



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 1505

DATE SCANNED 6/6/07

SCANNER NO. 1

SCAN OPERATOR SES

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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 *JDG*
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.

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2006 JULY QUARTERLY Non Election Sensitive 07/15/2006 H_S_P_UNAUTH

9/25/2006 4:03 PM

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	IRENE BUENO	\$130,383.00	0	7/25/2006	10	\$75,472	\$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
1500	C00418368	COMMITTEE TO ELECT MATT MILLER	MILLER, MATT	DON EISERLING	\$175,146.00	0	7/23/2006	8	\$54,428	\$900.00
1502	C00127811	FLORIDA CONGRESSIONAL COMMITTEE	FORREST B RAFFEL	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	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	FLANAGAN, MARK GREGORY	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	SCOTT GOLDBERG	\$148,797.00	1		Not Filed	\$44,219 (est)	\$1,125.00

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2006 JULY QUARTERLY Non Election Sensitive 07/15/2006 H_S_P_UNAUTH

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AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	Penalty
1512	C00376384	MONROE COUNTY DEMOCRATIC COMMITTEE		LEIGH, KEGERREIS	\$1,114,504.00	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		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	C00300939	OHIO ASSOCIATION OF MORTGAGE BROKERS PAC (OAMB PAC)		STEVE R. CLAY	\$22,363.00	0	8/29/2006	Not Filed	\$4,126	\$250.00
1517	C00241083	REPUBLICANS FOR CHOICE, PAC		STONE, ANN 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 T. 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



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

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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;)

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 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;)

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Federal Election Commission
Certification for Administrative Fines
September 29, 2006

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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;)

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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.

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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#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,

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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

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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.

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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

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 4, 2006

Brian Rappaport
IBEW 349 Electro - PAC
1657 N.W. 17th Avenue
Miami, FL 33125

C00136689
AF#: 1505

Dear Brian Rappaport:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file a July Quarterly Report of Receipts and Disbursements in a calendar year during which there is a regularly scheduled election. 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 8/8/2006, 24 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 IBEW 349 Electro - PAC 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 \$680. It is due by 11/8/2006 and is based on these factors:

Election Sensitivity of Report: Not Election Sensitive
Level of Activity: \$ 48,494
Number of Days Late: 24
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

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

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

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

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


If you do not pay the calculated civil money penalty or submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that IBEW 349 Electro - 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. 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

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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 \$680 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: IBEW 349 Electro - PAC

FEC ID#: C00136689

AF#: 1505

PAYMENT DUE DATE: 11/8/2006

PAYMENT AMOUNT DUE: \$ 680

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Bellows
Associates P.A.
Certified Public Accountants and Advisors

REC'D
ADMIN

2006 NOV -8 P 2:12

November 7, 2006

Federal Election Commission
Office of Administrative Review
999 E Street, NW
Washington, D.C. 20463

Re: IBEW 349 Electro-Pac
C00136689
AF # 1505

Dear Sir/Madame:

We are writing in regards to the Federal Election Commission penalty notice for late filing of the July Quarterly Report for the period ending June 30, 2006.

Please consider this our affidavit of events:

- We entered electronically the information for the above report on July 11, 2006.
- This information was reviewed by us on July 11, 2006 and the system was having difficulty in allowing us to "upload" the report.
- We printed a Validation Summary and have maintained a hard copy of the report.
- We communicated with the FEC, information technology department and were informed that the system had been having some problems and was currently down, on and off for several days and this difficulty of submission would be taken into consideration.
- We spoke to Aliza, 202-694-1307 and Kimberly, 202-694-1130 several times, and left messages on their voicemail system as well.
- Since receiving the notice, the reports have been electronically filed and received on a timely basis.

We respectfully request an abatement of the penalty for the reasons stated above.

Should you have any questions, please feel free to contact us. We would like to thank you in advance for your assistance.

Sincerely,



Nadine Bellows, CPA
Bellows Associates, P.A.

27092602119



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Via First Class Mail

November 8, 2006

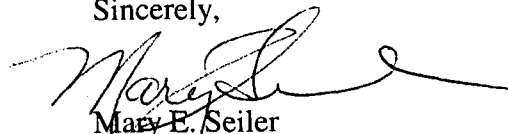
Brian Rappaport, as Treasurer
IBEW 349 Electro-PAC
1657 NW 17th Avenue
Miami, FL 33125

C00136689
AF# 1505

Dear Mr. Rappaport:

On November 8, 2006, the Commission received the written response ("challenge") from Nadine Bellows, CPA, 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,


Mary E. Seiler
Reviewing Analyst
Office of Administrative Review

27092602140

2006 NOV 13 2:4

Date: November 13, 2006

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

AF#: 1505

Committee Name: IBEW 349 Electro-PAC

Committee ID#: C00136689

Committee Address (if different than in RTB letter):

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) - Y

Attachment #: 1

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 August 1, 2006.

