

20L-12

REPORTS ANALYSIS DIVISION REFERRAL
TO
ALTERNATIVE DISPUTE RESOLUTION OFFICE

DATE: June 15, 2020

ANALYST: Sarah Vivian

- I. COMMITTEE: Liberty for Us Super PAC
C00676429
Chris Marston, Treasurer (1/22/2020-Present)
Brad Johnson, Treasurer (4/16/2018-1/21/2020)
P.O. Box 26141
Alexandria, VA 22313
- II. RELEVANT STATUTE: 52 U.S.C. § 30104(b)(2) and (4)
52 U.S.C. § 30104(g)(2)
11 CFR § 104.3(a) and (b)
11 CFR § 104.4(b)(2)

III. BACKGROUND:

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

Liberty for Us Super PAC (“the Committee”) failed to timely file three (3) 48-Hour Reports to support four (4) independent expenditures totaling \$69,200.00 made up to and including the 20th day before the 2018 Primary Election held in the state of Virginia, and two (2) 48-Hour Reports to support two (2) independent expenditures totaling \$25,000.00 made up to and including the 20th day before the 2018 General Election disclosed in the Amended 2018 July Quarterly Report, received January 24, 2020. The Committee also failed to timely file one (1) 48-Hour Report totaling \$59,200.00 to support two (2) independent expenditures disclosed in the Amended 2018 October Quarterly Report, received January 22, 2020, made up to and including the 20th day before the 2018 General Election. (Attachment 2).

2018 July Quarterly Report

On July 13, 2018, the Committee filed the original 2018 July Quarterly Report covering the period from April 1, 2018 through June 30, 2018, which disclosed no independent expenditure activity (Images 201807139115405124-129).¹

On January 24, 2020, the Committee filed an Amended 2018 July Quarterly Report. The amended report included a Schedule E (Itemized Independent Expenditures) disclosing seven (7) independent expenditures totaling \$97,200.00 made in support of three (3) federal candidates.² The Committee failed to file three (3) 48-Hour Reports to support four (4) independent expenditures totaling \$69,200.00 for the 2018 Primary Election in Virginia and two (2) 48-Hour Reports to support two (2) independent expenditures totaling \$25,000.00 for the 2018 General Election (Images 202001249167358116-127, Attachment 2).

On February 11, 2020, a Request for Additional Information (RFAI) was sent to the Committee referencing the Amended 2018 July Quarterly Report, received January 24, 2020. Among other items, the RFAI noted that the Committee may have failed to file one or more of the required 48-Hour Reports regarding independent expenditures. A chart was included with the RFAI identifying six (6) independent expenditures, totaling \$94,200.00, for which 48-Hour Reports had not been filed (Images 202002110300054933-35).

On March 23, 2020, the Committee filed five (5) 48-Hour Reports to support five (5) independent expenditures, totaling \$64,200.00, and one (1) 24-Hour Report to support one (1) independent expenditure totaling \$30,000.00.³ The independent expenditures were disseminated between April 25, 2018 and June 19, 2018 (Images 202003239215621615-20, Attachment 2).

2018 October Quarterly Report

On October 15, 2018, the Committee filed the original 2018 October Quarterly Report covering the period from July 1, 2018 through September 30, 2018, which disclosed no activity on Line 24 of the Detailed Summary Page and did not include a Schedule E (Image 201810159124960495-500).

On January 22, 2020, the Committee filed an Amended 2018 October Quarterly Report, which included a Schedule E disclosing five (5) independent expenditures totaling \$67,400.00 made in support of four (4) federal candidates. The Committee failed to file one (1) 48-Hour Report to support two (2) independent expenditures totaling \$59,200.00 for the 2018 General Election (Images 202001229167307906-21, Attachment 2).

On February 11, 2020, an RFAI was sent to the Committee referencing the Amended 2018 October Quarterly Report, received January 22, 2020. Among other items, the RFAI noted that the Committee may have failed to file one or more of the required 48-Hour Reports regarding independent expenditures. A chart was included with the RFAI

¹ The original 2018 July Quarterly Report was filed on an FEC Form 3.

² The Amended 2018 July Quarterly Report, received 1/24/20, was filed on an FEC Form 3X.

³ This independent expenditure should have been disclosed in a 48-Hour Report.

identifying two (2) independent expenditures, totaling \$59,200.00, for which 48-Hour Reports had not been filed (Images 202002110300054936-38).

