

REPORTS ANALYSIS DIVISION REFERRAL  
TO  
ALTERNATIVE DISPUTE RESOLUTION OFFICE

DATE: December 31, 2013

ANALYST: Rebecca Hough

- I. COMMITTEE: Scott Brown for U.S. Senate Committee, Inc.<sup>1</sup>  
C00467233  
Bradley T. Crate, Treasurer (11/17/11 - present)  
Stacey E. Stringfellow (9/17/09 - 11/16/11)  
85 Merrimac Street, Suite 400  
Boston, MA 02214
- II. RELEVANT STATUTES: 2 U.S.C. § 441a(a), (f)  
11 CFR § 103.3  
11 CFR § 110.1
- III. BACKGROUND:

**Excessive, Prohibited and Other Impermissible Contributions: Failure to Refund, Redesignate, or Reattribute Excessive and Prohibited Contributions within the Permissible Timeframe**

Scott Brown for U.S. Senate Committee, Inc. ("the Committee") received excessive contributions totaling \$72,415.00 for the 2012 Primary and General Elections from fifty-one (51) individuals and four (4) multicandidate political action committees. The Committee did not timely refund, reattribute, or redesignate these excessive contributions (Attachment 2).

**2010 Year-End Report**

During the 2010 Year-End reporting period, the Committee received excessive contributions totaling \$8,000.00 from two (2) individuals and one (1) multicandidate

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<sup>1</sup> On May 14, 2013, the Committee filed an Amended Statement of Organization (FEC Form 1) changing the type of committee from Principal Campaign Committee to a Political Action Committee ("The People's Seat PAC") (Image 13031072910).

political action committee that were not redesignated, reattributed, or refunded within the permissible timeframe (Attachment 2).

On January 31, 2011, the Committee filed the 2010 Year-End Report covering the period from October 1, 2010 through December 31, 2010 (Image 11020023172). This report disclosed excessive and potentially prohibited contributions totaling \$42,270.00 from twenty-one (21) individuals on Line 11(a)(i) (Itemized Contributions from Individuals/Persons Other Than Political Committees), one (1) multicandidate political action committee and three (3) unregistered organizations on Line 11(c) (Itemized Contributions from Other Political Committees) of the Detailed Summary Page.

On April 13, 2011, the Committee filed an Amended 2010 Year-End Report which disclosed no changes from the original report with regard to excessive and potentially prohibited contributions (Image 11020164367).

On May 20, 2011, a Request for Additional Information (RAI) was sent to the Committee referencing the 2010 Year-End Report. Among other issues, the RAI noted the Committee's receipt of excessive and potentially prohibited contributions and requested that the Committee take corrective action (Image 11330009665).

On June 24, 2011, the Committee filed a Miscellaneous Document ("Form 99") with clarifying information that remedied one (1) excessive contribution from an individual, totaling \$2,300.00, and three (3) contributions from unregistered entities, totaling \$1,100.00 (Image 11020230075).

On June 3, 2011, the Committee filed an Amended 2011 April Quarterly Report covering the period from January 1, 2011 to March 31, 2011 (Image 11020213965). This report disclosed redesignations and reattributions within the permissible timeframe remedying seventeen (17) individual contributions, totaling \$30,870.00.

On April 4, 2013, the Committee filed an Amended 2011 July Quarterly Report covering the period from April 1, 2011 to June 30, 2011 (Image 13020150800). This report disclosed refunds totaling \$7,300.00 to one (1) individual and one (1) multicandidate political action committee. These actions were made outside of the permissible timeframe (Attachment 2).

### **2011 Year-End Report**

During the 2011 Year-End reporting period, the Committee received excessive contributions totaling \$5,900.00 from one (1) individual and one (1) multicandidate political action committee that were not redesignated, reattributed, or refunded within the permissible timeframe (Attachment 2).

On January 31, 2012, the Committee filed a 2011 Year-End Report covering the period from October 1, 2011 through December 31, 2011 (Image 12020070947). This report disclosed excessive and potentially prohibited contributions totaling \$46,224.37 from twenty (20) individuals on Line 11(a)(i) (Itemized Contributions from

Individuals/Persons Other Than Political Committees); three (3) multicandidate political action committees and three (3) unregistered organizations on Line 11(b) (Political Party Committees); and five (5) unregistered organizations and two (2) affiliated multicandidate political action committees on Line 11(c) (Itemized Contributions from Other Political Committees) of the Detailed Summary Page.

On April 13, 2012, the Committee filed the 2012 April Quarterly Report covering the period from January 1, 2012 through March 31, 2012 (Image 12020232214). This report disclosed timely refunds, redesignations, and reattributions for eighteen (18) individuals and three (3) multicandidate political action committees, totaling \$35,204.37.

