

REPORTS ANALYSIS DIVISION REFERRAL

TO

OFFICE OF GENERAL COUNSEL

DATE: April 12, 2013

ANALYST: Ashley Carter

I. COMMITTEE: Massachusetts Republican Party
C00042622
Brent Anderson, Treasurer
85 Merrimac St., Suite 400
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II. RELEVANT STATUTE: 2 U.S.C. § 434(b)(2) and (4)
2 U.S.C. § 434(g)
2 U.S.C. § 441(a)(f)
11 CFR § 104.3(a) and (b)
11 CFR § 104.4(b) and (c)
11 CFR § 110.1(c)(5)

III. BACKGROUND:

Failure to Provide Supporting Schedules (Failure to Timely File 24- and 48-Hour Reports)

The Massachusetts Republican Party ("the Committee") failed to timely file three (3) 48-Hour Reports to support five (5) independent expenditures totaling \$141,103.10 disclosed on the Amended 2010 February Monthly Report, received February 13, 2013, made up to and including the 20th day before the 2010 Special-General Election held in the state of Massachusetts. In addition, the Committee failed to timely file two (2) 24-Hour Reports to support two (2) independent expenditures totaling \$487,923.22 disclosed on the Amended 2010 February Monthly Report, received February 13, 2013, made after the 20th day, but more than 24 hours before the 2010 Special-General Election held in the state of Massachusetts (Attachment 2).

On February 20, 2010, the Committee filed the original 2010 February Monthly Report covering the period from January 1, 2010 through January 31, 2010, which

14190294219

disclosed \$0.00 on Schedule E, supporting Line 24 (Itemized Independent Expenditures) of the Detailed Summary Page (Image 10990326962).¹

On August 3, 2011, the Committee filed an Amended 2010 February Monthly Report. The report included a Schedule E disclosing eight (8) independent expenditures totaling \$629,538.00 that were not designated to a particular federal election. The independent expenditures were incorrectly reflected on Line 25 (Coordinated Party Expenditures) of the Detailed Summary Page (Images 11932145117- 20).

On December 10, 2012, the Committee filed an Amended 2010 February Monthly Report which included a Schedule E disclosing eight (8) independent expenditures totaling \$629,538.00 made in support of, or in opposition to, one (1) federal candidate. The Committee failed to file one (1) 48-Hour Report supporting four (4) independent expenditures totaling \$38,395.52 and two (2) 24-Hour Reports supporting two (2) independent expenditures totaling \$487,923.22 (Images 12963708763-6, Attachment 2).

On January 9, 2013, a Request for Additional Information ("RFAI") was sent to the Committee referencing the Amended 2010 February Monthly Report, received December 10, 2012. Among other issues, the RFAI noted that the Committee may have failed to file the required 24- and 48-Hour Reports. A chart was included with the RFAI identifying the six (6) independent expenditures, totaling \$526,318.74 for which a 24- or 48-Hour Report had not been filed. In addition, the RFAI cited one (1) independent expenditure totaling \$102,707.58 that appeared to be disseminated after the date of the 2010 Special-General Election (Images 13330019541-5).

On February 13, 2013, the Committee filed an Amended 2010 February Monthly Report in response to the RFAI which disclosed a revised dissemination date for one (1) independent expenditure originally questioned as being disseminated after the date of the 2010 Special - General Election. The amendment disclosed no other changes in independent expenditures disclosed on Schedule E (Image 13960822302).

On February 13, 2013, the Committee filed three (3) 48-Hour Reports to support five (5) independent expenditures totaling \$141,103.10 (Images 13960822303-6) and two (2) 24-Hour Reports to support two (2) independent expenditures totaling \$487,923.22 (Images 13960822307-8) reported on the Amended 2010 February Monthly Report, received February 13, 2013.

On February 19, 2013, an RFAI was sent to the Committee referencing the Amended 2010 February Monthly Report, received February 13, 2013. The RFAI noted that the Committee may have failed to timely file one or more 48-Hour Reports for the independent expenditures disclosed on Schedule E. A chart was included with the RFAI

¹ The Independent Expenditures disclosed on Schedule E of the Amended 2010 February Monthly Report, received 2/13/13 were originally disclosed on Schedule F (Coordinated Party Expenditures), supporting Line 25 of the Detailed Summary Page of the original 2010 February Monthly report. The 2010 February Monthly Report was amended a total of nine (9) times- twice on 5/24/11, 5/25/11, 8/3/11, 11/29/11, 3/9/12, 12/2/12, 12/10/12, and 2/13/13. All relevant amendments are included in the narrative of this referral. Amendments not included in the narrative reflected no changes relevant to the content of this referral.

14190294220

identifying one (1) independent expenditure, totaling \$102,707.58, for which a 48-Hour Report had not been timely filed (Images 13330025180-2).

