

REPORTS ANALYSIS DIVISION REFERRAL  
TO  
ALTERNATIVE DISPUTE RESOLUTION OFFICE

DATE: February 12, 2019

ANALYST: Nataliya Ioffe

I. COMMITTEE: Maryott for Congress  
C00666859  
Richard K. Frank, Treasurer  
31726 Rancho Viejo Rd., Ste. 101  
San Juan Capistrano, CA 92675

II. RELEVANT STATUTE: 52 U.S.C. § 30104(b)(4)  
11 CFR § 104.3(b)

III. BACKGROUND:

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

Maryott for Congress ("the Committee") amended its 2018 12 Day Pre-Primary Report to disclose additional disbursements of \$154,134.00, which were not included in the original report (Attachment 2).

On May 26, 2018, the Committee filed the original 2018 12 Day Pre-Primary Report covering the period from April 1, 2018 through May 16, 2018. The report disclosed \$138,211.63 on Line 17 (Operating Expenditures) and \$0.00 on Line 21 (Other Disbursements) of the Detailed Summary Page (Image 201805269113618316).

On June 27, 2018, the Committee filed an Amended 2018 12 Day Pre-Primary Report that disclosed \$138,301.63 on Line 17 and \$114,806.00 on Line 21 of the Detailed Summary Page (201806279115195376).

On July 10, 2018, the Committee filed the second Amended 2018 12 Day Pre-Primary Report that disclosed \$292,345.63 on Line 17 and \$0.00 on Line 21 of the Detailed Summary Page. This amendment disclosed a \$154,134.00 increase in operating expenditures from the original report (Image 201807109115296589).

On September 24, 2018, a Request for Additional Information (RFAI) was sent to the Committee, referencing the Amended 12 Day Pre-Primary Report, received July 10, 2018. The RFAI requested clarification regarding the substantial increase in disbursements disclosed in the amended report (Image 201809240300020543).

On November 2, 2018, the Reports Analysis Division (RAD) Analyst called the Committee's Treasurer, Richard K. Frank, concerning the September 24, 2018 RFAI. The RAD Analyst explained that the RFAI sent regarding the Amended 2018 12 Day Pre-Primary Report cited an increase of \$154,134.00 in operating expenditures, which may be referable for further Commission action. The Analyst requested the Treasurer verify that the information disclosed in the Amended 2018 12 Day Pre-Primary Report was accurately reported, and suggested he file a Miscellaneous Text Submission ("FEC Form 99") to explain the discrepancy between the original report and the amendment. Mr. Frank said he would look into the issue and call the Analyst the following week (Attachment 3).

On November 5, 2018, Mr. Frank called the RAD Analyst to confirm that he verified that the activity disclosed in the Amended 2018 12 Day Pre-Primary Report was accurate. He stated he filed an FEC Form 99 explaining why the Committee failed to disclose the activity in its original report (Attachment 3).

On the same date, the Committee filed an FEC Form 99 stating, in part:

"The vast majority of the discrepancy in the committee's initial report as is [sic] relates to the amended report was due to the oversight of not reporting disbursements made to our media buyer, Oceanbridge Media, totaling \$114,806. When filing the original report, we mistakenly only used checks drawn on the committee's bank account. The payments to Oceanbridge Media were made via wire transfer and those payments were inadvertently overlooked. As soon as we became aware of the oversight, we filed an amendment to that filing" (Image 201811059133589313).

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

O-Index (2019-2020)

Cmte. ID: C0066859 Cmte. Name: MARYOTT FOR CONGRESS  
 Treasurer Name: FRANK, RICHARD K Address: 31726 RANCHO VIEJO RD STE 101, SAN JUAN CAPO, CA 92675  
 Cmte. Type: H (HOUSE) Cmte. Designation: P (PRINCIPAL CAMPAIGN COMMITTEE OF A CANDIDATE) Filing Frequency: QUARTERLY FILER

Form Tp	Rpt Tp	Alt	Recpt Dt	Pgs	Begin Img#	Beg Cvg Dt	End Cvg Dt	Ltr Mail Dt	Begin Cash	Recpts	Disp	End Cash	Debits	Loans	Debits & Loans
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No records were found for this cycle.

