

REPORTS ANALYSIS DIVISION REFERRAL

TO

OFFICE OF GENERAL COUNSEL

DATE: August 21, 2017

ANALYST: Jaime Amrhein

I. COMMITTEE: AM Racing LLC
C90016684
Meredith Murray, Representative
2213 Ranch Road 620 N, Ste 105
Austin, TX 78734

II. RELEVANT STATUTES: 52 U.S.C. § 30104(c)
52 U.S.C. § 30104(g)(1)
11 CFR § 109.10

III. BACKGROUND:

Independent Expenditure Reporting Problems – Persons Other Than Political Committees (Form 5) (Failure to Timely File 24-Hour Reports)

AM Racing LLC (“AM Racing”) failed to timely file one (1) 24-Hour Report to support one (1) independent expenditure totaling \$77,082.00 disclosed on the 2016 Year-End Report, made during the reporting period after the 20th day but more than 24 hours before the day of the 2016 General Election (Attachment 2).

On October 20, 2016, AM Racing filed one (1) incomplete 24-Hour Report disclosing \$77,082.00 on Line 7 (Total Independent Expenditures). The report was filed by both fax and e-mail, but did not include a Schedule 5-E (Itemized Independent Expenditures) to support the amount disclosed on Line 7. The report provided only the cover page of the Report of Independent Expenditures Made and Contributions Received To Be Used by Persons (Other than Political Committees) (“FEC Form 5”) (Images 201610200300111267-74).

On November 22, 2016, a Request for Additional Information (RFAI) was sent to AM Racing referencing the 24-Hour Report. The RFAI noted that AM Racing may have failed to provide a Schedule 5-E to support the amount disclosed on Line 7 of the FEC Form 5 (Image 201611230300068926).

On November 23, 2016, a Miscellaneous Notice for Paper Report (MS-P) was sent to AM Racing referencing the 24-Hour Report. The MS-P noted that AM Racing failed to file the report in an electronic format. The MS-P explained their reporting obligation will not be satisfied until they file the report in an electronic format (Image 201611240300068974).

On December 1, 2016, Meredith Murray, AM Racing's representative, and Johannes Brinkman, AM Racing's Financial Officer, called Reports Analysis Division (RAD) Analysts regarding the RFAI and MS-P referencing the 24-Hour Report. The RAD Analysts explained to Ms. Murray and Mr. Brinkman how to file the 24-Hour Report in the required electronic format with a completed Schedule 5-E to support the amount of independent expenditures disclosed on Line 7 (Attachment 3).

Later on December 1, 2016, AM Racing filed one (1) 24-Hour Report in an electronic format with a Schedule 5-E to support one (1) independent expenditure, totaling \$77,082.00, disseminated on October 22, 2016 (Image 201612019037593787-88, Attachment 2).

On January 5, 2017, AM Racing filed its 2016 Year-End Report covering the period from October 22, 2016 through December 31, 2016. Schedule 5-E of the report disclosed one (1) independent expenditure totaling \$77,082.00, made in support of one (1) federal candidate for the 2016 General Election (Image 201701059040921284-85).

On May 5, 2017, an RFAI was sent to AM Racing referencing the 2016 Year-End Report. Among other items, the RFAI noted that AM Racing may have failed to timely file a 24-Hour Report for the independent expenditure, totaling \$77,082.00, disclosed on Schedule 5-E of the report (Image 201705060300086150).

On June 2, 2017, Ms. Murray called the RAD Analyst regarding the RFAI referencing the 2016 Year-End Report. The Analyst explained the 24-Hour Report received on October 20, 2016 was not considered timely filed because it was not filed in the required electronic format and did not include a supporting Schedule 5-E. The Analyst advised Ms. Murray to file a Miscellaneous Electronic Submission ("FEC Form 99") explaining on the public record why the 24-Hour Report was not timely filed (Attachment 3).

On June 5, 2017, AM Racing filed an FEC Form 99 which stated, in part:

"When we filed our 24/48 Hour Report on 10/22/2016 we sent it in via fax report. We were notified later that the report had to be submitted via the online reporting system. We then filed the amended report via the online filing system on December 1, 2016" (Image 201706059055305689).

O-Index (2017)

Cmte. ID: C90016684 Cmte. Name: AM RACING LLC
 Treasurer Name: null Address: AM RACING LLC 2213 RANCH ROAD 620 N STE 105, AUSTIN, TX 78734
 Cmte. Type: I (INDEPENDENT EXPENDITURE - PERSON OR GROUP NOT A COMMITTEE) Cmte. Designation: U (UNAUTHORIZED) Filing Frequency: QUARTERLY FILER

Form Tp	Rpt Tp	AI	Receipt 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			6/5/2017	1	201706059055305689							\$0			
Totals															

O-Index (2015-2016)

Cmte. ID: C90016684 Cmte. Name: AM RACING LLC
 Treasurer Name: null Address: AM RACING LLC 2213 RANCH ROAD 620 N STE 105, AUSTIN, TX 78734
 Cmte. Type: I (INDEPENDENT EXPENDITURE - PERSON OR GROUP NOT A COMMITTEE) Cmte. Designation: U (UNAUTHORIZED) Filing Frequency: QUARTERLY FILER

Form Tp	Rpt Tp	AI	Receipt 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			10/20/2016	4	201610200300111271	10/22/2016	10/22/2016								
MS-T			10/20/2016	3	201610200300111267	10/22/2016	10/22/2016								
MS-P		N	11/23/2016	1	201611240300068974	10/22/2016	10/22/2016								
RQ2	24	N	11/22/2016	2	201611230300068926	10/22/2016	10/22/2016	11/22/2016							
RQ2	YE	N	5/5/2017	2	201705060300086150	10/22/2016	12/31/2016	5/5/2017							
F5N	24	N	12/1/2016	2	201612019037593787	10/22/2016	10/22/2016			\$0	\$77,082				
F5N	YE	N	1/5/2017	2	201701059040921284	10/22/2016	12/31/2016			\$0	\$77,082				
Totals															

AM Racing LLC (C90016684)
2016 Year-End Report, received 1/5/2017

24-Hour Report Not Timely Filed

Name of Payee	Date of Dissemination (Schedule E)	Expenditure Amount	Candidate Supported	Election	24-Hour Report Filed
AM Racing LLC	10/22/2016	\$77,082.00 <i>24-Hour Report Required</i>	Trump, Donald J	2016 General	12/1/2016