On March 19, 2020, the Analyst attempted to contact Chris Marston, the Committee's Treasurer, to inform him of outstanding matters relating to the Amended 2018 July Quarterly Report, received January 24, 2020 and Amended 2018 October Quarterly Report, received January 22, 2020, which may be referred to another office for further action. Due to a problem with Mr. Marston's phone line, the Analyst was not able to get through using the phone number on record (Attachment 3).

Later the same date, the Analyst attempted to contact Cassidy Calderwood, an employee of the Committee, who previously served as a contact. The Analyst left a voicemail explaining that the Committee had failed to respond to RFAs referencing the Amended 2018 July Quarterly Report, received January 24, 2020 and Amended 2018 October Quarterly Report, received January 22, 2020. The Analyst explained that they had attempted to contact the Committee's Treasurer but were unable to get through. The Analyst let Ms. Calderwood know that the issues addressed in the RFAs may be referred to another office for further action. The Analyst advised that the Committee could provide further clarification for the public record and file 48-Hour Reports in response to the RFA (Attachment 3).

On March 23, 2020, the Analyst spoke with the Committee's Treasurer regarding the outstanding matters identified in multiple RFAs, including the RFAs referencing the Amended 2018 July Quarterly Report, received January 24, 2020 and Amended 2018 October Quarterly Report, received January 22, 2020. The Analyst explained that the matters addressed in the RFAs, including failure to file 48-Hour Reports for independent expenditures disclosed on the report, may be referred to another office for further action. Mr. Marston explained that a sua sponte had been filed acknowledging, in part, that the Committee had failed to file the required 48-Hour Reports. The Analyst advised that the missing reports be filed in response to the RFA (Attachment 3).

On the same date, the Committee filed an FEC Form 99 (Miscellaneous Electronic Submission) in response to the RFAs referencing the Amended 2018 July Quarterly Report, received January 24, 2020, and the Amended 2018 October Quarterly Report, received January 22, 2020. The Committee stated, in part:

"The Committee received requests for additional information (RFAs) dated February 11, 2020 regarding the Amended 2018 July Quarterly Report and the Amended 2018 October Quarterly Report filed on January 22, 2020. Both RFAs noted that Sch. E of the respective reports included independent expenditures which should have been the subject of 24- or 48-hour reports. Today, the Committee filed those 24- and 48-hour reports. The Committee acknowledges that these reports are quite late, but filed the reports to further clarify the public record ... The Committee noted ... the failure to file 24- and 48-hour reports ... in a sua sponte submission to the Commission also filed on January 22, 2020. The sua sponte submission also noted the responses by the Committee to previously unanswered RFAs. The

Committee looks forward to the opportunity to cooperate fully with the Commission in the resolution of these issues” (Image 202003239215621632).

On March 23, 2020, the Committee filed two (2) 48-Hour Reports to support two (2) independent expenditures, totaling \$59,200.00. The independent expenditures were disseminated on September 7, 2018 and September 20, 2018 (Images 202003239215621621-22, Attachment 2).

On April 14, 2020, the Analyst followed up with Mr. Marston and explained that, among other issues, the 48-Hour Reports that had not been timely filed would be referred to another Commission office for further action. (Attachment 3).

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

The Committee amended its 2018 July Quarterly Report to disclose additional disbursements totaling \$103,987.56 and its 2018 October Quarterly Report to disclose additional receipts totaling \$58,000.00 and additional disbursements totaling \$113,486.97 that were not disclosed in the original reports (Attachment 2).

2018 July Quarterly Report

On July 13, 2018 the Committee filed the original 2018 July Quarterly Report covering the period of April 1, 2018 through June 30, 2018. The report disclosed \$0.00 in disbursements on Line 17 (Operating Expenditures) and \$5,518.53 in disbursements on Line 21 (Other Disbursements) of the Detailed Summary Page.⁴ The report disclosed no independent expenditures (Images 201807139115405124-27).

On January 24, 2020, the Committee filed an Amended 2018 July Quarterly Report. The report disclosed \$12,306.09 in disbursements on Line 21(b) (Other Federal Operating Expenses), \$97,200.00 in disbursements on Schedule E, Line 24 (Independent Expenditures), and \$0.00 in disbursements on Line 29 (Other Disbursements) of the Detailed Summary Page,⁵ a total increase in disbursements of \$103,987.56 from the original report (Images 202001249167358116-27, Attachment 2).

On February 11, 2020, an RFAI was sent to the Committee referencing the Amended 2018 July Quarterly Report, received January 24, 2020. Among other items, the RFAI requested clarification regarding the substantial increase in disbursements disclosed on the Amended 2018 July Quarterly Report (Image 202002110300054933).

