FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 1132

DATE SCANNED 11/10/05

SCANNER NO. 2

SCAN OPERATOR S.E.G

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
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2004 JUN -4 P 3:50

June 4, 2004

SENSITIVE

MEMORANDUM

TO: THE COMMISSION

THROUGH: JAMES A. PEHRKON
STAFF DIRECTOR

ROBERT J. COSTA
DEPUTY STAFF DIRECTOR

FROM: JOHN D. GIBSON
ASSISTANT STAFF DIRECTOR
REPORTS ANALYSIS DIVISION

SUBJECT: REASON TO BELIEVE RECOMMENDATION – 2004 APRIL QUARTERLY REPORT FOR THE ADMINISTRATIVE FINES PROGRAM

25092583167

Attached is a list of political committees and their treasurers who failed to file, or failed to timely file, the 2004 April Quarterly Report in accordance with 2 U.S.C. 434(a). On March 22, 2004, Prior Notice was sent to all political committees and their treasurers, informing them that the April Quarterly Report was due on April 15, 2004. The report should have covered the period ending on March 31, 2004.

The committees listed in the attached RTB Circulation Report either failed to file the report or filed the report more than five (5) days after the due date. In accordance with the schedule of civil money penalties located within 11 CFR §111.43, these committees should be assessed the civil money penalties highlighted on the report attached.

Recommendation

(1) Find reason to believe that the political committees and their treasurers listed on the RTB Circulation Report violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalties would be the amounts indicated on the RTB Circulation Report.

(2) Send the appropriate letters.

25092583169

FEDERAL ELECTION COMMISSION 2003-2004
Reason to Believe Circulation Report
2004 APRIL QUARTERLY

AF # / COMMITTEE NAME / COMMITTEE ID / RECEIPT DATE	TREASURER / DAYS LATE	LEVEL OF ACTIVITY	STATE / THRESHOLD AMOUNT	CANDIDATE NAME / SENSITIVE	PREVIOUS VIOLATIONS	CIVIL MONEY PENALTY
AF01101 KHANNA FOR CONGRESS C00392100 04/21/2004	KHANNA, ROHIT 6	$264,852	CA $588,438	KHANNA, ROHIT No	0	$2,700
AF01102 ALBERT ROBLES FOR CONGRESS C00395079 04/29/2004	ANADELIA ROBLES 14	$51,342	CA $106,320	ROBLES, ALBERT No	0	$1,350
AF01103 FRIENDS OF RON PACKARD C00149732 04/27/2004	DONALD J POLESE 12	$8,640	CA $128,619	PACKARD, RONALD C No	0	$110
AF01104 DANIEL WEBSTER FOR US SENATE C00390120 04/26/2004	NANCY H WATKINS 11	$601,000	FL $1,293,917	WEBSTER, DANIEL No	0	$5,200
AF01105 COLBURN FOR CONGRESS C00385617 05/12/2004	JOHN D IRELAND 27	$42,213	MD $346,782	COLBURN, RICHARD FRANKLIN No	0	$740
AF01106 BROCK HILL CAMPAIGN C00393587 04/22/2004	JO SHADDEN BOLIN 7	$37,274	TN $102,624	HILL, RICHARD No	0	$340
AF01107 WELCH FOR WISCONSIN C00388850 04/21/2004	JOHN J HILLER 6	$423,339	WI $999,671	WELCH, ROBERT T No	0	$3,200
AF01108 COMMITTEE TO ELECT BILL KIRBY C00370866 Not Filed	Tokutomi, E. Ken	$25,130 (est)	CA $100,520	KIRBY, WILLIAM WARNER No	0	$900
AF01110 CLAY COX FOR CONGRESS C00365387 Not Filed	MICHAEL J ROBERTSON	$97,417 (est)	GA $389,669	COX, JOHN CLAYTON No	0	$3,500

FEDERAL ELECTION COMMISSION 2003-2004
Reason to Believe Circulation Report
2004 APRIL QUARTERLY

AF # / COMMITTEE ID / RECEIPT DATE	COMMITTEE NAME / TREASURER / DAYS LATE	LEVEL OF ACTIVITY	STATE / THRESHOLD AMOUNT	CANDIDATE NAME / SENSITIVE	PREVIOUS VIOLATIONS	CIVIL MONEY PENALTY
AF01111	SKINNER FOR SENATE 2004		IL	SKINNER, NANCY		
C00388843	NANCY YOUNG		$188,115	No	0	
05/19/2004	Not Filed	$22,212				$500
AF01112	ROLLE FOR CONGRESS		MD	ROLLE, SCOTT LAWRENCE		
C00391227	PATRICK MCLISTER		$193,339	No	0	
05/20/2004	Not Filed	$46,007				$900
AF01113	STEPHANIE SUMMERS O'NEAL FOR US CONGRESS		MS	SUMMERS-O'NEAL, STEHPANIE		
C00395863	DEBORAH JOHNSON THORNTON		$110,474	No	0	
Not Filed		$76,962				$3,500
AF01115	HONEST ABE HIRSCHFELD FOR UNITED STATES SENATE		NY	HIRSCHFELD, ABRAHAM J		
C00393538	GEORGE L ESPADA		$789,293	No	0	
Not Filed		$789,293 (est)				$11,000
AF01116	CHARLIE COMISIONADO 2004, INC		PR	COLON, CHARLES A. RODRIGUEZ		
C00386037	JORGE L AQUINO BARRETO		$301,250	No	0	
Not Filed		$60,250 (est)				$2,700
AF01119	SUTTON FOR CONGRESS		TX	SUTTON, VICKIE		
C00383877	RUTH SCHIERMEUER		$112,769	No	1	
Not Filed		$28,192 (est)				$1,125
AF01120	STACE WILLIAMS FOR US CONGRESS		TX	WILLIAMS, STACE LAWRENCE		
C00385047	CHARLES WADE DARTER JR		$244,297	No	2	
Not Filed		$122,148 (est)				$6,750

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FEDERAL ELECTION COMMISSION 2003-2004
Reason to Believe Circulation Report
2004 APRIL QUARTERLY

AF # / COMMITTEE NAME / COMMITTEE ID / TREASURER / RECEIPT DATE / DAYS LATE	LEVEL OF ACTIVITY	STATE / THRESHOLD AMOUNT	CANDIDATE NAME / SENSITIVE	PREVIOUS VIOLATIONS	CIVIL MONEY PENALTY
AF01121 ALLEGIANCE TELECOM INC. PAC C00336693 Joseph, Kevin M. Mr. 04/30/2004 15	$42,561	DC $203,678	No	0	$500
AF01122 BREWERY SOFT DRINK BEER DISTR OPTICAL DENTAL MISC WORKERS WAREHOU C00174847 DANIEL H GRACE 05/07/2004 22	$41,747	PA $169,011	No	0	$640
AF01123 FRIENDS OF FERRIS C00279182 ROBERT A. BOYCE 04/22/2004 7	$98,727	MI $200,822	No	0	$1,100
AF01124 GENERAL AVIATION MANUFACTURERS ASSOCIATION POLITICAL ACTION COMMI C00014878 JAHAN AHMAD 04/22/2004 7	$37,154	DC $167,318	No	0	$340
AF01125 LINCOLN CLUB OF SAN DIEGO COUNTY C00177766 C APRIL BOLING 05/06/2004 21	$66,941	CA $675,161	No	0	$1,875
AF01126 MCDERMOTT, WILL & EMERY PAC (MW&E PAC) C00299701 STANTON D ANDERSON 05/14/2004 29	$47,480	DC $164,648	No	0	$780
AF01127 OWNER-OPERATOR INDEPENDENT DRIVERS ASSN INC POLITICAL ACTION COMM C00236778 PAUL D CULLEN SR 05/11/2004 26	$27,222	DC $138,450	No	0	$720
AF01128 REGENCE BLUEPAC C00252684 R PAUL WARBURTON 04/23/2004 8	$12,240	UT $102,461	No	0	$140
AF01129 DRAFT CLARK 2004 FOR PRESIDENT COMMITTEE C00387712 GEORGE OTEY Not Filed	$109,220 (est)	CA $218,440	No	0	$4,500

FEDERAL ELECTION COMMISSION 2003-2004
Reason to Believe Circulation Report
2004 APRIL QUARTERLY

AF # / COMMITTEE ID / RECEIPT DATE	COMMITTEE NAME / TREASURER / DAYS LATE	LEVEL OF ACTIVITY	STATE / THRESHOLD AMOUNT	CANDIDATE NAME / SENSITIVE	PREVIOUS VIOLATIONS	CIVIL MONEY PENALTY
AF01131	CONGRESSIONAL BLACK CAUCUS POLITICAL ACTION COMMITTEE(CBC-PAC)		DC			
C00147512	Arthur R. Collins		$378,805	No	2	
Not Filed		$126,268 (est)				$6,750
AF01132	MCGUIREWOODS LLP		VA			
C00225342	Katsurinis, Stephen		$318,690	No	0	
Not Filed		$159,345 (est)				$5,500
AF01133	UNITED SENIORS PAC INC		SD			
C00077354	Erickson, Paul		$482,155	No	0	
Not Filed		$241,077 (est)				$6,500

FEDERAL ELECTION COMMISSION
Washington, DC 20463

SENSITI"

DATE & TIME OF TRANSMITTAL: Monday, June 07, 2004 11:00

BALLOT DEADLINE: Thursday, June 10, 2004 4:00

COMMISSIONER: MASON, McDONALD, SMITH, THOMAS, TONER, WEINTRAUB

SUBJECT: **Reason To Believe Recommendation – 2004 April Quarterly Report For the Administrative Fines Program. Memorandum from the Assistant Staff Director, Reports Analysis Division dated June 4, 2004.**

( ) I approve the recommendation(s)

( ) I object to the recommendation(s)

( ) I approve the recommendations except those following to which I object (please insert AF#)

____

____

( ) I approve the recommendations except those following in which I abstain (please insert AF#)

____

____

( ) I approve the recommendations except those following in which I am recused (please insert AF#)

____

____

( ) I am not voting on this tally.

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.

DATE: ________________ SIGNATURE: __________________

FROM THE OFFICE OF THE SECRETARY OF THE COMMISSION

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
Reason To Believe Recommendation - 2004	)	
April Quarterly Report for the	)	
Administrative Fines Program:	)	
KHANNA FOR CONGRESS, and	)	AF# 1101
KHANNA, ROHIT as treasurer;	)	
ALBERT ROBLES FOR CONGRESS, and	)	AF# 1102
ANADELIA ROBLES as treasurer;	)	
FRIENDS OF RON PACKARD, and	)	AF# 1103
DONALD J POLESE as treasurer;	)	
DANIEL WEBSTER FOR US SENATE,	)	AF# 1104
and NANCY H WATKINS as treasurer;	)	
COLBURN FOR CONGRESS, and JOHN	)	AF# 1105
D IRELAND as treasurer;	)	
BROCK HILL CAMPAIGN, and JO	)	AF# 1106
SHADDEN BOLIN as treasurer;	)	
WELCH FOR WISCONSIN, and JOHN J	)	AF# 1107
HILLER as treasurer;	)	
COMMITTEE TO ELECT BILL KIRBY,	)	AF# 1108
and Tokutomi, E. Ken as treasurer;	)	
CLAY COX FOR CONGRESS, and	)	AF# 1110
MICHAEL J ROBERTSON as treasurer;	)	
SKINNER FOR SENATE 2004, and	)	AF# 1111
NANCY YOUNG as treasurer;	)	
ROLLE FOR CONGRESS, and PATRICK	)	AF# 1112
MCLISTER as treasurer;	)	
STEPHANIE SUMMERS O'NEAL FOR	)	AF# 1113
US CONGRESS, and DEBORAH	)	
JOHNSON THORNTON as treasurer;	)	
HONEST ABE HIRSCHFELD FOR	)	AF# 1115
UNITED STATES SENATE, and	)	
GEORGE L ESPADA as treasurer;	)	
CHARLIE COMISIONADO 2004, INC,	)	AF# 1116
and JORGE L AQUINO BARRETO as	)	
treasurer;	)	
SUTTON FOR CONGRESS, and RUTH	)	AF# 1119
SCHIERMEUER as treasurer;	)	
STACE WILLIAMS FOR US	)	AF# 1120
CONGRESS, and CHARLES WADE	)	

DARTER JR as treasurer;)	
ALLEGIANCE TELECOM INC. PAC, and Joseph, Kevin M. Mr. as treasurer;)	AF# 1121
BREWERY SOFT DRINK BEER DISTR OPTICAL DENTAL MISC WORKERS WAREHOUSEMAN HELP LOCAL 830 PAC, and DANIEL H GRACE as treasurer;)	AF# 1122
FRIENDS OF FERRIS, and ROBERT A. BOYCE as treasurer;)	AF# 1123
GENERAL AVIATION MANUFACTURERS ASSOCIATION POLITICAL ACTION COMMITTEE (GAMAPAC), and JAHAN AHMAD as treasurer;)	AF# 1124
LINCOLN CLUB OF SAN DIEGO COUNTY, and C APRIL BOLING as treasurer;)	AF# 1125
MCDERMOTT, WILL & EMERY PAC (MW&E PAC), and STANTON D ANDERSON as treasurer;)	AF# 1126
OWNER-OPERATOR INDEPENDENT DRIVERS ASSN INC POLITICAL ACTION COMMITTEE (AKA OOIDA-PAC), and PAUL D CULLEN SR as treasurer;)	AF# 1127
REGENCE BLUEPAC, and R PAUL WARBURTON as treasurer;)	AF# 1128
DRAFT CLARK 2004 FOR PRESIDENT COMMITTEE, and GEORGE OTEY as treasurer;)	AF# 1129
CONGRESSIONAL BLACK CAUCUS POLITICAL ACTION COMMITTEE(CBC-PAC), and Arthur R. Collins as treasurer;)	AF# 1131
MCGUIREWOODS LLP, and Katsurinis, Stephen as treasurer;)	AF# 1132
UNITED SENIORS PAC INC, and Erickson, Paul as treasurer;)	AF# 1133

CERTIFICATION

I, Mary W. Dove, Secretary of the Federal Election Commission, do hereby certify that on June 10, 2004 the Commission took the following actions on the Reason To Believe Recommendation - 2004 April Quarterly Report for the Administrative Fines Program as recommended in the Reports Analysis Division's Memorandum dated June 04, 2004, on the following committees:

AF#1101 Decided by a vote of 6-0 to: (1) find reason to believe that KHANNA FOR CONGRESS, and KHANNA, ROHIT as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF#1102 Decided by a vote of 6-0 to: (1) find reason to believe that ALBERT ROBLES FOR CONGRESS, and ANADELIA ROBLES as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF#1103 Decided by a vote of 6-0 to: (1) find reason to believe that FRIENDS OF RON PACKARD, and DONALD J POLESE as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF#1104 Decided by a vote of 6-0 to: (1) find reason to believe that DANIEL WEBSTER FOR US SENATE, and NANCY H WATKINS as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF#1105 Decided by a vote of 6-0 to: (1) find reason to believe that COLBURN FOR CONGRESS, and JOHN D IRELAND as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF#1106 Decided by a vote of 6-0 to: (1) find reason to believe that BROCK HILL CAMPAIGN, and JO SHADDEN BOLIN as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF#1107 Decided by a vote of 6-0 to: (1) find reason to believe that WELCH FOR WISCONSIN, and JOHN J HILLER as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF#1108 Decided by a vote of 6-0 to: (1) find reason to believe that COMMITTEE TO ELECT BILL KIRBY, and Tokutomi, E. Ken as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF#1110 Decided by a vote of 6-0 to: (1) find reason to believe that CLAY COX FOR CONGRESS, and MICHAEL J ROBERTSON as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF#1111 Decided by a vote of 6-0 to: (1) find reason to believe that SKINNER FOR SENATE 2004, and NANCY YOUNG as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF#1112 Decided by a vote of 6-0 to: (1) find reason to believe that ROLLE FOR CONGRESS, and PATRICK MCLISTER as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF#1113 Decided by a vote of 6-0 to: (1) find reason to believe that STEPHANIE SUMMERS O'NEAL FOR US CONGRESS, and DEBORAH JOHNSON THORNTON as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF#1115 Decided by a vote of 6-0 to: (1) find reason to believe that HONEST ABE HIRSCHFELD FOR UNITED STATES SENATE, and GEORGE L ESPADA as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF#1116 Decided by a vote of 6-0 to: (1) find reason to believe that CHARLIE COMISIONADO 2004, INC, and JORGE L AQUINO BARRETO as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF#1119 Decided by a vote of 6-0 to: (1) find reason to believe that SUTTON FOR CONGRESS, and RUTH SCHIERMEUER as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF#1120 Decided by a vote of 6-0 to: (1) find reason to believe that STACE WILLIAMS FOR US CONGRESS, and CHARLES WADE DARTER JR as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF#1121 Decided by a vote of 6-0 to: (1) find reason to believe that ALLEGIANCE TELECOM INC. PAC, and Joseph, Kevin M. Mr. as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF#1122 Decided by a vote of 6-0 to: (1) find reason to believe that BREWERY SOFT DRINK BEER DISTR OPTICAL DENTAL MISC WORKERS WAREHOUSEMAN HELP LOCAL 830 PAC, and DANIEL H GRACE as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF#1123 Decided by a vote of 6-0 to: (1) find reason to believe that FRIENDS OF FERRIS, and ROBERT A. BOYCE as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF#1124 Decided by a vote of 6-0 to: (1) find reason to believe that GENERAL AVIATION MANUFACTURERS ASSOCIATION POLITICAL ACTION COMMITTEE (GAMAPAC), and JAHAN AHMAD as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil mor :y penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF#1125 Decided by a vote of 6-0 to: (1) find reason to believe that LINCOLN CLUB OF SAN DIEGO COUNTY, and C APRIL BOLING as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF#1126 Decided by a vote of 6-0 to: (1) find reason to believe that MCDERMOTT, WILL & EMERY PAC (MW&E PAC), and STANTON D ANDERSON as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF#1127 Decided by a vote of 6-0 to: (1) find reason to believe that OWNER-OPERATOR INDEPENDENT DRIVERS ASSN INC POLITICAL ACTION COMMITTEE (AKA OOIDA-PAC), and PAUL D CULLEN SR as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF#1128 Decided by a vote of 6-0 to: (1) find reason to believe that REGENCE BLUEPAC, and R PAUL WARBURTON as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF#1129 Decided by a vote of 6-0 to: (1) find reason to believe that DRAFT CLARK 2004 FOR PRESIDENT COMMITTEE, and GEORGE OTEY as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter.

Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF#1131 Decided by a vote of 6-0 to: (1) find reason to believe that CONGRESSIONAL BLACK CAUCUS POLITICAL ACTION COMMITTEE(CBC-PAC), and Arthur R. Collins as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF#1132 Decided by a vote of 6-0 to: (1) find reason to believe that MCGUIREWOODS LLP, and Katsurinis, Stephen as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF#1133 Decided by a vote of 6-0 to: (1) find reason to believe that UNITED SENIORS PAC INC, and Erickson, Paul as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

Attest:

June 18, 2004
Date

Mary W. Dove
Mary W. Dove
Secretary of the Commission

WESTERN UNION

WESTERN UNION COMMERCIAL SERVICES

CONFIRMATION OF CMGM TO:KATSURINIS, STEPHEN
MCGUIREWOODS LLP
1 JAMES CTR
RICHMOND VA 23219-4030

FEDERAL ELECTION COMMISSION
DAYNA BROWN
999 E ST NW # 709
WASHINGTON DC 20463

JUNE 15, 2004

KATSURINIS, STEPHEN
MCGUIREWOODS LLP
ONE JAMES CENTER
RICHMOND VA 23219

C00225342
AF#: 1132

DEAR KATSURINIS, STEPHEN:

THE FEDERAL ELECTION CAMPAIGN ACT OF 1971, AS AMENDED ("THE ACT"), REQUIRES THAT YOUR COMMITTEE FILE AN APRIL QUARTERLY REPORT OF RECEIPTS AND DISBURSEMENTS IN A CALENDAR YEAR DURING WHICH THERE IS A REGULARLY SCHEDULED ELECTION. THIS REPORT, COVERING THE PERIOD THROUGH MARCH 31ST, SHALL BE FILED NO LATER THAN APRIL 15TH. 2 U.S.C. 434(A). YOU WERE PREVIOUSLY NOTIFIED OF THE DUE DATE FOR THIS REPORT. RECORDS AT THE FEDERAL ELECTION COMMISSION ("FEC") INDICATE THAT THIS REPORT WAS NOT FILED WITHIN THIRTY (30) DAYS OF THE DUE DATE. YOU SHOULD FILE THIS REPORT IF YOU HAVE NOT ALREADY DONE SO.

THE ACT WAS FURTHER AMENDED IN 1999 TO PERMIT 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 06/10/2004, THE FEC FOUND THAT THERE IS REASON TO BELIEVE ("RTB") THAT MCGUIREWOODS LLP AND YOU, AS TREASURER, VIOLATED 2 U.S.C. 434(A) BY FAILING TO FILE TIMELY THIS REPORT ON OR BEFORE APRIL 15TH. BASED ON THE FEC'S SCHEDULES OF CIVIL MONEY PENALTIES AT 11 C.F.R. 111.43, THE AMOUNT OF YOUR CIVIL MONEY PENALTY CALCULATED AT THE RTB STAGE IS $5500. IT IS DUE BY 07/20/2004 AND IS BASED ON THESE FACTORS:

ELECTION SENSITIVITY OF REPORT: NOT ELECTION SENSITIVE
LEVEL OF ACTIVITY: $159345
NUMBER OF DAYS LATE: NOT FILED
NUMBER OF PREVIOUS CIVIL MONEY PENALTIES ASSESSED: 0

TO PAY THE CALCULATED CIVIL MONEY PENALTY

TO PAY THE CALCULATED CIVIL MONEY PENALTY, SEND THE ENCLOSED

WESTERN UNION

REMITTANCE AND YOUR PAYMENT TO THE FEC AT THE ADDRESS ON PAGE 3. UPON RECEIPT OF YOUR PAYMENT, THE FEC WILL SEND YOU A FINAL DETERMINATION LETTER.

TO CHALLENGE THE RTB FINDING AND/OR CALCULATED CIVIL MONEY PENALTY

TO CHALLENGE THE RTB FINDING AND/OR CALCULATED CIVIL MONEY PENALTY, YOU MUST SUBMIT A WRITTEN RESPONSE, INCLUDING THE AF# FOUND ON PAGE ONE, TO THE FEC'S OFFICE OF ADMINISTRATIVE REVIEW, 999 E STREET, NW, WASHINGTON, DC 20463. YOUR RESPONSE MUST BE RECEIVED BY 07/20/2004. YOUR WRITTEN RESPONSE MUST INCLUDE THE REASON(S) WHY YOU ARE CHALLENGING THE RTB FINDING AND/OR CALCULATED CIVIL MONEY PENALTY. THE FEC WILL ONLY CONSIDER CHALLENGES THAT ARE BASED ON A FACTUAL ERROR, MISCALCULATION OF THE CALCULATED CIVIL MONEY PENALTY BY THE FEC, OR THE EXISTENCE OF EXTRAORDINARY CIRCUMSTANCES THAT PERSISTED FOR MORE THAN 48 HOURS THAT WERE BEYOND YOUR CONTROL AND PREVENTED YOU FROM FILING THE REPORT IN A TIMELY MANNER. YOUR RESPONSE 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. EXAMPLES OF CIRCUMSTANCES THAT WILL NOT BE CONSIDERED EXTRAORDINARY INCLUDE, BUT ARE NOT LIMITED TO, NEGLIGENCE, PROBLEMS WITH VENDORS OR CONTRACTORS, STAFF ILLNESS, COMPUTER FAILURES AND SIMILAR CIRCUMSTANCES. 11 C.F.R. 111.35(B)(1)(III) AND (4).

YOUR 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 DISTRICT COURT UNDER 2 U.S.C. 437G. 11 C.F.R. 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.

IF YOU DO NOT PAY THE CALCULATED CIVIL MONEY PENALTY OR SUBMIT A CHALLENGE

IF YOU DO NOT PAY THE CALCULATED CIVIL MONEY PENALTY OR SUBMIT A WRITTEN RESPONSE, THE FEC WILL ASSUME THAT THE PRECEDING FACTUAL ALLEGATIONS ARE TRUE AND MAKE A FINAL DETERMINATION THAT MCGUIREWOODS LLP AND YOU, 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 C.F.R. 111.45.

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 C.F.R. 111.42, UNLESS YOU NOTIFY THE FEC IN WRITING THAT YOU WISH THE MATTER TO BE MADE PUBLIC.

WESTERN UNION

WESTERN UNION COMMERCIAL SERVICES

ADDITIONAL INFORMATION ON THE FEC'S ADMINISTRATIVE FINE PROGRAM, INCLUDING THE FINAL REGULATIONS, IS LOCATED AT THE FEC'S WEBSITE AT WWW.FEC.GOV. IF YOU HAVE QUESTIONS REGARDING THE PAYMENT OF THE CALCULATED CIVIL MONEY PENALTY, PLEASE CONTACT DAYNA C. BROWN IN THE REPORTS ANALYSIS DIVISION AT OUR TOLL FREE NUMBER (800)424-9530 (PRESS 1, THEN PRESS 2) 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.

SINCERELY,

BRADLEY A. SMITH
CHAIRMAN

* * * * * * * * * * * * * *

ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS

IN ACCORDANCE WITH THE SCHEDULE OF PENALTIES AT 11 C.F.R. 111.43, THE AMOUNT OF YOUR CIVIL MONEY PENALTY CALCULATED AT RTB IS $5500 FOR THE 2004 APRIL QUARTERLY 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 952182
ST. LOUIS, MO 63195-2182

IF YOU CHOOSE TO SEND YOUR REMITTANCE AND PAYMENT BY COURIER OR OVERNIGHT DELIVERY, PLEASE USE THIS ADDRESS:

U.S. BANK - GOVERNMENT LOCKBOX
FEC #952182
1005 CONVENTION PLAZA
ST. LOUIS, MO 63101

THE REMITTANCE AND YOUR PAYMENT ARE DUE BY 07/20/2004. UPON RECEIPT OF YOUR REMITTANCE AND PAYMENT, THE FEC WILL SEND YOU A FINAL DETERMINATION LETTER.

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: MCGUIREWOODS LLP

FEC ID#: C00225342

AF#: 1132

PAYMENT DUE DATE: 07/20/2004

PAYMENT AMOUNT DUE: $5500

McGuireWoods Consulting LLC
Washington Square
1050 Connecticut Avenue N.W.
Suite 1200
Washington, DC 20036-5317
Phone: 202.857.1700
Fax: 202.857.1737
www.mwcllc.com

Frank J. Donatelli
Direct: 202.857.2914
fdonatelli@mwcllc.com

FEC OFFICE OF
ADMIN REVIEW

2004 JUL 20 P 3: 34

RECEIVED
FEC MAIL
OPERATIONS CENTER

2004 JUL 20 P 12: 02

McGUIREWOODS
CONSULTING

July 20, 2004

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

RE: McGuireWoods PAC C00225342 **AF# 1132 - Appeal of Fine**

To Whom It May Concern:

I am the Treasurer of the McGuireWoods LLP Political Action Committee. Enclosed is my affidavit setting forth the basis for McGuireWoods PAC's appeal of the fine of $5500 assessed by the Federal Election Commission by letter of June 15, 2004 from FEC Chairman Bradley Smith to Stephen Katsurinis, the former Treasurer of the McGuireWoods PAC. Mr. Katsurinis left McGuireWoods in January of 2003. Our Statement of Organization has been amended and I have been listed as Treasurer of the McGuireWoods PAC since that time.

By this affidavit McGuireWoods PAC seeks to challenge the fine assessed for failure to file the April 2004 Quarterly Report due to extraordinary circumstances, including incorrectly addressed correspondence sent from the FEC to the McGuireWoods PAC. Thank you.

