



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 1398

DATE SCANNED 11/16/05

SCANNER NO. 1

SCAN OPERATOR J.E.G.

25092583322



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2005 JUL -11 A 10:17

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.

25092503323

25092583324

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.

25092583325

DATE 06/21/2005
PAGE: 1

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

AF #	COMMITTEE NAME	STATE	CANDIDATE NAME	THRESHOLD AMOUNT	SENSITIVE	PREVIOUS VIOLATIONS	CIVIL MONEY PENALTY
COMMITTEE ID	TREASURER						
RECEIPT DATE	DAYS LATE						
		LEVEL OF ACTIVITY					

AF01398 FRIENDS OF JEFF SMITH
C00390914 NICK ADAMS
Not Filed

MO SMITH, JEFF 0 \$5,500
\$930,796
\$186,159 (est)

AF01402 COMITE PRATS AL CONGRESO INC
C00387662 JOSE JOAQUIN LEDESMA ESQ
Not Filed

PR PRATS PALERM, ROBERTO L 0 \$6,500
\$2,228,736
\$222,873 (est)

25092503326

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	DAYS LATE	STATE	THRESHOLD AMOUNT	CANDIDATE NAME	SENSITIVE	PREVIOUS VIOLATIONS	CIVIL MONEY PENALTY
AF01406	C00401067	MAGNUM FOR CONGRESS		DIEHL, THOMAS		WI	\$1,327,097	MAGNUM, DAVID ROBERT	No	0	\$6,500

LEVEL OF ACTIVITY	THRESHOLD AMOUNT	CANDIDATE NAME	SENSITIVE	PREVIOUS VIOLATIONS	CIVIL MONEY PENALTY
\$221,182 (est)	\$1,327,097	MAGNUM, DAVID ROBERT	No	0	\$6,500

Not Filed



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

25092583327

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Reason To Believe Recommendation - 2005)
April Quarterly Report For The)
Administrative Fines Program.:)

FRIENDS OF JEFF SMITH, and NICK) AF# 1398
ADAMS as treasurer;)

COMITE PRATS AL CONGRESO INC,) AF# 1402
and JOSE JOAQUIN LEDESMA ESQ as)
treasurer;)

MAGNUM FOR CONGRESS, and DIEHL,) AF# 1406
THOMAS as treasurer;)

25092503328

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#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#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.

25092583329

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

25092583330

**WESTERN
UNION.**

CONFIRMATION OF CMGM

WESTERN UNION COMMERCIAL SERVICES
TO: STEVE SMITH
FRIENDS OF JEFF SMITH
6 PROSPECT ST
HANOVER NH 03755-1907

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

JULY 15, 2005

STEVE SMITH
FRIENDS OF JEFF SMITH
6 PROSPECT ST
HANOVER NH 03755

C00390914
AF#: 1398

DEAR STEVE SMITH:

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 NOT FILED WITHIN THIRTY (30) DAYS OF THE DUE DATE. YOU SHOULD FILE THIS REPORT IF YOU HAVE NOT ALREADY DONE SO.

THE ACT WAS FURTHER AMENDED IN 1999 TO PERMIT THE FEC TO IMPOSE CIVIL MONEY PENALTIES FOR VIOLATIONS OF THE REPORTING REQUIREMENTS OF 2 U.S.C. 434(A). 2 U.S.C. 437G(A)(4). ON 07/14/2005, THE FEC FOUND THAT THERE IS REASON TO BELIEVE ("RTB") THAT FRIENDS OF JEFF SMITH 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 \$5,500. IT IS DUE BY 08/23/2005 AND IS BASED ON THESE FACTORS:

ELECTION SENSITIVITY OF REPORT: NOT ELECTION SENSITIVE
LEVEL OF ACTIVITY: \$186159
NUMBER OF DAYS LATE: NOT FILED
NUMBER OF PREVIOUS CIVIL MONEY PENALTIES ASSESSED: 0

TO PAY THE CALCULATED CIVIL MONEY PENALTY

TO PAY THE CALCULATED CIVIL MONEY PENALTY, SEND THE ENCLOSED REMITTANCE AND YOUR PAYMENT TO THE FEC AT THE ADDRESS ON PAGE 3.


