



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 1397

DATE SCANNED 6/6/07

SCANNER NO. 1

SCAN OPERATOR SES

27092601120



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

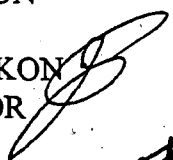
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June 22, 2005


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 - 2005 APRIL
QUARTERLY REPORT FOR THE ADMINISTRATIVE
FINES PROGRAM

Attached is a list of political committees and their treasurers who failed to file, or failed to timely file, the 2005 April Quarterly Report in accordance with 2 U.S.C. 434(a). On March 21, 2005, Prior Notice was sent to the political committees and their treasurers, informing them that the April Quarterly Report was due on April 15, 2005. The report should have covered the period ending on March 31, 2005.

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.

27092601121

27092601122

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 mailgrams.

FEDERAL ELECTION COMMISSION 2005-2006
Reason to Believe Circulation Report
2005 APRIL QUARTERLY

AF #	COMMITTEE NAME	COMMITTEE ID	TREASURER	RECEIPT DATE	DAYS LATE	LEVEL OF ACTIVITY	THRESHOLD AMOUNT	STATE	CANDIDATE NAME	SENSITIVE	PREVIOUS VIOLATIONS	CIVIL MONEY PENALTY
AF01397	LISA MURKOWSKI FOR US SENATE	C00384529	JAMES PALMER	04/21/2005	6	\$159,399	\$159,399	AK	MURKOWSKI, LISA	NO	0	\$1,700
AF01398	FRIENDS OF JEFF SMITH	C00390914	NICK ADAMS			\$186,159 (est)	\$930,796	MO	SMITH, JEFF	NO	0	\$5,500
AF01408	STEPHANIE SUMMERS O'NEAL FOR US CONGRESS	C00395863	DEBORAH JOHNSON THORNTON			\$110,474 (est)	\$110,474	MS	SUMMERS-O'NEAL, STEHPANIE	NO	3	\$7,875
AF01399	LIFFRIG FOR SENATE	C00399618	KEN KRUMM			\$126,912 (est)	\$761,476	ND	LIFFRIG, MICHAEL GEORGE	NO	0	\$4,500
AF01400	JAMES A GARNER CONGRESSIONAL COMMITTEE	C00392506	LOUIS M EUSTACHE			\$135,673 (est)	\$678,368	NY	GARNER, JAMES A.	NO	0	\$4,500
AF01402	COMITE PRATS AL CONGRESO INC	C00387662	JOSE JOAQUIN LEDESMA ESQ			\$222,873 (est)	\$2,228,736	PR	PRATS PALERM, ROBERTO L	NO	0	\$6,500
AF01403	DIEDRICH FOR CONGRESS	C00367276	Harvey C Krautschun			\$423,474 (est)	\$5,081,698	SD	DIEDRICH, LARRY WILLIAM	NO	1	\$11,250
AF01404	CHRISTENSEN 4 CONGRESS	C00393462	LAURA BESKAR			\$110,694 (est)	\$442,778	TX	CHRISTENSEN, GENE	NO	0	\$4,500
AF01405	SOCAS FOR CONGRESS	C00399345	ANDREW T O'DELL			\$458,073 (est)	\$1,832,292	VA	SOCAS, JAMES ROBERT	NO	1	\$11,875

27092601124

DATE 06/21/2005
PAGE: 2

FEDERAL ELECTION COMMISSION 2005-2006
Reason to Believe Circulation Report
2005 APRIL QUARTERLY

AF #	COMMITTEE ID	COMMITTEE NAME	RECEIPT DATE	TREASURER	LEVEL OF ACTIVITY	THRESHOLD AMOUNT	STATE	CANDIDATE NAME	SENSITIVE	PREVIOUS VIOLATIONS	CIVIL MONEY PENALTY
AF01406	C00401067	MAGNUM FOR CONGRESS		DIEHL, THOMAS		\$221,182 (est)	WI	MAGNUM, DAVID ROBERT	No		\$6,500

AF01406 MAGNUM FOR CONGRESS
C00401067
Not Filled

WI MAGNUM, DAVID ROBERT
No 0

\$1,327,097

\$221,182 (est)

\$6,500



FEDERAL ELECTION COMMISSION
Washington, DC 20463

SENSITIVE

DATE & TIME TRANSMITTED: Friday, July 01, 2005 12:00

RETURN TO COMMISSION SECRETARY BY: Thursday, July 14, 2005 4:00

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

SUBJECT: **RTB Recommendation - 2005 April Quarterly Report For The Administrative Fines Program. Memorandum from the Assistant Staff Director, Reports Analysis Division dated June 22, 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

27092601125

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Reason To Believe Recommendation - 2005)
April Quarterly Report For The)
Administrative Fines Program.:)
LISA MURKOWSKI FOR US SENATE,) AF# 1397
and JAMES PALMER as treasurer;)
FRIENDS OF JEFF SMITH, and NICK) AF# 1398
ADAMS as treasurer;)
LIFFRIG FOR SENATE, and KEN) AF# 1399
KRUMM as treasurer;)
JAMES A GARNER CONGRESSIONAL) AF# 1400
COMMITTEE, and LOUIS M EUSTACHE)
as treasurer;)
COMITE PRATS AL CONGRESO INC,) AF# 1402
and JOSE JOAQUIN LEDESMA ESQ as)
treasurer;)
DIEDRICH FOR CONGRESS, and Harvey) AF# 1403
C Krautschun as treasurer;)
CHRISTENSEN 4 CONGRESS, and) AF# 1404
LAURA BESKAR as treasurer;)
SOCAS FOR CONGRESS, and ANDREW) AF# 1405
T O'DELL as treasurer;)
MAGNUM FOR CONGRESS, and DIEHL,) AF# 1406
THOMAS as treasurer;)

27092601126

CERTIFICATION

I, Mary W. Dove, Secretary of the Federal Election Commission, do hereby certify that on July 14, 2005 the Commission took the following actions on the Reason To Believe Recommendation - 2005 April Quarterly Report For The Administrative Fines Program. as recommended in the Reports Analysis Division's Memorandum dated July 14, 2005, on the following committees:

AF#1397 Decided by a vote of 6-0 to: (1) find reason to believe that LISA MURKOWSKI FOR US SENATE, and JAMES PALMER 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 mailgram. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF#1398 Decided by a vote of 6-0 to: (1) find reason to believe that FRIENDS OF JEFF SMITH, and NICK ADAMS 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 mailgram. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF#1399 Decided by a vote of 6-0 to: (1) find reason to believe that LIFFRIG FOR SENATE, and KEN KRUMM 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 mailgram. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF#1400 Decided by a vote of 6-0 to: (1) find reason to believe that JAMES A GARNER CONGRESSIONAL COMMITTEE, and LOUIS M EUSTACHE 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 mailgram. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF#1402 Decided by a vote of 6-0 to: (1) find reason to believe that COMITE PRATS AL CONGRESO INC, and JOSE JOAQUIN LEDESMA ESQ 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 mailgram.

