

19L-25

REPORTS ANALYSIS DIVISION REFERRAL  
TO  
ALTERNATIVE DISPUTE RESOLUTION OFFICE

DATE: August 12, 2019

ANALYST: Denise Stilla

I. COMMITTEE: Deaglan McEachern for Congress  
C00665364  
Lori Tiernan, Treasurer  
230 Thorton Street  
Portsmouth, NH 03801

II. RELEVANT STATUTE: 11 CFR §110.1(b)  
11 CFR §110.1(b)(3)

III. BACKGROUND:

**Failure to Refund, Redesignate, or Reattribute Primary Election Contributions within the Permissible Timeframe**

Deaglan McEachern for Congress (“the Committee”) received excessive 2018 Primary Election contributions from seventeen (17) individuals that were not refunded, redesignated, or reattributed within the permissible timeframe. The contributions total \$45,854.00, as disclosed on the 2018 April Quarterly and 2018 July Quarterly Reports (Attachment 2).

2018 April Quarterly Report

During the 2018 April Quarterly reporting period, the Committee received excessive contributions totaling \$22,254.00 from nine (9) individuals that were not redesignated, reattributed, or refunded within the permissible timeframe (Attachment 2).

On April 15, 2018, the Candidate filed an FEC Form 2 (Statement of Candidacy) for the 2018 election for the U.S. House in New Hampshire (Image 201804159108107023).

On the same date, the Committee filed the 2018 April Quarterly Report covering the period from January 1, 2018 through March 31, 2018. The report disclosed the receipt of \$22,254.00 in excessive 2018 Primary Election contributions from nine (9) individuals (Image 201804159108247068).

On May 8, 2018, the Committee was sent a Request for Additional Information (RFAI) referencing the 2018 April Quarterly Report. The RFAI noted excessive contributions totaling \$22,254.00 from nine (9) individuals and requested that the Committee take corrective action (Image 201805080300009738).

### 2018 July Quarterly Report

During the 2018 July Quarterly reporting period, the Committee received excessive contributions totaling \$23,600.00 from nine (9) individuals that were not redesignated, reattributed, or refunded within the permissible timeframe (Attachment 2).

On July 16, 2018, the Committee filed the 2018 July Quarterly Report covering April 1, 2018 through June 30, 2018. The report disclosed the receipt of \$23,600.00 in excessive 2018 Primary Election contributions from nine (9) individuals (Image 201807169115707923).

On September 11, 2018, Deaglan McEachern (the “Candidate”) lost the New Hampshire Primary Election with 2.7% of the vote.

On October 15, 2018, the Committee was sent an RFAI referencing the 2018 July Quarterly Report. The RFAI noted excessive contributions totaling \$23,600.00 from nine (9) individuals (Image 201810150300021564).

On October 16, 2018, the Committee filed the 2018 October Quarterly Report disclosing reattributions of contributions from three (3) individuals totaling \$8,100, received during the 2018 July Quarterly reporting period. The report also disclosed refunds of contributions from twelve (12) individuals totaling \$30,900, received during the 2018 April Quarterly and July Quarterly reporting periods. All of the remedies were made outside of the permissible timeframe. Refunds to six (6) of these individuals were incorrectly reported on Line 17 (Operating Expenditures) instead of Line 20(a) (Refunds of Contributions from Individuals) of the Detailed Summary Page (Image 201810169125563276).

On June 3, 2019, the Reports Analysis Division (RAD) Analyst called the Candidate to inform him that the Committee may be referred to another office within the Commission for potential further action due to the unrefunded and untimely remedied excessive contributions received during the 2018 April Quarterly and July Quarterly reporting periods. The RAD Analyst noted that some of the refunds were disclosed on the wrong line of the Detailed Summary Page. The Candidate stated he would review the reports with the Committee’s reports preparer and would take corrective action as soon as possible (Attachment 3).

On June 6, 2019, the Candidate called to inform the RAD Analyst that the Committee would amend its reports to disclose additional reattributions that were not previously reported. The Candidate stated the Committee did not realize they had to refund, redesignate, or reattribute excessive contributions within sixty (60) days of receipt and thought they could make remedies after the September 11, 2018 New Hampshire Primary Election (Attachment 3).

