

REPORTS ANALYSIS DIVISION REFERRAL

TO

OFFICE OF GENERAL COUNSEL

DATE: August 4, 2017

ANALYST: Maureen Benitz

I. COMMITTEE:

Mason Tenders District Council of Greater
New York & LI PAC
(C00337733)
Mike Prohaska, Treasurer (2/3/16-
Present)
Victor Rizzo, Treasurer (4/27/11-2/2/16)
266 West 37th Street
7th Floor
New York, NY 10018

II. RELEVANT STATUTE:

52 U.S.C. § 30104(b)(2)
11 CFR §104.3(a)

III. BACKGROUND:

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

The Mason Tenders District Council of Greater New York & LI PAC ("the Committee") amended its 2016 12 Day Pre-General Report to disclose additional receipts of \$150,741.42, which were not disclosed on the original report (Attachment 2).

On October 27, 2016, the Committee filed the original 2016 12 Day Pre-General Report covering the period from October 1, 2016 through October 19, 2016. The report disclosed \$0.00 in receipts on Line 11(a)(i) (Itemized Contributions from Individuals) and \$0.00 in receipts on Line 11(a)(ii) (Unitemized Contributions from Individuals) of the Detailed Summary Page (Image 201610279034726045, Attachment 2).

On January 30, 2017, the Committee filed an Amended 2016 12 Day Pre-General Report. The report disclosed \$1,569.33 in receipts on Line 11(a)(i) and \$149,172.09 in

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receipts on Line 11(a)(ii), an increase of \$150,741.42 in receipts from the original report (Image 201701309041552775).

On January 31, 2017, the Committee filed an Amended 2016 12 Day Pre-General Report. The report disclosed \$0.00 in receipts on Line 11(a)(i) and \$0.00 in receipts on Line 11(a)(ii) (Image 201701319042133956).

On April 20, 2017, the Committee filed an Amended 2016 12 Day Pre-General Report. The report disclosed \$734.17 in receipts on Line 11(a)(i) and \$150,007.25 in receipts on Line 11(a)(ii), an increase of \$150,741.42 in receipts from the original report (Image 201704209052365603, Attachment 2).

On April 20, 2017, the Committee filed a filed a Miscellaneous Electronic Submission ("FEC Form 99"). The Committee stated, in part:

"The 2016 Pre Gen Report has been amended to include contributions of \$150,741.42 that, due to a data entry error, were not included in the original filing. The 2016 Post Gen Report has been amended to remove contributions in the amount of \$150,741.42, that, due to a date entry error, were erroneously included on the 01/31/17 amended filing (but not the original filing of 12/8/16).

The data entry errors created incorrect dates for the contributions, causing them to appear in filings in error. The dates have been corrected. The technical problems have been resolved" (Image 201704209052399826).

On April 25, 2017, a Request for Additional Information (RAFI) was sent to the Committee referencing the Amended 2016 12 Day Pre-General Report, received April 20, 2017. The RAFI requested clarification regarding the substantial increase in receipts disclosed on the Amended 2016 12 Day Pre-General Report (Image 201704250300085093).

On May 30, 2017, Kris Kohler, the Committee's Assistant Treasurer, called the Reports Analysis Division (RAD) Analyst in reference to the RAFI sent on the Amended 12 Day Pre-General Report, received April 20, 2017. Ms. Kohler advised that the Committee was having trouble with their software vendor regarding the date of receipt of the payroll deductions collected during the reporting period. Ms. Kohler advised that she would file an FEC Form 99 to respond to the RAFI (Attachment 3).

On May 30, 2017, the Committee filed an FEC Form 99 in response to the RAFI. The Committee stated, in part:

"The contributions at issue were received by payroll deduction.? Prior to the amendment in question, the Committee?s longstanding practice, pursuant to FEC analyst guidance, has been to report such contributions by payroll deduction date.?Amendments were made pursuant to advice of legal counsel recommending that the Committee instead report such contributions by date of deposit into the Committee?s account.? Thus,

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because the date of payroll deduction and date of deposit each occurred in different reporting periods in this instance, the contributions initially reported in the 2016 Pre-General Report were moved by amendments to the 2016 Post-General Report.