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

The Committee amended its 2009 Year-End, 2010 March Monthly, 2010 August Monthly, 2010 September Monthly, 2010 October Monthly, 2010 12 Day Pre-General, and 2010 Year-End Reports to disclose additional receipts totaling \$60,279.50, additional disbursements totaling \$218,227.61, and additional debts totaling \$141,103.10, which were not disclosed on the original reports, a total increase in activity of \$419,610.21(Attachment 3).

2009 Year-End Report

On January 29, 2010, the Committee filed the original 2009 Year-End Report covering the period from December 1, 2009 through December 31, 2009. The report disclosed \$5,660.20 in debts on Line 10 (Debts and Obligations Owed by the Committee) of the Summary Page (Image 10930244382).

On March 26, 2010, the Committee filed an Amended 2009 Year-End Report which disclosed no further changes in debts (Image 10930464139).

On February 14, 2013, the Committee amended its 2009 Year-End Report. The report disclosed \$146,763.30 in debts on Line 10 (Debts and Obligations Owed by the Committee) of the Summary Page, a total increase in new debts incurred during the reporting period of \$141,103.10 from the original report (Image 13960881278, Attachment 6).

On February 19, 2013 an RFAI was sent to the Committee referencing the Amended 2009 Year-End Report, received February 14, 2013. The RFAI requested clarification regarding the substantial increase in debts that were not disclosed on the original filing (Images 13330023971-2).

2010 March Monthly Report

On March 19, 2010, the Committee filed the original 2010 March Monthly Report covering the period from February 1, 2010 through February 28, 2010. The report disclosed \$10,978.50 in receipts on Line 11(a)(ii) (Unitemized Contributions from Individuals) of the Detailed Summary Page (Image 10930457366).

On May 25, 2011, the Committee filed an Amended 2010 March Monthly Report. The amended report disclosed \$12,700.50 in receipts on Line 11(a)(ii) of the Detailed Summary Page, a total increase in receipts of \$722.00² from the original report (Image 11931525555, Attachment 4).

² The increase in receipts omits \$1,000.00 in contributions from individuals reported on Line 11(a)(i) of the 2010 March Monthly Report that did not require itemization and were not itemized on the Amended 2010 March Monthly Report, received May 25, 2011.

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On August 3, 2011, November 29, 2011, and March 9, 2012 the Committee filed Amended 2010 March Monthly Reports which disclosed no further changes in receipts (Image 11932145123, 11972706495, and 12950689859 respectively).

2010 August Monthly Report

On August 20, 2010 the Committee filed the original 2010 August Monthly Report covering the period from July 1, 2010 through July 31, 2010. The report disclosed negative \$49,557.50 in receipts on Line 11(a)(ii) (Unitemized Contributions from Individuals) and \$0.00 in receipts on Line 11(c) (Contributions from Other Political Committees) of the Detailed Summary Page. The report also disclosed \$0.00 in disbursements on Line 22 (Transfers to Affiliated/Other Party Committees) of the Detailed Summary Page (Image 10991113345-46).

On September 21, 2011, the Committee filed two Amended 2010 August Monthly Reports. The second of these amendments disclosed \$0.00 in receipts on Line 11(a)(ii) and \$5,500.00 in receipts on Line 11(c) of the Detailed Summary Page, increases of \$49,557.50 and \$5,000.00,³ respectively, a total increase in receipts of \$54,557.50 from the original report (Image 11932490638, Attachment 3). The amendment also disclosed \$332,500.00 in disbursements on Line 22 of the Detailed Summary Page, a total increase in disbursements of \$136,000.00⁴ from the original report (Image 11932490639; Attachment 4).

2010 September Monthly Report

On September 20, 2010 the Committee filed the original 2010 September Monthly Report covering the period from August 1, 2010 through August 31, 2010. The report disclosed \$0.00 in disbursements on Line 22 (Transfers to Affiliated/Other Party Committees) and \$0.00 in disbursements on Line 30(b) (Federal Election Activity Paid Entirely with Federal Funds) of the Detailed Summary Page (Image 10991194348).

On June 1, 2011, the Committee filed an amended 2010 September Monthly Report disclosing \$0.00 in disbursements on Line 22 and \$73,468.28 in disbursements on Line 30(b) of the Detailed Summary Page, an increase in disbursements of \$979.04⁵ from the original report (Image 11931581655).

³ \$500.00 of the \$5,500.00 disclosed on Line 11(c) of the Detailed Summary Page was disclosed on Line 11(a)(i) of the Detailed Summary Page on the original report (Image 10991113356) and moved to Line 11(c) on this amendment (Image 11932490644) and therefore not included in the increase calculation.

