

REPORTS ANALYSIS DIVISION REFERRAL
TO
ALTERNATIVE DISPUTE RESOLUTION OFFICE

DATE: March 13, 2012

ANALYST: Westin Bordeaux

I. COMMITTEE: Mulvaney for Congress
C00471292
Patricia J. Jenkins, Treasurer (9/10/10 - Present)
Robert J. Wilson, Treasurer (11/27/09 - 9/10/10)
P.O. Box 1975
Lancaster, South Carolina, 29721

II. RELEVANT STATUTES: 11 CFR § 104.3(a) and (b)
2 U.S.C. § 434(b)(2) and (4)

III. BACKGROUND:

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

Mulvaney for Congress ("the Committee") amended its 2010 October Quarterly and 2010 30 Day Post-General Reports to disclose additional receipts of \$65,346.30 and additional disbursements of \$2,157.72, which were not disclosed in the original reports (Attachments 1 and 2).

2010 October Quarterly Report

On October 15, 2010, the Committee filed the original 2010 October Quarterly Report covering the period from July 1, 2010 through September 30, 2010. The report disclosed \$410,462.98 in receipts on Line 11(a)(i) (Itemized Contributions from Individuals) and \$101,071.46 in receipts on Line 11(a)(ii) (Unitemized Contributions from Individuals) of the Detailed Summary Page (Image 10931464703). The report also disclosed \$100.00 in disbursements on Line 20(a) (Refunds of Contributions to Individuals/Persons other than Political Committees) of the Detailed Summary Page (Image 10931464704).

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On December 21, 2010, the Committee filed an Amended 2010 October Quarterly Report. The report disclosed \$424,774.11 in receipts on Line 11(a)(i) and \$107,758.33 in receipts on Line 11(a)(ii) of the Detailed Summary Page (Image 10932124073). The report disclosed no change in disbursements on Line 20(a) from the original report (Image 10932124074).

On March 30, 2011, the Committee filed another Amended 2010 October Quarterly. The report disclosed \$427,570.86 in receipts on Line 11(a)(i) and \$102,961.58 in receipts on Line 11(a)(ii) of the Detailed Summary Page, a total increase of \$18,998.00 from the original report (Image 11930578884, Attachment 3). The report also disclosed \$2,100.00 in disbursements on Line 20(a) of the Detailed Summary Page, an increase of \$2,000.00 from the original report (Image 11930578885, Attachment 4).

2010 30 Day Post-General Report

On December 2, 2010, the Committee filed the original 2010 30 Day Post-General Report covering the period from October 14, 2010 through November 22, 2010. The report disclosed \$144,674.90 in receipts on Line 11(a)(i) and \$66,407.00 in receipts on Line 11(c) (Contributions from Other Political Committees) of the Post Election Detailed Summary Page (Image 10992328829). The report also disclosed \$569,518.61 in disbursements on Line 17 (Operating Expenditures) of the Post Election Detailed Summary Page (Image 10992328831).

On December 21, 2010, the Committee filed an Amended 2010 30 Day Post-General Report. The report disclosed \$146,744.90 in receipts on Line 11(a)(i) and \$64,960.00 in receipts on Line 11(c) of the Post Election Detailed Summary Page (Image 10932124416). The report also disclosed \$568,744.45 in disbursements on Line 17 of the Post Election Detailed Summary Page (Image 10932124418).

On February 10, 2011, the Committee filed an Amended 2010 30 Day Post-General Report. The report disclosed \$174,470.20 in receipts on Line 11(a)(i) and \$82,960.00 in receipts on Line 11(c) of the Post Election Detailed Summary Page, a total increase of \$46,348.30 from the original report (Image 11990218679, Attachment 3). The report also disclosed \$569,669.13 in disbursements on Line 17 of the Post Election Detailed Summary Page (Image 11990218681).

On February 23, 2011, a Request for Additional Information (RFAI) was sent to the Committee refereneing the Amended 2010 30 Day Post-General Report, received February 10, 2011. Among other items, the RFAI requested clarification regarding the substantial increase in receipts that were not disclosed in the original filing (Image 11330005472).

On March 30, 2011, the Committee filed a Miscellaneous Electronic Submission (Form 99) in response to the RFAI. In part, the Committee stated:

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"The Amended 30 Day Post-General Report, filed 2/10/2011, discloses additional receipts from the original report filed. Please be advised that the campaign reviewed its contribution records and determined that additional receipts should have been reported on the 30 Day Post-General Report. As soon as we made this determination, the campaign amended its FEC reports" (Image 11930579431).

On March 30, 2011, the Committee filed another Amended 2010 30 Day Post-General Report. The report disclosed no changes in receipts on the Post Election Detailed Summary Page (Image 11930579250). However, the report disclosed \$569,676.33 in disbursements on Line 17 of the Post Election Detailed Summary Page, an increase of \$157.72 from the original report (Image 11930579252, Attachment 4).

On November 8, 2011, an RFAI was sent to the Committee referencing the Amended 2010 30 Day Post-General Report, received March 30, 2011. In part, the RFAI requested clarification regarding the substantial increase in receipts and disbursements disclosed on the Amended 2010 October Quarterly and Amended 2010 30 Day Post-General Reports that were not disclosed in the original filings (Image 11330015421).¹

On November 30, 2011, the Committee filed a Form 99 in response to the RFAI. In part, the Committee stated:

"Our Amended 2010 October Quarterly and 2010 30 Day Post-General Reports disclosed additional receipts and disbursements that had not been originally reported. Please be advised that the campaign conducted an additional review of its receipts and disbursements after filing its reports and discovered transactions that had not been originally reported. Accordingly, as soon as noticing these additional transactions were identified, the campaign amended its reports to accurately disclose its activity to the FEC" (Image 11953024953).

On January 4, 2012, the Reports Analysis Division (RAD) Analyst called the Committee and spoke with the campaign manager, Eric Bedingfield. The Analyst explained that the matter involving increased activity on the Amended 2010 October Quarterly and 30 Day Post-General Reports will be referred for further action by the Commission. The Analyst informed Mr. Bedingfield that the Committee could provide additional information to be placed on the public record by filing a Form 99 (Attachment 5).

¹ The RFAI also cited a change in activity on the 2010 Amended October Quarterly Report on Lines 11(b) and 11(c) the Detailed Summary Page. However, this change is not included in the referral, as it was a result of the Committee moving a party contribution from Line 11(c), where it was disclosed on the original report, to Line 11(b). The RFAI also cited an increase in disbursements on Line 20(c) of the Post Election Detailed Summary Page of the 2010 Amended 30 Day Post-General Report. However, the transaction disclosed on Line 20(c) of the amended report was a bounced check for a PAC contribution, the receipt of which was disclosed on the original report, and would not constitute an increase in activity.

Later that same day, Julie Fleming, a representative of the Committee, called the RAD Analyst. The Analyst informed Ms. Fleming that the matter involving increased activity on the Committee's amended reports would be referred for further action by the Commission. The Analyst stated the Committee had the option to provide additional information for the public record regarding this issue. Ms. Fleming indicated the Committee would not be filing any additional information (Attachment 5).

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

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