Sincerely,

FJD

Frank J. Donatelli

Enclosures

FJD/at

AFFIDAVIT

District of Columbia

BEFORE ME, the undersigned Notary, Monica Gibson-Moore, on this 20th day of July, 2004, personally appeared Frank Donatelli, known to me to be a credible person and of lawful age, who being by me first duly sworn, on his oath, deposes and says:

1. I am the Treasurer of the McGuireWoods LLP Political Action Committee ("MW PAC"). I submit this affidavit in support of McGuireWoods PAC's appeal of the fine assessed for failure to file the April Quarterly Report of Receipts and Disbursements for 2004. **AF #1132**

2. I became Treasurer by an amendment to MW PAC's statement of organization filed on January 27, 2003, attached as EXHIBIT A. I succeeded the former Treasurer, Stephen Katsurinis, who left the McGuireWoods firm in January of 2003. Mr. Katsurinis has not been involved with the McGuireWoods LLP firm or MW PAC since that time.

3. On Monday, July 12, I was informed that the Federal Election Commission ("FEC") has imposed a fine of $5500 on MW PAC for failure to file the April Quarterly Report of Receipts and Disbursements for 2004. Until that time I was not aware that the report was late or had not been filed.

4. Day to day administration of the PAC is handled by the Custodian of Records, Ms. Deanna Vanover, an employee in the Richmond office of McGuireWoods Consulting, a subsidiary of McGuireWoods LLP. Ms Vanover assumed those responsibilities in August of 2003, soon after the 2003 Mid-year Report of Receipts and Disbursements had been filed. She was informed by the previous Custodian of Records that a 2003 Year-end report must be filed in January 2004. She completed that report, which was filed electronically. She assumed that two reports would again be required in 2004, and did not receive the notice that quarterly or monthly reports would be required in 2004.

5. Correspondence from the FEC regarding the April 2004 Quarterly report continues to be addressed to Stephen Katsurinis at our Richmond office, despite the FEC being placed on notice by means of our amended Statement of Organization of January 23, 2003 that I had succeeded him as Treasurer. Since I became Treasurer I have received correspondence from the FEC on unrelated matters that was properly addressed to me, and I have sent correspondence to the FEC which I have signed as Treasurer, on letterhead with the address of our Washington office, where I am based. Copies of this correspondence are attached as EXHIBIT B.

6. The correspondence regarding the April 2004 Quarterly report, which was incorrectly addressed to Mr. Katsurinis, never reached me. It did not reach Ms. Vanover until July 12, though it is dated "May 5, 2004" and marked "REMAIL June 24, 2004." Copies of those letters are attached as EXHIBIT C.

7. On July 6, Ms Vanover, still unaware of any requirement for quarterly reports, attempted to upload a Mid-year report for 2004. When the electronic filing system would not accept that report, she contacted the Reports Analyst for the MW PAC, Ms. Brandy Phillips. Ms Phillips instructed her to include all of the activity for the MW PAC during the first six months of 2004 in the July Quarterly Report for 2004 and explained to Ms. Vanover how to do that. Ms. Vanover filed the July Quarterly Report according to those instructions. Ms. Phillips did not raise the issue of any civil penalty with Ms Vanover during their discussion. Ms. Vanover and I both were surprised to learn the following week that a fine had been imposed.

8. MW PAC and McGuireWoods LLP take seriously their responsibility to file accurate and timely reports with the FEC, as demonstrated by the past record of MW PAC. A series of extraordinary circumstances combined in this instance to cause a good faith belief by the new and inexperienced Custodian of Records that no report was required until July and to prevent her and me and others involved with the administration of MW PAC from receiving the relevant notices sent by the FEC. Among the most important of these circumstances was the failure of the FEC to address its notices to me rather than to Mr. Katsurinis. We accept responsibility for our own good faith errors and submit that this late filing was caused in part by that error by the FEC. The FEC sends notices to those who must file to insure that filers understand the numerous complex regulations that govern the filing requirements for PACs. Those notices, and the notice informing us that the April Quarterly Report was late, were all delayed or lost because the FEC had addressed them incorrectly. We therefore respectfully submit that MW PAC should not be subject to this fine, or that the fine should be reduced.

____
[signature of affiant]

Frank Donatelli
Senior Vice President
McGuireWoods Consulting
1050 Connecticut Avenue, NW
Washington, DC 20036
202-857-2914

Subscribed and sworn to before me, this 20th *[day of month]* day of July *[month]*, 2004.

[Notary Seal:]

____
[signature of Notary] **Monica Gibson-Moore**
Notary Public, District of Columbia
My Commission Expires 01-14-2009

Exhibit A

01/27/2003 09 : 48

FEC FORM 1

STATEMENT OF ORGANIZATION

(See instructions)

Office use only

1. NAME OF COMMITTEE (in full) (Check if name is changed) Example: If typing, type over the lines 12FE4M5

McGuireWoods LLP

ADDRESS (number and street) One James Center

(Check if address is changed) 901 E. Cary Street

Richmond VA 23219 - 4030

CITY STATE ZIP CODE

COMMITTEE'S E-MAIL ADDRESS

fdonatelli@mwcllc.com

COMMITTEE'S WEB PAGE ADDRESS (URL)

2. DATE 01 24 2003

3. FEC IDENTIFICATION NUMBER C00225342

4. IS THIS STATEMENT X NEW (N) OR AMENDED (A)

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

Type or Print Name of Treasurer Frank Donatelli

Signature of Treasurer Electronically Filed by Frank Donatelli Date 01 27 2003

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Statement to the penalties of 2 U.S.C. S437g.

ANY CHANGE IN INFORMATION SHOULD BE REPORTED WITHIN 10 DAYS

Office Use Only				

For further information contact:
Federal Election Commission
Toll Free 800-424-9530
Local 202-694-110

FEC FORM 1
(Revised 1/2001)

7 8 1 3 8 5 2 9 0 5 2

5. TYPE OF COMMITTEE (Check One)

(a) This committee is a principal campaign committee. (Complete the candidate information below.)

(b) This committee is an authorized committee, and is NOT a principal campaign committee. (Complete the candidate information below.)

Name of Candidate

Candidate Party Affiliation | Office Sought: House | Senate | President | State | District

(c) This committee supports/opposes only one candidate, and is NOT an authorized committee.

Name of Candidate

(d) This committee is a (National, State (or subordinate) committee of the (Democratic, Republican, etc.) Party.

(e) This committee is a separate segregated fund

(f) X This committee supports/opposes more than one Federal candidate, and is NOT a separate segregated fund or party committee.

6. Name of Any Connected Organization or Affiliated Committee

McGuireWoods LLP

Mailing Address

One James Center

901 E. Cary Street

Richmond VA 23219 4030

CITY ▲ STATE ▲ ZIP CODE ▲

Relationship

Type of Connected Organization:

X Corporation | Corporation w/o Capital Stock | Labor Organization

Membership Organization | Trade Association | Cooperative

88128552905 2

Write or Type Committee Name

McGuireWoods LLP

7. **Custodian of Records:** Identify by name, address, (phone number -- optional), and position of the person in possession of Committee books and records.

Full Name: Julie Watkins

Mailing Address: **901 East Cary Street**

One James Center

CITY ▲	STATE ▲	ZIP CODE ▲
Richmond	**VA**	**23219** -

Title or Position ▼

Telephone number ____ - ____ - ____

8. **Treasurer:** List the name and address (phone number -- optional) of the treasurer of the committee; and the name and address of any designated agent (e.g., assistant treasurer).

Full Name of Treasurer: **Frank Donatelli**

Mailing Address: **1050 Connecticut Avenue** N.W.

Suite 1200

CITY ▲	STATE ▲	ZIP CODE ▲
Washington	**DC**	**20036** -

Title or Position ▼

Telephone number **202** - **857** - **2914**

Full Name of Designated Agent

Mailing Address

CITY ▲	STATE ▲	ZIP CODE ▲
		-

Title or Position ▼

Telephone number ____ - ____ - ____

9. **Banks or Other Depositories:** List all banks or other depositories in which the committee deposits funds, holds accounts, rents safety deposit boxes or maintains funds.

Name of Bank, Depository, etc.

First Union National Bank

Mailing Address

P.O. Box 13327

Roanoke VA 24040 -

CITY STATE ZIP CODE

0 0 1 3 8 5 2 9 0 5 2

Exhibit B

McGuireWoods Consulting LLC
Washington Square
1050 Connecticut Avenue N.W.
Suite 1200
Wa[illegible]ton, DC 20036-5317
hone: 202.857.1700
Fax: 202.857.1737
www.mwcllc.com

Frank J. Donatelli
Direct: 202.857.2914
fdonatelli@mwcllc.com

McGUIREWOODS
CONSULTING

March 12, 2003

Ms. Brandy Phillips
Campaign Finance Analyst
Federal Election Commission
999 E Street, NW
Washington, DC 20463

Identification Number: C00225342
Reference: Year-End Report (11/26/02-12/31/02)

Dear Ms. Phillips:

This is in response to your letter of February 28 requesting more information on our contribution to America's Foundation (Schedule B supporting Line 23).

Our contribution to America's Foundation was not earmarked to any candidate and was made exercising no direction or control over the ultimate use of the funds. As such, we are filing an amended return that clarifies the nature of this donation.

Thank you for bringing this matter to our attention.

Sincerely,

Frank J. Donatelli
Treasurer

FJD/at

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-5

Frank Donatelli, Treasurer
MCGUIREWOODS LLP
One James Center
901 E. Cary Street
Richmond, VA 23219

Identification Number: C00225342

FEB 28 2003

Reference: Year End Report (11/26/02-12/31/02)

Dear Mr. Donatelli:

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

-Schedule B supporting Line 23 of your report discloses a contribution(s) to America's Foundation; however, you have disclosed "Richard J. Santorum" in the purpose of disbursement field(s). Please clarify whether this was an earmarked contribution(s) made by your committee through America's Foundation committee to this candidate, or if you made the contribution to the political committee exercising no direction or control over how the funds were to be used. If the latter is the case, please do not include the candidate's name in the purpose of disbursement field. Please amend your report to clarify the ultimate recipient of this contribution(s).

Any amendment or clarification should be filed with the Federal Election Commission. Electronic filers must file amendments (to include statements, designations and reports) in an electronic format and must submit an amended report in its entirety, rather than just those portions of the report that are being amended. If you need assistance, please feel free to contact me on our toll-free number, (800) 424-9530 (at the prompt press 1, then press 2 to reach the Reports Analysis Division). My local number is (202) 694-1130.

Sincerely,

Brandy Phillips

Brandy Phillips
Campaign Finance Analyst
Reports Analysis Division

296

Exhibit C

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

10/06/2003

Records Dept
anylist
our anylist
202-694-1130
Brandy Phillips

C00225342
~~MCGUIREWOODS LLP~~
Katsurinis, Stephen
~~One James Center~~
901 E. Cary Street
Richmond, VA 23219

Dear Treasurer:

Our records show that you are the new treasurer of a political committee registered with the Federal Election Commission. To help your committee understand the election law, we have enclosed several publications.

We offer this assistance to help you avoid any violation of the federal election law (U.S.C. Title 2) or the regulations prescribed by the Federal Election Commission (11 CFR). As treasurer, you are responsible for your committee's compliance with the election law. (See, for example, 2 U.S.C. sections 432(c), (d) and (i) and 11 CFR 102.7(c), 103.3(a) and 104.14(d).) This means that in the event that the Commission brings an enforcement action against your committee, absent unusual circumstances, you will be named as a respondent along with the committee. Moreover, you may be held personally liable if a violation of law occurs and the committee is unable to pay the required penalty.

To further assist you, we have added your name to our mailing list for our monthly publication, the RECORD. If you wish to order additional free subscriptions for other members of your staff, please give us a call (see below).

To receive additional forms and publications, call the Commission's FAXLINE Service--an automated information system that transmits materials directly to your fax machine (See FAXLINE Menu).

If you have any questions, please contact the Information Division at 1/800-424-9530 (press #1, then #3) or 202/694-1100.

The Information Division

Scratch form
Close
Validate upload

Attachments
- Federal Election Campaign Act (2 U.S.C. Titles 2 & 26)
- FEC Regulations (11 CFR)
- Campaign Guide for Corporations and Labor Organizations
- FEC Form 3X: Report of Receipts and Disbursements
- List of State Filing Offices
- Schedule of Reporting Dates
- Copy of the RECORD, the FEC monthly newsletter
- FAXLINE Menu
- Electronic Filing Handout

F.E.C. RTB
999 E Street, NW
Washington, DC 20463

WESTERN UNION Messaging Services MAILGRAM

UNITED STATES POSTAL SERVICE

112521000478 06/15/04 RDM2 - RDMB
EM16105

CERTIFIED RETURN RECEIPT P 910 149 639 ****CERTIFIED****
Katsurinis, Stephen
McGuirewoods Llp
1 James Ctr
Richmond VA 23219-4030

June 15, 2004

Katsurinis, Stephen
MCGUIREWOODS LLP
One James Center
Richmond VA 23219

C00225342
AF#: 1132

Dear Katsurinis, Stephen:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file an April Quarterly Report of Receipts and Disbursements in a calendar year during which there is a regularly scheduled election. This report, covering the period through March 31st, shall be filed no later than April 15th. 2 U.S.C. 434(a). You were previously notified of the due date for this report. Records at the Federal Election Commission ("FEC") indicate that this report was not filed within thirty (30) days of the due date. You should file this report if you have not already done so.

The Act was further amended in 1999 to permit 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 06/10/2004, the FEC found that there is reason to believe ("RTB") that MCGUIREWOODS LLP and you, as treasurer, violated 2 U.S.C. 434(a) by failing to file timely this report on or before April 15th. Based on the FEC's schedules of civil money penalties at 11 C.F.R. 111.43, the amount of your civil money penalty calculated at the RTB stage is $5500. It is due by 07/20/2004 and is based on these factors:

Election Sensitivity of Report: Not election sensitive
Level of Activity: $159345
Number of Days Late: Not Filed
Number of Previous Civil Money Penalties Assessed: 0

To Pay the Calculated Civil Money Penalty

To pay the calculated civil money penalty, send the enclosed

WESTERN UNION Messaging Services MAILGRAM
UNITED STATES POSTAL SERVICE

remittance and your payment to the FEC at the address on page 3. Upon receipt of your payment, the FEC will send you a final determination letter.

▶ To Challenge the RTB Finding and/or Calculated Civil Money Penalty

To challenge the RTB finding and/or calculated civil money penalty, you must submit a written response, including the AF# found on page one, to the FEC's Office of Administrative Review, 999 E Street, NW, Washington, DC 20463. Your response must be received by 07/20/2004. Your written response must include the reason(s) why you are challenging the RTB finding and/or calculated civil money penalty. The FEC will only consider challenges that are based on a factual error, miscalculation of the calculated civil money penalty by the FEC, or the existence of extraordinary circumstances that persisted for more than 48 hours that were beyond your control and prevented you from filing the report in a timely manner. Your response 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. Examples of circumstances that will not be considered extraordinary include, but are not limited to, negligence, problems with vendors or contractors, staff illness, computer failures and similar circumstances. 11 C.F.R. 111.35(b)(1)(iii) and (4).

Your 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 district court under 2 U.S.C. 437g. 11 C.F.R. 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.

If You Do Not Pay The Calculated Civil Money Penalty or Submit a Challenge

If you do not pay the calculated civil money penalty or submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that MCGUIREWOODS LLP and you, 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 C.F.R. 111.45.

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 C.F.R.

111.42, unless you notify the FEC in writing that you wish the matter to be made public.

Additional information on the FEC's administrative fine program, including the final regulations, is located at the FEC's website at www.FEC.gov. If you have questions regarding the payment of the calculated civil money penalty, please contact Dayna C. Brown in the Reports Analysis Division at our toll free number (800)424-9530 (press 1, then press 2) 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.

Sincerely,

Bradley A. Smith
Chairman

* * * * * * * * * * * * * *

ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 C.F.R. 111.43, the amount of your civil money penalty calculated at RTB is $5500 for the 2004 APRIL QUARTERLY 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 952182
St. Louis, MO 63195-2182

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

U.S. Bank - Government Lockbox
FEC #952182
1005 Convention Plaza
St. Louis, MO 63101

The remittance and your payment are due by 07/20/2004. Upon receipt of your remittance and payment, the FEC will send you a final determination letter.

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: MCGUIREWOODS LLP

FEC ID#: C00225342

AF#: 1132

PAYMENT DUE DATE: 07/20/2004

PAYMENT AMOUNT DUE: $5500

MGMCOMP 17:36 EST

FEDERAL ELECTION COMMISSION
999 E STREET, NW
WASHINGTON, DC 20463

WESTERN UNION MAILGRAM
Messaging Services
UNITED STATES POSTAL SERVICE

112030000604 05/05/04 RDM2 - RDMB
EM16105

Brandy Phillips

Katsurinis, Stephen
McGuirewoods Llp
1 James Ctr
Richmond VA 23219-4030

REMAIL

May 5, 2004

IDENTIFICATION NUMBER: C00225342

JUN 24 2004

REFERENCE: APRIL QUARTERLY (01/01/2004 - 03/31/2004)

DEAR TREASURER:

IT HAS COME TO THE ATTENTION OF THE FEDERAL ELECTION COMMISSION THAT YOU MAY HAVE FAILED TO FILE THE ABOVE REFERENCED REPORTS OF RECEIPTS AND EXPENDITURES AS REQUIRED BY THE FEDERAL ELECTION CAMPAIGN ACT, AS AMENDED. YOU WERE PREVIOUSLY NOTIFIED OF THE DUE DATES FOR THESE REPORTS.

IT IS IMPORTANT THAT YOU FILE THESE REPORTS IMMEDIATELY WITH THE FEDERAL ELECTION COMMISSION, 999 E STREET, N.W., WASHINGTON, D.C., 20463. A COPY OF THE REPORTS OR RELEVANT PORTIONS MUST ALSO BE FILED WITH THE SECRETARY OF STATE OR EQUIVALENT STATE OFFICER UNLESS THE STATE IS EXEMPT FROM THE FEDERAL REQUIREMENT TO RECEIVE AND MAINTAIN PAPER COPIES.

THE FAILURE TO TIMELY FILE THESES REPORTS MAY RESULT IN CIVIL MONEY PENALTIES, AN AUDIT OR LEGAL ENFORCEMENT ACTION. THE CIVIL MONEY PENALTY CALCULATION FOR LATE REPORTS DOES NOT INCLUDE A GRACE PERIOD AND BEGINS ON THE DAY FOLLOWING THE DUE DATE FOR THE REPORT.

IF YOU HAVE ANY QUESTIONS REGARDING THIS MATTER, PLEASE CONTACT Dayna Brown ON OUR TOLL FREE NUMBER (800)424-9530. OUR LOCAL NUMBER IS (202)694-1130.

SINCERELY,

JOHN D. GIBSON
ASSISTANT STAFF DIRECTOR
REPORTS ANALYSIS DIVISION

MGMCOMP 15:28 EST

24039152817

MGM CS (10/99)

To reply by Mailgram Message, see reverse side for Western Union's toll-free number.

F.E.C. RTB
999 E Street, NW
Washington, DC 20463

WESTERN UNION MAILGRAM
Messaging Services
UNITED STATES POSTAL SERVICE

112521000478 06/15/04 RDM2 - RDMB
EM16105

CERTIFIED RETURN RECEIPT P 910 149 639 ****CERTIFIED****
Katsurinis, Stephen
McGuirewoods Llp
1 James Ctr
Richmond VA 23219-4030

June 15, 2004

Katsurinis, Stephen
MCGUIREWOODS LLP
One James Center
Richmond VA 23219

C00225342
AF#: 1132

Dear Katsurinis, Stephen:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file an April Quarterly Report of Receipts and Disbursements in a calendar year during which there is a regularly scheduled election. This report, covering the period through March 31st, shall be filed no later than April 15th. 2 U.S.C. 434(a). You were previously notified of the due date for this report. Records at the Federal Election Commission ("FEC") indicate that this report was not filed within thirty (30) days of the due date. You should file this report if you have not already done so.

The Act was further amended in 1999 to permit 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 06/10/2004, the FEC found that there is reason to believe ("RTB") that MCGUIREWOODS LLP and you, as treasurer, violated 2 U.S.C. 434(a) by failing to file timely this report on or before April 15th. Based on the FEC's schedules of civil money penalties at 11 C.F.R. 111.43, the amount of your civil money penalty calculated at the RTB stage is $5500. It is due by 07/20/2004 and is based on these factors:

Election Sensitivity of Report: Not election sensitive
Level of Activity: $159345
Number of Days Late: Not Filed
Number of Previous Civil Money Penalties Assessed: 0

To Pay the Calculated Civil Money Penalty
To pay the calculated civil money penalty, send the enclosed

MGM CS (10/99)

remittance and your payment to the FEC at the address on page 3. Upon receipt of your payment, the FEC will send you a final determination letter.

▶ To Challenge the RTB Finding and/or Calculated Civil Money Penalty

To challenge the RTB finding and/or calculated civil money penalty, you must submit a written response, including the AF# found on page one, to the FEC's Office of Administrative Review, 999 E Street, NW, Washington, DC 20463. Your response must be received by 07/20/2004. Your written response must include the reason(s) why you are challenging the RTB finding and/or calculated civil money penalty. The FEC will only consider challenges that are based on a factual error, miscalculation of the calculated civil money penalty by the FEC, or the existence of extraordinary circumstances that persisted for more than 48 hours that were beyond your control and prevented you from filing the report in a timely manner. Your response 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. Examples of circumstances that will not be considered extraordinary include, but are not limited to, negligence, problems with vendors or contractors, staff illness, computer failures and similar circumstances. 11 C.F.R. 111.35(b)(1)(iii) and (4).

Your 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 district court under 2 U.S.C. 437g. 11 C.F.R. 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.

If You Do Not Pay The Calculated Civil Money Penalty or Submit a Challenge

If you do not pay the calculated civil money penalty or submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that MCGUIREWOODS LLP and you, 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 C.F.R. 111.45.

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 C.F.R.

111.42, unless you notify the FEC in writing that you wish the matter to be made public.

Additional information on the FEC's administrative fine program, including the final regulations, is located at the FEC's website at www.FEC.gov. If you have questions regarding the payment of the calculated civil money penalty, please contact Dayna C. Brown in the Reports Analysis Division at our toll free number (800)424-9530 (press 1, then press 2) 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.

Sincerely,

Bradley A. Smith
Chairman

* * * * * * * * * * * * * *

ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 C.F.R. 111.43, the amount of your civil money penalty calculated at RTB is $5500 for the 2004 APRIL QUARTERLY 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 952182
St. Louis, MO 63195-2182

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

U.S. Bank - Government Lockbox
FEC #952182
1005 Convention Plaza
St. Louis, MO 63101

The remittance and your payment are due by 07/20/2004. Upon receipt of your remittance and payment, the FEC will send you a final determination letter.

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: MCGUIREWOODS LLP

FEC ID#: C00225342

AF#: 1132

PAYMENT DUE DATE: 07/20/2004

PAYMENT AMOUNT DUE: $5500

MGMCOMP 17:36 EST

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Via First Class Mail

July 21, 2004

Stephen Katsurinis, as Treasurer
McGuirewoods LLP
One James Center
901 E. Cary Street
Richmond, VA 23219

C00225342
AF# 1132

Dear Mr. Katsurinis:

On July 20, 2004, 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,

Mary E. Seiler
Reviewing Analyst
Office of Administrative Review

Cc: Frank Donatelli

FEC OFFICE OF ADMINISTRATIVE REVIEW

2004 AUG 19 A 10:30

Date: August 19, 2004

REFERRAL TO OFFICE OF ADMINISTRATIVE REVIEW
CHALLENGE RECEIVED

AF#: 1132

Committee Name: McGuireWoods LLP

Committee ID#: C00225342

Committee Address (if different than in RTB mailgram): Committee's complete address is as follows:
One James Center
901 E. Cary Street
Richmond, VA 23219

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

Attachments:

Copy of RTB Circulation Report Dated June 4, 2004 and RTB Certification Dated June 18, 2004 – Previously Forwarded
Copy of RTB Mailgram - Attachment # : See Declaration
Certified Return Receipt (to be forwarded at later date if not yet received) - Attachment #: 1
Telecons and Visitcons in Response to RTB Mailgram (Y/N): N
Attachment # : N/A
Original Correspondence Received by RAD in Response to RTB Mailgram (Y/N): N
Attachment # : N/A
RAD Staff Declaration - Attachment # : 2

2 5 0 9 2 5 8 3 2 0 2

32032502502

SENDER: *COMPLETE THIS SECTION*

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

KA Harris, Stephen
mcGuirewoods LLP
1 James Ctr.
Richmond, VA
23219

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X J. Brice ☐ Agent ☐ Addressee

B. Received by (*Printed Name*) J. BRICE

C. Date of Delivery 6-16-04

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (*Extra Fee*) ☐ Yes

2. Article Number
(*Transfer from service label*) 7001 2510 0002 3060 3716

PS Form 3811, August 2001 Domestic Return Receipt 102595-01-M-2509

Attachment #1

DECLARATION OF PATRICIA CARMONA

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 research conducted with regard to 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 by the Commission to McGuireWoods LLP Committee:

    A) Prior Notice dated March 22, 2004 referencing the 2004 April Quarterly Report;

    B) Non-Filer Mailgram dated May 5, 2004 and subsequently re-mailed on June 24, 2004 referencing the April Quarterly Report;

    C) Reason-to-Believe Mailgram dated June 15, 2004 referencing the 2004 April Quarterly Report.

3. I hereby certify that I have searched the Commission's public records and find that the McGuireWoods LLP Committee has not electronically filed the 2004 April Quarterly Report 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 this declaration was executed at Washington, D.C. on the 19th day of August, 2004.

Patricia Carmona
Chief, Compliance Branch
Reports Analysis Division
Federal Election Commission

QUARTERLY

REPORT NOTICE

FEDERAL ELECTION COMMISSION

PARTIES AND PACS March 22, 2004

REPORTING DATES

REPORT	REPORTING PERIOD[1]	REG./CERT. & OVERNIGHT MAILING DATE[2]	FILING DATE
April Quarterly	01/01/04 - 03/31/04	04/15/04	04/15/04

WHO MUST FILE

All Party Committees and PACs (Nonconnected Committees and Separate Segregated Funds) filing on a quarterly basis must file a Quarterly Report in April. Committees must continue to file reports until the Commission notifies them in writing that their termination report has been accepted.

Recent changes to the law require certain party committees to file monthly reports (quarterly reporting is no longer an option for these committees). See the January 2004 issue of the *Record,* which can be found on the FEC web site at http://www.fec.gov/pages/record.htm for more information.

NOTE: A recent legislative change allows committees to file reports using overnight mail on the same terms as registered/certified mail. (See footnote 2).

PRE-ELECTION REPORTING

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. For the pre-election reporting guidelines, see the January 2004 *Record*, which can be found on the FEC web site at http://www.fec.gov/pages/record.htm.

[1] These dates indicate the beginning and the 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.

[2] Quarterly reports sent by registered or certified mail must be postmarked by the mailing date. Committees should keep the mailing receipt with its postmark as proof of filing. If using overnight mail, the delivery service must receive the report by the mailing date. "Overnight mail" means an overnight service with an on-line tracking system. Quarterly reports filed by any other means must be received by the Commission (or Secretary of the Senate for committees supporting only Senate candidates) by the filing date.

(over)

48- AND 24-HOUR REPORTS ON INDEPENDENT EXPENDITURES

Any PAC or Party Committee that makes independent expenditures in connection with an election may also have to file 48-hour or 24-hour reports. The 48-hour reporting requirement will be triggered each time the committee makes independent expenditures aggregating $10,000 or more between January 1st and the 20th day before the election. The 24-hour reporting requirement will be triggered each time the committee makes independent expenditures aggregating $1,000 or more after the 20th day, but more than 24 hours, before the day of the election. See 11 CFR 104.4.

These reports are *not* required when a Party Committee or PAC makes a contribution directly to a candidate. For a state-by-state chart of 48- and 24-hour reporting periods, visit the FEC web site at http://www.fec.gov/pages/charts_ie_dates.htm.

COMPLIANCE

- Treasurers of political committees 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.
- Under the 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 $16,000 (or more for repeat late- and non-filers). For additional information, see the enclosed handout entitled, "Administrative Fine Program" and visit the FEC web site at http://www.fec.gov/adminfines1.html.
- In addition, political committees that file illegible reports or use non-FEC forms (except for FEC-approved, computer-generated forms) will be required to refile their reports.
- Electronic filers who instead file on paper or submit an electronic report (either by direct transmission or on 3.5" diskette) that does not pass the validation test will be considered non-filers and may be subject to enforcement actions (including administrative fines).

