

2018 JULY - 2 - 111 11: 14

SENSITIVE

MEMORANDUM

TO:

The Commission

FROM:

Adav Noti A

Aeting Associate General Counsel

Policy Division

Lorenzo Holloway

Assistant General Counsel

Compliance Advice

Margaret J. Forman ついくま

Attorney

SUBJECT:

Administrative Termination Referral – Powell for Congress (AT 15-03)

I. INTRODUCTION

We recommend that the Commission, on its own initiative, administratively terminate Powell for Congress ("Committee"), the principal campaign committee of Adam Clayton Powell IV, who lost the 2010 primary election for New York's 15th Congressional District. The Committee filed a 2012 October Quarterly Report, disclosing \$0.00 in receipts and \$0.00 in disbursements and an ending cash-on-hand balance of \$36,596.33. The Reports Analysis Division ("RAD") referred the Committee to the Office of General Counsel ("OGC") for possible administrative termination pursuant to Standard 4 of RAD's 2013-2014 Review and Referral Procedures for Authorized Committees. See Attachment 1. See also 11 C.F.R. § 102.4(a) (containing standards for administrative termination).

II. LEGAL STANDARD FOR ADMINISTRATIVE TERMINATION

The Commission may administratively terminate a political committee's reporting obligation on its own initiative or upon the committee's request based on the following eight factors set forth at 11 C.F.R. § 102.4(a):

- (1) The committee's aggregate reported financial activity in one year is less than \$5,000;
- (2) The committee's reports disclose no receipt of contributions for the previous year:

Memorandum to the Commission Powell for Congress AT 15-03 Page 2 of 4

- (3) The committee's last report disclosed minimal expenditures;
- (4) The committee's primary purpose for filing its reports has been to disclose outstanding debts and obligations:
- (5) The committee has failed to file reports for the previous year:
- (6) The committee's last report disclosed that the committee's outstanding debts and obligations do not appear to present a possible violation of the prohibitions and limitations of 11 C.F.R. parts 110 and 114;
- (7) The committee's last report disclosed that the committee does not have substantial outstanding accounts receivable; and
- (8) The committee's outstanding debts and obligations exceed the total of the committee's reported cash-on-hand balance.

The Committee satisfies all but one of the factors which apply to it under 11 C.F.R. § 102.4(a). We address these factors and make our recommendation below. Our analysis includes a review of written information provided by the candidate regarding the disposition of the Committee's last reported cash-on-hand.

III. THE COMMISSION SHOULD ADMINISTRATIVELY TERMINATE THE COMMITTEE

A. Factor 8 and the Committee's cash-on-hand

The Committee's 2012 October Quarterly Report, its last filed report, did not disclose any outstanding debts and obligations, but it showed a cash-on-hand balance totaling \$36,596.33. *See* 11 C.F.R. § 102.4(a)(8). OGC contacted the Committee by letter and telephone to inquire about the disposition of its last reported cash-on-hand.¹

The treasurer of the Committee, Debra E. Fields, stated in a phone conversation with OGC that she was no longer treasurer, but that Mark Weinstein is the treasurer.² She said that

¹ See Memorandum from Office of General Counsel to Commission: New Proposed Procedure for Contacting Committees in Administrative Termination Referrals, December 8, 2011 (Commission authorized OGC to contact committees whose cash-on-hand balances and debts owed to the committee exceed the committee's total debt and obligations by \$35,000 to determine how the committee disposed of or intended to dispose of the remaining funds prior to making a recommendation to the Commission about a committee's eligibility for administrative termination).

² Mr. Weinstein is the treasurer of the candidate's 2016 committee. Adam Clayton Powell for Congress (C00542761). See Statement of Organization, available at http://docquery.fec.gov/pdf/085/13031050085/13031050085.pdf. He was not the treasurer of record of the Committee at issue here.

Memorandum to the Commission Powell for Congress AT 15-03 Page 3 of 4

she would have Mr. Weinstein contact the OGC. Mr. Weinstein never called. After some research, we were able to contact Mr. Weinstein. We informed Mr. Weinstein that the Commission was considering administrative termination of that Committee, and needed to know the disposition of the Committee's cash on hand. Mr. Weinstein indicated the treasurer of the Committee absconded with the cash on hand.

