



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-2

March 27, 2014

RANDY CUBRIEL, TREASURER
TEXANS FOR A CONSERVATIVE
MAJORITY
P.O. BOX 817
AUSTIN, TX 78767

Response Due Date
05/01/2014

IDENTIFICATION NUMBER: C00542217

REFERENCE: AMENDED YEAR-END REPORT (07/01/2013 - 12/31/2013), RECEIVED
02/20/2014

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 3 item(s):

1. Your amended report discloses an increase in receipts totaling \$180,000.00 from the amounts disclosed on your original report. Please amend your report or provide clarifying information as to why this activity was not disclosed on your original report. (11 CFR § 104.3)
2. Schedule A supporting Line 11(a)(i) (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>

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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 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.

3. Schedule A supporting Line 11(a)(i) (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

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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 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.

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) 694-1147.

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Sincerely,

A handwritten signature in black ink that reads "Maureen Benitz". The signature is written in a cursive, slightly slanted style.

Maureen Benitz
Sr. Campaign Finance & Reviewing Analyst
Reports Analysis Division

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Excessive, Prohibited, and Impermissible Contributions
TEXANS FOR A CONSERVATIVE MAJORITY (C00542217)

Excessive Contributions from Individuals

Contributor Name	Date	Amount	Report
Marcus D. Hiles	8/30/13	\$100,000.00	2013 Year End
Harold D. Simmons	9/16/13	\$50,000.00	2013 Year End

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

Contributor Name	Date	Amount	Report
American Traffic Solutions, Inc	10/17/13	\$5,000.00	2013 Year End
Kent Distributors, Inc.	9/26/13	\$25,000.00	2013 Year End