

REPORTS ANALYSIS DIVISION REFERRAL  
TO  
ALTERNATIVE DISPUTE RESOLUTION OFFICE

DATE: December 11, 2017

ANALYST: Joshua A. Rebollozo

I. COMMITTEE: Independence USA PAC  
C00532705  
Howard Wolfson, Treasurer  
PO Box 1510  
New York, NY 10150

II. RELEVANT STATUTE: 52 U.S.C. § 30104(b)  
11 CFR § 104.3

III. BACKGROUND:

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

Independence USA PAC ("the Committee") amended its 2016 July Monthly Report to disclose additional in-kind contributions received totaling \$118,000.00<sup>1</sup>, which were not disclosed in the original report (Attachment 2).

On July 20, 2016, the Committee filed the original 2016 July Monthly Report covering the period from June 1, 2016 through June 30, 2016. The report disclosed \$65,394.00 in receipts on Line 11(a)(i) (Itemized Contributions from Individuals) and \$116,509.19 in disbursements on Line 21(b) (Other Federal Operating Expenditures) of the Detailed Summary Page (Image 201607209021702392-93).

On August 25, 2016, the Committee filed an Amended 2016 July Monthly Report. The report disclosed \$183,394.00 in receipts on Line 11(a)(i) and \$234,509.19 in disbursements on Line 21(b) of the Detailed Summary Page, resulting in a total increase

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<sup>1</sup> Per the reporting requirement for in-kind contributions received, the Committee disclosed additional receipts totaling \$118,000.00 on Schedule A and additional disbursements to offset the in-kind receipts totaling \$118,000.00 on Schedule B, resulting in a total increase in activity of \$118,000.00.

of in-kind contributions received of \$118,000.00 from the original report (Images 201608259023751244-45).

On March 7, 2017, a Request for Additional Information (RFAI) was sent to the Committee referencing the Amended 2016 July Monthly Report, received August 25, 2016. The RFAI requested clarification regarding the substantial increase in receipts and disbursements disclosed on the Amended 2016 July Monthly Report that were not disclosed on the original report (Image 201703070300082065).

On April 12, 2017, the Reports Analysis Division (RAD) Analyst spoke with Emily Smith, the Treasurer's Direct Assistant, in an attempt to reach the Committee's Treasurer. The RAD Analyst stated that the Committee failed to timely respond to the RFAI referencing the Amended 2016 July Monthly Report, which may be referred to another office within the Commission for potential further action. Further, the RAD Analyst encouraged the Committee to file additional clarification on the public record regarding the increase in activity. Ms. Smith informed the RAD Analyst that she would pass this information on to the Committee's Treasurer as well as another individual with further understanding of the Committee's filings (Attachment 3).

Subsequently, on April 12, 2017, Dave Owens, outside counsel for the Committee, contacted the RAD Analyst stating that the Committee had just received the RFAI referencing the Amended 2016 July Monthly Report and requested an extension on the response deadline. The RAD Analyst explained that we do not offer extensions for response deadlines, but further encouraged Mr. Owens to provide additional clarification on the public record. The RAD Analyst emphasized that the issue could be referred to another office at the Commission for further action. Mr. Owens stated that the Committee would file a response within the next week (Attachment 3).

On April 21, 2017, the Committee filed a Miscellaneous Electronic Submission ("FEC Form 99") in response to the RFAI referencing the Amended 2016 July Monthly Report, received August 25, 2016. The Committee stated, in part:

"Per guidance from the Commission's Reports Analysis Division, the Committee amended its July 2016 monthly report to reflect in-kind receipts of polling results, \$78,000 of which was separately disclosed in a 48-hour independent expenditure report that was timely filed in August 2016 and \$40,000 of which related to an ad the Committee never aired" (Image 201704219052406096).

