



FEDERAL ELECTION COMMISSION  
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 1431

DATE SCANNED 6/2/06

SCANNER NO. 2

SCAN OPERATOR S.E.G

26092590395



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

96206528092

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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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
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

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; )  
  
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.

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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

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**WESTERN  
UNION.**

CONFIRMATION OF CMGM

WESTERN UNION COMMERCIAL SERVICES  
TO: LOUIS M EUSTACHE  
JAMES A GARNER CONGRESSIONAL COMMITTEE  
820 2ND AVE RM 78  
NEW YORK NY 10017-4528

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

DECEMBER 5, 2005

LOUIS M EUSTACHE  
JAMES A GARNER CONGRESSIONAL COMMITTEE  
820 SECOND AVENUE, SUITE 78  
NEW YORK NY 10017

C00392506  
AF#:1431

DEAR LOUIS M EUSTACHE:

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 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 12/02/2005, THE FEC FOUND THAT THERE IS REASON TO BELIEVE ("RTB") THAT JAMES A GARNER CONGRESSIONAL COMMITTEE 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 \$9000. IT IS DUE BY 01/11/2006 AND IS BASED ON THESE FACTORS:

ELECTION SENSITIVITY OF REPORT: NOT ELECTION SENSITIVE  
LEVEL OF ACTIVITY: \$135673  
NUMBER OF DAYS LATE: NOT FILED  
NUMBER OF PREVIOUS CIVIL MONEY PENALTIES ASSESSED: 4

TO PAY THE CALCULATED CIVIL MONEY PENALTY  
TO PAY THE CALCULATED CIVIL MONEY PENALTY, SEND THE ENCLOSED


**WESTERN  
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**WESTERN UNION COMMERCIAL SERVICES**

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  
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 JAMES A  
GARNER CONGRESSIONAL COMMITTEE 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.

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**WESTERN  
UNION.**

## WESTERN UNION COMMERCIAL SERVICES

ADDITIONAL INFORMATION ON THE FEC'S ADMINISTRATIVE FINE PROGRAM, INCLUDING THE FINAL REGULATIONS, IS LOCATED AT THE FEC'S WEBSITE AT WWW.FEC.GOV. IF YOU HAVE QUESTIONS REGARDING THE PAYMENT OF THE CALCULATED CIVIL MONEY PENALTY, PLEASE CONTACT 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 \$9000 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

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FOR: JAMES A GARNER CONGRESSIONAL COMMITTEE

FEC ID#: C00392506

AF#: 1431

PAYMENT DUE DATE: 01/11/2006

PAYMENT AMOUNT DUE: \$9000

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FEDERAL ELECTION  
COMMISSION  
SECRETARIAT

2006 FEB 23 P 3: 50



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

February 23, 2006

MEMORANDUM

**SENSITIVE**

TO: THE COMMISSION

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

FROM: JOHN D. GIBSON *JDG*  
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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FEDERAL ELECTION COMMISSION, 2005-2006  
FINAL DETERMINATION CITATION REPORT 406

AF # COMMITTEE NAME  
CANDIDATE NAME  
RECEIPT DATE DAYS LATE  
REASON TO BELIEVE DATE  
PAID  
COMMITTEE ID  
LEVEL OF ACTIVITY  
CIVIL MONEY PENALTY  
TREASURER  
STATE  
DATE PAID  
PREVIOUS VIOLATIONS  
REPORT TYPE  
AMOUNT PAID

AF1428 JOHN KENNEDY FOR US SENATE INC  
KENNEDY, JOHN NEELY  
11/08/2005 24  
12/02/2005

C00396044 \$144,297  
\$4,500  
WILLIAM C POTTER  
LA  
01/12/2006  
1  
2005 OCTOBER QUARTERLY  
\$4,500

FEDERAL ELECTION COMMISSION 200522067  
FINAL DETERMINATION CIRCULATION REPORT

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

AF #	CANDIDATE NAME	COMMITTEE NAME	COMMITTEE ID	LEVEL OF ACTIVITY	TREASURER	STATE	PREVIOUS VIOLATIONS	REPORT TYPE
AF1431	JAMES A GARNER	CONGRESSIONAL COMMITTEE	C00392506	\$135,673 (est)	LOUIS M EUSTACHE	NY	4	2005 OCTOBER QUARTERLY
	GARNER, JAMES A			83				\$9,000
	Not Filed							
AF1432	MINAMYER FOR CONGRESS		C00411983	\$0 (est)	RALPH LEE MINAMYER	OH	0	2005 OCTOBER QUARTERLY
	MINAMYER, WILLIAM ERIC			83				\$0
	Not Filed							
AF1433	SOCAS FOR CONGRESS		C00399345	\$0 (est)	ANDREW T O'DELL	VA	4	2005 OCTOBER QUARTERLY
	SOCAS, JAMES ROBERT			83				\$0
	Not Filed							

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
Administrative Fines Final Determination ) AF #1431  
Recommendation for the 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 #1431:

1. Make a final determination that James A. Garner Congressional Committee and Louis M. Eustache, as treasurer, violated 2 U.S.C. 434(a) and assess the civil money penalty of \$9,000.
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

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

Louis M. Eustache, Treasurer  
James A Garner Congressional Committee  
C/O C Robinson Thompson & Ass LLP  
820 Second Avenue, Suite 7B  
New York, NY 10017

March 3, 2006

C00392506  
AF# 1431

Dear Mr. Louis M. Eustache,

On 12/2/2005 the Federal Election Commission ("FEC") found reason to believe ("RTB") that James A Garner Congressional Committee and you, as treasurer, violated 2 U.S.C. 434(a) for 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 \$9000 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 October 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 3/1/2006 that you, as treasurer, and James A Garner Congressional Committee violated 2 U.S.C. 434(a) and assessed a civil money penalty in the amount of \$9000 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: \$135,673  
Number of Previous Violations: 4 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 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

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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.

