



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 1454

DATE SCANNED 9/14/06

SCANNER NO. 2

SCAN OPERATOR EEJ

26092590454



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

JUN 19 1P 2:52
June 19, 2006

MEMORANDUM

SENSITIVE

TO: THE COMMISSION

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

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

SUBJECT: ADMINISTRATIVE FINE PROGRAM
REASON TO BELIEVE RECOMMENDATION -
2006 APRIL QUARTERLY REPORT

Attached is a list of political committees and their treasurers who either failed to file or failed to timely file, the 2005 April Quarterly Report in accordance with 2 U.S.C. 434(a). On March 22, 2006, Prior Notice was sent to all authorized committees and their treasurers, informing them that the April Quarterly Report was due on April 15, 2006. Please note, that due to an administrative oversight, unauthorized committees were not mailed the Prior Notice for the April Quarterly Report. In an effort to correct this oversight, an e-mail notification was sent to all unauthorized electronic filers and a scrolling text message was placed on the FEC website highlighting the April Quarterly Report due date of April 15, 2006. The April Quarterly Report is required to cover the time frame from January 1, 2006 through March 31, 2006.

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 attached report.

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 Reason to Believe letters to the committees.

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Federal Election Commission
Reason to Believe Circulation Report
2006 APRIL QUARTERLY Non Election Sensitive 04/15/2006

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	Penalty
1453	C00169508	AAI CORPORATION POLITICAL ACTION COMMITTEE		RICHARD F CHRIST	\$125,476.00	0	5/5/2006	20	\$30,049	\$600.00
1454	C00415794	ALLEN W MCCULLOCH AND FOR US SENATE	MCCULLOCH, ALLEN WILSON	R NELSON FRANSE	\$317,171.00	0	4/24/2006	9	\$96,338	\$1,300.00
1455	C00156935	AMERICAN INTELLECTUAL PROPERTY LAW ASSOCIATION INTELLECTUAL PROPERTY PAC		MICHAEL K. KIRK	\$106,650.00	0	5/10/2006	25	\$30,248	\$700.00
1456	C00226472	ARPAC		BROOKS, B. JEFFREY MR. ESQ.	\$171,132.00	0	4/24/2006	9	\$43,500	\$380.00
1461	C00222455	CITIZENS FOR JOE KENNEDY 1988	KENNEDY, JOSEPH P II	KENNEDY, CHRISTOPHER	\$208,065.00	0	5/15/2006	30	\$67,167	\$2,550.00
1462	C00195362	COHEN & GRIGSBY POLITICAL ACTION COMMITTEE		JAMES F CINQUE	\$148,850.00	1	4/27/2006	12	\$56,850	\$1,500.00
1466	C00034470	DIAGEO NORTH AMERICA, INC. EMPLOYEES' POLITICAL PARTICIPATION COMMITTEE		JAMES RICCI	\$142,768.00	1	5/1/2006	16	\$23,077	\$225.00
1467	C00401299	FRESENIUS MEDICAL CARE NORTH AMERICA POLITICAL ACTION COMMITTEE		KATHLEEN SMITH	\$102,333.00	0	5/9/2006	24	\$26,233	\$680.00