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UPON RECEIPT OF YOUR PAYMENT, THE FEC WILL SEND YOU A FINAL DETERMINATION LETTER.

TO CHALLENGE THE RTB FINDING AND/OR CALCULATED CIVIL MONEY PENALTY
TO CHALLENGE THE RTB FINDING AND/OR CALCULATED CIVIL MONEY PENALTY, YOU MUST SUBMIT A WRITTEN RESPONSE, INCLUDING THE AF# FOUND ON PAGE ONE, TO THE FEC'S OFFICE OF ADMINISTRATIVE REVIEW, 999 E STREET, NW, WASHINGTON, DC 20463. YOUR RESPONSE MUST BE RECEIVED BY 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 FRIENDS OF JEFF SMITH 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,

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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 REMITTANCE & PAYMENT INSTRUCTIONS

IN ACCORDANCE WITH THE SCHEDULE OF PENALTIES AT 11 C.F.R. 111.43, THE AMOUNT OF YOUR CIVIL MONEY PENALTY CALCULATED AT RTB IS \$5,500 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: FRIENDS OF JEFF SMITH

FEC ID#: C00390914

AF#: 1398

PAYMENT DUE DATE: 08/23/2005

PAYMENT AMOUNT DUE: \$5,500



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

2005 SEP 19 A 9:38
September 16, 2005

SECRETARIAT

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: ADMINISTRATIVE FINES FINAL DETERMINATION
RECOMMENDATION FOR THE 2005 APRIL QUARTERLY
REPORT

Attached is a list of political committees and their treasurers against which the Commission has found reason to believe (RTB) and assessed proposed civil money penalties calculated at RTB for failure to file or failure to timely file the 2005 April Quarterly Report. The list represents the committees that have not paid. The committees that have not paid have been given at least forty (40) days from the date of the Commission's RTB finding to remit payment.

In accordance with 11 C.F.R. 111.34, the Commission shall send a final determination notice to those respondents that have either paid or not paid the civil money penalty.

Please note that five (5) committees filed reports which disclosed a level of activity less than that which was estimated at RTB, thus resulting in a reduced civil money penalty. Friends of Jeff Smith (AF1398) disclosed \$0.00 in activity, lowering the fine from \$5,500.00 to \$0.00. Comite Prats Al Congreso Inc (AF1402) disclosed \$525.00 in activity, lowering the fine from \$6,500.00 to \$250.00.

Magnum for Congress (AF1406) disclosed \$161.00 in activity, lowering the fine from \$6,500.00 to \$161.00.

25092503334

AF # COMMITTEE NAME STATE REPORT TYPE
 CANDIDATE NAME COMMITTEE ID TREASURER
 RECEIPT DATE DAYS LATE LEVEL OF ACTIVITY PREVIOUS VIOLATIONS
 RTB DATE RTB PENALTY DAYS SINCE RTB FINAL CIVIL MONEY PENALTY
 NOT PAID

AF1398 FRIENDS OF JEFF SMITH MO 2005 APRIL QUARTERLY
 SMITH, JEFF 07/06/2005 07/14/2005 Not Filed
 C00390914 STEVE SMITH \$0 64 \$0
 \$5,500

AF1402 COMITE PRATS AL CONGRESO INC PR 2005 APRIL QUARTERLY
 PRATS PALERM, ROBERTO L 09/15/2005 07/14/2005 Not Filed
 C00387662 JOSE JOAQUIN LEDESMA ESQ \$525 64 \$250
 \$6,500

AF1406 MAGNUM FOR CONGRESS WI 2005 APRIL QUARTERLY
 MAGNUM, DAVID ROBERT 08/26/2005 07/14/2005 Not Filed
 C00401067 DIEHL, THOMAS \$161 64 \$161
 \$6,500



FEDERAL ELECTION COMMISSION
Washington, DC 20463

SENSITIVE

DATE & TIME OF TRANSMITTAL: Monday, September 19, 2005 11:00

BALLOT DEADLINE: Thursday, September 22, 2005 4:00

COMMISSIONER: MASON, McDONALD, THOMAS, TONER, WEINTRAUB

SUBJECT: **Administrative Fines Final Determination Recommendation for the 2005 April Quarterly Report. Memorandum from the Assistant Staff Director Reports Analysis Division dated September 16, 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

