



FEDERAL ELECTION COMMISSION  
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 1506

DATE SCANNED 12/1/08

SCANNER NO. 1

SCAN OPERATOR SES

28092620800



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 *JG*  
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	\$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 MILLER	MILLER, MATT	DON EISENBERG	\$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
1506	C00417048	JEFF LATAS FOR CONGRESS	LATAS, JEFFREY LYNN	ANDREA DALESSANDRO	\$154,608.00	0	7/22/2006	7	\$108,865	\$1,400.00
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 MACASSEL	\$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

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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	\$1,121,504.00	3	8/26/2006	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 TOLAY	\$122,363.00	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
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

28092620804

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; )  
JEFF LATAS FOR CONGRESS, and ) AF# 1506  
ANDREA DALESSANDRO 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; )

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Federal Election Commission  
Certification for Administrative Fines  
September 29, 2006

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#1506 Decided by a vote of 6-0 to: (1) find reason to believe that JEFF LATAS FOR CONGRESS, and ANDREA DALESSANDRO 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.

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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#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,

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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

28092620811



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

October 4, 2006

Andrea Dalessandro  
Jeff Latas for Congress  
P.O. Box 69907  
Tucson, AZ 85737

C00417048  
AF#: 1506

Dear Andrea Dalessandro:

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 7/22/2006, 7 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 Jeff Latas for Congress 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 \$1,475. It is due by 11/8/2006 and is based on these factors:

Election Sensitivity of Report: Not Election Sensitive  
Level of Activity: \$ 108,865  
Number of Days Late: 7  
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 Jeff Latas for Congress 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

28092620813

-----  
**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 \$1,475 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: Jeff Latas for Congress

FEC ID#: C00417048

AF#: 1506

PAYMENT DUE DATE: 11/8/2006

PAYMENT AMOUNT DUE: \$ 1,475

28092620814

2006 NOV -7 P 1:44

Green Valley, AZ 85614  
November 6, 2006

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

Dear Sir:

We are responding to the enclosed notice dated October 4, 2006.

We are requesting that the fine be waived or reduced because this is our first late report and because of extraordinary circumstances that persisted for more than 48 hours that were beyond our control which prevented us from filing in a timely manner in spite of our best efforts.

Jeff Latas for Congress was a grass roots campaign run on a shoe string. It was the first time he was a candidate. It is also the first time that I have been a treasurer. We were unable to pay for vendors or contractors. We had no staff to perform reporting duties. I am a volunteer. The campaign does not have funds to retain counsel.

During the entire process our FEC analyst, Travis Brown, was responsive and helpful.

I agreed to serve as the treasurer for Jeff Latas for Congress campaign in November, 2005. The first question that I asked was what training was available and this is what I found on the FEC Web site.

**Due to unanticipated budgetary constraints, the FEC had to cancel its Spring 2006 conferences. The Commission hopes to resume its conference program in fiscal year 2007. In the interim, the agency will offer the workshops described below and has begun to produce online presentations that will appear on our Brochures web page. As always, you can also get help by calling us toll-free at 800-424-9530 or e-mailing us at info@fec.gov.**

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State outreach sessions were conducted before November, 2005 when I was named treasurer to the campaign.

<b>State Outreach</b>			
<b>Program Information</b>	<b>Date</b>	<b>Location</b>	<b>Registration</b>
<b>State Outreach workshops, normally held during non-election years, were held in three locations in Summer 2005. Watch this space for an announcement of upcoming state outreach workshops.</b>			

As I mentioned above this was our first late report and it was partially caused by the conversion from paper filing to electronic filing. I did many things to prepare for electronic filing. I printed and read out the entire FEC User Manual for Candidate Committees and secured a password. I spoke to our analyst and to tech support many times.

When I called tech support I received vague answers. When I requested a reference to the Manual I was told they were not familiar with the manual.

I asked questions about going from paper to electronic and I asked how to be sure that I had current cumulative donations recorded accurately. They told me to do it manually but could not give me directions on how to do that.


I asked questions about the FEC Template and I was told to follow the directions. When I asked to speak to a supervisor I was told that they would tell me the same thing.. I made my calls in the morning and women always took my questions. The calls yielded no help nor offer of help.

Even though key information was received at the last minute, I was optimistic that I could file on time. Then I was unable to work with the FEC templates until receiving my first real tech help on Friday, July 21, 2006. A one page instruction was not able to answer my questions. It was not user friendly. A man took the call and even worked late on that Friday night to assist me. He gave me his e-mail and offered to look at my donor files. He modified them so that they could be uploaded to the FEC. After long hours and days of frustration I finally able to file. He had an Hispanic last name and I most grateful for his help. He provided the only tech support that assisted me during the entire process.

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Salette Latas, the candidate's wife agreed to serve as Custodian of books and accounts. She provided me with information about donations and expenditures. For Quarter 2 there was a delay in sending the information to me.

