

RAD Referral 19L-40  
 Bayer U.S. LLC Political Action Committee  
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**19L-40**

REPORTS ANALYSIS DIVISION REFERRAL

TO

ALTERNATIVE DISPUTE RESOLUTION OFFICE

DATE: October 25, 2019

ANALYST: Abigail Capps

I. COMMITTEE:	Bayer U.S. LLC Political Action Committee C00281162 Brian Branca, Treasurer (9/20/19 – Present) Daniel J Celli, Treasurer (5/16/17 – 9/19/19) 100 Bayer Road Pittsburgh, PA 15205
II. RELEVANT STATUTE:	52 U.S.C. § 30104(b)(2) 11 CFR § 104.3(a)

III. BACKGROUND:

**Failure to Provide Supporting Schedules (Failure to Disclose All Financial Activity)**

Bayer U.S. LLC Political Action Committee (“the Committee”) amended its 2019 April Monthly Report to disclose additional receipts of \$232,104.92, which were not disclosed on the original report (Attachment 2).

On April 20, 2019, the Committee filed the original 2019 April Monthly Report covering the period from March 1, 2019 through March 31, 2019. The report disclosed \$4,316.41 in receipts on Line 11(a)(i) (Itemized Contributions from Individuals), \$5,571.11 in receipts on Line 11(a)(ii) (Unitemized Contributions from Individuals), and \$0.00 in receipts on Line 12 (Transfers from Affiliated/Other Party Committees) of the Detailed Summary Page (Image 201904209149574042, Attachment 2).

On May 20, 2019, the Committee filed an Amended 2019 April Monthly Report. The report disclosed \$7,891.48 in receipts on Line 11(a)(i), \$7,398.96 in receipts on Line 11(a)(ii), and \$226,702.00 in receipts on Line 12 of the Detailed Summary Page, a total

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increase of \$232,104.92 in receipts from the original report (Image 201905209149761005, Attachment 2). The Committee also included a memo text in the report, which stated:

“This amended April Monthly FEC Report contains receipts totaling \$241,991.98. The Original report showed receipts totaling \$9887.52. The vast amount of the discrepancy in receipts is a single transfer of \$226,702.00 from the Bayer PAC affiliated committee (See Line 12 and the supporting schedule). The transition at Bayer from having two PACs to just one was occurring during this timeframe. This transfer, as well as an additional \$5,402.46 in payroll receipts, is included on the amended report. Prior to the preparation and filing of the April Monthly FEC report, the individual employed by Bayer who was responsible for ensuring that all the Bayer PAC data was loaded into our database and who was also responsible for the preparation and filing of the FEC reports, left the company. After the report was filed, we expanded the responsibilities of our outside consultant with FEC compliance experience. Upon reviewing our reports, the consultant discovered the discrepancies noted above and reconciled our account. To ensure that all information required to be disclosed is included on future reports, Bayer will continue to retain an outside consultant, experienced in FEC compliance, to assist in the reconciliation, preparation, and filing of our FEC reports” (Image 201905209149761008).

On July 24, 2019, a Request for Additional Information (RFAI) was sent to the Committee referencing the Amended 2019 April Monthly Report, received May 20, 2019. The RFAI requested clarification regarding the substantial increase in receipts disclosed on the Amended 2019 April Monthly Report (Image 201907240300042986).

On September 3, 2019, Jennifer Carrier, a Compliance Consultant to the Committee, called the Reports Analysis Division (RAD) Analyst on behalf of the Committee. The RAD Analyst explained that the Committee may be referred to another office for potential further enforcement action, and that the Committee may choose to file an FEC Form 99 (Miscellaneous Electronic Submission) to provide additional clarification regarding this matter. The RAD Analyst acknowledged the receipt of the Committee’s memo text attached to the Amended 2019 April Monthly Report, received May 20, 2019, and stated that any additional information placed on the public record was at the discretion of the Committee (Attachment 3).

