



FEDERAL ELECTION COMMISSION  
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 1497

DATE SCANNED 9/27/07

SCANNER NO. 2

SCAN OPERATOR EEJ

27092612333



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
SECRETARIAT

2006 SEP 25 P 4: 46  
September 25, 2006

MEMORANDUM

**SENSITIVE**

TO: THE COMMISSION

THROUGH: PATRINA M. CLARK  
STAFF DIRECTOR *PMC*

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

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

Attached is a list of political committees and their treasurers who either failed to file or failed to timely file, the 2006 July Quarterly Report in accordance with 2 U.S.C. 434(a). On June 21, 2006, Prior Notice was sent to all authorized and unauthorized committees and their treasurers, informing them that the July Quarterly Report was due on July 15, 2006. The July Quarterly Report is required to cover the time frame from April 1, 2006 through June 30, 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.

27092612334

Federal Election Commission  
 Reason to Believe Circulation Report  
 2006 JULY QUARTERLY Non Election Sensitive 07/15/2006

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	Penalty
1495	C00422972	ANDERSON FOR CONGRESS	ANDERSON, WOODROW WILSON III	MELINDA MILLIGAN WALLACE	\$306,442.00	0	8/2/2006	18	\$306,442	\$5,100.00
1496	C00351031	ASIAN AMERICAN ACTION FUND (AAA FUND)		IRENE BUENO	\$130,383.00	0	7/25/2006	10	\$75,472	\$1,400.00
1497	C00412775	CAMPAIGN TO ELECT MIKE PROTACK	PROTACK, MICHAEL D	MARY ANN PROTACK	\$147,152.00	0	7/25/2006	10	\$75,020	\$1,400.00
1498	C00417253	CITIZENS TO ELECT PHILLIP JACKSON	JACKSON, PHILLIP	KIRSTEN ROKKE	\$162,828.00	0		Not Filed	\$54,276 (est)	\$2,700.00
1499	C00415174	COMMITTEE TO ELECT KEVIN SCOTT	SCOTT, KEVIN PAUL	BARRY GREENSPAN	\$422,506.00	0	7/26/2006	11	\$250,376	\$3,700.00
1500	C00418368	COMMITTEE TO ELECT MATT MILER	MILLER, MATT	DON EISERLING	\$175,146.00	0	7/23/2006	8	\$54,428	\$900.00
1501	C00423632	FISHER FOR CONGRESS 2006	FISHER, ADA	LANGSTON A WELCH	\$408,244.00	0	8/2/2006	18	\$325,599	\$5,100.00
1502	C00127811	FLORIDA CONGRESSIONAL COMMITTEE		FORREST B RAFFEL	\$174,115.00	0	8/14/2006	30	\$28,260	\$800.00
1503	C00409433	FRIENDS FOR DIX	DIX, WILLIAM CLARK	MATT GRONEWALD	\$1,566,591.00	0	9/21/2006	Not Filed	\$536,513	\$9,500.00
1504	C00415927	GILLILAND FOR CONGRESS	GILLILAND, BRIAN SCOTT	BRIAN GILLILAND	\$122,047.00	1		Not Filed	\$30,512 (est)	\$1,125.00
1505	C00136689	IBEW 349 ELECTRO - PAC		BRIAN RAPPAPORT	\$294,176.00	0	8/8/2006	24	\$48,494	\$680.00
1507	C00418954	KISER 4 CONGRESS	KISER, KRIS	CLYDE GLENN JONES	\$292,436.00	0		Not Filed	\$292,436 (est)	\$8,000.00
1508	C00406769	LIBERTY PA PAC		TROY M CASSEL	\$412,134.00	0	7/23/2006	8	\$67,160	\$900.00
1509	C00426643	MARK G FLANAGAN FOR CONGRESS	FLANAGAN, MARK GREGORY	RICHARD W WOOD	\$176,501.00	0	7/26/2006	11	\$176,501	\$2,450.00
1510	C00421685	MARK HUNT FOR CONGRESS	HUNT, MARK ALLEN	JOSEPH F SMITH	\$416,542.00	0	7/30/2006	15	\$135,592	\$2,475.00
1511	C00001180	MICHIGAN DOCTORS POLITICAL ACTION COMMITTEE - MICHIGAN STATE MEDICAL SOCIETY		SCOTT GOLDBERG	\$148,797.00	1		Not Filed	\$44,219 (est)	\$1,125.00

27092612336

2006 JULY QUARTERLY Non Election Sensitive 07/15/2006 H\_S\_P\_UNAUTH

9/25/2006 4:03 PM

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	Penalty
1512	C00376384	MONROE COUNTY DEMOCRATIC COMMITTEE		LEIGH KEGERREIS	\$114,504.00	3	8/25/2006	Not Filed	\$168,235	\$9,625.00
1513	C00309468	MS CONSULTANTS INC POLITICAL ACTION COMMITTEE MSCPAC		RAYMOND J. BRIYA	\$133,933.00	0	7/25/2006	10	\$28,783	\$400.00
1514	C00410985	MURRAY ENERGY CORPORATION POLITICAL ACTION COMMITTEE		J CHRISTOPHER NEWPORT	\$245,730.00	0	7/24/2006	9	\$51,482	\$975.00
1515	C00413229	NEREE FOR US CONGRESS	NEREE, DUFIRSTSON	ROUDY THOMAS	\$114,158.00	0	7/24/2006	9	\$27,330	\$380.00
1516	C00300369	OHIO ASSOCIATION OF MORTGAGE BROKERS PAC (OAMB PAC)		STEVE R. CLAY	\$122,363.00	0	8/29/2006	Not Filed	\$4,126	\$250.00
1517	C00241083	REPUBLICANS FOR CHOICE, PAC		STONE, ANNE E. W. MS.	\$868,730.00	2	9/8/2006	Not Filed	\$125,858	\$6,750.00
1518	C00415067	REYNOLDS CONSTRUCTION MANAGEMENT INC PAC		RICHARD REYNOLDS	\$212,713.00	0	9/14/2006	Not Filed	\$203,800	\$6,500.00
1519	C00386482	RIGHTMARCH.COM PAC INC		WILLIAM GREENE	\$124,313.00	0	8/23/2006	Not Filed	\$15,650	\$500.00
1520	C00396655	SAN ANTONIO POLICE OFFICERS ASSOCIATION POLITICAL ACTION COMMITTEE		ROBERT GREJADA	\$288,490.00	2		Not Filed	\$144,244 (est)	\$6,750.00
1521	C00423061	SCHLESINGER US SENATE	SCHLESINGER, ALAN	LAURA A. WABNO	\$151,582.00	0	7/25/2006	10	\$129,409	\$1,850.00
1522	C00040725	UNITED FRESH FRUIT AND VEGETABLE ASSOCIATION FRESH POLITICAL ACTION COMMITTEE (FRESH PAC)		GUENTHER, ROBERT	\$101,672.00	0	7/24/2006	9	\$20,943	\$145.00
1523	C00421628	WEGNER FOR CONGRESS	WEGNER, KENNETH ALEXANDER	CHRISTINE R. ACCARDI	\$110,311.00	0	8/14/2006	30	\$53,424	\$2,550.00