27092601127

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

AF#1403 Decided by a vote of 6-0 to: (1) find reason to believe that DIEDRICH FOR CONGRESS, and Harvey C Krautschun 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 mailgram. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF#1404 Decided by a vote of 6-0 to: (1) find reason to believe that CHRISTENSEN 4 CONGRESS, and LAURA BESKAR 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 mailgram. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF#1405 Decided by a vote of 6-0 to: (1) find reason to believe that SOCAS FOR CONGRESS, and ANDREW T O'DELL 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 mailgram. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF#1406 Decided by a vote of 6-0 to: (1) find reason to believe that MAGNUM FOR CONGRESS, and DIEHL, THOMAS 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 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

27092601128

**WESTERN
UNION.**

WESTERN UNION COMMERCIAL SERVICES

CONFIRMATION OF CMGM

TC: JAMES PALMER

LISA MURKOWSKI FOR US SENATE

PO BOX 100847

ANCHORAGE AK 99510-0847

FEDERAL ELECTION COMMISSION

TODD GARLAND

999 E ST NW # 709

WASHINGTON DC 20463

JULY 15, 2005

JAMES PALMER

LISA MURKOWSKI FOR US SENATE

PO BOX 100847

ANCHORAGE AK 99510

C00384529

AF#: 1397

DEAR JAMES PALMER:

THE FEDERAL ELECTION CAMPAIGN ACT OF 1971, AS AMENDED ("THE ACT"), REQUIRES THAT YOUR COMMITTEE FILE AN APRIL QUARTERLY REPORT OF RECEIPTS AND DISBURSEMENTS EVERY CALENDAR YEAR. 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 FILED ON 04/21/2005, 6 DAYS LATE.

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 07/14/2005, THE FEC FOUND THAT THERE IS REASON TO BELIEVE ("RTB") THAT LISA MURKOWSKI FOR US SENATE 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 \$1,700. IT IS DUE BY 08/23/2005 AND IS BASED ON THESE FACTORS:

ELECTION SENSITIVITY OF REPORT: NOT ELECTION SENSITIVE

LEVEL OF ACTIVITY: \$159399

NUMBER OF DAYS LATE: 6

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



WESTERN UNION COMMERCIAL SERVICES

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 AP# 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 08/23/2005. 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 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 LISA MURKOWSKI FOR US 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 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



WESTERN UNION COMMERCIAL SERVICES

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 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 RTS IS \$1,700 FOR THE 2005 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 08/23/2005. 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: LISA MURKOWSKI FOR US SENATE

FEC ID#: C00384529

AF#: 1397

PAYMENT DUE DATE: 08/23/2005

PAYMENT AMOUNT DUE: \$1,700

LAW OFFICES OF
HOLMES WEDDLE & BARCOTT
A PROFESSIONAL CORPORATION

FED OFF
ADMIN REVIEW

2005 AUG 30 P 4: 49

701 WEST EIGHTH AVENUE, SUITE 700 - ANCHORAGE, ALASKA 99501-3408
TELEPHONE (907) 274-0666 · FAX (907) 277-4657

TIMOTHY A. MCKEEVER
E-MAIL: tmckeever@hwb-law.com

August 23, 2005

VIA CERTIFIED MAIL – RETURN RECEIPT REQUESTED

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

**Re: AF# 1397
Lisa Murkowski U.S. Senate
Our File No. 4079.18035**

Dear Sir or Madam:

I represent the Lisa Murkowski for U.S. Senate Committee (the "Committee") in connection with a notice dated July 15, 2005, asserting that the Committee's 2005 April Quarterly Report was filed six days late and assessing a civil money penalty of \$1,700 in connection therewith. I am hereby filing a challenge to the "RTB" finding and/or calculated civil money assessment.

I note that the receipt from the Secretary of the Senate's Office of Public Records is incorrect. It indicates the "postmark" as being April 21, 2005. That is not correct. The copy of the envelope on the FEC web site is very poor quality, but it seems to show a postmark date of April 15, 2005. To the extent the notice assumes that the report was not mailed until six days after it was due, it is incorrect - it was mailed the day it was due and is postmarked with that date.

At the time the report was filed the Committee, as explained in my letter of June 3, 2005 in AF#1341, understood for the reasons stated in that letter, that delivery of the report by the due date to an overnight delivery service which offered an on-line tracking system, i.e., the United States Postal Service, was timely filing. Here, the report bears a postmark showing, to the extent it can be read on the FEC web site, that it was delivered to the postal service on April 15, 2005, the date it was due. Therefore, the Committee understood, based on its interpretation of the law, that the filing was timely.

DATE OF MAILING

27092601112

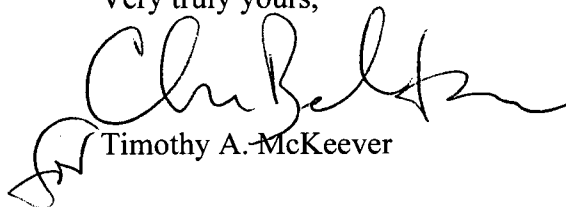
Federal Election Commission
August 23, 2005
Page 2

The prior AF proceeding did not begin until after the April Quarterly report was due and, therefore, the Committee was not aware of the allegation that its reports were filed untimely until it was too late to correct the problem in connection with the April report. Since it became aware of the FEC's interpretation, as stated in the April 28, 2005 letter in connection with AF# 1341, the Committee has filed its reports consistent with that interpretation. It has also retained a new person to actually prepare and file the reports. The July report was filed by express mail and was postmarked July 13.

In short, the Committee, following a logical interpretation of the law, had filed its 2004 Year End and 2005 April Quarterly reports in a way which the Commission determined, after the January report was filed and before the January error was brought to the Committee's attention that the reports, though timely provided to the Postal Service, were delayed in their receipt. Had the reports been mailed on the due date, via certified or registered mail, they would have been timely no matter when received. The failure to comply with the strict interpretation of the law the Commission reached after the first report was filed, and before the error was brought to the committee's attention in late April, is an overly technical interpretation which does not advance the goal of full disclosure.

For the reasons summarized above and stated more fully in the my letter of June 3, 2005 in AF#1341, the fine here should be reduced or eliminated because the law in effect did not require that the overnight delivery option be used.

Very truly yours,



Timothy A. McKeever

TAM:tjr:pc

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27092601133



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Via First Class Mail

August 31, 2005

James Palmer, as Treasurer
Lisa Murkowski for U S Senate
P O Box 100847
Anchorage, AK 99510

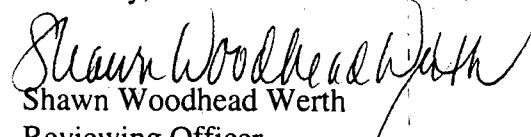
C00384529
AF# 1397

Dear Mr. Palmer:

On August 30, 2005, the Commission received the written response ("challenge") submitted by Timothy A. McKeever, of Holmes Weddle & Barcott, which is being reviewed by the Office of Administrative Review. Please note that if your intent is to be represented by counsel, 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. A Designation of Counsel form is included for your convenience.

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,


Shawn Woodhead Werth
Reviewing Officer
Office of Administrative Review

Enclosure

27092601154

FILE OFFICE
ADMIN REVIEW

2005 SEP 14 P 2:17

STATEMENT OF DESIGNATION OF COUNSEL

AF #: 1397

NAME OF COUNSEL: TIMOTHY A. McKEEVER

FIRM: Holmes, Weddle & BACOTT PC


ADDRESS: 701 W. 8th Ave Suite 700
ANCHORAGE, AK 99501

TELEPHONE: (907) 274-0666

FAX: (907) 277-4657

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission in the matter of the aforementioned Administrative Fine.

