

**RAD REFERRAL #: A17-03**

**DATE:** March 21, 2017.

**ANALYST:** Jill Sugarman

**REPORTS ANALYSIS DIVISION AUDIT REFERRAL**

- I. CANDIDATE:** Brian Higgins  
**CANDIDATE ID NUMBER:** H4NY27076  
**STATE/DISTRICT:** NY/26
- II. PRINCIPAL CAMPAIGN COMMITTEE:** Brian Higgins for Congress  
C00401034  
Gary Kanaley, Treasurer  
P.O. Box 28  
Buffalo, NY 14220
- OTHER AUTHORIZED COMMITTEE(S):** None
- III. REGISTRATION DATE:** May 17, 2004  
**DATE OF CANDIDACY FOR THE AUDIT PERIOD:** February 23, 2015
- IV. ELECTION RESULTS:** Won the 2016 General Election by 45.66%
- V. TOTAL POINTS ASSESSED:**
- VI. SUMMARY OF AUDIT POINTS BY STANDARD:**

Standard	#	Description
Standard	5	Excessive, Prohibited and Other Impermissible Contributions and Transfers
Standard	6	Mathematical Discrepancies
Standard	7	Failure to Provide Schedules
Standard	8	Failure to Properly Itemize Contributions from Individuals
		<b>TOTAL</b>

**VII. NOTICES SENT TO AND RESPONSES RECEIVED FROM THE COMMITTEE:**

See attached O-Index for the Committee.

**VIII. PROBLEMS FOR WHICH AUDIT POINTS WERE ASSESSED:**

**A. Standard 5 – Excessive, Prohibited and Other Impermissible Contributions/Transfers:**

<b>Report Type</b>	<b>Violation (Description)</b>
2015 Q3	Schedule A of the Committee's report disclosed the receipt of excessive and apparently prohibited contributions totaling \$4,470.20 or 6.08% of the total contributions (Line 11(e), Column A of the Detailed Summary Page). These contributions were received from one (1) individual, and eleven (11) unregistered political organizations.
2016 Q1	Schedule A of the Committee's report disclosed the receipt of excessive and prohibited contributions totaling \$3,665.00 or 4.69% of the total contributions (Line 11(e), Column A of the Detailed Summary Page). These contributions were received from two (2) affiliated multicandidate committee and ten (10) unregistered political organizations.

**B. Standard 6 - Mathematical Discrepancies:**

<b>Report Type</b>	<b>Violation (Description)</b>
2016 Amended Q3, received 11/29/16	The Committee's report contained mathematical discrepancies totaling \$2,000.00.
2016 12G	The Committee's report contained mathematical discrepancies totaling \$4,000.00.
2016 30G	The Committee's report contained mathematical discrepancies totaling \$4,000.00.

**C. Standard 7 - Failure to Provide Supporting Schedules:**

<b>Report Type</b>	<b>Violation (Description)</b>
2015 Q2	The Committee failed to provide a Schedule B for an in-kind contribution of \$1,875.00 from one (1) multicandidate committee which was itemized on Schedule A. This created a missing schedule of \$1,875.00.
2016 30G	The Committee filed a 48-Hour Notice during the period of October 20, 2016 through November 5, 2016 for a \$1,500.00 contribution from one (1) multicandidate committee that was not disclosed on Schedule A.

**D. Standard 8 - Failure to Properly Itemize Contributions from Individuals:**

<b>Report Type</b>	<b>Violation (Description)</b>
2015 Q3	The Committee failed to provide the adequate identification for 15 of 65, or 23.08%, of the contributions from individuals that require itemization (occupation/employer and address).
2015 YE	The Committee failed to provide the adequate identification for 22 of 81, or 27.16%, of the contributions from individuals that require itemization (occupation/employer and address).
2016 12G	The Committee failed to provide the adequate identification for 18 of 58, or 31.03%, of the contributions from individuals that require itemization (occupation/employer).

**IX. MATTERS REQUIRING REFERRAL TO OGC/ADRO/AF:**

A. OGC – none

B. ADRO – none

C. AF – none

**X. OTHER COMMISSION ACTIONS DURING THE 2013-2014 AND 2015-2016 ELECTION CYCLES:**

The Committee was involved in MUR 6916, which was closed on March 15, 2016.

**XI. OTHER RELEVANT INFORMATION:**

None.

