



FEDERAL ELECTION COMMISSION
WASHINGTON, D C 20463

MEMORANDUM

July 14, 2003

TO: LAWRENCE H. NORTON
GENERAL COUNSEL

THROUGH: JAMES A. PEHRKON
STAFF DIRECTOR

ROBERT J. COSTA
DEPUTY STAFF DIRECTOR

FROM: JOHN D. GIBSON
ASSISTANT STAFF DIRECTOR
REPORTS ANALYSIS DIVISION

SUBJECT: REFERRAL OF FRIENDS OF DAVID WORLEY

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

2003 JUL 15 A 9:10

Friends of David Worley ("the Committee") received excessive contributions from eighteen (18) individuals and eight (8) non-party multi-candidate political committees totaling \$55,300. The contributions in question were designated for either the 2002 General Election or the 2002 Runoff Election, in which the candidate did not participate. The Committee failed to disclose the refund, redesignation or reattribution of any of these contributions within the prescribed time frame. Additional excessive amounts totaling \$55,400 were refunded within 60 days of RAD's notification. Though this amount is not referable to your office, the refunds are referenced in the narrative of this referral. In accordance with the 2001-2002 Reports Analysis Division Review and Referral Procedures for Authorized Committees (Standard 2), an examination by your office is required.

David James Worley was a Democratic candidate for Georgia's Thirteenth (13th) District in the 2002 Primary Election held on August 20, 2002. Mr. Worley lost the 2002 Primary Election with thirteen percent (13%) of the vote.

If you have any questions regarding this referral, please contact Camilla Reminsky at 694-1160.

Attachment

REPORTS ANALYSIS REFERRAL

DATE: July 14, 2003

ANALYST: Camilla Reminsky

- I. COMMITTEE: Friends of David Worley
C00369454
Gregg C. Brasher, Treasurer
PO Box 725
Jonesboro, GA 30236
- II. RELEVANT STATUTE: 2 U.S.C 441a
11 CFR 102.9(e)
- III. BACKGROUND:

Receipt of Excessive Contributions

Friends of David Worley ("the Committee") received excessive contributions from eighteen (18) individuals and eight (8) non-party multi-candidate political committees totaling \$55,300. The contributions in question were designated for either the 2002 General Election or the 2002 Runoff Election in which the candidate did not participate. Attachment #2 provides a complete alphabetical listing of the contributions in question.

For the 2002 Runoff Election, a total of \$9,800 of the excessive contributions came from fourteen (14) individuals and \$16,000 of the excessive contributions came from four (4) non-party multi-candidate political committees. For the 2002 General Election, a total of \$7,000 of the excessive contributions came from seven (7) individuals and \$22,500 of the excessive contributions came from five (5) non-party multi-candidate political committees. The Committee was required to refund, redesignate or reattribute these 2002 Runoff and General Election contributions within 60 days of the 2002 Primary Election date of August 20, 2002. However, contributions totaling \$55,300 were not refunded, redesignated or reattributed within this timeframe.

Presented below is a summary of the reports filed and Reports Analysis Division's (RAD) communications with the Committee regarding the excessive contributions.

On October 15, 2002, the Committee filed a 2002 October Quarterly Report, which did not disclose the refund of Runoff and General contributions totaling \$112,500 received before September 30, 2002, the ending coverage date of this report. The

Committee did disclose the refund of additional Runoff and General contributions totaling \$6,000 (microfilm #22992112973).

On February 1, 2003, the Committee filed a 2002 Year-End Report, which disclosed a refund of \$2,000 to an individual for the Runoff and General contributions. (microfilm #23990317621). On an amendment to the 2002 Year-End Report, received April 12, 2003, the refund was disclosed as two \$1,000 refunds, one for the Runoff Election, and one for the General Election (microfilm #23990693975). This refund lowered the Committee's total excessive contributions received for General and Runoff Elections to \$110,500.

On February 4, 2003, a Request for Additional Information (RAFI) referencing the 2002 October Quarterly Report was sent by RAD to the Committee (microfilm #23037972648). The RAFI noted the Committee's receipt of excessive contributions and requested that the Committee take appropriate action pertaining to the said excessive contributions. On February 27, 2003, a Second Notice referencing the aforementioned report was sent by RAD to the Committee stating their failure to respond to the initial RAFI (microfilm #23038000647). The Committee did not respond to either notice.