9-5-05
Date


Signature

RESPONDENT'S NAME: JAMES A. PALMER

COMMITTEE NAME: LISA MURKOWSKI - US SENATE

ADDRESS: PO BOX 100847
ANCHORAGE, AK 99510

TELEPHONE: HOME: 

BUSINESS: (907) 222-3868

27092601135

ADMINISTRATIVE REVIEW
2005 SEP -1 A 9 16

Date: September 1, 2005

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

AF#: 1397

Committee Name: Lisa Murkowski For U.S. Senate

Committee ID#: C00384529

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

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

Attachments:


**Copy of RTB Circulation Report Dated July 1, 2005 and RTB Certification
Dated July 14, 2005 – previously forwarded
Certified Return Receipt (to be forwarded at later date if not yet received) -
Attachment #:**

**Original Correspondence Received by RAD in Response to
RTB Mailgram (Y/N): N
Attachment #: N/A
RAD Staff Declaration - Attachment #: 1**

27092601136

DECLARATION OF CHRISTOPHER RITCHIE

1. I am the Senior Analyst of the Compliance Branch for the Reports Analysis Division of the Federal Election Commission ("Commission"). In my capacity as Senior Analyst 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 the Lisa Murkowski For U.S. Senate committee:
 - A) Prior Notice dated March 21, 2005 referencing the 2005 April Quarterly Report;
 - B) Reason-to-Believe Mailgram dated July 15, 2005, referencing the 2005 April Quarterly Report.
3. I hereby certify that I have searched the Commission's public records and find that the Lisa Murkowski For U.S. Senate committee filed the 2005 April Quarterly Report with the Commission on April 21, 2005.
4. Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct and that there are no relevant telecoms for the case. This declaration was executed at Washington, D.C. on the 1st day of September, 2005.


Christopher Ritchie
Senior Compliance Analyst
Reports Analysis Division
Federal Election Commission

QUARTERLY REPORT NOTICE

FEDERAL ELECTION COMMISSION

CONGRESSIONAL COMMITTEES

March 21, 2005

REPORTING DATES

REPORT	REPORTING PERIOD ¹	REG./CERT. & OVERNIGHT MAILING DATE	FILING DATE
April Quarterly	01/01/05 - 03/31/05	04/15/05	04/15/05

WHO MUST FILE

Principal campaign committees of congressional candidates² (including unopposed candidates and candidates whose names do not appear on the ballot) must file an April Quarterly Report on April 15, 2005.³ Committees must continue to file reports until the Commission notifies them in writing that their termination report has been accepted.

METHOD OF FILING

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" includes Priority or Express Mail having a delivery confirmation, or an overnight delivery service with an on-line tracking system. Reports filed by any other means must be received by the Commission (or Secretary of the Senate for Senate committees) by the filing date.

¹These 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.

²An individual becomes a candidate for Federal office (and thus triggers registration and reporting obligations) when his or her campaign exceeds \$5,000 in either contributions received or expenditures made. If the campaign has not exceeded the \$5,000 threshold, it is not required to file reports.

³If the campaign has more than one authorized committee in addition to the principal campaign committee, the principal campaign committee must also file a consolidated report on Form 3Z.

(over)

27092601138

REPORTING SCHEDULE FOR REMAINDER OF 2005

REPORTING DATES

REPORT	REPORTING PERIOD ¹	REG./CERT. & OVERNIGHT MAILING DATE	FILING DATE
July Quarterly	04/01/05 - 06/30/05	07/15/05	07/15/05
October Quarterly	07/01/05 - 09/30/05	10/15/05	10/15/05 ⁴
Year-End	10/01/05 - 12/31/05	01/31/06	01/31/06

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/af.shtml>.
- 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

U.S. House 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/electfil/electron.shtml>.

¹ See footnote #1, on reverse side.

⁴ Notice that this deadline falls on a weekend. Filing dates are not extended when they fall on nonworking days.



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2006 DEC 15 P 4: 42

December 15, 2006

MEMORANDUM

TO: THE COMMISSION

SENSITIVE

THROUGH: PATRINA M. CLARK
STAFF DIRECTOR

PY for PMC

JOHN D. GIBSON
ACTING DEPUTY STAFF DIRECTOR

FROM: SHAWN WOODHEAD WERTH
REVIEWING OFFICER
OFFICE OF ADMINISTRATIVE REVIEW

SUBJECT: AF# 1397 - LISA MURKOWSKI - U.S. SENATE AND JAMES
PALMER, AS TREASURER (C00384529)

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

27092601140



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 15, 2006

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

AF# 1397 – Lisa Murkowski - U.S. Senate and James Palmer, as Treasurer (C00384529)

On July 14, 2005, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that the respondents violated 2 U.S.C. § 434(a) for failing to timely file the 2005 April Quarterly Report and made a preliminary determination that the civil money penalty was \$1,700 based on the schedule of penalties at 11 C.F.R. § 111.43. They were notified by the Reports Analysis Division on July 15, 2005 of the Commission's RTB finding and civil money penalty.

Respondents' Challenge

On August 30, 2005, the Commission received the written response ("challenge") from the respondents' counsel, Timothy A. McKeever, who raises these issues:¹

- the RTB notification indicates that the report was "not mailed until six days after it was due" but that is wrong as the "copy of the envelope on the Commission's website, though of "poor quality ... seems to show a postmark ... of April 15," and
- when the report "was filed the Committee ... understood for the reasons stated in [the challenge for AF# 1341] that delivery of the report by the due date to an overnight delivery service which offered an on-line tracking system, i.e., the United States Postal Service, was timely filing."

Counsel says that they filed this report as well as the 2004 Year End Report "in a way which the Commission determined, after the January report was filed and before the January error was brought to [their] attention that the reports, though timely provided to the Postal Service, were delayed in their receipt." Subsequent to their receipt of the RTB notification for AF# 1341 and they "became aware of the FEC's interpretation," counsel says that their reports have been filed "consistent with that interpretation." In addition, he says that they have "retained a new person to actually prepare and file the reports." Based on the challenges submitted for both administrative fine cases, counsel believes that the "fine [in AF# 1397] should be reduced or eliminated because the law in effect did not require that the overnight delivery option be used."

Analysis

The April Quarterly Report was filed on April 21, 2005, 6 days late.

If quarterly reports are sent by registered mail, certified mail, priority mail with a delivery confirmation, or express mail having a delivery confirmation, they are considered filed on the date of the U.S. postmark. If quarterly reports are sent by an overnight delivery service with an on-line tracking system, they are considered filed on the date of delivery to the delivery service. 2 U.S.C. § 434(a)(5). If quarterly reports are sent by first class mail, they must be received by the close of business of the prescribed filing date to be timely filed. 11 C.F.R. § 104.5(e). The treasurer shall be personally responsible for the timely filing of reports. 11 C.F.R. § 104.14(d).

¹ Submitted with the challenge is the respondents' designation of counsel statement.

