



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 1440

DATE SCANNED

6/6/07

SCANNER NO.

1

SCAN OPERATOR

SES

27092601558



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 30, 2006

MEMORANDUM

TO: THE COMMISSION

THROUGH: ROBERT J. COSTA
ACTING STAFF DIRECTOR

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

SUBJECT: REASON TO BELIEVE RECOMMENDATION -
2005 YEAR END REPORT
FOR THE ADMINISTRATIVE FINES PROGRAM

Attached is a list of political committees and their treasurers who failed to file, or failed to timely file, the 2005 Year End Report in accordance with 2 U.S.C. 434(a). On December 28, 2005, Prior Notice was sent to the political committees and their treasurers, informing them that the Year End Report was due on January 31, 2006. The report should have covered the period ending on December 31, 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.

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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 mailgrams.

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DATE 03/30/2006
PAGE: 1

FEDERAL ELECTION COMMISSION 2005-2006
Reason to Believe Circulation Report
2005 YEAR-END

AF #	COMMITTEE NAME	COMMITTEE ID	TREASURER	RECEIPT DATE	DAYS LATE	LEVEL OF ACTIVITY	THRESHOLD AMOUNT	STATE	CANDIDATE NAME	SENSITIVE	PREVIOUS VIOLATIONS	CIVIL MONEY PENALTY
AF01442	GARY DODDS FOR CONGRESS	C00413997	FRANK G MEANOR JR	02/10/2006	10	\$74,607	\$111,382	NH	DODDS, GARY B	No	0	\$1,050
AF01441	FRIENDS OF SHEELER	C00416354	SARA I, SHEELER	02/07/2006	7	\$351,363	\$351,363	RI	SHEELER, CARL L	No	0	\$3,400
AF01440	CANNON FOR CONGRESS	C00344705	Gilbert, Lynn	02/09/2006	9	\$195,978	\$537,349	UT	CANNON, CHRISTOPHER B	No	0	\$2,150
AF01438	AMERICAN GAMING ASSOCIATION POLITICAL ACTION COMMITTEE	C00309146	JUDY PATTERSON	02/22/2006	22	\$97,900	\$144,650	DC		No	0	\$2,600
AF01439	BI-COUNTY POLITICAL ACTION COMMITTEE (FKA SUFFOLK PAC)	C00204388	IRA LAMEL	02/13/2006	13	\$95,688	\$108,405	NY		No	0	\$1,700
AF01443	OPERATING ENGINEERS LOCAL 12 VOLUNTARY LEGISLATIVE FUND	C00219568	STEVE BILLY	02/06/2006	6	\$268,327	\$400,827	CA		No	0	\$2,700
AF01444	PIPEFITTERS LOCAL UNION NO 274 POLITICAL ACTION COMMITTEE	C00190991	JOHN WENDE	02/08/2006	8	\$99,017	\$203,815	NJ		No	0	\$1,200
AF01445	PLUMBERS & PIPEFITTERS LOCAL NO 9 POLITICAL ACTION COMMITTEE	C00155440	MALONEY, MICHAEL	02/08/2006	8	\$331,736	\$731,774	NJ		No	0	\$3,100

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FEDERAL ELECTION COMMISSION 2005-2006
Reason to Believe Circulation Report
2005 YEAR-END

DATE 03/30/2006
PAGE: 2

AF #	COMMITTEE NAME	COMMITTEE ID	TREASURER	RECEIPT DATE	DAYS LATE	LEVEL OF ACTIVITY	THRESHOLD AMOUNT	STATE	CANDIDATE NAME	SENSITIVE	PREVIOUS VIOLATIONS	CIVIL MONEY PENALTY
AF01446	PLUMBERS LOCAL 14 P A C FUND	C00191213	BOYCE, ERIC	02/08/2006	8	\$156,013	\$289,734	NJ		No	0	\$2,000
AF01447	PLUMBERS LOCAL 24 POLITICAL ACTION COMMITTEE	C00252056	MARK MCMANUS	02/08/2006	8	\$117,706	\$210,626	NJ		No	0	\$1,600
AF01451	REGIONS FINANCIAL CORPORATION COMMITTEE ON GOVERNMENT AFFAIRS	C00179473	Sawyer, Chris	Not Filed		\$176,549 (est)	\$529,649	AL		No	0	\$5,500
AF01450	MONROE COUNTY DEMOCRATIC COMMITTEE	C00376384	KAY SISUNG	Not Filed		\$183,121 (est)	\$1,464,975	MI		No	1	\$6,875



MEMORANDUM

TO: OFFICE OF THE COMMISSION SECRETARY
FROM: STAFF DIRECTOR
DATE: March 30, 2006
SUBJECT: Administrative Fine – Reason to Believe for the 2005 Year End Report

COMMISSION MEETINGS

The attached document is submitted for:

- Open Meeting _____
(insert date)
- Executive Session _____
(insert date)

CIRCULATION

DISTRIBUTION

- 24-Hour Tally Vote
 - Sensitive
 - Non-Sensitive
- 72-Hour Tally Vote
 - Sensitive
 - Non-Sensitive
- 24-Hour No Objection
 - Sensitive
 - Non-Sensitive
 - Personnel
- Information
 - Sensitive
 - Non-Sensitive