⁴ The total additional disbursements omits \$196,500.00 in transfers-out to the Committee's nonfederal account that were originally disclosed as negative entries on Line 11(a)(i) of the Detailed Summary Page of the Committee's 2010 July Monthly Report (\$85,000.00) (Images 10990990703 and 10990990707-48) and 2010 August Monthly Report (\$111,500.00) (Images 10991113345 and 10991113348-59).

⁵ The increase on Line 30(b) omits \$72,489.24 in disbursements originally reported on Line 21(b) of the Detailed Summary Page (Images 10991194362-387) that were moved to Line 30(b) of the Detailed Summary Page on this amendment (Images 11932490789-1798).

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On September 19, 2011 and September 20, 2011 the Committee filed Amended 2010 September Monthly Reports which disclosed no further changes in disbursements (Image 11932434109 and 11932460684).

On September 21, 2011, the Committee filed an Amended 2010 September Monthly Report. The amendment disclosed \$15,000.00 in disbursements on Line 22 of the Detailed Summary Page, a total increase of \$15,000.00 in disbursements from the original report. The amendment disclosed no further change in disbursements on Line 30(b) of the Detailed Summary Page, a total increase in disbursements of \$15,979.04 from the original report (Image 11932490750, Attachment 5).

On November 29, 2011 the Committee filed an Amended 2010 September Monthly Report which disclosed no change in disbursements from the previously amended report (Image 11972706697).

2010 October Monthly Report

On October 17, 2010, the Committee filed the original 2010 October Monthly Report covering the period from September 1, 2010 through September 30, 2010. The report disclosed \$0.00 in disbursements on Line 22 (Transfers to Affiliated/Other Party Committees) of the Detailed Summary Page (Image 10931543752).

On December 13, 2011, the Committee filed an Amended 2010 October Monthly Report. The amendment disclosed \$59,000.00 in disbursements on Line 22 of the Detailed Summary Page, a total increase of \$25,000.00⁶ in disbursements from the original report (Image 11953212742, Attachment 5).

2010 12 Day Pre-General Report

On October 17, 2010, the Committee filed the original 2010 12 Day Pre-General Report covering the period from October 1, 2010 through October 13, 2010. The report disclosed \$324,450.00 in receipts on Line 11(a)(i) (Itemized Contributions from Individuals) of the Detailed Summary Page. The report also disclosed \$0.00 in disbursements on Line 22 (Transfers to Affiliated/Other Party Committees) of the Detailed Summary Page (Image 10931543800-01).

On June 2, 2011, the Committee filed an Amended 2010 12 Day Pre-General Report which disclosed \$329,450.00 in receipts on Line 11(a)(i) of the Detailed Summary Page, a total increase in receipts of \$5,000.00 from the original report. The report disclosed no change in disbursements from the original report (Image 11931583316-17).

On December 13, 2011, the Committee amended its 2010 12 Day Pre-General Report which disclosed \$419,450.00 in receipts on Line 11(a)(i) of the Detailed Summary Page, resulting in no further increase in receipts (Image 11953212905, Attachment 4).⁷

⁶ The total additional disbursements omits \$34,000.00 in transfers-out to the Committee's nonfederal account that were originally disclosed as negative entries on Line 11(a)(i) of the Detailed Summary Page of the Committee's 2010 October Monthly Report (Images 10931543751 and 10931543755-69).

⁷ The Amended 2010 12 Day Pre-General Report, received December 13, 2011 disclosed an apparent increase of \$90,000.00 on Line 11(a)(i) of the Detailed Summary Page. However, this increase was the

14190294223

The amendment also disclosed \$110,000.00 in disbursements on Line 22 of the Detailed Summary Page, a total increase of \$20,000.00⁸ in disbursements from the original report (Image 11953212906, Attachment 5).

On March 9, 2012, the Committee filed an Amended 2010 12 Day Pre-General Report which disclosed no change in receipts or disbursements from the previously amended report (Image 12970531368-369).

2010 Year-End Report

On January 6, 2011, the Committee filed the original 2010 Year-End Report covering the period from November 23, 2010 through December 31, 2010. The report disclosed \$0.00 in disbursements on Line 22 (Transfers to Affiliated/Other Party Committees) of the Detailed Summary Page (Image 11930021027).

On June 8, 2011, the Committee filed an Amended 2010 Year-End Report which disclosed \$21,248.57 in disbursements on Line 22 of the Detailed Summary Page, a total increase of \$21,248.57 in disbursements from the original report (Image 11931600966, Attachment 5).

On September 27, 2011, an RFAI was sent to the Committee referencing the Amended 2010 Year-End Report, received June 8, 2011. The RFAI requested clarification regarding the substantial increases in receipts and disbursements disclosed on the Amended 2010 March Monthly, received May 25, 2011, Amended 2010 September Monthly, received June 1, 2011, Amended 2010 12 Day Pre-General, received June 2, 2011, and Amended 2010 Year-End, received June 8, 2011 Reports that were not disclosed on the original filings (Images 11330014074-076).

