



FEDERAL ELECTION COMMISSION  
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 1429

DATE SCANNED 6/6/07

SCANNER NO. 1

SCAN OPERATOR SES

27092601519



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

November 29, 2005

**SENSITIVE**

MEMORANDUM

TO: THE COMMISSION

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

FROM: JOHN D. GIBSON *JDG*  
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 P 3:30

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
SECRETARIAT

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.

27092601520

**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.

27092601521

27092601522

DATE 11/29/2005  
PAGE: 1

FEDERAL ELECTION COMMISSION 2005-2006  
Reason to Believe Circulation Report  
2005 OCTOBER 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
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
AF01429	COBURN FOR SENATE 2010	C00409888	WADE A STIBBS	10/24/2005	9	\$81,527	\$135,363	OK	COBURN, THOMAS A	No	0	\$1,300
AF01431	JAMES A GARNER CONGRESSIONAL COMMITTEE	C00392506	LOUIS M EUSTACHE	Not Filed		\$135,673 (est)	\$678,368	NY	GARNER, JAMES A	No	4	\$9,000
AF01432	MINAMYER FOR CONGRESS	C00411983	RALPH LEE MINAMYER	Not Filed		\$121,860 (est)	\$121,860	OH	MINAMYER, WILLIAM ERIC	No	0	\$4,500
AF01433	SOCAS FOR CONGRESS	C00399345	ANDREW T O'DELL	Not Filed		\$458,073 (est)	\$1,832,292	VA	SOCAS, JAMES ROBERT	No	4	\$19,000



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

**SENSITIVE**

DATE & TIME OF TRANSMITTAL: Tuesday, November 29, 2005 4:00

BALLOT DEADLINE: Friday, December 02, 2005 4:00

COMMISSIONER: MASON, McDONALD, THOMAS, TONER, WEINTRAUB

SUBJECT: **Withdrawal and Resubmission of RTB Recommendation – 2005  
October Quarterly Report for the AF Programs. Memorandum  
from the Assistant Staff Director, Reports Analysis Division  
dated November 29, 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: \_\_\_\_\_

27092601523

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; )  
COBURN FOR SENATE 2010, and ) AF# 1429  
WADE A STUBBS as treasurer; )  
JAMES A GARNER CONGRESSIONAL ) AF# 1431  
COMMITTEE, and LOUIS M EUSTACHE )  
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.

27092601524

AF#1429 Decided by a vote of 5-0 to: (1) find reason to believe that COBURN FOR SENATE 2010, and WADE A STUBBS 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#1431 Decided by a vote of 5-0 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, Thomas, Toner, and Weintraub voted affirmatively for the decision.

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

27092601525

**WESTERN  
UNION.**

CONFIRMATION OF CMGM

WESTERN UNION COMMERCIAL SERVICES  
TO: WADE A STUBBS  
COBURN FOR SENATE 2010  
PO BOX 977  
MUSKOGEE OK 74402-0977FEDERAL ELECTION COMMITTEE  
ELIZABETH GOINGS  
999 E ST. NW  
WASHINGTON DC 20463

DECEMBER 5, 2005

WADE A STUBBS  
COBURN FOR SENATE 2010  
POST OFFICE BOX 977  
MUSKOGEE OK 74402C00409888  
AF#: 1429

DEAR WADE A STUBBS:

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 10/24/2005, 9 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 COBURN FOR SENATE 2010 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 \$1300. IT IS DUE BY 01/11/2006 AND IS BASED ON THESE FACTORS:

ELECTION SENSITIVITY OF REPORT: NOT ELECTION SENSITIVE  
LEVEL OF ACTIVITY: \$81527  
NUMBER OF DAYS LATE: 9  
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 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 COBURN FOR SENATE 2010 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

12509502

WESTERN UNION



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 \$1300 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

