



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 1396

DATE SCANNED 8-23-05

SCANNER NO. 1

SCAN OPERATOR JMD

25092580672



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

May 23, 2005
2005 MAY 23 P 4:17

MEMORANDUM

SENSITIVE

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 – MICHELS
FOR U.S. SENATE - FAILURE TO FILE 48-HOUR NOTICES
UNDER THE ADMINISTRATIVE FINE PROGRAM

Attached is the name of a principal campaign committee that has failed to file 48-hour notices with the Commission for contributions of \$1,000 or more received from the close of books for the 12 Day Pre-General Report up to 48 hours before the November 2, 2004 General Election in accordance with 2 U.S.C. 434(a)(6) and 11 C.F.R. § 104.5(f). The Michels for U.S. Senate committee represents a candidate who lost the General Election and failed to file 48-hour notices for contributions totaling \$207,926.25.

On September 27, 2004, Prior Notice was sent to the committee which included a section detailing the requirements for filing 48-hour notices. The section read as follows:

“Notices are required if the committee receives contributions (**including in-kind gifts or advances of goods or services; loans from the candidate or other non-bank sources; and guarantees or endorsements of loans to the candidate or committee**) of \$1,000 or more, during the period of October 14 through October 30, 2004. The notices must reach the appropriate federal and state filing offices within 48 hours of the committee’s receipt of the contribution(s).”

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

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

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

Recommendation

1. Find reason to believe that Michels for U.S. Senate and Kathleen Loppnow, Treasurer, violated 2 U.S.C. 434(a)(6) and make a preliminary determination that a civil money penalty of \$22,292.00 be assessed.
2. Send the appropriate mailgram.

Attachment

25092580674

Contributions for Which a 48-Hour Notice Was Not Received

AF 1396

Committee ID: C00389445

Committee Name: Michels for U.S. Senate

Report Type: 30 Day Post-General Report (10/14/04-11/22/04)

48-Hour Reporting Period: 10/14/04-10/30/04

CONTRIBUTOR NAME	DATE	AMOUNT
Associate Equipment Distributors PAC	10/15/2004	\$1,000.00
BIPAC	10/15/2004	\$1,500.00
National Defense PAC	10/15/2004	\$1,000.00
Republican Majority Fund	10/15/2004	\$2,500.00
Robert Gelfond	10/16/2004	\$2,000.00
John Johnson	10/16/2004	\$1,000.00
AAO PAC	10/16/2004	\$1,000.00
Bae System USA PAC	10/16/2004	\$1,000.00
Boeing PAC	10/16/2004	\$1,000.00
Print PAC	10/16/2004	\$1,000.00
Dennis Barton	10/18/2004	\$1,000.00
John Calhoun	10/18/2004	\$1,000.00
William Kroeger	10/18/2004	\$1,000.00
Douglas McCoy	10/18/2004	\$2,000.00
Laurence Pierre Lebrasseur	10/18/2004	\$1,000.00
Roy Reiman	10/18/2004	\$2,000.00
Victoria Taylor	10/18/2004	\$1,000.00
Joseph Vigna	10/18/2004	\$1,000.00
ARTBA PAC	10/18/2004	\$1,000.00
Brown Forman Lenox PAC	10/18/2004	\$2,000.00
BUILD PAC	10/18/2004	\$5,000.00
Common Sense Leadership Fund PAC	10/18/2004	\$2,500.00
ITW Better Government PAC	10/18/2004	\$5,000.00
Lockheed Martin PAC	10/18/2004	\$5,000.00
NFIB PAC	10/18/2004	\$5,000.00
OHIOS 17 Star PAC	10/18/2004	\$2,500.00
Joan Fleischman	10/19/2004	\$1,000.00
Paul Schlagenhaut	10/19/2004	\$2,000.00
CH2MHill PAC	10/19/2004	\$2,000.00
CH2MHill PAC	10/19/2004	\$2,000.00
ConocoPhillips Spirit PAC	10/19/2004	\$3,000.00
LEHI PAC	10/19/2004	\$1,000.00
The Doctors Company PAC	10/19/2004	\$5,000.00