Mr. Weinstein agreed to arrange for a statement from the Committee regarding the disposition of the funds, however, he failed to produce this statement at the agreed time. We, therefore, made further attempts to reach Mr. Weinstein again regarding this matter. See Attachment 2.

After further attempts to reach Mr. Weinstein were unsuccessful, we conducted further research and were able to leave a message with the candidate. See Attachment 2. The candidate, with Mr. Weinstein conferenced into the phone call, then contacted OGC and discussed the matter in detail over the phone. The candidate stated that he confronted the treasurer over the missing funds, and that the treasurer offered to return the funds to the Committee. Shortly after this confrontation, the treasurer disappeared.

The candidate stated that he did not take further action because he planned to participate in a future election and he thought pursuing the matter could be a source of frustration and embarrassment for his candidacy.

Mr. Weinstein and the candidate agreed to provide a written statement regarding the circumstances of the treasurer's actions at an agreed upon time. However, despite follow-up conversations and emails, along with subsequent deadlines, we have not received a written statement. We also looked into the allegations by researching news reports and court filings, and by checking for information regarding the last treasurer of record, but found no information supporting the allegation.⁴

Given the Commission resources already expended in this matter in attempts to contact the candidate and Committee, and the amount of the cash on hand, we do not believe it would be an efficient use of Commission resources to determine how the Committee disposed of the remaining cash-on-hand. *See* Attachment 2.

³ The Committee has had two different treasurers of record, and according to the candidate, Ms. Fields was not the treasurer that Mr. Weinstein and the candidate were referencing regarding the disappearance of the cash-on-hand. Ms. Fields was the last treasurer to appear on the Committee's amended statements of organization. *See* Statement of Organization received by FEC on July 26, 2010, available at http://docquery.fec.gov/pdf/477/10030393477/10030393477/10030393477/pdf.

⁴ OGC is not suggesting that the allegation is false, but only that we could not find anything to support it.

Memorandum to the Commission Powell for Congress AT 15-03 Page 4 of 4

B. The Committee satisfies factors 1, 3, 5 and 7

We do, however, have enough information to analyze the remaining factors that apply to the Committee. The Committee satisfies factor one because its last report disclosed no financial activity. See 11 C.F.R. § 102.4(a)(1). The Committee satisfies factor three because its last report disclosed no expenditures. See 11 C.F.R. § 102.4(a)(3). The committee satisfies factor five because it failed to file disclosure reports for the previous year (and in fact failed to file for over three years). See 11 C.F.R. § 102.4(a)(5). The Committee also satisfies factor seven because the Committee's last report disclosed that it did not have any outstanding accounts receivable. See 11 C.F.R. § 102.4(a)(7).

C. Factors 2, 4, and 6 do not apply to the Committee

Factor two does not apply since the Committee did not file any disclosure reports for the previous year. See 11 C.F.R. § 102.4(a)(2). Additionally, factors four and six do not apply since the Committee's last filed report indicated that it did not have any outstanding debts or obligations. See 11 C.F.R. § 102.4(a)(4) and (6).

IV. RECOMMENDATION

We recommend that the Commission administratively terminate Powell for Congress.

Attachments:

Attachment 1 – Administrative Termination Referral from Patricia C. Orrock, Chief Compliance Officer and Debbie Chacona, Assistant Staff Director, Reports Analysis Division, dated June 10, 2015.



June 10, 2015

MEMORANDUM

To: Lisa J. Stevens

Deputy General Counsel - Law

Through: Alec Palmer

Staff Director

From: Patricia C. Orrock

Chief Compliance Officer

Debbie Chacona AC Assistant Staff Director Reports Analysis Division

By: Kristin Roser KOR

Compliance Branch Chief Reports Analysis Division

Subject: Administrative Termination Referral

The three (3) committees referenced within this memorandum are being referred to the Office of General Counsel (OGC) pursuant to the Reports Analysis Division (RAD)'s 2015-2016 Review and Referral Procedures for Authorized Committees (Standard 29).

