

REPORTS ANALYSIS DIVISION REFERRAL

TO

OFFICE OF GENERAL COUNSEL

DATE: February 6, 2018

ANALYST: Jack Baisden

I. COMMITTEE:

National Nurses United for Patient  
Protection  
C00490375  
Martha Kuhl, Treasurer  
8630 Fenton Street  
Suite 1100  
Silver Spring, MD 20910

II. RELEVANT STATUTES:

52 U.S.C. § 30104(g)(1)  
52 U.S.C. § 30104(g)(2)  
11 CFR § 104.4(c)  
11 CFR § 104.4(b)(2)

III. BACKGROUND:

**Failure to Provide Supporting Schedules (Failure to File 48-Hour and 24-Hour Reports)**

National Nurses United for Patient Protection ("the Committee") failed to file four (4) 48-Hour Reports totaling \$28,049.00 to support five (5) independent expenditures and failed to file six (6) 24-Hour Reports totaling \$49,860.41 to support eight (8) independent expenditures disclosed on the 2016 July Quarterly Report (Attachment 2).

On July 15, 2016, the Committee filed the 2016 July Quarterly Report covering the period from April 1, 2016 through June 30, 2016, which included a Schedule E (Itemized Independent Expenditures) disclosing two hundred fourteen (214) independent expenditures totaling \$1,961,707.89 made in support of five (5) federal candidates. The Committee failed to file four (4) 48-Hour Reports to support five (5) independent

expenditures totaling \$28,049.00 for the 2016 California Presidential Primary and the Washington Congressional Primary. The Committee also failed to file six (6) 24-Hour Reports to support eight (8) independent expenditures totaling \$49,860.41 for the 2016 California, Oregon, and West Virginia Presidential Primary and the 2016 Congressional Primary in New York (Images 201607159020597234-7344).

On July 6, 2017, a Request For Additional Information (RFAI) was sent to the Committee referencing the 2016 July Quarterly Report. Among other items, the RFAI noted that the Committee may have failed to file one or more of the required 48-Hour and 24-Hour Reports regarding independent expenditures. Charts were included with the RFAI identifying the independent expenditures for which 24-Hour or 48-Hour Reports had not been filed<sup>1</sup> (Images 201707060300087775-782).

On August 28, 2017, the Reports Analysis Division (RAD) Analyst called Brian Foucart, a representative of the Committee. Among other items the RAD Analyst explained the Committee had been sent an RFAI referencing the 2016 July Quarterly Report, for which no response had been received. The RAD Analyst stated that the issues raised in the RFAI could be referred for further action and urged the Committee to provide a response as soon as possible. Mr. Foucart agreed to look into the matters and expected the Committee to respond within the week (Attachment 3).

On August 30, 2017, Cole Weintraub, a representative of the Committee, called the RAD Analyst and explained the Committee was in possession of the RFAI and asked for additional time in which to respond. The RAD Analyst advised the Committee to begin working on a response, and suggested speaking again the week of September 11, 2017 to assess the status of the response (Attachment 3).

On August 31, 2017, Brian Foucart called the RAD Analyst with a question regarding the RFAI sent on the Committee's 2016 July Quarterly Report. Mr. Foucart pointed out independent expenditures that were being questioned and stated that it appeared the expenditures had been reported correctly. The RAD Analyst determined the independent expenditures highlighted by Mr. Foucart had different states of dissemination disclosed on the 48-Hour or 24-Hour Report than what was reported on Schedule E of the 2016 July Quarterly Report. The RAD Analyst advised clarifying the state of dissemination for the independent expenditures if they were indeed matches (Attachment 3).

On September 12, 2017, Cole Weintraub called the RAD Analyst to provide an update on the Committee's response to the RFAI sent on the 2016 July Quarterly Report, among other items. Mr. Weintraub stated the Committee planned to respond no later than September 29, 2017. The RAD Analyst suggested speaking again around that time (Attachment 3).

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<sup>1</sup> The Request for Additional Information referencing the 2016 July Quarterly Report included several additional Independent Expenditures which were clarified in the Committee's subsequent FEC Form 99. The chart also included several Independent Expenditures which were inadvertently included. This referral reflects the correct apparent violation.

