

REPORTS ANALYSIS DIVISION REFERRAL

TO

OFFICE OF GENERAL COUNSEL

DATE: March 27, 2014

ANALYST: Quy Vuong

I. COMMITTEE: 80-20 National Asian American PAC
C00346015
Kathleen To, Treasurer
41-18 Crescent Street, Apt 10-C
Long Island City, NY 11101

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

III. BACKGROUND:

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

80-20 National Asian American PAC ("the Committee") amended its 2011 Year-End and 2012 April Quarterly Reports to disclose additional receipts of \$103,518.23 and additional disbursements of \$48,108.51, which were not disclosed in the original reports (Attachment 2).

2011 Year-End Report

On January 31, 2012, the Committee filed the original 2011 Year-End Report covering the period from July 1, 2011 through December 31, 2011. The report disclosed \$0.00 in receipts on Line 11(a)(i) (Itemized Contributions from Individuals), Line 11(a)(ii) (Unitemized Contributions from Individuals), and Line 17 (Other Federal Receipts) of the Detailed Summary Page. The report also disclosed \$0.00 in disbursements on Line 21(b) (Other Federal Operating Expenditures) of the Detailed Summary Page (Images 12970350491-92). In addition, the Committee attached memo text to the report that stated, in full:

"I am having technical issues in importing transactions in this report. But I will not have time to attend to this matter before the weekend. I will amend the file by

end of the day on February 5th, 2012 and draft the report then for the Treasurer's signature. Sincerely, Jing-Li Yu, 80-20 Political Action Committee, Board member and Finance Committee member" (Image 12970350494).

On February 14, 2012, the Committee filed an Amended 2011 Year-End Report. The report disclosed \$21,518.48 in receipts on Line 11(a)(i), \$44,320.25 on Line 11(a)(ii), and \$0.00 on Line 17 of the Detailed Summary Page, a total increase in receipts of \$65,838.73 from the original report. The report also disclosed \$28,914.95 in disbursements on Line 21(b) of the Detailed Summary Page, an increase of \$28,914.95 in disbursements from the original report (Images 12950507538-39).

On April 12, 2012, a Request for Additional Information (RAI) was sent to the Committee referencing the Amended 2011 Year-End Report, received February 14, 2012. Among other items, the RAI requested clarification regarding the substantial increase in receipts and disbursements disclosed on the Amended 2011 Year-End Report, that were not disclosed in the original filing (Image 12330004911).

On May 17, 2012, the Committee filed an Amended 2011 Year-End Report. The report disclosed \$28,465.00 in receipts on Line 11(a)(i), \$46,826.73 on Line 11(a)(ii), and \$0.00 on Line 17 of the Detailed Summary Page. The report disclosed no change in disbursements from the previous amendment (Images 12951793359-60).

On May 21, 2012, Jing-Li Yu, Committee Board Member, called the Reports Analysis Division (RAD) Analyst regarding the RAI the Committee received on the Amended 2011 Year-End Report, received February 14, 2012. Mr. Yu explained to the Analyst that due to staffing problems, the Committee was having difficulty preparing their reports in a timely fashion. Mr. Yu stated that the Committee's 2012 April Quarterly Report would also need to be amended to disclose additional activity, and asked if he could have until June to file accurate reports. The Analyst advised Mr. Yu to correct any incomplete reports as soon as possible and to place a statement on the public record explaining why their reports were not complete as of their respective due dates. The Analyst also informed Mr. Yu that the additional activity on the 2012 April Quarterly Report would likely receive another letter. Finally, the Analyst stated that due to the substantial amount of the increased activity disclosed on their amended reports, the increases in activity would likely be referred for further action to the Commission (Attachment 5).

On May 30, 2012, the Committee filed an Amended 2011 Year-End Report. The report disclosed \$28,465.00 in receipts on Line 11(a)(i), \$46,826.73 on Line 11(a)(ii), and \$32.65 on Line 17 of the Detailed Summary Page, a total increase in receipts of \$75,324.38 from the original report (Image 12951929412, Attachment 3). The report also disclosed \$39,475.98 on Line 21(b) of the Detailed Summary Page, an increase of \$39,475.98 in disbursements from the original report (Image 12951929413, Attachment 4).

