

REPORTS ANALYSIS DIVISION REFERRAL
TO
ALTERNATIVE DISPUTE RESOLUTION OFFICE

DATE: January 23, 2018

ANALYST: Kevin McQueen

- I. COMMITTEE: Americans Deserve Better PAC, Inc.
C00624692
Geoffrey J. Neale, Treasurer
PO Box 49942
Austin, TX 78765
- II. RELEVANT STATUTES: 52 U.S.C. §30104(g)(2)
11 CFR §104.4(b)(2)
- III. BACKGROUND:

Failure to Provide Supporting Schedules (Failure to Timely File 48-Hour Reports)

Americans Deserve Better PAC, Inc. ("the Committee") failed to timely file two (2) 48-Hour Reports totaling \$112,158.81 to support twenty-two (22) independent expenditures disclosed on the 2016 September Monthly Report made up to and including the 20th day before the 2016 General Election (Attachment 2).

On September 16, 2016, the Committee filed the 2016 September Monthly Report covering the period from August 1, 2016 through August 31, 2016, which included a Schedule E (Itemized Independent Expenditures) disclosing twenty-two (22) independent expenditures totaling \$112,158.81 made in support of one (1) federal candidate. The Committee failed to file two (2) 48-Hour Reports to support the twenty-two (22) independent expenditures totaling \$112,158.81 for the 2016 General Election (Images 201609169030832257-67).

On April 25, 2017, a Request for Additional Information (RAI) was sent to the Committee referencing the 2016 September Monthly Report. The RAI noted that the Committee may have failed to file one or more required 48-Hour Reports regarding independent expenditures. A chart was included with the RAI identifying the twenty-

two (22) independent expenditures, totaling \$112,158.81, for which a 48-Hour Report had not been filed (Image 201704250300084988-90).

On July 13, 2017, the Reports Analysis Division (RAD) Analyst called Bellatrix PC, the law firm listed as the Committee's Designated Agent, to address the 48-Hour Reports that the Committee failed to file in support of the independent expenditures on their 2016 September Monthly Report. The Analyst left a voicemail explaining that the issue of the missing 48-Hour Report could be referred for further action and requested someone call the Analyst back to discuss the issue (Attachment 3).

On August 14, 2017, the Analyst called Bellatrix PC and spoke with a receptionist who forwarded the Analyst to Reggie Craig's voicemail box. The Analyst left a voicemail asking Mr. Craig to contact the Analyst and mentioned the missing 48-Hour Reports for the 2016 September Monthly Report and possible enforcement action (Attachment 3).

On August 15, 2017, Geoffrey Neale, the Committee Treasurer, called and left a voicemail for the Analyst saying he received a message from Bellatrix PC that he should contact the Analyst. Mr. Neale requested the Analyst call him back (Attachment 3).

On August 24, 2017, the Analyst called Mr. Neale and spoke with him about the missing 48-Hour Reports for the 2016 September Monthly Report. The Analyst explained that the Committee failed to file the necessary 48-Hour Reports for the expenditures made on Schedule E. Mr. Neale explained that he normally does FEC compliance for candidate committees and was unaware of the 48-hour requirements for PACs and asked what the requirements were. The Analyst explained the \$10,000 threshold for filing 48-Hour Reports. Mr. Neale understood the Committee was not in compliance and they may suffer the consequences of the non-compliance. Mr. Neale wanted it on the record that it was naiveté on the Committee's part and not willful non-compliance. Mr. Neale also mentioned that he had never received the RFAI in his email. The Analyst gave Mr. Neale the email address listed on the Committee's Statement of Organization (FEC Form 1) and said if that was not Mr. Neale's preferred email address, the Committee should file an amended FEC Form 1 to disclose a different email address for the Committee. Mr. Neale said he would file a Miscellaneous Electronic Submission (FEC Form 99) stating his apologies and acknowledging that the Committee had made mistakes (Attachment 3).