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

**SENSITIVE**

DATE & TIME OF TRANSMITTAL: Tuesday, September 26, 2006 11:00

BALLOT DEADLINE: Friday, September 29, 2006 4:00

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

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

27092612337

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
)  
Administrative Fine Program Reason To )  
Believe Recommendation - 2006 July )  
Quarterly Report: )  
ANDERSON FOR CONGRESS, and ) AF# 1495  
MELINDA MILLIGAN WALLACE as )  
treasurer; )  
)  
SCHLESINGER US SENATE, and ) AF# 1521  
LAURA A WABNO as treasurer; )  
CAMPAIGN TO ELECT MIKE ) AF# 1497  
PROTACK, and MARY ANN PROTACK )  
as treasurer; )  
MARK G FLANAGAN FOR CONGRESS, ) AF# 1509  
and RICHARD W WOOD as treasurer; )  
NEREE FOR US CONGRESS, and ) AF# 1515  
ROUDY THOMAS as treasurer; )  
COMMITTEE TO ELECT KEVIN ) AF# 1499  
SCOTT, and BARRY GREENSPAN as )  
treasurer; )  
FISHER FOR CONGRESS 2006, and ) AF# 1501  
LANGSTON A WELCH as treasurer; )  
WEGNER FOR CONGRESS, and ) AF# 1523  
CHRISTINE R ACCARDI as treasurer; )  
COMMITTEE TO ELECT MATT ) AF# 1500  
MILLER, and DON EISERLING as )  
treasurer; )  
MARK HUNT FOR CONGRESS, and ) AF# 1510  
JOSEPH F SMITH as treasurer; )  
FRIENDS FOR DIX, and Gronewald, Matt ) AF# 1503  
as treasurer; )  
CITIZENS TO ELECT PHILLIP ) AF# 1498  
JACKSON, and KIRSTEN ROKKE as )  
treasurer; )  
GILLILAND FOR CONGRESS, and ) AF# 1504  
BRIAN GILLILAND as treasurer; )  
KISER 4 CONGRESS, and CLYDE ) AF# 1507  
GLENN JONES as treasurer; )  
LIBERTY PA PAC, and TROY M ) AF# 1508  
CASSEL as treasurer; )

27092612338

Federal Election Commission  
Certification for Administrative Fines  
September 29, 2006

27092612339

KISER 4 CONGRESS, and CLYDE ) AF# 1507  
GLENN JONES as treasurer; )  
LIBERTY PA PAC, and TROY M ) AF# 1508  
CASSEL as treasurer; )  
ASIAN AMERICAN ACTION FUND ) AF# 1496  
(AAA FUND), and IRENE BUENO as )  
treasurer; )  
FLORIDA CONGRESSIONAL ) AF# 1502  
COMMITTEE, and FORREST B RAFFEL )  
as treasurer; )  
IBEW 349 ELECTRO - PAC, and BRIAN ) AF# 1505  
RAPPAPORT as treasurer; )  
MS CONSULTANTS INC POLITICAL ) AF# 1513  
ACTION COMMITTEE MSCPAC, and )  
RAYMOND J BRIYA as treasurer; )  
MURRAY ENERGY CORPORATION ) AF# 1514  
POLITICAL ACTION COMMITTEE, and )  
Newport, Christopher as treasurer; )  
UNITED FRESH FRUIT AND ) AF# 1522  
VEGETABLE ASSOCIATION FRESH )  
POLITICAL ACTION COMMITTEE )  
(FRESH PAC), and Guenther, Robert as )  
treasurer; )  
REYNOLDS CONSTRUCTION ) AF# 1518  
MANAGEMENT INC PAC, and )  
RICHARD T REYNOLDS as treasurer; )

MICHIGAN DOCTORS POLITICAL ) AF# 1511  
ACTION COMMITTEE - MICHIGAN )  
STATE MEDICAL SOCIETY, and Grant, )  
James Dr. MD as treasurer; )  
OHIO ASSOCIATION OF MORTGAGE ) AF# 1516  
BROKERS PAC (OAMB PAC), and )  
STEVE R. CLAY as treasurer; )  
REPUBLICANS FOR CHOICE PAC, and ) AF# 1517  
Stone, Ann E. W. Ms. as treasurer; )  
RIGHTMARCH.COM PAC INC, and ) AF# 1519  
Greene William as treasurer; )  
MONROE COUNTY DEMOCRATIC ) AF# 1512  
COMMITTEE, and KAY SISUNG as )  
treasurer; )

CERTIFICATION

I, Mary W. Dove, Secretary of the Federal Election Commission, do hereby certify that on September 29, 2006 the Commission took the following actions on the Administrative Fine Program Reason To Believe Recommendation - 2006 July Quarterly Report as recommended in the Reports Analysis Division's Memorandum dated September 25, 2006, on the following committees:

AF#1495 Decided by a vote of 6-0 to: (1) find reason to believe that ANDERSON FOR CONGRESS, and MELINDA MILLIGAN WALLACE 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#1521 Decided by a vote of 6-0 to: (1) find reason to believe that SCHLESINGER US SENATE, and LAURA A WABNO 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#1497 Decided by a vote of 6-0 to: (1) find reason to believe that CAMPAIGN TO ELECT MIKE PROTACK, and MARY ANN PROTACK 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.

