

REPORTS ANALYSIS REFERRAL

TO

OFFICE OF GENERAL COUNSEL

DATE: February 27, 2006

ANALYST: Jennifer Jaketic

I. COMMITTEE:

West Virginia State Democratic Executive
Committee (C00162578)
Brian Kastick, Treasurer (3/12/04-Present)
Charles O. Lorensen, Treasurer (1/01/03-
3/12/04)
5 Greenbrier Street
Charleston, WV 25311

II. RELEVANT STATUTE:

11 C.F.R. §300.36 (b)(2)(iv)

III. BACKGROUND:

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

On August 18, 2005, West Virginia State Democratic Executive Committee ("the Committee") filed an Amended 2004 12 Day Pre-General Report disclosing \$93,178.06 in additional disbursements and an Amended 2004 30 Day Post-General Report disclosing \$131,998.24 in additional disbursements (Attachment 2).

2004 12 Day Pre-General Report

On October 21, 2004, the Committee filed its 2004 12 Day Pre-General Report covering the period from October 1, 2004 to October 13, 2004. This original report disclosed \$233,221.66 in disbursements on Line 30(b) (Federal Election Activity Paid Entirely With Federal Funds) of the Detailed Summary Page (Image 25962668859).

On January 7, 2005, January 20, 2005 and March 11, 2005, the Committee filed Amended 2004 12 Day Pre-General Reports covering the period from October 1, 2004 through October 13, 2004. The amended reports disclosed no change in the amount of disbursements made by the Committee (Images 25980099361, 25980207632 and 25990220092).

On July 28, 2005 and August 18, 2005 the Committee filed Amended 2004 12 Day Pre-General Reports covering the period from October 1, 2004 to October 13, 2004, which disclosed \$326,399.72 in disbursements on Line 30(b) (Federal Election Activity Paid Entirely With Federal Funds) of the Detailed Summary Page (Images 25970827590 and 2597092356).

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On September 21, 2005, a Request for Additional Information ("RFAI") was sent to the Committee referencing the 2004 Amended 12 Day Pre-General Report, received August 18, 2005. The RFAI asked for clarification regarding the \$93,178.06 in additional disbursements that were not disclosed on the Committee's original 2004 12 Day Pre-General Report (Image 25038894695).

2004 30 Day Post-General Report

On December 2, 2004, the Committee filed its 2004 30 Day Post-General Report covering the period from October 14, 2004 to November 22, 2004. This original report disclosed \$140,164.62 in disbursements on Line 21(b) (Federal Operating Expenditures) and \$295,425.68 in disbursements on Line 30(b) (Federal Election Activity Paid Entirely With Federal Funds) of the Detailed Summary Page (Image 24991462180).

140,164.62
295,425.68
435,590.30

On January 7, 2005 and January 20, 2005, the Committee filed Amended 2004 30 Day Post-General Reports covering the period from October 14, 2004 to November 22, 2004. The amended reports disclosed no change in the amount of total disbursements made by the Committee (Images 25980099437 and 25980207685).

On March 7, 2005 and March 11, 2005 the Committee filed Amended 2004 30 Day Post-General Reports covering the period from October 14, 2004 to November 22, 2004, which disclosed \$130,944.29 in disbursements on Line 21(b) (Federal Operating Expenditures) and \$304,646.01 in disbursements on Line 30(b) (Federal Election Activity Paid Entirely With Federal Funds) (Images 25990188777 and 25990220145).

130,944.29
304,646.01
5,758.54

On July 28, 2005 and August 18, 2005, the Committee filed Amended 2004 30 Day Post-General Reports covering the period from October 14, 2004 to November 22, 2004, which disclosed \$130,944.29 in disbursements on Line 21(b) (Federal Operating Expenditures) and \$436,644.25 in disbursements on Line 30(b) (Federal Election Activity Paid Entirely With Federal Funds) (Image 25970923409).

On September 23, 2005, an RFAI was sent to the Committee referencing the 2004 Amended 30 Day Post-General Report, received August 18, 2005. The RFAI, among other matters, asked for clarification regarding the \$131,998.24¹ in additional disbursements that were not disclosed on the Committee's original 2004 30 Day Post-General Report (Image 25038900548).

On October 3, 2005, Annjeanette Vealey, the Certified Public Accountant for the Committee, called the Reports Analysis Division ("RAD") analyst to explain why certain receipts and disbursements had not been previously reported. Ms. Vealey stated that, in the confusion of the elections in 2004, contributions were received and disbursements were made but the Committee did not report them until later. She explained that the Committee did not know exactly where the money was going until later and wanted to file their reports on time, so reports were filed without all the pertinent information. Ms. Vealey further stated that once the information was gathered, the Committee disclosed the applicable information on the Amended

¹ The Committee's original 2004 30 Day Post-General Report disclosed \$140,164.62 on Line 21(b) (Federal Operating Expenditures). The Amended 30 Day Post -General Report filed on August 18, 2005 disclosed \$130,994.29 on Line 21(b), thereby reducing the overall increase in disbursements for the amended report to \$131,998.24 (see attachment 2).