I did not file late on purpose. I did everything in my power to file on time. It was not our intention to hide information from the public.

  
Andrea Dalessandro

28092620817



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

Via First Class Mail

November 8, 2006

Andrea Dalessandro, as Treasurer  
Jeff Latas for Congress  
PO Box 69907  
Tucson, Arizona 85737

C00417048  
AF# 1506

Dear Ms. Dalessandro:

On November 7, 2006, the Commission received your written response and supporting documentation ("challenge") 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 that reads "Shawn Woodhead Werth".

Shawn Woodhead Werth  
Reviewing Officer  
Office of Administrative Review

28092620818

FEB 17  
ADMIN REVIEW

2006 NOV 15 P 3: 17

Date: November 15, 2006

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

**AF#: 1506**

**Committee Name:** Jeff Latas for Congress

**Committee ID#:** C00417048

**Committee Address (if different than in RTB letter):**

Green Valley, AZ 85614-5525

Oro Valley, AZ 85755

**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.**

**-RTB Letter, dated October 4, 2006.**

**Attachment #: 2**

**Other RAD Information: Letter Tracking.**

**Attachment#: 3**

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**DECLARATION OF PATRICIA CARMONA**

1. I am the Chief of the Compliance Branch for the Reports Analysis Division of the Federal Election Commission ("Commission"). In my capacity as Chief of the Compliance Branch, I oversee the research conducted with regard to the Administrative Fine Program. I make this declaration based on my personal knowledge and, if called upon as a witness, could and would testify competently to the following matters.
2. I hereby certify that documents identified herein are true and accurate copies of the following sent by the Commission to Jeff Latas for Congress:

- A) Prior Notice dated June 21, 2006, referencing the 2006 July Quarterly Report;
- B) Reason-to-Believe Letter dated October 4, 2006, referencing the 2006 July Quarterly Report.

1. I hereby certify that I have searched the Commission's public records and find that Jeff Latas for Congress electronically filed the 2006 July Quarterly Report with the Commission on July 22, 2006.
2. 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 telecommunication records for the case. This declaration was executed at Washington, D.C. on the 15<sup>th</sup> day of November, 2006.



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

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● QUARTERLY ●  
**REPORT NOTICE**

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FEDERAL ELECTION COMMISSION

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**CONGRESSIONAL COMMITTEES**

June 21, 2006

**REPORTING DATES**

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<b>REPORT</b>	<b>REPORTING PERIOD<sup>1</sup></b>	<b>REG./CERT. &amp; OVERNIGHT MAILING DATE</b>	<b>FILING DATE</b>
July Quarterly	04/01/06 - 06/30/06	07/15/06	07/15/06 <sup>2</sup>

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**WHO MUST FILE**

Principal campaign committees of congressional candidates<sup>3</sup> (including unopposed candidates and candidates whose names do not appear on the ballot) must file a July Quarterly Report by July 15, 2006.<sup>4</sup>

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](http://www.fec.gov/electfil/electron.shtml).

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<sup>1</sup>These 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.

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

<sup>3</sup>An 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.

<sup>4</sup>If 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 <sup>1</sup>	REG./CERT. & OVERNIGHT MAILING DATE	FILING DATE
October Quarterly	07/01/06 - 09/30/06	10/15/06	10/15/06 <sup>2</sup>
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](http://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](http://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).<sup>5</sup> For additional information, see the enclosed handout entitled, “Administrative Fine Program,” and visit the FEC web site at [www.fec.gov/af.shtml](http://www.fec.gov/af.shtml).
- In addition, political committees that file illegible reports or use non-FEC forms (except for FEC-approved, computer-generated forms) will be required to refile their reports.
- Electronic filers who instead file on paper or submit an electronic report (either by direct transmission or on 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).

<sup>1</sup>See footnote #1, on reverse side.

<sup>2</sup>See footnote #2, on reverse side.

<sup>5</sup>Penalties 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.

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**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:

Andrea Dalessandro  
 Jeff Lotas for Congress  
 P.O. Box 69907  
 TUCSON, AZ 85737

2. Article Number

(Transfer from service label)

705 1820 0003 8239 5876

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Agent  
 Addressee

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No

3. Service Type

- Certified Mail
- Registered Mail
- Insured Mail
- Express Mail
- Return Receipt for Merchandise
- C.O.D.

