

22L-25

REPORTS ANALYSIS DIVISION REFERRAL
 TO
 OFFICE OF GENERAL COUNSEL

DATE: November 22, 2022

ANALYST: Denise Stilla

- I. COMMITTEE: Dr. Manny for US Senate
 C00708628
 Troy Brewer, Treasurer
 95 White Bridge Road, Suite 207
 Nashville, TN 37205
- II. RELEVANT STATUTE: 52 U.S.C. § 30116(a)
 11 CFR § 102.9(e)
 11 CFR § 110.1(b)

III. BACKGROUND:

Excessive, Prohibited and Other Impermissible Contributions (Failure to Refund or Redesignate General Election Contributions within the Permissible Timeframe)

Dr. Manny for US Senate (“the Committee”) received 2020 General Election contributions from individuals, multicandidate political committees, and a federal candidate committee that were not refunded or redesignated within the permissible timeframe from the date Dr. Manny Sethi (“the Candidate”) lost the Primary Election. The contributions total \$58,765.66, as disclosed on the [2019 July Quarterly](#), [2019 October Quarterly](#), [2019 Year-End](#), [2020 April Quarterly](#), [2020 July Quarterly](#), [2020 12-Day Pre-Primary](#), and [2020 October Quarterly](#) Reports (Attachment 1).¹

2019 July Quarterly Report

During the [2019 July Quarterly reporting period](#), April 1, 2019 through June 30, 2019, the Committee received 2020 General Election contributions totaling \$5,194.88 from individuals that were not remedied.

¹ The Committee timely issued General Election contribution refunds to eight (8) individuals totaling \$22,400.00, but the refund checks were not cashed by the contributors. Since the Committee did not reissue the checks or disgorge the funds to the U.S. Treasury, this amount is included in the referral.

2019 October Quarterly Report

During the [2019 October Quarterly reporting period](#), July 1, 2019 through September 30, 2019, the Committee received 2020 General Election contributions totaling \$16,945.78 from individuals and multicandidate committees that were not remedied.

2019 Year-End Report

During the [2019 Year-End reporting period](#), October 1, 2019 through December 31, 2019, the Committee received 2020 General Election contributions totaling \$11,200.00 from individuals that were not remedied.

2020 April Quarterly Report

During the [2020 April Quarterly reporting period](#), January 1, 2020 through March 31, 2020, the Committee received 2020 General Election contributions totaling \$7,300.00 from individuals that were not remedied.

2020 July Quarterly Report

During the [2020 July Quarterly reporting period](#), April 1, 2020 through June 30, 2020, the Committee received 2020 General Election contributions totaling \$4,900.00 from individuals and a federal candidate committee that were not remedied.

2020 12-Day Pre-Primary Report

During the [2020 12-Day Pre-Primary reporting period](#), July 1, 2020 through July 17, 2020, the Committee received 2020 General Election contributions totaling \$3,150.00 from individuals that were not remedied.

2020 October Quarterly Report

During the [2020 October Quarterly reporting period](#), July 18, 2020 through September 30, 2020, the Committee received 2020 General Election contributions totaling \$10,075.00 from individuals that were not remedied.²

On August 6, 2020, the Candidate lost the Tennessee Primary Election for U.S. Senate.

On May 16, 2021, a [Request for Additional Information](#) (RFAI) was sent to the Committee referencing the 2020 October Quarterly Report. The RFAI noted the Committee's receipt of 2020 General Election contributions and requested the Committee take corrective action concerning these contributions.

² The report disclosed timely 2020 General Election refunds totaling \$343,479.12.

On June 21, 2021, the Committee submitted an [FEC Form 99](#) (Miscellaneous Electronic Submission) that stated: “General Election contributions: All of the General Election Contributions were refunded on Sept 23, 2020.”

On August 23, 2021, the Committee filed an [FEC Form 99](#) that stated:

“Per RFAI request-General receipts that we possibly have remaining after the due date for refunding.

