

REPORTS ANALYSIS DIVISION REFERRAL
TO
ALTERNATIVE DISPUTE RESOLUTION OFFICE

DATE: September 6, 2019

ANALYST: Maureen Benitz

I. COMMITTEE:

Patients for Affordable Drugs Action
C00680926
Benjamin L Wakana, Treasurer
1875 K St NW
Floor 4
Washington, DC 20006

II. RELEVANT STATUTE:

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

III. BACKGROUND:

Failure to Provide Supporting Schedules (Failure to Timely File 48-Hour Reports)

Patients for Affordable Drugs Action (“the Committee”), failed to timely file three (3) 48-Hour Reports totaling \$138,860.97 to support five (5) independent expenditures disclosed on the 2018 October Quarterly Report, made after the 20th day but more than 48 hours before the 2018 General Election (Attachment 2).

On July 15, 2018, the Committee filed one (1) 48-Hour Report to support one (1) independent expenditure totaling \$1,475,058.35, disseminated on July 13, 2018 (Image 201807159115539671).

On August 23, 2018, the Committee amended the 48-Hour Report, originally filed on July 15, 2018. The report disclosed an additional independent expenditure totaling \$11,408.95, disseminated on July 13, 2018 (Image 201808239121512085, Attachment 2).

On September 13, 2018, the Committee filed one (1) 48-Hour Report to support three (3) independent expenditures totaling \$375,640.75, disseminated on September 12, 2018 (Images 201809139121710776-7).

On October 9, 2018, the Committee amended the 48-Hour Report originally filed on July 15, 2018 and amended August 23, 2018. The report disclosed an additional independent expenditure totaling \$23,275.67, disseminated on July 13, 2018 (Images 201810099124443615-6, Attachment 2).

On October 15, 2018, the Committee filed its 2018 October Quarterly Report, covering the period from July 1, 2018 through September 30, 2018, which included a Schedule E (Itemized Independent Expenditures) disclosing thirty-nine (39) independent expenditures, totaling \$6,961,633.68, made in support or opposition to seven (7) federal candidates (Images 201810159125179511-30).

On October 25, 2018, the Committee filed an Amended 2018 October Quarterly Report. The report included a Schedule E disclosing forty (40) independent expenditures, totaling \$6,962,233.68¹, made in support or opposition to seven (7) federal candidates (Images 201810259133289333-52).

On October 25, 2018, the Committee amended the 48-Hour Report originally filed on September 13, 2018. The report disclosed an additional independent expenditure totaling \$600.00, disseminated on September 12, 2018 (Images 201810259130949910-1, Attachment 2).

On October 31, 2018, the Committee filed an Amended 2018 October Quarterly Report. The report included a Schedule E disclosing forty-one (41) independent expenditures, totaling \$6,962,833.68², made in support or opposition to seven (7) federal candidates. The Committee failed to timely file three (3) 48-Hour Reports to support four (4) independent expenditures totaling \$135,284.62 for the General Election (Images 201810319133567923-43).

On December 5, 2018, the Committee amended the 48-Hour Report, originally filed on September 13, 2018, and amended on October 25, 2018. The report disclosed an additional independent expenditure totaling \$3,576.35, disseminated on September 12, 2018 (Images 201812059134117785-7, Attachment 2).

On January 31, 2019, a Request for Additional Information (RFAI) was sent to the Committee referencing the Amended 2018 October Quarterly Report, received October 31, 2018. Among other items, the RFAI noted that the Committee may have failed to file one or more required 48-Hour Reports regarding independent expenditures. A chart was included with the RFAI identifying, among other items, four (4) independent expenditures,

¹ Line 24 (Independent Expenditures) of the Detailed summary Page incorrectly disclosed \$6,961,633.68.

² Line 24 (Independent Expenditures) of the Detailed summary Page incorrectly disclosed \$6,962,233.68.

RAD Referral 19L-29
 Patients for Affordable Drugs Action
 Page 3 of 4

totaling \$135,284.62, for which a 48-Hour Report had not been timely filed (Images 201901310300029866-71).

On February 14, 2019, Leann Collier, the Committee's Comptroller spoke with the Reports Analysis Division (RAD) Analyst. Among other items, the Analyst explained that the issues on the Committee's October Quarterly Report could be referred for further action. The Analyst further explained the Committee could put additional information on the public record if they wished to do so (Attachment 3).

On March 4, 2019, Ms. Collier called the Analyst to discuss the RFAI sent on the 2018 October Quarterly Report. Among other items, she said the 48-Hour Report for \$600 for Claire McCaskill was filed late because of a late arriving invoice. The Analyst suggested she review all of the 48-Hour Reports and compare them with the Schedule E of the 2018 October Quarterly Report. She said that she will have the necessary amendments filed by March 7, 2019 (Attachment 3).