25092503336

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Administrative Fines Final Determination)
Recommendation for the 2005 April)
Quarterly Report:)
FRIENDS OF JEFF SMITH, and STEVE) AF# 1398
SMITH as treasurer;)

COMITE PRATS AL CONGRESO INC,) AF# 1402
and JOSE JOAQUIN LEDESMA ESQ as)
treasurer;)

MAGNUM FOR CONGRESS, and DIEHL,) AF# 1406
THOMAS as treasurer;)

2509258337

CERTIFICATION

I, Mary W. Dove, Secretary of the Federal Election Commission, do hereby certify that on September 22, 2005 the Commission took the following actions on the Administrative Fines Final Determination Recommendation for the 2005 April Quarterly Report as recommended in the Reports Analysis Division's Memorandum dated September 16, 2005, on the following committees:

AF#1398 Decided by a vote of 5-0 to: (1) make a final determination that FRIENDS OF JEFF SMITH, and STEVE SMITH as treasurer , violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate mailgram. Commissioners Mason, McDonald, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF#1402 Decided by a vote of 5-0 to: (1) make a final determination that COMITE PRATS AL CONGRESO INC, and JOSE JOAQUIN LEDESMA ESQ as treasurer , violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate mailgram. Commissioners Mason, McDonald, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF#1406 Decided by a vote of 5-0 to: (1) make a final determination that MAGNUM FOR CONGRESS, and DIEHL, THOMAS as treasurer , violated 2 U.S.C.

2509258330

Federal Election Commission
Certification for Administrative Fines
September 22, 2005

434(a) and assess the civil money penalty so indicated; (2) send the appropriate mailgram. Commissioners Mason, McDonald, Thomas, Toner, and Weintraub voted affirmatively for the decision.

Attest:

September 22, 2005
Date

Darlene Harris
for Mary W. Dove
Secretary of the Commission

25092503339

**WESTERN
UNION.**

CONFIRMATION OF CMGM

WESTERN UNION COMMERCIAL SERVICES

TO: JEFF SMITH
FRIENDS OF JEFF SMITH
6 PROSPECT ST
HANOVER NH 03755-1907FEDERAL ELECTION COMMISSION
TODD GARLAND
999 E ST NW # 709
WASHINGTON DC 20463

SEPTEMBER 26, 2005

JEFF SMITH
FRIENDS OF JEFF SMITH
6 PROSPECT STREET
HANOVER NH 03755C00390914
AF# 1398

DEAR JEFF SMITH,

ON 07/14/2005, THE FEDERAL ELECTION COMMISSION ("FEC") FOUND REASON TO BELIEVE ("RTB") THAT FRIENDS OF JEFF SMITH AND YOU, AS TREASURER, VIOLATED 2 U.S.C. 434(A) FOR FAILING TO FILE THE 2005 APRIL QUARTERLY REPORT. BY MAILGRAM DATED 07/15/2005, THE FEC SENT YOU NOTIFICATION OF THE RTB FINDING THAT INCLUDED A CIVIL MONEY PENALTY CALCULATED AT THE RTB STAGE OF \$5,500 IN ACCORDANCE WITH THE SCHEDULE OF PENALTIES AT 11 C.F.R. 111.43. WITHIN 40 DAYS OF THE FEC'S RTB FINDING, YOU WERE REQUIRED TO EITHER TRANSMIT PAYMENT OF THE CALCULATED CIVIL MONEY PENALTY OR SUBMIT A WRITTEN RESPONSE CHALLENGING EITHER THE RTB FINDING OR THE CALCULATED CIVIL MONEY PENALTY. YOU MUST ALSO FILE THE 2005 APRIL QUARTERLY REPORT IF YOU HAVE NOT ALREADY DONE SO.

