

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

GARCIA FOR CONGRESS AND SWATI
PATEL,

Plaintiffs,

v.

FEDERAL ELECTION COMMISSION,

Defendant.

Civ. No. 3:13-2401-K

**DEFENDANT FEDERAL ELECTION COMMISSION'S
CERTIFICATION OF ADMINISTRATIVE RECORD
FOR ADMINISTRATIVE FINE NO. 2636**

Defendant Federal Election Commission (“FEC” or “Commission”), through its Deputy Secretary, hereby certifies that the documents listed below constitute the administrative record in Administrative Fine (“AF”) No. 2636. True and accurate copies of record documents, with redactions as noted, accompany this Certification. The pages have been sequentially numbered with page numbers beginning with the prefix “AR”.

Document Description	Administrative Record Pages
Transmittal Sheet and Memorandum to the Commission from Patricia C. Orrock, Chief Compliance Officer, and Debbie Chacona, Assistant Staff Director, through Alec Palmer, Staff Director, Re: Reason to Believe (“RTB”) Recommendation – Failure to File 48-Hour Notices under the Administrative Fine Program, with attachment thereto. (February 6, 2013) (5 pages)	AR001 – AR005
RTB Certification by Shawn Woodhead Werth, Secretary and Clerk of the Commission, in AF No. 2636. (February 8, 2013) (1 page)	AR006

Challenge Letter from Swati Patel, Treasurer, Garcia for Congress Committee to FEC, Re: AF No. 2636, (February 26, 2013), with FedEx envelope. (2 pages)	AR007 – AR008
Memorandum from Rhiannon Magruder, Acting Review Officer, to Greg J. Scott, Assistant Staff Director, Re: Garcia for Congress Committee’s Challenge in AF No. 2636. (March 1, 2013) (1 page)	AR009
Attachment: Challenge Letter from Swati Patel, Treasurer, Garcia for Congress Committee to FEC, Re: AF No. 2636, (February 26, 2013), with FedEx envelope. (2 pages)	AR010 – AR011
Letter from Rhiannon Magruder, Acting Review Officer, to Swati Patel, Treasurer, Garcia for Congress Committee, Re: FEC receipt of Garcia’s challenge. (March 4, 2013) (1 page)	AR012
Memorandum from Greg J. Scott, Assistant Staff Director, to Rhiannon Magruder, Acting Review Officer, Re: April 25, 2012 email reminder to Garcia for Congress Committee of 2012 Texas Primary Election reporting requirements. (March 5, 2013) (1 page)	AR013
Attachment 1: Email from FEC Information to Garcia for Congress Committee, Re: Prior Notice for Texas Pre-Primary Report, (April 25, 2012), with mailing log confirming successful transmission. (12 pages)	AR014 – AR025
Referral to Office of Administrative Review – Challenge Received in AF 2636. (March 5, 2013) (1 page)	AR026
Attachment 1: Transmittal Sheet and Memorandum to the Commission from Patricia C. Orrock, Chief Compliance Officer, and Debbie Chacona, Assistant Staff Director, through Alec Palmer, Staff Director, Re: RTB Recommendation – Failure to File 48-Hour Notices, with attachment thereto, (February 6, 2013); and RTB Certification by Shawn Woodhead Werth, Secretary and Clerk of the Commission, in AF No. 2636, (February 8, 2013). (6 pages)	AR027 – AR032
Attachment 2: UPS Tracking Summary. (February 12, 2013) (1 page)	AR033
Attachment 3: Communications Log Re: RTB Letter in AF No. 2636. (2 pages)	AR034 – AR035
Attachment 4: Declaration of Jodi Winship, Chief of the Compliance Branch for the Reports Analysis Division, with three attachments thereto. (March 4, 2013) (24 pages)	AR036 – AR059

Letter from Rhiannon Magruder, Acting Review Officer, to Swati Patel, Treasurer, Garcia for Congress, Re: RTB Finding in AF No. 2636, (March 11, 2013), with UPS Delivery Notification, (March 27, 2013). (4 pages)	AR060 – AR063
<p>Memorandum to the Commission from Patricia C. Orrock, Chief Compliance Officer, and Rhiannon Magruder, Acting Review Officer, through Alec Palmer, Staff Director, Re: Reviewing Officer Recommendation in AF No. 2636. (March 11, 2013) (1 page)</p> <p>Attachment A: Reviewing Officer’s Recommendation. (2 pages)</p> <p>Attachment 1: Challenge Letter from Swati Patel, Treasurer, Garcia for Congress Committee to FEC, Re: AF No. 2636, (February 26, 2013) (1 page)</p> <p>Attachment 2: Memorandum from Rhiannon Magruder, Acting Review Officer, to Greg J. Scott, Assistant Staff Director, Re: AF No. 2636, attaching copy of Challenge Letter from Swati Patel, Treasurer, Garcia for Congress Committee to FEC, Re: AF No. 2636¹, (March 1, 2013); and Memorandum from Greg J. Scott, Assistant Staff Director, to Rhiannon Magruder, Acting Review Officer, Re: AF No. 2636, with attachments, (March 5, 2013). (11 pages)</p> <p>Attachment 3: Declaration of Jodi Winship, Chief of the Compliance Branch for the Reports Analysis Division, with attachments thereto², (March 4, 2013), and Communications Log Re: RTB Letter in AF No. 2636. (17 pages)</p> <p>Attachment 4: Declaration of Rhiannon Magruder, Acting Review Officer, with attachments thereto. (March 11, 2013) (3 pages)</p>	<p>AR064</p> <p>AR065 – AR066</p> <p>AR067</p> <p>AR068 – AR078</p> <p>AR079 – AR095</p> <p>AR096 – AR098</p>
Memorandum to the Commission from Patricia C. Orrock, Chief Compliance Officer, and Rhiannon Magruder, Acting Review Officer, through Alec Palmer, Staff Director, Re: Final Determination Recommendation in AF No. 2636. (April 3, 2013) (3 pages)	AR099 – AR101

¹ Copies of Garcia’s February 26, 2013 Challenge Letter are included in the Administrative Record at AR007, AR010, and AR067.

² Copies of Commission regulations attached to the Winship Declaration are included in the Administrative Record at AR051 – AR059.

Certification by Shawn Woodhead Werth, Secretary and Clerk of the Commission, of Final Determination in AF No. 2636. (May 20, 2013) (1 page)	AR102
Letter from Ellen L. Weintraub, Chair, Federal Election Commission, to Swati Patel, Treasurer, Garcia for Congress Committee, Re: Notice of the Commission's Final Determination in AF No. 2636, with Final Determination Memorandum, (May 23, 2013), and UPS Tracking Summary, (June 5, 2013). (6 pages)	AR103 – AR110

IN TESTIMONY WHEREOF, the Deputy Secretary of the Federal Election Commission, being duly authorized, has set her hand and affixed the seal of the Federal Election Commission in the city of Washington, District of Columbia, this 17th day of September, 2013.



Shelley E. Garr
Deputy Secretary of the Federal Election Commission



FEDERAL ELECTION COMMISSION
Washington, DC 20463

SENSITIVE

24 HOUR NO-OBJECTION MATTER

DATE & TIME OF TRANSMITTAL: Wednesday, February 06, 2013 4:00

BALLOT DEADLINE: Thursday, February 07, 2013 4:00

COMMISSIONER: HUNTER, MCGAHN, PETERSEN, WALTHER, WEINTRAUB

SUBJECT: **RTB Recommendation – Failure to File 48-Hour Notices under the Administrative Fine Program (AF 2636) Memorandum from the Chief Compliance Officer and the Assistant Staff Director, Reports Analysis Division dated February 6, 2013**

() I do not object to the attached report.

() I object to the attached report.

COMMENTS: _____

DATE: _____

SIGNATURE: _____

FROM THE OFFICE OF THE SECRETARY OF THE COMMISSION



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2013 FEB -6 PM 3: 07

February 6, 2013

MEMORANDUM

SENSITIVE

TO: The Commission

THROUGH: Alec Palmer *AP*
Staff Director

FROM: Patricia C. Orrock *PCO*
Chief Compliance Officer

Debbie Chacona *DC*
Assistant Staff Director
Reports Analysis Division

BY: *Jodi* Jodi Winship
Compliance Branch

SUBJECT: Reason to Believe Recommendation -
Failure to File 48-Hour Notices under the Administrative Fine Program

Attached is the name of a principal campaign committee that has failed to file 48-hour notices with the Commission for contributions of \$1,000.00 or more received from the close of books for the Texas 12 Day Pre-Primary Report up to 48 hours before the May 29, 2012 Primary Election in accordance with 2 U.S.C. § 434(a) and 11 CFR. § 104.5(f). The committee, Garcia for Congress, represents a candidate who won the Primary Election and lost the Primary Runoff Election. The committee is being referred for failing to file 48-hour notices for contributions totaling \$150,000.00.

A 48-hour notice is required to report all contributions of a \$1,000.00 or more, to any authorized committee of a candidate, including contributions from the candidate, loans from the candidate and other non-bank sources and endorsements or guarantees of loans from banks, as per, 11 CFR § 104.5(f).

We have attached an information sheet which includes the contributor name, date of receipt and amount of the contributions for which a 48-hour notice was not filed.

In accordance with the schedule of civil money penalties outlined within 11 CFR § 111.44, this committee should be assessed the civil money penalty so indicated.

AR002

Recommendation

1. Find reason to believe that Garcia for Congress and Swati Patel, Treasurer, violated 2 U.S.C. § 434(a) and make a preliminary determination that a civil money penalty of \$15,220.00 be assessed.
2. Send the appropriate letter.

Attachment

Contributions for Which a 48-Hour Notice Was Not Received

AF 2636

Committee ID: C00515114

Committee Name: Garcia for Congress

Report Type: July Quarterly Report (5/10/2012 – 6/30/2012)

48-Hour Reporting Period: 5/10/2012 – 5/26/2012

CONTRIBUTOR	DATE	AMOUNT
GARCIA, DOMINGO	5/18/2012	\$100,000.00
GARCIA, DOMINGO	5/24/2012	\$50,000.00
	TOTAL	\$150,000.00

Proposed Civil Money Penalty: \$15,220.00 ((2 Notices Not Filed at \$110 each) + (10% of the Overall Contribution Not Filed))

2/6/2013 2:06 PM

Federal Election Commission
Reason to Believe Circulation Report
48-Hour Notification Report

AF#	Committee ID	Committee Name	State	Election	Candidate Name	Treasurer	Prev Violations	Notices Not Filed	LOA	Penalty
2636	C00515114	GARCIA FOR CONGRESS	TX	2012	GARCIA, DOMINGO ALBERTO	PATEL, SWATI	0	2	\$150,000	\$15,220

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
 Reason To Believe Recommendation –) AF 2636
 Failure to File 48-Hour Notices under the)
 Administrative Fine Program: Garcia for)
 Congress and Swati Patel, Treasurer)

CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on February 07, 2013, the Commission decided by a vote of 5-0 to take the following actions in AF 2636:

1. Find reason to believe that Garcia for Congress and Swati Patel, Treasurer, violated 2 U.S.C. § 434(a) and make a preliminary determination that a civil money penalty of \$15,220.00 be assessed.
2. Send the appropriate letter.

Commissioners Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

Attest:

February 8, 2013
 Date

Shawn Woodhead Werth
 Shawn Woodhead Werth
 Secretary and Clerk of the Commission

**FEC OFFICE OF
ADMIN REVIEW**



2013 MAR -1 AM 11: 40

February 26, 2013

Federal Election Commission
Office of Administrative Review
999 E Street, NW
Washington, DC 20463

Identification Number: C00515114

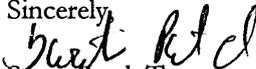
Reference: AF 2636; Challenge to Proposed Calculation of Administrative Fine Total

The following statement challenges the calculation of the proposed \$15,220 assessed to Garcia for Congress, hereafter referred to as "the Committee," for unfiled 48-Hour Reports during the reporting period 5/10/12 - 5/26/12 and in connection with Pre-Primary Election for Texas's 33rd congressional district. The Committee asks for leniency in this matter for the following reasons: 1) the unfiled report resulted from an unintentional clerical error; and 2) the fine could delay the Committees its efforts to wind down and terminate the campaign.

The Committee seeks to challenge the proposed penalty on the basis that the Committee demonstrated use of "best efforts," and that the unfiled reports were due to an unintentional clerical error on the part of the Committee. As a result of this error, there was a failure to communicate requisite information to the compliance specialists responsible for filing the notices.

Furthermore, the Committee requests leniency due to the fact that it is in the process of winding down and any additional financial burden could potentially delay its ability to terminate. The total amount that the candidate has invested in this campaign (including contributions and loans) amounts to \$2,287,776, or approximately 99% of the total contributions. All current financial activity disclosed on recent filed reports is for the purpose of winding down the campaign committee. Thus, the Committee hopes the Commission will consider the implications that additional costs to not only the campaign, but also the candidate, will have in further delaying the termination process.

The Committee asks the Commission to please take these facts into consideration as it evaluates this case.

Sincerely,

Swati Patel, Treasurer

Domingo Garcia for Congress Campaign
1107 West Jefferson Boulevard, Dallas, Texas 75208 • 214.948.6100

garciaforcongress.com

Paid for by Garcia for Congress

AR007

RECEIVED

2013 MAR 29 AM 9:50

MAIL CENTER fedex.com 1.800.GoFedEx 1.800.463.3339

00017
00028

NEW Package
US Airdoll

Tracking Number: 02448 4098 5753

From: This package may be returned to sender if recipient is unreachable.

Sender's Name: GARCIA, DOMINGO, ATTY

Phone: 214 941-8800

Address: 400 S ZANG BLVD STE 600

City: DALLAS

State: TX ZIP: 75208-6641

Your Internal Billing Reference

3

Recipient's Name: Office of Administrative Services

Phone: 214 221-9530

Company: Federal Election Commission

Address: 999 E Street NW

City: WASHINGTON

State: DC ZIP: 20543

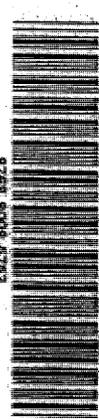
Use this line for the HOLD location address or for continuation of your shipping address.

On: Washington State: DC ZIP: 20543

1030
5925
9 4719

FEC OFFICE OF
ADMINISTRATIVE SERVICES
2013 MAR 29 AM 9:50

X-RAYED BY FEC SECURITY



0448130871

FedEx
TRK# 0215 8768 8098 5753

SA RDVA

MON - 04 MAR AA
EXPRESS SAVER
DSR 20463
DC-US
DCA



Empl 336970 27FE813 N8DA 519C2/DCF9/93A8

Recipient's Copy

4 Express Package Service
NOTE: Recipient order has expired. Please contact sender.

Next Business Day

2013 Business Days

NEW FedEx 2DTM MAIL
Special business printing.
Secondary delivery NOT available.

FedEx 2Day
Secondary delivery not available. Thursday afternoon
delivery is possible.

FedEx Overnight
Secondary delivery NOT available.

FedEx Priority Overnight
Secondary delivery NOT available.

FedEx Signature
Secondary delivery NOT available.

fedex.com 1.800.GoFedEx 1.800.463.3339

5 Special Handling and Delivery Signature Options

6 Signature Required

7 Payment Bill to

8 Signature

9 Signature

10 Signature

11 Signature

12 Signature

13 Signature

AR008



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 1, 2013

MEMORANDUM

TO: GREG J. SCOTT
ASSISTANT STAFF DIRECTOR
INFORMATION TECHNOLOGY DIVISION

FROM: RHIANNON MAGRUDER *RM*
ACTING REVIEWING OFFICER
OFFICE OF ADMINISTRATIVE REVIEW

SUBJECT: AF# 2636 –GARCIA FOR CONGRESS AND SWATI PATEL, IN HER
OFFICIAL CAPACITY AS TREASURER (C00515114)

On March 1, 2013, the Commission received the written response and supporting documentation (“challenge”) from the respondents for an administrative fine relating to their failure to file 48-Hour Notices for the 2012 Texas Primary Election. A copy of the challenge is attached for your review.

Please inform this office of any information you may have provided the respondents pertaining to their filing responsibilities as a registered committee of the Federal Election Commission. If you have no records relating to this request, please advise OAR accordingly.

Any information submitted by your office will be sent to the respondents, circulated to the Commission and placed on the public record. Please contact me at 694-1660 if you have any questions. Thank you.

Attachment

AR009

**FEC OFFICE OF
ADMIN REVIEW**



2013 MAR -1 AM 11: 40

February 26, 2013

Federal Election Commission
Office of Administrative Review
999 E Street, NW
Washington, DC 20463

Identification Number: C00515114

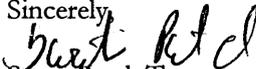
Reference: AF 2636; Challenge to Proposed Calculation of Administrative Fine Total

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The Committee asks the Commission to please take these facts into consideration as it evaluates this case.

Sincerely,

Swati Patel, Treasurer

Domingo Garcia for Congress Campaign
1107 West Jefferson Boulevard, Dallas, Texas 75208 • 214.948.6100

garciaforcongress.com

Paid for by Garcia for Congress

AR010

RECEIVED

2013 MAR 29 AM 9:50

MAIL CENTER fedex.com 1.800.GoFedEx 1.800.463.3339

00017
00028

NEW Package
US Airbill

Tracking Number: 0264 8098 5753

From: This bill is for the recipient's use only. It is not a bill of lading. It is not a receipt. It is not a contract. It is not a bill of exchange. It is not a bill of sale. It is not a bill of exchange. It is not a bill of sale. It is not a bill of exchange. It is not a bill of sale.

Date: 20130329
Sender's Name: GARCIA, DOMINGO, ATTY
Phone: 214 941-8800

Company: GARCIA, DOMINGO, ATTY
Address: 400 S ZANG BLVD STE 600
City: DALLAS State: TX ZIP: 75208-6641

RECIPIENT, PEEL HERE

Your Internal Billing Reference

Recipient's Name: Office of Alameda Calver Phone: 561 421-9530

Company: Federal Election Commission
Address: 999 E Street NW
City: Washington State: DC ZIP: 20543

Address: 999 E Street NW
City: Washington State: DC ZIP: 20543

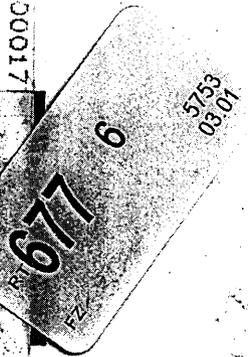
Address: 999 E Street NW
City: Washington State: DC ZIP: 20543

Address: 999 E Street NW
City: Washington State: DC ZIP: 20543



8768 8098 5753

0448130871

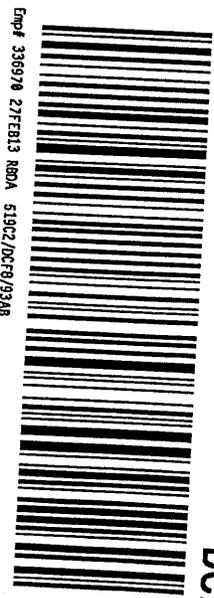


FEC OFFICE OF
ADMINISTRATIVE REVIEW
2013 MAR 29 AM 9:50

X-RAYED BY FEC SECURITY

FedEx
TRK# 0215 8768 8098 5753

SA RDVA



Empl 336970 27FE813 N8DA 519C2/DCF9/93A8

MON - 04 MAR AA
EXPRESS SAVER
DSR 20463
DC-US
DCA

Recipient's Copy

4 Express Package Service
NOTE: Recipient order has not shipped. Please contact sender.

5 Packaging
FedEx Envelope*
FedEx Pak*
Box
Tube
Other

6 Special Handling and Delivery Signature Options
Signature Required
Direct Signature
Indirect Signature

7 Payment Bill to
Sender
Recipient
Third Party
Credit Card
Cash/Check

fedex.com 1.800.GoFedEx 1.800.463.3339

AR011



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Via First Class Mail

March 4, 2013

Swati Patel, in official capacity as Treasurer
Garcia for Congress
400 South Zang Boulevard, Suite 600
Dallas, TX 75208

C00515114

AF#: 2636

Dear Ms. Patel:

On March 1, 2013, the Commission received your written response ("challenge") which is being reviewed by the Office of Administrative Review. If you have any questions regarding your challenge, please contact this Office on our toll free number (800)424-9530 (press 0, then ext. 1660) or (202)694-1660.

Sincerely,

A handwritten signature in cursive script that reads "Rhiannon Magruder".

Rhiannon Magruder
Acting Reviewing Officer
Office of Administrative Review

AR012



Federal Election Commission
www.fec.gov / 800-424-9530 / info@fec.gov

March 5, 2013

MEMORANDUM

TO: Rhiannon Magruder
Acting Reviewing Officer
Office of Administrative Review

FROM: Greg J. Scott 
Assistant Staff Director
Information Division

SUBJECT: AF#2636 – Garcia for Congress and Swati Patel, in her Official Capacity
as Treasurer (C00515114)

As part of its educational outreach efforts, the FEC's Information Division routinely sends courtesy reminders to committees shortly before their reports of receipts and disbursements are due. These reminders are sent to the email address provided by the committee on its FEC Form 1, Statement of Organization.

The Garcia for Congress committee amended its Statement of Organization on April 9, 2012, to disclose a number of changes, including a new committee email address: garciadt@gmail.com. According to our records, a reminder email concerning the 2012 Texas Pre-Primary Report was sent to that address on April 25, 2012. A copy of that message is attached, along with a copy of the mailing log that confirms its successful transmission.

In addition to these email reminders, the Information Division publishes reporting dates on the FEC's website and in the agency's on-line newsletter, the *Record*.

Attachments

AR013

FEC Information
<info@fec.gov>

04/25/2012 06:37 AM

Please respond to
info@fec.gov

To GARCIADTX@GMAIL.COM

cc

Subj Prior Notice for Texas Pre-Primary Report
ect



Federal Election Commission

www.fec.gov 800-424-9530 info@fec.gov

The Federal Election Commission is pleased to provide, as a courtesy, this e-mail reminder of your upcoming Pre-Primary Report. Should you have any questions concerning your reporting obligations or the contents of your report, please call the FEC, toll-free, 1-800-424-9530.

The Texas Pre-Primary Report Prior Notice may be viewed on-line at

http://www.fec.gov/pages/report_notices/2012/state_notices/tx_prim.shtml

2012 Reporting Dates may be viewed on-line at

http://www.fec.gov/info/report_dates_2012.shtml

PDF VERSION SUITABLE FOR PRINTING:

3



PRIMARY ELECTION
REPORT NOTICE

Texas
Primary/Runoff Election Prior Notice

FEDERAL ELECTION COMMISSION

TEXAS

April 23, 2012

POLITICAL COMMITTEES INVOLVED IN THE PRIMARY (05/29/12):

REPORT	REPORTING PERIOD ¹	REG./CERT & OVERNIGHT MAILING DEADLINE	FILING DEADLINE
Pre-Primary	04/01/12 - 05/09/12	05/14/12	05/17/12
48-Hour Notices	05/10/12 - 05/26/12	-- TX primary candidates only -- see filing info --	
July Quarterly	05/10/12 - 06/30/12	07/15/12	07/15/12 ²

FOR POLITICAL COMMITTEES INVOLVED IN BOTH THE PRIMARY (05/29/12) AND RUNOFF (07/31/12), IF HELD:

REPORT	REPORTING PERIOD ¹	REG./CERT & OVERNIGHT MAILING DEADLINE	FILING DEADLINE
Pre-Primary	04/01/12 - 05/09/12	05/14/12	05/17/12
48-Hour Notices	05/10/12 - 05/26/12	-- TX primary candidates only -- see filing info --	
July Quarterly	05/10/12 - 06/30/12	07/15/12	07/15/12 ²
Pre-Runoff	07/01/12 - 07/11/12	07/16/12	07/19/12
48-Hour Notices	07/12/12 - 07/28/12	-- TX runoff candidates only -- see filing info --	
October Quarterly	07/12/12 - 09/30/12	10/15/12	10/15/12

WHO MUST FILE

The following committees must file the Texas Pre-Primary/Runoff Report(s):

- **Principal campaign committees** of congressional candidates (including unopposed candidates and candidates whose names do not appear on the ballot) who seek election in the primary election must file the above reports and notices.
- **PACs and party committees** filing on a quarterly basis in 2012 are subject to pre-election reporting if they make previously undisclosed contributions or expenditures (including independent expenditures) in connection with an election by the close of books of the applicable report(s).

Supplemental Filing Information is available:

- **Congressional Committees**
- **Parties and PACs**

Additional information for Texas Campaign Committees -- click here

¹ These dates indicate the beginning and end of the reporting period. A reporting period always begins the day after the closing date of the last report filed. If the committee is new and has not previously filed a report, the first report must cover all activity that occurred before the committee registered up through the close of books for the first report due.

² Notice that this filing deadline falls on a weekend or federal holiday. Filing deadlines are not extended when they fall on nonworking days. Accordingly, reports filed by methods other than registered, certified or overnight mail, or electronically, must be received before the Commission's (or the Secretary of the Senate's) close of business on the last business day before the deadline.

2012 SUPPLEMENTAL FILING INFORMATION CONGRESSIONAL COMMITTEES

PLEASE NOTE: The Commission provides reminders of upcoming filing dates as a courtesy to help committees comply with the filing deadlines set forth in the Act and Commission regulations. Committee treasurers must comply with all applicable filing deadlines established by law, and the lack of prior notice does not constitute an excuse for failing to comply with any filing deadline.

WHO MUST FILE

Principal campaign committees of congressional candidates ¹ (including unopposed candidates and candidates whose names do not appear on the ballot) must file Quarterly Reports in 2012. ²

Campaigns that raise or spend more than \$5,000 for the 2012 election cycle (and thus trigger registration and reporting requirements) must file quarterly reports throughout 2012, even if the candidate plans to retire, withdraws from the race prior to the primary election, loses the primary or drops out of the race prior to the general election. See 11 CFR 104.5(a)(2).

Before a committee can stop filing with the FEC, it must file a termination report with the Commission. See 11 CFR 102.3. Committees must continue to file reports until the Commission notifies them in writing that their termination report has been accepted.

