



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 1445

DATE SCANNED 6-13-07

SCANNER NO. 2

SCAN OPERATOR JmH

27092602954



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

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

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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

Michael Maloney
Plumbers & Pipefitters Local No 9 Political Action Committee
2 Iron Ore Road At Rt 33
Englishtown, NJ 07726

C00155440
AF#: 1445

Dear Michael Maloney:

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 2/8/2006, 8 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 Plumbers & Pipefitters Local No 9 Political Action Committee 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 \$3100. It is due by 5/14/2006 and is based on these factors:

Election Sensitivity of Report: Not Election Sensitive
Level of Activity: \$ 331736
Number of Days Late: 8
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

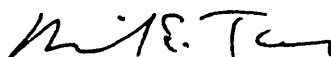
If you do not pay the calculated civil money penalty or submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that Plumbers & Pipefitters Local No 9 Political Action Committee and you, as treasurer, violated 2 U.S.C. 434(a) and assess a civil money penalty.

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982("DCA")as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. 3701 et seq. The FEC may take any and all appropriate action authorized and required by the DCA, as amended, including transfer to the U.S. Department of the Treasury for collection. 11 C.F.R. 111.45.

This matter was generated based on information ascertained by the FEC in the normal course of carrying out its supervisory responsibilities. 2 U.S.C. 437g(a)(2). It will remain confidential in accordance with 2 U.S.C. 437g(a)(4)(B) and 437g(a)(12)(A) until it is placed on the public record in accordance with 11 C.F.R. 111.42, unless you notify the FEC in writing that you wish the matter to be made public.

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

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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 \$3100 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: Plumbers & Pipefitters Local No 9 Political Action Committee

FEC ID#: C00155440

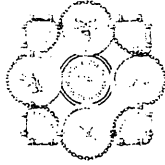
AF#: 1445

PAYMENT DUE DATE: 5/14/2006

PAYMENT AMOUNT DUE: \$ 3100

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PLUMBERS AND PIPEFITTERS LOCAL UNION NO. 9
CENTRAL NEW JERSEY



2 IRON ORE ROAD AT ROUTE 33, ENGLISHTOWN, NJ 07726

Telephone: (732) 792-0999 • Fax: (732) 792-1999



Business Manager
Secretary-Treasurer
MICHAEL K. MALONEY

Business Agents
JOSEPH M. DELISA, Assistant Business Manager
NICHOLAS M. OBERTO THOMAS J. MATUSZ
JOHN LOUTH, JR. ALBERT W. PITMAN
ORLANDO R. CANDELORI, Air Conditioning Division
PETER LOMAURO, Residential Division

Special Organizers
JOSEPH J. DILL, JR.
THOMAS P. TIGHE
DEAN FEASEL

April 17, 2006

FEDERAL ELECTION COMMISSION
OFFICE OF ADMINISTRATIVE REVIEW
999 E Street, NW
Washington, DC 20463

RE: Political Action Committee Local Union No. 9:
C00155440, AF#: 1445

Dear Examiner:

I am writing in response to your letter of April 6, 2006 (copy enclosed) to respectfully request abatement of the penalty pursuant to our accountant's explanation, which is attached and has been separately submitted to your office.

Thank you for your anticipated understanding.

Sincerely yours,

Michael Maloney,
Chairman Local 9 PAC

DGFED. Txt
MM:dg
Enclosure
C: Mr. David A. Gerson, CPA

27092602967

DAVID A. GERSON
Certified Public Accountant
& Associates, P.C.

FEDERAL
ADMINISTRATIVE

2006 APR 24 P 4:32

16 Arcadian Way
Paramus, New Jersey 07652

David A. Gerson, CPA*
Carol J. Burek, CPA*
Darryl S. Cohen

Phone: (201) 843-0444
Fax: (201) 843-0902
e-mail: gersoncpa@optonline.net

*Member NJ Society of CPAs

April 17, 2006

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

Re: Political Action Committee Local Union No.s:
9 - C00155440, AF#: 1445
14 - C00191213, AF#: 1446
24 - C00252056, AF#: 1447
274 - C00190991, AF#: 1444

Dear Examiner:

We are accountants for the above referenced PACs and have been preparing their required FEC Forms 3X for many years. We are responding to your letters of April 6, 2006 which is assessing penalties for late filing of the December 31, 2005 FEC 3X Forms (copies of the letters are enclosed). Additionally, since the inception of the e-filing requirements we have been filing the returns from our system. We are submitting this letter as a request for abatement of the penalties you have assessed for the late filing of the December 31, 2005 FEC 3X reports.