Also on June 6, 2019 the Committee filed an Amended 2018 October Quarterly Report disclosing an additional reattribution in the amount of \$2,700.00 that appeared to timely remedy part of an excessive contribution from one (1) individual received during the 2018 July Quarterly reporting period.<sup>1</sup> The amended report also disclosed contribution refunds on the correct line of the Detailed Summary Page, and increased the amount of an untimely refund to one (1) individual by \$400.00<sup>2</sup> (Image 201906069149951904).

On the same day, the Committee filed the 2018 Year-End Report, which disclosed refunds of excessive contributions from three (3) individuals totaling \$6,454.00, received during the 2018 April Quarterly reporting period (Image 201906069149951933). All of these refunds were made outside of the permissible timeframe.

On June 12, 2019, the Candidate called and inquired whether there was anything else needed from the Committee to remedy the issue. The RAD Analyst acknowledged the 2018 refunds and reattributions of excessive contributions and informed the Candidate that this matter would be forwarded to another Commission office for review and potential further action (Attachment 3).

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

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<sup>1</sup> Reattribution of \$2,700.00 from Duncan McEachern to the spouse, Patricia McEachern, on 8/24/18 (Image 201906069149951915).

<sup>2</sup> Refund of \$5,400.00 made to Duncan McEachern on 9/30/18 (Image 201906069149951928).

O-Index

8/8/2019 1:43 PM

O-Index (2019-2020)															
Cmte. ID: C00665364 Cmte. Name: DEAGLAN MCEACHERN FOR CONGRESS															
Treasurer Name: TIERNAN, LORI Address: 230 THORNTON ST, PORTSMOUTH, NH 03801															
Cmte. Type: H (HOUSE) Cmte. Designation: P (PRINCIPAL CAMPAIGN COMMITTEE OF A CANDIDATE) 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
RQ7	Q1		4/30/2019	2	201905010300039084	1/1/2019	3/31/2019	4/30/2019	-	-	-	-	-	-	-
F3N	Q1	N	6/6/2019	8	201906069149951946	1/1/2019	3/31/2019		\$271	\$0	\$0	\$271	-	\$20,000	\$20,000
F3N	Q2	N	7/15/2019	5	201907159150855408	4/1/2019	6/30/2019		\$271	\$0	\$150	\$121	\$20,000	-	\$20,000
Totals										\$0	\$150				

O-Index (2017-2018)															
Cmte. ID: C00665364 Cmte. Name: DEAGLAN MCEACHERN FOR CONGRESS															
Treasurer Name: TIERNAN, LORI Address: 230 THORNTON ST, PORTSMOUTH, NH 03801															
Cmte. Type: H (HOUSE) Cmte. Designation: P (PRINCIPAL CAMPAIGN COMMITTEE OF A CANDIDATE) 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			6/13/2018	9	201806210300214974				-	-	-	-	-	-	-
RQ2	Q1	N	5/8/2018	6	201805080300009738	1/1/2018	3/31/2018	5/8/2018	-	-	-	-	-	-	-
RQ2	Q2	N	10/15/2018	4	201810150300021564	4/1/2018	6/30/2018	10/15/2018	-	-	-	-	-	-	-
RQ2	12P	N	10/15/2018	4	201810150300021570	7/1/2018	8/22/2018	10/15/2018	-	-	-	-	-	-	-
RQ7	12P		8/31/2018	2	201808310300019323	7/1/2018	8/22/2018	8/31/2018	-	-	-	-	-	-	-
RQ7	YE		2/19/2019	2	201902190300032139	10/1/2018	12/31/2018	2/19/2019	-	-	-	-	-	-	-
F3N	Q1	N	4/15/2018	74	201804159108247068	1/1/2018	3/31/2018		\$0	\$135,082	\$40,459	\$94,623	-	-	\$0
F3N	Q2	N	7/16/2018	58	201807169115707923	4/1/2018	6/30/2018		\$94,623	\$80,002	\$107,395	\$67,229	-	-	\$0
F3N	12P	N	8/31/2018	41	201808319121548844	7/1/2018	8/22/2018		\$67,229	\$31,293	\$67,871	\$30,651	-	-	\$0
F3N	Q3	N	10/16/2018	27	201810169125563276	8/23/2018	9/30/2018		\$30,651	\$21,970	\$50,395	\$2,225	-	\$15,000	\$15,000
F3A	Q3	A	6/6/2019	29	201906069149951904	8/23/2018	9/30/2018		\$30,651	\$21,970	\$50,795	\$1,825	-	\$15,000	\$15,000
F3N	YE	N	6/6/2019	13	201906069149951933	10/1/2018	12/31/2018		\$1,825	\$5,100	\$6,654	\$271	-	\$20,000	\$20,000
F1N		N	1/9/2018	4	201801099090383198				-	-	-	-	-	-	-
F2N		N	4/15/2018	1	201804159108107023				-	-	-	-	-	-	-
Totals										\$273,448	\$273,176				