- Commissioners, OGC (3), Staff Director, Public Disclosure & Press Office
- Compliance
- Audit Matters
- Non-Filers
- No-Objection Personnel
- 6 Commissioners Only
- Miscellaneous
- Other (see distribution below)
- _____
- _____
- _____
- Open Session Agenda Documents
 - Release Immediately
 - Hold Until _____

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Reason To Believe Recommendation - 2005)
Year End Report for the Administrative)
Fines Program:)
GARY DODDS FOR CONGRESS, and) AF# 1442
FRANK G MEANOR JR as treasurer;)

FRIENDS OF SHEELER, and SARA L) AF# 1441
SHEELER as treasurer;)
CANNON FOR CONGRESS, and Gilbert,) AF# 1440
Lynn as treasurer;)
AMERICAN GAMING ASSOCIATION) AF# 1438
POLITICAL ACTION COMMITTEE, and)
JUDY PATTERSON as treasurer;)
BI-COUNTY POLITICAL ACTION) AF# 1439
COMMITTEE (FKA SUFFOLK PAC), and)
IRA LAMEL as treasurer;)
OPERATING ENGINEERS LOCAL 12) AF# 1443
VOLUNTARY LEGISLATIVE FUND, and)
STEVE BILLY as treasurer;)
PIPEFITTERS LOCAL UNION NO 274) AF# 1444
POLITICAL ACTION COMMITTEE, and)
JOHN WENDE as treasurer;)
PLUMBERS & PIPEFITTERS LOCAL NO) AF# 1445
9 POLITICAL ACTION COMMITTEE,)
and MALONEY, MICHAEL as treasurer;)
PLUMBERS LOCAL 14 P A C FUND, and) AF# 1446
BOYCE, ERIC as treasurer;)
PLUMBERS LOCAL 24 POLITICAL) AF# 1447
ACTION COMMITTEE, and MARK)
MCMANUS as treasurer;)
REGIONS FINANCIAL CORPORATION) AF# 1451
COMMITTEE ON GOVERNMENT)
AFFAIRS, and Sawyer, Chris as treasurer;)
MONROE COUNTY DEMOCRATIC) AF# 1450
COMMITTEE, and KAY SISUNG as
treasurer;

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CERTIFICATION

I, Mary W. Dove, Secretary of the Federal Election Commission, do hereby certify that on April 04, 2006 the Commission took the following actions on the Reason To Believe Recommendation - 2005 Year End Report for the Administrative Fines Program as recommended in the Reports Analysis Division's Memorandum dated March 30, 2006, on the following committees:

AF#1442 Decided by a vote of 6-0 to: (1) find reason to believe that GARY DODDS FOR CONGRESS, and FRANK G MEANOR JR 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 Lenhard, Mason, Toner, von Spakovsky, Walther, and Weintraub voted affirmatively for the decision.

AF#1441 Decided by a vote of 6-0 to: (1) find reason to believe that FRIENDS OF SHEELER, and SARA L SHEELER 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 Lenhard, Mason, Toner, von Spakovsky, Walther, and Weintraub voted affirmatively for the decision.

AF#1440 Decided by a vote of 6-0 to: (1) find reason to believe that CANNON FOR CONGRESS, and Gilbert, Lynn 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 Lenhard, Mason, Toner, von Spakovsky, Walther, and Weintraub voted affirmatively for the decision.

AF#1438 Decided by a vote of 6-0 to: (1) find reason to believe that AMERICAN GAMING ASSOCIATION POLITICAL ACTION COMMITTEE, and JUDY PATTERSON 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;

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(2) send the appropriate mailgram. Commissioners Lenhard, Mason, Toner, von Spakovsky, Walther, and Weintraub voted affirmatively for the decision.

AF#1439 Decided by a vote of 6-0 to: (1) find reason to believe that BI-COUNTY POLITICAL ACTION COMMITTEE (FKA SUFFOLK PAC), and IRA LAMEL 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 Lenhard, Mason, Toner, von Spakovsky, Walther, and Weintraub voted affirmatively for the decision.

AF#1443 Decided by a vote of 6-0 to: (1) find reason to believe that OPERATING ENGINEERS LOCAL 12 VOLUNTARY LEGISLATIVE FUND, and STEVE BILLY 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 Lenhard, Mason, Toner, von Spakovsky, Walther, and Weintraub voted affirmatively for the decision.

AF#1444 Decided by a vote of 6-0 to: (1) find reason to believe that PIPEFITTERS LOCAL UNION NO 274 POLITICAL ACTION COMMITTEE, and JOHN WENDE 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 Lenhard, Mason, Toner, von Spakovsky, Walther, and Weintraub voted affirmatively for the decision.

AF#1445 Decided by a vote of 6-0 to: (1) find reason to believe that PLUMBERS & PIPEFITTERS LOCAL NO 9 POLITICAL ACTION COMMITTEE, and MALONEY, MICHAEL 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 Lenhard, Mason, Toner, von Spakovsky, Walther, and Weintraub voted affirmatively for the decision.

AF#1446 Decided by a vote of 6-0 to: (1) find reason to believe that PLUMBERS LOCAL 14 P A C FUND, and BOYCE, ERIC 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 Lenhard, Mason, Toner, von Spakovsky, Walther, and Weintraub voted affirmatively for the decision.

