

RAD Referral 19L-44
 Americans for Police and Trooper Safety
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19L-44

REPORTS ANALYSIS DIVISION REFERRAL

TO

ALTERNATIVE DISPUTE RESOLUTION OFFICE

DATE: December 12, 2019

ANALYST: Terez Ray

I. COMMITTEE:	Americans for Police and Trooper Safety C00656314 Paul Kutac, Treasurer 4640 Admiralty Way Suite 500 Marina del Rey, CA 90292
<u>II.</u> 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)

Americans for Police and Trooper Safety (“the Committee”) failed to timely file one (1) 48-Hour Report totaling \$60,000.00 to support four (4) independent expenditures disclosed in the Amended 2019 July Quarterly Report, received August 22, 2019, made any time during the calendar year up to and including the 20th day before the 2020 General Election (Attachment 2).

On July 30, 2019, the Committee filed the original 2019 July Quarterly Report covering the period from April 1, 2019 through June 30, 2019. The report included a Schedule E (Itemized Independent Expenditures) disclosing four (4) independent expenditures, totaling \$60,000.00, made in support of four (4) federal candidates (Images 201907309161237887-888).

On August 22, 2019, the Committee filed an Amended 2019 July Quarterly Report. The Report disclosed no changes to Schedule E from the original report (Images 201908229163100419-420).

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On September 12, 2019, a Request for Additional Information (RFAI) was sent to the Committee referencing the Amended 2019 July Quarterly Report, received August 22, 2019. The RFAI noted that the Committee may have failed to file one (1) or more of the required 48-Hour Reports for independent expenditures disclosed in the report. A chart was included with the RFAI identifying the four (4) independent expenditures, totaling \$60,000.00, for which a 48-Hour Report had not been filed (Images 201909120300047756-758).

On October 3, 2019, the Committee filed one (1) 48-Hour Report to support four (4) independent expenditures, totaling \$60,000.00, disseminated on June 17, 2019 (Images 201910039163748586-587).

On October 17, 2019, the Reports Analysis Division (RAD) Analyst called the Committee and left a message for Paul Kutac, the Committee's Treasurer. The Analyst explained that there was an outstanding matter relating to a late filed 48-Hour Report for independent expenditures disclosed in the Amended 2019 July Quarterly Report, received August 22, 2019. The Analyst informed the Treasurer that the unresolved issue may be referred for potential further action, and that the Committee could provide an FEC Form 99 (Miscellaneous Electronic Submission) to provide clarification for the public record, explaining why the 48-Hour Report was filed late (Attachment 3).

On October 17, 2019, the Committee filed an FEC Form 99 in response to the RFAI referencing the Amended 2019 July Quarterly Report, received August 22, 2019. The Committee stated, in part:

“In response to your letter dated 12 September 19, with regards to item 1 in your letter the we incorrectly interpreted 11CFR 104.4(b) when we read When a committee makes independent expenditures aggregating \$10,000 or more for an election in any calendar year, up to and including the 20th day before an election, it must report those independent expenditures on Schedule E of the applicable FEC Form. We read that literally and thought that the 48 hour reports were only due during an election year up to 20 days before the election. Since this is not an election year we did not think the 48 hour reports applied and the aggregate independent expenditures would just be reported on the regular reports. Now that we have this clarification, we will be filing them during both off and on election years. Ultimately, we did file the report on 3 October 19. We sincerely apologize for this error and assure that it will be corrected moving forward” (Image 201910179165016705).

To date, no further communication has been received from the Committee regarding this matter.

O-Index (2019-2020)																
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	Ltrr Mail Dt	Begin Cash	Recpts	Disb	End Cash	Debts	Loans	Debts & Loans	
MS-T			8/30/2019	1	201908309163120253				-	-	-	-	-	-	-	
MS-T			10/17/2019	2	201910179165016705				-	-	-	-	-	-	-	
RQ2	Q1	N	7/30/2019	3	201907300300043261	1/1/2019	3/31/2019	7/30/2019	-	-	-	-	-	-	-	
RQ2	Q2	A	9/12/2019	3	201909120300047756	4/1/2019	6/30/2019	9/12/2019	-	-	-	-	-	-	-	
F3XN	Q1	N	4/15/2019	84	201904159146337471	1/1/2019	3/31/2019		\$176,505	\$520,654	\$370,386	\$326,772	\$0	-	\$0	
F3XA	Q1	A	8/22/2019	84	201908229163100225	1/1/2019	3/31/2019		\$176,505	\$520,654	\$370,386	\$326,772	\$0	-	\$0	
F3XN	Q2	N	7/30/2019	111	201907309161237778	4/1/2019	6/30/2019		\$326,772	\$1,281,394	\$1,247,128	\$361,038	\$91,625	-	\$91,625	
F3XA	Q2	A	8/22/2019	111	201908229163100310	4/1/2019	6/30/2019		\$326,772	\$1,281,394	\$1,247,128	\$361,038	\$91,625	-	\$91,625	
F1A		A	7/29/2019	4	201907299152457825				-	-	-	-	-	-	-	
F24N	48		10/3/2019	2	201910039163748586				-	-	-	-	-	-	-	
Totals										\$1,802,049	\$1,617,515					