O-Index (2015-2016)															
Cmte. ID: C00665364 Cmte. Name: DEAGLAN MCEACHERN FOR CONGRESS															
Treasurer Name: TIERNAN, LORI Address: 230 THORNTON ST, PORTSMOUTH, NH 03801															
Cmte. Type: H (HOUSE) Cmte. Designation: P (PRINCIPAL CAMPAIGN COMMITTEE OF A CANDIDATE) 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

No records were found for this cycle.

**Deaglan McEachern for Congress (C00665364)**

Apparent Excessive and Prohibited Contributions Not Refunded and/or Refunded Outside Permissible Timeframes, Listed by Report

*2018 April Quarterly Report (1/1/2018 -3/31/2018)*

Name	Date	Contribution Amount	Election	Excessive/Prohibited Amount Received During Reporting Period & Not Refunded within Timeframe	Excessive/Prohibited Amount Refunded/ Reattributed Outside of Timeframe	Refunded/ Reattributed # Days Since Receipt
Ben, James	3/26/2018	\$5,400.00	P2018			
Ben, James	9/30/2018	-\$2,700.00	P2018	\$2,700.00	\$2,700.00	188
Crown, Arie	3/29/2018	\$5,400.00	P2018			
Crown, Arie	9/30/2018	-\$2,700.00	P2018	\$2,700.00	\$2,700.00	185
Crown, Connor	1/30/2018	\$5,400.00	P2018			
Crown, Connor	9/30/2018	-\$2,700.00	P2018	\$2,700.00	\$2,700.00	243
Crown, Nancy	3/31/2018	\$5,400.00	P2018			
Crown, Nancy	9/30/2018	-\$2,700.00	P2018	\$2,700.00	\$2,700.00	183
Lock, Michael	2/21/2018	\$1,000.00	P2018			
Lock, Michael	2/22/2018	\$1,054.00	P2018			
Lock, Michael	10/18/2018	-\$54.00	P2018	\$54.00	\$54.00	239
McEachern, Duncun	3/1/2018	\$5,000.00	P2018			
McEachern, Duncun*	9/30/2018	-\$5,400.00	P2018	\$2,300.00	\$2,300.00	213
Peterson, Sean	3/31/2018	\$1,000.00	P2018			
Peterson, Sean	3/31/2018	\$4,400.00	P2018			
Peterson, Sean	9/30/2018	-\$2,700.00	P2018	\$2,700.00	\$2,700.00	183
Sangster, Denise	1/30/2018	\$5,400.00	P2018			
Sangster, Denise	2/19/2018	\$1,000.00	P2018			
Sangster, Denise	10/18/2018	-\$3,700.00	P2018	\$3,700.00	\$3,700.00	243
Tiernan, Lori C.	3/31/2018	\$5,400.00	P2018			
Tiernan, Lori C.	10/18/2018	-\$2,700.00	P2018	\$2,700.00	\$2,700.00	201
				<b>\$22,254.00</b>		

\* Applied \$2,300 of the \$5,400 refund made on 9/30/18 to the 3/1/18 contribution. The remaining portion of the refund (\$3,100) was applied to the contributions received during the 2018 July Quarterly reporting period.

**Deaglan McEachern for Congress (C00665364)**

Apparent Excessive and Prohibited Contributions Not Refunded and/or Refunded Outside Permissible Timeframes, Listed by Report