We prepare and file the 3X Forms for these PACS at the same time for several reasons. Most importantly because they are affiliated which means that many of the contribution limitation rules apply to them in the aggregate and we need to coordinate those matters before the filings are made.

We had the returns prepared and ready for filing by the 15th of January (due date of the state return) but, had to wait for additional information so we could complete the memo entries (not required on the state forms). We had the forms completed on time but "forgot" to e-file them on January 30, 2006. We realized it a few days later and then immediately e-filed the returns.

As previously stated, we have been preparing and filing the required FEC Forms 3X for these accounts for many years. Prior to these filings, the returns have always been made on time as evidenced by the "Number of Previous Civil Money Penalties Assessed: 0" as shown on your letters for all 4 accounts.

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Federal Election Commission
Office of Administrative Review
continued, page -2-
April 17, 2006

Based on the excellent history of timely filing for our clients, we respectfully request that you abate the penalties you have assessed. Be assured that the necessary safeguards have been set in place by all 4 PAC Funds and by us to make sure that a late filing never happens again. We will continue to be diligent in the timely preparation and filing of all future returns as we have in the past.

Thank you for your anticipated understanding in this matter and for any courtesies you may extend to us and our clients.

If you have any questions or require any further information, please advise.

Sincerely yours,



DAVID A. GERSON, CPA
direct e-mail:
dgerson@optonline.net

DGFEC.txt
DAG;dg
Encl.

cc. Mr. Michael Maloney - Local 9
Mr. Eric Boyce - Local 14
Mr. Mark McManus - Local 24
Mr. John Wende - Local 274

Certified Mail 7002 3150 0001 3340 3688

27092602969

Date: April 27, 2006

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

AF#: 1445

Committee Name: Plumbers and Pipefitters, Local No. 9 PAC

Committee ID#: C00155440

Committee Address (if different than in RTB letter): N/A

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

Attachments:

Copy of RTB Circulation Report Dated March 30, 2006 (Y/PF): Y

Attachment #: 1

RTB Certification Dated April 04, 2006 (Y/PF): Y

Attachment #: 2

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

Attachment #: N/A

Original Correspondence Received by RAD in Response to

RTB Letter (Y/N): N

Attachment #: N/A

RAD Staff Declaration

-Year-End Report Notice

-RTB Letter

Attachment #: 3

2006 APR 27 P 3:42

Administrative

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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 Plumbers and Pipefitters, Local No. 9 PAC:
 - 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 Plumbers and Pipefitters, Local No. 9 PAC filed the Year End Report with the Commission on February 08, 2006.
4. Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct and there are no relevant telecoms for the case. This declaration was executed at Washington, D.C. on the 27th day of April, 2006.

Patricia Carmona

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

27092602971

YEAR-END
REPORT NOTICE

FEDERAL ELECTION COMMISSION

PARTIES AND PACS

December 28, 2005

I. QUARTERLY FILERS

REPORT	REPORTING PERIOD¹	REG./CERT. & OVERNIGHT MAILING DATE	FILING DATE
Year-End	07/01/05 - 12/31/05	01/31/06	01/31/06

II. MONTHLY FILERS

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

WHO MUST FILE

All Party Committees and PACs (Nonconnected Committees and Separate Segregated Funds) must file a Year-End Report on January 31, 2006. Committees must continue to file reports until the Commission notifies them in writing that their termination report has been accepted.

METHOD OF FILING

Year-End 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. Year-End Reports filed by any other means must be received by the Commission (or Secretary of the Senate for committees supporting only Senate candidates) by the filing date.

ELECTRONIC FILING

Political 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>.

CHANGE IN FILING FREQUENCY

Committees able to change their reporting schedule (for example, from monthly to quarterly) who wish to do so must notify the Commission in writing when they file their next report due under their current reporting schedule. Electronic filers must file this request electronically. Committees may change their filing frequency no more than once per calendar year.