AF#1447 Decided by a vote of 6-0 to: (1) find reason to believe that PLUMBERS LOCAL 24 POLITICAL ACTION COMMITTEE, and MARK MCMANUS 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 Lenhard, Mason, Toner, von Spakovsky, Walther, and Weintraub voted affirmatively for the decision.

AF#1451 Decided by a vote of 6-0 to: (1) find reason to believe that REGIONS FINANCIAL CORPORATION COMMITTEE ON GOVERNMENT AFFAIRS, and Sawyer, Chris 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 Lenhard, Mason, Toner, von Spakovsky, Walther, and Weintraub voted affirmatively for the decision.

AF#1450 Decided by a vote of 6-0 to: (1) find reason to believe that MONROE COUNTY DEMOCRATIC COMMITTEE, and KAY SISUNG 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 Lenhard, Mason, Toner, von Spakovsky, Walther, and Weintraub voted affirmatively for the decision.

Attest:

April 4, 2006
Date

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

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 6, 2006

RECEIVED
APR 10 2006

Lynn Gilbert
Cannon For Congress
190 West 800 North Suite 100
Provo, UT 84601

C00344705
AF#: 1440

Dear Lynn Gilbert:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file a Year End Report of Receipts and Disbursements every calendar year. This report, covering the period through December 31st, shall be filed no later than January 31st. 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 2/9/2006, 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 4/4/2006, the FEC found that there is reason to believe ("RTB") that Cannon For Congress and you, as treasurer, violated 2 U.S.C. 434(a) by failing to file timely this report on or before January 31st. 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 \$2150. It is due by 5/14/2006 and is based on these factors:

Election Sensitivity of Report: Not Election Sensitive
Level of Activity: \$ 195978
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 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 5/14/2006. 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

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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 Cannon 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, 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,


Michael E. Toner
Chairman

69510976077

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 \$2150 for the 2005 Year-End 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 979058
St. Louis, MO 63197-9000

If you choose to send your remittance and 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 remittance and your payment are due by 5/14/2006. Upon receipt of your remittance and payment, the FEC will send you a final determination 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 your 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: Cannon For Congress

FEC ID#: C00344705

AF#: 1440

PAYMENT DUE DATE: 5/14/2006

PAYMENT AMOUNT DUE: \$ 2150

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2006 MAY 10 P 1: 16

GILBERT & STEWART
CERTIFIED PUBLIC ACCOUNTANTS
A PROFESSIONAL CORPORATION

RANDEL A HEATON, C.P.A.
LYNN A. GILBERT, C.P.A.
JAMES A. GILBERT, C.P.A.
BEN H PROBST, C.P.A.

SIDNEY S. GILBERT, C.P.A.
JAMES E. STEWART, C.P.A.

190 WEST 800 NORTH
SUITE 100
PROVO, UTAH 84601
TELEPHONE (801) 377-5300
FAX (801) 373-5622

May 3, 2006

FEC Office of Administrative Review
999 E Street, NW
Washington, DC 20463

RE: Cannon for Congress
C00344705
AF#: 1440
Report Filing: December 31, 2005

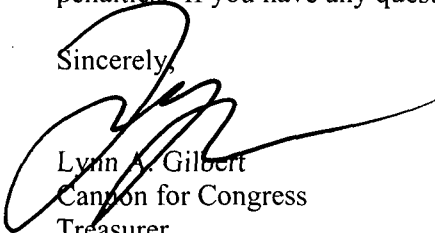
We received a civil money penalty based on a late filing for the report mentioned above. We do not agree with this penalty based on the reason explained below.

As we were trying to file the report, on January 31, 2006, we kept on getting an error not letting us upload the report. Kimberly Williams, assistant to the treasurer, instantly called Chris Wyrick, our report analyst, and let him know of the problem we were having. The next day she tried again and the same error kept on showing up. She then called Chris again and he then transferred her to customer support where she was able to talk with Eliza Green. She brought to our attention that it had to do with port 667. We weren't sure if it was something at our office or something with Fibernet, our internet provider. Eliza in the mean time sent Kimberly an email mapping out what she thought needed to be done to correct the problem. Kimberly instantly called up our Fibernet and asked them based on the information Eliza provided to make sure port 667 was opened on our firewall. They looked into it and a couple of days later they notified us that the port was opened. In the mean time we had our computer tech look into it on our end and still we couldn't find the problem. Kimberly then called Eliza back up and let her know that we couldn't find the problem. She didn't know what else the problem could possibly be. Kimberly then talked to Fibernet again and forwarded on the email that Eliza had sent regarding port 667. They again couldn't see a problem with it. After Fibernet did further research they came down to our office and was able to correct the problem.

While this was going on there were numerous phone calls, over a couple of days, to Chris Wyrick and Eliza Green at the FEC keeping them updated on our progress trying to resolve the problem.

We have attached the email sent from Eliza Green to Kimberly that Kimberly then forwarded onto Fibernet. We believe based on the circumstances above we ask that you please abate all penalties. If you have any questions regarding this matter please contact me at (801) 377-5300.

Sincerely,



Lynn A. Gilbert
Cannon for Congress
Treasurer

Kim Williams

From: "Eliza Green" [REDACTED]
To: "Kim Williams" [REDACTED]
Sent: Wednesday, February 01, 2006 10:40 AM
Attach: Port 667 IPs20050420.txt
Subject: Port 667

Attached is a copy of the IP address that port 667 on the firewall should be open to. Please call or e-mail if you have any further questions. Thank you.