O-Index (2017-2018)

Cmte. ID: C00401034 Cmte. Name: BRIAN HIGGINS FOR CONGRESS  
Treasurer Name: KANALEY, GARY Address: P.O. BOX 28, BUFFALO, NY 14220  
Cmte. Designation: P (PRINCIPAL CAMPAIGN COMMITTEE OF A CANDIDATE) Filing Frequency: QUARTERLY FILER

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

O-Index (2015-2016)

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RQ2	Q2	N	8/3/2015	2	201508040300001549	4/1/2015	6/30/2015	8/3/2015	-	-	-	-	-	-	-
RQ2	Q3	N	11/13/2015	6	201511140300007828	7/1/2015	9/30/2015	11/13/2015	-	-	-	-	-	-	-
RQ2	YE	N	2/26/2016	3	201602270300038769	10/1/2015	12/31/2015	2/26/2016	-	-	-	-	-	-	-
RQ2	Q1	N	5/13/2016	5	201605140300047023	1/1/2016	3/31/2016	5/13/2016	-	-	-	-	-	-	-
RQ2	Q3	N	10/25/2016	3	201610260300064197	7/1/2016	9/30/2016	10/25/2016	-	-	-	-	-	-	-
RQ2	Q3	A	12/8/2016	2	201612090300069767	7/1/2016	9/30/2016	12/8/2016	-	-	-	-	-	-	-
RQ2	12G	N	11/25/2016	3	201611260300069131	10/1/2016	10/19/2016	11/25/2016	-	-	-	-	-	-	-
RQ2	12G	N	12/8/2016	2	201612090300069769	10/1/2016	10/19/2016	12/8/2016	-	-	-	-	-	-	-
RQ2	30G	N	12/13/2016	2	201612140300070113	10/20/2016	11/28/2016	12/13/2016	-	-	-	-	-	-	-
F3N	Q1	N	4/15/2015	39	15951161257	1/1/2015	3/31/2015	-	\$620,920	\$58,921	\$52,132	\$627,709	\$540	-	\$0
F3N	Q2	N	7/15/2015	59	201507159000193540	4/1/2015	6/30/2015	-	\$627,709	\$70,000	\$62,744	\$634,965	\$540	-	\$0
F3N	Q3	N	10/15/2015	66	201510159003088516	7/1/2015	9/30/2015	-	\$634,965	\$74,596	\$58,365	\$651,197	\$540	-	\$0
F3N	YE	N	1/30/2016	61	201601309004958150	10/1/2015	12/31/2015	-	\$651,197	\$88,891	\$48,260	\$691,828	\$540	-	\$0
F3N	Q1	N	4/15/2016	65	201604159012516567	1/1/2016	3/31/2016	-	\$691,828	\$78,198	\$70,014	\$700,012	\$540	-	\$0
F3N	12P	N	6/16/2016	38	201606169018411509	4/1/2016	6/8/2016	-	\$700,012	\$45,360	\$53,316	\$692,056	\$540	-	\$0
F3N	Q2	N	7/15/2016	80	201607159020612168	6/9/2016	6/30/2016	-	\$692,056	\$219,352	\$21,518	\$899,890	\$540	-	\$0
F3N	Q3	N	10/14/2016	70	201610149032531188	7/1/2016	9/30/2016	-	\$899,890	\$66,749	\$141,762	\$814,877	\$540	-	\$0
F3A	Q3	A	11/29/2016	69	201611299037579212	7/1/2016	9/30/2016	-	\$899,890	\$66,749	\$141,762	\$814,877	\$540	-	\$0
F3N	12G	N	10/26/2016	39	201610269034622574	10/1/2016	10/19/2016	-	\$814,877	\$40,858	\$16,288	\$839,446	\$540	-	\$0
F3N	30G	N	12/8/2016	30	201612089040202249	10/20/2016	11/28/2016	-	\$839,446	\$49,618	\$68,068	\$820,996	\$540	-	\$0
F3N	YE	N	1/31/2017	13	201701319042258231	11/29/2016	12/31/2016	-	\$820,996	\$94	\$24,574	\$796,505	\$540	-	\$0
F2N		N	2/23/2015	1	15950822975	-	-	-	-	-	-	-	-	-	-
F6N			6/16/2016	1	201606169018411800	-	-	-	-	-	-	-	-	-	-
F6N			10/22/2016	1	201610229034525989	-	-	-	-	-	-	-	-	-	-
F6N			6/25/2016	2	201606259020094934	-	-	-	-	-	-	-	-	-	-
F6N			6/23/2016	3	201606239020093427	-	-	-	-	-	-	-	-	-	-
F6N			6/21/2016	5	201606219020080483	-	-	-	-	-	-	-	-	-	-
F1A		A	8/6/2016	4	201608089022182569	-	-	-	-	-	-	-	-	-	-
F6N			10/25/2016	2	201610259034580585	-	-	-	-	-	-	-	-	-	-
F6N			11/4/2016	1	201611049037120109	-	-	-	-	-	-	-	-	-	-
F6N			11/6/2016	1	201611069037128214	-	-	-	-	-	-	-	-	-	-
F6N			11/1/2016	1	201611019037017728	-	-	-	-	-	-	-	-	-	-
Totals									\$792,629	\$617,043					

O-Index (2013-2014)