THE FEC DID NOT RECEIVE PAYMENT OF THE CALCULATED CIVIL MONEY PENALTY OR YOUR WRITTEN RESPONSE WITHIN THE TIME PERMITTED. THEREFORE, THE FEC MADE A FINAL DETERMINATION ON 09/22/2005 THAT YOU, AS TREASURER, AND FRIENDS OF JEFF SMITH VIOLATED 2 U.S.C. 434(A) AND ASSESSED A CIVIL MONEY PENALTY IN THE AMOUNT OF \$0.00 IN ACCORDANCE WITH 11 C.F.R. 111.43. THE CIVIL MONEY PENALTY IS BASED ON THESE FACTORS:

ELECTION SENSITIVITY OF REPORT: NOT ELECTION SENSITIVE
LEVEL OF ACTIVITY: \$0.00
NUMBER OF PREVIOUS VIOLATIONS: 0 NUMBER OF DAYS LATE: NOT FILED

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

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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 30 DAYS (OR FILE A WRITTEN PETITION TO A FEDERAL DISTRICT COURT - SEE BELOW), THE FEC WILL TRANSFER THE DEBT TO THE U.S. DEPARTMENT OF THE TREASURY ("TREASURY") FOR COLLECTION. WITHIN 5 DAYS OF ITS TRANSFER TO TREASURY, TREASURY WILL CONTACT THE DEBTOR AND REQUEST PAYMENT. TREASURY CURRENTLY CHARGES A FEE OF 18% OF THE CIVIL MONEY PENALTY 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 TRANSFER THE DEBT TO A PRIVATE COLLECTION AGENCY ("PCA"). IF THE DEBT IS REFERRED TO A PCA, THE TREASURY AND PCA COLLECT A FEE OF 28% OF THE CIVIL MONEY PENALTY AMOUNT WHICH WILL BE ADDED TO THE AMOUNT OF THE CIVIL MONEY PENALTY.

IF THE DEBT REMAINS UNPAID, TREASURY MAY RECOMMEND THAT THE FEC REFER THE MATTER TO THE DEPARTMENT OF JUSTICE FOR LITIGATION.

IF YOU CHOOSE TO APPEAL THE FINAL DETERMINATION OR CIVIL MONEY PENALTY

IF YOU CHOOSE TO APPEAL THE FINAL DETERMINATION, YOU SHOULD SUBMIT A WRITTEN PETITION, WITHIN 30 DAYS OF RECEIPT OF THIS LETTER, TO THE DISTRICT COURT OF THE UNITED STATES FOR THE DISTRICT IN WHICH THE COMMITTEE OR YOU RESIDE, OR TRANSACT BUSINESS, REQUESTING THAT THE FINAL DETERMINATION BE MODIFIED OR SET ASIDE. SEE 2 U.S.C. 437G(A)(4)(C)(III). YOUR FAILURE TO RAISE AN ARGUMENT IN A TIMELY FASHION DURING THE ADMINISTRATIVE PROCESS SHALL BE DEEMED A WAIVER OF THE RESPONDENT'S 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 THIRTY (30) DAYS FROM THE DATE OF THE COMMISSION'S NOTIFICATION, THIS COULD OCCUR AT ANYTIME FOLLOWING CERTIFICATION OF THE COMMISSION'S VOTE.

IF YOU HAVE ANY QUESTIONS REGARDING THE PAYMENT OF THE CIVIL MONEY PENALTY, PLEASE CONTACT ELIZABETH GOINGS AT FEDERAL ELECTION COMMISSION, 999 E ST., NW, WASHINGTON, DC 20463, OR OUR TOLL FREE NUMBER (800)424-9530 (AT THE PROMPT, PRESS 5) OR (202)694-1130.

SINCERELY,

SCOTT E. THOMAS
CHAIRMAN**ADMINISTRATIVE FINE PAYMENT INSTRUCTIONS**

IN ACCORDANCE WITH THE SCHEDULE OF PENALTIES AT 11 C.F.R. 111.43, THE CIVIL MONEY PENALTY IS \$0.00 FOR THE

**WESTERN
UNION.**

WESTERN UNION COMMERCIAL SERVICES

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 952182
ST. LOUIS, MO 63195-2182

IF YOU CHOOSE TO SEND YOUR 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 FORM AND PAYMENT ARE DUE WITHIN 30 DAYS OF RECEIPT OF THIS
LETTER.

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: FRIENDS OF JEFF SMITH

FEC ID: C00390914

AF#: 1398

PAYMENT AMOUNT DUE: \$0.00



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 1398

DATE SCANNED 11/16/05

SCANNER NO. 1

SCAN OPERATOR S.E.G

25092503343