Eliza Green
NIC Technologies, Inc.
Customer Support Rep.
(1800) 424-9530 Ext. 1642
techsupport@nicusa.com

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Port 667 IPs20050420
IP ADDRESS' THAT PORT 667 ON THE FIREWALL SHOULD BE BI-DIRECTIONALLY OPEN TO :

FEC LIVE SERVER

Hostname: disclose.nictusa.com
IP Address: 209.143.196.22

FEC LOOKUP DATABASE SERVER

Hostname: download.nictusa.com
IP Address: 209.143.196.10

FEC TEST SERVER

Hostname: testing.nictusa.com
IP Address: 209.143.196.11

27092601573



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Via First Class Mail

May 11, 2006

Lynn Gilbert, as Treasurer
Cannon for Congress
190 West 800 North Suite 100 Avenue
Provo, Utah 84601

C003444705
AF# 1440

Dear Mr. Gilbert:

On May 10, 2006, the Commission received your written response ("challenge") written response 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

27092601574

ADMIN REVIEW

2006 MAY 11 P 3:16

Date: May 10, 2006

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

AF#: 1440

Committee Name: Cannon for Congress

Committee ID#: C00344705

Committee Address (if different than in RTB mailgram):

Treasurer Name (if different than in RTB finding): N/A

Attachments:

Copy of RTB Circulation Report Dated March 3, 2006 (Y/PF): PF

Attachment #: N/A

RTB Certification Dated March 3, 2006 (Y/PF): PF

Attachment #: N/A

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

-Year End Report Notice

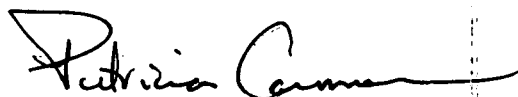
-RTB Letter

Attachment #: 2

27092601575

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 the Cannon for Congress Committee:
 - A) Prior Notice dated December 28, 2005 referencing the 2005 Year End Report.
 - B) Reason-to-Believe Letter dated April 6, 2006, referencing the 2005 Year End Report.
3. I hereby certify that I have searched the Commission's public records and find that the Cannon for Congress Committee filed the Year End Report with the Commission on February 09, 2006.
4. Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct and relevant telecoms for the case have been provided. This declaration was executed at Washington, D.C. on the 11th day of May, 2006.



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

27092601576

YEAR-END
REPORT NOTICE

FEDERAL ELECTION COMMISSION

CONGRESSIONAL COMMITTEES

December 28, 2005

REPORTING DATES

REPORT	REPORTING PERIOD¹	REG./CERT. & OVERNIGHT MAILING DATE	FILING DATE
Year-End	10/01/05 - 12/31/05	01/31/06	01/31/06

WHO MUST FILE

Principal campaign committees of congressional candidates² (including unopposed candidates and candidates whose names do not appear on the ballot) must file a Year-End Report on January 31, 2006.³ 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.

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>.

¹These 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.

²An 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.

³If 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)

27092601577

REPORTING SCHEDULE FOR 2006

REPORTING DATES

REPORT	REPORTING PERIOD ¹	REG./CERT. & OVERNIGHT MAILING DATE	FILING DATE
April Quarterly	01/01/06 - 03/31/06	04/15/06	04/15/06 ⁴
July Quarterly	04/01/06 - 06/30/06	07/15/06	07/15/06 ⁴
October Quarterly	07/01/06 - 09/30/06	10/15/06	10/15/06 ⁴
Pre-General	10/01/06 - 10/18/06	10/23/06	10/26/06
48-Hour Notices	10/19/06 - 11/04/06	----see below----	
Post-General	10/19/06 - 11/27/06	12/07/06	12/07/06
Year-End	11/28/06 - 12/31/06	01/31/07	01/31/07

Note: A committee whose candidate is active in a 2006 state primary, nominating convention or runoff election must also file a pre-election report 12 days prior to the primary, nominating convention or runoff. The campaign committee of a candidate who participates in the general election must file pre- and post-general election reports. Separate notices will be sent to explain these additional reporting obligations. See January 2006 Record.

48 HOUR NOTICES ON CONTRIBUTIONS

Notices are required if the committee receives contributions (including in-kind gifts or advances of goods or services; loans from the candidate or other non-bank sources; and guarantees or endorsements of bank loans to the candidate or committee) of \$1,000 or more, during the period less than 20 days but more than 48 hours before any election in which the candidate is running. The notices must reach the appropriate federal and/or state filing office within 48 hours of the committee's receipt of the contribution(s). **Campaign committees that file electronically MUST submit their 48-hour notices electronically.** For more information, visit the FEC web site at <http://www.fec.gov/electfil/online.shtml>.

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 (including 48-hour notices) on time may be subject to civil money penalties up to \$16,000 (or more for repeat late- and non-filers).⁵ 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).
- Please note that principal campaign committees of candidates for the U.S. House and the U.S. Senate must file FEC Form 3Z-1 as part of their July Quarterly and Year-End Reports in the year preceding the year in which the general election for the office sought is held.

¹ See footnote #1, on reverse side.