27092612340

AF#1509 Decided by a vote of 6-0 to: (1) find reason to believe that MARK G FLANAGAN FOR CONGRESS, and RICHARD W WOOD 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#1515 Decided by a vote of 6-0 to: (1) find reason to believe that NEREE FOR US CONGRESS, and ROUDY THOMAS 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#1499 Decided by a vote of 6-0 to: (1) find reason to believe that COMMITTEE TO ELECT KEVIN SCOTT, and BARRY GREENSPAN 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#1501 Decided by a vote of 6-0 to: (1) find reason to believe that FISHER FOR CONGRESS 2006, and LANGSTON A WELCH 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#1523 Decided by a vote of 6-0 to: (1) find reason to believe that WEGNER FOR CONGRESS, and CHRISTINE R ACCARDI 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#1500 Decided by a vote of 6-0 to: (1) find reason to believe that COMMITTEE TO ELECT MATT MILLER, and DON EISERLING 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#1510 Decided by a vote of 6-0 to: (1) find reason to believe that MARK HUNT FOR CONGRESS, and JOSEPH F 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,

27092612341

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

AF#1503 Decided by a vote of 6-0 to: (1) find reason to believe that FRIENDS FOR DIX, and Gronewald, Matt 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#1498 Decided by a vote of 6-0 to: (1) find reason to believe that CITIZENS TO ELECT PHILLIP JACKSON, and KIRSTEN ROKKE 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#1504 Decided by a vote of 6-0 to: (1) find reason to believe that GILLILAND FOR CONGRESS, and BRIAN GILLILAND 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#1507 Decided by a vote of 6-0 to: (1) find reason to believe that KISER 4 CONGRESS, and CLYDE GLENN JONES 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#1508 Decided by a vote of 6-0 to: (1) find reason to believe that LIBERTY PA PAC, and TROY M CASSEL 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#1496 Decided by a vote of 6-0 to: (1) find reason to believe that ASIAN AMERICAN ACTION FUND (AAA FUND), and IRENE BUENO 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#1502 Decided by a vote of 6-0 to: (1) find reason to believe that FLORIDA CONGRESSIONAL COMMITTEE, and FORREST B RAFFEL as treasurer violated 2

27092612342

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#1505 Decided by a vote of 6-0 to: (1) find reason to believe that IBEW 349 ELECTRO - PAC, and BRIAN RAPPAPORT 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#1513 Decided by a vote of 6-0 to: (1) find reason to believe that MS CONSULTANTS INC POLITICAL ACTION COMMITTEE MSCPAC, and RAYMOND J BRIYA 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#1514 Decided by a vote of 6-0 to: (1) find reason to believe that MURRAY ENERGY CORPORATION POLITICAL ACTION COMMITTEE, and Newport, 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 Lenhard, Mason, Toner, von Spakovsky, Walther, and Weintraub voted affirmatively for the decision.

AF#1522 Decided by a vote of 6-0 to: (1) find reason to believe that UNITED FRESH FRUIT AND VEGETABLE ASSOCIATION FRESH POLITICAL ACTION COMMITTEE (FRESH PAC), and Guenther, 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.

AF#1518 Decided by a vote of 6-0 to: (1) find reason to believe that REYNOLDS CONSTRUCTION MANAGEMENT INC PAC, and RICHARD T REYNOLDS 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.

27092612343

AF#1511 Decided by a vote of 6-0 to: (1) find reason to believe that MICHIGAN DOCTORS POLITICAL ACTION COMMITTEE - MICHIGAN STATE MEDICAL SOCIETY, and Grant, James Dr. MD 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#1516 Decided by a vote of 6-0 to: (1) find reason to believe that OHIO ASSOCIATION OF MORTGAGE BROKERS PAC (OAMB PAC), and STEVE R. CLAY 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#1517 Decided by a vote of 6-0 to: (1) find reason to believe that REPUBLICANS FOR CHOICE PAC, and Stone, Ann E. W. 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#1519 Decided by a vote of 6-0 to: (1) find reason to believe that RIGHTMARCH.COM PAC INC, and Greene William 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#1512 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:

October 2, 2006  
Date

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

27092612344



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

October 4, 2006

Mary Ann Protack  
Campaign to Elect Mike Protack  
P.O. Box 106  
Yorklyn, DE 19736

C00412775  
AF#: 1497

Dear Mary Ann Protack:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file a July Quarterly Report of Receipts and Disbursements every calendar year. This report, covering the period through June 30th, shall be filed no later than July 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 7/25/2006, 10 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 9/29/2006, the FEC found that there is reason to believe ("RTB") that Campaign to Elect Mike Protack and you, as treasurer, violated 2 U.S.C. 434(a) by failing to file timely this report on or before July 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 \$1,400. It is due by 11/8/2006 and is based on these factors:

Election Sensitivity of Report: Not Election Sensitive  
Level of Activity: \$ 75,020  
Number of Days Late: 10  
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 11/8/2006. 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

27092612345

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**

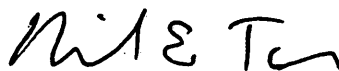
If you do not pay the calculated civil money penalty or submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that Campaign to Elect Mike Protack and you, as treasurer, violated 2 U.S.C. 434(a) and assess a civil money penalty.

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 Laura Sinram in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1157. 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

27092612346

---

**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 \$1,400 for the 2006 July 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 11/8/2006. 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: Campaign to Elect Mike Protack

FEC ID#: C00412775

AF#: 1497

PAYMENT DUE DATE: 11/8/2006

PAYMENT AMOUNT DUE: \$ 1,400

27092612347

2006 OCT 31 A 10:45

Mike Protack

FEC Office of Administrative Review  
999 E Street NW  
Washington, D.C. 20463

C00412775 AF #1497

I received a phone call (23 October) making me aware of a \$1400 fine for a late report (July 15 2006) which was mailed before the filing date and should have been received by the FEC in time to avoid any late issues. Certainly, it would not have taken 12 days (report was logged 25 July) for the report to arrive and be processed. I returned the phone call to Patricia Carmona the next day when I was in Delaware to inquire about this unfortunate incident. The report was considered non sensitive and there are no other assessments.

