



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 1436

DATE SCANNED 4/26/06

SCANNER NO. 2

SCAN OPERATOR SES

26092584841



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

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FEDERAL ELECTION
COMMISSION
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2006 JAN -9 P 12:51

MEMORANDUM

January 9, 2006

TO: THE COMMISSION

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

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

SUBJECT: REASON TO BELIEVE RECOMMENDATION -
2005 NOVEMBER MONTHLY REPORT
FOR THE ADMINISTRATIVE FINES PROGRAM

SENSITIVE

Attached is a list of political committees and their treasurers who failed to timely file the 2005 November Monthly Report in accordance with 2 U.S.C. 434(a). On January 24, 2005, Prior Notice was sent to all political committees and their treasurers, informing them that the November Monthly Report was due on November 20, 2005. The November Monthly Report is required to cover the time frame from October 1, 2005 through October 31, 2005.

The committees listed in the attached RTB Circulation Report failed to file 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 their treasurers listed on the RTB Circulation Report violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalties would be the amounts indicated on the RTB Circulation Report.
- (2) Send the appropriate RTB mailgrams.

26092584842

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Reason To Believe Recommendation -) AF 1436
2005 November Monthly Report For The)
Administrative Fines Program: Travis)
County Democratic Party and M.C.)
Tyler, as treasurer.)

I, Mary W. Dove, Secretary of the Federal Election Commission, do hereby certify that on January 13, 2006, the Commission decided by a vote of 6-0 to take the following actions in AF 1436:

1. Find reason to believe that Travis County Democratic Party and M.C. Tyler, as treasurer, violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalties would be in the amount of \$130.
2. Send the appropriate RTB mailgrams.

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

Attest:

January 13, 2006
Date

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

26092584844

**WESTERN
UNION.**

WESTERN UNION COMMERCIAL SERVICES

CONFIRMATION OF MAILGRAM TO: M.C. TYER
TRAVIS COUNTY DEMOCRATIC PARTY
P O BOX 684263
1311 E 6TH ST
AUSTIN TX 78702-3367

CHRIS RITCHIE
FEDERAL ELECTION COMMISSION
999 E ST NW
WASHINGTON DC 20463

JANUARY 13, 2006

M.C. TYER
TRAVIS COUNTY DEMOCRATIC PARTY
P.O. BOX 684263 (1311 E 6TH ST.)
AUSTIN TX 78768

C00257519
AF#: 1436

DEAR M.C. TYER:

THE FEDERAL ELECTION CAMPAIGN ACT OF 1971, AS AMENDED ("THE ACT"), REQUIRES THAT YOUR COMMITTEE FILE A NOVEMBER MONTHLY REPORT OF RECEIPTS AND DISBURSEMENTS. THIS REPORT, COVERING THE PERIOD THROUGH OCTOBER 31ST, SHALL BE FILED NO LATER THAN NOVEMBER 20TH. 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 12/06/2005, 16 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 JANUARY 13, 2006, THE FEC FOUND THAT THERE IS REASON TO BELIEVE ("RTB") THAT TRAVIS COUNTY DEMOCRATIC PARTY AND YOU, AS TREASURER, VIOLATED 2 U.S.C. 434(A) BY FAILING TO FILE TIMELY THIS REPORT ON OR BEFORE NOVEMBER 20TH. 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 \$130. IT IS DUE BY 02/22/2006 AND IS BASED ON THESE FACTORS:

ELECTION SENSITIVITY OF REPORT: NO
LEVEL OF ACTIVITY: \$6,707
NUMBER OF DAYS LATE: 16
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

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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 02/22/2006. 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 TRAVIS COUNTY DEMOCRATIC PARTY 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

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WESTERN UNION COMMERCIAL SERVICES

WWW.FEC.GOV. IF YOU HAVE QUESTIONS REGARDING THE PAYMENT OF THE CALCULATED CIVIL MONEY PENALTY, PLEASE CONTACT CHRIS RITCHIE IN THE REPORTS ANALYSIS DIVISION AT OUR TOLL FREE NUMBER (800)424-9530 (PRESS 1, THEN PRESS 2) 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,

MICHAEL E. TONER
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 \$130 FOR THE NOVEMBER MONTHLY 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 02/22/2006. 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: TRAVIS COUNTY DEMOCRATIC PARTY

FEC ID#: C00257519

AF#: 1436

PAYMENT DUE DATE: 02/22/2006

PAYMENT AMOUNT DUE: \$130

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RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

2006 FEB 28 P 3: 12

February 28, 2006



MEMORANDUM

SENSITIVE

TO: THE COMMISSION

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

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

SUBJECT: ADMINISTRATIVE FINES FINAL DETERMINATION
RECOMMENDATION FOR THE 2005 NOVEMBER
MONTHLY REPORT

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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 November Monthly 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 committee that has not paid has 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.

