



FEDERAL ELECTION COMMISSION  
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 1458

DATE SCANNED 11/27/06

SCANNER NO. 2

SCAN OPERATOR EES

26092593109



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
SECRETARIAT

JUN 19 10 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 MCCULLOUGH MD FOR US SENATE                                      | MCCULLOUGH, 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   |
| 1457 | C00204388    | BI-COUNTY POLITICAL ACTION COMMITTEE (FKA SUFFOLK PAC)                   |                          | IRA LAMEL                   | \$123,691.00 | 3  | 5/9/2006     | 24        | \$15,285 | \$385.00   |
| 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 |

| AF#  | Committee ID | Committee Name   | Candidate Name | Treasurer          | Threshold    | PV | Receipt Date | Days Late | LOA             | Penalty    |
|------|--------------|--|----------------|--------------------|--------------|----|--------------|-----------|-----------------|------------|
| 1458 | C00285098    | BIG TENT PAC:THE   |                | MS SYLVIA L NOLDE  | \$108,582.00 | 1  |              | Not Filed | \$108,581 (est) | \$5,625.00 |
| 1464 | C00407635    | CONSOLIDATED EDISON INC<br>EMPLOYEES POLITICAL<br>ACTION COMMITTEE AKA<br>CEIPAC |                | EDWARD J RASMUSSEN | \$129,479.00 | 0  | 5/17/2006    | Not Filed | \$27,376        | \$900.00   |



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

26092593114

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; )  
BI-COUNTY POLITICAL ACTION ) AF# 1457  
COMMITTEE (FKA SUFFOLK PAC), and )  
IRA LAMEL as 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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BIG TENT PAC;THE, and MS SYLVIA L ) AF# 1458  
NOLDE as treasurer; )  
CONSOLIDATED EDISON INC ) AF# 1464  
EMPLOYEES' POLITICAL ACTION )  
COMMITTEE (CEIPAC), and )  
RASMUSSEN, EDWARD J. as treasurer; )

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;

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

AF#1457 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#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.

AF#1458 Decided by a vote of 6-0 to: (1) find reason to believe that BIG TENT PAC;THE, and MS SYLVIA L NOLDE 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

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

AF#1464 Decided by a vote of 6-0 to: (1) find reason to believe that CONSOLIDATED EDISON INC EMPLOYEES' POLITICAL ACTION COMMITTEE (CEIPAC), and RASMUSSEN, EDWARD J. 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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Federal Election Commission  
Certification for Administrative Fines  
June 22, 2006

Page 9

Attest:

June 22, 2006  
Date

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

26092593123



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

June 27, 2006

Ms Sylvia L Nolde  
The Big Tent PAC  
3700 Massachusetts Avenue N.W.  
Washington, DC 20016

C00285098  
AF#: 1458

Dear Ms Sylvia L Nolde:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file an April Quarterly Report of Receipts and Disbursements in a calendar year during which there is a regularly scheduled election. 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 not filed within thirty (30) days of the due date. You should file this report if you have not already done so.

The Act was further amended in 1999 to permit the FEC to impose civil money penalties for violations of the reporting requirements of 2 U.S.C. 434(a). 2 U.S.C. 437g(a)(4). On 6/22/2006, the FEC found that there is reason to believe ("RTB") that The Big Tent PAC 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 \$5625. It is due by 8/1/2006 and is based on these factors:

Election Sensitivity of Report: Not Election Sensitive  
Level of Activity: \$108581  
Number of Days Late: Not Filed  
Number of Previous Civil Money Penalties Assessed: 1

**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

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

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

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

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

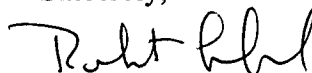
If you do not pay the calculated civil money penalty or submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that The Big Tent PAC and you, as treasurer, violated 2 U.S.C. 434(a) and assess a civil money penalty.

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](http://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

26092593125

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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 \$5625 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**  
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FOR: The Big Tent PAC

FEC ID#: C00285098

AF#: 1458

PAYMENT DUE DATE: 8/1/2006

PAYMENT AMOUNT DUE: \$5625

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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 *pnc*  
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.

For your information, the Big Tent PAC (AF 1458) filed the 2006 April Quarterly Report after the RTB finding and disclosed an actual level of activity which would result in a lowered civil money penalty than that assessed at RTB. The committee disclosed total receipts and disbursements of \$31,005 (previously estimated to be \$108,581), thus lowering the fine from \$5,625 to \$1,125.