O-Index (2017-2018)

Cmte. ID: C0066859 Cmte. Name: MARYOTT FOR CONGRESS  
 Treasurer Name: FRANK, RICHARD K Address: 31726 RANCHO VIEJO RD STE 101, SAN JUAN CAPO, CA 92675  
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MS-T			7/16/2018	3	201807160300219639										
MS-T			11/5/2018	1	201811059133589313										
RQ2	Q1	A	9/24/2018	2	201809240300020545	1/1/2018	3/31/2018	9/24/2018							
RQ7	12P		5/25/2018	2	201805250300010657	4/1/2018	5/16/2018	5/25/2018							
RQ2	12P	A	9/24/2018	2	201809240300020543	4/1/2018	5/16/2018	9/24/2018							
RQ2	Q2	N	10/14/2018	2	201810140300021485	5/17/2018	6/30/2018	10/14/2018							
F3N	Q1	N	4/11/2018	33	2018041119106284935	1/1/2018	3/31/2018		\$0	\$420,828	\$361,586	\$59,241		\$400,000	\$400,000
F3A	Q1	A	7/10/2018	35	201807109115289480	1/1/2018	3/31/2018		\$0	\$420,878	\$367,500	\$53,377		\$400,000	\$400,000
F3A	Q1	A	11/6/2018	38	201811069133636724	1/1/2018	3/31/2018		\$0	\$420,878	\$367,500	\$53,377		\$400,000	\$400,000
F3N	12P	N	5/26/2018	25	201805269113618313	4/1/2018	5/16/2018		\$59,241	\$324,850	\$140,911	\$243,179		\$300,000	\$300,000
F3A	12P	A	6/27/2018	26	201806279115195373	4/1/2018	5/16/2018		\$59,241	\$324,850	\$255,807	\$128,283		\$300,000	\$300,000
F3A	12P	A	7/10/2018	33	201807109115298586	4/1/2018	5/16/2018		\$53,377	\$324,850	\$295,045	\$83,181		\$1,000,000	\$700,000
F3N	Q2	N	7/11/2018	27	201807119115302943	5/17/2018	6/30/2018		\$83,181	\$14,142	\$87,805	\$9,518		\$700,000	\$700,000
F3A	Q2	A	10/15/2018	27	201810159125100935	5/17/2018	6/30/2018		\$83,181	\$14,142	\$87,805	\$9,518		\$10,000	\$10,000
F3N	Q3	N	10/15/2018	7	201810159125101923	7/1/2018	9/30/2018		\$9,518	\$323	\$42	\$9,799		\$10,000	\$10,000
F3N	YE	N	1/29/2019	9	201901299144131894	10/1/2018	12/31/2018		\$9,799	\$0	\$42	\$9,757		\$10,000	\$10,000
F6N			5/26/2018	1	201805269113618338										
F6N			5/27/2018	1	201805279113618588										
F1A		A	6/8/2018	4	201806089113653309										
F1N		N	1/22/2018	4	201801229090508839										
F2N		N	1/22/2018	1	201801229090510469										
F1A		A	2/15/2018	4	201802159094569177										
Totals										\$760,193	\$750,435				

O-Index (2015-2016)

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No records were found for this cycle.

**Maryott for Congress (C00666859)**

2018 12 Day Pre-Primary Report/Amended 2018 12 Day Pre-Primary Report, received 7/10/2018

Overview of Additional Disbursements

Report Line	Original 2018 12 Day Pre- Primary Report (Image 201805269113 618316)	Amended 2018 12 Day Pre-Primary Report, received 7/10/2018 (Image 20180710911529658 9)	Variance Amount
Line 17: Operating Expenditures	\$138,211.63	\$292,345.63	\$154,134.00
		<b>Total:</b>	<b>\$154,134.00</b>