Later on the same day, the RAD Analyst left a voicemail for Daniel Cella, the Committee’s Treasurer. The Analyst explained to Mr. Cella that the Committee may be referred to another office for potential further action, and that the Committee may choose to file an FEC Form 99 to provide additional clarification regarding this matter. The Analyst acknowledged the receipt of the Committee’s memo text attached to the Amended 2019 April Monthly Report, received May 20, 2019, and stated that any additional information placed on the public record was at the discretion of the Committee (Attachment 3).

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On September 4, 2019, the Committee filed an FEC Form 99 in response to the RFAI referencing the Amended 2019 April Monthly report, received May 20, 2019. The Committee stated:

“This Form 99 is being filed in response to the RFAI dated July 24, 2019. As discussed in a memo text attached to the amended April Monthly FEC report, the amendments related to an increase in reported receipts (from \$9,887.52 to \$241,991.91). The vast amount of the discrepancy in receipts is a single transfer of \$226,702.00 from Bayer Corporation Crop Science Employees Citizenship Fund, a federal PAC that was affiliated with Bayer PAC (see Line 12 and the supporting schedule). The transition at Bayer from having two PACs to just one was occurring during this timeframe. All of the contributions to Bayer Corporation Crop Science Employees Citizenship Fund were federally permissible, and the transfer at issue was timely reported by the transferor (Bayer PAC’s affiliate). This transfer, as well as an additional \$5,402.46 in payroll receipts, is included on the amended report. Prior to the preparation and filing of the original April Monthly FEC report, the individual employed by Bayer who was responsible for ensuring that all the Bayer PAC data was loaded into our database and who was also responsible for the preparation and filing of our FEC reports, left the company. After the report was filed, we expanded the responsibilities of our outside consultant with FEC compliance experience. Upon reviewing our reports, the consultant discovered the discrepancies noted above and reconciled our account. It is important to note that this correction, via the amended April report, was made promptly upon finding the discrepancies and within 30 days of the filing of the original April report. To ensure that all information required to be disclosed is included on future reports, Bayer will continue to retain an outside consultant, experienced in FEC compliance, to assist in the reconciliation, preparation and filing of our FEC reports” (Image 201909049163140375).

On September 13, 2019, Mr. Cella left a voicemail for the RAD Analyst. He explained that he believed the issue had been rectified and requested that the Analyst contact him to inform him what additional information was needed (Attachment 3).

Later on the same day, the RAD Analyst returned Mr. Cella’s call, and left a voicemail. The Analyst noted the Committee’s response to the RFAI and explained that the matter may still be referred to another office for potential further action. The Analyst advised that he may provide additional clarifying information for the public record at this time (Attachment 3).

On September 17, 2019, Peter Sherman, a Compliance Consultant to the Committee, called on behalf of the Committee. He explained that he was aware of the potential enforcement action that may be taken against the Committee and sought guidance. The RAD Analyst explained the issue outlined in the RFAI, noted the Committee’s response via FEC Form 99, received September 4, 2019, and stated that any additional information placed on the public record was at the discretion of the Committee (Attachment 3).