⁴ Notice that this filing date falls on a weekend. Filing dates are not extended when they fall on nonworking days.

⁵ Penalties for late- or non-filing of 48-hour notices are based on the amount of contributions not timely disclosed. As a result, these penalties may exceed \$16,000, even for first-time violations.

27092601578

SENDER: COMPLETE THIS SECTION

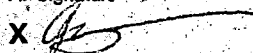
- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Lynn Gilbert, as Treasurer
Cannon for Congress
190 West 800 North, Suite 100
Provo, UT 84601

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X 

Agent

Addressee

B. Received by (Printed Name)

W. KENZIE B.

C. Date of Delivery

1-FEB-07

D. Is delivery address different from item 1? Yes

If YES, enter delivery address below: No

3. Service Type

Certified Mail

Express Mail

Registered

Return Receipt for Merchandise

Insured Mail

C.O.D.

4. Restricted Delivery? (Extra Fee)

Yes

2. Article Number

(Transfer from service)

7005 1820 0002 3463 1046

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

27092601579



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2006 DEC 13 P 4:44

December 13, 2006

MEMORANDUM

TO: THE COMMISSION

THROUGH: PATRINA M. CLARK *me*
STAFF DIRECTOR

JOHN D. GIBSON *JG*
ACTING DEPUTY STAFF DIRECTOR

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

SUBJECT: AF# 1440 - CANNON FOR CONGRESS AND LYNN
GILBERT, AS TREASURER (C00344705)

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

27092601580



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 13, 2006

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

AF# 1440 – Cannon for Congress and Lynn Gilbert, as Treasurer (C00344705)

On April 4, 2006, 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 Year End Report and made a preliminary determination that the civil money penalty was \$2,150 based on the schedule of penalties at 11 C.F.R. § 111.43. They were notified by the Reports Analysis Division ("RAD") on April 6, 2006 of the Commission's RTB finding and civil money penalty.

Respondents' Response

On May 10, 2006, the Commission received the written response and supporting documentation ("challenge") from the Treasurer. She states that her assistant, Ms. Williams, encountered an error when attempting to update the report on January 31 and February 1. Ms. Williams contacted the Analyst on both dates to update him about the problems uploading the report. He transferred her call on February 1 to Eliza Green who told her that the error "had to do with port 667" and provided Ms. Williams with "an email mapping out what she thought needed to be done to correct the problem." Ms. Williams immediately contacted their internet service provider ("ISP") to make "sure port 667 was opened on our firewall" and their "computer tech to look into it on our end." Several days later, their ISP confirmed that port 667 was opened but the computer tech was not able to find the problem. After again speaking with Ms. Green, Ms. Williams forwarded Ms. Green's email to their ISP. It was not until their ISP "did further research and came down to our office" that they were "able to correct the problem" and Ms. Williams was able to successfully upload the report.

A copy of Ms. Green's email is included with the challenge.

RAD Declaration and ITD's Supplemental Response

In his written record of the February 1, 2006 telephone conversation with Ms. Williams, the RAD Analyst states that she "has not been able to file her report" because she "(has had problems uploading)" and it "is the FEC's fault ... (according to her the server is too busy.)"

In his November 27, 2006 response to OAR's request, the Manager of ITD's Systems and Analysis Design Branch provides the Electronic Filing Office ("EFO") logs which show that the EFO staff spoke with Ms. Williams twice on February 1. In the first conversation, Ms. Williams called because she received the error message "requested name is found in database but not resolved for" when attempting to file from "this" computer for the first time. Ms. Green advised her to "upload the report using the SSL method," but when that failed, she said that Ms. Williams "would need to contact her network administrator to disable their firewall" and then emailed her the "electronic filing IP address and port

18510926042

information.” In the second conversation, Ms. Williams spoke with Sebene Smith and again described the same error message received when she attempted to upload the report. Ms. Smith suggested that she “disable her Norton Anti-Virus software” and, after another unsuccessful upload attempt, suggested Ms. Williams “verify that Port 667 is open for bi-directional traffic.”

Analysis

The 2005 Year End Report was filed on February 9, 2006 9 days late.

The Federal Election Campaign Act (“Act”) requires that the report for the quarter ending December 31 be filed no later than January 31 of the following calendar year. 2 U.S.C. § 434(a)(2)(B) and 11 C.F.R. § 104.5(a)(1)(i). Reports electronically filed must be received and validated at or before 11:59 p.m., Eastern Standard/Daylight Time on the prescribed filing date to be timely filed. 11 C.F.R. § 104.5(e). The treasurer shall be personally responsible for the timely filing of reports. 11 C.F.R. § 104.14(d).

It does not appear that the problems they had when trying to upload their report were attributable to the Commission as the suggestions provided by the EFO staff did not solve the problem. In fact, it was not until the respondents’ ISP did additional research and came to their office that they were able to correct the problem so the respondents could successfully upload the 2005 Year End Report on February 9. Treasurers are required to file reports on time and the administrative fine regulations clearly state that problems with vendors or contractors or the respondents’ computer failures are not considered extraordinary circumstances. 11 C.F.R. § 111.35(b)(4).

