



FEDERAL ELECTION COMMISSION  
WASHINGTON, D C 20463

June 30, 2005

**MEMORANDUM**

TO: LAWRENCE H. NORTON  
GENERAL COUNSEL

THROUGH: JAMES A. PEHRKON *[Signature]*  
STAFF DIRECTOR

ROBERT J. COSTA *RC for RL*  
DEPUTY STAFF DIRECTOR

FROM: JOHN D. GIBSON *RC for JG*  
ASSISTANT STAFF DIRECTOR  
REPORTS ANALYSIS DIVISION

SUBJECT: REFERRAL OF MAGNUM FOR CONGRESS

Magnum for Congress ("the Committee") is being referred to the Office of General Counsel for amending its 2004 30 Day Post General Report to disclose additional receipts totaling \$126,394.39, a 873% increase over the financial activity reported in the original 2004 30 Day Post General Report. According to the *2003-2004 RAD Review and Referral Procedures* for Authorized Committees (Standard 7), this matter requires further examination by your office.

The Committee is the Principal Campaign Committee for David Robert Magnum, a candidate in the 2004 election for Wisconsin's Second (2<sup>nd</sup>) Congressional District. The Candidate lost the November 2, 2004 General Election, receiving thirty six percent (36%) of the vote.

Copies of any reports or letters either filed by the Committee or sent by RAD, and referenced in this referral are available for your review on the FEC Imaging System or web site.

If you should have any questions regarding this referral, please feel free to contact Anne Marie Brady at 694-1395.

Attachments

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## REPORTS ANALYSIS REFERRAL

TO

OFFICE OF GENERAL COUNSEL

DATE: June 30, 2005

ANALYST: Anne Marie Brady

- I. COMMITTEE: Magnum for Congress  
C00401067  
Thomas Diehl, Treasurer  
P.O. Box 1030  
Madison, WI 53701
- II. RELEVANT STATUTE: 2 U.S.C. §434(b)  
11 CFR §104.3(a)

## III. BACKGROUND:

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

On January 20, 2005, Magnum for Congress ("the Committee") amended its 2004 30 Day Post General Report disclosing additional receipts totaling \$126,394.39, an increase over the financial activity reported in the original 2004 30 Day Post General Report (Image 25970066225) (Attachment 2).

On December 2, 2004, the Custodian of Records and Assistant Treasurer, Mary Ann McCoshen called the RAD Analyst to state that the Committee was having software complications and would not be able to file a completed 30 Day Post General Report. Ms. McCoshen noted that the Committee was working with their software provider to rectify the problem, but wanted to know what to do in the interim because the problem would not be corrected until after the filing deadline. The Analyst instructed Ms. McCoshen to file the report timely to avoid a possible administrative fine for filing late. The analyst instructed Ms. McCoshen that the Committee could always file an amendment with the completed information as soon as possible thereafter (Attachment 3).

On December 2, 2004, the Committee filed the 2004 30 Day Post General Report covering the period from October 10, 2004 through November 22, 2004. The report disclosed \$0.00 on Line 11(e) (Total Contributions), \$0.00 on Line 13c (Total Loans) and \$14,470.00 on Line 16 (Total Receipts) of the Post-Election Detailed Summary Page (Image 24981612952).

On January 3, 2005, the Committee filed an Amended 2004 30 Day Post General Report which disclosed \$84,639.39 on Line 11(e) (Total Contributions), \$35,000.00 on Line 13c (Total Loans) and \$119,639.39 on Line 16 (Total Receipts) of the Post-Election Detailed Summary Page (Image 25980016110).

On January 18, 2005, the Reports Analysis Division (RAD) sent a Request for Additional Information ("RFAI") to the Committee referencing the 2004 Amended 30 Day Post General Report. The RFAI requested clarification on the substantial increase in receipts that was not disclosed in the Committee's original filing (Image 25038693858).

On January 30, 2005, the Committee filed another 2004 Amended 30 Day Post General Report which disclosed \$105,864.39 on Line 11(e) (Total Contributions), \$35,000.00 on Line 13c (Total Loans) and \$140,864.39 on line 16 (Total Receipts) of the Post-Election Detailed Summary Page (Image 25970066228).