On March 27, 2003, a RAD Analyst attempted to call Gregg Brasher, the Committee's treasurer. The Analyst left a message requesting that Mr. Brasher call the Analyst in reference to the Committee's October Quarterly Report (Attachment #3).

On March 27, 2003, David Worley, the Candidate, called the Analyst. Mr. Worley let the Analyst know that he intended to have an amendment in the mail by Monday (March 31, 2003). The Analyst informed Mr. Worley that she was calling specifically concerning the excessive contributions, and Mr. Worley assured the Analyst that the excessive contributions would be addressed (Attachment #4).

On April 11, 2003, the Committee filed a paper amendment to the 2002 October Quarterly Report stating that the Committee had not been aware of the need to refund the contributions within sixty (60) days, but would refund all of the excessive contributions by May 15, 2003. The letter also contained copies of \$55,450 in refund checks (microfilm #23038040033).

On April 12, 2003, the Committee filed an electronic amendment to the 2002 October Quarterly Report disclosing the contributions in question of \$112,450 as debt (microfilm #23990693835).

On April 15, 2003, the Committee filed the 2003 April Quarterly Report disclosing the receipt of an additional \$200 Runoff Election contribution, bringing the total excessive General and Runoff contributions received to \$110,700. The report also disclosed \$55,400 in excessive General and Runoff Election contributions refunded to contributors and \$55,300 of outstanding debt (microfilm #23990735315).

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

1964-10-01

FEDERAL ELECTION COMMISSION

DATE 7/11/2003
OGC INDEX - (0) (2003-2004)

PAGE 1

WORLEY, DAVID JAMES

ID #H8GA06112

FRIENDS OF DAVID WORLEY

PREF BRASHER

FREQ: QUARTERLY

PO BOX 725

JONESBORO

HOUSE

GA 30236

ID #C00369454

FORM TYPE	RPT TYPE	AI	PGI	REC DATE	PGS	BEG IMAGE	COVERAGE DATES	BEG CASH	RECEIPTS	DISBURSE	END CASH	DEBTS BY
3	Q1	N	P	4/15/2003	64	23990735315	1/01/2003 3/31/2003	65375	825	56617	9582	72261
TOTAL									825	56617		

Cash on Hand as of March 31, 2003: \$9,582.85
Debts and Obligations owed to the Committee: \$0.00
Debts and Obligations owed by the Committee: \$72,261.65
All reports reviewed except the 2003 April Quarterly.

WORLEY, DAVID JAMES

ID #H8GA06112

FRIENDS OF DAVID WORLEY
GREGG C BRASHER
FI' FREQUENCY QUARTERLY

PO BOX 725

JONESBORO

HOUSE
GA 30236

ID #C00369454

FORM TYPE	RPT TYPE	AI	PGI	REC DATE	PGS	BEG IMAGE	COVERAGE DATES	BEG CASH	RECEIPTS	DISBURSE	END CASH	DEBTS BY
1		N		10/05/2001	6	21037324397						
MS		T		1/31/2002	128	22037494266						
MS		4		8/07/2002	2	22991529237						
MS		4		8/08/2002	2	22991532216						
MS		4		8/09/2002	2	22991540382						
MS		4		8/10/2002	2	22991545699						
MS		4		8/11/2002	2	22991546368						
MS		4		8/14/2002	2	22991564686						
MS		4		8/15/2002	2	22991573457						
MS		4		8/16/2002	2	22991599945						
MS		4		8/17/2002	2	22991604653						
MS		4		8/19/2002	2	22991605727						
RQ	12P	2		9/24/2002	3	22037740179	7/01/2002 7/31/2002					
RQ	12P	3		10/17/2002	4	22037783700	7/01/2002 7/31/2002					
RQ	Q3	2		2/04/2003	4	23037972648	8/01/2002 9/30/2002					
RQ	Q3	3		2/27/2003	5	23038000647	8/01/2002 9/30/2002					
RQ	YE	2		2/20/2003	2	23037992619	10/01/2002 12/31/2002					
RQ	YE	3		3/13/2003	3	23038012074	10/01/2002 12/31/2002					
3	YE	N	P	1/31/2002	126	22990310135	10/01/2001 12/31/2001	0	270233	18595	251637	0
	Q1	N	P	4/15/2002	87	22990712217	1/01/2002 3/31/2002	251637	156725	40859	367503	0
3	Q1	A	P	7/18/2002	83	22991444843	1/01/2002 3/31/2002	251637	157925	40859	368703	0
3	Q2	N	P	7/15/2002	120	22991394666	4/01/2002 6/30/2002	367503	169514	46278	490740	0
3	Q2	A	P	7/18/2002	121	22991445238	4/01/2002 6/30/2002	368703	169614	46278	492040	0
3	12P	N	P	8/08/2002	61	22991537954	7/01/2002 7/31/2002	492040	46041	243923	294157	0
3	12P	A	P	11/06/2002	62	22992554676	7/01/2002 7/31/2002	294157	46041	244311	95887	0
3	12P	A	P	4/10/2003	62	23990682114	7/01/2002 7/31/2002	492040	46041	244311	293769	0
3	Q3	N	P	10/15/2002	100	22992112973	8/01/2002 9/30/2002	294157	146122	319099	121181	96508