27092601141

With respect to the April 21 postmark date listed on the Office of Public Records' envelope processing sheet, the copy of the envelope shows that the postmark date is April 15. The envelope also shows that they sent the report by first class mail and did not use any of the "safe harbor" methods to file the report. Furthermore, Commission records confirm that they filed their 2004 reports using several of the "safe harbor" methods including the new methods provided for in the January 2004 amendment to 2 U.S.C. § 434(a)(5).

They filed the 2003 October Quarterly Report, due before the amendment was adopted in January 2004, by certified and Priority Mail. After the amendment with the additional "safe harbor" methods became effective on January 23, 2004, they sent the next seven of their 2004 reports by the following methods: Priority Mail with delivery confirmation for four reports; Priority Mail with certified mail service for two reports; and FedEx (an overnight delivery service with an on-line tracking system) for one report. Because they used the "safe harbor" methods, the reports were considered filed on either the USPS postmark date or the date of deposit with FedEx. Thus, rather than not being "aware of the FEC's interpretation" of 2 U.S.C. § 434(a)(5) until after the April Quarterly Report was due, it appears that they were aware of and used the "safe harbor" filing methods to file reports before April 15, 2005.

As counsel correctly points out, the Act does not "require that the overnight delivery option be used" and had the report been mailed "via certified or registered mail, [it] would have been timely no matter when received." If they had filed the 2005 April Quarterly Report by any one of the three methods they used to file their reports in 2004 - Priority Mail with certified service, Priority Mail with delivery confirmation, or by an overnight delivery service with an on-line tracking system - the report would have been considered filed on the postmark or delivery deposit date. The respondents, however, sent it by first class mail, so the report's April 21 receipt date is considered its filing date, and it was filed 6 days late. Regardless of who prepares and files the Committee's reports, it is ultimately the Treasurer's responsibility to ensure that the reports are timely filed.

The other issues raised in the challenge (that their subsequent report was "filed by express mail" and they retained someone else to prepare and file reports) do not fall within the list of defenses as defined in 11 C.F.R. § 111.35(b). The challenge presented no evidence that a factual error was made, that the civil penalty was miscalculated at RTB or that there were extraordinary circumstances as defined in 11 C.F.R. § 111.35(b) which prevented them from filing the 2005 April Quarterly Report on time. The Reviewing Officer, therefore, recommends that the Commission make a final determination that they violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$1,700.

OAR Recommendations

- 1) Make a final determination in AF# 1397 that Lisa Murkowski - U.S. Senate and James Palmer, as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$1,700; and
- 2) Send the appropriate letter.

Attachments

- Attachment 1 - Challenge Received from Respondents
- Attachment 2 - Declaration from RAD
- Attachment 3 - Declaration from OAR

27092601142

LAW OFFICES OF
HOLMES WEDDLE & BARCOTT

A PROFESSIONAL CORPORATION

701 WEST EIGHTH AVENUE, SUITE 700 · ANCHORAGE, ALASKA 99501-3408
TELEPHONE (907) 274-0666 · FAX (907) 277-4657

2005 AUG 30 4:49

TIMOTHY A. MCKEEVER
E-MAIL: tmckeeper@hwb-law.com

August 23, 2005

Attachment # 1
3 Pages

VIA CERTIFIED MAIL – RETURN RECEIPT REQUESTED

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

Re: **AF# 1397**
Lisa Murkowski U.S. Senate
Our File No. 4079.18035

Dear Sir or Madam:

I represent the Lisa Murkowski for U.S. Senate Committee (the “Committee”) in connection with a notice dated July 15, 2005, asserting that the Committee’s 2005 April Quarterly Report was filed six days late and assessing a civil money penalty of \$1,700 in connection therewith. I am hereby filing a challenge to the “RTB” finding and/or calculated civil money assessment.

I note that the receipt from the Secretary of the Senate’s Office of Public Records is incorrect. It indicates the “postmark” as being April 21, 2005. That is not correct. The copy of the envelope on the FEC web site is very poor quality, but it seems to show a postmark date of April 15, 2005. To the extent the notice assumes that the report was not mailed until six days after it was due, it is incorrect - it was mailed the day it was due and is postmarked with that date.

At the time the report was filed the Committee, as explained in my letter of June 3, 2005 in AF#1341, understood for the reasons stated in that letter, that delivery of the report by the due date to an overnight delivery service which offered an on-line tracking system, *i.e.*, the United States Postal Service, was timely filing. Here, the report bears a postmark showing, to the extent it can be read on the FEC web site, that it was delivered to the postal service on April 15, 2005, the date it was due. Therefore, the Committee understood, based on its interpretation of the law, that the filing was timely.

27092601143

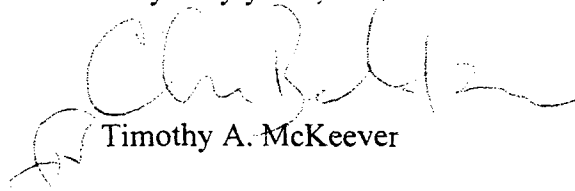
Federal Election Commission
August 23, 2005
Page 2

The prior AF proceeding did not begin until after the April Quarterly report was due and, therefore, the Committee was not aware of the allegation that its reports were filed untimely until it was too late to correct the problem in connection with the April report. Since it became aware of the FEC's interpretation, as stated in the April 28, 2005 letter in connection with AF# 1341, the Committee has filed its reports consistent with that interpretation. It has also retained a new person to actually prepare and file the reports. The July report was filed by express mail and was postmarked July 13.

In short, the Committee, following a logical interpretation of the law, had filed its 2004 Year End and 2005 April Quarterly reports in a way which the Commission determined, after the January report was filed and before the January error was brought to the Committee's attention that the reports, though timely provided to the Postal Service, were delayed in their receipt. Had the reports been mailed on the due date, via certified or registered mail, they would have been timely no matter when received. The failure to comply with the strict interpretation of the law the Commission reached after the first report was filed, and before the error was brought to the committee's attention in late April, is an overly technical interpretation which does not advance the goal of full disclosure.

For the reasons summarized above and stated more fully in the my letter of June 3, 2005 in AF#1341, the fine here should be reduced or eliminated because the law in effect did not require that the overnight delivery option be used.

Very truly yours,



Timothy A. McKeever

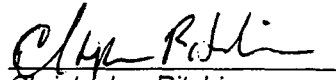
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27092601144

DECLARATION OF CHRISTOPHER RITCHIE

1. I am the Senior Analyst of the Compliance Branch for the Reports Analysis Division of the Federal Election Commission ("Commission"). In my capacity as Senior Analyst 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 the Lisa Murkowski For U.S. Senate committee:
 - A) Prior Notice dated March 21, 2005 referencing the 2005 April Quarterly Report;
 - B) Reason-to-Believe Mailgram dated July 15, 2005, referencing the 2005 April Quarterly Report.
3. I hereby certify that I have searched the Commission's public records and find that the Lisa Murkowski For U.S. Senate committee filed the 2005 April Quarterly Report with the Commission on April 21, 2005.
4. Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct and that there are no relevant telecoms for the case. This declaration was executed at Washington, D.C. on the 1st day of September, 2005.