Albert, Todd	1,145.78	9/26/19
Canavan, Beth	300.00	9/30/19
PAC of the AAOS	5,000.00	9/27/19
Rothman Institute PAC	5,000.00	9/18/19
Claussen, Peter	100.00	10/10/19
Harrod, Chambliss	300.00	3/25/20
Kloess, Lawrence III	300.00	2/14/20
Knoll, Olivia	25.00	3/31/20
Frigon, Vaughn	500.00	5/20/20
Price for Congress	2,000.00	7/15/20
Claussen, Peter	500.00	7/14/20
Harrod, Chambliss	2,100.00	7/15/20
Carr, Joe	2,750.00	7/29/20
Carr, Virginia	2,800.00	7/29/20
Ethier, James	800.00	8/4/20
Klekamp, John	1,000.00	7/23/20
Kloess, Karen	300.00	7/22/20
McAlpin, Louise	2,400.00	8/6/20
Rice, Thomas	250.00	8/4/20
Robers, James	200.00	8/4/20
Spengler, Dan	250.00	8/6/20
Yeagar, Robert	200.00	7/31/20

Total 28,220.78

Treasury total is 22,400.00.”

During the [2020 Year-End reporting period](#), October 1, 2020 through December 31, 2020, the Committee disclosed voided refunds on Schedule B for Line 20(a) of the Detailed Summary Page totaling \$22,400.00 to eight (8) individuals with transactions descriptions “Check not cashed.”

Since June 30, 2021, the Reports Analysis Division (RAD) logged twelve (12) communications with a representative of the Committee which reflect efforts to help the Committee voluntarily comply with the Act. RAD was able to successfully connect with the Committee on nine (9) occasions. RAD acknowledged the Committee’s FEC Form 99s and the information about uncashed refunds on the 2020 Year-End Report. RAD advised the Committee to re-issue the uncashed 2020 General Election contribution refund

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checks or disgorge the funds to the U.S. Treasury. The Committee was also notified that the matter would be referred to another office at the Commission for further review. To date, no further communications have been received from the Committee regarding this matter (Attachment 2).

Filings and correspondence related to the committee can be found here: [Dr. Manny for US Senate](#).

Dr. Manny for US Senate (C00708628)
 2020 General Election Contributions Not Refunded, Listed by Contributor

Name	Date	Contribution Amount	Election	Report	Excessive Amount Not Remedied	Remedied # Days Since Receipt
Contributions from Individuals						
Albert, Todd	9/26/2019	\$1,145.78	G2020	2019 October Quarterly	\$1,145.78	N/A
Bruch, Richard	6/17/2020	\$200.00	G2020	2020 July Quarterly	\$200.00	N/A
Carr, Joe S	7/29/2020	\$2,800.00	G2020	2020 October Quarterly		
Carr, Joe S	7/29/2020	\$700.00	G2020	2020 October Quarterly		
Carr, Joe S	9/23/2020	-\$750.00	G2020	2020 October Quarterly	\$2,750.00	N/A
Carr, Virginia	7/29/2020	\$2,800.00	G2020	2020 October Quarterly	\$2,800.00	N/A
Claussen, Peter	6/25/2020	\$250.00	G2020	2020 July Quarterly		
Claussen, Peter	7/14/2020	\$500.00	G2020	2020 12-Day Pre-Primary		
Claussen, Peter	9/23/2020	-\$250.00	G2020	2020 October Quarterly	\$500.00	N/A
Decoursey, Robert	7/9/2020	\$150.00	G2020	2020 12-Day Pre-Primary	\$150.00	N/A
Ellichman, Nicole	3/25/2020	\$2,800.00	G2020	2020 April Quarterly		
Ellichman, Nicole	9/23/2020	-\$1,800.00	G2020	2020 October Quarterly	\$1,000.00	N/A
Fournet, Timothy	7/5/2020	\$200.00	G2020	2020 12-Day Pre-Primary	\$200.00	N/A
Frigon, Vaughn	12/11/2019	\$200.00	G2020	2019 Year-End		
Frigon, Vaughn	5/1/2020	\$100.00	G2020	2020 July Quarterly		
Frigon, Vaughn	5/20/2020	\$500.00	G2020	2020 July Quarterly		
Frigon, Vaughn	7/7/2020	\$1,000.00	G2020	2020 12-Day Pre-Primary		
Frigon, Vaughn	7/13/2020	\$750.00	G2020	2020 12-Day Pre-Primary		
Frigon, Vaughn	9/23/2020	-\$1,000.00	G2020	2020 October Quarterly		
Frigon, Vaughn	9/23/2020	-\$750.00	G2020	2020 October Quarterly		
Frigon, Vaughn	9/23/2020	-\$200.00	G2020	2020 October Quarterly	\$600.00	N/A
Harrod, Chambliss	3/25/2020	\$700.00	G2020	2020 April Quarterly		
Harrod, Chambliss	7/15/2020	\$2,100.00	G2020	2020 12-Day Pre-Primary		
Harrod, Chambliss	9/23/2020	-\$400.00	G2020	2020 October Quarterly	\$2,400.00	N/A
Haynes, Madison	6/19/2020	\$200.00	G2020	2020 July Quarterly	\$200.00	N/A
Horst, Phillip	6/2/2020	\$200.00	G2020	2020 July Quarterly	\$200.00	N/A

