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BEFORE THE
2011 NOV -3 AM 10:04 FEDERAL ELECTION COMMISSION
OF THE
OFFICE OF GENERAL COUNSEL UNITED STATES OF AMERICA
In the Matter of:

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2011 NOV -2 PM 1:17
FEC MAIL CENTER

Gregory W. Meeks

MUR 6506

Build America PAC (C00377143)

Complaint Amendment

NATIONAL LEGAL AND POLICY CENTER, a corporation organized and existing under the District of Columbia Non-Profit Corporation Act and having its offices and principal place of business at 107 Park Washington Court, Falls Church, VA 22046, files this complaint with the Federal Election Commission pursuant to 2 USC § 437g.

The primary purpose of the National Legal and Policy Center ("NLPC"), a charitable and educational organization described in section 501(c)(3) of the Internal Revenue Code, is to foster and promote ethics in government and public life.

On Friday, October 28, 2011, National Legal and Policy Center filed a complaint with the Federal Election Commission citing apparent violations of the Federal Election Campaign Act and Federal Election Commission regulations by Rep. Gregory W. Meeks, Friends for Gregory Meeks and a leadership political action committee associated with Rep. Meeks, Build America PAC.

Subsequently, in reviewing the filings of Build America PAC, NLPC discovered a disbursement entry purporting to account for a stale, dated check being voided. Upon investigation, it was discovered that the check in question was not a stale dated check but rather had cleared in the normal course of business.

This misrepresentation is strikingly similar to the Build America PAC entry on January 3, 2011 claiming to have voided a \$5,000 check payable to the Democratic Congressional Campaign Committee ("DCCC") for being a "stale, dated check."¹ As noted in NLPC's complaint filed on October 28, 2011, there were three Build America PAC checks for \$5,000 listed as going to the DCCC. And, as also noted, everyone of those three checks appeared in the DCCC's FEC filings as being deposited within a week of the date of issue. Ergo, it was impossible for Build America to – years later – claim that the check to the DCCC was being voided because it was stale and dated.

¹ Build America PAC, FEC Form 3x, Period covering January 1, 2011 through June 23, 2011, Schedule B, Itemized Disbursements, page 26.

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Facts

The facts for this amendment could hardly be clearer.

On January 3, 2011, Build America PAC claims to have voided a \$2,000 check to The Jefferson Committee, the principal campaign committee of Rep. William J. Jefferson.² The address of the recipient committee was listed as 1723 Valmont Street, New Orleans, LA 70115.

Under "Purpose of Disbursement," the Build America PAC stated:

Void: Stale, dated check"

The Build America PAC entry did not disclose the original date on the purported stale check.

A review of Build America PAC's filings found that two contribution checks, each for \$2,000, had been given to The Jefferson Committee in recent years.

The first contribution from Build America PAC to The Jefferson Committee was made on October 4, 2007.³

A review of The Jefferson Committee's FEC Report for the same time period shows a receipt of a \$2,000 contribution on the same date, October 4, 2007, from Political America PAC, 153-01 Jamaica Avenue, Suite 535, Jamaica, NY 11432.⁴ While Build America PAC had become "Political America PAC," the date, amount and street address all exactly match that of the Build America PAC contribution.

In other words, the Build America PAC \$2,000 contribution to The Jefferson Committee was deposited by the Jefferson Committee on the same day the check was written so it was impossible that it could be the stale, dated check more than three years later.

NLPC's review of the Build America PAC FEC filings found a \$2,000 check payable to The Jefferson Committee with a disbursement date of August 1, 2008.⁵

A review of The Jefferson Committee for the same time period shows the receipt of a \$2,000 contribution on the same date, August 1, 2008, from Build America PAC, 153-01 Jamaica Avenue, Suite 535, Jamaica, NY 11432.⁶

² Build America PAC, FEC Form 3X, Period covering January 1, 2011 through June 23, 2011, Schedule B, Itemized Disbursements, page 27.

³ Build America PAC, FEC Form 3X, January 31 Year End Report Covering the Period July 1, 2007 through December 31, 2007, Schedule B, Itemized Disbursements, page 29.

⁴ The Jefferson Committee, FEC Form 3, January 31 Year-End Report Covering the Period October 1, 2007 through December 31, 2007, Schedule A, Itemized Receipts, page 5.

⁵ Build America PAC, FEC Form 3X, 12-Day Pre-primary Report, Amended, Filed October 30, 2008, Covering July 1, 2008 through August 20, 2008, Schedule B, Itemized Disbursements, page 11.

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Therefore the Build America PAC \$2,000 contribution to The Jefferson Committee was deposited by the Jefferson Committee on the same day the check was written so it was impossible that it could be the stale, dated check more than two years later.

Apparent Violations

The complaint filed by NLPC on Friday, October 28, 2011 laid out an identical problem regarding the \$5,000 Build America PAC check to the DCCC.

This attempt by Build America PAC to claim that a \$2,000 check to The Jefferson Committee could be voided on January 3, 2011 because it was a stale, dated check is not credible.

As the facts indicate, Build America PAC made only two contributions to the Jefferson Committee in recent years. Both of those checks were deposited by The Jefferson Committee on the same day they were written. Both of those checks were counted toward the cash on hand of the Jefferson Committee at the close of the respective reporting periods. There is no indication that either check was ever refunded to Build America PAC.