On September 19, 2011, September 20, 2011, and September 21, 2011 the Committee filed Amended 2010 Year-End Reports which disclosed no further changes in activity (Image 11932434977, 11932461254, and 11932491615, respectively).

On October 5, 2011, Ms. Cody called the Analyst to discuss, among other issues, the RFAI referencing the Amended 2010 Year-End Report, received June 8, 2011. Ms. Cody asked the Analyst if the Committee could provide a narrative response to the RFAI by filing a Miscellaneous Electronic Submission ("Form 99"). The Analyst told Ms. Cody that the Committee could file a Form 99 narrative response to clarify the increases in receipts and disbursements disclosed on the reports referenced in the RFAI (Attachment 8).

On October 5, 2011, the Committee filed a Form 99 in response to the RFAI. In part, the Committee stated:

result of negative entries originally reported on Line 11(a)(i) of the Detailed Summary Page being moved to Line 22 of the Detailed Summary Page on the amendment.

⁸ The total additional disbursements omits \$90,000.00 in transfers-out to the Committee's nonfederal account that were originally disclosed as negative entries on Line 11(a)(i) of the Detailed Summary Page of the Committee's 2010 October Monthly Report (Images 10931543751 and 10931543755-69) and 2010 12 Day Pre-General Report (Images 110931543800 and 110931543804-25).

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“Per reporting advice the Massachusetts Republican Party looked at previously filed reports and made adjustments because activity was reported incorrectly” (Image 11952508840).

On April 11, 2012, an RFAI was sent to the Committee referencing the Amended 2011 April Monthly Report, received September 21, 2011.⁹ The RFAI requested clarification regarding the substantial increases in receipts and disbursements disclosed on the Amended 2010 August Monthly, received September 21, 2011¹⁰, Amended 2010 October Monthly, received December 13, 2011, Amended 2010 12 Day Pre-General, received December 13, 2011, Amended 2011 March Monthly, received September 21, 2011, and Amended 2011 April Monthly, received September 21, 2011 Reports that were not disclosed on the original reports (Images 12330004829-12300048931).

On April 26, 2012, Max Tassinari, the Committee’s Compliance Consultant, called the RAD Analyst to discuss responses to other pending compliance matters. After discussing those issues, the Analyst informed Mr. Tassinari that it appeared that the email containing the link to the RFAI referencing the Amended 2011 April Monthly Report, received September 21, 2011 had not been opened. The Analyst advised Mr. Tassinari that he could view a copy of the RFAI on the FEC website. The Analyst told Mr. Tassinari to call her with any additional questions (Attachment 8).

On May 14, 2012, Mr. Tassinari called the RAD Analyst regarding the RFAI referencing the Amended 2011 April Monthly Report, received September 21, 2011. Mr. Tassinari asked if the RFAI addressed the Amended 2011 April Monthly Report, received September 21, 2011, or all of the reports referenced in the attached chart. The Analyst explained that the RFAI requested clarification of the increased receipts and disbursements disclosed on all of the reports referenced in the chart. Mr. Tassinari asked if the Committee could respond by filing a Form 99 and the Analyst told him that would be appropriate. The Analyst also told Mr. Tassinari to call if he had any further questions (Attachment 8).

On May 16, 2012, Mr. Tassinari called the Analyst to request an extension to the response deadline for the RFAI. The Analyst explained to Mr. Tassinari that extensions are not granted to RFAI response due dates and suggested that he file a response as soon as possible. The Analyst explained that any information provided by the Committee would be placed on the public record and taken into consideration (Attachment 8).

On May 16, 2012, the Committee filed a Form 99 in response to the RFAI. The Committee stated, in full:

⁹ The Committee originally disclosed increases in disbursements on Line 21(b) of the Detailed Summary Page of the 2011 March Monthly Report (covering the period from February 1, 2011 through February 28, 2011) and 2011 April Monthly Report, however subsequent to the RFAI, these increases were removed and therefore these reports are not addressed in this referral.

¹⁰ The RFAI incorrectly cited the increase in disbursements on the Amended 2010 August Monthly Report as \$131,000.00 (Image 12330004831).

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“This letter is in response to the Request for Additional Information from FEC Senior Campaign Finance Analyst, Ashley Carter, on April 11, 2012 and to address additional receipts and disbursements in the below mentioned monthly filings and amendments.

2010 August Monthly/Amended August Monthly, received 9/21/11:

Receipts: Additional receipts that appear in the Amended August Monthly, received 9/21/11 corresponds with the amount of originally filed receipts. Originally, the August Monthly was reported with transfers to the state accounts as negative receipts. When these were removed from receipts and recorded on Line 22 as transfers to the state fund, the difference created the additional receipts in question.