O-Index (2017-2018)																
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	Ltrr Mail Dt	Begin Cash	Recpts	Disb	End Cash	Debts	Loans	Debts & Loans	
MS-T			12/17/2018	1	201812179143565422				-	-	-	-	-	-	-	
RQ1		N	10/5/2017	2	201710060300093361			10/5/2017	-	-	-	-	-	-	-	
RQ7	YE		2/20/2018	2	201802200300100986	9/25/2017	12/31/2017	2/20/2018	-	-	-	-	-	-	-	
RQ2	Q3	N	11/14/2018	4	201811140300025380	7/1/2018	9/30/2018	11/14/2018	-	-	-	-	-	-	-	
F3XN	Q1	N	4/23/2018	98	201804239111725498	1/1/2018	3/31/2018		\$2,101	\$1,674,076	\$1,492,772	\$183,405	-	-	\$0	
F3XA	Q1	A	7/13/2018	93	201807139115399551	1/1/2018	3/31/2018		\$2,101	\$1,674,076	\$1,492,772	\$183,405	-	-	\$0	
F3XN	Q2	N	7/13/2018	129	201807139115403380	4/1/2018	6/30/2018		\$183,405	\$1,048,409	\$954,971	\$276,842	-	-	\$0	
F3XN	Q3	N	10/15/2018	105	201810159125118819	7/1/2018	9/30/2018		\$276,842	\$1,280,065	\$1,020,658	\$536,249	-	-	\$0	
F3XA	Q3	A	12/5/2018	116	201812059134312951	7/1/2018	9/30/2018		\$276,842	\$1,278,670	\$1,023,917	\$531,595	-	-	\$0	
F3XN	30G	N	12/6/2018	62	201812069134348030	10/1/2018	11/26/2018		\$531,595	\$422,439	\$750,337	\$203,698	-	-	\$0	
F3XN	YE	N	1/30/2019	40	201901309144212297	11/27/2018	12/31/2018		\$203,698	\$107,251	\$134,444	\$176,505	\$3,163	-	\$3,163	
F1		N	9/25/2017	6	201709250300174649				-	-	-	-	-	-	-	
F1		A	11/29/2017	7	201711300300181275				-	-	-	-	-	-	-	
F1		A	10/23/2017	6	201710240300179137				-	-	-	-	-	-	-	
F1A		A	2/14/2018	5	201802149094566140				-	-	-	-	-	-	-	
F1A		A	10/15/2018	4	201810159124922268				-	-	-	-	-	-	-	
F24N	24		11/4/2018	1	201811049133587235				-	-	-	-	-	-	-	
F24N	24		10/20/2018	2	201810209125913995				-	-	-	-	-	-	-	
F1A		A	10/18/2018	4	201810189125617518				-	-	-	-	-	-	-	
Totals										\$4,530,847	\$4,356,443					

O-Index (2015-2016)																
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	Ltrr Mail Dt	Begin Cash	Recpts	Disb	End Cash	Debts	Loans	Debts & Loans	
MS-T			12/17/2018	1	201812179143565422				-	-	-	-	-	-	-	
RQ1		N	10/5/2017	2	201710060300093361			10/5/2017	-	-	-	-	-	-	-	
RQ7	YE		2/20/2018	2	201802200300100986	9/25/2017	12/31/2017	2/20/2018	-	-	-	-	-	-	-	
RQ2	Q3	N	11/14/2018	4	201811140300025380	7/1/2018	9/30/2018	11/14/2018	-	-	-	-	-	-	-	
F3XN	Q1	N	4/23/2018	98	201804239111725498	1/1/2018	3/31/2018		\$2,101	\$1,674,076	\$1,492,772	\$183,405	-	-	\$0	
F3XA																

Americans for Police and Trooper Safety (C00656314)
 Amended 2019 July Quarterly Report, received 8/22/2019

48-Hour Report Not Timely Filed

Name of Payee	Date of Dissemination (Schedule E)	Expenditure Amount	Candidate Supported	Election	48-Hour Report Filed
Button Pusher Productions	6/17/2019	\$15,000.00 <i>48-Hour Report Required</i>	John Rutherford	2020 General	10/3/2019
Button Pusher Productions	6/17/2019	\$15,000.00 <i>48-Hour Report Required</i>	Valdez Val Demings	2020 General	10/3/2019
Button Pusher Productions	6/17/2019	\$15,000.00 <i>48-Hour Report Required</i>	Abigail Spanberger	2020 General	10/3/2019
Button Pusher Productions	6/17/2019	\$15,000.00 <i>48-Hour Report Required</i>	William Hurd	2020 General	10/3/2019