



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-2

November 20, 2007

Steven J. Durham, Treasurer
Tancredo for a Secure America
501 Church Street, Suite 212
Vienna, VA 22180

**Response Due Date:
December 21, 2007**

Identification Number: C00431619

Reference: October Quarterly Report (7/1/07 – 9/30/07)

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 10 items:

1. Schedule A-P of your report discloses one or more contributions that appear to exceed the limits set forth in the Act (see attached). You should examine all of your contributions to check for additional excessive contributions. The Committee's procedures for processing contributions should also be reviewed.

An individual or a political committee other than an authorized committee or qualified multi-candidate committee may not make a contribution to a candidate for federal office in excess of \$2,300 per election. An authorized committee may not make a contribution to a candidate for federal office in excess of \$2,000 per election. A qualified multi-candidate committee and all affiliated committees may not make a contribution(s) to a candidate for federal office in excess of \$5,000 per election. The term "contribution" includes any gift, subscription, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing any election for federal office. (2 U.S.C. §§ 441a(a) and (f); 11 CFR §§ 110.1(b), (e) and (k))

If any apparently excessive contribution in question was incompletely or incorrectly disclosed, you must amend your original report with the clarifying information. If any contribution you received exceeds the limits, you may have to refund the excessive amount.

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Excessive contributions may be retained if within sixty (60) days of receipt, the excessive portions are properly redesignated or reattributed. Guidelines for each option are provided below:

For reattributions, excessive contributions from individuals can be retained, if within sixty (60) days of receipt, the excessive amount is properly reattributed to another person. Please note that reattributions only apply to excessive contributions from individuals. An excessive contribution is considered properly reattributed if (1) the contributors provide the committee with written documentation, signed by each contributor, authorizing a reattribution and indicating the amount of the contribution to be attributed to each contributor, or (2) the committee reattributes, by presumption, the excessive portion of the contribution if the contribution was made on a written instrument from a joint account and was signed by only one of the account holders. In this case, the treasurer must notify the contributors in writing within 60 days of receiving the contribution that the committee intends to reattribute the excessive portion and must give the contributor an opportunity to request a refund. (11 CFR § 110.1(k)(3)(ii)(B))

For redesignations, the funds can be retained if within sixty (60) days of receipt the excessive amount is properly redesignated to the candidate's General Election Legal and Accounting Compliance Fund (GELAC)]. An excessive contribution is considered properly redesignated if (1) the committee obtains signed written documentation from the contributor(s) authorizing the redesignation of the contribution to the GELAC, provided that the new designation does not exceed the limitations on contributions made with respect to that election, or (2) your committee redesignates by presumption the excessive portion of the contribution to the GELAC 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 within 60 days of the treasurer's receipt of the contribution. The notification must give the contributor an opportunity to request a refund. Please note that you cannot presumptively redesignate an excessive contribution from a multi-candidate committee. (11 CFR § 110.1(b)(3)(i)) Please note that Primary contributions redesignated to the GELAC must not have been submitted for matching funds in the Primary. Also, a contribution originally designated for the GELAC can only be redesignated to the Primary election to the extent that the contribution does not exceed the committee's net debts outstanding for that election. (11 CFR § 9003.3(a)(1)(v))

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If the foregoing conditions for reattributions or redesignations are not met within 60 days of receipt of the contribution, the excessive amount must be refunded. See 11 CFR § 103.3(b)(3).

Please inform the Commission of your corrective action immediately in writing and provide photocopies of any refund checks and/ or letters reattributing or redesignating the contributions in question. Refunds are reported on Line 28 of the Detailed Summary Page and on a supporting Schedule B-P of the report covering the period in which they are made. Redesignations and reattributions are reported as memo entries on Schedule A-P of the report covering the period in which the authorization for the redesignation and/or reattribution is received. (11 CFR §§ 104.8(d)(2), (3) and (4))

The acceptance of excessive contributions is a serious problem. Again, the committee's procedures for processing contributions should be examined and corrected in order to avoid this problem. Although the Commission may take further legal action, prompt action by you to refund, redesignate, and/or reattribute of the excessive amount will be taken into consideration.