The respondents filed the 2005 Year End Report 9 days late. The challenge presented no evidence that a factual error was made, that the civil penalty was miscalculated at RTB or that there were actually extraordinary circumstances as defined in 11 C.F.R. § 111.35(b) which prevented them from filing the Year End Report in a timely manner. The Reviewing Officer, therefore, recommends that the Commission make a final determination that the respondents violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$2,150.

OAR Recommendations

- (1) Make a final determination in AF# 1440 that Cannon for Congress and Lynn Gilbert, as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$2,150; and
- (2) Send the appropriate letter.

Staff Assigned: Dayna C. Brown

Attachments

- Attachment 1 - Challenge Received from Respondents
- Attachment 2 -
- Attachment 3 - Declaration from RAD
- Attachment 4 -
- Attachment 5 - Declaration from OAR

20060926077

PROV
ADMIN

Attachment # 1
3 Pages

2006 MAY 10 11:16

GILBERT & STEWART
CERTIFIED PUBLIC ACCOUNTANTS
A PROFESSIONAL CORPORATION

RANDEL A HEATON, C.P.A.
LYNN A. GILBERT, C.P.A.
JAMES A. GILBERT, C.P.A.
BEN H PROBST, C.P.A.

190 WEST 800 NORTH
SUITE 100
PROVO, UTAH 84601
TELEPHONE (801) 377-5300
FAX (801) 373-5622

SIDNEY S. GILBERT, C.P.A.
JAMES E. STEWART, C.P.A.

May 3, 2006

FEC Office of Administrative Review
999 E Street, NW
Washington, DC 20463

RE: Cannon for Congress
C00344705
AF#: 1440
Report Filing: December 31, 2005

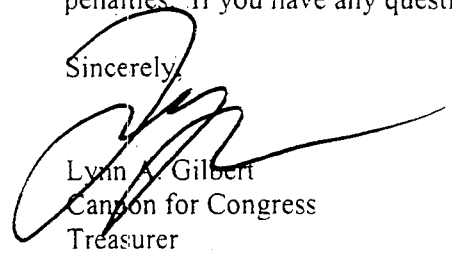
We received a civil money penalty based on a late filing for the report mentioned above. We do not agree with this penalty based on the reason explained below.

As we were trying to file the report, on January 31, 2006, we kept on getting an error not letting us upload the report. Kimberly Williams, assistant to the treasurer, instantly called Chris Wyrick, our report analysis, and let him know of the problem we were having. The next day she tried again and the same error kept on showing up. She then called Chris again and he then transferred her to customer support where she was able to talk with Eliza Green. She brought to our attention that it had to do with port 667. We weren't sure if it was something at our office or something with Fibernet, our internet provider. Eliza in the mean time sent Kimberly an email mapping out what she thought needed to be done to correct the problem. Kimberly instantly called up our Fibernet and asked them based on the information Eliza provided to make sure port 667 was opened on our firewall. They looked into it and a couple of days later they notified us that the port was opened. In the mean time we had our computer tech look into it on our end and still we couldn't find the problem. Kimberly then called Eliza back up and let her know that we couldn't find the problem. She didn't know what else the problem could possibly be. Kimberly then talked to Fibernet again and forwarded on the email that Eliza had sent regarding port 667. They again couldn't see a problem with it. After Fibernet did further research they came down to our office and was able to correct the problem.

While this was going on there were numerous phone calls, over a couple of days, to Chris Wyrick and Eliza Green at the FEC keeping them updated on our progress trying to resolve the problem.

We have attached the email sent from Eliza Green to Kimberly that Kimberly then forwarded onto Fibernet. We believe based on the circumstances above we ask that you please abate all penalties. If you have any questions regarding this matter please contact me at (801) 377-5300.

Sincerely,



Lynn A. Gilbert
Cannon for Congress
Treasurer

581092601583

Kim Williams

From: "Eliza Green" [REDACTED]
To: "Kim Williams" [REDACTED]
Sent: Wednesday, February 01, 2006 10:40 AM
Attach: Port 667 IPs20050420.txt
Subject: Port 667

Attached is a copy of the IP address that port 667 on the firewall should be open to. Please call or e-mail if you have any further questions. Thank you.

Eliza Green
NIC Technologies, Inc.
Customer Support Rep.
(1800) 424-9530 Ext. 1642
techsupport@nicusa.com

27092601584

Port 667 IPs20050420

IP ADDRESS' THAT PORT 667 ON THE FIREWALL SHOULD BE BI-DIRECTIONALLY OPEN TO :

FEC LIVE SERVER

Hostname: disclose.nictusa.com
IP Address: 209.143.196.22

FEC LOOKUP DATABASE SERVER

Hostname: download.nictusa.com
IP Address: 209.143.196.10

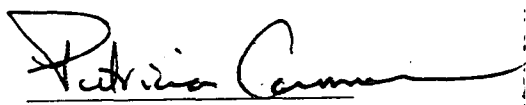
FEC TEST SERVER

Hostname: testing.nictusa.com
IP Address: 209.143.196.11

27092601585

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 the Cannon for Congress Committee:
 - A) Prior Notice dated December 28, 2005 referencing the 2005 Year End Report.
 - B) Reason-to-Believe Letter dated April 6, 2006, referencing the 2005 Year End Report.
3. I hereby certify that I have searched the Commission's public records and find that the Cannon for Congress Committee filed the Year End Report with the Commission on February 09, 2006.
4. Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct and relevant telecoms for the case have been provided. This declaration was executed at Washington, D.C. on the 11th day of May, 2006.



