

21L-01

REPORTS ANALYSIS DIVISION REFERRAL
TO
ALTERNATIVE DISPUTE RESOLUTION OFFICE

DATE: February 5, 2021

ANALYST: Sarah Vivian

I. COMMITTEE: Midwest Victory PAC
C00694539
Nick J. Mauro, Treasurer
(4/18/2019 – Present)
Collin West (1/22/2019 – 4/17/2019)
2900 S.W. 18
Des Moines, IA 50315

II. RELEVANT STATUTE: 52 U.S.C. § 30104(g)(2)
11 CFR § 104.4(b)(2)

III. BACKGROUND:

Failure to Provide Supporting Schedules (Failure to Timely File 48-Hour Reports)

Midwest Victory PAC (“the Committee”) failed to timely file one (1) 48-Hour Report totaling \$27,500.00 to support two (2) independent expenditures disclosed on the 2019 Mid-Year Report, made up to and including the 20th day before the 2020 General Election (Attachment 2).

On July 27, 2019, the Committee filed its 2019 Mid-Year Report, covering the period from January 1, 2019, through June 30, 2019. The Report included a Schedule E (Itemized Independent Expenditures) disclosing two (2) independent expenditures totaling \$27,500.00 made in support of and in opposition to one (1) Federal candidate (Image 201907279151682901).

On October 19, 2020, a Request for Additional Information (RAI) was sent to the Committee referencing the 2019 Mid-Year Report. Among other items, the RAI noted that the Committee may have failed to file one (1) or more of the required 48-Hour Reports regarding independent expenditures. A chart was included with the RAI identifying two (2) independent expenditures, totaling \$27,500.00, for which a 48-Hour Report had not been filed (Images 202010190300088422-26, Attachment 2).

On October 29, 2020, the Committee filed an Amended 2019 Mid-Year Report. This report amended Schedule E to reflect that both independent expenditures were made in opposition to the candidate (Image 202010299336664712).

On November 12, 2020, the Reports Analysis Division (RAD) Analyst returned a call from Nick Mauro, the Committee's Treasurer, and left a voicemail explaining that the missing 48-Hour Report should be filed. The Analyst also requested that Mr. Mauro call back to discuss the other issues noted on the 2019 Mid-Year Report (Attachment 3).

On the same date, the Committee filed an FEC Form 99 (Miscellaneous Electronic Submission) in response to the RAI referencing the 2019 Mid-Year Report. The FEC Form 99 stated, in part:

"The second issue dealt with the PAC's failure to file a 48-hour report following an independent expenditure. Please note I was not associated with the PAC at the time of the expenditure, but have investigated the issue. The failure to file the 48-hour report was a combination of oversight and misunderstanding of the rules. I have since filed a 48 hour report regarding the expenditure. The PAC has not made any other expenditures and I have filed a termination report pending resolution of these matters" (Image 202011129336988168).

Also, on the same date, the Committee filed one (1) 48-Hour Report to support two (2) expenditures, totaling \$27,500.00, disseminated on February 28, 2019 (Image 202011129336988159).

On December 4, 2020, the RAD Analyst called Mr. Mauro to discuss the outstanding matter noted on the Committee's 2019 Mid-Year Report. The Analyst left a voicemail requesting a return phone call (Attachment 3).

On December 14, 2020, the RAD Analyst called Mr. Mauro regarding the Committee's failure to timely file a 48-Hour Report for independent expenditures disclosed on the Committee's 2019 Mid-Year Report. The Analyst left a voicemail confirming receipt of the 48-Hour Report, received November 12, 2020, and to advise that the matter may be referred to another Commission office for potential further action (Attachment 3).

On the same date, Mr. Mauro returned the RAD Analyst's call. He explained that a Termination Report had been filed prior to being notified of the missing 48-Hour Report to support independent expenditures disclosed on the 2019 Mid-Year Report. The Analyst let Mr. Mauro know that the Committee would not be permitted to terminate until the outstanding matter is resolved, and that it would be handled by another office within the Commission (Attachment 3).