Ingram, David	6/6/2019	\$2,800.00	G2020	2019 July Quarterly		
Ingram, David	9/23/2020	-\$505.12	G2020	2020 October Quarterly	\$2,294.88	N/A
Klekamp, John	7/23/2020	\$1,000.00	G2020	2020 October Quarterly	\$1,000.00	N/A
Kloess, Lawrence H III	2/14/2020	\$700.00	G2020	2020 April Quarterly		
Kloess, Lawrence H III	7/22/2020	\$2,500.00	G2020	2020 October Quarterly		
Kloess, Lawrence H III	9/23/2020	-\$2,500.00	G2020	2020 October Quarterly		
Kloess, Lawrence H III	9/23/2020	-\$400.00	G2020	2020 October Quarterly	\$300.00	N/A
Knoll, Olivia	6/30/2019	\$100.00	G2020	2019 July Quarterly	\$100.00	N/A
Kregor, Philip *	12/31/2019	\$2,800.00	G2020	2019 Year-End		
Kregor, Philip *	9/23/2020	-\$2,800.00	G2020	2020 October Quarterly		
Kregor, Philip *	12/31/2020	\$2,800.00	G2020	2020 Year-End	\$2,800.00	N/A
McAlpin, Louise	8/6/2020	\$2,400.00	G2020	2020 October Quarterly	\$2,400.00	N/A
Miller, Cynthia	6/29/2020	\$2,800.00	G2020	2020 July Quarterly		
Miller, Cynthia	9/23/2020	-\$1,300.00	G2020	2020 October Quarterly	\$1,500.00	N/A
Mollenhour, Christina *	12/26/2019	\$2,800.00	G2020	2019 Year-End		
Mollenhour, Christina *	9/23/2020	-\$2,800.00	G2020	2020 October Quarterly		
Mollenhour, Christina *	12/31/2020	\$2,800.00	G2020	2020 Year-End	\$2,800.00	N/A
Mollenhour, Jordan *	12/26/2019	\$2,800.00	G2020	2019 Year-End		
Mollenhour, Jordan *	9/23/2020	-\$2,800.00	G2020	2020 October Quarterly		
Mollenhour, Jordan *	12/31/2020	\$2,800.00	G2020	2020 Year-End	\$2,800.00	N/A
Patel, Jayesh G	7/31/2020	\$200.00	G2020	2020 October Quarterly	\$200.00	N/A
Pierce, Joe	6/1/2020	\$100.00	G2020	2020 July Quarterly		
Pierce, Joe	6/29/2020	\$100.00	G2020	2020 July Quarterly		
Pierce, Joseph	7/30/2020	\$100.00	G2020	2020 October Quarterly		
Pierce, Joe	8/31/2020	\$100.00	G2020	2020 October Quarterly	\$400.00	N/A
Rice, Thomas	6/30/2020	\$1,500.00	G2020	2020 July Quarterly		
Rice, Thomas	8/4/2020	\$500.00	G2020	2020 October Quarterly		
Rice, Thomas	9/23/2020	-\$1,750.00	G2020	2020 October Quarterly	\$250.00	N/A
Singleton, Thomas	7/23/2020	\$25.00	G2020	2020 October Quarterly	\$25.00	N/A
Smith, Edward *	3/31/2020	\$2,800.00	G2020	2020 April Quarterly		
Smith, Edward *	9/23/2020	-\$2,800.00	G2020	2020 October Quarterly		
Smith, Edward *	12/31/2020	\$2,800.00	G2020	2020 Year-End	\$2,800.00	N/A
Spengler, Dan	6/30/2019	\$2,800.00	G2020	2019 July Quarterly		
Spengler, Dan	3/31/2020	\$100.00	G2020	2020 April Quarterly		
Spengler, Dan	7/29/2020	\$500.00	G2020	2020 October Quarterly		

