

## REPORTS ANALYSIS DIVISION REFERRAL

TO

OFFICE OF GENERAL COUNSEL

DATE: April 12, 2013

ANALYST: Alexandra Broomhead

I. COMMITTEE: Freedom and Liberty PAC  
C00502641  
Michael D. Edmonds, Treasurer  
329 Pierpont Avenue  
Salt Lake City, UT 84101

II. RELEVANT STATUTE: 2 U.S.C. §434(g)(2)  
11 CFR § 104.4(b)

III. BACKGROUND:

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

Freedom and Liberty PAC ("the Committee") failed to timely file two (2) 48-Hour Reports to support two (2) independent expenditures totaling \$80,000.00 disclosed on the 2012 September Monthly Report made up to and including the 20<sup>th</sup> day before the 2012 General Election.

On September 11, 2012, the Committee filed its 2012 September Monthly Report, covering the period from August 1, 2012 to August 31, 2012, which included a Schedule E (Itemized Independent Expenditures) disclosing three (3) independent expenditures totaling \$100,000.00, made in support of one (1) federal candidate (Images 12952904954-5; Attachment 2).

On September 28, 2012, the Committee filed three (3) 48-Hour Reports to support the three independent expenditures disseminated in August and disclosed on the 2012 September Monthly Report. The Committee failed to timely file two (2) required 48-Hour Reports to

13190293641

support two (2) independent expenditures totaling \$80,000.00 (Images 12954241630 and 12972446632; Attachment 2)

On January 24, 2013, a Request for Additional Information ("RFAI") was sent to the Committee referencing the 2012 September Monthly Report. The RFAI noted the Committee may have failed to timely file one (1) or more of the required 48-Hour Reports for the independent expenditures. A chart was included with the RFAI identifying the two (2) independent expenditures, totaling \$80,000.00, for which 48-Hour Reports had not been timely filed (Image 13330020801-3).

On February 12, 2013, Michael D. Edmonds, the Committee's treasurer, called the Reports Analysis Division ("RAD") Analyst regarding the RFAI referencing the 2012 September Monthly Report. Mr. Edmonds asked how he could respond to the matter addressed in the letter. The Analyst explained that the Committee had already filed the late 48-Hour Reports and the only other corrective action would be to file a detailed Miscellaneous Electronic Submission ("Form 99") explaining why the 48-Hour Reports were filed late (Attachment 3).

On February 12, 2013, the Committee submitted a Form 99 in response to the RFAI referencing the 2012 September Monthly Report, which states in full:

"The Treasurer for the Freedom and Liberty PAC recently received notice from the FEC dated January 24, 2013 wherein he was notified that the September 2012 monthly report included three expenditures for which 48 hour notices were deliquently [sic] filed. The Treasurer acknowledges that the 48 hour notices associated with the August expenditures were filed late. We are a very small PAC with limited resources and knowledge of the filing rules. The delayed reports were simply an oversight [sic] and not intended to mislead the public or to willfully [sic] ignore the rules and regulations" (Image 13960819692).

On March 8, 2013, the Analyst called Mr. Edmonds to inform him that the Committee may be referred for further action by the Commission regarding the late 48-Hour Reports to support the Independent Expenditures disclosed on the 2012 September Monthly Report. The Analyst told Mr. Edmonds that he could add any additional clarifying information on the public record regarding this matter (Attachment 3).

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

13190293642