2. It appears that Schedule A-P of your report discloses the receipt of anonymous contributions that exceed \$50. Please be advised that federal regulations prohibit an individual from contributing anonymous contributions which, in the aggregate, exceed \$50. If any receipt in question was incompletely or incorrectly reported, you must amend your original report with the clarifying information. If the Committee has been in receipt of an anonymous contribution greater than \$50, the excessive amount must be promptly disposed of and may be used for any lawful purpose unrelated to any Federal election, campaign or candidate. In an amendment to this report, please inform the Commission of your corrective action immediately. (11 CFR §§ 110.4(c)(3))

3. Your report contains incorrect Column B figures for Lines 17(a), 17(e), 18, 22, 23 and 30 of the Summary and Detailed Summary Page information. When aggregating and reporting receipts and disbursements, candidate committees are required to disclose their activity on an election-cycle basis, from 11/3/04 to 11/4/08. Please amend your report to show election cycle-to-date figures for all aggregate amounts. (2 U.S.C. § 434(b))

4. Line 20(a), Column A, of the Detailed Summary Page information discloses \$2,932.81 in offsets to operating expenditures. Schedule A-P supporting Line 20(a) itemizes \$2,660.96 in offsets to operating expenditures. Please correct this discrepancy and file an amendment to your report. (11 CFR § 104.3(a))

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5. Line 28(a), Column A, of the Detailed Summary Page information discloses \$16,650.00 in contribution refunds to individuals and persons. Schedule B-P supporting Line 28(a) itemizes \$16,300.00 in contribution refunds. Please correct this discrepancy and file an amendment to your report. (11 CFR § 104.3(b))

6. Some of the contributions itemized on Schedule A of your report appear to have incorrect values in the "Election Cycle-to-Date" field. This field should reflect the total amount that the committee received from the contributor in the current election cycle, from 11/3/04 through the date of receipt of the contribution. (11 CFR § 104.3(a)(3)) Some of the election cycle-to-date totals reported on your Schedule A do not appear to include all contributions from the contributor received in this election cycle. Failure to correctly total contributions received from a given source in the election cycle could lead to acceptance of excessive contributions by the committee. Please note that this problem frequently occurs when the contributor name is entered in the committee's electronic reporting database more than once using a different spelling and/or format. This prevents the database from properly aggregating contributions from the same individual or entity. Entering correct election cycle dates and ensuring that the name of each contributor is entered into the database only once would help avoid election cycle-to-date errors. When reporting contributions from political action committees, using the contributor's FEC identification number will help prevent duplicate entries.

Please review your procedures for compliance with this requirement and amend your report(s) as necessary. Incorrect aggregate election cycle to date totals for contributors listed on your report include the following:

<u>Name</u>	<u>Date</u>	<u>Amount</u>	<u>Reported</u>	<u>ECTD Total</u>	<u>ECTD Total</u>
			<u>ECTD Total</u>	-	<u>Calculated</u>
					<u>by the FEC</u>
Arthur, Brenda K.	8/9/07	\$250.00	\$350.00		\$620.00
Bloemendaal, Fred	9/28/07	\$100.00	\$300.00		\$800.00
Chambers, Michael	9/28/07	\$500.00	\$500.00		\$750.00
Duke, Ken	9/25/07	\$300.00	\$400.00		\$700.00
Gorman, Stephen	9/28/07	\$100.00	\$600.00		\$1,000.00
Grivetti, E. J.	9/30/07	\$250.00	\$250.00		\$850.00
Harris, Nancy E.	8/13/07	\$1000.00	\$1,000.00		\$1,220.00
Krason, Gerald R.	9/26/07	\$200.00	\$350.00		\$600.00
Lack, Kathleen R.	9/25/07	\$150.00	\$250.00		\$750.00
Nottingham, Victor	8/8/07	\$500.00	\$500.00		\$1,500.00
Rogers, Norman L.	7/25/07	\$500.00	\$500.00		\$1,000.00
Royer, Theresa	7/25/07	\$250.00	\$250.00		\$500.00

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Thorne, Gregory	9/18/07	\$200.00	\$500.00	\$700.00
Ullman, Pierre L.	7/16/07	\$1,000.00	\$1,100.00	\$1,400.00
Wolfe, Betty	8/9/07	\$500.00	\$500.00	\$1,050.00

If you need more information, please contact the undersigned analyst.