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.

27092602972

I. QUARTERLY FILING SCHEDULE FOR 2006

REPORT	REPORTING PERIOD ¹	REG./CERT. & OVERNIGHT MAILING DATE	FILING DATE
April Quarterly	01/01/06 - 03/30/06	04/15/06	04/15/06 ²
July Quarterly	04/01/06 - 06/30/06	07/15/06	07/15/06 ²
October Quarterly	07/01/06 - 09/30/06	10/15/06	10/15/06 ²
Pre-General ³	10/01/06 - 10/18/06	10/23/06	10/26/06
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

II. MONTHLY FILING SCHEDULE FOR 2006

REPORT	REPORTING PERIOD ¹	REG./CERT. & OVERNIGHT MAILING DATE	FILING DATE
February	01/01/06 - 01/31/06	02/20/06	02/20/06
March	02/01/06 - 02/28/06	03/20/06	03/20/06
April	03/01/06 - 03/31/06	04/20/06	04/20/06
May	04/01/06 - 04/30/06	05/20/06	05/20/06 ²
June	05/01/06 - 05/31/06	06/20/06	06/20/06
July	06/01/06 - 06/30/06	07/20/06	07/20/06
August	07/01/06 - 07/31/06	08/20/06	08/20/06 ²
September	08/01/06 - 08/31/06	09/20/06	09/20/06
October	09/01/06 - 09/30/06	10/20/06	10/20/06
Pre-General	10/01/06 - 10/18/06	10/23/06	10/26/06
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

48- AND 24-HOUR REPORTS OF INDEPENDENT EXPENDITURES

Any PAC or Party Committee that makes independent expenditures in connection with an election may also have to file 48-hour or 24-hour reports. The 48-hour reporting requirement will be triggered each time the committee makes independent expenditures aggregating \$10,000 or more between January 1st and the 20th day before the election. The 24-hour reporting requirement will be triggered each time the committee makes independent expenditures aggregating \$1,000 or more after the 20th day, but more than 24 hours, before the day of the election. See 11 CFR 104.4.

These reports are *not* required when a Party Committee or PAC makes a contribution directly to a candidate. Visit our website, http://www.fec.gov/pages/charts_ie_dates.shtml, for a state-by-state chart of 48- and 24-hour reporting periods.

COMPLIANCE

- Treasurers of political committees are responsible for both the timeliness and the accuracy of all reports. They may be subject to monetary penalties if reports are inaccurate or are not filed on time.
- Under the Administrative Fine Program, political committees and their treasurers who fail to file their reports on time may be subject to civil money penalties up to \$16,000 (or more for repeat late- and non-filers). For additional information, see the enclosed handout, "Administrative Fine Program," and visit <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 diskette) that does not pass the validation test will be considered non-filers and may be subject to enforcement actions (including administrative fines).

¹See footnote #1, on reverse side.

²Notice that the filing date falls on a weekend. Filing deadlines are not extended when they fall on nonworking days.

³Required only if committee makes contributions or expenditures in connection with election during the reporting period

27092602974

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only) (Insurance coverage provided)

FBF
EDDT
EDDD
DDED
TODD

OFFICIAL USE

Postage	\$ 40.79
Certified Fee	\$2.40
Return Receipt Fee (Encouragement Required)	\$0.00
Restricted Delivery Fee (Endorsement Required)	\$0.00
Total Postage & Fees	\$ 43.19

0225
19

Postmark
Here

04/04/2006

Sent To

Street, Apt. No.,
or PO Box No.