There are extraordinary circumstances because the local post office did not send the mail in a proper fashion. Patricia Carmona notified me that three certified letter notices had been returned from 10/6/ , 10/11/ , 10/17. They were returned by the Post Office in Yorklyn, De 19736 as undeliverable. I visit this post office every day I am in Delaware and have never received these notices. The lack of these notices being forwarded to me verify the Post Office's lack of due diligence and the source of the late report.

My desire is to ~~terminate~~ this account as soon as possible.

I am challenging this fine because the report was mailed by me, signed and mailed on 13 July 2006 from the same Post Office that has not forwarded these certified letters to me. They are at fault not our campaign.

If it is any indication of the performance of the post office in getting these certified letters to me I call into question how I can be held accountable for the Post Office's obvious incompetence. We have had our service interrupted before by the Post Office because they said we did not have proper snow removal from our street so our mail was not delivered

27092612348

for over one week. Complaints to this Post Office have made matters worse for incoming mail but we were not aware of problems with outgoing mail.

Thank you,

*Mike*

Mike Protack

27092612349



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

Via First Class Mail

October 31, 2006

Mary Ann Protack, as Treasurer  
Campaign to Elect Mike Protack  
P.O. Box 106  
Yorklyn, DE 19736

C00412775  
AF# 1497

Dear Ms. Protack:

On October 31, 2006, the Commission received the written response ("challenge") from the candidate which is being reviewed by the Office of Administrative Review. If you have any questions regarding the challenge, please contact this Office on our toll free number (800)424-9530 (press 0, then ext. 1660) or (202)694-1660.

Sincerely,

A handwritten signature in cursive script, appearing to read "Mary E. Seiler".

Mary E. Seiler  
Reviewing Analyst  
Office of Administrative Review

27092612350

2006 NOV -3 P 5:25

Date: November 3, 2006

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

AF#: 1497

Committee Name: Campaign to Elect Mike Protack

Committee ID#: C00412775

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 September 25, 2006 and RTB Certification, dated September 29, 2006: Previously Forwarded

Attachment #: N/A

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

Attachment #: N/A

**Original Correspondence Received by RAD in Response to**

RTB Letter (Y/N): N

Attachment #: N/A

**RAD Staff Declaration:**

-July Quarterly Prior Report Notice, dated June 21, 2006.

-Non-Filer Letter, dated July 21, 2006.

-RTB Letter, dated October 4, 2006.

Attachment #: 2


**Other RAD Information: Letter Tracking, Fax and Memo to file info.**

Attachment#: 3

27092612351

**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 Campaign to Elect Mike Protack committee:
- Prior Notice, dated June 21, 2006, referencing the 2006 July Quarterly Report.
  - Non-Filer Letter, dated July 21, 2006, referencing the 2006 July Quarterly Report.
  - Reason-to-Believe Letter, dated October 4, 2006, referencing the 2006 July Quarterly Report
3. I hereby certify that I have searched the Commission's public records and find that the Campaign to Elect Mike Protack committee filed the 2006 July Quarterly Report on paper with the Secretary of the Senate on July 25, 2006.
4. Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct and we have provided all relevant telecoms for the case. This declaration was executed at Washington, D.C. on the 3rd day of November, 2006.



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

27092612352

Federal Election Commission  
999 E Street, N.W.  
Washington, D.C. 20463

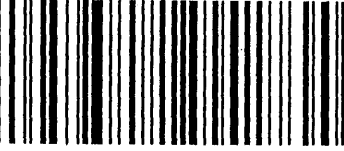
Official Business

Mary Ann Protack  
Campaign to Elect Mike Protack  
P.O. Box 106  
Yorklyn, DE 19736

7005 1820 0003 8239 5838  
7005 1820 0003 8239 5838

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT  
OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

CERTIFIED MAIL™



7005 1820 0003 8239 5838  
7005 1820 0003 8239 5838

U.S. Postal Service™  
**CERTIFIED MAIL™ RECEIPT**  
*Domestic Mail Only; No Insurance Coverage Provided*  
For delivery information, visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

Postage	\$	Postmark Here
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	

Sent To Mary ANN Protack  
Street, Apt. No., or PO Box No. P.O. Box 106  
City, State, ZIP+4 YORKLYN, DE 19736

PS Form 3800, June 2002 See Reverse for Instruction



[Home](#) | [Help](#)

[Track & Confirm](#)

## Track & Confirm

### Search Results

Label/Receipt Number: **7005 1820 0003 8239 5838**  
Status: **Unclaimed**

Your item was returned to the sender on October 17, 2006 because it was not claimed by the addressee.

### Track & Confirm

Enter Label/Receipt Number.

[Additional Details >](#)

[Return to USPS.com Home >](#)

### Notification Options

#### Track & Confirm by email

Get current event information or updates for your item sent to you or others by email. [Go >](#)

27092612354



POSTAL INSPECTORS  
Preserving the Trust

[site map](#)

[contact us](#)

[government services](#)

[jobs](#)

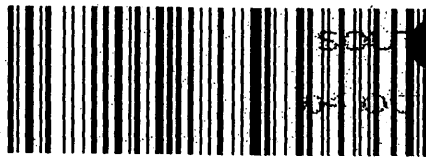
[National & Premier Accounts](#)

Copyright © 1999-2004 USPS. All Rights Reserved. [Terms of Use](#) [Privacy Policy](#)

Federal Election Commission  
999 E Street, N.W.  
Washington, D.C. 20463

Official Business

*att 10/6  
RTS 10/11  
UNC*



7005 1820 0003 8239 5838



RETURN RECI  
REQUESTE

OCT 23 A 9:0  
RECEIVED  
REC MAIL  
NATIONS CENTER

**RTS**  
RETURN TO SENDER

- INSUFFICIENT ADDRESS
- ATTEMPTED NOT KNOWN
- NO SUCH NUMBER/ STREET
- NOT DELIVERABLE AS ADDRESSED
- UNABLE TO FORWARD
- OTHER



20463

27092612355

[MSN Home](#) [Hotmail](#) [My MSN](#) [Sign In](#)



[White Pages](#) [Yellow Pages](#) [Reverse Phone](#) [Reverse Address](#) [Area & ZIP Codes](#)

**More Information for:**

SP

**Mike & Maryann Protack**

10 Larchmont Ct  
Hockessin, DE 19707-9682  
(302) 234-4728  
Local Time: 8:42 a.m.  
[Find Neighbors](#)

**[Back to Results](#)**

- [Area Code Map](#)
- [Map this Location](#)
- [Save to Outlook®](#)
- [E-mail to Friends](#)

**Phone Details**

Line Type: Land Line  
Provider: Verizon

Copyright © 1996-2006 WhitePages.com. All rights reserved.