7. Your report discloses \$453,333.32 in un-itemized individual contributions on Line 17(a), Column A, of the Detailed Summary Page. When contributions from an individual reach \$200 for an election cycle, each subsequent contribution from that individual must be itemized, regardless of the amount. The itemization should include the full name, mailing address and zip code of the person, along with the name of his/her employer, the date of the contribution, his/her occupation, the election designation and the election cycle-to-date amount of contributions made by the person. Please amend your report to provide a Schedule A-P if necessary, or to clarify that for the contributions in question, the aggregate total for the election cycle for each contributor does not exceed \$200. (11 CFR § 104.3(a)(4)(i))

8. Commission Regulations define the term "purpose" to mean a brief statement or description of why a disbursement was made. Examples are "dinner expense," "media," "salary," "polling," "travel," "party fees," "phone banks," "travel expenses," "travel expense reimbursement," and "catering costs." Examples of election day and voter registration activity include "exit polling," "door-to-door get out the vote," "get out the vote phone calls," and "driving voters to the polls." Unacceptable descriptions, which require additional clarification, include but are not limited to "advance," "consulting," "political consulting," "commission," "contract labor," "retainer," "election day expense," "expenses," "invoice," "support," "expense reimbursement," "miscellaneous," "professional services," "get-out-the-vote," "voter registration," "debt repayment", "housefile", "money processing", and "research". (11 CFR § 104.3(b)(4)(A))

Additional clarification regarding inadequate purposes of disbursement published in the Federal Register can be found at http://www.fec.gov/law/policy/purposeofdisbursement/notice_2006-23.pdf. Please amend Schedule B-P of your report to correct the descriptions that do not meet the requirements of the Regulations.

9. Schedule B-P of your report discloses reimbursements to individuals for transactions other than travel, meals and lodging. Please be advised that when itemizing reimbursements to individuals for goods or services, if the

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payment to the original vendor aggregates in excess of \$200 in an election cycle, a memo entry including the name and address of the original vendor, as well as the date, amount and purpose of the original purchase must be provided. If itemization is not necessary, you must indicate so in an amendment to this report. Please correct your report to include the missing information. (11 CFR § 104.9(a) & (b))

10. Schedule B-P of your report discloses disbursements to Corporate Payroll for "payroll expense". Please be advised that when itemizing disbursements to companies for payroll services, if the payment to the salary recipient aggregates in excess of \$200 in an election cycle, a memo entry including the name and address of the individual receiving the salary, as well as the date, amount and purpose of the original disbursement must be provided. If itemization is not necessary, you must indicate so in an amendment to this report. Please correct your report to include the missing information. (11 CFR § 104.9(a) & (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.**

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) 694-1168.

Sincerely,



Michelle Lee Grant
Senior Campaign Finance Analyst
Reports Analysis Division

Excessive and/or Prohibited Contributions
 Tancredo for a Secure Future (C00431619)
 October Quarterly Report (7/1/07 - 9/30/07)

P = Primary Election
 G = General Election

CONTRIBUTOR NAME		DATE	AMOUNT	ELECTION
Bridges	Luther	2/9/07	\$300.00	P2008
Bridges	Luther	2/28/07	\$50.00	P2008
Bridges	Luther	4/24/07	\$300.00	P2008
Bridges	Luther	5/21/07	\$200.00	P2008
Bridges	Luther	6/11/07	\$300.00	P2008
Bridges	Luther	7/26/07	\$300.00	P2008
Bridges	Luther	8/15/07	\$300.00	P2008
Bridges	Luther	8/28/07	\$300.00	P2008
Bridges	Luther	9/20/07	\$300.00	P2008
Bridges	Luther	9/25/07	\$250.00	P2008
Busch	Brian R Mr. Sr	8/10/07	\$10,000.00	P2008
Busch	Brian R Mr. Sr	8/24/07	(\$5,400.00)	P2008
Cole	Jeanette	2/2/07	\$500.00	P2008
Cole	Jeanette	3/27/07	\$500.00	P2008
Cole	Jeanette	5/24/07	\$1,800.00	P2008
Cole	Jeanette	7/26/07	\$300.00	P2008
Cole	Jeanette	9/21/07	\$500.00	P2008
Cole	Jeanette	9/27/07	\$500.00	P2008
Davis	Marie	2/7/07	\$500.00	P2008
Davis	Marie	2/28/07	\$1,000.00	P2008
Davis	Marie	8/6/07	\$1,000.00	P2008
Douglas	Harlan N. Mr.	7/1/07	\$500.00	P2008
Douglas	Harlan N. Mr.	8/23/07	\$1,000.00	P2008
Douglas	Harlan N. Mr.	9/18/07	\$2,300.00	P2008
Hamilton	Paul R. Mr.	2/26/07	\$100.00	P2008
Hamilton	Paul R. Mr.	2/26/07	\$500.00	P2008
Hamilton	Paul R. Mr.	3/12/07	\$250.00	P2008
Hamilton	Paul R. Mr.	3/21/07	\$250.00	P2008
Hamilton	Paul R. Mr.	3/26/07	\$250.00	P2008