City, State, ZIP+4

PS Form 3800, June 2003

MICHAEL MAWNEY
8 IRON ORE ROAD AT RT 33
ENHUSTOWN, NJ 07726

SEE INSTRUCTIONS



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

FEDERAL ELECTION
COMMISSION
SECRETARIAT

2006 NOV 21 A 11:19

November 17, 2006

MEMORANDUM

TO: THE COMMISSION

THROUGH: PATRINA M. CLARK *PMC*
STAFF DIRECTOR

JOHN D. GIBSON *JDG*
ACTING DEPUTY STAFF DIRECTOR

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

SUBJECT: AF# 1445 - PLUMBERS & PIPEFITTERS LOCAL UNION NO 9
POLITICAL ACTION COMMITTEE AND MICHAEL
MALONEY, AS TREASURER (C00155440)

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

27092602975



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 17, 2006

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

AF# 1445 – Plumbers & Pipefitters Local Union No 9 Political Action Committee and Michael Maloney, as Treasurer (C00155440)

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 \$3,100 based on the schedule of penalties at 11 C.F.R. § 111.43. They were notified by the Reports Analysis Division on April 6, 2006 of the Commission's RTB finding and civil money penalty.

Respondents' Response

On April 24, 2006, the Commission received a written response and supporting documentation ("challenge") from the Treasurer. Included is a copy of the RTB Notification and a letter from David A. Gerson, CPA, the respondents' accountant. Mr. Gerson states that "[w]e had the [reports] completed on time but 'forgot' to e-file them on January 30, 2006. We realized it a few days later and then immediately e-filed the returns."

Analysis

The Federal Election Campaign Act ("Act") states that treasurers of political committees shall file a year-end report no later than January 31. 2 U.S.C. § 434(a)(4)(A)(iv) and 11 C.F.R. § 104.5(c)(2)(B). The treasurer shall be personally responsible for the timely filing of reports. 11 C.F.R. §104.14(d). The respondents' written response shall contain the reason(s) why they are challenging the Commission's reason to believe finding and may consist of the existence of extraordinary circumstances that were beyond the control of the respondents, were for a duration of at least 48 hours and prevented them from filing the report in a timely manner. An example of a circumstance which is not considered extraordinary is problems with vendors. 11 C.F.R. § 111.35.

The issue raised in the challenge and the CPA's letter, that the respondents' accounting firm prepared but then "forgot" to file the report on time, does not meet the "extraordinary circumstances" 3-prong test. Even if someone other than the Treasurer files the reports, it is ultimately the Treasurer's responsibility to ensure that reports are filed timely.

The 2005 Year End Report was filed on February 8, 2006, 8 days late. 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 \$3,100.

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OAR Recommendations

- (1) Make a final determination in AF# 1445 that the Plumbers & Pipefitters Local Union No 9 Political Action Committee and Michael Maloney, as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$3,100; and
- (2) Send the appropriate letter.

Reviewing Analyst: Mary E. Seiler

Attachments

Attachment 1 - Challenge Received from Respondents

Attachment 2 - Declaration from RAD

Attachment 3 - Declaration from OAR

27092602977

PLUMBERS AND PIPEFITTERS LOCAL UNION NO. 96

CENTRAL NEW JERSEY



2 IRON ORE ROAD AT ROUTE 33, ENGLISHTOWN, NJ 07726

Telephone: (732) 792-0999 • Fax: (732) 792-1999



Business Manager
Secretary-Treasurer
MICHAEL K. MALONEY

Business Agents
JOSEPH M. DELISA, Assistant Business Manager
NICHOLAS M. OBERTO THOMAS J. MATUSZ
JOHN LOUTH, JR. ALBERT W. PITMAN
ORLANDO R. CANDELORI, Air Conditioning Division
PETER LOMAURO, Residential Division

Special Organizers
JOSEPH J. DILL, JR.
THOMAS P. TIGHE
DEAN FEASEL

27092602978

April 17, 2006

FEDERAL ELECTION COMMISSION
OFFICE OF ADMINISTRATIVE REVIEW
999 E Street, NW
Washington, DC 20463

RE: Political Action Committee Local Union No. 9:
C00155440, AF#: 1445

2006 APR 24 P 14:33

ALM:MM

Dear Examiner:

I am writing in response to your letter of April 6, 2006 (copy enclosed) to respectfully request abatement of the penalty pursuant to our accountant's explanation, which is attached and has been separately submitted to your office.

Thank you for your anticipated understanding.

Sincerely yours,

Michael Maloney,
Chairman Local 9 PAC

DGFED. Txt
MM:dg
Enclosure
C: Mr. David A. Gerson, CPA

DAVID A. GERSON

Certified Public Accountant
& Associates, P.C.

