



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RQ-2

June 11, 2013

DAN BACKER, TREASURER  
SPECIAL OPERATIONS SPEAKS PAC - SOS  
PAC  
103 PAMLICO PLACE  
CHOCOWINITY, NC 27817

**Response Due Date**  
**07/16/2013**

IDENTIFICATION NUMBER: C00524280

REFERENCE: OCTOBER QUARTERLY REPORT (07/01/2012 - 09/30/2012)

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 4 item(s):

1. Commission Regulations require that a committee discloses the identification of all individuals who contribute in excess of \$200 in a calendar year. (11 CFR § 104.3(a)(4)(i)) Identification for an individual is defined as the full name (initials for first or last name are not acceptable), complete mailing address, occupation, and name of employer. (11 CFR § 100.12) Your report discloses contributions from individuals for which the identification is not complete.

You must provide the missing information, or if you are unable to do so, you must demonstrate that "best efforts" have been used to obtain the information. To establish "best efforts," you must provide the Commission with a detailed description of your procedures for requesting the information. Establishing "best efforts" is a three-fold process.

First, your original solicitation must include a clear and conspicuous request for the contributor information and must inform the contributor of the requirements of federal law for the reporting of such information. (11 CFR § 104.7(b)(1)) See 11 CFR § 104.7(b)(1)(B) for examples of acceptable statements regarding the requirements of federal law.

Second, if the information is not provided, you must make one follow-up, stand

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alone effort to obtain this information, regardless of whether the contribution(s) was solicited or not. This effort must occur no later than 30 days after receipt of the contribution and may be in the form of a written request or an oral request documented in writing. (11 CFR § 104.7(b)(2)) The requests must:

- clearly ask for the missing information, without soliciting a contribution,
- inform the contributor of the requirements of federal law for the reporting of such information, and
- if the request is written, include a pre-addressed post card or return envelope.

Third, if you receive contributor information after the contribution(s) has been reported, you should either a) file with your next regularly scheduled report, an amended memo Schedule A listing all the contributions for which additional information was received; or b) file on or before your next regularly scheduled reporting date, amendments to the report(s) originally disclosing the contribution(s). (11 CFR § 104.7(b)(4))

Please amend your report to provide the missing information or a detailed description of your procedures for requesting the information. For more information on demonstrating "best efforts," please refer to the Campaign Guide.

2. Schedule A supporting Line 17 of your report (see attached) discloses a receipt(s) from an organization(s) that is not registered with the Commission. 2 U.S.C. §441b prohibits the receipt of funds from national banks, corporations, and labor organizations. However, Commission records indicate that your Committee maintains a Non-Contribution Account consistent with the stipulated judgment in Carey v. FEC.

If the amounts in question were deposited into your Committee's Non-Contribution Account, please amend your report to disclose "Non-Contribution Account" in the description field or in memo text. For more information please reference the "Reporting Guidance for Political Committees that Maintain and Non-Contribution Account" at <http://www.fec.gov/pages/fecrecord/november2011/fecstatementcareyvfec.shtml>

If you have received a prohibited contribution, you may have to make a refund. If within 30 days of receipt you (1) transferred the prohibited amount to an account not used to influence federal elections, and (2) provided written notice to the person making the contribution of the option of receiving a refund, you

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may retain the contribution in an account not used to influence federal elections. Any request from a donor for a refund must be honored.

Please inform the Commission of your corrective action promptly in writing and provide a photocopy of your check for any transfer out or refund. In addition, any transfers out or refunds should be disclosed on Schedule B supporting Line 22 or 28 of the report covering the period during which the transaction was made.

Although the Commission may take further legal action concerning the acceptance of a prohibited contribution, prompt action by your committee to transfer out or refund the amount will be taken into consideration.

**3.** Schedule A supporting Line 17 of your report (see attached) discloses one or more contributions which appear to exceed the limits set forth in the Act. 2 U.S.C. §441a(f) and 11 CFR §§110.1(d) and 110.2(d) prohibit a committee and its affiliates from receiving any contribution from another political committee or person in excess of \$5,000 per calendar year. However, Commission records indicate that your Committee maintains a Non-Contribution Account consistent with the stipulated judgment in Carey v. FEC.

