



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 1524

DATE SCANNED 3/1/07

SCANNER NO. 1

SCAN OPERATOR SES

27092593540



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 2, 2006

MEMORANDUM

SENSITIVE

TO: THE COMMISSION

THROUGH: PATRINA M. CLARK *pmc/tj*
STAFF DIRECTOR

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

SUBJECT: ADMINISTRATIVE FINE PROGRAM
REASON TO BELIEVE RECOMMENDATION -
12 DAY PRE-PRIMARY REPORT (MI)

2006 OCT -3 A 10:36
RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

Attached is the name of a political committee and its treasurer who failed to timely file the 2006 12 Day Pre-Primary Report for Michigan in accordance with 2 U.S.C. 434(a). On July 3, 2006, Prior Notice was sent to the political committees and treasurers, informing them that the report was due on July 27, 2006 and should cover the reporting period from July 1, 2006 through July 19, 2006.

The committee appearing on the list failed to timely file the election sensitive report by the required due date. They did, however, file the report more than four days before the August 8, 2006 Primary Election in Michigan and thus the report would be considered late. In accordance with the schedule of civil money penalties located within 11 CFR §111.43, the committee should be assessed the civil money penalty outlined on the attached list.

Recommendation

- 1) Find reason to believe that the political committee and treasurer listed on the RTB Circulation Report violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the RTB Circulation Report.
- 2) Send the appropriate Reason to Believe letter to the committee.

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Federal Election Commission
Reason to Believe Circulation Report
2006 PRE-PRIMARY REPORT - Election Sensitive - Report Due 07/27/2006

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
1524	C00422154	KIM CLARK FOR CONGRESS	CLARK, KIM L	MARK WAYNE WHITE	\$149,212	0	8/3/2006	7	\$14,080	\$220



FEDERAL ELECTION COMMISSION

Washington, DC 20463

SENSITIVE

DATE & TIME OF TRANSMITTAL: Tuesday, October 03, 2006 4:00

BALLOT DEADLINE: Friday, October 06, 2006 4:00

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

SUBJECT: **Administrative Fine Program RTB Recommendation-
12 Day Pre-Primary Report (MI) Memorandum from
the Assistant Staff Director, Reports
Analysis Division dated October 2, 2006.**

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

COMMENTS: _____

DATE: _____

SIGNATURE: _____

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

FROM THE OFFICE OF THE SECRETARY OF THE COMMISSION

27092593543

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Administrative Fine Program RTB) AF 1524
Recommendation 12 Day Pre-Primary)
Report (MI).)

CERTIFICATION

I, Mary W. Dove, Secretary of the Federal Election Commission, do hereby certify that on October 06, 2006, the Commission decided by a vote of 6-0 to take the following actions in AF 1524:

1. Find reason to believe that Kim Clark for Congress and Mark Wayne White, as treasurer, violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be in the amount of \$220.00.
2. Send the appropriate Reason to Believe letter to the committee.

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

Attest:

October 6, 2006
Date

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

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 11, 2006

Mark Wayne White
Kim Clark for Congress
107 Generation Drive
Three Oaks, MI 49128

C00422154
AF#: 1524

Dear Mark Wayne White:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file a 12 Day Pre-Primary Report of Receipts and Disbursements in any calendar year during which there is a regularly scheduled election for which the candidate is seeking election, or nomination for election. This report, covering the period 07/01/06 through 07/19/06, shall be filed no later than July 27, 2006. 2 U.S.C. 434(a). You were previously notified of the due date for the Report. Records at the Commission indicate that this report was filed on 8/3/2006, 7 days late.

The Act was further amended in 1999 to permit the Federal Election Commission ("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 10/6/2006 the FEC found that there is reason to believe ("RTB") that Kim Clark for Congress and you, as treasurer, violated 2 U.S.C. 434(a) by failing to file timely this report on or before July 27, 2006. 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 \$220.00. It is due by 11/15/2006 and is based on these factors:

Election Sensitivity of Report: Election Sensitive
Level of Activity: \$14,080.00
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 11/15/2006. 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

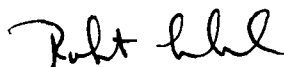
If you do not pay the calculated civil money penalty or submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that Kim Clark For Congress and you, as treasurer, violated 2 U.S.C. 434(a) and assess a civil money penalty.

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. If you have questions regarding the payment of the calculated civil money penalty, please contact Patricia Carmona in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130. If you have questions regarding the submission of a challenge, please contact the Office of Administrative Review at our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

Sincerely,



Robert D. Lenhard
Vice Chairman

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ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 C.F.R. 111.43, the amount of your civil money penalty calculated at RTB is \$220.00 for the 2006 12 Day Pre-Primary 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 11/15/2006. 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: Kim Clark For Congress

FEC ID#: C00422154

AF#: 1524

PAYMENT DUE DATE: 11/15/2006

PAYMENT AMOUNT DUE: \$ 220.00

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2006 NOV 27 P 3: 12
November 27, 2006

MEMORANDUM

SENSITIVE

TO: THE COMMISSION

THROUGH: PATRINA M. CLARK *PMC-170*
STAFF DIRECTOR

FROM: *[Signature]* JOHN D. GIBSON
ASSISTANT STAFF DIRECTOR
REPORTS ANALYSIS DIVISION

SUBJECT: ADMINISTRATIVE FINE PROGRAM
FINAL DETERMINATION RECOMMENDATION –
2006 12 DAY PRE-PRIMARY REPORT (MI)

Attached is a circulation report identifying a political committee and its treasurer against which the Commission has found reason to believe (RTB) and assessed proposed civil money penalties calculated at RTB for failure to timely file the 2006 12 Day Pre-Primary Report. The committee has paid the civil money penalty requested at RTB.