METHODS OF FILING REPORTS

Electronic Filing

Reports filed electronically must be received and validated by the Commission by 11:59 p.m. Eastern Time on the filing deadline. See 11 CFR 104.5(e). See also 11 CFR 104.18 and 100.19.

- Web Page: [Electronic Filing Page](#)
- *Campaign Guide for Congressional Candidates and Committees (Candidate Guide)*, pp. 83-86 [PDF]

Paper Filing - Meeting the Filing Deadline

Paper Report filing options -- Registered, Certified or Overnight or First Class Mail. See 11 CFR 104.5(e). See also 11 CFR 100.19.

- Web Page: [Link to Paper Forms](#) (for downloading and printing)
- *Candidate Guide*, p. 82 [PDF]

¹ Generally, an individual becomes a candidate for federal office (and thus triggers registration and reporting obligations) when his or her campaign exceeds \$5,000 in either contributions or expenditures. If the campaign has not crossed the \$5,000 threshold, it is not required to file reports. See 11 CFR 100.3(a). See also 11 CFR 104.5(a).

² If a candidate has more than one authorized committee, the principal campaign committee files a consolidated report on [Form 3Z](#) [PDF]. See 11 CFR 104.3(f).

PRE- AND POST-ELECTION REPORTS

The principal campaign committee of any candidate participating in a 2012 state primary, nominating convention or runoff election -- even if unopposed -- must also file a pre-election report 12 days prior to the primary, nominating convention or runoff. The principal campaign committee of a candidate who participates in the general election must file pre- and post-general election reports. See 11 CFR 104.5(a)(2).

- Web Page: 2012 Congressional Pre-Primary Reporting Dates
- The Record:
 - FEC Record Blog: Reporting
 - January 2012 issue [PDF]
- Candidate Guide, pp. 81-82 [PDF]

COMPLIANCE**Treasurer Responsibility**

Committee Treasurers are responsible for both the timeliness and the accuracy of all reports. They may be subject to monetary penalties if reports are inaccurate or are not filed on time. See 11 CFR 104.14(d).

- Statement of Policy Regarding Treasurers Subject to Enforcement Proceedings [PDF]
- Candidate Guide, pp. 7-9 [PDF]

Administrative Fine Program

Political committees and their treasurers who fail to file their reports on time may be subject to civil money penalties up to \$17,600 (or more for repeat late- and non-filers).³ See generally, 11 CFR Part 111 Subpart B. See also 11 CFR 111.43.

- Web Page: Administrative Fine Program
- Candidate Guide, pp. 82-83 [PDF]

IMPORTANT FILING INFORMATION - PAPER FILERS

In response to the 2001 anthrax threat, the U.S. Postal Service is irradiating mail directed to many federal agencies, including the FEC and the Secretary of the Senate.⁴ This process has not only delayed mail delivery, it has also damaged and in some cases destroyed pieces of mail. As a result, committees that file reports with the FEC may want to consider submitting their reports by some means other than U.S. mail. Alternative methods include electronic filing, overnight mail or delivery service, and hand delivery.

³ Penalties for late- or non-filing of 48-hour notices are based on the amount of contributions not timely disclosed. As a result, these penalties may exceed \$17,600, even for first-time violations.

⁴ Senate committees should contact the Secretary of the Senate at (202) 224-0322 for more information on filing reports via US mail.

2012 REPORTING SCHEDULE

- Web Page: [2012 Reporting Dates Page](#)
- The Record:
 - [FEC Record Blog: Reporting](#)
 - [January 2012 issue](#) [PDF]
- [Candidate Guide, p. 83](#) [PDF]

DISCLOSURE OF LOBBYIST BUNDLING ACTIVITY

Campaign committees must file [FEC Form 3L](#) [PDF] if they receive two or more bundled contributions from lobbyists/registrants or lobbyist/registrant PACs that aggregate in excess of \$16,700 during the applicable reporting period ([see page 1 of this notice](#)). See 11 CFR [104.22](#) and [110.17\(f\)](#).

- The Record: [March 2009 issue](#) [PDF]
- [Candidate Guide, Appendix F, pp. 155-161](#) [PDF]

SUPPLEMENTAL FILING INFORMATION TEXAS CAMPAIGN COMMITTEES ONLY

48 HOUR NOTICES ON CONTRIBUTIONS

The principal campaign committee must file notices if any authorized committees receive any contribution (**including in-kind gifts or advances of goods or services; loans from the candidate or other non-bank sources; and guarantees or endorsements of bank loans to the candidate or committee**) of \$1,000 or more per source, during the period of:

Primary: 05/10/12 - 05/26/12
Runoff: 07/12/12 - 07/28/12

The notices must reach the appropriate federal filing office within 48 hours of the committee's receipt of the contribution(s). **Campaign committees that file electronically MUST submit their 48-hour notices electronically.** See [11 CFR 104.5\(f\)](#).

- Web Page: [Link to Paper Forms](#) (for downloading and printing)
- Web Page: [Link to Web Form 6](#) (for online submission)
- Form 6 Fax numbers
 - Senate campaigns (Secretary of the Senate): (202) 224-1851
 - House Campaigns (FEC): (202) 219-0174
- Campaign Guide: [Candidate, p. 81](#) [PDF].

FOR INFORMATION, CALL: (800) 424-9530 or (202) 694-1100

2012 SUPPLEMENTAL FILING INFORMATION PACs AND PARTY COMMITTEES

PLEASE NOTE: The Commission provides reminders of upcoming filing dates as a courtesy to help committees comply with the filing deadlines set forth in the Act and Commission regulations. Committee treasurers must comply with all applicable filing deadlines established by law, and the lack of prior notice does not constitute an excuse for failing to comply with any filing deadline.

WHO MUST FILE

All Party Committees and PACs (Nonconnected Committees and Separate Segregated Funds) must file either quarterly or monthly reports in 2012. See 11 CFR 104.5(c). Before a committee can stop filing with the FEC, it must file a termination report with the Commission. See 11 CFR 102.3. Committees must continue to file reports until the Commission notifies them in writing that their termination report has been accepted.

METHODS OF FILING REPORTS

Electronic Filing

Reports filed electronically must be received and validated by the Commission by 11:59 p.m. Eastern Time on the filing deadline. See 11 CFR 104.5(e). See also 11 CFR 104.18 and 100.19.

- Web Page: [Electronic Filing Page](#)
- Campaign Guide: *Nonconnected Committees (Nonconnected)*, pp. 51-53 [PDF]; *Corporations and Labor Organizations (SSF)*, pp. 49-51 [PDF]; *Political Party Committees (Party)*, pp. 69-71 [PDF].

Paper Filing -- Meeting the Filing Deadline

Paper report filing options – Registered, Certified or Overnight or First Class Mail. See 11 CFR 104.5(e). See also 11 CFR 100.19.

- Web Page: [Link to Paper Forms](#) (for downloading and printing)
- Campaign Guide: *Nonconnected*, pp. 47-48 [PDF]; *SSF*, pp. 45-46 [PDF]; *Party*, p. 65 [PDF].

CHANGE IN FILING FREQUENCY

Committees able to change their reporting schedule (for example, from monthly to quarterly) who wish to do so must notify the Commission in writing and may change their filing frequency no more than once per calendar year. See 11 CFR 104.5(c).

- Web Page: [Filing Frequency by Type of Committee](#)
- Campaign Guide: *Nonconnected*, p. 51 [PDF]; *SSF*, p. 49 [PDF]; *Party*, p. 67 [PDF].

2012 REPORTING SCHEDULE

- Web Page: [2012 Reporting Dates Page](#)
- The Record:
 - [FEC Record Blog: Reporting](#)
 - [January 2012 issue](#) [PDF]
- Campaign Guide: *Nonconnected*, pp. 49-51 [PDF]; *SSF*, pp. 46-48 [PDF]; *Party*, pp. 67-68 [PDF].

PRE-ELECTION REPORTING

Quarterly filing committees that make contributions or expenditures (including independent expenditures) in connection with an election must also file a Pre-Election Report, if the activity was not previously reported. See 11 CFR 104.5(c)(1)(ii).

- Web Page: 2012 Congressional Pre-Primary Reporting Dates Page
- The Record:
 - FEC Record Blog: Reporting
 - January 2012 issue [PDF]
- Campaign Guide: Nonconnected, pp. 49-51 [PDF]; SSF, pp. 46-48 [PDF]; Party, pp. 67-68 [PDF].

COMPLIANCE**Treasurer Responsibility**

Committee treasurers are responsible for both the timeliness and the accuracy of all reports. They may be subject to monetary penalties if reports are inaccurate or are not filed on time. See 11 CFR 104.14(d).

- Statement of Policy Regarding Treasurers Subject to Enforcement Proceeding [PDF]
- Campaign Guide: Nonconnected, pp. 3-4 [PDF]; SSF, pp. 1-2 [PDF]; Party, pp. 6-7 [PDF].

Administrative Fine Program

Failure to file reports on time may be subject to civil money penalties up to \$17,600 (or more for repeat late- or non-filers). See 11 CFR 111.43(b). See generally, 11 CFR Part 111 Subpart B. See also 11 CFR 111.43.

- Web Page: Administrative Fine Program Page
- Campaign Guide: Nonconnected, pp. 48-49 [PDF]; SSF, p. 46 [PDF]; Party, p. 66 [PDF].

DISCLOSURE OF LOBBYIST BUNDLING ACTIVITY

Party committees and Leadership PACs must file FEC Form 3L [PDF] if they receive two or more bundled contributions from lobbyists/registrants or lobbyist/registrant PACs that aggregate in excess of \$16,700 during the applicable reporting period (see page 1 of this notice). See 11 CFR 104.22 and 11 CFR 110.17(f).

- The Record: March 2009 issue [PDF]

48- AND 24-HOUR REPORTS OF INDEPENDENT EXPENDITURES

Any PAC or Party Committee that makes independent expenditures in 2012 may have to disclose this activity within 48- or 24-hours based upon the date and amount of the expenditure.

See 11 CFR 104.4(b)(2) and (c). See generally, 11 CFR 104.4.

- Web Page: State-by-state chart of 2012 48- and 24-hour periods for independent expenditures
- Campaign Guide: Nonconnected, pp. 72-74 [PDF]; SSF, pp. 65-67 [PDF]; Party, pp. 87-89 [PDF].

These reports are not required when a PAC or Party Committee makes a contribution directly to a candidate.

FOR INFORMATION, CALL: (800) 424-9530 or (202) 694-1100

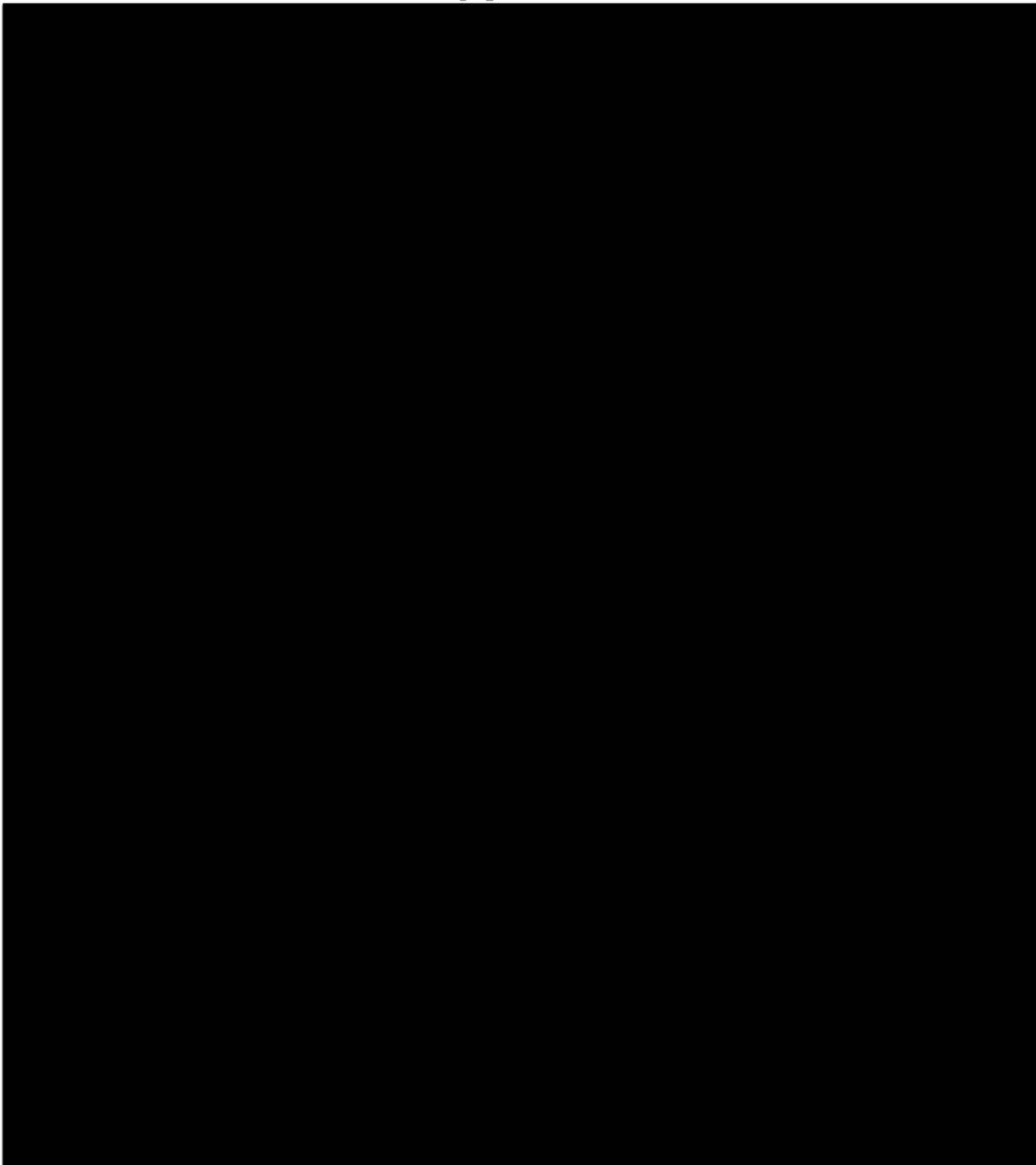
Daily Prior Notices Report For :Prior Notice for Texas Primary

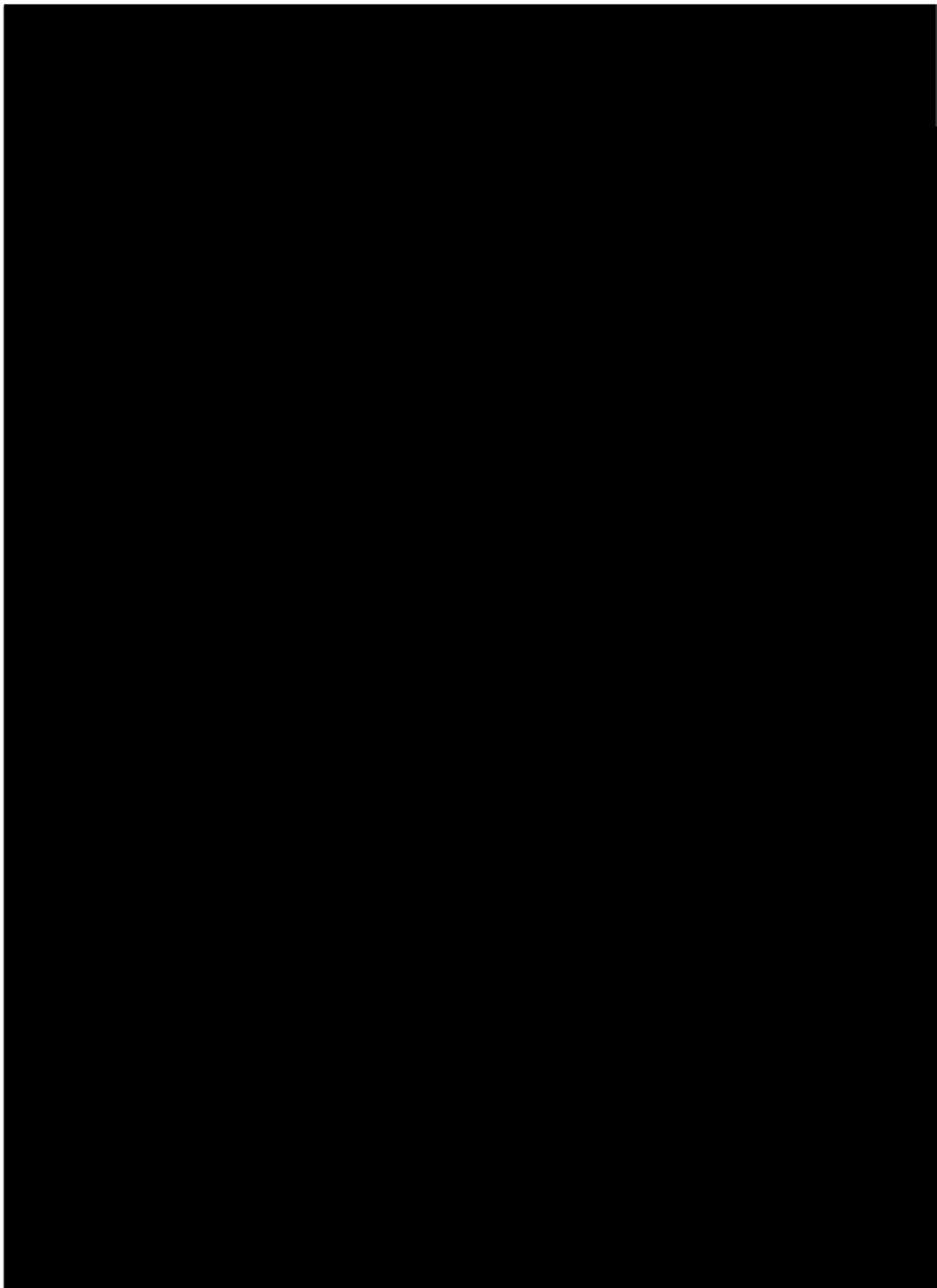
***** Email Report For Information Management

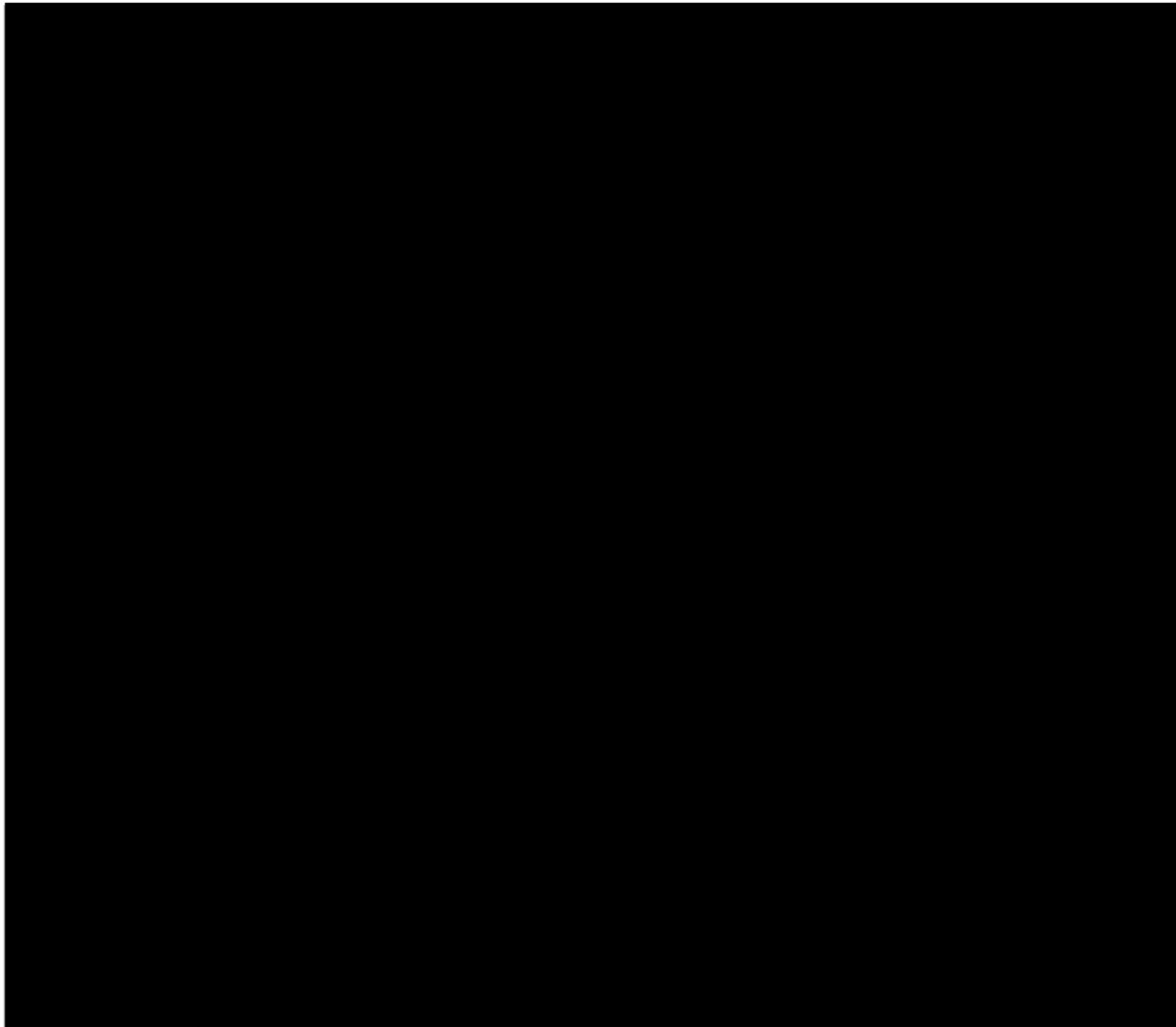
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Email Template Subject: Prior Notice for Texas Primary