2018 October Quarterly Report

On October 15, 2018, the Committee filed the original 2018 October Quarterly Report covering the period of July 1, 2018 through September 30, 2018. The report

⁴ The original 2018 July Quarterly Report was filed on an FEC Form 3.

⁵ The Amended 2018 July Quarterly Report, received 1/24/20, was filed on an FEC Form 3X.

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disclosed \$50,000.00 in receipts on Line 11(a)(i) (Itemized Contributions from Individuals), \$0.00 in receipts on Line 11(c) (Contributions from Other Political Committees), and \$0.00 in receipts on Line 15 (Offsets to Operating Expenses) of the Detailed Summary Page (Image 201810159124960497). The report also disclosed \$0.00 in disbursements on Line 21(b) (Other Federal Operating Expenses) and \$0.00 on Schedule E, Line 24 (Independent Expenditures), of the Detailed Summary Page (Image 201810159124960498).

On January 22, 2020, the Committee filed an Amended 2018 October Quarterly Report. The report disclosed \$55,000.00 in receipts on Line 11(a)(i), \$50,200.00 in receipts on Line 11(c), and \$2,800.00 in receipts on Line 15 of the Detailed Summary Page, a total increase in receipts of \$58,000.00 from the original report (Image 202001229167307908, Attachment 2). The report also disclosed \$46,086.97 in disbursements on Line 21(b) and \$67,400.00 on Schedule E, Line 24, of the Detailed Summary Page, a total increase in disbursements of \$113,486.97 from the original report (Image 202001229167307909, Attachment 2).

On February 11, 2020, an RFAI was sent to the Committee referencing the Amended 2018 October Quarterly Report, received January 22, 2020. Among other items, the RFAI requested clarification regarding the substantial increase in disbursements disclosed in the Amended 2018 October Quarterly Report (Image 202002110300054936).

On March 19, 2020, the Analyst attempted to contact Chris Marston, the Committee's Treasurer, to inform him of outstanding matters relating to the Amended 2018 October Quarterly Report, received January 22, 2020, which may be referred to another office for further action. Due to a problem with Mr. Marston's phone line, the Analyst was not able to get through using the phone number on record (Attachment 3).

On the same date, the Analyst attempted to contact Cassidy Calderwood, an employee of the Committee, who had previously served as a contact. The Analyst left a voicemail explaining that the Committee had failed to respond to RFAIs referencing the Amended 2018 October Quarterly Report, received January 22, 2020, and one additional report. The Analyst explained that they had attempted to contact the Committee's Treasurer but were unable to get through. The Analyst let Ms. Calderwood know that the issues addressed in the RFAIs may be referred to another office for further action, advising that the Committee could provide further clarification for the public record (Attachment 3).

On March 23, 2020, the Analyst spoke with Mr. Marston regarding the outstanding matters identified in multiple RFAIs, including the RFAI referencing the Amended 2018 October Quarterly Report, received January 22, 2020. The Analyst explained that the matters addressed in the RFAI, including the increase in activity on the report, may be referred to another office for further action. Mr. Marston explained that a sua sponte had been filed acknowledging, in part, the increase in activity on the amended report (Attachment 3).

On the same date, the Committee filed an FEC Form 99 (Miscellaneous Electronic Submission) in response to the RFAIs referencing the Amended 2018 July Quarterly

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Report, received January 24, 2020, and the Amended 2018 October Quarterly Report, received January 22, 2020. The Committee stated, in part:

“The Committee received requests for additional information (RFAs) dated February 11, 2020 regarding the Amended 2018 July Quarterly Report and the Amended 2018 October Quarterly Report filed on January 22, 2020 ... Both RFAs noted increases in activity from the original report to the amended report. The Committee noted both the failure to file 24- and 48-hour reports, as well as the increased activity in a sua sponte submission to the Commission also filed on January 22, 2020. The sua sponte submission also noted the responses by the Committee to previously unanswered RFAs. The Committee looks forward to the opportunity to cooperate fully with the Commission in the resolution of these issues” (Image 202003239215621632).

On April 14, 2020, the Analyst followed up with Mr. Marston and explained that, among other issues, the increases in activity on the Committee’s Amended 2018 July Quarterly Report, received January 24, 2020, and Amended 2018 October Quarterly Report, received January 22, 2020, would be referred to another Commission office for further action. The Analyst explained that this determination had been made according to guidance received from the Office of General Counsel (OGC) regarding the Committee’s sua sponte submission (Attachment 3).