4. Restricted Delivery? (Extra Fee)

Yes

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

Official Business

Andrea Dalessandro  
Jeff Latas for Congress  
P.O. Box 69907  
Tucson, AZ 85737

7005 1820 0003 8239 5875  
7005 1820 0003 8239 5875



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

28  
7005 1820 0003 8239 5875

U.S. Postal Service<sup>TM</sup>  
**CERTIFIED MAIL<sup>®</sup> 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 \$	
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees \$	

Postmark  
Here

Sent To **Andrea Dalessandro**  
Street, Apt. No.,  
or PO Box No. **P.O. Box 69907**  
City, State, Zip+4<sup>®</sup> **TUCSON, AZ 85737**

PS Form 3800, June 2002 See Reverse for Instructions

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
SECRETARIAT



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

2008 JAN -9 P 4: 42

January 9, 2008

**MEMORANDUM**

To: The Commission

Through: Patrina M. Clark *mc*  
Staff Director

From: John D. Gibson *JG*  
Chief Compliance Officer

Shawn Woodhead Wert *SW*  
Reviewing Officer  
Office of Administrative Review

Subject: AF# 1506 – Jeff Latas for Congress and Andrea Dalessandro, as  
Treasurer (C00417048)

**SENSITIVE**

This is one of two challenges for 2006 reports that raise the “best efforts” defense under the old rules. The Reviewing Officer recommendation for the other case (AF# 1470) is being forwarded simultaneously. The “best efforts” analysis was coordinated with and reviewed by the Office of General Counsel.

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

28092620825



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

January 9, 2008

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

AF# 1506 – Jeff Latas for Congress and Andrea Dalessandro, as Treasurer (C00417048)

On September 29, 2006, 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 and made a preliminary determination that the civil money penalty was \$1,475 based on the schedule of penalties at 11 C.F.R. § 111.43. They were notified, at their address of record, by the Reports Analysis Division ("RAD") on October 4, 2006 of the Commission's finding and RTB civil money penalty. On October 27, a copy was sent via overnight delivery to the candidate's home address.

**Respondents' Response**

On November 7, 2006, the Commission received the written response and supporting documentation ("challenge") from the Treasurer who blames the late filing on extraordinary circumstances lasting over 48 hours, that were beyond their control, and that prevented them from filing on time despite their best efforts. As a first-time volunteer Treasurer for a grassroots campaign, she had no support staff to help with the filings. They could not afford to pay contractors or lawyers. She checked into possible training but had missed the Commission's 2005 workshops and the 2006 conferences were cancelled.

To prepare for electronic filing, she read the FECFile User Manual, secured a password, and spoke to tech support and the RAD Analyst many times. The tech support staff gave vague answers to her questions, said they were not familiar with the User's Manual, and could not explain how to correctly record cumulative contribution totals, so they were no help. The only tech support help she got was from a man on July 21 who modified her import files so she could upload the July Quarterly Report.

Due to her son's hospitalization, Salette Latas, the custodian of books, was delayed in providing key data. Once she received the key data at the last minute, the Treasurer thought she could file timely but she could not work with the FECFile templates until she got more help from tech support. That occurred on July 21 when they accepted her data file via e-mail, modified it, and returned it to her.

The late filing was not intentional, nor was it an attempt to hide information from the public. She did everything in her power to file on time. Since this is the first late report, she asks that the fine be waived or reduced. Included with the challenge is a copy of the RTB letter.

**Analysis of Issues Other Than "Best Efforts"**

The Federal Election Campaign Act requires that a report for the quarter ending June 30, 2006 be filed by the treasurer no later than July 15, 2006. 2 U.S.C. § 434(a)(2)(A)(iii) and 11 C.F.R. § 104.5(a)(1)(i). Political committees required to file reports with the Commission must file in an electronic format if they have received contributions or made expenditures or expect to receive contributions or make expenditures

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in a calendar year aggregating in excess of \$50,000. 2 U.S.C. § 434(a)(11) and 11 C.F.R. § 104.18(a). Reports electronically filed must be received and validated at or before 11:59 p.m., Eastern Standard/Daylight Time on the prescribed filing date to be timely filed. 11 C.F.R. § 104.5(e). The respondents' written response shall contain the reason(s) why they are challenging the Commission's reason to believe finding and may consist of the existence of extraordinary circumstances that were beyond the control of the respondents, were for a duration of at least 48 hours and prevented them from filing the report in a timely manner. Examples of circumstances which are not considered extraordinary include, but are not limited to, negligence, unavailability of staff, and other similar circumstances. 11 C.F.R. § 111.35. The treasurer shall be personally responsible for the timely filing of reports. 11 C.F.R. § 104.14(d).

It is evident from Commission records that, by June 5, the Treasurer knew how to enter the Committee's financial activity into the FECFile software and knew that she needed to recreate the activity from the 2005 reports; and that by June 12, she was in the process of re-entering that data. Logs from the Electronic Filing Office ("EFO") show that the only time that the Treasurer called before July 15 was on June 5, more than five weeks before the filing deadline. She spoke with Sebene Smith and Eliza Green, both of whom advised her on what she needed to do. Ms. Smith directed her to perform a computer search to find the lost data file or recreate the reports in the new data file, gave her information on how to upload reports, and referred her to the FECFile User's Manual. Later that day, when the Treasurer left a message posing similar questions, Ms. Green called her back and repeated that the earlier reports must be recreated to generate correct aggregates figures on the July Quarterly Report.