As detailed in the complaint filed last week, this is not the first time a committee associated with Rep. Meeks has misstated cash on hand, receipts or disbursements. Misstatements detailed in the Conciliation Order for MUR 5895 showed an aggregate amount of some \$278,636 over a two-year period.

Since it is not possible to void a check which was deposited and accounted for years prior, and yet on one day, January 3, 2011, Build America PAC voided a \$5,000 check to the Democratic Congressional Campaign Committee and a \$2,000 check to The Jefferson Committee, what is going on?

As NLPC suggested in our prior complaint, purporting to void a large check has the effect of boosting the reported cash on hand of the committee by the amount of the check.

In this case, the Build America PAC cash-on-hand went up \$7,000 by misrepresenting checks for \$5,000 and \$2,000 were voided.

Why would Build America want to falsely represent that its cash on hand was greater than it was?

As NLPC suggested, perhaps Build America PAC did what a prior committee associated with Rep. Meeks did which was cited in MUR 5895, i.e. took in illegal or improper contributions. If \$7,000 in such illegal or improper contributions were taken in,

⁶ The Jefferson Committee, FEC Form 3, 12-Day Pre-primary Report, Amended, Filed October 15, 2008, Schedule A, Itemized Receipts, page 7.

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in order to maintain a cash-on-hand figure consistent with funds in the committee's bank account, claiming to void two checks for \$7,000 would make the numbers work.

In any case, it would be relatively easy for the Federal Election Commission to determine whether the Build America PAC claim of \$7,000 in voided stale, dated checks is true or false. By simply reviewing the recipients' records for the checks, I believe it will be quickly seen that the checks were – as the FEC filings of both the DCCC and The Jefferson Committee indicate – deposited.

Ergo, the Build America PAC could not have voided those checks.

Ergo, the cash-on-hand figure of Build America PAC at the close of the reporting period in which the purported voiding of checks took place should be \$7,000 lower.

Ergo, if the cash-on-hand figure for Build American PAC is not \$7,000 lower, the question arises: where did the extra \$7,000 come from?

And why was it not fully disclosed?

The cash on hand of the Build America PAC at the close of the reporting period in which the two checks totaling \$7,000 were voided was \$4,246.85.⁷ If the checks which were falsely represented to have been stale and dated had not been falsely listed as voided, then the cash on hand would have been a negative number, which is neither possible nor easy to explain. By claiming that \$7,000 in checks had been voided, the cash on hand was increased by \$7,000, thereby voiding the unpleasantness of a negative amount of cash on hand.

And, in the words of the television series detective, Columbo, "Just one more thing." The Build America PAC's bank is listed on their Statement of Organization as being Carver Federal Savings Bank at 115-02 Merrick Blvd. St Albans, NY 11432⁸ The manager of that branch of Carver Federal Savings Bank is Patsy Simmons. The treasurer of Build America PAC is Patsy Simmons.

The FEC media release regarding the Conciliation Agreement with Rep. Meeks for MLR 5895 listed Patsy Simmons as a respondent in her position as treasurer when the FEC found "...the Committee received contributions from various individuals totaling \$22,900 in excess of their primary election limit and disclosed these contributions as general election contributions in violation of the Act" and "The Committee received \$7,070 from the treasury funds of various corporations and limited liability companies during the 2004 election cycle, in violation of the Act."⁹

⁷ Build America PAC, FEC Form 3X, Period covering January 1, 2011 through June 23, 2011, Summary Page, Line 8.

⁸ Build America PAC FEC Form 1 Statement of Organization, filed March 10, 2007 by Patsy Simmons, page 4.

⁹ "FEC, Meeks Campaign and Congressman Meeks Reach Agreement on Campaign Finance Violations," States News Service, February 5, 2008, based on press release by the Federal Election Commission.

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Conclusion

The apparent violation of the Federal Election Campaign Act described in this amendment to the complaint filed by NLPC before the Federal Election Commission on October 28, 2011 is as straight forward as a violation can be.


Build America PAC has – once again – misrepresented that it voided a stale, dated check when it is clear that the check in question was deposited by its recipient on the day it was received and counted toward that recipient's cash on hand in their own filings with the Federal Election Commission.

And we know that without the voiding of the \$5,000 Build America PAC check to the DCC and the \$2,000 check to The Jefferson Committee, both on January 3, 2011, the Build America PAC report to the FEC for that period would have shown an untenable negative cash on hand balance.

Since Rep. Meeks and another political committee associated with him were found to have violated multiple and in some cases identical provisions of federal election law in the Matter Under Review 5895 initiated by the Federal Election Commission, it is all the more important that the FEC commence an audit of the issues raised in this complaint. The Conciliation Order signed by Rep. Meeks in the prior case had him agree to cease and desist from numerous specified sections of the Federal Election Campaign Act. Now he appears to have violated those provisions of law as well as the Conciliation Order.

Complainant, upon information and belief and relying upon the public documents cited herein, swears under penalty of perjury that the statements and facts of this Complaint are true and correct to the best of his knowledge and belief.

National Legal and Policy Center

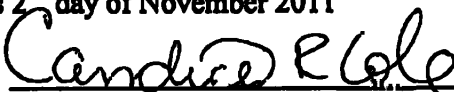

Kenneth F. Boehm, Chairman

Subscribed and sworn before me this 2nd day of November 2011

Candice Cole
NOTARY PUBLIC
Commonwealth of Virginia
Reg. # 307562

SEAL:

My Commission Expires 8/31/2013



My commission expires: August 31, 2013