

19L-37

REPORTS ANALYSIS DIVISION REFERRAL
TO
ALTERNATIVE DISPUTE RESOLUTION OFFICE

DATE: October 4, 2019

ANALYST: Michael-Ann Henry

I. COMMITTEE:

Fight for Tomorrow
C00549279
Matt L. Mackowiak, Treasurer
807 Brazos St.
Ste. 408
Austin, TX 78701

II. RELEVANT STATUTE:

52 U.S.C § 30104(g)(1)
52 U.S.C. § 30104(g)(2)
11 CFR § 104.4(c)
11 CFR § 104.4(b)(2)

III. BACKGROUND:

Failure to Provide Supporting Schedules (Failure to Timely File 24- and 48-Hour Reports)

Fight for Tomorrow (“the Committee”) failed to timely file one (1) 48-Hour Report totaling \$34,345.60 supporting five (5) independent expenditures and failed to timely file two (2) 24-Hour Reports totaling \$7,070.80 supporting nine (9) independent expenditures disclosed on the 2018 April Quarterly Report, made after the 20th day but more than 24 hours before the 2018 Primary Election in the state of Texas, held on March 6, 2018 (Attachment 2).

On March 15, 2018, the Committee filed one (1) 48-Hour Report to support five (5) independent expenditures totaling \$34,345.60 disseminated on February 14, 2018 (Images 201803159096558838-40).

Also on March 15, 2018, the Committee filed one (1) 24-Hour Report to support ten (10) independent expenditures totaling \$7,902.80 disseminated on February 23, 2018 and February 28, 2018 (Images 201803159096559056-60).

On April 10, 2018, the Committee filed its 2018 April Quarterly Report, covering the period from January 1, 2018 through March 31, 2018. The report included a Schedule E (Itemized Independent Expenditures) disclosing sixteen (16) independent expenditures totaling \$41,671.40 made in support of one (1) federal candidate. The Committee failed to timely file one (1) 48-Hour Report to disclose five (5) independent expenditures totaling \$34,345.60, and two (2) 24-Hour Reports to disclose nine (9) independent expenditures totaling \$7,070.80¹ for the 2018 Primary Election held in the state of Texas (Images 201804109105540031-38).

On May 16, 2019, a Request for Additional Information (RFAI) was sent to the Committee referencing the original 2018 April Quarterly Report, received April 10, 2018. Among other items, the RFAI noted that the Committee may have failed to timely file one or more of the required 24- and 48-Hour Reports regarding independent expenditures. Two charts were included with the RFAI identifying five (5) independent expenditures totaling \$34,345.60 for which 48-Hour reports had not been timely filed, and nine (9) independent expenditures totaling \$7,070.80 for which 24-Hour Reports had not been timely filed (Images 201905160300040278-82).

On June 17, 2019, Logan Cheney, the Committee's consultant, called for guidance on how to respond to the RFAI referencing the Committee's 2018 April Quarterly Report. The Reports Analysis Division (RAD) Analyst advised that the Committee file an FEC Form 99 (Miscellaneous Electronic Submission) to explain why the referenced 24- and 48-Hour Reports were filed late (Attachment 3).

On June 18, 2019, the Committee filed an Amended 2018 April Quarterly Report. The report disclosed no change in independent expenditures on Schedule E (Images 201906189150088276-83).

On July 12, 2019, the Analyst left a voicemail for Mr. Cheney to inform him that the Committee had failed to respond to the issue of late filed 24- and 48-Hour Reports on the 2018 April Quarterly Report, and that the matter may be referred to another office within the Commission for potential further action (Attachment 3).

That same day, Mr. Cheney returned the Analyst's call and the Analyst reiterated the late 24- and 48-Hour Reports could be referred to another office within the Commission for further action (Attachment 3).

On July 31, 2019, Mr. Cheney called the RAD Analyst. The Analyst assisted with an unrelated filing question and took the opportunity to talk about the pending referable issues on the 2018 April Quarterly Report. In addition to other items, the Analyst

¹ This does not include one (1) independent expenditure that was disclosed on the 24-Hour Report, but not on the 2018 April Quarterly Report.

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recommended that the Committee file an FEC Form 99 to address the late 24- and 48-Hour Reports (Attachment 3).

On August 1, 2019, the Committee filed an Amended 2018 April Quarterly Report. The report disclosed updated disbursement dates for independent expenditures on Schedule E (Images 201908019161349197-204).

Also on August 1, 2019, the Analyst called Mr. Cheney regarding the Committee's Amended 2018 April Quarterly Report, received August 1, 2019. In addition to other items, Mr. Cheney confirmed that he would submit an FEC Form 99 to give context for the late 24- and 48-Hour Reports (Attachment 3).

Later that same day, the Committee filed an FEC Form 99 in response to the RFAI referencing the 2018 April Quarterly Report. The Committee stated:

"The amendment to the April 15 2018 Quarterly Report fixed disbursement date inconsistencies with the 24 and 48 hour reports. These reports were filed by someone new who had never worked FEC file before, therefore reports were inconsistent and late (after the election). That person is no longer with us, and I have taken over FEC reporting for Fight for Tomorrow, and am working to fix any and all previous issues. My email and phone number are now listed under the Committee profile, feel free to contact me anytime" (Image 201908019161349267).

