



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 1428

DATE SCANNED

4/26/06

SCANNER NO.

2

SCAN OPERATOR

SES

26092584761



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 29, 2005

SENSITIVE

MEMORANDUM

TO: THE COMMISSION

THROUGH: ROBERT J. COSTA *RC*
ACTING STAFF DIRECTOR

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

SUBJECT: WITHDRAWAL AND RESUBMISSION OF REASON TO
BELIEVE RECOMMENDATION - 2005 OCTOBER
QUARTERLY REPORT FOR THE ADMINISTRATIVE FINES
PROGRAM

2005 NOV 29 1 P 3: 30

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

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We are withdrawing the document circulated to the Commission on November 25, 2005 in order to clarify the wording in the recommendation.

Attached is a list of political committees and their treasurers who failed to file, or failed to timely file, the 2005 October Quarterly Report in accordance with 2 U.S.C. 434(a). On September 19, 2005, Prior Notice was sent to the political committees and their treasurers, informing them that the October Quarterly Report was due on October 15, 2005. The report should have covered the period ending on September 30, 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.

Recommendation

- (1) Find reason to believe that the political committees and treasurers listed on the RTB Circulation Report (except for the committee listed in recommendation 3), violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the RTB Circulation Report.
- (2) Send the appropriate mailgram.

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

DATE 11/29/2005
PAGE: 1

AF #	COMMITTEE NAME	COMMITTEE ID	TREASURER	RECEIPT DATE	DAYS LATE	LEVEL OF ACTIVITY	THRESHOLD AMOUNT	STATE	CANDIDATE NAME	SENSITIVE	PREVIOUS VIOLATIONS	CIVIL MONEY PENALTY
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AF01428	JOHN KENNEDY FOR US SENATE INC	C00396044	WILLIAM C POTTER	11/08/2005	24	\$144,297	\$363,599	LA	KENNEDY, JOHN NEELY	No	1	\$4,500
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AF01432	MINAMYER FOR CONGRESS	C00411983	RALPH LEE MINAMYER			\$121,860 (est)	\$121,860	OH	MINAMYER, WILLIAM ERIC	No	0	\$4,500
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AF01433	SOCAS FOR CONGRESS	C00399345	ANDREW T O'DELL			\$458,073 (est)	\$1,832,292	VA	SOCAS, JAMES ROBERT	No	4	\$19,000
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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Reason To Believe Recommendation - 2005)
October Quarterly Report for the)
Administrative Fines Program:)
JOHN KENNEDY FOR US SENATE INC,) AF# 1428
and WILLIAM C POTTER as treasurer;)

MINAMYER FOR CONGRESS, and) AF# 1432
RALPH LEE MINAMYER as treasurer;)
SOCAS FOR CONGRESS, and ANDREW) AF# 1433
T O'DELL as treasurer;)

CERTIFICATION

I, Mary W. Dove, Secretary of the Federal Election Commission, do hereby certify that on December 02, 2005 the Commission took the following actions on the Reason To Believe Recommendation - 2005 October Quarterly Report for the Administrative Fines Program as recommended in the Reports Analysis Division's Memorandum dated November 29, 2005, on the following committees:

AF#1428 Decided by a vote of 5-0 to: (1) find reason to believe that JOHN KENNEDY FOR US SENATE INC, and WILLIAM C POTTER 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, Thomas, Toner, and Weintraub voted affirmatively for the decision.

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AF#1432 Decided by a vote of 5-0 to: (1) find reason to believe that MINAMYER FOR CONGRESS, and RALPH LEE MINAMYER 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, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF#1433 Decided by a vote of 5-0 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, Thomas, Toner, and Weintraub voted affirmatively for the decision.