ELECTRONIC FILING

Political committees that receive contributions or make expenditures in excess of $50,000 in a calendar year, or that expect to do so, must submit their reports electronically. For additional information, review the enclosed handout entitled "Electronic Filing," call the FEC's Electronic Filing office at (800) 424-9530 or (202) 694-1642, and visit our web site at http://www.fec.gov/elecfil/electron.html.

CHANGE IN FILING FREQUENCY

Committees able to change their reporting schedule (for example, from quarterly to monthly) who wish to do so must notify the Commission in writing when they file their next report due under their current reporting schedule. Committees may change their filing frequency no more than once per calendar year.

24038411335

WESTERN UNION

WESTERN UNION COMMERCIAL SERVICES

CONFIRMATION OF MAILGRAM TO:KATSURINIS, STEPHEN
MCGUIREWOODS LLP
1 JAMES CTR
RICHMOND VA 23219-4030

JENNIFER S. CINELLI
FEDERAL ELECTION COMMISSION
999 E ST NW
WASHINGTON DC 20463

MAY 5, 2004

IDENTIFICATION NUMBER: C00225342

REFERENCE: APRIL QUARTERLY (01/01/2004 - 03/31/2004)

DEAR TREASURER:

IT HAS COME TO THE ATTENTION OF THE FEDERAL ELECTION COMMISSION THAT YOU MAY HAVE FAILED TO FILE THE ABOVE REFERENCED REPORTS OF RECEIPTS AND EXPENDITURES AS REQUIRED BY THE FEDERAL ELECTION CAMPAIGN ACT, AS AMENDED. YOU WERE PREVIOUSLY NOTIFIED OF THE DUE DATES FOR THESE REPORTS.

IT IS IMPORTANT THAT YOU FILE THESE REPORTS IMMEDIATELY WITH THE FEDERAL ELECTION COMMISSION, 999 E STREET, N.W., WASHINGTON, D.C., 20463. A COPY OF THE REPORTS OR RELEVANT PORTIONS MUST ALSO BE FILED WITH THE SECRETARY OF STATE OR EQUIVALENT STATE OFFICER UNLESS THE STATE IS EXEMPT FROM THE FEDERAL REQUIREMENT TO RECEIVE AND MAINTAIN PAPER COPIES.

THE FAILURE TO TIMELY FILE THESES REPORTS MAY RESULT IN CIVIL MONEY PENALTIES, AN AUDIT OR LEGAL ENFORCEMENT ACTION. THE CIVIL MONEY PENALTY CALCULATION FOR LATE REPORTS DOES NOT INCLUDE A GRACE PERIOD AND BEGINS ON THE DAY FOLLOWING THE DUE DATE FOR THE REPORT.

IF YOU HAVE ANY QUESTIONS REGARDING THIS MATTER, PLEASE CONTACT DAYNA BROWN ON OUR TOLL FREE NUMBER (800)424-9530. OUR LOCAL NUMBER IS (202)694-1130.

SINCERELY,

JOHN D. GIBSON
ASSISTANT STAFF DIRECTOR
REPORTS ANALYSIS DIVISION

25092583207

F.E.C. RTB
999 E Street, NW
Washington, DC 20463

WESTERN UNION MAILGRAM
Messaging Services
UNITED STATES POSTAL SERVICE

112521000478 06/15/04 RDM2 - RDMB
EM16105

CERTIFIED RETURN RECEIPT P 910 149 639 ****CERTIFIED****
Katsurinis, Stephen
McGuirewoods Llp
1 James Ctr
Richmond VA 23219-4030

June 15, 2004

Katsurinis, Stephen
MCGUIREWOODS LLP
One James Center
Richmond VA 23219

C00225342
AF#: 1132

Dear Katsurinis, Stephen:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file an April Quarterly Report of Receipts and Disbursements in a calendar year during which there is a regularly scheduled election. This report, covering the period through March 31st, shall be filed no later than April 15th. 2 U.S.C. 434(a). You were previously notified of the due date for this report. Records at the Federal Election Commission ("FEC") indicate that this report was not filed within thirty (30) days of the due date. You should file this report if you have not already done so.

The Act was further amended in 1999 to permit 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 06/10/2004, the FEC found that there is reason to believe ("RTB") that MCGUIREWOODS LLP and you, as treasurer, violated 2 U.S.C. 434(a) by failing to file timely this report on or before April 15th. Based on the FEC's schedules of civil money penalties at 11 C.F.R. 111.43, the amount of your civil money penalty calculated at the RTB stage is $5500. It is due by 07/20/2004 and is based on these factors:

Election Sensitivity of Report: Not election sensitive
Level of Activity: $159345
Number of Days Late: Not Filed
Number of Previous Civil Money Penalties Assessed: 0

To Pay the Calculated Civil Money Penalty

To pay the calculated civil money penalty, send the enclosed

remittance and your payment to the FEC at the address on page 3. Upon receipt of your payment, the FEC will send you a final determination letter.

To Challenge the RTB Finding and/or Calculated Civil Money Penalty

To challenge the RTB finding and/or calculated civil money penalty, you must submit a written response, including the AF# found on page one, to the FEC's Office of Administrative Review, 999 E Street, NW, Washington, DC 20463. Your response must be received by 07/20/2004. Your written response must include the reason(s) why you are challenging the RTB finding and/or calculated civil money penalty. The FEC will only consider challenges that are based on a factual error, miscalculation of the calculated civil money penalty by the FEC, or the existence of extraordinary circumstances that persisted for more than 48 hours that were beyond your control and prevented you from filing the report in a timely manner. Your response 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. Examples of circumstances that will not be considered extraordinary include, but are not limited to, negligence, problems with vendors or contractors, staff illness, computer failures and similar circumstances. 11 C.F.R. 111.35(b)(1)(iii) and (4).

Your 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 district court under 2 U.S.C. 437g. 11 C.F.R. 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.

If You Do Not Pay The Calculated Civil Money Penalty or Submit a Challenge

If you do not pay the calculated civil money penalty or submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that MCGUIREWOODS LLP and you, 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 C.F.R. 111.45.

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 C.F.R.

111.42, unless you notify the FEC in writing that you wish the matter to be made public.

Additional information on the FEC's administrative fine program, including the final regulations, is located at the FEC's website at www.FEC.gov. If you have questions regarding the payment of the calculated civil money penalty, please contact Dayna C. Brown in the Reports Analysis Division at our toll free number (800)424-9530 (press 1, then press 2) 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.

Sincerely,

Bradley A. Smith
Chairman

* * * * * * * * * * * * * *

ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 C.F.R. 111.43, the amount of your civil money penalty calculated at RTB is $5500 for the 2004 APRIL QUARTERLY 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 952182
St. Louis, MO 63195-2182

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

U.S. Bank - Government Lockbox
FEC #952182
1005 Convention Plaza
St. Louis, MO 63101

The remittance and your payment are due by 07/20/2004. Upon receipt of your remittance and payment, the FEC will send you a final determination letter.

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: MCGUIREWOODS LLP

FEC ID#: C00225342

AF#: 1132

PAYMENT DUE DATE: 07/20/2004

PAYMENT AMOUNT DUE: $5500

MGMCOMP 17:36 EST

FEDERAL ELECTION COMMISSION
SECRETARIAT

2005 AUG 24 A 9:03

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 22, 2005

SENSITIVE

MEMORANDUM

TO: THE COMMISSION

THROUGH: JAMES A. PEHRKON
STAFF DIRECTOR

ANTHONY P. SCARDINO AHS
DEPUTY STAFF DIRECTOR

FROM: SHAWN WOODHEAD WERTH
REVIEWING OFFICER
OFFICE OF ADMINISTRATIVE REVIEW

SUBJECT: AF# 1132 – MCGUIREWOODS LLP AND
STEPHEN KATSURINIS, AS TREASURER (C00225342)

The attached Reviewing Officer Recommendation is being circulated on an informational basis. A copy was also sent to 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

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 22, 2005

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

AF# 1132 – McGuireWoods LLP and Stephen Katsurinis, as Treasurer (C00225342)

On June 10, 2004, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that McGuireWoods LLP and Stephen Katsurinis, as Treasurer ("the respondents"), violated 2 U.S.C. § 434(a) for failing to file the 2004 April Quarterly Report. The Commission also made a preliminary determination that the civil money penalty was $5,500 based on the schedule of penalties at 11 C.F.R. § 111.43. On June 15, 2004, the Reports Analysis Division ("RAD") sent notification to the respondents of the Commission's finding and civil money penalty calculated at RTB.

The RTB notification's Domestic Return Receipt ("green card") was returned to the Commission. The green card shows that the RTB notification was addressed to "Katsurinis, Stephen McGuirewoods LLP 1 James Ctr Richmond VA 23219" and was signed for by "J. Brice" on "6-16-04." On June 28, 2004, the RTB notification, without the green card, was returned to the Commission. The handwritten notation "Not at this address" appears on the envelope. RAD re-mailed the RTB notification on June 29, 2004 to "Stephen Katsurinis McGuireWoods LLP One James Center 901 E. Cary Street Richmond, VA 23219."

Respondents' Response

On July 20, 2004, the Commission received the written response, Treasurer's affidavit, and supporting documentation ("challenge") from Mr. Donatelli, the Treasurer, who "challenge[s] the fine assessed ... due to extraordinary circumstances, including incorrectly addressed correspondence sent from the FEC." He states that Mr. Katsurinis, to whom the RTB notification was sent, "left McGuireWoods in January of 2003" and their "Statement of Organization has been amended and I have been listed as Treasurer ... since that time." In his affidavit, Mr. Donatelli explains that

> a series of extraordinary circumstances ... cause[d] a good faith belief by the new and inexperienced Custodian of Records that no report was required until July and to prevent her and me and others involved with the administration of [the Committee] from receiving the relevant notices.... Among the most important of these circumstances was the failure of the FEC to address its notices to me rather than to Mr. Katsurinis. We accept responsibility for our own good faith errors and submit that this late filing was caused in part by that error by the FEC.

With respect to the Commission's correspondence for the April Quarterly Report, the Treasurer notes that it "continues to be addressed to Stephen Katsurinis at our Richmond office, despite the [Commission] being placed on notice by ... our amended Statement of Organization of January 23, 2003 that I had succeeded him as Treasurer." Mr. Donatelli says that he has received correspondence … on unrelated matters that was properly addressed to me, and I have sent correspondence … which I have signed as Treasurer, on letterhead with the address of our Washington office, where I am based…. The correspondence regarding the April 2004 Quarterly report, which was incorrectly addressed to Mr. Katsurinis, never reached me. It did not reach Ms. Vanover until July 12, though it is dated "May 5, 2004" and marked "REMAIL June 24, 2004….

Mr. Donatelli indicates that the "Custodian of Records" is "Ms. Deanna Vanover, an employee in the Richmond office of McGuireWoods Consulting LLP." She has handled "[d]ay to day administration of the PAC" since "August of 2003, soon after the 2003 Mid-year Report … had been filed. She was informed by the previous Custodian of Records that a 2003 Year-end report must be filed in January 2004." Ms. Vanover "completed that report" and "assumed that two reports would again be required in 2004, and did not receive the notice that quarterly or monthly reports would be required in 2004." On "July 6," when she "attempted to upload a Mid-year report for 2004," Ms. Vanover was "still unaware of any requirement for quarterly reports." Because

> the electronic filing system would not accept that report, she contacted the Reports Analyst [who] instructed her to include all of the activity … during the first six months of 2004 in the July Quarterly Report … and explained … how to do that. [She] filed the July Quarterly Report according to those instructions. [The Analyst] did not raise the issue of any civil money penalty … during their discussion.

He concludes that the Commission's notices, sent "to those who must file to insure that filers understand the numerous complex regulations that govern the filing requirements," as well as the "notice informing us that the … Report was late, were all delayed or lost because the FEC had addressed them incorrectly." He "respectfully submit[s] that [they] should not be subject to this fine, or that the fine should be reduced."

Included with the challenge are copies of three exhibits. Exhibit A is a Statement of Organization electronically filed on January 27, 2003. Line 1 shows the Committee's address as One James Center, 901 E. Cary Street, Richmond, VA 23219-4030. Line 7 lists Julie Watkins as the Custodian of Records. Line 8 lists Frank Donatelli as Treasurer with a mailing address of 1050 Connecticut Avenue, N.W., Suite 1200, Washington, DC 20036. Exhibit B consists of two letters. One letter is from Mr. Donatelli to Ms. Brandy Phillips, Campaign Finance Analyst, is dated March 12, 2003, and responds to her "letter of February 28." The address on the letterhead of Mr. Donatelli's letter is "McGuireWoods Consulting LLC Washington Square 1050 Connecticut Avenue N.W. Suite 1200 Washington, D.C. 20036-5317." The second letter is from Ms. Phillips to Mr. Donatelli, is dated February 28, 2003, and is addressed to him at "MCGUIREWOODS LLP One James Center 901 E. Cary Street Richmond, VA 23219."

Exhibit C includes four letters addressed to Mr. Katsurinis. Two letters are the RTB notification addressed to "One James Center Richmond VA 23219." The third letter is dated October 6, 2003 from the Commission's Information Division and is addressed to "One James Center 901 E. Cary Street Richmond, VA 23219." Handwritten notations on the letter include circles around Mr. Katsurinis' name and the word "new" in the first sentence, the phrase "Scratch close form Validate upload," and "our [Analyst] Brandy Phillips." The fourth letter is the Non-Filer Notification for the April Quarterly Report. It is dated May 5, 2004, is addressed to "1 James Ctr Richmond VA 23219-4030," is stamped "REMAIL JUN 24 2004," and contains the handwritten notation "Brandy Phillips."

Supplemental Requests and Responses

The respondents state that they did not receive, or received late, the notices telling them that the report was not filed on time and that the RAD Analyst "did not raise the issue of any civil penalty" with Ms. Vanover when they spoke. As a result, OAR sent supplemental requests to the Information Technology Division ("ITD") and RAD.

In its August 18, 2004 request, OAR asked ITD if a 12-hour email notification was sent for the report and, if it was, to provide the date on which it was sent and to whom it was sent. In his October 5, 2004 response, the Manager of the Systems Analysis and Design Branch in ITD states that the Electronic Filing Office ("EFO") logs show that

> [o]n April 16, 2004, the EFO notified the committee by email that they had failed to file their 2004 April Quarterly Report. The FEC server mail log, which stores the email address provided by the filer, shows that the email was sent to fdonatelli@mcguirewoods.com.

In its January 24, 2005 request, OAR asked RAD for information about the July 6 telephone conversation referenced in the challenge. In his January 24, 2005 response, the Assistant Staff Director for RAD states that the July 6 conversation "between Ms. Brandy Phillips, a former Campaign Finance Analyst, and Ms. Deanna Vanover" concerned "the Committee's problems in uploading a report." In her written record ("telecon"), Ms. Phillips notes that Ms. Vanover "said the ending coverage dates were incorrect. It was for a new report so I could not issue her a backdoor password. I transferred her then to [the EFO]."

OAR sent a second request to the ITD Manager on January 25, 2005 in which OAR asked him to provide any information about the July 6 telephone conversation. In his January 25, 2005 response, the ITD Manager states that

> [o]n July 6, 2004, EFO logs show there is no record of any conversation with the committee or Ms. Deanna Vanover, however, on July 1, 2004, logs show that Ms. Deanna Vanover phoned Mr. Ken Lally ... requesting help resolving a failing validation error on the 2004 July Quarterly Report. Assistance was provided and the report passed validation.... [T]here has been no further contact with the committee since July 1.

Analysis of Challenge

The 2004 July Quarterly Report, which included the April Quarterly reporting period of January 1 through March 31, 2004, was filed on July 6, 2004. It was received 82 days after the April Quarterly Report's due date, or 82 days late.

The Federal Election Campaign Act ("Act") requires that quarterly reports must be filed by the treasurer of a political action committee no later than the 15th day after the last day of each calendar quarter in a calendar year in which a regularly scheduled general election is held. 2 U.S.C. § 434(a)(4)(A)(i). Reports filed electronically must be received and validated by the Commission at or before 11:59 p.m., Eastern Standard/Daylight Time on the prescribed filing date to be timely filed. 11 C.F.R. §§ 100.19(c) and 104.5(e). Committees are required to disclose changes to the information on a previously submitted statement of organization no later than 10 days after the date of the change.

2 U.S.C. § 433(c) and 11 C.F.R. § 102.2(a)(2). If a statement designating counsel has not been filed, all notifications involving the administrative fine program will be sent to the political committee and its treasurer at the committee's address as listed on the most recent Statement of Organization, or amendment thereto. 11 C.F.R. § 111.46. The respondents' written response shall contain the reason(s) why they are challenging the Commission's reason to believe finding and may consist of the existence of extraordinary circumstances that were beyond the control of the respondents, were for a duration of at least 48 hours and prevented them from filing the report in a timely manner. Examples of circumstances which are not considered extraordinary include, but are not limited to, staff inexperience. 11 C.F.R. § 111.35. The treasurer shall be personally responsible for the timely and complete filing of reports and statements and the accuracy of the information they contain. 11 C.F.R. § 104.14(d).

According to Mr. Donatelli, the Commission "incorrectly addressed" its notices to the former Treasurer, Mr. Katsurinis, even though they filed an amended Statement of Organization in 2003 which lists Mr. Donatelli as the new Treasurer. As a result, Commission notices were "all delayed or lost" because they were incorrectly addressed to Mr. Katsurinis and Ms. Vanover, their Custodian of Records, "did not receive the notice that quarterly or monthly reports" must be filed and "assumed that two reports" had to be filed in 2004. The May 5, 2004 Non-Filer Notice for the April Quarterly Report "never reached" Mr. Donatelli and "did not reach" Ms. Vanover until July 12.

As Mr. Donatelli correctly points out, Commission records show that he was designated to succeed Mr. Katsurinis as Treasurer in January 2003. There was no change to the Committee's Richmond, Virginia address of record and Mr. Donatelli, like Mr. Katsurinis before him, was based in the Washington, D.C. office. Commission records show the receipt of two more Statements of Organization in 2003: one on August 22 which still shows Mr. Donatelli as Treasurer and one on September 30 which shows a change in Treasurers: from Mr. Donatelli to Mr. Katsurinis.

Just as was done when Mr. Donatelli was designated Treasurer in January 2003, the Commission databases were updated and subsequent Commission correspondence was sent to Mr. Katsurinis at the Committee's Richmond address of record. This correspondence includes the January and April 2004 issues of the FEC Record with articles on 2004 filing requirements, Prior Notices for the 2003 Year End and 2004 April Quarterly Reports along with the handout titled "Administrative Fine Program," and the Information Division's October 6, 2003 letter and package of material for newly designated treasurers. They received the material sent by the Information Division as they provide a copy of the cover letter with their challenge. Along with the letter, the package of Commission publications includes the Act, regulations, Campaign Guide for Corporations and Labor Organizations, and Schedule of Reporting Dates.[1] All of this material explains election- and non-election year filing requirements for committees which opt to file on a quarterly basis.

Commission records also disclose that when Mr. Donatelli became Treasurer in January 2003, he notified the Commission that they were changing their filing status for

[1] The September 2003 amendment notes that the Committee is a separate segregated fund, so the Campaign Guide for Corporations and Labor Organizations was sent to them. Non-connected committees and separate segregated funds which are quarterly filers have the same election-year filing requirements.

2003 to "semi-annual filing." In her February 28, 2003 letter, the Chief of RAD's Party/Non-Party Branch acknowledged his request to change

> from a monthly filer to a quarterly filer.... Note that during years which have no scheduled federal election, quarterly filers are required only to file semi-annually.... A reporting schedule is provided below for the 2003 calendar year.

Furthermore, the EFO logs show that on April 16, 2004, the day after the report was due, a 12 hour nonfiler email notification was sent to fdonatelli@mcguirewoods.com, the email address provided with their last electronically filed report and stored in the Commission's server mail log. Thus, RAD told Mr. Donatelli in early 2003 that, as quarterly filers, they only had to file on a semi-annual basis in 2003 as there was no regularly scheduled federal election that year and the EFO notified him the day after the April Quarterly Report was due that the Commission had not received it.

When the Non-Filer Notice and the RTB Notification were sent in May and June 2004, Mr. Katsurinis was correctly listed as Treasurer and was sent to the Richmond address except that 901 E. Cary Street was inadvertently omitted from the address. Both notices were later returned to the Commission and re-sent to the Richmond address, still addressed to Mr. Katsurinis as Treasurer, and obviously received as the respondents include copies of them in the challenge.

Before the RTB Notification was returned, however, the green card was returned. The green card shows that the RTB Notification was delivered on June 16 and signed for by "J. Brice" at the Richmond address even though Mr. Katsurinis is listed as Treasurer. When the RTB Notification was returned 12 days later, the hand written notation on the envelope says "Not at this Address." After having initially accepted the RTB Notification on June 16, someone apparently decided to send it back because Mr. Katsurinis is listed as Treasurer.

The September 30, 2003 Statement of Organization which shows Mr. Katsurinis as Treasurer was obviously filed in error based on the information in their challenge. Nonetheless, someone associated with the Committee filed it and the Commission updated its records accordingly. Commission material continued to be sent to him as Treasurer until July 12, 2004, when they filed another Statement of Organization with Mr. Donatelli again listed as Treasurer, Ms. Vanover listed as Custodian of Records, and the Committee's address of record still in Richmond. There is no indication they contacted the Commission between October 2003 and July 2004 to ask why correspondence continued to be addressed to Mr. Katsurinis instead of Mr. Donatelli.

Mr. Donatelli acknowledges the inexperience of the Custodian of Records and says they accept responsibility for their "good faith errors" but the administrative fine regulations are clear that staff inexperience does not constitute "extraordinary circumstances" as defined in 11 C.F.R. § 111.35(b). Regardless of who is assigned to prepare and file the Committee's reports, it is still the Treasurer's responsibility under the Act to ensure that reports are filed on time and that the Commission is timely notified of changes to the Committee's address of record and Treasurer.

With respect to the last issue raised in the challenge, that Commission staff did not tell Ms. Vanover they may be fined for filing the report late, the EFO logs and the RAD

Analyst's telecon show that she called on July 1 and 6 to get help uploading the July Quarterly Report. There is no indication from the logs and telecon that they discussed the April Quarterly Report, due 2 ½ months earlier, or the Mid-Year Report, which is only required in non-election years. In addition, both conversations occurred before she received the remailed Non-Filer Notice on July 12 and, according to the challenge, realized quarterly reports were required in 2004.

Under the administrative fine regulations, one of the criteria used to calculate the civil money penalty is the level of activity: the total amount of receipts and disbursements for the period covered by the report filed late. 11 C.F.R. § 111.43(a)(2)(i)(B) and (d). At the time of the RTB finding, the Commission had not received a report; therefore, the estimated level of activity was used ($159,345) to calculate the $5,500 RTB civil money penalty. The respondents have not filed the April Quarterly Report but they did file the July Quarterly Report after notification of the RTB finding and prior to the submission of their challenge. This Report covers the period from January 1 through June 30, includes the activity for the April Quarterly reporting period, and discloses $109,656 in total receipts ($33,350 of which is unitemized contributions) and $94,306 in total disbursements for the January 1 through June 30 period. This results in an estimated level of activity of $101,920 for the April Quarterly Report. Based on the schedule of penalties for a report which is considered not filed, with a level of activity of $100,000 to $149,999.99, for respondents with no previous violations, the amount of the civil money penalty would be $4,500 x [1 + (.25 x 0)] or $4,500, reduced from the RTB civil money penalty of $5,500.

The respondents' challenge presented no evidence that a factual error was made, that the civil money penalty was miscalculated at RTB or that extraordinary circumstances existed, as defined at 11 C.F.R. § 111.35(b), which prevented them from filing the 2004 April Quarterly Report in a timely manner. However, because the respondents filed the July Quarterly Report on July 6, 2004 and disclosed an estimated level of activity for the April Quarterly reporting period, the civil money penalty at final determination is recalculated to be $4,500 based upon the schedules of penalties. The Reviewing Officer, therefore, 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 $4,500.

OAR Recommendations

(1) Make a final determination in AF# 1132 that McGuireWoods LLP and Stephen Katsurinis, as Treasurer, violated 2 U.S.C. § 434(a) and, based on the estimated level of activity for the April Quarterly reporting period which is disclosed on the July Quarterly Report ($101,920), assess a civil money penalty of $4,500 (reduced from the RTB civil money penalty of $5,500); and

(2) Send the appropriate letter.

Attachments

Attachment 1 - Challenge Received

Attachment 2 - Supplemental Requests to and Responses from ITD and RAD

Attachment 3 - Declaration from RAD

Attachment 4 - Memorandum to the File, Copy of Green Card, and Copy of RTB Envelope Accompanying RAD's Declaration

Attachment 5 - Declaration from OAR

uireWoods Consulting LLC
Washington Square
i0 Connecticut Avenue N.W.
Suite 1200
'ashington, DC 20036-5317
Phone: 202.857.1700
Fax: 202.857.1737
www.mwcllc.com

Frank J. Donatelli
Direct: 202.857.2914
fdonatelli@mwcllc.com

FEC OFFICE O
ADMIN REVIEW

2004 JUL 20 P 3: 34

RECEIVED
FEC MAIL
OPERATIONS CENTER

2004 JUL 20 P 12: 02

McGUIREWOODS
CONSULTING

Attachment # 1
17 Pages

July 20, 2004

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

RE: McGuireWoods PAC C00225342 **AF# 1132 - Appeal of Fine**

To Whom It May Concern:

I am the Treasurer of the McGuireWoods LLP Political Action Committee. Enclosed is my affidavit setting forth the basis for McGuireWoods PAC's appeal of the fine of $5500 assessed by the Federal Election Commission by letter of June 15, 2004 from FEC Chairman Bradley Smith to Stephen Katsurinis, the former Treasurer of the McGuireWoods PAC. Mr. Katsurinis left McGuireWoods in January of 2003. Our Statement of Organization has been amended and I have been listed as Treasurer of the McGuireWoods PAC since that time.

By this affidavit McGuireWoods PAC seeks to challenge the fine assessed for failure to file the April 2004 Quarterly Report due to extraordinary circumstances, including incorrectly addressed correspondence sent from the FEC to the McGuireWoods PAC. Thank you.

Sincerely,

FJD

Frank J. Donatelli

Enclosures

FJD/at

AFFIDAVIT

District of Columbia

BEFORE ME, the undersigned Notary, Monica Gibson-Moore, on this 20th day of July, 2004, personally appeared Frank Donatelli, known to me to be a credible person and of lawful age, who being by me first duly sworn, on his oath, deposes and says:

1. I am the Treasurer of the McGuireWoods LLP Political Action Committee ("MW PAC"). I submit this affidavit in support of McGuireWoods PAC's appeal of the fine assessed for failure to file the April Quarterly Report of Receipts and Disbursements for 2004. **AF #1132**

2. I became Treasurer by an amendment to MW PAC's statement of organization filed on January 27, 2003, attached as EXHIBIT A. I succeeded the former Treasurer, Stephen Katsurinis, who left the McGuireWoods firm in January of 2003. Mr. Katsurinis has not been involved with the McGuireWoods LLP firm or MW PAC since that time.

3. On Monday, July 12, I was informed that the Federal Election Commission ("FEC") has imposed a fine of $5500 on MW PAC for failure to file the April Quarterly Report of Receipts and Disbursements for 2004. Until that time I was not aware that the report was late or had not been filed.

4. Day to day administration of the PAC is handled by the Custodian of Records, Ms. Deanna Vanover, an employee in the Richmond office of McGuireWoods Consulting, a subsidiary of McGuireWoods LLP. Ms Vanover assumed those responsibilities in August of 2003, soon after the 2003 Mid-year Report of Receipts and Disbursements had been filed. She was informed by the previous Custodian of Records that a 2003 Year-end report must be filed in January 2004. She completed that report, which was filed electronically. She assumed that two reports would again be required in 2004, and did not receive the notice that quarterly or monthly reports would be required in 2004.

5. Correspondence from the FEC regarding the April 2004 Quarterly report continues to be addressed to Stephen Katsurinis at our Richmond office, despite the FEC being placed on notice by means of our amended Statement of Organization of January 23, 2003 that I had succeeded him as Treasurer. Since I became Treasurer I have received correspondence from the FEC on unrelated matters that was properly addressed to me, and I have sent correspondence to the FEC which I have signed as Treasurer, on letterhead with the address of our Washington office, where I am based. Copies of this correspondence are attached as EXHIBIT B.