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

27092601586

YEAR-END
REPORT NOTICE

FEDERAL ELECTION COMMISSION

CONGRESSIONAL COMMITTEES

December 28, 2005

REPORTING DATES

REPORT	REPORTING PERIOD¹	REG./CERT. & OVERNIGHT MAILING DATE	FILING DATE
Year-End	10/01/05 - 12/31/05	01/31/06	01/31/06

WHO MUST FILE

Principal campaign committees of congressional candidates² (including unopposed candidates and candidates whose names do not appear on the ballot) must file a Year-End Report on January 31, 2006.³ 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.

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/electfil/electron.shtml>.

¹These 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.

²An 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.

³If 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)

27092601587

REPORTING SCHEDULE FOR 2006

REPORTING DATES

REPORT	REPORTING PERIOD ¹	REG./CERT. & OVERNIGHT MAILING DATE	FILING DATE
April Quarterly	01/01/06 - 03/31/06	04/15/06	04/15/06 ⁴
July Quarterly	04/01/06 - 06/30/06	07/15/06	07/15/06 ⁴
October Quarterly	07/01/06 - 09/30/06	10/15/06	10/15/06 ⁴
Pre-General	10/01/06 - 10/18/06	10/23/06	10/26/06
48-Hour Notices	10/19/06 - 11/04/06	----see below----	
Post-General	10/19/06 - 11/27/06	12/07/06	12/07/06
Year-End	11/28/06 - 12/31/06	01/31/07	01/31/07

Note: A committee whose candidate is active in a 2006 state primary, nominating convention or runoff election must also file a pre-election report 12 days prior to the primary, nominating convention or runoff. The campaign committee of a candidate who participates in the general election must file pre- and post-general election reports. Separate notices will be sent to explain these additional reporting obligations. See January 2006 Record.

48 HOUR NOTICES ON CONTRIBUTIONS

Notices are required if the committee receives contributions (**including in-kind gifts or advances of goods or services; loans from the candidate or other non-bank sources; and guarantees or endorsements of bank loans to the candidate or committee**) of \$1,000 or more, during the period less than 20 days but more than 48 hours before any election in which the candidate is running. The notices must reach the appropriate federal and/or state filing office within 48 hours of the committee's receipt of the contribution(s). **Campaign committees that file electronically MUST submit their 48-hour notices electronically.** For more information, visit the FEC web site at <http://www.fec.gov/electfil/online.shtml>.

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 (including 48-hour notices) on time may be subject to civil money penalties up to \$16,000 (or more for repeat late- and non-filers).⁵ 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).
- Please note that principal campaign committees of candidates for the U.S. House and the U.S. Senate must file FEC Form 3Z-1 as part of their July Quarterly and Year-End Reports in the year preceding the year in which the general election for the office sought is held.

¹ See footnote #1, on reverse side.

⁴ Notice that this filing date falls on a weekend. Filing dates are not extended when they fall on nonworking days.

⁵ Penalties for late- or non-filing of 48-hour notices are based on the amount of contributions not timely disclosed. As a result, these penalties may exceed \$16,000, even for first-time violations.

DECLARATION OF DAYNA C. BROWN

1. I am the Reviewing Analyst in the Office of Administrative Review for the Federal Election Commission ("Commission"). In my capacity as Reviewing Analyst, I conduct research with respect to all challenges submitted in accordance with the Administrative Fine program.
2. The 2005 Year End Report is due January 31, 2006. If electronically filed, it must be received and validated by the Commission at or before 11:59 p.m., Eastern Standard/Daylight Time on January 31 to be timely filed.
3. I hereby certify that I have searched the Commission's public records and that the document identified herein is the true and accurate copy of Page 1 of the Summary Page for the 2005 Year End Report electronically filed by Cannon for Congress and Lynn Gilbert, as Treasurer. According to the Commission's records, the report covers the period from October 1 through December 31, 2005 and was received on February 9, 2006.
4. 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 13th of December, 2006.



Dayna C. Brown
Reviewing Analyst
Office of Administrative Review
Federal Election Commission

689 TN976017

**FEC
FORM 3**

**REPORT OF RECEIPTS
AND DISBURSEMENTS**

For An Authorized Committee

Office Use Only

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

CANNON FOR CONGRESS

ADDRESS (number and street)

190 WEST 800 NORTH, SUITE 100

Check if different than previously reported. (ACC)

PRDVO

UT

84601

2. FEC IDENTIFICATION NUMBER

C00344705

CITY

STATE

ZIP CODE

STATE DISTRICT

3. IS THIS REPORT NEW (N) OR AMENDED (A)

UT 09

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 10 01 2005 through 12 31 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 Curtis Bramble

Signature of Treasurer Electronically Filed by Curtis Bramble

Date 01 31 2006

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 02/2005)

27092601590



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

VIA OVERNIGHT DELIVERY

December 18, 2006

Lynn Gilbert, as Treasurer
Cannon for Congress
190 West 800 North, Suite 100
Provo, UT 84601

C00344705
AF# 1440

Dear Ms. Gilbert:

On April 4, 2006, the Federal Election Commission ("Commission") found reason to believe ("RTB") that Cannon for Congress and you, as Treasurer ("respondents"), violated 2 U.S.C. § 434(a) for failing to timely file the 2005 Year End Report. The Commission also made a preliminary determination that the civil money penalty was \$2,150 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 cursive script, appearing to read "Dayna C. Brown".