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

O-Index (2019-2020)															
Cmte. ID: C00676429 Cmte. Name: LIBERTY FOR US SUPER PAC															
Treasurer Name: MARSTON, CHRIS Address: PO BOX 26141, ALEXANDRIA, VA 22313															
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			5/31/2019	1	201905319149842973				-	-	-	-	-	-	-
MS-T			3/23/2020	1	202003239215621632				-	-	-	-	-	-	-
F3XN	MY	N	7/30/2019	11	201907309161237365	1/1/2019	6/30/2019		\$506	\$35,850	\$36,350	\$6	-	-	\$0
F3XA	MY	A	1/22/2020	10	202001229167307933	1/1/2019	6/30/2019		\$506	\$35,850	\$36,350	\$6	-	-	\$0
F3XN	YE	N	1/22/2020	8	202001229167307943	7/1/2019	12/31/2019		\$6	\$50,000	\$47,179	\$2,827	-	-	\$0
F3XN	Q1	N	4/13/2020	6	202004139216663609	1/1/2020	3/31/2020		\$2,827	\$0	\$2,827	\$0	-	-	\$0
F24N	48		3/23/2020	1	202003239215621615				-	-	-	-	-	-	-
F24N	48		3/23/2020	1	202003239215621616				-	-	-	-	-	-	-
F24N	48		3/23/2020	1	202003239215621617				-	-	-	-	-	-	-
F24N	24		3/23/2020	1	202003239215621618				-	-	-	-	-	-	-
F24N	48		3/23/2020	1	202003239215621619				-	-	-	-	-	-	-
F24N	48		3/23/2020	1	202003239215621620				-	-	-	-	-	-	-
F24N	48		3/23/2020	1	202003239215621621				-	-	-	-	-	-	-
F24N	48		3/23/2020	1	202003239215621622				-	-	-	-	-	-	-
F1A		A	1/22/2020	5	202001229167307876				-	-	-	-	-	-	-
F24N	48		4/22/2020	1	202004229232245616				-	-	-	-	-	-	-
Totals										\$85,850	\$86,356				

O-Index (2017-2018)															
Cmte. ID: C00676429 Cmte. Name: LIBERTY FOR US SUPER PAC															
Treasurer Name: MARSTON, CHRIS Address: PO BOX 26141, ALEXANDRIA, VA 22313															
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
RQ1		N	5/29/2018	2	201805300300010830			5/29/2018	-	-	-	-	-	-	-
RQ2	Q2	A	2/11/2020	3	202002110300054933	4/1/2018	6/30/2018	2/11/2020	-	-	-	-	-	-	-
RQ2	Q2	N	10/1/2018	5	201810010300020957	4/1/2018	6/30/2018	10/1/2018	-	-	-	-	-	-	-
RQ2	Q3	A	2/11/2020	3	202002110300054936	7/1/2018	9/30/2018	2/11/2020	-	-	-	-	-	-	-
RQ2	Q3	N	4/14/2019	4	201904140300037254	7/1/2018	9/30/2018	4/14/2019	-	-	-	-	-	-	-
RQ7	30G		12/20/2018	2	201812200300028816	10/1/2018	11/26/2018	12/20/2018	-	-	-	-	-	-	-
RQ7	YE		2/19/2019	2	201902190300033109	11/27/2018	12/31/2018	2/19/2019	-	-	-	-	-	-	-
F3N	Q2	N	7/13/2018	6	201807139115405124	4/1/2018	6/30/2018		\$0	\$115,000	\$5,518	\$109,481	-	-	\$0
F3XA	Q2	A	1/24/2020	12	202001249167358116	4/1/2018	6/30/2018		\$0	\$115,002	\$109,506	\$5,496	-	-	\$0
F3XN	Q3	N	10/15/2018	6	201810159124960495	7/1/2018	9/30/2018		\$0	\$50,000	\$0	\$50,000	-	-	\$0
F3XA	Q3	A	1/22/2020	16	202001229167307906	7/1/2018	9/30/2018		\$5,496	\$108,000	\$113,486	\$9	-	-	\$0
F3XN	30G	N	1/22/2020	6	202001229167307922	10/1/2018	11/26/2018		\$9	\$700	\$203	\$506	-	-	\$0
F3XN	YE	N	1/22/2020	5	202001229167307928	11/27/2018	12/31/2018		\$506	\$0	\$0	\$506	-	-	\$0
F1N		N	4/16/2018	4	201804169108268209				-	-	-	-	-	-	-
Totals										\$338,702	\$228,715				

O-Index (2015-2016)															
Cmte. ID: C00676429 Cmte. Name: LIBERTY FOR US SUPER PAC															
Treasurer Name: MARSTON, CHRIS Address: PO BOX 26141, ALEXANDRIA, VA 22313															
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
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No records were found for this cycle.