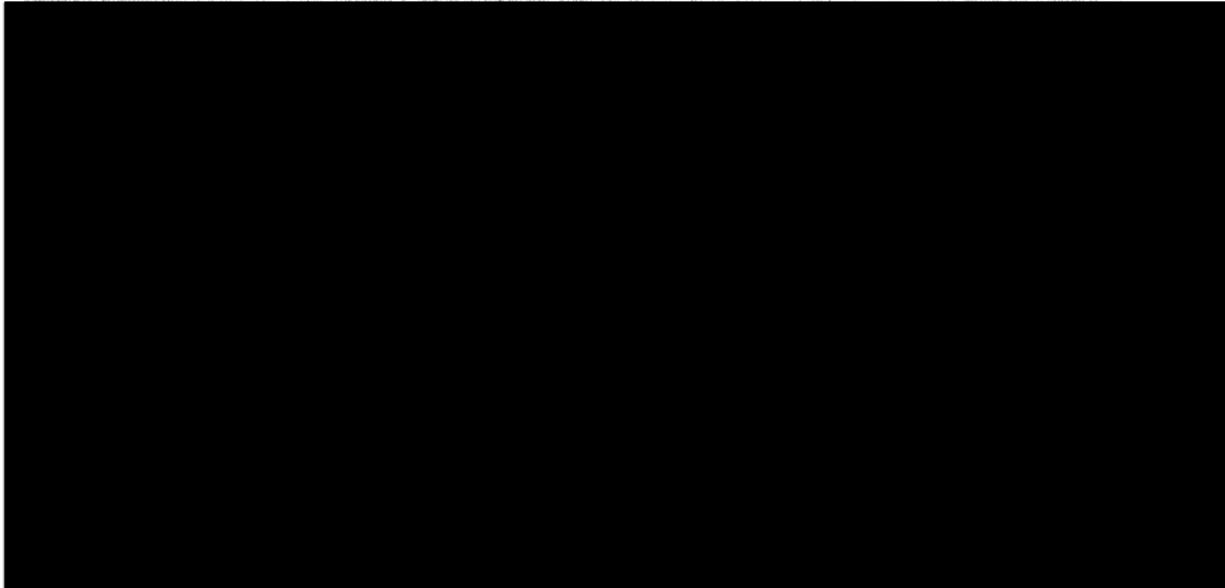
Email Attachment Name: TX Primary.pdf

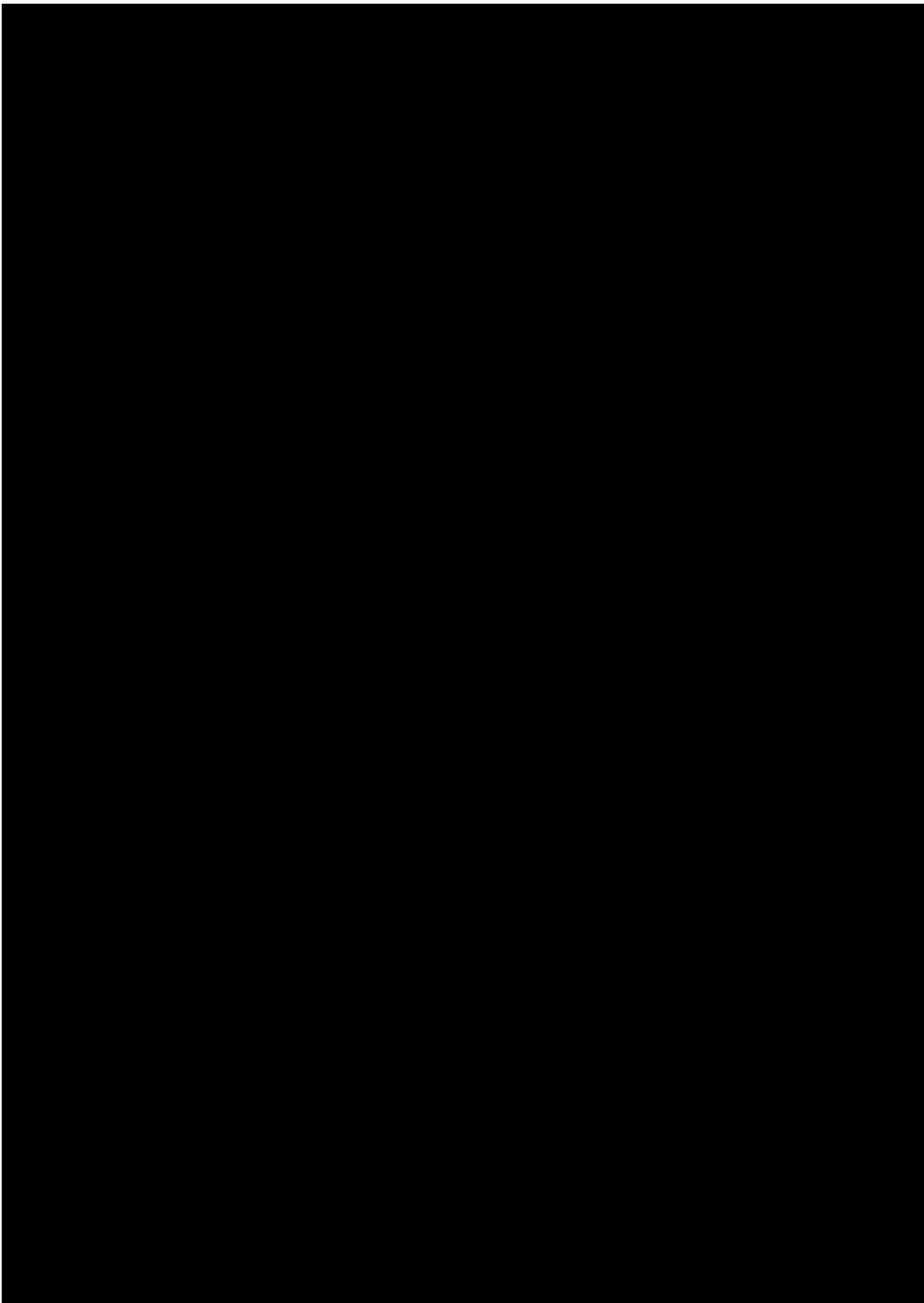


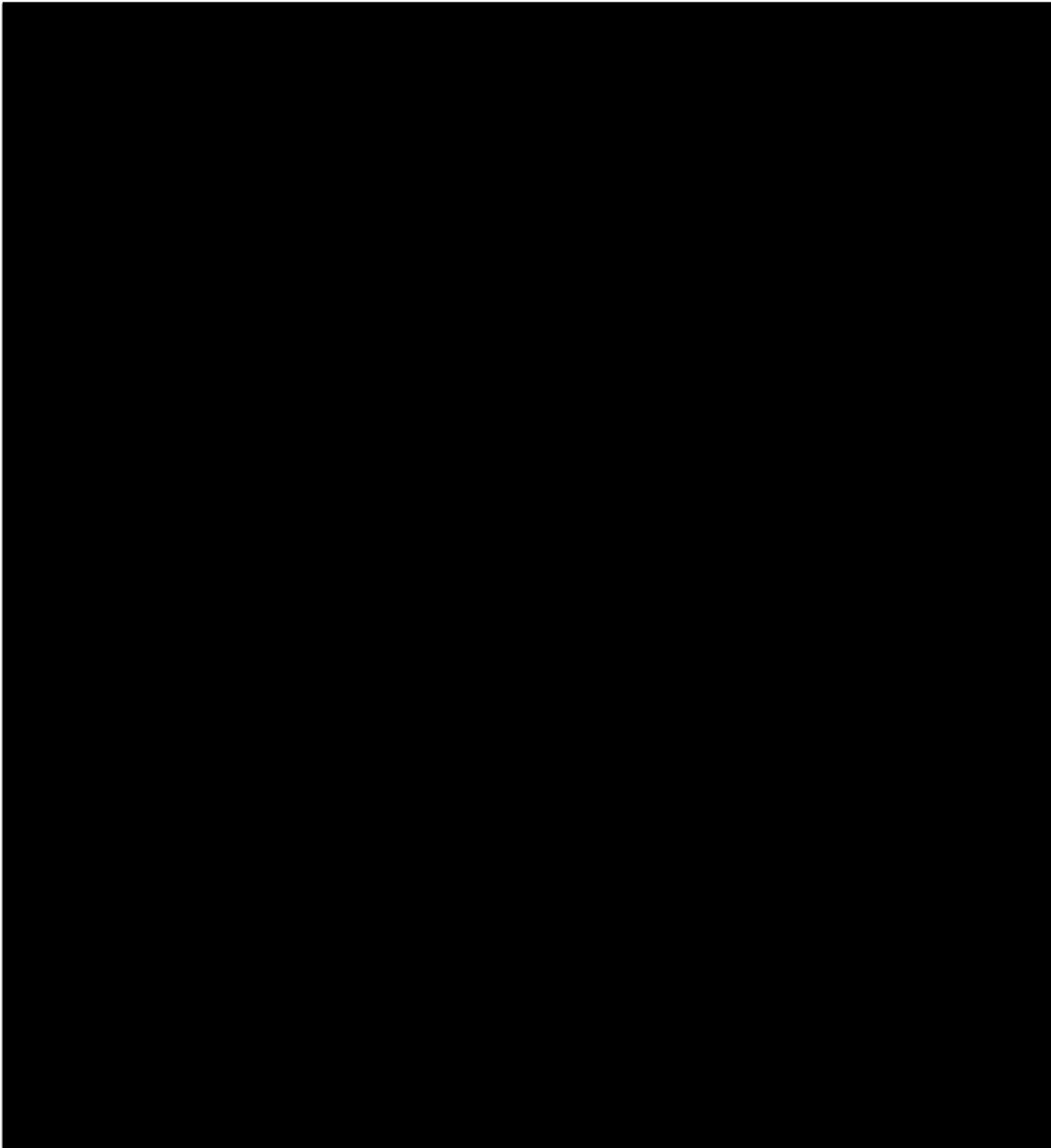




C00515114 ----- GARCIADTX@GMAIL.COM --- Email Sent Successfully







```
Total Number Of Emails Sent = 150
*****Emails Failed to
Send*****
Total Number Of Emails Failed to Send = 0
***** End Of The Report
*****
```

Date: March 5, 2013

**REFERRAL TO OFFICE OF ADMINISTRATIVE REVIEW
CHALLENGE RECEIVED**

AF#: 2636

Committee Name: Garcia for Congress

Committee ID#: C00515114

Committee Address (if different than in RTB letter): N/A

Treasurer Name (if different than in RTB finding): N/A

Attachments:

Copy of RTB Circulation Report, dated February 6, 2012 and RTB Certification, dated February 8, 2013 (Y/N): Y

Attachment #: 1

Proof of Delivery (to be forwarded at later date if not yet received) (Y/N): Y

Attachment #: 2

Telecoms and Visitcoms in Response to RTB Letter (Y/N): Y

Attachment #: 3

Other Relevant Telecoms (Y/N): N

Attachment #: N/A

Original Correspondence Received by RAD in Response to RTB Letter (Y/N): N

Attachment #: N/A

RAD Staff Declaration (Y/N): Y

-2012 July Quarterly Report Notice, dated April 23, 2012.

-RFAI Letter, dated August 13, 2012.

-RTB Letter, dated February 8, 2013.

Attachment #: 4

Other RAD Information: (Y/N): N

Attachment#: N/A



FEDERAL ELECTION COMMISSION
Washington, DC 20463

SENSITIVE

24 HOUR NO-OBJECTION MATTER

DATE & TIME OF TRANSMITTAL: Wednesday, February 06, 2013 4:00

BALLOT DEADLINE: Thursday, February 07, 2013 4:00

COMMISSIONER: HUNTER, MCGAHN, PETERSEN, WALTHER, WEINTRAUB

SUBJECT: **RTB Recommendation – Failure to File 48-Hour Notices
under the Administrative Fine Program (AF 2636)
Memorandum from the Chief Compliance Officer and
the Assistant Staff Director, Reports Analysis Division
dated February 6, 2013**

() I do not object to the attached report.

() I object to the attached report.

COMMENTS: _____

DATE: _____

SIGNATURE: _____

FROM THE OFFICE OF THE SECRETARY OF THE COMMISSION



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2013 FEB -6 PM 3: 07

February 6, 2013

MEMORANDUM

SENSITIVE

TO: The Commission

THROUGH: Alec Palmer *AP*
Staff Director

FROM: Patricia C. Orrock *PCO*
Chief Compliance Officer

Debbie Chacona *DC*
Assistant Staff Director
Reports Analysis Division

BY: *Jodi* Jodi Winship
Compliance Branch

SUBJECT: Reason to Believe Recommendation -
Failure to File 48-Hour Notices under the Administrative Fine Program

Attached is the name of a principal campaign committee that has failed to file 48-hour notices with the Commission for contributions of \$1,000.00 or more received from the close of books for the Texas 12 Day Pre-Primary Report up to 48 hours before the May 29, 2012 Primary Election in accordance with 2 U.S.C. § 434(a) and 11 CFR. § 104.5(f). The committee, Garcia for Congress, represents a candidate who won the Primary Election and lost the Primary Runoff Election. The committee is being referred for failing to file 48-hour notices for contributions totaling \$150,000.00.

A 48-hour notice is required to report all contributions of a \$1,000.00 or more, to any authorized committee of a candidate, including contributions from the candidate, loans from the candidate and other non-bank sources and endorsements or guarantees of loans from banks, as per, 11 CFR § 104.5(f).

We have attached an information sheet which includes the contributor name, date of receipt and amount of the contributions for which a 48-hour notice was not filed.

In accordance with the schedule of civil money penalties outlined within 11 CFR § 111.44, this committee should be assessed the civil money penalty so indicated.

Recommendation

1. Find reason to believe that Garcia for Congress and Swati Patel, Treasurer, violated 2 U.S.C. § 434(a) and make a preliminary determination that a civil money penalty of \$15,220.00 be assessed.
2. Send the appropriate letter.

Attachment

Contributions for Which a 48-Hour Notice Was Not Received

AF 2636

Committee ID: C00515114

Committee Name: Garcia for Congress

Report Type: July Quarterly Report (5/10/2012 – 6/30/2012)

48-Hour Reporting Period: 5/10/2012 – 5/26/2012

CONTRIBUTOR	DATE	AMOUNT
GARCIA, DOMINGO	5/18/2012	\$100,000.00
GARCIA, DOMINGO	5/24/2012	\$50,000.00
	TOTAL	\$150,000.00

Proposed Civil Money Penalty: \$15,220.00 ((2 Notices Not Filed at \$110 each) + (10% of the Overall Contribution Not Filed))

2/6/2013 2:06 PM

Federal Election Commission
Reason to Believe Circulation Report
48-Hour Notification Report

AF#	Committee ID	Committee Name	State	Election	Candidate Name	Treasurer	Prev Violations	Notices Not Filed	LOA	Penalty
2636	C00515114	GARCIA FOR CONGRESS	TX	2012	GARCIA, DOMINGO ALBERTO	PATEL, SWATI	0	2	\$150,000	\$15,220

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
 Reason To Believe Recommendation –) AF 2636
 Failure to File 48-Hour Notices under the)
 Administrative Fine Program: Garcia for)
 Congress and Swati Patel, Treasurer)

CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on February 07, 2013, the Commission decided by a vote of 5-0 to take the following actions in AF 2636:

1. Find reason to believe that Garcia for Congress and Swati Patel, Treasurer, violated 2 U.S.C. § 434(a) and make a preliminary determination that a civil money penalty of \$15,220.00 be assessed.
2. Send the appropriate letter.

Commissioners Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

Attest:

February 8, 2013
 Date

Shawn Woodhead Werth
 Shawn Woodhead Werth
 Secretary and Clerk of the Commission

2/12/13

UPS: Tracking Information

Tracking Summary

Tracking Numbers

Tracking Number: 1Z WF5 860 A2 9098 007 8
Type: Package
Status: **Delivered**
Delivered On: 02/11/2013
9:46 A.M.
Delivered To: DALLAS, TX, US
Signed By: TELESFORA
Service: NEXT DAY AIR

Tracking results provided by UPS: 02/12/2013 8:56 A.M. ET

NOTICE: UPS authorizes you to use UPS tracking systems solely to track shipments tendered by or for you to UPS for delivery and for no other purpose. Any other use of UPS tracking systems and information is strictly prohibited.

[H Feedback](#)

 [Close Window](#)

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Attachment 2

Communications Log*SENSITIVE*

Committee ID: C00515114 Multi-Candidate Status/Date: No
 Committee Name: GARCIA FOR CONGRESS Date Effective:
 Committee Designation: PRINCIPAL
 CAMPAIGN COMMITTEE OF A Candidate Committee Type: HOUSE
 Filing Frequency: QUARTERLY FILER Treasurer Name: PATEL, SWATI
 Candidate ID: H2TX33131 Address: 400 SOUTH ZANG
 BOULEVARD
 SUITE 600
 DALLAS, TX 75208
 Candidate Name: GARCIA, DOMINGO Analyst Assigned: Ryan Furman
 ALBERTO
 Special Interest Group: Not Available Analyst Extension: 1151

Contact	Communication Date & Time	Analyst	Type
Swati Patel	02/14/2013 12:50 PM	David Garr	Phone Call
Summary	I called Ms. Patel to verify that the Committee had received the Administrative Fine notice for AF 2636 that was sent on 2/8/2013. Ms. Patel did not have it. I told her that it was sent via UPS and signed for on 2/11/2013 by "Telesfora." She said she would look into it. I asked that she give me a call when she locates the letter to verify its receipt. I gave her my contact information.		
Comments			

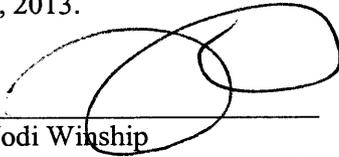
Contact	Communication Date & Time	Analyst	Type
Swati Patel	02/14/2013 01:07 PM	David Garr	Phone Call
Summary	Ms. Patel called me back and left a voice message. In the message she confirmed the delivery of the Administrative Fine Letter (for AF 2636) and left her contact information if I had any follow up questions.		
Comments	Her extension is 45		

Contact	Communication Date & Time	Analyst	Type
Swati Patel	02/14/2013 03:36 PM	David Garr	Phone Call
Summary	Ms. Patel called, again confirming the receipt of the Administrative Fine letter (AF 2636). She said that the Committee has looked at the letter and asked if the fine could be waived. I explained that RAD could not waive the fine, but the Committee did have the option to challenge it. She said she would look through the information and talk with the candidate.		
Comments			

Contact	Communication Date & Time	Analyst	Type
Niram Patel	02/14/2013 05:02 PM	David Garr	Phone Call
Summary	Mr. Patel called in reference to AF 2636 and asked if there would be any way to waive the administrative fine penalty. I explained again that RAD could not waive the penalty, but if the Committee wished to challenge the fine, that was an option. I reiterated that if the Committee wanted to challenge the fine, there were instructions on in the letter. I emphasized that there was criteria in the letter for a successful challenge, as well as information about what the Commission would not accept as a viable challenge. I urged the Committee to read through that information carefully.		
Comments			

DECLARATION OF JODI WINSHIP

1. I am the Chief of the Compliance Branch for the Reports Analysis Division of the Federal Election Commission (“Commission”). In my capacity as Chief of the Compliance Branch, I oversee the initial processing of the Administrative Fine Program. I make this declaration based on my personal knowledge and, if called upon as a witness, could and would testify competently to the following matters.
2. I hereby certify that documents identified herein are true and accurate copies of the following sent to Garcia for Congress:
 - A) Report Notice, dated April 23, 2012, referencing the reporting requirements of 48-Hour Notices (sent via electronic mail to: garciadx@gmail.com);
 - B) Request for Additional Information Letter, dated August 13, 2012, referencing the missing 48-Hour Notices;
 - C) Reason-to-Believe Letter, dated February 8, 2013 referencing the 2012 July Quarterly Report.
3. I hereby certify that I have searched the Commission’s public records and find that Garcia for Congress has not filed the 48-Hour Notices with the Commission.
4. Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct and that all relevant telecoms for the matter have been provided. This declaration was executed at Washington, D.C. on the 4th day of March, 2013.



Jodi Winship
Chief, Compliance Branch
Reports Analysis Division
Federal Election Commission



PRIMARY ELECTION
REPORT NOTICE

Texas
 Primary/Runoff Election Prior Notice

FEDERAL ELECTION COMMISSION

TEXAS

April 23, 2012

POLITICAL COMMITTEES INVOLVED IN THE PRIMARY (05/29/12):

REPORT	REPORTING PERIOD ¹	REG./CERT. & OVERNIGHT MAILING DEADLINE	FILING DEADLINE
Pre-Primary	04/01/12 - 05/09/12	05/14/12	05/17/12
48-Hour Notices	05/10/12 - 05/26/12	-- TX primary candidates only -- see filing info --	
July Quarterly	05/10/12 - 06/30/12	07/15/12	07/15/12 ²

FOR POLITICAL COMMITTEES INVOLVED IN BOTH THE PRIMARY (05/29/12) AND RUNOFF (07/31/12), IF HELD:

REPORT	REPORTING PERIOD ¹	REG./CERT. & OVERNIGHT MAILING DEADLINE	FILING DEADLINE
Pre-Primary	04/01/12 - 05/09/12	05/14/12	05/17/12
48-Hour Notices	05/10/12 - 05/26/12	-- TX primary candidates only -- see filing info --	
July Quarterly	05/10/12 - 06/30/12	07/15/12	07/15/12 ²
Pre-Runoff	07/01/12 - 07/11/12	07/16/12	07/19/12
48-Hour Notices	07/12/12 - 07/28/12	-- TX runoff candidates only -- see filing info --	
October Quarterly	07/12/12 - 09/30/12	10/15/12	10/15/12

WHO MUST FILE

The following committees must file the Texas Pre-Primary/Runoff Report(s):

- **Principal campaign committees** of congressional candidates (including unopposed candidates and candidates whose names do not appear on the ballot) who seek election in the primary election must file the above reports and notices.
- **PACs and party committees** filing on a quarterly basis in 2012 are subject to pre-election reporting if they make previously undisclosed contributions or expenditures (including independent expenditures) in connection with an election by the close of books of the applicable report(s).

Supplemental Filing Information is available:

- **Congressional Committees**
- **Parties and PACs**

Additional information for Texas Campaign Committees -- click here

¹ These dates indicate the beginning and end of the reporting period. A reporting period always begins the day after the closing date of the last report filed. If the committee is new and has not previously filed a report, the first report must cover all activity that occurred before the committee registered up through the close of books for the first report due.

² Notice that this filing deadline falls on a weekend or federal holiday. Filing deadlines are not extended when they fall on nonworking days. Accordingly, reports filed by methods other than registered, certified or overnight mail, or electronically, must be received before the Commission's (or the Secretary of the Senate's) close of business on the last business day before the deadline.

2012 SUPPLEMENTAL FILING INFORMATION CONGRESSIONAL COMMITTEES

PLEASE NOTE: The Commission provides reminders of upcoming filing dates as a courtesy to help committees comply with the filing deadlines set forth in the Act and Commission regulations. Committee treasurers must comply with all applicable filing deadlines established by law, and the lack of prior notice does not constitute an excuse for failing to comply with any filing deadline.

WHO MUST FILE

Principal campaign committees of congressional candidates ¹ (including unopposed candidates and candidates whose names do not appear on the ballot) must file Quarterly Reports in 2012. ²

Campaigns that raise or spend more than \$5,000 for the 2012 election cycle (and thus trigger registration and reporting requirements) must file quarterly reports throughout 2012, even if the candidate plans to retire, withdraws from the race prior to the primary election, loses the primary or drops out of the race prior to the general election. See 11 CFR 104.5(a)(2).

Before a committee can stop filing with the FEC, it must file a termination report with the Commission. See 11 CFR 102.3. Committees must continue to file reports until the Commission notifies them in writing that their termination report has been accepted.

METHODS OF FILING REPORTS

Electronic Filing

Reports filed electronically must be received and validated by the Commission by 11:59 p.m. Eastern Time on the filing deadline. See 11 CFR 104.5(e). See also 11 CFR 104.18 and 100.19.

- Web Page: [Electronic Filing Page](#)
- [Campaign Guide for Congressional Candidates and Committees \(Candidate Guide\)](#), pp. 83-86 [PDF]

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Paper Report filing options -- Registered, Certified or Overnight or First Class Mail. See 11 CFR 104.5(e). See also 11 CFR 100.19.

- Web Page: [Link to Paper Forms](#) (for downloading and printing)
- [Candidate Guide, p. 82](#) [PDF]

¹ Generally, an individual becomes a candidate for federal office (and thus triggers registration and reporting obligations) when his or her campaign exceeds \$5,000 in either contributions or expenditures. If the campaign has not crossed the \$5,000 threshold, it is not required to file reports. See 11 CFR 100.3(a). See also 11 CFR 104.5(a).

² If a candidate has more than one authorized committee, the principal campaign committee files a consolidated report on [Form 3Z](#) [PDF]. See 11 CFR 104.3(f).

PRE- AND POST-ELECTION REPORTS

The principal campaign committee of any candidate participating in a 2012 state primary, nominating convention or runoff election -- even if unopposed -- must also file a pre-election report 12 days prior to the primary, nominating convention or runoff. The principal campaign committee of a candidate who participates in the general election must file pre- and post-general election reports. See 11 CFR 104.5(a)(2).

- Web Page: 2012 Congressional Pre-Primary Reporting Dates
- The Record:
 - FEC Record Blog: Reporting
 - January 2012 issue [PDF]
- Candidate Guide, pp. 81-82 [PDF]

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⁴ Senate committees should contact the Secretary of the Senate at (202) 224-0322 for more information on filing reports via US mail.

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- The Record: [March 2009 issue \[PDF\]](#)
- [Candidate Guide, Appendix F, pp. 155-161 \[PDF\]](#)

SUPPLEMENTAL FILING INFORMATION TEXAS CAMPAIGN COMMITTEES ONLY

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The principal campaign committee must file notices if any authorized committees receive any contribution (**including in-kind gifts or advances of goods or services; loans from the candidate or other non-bank sources; and guarantees or endorsements of bank loans to the candidate or committee**) of \$1,000 or more per source, during the period of:

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The notices must reach the appropriate federal filing office within 48 hours of the committee's receipt of the contribution(s). **Campaign committees that file electronically MUST submit their 48-hour notices electronically.** See [11 CFR 104.5\(f\)](#).

- Web Page: [Link to Paper Forms](#) (for downloading and printing)
- Web Page: [Link to Web Form 6](#) (for online submission)
- Form 6 Fax numbers
 - Senate campaigns (Secretary of the Senate): (202) 224-1851
 - House Campaigns (FEC): (202) 219-0174
- Campaign Guide: [Candidate, p. 81 \[PDF\]](#).

FOR INFORMATION, CALL: (800) 424-9530 or (202) 694-1100

2012 SUPPLEMENTAL FILING INFORMATION PACs AND PARTY COMMITTEES

PLEASE NOTE: The Commission provides reminders of upcoming filing dates as a courtesy to help committees comply with the filing deadlines set forth in the Act and Commission regulations. Committee treasurers must comply with all applicable filing deadlines established by law, and the lack of prior notice does not constitute an excuse for failing to comply with any filing deadline.

WHO MUST FILE

All Party Committees and PACs (Nonconnected Committees and Separate Segregated Funds) must file either quarterly or monthly reports in 2012. See 11 CFR 104.5(c). Before a committee can stop filing with the FEC, it must file a termination report with the Commission. See 11 CFR 102.3. Committees must continue to file reports until the Commission notifies them in writing that their termination report has been accepted.

METHODS OF FILING REPORTS

Electronic Filing

Reports filed electronically must be received and validated by the Commission by 11:59 p.m. Eastern Time on the filing deadline. See 11 CFR 104.5(e). See also 11 CFR 104.18 and 100.19.

- Web Page: [Electronic Filing Page](#)
- Campaign Guide: *Nonconnected Committees (Nonconnected)*, pp. 51-53 [PDF]; *Corporations and Labor Organizations (SSF)*, pp. 49-51 [PDF]; *Political Party Committees (Party)*, pp. 69-71 [PDF].

Paper Filing -- Meeting the Filing Deadline

Paper report filing options – Registered, Certified or Overnight or First Class Mail. See 11 CFR 104.5(e). See also 11 CFR 100.19.

- Web Page: [Link to Paper Forms](#) (for downloading and printing)
- Campaign Guide: *Nonconnected*, pp. 47-48 [PDF]; *SSF*, pp. 45-46 [PDF]; *Party*, p. 65 [PDF].

CHANGE IN FILING FREQUENCY

Committees able to change their reporting schedule (for example, from monthly to quarterly) who wish to do so must notify the Commission in writing and may change their filing frequency no more than once per calendar year. See 11 CFR 104.5(c).

- Web Page: [Filing Frequency by Type of Committee](#)
- Campaign Guide: *Nonconnected*, p. 51 [PDF]; *SSF*, p. 49 [PDF]; *Party*, p. 67 [PDF].

2012 REPORTING SCHEDULE

- Web Page: [2012 Reporting Dates Page](#)
- The Record:
 - [FEC Record Blog: Reporting](#)
 - [January 2012 issue](#) [PDF]
- Campaign Guide: *Nonconnected*, pp. 49-51 [PDF]; *SSF*, pp. 46-48 [PDF]; *Party*, pp. 67-68 [PDF].

PRE-ELECTION REPORTING

Quarterly filing committees that make contributions or expenditures (including independent expenditures) in connection with an election must also file a Pre-Election Report, if the activity was not previously reported. See 11 CFR 104.5(c)(1)(ii).

- Web Page: 2012 Congressional Pre-Primary Reporting Dates Page
- The Record:
 - FEC Record Blog: Reporting
 - January 2012 issue [PDF]
- Campaign Guide: Nonconnected, pp. 49-51 [PDF]; SSF, pp. 46-48 [PDF]; Party, pp. 67-68 [PDF].

COMPLIANCE**Treasurer Responsibility**

Committee treasurers are responsible for both the timeliness and the accuracy of all reports. They may be subject to monetary penalties if reports are inaccurate or are not filed on time. See 11 CFR 104.14(d).

- Statement of Policy Regarding Treasurers Subject to Enforcement Proceeding [PDF]
- Campaign Guide: Nonconnected, pp. 3-4 [PDF]; SSF, pp. 1-2 [PDF]; Party, pp. 6-7 [PDF].