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

O-Index (2019-2020)															
Cmte. Type: Q (QUALIFIED NON-PARTY)						Cmte. Designation: B (LOBBYIST/REGISTRANT PAC)				Filing Frequency: MONTHLY 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			9/4/2019	1	201909049163140375				-	-	-	-	-	-	-
RQ2	M4	A	7/24/2019	4	201907240300042986	3/1/2019	3/31/2019	7/24/2019	-	-	-	-	-	-	-
F3XN	M2	N	2/19/2019	6	201902199145528342	1/1/2019	1/31/2019		\$103,396	\$11,051	\$0	\$114,448	-	-	\$0
F3XN	M3	N	3/19/2019	11	201903199145734714	2/1/2019	2/28/2019		\$114,448	\$10,674	\$0	\$125,122	-	-	\$0
F3XN	M4	N	4/20/2019	40	201904209149574040	3/1/2019	3/31/2019		\$125,122	\$9,887	\$70,800	\$64,210	-	-	\$0
F3XA	M4	A	5/20/2019	65	201905209149761003	3/1/2019	3/31/2019		\$125,122	\$241,992	\$70,800	\$296,315	-	-	\$0
F3XN	M5	N	5/20/2019	51	201905209149761068	4/1/2019	4/30/2019		\$296,315	\$17,197	\$0	\$313,512	-	-	\$0
F3XA	M5	A	6/20/2019	52	201906209150182408	4/1/2019	4/30/2019		\$296,315	\$17,235	\$0	\$313,551	-	-	\$0
F3XN	M6	N	6/20/2019	56	201906209150182481	5/1/2019	5/31/2019		\$313,551	\$10,021	\$0	\$323,572	-	-	\$0
F3XN	M7	N	7/19/2019	75	201907199151483133	6/1/2019	6/30/2019		\$323,572	\$47,315	\$53,800	\$317,087	-	-	\$0
F3XN	M8	N	8/19/2019	73	201908199162916597	7/1/2019	7/31/2019		\$317,087	\$32,535	\$0	\$349,622	-	-	\$0
F3XN	M9	N	9/18/2019	131	201909189163399898	8/1/2019	8/31/2019		\$349,622	\$35,153	\$11,500	\$373,276	-	-	\$0
F3XN	M10	N	10/17/2019	106	201910179165016369	9/1/2019	9/30/2019		\$373,276	\$23,637	\$9,500	\$387,413	-	-	\$0
F1A		A	7/19/2019	5	201907199151482957				-	-	-	-	-	-	-
F1A		A	9/16/2019	4	201909169163328053				-	-	-	-	-	-	-
F1A		A	9/20/2019	4	201909209163486959				-	-	-	-	-	-	-
<b>Totals</b>									<b>\$429,617</b>	<b>\$145,600</b>					

O-Index (2017-2018)															
Cmte. Type: Q (QUALIFIED NON-PARTY)						Cmte. Designation: B (LOBBYIST/REGISTRANT PAC)				Filing Frequency: MONTHLY 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	M2	N	6/14/2017	2	201706150300087324	1/1/2017	1/31/2017	6/14/2017	-	-	-	-	-	-	-
RQ2	M3	N	6/14/2017	4	201706150300087326	2/1/2017	2/28/2017	6/14/2017	-	-	-	-	-	-	-
RQ2	M4	N	6/14/2017	6	201706150300087330	3/1/2017	3/31/2017	6/14/2017	-	-	-	-	-	-	-
F3XN	M2	N	2/15/2017	7	201702159049695600	1/1/2017	1/31/2017		\$48,558	\$13,832	\$2,500	\$59,890	-	-	\$0
F3XA	M2	A	6/19/2017	7	201706199061010528	1/1/2017	1/31/2017		\$47,254	\$13,832	\$2,500	\$58,587	-	-	\$0
F3XN	M3	N	3/16/2017	14	201703169050869310	2/1/2017	2/28/2017		\$59,890	\$13,740	\$28,000	\$45,631	-	-	\$0
F3XA	M3	A	6/19/2017	14	201706199061012002	2/1/2017	2/28/2017		\$58,587	\$13,740	\$28,000	\$44,328	-	-	\$0
F3XN	M4	N	4/13/2017	81	201704139052089119	3/1/2017	3/31/2017		\$45,631	\$20,150	\$27,500	\$38,281	-	-	\$0
F3XA	M4	A	6/19/2017	81	201706199061012216	3/1/2017	3/31/2017		\$44,328	\$20,150	\$27,500	\$36,978	-	-	\$0
F3XN	M5	N	5/15/2017	74	201705159053758936	4/1/2017	4/30/2017		\$38,281	\$13,564	\$0	\$51,846	-	-	\$0
F3XA	M5	A	5/16/2017	74	201705169053891219	4/1/2017	4/30/2017		\$38,281	\$13,564	\$0	\$51,846	-	-	\$0
F3XA	M5	A	6/19/2017	74	201706199061013807	4/1/2017	4/30/2017		\$36,978	\$13,564	\$0	\$50,542	-	-	\$0
F3XN	M6	N	6/15/2017	81	201706159056531429	5/1/2017	5/31/2017		\$51,846	\$13,435	\$9,000	\$56,282	-	-	\$0
F3XA	M6	A	6/19/2017	81	201706199061014322	5/1/2017	5/31/2017		\$50,542	\$13,435	\$9,000	\$54,978	-	-	\$0
F3XN	M7	N	7/10/2017	95	201707109066573343	6/1/2017	6/30/2017		\$54,978	\$13,386	\$34,500	\$33,865	-	-	\$0
F3XN	M8	N	8/15/2017	97	201708159070355743	7/1/2017	7/31/2017		\$33,865	\$18,253	\$16,500	\$35,619	-	-	\$0
F3XN	M9	N	9/12/2017	97	201709129074649557	8/1/2017	8/31/2017		\$35,619	\$13,126	\$0	\$48,746	-	-	\$0
F3XN	M10	N	10/12/2017	154	201710129075609585	9/1/2017	9/30/2017		\$48,746	\$19,448	\$30,000	\$38,194	-	-	\$0
F3XN	M11	N	11/13/2017	134	201711139086623944	10/1/2017	10/31/2017		\$38,194	\$13,298	\$0	\$51,493	-	-	\$0