On May 29, 2012, a RFAI was sent to the Committee referencing the 2011 Year-End Report. Among other issues, the RFAI noted the Committee's receipt of excessive and potentially prohibited contributions and requested that the Committee take corrective action (Image 12330007001).

On January 31, 2013, the Committee filed a 2012 Year-End Report covering the period from November 27, 2012 through December 31, 2012 disclosing an untimely refund for one (1) individual contribution totaling \$2,400.00 (Image 13020054661, Attachment 2).

On April 4, 2013, the Committee filed a Form 99 clarifying that the eight (8) contributions from unregistered organizations, totaling \$2,620.00, were from permissible sources (Image 13020150533).

On May 3, 2013, the Committee filed an Amended 2011 Year-End Report that corrected a data entry error for one (1) excessive contribution from an individual, totaling \$100.00 (Image 13020233475).

On May 10, 2013, the Committee filed an Amended 2011 Year-End Report disclosing corrected redesignation and reattribution information for one (1) excessive contribution from an individual, totaling \$2,400.00 (Image 13020240813).

### **2012 April Quarterly Report**

During the 2012 April Quarterly reporting period, the Committee received excessive contributions totaling \$8,500.00 from five (5) individuals and one (1) multicandidate political action committee that were not redesignated, reattributed, or refunded within the permissible timeframe (Attachment 2).

On April 13, 2012, the Committee filed the 2012 April Quarterly Report covering the period from January 1, 2012 through March 31, 2012 (Image 12020232214). This report disclosed excessive contributions totaling \$34,800.00 from ten (10) individuals on Line 11(a)(i) (Itemized Contributions from Individuals/Persons Other Than Political Committees); and four (4) multicandidate political action committees and one (1) non-qualified political committee on Line 11(c) (Itemized Contributions from Other Political Committees) of the Detailed Summary Page.

On June 14, 2012, a RFAI was sent to the Committee referencing the 2012 April Quarterly Report. Among other issues, the RFAI noted the Committee's receipt of excessive contributions and requested that the Committee take corrective action (Image 12330008024).

On July 13, 2012, the Committee filed an Amended 2012 April Quarterly Report which disclosed no changes with regard to excessive contributions referenced in the RFAI (Image 12020480001).

On July 13, 2012, the Committee filed the 2012 July Quarterly Report covering the period from April 1, 2012 through June 30, 2012 (Image 12020500001). This report disclosed timely refunds, redesignations, and reattributions totaling \$24,300.00 from five (5) individuals, three (3) multicandidate political action committees, and one (1) non-qualified political committee.

On August 24, 2012, the Committee filed the 2012 12 Day Pre-Primary Report covering the period from July 1, 2012 through August 17, 2012 (Image 12020650827). This report disclosed the untimely refund of two (2) excessive contributions from individuals, totaling \$2,500.00.

On September 10, 2012, the Committee filed an Amended 2012 April Quarterly Report which disclosed no changes with regard to excessive contributions referenced in the RFAI (Image 12020660001).

On October 15, 2012, the Committee filed the 2012 October Quarterly Report covering the period from August 18, 2012 through September 30, 2012 (Image 1020760148). This report disclosed the untimely refund of one (1) excessive contribution from an individual, totaling \$2,500.00.

On January 18, 2013, the Committee filed an Amended 2012 April Quarterly Report which disclosed a corrected election designation to remedy one (1) contribution from a multicandidate political action committee referenced in the RFAI, totaling \$2,000.00 (Image 13020020934).

On April 4, May 3, and May 10, 2013, the Committee filed Amended 2012 April Quarterly Reports which disclosed no changes from the Amended 2012 April Quarterly Report, received January 18, 2013 (Images 13020150525, 13020233489, and 13020240804).

On July 15, 2013, the Committee filed the 2013 July Quarterly Report covering the period from April 1, 2013 through June 30, 2013 (Image 13941152161). This report disclosed an untimely refund and redesignation for two (2) individuals, totaling \$1,500.00.

## 2012 July Quarterly Report

During the 2012 July Quarterly reporting period, the Committee received excessive contributions totaling \$14,710.00 from thirteen (13) individuals and one (1) multicandidate political action committee that were not redesignated, reattributed, or refunded within the permissible timeframe (Attachment 2).

On July 13, 2012, the Committee filed the 2012 July Quarterly Report covering the period from April 1, 2012 through June 30, 2012 (Image 12020500001). This report disclosed excessive contributions totaling \$22,910.00 from sixteen (16) individuals on Line 11(a)(i) (Itemized Contributions from Individuals/Persons Other Than Political Committees) and two (2) multicandidate political committees on Line 11(c) (Itemized Contributions from Other Political Committees) of the Detailed Summary Page.