On December 17, 2020, an RFAI was sent to the Committee referencing the Amended 2019 Mid-Year Report, received October 29, 2020. The RFAI noted a discrepancy between election designations for an independent expenditure disclosed on Schedule E of the Amended 2019 Mid-Year Report and on the subsequently filed 48-Hour Report received November 12, 2020 (Image 202012170300095923).

On December 18, 2020, the Committee filed an FEC Form 99, stating:

"I receive correspondence on December 17, 2020 regarding an error in a 48-Hour Report which disclosed an independent expenditure in opposition to Joni Ernst for the 2020 Primary election in Iowa. The "Primary" election box was checked in error. The expenditure was in opposition of Joni Ernst for the 2020 general election. I filed the amended 48 hour report to correct this error" (Image 202012189393374481).

On the same date, an Amended 48-Hour Report was filed to disclose an updated election designation for the independent expenditure referenced in the RFAI sent on December 17, 2020 (Image 202012189393374445).

On January 13, 2021, an RFAI was sent to the Committee referencing the Termination Report, received October 9, 2020. The RFAI noted that Committee would not be permitted to terminate until all outstanding issues were resolved (Images 202101130300100970-71).

On January 15, 2021, Mr. Mauro called the RAD Analyst to discuss the RFAI that was sent on the Termination Report. The Analyst noted that they had previously discussed the matter of a 48-Hour Report that was filed late and is pending referral to another Commission office for potential further action. The Analyst explained that the letter had been sent to provide clarification on the public record as to why the Committee has not been terminated (Attachment 3).

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

O-Index

2/4/2021 12:46 PM

O-Index (2021-2022)															
Cmte. ID: C00694539 Cmte. Name: MIDWEST VICTORY PAC															
Treasurer Name: MAURO, NICK J. MR. Address: 2900 S.W. 18, DES MOINES, IA 50315															
Cmte. Type: V (NON-QUALIFIED NON-PARTY WITH NON-CONTRIBUTION ACCOUNT) Cmte. Designation: U (UNAUTHORIZED) Filing Frequency: QUARTERLY FILER															
Form Tp	Rpt Tp	A/I	Recpt Dt	Pgs	Begin Img#	Beg Cvg Dt	End Cvg Dt	Ltrr Mail Dt	Begin Cash	Recpts	Disb	End Cash	Debts	Loans	Debts & Loans
MS-T			1/15/2021	1	202101159405147186				-	-	-	-	-	-	-
Totals										\$0	\$0				

