

**19L-38**

REPORTS ANALYSIS DIVISION REFERRAL  
TO  
ALTERNATIVE DISPUTE RESOLUTION OFFICE

DATE: October 25, 2019

ANALYST: Terez Ray

I. COMMITTEE: Build the Wave  
C00667667  
Nathan Lerner, Treasurer  
249 Melrose Street #1L  
Brooklyn, NY 11206

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

III. BACKGROUND:

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

Build the Wave (“the Committee”) failed to timely file one (1) 24-Hour Report to support fifty-four (54) independent expenditures, totaling \$55,041.00, disclosed on the Amended 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 January 4, 2019, the Committee filed its 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 seventy-five (75) independent expenditures, totaling \$80,824.71, made in support of forty (40) federal candidates. The Committee failed to file one (1) 24-Hour Report to support fifty-four (54) independent expenditures totaling \$55,041.00 for the 2018 General Election (Images 201901049143728354-91).

On the same date, the Committee filed one (1) 24-Hour Report to support sixty-two (62) independent expenditures, totaling \$70,541.00 disseminated on November 3, 2018 (Images 201901049143728437-67).

On June 9, 2019 a Request for Additional Information (RAI) 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 timely file one or more of the required 24-Hour Reports for the independent expenditures. A chart was included with the RFAI identifying fifty-four (54) independent expenditures totaling \$55,041.00 for which a 24-Hour Report had not been timely filed (Images 201906090300041494-99).

On June 12, 2019, Vincent Palmer, a consultant for the Committee, called with a question about the RFAI sent on the 2018 30-Day Post-General Report. Mr. Palmer wanted to know if the Committee should file the 24-Hour Report. The Reports Analysis Division (RAD) Analyst explained that the Committee had filed the 24-Hour Report but it had not been timely filed (Attachment 3).

On July 1, 2019, the Committee filed an Amended 2018 30 Day Post-General Report. The report included a Schedule E disclosing seventy-six (76) independent expenditures totaling \$82,324.71 made in support of forty (40) federal candidates (Images 201907019150437770- 807).

On July 11, 2019, the Analyst received a phone call from Mr. Palmer. The Analyst asked to speak with Nathan Lerner, the Committee's Treasurer, as he is listed as the Treasurer on the Statement of Organization ("FEC Form 1"). Shortly thereafter, the Analyst spoke with Mr. Lerner and explained that the issue of the late 24-Hour Reports on the 2018 30 Day Post-General Report may be referred for further action to another office at the Commission. The Analyst stated that the Committee could file an FEC Form 99 (Miscellaneous Electronic Submission) if there was further information to disclose regarding the late 24-Hour Report (Attachment 3).

On July 23, 2019, the Committee filed an FEC Form 99 referencing the RFAI sent on the Committee's 2018 30 Day Post-General Report. The FEC Form 99 stated, in part:

"This letter is being written as a follow-up to our phone conversation on July 11th regarding the June 9, 2019 RFAI letter and amended 24 Hour Report filed on January 4, 2019. As a small grassroots organization, Build the Wave's team was spread extremely thin during the final days of the 2018 election and as a result we failed realize that we had exceeded the reporting limit for our campaign activity. Additionally, with digital ads and texting operations it can be difficult to track expenditures over a 24 hour period, as expenses often aren't revealed or processed until much later and often based on performance of the ads and texts, which is difficult to predict" (Image 201907239151630025).

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

O-Index (2019-2020)															
Cmte. ID: C00667667 Cmte. Name: BUILD THE WAVE															
Treasurer Name: NATHAN LERNER Address: 249 MELROSE ST. #1L, BROOKLYN, NY 11206															
Cmte. Type: N (NON-QUALIFIED NON-PARTY) 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			7/23/2019	1	201907239151630025				-	-	-	-	-	-	-
F3XN	MY	N	7/31/2019	13	201907319161293832	1/1/2019	6/30/2019		\$6,951	\$7,725	\$9,376	\$5,300	-	-	\$0
F24A	24		1/4/2019	31	201901049143728437				-	-	-	-	-	-	-
F24A	24		6/7/2019	1	201906079149965085				-	-	-	-	-	-	-
Totals										\$7,725	\$9,376				