Administrative Fine Program

Failure to file reports on time may be subject to civil money penalties up to \$17,600 (or more for repeat late- or non-filers). See 11 CFR 111.43(b). See generally, 11 CFR Part 111 Subpart B.

See also 11 CFR 111.43.

- Web Page: Administrative Fine Program Page
- Campaign Guide: Nonconnected, pp. 48-49 [PDF]; SSF, p. 46 [PDF]; Party, p. 66 [PDF].

DISCLOSURE OF LOBBYIST BUNDLING ACTIVITY

Party committees and Leadership PACs must file FEC Form 3L [PDF] if they receive two or more bundled contributions from lobbyists/registrants or lobbyist/registrant PACs that aggregate in excess of \$16,700 during the applicable reporting period (see page 1 of this notice). See 11 CFR 104.22 and 11 CFR 110.17(f).

- The Record: March 2009 issue [PDF]

48- AND 24-HOUR REPORTS OF INDEPENDENT EXPENDITURES

Any PAC or Party Committee that makes independent expenditures in 2012 may have to disclose this activity within 48- or 24-hours based upon the date and amount of the expenditure.

See 11 CFR 104.4(b)(2) and (c). See generally, 11 CFR 104.4.

- Web Page: State-by-state chart of 2012 48- and 24-hour periods for independent expenditures
- Campaign Guide: Nonconnected, pp. 72-74 [PDF]; SSF, pp. 65-67 [PDF]; Party, pp. 87-89 [PDF].

These reports are not required when a PAC or Party Committee makes a contribution directly to a candidate.

FOR INFORMATION, CALL: (800) 424-9530 or (202) 694-1100



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-2

August 13, 2012

SWATI PATEL, TREASURER
GARCIA FOR CONGRESS
400 SOUTH ZANG BOULEVARD SUITE 600
DALLAS, TX 75208

Response Due Date

09/17/2012

IDENTIFICATION NUMBER: C00515114

REFERENCE: JULY QUARTERLY REPORT (05/10/2012 - 06/30/2012)

Dear Treasurer:

This letter is prompted by the Commission's preliminary review of the report(s) 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 2 item(s):

1. Schedule A of your report indicates that your committee may have failed to file one or more of the required 48-hour notices regarding "last minute" contributions received by your committee after the close of books for the 12 Day Pre-Primary Report (see attached). A principal campaign committee must notify the Commission, in writing, within 48 hours of any contribution of \$1,000 or more received between two and twenty days before an election. These contributions are then reported on the next report required to be filed by the committee. To ensure that the Commission is notified of last minute contributions of \$1,000 or more to your campaign, it is recommended that you review your procedures for checking contributions received during the aforementioned time period. The failure to file 48-hour notices may result in civil money penalties or legal enforcement action. If any contribution of \$1,000 or more was incorrectly reported, you must amend your original report with the clarifying information. (11 CFR § 104.5(f))

2. Schedule C of your report fails to include information required by Commission regulations. With every report submitted, you must provide the date incurred, the original source and amount of the loan, the due date, the interest rate, the cumulative payment, and the outstanding balance. In addition, if there are any endorsers or guarantors, their mailing address, along with the name of their employer and occupation, must be disclosed. Please amend your report to include the due date for the following loan(s): Domingo Garcia \$30,000.00, \$100,000.00, \$50,000.00 and \$300,000.00. (11 CFR §§ 100.52(a),

AR043

GARCIA FOR CONGRESS

Page 2 of 2

100.52(b) and 104.3(d))

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) 694-1130.

Sincerely,



Michelle Grant
Senior Campaign Finance Analyst
Reports Analysis Division

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AR044

Image# 12330010669
Attachment Page 1 of 1

Contributor Name	Date	Amount	Election
Garcia, Domingo	5/18/2012	\$100,000.00	P2012
Garcia, Domingo	5/24/2012	\$50,000.00	P2012



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 8, 2013

Swati Patel, in official capacity as Treasurer
Garcia for Congress
400 South Zang Boulevard
Suite 600
Dallas, TX 75208

C00515114
AF#: 2636

Dear Ms. Patel:

The Federal Election Campaign Act of 1971, as amended, 2 U.S.C. § 431, *et seq.* ("the Act"), requires principal campaign committees of candidates for federal office to notify in writing either the Secretary of the Senate or the Federal Election Commission ("FEC"), and the Secretary of State, as appropriate, of any contribution of \$1,000 or more, received by any authorized committee of the candidate after the 20th day, but more than 48 hours before, any election. 2 U.S.C. § 434(a)(6)(A). The Act further requires notification to be made within 48 hours after the receipt of the contribution and to include the name of the candidate and office sought, the date of receipt, the amount of the contribution, and the identification of the contributor. *Id.* These notification requirements are in addition to all other reporting requirements. 2 U.S.C. § 434(a). Our records indicate that Garcia for Congress did not submit 48-Hour Notices for contributions of \$1,000 or more, received between May 18, 2012 and May 24, 2012, totaling \$150,000, as required by 2 U.S.C. § 434(a)(6)(A). Attachment 1.

The Act permits the FEC to impose civil money penalties for violations of the reporting requirements of 2 U.S.C. § 434(a). 2 U.S.C. § 437g(a)(4). On February 7, 2013, the FEC found that there is Reason to Believe ("RTB") that Garcia for Congress and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) by failing to file the 48-Hour Notices. Based on the FEC's schedule of civil money penalties at 11 CFR § 111.44, the amount of your civil money penalty calculated at the RTB stage is \$15,220. Please see the attached copy of the Commission's administrative fine regulations at 11 CFR §§ 111.30-111.55. Attachment 2. The Commission's website contains further information about how the administrative fine program works and how the fines are calculated. <http://www.fec.gov/af/af.shtml>. 11 CFR § 111.34. The amount of the civil money penalty is \$110 for each non-filed notice plus 10 percent of the dollar amount of the contributions not timely reported. The civil money penalty increases by 25 percent for each prior violation. Send your payment of \$15,220 within forty (40) days of the finding, or by March 19, 2013.

At this juncture, the following courses of action are available to you:

AR046

1. If You Choose to Challenge the RTB Finding and/or Civil Money Penalty

If you should decide to challenge the RTB finding and/or calculated civil money penalty, you must submit a written response, including the AF# found at the top of page 1 under your committee's identification number, to the FEC's Office of Administrative Review, 999 E Street, NW, Washington, DC 20463. Your response must be received within forty (40) days of the Commission's RTB finding, or March 19, 2013. 11 CFR § 111.35(a). Your written response must include the reason(s) why you are challenging the RTB finding and/or calculated civil money penalty, and must include the factual basis supporting the reason(s) and supporting documentation. The FEC strongly encourages that documents be submitted in the form of affidavits or declarations. 11 CFR § 111.36(c).

The FEC will only consider challenges that are based on at least one of three grounds: (1) a factual error in the RTB finding; (2) miscalculation of the calculated civil money penalty by the FEC; or (3) your demonstrated use of best efforts to file in a timely manner when prevented from doing so by reasonably unforeseen circumstances that were beyond your control. 11 CFR § 111.35(b). In order for a challenge to be considered on the basis of best efforts, you must have filed the required report no later than 24 hours after the end of these reasonably unforeseen circumstances. *Id.* Examples of circumstances that will be considered reasonably unforeseen and beyond your control include, but are not limited to: (1) a failure of Commission computers or Commission-provided software despite your seeking technical assistance from Commission personnel and resources; (2) a widespread disruption of information transmissions over the Internet that is not caused by a failure of the Commission's or your computer systems or Internet service provider; and (3) severe weather or other disaster-related incident. 11 CFR § 111.35(c). Examples of circumstances that will not be considered reasonably unforeseen and beyond your control include, but are not limited to: (1) negligence; (2) delays caused by vendors or contractors; (3) treasurer and staff illness, inexperience or unavailability; (4) committee computer, software, or Internet service provider failures; (5) failure to know filing dates; and (6) failure to use filing software properly. 11 CFR § 111.35(d).

The "failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver" of your right to present such argument in a petition to the U.S. district court under 2 U.S.C. § 437g. 11 CFR § 111.38.

If you intend to be represented by counsel, please advise the Office of Administrative Review. You should provide, in writing, the name, address and telephone number of your counsel and authorize counsel to receive notifications and communications relating to this challenge and imposition of the calculated civil money penalty.

2. If You Choose Not to Pay the Civil Money Penalty and Not to Submit a Challenge

If you do not pay the calculated civil money penalty and do not submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that Garcia for Congress and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty.

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA"), as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 *et seq.* The FEC may take any and all appropriate action authorized and required by the DCA, as amended, including transfer to the U.S. Department of the Treasury for collection. 11 CFR § 111.51(a)(2).

3. If You Choose to Pay the Civil Money Penalty

If you should decide to pay the calculated civil money penalty, send the enclosed remittance form, along with your payment, to the FEC at the address on page 4. Upon receipt of your payment, the FEC will send you a final determination letter.

This matter was generated based on information ascertained by the FEC in the normal course of carrying out its supervisory responsibilities. 2 U.S.C. § 437g(a)(2). It will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and 437g(a)(12)(A) until it is placed on the public record in accordance with 11 CFR § 111.42, unless you notify the FEC in writing that you wish the matter to be made public.

As noted earlier, you may obtain additional information on the FEC's administrative fine program, including the final regulations, on the FEC's website at <http://www.fec.gov/af/af.shtml>. If you have questions regarding the payment of the calculated civil money penalty, please contact David Garr in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130. If you have questions regarding the submission of a challenge, please contact the Office of Administrative Review at our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

On behalf of the Commission,



Ellen L. Weintraub
Chair

ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 CFR § 111.44, the amount of your civil money penalty calculated at RTB is \$15,220 for the 2012 Primary Election 48-Hour Notification Report.

Please mail this remittance with a check or money order made payable to the Federal Election Commission to the following address:

Federal Election Commission
P.O. Box 979058
St. Louis, MO 63197-9000

If you choose to send your remittance and payment by courier or overnight delivery, please use this address:

U.S. Bank - Government Lockbox
FEC #979058
1005 Convention Plaza
Attn: Government Lockbox, SL-MO-C2GL
St. Louis, MO 63101

The remittance and your payment are due by March 19, 2013. Upon receipt of your remittance and payment, the FEC will send you a final determination letter.

PAYMENTS BY PERSONAL CHECK

Personal checks will be converted into electronic funds transfers (EFTS). Your account will be electronically debited for the amount on your check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: Garcia for Congress

FEC ID#: C00515114

AF#: 2636

PAYMENT DUE DATE: March 19, 2013

PAYMENT AMOUNT DUE: \$15,220

Contributions for Which a 48-Hour Notice Was Not Received

AF 2636

Committee ID: C00515114

Committee Name: Garcia for Congress

Report Type: July Quarterly Report (5/10/2012 – 6/30/2012)

48-Hour Reporting Period: 5/10/2012 – 5/26/2012

CONTRIBUTOR	DATE	AMOUNT
GARCIA, DOMINGO	5/18/2012	\$100,000.00
GARCIA, DOMINGO	5/24/2012	\$50,000.00
	TOTAL	\$150,000.00

Proposed Civil Money Penalty: \$15,220.00 ((2 Notices Not Filed at \$110 each) + (10% of the Overall Contribution Not Filed))

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penalty shall not exceed the greater of \$11,000 or an amount equal to 200% of any contribution or expenditure involved in the violation.

(ii) Notwithstanding paragraph (a)(2)(i) of this section, in the case of a knowing and willful violation of 2 U.S.C. 441f, the civil penalty shall not be less than 300% of the amount of any contribution involved in the violation and shall not exceed the greater of \$55,000 or 1,000% of the amount of any contribution involved in the violation.

(b) Any Commission member or employee, or any other person, who in violation of 2 U.S.C. 437g(a)(12)(A) makes public any notification or investigation under 2 U.S.C. 437g without receiving the written consent of the person receiving such notification, or the person with respect to whom such investigation is made, shall be fined not more than \$2,200. Any such member, employee, or other person who knowingly and willfully violates this provision shall be fined not more than \$6,500.

[62 FR 11317, Mar. 12, 1997; 62 FR 18167, Apr. 14, 1997; 65 FR 31794, May 19, 2000; 67 FR 76977, Dec. 13, 2002; 70 FR 34635, June 15, 2005]

Subpart B—Administrative Fines

SOURCE: 65 FR 31794, May 19, 2000, unless otherwise noted.

§ 111.30 When will subpart B apply?

Subpart B applies to violations of the reporting requirements of 2 U.S.C. 434(a) committed by political committees and their treasurers that relate to the reporting periods that begin on or after July 14, 2000 and end on or before December 31, 2008. This subpart, however, does not apply to reports that were due between January 1, 2004 and February 10, 2004 and that relate to reporting periods that begin and end between January 1, 2004 and February 10, 2004.

[70 FR 75718, Dec. 21, 2005]

§ 111.31 Does this subpart replace subpart A of this part for violations of the reporting requirements of 2 U.S.C. 434(a)?

(a) No; §§ 111.1 through 111.8 and 111.20 through 111.24 shall apply to all compliance matters. This subpart will

apply, rather than §§ 111.9 through 111.19, when the Commission, on the basis of information ascertained by the Commission in the normal course of carrying out its supervisory responsibilities, and when appropriate, determines that the compliance matter should be subject to this subpart. If the Commission determines that the violation should not be subject to this subpart, then the violation will be subject to all sections of subpart A of this part.

(b) Subpart B will apply to compliance matters resulting from a complaint filed pursuant to 11 CFR 111.4 through 111.7 if the complaint alleges a violation of 2 U.S.C. 434(a). If the complaint alleges violations of any other provision of any statute or regulation over which the Commission has jurisdiction, subpart A will apply to the alleged violations of these other provisions.

§ 111.32 How will the Commission notify respondents of a reason to believe finding and a proposed civil money penalty?

If the Commission determines, by an affirmative vote of at least four (4) of its members, that it has reason to believe that a respondent has violated 2 U.S.C. 434(a), the Chairman or Vice-Chairman shall notify such respondent of the Commission's finding. The written notification shall set forth the following:

(a) The alleged factual and legal basis supporting the finding including the type of report that was due, the filing deadline, the actual date filed (if filed), and the number of days the report was late (if filed);

(b) The applicable schedule of penalties;

(c) The number of times the respondent has been assessed a civil money penalty under this subpart during the current two-year election cycle and the prior two-year election cycle;

(d) The amount of the proposed civil money penalty based on the schedules of penalties set forth in 11 CFR 111.43 or 111.44; and

(e) An explanation of the respondent's right to challenge both the reason to believe finding and the proposed civil money penalty.

§ 111.33**§ 111.33 What are the respondent's choices upon receiving the reason to believe finding and the proposed civil money penalty?**

The respondent must either send payment in the amount of the proposed civil money penalty pursuant to 11 CFR 111.34 or submit a written response pursuant to 11 CFR 111.35.

§ 111.34 If the respondent decides to pay the civil money penalty and not to challenge the reason to believe finding, what should the respondent do?

(a) The respondent shall transmit payment in the amount of the civil money penalty to the Commission within forty (40) days of the Commission's reason to believe finding.

(b) Upon receipt of the respondent's payment, the Commission shall send the respondent a final determination that the respondent has violated the statute or regulations and the amount of the civil money penalty and an acknowledgment of the respondent's payment.

§ 111.35 If the respondent decides to challenge the alleged violation or proposed civil money penalty, what should the respondent do?

(a) To challenge a reason to believe finding or proposed civil money penalty, the respondent must submit a written response to the Commission within forty (40) days of the Commission's reason to believe finding.

(b) The respondent's written response must assert at least one of the following grounds for challenging the reason to believe finding or proposed civil money penalty:

(1) The Commission's reason to believe finding is based on a factual error including, but not limited to, the committee was not required to file the report, or the committee timely filed the report in accordance with 11 CFR 100.19;

(2) The Commission improperly calculated the civil money penalty; or

(3) The respondent used best efforts to file in a timely manner in that:

(i) The respondent was prevented from filing in a timely manner by reasonably unforeseen circumstances that were beyond the control of the respondent; and

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(ii) The respondent filed no later than 24 hours after the end of these circumstances.

(c) Circumstances that will be considered reasonably unforeseen and beyond the control of respondent include, but are not limited to:

(1) A failure of Commission computers or Commission-provided software despite the respondent seeking technical assistance from Commission personnel and resources;

(2) A widespread disruption of information transmissions over the Internet not caused by any failure of the Commission's or respondent's computer systems or Internet service provider; and

(3) Severe weather or other disaster-related incident.

(d) Circumstances that will not be considered reasonably unforeseen and beyond the control of respondent include, but are not limited to:

(1) Negligence;

(2) Delays caused by committee vendors or contractors;

(3) Illness, inexperience, or unavailability of the treasurer or other staff;

(4) Committee computer, software or Internet service provider failures;

(5) A committee's failure to know filing dates; and

(6) A committee's failure to use filing software properly.

(e) Respondent's written response must detail the factual basis supporting its challenge and include supporting documentation.

[72 FR 14667, Mar. 29, 2007]

§ 111.36 Who will review the respondent's written response?

(a) A reviewing officer shall review the respondent's written response. The reviewing officer shall be a person who has not been involved in the reason to believe finding.

(b) The reviewing officer shall review the reason to believe finding with supporting documentation and the respondent's written response with supporting documentation. The reviewing officer may request supplemental information from the respondent and/or the Commission staff. The respondent shall submit the supplemental information to the reviewing officer within

Federal Election Commission**§ 111.39**

a time specified by the reviewing officer. The reviewing officer will be entitled to draw an adverse inference from the failure by the respondent to submit the supplemental information.

(c) All documents required to be submitted by the respondents pursuant to this section and § 111.35 should be submitted in the form of affidavits or declarations.

(d) If the Commission staff, after the respondent files a written response pursuant to § 111.35, forwards any additional documents pertaining to the matter to the reviewing officer for his or her examination, the reviewing officer shall also furnish a copy of the document(s) to the respondents.

(e) Upon completion of the review, the reviewing officer shall forward a written recommendation to the Commission along with all documents required under this section and 11 CFR 111.32 and 111.35.

(f) The reviewing office shall also forward a copy of the recommendation to the respondent. The respondent may file with the Commission Secretary a written response to the recommendation within ten (10) days of transmittal of the recommendation. This response may not raise any arguments not raised in the respondent's original written response or not directly responsive to the reviewing officer's recommendation.

§ 111.37 What will the Commission do once it receives the respondent's written response and the reviewing officer's recommendation?

(a) If the Commission, after having found reason to believe and after reviewing the respondent's written response and the reviewing officer's recommendation, determines by an affirmative vote of at least four (4) of its members, that the respondent has violated 2 U.S.C. 434(a) and the amount of the civil money penalty, the Commission shall authorize the reviewing officer to notify the respondent by letter of its final determination.

(b) If the Commission, after reviewing the reason to believe finding, the respondent's written response, and the reviewing officer's written recommendation, determines by an affirmative vote of at least four (4) of its

members, that no violation has occurred (either because the Commission had based its reason to believe finding on a factual error or because the respondent used best efforts to file in a timely manner) or otherwise terminates its proceedings, the Commission shall authorize the reviewing officer to notify the respondent by letter of its final determination.

(c) The Commission will modify the proposed civil money penalty only if the respondent is able to demonstrate that the amount of the proposed civil money penalty was calculated on an incorrect basis.

(d) When the Commission makes a final determination under this section, the statement of reasons for the Commission action will, unless otherwise indicated by the Commission, consist of the reasons provided by the reviewing officer for the recommendation, if approved by the Commission, although statements setting forth additional or different reasons may also be issued. If the reviewing officer's recommendation is modified or not approved, the Commission will indicate the grounds for its action and one or more statements of reasons may be issued.

[65 FR 31794, May 19, 2000, as amended at 72 FR 14668, Mar. 29, 2007]

§ 111.38 Can the respondent appeal the Commission's final determination?

Yes; within thirty (30) days of receipt of the Commission's final determination under 11 CFR 111.37, the respondent may submit a written petition to the district court of the United States for the district in which the respondent resides, or transacts business, requesting that the final determination be modified or set aside. The respondent's failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver of the respondent's right to present such argument in a petition to the district court under 2 U.S.C. 437g.

§ 111.39 When must the respondent pay the civil money penalty?

(a) If the respondent does not submit a written petition to the district court of the United States, the respondent must remit payment of the civil money

§ 111.40

penalty within thirty (30) days of receipt of the Commission's final determination under 11 CFR 111.37.

(b) If the respondent submits a written petition to the district court of the United States and, upon the final disposition of the civil action, is required to pay a civil money penalty, the respondent shall remit payment of the civil money penalty to the Commission within thirty (30) days of the final disposition of the civil action. The final disposition may consist of a judicial decision which is not reviewed by a higher court.

(c) Failure to pay the civil money penalty may result in the commencement of collection action under 31 U.S.C. 3701 *et seq.* (1996), or a civil suit pursuant to 2 U.S.C. 437g(a)(6)(A), or any other legal action deemed necessary by the Commission.

§ 111.40 What happens if the respondent does not pay the civil money penalty pursuant to 11 CFR 111.34 and does not submit a written response to the reason to believe finding pursuant to 11 CFR 111.35?

(a) If the Commission, after the respondent has failed to pay the civil money penalty and has failed to submit a written response, determines by an affirmative vote of at least four (4) of its members that the respondent has violated 2 U.S.C. 434(a) and determines the amount of the civil money penalty, the respondent shall be notified by letter of its final determination.

(b) The respondent shall transmit payment of the civil money penalty to the Commission within thirty (30) days of receipt of the Commission's final determination.

(c) Failure to pay the civil money penalty may result in the commencement of collection action under 31 U.S.C. 3701 *et seq.* (1996), or a civil suit pursuant to 2 U.S.C. 437g(a)(6)(A), or any other legal action deemed necessary by the Commission.

§ 111.41 To whom should the civil money penalty payment be made payable?

Payment of civil money penalties shall be made in the form of a check or

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money order made payable to the Federal Election Commission.

§ 111.42 Will the enforcement file be made available to the public?

(a) Yes; the Commission shall make the enforcement file available to the public.

(b) If neither the Commission nor the respondent commences a civil action, the Commission shall make the enforcement file available to the public pursuant to 11 CFR 4.4(a)(3).

(c) If a civil action is commenced, the Commission shall make the enforcement file available pursuant to 11 CFR 111.20(c).

§ 111.43 What are the schedules of penalties?

(a) The civil money penalty for all reports that are filed late or not filed, except election sensitive reports and pre-election reports under 11 CFR 104.5, shall be calculated as follows:

(1) For reports due before April 16, 2003:

(i) *Level of activity* means the total amount of receipts and disbursements for the period covered by the late report. If the report is not filed, the level of activity is the estimated level of activity as set forth in paragraph (a)(1)(ii) of this section.

(ii) *Estimated level of activity* means total receipts and disbursements reported in the current two-year election cycle divided by the number of reports filed to date covering the activity in the current two-year election cycle. If the respondent has not filed a report covering activity in the current two-year election cycle, estimated level of activity means total receipts and disbursements reported in the prior two-year election cycle divided by the number of reports filed covering the activity in the prior two-year election cycle.

(iii) The civil money penalty shall be calculated in accordance with the following schedule:

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If the level of activity in the report was:	And the report was filed late, the civil money penalty is:	Or the report was not filed, the civil money penalty is:
\$1–24,999.99*	[\$100 + (\$25 × Number of days late)] × [1 (.25 × Number of previous violations)].	+\$900 × [1 + (.25 × Number of previous violations)]
\$25,000–49,999.99	[\$200 + (\$50 × Number of days late)] × [1 + (.25 × Number of previous violations)].	\$1800 × [1 + (.25 × Number of previous violations)]
\$50,000–74,999.99	[\$300 + (\$75 × Number of days late)] × [1 + (.25 × Number of previous violations)].	\$2700 × [1 + (.25 × Number of previous violations)]
\$75,000–99,999.99	[\$400 + (\$100 × Number of days late)] × [1 + (.25 × Number of previous violations)].	\$3500 × [1 + (.25 × Number of previous violations)]
\$100,000–149,999.99	[\$600 + (\$125 × Number of days late)] × [1 + (.25 × Number of previous violations)].	\$4500 × [1 + (.25 × Number of previous violations)]
\$150,000–199,999.99	[\$800 + (\$150 × Number of days late)] × [1 + (.25 × Number of previous violations)].	\$5500 × [1 + (.25 × Number of previous violations)]
\$200,000–249,999.99	[\$1,000 + (\$175 × Number of days late)] × [1 + (.25 × Number of previous violations)].	\$6500 × [1 + (.25 × Number of previous violations)]
\$250,000–349,999.99	[\$1500 + (\$200 × Number of days late)] × [1 + (.25 × Number of previous violations)].	\$8000 × [1 + (.25 × Number of previous violations)]
\$350,000–449,999.99	[\$2000 + (\$200 × Number of days late)] × [1 + (.25 × Number of previous violations)].	\$9000 × [1 + (.25 × Number of previous violations)]
\$450,000–549,999.99	[\$2500 + (\$200 × Number of days late)] × [1 + (.25 × Number of previous violations)].	\$9500 × [1 + (.25 × Number of previous violations)]
\$550,000–649,999.99	[\$3000 + (\$200 × Number of days late)] × [1 + (.25 × Number of previous violations)].	\$10,000 × [1 + (.25 × Number of previous violations)]
\$650,000–749,999.99	[\$3500 + (\$200 × Number of days late)] × [1 + (.25 × Number of previous violations)].	\$10,500 × [1 + (.25 × Number of previous violations)]
\$750,000–849,999.99	[\$4000 + (\$200 × Number of days late)] × [1 + (.25 × Number of previous violations)].	\$11,000 × [1 + (.25 × Number of previous violations)]
\$850,000–949,999.99	[\$4500 + (\$200 × Number of days late)] × [1 + (.25 × Number of previous violations)].	\$11,500 × [1 + (.25 × Number of previous violations)]
\$950,000 or over	[\$5000 + (\$200 × Number of days late)] × [1 + (.25 × Number of previous violations)].	\$12,000 × [1 + (.25 × Number of previous violations)]

*The civil money penalty for a respondent who does not have any previous violations will not exceed the level of activity in the report.