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CONTRIBUTOR NAME	DATE	AMOUNT
The Leadership Circle PAC	10/19/2004	\$5,000.00
Joe Richardson	10/20/2004	\$2,000.00
Bonnie Tagliapietra	10/20/2004	\$1,000.00
3M PAC	10/20/2004	\$2,000.00
Battle Born PAC	10/20/2004	\$5,000.00
International Paper PAC	10/20/2004	\$1,000.00
Making Business Excel PAC	10/20/2004	\$2,000.00
Northwestern Mutual Life Federal PAC	10/20/2004	\$5,000.00
ACA PAC	10/21/2004	\$1,000.00
Caterpillar PAC	10/21/2004	\$5,000.00
Earth Tool PAC	10/21/2004	\$1,000.00
Halliburton PAC	10/21/2004	\$1,000.00
Koch PAC	10/21/2004	\$2,500.00
Mass Mutual Life Insurance PAC	10/21/2004	\$2,000.00
National Ready Mixed Concrete PAC	10/21/2004	\$1,000.00
National Ready Mixed Concrete PAC	10/21/2004	\$1,000.00
National Ready Mixed Concrete PAC	10/21/2004	\$1,000.00
NSSGA ROCK PAC	10/21/2004	\$4,000.00
PPG Better Government Team PAC	10/21/2004	\$2,000.00
Republican Party of the Sixth District	10/21/2004	\$2,000.00
Senate Majority Fund PAC	10/21/2004	\$5,000.00
Targetcitizens Political Forum PAC	10/21/2004	\$2,500.00
US Bancorp. PAC	10/21/2004	\$1,000.00

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CONTRIBUTOR NAME	DATE	AMOUNT
Gary Sadoff	10/22/2004	\$1,000.00
Ronald Sadoff	10/22/2004	\$1,000.00
Defend America PAC	10/22/2004	\$5,000.00
Mead Westvaco PAC	10/22/2004	\$3,000.00
Penny PAC	10/22/2004	\$1,000.00
Robert Bohn	10/23/2004	\$1,771.00
Jane Johnson	10/23/2004	\$2,000.00
John Deere PAC	10/23/2004	\$2,000.00
Restore American PAC	10/23/2004	\$2,000.00
Georgia Pacific PAC	10/24/2004	\$5,000.00
Betty Brown Casey PAC	10/25/2004	\$2,000.00
Cooperative of American Physicians PAC	10/25/2004	\$1,000.00
IPAA Wildcaster PAC	10/25/2004	\$2,500.00
Republican Jewish Coalition PAC	10/25/2004	\$2,000.00
Safari Club International PAC	10/25/2004	\$5,000.00
White Mountain PAC	10/25/2004	\$5,000.00
Home Depot Inc. PAC	10/26/2004	\$1,000.00
American Forest and Paper PAC	10/27/2004	\$1,000.00
ExxonMobil PAC	10/27/2004	\$5,000.00
Friends and Neighbors of John Gard Committee	10/27/2004	\$1,000.00
Keep our Majority PAC	10/27/2004	\$5,000.00
The Buckeye PAC	10/27/2004	\$5,000.00
The Power Mobility PAC	10/27/2004	\$1,000.00

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CONTRIBUTOR NAME	DATE	AMOUNT
Duane Bluemke	10/28/2004	\$2,000.00
Debra Cervenka	10/28/2004	\$1,000.00
Charles Du Bois	10/28/2004	\$2,000.00
Patrick English	10/28/2004	\$1,000.00
Rick Knapp	10/28/2004	\$2,000.00
Elizabeth Stern	10/28/2004	\$2,000.00
James Wrycha	10/28/2004	\$2,000.00
Alticor PAC	10/28/2004	\$1,000.00
Pioneer PAC	10/28/2004	\$3,000.00
Snow PAC	10/28/2004	\$2,000.00
James Connelly	10/29/2004	\$2,000.00
NUCA PAC	10/29/2004	\$3,655.25
Virginia Victory PAC	10/30/2004	\$2,000.00
	TOTAL	\$207,926.25

Proposed Civil Money Penalty: \$22,292.00

25092580678



FEDERAL ELECTION COMMISSION
Washington, DC 20463

SENSITIVE

DATE & TIME OF TRANSMITTAL: Tuesday, May 24, 2005 11:00

BALLOT DEADLINE: Friday, May 27, 2005 4:00

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

SUBJECT: **RTB Recommendation – Michels For U.S. Senate – Failure To File 48-Hour Notices Under The Administrative Fine Program. Memorandum from the Assistant Staff Director, Reports Analysis Division dated May 23, 2005.**

- () 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

25092580679

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
 RTB Recommendation - Michels For) AF #1396
 U.S. Senate - Failure To File 48-Hour)
 Notices Under The Administrative Fine)
 Program.)

