

**19L-17**

REPORTS ANALYSIS DIVISION REFERRAL  
TO  
ALTERNATIVE DISPUTE RESOLUTION OFFICE

DATE: July 16, 2019

ANALYST: Brian Jones

I. COMMITTEE: United We Can  
C00523621  
Gerald Hudson, Treasurer  
1800 Massachusetts Ave., NW  
Washington, DC 20036

II. RELEVANT STATUTE: 52 U.S.C § 30104(g)(1)  
11 CFR § 104.4(c)

III. BACKGROUND:

**Failure to Provide Supporting Schedules (Failure to File 24-Hour Report)**

United We Can (“the Committee”) failed to file one (1) 24-Hour Report totaling \$161,347.77 to support two (2) independent expenditures disclosed on the 2018 30-Day Post-General Report, made after the 20<sup>th</sup> day but more than 24 hours before the 2018 General Election (Attachment 2).

On December 6, 2018, the Committee filed the 2018 30-Day Post-General Report, covering the period from October 1, 2018 through November 26, 2018, which included a Schedule E (Itemized Independent Expenditures) disclosing forty-three (43) independent expenditures totaling \$998,900.01 made in support of or opposition to fifteen (15) federal candidates. The Committee failed to file one (1) 24-Hour Report to support two (2) independent expenditures totaling \$161,347.77 for the 2018 General Election (Images 201812069135373837-58, Attachment 2).

On March 17, 2019, a Request for Additional Information (RFAI) was sent to the Committee referencing the 2018 30-Day Post-General Report. Among other items, the RFAI noted that the Committee may have failed to file one or more required 24-Hour Reports regarding independent expenditures. A chart was included with the RFAI

identifying two (2) independent expenditures totaling \$161,347.77, for which a 24-Hour Report had not been filed (Images 201903170300035615-17).

On April 22, 2019, the Committee filed an Amended 2018 30-Day Post-General Report. The report disclosed modifications to several dissemination dates. Despite the changes, the Committee still failed to file one (1) 24-Hour Report to support two (2) independent expenditures totaling \$161,347.77 for the 2018 General Election (Images 201904229149581469-90, Attachment 2).

Also on April 22, 2019, the Committee submitted a FEC Form 99 (Miscellaneous Electronic Submission) which provided additional information in response to the RFAI referencing the 2018 30-Day Post-General Report. The FEC Form 99 stated, in part:

“This letter is in response to the Commission’s request for additional information related two independent expenditures disclosed with the incorrect office sought and the failure to file a 24-hour notice to timely disclose the same two independent expenditures. The committee will amend its 30-Day Post-General report to correct the office sought for the independent expenditures that opposed Dino Rossi. A miscommunication regarding the date of dissemination resulted in the committee inadvertently omitting the two independent expenditures from the 24-hour notice. While the radio ad was scheduled to be made public on October 23rd, it was postponed two days to October 25th, and the expenditure’s new date of dissemination was not provided to the committee’s compliance team for inclusion in the October 26th 24-hour notice. When the committee amends the 30-Day Post-General report to correct the office sought for these expenditures, it will also update the dissemination date” (Image 201904229149581432).

On May 15, 2019, the Reports Analysis Division (RAD) Analyst called Jennifer Leben, a representative for the Committee. The RAD Analyst left a voicemail which explained that the Committee had been sent an RFAI referencing the 2018 30-Day Post-General Report and that this issue may be referred to another office within the Commission. The Analyst stated that the Committee had the option to provide additional clarifying information on the public record by filing a FEC Form 99 and encouraged Ms. Leben to contact the Analyst directly with any questions regarding this matter (Attachment 3).

Also on May 15, 2019, Ms. Leben called the Analyst to discuss the matter. Ms. Leben stated that the Committee failed to file the 24-Hour Report due to an oversight and the large amount of financial activity covering the period. The Analyst stated that the Committee has the option to provide additional clarifying information detailing why the Committee failed to file the 24-Hour Report; however, Ms. Leben stated that the Committee would decline to do so at this point (Attachment 3).

Later on May 15, 2019, Ms. Leben called the Analyst discuss the possible civil money penalty. The Analyst stated that the administrative fine calculator located on the

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FEC website was unrelated to the Committee's outstanding compliance matter and that any penalty would be handled by another office within the Commission (Attachment 3).