On March 6, 2019, the Committee filed one (1) 48-Hour Report to support one (1) independent expenditure totaling \$100,000.00, disseminated on October 10, 2018 (Image 201903069145640624, Attachment 2).

On March 7, 2019, the Committee filed an Amended 2018 October Quarterly Report. The report included a Schedule E disclosing forty-one (41) independent expenditures, totaling \$6,965,810.03³, made in support or opposition to seven (7) federal candidates. The Committee failed to timely file three (3) 48-Hour Reports to support five (5) independent expenditures totaling \$138,860.97 for the General Election (Images 201903079145644655-75, Attachment 2).

Also on March 7, 2019, the Committee filed an FEC Form 99 (Miscellaneous Electronic Submission) in response to the RFAI referencing the Amended 2018 October Quarterly Report. The Committee stated:

"The Committee, which formed in June of 2018, was new to independent expenditure reporting and, due to the scale of the independent expenditures it made, inadvertently either missed or filed late the independent expenditure reports identified by the Commission in its letter dated Jan. 31, 2019. The Committee has put new procedures into place to prevent these errors from happening in the future. Specifically, the Committee will make sure to estimate all of the costs associated with an independent expenditure for reporting on 24 or 48 hour reports at the time of dissemination to prevent late filing in the future. The Committee has since filed the missing 48 Hour reports identified by the Commission" (Image 201903079145644707).

On March 20, 2019, a Request for Additional Information (RFAI) was sent to the Committee referencing the Amended 2018 October Quarterly Report, received March 7, 2019. The RFAI noted that the Committee may have failed to timely file one or more of the required 48-Hour Reports for the independent expenditures disclosed on the report. A

³ Line 24 (Independent Expenditures) of the Detailed summary Page incorrectly disclosed \$6,961,633.68.

RAD Referral 19L-29
Patients for Affordable Drugs Action
Page 4 of 4

chart was included with the RFAI identifying one (1) independent expenditure, totaling \$3,576.35, for which a 48-Hour Report had not been timely filed (Images 201903200300035844-46).

On May 2, 2019, the RAD Analyst spoke to Benjamin Wakana, the Committee Treasurer and Jacquelyn Roth, the Committee CEO. Among other items, the Analyst informed them that all of the 48-Hour Reports have been filed but were not filed in a timely manner. The Analyst advised that the Committee can file another FEC Form 99, if there is additional information they want to provide for the public record (Attachment 3).

Also on May 2, 2019, the Analyst spoke with Ms. Collier. The Analyst advised Ms. Collier that the issues on the 2018 October Quarterly Report may be referred for potential further action. The Analyst explained that the Committee can file another FEC Form 99 if there is additional information to provide on public record (Attachment 3).

On May 7, 2019, the Committee filed an FEC Form 99. The Committee stated:

“The Committee, which formed in June of 2018, was new to independent expenditure reporting and, due to the scale of the independent expenditures it made, inadvertently filed late the independent expenditure report identified by the Commission in its letter dated March 20, 2019. The Committee has put new procedures into place to prevent these errors from happening in the future. This includes a new compliance software vendor as well as a new tracking system for Independent Expenditures” (Image 201905079149646132).

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

O-Index (2019-2020)															
Cmte. ID: C00680926				Cmte. Name: PATIENTS FOR AFFORDABLE DRUGS ACTION											
Treasurer Name: WAKANA, BENJAMIN L								Address: 1875 K ST NW, FLOOR 4, WASHINGTON, DC 20006							
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			3/7/2019	1	201903079145644707				-	-	-	-	-	-	-
MS-T			3/7/2019	1	201903079145644709				-	-	-	-	-	-	-
MS-T			5/7/2019	1	201905079149646132				-	-	-	-	-	-	-
F3XN	MY	N	7/31/2019	21	201907319161321031	1/1/2019	6/30/2019		\$217,864	\$91,124	\$20,748	\$288,240	-	-	\$0
F24A	48		3/6/2019	3	201903069145640475				-	-	-	-	-	-	-
F24N	48		3/6/2019	1	201903069145640624				-	-	-	-	-	-	-
F24A	48		3/6/2019	2	201903069145640767				-	-	-	-	-	-	-
Totals										\$91,124	\$20,748				

