

REPORTS ANALYSIS REFERRAL

TO

OFFICE OF GENERAL COUNSEL

DATE May 10, 2005

ANALYST Karen Balderama

I COMMITTEE Jack Davis for Congress
C00397794
Robert R. Davis, Treasurer
Post Office Box 2004
Akron, NY 14001

II RELEVANT STATUTE 2 U S C § 441a-1(b)
11 CFR § 400 9 (b)
11 CFR §400 21 (b)

III BACKGROUND

Millionaire Provision Reporting Problems (Failure to timely file 24-Hour Notice of Expenditure from Candidate's Personal Funds)

Jack Davis for Congress ("the Committee") failed to file seven (7) 24-Hour Notices of Expenditure from Candidate's Personal Funds (FEC FORM 10) after it exceeded the \$350,000 reporting threshold for expenditures from the candidate's personal funds designated for the 2004 General Election (Attachment 2)

On April 15, 2004, the Committee filed the 2004 April Quarterly Report (Image 24991065933) This report disclosed four (4) contributions from John R. Davis, Jr ("the Candidate") designated for the 2004 Primary Election A contribution of \$2,500 and \$3,500 were received on March 8, 2004 A \$10,000 contribution was received on March 18, 2004, and a \$100,000 contribution was received on March 31, 2004 The contributions totaled \$116,000

On July 15, 2004, the Committee filed the 2004 July Quarterly Report (Image 24971326902) This report disclosed two (2) loans from the Candidate's personal funds A loan for \$50,000 was received on May 11, 2004, and a loan for \$40,000 was received on June 7, 2004 These loans totaled \$90,000 and were designated for the 2004 General Election

On September 8, 2004, the Committee filed an Amended 2004 April Quarterly Report (Image 24971429038) This report omitted the two candidate contributions of \$2,500 and \$3,500 that were made on March 8, 2004 and had been disclosed in the original 2004 April Quarterly Report The report did disclose the

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\$10,000 candidate contribution received on March 18, 2004, shown on the original 2004 April Quarterly Report. It also disclosed a new \$7,280 contribution from the Candidate on March 31, 2004. These two contributions were designated for the 2004 General Election. The report also disclosed a \$100,000 loan from the Candidate's personal funds that was received on March 31, 2004 and designated for the 2004 General Election. This loan was reported on the original 2004 April Quarterly Report as a contribution from the candidate. These contributions and loans brought the total expenditure for the Candidate's personal funds for the 2004 General Election to \$117,280.

On September 10, 2004, the Committee filed the 2004 12 Day Pre-Primary Report (Image 24971438656). The Primary Election was held on September 14, 2004. The report disclosed two (2) new loans from the Candidate's personal funds totaling \$140,000. A loan of \$60,000 was received on August 6, 2004 and another loan of \$80,000 was received on August 11, 2004. Both loans were designated for the 2004 General Election.

Also on September 10, 2004, the Committee filed an Amended 2004 July Quarterly Report (Image 24971436925). All information regarding candidate loans remained the same.

On October 11, 2004, the Committee filed the 2004 October Quarterly Report (Image 24962402105). The report disclosed four (4) new loans from the Candidate's personal funds that were designated for the 2004 General Election. These loans totaled \$460,000. Two (2) loans of \$80,000 were received on September 2 and September 17, 2004, respectively. A loan of \$100,000 was received on September 25, 2004, and a loan of \$200,000 was received on September 28, 2004. The \$80,000 loan received on September 2, 2004 brought the total expenditures from the Candidate's personal funds for the 2004 General Election to \$427,280, meaning the Committee had exceeded the reporting threshold of \$350,000 for principal campaign committees of candidates for the House of Representatives. At this point the committee was required to file a FEC Form 10.

Also on October 11, 2004, the Committee filed a second Amended 2004 July Quarterly Report (Image 24962400225). The information regarding the candidate loans, totaling \$90,000, disclosed on the original 2004 July Quarterly Report and the first Amended 2004 July Quarterly Report remained the same.

On October 21, 2004, a Request for Additional Information (RFAI) referencing the 2004 October Quarterly Report was sent by RAD to the Committee (Image 24038583376). Among other discrepancies, the RFAI noted the failure of the Committee to file a FEC FORM 10 for the four (4) loans from the Candidate's personal funds disclosed on the 2004 October Quarterly Report and requested that the Committee either clarify the incorrect disclosure of the Candidate's expenditures or immediately file the FEC FORM 10.

