

20L-15

REPORTS ANALYSIS DIVISION REFERRAL
 TO
 ALTERNATIVE DISPUTE RESOLUTION OFFICE

DATE: August 13, 2020

ANALYST: Kevin Fortkiewicz

I. COMMITTEE: VIGOP (Virgin Islands Republican Party)
 C00553560
 John Canegata, Treasurer (12/20/2019 - Present)
 Scott B. MacKenzie, Treasurer (12/13/2013 - 12/19/2019)
 P.O. Box 295
 Christiansted, VI 00821

II. RELEVANT STATUTE: 52 U.S.C. § 30104 (b)(2)
 52 U.S.C. § 30116(a) and (f)
 11 CFR § 103.3
 11 CFR § 110.1(d)

III. BACKGROUND:

Excessive, Prohibited and Other Impermissible Contributions: Failure to Refund, Redesignate, or Reattribute Excessive Contributions within the Permissible Timeframe

VIGOP (Virgin Islands Republican Party) (“the Committee”) received excessive contributions totaling \$32,600.00 from three (3) individuals during the 2019 calendar year. Of this amount, the Committee refunded \$27,600.00 outside of the permissible timeframe. The Committee did not refund, reattribute, or transfer-out \$5,000.00 of these excessive contributions to the Committee’s non-federal account.

2019 February Monthly Report

During the 2019 February Monthly reporting period, the Committee received an excessive contribution totaling \$5,000.00 from one (1) individual that was not refunded, reattributed, or transferred-out within the permissible timeframe (Attachment 2).

On July 22, 2019, a Request for Additional Information (RFAI) was sent to the Committee referencing the 2019 February Monthly Report. The RFAI requested clarification regarding the receipt of an apparent excessive contribution. A chart was included with the RFAI identifying the apparent excessive contribution received from one (1) individual and requested that the Committee take corrective action (Images 201907220300042893-96).

The Committee has not issued a refund to the individual or taken any other corrective action.

2019 June Monthly Report

During the 2019 June Monthly reporting period, the Committee received excessive contributions totaling \$8,600.00 from two (2) individuals that were not refunded, reattributed, or transferred-out within the permissible timeframe (Attachment 2).

On October 2, 2019, an RFAI was sent to the Committee referencing the 2019 June Monthly Report. The RFAI requested clarification regarding the receipt of apparent excessive contributions. A chart was included with the RFAI identifying the apparent excessive contributions received from two (2) individuals and requested that the committee take corrective action (Images 201910020300048526-29).

On October 10, 2019, the Committee filed an Amended 2019 June Monthly Report, which disclosed no change in financial activity from the previously filed report (Image 201910109163808954).

On October 11, 2019, the Committee filed an FEC Form 99 (Miscellaneous Electronic Submission) in response to the RFAI referencing the 2019 June Monthly Report. The Committee stated, in part:

“Schedule A of the committee's report disclosed that two donors appeared to exceed the contributions limits. One of those donors, Tatnall Hillman received a contribution refund on July 25th and that was reported on the August Monthly Report. The second donor was under review and is schedule [sic] to be issued a refund” (Image 201910119163819467).

The Committee subsequently disclosed corrective action outside of the permissible timeframe by refunding the excessive contributions to the donors on the 2019 August Monthly and the 2019 December Monthly Reports (Images 201908209162944522 and 201912209166685895, Attachment 2).

2019 August Monthly Report

During the 2019 August Monthly reporting period, the Committee received excessive contributions totaling \$15,000.00 from one (1) individual that was not refunded, reattributed, or transferred-out within the permissible timeframe (Attachment 2).

On October 2, 2019, an RFAI was sent to the Committee referencing the 2019 August Monthly Report. Among other items, the RFAI requested clarification regarding the receipt of an apparently excessive contribution. A chart was included with the RFAI identifying the apparently excessive contribution received from one (1) individual³ and requested the Committee take corrective action (Images 201910020300048533-36).

On October 10, 2019, the Committee filed an Amended 2019 August Monthly Report, which disclosed no change in financial activity from the previously filed report (Image 201910109163809152).

The Committee subsequently disclosed corrective action outside of the permissible timeframe by refunding the excessive contribution to the donor on the 2020 March Monthly Report (Image 202003199203902044, Attachment 2).

2019 December Monthly Report

During the 2019 December Monthly reporting period, the Committee received excessive contributions totaling \$4,000.00 from one (1) individual that was not refunded, reattributed, or transferred-out within the permissible timeframe (Attachment 2).

On January 28, 2020, an RFAI was sent to the Committee referencing the 2019 December Monthly Report. The RFAI requested clarification regarding the receipt of an apparently excessive contribution. A chart was included with the RFAI identifying the apparently excessive contribution received from one (1) individual and requested that the Committee take corrective action (Images 202001280300053849-52).

On February 26, 2020, the Committee filed an FEC Form 99 in response to the RFAI referencing the 2019 December Monthly Report. The Committee stated, in part:

“The Committee is in receipt of your letter dated January 28, 2020 in which you reference the Committee's December Monthly Report (11/1/19 - 11/30/19). The Committee has reviewed all of the transactions associated with the referenced donor and, as of this date, refunded the excess portion of the donor's aggregate contributions for 2019” (Image 202002269203320663).

