

REPORTS ANALYSIS REFERRAL

TO

OFFICE OF GENERAL COUNSEL

DATE: January 13, 2006

ANALYST: Chris Jones

I. COMMITTEE: Minamyer for Congress
(C00411983)
Ralph Lee Minamyer, Treasurer
35 Deer Trail Drive
Springboro, OH 45066

II. RELEVANT STATUTE: 11 CFR §110.1
2 U.S.C. §441a(a)

III. BACKGROUND:

Excessive, Prohibited and Other Impermissible Contributions or Transfers (Receipt of Excessive Loans)

Minamyer for Congress ("the Committee") received excessive contributions totaling \$47,600.00 for the 2005 Special Primary Election. The Committee received the excessive contributions in the form of three (3) loans, totaling \$56,000.00, made by four (4) individuals. The contributions in question were not refunded, redesignated, or reattributed within sixty (60) days from the date of receipt, nor within sixty (60) days from the date of the initial notice sent to the Committee by the Reports Analysis Division (RAD). (Attachment 2)

On July 11, 2005, the Committee filed the 2005 July Quarterly Report covering the period from April 1, 2005 to June 30, 2005. The report disclosed the receipt of three (3) loans of varying amounts totaling \$55,000.00 on Schedule A (Itemized Receipts) and Line 13(b) (All Other Loans) of the Detailed Summary Page. The loans in question were received from four (4) individuals and were all designated for the 2005 Special Primary Election¹ (Image 25970576681).

On September 20, 2005, a Request for Additional Information ("RFAI") was sent to the Committee referencing the 2005 July Quarterly Report. The RFAI noted the Committee's receipt of excessive contributions and requested that the Committee take corrective action (Image 25038894470).

¹ Please note, a \$1,000.00 contribution and a \$10,000.00 loan are reported from one individual on the 2005 July Quarterly Report (Image 25970576685 and 25970576696).

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On November 22, 2005, the candidate's brother, Rob Minamy, contacted the RAD analyst regarding the Committee's failure to file the 2005 October Quarterly Report. In the course of the conversation, the Analyst noted that the Committee failed to respond to the RFAI sent on September 25, 2005 concerning the 2005 July Quarterly Report for excessive contributions. The Analyst informed Mr. Minamy of this issue and advised him that the excessive contributions should be refunded as soon as possible. The Analyst provided Mr. Minamy an overview of what corrective actions the Committee could undertake to remedy the situation; the candidate making a loan to the Committee and refund checks being issued for the excessive contributions. In closing the Analyst stated that the issue could result in a further Commission investigation of the matter (Attachment 3).

On November 29, 2005, Rob Minamy again contacted the RAD analyst and stated that the candidate tried, but had been unable, to secure a bank loan in order to refund the excessive contributions. He stated that the Candidate would be making further attempts to secure the necessary funding (Attachment 3).

On December 7, 2005, the candidate, Eric Minamy, contacted the RAD analyst to explain that he was aware of the excessive contributions and was in the process of securing loans in order to make the necessary refunds. He explained that he would have his Treasurer file an e-text attachment (Form 99- Miscellaneous Electronic Report) that would lay out the timeline in which he hoped to make the necessary refunds (Attachment 3).

On December 8, 2005, the Committee's Treasurer, Ralph Minamy, contacted the RAD analyst regarding the excessive contributions. He explained that he would be filing an e-text attachment outlining the Committee's timetable for issuing the necessary refunds (Attachment 3).

On December 9, 2005, the Committee filed an Amended 2005 July Quarterly Report covering the period from April 1, 2005 to June 30, 2005. The contributions and loans disclosed in this amendment were the same as those reported in the original July Quarterly Report (Image 25971582318).

On December 9, 2005, the Committee filed an e-text attachment which explained the Candidate's intention, within the next few days, to secure a bank loan and use the proceeds to make the necessary refunds (Image 25971582342).

On December 20, 2005, the Committee's Treasurer, Ralph Minamy, contacted the RAD analyst to ensure that the filings of December 9, 2005 had been received. He stated that the candidate was still in the process of securing the necessary bank loans so that the committee could refund the excessive contributions (Attachment 3).

On January 11, 2006, the Committee filed an e-text attachment. The attachment stated "The candidate William Eric Minamy has applied for the home mortgage and the mortgage company is processing his loan, which is to be used to pay all of the campaign debt incurred. The candidate has indicated that this loan process should be completed sometime in the month of January, 2006. Once the funds are received the candidate...will then repay all the outstanding loans in the amount of \$55,000." (Image 26990043020)

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To date, no further communication has been received from the Committee regarding this matter.

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