F3XN	M12	N	12/15/2017	137	201712159089203080	11/1/2017	11/30/2017		\$51,493	\$13,322	\$19,000	\$45,815	-	-	\$0
F3XN	YE	N	1/12/2018	144	201801129090399628	12/1/2017	12/31/2017		\$45,815	\$13,529	\$21,750	\$37,595	-	-	\$0
F3XN	M2	N	2/12/2018	9	201802129094275833	1/1/2018	1/31/2018		\$37,595	\$13,654	\$9,300	\$41,949	-	-	\$0
F3XN	M3	N	3/13/2018	12	201803139096539882	2/1/2018	2/28/2018		\$41,949	\$13,794	(\$1,000)	\$56,744	-	-	\$0
F3XN	M4	N	4/9/2018	85	201804099104793721	3/1/2018	3/31/2018		\$56,744	\$26,356	\$30,500	\$52,600	-	-	\$0
F3XN	M5	N	5/8/2018	76	201805089111996033	4/1/2018	4/30/2018		\$52,600	\$13,681	\$12,000	\$54,282	-	-	\$0
F3XN	M6	N	6/7/2018	84	201806079113651452	5/1/2018	5/31/2018		\$54,282	\$13,547	\$12,500	\$55,329	-	-	\$0
F3XN	M7	N	7/11/2018	90	201807119115297728	6/1/2018	6/30/2018		\$55,329	\$13,403	\$6,500	\$62,232	-	-	\$0
F3XN	M8	N	8/14/2018	100	201808149119610327	7/1/2018	7/31/2018		\$62,232	\$13,404	\$9,000	\$66,636	-	-	\$0
F3XA	M8	A	9/12/2018	101	201809129121698217	7/1/2018	7/31/2018		\$62,232	\$13,404	\$13,500	\$62,136	-	-	\$0
F3XN	M9	N	9/12/2018	148	201809129121698329	8/1/2018	8/31/2018		\$62,136	\$19,316	\$1,000	\$80,453	-	-	\$0
F3XN	M10	N	10/9/2018	105	201810099124427067	9/1/2018	9/30/2018		\$80,453	\$12,445	\$13,300	\$79,599	-	-	\$0
F3XN	12G	N	10/18/2018	67	201810189125608732	10/1/2018	10/17/2018		\$79,599	\$5,872	\$9,500	\$75,971	-	-	\$0
F3XN	30G	N	11/27/2018	181	201811279133844852	10/18/2018	11/26/2018		\$75,971	\$17,661	\$2,000	\$91,632	-	-	\$0
F3XN	YE	N	1/3/2019	110	201901039143704806	11/27/2018	12/31/2018		\$91,382	\$11,505	\$0	\$102,887	-	-	\$0
F3XA	YE	A	2/19/2019	113	201902199145524916	11/27/2018	12/31/2018		\$91,382	\$12,013	\$0	\$103,396	-	-	\$0
F1A	A	1/6/2017	5	201701069040973680					-	-	-	-	-	-	-
F1A		A	6/15/2018	5	201806159113704223				-	-	-	-	-	-	-
F1A		A	1/23/2018	4	201801239090524531				-	-	-	-	-	-	-
F1A		A	5/16/2017	5	201705169053889143				-	-	-	-	-	-	-
<b>Totals</b>									<b>\$354,241</b>	<b>\$297,850</b>					