2012 April Quarterly Report

On April 15, 2012, the Committee filed the original 2012 April Quarterly Report covering the period from January 1, 2012 through March 31, 2012. The report disclosed \$0.00 in

receipts on Line 11(a)(i) (Itemized Contributions from Individuals), Line 11(a)(ii) (Unitemized Contributions from Individuals), and Line 17 (Other Federal Receipts) of the Detailed Summary Page. The report also disclosed \$17,250.01 in disbursements on Line 21(b) (Other Federal Operating Expenditures) and \$0.00 on Line 28(a) (Refunds of Contributions to Individuals) of the Detailed Summary Page (Images 12951454387-88). In addition, the Committee also attached memo text to the report that stated, in full, "I have not yet received complete income or expenditures information. Please allow my assistant one week to collect this information so that I may report it. Thank you" (Image 12951454390).

On May 17, 2012, the Committee filed an Amended 2012 April Quarterly Report. The report disclosed no change in receipts or disbursements from the original report. The amended report also included the same memo text attached to the original report (Images 12971228247-48, 12971228250).

On May 26, 2012, the Committee filed an Amended 2012 April Quarterly Report. The report disclosed \$11,107.50 in receipts on Line 11(a)(i), \$17,074.50 on Line 11(a)(ii), and \$11.85 on Line 17 of the Detailed Summary Page, a total increase in receipts of \$28,193.85 from the original report (Image 12951901638, Attachment 3). The report also disclosed \$25,693.54 in disbursements on Line 21(b) and \$189.00 on Line 28(a) of the Detailed Summary Page, a total increase in disbursements of \$8,632.53 from the original report (Image 12951901639, Attachment 4). The amended report also included the same memo text attached to the original report (Image 12951901641).

On May 30, 2012, the Committee filed an Amended 2012 April Quarterly Report. The report disclosed no change in receipts or disbursements from the previous amendment filed on May 26, 2012 (Images 12971256283-84, Attachments 3 and 4). The amended report also included the same memo text attached to the original report (Image 12971256286).

On October 26, 2012, an RFAI was sent to the Committee referencing the Amended 2012 April Quarterly Report, received May 30, 2012. Among other items, the RFAI requested clarification regarding the substantial increase in receipts and disbursements disclosed on the Amended 2011 Year-End and Amended 2012 April Quarterly Reports that were not disclosed in the original filings (Image 12330014950).

On November 30, 2012, the Committee filed a Miscellaneous Electronic Submission ("Form 99") in response to the RFAI referencing the Amended 2012 April Quarterly Report, received May 30, 2012. The Committee stated, in part:

"When we filed these reports, we had not yet collected all the expenditure and income by the original dates. Once we collected the data, and once I had the time to assist in preparing the filings, we amended the reports to reflect the new data. I apologize for the untimely filing of all the information. I hope that our subsequent filings show that we have taken better care of organizing and filing the information in a timely manner" (Image 12961306992).

On December 12, 2012, the RAD Analyst called Mr. Yu to inform him that the increases in financial activity disclosed on amendments submitted in 2012 could be referred for further action to the Commission. The Analyst also informed Mr. Yu that if the Committee wished to place any further clarifying information regarding this issue on the public record, it should do so by December 19, 2012 (Attachment 5).

On December 19, 2012, the Committee filed a Form 99. The Committee stated, in part:

"Thank you for your phone call last week regarding the amended April Quarterly and January Year-End reports. It is my fault that I did not push to receive and organize complete information by the filing deadlines, and therefore had to file amended reports when we received complete information after the deadline.

In addition, I wish to add a couple of clarifications about our organization. Our organization is lean in financial resources and manpower. We have one full-time staff, and the Treasurer and I are both volunteers with full-time commitments elsewhere. Our annual income of five or low six figures does not permit us to hire someone to help file FEC reports. Because I am the former Treasurer of the organization, and because I have developed some experience with filing FEC reports, the current Treasurer has entrusted me to organize and draft the FEC reports. I receive some of the information from our online bank statements, and some of it from our one full-time staff. In January and April, our full-time staff and I were both busier than usual, and did not have time to organize all the information in time for the original deadline. We still disclosed the information as soon as we could organize it, which we filed in amended reports after the deadline. But not timely organizing the information for the original deadline is my fault" (Image 12963771909).