12 Day Pre-General and 30 Day Post-General Reports. The Analyst informed Ms. Vealey that the significant increase in activity was an OGC referable issue and that it was improbable that the Committee could resolve the issue. The Analyst advised Ms. Vealey that the situation would be researched further and she would receive a call back with a definite answer (Attachment 3).

On October 4, 2005, the RAD analyst called and left a message for Ms. Vealey informing her that the Committee could not resolve the issue at their level in order to prevent the matter from being referred to OGC. The Analyst mentioned that Ms. Vealey could send a miscellaneous electronic submission explaining the situation for the Public Record. Ms. Vealey called the Analyst back later that day to report that she had received the message (Attachment 3).

On October 12, 2005, Ms. Vealey called the RAD analyst to discuss the calculation of the figures regarding the increase in activity and to again express her concern about the matter being referred to OGC. The Analyst explained the process for calculating the mathematical figures for the increase in activity and stated that she would hear from the OGC directly. Ms. Vealey stated that part of the increase in disbursements may have been attributed to a refund to the Democratic National Committee and that her Chairman might write a letter explaining the situation. The Analyst agreed that this was a good idea and advised her to submit the information in an electronic format (Attachment 3).

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

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VIRGINIA STATE DEMOCRATIC EXECUTIVE COMMITTEE

5 GREENBRIER STREET

CHARLESTON

PARTY QUALIFIED
WV 25311

ID #C00162578

FUNDING: QUARTERLY

TYPE	RPT TYPE	AI	PGI	REC DATE	PGS	BEG IMAGE	COVERAGE DATES	BEG CASH	RECEIPTS	DISBURSE	END CASH	DEBTS BY
		A		3/23/2004	5	24038342977						
1S		N		3/31/2004	2	24038350137						
RQ		1		8/27/2003	3	23038194605	8/27/2003					
RQ	MY	2		10/29/2003	3	23038233406	1/01/2003 6/30/2003					
RQ	YE	2		2/11/2004	4	24038320254	7/01/2003 12/31/2003					
RQ	Q2	2		8/11/2004	5	24038494251	4/22/2004 6/30/2004					
RQ	Q3	2		12/01/2004	8	24038641053	7/01/2004 9/30/2004					
RQ	Q3	2		1/19/2005	3	25038700070	7/01/2004 9/30/2004					
RQ	12G	2		12/08/2004	4	24038661736	10/01/2004 10/13/2004					
RQ	12G	2		2/09/2005	3	25038731445	10/01/2004 10/13/2004					
RQ	12G	2		9/21/2005	5	25038894695	10/01/2004 10/13/2004					
RQ	30G	2		2/03/2005	8	25038721441	10/14/2004 11/22/2004					
RQ	30G	2		9/23/2005	3	25038900548	10/14/2004 11/22/2004					
RQ	YE	2		3/11/2005	3	25038752080	11/23/2004 12/31/2004					
RQ	YE	2		9/23/2005	3	25038900539	11/23/2004 12/31/2004					
3	MY	N	P	7/31/2003	41	23991629616	1/01/2003 6/30/2003	61541	22171	54524	29188	13893
3	MY	A	P	12/08/2003	42	23992423036	1/01/2003 6/30/2003	61541	22171	54524	29188	13893
3	YE	N	P	1/30/2004	121	24990351686	7/01/2003 12/31/2003	29188	199488	165920	62757	13893
3	YE	A	P	3/12/2004	134	24990754011	7/01/2003 12/31/2003	29188	199488	165920	62757	13893
3	YE	A	P	3/17/2004	134	24990766083	7/01/2003 12/31/2003	29188	199488	165920	62757	13893
3	Q1	N	P	4/14/2004	46	24990979792	1/01/2004 3/31/2004	62757	28048	86904	3901	13893
3	12P	N	P	4/30/2004	25	24991208158	4/01/2004 4/21/2004	3901	16256	20683	525-	13893
3	Q2	N	P	7/15/2004	45	24971333196	4/22/2004 6/30/2004	525-	39515	41234	2244-	13893