-RTB Letter, dated October 4, 2006.

Attachment #: 2

27092602141

SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:

Brian Rappaport
IBEW 349 Elcabo - PAC
1657 NW 17th Avenue
Miami, FL 33125

2. Article Number
(Transfer from service label)

7005 1820 0003 8239 5777

5777

PS Form 3811, February 2004

Domestic Return Receipt

102585-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

[Handwritten Signature]

Agent

Addressee

B. Received by (Printed Name)

Elizabeth Blavers

C. Date of Delivery

10/10/06

D. Is delivery address different from item 1?

Yes

If YES, enter delivery address below:

No

3. Service Type

Certified Mail

Express Mail

Registered

Return Receipt for Merchandise

Insured Mail

C.O.D.

4. Restricted Delivery? (Extra Fee)

Yes

27092602142

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 IBEW 349 Electro-PAC:
 - A) Prior Notice dated June 21, 2006, referencing the 2006 July Quarterly Report;
 - B) Non-Filer Letter dated August 1, 2006, referencing the 2006 July Quarterly Report;
 - C) 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 IBEW 349 Electro-PAC electronically filed the 2006 July Quarterly Report with the Commission on August 8, 2006.
4. Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct and there are no relevant telecoms for the case. This declaration was executed at Washington, D.C. on the 13th day of November, 2006.



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

27092602143

QUARTERLY REPORT NOTICE

FEDERAL ELECTION COMMISSION

CONGRESSIONAL COMMITTEES

June 21, 2006

REPORTING DATES

REPORT	REPORTING PERIOD ¹	REG./CERT. & OVERNIGHT MAILING DATE	FILING DATE
July Quarterly	04/01/06 - 06/30/06	07/15/06	07/15/06 ²

WHO MUST FILE

Principal campaign committees of congressional candidates³ (including unopposed candidates and candidates whose names do not appear on the ballot) must file a July Quarterly Report by July 15, 2006.⁴

Campaigns that raise or spend more than \$5,000 for the 2006 election cycle (and thus trigger registration and reporting requirements) must file quarterly reports throughout 2006, even if the candidate plans to retire, withdraws from the race prior to the primary election, loses the primary or drops out of the race prior to the general election. Committees must continue to file reports until the Commission notifies them in writing that their termination report has been accepted.

METHOD OF FILING

Reports sent by registered or certified mail must be postmarked by the mailing date (please note that a certificate of mailing is not an acceptable method). Committees should keep the mailing receipt with its postmark as proof of filing.

If using overnight mail, the delivery service must receive the report by the mailing date. "Overnight mail" includes Priority or Express Mail having a delivery confirmation, or an overnight delivery service with an on-line tracking system and scheduled for next business day delivery. Reports filed by any other means must be received by the Commission (or Secretary of the Senate for Senate committees) by the filing date.

ELECTRONIC FILING

U.S. House committees that receive contributions or make expenditures in excess of \$50,000 in a calendar year, or that have reason to expect to do so, must submit their reports electronically. For additional information, review the enclosed handout entitled "Electronic Filing," call the FEC's Electronic Filing office at (800) 424-9530 or (202) 694-1642, and visit our web site at www.fec.gov/electfil/electron.shtml.

¹These dates indicate the beginning and the end of the reporting period. A reporting period always begins the day after the closing date of the last report filed. If the committee is new and has not previously filed a report, the first report must cover all activity that occurred before the committee registered.

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

³An individual becomes a candidate for Federal office (and thus triggers registration and reporting obligations) when his or her campaign exceeds \$5,000 in either contributions received or expenditures made. If the campaign has not exceeded the \$5,000 threshold, it is not required to file reports.

⁴If the campaign has more than one authorized committee in addition to the principal campaign committee, the principal campaign committee must also file a consolidated report on Form 3Z.

