

REPORTS ANALYSIS DIVISION REFERRAL

TO

ALTERNATIVE DISPUTE RESOLUTION OFFICE

DATE: May 26, 2016

ANALYST: Kaitlin Seufert

I. COMMITTEE: Right to Rise PAC, Inc.
C00571380
William Simon, Treasurer (3/22/16 - Present)
James P. Robinson, Treasurer (1/6/15 - 3/21/16)
6334 Pumpernickel Lane
Monroe, NC 28110

II. RELEVANT STATUTES: 52 U.S.C. §30116(f)
11 CFR §103.3(b)
11 CFR §110.1(d)
11 CFR §110.2(d)

III. BACKGROUND:

Excessive, Prohibited and Other Impermissible Contributions or Transfers: Failure to Refund Excessive Contributions Within the Permissible Timeframe

Right to Rise PAC, Inc. ("the Committee") received excessive contributions totaling \$32,500.00 for the 2015 calendar year from seven (7) individuals. The Committee did not timely refund, reattribute, or transfer-out these excessive contributions to the Committee's non-federal account (Attachment 2).

On July 31, 2015, the Committee filed a 2015 Mid-Year Report. This report disclosed excessive contributions totaling \$32,500.00 from seven (7) individuals (Attachment 3).

Also on July 31, 2015, the Committee filed an amended 2015 Mid-Year Report which disclosed no changes from the original report with regard to the excessive contributions.

On October 7, 2015, a Request for Additional Information (RFAI) was sent to the Committee referencing the Amended 2015 Mid-Year Report, received July 31, 2015. The RFAI noted the Committee's receipt of excessive contributions that were refunded, and requested that the Committee provide additional clarification regarding these receipts.

On November 6, 2015, the Committee filed a Miscellaneous Electronic Submission ("FEC Form 99") in response to the RFAI, which stated, in part:

"MR. J.B. LADD - \$2,500 WAS REFUNDED ON 5/19/15
MR. JAMES D. CAREY - \$5,000 WAS REFUNDED ON 5/19/15
MR. ROGER ENRICO - \$5,000 WAS REFUNDED ON 5/19/15
MRS. CORDIA HARRINGTON - \$10,000 WAS REFUNDED ON 5/19/15
MR. JOHN P. HAVENS - \$5,000 WAS REFUNDED ON 5/19/15
MR. DAVID KINDER - \$5,000 WAS REFUNDED ON 5/19/15
MR. JEFFREY VERSCHLEISER - \$5,000 WAS REFUNDED ON 5/19/15

THE COMMITTEE HAS REVIEWED THE CONTRIBUTIONS INDICATED IN YOUR LETTER, AND HAS PROVIDED A WRITTEN EXPLANATION OF ACTIONS TAKEN IN REGARD TO EACH CONTRIBUTOR. THE ACTIONS DESCRIBED IN THIS RESPONSE WERE DISCLOSED IN THE 2015 AMENDED MID-YEAR REPORT. THROUGH THIS RESPONSE, THE COMMITTEE CAN CONFIRM, AS YOU REQUESTED, THAT THE APPROPRIATE STEPS HAVE BEEN TAKEN FOR EACH DONATION IN QUESTION AND NO FURTHER ACTION IS REQUIRED UNDER COMMISSION REGULATIONS FOR THESE PARTICULAR CONTRIBUTIONS"(Image 201511069003292748).

On February 12, 2016, a Reports Analysis Division (RAD) Analyst notified the Committee that the excessive contributions refunded outside of the permissible timeframe on their 2015 Mid-Year Report could be referred for further action to the Commission. The RAD Analyst informed them of the option to provide additional clarification on the public record by filing an FEC Form 99, and requested that any response be submitted by February 19, 2016 (Attachment 4).

To date, no further communications have been received from the Committee regarding this matter.