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

O-Index (2019)															
Cmte. ID: C00523621 Cmte. Name: UNITED WE CAN															
Treasurer Name: HUDSON, GERALD Address: 1800 MASSACHUSETTS AVE., NW, WASHINGTON, DC 20036															
Cmte. Type: O (INDEPENDENT EXPENDITURE-ONLY COMMITTEE) Cmte. Designation: U (UNAUTHORIZED) Filing Frequency: QUARTERLY FILER															
Form Tp	Rpt Tp	A/I	Recpt Dt	Pgs	Begin Img#	Beg Cvg Dt	End Cvg Dt	Ltr Mail Dt	Begin Cash	Recpts	Disb	End Cash	Debts	Loans	Debts & Loans
MS-T			4/22/2019	1	201904229149581432				-	-	-	-	-	-	-
<b>Totals</b>										\$0	\$0				

O-Index (2017-2018)															
Cmte. ID: C00523621 Cmte. Name: UNITED WE CAN															
Treasurer Name: HUDSON, GERALD Address: 1800 MASSACHUSETTS AVE., NW, WASHINGTON, DC 20036															
Cmte. Type: O (INDEPENDENT EXPENDITURE-ONLY COMMITTEE) Cmte. Designation: U (UNAUTHORIZED) Filing Frequency: QUARTERLY FILER															
Form Tp	Rpt Tp	A/I	Recpt Dt	Pgs	Begin Img#	Beg Cvg Dt	End Cvg Dt	Ltr Mail Dt	Begin Cash	Recpts	Disb	End Cash	Debts	Loans	Debts & Loans
RQ2	MY	N	8/31/2017	5	201708310300092644	1/1/2017	6/30/2017	8/31/2017	-	-	-	-	-	-	-
RQ2	YE	N	2/15/2018	5	201802150300098223	7/1/2017	12/31/2017	2/15/2018	-	-	-	-	-	-	-
RQ2	Q1	N	5/1/2018	4	201805020300009241	1/1/2018	3/31/2018	5/1/2018	-	-	-	-	-	-	-
RQ2	Q2	N	8/16/2018	5	201808160300018037	4/1/2018	6/30/2018	8/16/2018	-	-	-	-	-	-	-
RQ2	30G	N	3/17/2019	3	201903170300035615	10/1/2018	11/26/2018	3/17/2019	-	-	-	-	-	-	-
RQ2	30G	A	5/6/2019	2	201905070300039601	10/1/2018	11/26/2018	5/6/2019	-	-	-	-	-	-	-
F3XN	MY	N	7/31/2017	10	201707319069924029	1/1/2017	6/30/2017		\$508,319	\$0	\$101,060	\$407,259	-	-	\$0
F3XA	MY	A	10/5/2017	20	201710059075579849	1/1/2017	6/30/2017		\$2,683,611	\$0	\$101,060	\$2,582,551	\$11,091,921	-	\$11,091,921
F3XN	YE	N	1/31/2018	7	201801319091298873	7/1/2017	12/31/2017		\$407,259	\$0	\$277	\$406,981	-	-	\$0
F3XA	YE	A	3/22/2018	17	201803229097926643	7/1/2017	12/31/2017		\$2,582,551	\$0	\$277	\$2,582,273	\$11,091,921	-	\$11,091,921
F3XN	Q1	N	4/15/2018	5	201804159108230903	1/1/2018	3/31/2018		\$406,981	\$0	\$115	\$406,866	-	-	\$0
F3XA	Q1	A	6/5/2018	15	201806059113647003	1/1/2018	3/31/2018		\$2,582,273	\$0	\$115	\$2,582,158	\$11,091,921	-	\$11,091,921
F3XN	Q2	N	7/15/2018	8	201807159115696030	4/1/2018	6/30/2018		\$406,866	\$1	\$149	\$406,718	\$1,500	-	\$1,500
F3XA	Q2	A	9/20/2018	18	201809209124153639	4/1/2018	6/30/2018		\$2,582,158	\$1	\$149	\$2,582,010	\$11,093,421	-	\$11,093,421
F3XN	Q3	N	10/15/2018	25	201810159125495662	7/1/2018	9/30/2018		\$2,582,010	\$2,494,861	\$2,638,236	\$2,438,635	\$11,093,421	-	\$11,093,421
F3XN	30G	N	12/6/2018	57	201812069135373802	10/1/2018	11/26/2018		\$2,438,635	\$3,909,188	\$3,611,183	\$2,736,640	\$11,123,338	-	\$11,123,338
F3XA	30G	A	4/22/2019	57	201904229149581434	10/1/2018	11/26/2018		\$2,438,635	\$3,909,188	\$3,611,183	\$2,736,640	\$11,123,338	-	\$11,123,338
F3XA	30G	A	6/10/2019	57	201906109150007296	10/1/2018	11/26/2018		\$2,438,635	\$3,909,188	\$3,611,183	\$2,736,640	\$11,123,338	-	\$11,123,338
F3XN	YE	N	1/31/2019	20	201901319145449406	11/27/2018	12/31/2018		\$2,736,640	\$32,544	\$24,044	\$2,745,140	\$11,123,338	-	\$11,123,338
<b>Totals</b>										\$6,436,596	\$6,375,067				