CERTIFICATION

I, Mary W. Dove, Secretary of the Federal Election Commission, do hereby certify that on May 27, 2005, the Commission decided by a vote of 5-1 to take the following actions in AF #1396:

1. Find reason to believe that Michels for U.S. Senate and Kathleen Loppnow, Treasurer, violated 2 U.S.C. 434(a)(6) and make a preliminary determination that a civil money penalty of \$22,292.00 be assessed.
2. Send the appropriate mailgram.

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

Attest:

May 27, 2005
 Date

Darlene Harris
 for Mary W. Dove
 Secretary of the Commission

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CONFIRMATION OF CMGM

 WESTERN UNION COMMERCIAL SERVICES
 TO: KATHLEEN LOPPNOW
 MICHELS FOR U.S. SENATE
 PO BOX 127
 BROWNSVILLE WI 53006-0127

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

JUNE 1, 2005

 KATHLEEN LOPPNOW
 MICHELS FOR U.S. SENATE
 P.O. BOX 127
 BROWNSVILLE, WI 53006

 C00389445
 AF# 1396

DEAR KATHLEEN LOPPNOW,

THE FEDERAL ELECTION CAMPAIGN ACT OF 1971, AS AMENDED ("THE ACT"), REQUIRES PRINCIPAL CAMPAIGN COMMITTEES OF CANDIDATES FOR FEDERAL OFFICE TO NOTIFY IN WRITING EITHER THE SECRETARY OF THE SENATE OR THE FEDERAL ELECTION COMMISSION ("FEC"), AND THE SECRETARY OF STATE, AS APPROPRIATE, OF ANY CONTRIBUTION OF \$1,000 OR MORE, RECEIVED BY ANY AUTHORIZED COMMITTEE OF THE CANDIDATE AFTER THE 20TH DAY, BUT MORE THAN 48 HOURS BEFORE, ANY ELECTION. THE ACT FURTHER REQUIRES NOTIFICATION TO BE MADE WITHIN 48 HOURS AFTER THE RECEIPT OF THE CONTRIBUTION AND TO INCLUDE THE NAME OF THE CANDIDATE AND OFFICE SOUGHT, THE DATE OF RECEIPT, THE AMOUNT OF THE CONTRIBUTION, AND THE IDENTIFICATION OF THE CONTRIBUTOR. THE NOTIFICATION OF THESE CONTRIBUTIONS SHALL BE IN ADDITION TO ALL OTHER REPORTING REQUIREMENTS. 2 U.S.C. 434(A). YOU WERE PREVIOUSLY NOTIFIED OF THE REQUIREMENT TO FILE THESE NOTICES. RECORDS AT THE FEC INDICATE THAT YOU DID NOT SUBMIT 48-HOUR NOTICES FOR CONTRIBUTIONS OF \$1,000 OR MORE, RECEIVED BETWEEN 10/14/2004 AND 10/30/2004, TOTALING \$207,926.

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 05/27/2005, THE FEC FOUND THAT THERE IS REASON TO BELIEVE ("RTB") THAT MICHELS FOR U.S. SENATE AND YOU, AS TREASURER, VIOLATED 2 U.S.C. 434(A) BY FAILING TO FILE THE 48-HOUR NOTICES. BASED ON THE FEC'S SCHEDULE OF CIVIL MONEY PENALTIES AT 11 C.F.R. 111.44, THE AMOUNT OF YOUR CIVIL MONEY PENALTY CALCULATED AT THE RTB STAGE IS \$22,292. SEND YOUR PAYMENT BY 07/06/2005. THE AMOUNT OF THE CIVIL MONEY PENALTY IS \$100 FOR


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EACH NON-FILED NOTICE PLUS 10 PERCENT OF THE DOLLAR AMOUNT OF THE CONTRIBUTIONS NOT TIMELY REPORTED. THE CIVIL MONEY PENALTY INCREASES BY 25 PERCENT FOR EACH PRICE VIOLATION.