VIRGINIA STATE DEMOCRATIC EXECUTIVE COMMITTEE
KASTICK
5 GREENBRIER STREET
FREQUENCY: QUARTERLY

PARTY QUALIFIED
WV 25311
ID #C00162578

TYPE	RPT	TYPE	AI	PGI	REC	DATE	PGS	BEG	IMAGE	COVERAGE	DATES	BEG	CASH	RECEIPTS	DISBURSE	END	CASH	DEBTS	BY
		Q2	A	P	9/08/2004	48	24971426271	4/22/2004	6/30/2004	525-	39515	33184	5805	21943					
		Q3	N	P	10/15/2004	208	24962536096	7/01/2004	9/30/2004	5805	996089	601780	400114	21943					
		Q3	A	P	12/30/2004	224	24981919066	7/01/2004	9/30/2004	5805	993244	601780	397268	13893					
		Q3	A	P	2/24/2005	223	25980435202	7/01/2004	9/30/2004	5805	993244	601780	397268	13893					
		12G	N	P	10/21/2004	52	24962668856	10/01/2004	10/13/2004	400114	365515	303856	461773	21943					
		12G	A	P	1/07/2005	52	25980099358	10/01/2004	10/13/2004	397268	365515	303856	458928	13893					
		12G	A	P	1/20/2005	53	25980207629	10/01/2004	10/13/2004	397268	365515	303856	458928	13893					
		12G	A	P	3/11/2005	53	25990220089	10/01/2004	10/13/2004	397268	365515	303856	458928	13893					
		12G	A	P	7/28/2005	56	25970827587	10/01/2004	10/13/2004	397268	375515	397034	375749	13893					
		12G	A	P	8/18/2005	56	25970923353	10/01/2004	10/13/2004	397268	375515	397034	375749	13893					
		30G	N	P	12/02/2004	203	24991462177	10/14/2004	11/22/2004	461773	219480	438213	243040	21943					
		30G	A	P	1/07/2005	197	25980099434	10/14/2004	11/22/2004	458928	219480	438213	240194	13893					
		30G	A	P	1/20/2005	197	25980207682	10/14/2004	11/22/2004	458928	219480	438213	240194	13893					
		30G	A	P	3/07/2005	213	25990188774	10/14/2004	11/22/2004	458928	219480	438213	240194	13893					
		30G	A	P	3/11/2005	213	25990220142	10/14/2004	11/22/2004	458928	219480	438213	240194	13893					
		30G	A	P	3/14/2005	3	25038752269	10/14/2004	11/22/2004	-	-	-	-	-					
		30G	A	P	7/28/2005	217	25970827643	10/14/2004	11/22/2004	375749	224531	570212	30069	13893					
		30G	A	P	8/18/2005	217	25970923409	10/14/2004	11/22/2004	375749	224531	570212	30069	13893					
		YE	N	P	1/31/2005	43	25990037759	11/23/2004	12/31/2004	240194	9669	35780	214083	13893					
		YE	A	P	4/14/2005	50	25990458589	11/23/2004	12/31/2004	240194	9669	35780	214083	13893					
		YE	A	P	7/28/2005	51	25970827860	11/23/2004	12/31/2004	30069	22575	35780	16863	13893					
		YE	A	P	8/18/2005	52	25970923671	11/23/2004	12/31/2004	30069	22575	35780	16863	13893					
TOTAL											1921343	1966021							

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AGENCY: QUARTERLY

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ID #C00162578

TYPE	RPT	TYPE	AI	PGI	REC DATE	PGS	BEG IMAGE	COVERAGE DATES	BEG CASH	RECEIPTS	DISBURSE	END CASH	DEBTS BY
S				T	1/05/2005	4	25038680890						
S				T	1/21/2005	1	25980215196						
S				T	10/25/2005	1	25971402226						
Q	YE		2		2/17/2006	4	26039000309	7/01/2005 12/31/2005					
	MY	N	P		7/29/2005	50	25970845487	1/01/2005 6/30/2005	16863	44877	58167	3573	13893
	MY	A	P		1/31/2006	53	26980070075	1/01/2005 6/30/2005	16863	44877	58167	3573	18039
	YE	N	P		1/31/2006	98	26970049584	7/01/2005 12/31/2005	3573	106053	109390	236	37017
TOTAL										150930	167557		

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West Virginia State Democratic Executive Committee (C00162578)

**2004 12 Day Pre-General Report/Amended 2004 12 Day Pre-General Report
Increased Activity Overview**

Report Line	Original 2004 12 Day Pre- General Report	Amended 2004 12 Day Pre-General Report, Received 8/18/ 2005 (Image 2597092356)	Variance Amount
30(b)	\$233,221.66	\$326,399.72	\$93,178.06

**2004 30 Day Post-General Report/Amended 2004 30 Day Post-General Report
Increased Activity Overview**

Report Line	Original 2004 30 Day Post- General Report	Amended 2004 30 Day Post-General Report, Received 8/18/2005 (Image 25970923409)	Variance Amount
30(b)	\$295,425.68	\$436,644.25	\$141,218.57
21(b)	\$140,164.62	\$130,944.29	\$9,220.33*

*Denotes decrease in activity