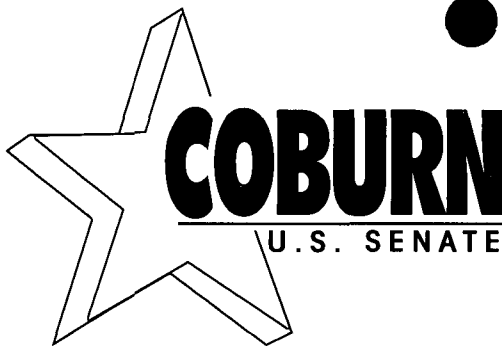
THE REMITTANCE AND YOUR PAYMENT ARE DUE BY 01/11/2006. UPON RECEIPT OF YOUR REMITTANCE AND PAYMENT, THE FEC WILL SEND YOU A FINAL DETERMINATION LETTER.

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: COBURN FOR SENATE 2010  
FEC ID#: C00409888  
AF#: 1429  
PAYMENT DUE DATE: 01/11/2006  
PAYMENT AMOUNT DUE: \$\$\$1300

200509060002

2006 JAN -5 A 12:42



January 3, 2006

Office of Administrative Review  
Federal Election Commission  
999 E St., NW  
Washington, DC 20463

Identification Number: C00409888  
Committee: Coburn for Senate 2010  
Reference: October Quarterly Report (7/1/05-9/30/05)  
AF#: 1429

Dear Sir/Madam:

This letter is in response to and serves as a challenge to the Calculated Civil Money Penalty related to the late filing of the October Quarterly Report, due 10/15/05.

Coburn for Senate 2010 contacted the local post office on the afternoon of October 15, 2005 regarding the ability to mail the report after hours. The Committee was assured that the Post Office would accept and mail the filing with a postmark of 10/15/05 if the package was received prior to 12:00am.

When representatives of Coburn for Senate 2010 arrived at the post office at 6:00pm, they were then informed that the package could not be mailed by certified mail, but could only be sent by First Class. It is clear from the Federal Election Commission website that the report was postmarked on 10/15/05.

Because Coburn for Senate 2010 was misinformed by the local post office regarding services available after hours and the fact that the Committee has never filed a late report in the past, we respectfully request that the civil penalty of \$1300.00 be forgiven.

We thank you for your time and consideration in this matter. Should you require any additional information, please do not hesitate to contact us.

Sincerely,

Wade A. Stubbs  
Treasurer

Post Office Box 977 • Muskogee, OK 74402 • Phone: (918) 684-4308 • Fax: (918) 684-4309

Paid For By Coburn For Senate Committee

[www.CoburnForSenate.com](http://www.CoburnForSenate.com)

27092601529



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

Via First Class Mail

January 5, 2006

Wade A. Stubbs, as Treasurer  
Coburn for Senate 2010  
Post Office Box 977  
Muskogee, Oklahoma 74402

C00409888  
AF# 1429

Dear Mr. Stubbs:

On January 4, 2006, the Commission received your written response ("challenge") which is being reviewed by the Office of Administrative Review. If you have any questions regarding your challenge, please contact this Office on our toll free number (800)424-9530 (press 0, then ext. 1660) or (202)694-1660.

Sincerely,

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

Shawn Woodhead Werth  
Reviewing Officer  
Office of Administrative Review

27092601530

REFERRAL  
ADMINISTRATIVE REVIEW

2006 JAN -6 A 2:03

Date: January 6, 2006

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

AF#: 1429

Committee Name: Coburn for Senate 2010

Committee ID#: C00409888

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 November 29, 2005 (Y/PF): Y

Attachment #: 1

RTB Certification Dated December 2, 2005 (Y/PF): Y

Attachment #: 2

Certified Return Receipt (to be forwarded at later date if not yet received) -

Attachment #: N/A

Original Correspondence Received by RAD in Response to

RTB Mailgram (Y/N): N

Attachment #: N/A

RAD Staff Declaration - Attachment #: 3

27092601531

27092601532

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	A. Signature <input checked="" type="checkbox"/> <i>C. Stubbs</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
1. Article Addressed to: Wade A Stubbs Coburn For Senate 2010 PO Box 977 Muskogee OK 74402-0977	B. Received by (Printed Name)	C. Date of Delivery 12-5-05
2. Article Number (Transfer from service label) 7004 2510 0002 44579 07845	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No  3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D. 4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	

