



**STATE BOARD OF ELECTIONS**  
6400 Mail Service Center • Raleigh, North Carolina 27699-6400

**GARY O. BARTLETT**  
Executive Director

**Mailing Address:**  
**P.O. BOX 27255**  
**Raleigh, NC 27611-7255**

November 20, 2009

Mr. Scott Barham, Treasurer  
Philip E. Berger Committee  
1809 Indian Trail  
Eden, NC 27288

Re: Philip E. Berger Committee  
Campaign Finance Reports, 2003 Mid Year Semi Annual – 2009 Mid Year Semi Annual

Dear Mr. Barham:

This letter is prompted by the State Board of Elections preliminary review of the reports referenced above. This notice requests information essential to full public disclosure of election campaign finances. An itemization of the information needed follows:

**2008 Third Quarter**

- A contribution of \$250.00 from Keith Layne was reported as being received in cash. Cash contributions in excess of \$50.00 are prohibited. If this contribution was incorrectly reported the report should be amended to provide the correct form of payment. If this contribution was made in cash the amount of contribution over the maximum cash limit (\$200.00) must be turned over to the State Board of Elections for deposit to the Civil Penalty and Forfeiture Fund.

**Lobbyist Contributions during Legislative Session**

The following contributions appear to have been received during a legislative session. Each of the Committees in question had a lobbyist registered with the Secretary of State's Office during the time of the contribution.

<u>Committee</u>	<u>Amount</u>	<u>Date</u>	<u>Session</u>
Bank of America Corp PAC	\$2,000.00	01/26/05	01/26/05 - 09/02/05
Duke Energy Corp State PAC	\$1,000.00	01/26/05	01/26/05 - 09/02/05
NC Farm Bureau PAC	\$200.00	01/26/05	01/26/05 - 09/02/05
RJR Political Action Comm	\$1,000.00	01/26/05	01/26/05 - 09/02/05
HSBC North America PAC	\$1,000.00	02/03/05	01/26/05 - 09/02/05
NC Psychiatric Assn PAC	\$250.00	02/03/05	01/26/05 - 09/02/05
Eastern Band of Cherokee Indians	\$2,000.00	01/24/07	01/24/07 - 08/02/07
Food Lion LLC PAC	\$200.00	01/24/07	01/24/07 - 08/02/07
NC Retail Merchants Assn PAC	\$200.00	01/24/07	01/24/07 - 08/02/07
NC Automobile Dealers Assn PAC	\$1,000.00	01/24/07	01/24/07 - 08/02/07
NC Restaurant Assn PAC	\$500.00	01/24/07	01/24/07 - 08/02/07
NC Beer & Wine Wholesalers Assn PAC	\$1,500.00	02/01/07	01/24/07 - 08/02/07
Blue Cross & Blue Shield of NC Empl PAC	\$1,000.00	02/01/07	01/24/07 - 08/02/07
Republic Services Inc Empl Good Govt	\$250.00	01/30/09	01/28/09 - 08/11/09
Lorillard Public Affairs Committee	\$1,500.00	01/30/09	01/28/09 - 08/11/09
NC Psychiatric Assn PAC	\$250.00	01/30/09	01/28/09 - 08/11/09

sc. 11/19/09 JES

If the date on any of these items was incorrectly reported the report in question should be amended to provide the correct date of receipt. If any contribution was received during a Legislative Session it must be turned over to the State Board of Elections for deposit to the Civil Penalties and Forfeiture Fund.

The following items were missing or incompletely recorded on one or more of your reports:

- Occupation and employer information
- Reimbursed items should first be listed as an in kind contribution on forms CRO-1210 and CRO-1510.
- Expense purposes should include a more detailed purchase. It is not sufficient to report a purpose as supplies, office expense etc. The actual item(s) purchased should be detailed.
- Reports from 2007 forward should include an expense code for each entry listed on Expenditures. This information must be included in future reports.
- A contribution from NC Assn of Nurse Anesthetists PAC of \$1,000.00 on 04/28/09 was not reported at the time of receipt on a 48 Hour Notice, additionally a number of contributions in excess of \$1,000.00 were received before the General Election but were not reported on 48 Hour Notices. Contributions of \$1,000.00 or more, received during future 48 Hour Notice periods, must be reported to this office within 48 hours of receipt.

While these bulleted items are required by law to be disclosed, we realize that a significant amount of time has passed since the reports in question were filed. Therefore we will not require reports to be amended to disclose the above mentioned items unless requested by members of the public, but you should strive to make sure all reports filed in the future include all required information.

#### **OTHER ISSUES**

A review of other committees' reports revealed contributions made to your committee that can not be located on your or other committee reports. There are a number of explanations for this, i.e. the contribution check may never have been received or the check may have been received but returned to the PAC before deposit. Please assist us in tracking these contributions, so that we may then contact the contributing committee.

*The following committees show making contributions to your Committee; however they do not appear in your reports:*

<u>Committee</u>	<u>Amount</u>	<u>Date</u>
Grass Roots NC Forum for Firearm Education	\$225.62	07/20/04
NC Cable PAC	\$500.00	04/03/06
Parker Poe Adams & Bernstein PAC	\$1,000.00	11/01/06
NC State Optometric Society PAC	\$500.00	11/03/06
Petroleum & Convenience Marketers PAC	\$1,000.00	09/18/08

*The following Committees list contributions to your Committee that differ in amount to what you reported:*

<u>Committee</u>	<u>Cont. Amount/Date</u>	<u>PAC Reported Amount/Date</u>
Anesthesiologists of the Triad PAC	\$1,500.00 on 02/09/06	\$500.00 on 02/02/06
Anspac of NC	\$675.00 on 03/25/06	\$701.70 on 02/02/06

*Reports filed by your Committee list receipt of contributions; however, a search of other Committees does not show these as expended to your committee:*

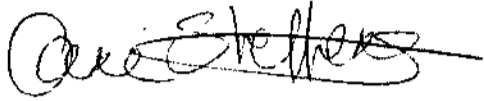
<u>Committee</u>	<u>Amount</u>	<u>Date</u>
J M Family Enterprises Inc PAC	\$500.00	02/04/04
Wachovia NC Empl PAC	\$250.00	04/19/04
NC Psychiatric Assn PAC	\$250.00	02/03/05
NCCA PAC	\$2,000.00	10/16/06
Engineers PAC of NC	\$1,000.00	01/27/09

Please check your records for the above contributions. Any contributions that were received and deposited should be verified to this office by bank statement, copy of the check or other form of explanation. Any reports that require amendment should be filed at the same time as amendments correcting other issues noted in this letter.

Philip E. Berger Committee  
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Please file amendments no later than December 29, 2009. Additional forms and other campaign finance information can be found at our website, [www.sboe.state.nc.us](http://www.sboe.state.nc.us). If you need assistance in this matter, please contact the undersigned at (919) 715-9179.

Sincerely,

A handwritten signature in black ink, appearing to read "Jane E. Steffens". The signature is written in a cursive style with a large initial "J" and a long horizontal flourish at the end.

Jane E. Steffens  
Education and Disclosure Specialist  
Campaign Finance Division

cc: Senator Philip E. Berger