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RQ2	Q2	N	8/12/2013	2	13330035636	4/1/2013	6/30/2013	8/12/2013	-	-	-	-	-	-	-
RQ2	YE	N	5/20/2014	4	14330052502	10/1/2013	12/31/2013	5/20/2014	-	-	-	-	-	-	-
RQ2	Q3	N	11/13/2014	3	14330066440	7/1/2014	9/30/2014	11/13/2014	-	-	-	-	-	-	-
RQ2	30G	N	12/17/2014	3	14330067956	10/16/2014	11/24/2014	12/17/2014	-	-	-	-	-	-	-
F3N	Q1	N	4/15/2013	37	13961644447	1/1/2013	3/31/2013		\$429,442	\$51,046	\$54,016	\$426,471	\$540		\$0
F3N	Q2	N	7/15/2013	97	13964090704	4/1/2013	6/30/2013		\$426,471	\$137,561	\$68,178	\$495,855	\$540		\$0
F3N	Q3	N	10/15/2013	62	13941828412	7/1/2013	9/30/2013		\$488,943	\$73,665	\$117,916	\$454,692	\$540		\$0
F3N	YE	N	1/31/2014	115	14940273563	10/1/2013	12/31/2013		\$454,692	\$260,451	\$72,948	\$642,194	\$540		\$0
F3N	Q1	N	4/15/2014	62	14960789461	1/1/2014	3/31/2014		\$642,194	\$73,311	\$51,863	\$663,623	\$540		\$0
F3A	Q1	A	6/12/2014	62	14861254882	1/1/2014	3/31/2014		\$642,194	\$72,911	\$52,134	\$662,972	\$540		\$0
F3N	12P	N	6/12/2014	60	14941299996	4/1/2014	6/4/2014		\$662,972	\$53,077	\$61,219	\$654,831	\$540		\$0
F3N	Q2	N	7/15/2014	37	14941841453	6/5/2014	6/30/2014		\$654,831	\$39,856	\$37,693	\$656,993	\$540		\$0
F3A	Q2	A	10/15/2014	37	14978404237	6/5/2014	6/30/2014		\$654,831	\$42,356	\$37,693	\$659,493	\$540		\$0
F3N	Q3	N	10/15/2014	86	14978407779	7/1/2014	9/30/2014		\$659,493	\$98,342	\$70,272	\$687,562	\$540		\$0
F3N	12G	N	10/23/2014	23	14952525805	10/1/2014	10/15/2014		\$687,562	\$20,020	\$5,169	\$702,413	\$540		\$0
F3N	30G	N	12/4/2014	45	14953153472	10/16/2014	11/24/2014		\$702,413	\$40,410	\$104,786	\$638,036	\$540		\$0
F3N	YE	N	1/28/2015	14	15970067808	11/25/2014	12/31/2014		\$638,036	\$1,589	\$18,705	\$620,920	\$540		\$0
F2N		N	4/15/2013	1	13961641269										
F6N			6/17/2014	2	14961270635										
F6N			6/13/2014	1	14941317329										
F6N			10/23/2014	1	14952441776										
F6N			10/21/2014	1	14951890123										
F6N			10/31/2014	1	14952563380										
F6N			10/28/2014	1	14962555962										
Totals										\$851,431	\$663,042				

**Response Codes, Due Dates, and Receipt Dates for  
Brian Higgins for Congress  
(C00401034)**

**Standard 5**

Report	Response Code	Description	Due Date	Response Date
2015 Q3	NR	Receipt of General In-Kind Contribution before Primary (A5-20)	12/18/2015	N/A
		Receipt of Contributions from Unregistered Organizations (A5-36)		
2016 Q1	NR	Receipt of Contribution from Persons/Individuals > \$2,700 and/or Qualified Multi-Candidate Committees > \$5,000 (A5-04)	06/17/2016	N/A
		Receipt of Contributions from Unregistered Organizations (A5-36)		

**Standard 6**

Report	Response Code	Description	Due Date	Response Date
2016 Amended Q3, received 11/29/16	NR	Incorrect Column B Figures (A6-06)	01/12/2017	N/A
2016 12G	NR	Incorrect Column B Figures (A6-06)	01/12/2017	N/A
2016 30G	NR <sup>1</sup>	Incorrect Column B Figures on Post-Election Detailed Summary Page (A6-07)	01/17/2017	N/A

**Standard 7**

Report	Response Code	Description	Due Date	Response Date
2015 Q2	NR	In-Kind on Schedule A/Missing on Schedule B (A7-22)	09/08/2015	N/A
2016 30G	NR	48-Hour Notice Filed/Missing on Schedule A (A7-25)	01/17/2017	N/A

**Standard 8**

Report	Response Code	Description	Due Date	Response Date
2015 Q3	NR	Missing/Inadequate Contributor Information (A8-02a)	12/18/15	N/A
2015 YE	NR	Missing/Inadequate Contributor Information (A8-02a)	4/1/16	N/A
2016 12G	NR	Missing/Inadequate Contributor Information (A8-02a)	12/30/16	N/A

<sup>1</sup> The Committee did not resolve the discrepancy between the Column B figures of the 2016 12G and the 2016 30G. However, the Column B figures on the 2016 30G adjust for an earlier discrepancy between the Amended 2016 Q3, received 11/29/16, and the 2016 12G.