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	Penalty
1468	C00279182	FRIENDS OF FERRIS		ROBERT A. BOYCE	\$230,726.00	2	4/26/2006	11	\$107,111	\$2,962.50
1473	C00201491	INTERGRAPH CORPORATION POLITICAL ACTION COMMITTEE		KERRY M FEHRENBACH	\$113,257.00	0	4/21/2006	6	\$25,891	\$320.00
1475	C00389882	MARIJUANA POLICY PROJECT MEDICAL MARIJUANA PAC OR MPP MEDICAL MARIJUANA PAC		ROBERT D KAMPIA	\$104,012.00	0	4/28/2006	13	\$36,146	\$460.00
1480	C00139964	NATIONAL ASSOCIATION OF WHEAT GROWERS POLITICAL ACTION COMMITTEE (WHEATPAC)		COPPOCK, DAREN MR.	\$120,193.00	0	4/21/2006	6	\$31,114	\$320.00
1481	C00343947	NEXT CENTURY FUND		MS MARY FAUTH	\$263,195.00	0	5/6/2006	21	\$88,527	\$2,500.00
1482	C00408146	POLITICAL HALL OF FAME PAC		DEBBIE MCKINNEY	\$124,350.00	0	5/9/2006	24	\$35,646	\$680.00
1485	C00410308	SHORE PAC		WARREN GOODE	\$112,986.00	0	5/5/2006	20	\$20,756	\$200.00
1486	C00252395	STEAMFITTERS LOCAL 475 POLITICAL ACTION COMMITTEE		JAMES HIGGINS	\$537,352.00	1	5/10/2006	25	\$135,123	\$4,656.00



FEDERAL ELECTION COMMISSION
Washington, DC 20463

SENSITIVE

DATE & TIME OF TRANSMITTAL Monday, June 19, 2006 4:00

BALLOT DEADLINE: Thursday, June 22, 2006 4:00

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

SUBJECT: **Administrative Fine Program Reason to Believe
Recommendation – 2006 April Quarterly Report.
Memorandum from the Assistant Staff Director
Reports Analysis Division dated June 19, 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

26092590458

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Administrative Fine Program Reason To)
Believe Recommendation - 2006 April)
Quarterly Report:)
CITIZENS FOR JOE KENNEDY 1988,) AF# 1461
and Kennedy, Christopher as treasurer;)

ALLEN W MCCULLOCH MD FOR US) AF# 1454
SENATE, and R NELSON FRANSE as)
treasurer;)

FRESENIUS MEDICAL CARE NORTH) AF# 1467
AMERICA POLITICAL ACTION)
COMMITTEE, and KATHLEEN SMITH)
as treasurer;)
SHORE PAC, and WARREN GOODE as) AF# 1485
treasurer;)
AAI CORPORATION POLITICAL) AF# 1453
ACTION COMMITTEE, and RICHARD F)
CHRIST as treasurer;)

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Federal Election Commission
Certification for Administrative Fines
June 22, 2006

AMERICAN INTELLECTUAL) AF# 1455
PROPERTY LAW ASSOCIATION)
INTELLECTUAL PROPERTY PAC, and)
MICHAEL K. KIRK as treasurer;)
ARPAC, and Brooks, B. Jeffrey Mr. Esq. as) AF# 1456
treasurer;)

COHEN & GRIGSBY POLITICAL) AF# 1462
ACTION COMMITTEE, and JAMES F)
CINQUE as treasurer;)
DIAGEO NORTH AMERICA INC.) AF# 1466
EMPLOYEES' POLITICAL)
PARTICIPATION COMMITTEE, and)
RICCI, JAMES as treasurer;)
FRIENDS OF FERRIS, and ROBERT A.) AF# 1468
BOYCE as treasurer;)
INTERGRAPH CORPORATION) AF# 1473
POLITICAL ACTION COMMITTEE, and)
KERRY M FEHRENBACH as treasurer;)
MARIJUANA POLICY PROJECT) AF# 1475
MEDICAL MARIJUANA PAC OR MPP)
MEDICAL MARIJUANA PAC, and)
Kampia, Robert as treasurer;)

NATIONAL ASSOCIATION OF WHEAT) AF# 1480
GROWERS POLITICAL ACTION)
COMMITTEE (WHEATPAC), and)
Coppock, Daren Mr. as treasurer;)
NEXT CENTURY FUND, and MS MARY) AF# 1481
FAUTH as treasurer;)
POLITICAL HALL OF FAME PAC, and) AF# 1482
Mc Kinney, Debbie Ms as treasurer;)
STEAMFITTERS LOCAL 475) AF# 1486
POLITICAL ACTION COMMITTEE, and)
James Higgins as treasurer;)