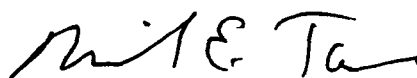
**If You Choose to Appeal the Final Determination or Civil Money Penalty**

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,



Michael E. Toner  
Chairman

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**ADMINISTRATIVE FINE PAYMENT INSTRUCTIONS**

In accordance with the schedule of penalties at 11 C.F.R. 111.43, the civil money penalty is \$9000 for the 2005 October 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:

26092590410

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

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

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

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

**Payments by Personal Check:**

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

**PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT**

-----  
FOR: James A Garner Congressional Committee

FEC ID: C00392506

AF#: 1431

PAYMENT AMOUNT DUE: \$9000

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**AGREEMENT AS TO THE METHOD OF CERTIFYING  
DEBTS SUBMITTED TO THE FINANCIAL MANAGEMENT SERVICE'S  
CROSS-SERVICING PROGRAM**

This Agreement (Agreement) is submitted by:

Creditor Agency: Federal Election Commission

Date of Agreement: November 30, 2005

The Creditor Agency agrees that:

I. This Agreement covers all debts, including updates, changes, and modifications (Debts) submitted on or after the date of this Agreement, by Creditor Agency to the Financial Management Service (FMS), a bureau of the U.S. Department of the Treasury, for collection through the FMS's Cross-Servicing Program (Cross-Servicing);

II. Creditor Agency will submit debts to Cross-Servicing via Electronic Transmission of "Add Records" or "Update Records," as described in the attached Exhibit A. Each time the Creditor Agency submits a Debt via an Add Record or Update Record, the Creditor Agency is certifying the Debt;

III. Any person who submits Debts via an Add Record or Update Record has or will have delegated authority to certify the Debts on behalf of the head of the Creditor Agency, and the Creditor Agency will provide a copy of this Agreement to any such person; and,

IV. By submitting Debts via an Add Record or Update Record, the person submitting such Debts is certifying to the U.S. Department of the Treasury, under penalty of perjury pursuant to 31 U.S.C. § 3716, 31 U.S.C. § 3720A, and 28 U.S.C. § 1746, that to the best of his or her knowledge and belief, the following is true and correct:

1. **Valid Debts.** The debts are delinquent, valid and legally enforceable in the amounts stated. No debtor has repaid or agreed to repay the claim under a signed repayment agreement or filed for review of the claim.
2. **No Bar to Collection.** The debts are not subject to any circumstances that legally preclude or bar collection. There are no foreclosures pending with respect to any collateral securing a debt. The Agency's records do not show that any debtor owing a debt has filed for bankruptcy protection. Alternatively, the Agency can clearly establish that any automatic stay has been lifted or is no longer in effect.
3. **Due Process.** The Agency, at a minimum, has made reasonable efforts to obtain payment of the debt, demanded payment, and provided the debtor with the notice and opportunities described below:

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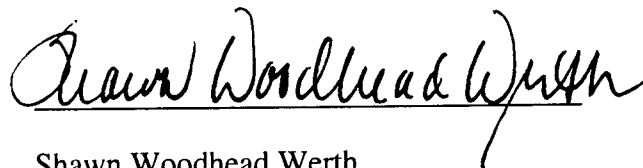
A. At least 30 days prior to the date of this certification, the Agency has provided, or made reasonable efforts to provide each debtor with:

- written notification, at the debtor's most current known address, of the nature and the amount of the debt, the intention of the Agency to collect the debt through referral to Treasury, and actions that may be taken by Treasury including referral of the debt to a private collection agency and referral of the debt to the Department of Justice for litigation;
- an opportunity to inspect and copy the records of the Agency with respect to the debt; and
- an opportunity for review within the Agency of the determination of the Agency with respect to the debt, including the opportunity to present evidence that all or part of the debt is not past-due or legally enforceable.

B. The Agency has considered any evidence presented by the debtor and determined that the amount of the debt is past-due and legally enforceable and there are no pending appeals of such determination.

4. ***Interest and Penalties.*** The Agency has complied with all of the provisions of 31 U.S.C. § 3717 and the Federal Claims Collection Standards, as well as other statutes, regulations and policies applicable to the Agency's assessment of interest, penalties and administrative costs. The Agency has mailed a written notice to all debtors explaining the Agency's requirements concerning the charges.

**CERTIFICATION:** Pursuant to 28 U.S.C. § 1746, I certify that I have been delegated authority to execute this Agreement on behalf of the head of my agency.



Shawn Woodhead Werth

Director, Office of Administrative Review

26092580413



FEDERAL ELECTION COMMISSION  
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 1431

DATE SCANNED 6/2/06

SCANNER NO. 2

SCAN OPERATOR S.E.G

26092590414