On September 1, 2017, the Committee filed one (1) 48-Hour Report disclosing thirty-two (32) expenditures totaling \$127,935.00 supporting one (1) federal candidate. The expenditures listed on the 48-Hour Report included the expenditures that were cited in the RFAI referencing the 2016 September Monthly Report, for not being filed (Images 201709019071283656-71).

To date, no further communication has been received from the Committee regarding this matter.

| Form Tp | Rpt Tp | AI | Receipt Dt | Pgs | Begin Img# | Beg Cvg Dt | End Cvg Dt | Ltr Mail Dt | Begin Cash | Receipts | Disb | End Cash | Debits | Loans | Debits & Loans |
|--|--------|----|------------|-----|--------------------|------------|------------|-------------|------------|----------|------|----------|--------|-------|----------------|
| O-Index (2017-2018) Cmte. ID: C00624692 Cmte. Name: AMERICANS DESERVE BETTER PAC, INC Treasurer Name: NEALE, GEOFFREY J Address: PO BOX 49942, AUSTIN, TX 78765 Cmte. Type: N (NON-QUALIFIED NON-PARTY) Cmte. Designation: U (UNAUTHORIZED) Filing Frequency: MONTHLY FILER | | | | | | | | | | | | | | | |
| RQ1 | | N | 4/4/2017 | 2 | 201704040300083522 | 2/1/2017 | 2/28/2017 | 4/4/2017 | - | - | - | - | - | - | - |
| RQ2 | M3 | N | 7/18/2017 | 2 | 201707190300088116 | 3/1/2017 | 3/31/2017 | 7/18/2017 | - | - | - | - | - | - | - |
| RQ2 | M4 | N | 7/18/2017 | 2 | 201707190300088118 | 3/1/2017 | 3/31/2017 | 7/18/2017 | - | - | - | - | - | - | - |
| F3XN | M2 | N | 2/20/2017 | 5 | 201702209049746856 | 1/1/2017 | 1/31/2017 | | \$10,231 | \$0 | \$0 | \$10,231 | | | \$0 |
| F3XA | M2 | A | 4/1/2017 | 5 | 201704019051905272 | 1/1/2017 | 1/31/2017 | | \$2,000 | \$0 | \$0 | \$2,000 | | | \$0 |
| F3XN | M3 | N | 3/12/2017 | 5 | 201703129050705167 | 2/1/2017 | 2/28/2017 | | \$10,231 | \$0 | \$0 | \$10,231 | | | \$0 |
| F3XN | M4 | N | 4/1/2017 | 5 | 201704019051905278 | 3/1/2017 | 3/31/2017 | | \$2,000 | \$0 | \$0 | \$2,000 | | | \$0 |
| F3XN | M5 | N | 5/1/2017 | 5 | 201705019053490310 | 4/1/2017 | 4/30/2017 | | \$2,000 | \$0 | \$0 | \$2,000 | | | \$0 |
| F3XN | M6 | N | 6/14/2017 | 5 | 201706149056521076 | 5/1/2017 | 5/31/2017 | | \$2,000 | \$0 | \$0 | \$2,000 | | | \$0 |
| F3XN | M7 | N | 7/1/2017 | 5 | 201707019066462361 | 6/1/2017 | 6/30/2017 | | \$2,000 | \$0 | \$0 | \$2,000 | | | \$0 |
| F3XN | M8 | N | 8/15/2017 | 5 | 201708159070355738 | 7/1/2017 | 7/31/2017 | | \$2,000 | \$0 | \$0 | \$2,000 | | | \$0 |
| F3XN | M9 | N | 9/1/2017 | 5 | 201709019071283377 | 8/1/2017 | 8/31/2017 | | \$2,000 | \$0 | \$0 | \$2,000 | | | \$0 |
| F3XN | M10 | N | 10/4/2017 | 5 | 201710049075574387 | 9/1/2017 | 9/30/2017 | | \$2,000 | \$0 | \$0 | \$2,000 | | | \$0 |
| F3XN | M11 | N | 11/16/2017 | 5 | 201711169086695955 | 10/1/2017 | 10/31/2017 | | \$2,000 | \$0 | \$0 | \$2,000 | | | \$0 |
| F3XN | M12 | N | 12/18/2017 | 5 | 201712189089230295 | 11/1/2017 | 11/30/2017 | | \$2,000 | \$0 | \$0 | \$2,000 | | | \$0 |
| F3XN | YE | N | 1/3/2018 | 5 | 201801039090365634 | 12/1/2017 | 12/31/2017 | | \$2,000 | \$0 | \$0 | \$2,000 | | | \$0 |
| F1A | | A | 8/27/2017 | 4 | 201708279071128965 | | | | - | - | - | - | - | - | - |
| F24N | 48 | | 9/1/2017 | 16 | 201709019071283656 | | | | - | - | - | - | - | - | - |
| Totals | | | | | | | | | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |

| Form Tp | Rpt Tp | AI | Receipt Dt | Pgs | Begin Img# | Beg Cvg Dt | End Cvg Dt | Ltr Mail Dt | Begin Cash | Receipts | Disb | End Cash | Debits | Loans | Debits & Loans |
|--|--------|----|------------|-----|--------------------|------------|------------|-------------|------------|-----------|-----------|----------|---------|-------|----------------|
| O-Index (2015-2016) Cmte. ID: C00624692 Cmte. Name: AMERICANS DESERVE BETTER PAC, INC Treasurer Name: NEALE, GEOFFREY J Address: PO BOX 49942, AUSTIN, TX 78765 Cmte. Type: N (NON-QUALIFIED NON-PARTY) Cmte. Designation: U (UNAUTHORIZED) Filing Frequency: MONTHLY FILER | | | | | | | | | | | | | | | |
| RQ2 | M9 | N | 4/25/2017 | 3 | 201704250300084988 | 8/1/2016 | 8/31/2016 | 4/25/2017 | - | - | - | - | - | - | - |
| RQ2 | M11 | A | 4/24/2017 | 4 | 201704250300085014 | 10/1/2016 | 10/31/2016 | 4/24/2017 | - | - | - | - | - | - | - |
| RQ2 | M12 | A | 4/24/2017 | 3 | 201704250300085018 | 11/1/2016 | 11/30/2016 | 4/24/2017 | - | - | - | - | - | - | - |
| F3XN | M9 | N | 9/16/2016 | 20 | 201609169030832248 | 8/1/2016 | 8/31/2016 | | \$0 | \$118,700 | \$113,523 | \$5,176 | | | \$0 |
| F3XN | M10 | N | 10/19/2016 | 10 | 201610199033075792 | 9/1/2016 | 9/30/2016 | | \$5,176 | \$32,750 | \$28,217 | \$9,709 | | | \$0 |
| F3XA | M10 | A | 4/1/2017 | 11 | 201704019051905233 | 9/1/2016 | 9/30/2016 | | \$9,709 | \$57,400 | \$30,448 | \$7,477 | | | \$0 |
| F3XN | M11 | N | 11/18/2016 | 10 | 201611189037208859 | 10/1/2016 | 10/31/2016 | | \$7,477 | \$57,400 | \$57,877 | \$9,231 | | | \$0 |
| F3XA | M11 | A | 4/1/2017 | 10 | 201704019051905244 | 10/1/2016 | 10/31/2016 | | \$9,231 | \$14,100 | \$13,100 | \$10,231 | | | \$0 |
| F3XN | M12 | N | 12/18/2016 | 8 | 201612189040653433 | 11/1/2016 | 11/30/2016 | | \$7,000 | \$14,100 | \$19,100 | \$2,000 | | | \$0 |
| F3XA | M12 | A | 4/1/2017 | 8 | 201704019051905259 | 11/1/2016 | 11/30/2016 | | \$10,231 | \$0 | \$0 | \$10,231 | | | \$0 |
| F3XN | YE | N | 4/1/2017 | 5 | 201701179041410195 | 12/1/2016 | 12/31/2016 | | \$2,000 | \$0 | \$0 | \$2,000 | | | \$0 |
| F3XA | YE | N | 4/1/2017 | 5 | 201704019051905267 | 12/1/2016 | 12/31/2016 | | \$2,000 | \$0 | \$0 | \$2,000 | | | \$0 |
| F1N | | N | 8/25/2016 | 4 | 201608259023750479 | | | | - | - | - | - | - | - | - |
| Totals | | | | | | | | | \$222,950 | \$220,950 | \$20,000 | \$2,000 | \$2,000 | \$0 | \$0 |