16 Arcadian Way
Paramus, New Jersey 07652

David A. Gerson, CPA*

Carol J. Burek, CPA*

Darryl S. Cohen

Phone: (201) 843-0444

Fax: (201) 843-0902

e-mail: gersoncpa@optonline.net

*Member NJ Society of CPAs

April 17, 2006

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

Re: Political Action Committee Local Union No.s:

9 - C00155440, AF#: 1445
14 - C00191213, AF#: 1446
24 - C00252056, AF#: 1447
274 - C00190991, AF#: 1444

Dear Examiner:

We are accountants for the above referenced PACs and have been preparing their required FEC Forms 3X for many years. We are responding to your letters of April 6, 2006 which is assessing penalties for late filing of the December 31, 2005 FEC 3X Forms (copies of the letters are enclosed). Additionally, since the inception of the e-filing requirements we have been filing the returns from our system. We are submitting this letter as a request for abatement of the penalties you have assessed for the late filing of the December 31, 2005 FEC 3X reports.

We prepare and file the 3X Forms for these PACS at the same time for several reasons. Most importantly because they are affiliated which means that many of the contribution limitation rules apply to them in the aggregate and we need to coordinate those matters before the filings are made.

We had the returns prepared and ready for filing by the 15th of January (due date of the state return) but, had to wait for additional information so we could complete the memo entries (not required on the state forms). We had the forms completed on time but "forgot" to e-file them on January 30, 2006. We realized it a few days later and then immediately e-filed the returns.

As previously stated, we have been preparing and filing the required FEC Forms 3X for these accounts for many years. Prior to these filings, the returns have always been made on time as evidenced by the "Number of Previous Civil Money Penalties Assessed: 0" as shown on your letters for all 4 accounts.

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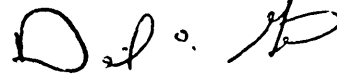
Federal Election Commission
Office of Administrative Review
continued, page -2-
April 17, 2006

Based on the excellent history of timely filing for our clients, we respectfully request that you abate the penalties you have assessed. Be assured that the necessary safeguards have been set in place by all 4 PAC Funds and by us to make sure that a late filing never happens again. We will continue to be diligent in the timely preparation and filing of all future returns as we have in the past.

Thank you for your anticipated understanding in this matter and for any courtesies you may extend to us and our clients.

If you have any questions or require any further information, please advise.

Sincerely yours,



DAVID A. GERSON, CPA
direct e-mail:
dgerson@optonline.net

DGFEC.txt
DAG;dg
Encl.

cc. Mr. Michael Maloney - Local 9
Mr. Eric Boyce - Local 14
Mr. Mark McManus - Local 24
Mr. John Wende - Local 274

Certified Mail 7002 3150 0001 3340 3688

27092602980

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 Plumbers and Pipefitters, Local No. 9 PAC:
 - 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 Plumbers and Pipefitters, Local No. 9 PAC filed the Year End Report with the Commission on February 08, 2006.
4. Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct and there are no relevant telecoms for the case. This declaration was executed at Washington, D.C. on the 27th day of April, 2006.

Patricia Carmona

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

27092692981

YEAR-END
REPORT NOTICE

FEDERAL ELECTION COMMISSION

PARTIES AND PACS

December 28, 2005

I. QUARTERLY FILERS

REPORT	REPORTING PERIOD¹	REG./CERT. & OVERNIGHT MAILING DATE	FILING DATE
Year-End	07/01/05 - 12/31/05	01/31/06	01/31/06

II. MONTHLY FILERS

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

WHO MUST FILE

All Party Committees and PACs (Nonconnected Committees and Separate Segregated Funds) must file a Year-End Report on January 31, 2006. Committees must continue to file reports until the Commission notifies them in writing that their termination report has been accepted.

METHOD OF FILING

Year-End 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. Year-End Reports filed by any other means must be received by the Commission (or Secretary of the Senate for committees supporting only Senate candidates) by the filing date.

ELECTRONIC FILING

Political 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>.

CHANGE IN FILING FREQUENCY

Committees able to change their reporting schedule (for example, from monthly to quarterly) who wish to do so must notify the Commission in writing when they file their next report due under their current reporting schedule. Electronic filers must file this request electronically. Committees may change their filing frequency no more than once per calendar year.