**DECLARATION OF PATRICIA CARMONA**

1. I am the Chief of the Compliance Branch for the Reports Analysis Division of the Federal Election Commission ("Commission"). In my capacity as Chief of the Compliance Branch, I oversee the research conducted with regard to the Administrative Fine Program. I make this declaration based on my personal knowledge and, if called upon as a witness, could and would testify competently to the following matters.
2. I hereby certify that documents identified herein are true and accurate copies of the following sent by the Commission to Coburn for Senate 2010:
  - A) Prior Notice dated September 19, 2005 referencing the 2005 October Quarterly Report;
  - B) Reason-to-Believe Mailgram dated December 5, 2005, referencing the 2005 October Quarterly Report.
3. I hereby certify that I have searched the Commission's public records and find that Coburn for Senate 2010 filed the 2005 October Quarterly Report with the Commission on October 24, 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 committee telecoms. This declaration was executed at Washington, D.C. on the 6<sup>th</sup> day of January, 2006.



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

27092601533

# QUARTERLY REPORT NOTICE

FEDERAL ELECTION COMMISSION

CONGRESSIONAL COMMITTEES

September 19, 2005

## REPORTING DATES

REPORT	REPORTING PERIOD <sup>1</sup>	REG./CERT. & OVERNIGHT MAILING DATE	FILING DATE
October Quarterly	07/01/05 - 09/30/05	10/15/05	10/15/05 <sup>2</sup>

## WHO MUST FILE

Principal campaign committees of congressional candidates<sup>3</sup> (including unopposed candidates and candidates whose names do not appear on the ballot) must file an October Quarterly Report on October 15, 2005.<sup>4</sup> 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.

<sup>1</sup>These dates indicate the beginning and the end of the reporting period. A reporting period always begins the day after the closing date of the last report filed. If the committee is new and has not previously filed a report, the first report must cover all activity that occurred before the committee registered.

<sup>2</sup>Notice that this deadline falls on a weekend. Filing dates are not extended when they fall on nonworking days.

<sup>3</sup>An 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.

<sup>4</sup>If 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)

27092601534

**REPORTING SCHEDULE FOR REMAINDER OF 2005**

**REPORTING DATES**

<b>REPORT</b>	<b>REPORTING PERIOD<sup>1</sup></b>	<b>REG./CERT. &amp; OVERNIGHT MAILING DATE</b>	<b>FILING DATE</b>
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/elecfil/electron.shtml>.

<sup>1</sup> See footnote #1, on reverse side.

27092601535



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

THROUGH: PATRINA M. CLARK *Py for PMC*  
STAFF DIRECTOR

JOHN D. GIBSON *JDG*  
ACTING DEPUTY STAFF DIRECTOR

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

SUBJECT: AF# 1429 - COBURN FOR SENATE 2010 AND WADE A.  
STUBBS, AS TREASURER (C00409888)

**SENSITIVE**

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

27092601536



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

December 15, 2006

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

AF# 1429 – Coburn for Senate 2010 and Wade A. Stubbs, as Treasurer (C00409888)

On December 2, 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 October Quarterly Report and made a preliminary determination that the civil money penalty was \$1,300 based on the schedule of penalties at 11 C.F.R. § 111.43. They were notified by the Reports Analysis Division on December 5, 2005 of the Commission's RTB finding and civil money penalty.

**Respondents' Response**

On January 5, 2006, the Commission received a written response ("challenge") from the Treasurer who states that they were "misinformed by the local post office" about filing the report "after hours." They contacted their local U.S. Postal Service ("USPS") staff on the afternoon of October 15 and asked if they could "mail the report after hours," and were "assured that the [USPS] would accept and mail [it] with a postmark of 10/15/05." When they got there "at 6:00 p.m.," the USPS staff told them that the report "could not be mailed by certified mail, but could only be sent by First Class."