On September 29, 2017, the Committee submitted a Miscellaneous Electronic Submission ("FEC Form 99") which provided additional information in response to the RFAI referencing the 2016 July Quarterly Report. The FEC Form 99 stated, in part:

"National Nurses United for Patient Protection (NNUPP) is responding to your RFAI dated July 6, 2017. As we have discussed, NNUPP was unaware of the electronically transmitted letter until after the stated period for our response had elapsed. We appreciate the opportunity to respond after that date, and we have undertaken a thorough review of our records in order to do so.

Our numeration below corresponds with your letter and the headings on its attachments. We address each entry (expenditure) in turn, in the order listed on the RFAI, with the exception of entries that, at this time, we believe the RFAI correctly characterizes. Because one payee is repeated, and we further identify entries as necessary in order to identify them clearly. In some cases of a late filing we clarify when a 24-hour or 48-hour report was due. All references to the "Report" refer to the July Quarterly Report, and all references to "Schedule E" refer to Schedule E of that report. All references to "DD" mean the expenditure dissemination date. All dates are in 2016.

As requested by the RFAI, all appropriate amendments will be filed, subject to the information provided in this response.

With respect to all independent expenditures that NNUPP erroneously either did not report or untimely reported on 24/48-hour reports, or omitted from Schedule E, NNUPP did so inadvertently and without any intention of violating its reporting obligations, a matter as to which NNUPP will elaborate as necessary. The vast majority of NNUPP's 2016 independent expenditures, in terms of both number and total amount, were timely and accurately reported" (Images 201709299075534566-567).

On October 23, 2017, Brian Foucart called the RAD Analyst. Among other items, Mr. Foucart asked if there had been any update to the potential referral of the Committee for issues on their 2016 July Quarterly Report. The RAD Analyst stated that the Committee still appeared to have failed to file several 24- or 48-Hour Reports and these issues could still be referred for potential further action within the Commission. The RAD Analyst advised the Committee to verify they agreed with the assessment made, and if they did not, they should file additional clarification (Attachment 3).

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

O-Index (2017-2018)

Cmte. ID: C00490375 Cmte. Name: NATIONAL NURSES UNITED FOR PATIENT PROTECTION  
 Treasurer Name: KUHL, MARTHA Address: 8630 FENTON STREET, SUITE 1100, SILVER SPRING, MD 20910  
 Cmte. Type: O (INDEPENDENT EXPENDITURE-ONLY COMMITTEE) Cmte. Designation: B (LOBBYIST/REGISTRANT PAC) Filing Frequency: QUARTERLY FILER

Form Tp	Rpt Tp	AI	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			9/29/2017	3	201709299075534544										
MS-T			9/29/2017	2	201709299075534566										
MS-T			2/1/2018	3	201802019094236055										
F3XN	30S	N	5/3/2017	7	201705039053494963	1/1/2017	4/24/2017		\$100,003	\$0	\$35,644	\$64,359			\$0
F3XN	MY	N	7/31/2017	5	201707319089876980	4/25/2017	6/30/2017		\$64,359	\$0	\$0	\$64,359			\$0
F3XN	YE	N	1/31/2018	8	201801319091178982	7/1/2017	12/31/2017		\$64,359	\$400,000	\$218,564	\$245,794			\$0
F24N	24		3/22/2017	1	201703229051881153										
Totals										\$400,000	\$254,208				

O-Index (2015-2016)

Cmte. ID: C00490375 Cmte. Name: NATIONAL NURSES UNITED FOR PATIENT PROTECTION  
 Treasurer Name: KUHL, MARTHA Address: 8630 FENTON STREET, SUITE 1100, SILVER SPRING, MD 20910  
 Cmte. Type: O (INDEPENDENT EXPENDITURE-ONLY COMMITTEE) Cmte. Designation: B (LOBBYIST/REGISTRANT PAC) Filing Frequency: QUARTERLY FILER

