

REPORTS ANALYSIS DIVISION REFERRAL
TO
ALTERNATIVE DISPUTE RESOLUTION OFFICE

DATE: June 15, 2017

ANALYST: Shannon Ringgold

- I. COMMITTEE: Orentlicher for Congress
C00593673
Russell Stilwell, Treasurer
6100 West 96th Street, Suite 150
Indianapolis, IN 46278
- II. RELEVANT STATUTE: 11 CFR § 102.9(e)(3)
11 CFR § 110.1(b)(3)
- III. BACKGROUND:

Excessive, Prohibited and Other Impermissible Contributions (Failure to Refund or Redesignate General Election Contributions within the Permissible Timeframe after the Candidate's Primary Election Loss)

Orentlicher for Congress ("the Committee") received 2016 General Election contributions totaling \$28,950.00 from eighteen (18) individuals. Of this amount, the Committee refunded \$28,500.00 outside of the permissible timeframe after David Orentlicher ("the Candidate") conceded, on August 12, 2016, the recount of the 2016 Indiana Primary Election. The Committee did not refund or redesignate \$450.00 of these 2016 General Election contributions (Attachment 2).

2015 Year-End Report

During the 2015 Year-End reporting period, the Committee received 2016 General Election contributions totaling \$18,900.00 from seven (7) individuals that were not refunded or redesignated within the permissible timeframe (Attachment 2).

2016 April Quarterly Report

During the 2016 April Quarterly reporting period, the Committee received 2016 General Election contributions totaling \$5,400.00 from two (2) individuals that were not refunded or redesignated within the permissible timeframe (Attachment 2).

2016 July Quarterly Report

During the 2016 July Quarterly reporting period, the Committee received 2016 General Election contributions totaling \$4,125.00 from six (6) individuals that were not refunded or redesignated within the permissible timeframe (Attachment 2).

2016 October Quarterly Report

During the 2016 October Quarterly reporting period, the Committee received 2016 General Election contributions totaling \$525.00 from four (4) individuals that were not refunded or redesignated within the permissible timeframe (Attachment 2).

On August 12, 2016, David Orentlicher conceded the 2016 Primary Election for Indiana's 8th Congressional District after an official recount was conducted.

On November 1, 2016, a Request for Additional Information (RAI) referencing the 2016 October Quarterly Report was sent to the Committee. The RAI noted the Committee's receipt of 2016 General Election contributions during the 2015-2016 election cycle and requested that the Committee refund or redesignate the contributions since the Candidate was not eligible to participate in the 2016 General Election.

On November 14, 2016, the Committee filed a Miscellaneous Paper Document ("FEC Form 99") stating, in part:

"Thank you very much for writing. We have refunded all of the contributions made toward the general election. I apologize for the delay in doing so" (Image 201611140300118579).

On January 29, 2017, the Committee filed the 2016 Year-End Report disclosing refunds made on November 4, 2016 for \$28,500.00 of the 2016 General Election contributions.

On May 5, 2017, Reports Analysis Division (RAD) Analysts spoke to the Candidate regarding the 2016 General Election contributions. The Analysts explained that the Committee's General Election contributions were not refunded within the permissible timeframe after the Candidate conceded the 2016 Primary Election. The Analysts encouraged the Committee to submit any information to clarify why the contributions were not timely refunded (Attachment 3).

On May 10, 2017, the Committee filed a Miscellaneous Electronic Document ("FEC Form 99") stating, in part:

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"I understand that your staff has referred for consideration of enforcement action my campaign's [sic] late return of contributions that had been made for the general election last year.

We did not meet the deadline for returning most of the general election contributions (\$28,500 out of \$33,900), and I apologize for that. It was an oversight on our part, inconsistent with our past practices of compliance with FEC requirements, and it won't [sic] happen again. Once we were notified that we were late, we promptly returned the funds to the donors.

I'd [sic] like to highlight a couple of considerations that I hope you will see as mitigating factors:

1. We did not benefit from the delay. The funds were held in a non-interest bearing checking account, and the funds were not used in any way by me or the campaign.