(2) For reports due on or after April 16, 2003:

(i) *Level of activity* means:

(A) For an authorized committee, the total amount of receipts and disbursements for the period covered by the late report. If the report is not filed, the level of activity is the estimated level of activity as set forth in paragraph (a)(2)(ii)(A) of this section.

(B) For an unauthorized committee, the total amount of receipts and disbursements for the period covered by the late report minus the total of: transfers received from non-Federal account(s) as reported on Line 18(a) of FEC Form 3X and disbursements for the non-Federal share of operating expenditures attributable to allocated Federal/non-Federal activity as reported on Line 21(a)(ii) of FEC Form 3X for the period covered by the late report. If the report is not filed, the level of activity is the estimated level of activity as set forth in paragraph (a)(2)(ii)(B) of this section.

(ii) *Estimated level of activity* means:

(A) For an authorized committee, total receipts and disbursements re-

ported in the current two-year election cycle divided by the number of reports filed to date covering the activity in the current two-year election cycle. If the respondent has not filed a report covering activity in the current two-year election cycle, estimated level of activity for an authorized committee means total receipts and disbursements reported in the prior two-year election cycle divided by the number of reports filed covering the activity in the prior two-year election cycle.

(B)(i) For an unauthorized committee, estimated level of activity is calculated as follows: [(Total receipts and disbursements reported in the current two-year cycle) – (Transfers received from non-Federal account(s) as reported on either Line 18(a) of FEC Form 3X or Line 18 of FEC Form 3X if before March 1, 2003 + Disbursements for the non-Federal share of operating expenditures attributable to allocated Federal/non-Federal activity as Reported on Line 21(a)(ii) of FEC Form 3X)] ÷ Number of reports filed to date covering the activity in the current two-year election cycle.

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(2) If the unauthorized committee has not filed a report covering activity in the current two-year election cycle, the estimated level of activity is calculated as follows: [(Total receipts and disbursements reported in the prior two-year election cycle) - (Transfers received from non-Federal account(s) as reported on either Line 18(a) of FEC Form 3X or Line 18 of FEC Form 3X if before March 1, 2003 + Disbursements

for the non-Federal Share of operating expenditures attributable to allocated Federal/non-Federal activity as reported on Line 21(a)(ii) of FEC Form 3X)] ÷ Number of reports filed covering the activity in the prior two-year election cycle.

(iii) The civil money penalty shall be calculated in accordance with the following schedule:

If the level of activity in the report was:	And the report was filed late, the civil money penalty is:	Or the report was not filed, the civil money penalty is:
\$1-4,999.99 ^a	[\$25 + (\$5 × Number of days late)] × [1 + (.25 × Number of previous violations)].	\$250 × [1 + (.25 × Number of previous violations)]
\$5,000-9,999.99	[\$50 + (\$5 × Number of days late)] × [1 + (.25 × Number of previous violations)].	\$300 × [1 + (.25 × Number of previous violations)]
\$10,000-24,999.99	[\$100 + (\$5 × Number of days late)] × [1 + (.25 × Number of previous violations)].	\$500 × [1 + (.25 × Number of previous violations)]
\$25,000-49,999.99	[\$200 + (\$20 × Number of days late)] × [1 + (.25 × Number of previous violations)].	\$900 × [1 + (.25 × Number of previous violations)]
\$50,000-74,999.99	[\$300 + (\$75 × Number of days late)] × [1 + (.25 × Number of previous violations)].	\$2700 × [1 + (.25 × Number of previous violations)]
\$75,000-99,999.99	[\$400 + (\$100 × Number of days late)] × [1 + (.25 × Number of previous violations)].	\$3500 × [1 + (.25 × Number of previous violations)]
\$100,000-149,999.99	[\$600 + (\$125 × Number of days late)] × [1 + (.25 × Number of previous violations)].	\$4500 × [1 + (.25 × Number of previous violations)]
\$150,000-199,999.99	[\$800 + (\$150 × Number of days late)] × [1 + (.25 × Number of previous violations)].	\$5500 × [1 + (.25 × Number of previous violations)]
\$200,000-249,999.99	[\$1,000 + (\$175 × Number of days late)] × [1 + (.25 × Number of previous violations)].	\$6500 × [1 + (.25 × Number of previous violations)]
\$250,000-349,999.99	[\$1500 + (\$200 × Number of days late)] × [1 + (.25 × Number of previous violations)].	\$8000 × [1 + (.25 × Number of previous violations)]
\$350,000-449,999.99	[\$2000 + (\$200 × Number of days late)] × [1 + (.25 × Number of previous violations)].	\$9000 × [1 + (.25 × Number of previous violations)]
\$450,000-549,999.99	[\$2500 + (\$200 × Number of days late)] × [1 + (.25 × Number of previous violations)].	\$9500 × [1 + (.25 × Number of previous violations)]
\$550,000-649,999.99	[\$3000 + (\$200 × Number of days late)] × [1 + (.25 × Number of previous violations)].	\$10,000 × [1 + (.25 × Number of previous violations)]
\$650,000-749,999.99	[\$3500 + (\$200 × Number of days late)] × [1 + (.25 × Number of previous violations)].	\$10,500 × [1 + (.25 × Number of previous violations)]
\$750,000-849,999.99	[\$4000 + (\$200 × Number of days late)] × [1 + (.25 × Number of previous violations)].	\$11,000 × [1 + (.25 × Number of previous violations)]
\$850,000-949,999.00	[\$4500 + (\$200 × Number of days late)] × [1 + (.25 × Number of previous violations)].	\$11,500 × [1 + (.25 × Number of previous violations)]
\$950,000 or over	[\$5000 + (\$200 × Number of days late)] × [1 + (.25 × Number of previous violations)].	\$12,000 × [1 + (.25 × Number of previous violations)]

^a The civil money penalty for a respondent who does not have any previous violations will not exceed the level of activity in the report.

(b) The civil money penalty for election sensitive reports that are filed late or not filed shall be calculated as follows:

(1) For reports due before April 16, 2003:

(i) *Level of activity* has the same meaning as paragraph (a)(1)(i) of this section.

(ii) *Estimated level of activity* has the same meaning as paragraph (a)(1)(ii) of this section.

(iii) The civil money penalty shall be calculated in accordance with the following schedule:

If the level of activity in the report was:	And the report was filed late, the civil money penalty is:	Or the report was not filed, the civil money penalty is:
\$1-24,999.99 ^a	[\$150 + (\$25 × Number of days late)] × [1 + (.25 × Number of previous violations)].	\$1000 × [1 + (.25 × Number of previous violations)]

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If the level of activity in the report was:	And the report was filed late, the civil money penalty is:	Or the report was not filed, the civil money penalty is:
\$25,000–49,999.99	[\$300 + (\$50 × Number of days late)] × [1 + (.25 × Number of previous violations)].	\$2000 × [1 + (.25 × Number of previous violations)]
\$50,000–74,999.99	[\$450 + (\$75 × Number of days late)] × [1 + (.25 × Number of previous violations)].	\$3000 × [1 + (.25 × Number of previous violations)]
\$75,000–99,999.99	[\$600 + (\$100 × Number of days late)] × [1 + (.25 × Number of previous violations)].	\$4000 × [1 + (.25 × Number of previous violations)]
\$100,000–149,999.99	[\$900 + (\$125 × Number of days late)] × [1 + (.25 × Number of previous violations)].	\$5000 × [1 + (.25 × Number of previous violations)]
\$150,000–199,999.99	[\$1200 + (\$150 × Number of days late)] × [1 + (.25 × Number of previous violations)].	\$6000 × [1 + (.25 × Number of previous violations)]
\$200,000–249,999.99	[\$1500 + (\$175 × Number of days late)] × [1 + (.25 × Number of previous violations)].	\$7500 × [1 + (.25 × Number of previous violations)]
\$250,000–349,999.99	[\$2250 + (\$200 × Number of days late)] × [1 + (.25 × Number of previous violations)].	\$9000 × [1 + (.25 × Number of previous violations)]
\$350,000–449,999.99	[\$3000 + (\$200 × Number of days late)] × [1 + (.25 × Number of previous violations)].	\$10,000 × [1 + (.25 × Number of previous violations)]
\$450,000–549,999.99	[\$3750 + (\$200 × Number of days late)] × [1 + (.25 × Number of previous violations)].	\$11,000 × [1 + (.25 × Number of previous violations)]
\$550,000–649,999.99	[\$4500 + (\$200 × Number of days late)] × [1 + (.25 × Number of previous violations)].	\$12,000 × [1 + (.25 × Number of previous violations)]
\$650,000–749,999.99	[\$5250 + (\$200 × Number of days late)] × [1 + (.25 × Number of previous violations)].	\$13,000 × [1 + (.25 × Number of previous violations)]
\$750,000–849,999.99	[\$6000 + (\$200 × Number of days late)] × [1 + (.25 × Number of previous violations)].	\$14,000 × [1 + (.25 × Number of previous violations)]
\$850,000–949,999.99	[\$6750 + (\$200 × Number of days late)] × [1 + (.25 × Number of previous violations)].	\$15,000 × [1 + (.25 × Number of previous violations)]
\$950,000 or over	[\$7500 + (\$200 × Number of days late)] × [1 + (.25 × Number of previous violations)].	\$16,000 × [1 + (.25 × Number of previous violations)]

*The civil money penalty for a respondent who does not have any previous violations will not exceed the level of activity in the report.

(2) For reports due on or after April 16, 2003:

(i) Level of activity has the same meaning as paragraph (a)(2)(i) of this section.

(ii) *Estimated level of activity* has the same meaning as paragraph (a)(2)(ii) of this section.

(iii) The civil money penalty shall be calculated in accordance with the following schedule:

If the level of activity in the report was:	And the report was filed late, the civil money penalty is:	Or the report was not filed, the civil money penalty is:
\$1–\$4,999.99*	[\$50 + (\$10 × Number of days late)] × [1 + (.25 × Number of previous violations)].	\$500 × [1 + (.25 × Number of previous violations)].
\$5,000–\$9,999.99	[\$100 + (\$10 × Number of days late)] × [1 + (.25 × Number of previous violations)].	\$600 × [1 + (.25 × Number of previous violations)].
\$10,000–24,999.99	[\$150 + (\$10 × Number of days late)] × [1 + (.25 × Number of previous violations)].	\$900 × [1 + (.25 × Number of previous violations)].
\$25,000–49,999.99	[\$300 + (\$25 × Number of days late)] × [1 + (.25 × Number of previous violations)].	\$1,400 × [1 + (.25 × Number of previous violations)].
\$50,000–74,999.99	[\$450 + (\$75 × Number of days late)] × [1 + (.25 × Number of previous violations)].	\$3000 × [1 + (.25 × Number of previous violations)].
\$75,000–99,999.99	[\$600 + (\$100 × Number of days late)] × [1 + (.25 × Number of previous violations)].	\$4000 × [1 + (.25 × Number of previous violations)].
\$100,000–149,999.99	[\$900 + (\$125 × Number of days late)] × [1 + (.25 × Number of previous violations)].	\$5000 × [1 + (.25 × Number of previous violations)].
\$150,000–199,999.99	[\$1200 + (\$150 × Number of days late)] × [1 + (.25 × Number of previous violations)].	\$6000 × [1 + (.25 × Number of previous violations)].
\$200,000–249,999.99	[\$1500 + (\$175 × Number of days late)] × [1 + (.25 × Number of previous violations)].	\$7500 × [1 + (.25 × Number of previous violations)].
\$250,000–349,999.99	[\$2250 + (\$200 × Number of days late)] × [1 + (.25 × Number of previous violations)].	\$9000 × [1 + (.25 × Number of previous violations)].
\$350,000–449,999.99	[\$3000 + (\$200 × Number of days late)] × [1 + (.25 × Number of previous violations)].	\$10,000 × [1 + (.25 × Number of previous violations)].
\$450,000–549,999.99	[\$3750 + (\$200 × Number of days late)] × [1 + (.25 × Number of previous violations)].	\$11,000 × [1 + (.25 × Number of previous violations)].
\$550,000–649,999.99	[\$4500 + (\$200 × Number of days late)] × [1 + (.25 × Number of previous violations)].	\$12,000 × [1 + (.25 × Number of previous violations)].
\$650,000–749,999.99	[\$5250 + (\$200 × Number of days late)] × [1 + (.25 × Number of previous violations)].	\$13,000 × [1 + (.25 × Number of previous violations)].

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If the level of activity in the report was:	And the report was filed late, the civil money penalty is:	Or the report was not filed, the civil money penalty is:
\$750,000–849,999.99	$[\$6000 + (\$200 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$.	$\$14,000 \times [1 + (.25 \times \text{Number of previous violations})]$.
\$850,000–949,999.99	$[\$6750 + (\$200 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$.	$\$15,000 \times [1 + (.25 \times \text{Number of previous violations})]$.
\$950,000 or over	$[\$7500 + (\$200 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$.	$\$16,000 \times [1 + (.25 \times \text{Number of previous violations})]$.

³ The civil money penalty for a respondent who does not have any previous violations will not exceed the level of activity in the report.

(c) If the respondent fails to file a required report and the Commission cannot calculate the level of activity under paragraph (d) of this section, then the civil money penalty shall be \$5,500.

(d) *Definitions.* For this section only, the following definitions will apply:

Election Sensitive Reports means third quarter reports due on October 15th before the general election (for all committees required to file this report except committees of candidates who do not participate in that general election); monthly reports due October 20th before the general election (for all committees required to file this report except committees of candidates who do not participate in that general election); and pre-election reports for primary, general, and special elections under 11 CFR 104.5.

Number of previous violations mean all prior final civil money penalties assessed under this subpart during the current two-year election cycle and the prior two-year election cycle.

(e) For purposes of the schedules of penalties in paragraphs (a) and (b) of this section,

(1) Reports that are not election sensitive reports are considered to be filed late if they are filed after their due dates but within thirty (30) days of their due dates. These reports are considered to be not filed if they are filed after thirty (30) days of their due dates or not filed at all.

(2) Election sensitive reports are considered to be filed late if they are filed after their due dates but prior to four (4) days before the primary election for pre-primary reports, prior to four (4) days before the special election for pre-special election reports, or prior to four (4) days before the general election for all other election sensitive reports. These reports are considered to

be not filed if they are not filed prior to four (4) days before the primary election for pre-primary reports, prior to four (4) days before the special election for pre-special election reports or prior to four (4) days before the general election for all other election sensitive reports.

[65 FR 31794, May 19, 2000, as amended at 68 FR 12577, Mar. 17, 2003; 70 FR 34636, June 15, 2005]

§ 111.44 What is the schedule of penalties for 48-hour notices that are not filed or are filed late?

(a) If the respondent fails to file timely a notice regarding contribution(s) received after the 20th day but more than 48 hours before the election as required under 2 U.S.C. 434(a)(6), the civil money penalty will be calculated as follows:

(1) Civil money penalty = $\$110 + (.10 \times \text{amount of the contribution(s) not timely reported})$.

(2) The civil money penalty calculated in paragraph (a)(1) of this section shall be increased by twenty-five percent (25%) for each prior violation.

(b) For purposes of this section, prior violation means a civil money penalty that has been assessed against the respondent under this subpart in the current two-year election cycle or the prior two-year election cycle.

[65 FR 31794, May 19, 2000, as amended at 70 FR 34636, June 15, 2005]

§ 111.45 What actions will be taken to collect unpaid civil money penalties?

The Commission may take any and all appropriate collection actions authorized and required by the Debt Collection Act of 1982, as amended by the Debt Collection Improvement Act of 1996 (31 U.S.C. 3701 et. seq.). The U.S.

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Department of the Treasury regulations at 31 CFR 285.2, 285.4, and 285.7 and the Federal Claims Collection Standards issued jointly by the Department of Justice and the U.S. Department of the Treasury at 31 CFR parts 900 through 904 also apply.

[65 FR 31794, May 19, 2000, as amended at 68 FR 12580, Mar. 17, 2003; 68 FR 16715, Apr. 7, 2003]

§ 111.46 How will the respondent be notified of actions taken by the Commission and the reviewing officer?

If a statement designating counsel has been filed in accordance with 11 CFR 111.23, all notifications and other communications to a respondent provided for in subpart B of this part will be sent to designated counsel. If a statement designating counsel has not been filed, all notifications and other communications to a respondent provided for in subpart B of this part will be sent to respondent political committee and its treasurer at the political committee's address as listed in the most recent Statement of Organization, or amendment thereto, filed with the Commission in accordance with 11 CFR 102.2.

[68 FR 12580, Mar. 17, 2003]

PART 112—ADVISORY OPINIONS (2 U.S.C. 437f)

Sec.

- 112.1 Requests for advisory opinions (2 U.S.C. 437f(a)(1)).
- 112.2 Public availability of requests (2 U.S.C. 437f(d)).
- 112.3 Written comments on requests (2 U.S.C. 437f(d)).
- 112.4 Issuance of advisory opinions (2 U.S.C. 437f (a) and (b)).
- 112.5 Reliance on advisory opinions (2 U.S.C. 437f(c)).
- 112.6 Reconsideration of advisory opinions.

AUTHORITY: 2 U.S.C. 437f, 438(a)(8).

SOURCE: 45 FR 15123, Mar. 7, 1980, unless otherwise noted.

§ 112.1 Requests for advisory opinions (2 U.S.C. 437f(a)(1)).

(a) Any person may request in writing an advisory opinion concerning the application of the Act, chapters 95 or 96 of the Internal Revenue Code of 1954, or

any regulation prescribed by the Commission. An authorized agent of the requesting person may submit the advisory opinion request, but the agent shall disclose the identity of his or her principal.

(b) The written advisory opinion request shall set forth a specific transaction or activity that the requesting person plans to undertake or is presently undertaking and intends to undertake in the future. Requests presenting a general question of interpretation, or posing a hypothetical situation, or regarding the activities of third parties, do not qualify as advisory opinion requests.

(c) Advisory opinion requests shall include a complete description of all facts relevant to the specific transaction or activity with respect to which the request is made.

(d) The Office of General Counsel shall review all requests for advisory opinions submitted under 11 CFR 112.1. If the Office of General Counsel determines that a request for an advisory opinion is incomplete or otherwise not qualified under 11 CFR 112.1, it shall, within 10 calendar days of receipt of such request, notify the requesting person and specify the deficiencies in the request.

(e) Advisory opinion requests should be sent to the Federal Election Commission, Office of General Counsel, 999 E Street, NW., Washington, DC 20463.

(f) Upon receipt by the Commission, each request which qualifies as an advisory opinion request (AOR) under 11 CFR 112.1 shall be assigned an AOR number for reference purposes.

[45 FR 15123, Mar. 7, 1980, as amended at 50 FR 50778, Dec. 12, 1985]

§ 112.2 Public availability of requests (2 U.S.C. 437f(d)).

(a) Advisory opinion requests which qualify under 11 CFR 112.1 shall be made public at the Commission promptly upon their receipt.

(b) A copy of the original request and any supplements thereto, shall be available for public inspection and purchase at the Public Disclosure Division of the Commission.



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

VIA OVERNIGHT DELIVERY

March 11, 2013

Swati Patel, in official capacity as Treasurer
Garcia for Congress
400 South Zang Boulevard, Suite 600
Dallas, TX 75208

C00515114

AF#: 2636

Dear Ms. Patel:

On February 7, 2013, the Federal Election Commission ("Commission") found reason to believe ("RTB") that Garcia for Congress and you, in your official capacity as Treasurer ("respondents"), violated 2 U.S.C. § 434(a) for failing to file 48-Hour Notices for the 2012 Texas Primary Election. The Commission also made a preliminary determination that the civil money penalty was \$15,220 based on the schedule of penalties at 11 C.F.R. § 111.44.

After reviewing the written response and any supplemental information submitted by you and Commission staff, the Reviewing Officer has recommended that the Commission make a final determination in this matter. A copy of the Reviewing Officer's recommendation is attached.

You may file with the Commission Secretary a written response to the recommendation within 10 days of the date of this letter. Your written response should be sent to the Commission Secretary, 999 E Street, NW, Washington, DC 20463. As a result of the anthrax threat in the Washington, DC area, US Postal Service mail delivery to federal agencies, including the Commission, has been interrupted. Until regular mail delivery resumes, you may also file your written response with the Commission Secretary via facsimile (202-208-3333) or by courier at the same address (if you use an overnight delivery service, please use zip code 20004 instead of zip code 20463). Please include the AF # in your response. Your response may not raise any arguments not raised in your original written response or not directly responsive to the Reviewing Officer's recommendation. 11 C.F.R. § 111.36(f). The Commission will then make a final determination in this matter.

Please contact me at the toll free number 800-424-9530 (press 0, then press 1660) or 202-694-1660 if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Rhiannon Magruder".

Rhiannon Magruder

Acting Reviewing Officer

Office of Administrative Review

AR060



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 11, 2013

**REVIEWING OFFICER RECOMMENDATION
OFFICE OF ADMINISTRATIVE REVIEW (“OAR”)**

AF# 2636 – Garcia for Congress and Swati Patel, in her official capacity as Treasurer
(C00515114)

Summary of Recommendation

Make a final determination that the respondents violated 2 U.S.C. § 434(a) and assess a \$15,220 civil money penalty.

Reason-to-Believe Background

On February 7, 2013, the Federal Election Commission (“the Commission”) found reason to believe (“RTB”) that Garcia for Congress and Swati Patel, in her official capacity as Treasurer (“the respondents”), violated 2 U.S.C. § 434(a) for failing to file 48-Hour Notices for two contributions totaling \$150,000 for the 2012 Texas Primary Election and made a preliminary determination that the civil money penalty was \$15,220 based on the schedule of penalties at 11 C.F.R. § 111.44. A letter, dated February 8, 2013, was sent to the respondents’ address of record by the Reports Analysis Division (“RAD”) to notify them of the Commission’s RTB finding and civil money penalty.

Legal Requirements

The Federal Election Campaign Act (“Act”) requires that the principal campaign committee of a candidate must notify the Commission, in writing, of any contribution of \$1,000 or more received after the 20th day but more than 48 hours before an election. The principal campaign committee must notify the Commission within 48 hours of receipt of the contribution. The 48-hour notification shall be in addition to all other reporting requirements under the Act. 2 U.S.C. § 434(a)(6)(A) and 11 C.F.R. § 104.5(f). The treasurer shall be personally responsible for the timely filing of reports. 11 C.F.R. § 104.14(d).

Respondents’ Challenge

On March 1, 2013, the Commission received the written response (“challenge”) from the Treasurer challenging the RTB penalty and requesting leniency in this matter. The Treasurer states there was “an unintentional clerical error [that resulted in] a failure to communicate requisite information to the compliance specialists responsible for filing the notices.” In addition, the Treasurer explains the Committee, which was largely funded by the Candidate, “is in the process of winding down and any additional financial burden could potentially delay its ability to terminate.”

Analysis

Commission records show that on April 25, 2012, the Primary Election Report Notice, which includes the reporting requirements of 48-Hour Notices, was sent via email to “garciadt@gmail.com,” the email address disclosed on the Committee’s most recent Statement of Organization. Page four of the Notice explains that 48-Hour Notices are required if the Committee receives any contributions (including loans from the candidate) of \$1,000 or more per source, during the period of May 10 through May 26, 2012.

11 C.F.R. § 100.52(a) defines a contribution to be a gift, subscription, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing any election for Federal office. Given that candidate loans are defined as contributions, 48-Hour Notices were required for the May 18 and May 24 candidate loans of \$100,000 and \$50,000, respectively, as they each exceeded \$1,000 and occurred during the May 10 to May 26 48-Hour Notice window for the Texas Primary.

While the Reviewing Officer recognizes the civil money penalty may delay the Committee’s ability to terminate, negligence is included at 11 C.F.R. § 111.35(d) as an example of a circumstance that will not be considered reasonably unforeseen and beyond the respondents’ control. Their challenge fails to address any of the three valid grounds for challenging enumerated at 11 C.F.R § 111.35(b). These are: (i) the RTB finding is based on factual errors; and/or (ii) the improper calculation of the civil money penalty; and/or (iii) they used best efforts to file on time but were prevented from doing so by reasonably unforeseen circumstances that were beyond their control and they filed the report no later than 24 hours after the end of these circumstances. Therefore, the Reviewing Officer recommends that the Commission make a final determination that the respondents violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$15,220.

OAR Recommendations

- (1) Adopt the Reviewing Officer recommendation for AF# 2636 involving Garcia for Congress and Swati Patel, in her official capacity as Treasurer, in making the final determination;
- (2) Make a final determination in AF# 2636 that Garcia for Congress and Swati Patel, in her official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$15,220; and
- (3) Send the appropriate letter.

Acting Reviewing Officer: Rhiannon Magruder

Attachments

- Attachment 1 – Challenge Received from Respondents
- Attachment 2 – Supplemental Request To and From Information Division
- Attachment 3 – Declaration from RAD, Telecoms Provided with Declaration
- Attachment 4 – Declaration from OAR



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2013 MAR 11 PM 4:13

SENSITIVE

March 11, 2013

MEMORANDUM

To: The Commission

Through: Alec Palmer *AP*
Staff Director

From: Patricia C. Orrock *PCO*
Chief Compliance Officer

Rhiannon Magruder *RM*
Acting Reviewing Officer
Office of Administrative Review

Subject: Reviewing Officer Recommendation in AF# 2636 – Garcia for Congress and Swati Patel, in her official capacity as Treasurer (C00515114)

The attached Reviewing Officer Recommendation is being circulated on an informational basis. A copy was also sent to the respondents in accordance with 11 C.F.R. § 111.36(f). The respondents may file with the Commission Secretary a written response within 10 days of transmittal of the recommendation.

After the 10 day period, the Reviewing Officer Recommendation and the respondents' written response, if any, will be circulated to the Commission to make a final determination.

Attachment

AR064



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 11, 2013

**REVIEWING OFFICER RECOMMENDATION
OFFICE OF ADMINISTRATIVE REVIEW ("OAR")**

AF# 2636 – Garcia for Congress and Swati Patel, in her official capacity as Treasurer
(C00515114)

Summary of Recommendation

Make a final determination that the respondents violated 2 U.S.C. § 434(a) and assess a \$15,220 civil money penalty.