We have now amended these two reports again to return to our prior practice of reporting contributions by the date of payroll deduction. While the Committee is prepared to change its practice to report contributions made by payroll deduction according to the date of deposit, we will defer that change until we received the FEC's direction to do so. We therefore respectfully request any such FEC guidance in writing. In the interim, the Committee will continue to report by payroll deduction date to avoid inconsistency (Image 201705309055159529).

On June 1, 2017, the RAD Analyst called Ms. Kohler in reference to the RFAI sent on the Amended 12 Day Pre-General Report, received April 20, 2017. The Analyst told Ms. Kohler that the increase in receipts disclosed on the Amended 2016 12 Day-Pre General Report, received April 20, 2017 would be referred for potential further action. The Analyst advised that the Committee could file another FEC Form 99, if there is any further information to place on public record. In addition, the Analyst asked Ms. Kohler for contact information for Mike Prohaska, the Committee Treasurer. Ms. Kohler stated she would have him call me within the next few days regarding this matter (Attachment 3).

On June 13, 2017, the Analyst spoke with Mr. Prohaska. The Analyst advised him that the increase in receipts disclosed on the Amended 2016 12 Day-Pre General Report, received April 20, 2017 would be referred for potential further action. Mr. Prohaska said he was aware and had already spoken with the Assistant Treasurer (Attachment 3).

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

2017-12-14 14:44:00

O-Index (2017-2018)

Cmte. ID: C00337733 Cmte. Name: MASON TENDERS DISTRICT COUNCIL OF GREATER NEW YORK & LI PAC
 Treasurer Name: PROHASKA, MIKE Address: 266 WEST 37TH STREET 7TH FLOOR, NEW YORK, NY 10018
 Cmte. Type: O (QUALIFIED NON-PARTY) Cmte. Designation: U (UNAUTHORIZED) Filing Frequency: MONTHLY FILER

Form Tp	Rpt Tp	A/I	Recpt Dt	Pgs	Begin Img#	Beg Cvg Dt	End Cvg Dt	Ltr Mail Dt	Begin Cash	Recpts	Disb	End Cash	Debits	Loans	Debits & Loans
MS-T			1/6/2017	1	201701089040986263										
MS-T			1/31/2017	1	201701319041608259										
MS-T			4/6/2017	1	201704069052044278										
MS-T			4/20/2017	1	201704209052399826										
MS-T			5/20/2017	1	201705209054102861										
MS-T			5/30/2017	1	201705309055159529										
RQ2	M2	N	7/5/2017	2	201707050300087753	1/1/2017	1/31/2017	7/5/2017							
RQ2	M3	A	7/5/2017	2	201707050300087762	2/1/2017	2/28/2017	7/5/2017							
F3XN	M2	N	2/20/2017	43	201702209049743464	1/1/2017	1/31/2017		\$1,601,297	\$0	\$228,262	\$1,373,035			\$0
F3XA	M2	A	7/20/2017	44	201707209066817283	1/1/2017	1/31/2017		\$1,601,297	\$227,971	\$228,262	\$1,601,006			\$0
F3XN	M3	N	3/20/2017	32	201703209050966376	2/1/2017	2/28/2017		\$1,373,035	\$228,842	\$158,851	\$1,441,026			\$0
F3XA	M3	A	6/21/2017	32	201706219065070822	2/1/2017	2/28/2017		\$1,601,006	\$219,284	\$158,851	\$1,661,439			\$0
F3XA	M3	A	7/20/2017	32	201707209067008479	2/1/2017	2/28/2017		\$1,601,006	\$219,284	\$158,851	\$1,661,439			\$0
F3XN	M4	N	4/20/2017	53	201704209052399199	3/1/2017	3/31/2017		\$1,661,439	\$208,475	\$1,970,967	(\$101,051)			\$0
F3XA	M4	A	5/20/2017	53	201705209054102710	3/1/2017	3/31/2017		\$1,441,026	\$208,475	\$167,450	\$1,482,051			\$0
F3XA	M4	A	6/21/2017	53	201706219065070837	3/1/2017	3/31/2017		\$1,661,439	\$208,475	\$167,450	\$1,702,465			\$0
F3XN	M5	N	5/20/2017	57	201705209054102999	4/1/2017	4/30/2017		\$1,482,051	\$212,915	\$72,988	\$1,621,978			\$0
F3XA	M5	A	6/20/2017	57	201706219065071030	4/1/2017	4/30/2017		\$1,702,465	\$212,915	\$72,988	\$1,842,391			\$0
F3XN	M6	N	6/21/2017	77	201706219065070755	5/1/2017	5/31/2017		\$1,842,391	\$215,484	\$347,636	\$1,710,239			\$0
F3XN	M7	N	7/20/2017	93	201707209067008853	6/1/2017	6/30/2017		\$1,710,239	\$220,923	\$234,653	\$1,696,510			\$0
F1A		A	3/1/4/2017	7	201703149050768562										
Totals										\$1,305,056	\$1,209,843				