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

O-Index (2013-2014)

Cmte. ID: C00346015 Cmte. Name: 80-20 NATIONAL ASIAN AMERICAN PAC
 Treasurer Name: TO, KATHLEEN Address: 41-18 CRESCENT STREET 10-C, LONG ISLAND CITY, NY 11101
 Cmte. Type: Q (QUALIFIED NON-PARTY) Cmte. Designation: U (UNAUTHORIZED) Filing Frequency: QUARTERLY FILER

Form Tpl	Rpt Tp	Alt	Receipt Dt	Pgs	Begin Img#	Beg Cvg Dt	End Cvg Dt	Ltr Mail Dt	Begin Cash	Receipts	Disb	End Cash	Debits	Loans	Debits & Loans
MS-T			1/4/2013	1	13960023716										
MS-T			3/5/2013	1	13961131056										
MS-T			3/21/2013	1	13961219400										
RO2	MY	N	9/19/2013	2	13330038992	1/1/2013	6/30/2013	9/19/2013							
F3XN	MY	N	7/31/2013	22	13964490408	1/1/2013	6/30/2013		\$108,739	\$85,233	\$35,780	\$158,192			\$0
F3XA	MY	A	10/24/2013	22	13942326889	1/1/2013	6/30/2013		\$108,739	\$85,233	\$35,780	\$158,192			\$0
F3XA	MY	A	12/3/2013	25	13942628389	1/1/2013	6/30/2013		\$108,739	\$85,233	\$35,780	\$158,192			\$0
F3XN	YE	N	1/31/2014	22	14960376633	7/1/2013	12/31/2013		\$158,192	\$15,924	\$55,619	\$118,496			\$0
F1A		A	3/22/2013	4	13961219446										
Totals										\$101,157	\$91,400				

O-Index (2011-2012)

Cmte. ID: C00346015 Cmte. Name: 80-20 NATIONAL ASIAN AMERICAN PAC
 Treasurer Name: TO, KATHLEEN Address: 41-18 CRESCENT STREET 10-C, LONG ISLAND CITY, NY 11101
 Cmte. Type: Q (QUALIFIED NON-PARTY) Cmte. Designation: U (UNAUTHORIZED) Filing Frequency: QUARTERLY FILER

Form Tpl	Rpt Tp	Alt	Receipt Dt	Pgs	Begin Img#	Beg Cvg Dt	End Cvg Dt	Ltr Mail Dt	Begin Cash	Receipts	Disb	End Cash	Debits	Loans	Debits & Loans
MS-T			4/14/2011	1	11930668422										
MS-T			6/9/2011	1	11931607535			7/19/2011							
MS-T			11/30/2012	1	12961306992										
MS-T			12/19/2012	1	12963771909										
RQ1		A	7/19/2011	2	11330011523										
RQ2	MY	N	9/9/2011	4	11330013416	1/1/2011	6/30/2011	9/9/2011							
RQ2	YE	A	4/12/2012	4	12330004911	7/1/2011	12/31/2011	4/12/2012							
RQ2	Q1	A	10/26/2012	3	12330014950	1/1/2012	3/31/2012	10/26/2012							
RQ2	Q2	A	10/26/2012	2	12330015015	4/1/2012	6/30/2012	10/26/2012							
RQ2	Q3	N	11/30/2012	2	12330017341	7/1/2012	9/30/2012	11/30/2012							
RQ2	30G	N	1/30/2013	3	13330021389	10/18/2012	11/26/2012	1/30/2013							
RQ2	YE	N	2/14/2013	2	13330023125	11/27/2012	12/31/2012	2/14/2013							
F3XN	MY	N	7/31/2011	32	11931529260	1/1/2011	6/30/2011		\$98,156	\$76,788	\$45,115	\$129,829			\$0
F3XN	MY	A	10/14/2011	34	11971612620	1/1/2011	6/30/2011		\$98,156	\$76,788	\$45,115	\$129,829			\$0
F3XN	YE	N	1/31/2012	6	12970350489	7/1/2011	12/31/2011		\$129,829	\$0	\$0	\$129,829			\$0
F3XA	YE	A	2/14/2012	20	12950507536	7/1/2011	12/31/2011		\$129,829	\$65,838	\$28,914	\$166,753			\$0
F3XA	YE	A	5/17/2012	21	12951793357	7/1/2011	12/31/2011		\$129,829	\$75,291	\$28,914	\$176,206			\$0
F3XA	YE	A	5/30/2012	36	12951929410	7/1/2011	12/31/2011		\$129,829	\$75,324	\$39,475	\$165,677			\$0
F3XN	Q1	N	4/15/2012	8	12951454385	1/1/2012	3/31/2012		\$166,753	\$0	\$17,250	\$149,503			\$0
F3XA	Q1	A	5/17/2012	8	12971228245	1/1/2012	3/31/2012		\$176,206	\$0	\$17,250	\$158,956			\$0
F3XA	Q1	A	5/26/2012	16	12951901636	1/1/2012	3/31/2012		\$176,206	\$28,193	\$25,882	\$178,517			\$0
F3XA	Q1	A	5/30/2012	16	12971256281	1/1/2012	3/31/2012		\$165,677	\$28,193	\$25,882	\$167,939			\$0
F3XN	Q2	N	7/13/2012	17	12971407748	4/1/2012	6/30/2012		\$167,989	\$26,423	\$20,182	\$174,229			\$0