6. The correspondence regarding the April 2004 Quarterly report, which was incorrectly addressed to Mr. Katsurinis, never reached me. It did not reach Ms. Vanover until July 12, though it is dated "May 5, 2004" and marked "REMAIL June 24, 2004." Copies of those letters are attached as EXHIBIT C.

7. On July 6, Ms Vanover, still unaware of any requirement for quarterly reports, attempted to upload a Mid-year report for 2004. When the electronic filing system would not accept that report, she contacted the Reports Analyst for the MW PAC, Ms. Brandy Phillips. Ms Phillips instructed her to include all of the activity for the MW PAC during the first six months of 2004 in the July Quarterly Report for 2004 and explained to Ms. Vanover how to do that. Ms. Vanover filed the July Quarterly Report according to those instructions. Ms. Phillips did not raise the issue of any civil penalty with Ms Vanover during their discussion. Ms. Vanover and I both were surprised to learn the following week that a fine had been imposed.

8. MW PAC and McGuireWoods LLP take seriously their responsibility to file accurate and timely reports with the FEC, as demonstrated by the past record of MW PAC. A series of extraordinary circumstances combined in this instance to cause a good faith belief by the new and inexperienced Custodian of Records that no report was required until July and to prevent her and me and others involved with the administration of MW PAC from receiving the relevant notices sent by the FEC. Among the most important of these circumstances was the failure of the FEC to address its notices to me rather than to Mr. Katsurinis. We accept responsibility for our own good faith errors and submit that this late filing was caused in part by that error by the FEC. The FEC sends notices to those who must file to insure that filers understand the numerous complex regulations that govern the filing requirements for PACs. Those notices, and the notice informing us that the April Quarterly Report was late, were all delayed or lost because the FEC had addressed them incorrectly. We therefore respectfully submit that MW PAC should not be subject to this fine, or that the fine should be reduced.

____
[signature of affiant]

Frank Donatelli
Senior Vice President
McGuireWoods Consulting
1050 Connecticut Avenue, NW
Washington, DC 20036
202-857-2914

Subscribed and sworn to before me, this 20th [*day of month*] day of July [*month*], 2004.

[Notary Seal:]

____
[signature of Notary] **Monica Gibson-Moore**
Notary Public, District of Columbia
My Commission Expires 01-14-2009

Exhibit A

01/27/2003 09 : 48

FEC FORM 1

STATEMENT OF ORGANIZATION

(See instructions)

12FE4M5

1. NAME OF COMMITTEE (in full) (Check if name is changed) Example: If typing, type over the lines

McGuireWoods LLP

ADDRESS (number and street)

(Check if address is changed)

One James Center

901 E. Cary Street

Richmond VA 23219 - 4030

CITY STATE ZIP CODE

COMMITTEE'S E-MAIL ADDRESS

fdonatelli@mwcllc.com

COMMITTEE'S WEB PAGE ADDRESS (URL)

2. DATE 01 24 2003

3. FEC IDENTIFICATION NUMBER C00225342

4. IS THIS STATEMENT X NEW (N) OR AMENDED (A)

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

Type or Print Name of Treasurer Frank Donatelli

Signature of Treasurer Electronically Filed by Frank Donatelli Date 01 27 2003

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

ANY CHANGE IN INFORMATION SHOULD BE REPORTED WITHIN 10 DAYS

Office Use Only

For further information contact:
Federal Election Commission
Toll Free 800-424-9530
Local 202-694-110

FEC FORM 1
(Revised 1/2001)

12235852052

5. TYPE OF COMMITTEE (Check One)

(a) This committee is a principal campaign committee. (Complete the candidate information below.)

(b) This committee is an authorized committee, and is NOT a principal campaign committee. (Complete the candidate information below.)

Name of Candidate

Candidate Party Affiliation

Office Sought: House Senate President

State

District

(c) This committee supports/opposes only one candidate, and is NOT an authorized committee.

Name of Candidate

(d) This committee is a (National, State or subordinate) committee of the (Democratic, Republican, etc.) Party.

(e) This committee is a separate segregated fund

(f) X This committee supports/opposes more than one Federal candidate, and is NOT a separate segregated fund or party committee.

6. Name of Any Connected Organization or Affiliated Committee

McGuireWoods LLP

Mailing Address

One James Center

901 E. Cary Street

Richmond VA 23219 4030

CITY ▲ STATE ▲ ZIP CODE ▲

Relationship

Type of Connected Organization:

X Corporation

Corporation w/o Capital Stock

Labor Organization

Membership Organization

Trade Association

Cooperative

Write or Type Committee Name

McGuireWoods LLP

7. Custodian of Records: Identify by name, address, (phone number -- optional), and position of the person in possession of Committee books and records.

Full Name: Julie Watkins

Mailing Address: 901 East Cary Street

One James Center

Richmond VA 23219 -

Title or Position ▼ CITY ▲ STATE▲ ZIP CODE ▲

Telephone number ___ - ___ - ___

8. Treasurer: List the name and address (phone number -- optional) of the treasurer of the committee; and the name and address of any designated agent (e.g., assistant treasurer).

Full Name of Treasurer: Frank Donatelli

Mailing Address: 1050 Connecticut Avenue N.W.

Suite 1200

Washington DC 20036 -

Title or Position ▼ CITY ▲ STATE▲ ZIP CODE ▲

Telephone number 202 - 857 - 2914

Full Name of Designated Agent

Mailing Address

Title or Position ▼ CITY ▲ STATE▲ ZIP CODE ▲

Telephone number ___ - ___ - ___

23238580532

9. **Banks or Other Depositories:** List all banks or other depositories in which the committee deposits funds, holds accounts, rents safety deposit boxes or maintains funds.

Name of Bank, Depository, etc.

First Union National Bank

Mailing Address

P.O. Box 13327

Roanoke | VA | 24040

CITY | STATE | ZIP CODE

22235829052

Exhibit B

uireWoods Consulting LLC
Washington Square
50 Connecticut Avenue N.W.
Suite 1200
Va[illegible]ton, DC 20036-5317
hone: 202.857.1700
Fax: 202.857.1737
www.mwcllc.com

Frank J. Donatelli
Direct: 202.857.2914
fdonatelli@mwcllc.com

McGUIREWOODS
CONSULTING

March 12, 2003

Ms. Brandy Phillips
Campaign Finance Analyst
Federal Election Commission
999 E Street, NW
Washington, DC 20463

Identification Number: C00225342
Reference: Year-End Report (11/26/02-12/31/02)

Dear Ms. Phillips:

This is in response to your letter of February 28 requesting more information on our contribution to America's Foundation (Schedule B supporting Line 23).

Our contribution to America's Foundation was not earmarked to any candidate and was made exercising no direction or control over the ultimate use of the funds. As such, we are filing an amended return that clarifies the nature of this donation.

Thank you for bringing this matter to our attention.

Sincerely,

Frank J. Donatelli
Treasurer

FJD/at

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-5

Frank Donatelli, Treasurer
MCGUIREWOODS LLP
One James Center
901 E. Cary Street
Richmond, VA 23219

FEB 28 2003

Identification Number: C00225342

Reference: Year End Report (11/26/02-12/31/02)

23225380250

Dear Mr. Donatelli:

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

-Schedule B supporting Line 23 of your report discloses a contribution(s) to America's Foundation; however, you have disclosed "Richard J. Santorum" in the purpose of disbursement field(s). Please clarify whether this was an earmarked contribution(s) made by your committee through America's Foundation committee to this candidate, or if you made the contribution to the political committee exercising no direction or control over how the funds were to be used. If the latter is the case, please do not include the candidate's name in the purpose of disbursement field. Please amend your report to clarify the ultimate recipient of this contribution(s).

Any amendment or clarification should be filed with the Federal Election Commission. Electronic filers must file amendments (to include statements, designations and reports) in an electronic format and must submit an amended report in its entirety, rather than just those portions of the report that are being amended. If you need assistance, please feel free to contact me on our toll-free number, (800) 424-9530 (at the prompt press 1, then press 2 to reach the Reports Analysis Division). My local number is (202) 694-1130.

Sincerely,

Brandy Phillips

Brandy Phillips
Campaign Finance Analyst
Reports Analysis Division

296

Exhibit C

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

10/06/2003

Records Dept
anylist
our Anylist
Brandy Phillips

202-
694-1130

C00225342
~~MCGUIREWOODS LLP~~
Katsurinis, Stephen
~~One James Center~~
901 E. Cary Street
Richmond, VA 23219

Dear Treasurer:

Our records show that you are the new treasurer of a political committee registered with the Federal Election Commission. To help your committee understand the election law, we have enclosed several publications.

We offer this assistance to help you avoid any violation of the federal election law (U.S.C. Title 2) or the regulations prescribed by the Federal Election Commission (11 CFR). As treasurer, you are responsible for your committee's compliance with the election law. (See, for example, 2 U.S.C. sections 432(c), (d) and (i) and 11 CFR 102.7(c), 103.3(a) and 104.14(d).) This means that in the event that the Commission brings an enforcement action against your committee, absent unusual circumstances, you will be named as a respondent along with the committee. Moreover, you may be held personally liable if a violation of law occurs and the committee is unable to pay the required penalty.

To further assist you, we have added your name to our mailing list for our monthly publication, the RECORD. If you wish to order additional free subscriptions for other members of your staff, please give us a call (see below).

To receive additional forms and publications, call the Commission's FAXLINE Service--an automated information system that transmits materials directly to your fax machine (See FAXLINE Menu).

If you have any questions, please contact the Information Division at 1/800-424-9530 (press #1, then #3) or 202/694-1100.

The Information Division

Scratch form
Close
Validate
upload

Attachments
- Federal Election Campaign Act (2 U.S.C. Titles 2 & 26)
- FEC Regulations (11 CFR)
- Campaign Guide for Corporations and Labor Organizations
- FEC Form 3X: Report of Receipts and Disbursements
- List of State Filing Offices
- Schedule of Reporting Dates
- Copy of the RECORD, the FEC monthly newsletter
- FAXLINE Menu
- Electronic Filing Handout

F.E.C. RTB
999 E Street, NW
Washington, DC 20463

WESTERN UNION Messaging Services | MAILGRAM
UNITED STATES POSTAL SERVICE

112521000478 06/15/04 RDM2 - RDMB
EM16105

CERTIFIED RETURN RECEIPT P 910 149 639 ****CERTIFIED****
Katsurinis, Stephen
McGuirewoods Llp
1 James Ctr
Richmond VA 23219-4030

June 15, 2004

Katsurinis, Stephen
MCGUIREWOODS LLP
One James Center
Richmond VA 23219

C00225342
AF#: 1132

Dear Katsurinis, Stephen:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file an April Quarterly Report of Receipts and Disbursements in a calendar year during which there is a regularly scheduled election. This report, covering the period through March 31st, shall be filed no later than April 15th. 2 U.S.C. 434(a). You were previously notified of the due date for this report. Records at the Federal Election Commission ("FEC") indicate that this report was not filed within thirty (30) days of the due date. You should file this report if you have not already done so.

The Act was further amended in 1999 to permit 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 06/10/2004, the FEC found that there is reason to believe ("RTB") that MCGUIREWOODS LLP and you, as treasurer, violated 2 U.S.C. 434(a) by failing to file timely this report on or before April 15th. Based on the FEC's schedules of civil money penalties at 11 C.F.R. 111.43, the amount of your civil money penalty calculated at the RTB stage is $5500. It is due by 07/20/2004 and is based on these factors:

Election Sensitivity of Report: Not election sensitive
Level of Activity: $159345
Number of Days Late: Not Filed
Number of Previous Civil Money Penalties Assessed: 0

To Pay the Calculated Civil Money Penalty

To pay the calculated civil money penalty, send the enclosed

WESTERN UNION Messaging Services | MAILGRAM
UNITED STATES POSTAL SERVICE

remittance and your payment to the FEC at the address on page 3. Upon receipt of your payment, the FEC will send you a final determination letter.

To Challenge the RTB Finding and/or Calculated Civil Money Penalty

To challenge the RTB finding and/or calculated civil money penalty, you must submit a written response, including the AF# found on page one, to the FEC's Office of Administrative Review, 999 E Street, NW, Washington, DC 20463. Your response must be received by 07/20/2004. Your written response must include the reason(s) why you are challenging the RTB finding and/or calculated civil money penalty. The FEC will only consider challenges that are based on a factual error, miscalculation of the calculated civil money penalty by the FEC, or the existence of extraordinary circumstances that persisted for more than 48 hours that were beyond your control and prevented you from filing the report in a timely manner. Your response 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. Examples of circumstances that will not be considered extraordinary include, but are not limited to, negligence, problems with vendors or contractors, staff illness, computer failures and similar circumstances. 11 C.F.R. 111.35(b)(1)(iii) and (4).

Your 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 district court under 2 U.S.C. 437g. 11 C.F.R. 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.

If You Do Not Pay The Calculated Civil Money Penalty or Submit a Challenge

If you do not pay the calculated civil money penalty or submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that MCGUIREWOODS LLP and you, 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 C.F.R. 111.45.

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 C.F.R.

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111.42, unless you notify the FEC in writing that you wish the matter to be made public.
Additional information on the FEC's administrative fine program, including the final regulations, is located at the FEC's website at www.FEC.gov. If you have questions regarding the payment of the calculated civil money penalty, please contact Dayna C. Brown in the Reports Analysis Division at our toll free number (800)424-9530 (press 1, then press 2) 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.

Sincerely,

Bradley A. Smith
Chairman

* * * * * * * * * * * * * *

ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 C.F.R. 111.43, the amount of your civil money penalty calculated at RTB is $5500 for the 2004 APRIL QUARTERLY 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 952182
St. Louis, MO 63195-2182

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

U.S. Bank - Government Lockbox
FEC #952182
1005 Convention Plaza
St. Louis, MO 63101

The remittance and your payment are due by 07/20/2004. Upon receipt of your remittance and payment, the FEC will send you a final determination letter.

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: MCGUIREWOODS LLP

FEC ID#: C00225342

AF#: 1132

PAYMENT DUE DATE: 07/20/2004

PAYMENT AMOUNT DUE: $5500

MGMCOMP 17:36 EST

FEDERAL ELECTION COMMISSION
999 E STREET, NW
WASHINGTON, DC 20463

WESTERN UNION MAILGRAM

UNITED STATES POSTAL SERVICE

112030000604 05/05/04
EM16105

RDM2 - RDMB

Brandy Phillips

Katsurinis, Stephen
McGuirewoods Llp
1 James Ctr
Richmond VA 23219-4030

REMAIL

May 5, 2004

IDENTIFICATION NUMBER: C00225342

JUN 24 2004

REFERENCE: APRIL QUARTERLY (01/01/2004 - 03/31/2004)

DEAR TREASURER:

IT HAS COME TO THE ATTENTION OF THE FEDERAL ELECTION COMMISSION THAT YOU MAY HAVE FAILED TO FILE THE ABOVE REFERENCED REPORTS OF RECEIPTS AND EXPENDITURES AS REQUIRED BY THE FEDERAL ELECTION CAMPAIGN ACT, AS AMENDED. YOU WERE PREVIOUSLY NOTIFIED OF THE DUE DATES FOR THESE REPORTS.

IT IS IMPORTANT THAT YOU FILE THESE REPORTS IMMEDIATELY WITH THE FEDERAL ELECTION COMMISSION, 999 E STREET, N.W., WASHINGTON, D.C., 20463. A COPY OF THE REPORTS OR RELEVANT PORTIONS MUST ALSO BE FILED WITH THE SECRETARY OF STATE OR EQUIVALENT STATE OFFICER UNLESS THE STATE IS EXEMPT FROM THE FEDERAL REQUIREMENT TO RECEIVE AND MAINTAIN PAPER COPIES.

THE FAILURE TO TIMELY FILE THESES REPORTS MAY RESULT IN CIVIL MONEY PENALTIES, AN AUDIT OR LEGAL ENFORCEMENT ACTION. THE CIVIL MONEY PENALTY CALCULATION FOR LATE REPORTS DOES NOT INCLUDE A GRACE PERIOD AND BEGINS ON THE DAY FOLLOWING THE DUE DATE FOR THE REPORT.

IF YOU HAVE ANY QUESTIONS REGARDING THIS MATTER, PLEASE CONTACT Dayna Brown ON OUR TOLL FREE NUMBER (800)424-9530. OUR LOCAL NUMBER IS (202)694-1130.

SINCERELY,

JOHN D. GIBSON
ASSISTANT STAFF DIRECTOR
REPORTS ANALYSIS DIVISION

MGMCOMP 15:28 EST

F.E.C. RTB
999 E Street, NW
Washington, DC 20463

WESTERN UNION MAILGRAM
Messaging Services
UNITED STATES POSTAL SERVICE

112521000478 06/15/04 RDM2 - RDMB
EM16105

CERTIFIED RETURN RECEIPT P 910 149 639 ****CERTIFIED****
Katsurinis, Stephen
McGuirewoods Llp
1 James Ctr
Richmond VA 23219-4030

June 15, 2004

Katsurinis, Stephen
MCGUIREWOODS LLP
One James Center
Richmond VA 23219

C00225342
AF#: 1132

Dear Katsurinis, Stephen:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file an April Quarterly Report of Receipts and Disbursements in a calendar year during which there is a regularly scheduled election. This report, covering the period through March 31st, shall be filed no later than April 15th. 2 U.S.C. 434(a). You were previously notified of the due date for this report. Records at the Federal Election Commission ("FEC") indicate that this report was not filed within thirty (30) days of the due date. You should file this report if you have not already done so.

The Act was further amended in 1999 to permit 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 06/10/2004, the FEC found that there is reason to believe ("RTB") that MCGUIREWOODS LLP and you, as treasurer, violated 2 U.S.C. 434(a) by failing to file timely this report on or before April 15th. Based on the FEC's schedules of civil money penalties at 11 C.F.R. 111.43, the amount of your civil money penalty calculated at the RTB stage is $5500. It is due by 07/20/2004 and is based on these factors:

Election Sensitivity of Report: Not election sensitive
Level of Activity: $159345
Number of Days Late: Not Filed
Number of Previous Civil Money Penalties Assessed: 0

To Pay the Calculated Civil Money Penalty

To pay the calculated civil money penalty, send the enclosed

To reply by Mailgram Message, see reverse side for Western Union's toll-free number.

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remittance and your payment to the FEC at the address on page 3. Upon receipt of your payment, the FEC will send you a final determination letter.

To Challenge the RTB Finding and/or Calculated Civil Money Penalty

To challenge the RTB finding and/or calculated civil money penalty, you must submit a written response, including the AF# found on page one, to the FEC's Office of Administrative Review, 999 E Street, NW, Washington, DC 20463. Your response must be received by 07/20/2004. Your written response must include the reason(s) why you are challenging the RTB finding and/or calculated civil money penalty. The FEC will only consider challenges that are based on a factual error, miscalculation of the calculated civil money penalty by the FEC, or the existence of extraordinary circumstances that persisted for more than 48 hours that were beyond your control and prevented you from filing the report in a timely manner. Your response 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. Examples of circumstances that will not be considered extraordinary include, but are not limited to, negligence, problems with vendors or contractors, staff illness, computer failures and similar circumstances. 11 C.F.R. 111.35(b)(1)(iii) and (4).

Your 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 district court under 2 U.S.C. 437g. 11 C.F.R. 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.

If You Do Not Pay The Calculated Civil Money Penalty or Submit a Challenge

If you do not pay the calculated civil money penalty or submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that MCGUIREWOODS LLP and you, 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 C.F.R. 111.45.

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 C.F.R.

111.42, unless you notify the FEC in writing that you wish the matter to be made public.

Additional information on the FEC's administrative fine program, including the final regulations, is located at the FEC's website at www.FEC.gov. If you have questions regarding the payment of the calculated civil money penalty, please contact Dayna C. Brown in the Reports Analysis Division at our toll free number (800)424-9530 (press 1, then press 2) 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.

Sincerely,

Bradley A. Smith
Chairman

* * * * * * * * * * * * * *

ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 C.F.R. 111.43, the amount of your civil money penalty calculated at RTB is $5500 for the 2004 APRIL QUARTERLY Report.

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Federal Election Commission
P.O. Box 952182
St. Louis, MO 63195-2182

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

U.S. Bank - Government Lockbox
FEC #952182
1005 Convention Plaza
St. Louis, MO 63101

The remittance and your payment are due by 07/20/2004. Upon receipt of your remittance and payment, the FEC will send you a final determination letter.

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: MCGUIREWOODS LLP

FEC ID#: C00225342

AF#: 1132

PAYMENT DUE DATE: 07/20/2004

PAYMENT AMOUNT DUE: $5500

MGMCOMP 17:36 EST

Attachment # 3
1 Pages

DECLARATION OF PATRICIA CARMONA

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 research conducted with regard to 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 by the Commission to McGuireWoods LLP Committee:

   A) Prior Notice dated March 22, 2004 referencing the 2004 April Quarterly Report;

   B) Non-Filer Mailgram dated May 5, 2004 and subsequently re-mailed on June 24, 2004 referencing the April Quarterly Report;

   C) Reason-to-Believe Mailgram dated June 15, 2004 referencing the 2004 April Quarterly Report.

3. I hereby certify that I have searched the Commission's public records and find that the McGuireWoods LLP Committee has not electronically filed the 2004 April Quarterly Report 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 this declaration was executed at Washington, D.C. on the 19th day of August, 2004.

Patricia Carmona

Patricia Carmona
Chief, Compliance Branch
Reports Analysis Division
Federal Election Commission

QUARTERLY

REPORT NOTICE

FEDERAL ELECTION COMMISSION

PARTIES AND PACS March 22, 2004

REPORTING DATES

REPORT	REPORTING PERIOD[1]	REG./CERT. & OVERNIGHT MAILING DATE[2]	FILING DATE
April Quarterly	01/01/04 - 03/31/04	04/15/04	04/15/04

WHO MUST FILE

All Party Committees and PACs (Nonconnected Committees and Separate Segregated Funds) filing on a quarterly basis must file a Quarterly Report in April. Committees must continue to file reports until the Commission notifies them in writing that their termination report has been accepted.

Recent changes to the law require certain party committees to file monthly reports (quarterly reporting is no longer an option for these committees). See the January 2004 issue of the *Record,* which can be found on the FEC web site at http://www.fec.gov/pages/record.htm for more information.

NOTE: A recent legislative change allows committees to file reports using overnight mail on the same terms as registered/certified mail. (See footnote 2).

PRE-ELECTION REPORTING

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. For the pre-election reporting guidelines, see the January 2004 *Record*, which can be found on the FEC web site at http://www.fec.gov/pages/record.htm.

[1] These dates indicate the beginning and the 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.

[2] Quarterly reports sent by registered or certified mail must be postmarked by the mailing date. Committees should keep the mailing receipt with its postmark as proof of filing. If using overnight mail, the delivery service must receive the report by the mailing date. "Overnight mail" means an overnight service with an on-line tracking system. Quarterly reports filed by any other means must be received by the Commission (or Secretary of the Senate for committees supporting only Senate candidates) by the filing date.

(over)

48- AND 24-HOUR REPORTS ON INDEPENDENT EXPENDITURES

Any PAC or Party Committee that makes independent expenditures in connection with an election may also have to file 48-hour or 24-hour reports. The 48-hour reporting requirement will be triggered each time the committee makes independent expenditures aggregating $10,000 or more between January 1st and the 20th day before the election. The 24-hour reporting requirement will be triggered each time the committee makes independent expenditures aggregating $1,000 or more after the 20th day, but more than 24 hours, before the day of the election. See 11 CFR 104.4.

These reports are *not* required when a Party Committee or PAC makes a contribution directly to a candidate. For a state-by-state chart of 48- and 24-hour reporting periods, visit the FEC web site at http://www.fec.gov/pages/charts_ie_dates.htm.

COMPLIANCE

- Treasurers of political committees 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.
- Under the 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 $16,000 (or more for repeat late- and non-filers). For additional information, see the enclosed handout entitled, "Administrative Fine Program" and visit the FEC web site at http://www.fec.gov/adminfines1.html.
- In addition, political committees that file illegible reports or use non-FEC forms (except for FEC-approved, computer-generated forms) will be required to refile their reports.
- Electronic filers who instead file on paper or submit an electronic report (either by direct transmission or on 3.5" diskette) that does not pass the validation test will be considered non-filers and may be subject to enforcement actions (including administrative fines).

ELECTRONIC FILING

Political committees that receive contributions or make expenditures in excess of $50,000 in a calendar year, or that expect to do so, must submit their reports electronically. For additional information, review the enclosed handout entitled "Electronic Filing," call the FEC's Electronic Filing office at (800) 424-9530 or (202) 694-1642, and visit our web site at http://www.fec.gov/elecfil/electron.html.

CHANGE IN FILING FREQUENCY

Committees able to change their reporting schedule (for example, from quarterly to monthly) who wish to do so must notify the Commission in writing when they file their next report due under their current reporting schedule. Committees may change their filing frequency no more than once per calendar year.

24038411335

WESTERN UNION

WESTERN UNION COMMERCIAL SERVICES

CONFIRMATION OF MAILGRAM   TO:KATSURINIS, STEPHEN
MCGUIREWOODS LLP
1 JAMES CTR
RICHMOND VA 23219-4030

JENNIFER S. CINELLI
FEDERAL ELECTION COMMISSION
999 E ST NW
WASHINGTON DC 20463

MAY 5, 2004

IDENTIFICATION NUMBER: C00225342

REFERENCE: APRIL QUARTERLY (01/01/2004 - 03/31/2004)

DEAR TREASURER:

IT HAS COME TO THE ATTENTION OF THE FEDERAL ELECTION COMMISSION THAT YOU MAY HAVE FAILED TO FILE THE ABOVE REFERENCED REPORTS OF RECEIPTS AND EXPENDITURES AS REQUIRED BY THE FEDERAL ELECTION CAMPAIGN ACT, AS AMENDED. YOU WERE PREVIOUSLY NOTIFIED OF THE DUE DATES FOR THESE REPORTS.

IT IS IMPORTANT THAT YOU FILE THESE REPORTS IMMEDIATELY WITH THE FEDERAL ELECTION COMMISSION, 999 E STREET, N.W., WASHINGTON, D.C., 20463. A COPY OF THE REPORTS OR RELEVANT PORTIONS MUST ALSO BE FILED WITH THE SECRETARY OF STATE OR EQUIVALENT STATE OFFICER UNLESS THE STATE IS EXEMPT FROM THE FEDERAL REQUIREMENT TO RECEIVE AND MAINTAIN PAPER COPIES.

THE FAILURE TO TIMELY FILE THESES REPORTS MAY RESULT IN CIVIL MONEY PENALTIES, AN AUDIT OR LEGAL ENFORCEMENT ACTION. THE CIVIL MONEY PENALTY CALCULATION FOR LATE REPORTS DOES NOT INCLUDE A GRACE PERIOD AND BEGINS ON THE DAY FOLLOWING THE DUE DATE FOR THE REPORT.

IF YOU HAVE ANY QUESTIONS REGARDING THIS MATTER, PLEASE CONTACT DAYNA BROWN ON OUR TOLL FREE NUMBER (800)424-9530. OUR LOCAL NUMBER IS (202)694-1130.

SINCERELY,

JOHN D. GIBSON
ASSISTANT STAFF DIRECTOR
REPORTS ANALYSIS DIVISION

WESTERN UNION

WESTERN UNION COMMERCIAL SERVICES

CONFIRMATION OF CMGM

TO:KATSURINIS, STEPHEN
MCGUIREWOODS LLP
1 JAMES CTR
RICHMOND VA 23219-4030

FEDERAL ELECTION COMMISSION
DAYNA BROWN
999 E ST NW # 709
WASHINGTON DC 20463

JUNE 15, 2004

KATSURINIS, STEPHEN
MCGUIREWOODS LLP
ONE JAMES CENTER
RICHMOND VA 23219

C00225342
AF#: 1132

DEAR KATSURINIS, STEPHEN:

THE FEDERAL ELECTION CAMPAIGN ACT OF 1971, AS AMENDED ("THE ACT"), REQUIRES THAT YOUR COMMITTEE FILE AN APRIL QUARTERLY REPORT OF RECEIPTS AND DISBURSEMENTS IN A CALENDAR YEAR DURING WHICH THERE IS A REGULARLY SCHEDULED ELECTION. THIS REPORT, COVERING THE PERIOD THROUGH MARCH 31ST, SHALL BE FILED NO LATER THAN APRIL 15TH. 2 U.S.C. 434(A). YOU WERE PREVIOUSLY NOTIFIED OF THE DUE DATE FOR THIS REPORT. RECORDS AT THE FEDERAL ELECTION COMMISSION ("FEC") INDICATE THAT THIS REPORT WAS NOT FILED WITHIN THIRTY (30) DAYS OF THE DUE DATE. YOU SHOULD FILE THIS REPORT IF YOU HAVE NOT ALREADY DONE SO.