Reason-to-Believe Background

On February 7, 2013, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Garcia for Congress and Swati Patel, in her official capacity as Treasurer ("the respondents"), violated 2 U.S.C. § 434(a) for failing to file 48-Hour Notices for two contributions totaling \$150,000 for the 2012 Texas Primary Election and made a preliminary determination that the civil money penalty was \$15,220 based on the schedule of penalties at 11 C.F.R. § 111.44. A letter, dated February 8, 2013, was sent to the respondents' address of record by the Reports Analysis Division ("RAD") to notify them of the Commission's RTB finding and civil money penalty.

Legal Requirements

The Federal Election Campaign Act ("Act") requires that the principal campaign committee of a candidate must notify the Commission, in writing, of any contribution of \$1,000 or more received after the 20th day but more than 48 hours before an election. The principal campaign committee must notify the Commission within 48 hours of receipt of the contribution. The 48-hour notification shall be in addition to all other reporting requirements under the Act. 2 U.S.C. § 434(a)(6)(A) and 11 C.F.R. § 104.5(f). The treasurer shall be personally responsible for the timely filing of reports. 11 C.F.R. § 104.14(d).

Respondents' Challenge

On March 1, 2013, the Commission received the written response ("challenge") from the Treasurer challenging the RTB penalty and requesting leniency in this matter. The Treasurer states there was "an unintentional clerical error [that resulted in] a failure to communicate requisite information to the compliance specialists responsible for filing the notices." In addition, the Treasurer explains the Committee, which was largely funded by the Candidate, "is in the process of winding down and any additional financial burden could potentially delay its ability to terminate."

Analysis

Commission records show that on April 25, 2012, the Primary Election Report Notice, which includes the reporting requirements of 48-Hour Notices, was sent via email to “garciadt@gmail.com,” the email address disclosed on the Committee’s most recent Statement of Organization. Page four of the Notice explains that 48-Hour Notices are required if the Committee receives any contributions (including loans from the candidate) of \$1,000 or more per source, during the period of May 10 through May 26, 2012.

11 C.F.R. § 100.52(a) defines a contribution to be a gift, subscription, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing any election for Federal office. Given that candidate loans are defined as contributions, 48-Hour Notices were required for the May 18 and May 24 candidate loans of \$100,000 and \$50,000, respectively, as they each exceeded \$1,000 and occurred during the May 10 to May 26 48-Hour Notice window for the Texas Primary.

While the Reviewing Officer recognizes the civil money penalty may delay the Committee’s ability to terminate, negligence is included at 11 C.F.R. § 111.35(d) as an example of a circumstance that will not be considered reasonably unforeseen and beyond the respondents’ control. Their challenge fails to address any of the three valid grounds for challenging enumerated at 11 C.F.R § 111.35(b). These are: (i) the RTB finding is based on factual errors; and/or (ii) the improper calculation of the civil money penalty; and/or (iii) they used best efforts to file on time but were prevented from doing so by reasonably unforeseen circumstances that were beyond their control and they filed the report no later than 24 hours after the end of these circumstances. Therefore, the Reviewing Officer recommends that the Commission make a final determination that the respondents violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$15,220.

OAR Recommendations

- (1) Adopt the Reviewing Officer recommendation for AF# 2636 involving Garcia for Congress and Swati Patel, in her official capacity as Treasurer, in making the final determination;
- (2) Make a final determination in AF# 2636 that Garcia for Congress and Swati Patel, in her official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$15,220; and
- (3) Send the appropriate letter.

Acting Reviewing Officer: Rhiannon Magruder

Attachments

- Attachment 1 – Challenge Received from Respondents
- Attachment 2 – Supplemental Request To and From Information Division
- Attachment 3 – Declaration from RAD, Telecoms Provided with Declaration
- Attachment 4 – Declaration from OAR

**FEC OFFICE OF
ADMIN REVIEW**

2013 MAR -1 AM 11:40



February 26, 2013

Federal Election Commission
Office of Administrative Review
999 E Street, NW
Washington, DC 20463

Identification Number: C00515114

Reference: AF 2636; Challenge to Proposed Calculation of Administrative Fine Total

The following statement challenges the calculation of the proposed \$15,220 assessed to Garcia for Congress, hereafter referred to as "the Committee," for unfiled 48-Hour Reports during the reporting period 5/10/12 - 5/26/12 and in connection with Pre-Primary Election for Texas's 33rd congressional district. The Committee asks for leniency in this matter for the following reasons: 1) the unfiled report resulted from an unintentional clerical error; and 2) the fine could delay the Committees its efforts to wind down and terminate the campaign.

The Committee seeks to challenge the proposed penalty on the basis that the Committee demonstrated use of "best efforts," and that the unfiled reports were due to an unintentional clerical error on the part of the Committee. As a result of this error, there was a failure to communicate requisite information to the compliance specialists responsible for filing the notices.

Furthermore, the Committee requests leniency due to the fact that it is in the process of winding down and any additional financial burden could potentially delay its ability to terminate. The total amount that the candidate has invested in this campaign (including contributions and loans) amounts to \$2,287,776, or approximately 99% of the total contributions. All current financial activity disclosed on recent filed reports is for the purpose of winding down the campaign committee. Thus, the Committee hopes the Commission will consider the implications that additional costs to not only the campaign, but also the candidate, will have in further delaying the termination process.

The Committee asks the Commission to please take these facts into consideration as it evaluates this case.

Sincerely,

Swati Patel, Treasurer

Domingo Garcia for Congress Campaign
1107 West Jefferson Boulevard, Dallas, Texas 75208 • 214.948.6100
garciaforcongress.com

Paid for by Garcia for Congress

AR067



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 1, 2013

MEMORANDUM

TO: GREG J. SCOTT
ASSISTANT STAFF DIRECTOR
INFORMATION TECHNOLOGY DIVISION

FROM: RHIANNON MAGRUDER *RM*
ACTING REVIEWING OFFICER
OFFICE OF ADMINISTRATIVE REVIEW

SUBJECT: AF# 2636 –GARCIA FOR CONGRESS AND SWATI PATEL, IN HER
OFFICIAL CAPACITY AS TREASURER (C00515114)

On March 1, 2013, the Commission received the written response and supporting documentation (“challenge”) from the respondents for an administrative fine relating to their failure to file 48-Hour Notices for the 2012 Texas Primary Election. A copy of the challenge is attached for your review.

Please inform this office of any information you may have provided the respondents pertaining to their filing responsibilities as a registered committee of the Federal Election Commission. If you have no records relating to this request, please advise OAR accordingly.

Any information submitted by your office will be sent to the respondents, circulated to the Commission and placed on the public record. Please contact me at 694-1660 if you have any questions. Thank you.

Attachment

AR068



Federal Election Commission
www.fec.gov / 800-424-9530 / info@fec.gov

March 5, 2013

MEMORANDUM

TO: Rhiannon Magruder
Acting Reviewing Officer
Office of Administrative Review

FROM: Greg J. Scott 
Assistant Staff Director
Information Division

SUBJECT: AF#2636 – Garcia for Congress and Swati Patel, in her Official Capacity
as Treasurer (C00515114)

As part of its educational outreach efforts, the FEC's Information Division routinely sends courtesy reminders to committees shortly before their reports of receipts and disbursements are due. These reminders are sent to the email address provided by the committee on its FEC Form 1, Statement of Organization.

The Garcia for Congress committee amended its Statement of Organization on April 9, 2012, to disclose a number of changes, including a new committee email address: garciadt@gmail.com. According to our records, a reminder email concerning the 2012 Texas Pre-Primary Report was sent to that address on April 25, 2012. A copy of that message is attached, along with a copy of the mailing log that confirms its successful transmission.

In addition to these email reminders, the Information Division publishes reporting dates on the FEC's website and in the agency's on-line newsletter, the *Record*.

Attachments

AR069

FEC Information
<info@fec.gov>

To GARCIADTX@GMAIL.COM

04/25/2012 06:37 AM

cc

Please respond to
info@fec.gov

Subj Prior Notice for Texas Pre-Primary Report
ect



Federal Election Commission

www.fec.gov 1-800-424-9530 info@fec.gov

The Federal Election Commission is pleased to provide, as a courtesy, this e-mail reminder of your upcoming Pre-Primary Report. Should you have any questions concerning your reporting obligations or the contents of your report, please call the FEC, toll-free, 1-800-424-9530.

The Texas Pre-Primary Report Prior Notice may be viewed on-line at

http://www.fec.gov/pages/report_notices/2012/state_notices/tx_prim.shtml

2012 Reporting Dates may be viewed on-line at

http://www.fec.gov/info/report_dates_2012.shtml

PDF VERSION SUITABLE FOR PRINTING:

1



PRIMARY ELECTION
REPORT NOTICE

Texas
Primary/Runoff Election Prior Notice

FEDERAL ELECTION COMMISSION

TEXAS

April 23, 2012

POLITICAL COMMITTEES INVOLVED IN THE PRIMARY (05/29/12):

REPORT	REPORTING PERIOD ¹	REGISTRATION & DISCLOSURE DEADLINE	FILING DEADLINE
Pre-Primary	04/01/12 - 05/09/12	05/14/12	05/17/12
48-Hour Notices	05/10/12 - 05/26/12	-- TX primary candidates only -- see filing info --	
July Quarterly	05/10/12 - 06/30/12	07/15/12	07/15/12 ²

FOR POLITICAL COMMITTEES INVOLVED IN BOTH THE PRIMARY (05/29/12) AND RUNOFF (07/31/12), IF HELD:

REPORT	REPORTING PERIOD ¹	REGISTRATION & DISCLOSURE DEADLINE	FILING DEADLINE
Pre-Primary	04/01/12 - 05/09/12	05/14/12	05/17/12
48-Hour Notices	05/10/12 - 05/26/12	-- TX primary candidates only -- see filing info --	
July Quarterly	05/10/12 - 06/30/12	07/15/12	07/15/12 ²
Pre-Runoff	07/01/12 - 07/11/12	07/16/12	07/19/12
48-Hour Notices	07/12/12 - 07/28/12	-- TX runoff candidates only -- see filing info --	
October Quarterly	07/12/12 - 09/30/12	10/15/12	10/15/12

WHO MUST FILE

The following committees must file the Texas Pre-Primary/Runoff Report(s):

- **Principal campaign committees** of congressional candidates (including unopposed candidates and candidates whose names do not appear on the ballot) who seek election in the primary election must file the above reports and notices.
- **PACs and party committees** filing on a quarterly basis in 2012 are subject to pre-election reporting if they make previously undisclosed contributions or expenditures (including independent expenditures) in connection with an election by the close of books of the applicable report(s).

Supplemental Filing Information is available:

- **Congressional Committees**
- **Parties and PACs**

Additional information for Texas Campaign Committees -- click here

¹ These dates indicate the beginning and end of the reporting period. A reporting period always begins the day after the closing date of the last report filed. If the committee is new and has not previously filed a report, the first report must cover all activity that occurred before the committee registered up through the close of books for the first report due.

² Notice that this filing deadline falls on a weekend or federal holiday. Filing deadlines are not extended when they fall on nonworking days. Accordingly, reports filed by methods other than registered, certified or overnight mail, or electronically, must be received before the Commission's (or the Secretary of the Senate's) close of business on the last business day before the deadline.

2012 SUPPLEMENTAL FILING INFORMATION CONGRESSIONAL COMMITTEES

PLEASE NOTE: The Commission provides reminders of upcoming filing dates as a courtesy to help committees comply with the filing deadlines set forth in the Act and Commission regulations. Committee treasurers must comply with all applicable filing deadlines established by law, and the lack of prior notice does not constitute an excuse for failing to comply with any filing deadline.

WHO MUST FILE

Principal campaign committees of congressional candidates ¹ (including unopposed candidates and candidates whose names do not appear on the ballot) must file Quarterly Reports in 2012. ²

Campaigns that raise or spend more than \$5,000 for the 2012 election cycle (and thus trigger registration and reporting requirements) must file quarterly reports throughout 2012, even if the candidate plans to retire, withdraws from the race prior to the primary election, loses the primary or drops out of the race prior to the general election. See 11 CFR 104.5(a)(2).

Before a committee can stop filing with the FEC, it must file a termination report with the Commission. See 11 CFR 102.3. Committees must continue to file reports until the Commission notifies them in writing that their termination report has been accepted.

METHODS OF FILING REPORTS

Electronic Filing

Reports filed electronically must be received and validated by the Commission by 11:59 p.m. Eastern Time on the filing deadline. See 11 CFR 104.5(e). See also 11 CFR 104.18 and 100.19.

- Web Page: Electronic Filing Page
- Campaign Guide for Congressional Candidates and Committees (Candidate Guide), pp. 83-86 [PDF]

Paper Filing - Meeting the Filing Deadline

Paper Report filing options -- Registered, Certified or Overnight or First Class Mail. See 11 CFR 104.5(e). See also 11 CFR 100.19.

- Web Page: Link to Paper Forms (for downloading and printing)
- Candidate Guide, p. 82 [PDF]

¹ Generally, an individual becomes a candidate for federal office (and thus triggers registration and reporting obligations) when his or her campaign exceeds \$5,000 in either contributions or expenditures. If the campaign has not crossed the \$5,000 threshold, it is not required to file reports. See 11 CFR 100.3(a). See also 11 CFR 104.5(a).

² If a candidate has more than one authorized committee, the principal campaign committee files a consolidated report on Form 3Z [PDF]. See 11 CFR 104.3(f).

PRE- AND POST-ELECTION REPORTS

The principal campaign committee of any candidate participating in a 2012 state primary, nominating convention or runoff election -- even if unopposed -- must also file a pre-election report 12 days prior to the primary, nominating convention or runoff. The principal campaign committee of a candidate who participates in the general election must file pre- and post-general election reports. See 11 CFR 104.5(a)(2).

- Web Page: 2012 Congressional Pre-Primary Reporting Dates
- The Record:
 - FEC Record Blog: Reporting
 - January 2012 issue [PDF]
- Candidate Guide, pp. 81-82 [PDF]

COMPLIANCE**Treasurer Responsibility**

Committee Treasurers are responsible for both the timeliness and the accuracy of all reports. They may be subject to monetary penalties if reports are inaccurate or are not filed on time. See 11 CFR 104.14(d).

- Statement of Policy Regarding Treasurers Subject to Enforcement Proceedings [PDF]
- Candidate Guide, pp. 7-9 [PDF]

Administrative Fine Program

Political committees and their treasurers who fail to file their reports on time may be subject to civil money penalties up to \$17,600 (or more for repeat late- and non-filers).³ See generally, 11 CFR Part 111 Subpart B. See also 11 CFR 111.43.

- Web Page: Administrative Fine Program
- Candidate Guide, pp. 82-83 [PDF]

IMPORTANT FILING INFORMATION - PAPER FILERS

In response to the 2001 anthrax threat, the U.S. Postal Service is irradiating mail directed to many federal agencies, including the FEC and the Secretary of the Senate.⁴ This process has not only delayed mail delivery, it has also damaged and in some cases destroyed pieces of mail. As a result, committees that file reports with the FEC may want to consider submitting their reports by some means other than U.S. mail. Alternative methods include electronic filing, overnight mail or delivery service, and hand delivery.

³ Penalties for late- or non-filing of 48-hour notices are based on the amount of contributions not timely disclosed. As a result, these penalties may exceed \$17,600, even for first-time violations.

⁴ Senate committees should contact the Secretary of the Senate at (202) 224-0322 for more information on filing reports via US mail.

2012 REPORTING SCHEDULE

- Web Page: [2012 Reporting Dates Page](#)
- The Record:
 - [FEC Record Blog: Reporting](#)
 - [January 2012 issue](#) [PDF]
- [Candidate Guide, p. 83](#) [PDF]

DISCLOSURE OF LOBBYIST BUNDLING ACTIVITY

Campaign committees must file [FEC Form 3L](#) [PDF] if they receive two or more bundled contributions from lobbyists/registrants or lobbyist/registrant PACs that aggregate in excess of \$16,700 during the applicable reporting period ([see page 1 of this notice](#)). See 11 CFR [104.22](#) and [110.17\(f\)](#).

- The Record: [March 2009 issue](#) [PDF]
- [Candidate Guide, Appendix F, pp. 155-161](#) [PDF]

SUPPLEMENTAL FILING INFORMATION TEXAS CAMPAIGN COMMITTEES ONLY

48 HOUR NOTICES ON CONTRIBUTIONS

The principal campaign committee must file notices if any authorized committees receive any contribution (**including in-kind gifts or advances of goods or services; loans from the candidate or other non-bank sources; and guarantees or endorsements of bank loans to the candidate or committee**) of \$1,000 or more per source, during the period of:

Primary: 05/10/12 - 05/26/12
Runoff: 07/12/12 - 07/28/12

The notices must reach the appropriate federal filing office within 48 hours of the committee's receipt of the contribution(s). **Campaign committees that file electronically MUST submit their 48-hour notices electronically.** See [11 CFR 104.5\(f\)](#).

- Web Page: [Link to Paper Forms](#) (for downloading and printing)
- Web Page: [Link to Web Form 6](#) (for online submission)
- Form 6 Fax numbers
 - Senate campaigns (Secretary of the Senate): (202) 224-1851
 - House Campaigns (FEC): (202) 219-0174
- Campaign Guide: [Candidate, p. 81](#) [PDF].

FOR INFORMATION, CALL: (800) 424-9530 or (202) 694-1100

2012 SUPPLEMENTAL FILING INFORMATION PACs AND PARTY COMMITTEES

PLEASE NOTE: The Commission provides reminders of upcoming filing dates as a courtesy to help committees comply with the filing deadlines set forth in the Act and Commission regulations. Committee treasurers must comply with all applicable filing deadlines established by law, and the lack of prior notice does not constitute an excuse for failing to comply with any filing deadline.

WHO MUST FILE

All Party Committees and PACs (Nonconnected Committees and Separate Segregated Funds) must file either quarterly or monthly reports in 2012. See 11 CFR 104.5(c). Before a committee can stop filing with the FEC, it must file a termination report with the Commission. See 11 CFR 102.3. Committees must continue to file reports until the Commission notifies them in writing that their termination report has been accepted.

METHODS OF FILING REPORTS

Electronic Filing

Reports filed electronically must be received and validated by the Commission by 11:59 p.m. Eastern Time on the filing deadline. See 11 CFR 104.5(e). See also 11 CFR 104.18 and 100.19.

- Web Page: [Electronic Filing Page](#)
- Campaign Guide: *Nonconnected Committees (Nonconnected)*, pp. 51-53 [PDF]; *Corporations and Labor Organizations (SSF)*, pp. 49-51 [PDF]; *Political Party Committees (Party)*, pp. 69-71 [PDF].

Paper Filing -- Meeting the Filing Deadline

Paper report filing options – Registered, Certified or Overnight or First Class Mail. See 11 CFR 104.5(e). See also 11 CFR 100.19.

- Web Page: [Link to Paper Forms](#) (for downloading and printing)
- Campaign Guide: *Nonconnected*, pp. 47-48 [PDF]; *SSF*, pp. 45-46 [PDF]; *Party*, p. 65 [PDF].

CHANGE IN FILING FREQUENCY

Committees able to change their reporting schedule (for example, from monthly to quarterly) who wish to do so must notify the Commission in writing and may change their filing frequency no more than once per calendar year. See 11 CFR 104.5(c).

- Web Page: [Filing Frequency by Type of Committee](#)
- Campaign Guide: *Nonconnected*, p. 51 [PDF]; *SSF*, p. 49 [PDF]; *Party*, p. 67 [PDF].

2012 REPORTING SCHEDULE

- Web Page: [2012 Reporting Dates Page](#)
- The Record:
 - [FEC Record Blog: Reporting](#)
 - [January 2012 issue](#) [PDF]
- Campaign Guide: *Nonconnected*, pp. 49-51 [PDF]; *SSF*, pp. 46-48 [PDF]; *Party*, pp. 67-68 [PDF].

PRE-ELECTION REPORTING

Quarterly filing committees that make contributions or expenditures (including independent expenditures) in connection with an election must also file a Pre-Election Report, if the activity was not previously reported. See 11 CFR 104.5(c)(1)(ii).

- Web Page: 2012 Congressional Pre-Primary Reporting Dates Page
- The Record:
 - FEC Record Blog: Reporting
 - January 2012 issue [PDF]
- Campaign Guide: Nonconnected, pp. 49-51 [PDF]; SSF, pp. 46-48 [PDF]; Party, pp. 67-68 [PDF].

COMPLIANCE**Treasurer Responsibility**

Committee treasurers are responsible for both the timeliness and the accuracy of all reports. They may be subject to monetary penalties if reports are inaccurate or are not filed on time. See 11 CFR 104.14(d).

- Statement of Policy Regarding Treasurers Subject to Enforcement Proceeding [PDF]
- Campaign Guide: Nonconnected, pp. 3-4 [PDF]; SSF, pp. 1-2 [PDF]; Party, pp. 6-7 [PDF].

Administrative Fine Program

Failure to file reports on time may be subject to civil money penalties up to \$17,600 (or more for repeat late- or non-filers). See 11 CFR 111.43(b). See generally, 11 CFR Part 111 Subpart B.

See also 11 CFR 111.43.

- Web Page: Administrative Fine Program Page
- Campaign Guide: Nonconnected, pp. 48-49 [PDF]; SSF, p. 46 [PDF]; Party, p. 66 [PDF].

DISCLOSURE OF LOBBYIST BUNDLING ACTIVITY

Party committees and Leadership PACs must file FEC Form 3L [PDF] if they receive two or more bundled contributions from lobbyists/registrants or lobbyist/registrant PACs that aggregate in excess of \$16,700 during the applicable reporting period (see page 1 of this notice). See 11 CFR 104.22 and 11 CFR 110.17(f).

- The Record: March 2009 issue [PDF]

48- AND 24-HOUR REPORTS OF INDEPENDENT EXPENDITURES

Any PAC or Party Committee that makes independent expenditures in 2012 may have to disclose this activity within 48- or 24-hours based upon the date and amount of the expenditure.

See 11 CFR 104.4(b)(2) and (c). See generally, 11 CFR 104.4.

- Web Page: State-by-state chart of 2012 48- and 24-hour periods for independent expenditures
- Campaign Guide: Nonconnected, pp. 72-74 [PDF]; SSF, pp. 65-67 [PDF]; Party, pp. 87-89 [PDF].

These reports are not required when a PAC or Party Committee makes a contribution directly to a candidate.