On August 2, 2019, the Committee filed an Amended 2018 April Quarterly Report. The report disclosed updated dissemination dates for independent expenditures on Schedule E (Images 201908029161354428-35).

To date, no further communication has been received from the Committee regarding these matters.

O-Index (2019-2020)															
Cmte. ID: C00549279 Cmte. Name: FIGHT FOR TOMORROW															
Treasurer Name: MACKOWIAK, MATT L Address: 807 BRAZOS STE 408, AUSTIN, TX 78701															
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			8/1/2019	1	201908019161349267				-	-	-	-	-	-	-
F3XN	Q1	N	4/15/2019	5	201904159146359216	1/1/2019	3/31/2019		\$8,802	\$0	\$0	\$8,802	-	-	\$0
F3XN	Q2	N	7/15/2019	8	201907159150756214	4/1/2019	6/30/2019		\$17,244	\$1,000	\$5,800	\$12,444	-	-	\$0
Totals										\$1,000	\$5,800				

O-Index (2017-2018)															
Cmte. ID: C00549279 Cmte. Name: FIGHT FOR TOMORROW															
Treasurer Name: MACKOWIAK, MATT L Address: 807 BRAZOS STE 408, AUSTIN, TX 78701															
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	Q1	N	5/16/2019	5	201905160300040278	1/1/2018	3/31/2018	5/16/2019	-	-	-	-	-	-	-
RQ7	30G		12/20/2018	2	201812200300028008	10/1/2018	10/17/2018	12/20/2018	-	-	-	-	-	-	-
F3XN	MY	N	7/31/2017	19	201707319069912150	1/1/2017	6/30/2017		\$48	\$550	\$560	\$38	\$22,906	-	\$22,906
F3XN	YE	N	1/31/2018	21	201801319091058266	7/1/2017	12/31/2017		\$38	\$11,952	\$3,550	\$8,441	\$22,951	-	\$22,951
F3XN	Q1	N	4/10/2018	18	201804109105540021	1/1/2018	3/31/2018		\$0	\$70,000	\$61,916	\$8,083	-	-	\$0
F3XA	Q1	A	6/18/2019	31	201906189150088253	1/1/2018	3/31/2018		\$8,441	\$70,000	\$61,916	\$16,524	\$22,951	-	\$22,951
F3XA	Q1	A	8/1/2019	31	201908019161349174	1/1/2018	3/31/2018		\$8,441	\$70,000	\$61,916	\$16,524	\$22,951	-	\$22,951
F3XA	Q1	A	8/2/2019	31	201908029161354405	1/1/2018	3/31/2018		\$8,441	\$70,000	\$61,916	\$16,524	\$22,951	-	\$22,951
F3XN	Q2	N	7/16/2018	5	201807169115723720	4/1/2018	6/30/2018		\$8,083	\$0	\$0	\$8,083	-	-	\$0
F3XA	Q2	A	6/18/2019	32	201906189150091429	4/1/2018	6/30/2018		\$16,524	\$22,951	\$22,951	\$16,525	\$0	-	\$0
F3XN	Q3	N	10/12/2018	7	201810129124518610	7/1/2018	9/30/2018		\$8,083	\$0	\$420	\$7,663	-	-	\$0
F3XA	Q3	A	6/18/2019	7	201906189150091502	7/1/2018	9/30/2018		\$16,525	\$0	\$420	\$16,104	-	-	\$0
F3XN	30G	N	12/11/2018	9	201812119142290158	10/18/2018	11/26/2018		\$7,663	\$100,000	\$98,860	\$8,802	-	-	\$0
F3XN	YE	N	1/29/2019	5	201901299144124717	11/27/2018	12/31/2018		\$8,802	\$0	\$0	\$8,802	-	-	\$0
F24N	24		11/1/2018	2	201811019133572315				-	-	-	-	-	-	-
F24N	24		11/5/2018	2	201811059133588744				-	-	-	-	-	-	-
F1A		A	12/13/2018	4	201812139143456393				-	-	-	-	-	-	-
F24N	48		3/15/2018	3	201803159096558838				-	-	-	-	-	-	-
F24N	24		3/15/2018	5	201803159096559056				-	-	-	-	-	-	-
Totals										\$205,454	\$188,258				