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CERTIFICATION

I, Mary W. Dove, Secretary of the Federal Election Commission, do hereby certify that on June 22, 2006 the Commission took the following actions on the Administrative Fine Program Reason To Believe Recommendation - 2006 April Quarterly Report as recommended in the Reports Analysis Division's Memorandum dated June 19, 2006, on the following committees:

AF#1461 Decided by a vote of 6-0 to: (1) find reason to believe that CITIZENS FOR JOE KENNEDY 1988, and Kennedy, Christopher 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

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

AF#1454 Decided by a vote of 6-0 to: (1) find reason to believe that ALLEN W MCCULLOCH MD FOR US SENATE, and R NELSON FRANSE 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#1467 Decided by a vote of 6-0 to: (1) find reason to believe that FRESINIUS MEDICAL CARE NORTH AMERICA POLITICAL ACTION COMMITTEE, and KATHLEEN SMITH 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#1485 Decided by a vote of 6-0 to: (1) find reason to believe that SHORE PAC, and WARREN GOODE 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#1453 Decided by a vote of 6-0 to: (1) find reason to believe that AAI CORPORATION POLITICAL ACTION COMMITTEE, and RICHARD F CHRIST 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#1455 Decided by a vote of 6-0 to: (1) find reason to believe that AMERICAN INTELLECTUAL PROPERTY LAW ASSOCIATION INTELLECTUAL PROPERTY PAC, and MICHAEL K. KIRK 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#1456 Decided by a vote of 6-0 to: (1) find reason to believe that ARPAC, and Brooks, B. Jeffrey Mr. Esq. 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#1462 Decided by a vote of 6-0 to: (1) find reason to believe that COHEN & GRIGSBY POLITICAL ACTION COMMITTEE, and JAMES F CINQUE 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#1466 Decided by a vote of 6-0 to: (1) find reason to believe that DIAGEO NORTH AMERICA INC. EMPLOYEES' POLITICAL PARTICIPATION COMMITTEE, and RICCI, JAMES 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#1468 Decided by a vote of 6-0 to: (1) find reason to believe that FRIENDS OF FERRIS, and ROBERT A. BOYCE 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#1473 Decided by a vote of 6-0 to: (1) find reason to believe that INTERGRAPH CORPORATION POLITICAL ACTION COMMITTEE, and KERRY M FEHRENBACH 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#1475 Decided by a vote of 6-0 to: (1) find reason to believe that MARIJUANA POLICY PROJECT MEDICAL MARIJUANA PAC OR MPP MEDICAL MARIJUANA PAC, and Kampia, Robert 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#1480 Decided by a vote of 6-0 to: (1) find reason to believe that NATIONAL ASSOCIATION OF WHEAT GROWERS POLITICAL ACTION COMMITTEE (WHEATPAC), and Coppock, Daren Mr. 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#1481 Decided by a vote of 6-0 to: (1) find reason to believe that NEXT CENTURY FUND, and MS MARY FAUTH 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#1482 Decided by a vote of 6-0 to: (1) find reason to believe that POLITICAL HALL OF FAME PAC, and Mc Kinney, Debbie Ms 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#1486 Decided by a vote of 6-0 to: (1) find reason to believe that STEAMFITTERS LOCAL 475 POLITICAL ACTION COMMITTEE, and James Higgins 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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Attest:

June 22, 2006
Date

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

26092590457



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 27, 2006

R. Nelson Franse
Allen W. McCulloch M.D. For U.S. Senate
P.O. Box 5102
Farmington, NM 87499

C00415794
AF#: 1454

Dear R. Nelson Franse:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file an April Quarterly Report of Receipts and Disbursements every calendar year. This report, covering the period through March 31st, shall be filed no later than April 15th. 2 U.S.C. 434(a). You were previously notified of the due date for this report. Records at the Federal Election Commission ("FEC") indicate that this report was filed on 4/24/2006, 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 6/22/2006, the FEC found that there is reason to believe ("RTB") that Allen W. McCulloch M.D. For U.S. Senate and you, as treasurer, violated 2 U.S.C. 434(a) by failing to file timely this report on or before April 15th. Based on the FEC's schedules of civil money penalties at 11 C.F.R. 111.43, the amount of your civil money penalty calculated at the RTB stage is \$1300. It is due by 8/1/2006 and is based on these factors:

