



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

NOV. 19 2015

VoteVets.org Action Fund
2201 Wisconsin Avenue, NW, #320
Washington, DC 20007

RE: RR 15L-43

Dear Sir or Madam:

The Federal Election Commission ("Commission") has ascertained information in the normal course of carrying out its supervisory responsibilities indicating that VoteVets.org Action Fund ("VoteVets.org") may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). The matter has been referred by the Reports Analysis Division to the Commission's Office of General Counsel for possible enforcement action under 52 U.S.C. § 30109.¹ Specifically, VoteVets.org has been referred for failing to timely file the 2014 July Quarterly and Year-End Reports to support the independent expenditures totaling \$295,086.46 and \$786,219.19, respectively, in violation of 52 U.S.C. § 30104(c) and (g). For further information, a copy of the referral document is enclosed. We have numbered this referral RR 15L-43.

The Act affords you the opportunity to demonstrate in writing that no action should be taken against VoteVets.org in this matter. If you wish to file a response, you may submit any factual or legal materials that you believe are relevant to the Commission's consideration of this matter. Where appropriate, statements should be submitted under oath by persons with relevant knowledge. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

This matter will remain confidential in accordance with 52 U.S.C. §§ 30109(a)(4)(B) and 30109(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. Please be advised that, although the Commission cannot disclose information regarding an investigation to the public, it may share information on a confidential basis with other law enforcement agencies.²

¹ Notification of this referral is being provided to you pursuant to the Commission's Agency Procedure for Notice to Respondents in Non-Complaint Generated Matters, as published in the Federal Register on August 4, 2009 (74 Fed. Reg. 38,617).

² The Commission has the statutory authority to refer knowing and willful violations of the Act to the Department of Justice for potential criminal prosecution, 52 U.S.C. § 30109(a)(5)(C), and to report information regarding violations of law not within its jurisdiction to appropriate law enforcement authorities. *Id.* § 30107(a)(9).

If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address, and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission. Please note that you have a legal obligation to preserve all documents, records, and materials relating to the subject matter of the referral until such time as you are notified that the Commission has closed its file in this matter. See 18 U.S.C. § 1519.

Any correspondence sent to the Commission, such as a response, must be addressed to one of the following (note, if submitting via email, this Office will provide an electronic receipt by email):

Mail

Federal Election Commission
Office of Complaints Examination
and Legal Administration
Attn: Mary Beth deBeau, Paralegal
999 E Street, NW
Washington, DC 20436

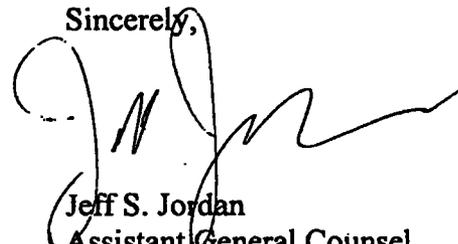
OR

Email

mdebeau@fec.gov

If you have any questions, please contact Mary Beth deBeau at (202) 694-1650 or toll free at 1-800-424-9530. For your information, we have enclosed a brief description of the Commission's preliminary procedures for processing possible violations discovered by the Commission.

Sincerely,



Jeff S. Jordan
Assistant General Counsel
Complaints Examination &
Legal Administration

Enclosures:

1. Referral from the Reports Analysis Division

REPORTS ANALYSIS DIVISION REFERRAL
TO
OFFICE OF GENERAL COUNSEL

DATE: November 12, 2015

ANALYST: Nataliya Ioffe

- I. COMMITTEE: VoteVets.org Action Fund
C90010620
Peter Mellman, CFO
2201 Wisconsin Avenue NW #320
Washington, DC 20007
- II. RELEVANT STATUTES: 52 U.S.C. §30104(c) and (g)
11 CFR §109.10(b) and (e)
- III. BACKGROUND:

Failure to File Reports and Late Filing (Failure to Timely File the 2014 July Quarterly and Year-End Reports)

2014 July Quarterly Report

VoteVets.org Action Fund ("VoteVets.org") failed to timely file the 2014 July Quarterly Report to support the independent expenditures totaling \$295,086.46, disclosed on its 24-Hour Report.

On June 6, 2014, VoteVets.org filed a 24-Hour Report disclosing two (2) independent expenditures totaling \$295,086.46, made in opposition to one (1) federal candidate, on Schedule 5-E (Itemized Independent Expenditures) (Images 14961236404-05).

On August 5, 2014, a Notice of Failure to File was sent to VoteVets.org referencing the 2014 July Quarterly Report. The Notice of Failure to File stated that VoteVets.org may have failed to file the July Quarterly Report for the independent expenditures made during the quarterly report coverage period of April 1, 2014 through June 30, 2014 (Image 14330058905).

On August 8, 2014, VoteVets.org filed a 2014 July Quarterly Report disclosing the independent expenditures totaling \$295,086.46, which were previously reported on the 24-Hour Report, filed on June 6, 2014 (Image 14950003253).¹

2014 Year-End Report.

VoteVets.org failed to timely file the 2014 Year-End Report to support the independent expenditures totaling \$786,219.19, disclosed on its 24-Hour Reports.

On October 8, 2014, VoteVets.org filed a 24-Hour Report disclosing two (2) independent expenditures totaling \$309,422.10, made in opposition to one (1) federal candidate, on Schedule 5-E (Images 14978102323-24).

On the same date, VoteVets.org filed another 24-Hour Report disclosing two (2) independent expenditures totaling \$291,797.09, made in support of one (1) federal candidate, on Schedule 5-E (Images 14978102387-88).

Also on the same date, VoteVets.org filed a third 24-Hour Report disclosing one (1) independent expenditure totaling \$185,000.00, made in support of one (1) federal candidate, on Schedule 5-E (Images 14978102426 -27).

On February 19, 2015, a Notice of Failure to File was sent to VoteVets.org referencing the 2014 Year-End Report. The Notice of Failure to File stated that VoteVets.org may have failed to file the Year-End Report for the independent expenditures made during the quarterly report coverage period of October 1, 2014 through December 31, 2014 (Image 15330075856).

On September 10, 2015, a RAD Manager contacted Peter Mellman, the CFO of VoteVets.org, to inform him about the failure to file the 2014 Year-End Report. The RAD Manager indicated that the report was still outstanding and encouraged VoteVets.org to file it with the Commission. The RAD Manager explained the matter was referable and that VoteVets.org had the option to provide an additional explanation for the public record (Attachment 2).

On September 21, 2015, a RAD Manager called Mr. Mellman to follow up on the issue of the 2014 Year-End Report. Mr. Mellman indicated it would be filed in the next few days. The RAD Manager also mentioned the late filing of the 2014 July Quarterly Report, and explained that these matters would be referable for further review by another Commission office. The RAD Manager reiterated that VoteVets.org had the option to provide an additional explanation for the public record (Attachment 2).

¹ On August 25, 2014, a Request for Additional Information (RAI) was sent to VoteVets.org referencing the 2014 July Quarterly Report. The RAI requested clarification concerning donations received to support the disclosed independent expenditures (Image 14330059972). On September 26, 2014, VoteVets.org filed a Miscellaneous Electronic Submission ("FEC Form 99") indicating that no donations were received for the purpose of furthering the reported independent expenditures (Image 14031294207).