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 THREE. UPON RECEIPT OF THE REMITTANCE AND 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 TO THE FEC'S OFFICE OF ADMINISTRATIVE REVIEW, 999 E STREET, NW, WASHINGTON, DC 20463. YOUR RESPONSE MUST BE RECEIVED BY 07/06/2005. 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 48-HOUR NOTICE(S) 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 MICHELS FOR U.S. SENATE 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



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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 BROWN IN THE REPORTS ANALYSIS DIVISION AT OUR TOLL FREE NUMBER (800)424-9530 (AT THE PROMPT, PRESS 5) OR (202)694-1130. IF YOU HAVE QUESTIONS REGARDING THE SUBMISSION OF A CHALLENGE, PLEASE CONTACT THE OFFICE OF ADMINISTRATIVE REVIEW AT OUR TOLL FREE NUMBER (800)424-9530 (PRESS 0, THEN EXT. 1660) OR (202)694-1660.

SINCERELY,

SCOTT E. THOMAS
CHAIRMAN

* * * * *
ADMINISTRATIVE FINE PAYMENT INSTRUCTIONS

IN ACCORDANCE WITH THE SCHEDULE OF PENALTIES AT 11 C.F.R. 111.44, THE AMOUNT OF YOUR CIVIL MONEY PENALTY CALCULATED AT RTB IS \$22,292

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

SEND YOUR REMITTANCE AND YOUR PAYMENT BY 07/06/2005. UPON RECEIPT OF YOUR REMITTANCE AND PAYMENT, THE COMMISSION WILL SEND YOU A LETTER OF FINAL DETERMINATION.

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PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: MICHELS FOR U.S. SENATE

FEC ID#: C00389445

AF#: 1396

PAYMENT DATE: 07/06/2005

PAYMENT AMOUNT DUE: \$22,292

CONTRIBUTOR NAME	DATE	AMOUNT
ASSOCIATE EQUIPMENT DISTRIBUTORS PAC	10/15/2004	\$1,000.00
BIPAC	10/15/2004	\$1,500.00
NATIONAL DEFENSE PAC	10/15/2004	\$1,000.00
REPUBLICAN MAJORITY FUND	10/15/2004	\$2,500.00
ROBERT GELFOND	10/16/2004	\$2,000.00
JOHN JOHNSON	10/16/2004	\$1,000.00
AAO PAC	10/16/2004	\$1,000.00
BAE SYSTEM USA PAC	10/16/2004	\$1,000.00
BOEING PAC	10/16/2004	\$1,000.00
PRINT PAC	10/16/2004	\$1,000.00
DENNIS BARTON	10/18/2004	\$1,000.00
JOHN CALHOUN	10/18/2004	\$1,000.00
WILLIAM KROEGER	10/18/2004	\$1,000.00
DOUGLAS MCCOY	10/18/2004	\$2,000.00
LAURENCE PIERRE LEBRASSEUR	10/18/2004	\$1,000.00
ROY REIMAN	10/18/2004	\$2,000.00
VICTORIA TAYLOR	10/18/2004	\$1,000.00
JOSEPH VIGNA	10/18/2004	\$1,000.00
ARTBA PAC	10/18/2004	