Election Sensitivity of Report: Not Election Sensitive
Level of Activity: \$ 96338
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 8/1/2006. 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

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existence of extraordinary circumstances that persisted for more than 48 hours that were beyond your control and prevented you from filing the report in a timely manner. Your response must include the factual basis supporting the reason(s) and supporting documentation. The FEC strongly encourages that documents be submitted in the form of affidavits or declarations. Examples of circumstances that will not be considered extraordinary include, but are not limited to, negligence, problems with vendors or contractors, staff illness, computer failures and similar circumstances. 11 C.F.R. 111.35(b)(1)(iii) and (4).

Your failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver of your right to present such argument in a petition to the district court under 2 U.S.C. 437g. 11 C.F.R. 111.38.

If you intend to be represented by counsel, please advise the Office of Administrative Review. You should provide, in writing, the name, address and telephone number of your counsel and authorize counsel to receive notifications and communications relating to this challenge and imposition of the calculated civil money penalty.

If You Do Not Pay The Calculated Civil Money Penalty or Submit a Challenge

If you do not pay the calculated civil money penalty or submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that Allen W. McCulloch M.D. For U.S. Senate 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 Shara Coutourier 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,



Robert D. Lenhard
Vice-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 \$1300 for the 2006 April Quarterly Report.

Please mail this remittance with a check or money order made payable to the Federal Election Commission to the following address:

Federal Election Commission
P.O. Box 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 8/1/2006. 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: Allen W. McCulloch M.D. For U.S. Senate

FEC ID#: C00415794

AF#: 1454

PAYMENT DUE DATE: 8/1/2006

PAYMENT AMOUNT DUE: \$ 1300

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

FEDERAL ELECTION
COMMISSION
SECRETARIAT

2006 AUG 28 A 9:40

August 25, 2006

MEMORANDUM

SENSITIVE

TO: THE COMMISSION

THROUGH: PATRINA M. CLARK *me*
STAFF DIRECTOR

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

SUBJECT: ADMINISTRATIVE FINE PROGRAM - FINAL
DETERMINATION RECOMMENDATION FOR THE 2006
APRIL QUARTERLY REPORT

Attached are two lists of political committees and their treasurers against which the Commission has found reason to believe (RTB) and assessed proposed civil money penalties calculated at RTB for failure to file or failure to timely file the 2006 April Quarterly Report. The first list represents the committees that have paid the civil money penalty and the second list represents those committees that have not paid. The committees that have not paid have been given at least forty (40) days from the date of the Commission's RTB finding to remit payment.

In accordance with 11 CFR 111.34 and 11 CFR 111.40, the Commission shall send a final determination notice to those respondents that have either paid or not paid the civil money penalty.

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RAD Recommendation

- (1) Make final determination that the political committees and their treasurers on the attached reports violated 2 U.S.C. 434(a) and assess the final civil money penalties so indicated.
- (2) Send the appropriate letters.

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25092590473

8/25/2006 12:30 PM

Federal Election Commission
 FD Circulation Report Fine Paid
 2006 APRIL QUARTERLY Non Election Sensitive 04/15/2006 H_S_P_UNAUTH