THE ACT WAS FURTHER AMENDED IN 1999 TO PERMIT 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 06/10/2004, THE FEC FOUND THAT THERE IS REASON TO BELIEVE ("RTB") THAT MCGUIREWOODS LLP AND YOU, AS TREASURER, VIOLATED 2 U.S.C. 434(A) BY FAILING TO FILE TIMELY THIS REPORT ON OR BEFORE APRIL 15TH. BASED ON THE FEC'S SCHEDULES OF CIVIL MONEY PENALTIES AT 11 C.F.R. 111.43, THE AMOUNT OF YOUR CIVIL MONEY PENALTY CALCULATED AT THE RTB STAGE IS $5500. IT IS DUE BY 07/20/2004 AND IS BASED ON THESE FACTORS:

ELECTION SENSITIVITY OF REPORT: NOT ELECTION SENSITIVE
LEVEL OF ACTIVITY: $159345
NUMBER OF DAYS LATE: NOT FILED
NUMBER OF PREVIOUS CIVIL MONEY PENALTIES ASSESSED: 0

TO PAY THE CALCULATED CIVIL MONEY PENALTY

TO PAY THE CALCULATED CIVIL MONEY PENALTY, SEND THE ENCLOSED

WESTERN UNION

WESTERN UNION COMMERCIAL SERVICES

REMITTANCE AND YOUR PAYMENT TO THE FEC AT THE ADDRESS ON PAGE 3. UPON RECEIPT OF YOUR PAYMENT, THE FEC WILL SEND YOU A FINAL DETERMINATION LETTER.

TO CHALLENGE THE RTB FINDING AND/OR CALCULATED CIVIL MONEY PENALTY

TO CHALLENGE THE RTB FINDING AND/OR CALCULATED CIVIL MONEY PENALTY, YOU MUST SUBMIT A WRITTEN RESPONSE, INCLUDING THE AF# FOUND ON PAGE ONE, TO THE FEC'S OFFICE OF ADMINISTRATIVE REVIEW, 999 E STREET, NW, WASHINGTON, DC 20463. YOUR RESPONSE MUST BE RECEIVED BY 07/20/2004. YOUR WRITTEN RESPONSE MUST INCLUDE THE REASON(S) WHY YOU ARE CHALLENGING THE RTB FINDING AND/OR CALCULATED CIVIL MONEY PENALTY. THE FEC WILL ONLY CONSIDER CHALLENGES THAT ARE BASED ON A FACTUAL ERROR, MISCALCULATION OF THE CALCULATED CIVIL MONEY PENALTY BY THE FEC, OR THE EXISTENCE OF EXTRAORDINARY CIRCUMSTANCES THAT PERSISTED FOR MORE THAN 48 HOURS THAT WERE BEYOND YOUR CONTROL AND PREVENTED YOU FROM FILING THE REPORT IN A TIMELY MANNER. YOUR RESPONSE 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. EXAMPLES OF CIRCUMSTANCES THAT WILL NOT BE CONSIDERED EXTRAORDINARY INCLUDE, BUT ARE NOT LIMITED TO, NEGLIGENCE, PROBLEMS WITH VENDORS OR CONTRACTORS, STAFF ILLNESS, COMPUTER FAILURES AND SIMILAR CIRCUMSTANCES. 11 C.F.R. 111.35(B)(1)(III) AND (4).

YOUR 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 DISTRICT COURT UNDER 2 U.S.C. 437G. 11 C.F.R. 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.

IF YOU DO NOT PAY THE CALCULATED CIVIL MONEY PENALTY OR SUBMIT A CHALLENGE

IF YOU DO NOT PAY THE CALCULATED CIVIL MONEY PENALTY OR SUBMIT A WRITTEN RESPONSE, THE FEC WILL ASSUME THAT THE PRECEDING FACTUAL ALLEGATIONS ARE TRUE AND MAKE A FINAL DETERMINATION THAT MCGUIREWOODS LLP AND YOU, 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 C.F.R. 111.45.

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 C.F.R. 111.42, UNLESS YOU NOTIFY THE FEC IN WRITING THAT YOU WISH THE MATTER TO BE MADE PUBLIC.

WESTERN UNION

WESTERN UNION COMMERCIAL SERVICES

ADDITIONAL INFORMATION ON THE FEC'S ADMINISTRATIVE FINE PROGRAM, INCLUDING THE FINAL REGULATIONS, IS LOCATED AT THE FEC'S WEBSITE AT WWW.FEC.GOV. IF YOU HAVE QUESTIONS REGARDING THE PAYMENT OF THE CALCULATED CIVIL MONEY PENALTY, PLEASE CONTACT DAYNA C. BROWN IN THE REPORTS ANALYSIS DIVISION AT OUR TOLL FREE NUMBER (800)424-9530 (PRESS 1, THEN PRESS 2) 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.

SINCERELY,

BRADLEY A. SMITH
CHAIRMAN

* * * * * * * * * * * * * *

ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS

IN ACCORDANCE WITH THE SCHEDULE OF PENALTIES AT 11 C.F.R. 111.43, THE AMOUNT OF YOUR CIVIL MONEY PENALTY CALCULATED AT RTB IS $5500 FOR THE 2004 APRIL QUARTERLY 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 952182
ST. LOUIS, MO 63195-2182

IF YOU CHOOSE TO SEND YOUR REMITTANCE AND PAYMENT BY COURIER OR OVERNIGHT DELIVERY, PLEASE USE THIS ADDRESS:

U.S. BANK - GOVERNMENT LOCKBOX
FEC #952182
1005 CONVENTION PLAZA
ST. LOUIS, MO 63101

THE REMITTANCE AND YOUR PAYMENT ARE DUE BY 07/20/2004. UPON RECEIPT OF YOUR REMITTANCE AND PAYMENT, THE FEC WILL SEND YOU A FINAL DETERMINATION LETTER.

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: MCGUIREWOODS LLP

FEC ID#: C00225342

AF#: 1132

PAYMENT DUE DATE: 07/20/2004

PAYMENT AMOUNT DUE: $5500

SENDER: *COMPLETE THIS SECTION*	*COMPLETE THIS SECTION ON DELIVERY*
■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits.	A. Signature X J. Brice ☐ Agent ☐ Addressee B. Received by (*Printed Name*) J. BRICE C. Date of Delivery 6-16-04
1. Article Addressed to: Katsurinis, Stephen McGuireWoods LLP 1 James Ctr. Richmond, VA 23219	D. Is delivery address different from item 1? ☐ Yes If YES, enter delivery address below: ☐ No
	3. Service Type ☐ Certified Mail ☐ Express Mail ☐ Registered ☐ Return Receipt for Merchandise ☐ Insured Mail ☐ C.O.D. 4. Restricted Delivery? (*Extra Fee*) ☐ Yes

2. Article Number (*Transfer from service label*) 7001 2510 0002 3060 3716

PS Form 3811, August 2001 Domestic Return Receipt 102595-01-M-2509

2502582342

25092583243

CERTIFIED MAIL

7001 2510 0002 3060 3716

Mailgram
Postage Charges and Fees PAID
Western Union

GREETINGS FROM Far Far Away

WESTERN UNION | MAILGRAM

UNITED STATES POSTAL SERVICE

This Mailgram message was transmitted electronically by Western Union for delivery by a post office near you.

RECEIVED
MAIL
CENTER
28 A 10:00

not at this address

23219+4063

Attachment # 5
45 Pages

DECLARATION OF SHAWN WOODHEAD WERTH

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 supervise the research conducted with respect to all challenges submitted in accordance with the Administrative Fine program.
2. The 2004 April Quarterly Report, covering the period from January 1 through March 31, 2004, is due April 15, 2004. If electronically filed, it must be received and validated by the Commission at or before 11:59 p.m., Eastern Standard/Daylight Time on April 15 to be timely filed.
3. It is the practice of the Unauthorized Branch in the Commission's Report Analysis Division to document all calls to or from committees regarding a letter or mailgram they received or any questions relating to the administrative fine regulations including due dates of reports and filing requirements.
4. It is the practice of the Commission's Information Division to send prior notification of a report's due date to committees and treasurers at their address of record approximately 3 weeks before the due date and to include the "Administrative Fine Program" handout. It is also the practice of this Division to send the FEC Record to committees and treasurers at their address of record and to send a letter with a package of Commission publications to newly designated treasurers of political committees at their address of record.
5. 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 the:
   a) Statement of Organization filed by McGuireWoods LLP and Stephen Katsurinis, as Treasurer. According to the Commission's records, the Statement was received on June 27, 2002. The address change box is not checked on Line 1. On Line 8, Stephen Katsurinis is listed as Treasurer with the mailing address 1050 Connecticut Ave. N.W. Suite 1200 Washington, DC 20036;
   b) Statement of Organization filed by McGuireWoods LLP and Frank Donatelli, as Treasurer. According to the Commission's records, the Statement was received on January 27, 2003. The address change box is not checked on Line 1. On Line 8, Frank Donatelli is listed as Treasurer with the mailing address 1050 Connecticut Ave. N.W. Suite 1200 Washington, DC 20036;
   c) letter dated January 27, 2003 filed by McGuireWoods LLP and Frank J. Donatelli, as Treasurer. According to the Commission's records, the letter was received on February 3, 2003 and says that "McGuireWoods ... is electing to change its filing status for calendar [year] 2003 to semi-annual filing. Accordingly, we will file our next report on July 31, 2003;"
   d) letter dated February 28, 2003 sent by the Reports Analysis Division which references "Change in Filing Frequency." According to the Commission's records, the letter is addressed to Frank Donatelli, Treasurer McGuireWoods LLP One James Center 901 E. Cary Street Richmond, VA 23219 and says that the "Commission has received notification of your change from a monthly filer to a quarterly filer.... Note that during years which have no scheduled federal election, quarterly filers are required only to file semi-annually.... A reporting schedule is provided below for the 2003 calendar year;"
   e) Statement of Organization filed by McGuireWoods LLP and Frank Donatelli, as Treasurer. According to the Commission's records, the Statement was received

on August 22, 2003. The address change box is not checked on Line 1. On Line 8, Frank Donatelli is listed as Treasurer with the mailing address 1050 Connecticut Ave. N.W. Suite 1200 Washington, DC 20036;

f) Statement of Organization filed by McGuireWoods LLP and Stephen Katsurinis, as Treasurer. According to the Commission's records, the Statement was received on September 30, 2003. The address change box is not checked on Line 1. On Line 8, Stephen Katsurinis is listed as Treasurer with the mailing address 1050 Connecticut Avenue, N.W. Suite 1200 Washington, DC 20036;

g) Summary and Detailed Summary Pages for the 2004 July Quarterly Report electronically filed by McGuireWoods LLP and Frank Donatelli, as Treasurer. According to the Commission's records, the report was received on July 6, 2004 and covers the period from January 1 through June 30, 2004. For this period, Line 6(c) lists $109,656.75 in total receipts, Line 7 lists $94,306.75 in total disbursements, Line 11(a) lists $76,306.75 in itemized contributions received from individuals and $33,350.00 in unitemized contributions received from individuals, Line 23 lists $80,306.75 in contributions made to Federal candidates and committees, and Line 29 lists $14,000.00 in other disbursements; and

h) Statement of Organization filed by McGuireWoods LLP and Frank Donatelli, as Treasurer. According to the Commission's records, the Statement was received on July 12, 2004. The address change box is not checked on Line 1. On Line 8, Frank Donatelli is listed as Treasurer with the mailing address 1050 Connecticut Avenue N.W. Suite 1200 Washington, DC 20036.

6. 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 on the 22nd of August, 2005.

Shawn Woodhead Werth
Reviewing Officer
Office of Administrative Review
Federal Election Commission

06/27/2002 11 : 07

FEC FORM 1

STATEMENT OF ORGANIZATION

(See instructions)

1. NAME OF COMMITTEE (in full) (Check if name is changed) Example: If typing, type over the lines 12FE4M5

McGuireWoods LLP

ADDRESS (number and street)

(Check if address is changed)

One James Center

901 E. Cary Street

Richmond VA 23219 - 4030

CITY STATE ZIP CODE

COMMITTEE'S E-MAIL ADDRESS

skatsurinis@mcguirewoods.com

COMMITTEE'S WEB PAGE ADDRESS (URL)

2. DATE 06 27 2002

3. FEC IDENTIFICATION NUMBER C00225342

4. IS THIS STATEMENT X NEW (N) OR AMENDED (A)

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

Type or Print Name of Treasurer Stephen Katsurinis

Signature of Treasurer Electronically Filed by Stephen Katsurinis Date 06 27 2002

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

ANY CHANGE IN INFORMATION SHOULD BE REPORTED WITHIN 10 DAYS

Office Use Only				

For further information contact:
Federal Election Commission
Toll Free 800-424-9530
Local 202-694-110

FEC FROM 1
(Revised 1/2001)

25035235823

5. TYPE OF COMMITTEE (Check One)

(a) This committee is a principal campaign committee. (Complete the candidate information below.)

(b) This committee is an authorized committee, and is NOT a principal campaign committee. (Complete the candidate information below.)

Name of Candidate

Candidate Party Affiliation

Office Sought: House Senate President

State

District

(c) This committee supports/opposes only one candidate, and is NOT an authorized committee.

Name of Candidate

(d) This committee is a (National, State (or subordinate) committee of the (Democratic, Republican, etc.) Party.

(e) X This committee is a separate segregated fund

(f) This committee supports/opposes more than one Federal candidate, and is NOT a separate segregated fund or party committee.

6. Name of Any Connected Organization or Affiliated Committee

McGuireWoods LLP

Mailing Address

One James Center

901 E. Cary Street

CITY	STATE	ZIP CODE
Richmond	VA	23219 4030

Relationship

Type of Connected Organization:

Corporation

Corporation w/o Capital Stock

Labor Organization

Membership Organization

Trade Association

Cooperative

7 4 2 3 8 5 2 9 0 5 2

Write or Type Committee Name

McGuireWoods LLP

7. **Custodian of Records:** Identify by name, address, (phone number -- optional), and position of the person in possession of Committee books and records.

Full Name: Julie Watkins

Mailing Address: 901 East Cary Street

One James Center

Richmond	VA	23219 -
CITY ▲	STATE ▲	ZIP CODE ▲

Title or Position ▼

Telephone number 804 - 775 - 7441

8. **Treasurer:** List the name and address (phone number -- optional) of the treasurer of the committee; and the name and address of any designated agent (e.g., assistant treasurer).

Full Name of Treasurer: Stephen Katsurinis

Mailing Address: 1050 Connecticut Avenue N.W.

Suite 1200

Washington	DC	20036 -
CITY ▲	STATE ▲	ZIP CODE ▲

Title or Position ▼

Telephone number ___ - ___ - ___

Full Name of Designated Agent

Mailing Address

CITY ▲	STATE ▲	ZIP CODE ▲

Title or Position ▼

Telephone number ___ - ___ - ___

01/27/2003 09 : 48

FEC FORM 1

STATEMENT OF ORGANIZATION

(See instructions)

Office use only

1. NAME OF COMMITTEE (in full) (Check if name is changed) Example: If typing, type over the lines 12FE4M5

McGuireWoods LLP

ADDRESS (number and street) One James Center

(Check if address is changed) 901 E. Cary Street

Richmond VA 23219 - 4030

CITY STATE ZIP CODE

COMMITTEE'S E-MAIL ADDRESS

fdonatelli@mwcllc.com

COMMITTEE'S WEB PAGE ADDRESS (URL)

2. DATE 01 24 2003

3. FEC IDENTIFICATION NUMBER C00225342

4. IS THIS STATEMENT X NEW (N) OR AMENDED (A)

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

Type or Print Name of Treasurer Frank Donatelli

Signature of Treasurer Electronically Filed by Frank Donatelli Date 01 27 2003

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Statement to the penalties of 2 U.S.C. S437g.

ANY CHANGE IN INFORMATION SHOULD BE REPORTED WITHIN 10 DAYS

Office Use Only				

For further information contact:
Federal Election Commission
Toll Free 800-424-9530
Local 202-694-1100

FEC FORM 1 (Revised 1/2001)

5. TYPE OF COMMITTEE (Check One)

(a) This committee is a principal campaign committee. (Complete the candidate information below.)

(b) This committee is an authorized committee, and is NOT a principal campaign committee. (Complete the candidate information below.)

Name of Candidate

Candidate Party Affiliation

Office Sought: House Senate President

State

District

(c) This committee supports/opposes only one candidate, and is NOT an authorized committee.

Name of Candidate

(d) This committee is a (National, State (or subordinate) committee of the (Democratic, Republican, etc.) Party.

(e) This committee is a separate segregated fund

(f) X This committee supports/opposes more than one Federal candidate, and is NOT a separate segregated fund or party committee.

6. Name of Any Connected Organization or Affiliated Committee

McGuireWoods LLP

Mailing Address One James Center

901 E. Cary Street

Richmond VA 23219 4030

CITY ▲ STATE ▲ ZIP CODE ▲

Relationship

Type of Connected Organization:

X Corporation

Corporation w/o Capital Stock

Labor Organization

Membership Organization

Trade Association

Cooperative

05258529052

Write or Type Committee Name

McGuireWoods LLP

7. **Custodian of Records:** Identify by name, address, (phone number -- optional), and position of the person in possession of Committee books and records.

Full Name: Julie Watkins

Mailing Address: 901 East Cary Street

One James Center

Richmond	VA	23219 -
CITY ▲	STATE ▲	ZIP CODE ▲

Title or Position ▼

Telephone number ___ - ___ - ___

8. Treasurer: List the name and address (phone number -- optional) of the treasurer of the committee; and the name and address of any designated agent (e.g., assistant treasurer).

Full Name of Treasurer: Frank Donatelli

Mailing Address: 1050 Connecticut Avenue N.W.

Suite 1200

Washington	DC	20036 -
CITY ▲	STATE ▲	ZIP CODE ▲

Title or Position ▼

Telephone number 202 - 857 - 2914

Full Name of Designated Agent

Mailing Address

		-
CITY ▲	STATE ▲	ZIP CODE ▲

Title or Position ▼

Telephone number ___ - ___ - ___

23037962190

RECEIVED
FEC MAIL
OPERATIONS CENTER

2003 FEB -3 A 10:17

cGuireWoods Consulting LLC
Washington Square
050 Connecticut Avenue N.W.
Suite 1200
Washington, DC 20036-5317
Phone: 202.857.1700
Fax: 202.857.1737
www.mwcllc.com

Frank J. Donatelli
Direct: 202.857.2914

McGUIREWOODS
CONSULTING

January 27, 2003

Federal Elections Commission
999 E Street, NW
Washington, DC 20463

Re: Filing Status of C00225342 McGuireWoods PAC

Dear Madam/Sir:

This letter is to notify you that McGuireWoods Political Action Committee is electing to change its filing status for calendar 2003 to semi-annual filing. Accordingly, we will file our next report on July 31, 2003 for the period January 1, 2003 to June 30, 2003.

Please contact me if you have any questions.

Very truly yours,

Frank J. Donatelli
PAC Treasurer

2 5 2 3 8 2 5 9 2 5 2

23038001771

MS-O

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C 20463

Frank Donatelli, Treasurer
McGuirewoods LLP
One James Center
901 E. Cary Street
Richmond, VA 23219

FEB 28 2003

Identification Number: C00225342

Reference: Change in Filing Frequency

Dear Mr. Donatelli:

The Commission has received notification of your change from a monthly filer to a quarterly filer of receipts and disbursements. Note that during years which have no scheduled federal election, quarterly filers are required only to file semi-annually. Please be advised that under Section 104.5(c) of the Commission regulations, a committee may change its filing frequency no more than once per calendar year. A reporting schedule is provided below for the 2003 calendar year.

Report Type	Coverage Dates	Reports Due For Filing
Mid-Year Report	1/1/03-6/30/03	July 31, 2003
Year End Report	7/1/03-12/31/03	January 31, 2004

If the Commission can be of further assistance to you in this matter, please do not hesitate to write or call (202) 694-1130. Our toll-free number is (800) 424-9530.

Sincerely,

Debbie Chacona

Debbie Chacona
Chief, Party/Non-Party Branch
Reports Analysis Division

08/22/2003 15 : 46

FEC FORM 1

STATEMENT OF ORGANIZATION

(See Instructions)

Office use only

1. NAME OF COMMITTEE (in full) (Check if name is changed) Example: If typing, type over the lines 12FE4M5

McGuireWoods LLP

ADDRESS (number and street) (Check if address is changed)

One James Center

901 E. Cary Street

Richmond	VA	23219 - 4030
CITY	STATE	ZIP CODE

COMMITTEE'S E-MAIL ADDRESS

fdonatelli@mwcllc.com

COMMITTEE'S WEB PAGE ADDRESS (URL)

COMMITTEE'S FAX NUMBER

2. DATE M M D D Y Y Y Y 01 24 2003

3. FEC IDENTIFICATION NUMBER C C00225342

4. IS THIS STATEMENT NEW (N) OR X AMENDED (A)

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

Type or Print Name of Treasurer Frank Donatelli

Signature of Treasurer Electronically Filed by Frank Donatelli Date M M D D Y Y Y Y 08 22 2003

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

ANY CHANGE IN INFORMATION SHOULD BE REPORTED WITHIN 10 DAYS

Office Use Only				

For further information contact: Federal Election Commission Toll Free 800-424-9530 Local 202-694-1100

FEC FORM 1 (Revised 02/2003)

23925385254

5. TYPE OF COMMITTEE (Check One)

(a) This committee is a principal campaign committee. (Complete the candidate information below.)

(b) This committee is an authorized committee, and is NOT a principal campaign committee. (Complete the candidate information below.)

Name of Candidate

Candidate Party Affiliation

Office Sought: House Senate President

State

District

(c) This committee supports/opposes only one candidate, and is NOT an authorized committee.

Name of Candidate

(d) This committee is a (National, State (or subordinate) committee of the (Democratic, Republican, etc.) Party.

(e) This committee is a separate segregated fund

(f) X This committee supports/opposes more than one Federal candidate, and is NOT a separate segregated fund or party committee.

5 5 2 3 8 5 2 9 0 5 2

6. Name of Any Connected Organization or Affiliated Committee

McGuireWoods LLP

Mailing Address

One James Center

901 E. Cary Street

Richmond VA 23219 - 4030

CITY STATE ZIP CODE

Relationship

Type of Connected Organization:

X Corporation

Corporation w/o Capital Stock

Labor Organization

Membership Organization

Trade Association

Cooperative

Write or Type Committee Name

McGuireWoods LLP

7. **Custodian of Records:** Identify by name, address, (phone number -- optional), and position of the person in possession of Committee books and records.

Full Name: Julie Watkins

Mailing Address: 901 East Cary Street

One James Center

CITY	STATE	ZIP CODE
Richmond	VA	23219 -

Title or Position:

Telephone number: ___ - ___ - ___

8. **Treasurer:** List the name and address (phone number -- optional) of the treasurer of the committee; and the name and address of any designated agent (e.g., assistant treasurer).

Full Name of Treasurer: Frank Donatelli

Mailing Address: 1050 Connecticut Avenue N.W.

Suite 1200

CITY	STATE	ZIP CODE
Washington	DC	20036 -

Title or Position:

Telephone number: 202 - 857 - 2914

Full Name of Designated Agent: Gardner Payne

Mailing Address: 2501 Blue Ridge Road

CITY	STATE	ZIP CODE
Raleigh	NC	27607 -

Title or Position: Assistant Treasurer

Telephone number: ___ - ___ - ___

605238502052

09/30/2003 11 : 29

FEC FORM 1

STATEMENT OF ORGANIZATION

(See Instructions)

Office use only

1. NAME OF COMMITTEE (in full) (Check if name is changed) Example: If typing, type over the lines 12FE4M5

McGuireWoods LLP

ADDRESS (number and street)

One James Center

901 E. Cary Street

(Check if address is changed)

Richmond | VA | 23219 - 4030

CITY | STATE | ZIP CODE

COMMITTEE'S E-MAIL ADDRESS

skatsurinis@mcguirewoods.com

COMMITTEE'S WEB PAGE ADDRESS (URL)

COMMITTEE'S FAX NUMBER

2. DATE 06 27 2002

3. FEC IDENTIFICATION NUMBER C C00225342

4. IS THIS STATEMENT X NEW (N) OR AMENDED (A)

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

Type or Print Name of Treasurer Stephen Katsurinis

Signature of Treasurer Electronically Filed by Stephen Katsurinis Date 07 02 2002

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

ANY CHANGE IN INFORMATION SHOULD BE REPORTED WITHIN 10 DAYS

Office Use Only

For further information contact:
Federal Election Commission
Toll Free 800-424-9530
Local 202-694-1100

FEC FORM 1
(Revised 02/2003)

5. TYPE OF COMMITTEE (Check One)

(a) This committee is a principal campaign committee. (Complete the candidate information below.)

(b) This committee is an authorized committee, and is NOT a principal campaign committee. (Complete the candidate information below.)

Name of Candidate

Candidate Party Affiliation

Office Sought: House Senate President

State

District

(c) This committee supports/opposes only one candidate, and is NOT an authorized committee.

Name of Candidate

(d) This committee is a (National, State (or subordinate) committee of the (Democratic, Republican, etc.) Party.

(e) X This committee is a separate segregated fund

(f) This committee supports/opposes more than one Federal candidate, and is NOT a separate segregated fund or party committee.

25952385238

6. Name of Any Connected Organization or Affiliated Committee

McGuireWoods LLP

Mailing Address

One James Center

901 E. Cary Street

Richmond VA 23219 - 4030

CITY ▲ STATE ▲ ZIP CODE ▲

Relationship

Type of Connected Organization:

Corporation

Corporation w/o Capital Stock

Labor Organization

Membership Organization

Trade Association

Cooperative

Write or Type Committee Name

McGuireWoods LLP

7. **Custodian of Records:** Identify by name, address, (phone number -- optional), and position of the person in possession of Committee books and records.

Full Name: Julie Watkins

Mailing Address: 901 East Cary Street

One James Center

Richmond VA 23219 -

CITY ▲ STATE ▲ ZIP CODE ▲

Title or Position ▼

Telephone number 804 - 775 - 7441

8. **Treasurer:** List the name and address (phone number -- optional) of the treasurer of the committee; and the name and address of any designated agent (e.g., *assistant treasurer*).

Full Name *of Treasurer*: Stephen Katsurinis

Mailing Address: 1050 Connecticut Avenue N.W.

Suite 1200

Washington DC 20036 -

CITY ▲ STATE ▲ ZIP CODE ▲

Title or Position ▼

Telephone number - -

Full Name of Designated Agent

Mailing Address

CITY ▲ STATE ▲ ZIP CODE ▲

Title or Position ▼

Telephone number - -

25528285052

CAMPAIGN GUIDE

FOR CORPORATIONS AND LABOR ORGANIZATIONS

but a written request must be accompanied by a pre-addressed envelope for the response. Requests made by telephone must be documented in a memorandum. Committees must retain records of follow-up requests. 104.7(b)(1).

Use of Information from Prior Records and the Connected Organization
If the contributor does not respond to the follow-up request, the committee must disclose any information it possesses in its contributor records, fundraising records or prior reports filed during the same *election cycle*, or any in contributor information maintained by the connected organization. 104.7(b)(3).

File Amendments If Necessary
If requested information about a *contribution* is received after the contribution has been disclosed on a report, the committee must either:

- File a *memo* Schedule A with its next regularly scheduled report, listing all contributions for which new contributor information has been received; or
- File amendments to the original reports.