**Analysis**

The 2005 October Quarterly Report was filed on October 24, 2005, 9 days late.

The Federal Election Campaign Act ("Act") requires that quarterly reports be filed by the treasurer of a principal campaign committee no later than the 15th day after the last day of each calendar quarter. 2 U.S.C. § 434(a)(2)(B) and 11 C.F.R. § 104.5(a)(1)(i). Quarterly reports sent certified mail, registered mail, priority mail with a delivery confirmation, or express mail with a delivery confirmation are considered filed on the date of the postmark. Quarterly reports sent by first class mail are considered filed when they are received. 2 U.S.C. § 434(a)(5) and 11 C.F.R. §§ 100.19(b) and 104.5(e). The treasurer shall be personally responsible for the timely filing of reports. 11 C.F.R. § 104.14(d).

The "safe harbor" provision of the Act is a method by which treasurers may send committees' reports by any of the USPS methods listed in 2 U.S.C. § 434(a)(5) and the postmark is considered the filing date.

It appears that the respondents tried to avail themselves of the certified mail "safe harbor" mailing provision for filing the October Quarterly Report. Before they went to mail it on October 15, they contacted their post office in the afternoon to find out if they could mail it "after hours." At that time, the USPS staff told them yes, they would accept and mail the report, postmarked that same day, "if [it] was received prior to 12:00 am." When they got to the post office at 6 p.m., the USPS staff told them no, they could not send it certified, they could only send it first class mail. Commission records confirm that the report was postmarked October 15 and was sent by first class mail. For these reasons, the Reviewing Officer recommends that the Commission take no further action and close the file.

27092601537

**OAR Recommendations**

- 1) Take no further action in AF# 1429 against Coburn for Senate 2010 and William A. Stubbs, as Treasurer, with respect to 2 U.S.C. § 434(a) and close the file; and
- 2) Send the appropriate letter.

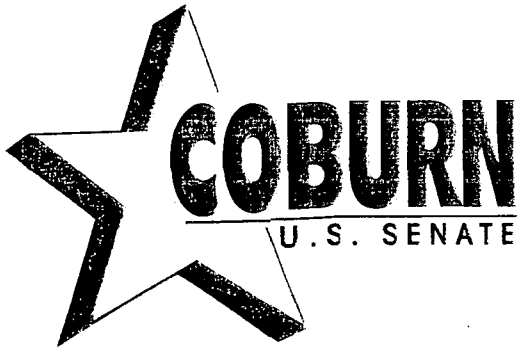
Reviewing Analyst: Dayna C. Brown

Attachments

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

27092601538

2006 JAN -5 A 12:42

Attachment # 1  
Page: 1

January 3, 2006

Office of Administrative Review  
Federal Election Commission  
999 E St., NW  
Washington, DC 20463

Identification Number: C00409888  
Committee: Coburn for Senate 2010  
Reference: October Quarterly Report (7/1/05-9/30/05)  
AF#: 1429

Dear Sir/Madam:

This letter is in response to and serves as a challenge to the Calculated Civil Money Penalty related to the late filing of the October Quarterly Report, due 10/15/05.

Coburn for Senate 2010 contacted the local post office on the afternoon of October 15, 2005 regarding the ability to mail the report after hours. The Committee was assured that the Post Office would accept and mail the filing with a postmark of 10/15/05 if the package was received prior to 12:00am.

When representatives of Coburn for Senate 2010 arrived at the post office at 6:00pm, they were then informed that the package could not be mailed by certified mail, but could only be sent by First Class. It is clear from the Federal Election Commission website that the report was postmarked on 10/15/05.

Because Coburn for Senate 2010 was misinformed by the local post office regarding services available after hours and the fact that the Committee has never filed a late report in the past, we respectfully request that the civil penalty of \$1300.00 be forgiven.

We thank you for your time and consideration in this matter. Should you require any additional information, please do not hesitate to contact us.