AF#	Committee Name	Candidate Name	Committee ID	Treasurer	Receipt Date	Days Late	LOA	PV	RTB Date	RTB Penalty	Final Money Penalty	Date Paid	Amount Paid
1453	AAI CORPORATION POLITICAL ACTION COMMITTEE		C00169508	RICHARD F CHRIST	5/5/2006	20	\$30,049	0	6/22/2006	\$600	\$600	6/30/2006	\$600
1454	ALLEN W/MCCULLOCH/MD FOR US SENATE	MCCULLOCH, ALLEN WILSON	C00415794	R NELSON FRANSE	4/24/2006	9	\$96,394	0	6/22/2006	\$1,300	\$1,300	8/9/2006	\$1,300
1455	AMERICAN INTELLECTUAL PROPERTY LAW ASSOCIATION INTELLECTUAL PROPERTY PAC		C00156935	MICHAEL K. KIRK	5/10/2006	25	\$30,248	0	6/22/2006	\$700	\$700	7/10/2006	\$700
1456	ARPAC		C00226472	MR. JEFFREY BROOKS, ESQ.	4/24/2006	9	\$43,500	0	6/22/2006	\$380	\$380	8/22/2006	\$380
1461	CITIZENS FOR JOE KENNEDY 1988	KENNEDY, JOSEPH P II	C00222455	KENNEDY, CHRISTOPHER	5/15/2006	30	\$67,167	0	6/22/2006	\$2,550	\$2,550	8/1/2006	\$2,550
1462	COHEN & GRIGSBY POLITICAL ACTION COMMITTEE		C00195362	JAMES F CINQUE	4/27/2006	12	\$56,850	1	6/22/2006	\$1,500	\$1,500	7/24/2006	\$1,500
1466	DIAGEO NORTH AMERICA, INC. EMPLOYEES' POLITICAL PARTICIPATION COMMITTEE		C00034470	ROBERT LABRIOLA	5/1/2006	16	\$23,077	1	6/22/2006	\$225	\$225	8/3/2006	\$225
1467	FRESENIUS MEDICAL CARE NORTH AMERICA POLITICAL ACTION COMMITTEE		C00401299	KATHLEEN SMITH	5/9/2006	24	\$26,233	0	6/22/2006	\$680	\$680	7/26/2006	\$680
1468	FRIENDS OF FERRIS		C00279182	ROBERT A. BOYCE	4/26/2006	11	\$107,111	2	6/22/2006	\$2,962	\$2,962	7/13/2006	\$2,962
1473	INTERGRAPH CORPORATION POLITICAL ACTION COMMITTEE		C00201491	KERRY M FEHRENBACH	4/21/2006	6	\$25,891	0	6/22/2006	\$320	\$320	8/3/2006	\$320
1475	MARIJUANA POLICY PROJECT MEDICAL MARIJUANA PAC OR MPP MEDICAL MARIJUANA PAC		C00389882	ROBERT D KAMPIA	4/28/2006	13	\$36,146	0	6/22/2006	\$460	\$460	8/8/2006	\$460
1480	NATIONAL ASSOCIATION OF WHEAT GROWERS POLITICAL ACTION COMMITTEE (WHEATPAC)		C00139964	MR. DAREN COPPOCK	5/5/2006	6	\$31,114	0	6/22/2006	\$320	\$320	7/7/2006	\$320
1481	NEXT CENTURY FUND		C00343947	MS. MARY FAUTH	5/6/2006	21	\$88,527	0	6/22/2006	\$2,500	\$2,500	7/18/2006	\$2,500
1482	POLITICAL HALL OF FAME PAC		C00408146	DEBBIE MCKINNEY	5/9/2006	24	\$35,646	0	6/22/2006	\$680	\$680	7/7/2006	\$680
1485	SHORE PAC		C00410308	WARREN GOODE	5/5/2006	20	\$20,756	0	6/22/2006	\$200	\$200	7/31/2006	\$200
1486	STEAMFITTERS LOCAL 475 POLITICAL ACTION COMMITTEE		C00252395	JAMES HIGGINS	5/10/2006	25	\$135,123	1	6/22/2006	\$4,656	\$4,656	8/3/2006	\$4,656



FEDERAL ELECTION COMMISSION
Washington, DC 20463

SENSITIVE

DATE & TIME OF TRANSMITTAL: Monday, August 28, 2006 11:00

BALLOT DEADLINE: Thursday, August 31, 2006 4:00

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

SUBJECT: **Administrative Fine Program – Final Determination
Recommendation For The 2006 April Quarterly Report
Memorandum from the Assistant Staff Director, Reports
Analysis Division dated August 25, 2006.**

- () I approve the recommendation(s)
- () I object to the recommendation(s)
- () I approve the recommendations except those following
to which I object (please insert AF#)

- () I approve the recommendations except those following
in which I abstain (please insert AF#)

- () I approve the recommendations except those following
in which I am recused (please insert AF#)

- () I am not voting on this tally.