In either case, the entries must cross-reference to the prior reports to which they relate. However, the committee is only required to submit the information for contributions received during the current two-year election cycle. 104.7(b)(4). See "Filing Amendments" on page 57 for instructions on filing amendments.

Documenting a Contribution's Legality

In order to determine whether a contribution of questionable legality was made by a permissible source and was not excessive, the treasurer must make at least one written or oral request for evidence of the contribution's legality. 103.3(b)(1). See also page 27, "Handling Illegal Contributions."

Documenting Disbursements

If a treasurer fails to receive a receipt, invoice or canceled check (required for disbursements exceeding $200), he or she must make at least one written effort per transaction to obtain a duplicate copy of the needed documentation. 102.9(d).

CHAPTER 6

Filing FEC Reports

As explained in Chapter 1, a *separate segregated fund (SSF)* must register within 10 days of its establishment, regardless of how much money it raises or spends.

Once the committee has registered, the SSF must begin to file reports of receipts and disbursements according to the schedules described in this chapter. The first report filed by an SSF must disclose any financial activity that took place prior to registration. 104.3(a) and (b).

1. Treasurer's Duties

General

The treasurer of an SSF has the following responsibilities regarding filing FEC reports:

- Signing and filing complete, accurate reports and statements on time. 104.14(a) and (d).
- Making "best efforts" to obtain and report required information. See page 36 for more information. 102.9(d); 104.7.
- Continuing to file required reports until the committee has filed a termination report, as explained in Chapter 8. 102.3(a).

In the treasurer's absence, only an assistant treasurer designated on the SSF's Statement of Organization may sign reports and assume the treasurer's duties. 102.7(a). See Chapter 1 for information on appointing an assistant treasurer.

Electronic Filing
The treasurer must obtain a password from the FEC and use it when filing any electronic report or statement. See also 104.18(g) and page 40, "Verification Requirements" for alternatives.

2. Filing Deadlines

File on Time

SSF treasurers must file reports on time. The Commission cannot grant extensions on reporting deadlines. A report sent by U.S. mail, by private courier or hand-delivered is considered to be filed on time if it is received on or before the date due.

When sending reports via U.S. mail, treasurers should note:

- A pre-election report sent by registered or certified mail is considered filed on time if it is postmarked at least 3 days before the due date.
- Any other type of report or statement sent by registered or certified mail is considered filed on time if it is postmarked on or before the filing date. 104.5(e).

Electronic Filing

An electronic report is considered "filed" when it is received and validated by the Commission's computer system on or before 11:59 p.m. (in Washington, D.C.) on the filing date. Incomplete or inaccurate reports that do not pass the FEC's validation program will not be considered filed. The Commission will notify the filer if the report is not accepted. If the report is accepted, the Commission will send the filer a receipt.

An electronic filer that files its report on paper, instead of electronically, is considered a nonfiler. 104.18(e)(2).

Administrative Fines for Late Filers and Nonfilers

The Commission has implemented an Administrative Fines Program, based on amendments to the Federal Election Campaign Act,[1] for assessing civil money penalties for violations involving:

- Failure to file reports on time;
- Failure to file reports at all; and
- Failure to file 48-hour notices.

If the Commission finds "reason to believe" (RTB) that a committee violated the law, the Commission will notify the committee in writing of its finding and the amount of the civil money penalty.[2] The committee will have 40 days to either pay the penalty or submit a written challenge to the Commission action. If the committee challenges the finding, the Commission will turn the case over to an independent reviewing officer. After the Commission considers the reviewing officer's recommendation and the committee's response to it, the Commission will make a final determination as to

1. *Public Law 106-58, 106th Cong., Section 640, 113 Stat. 430, 476-77 (1999). Unless the Administrative Fines Program is extended by Congress, the program will end on December 31, 2001.*
2. *In those cases where the report in question has not been filed, the civil money penalty included with the RTB finding will be based upon the estimated level of activity.*

whether the committee violated 2 U.S.C. §434(a) and, if so, will assess a civil money penalty. If the committee does not respond to the Commission's original RTB finding, the Commission will make a final determination with an appropriate civil money penalty. The committee will then have 30 days to pay the penalty or seek court review of the case.[3]

Deadline Information

To ensure timely filing, treasurers should consult the FEC's monthly newsletter, the *Record*, for up-to-date information on reports required for particular elections.

3. Election Year Filing

Election years are years in which there are regularly scheduled federal elections (i.e., even-numbered years).

During an election year, an *SSF* must file on either a quarterly or a monthly filing schedule.

Quarterly Filing

An SSF that opts to file quarterly must file a minimum of five (and possibly more) reports during an election year:

- April Quarterly
- July Quarterly
- October Quarterly
- Post-General
- Year-End; and possibly
- Pre-Election Reports

Three Quarterly Reports

Under the quarterly schedule, an SSF must file three quarterly reports, due respectively on the 15th of April, July and October. A quarterly report covers activity that occurred after the closing date of the previous report filed through the end of the calendar quarter (i.e., through March 31, June 30 and September 30).

The Commission will waive a quarterly report if a pre-election report (see below) is due between the 5th and the 15th of the month following the close of the calendar quarter. 104.5(c)(1)(i)(C). Committees should check with the FEC to verify whether a report has been waived.

SSF FILING

Filing Schedule	Report	Filing Date
Quarterly (Election Years Only)	12-Day Pre-Primary	*
	First Quarterly	April 15
	Second Quarterly	July 15
	Third Quarterly	October 15
	12-Day Pre-General	†
	30-Day Post-General	†
	Year-End	January 31
Semiannual (Nonelection Years Only)	Mid-Year (covering January through June)	July 31
	Year-End (covering July through December)	January 31
Monthly	February (covering January)	February 20
	March (covering February)	March 20
	April (covering March)	April 20
	May (covering April)	May 20
	June (covering May)	June 20
	July (covering June)	July 20
	August (covering July)	August 20
	September (covering August)	September 20
	October (covering September)	October 20
	November (covering October)‡	November 20
	December (covering November)‡	December 20
	12-Day Pre-General‡	†
	30-Day Post-General‡	†
	Year-End	January 31

**Filing dates vary from state to state, according to the primary election dates in each state. Filing dates for all states are announced each election year in the January* Record.

†*Filing dates vary from year to year, according to the date of the general election. The general election is always held the Tuesday following the first Monday in November.*

‡*A monthly filer files November and December monthly reports only during* a nonelection year. *During an* election year, *a monthly filer files pre- and post-general election reports instead of the November and December reports.*

3. *For more information on the Administrative Fines Program, see 11 CFR 111.30 to 111.45, Subpart B, and the July 2000* Record.

12-Day Pre-Primary Reports[4]
An SSF must file pre-primary reports only if the committee has made previously undisclosed *contributions* or *expenditures* in connection with a primary election.

The report, due 12 days before the election, covers activity from the close of books of the previous report filed through the 20th day before the primary election. The FEC must receive the report at least 12 days before the election—unless it is sent by registered or certified mail, in which case the report must be postmarked no later than the 15th day before the election. 104.5(c)(1)(ii).

Primary election dates vary from state to state, so a quarterly filer might have to file several pre-primary reports if the SSF contributes to primary candidates in several states. Filing dates for each state's primary election are published each election year in the January *Record* and posted on the FEC Web site (http://www.fec.gov/reporting.html).

Note that the FEC does not automatically send committee treasurers notices and forms for pre-primary election reports. The treasurer is responsible for determining whether the SSF must file a pre-election report.

12-Day Pre-General Election Report
An SSF must file a pre-general election report covering activity from October 1 through the 20th day before the general election. The report is required only if the committee makes contributions or expenditures during that period; it must be received by the FEC no later than the 12th day prior to the general election—unless sent by registered or certified mail, in which case the report must be postmarked no later than the 15th day before the election. 104.5(c)(1)(ii).

30-Day Post-General Election Report
An SSF must file a post-general election report 30 days after the general election, regardless of activity. (Post-primary reports are not required.) A post-election report covers activity that occurred after the closing date of the last report through the 20th day after the general election. The report is due 30 days after the election. 104.5(c)(1)(iii).

Year-End Report
A year-end report, covering activity from the close of the post-general report through December 31, is due on January 31 of the following year.

4. *This section also applies to special and runoff elections, and to conventions that have the authority to select the nominee.*

Monthly Filing

SSFs contributing to federal candidates in several states may find it easier to file monthly reports, since monthly filers do not have to file pre-primary reports or special election reports.

Monthly Filing Schedule
During an election year, a report covering each month from January through September is due on the 20th of the following month. The last monthly report, covering September, is filed October 20. The committee also files a 12-day pre-general election report and a 30-day post-general election report (see the chart for information on filing dates). Finally, the committee files a year-end report on January 31 of the next year. 104.5(c)(3)(ii).

Changing Filing Schedule
During an election year, an SSF may change its filing schedule from quarterly to monthly (or vice versa). The treasurer must notify the FEC in writing before making such a change.

A committee may change its filing schedule only once per calendar year. 104.5(c).

Last-Minute Independent Expenditure Notices

An SSF may have to file special notices of last-minute independent expenditures in addition to the regular reports. See page 41 for more information.

4. Nonelection Year Filing

Nonelection years are years in which there are no regularly scheduled federal elections (i.e., odd-numbered years).

Semiannual Reports

During a nonelection year, quarterly filers automatically switch to a semiannual reporting schedule. Two semiannual reports are required:
- The mid-year report, covering activity from January 1 through June 30, must be filed by July 31; and
- The year-end report, covering activity from July 1 through December 31, must be filed by January 31 of the following year.

104.5(c)(2)(i).

Monthly Reports

Monthly Filing Schedule
Reports covering each month's activity are due on the 20th of the following month. The first monthly report, covering January, is due February 20; the final monthly report covers November and is due December 20. The committee reports December's activity in the year-end report, due the following January 31.

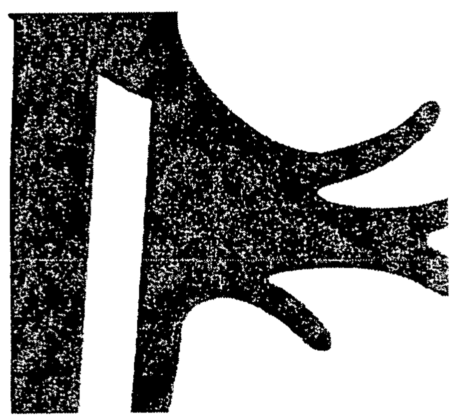
Changing Filing Schedule
An SSF that filed monthly reports during the election year continues to file monthly during the nonelection year. However, the committee may change to a semi-annual filing schedule if it first notifies the FEC of that change in writing.

An SSF may change its filing schedule only once per calendar year. 104.5(c).

5. Electronic Filing

As of January 2001, a committee must file all reports and statements electronically if it raises or spends more than $50,000 in any calendar year, or expects to do so. Committees that are required to file electronically, but that file on paper or fail to file, will be considered nonfilers and may be subject to enforcement action. 104.18(a)(2). See page 37, "Administrative Fines for Late Filers and Nonfilers."

Because electronic filing is more efficient and cost effective than paper filing, even committees that do not meet the $50,000 threshold requirement are encouraged to voluntarily file their reports electronically. Please note, however, that voluntary electronic filers must continue to file electronically for the remainder of the calendar year unless the Commission determines that unusual circumstances make continued electronic filing impractical. 104.18(b).



CHAPTER 8
Filing FEC Reports

As explained in Chapter 2, a nonconnected committee must register within 10 days of raising or spending more than $1,000 in a calendar year in connection with federal elections. 100.5(a) and 102.1(d).

Once the committee has registered, it must begin to file reports of receipts and disbursement according to the schedules described in this chapter. The first report filed by a committee must disclose any financial activity that took place prior to registration. 104.3(a) and (b).

1. Treasurer's Duties

The treasurer of a committee has the following responsibilities regarding filing FEC reports:

- Signing and filing complete, accurate reports and statements on time. 104.14(a) and (d).
- Making "best efforts" to obtain and report required information. See **previous page** for more information. 102.9(d); 104.7.
- Continuing to file required reports until the committee has filed a termination report and has received confirmation that the Commission has terminated the committee, as explained in Chapter 11. 102.3(a).

In the treasurer's absence, only an assistant treasurer designated on the committee's Statement of Organization may sign reports and assume the treasurer's duties. 102.7(a). See page **4** for information on appointing an assistant treasurer.

Electronic Filing

The treasurer must obtain a password from the FEC and use it when filing any electronic report or statement. See also 104.18(g) and page **27** "Verification Requirements" for alternatives.

2. Reporting Deadlines

Report on Time

Committee treasurers must file reports on time. The Commission cannot grant extensions on reporting deadlines. A report sent by U.S. mail, by private courier or hand-delivered is considered to be filed on time if it is received on or before the date due.

When sending reports via U.S. mail, treasurers should note:

- A pre-election report sent by registered or certified mail is considered filed on time if it is postmarked at least three days before the due date.
- Any other type of report or statement sent by registered or certified mail is considered filed on time if it is postmarked on or before the filing date. 104.5(e).

Electronic Filing

An electronic report is considered "filed" when it is received and validated by the Commission's computer system on or before 11:59 p.m. (in Washington, D.C.) on the filing date. Incomplete or inaccurate reports that do not pass the FEC's validation program will not be considered filed. The Commission will notify the filer if the report is not accepted. If the report is accepted, the Commission will send the filer a receipt.

An electronic filer that files its report on paper, instead of electronically, is considered a nonfiler. 104.18(e)(2).

Administrative Fines for Late Filers and Nonfilers

The Commission has implemented an Administrative Fines Program, based on amendments to the Federal Election Campaign Act,[1] for assessing civil money penalties for violations involving:

- Failure to file reports on time;
- Failure to file reports at all; and
- Failure to file 48-hour notices.

If the Commission finds "reason to believe" (RTB) that a committee violated the law, the Commission will notify the committee in writing of its finding and the amount of the civil money penalty.[2] The committee will have 40 days to either pay the penalty or submit a written challenge to the Commission action. If the committee challenges the finding, the Commission will turn the case over to an independent reviewing officer. After the Commission considers the reviewing officer's recommendation and the committee's response to it, the Commission will make a final determination whether the committee violated 2 U.S.C. section 434(a) and, if so, will assess a civil money penalty. If the committee does not respond to the Commission's original RTB finding, the Commission also will make a final determination with an appropriate civil money penalty. The committee will then have 30 days to pay the penalty or seek court review of the case.[3]

Deadline Information

To ensure timely filing, treasurers should consult the FEC's monthly newsletter, the *Record*, for up-to-date information on reports required for particular elections.

3. Election Year Reporting

Election years are years in which there are regularly scheduled federal elections (i.e., even-numbered years).

During an election year, a committee must file on either a quarterly or a monthly filing schedule.

Quarterly Reporting

The following reports are required from committees filing on a quarterly schedule during an election year:

Three Quarterly Reports
Under the quarterly schedule, a committee must file three quarterly reports, due respectively on the 15th of April, July and October. A quarterly report covers activ-

[1] *Public Law 106-58, 106th Cong., Section 640, 113 Stat. 430, 476-77 (1999).*

[2] *The civil money penalty is calculated according to a set schedule that may be viewed at the FEC's web site www.fec.gov. In those cases where the report in question has not been filed, the civil money penalty included with the RTB finding will be based upon the estimated level of activity.*

[3] *For more information on the Administrative Fines Program, see 11 CFR 111.30 to 111.45, Subpart B, and the July 2000 Record.*

NONCONNECTED COMMITTEE FILING

Filing Schedule	Report	Filing Date
Quarterly (Election Years Only)	12-Day Pre-Primary	*
	First Quarterly	April 15
	Second Quarterly	July 15
	Third Quarterly	October 15
	12-Day Pre-General	†
	30-Day Post-General	†
	Year-End	January 31
Semiannual (Nonelection Years Only)	Mid-Year (covering January through June)	July 31
	Year-End (covering July through December)	January 31
Monthly	February (covering January)	February 20
	March (covering February)	March 20
	April (covering March)	April 20
	May (covering April)	May 20
	June (covering May)	June 20
	July (covering June)	July 20
	August (covering July)	August 20
	September (covering August)	September 20
	October (covering September)	October 20
	November (covering October)‡	November 20
	December (covering November)‡	December 20
	12-Day Pre-General‡	†
	30-Day Post-General‡	†
	Year-End	January 31

**Filing dates vary from state to state, according to the primary election dates in each state. Filing dates for all states are announced each election year in the January* Record.

†Filing dates vary from year to year, according to the date of the general election. The general election is always held the Tuesday following the first Monday in November.

‡A monthly filer files November and December monthly reports only during a nonelection year. During an election year, a monthly filer files pre- and post-general election reports instead of the November and December reports.

ity that occurred after the closing date of the previous report filed through the end of the calendar quarter (i.e., through March 31, June 30 and September 30).

The Commission will waive a quarterly report if a pre-election report (see below) is due between the 5th and the 15th of the month following the close of the calendar quarter. 104.5(c)(1)(i)(C). Committees should check with the FEC to verify whether a report has been waived.

Year-End Report
A year-end report, covering activity from the close of the previous report through December 31, is due on January 31 of the following year.

12-Day Pre-Primary Reports[4]
A pre-primary report, due 12 days before the election, covers activity from the close of books of the previous report filed through the 20th day before the primary. The FEC must receive the report at least 12 days before the election—unless it is sent by registered or certified mail, in which case the report must be postmarked no later than the 15th day before the election. 104.5(c)(1)(ii).

A committee must file pre-primary reports only if the committee has made previously undisclosed contributions or expenditures in connection with a primary election as of the closing date of the report.

Primary election dates vary from state to state, so a quarterly filer might have to file several pre-primary reports if the committee contributes to primary candidates in several states. Filing dates for each state's primary election are published each election year in the January *Record* and posted on the FEC web site (http://www.fec.gov/reporting.html).

Note that the FEC does not automatically send committee treasurers notices and forms for pre-primary election reports. The treasurer is responsible for determining whether the committee must file a pre-election report. (See "Monthly Reporting Option," below.)

12-Day Pre-General Election Report
A committee must file a pre-general election report covering activity from October 1 through the 20th day before the general election if the committee makes contributions or expenditures during that period. The report must be received by the FEC no later than the 12th day prior to the general election unless sent by registered or certified mail, in which case the report must be postmarked no later than the 15th day before the election. 104.5(c)(1)(ii).

30-Day Post-General Election Report
A committee must file a post-general election report 30 days after the general election. (Post-primary reports are not required.) A post-general election report covers activity that occurred after the closing date of the last report through the 20th day after the general election. The report is due 30 days after the election. 104.5(c)(1)(iii).

4 This section also applies to special and runoff elections, and to conventions that have the authority to select the nominee.

Monthly Reporting Option

Committees contributing to federal candidates in several states may find it easier to file monthly reports, since monthly filers do not have to file pre-primary reports or special election reports.

Monthly Filing Schedule
During an election year, a report covering each month from January through September is due on the 20th of the following month. The last monthly report, covering September, is filed October 20. The committee also files a 12-day pre-general election report and a 30-day post-general election report (see the chart for information on filing dates). Finally, the committee files a year-end report on January 31 of the next year. 104.5(c)(3)(ii).

Changing Filing Schedule
During an election year, a committee may change its filing schedule from quarterly to monthly (or vice versa). The treasurer must notify the FEC in writing before making such a change.

A committee may change its filing schedule only once per calendar year. 104.5(c).

Last-Minute Independent Expenditure Reports

A nonconnected committee must file a special notice with the FEC if it makes an independent expenditure exceeding $1,000 after the 20th day, but more than 24 hours before, the day of an election. The notice must be filed with the FEC within 24 hours after the expenditure is made. 104.5(g). See page **42**. See also "Federal Filing," below.

4. Nonelection Year Reporting

Nonelection years are years in which there are no regularly scheduled federal elections (i.e., odd-numbered years).

Semiannual Reports

During a nonelection year, quarterly filers automatically switch to a semiannual reporting schedule. Committees do not need to notify the Commission of this switch. Two semiannual reports are required:

- The mid-year report, covering activity from January 1 through June 30, must be filed by July 31, and
- The year-end report, covering activity from July 1 through December 31, must be filed by January 31 of the following year. 104.5(c)(2)(i).

If the committee makes contributions or expenditures in connection with special elections, it may have additional reporting responsibilities. See 'Special Elections' below.

Monthly Reports

Monthly Filing Schedule
Reports covering each month's activity are due on the 20th of the following month. The first monthly report, covering January, is due February 20; the final monthly report covers November and is due December 20. The committee reports December's activity in the year-end report, due the following January 31.

Changing Filing Schedule
A committee that filed monthly reports during the election year continues to file monthly during the nonelection year. However, the committee may change to a semiannual filing schedule if it first notifies the FEC of that change in writing.

A committee may change its filing schedule only once per calendar year. 104.5(c).

5. Electronic Filing

A committee must file all reports and statements electronically if it raises or spends more than $50,000 in any calendar year, or expects to do so. Committees that are required to file electronically, but that file on paper or fail to file, will be considered nonfilers and may be subject to enforcement action. 104.18(a)(2). See page **24**, "Administrative Fines for Late Filers and Nonfilers."

Because electronic filing is more efficient and cost effective than paper filing, even committees that do not meet the $50,000 threshold requirement are encouraged to voluntarily file their reports electronically. Please note, however, that voluntary electronic filers must continue to file electronically for the remainder of the calendar year unless the Commission determines that unusual circumstances make continued electronic filing impractical. 104.18(b).

Methods of Electronic Filing

Most committees filing electronically find it convenient to do so via an Internet connection with a password (see "Treasurer's Duties" on page **4**). Committees may, however, submit their electronic reports on diskettes (either hand delivered or sent by other means such as U.S. Postal Service). Electronic filers must file *all* their reports electronically, and the reports must adhere to the FEC's Electronic Filing Specifications Requirements.[5] 104.18(d). Committees filing electronically on diskette must also submit a written certification—signed by the treasurer or assistant treasurer—either on paper (e.g. a signed first page of FEC Form 3X) or as a separate file with the electronic report, verifying that the treasurer has examined the documents and that, to the best of his or her knowledge, the report is correct, complete and true. 104.18(g)

Calculating the Threshold

Committees should use the following formulas to determine if their total expenditures or total contributions are over $50,000 per calendar year:

Total Contributions Received[6]
\- Refunds of Contributions
<u>+ Transfers from Affiliated Committees</u>
= Total Contributions

or

Total Federal Operating Expenditures
\+ Federal Contributions Made
\+ Transfers to Affiliated Federal Committees
<u>+ Independent Expenditures</u>
= Total Expenditures

[5] *Available online at the FEC web site www.fec.gov or on paper from the FEC.*
[6] *Including the outstanding balance of any loans.*

YEAR-END
REPORT NOTICE

FEDERAL ELECTION COMMISSION

PARTIES AND PACS December 30, 2003

WHO MUST FILE
All Party Committees and PACs (Nonconnected Committees and Separate Segregated Funds) must file Year-End Report on January 31, 2004. Committees must continue to file reports until the Commission notifies them in writing that their termination report has been accepted.

I. Semiannual Filers

REPORT	REPORTING PERIOD[1]	REG./CERT. MAILING DATE[2]	FILING DATE
Year-End	07/01/03 - 12/31/03	01/31/04	01/31/04[3]

II. Monthly Filers

REPORT	REPORTING PERIOD[1]	REG./CERT. MAILING DATE[2]	FILING DATE
Year-End	12/01/03 - 12/31/03	01/31/04	01/31/04[3]

IMPORTANT FILING INFORMATION
In response to the anthrax threat, the US Postal Service is irradiating mail directed to many federal government 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 US mail. Alternative methods include:

- Electronic Filing (see reverse side of notice for more information);
- Overnight mail service; and
- Hand delivery.

ELECTRONIC FILING
Political committees that receive contributions or make expenditures in excess of $50,000 in a calendar year, or that expect to do so, must submit their reports electronically. For additional information, review the enclosed handout entitled "Electronic Filing," call the FEC's Electronic Filing office at (800) 424-9530 or (202) 694-1642, and visit our web site at http://www.fec.gov/elecfil/electron.html.

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 when they file their next report due under their current reporting schedule. Committees may change their filing frequency no more than once per calendar year.

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[1] These dates indicate the beginning and the 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.

[2] Year-End Reports sent by registered or certified mail must be postmarked by the mailing date; otherwise, they must be received by the filing date. Committees should keep the mailing receipt with its postmark as proof of filing.

[3] Notice that the filing date falls on a weekend. Filing deadlines are not extended when they fall on nonworking days.

[4] Committees that support only Senate candidates should contact the Secretary of the Senate at (202) 224-0322 for more information on filing reports via US mail.

(over)

PARTIES AND PACS **YEAR-END NOTICE**

2004 FILING SCHEDULE

I. QUARTERLY FILERS

REPORT	REPORTING PERIOD[1]	REG./CERT. MAILING DATE[2]	FILING DATE
April Quarterly	01/01/04 - 03/31/04	04/15/04	04/15/04
July Quarterly	04/01/04 - 06/30/04	07/15/04	07/15/04
October Quarterly	07/01/04 - 09/30/04	10/15/04	10/15/04
Pre-General	10/01/04 - 10/13/04	10/18/04	10/21/04
Post-General	10/14/04 - 11/22/04	12/02/04	12/02/04
Year-End	11/23/04 - 12/31/04	01/31/05	01/31/05

II. MONTHLY FILERS

REPORT	REPORTING PERIOD[1]	REG./CERT. MAILING DATE[2]	FILING DATE
February	01/01/04 - 01/31/04	02/20/04	02/20/04
March	02/01/04 - 02/29/04	03/20/04	03/20/04[3]
April	03/01/04 - 03/31/04	04/20/04	04/20/04
May	04/01/04 - 04/30/04	05/20/04	05/20/04
June	05/01/04 - 05/31/04	06/20/04	06/20/04[3]
July	06/01/04 - 06/30/04	07/20/04	07/20/04
August	07/01/04 - 07/31/04	08/20/04	08/20/04
September	08/01/04 - 08/31/04	09/20/04	09/20/04
October	09/01/04 - 09/30/04	10/20/04	10/20/04
Pre-General	10/01/04 - 10/13/04	10/18/04	10/21/04
Post-General	10/14/04 - 11/22/04	12/02/04	12/02/04
Year-End	11/23/04 - 12/31/04	01/31/05	01/31/05

48- AND 24-HOUR REPORTS ON INDEPENDENT EXPENDITURES

Any PAC or Party Committee that makes independent expenditures in connection with an election may also have to file 48-hour or 24-hour reports. The 48-hour reporting requirement will be triggered each time the committee makes independent expenditures aggregating $10,000 or more between January 1st and the 20th day before the election. The 24-hour reporting requirement will be triggered each time the committee makes independent expenditures aggregating $1,000 or more after the 20th day, but more than 24 hours, before the day of the election. These reports are *not* required when a Party Committee or PAC makes a contribution directly to a candidate.

COMPLIANCE

- Treasurers of political committees 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.
- Under the Administrative Fine Program, political committees and their treasurers who fail to file their reports on time may be subject to civil money penalties ranging from $30 to $16,000 (or more for repeat late- and non-filers). For additional information, see the enclosed handout entitled, "Administrative Fine Program," and visit the FEC web site at http://www.fec.gov/adminfines1.html.
- In addition, political committees that file illegible reports or use non-FEC forms (except for FEC-approved, computer-generated forms) will be required to refile their reports.
- Electronic filers who instead file on paper or submit an electronic report (either by direct transmission or on diskette) that does not pass the validation test will be considered non-filers and may be subject to enforcement actions (including administrative fines).

[1] See footnote #1, on reverse side.
[2] See footnote #2, on reverse side.
[3] See footnote #3, on reverse side.

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

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

*Administrative Fine Program**

On June 14, 2000, the Commission implemented a program for assessing civil money penalties for violations involving:

- Failure to file reports on time;
- Failure to file reports at all; and
- Failure to file 48-hour notices.

The Administrative Fine program is based on amendments to the Federal Election Campaign Act (the Act) that permit the FEC to impose civil money penalties, based on schedules of penalties, for violations of reporting requirements that occur between January 1, 2000, and December 31, 2003.

On March 6, 2003, the Commission approved final rules amending its administrative fines regulations to:

- Reduce the civil money penalties for political committees with less than $50,000 in financial activity (total receipts plus total disbursements) in a reporting period who file reports late or not at all;
- Create two additional levels-of-activity brackets in the civil penalty schedules for such committees to make further distinctions in the amount of the civil penalty assessed; and
- Exclude certain nonfederal activity from the level-of-activity calculation on which civil penalties for unauthorized committees are based.