[MSN Privacy](#) [Legal](#)

© 2006 Micros

ATTACHMENT 3

27092612356

MODE = MEMORY TRANSMISSION

START=OCT-24 13:59

END=OCT-24 14:01

FILE NO. =922

STN NO.	COMM.	ABBR NO.	STATION NAME/TEL NO.	PAGES	DURATION
001	OK	*	913022344827	004/004	00:02:04

-FEC REPORTS ANALYSIS -

\*\*\*\*\* -

- \*\*\*\*\* -

2022193496- \*\*\*\*\*



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

# FAX TRANSMITTAL

Date: 8 10-24-06

To: Mike Protack

Fax #: 302-234-4827

From: Patricia Carmona

FEC Fax #: (202) 219-3496

FEC Phone #: (800) 424-9530 or (202) 694-1130

Page Count: 4  
(including cover sheet)

27092612357



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

SECRET/AT

2007 APR 18 PM 12:30

April 17, 2007

**SENSITIVE**

MEMORANDUM

TO: THE COMMISSION

THROUGH: PATRINA M. CLARK *PME*  
STAFF DIRECTOR

MARGARITA MAISONET *mm*  
CHIEF COMPLIANCE OFFICER

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

SUBJECT: AF# 1497 - CAMPAIGN TO ELECT MIKE PROTACK AND  
MARY ANN PROTACK, AS TREASURER (C00412775)

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

27092612358



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

April 17, 2007

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

AF# 1497 – Campaign to Elect Mike Protack and Mary Ann Protack, as Treasurer (C00412775)

On September 29, 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 2006 July Quarterly Report, a non-election sensitive report, and made a preliminary determination that the civil money penalty was \$1,400 based on the schedule of penalties at 11 C.F.R. § 111.43. They were notified by the Reports Analysis Division ("RAD") on October 4, 2006 of the Commission's RTB finding and civil money penalty. The RTB letter was sent certified mail to the address of record, was returned because it was unclaimed, and was sent via facsimile and first class mail on October 24, 2006.

**Respondents' Response**

On October 31, 2006, the Commission received a written response ("challenge") from the Candidate, Mike Protack, on behalf of the respondents, who states that the report was mailed on July 13 and should have been received by the filing date. He blames the local Post Office for not sending the mail in a proper fashion. The Candidate cites past service problems with the postal staff and asks that he not be held accountable for their incompetence.

**Analysis**

The July Quarterly Report was filed on July 25, 2006, 10 days late.

The Federal Election Campaign Act requires that a report for the quarter ending June 30, 2006 be filed no later than July 15<sup>th</sup>. 2 U.S.C. § 434(a)(2)(A)(iii) and 11 C.F.R. § 104.5(a)(1)(i). Reports sent by first class mail must be received by the filing date to be timely filed. 2 U.S.C. § 434(a)(5) and 11 C.F.R. §§ 100.19(b) and 104.5(e). The treasurer shall be personally responsible for the timely filing of reports. 11 C.F.R. § 104.14(d).

The Candidate states that he mailed the report on July 13 and, in RAD's October 24 telecoms [written records of telephone conversations], the Candidate admits to using regular mail. He did not avail himself of one of the "safe harbor" methods described in 2 U.S.C. § 434(a)(5) when he sent the report by first class mail. As a result, the report is considered filed on the date received, July 25. If they experienced problems with their local postal service, they could have used an overnight delivery service, another "safe harbor" option under 2 U.S.C. § 434(a)(5).

The challenge fails to address any of the three valid excuses enumerated at 11 C.F.R. § 111.35(b). These are: (i) the existence of factual errors; and/or (ii) the improper

27092612359

calculation of the civil money penalty; and/or (iii) the existence of extraordinary circumstances that were beyond their control and that were for a duration of at least 48 hours and that prevented them from filing the report in a timely manner. The Reviewing Officer, therefore, recommends that the Commission make a final determination that the respondents violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$1,400.

### **OAR Recommendations**

- (1) Make a final determination in AF# 1497 that the Campaign to Elect Mike Protack and Mary Ann Protack, as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$1,400; and
- (2) Send the appropriate letter.

Reviewing Analyst: Jill I. Sugarman

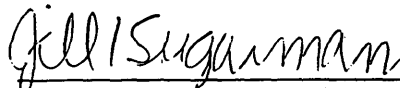
### Attachments

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

27092612360

## DECLARATION OF JILL I. SUGARMAN

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 2006 July Quarterly Report is due July 15, 2006. Senate principal campaign committees must file reports with the Secretary of the Senate. Reports sent by first class mail must be received by the close of business on July 15 to be timely filed.
2. It is the practice of the Commission's Mail Room to date stamp each report as it is received and the Disclosure Division to complete an Envelope Replacement Page disclosing the method used to file the report.
3. It is the practice of the Office of Public Records, Secretary of the Senate to date stamp each report as it is received and to complete an envelope replacement page disclosing the method used to file the report as well as either the date of receipt or postmark.
4. I hereby certify that I have searched the Commission's public records and that the documents identified herein are true and accurate copies of Page 1 of the Summary Page, envelope replacement page, and the Senate Office of Public Records postmark sheet for the 2006 July Quarterly Report filed via first class mail by the Committee to Elect Mike Protack and Mary Ann Protack, as Treasurer. According to Commission records, the report covers the period from April 1 through June 30, 2006, the envelope had no legible postmark, and the report was received on July 25, 2006.
5. 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 17<sup>th</sup> of April, 2007.