O-Index (2015-2016)

Cmte. ID: C00337733 Cmte. Name: MASON TENDERS DISTRICT COUNCIL OF GREATER NEW YORK & LI PAC
 Treasurer Name: PROHASKA, MIKE Address: 266 WEST 37TH STREET 7TH FLOOR, NEW YORK, NY 10018
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Form Tp	Rpt Tp	A/I	Recpt Dt	Pgs	Begin Img#	Beg Cvg Dt	End Cvg Dt	Ltr Mail Dt	Begin Cash	Recpts	Disb	End Cash	Debits	Loans	Debits & Loans
RQ2	M2	N	6/7/2015	3	15330083573	1/1/2015	1/31/2015	6/7/2015							
RQ2	M4	N	6/8/2015	3	15330083589	3/1/2015	3/31/2015	6/8/2015							
RQ2	M9	N	11/9/2016	2	201611090300068047	8/1/2016	8/31/2016	11/9/2016							
RQ2	12G	A	4/25/2017	2	201704250300085083	10/1/2016	10/19/2016	4/25/2017							
RQ2	12G	N	1/10/2017	2	201701110300075389	10/1/2016	10/19/2016	1/10/2017							
RQ2	30G	A	3/2/2017	2	201703020300081770	10/20/2016	11/28/2016	3/2/2017							
F3XN	M2	N	2/20/2015	39	15970283074	1/1/2015	1/31/2015		\$593,681	\$184,672	\$135,286	\$643,068			\$0
F3XA	M2	A	6/19/2015	39	15971238440	1/1/2015	1/31/2015		\$593,681	\$184,672	\$135,286	\$643,068			\$0
F3XN	M3	N	3/16/2015	41	15950899552	2/1/2015	2/28/2015		\$843,068	\$205,330	\$128,772	\$719,626			\$0
F3XN	M4	N	4/20/2015	59	15951205704	3/1/2015	3/31/2015		\$719,626	\$210,136	\$143,056	\$766,707			\$0
F3XN	M5	N	5/19/2015	125	159707111196	4/1/2015	4/30/2015		\$766,707	\$177,179	\$136,884	\$827,002			\$0
F3XN	M6	N	6/19/2015	376	15971238064	5/1/2015	5/31/2015		\$827,002	\$211,324	\$149,481	\$888,845			\$0
F3XN	M7	N	7/20/2015	698	201507209000276922	6/1/2015	6/30/2015		\$888,845	\$218,889	\$163,780	\$943,954			\$0
F3XN	M8	N	8/18/2015	876	201508189000842804	7/1/2015	7/31/2015		\$943,954	\$223,123	\$169,356	\$997,721			\$0
F3XN	M9	N	9/19/2015	1186	201509199002758400	8/1/2015	8/31/2015		\$997,721	\$252,048	\$133,409	\$1,118,360			\$0
F3XN	M10	N	10/20/2015	1367	201510209003169197	9/1/2015	9/30/2015		\$1,118,360	\$248,026	\$174,162	\$1,190,224			\$0