Sincerely,

Wade A. Stubbs  
Treasurer

Post Office Box 977 • Muskogee, OK 74402 • Phone: (918) 684-4308 • Fax: (918) 684-4309

**DECLARATION OF PATRICIA CARMONA**

1. I am the Chief of the Compliance Branch for the Reports Analysis Division of the Federal Election Commission ("Commission"). In my capacity as Chief of the Compliance Branch, I oversee the research conducted with regard to the Administrative Fine Program. I make this declaration based on my personal knowledge and, if called upon as a witness, could and would testify competently to the following matters.
2. I hereby certify that documents identified herein are true and accurate copies of the following sent by the Commission to Coburn for Senate 2010:
  - A) Prior Notice dated September 19, 2005 referencing the 2005 October Quarterly Report;
  - B) Reason-to-Believe Mailgram dated December 5, 2005, referencing the 2005 October Quarterly Report.
3. I hereby certify that I have searched the Commission's public records and find that Coburn for Senate 2010 filed the 2005 October Quarterly Report with the Commission on October 24, 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 committee telecons. This declaration was executed at Washington, D.C. on the 6<sup>th</sup> day of January, 2006.



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

27092601540

# QUARTERLY REPORT NOTICE

FEDERAL ELECTION COMMISSION

CONGRESSIONAL COMMITTEES

September 19, 2005

## REPORTING DATES

REPORT	REPORTING PERIOD <sup>1</sup>	REG./CERT. & OVERNIGHT MAILING DATE	FILING DATE
October Quarterly	07/01/05 - 09/30/05	10/15/05	10/15/05 <sup>2</sup>

## WHO MUST FILE

Principal campaign committees of congressional candidates<sup>3</sup> (including unopposed candidates and candidates whose names do not appear on the ballot) must file an October Quarterly Report on October 15, 2005.<sup>4</sup> 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.

<sup>1</sup>These dates indicate the beginning and the end of the reporting period. A reporting period always begins the day after the closing date of the last report filed. If the committee is new and has not previously filed a report, the first report must cover all activity that occurred before the committee registered.

<sup>2</sup>Notice that this deadline falls on a weekend. Filing dates are not extended when they fall on nonworking days.

<sup>3</sup>An 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.

<sup>4</sup>If 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.

REPORTING SCHEDULE FOR REMAINDER OF 2005

**REPORTING DATES**

<b>REPORT</b>	<b>REPORTING PERIOD<sup>1</sup></b>	<b>REG./CERT. &amp; OVERNIGHT MAILING DATE</b>	<b>FILING DATE</b>
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/elecfil/electron.shtml>.

<sup>1</sup> See footnote #1, on reverse side.

27092601542

**WESTERN  
UNION.**

WESTERN UNION COMMERCIAL SERVICES

CONFIRMATION OF CMGM

TO: WADE A STUBBS

COBURN FOR SENATE 2010

PC BOX 977

MUSKOGEE OK 74402-0977

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

DECEMBER 5, 2005

WADE A STUBBS  
COBURN FOR SENATE 2010  
POST OFFICE BOX 977  
MUSKOGEE OK 74402

C00409888  
AF#: 1429

DEAR WADE A STUBBS:

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 10/24/2005, 9 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 COBURN FOR SENATE 2010 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 \$1300. IT IS DUE BY 01/11/2006 AND IS BASED ON THESE FACTORS:

ELECTION SENSITIVITY OF REPORT: NOT ELECTION SENSITIVE  
LEVEL OF ACTIVITY: \$81527  
NUMBER OF DAYS LATE: 9  
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

27092601543

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 AFF 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 COBURN FOR SENATE 2010 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

27092601544



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 \$1300 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: COBURN FOR SENATE 2010