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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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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, ESC. | 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 KAMPJA          | 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 FAULTH          | 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        | \$35,846  | 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     |

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Federal Election Commission  
 FD Circulation Report Fine Not 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 | Days Since RTB | FD Penalty |
|------|--|----------------|--------------|---------------------|--------------|------------|----------|----|-----------|-------------|----------------|------------|
| 1457 | BI-COUNTY POLITICAL ACTION COMMITTEE (FKA SUFFOLK PAC)                 |                | C00204388    | IRA LAMEL           | 5/9/2006     | 24         | \$15,285 | 3  | 6/22/2006 | \$385       | 64             | \$385      |
| 1458 | BIG TENT PAC;THE   |                | C00285098    | MS SYLVIA L NOLDE   | 7/14/2006    | Not Filled | \$31,005 | 1  | 6/22/2006 | \$5,625     | 64             | \$1,125    |
| 1464 | CONSOLIDATED EDISON INC EMPLOYEES' POLITICAL ACTION COMMITTEE (CEIPAC) |                | C00407635    | EDWARD J. RASMUSSEN | 5/17/2006    | Not Filled | \$27,376 | 0  | 6/22/2006 | \$900       | 64             | \$900      |



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

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
)  
Administrative Fine Program - Final ) AF 1458  
Determination Recommendation for the )  
2006 April Quarterly Report: Big Tent )  
PAC; The )

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 1458:

1. Make a final determination that the Big Tent PAC; The and Ms. Sylvia Nolde, as treasurer, violated 2 U.S.C. 434(a) and assess the final civil money penalty of \$1,125.
2. Send the appropriate letter.

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

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

September 5, 2006

Ms. Sylvia L. Nolde, Treasurer  
The Big Tent PAC  
3700 Massachusetts Avenue NW 108  
Washington, DC 20016

C00285098  
AF# 1458

Dear Ms. Sylvia L. Nolde,

On 6/22/2006 the Federal Election Commission ("FEC") found reason to believe ("RTB") that The Big Tent PAC and you, as treasurer, violated 2 U.S.C. 434(a) for failing to file the 2006 April Quarterly Report. By letter 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 \$5,625 in accordance with the schedule of penalties at 11 C.F.R. 111.43. Within 40 days of the FEC's RTB finding, you were required to either transmit payment of the calculated civil money penalty or submit a written response challenging either the RTB finding or the calculated civil money penalty.

The FEC did not receive payment of the calculated civil money penalty or your written response within the time permitted. Therefore, the FEC made a final determination on 8/31/2006 that you, as treasurer, and The Big Tent PAC violated 2 U.S.C. 434(a) and assessed a civil money penalty in the amount of \$1,125 in accordance with 11 C.F.R. 111.43. The civil money penalty is based on these factors:

Election Sensitivity of Report: Not Election Sensitive  
Level of Activity: \$31,005  
Number of Previous Violations: 1  
Number of Days Late: Not Filed

**To Pay the Civil Money Penalty**

To pay the civil money penalty, send the enclosed form and your payment to the address on page 3 within 30 days of receipt of this letter.

**If You Do Not Pay the Civil Money Penalty**

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA"), as amended by the Debt Collection Improvement Act of 1996 ("DCIA"), 31 U.S.C. 3701 et seq. If you do not pay this debt within 30 days (or file a written petition to a federal district court - see below), the FEC will transfer the debt to the U.S. Department of the Treasury ("Treasury") for collection. Within 5 days of its

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transfer to Treasury, Treasury will contact the debtor and request payment. Treasury currently charges a fee of 18% of the civil money penalty 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 transfer the debt to a private collection agency ("PCA"). If the debt is referred to a PCA, the Treasury and PCA collect a fee of 28% of the civil money penalty amount which will be added to the amount of the civil money penalty. If the debt remains unpaid, Treasury may recommend that the FEC refer the matter to the Department of Justice for litigation.

**If You Choose to Appeal the Final Determination 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 respondent's 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 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 the payment of the civil money penalty, please contact Patricia Carmona at Federal Election Commission, 999 E St., NW, Washington, DC 20463, or our toll free number (800) 424-9530 (at the prompt, press 5) or (202 ) 694-1130.

Sincerely,

  
Michael E. Toner  
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 \$1,125 for the 2006 April Quarterly 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 originally 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 originally 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**

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FOR: The Big Tent PAC

FEC ID: C00285098

AF#: 1458

PAYMENT AMOUNT DUE: \$1,125

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SUBSEQUENT TO THE AUGUST 25, 2006 MEMORANDUM TO THE COMMISSION  
IN WHICH THEY WERE LISTED AS NOT HAVING PAID, THE COMMITTEE IN THE  
FOLLOWING CASE HAS PAID ADMINISTRATIVE FINES:

1458

26092593136

FOR: The Big Tent PAC

FEC ID: C00285098

AF#: 1458

PAYMENT AMOUNT DUE: \$1,125

QUALITY IS OUR PRIORITY FOR LOCKBOX 9058  
SEQ# 001 \$ 0000112500 BA# 1 09-19-06 20 4



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|  |                      |   |
|--|----------------------|---|
| BIG TENT PAC<br>WASHINGTON, DC 20002                   |                      | 1003<br>03-60/310<br>BRANCH 88047             |
| PAY TO THE ORDER OF <u>Federal Election Commission</u> |                      | DATE <u>9/11/06</u>                           |
| <u>one thousand one hundred twenty five</u> DOLLARS    |                      | \$ <u>1125</u> <sup>00</sup> / <sub>100</sub> |
| WACHOVIA<br>Wachovia Bank, N.A.<br>wachovia.com        |                      | Blue Ribbon                                   |
| FOR <u>Site A #H1458</u>                               | <u>Julia Z Noldo</u> |   |



FEDERAL ELECTION COMMISSION  
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 1458

DATE SCANNED 11/27/06

SCANNER NO. 2

SCAN OPERATOR SES

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