(over)

27092602144

REPORTING SCHEDULE FOR REMAINDER OF 2006

REPORT	REPORTING PERIOD ¹	REG./CERT. & OVERNIGHT MAILING DATE	FILING DATE
October Quarterly	07/01/06 - 09/30/06	10/15/06	10/15/06 ²
Pre-General	10/01/06 - 10/18/06	10/23/06	10/26/06
48-Hour Notices	10/19/06 - 11/04/06	----see below----	
Post-General	10/19/06 - 11/27/06	12/07/06	12/07/06
Year-End	11/28/06 - 12/31/06	01/31/07	01/31/07

Note: A committee whose candidate participates in a 2006 state primary, nominating convention or runoff election – even if unopposed – must also file a pre-election report 12 days prior to the primary, nominating convention or runoff. The campaign committee of a candidate who participates in the general election must file pre- and post-general election reports. Separate notices will be sent to explain these additional reporting obligations. See the January 2006 Record, which can be found on the FEC web site at www.fec.gov/pages/record.shtml.

48 HOUR NOTICES ON CONTRIBUTIONS

Notices are required if the committee receives contributions (**including in-kind gifts or advances of goods or services; Loans from the candidate or other non-bank sources; and guarantees or endorsements of bank loans to the candidate or committee**) of \$1,000 or more, during the period less than 20 days but more than 48 hours before any election in which the candidate is running. The notices must reach the appropriate federal filing office within 48 hours of the committee's receipt of the contribution(s). Senate candidates must transmit them to the Secretary of the Senate at (202) 224-1851. **Campaign committees that file electronically MUST submit their 48-hour notices electronically.** For more information, visit the FEC web site at www.fec.gov/elecfil/online.shtml. U.S. House candidates faxing 48-hour notices should transmit them to the FEC at (202) 219-0174.

COMPLIANCE

- Treasurers of political committees are responsible for both the timeliness and the accuracy of all reports. They may be subject to monetary penalties if reports are inaccurate or are not filed on time.
- Under the Administrative Fine Program, political committees and their treasurers who fail to file their reports (including 48-hour notices) on time may be subject to civil money penalties up to \$16,000 (or more for repeat late- and non-filers).⁵ For additional information, see the enclosed handout entitled, "Administrative Fine Program," and visit the FEC web site at www.fec.gov/af.shtml.
- In addition, political committees that file illegible reports or use non-FEC forms (except for FEC-approved, computer-generated forms) will be required to refile their reports.
- Electronic filers who instead file on paper or submit an electronic report (either by direct transmission or on 3.5" diskette) that does not pass the validation test will be considered non-filers and may be subject to enforcement actions (including administrative fines).

¹See footnote #1, on reverse side.

²See footnote #2, on reverse side.

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

FOR INFORMATION, CALL: (800) 424-9530 or (202) 694-1100

27092602145



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 1, 2006

RQ-7

Brian Rappaport, Treasurer
Ibew 349 Electro - Pac
1657 N W 17th Avenue
Miami, FL 33125

IDENTIFICATION NUMBER: C00136689

Reference: July Quarterly Report 4/1/2006 - 6/30/2006

Dear Treasurer:

It has come to the attention of the Federal Election Commission that you may have failed to file the above referenced report of receipts and expenditures as required by the Federal Election Campaign Act, as amended. You were previously notified of the due date for this report.

It is important that you file this report immediately with the Federal Election Commission, 999 E Street, N.W., Washington, D.C., 20463. A copy of the report or relevant portions must also be filed with the Secretary of the State or equivalent State Officer unless the State is exempt from the federal requirement to receive and maintain paper copies. You can verify the Commission's receipt of any documents submitted by your committee on the FEC website at www.fec.gov.

The failure to timely file this report may result in civil money penalties, an audit or legal enforcement action. The civil money penalty calculation for late reports does not include a grace period and begins on the day following the due date for the report. Due to heightened security screening measures, delivery of mail by the US Postal Service may be delayed. The Commission recommends that you submit your report via overnight delivery or courier service.

If you have any questions regarding this matter, please contact Kimberly Doughty at our toll free number (800)424-9530. Our direct local number is (202)694-1130.

Sincerely,

A handwritten signature in cursive script, appearing to read "John D. Gibson".

John D. Gibson
Assistant Staff Director
Reports Analysis Division (RAD)

26093000149



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2007 FEB -1 P 4: 17

February 1, 2007

MEMORANDUM

SENSITIVE

TO: THE COMMISSION

THROUGH: PATRINA M. CLARK *PMC*
STAFF DIRECTOR

MARGARITA MAISONET *MM*
CHIEF COMPLIANCE OFFICER

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

SUBJECT: AF# 1505 - IBEW 349 ELECTRO-PAC AND BRIAN
RAPPAPORT, AS TREASURER (C00136689)

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

27092602147



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 1, 2007

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

AF# 1505 – IBEW 349 Electro-PAC and Brian Rappaport, as Treasurer (C00136689)

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. The Commission also made a preliminary determination that the civil money penalty was \$680 based on the schedule of penalties at 11 C.F.R. § 111.43. The respondents were notified by the Reports Analysis Division ("RAD") via letter on October 4, 2006 of the Commission's finding and civil money penalty calculated at RTB.