Dayna C. Brown
Reviewing Analyst
Office of Administrative Review

Attachment

1651092601591



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 *SW*
REVIEWING OFFICER
OFFICE OF ADMINISTRATIVE REVIEW

SUBJECT: FINAL DETERMINATION RECOMMENDATION IN AF# 1440 -
CANNON FOR CONGRESS AND LYNN GILBERT AS
TREASURER (C00344705)

On April 4, 2006, the Commission found reason to believe that the respondents violated 2 U.S.C. § 434(a) for failing to timely file the 2005 Year End Report and also made a preliminary determination that the civil money penalty was \$2,150 based on the schedule of penalties at 11 C.F.R. § 111.43.

On May 10, 2006, the Commission received the respondents' written response and supporting documentation ("challenge"). After reviewing the challenge, the Reviewing Officer's recommendation dated December 13, 2006 was forwarded to the Commission. A copy was simultaneously forwarded to the respondents. The Reviewing Officer recommended that the Commission make a final determination that they violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$2,150 because they submitted no evidence that a factual error was made, that the civil money penalty was miscalculated at RTB or that extraordinary circumstances existed which prevented them from filing the report on time.

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 directly responsive to the Reviewing Officer's recommendation. 11 C.F.R. § 111.36(f). A written response has not been received.

OAR Recommendations

- (1) Make a final determination in AF# 1440 that Cannon for Congress and Lynn Gilbert, as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$2,150; and
- (2) Send the appropriate letter.

2651092601592



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 1440 –
Cannon for Congress and Lynn Gilbert as treasurer
(C00344705) 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

27092601593

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Final Determination Recommendation:) AF 1440
Cannon for Congress and Lynn Gilbert,)
as treasurer (C00344705))

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 1440:

1. Make a final determination in AF 1440 that Cannon for Congress and Lynn Gilbert, as treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$2,150.
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
Mary W. Dove
Secretary of the Commission

27092601594



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

January 30, 2007

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Lynn Gilbert, as Treasurer
Cannon for Congress
190 West 800 North, Suite 100
Provo, UT 84601

ID# C00344705
AF# 1440

Dear Mr. Gilbert:

On April 4, 2006, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Cannon for Congress and you, as Treasurer, violated 2 U.S.C. § 434(a) for failing to timely file the 2005 Year End Report. By letter dated April 6, 2006, the Commission sent you notification of the RTB finding that included a civil money penalty calculated at RTB of \$2,150 in accordance with the schedule of penalties at 11 C.F.R. § 111.43. On May 10, 2006, the Office of Administrative Review received the written response and supporting documentation ("challenge") from you challenging the RTB finding.

The Reviewing Officer reviewed the Commission's RTB finding with its supporting documentation and your written response. Based on this review, the Reviewing Officer recommended that the Commission make a final determination that Cannon for Congress and you, as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty in the amount of \$2,150 in accordance with 11 C.F.R. § 111.43. 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 and made a final determination that Cannon for Congress and you, as Treasurer, violated 2 U.S.C. § 434(a) and assessed a civil money penalty of \$2,150. It is based on the same factors used to calculate the civil money penalty at RTB.

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

27092601595

30 days (or file a written petition to a federal district court - see below), the Commission will transfer the debt to the U.S. Department of the Treasury ("Treasury") for collection. Within 5 days of the transfer to Treasury, Treasury will contact the debtor and request payment. Treasury currently charges a fee of 28% of the civil money penalty amount 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 refer the debt to a private collection agency ("PCA"). If the debt remains unpaid, Treasury may recommend that the Commission refer the matter to the Department of Justice for litigation.

If You Choose to Appeal the Final Determination and/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 respondents' 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 30 days from the date of the Commission's notification, this could occur at any time following certification of the Commission's vote.

If you have any questions regarding the payment of the civil money penalty, 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

27092601596

ADMINISTRATIVE FINE PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 C.F.R. § 111.43, the civil money penalty is \$2,150 for the 2005 Year End 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:

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: Cannon for Congress

FEC ID#: C00344705

AF#: 1440

PAYMENT AMOUNT DUE: \$2,150

27092601597

FOR: Cannon for Congress

FEC ID#: C00344705

AF#: 1440

PAYMENT AMOUNT DUE: \$2,150

QUALITY IS OUR PRIORITY FOR LOCKBOX 9058
SEQ# 003 \$ 0000215000 BA# 1 03-01-07 20 4



27092601598



GILBERT & STEWART, CPA'S		ZIONS FIRST NATIONAL PROVO REGION OFFICE Provo, Utah 84601 31-5/1260	20928
[REDACTED]			2/26/2007
Pay to the Order of	FEDERAL ELECTION COMMISSION		\$ **2,150.00
Two Thousand One Hundred Fifty and 00/100			Dollars
FEDERAL ELECTION COMMISSION			
REC'D	C00344705		[Signature]
[REDACTED]			



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 1440

DATE SCANNED 6/6/07

SCANNER NO. 1

SCAN OPERATOR ESS

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