*2018 July Quarterly Report (4/1/2018 -6/30/2018)*

Name	Date	Contribution Amount	Election	Excessive/Prohibited Amount Received During Reporting Period & Not Refunded within Timeframe	Excessive/Prohibited Amount Refunded/ Reattributed Outside of Timeframe	Refunded # Days Since Receipt
Crown, Jim	6/29/2018	\$5,400.00	P2018			
Crown, Jim	9/30/2018	-\$2,700.00	P2018	\$2,700.00	\$2,700.00	93
Crown, Lester	6/15/2018	\$5,400.00	P2018			
Crown, Lester	9/30/2018	-\$2,700.00	P2018	\$2,700.00	\$2,700.00	107
Kearney, Chris	1/27/2018	\$2,500.00	P2018			
Kearney, Chris**	6/19/2018	\$2,500.00	P2018			
Kearney, Chris	9/30/2018	-\$2,300.00	P2018	\$2,300.00	\$2,300.00	103
McEachern, Duncan	5/5/2018	\$400.00	P2018			
McEachern, Duncan	6/30/2018	\$5,400.00	P2018			
McEachern, Duncan***	8/24/2018	-\$2,700.00	P2018	\$400.00	\$400.00	148
McEachern, Duncan***	9/30/2018	-\$5,400.00	P2018	\$2,700.00	\$2,700.00	92
McEachern, Paul	1/20/2018	\$2,700.00	P2018			
McEachern, Paul	6/30/2018	\$5,400.00	P2018			
McEachern, Paul	9/30/2018	-\$5,400.00	P2018	\$5,400.00	\$5,400.00	92
Speyer, Robert	6/26/2018	\$5,400.00	P2018			
Speyer, Robert	9/30/2018	-\$2,700.00	P2018	\$2,700.00	\$2,700.00	96
Winklevoss, Cameron	2/11/2018	\$1,000.00	P2018			
Winklevoss, Cameron	6/30/2018	\$2,700.00	P2018			
Winklevoss, Cameron	9/30/2018	-\$1,000.00	P2018	\$1,000.00	\$1,000.00	92
Winklevoss, Tyler	2/18/2018	\$1,000.00	P2018			
Winklevoss, Tyler	6/30/2018	\$2,700.00	P2018			
Winklevoss, Tyler	9/30/2018	-\$1,000.00	P2018	\$1,000.00	\$1,000.00	92
Wyatt, Dwight	4/4/2018	\$5,400.00	P2018			
Wyatt, Dwight	9/30/2018	-\$5,400.00	P2018	\$2,700.00	\$2,700.00	179
				<b>\$23,600.00</b>		

\*\* An additional \$2,700.00 contribution was received from Chris Kearney on 8/22/18, during the 2018 October Quarterly reporting period. It was timely refunded on 9/30/18 and is not included in this referral.

\*\*\* Applied the redesignation made on 8/24/18 and \$2,700 of the \$5,400 refund made on 9/30/18 to the 6/30/18 contribution. (The redesignation occurred within the permissible timeframe.) Applied the remaining \$400 of the \$5,400 refund made on 9/30/18 to the 5/5/18 contribution.

**Deaglan McEachern for Congress (C00665364)**

Apparent Excessive and Prohibited Contributions Not Refunded and/or Refunded Outside Permissible Timeframes, Listed by Contributor

Name	Date	Contribution Amount	Election	Report	Excessive/Prohibited Amount Received During Reporting Period & Not Refunded within Timeframe	Refunded/ Reattributed # Days Since Receipt
Ben, James	3/26/2018	\$5,400.00	P2018	2018 April Quarterly		
Ben, James	9/30/2018	-\$2,700.00	P2018	2018 October Quarterly	\$2,700.00	188
Crown, Arie	3/29/2018	\$5,400.00	P2018	2018 April Quarterly		
Crown, Arie	9/30/2018	-\$2,700.00	P2018	2018 October Quarterly	\$2,700.00	185
Crown, Connor	1/30/2018	\$5,400.00	P2018	2018 April Quarterly		
Crown, Connor	9/30/2018	-\$2,700.00	P2018	2018 October Quarterly	\$2,700.00	243
Crown, Jim	6/29/2018	\$5,400.00	P2018	2018 July Quarterly		
Crown, Jim	9/30/2018	-\$2,700.00	P2018	2018 October Quarterly	\$2,700.00	93
Crown, Lester	6/15/2018	\$5,400.00	P2018	2018 July Quarterly		
Crown, Lester	9/30/2018	-\$2,700.00	P2018	2018 October Quarterly	\$2,700.00	107
Crown, Nancy	3/31/2018	\$5,400.00	P2018	2018 April Quarterly		
Crown, Nancy	9/30/2018	-\$2,700.00	P2018	2018 October Quarterly	\$2,700.00	183
Kearney, Chris	1/27/2018	\$2,500.00	P2018	2018 April Quarterly		
Kearney, Chris	6/19/2018	\$2,500.00	P2018	2018 July Quarterly		
Kearney, Chris	8/22/2018	\$2,700.00	P2018	2018 October Quarterly		
Kearney, Chris	9/30/2018	-\$2,700.00	P2018	2018 October Quarterly		
Kearney, Chris	9/30/2018	-\$2,300.00	P2018	2018 October Quarterly	\$2,300.00	103
Lock, Michael	2/21/2018	\$1,000.00	P2018	2018 April Quarterly		
Lock, Michael	2/22/2018	\$1,754.00	P2018	2018 April Quarterly		
Lock, Michael	10/18/2018	-\$54.00	P2018	2018 Year-End Report	\$54.00	238
McEachern, Duncan	3/1/2018	\$5,000.00	P2018	2018 April Quarterly		
McEachern, Duncan	5/5/2018	\$400.00	P2018	2018 July Quarterly		
McEachern, Duncan	6/30/2018	\$5,400.00	P2018	2018 July Quarterly	\$2,300.00	213
McEachern, Duncan	8/24/2018	-\$2,700.00	P2018	2018 October Quarterly	\$400.00	176
McEachern, Duncan	9/30/2018	-\$5,400.00	P2018	2018 October Quarterly	\$2,700.00	92
McEachern, Paul	1/20/2018	\$2,700.00	P2018	2018 April Quarterly		
McEachern, Paul	6/30/2018	\$5,400.00	P2018	2018 July Quarterly		
McEachern, Paul	9/30/2018	-\$5,400.00	P2018	2018 July Quarterly	\$5,400.00	92