Christopher Ritchie
Senior Compliance Analyst
Reports Analysis Division
Federal Election Commission

27092601145

QUARTERLY REPORT NOTICE

FEDERAL ELECTION COMMISSION

CONGRESSIONAL COMMITTEES

March 21, 2005

REPORTING DATES

REPORT	REPORTING PERIOD ¹	REG./CERT. & OVERNIGHT MAILING DATE	FILING DATE
April Quarterly	01/01/05 - 03/31/05	04/15/05	04/15/05

WHO MUST FILE

Principal campaign committees of congressional candidates² (including unopposed candidates and candidates whose names do not appear on the ballot) must file an April Quarterly Report on April 15, 2005.³ Committees must continue to file reports until the Commission notifies them in writing that their termination report has been accepted.

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³If the campaign has more than one authorized committee in addition to the principal campaign committee, the principal campaign committee must also file a consolidated report on Form 3Z.

(over)

27092601146

REPORTING SCHEDULE FOR REMAINDER OF 2005

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REPORT	REPORTING PERIOD ¹	REG./CERT. & OVERNIGHT MAILING DATE	FILING DATE
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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.
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¹ See footnote #1, on reverse side.

⁴ Notice that this deadline falls on a weekend. Filing dates are not extended when they fall on nonworking days.

27092601147

**WESTERN
UNION.**

WESTERN UNION COMMERCIAL SERVICES

CONFIRMATION OF CMGM

TC: JAMES PALMER
LISA MURKOWSKI FOR US SENATE
PO BOX 100847
ANCHORAGE AK 99510-0847

FEDERAL ELECTION COMMISSION
TODD GARLAND
999 E ST NW # 709
WASHINGTON DC 20463

JULY 15, 2005

JAMES PALMER
LISA MURKOWSKI FOR US SENATE
PO BOX 100847
ANCHORAGE AK 99510

C00384529
AF#: 1397

DEAR JAMES PALMER:

THE FEDERAL ELECTION CAMPAIGN ACT OF 1971, AS AMENDED ("THE ACT"), REQUIRES THAT YOUR COMMITTEE FILE AN APRIL QUARTERLY REPORT OF RECEIPTS AND DISBURSEMENTS EVERY CALENDAR YEAR. 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 FILED ON 04/21/2005, 6 DAYS LATE.

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 07/14/2005, THE FEC FOUND THAT THERE IS REASON TO BELIEVE ("RTB") THAT LISA MURKOWSKI FOR US SENATE 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 \$1,700. IT IS DUE BY 08/23/2005 AND IS BASED ON THESE FACTORS:

ELECTION SENSITIVITY OF REPORT: NOT ELECTION SENSITIVE
LEVEL OF ACTIVITY: \$159399
NUMBER OF DAYS LATE: 6
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

27092601148

**WESTERN
UNION.**

WESTERN UNION COMMERCIAL SERVICES

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 08/23/2005. 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 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 LISA MURKOWSKI FOR US 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 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

27092601149



WESTERN UNION COMMERCIAL SERVICES

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 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 RTS IS \$1,700 FOR THE 2005 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 08/23/2005. 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: LISA MURKOWSKI FOR US SENATE

FEC ID#: C00384529

AF#: 1397

PAYMENT DUE DATE: 08/23/2005

PAYMENT AMOUNT DUE: \$1,700

27092601150

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 research conducted with respect to all challenges submitted in accordance with the Administrative Fine program.
2. The 2005 April Quarterly Report is due April 15, 2005. Unless the report is sent by certified or registered mail, priority mail with delivery confirmation or express mail with delivery confirmation and is postmarked by April 15, or by an overnight delivery service with an on-line tracking systems and deposited with the service by April 15, it must be received by the close of business on April 15 to be timely filed.
3. It is the practice of the Office of Public Records, Secretary of the Senate to date stamp each report as it is received and complete an envelope processing sheet disclosing the method used to file the report.
4. I hereby certify that I have searched the Commission's public records and that the documents identified herein are true and accurate copies of:
 - (a) Page 1 of the Summary Page and copy of the envelope for the 2003 October Quarterly and Year End Reports, and 2004 October Quarterly Report filed via certified and Priority Mail by Lisa Murkowski – U.S. Senate and James Palmer, as Treasurer. According to Commission records, the reports were sent October 15, 2003, January 30, 2004, and October 15, 2004, respectively, and were received October 23, 2003, February 5, 2004, and October 20, 2004;
 - (b) Page 1 of the Summary Page and copy of the envelope for the 2004 April Quarterly, July Quarterly, 12 Day Pre-Primary, and 30 Day Post-General Reports filed via Priority Mail with delivery confirmation by Lisa Murkowski – U.S. Senate and James Palmer, as Treasurer. According to Commission records, the reports were sent April 14, July 15, August 9, and December 2, 2004, respectively, and were received April 20, July 20, August 12, and December 7, 2004;
 - (c) Page 1 of the Summary Page and copy of the envelope for the 2004 12 Day Pre-General Report filed via FedEx by Lisa Murkowski – U.S. Senate and James Palmer, as Treasurer. According to Commission records, the report was received October 27, 2004; and
 - (d) Page 1 of the Summary Page, copy of the envelope, and Office of Public Records envelope processing sheet for the 2005 April Quarterly Report filed via first class mail by Lisa Murkowski – U.S. Senate and James Palmer, as Treasurer. According to Commission records, the report covers the period from January 1 through March 31, 2005, was sent April 15, 2005, and was received April 21, 2005.
5. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at Washington on the 15th of December, 2006.



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

27092601151

SECRETARY OF THE SENATE

03 OCT 23 AM 11:17

FEC
FORM 3

REPORT OF RECEIPTS
AND DISBURSEMENTS

For 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

Lisa Murkowski - U.S. Senate

ADDRESS (number and street)

P.O. Box 100847

Check if different than previously reported. (ACC)

Anchorage

AK

99510

2. FEC IDENTIFICATION NUMBER

C00384526

CITY

STATE

ZIP CODE

STATE DISTRICT

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

AK

4. TYPE OF REPORT (Choose One)

(a) Quarterly Reports:

April 15 Quarterly Report (Q1)

July 15 Quarterly Report (Q2)

October 15 Quarterly Report (Q3)

January 31 Year-End Report (YE)

Termination Report (TER)

(b) 12-Day PRE-Election Report for the:

Primary (12P)

General (12G)

Runoff (12R)

Convention (12C)

Special (12S)

Election on

in the State of

(c) 30-Day POST-Election Report for the:

General (30G)

Runoff (30R)

Special (30S)

Election on

in the State of

5. Covering Period

07

01

2003

through

09

30

2003

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 James Palmer, Assistant Treasurer

Signature of Treasurer *James Palmer* Electronically filed by James Palmer, Assistant Treasurer

Date

10

15

2003

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

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(Revised 02/2003)

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FORM 3

REPORT OF RECEIPTS
AND DISBURSEMENTS

For An Authorized Committee

2/5/04

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

Lisa Murkowski for U.S. Senate

ADDRESS (number and street) P.O. Box 100847

Check if different than previously reported. (ACC) Anchorage AK 99510

2. FEC IDENTIFICATION NUMBER CITY STATE ZIP CODE STATE DISTRICT

C00384529 IS THIS REPORT NEW OR AMENDED (A) AK

4. TYPE OF REPORT (Choose One)

- (a) Quarterly Reports: April 15 Quarterly Report (Q1), July 15 Quarterly Report (Q2), October 15 Quarterly Report (Q3), January 31 Year-End Report (YE), Termination Report (TER)
- (b) 12-Day PRE-Election Report for the: Primary (12P), General (12G), Runoff (12R), Convention (12C), Special (12S), Election on, In the State of
- (c) 30-Day POST-Election Report for the: General (30G), Runoff (30R), Special (30S), Election on, In the State of

