



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RQ-2

May 14, 2009

Lawrence Giesing, Treasurer  
Carnahan in Congress  
7370 Manchester Road, Suite 20  
St. Louis, MO 63143

Response Due Date:  
June 15, 2009

Identification Number: C00386276

Reference: 30 Day Post General Report (10/16/08 - 11/24/08)

Dear Treasurer:

This letter is prompted by the Commission's preliminary review of the report(s) 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 6 items:

1. Schedule A 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

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clarifying information. If any contribution you received exceeds the limits, you may have to refund the excessive amount.

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 for a different election. 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 for another election, 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 for another 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 within 60 days of the treasurer's receipt of the contribution. The notification must give the contributor an opportunity to request a refund. (11 CFR § 110.1(b)(5)(ii)(B)) Please note that you cannot presumptively redesignate an excessive contribution from a multi-candidate committee. Also, a contribution can only be redesignated to a previous election to the extent that the contribution does not exceed the committee's net debts outstanding for that election. (11 CFR § 110.1(b)(3)(i))

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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)(1).

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 20 of the Detailed Summary Page and on a supporting Schedule B of the report covering the period in which they are made. Redesignations and reattributions are reported as memo entries on Schedule A 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. Your report contains incorrect Column B figures for Lines 7(a), 7(c), 11(a)(iii), 11(c), 17, 19(a) and 19(c) 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 11/8/06 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))

3. Some of the contributions itemized on Schedule A of your report appear to have incorrect values in the "Election Cycle-to-Date" field. (See attached) This field should reflect the total amount that the committee received from the contributor in the current election cycle, from 11/8/06 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

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

4. The election cycle-to-date totals for certain entries on your report indicate additional contributions that should have been itemized. When contributions from an individual reach \$200 for an election cycle, each subsequent contribution from that individual must be itemized, regardless of the amount. Additionally, each contribution from a political committee must be itemized, regardless of the amount. (2 U.S.C. § 434(b) and 11 CFR § 104.3(a)(4)) Please amend your report to correct the discrepancies in the aggregate totals for the following entries:

<u>Name</u>	<u>Date</u>	<u>Amount</u>	<u>Reported</u> <u>ECTD Total</u>	<u>ECTD Total</u> <u>Calculated</u> <u>by the FEC</u>
Mr. Robert G. Clark	11/13/08	\$2,300.00	\$7,000.00	\$2,300.00

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

5. 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-General 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. If any contribution of \$1,000 or more was incorrectly reported, you must amend your original report with the clarifying information. (11 CFR § 104.5(f))

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6. Your committee filed 48-hour notices reporting the following "last minute" contributions:

<u>Contributor</u>	<u>Date</u>	<u>Amount</u>
Denise Hasty	10/30/08	\$1,000.00
J. Michael Thompson	10/27/08	\$1,500.00

These contributions do not appear on Schedule A of this report. Please amend your report to include these contributions or provide an explanation of these apparent discrepancies (11 CFR § 104.3(a)(4)(i))

**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) 694-1155.

Sincerely,



Vicki Sue Davis  
Senior Campaign Finance Analyst  
Reports Analysis Division

**Excessive and/or Prohibited Contributions  
 Carnahan in Congress (C00386276)  
 30 Day Post General Report (10/16/08 - 11/24/08)**

**P = Primary Election  
 G = General Election**

<b>CONTRIBUTOR NAME</b>	<b>DATE</b>	<b>AMOUNT</b>	<b>ELECTION</b>
Gephardt, Jane Mrs.	10/6/2008	\$2,300.00	G2008
Gephardt, Jane Mrs.	11/4/2008	\$2,300.00	G2008
Muscatine Enterprises LLC	11/3/2008	\$2,300.00	G2008
Muscatine Enterprises LLC	11/3/2008	\$400.00	G2008
Muscatine Enterprises, LLC	11/3/2008	\$2,300.00	G2008
Slay, Eugene P. Mr.	6/27/2008	\$2,300.00	G2008
Slay, Eugene P. Mr.	11/3/2008	\$2,300.00	G2008
Slay, Glen Mr.	6/27/2008	\$2,300.00	G2008
Slay, Glen Mr.	11/3/2008	\$2,300.00	G2008
American Society of Anesthesiologists PAC	3/11/2008	\$1,000.00	G2008
American Society of Anesthesiologists PAC	5/23/2008	\$1,000.00	G2008
American Society of Anesthesiologists PAC	10/27/2008	\$5,000.00	G2008

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**Improperly Aggregated Contributions  
 Carnahan In Congress (C00386276)  
 30 Day Post General Report (10/16/08 - 11/24/08)**

<b>CONTRIBUTOR NAME</b>	<b>DATE</b>	<b>AMOUNT</b>	<b>TOTAL REPORTED</b>	<b>TOTAL CALCULATED BY FEC</b>
National Cable & Telecommunications Assoc PAC	7/31/2008	\$1,000.00	\$1,000.00	
National Cable & Telecommunication Assoc	10/21/2008	\$1,000.00	\$1,000.00	\$2,000.00
United Parcel Service (UPS PAC)	3/15/2007	\$1,000.00	\$1,000.00	
United Parcel Service Inc. PAC (UPSPAC)	10/30/2008	\$2,000.00	\$2,000.00	
United Parcel Service Inc. PAC (UPSPAC)	11/3/2008	\$500.00	\$2,500.00	\$3,500.00
Wine & Spirit Wholesalers of America PAC	9/29/2007	\$1,000.00	\$1,000.00	
Wine and Spirits Wholesalers of Am PAC	8/4/2008	\$1,000.00	\$1,000.00	
Wine and Spirits Wholesalers of Am PAC	10/29/2008	\$2,000.00	\$3,000.00	\$4,000.00
Muscatine Enterprises LLC	11/3/2008	\$2,300.00	\$2,300.00	
Muscatine Enterprises LLC	11/3/2008	\$400.00	\$400.00	
Muscatine Enterprises, LLC	11/3/2008	\$2,300.00	\$2,300.00	\$5,000.00
Schlichter Bogard and Denton	3/11/2008	\$1,000.00	\$1,000.00	
Schlichter, Bogard & Denton PC	11/4/2008	\$2,300.00	\$2,300.00	\$3,300.00

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**Missing 48-hour notices  
Carnahan in Congress (C00386276)  
30 Day Post General Report (10/16/08 - 11/24/08)  
General Election 2008  
48 Hour Notice Period (10/16/08 - 11/1/08)**

<b>CONTRIBUTOR NAME</b>	<b>DATE</b>	<b>AMOUNT</b>
Harris, Amos B. Mr.	10/31/2008	\$1,200.00
Smith, Gregory R. Mr.	10/27/2008	\$1,000.00
Associated General Contractors PAC	10/30/2008	\$1,000.00
Electrical Construction PAC	10/27/2008	\$1,500.00

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