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October 4, 2010

By Email and Overnight Delivery:

Mr. Joseph F. Stoltz
Assistant Staff Director
Audit Division
Federal Election Commission
999 E Street, NW
Washington, D.C. 20463

Re: United Association Political Education Committee (United Association of
Journeyman and Apprentices of the Plumbing and Pipe Fitting Industry of
the United States and Canada)
FEC ID No. C00012476

Dear Mr. Stoltz:

This firm is legal counsel to the United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry of the United States and Canada ("United Association"). This letter is provided to you on behalf of the United Association and the United Association Political Education Committee (UAPEC), a separate segregated fund established by the United Association, and its Treasurer, Mr. William P. Hito. UAPEC is responding to your agency's Interim Audit Report accompanying your September 9, 2010 letter.

UAPEC has taken the following actions that it believes complies with the recommendations contained in your report.

Finding 1. Excessive Contributions to Candidates and Other Political Committees

UAPEC makes one preliminary statement with respect to Finding 1. The report states that "a majority of the excessive contributions were the result of UAPEC not tracking contributions made by its affiliates." UAPEC does want to make clear that it did have certain procedures in place, albeit not foolproof, to track contributions by affiliated committees. Throughout the years, UAPEC has on several occasions requested its affiliates in writing to advise it of contributions they make to federal candidates and

UAPEC often called those affiliates whose PACs are organized within a state where a candidate was seeking office, prior to making a contribution to that candidate, to ascertain whether a contribution was made by the affiliate. However, neither UAPEC nor its sponsor controls these affiliates' day-to-day operations nor do either have access to their records. As my client has now learned, these procedures had limitations. Your Agency provided useful suggestions during the audit process to enhance UAPEC's monitoring of these affiliate contributions. UAPEC has now adopted additional measures to eliminate, or at least minimize as much as reasonably possible, the likelihood that excessive contributions will be made in the future.

With respect to the Report's recommendation that UAPEC continue to seek refunds of excessive contributions, UAPEC has taken the following actions with the following results:

- (1) Kathy Dahlkemper, 2008 Congressional candidate – excessive contribution of \$225. UAPEC sent a letter seeking a refund on or about June 7, 2010.

Response: UAPEC received a check from the candidate in the amount of \$225 on or about July 1, 2010 and deposited it on July 9, 2010. See pages 5 and 6 and marked entry on page 2 of Exhibit 2.

- (2) Democratic Executive Committee of Florida – excess contribution of \$5,000. UAPEC sent a letter seeking a refund on or about June 7, 2010.

Response: UAPEC received a check from party committee in the amount of \$5,000 on or about June 23, 2010 and deposited it on July 9, 2010. See pages 7 and 8 and marked entry on page 2 of Exhibit 2.

- (3) Mike Doyle, 2008 Congressional candidate – excess contribution of \$500. UAPEC sent a letter seeking a refund on or about June 7, 2010.

Response: UAPEC received a check from the candidate in the amount of \$500 on or about June 13, 2010 and deposited it on July 9, 2010. See pages 9 and 10 and marked entry on page 2 of Exhibit 2.

- (4) Daniel Maffel, 2008 Congressional candidate – excess contribution of \$1,000. UAPEC sent a letter seeking a refund on or about June 7, 2010.

Response: UAPEC received a check from the candidate in the amount of \$1,000 on or about June 16, 2010 and deposited it on July 9, 2010. See pages 11 and 12 and marked entry on page 2 of Exhibit 2.

- (5) Missouri Democratic State Committee (“MDSC”) – excess contribution of \$5,000. UAPEC sent a letter seeking a refund on or about June 7, 2010.

Response: The MDSC responded by facsimile dated June 16, 2010 advising that no refund is necessary because the \$10,000 contribution was split with \$5,000 deposited in the MDSC's federal account and \$5,000 deposited in its non-federal account. See response with enclosures at pages 13-17 of Exhibit 2. On or before October 8, 2010, UAPEC will amend its October 2008 FEC Form 3X, Schedule B to reflect this split.

- (6) James Martin, 2008 Congressional candidate – excessive contribution of \$10,000. Candidate returned \$5,000 contribution in March 2009. UAPEC sent a letter seeking a refund of the balance on June 7, 2010.

Response: Candidate responded that there may be no overpayment as contributions from the UAPEC may have been split between his campaign fund and his multi-candidate fund. In any event, he states that his campaign filed a final report with the Federal Election Commission indicating a zero balance in his campaign account. Therefore the \$5,000 balance has not been refunded. See Exhibit 2, page 4.¹

- (7) William Foster, 2008 Congressional candidate – excessive contribution of \$10,000. UAPEC sent letters seeking a refund on or about February 17, 2009 and June 7, 2010.

Response: No response and no refund. UAPEC recently sent a third request to this candidate by letter dated October 1, 2010.²

- (8) Laura Richardson, 2008 Congressional candidate – excessive contribution of \$5,000. UAPEC sent letters seeking a refund on or about February 17, 2009, May 9, 2009 and June 7, 2010.

Response: No response and no refund. UAPEC recently sent a fourth request to this candidate by letter dated October 1, 2010.

- (9) Jim Slattery, 2008 Congressional candidate – excessive contribution of \$5,000. UAPEC sent letters seeking a refund on or about November 10, 2008 and June 7, 2010.

Response: No response and no refund. UAPEC recently sent a third request to this candidate by letter dated October 1, 2010.

¹ Letter responses and bank deposit slips and statement – provided for the purpose of confirming that refunds were received and deposited - are enclosed as Exhibit 1.

² All recent letters sent by UAPEC on October 1, 2010, to candidates requesting refunds are enclosed with this letter as Exhibit 2.

Ms. Joseph Stoltz. FEC Audit Division
October 4, 2010
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(10) Harry Teague, 2008 Congressional candidate – return of \$5,000 – letter was sent on March 25, 2009, seeking to re-designate to debt reduction however, maximum contribution to the general election had already been made. UAPEC sent a letter seeking a refund on or about June 7, 2010.

Response: No response and no refund. UAPEC recently sent a another request to this candidate by letter dated October 1, 2010

(11) Pete Visclosky, 2008 Congressional candidate – excess contribution of \$500. UAPEC sent a letter seeking a refund on or about June 7, 2010.

Response: No response and no refund. The UAPEC recently sent another request to this candidate by letter dated October 1, 2010

Finding 2. Failure to File Notices and Properly Disclose Independent Expenditures.

UAPEC has established a new procedure to properly disclose independent expenditures on Schedules E and/or D and to track aggregation and dissemination for both the 24 and 48-hour notice requirements. A copy of this procedure with a tracking form is attached as Exhibit 3.

Finding 3. Failure to Properly Disclose Transfers from Affiliated Committees

UAPEC is in the process of amending its reports to properly disclose the transfers from affiliated committees on Schedule A, Line 12, Transfers from Affiliated/Other Party Committees and barring technical issues with respect to filing these amended reports, anticipates that this process will be completed by October 8, 2010.

UAPEC believes it has complied with all the recommendations set forth in the Interim Report. If the agency believes, however, that this is not the case, please notify me so that I can discuss with my client any further action that UAPEC should take in response to the Interim Report. UAPEC has no further response to the Interim Report but refers you to my June 10, 2010 letter for UAPEC's response to your initial audit report.

If you need any additional information or have any questions please feel free to contact me.

Sincerely,


Francis J. Martorana

Enclosures

cc: William P. Hite

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