On June 20, 2017, Mr. Owens contacted the RAD Analyst regarding matters unrelated to the Amended 2016 July Monthly Report. During the call, the RAD Analyst asked for further clarification from Mr. Owens regarding the FEC Form 99 filed on April 21, 2017 referencing the Amended 2016 July Monthly Report. The RAD Analyst asked Mr. Owens to clarify whether or not the portion of the disbursements that had "never aired" had been disbursed to the ultimate vendor or if the Committee had reported a disbursement that had never taken place. Mr. Owens stated that he was unaware of the details of this disbursement and would contact the RAD Analyst with additional information later in the day (Attachment 3).



## O-Index (2017-2018)

Cmte. ID: C00532705 Cmte. Name: INDEPENDENCE USA PAC  
 Treasurer Name: WOLFSON, HOWARD Address: PO BOX 1510, NEW YORK, NY 10150  
 Cmte. Designation: U (UNAUTHORIZED) Filing Frequency: MONTHLY FILER

Form	Ip	Rpt	Ip	AI	Rept	Dt	Pgs	Begin	Img#	Beg	Cvg	Dt	End	Cvg	Dt	Ltr	Mail	Dt	Begin	Cash	Recpts	Disb	End	Cash	Debits	Loans	Debts & Loans
MS-T					4/21/2017	1		201704219052406096																			
MS-T					5/30/2017	3		201705309055161247																			
MS-T					6/2/2017	1		201706029055299326																			
F3XN	M2	N			2/20/2017	12		201702209049746662		1/1/2017	1/31/2017									\$4,574	\$300,000	\$107,096	\$197,478	\$52,580			\$52,580
F3XN	M3	N			3/20/2017	10		201703209050910694		2/1/2017	2/28/2017									\$197,478	\$0	\$52,604	\$144,873	\$26,137			\$26,137
F3XN	M4	N			4/20/2017	10		201704209052398857		3/1/2017	3/31/2017									\$144,873	\$0	\$26,135	\$118,737	\$21,435			\$21,435
F3XN	M5	N			5/20/2017	9		201705209054084131		4/1/2017	4/30/2017									\$118,737	\$0	\$3,654	\$115,083	\$29,522			\$29,522
F3XN	M6	N			6/20/2017	11		201706209063589003		5/1/2017	5/31/2017									\$115,083	\$40,748	\$41,120	\$114,711	\$61,202			\$61,202
F3XN	M7	N			7/19/2017	14		201707199066789391		6/1/2017	6/30/2017									\$114,711	\$0	\$64,660	\$50,051	\$56,210			\$56,210
F3XN	M8	N			8/19/2017	10		201708199070473454		7/1/2017	7/31/2017									\$50,051	\$150,000	\$66,117	\$133,933	\$800			\$800
F3XN	M9	N			9/20/2017	8		201709209074878810		8/1/2017	8/31/2017									\$133,933	\$0	\$4,281	\$129,651	\$1,724			\$1,724
F3XN	M10	N			10/20/2017	10		201710209075914041		9/1/2017	9/30/2017									\$129,651	\$12,647	\$13,021	\$129,276	\$7,114			\$7,114
F3XN	M11	N			11/20/2017	12		20171120908674997		10/1/2017	10/31/2017									\$129,276	\$0	\$7,024	\$122,252	\$3,172			\$3,172
F1A		A			5/20/2017	4		201705209054063949																			
F1A		A			5/30/2017	4		201705309055160899																			
F1A		A			3/17/2017	4		201703179050879545																			
F24A	48				6/23/2017	3		201706239065370033																			
Totals																					\$503,395	\$385,717					

## O-Index (2015-2016)

Cmte. ID: C00532705 Cmte. Name: INDEPENDENCE USA PAC  
 Treasurer Name: WOLFSON, HOWARD Address: PO BOX 1510, NEW YORK, NY 10150  
 Cmte. Designation: U (UNAUTHORIZED) Filing Frequency: MONTHLY FILER