O-Index (2015-2016)															
Cmte. ID: C00549279 Cmte. Name: FIGHT FOR TOMORROW															
Treasurer Name: MACKOWIAK, MATT L Address: 807 BRAZOS STE 408, AUSTIN, TX 78701															
Cmte. Type: O (INDEPENDENT EXPENDITURE-ONLY COMMITTEE) Cmte. Designation: U (UNAUTHORIZED) Filing Frequency: QUARTERLY FILER															
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MS-T			2/19/2015	2	15950629553				-	-	-	-	-	-	-
F3XN	MY	N	7/30/2015	11	201507309000455053	1/1/2015	6/30/2015		\$29	\$100	\$110	\$19	\$12,048	-	\$12,048
F3XN	YE	N	1/31/2016	14	201601319005288373	7/1/2015	12/31/2015		\$19	\$102,188	\$100,133	\$2,073	\$11,831	-	\$11,831
F3XA	YE	A	2/1/2016	31	201602019005299815	7/1/2015	12/31/2015		\$19	\$90,400	\$88,345	\$2,073	\$11,831	-	\$11,831
F3XN	Q1	N	4/15/2016	15	201604159012472337	1/1/2016	3/31/2016		\$2,073	\$0	\$2,055	\$18	\$13,718	-	\$13,718
F3XN	Q2	N	7/14/2016	20	201607149020462104	4/1/2016	6/30/2016		\$18	\$20,000	\$19,975	\$43	\$15,451	-	\$15,451
F3XN	Q3	N	10/15/2016	15	201610159032806426	7/1/2016	9/30/2016		\$43	\$50	\$30	\$63	\$16,121	-	\$16,121

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F3XN	12G	N	10/27/2016	17	201610279036690423	10/1/2016	10/19/2016		\$63	\$6,000	\$866	\$5,197	\$16,121	-	\$16,121
F3XN	30G	N	12/8/2016	22	201612089040083219	10/20/2016	11/28/2016		\$5,197	\$15,000	\$19,991	\$206	\$18,774	-	\$18,774
F3XN	YE	N	1/31/2017	18	201701319042384201	11/29/2016	12/31/2016		\$206	\$5,000	\$5,158	\$48	\$20,716	-	\$20,716
F1A		A	2/1/2016	4	201602019005301366				-	-	-	-	-	-	-
F24N	24		4/29/2016	2	201604299015366576				-	-	-	-	-	-	-
F24N	24		4/27/2016	2	201604279015361173				-	-	-	-	-	-	-
F24N	24		11/4/2016	2	201611049037123880				-	-	-	-	-	-	-
F24N	24		10/23/2016	1	201610239034532542				-	-	-	-	-	-	-
Totals										\$136,550	\$136,531				

Fight for Tomorrow (C00549279)

Amended 2018 April Quarterly Report, received 8/2/2019

48-Hour Report Not Timely Filed

Name of Payee	Date of Dissemination	Date of Payment	Expenditure Amount	Candidate Supported	Election	48-Hour Report Filed
Alpha Media	2/14/2018	2/12/2018	\$1,832.00	Bunni Pounds	2018 Primary	3/15/2018
Tomlinson-Leis Communications	2/14/2018	2/12/2018	\$3,976.00	Bunni Pounds	2018 Primary	3/15/2018
ATW Media LLC KTBB-FM	2/14/2018	2/13/2018	\$5,880.00	Bunni Pounds	2018 Primary	3/15/2018
KYKS-FM	2/14/2018	2/13/2018	\$7,257.60	Bunni Pounds	2018 Primary	3/15/2018
Townsquare Media	2/14/2018	2/13/2018	\$15,400.00 <i>48-Hour Report Required</i>	Bunni Pounds	2018 Primary	3/15/2018

Fight for Tomorrow (C00549279)

Amended 2018 April Quarterly Report, received 8/2/2019

24-Hour Report Not Timely Filed

Name of Payee	Date of Dissemination	Date of Payment	Expenditure Amount	Candidate Supported	Election	24-Hour Report Filed
Alpha Media	2/23/2018	2/23/2018	\$500.00	Bunni Pounds	2018 Primary	3/15/2018
Tomlinson-Leis Communications	2/23/2018	2/23/2018	\$600.00	Bunni Pounds	2018 Primary	3/15/2018
Townsquare Media	2/23/2018	2/23/2018	\$2,200.00	Bunni Pounds	2018 Primary	3/15/2018
ATW Media LLC KTBB-FM	2/23/2018	2/23/2018	\$1,160.00	Bunni Pounds	2018 Primary	3/15/2018
KYKS-FM	2/23/2018	2/23/2018	\$742.00 <i>24-Hour Report Required</i>	Bunni Pounds	2018 Primary	3/15/2018
Townsquare Media	2/28/2018	2/28/2018	\$880.00	Bunni Pounds	2018 Primary	3/15/2018
ATW Media LLC KTBB-FM	2/28/2018	2/28/2018	\$448.00	Bunni Pounds	2018 Primary	3/15/2018
KYKS-FM	2/28/2018	2/28/2018	\$300.80	Bunni Pounds	2018 Primary	3/15/2018
Tomlinson-Leis Communications	2/28/2018	2/28/2018	\$240.00 ² <i>24-Hour Report Required</i>	Bunni Pounds	2018 Primary	3/15/2018

²The amount disclosed on the 24-Hour Report differed from the amount disclosed on the Amended 2018 April Quarterly Report, received 8/2/2019, for this independent expenditure. This total is for the amount disclosed on the Amended 2018 April Quarterly Report.