Also on October 21, 2004, the Committee filed the 2004 12 Day Pre-General Report (Image 24962636366). The Committee disclosed two (2) additional loans from the Candidate's personal funds that totaled \$350,000. A loan for \$150,000 was received on October 12, 2004, and a loan for \$200,000 was received on October 13, 2004. Both loans were designated for the 2004 General Election.

On November 5, 2004, Carol Salvatore, a representative of the Committee, called and spoke with a RAD analyst regarding the RFAI that referenced the 2004 October Quarterly Report. The Analyst informed Ms. Salvatore that because the FEC FORM 10 is a time-sensitive report, it is considered not filed, but that the Committee could provide an explanation for the public record as to why the FEC FORM 10 was not filed (Attachment 3).

On November 15, 2004, the Committee filed an Amended 2004 October Quarterly Report (Image 24962869481). The information regarding the candidate loans, totaling \$460,000, disclosed on the original 2004 October Quarterly Report remained the same.

On November 16, 2004, a RFAI referencing the 2004 12 Day Pre-General Report was sent by RAD to the Committee. The RFAI noted the failure of the Committee to file the FEC FORM 10 for two (2) loans from the Candidate's personal funds disclosed on the 2004 12 Day Pre-General Report and requested that the Committee either clarify the incorrect disclosure of the Candidate's expenditures or immediately file the FEC FORM 10 (Image 24038620622).

On November 22, 2004, the Committee filed an Amended 2004 October Quarterly Report in reference to the RFAI questioning the 2004 October Quarterly Report (Image 24038622372). Among other statements, the report detailed that the failure to file the FEC FORM 10 for loans received by the Committee from the Candidate's personal funds was a result of the Committee's inexperience.

On December 1, 2004, the Committee filed the 2004 30 Day Post-General Report (Image 24981469645). The report disclosed one (1) additional loan from the Candidate's personal funds of \$100,000, received on October 22, 2004 and designated for the 2004 General Election.

On December 20, 2004, the Committee filed a statement (MS-T Document) in reference to the RFAI questioning the 2004 12 Day Pre-General Report (Image 24038664664). The statement detailed that the Committee did not file the FEC FORM 10 because it was their understanding that once they were past the election date, it could not be remedied. The letter also stated "there was no intent to conceal facts or mislead the FEC. Failure to file was a direct result of our (the Committee's CPAs) inexperience in filing requirements for a congressional candidate."

On December 23, 2004, a RFAI referencing the 2004 30 Day Post-General Report was sent by RAD to the Committee (Image 24038673456). Among other discrepancies, the RFAI noted the failure of the Committee to file the FEC FORM 10 for one (1) loan from the Candidate's personal funds disclosed on the 2004 30 Day Post-General Report and requested that the Committee either clarify the incorrect disclosure of the Candidate's expenditures or immediately file the FEC FORM 10.

On January 19, 2004, the Committee filed an Amended 2004 12 Day Pre-Primary Report (Image 25980203384). The information regarding the candidate loans, totaling \$140,000, disclosed on the original 2004 12 Day Pre-Primary Report remained the same.

On February 10, 2005, a RAD analyst attempted to contact Ms Salvatore regarding the Committee's failure to file the required FEC FORM 10's Ms Salvatore was unavailable and the RAD analyst left a message Ms Salvatore returned the call the same day The Analyst informed Ms Salvatore that the Committee will be referred to the Office of General Counsel for failing to file the required FEC FORM 10's The Analyst informed Ms Salvatore that the Committee may provide an explanation for the failure to file the forms and it will be taken into consideration (Attachment 4)

On February 15, 2005, the Committee filed an Amended 2004 12 Day Pre-Primary Report (Image 25990058656) The information regarding the candidate loans, totaling \$140,000, disclosed on the original 2004 12 Day Pre-Primary Report remained the same

Also on February 15, 2004, the Committee filed an Amended 2004 30 Day Post-General Report (Image 25990063122) The information regarding the candidate loan, totaling \$100,000, disclosed on the original 2004 30 Day Post-General Report remained the same

