

REPORTS ANALYSIS DIVISION REFERRAL  
TO  
ALTERNATIVE DISPUTE RESOLUTION OFFICE

DATE: August 6, 2013

ANALYST: Chris Jones

- I. COMMITTEE: Edwin Peacock for Congress  
C00514877  
Donald Wofford Millen, Jr., Treasurer  
1115 East Morehead Street  
Charlotte, NC 28204-2857
- II. RELEVANT STATUTES: 2 U.S.C. § 434(b)(4)(D)  
11 CFR § 104.3(b)(2)(iii)

III. BACKGROUND:

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

Edwin Peacock for Congress ("the Committee") amended its 2012 July Quarterly Report to disclose additional disbursements totaling \$205,953.05 that were not disclosed in the original report (Attachment 2).

On July 14, 2012, the Committee filed the original 2012 July Quarterly Report, covering the period from April 19, 2012 through June 30, 2012.<sup>1</sup> The report disclosed \$0.00 in disbursements on Line 19(a) (Repayments of Loans Made or Guaranteed by the Candidate) of the Detailed Summary Page (Attachment 2, Image 12952446130).

On January 31, 2013, the Committee filed an Amended 2012 July Quarterly Report. The report disclosed \$205,953.05 in disbursements on Line 19(a), an increase of \$205,953.05 from the original report (Attachment 2, Image 13960627717).

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<sup>1</sup> The Committee filed a 2012 12 Day Pre-Primary Report covering April 1, 2012 through April 18, 2012.

On April 10, 2013, the Reports Analysis Division (RAD) Analyst received a phone call from Ashley Stewart, a Committee representative, regarding the Termination Report the Committee planned to file. The Analyst explained how to file a Termination Report and mentioned that a Request for Additional Information (RAI) regarding the increase in disbursements disclosed on the Amended 2012 July Quarterly Report was in the process of being sent to the Committee. The Analyst said that the increase in disbursements could result in a possible referral for further Commission action. The Analyst further explained how the Committee should respond to the RAI and asked the Committee to provide a full explanation of the activity for the public record (Attachment 3).

On April 23, 2013, an RAI was sent to the Committee referencing the Amended 2012 July Quarterly Report. The RAI requested clarification regarding the increase in disbursements which were not disclosed in the original filing (Image 13330029714).

On April 29, 2013, the Committee filed a Miscellaneous Text Submission (Form 99) which stated, in part:

"I loaned the campaign money from my personal home equity line of credit. The funds were deposited into the campaign checking account to be used if needed. At the conclusion of the campaign, after all bills were paid in full, the remaining money was taken out of the campaign account and repaid to me. Subsequently, I wrote to the campaign committee to formally forgive the 'debt' that was owed to me by the campaign.

All monies were handled properly.

The need for the amendment arose because our reports did not accurately reflect the repayment to me and because our amendment was not made until a later reporting deadline.

We were a new, volunteer committee, preparing FEC reports for the first time, and we found the FEC reporting software to be difficult to use. It was not until later that we were able to get our report to reflect the correct balances..." (Image 13940622480).

On June 24, 2013, Ms. Stewart contacted the RAD Analyst to follow up on the status of the Committee's request for termination. The Analyst explained that the termination was on hold due to the pending referral for increased activity disclosed on the Amended 2012 July Quarterly Report (Attachment 3).

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

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