FOR INFORMATION, CALL: (800) 424-9530 or (202) 694-1100

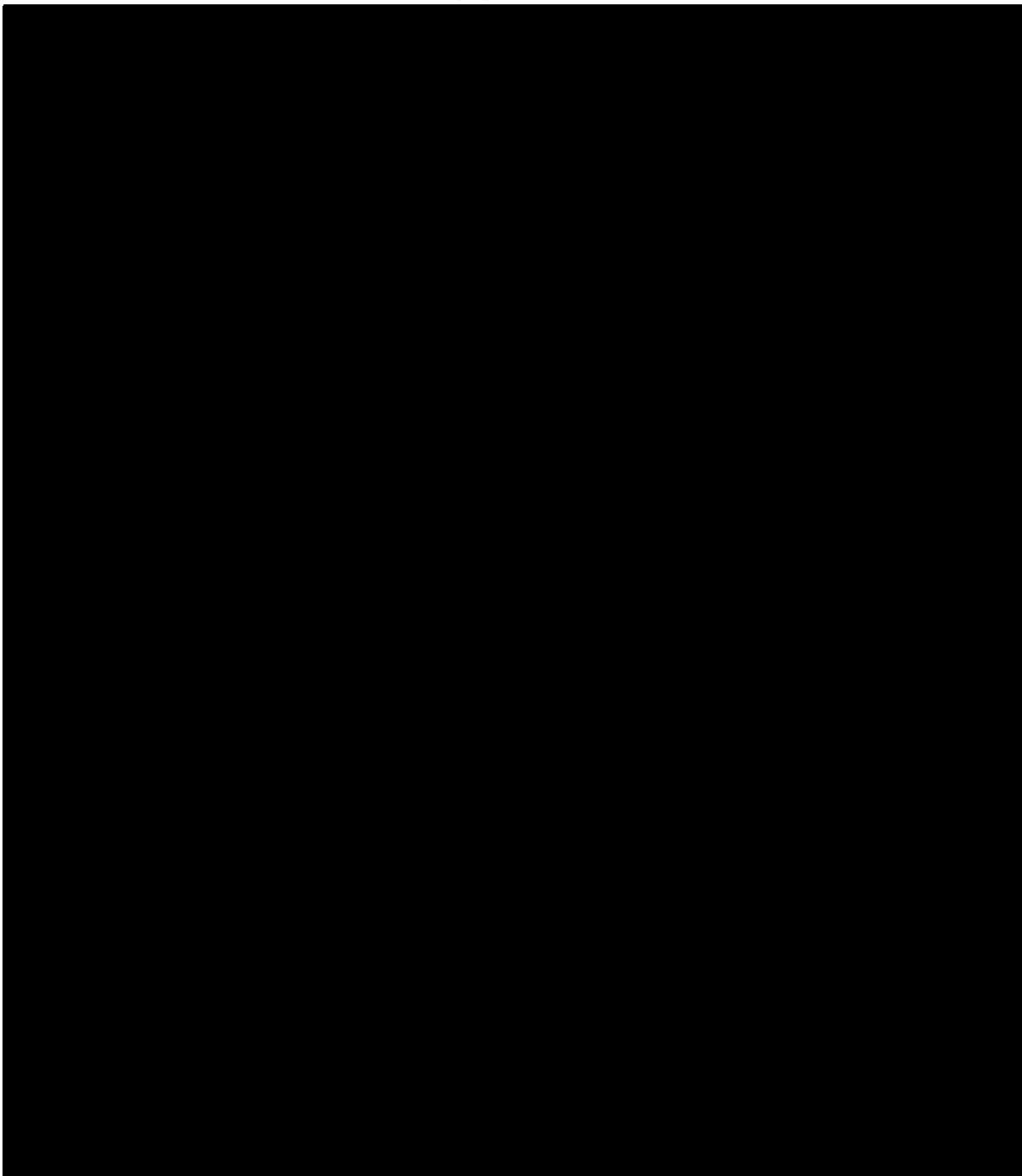
Daily Prior Notices Report For :Prior Notice for Texas Primary

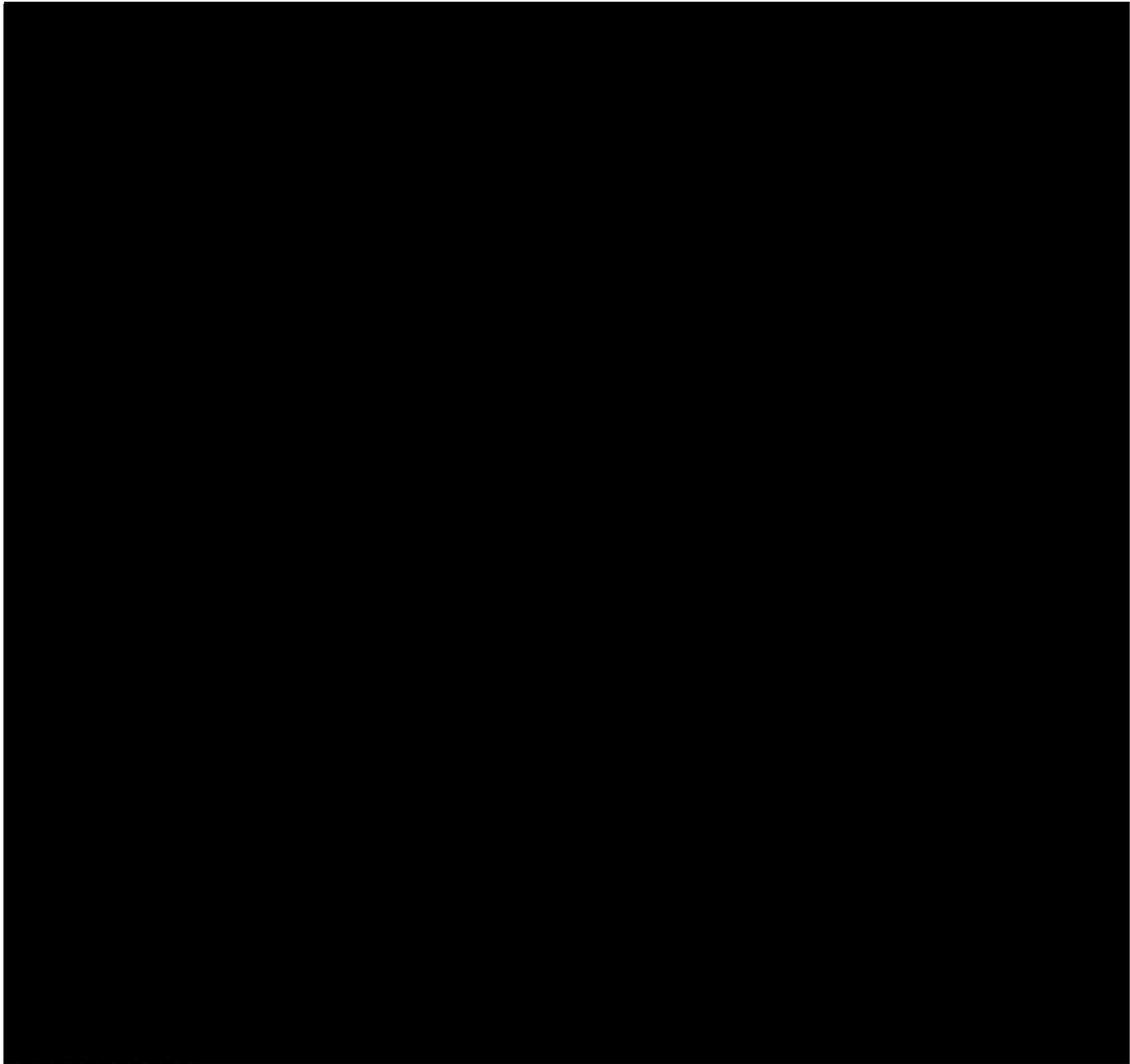
***** Email Report For Information Management

Email Template Id: PR-68

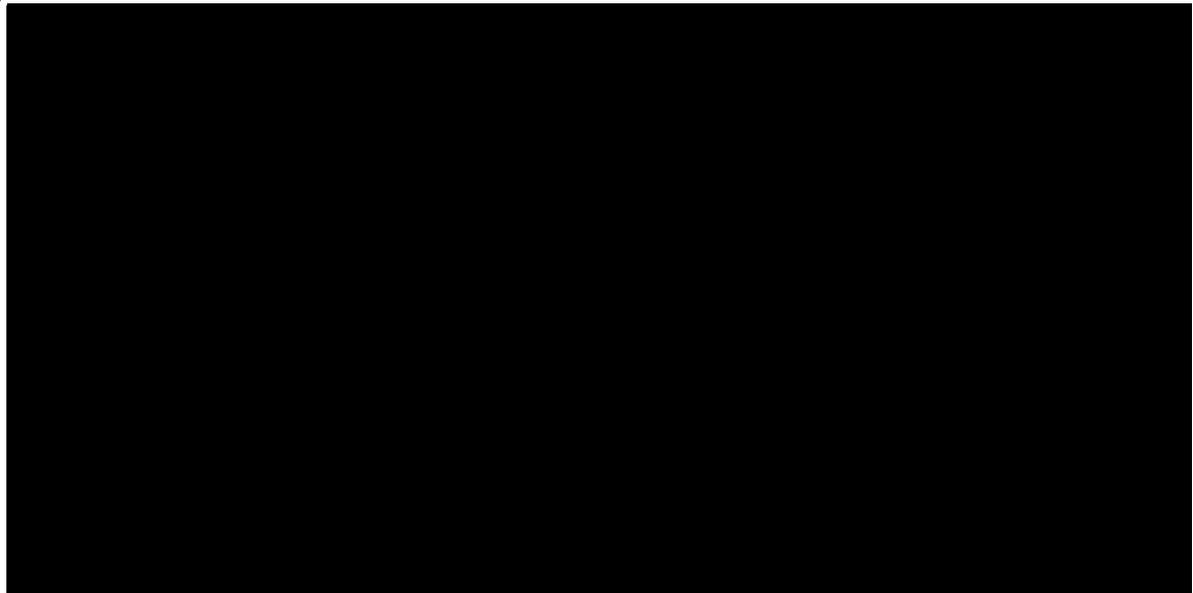
Email Template Subject: Prior Notice for Texas Primary

Email Attachment Name: TX Primary.pdf



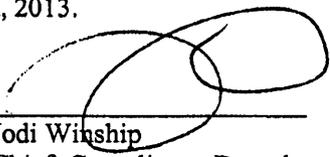


*C00515114 ----- GARCIADTX@GMAIL.COM --- Email Sent Successfully



DECLARATION OF JODI WINSHIP

1. I am the Chief of the Compliance Branch for the Reports Analysis Division of the Federal Election Commission ("Commission"). In my capacity as Chief of the Compliance Branch, I oversee the initial processing of the Administrative Fine Program. I make this declaration based on my personal knowledge and, if called upon as a witness, could and would testify competently to the following matters.
2. I hereby certify that documents identified herein are true and accurate copies of the following sent to Garcia for Congress:
 - A) Report Notice, dated April 23, 2012, referencing the reporting requirements of 48-Hour Notices (sent via electronic mail to: garciadtx@gmail.com);
 - B) Request for Additional Information Letter, dated August 13, 2012, referencing the missing 48-Hour Notices;
 - C) Reason-to-Believe Letter, dated February 8, 2013 referencing the 2012 July Quarterly Report.
3. I hereby certify that I have searched the Commission's public records and find that Garcia for Congress has not filed the 48-Hour Notices with the Commission.
4. Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct and that all relevant telecoms for the matter have been provided. This declaration was executed at Washington, D.C. on the 4th day of March, 2013.



Jodi Winship
Chief, Compliance Branch
Reports Analysis Division
Federal Election Commission



PRIMARY ELECTION
REPORT NOTICE

Texas
Primary/Runoff Election Prior Notice

FEDERAL ELECTION COMMISSION

TEXAS

April 23, 2012

POLITICAL COMMITTEES INVOLVED IN THE PRIMARY (05/29/12):

REPORT	REPORTING PERIOD	REG/CERT & OVERNIGHT MAILING DEADLINE	FILING DEADLINE
Pre-Primary	04/01/12 - 05/09/12	05/14/12	05/17/12
48-Hour Notices	05/10/12 - 05/26/12	-- TX primary candidates only -- see filing info --	
July Quarterly	05/10/12 - 06/30/12	07/15/12	07/15/12 ²

FOR POLITICAL COMMITTEES INVOLVED IN BOTH THE PRIMARY (05/29/12) AND RUNOFF (07/31/12), IF HELD:

REPORT	REPORTING PERIOD	REG/CERT & OVERNIGHT MAILING DEADLINE	FILING DEADLINE
Pre-Primary	04/01/12 - 05/09/12	05/14/12	05/17/12
48-Hour Notices	05/10/12 - 05/26/12	-- TX primary candidates only -- see filing info --	
July Quarterly	05/10/12 - 06/30/12	07/15/12	07/15/12 ²
Pre-Runoff	07/01/12 - 07/11/12	07/16/12	07/19/12
48-Hour Notices	07/12/12 - 07/28/12	-- TX runoff candidates only -- see filing info --	
October Quarterly	07/12/12 - 09/30/12	10/15/12	10/15/12

WHO MUST FILE

The following committees must file the Texas Pre-Primary/Runoff Report(s):

- **Principal campaign committees** of congressional candidates (including unopposed candidates and candidates whose names do not appear on the ballot) who seek election in the primary election must file the above reports and notices.
- **PACs and party committees** filing on a quarterly basis in 2012 are subject to pre-election reporting if they make previously undisclosed contributions or expenditures (including independent expenditures) in connection with an election by the close of books of the applicable report(s).

Supplemental Filing Information is available:

- Congressional Committees
- Parties and PACs

Additional information for Texas Campaign Committees -- click here

¹ These dates indicate the beginning and end of the reporting period. A reporting period always begins the day after the closing date of the last report filed. If the committee is new and has not previously filed a report, the first report must cover all activity that occurred before the committee registered up through the close of books for the first report due.

² Notice that this filing deadline falls on a weekend or federal holiday. Filing deadlines are not extended when they fall on nonworking days. Accordingly, reports filed by methods other than registered, certified or overnight mail, or electronically, must be received before the Commission's (or the Secretary of the Senate's) close of business on the last business day before the deadline.

2012 SUPPLEMENTAL FILING INFORMATION CONGRESSIONAL COMMITTEES

PLEASE NOTE: The Commission provides reminders of upcoming filing dates as a courtesy to help committees comply with the filing deadlines set forth in the Act and Commission regulations. Committee treasurers must comply with all applicable filing deadlines established by law, and the lack of prior notice does not constitute an excuse for failing to comply with any filing deadline.

WHO MUST FILE

Principal campaign committees of congressional candidates ¹ (including unopposed candidates and candidates whose names do not appear on the ballot) must file Quarterly Reports in 2012. ²

Campaigns that raise or spend more than \$5,000 for the 2012 election cycle (and thus trigger registration and reporting requirements) must file quarterly reports throughout 2012, even if the candidate plans to retire, withdraws from the race prior to the primary election, loses the primary or drops out of the race prior to the general election. See 11 CFR 104.5(a)(2).

Before a committee can stop filing with the FEC, it must file a termination report with the Commission. See 11 CFR 102.3. Committees must continue to file reports until the Commission notifies them in writing that their termination report has been accepted.

METHODS OF FILING REPORTS

Electronic Filing

Reports filed electronically must be received and validated by the Commission by 11:59 p.m. Eastern Time on the filing deadline. See 11 CFR 104.5(e). See also 11 CFR 104.18 and 100.19.

- Web Page: [Electronic Filing Page](#)
- *Candidate Guide for Congressional Candidates and Committees (Candidate Guide)*, pp. 83-86 [PDF]

Paper Filing - Meeting the Filing Deadline

Paper Report filing options -- Registered, Certified or Overnight or First Class Mail.

See 11 CFR 104.5(e). See also 11 CFR 100.19.

- Web Page: [Link to Paper Forms](#) (for downloading and printing)
- *Candidate Guide*, p. 82 [PDF]

¹ Generally, an individual becomes a candidate for federal office (and thus triggers registration and reporting obligations) when his or her campaign exceeds \$5,000 in either contributions or expenditures. If the campaign has not crossed the \$5,000 threshold, it is not required to file reports. See 11 CFR 100.3(a). See also 11 CFR 104.5(a).

² If a candidate has more than one authorized committee, the principal campaign committee files a consolidated report on [Form 3Z](#) [PDF]. See 11 CFR 104.3(f).

PRE- AND POST-ELECTION REPORTS

The principal campaign committee of any candidate participating in a 2012 state primary, nominating convention or runoff election -- even if unopposed -- must also file a pre-election report 12 days prior to the primary, nominating convention or runoff. The principal campaign committee of a candidate who participates in the general election must file pre- and post-general election reports. See 11 CFR 104.5(a)(2).

- Web Page: 2012 Congressional Pre-Primary Reporting Dates
- The Record:
 - FEC Record Blog: Reporting
 - January 2012 issue [PDF]
- Candidate Guide, pp. 81-82 [PDF]

COMPLIANCE**Treasurer Responsibility**

Committee Treasurers are responsible for both the timeliness and the accuracy of all reports. They may be subject to monetary penalties if reports are inaccurate or are not filed on time. See 11 CFR 104.14(d).

- Statement of Policy Regarding Treasurers Subject to Enforcement Proceedings [PDF]
- Candidate Guide, pp. 7-9 [PDF]

Administrative Fine Program

Political committees and their treasurers who fail to file their reports on time may be subject to civil money penalties up to \$17,600 (or more for repeat late- and non-filers).³ See generally, 11 CFR Part 111 Subpart B. See also 11 CFR 111.43.

- Web Page: Administrative Fine Program
- Candidate Guide, pp. 82-83 [PDF]

IMPORTANT FILING INFORMATION - PAPER FILERS

In response to the 2001 anthrax threat, the U.S. Postal Service is irradiating mail directed to many federal agencies, including the FEC and the Secretary of the Senate.⁴ This process has not only delayed mail delivery, it has also damaged and in some cases destroyed pieces of mail. As a result, committees that file reports with the FEC may want to consider submitting their reports by some means other than U.S. mail. Alternative methods include electronic filing, overnight mail or delivery service, and hand delivery.

³ Penalties for late- or non-filing of 48-hour notices are based on the amount of contributions not timely disclosed. As a result, these penalties may exceed \$17,600, even for first-time violations.

⁴ Senate committees should contact the Secretary of the Senate at (202) 224-0322 for more information on filing reports via US mail.

Supplemental Filing Information (2012)
Congressional Committees

2012 REPORTING SCHEDULE

- Web Page: [2012 Reporting Dates Page](#)
- The Record:
 - [FEC Record Blog: Reporting](#)
 - [January 2012 issue](#) [PDF]
- [Candidate Guide, p. 83](#) [PDF]

DISCLOSURE OF LOBBYIST BUNDLING ACTIVITY

Campaign committees must file [FEC Form 3L](#) [PDF] if they receive two or more bundled contributions from lobbyists/registrants or lobbyist/registrant PACs that aggregate in excess of \$16,700 during the applicable reporting period ([see page 1 of this notice](#)). See 11 CFR [104.22](#) and [110.17\(f\)](#).

- The Record: [March 2009 issue](#) [PDF]
- [Candidate Guide, Appendix F, pp. 155-161](#) [PDF]

**SUPPLEMENTAL FILING INFORMATION
TEXAS CAMPAIGN COMMITTEES ONLY**

48 HOUR NOTICES ON CONTRIBUTIONS

The principal campaign committee must file notices if any authorized committees receive any contribution (**including in-kind gifts or advances of goods or services; loans from the candidate or other non-bank sources; and guarantees or endorsements of bank loans to the candidate or committee**) of \$1,000 or more per source, during the period of:

Primary: 05/10/12 - 05/26/12
Runoff: 07/12/12 - 07/28/12

The notices must reach the appropriate federal filing office within 48 hours of the committee's receipt of the contribution(s). **Campaign committees that file electronically MUST submit their 48-hour notices electronically.** See [11 CFR 104.5\(f\)](#).

- Web Page: [Link to Paper Forms](#) (for downloading and printing)
- Web Page: [Link to Web Form 6](#) (for online submission)
- Form 6 Fax numbers
 - Senate campaigns (Secretary of the Senate): (202) 224-1851
 - House Campaigns (FEC): (202) 219-0174
- Campaign Guide: [Candidate, p. 81](#) [PDF].

FOR INFORMATION, CALL: (800) 424-9530 or (202) 694-1100

2012 SUPPLEMENTAL FILING INFORMATION PACs AND PARTY COMMITTEES

PLEASE NOTE: The Commission provides reminders of upcoming filing dates as a courtesy to help committees comply with the filing deadlines set forth in the Act and Commission regulations. Committee treasurers must comply with all applicable filing deadlines established by law, and the lack of prior notice does not constitute an excuse for failing to comply with any filing deadline.

WHO MUST FILE

All Party Committees and PACs (Nonconnected Committees and Separate Segregated Funds) must file either quarterly or monthly reports in 2012. See 11 CFR 104.5(c). Before a committee can stop filing with the FEC, it must file a termination report with the Commission. See 11 CFR 102.3. Committees must continue to file reports until the Commission notifies them in writing that their termination report has been accepted.

METHODS OF FILING REPORTS

Electronic Filing

Reports filed electronically must be received and validated by the Commission by 11:59 p.m. Eastern Time on the filing deadline. See 11 CFR 104.5(e). See also 11 CFR 104.18 and 100.19.

- Web Page: [Electronic Filing Page](#)
- Campaign Guide: *Nonconnected Committees (Nonconnected)*, pp. 51-53 [PDF]; *Corporations and Labor Organizations (SSF)*, pp. 49-51 [PDF]; *Political Party Committees (Party)*, pp. 69-71 [PDF].

Paper Filing -- Meeting the Filing Deadline

Paper report filing options – Registered, Certified or Overnight or First Class Mail. See 11 CFR 104.5(e). See also 11 CFR 100.19.

- Web Page: [Link to Paper Forms](#) (for downloading and printing)
- Campaign Guide: *Nonconnected*, pp. 47-48 [PDF]; *SSF*, pp. 45-46 [PDF]; *Party*, p. 65 [PDF].

CHANGE IN FILING FREQUENCY

Committees able to change their reporting schedule (for example, from monthly to quarterly) who wish to do so must notify the Commission in writing and may change their filing frequency no more than once per calendar year. See 11 CFR 104.5(c).

- Web Page: [Filing Frequency by Type of Committee](#)
- Campaign Guide: *Nonconnected*, p. 51 [PDF]; *SSF*, p. 49 [PDF]; *Party*, p. 67 [PDF].

2012 REPORTING SCHEDULE

- Web Page: [2012 Reporting Dates Page](#)
- The Record:
 - [FEC Record Blog: Reporting](#)
 - [January 2012 issue](#) [PDF]
- Campaign Guide: *Nonconnected*, pp. 49-51 [PDF]; *SSF*, pp. 46-48 [PDF]; *Party*, pp. 67-68 [PDF].

PRE-ELECTION REPORTING

Quarterly filing committees that make contributions or expenditures (including independent expenditures) in connection with an election must also file a Pre-Election Report, if the activity was not previously reported. See 11 CFR 104.5(c)(1)(ii).

- Web Page: 2012 Congressional Pre-Primary Reporting Dates Page
- The Record:
 - FEC Record Blog: Reporting
 - January 2012 issue [PDF]
- Campaign Guide: Nonconnected, pp. 49-51 [PDF]; SSF, pp. 46-48 [PDF]; Party, pp. 67-68 [PDF].

COMPLIANCE**Treasurer Responsibility**

Committee treasurers are responsible for both the timeliness and the accuracy of all reports. They may be subject to monetary penalties if reports are inaccurate or are not filed on time. See 11 CFR 104.14(d).

- Statement of Policy Regarding Treasurers Subject to Enforcement Proceeding [PDF]
- Campaign Guide: Nonconnected, pp. 3-4 [PDF]; SSF, pp. 1-2 [PDF]; Party, pp. 6-7 [PDF].

Administrative Fine Program

Failure to file reports on time may be subject to civil money penalties up to \$17,600 (or more for repeat late- or non-filers). See 11 CFR 111.43(b). See generally, 11 CFR Part 111 Subpart B.

See also 11 CFR 111.43.

- Web Page: Administrative Fine Program Page
- Campaign Guide: Nonconnected, pp. 48-49 [PDF]; SSF, p. 46 [PDF]; Party, p. 66 [PDF].

DISCLOSURE OF LOBBYIST BUNDLING ACTIVITY

Party committees and Leadership PACs must file FEC Form 3L [PDF] if they receive two or more bundled contributions from lobbyists/registrants or lobbyist/registrant PACs that aggregate in excess of \$16,700 during the applicable reporting period (see page 1 of this notice). See 11 CFR 104.22 and 11 CFR 110.17(f).

- The Record: March 2009 issue [PDF]

48- AND 24-HOUR REPORTS OF INDEPENDENT EXPENDITURES

Any PAC or Party Committee that makes independent expenditures in 2012 may have to disclose this activity within 48- or 24-hours based upon the date and amount of the expenditure.

See 11 CFR 104.4(b)(2) and (c). See generally, 11 CFR 104.4.

- Web Page: State-by-state chart of 2012 48- and 24-hour periods for independent expenditures
- Campaign Guide: Nonconnected, pp. 72-74 [PDF]; SSF, pp. 65-67 [PDF]; Party, pp. 87-89 [PDF].

These reports are not required when a PAC or Party Committee makes a contribution directly to a candidate.

FOR INFORMATION, CALL: (800) 424-9530 or (202) 694-1100

Image# 12330010660



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-2

August 13, 2012

SWATI PATEL, TREASURER
GARCIA FOR CONGRESS
400 SOUTH ZANG BOULEVARD SUITE 600
DALLAS, TX 75208

Response Due Date

09/17/2012

IDENTIFICATION NUMBER: C00515114

REFERENCE: JULY QUARTERLY REPORT (05/10/2012 - 06/30/2012)

Dear Treasurer:

This letter is prompted by the Commission's preliminary review of the report(s) 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 2 item(s):

1. Schedule A of your report indicates that your committee may have failed to file one or more of the required 48-hour notices regarding "last minute" contributions received by your committee after the close of books for the 12 Day Pre-Primary Report (see attached). A principal campaign committee must notify the Commission, in writing, within 48 hours of any contribution of \$1,000 or more received between two and twenty days before an election. These contributions are then reported on the next report required to be filed by the committee. To ensure that the Commission is notified of last minute contributions of \$1,000 or more to your campaign, it is recommended that you review your procedures for checking contributions received during the aforementioned time period. The failure to file 48-hour notices may result in civil money penalties or legal enforcement action. If any contribution of \$1,000 or more was incorrectly reported, you must amend your original report with the clarifying information. (11 CFR § 104.5(f))

2. Schedule C of your report fails to include information required by Commission regulations. With every report submitted, you must provide the date incurred, the original source and amount of the loan, the due date, the interest rate, the cumulative payment, and the outstanding balance. In addition, if there are any endorsers or guarantors, their mailing address, along with the name of their employer and occupation, must be disclosed. Please amend your report to include the due date for the following loan(s): Domingo Garcia \$30,000.00, \$100,000.00, \$50,000.00 and \$300,000.00. (11 CFR §§ 100.52(a),

AR086

Image# 12330010661

GARCIA FOR CONGRESS

Page 2 of 2

100.52(b) and 104.3(d))

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) 694-1130.

Sincerely,



Michelle Grant
Senior Campaign Finance Analyst
Reports Analysis Division

495

AR087

Image# 12220010609
Attachment Page 1 of 1

Contributor Name	Date	Amount	Election
Garcia, Domingo	5/18/2012	\$100,000.00	P2012
Garcia, Domingo	5/24/2012	\$50,000.00	P2012



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 8, 2013

Swati Patel, in official capacity as Treasurer
Garcia for Congress
400 South Zang Boulevard
Suite 600
Dallas, TX 75208

C00515114
AF#: 2636

Dear Ms. Patel:

The Federal Election Campaign Act of 1971, as amended, 2 U.S.C. § 431, *et seq.* ("the Act"), requires principal campaign committees of candidates for federal office to notify in writing either the Secretary of the Senate or the Federal Election Commission ("FEC"), and the Secretary of State, as appropriate, of any contribution of \$1,000 or more, received by any authorized committee of the candidate after the 20th day, but more than 48 hours before, any election. 2 U.S.C. § 434(a)(6)(A). The Act further requires notification to be made within 48 hours after the receipt of the contribution and to include the name of the candidate and office sought, the date of receipt, the amount of the contribution, and the identification of the contributor. *Id.* These notification requirements are in addition to all other reporting requirements. 2 U.S.C. § 434(a). Our records indicate that Garcia for Congress did not submit 48-Hour Notices for contributions of \$1,000 or more, received between May 18, 2012 and May 24, 2012, totaling \$150,000, as required by 2 U.S.C. § 434(a)(6)(A). Attachment 1.

The Act permits the FEC to impose civil money penalties for violations of the reporting requirements of 2 U.S.C. § 434(a). 2 U.S.C. § 437g(a)(4). On February 7, 2013, the FEC found that there is Reason to Believe ("RTB") that Garcia for Congress and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) by failing to file the 48-Hour Notices. Based on the FEC's schedule of civil money penalties at 11 CFR § 111.44, the amount of your civil money penalty calculated at the RTB stage is \$15,220. Please see the attached copy of the Commission's administrative fine regulations at 11 CFR §§ 111.30-111.55. Attachment 2. The Commission's website contains further information about how the administrative fine program works and how the fines are calculated. <http://www.fec.gov/af/af.shtml>. 11 CFR § 111.34. The amount of the civil money penalty is \$110 for each non-filed notice plus 10 percent of the dollar amount of the contributions not timely reported. The civil money penalty increases by 25 percent for each prior violation. Send your payment of \$15,220 within forty (40) days of the finding, or by March 19, 2013.

