



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RQ-2

September 18, 2014

MICHELLE D. MOONS, TREASURER  
KIRK JORGENSEN FOR CONGRESS  
14677 VIA BETTONA SUITE 110-835  
SAN DIEGO, CA 92127

**Response Due Date**

**10/23/2014**

IDENTIFICATION NUMBER: C00546267

REFERENCE: JULY QUARTERLY REPORT (05/15/2014 - 06/30/2014)

Dear Treasurer:

This letter is prompted by the Commission's preliminary review of the report referenced above. This notice requests information essential to full public disclosure of your federal election campaign finances. **Failure to adequately respond by the response date noted above could result in an audit or enforcement action.** Additional information is needed for the following 7 item(s):

1. The beginning cash balance of this report does not equal the ending balance of your 12 Day Pre-Primary Report. Please correct this discrepancy and amend all subsequent reports that may be affected by the correction. (52 U.S.C. § 30104(b)(1) (formerly 2 U.S.C. § 434(b)(1)) and 11 CFR § 104.3(a)(1))
2. The totals listed on Line(s) 6(a), 6(c), 11(a)(iii), 11(c), 11(e), and 16, Column B of the Summary and Detailed Page(s) appear to be incorrect. Column B figures for the Summary and Detailed Summary Pages should equal the sum of the Column B figures on your previous report and the Column A figures on this report. Please file an amendment to your report to correct the Column B discrepancies for this report and all subsequent report(s) which may be affected by this correction. Note that Column B should reflect only the election cycle-to-date totals (11/7/12 through 11/4/14). (52 U.S.C. § 30104(b) (formerly 2 U.S.C. § 434(b)) and 11 CFR § 104.3)
3. While it is permissible for a person to make a contribution for the general election prior to the primary election, the recipient committee must employ an acceptable accounting method to distinguish between primary and general election contributions. (11 CFR § 102.9(e)) This general election amount must be maintained in the committee's account.

Since the candidate will not participate in the general election, any contribution

KIRK JORGENSEN FOR CONGRESS

Page 2 of 4

received for the general election must be returned to the donors or redesignated to the primary if your committee has net debts outstanding for the primary election. To redesignate a contribution the committee must either (1) obtain signed written documentation from the contributor(s) authorizing the redesignation of the contribution for another election provided that the new designation does not exceed the limitations on contributions made with respect to that election, or (2) redesignate the contribution by presumption to the primary election, for undesignated contributions made after the primary but before the general election, provided that the new designation does not exceed the limitations on contributions made with respect to that election. In this case, the treasurer must notify the contributor of the redesignation in writing. The notification must give the contributor an opportunity to request a refund. A contribution can only be redesignated to a previous election to the extent that the contribution does not exceed net debts outstanding for that election. (11 CFR § 110.1(b)(3)(i) and (5)(ii)(C))

Any subsequent report(s) filed with the Commission must disclose the refund or redesignation of any general election contribution. Refunds or redesignations must be done within 60 days after the 2014 Primary Election.

Although the Commission may take further legal action, your prompt action to refund these contributions will be taken into consideration.

**4.** Schedule A of your report indicates that your committee may have failed to file one or more of the required 48-hour notices regarding "last minute" contributions received by your committee after the close of books for the 12 Day Pre-Primary Report (see attached). A principal campaign committee must notify the Commission, in writing, within 48 hours of any contribution of \$1,000 or more received between two and twenty days before an election. These contributions are then reported on the next report required to be filed by the committee. To ensure that the Commission is notified of last minute contributions of \$1,000 or more to your campaign, it is recommended that you review your procedures for checking contributions received during the aforementioned time period. The failure to file 48-hour notices may result in civil money penalties or legal enforcement action. (11 CFR § 104.5(f))

If any contribution of \$1,000 or more was incorrectly reported, you must amend your original report with the clarifying information.

**5.** On Schedule B supporting Line 17 and 21 of your report, you have itemized disbursements for which you have failed to include the purpose. Please amend

KIRK JORGENSEN FOR CONGRESS

Page 3 of 4

your report to include the missing information. (11 CFR § 104.3(b)(4))

**6.** Itemized disbursements must include a brief statement or description of why each disbursement was made. Please amend Schedule B supporting Line 17 of your report to clarify the following description(s): "Election Night Event" and "Reimbursement." For further guidance regarding acceptable purposes of disbursement, please refer to 11 CFR 104.3(b)(4)(i)(A).

Additional clarification regarding inadequate purposes of disbursement published in the Federal Register is available on the FEC website at [www.fec.gov/law/policy/purposeofdisbursement/inadequate\\_purpose\\_list\\_3507.pdf](http://www.fec.gov/law/policy/purposeofdisbursement/inadequate_purpose_list_3507.pdf). A non-exhaustive list of acceptable purposes is also available on the FEC website at <http://www.fec.gov/rad/pacs/documents/ExamplesofAdequatePurposes.pdf>.

**7.** Schedule D of your report itemizes debt(s) owed to Hazelton Enterprises LLC and Replica Printing Services with outstanding beginning balances. These debts were not included on your previous report. Please file an amendment to your report(s) to correct this discrepancy. (11 CFR § 104.11(b))

- Your report disclosed a category of financial activity that appears to be disclosed on the wrong line of the Detailed Summary Page. For your information and consideration when preparing future filings, contributions from living trusts should be properly disclosed on a separate Schedule A, supporting Line 11(a)(i) of the Detailed Summary Page. In addition, contributions from federal candidate committees should be properly disclosed on a separate Schedule B, supporting Line 11(c) of the Detailed Summary Page. Lastly, operating expenditures should be properly disclosed on a separate Schedule B, supporting Line 17 of the Detailed Summary Page. Please refer to the Form 3 instructions for each line when determining the proper categorization(s) for your next filing. (11 CFR § 104.3(a) and (b))

**Please note, you will not receive an additional notice from the Commission on this matter.** Adequate responses must be received by the Commission on or before the due date noted above to be taken into consideration in determining whether audit action will be initiated. Failure to comply with the provisions of the Act may also result in an enforcement action against the committee. Any response submitted by your committee will be placed on the public record and will be considered by the Commission prior to taking enforcement action. **Requests for extensions of time in which to respond will not be considered.**

KIRK JORGENSEN FOR CONGRESS

Page 4 of 4

Electronic filers must file amendments (to include statements, designations and reports) in an electronic format and must submit an amended report in its entirety, rather than just those portions of the report that are being amended.

If you should have any questions regarding this matter or wish to verify the adequacy of your response, please contact me on our toll-free number (800) 424-9530 (at the prompt press 5 to reach the Reports Analysis Division) or my local number (202) 694-1166.

Sincerely,

A handwritten signature in black ink that reads "Bradley Matheson". The signature is written in a cursive, flowing style.

Bradley Matheson  
Sr. Campaign Finance & Reviewing Analyst  
Reports Analysis Division

**Missing 48-Hour Notices**  
**Kirk Jorgensen for Congress (C00546267)**

<b>Contributor Name</b>	<b>Date</b>	<b>Amount</b>	<b>Election</b>
Bengard, Kim	5/15/14	\$2,600.00	P2014
Bucher, Mark	5/16/14	\$1,000.00	P2014
Buck, Rusty	5/19/14	\$1,000.00	P2014
Zwischowski, Peter	5/19/14	\$1,000.00	P2014
Donovan, James	5/19/14	\$1,000.00	P2014