

21L-02

REPORTS ANALYSIS DIVISION REFERRAL
TO
ALTERNATIVE DISPUTE RESOLUTION OFFICE

DATE: February 16, 2021

ANALYST: Terez Ray

- I. COMMITTEE: Alliance for a Better Minnesota Federal PAC
C00564013
Joe Davis, Treasurer
1600 University Ave W
Suite 309
Saint Paul, MN 55104
- II. 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)

Alliance for a Better Minnesota Federal PAC (“the Committee”) failed to timely file one (1) 48-Hour Report totaling \$230,756.00 to support one (1) independent expenditure disclosed on the 2020 October Quarterly Report, made up to and including the 20th day before the 2020 General Election (Attachment 2).

On September 21, 2020, the Committee filed one (1) 48-Hour Report to support two (2) independent expenditures totaling \$323,538.40, disseminated on August 19, 2020 and September 9, 2020 (Image 202009219284469456).

On October 15, 2020, the Committee filed its 2020 October Quarterly Report covering the period from July 1, 2020 through September 30, 2020. The report included a Schedule E (Itemized Independent Expenditures) disclosing four (4) independent expenditures, totaling \$559,640.71 made in opposition to or in support of three (3) Federal candidates (Images 202010159295624035-36).

On November 24, 2020, a Request for Additional Information (RFAI) was sent to the Committee referencing the 2020 October Quarterly Report. The RFAI noted that the Committee may have failed to timely 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 independent expenditures for which a 48-Hour Report had not been timely filed (Images 202011240300093459-61).

On December 4, 2020, the Committee filed an FEC Form 99 (Miscellaneous Electronic Submission) in response to the RFAI referencing the 2020 October Quarterly Report. The committee stated:

“This Form 99 is in response to the Commission's Request for Additional Information (RFAI) dated November 24, 2020. This RFAI relates to independent expenditures the Alliance for a Better Minnesota Federal PAC, ID Number C00564013 (the Committee) disseminated on August 19, 2020 and September 9, 2020 in the amounts of \$230,756 and \$92,782.40, respectively, through its vendor Clarify Agency. At the bottom of this form is a full accounting of the relevant expenditures as of the date they were reported to the Commission.

Due to an internal miscommunication, the Committee did not become aware that these expenditures were not timely reported until Saturday, September 19, 2020. Immediately after becoming aware of that the reports had not been filed, the Committee contacted its vendor to gather all necessary information and reported the expenditures on Monday, September 21, 2020, which was within forty-eight hours of identifying the error. The first expenditure of \$230,756 was reported thirty days late and the second expenditure of \$92,782.40 was reported eight days late. In both cases, the Committee acted as quickly as possible to correct the error and the information was made available to the public forty-three days before the election. Additionally, these expenditures were timely reported on the Committee's October Quarterly Report.

The Committee has modified its internal processes to ensure that this type of reporting error does not reoccur.

Expenditure 1:

Funds distributed to vendor: August 17, 2020

First day of dissemination: August 19, 2020

Date on which an aggregate of \$10,000 was publicly disseminated: August 20, 2020

Final date of dissemination: September 9, 2020

Total cost: \$230,756.00

Date 48 hour report was due: August 22, 2020

Date 48 hour report was filed: September 21, 2020

Days late: 30 days

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Expenditure 2:

Funds distributed to vendor: September 1, 2020

First day of dissemination: September 9, 2020

Date on which an aggregate of \$10,000 was publicly disseminated:
September 11, 2020

Dissemination continued after the report was made

Total cost: \$92,782.40

Date 48 hour report was due: September 13, 2020

Date 48 hour report was filed: September 21, 2020

Days late: 8 days” (Image 202012049366405801).

On December 14, 2020, the Reports Analysis Division (RAD) Analyst attempted to call Joe Davis, the Committee’s Treasurer. However, no phone number could be located on the Statement of Organization (“FEC Form 1”) (Attachment 3).

On the same day, the Analyst emailed Mr. Davis to inform him that they needed to speak with him regarding an outstanding matter relating to the late 48-Hour Report for independent expenditures that were disclosed on the 2020 October Quarterly Report. The email requested Mr. Davis call the Analyst to discuss the matter (Attachment 3).

On February 3, 2021, the Analyst emailed Mr. Davis to inform him that the outstanding matter relating to the late 48-Hour Report for independent expenditures may be referred to another Commission office for potential further action. The email requested Mr. Davis call the Analyst to discuss the matter (Attachment 3).

Subsequently, Mr. Davis called the Analyst in response to the email. The Analyst explained that the late 48-Hour Report for independent expenditures disclosed on the 2020 October Quarterly Report may be referred to another Commission office for potential further action. The Analyst explained that he could provide an additional FEC Form 99 with clarifying information. Mr. Davis explained that he had already filed an FEC Form 99 (Attachment 3).

