

REPORTS ANALYSIS DIVISION REFERRAL  
TO  
ALTERNATIVE DISPUTE RESOLUTION OFFICE

DATE: May 18, 2011

ANALYST: James McAllister

- I. COMMITTEE: Mid-Atlantic Laborers' Political  
League - Laborers' International Union of N.A.  
C00429175  
Justin Meighan, Treasurer  
12355 Sunrise Valley Drive, Suite 550  
Reston, VA 20191
- II. RELEVANT STATUTE: 2 U.S.C. § 434(b)(4)  
11 CFR § 104.3(b)(1)
- III. BACKGROUND:

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

Mid-Atlantic Laborers' Political League - Laborers' International Union of N.A. ("the Committee") amended its 2010 October Quarterly Report to disclose additional disbursements totaling \$65,000.00 that were not disclosed on the original 2010 October Quarterly Report (Attachment 2).

On October 5, 2010, the Committee filed its original 2010 October Quarterly Report covering the period from July 1, 2010 through September 30, 2010. The original report disclosed \$27,500.00 in disbursements on Line 23 (Contributions to Federal Candidates and Committees) and \$236,060.35 on Line 29 (Other Disbursements) of the Detailed Summary Page (Image 10931365154).

On January 11, 2011, Committee representative Karen Kubinski called the Commission's Electronic Filing Office to get assistance uploading an amendment to the 2010 October Quarterly Report. She stated that the data on the public record was not correct and the data in her committee file was correct. The Electronic Filing Office instructed Ms. Kubinski to save the original report to her computer and then upload an amendment to the 2010 October Quarterly Report. After she uploaded the amendment, Ms. Kubinski confirmed that the data on the public

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record was correct (Attachment 3). The Amended 2010 October Quarterly Report disclosed \$32,500.00 on Line 23 and \$296,060.35 on Line 29 of the Detailed Summary Page (Image 11930056175).

On February 23, 2011, a Request for Additional Information ("RFAI") was sent to the Committee referencing the Amended 2010 October Quarterly Report, received January 11, 2011. The RFAI requested clarification regarding the additional disbursements totaling \$65,000.00 disclosed on Lines 23 and 29 of the Detailed Summary Page that were not previously disclosed on the Committee's original 2010 October Quarterly Report (Image 11330005480).

On March 30, 2011, the Committee filed a Miscellaneous Paper Document in response to the RFAI referencing the Amended 2010 October Quarterly Report, received January 11, 2011. The Miscellaneous Paper Document contained a cover letter from the Committee's attorney, a FEC-File Financial Disclosure Filing Acknowledgement and a paper copy of the 2010 October Quarterly Report. The cover letter from the Committee's attorney stated in full:

"I write in response to your February 23 letter regarding the additional \$65,000 in disbursements in the PAC's Amended October Quarterly report. As I explained in my January 7, 2011 letter<sup>1</sup>, there was a clerical error in the PAC's original October Quarterly Report, which arose as the PAC performed the mandatory software update required by the FEC. During the software update, discrepancies were discovered because of the software error.

The PAC has encountered another software error with regard to the same uploaded software.

Our printed, paper copy Form 3x on Line 7 showed \$338,560.35. This paper copy is attached to this letter. The PAC submitted this exact form electronically to the FEC. However, the filing acknowledgement, which is the printout produced after the Form 3x is submitted electronically, showed \$273,560.35. This form is also attached. Clearly, an electronic error occurred after the PAC submitted its Form 3x. The \$65,000 discrepancy cited in your letter is a result of that technological error.

The PAC assures the FEC that the printed copy of the PAC's Form 3x submission is correct. The PAC has spoken to the FEC's information technology department to ensure that the error has been corrected. The PAC is also diligently working with the FEC information technology department to ensure that these sorts of errors do not occur in the future, as result of our error or as a result of an error in the FEC technology.

I thank you for your continued patience and assistance as the PAC implements this new software" (Image 11030584704).

<sup>1</sup> The Miscellaneous Paper Document dated January 7, 2011, and received by the Commission on February 9, 2011, (Image 11030571337) referenced the 2010 12 Day Pre-General Report and was filed in response to an RFAI questioning apparent mathematical discrepancies on the report (Image 11030532735).

On April 6, 2011, the Reports Analysis Division ("RAD") Analyst called the Committee and left a voicemail for the treasurer, Justin Meighan, regarding the RFAI referencing the Amended 2010 October Quarterly Report, received January 11, 2011. The Analyst explained that the Committee had not adequately responded to the RFAI and that the matter may be referred for further Commission action. The Analyst also asked if the Committee would like to submit any additional clarifying information for the public record (Attachment 3).

Later on April 6, 2011, John Durkowski, counsel for the Committee, called the RAD Analyst to discuss the possible referral of the Amended 2010 October Quarterly Report, received January 11, 2011, for the disclosure of increased disbursements. The Analyst explained that the Committee's Miscellaneous Paper Submission, received March 30, 2011, was inadequate because it did not demonstrate that a Commission software problem was responsible for the Committee's failure to file a complete 2010 October Quarterly Report by the filing deadline of October 15, 2010. Mr. Durkowski asked what the Committee could do to avoid the referral. The Analyst stated that the Committee could submit additional information regarding the increase in activity (Attachment 3).

On April 7, 2011, Mr. Durkowski spoke to the Party/Non-Party Assistant Branch Chief. The Assistant Branch Chief explained to Mr. Durkowski that it appeared that the Committee had failed to include all of its disbursement transactions when it filed the original 2010 October Quarterly Report and that the Committee's response failed to demonstrate that the lack of disclosure was the result of a problem with the Commission's filing software. He also told Mr. Durkowski that the issue could be referred for further action by the Commission. Mr. Durkowski stated that Committee staff would look into the matter and respond as soon as possible (Attachment 3).

To date, no further communication has been received from the Committee regarding these matters.

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