

## REPORTS ANALYSIS DIVISION REFERRAL

TO

OFFICE OF GENERAL COUNSEL

DATE: February 22, 2011

ANALYST: Allen Norfleet

- I. COMMITTEE: Minuteman Victory PAC  
(C00458109)  
Stephen Eichler, Treasurer  
9468 Magnolia Avenue #203  
Riverside, CA 92503-3746
- II. RELEVANT STATUTE: 2 U.S.C. §434(g)(2)  
11 CFR §104.4(b)(2)
- III. BACKGROUND:

**Failure to Provide Supporting Schedules (Failure to Timely File 48-Hour Notices)**

The Minuteman Victory PAC ("the Committee") failed to timely file three (3) 48-Hour Notices to support three (3) independent expenditures totaling \$52,429.18 disclosed on the 2010 July Quarterly Report made up to and including the 20<sup>th</sup> day before the 2010 Primary Election held in the state of Arizona (Attachment 2).

Prior Notices listing the official filing dates for quarterly filers were sent to the Committee on March 26, 2010 and June 21, 2010. The notices included a section titled *48- and 24-Hour Reports of Independent Expenditures*, which read as follows:

Any PAC or Party Committee that makes independent expenditures in 2010 may have to disclose this activity within 48- or 24-hours based upon the date and the amount of the expenditure. See 11 CFR 104.4, the Web Page: [http://www.fec.gov/info/charts\\_ie\\_dates\\_2010.shtml](http://www.fec.gov/info/charts_ie_dates_2010.shtml), or the Campaign Guide. These reports are not required when a PAC or Party Committee makes a contribution directly to a candidate (Attachment 3).

On July 14, 2010, the Committee filed a 2010 July Quarterly Report covering the period from April 1, 2010 through June 30, 2010. The report disclosed disbursements totaling \$52,429.18 on Line 23 (Contributions to Federal Candidates and Committees) of

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the Detailed Summary Page that did not identify the federal candidate or committee for whom the apparent contributions were intended (Image 10990858905).

On August 27, 2010, a Request for Additional Information ("RFAI") was sent to the Committee referencing the 2010 July Quarterly Report. Among other issues, the RFAI stated that the Committee should provide the full name, address, office sought, state, and congressional district (if applicable) for the contributions disclosed on Line 23 (Image 10030414077).

On August 31, 2010, Stephen Eichler, the Committee's Treasurer, called the Reports Analysis Division (RAD) Analyst with questions regarding the RFAI sent to his committee. Among other matters, the Analyst and Mr. Eichler discussed the expenditures on Line 23 that did not identify a federal candidate. The Analyst asked Mr. Eichler if the expenditures were in-kind contributions or independent expenditures. Mr. Eichler stated the disbursements were likely independent expenditures. The Analyst told Mr. Eichler that he should research the matter further, but if they were independent expenditures, the disbursements should be disclosed on Line 24 (Independent Expenditures) and that 48-Hour Notices of Independent Expenditures may need to be filed (Attachment 4).

On September 1, 2010, Mr. Eichler called the Analyst because he determined that the disbursements disclosed on Line 23 were actually independent expenditures and should be reported on Line 24. Mr. Eichler needed assistance with amending the 2010 July Quarterly Report and filing a Miscellaneous Electronic Submission ("FEC Form 99") to explain the error. The Analyst helped the Committee create an amendment to the report, which included moving the entries disclosed on Line 23 to Line 24 and adding the required candidate information. The Analyst also walked Mr. Eichler through creating a FEC Form 99 (Attachment 4).

Subsequently on September 1, 2010, the Committee submitted an FEC Form 99 in response to the RFAI referencing the 2010 July Quarterly Report, which stated in part:

"Line 23 issue was an oversight. After speaking with Alan I understand about the 48 hour notice and the candidate identified. That problem has been corrected on several levels. First of all the corrected line 23 to line 24 and the amended 48 hour notice is being corrected with the guidance of your Senior Campaign Finance Analyst" (Image 10931219799).

Also on September 1, 2010, the Committee filed an Amended 2010 July Quarterly Report which included a Schedule E (Itemized Independent Expenditures) disclosing three (3) independent expenditures totaling \$52,429.18 in support of one (1) federal candidate (Images 10931219957-8).

On September 2, 2010, the Committee filed a 48-Hour Notice to disclose the independent expenditures totaling \$52,429.18 reported on the Amended 2010 July Quarterly Report, received September 1, 2010 (Images 10991125734-5).

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On November 10, 2010, an RFAI was sent to the Committee referencing the Amended 2010 July Quarterly Report, received September 1, 2010. The RFAI noted that the Committee may have failed to timely file one or more 48- Hour Notices for the independent expenditures disclosed on Schedule E. A chart was included with the RFAI identifying three (3) independent expenditures, totaling \$52,429.18, for which 48- Hour Notices had not been timely filed (Image 10030491171).

On November 22, 2010, Mr. Eichler called the Analyst regarding the RFAI referencing the Amended 2010 July Quarterly Report, received September 1, 2010. Mr. Eichler asked how he could fix the issue discussed within the letter. The Analyst explained that the Committee had already filed the late 48-Hour Notices and the only other corrective action was to file a detailed FEC Form 99 explaining why the 48-Hour Notices were filed late. Mr. Eichler said he would file an FEC Form 99 (Attachment 4).

On November 29, 2010, the Committee submitted an FEC Form 99 in response to the RFAI referencing the Amended 2010 July Quarterly Report, received September 1, 2010, which stated in part:

“These errors were fully corrected when brought to my attention by my Analyst. Furthermore, I have learned from these errors and for a fact, they will not be repeated” (Image 10931834905).

On January 5, 2011, Mr. Eichler called the Analyst regarding other matters. During the call, the Analyst informed him that the Committee may be referred for additional action by the Commission regarding the late 48-Hour Notices on the Amended 2010 July Quarterly Report, received September 1, 2010. The Analyst told Mr. Eichler that he could place additional information on the public record. Mr. Eichler said he had already filed a detailed FEC Form 99 and the late 48-Hour Notices (Attachment 4).

To date, no additional information has been provided by the Committee regarding this matter.

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