Jill I. Sugarman  
Reviewing Analyst  
Office of Administrative Review  
Federal Election Commission

27092612561

07 APR -6 PM 2:48  
REPORT OF RECEIPTS  
AND DISBURSEMENTS  
For An Authorized Committee

RECEIVED  
FEC MAIL  
OPERATIONS CENTER  
JUL 25 A 7:21  
Office Use Only

1. NAME OF COMMITTEE (in full) TYPE OR PRINT Example: If typing, type over the lines. 12FE4M5

CAMPAIGN TO ELECT MIKE PROTACK

ADDRESS (number and street)

3301 LANCASTER AVE

Check if different than previously reported. (ACC)

SUITE 1 B

WILMINGTON DE 19895

2. FEC IDENTIFICATION NUMBER CITY STATE ZIP CODE STATE DISTRICT

060413775

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

DE

4. TYPE OF REPORT (Choose One)

(a) Quarterly Reports:

- April 15 Quarterly Report (Q1)
- July 15 Quarterly Report (Q2)
- October 15 Quarterly Report (Q3)
- January 31 Year-End Report (YE)
- Termination Report (TER)

(b) 12-Day PRE-Election Report for the:

- Primary (12P)
- General (12G)
- Runoff (12R)
- Convention (12C)
- Special (12S)

Election on MM/DD/YYYY in the State of

(c) 30-Day POST-Election Report for the:

- General (30G)
- Runoff (30R)
- Special (30S)

Election on MM/DD/YYYY in the State of

5. Covering Period 04/01/2006 through 06/30/2006

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 PROTACK, M

Signature of Treasurer M. Protack

Date 07/13/2006

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. 6437g.

Table with 10 columns for Office Use Only.

27092612362

Federal Election Commission  
**ENVELOPE REPLACEMENT PAGE FOR INCOMING DOCUMENTS**  
The FEC added this page to the end of this filing to indicate how it was received.

<input type="checkbox"/> Hand Delivered	Date of Receipt
<input checked="" type="checkbox"/> USPS First Class Mail	Postmarked
<input type="checkbox"/> USPS Registered/Certified	Postmarked (R/C)
<input type="checkbox"/> USPS Priority Mail	Postmarked
Delivery Confirmation™ or Signature Confirmation™ Label	<input type="checkbox"/>
<input type="checkbox"/> USPS Express Mail	Postmarked
<input type="checkbox"/> Postmark Illegible	
<input checked="" type="checkbox"/> No Postmark	
<input type="checkbox"/> Overnight Delivery Service (Specify):	Shipping Date
	Next Business Day Delivery <input type="checkbox"/>
<input type="checkbox"/> Received from House Records & Registration Office	Date of Receipt
<input type="checkbox"/> Received from Senate Public Records Office	Date of Receipt
<input type="checkbox"/> Received from Electronic Filing Office	Date of Receipt
<input type="checkbox"/> Other (Specify):	Date of Receipt or Postmarked
<i>sk</i> PREPARER (3/2005)	7/25/06 DATE PREPARED

27092612365

27020111234

NANCY ERICKSON  
SECRETARY

PAMELA B. GAYN  
SUPERINTENDENT

HART SENATE OFFICE BUILDING  
SUITE 232  
WASHINGTON, DC 20510-0118  
PHONE (202) 224-0222

# United States Senate

OFFICE OF THE SECRETARY

OFFICE OF PUBLIC RECORDS

THE PRECEDING DOCUMENT WAS:

HAND DELIVERED \_\_\_\_\_  
Date of Receipt

USPS FIRST CLASS MAIL \_\_\_\_\_  
Postmark

USPS REGISTERED/CERTIFIED \_\_\_\_\_  
Postmark

USPS PRIORITY MAIL \_\_\_\_\_  
Postmark  
DELIVERY CONFIRMATION OR SIGNATURE CONFIRMATION LABEL

USPS EXPRESS MAIL \_\_\_\_\_  
Postmark

OVERNIGHT DELIVERY SERVICE:

	SHIPPING DATE	NEXT BUSINESS DAY DELIVERY
FEDERAL EXPRESS	_____	<input type="checkbox"/>
UPS	_____	<input type="checkbox"/>
DHL	_____	<input type="checkbox"/>
AIRBORNE EXPRESS	_____	<input type="checkbox"/>

RECEIVED FROM FEDERAL ELECTION COMMISSION 04-06-07  
Date of Receipt

POSTMARK ILLEGIBLE  NO POSTMARK

FAX \_\_\_\_\_  
Date of Receipt

OTHER \_\_\_\_\_  
Date of Receipt or Postmark

PREPARER RD DATE PREPARED 04-06-07

27092612364

27020111235



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

VIA OVERNIGHT DELIVERY

April 23, 2007

Mary Ann Protack, as Treasurer  
Campaign to Elect Mike Protack  
PO Box 106  
Yorklyn, DE 19736

C00412775  
AF# 1497

Dear Ms. Protack:

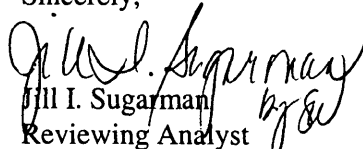
On September 29, 2006, the Federal Election Commission ("Commission") found reason to believe ("RTB") that the Campaign to Elect Mike Protack and you, as Treasurer ("respondents"), violated 2 U.S.C. § 434(a) for failing to timely file the 2006 July Quarterly Report. The Commission also made a preliminary determination that the civil money penalty was \$1,400 based on the schedule of penalties at 11 C.F.R. § 111.43.

After reviewing the written response and any supplemental information submitted by you and Commission staff, the Reviewing Officer has recommended that the Commission make a final determination in this matter. A copy of the Reviewing Officer's recommendation is attached.

You may file with the Commission Secretary a written response to the recommendation within 10 days of the date of this letter. Your written response should be sent to the Commission Secretary, 999 E Street, NW, Washington, DC 20463. As a result of the anthrax threat in the Washington, DC area, US Postal Service mail delivery to federal agencies, including the Commission, has been interrupted. Until regular mail delivery resumes, you may also file your written response with the Commission Secretary via facsimile (202-208-3333) or by courier at the same address (if you use an overnight delivery service, please use zip code 20004 instead of zip code 20463). Please include the AF # in your response. Your response may not raise any arguments not raised in your original written response or not directly responsive to the Reviewing Officer's recommendation. 11 C.F.R. § 111.36(f). The Commission will then make a final determination in this matter.