FEC ID#: C00409886

AF#: 1429

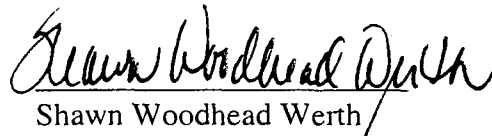
PAYMENT DUE DATE: 01/11/2006

PAYMENT AMOUNT DUE: \$1300

27092601545

### 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 October Quarterly Report is due October 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 October 15, it must be received by the close of business on October 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 Page 1 of the Summary Page, the Office of Public Records' envelope processing sheet, and copy of the envelope for the 2005 October Quarterly Report filed via first class mail by Coburn for Senate 2010 and Wade A. Stubbs, as Treasurer. According to the Commission's records, the report was sent on October 15 and received on October 24, 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 15<sup>th</sup> of December, 2006.



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

27092601546

# FEC FORM 3

## REPORT OF RECEIPTS AND DISBURSEMENTS

For An Authorized Committee

SECRETARY OF THE SENATE  
05 OCT 24 AM 10:55

Office Use Only

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

Coburn for Senate 2010

ADDRESS (number and street)

PO Box 977

Check if different than previously reported. (ADC)

Muskogee

OK

74402

2. FEC IDENTIFICATION NUMBER

CITY A

STATE A

ZIP CODE A

STATE DISTRICT

000408888

3. IS THIS REPORT

NEW (N)

OR

AMENDED (A)

OK

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

2005

through

09

30

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

Wade A. Stubbs

Signature of Treasurer

Electronically Filed by Wade A. Stubbs

Date

10

15

2005

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)

27092601547

25020490565  
25020490565

OFFICE OF PUBLIC RECORDS  
P.O. BOX 5109  
ALEXANDRIA, VA 22301-0109

OCT 17 2005

OK 7A

2005

JULSA OR

2005

OCT 17

TUES



BY AIR MAIL  
BY THE SENATE  
POST OFFICE

SECRETARY OF THE SENATE  
OCT 24 AM 10:53

25020490566  
25020490566

EMILY J. REYNOLDS  
SECRETARY

FAYELA B. GAVIN  
SUPERINTENDENT

HART SENATE OFFICE BUILDING  
SUITE 232  
WASHINGTON, DC 20510-7116  
PHONE: (202) 224-0822

# United States Senate

OFFICE OF THE SECRETARY

OFFICE OF PUBLIC RECORDS

THE PRECEDING DOCUMENT WAS:

HAND DELIVERED \_\_\_\_\_

Date of Receipt

USPS FIRST CLASS MAIL \_\_\_\_\_

10-15-05

Postmark

USPS REGISTERED/CERTIFIED \_\_\_\_\_

Postmark

USPS PRIORITY MAIL \_\_\_\_\_

Postmark

DELIVERY CONFIRMATION OR SIGNATURE CONFIRMATION LABEL

USPS EXPRESS MAIL \_\_\_\_\_

Postmark

OVERNIGHT DELIVERY SERVICE:

SHIPPING DATE

NEXT BUSINESS DAY DELIVERY

FEDERAL EXPRESS \_\_\_\_\_

LPS \_\_\_\_\_

DHL \_\_\_\_\_

AIRBORNE EXPRESS \_\_\_\_\_

RECEIVED FROM FEDERAL ELECTION COMMISSION \_\_\_\_\_

Date of Receipt

POSTMARK ILLEGIBLE

NO POSTMARK

FAX \_\_\_\_\_

Date of Receipt

OTHER \_\_\_\_\_

Date of Receipt or Postmark

PREPARER

RD

DATE PREPARED

10-24-05

27092601549



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

**VIA OVERNIGHT DELIVERY**

December 18, 2006

Wade A. Stubbs, as Treasurer  
Coburn for Senate 2010  
Post Office Box 977  
Muskogee, OK 74402

C00409888  
AF# 1429

Dear Mr. Stubbs:

On December 2, 2005, the Federal Election Commission ("Commission") found reason to believe ("RTB") that Coburn for Senate 2010 and you, as Treasurer ("respondents"), violated 2 U.S.C. § 434(a) for failing to timely file the 2005 October Quarterly Report. The Commission also made a preliminary determination that the civil money penalty was \$1,300 based on the schedule of penalties at 11 C.F.R. § 111.43.