Form	Ip	Rpt	Ip	AI	Rept	Dt	Pgs	Begin	Img#	Beg	Cvg	Dt	End	Cvg	Dt	Ltr	Mail	Dt	Begin	Cash	Recpts	Disb	End	Cash	Debits	Loans	Debts & Loans
MS-T					7/12/2016	1		201607129020411416																			
RQ2	M11	A			5/11/2016	2		2016051103300046539		10/1/2015	10/31/2015																
RQ2	YE	A			6/7/2016	2		201606070300048404		12/1/2015	12/31/2015																
RQ2	M5	N			11/6/2016	2		201611060300067891		4/1/2016	4/30/2016																
RQ2	M7	A			3/7/2017	2		201703070300082065		6/1/2016	6/30/2016																
RQ2	M9	A			4/25/2017	5		201704250300085003		8/1/2016	8/31/2016																
RQ2	M10	N			4/25/2017	2		201704250300085023		9/1/2016	9/30/2016																
RQ2	30G	N			4/25/2017	3		201704250300085025		10/20/2016	11/28/2016																
F3XN	M2	N			2/20/2015	9		15950820244		1/1/2015	1/31/2015									\$63,484	\$0	\$33,393	\$30,091	\$105,000			\$105,000
F3XN	M3	N			3/19/2015	9		15950879980		2/1/2015	2/28/2015									\$30,091	\$161,265	\$125,548	\$65,808	\$37,895			\$37,895
F3XN	M4	N			4/15/2015	7		15970346566		3/1/2015	3/31/2015									\$65,808	\$0	\$43,940	\$21,867	\$2,064			\$2,064
F3XN	M5	N			5/20/2015	9		15951407756		4/1/2015	4/30/2015									\$21,867	\$996	\$6,832	\$16,031	\$0			\$0
F3XN	M6	N			6/17/2015	7		15951486252		5/1/2015	5/31/2015									\$16,031	\$0	\$595	\$15,436	\$1,638			\$1,638
F3XN	M7	N			7/20/2015	8		201507209000284048		6/1/2015	6/30/2015									\$15,436	\$42,221	\$44,221	\$13,436	\$1,520			\$1,520
F3XN	M8	N			8/18/2015	8		201508189000837520		7/1/2015	7/31/2015									\$13,436	\$0	\$3,607	\$9,829	\$0			\$0
F3XN	M9	N			9/16/2015	7		201509169002676589		8/1/2015	8/31/2015									\$9,829	\$0	\$361	\$9,467	\$2,341			\$2,341
F3XN	M10	N			10/19/2015	7		201510199003110319		9/1/2015	9/30/2015									\$9,467	\$0	\$2,669	\$6,797	\$435			\$435
F3XN	M11	N			11/20/2015	9		201511209003426010		10/1/2015	10/31/2015									\$6,797	\$13,452	\$15,099	\$5,150	\$14,161			\$14,161
F3XA	M11	A			12/18/2015	9		201512189004342215		10/1/2015	10/31/2015									\$6,797	\$203,252	\$204,899	\$5,150	\$14,161			\$14,161
F3XN	M12	N			12/20/2015	11		201512209004393266		11/1/2015	11/30/2015									\$5,150	\$5,015,000	\$4,717,513	\$302,637	\$17,477			\$17,477
F3XN	YE	N			1/29/2016	10		201601299004906684		12/1/2015	12/31/2015									\$302,637	\$2,139	\$65,967	\$238,808	\$44,867			\$44,867
F3XA	YE	A			4/20/2016	10		201604209014588118		12/1/2015	12/31/2015									\$302,637	\$22,139	\$85,967	\$238,808	\$44,867			\$44,867