2. While many violations of campaign finance rules cause harm to the public as [sic] when campaigns fail to disclose donations or do not disclose the donations in a timely fashion there [sic] was no harm to the general public from our delay in refunding contributions. And I am not aware that any of the donors were concerned by the delay in receiving their donations back. The one donor that I spoke to about the refunds told me that his wife and he preferred that I keep the \$5,400 that we would be returning to them" (Image 201705109053513528).

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

O-Index (2017-2018)

Cmte. ID: C00593673 Cmte. Name: ORENTLICHER FOR CONGRESS
 Treasurer Name: STILLWELL, RUSSELL MR. Address: 6100 WEST 96TH STREET SUITE 150, INDIANAPOLIS, IN 46278
 Cmte. Type: H (HOUSE) Cmte. Designation: P (PRINCIPAL CAMPAIGN COMMITTEE OF A CANDIDATE) Filing Frequency: QUARTERLY FILER

Form Tp	Rpt Tp	A/I	Recpt Dt	Pgs	Begin Img#	Beg Cvg Dt	End Cvg Dt	Ltr Mail Dt	Begin Cash	Recpts	Disb	End Cash	Debits	Loans	Debits & Loans
MS-T			5/10/2017	1	201705109053513528										
F3N	Q1	N	4/13/2017	6	201704139052094851	1/1/2017	3/31/2017		\$39,312	\$0	\$2,000	\$37,312		\$22,500	\$22,500
F1A		A	1/15/2017	4	201701159041392448										
F1A		A	4/13/2017	4	201704139052088536										
Totals									\$0	\$2,000					

O-Index (2015-2016)

Cmte. ID: C00593673 Cmte. Name: ORENTLICHER FOR CONGRESS
 Treasurer Name: STILLWELL, RUSSELL MR. Address: 6100 WEST 96TH STREET SUITE 150, INDIANAPOLIS, IN 46278
 Cmte. Type: H (HOUSE) Cmte. Designation: P (PRINCIPAL CAMPAIGN COMMITTEE OF A CANDIDATE) Filing Frequency: QUARTERLY FILER

Form Tp	Rpt Tp	A/I	Recpt Dt	Pgs	Begin Img#	Beg Cvg Dt	End Cvg Dt	Ltr Mail Dt	Begin Cash	Recpts	Disb	End Cash	Debits	Loans	Debits & Loans
MS-T			11/14/2015	3	201611140300118579	7/1/2016	9/30/2016								
RQ2	Q3	N	1/1/2016	3	201611010300067077	7/1/2016	9/30/2016	11/1/2016							
F3N	YE	N	1/29/2016	55	201601299004738382	10/1/2015	12/31/2015		\$0	\$101,575	\$823	\$100,751			\$0
F3N	Q1	N	4/15/2016	95	201604159012515012	1/1/2016	3/31/2016		\$100,751	\$102,913	\$3,331	\$200,333		\$22,500	\$22,500
F3N	12P	N	4/21/2016	17	201604219014977163	4/1/2016	4/13/2016		\$200,333	\$4,497	\$2,567	\$202,262		\$22,500	\$22,500
F3N	Q2	N	7/15/2016	44	201607159020485294	4/14/2016	6/30/2016		\$202,262	\$21,117	\$140,632	\$82,746		\$22,500	\$22,500
F3N	Q3	N	10/13/2016	11	201610139032403350	7/1/2016	9/30/2016		\$82,746	\$525	\$14,913	\$68,358		\$22,500	\$22,500
F3N	YE	N	1/29/2017	12	201701299041535530	10/1/2016	12/31/2016		\$68,358	\$0	\$29,046	\$39,312		\$22,500	\$22,500
P-1N		N	12/0/2015	4	201612060001149626										
F6N		N	4/28/2016	1	201604289015361218										
Totals									\$230,627	\$191,315					

O-Index (2013-2014)

Cmte. ID: C00593673 Cmte. Name: ORENTLICHER FOR CONGRESS
 Treasurer Name: STILLWELL, RUSSELL MR. Address: 6100 WEST 96TH STREET SUITE 150, INDIANAPOLIS, IN 46278
 Cmte. Type: H (HOUSE) Cmte. Designation: P (PRINCIPAL CAMPAIGN COMMITTEE OF A CANDIDATE) Filing Frequency: QUARTERLY FILER

Form Tp	Rpt Tp	A/I	Recpt Dt	Pgs	Begin Img#	Beg Cvg Dt	End Cvg Dt	Ltr Mail Dt	Begin Cash	Recpts	Disb	End Cash	Debits	Loans	Debits & Loans
No records were found for this cycle.															