**Deaglan McEachern for Congress (C00665364)**

Apparent Excessive and Prohibited Contributions Not Refunded and/or Refunded Outside Permissible Timeframes, Listed by Contributor

Name	Date	Contribution Amount	Election	Report	Excessive/Prohibited Amount Received During Reporting Period & Not Refunded within Timeframe	Refunded/ Reattributed # Days Since Receipt
Peterson, Sean	3/31/2018	\$1,000.00	P2018	2018 April Quarterly		
Peterson, Sean	3/31/2018	\$4,400.00	P2018	2018 April Quarterly		
Peterson, Sean	9/30/2018	-\$2,700.00	P2018	2018 October Quarterly	\$2,700.00	183
Sangster, Denise	1/30/2018	\$5,400.00	P2018	2018 April Quarterly		
Sangster, Denise	2/19/2018	\$1,000.00	P2018	2018 April Quarterly		
Sangster, Denise	10/18/2018	-\$3,700.00	P2018	2018 Year-End Report	\$3,700.00	261
Speyer, Robert	6/26/2018	\$5,400.00	P2018	2018 July Quarterly		
Speyer, Robert	9/30/2018	-\$2,700.00	P2018	2018 October Quarterly	\$2,700.00	96
Tiernan, Lori C.	3/31/2018	\$5,400.00	P2018	2018 April Quarterly		
Tiernan, Lori C.	10/18/2018	-\$2,700.00	P2018	2018 Year-End Report	\$2,700.00	201
Winklevoss, Cameron	2/11/2018	\$1,000.00	P2018	2018 April Quarterly		
Winklevoss, Cameron	6/30/2018	\$2,700.00	P2018	2018 July Quarterly		
Winklevoss, Cameron	9/30/2018	-\$1,000.00	P2018	2018 October Quarterly	\$1,000.00	92
Winklevoss, Tyler	2/18/2018	\$1,000.00	P2018	2018 April Quarterly		
Winklevoss, Tyler	6/30/2018	\$2,700.00	P2018	2018 July Quarterly		
Winklevoss, Tyler	9/30/2018	-\$1,000.00	P2018	2018 October Quarterly	\$1,000.00	92
Wyatt, Dwight	4/4/2018	\$5,400.00	P2018	2018 July Quarterly		
Wyatt, Dwight	9/30/2018	-\$2,700.00	P2018	2018 October Quarterly	\$2,700.00	179

**Deaglan McEachern for Congress (C00665364)**

Breakdown of Remedied and Unremedied Excessive and Prohibited Contributions (all reports)

<b>Total Amount Remedied Outside of the Permissible Timeframe (all reports):</b>	<b>\$45,854.00</b>
<b>Total Amount Unremedied (all reports):</b>	<b>\$0.00</b>
<b>Total Amount Not Remedied within the Permissible Timeframe (all reports):</b>	<b>\$45,854.00</b>