Disbursements: Additional disbursements are inclusive of transfers on Line 22 not previously included in the original August Monthly. These additional transfers correspond to over-contributions remitted to the state fund during the August Monthly period and reported on a previous filing. To correct public record for an accurate account of disbursements, the additional transfers were included in the Amended August Monthly.

2010 October Monthly/Amended October Monthly, received 12/13/11:

Disbursements: Additional disbursements are inclusive of transfers on Line 22 not previously included in the original October Monthly. These additional transfers correspond to over-contributions remitted to the state fund during the October Monthly period and reported on a previous filing. To correct public record for an accurate account of disbursements, the additional transfers were included in the Amended October Monthly.

2010 12 Day Pre-General/Amended 12 Day Pre-General, received 12/13/11:

Disbursements: Additional disbursements are inclusive of transfers on Line 22 not previously included in the original 2010 12 Day Pre-General. These additional transfers correspond to over-contributions remitted to the state fund during the 2010 12 Day Pre-General period and reported on a previous filing. To correct public record for an accurate account of disbursements, the additional transfers were included in the Amended 2010 12 Day Pre-General.

2011 March Monthly/Amended March Monthly, received 12/13/11:

Disbursements: Additional disbursements in the 2011 Amended March Monthly are equal to the amount of memo transactions that were not coded as memo transactions in the software upon being uploaded when the amendment was filed. These transactions will be properly coded as memo transactions in an amendment to the 2011 March Monthly to follow.

14190294226

2011 April Monthly/Amended April Monthly, received 12/13/11:

Disbursements: Additional disbursements in the 2011 Amended April Monthly are equal to the amount of memo transactions that were not coded as memo transactions in the software upon being uploaded when the amendment was filed. These transactions will be properly coded as memo transactions in an amendment to the 2011 April Monthly to follow.

For further information, please contact the Massachusetts Republican Party, 617-848-8887" (Image 12951782976).

On May 17, 2012, Mr. Tassinari called to inform the Analyst that the Committee had filed a response to the RFAI. Mr. Tassinari stated that the Committee would amend the 2011 March Monthly Report and all subsequent reports to correctly disclose transactions that should have been disclosed as MEMO Entries. The Analyst informed Mr. Tassinari that the increased activity addressed by the RFAI may be referred for further action by the Commission and Mr. Tassinari stated that he understood. The Analyst told Mr. Tassinari that any additional clarification the Committee provided would be taken into consideration, and told Mr. Tassinari to call back with any additional questions (Attachment 8).

Excessive, Prohibited and Other Impermissible Contributions or Transfers

The Committee disclosed excessive contributions from eight (8) individuals totaling \$31,000 during the 2009-2010 election cycle. Corrective action was taken outside the permissible timeframe for contributions from seven (7) individuals totaling \$28,500.

2010 March Monthly Report

On October 16, 2010, the Committee filed the Amended 2010 March Monthly Report, covering the period from February 1, 2010 through February 28, 2010. Schedule A supporting Line 11(a)(i) (Contributions from Individuals (Itemized)) of the report disclosed an apparent excessive contribution from one (1) individual totaling \$5,000 received on February 12, 2010 (Image 10931542137). The Committee's 2010 August Monthly Report disclosed a negative entry (void) for the excessive portion of this contribution on July 27, 2010, one hundred seventy-five (175) days after the receipt (Image 10991113355).

On April 20, 2011, an RFAI was sent to the Committee referencing the Amended 2010 March Monthly Report, received October 16, 2010. Among other issues, the RFAI sought clarification regarding the apparent excessive contribution from an individual and noted the apparent transfer-out of the excessive contribution disclosed on the 2010 August Monthly Report (Images 11330007904-6).

On May 23, 2011, Ms. Cody, called the RAD Analyst to discuss, among other issues, the RFAI referencing the Amended 2010 March Monthly Report, received October 16, 2010. The Analyst explained that the Committee appeared to have

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transferred out the apparent excessive portion of the contribution outside the sixty day timeframe for corrective action. Ms. Cody explained this error was made as a result of careless bookkeeping by former Committee staff. The Analyst explained that the Committee could file a Form 99 explaining what happened and what action the Committee took when they discovered the excessive contribution (Attachment 8).

On May 24, 2011, Ms. Cody called the RAD Analyst to discuss how to respond to the RFAI, among other issues. The Analyst explained to Ms. Cody that the Committee could have retained excessive contributions if the excessive portion was transferred-out or reattributed to another person within sixty days of the receipt. However, it appeared that the excessive portion was transferred-out more than sixty days after the receipt and the Committee should provide additional clarification or refund the excessive contributions to the original contributors (Attachment 8).