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.

I. QUARTERLY FILING SCHEDULE FOR 2006

REPORT	REPORTING PERIOD¹	REG./CERT. & OVERNIGHT MAILING DATE	FILING DATE
April Quarterly	01/01/06 - 03/30/06	04/15/06	04/15/06 ²
July Quarterly	04/01/06 - 06/30/06	07/15/06	07/15/06 ²
October Quarterly	07/01/06 - 09/30/06	10/15/06	10/15/06 ²
Pre-General ³	10/01/06 - 10/18/06	10/23/06	10/26/06
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

II. MONTHLY FILING SCHEDULE FOR 2006

REPORT	REPORTING PERIOD¹	REG./CERT. & OVERNIGHT MAILING DATE	FILING DATE
February	01/01/06 - 01/31/06	02/20/06	02/20/06
March	02/01/06 - 02/28/06	03/20/06	03/20/06
April	03/01/06 - 03/31/06	04/20/06	04/20/06
May	04/01/06 - 04/30/06	05/20/06	05/20/06 ²
June	05/01/06 - 05/31/06	06/20/06	06/20/06
July	06/01/06 - 06/30/06	07/20/06	07/20/06
August	07/01/06 - 07/31/06	08/20/06	08/20/06 ²
September	08/01/06 - 08/31/06	09/20/06	09/20/06
October	09/01/06 - 09/30/06	10/20/06	10/20/06
Pre-General	10/01/06 - 10/18/06	10/23/06	10/26/06
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

48- AND 24-HOUR REPORTS OF INDEPENDENT EXPENDITURES

Any PAC or Party Committee that makes independent expenditures in connection with an election may also have to file 48-hour or 24-hour reports. The 48-hour reporting requirement will be triggered each time the committee makes independent expenditures aggregating \$10,000 or more between January 1st and the 20th day before the election. The 24-hour reporting requirement will be triggered each time the committee makes independent expenditures aggregating \$1,000 or more after the 20th day, but more than 24 hours, before the day of the election. See 11 CFR 104.4.

These reports are *not* required when a Party Committee or PAC makes a contribution directly to a candidate. Visit our website, http://www.fec.gov/pages/charts_ie_dates.shtml, for a state-by-state chart of 48- and 24-hour reporting periods.

COMPLIANCE

- Treasurers of political committees are responsible for both the timeliness and the accuracy of all reports. They may be subject to monetary penalties if reports are inaccurate or are not filed on time.
- Under the Administrative Fine Program, political committees and their treasurers who fail to file their reports on time may be subject to civil money penalties up to \$16,000 (or more for repeat late- and non-filers). For additional information, see the enclosed handout, "Administrative Fine Program," and visit <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 diskette) that does not pass the validation test will be considered non-filers and may be subject to enforcement actions (including administrative fines).

¹See footnote #1, on reverse side.

²Notice that the filing date falls on a weekend. Filing deadlines are not extended when they fall on nonworking days.

³Required only if committee makes contributions or expenditures in connection with election during the reporting period



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 6, 2006

Michael Maloney
Plumbers & Pipefitters Local No 9 Political Action Committee
2 Iron Ore Road At Rt 33
Englishtown, NJ 07726

C00155440
AF#: 1445

Dear Michael Maloney:

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 2/8/2006, 8 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 Plumbers & Pipefitters Local No 9 Political Action Committee 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 \$3100. It is due by 5/14/2006 and is based on these factors:

Election Sensitivity of Report: Not Election Sensitive
Level of Activity: \$ 331736
Number of Days Late: 8
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

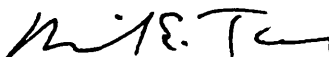
If you do not pay the calculated civil money penalty or submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that Plumbers & Pipefitters Local No 9 Political Action Committee and you, as treasurer, violated 2 U.S.C. 434(a) and assess a civil money penalty.

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982("DCA")as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. 3701 et seq. The FEC may take any and all appropriate action authorized and required by the DCA, as amended, including transfer to the U.S. Department of the Treasury for collection. 11 C.F.R. 111.45.

