

## REPORTS ANALYSIS DIVISION REFERRAL

TO

OFFICE OF GENERAL COUNSEL

DATE: May 20, 2013

ANALYST: Kevin Fortkiewicz

## I. COMMITTEE:

AMERIPAC: The Fund for a Greater  
America  
C00271338  
Amy L. Pritchard, Treasurer  
700 13<sup>th</sup> Street, NW  
Suite 600  
Washington, DC 20005

## II. RELEVANT STATUTE:

2 U.S.C §§432(b)(1)  
11 CFR §§ 102.8(a) and (c)  
11 CFR § 110.6(c)(1)(iii)

## III. BACKGROUND:

**Failure to Forward Earmarked Contributions within the Permissible Time Period**

The AMERIPAC: The Fund for a Greater America ("the Committee") forwarded \$35,000.00 undeposited earmarked contributions received for authorized committees more than ten (10) days after receipt. The undeposited earmarked contributions were reported on the Committee's 2012 April Monthly Report and subsequent amended reports (Attachment 2).

On April 20, 2012, the Committee filed a 2012 April Monthly Report covering March 1, 2012 to March 31, 2012. The report disclosed sixty-seven (67) undeposited earmarked contributions totaling \$115,950.00 from individuals and political action committees to authorized candidate committees on Schedule A (Itemized Receipts) (Images 12951539628-90). Of the undeposited earmarked contributions received, fifteen (15), totaling \$36,000.00, were disclosed on Schedule B with forwarding dates more than ten (10) days after receipt (Images 12951539691-739).

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On June 28, 2012, a Request for Additional Information (RFAI) was sent to the Committee referencing the 2012 April Monthly Report. The RFAI noted that the Committee disclosed the apparent disbursement of earmarked contributions outside the permissible time period. Additionally, the RFAI stated that as a conduit or intermediary for an authorized committee, the Committee must forward any earmarked contribution, along with a transmittal report, no later than ten (10) days after receiving the earmarked contribution (Image 12330008876).

On August 2, 2012, the Committee responded to the RFAI with a Miscellaneous Electronic Submission ("Form 99"). The Form 99 stated in part

"You ask about the disbursement of earmarked contributions that appear to be outside the permissible time period. This occurred due error by a new employee. The committee has since implemented procedures to ensure timely forwarding of earmarked contributions" (Image 12952604789).

On August 3, 2012, the Reports Analysis Division (RAD) Analyst tried to contact the Treasurer regarding the potential referral for further action for the earmarked contributions, but the telephone number provided by the Committee was not in service. Additionally, the Committee did not list any designated agents on the Statements of Organization (Attachment 3).

On August 20, 2012, the Committee submitted an Amended 2012 April Monthly Report which reflected no change in the undeposited earmarked contributions (Images 12972052457-573).

On May 1, 2013, the Analyst sent an email to Ms. Amy Pritchard, the Committee's Treasurer, regarding the referable matter. The Analyst provided his contact information asking the Treasurer to call him back as soon as possible regarding this matter. (Attachment 3)

On May 1, 2013, Mr. Bill Warren, a Committee representative, called regarding the email sent to the Treasurer. The Analyst explained that the amount of undeposited earmarks forwarded outside the ten (10) day period could be referred to another office. Mr. Warren explained that most of the staff no longer works for the Committee, but that he would check to see if the Committee wanted to provide any additional clarification for the public record (Attachment 3).

On May 3, 2013, Mr. Warren called RAD Analyst explaining the Committee was going to provide additional clarification on why the earmarked contributions were forwarded more than ten (10) days after receipt. He explained that the Committee hoped to submit it by Monday May 6, 2013.

On May 6, 2013, the Committee filed a Form 99 which stated, in part:

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"In response to your request for additional information regarding the pass-through contributions reported as being forwarded outside of the required 10 days, the committee provides the following:

- The PAC assistant in charge of tracking and receiving checks; drafting pass-through letters; and forwarding checks was hired in mid-December of 2011 during a period of extremely low activity.

- The PAC assistant, at the time of the error, was unaware of any rule mandating that earmarked checks received by a committee must be forwarded within 10 days.

- The PAC assistant was instructed to forward checks once she was given instructions by her supervisor(s) to do so, and, as she was unaware of the 10 day rule, never made her supervisor aware that any checks were close to the 10 day limit.

- Between the first two months of 2012 and March 2012 there was a ten-fold increase pass-through volume at the committee.

- Of the 17 checks forwarded outside the 10 day limit 9 of those checks were forwarded only 3-5 days late.

- The 17 pass-through contributions forwarded outside the 10 day limit represents less than one-fourth [sic] of the total pass-through contributions for the month of March. The value of those contributions forwarded outside the 10 days represents less than one-fifth of the total value of contributions passed-through the committee during the month.

- All other March pass-through contributions were forwarded within 10 days of receipt by the committee.

- The number of pass-through contributions forwarded outside the 10 day limit represents 3.68% of the total pass-through contributions for the year of 2012, and the value of those pass-through contributions represent 3.59% of the total value for the year of 2012.

- Once the PAC assistant was made aware of the 10 day limit, the committee took corrective actions to ensure checks were always forwarded in a timely manner in accordance with FEC regulations (Image 13962164540)."

On May 6, 2013, the Committee filed another Amended 2012 April Monthly Report. The total amount of undeposited earmarked receipts remained unchanged from the original 2012 April Monthly Report. However, the total number of earmarked contributions disclosed on Schedule A increased to seventy (70). Additionally, on

Schedule B the Committee corrected the disbursement date for one (1) earmarked contribution, totaling \$1,000, which was originally disclosed as being forwarded more than ten (10) days after receipt. The amended report disclosed seventeen (17), undeposited earmarked contributions totaling \$35,000 which were forwarded more than ten (10) days after receipt (Attachment 2; Images 13962164547-660).

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

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