According to the RAD telecoms [written records of telephone conversations], Travis Brown helped her on June 12 recreate the 2005 Year End Report in the FECFile software. Four days later, he helped her with more FECFile questions for another report. There is no indication that she sought additional help between June 16 and July 15. If she was still unable to file electronically by July 15, she could have called the Analyst or the EFO staff, rather than submit a paper copy of Page 1 of the report produced from the FECFile software, and then wait an additional six days, until July 21, to seek help from the EFO.

When she spoke to Mr. Luna about the FECFile import template on July 21, he suggested that she clean up the import files and e-mail him the file so he could correct the formatting. She did as he suggested and, after modifying it, he sent the corrected file back to her. She filed the July Quarterly Report on July 22, seven days late.

Regarding the late delivery of data from the custodian of records, the Treasurer fails to mention when she actually received that data. While the Reviewing Officer is sympathetic to Ms. Latas' situation with her seriously ill son, the regulations clearly state that unavailability of staff does not constitute an extraordinary circumstance. 11 C.F.R. § 111.35(b)(4). The other issues raised in the challenge (the Committee's lack of staff and funds to pay vendors or counsel; this is the first time Mr. Latas was a candidate and Ms. Dalessandro, a volunteer, was a treasurer; and the late filing was not done on purpose) also fail to meet the requirements of 11 C.F.R. § 111.35(b).

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### "Best Efforts" Analysis

Notwithstanding her best efforts, the Treasurer could not file on time because of extraordinary circumstances that were beyond their control and lasted for more than 48 hours.

The Act states that when a treasurer shows that "best efforts have been used to obtain, maintain, and submit the information required," any report of that committee shall be considered in compliance with the Act. 2 U.S.C. § 432(i). The Act does not define "best efforts," nor did the Commission regulations applicable to this matter provide further guidance as to the meaning of "best efforts" in the administrative fines context. The Commission recently promulgated new rules setting forth requirements for the "best efforts" defense in the administrative fines context for matters after the April 30, 2007 effective date of the new rules. These new rules do not apply to AF# 1506 because it occurred prior to that date.<sup>1</sup> See Final Rules for Best Efforts in Administrative Fines Challenges, 72 FR 14662 (Mar. 29, 2007).

For cases occurring prior to the new rules, the Commission has evaluated all the facts and circumstances surrounding the respondents' failure to timely file a report to determine whether these actions qualify as "best efforts" within the meaning of 2 U.S.C. § 432(i).<sup>2</sup> The Commission has recognized that "best" is an adjective of the superlative degree. "Best efforts" must, therefore, require more than "some" or "good" efforts. *Lovely SOR* at 2. Congress' choice of a "best efforts" standard, rather than a "good faith" standard, suggests that a treasurer cannot rely upon his or her earnestness or state of mind to gain the shelter of section 432(i)'s safe harbor. *Id.* Rather, a treasurer has the burden of showing that the actions taken – the efforts he or she made to comply with the applicable reporting deadlines – meet the statute's demanding benchmark. *Id.*

The question here then, is whether, considering those matters under the respondents' control, they have satisfied the burden of showing that their efforts to file qualify as "best" within the meaning of the Act. The Reviewing Officer concludes that they did not make "best efforts" to file the report on time.

The Treasurer knew months in advance of the July 15 filing deadline that Ms. Latas' son was seriously ill, had undergone several operations, had been in and out of the hospital, and periodically required her assistance. Similarly, the Treasurer knew weeks in advance of the July 15 filing deadline that she had to electronically file the July Quarterly Report but had lost the 2005 data (.dcf) file needed to prepare the report.

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<sup>1</sup>The citations in this Reviewing Officer Recommendation (ROR) are to the previous rules. Any citations to the new rules state "(2007)."

<sup>2</sup> The new rules promulgated in March 2007 provide a "best efforts" defense for administrative fine matters that merges the concept of best efforts with many aspects of the previous "extraordinary circumstances" defense. See Final Rules for Best Efforts in Administrative Fines Challenges, 72 FR 14662 (Mar. 29, 2007). The Commission stated that: "the 'best efforts' defense in the revised rule completely replaces the prior 'extraordinary circumstances' defense because the two defenses are largely coextensive." 72 FR 14662, 14664. Prior to the integration of these concepts in the new best efforts rule, the extraordinary circumstances defense in the former rule and the best efforts defense in the statute as applied in the *Lovely case (Lovely v. FEC, 307 F Supp. 2d 294 (D. Mass. 2004))* were two separate and distinct legal defenses. For that reason, we analyze the two defenses separately in this ROR.