O-Index (2015-2016)											
Cmte. ID: C00571380 Cmte. Name: RIGHT TO RISE PAC, INC.											
Treasurer Name: SIMON, WILLIAM Address: 2475 BRICKELL AVE UNIT 2009, MIAMI, FL 33129											
Cmte. Type: Q (QUALIFIED NON-PARTY) Cmte. Designation: U (UNAUTHORIZED) Filing Frequency: QUARTERLY FILER											
Form	Tp	Rpt Tp	A/i	Recpt Dt	Pgs	Begin Img#	Beg Cvg Dt	End Cvg Dt	Ltrr Mail Dt	Begin Cash	Recpts
MS-T				11/6/2015	1	201511069003292748					
RQ1			N	1/13/2015	2	15330072012			1/13/2015		
RQ8				9/8/2015	2	20150908030004666			9/8/2015		
RQ2			MY	10/7/2015	4	201510070300005723	1/1/2015	6/30/2015	10/7/2015		
F3XN			MY	N	7/31/2015	1367	20150731000507182	1/1/2015	6/30/2015	\$0	\$5,356,584
F3XA			MY	A	7/31/2015	1367	20150731000513537	1/1/2015	6/30/2015	\$0	\$5,356,584
F3XN			YE	N	13/1/2016	91	201601310004993122	7/1/2015	12/31/2015	\$460,158	\$49,807
F1			N	1/6/2015	5	15031363812					
F1A			A	1/16/2015	4	15950040727					
F1A			A	3/22/2016	4	20160322011936295					
F1MN				7/31/2015	1	20150731000508941					
F1MA				9/10/2015	1	20150910001631533					
Totals										\$5,406,391	\$5,080,906

O-Index (2013-2014)											
Cmte. ID: C00571380 Cmte. Name: RIGHT TO RISE PAC, INC.											
Treasurer Name: SIMON, WILLIAM Address: 2475 BRICKELL AVE UNIT 2009, MIAMI, FL 33129											
Cmte. Type: Q (QUALIFIED NON-PARTY) Cmte. Designation: U (UNAUTHORIZED) Filing Frequency: QUARTERLY FILER											
Form	Tp	Rpt Tp	A/i	Recpt Dt	Pgs	Begin Img#	Beg Cvg Dt	End Cvg Dt	Ltrr Mail Dt	Begin Cash	Recpts

No records were found for this cycle.

Right to Rise PAC, Inc. (C00571380)
Breakdown of Remedied and Unremedied Excessive Contributions

Total Amount Remedied Outside of the Permissible Timeframe:	\$32,500.00
Total Amount Unremedied:	\$0.00
Total Amount Not Remedied Within Timeframe:	\$32,500.00

Right to Rise PAC, Inc. (C00571380)**Excessive Contributions Refunded Outside Permissible Timeframes, Listed by Contributor**

Contributor Name	Date	Amount	Report	Refunded Outside Timeframe	Refunded # Days Since Receipt
MR. J.B. LADD	2/3/15	\$7,500.00	2015 Mid-Year Report		
J.B. LADD	5/19/15	-\$2,500.00	2015 Mid-Year Report	\$2,500.00	105
MR. JAMES D. CAREY	1/13/15	\$5,000.00	2015 Mid-Year Report		
MR. JAMES D. CAREY	1/13/15	\$5,000.00	2015 Mid-Year Report		
JAMES CAREY	5/19/15	-\$5,000.00	2015 Mid-Year Report	\$5,000.00	126
MR. ROGER ENRICO	1/6/15	\$5,000.00	2015 Mid-Year Report		
MR. ROGER ENRICO	1/14/15	\$5,000.00	2015 Mid-Year Report		
ROGER ENRICO	5/19/15	-\$5,000.00	2015 Mid-Year Report	\$5,000.00	125
MRS. CORDIA HARRINGTON	2/17/15	\$5,000.00	2015 Mid-Year Report		
MRS. CORDIA HARRINGTON	2/24/15	\$5,000.00	2015 Mid-Year Report		
MRS. CORDIA HARRINGTON	3/10/15	\$5,000.00	2015 Mid-Year Report		
CORDIA HARRINGTON	5/19/15	-\$10,000.00	2015 Mid-Year Report	\$5,000.00	84
MR. JOHN P. HAVENS	1/9/15	\$10,000.00	2015 Mid-Year Report		
JOHN HAVENS	5/19/15	-\$5,000.00	2015 Mid-Year Report	\$5,000.00	130
MR. DAVID KINDER	2/6/15	\$10,000.00	2015 Mid-Year Report		
DAVID KINDER	5/19/15	-\$5,000.00	2015 Mid-Year Report	\$5,000.00	102
MR. JEFFREY VERSCHLEISER	1/30/15	\$10,000.00	2015 Mid-Year Report		
JEFFREY VERSCHLEISER	5/19/15	-\$5,000.00	2015 Mid-Year Report	\$5,000.00	109
Total Excessive Amount Not Refunded Within Timeframe:				\$32,500.00	