On May 24, 2011, the Committee filed a Form 99 stating in part, "Concerning the contribution which appears to exceed the limits set forth in the Act, we will be refunding \$5,000 to Albert Merck, which will be reflected on a future report" (Image 11931522937).

On May 24, 2011, May 25, 2011, and August 3, 2011 the Committee filed Amended 2010 March Monthly Reports which disclosed no further changes regarding this matter (Image 11931522901, 11931525553, and 11932145121, respectively).

On September 21, 2011, the Committee filed an Amended 2010 August Monthly Report. Schedule A supporting Line 11(a)(i) of the report no longer disclosed the \$5,000 negative entry for the excessive portion of this contribution. However, Schedule B Line 21(b) (Other Federal Operating Expenditures) of the report disclosed a transfer to the Committee's nonfederal account on July 15, 2010 totaling \$60,000 (Image 11932490658). Memo Text attached to the transaction noted the transfer-out of the apparent excessive contribution referenced in the RFAI dated April 20, 2011. (Attachment 7).

On November 29, 2011 and March 9, 2012 the Committee filed Amended 2010 March Monthly Reports which disclosed no further changes regarding this matter (Image 11972706493 and 12950689857).

2010 12 Day Pre-General Report

On November 11, 2010, the Committee filed the Amended 2010 12 Day Pre-General Report, covering the period from October 1, 2010 through October 13, 2010. Schedule A supporting Line 11(a)(i) (Contributions from Individuals (Itemized)) of the report disclosed excessive contributions from two (2) individuals totaling \$3,500 (Images 10991829468; 10991829473). The excessive portions of these contributions were received on October 4, 2010 and October 11, 2010 and totaled \$1,000 and \$2,500, respectively (Attachment 7).

On April 28, 2011, an RFAI was sent to the Committee referencing the Amended 2010 12 Day Pre-General Report, received November 11, 2010. Among other issues, the

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RFAI sought clarification regarding contributions received from individuals that appeared to be in excess of the \$10,000 per calendar year limit and informed the Committee that it may have to refund the excessive amount (Image 11330008499-503).¹¹

On June 2, 2011, the Committee filed a Form 99 stating in part, "William Helman's \$2,500 deposit on 05/18/2010 was transferred to our non-federal account on 07/08/2010" (Image 11931583307). However, the transfer referenced in the Form 99 was not disclosed on the Committee's reports.

On June 2, 2011, the Committee filed an Amended 2010 12 Day Pre-General Report which disclosed no further changes regarding this matter (Image 11931583314).

On July 14, 2011, the Committee filed its 2011 July Monthly Report covering the period from June 1, 2011 through June 30, 2011. Schedule B supporting Line 21(b) (Other Federal Operating Expenditures) of the Detailed Summary Page disclosed a disbursement for \$1,000 made June 7, 2011 to Mark Deblois for "Refund due to excess contribution" (Image 11931828335, Attachment 7).

On September 19, 20, 21¹², and December 13, 2011, the Committee filed Amended 2010 12 Day Pre-General Reports which disclosed no further changes regarding this matter (Images 11932434295, 11932460879, 11932491381, and 11953212903).

On February 17, 2012, the RAD Analyst called Ms. Cody in reference to the Amended 2010 12 Day Pre-General Report. The Analyst left a message explaining that the excessive contributions disclosed on the 2010 March and Amended 2010 12 Day Pre-General Report, received November 11, 2010, may be referred for further action by the Commission unless additional clarifying information was provided (Attachment 8).

On March 7, 2012, the RAD Analyst called Ms. Cody to inquire about the status of the amendment to the 2010 12 Day Pre-General Report the Committee said it would be filing. Ms. Cody stated that she would be working on the amendment over the next several days and would file it by the end of the week (Attachment 8).

On March 9, 2012, the Committee filed an Amended 2010 12 Day Pre-General Report which disclosed no further changes regarding this matter (Image 12970531366).

2010 30 Day Post-General Report

On December 2, 2010, the Committee filed the Amended 2010 30 Day Post-General Report, covering the period from October 14, 2010 through November 22, 2010. Schedule A supporting Line 11(a)(i) (Contributions from Individuals (Itemized)) of the

¹¹ The RFAI addressed additional apparent excessive contributions from three (3) individuals totaling \$10,200. However, adequate responses were received for these receipts and they are not included in this referral.

¹² On November 21, 2011 an RFAI was sent referencing apparent excessive contributions disclosed on the Amended 12 Day Pre-General Report, received September 21, 2011 (Images 11330015998-602). However, corrective action was taken within timeframe for these contributions.

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report disclosed an apparent excessive contribution from one (1) individual totaling \$5,000 (Image 10931947838; Attachment 7).