O-Index (2017-2018)															
Cmte. ID: C00680926				Cmte. Name: PATIENTS FOR AFFORDABLE DRUGS ACTION											
Treasurer Name: WAKANA, BENJAMIN L								Address: 1875 K ST NW, FLOOR 4, WASHINGTON, DC 20006							
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			9/27/2018	1	201809279124251039				-	-	-	-	-	-	-
RQ2	Q2	A	8/30/2018	2	201808300300019261	4/1/2018	6/30/2018	8/30/2018	-	-	-	-	-	-	-
RQ2	Q3	A	1/31/2019	6	201901310300029866	7/1/2018	9/30/2018	1/31/2019	-	-	-	-	-	-	-
RQ2	Q3	A	3/20/2019	3	201903200300035844	7/1/2018	9/30/2018	3/20/2019	-	-	-	-	-	-	-
RQ2	12G	N	12/11/2018	5	201812110300026688	10/1/2018	10/17/2018	12/11/2018	-	-	-	-	-	-	-
RQ2	30G	N	3/7/2019	2	201903070300034840	10/18/2018	11/26/2018	3/7/2019	-	-	-	-	-	-	-
RQ2	YE	N	3/7/2019	2	201903070300034842	11/27/2018	12/31/2018	3/7/2019	-	-	-	-	-	-	-
RQ2	YE	A	4/30/2019	2	201905010300038703	11/27/2018	12/31/2018	4/30/2019	-	-	-	-	-	-	-
F3XN	Q2	N	7/13/2018	6	201807139115404136	4/1/2018	6/30/2018		\$0	\$3,100,040	\$15	\$3,100,025	-	-	\$0
F3XA	Q2	A	8/23/2018	8	201808239121512077	4/1/2018	6/30/2018		\$0	\$3,117,279	\$17,254	\$3,100,025	\$11,408	-	\$11,408
F3XN	Q3	N	10/15/2018	54	201810159125179477	7/1/2018	9/30/2018		\$3,100,025	\$6,779,126	\$8,118,844	\$1,760,306	\$2,580	-	\$2,580
F3XA	Q3	A	10/25/2018	68	201810259133289285	7/1/2018	9/30/2018		\$3,100,025	\$6,829,412	\$8,178,181	\$1,751,256	\$3,180	-	\$3,180
F3XA	Q3	A	10/31/2018	69	201810319133567875	7/1/2018	9/30/2018		\$3,100,025	\$6,829,412	\$8,178,781	\$1,750,656	\$3,180	-	\$3,180
F3XA	Q3	A	3/7/2019	70	201903079145644606	7/1/2018	9/30/2018		\$3,100,025	\$6,829,412	\$8,178,181	\$1,751,256	\$6,756	-	\$6,756
F3XN	12G	N	10/25/2018	24	201810259133289648	10/1/2018	10/17/2018		\$1,751,256	\$0	\$856,906	\$894,349	\$600	-	\$600
F3XA	12G	A	3/7/2019	25	201903079145644676	10/1/2018	10/17/2018		\$1,751,256	\$17,703	\$874,610	\$894,349	\$4,176	-	\$4,176
F3XN	30G	N	12/6/2018	28	201812069134875056	10/18/2018	11/26/2018		\$894,349	\$984	\$634,367	\$260,966	\$0	-	\$0
F3XN	YE	N	1/31/2019	14	201901319144314176	11/27/2018	12/31/2018		\$260,966	\$746	\$43,848	\$217,864	-	-	\$0
F3XA	YE	A	4/12/2019	15	201904129146081989	11/27/2018	12/31/2018		\$260,966	\$11,738	\$54,840	\$217,864	-	-	\$0
F1N		N	6/13/2018	5	201806139113677745				-	-	-	-	-	-	-
F24N	48		7/20/2018	1	201807209115820741				-	-	-	-	-	-	-
F24N	48		7/15/2018	1	201807159115539671				-	-	-	-	-	-	-
F24N	48		9/4/2018	1	201809049121552941				-	-	-	-	-	-	-
F24N	48		9/6/2018	1	201809069121596168				-	-	-	-	-	-	-
F24N	48		9/16/2018	2	201809169121720869				-	-	-	-	-	-	-
F24N	48		9/15/2018	1	201809159121719756				-	-	-	-	-	-	-
F24N	48		9/13/2018	2	201809139121710776				-	-	-	-	-	-	-
F24A	48		9/12/2018	2	201809129121706425				-	-	-	-	-	-	-
F24N	48		8/22/2018	1	201808229121510353				-	-	-	-	-	-	-
F24A	48		8/23/2018	1	201808239121512085				-	-	-	-	-	-	-
F24N	48		8/24/2018	1	201808249121525532				-	-	-	-	-	-	-