Spengler, Dan	8/4/2020	\$250.00	G2020	2020 October Quarterly	
Spengler, Dan	8/6/2020	\$250.00	G2020	2020 October Quarterly	
Spengler, Dan	9/23/2020	-\$500.00	G2020	2020 October Quarterly	
Spengler, Dan	9/23/2020	-\$2,800.00	G2020	2020 October Quarterly	
Spengler, Dan	9/23/2020	-\$250.00	G2020	2020 October Quarterly	N/A
Spengler, Mrs.Dan	6/30/2019	\$2,800.00	G2020	2019 July Quarterly	\$2,800.00
Tasset, Daniel R *	12/31/2019	\$2,800.00	G2020	2019 Year-End	
Tasset, Daniel R *	9/23/2020	-\$2,800.00	G2020	2020 October Quarterly	
Tasset, Daniel R *	12/31/2020	\$2,800.00	G2020	2020 Year-End	\$2,800.00
Thornton, Eileen *	9/27/2019	\$2,800.00	G2020	2019 October Quarterly	
Thornton, Eileen *	9/23/2020	-\$2,800.00	G2020	2020 October Quarterly	
Thornton, Eileen *	12/31/2020	\$2,800.00	G2020	2020 Year-End	\$2,800.00
Tiwari, Satya *	6/30/2019	\$2,800.00	G2020	2019 October Quarterly	
Tiwari, Satya *	9/23/2020	-\$2,800.00	G2020	2020 October Quarterly	
Tiwari, Satya *	12/31/2020	\$2,800.00	G2020	2020 Year-End	\$2,800.00
Williams, Gerald	7/27/2020	\$200.00	G2020	2020 October Quarterly	\$200.00
Williams, John A *	3/31/2020	\$2,800.00	G2020	2020 April Quarterly	
Williams, John A *	9/23/2020	-\$2,800.00	G2020	2020 October Quarterly	
Williams, John A *	12/31/2020	\$2,800.00	G2020	2020 Year-End	\$2,800.00
Wolfe, Kelly	7/8/2020	\$200.00	G2020	2020 12-Day Pre-Primary	\$200.00
Wright, Rick	9/25/2019	\$200.00	G2020	2019 October Quarterly	\$200.00
Contributions from Multicandidate Committees					
Political Action Committee of the American Association of Orthopaedic Surgeons--PAC of AAO	9/27/2019	\$5,000.00	G2020	2019 October Quarterly	\$5,000.00
Rothman Institute PAC	9/18/2019	\$5,000.00	G2020	2019 October Quarterly	\$5,000.00
Contributions from Federal Candidate Committees					
Price for Congress	6/30/2020	\$2,000.00	G2020	2020 July Quarterly	\$2,000.00
Total Unremedied 2020 General Election Contributions:					
					\$58,765.66

* 2020 General Election contributions from eight (8) individuals totaling \$22,400.00 were refunded timely, but the refunds were subsequently voided. The Committee did not disclose reissued check or a disgorgement to the U.S. Treasury.

Dr. Manny for US Senate (C00708628)

Breakdown of Apparent Remedied and Unremedied Excessive Contributions (all reports)

Total Amount Remedied Outside of the Permissible Timeframe (all reports):	\$0.00
Total Amount Unremedied (all reports):	\$58,765.66
Total Amount Referred (all reports):	\$58,765.66