On October 15, 2012, the Committee filed the 2012 October Quarterly Report covering the period from August 18, 2012 through September 30, 2012 (12020760148). This report disclosed timely remedies for two (2) individuals and one (1) multicandidate political action committee totaling \$8,000.00. This report also disclosed the untimely refund of one (1) contribution from an individual, totaling \$1,000.00.

On December 14, 2012, a RFAI was sent to the Committee referencing the 2012 July Quarterly Report. Among other issues, the RFAI noted the Committee's receipt of excessive contributions and requested that the Committee take corrective action (Image 12330018344).

On January 18, 2013, the Committee filed an Amended 2012 July Quarterly Report (Image 13020030001). This report disclosed redesignations and reattributions for two (2) contributions from individuals, totaling \$1,250.00, referenced in the RFAI.

On April 4, 2013, the Committee filed an Amended 2012 July Quarterly Report which disclosed no changes affecting excessive contributions included in this referral (Image 13020150525).

On April 15, 2013, the Committee filed the 2013 April Quarterly Report covering the period from January 1, 2013 through March 31, 2013 (Image 130201963200). This report disclosed untimely refunds for eight (8) individuals and one (1) multicandidate political action committee totaling \$10,200.00.

On May 3, 2013, the Committee filed an Amended 2011 October Quarterly Report that disclosed a previously unitemized refund that remedied one (1) excessive contribution from an individual totaling \$200.00 (Image 13020233468).

### **2012 12 Day Pre-Primary Report**

During the 2012 12 Day Pre-Primary reporting period, the Committee received excessive contributions totaling \$9,400.00 from ten (10) individuals that were not redesignated, reattributed, or refunded within the permissible timeframe (Attachment 2).

On August 24, 2012, the Committee filed the 2012 12 Day Pre-Primary Report covering the period from July 1, 2012 through August 17, 2012 (Image 12020650827). This report disclosed excessive contributions totaling \$24,000.00 from seventeen (17) individuals on Line 11(a)(i) (Itemized Contributions from Individuals/Persons Other Than Political Committees) of the Detailed Summary Page.

On October 15, 2012, the Committee filed the 2012 October Quarterly Report covering the period from August 18, 2012 through September 30, 2012 (Image 12020760148). This report disclosed the timely remedy of five (5) excessive contributions from individuals, totaling \$12,050.00.

On December 6, 2012, the Committee filed the 2012 30 Day Post-General Report covering the period from October 18, 2012 through November 26, 2012 (Image 12021141105). This report disclosed a timely refund to one (1) individual totaling \$550.00.

On December 14, 2012, a RFAI was sent to the Committee referencing the 2012 12 Day Pre-Primary Report. Among other issues, the RFAI noted the Committee's receipt of excessive contributions and requested that the Committee take corrective action (Image 12330018336).

On January 18, 2013, the Committee filed an Amended 2012 12 Day Pre-Primary Report (Image 13020023344). This report disclosed a remedy for one (1) contribution from an individual, totaling \$2,000.00.

On April 15, 2013, the Committee filed the 2013 April Quarterly Report covering the period from January 1, 2013 through March 31, 2013 (Image 13020163200). This report disclosed untimely refunds for five (5) individuals, totaling \$6,500.00.

On May 3, 2013, the Committee filed an Amended 2012 12 Day Pre-Primary Report disclosing no changes from the previous amendment concerning excessive contributions (Image 13020233497).

### **2012 October Quarterly Report**

During the 2012 October Quarterly reporting period, the Committee received excessive contributions totaling \$16,650.00 from sixteen (16) individuals that were not redesignated, reattributed, or refunded within the permissible timeframe (Attachment 2).

On October 15, 2012, the Committee filed the 2012 October Quarterly Report covering the period from August 18, 2012 through September 30, 2012 (Image

12020760148). This report disclosed excessive contributions totaling \$42,550.00 from thirty-two (32) individuals on Line 11(a)(i) (Itemized Contributions from Individuals/Persons Other Than Political Committees) and Line 12 (Transfers from Other Authorized Committees) and one (1) multicandidate political action committee on Line 11(c) (Itemized Contributions from Other Political Committees) of the Detailed Summary Page.

On October 25, 2012, the Committee filed the 2012 12 Day Pre-General Report covering the period from October 1, 2012 through October 17, 2012 (Image 12021022206). This report disclosed the timely refund of excessive contributions from six (6) individuals, totaling \$6,600.00.

On December 6, 2012, the Committee filed the 2012 30 Day Post-General Report covering the period from October 18, 2012 through November 26, 2012 (Image 12021141105). This report disclosed the timely refund and reattribution of excessive contributions from eight (8) individuals, totaling \$9,050.00.

