

REPORTS ANALYSIS REFERRAL

TO

OFFICE OF GENERAL COUNSEL

DATE: February 8, 2007

ANALYST: Robin Kelly

I. COMMITTEE: Lewis for Senate, Inc.
C00412080
Matthew Miller, Treasurer
416 Holland Avenue
Morgantown, WV 26501

II. RELEVANT STATUTE: 2 U.S.C. §434(b)
11 CFR §104.3(b)(1)(i)(C)

III. BACKGROUND:

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

Lewis for Senate, Inc. ("the Committee") amended its 2006 April Quarterly Report to disclose increased disbursements totaling \$114,246.39 on July 14, 2006 (Attachment 2).

On April 20, 2006, the Committee filed the original 2006 April Quarterly Report covering the period of January 1, 2006 to March 31, 2006 (Image 26020291839). The original report disclosed \$171,392.66 in disbursements on Line 17 (Operating Expenditures) of the Detailed Summary Page (Image 26020291842).

On July 14, 2006, the Committee filed an Amended 2006 April Quarterly Report covering the period of January 1, 2006 to March 31, 2006 (Image 26020530266). The amended report disclosed \$285,639.05 in disbursements on Line 17 (Operating Expenditures) of the Detailed Summary Page (Image 26020530269). A letter from the Treasurer also accompanied the amended report which stated "We have been conducting internal audits and have been thoroughly reconciling all of our records and have corrected any and all discrepancies...since the original filings." (Image 26020530265).

On October 10, 2006, a Request for Additional Information ("RFAI") was sent to the Committee referencing the 2006 Amended April Quarterly Report, received on July

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14, 2006. The RFAI asked for clarification regarding the substantial increase in disbursements that were not disclosed in the original filing (Image 260392003027).

On November 8, 2006, the Candidate contacted the Reports Analysis Division (RAD) analyst. Mr. Lewis stated that he had a few letters he needed to respond to by the next day. The RAD analyst explained that the Committee had previously been referred for having an increase in disbursements. Mr. Lewis wanted to know how he could speed up the process since he wanted to terminate the committee. The Analyst explained that he should try to respond to the RFAI letters by the due date, and to explain everything as best he could. The candidate stated that he had been deployed and that his treasurer could not get to the information that was needed. The Analyst advised the candidate that he would not be able to terminate until all outstanding matters had been resolved (Attachment 3).

On November 8, 2006, the Committee sent a letter which referenced the Amended April Quarterly Report. In the letter, a designee on behalf of the Treasurer stated that "It appears that the Committee inadvertently failed to include the list of disbursements from the Committee's January 2006 bank statement. The bank statement was unavailable to the Committee's treasurer at the time of the original filing of the report. As soon as the mistake was discovered during routine audit procedures, the Amended Report was filed and the January disbursements were added to the report. In regards to the Amended April Quarterly Report, the Committee had taken appropriate corrective action concerning this issue." (Image 26020992045-46)

On November 13, 2006, the Candidate called to inform the RAD analyst that the amendments had been sent via overnight mail. The Analyst advised the Candidate that she had not yet seen the amendments since it normally takes a few days to process the reports at the United States Senate (Attachment 3).

On November 29, 2006, the RAD analyst called Matthew Miller, the Treasurer, to discuss the pending referral. The Treasurer was not there, so a message was left for him to return the call (Attachment 3).

On November 30, 2006, the RAD analyst called the Candidate. The Analyst informed the Candidate that the issue regarding the substantial increase in disbursements on the Amended 2006 April Quarterly Report would be referred to Office of General Counsel (OGC) (Attachment 3).

No further communication has been received from the Committee regarding this matter.