

REPORTS ANALYSIS DIVISION REFERRAL
TO
ALTERNATIVE DISPUTE RESOLUTION OFFICE

DATE: February 11, 2011

ANALYST: Jill Sugarman

- I. COMMITTEE: Bob Turner for Congress
 C00483495
 Kevin P. Turner, Treasurer
 85-49 105th Street
 Richmond Hill, NY 11418
- II. RELEVANT STATUTES: 2 U.S.C. § 434(b)
 11 CFR § 104.3(a) & (b)

III. BACKGROUND:

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

Bob Turner for Congress (“the Committee”) amended its 2010 12 Day Pre-Primary Report to disclose additional receipts and additional disbursements which were not reported in the original report (Attachment 2).

On September 2, 2010, the Committee filed the original 2010 12 Day Pre-Primary Report covering the period of July 1, 2010 through August 25, 2010 (Image 10931233967). This report disclosed \$15,805.00 in receipts on Line 11(a)(iii) (Total of Contributions from Individuals) and \$0.00 in receipts for Lines 11(c) (Contributions from Other Political Committees), 11(d) (Contributions from The Candidate) and Line 14 (Offsets to Operating Expenditures) of the Detailed Summary Page (Image 10931233969). The report also disclosed \$2,900.00 in disbursements on Line 17 (Operating Expenditures) of the Detailed Summary Page (Attachment 2, Image 10931233970).

On September 29, 2010, the Reports Analysis Division (RAD) Analyst spoke with Laura Schreiner, assistant treasurer, about several issues, including the 2010 12 Day Pre-Primary report. Ms. Schreiner explained that most of the disbursement data she had

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entered into the FECFile software was lost when she uploaded the report. The Analyst was unaware of how this could occur and transferred Ms. Schreiner to the Electronic Filing Office (EFO) for further assistance (Attachment 3).

On October 13, 2010, the Committee filed an Amended 2010 12 Day Pre-Primary Report (Image 10991306098). This report disclosed \$57,640.90 in receipts on Line 11(a)(iii), \$0.00 in receipts on Line 11(c), \$62,500.00 in receipts on Line 11(d) and \$31.62 in receipts on Line 14 of the Detailed Summary Page (Image 10991306100). The report also disclosed \$145,660.90 in disbursements on Line 17 of the Detailed Summary Page (Image 10991306101).

On November 23, 2010, a Request for Additional Information (RAI) was sent to the Committee referencing the Amended 2010 12 Day Pre-Primary Report, received October 13, 2010. Among other items, the RAI requested clarification regarding the substantial increases in both receipts and disbursements that were not disclosed in the original filing (Image 10030493492).

On January 3, 2011, the RAD Analyst left a voice mail message for Kevin Turner, treasurer. Among other issues, the Analyst explained that she was calling about the increased activity on the Amended 2010 12 Day Pre-Primary Report. The Analyst said that this issue could be referred for further action and asked that Mr. Turner return her call (Attachment 3).

On January 4, 2011, the RAD Analyst returned a voicemail left by Ms. Schreiner on January 3, 2011. The Treasurer had asked Ms. Schreiner to contact the Analyst about the increased activity on the Amended 2010 12 Day Pre-Primary Report, as well as issues on other reports. The Analyst explained that the increase in activity could be referred for further action by the Commission. Ms. Schreiner said the increase in activity was due to the loss of data when uploading the original report using the FECFile software and that she had discussed this with the EFO. The Analyst advised Ms. Schreiner to provide a detailed explanation for the increase in activity using a Miscellaneous Electronic Submission (Form 99) (Attachment 3).

On January 11, 2011, Ms. Schreiner contacted the RAD Analyst about several reporting issues, including the Amended 2010 12 Day Pre-Primary Report. The Analyst reminded Ms. Schreiner that any clarification about the increased activity must be received at the Commission by 5:30 pm on January 14, 2011 (Attachment 3).

On January 13, 2011, the Committee filed another Amended 2010 12 Day Pre-Primary Report (Image 11930066769). This report disclosed \$58,140.00 in receipts on Line 11(a)(iii), \$150.00 in receipts on Line 11(c), \$62,500.00 in receipts on Line 11(d) and \$181.62 in receipts on Line 14 of the Detailed Summary Page (Image 11930066771). The report also disclosed \$144,475.10 in disbursements on Line 17 of the Detailed Summary Page (Attachment 2, Image 11930066772).

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On January 14, 2011, the Committee filed a response to the RFAI sent November 23, 2010. The Committee stated, in part:

“In response to your letter ... the first item regarding our amended 12 Day Pre-Primary Report, received 10/13/10 disclosing a substantial increase in the amount of receipts from those disclosed on our original report was a result of a computer and / or software failure. All receipts data was entered into the original report. The report was electronically filed. Upon a press inquiry regarding the activity of the filing it was discovered that all of the data originally entered was not filed with the Commission. Immediately, a telephone call was placed to you and then the technical department of the Commission to discuss the problem and what may have occurred with the filing. The technical department stated that there was no way to know what had occurred, this has happened with other committees, all data would need to be reentered since there were numerous un-itemized receipts and disbursements and the Commission technical department would not be able to retrieve the un-itemized entries. The committee computer was checked for viruses and system errors, problems were fixed and new internet and virus protection software was installed. The report was updated, corrected, amended and filed as soon as possible” (Image 11930073177).

The Committee also included the same explanation in regard to the increase in disbursements (Image 11930073177).

To date, no further communications have been received from the Committee regarding these matters.

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