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Ms. Latas' son became seriously ill shortly after she assumed her position with the Committee. It appears that this was in late 2005 as the Statement of Organization received in November 2005 lists her as the custodian of records. From then until early July 2006, her son was hospitalized numerous times and underwent extensive out-patient care. Yet, the Treasurer does not say if they made any provisions during this six-month period to assign the custodian's responsibilities to someone else, either on a temporary or permanent basis. As a result, when her son was hospitalized again in early July and required her attention at home, she was not able to give the Treasurer the material she needed for the report until "the last minute" (the Treasurer does not provide the date on which she got it). Thus, despite knowing of the serious long-term health problems facing Ms. Latas' son and her obligations to him, it appears that the Treasurer made no other plans to secure the records she needed in the event Ms. Latas was unavailable and unable to provide them.

The Treasurer states that she spoke with the EFO and RAD staff many times but does not state when she spoke with them. She also says that she got little or no help from some of the EFO staff. According to the EFO logs and RAD telecoms, staff answered her questions when she called, told her what to do to try and recover the data she lost, and helped her recreate the activity for one report. Between early June, when she realized the Committee exceeded the \$50,000 threshold, and July 15, when the report was due, she only spoke with staff three times to get help with her electronic filing problems.

She contacted the EFO staff once, on June 5. She told both EFO staff members to whom she spoke on that date, Ms. Smith and Ms. Green, that she used the FECFile software to record the Committee's activity, reached the \$50,000 mandatory electronic filing threshold and has to electronically file reports, and lost the data file containing the 2005 reports. The EFO staff told her to search her computer to try to recover the data file, recreate the 2005 reports if she couldn't recover the lost data, and refer to the User's Manual for information on uploading the report to the Commission.

Apart from that one day and the two conversations with the RAD Analyst on June 12 and 16 (the latter conversation concerned an amendment for another 2006 report), neither the EFO nor RAD have any records indicating that she made any other attempts over the next four weeks to contact them for help. This is true even for July 15 when she sent a paper copy of Page 1 of the report to the Commission: she waited another six days, until July 21, to call for help, this time because the "one page instruction" was not user-friendly. It appears that she is referring to the instructions for "Downloading Import Formats" but these instructions do not apply to her situation since she had not electronically filed any reports; rather they are for committees which can use their previously uploaded reports to rebuild their data (.dcf) files.

The "best efforts" provision does not hinge on a treasurer's intent, i.e., that the treasurer "did not file late on purpose" or "inten[d] to hide information from the public," or because staff was not available. See *Lovely SOR* at 2. The "best efforts" standard requires treasurers to demonstrate that they have made every effort to comply with the Act using every resource under their control. See *id.* Apart from the limited efforts made in early to mid-June to get help electronically filing the report, the Treasurer failed to take any additional steps to ensure that she could get the material from the custodian of records to prepare the July Quarterly Report and then file it on time and in the correct format. Therefore, the respondents have not demonstrated that they made "best efforts" to file the report.

The respondents would not have met the new regulatory requirements at 11 C.F.R. § 111.35(b)(3) and (c) (2007) for demonstrating they made best efforts to file in a timely manner (See 72 FR 14662-68). The new rule is a two-part test: the respondents were prevented from filing in a timely manner by reasonably unforeseen circumstances beyond their control and they filed no later than 24 hours after the end of the reasonably unforeseen circumstances that prevented the timely filing. 11 C.F.R. § 111.35(b)(3) (2007). The new rule at 11 C.F.R. § 111.35(d) (2007) also lists circumstances that are not considered reasonably unforeseen and beyond the respondents' control (See 72 FR 14666-68). These include negligence, inexperience or unavailability of the treasurer or other staff, and failure to use electronic filing software properly. The latter circumstances were all raised in their challenge.

Nonetheless, the Reviewing Officer recommends that the Commission take no further action in this case based on the following combination of factors.

First, the purpose of the administrative fine program provided at 2 U.S.C. § 437g(a)(4)(C) is to streamline and expedite the Commission's enforcement procedures. This case involves a reporting violation, the failure to timely file the July Quarterly Report, for the 2006 General Election. The Reviewing Officer sought OGC's legal guidance on the "best efforts" defense raised in this case, thus delaying its recommendation to the Commission. As a consequence, this case has not yet been resolved through no fault of the respondents.

Second, as stated previously, this case involves a "best efforts" defense that required analysis within the meaning of 2 U.S.C. § 432i. Although the *Lovely* decision did not directly challenge the administrative fine rules and did not affect the validity of 11 C.F.R. § 111.35, the Commission opted to open a rulemaking in December 2006 to seek public comments on proposed revisions to the regulations based on the court's decision. The Commission revised its administrative fine rules in March 2007 and incorporated a "best efforts" defense for the late- and non-filing of reports. Therefore, future challenges which raise the "best efforts" defense will be analyzed using rules specifically revised to address this defense.

Third, since the submission of this challenge, the Commission made a decision in another administrative fine case involving these respondents. In that case, AF# 1531 involving their failure to file the 2006 12 Day Pre-Primary Report, the Commission made a final determination and assessed a \$4,000 civil money penalty because the respondents failed to address any of the three valid excuses enumerated at 11 C.F.R. § 111.35(b). The respondents paid the civil money penalty.