On February 5, 2005, the Committee filed a miscellaneous report to the Commission. The filing was an e-text response to the RFAI for the Amended 30 Day Post General Report which was sent on January 18, 2005. The Committee noted that the increase in activity was due to "data base errors that were discovered on December 2, 2004," and further explained that a "staff member" had inadvertently deleted all entries made after October 14, 2004 (Image 25970179851).

On April 28, 2005, a RFAI was sent to the Committee referencing the Amended 30 Day Post General Report received on January 30, 2005. The RFAI requested clarification on the substantial increase in receipts that was not disclosed in the Committee's original filing (Image 25038803046).

On May 31, 2005 a RAD Analyst called the Committee's treasurer, Mr. Thomas Diehl to advise him that the matter of increased activity, disclosed on the Amended 2004 30 Day Post General Report, would be referred to the Office of General Counsel (OGC). The Analyst advised the Treasurer that the explanation concerning software issues, previously provided by the Assistant Treasurer, would also be taken into consideration (Attachment 4).

On June 1, 2005, the Assistant Treasurer called RAD to inquire about the conversation which took place on May 31<sup>st</sup> between the Analyst and the Treasurer. The Analyst reiterated that the matter of the increased activity disclosed on the Amended 2004 30 Day Post General Report would be referred to OGC. Ms. McCoshen then asked if the e-text response she filed with an explanation for the increased activity would be included in the referral. The Analyst confirmed that all pertinent documentation concerning the matter would be included within the referral. The Assistant Treasurer also noted within the phone call that the official address for the Committee was no longer valid. The Analyst advised the Assistant Treasurer to fill a new Statement of Organization which would indicate a valid address and to file the required 2005 April Quarterly Report (Attachment 5).

On June 24, 2005, a RAD Assistant Branch Chief (ABC) contacted the Treasurer of the Committee to advise that the Commission still had not received an updated Statement of Organization with the Committee's new address. The Treasurer stated that he would forward the message to the Assistant Treasurer who would contact the ABC. Later that day, the Treasurer left a voice message for the ABC and asked her to call him

25970066228

back if there was still no response from the committee. On June 27, 2005, the ABC left a voice message for the Treasurer stating that no one else from the committee contacted her regarding this issue (Attachment 6).

On June 27, 2005 the candidate, Dave Magnum, called and left a voice message for the RAD Analyst. He expressed concern that the Commission is not receiving all the necessary information from the committee. Further, he stated that he would do anything, including making sure that all information is accounted, to cooperate with the Commission (Attachment 7).

On June 28, 2005, the Assistant Treasurer called the RAD Analyst to discuss the Committee's address. The Assistant Treasurer stated that she did not file an amended Statement of Organization because the committee reopened their P.O. Box, thereby retaining the same address (Attachment 8).

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

20190263195

MAGNUM, DAVID ROBERT

ID #H4WIO2054

MAGNUM FOR CONGRESS

DIEHL, THOMAS

FILING FREQUENCY: QUARTERLY

PO BOX 1030

MADISON

HOUSE

WI 53701

ID #C00401067

FORM TYPE	RPT TYPE	AI	PGI	REC DATE	PGS	BEG IMAGE	COVERAGE DATES	BEG CASH	RECEIPTS	DISBURSE	END CASH	DEBTS BY
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1			N	5/15/2004	8	24038412412						
1			A	5/15/2004	5	24038414614						
1			A	7/23/2004	5	24038484156						

MS			J	7/14/2004	2	24038444946						
MS			T	8/27/2004	7	24038504957						
MS			4	8/28/2004	2	24962305590						
MS			J	9/01/2004	3	24038510635						
MS			J	9/01/2004	2	24038510650						
MS			4	9/02/2004	2	24971421375						
MS			J	9/27/2004	4	24038522941						
MS			J	10/15/2004	3	24038591364						
MS			4	10/16/2004	2	24991244371						
MS			4	10/21/2004	2	24991291807						
MS			4	10/21/2004	2	24991297452						
MS			4	10/22/2004	2	24991298260						
MS			4	10/25/2004	2	24962712046						
MS			4	10/26/2004	2	24991298770						
MS			4	10/27/2004	2	24991298984						
MS			4	10/29/2004	2	24991299277						
MS			4	11/01/2004	2	24991299934						
MS			4	11/01/2004	2	24991299951						