3. Covering Period 10 01 2003 through 12 31 2003

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 James Palmer, Treasurer

Signature of Treasurer *James Palmer* James Palmer, Treasurer Date 01 30 2004

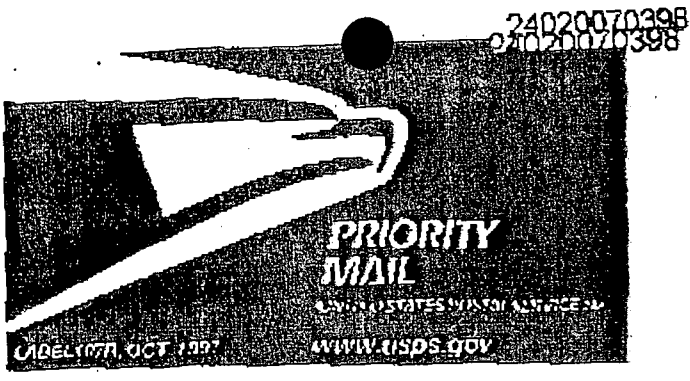
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27092601154

Box 100891

George, AB 77510

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For An Authorized Committee

SECRETARY OF THE SENATE

04 APR 20 AM 10:33

Office Use Only

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

Lisa Murkowski for U.S. Senate

ADDRESS (number and street) P.O. Box 100847

Check if different than previously reported. (ACC)

Anchorage AK 99510

2. FEC IDENTIFICATION NUMBER CITY STATE ZIP CODE STATE DISTRICT

C00384529

3. IS THIS REPORT NEW OR AMENDED

AK

4. TYPE OF REPORT (Choose One)

(a) Quarterly Reports:

- April 15 Quarterly Report (Q1)
- July 15 Quarterly Report (Q2)
- October 15 Quarterly Report (Q3)
- January 31 Year-End Report (YE)

Termination Report (TER)

(b) 12-Day PRE-Election Report for the:

- Primary (12P) General (12G) Runoff (12R)
- Convention (12C) Special (12S)

Election on

In the State of

(c) 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 03 31 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 James Palmer, Treasurer

Signature of Treasurer *James Palmer* Electronically Filed by James Palmer, Treasurer

Date 04 14 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.

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(Revised 02/2003)

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For An Authorized Committee

1. NAME OF COMMITTEE (in full)

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Lisa Murkowski for U.S. Senate

ADDRESS (number and street)

P.O. Box 100847

Check if different than previously reported. (ACC)

Anchorage

AK

99510

2. FEC IDENTIFICATION NUMBER

CITY

STATE

ZIP CODE

STATE DISTRICT

C00384529

3. IS THIS REPORT

NEW (N)

OR

AMENDED (A)

AK

4. TYPE OF REPORT (Choose One)

(a) Quarterly Reports:

April 15 Quarterly Report (Q1)

July 15 Quarterly Report (Q2)

October 15 Quarterly Report (Q3)

January 31 Year-End Report (YE)

Termination Report (TER)

(b) 12-Day PRE-Election Report for the:

Primary (12P)

General (12G)

Runoff (12R)

Convention (12C)

Special (12S)

Election on

in the State of

(c) 30-Day POST-Election Report for the:

General (30G)

Runoff (30R)

Special (30S)

Election on

in the State of

5. Covering Period

04

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

James Palmer, Treasurer

Signature of Treasurer

Electronically filed by James Palmer, Treasurer

Date

07

08

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 3
(Revised 02/2003)

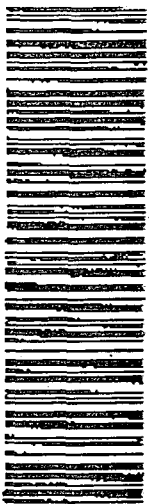
27092601158

18008 W Northern Lights
Lisa Murkowski for US Senate
Anchorage, Alaska 99503

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JUL 15 2004
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REPORT OF RECEIPTS AND DISBURSEMENTS

For An Authorized Committee

SECRETARY OF THE SENATE

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Use Murkowski for U.S. Senate

ADDRESS (number and street) P.O. Box 100847

Check if different than previously reported. (ACC)

Anchorage

AK

99510

2. FEC IDENTIFICATION NUMBER

CITY

STATE

ZIP CODE

STATE DISTRICT

C00364529

3. IS THIS REPORT NEW OR AMENDED

AK

4. TYPE OF REPORT (Choose One)

(a) Quarterly Reports:

- April 15 Quarterly Report (Q1)
July 15 Quarterly Report (Q2)
October 15 Quarterly Report (Q3)
January 31 Year-End Report (YE)

(b) 12-Day PRE-Election Report for the:

- Primary (12P) General (12G) Runoff (12R)
Convention (12C) Special (12S)

Election on 11 02 2004 In the State of AK

(c) 30-Day POST-Election Report for the:

- General (30G) Runoff (30R) Special (30S)

Election on In the State of

5. Covering Period 07 01 2004 through 08 04 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 James Palmer, Treasurer

Signature of Treasurer Electronically Filed by James Palmer, Treasurer

Date 08 08 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.

Table with 10 columns and 1 row for Office Use Only.

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REPORT OF RECEIPTS
AND DISBURSEMENTS

For An Authorized Committee

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

Lisa Murkowski for U.S. Senate

ADDRESS (number and street) P.O. Box 100847

Check if different than previously reported. (ACC) Anchorage AK 99510

2. FEC IDENTIFICATION NUMBER CITY STATE ZIP CODE STATE DISTRICT

CD0384529

3. IS THIS REPORT NEW OR AMENDED (A)

AK

4. TYPE OF REPORT (Choose One)

(a) Quarterly Reports:

- April 15 Quarterly Report (Q1)
- July 15 Quarterly Report (Q2)
- October 15 Quarterly Report (Q3)
- January 31 Year-End Report (YE)

Termination Report (TER)

(b) 12-Day PRE-Election Report for the:

- Primary (12P) General (12G) Runoff (12R)
- Convention (12C) Special (12S)

Election on in the State of

(c) 30-Day POST-Election Report for the:

- General (30G) Runoff (30R) Special (30S)

Election on in the State of

5. Covering Period 08 05 2004 through 09 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 James Palmer, Treasurer

Signature of Treasurer Electronically Filed by James Palmer, Treasurer

Date 10 15 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

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(Revised 02/2003)

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FORM 3**

**REPORT OF RECEIPTS
AND DISBURSEMENTS**

For An Authorized Committee

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1. NAME OF COMMITTEE (in full)

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Lisa Murkowski for U.S. Senate

ADDRESS (number and street)

P.O. Box 100847

Check if different than previously reported. (ACC)

Anchorage

AK

99510

2. FEC IDENTIFICATION NUMBER

CITY

STATE

ZIP CODE

STATE DISTRICT

C00384529

3. IS THIS REPORT

X

NEW (N)

OR

AMENDED (A)

AK

4. TYPE OF REPORT (Choose One)

(a) Quarterly Reports:

April 15 Quarterly Report (Q1)