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\$1,000.00	
BROWN FORMAN LENOX PAC	10/18/2004
\$2,000.00	
BUILD PAC	10/18/2004
\$5,000.00	
COMMON SENSE LEADERSHIP FUND PAC	10/18/2004
\$2,500.00	
ITW BETTER GOVERNMENT PAC	10/18/2004
\$5,000.00	
LOCKHEED MARTIN PAC	10/18/2004
\$5,000.00	
NFIB PAC	10/18/2004
\$5,000.00	
OHIO'S 17 STAR PAC	10/18/2004
\$2,500.00	
JOAN FLEISCHMAN	10/19/2004
\$1,000.00	
PAUL SCHLAGENHAUF	10/19/2004
\$2,000.00	
CH2MHILL PAC	10/19/2004
\$2,000.00	
CH2MHILL PAC	10/19/2004
\$2,000.00	
CONOCOPHILLIPS SPIRIT PAC	10/19/2004
\$3,000.00	
LEHI PAC	10/19/2004
\$1,000.00	
THE DOCTORS COMPANY PAC	10/19/2004
\$5,000.00	
THE LEADERSHIP CIRCLE PAC	10/19/2004
\$5,000.00	
JOE RICHARDSON	10/20/2004
\$2,000.00	
BONNIE TAGLIAPIETRA	10/20/2004
\$1,000.00	
3M PAC	10/20/2004
\$2,000.00	
BATTLE BORN PAC	10/20/2004
\$5,000.00	
INTERNATIONAL PAPER PAC	10/20/2004
\$1,000.00	
MAKING BUSINESS EXCEL PAC	10/20/2004
\$2,000.00	
NORTHWESTERN MUTUAL LIFE FEDERAL PAC	10/20/2004
\$5,000.00	
ACA PAC	10/21/2004
\$1,000.00	
CATERPILLER PAC	10/21/2004
\$5,000.00	
EARTH TOOL PAC	10/21/2004
\$1,000.00	
HALLIBURTON PAC	10/21/2004
\$1,000.00	
KOCH PAC	10/21/2004

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\$2,500.00		
MASS MUTUAL LIFE INSURANCE PAC		10/21/2004
\$2,000.00		
NATIONAL READY MIXED CONCRETE PAC		10/21/2004
\$1,000.00		
NATIONAL READY MIXED CONCRETE PAC		10/21/2004
\$1,000.00		
NATIONAL READY MIXED CONCRETE PAC		10/21/2004
\$1,000.00		
NSSGA ROCK PAC		10/21/2004
\$4,000.00		
PPG BETTER GOVERNMENT TEAM PAC		10/21/2004
\$2,000.00		
REPUBLICAN PARTY OF THE SIXTH DISTRICT		10/21/2004
\$2,000.00		
SENATE MAJORITY FUND PAC		10/21/2004
\$5,000.00		
TARGETCITIZENS POLITICAL FORUM PAC		10/21/2004
\$2,500.00		
US BANCORP. PAC		10/21/2004
\$1,000.00		
GARY SADOFF		10/22/2004
\$1,000.00		
RONALD SADOFF		10/22/2004
\$1,000.00		
DEFEND AMERICA PAC		10/22/2004
\$5,000.00		
MEAD WESTVACO PAC		10/22/2004
\$3,000.00		
PENNY PAC		10/22/2004
\$1,000.00		
ROBERT BOHN		10/23/2004
\$1,771.00		
JANE JOHNSON		10/23/2004
\$2,000.00		
JOHN DEERE PAC		10/23/2004
\$2,000.00		
RESTORE AMERICAN PAC		10/23/2004
\$2,000.00		
GEORGIA PACIFIC PAC		10/24/2004
\$5,000.00		
BETTY BROWN CASEY PAC		10/25/2004
\$2,000.00		
COOPERATIVE OF AMERICAN PHYSICIANS PAC		10/25/2004
\$1,000.00		
IPAA WILDCASTER PAC		10/25/2004
\$2,500.00		
REPUBLICAN JEWISH COALITION PAC		10/25/2004
\$2,000.00		
SAFARI CLUB INTERNATIONAL PAC		10/25/2004
\$5,000.00		
WHITE MOUNTAIN PAC		10/25/2004
\$5,000.00		
HOME DEPOT INC. PAC		10/26/2004