If the apparently excessive contribution(s) in question was deposited into your Non-Contribution Account, please amend your report to disclose "Non-Contribution Account" in the description field or in memo text. For more information please reference the "Reporting Guidance for Political Committees that Maintain and Non-Contribution Account" at <http://www.fec.gov/pages/fecrecord/november2011/fecstatementcareyvfec.shtml>

If any contribution you received exceeds the limits, you may have to refund the excessive amount. The funds can be retained if within 60 days of receipt, (1) the excessive amount was properly reattributed to another person, such as a joint account holder, by obtaining signed written authorizations from each person making the contribution pursuant to 11 CFR 110.1(k)(3), and (2) the treasurer informs the person making the contribution that he or she may request the return of the excessive portion of the contribution if it is not intended to be a joint contribution. Any request from a donor for a refund must be honored.

Alternatively, the funds can be retained if within 60 days of receipt you (1) transferred the excessive amount to an account not used to influence federal elections, and (2) provided written notice to the person making the contribution

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of the option of receiving a refund. Any request from a donor for a refund must be honored.

If the foregoing conditions for reattributions or transfers to a non-federal account were not met within 60 days of receipt, the excessive amount must be refunded.

Please inform the Commission of your corrective action promptly in writing and provide a photocopy of your check for any transfer out or refund. In addition, any reattributions should be reported as memo entries on Schedule A of the report covering the period during which the authorization for the reattribution is received. Any transfers out or refunds should be disclosed on Schedule B supporting Line 22 or 28 of the report during which the transaction was made.

Although the Commission may take further legal action regarding the acceptance of an excessive contribution(s), prompt action by your committee to seek reattribution, transfer out or refund the excessive amount will be taken into consideration.

**4.** Your committee has filed a 48 hour report for an independent expenditure opposing "Barack Obama" (see attached) which has not been itemized on Schedule E supporting Line 24 of the Detailed Summary Page. Please be advised that independent expenditures disclosed on 48 hour reports must also be itemized on a corresponding Schedule E or MEMO Schedule E and Schedule D (if applicable), in the appropriate reporting period. Further, if the actual payment(s) for the independent expenditure(s) occurs after the date of dissemination, the appropriate report(s) should continue to show payment on Schedule E and Schedule D, until the debt is fully extinguished. Please amend your report and any subsequent reports that may be affected by this correction. (11 CFR §104.4)

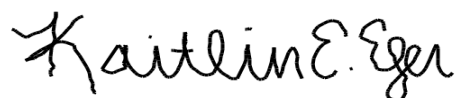
**Please note, you will not receive an additional notice from the Commission on this matter.** Adequate responses must be received by the Commission on or before the due date noted above to be taken into consideration in determining whether audit action will be initiated. Failure to comply with the provisions 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.**

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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) 694-1143.

Sincerely,

A handwritten signature in black ink that reads "Kaitlin Eger". The signature is written in a cursive style with a large, stylized 'K' and 'E'.

Kaitlin Eger  
Sr. Campaign Finance & Reviewing Analyst  
Reports Analysis Division

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**Excessive, Prohibited, and Impermissible Contributions  
Special Operations Speaks PAC- SOS PAC (C00524280)**

**Contributions from Possible Prohibited Entities (Corporations, Labor Organization, LLCs)**

<b>Contributor Name</b>	<b>Date</b>	<b>Amount</b>	<b>Report</b>
Davison Design & Development, Inc.	9/4/12	\$250.00	2012 October Quarterly

**Excessive, Prohibited, and Impermissible Contributions  
Special Operations Speaks PAC- SOS PAC (C00524280)****Excessive Contributions from Individuals**

<b>Contributor Name</b>	<b>Date</b>	<b>Amount</b>	<b>Report</b>
Peter O'Neill	7/10/12	\$25,000.00	2012 October Quarterly
Harry Mariani	9/19/12	\$10,000.00	2012 Octboer Quarterly

**Missing Schedule E (48 Hour Report)**  
**Special Operations Speaks PAC- SOS PAC(C00524280)**

<b>Name of Payee</b>	<b>Date</b>	<b>Amount</b>	<b>Candidate</b>	<b>Election</b>
Take2Direct LLC	7/25/12	\$7,763.62	BARACK OBAMA	G2012
Take2Direct LLC	7/25/12	\$1,750.00	BARACK OBAMA	G2012
Take2Direct LLC	9/12/12	\$1,750.00	BARACK OBAMA	G2012
Take2Direct LLC	9/12/12	\$2,111.98	BARACK OBAMA	G2012