July 15 Quarterly Report (Q2)

October 15 Quarterly Report (Q3)

January 31 Year-End Report (YE)

Termination Report (TER)

(b) 12-Day PRE-Election Report for the:

Primary (12P)

X

General (12G)

Runoff (12R)

Convention (12C)

Special (12S)

Election on

11

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2004

in the State of

AK

(c) 30-Day POST-Election Report for the:

General (30G)

Runoff (30R)

Special (30S)

Election on

in the State of

5. Covering Period

10

01

2004

through

10

12

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

James Palmer, Treasurer

Signature of Treasurer

Electronically filed by James Palmer, Treasurer

Date

10

18

2004

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Office Use Only

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(Revised 02/2003)

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City, State, Zip: Washington DC 20
Telephone:


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Telephone: [Handwritten scribbles]

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FEC FORM 3

REPORT OF RECEIPTS AND DISBURSEMENTS

For An Authorized Committee

SECRETARY OF THE SENATE

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1. NAME OF COMMITTEE (In full)

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Lisa Murkowski for U.S. Senate

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Anchorage

AK

99510

2. FEC IDENTIFICATION NUMBER

CITY

STATE

ZIP CODE

STATE DISTRICT

C00384529

3. IS THIS REPORT

NEW (N)

OR

AMENDED (A)

AK

4. TYPE OF REPORT (Choose One)

(a) Quarterly Reports:

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July 15 Quarterly Report (Q2)
October 15 Quarterly Report (Q3)
January 31 Year-End Report (YE)

Termination Report (TER)

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- Primary (12P)
General (12G)
Runoff (12R)
Convention (12C)
Special (12S)

Election on

In the State of

(c) 30-Day POST-Election Report for the:

- General (30G)
Runoff (30R)
Special (30S)

Election on

In the State of

5. Covering Period

10 13 2004 through 11 22 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

James Palmer, Treasurer

SHERRY L. EDWARDS, ASSISTANT TREASURER

ASSISTANT TREASURER

Signature of Treasurer

Sherry L. Edwards, Assistant Treasurer

Electronically Filed by James Palmer, Treasurer

Date

12 01 2004

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 PHOENIX, AZ



9267
 22301



\$12.60
 0053255-02

910926072

05 APR 21 AM 11:08

FEC FORM 3

REPORT OF RECEIPTS AND DISBURSEMENTS

For An Authorized Committee

Office Use Only

1. NAME OF COMMITTEE (in full)

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Example: If typing, type over the line

Lisa Murkowski for U.S. Senate

ADDRESS (number and street)

P.O. Box 100847

Check if different than previously reported. (ACC)

Anchorage

AK

99510

2. FEC IDENTIFICATION NUMBER

CITY

STATE

ZIP CODE

STATE DISTRICT

C00384529

3. IS THIS REPORT

NEW (N)

OR

AMENDED (A)

AK

4. TYPE OF REPORT (Choose One)

(a) Quarterly Reports:

April 15 Quarterly Report (Q1)

July 15 Quarterly Report (Q2)

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General (12G)

Runoff (12R)

Convention (12C)

Special (12S)

Election on

In the State of

(c) 30-Day POST-Election Report for the:

General (30G)

Runoff (30R)

Special (30S)

Election on

in the State of

5. Covering Period

01

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2005

through

03

31

2005

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

James Palmer, Treasurer

Signature of Treasurer

Electronically Filed by James Palmer, Treasurer

Date

04

14

2005

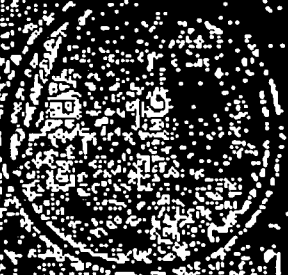
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Office Use Only

FEC FORM 3 (Revised 02/2005)

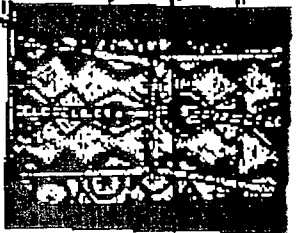
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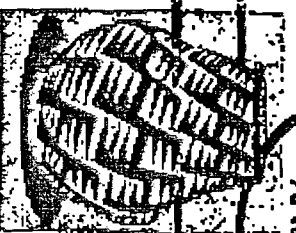


Handwritten notes:
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Alexandria, VA
53301-0107

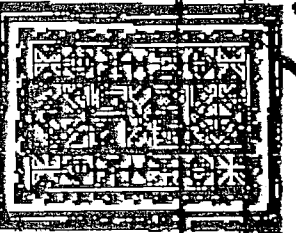
Minimal garfische USA37



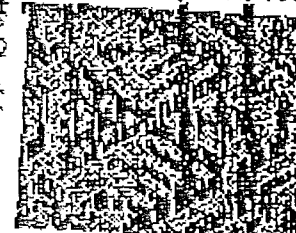
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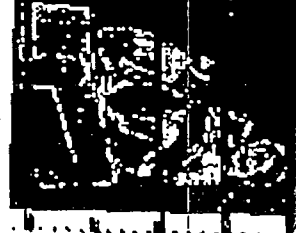
Nanajo weaving USA37



Ho-Chunk bag USA37



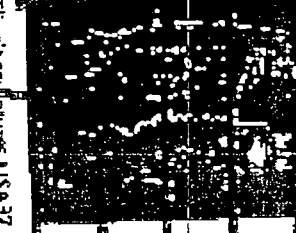
Seneca carving USA37



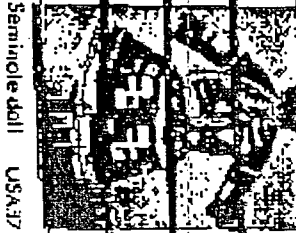
Lucerna, basil USA37



Ti-ogit script pines USA37



Seminole doll USA37



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EMILY J. REYNOLDS
SECRETARY

FAMELA B. GAMIN
SUPERINTENDENT

HART SENATE OFFICE BUILDING
SUITE 252
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PHONE: (202) 224-0322

United States Senate

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AIRBORNE EXPRESS	_____	<input type="checkbox"/>

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PREPARED RD DATE PREPARED 04-21-05

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

VIA OVERNIGHT DELIVERY

December 19, 2006

Timothy A. McKeever
Holmes, Weddle & Barcott
701 West Eighth Avenue, Suite 700
Anchorage, Alaska 99501

C00384529
AF# 1341 and AF# 1397

Dear Mr. McKeever:

On April 27 and July 14, 2005, the Federal Election Commission ("Commission") found reason to believe ("RTB") that Lisa Murkowski - U.S. Senate and James Palmer, as Treasurer ("respondents"), violated 2 U.S.C. § 434(a) for failing to timely file the 2004 Year End and 2005 April Quarterly Reports, respectively. The Commission also made preliminary determinations on those dates that the civil money penalty was \$1,850 for the Year End Report and \$1,700 for the April Quarterly Report based on the schedule of penalties at 11 C.F.R. § 111.43.

After reviewing the written responses and any supplemental information submitted by you and Commission staff, the Reviewing Officer has recommended that the Commission make final determinations in these matters. Copies of the Reviewing Officer's recommendations are attached.