Attest:

December 2, 2005
Date

Darlene Harris
for Mary W. Dove
Secretary of the Commission

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**WESTERN
UNION.**

WESTERN UNION COMMERCIAL SERVICES

CONFIRMATION OF CMGM

TO: WILLIAM C POTTER
 JOHN KENNEDY FOR US SENATE INC
 PO BOX 14861
 BATON ROUGE LA 70898-4861

FEDERAL ELECTION COMMITTEE
 ELIZABETH GOINGS
 999 E ST. NW
 WASHINGTON DC 20463

DECEMBER 5, 2005

WILLIAM C POTTER
 JOHN KENNEDY FOR US SENATE INC
 PO BOX 14861
 BATON ROUGE LA 70898

C00396044
 AF#: 1428

DEAR WILLIAM C POTTER:

THE FEDERAL ELECTION CAMPAIGN ACT OF 1971, AS AMENDED ("THE ACT"), REQUIRES THAT YOUR COMMITTEE FILE AN OCTOBER QUARTERLY REPORT OF RECEIPTS AND DISBURSEMENTS EVERY CALENDAR YEAR. THIS REPORT, COVERING THE PERIOD THROUGH SEPTEMBER 30TH, SHALL BE FILED NO LATER THAN OCTOBER 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 11/08/2005, 24 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 12/02/2005, THE FEC FOUND THAT THERE IS REASON TO BELIEVE ("RTB") THAT JOHN KENNEDY FOR US SENATE INC AND YOU, AS TREASURER, VIOLATED 2 U.S.C. 434(A) BY FAILING TO FILE TIMELY THIS REPORT ON OR BEFORE OCTOBER 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 \$4500. IT IS DUE BY 01/11/2006 AND IS BASED ON THESE FACTORS:

ELECTION SENSITIVITY OF REPORT: NOT ELECTION SENSITIVE
 LEVEL OF ACTIVITY: \$144297
 NUMBER OF DAYS LATE: 24
 NUMBER OF PREVIOUS CIVIL MONEY PENALTIES ASSESSED: 1

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

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FBI/DOJ/SECURITY

**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 01/11/2006. 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 JOHN KENNEDY FOR US SENATE INC 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 ELIZABETH GOINGS 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 \$4500 FOR THE 2005 OCTOBER 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 01/11/2006. 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: JOHN KENNEDY FOR US SENATE INC

FEC ID#: C00396044

AF#: 1428

PAYMENT DUE DATE: 01/11/2006

PAYMENT AMOUNT DUE: \$4500

2609258476

DATE RECEIVED



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

FEDERAL ELECTION
COMMISSION
SECRETARIAT

2006 FEB 23 P 3: 50

February 23, 2006

MEMORANDUM

SENSITIVE

TO: THE COMMISSION

THROUGH: ROBERT J. COSTA *RC*
ACTING STAFF DIRECTOR

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

SUBJECT: ADMINISTRATIVE FINES FINAL DETERMINATION
RECOMMENDATION FOR THE 2005 OCTOBER QUARTERLY
REPORT

Attached are two lists 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 October Quarterly Report. The first list represents those committees that have paid the civil money penalty while the second list represents those 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 CFR 111.34 and 111.40, 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 two (2) committees disclosed a level of activity less than that which was estimated at RTB, thus resulting in a reduced civil money penalty. Minamyer for Congress (AF1432) disclosed \$0.00 in activity, lowering the fine from \$4,500.00 to \$0.00. Socas for Congress (AF1433) disclosed \$0.00 in activity during ongoing negotiations for MUR 5607, lowering the fine from \$19,000.00 to \$0.00. RAD also queried the FEC database and found no receipts or disbursements associated with the Socas for Congress committee during the 2005-06 Election Cycle.

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RAD Recommendation

- (1) Make final determinations that the political committees and their treasurers on the attached lists violated 2 U.S.C. 434(a) and assess the civil money penalties so indicated.
- (2) Send the appropriate mailgrams.