UNPAID TAXES

Form	Code	Status	Recpt Dt	Pgs	Begin	End	Begin	End	Begin	End	Begin	End	Begin	End	Begin	End	End
F3XN	M11	N	11/19/2015	1482	201511199003393797	10/1/2015	10/31/2015		\$1,190,224	\$251,380	\$157,316	\$1,284,287	-	-	-	-	\$0
F3XN	M12	N	12/14/2015	1565	201512149004183048	11/1/2015	11/30/2015		\$1,284,287	\$248,702	\$225,362	\$1,307,626	-	-	-	-	\$0
F3XN	YE	N	1/29/2016	1423	201601299004941038	12/1/2015	12/31/2015		\$1,307,626	\$241,323	\$155,871	\$1,393,079	-	-	-	-	\$0
F3XN	M2	N	2/20/2016	45	201602209008521974	1/1/2016	1/31/2016		\$1,393,079	\$237,637	\$270,333	\$1,360,383	-	-	-	-	\$0
F3XN	M3	N	3/20/2016	47	201603209011928105	2/1/2016	2/29/2016		\$1,360,383	\$222,305	\$182,551	\$1,400,137	-	-	-	-	\$0
F3XN	M4	N	4/18/2016	69	201604189012588888	3/1/2016	3/31/2016		\$1,400,137	\$228,891	\$149,958	\$1,479,070	-	-	-	-	\$0
F3XN	M5	N	5/20/2016	209	201605209015999673	4/1/2016	4/30/2016		\$1,479,070	\$222,870	\$418,321	\$1,283,619	-	-	-	-	\$0
F3XN	M6	N	6/20/2016	535	201606209018487892	5/1/2016	5/31/2016		\$1,283,619	\$219,671	\$150,250	\$1,353,040	-	-	-	-	\$0
F3XN	M7	N	7/15/2016	920	201607159020659673	6/1/2016	6/30/2016		\$1,353,040	\$228,406	\$169,730	\$1,411,717	-	-	-	-	\$0
F3XN	M8	N	8/18/2016	1141	201608189022530647	7/1/2016	7/31/2016		\$1,411,717	\$212,510	\$253,522	\$1,370,705	-	-	-	-	\$0
F3XN	M9	N	9/16/2016	1413	201609169030832286	8/1/2016	8/31/2016		\$1,370,705	\$267,431	\$354,567	\$1,283,568	-	-	-	-	\$0
F3XN	M10	N	10/19/2016	86	201610199033052534	9/1/2016	9/30/2016		\$1,283,568	\$267,266	\$63,827	\$1,487,007	-	-	-	-	\$0
F3XN	12G	N	10/27/2016	37	201610279034726043	10/1/2016	10/19/2016		\$1,283,568	\$0	\$220,814	\$1,062,754	-	-	-	-	\$0
F3XA	12G	A	1/30/2017	50	201701309041552773	10/1/2016	10/19/2016		\$1,487,007	\$150,741	\$220,814	\$1,416,934	-	-	-	-	\$0
F3XA	12G	A	1/31/2017	37	201701319042133954	10/1/2016	10/19/2016		\$1,487,007	\$0	\$220,814	\$1,266,193	-	-	-	-	\$0
F3XA	12G	A	4/20/2017	42	201704209052365601	10/1/2016	10/19/2016		\$1,487,007	\$150,741	\$220,814	\$1,416,934	-	-	-	-	\$0
F3XN	30G	N	12/8/2016	103	201612089037620184	10/20/2016	11/28/2016		\$1,283,568	\$297,646	\$252,361	\$1,328,854	-	-	-	-	\$0
F3XA	30G	A	1/31/2017	340	201701319042235754	10/20/2016	11/28/2016		\$1,266,193	\$448,388	\$251,325	\$1,463,255	-	-	-	-	\$0
F3XA	30G	A	4/20/2017	339	201704209052396753	10/20/2016	11/28/2016		\$1,416,934	\$297,646	\$251,325	\$1,463,255	-	-	-	-	\$0
F3XN	YE	N	1/31/2017	436	201701319042245097	11/29/2016	12/31/2016		\$1,463,255	\$226,258	\$98,215	\$1,601,297	-	-	-	-	\$0
F1A		A	2/3/2016	7	201602039008436675												
Totals										\$5,453,777	\$4,446,161						