Liberty for Us Super PAC (C00676429)

Amended 2018 July Quarterly Report, received 1/24/2020

48-Hour Reports Not Timely Filed

Name of Payee	Date of Dissemination	Expenditure Amount	Candidate Supported	Election	48-Hour Report Filed
End Game Consulting LLC	4/25/2018	\$25,000.00 <i>48-Hour Report Required</i>	Nicholas Jason Freitas	Virginia – 2018 Primary (6/12/2018)	3/23/2020
End Game Consulting LLC	5/3/2018	\$10,000.00 <i>48-Hour Report Required</i>	Nicholas Jason Freitas	Virginia – 2018 Primary (6/12/2018)	3/23/2020
End Game Consulting LLC	5/17/2018	\$4,200.00	Nicholas Jason Freitas	Virginia – 2018 Primary (6/12/2018)	3/23/2020
End Game Consulting LLC	5/23/2018	\$30,000.00 <i>48-Hour Report Required⁶</i>	Nicholas Jason Freitas	Virginia – 2018 Primary (6/12/2018)	3/23/2020
End Game Consulting LLC	5/22/2018	\$15,000.00 <i>48-Hour Report Required</i>	Tim Donnelly	2018 General	3/23/2020
End Game Consulting LLC	6/19/2018	\$10,000.00 <i>48-Hour Report Required</i>	Tim Donnelly	2018 General	3/23/2020

⁶ This expenditure was filed on a 24-Hour Report but should have been filed on a 48-Hour Report (24-Hour Reporting period began 5/24/2018).

Liberty for Us Super PAC (C00676429)

Amended 2018 October Quarterly Report, received 1/22/2020

48-Hour Report Not Timely Filed

Name of Payee	Date of Dissemination	Expenditure Amount	Candidate Supported	Election	48-Hour Report Filed
End Game Consulting LLC	9/7/2018	\$9,000.00	Joshua David Hawley	2018 General	3/23/2020
End Game Consulting LLC	9/20/2018	\$50,200.00 <i>48-Hour Report Required</i>	Joshua David Hawley	2018 General	3/23/2020

Liberty for Us Super PAC (C00676429)

2018 July Quarterly Report/Amended 2018 July Quarterly Report

Overview of Additional Disbursements

Report Line	Original 2018 July Quarterly Report (Image 201807139115405127)	Amended 2018 July Quarterly Report, Received 1/24/2020 (Image 202001249167358119)	Variance Amount
Line 21(b): Other Federal Operating Expenses ⁷	\$0.00	\$12,306.09	\$12,306.09
Line 24: Independent Expenditures ⁸	\$0.00	\$97,200.00	\$97,200.00
Line 29: Other Disbursements ⁹	\$5,518.53	\$0.00	-\$5,518.53
		Total:	\$103,987.56

⁷ The original July Quarterly Report was filed on an FEC Form 3, with this activity reflected on Line 17 of the Detailed Summary Page.

⁸ The original July Quarterly Report was filed on an FEC Form 3; this category of activity is not included on the Detailed Summary Page.

⁹ The original July Quarterly Report was filed on an FEC Form 3, with this activity reflected on Line 21 of the Detailed Summary Page.

Liberty for Us Super PAC (C00676429)

2018 October Quarterly Report/Amended 2018 October Quarterly Report

Overview of Additional Receipts

Report Line	Original 2018 October Quarterly Report (Image 201810159124960497)	Amended 2018 October Quarterly Report, Received 1/22/2020 (Image 202001229167307908)	Variance Amount
Line 11(a)(i): Itemized Contributions from Individuals	\$50,000.00	\$55,000.00	\$5,000.00
Line 11(c): Contributions from Other Political Committees	\$0.00	\$50,200.00	\$50,200.00
Line 15: Offsets to Operating Expenses	\$0.00	\$2,800.00	\$2,800.00
		Total:	\$58,000.00

Liberty for Us Super PAC (C00676429)

2018 October Quarterly Report/Amended 2018 October Quarterly Report

Overview of Additional Disbursements

Report Line	Original 2018 October Quarterly Report (Image 201810159124960498)	Amended 2018 October Quarterly Report, Received 1/22/2020 (Image 202001229167307909)	Variance Amount
Line 21(b): Other Federal Operating Expenses	\$0.00	\$46,086.97	\$46,086.97
Line 24: Independent Expenditures	\$0.00	\$67,400.00	\$67,400.00
		Total:	\$113,486.97