The highlighted committees do not meet the criteria for administrative termination by RAD and, as such, are being referred to your office for further research and a final recommendation of disposition to the Commission.

A brief summary of the committee's status, activity and supporting information is provided for the convenience of OGC.

If you should have any questions, please contact Kristin Roser, Compliance Branch Chief, at extension 1153.

Committee: James A. Gardner Congressional Committee (C00392506)

7 12th Street

Garden City, NY 11530

Treasurer: Candidate: Rod Cyrus Tabriztehi James A. Gardner

Committee Type:

Authorized Committee 2004

Year of Last Election: Last Report Filed:

Amended 2004 12 Day Pre-General (Image: 24991453217)

Cash on Hand:

\$67,793.91

Total Obligations:

\$0.00

Committee Contacts:

Rod Cyrus Tabriztchi, Treasurer - (516) 746-4200 Charles Robinson, General Counsel - (212) 476-3223 Louis Eustache, (Title Unknown) - (516) 565-3582

The James A. Gardner Congressional Committee last filed a report on December 2, 2004. The Committee filed the Amended 2004 12 Day Pre-General Report, disclosing \$21,895.00 in receipts and \$45,375.08 in disbursements and an ending cash-on-hand balance of \$67,793.91. A termination report has never been filed and the committee has failed to respond to the past forty-three (43) consecutive Non-Filer Notifications (RQ-7).

The Committee has no outstanding compliance or enforcement matters. RAD last made contact with the treasurer on June 3, 2010. The Committee has been unresponsive to RAD's request to bring the Committee's reporting into compliance. The Committee has not filed a report for ten (10) years. RAD most recently attempted to contact the Committee on June 9, 2015, but was unsuccessful.

Attachment 1: O-Index

Attachment 2: RAD Communication Log

AT 15-02

Committee:

Kevin Powell for Congress (C00437863)

93 Montague Street - PMB 240

Brooklyn, NY 11201 Tyra Washington

Treasurer: Candidate:

Kevin Powell
Authorized

Committee Type: Year of Last Election:

2008

Last Report Filed:

2008 Year-End (Image: 29991744108)

Cash on Hand: Total Obligations: \$56,889.70

Committee Contacts:

\$0.00 Kevin Powell, Candidate - (914) 843-9083

Tyra Washington, Treasurer - (917) 593-5840

Erica Perkins. Campaign Manager - (646) 326-1761

Llvod Calana, Custodian of Records - (841) 441-9173

The Kevin Powell for Congress committee last filed a report on March 13, 2009. The Committee filed the 2008 Year-End Report, disclosing \$0.00 in receipts and \$0.00 in disbursements and an ending cash-on-hand balance of \$56,889.70. A termination report has never been filed and the committee has failed to respond to the past twenty-seven (27) consecutive Non-Filer Notifications (RQ-7).

The Committee has two Administrative Fines from 2008 (AF 1882 and AF 1919) that were sent to the Treasury Department for debt collection on 6/9/2009 and 9/9/2009, respectively. The cases were returned to the FEC on 3/31/2011 and 4/14/2011, respectively. Both Administrative Fines were written off by the FEC on 6/30/2011. There are no other outstanding compliance or outstanding enforcement matters. RAD last made contact with the Committee on The Committee has been unresponsive to RAD's request to bring the Committee's reporting into Compliance. RAD most recently attempted to contact the Committee on June 9, 2015, but was unsuccessful.

Attachment 3: O-Index

AT 15-03

Committee: Powell For Congress (C00471961)

454 East 119th Street - #3F

New York, NY 10035

Treasurer: Debra E. Fields

Candidate: Adam Clayton Powell IV Committee Type: Authorized Committee

Year of Last Election:

Last Report Filed: 2012 October Quarterly (Image: 12960661835)

Cash on Hand: \$36,596.33 Total Obligations: \$0.00

Committee Contacts: Debra E. Fields, Treasurer - (917) 868-9106

Pamela Stone, Former Treasurer - (631) 604-2178

The Powel For Congress committee last filed a report on October 21, 2012. The Committee filed the 2012 October Quarterly Report, disclosing \$0.00 in receipts and \$0.00 in disbursements and an ending cash-on-hand balance of \$36,596.33. A termination report has never been filed and the committee has failed to respond to the past ten (10) consecutive Non-Filer Notifications (RQ-7).

