

REPORTS ANALYSIS DIVISION REFERRAL
TO
ALTERNATIVE DISPUTE RESOLUTION OFFICE

DATE: February 4, 2011

ANALYST: Seth Kaye

I. COMMITTEE: Friends of Ross Bieling
C00481184
Ross Parker Bieling, Treasurer
7000 South Sylvan Lake Drive
Sanford, FL 32771

II. RELEVANT STATUTES: 2 U.S.C. § 434(b)(2)
11 CFR § 104.3(a)

III. BACKGROUND:

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

Friends of Ross Bieling ("the Committee") amended its first filed report, the 2010 July Quarterly Report, to disclose increased receipts totaling \$200,000.00 (Attachment 2).

On April 13, 2010, the Committee filed its original Statement of Organization (FEC Form 1). On August 11, 2010, Ross Parker Bieling, Candidate and Committee Treasurer, called the Reports Analysis Division (RAD) Analyst for assistance with reporting requirements and filing electronically. The Analyst reviewed the reporting schedule on the Federal Election Commission (FEC) website with Mr. Bieling and explained to him that a Committee is required to file a Report of Receipts and Disbursements (FEC Form 3) when the campaign activity exceeds \$5,000.00 in either contributions or expenditures. Mr. Bieling said the Committee had spent over that amount. The Analyst told him that the Committee needed to file the proper reports, based on when the Committee spent greater than \$5,000.00. The Analyst then showed Mr. Bieling where to download the FEC software and the "Getting Started Manual" as a reference going forward. Mr. Bieling seemed to understand what he needed to do and stated he would work on the 2010 12 Day Pre-Primary Report covering the period of July 1 through August 4, 2010, that was due August 12, 2010 (Attachment 3).

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On August 12, 2010, the RAD Analyst returned Mr. Bieling's call inquiring how to use the FEC software. Among other issues, Mr. Bieling requested assistance with the software timing out and with using the correct FEC form (Attachment 3).

On August 23, 2010, Mr. Bieling called the RAD Analyst with additional questions about the Committee's data file. The Analyst assisted Mr. Bieling in creating a correct new data file in the FEC software. In response to Mr. Bieling's inquiry about whether or not the Committee needed to file a 2010 July Quarterly Report, the Analyst again explained to Mr. Bieling that if the Committee raised or spent greater than \$5,000.00 during the reporting dates of the 2010 July Quarterly Report, then the report needed to be filed. Mr. Bieling understood and said he would work on the required reports (Attachment 3).

On August 24, 2010, the Committee filed the original 2010 July Quarterly Report covering the period of April 1, 2010 through June 30, 2010 (Image 10931190813). The report disclosed \$0.00 in receipts on Line 13(a) (Loans Made or Guaranteed by the Candidate) of the Detailed Summary Page (Image 10931190815; Attachment 2).

On October 22, 2010, the Committee filed an Amended 2010 July Quarterly Report covering the period of April 1, 2010 through June 30, 2010 (Image 10931755591). The report disclosed \$200,000.00 in receipts on Line 13(a) of the Detailed Summary Page (Image 10931755593; Attachment 2).

On November 30, 2010, a Request for Additional Information ("RFAI") was sent to the Committee referencing the Amended 2010 July Quarterly Report, received October 22, 2010. The RFAI requested clarification regarding the substantial increase in receipts that were not disclosed in the original filing (Image 10030501408).

On December 8, 2010, Mr. Bieling called the RAD Analyst regarding the RFAI for the Committee's Amended 2010 July Quarterly Report and asked whether the letter was referencing receipts. The Analyst told him it was, as the Committee added a new \$200,000.00 candidate loan to the amended report. Mr. Bieling asked what needed to be done. The Analyst told him that as long as the information on the amended report was correct, which Mr. Bieling confirmed, the Committee could file a Miscellaneous Electronic Submission (FEC Form 99) explaining why the discrepancy occurred. Mr. Bieling said that it had originally been mischaracterized. The Analyst referred Mr. Bieling to the third paragraph in the RFAI the Committee received and told him that any response by the Committee will be taken into consideration, but: "Failure to comply with the provisions of the Act may also result in an enforcement action against the committee" (Attachment 3).

On December 11, 2010, the Committee filed a FEC Form 99 in response to the RFAI. The FEC Form 99 stated in part:

"The \$200,000 dollar entry was introduced in the initial report incorrectly as it was a loan from Ross P. Bieling to the Friends of Ross Bieling.

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Accordingly, it was corrected on the July quarterly report (4/1/10 - 6/30/10) and defined and identified as a loan from the candidate. Mr. Kaye was contacted on or about December 6, 2010 whereby Mr. Kaye requested that this be explained within a Form 99 for clarification" (Image 10992480780).

On January 12, 2011, RAD Management called Mr. Bieling to inform him that the failure to disclose the \$200,000 candidate loan on the original 2010 July Quarterly Report would be referred for further Commission action. RAD Management asked Mr. Bieling whether he would like to provide any additional information about the increase in activity on the 2010 Amended July Quarterly Report, received October 22, 2010. Mr. Bieling stated that he entered the information incorrectly into his FEC software and, due to his difficulties with the FEC software, the loan was not in the original version of the report he electronically transmitted to the FEC. Mr. Bieling said he corrected this in the amended report (Attachment 3).

To date, no further communications have been received from the Committee regarding this matter.

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