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

O-Index (2021-2022)															
Cmte. ID: C00564013 Cmte. Name: ALLIANCE FOR A BETTER MINNESOTA FEDERAL PAC															
Treasurer Name: JOE DAVIS Address: 1600 UNIVERSITY AVE W SUITE 309, SAINT PAUL, MN 55104															
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
No records were found for this cycle.															

O-Index (2019-2020)															
Cmte. ID: C00564013 Cmte. Name: ALLIANCE FOR A BETTER MINNESOTA FEDERAL PAC															
Treasurer Name: JOE DAVIS Address: 1600 UNIVERSITY AVE W SUITE 309, SAINT PAUL, MN 55104															
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			12/4/2020	1	202012049366405801				-	-	-	-	-	-	-
RQ2	Q3	N	11/24/2020	3	202011240300093459	7/1/2020	9/30/2020	11/24/2020	-	-	-	-	-	-	-
F3XN	MY	N	7/25/2019	5	201907259151656186	1/1/2019	6/30/2019		\$6,933	\$0	\$0	\$6,933	-	-	\$0
F3XN	YE	N	1/30/2020	5	202001309182483568	7/1/2019	12/31/2019		\$6,933	\$0	\$0	\$6,933	-	-	\$0
F3XN	Q1	N	4/15/2020	10	202004159216864472	1/1/2020	3/31/2020		\$6,933	\$1,910,313	\$937,038	\$980,208	-	-	\$0
F3XN	Q2	N	7/13/2020	14	202007139244498892	4/1/2020	6/30/2020		\$980,208	\$1,734,593	\$2,675,768	\$39,034	-	-	\$0
F3XN	Q3	N	10/15/2020	18	202010159295624019	7/1/2020	9/30/2020		\$39,034	\$365,394	\$392,999	\$11,429	\$236,102	-	\$236,102
F3XN	12G	N	10/22/2020	8	202010229332719869	10/1/2020	10/14/2020		\$11,429	\$225,060	\$2	\$236,486	\$236,102	-	\$236,102
F3XN	30G	N	12/3/2020	14	202012039338108550	10/15/2020	11/23/2020		\$236,486	\$320,113	\$554,986	\$1,613	\$0	-	\$0
F3XN	YE	N	1/31/2021	8	202101319418516898	11/24/2020	12/31/2020		\$1,613	\$50	\$57	\$1,606	-	-	\$0
F24N	48		3/7/2020	2	202003079203793269				-	-	-	-	-	-	-
F24N	48		5/8/2020	2	202005089232630433				-	-	-	-	-	-	-
F24N	48		4/15/2020	1	202004159216872895				-	-	-	-	-	-	-
F24N	48		7/12/2020	1	202007129244492625				-	-	-	-	-	-	-
F24N	48		9/21/2020	1	202009219284469456				-	-	-	-	-	-	-
F24N	48		10/2/2020	1	202010029284998007				-	-	-	-	-	-	-
F24N	24		10/18/2020	1	202010189297189900				-	-	-	-	-	-	-
Totals										\$4,555,524	\$4,560,852				

O-Index (2017-2018)															
Cmte. ID: C00564013 Cmte. Name: ALLIANCE FOR A BETTER MINNESOTA FEDERAL PAC															
Treasurer Name: JOE DAVIS Address: 1600 UNIVERSITY AVE W SUITE 309, SAINT PAUL, MN 55104															
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
F3XN	MY	N	7/20/2017	5	201707209066908054	1/1/2017	6/30/2017		\$6,933	\$0	\$0	\$6,933	-	-	\$0
F3XN	YE	N	1/29/2018	5	201801299090875202	7/1/2017	12/31/2017		\$6,933	\$0	\$0	\$6,933	-	-	\$0
F3XN	Q1	N	4/12/2018	5	201804129107989596	1/1/2018	3/31/2018		\$6,933	\$0	\$0	\$6,933	-	-	\$0
F3XN	Q2	N	7/12/2018	5	201807129115380091	4/1/2018	6/30/2018		\$6,933	\$0	\$0	\$6,933	-	-	\$0
F3XN	Q3	N	10/13/2018	5	201810139124538092	7/1/2018	9/30/2018		\$6,933	\$0	\$0	\$6,933	-	-	\$0
F3XN	30G	N	12/4/2018	5	201812049133928682	10/1/2018	11/26/2018		\$6,933	\$0	\$0	\$6,933	-	-	\$0
F3XN	YE	N	1/9/2019	5	201901099143775486	12/7/2018	12/31/2018		\$6,933	\$0	\$0	\$6,933	-	-	\$0
Totals										\$0	\$0				

Alliance for a Better Minnesota Federal PAC (C00564013)

2020 October Quarterly Report, received 10/15/2020

48-Hour Report Not Timely Filed

Name of Payee	Date of Dissemination (Schedule E)	Expenditure Amount	Candidate Opposed	Election	48-Hour Report Filed
Clarify Agency	8/19/2020	\$230,756.00 <i>48-Hour Report Required</i>	Donald J. Trump	2020 General	9/21/2020