In accordance with 11 C.F.R. 111.34, the Commission shall send a final determination notice to those respondents that have paid the civil money penalty.

RAD Recommendation

- (1) Make final determination that the political committee and their treasurer on the attached report violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated.
- (2) Send the appropriate Final Determination letter to the committee.

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Federal Election Commission
FD Circulation Report Fine Paid
2006 PRE-PRIMARY Election Sensitive 07/27/2006 H - MI

AF#	Committee Name	Candidate Name	Committee ID	Treasurer	Receipt Date	Days Late	LOA	PV	RTB Date	RTB Penalty	Final Money Penalty	Date Paid	Amount Paid
1524	KIM CLARK FOR CONGRESS	KIM L. CLARK	C00422154	WILLIAM KAST	8/3/2006	7	\$14,080	0	10/6/2006	\$220	\$220	10/25/2006	\$220



FEDERAL ELECTION COMMISSION

Washington, DC 20463

SENSITIVE

DATE & TIME OF TRANSMITTAL: Tuesday, November 28, 2006 11:00

BALLOT DEADLINE: Friday, December 01, 2006 4:00

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

SUBJECT: **Administrative Fine Program – Final Determination Recommendation - 2006 12 Day Pre-Primary Report (MI). Memorandum from the Assistant Staff Director, Reports Analysis Division dated November 27, 2006.**

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

COMMENTS: _____

DATE: _____

SIGNATURE: _____

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

FROM THE OFFICE OF THE SECRETARY OF THE COMMISSION

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Administrative Fine Program Final) AF 1524
Determination Recommendation - 2006)
12 Day Pre-Primary Report (MI).)

CERTIFICATION

I, Mary W. Dove, Secretary of the Federal Election Commission, do hereby certify that on December 01, 2006, the Commission decided by a vote of 6-0 to take the following actions in AF 1524:

1. Make a final determination that Kim Clark for Congress and William Kast, as treasurer violated 2 U.S.C. 434(a) and assess the final civil money penalty in the amount of \$220.00.
2. Send the appropriate Final Determination letter to the committee, as recommended in the Reports Analysis Division's Memorandum dated November 27, 2006.

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

Attest:

December 1, 2006
Date

Mary W. Dove
for *Darlene Harris*
Mary W. Dove
Secretary of the Commission

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 7, 2006

William Kast, Treasurer
Kim Clark For Congress
107 Generations Drive
Three Oaks, MI 49128

C00422154
AF#: 1524

Dear William Kast,

On 10/6/2006, the Federal Election Commission ("FEC") found reason to believe ("RTB") that Kim Clark For Congress and you, as treasurer, violated 2 U.S.C. 434(a) for filing late or failing to file the 12 Day Pre-Primary Report. By letter dated 10/11/2006 the FEC sent you notification of the RTB finding that included a civil money penalty calculated at the RTB stage of \$220.00 in accordance with the schedule of penalties at 11 C.F.R. 111.43.

On 10/25/2006, the FEC received payment of your civil money penalty calculated at the RTB stage. The FEC made a final determination on 12/1/2006 that you, as treasurer, and Kim Clark For Congress violated 2 U.S.C. 434(a), assessed a civil money penalty in the amount of \$220.00 in accordance with 11 C.F.R. 111.43, and voted to close the file.

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

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

Sincerely,

A handwritten signature in cursive script that reads "Ellen L. Weintraub".

Ellen L. Weintraub
Commissioner

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PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: Kim Clark For Congress

FEC ID#: C00422154

AF#: 1524


PAYMENT DUE DATE: 11/15/2006

PAYMENT AMOUNT DUE: \$ 220.00

QUALITY IS OUR PRIORITY FOR LOCKBOX 9058
SEQ# 003 \$ 000022000 BA# 1 10-24-06 20 9



usbancorp.
The Star Service Company

KIM CLARK FOR CONGRESS		74-5724 7164104858	591
		DATE	10/18/06
PAY TO the order of	Federal Election Commission	\$ 220.00	
Two Hundred Twenty		DOLLARS	Ⓜ
	Fifth Third Bank (WESTERN MICHIGAN) GRAND RAPIDS, MICHIGAN	W. K. Clark	
MEMO	[REDACTED]		

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FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 1524

DATE SCANNED 3/1/07

SCANNER NO. 1

SCAN OPERATOR SES

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