F3XN	M2	N	2/19/2016	8	201602199008507285	1/1/2016	1/31/2016	2/28,808	\$0	\$54,473	\$184,334	\$0	\$0	\$0
F3XA	M2	A	4/20/2016	8	201604209014588128	1/1/2016	1/31/2016	\$238,808	\$0	\$54,473	\$184,334	\$0	\$0	\$0
F3XN	M3	N	3/20/2016	8	201603209011693641	2/1/2016	2/29/2016	\$184,334	\$9,573	\$371	\$193,536	\$11,653	\$0	\$11,653
F3XA	M3	A	4/20/2016	8	201604209014588136	2/1/2016	2/29/2016	\$184,334	\$9,573	\$371	\$193,536	\$11,653	\$0	\$11,653
F3XN	M4	N	4/20/2016	8	201604209014591194	3/1/2016	3/31/2016	\$193,536	\$0	\$16,760	\$176,776	\$846	\$0	\$846
F3XN	M5	N	5/18/2016	9	201605189015531810	4/1/2016	4/30/2016	\$176,776	\$40,562	\$41,765	\$175,572	\$551	\$0	\$551
F3XA	M5	A	12/8/2016	10	201612089040554395	4/1/2016	4/30/2016	\$176,776	\$40,562	\$41,765	\$175,572	\$551	\$0	\$551
F3XN	M6	N	6/17/2016	9	201606179018432940	5/1/2016	5/31/2016	\$175,572	\$35	\$3,184	\$172,423	\$0	\$0	\$0
F3XN	M7	N	7/20/2016	11	201607209021702390	6/1/2016	6/30/2016	\$172,423	\$65,942	\$116,509	\$121,856	\$2,750	\$0	\$2,750
F3XA	M7	A	8/25/2016	12	201608259023751242	6/1/2016	6/30/2016	\$172,423	\$183,942	\$234,509	\$121,856	\$2,750	\$0	\$2,750
F3XN	M8	N	8/20/2016	14	201608209022647116	7/1/2016	7/31/2016	\$121,856	\$5,000,000	\$1,048,733	\$4,073,122	\$67,004	\$0	\$67,004
F3XA	M8	A	8/25/2016	14	201608259023751588	7/1/2016	7/31/2016	\$121,856	\$5,000,000	\$1,048,733	\$4,073,122	\$67,004	\$0	\$67,004
F3XN	M9	N	9/20/2016	24	201609209032015807	8/1/2016	8/31/2016	\$4,073,122	\$8,500,000	\$6,901,090	\$5,672,032	\$357,605	\$0	\$357,605
F3XA	M9	A	10/20/2016	27	201610209034476538	8/1/2016	8/31/2016	\$4,073,122	\$8,500,000	\$6,901,090	\$5,672,032	\$357,605	\$0	\$357,605
F3XN	M9	A	6/23/2017	32	201706239065091959	8/1/2016	8/31/2016	\$4,073,122	\$8,525,500	\$6,926,590	\$5,672,032	\$519,310	\$0	\$519,310
F3XN	M10	N	10/20/2016	25	201610209034476682	9/1/2016	9/30/2016	\$5,672,032	\$0	\$1,970,038	\$3,701,993	\$1,646,529	\$0	\$1,646,529
F3XA	M10	A	6/23/2017	25	201706239065091991	9/1/2016	9/30/2016	\$5,672,032	\$0	\$1,970,038	\$3,701,993	\$1,646,529	\$0	\$1,646,529
F3XN	12G	N	10/27/2016	18	201610279036984833	10/1/2016	10/19/2016	\$3,701,993	\$12,984	\$2,992,917	\$722,040	\$1,813,122	\$0	\$1,813,122
F3XA	12G	A	6/23/2017	18	201706239065092016	10/1/2016	10/19/2016	\$3,701,993	\$12,984	\$2,992,917	\$722,040	\$1,813,122	\$0	\$1,813,122
F3XN	30G	N	6/23/2017	20	201706239065369995	10/20/2016	11/28/2016	\$722,040	\$2,335,000	\$3,029,207	\$27,832	\$49,805	\$0	\$49,805
F3XA	30G	A	6/23/2017	20	201706239065369995	10/20/2016	11/28/2016	\$722,040	\$2,335,000	\$3,029,207	\$27,832	\$49,805	\$0	\$49,805
F3XN	YE	N	1/31/2017	14	201701319042390865	11/29/2016	12/31/2016	\$27,832	\$122,796	\$146,054	\$4,574	\$102,513	\$0	\$102,513
F3XA	YE	A	6/23/2017	14	201706239065370015	11/29/2016	12/31/2016	\$27,832	\$122,796	\$146,054	\$4,574	\$102,513	\$0	\$102,513
F24N	48	N	9/8/2016	1	201609089030754082			-	-	-	-	-	-	-
F24N	48	N	9/9/2016	1	201609099030758147			-	-	-	-	-	-	-
F24A	48	N	9/14/2016	1	201609149030815461			-	-	-	-	-	-	-
F24A	48	N	9/14/2016	2	201609149030815466			-	-	-	-	-	-	-
F24N	48	N	9/14/2016	2	201609149030815468			-	-	-	-	-	-	-
F24A	48	N	8/14/2016	3	201608149022244109			-	-	-	-	-	-	-
F24N	48	N	8/14/2016	2	201608149022244112			-	-	-	-	-	-	-
F24N	48	N	8/12/2016	1	201608129022242615			-	-	-	-	-	-	-
F24A	48	N	10/27/2016	2	201610279036982687			-	-	-	-	-	-	-
F24N	24	N	8/24/2016	1	201608249023739539			-	-	-	-	-	-	-
F24A	48	N	8/25/2016	3	201608259023751602			-	-	-	-	-	-	-
F24A	48	N	8/25/2016	3	201608259023751605			-	-	-	-	-	-	-
F24N	48	N	8/21/2016	3	201608219023702218			-	-	-	-	-	-	-
F24N	48	N	8/5/2016	2	201608059022180733			-	-	-	-	-	-	-
F24N	48	N	10/6/2016	1	201610069032194955			-	-	-	-	-	-	-
F24N	48	N	10/5/2016	1	201610059032172735			-	-	-	-	-	-	-
F24N	48	N	9/23/2016	2	201609239032135728			-	-	-	-	-	-	-
F24N	48	N	9/29/2016	2	201609299032147194			-	-	-	-	-	-	-
F24N	24	N	10/25/2016	2	201610259034576603			-	-	-	-	-	-	-
Totals									\$21,675,246	\$21,734,156				