Fourth, RAD notified the Reviewing Officer that this Committee is eligible to terminate, and can do so, when this case is closed. Closing the file will expedite the termination of the Committee.

The Reviewing Officer believes that making a final determination and assessing a \$1,475 civil money penalty more than one year after the original RTB date for a reporting violation, which is now analyzed under a new set of administrative fine rules, does not meet the intent of a streamlined, expeditious enforcement program. For these reasons, the Reviewing Officer recommends that the Commission take no further action and close the file.

**OAR Recommendations**

- (1) Take no further action in AF# 1506 that Jeff Latas for Congress and Andrea Dalessandro, as Treasurer, violated 2 U.S.C. § 434(a); and
- (2) Send the appropriate letter.

Attachments

Attachment 1 - Challenge Received from Respondents

Attachment 2 -


Attachment 3 - Declaration from RAD, Certified Mail Green Card and Receipt,  
and USPS and Federal Express Tracking Results

Attachment 4 - Declaration from OAR

28092620831

## DECLARATION OF SHAWN WOODHEAD WERTH

1. I am the Reviewing Officer in the Office of Administrative Review for the Federal Election Commission ("Commission"). In my capacity as Reviewing Officer, I supervise research conducted 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. It is the practice of the Reports Analysis Division to document all calls to or from committees regarding a mailgram they receive or any questions relating to the administrative fine regulations including due dates of reports and filing requirements.
4. It is the practice of the Electronic Filing Office to document all calls to or from committees regarding an error message they receive while using the FECFile software or any questions relating to password requests. It is also this office's practice to maintain an Electronic Filing section on the Commission's web site at <http://www.fec.gov/electfil/electron.shtml> for the use of committees and treasurers who are electronic filers.
5. I hereby certify that I have searched the Commission's public records and that the documents identified herein are true and accurate copies of:
  - (a) Pages 1 and 3 of the Statement of Organization filed by Jeff Latas for Congress and Andrea Dalessandro, as Treasurer. According to Commission records, the statement was received on November 23, 2005 and Line 7 lists "Salette Latas" as the "Custodian of Records;"
  - (b) Page 1 of the Summary Page and the Envelope Replacement Page for the paper copy of the report for Jeff Latas for Congress and Andrea Dalessandro, as Treasurer. According to Commission records, the paper copy was sent by Express Mail on July 15 and was received on July 17, 2006; and
  - (c) Page 1 of the Summary Page, and Page 3 of the Detailed Summary Page for the July Quarterly Report electronically filed by Jeff Latas for Congress and Andrea Dalessandro, as Treasurer. According to Commission records, the report covers the period from April 1 through June 30, 2006, was received on July 22, 2006, and Line 11(e) lists \$59,771.77 in total contributions received for this period.
6. 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 9<sup>th</sup> of January, 2008.



Shawn Woodhead Werth  
Reviewing Officer  
Office of Administrative Review  
Federal Election Commission

28092620832

RECEIVED  
FEC MAIL  
OPERATIONS CENTER

2005 NOV 23 A 8:41

FEC  
FORM 1

STATEMENT OF  
ORGANIZATION

Office Use Only

1. NAME OF  
COMMITTEE (In full)

(Check if name  
is changed)

Example: If typing, type  
over the lines.

12FE4M5

JEFF LATAS FOR CONGRESS

ADDRESS (number and street)

P.O. BOX 69907

(Check if address  
is changed)

TUCSON

AZ

85737

CITY ▲

STATE ▲

ZIP CODE ▲

COMMITTEE'S E-MAIL ADDRESS

INFO@JEFFLATAS.COM

COMMITTEE'S WEB PAGE ADDRESS (URL)

HTTP://WWW.JEFFLATAS.COM

COMMITTEE'S FAX NUMBER

2. DATE

11 09 2005

3. FEC IDENTIFICATION NUMBER ▶

C

*applied for*

4. IS THIS STATEMENT

NEW (N)

OR

AMENDED (A)

I certify that I have examined this Statement and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer

ANDREA DALESSANDRO

Signature of Treasurer

*Andrea Dalessandro*

Date

11 17 2005

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

ANY CHANGE IN INFORMATION SHOULD BE REPORTED WITHIN 10 DAYS.

Office  
Use  
Only

For further information contact:  
Federal Election Commission  
Toll Free 800-424-9630  
Local 202-694-1100

FEC FORM 1  
(Revised 02/2003)

2309999500033

Write or Type Committee Name

7. Custodian of Records: Identify by name, address (phone number - optional) and position of the person in possession of committee books and records.

Full Name SALETTE LATAS

Mailing Address 1402 E. PLACITA MESETA DORADA

ORD. VALLEY AZ 85755

Title or Position CITY STATE ZIP CODE

CUSTODIAN OF RECORDS Telephone number

8. Treasurer: List the name and address (phone number - optional) of the treasurer of the committee; and the name and address of any designated agent (e.g., assistant treasurer).