80-20 National Asian American PAC (C00346015)

Overview of Additional Receipts

Report Name	Total Additional Receipts	Line Number(s)
2011 Year-End Report/Amended 2011 Year-End Report, received 5/30/12	\$75,324.38	11(a)(i), 11(a)(ii), 17
2012 April Quarterly Report/Amended 2012 April Quarterly Report, received 5/30/12	\$28,193.85	11(a)(i), 11(a)(ii), 17
Total Additional Receipts	\$103,518.23	

Overview of Additional Disbursements

Report Name	Total Additional Disbursements	Line Number(s)
2011 Year-End Report/Amended 2011 Year-End Report, received 5/30/12	\$39,475.98	21(b)
2012 April Quarterly Report/Amended 2012 April Quarterly Report, received 5/30/12	\$8,632.53	21(b), 28(a)
Total Additional Disbursements	\$48,108.51	

Total Increase in Activity on Amended Reports: \$151,626.74

80-20 National Asian American PAC (C00346015)

Additional Receipts by Line Number

2011 Year-End Report/Amended 2011 Year-End Report, received 5/30/12

Report Line	2011 Year End Report (Image 12970350491)	Amended 2011 Year End Report, received 5/30/12 (Image 12951929412)	Variance Amount
Line 11(a)(i): Itemized Contributions from Individuals	\$0.00	\$28,465.00	\$28,465.00
Line 11(a)(ii): Unitemized Contributions from Individuals	\$0.00	\$46,826.73	\$46,826.73
Line 17: Other Federal Receipts	\$0.00	\$32.65	\$32.65
		Total Variance:	\$75,324.38

2012 April Quarterly Report/Amended 2012 April Quarterly Report, received 5/30/12

Report Line	2012 April Quarterly Report (Image 12951454387)	Amended 2012 April Quarterly Report, received 5/30/12 (Image 12971256283)	Variance Amount
Line 11(a)(i): Itemized Contributions from Individuals	\$0.00	\$11,107.50	\$11,107.50
Line 11(a)(ii): Unitemized Contributions from Individuals	\$0.00	\$17,074.50	\$17,074.50
Line 17: Other Federal Receipts	\$0.00	\$11.85	\$11.85
		Total Variance:	\$28,193.85

80-20 National Asian American PAC (C00346015)

Additional Disbursements by Line Number

2011 Year-End Report/Amended 2011 Year-End Report, received 5/30/12

Report Line	2011 Year End Report (Image 12970350492)	Amended 2011 Year-End Report, received 5/30/12 (Image 12951929413)	Variance Amount
Line 21(b): Other Federal Operating Expenditures	\$0.00	\$39,475.98	\$39,475.98
Total Variance:			\$39,475.98

2012 April Quarterly Report/Amended 2012 April Quarterly Report, received 5/30/12

Report Line	2012 April Quarterly Report (Image 12951454388)	Amended 2012 April Quarterly Report, received 5/30/12 (Image 12971256284)	Variance Amount
Line 21(b): Other Federal Operating Expenditures	\$17,250.01	\$25,693.54	\$8,443.53
Line 28(a): Refunds of Contributions to Individuals	\$0.00	\$189.00	\$189.00
Total Variance:			\$8,632.53