O-Index (2013-2014)													
Cmte. ID: C00532705 Cmte. Name: INDEPENDENCE USA PAC													
Treasurer Name: WOLFSON, HOWARD Address: PO BOX 1510, NEW YORK, NY 10150													
Cmte. Type: O (INDEPENDENT EXPENDITURE-ONLY COMMITTEE) Cmte. Designation: U (UNAUTHORIZED) Filing Frequency: MONTHLY FILER													
Form Tr Rpt Tp	Al	Recpt Dt	Pgs	Begin Ing#	Begin Cvg Dt	End Cvg Dt	Ltr Mail Dt	Begin Cash	Recpts	Disb	End Cash	Debits	Loans
MS-M		1/31/2013	1	13960619704									



100-100414-21

[illegible]

**Independence USA PAC (C00532705)**

**Additional Receipts by Line Number**

**2016 July Monthly Report/Amended 2016 July Monthly Report**

<b>Report Line</b>	<b>2016 July Monthly Report (Image 201607209021702392)</b>	<b>Amended 2016 July Monthly Report (Image 201608259023751244)</b>	<b>Variance Amount</b>
<b>Line 11(a)(i): Individual Contributions (Itemized)</b>	<b>\$65,394.00</b>	<b>\$183,394.00</b>	<b>\$118,000.00</b>
<b>Total Variance:</b>			<b>\$118,000.00</b>

**Additional Disbursements by Line Number**

**2016 July Monthly Report/Amended 2016 July Monthly Report**

<b>Report Line</b>	<b>2016 July Monthly Report (Image 201607209021702393)</b>	<b>Amended 2016 July Monthly Report (Image 201608259023751245)</b>	<b>Variance Amount</b>
<b>Line 21(b): Other Federal Operating Expenditures</b>	<b>\$116,509.19</b>	<b>\$234,509.19</b>	<b>\$118,000.00<sup>2</sup></b>
<b>Total Variance:</b>			<b>\$118,000.00</b>

<sup>2</sup> Per the reporting requirement for in-kind contributions received, the Committee disclosed additional receipts totaling \$118,000.00 on Schedule A and additional disbursements to offset the in-kind receipts totaling \$118,000.00 on Schedule B, resulting in a total increase in activity of \$118,000.00