After reviewing the written response and any supplemental information submitted by you and Commission staff, the Reviewing Officer has recommended that the Commission make a final determination in this matter. A copy of the Reviewing Officer's recommendation is attached.

You may file with the Commission Secretary a written response to the recommendation within 10 days of the date of this letter. Your written response should be sent to the Commission Secretary, 999 E Street, NW, Washington, DC 20463. As a result of the anthrax threat in the Washington, DC area, US Postal Service mail delivery to federal agencies, including the Commission, has been interrupted. Until regular mail delivery resumes, you may also file your written response with the Commission Secretary via facsimile (202-208-3333) or by courier at the same address (if you use an overnight delivery service, please use zip code 20004 instead of zip code 20463). Please include the AF # in your response. Your response may not raise any arguments not raised in your original written response or not directly responsive to the Reviewing Officer's recommendation. 11 C.F.R. § 111.36(f). The Commission will then make a final determination in this matter.

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

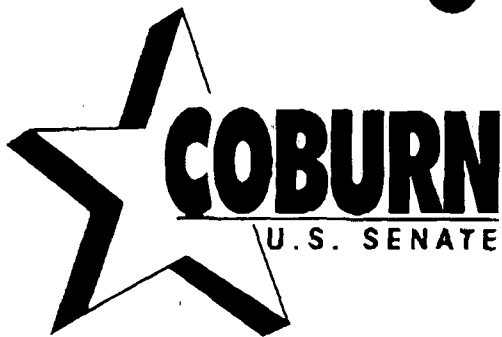
Sincerely,

A handwritten signature in black ink, appearing to read "Dayna C. Brown".

Dayna C. Brown  
Reviewing Analyst  
Office of Administrative Review

Attachment

27092601550



RECEIVED  
 FEDERAL ELECTION  
 COMMISSION  
 SECRETARIAT

2006 DEC 26 A 10: 14

December 22, 2006

Office of Administrative Review  
 Federal Election Commission  
 999 E St., NW  
 Washington, DC 20463  
 Attn: Dayna C. Brown

Identification Number: C00409888  
 Committee: Coburn for Senate 2010  
 Reference: October Quarterly Report (7/1/05-9/30/05)  
 AF#: 1429

Dear Ms. Brown:

Coburn for Senate 2010 is in receipt of your recommendation concerning the proposed civil penalty of \$1,300, dated December 15, 2006. The Committee thanks the Office of Administrative Review for its diligence in reviewing all documents associated with this matter.

Coburn for Senate 2010 accepts your recommendation that the Commission take no further action and close the file.

Thank you again for your time and consideration.

Sincerely,

*Wade A. Stubbs*  
 Wade A. Stubbs  
 Treasurer

27092601551



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

FEDERAL ELECTION  
COMMISSION  
SECRETARIAT

2007 JAN 19 P 1:33

January 18, 2007

MEMORANDUM

**SENSITIVE**

TO: THE COMMISSION

THROUGH: PATRINA M. CLARK *PMC*  
STAFF DIRECTOR

MARGARITA MAISONET *MM*  
CHIEF COMPLIANCE OFFICER

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

SUBJECT: FINAL DETERMINATION RECOMMENDATION IN AF# 1429 -  
COBURN FOR SENATE 2010 AND WADE A. STUBBS, AS  
TREASURER (C00409888)

On December 2, 2005, the Commission found reason to believe that the respondents violated 2 U.S.C. § 434(a) for failing to timely file the 2005 October Quarterly Report and also made a preliminary determination that the civil money penalty was \$1,300 based on the schedule of penalties at 11 C.F.R. § 111.43.