O-Index (2013-2014)
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Form	Rpt	Typ	A/I	Recpt Dt	Pgs	Begin	End	Begin	End	Ltr Mail	Begin	End	Begin	End	Begin	End	End
MS-M				2/20/2013	1	13961061505											
MS-O				3/4/2013	2	13330026548											
RQ2	M2	N		6/20/2013	2	13330033577	1/1/2013	1/31/2013	6/20/2013								
RQ2	M4	N		6/19/2013	2	13330033579	3/1/2013	3/31/2013	6/19/2013								
RQ2	M5	N		6/20/2013	2	13330033581	4/1/2013	4/30/2013	6/20/2013								
RQ2	M6	A		9/8/2013	3	13330038507	5/1/2013	5/31/2013	9/8/2013								
RQ2	YE	N		4/10/2014	3	14330048308	12/1/2013	12/31/2013	4/10/2014								
RQ2	M9	N		10/6/2014	2	14330062225	8/1/2014	8/31/2014	10/6/2014								
F3XN	M2	N		2/20/2013	48	13961064981	1/1/2013	1/31/2013			\$155,223	\$236,303	\$137,500	\$254,025	-	-	\$0
F3XA	M2	A		7/19/2013	52	13964414251	1/1/2013	1/31/2013			\$161,705	\$236,303	\$137,500	\$260,508	-	-	\$0
F3XN	M3	N		3/20/2013	50	13961192114	2/1/2013	2/28/2013			\$254,025	\$202,952	\$259,638	\$197,339	-	-	\$0
F3XA	M3	A		7/19/2013	52	13964414467	2/1/2013	2/28/2013			\$260,508	\$202,952	\$259,638	\$203,822	-	-	\$0
F3XN	M4	N		4/19/2013	64	13961665924	3/1/2013	3/31/2013			\$197,339	\$223,602	\$201,341	\$219,601	-	-	\$0
F3XA	M4	A		7/19/2013	64	13964414838	3/1/2013	3/31/2013			\$203,822	\$223,602	\$201,341	\$226,152	-	-	\$0
F3XN	M5	N		5/20/2013	133	13962650143	4/1/2013	4/30/2013			\$219,601	\$203,277	\$136,762	\$286,116	-	-	\$0
F3XA	M5	A		7/19/2013	133	13964415159	4/1/2013	4/30/2013			\$226,152	\$203,277	\$136,762	\$292,756	-	-	\$0
F3XN	M6	N		6/20/2013	363	13963147514	5/1/2013	5/31/2013			\$305,106	\$198,100	\$91,679	\$411,527	-	-	\$0
F3XA	M6	A		7/19/2013	364	13964415722	5/1/2013	5/31/2013			\$292,756	\$198,100	\$91,679	\$399,176	-	-	\$0
F3XA	M6	A		9/17/2013	364	13941491514	5/1/2013	5/31/2013			\$292,756	\$198,100	\$91,679	\$399,176	-	-	\$0
F3XN	M7	N		7/19/2013	603	13964416201	6/1/2013	6/30/2013			\$399,176	\$180,465	\$239,304	\$350,337	-	-	\$0
F3XN	M8	N		8/19/2013	858	13941455035	7/1/2013	7/31/2013			\$350,337	\$210,991	\$123,701	\$437,628	-	-	\$0