O-Index (2017-2018)															
Cmte. ID: C00667667 Cmte. Name: BUILD THE WAVE															
Treasurer Name: NATHAN LERNER Address: 249 MELROSE ST. #1L, BROOKLYN, NY 11206															
Cmte. Type: N (NON-QUALIFIED NON-PARTY) 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	Q3	A	5/8/2019	2	201905080300039819	7/1/2018	9/30/2018	5/8/2019	-	-	-	-	-	-	-
RQ2	Q3	N	11/1/2018	2	201811010300023634	7/1/2018	9/30/2018	11/1/2018	-	-	-	-	-	-	-
RQ2	30G	N	6/9/2019	6	201906090300041494	10/1/2018	11/26/2018	6/9/2019	-	-	-	-	-	-	-
RQ7	30G		12/20/2018	2	201812200300028620	10/1/2018	11/26/2018	12/20/2018	-	-	-	-	-	-	-
F3XN	30S	N	4/10/2018	10	201804109105546959	1/29/2018	4/2/2018		\$0	\$13,958	\$5,345	\$8,612	-	-	\$0
F3XN	Q2	N	7/16/2018	18	201807169115725546	4/3/2018	6/30/2018		\$8,612	\$32,555	\$34,316	\$6,851	-	-	\$0
F3XA	Q2	A	1/4/2019	18	201901049143728392	4/3/2018	6/30/2018		\$8,612	\$36,259	\$34,316	\$10,555	-	-	\$0
F3XN	Q3	N	10/15/2018	23	201810159125300595	7/1/2018	9/30/2018		\$0	\$66,797	\$45,779	\$21,018	-	-	\$0
F3XA	Q3	A	12/5/2018	23	201812059134158680	7/1/2018	9/30/2018		\$6,851	\$66,797	\$45,779	\$27,869	-	-	\$0
F3XA	Q3	A	1/4/2019	27	201901049143728410	7/1/2018	9/30/2018		\$10,555	\$67,211	\$45,779	\$31,987	-	-	\$0
F3XN	30G	N	1/4/2019	90	201901049143728302	10/1/2018	11/26/2018		\$31,987	\$93,351	\$110,641	\$14,696	-	-	\$0
F3XA	30G	A	7/1/2019	90	201907019150437718	10/1/2018	11/26/2018		\$31,987	\$93,351	\$112,141	\$13,196	-	-	\$0
F3XN	YE	N	1/31/2019	22	201901319145235880	11/27/2018	12/31/2018		\$14,696	\$6,598	\$12,843	\$8,451	-	-	\$0
F3XA	YE	A	7/1/2019	22	201907019150437808	11/27/2018	12/31/2018		\$13,196	\$6,598	\$12,843	\$6,951	-	-	\$0
F24N	24		4/23/2018	1	201804239111724704				-	-	-	-	-	-	-
F24N	24		11/4/2018	4	201811049133587302				-	-	-	-	-	-	-
F1N		N	1/29/2018	4	201801299090885339				-	-	-	-	-	-	-
F24N	24		8/6/2018	1	201808069119370025				-	-	-	-	-	-	-
F24N	24		11/26/2018	2	201811269133824097				-	-	-	-	-	-	-
F24N	24		11/27/2018	1	201811279133845830				-	-	-	-	-	-	-
Totals										\$217,378	\$210,427				

O-Index (2015-2016)															
Cmte. ID: C00667667 Cmte. Name: BUILD THE WAVE															
Treasurer Name: NATHAN LERNER Address: 249 MELROSE ST. #1L, BROOKLYN, NY 11206															
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No records were found for this cycle.