Respondents' Response

On November 8, 2006, the Commission received the written response ("challenge") from Nadine Bellows, CPA, on behalf of the respondents. She states that on July 11, 2006, "the system was having difficulty in allowing us to 'upload' the report." When communicating with the Commission's Electronic Filing Office ("EFO"), they "were informed that the system had been having some problems and was currently down, on and off for several days and this difficulty of submission would be taken into consideration." She indicates that she contacted the EFO and RAD several times and requests "abatement of the penalty." Included with the challenge is a copy of the RTB letter.

ITD's Supplemental Response and RAD's Declaration

In his response to OAR's request, the Information Technology Division ("ITD") Manager states that the EFO logs show that, on August 8, 2006, Ms. Elizabeth Lim called Eliza Green and stated that she received a letter from RAD instructing them to file the 2006 July Quarterly Report. When trying to upload the report that same day, "Ms. Lim received a system error, 'bad format invalid superseded specification.'" Ms. Green assisted her with removing the committee identification number from the "Filing ID (Original)" field and the report was then successfully uploaded.

The ITD Manager notes that the EFO has no logs of a conversation where the respondents were told that the "system had been having some problems and was currently down, on and off for several days...." He states that there "were no calls, messages or contacts" with the respondents between March 9, 2006 and August 8, when Ms. Lim called for help when attempting to upload the report. He notes that there "were no electronic filing system problems on July 11 or July 15, 2006 that would have prevented [them] from uploading the report."

In her declaration, RAD's Compliance Branch Chief states that "there are no relevant telecoms" [written records of telephone conversations] with the respondents about this report.

Analysis

The July Quarterly Report was filed on August 8, 2006, 24 days late.

The Federal Election Campaign Act ("Act") requires that a report for the quarter ending June 30, 2006 be filed no later than July 15th. 2 U.S.C. § 434(a)(4)(A)(i) and

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11 C.F.R. § 104.5(c)(1)(i)(A). The treasurer shall be personally responsible for the timely filing of reports. 11 C.F.R. § 104.14(d).

The respondents state that on July 11 they printed their Validation Summary and a hard copy of the report but encountered problems when attempting to upload their report.

As required by 11 C.F.R. § 104.18(e), they checked the report against the Commission's validation program to ensure that it met the Commission's format specifications. This does not, however, complete the electronic filing process, as they must still upload the report to the Commission, nor does it serve as proof of filing. Although they say that the EFO staff informed them that "the system had been having some problems and was currently down, on and off for several days," the ITD Manager states that there is no record that they were told that the system was experiencing problems. He points out that there are no records of any "calls, messages or contacts" with them between March 9, 2006 and August 8, when Ms. Lim called to get help to file the report in response to RAD's August 1 Non-Filer Notice. In addition, he says that there were no electronic filing system problems preventing them from successfully uploading the report on either July 11 when they state they first tried to file or on the July 15 due date. Furthermore, RAD has no record of any conversations with the respondents regarding this report.

The other issue raised in the challenge (subsequent reports "have been electronically filed and received ... timely") does not fall within the list of defenses outlined in 11 C.F.R. § 111.35(b). Their challenge presented 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 July Quarterly Report in a timely manner. The Reviewing Officer, therefore, recommends that the Commission make a final determination that they violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$680.

OAR Recommendations

- (1) Make a final determination in AF# 1505 that IBEW 349 Electro-PAC and Brian Rappaport, as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$680; and
- (2) Send the appropriate letter.

Reviewing Analyst: Dayna C. Brown

Attachments

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

27092602149

Bellows Associates P.A.

Certified Public Accountants and Advisors

Attachment # 1
4 Pages

2006 NOV -8 P 2:12

November 7, 2006

Federal Election Commission
Office of Administrative Review
999 E Street, NW
Washington, D.C. 20463

Re: IBEW 349 Electro-Pac
C00136689
AF # 1505

Dear Sir/Madame:

We are writing in regards to the Federal Election Commission penalty notice for late filing of the July Quarterly Report for the period ending June 30, 2006.