O-Index (2019-2020)															
Cmte. ID: C00694539 Cmte. Name: MIDWEST VICTORY PAC															
Treasurer Name: MAURO, NICK J. MR. Address: 2900 S.W. 18, DES MOINES, IA 50315															
Cmte. Type: V (NON-QUALIFIED NON-PARTY WITH NON-CONTRIBUTION ACCOUNT) Cmte. Designation: U (UNAUTHORIZED) Filing Frequency: QUARTERLY FILER															
Form Tp	Rpt Tp	A/I	Recpt Dt	Pgs	Begin Img#	Beg Cvg Dt	End Cvg Dt	Ltrr Mail Dt	Begin Cash	Recpts	Disb	End Cash	Debts	Loans	Debts & Loans
MS-T			11/12/2020	1	202011129336988168				-	-	-	-	-	-	-
MS-T			12/18/2020	1	202012189393374481				-	-	-	-	-	-	-
RQ2	MY	N	10/19/2020	5	202010190300088422	1/1/2019	6/30/2019	10/19/2020	-	-	-	-	-	-	-
RQ2	MY	A	12/17/2020	2	202012170300095923	1/1/2019	6/30/2019	12/17/2020	-	-	-	-	-	-	-
RQ2	TER	T	1/13/2021	2	202101130300100970	7/1/2020	9/30/2020	1/13/2021	-	-	-	-	-	-	-
F3XN	MY	N	7/27/2019	10	201907279151682892	1/1/2019	6/30/2019		\$0	\$121,125	\$35,296	\$85,828	-	-	\$0
F3XA	MY	A	10/29/2020	12	202010299336664701	1/1/2019	6/30/2019		\$0	\$121,125	\$35,296	\$85,828	-	-	\$0
F3XN	YE	N	1/29/2020	7	202001299182397152	7/1/2019	12/31/2019		\$85,828	\$3	\$6,006	\$79,824	-	-	\$0
F3XN	Q1	N	4/9/2020	5	202004099216618687	1/1/2020	3/31/2020		\$79,824	\$0	\$0	\$79,824	-	-	\$0
F3XN	Q2	N	7/15/2020	6	202007159244596899	4/1/2020	6/30/2020		\$79,824	\$0	\$79,824	\$0	-	-	\$0
F3XT	TER	T	10/9/2020	5	202010099285067291	7/1/2020	9/30/2020		\$0	\$0	\$0	\$0	-	-	\$0
F3XN	30G	N	12/5/2020	5	202012059366412037	10/1/2020	11/23/2020		\$0	\$0	\$0	\$0	-	-	\$0
F3XN	YE	N	12/31/2020	5	202012319394490729	12/1/2020	12/31/2020		\$0	\$0	\$0	\$0	-	-	\$0
F1A		A	1/30/2019	4	201901309144184242				-	-	-	-	-	-	-
F1A		A	5/21/2019	4	201905219149823137				-	-	-	-	-	-	-
F1A		A	5/15/2019	4	201905159149713141				-	-	-	-	-	-	-
F1A		A	6/27/2019	4	201906279150360732				-	-	-	-	-	-	-
F1N		N	1/22/2019	5	201901229143904433				-	-	-	-	-	-	-
F1A		A	4/18/2019	4	201904189149494946				-	-	-	-	-	-	-
F1A		A	6/2/2019	4	201906029149874109				-	-	-	-	-	-	-
F24N	48		11/12/2020	1	202011129336988159				-	-	-	-	-	-	-
F24A	48		12/18/2020	1	202012189393374445				-	-	-	-	-	-	-
Totals										\$121,128	\$121,128				

O-Index (2017-2018)															
Cmte. ID: C00694539 Cmte. Name: MIDWEST VICTORY PAC															
Treasurer Name: MAURO, NICK J. MR. Address: 2900 S.W. 18, DES MOINES, IA 50315															
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No records were found for this cycle.

Midwest Victory PAC (C00694539)

2019 Mid-Year Report, received July 27, 2019

48-Hour Report Not Timely Filed

Name of Payee	Date of Dissemination (Schedule E)	Expenditure Amount	Candidate Supported or Opposed¹	Election²	48-Hour Report Filed
Buying Time, LLC	2/28/2019	\$10,000.00	Joni Ernst	2020 General (11/3/2020)	11/12/2020
Jacobson & Zilber Strategies	2/28/2019	\$17,500.00 <i>48-Hour Report Required</i>	Joni Ernst	2020 General (11/3/2020)	11/12/2020

¹ The original 2019 Mid-Year Report, received July 27, 2019, disclosed one (1) independent expenditure made in support of Joni Ernst for the 2020 general election and one (1) independent expenditure made in opposition to Joni Ernst for the 2020 general election. The report was amended on October 29, 2020 to disclose both expenditures as being made in opposition to the candidate.

² An RFAI referencing the Amended 2019 Mid-Year Report was sent on December 17, 2020 to address an apparent discrepancy between election designations for the expenditures disclosed on the Amended 2019 Mid-Year Report and on a corresponding 48-Hour Report received November 12, 2020. The 48-Hour Report was subsequently amended on December 18, 2020 to disclose that both expenditures were made in opposition to the candidate for the 2020 general election.