O-Index (2015-2016)															
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RQ2	Q2	N	8/29/2016	4	201608290300057771	4/1/2016	6/30/2016	8/29/2016	-	-	-	-	-	-	-
RQ2	Q3	N	1/31/2017	5	201701310300076470	7/1/2016	9/30/2016	1/31/2017	-	-	-	-	-	-	-
RQ2	12G	N	3/27/2017	4	201703270300083232	10/1/2016	10/19/2016	3/27/2017	-	-	-	-	-	-	-
RQ2	30G	N	3/27/2017	3	201703270300083236	10/20/2016	11/28/2016	3/27/2017	-	-	-	-	-	-	-
RQ2	YE	N	3/27/2017	2	201703270300083246	11/29/2016	12/31/2016	3/27/2017	-	-	-	-	-	-	-
F3XN	MY	N	7/31/2015	12	201507319000510104	1/1/2015	6/30/2015		\$1,894,939	\$0	\$0	\$1,894,939	\$10,370,199	-	\$10,370,199
F3XN	YE	N	1/31/2016	12	201601319005017202	7/1/2015	12/31/2015		\$1,894,939	\$28	\$2	\$1,894,964	\$10,370,199	-	\$10,370,199
F3XN	Q1	N	4/15/2016	14	201604159012543247	1/1/2016	3/31/2016		\$1,894,964	\$22,272	\$22,272	\$1,894,964	\$10,370,199	-	\$10,370,199
F3XN	Q2	N	7/15/2016	15	201607159020670768	4/1/2016	6/30/2016		\$15	\$1,500,000	\$1,172,500	\$327,515	\$223,940	-	\$223,940
F3XA	Q2	A	10/3/2016	22	201610039032161673	4/1/2016	6/30/2016		\$1,894,964	\$1,516,494	\$1,188,994	\$2,222,464	\$10,594,139	-	\$10,594,139
F3XN	Q3	N	10/15/2016	69	201610159032875649	7/1/2016	9/30/2016		\$327,515	\$9,779,164	\$9,087,424	\$1,019,254	\$1,643,835	-	\$1,643,835
F3XA	Q3	A	3/7/2017	76	201703079050758734	7/1/2016	9/30/2016		\$2,222,464	\$9,779,164	\$9,087,424	\$2,914,203	\$12,014,034	-	\$12,014,034
F3XN	12G	N	10/27/2016	60	201610279036990488	10/1/2016	10/19/2016		\$1,019,254	\$11,092,845	\$5,827,306	\$6,284,793	\$1,006,764	-	\$1,006,764

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F3XA	12G	A	5/1/2017	68	201705019053490567	10/1/2016	10/19/2016		\$2,914,203	\$11,696,409	\$6,430,870	\$8,179,742	\$11,376,963	-	\$10,773,399
F3XN	30G	N	12/8/2016	73	201612089040585260	10/20/2016	11/28/2016		\$6,284,793	\$1,192,602	\$4,008,939	\$3,468,456	\$1,554,079	-	\$1,554,079
F3XA	30G	A	5/1/2017	82	201705019053491172	10/20/2016	11/28/2016		\$8,179,742	\$1,192,602	\$4,008,939	\$5,363,405	\$11,698,666	-	\$11,095,102
F3XA	30G	A	5/31/2017	82	201705319055167887	10/20/2016	11/28/2016		\$8,179,742	\$1,192,602	\$4,008,939	\$5,363,405	\$11,095,102	-	\$11,095,102
F3XN	YE	N	1/31/2017	21	201701319042236114	11/29/2016	12/31/2016		\$3,468,456	\$17	\$2,679,811	\$788,662	\$1,550,898	-	\$1,550,898
F3XA	YE	A	5/2/2017	27	201705029053491254	11/29/2016	12/31/2016		\$5,363,405	\$17	\$2,679,811	\$2,683,611	\$11,695,485	-	\$11,091,921
F1A		A	11/4/2015	5	201511049003283565				-	-	-	-	-	-	-
F1A		A	5/25/2016	5	201605259017295651				-	-	-	-	-	-	-
F1A		A	6/8/2016	5	201606089017490681				-	-	-	-	-	-	-
<b>Totals</b>										<b>\$24,206,986</b>	<b>\$23,418,314</b>				

**United We Can (C00523621)**

Amended 2018 30-Day Post-General Report, received 4/22/2019

24-Hour Report Not Filed

<b>Name of Payee</b>	<b>Date of Dissemination (Schedule E)</b>	<b>Expenditure Amount</b>	<b>Candidate Opposed</b>	<b>Election</b>
Waterfront Strategies	10/25/18	<b>\$159,960.00</b>	Dino Rossi	2018 General
Shorr Johnson Magnus Strategic Media	10/25/18	<b>\$1,387.77</b> <i>24-Hour Report Required</i>	Dino Rossi	2018 General
	<b>Total</b>	<b>\$161,347.77</b>		