Form Tp	Rpt Tp	AI	Recpt Dt	Pgs	Begin Img#	Beg Cvg Dt	End Cvg Dt	Ltr Mail Dt	Begin Cash	Recpts	Disb	End Cash	Debits	Loans	Debits & Loans
RQ2	Q1	A	12/28/2017	2	2017122800300986152	1/1/2016	3/31/2016	12/28/2017							
RQ2	Q1	A	7/6/2017	7	201707060300087768	1/1/2016	3/31/2016	7/6/2017							
RQ2	Q2	N	7/6/2017	8	201707060300087775	4/1/2015	6/30/2015	7/6/2017	\$147,329	\$127,000	\$29,793	\$244,536			\$0
F3XN	MY	N	7/31/2015	8	201507319000524144	1/1/2015	6/30/2015		\$244,536	\$2,222,523	\$1,333,014	\$1,134,044			\$0
F3XN	YE	N	1/31/2016	53	201601319004964255	7/1/2015	12/31/2015		\$244,536	\$2,222,523	\$1,333,014	\$1,134,044			\$0
F3XA	YE	A	6/7/2016	53	201606079017477307	7/1/2015	12/31/2015		\$1,134,044	\$2,006,410	\$2,295,164	\$845,290	\$239,686		\$239,686
F3XN	Q1	N	4/15/2016	151	201604159012564422	1/1/2016	3/31/2016		\$1,134,044	\$2,006,410	\$2,299,093	\$841,361	\$239,686		\$239,686
F3XA	Q1	A	6/8/2016	152	201606089017489774	1/1/2016	3/31/2016		\$841,361	\$2,003,283	\$2,682,356	\$162,288	\$0		\$0
F3XN	Q2	N	7/15/2016	153	201607159020597192	4/1/2016	6/30/2016		\$162,288	\$244,900	\$238,926	\$167,962	\$25,000		\$25,000
F3XN	Q3	N	10/15/2016	13	201610159032878479	7/1/2016	9/30/2016		\$167,962	\$107,164	\$265,180	\$9,946	\$0		\$0
F3XN	12G	N	10/27/2016	15	201610279036715005	10/1/2016	10/19/2016		\$9,946	\$1,300,000	\$1,302,100	\$7,846	\$0		\$0
F3XN	30G	N	1/28/2016	10	201612089040154686	10/20/2016	11/28/2016		\$7,846	\$100,000	\$7,842	\$100,003			\$0
F3XN	YE	N	1/31/2017	8	201701319042330406	1/29/2016	12/31/2016								
F24N	48		1/4/2016	4	201601049004429082										
F24N	48		1/15/2016	7	201601159004505513										
F24N	48		1/1/2016	2	20160119004450957										
F1A		A	1/31/2016	4	201601319004962365										
F24N	24		2/1/2016	1	20160219008455460										
F24N	24		2/9/2016	3	201602099008451862										
F24N	24		2/10/2016	6	201602109008453922										
F24N	24		2/12/2016	4	201602129008457986										
F24N	24		2/13/2016	2	201602139008458292										
F24N	24		2/8/2016	15	201602089008450199										
F24N	24		3/29/2016	3	201603299012195119										
F24N	24		4/4/2016	3	201604049012221651										
F24N	24		3/26/2016	2	201603269012125096										
F24N	24		4/5/2016	15	201604059012225065										
F24A	24		4/8/2016	3	201604089012259104										
F24A	24		4/8/2016	2	201604089012259174										
F24N	24		4/9/2016	3	201604099012282387										
F24N	24		3/22/2016	2	201603229011948373										
F24N	24		4/12/2016	1	201604129012304457										



Form	Tip	Rpt	Tip	AI	Receipt	Dt	Pgs	Begin	Img#	End	Cvg	Dt	Ltr	Mail	Dt	Begin	Cash	Recpis	Disb	End	Cash	Debts	Loans	Debts & Loans
F24N	48				10/8/2015	2	201510089002821853																	
F24N	48				10/19/2016	2	201610199033044347																	
F24N	48				10/22/2015	2	201510229003218007																	
F24N	48				11/30/2015	3	201511309004120953																	
F24N	48				12/4/2015	1	201512049004147009																	
<b>Totals</b>																	\$8,110,981	\$8,158,307						

O-Index (2013-2014)