Orentlicher for Congress (C00593673)
2016 General Election Contributions Not Refunded and/or Refunded Outside Permissible Timeframes, Listed by Contributor

Name	Date	Contribution Amount	Amount Not Refunded within Timeframe	Refunded # Days since Withdrawal from Race
Bookwalter, Mary	1/8/2016	\$2,700.00		
Bookwalter, Mary	11/4/2016	-\$2,700.00	\$2,700.00	84
Carboneau, K B	8/11/2016	\$250.00		
Carboneau, K B	11/4/2016	-\$250.00	\$250.00	84
Dudine, David	8/17/2016	\$25.00	\$25.00	n/a
Halperin, Morton	12/15/2015	\$2,700.00		
Halperin, Morton	11/4/2016	-\$2,700.00	\$2,700.00	84
Hellman, Jeffrey	5/13/2016	\$250.00		
Hellman, Jeffrey	11/4/2016	-\$250.00	\$250.00	84
Krakauer, Lawrence	12/6/2015	\$2,700.00		
Krakauer, Lawrence	11/4/2016	-\$2,700.00	\$2,700.00	84
Krakauer, Mary	12/6/2015	\$2,700.00		
Krakauer, Mary	11/4/2016	-\$2,700.00	\$2,700.00	84
Laubich, Lori	6/11/2016	\$1,000.00		
Laubich, Lori	11/4/2016	-\$1,000.00	\$1,000.00	84
Martin, Joanne	5/20/2016	\$25.00	\$25.00	n/a
Martin, Joanne	6/20/2016	\$25.00	\$25.00	n/a
Martin, Joanne	7/24/2016	\$25.00	\$25.00	n/a
Martin, Joanne	8/20/2016	\$25.00	\$25.00	n/a
McCracken-Rania, Shelley	5/30/2016	\$50.00	\$50.00	n/a
McCracken-Rania, Shelley	6/30/2016	\$50.00	\$50.00	n/a
Orentlicher, Diane	12/16/2015	\$2,700.00		
Orentlicher, Diane	11/4/2016	-\$2,700.00	\$2,700.00	84
Sagi, Nehemia	12/31/2015	\$2,700.00		
Sagi, Nehemia	11/4/2016	-\$2,700.00	\$2,700.00	84

Severns, Scott	5/28/2016	\$25.00	\$25.00	\$25.00	n/a
Shepard, Marguerite	7/29/2016	\$200.00	\$200.00	\$200.00	n/a
Stant, Jeffery	1/8/2016	\$2,700.00	\$2,700.00	\$2,700.00	84
Stant, Jeffery	11/4/2016	-\$2,700.00	-\$2,700.00	-\$2,700.00	84
Teitelbaum, Dorothy	11/15/2015	\$2,700.00	\$2,700.00	\$2,700.00	84
Teitelbaum, Dorothy	11/4/2016	-\$2,700.00	-\$2,700.00	-\$2,700.00	84
Teitelbaum, G Leonard	11/15/2015	\$2,700.00	\$2,700.00	\$2,700.00	84
Teitelbaum, G Leonard	11/4/2016	-\$2,700.00	-\$2,700.00	-\$2,700.00	84
Weitzman, Jane	4/27/2016	\$2,700.00	\$2,700.00	\$2,700.00	84
Weitzman, Jane	11/4/2016	-\$2,700.00	-\$2,700.00	-\$2,700.00	84
Total Amount Not Refunded and/or Refunded Outside Permissible Timeframes:				\$28,950.00	

**Orentlicher for Congress (C00593673)
Breakdown of Remedied and Unremedied Excessive Contributions (all reports)**

Total Amount Remedied Outside of the Permissible Timeframe (all reports): \$28,500.00

Total Amount Unremedied (all reports): \$450.00

Total Amount Not Remedied within the Permissible Timeframe (all reports): \$28,950.00