Please contact me at the toll free number 800-424-9530 (press 0, then press 1660) or 202-694-1660 if you have any questions.

Sincerely,

  
Jill I. Sugarman  
Reviewing Analyst

Office of Administrative Review

Attachment

27092612365

Mike Protack

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
SECRETARIAT

2007 APR 24 A 11: 26

FEC  
C00412775  
AF# 1530,AF# 1497

I received a letter dated 23 April 2007 offering me the chance to dispute the administrative fees of \$1400. per incident.

I have used up more time and effort explaining this reporting episode than anything other admin matter in the last year. Today, instead of taking care of my Mother who has dementia I am calling and writing the FEC.

I mailed our reports using the U S Post Office which is an approved method for transmitting the reports. However, I am being told now that while the "safe harbor" methods are not required they are indeed the only "reliable" methods for sending documents. I was also told to "use FEDEX or UPS if you really want to be sure the stuff gets here". Enforcement of an administrative requirement using non-required methods outside of the regulations is not fair or reasonable to any campaign committee.

We used the U S Mail as allowed by the FEC regulations with 5 days of transit time between Delaware and Washington, DC. Five days is long enough to walk to Washington DC and hand-deliver the documents although I was told I was told that mode was not allowed even though I offered to do so. The regulations clearly do not require any other mode of delivery or special tracking. To be told that "if you can't prove you did this then you didn't" is offensive to any American.

I clearly documented special circumstances that lasted more than 48 hours. In many incidents I detailed the numerous shortcomings of our local post office. Missed mailings, undelivered certified mailings etc. were all documented which is why I offered to hand deliver the reports while I was in DC and I was told I could not hand deliver anything given post 9-11 regulations. Clearly, when told that the government was unreliable and extra personal effort is offered and refused adding on a fine is outside of the regulations.

Unless the regulations require "safe harbor" methods a campaign committee should not have to pay a civil fine because of the failure of a government agency (Post Office) which has been documented. This failure is clearly acknowledged by the FEC. In the letter of 23 April it clearly states "to avoid the unpredictability of first class mail service, the Candidate could have chosen an alternative "safe Harbor" method." Could have is not the same as should have.

*Mike Protack*

27092612366



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
SECRETARIAT

2007 MAY -7 P 2: 48

May 7, 2007

**SENSITIVE**

**MEMORANDUM**

TO: THE COMMISSION

THROUGH: PATRINA M. CLARK *me*  
STAFF DIRECTOR

MARGARITA MAISONET *mm*  
CHIEF COMPLIANCE OFFICER

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

SUBJECT: FINAL DETERMINATION RECOMMENDATION IN AF# 1497 –  
CAMPAIGN TO ELECT MIKE PROTACK AND MARY ANN  
PROTACK, AS TREASURER (C00412775)

On September 29, 2006, the Commission found reason to believe that the respondents violated 2 U.S.C. § 434(a) for failing to timely file the 2006 July Quarterly Report and also made a preliminary determination that the civil money penalty was \$1,400 based on the schedule of penalties at 11 C.F.R. § 111.43.

On October 31, 2006, the Commission received the respondents' written response ("challenge"). After reviewing the challenge, the Reviewing Officer's recommendation dated April 17, 2007 was forwarded to the Commission. A copy was simultaneously forwarded to the respondents. The Reviewing Officer recommended that the Commission make a final determination that they violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$1,400 because they submitted no evidence that a factual error was made, that the civil money penalty was miscalculated at RTB or that extraordinary circumstances existed which prevented them from filing the report on time.

Within 10 days of transmittal of the recommendation, the respondents may file a written response with the Commission Secretary which may not raise any arguments not raised in the respondents' challenge or not directly responsive to the Reviewing Officer's recommendation. 11 C.F.R. § 111.36(f). The Commission received their written response on April 24, 2007 which is attached for your review.

27092612367

## **OAR Recommendations**

- (1) Make a final determination in AF# 1497 that the Campaign to Elect Mike Protack and Mary Ann Protack, as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$1,400; and
- (2) Send the appropriate letter.

Reviewing Analyst: Jill I. Sugarman

Attachment

27092612368



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

**SENSITIVE**

DATE & TIME OF TRANSMITTAL: Tuesday, May 08, 2007 11:00

BALLOT DEADLINE: Friday, May 11, 2007 4:00

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

SUBJECT: **Final Determination Recommendation in AF  
#1497 – Campaign to Elect Mike Protack and  
Mary Ann Protack, as Treasurer (C00412775)  
Memorandum from the Reviewing Officer  
dated May 7, 2007.**

- I approve the recommendation(s)
- I object to the recommendation(s)
- I am recused from voting
- No vote by ballot

COMMENTS: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DATE: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

A definite vote is required. All ballots must be signed and dated. Please return **ONLY THE BALLOT** to the Commission Secretary. Please return ballot no later than date and time shown above.

FROM THE OFFICE OF THE SECRETARY OF THE COMMISSION

27092612369

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
Final Determination Recommendation: ) AF 1497  
Campaign to Elect Mike Protack and )  
Mary Ann Protack, as Treasurer. )

CERTIFICATION

I, Mary W. Dove, Secretary of the Federal Election Commission, do hereby certify that on May 11, 2007, the Commission decided by a vote of 5-0 to take the following actions in AF 1497:

1. Make a final determination in AF 1497 that the Campaign to Elect Mike Protack and Mary Ann Protack, as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$1,400.
2. Send the appropriate letter, as recommended in the Reviewing Officer's Memorandum dated May 7, 2007.

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

Attest:

May 11, 2007  
Date

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

27092612370



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

May 16, 2007

VIA CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mary Ann Protack, as Treasurer  
Campaign to Elect Mike Protack  
P.O. Box 106  
Yorklyn, DE 19736

ID# C00412775  
AF# 1497

Dear Ms. Protack:

On September 29, 2006, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that the Campaign to Elect Mike Protack and you, as Treasurer, violated 2 U.S.C. § 434(a) for failing to timely file the 2006 July Quarterly Report. By letter dated October 4, 2006, the Commission sent you notification of the RTB finding that included a civil money penalty calculated at RTB of \$1,400 in accordance with the schedule of penalties at 11 C.F.R. § 111.43. On October 31, 2006, the Office of Administrative Review received the written response from the Candidate, Mike Protack, challenging the RTB finding.