The Committee has no outstanding compliance or enforcement matters. RAD last had contact with the treasurer on October 15, 2010. The Committee has been unresponsive to RAD's request to bring the Committee's reporting into compliance. RAD most recently attempted to contact the Committee on June 9, 2015, but was unsuccessful.

	O-Index (2013-2014) Cmte. ID: C00392506														
			Cmte. Typ	e: H (HC	OUSE) Cmte.	Designation:	A (AUTHORIZE	D BY A CANDIDAT	E) Filing	Frequen	cy: QUAF	RTERLY F	ILER		
Form Tp	Rpt Tp	A/I	Recpt Dt	Pgs	Begin Img#	Beg Cvg Dt	End Cvg Dt	Lttr Mail Dt B	egin Cash	Recpts	Disb E	nd Cash	Debts	Loans	Debts & Loans
RQ7	Q1		5/3/2013	2	13330030662	1/1/2013	3/31/2013	5/3/2013	-	-	-	-	-	-	-
RQ7	Q2		8/2/2013	2	13330034967	4/1/2013	6/30/2013	8/2/2013	-	-	-	-	-	-	-
RQ7	Q3		11/1/2013	2	13330039578	7/1/2013	9/30/2013	11/1/2013	-	-	-	-	-	-	-
RQ7	YE		2/19/2014	2	14330043952	10/1/2013	12/31/2013	2/19/2014	-	-	-	-	-	-	-
RQ7	Q1		5/2/2014	2	14330050852	1/1/2014	3/31/2014	5/2/2014	-	-	-	-	-	-	-
RQ7	Q2		8/4/2014	2	14330055864	4/1/2014	6/30/2014	8/4/2014	-	-	-	-	-	-	-
RQ7	Q3		10/31/2014	2	14330063476	7/1/2014	9/30/2014	10/31/2014		-	-	-	-	-	-
RQ7	YÉ		2/18/2015	2	15330074918	10/1/2014	12/31/2014	2/18/2015	-	-	-	-	-	-	
Totals	ز کستار ا									\$0	\$0				

							O-Index (2								
					Cmte. ID: C00392			A GARNER CO							
			Cmte. Type		surer Name: ROI			idress: 7 12TH S D BY A CANDID			,	SSU ARTERLY F	II ED		
Form Tp	Rpt Tp	Á/I	Recpt Dt	Pas	Begin Img#			Lttr Mail Dt	Begin Cash					Loans	Debts & Loans
RQ7	Q1	N	5/3/2011	2	11030603054	1/1/2011	3/31/2011	5/3/2011			-	-	-	-	-
RQ7	Q2	N	8/1/2011	2	11030644212	4/1/2011	6/30/2011	8/1/2011			-		-	-	-
RQ7	Q3	N	11/3/2011	2	11030683845	7/1/2011	9/30/2011	11/3/2011			-	-	-	_	-
RQ7	YE	N	2/16/2012	2	12030742578	10/1/2011	12/31/2011	2/16/2012				-		-	-
RQ7	Q1	N	5/2/2012	2	12030801988	1/1/2012	3/31/2012	5/2/2012			-	-	-	-	-
RQ7	Q2	N	7/31/2012	2	12030870668	4/1/2012	6/30/2012	7/31/2012			-	-	-	-	-
RQ7	Q3	N	10/31/2012	2	12030942460	7/1/2012	9/30/2012	10/31/2012			-	-	-	-	-
RQ7	YE		2/15/2013	2	13330023427	10/1/2012	12/31/2012	2/15/2013			-	-	-	-	-
Totals	ر المساور									\$0	\$0				