Please consider this our affidavit of events:

- We entered electronically the information for the above report on July 11, 2006.
- This information was reviewed by us on July 11, 2006 and the system was having difficulty in allowing us to "upload" the report.
- We printed a Validation Summary and have maintained a hard copy of the report.
- We communicated with the FEC, information technology department and were informed that the system had been having some problems and was currently down, on and off for several days and this difficulty of submission would be taken into consideration.
- We spoke to Aliza, 202-694-1307 and Kimberly, 202-694-1130 several times, and left messages on their voicemail system as well.
- Since receiving the notice, the reports have been electronically filed and received on a timely basis.

We respectfully request an abatement of the penalty for the reasons stated above.

Should you have any questions, please feel free to contact us. We would like to thank you in advance for your assistance.

Sincerely,



Nadine Bellows, CPA
Bellows Associates, P.A.



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 4, 2006

Brian Rappaport
IBEW 349 Electro - PAC
1657 N.W. 17th Avenue
Miami, FL 33125

C00136689
AF#: 1505

Dear Brian Rappaport:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file a July Quarterly Report of Receipts and Disbursements in a calendar year during which there is a regularly scheduled election. 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 8/8/2006, 24 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 IBEW 349 Electro - PAC 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 \$680. It is due by 11/8/2006 and is based on these factors:

Election Sensitivity of Report: Not Election Sensitive
Level of Activity: \$ 48,494
Number of Days Late: 24
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

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

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

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

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

If you do not pay the calculated civil money penalty or submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that IBEW 349 Electro - 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. 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

27092602152

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 \$680 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: IBEW 349 Electro - PAC

FEC ID#: C00136689

AF#: 1505

PAYMENT DUE DATE: 11/8/2006

PAYMENT AMOUNT DUE: \$ 680

27092602153

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 IBEW 349 Electro-PAC:
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3. I hereby certify that I have searched the Commission's public records and find that IBEW 349 Electro-PAC electronically filed the 2006 July Quarterly Report with the Commission on August 8, 2006.
4. Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct and there are no relevant telecoms for the case. This declaration was executed at Washington, D.C. on the 13th day of November, 2006.



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

27092602154

QUARTERLY REPORT NOTICE

FEDERAL ELECTION COMMISSION

CONGRESSIONAL COMMITTEES

June 21, 2006

REPORTING DATES

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If using overnight mail, the delivery service must receive the report by the mailing date. "Overnight mail" includes Priority or Express Mail having a delivery confirmation, or an overnight delivery service with an on-line tracking system and scheduled for next business day delivery. Reports filed by any other means must be received by the Commission (or Secretary of the Senate for Senate committees) by the filing date.

ELECTRONIC FILING

U.S. House committees that receive contributions or make expenditures in excess of \$50,000 in a calendar year, or that have reason to expect to do so, must submit their reports electronically. For additional information, review the enclosed handout entitled "Electronic Filing," call the FEC's Electronic Filing office at (800) 424-9530 or (202) 694-1642, and visit our web site at www.fec.gov/electfil/electron.shtml.

¹These dates indicate the beginning and the end of the reporting period. A reporting period always begins the day after the closing date of the last report filed. If the committee is new and has not previously filed a report, the first report must cover all activity that occurred before the committee registered.

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

³An individual becomes a candidate for Federal office (and thus triggers registration and reporting obligations) when his or her campaign exceeds \$5,000 in either contributions received or expenditures made. If the campaign has not exceeded the \$5,000 threshold, it is not required to file reports.

⁴If the campaign has more than one authorized committee in addition to the principal campaign committee, the principal campaign committee must also file a consolidated report on Form 3Z.

(over)

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REPORTING SCHEDULE FOR REMAINDER OF 2006

REPORT	REPORTING PERIOD ¹	REG./CERT. & OVERNIGHT MAILING DATE	FILING DATE
October Quarterly	07/01/06 - 09/30/06	10/15/06	10/15/06 ²
Pre-General	10/01/06 - 10/18/06	10/23/06	10/26/06
48-Hour Notices	10/19/06 - 11/04/06	----see below----	
Post-General	10/19/06 - 11/27/06	12/07/06	12/07/06
Year-End	11/28/06 - 12/31/06	01/31/07	01/31/07

Note: A committee whose candidate participates in a 2006 state primary, nominating convention or runoff election – even if unopposed – must also file a pre-election report 12 days prior to the primary, nominating convention or runoff. The campaign committee of a candidate who participates in the general election must file pre- and post-general election reports. Separate notices will be sent to explain these additional reporting obligations. See the January 2006 Record, which can be found on the FEC web site at www.fec.gov/pages/record.shtml.