The Reviewing Officer reviewed the Commission's RTB finding with its supporting documentation and the written response. Based on this review, the Reviewing Officer recommended that the Commission make a final determination that the Campaign to Elect Mike Protack and you, as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty in the amount of \$1,400 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 April 23, 2007.

On April 24, 2007, the Commission Secretary received a written response from Mr. Protack and a copy was forwarded to the Commission. On May 11, 2007, the Commission adopted the Reviewing Officer's recommendation and made a final determination that the Campaign to Elect Mike Protack and you, as Treasurer, violated 2 U.S.C. § 434(a) and assessed a civil money penalty of \$1,400. 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 payment to the address on page 3 within 30 days of receipt of this letter.

27092612371

**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 treasurer 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 Jill I. Sugarman on our toll free number (800)424-9530 (press 0, then ext. 1660) or (202)694-1660.

Sincerely,



Robert D. Lenhard  
Chairman

27092612372

-----

**ADMINISTRATIVE FINE PAYMENT INSTRUCTIONS**

In accordance with the schedule of penalties at 11 C.F.R. § 111.43, the civil money penalty is \$1,400 for the 2006 July 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 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: Campaign to Elect Mike Protack

FEC ID#: C00412775

AF#: 1497

PAYMENT AMOUNT DUE: \$1,400

27092612373

**AGREEMENT AS TO THE METHOD OF CERTIFYING  
DEBTS SUBMITTED TO THE FINANCIAL MANAGEMENT SERVICE'S  
CROSS-SERVICING PROGRAM**

This Agreement (Agreement) is submitted by:

Creditor Agency: Federal Election Commission

Date of Agreement: November 1, 2006

The Creditor Agency agrees that:

I. This Agreement covers all debts, including updates, changes, and modifications (Debts) submitted on or after the date of this Agreement, by Creditor Agency to the Financial Management Service (FMS), a bureau of the U.S. Department of the Treasury, for collection through the FMS's Cross-Servicing Program (Cross-Servicing);

II. Creditor Agency will submit debts to Cross-Servicing via Electronic Transmission of "Add Records" or "Update Records," as described in the attached Exhibit A. Each time the Creditor Agency submits a Debt via an Add Record or Update Record, the Creditor Agency is certifying the Debt;

III. Any person who submits Debts via an Add Record or Update Record has or will have delegated authority to certify the Debts on behalf of the head of the Creditor Agency, and the Creditor Agency will provide a copy of this Agreement to any such person; and,

IV. By submitting Debts via an Add Record or Update Record, the person submitting such Debts is certifying to the U.S. Department of the Treasury, under penalty of perjury pursuant to 31 U.S.C. § 3716, 31 U.S.C. § 3720A, and 28 U.S.C. § 1746, that to the best of his or her knowledge and belief, the following is true and correct:

1. **Valid Debts.** The debts are delinquent, valid and legally enforceable in the amounts stated. No debtor has repaid or agreed to repay the claim under a signed repayment agreement or filed for review of the claim.
2. **No Bar to Collection.** The debts are not subject to any circumstances that legally preclude or bar collection. There are no foreclosures pending with respect to any collateral securing a debt. The Agency's records do not show that any debtor owing a debt has filed for bankruptcy protection. Alternatively, the Agency can clearly establish that any automatic stay has been lifted or is no longer in effect.
3. **Due Process.** The Agency, at a minimum, has made reasonable efforts to obtain payment of the debt, demanded payment, and provided the debtor with the notice and opportunities described below:

2709261237A

A. At least 30 days prior to the date of this certification, the Agency has provided, or made reasonable efforts to provide each debtor with:

- written notification, at the debtor's most current known address, of the nature and the amount of the debt, the intention of the Agency to collect the debt through referral to Treasury, and actions that may be taken by Treasury including referral of the debt to a private collection agency and referral of the debt to the Department of Justice for litigation;
- an opportunity to inspect and copy the records of the Agency with respect to the debt; and
- an opportunity for review within the Agency of the determination of the Agency with respect to the debt, including the opportunity to present evidence that all or part of the debt is not past-due or legally enforceable.

B. The Agency has considered any evidence presented by the debtor and determined that the amount of the debt is past-due and legally enforceable and there are no pending appeals of such determination.

4. **Interest and Penalties.** The Agency has complied with all of the provisions of 31 U.S.C. § 3717 and the Federal Claims Collection Standards, as well as other statutes, regulations and policies applicable to the Agency's assessment of interest, penalties and administrative costs. The Agency has mailed a written notice to all debtors explaining the Agency's requirements concerning the charges.

**CERTIFICATION:** Pursuant to 28 U.S.C. § 1746, I certify that I have been delegated authority to execute this Agreement on behalf of the head of my agency.



Shawn Woodhead Werth

Director, Office of Administrative Review

27092612375

## ATTACHMENT A

### TREASURY CROSS-SERVICING PROGRAM

#### CERTIFICATION TERMINOLOGY

For purposes of the foregoing Certification Agreement, the following describes how creditor agencies submit debts via Electronic Transmission of computer records to the Cross-Servicing Program:

1. Electronic Transmission. Any transmission from creditor agencies to the Cross-Servicing Program via any form of electronic media (including, but not limited to, tapes, diskettes, and on-line access), as more particularly described in *Step 7; Electronic Format* in the "Crossservicing Implementation Guide", dated November 1998, as may be amended or updated ("Cross Servicing Guide"), is an Electronic Transmission.
2. Add Records. Add Records are electronic records which creditor agencies use to add new debts to Cross-Servicing. Add Records are more particularly described in "Step 7; Agency File Formats" in the Cross Servicing Guide.
3. Update Records. Update Records are electronic records that creditor agencies use to update, change or modify information about debts previously transmitted to Cross-Servicing by creditor agencies. Update Records are more particularly described in "Step 7; Agency File Formats" in the Cross Servicing Guide.

27092612376



FEDERAL ELECTION COMMISSION  
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 1497

DATE SCANNED 9/27/07

SCANNER NO. 2

SCAN OPERATOR SSS

27092612377