

From: RAD

To: Elaine Devine - CELA

RAD REFERRAL: 05L-01

TITLE: Independent Action Inc.

DATE RECEIVED: January 10, 2005

DATE TRANSMITTED: January 10, 2005

NOTES:

25199262716



FEDERAL ELECTION COMMISSION
WASHINGTON, D C 20463

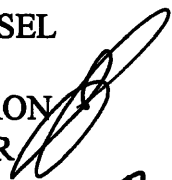
January 6, 2005


RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL



2005 JAN 10 A 9:27

MEMORANDUM

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 INDEPENDENT ACTION INC.

The Independent Action Inc. committee ("the Committee") is being referred to the Office of General Counsel (OGC) for failing to timely file each of the first three campaign finance reports required for the 2003-2004 election cycle. Please note that the Committee was excluded from the Administrative Fine program due to the fact that their estimated level of activity did not meet our internal monetary threshold. However, upon filing the reports well after the required filing deadlines, the Committee disclosed activity that would have warranted their inclusion in the Commission's Administrative Fine program. In accordance with the 2003-2004 RAD *Review and Referral Procedures for Unauthorized Committees* (Standard 4), this matter requires further examination by your office.

Copies of any pertinent reports or letters either filed by the Committee or sent by the Reports Analysis Division are available for your review on FEC Imaging or the web site.

If your office should have any questions or require clarification regarding this referral, please contact Dayna Brown at 694-1147.

Attachment

11779708147

DATE: January 6, 2005

ANALYST: Dayna C. Brown

I. COMMITTEE:

Independent Action Inc.
Ralph Santora, Treasurer
(C00139741)
1317 F Street, NW #900
Washington, DC 20004

II. RELEVANT STATUTES:

2 U.S.C. §434a (c)
11CFR § 104.5 (1) (ii)
11 CFR §111.31
11 CFR § 104.18

III. BACKGROUND:

Failure to File Reports and Late Filing

The Independent Action Inc. committee ("the Committee") failed to timely file its 2003 Mid-Year, 2003 Year-End and 2004 April Quarterly reports. The Committee was not included within the Administrative Fine program due to the fact that its estimated level of activity (total receipts and disbursements reported in the prior two-year election cycle divided by the number of reports filed covering the activity in the prior two-year election cycle) did not meet Commission established monetary threshold levels. Once the Committee filed the required reports in July 2004, it disclosed significant activity that, if reported within 30 days of the required filing deadlines, would have warranted the Committee's inclusion within the Commission's Administrative Fine program.

2003 Mid-Year/2003 Year-End/2004 April Quarterly Reports

On August 19, 2003, a 'Failure to File' notice (RQ-7) was sent to the Committee referencing the 2003 Mid-Year Report (Image 23038193900).

On July 16, 2004, the Committee filed its 2003 Mid-Year report disclosing \$52,974.61 in receipts and \$55,499.92 in disbursements for the reporting period (Image 24961879568).

On February 2, 2004, a 'Failure to File' notice (RQ-7- Image 24038330767) and e-mail were sent to the Committee referencing the 2003 Year-End Report.

On July 17, 2004, the Committee filed its 2003 Year-End report disclosing \$66,179.60 in receipts and \$50,658.22 in disbursements for the reporting period (Image 24961883554).

On April 16, 2004 a "Failure to File" e-mail referencing the 2004 April Quarterly Report was sent to the Committee e-mail address on record. Additionally, on May 5, 2004, a 'Failure to File' notice (RQ-7) was sent to the Committee referencing the 2004 April Quarterly Report (Image 24038411369).

On July 18, 2004, the Committee filed its 2004 April Quarterly report disclosing \$42,618.84 in receipts and \$36,079.23 in disbursements for the reporting period (Image 24961883951).

Other Relevant Information

On July 16, 2004 a 'Failure to File' e-mail referencing the 2004 July Quarterly Report was sent the Committee e-mail address on record. The Committee filed its 2004 July Quarterly Report on July 18, 2004.

On October 16, 2004 a 'Failure to File' e-mail referencing the 2004 October Quarterly Report was sent to the Committee e-mail address on record. On November 2, 2004, a 'Failure to File' notice (RQ-7) was also sent to the Committee referencing the 2004 October Quarterly Report (Image 24038612654).

On November 13, 2004, the Committee filed its 2004 October Quarterly Report disclosing \$55,468.25 in receipts and \$39,932.36 in disbursements (Image 24962868985). This activity, in conjunction with the activity disclosed on the Committee's now filed 2003 Mid-Year and Year-End Reports as well as the 2004 April Quarterly and July Quarterly Reports, allowed the Committee to be included in the Administrative Fine program for failure to file the 2004 October Quarterly Report. The Reason-to-Believe (RTB) mailgram was sent on December 7, 2004, apprising the Committee of their \$4,000 civil money penalty for failing to file this report prior to four (4) days before the November 2, 2004 General Election.

INDEPENDENT ACTION INC
RALPH SANTORA
FILING FREQUENCY: QUARTERLY

1317 F ST NW #900

WASHINGTON

NON-PARTY QUALIFIED
DC 20004

ID #C00139741

FORM TYPE	RPT TYPE	AI	PGI	REC DATE	PGS	BEG IMAGE	COVERAGE DATES	BEG CASH	RECEIPTS	DISBURSE	END CASH	DEBTS BY
RQ	MY	2		9/10/2004	3	24038494130	1/01/2003 6/30/2003					
RQ	MY	7		8/19/2003	2	23038193900	1/01/2003 6/30/2003					
RQ	YE	2		9/10/2004	2	24038501520	7/01/2003 12/31/2003					
RQ	YE	7		2/23/2004	2	24038330767	7/01/2003 12/31/2003					
RQ	Q1	2		9/10/2004	2	24038501522	1/01/2004 3/31/2004					
RQ	Q1	7		5/05/2004	2	24038411369	1/01/2004 3/31/2004					
RQ	Q2	2		9/10/2004	3	24038501524	4/01/2004 6/30/2004					
RQ	Q3	7		11/02/2004	2	24038612654	7/01/2004 9/30/2004					
3	MY	N	P	7/16/2004	50	24961879568	1/01/2003 6/30/2003	7679	52974 ^{ok}	55499 ^{ok}	5154	54150
3	MY	A	P	7/17/2004	50	24961883504	1/01/2003 6/30/2003	7679	(51041)	55499	3221	54150
3	YE	N	P	7/17/2004	55	24961883554	7/01/2003 12/31/2003	3221	66179 ^{ok}	50658 ^{ok}	18742	49600
3	Q1	N	P	7/18/2004	34	24961883951	1/01/2004 3/31/2004	18742	42618 ^{ok}	36079 ^{ok}	25282	48448
3	Q2	N	P	7/18/2004	25	24961883990	4/01/2004 6/30/2004	25282	25508	45680	5109	48014
3	Q2	A	P	11/13/2004	32	24962868953	4/01/2004 6/30/2004	25282	22905	45680	2507	48014
3	Q3	N	P	11/13/2004	52	24962868985	7/01/2004 9/30/2004	2507	55468 ^{ok}	39932 ^{ok}	18042	47921
TOTAL									238211	227848		