You may file with the Commission Secretary written responses to the recommendations within 10 days of the date of this letter. Your written responses 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 responses 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 numbers in your responses. Your responses may not raise any arguments not raised in your original written responses or not directly responsive to the Reviewing Officer's recommendations. 11 C.F.R. § 111.36(f). The Commission will then make final determinations in these matters.

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

Sincerely,

A handwritten signature in cursive script that reads "Shawn Woodhead Werth".

Shawn Woodhead Werth

Reviewing Officer

Office of Administrative Review

Attachments

27092601171



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

January 19, 2007

MEMORANDUM

TO: THE COMMISSION

THROUGH: PATRINA M. CLARK
STAFF DIRECTOR

MARGARITA MAISONET *mm*
CHIEF COMPLIANCE OFFICER

FROM: SHAWN WOODHEAD WERTH *SW*
REVIEWING OFFICER
OFFICE OF ADMINISTRATIVE REVIEW

SUBJECT: FINAL DETERMINATION RECOMMENDATION IN AF# 1397 -
LISA MURKOWSKI - U.S. SENATE AND JAMES PALMER, AS
TREASURER (C00384529)

On July 14, 2005, the Commission found reason to believe ("RTB") that the respondents violated 2 U.S.C. § 434(a) for failing to timely file the 2005 April Quarterly Report and also made a preliminary determination that the civil money penalty was \$1,700 based on the schedule of penalties at 11 C.F.R. § 111.43.

On August 30, 2005, the Commission received the respondents' written response ("challenge"). After reviewing the challenge, the Reviewing Officer's recommendation dated December 15, 2006 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 they violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$1,700 because they 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 report on time.

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 directly responsive to the Reviewing Officer's recommendation. 11 C.F.R. § 111.36(f). A written response has not been received.

OAR Recommendations

- (1) Make a final determination in AF# 1397 that Lisa Murkowski - U.S. Senate, and James Palmer, as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$1,700; and
- (2) Send the appropriate letter.

27092601172



FEDERAL ELECTION COMMISSION
Washington, DC 20463

SENSITIVE

DATE & TIME OF TRANSMITTAL: Monday, January 22, 2007 4:00

BALLOT DEADLINE: Thursday, January 25, 2007 4:00

COMMISSIONER: LENHARD, MASON, TONER, von SPAKOVSKY, WALTHER, WEINTRAUB

SUBJECT: **Final Determination Recommendation in AF in 1397 –
Lisa Murkowski – U.S. Senate and James Palmer,
as treasurer (C00384529). Memorandum from the
Reviewing Officer dated January 19, 2007.**

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

COMMENTS: _____

DATE: _____

SIGNATURE: _____

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

FROM THE OFFICE OF THE SECRETARY OF THE COMMISSION

27092601173

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Final Determination Recommendation:) AF 1397
Lisa Murkowski - U.S. Senate and James)
Palmer, as treasurer. (C00384529))

CERTIFICATION

I, Mary W. Dove, Secretary of the Federal Election Commission, do hereby certify that on January 25, 2007, the Commission decided by a vote of 6-0 to take the following actions in AF 1397:

1. Make a final determination in AF 1397 that Lisa Murkowski - U.S. Senate and James Palmer, as treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$1,700.
2. Send the appropriate letter.

Commissioners Lenhard, Mason, Toner, von Spakovsky, Walther, and Weintraub voted affirmatively for the decision.

Attest:

27092601174
January 26, 2007
Date

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



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

January 30, 2007

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Timothy A. McKeever
Holmes, Weddle & Barcott PC
701 W. 8th Avenue, Suite 700
Anchorage, Alaska 99501

ID# C00384529
AF# 1397

Dear Mr. McKeever:

On July 14, 2005, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Lisa Murkowski – U.S. Senate and James Palmer as Treasurer, violated 2 U.S.C. § 434(a) for failing to timely file the 2005 April Quarterly Report. By mailgram dated July 15, 2005, the Commission sent your clients notification of the RTB finding that included a civil money penalty calculated at RTB of \$1,700 in accordance with the schedule of penalties at 11 C.F.R. § 111.43. On August 30, 2005, the Office of Administrative Review received the written response ("challenge") from you challenging the RTB finding and civil money penalty.

The Reviewing Officer reviewed the Commission's RTB finding with its supporting documentation and your written response. Based on this review, the Reviewing Officer recommended that the Commission make a final determination that Lisa Murkowski – U.S. Senate and James Palmer, as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty in the amount of \$1,700 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 December 19, 2006.

On January 25, 2007, the Commission adopted the Reviewing Officer's recommendation and made a final determination that Lisa Murkowski – U.S. Senate and James Palmer, as Treasurer, violated 2 U.S.C. § 434(a) and assessed a civil money penalty of \$1,700. It is based on the same factors used to calculate the civil money penalty at RTB.

To Pay the Civil Money Penalty

To pay the civil money penalty, send the enclosed form and your payment to the address on page 3 within 30 days of receipt of this letter.

If You Do Not Pay the 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 ("DCIA"), 31 U.S.C. § 3701 et seq. If you do not pay this debt within

27092601175

30 days (or file a written petition to a federal district court - see below), the Commission will transfer the debt to the U.S. Department of the Treasury ("Treasury") for collection. Within 5 days of the transfer to Treasury, Treasury will contact the debtor and request payment. Treasury currently charges a fee of 28% of the civil money penalty amount for its collection services. The fee will be added to the amount of the civil money penalty that you owe. Should Treasury's attempts fail, Treasury will refer the debt to a private collection agency ("PCA"). If the debt remains unpaid, Treasury may recommend that the Commission refer the matter to the Department of Justice for litigation.

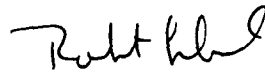
If You Choose to Appeal the Final Determination and/or Civil Money Penalty

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

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 the payment of the civil money penalty, please contact Shawn Woodhead Werth on our toll free number (800)424-9530 (press 0, then ext. 1660) or (202)694-1660.

Sincerely,



Robert D. Lenhard
Chairman

27092601176

ADMINISTRATIVE FINE PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 C.F.R. § 111.43, the civil money penalty is \$1,700 for the 2005 April Quarterly Report.

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

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

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

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

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

PAYMENTS BY PERSONAL CHECK

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

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: Lisa Murkowski – U.S. Senate

FEC ID#: C00384529

AF#: 1397

PAYMENT AMOUNT DUE: \$1,700

27092601177

FOR: Lisa Murkowski - U.S. Senate

FEC ID#: C00384529

AF#: 1397

PAYMENT AMOUNT DUE: \$1,700

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3

QUALITY IS OUR PRIORITY FOR LOCKBOX 9058
SEQ# 001 \$ 0000170000 BA# 1 02-15-07 20 4



27092601178



LISA MURKOWSKI US SENATE		FIRST NATIONAL BANK A L A S K A 89-6-1252	3263
[REDACTED]		2/6/2007	
PAY TO THE ORDER OF	Federal Election Commission	\$**1,700.00	
One Thousand Seven Hundred and 00/100*****			DOLLARS
Federal Election Commission P.O. Box 979058 St. Louis, MO 63197-9000			
MEMO	AF# 1397	<i>[Signature]</i>	
[REDACTED]			



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 1397

DATE SCANNED 6/6/07

SCANNER NO. 1

SCAN OPERATOR EES

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