



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-2

Dan Cohen, Treasurer
Association of Trial Lawyers of America
Political Action Committee
1050 31st Street N.W.
Washington, DC 20007

MAY 08 2002

Identification Number: C00024521

Reference: 12 Day Special Pre-General Report (9/6/01-10/31/01)

Dear Mr. Cohen:

This letter is prompted by the Commission's preliminary review of the report(s) referenced above. The review raised questions concerning certain information contained in the report(s). An itemization follows:

-Schedule A of your report discloses aggregate year-to-date totals for contributions received from individuals which appear to be incorrect. Please be advised that federal regulations require aggregate year-to-date totals to include only those contributions which are received during the calendar year. In the event that the aggregate year-to-date total is correct, please note that federal regulations also require the disclosure of all contributions received from individuals who have contributed over \$200. 11 CFR §104.3(a)(4) Please amend your report to provide the correct aggregate year-to-date totals.

-Your report discloses memo entries from partnerships; however, it appears that the partnership receipts have been omitted from this report. Partnership contributions are included in the total figure reported for "contributions from individuals/persons other than political committees" on the Detailed Summary Page. If a partnership contribution exceeds \$200 or aggregates over \$200 during a calendar year, the committee must itemize the contribution on a Schedule A supporting Line 11(a)(i). Please amend your report to clarify this discrepancy.

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-You have received contributions from numerous entities, which appear to be unincorporated proprietorships or partnerships. Generally, these types of contributions are to be attributed to each person based on their percentage of ownership in the firm. Each person who has contributed in excess of \$200 since January 1 should be identified by name, address, occupation, name of employer, amount of contribution, and aggregate total on Schedule A. 11 CFR §110.1(k) Please amend your report by providing the omitted information.

-Commission Regulations require that a committee disclose 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, 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))

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

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Third, if you receive contributor information after the contribution(s) has been reported, you shall 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 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.

-Schedule B of your report discloses one or more contributions to Stephen F. Lynch for Congress Committee for the retirement of debts incurred by the 2001 Special-General election campaign; however, it appears that the recipient committee(s) had insufficient debts to warrant such a contribution. Please note that a committee may only designate contributions to retire a candidate's debts if those debts exist.

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

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.

Please inform the Commission of your corrective action immediately in writing and provide a photocopy of the refund or redesignation request sent to the recipient committee(s). In addition, refunds are reported on Line 16 of the Detailed Summary Page and on Schedule A of the report covering the period during which they are received. Redesignations are reported as memo entries on Schedule B of the report covering the period during which the redesignation is made. 11 CFR §110.2(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.

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A response or amendment to your original report(s) correcting the above problem(s) should be filed with the Federal Election Commission within fifteen (15) days of the date of this letter. 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 need assistance, please feel free to contact me on our toll-free number, (800) 424-9530 (at the prompt press 1, then press 2 to reach the Reports Analysis Division). My local number is (202) 694-1130.

Sincerely,



Alice Kang
Reports Analyst
Report Analysis Division

**SCHEDULE B (FEC Form 3X)
ITEMIZED DISBURSEMENTS**

Use separate schedule(s)
for each category of the
Detailed Summary Page

FOR LINE NUMBER:
(check only one)

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☐ 21b ☐ 22 ☒ 23 ☐ 24 ☐ 25
☐ 26 ☐ 27 ☐ 28a ☐ 28b ☐ 28c ☐ 29

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee

NAME OF COMMITTEE (In Full)
Association of Trial Lawyers of America Political Action Committee

A. Full Name (Last, First, Middle Initial)
Stephen F. Lynch for Congress Committee

Date of Disbursement

10 / 17 / 2001

Mailing Address

55 G Street

SPECIAL GENERAL DEBT 2001 / HOUSE

City
Boston

State Zip Code
MA 02127

Amount of Each Disbursement this Period

5000.00

Purpose of Disbursement

Contribution: Stephen F. Lynch (MA-9-D)

Candidate Name

Stephen F. Lynch (MA-9-D)

Category/
Type

Office Sought: ☒ House
Senate
President

Disbursement For: 2001
Primary General
Other (specify) ☐
Special General

Contribution: Stephen F.
Lynch (MA-9-D) / HOUSE

Transaction ID: D13747

State: MA District: 9

B. Full Name (Last, First, Middle Initial)
Herrera for Congress

Date of Disbursement

10 / 22 / 2001

Mailing Address

6100 Elton Avenue, Ste. 1000

PRIMARY 2002 / HOUSE

City
Las Vegas

State Zip Code
NV 89107

Amount of Each Disbursement this Period

5000.00

Purpose of Disbursement

Contribution: Dario Herrera (NV-3-D) / H

Candidate Name

Dario Herrera (NV-3-D)

Category/
Type

Office Sought: ☒ House
Senate
President

Disbursement For: 2002
☒ Primary General
Other (specify) ☐

Contribution: Dario Herre-
ra (NV-3-D) / HOUSE

Transaction ID: D13749

State: NV District: 3

C. Full Name (Last, First, Middle Initial)
Fossella for Congress

Date of Disbursement

10 / 22 / 2001

Mailing Address

2016 ML Vernon Ave., 3rd Floor

PRIMARY 2002/HOUSE

City
Alexandria

State Zip Code
VA 22301

Amount of Each Disbursement this Period

1000.00

Purpose of Disbursement

Contribution: Vito J. Fossella, Jr. (NY-

Candidate Name

Vito J. Fossella, Jr. (NY-13-R)

Category/
Type

Office Sought: ☒ House
Senate
President

Disbursement For: 2002
☒ Primary General
Other (specify) ☐

Contribution: Vito J. Fos-
sella, Jr. (NY-13-R) / HO-
USE

Transaction ID: D13750

State: NY District: 13

SUBTOTAL of Disbursements This Page (optional)

11000.00

TOTAL This Period (last page this line number only)