Full Name of Treasurer ANDREA DALESSANDRO

Mailing Address 2214 E. FALCON VISTA DR.

GREEN VALLEY AZ 85614-5523

Title or Position CITY STATE ZIP CODE

TREASURER Telephone number 520-6481-2092

Full Name of Designated Agent

Mailing Address

Title or Position CITY STATE ZIP CODE

Telephone number

25038930675

**FEC  
FORM 3**

**REPORT OF RECEIPTS  
AND DISBURSEMENTS**

For An Authorized Committee

RECEIVED  
FEC MAIL  
OPERATIONS CENTER

2006 JUL 17 A 11:48

Office Use Only

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

Jeff Latas for Congress

ADDRESS (number and street) P. O. Bpx 69907

Check if different than previously reported. (ACC)

Tucson AZ 85737

2. FEC IDENTIFICATION NUMBER **C00417048** CITY STATE ZIP CODE STATE DISTRICT

3. IS THIS REPORT  NEW OR  AMENDED (A)

AZ 8

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 \_\_\_\_\_ in the State of \_\_\_\_\_

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

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

Election on \_\_\_\_\_ 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 Andrea Dalessandro *Andrea Dalessandro*

Signature of Treasurer Electronically Filed by Andrea Dalessandro Date 07 15 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.

Office Use Only

FEC FORM 3  
(Revised 02/2003)

26839452485

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.

Hand Delivered Date of Receipt

USPS First Class Mail Postmarked

USPS Registered/Certified Postmarked (R/C)

USPS Priority Mail Postmarked  
Delivery Confirmation™ or Signature Confirmation™ Label

USPS Express Mail Postmarked  
7/15/06

Postmark Illegible

No Postmark

Overnight Delivery Service (Specify): Shipping Date  
Next Business Day Delivery

Received from House Records & Registration Office Date of Receipt

Received from Senate Public Records Office Date of Receipt

Received from Electronic Filing Office Date of Receipt

Other (Specify): Date of Receipt or Postmarked

*hcr*  
PREPARER  
(3/2005)

7/17/06  
DATE PREPARED

248091520976

FEC FORM 3

REPORT OF RECEIPTS AND DISBURSEMENTS

For An Authorized Committee

Office Use Only

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

JEFF LATAS FOR CONGRESS

ADDRESS (number and street) PO BOX 69907
Check if different than previously reported. (ACC) TUCSON AZ 85737

2. FEC IDENTIFICATION NUMBER C00417048
CITY STATE ZIP CODE STATE DISTRICT
3. IS THIS REPORT NEW OR AMENDED (A) AZ 08

4. TYPE OF REPORT (Choose One)
(a) Quarterly Reports:
April 15 Quarterly Report (Q1)
X 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 In the State of
(c) 30-Day POST-Election Report for the:
General (30G) Runoff (30R) Special (30S)
Election on 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 Ms ANDREA D. DALESSANDRO

Signature of Treasurer Electronically Filed by Ms ANDREA D. DALESSANDRO Date 07 21 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.

28092620837

**DETAILED SUMMARY PAGE**  
of Receipts

FEC Form 3 (Revised 02/2003)

Page 3

Write or Type Committee Name  
JEFF LATAS FOR CONGRESS

Report Covering the Period: From: <sup>M M</sup> 0 4 <sup>Y Y Y Y</sup> 0 1 2 0 0 6 To: <sup>Y M</sup> 0 6 <sup>Y Y Y Y</sup> 3 0 2 0 0 6

**I. RECEIPTS**

**COLUMN A**  
Total This Period

**COLUMN B**  
Election Cycle-to-Date

11. CONTRIBUTIONS (other than loans) FROM:

(a) Individuals/Persons Other Than Political Committees		
(i) Itemized (use Schedule A).....	40074.94	58376.48
(ii) Unitemized.....	18396.83	27027.07
(iii) TOTAL of contributions from Individuals..... ▶	58471.77	85403.55
(b) Political Party Committees.....	1300.00	1322.59
(c) Other Political Committees (such as PACS).....	0.00	0.00
(d) The Candidate.....	0.00	751.79
(e) TOTAL CONTRIBUTIONS (other than loans) (add Lines 11(a)(ii), (b), (c), and (d))	59771.77	87477.93

12. TRANSFERS FROM OTHER AUTHORIZED COMMITTEES.....

0.00 0.00

13. LOANS

(a) Made or Guaranteed by the Candidate.....	0.00	0.00
(b) All Other Loans.....	0.00	0.00
(c) TOTAL LOANS (add Lines 13(a) and (b)).....	0.00	0.00

14. OFFSETS TO OPERATING EXPENDITURES (Refunds, Rebates, etc.).....

0.00 0.00

15. OTHER RECEIPTS (Dividends, Interest, etc.).....

0.00 0.00

16. TOTAL RECEIPTS (add Lines 11(e), 12, 13(c), 14, and 15) (Carry Total to Line 24, page 4)..... ▶

59771.77 87477.93

28092620838



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

**VIA OVERNIGHT DELIVERY**

January 14, 2008

Andrea Dalessandro, as Treasurer  
Jeff Latas for Congress

Oro Valley, AZ 85755

C00417048  
AF# 1506

Dear Ms. Delassandro:

On September 29, 2006, the Federal Election Commission ("Commission") found reason to believe ("RTB") that Jeff Latas for Congress 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 \$1,475 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 "Shawn Woodhead Werth".