On April 28, 2011 an RFAI was sent to the Committee referencing the Amended 2010 30 Day Post-General Report, received December 2, 2010. Among other issues, the RFAI sought clarification regarding a contribution received from an individual that appeared to be in excess of the \$10,000 per calendar year limit and informed the Committee that it may have to refund the excessive amount (Image 11330008504-8).¹³

On June 1, 2011, Ms. Cody called the Analyst to discuss the RFAIs referencing the Amended 2010 12 Day Pre-General Report, received November 11, 2010 and the Amended 2010 30 Day Post-General Report, received December 2, 2010. Ms. Cody stated she believed many of the excessive contributions cited in the RFAIs were transferred to the Committee's nonfederal account within the sixty-day timeframe. Ms. Cody said that the transfers disclosed on the 30 Day Post-General report corresponded to the excessive contributions questioned. The Analyst told Ms. Cody that the 30 Day Post-General report should be amended to disclose which excessive contributions corresponded to each transfer (Attachment 8).

On June 2, 2011, the Committee filed a Form 99 stating in part, "we will be refunding \$5,000 to Doris Hearty, which will be reflected on a future report" (Image 11931583124).

On June 2, 2011, the Committee also filed an Amended 2010 30 Day Post-General Report which disclosed no further changes regarding this matter (Image 11931583127).

On July 14, 2011, the Committee filed the 2011 July Monthly Report covering the period from June 1, 2011 through June 30, 2011. Schedule B supporting Line 21(b) (Other Federal Operating Expenditures) of the report disclosed a disbursement to Doris Hearty for \$5,000 on June 7, 2011 for "refund due to excess contribution" (Image 11931828336, Attachment 7).

On August 26, 2011, the RAD Analyst called Ms. Cody in reference to the excessive contributions disclosed on the Amended 2010 12 Day Pre-General and Amended 2010 30 Day Post-General Reports. The Analyst left Ms. Cody a voicemail explaining that some of the excessive contributions had not been clarified and the issue may be referred for further action by the Commission (Attachment 8).

On August 30, 2011, the Analyst called Ms. Cody in reference to the excessive contributions disclosed on the Amended 2010 12 Day Pre-General and Amended 2010 30 Day Post-General Reports. The Analyst left Ms. Cody another voicemail message and explained that while the Committee filed two Form 99s on June 2, 2011 in response to the RFAIs, the transfers referenced in the Form 99s were not disclosed on the Committee's Reports. The Analyst asked Ms. Cody to return her call (Attachment 8).

¹³ The RFAI addressed additional apparent excessive contributions from three (3) individuals totaling \$18,500. However, adequate responses were received for these receipts and they are not included in this referral.

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On August 30, 2011, Ms. Cody returned the Analyst's call. The Analyst explained that the excessive contributions addressed in the RFAIs referencing the Amended 2010 12 Day Pre-General and 30 Day Post-General Reports may be referred for further action. The Analyst informed Ms. Cody that the transfer of the excessive contributions referenced in the Form 99s filed on June 2, 2011 had not been disclosed on the Committees reports. The Analyst told Ms Cody that the Committee should amend the appropriate reports to disclose the transfers. Ms. Cody said she would research the matter and call back later in the week (Attachment 8).

On September 13, 2011, the RAD Analyst returned a call from Ms. Cody regarding other matters. During the call, the Analyst asked if the Committee had any additional information regarding the excessive contributions questioned by the RFAIs referencing the Amended 2010 12 Day Pre-General, received November 11, 2010, and Amended 2010 30 Day Post-General, received December 2, 2010 Reports. Ms. Cody stated that the Form 99 filed on June 2, 2011 incorrectly disclosed the transfer date as July 8, 2010, rather than July 15, 2010. The Analyst explained that there was no transfer disclosed on the Committees reports on either date and that the Committee should amend its report(s) to disclose any transfer(s) to the nonfederal account. The Analyst further stated that the Committee should also include memos disclosing the amounts, names, and dates of the original contributions (Attachment 8).

On September 15, 2011, Ms. Cody called because she was in the process of amending the Committee's 2010 August Monthly Report to disclose the transfer mentioned in the Form 99s filed on June 2, 2011. Ms. Cody explained that this amendment was in response to the RFAIs referencing the Amended 2010 12 Day Pre-General, received November 11, 2010 and Amended 2010 30 Day Post-General, received December 2, 2010 Reports. Ms. Cody asked which report should include a Memo Text detailing the purpose and composition of the transfers to the nonfederal account. The Analyst told Ms. Cody that the Committee should attach a Memo Text to the report disclosing the transfer (Attachment 8).

On September 19, 2011 and September 20, 2011 the Committee filed Amended 2010 30 Day Post-General Reports which disclosed no further changes regarding this matter (Image 11932434851 and 11932461015).