**Build the Wave (C00667667)**

Amended 2018 30 Day Post-General Report, received 7/1/2019

24-Hour Report Not Timely Filed

<b>Name of Payee</b>	<b>Date of Dissemination (Schedule E)</b>	<b>Expenditure Amount</b>	<b>Candidate Supported</b>	<b>Election</b>	<b>24-Hour Report Filed</b>
Politxt	11/3/2018	\$1,900.00	Colin Allred	2018 General	1/4/2019
Solidarity Company (GroundGame)	11/3/2018	\$835.00 <i>24-Hour Report Required</i>	Colin Allred	2018 General	1/4/2019
Politxt	11/3/2018	\$500.00	Anthony Brindisi	2018 General	1/4/2019
Solidarity Company (GroundGame)	11/3/2018	\$600.00 <i>24-Hour Report Required</i>	Anthony Brindisi	2018 General	1/4/2019
Politxt	11/3/2018	\$500.00	Kristen Carlson	2018 General	1/4/2019
Solidarity Company (GroundGame)	11/3/2018	\$900.00 <i>24-Hour Report Required</i>	Kristen Carlson	2018 General	1/4/2019
Politxt	11/3/2018	\$900.00	Casten, Sean	2018 General	1/4/2019
Solidarity Company (GroundGame)	11/3/2018	\$500.00 <i>24-Hour Report Required</i>	Casten, Sean	2018 General	1/4/2019
Politxt	11/3/2018	\$1,900.00	Gil Cisneros	2018 General	1/4/2019
Solidarity Company (GroundGame)	11/3/2018	\$835.00 <i>24-Hour Report Required</i>	Gil Cisneros	2018 General	1/4/2019
Politxt	11/3/2018	\$500.00	Leslie Cockburn	2018 General	1/4/2019
Solidarity Company (GroundGame)	11/3/2018	\$600.00 <i>24-Hour Report Required</i>	Leslie Cockburn	2018 General	1/4/2019

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24-Hour Report Not Timely Filed

<b>Name of Payee</b>	<b>Date of Dissemination (Schedule E)</b>	<b>Expenditure Amount</b>	<b>Candidate Supported</b>	<b>Election</b>	<b>24-Hour Report Filed</b>
Politxt	11/3/2018	\$1,900.00	Linda Coleman	2018 General	1/4/2019
Solidarity Company (GroundGame)	11/3/2018	\$835.00 <i>24-Hour Report Required</i>	Linda Coleman	2018 General	1/4/2019
Politxt	11/3/2018	\$1,900.00	Angie Craig	2018 General	1/4/2019
Solidarity Company (GroundGame)	11/3/2018	\$835.00 <i>24-Hour Report Required</i>	Angie Craig	2018 General	1/4/2019
Politxt	11/3/2018	\$1,900.00	Jason Crow	2018 General	1/4/2019
Solidarity Company (GroundGame)	11/3/2018	\$835.00 <i>24-Hour Report Required</i>	Jason Crow	2018 General	1/4/2019
Politxt	11/3/2018	\$1,900.00	Antonio Delgado	2018 General	1/4/2019
Solidarity Company (GroundGame)	11/3/2018	\$835.00 <i>24-Hour Report Required</i>	Antonio Delgado	2018 General	1/4/2019
Politxt	11/3/2018	\$500.00	Kara Eastman	2018 General	1/4/2019
Solidarity Company (GroundGame)	11/3/2018	\$600.00 <i>24-Hour Report Required</i>	Kara Eastman	2018 General	1/4/2019
Politxt	11/3/2018	\$500.00	Dan Feehan	2018 General	1/4/2019
Solidarity Company (GroundGame)	11/3/2018	\$600.00 <i>24-Hour Report Required</i>	Dan Feehan	2018 General	1/4/2019

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24-Hour Report Not Timely Filed

