

REPORTS ANALYSIS DIVISION REFERRAL  
TO  
ALTERNATIVE DISPUTE RESOLUTION OFFICE

DATE: September 27, 2013

ANALYST: Sarah Juris

I. COMMITTEE: CF Industries, Inc. Employees' Good  
Government Fund  
C00076588  
Renee Cardella, Treasurer  
4 Parkway North, Suite 400  
Deerfield, IL 60015

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

III. BACKGROUND:

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

CF Industries, Inc. Employees' Good Government Fund ("the Committee") amended its 2012 October Monthly Report to disclose additional disbursements of \$60,000.00, which were not disclosed on the original report (Attachment 2).

On October 12, 2012, the Committee filed the original 2012 October Monthly Report covering the period from September 1, 2012 through September 30, 2012. The report disclosed \$0.00 in disbursements on Line 23 (Contributions to Federal Candidates/Committees and other Political Committees) of the Detailed Summary Page (Image 12954348836).

On November 29, 2012, the Committee filed an Amended 2012 October Monthly Report. The report disclosed \$60,000.00 in disbursements on Line 23 of the Detailed Summary Page, an increase of \$60,000.00 from the original report (Image 12961274653).

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On April 30, 2013, a Request for Additional Information (RFAI) was sent to the Committee referencing the Amended 2012 October Monthly Report, received November 20, 2012. The RFAI requested clarification regarding the increase in disbursements disclosed on the Amended 2012 October Monthly Report that were not disclosed in the original filing (Image 13330030230).

On May 6, 2013, Renee Cardella, the Committee Treasurer, called the Reports Analysis Division (RAD) Analyst to discuss the RFAI referencing the Amended 2012 October Monthly Report, received November 20, 2012. Ms. Cardella explained that the Committee experienced software problems when filing the original report and could not validate contributions to candidate committees. She said that once those contributions could be successfully validated, the report was amended to include the additional activity. Ms. Cardella then asked how she should respond to the RFAI. The Analyst said that the Committee should file a Miscellaneous Electronic Submission ("Form 99") stating the cause of the increased activity on the amended report. The Analyst also said that the Committee may be referred for further action to the Commission and that the Committee would be contacted prior to the referral (Attachment 3).

Also on May 6, 2013, the Analyst received a call from Wendy Siniscalchi, a representative for the Committee. Ms. Siniscalchi asked about filing a Form 99 in response to the RFAI referencing the Amended 2012 October Monthly Report, received November 20, 2012. The Analyst explained how the Form 99 could be created and uploaded in FECFile (Attachment 3).

Subsequently on May 6, 2013, the Committee filed a Form 99, which stated in part:

"This is a follow-up to our May 6<sup>th</sup> [2013] conversation regarding your inquiry, dated April 30, 2013, regarding our monthly, and later amended, report for the [2012 October Monthly Report] period. In particular, we want to explain the need for the amendment and to ensure you that the source of error has been corrected. When preparing the [2012 October Monthly Report] report, we experienced software problems where the application was not validating the campaign disbursements. Afterward, we were able to assess what the issue was, correct the problem, and then file the amended report. The amount of the discrepancy between these two filings was due to the 34 contributions that were made to campaign committees in September and that could not be validated in the original filing.

Given that we have discovered the source of the error and have taken steps to make sure they do not get repeated, we do not anticipate any similar issues going forward" (Image 13940625128).

On June 10, 2013, the Analyst left a voicemail for Ms. Cardella, informing her of the referral for further action in reference to the increase in activity disclosed on the

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Committee's Amended 2012 October Monthly Report, received November 20, 2012. The Analyst also told Ms. Cardella that the Committee could add any additional information to the public record, should it wish to do so (Attachment 3).

On June 11, 2013, Ms. Cardella returned the Analyst's call. She explained that the Committee would hire an outside firm to handle its filings after the 2013 July Monthly Report. The Analyst said that Ms. Cardella could file another Form 99 explaining the actions the Committee was taking to avoid future compliance issues and that the Form 99 would be placed on the public record (Attachment 3).

On June 12, 2013, the Committee filed a Form 99 stating in part:

"This is a follow-up to our conversation on Tuesday, June 11<sup>th</sup> [2013] regarding our monthly, and later amended, report for the [2012 October Monthly Report] period. As explained earlier, while preparing the [2012 October Monthly Report] we experienced software problems and the application was not validating the campaign disbursements. Once we were able to assess what the issue was, we corrected the problem and then filed the amended report. The amount of the discrepancy between these two filings was due to the 34 contributions that were made to campaign committees in September and that could not be validated in the original filing.

To remediate any issues in the future, we have employed Skadden, Arps, Slate, Meagher & Flom LLP & Affiliates to do all future filings, beginning with the August filing for the month of July. As a result, we do not anticipate any similar issues going forward" (Image 13962848771).

On June 17, 2013, the Committee filed an Amended 2012 October Monthly Report. The report disclosed no changes in disbursements from the previously amended report (Image 13962947581).

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

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