

REPORTS ANALYSIS DIVISION REFERRAL

TO

ALTERNATIVE DISPUTE RESOLUTION OFFICE

DATE: August 22, 2013

ANALYST: Sarah Juris

I. COMMITTEE: American Jobs and Growth Alliance
C00511873
David W. Staudt, Treasurer
120 North Washington Square, Ste 805
Lansing, MI 48933

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

III. BACKGROUND:

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

American Jobs and Growth Alliance ("the Committee") failed to file one (1) 48-Hour Report totaling \$34,276.57 to support one (1) independent expenditure disclosed on the 2012 July Quarterly Report made up to and including the 20th day before the 2012 Primary Election in the state of Pennsylvania (Attachment 2).

On July 8, 2012, the Committee filed its 2012 July Quarterly Report, covering the period from April 1, 2012 to June 30, 2012, which included a Schedule E (Itemized Independent Expenditures) disclosing one (1) independent expenditure totaling \$34,276.57, made in support of one (1) federal candidate, disseminated on April 16, 2012. The Committee failed to file one (1) 24-Hour Report to support one (1)

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independent expenditure totaling \$34,276.57 for the 2012 Primary Election in the state of Pennsylvania¹ (Image 12952270247).

On July 27, 2012, the Committee filed an Amended 2012 July Quarterly Report disclosing no changes to the independent expenditure disclosed on the original report (Image 12952599490).

On April 25, 2013, a Request for Additional Information ("RFAI") was sent to the Committee referencing the Amended 2012 July Quarterly Report, received July 27, 2012. The RFAI noted the Committee may have failed to file one or more of the required 24-Hour Reports regarding "last minute" independent expenditures. A chart was included with the RFAI identifying one (1) independent expenditure, totaling \$34,276.57, for which a 24-Hour Report had not been filed (Image 13330029841-3).

On May 15, 2013, a Miscellaneous Paper Document ("Form 99") was received from the Committee in response to the RFAI. The Form 99 stated in part:

"After review of the matter, it appears that the Committee received a contribution on April 1, 2012 and requested a media purchase supporting Mr. Chris Reilly on April 2, 2012. I attempted to make the payment by check, but was told that was not allowable. I was unable to complete the actual wire transfer of funds until the date I reported, April 16, 2012.

At the time of the transactions and when I filed my July 2012 Quarterly Report, I was misinformed of the actual date of the primary election and understood that we were still 20 days away from the primary date. Upon review of this matter, I am now aware the date of the primary was on April 24, 2012.

Please consider that I had no intention to circumvent the 24 hour reporting rule and would like to resolve this matter by amending the report to reflect the original date the media buy was placed and I attempted to make payment. The funds of the Committee have been disbursed and I would personally be responsible for any administrative penalty. I reported the expenditure accurately on the report and thought I was doing so properly" (Image 13031070839).

On May 23, 2013, the Committee filed an Amended 2012 July Quarterly Report. The report disclosed a change in the date of dissemination for the one (1) independent expenditure disclosed on Schedule E (Image 13940767895).

¹ The dissemination date of the Independent Expenditure, April 16, 2012, on the original and Amended 2012 July Quarterly Report, received June 27, 2012, indicated that the Committee had failed to file a 24-Hour Report to support the Independent Expenditure in question. However, the 2012 Amended July Quarterly Report, received May 23, 2013, changed the dissemination date of the Independent Expenditure to April 2, 2012, indicating that the Committee had instead failed to file a 48-Hour Report to support the \$34,276.57 Independent Expenditure.

On June 6, 2013, a Reports Analysis Division ("RAD") Analyst called David Staudt, the Committee's Treasurer, to inform him that the Committee may be referred for further action to the Commission regarding the missing 48-Hour Report to support the independent expenditure disclosed on the Amended 2012 July Quarterly Report, received July 27, 2012. Mr. Staudt stated that he submitted a response to the issue. The Analyst told him that he could provide any further information for the public record if he wished. He said that he did have any further information to disclose in addition to the Form 99 previously filed to explain the missing 48-Hour Report. The Committee had previously attempted to terminate; Mr. Staudt said that he understood there may be financial repercussions and that the Committee would remain active to raise funds, should a fine be assessed. The Analyst told him that the Committee's termination request would not be approved until this matter is resolved and that the Committee is required to continue to file its regularly scheduled reports. The Analyst also told Mr. Staudt that he could contact her with any further questions (Attachment 3).

On August 5, 2013, the RAD Analyst received a call from Mr. Staudt. Among other issues, Mr. Staudt asked if there was an update to the referable issue. The Analyst confirmed that Mr. Staudt would be contacted by the appropriate FEC office in due time (Attachment 3).

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

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