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26092584772
FEDERAL ELECTION COMMISSION 2005-2006
FINAL DETERMINATION CIRCULATION REPORT
PAID

AF #	CANDIDATE NAME	COMMITTEE NAME	REASON TO BELIEVE DATE	RECEIPT DATE	DAYS LATE	COMMITTEE ID	TREASURER	LEVEL OF ACTIVITY	CIVIL MONEY PENALTY	DATE PAID	PREVIOUS VIOLATIONS	REPORT TYPE	AMOUNT PAID
AF1428	JOHN KENNEDY FOR US SENATE INC					C00396044	WILLIAM C POTTER			01/12/2006		2005 OCTOBER QUARTERLY	\$4,500
	KENNEDY, JOHN NEELY			11/08/2005	24			\$144,297					
				12/02/2005				\$4,500					

STATE LA
DATE PAID 01/12/2006
PREVIOUS VIOLATIONS
REPORT TYPE 2005 OCTOBER QUARTERLY
AMOUNT PAID \$4,500

AF # COMMITTEE NAME
CANDIDATE NAME
RECEIPT DATE

COMMITTEE ID
LEVEL OF ACTIVITY
RTB PENALTY

STATE
PREVIOUS VIOLATIONS
FINAL CIVIL MONEY PENALTY

REPORT TYPE

AF1432 MINAMYER FOR CONGRESS
MINAMYER, WILLIAM ERIC
Not Filed
12/02/2005

OH
RALPH LEE MINAMYER
\$0 (est)
83

0
2005 OCTOBER QUARTERLY
\$0

AF1433 SOCAS FOR CONGRESS
SOCAS, JAMES ROBERT
Not Filed
12/02/2005

VA
ANDREW T O'DELL
\$0 (est)
83

4
2005 OCTOBER QUARTERLY
\$0

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Administrative Fines Final Determination) AF #1428
Recommendation for 2005 October)
Quarterly Report)

CERTIFICATION

I, Mary W. Dove, Secretary of the Federal Election Commission, do hereby certify that on March 01, 2006, the Commission decided by a vote of 6-0 to take the following actions in AF #1428:

1. Make a final determination that John Kennedy for US Senate, Inc. and William C. Potter, as treasurer, violated 2 U.S.C. 434(a) and assess the civil money penalty of \$4,500.
2. Send the appropriate mailgram.

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

Attest:

March 1, 2006
Date

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

26092584774



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

William C. Potter, Treasurer
John Kennedy For US Senate Inc
PO Box 14861
Baton Rouge, LA 70898

March 3, 2006

C00396044
AF#: 1428

Dear Mr. William C. Potter,

On 12/2/2005, the Federal Election Commission ("FEC") found reason to believe ("RTB") that John Kennedy For US Senate Inc and you, as treasurer, violated 2 U.S.C. 434(a) for filing late or failing to file the 2005 October Quarterly Report. By mailgram dated 12/5/2005 the FEC sent you notification of the RTB finding that included a civil money penalty calculated at the RTB stage of \$4500 in accordance with the schedule of penalties at 11 C.F.R. 111.43.

On 1/12/2006 the FEC received payment of your civil money penalty calculated at the RTB stage. Therefore, the FEC made a final determination on 3/1/2006 that you, as treasurer, and John Kennedy For US Senate Inc violated 2 U.S.C. 434(a), assessed a civil money penalty in the amount of \$4500 in accordance with 11 C.F.R. 111.43, and voted to close the file.

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

If you have any questions regarding this matter, please contact Elizabeth Goings on our toll free number (800)424-9530 (at the prompt press 5) or (202)694-1130.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike E. Toner".

Michael E. Toner
Chairman

26092584775

QUALITY IS OUR PRIORITY FOR LOCKBOX 2182
SEQ# 001 \$ 0900450000 BA# 1 01-12-06 20 9

JOHN KENNEDY FOR U.S. SENATE, INC.

Hibernia National Bank
Baton Rouge, LA

FEC ID# C PD396044

Check No.

020132

\$4500⁰⁰

FEDERAL ELECTION COMMISSION

Check Date 1/9/06

FOUR FIVE HUNDRED & ⁰⁰/₁₀₀


Authorized Signature

Security features included. © print on back

usbancorp.
The Safe Smart Company

26092584776



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 1428

DATE SCANNED

4/26/06

SCANNER NO.

2

SCAN OPERATOR

SES

26092584777