O-Index

9/5/2019 10:19 AM

F24N	48		10/17/2018	1	201810179125602223					-	-	-	-	-	-	-
F24N	48		10/18/2018	1	201810189125623545					-	-	-	-	-	-	-
F24A	48		10/17/2018	2	201810179125600196					-	-	-	-	-	-	-
F24A	48		10/17/2018	2	201810179125600444					-	-	-	-	-	-	-
F24N	48		10/13/2018	1	201810139124739538					-	-	-	-	-	-	-
F24N	24		10/31/2018	1	201810319133567947					-	-	-	-	-	-	-
F24N	24		10/28/2018	1	201810289133549152					-	-	-	-	-	-	-
F24N	24		10/30/2018	1	201810309133556866					-	-	-	-	-	-	-
F24N	24		11/1/2018	1	201811019133575509					-	-	-	-	-	-	-
F24N	24		10/26/2018	3	201810269133546659					-	-	-	-	-	-	-
F24N	24		10/27/2018	1	201810279133547647					-	-	-	-	-	-	-
F24N	48		8/3/2018	1	201808039119359861					-	-	-	-	-	-	-
F24N	48		10/13/2018	2	201810139124738045					-	-	-	-	-	-	-
F24N	48		10/2/2018	3	201810029124276330					-	-	-	-	-	-	-
F24N	48		10/3/2018	1	201810039124284383					-	-	-	-	-	-	-
F24A	48		10/3/2018	2	201810039124284440					-	-	-	-	-	-	-
F24N	48		10/7/2018	1	201810079124393874					-	-	-	-	-	-	-
F24A	48		10/9/2018	2	201810099124443615					-	-	-	-	-	-	-
F24A	48		10/10/2018	1	201810109124443858					-	-	-	-	-	-	-
F24A	48		10/10/2018	2	201810109124443893					-	-	-	-	-	-	-
F24A	48		10/10/2018	3	201810109124444860					-	-	-	-	-	-	-
F24N	48		9/28/2018	1	201809289124255051					-	-	-	-	-	-	-
F24N	48		9/26/2018	1	201809269124248195					-	-	-	-	-	-	-
F24N	48		9/22/2018	3	201809229124232260					-	-	-	-	-	-	-
F24A	48		10/25/2018	2	201810259130949910					-	-	-	-	-	-	-
F24A	48		10/25/2018	1	201810259130951191					-	-	-	-	-	-	-
F24N	48		10/25/2018	1	201810259130955390					-	-	-	-	-	-	-
F24N	24		10/23/2018	1	201810239130817786					-	-	-	-	-	-	-
F24A	48		10/24/2018	2	201810249130832945					-	-	-	-	-	-	-
F24N	24		10/24/2018	2	201810249130853850					-	-	-	-	-	-	-
F24A	48		10/21/2018	2	201810219128312072					-	-	-	-	-	-	-
F24N	48		10/19/2018	2	201810199125654381					-	-	-	-	-	-	-
F24A	48		12/5/2018	3	201812059134117785					-	-	-	-	-	-	-
Totals											\$9,977,118	\$9,759,254				

O-Index (2015-2016)

Cmte. ID: C00680926 Cmte. Name: PATIENTS FOR AFFORDABLE DRUGS ACTION

Treasurer Name: WAKANA, BENJAMIN L Address: 1875 K ST NW, FLOOR 4, WASHINGTON, DC 20006

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
---------	--------	-----	----------	-----	------------	------------	------------	-------------	------------	--------	------	----------	-------	-------	---------------

No records were found for this cycle.

Patients for Affordable Drugs Action (C00680926)
 2018 October Quarterly Report, received 3/7/19

48-Hour Reports Not Timely Filed

Name of Payee	Date of Dissemination	Date of Payment	Expenditure Amount	Candidate Supported/ Opposed	Election	48-Hour Report Filed
Trilogy Interactive	10/10/2018	9/19/2018	\$100,000.00 <i>48-Hour Report Required</i>	POLIQUN, BRUCE L	2018 General	3/6/2019
Pier 91 Media	9/12/2018	9/12/2018	\$600.00	MCCASKILL, CLAIRE	2018 General	10/25/2018
Pier 91 Media	9/12/2018	9/12/2018	\$3,576.35 ⁴ <i>48-Hour Report Required</i>	MCCASKILL, CLAIRE	2018 General	12/5/2018
Patients for Affordable Drugs Now	7/13/2018	8/3/2018	\$11,408.95	Hugin, Robert	2018 General	8/23/2018
Pier 91 Media	7/13/2018	7/19/2018	\$23,275.67 <i>48-Hour Report Required</i>	Hugin, Robert	2018 General	10/9/2018

⁴ The Committee made an independent expenditure totaling \$15,287.81 on 9/12/2018 and failed to include this amount on the 48-Hour Report filed on 9/13/2018.