48 HOUR NOTICES ON CONTRIBUTIONS

Notices are required if the committee receives contributions (including in-kind gifts or advances of goods or services; Loans from the candidate or other non-bank sources; and guarantees or endorsements of bank loans to the candidate or committee) of \$1,000 or more, during the period less than 20 days but more than 48 hours before any election in which the candidate is running. The notices must reach the appropriate federal filing office within 48 hours of the committee's receipt of the contribution(s). Senate candidates must transmit them to the Secretary of the Senate at (202) 224-1851. **Campaign committees that file electronically MUST submit their 48-hour notices electronically.** For more information, visit the FEC web site at www.fec.gov/electfil/online.shtml. U.S. House candidates faxing 48-hour notices should transmit them to the FEC at (202) 219-0174.

COMPLIANCE

- Treasurers of political committees are responsible for both the timeliness and the accuracy of all reports. They may be subject to monetary penalties if reports are inaccurate or are not filed on time.
- Under the Administrative Fine Program, political committees and their treasurers who fail to file their reports (including 48-hour notices) on time may be subject to civil money penalties up to \$16,000 (or more for repeat late- and non-filers).⁵ For additional information, see the enclosed handout entitled, "Administrative Fine Program," and visit the FEC web site at www.fec.gov/af.shtml.
- In addition, political committees that file illegible reports or use non-FEC forms (except for FEC-approved, computer-generated forms) will be required to refile their reports.
- Electronic filers who instead file on paper or submit an electronic report (either by direct transmission or on 3.5" diskette) that does not pass the validation test will be considered non-filers and may be subject to enforcement actions (including administrative fines).

¹See footnote #1, on reverse side.

²See footnote #2, on reverse side.

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

27092602156



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 1, 2006

RQ-7

Brian Rappaport, Treasurer
Ibew 349 Electro - Pac
1657 N W 17th Avenue
Miami, FL 33125

IDENTIFICATION NUMBER: C00136689

Reference: July Quarterly Report 4/1/2006 - 6/30/2006

Dear Treasurer:

It has come to the attention of the Federal Election Commission that you may have failed to file the above referenced report of receipts and expenditures as required by the Federal Election Campaign Act, as amended. You were previously notified of the due date for this report.

It is important that you file this report immediately with the Federal Election Commission, 999 E Street, N.W., Washington, D.C., 20463. A copy of the report or relevant portions must also be filed with the Secretary of the State or equivalent State Officer unless the State is exempt from the federal requirement to receive and maintain paper copies. You can verify the Commission's receipt of any documents submitted by your committee on the FEC website at www.fec.gov.

The failure to timely file this report may result in civil money penalties, an audit or legal enforcement action. The civil money penalty calculation for late reports does not include a grace period and begins on the day following the due date for the report. Due to heightened security screening measures, delivery of mail by the US Postal Service may be delayed. The Commission recommends that you submit your report via overnight delivery or courier service.

If you have any questions regarding this matter, please contact Kimberly Doughty at our toll free number (800)424-9530. Our direct local number is (202)694-1130.

Sincerely,

John D. Gibson
Assistant Staff Director
Reports Analysis Division (RAD)

26039916897657



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 4, 2006

Brian Rappaport
IBEW 349 Electro - PAC
1657 N.W. 17th Avenue
Miami, FL 33125

C00136689
AF#: 1505

Dear Brian Rappaport:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file a July Quarterly Report of Receipts and Disbursements in a calendar year during which there is a regularly scheduled election. 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 8/8/2006, 24 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 IBEW 349 Electro - PAC 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 \$680. It is due by 11/8/2006 and is based on these factors:

Election Sensitivity of Report: Not Election Sensitive
Level of Activity: \$ 48,494
Number of Days Late: 24
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

27092602158

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 IBEW 349 Electro - 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. 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

27992602159

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 \$680 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: IBEW 349 Electro - PAC

FEC ID#: C00136689

AF#: 1505

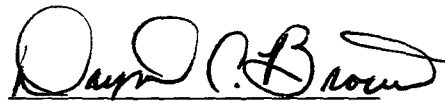
PAYMENT DUE DATE: 11/8/2006

PAYMENT AMOUNT DUE: \$ 680

27992602160

DECLARATION OF DAYNA C. BROWN

1. I am the Reviewing Analyst in the Office of Administrative Review for the Federal Election Commission ("Commission"). In my capacity as Reviewing Analyst, I conduct research with respect to all challenges submitted in accordance with the Administrative Fine program.
2. The 2006 July Quarterly Report is due July 15, 2006. If electronically filed, it must be received and validated by the Commission at or before 11:59 p.m., Eastern Standard/Daylight Time on July 15 to be timely filed.
3. I hereby certify that I have searched the Commission's public records and that the document identified herein is a true and accurate copy of Page 1 of the Summary Page for the 2006 July Quarterly Report electronically filed by IBEW 349 Electro-PAC and Brian Rappaport, as Treasurer. According to Commission records, the report was received on August 8, 2006 and covers the period from April 1 through June 30, 2006.
4. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at Washington on the 1st of February, 2007.