The Committee subsequently disclosed corrective action outside of the permissible timeframe by refunding the excessive contribution to the donor on the 2020 March Monthly Report (Image 202003199203902044, Attachment 2).

On April 13, 2020, the Reports Analysis Division (RAD) Analyst called John Canegata, the Committee's Treasurer, regarding the Committee's referral to another office for possible enforcement action. The phone number disclosed for the Treasurer on the

³ The Committee did report a refund on Schedule B (Itemized Disbursements) of the report, but it was not clear at the time if this refund applied to excessive contributions from a previous election cycle.

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Statement of Organization ("FEC Form 1") for Mr. Canegata could not be completed when dialed (Attachment 3).

Later the same date, the RAD Analyst called Tim Beall, Committee Representative, and left a voicemail message explaining that they had been unable to contact Mr. Canegata. The Analyst explained the Committee may be referred to another office at the Commission for possible enforcement action based on excessive contributions the Committee received during the 2019 calendar year (Attachment 3).

Subsequently, Mr. Beall returned the RAD Analyst's phone message. The Analyst explained that he had tried to reach the Treasurer, but the phone number on the FEC Form 1 did not appear to active. The Analyst further explained that the Committee had received excessive contributions in 2019. Mr. Beall stated the Committee was working on these issues now as the past Treasurer had made these errors. The Analyst noted the refunds but explained in certain instances that these refunds were made outside of the permissible corrective action timeframe. The Analyst explained the Committee could provide further explanation on the public record with an FEC Form 99 if they wished to do so (Attachment 3).

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

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Apparent Excessive and Prohibited Contributions Not Refunded and/or Refunded Outside Permissible Timeframes, Listed by Contributor

Name	Date	Contribution Amount	Report	Excessive/Prohibited Amount Not Refunded within Timeframe	Refunded # Days Since Receipt
JOHNSON 334, CHARLES	1/9/2019	\$10,000.00	2019 February Monthly	\$5,000.00	N/A
HILLMAN 816, TATNALL LEA CAPT	3/14/2019	\$2,000.00	2019 April Monthly		
HILLMAN 816, TATNALL LEA CAPT	4/1/2019	\$5,000.00	2019 May Monthly		
HILLMAN 816, TATNALL LEA CAPT	5/6/2019	\$7,500.00	2019 June Monthly		
HILLMAN 816, TATNALL LEA CAPT	5/7/2019	\$100.00	2019 June Monthly		
HILLMAN 816, TATNALL LEA CAPT	7/2/2019	\$15,000.00	2019 August Monthly		
HILLMAN 816, TATNALL LEA CAPT	7/25/2019	-\$9,600.00 ⁴	2019 August Monthly	\$7,600.00	80
HILLMAN, TATNALL LEA CAPT	2/20/2020	-\$15,000.00	2020 March Monthly	\$15,000.00	233
HOPPER 797, BILLY MR	3/5/2019	\$2,000.00	2019 April Monthly		
HOPPER 797, BILLY MR	5/17/2019	\$4,000.00	2019 June Monthly		
HOPPER 797, BILLY MR	11/7/2019	-\$1,000.00	2019 December Monthly	\$1,000.00	174
HOPPER, BILLY MR	11/25/2019	\$2,000.00	2019 December Monthly		
HOPPER, BILLY MR	11/27/2019	\$2,000.00	2019 December Monthly		
HOPPER, BILLY MR	2/26/2020	-\$4,000.00	2020 March Monthly	4,000.00	93
Total Excessive/Prohibited Amount Not Refunded Within Timeframe:				\$32,600.00	

⁴ The Committee refund to this donor on 7/25/2019 does not apply to the excessive donation made on 7/2/2019. On the 2019 August Monthly Report, the Committee reported a beginning outstanding debt balance on Schedule D (Debts and Obligations Owed by the Committee) to the donor in the amount of \$21,100.00 with a purpose of "CONTRIBUTION REFUND," along with a corresponding \$9,600.00 debt payment (Image 201910109163809278). On October 11, 2019, the Committee filed an FEC Form 99 stating this refund applied to prior excessive contributions from the 2019 June Monthly Report (Image 201910119163819467), which totaled \$7,600.00.

VIGOP (Virgin Islands Republican Party) (C00553560)

Unremedied Contributions, Listed by Contributor

Name	Date	Contribution Amount	Report	Excessive/Prohibited Amount Not Remedied
JOHNSON 334, CHARLES	1/9/2019	\$10,000.00	2019 February Monthly	\$5,000.00
Total Unremedied Excessive/Prohibited Amount:				\$5,000.00

VIGOP (Virgin Islands Republican Party) (C00553560)

Breakdown of Apparent Remedied and Unremedied Excessive Contributions (all reports)

Total Amount Remedied Outside of the Permissible Timeframe (all reports):	\$27,600.00
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Total Amount Unremedied (all reports):	\$5,000.00
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Total Amount Not Remedied within the Permissible Timeframe (all reports):	\$32,600.00
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