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F3XN	M9	N	9/18/2013	1085	13941592817	8/1/2013	8/31/2013	\$437,628	\$216,356	\$471,388	\$182,596	-	-	\$0
F3XN	M10	N	10/20/2013	1311	13942148051	9/1/2013	9/30/2013	\$182,598	\$240,595	\$166,303	\$256,888	-	-	\$0
F3XN	M11	N	11/18/2013	1049	13942314500	10/1/2013	10/31/2013	\$256,888	\$236,522	\$199,414	\$293,996	-	-	\$0
F3XN	M12	N	12/18/2013	1391	13944078542	11/1/2013	11/30/2013	\$293,996	\$212,774	\$108,966	\$397,804	-	-	\$0
F3XN	YE	N	1/30/2014	1533	14940182185	12/1/2013	12/31/2013	\$397,804	\$214,276	\$179,329	\$432,751	-	-	\$0
F3XA	YE	A	4/16/2014	1533	14960807195	12/1/2013	12/31/2013	\$397,804	\$214,276	\$179,329	\$432,751	-	-	\$0
F3XN	M2	N	2/20/2014	62	14940527274	1/1/2014	1/31/2014	\$432,751	\$221,982	\$142,533	\$512,200	-	-	\$0
F3XN	M3	N	3/20/2014	46	14960549984	2/1/2014	2/28/2014	\$512,200	\$178,003	\$128,744	\$561,460	-	-	\$0
F3XN	M4	N	4/17/2014	37	14960813108	3/1/2014	3/31/2014	\$561,460	\$191,789	\$113,704	\$639,555	-	-	\$0
F3XN	M5	N	5/20/2014	116	14961163122	4/1/2014	4/30/2014	\$639,555	\$194,849	\$254,934	\$579,569	-	-	\$0
F3XA	M5	A	6/19/2014	117	14941340913	4/1/2014	4/30/2014	\$639,555	\$195,856	\$254,934	\$580,478	-	-	\$0
F3XN	M6	N	6/20/2014	307	14941824247	5/1/2014	5/31/2014	\$580,478	\$200,293	\$85,906	\$714,865	-	-	\$0
F3XN	M7	N	7/16/2014	39	14961640850	6/1/2014	6/30/2014	\$714,865	\$207,346	\$264,891	\$657,320	-	-	\$0
F3XN	M8	N	8/14/2014	561	14970081939	7/1/2014	7/31/2014	\$657,320	\$226,902	\$152,686	\$731,537	-	-	\$0
F3XN	M9	N	9/19/2014	784	14970848855	8/1/2014	8/31/2014	\$657,320	\$213,504	\$140,130	\$730,694	-	-	\$0
F3XA	M9	A	10/14/2014	784	14978200512	8/1/2014	8/31/2014	\$731,537	\$213,504	\$140,130	\$804,911	-	-	\$0
F3XN	M10	N	10/16/2014	1027	14978427463	9/1/2014	9/30/2014	\$804,911	\$255,221	\$370,386	\$689,737	-	-	\$0
F3XN	12G	N	10/23/2014	32	14952513172	10/1/2014	10/15/2014	\$689,737	\$0	\$39,174	\$650,562	-	-	\$0
F3XN	30G	N	12/4/2014	1232	14952858907	10/16/2014	11/24/2014	\$650,562	\$255,394	\$228,215	\$677,741	-	-	\$0
F3XN	YE	N	1/30/2015	1298	15950544319	11/25/2014	12/31/2014	\$677,741	\$212,532	\$296,582	\$593,681	-	-	\$0
Totals									\$4,945,217	\$4,513,241				

Attachment I

Mason Tenders District Council of Greater New York & LI PAC (C00337733)
2016 12 Day Pre-General Report/Amended 2016 12 Day Pre-General Report

Overview of Additional Receipts

Report Line	2016 12 Day Pre-General Report (Image 2016102790347 26045)	Amended 2016 12 Day Pre-General Report, Received 4/20/2017 (Image 201704209052365603)	Variance Amount
Line 11(a)(i): Individual Contributions (Itemized)	\$0.00	\$734.17	\$734.17
Line 11(a)(ii): Individual Contributions (Unitemized)	\$0.00	\$150,007.25	\$150,007.25
		Total Variance:	\$150,741.42

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