WORLEY, DAVID JAMES

ID #H8GA06112

FRIENDS OF DAVID WORLEY

GREGG C BRASHER

FV FREQUENCY QUARTERLY

PO BOX 725

JONESBORO

HOUSE
GA 30236

ID #C00369454

FORM TYPE	RPT TYPE	AI	PGI	REC DATE	PGS	BEG IMAGE	COVERAGE DATES	BEG CASH	RECEIPTS	DISBURSE	END CASH	DEBTS BY
3	Q3	A		4/11/2003	18	23038040033	8/01/2001 9/30/2002	-	-	-	-	-
3	Q3	A	P	4/12/2003	130	23990693835	8/01/2002 9/30/2002	293769	146122	319645	120246	208985
3	YE	N	P	2/01/2003	25	23990317621	10/01/2002 12/31/2002	121181	29466	84337	66309	16983
3	YE	A	P	4/12/2003	56	23990693975	10/01/2002 12/31/2002	120246	29466	84337	65375	127433
3	YE	A	P	4/12/2003	58	23990694031	10/01/2002 12/31/2002	120246	29466	84337	65375	127433
TOTAL									819401	754025		

Contributor Name	Date	Contribution Amount	Election Designation	Excessive Amount
Andre,Richard H	10/24/2001	\$500.00	P2002	
Andre,Richard H.	06/24/2002	\$250.00	P2002	
Andre,Richard H	07/25/2002	\$250.00	P2002	
Andre,Richard H.	01/07/2003	\$200.00	R2002	\$200.00
Bolton,Elaine	12/31/2001	\$500.00	P2002	
Bolton,Elaine	06/11/2002	\$100.00	P2002	
Bolton,Elaine	08/07/2002	\$400.00	P2002	
Bolton,Elaine	08/07/2002	\$100.00	R2002	\$100.00
Canfield,Kenneth	12/12/2001	\$1,000.00	P2002	
Canfield,Kenneth	12/12/2001	\$1,000.00	R2002	\$1,000.00
Draper,Stephen	12/12/2001	\$1,000.00	G2002	\$1,000.00
Draper,Stephen	12/12/2001	\$1,000.00	P2002	
Fuqua,Dorothy	10/17/2001	\$1,000.00	G2002	\$1,000.00
Fuqua,Dorothy	10/17/2001	\$1,000.00	P2002	
Fuqua,J. B.	10/17/2001	\$1,000.00	G2002	\$1,000.00
Fuqua,J. B.	10/17/2001	\$1,000.00	P2002	
Gilliland,Tom	12/31/2001	\$1,000.00	P2002	
Gilliland,Tom	12/31/2001	\$1,000.00	R2002	\$1,000.00
Knowles,Ralph	12/03/2001	\$1,000.00	G2002	\$1,000.00
Knowles,Ralph	12/03/2001	\$1,000.00	P2002	
Leebern, III,Donald	11/26/2001	\$1,000.00	G2002	\$1,000.00
Leebern, III,Donald	11/26/2001	\$1,000.00	P2002	
Leebern, III,Donald	11/26/2001	\$1,000.00	R2002	\$1,000.00
Leebern,Stacy	11/26/2001	\$1,000.00	G2002	\$1000.00 **
Leebern,Stacy	11/26/2001	\$1,000.00	P2002	
Leebern,Stacy	11/26/2001	\$1,000.00	R2002	\$1000.00 **
Malmborg,Robert	10/22/2001	\$500.00	P2002	
Malmborg,Robert	03/05/2002	\$250.00	P2002	
Malmborg,Robert	08/08/2002	\$250.00	P2002	
Malmborg,Robert	08/08/2002	\$250.00	R2002	\$250.00
Malmborg,Robert	08/30/2002	\$500.00	R2002	\$500.00
Mayer,Randy	12/12/2001	\$1,000.00	P2002	
Mayer,Randy	07/23/2002	\$500.00	R2002	\$500.00
Overby,Fredrick	11/19/2001	\$1,000.00	G2002	\$1,000.00
Overby,Fredrick	11/19/2001	\$1,000.00	P2002	
Overby,Fredrick	11/19/2001	\$1,000.00	R2002	\$1,000.00