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\$1,000.00	
AMERICAN FOREST AND PAPER PAC	10/27/2004
\$1,000.00	
EXXONMOBIL PAC	10/27/2004
\$5,000.00	
FRIENDS AND NEIGHBORS OF JOHN GARD COMMITTEE	10/27/2004
\$1,000.00	
KEEP OUR MAJORITY PAC	10/27/2004
\$5,000.00	
THE BUCKEYE PAC	10/27/2004
\$5,000.00	
THE POWER MOBILITY PAC	10/27/2004
\$1,000.00	
DUANE BLUEMKE	10/28/2004
\$2,000.00	
DEBRA CERVENKA	10/28/2004
\$1,000.00	
CHARLES DU BOIS	10/28/2004
\$2,000.00	
PATRICK ENGLISH	10/28/2004
\$1,000.00	
RICK KNAPP	10/28/2004
\$2,000.00	
ELIZABETH STERN	10/28/2004
\$2,000.00	
JAMES WRYCHA	10/28/2004
\$2,000.00	
ALTICOR PAC	10/28/2004
\$1,000.00	
PIONEER PAC	10/28/2004
\$3,000.00	
SNOW PAC	10/28/2004
\$2,000.00	
JAMES CONNELLY	10/29/2004
\$2,000.00	
NUCA PAC	10/29/2004
\$3,655.25	
VIRGINIA VICTORY PAC	10/30/2004
\$2,000.00	



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

SECRETARIAT

2005 JUL 11 P 4: 54

July 11, 2005

SENSITIVE

MEMORANDUM

TO: THE COMMISSION

THROUGH: JAMES A. PEHRKON *AKS for JAP.*
STAFF DIRECTOR

[Signature] ROBERT J. COSTA
DEPUTY STAFF DIRECTOR

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

SUBJECT: ADMINISTRATIVE FINES FINAL DETERMINATION
RECOMMENDATION, MICHELS FOR U.S. SENATE,
FAILURE TO FILE 48-HOUR NOTICES

Attached is the name of a principal campaign committee, Michels for U S Senate, and its treasurer against which the Commission has found reason to believe (RTB) and assessed a proposed civil money penalty calculated at RTB for failure to file 48-hour notices for the 2004 General Election. The committee failed to provide 48-hour notices for contributions which totaled \$207,926.25. The committee paid the civil money penalty of \$22,292.00 on July 6, 2005.

In accordance with 11 CFR 111.34, the Commission shall send a final determination notice to the respondent.

RAD Recommendation

- (1) Make a final determination that the political committee and its treasurer violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated on the attached circulation report
- (2) Send the appropriate mailgram.

25092580688

25092580689

DATE 07/11/2005
PAGE: 1

FEDERAL ELECTION COMMISSION 2005-2006
FINAL DETERMINATION CIRCULATION REPORT
PAID

AF #	CANDIDATE NAME	RECEIPT DATE	COMMITTEE NAME	REASON TO BELIEVE DATE	LEVEL OF ACTIVITY	TREASURER	STATE	PREVIOUS VIOLATIONS	REPORT TYPE	DATE PAID	AMOUNT PAID
------	----------------	--------------	----------------	------------------------	-------------------	-----------	-------	---------------------	-------------	-----------	-------------

AF1396	MICHELS FOR U S SENATE	11/22/2004	MICHELS, TIM J	Not Filed	C00389445	KATHLEEN A LOPPNOW	WI	0	2004 48 HOUR NOTIFICATION	07/06/2005	\$22,292
		05/27/2005				\$0					\$22,292



FEDERAL ELECTION COMMISSION
Washington, DC 20463

SENSITIVE

DATE & TIME TRANSMITTED: Tuesday, July 12, 2005 11:00

RETURN TO COMMISSION SECRETARY BY: Friday, July 15, 2005 4:00

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

SUBJECT: **Administrative Fines Final Determination Recommendation -
Michels For U.S. Senate, Failure To File 48-Hour Notices.
Memorandum from the Assistant Staff Director, Reports
Analysis Division dated July 11, 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

25092580690

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
 Administrative Fines Final Determination) AF #1396
 Recommendation, Michels for U.S.)
 Senate, Failure To File 48-Hour Notices.)