ŲΠ

					Cmte. II	D: C00437863	O-Index (2 Cmte. Name	013-2014) e: KEVIN POWELI	L FOR CONG	RESS					
				Treasur	rer Name: TYRA			93 MONTAGUE S							
			Cmte. Type	: H (HO	USE) Cmte.	Designation: A	A (AUTHORIZEI	D BY A CANDIDA				RTERLY F			
Form Tp	Rpt Tp	A/I_	Recpt Dt	Pgs	Begin Img#	Beg Cvg Dt	End Cvg Dt	Lttr Mail Dt	Begin Cash	Recpts	Disb	End Cash	Debts	Loans	Debts & Loans
RQ7	Q1		5/3/2013	2	13330030684	1/1/2013	3/31/2013	5/ 3 /2 0 13	-		-	-	-	-	-
RQ7	Q2		8/2/2013	2	13330034989	4/1/2013	6/30/2013	8/2/201 3	-	-	-	-	-	-	-
RQ7	Q3		11/1/2013	2	13330039596	7/1/2013	9/30/2013	11/1/2013	-	-	-	-	-	-	-
RQ7	YE		2/19/2014	2	14330043972	10/1/2013	12/31/2013	2/19/2014	-	-	-	-	-	-	-
RQ7	Q1		5/2/2014	2	14330050868	1/1/2014	3/31/2014	5/2/2014	-	-	-	-	-	-	-
RQ7	Q2		8/4/2014	2	14330055884	4/1/2014	6/30/2014	8/4/2014	-	-	-	-	-	-	-
RQ7	Q3		10/31/2014	2	14330063492	7/1/2 0 14	9/30/2014	10/31/2014	-	-	-	-	-	-	-
RQ7	YE		2/18/2015	2	15330074926	10/1/2014	12/31/2014	2/18/2015	-						
Totals										\$0	\$0				

							O-Index (2	011-2012)							
					Cmte. II	D: C00437863		: KEVIN POWEI							
				Treasur	rer Name: TYRA	WASHINGTON	Address:	93 MONTAGUE S	ST PMB 240	, BROOKL	YN, NY 1	11201			
			Cmte. Type	e: H (HO	USE) Cmte.	Designation: A	(AUTHORIZE	BY A CANDIDA	ATE) Filii	ng Freque	ncy: QU	ARTERLY F	ILER		
Form Tp	Rpt Tp	A/I	Recpt Dt	Pgs	Begin Img#	Beg Cvg Dt	End Cvg Dt	Lttr Mail Dt	Begin Cast	n Recpts	Disb	End Cash	Debts	Loans	Debts & Loans
RQ7	Q1	N	5/3/2011	2	11030603062	1/1/2011	3/31/2011	5/3/2011		-	-	-	-	-	-
RQ7	Q2	N	8/1/2011	2	11030644254	4/1/2011	6/30/2011	8/1/2011		-	_	-	-	-	-
RQ7	Q3	N	11/3/2011	2	11030683777	7/1/2011	9/30/2011	11/3/2011			-	-	-	-	-
RQ7	YE	N	2/16/2012	2	12030742598	10/1/2011	12/31/2011	2/16/2012			-	-	-	-	-
RQ7	Q1	N	5/2/2012	2	12030802010	1/1/2012	3/31/2012	5/2/2012		-	-	-	-	-	-
RQ7	Q2	N	7/31/2012	2	12030870704	4/1/2012	6/30/2012	7/31/2012			-	-	-	-	-
RQ7	Q3	N	10/31/2012	2	12030942480	7/1/2012	9/30/2012	10/31/2012		-	-	-	-	-	-
RQ7	YE		2/15/2013	2	13330023447	10/1/2012	12/31/2012	2/15/2013			-			_	
Totals										\$0	\$0				

9

O-Index (2015-2016) Cmte. Name: POWELL FOR CONGRESS Cmte. ID: C00471961 Treasurer Name: DEBRA E FIELDS Address: 454 EAST 119TH STREET #3F, NEW YORK, NY 10035 Cmte. Type: H (HOUSE) Cmte. Designation: A (AUTHORIZED BY A CANDIDATE) Filing Frequency: QUARTERLY FILER Recpt Dt | Pgs | Begin Img# | Beg Cvg Dt | End Cvg Dt | Lttr Mail Dt | Begin Cash | Recpts | Disb | End Cash | Debts | Loans | Debts & Loans | Form Tp Rpt Tp A/I 15330081891 3/31/2015 5/1/2015 RQ7 5/1/2015 2 1/1/2015 Q1 Totals