At this juncture, the following courses of action are available to you:

AR089

1. If You Choose to Challenge the RTB Finding and/or Civil Money Penalty

If you should decide to challenge the RTB finding and/or calculated civil money penalty, you must submit a written response, including the AF# found at the top of page 1 under your committee's identification number, to the FEC's Office of Administrative Review, 999 E Street, NW, Washington, DC 20463. Your response must be received within forty (40) days of the Commission's RTB finding, or March 19, 2013. 11 CFR § 111.35(a). Your written response must include the reason(s) why you are challenging the RTB finding and/or calculated civil money penalty, and must include the factual basis supporting the reason(s) and supporting documentation. The FEC strongly encourages that documents be submitted in the form of affidavits or declarations. 11 CFR § 111.36(c).

The FEC will only consider challenges that are based on at least one of three grounds: (1) a factual error in the RTB finding; (2) miscalculation of the calculated civil money penalty by the FEC; or (3) your demonstrated use of best efforts to file in a timely manner when prevented from doing so by reasonably unforeseen circumstances that were beyond your control. 11 CFR § 111.35(b). In order for a challenge to be considered on the basis of best efforts, you must have filed the required report no later than 24 hours after the end of these reasonably unforeseen circumstances. *Id.* Examples of circumstances that will be considered reasonably unforeseen and beyond your control include, but are not limited to: (1) a failure of Commission computers or Commission-provided software despite your seeking technical assistance from Commission personnel and resources; (2) a widespread disruption of information transmissions over the Internet that is not caused by a failure of the Commission's or your computer systems or Internet service provider; and (3) severe weather or other disaster-related incident. 11 CFR § 111.35(c). Examples of circumstances that will not be considered reasonably unforeseen and beyond your control include, but are not limited to: (1) negligence; (2) delays caused by vendors or contractors; (3) treasurer and staff illness, inexperience or unavailability; (4) committee computer, software, or Internet service provider failures; (5) failure to know filing dates; and (6) failure to use filing software properly. 11 CFR § 111.35(d).

The "failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver" of your right to present such argument in a petition to the U.S. district court under 2 U.S.C. § 437g. 11 CFR § 111.38.

If you intend to be represented by counsel, please advise the Office of Administrative Review. You should provide, in writing, the name, address and telephone number of your counsel and authorize counsel to receive notifications and communications relating to this challenge and imposition of the calculated civil money penalty.

2. If You Choose Not to Pay the Civil Money Penalty and Not to Submit a Challenge

If you do not pay the calculated civil money penalty and do not submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that Garcia for Congress and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty.

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA"), as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 *et seq.* The FEC may take any and all appropriate action authorized and required by the DCA, as amended, including transfer to the U.S. Department of the Treasury for collection. 11 CFR § 111.51(a)(2).

3. If You Choose to Pay the Civil Money Penalty

If you should decide to pay the calculated civil money penalty, send the enclosed remittance form, along with your payment, to the FEC at the address on page 4. Upon receipt of your payment, the FEC will send you a final determination letter.

This matter was generated based on information ascertained by the FEC in the normal course of carrying out its supervisory responsibilities. 2 U.S.C. § 437g(a)(2). It will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and 437g(a)(12)(A) until it is placed on the public record in accordance with 11 CFR § 111.42, unless you notify the FEC in writing that you wish the matter to be made public.

As noted earlier, you may obtain additional information on the FEC's administrative fine program, including the final regulations, on the FEC's website at <http://www.fec.gov/af/af.shtml>. If you have questions regarding the payment of the calculated civil money penalty, please contact David Garr in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130. If you have questions regarding the submission of a challenge, please contact the Office of Administrative Review at our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

On behalf of the Commission,



Ellen L. Weintraub
Chair

ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 CFR § 111.44, the amount of your civil money penalty calculated at RTB is \$15,220 for the 2012 Primary Election 48-Hour Notification Report.

Please mail this remittance with a check or money order made payable to the Federal Election Commission to the following address:

Federal Election Commission
P.O. Box 979058
St. Louis, MO 63197-9000

If you choose to send your remittance and payment by courier or overnight delivery, please use this address:

U.S. Bank - Government Lockbox
FEC #979058
1005 Convention Plaza
Attn: Government Lockbox, SL-MO-C2GL
St. Louis, MO 63101

The remittance and your payment are due by March 19, 2013. Upon receipt of your remittance and payment, the FEC will send you a final determination letter.

PAYMENTS BY PERSONAL CHECK

Personal checks will be converted into electronic funds transfers (EFTS). Your account will be electronically debited for the amount on your check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: Garcia for Congress

FEC ID#: C00515114

AF#: 2636

PAYMENT DUE DATE: March 19, 2013

PAYMENT AMOUNT DUE: \$15,220

Contributions for Which a 48-Hour Notice Was Not Received

AF 2636

Committee ID: C00515114

Committee Name: Garcia for Congress

Report Type: July Quarterly Report (5/10/2012 – 6/30/2012)

48-Hour Reporting Period: 5/10/2012 – 5/26/2012

CONTRIBUTOR	DATE	AMOUNT
GARCIA, DOMINGO	5/18/2012	\$100,000.00
GARCIA, DOMINGO	5/24/2012	\$50,000.00
	TOTAL	\$150,000.00

Proposed Civil Money Penalty: \$15,220.00 ((2 Notices Not Filed at \$110 each) + (10% of the Overall Contribution Not Filed))

Communications Log*SENSITIVE*

Committee ID: C00515114 Multi-Candidate Status/Date: No
 Committee Name: GARCIA FOR CONGRESS Date Effective:
 Committee Designation: PRINCIPAL
 CAMPAIGN COMMITTEE OF A Committee Type: HOUSE
 CANDIDATE
 Filing Frequency: QUARTERLY FILER Treasurer Name: PATEL, SWATI
 400 SOUTH ZANG
 Candidate ID: H2TX33131 Committee BOULEVARD
 Address: SUITE 600
 DALLAS, TX 75208
 Candidate Name: GARCIA, DOMINGO Analyst Assigned: Ryan Furman
 ALBERTO
 Special Interest Group: Not Available Analyst Extension: 1151

Contact	Communication Date & Time	Analyst	Type
Swati Patel	02/14/2013 12:50 PM	David Garr	Phone Call
Summary	I called Ms. Patel to verify that the Committee had received the Administrative Fine notice for AF 2636 that was sent on 2/8/2013. Ms. Patel did not have it. I told her that it was sent via UPS and signed for on 2/11/2013 by "Telesfora." She said she would look into it. I asked that she give me a call when she locates the letter to verify its receipt. I gave her my contact information.		
Comments			

Contact	Communication Date & Time	Analyst	Type
Swati Patel	02/14/2013 01:07 PM	David Garr	Phone Call
Summary	Ms. Patel called me back and left a voice message. In the message she confirmed the delivery of the Administrative Fine Letter (for AF 2636) and left her contact information if I had any follow up questions.		
Comments	Her extension is 45		

Contact	Communication Date & Time	Analyst	Type
Swati Patel	02/14/2013 03:36 PM	David Garr	Phone Call
Summary	Ms. Patel called, again confirming the receipt of the Administrative Fine letter (AF 2636). She said that the Committee has looked at the letter and asked if the fine could be waived. I explained that RAD could not waive the fine, but the Committee did have the option to challenge it. She said she would look through the information and talk with the candidate.		
Comments			

Contact	Communication Date & Time	Analyst	Type
Niram Patel	02/14/2013 05:02 PM	David Garr	Phone Call
Summary	Mr. Patel called in reference to AF 2636 and asked if there would be any way to waive the administrative fine penalty. I explained again that RAD could not waive the penalty, but if the Committee wished to challenge the fine, that was an option. I reiterated that if the Committee wanted to challenge the fine, there were instructions on in the letter. I emphasized that there was criteria in the letter for a successful challenge, as well as information about what the Commission would not accept as a viable challenge. I urged the Committee to read through that information carefully.		
Comments			

DECLARATION OF RHIANNON MAGRUDER

- 1) I am the Reviewing Officer in the Office of Administrative Review for the Federal Election Commission ("Commission"). In my capacity as Reviewing Officer, I conduct research with respect to all challenges submitted in accordance with the Administrative Fine program.
- 2) The principal campaign committee of a candidate must file notifications disclosing contributions of \$1,000 or more which are received between May 10 and May 26, 2012. These notifications (also called 48-Hour Notices) must be filed with the Commission within 48 hours of the committee's receipt of the contribution(s).
- 3) It is the practice of the Reports Analysis Division to document all calls to or from committees regarding a letter they receive or any questions relating to the administrative fine regulations, including due dates of reports and filing requirements.
- 4) I hereby certify that I have searched the Commission's public records and that the documents identified herein are the true and accurate copies of Page 1 of the Summary Page and 1 page of Schedule A for the Amended 2012 July Quarterly Report filed by Garcia for Congress and Swati Patel, in her official capacity as Treasurer. According to the Commission's records, the report covers the period from May 10 through June 30, 2012, and was received on September 17, 2012. Schedule A lists the receipt of 2 contributions totaling \$150,000 on May 18 and 24, 2012. Each contribution equals \$1,000 or more.
- 5) Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at Washington, D.C. on the 11th day of March, 2013.



Rhiannon Magruder
Acting Reviewing Officer
Office of Administrative Review
Federal Election Commission

Image# 12972184609

PAGE 1 / 309

FEC FORM 3

REPORT OF RECEIPTS AND DISBURSEMENTS For An Authorized Committee

Office Use Only

1. NAME OF COMMITTEE (in full) TYPE OR PRINT Example: If typing, type over the lines. Garcia for Congress

ADDRESS (number and street) 400 S. Zang Blvd Suite 600 Dallas TX 75208

2. FEC IDENTIFICATION NUMBER C C00515114 3. IS THIS REPORT NEW (N) OR AMENDED (A) TX 33

4. TYPE OF REPORT (Choose One) (a) Quarterly Reports: April 15 Quarterly Report (Q1) X July 15 Quarterly Report (Q2) October 15 Quarterly Report (Q3) January 31 Year-End Report (YE) Termination Report (TER)

(b) 12-Day PRE-Election Report for the: Primary (12P) General (12G) Runoff (12R) Convention (12C) Special (12S) Election on MM/DD/YYYY in the State of (c) 30-Day POST-Election Report for the: General (30G) Runoff (30R) Special (30S) Election on MM/DD/YYYY in the State of

5. Covering Period 05 10 2012 through 06 30 2012

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer Swati Patel

Signature of Treasurer Swati Patel [Electronically Filed] Date 09 17 2012

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. §437g.

Office Use Only grid

FE5AN018

FEC FORM 3 (Revised 02/2003)

AR097

Image# 12972184629

**SCHEDULE A (FEC Form 3)
ITEMIZED RECEIPTS**

Use separate schedule(s) for each category of the Detailed Summary Page	FOR LINE NUMBER: (check only one)	PAGE 21 OF 309
	<input type="checkbox"/> 11a <input type="checkbox"/> 12 <input checked="" type="checkbox"/> 11b <input type="checkbox"/> 13a <input type="checkbox"/> 11c <input type="checkbox"/> 13b <input type="checkbox"/> 11d <input type="checkbox"/> 14 <input type="checkbox"/> 15	

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)
Garcia for Congress

Full Name (Last, First, Middle Initial) Domingo Garcia			Date of Receipt M M / D D / Y Y Y Y 05 / 18 / 2012	
A. Mailing Address 640 Kessler Springs Ave			Transaction ID : C6341738	
City Dallas	State TX	Zip Code 75208	Amount of Each Receipt this Period 100000.00	
FEC ID number of contributing federal political committee. C H2TX33131		Name of Employer Domingo Garcia LLP		
Occupation Attorney		Receipt For: 2012 <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)		
Election Cycle-to-Date 1280000.00				

Full Name (Last, First, Middle Initial) Domingo Garcia			Date of Receipt M M / D D / Y Y Y Y 05 / 24 / 2012	
B. Mailing Address 640 Kessler Springs Ave			Transaction ID : C6448709	
City Dallas	State TX	Zip Code 75208	Amount of Each Receipt this Period 50000.00	
FEC ID number of contributing federal political committee. C H2TX33131		Name of Employer Domingo Garcia LLP		
Occupation Attorney		Receipt For: 2012 <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)		
Election Cycle-to-Date 1280000.00				

Full Name (Last, First, Middle Initial) Domingo Garcia			Date of Receipt M M / D D / Y Y Y Y 05 / 31 / 2012	
C. Mailing Address 640 Kessler Springs Ave			Transaction ID : C6341637	
City Dallas	State TX	Zip Code 75208	Amount of Each Receipt this Period 30000.00	
FEC ID number of contributing federal political committee. C H2TX33131		Name of Employer Domingo Garcia LLP		
Occupation Attorney		Receipt For: 2012 <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)		
Election Cycle-to-Date 1280000.00				

SUBTOTAL of Receipts This Page (optional).....	180000.00
TOTAL This Period (last page this line number only).....	



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2013 APR -3 PM 1: 36

April 3, 2013

MEMORANDUM

SENSITIVE

To: The Commission

Through: Alec Palmer *AP*
Staff Director

From: Patricia C. Orrock *PCO*
Chief Compliance Officer

Rhiannon Magruder *RM*
Acting Reviewing Officer
Office of Administrative Review

Subject: Final Determination Recommendation in AF# 2636 – Garcia for Congress and Swati Patel, in her official capacity as Treasurer (C00515114)

On February 7, 2013, the Commission found reason to believe (“RTB”) that the respondents violated 2 U.S.C. § 434(a) for failing to file 48-Hour Notices for the 2012 Texas Primary Election and made a preliminary determination that the civil money penalty was \$15,220, based on the schedule of penalties at 11 C.F.R. § 111.44.

On March 1, 2013, the Commission received their written response (“challenge”). After reviewing the challenge, the Reviewing Officer Recommendation (“ROR”) dated March 11, 2013 was forwarded to the Commission, a copy was forwarded to the respondents, and is hereby incorporated by reference. The Reviewing Officer recommended that the Commission make a final determination that they violated 2 U.S.C. § 434(a) and based on the contributions requiring 48-Hour Notices disclosed on the 2012 July Quarterly Report (\$150,000 in candidate loans), assess a \$15,220 civil money penalty because they submitted no evidence that a factual error was made in the RTB finding, that the penalty was miscalculated at RTB or that they used best efforts to file on time. 11 C.F.R. § 111.35(b).

Within 10 days of transmittal of the recommendation, they may file a written response with the Commission Secretary which may not raise any arguments not raised in their challenge or not directly responsive to the ROR. 11 C.F.R. § 111.36(f). As of this date, a written response has not been received.

OAR Recommendations

- (1) Adopt the Reviewing Officer recommendation for AF# 2636 involving Garcia for Congress and Swati Patel, in her official capacity as Treasurer, in making the final determination;
- (2) Make a final determination in AF# 2636 that Garcia for Congress and Swati Patel, in her official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$15,220; and
- (3) Send the appropriate letter.

Acting Reviewing Officer: Rhiannon Magruder



FEDERAL ELECTION COMMISSION
Washington, DC 20463

SENSITIVE

DATE & TIME OF TRANSMITTAL: Thursday, April 04, 2013 11:00

BALLOT DEADLINE: Wednesday, April 17, 2013 4:00

COMMISSIONER: HUNTER, MCGAHN, PETERSEN, WALTHER, WEINTRAUB

SUBJECT: **Final Determination Recommendation in AF# 2636 – Garcia for Congress and Swai Patel, in her official capacity as Treasurer (C00515114). Memorandum from the Chief Compliance Officer and the Acting Reviewing Officer dated April 3, 2013.**

- I approve the recommendation(s).
- I object to the recommendation(s).
- I object for the record.
- I am recused from voting.
- No vote by ballot.

COMMENTS: _____

DATE: _____ SIGNATURE: _____

A definite vote is required. All ballots must be signed and dated. Please return ONLY THE BALLOT to the Commission Secretary. Please return ballot no later than date and time shown above.

FROM THE OFFICE OF THE SECRETARY OF THE COMMISSION

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
 Final Determination Recommendation:) AF 2636
 Garcia for Congress and Swati Patel, in)
 her official capacity as Treasurer)
 (C00515114))

CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on May 20, 2013, the Commission decided by a vote of 5-0 to take the following actions in AF# 2636:

1. Adopt the Reviewing Officer recommendation for AF# 2636 involving Garcia for Congress and Swati Patel, in her official capacity as Treasurer, in making the final determination.
2. Make a final determination in AF# 2636 that Garcia for Congress and Swati Patel, in her official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$15,220.
3. Send the appropriate letter.

Commissioners Hunter, McGahn II, Petersen, Walther and Weintraub voted affirmatively for the decision.

Attest:

May 20, 2013
 Date

Shawn Woodhead Werth
 Shawn Woodhead Werth
 Secretary and Clerk of the Commission



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 23, 2013

VIA OVERNIGHT DELIVERY

Swati Patel, in official capacity as Treasurer
Garcia for Congress
400 South Zang Boulevard, Suite 600
Dallas, TX 75208

C00515114
AF#: 2636

Dear Ms. Patel:

On February 7, 2013, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Garcia for Congress and you, in your official capacity as Treasurer, violated 2 U.S.C. § 434(a) for failing to file 48-Hour Notices for the 2012 Texas Primary Election. By letter dated February 8, 2013, the Commission sent notification of the RTB finding that included a civil money penalty calculated at RTB of \$15,220 in accordance with the schedule of penalties at 11 C.F.R. § 111.44. On March 1, 2013, the Office of Administrative Review received your written response, challenging the RTB finding.

The Reviewing Officer reviewed the Commission's RTB finding with its supporting documentation and the written response. Based on this review, the Reviewing Officer recommended that the Commission make a final determination that Garcia for Congress and you, in your official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty in the amount of \$15,220 in accordance with 11 C.F.R. § 111.44. A copy of the Reviewing Officer Recommendation (ROR) was sent to you on March 11, 2013.

On May 20, 2013, the Commission adopted the Reviewing Officer's recommendation and made a final determination that Garcia for Congress and you, in your official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assessed a civil money penalty of \$15,220. It is based on the same factors used to calculate the civil money penalty at RTB. A copy of the final determination recommendation is attached.

At this juncture, the following courses of action are available to you:

1. If You Choose to Appeal the Final Determination and/or Civil Money Penalty

If you choose to appeal the final determination, you should submit a written petition, within 30 days of receipt of this letter, to the district court of the United States for the district in which the committee or you reside, or transact business, requesting that the final determination be modified or set aside. See 2 U.S.C. § 437g(a)(4)(C)(iii). Your failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver of the respondents' right to present such argument in a petition to the district court under 2 U.S.C. § 437g. 11 CFR § 111.38.

2. If You Choose Not to Pay the Civil Money Penalty and Not to Appeal

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA") as amended by the Debt Collection Improvement Act of 1996 ("DCIA"), 31 U.S.C. § 3701 *et seq.* If you do not pay this debt within 30 days (or file a written petition to a federal district court - see below), the Commission will transfer the debt to the U.S. Department of the Treasury ("Treasury") for collection. Within 5 days of the transfer to Treasury, Treasury will contact you to request payment. Treasury currently charges a fee of 28% of the civil money penalty amount for its collection services. The fee will be added to the amount of the civil money penalty that you owe. Should Treasury's attempts fail, Treasury will refer the debt to a private collection agency ("PCA"). If the debt remains unpaid, Treasury may recommend that the Commission refer the matter to the Department of Justice for litigation.

Actions which may be taken to enforce recovery of a delinquent debt by Treasury may also include: (1) offset of any payments, which the debtor is due, including tax refunds and salary; (2) referral of the debt to agency counsel for litigation; (3) reporting of the debt to a credit bureau; (4) administrative wage garnishment; and (5) reporting of the debt, if discharged, to the IRS as potential taxable income. In addition, under the provisions of DCIA and other statutes applicable to the FEC, the debtor may be subject to the assessment of other statutory interest, penalties, and administrative costs.

In accordance with the DCIA, at your request, the agency will offer you the opportunity to inspect and copy records relating to the debt, the opportunity for a review of the debt, and the opportunity to enter into a written repayment agreement.

3. If You Choose to Pay the Civil Money Penalty

If you should decide to pay the civil money penalty, send the enclosed remittance form, along with your payment, to the address on page 4 within 30 days of receipt of this letter.

NOTICE REGARDING PARTIAL PAYMENTS AND SETTLEMENT OFFERS

4. Partial Payments

If you make a payment in an amount less than the civil money penalty, the amount of your partial payment will be credited towards the full civil money penalty that the Commission assessed upon making a final determination.

5. Settlement Offers

If you make a payment in an amount less than the civil money penalty as an offer to settle or compromise a debt owed to the Commission, the offer is herewith rejected despite any restrictive endorsements contained on your check or money order or proposed in correspondence transmitted with your check or money order. Acceptance and deposit or cashing of such a restricted payment does not constitute acceptance of the settlement offer. Payments containing restrictive endorsements will be deposited and treated as a partial payment towards the civil money penalty that the Commission assessed upon making a final determination. All unpaid civil money penalty amounts remaining will be subject to the debt collection procedures set forth in Section 2, above.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. The file will be made a part of the public record pursuant to 11 CFR § 111.42(b). Although the file must be placed on the public record within thirty (30) days from the date of the Commission's notification, this could occur at anytime following certification of the Commission's vote.

If you have any questions regarding the payment of the civil money penalty, please contact Rhiannon Magruder on our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

On behalf of the Commission,



Ellen L. Weintraub
Chair

ADMINISTRATIVE FINE PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 C.F.R. § 111.44, the civil money penalty is \$15,220 for 48-Hour Notices for the 2012 Texas Primary Election.

This penalty should be paid by check or money order, made payable to the Federal Election Commission. It should be sent by mail to:

Federal Election Commission
PO Box 979058
St. Louis, MO 63197-9000

If you choose to send your payment by courier or overnight delivery, please use this address:

U.S. Bank - Government Lockbox
FEC # 979058
1005 Convention Plaza
Attn: Government Lockbox, SL-MO-C2GL
St. Louis, MO 63101

The form and payment are due within 30 days of receipt of this letter.

PAYMENTS BY PERSONAL CHECK

Personal checks will be converted into electronic funds transfers (EFTs). Your account will be electronically debited for the amount on the check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: Garcia for Congress

FEC ID#: C00515114

AF#: 2636

PAYMENT AMOUNT DUE: \$15,220



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2013 APR -3 PM 1:36

April 3, 2013

MEMORANDUM

SENSITIVE

To: The Commission

Through: Alec Palmer *AP*
Staff Director

From: Patricia C. Orrock *PCO*
Chief Compliance Officer

Rhiannon Magruder *RM*
Acting Reviewing Officer
Office of Administrative Review

Subject: Final Determination Recommendation in AF# 2636 – Garcia for Congress and Swati Patel, in her official capacity as Treasurer (C00515114)

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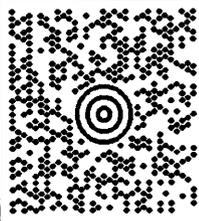
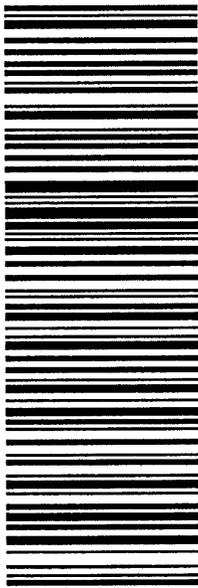
Acting Reviewing Officer: Rhiannon Magruder

UPS CampusShip: View/Print Label

1. **Ensure there are no other shipping or tracking labels attached to your package.** Select the Print button on the print dialog box that appears. Note: If your browser does not support this function select Print from the File menu to print the label.
2. **Fold the printed sheet containing the label at the line so that the entire shipping label is visible. Place the label on a single side of the package and cover it completely with clear plastic shipping tape. Do not cover any seams or closures on the package with the label.** Place the label in a UPS Shipping Pouch. If you do not have a pouch, affix the folded label using clear plastic shipping tape over the entire label.
3. **GETTING YOUR SHIPMENT TO UPS**
UPS locations include the UPS Store®, UPS drop boxes, UPS customer centers, authorized retail outlets and UPS drivers.
 Schedule a same day or future day Pickup to have a UPS driver pickup all your CampusShip packages.
 Hand the package to any UPS driver in your area.
 Take your package to any location of The UPS Store®, UPS Drop Box, UPS Customer Center, UPS Alliances (Office Depot® or Staples®) or Authorized Shipping Outlet near you. Items sent via UPS Return Services(SM) (including via Ground) are also accepted at Drop Boxes. To find the location nearest you, please visit the Resources area of CampusShip and select UPS Locations.

Customers with a Daily Pickup
 Your driver will pickup your shipment(s) as usual.

FOLD HERE

RHIANNON MAGRUDER 202-694-1158 FEDERAL ELECTION COMMISSION 999 E ST NW WASHINGTON DC 20463 SHIP TO: SWATI PATEL GARCIA FOR CONGRESS SUITE 600 400 SOUTH ZANG BLVD. DALLAS TX 75208-6641	0.0 LBS LTR 1 OF 1	TX 752 9-34  	UPS NEXT DAY AIR TRACKING #: 1Z WF5 860 A2 9202 4973  1	BILLING: P/P ADULT SIGNATURE REQUIRED-MIN 21 Reference # 1: FEC - OAR  <small>CS 75.1.1.0 WNTB80 35.0A 04/2013</small>
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Tracking Summary

Tracking Numbers

Tracking Number: 1Z WF5 860 A2 9202 497 3
Type: Package
Status: **Delivered**
Delivered On: 05/24/2013
9:49 A.M.
Delivered To: DALLAS, TX, US
Signed By: TELESFLORA
Service: NEXT DAY AIR

Tracking results provided by UPS: 06/05/2013 1:20 P.M. ET

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