On September 21, 2011, the Committee filed an Amended 2010 30 Day Post-General Report. Schedule A supporting Line 11(a)(i) of the report disclosed an apparent excessive contribution from one (1) individual totaling \$2,500 (Image 11932491513).

On December 13, 2011, an RFAI was sent to the Committee referencing the Amended 2010 30 Day Post-General Report, received September 21, 2011. Among other issues, the RFAI sought clarification regarding contributions received from individuals that appeared to be in excess of the \$10,000 per calendar year limit and informed the Committee that it may have to refund the excessive amount (Image 11330016724-9).¹⁴

¹⁴ The RFAI addressed an additional apparent excessive contribution from one (1) individual totaling \$10,000. However, an adequate response was received for this receipt and it is not included in this referral.

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On December 16, 2011, Ms. Cody called the RAD Analyst and said she would file a Form 99 to reflect that the contributions noted in the RFAI referencing the Amended 2010 30 Day Post-General Report were transferred-out within the timeframe or refunded on a subsequent report (Attachment 8).

On January 15, 2012, the Committee filed a Form 99 stating in part, "Patricia Conrades' was refunded \$2,500 on 06/07/2011 due to an excessive contribution which was not transferred to the non-federal account within the allotted time period" (Image 12950090885). The refund referenced was disclosed Schedule B supporting Line 21(b) (Other Federal Operating Expenditures) of the Committee's 2011 July Monthly Report (Image 11931828334, Attachment 7).

On January 15, 2012, the Committee filed an Amended 2010 30 Day Post-General Report which disclosed no further changes regarding this matter (Image 12970082457).

On March 9, 2012, the Committee filed an Amended 2010 30 Day Post-General Report. Schedule A, supporting Line 11(a)(i) of the report disclosed excessive contributions from three (3) individuals totaling \$15,000 (Images 12970531434; 441; 451). (Attachment 7).

On April 25, 2012, an RFAI was sent to the Committee referencing the Amended 2010 30 Day Post-General Report, received March 9, 2012. The RFAI sought clarification regarding contributions received from individuals that appeared to be in excess of the \$10,000 per calendar year limit and informed the Committee that it may have to refund the excessive amount (Image 12330005489-92).¹⁵ The RFAI also noted excessive contributions from two (2) individuals totaling \$7,500 for which corrective action was taken outside of the permissible timeframe (Attachment 7).¹⁶

On May 30, 2012, the Committee filed a Form 99 stating in part:

"Of the six individuals noted [Elizabeth Christensen, Antonio Frias, John Kaneb, Claudia Wu, Patricia Conrades, Doris Hearty] in the above-mentioned Request for Additional Information who contributed in excess per the 2010 30 Day Post-General Report, one [Antonio Frias] had his contribution in excess of the limitations transferred to the state fund on 10/12/2010, two [Patricia Conrades, Doris Hearty] were refunded the amount in excess of limitations on 6/7/2011, and the remaining three [Elizabeth Christensen, John Kaneb, Claudia Wu] were refunded the amount in excess of limitations on 5/30/2012.

The Antonio Frias contribution in excess was transferred on 10/12/2010 as listed on Line 22 of the 2010 Pre-General Report. He is listed in memo text as 'Tony Frias'.

¹⁵ The RFAI addressed an additional apparent excessive contribution from one (1) individual totaling \$5,000. However, an adequate response was received for this receipt and it is not included in this referral.

¹⁶ These contributions were also questioned in the RFAIs referencing the Amended 2010 30 Day Post-General Reports received December 2, 2010 and September 21, 2011.

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The Patricia Conrades and Doris Hearty excess contributions were discovered by the Committee in early June 2011 and immediately refunded on 6/7/2011.

The Elizabeth Christensen, John Kaneb and Claudia Wu excess contributions were brought to the Committee's attention by the above-mentioned Request for Additional Information. After an internal review, the aforementioned contributions were deemed not to have been previously transferred and refunds were issued to these individuals immediately on 5/30/2012" (Image 12951929278).

On June 15, 2012, Mr. Tassinari, called the RAD Analyst to inform her he would file several amendments. The Analyst reminded Mr. Tassinari that the committee had outstanding issues on the RFAI referencing the Arrended 2010 30 Day Post-General Report, received March 9, 2012, that may be referred for further action by the Commission. Mr. Tassinari said he was aware of the issues and that he had explained the situation to the Treasurer and Executive Director (Attachment 8).

On June 20, 2012, the Committee filed its 2012 June Monthly Report covering the period from May 1, 2012 through May 31, 2012. Schedule B supporting Line 21(b) of the report disclosed refunds to three (3) individuals made on May 30, 2012, totaling \$15,000 (Images 12952193601,-610, and -617, Attachment 7).

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

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