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Excessive and/or Prohibited Contributions
 Tancredo for a Secure Future (C00431619)
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P = Primary Election
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CONTRIBUTOR NAME		DATE	AMOUNT	ELECTION
Hamilton	Paul R. Mr.	4/4/07	\$250.00	P2008
Hamilton	Paul R. Mr.	4/12/07	\$100.00	P2008
Hamilton	Paul R. Mr.	5/9/07	\$100.00	P2008
Hamilton	Paul R. Mr.	6/25/07	\$250.00	P2008
Hamilton	Paul R. Mr.	7/17/07	\$200.00	P2008
Hamilton	Paul R. Mr.	7/17/07	\$100.00	P2008
Hurd	Henry	2/20/07	\$1,000.00	P2008
Hurd	Henry	5/24/07	\$1,000.00	P2008
Hurd	Henry	6/13/07	\$300.00	P2008
Hurd	Henry	8/10/07	\$1,000.00	P2008
Hurd	Henry	8/31/07	\$20.00	P2008
Kirby	Stephen	2/7/07	\$100.00	P2008
Kirby	Stephen	3/6/07	\$200.00	P2008
Kirby	Stephen	3/23/07	\$100.00	P2008
Kirby	Stephen	3/31/07	\$500.00	P2008
Kirby	Stephen	4/17/07	\$200.00	P2008
Kirby	Stephen	4/27/07	\$100.00	P2008
Kirby	Stephen	5/16/07	\$200.00	P2008
Kirby	Stephen	5/29/07	\$500.00	P2008
Kirby	Stephen	6/18/07	\$100.00	P2008
Kirby	Stephen	6/19/07	\$200.00	P2008
Kirby	Stephen	7/25/07	\$200.00	P2008
Kleiner	Walter	2/6/07	\$250.00	P2008
Kleiner	Walter	4/17/07	\$500.00	P2008
Kleiner	Walter	5/17/07	\$25.00	P2008
Kleiner	Walter	5/24/07	\$1,525.00	P2008
Kleiner	Walter	7/26/07	\$50.00	P2008
Lake	Walter	3/6/07	\$1,000.00	P2008
Lake	Walter	6/4/07	\$1,300.00	P2008
Lake	Walter	8/13/07	\$1,000.00	P2008

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Excessive and/or Prohibited Contributions
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P = Primary Election
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CONTRIBUTOR NAME		DATE	AMOUNT	ELECTION
Oden	Ray	6/6/07	\$500.00	P2008
Oden	Ray	7/18/07	\$2,300.00	P2008
Roscoe	Eugenie	3/26/07	\$500.00	P2008
Roscoe	Eugenie	9/30/07	\$2,050.00	P2008
Roscoe	Eugenie	9/30/07	\$500.00	P2008
Scifres	Donald	2/5/07	\$2,100.00	P2008
Scifres	Donald	6/21/07	\$500.00	P2008
Scifres	Donald	7/15/07	\$500.00	P2008
Thomason	Stephen	1/29/07	\$2,100.00	P2008
Thomason	Stephen	5/23/07	\$500.00	P2008
Thomason	Stephen	6/14/07	\$500.00	P2008
Thomason	Stephen	7/11/07	\$500.00	P2008
Thomason	Stephen	8/27/07	\$500.00	P2008
Weiss	Emanuel J.	3/16/07	\$300.00	P2008
Weiss	Emanuel J.	4/17/07	\$300.00	P2008
Weiss	Emanuel J.	4/19/07	\$1,000.00	P2008
Weiss	Emanuel J.	5/23/07	\$800.00	P2008
Weiss	Emanuel J.	6/13/07	\$50.00	P2008
Weiss	Emanuel J.	7/30/07	\$100.00	P2008
Weiss	Emanuel J.	9/24/07	\$100.00	P2008

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