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|---|--------|----|------------|-----|------------|------------|------------|-------------|------------|----------|------|----------|--------|-------|----------------|
| O-Index (2013-2014) Cmte. ID: C00624692 Cmte. Name: AMERICANS DESERVE BETTER PAC, INC Treasurer Name: NEALE, GEOFFREY J Address: PO BOX 49942, AUSTIN, TX 78765 | | | | | | | | | | | | | | | |

| Form Tp | Rpt Tp | AI | Receipt Dt | Pgs | Cmte. Type: N (NON-QUALIFIED NON-PARTY) | Cmte. Designation: J (UNAUTHORIZED) | Filing Frequency: MONTHLY FILER | | | | | | | |
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| | | | | | Beg Cvg Dt | End Cvg Dt | Ltr Mail Dt | Begin Cash | Recpts | Disb | End Cash | Debts | Loans | Debits & Loans |

No records were found for this cycle.

Americans Deserve Better PAC, Inc. (C00624692)
2016 September Monthly Report

48-Hour Reports Not Filed

| Name of Payee | Date of Expenditure (Schedule E) | Expenditure Amount (201609169030832257-67) | Candidate Supported | Election |
|---------------------|----------------------------------|---|---------------------|--------------|
| KC Strategies | 8/11/2016 | \$1,920.00 | Gary Johnson | 2016 General |
| KC Strategies | 8/11/2016 | \$3,296.00 | Gary Johnson | 2016 General |
| KC Strategies | 8/11/2016 | \$9,540.00 | Gary Johnson | 2016 General |
| KC Strategies | 8/11/2016 | \$9,630.00 | Gary Johnson | 2016 General |
| KC Strategies | 8/11/2016 | \$10,800.00 | Gary Johnson | 2016 General |
| KC Strategies | 8/11/2016 | \$11,050.00 | Gary Johnson | 2016 General |
| KC Strategies | 8/11/2016 | \$17,025.00 | Gary Johnson | 2016 General |
| KC Strategies | 8/11/2016 | \$19,968.00 <i>48-Hour Report Required</i> | Gary Johnson | 2016 General |
| Rally.org | 8/17/2016 | \$45.38 | Gary Johnson | 2016 General |
| Rally.org | 8/18/2016 | \$254.61 | Gary Johnson | 2016 General |
| Rally.org | 8/19/2016 | \$14.33 | Gary Johnson | 2016 General |
| KC Strategies | 8/19/2016 | \$968.00 | Gary Johnson | 2016 General |
| KC Strategies | 8/19/2016 | \$1,863.00 | Gary Johnson | 2016 General |
| Rally.org | 8/22/2016 | \$42.08 | Gary Johnson | 2016 General |
| Rally.org | 8/23/2016 | \$10.48 | Gary Johnson | 2016 General |
| Rally.org | 8/25/2016 | \$4.95 | Gary Johnson | 2016 General |
| Rally.org | 8/25/2016 | \$5.34 | Gary Johnson | 2016 General |
| Rally.org | 8/29/2016 | \$4.56 | Gary Johnson | 2016 General |
| Rally.org | 8/29/2016 | \$42.08 | Gary Johnson | 2016 General |
| KC Strategies | 8/29/2016 | \$5,640.00 | Gary Johnson | 2016 General |
| KC Strategies | 8/29/2016 | \$9,560.00 | Gary Johnson | 2016 General |
| Patterson & Co, LLC | 8/29/2016 | \$10,475.00 <i>48-Hour Report Required</i> | Gary Johnson | 2016 General |
| | Total | \$112,158.81 | | |