



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 1432

DATE SCANNED 4/26/06

SCANNER NO. 2

SCAN OPERATOR SES

26092584778



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

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2005 NOV 29 1 P 3: 30

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.

26092584779

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.

26092584780

26092584781

DATE 11/29/2005
PAGE: 1

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

AF #	COMMITTEE NAME	STATE	CANDIDATE NAME	SENSITIVE	PREVIOUS VIOLATIONS	CIVIL MONEY PENALTY
COMMITTEE ID	TREASURER	THRESHOLD AMOUNT	NAME	NO		
RECEIPT DATE	DAYS LAJE	LEVEL OF ACTIVITY				

AF01428	JOHN KENNEDY FOR US SENATE INC C00396044 WILLIAM C POTTER 11/08/2005	LA	KENNEDY, JOHN NEELY	1		\$4,500
		\$144,297				

AF01432	MINAMYER FOR CONGRESS C00411983 RALPH LEE MINAMYER Not Filed	OH	MINAMYER, WILLIAM ERIC	0		\$4,500
		\$121,860 (est)				

AF01433	SOCAS FOR CONGRESS C00399345 ANDREW T O'DELL Not Filed	VA	SOCAS, JAMES ROBERT	4		\$19,000
		\$458,073 (est)				

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.

26092584782

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

26092584783

**WESTERN
UNION.**

CONFIRMATION OF CMGM

WESTERN UNION COMMERCIAL SERVICES
TO:RALPH LEE MINAMYER
MINAMYER FOR CONGRESS
9832 FARMSTEAD DR
LOVELAND OH 45140-4439FEDERAL ELECTION COMMITTEE
ELIZABETH GOINGS
999 E ST. NW
WASHINGTON DC 20463

DECEMBER 5, 2005

RALPH LEE MINAMYER
MINAMYER FOR CONGRESS
9832 FARMSTEAD DRIVE
LOVELAND OH 45140C00411983
AF#:1432

DEAR RALPH LEE MINAMYER:

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 MINAMYER FOR CONGRESS 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: \$121860
NUMBER OF DAYS LATE: NOT FILED
NUMBER OF PREVIOUS CIVIL MONEY PENALTIES ASSESSED: 0TO 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.

26092584784

**WESTERN
UNION.****WESTERN UNION COMMERCIAL SERVICES**

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 MINAMYER FOR CONGRESS 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,

**WESTERN
UNION.****WESTERN UNION COMMERCIAL SERVICES**

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 \$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: MINAMYER FOR CONGRESS

FEC ID#: C00411983

AF#: 1432

PAYMENT DUE DATE: 01/11/2006

PAYMENT AMOUNT DUE: \$4500



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 
ACTING STAFF DIRECTOR

FROM: JOHN D. GIBSON 
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.

26092584787

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.

26092584788

FEDERAL ELECTION COMMISSION 2005-2006
FINAL DETERMINATION CIRCULATION REPORT
PAID

DATE 02/23/2006
PAGE: 1

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

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

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

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Administrative Fines Final Determination) AF #1432
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 #1432:

1. Make a final determination that the Minamyers for Congress and Ralph Lee Minamyers, as treasurer, violated 2 U.S.C. 434(a) and assess the civil money penalty of \$0.
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

26092584791



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Ralph Lee Minamyer, Treasurer
Minamyer For Congress
35 Deer Trail Drive
Springboro, OH 45066

March 3, 2006

C00411983
AF#: 1432

Dear Mr. Ralph Lee Minamyer,

On 12/2/2005, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Minamyer For Congress 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 Commission 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.

The amount of the civil money penalty has been changed to reflect the actual level of activity on your 2005 October Quarterly Report. Therefore, the Commission made a final determination on 3/1/2006 that you, as treasurer, and Minamyer For Congress violated 2 U.S.C. 434(a), assessed a civil money penalty in the amount of \$0.00 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 that reads "Mike E. Toner".

Michael E. Toner
Chairman

26092584792



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 1432

DATE SCANNED

4/26/06

SCANNER NO.

2

SCAN OPERATOR

SES

26092584793