Cmte. ID: C00490375    Cmte. Name: NATIONAL NURSES UNITED FOR PATIENT PROTECTION  
 Treasurer Name: KUHLMARTHA    Address: 8630 FENTON STREET, SUITE 1100, SILVER SPRING, MD 20910  
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Form	Tip	Rpt	Tip	AI	Receipt	Dt	Pgs	Begin	Img#	End	Cvg	Dt	Ltr	Mail	Dt	Begin	Cash	Recpis	Disb	End	Cash	Debts	Loans	Debts & Loans
F3XN	MY			N	7/31/2013	7	13941302480	1/1/2013	6/30/2013	1/1/2013	6/30/2013						\$1,066	\$5,300	\$6,158		\$207			\$0
F3XN	YE			N	1/31/2014	7	14960342713	7/1/2013	12/31/2013	7/1/2013	12/31/2013						\$207	\$50,000	\$451		\$49,756			\$0
F3XN	Q1			N	4/15/2014	6	14960887770	1/1/2014	3/31/2014	1/1/2014	3/31/2014						\$49,756	\$0	\$37,212		\$12,543			\$0
F3XN	Q2			N	7/15/2014	9	14941831056	4/1/2014	6/30/2014	4/1/2014	6/30/2014						\$12,543	\$349,000	\$165,075		\$196,468			\$0
F3XN	Q3			N	10/15/2014	9	14978384655	7/1/2014	9/30/2014	7/1/2014	9/30/2014						\$196,468	\$1,785,000	\$1,786,072		\$223,396			\$0
F3XN	12G			N	10/23/2014	7	14952526094	10/1/2014	10/15/2014	10/1/2014	10/15/2014						\$223,396	\$40,000	\$65,000		\$198,396			\$0
F3XN	30G			N	12/4/2014	10	14952996158	10/16/2014	11/24/2014	10/16/2014	11/24/2014						\$198,396	\$190,000	\$241,067		\$147,329			\$0
F3XN	YE			N	1/30/2015	5	15950547285	1/25/2014	12/31/2014	1/25/2014	12/31/2014						\$147,329	\$0	\$0		\$147,329			\$0
<b>Totals</b>																	\$2,419,300	\$2,273,036						

**National Nurses United for Patient Protection (C00490375)**  
**2016 July Quarterly Report**

**48-Hour Reports Not Filed**

<b>Name of Payee</b>	<b>Date of Expenditure (Schedule E)</b>	<b>Expenditure Amount</b>	<b>Candidate</b>	<b>State and Date of Election</b>
Javier Moreno Polllario	5/1/16 48-Hour Report Required	\$60.00	Sanders, Bernie	CA – 6/7/16
National Nurses United	5/12/16	\$50.00	Sanders, Bernie	CA – 6/7/16
National Nurses United	5/12/16 48-Hour Report Required	\$3,807.00	Sanders, Bernie	CA – 6/7/16
Latino Print Network	5/13/16 48-Hour Report Required	\$2,400.00	Sanders, Bernie	CA – 6/7/16
Campaign Workshop	7/7/16 48-Hour Report Required	\$21,732.00	JAYAPAL, PRAMILA	WA – 8/2/16

**National Nurses United for Patient Protection (C00490375)**  
**2016 July Quarterly Report**

**24-Hour Reports Not Filed**

Name of Payee	Date of Expenditure (Schedule E)	Expenditure Amount	Candidate	State and Date of Election
National Nurses United	5/28/16 24-Hour Report Required	\$1,365.00	Sanders, Bernie	CA – 6/7/16
National Nurses United	6/1/16 24-Hour Report Required	\$75.00	Sanders, Bernie	CA – 6/7/16
National Nurses United	6/3/16	\$165.00	Sanders, Bernie	CA – 6/7/16
National Nurses United	6/5/16 24-Hour Report Required	\$67.50	Sanders, Bernie	CA – 6/7/16
Campaign Workshop	6/13/16	\$21,732.00	TEACHOUT, ZEPHYR	NY – 6/28/16
Campaign Workshop	6/13/16 24-Hour Report Required	\$5,882.00	KINGSON, MR. ERIC R.	NY – 6/28/16
Bus Bank	5/3/16 24-Hour Report Required	\$14,695.65	Sanders, Bernie	OR – 5/17/16
Bus Bank	4/27/16 24-Hour Report Required	\$5,878.26	Sanders, Bernie	WV – 5/10/16