Contributor Name	Date	Contribution Amount	Election Designation	Excessive Amount
Park, Kevin Young	02/16/2002	\$1,000.00	P2002	
Park, Kevin Young	02/16/2002	\$50.00	R2002	\$50.00
Parker, Stephanie E	11/15/2001	\$1,000.00	P2002	
Parker, Stephanie E.	07/31/2002	\$1,000.00	R2002	\$1,000.00
Scherffius, Andrew	12/03/2001	\$1,000.00	G2002	
Scherffius, Andrew	08/13/2002	(\$1,000.00)	G2002	
Scherffius, Andrew	12/03/2001	\$1,000.00	P2002	
Scherffius, Andrew	12/03/2001	\$1,000.00	R2002	\$1,000.00
Stumbaugh, Lawrence	06/03/2002	\$1,000.00	P2002	
Stumbaugh, Lawrence	08/29/2002	\$200.00	R2002	\$200.00
Thrasher, Michael	07/26/2002	\$1,000.00	P2002	
Thrasher, Michael	07/26/2002	\$1,000.00	R2002	\$1,000.00
Boilermakers-Blacksmiths L.E.A.P.	01/02/2002	\$2,000.00	P2002	
Boilermakers-Blacksmiths L.E.A.P.	04/18/2002	\$2,000.00	P2002	
Boilermakers-Blacksmiths L.E.A.P.	05/14/2002	\$1,000.00	P2002	
Boilermakers-Blacksmiths L.E.A.P	07/25/2002	\$1,000.00	R2002	\$1,000.00
Carpenters Legislative Improvement Com	03/27/2002	\$5,000.00	P2002	
Carpenters Legislative Improvement Com	06/28/2002	\$5,000.00	G2002	\$5,000.00
DRIVE Political Fund	12/31/2001	\$5,000.00	P2002	
DRIVE Political Fund	05/07/2002	\$5,000.00	R2002	\$5,000.00
I.B.E.W. - C.O.P.E.	12/06/2001	\$5,000.00	G2002	\$5,000.00
I.B.E.W. - C.O.P.E.	12/06/2001	\$5,000.00	P2002	
Ironworkers Political Action League	12/31/2001	\$5,000.00	P2002	
Ironworkers Political Action League	06/28/2002	\$2,500.00	G2002	\$2,500.00
SEIU C.O.P.E. Fund	12/14/2001	\$5,000.00	P2002	
SEIU C O.P.E. Fund	03/28/2002	\$5,000.00	R2002	\$5,000.00
U.F.C.W. Active Ballot Club	12/28/2001	\$5,000.00	P2002	
U.F.C.W. Active Ballot Club	03/27/2002	\$5,000.00	G2002	\$5,000.00
U.F.C.W. Active Ballot Club	03/27/2002	\$5,000.00	R2002	\$5,000.00

Contributor Name	Date	Contribution Amount	Election Designation	Excessive Amount
United Steel Workers of America Politi	01/14/2002	\$5,000.00	P2002	
United Steel Workers of America Politi	05/03/2002	\$5,000.00	G2002	\$5,000.00

Total Excessive Contributions: \$55,300.00

** On Schedule D of the Committee's 2003 April Quarterly Report, the Committee reported that Stacy Leebern is owed two refunds of \$1,000.00 each, both for her Runoff Election contributions. However, the reports filed by the Committee show that Stacy Leebern is owed two refunds of \$1,000.00 each, one for her Runoff Election contribution, and one for her General Election contribution.