RQ	Q2	2		7/27/2004	4	24038482428	4/01/2004	6/30/2004				
RQ	12P	2		9/07/2004	4	24038512079	7/01/2004	8/25/2004				
RQ	Q3	2		12/07/2004	4	24038660847	8/26/2004	9/30/2004				
RQ	12G	2		12/07/2004	4	24038660843	10/01/2004	10/13/2004				
RQ	30G	2		1/18/2005	8	25038693855	10/14/2004	11/22/2004				
RQ	30G	2		4/28/2005	3	25038803046	10/14/2004	11/22/2004				
RQ	YE	2		3/24/2005	3	25038762801	11/23/2004	12/31/2004				

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FORM TYPE	RPT TYPE	AI	PGI	REC DATE	PGS	BEG IMAGE	COVERAGE DATES	BEG CASH	RECEIPTS	DISBURSE	END CASH	DEBTS BY
3	Q2	N	G	7/16/2004	49	24981253934	4/01/2004 6/30/2004	8382	71470	48672	31180	0
3	Q2	A	P	9/02/2004	104	24962323673	4/01/2004 6/30/2004	8382	71270	57238	22414	0
3	Q2	A	P	1/30/2005	105	25970064431	4/01/2004 6/30/2004	8382	71270	57238	22414	0
3	12P	N	P	9/02/2004	125	24962327440	7/01/2004 8/25/2004	22414	172785	77167	118032	132000
3	12P	A	P	1/30/2005	125	25970063996	7/01/2004 8/25/2004	22414	172285	77167	117532	132000
3	12P	A	P	1/30/2005	126	25970064761	7/01/2004 8/25/2004	22414	174085	77167	119332	132000
3	Q3	N	G	10/15/2004	105	24962533815	8/26/2004 9/30/2004	8382	185225	230840	37231-	232000
3	Q3	A	G	10/17/2004	105	24962549128	8/26/2004 9/30/2004	118032	185225	230840	72417	232000
3	Q3	A	G	1/30/2005	162	25970065040	8/26/2004 9/30/2004	119332	188135	230840	76627	232000
3	12G	N	G	10/21/2004	52	24971879727	10/01/2004 10/13/2004	72417	94194	30807	135804	292000
3	12G	A	G	1/30/2005	79	25970065267	10/01/2004 10/13/2004	76627	94545	30808	140364	292000
3	12G	A	G	3/26/2005	79	25990300405	10/01/2004 10/13/2004	76627	94545	30916	140256	292000
3	12G	A	G	4/23/2005	79	25990556314	10/01/2004 10/13/2004	76627	94545	30916	140256	292000
3	30G	N	G	12/02/2004	30	24981612949	10/14/2004 11/22/2004	135804	14470	233809	83535-	292000
3	30G	A	G	1/03/2005	79	25980016110	10/14/2004 11/22/2004	135804	119639	233809	21634	327000
3	30G	A	G	1/30/2005	219	25970066225	10/14/2004 11/22/2004	140364	140864	253289	27938	327000
3	YE	N	G	1/31/2005	13	25990037552	11/23/2004 12/31/2004	27938	45	8703	19280	327000
TOTAL									668944	658153		

**Magnum for Congress (C00401067)**

**2004 30 Day Post General Report/Amended 2004 30 Day Post General Report  
Overview of Receipt Variance**

Line	2004 30 Day Post General Report, Received 12/2/2004 (Image 24981612952)	Amended 2004 30 Day Post General Report, Received 01/30/05 (Image 25970066228)	Receipt Variance Amount
Line 11(e)	\$14,470.00	\$105,864.39	\$91,394.39
Line 13c	\$0.00	\$35,000.00	\$35,000.00
Line 16	\$14,470.00	\$140,864.39	\$126,394.39

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