**O-Index (2015-2016)**

Cmte. ID: C00281162 Cmte. Name: BAYER U.S. LLC POLITICAL ACTION COMMITTEE

Treasurer Name: BRANCA, BRIAN Address: 100 BAYER ROAD, PITTSBURGH, PA 15205

Cmte. Type: Q (QUALIFIED NON-PARTY) Cmte. Designation: B (LOBBYIST/REGISTRANT PAC) Filing Frequency: MONTHLY FILER

Form Tp	Rpt Tp	A/I	Recpt Dt	Pgs	Begin Img#	Beg Cvg Dt	End Cvg Dt	Ltrr Mail Dt	Begin Cash	Recpts	Disb	End Cash	Debts	Loans	Debts & Loans
F3XN	M2	N	2/18/2015	5	15950622698	1/1/2015	1/31/2015		\$157,464	\$15,292	\$0	\$172,757	-	-	\$0
F3XN	M3	N	3/17/2015	7	15950872216	2/1/2015	2/28/2015		\$172,757	\$19,243	\$0	\$192,000	-	-	\$0
F3XN	M4	N	4/8/2015	42	15951114289	3/1/2015	3/31/2015		\$192,000	\$16,205	\$36,000	\$172,205	-	-	\$0
F3XN	M5	N	5/12/2015	41	15951369154	4/1/2015	4/30/2015		\$172,205	\$17,486	\$15,000	\$174,692	-	-	\$0
F3XN	M6	N	6/16/2015	53	15951475148	5/1/2015	5/31/2015		\$174,692	\$24,700	\$2,500	\$196,892	-	-	\$0
F3XN	M7	N	7/13/2015	60	201507139000090384	6/1/2015	6/30/2015		\$196,892	\$19,471	\$18,900	\$197,464	-	-	\$0
F3XN	M8	N	8/17/2015	65	201508179000835482	7/1/2015	7/31/2015		\$197,464	\$16,673	\$24,750	\$189,388	-	-	\$0
F3XA	M8	A	1/6/2016	65	201601069004436376	7/1/2015	7/31/2015		\$197,464	\$16,673	\$24,750	\$189,388	-	-	\$0
F3XN	M9	N	9/18/2015	58	201509189002721653	8/1/2015	8/31/2015		\$189,388	\$14,823	\$12,300	\$191,912	-	-	\$0
F3XN	M10	N	10/16/2015	106	201510169003094320	9/1/2015	9/30/2015		\$191,912	\$14,102	\$30,000	\$176,014	-	-	\$0
F3XN	M11	N	11/12/2015	78	201511129003307226	10/1/2015	10/31/2015		\$176,014	\$23,288	\$7,500	\$191,803	-	-	\$0
F3XN	M12	N	12/14/2015	81	201512149004179564	11/1/2015	11/30/2015		\$191,803	\$14,052	\$10,000	\$195,856	-	-	\$0
F3XN	YE	N	1/20/2016	87	201601209004538835	12/1/2015	12/31/2015		\$195,856	\$18,997	\$23,000	\$191,853	-	-	\$0
F3XN	M2	N	2/17/2016	10	201602179008473599	1/1/2016	1/31/2016		\$191,853	\$13,957	\$18,000	\$187,811	-	-	\$0
F3XN	M3	N	3/1/2016	14	201603019009631707	2/1/2016	2/29/2016		\$187,811	\$15,515	\$22,800	\$180,526	-	-	\$0
F3XN	M4	N	4/12/2016	44	201604129012297839	3/1/2016	3/31/2016		\$180,526	\$15,018	\$35,950	\$159,595	-	-	\$0
F3XN	M5	N	5/4/2016	49	201605049015385886	4/1/2016	4/30/2016		\$159,595	\$21,014	\$51,500	\$129,109	-	-	\$0
F3XN	M6	N	6/10/2016	89	201606109017557781	5/1/2016	5/31/2016		\$129,109	\$13,870	\$40,000	\$102,980	-	-	\$0
F3XN	M7	N	7/7/2016	96	201607079020366564	6/1/2016	6/30/2016		\$102,974	\$14,246	\$37,000	\$80,220	-	-	\$0
F3XN	M8	N	8/4/2016	105	201608049022176313	7/1/2016	7/31/2016		\$80,220	\$14,180	\$23,500	\$70,901	-	-	\$0