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

27092602161

**FEC
FORM 3X**

**REPORT OF RECEIPTS
AND DISBURSEMENTS**
For Other Than An Authorized Committee

Office Use Only

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

IBEW 349 ELECTRO - PAC

ADDRESS (Number and street) 1657 N W 17TH AVENUE

Check if different than previously reported. (ACC)

MIAMI FL 33125

2. FEC IDENTIFICATION NUMBER CITY STATE ZIP CODE

C00136689

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

4. TYPE OF REPORT (Choose One)	(b) Monthly Report Due On:	Feb 20 (M2)	May 20 (M5)	Aug 20 (M8)	Nov 20 (M11) (Non-Election Year Only)
	(B) Quarterly Reports:	Mar 20 (M3)	Jun 20 (M6)	Sep 20 (M9)	Dec 20 (M12) (Non-Election Year Only)
		Apr 20 (M4)	Jul 20 (M7)	Oct 20 (M10)	Jan 31 (YE)
<input checked="" type="checkbox"/> April 15 Quarterly Report (Q1)	(c) 12-Day PRE-Election Report for the:	Primary (12P)	General (12G)	Runoff (12R)	
<input checked="" type="checkbox"/> July 15 Quarterly Report (Q2)		Convention (12C)	Special (12S)		
<input type="checkbox"/> October 15 Quarterly Report (Q3)					
<input type="checkbox"/> January 31 Quarterly Report (YE)					
<input type="checkbox"/> July 31 Mid-Year Report (Non-election Year Only) (MY)	(d) 30-Day Post-Election Report for the:	General (30G)	Runoff (30R)	Special (30S)	
<input type="checkbox"/> Termination Report (TER)					

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 BRIAN RAPPAPORT

Signature of Treasurer Electronically Filed by BRIAN RAPPAPORT Date 08 08 2006

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C 437g.

27092602162



FEDERAL ELECTION COMMISSION
WASHINGTON; D.C. 20463

VIA OVERNIGHT DELIVERY

February 5, 2007

Brian Rappaport, as Treasurer
IBEW 349 Electro-PAC
1657 N W 17th Avenue
Miami, FL 33125

C00136689
AF# 1505

Dear Mr. Rappaport:

On September 29, 2006, the Federal Election Commission ("Commission") found reason to believe ("RTB") that California Democratic Council 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 \$680 based on the schedule of penalties at 11 C.F.R. § 111.43.

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

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

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

Sincerely,

A handwritten signature in black ink that reads "Dayna C. Brown".

Dayna C. Brown
Reviewing Analyst
Office of Administrative Review

Attachment

27092602163



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

February 22, 2007 2007 FEB 22 P 12:32

SENSITIVE

MEMORANDUM

TO: THE COMMISSION

THROUGH: PATRINA M. CLARK *PMC*
STAFF DIRECTOR

MARGARITA MAISONET *mm*
CHIEF COMPLIANCE OFFICER

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

SUBJECT: FINAL DETERMINATION RECOMMENDATION IN AF# 1505 -
IBEW 349 ELECTRO-PAC AND BRIAN RAPPAPORT, AS TREASURER
(C00136689)

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 \$680 based on the schedule of penalties at 11 C.F.R. § 111.43.

On November 8, 2006, the Commission received the written response (“challenge”) from Nadine Bellows, CPA, on behalf of the respondents. After reviewing the challenge, the Reviewing Officer’s recommendation dated February 1, 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 \$680 because they submitted no evidence that a factual error was made, that the civil money penalty was miscalculated at RTB or that extraordinary circumstances existed which prevented them from filing the report on time.

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

OAR Recommendations

- (1) Make a final determination in AF# 1505 that IBEW 349 Electro-PAC and Brian Rappaport, as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$680; and
- (2) Send the appropriate letter.