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

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VIS, JOHN R JR

ID #H4NT28046

CK DAVIS FOR CONGRESS
BERT R DAVIS
LIVE FREQUENCY QUARTERLY

POST OFFICE BOX 2004

AKRON

HOUSE
NY 14001

ID #C00387784

LN	TYPE	RPT	TYPE	AI	PGI	REC DATE	POS	REG IMAGE	COVERAGE DATES	REG CASH	RECEIPTS	DISBURSE	END CASH	DEBTS BY
1				N		3/17/2004	8	24038341804						
10				T		12/20/2004	2	24038884884						
10				T		1/28/2005	3	25038704246						
10		02		2		8/17/2004	4	24038500870	4/01/2004 6/30/2004					
10		12P		7		9/03/2004	1	24038512425	7/01/2004 8/25/2004					
10		03		2		10/21/2004	8	24038583378	8/28/2004 9/30/2004					
10		128		2		11/18/2004	3	24038820822	10/01/2004 10/13/2004					
10		308		2		12/23/2004	8	24038873488	10/14/2004 11/22/2004					
10		YE		2		4/12/2005	3	25038773371	11/23/2004 12/31/2004					
3		01		N		4/16/2004	10	24891088933	1/01/2004 3/31/2004	0	118150	12223	108928	0
3		01		A		8/08/2004	11	24871429038	1/01/2004 3/31/2004	0	118305	13834	108780	100000
3		02		N		7/16/2004	32	24871328902	4/01/2004 6/30/2004	0	141789	181188	18427-	90000
3		02		A		9/10/2004	33	24871438925	4/01/2004 6/30/2004	108780	141789	181188	88383	180000
3		02		A		10/11/2004	33	24882400225	4/01/2004 6/30/2004	108780	141789	181188	88383	180000
3		12P		N	P	8/10/2004	81	24871438988	7/01/2004 8/25/2004	88383	148825	178788	84811	330000
3		12P		A	P	1/18/2005	81	25880203384	7/01/2004 8/25/2004	88383	148825	178788	84811	330000
3		12P		A	P	2/18/2005	48	25890088988	7/01/2004 8/25/2004	88383	148825	178788	84811	180000
3		03		N		10/11/2004	38	24882402105	8/28/2004 9/30/2004	84811	477889	378857	158742	780000
3		03		A		11/18/2004	38	24882988481	8/28/2004 9/30/2004	84811	477889	378857	158742	780000
3		03		A		11/22/2004	5	24038822372	8/28/2004 9/30/2004	-	-	-	-	-
3		128		N	G	10/21/2004	28	24882838388	10/01/2004 10/13/2004	188742	381825	288184	242202	1140000
3		308		N	G	12/01/2004	68	24881488845	10/14/2004 11/22/2004	242202	118885	343333	14824	1240000

WIS, JOHN R JR

ID #H4NY28045

CK DAVIS FOR CONGRESS

BERT R DAVIS

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BN TYPE	RPT TYPE	AI	PGI	REC DATE	PGS	BEG IMAGE	COVERAGE DATES	BEG CASH	RECEIPTS	DISBURSE	END CASH	DEBTS BY
3	308	A	0	2/15/2005	55	258800083122	10/14/2004 11/22/2004	242202	115865	343333	14824	800000
3	YE	N		1/28/2005	24	25870038880	11/23/2004 12/31/2004	14824	3519	18081	81	1240000
TOTAL									1385777	1385713		

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Jack Davis for Congress (C90397794)

Expenditure	Account	Category	Period	Amount	Balance	Notes	Comments
\$10,000.00	Contribution	2004 General	3/1/2004	Q1 2004	\$10,000.00	N/A	N/A
\$100,000.00	Loan	2004 General	3/31/2004	Amended Q1 2004	\$110,000.00	N/A	N/A
7,280.00	Contribution	2004 General	3/31/2004	Amended Q1 2004	\$117,280.00	N/A	N/A
\$50,000.00	Loan	2004 General	5/1/2004	Q2 2004	\$167,280.00	N/A	N/A
\$40,000.00	Loan	2004 General	6/7/2004	Q2 2004	\$207,280.00	N/A	N/A
\$80,000.00	Loan	2004 General	8/6/2004	12P 2004	\$287,280.00	N/A	N/A
\$80,000.00	Loan	2004 General	8/11/2004	12P 2004	\$367,280.00	N/A	N/A
\$80,000.00	Loan	2004 General	8/2/2004	Q3 2004	\$447,280.00	Never Filed	Never Filed
\$80,000.00	Loan	2004 General	9/17/2004	Q3 2004	\$527,280.00	Never Filed	Never Filed
\$100,000.00	Loan	2004 General	9/28/2004	Q3 2004	\$627,280.00	Never Filed	Never Filed
\$200,000.00	Loan	2004 General	9/28/2004	Q3 2004	\$827,280.00	Never Filed	Never Filed
\$100,000.00	Loan	2004 General	10/12/2004	12G 2004	\$927,280.00	Never Filed	Never Filed
\$200,000.00	Loan	2004 General	10/13/2004	12G 2004	\$1,127,280.00	Never Filed	Never Filed
\$100,000.00	Loan	2004 General	10/22/2004	30G 2004	\$1,227,280.00	No	Never Filed