<b>Name of Payee</b>	<b>Date of Dissemination (Schedule E)</b>	<b>Expenditure Amount</b>	<b>Candidate Supported</b>	<b>Election</b>	<b>24-Hour Report Filed</b>
Politxt	11/3/2018	\$1,900.00	Abby Finkenauer	2018 General	1/4/2019
Solidarity Company (GroundGame)	11/3/2018	\$835.00 <i>24-Hour Report Required</i>	Abby Finkenauer	2018 General	1/4/2019
Politxt	11/3/2018	\$500.00	Fletcher, Lizzie	2018 General	1/4/2019
Solidarity Company (GroundGame)	11/3/2018	\$600.00 <i>24-Hour Report Required</i>	Fletcher, Lizzie	2018 General	1/4/2019
Politxt	11/3/2018	\$500.00	Jared Golden	2018 General	1/4/2019
Solidarity Company (GroundGame)	11/3/2018	\$600.00 <i>24-Hour Report Required</i>	Jared Golden	2018 General	1/4/2019
Politxt	11/3/2018	\$1,900.00	Katie Hill	2018 General	1/4/2019
Solidarity Company (GroundGame)	11/3/2018	\$835.00 <i>24-Hour Report Required</i>	Katie Hill	2018 General	1/4/2019
Politxt	11/3/2018	\$1,900.00	Andy Kim	2018 General	1/4/2019
Solidarity Company (GroundGame)	11/3/2018	\$835.00 <i>24-Hour Report Required</i>	Andy Kim	2018 General	1/4/2019
Politxt	11/3/2018	\$1,900.00	Lucy McBath	2018 General	1/4/2019
Solidarity Company (GroundGame)	11/3/2018	\$835.00 <i>24-Hour Report Required</i>	Lucy McBath	2018 General	1/4/2019

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24-Hour Report Not Timely Filed

Name of Payee	Date of Dissemination (Schedule E)	Expenditure Amount	Candidate Supported	Election	24-Hour Report Filed
Politxt	11/3/2018	\$500.00	Amy McGrath	2018 General	1/4/2019
Solidarity Company (GroundGame)	11/3/2018	\$600.00 <i>24-Hour Report Required</i>	Amy McGrath	2018 General	1/4/2019
Politxt	11/3/2018	\$1,900.00	Max Rose	2018 General	1/4/2019
Solidarity Company (GroundGame)	11/3/2018	\$1,051.00 <i>24-Hour Report Required</i>	Max Rose	2018 General	1/4/2019
Politxt	11/3/2018	\$500.00	Kim Schrier	2018 General	1/4/2019
Solidarity Company (GroundGame)	11/3/2018	\$600.00 <i>24-Hour Report Required</i>	Kim Schrier	2018 General	1/4/2019
Politxt	11/3/2018	\$1,900.00	Rebecca M Sherrill	2018 General	1/4/2019
Solidarity Company (GroundGame)	11/3/2018	\$835.00 <i>24-Hour Report Required</i>	Rebecca M Sherrill	2018 General	1/4/2019
Politxt	11/3/2018	\$1,900.00	Elissa Slotkin	2018 General	1/4/2019
Solidarity Company (GroundGame)	11/3/2018	\$835.00 <i>24-Hour Report Required</i>	Elissa Slotkin	2018 General	1/4/2019
Politxt	11/3/2018	\$500.00	Xochitl Torres-Small	2018 General	1/4/2019
Solidarity Company (GroundGame)	11/3/2018	\$600.00 <i>24-Hour Report Required</i>	Xochitl Torres-Small	2018 General	1/4/2019

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Amended 2018 30 Day Post-General Report, received 7/1/2019

24-Hour Report Not Timely Filed

<b>Name of Payee</b>	<b>Date of Dissemination (Schedule E)</b>	<b>Expenditure Amount</b>	<b>Candidate Supported</b>	<b>Election</b>	<b>24-Hour Report Filed</b>
Politxt	11/3/2018	\$500.00	Scott Wallace	2018 General	1/4/2019
Solidarity Company (GroundGame)	11/3/2018	\$600.00 <i>24-Hour Report Required</i>	Scott Wallace	2018 General	1/4/2019
Politxt	11/3/2018	\$1,900.00	Vangie Williams	2018 General	1/4/2019
Solidarity Company (GroundGame)	11/3/2018	\$835.00 <i>24-Hour Report Required</i>	Vangie Williams	2018 General	1/4/2019
Politxt	11/3/2018	\$1,900.00	Susan Wild	2018 General	1/4/2019
Solidarity Company (GroundGame)	11/3/2018	\$835.00 <i>24-Hour Report Required</i>	Susan Wild	2018 General	1/4/2019
	<b>Total</b>	<b>\$55,041.00</b>			