On January 5, 2006, the Commission received the respondents' written response ("challenge"). The challenge presented evidence that the respondents attempted to mail their report via the certified mail "safe harbor" mailing provision on the due date, but were advised by post office staff when they arrived at the post office that they could only send it by first class mail. Commission records confirm it was sent first class mail on October 15. The Reviewing Officer, therefore, recommended that the Commission take no further action and close the file. The Reviewing Officer's recommendation dated December 15, 2006, was forwarded to the Commission. A copy was simultaneously forwarded to the respondents.

Within 10 days of transmittal of the recommendation, the respondents may file a written response with the Commission Secretary which may not raise any arguments not raised in the respondents' challenge or not directly responsive to the Reviewing Officer's recommendation. 11 C.F.R. § 111.36(f). The written response was received via facsimile from the Treasurer December 26, 2006, and is attached for your review.

**OAR Recommendations**

- (1) Take no further action in AF# 1429 against Coburn for Senate 2010 and Wade A. Stubbs, as Treasurer, with respect to 2 U.S.C. § 434(a) and close the file; and
- (2) Send the appropriate letter.

Attachment

27092601552



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

**SENSITIVE**

DATE & TIME OF TRANSMITTAL: Monday, January 22, 2007 11:00

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

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

SUBJECT: **Final Determination Recommendation in  
AF 1429 – Coburn for Senate 2010 and Wade A.  
Stubbs, as treasurer (C00409888)  
Memorandum from the Reviewing Officer  
dated January 18, 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

27092601553

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
Final Determination Recommendation: ) AF 1429  
Coburn for Senate 2010 and Wade A. )  
Stubbs, as treasurer (C00409888) )

CERTIFICATION

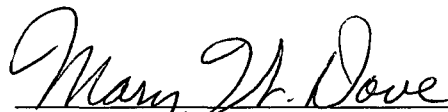
I, Mary W. Dove, Secretary of the Federal Election Commission, do hereby certify that on January 25, 2007, the Commission decided by a vote of 6-0 to take the following actions in AF 1429:

1. Take no further action in AF 1429 against Coburn for Senate 2010 and Wade A. Stubbs, as treasurer, with respect to 2 U.S.C. § 434(a) and close the file.
2. Send the appropriate letter.

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

Attest:

January 26, 2007  
Date

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

27092601554



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

January 30, 2007

VIA CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Wade A. Stubbs, as Treasurer  
Coburn for Senate 2010  
Post Office Box 977  
Muskogee, OK 74402

ID# C00409888  
AF# 1429

Dear Mr. Stubbs:

On December 2, 2005, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Coburn for Senate 2010 and you, as Treasurer ("the respondents"), violated 2 U.S.C. § 434(a) for failing to timely file the 2005 October Quarterly Report. By mailgram dated December 5, 2005, the Commission sent you notification of the RTB finding that included a civil money penalty calculated at RTB of \$1,300 in accordance with the schedule of penalties at 11 C.F.R. § 111.43. On January 5, 2006, the Office of Administrative Review received your written response ("challenge") challenging the RTB finding.

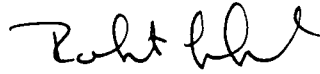
The Reviewing Officer reviewed the Commission's RTB finding with its supporting documentation and your challenge. Based on this review, the Reviewing Officer recommended that the Commission take no further action against the respondents with respect to 2 U.S.C. § 434(a) because the challenge presented evidence that they attempted to mail their report via the certified mail "safe harbor" mailing provision on the due date, but were advised by post office staff when they arrived at the post office that they could only send it by first class mail. Commission records confirm it was sent first class mail on October 15. 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 18, 2006.

On January 25, 2007, the Commission adopted the Reviewing Officer's recommendation to take no further action against the respondents with respect to 2 U.S.C. § 434(a). 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.

27092601555

If you have any questions regarding this matter, please contact Dayna C. Brown on our toll free number (800)424-9530 (press 0, then ext. 1660) or (202)694-1660.

Sincerely,



Robert D. Lenhard  
Chairman

27092601556



FEDERAL ELECTION COMMISSION  
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 1429

DATE SCANNED 6/6/07

SCANNER NO. 1

SCAN OPERATOR EES

27092601557