Additionally, the amended rules clarify how late filers and nonfilers are notified of Commission actions under these regulations and clarify what will be considered "extraordinary circumstances" when reason-to-believe findings or reason-to-believe penalties are challenged.

How the Program Works

Prior to initiating the Administrative Fine program, the FEC handled reporting violations (late filers, nonfilers and committees that failed to file 48-hour notices) under the same enforcement procedures it employs for other alleged campaign finance violations, culminating in agreement on a civil penalty or court action. Under the administrative fines regulations, if the Commission finds "reason to believe" that a committee violated the law, the Commission will provide written notification to the committee containing the factual and legal basis of its finding and the amount of the proposed civil money penalty. The committee will have 40 days from the date of the reason-to-believe finding to either pay the civil money penalty or submit to the Commission a written response, with supporting documentation, outlining the reasons why it believes the Commission's finding and/or penalty is in error. (The Commission strongly encourages respondents to submit their documents in the form of affidavits or declarations. Documents submitted in these forms are generally given more weight and credibility.) If the committee submits such a response, it will be forwarded to an impartial reviewing officer—someone employed by the FEC who was not involved in the original reason-to-believe finding.

After reviewing the Commission's reason-to-believe finding and the committee's written response, the reviewing officer will forward a recommendation to the Commission, along with the original reason-to-believe finding, the committee's written response and any supporting documentation. A copy of the recommendation will also be sent to the respondents, who will have 10 days to submit a written response to the reviewing officer's recommendation. The Commission will then make a final determination as to whether the committee violated 2 USC §434(a) and, if so, assess a civil money penalty based on the schedules of penalties.

Committee treasurers may be liable for civil money penalties if reports are not filed or not filed on time.

Challenging Commission Determinations

As noted above, the new rules allow committees to challenge the reason-to-believe finding of the Commission and to seek review by submitting documentation to a reviewing officer, who will make a recommendation to the Commission as to the final determination.

Should a committee fail to pay the civil money penalties or submit a challenge within the original 40

* *This handout is based on articles that appeared in the July 2000 Record, p. 1, and the April 2003* Record, *p. 1.*

days, the Commission will issue a final determination with an appropriate civil money penalty. The committee will then have 30 days to pay the civil penalty or seek judicial review of the Commission's final determination through a U.S. district court in the area where the committee resides or conducts business.

Reports Covered

Most reports that committees are required to file are covered under the Administrative Fine program. This includes semi-annual, quarterly, monthly, pre-election, 30-day post-general and special election reports, as well as 48-hour notices that candidate committees are required to file for elections in which the candidate participates.

Changes to the Program

The Commission's March 6, 2003, final rules result in a number of changes to the Administrative Fine program.

Civil penalties. New penalty schedules apply to reports that are due on or after April 16, 2003. Under the revised penalty schedules, the bracket previously covering levels of activity under $25,000 has been divided into three brackets. The revised penalty schedules for late and nonfiled reports that are not election sensitive[1] and have less than $50,000 of financial activity in the reporting period are as follows:

- For levels of activity of $1-$4,999.99, the base penalty is $250 for nonfiled reports and $25 (plus five dollars for each day late) for late reports;
- For levels of activity of $5,000-$9,999.99, the base penalty is $300 for nonfiled reports and $50 (plus five dollars for each day late) for late reports;
- For levels of activity of $10,000-$24,999.99, the base penalty is $500 for nonfiled reports and $100 (plus five dollars for each day late) for late reports; and
- For levels of activity of $25,000-$49,999.99, the base penalty is $900 for nonfiled reports and $200 (plus 20 dollars for each day late) for late reports. 11 CFR 111.43(a)(2)(iii).

For election sensitive reports,[2] the revised penalty schedules for reports with under $50,000 of financial activity are as follows:

- For levels of activity of $1-$4,999.99, the base penalty is $500 for nonfiled reports and $50 (plus ten dollars for each day late) for late reports;
- For levels of activity of $5,000-$9,999.99, the base penalty is $600 for nonfiled reports and $100 (plus ten dollars for each day late) for late reports;
- For levels of activity of $10,000-$24,999.99, the base penalty is $900 for nonfiled reports and $150 (plus ten dollars for each day late) for late reports; and
- For levels of activity of $25,000-$49,999.99, the base penalty is $1,400 for nonfiled reports and $300 (plus 25 dollars for each day late) for late reports. 11 CFR 111.43(b)(2)(iii).

Calculating the "Level of Activity." The Commission has also revised its method of calculating the "level of activity" on a report, and the "estimated level of activity" on a report that is not filed, to exclude certain nonfederal receipts and disbursements for unauthorized committees that report a nonfederal share of allocated federal/nonfederal activity. Thus, transfers received from the nonfederal account(s) (reported on Line 18a of FEC Form 3X) and disbursements for the nonfederal share of operating expenditures attributable to allocated federal/nonfederal activity (reported on Line 21(a)(ii) of FEC Form 3X) will not be considered in the penalty calculation. 11 CFR 111.43(a)(2)(i)(B) and (a)(2)(ii)(B); 11 CFR 111.43(b)(2)(i) and (b)(2)(ii).

Notification of committees. The Commission has added new 11 CFR 111.46 to address how respondents will be notified of reason-to-believe findings, final determinations and all other communications under the administrative fines regulations. Unless a respondent has filed a statement designating counsel, all notifications or other communications from the Commission or the administrative fines Reviewing Officer will be sent to the political committee and its treasurer at the address listed on the committee's most recent FEC Form 1, Statement of Organization. If the committee has designated counsel, then the Commission will instead contact that counsel unless autho-

[1] *These are reports that are not due to be filed immediately before an election. Non-election sensitive reports are considered nonfiled if they are not filed at all or are filed more than 30 days late.*

[2] *Election sensitive reports include reports and notices filed prior to an election, such as 12-day pre-election reports and, in years where there is a regularly scheduled election, the October quarterly and October monthly reports. They are considered nonfiled if they are not filed prior to four days before an election or are not filed at all.*

Examples of Civil Money Penalty Calculations For Reports Filed On or After April 16, 2003

EXAMPLE 1: Late Filer of Election-Sensitive Report. A committee files its October quarterly report (an election-sensitive report) 10 days late. The level of activity on the report is $105,000, and the committee has two prior violations in the current two-year election cycle.

Applicable formula:
Penalty = [*base amount* + (*set amount* x number of days late)] x [1 + (.25 x number of previous violations)]
Penalty = [$900 + ($125 x 10)] x [1 + (.25 x 2)]
Penalty = $3,225

EXAMPLE 2: Late Filer with Relatively Little Activity, No Prior Violations. A committee files its July quarterly report on August 4. The report contains $100 in receipts and disbursements, and the committee has no prior violations.

Applicable formula:
Penalty = The lesser of: the level of activity in the report; or
[*base amount* + (*set amount* x number of days late)]
Penalty = The lesser of: $100 or [$25 + ($5 x 20)]
Penalty = The lesser of: $100 or $125
Penalty = $100

EXAMPLE 3: Nonfiler of Non-Election-Sensitive Report. A party committee that allocates federal and nonfederal activities between its federal and nonfederal accounts fails to file its July quarterly report within 30 days of its due date. Based on its previous filings, the committee's estimated level of activity—excluding transfers received from the nonfederal account (reported on line 18a of FEC Form 3X) and disbursements for the nonfederal share of allocable operating expenses (reported on Line 21(a)(ii) of FEC Form 3X)—is $50,000. The committee has one prior violation in the current two-year election cycle.

Applicable formula:
Penalty = *base amount* x [1+ (.25 x number of previous violations)]
Penalty = $2,700 x [1 + (.25 x 1)]
Penalty = $3,375

EXAMPLE 4: Nonfiler of 48-Hour Notice. A House campaign committee fails to submit a 48-hour notice to disclose its receipt of a last-minute $5,000 PAC contribution. During the current two-year cycle, the campaign has two prior violations under the administrative fine program.

Applicable formula:
Penalty = [$100 + (.10 x amount of contribution(s) not timely reported)] x [1 + (.25 x number of previous violations)]
Penalty = [$100 + (.10 x $5,000)] x [1 + (.25 x 2)]
Penalty = $900

Reports

Reports Due in 2004

This article on filing requirements for 2004 is supplemented by the reporting tables on the following pages.

It is the responsibility of the committee treasurer to file required reports on time. To assist treasurers, the Commission sends committees notices of upcoming reporting deadlines. Please note that filing deadlines are not extended in cases where the filing date falls on a weekend or federal holiday. In such cases, reports filed by first-class mail, overnight delivery or courier must be received by the Commission on the business day preceding the filing date. Reports filed electronically must be received by the Commission and pass the validation test by 11:59 p.m. Eastern time on the filing date.

Under the Commission's mandatory electronic filing regulations, individuals and organizations[1] that receive contributions or make expenditures in excess of $50,000 in a calendar year—or expect to do so—must file all reports and statements with the FEC electronically. Electronic filers who instead file on paper or submit an electronic report that does not pass the validation test will be considered nonfilers and may be subject to enforcement actions (including administrative fines).

Committees that file with the Secretary of the Senate[2] are not

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[1] The regulation covers individuals and organizations required to file reports with the Commission, including any person making an independent expenditure. However, these rules do not apply to persons reporting electioneering communications.

[2] See "Where to File" on page 11.

Kentucky Special Election Reporting

The Special General Election to fill the U.S. House seat vacated by Representative Ernie Fletcher in the Sixth Congressional District will be held on February 17, 2004. Committees involved in this election must follow the reporting schedule below, unless they file on a monthly schedule.[1] PACs and party committees that file monthly should continue to file according to their regular filing schedule. Note that 48-hour notices are required of authorized committees that receive contributions of $1,000 or more between January 29 and February 14, 2004. The 60-day electioneering communications period in connection with this election runs from December 19, 2003, through February 17, 2004.[2]

Committees Involved in the Special General Must File:

	Close of Books	Reg./Cert. Mail Date	Filing Date
Year-End		—waived—	
Pre-General	January 28	February 2	February 5[3]
Post-General	March 8	March 18	March 18[4]
April Quarterly	March 31	April 15	April 15

[1] Reports filed electronically must be submitted by midnight on the filing date. A committee required to file electronically that instead files on paper reporting forms will be considered a nonfiler. Reports filed on paper and sent by registered or certified mail must be postmarked by the mailing date; reports sent by any other means (including reports sent via first class mail and overnight delivery) must be received by the Commission's close of business on the filing date.

[2] Individuals and other groups not registered with the FEC who make electioneering communications costing more than $10,000 in the aggregate in the calendar year must disclose this activity to the Commission within 24 hours of the distribution of the communication. See 11 CFR 100.29 and 104.20. For more information, see the December 2003 Record, page 5.

[3] Because disclosing financial activity from two different calendar years would conflict with the calendar-year aggregation requirements for unauthorized committees, PACs and party committees filing the Pre-General report must file this report on two separate forms. One form should cover only 2003 activity and should be labeled as the "Year-End Report." The other form should cover only 2004 activity and should be labeled as the "Pre-General Report." Both forms must be filed by February 5, 2004.

[4] The reporting period for the Post-General election report spans two election cycles. For this report only, principal campaign committees should use the Post-Election Detailed Summary Page (FEC Form 3, Pages 5-8) rather than the normal Detailed Summary Page.

Reports
(continued from page 9)

subject to the mandatory electronic filing rules, but are encouraged to file an unofficial electronic copy of their reports with the FEC in order to speed disclosure. 11 CFR 104.18.

The Commission's electronic filing software, FECFile 5, can be downloaded from the FEC's web site at www.fec.gov (click on the Electronic Filing icon). Filers may also use commercial or privately-developed software as long as the software meets the Commission's format specifications, which are available on the Commission's web site.

Paper forms are available on the FEC's web site (http://www.fec.gov/reporting.html) and from FEC Faxline, the agency's automated fax system (202/501-3413). The 2004 Reporting Schedule is also available on the FEC's web site (http://www.fec.gov/pages/report.htm) and from Faxline (request document 586). For more information on reporting, call the FEC at 800/424-9530 (press 1, then 3) or 202/694-1100.

Year-End Reports Covering 2003 Activity
All committees must file a 2003 year-end report due January 31, 2004. The coverage and reporting dates are found on page 13.

Reports Covering 2004 Activity
To find out which reports your committee must file in 2004, check the Guide to 2004 Reporting on page 12. Then check the tables on page 13 for reporting dates. Please note that committees active in special elections in 2004 may have to file additional special election reports, as explained on page 13.

Authorized Committees of Candidates
House and Senate Candidates. All campaigns that raise or spend more than $5,000 (and thus trigger registration and reporting requirements) must file quarterly reports in 2004. Under the Bipartisan Campaign Reform Act of 2002 (BCRA), principal campaign committees may no longer file on a semiannual basis in non-election years. 2 U.S.C. §434(a)(2)(B). The authorized committees of House and Senate candidates must also file pre-primary election and pre-general election reports before any election in which the candidate runs in 2004. These committees must also file a post-general election report if the candidate runs in the general election. 11 CFR 104.5(a)(2).

Committees that wish to terminate must continue filing reports until notified in writing that their termination report has been accepted by the Commission.

Presidential Candidates. Presidential committees active in the 2004 race that have received contributions or made expenditures aggregating $100,000 or that anticipate this level of activity file on a monthly basis. 11 CFR 104.5(b)(1)(i) and (iii). If the candidate runs in the general election, the campaign must file pre- and post-general election reports in lieu of the November and December monthly reports. 11 CFR 104.5(b)(1)(i)(C).

Presidential committees active in the 2004 race with financial activity under $100,000 file on a quarterly basis. They must also file pre-primary reports for the primaries in which they appear on the ballot and pre- and post-general election reports if they are candidates in the general election. 11 CFR 104.5(b)(1)(ii).

Presidential committees that are not active in 2004 but are retiring debts from previous campaigns may file on either a monthly or a quarterly schedule. A Presidential committee wishing to change its filing schedule should notify the Commission in writing. 11 CFR 104.5(b)(2).

State, District and Local Party Committees
State, district and local party committees that engage in reportable "federal election activity" must file on a monthly schedule. 11 CFR 300.36(c)(1). Committees that do not engage in reportable "federal election activity" may file on a quarterly basis in 2004. 11 CFR 104.5(c)(1)(i).

National Party Committees
Under the BCRA, national committees of political parties must file on a monthly schedule in all years. 2 U.S.C. §434(a)(4)(B).

Political Action Committees
PACs (separate segregated funds and nonconnected committees) that filed on a semiannual basis during 2003 file on a quarterly basis in 2004. Monthly filers continue on the monthly schedule. PACs may change their filing schedule, but must first notify the Commission in writing. Electronic filers must file this request electronically. A committee may change its filing frequency only once a year. 11 CFR 104.5(c).

Pre- and Post-Election Reports
Please note that in 2004, party committees and PACs that generally file monthly reports file a pre-general election report and a post-general election report in lieu of the reports otherwise due in November and December. Party committees and PACs that generally file quarterly reports file:

- A pre-primary election report and a pre-general election report before any election in which the committee makes a contribution to or an expenditure on behalf of a candidate in that election; and
- A post-general election report.

Waiver of State Filing
Under the Commission's State Filing Waiver program, qualified states are relieved of the requirement to make paper copies of FEC reports available to the public. As a

result, political committees no longer have to file copies of their federal reports at the state level in most states.[3] Committees in states not certified for the waiver must continue to file copies of their reports with the appropriate state election office. The addresses for the federal offices (FEC and Secretary of the Senate) appear in the instructions for the Summary Page of FEC Forms 3 and 3X. A list of state filing offices is available from the Commission. Please note that this exemption does not apply to state filing requirements for the disclosure of state or local campaign finances.

Where to File

Committee treasurers must file FEC reports with the appropriate federal office. State filing requirements also apply to reports filed by the principal campaign committees of candidates seeking office in Guam, Montana and Puerto Rico[4] and to reports filed by PACs and party committees who support these candidates. 2 U.S.C. §439(a)(2)(B).

House Candidate Committees. Principal campaign committees of House candidates file with the FEC. 11 CFR 105.1.

Senate Candidate Committees. Principal campaign committees of Senate candidates file with the Secretary of the Senate. 11 CFR 105.2.

Presidential Committees. Principal campaign committees of Presidential candidates file with the FEC. 11 CFR 105.3.

Candidate Committees with More Than One Authorized Committee. If a campaign includes more than one authorized committee, the principal campaign committee files, with its own report, the reports prepared by the other authorized committees as well as a consolidated report (FEC Form 3Z). 11 CFR 104.3(f).

PACs and Party Committees. Generally, PACs and party committees file with the FEC. 11 CFR 105.4. However, committees supporting only Senate candidates, and the national Democratic and Republican Senatorial committees, file with the Secretary of the Senate. 11 CFR 105.

Late Filing

The Federal Election Campaign Act does not permit the Commission to grant extensions of filing deadlines under any circumstances. Filing late reports can result in enforcement action by the Commission.

The agency pursues compliance actions against late-filers and nonfilers under the Administrative Fine program and on a case-by-case basis. For more information on the Administrative Fine program, visit the FEC web site at www.fec.gov/adminfines1.html.

Independent Expenditures

The BCRA requires political committees and other persons who make independent expenditures at any time during the calendar year—up to and including the 20th day before an election—to disclose this activity within 48 hours each time that the expenditures aggregate $10,000 or more. This reporting requirement is in addition to the requirement to file 24-hour notices of independent expenditures each time that disbursements for independent expenditures aggregate at or above $1,000 during the last 20 days—up to 24 hours—before an election. 2 U.S.C. §§434(b), (d) and (g). Political committees must report independent expenditures that do not trigger the 48- or 24-hour reporting thresholds on their regularly scheduled disclosure reports. Other persons report these expenditures once they exceed $250. 11 CFR 104.4(b)(1) and 109.10(b).

All individuals, persons and committees, including Senate

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FEC Accepts Credit Cards

The Federal Election Commission now accepts American Express, Diners Club and Discover Cards in addition to Visa and MasterCard. While most FEC materials are available free of charge, some campaign finance reports and statements, statistical compilations, indexes and directories require payment. Walk-in visitors and those placing requests by telephone may use any of the above-listed credit cards, cash or checks. Individuals and organizations may also place funds on deposit with the office to purchase these items. Since pre-payment is required, using credit cards or funds placed on deposit can speed the processing and delivery of orders. For further information, contact the Public Records Office at 800/424-9530 (press 3) or 202/694-1120.

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[3] *The Commission has certified that the following states and territories qualify for filing waivers: Alabama, Alaska, American Samoa, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, U.S. Virgin Islands, Washington, West Virginia, Wisconsin and Wyoming. Guam, Montana and Puerto Rico are not currently in the State Filing Waiver Program.*

[4] *These requirements also apply to the principal campaign committees of Presidential candidates who make campaign-related expenditures in Guam, Montana or Puerto Rico. See 11 CFR 108.3.*

Guide to 2004 Reporting

All committees must also file a 2003 Year-End Report, due January 31, 2004.

				Required Reports		
Type of Filer	**Semiannual**	**Quarterly**	**Monthly**	**Pre-Primary**[1]	**Pre-General**	**Post-General**
House and Senate Campaigns		✓		✓	✓	✓
				required only if candidate runs in election		
Presidential Campaigns[2] Anticipating Activity of at Least $100,000			✓		✓	✓
					required only if candidate runs in election	
Presidential Campaigns[2] With Activity Less Than $100,000		✓		✓	✓	✓
				required only if candidate runs in election		
PACs and Party Committees Filing Monthly			✓		✓	✓
					filed in lieu of November and December monthly reports	
PACs and Party Committees Filing Quarterly[3]		✓		✓	✓	✓
				required only if committee makes contributions or expenditures in connection with election during the reporting period[4]		required regardless of activity

[1] *Category also includes pre-convention and pre-runoff reports.*

[2] *Presidential committees that wish to change their filing frequency during 2004 should notify the Commission in writing.*

[3] *PACs and party committees that filed on a semiannual basis in 2003 file on a quarterly basis in 2004. To avoid the need to file pre-primary and pre-runoff reports, these committees may change to monthly filing if they first notify the Commission in writing. Committees may change filing frequency only once a year. 11 CFR 104.5(c). National party committees and state and local party committees with reportable receipts or disbursements for federal election activity must file on a monthly schedule. 11 CFR 300.36(c)(1).*

[4] *A reporting period begins with the close of books for the last report filed and ends with the closing date for the applicable report.*

Reports

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committees, must file 24- and 48-hour notices of independent expenditures with the Commission. 11 CFR 104.4, 109.10, 105.1 and 105.2.

Committees Active in Special Elections

Committees authorized by candidates running in any 2004 special election must file pre- and post-election reports in addition to regularly scheduled reports. 11 CFR 104.5(h). They are also required to comply with the 48-hour notice requirement for contributions of $1,000 or more (including loans) received shortly before an election. See 11 CFR 104.5(f).

PACs and party committees supporting candidates running in special elections may also have to file pre- and post-election reports—unless they file on a monthly basis. 11 CFR 104.5(c)(3) and 104.5(h). All PACs are subject to 24-hour reporting of independent expenditures made shortly before an election. See 11 CFR 104.4(b) and (c) and 104.5(g).

When timing permits, the *Record* will alert committees to special election reporting dates.

Electioneering Communications

Additionally, individuals and other persons who make "electioneering communications"[5] that aggregate in excess of $10,000 must file disclosure statements with the Commission within 24 hours of

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2003 Year-End Report

Note: All committees file this report.

Report	Period Covered	Filing Date[1]
Year-End	Closing date of last report through 12/31/03	January 31, 2004[2]

2004 Monthly Reports

Report	Period Covered	Filing Date[1]
February	January 1-31	February 20
March	February 1-29	March 20[2]
April	March 1-31	April 20
May	April 1-30	May 20
June	May 1-31	June 20[2]
July	June 1-30	July 20
August	July 1-31	August 20
September	August 1-31	September 20
October	September 1-30	October 20
Pre-General[3]	October 1-13	October 21
Post-General	Oct. 14-Nov. 22	December 2
Year-End	Nov. 23-Dec. 31	January 31, 2005

2004 Quarterly Reports[3]

Report	Close of Books	Filing Date[1]
1st Quarter	March 31	April 15
2nd Quarter	June 30	July 15
3rd Quarter	September 30	October 15
Year-End	December 31	January 31, 2005

Pre- and Post-Election Reports for November 2 General Election

Report	Close of Books	Filing Date[1]
Pre-General[4]	October 13	October 21
Post-General	November 22	December 2

[1] *Reports sent by registered or certified mail must be postmarked by the filing date (except in the case of the pre-general election report; see footnote 3). Reports sent by other means must be received by the filing date. 11 CFR 104.5(e).*

[2] *Note that the filing date falls on a weekend. Filing dates are not extended when they fall on weekends or federal holidays.*

[3] *Principal campaign committees must also file a pre-primary report if the candidate is running in a primary, and all quarterly filers must file pre-primary reports before any primary in which they make a contribution or expenditure on behalf of a candidate in that primary. Primary reporting dates are listed on pages 14-17.*

[4] *If sent by registered or certified mail, the pre-general must be postmarked by October 18.*

[5] *"Electioneering communications" are a new category of communication under the BCRA, defined at 11 CFR 100.29. For more information, see the November 2002* Record, *page 3, or visit the FEC web site at http://www.fec.gov/pages/bcra/rulemakings/electioneering_communications.htm.*

Reports

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distribution to the public. Charts detailing the electioneering communication periods for Presidential primary elections and caucuses and Congressional primary and runoff elections are available on the FEC web site at www. fec.gov/pages/refer.htm. ✦

—*Amy Kort*

Regulations

Final Rules on Leadership PACs

On November 20, 2003, the Commission approved final rules to address the relationship between a federal candidate's authorized committee and entities that are associated with the federal candidate or officeholder but are not authorized committees, often known as leadership PACs. The final rules state that authorized committees and leadership PACs will not be considered affiliated. As a result, certain disbursements by a leadership PAC will be treated as in-kind contributions to the candidate associated with it.

Background

In previous advisory opinions and compliance matters, the Commission examined leadership PACs whose activities were significantly intertwined with the activities of a federal candidate's authorized committee. In these circumstances, the Commission could either consider whether the leadership PAC's actions made it affiliated with the authorized committee, or the Commission could consider the committees unaffiliated and determine whether the leadership PAC made in-kind contributions to the authorized committee. The Commission declined in many of these instances to find that a leadership PAC was affiliated with a candidate's authorized committee, even when it was apparent that the committees were controlled by the same person. See AOs 2003-12, 1984-46 and 1978-12 and MURs 3740, 2897 and 1870. See also 11 CFR 100.5(g).

New Rules

New 11 CFR 100.5(g)(5) clarifies the relationship between an authorized committee and a leadership PAC by removing the possibility that a candidate's authorized committee can be affiliated with an entity that is not another authorized committee, even if the candidate established, financed, maintained or controlled that entity.[1] Thus, a leadership PAC that provides funds, goods or services to *any* authorized committee will make a contribution to that committee subject to the Federal Election Campaign Act's (the Act) contribution limits.[2]

The new regulation also applies to entities that are not political committees. Thus, for example, if a federal officeholder or candidate established an entity that was not a political committee under the Act, such as a state ballot initiative committee, the Commission would not examine the transactions between the federal candidate/officeholder and the ballot initiative committee to determine whether that committee was affiliated with the candidate/officeholder's authorized campaign committee. See AO 2003-12. Instead, the Commission would consider whether the ballot initiative committee made in-kind contributions to the federal candidate/officeholder.

Statement of Organization

Under the Commission's previous reporting regulation at 11 CFR 102.2(B)(1)(i), a principal campaign committee was required to disclose the names and addresses of any

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[1] *This decision does not affect affiliation between an authorized committee and a joint fundraising committee under 2 U.S.C. §432(e)(3)(ii) and 11 CFR 102.13(c), nor does it affect the ability of a national party committee to be designated as the principal campaign committee for the party's Presidential nominee under 2 U.S.C. §432(e)(3)(i) and 11 CFR 102.12(c)(2).*

[2] *The Commission additionally noted that one complication in any scheme to make authorized committees and leadership PACs affiliated is that these types of committees are subject to different contribution limits and, thus, requiring them to abide by a singe contribution limit would mean choosing a limitation that was is not intended for one of the committees. Consequently, it is logical to view an authorized committee and a leadership PAC as separate committees.*

Federal Register

Federal Register notices are available from the FEC's Public Records Office, on the FEC web site at http://www.fec.gov/register.htm and from the FEC faxline, 202/501-3413.

Notice 2003-22
Final Rules and Explanation and Justification on Leadership PACs (68 FR 67013, December 1, 2003).

Notice 2003-23
Announcement of Effective Date and Corrections to Public Financing of Presidential Candidates and Nominating Conventions (68 FR 66699, November 28, 2003)

Notice 2003-24
Final Rules and Explanation and Justification on Travel on Behalf of Candidates and Political Committees (68 FR 69583, December 15, 2003)

Record

April 2004 Federal Election Commission Volume 30, Number 4

Table of Contents

Regulations

Notice of Proposed Rulemaking on the Definition of Political Committee

On March 4, 2004, the Commission approved a Notice of Proposed Rulemaking (NPRM) seeking comments on whether to amend the definition of "political committee" applicable to nonconnected committees. As part of that proposal, the Commission is considering revising its regulations to address whether and when disbursements for certain election activity should be treated as expenditures. The NPRM includes proposed rules to implement both of these changes, as well as related amendments to the allocation regulations for nonconnected committees and separate segregated funds.

The full text of the NPRM was published in the March 11, 2004, *Federal Register* (69 FR 11736), and is available on the FEC web site at http://www.fec.gov/register.htm. The Commission will hold a public hearing on these proposed rules April 14 and 15, 2004, beginning at 10:00 a.m.

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Reports

April Reporting Reminder

Committees filing on a quarterly basis must file their first quarterly report by April 15. The report covers financial activity from January 1 (or the day after the closing date of the last report) through March 31.