							O-Index (2	(013-2014)								
					Cmt	e. ID: C004719		lame: POWELL F								
				Treasu	ırer Name: DEBF			4 EAST 119TH S								
			Cmte. Type	e: H (HC	OUSE) Cmte.	Designation: /	A (AUTHORIZE	D BY A CANDID					RTERLY F			
Form Tp	Rpt Tp	A/I	Recpt Dt	Pgs	Begin Img#	Beg Cvg Dt	End Cvg Dt	Lttr Mail Dt	Begin C	ash Re	cpts	Disb	End Cash	Debts	Loans	Debts & Loans
RQ7	Q1		5/3/2013	2	13330030768	1/1/2013	3/31/2013	5/3/2013			-	-	-	-	-	-
RQ7	Q2		8/2/2013	2	13330035071	4/1/2013	6/30/2013	8/2/2013		-	-	-	-	-	-	-
RQ7	Q3		11/1/2013	2	13330039670	7/1/2013	9/30/2013	11/1/2013		-	-	-	-	-	-	-
RQ7	YE		2/19/2014	2	14330044054	10/1/2013	12/31/2013	2/19/2014		-	-	-	-	-	-	-
RQ7	Q1		5/2/2014	2	14330050954	1/1/2014	3/31/2014	5/2/2014		-	-	-	-	-	-	-
RQ7	Q2		8/4/2014	2	14330055966	4/1/2014	6/30/2014	8/4/2014		-	-	-	-	-	-	-
RQ7	Q3		10/31/2014	2	14330063574	7/1/2014	9/30/2014	10/31/2014		-	-	-	-	-	-	-
RQ7	YΕ		2/18/2015	2	15330075012	10/1/2014	12/31/2014	2/18/2015		-	-	-	-	-	-	
F2		N	12/1/2014	3	14031342821					-	-	-	-	-	-	-
F2		N	3/11/2013	2	13031044349					-	-	-	-	-	-	-
Totals											\$0	\$0				

								(011-2012)							
3					Cmt	e. ID: C004719	61 Cmte. N	ame: POWELL F	FOR CONGRES	SS					
				Treasu	irer Name: DEBF	RA E FIELDS	Address: 45	4 EAST 119TH S	TREET #3F, N	EW YOR	K, NY 10	0035			
			Cmte. Type	e: H (HO	USE) Cmte.	Designation: /	A (AUTHORIZE	D BY A CANDID	ATE) Filing	Frequer		ARTERLY F			
Form Tp	Rpt Tp	A/I	Recpt Dt	Pgs	Begin Img#	Beg Cvg Dt	End Cvg Dt	Lttr Mail Dt	Begin Cash	Recpts	Disb	End Cash	Debts	Loans	Debts & Loans
RQ7	YÉ		2/15/2013	2	13330023529	10/1/2012	12/31/2012	2/15/2013	-	-	-	-	-	-	-
F3N	Q1	N	4/16/2011	4	11930708501	1/1/2011	3/31/2011		\$36,596	\$0	\$0	\$ 36,5 96	-	-	\$0
F3N	Q2	N	7/14/2011	4	11931838896	4/1/2011	6/30/2011		\$36,596	\$0	\$0	\$ 36, 59 6	-	-	\$0
F3N	Q3	N	10/26/2011	6	11971768841	7/1/2011	9/30/2011		\$36,596	\$0	\$0	\$36,596	-	-	\$0
F3N	ΥE	N	1/14/2012	4	12950090104	10/1/2011	12/31/2011		\$36,596	\$0	\$0	\$36,596	-	-	\$0
F3N	Q1	N	4/11/2012	4	12951374976	1/1/2012	3/31/2012		\$36,596	\$0	\$0	\$36,596	-	•	\$0
F3N	Q2	N	7/18/2012	4	12971672870	4/1/2012	6/30/2012		\$36,596	\$0	\$0	\$36,596	-	-	\$0
F3N	Q3	N	10/21/2012	4	12960661835	7/1/2012	9/30/2012		\$36,596	\$0	\$0	\$36,596	-	-	\$0
Totals										\$0	\$0				

16