2709260216A



FEDERAL ELECTION COMMISSION
Washington, DC 20463

SENSITIVE

DATE & TIME OF TRANSMITTAL: Thursday, February 22, 2007 4:00

BALLOT DEADLINE: Tuesday, February 27, 2007 4:00

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

SUBJECT: **Final Determination Recommendation in AF
150 - IBEW 349 Electro-PAC and Brian Rappaport,
as treasurer (C00136689) Memorandum from the
Reviewing Officer dated February 22, 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

27092602165

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Final Determination Recommendation:) AF 1505
IBEW 349 Electro-PAC and Brian)
Rappaport, as treasurer. (C00136689))

CERTIFICATION

I, Mary W. Dove, Secretary of the Federal Election Commission, do hereby certify that on February 27, 2007, the Commission decided by a vote of 6-0 to take the following actions in AF 1505:

1. Make a final determination in AF 1505 that IBEW 349 Electro-PAC and Brian Rappaport, as treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$680.
2. Send the appropriate letter.

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

Attest:

February 27, 2007
Date

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

27092602166



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 2, 2007

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Brian Rappaport, as Treasurer
IBEW 349 Electro-PAC
1657 N W 17th Avenue
Miami, FL 33125

ID# C00136689
AF# 1505

Dear Mr. Rappaport:

On September 29, 2006, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that IBEW 349 Electro-PAC 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 \$680 in accordance with the schedule of penalties at 11 C.F.R. § 111.43. On November 8, 2006, the Office of Administrative Review received the written response from Nadine Bellows, CPA, 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 IBEW 349 Electro-PAC and you, as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty in the amount of \$680 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 February 5, 2007.

On February 27, 2007, the Commission adopted the Reviewing Officer's recommendation and made a final determination that IBEW 349 Electro-PAC and you, as Treasurer, violated 2 U.S.C. § 434(a) and assessed a civil money penalty of \$680. It is based on the same factors used to calculate the civil money penalty at RTB.

To Pay the Civil Money Penalty

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

27092602167

If You Do Not Pay the Civil Money Penalty

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA") as amended by the Debt Collection Improvement Act of 1996 ("DCIA"), 31 U.S.C. § 3701 et seq. If you do not pay this debt within 30 days (or file a written petition to a federal district court - see below), the Commission will transfer the debt to the U.S. Department of the Treasury ("Treasury") for collection. Within 5 days of the transfer to Treasury, Treasury will contact the debtor and request payment. Treasury currently charges a fee of 28% of the civil money penalty amount for its collection services. The fee will be added to the amount of the civil money penalty that you owe. Should Treasury's attempts fail, Treasury will refer the debt to a private collection agency ("PCA"). If the debt remains unpaid, Treasury may recommend that the Commission refer the matter to the Department of Justice for litigation.

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

If you choose to appeal the final determination, you should submit a written petition, within 30 days of receipt of this letter, to the district court of the United States for the district in which the committee or you reside, or transact business, requesting that the final determination be modified or set aside. See 2 U.S.C. § 437g(a)(4)(C)(iii). Your failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver of the respondents' right to present such argument in a petition to the district court under 2 U.S.C. § 437g. 11 C.F.R. § 111.38.

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

If you have any questions regarding the payment of the civil money penalty, please contact Dayna C. Brown on our toll free number (800)424-9530 (press 0, then ext. 1660) or (202)694-1660.

Sincerely,



Robert D. Lenhard
Chairman

27092602168

ADMINISTRATIVE FINE PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 C.F.R. § 111.43, the civil money penalty is \$680 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: IBEW 349 Electro-PAC

FEC ID#: C00136689

AF#: 1505

PAYMENT AMOUNT DUE: \$680

69120926072

QUALITY IS OUR PRIORITY FOR LOCKBOX 9058
SEQ# 003 \$ 0000068000 BA# 1 03-29-07 20 3



usbancorp.
The Best Service Guaranteed

27092602170

LOCAL NO. 349 ELECTRO PAC FUND		ELECTRICIANS LOCAL 349 CU MIAMI, FL 33125 63-80182660	1773
PAY TO THE ORDER OF FEDERAL ELECTION COMMISSION		\$ 680.00	2/28/2007
Six Hundred Eighty and 00/100		DOLLARS	
FEDERAL ELECTION COMMISSION P.O. BOX 979058 ST. LOUIS, MO 62197-9000		MEMO AF# 1505 - C00136689, July 2006 report	



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 1505

DATE SCANNED 6/6/07

SCANNER NO. 1

SCAN OPERATOR EES

1412092602171