

REPORTS ANALYSIS DIVISION REFERRAL
TO
ALTERNATIVE DISPUTE RESOLUTION OFFICE

DATE: July 25, 2013

ANALYST: Nicole Miller

- I. COMMITTEE: Liberty Unleashed
C00522482
Jae Kim, Treasurer
4101 Hiatus Road, Suite 402
Sunrise, FL 33351
- II. RELEVANT STATUTE: 2 U.S.C. § 434(b)(2)
11 CFR § 104.3(a)

III. BACKGROUND:

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

Liberty Unleashed ("the Committee") amended its 2012 October Quarterly Report to disclose additional receipts of \$80,054.19, which were not disclosed on the original report (Attachment 2).

On October 16, 2012, the Committee filed the original 2012 October Quarterly Report covering the period from July 1, 2012 through September 30, 2012. The report disclosed \$0.00 in receipts on Line 11(a)(i) (Itemized Contributions from Individuals/Persons Other Than Political Committees), \$0.00 in receipts on Line 11(a)(ii) (Unitemized Contributions from Individuals/Persons Other Than Political Committees) and \$0.00 in receipts on Line 11(b) (Contributions from Political Party Committees) of the Detailed Summary Page (Image 12954447327, Attachment 2).

On February 22, 2013, the Committee filed an Amended 2012 October Quarterly Report. The report disclosed \$30,338.33 in receipts on Line 11(a)(i), \$39,715.86 in receipts on Line 11(a)(ii) and \$10,000.00 in receipts on Line 11(b) of the Detailed Summary Page, a total increase in receipts of \$80,054.19 from the original report (Image 13961070907, Attachment 2).

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On April 26, 2013, a Request for Additional Information (RAI) was sent to the Committee referencing the Amended 2012 October Quarterly Report, received February 22, 2013. Among other issues, the RAI requested clarification regarding the substantial increase in receipts disclosed on the Amended 2012 October Quarterly Report that were not disclosed in the original filing (Image 13330030015).

On May 2, 2013, Jae Kim, the Committee Treasurer, called the Reports Analysis Division (RAD) Analyst to discuss, among other issues, the increase in activity that was questioned on the Amended 2012 October Quarterly Report. The Analyst explained that the Committee can respond to the RAI by filing a Miscellaneous Electronic Submission ("Form 99") to clarify the increase in receipts disclosed on the amended report (Attachment 3).

On May 28, 2013, Mr. Kim called the RAD Analyst to see if the Committee had to file an amended report to adequately respond to the RAI referencing the Amended 2012 October Quarterly Report, received February 22, 2013. The Analyst explained that an amendment is not required unless the Committee is changing activity disclosed on the report. The Committee could submit a Form 99 to further clarify the additional receipts disclosed on the amended report (Attachment 3).

Subsequently, on May 28, 2013, the Committee filed a Form 99 which stated in part:

"The original report was filed in error. It appears that an incomplete preliminary disbursements file was uploaded in lieu of the final completed file. As a result, the amended report addresses the items in your letter.

...

Additionally, the original report contained no record of our contributions. Note that the ending balance on the amended report matches the beginning balance on the subsequent [2012] 30 Day Post General report, as we continued to work off the correct file locally.

We understand that the effects of this mistake is that both contributions and expenses were under-reported, and that the Commission may choose to take further actions. We can only apologize, assure you that our procedures have been modified to ensure this mistake does not happen again, and await your response" (Image 13962707790).

On June 11, 2013 the RAD Analyst left a voicemail for Mr. Kim. On June 12, 2013, Mr. Kim returned the Analyst's call. The Analyst explained to Mr. Kim that the Committee's failure to disclose complete and accurate financial activity on the original 2012 October Quarterly Report may result in a referral for further action from the Commission. The Analyst further stated that the Committee could file another Form 99 to explain the increase in receipts disclosed on the amended report and stated that any

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additional clarification submitted for the public record would be taken into consideration (Attachment 3).

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

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