CERTIFICATION

I, Mary W. Dove, Secretary of the Federal Election Commission, do hereby certify that on July 15, 2005, the Commission decided by a vote of 6-0 to take the following actions in AF #1396:

1. Make a final determination that Michels for U S Senate and Kathleen A. Loppnow, as treasurer violated 2 U.S.C. 434(a) and assess the civil money penalty of \$22,292.
2. Send the appropriate mailgram

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

Attest:

July 15, 2005
 Date

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

25092580691


**WESTERN
UNION®**

WESTERN UNION COMMERCIAL SERVICES
 CONFIRMATION OF MAILGRAM TO: KATHLEEN A LOPPNOW
 MICHELS FOR U S SENATE
 PO BOX 127
 BROWNSVILLE WI 53006-0127

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

JULY 26, 2005

KATHLEEN A LOPPNOW
 MICHELS FOR U S SENATE
 PO BOX 127
 BROWNSVILLE, WI 53006

C00389445
 AF#: 1396

DEAR KATHLEEN A LOPPNOW:

ON 05/27/2005, THE FEDERAL ELECTION COMMISSION ("THE COMMISSION") FOUND REASON TO BELIEVE ("RTB") THAT MICHELS FOR U S SENATE AND YOU, AS TREASURER, VIOLATED 2 U.S.C. 434(A) FOR FAILING TO FILE 48-HOUR NOTICES FOR CONTRIBUTIONS OF \$1,000 OR MORE, RECEIVED BETWEEN 10/14/2004 AND 10/30/2004, TOTALING \$207926. BY MAILGRAM DATED 06/01/2005, THE COMMISSION SENT YOU NOTIFICATION OF THE RTB FINDING THAT INCLUDED A CIVIL MONEY PENALTY CALCULATED AT THE RTB STAGE OF \$22292 IN ACCORDANCE WITH THE SCHEDULE OF PENALTIES AT 11 C.F.R. 111.44.

ON 06/05/2005, THE COMMISSION RECEIVED PAYMENT OF YOUR CIVIL MONEY PENALTY CALCULATED AT THE RTB STAGE. THEREFORE, THE COMMISSION MADE A FINAL DETERMINATION ON 07/15/2005 THAT YOU, AS TREASURER, AND MICHELS FOR U S SENATE VIOLATED 2 U.S.C. 434(A), ASSESSED A CIVIL MONEY PENALTY IN THE AMOUNT OF \$22292 IN ACCORDANCE WITH 11 C.F.R. 111.44, AND VOTED TO CLOSE THE FILE.

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 THIRTY (30) DAYS FROM THE DATE OF THE COMMISSION NOTIFICATION, THIS COULD OCCUR AT ANYTIME FOLLOWING CERTIFICATION OF THE COMMISSION VOTE.

IF YOU HAVE ANY QUESTIONS REGARDING THIS MATTER, PLEASE CONTACT DAYNA BROWN ON OUR TOLL FREE NUMBER (800)424-9530 (AT THE PROMPT, PRESS 5) OR (202)694-1130.

SINCERELY,

SCOTT E. THOMAS



**WESTERN
UNION®**

WESTERN UNION COMMERCIAL SERVICES

CHAIRMAN

25092580693

WESTERN UNION
Messaging Services

MAILGRAM



UNITED STATES POSTAL SERVICE

Send your remittance and your payment by 07/06/2005. Upon receipt of your remittance and payment, the Commission will send you a letter of final determination.

▶ PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: Michels for U.S. Senate

FEC ID#: C00389445

AF#: 1396

PAYMENT DATE: 07/06/2005

PAYMENT AMOUNT DUE: \$22,292

QUALITY IS OUR PRIORITY FOR LOCKBOX 2182
SEQ# 001 \$ 0002229200 BA# 1 07-06-05 20 3

25092580694

usbancorp.
The New Banking Experience

THE FACE OF THIS DOCUMENT IS PRINTED WITH A COLORED BACKGROUND

Michels for U.S. Senate

AMERICAN BANK OF FOND DU LAC
Fond Du Lac, WI 54935

79-1176
759

CHECK NO. 001317

DATE: Jun 30, 2005

AMOUNT: \$22,292.00

PAY: Twenty-Two Thousand Two Hundred Ninety-Two and 00/100 Dollars

TO THE ORDER OF

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

Kathleen A. Gannon
Treasurer

THIS DOCUMENT CONTAINS A WATERMARK. HOLD AT AN ANGLE TO VIEW



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 1396

DATE SCANNED 8-23-05

SCANNER NO. 1

SCAN OPERATOR JMD

25092580695