On December 14, 2012, a RFAI was sent to the Committee referencing the 2012 October Quarterly Report. Among other issues, the RFAI noted the Committee's receipt of excessive contributions and requested that the Committee take corrective action (Image 12330018227).

On January 18, 2013, the Committee filed an Amended 2012 October Quarterly Report (Image 13020040001). This report disclosed the corrected election designation of one (1) multicandidate political action committee contribution, totaling \$1,000.00.

On January 31, 2013, the Committee filed the 2012 Year-End Report covering the period from November 27, 2012 through December 31, 2012 (Image 13020054661). This report disclosed the timely refund of excessive contributions from three (3) individuals, totaling \$4,500.00.

On April 4, 2013, the Committee filed an Amended 2012 October Quarterly Report which disclosed no changes from the prior amendment with regard to excessive contributions referenced in the RFAI (Image 13020154296).

On April 15, 2013, the Committee filed the 2013 April Quarterly Report covering the period from January 1, 2013 through March 31, 2013 (Image 13020163200). This report disclosed the untimely refund of excessive contributions from eight (8) individuals, totaling \$9,750.00.

On May 3, 2013, the Committee filed an Amended 2012 October Quarterly Report that disclosed no changes with regard to excessive contributions (Image 13020233505).

On May 20, 2013, the Committee filed an Amended 2012 October Quarterly Report which disclosed no new changes from the prior amendment with regard to excessive contributions referenced in the RFAI (Image 13020242181).

On May 30, 2013, the Committee filed an Amended 2012 October Quarterly Report with corrected election designations for two (2) individuals' excessive contributions, totaling \$4,750.00 (Image 13020251820).

### **2012 30 Day Post-General Report**

During the 2012 30 Day Post-General reporting period, the Committee received excessive contributions totaling \$9,255.00 from seven (7) individuals that were not redesignated, reattributed, or refunded within the timeframe (Attachment 2).

On December 6, 2012, the Committee filed the 2012 30 Day Post-General Report covering the period from October 18, 2012 through November 26, 2012 (Image 12021141105). This report disclosed excessive contributions totaling \$26,155.00 from nineteen (19) individuals on Line 11(a)(i) (Itemized Contributions from Individuals/Persons Other Than Political Committees) of the Detailed Summary Page.

On January 23, 2013, a RFAI was sent to the Committee referencing the 2012 30 Day Post-General Report. Among other issues, the RFAI noted the Committee's receipt of excessive contributions and requested that the Committee take corrective action (Image 13330020757).

On January 31, 2013, the Committee filed the 2012 Year-End Report covering the period from November 27, 2012 through December 31, 2012 (Image 13020054661). This report disclosed refunds for four (4) individual contributions, totaling \$2,200.00.

On February 26 and April 4, 2013, the Committee filed Amended 2012 30 Day Post-General Reports which disclosed no changes from the original report with regard to excessive contributions referenced in the RFAI (Images 13020130763 and 13020151423).

On April 15, 2013, the Committee filed the 2013 April Quarterly Report covering the period from January 1, 2013 through March 31, 2013 (Image 13020163200). This report disclosed the timely refund of excessive contributions from eight (8) individuals, totaling \$14,700.00. This report also disclosed the untimely refund of excessive contributions from three (3) individuals totaling \$5,255.00.

On May 3, 2013, the Committee filed a Form 99 which included clarifications regarding the remedies taken for twenty-eight (28) of excessive contributions previously cited on various reports. The clarifications included the description of correction of refunds' election designations, dates of refunds made, and amounts received or refunded by the Committee (Image 13020233463).

On May 3, May 20 and May 30, 2013, the Committee filed Amended 2012 30 Day Post-General Reports which disclosed no new changes from the prior amendment with regard to excessive contributions referenced in the RFAI (Images 13020233512, 13020242189, and 13020251813).



On July 15, 2013, the Committee filed the 2013 July Quarterly Report covering the period from April 1, 2013 through June 30, 2013 (Image 13941152161). This report disclosed the untimely refund of one (1) excessive contribution from an individual, totaling \$500.00.

Between March 28, 2013 and August 21, 2013, the Reports Analysis Division (RAD) Analyst spoke to the Committee several times by phone, email, and in person to assist the Committee in resolving excessive contributions received during the 2010-2012 election cycle. The RAD Analyst assisted the Committee in filing amendments to properly disclose reattributions and redesignations as well as to provide clarifying information on the public record regarding the excessive contributions received during the election cycle (Attachment 4).<sup>2</sup>

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

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<sup>2</sup> In addition to corrective amendments, the Committee filed six (6) Form 99s reflecting the same remedies between April 4, 2013 and July 25, 2013 (Images 13020150525, 13020233463, 13020242178, 13020252378, 13020362233, and 13020362236).