F3XN	M9	N	9/14/2016	110	201609149030812427	8/1/2016	8/31/2016		\$70,901	\$15,150	\$18,300	\$67,751	-	-	\$0
F3XN	M10	N	10/7/2016	174	201610079032197128	9/1/2016	9/30/2016		\$67,751	\$20,999	\$63,550	\$25,200	-	-	\$0
F3XA	M10	A	10/25/2016	174	201610259034549523	9/1/2016	9/30/2016		\$67,751	\$20,999	\$63,850	\$24,900	-	-	\$0
F3XN	12G	N	10/21/2016	80	201610219034500444	10/1/2016	10/19/2016		\$25,200	\$6,907	\$9,000	\$23,108	-	-	\$0
F3XA	12G	A	10/25/2016	80	201610259034549867	10/1/2016	10/19/2016		\$24,900	\$6,907	\$9,000	\$22,808	-	-	\$0
F3XN	30G	N	12/6/2016	214	201612069037640238	10/20/2016	11/28/2016		\$22,808	\$21,025	\$11,000	\$32,833	-	-	\$0
F3XN	YE	N	1/25/2017	150	201701259041475088	11/29/2016	12/31/2016		\$32,833	\$14,421	\$0	\$47,254	-	-	\$0
F1A		A	9/11/2015	5	201509119001635191				-	-	-	-	-	-	-
<b>Totals</b>									<b>\$400,645</b>	<b>\$510,850</b>					

**BAYER U.S. LLC POLITICAL ACTION COMMITTEE (C00281162)**  
 2019 April Monthly Report/Amended 2019 April Monthly Report

Overview of Additional Receipts

Report Line	Original 2019 April Monthly Report (Image 201904209149574042)	Amended 2019 April Monthly Report, Received 5/20/2018 (Image 201905209149761005)	Variance Amount
Line 11(a)(i): Itemized Contributions from Individuals	\$4,316.41	\$7,891.48	\$3,575.07
Line 11(a)(ii): Unitemized Contributions from Individuals	\$5,571.11	\$7,398.96	\$1,827.85
Line 12: Transfers from Affiliated/Other Party Committees	\$0.00	\$226,702.00	\$226,702.00
		<b>Total:</b>	<b>\$232,104.92</b>