Shawn Woodhead Werth  
Reviewing Officer  
Office of Administrative Review

Attachment

28092620839



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
SECRETARIAT

2008 FEB -5 A 11: 01

February 5, 2008

**MEMORANDUM**

**SENSITIVE**

To: The Commission

Through: Patrina A. Clark *mc*  
Staff Director

From: John D. Gibson *JDG*  
Chief Compliance Officer

Shawn Woodhead Wertz *SW*  
Reviewing Officer  
Office of Administrative Review

Subject: Final Determination Recommendation in AF# 1506 – Jeff Latas for Congress and Andrea Dalessandro, as Treasurer (C00417048)

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 report was filed on July 22, 2006. As a result, on September 29, the Commission also made a preliminary determination that the civil money penalty was \$1,475 based on the schedule of penalties at 11 C.F.R. § 111.43.

On November 7, 2006, the Commission received the written response (“challenge”) from the respondents. After reviewing the challenge, the Reviewing Officer’s recommendation dated January 9, 2008 was forwarded to the Commission. A copy was simultaneously forwarded to the respondents. The Reviewing Officer recommended that the Commission take no further action that the respondents violated 2 U.S.C. § 434(a).

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). As of this date, a written response has not been received.

**OAR Recommendations**

- (1) Take no further action in AF# 1506 that Jeff Latas for Congress and Andrea Dalessandro, as Treasurer, violated 2 U.S.C. § 434(a); and
- (2) Send the appropriate letter.

28092620840



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

**SENSITIVE**

DATE & TIME OF TRANSMITTAL: Tuesday, February 05, 2008 4:00

BALLOT DEADLINE: Friday, February 08, 2008 4:00

COMMISSIONER: MASON, WEINTRAUB

SUBJECT: **Final Determination Recommendation  
in AF #1506 – Jeff Latas for Congress  
and Andrea Dalessandro, as Treasurer  
(C00417048). Memorandum from the Chief  
Compliance Officer and the Reviewing Officer  
dated February 5, 2008**

- 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

28092620841

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
Final Determination Recommendation: ) AF 1506  
Jeff Latas for Congress and Andrea )  
Dalessandro, as Treasurer (C00417048) )

CERTIFICATION

I, Mary W. Dove, Secretary of the Federal Election Commission, do hereby certify that on September 24, 2008, the Commission decided by a vote of 6-0 to take the following actions in AF 1506:

1. Take no further action in AF 1506 that Jeff Latas for Congress and Andrea Dalessandro, as Treasurer, violated 2 U.S.C. § 434(a).
2. Send the appropriate letter.

Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

Attest:

September 25, 2008  
Date

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

28092620842



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

October 9, 2008

VIA CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Andrea Dalessandro, as Treasurer  
Jeff Latas for Congress

Oro Valley, AZ 85755

ID# C00417048  
AF# 1506

Dear Ms. Dalessandro:

On September 29, 2006, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Jeff Latas for Congress and you, as Treasurer ("the respondents"), 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 \$1,475 in accordance with the schedule of penalties at 11 C.F.R. § 111.43. On November 7, 2006, the Office of Administrative Review received the written response ("challenge") challenging the RTB civil money penalty.

The Reviewing Officer reviewed the Commission's RTB finding with its supporting documentation and the challenge. Based on this review, the Reviewing Officer recommended that the Commission take no further action based on a combination of factors explained in the Reviewing Officer's recommendation included in the Final Determination Report, a copy of which was sent to you on January 14, 2008. The Reviewing Officer believes that making a final determination and assessing a \$1,475 civil money penalty almost two years after the original RTB date for a reporting violation, which is now analyzed under a new set of administrative fine rules, does not meet the intent of a streamlined, expeditious enforcement program.

On September 24, 2008, the Commission adopted the Reviewing Officer's recommendation to take no further action against the respondents with respect to 2 U.S.C. § 434(a). 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.

28092620843

If you have any questions regarding this matter, please contact Shawn Woodhead Werth on our toll free number (800)424-9530 (press 0, then ext. 1660) or (202)694-1660.

Sincerely,



Donald F. McGahn II  
Chairman

28092620844



FEDERAL ELECTION COMMISSION  
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 1506

DATE SCANNED 12/1/08

SCANNER NO. 1

SCAN OPERATOR SEP

28092620845