This matter was generated based on information ascertained by the FEC in the normal course of carrying out its supervisory responsibilities. 2 U.S.C. 437g(a)(2). It will remain confidential in accordance with 2 U.S.C. 437g(a)(4)(B) and 437g(a)(12)(A) until it is placed on the public record in accordance with 11 C.F.R. 111.42, unless you notify the FEC in writing that you wish the matter to be made public.

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

27092602985

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 \$3100 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: Plumbers & Pipefitters Local No 9 Political Action Committee

FEC ID#: C00155440

AF#: 1445

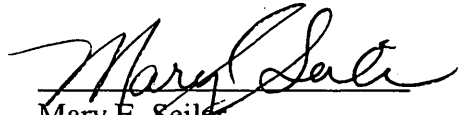
PAYMENT DUE DATE: 5/14/2006

PAYMENT AMOUNT DUE: \$ 3100

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DECLARATION OF MARY E. SEILER

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 a true and accurate copy of Page 1 of the Summary Page for the 2005 Year End Report electronically filed by the Plumbers & Pipefitters Local Union No. 9 Political Action Committee and Michael Maloney, as Treasurer. According to the Commission's records, the report covers the period from July 1 through December 31, 2005 and was received on February 8, 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 17th of November, 2006.


Mary E. Seiler
Reviewing Analyst
Office of Administrative Review
Federal Election Commission

27092602987

FEC FORM 3X

REPORT OF RECEIPTS AND DISBURSEMENTS For Other Than 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

PLUMBERS & PIPEFITTERS LOCAL NO 8 POLITICAL ACTION COMMITTEE

ADDRESS (number and street) 2 IRON ORE ROAD AT RT 33

Check if different than previously reported. (ACC)

ENGLISHTOWN NJ 07726

2. FEC IDENTIFICATION NUMBER CITY STATE ZIP CODE

C00155440

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

4. TYPE OF REPORT (Choose One)

(a) Quarterly Reports:

- April 15 Quarterly Report(Q1)
July 15 Quarterly Report(Q2)
October 15 Quarterly Report(Q3)
X January 31 Quarterly Report(YE)
July 31 Mid-Year Report(Non-election Year Only) (MY)
Termination Report (TER)

Table with columns for report types: (b) Monthly Report, (c) 12-Day PRE-Election Report, (d) 30-Day Post-Election Report. Includes due dates and election types.

5. Covering Period 07 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 MICHAEL MALONEY

Signature of Treasurer Electronically Filed by MICHAEL MALONEY Date 01 30 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.

27092602988



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

SECRETARIAT

2006 DEC 13 P 2:42
December 12, 2006

AC

MEMORANDUM

SENSITIVE

TO: THE COMMISSION

THROUGH: PATRINA M. CLARK *PMC*
STAFF DIRECTOR

JOHN D. GIBSON *JDG*
ACTING DEPUTY STAFF DIRECTOR

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

SUBJECT: FINAL DETERMINATION RECOMMENDATION IN AF# 1445 -
PLUMBERS & PIPEFITTERS LOCAL UNION NO 9 POLITICAL
ACTION COMMITTEE AND MICHAEL MALONEY, AS
TREASURER (C00155440)

27092602989

On April 4, 2006, 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 \$3,100 based on the schedule of penalties at 11 C.F.R. § 111.43.

On April 24, 2006, the Commission received their written response and supporting documentation ("challenge"). After reviewing the challenge, the Reviewing Officer's recommendation dated November 17, 2006 was forwarded to the Commission and a copy was 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 \$3,100 civil money penalty because they submitted no evidence that a factual error was made, that the penalty was miscalculated at RTB or that extraordinary circumstances existed which prevented them from timely filing the report.

Within 10 days of transmittal of the recommendation, they may file a written response with the Commission Secretary which may not raise any arguments not raised in their challenge or not directly responsive to the Reviewing Officer's recommendation. 11 C.F.R. § 111.36(f). As of this date, a written response has not been received.

OAR Recommendations

- (1) Make a final determination in AF# 1445 that the Plumbers & Pipefitters Local Union No 9 Political Action Committee and Michael Maloney, as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$3,100; and
- (2) Send the appropriate letter.