In addition to filing quarterly reports, committees of House and Senate candidates active in the 2004 primary and runoff elections must file pre-election reports and may have to file 48-hour notices of last-minute contributions of $1,000 or more. Political action committees (PACs) and party committees filing on a quarterly basis may also have to file pre-election reports and 48- or 24-hour reports of independent expenditures, depending on the timing of their activities.

National party committees, PACs following a monthly filing schedule and state, district and local party committees that engage in reportable federal election activity must file a monthly report by April 20. (See the April 2003 *Record*, page 5, for more information on monthly filing for state, district and local party committees.)

Under the Commission's mandatory electronic filing regulations,

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Reports

(continued from page 1)

individuals and organizations[1] that receive contributions or make expenditures in excess of $50,000 in a calendar year—or expect to do so—must file all reports and statements with the FEC electronically. Electronic filers who instead file on paper or submit an electronic report that does not pass the Commission's validation program will be considered nonfilers and may be subject to enforcement actions, including administrative fines.

Senate committees and other committees that file with the Secretary of the Senate are not subject to the mandatory electronic filing rules, but may file an unofficial electronic copy of their reports with the FEC in order to speed disclosure.

The Commission's electronic filing software, FECFile 5, can be downloaded from the FEC's web site, www.fec.gov (click on the Electronic Filing icon). Filers may also use commercial or privately-developed software as long as the software meets the Commission's format specifications, which are available on the Commission's web site.

For those filers who are not required to file their reports electronically, paper forms are available on the FEC's web site (http://www.fec.gov/reporting.html) and from FEC Faxline, the agency's automated fax system (202/501-3413).

Additional Information

For more information on 2004 reporting dates:

- See the reporting table in the January 2004 *Record*;
- Call and request the reporting tables from the FEC at 800/424-9530 (press 1, then 3) or 202/694-1100;
- Fax the reporting tables to yourself using the FEC's Faxline (202/501-3413, document 586); or
- Visit the FEC's web site at www.fec.gov/pages/charts.htm to view the reporting tables online.◆

—Elizabeth Kurland

[1] *The regulation covers individuals and organizations required to file reports with the Commission, including any person making an independent expenditure. However, disbursements for electioneering communications do not count toward the $50,000 threshold.*

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Regulations

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Background

Currently, the Federal Election Campaign Act (the Act) and Commission regulations define a "political committee," in part, as "any committee, club, association, or other group of persons" that receives contributions or makes expenditures in excess of $1,000 during a calendar year. 2 U.S.C. §431(4)(A); 11 CFR 100.5(a).[1] An expenditure is defined as "any purchase, payment, distribution, loan advance, deposit, or gift of money or anything of value" made by any person for the purpose of influencing a federal election, or a written contract or agreement to do so. 2 U.S.C. §431(9)(A). Organizations whose expenditures (or contributions) exceed the $1,000 threshold must register and file reports with the FEC.

In *McConnell v. FEC*, the Supreme Court upheld most of the Bipartisan Campaign Reform Act of 2002 (BCRA). The BCRA categorized certain election-related activities undertaken by party committees as "federal election activity" (FEA), including:

- Voter registration activity during the 120 days before a regularly scheduled federal election;
- Voter identification, get-out-the-vote (GOTV) and generic campaign activity in connection with an election in which a candidate for federal office appears on the ballot; and
- A public communication that refers to a clearly identified federal candidate and that promotes, attacks, supports or opposes a candidate for that office. 11 CFR 100.24.

The Court found that the first two types of FEA listed above "confer substantial benefits on federal candidates," and that any "public communication that promotes or attacks a clearly identified federal candidate directly affects the election in which he is participating."

The Court also upheld the regulation of "electioneering communications" (which include television and radio ads that refer to

[1] *See also 2 U.S.C. §431(4)(B) and (C) and 11 CFR 100.5(b) and (c).*

07/06/2004 11 : 54

FEC FORM 3X

REPORT OF RECEIPTS AND DISBURSEMENTS

For Other Than An Authorized Committee

Office Use Only

1. NAME OF COMMITTEE (in full) — USE FEC MAILING LABEL OR TYPE OR PRINT — Example: If typing, type over the lines

McGuireWoods LLP

ADDRESS (number and street)

One James Center

901 E. Cary Street

Check if different than previously reported. (ACC)

Richmond | VA | 23219 | 4030

CITY | STATE | ZIPCODE

2. FEC IDENTIFICATION NUMBER

C00225342

3. IS THIS REPORT — X NEW (N) OR AMENDED (A)

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 Quarterly Report(YE)
- July 31 Mid-Year Report(Non-election Year Only) (MY)
- Termination Report (TER)

(b) Monthly Report Due On:

Feb 20 (M2)	May 20 (M5)	Aug 20 (M8)	Nov 20 (M11) (Non-Election Year Only)
Mar 20 (M3)	Jun 20 (M6)	Sep 20 (M9)	Dec 20 (M12) (Non-Election Year Only)
Apr 20 (M4)	Jul 20 (M7)	Oct 20 (M10)	Jan 31 (YE)

(c) 12-Day PRE-Election Report for the: Primary (12P) General (12G) Runoff (12R) Convention (12C) Special (12G)

Election on in the State of

(d) 30-Day Post-Election Report for the: General (30G) Runoff (30R) Special (30S)

Election on in the State of

5. Covering Period 01 01 2004 through 06 30 2004

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: Frank Donatelli

Signature of Treasurer: Electronically Filed by Frank Donatelli — Date 07 06 2004

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

FEC FORM 3X (Rev. 02/2003)

24038350280

FEC Form 3X (Rev. 02/2003)

SUMMARY PAGE
OF RECEIPTS AND DISBURSEMENTS

Write or Type Committee Name
McGuireWoods LLP

Report Covering the Period: From: 01 01 2004 To: 06 30 2004

	COLUMN A This Period	COLUMN B Calendar Year-to-Date
6. (a) Cash on Hand January 1 2004		1650.00
(b) Cash on Hand at Begining of Reporting Period	1650.00	
(c) Total Receipts (from Line 19)	109656.75	109656.75
(d) Subtotal (add lines 6(b) and 6(c) for Column A and Lines 6(a) and 6(c) for Column B)	111306.75	111306.75
7. Total Disbursements (from Line 31)	94306.75	94306.75
8. Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d))	17000.00	17000.00
9. Debts and Obligations owed TO the committee (Itemize all on Schedule C and/or Schedule D)	0.00	
10. Debts and Obligations owed BY the committee (Itemize all on Schedule C and/or Schedule D)	0.00	

This Committee has qualified as a multicandidate committee. (see FEC FORM 1M)

For further information contact:

Federal Election Commission
999 E street, NW
Washington, DC 20463

Toll Free 800-424-9530
Local 202-694-1100

DETAILED SUMMARY PAGE
OF RECEIPTS

FEC Form 3X (Rev. 02/2003)

Write or Type Committee Name

McGuireWoods LLP

Report Covering the Period: From: 01 01 2004 To: 06 30 2004

I. Receipts	COLUMN A Total This Period	COLUMN B Calendar Year-to-Date
11. Contributions (other than loans) From:		
(a) Individuals/Persons Other Than Political Committees		
(i) Itemized (use Schedule A)	76306.75	
(ii) Unitemized	33350.00	
(iii) TOTAL (add Lines 11(a)(i) and (ii) .... ▶	109656.75	109656.75
(b) Political Party Committees	0.00	0.00
(c) Other Political Committees (such as PACs)	0.00	0.00
(d) Total Contributions (add Lines 11(a)(iii),(b) and (c)) (Carry Totals to Line 33, page 5) .... ▶	109656.75	109656.75
12. Transfers From Affiliated/Other Party Committees	0.00	0.00
13. All Loans Received	0.00	0.00
14. Loan Repayments Received	0.00	0.00
15. Offsets To Operating Expenditures (Refunds, Rebates, etc.) (Carry Totals to Line 37, page 5)	0.00	0.00
16. Refunds of Contributions Made to Federal candidates and Other Political Committees	0.00	0.00
17. Other Federal Receipts (Dividends, Interest, etc.)	0.00	0.00
18. Transfers from Non-Federal and Levin Funds		
(a) Non-Federal Account (from Schedule H3)	0.00	0.00
(b) Levin Funds (from Schedule H5)	0.00	0.00
(c) Total Transfer (add 18(a) and 18(b)).	0.00	0.00
19. Total Receipts (add Lines 11(d), 12, 13, 14, 15, 16, 17, and 18(c))	109656.75	109656.75
20. Total Federal Receipts (subtract Line 18(c) from Line 19)	109656.75	109656.75

DETAILED SUMMARY PAGE
of Disbursements

II. DISBURSEMENTS	COLUMN A Total This Period	COLUMN B Calendar Year-to-Date
21. Operating Expenditures:		
(a) Shared Federal/Non-Federal Activity (from Schedule H4)		
(i) Federal Share	0.00	0.00
(ii) Non-Federal Share	0.00	0.00
(b) Other Federal Operating Expenditures	0.00	0.00
(c) Total Operating Expenditures (add 21(a)(i), (a)(ii) and (b))	0.00	0.00
22. Transfers to Affiliated/Other Party Committees	0.00	0.00
23. Contributions to Federal Candidates/Committees and Other Political Committees	80306.75	80306.75
24. Independent Expenditure (use Schedule E)	0.00	0.00
25. Coordinated Expenditures Made by Party Committees (2 U.S.C. 441a(d)) (use Schedule F)	0.00	0.00
26. Loan Repayments Made	0.00	0.00
27. Loans Made	0.00	0.00
28. Refunds of Contributions To:		
(a) Individuals/Persons Other Than Political Committees	0.00	0.00
(b) Political Party Committees	0.00	0.00
(c) Other Political Committees (such as PACs)	0.00	0.00
(d) Total Contribution Refunds (add Lines 28(a), (b), and (c))	0.00	0.00
29. Other Disbursements	14000.00	14000.00
30. Federal Election Activity (2 U.S.C 431(20))		
(a) Shared Federal Election Activity (from Schedule H6)		
(i) Federal Share	0.00	0.00
(ii) "Levin" Share	0.00	0.00
(b) Federal Election Activity Paid Entirely With Federal Funds	0.00	0.00
(c) Total Federal Election Activity (add Lines 30(a)(i), 30(a)(ii) and 30(b))	0.00	0.00
31. Total Disbursements (add Lines 21(c), 22, 23, 24, 25, 26, 27, 28(d), 29 and 30(c))	94306.75	94306.75
32. Total Federal Disbursements (subtract Line 21(a)(ii) from Line 30(a)(ii) from Line 31)	94306.75	94306.75

DETAILED SUMMARY PAGE

of Disbursements

FEC Form 3X (Rev. 02/2003)

III. Net Contributions/Operating Expenditures	COLUMN A Total This Period	COLUMN B Calendar Year-to-Date
33. Total Contributions (other than loans) from Line 11(d), page 3)	109656.75	109656.75
34. Total Contribution Refunds (from Line 28(d))	0.00	0.00
35. Net Contributions (other than loans) (subtract Line 34 from Line 33)	109656.75	109656.75
36. Total Federal Operating Expenditures (add Line 21(a)(i) and Line 21(b)).........	0.00	0.00
37. Offsets to Operating Expenditures (from Line 15, page 3)	0.00	0.00
38. Net Operating Expenditures (subtract Line 37 from Line 36)	0.00	0.00

07/12/2004 14 : 45

FEC FORM 1

STATEMENT OF ORGANIZATION

(See instructions)

1. NAME OF COMMITTEE (in full) (Check if name is changed) Example: If typing, type over the lines 12FE4M5

McGuireWoods LLP

ADDRESS (number and street)

(Check if address is changed)

One James Center

901 E. Cary Street

Richmond | VA | 23219 - 4030

CITY | STATE | ZIP CODE

COMMITTEE'S E-MAIL ADDRESS

fdonatelli@mwcllc.com

COMMITTEE'S WEB PAGE ADDRESS (URL)

COMMITTEE'S FAX NUMBER

8047751911

2. DATE 07 12 2004

3. FEC IDENTIFICATION NUMBER C C00225342

4. IS THIS STATEMENT X NEW (N) OR AMENDED (A)

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

Type or Print Name of Treasurer Frank Donatelli

Signature of Treasurer Electronically Filed by Frank Donatelli Date 07 12 2004

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

ANY CHANGE IN INFORMATION SHOULD BE REPORTED WITHIN 10 DAYS

Office Use Only

For further information contact:
Federal Election Commission
Toll Free 800-424-9530
Local 202-694-1100

FEC FORM 1
(Revised 02/2003)

25238582055

5. TYPE OF COMMITTEE (Check One)

(a) This committee is a principal campaign committee. (Complete the candidate information below.)

(b) This committee is an authorized committee, and is NOT a principal campaign committee. (Complete the candidate information below.)

Name of Candidate

Candidate Party Affiliation | Office Sought: | House | Senate | President | State District

(c) This committee supports/opposes only one candidate, and is NOT an authorized committee.

Name of Candidate

(d) This committee is a (National, State (or subordinate) committee of the (Democratic, Republican, etc.) Party.

(e) X This committee is a separate segregated fund

(f) This committee supports/opposes more than one Federal candidate, and is NOT a separate segregated fund or party committee.

6. Name of Any Connected Organization or Affiliated Committee

McGuireWoods LLP

Mailing Address
One James Center
901 East Cary Street
Richmond VA 23219 -

CITY ▲ STATE ▲ ZIP CODE ▲

Relationship

Type of Connected Organization:

X Corporation | Corporation w/o Capital Stock | Labor Organization
Membership Organization | Trade Association | Cooperative

25085803528

Write or Type Committee Name

McGuireWoods LLP

7. **Custodian of Records:** Identify by name, address, (phone number -- optional), and position of the person in possession of Committee books and records.

Full Name DeAnna Vanover

Mailing Address One James Center

901 East Cary Street

Richmond VA 23219 -

Title or Position ▼ CITY ▲ STATE ▲ ZIP CODE ▲

Custodian Telephone number 804 - 775 - 1921

8. Treasurer: List the name and address (phone number -- optional) of the treasurer of the committee; and the name and address of any designated agent (e.g., assistant treasurer).

Full Name of Treasurer Frank Donatelli

Mailing Address 1050 Connecticut Avenue N.W.

Suite 1200

Washington DC 20036 -

Title or Position ▼ CITY ▲ STATE ▲ ZIP CODE ▲

Treasurer Telephone number 202 - 857 - 2914

Full Name of Designated Agent

Mailing Address

-

Title or Position ▼ CITY ▲ STATE ▲ ZIP CODE ▲

Telephone number - -

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

VIA OVERNIGHT DELIVERY

August 25, 2005

Stephen Katsurinis, as Treasurer
McGuireWoods LLP
One James Center
901 East Cary Street
Richmond, Virginia 23219

C00225342
AF # 1132

Dear Mr. Katsurinis:

On June 10, 2004, the Federal Election Commission ("Commission") found reason to believe ("RTB") that McGuireWoods LLP and you, as Treasurer ("respondents"), violated 2 U.S.C. § 434(a) for failing to file the 2004 April Quarterly Report. The Commission also made a preliminary determination that the civil money penalty was $5,500 based on the schedule of penalties at 11 C.F.R. § 111.43.

After reviewing your 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,

Shawn Woodhead Werth

Shawn Woodhead Werth
Reviewing Officer
Office of Administrative Review

Attachment

cc: Mr. Frank Donatelli

McGuireWoods Consulting LLC
Washington Square
1050 Connecticut Avenue N.W.
Suite 1200
Washington, DC 20036-5317
Phone: 202.857.1700
Fax: 202.857.1737
www.mwcllc.com

Frank J. Donatelli
Direct: 202.857.2814
fdonatelli@mwcllc.com

McGUIREWOODS
CONSULTING

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2005 SEP -6 P 5:03

September 6, 2005

Commission Secretary
Federal Election Commission
999 E Street NW
Washington, DC 20463

RE: McGuireWoods LLP PAC AF #1132

Dear Commission Secretary:

I am the Treasurer the McGuireWoods LLP Political Action Committee ("McGuireWoods PAC"). I have received a letter from the Federal Election Commission dated August 25, 2005, and signed by Shawn Woodhead Werth, a Reviewing Officer in the Office of Administrative Review. The letter of August 25 is addressed to my predecessor as Treasurer of the McGuireWoods PAC, Stephen Katsurinis. (Mr. Katsurinis left the McGuireWoods firm and ceased to be associated with the McGuireWoods PAC in January of 2003.)

The letter of August 25 refers to the June 10, 2004 finding by the FEC of reason to believe ("RTB") that the McGuireWoods PAC had violated federal election law by failing to timely file the April 2004 Quarterly Report of receipts and disbursements. Attached to Ms. Werth's letter was her Reviewing Officer Recommendation in which she addresses our July 20, 2004 response to the RTB. Her recommendation to the Commission is that it imposes a fine of $4500 and issue the appropriate letter to the McGuireWoods PAC.

We will not contest that recommendation and have remitted a check for $4500 to the FEC at the appropriate address in St. Louis. We understand that this will resolve the matter. Finally, we ask that the FEC make clear in the record of this matter that Mr. Katsurinis had left our firm and ceased to have any involvement with our PAC more than 14 months prior to the time of the filing deadline for the April 2004 report. That fact is not in dispute, but may not be apparent to those who do not read the complete record. Thank you.

Sincerely,

Frank J. Donatelli
Executive Vice President

25038253829

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

FEDERAL ELECTION COMMISSION SECRETARIAT

2005 SEP 26 P 3:06

September 23, 2005

SENSITIVE

MEMORANDUM

TO: THE COMMISSION

THROUGH: JAMES A. PEHRKON
STAFF DIRECTOR

ANTHONY P. SCARDINO
DEPUTY STAFF DIRECTOR

FROM: SHAWN WOODHEAD WERTH
REVIEWING OFFICER
OFFICE OF ADMINISTRATIVE REVIEW

SUBJECT: FINAL DETERMINATION RECOMMENDATION IN AF# 1132 - MCGUIREWOODS LLP AND STEPHEN KATSURINIS, AS TREASURER (C00225342)

On June 10, 2004, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that McGuireWoods LLP and Stephen Katsurinis, as Treasurer ("the respondents"), violated 2 U.S.C. § 434(a) for failing to file the 2004 April Quarterly Report. Because the respondents had not filed the report at the time of the Commission's RTB finding, the estimated level of activity was used to calculate the civil money penalty. Therefore, the Commission also made a preliminary determination on June 10, 2004 that the civil money penalty was $5,500 based on the schedule of penalties at 11 C.F.R. § 111.43.

On July 6, 2004, the respondents filed the July Quarterly Report which included the April Quarterly reporting period of January 1 through March 31, 2004. It was received 82 days after the April Quarterly Report's due date and is considered not filed for purposes of the civil money penalty calculation. The July Quarterly Report discloses $109,656 in total receipts and $94,306 in total disbursements for the January 1 through June 30 period. This results in an estimated level of activity of $101,920 for the April Quarterly reporting period covering January 1 through March 31. Had the report been filed disclosing this estimated level of activity for the April Quarterly Report prior to the Commission's RTB finding, the civil money penalty would have been $4,500 based on the schedule of penalties at 11 C.F.R. § 111.43(a).

On July 20, 2004, the Commission received the respondents' written response, Frank Donatelli's affidavit, and supporting documentation ("challenge"). After reviewing the challenge, the Reviewing Officer's recommendation dated August 22, 2005 was forwarded to the Commission. A copy was simultaneously forwarded to the respondents. The Reviewing Officer recommended that the Commission make a final determination that the respondents violated 2 U.S.C. § 434(a) and assess a civil money penalty of $4,500 because the respondents submitted no evidence that a factual error was made, that the civil money penalty was miscalculated at RTB or that extraordinary circumstances existed which prevented them from filing the April Quarterly Report in a timely manner. However, because the respondents filed the July Quarterly Report on July 6, 2004 and disclosed the estimated level of activity for the April Quarterly reporting period, the civil money penalty at final determination is recalculated to be $4,500 based upon the schedules of penalties.

Within 10 days of transmittal of the recommendation, the respondents may file a written response with the Commission Secretary which may not raise any arguments not raised in the respondents' challenge or not directly responsive to the Reviewing Officer's recommendation. 11 C.F.R. § 111.36(f). The respondents' written response was received via facsimile on September 6, 2005 and is attached for your review. The respondents also paid the $4,500 civil money penalty on September 9, 2005.

OAR Recommendations

(1) Make a final determination in AF# 1132 that McGuireWoods LLP and Stephen Katsurinis, as Treasurer, violated 2 U.S.C. § 434(a) and, based on the estimated level of activity for the April Quarterly reporting period disclosed on the July Quarterly Report ($101,920), assess a civil money penalty of $4,500 (reduced from the RTB civil money penalty of $5,500); and
(2) Send the appropriate letter.

Attachment

FEDERAL ELECTION COMMISSION
Washington, DC 20463

SENSITIVE

DATE & TIME TRANSMITTED: Monday, September 26, 2005 11:00

RETURN TO COMMISSION SECRETARY BY: Thursday, September 29, 2005 4:00

COMMISSIONER: MASON, McDONALD, THOMAS, TONER, WEINTRAUB

SUBJECT: **Final Determination Recommendation in AF #1132 – McGuire Woods LLP and Stephen Katsurinis, as treasurer (C00225342). Memorandum from the Reviewing Officer dated September 23, 2005.**

( ) I approve the recommendation(s)

( ) I object to the recommendation(s)

( ) I am recused from voting

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 #1132
McGuire Woods LLP and Stephen	)	
Katsurinis, as treasurer (C00225342).	)	

CERTIFICATION

I, Mary W. Dove, Secretary of the Federal Election Commission, do hereby certify that on September 29, 2005, the Commission decided by a vote of 5-0 to take the following actions in AF #1132:

1. Make a final determination in AF #1132 that McGuire Woods LLP and Stephen Katsurinis, as Treasurer, violated 2 U.S.C. § 434(a) and, based on the estimated level of activity for the April Quarterly reporting period disclosed on the July Quarterly Report ($101,920), assess a civil money penalty of $4,500 (reduced from the RTB civil money penalty of $5,500).

2. Send the appropriate letter.

Commissioners Mason, McDonald, Thomas, Toner, and Weintraub voted affirmatively for the decision.

Attest:

September 29, 2005
Date

Mary W. Dove
Mary W. Dove
Secretary of the Commission

WESTERN UNION

WESTERN UNION COMMERCIAL SERVICES

CONFIRMATION OF CMGM TO:STEPHEN KATSURINIS, AS TREASURER
MCGUIREWOODS LLP
ONE JAMES CENTER, 901 EAST CARY STREET
RICHMOND, VA 23219

FEDERAL ELECTION COMMISSION
ATTN: SHAWN WOODHEAD WERTH
999 E ST. NW. ROOM 819
4TH FLOOR
WASHINGTON DC 20463

FEDERAL ELECTION COMMISSION
999 E STREET, NW
WASHINGTON, DC 20463

SEPTEMBER 30, 2005

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

STEPHEN KATSURINIS, AS TREASURER
MCGUIREWOODS LLP
ONE JAMES CENTER, 901 EAST CARY STREET
RICHMOND, VA 23219

ID# C00225342
AF# 1132

DEAR MR. KATSURINIS:

ON JUNE 10, 2004, THE FEDERAL ELECTION COMMISSION ("THE COMMISSION") FOUND REASON TO BELIEVE ("RTB") THAT MCGUIREWOODS LLP AND YOU, AS TREASURER, VIOLATED 2 U.S.C. 434(A) FOR FAILING TO FILE THE 2004 APRIL QUARTERLY REPORT. BY LETTER DATED JUNE 15, 2004, THE COMMISSION SENT YOU NOTIFICATION OF THE RTB FINDING THAT INCLUDED A CIVIL MONEY PENALTY CALCULATED AT RTB OF $5,500 IN ACCORDANCE WITH THE SCHEDULE OF PENALTIES AT 11 C.F.R. 111.43.

ON JULY 20, 2004, THE OFFICE OF ADMINISTRATIVE REVIEW RECEIVED THE WRITTEN RESPONSE, FRANK DONATELLI'S AFFIDAVIT, AND SUPPORTING DOCUMENTATION ("CHALLENGE") CHALLENGING THE CIVIL MONEY PENALTY CALCULATED AT RTB. THE REVIEWING OFFICER REVIEWED THE COMMISSION'S RTB FINDING AND SUPPORTING DOCUMENTATION AND THE CHALLENGE WITH ITS SUPPORTING DOCUMENTATION. BASED ON THIS REVIEW, THE REVIEWING OFFICER RECOMMENDED THAT THE COMMISSION REDUCE THE CIVIL MONEY PENALTY CALCULATED AT RTB BECAUSE IT WAS CALCULATED ON AN ESTIMATED LEVEL OF ACTIVITY, MAKE A FINAL DETERMINATION THAT MCGUIREWOODS LLP AND YOU, AS TREASURER, VIOLATED 2 U.S.C. 434(A) AND, BASED ON THE ESTIMATED LEVEL OF ACTIVITY FOR THE APRIL QUARTERLY REPORTING PERIOD DISCLOSED ON THE JULY QUARTERLY REPORT ($101,920), ASSESS A CIVIL

WESTERN UNION

WESTERN UNION COMMERCIAL SERVICES

MONEY PENALTY OF $4,500 IN ACCORDANCE WITH 11 C.F.R. 111.43. THE BASIS FOR THE REVIEWING OFFICER'S RECOMMENDATION WAS INCLUDED IN THE FINAL DETERMINATION REPORT, A COPY OF WHICH WAS SENT TO YOU ON AUGUST 25, 2005.

ON SEPTEMBER 6, 2005, THE COMMISSION SECRETARY RECEIVED THE WRITTEN RESPONSE FROM MR. DONATELLI. A COPY WAS FORWARDED TO THE COMMISSION. ON SEPTEMBER 9, 2005, THE COMMISSION RECEIVED THE PAYMENT FOR THE RECOMMENDED $4,500 CIVIL MONEY PENALTY.

THE COMMISSION ADOPTED THE REVIEWING OFFICER'S RECOMMENDATION AND MADE A FINAL DETERMINATION ON SEPTEMBER 29, 2005 THAT MCGUIREWOODS LLP AND YOU, AS TREASURER, VIOLATED 2 U.S.C. 434(A), AND ASSESSED A CIVIL MONEY PENALTY IN THE AMOUNT OF $4,500 IN ACCORDANCE WITH 11 C.F.R. 111.43.

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 C.F.R. 111.42(B). ALTHOUGH THE FILE MUST BE PLACED ON THE PUBLIC RECORD WITHIN 30 DAYS FROM THE DATE OF THE COMMISSION'S NOTIFICATION, THIS COULD OCCUR AT ANY TIME FOLLOWING CERTIFICATION OF THE COMMISSION'S VOTE.

IF YOU HAVE ANY QUESTIONS REGARDING THIS MATTER, PLEASE CONTACT SHAWN WOODHEAD WERTH ON OUR TOLL FREE NUMBER (800)424-9530 (PRESS 0, THEN EXT. 1660) OR (202)694-1660.

SINCERELY,

SCOTT E. THOMAS
CHAIRMAN

FOR: MCGUIREWOODS LL

FEC ID#: C00225342

AF#: 1132

PAYMENT DUE DATE: ~~07/20/2004~~

PAYMENT AMOUNT DUE: ~~$5500~~
$4500 (reduced)

MGMCOMP 17:36 EST

To reply by Mailgram Message, see reverse side for Western Union's toll-free number.

QUALITY IS OUR PRIORITY FOR LOCKBOX 2182
SEQ# 001 $ 0000450000 BA# 1 09-09-05 20 3

usbancorp

THIS CHECK IS VOID WITHOUT A BLUE & GREEN BACKGROUND AND AN ARTIFICIAL WATERMARK ON THE BACK - HOLD AT ANGLE TO VIEW

CHECK DATE 09-01-05

Wachovia Bank, N.A.
Richmond, VA
68-141-510

McGUIREWOODS
FEDERAL PAC FUND

[redacted]

CHECK NO. 1092

VOID AFTER 180 DAYS

CHECK AMOUNT
USD$*****4,500.00

PAY IN U.S. DOLLARS
Four Thousand Five Hundred Dollars and no cents

TO THE ORDER OF Federal Election Commission

Two Signatures Required If Over $50,000

AUTHORIZED SIGNATURE

[redacted]

FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 1132

DATE SCANNED 11/10/06

SCANNER NO. 2

SCAN OPERATOR S.E.G