

REPORTS ANALYSIS DIVISION REFERRAL
TO
ALTERNATIVE DISPUTE RESOLUTION OFFICE

DATE: September 27, 2011

ANALYST: Kevin Fortkiewicz

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- I. COMMITTEE: Patriot Majority PAC
(C00469890)
Craig Varoga, Treasurer
PO Box 11714
Washington, DC 20008
- II. RELEVANT STATUTE: 2 U.S.C. §434(g)(1)
11 CFR §104.4(c)

III. BACKGROUND:

Failure to Provide Supporting Schedules (Failure to file 24-Hour Notices)

Patriot Majority PAC ("the Committee") failed to file three (3) 24-Hour Notices to support three (3) independent expenditures totaling \$42,723.48 made after the 20th day before, but more than 24 hours prior to, the 2010 General Election (Attachment 2).

On December 2, 2010, the Committee filed a 2010 30 Day Post-General Report, covering the period from October 14, 2010 through November 22, 2010, which included a Schedule E (Itemized Independent Expenditures) disclosing twenty-nine (29) independent expenditures totaling \$1,185,768.57 made in opposition to three (3) federal candidates and in support of one (1) federal candidate. The Committee failed to file two (2) 24-Hour Notices for two (2) independent expenditures totaling \$21,976.00 (Images 10932006145-59).

On February 23, 2011, a Request for Additional Information (RAI) was sent to the Committee referencing the 2010 30 Day Post-General Report. Among other issues, the RAI stated the Committee may have failed to file one or more of the required 24-Hour Notices for independent expenditures made on behalf of a federal candidate. A chart was included with the RAI identifying the two (2) independent expenditures, totaling \$21,976.00, for which 24-Hour Notices were not filed (Image 11330005573).

On March 30, 2011, the Committee filed a Miscellaneous Electronic Submission ("Form 99") in response to the RFAI referencing the 2010 30 Day Post-General Report. The Form 99 stated in part:

"Response to Question 1: Adelstein Liston (\$1976) and Media Strategies and Research (\$20,000): On October 27, 2010, a 24-Hour Notice was filed for a radio and television communications titled Peligro in Spanish or Dangerous in English. The 24-hour notice included production expenses paid to Adelstein Liston for \$4,500, Chambers, Lopez & Gaitan for \$6,549.22 and \$35,839.60, TVmedia buy payment to Media Strategies and Research for \$50,000 and a radio buy payment to Media Strategies and Research for \$100,000. A total of \$196,888.82 in production and media payment payments were disclosed on the 24-Hour Notice for Peligro and Dangerous. An additional payment of \$1,976 to Adelstein Liston for Peligro production expenses and an additional \$20,000 payment to Media Strategies and Research for Peligro radio media buy were inadvertently omitted on the 24-hour notice.

Response to Question 2: Alpha Communications: The 10/15/10 payment of \$20,747.48 to Alpha Communications was for a direct mail communication that contained express advocacy. A 24-hour notice was inadvertently not filed for this communication. The report will be amended moving the disbursement from Schedule B line 21(b) to Schedule E" (Image 1990332831).

On April 19, 2011, the Committee filed an Amended 2010 30 Day Post-General Report. As was noted in the Form 99 received on March 30, 2011 and referenced above, Schedule E of the amendment disclosed one (1) additional independent expenditure, totaling \$20,747.48, made in support of one (1) federal candidate for which a 24-Hour Notice was not filed (Image 11931206294).

On June 27, 2011, an RFAI was sent to the Committee referencing the Amended 2010 30 Day Post-General Report. The RFAI stated that the Committee may have failed to file one or more of the required 24-Hour Notices for independent expenditures made on behalf of a federal candidate. A chart was included with the RFAI identifying the one (1) independent expenditure, totaling \$20,747.48, for which a 24-Hour Notice was not filed (Image 11330010872).

On July 18, 2011, Jim Lamb, an attorney for the Committee, called the Reports Analysis Division (RAD) Analyst regarding the RFAI. He stated the Committee had already filed an FEC Form 99 on March 30, 2011, that provided information concerning the independent expenditure in question. The Analyst explained that the RFAI was sent because a 24-Hour Notice had not been filed for the independent expenditure. The Analyst further explained that the Committee could provide additional information for the public record regarding the missing 24-Hour Notice. Mr. Lamb stated that the Committee would respond further for the public record and explained that the Committee

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had inadvertently forgotten to file the 24-Hour Notice for this independent expenditure (Attachment 3).

On August 5, 2011, the Analyst left a message with the Committee's treasurer, Craig Varoga, stating that the Committee had not yet responded to the RFAI referencing the Amended 2010 30 Day Post-General Report. The Analyst also explained that the issue could be referred for additional action by the Commission. Later that day, Mr. Lamb called the Analyst on behalf of the treasurer and told him the Committee would file a Form 99 regarding the missing 24-Hour Notice (Attachment 3).

On August 5, 2011, the Committee filed a Form 99 in response to the RFAI referencing the Amended 2010 30 Day Post-General Report. The Form 99 stated in full:

"This submission is in response to your June 27, 2011 letter regarding Patriot Majority PAC's Amended 30 Day Post-General Report received by the FEC on April 19, 2011. Please see Patriot Majority PAC's Miscellaneous Report to the FEC filed on March 30, 2011 that explains the amendment for the Alpha Communications expenditure" (Image 11932151203).

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

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