SENSITIVE



FEDERAL ELECTION COMMISSION
Washington, DC 20463

DATE & TIME OF TRANSMITTAL Wednesday, December 13, 2006 4:00

BALLOT DEADLINE: Monday, January 08, 2007 4:00

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

SUBJECT: **Final Determination Recommendation in AF #1445
Plumbers & Pipefitters Local Union No 9 Political
Action Committee and Michael Maloney, as Treasurer
(C00155440) Memorandum from the Reviewing Officer
dated December 12, 2006.**

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

27092602990

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Final Determination Recommendation in) AF 1445
Plumbers & Pipefitters Local Union No.)
9 Political Action Committee and)
Michael Maloney, as Treasurer)
(C00155440))

CERTIFICATION

I, Mary W. Dove, Secretary of the Federal Election Commission, do hereby certify that on January 08, 2007, the Commission decided by a vote of 6-0 to take the following actions in AF 1445:

1. Make a final determination in AF 1445 that the Plumbers & Pipefitters Local Union No. 9 Political Action Committee and Michael Maloney, as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$3,100.
2. Send the appropriate letter.

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

Attest:

January 9, 2007
Date

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

27092602991



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

January 12, 2007

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Michael Maloney, as Treasurer
Plumbers & Pipefitters Local No 9 Political Action Committee
2 Iron Ore Road at Rt. 33
Englishtown, New Jersey 07726

ID# C00155440
AF# 1445

Dear Mr. Maloney:

On April 4, 2006, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that the Plumbers & Pipefitters Local No 9 Political Action Committee and you, as Treasurer, violated 2 U.S.C. § 434(a) for failing to timely file the 2005 Year End Report. By mailgram dated April 6, 2006, the Commission sent you notification of the RTB finding that included a civil money penalty calculated at RTB of \$3,100 in accordance with the schedule of penalties at 11 C.F.R. § 111.43. On April 24, 2006, the Office of Administrative Review received the written responses from you and David Gerson challenging the RTB civil money penalty.

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 the Plumbers & Pipefitters Local No 9 Political Action Committee and you, as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty in the amount of \$3,100 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 November 27, 2006.

On January 8, 2007, the Commission adopted the Reviewing Officer's recommendation and made a final determination that the Plumbers & Pipefitters Local No 9 Political Action Committee and you, as Treasurer, violated 2 U.S.C. § 434(a) and assessed a civil money penalty of \$3,100. 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.

27092602992

If You Do Not Pay the Civil Money Penalty

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA") as amended by the Debt Collection Improvement Act of 1996 ("DCIA"), 31 U.S.C. § 3701 et seq. If you do not pay this debt within 30 days (or file a written petition to a federal district court - see below), the 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.

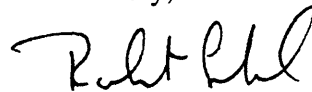
If You Choose to Appeal the Final Determination and/or Civil Money Penalty

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 Shawn Woodhead Werth on our toll free number (800)424-9530 (press 0, then ext. 1660) or (202)694-1660.

Sincerely,



Robert D. Lenhard
Chairman

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ADMINISTRATIVE FINE PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 C.F.R. § 111.43, the civil money penalty is \$3,100 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: Plumbers & Pipefitters Local 9 Political Action Committee

FEC ID#: C00155440

AF#: 1445

PAYMENT AMOUNT DUE: \$3,100

27092802994

FOR: Plumbers & Pipefitters Local 9 Political Action Committee

FEC ID#: C00155440

AF#: 1445

PAYMENT AMOUNT DUE: \$3,100

Page 1 of 1

27092602995

PLUMBERS & PIPEFITTERS 3591

[REDACTED]

DATE 3/1/07 55-2712

PAY TO THE ORDER OF FEDERAL ELECTION COMMISSION \$ 3100.00

THREE THOUSAND ONE HUNDRED ^{xx}/100 DOLLARS

WACHOVIA
Wachovia Bank, N.A.
wachovia.com

FOR FEC ID# C00155440 - AF # 1445

[REDACTED]

[Signature]



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 1445

DATE SCANNED 6-13-07

SCANNER NO. 2

SCAN OPERATOR Jmt

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