RAD Recommendation

- (1) Make a final determination that the political committee and its treasurer violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated on the attached circulation report
- (2) Send the appropriate mailgram.

FEDERAL ELECTION COMMISSION 5104-2069
FINAL DETERMINATION CIRCULATION REPORT

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

AF1434 MACHINISTS NON PARTISAN POLITICAL LEAGUE MD
 11/28/2005 8 C00002469 Mart, Warren Mr. 2005 NOVEMBER MONTHLY
 01/13/2006 \$443,911 0
 \$3,600 \$3,600

AF1436 TRAVIS COUNTY DEMOCRATIC PARTY TX
 12/06/2005 16 C00257519 Tyer, M.C. 2005 NOVEMBER MONTHLY
 01/13/2006 \$6,707 0
 \$130 \$130

02/02/2006

26092584850

FEDERAL ELECTION COMMISSION 2005-2006
FINAL DETERMINATION CIRCULATION REPORT
NOT PAID

DATE 02/28/2006
PAGE: 1

AF #	COMMITTEE NAME	COMMITTEE ID	TREASURER	STATE	REPORT TYPE
	CANDIDATE NAME	LEVEL OF ACTIVITY			PREVIOUS VIOLATIONS
	RECEIPT DATE	DAYS LATE	RTB PENALTY		FINAL CIVIL MONEY PENALTY
	RTB DATE	DAYS SINCE RTB			

AF1435 SOUTH DAKOTA REPUBLICAN PARTY

12/20/2005 30
01/13/2006

C00044990 \$47,852
Thomas G Leckey 46

SD

1 2005 NOVEMBER MONTHLY
\$1,000

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Administrative Fines Final Determination) AF #1436
Recommendation for the 2005 November)
Monthly Report)

CERTIFICATION

I, Mary W. Dove, Secretary of the Federal Election Commission, do hereby certify that on March 03, 2006, the Commission decided by a vote of 6-0 to take the following actions in AF #1436:

1. Make a final determination that Travis County Democratic Party and M.C. Tyler, as treasurer, violated 2 U.S.C. 434(a) and assess and civil money penalty of \$130.
2. Send the appropriate mailgram.

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

Attest:

March 3, 2006
Date

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

26092584851



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

M.C. Tyler, Treasurer
Travis County Democratic Party
P.O. Box 684263
Austin, TX 78768

March 7, 2006

C00257519
AF#: 1436

Dear M.C. Tyler,

On 1/13/2006, the Federal Election Commission ("FEC") found reason to believe ("RTB") that Travis County Democratic Party and you, as treasurer, violated 2 U.S.C. 434(a) for filing late or failing to file the 2005 November Monthly Report. By mailgram dated 1/13/2006 the FEC sent you notification of the RTB finding that included a civil money penalty calculated at the RTB stage of \$130 in accordance with the schedule of penalties at 11 C.F.R. 111.43.

On 2/2/2006 the FEC received payment of your civil money penalty calculated at the RTB stage. Therefore, the FEC made a final determination on 3/3/2006 that you, as treasurer, and Travis County Democratic Party violated 2 U.S.C. 434(a), assessed a civil money penalty in the amount of \$130 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 Toner".

Michael E. Toner
Chairman

26092584852

FOR: Travis County Democratic party

FEC ID#: C00257519

AF#: 1436

PAYMENT DUE DATE: 02/22/2006

PAYMENT AMOUNT DUE: \$130

MCMCOMP 19:19 EST

To reply by Mailgram Message, see reverse side for Western Union's toll-free number.

QUALITY IS OUR PRIORITY FOR LOCKBOX 2182
SEQ# 001 \$ 0000013000 BA# 1 02-02-06 20 3

26092584853

us bancorp.
FOR THE TRAVIS COUNTY DEMOCRATIC PARTY

TRAVIS COUNTY DEMOCRATIC PARTY STATE ACCOUNT [REDACTED]	WELLS FARGO BANK TEXAS, N.A. AUSTIN, TX 37-637119	3131
PAY TO THE ORDER OF FEC		24 Jan 06
One hundred thirty dollars & no cents		\$130.⁰⁰
		DOLLARS <input checked="" type="checkbox"/> <input type="checkbox"/>
MEMO ID# C00257519		Patricia Edelman [Signature] COUNTER SIGNATURE REQUIRED FOR AMOUNTS OVER \$75.00

[REDACTED]



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 1436

DATE SCANNED

4/26/06

SCANNER NO.

2

SCAN OPERATOR

SES

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