly Reports to disclose additional transactions that were not reported on the Committee's initial filings. Ms. Polk asked if an explanation should be provided with the amended reports in order to prevent any punitive action. The RAD Analyst encouraged Ms. Polk to provide the Commission with an explanation for the increased activity and stated that an RFAI may be sent to the Committee in the future (Attachment 4).

On May 14, 2010, the Committee filed an Amended 2010 April Quarterly Report which disclosed \$6,500.00 on Line 11(a)(i) and \$108,500.00 on Line 11(c) of the Detailed Summary Page (Image 10930710464, Attachment 3). The Committee attached a memo text to this report which stated, in full:

"This report is being amended to reflect activity that took place for the CBC PAC covering the dates of 01/01/2010 through 03/31/2010. Because the information was not accessible at the time the April 15<sup>th</sup> Quarterly Report was due, we were left with no other option but to file a no activity report in order to be considered a timely filer" (Image 1090710462).

On September 15, 2010, an RFAI was sent to the Committee referencing the Amended 2010 April Quarterly Report, received May 14, 2010. Among other issues, the RFAI requested clarification regarding the additional receipts totaling \$115,000.00 disclosed on Lines 11(a)(i) and 11(c) of the Detailed Summary Page that were not disclosed on the original 2010 April Quarterly Report (Image 10030423098).

On October 20, 2010, the RAD Analyst called the Committee and spoke with the Executive Director, Jessica Knight. The Analyst called to discuss the increase in activity on the Amended 2009 Year End and Amended 2010 April Quarterly Reports, to inform Committee that these issues may be referred for further Commission action and to ask whether the Committee would like to submit any additional clarifying information for the public record. Ms. Knight stated that the Committee did not wish to provide any additional information and indicated that the Committee had recently engaged a new compliance firm to process the Committee's filings and that this issue should not arise in the future (Attachment 4).

To date, no further communication has been received from the Committee regarding these matters.

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