



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-2

December 8, 2016

BRIAN R. BAUER, TREASURER
ASPLUNDH TREE EXPERT CO POLITICAL
ACTION COMMITTEE (ATE PAC)
BLAIR MILL ROAD
WILLOW GROVE, PA 19090

Response Due Date
01/12/2017

IDENTIFICATION NUMBER: C00177741

REFERENCE: APRIL QUARTERLY REPORT (01/01/2016 - 03/31/2016)

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 3 item(s):

1. Schedule B supporting Line 23 discloses one or more contributions to a candidate for the 2016 Primary election; however, the funds were disbursed after the election date(s) (see attached). Please note that contributions may not be designated for an election which has already occurred unless the funds are to be used to reduce a candidate committee's debts incurred during that election campaign. (11 CFR §§110.1(b)(3) and 110.2(b)(3))

If any apparently impermissible contribution in question was incompletely or incorrectly disclosed, you should amend your original report with clarifying information. If the contribution(s) in question should have been designated for debt retirement, you should amend your report to indicate "debt retirement," along with the year of election.

If you have made an impermissible contribution, you must request a refund or provide a written authorization for a redesignation of the contribution pursuant to 11 CFR §110.2(b) within 60 days of the treasurer's receipt.

If the foregoing conditions for redesignations were not met within 60 days of the treasurer's receipt, your committee must obtain a refund. (11 CFR §103.3(b) (1) and (3))

ASPLUNDH TREE EXPERT CO POLITICAL ACTION COMMITTEE (ATE PAC)

Page 2 of 3

Please inform the Commission of your corrective action promptly in writing and provide a photocopy of the refund or redesignation request sent to the recipient committee(s). In addition, any refunds should be disclosed on Schedule A supporting Line 16 of the report covering the period during which they are received. Any redesignations should be disclosed as memo entries on Schedule B supporting Line 23 of the report covering the period during which the redesignation is made. (11 CFR §110.1(b))

Although the Commission may take further legal action regarding this impermissible activity, your prompt action in obtaining a refund and/or redesignating the contribution(s) will be taken into consideration.

2. Schedule B of your report (see attached) discloses one or more contributions which appear to exceed the limits set forth in the Act. Please be advised that 52 U.S.C. §30116(a) (formerly 2 U.S.C. §441a(a)) prohibits a multicandidate committee and its affiliates from making a contribution to a candidate for federal office in excess of \$5,000 per election.

If any apparently excessive contribution in question was incompletely or incorrectly disclosed, you should amend your original report with clarifying information.

If any contribution you made exceeds the limits, you must request a refund of the excessive amount or provide a written authorization for a redesignation of the contribution pursuant to 11 CFR §110.2(b) within 60 days of the treasurer's receipt.

If the foregoing conditions for redesignations were not met within 60 days of the treasurer's receipt, your committee must obtain a refund of the excessive amount.

Please inform the Commission of your corrective action promptly in writing and provide a photocopy of the refund or redesignation request sent to the recipient committee(s). In addition, any refunds should be disclosed on Schedule A supporting Line 16 of the report covering the period during which they are received. Any redesignations should be disclosed as memo entries on Schedule B supporting Line 23 of the report covering the period during which the redesignation is made. (11 CFR §110.1(b))

Although the Commission may take further legal action regarding the excessive contribution(s), your prompt action in obtaining a refund and/or redesignating

ASPLUNDH TREE EXPERT CO POLITICAL ACTION COMMITTEE (ATE PAC)

Page 3 of 3

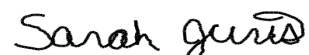
the contribution(s) will be taken into consideration. (11 CFR §103.3(b)(1) and (3))

3. Schedule B supporting Line 23 of your report discloses a contribution to "TEAM RYAN;" however, you have also disclosed office sought, state, and district information for "RYAN FOR CONGRESS" for this transaction. Please clarify whether this was an earmarked contribution made by your committee through "TEAM RYAN" to this candidate, or if you made the contribution to the political committee exercising no direction or control over how the funds were to be used. If the latter is the case, please do not include the candidate's office sought, state, and district information on your report. Please amend your report to clarify the ultimate recipient of this contribution. (11 CFR §104.3 (b)(3))

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) 694-1175.

Sincerely,



Sarah Juris
Senior Campaign Finance Analyst
Reports Analysis Division

Impermissible, Excessive, and Prohibited Contributions
ASPLUNDH TREE EXPERT CO POLITICAL ACTION COMMITTEE (ATE PAC)
(C00177741)

Contributions Made After Election Date

Recipient Name	Date	Amount	Election	Election (State-Date)
BYRNE FOR CONGRESS	3/3/16	\$5,000.00	P2016	AL - 3/1/16

Excessive Contributions to a Committee/Candidate Committee

Recipient Name	Date	Amount	Election	Report
FRIENDS OF PAT TOOMEY	9/30/15	\$5,000.00	P2016	2015 October Quarterly
FRIENDS OF PAT TOOMEY	2/15/16	\$5,000.00	P2016	2016 April Quarterly