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.

DATE: _____

SIGNATURE: _____

FROM THE OFFICE OF THE SECRETARY OF THE COMMISSION

25092590474

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Administrative Fine Program - Final) AF 1454
Determination Recommendation For The)
2006 April Quarterly Report: Allen W.)
McCulloch, MD For US Senate and R)
Nelson Franse, as treasurer.)

CERTIFICATION

I, Mary W. Dove, Secretary of the Federal Election Commission, do hereby certify that on September 01, 2006, the Commission decided by a vote of 6-0 to take the following actions in AF 1454:

1. Make a final determination that Allen W. McCulloch, MD For US Senate and R Nelson Franse, as treasurer, violated 2 U.S.C. 434(a) and assess the final civil money penalty of \$1,300.
2. Send the appropriate letters.

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

Attest:

September 5, 2006
Date

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

26092590475



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 5, 2006

R. Nelson Franse, Treasurer
Allen W. McCulloch MD For US Senate
PO Box 5102
Farmington, NM 87499

C00415794
AF#: 1454

Dear Mr. Franse,

On 6/22/2006, the Federal Election Commission ("FEC") found reason to believe ("RTB") that Allen W. McCulloch MD For US Senate and you, as treasurer, violated 2 U.S.C. 434(a) for filing late or failing to file the 2006 April Quarterly Report. By mailgram dated 6/27/2006 the FEC sent you notification of the RTB finding that included a civil money penalty calculated at the RTB stage of \$1,300 in accordance with the schedule of penalties at 11 C.F.R. 111.43.

On 8/9/2006, the FEC received payment of your civil money penalty calculated at the RTB stage. Therefore, the FEC made a final determination on 8/31/2006 that you, as treasurer, and Allen W. McCulloch MD For US Senate violated 2 U.S.C. 434(a), assessed a civil money penalty in the amount of \$1,300 in accordance with 11 C.F.R. 111.43, and voted to close the file.

The confidentiality provisions at 2 U.S.C. 437g(a)(12) no longer apply and this matter is now public. The file will be made a part of the public record pursuant to 11 C.F.R. 111.42(b). Although the file must be placed on the public record within thirty (30) days from the date of the Commission's notification, this could occur at anytime following certification of the Commission's vote.

If you have any questions regarding this matter, please contact Patricia Carmona on our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130.

Sincerely,

A handwritten signature in black ink that reads "Michael E. Toner".

Michael E. Toner
Chairman

26092590476

FOR: Allen W. McCulloch M.D. For U.S. Senate

FEC ID#: C00415794

AF#: 1454

PAYMENT DUE DATE: 8/1/2006

PAYMENT AMOUNT DUE: \$ 1300

QUALITY IS OUR PRIORITY FOR LOCKBOX 9058
SEQ# 001 \$ 0000130000 BA# 1 08-08-06 20 9



usbancorp.
The Sun Bank Company

ALLEN W. MC CULLOCH		95-207/1022	1181
[REDACTED]		0189581206	
		DATE 8-1-06	
PAY TO THE ORDER OF	Federal Election Commission	\$ 1,300 ⁰⁰	
	One Thousand Three Hundred	DOLLARS	
			*
Citizens Bank			
500 W. Broadway Farmington, NM 87401			
MEMO	C00415794 AF# 1454		Hayden McCulloch

25092590477



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 1454

DATE SCANNED

9/14/06

SCANNER NO.

2

SCAN OPERATOR

EEJ

25092590478