



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 1526

DATE SCANNED 3/1/07

SCANNER NO. 1

SCAN OPERATOR SES

27092593570



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

FEDERAL ELECTION
COMMISSION
SECRETARIAT

2006 OCT 17 A 11:34
October 16, 2006

MEMORANDUM

SENSITIVE

TO: THE COMMISSION

THROUGH: PATRINA M. CLARK *PMC*
STAFF DIRECTOR

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

SUBJECT: WITHDRAWAL AND RESUBMISSION OF REASON TO
BELIEVE RECOMMENDATION – 2006 12 DAY PRE-PRIMARY
REPORT (FL) FOR THE ADMINISTRATIVE FINE PROGRAM

We are withdrawing the document circulated to the Commission on October 13, 2006. The document incorrectly highlighted September 31, 2006 as the date of the Primary Election in Florida. The correct date of the 2006 Florida Primary Election is September 5, 2006.

Attached is the name of a political committee and its treasurer who failed to timely file the 2006 12 Day Pre-Primary Report for Florida in accordance with 2 U.S.C. 434(a). On July 31, 2006, Prior Notice was sent to the political committee and treasurer, informing them that the report was due on August 24, 2006 and should cover the period from July 1, 2006 through August 16, 2006.

The committee appearing on the list failed to timely file the election sensitive report by the required due date. The committee filed the report more than four days before the September 5, 2006 Primary Election in Florida 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.

1755655827

2) Send the appropriate Reason to Believe letter to the committee.

27092593572

27092593573

10/16/2006 8:56 AM

Federal Election Commission
Reason to Believe Circulation Report
2006 PRE-PRIMARY Election Sensitive 08/24/2006 H

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
1526	C00269837	HASTINGS FOR CONGRESS	HASTINGS, ALCEE L	TOMAS EDUARDO MCINTOSH	\$537,139	0	8/31/2006	7	\$58,714	\$975

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Reason to Believe Recommendation -) AF 1526
2006 12 Day Pre-Primary Report (FL))
for the Administrative Fine Program)

CERTIFICATION

I, Mary W. Dove, Secretary of the Federal Election Commission, do hereby certify that on October 20, 2006, the Commission decided by a vote of 6-0 to take the following actions in AF 1526:

1. Find reason to believe that Hastings for Congress and Alcee L. Hastings, 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 \$975.
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 20, 2006
Date

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

27092593574



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 20, 2006

Tomas Eduardo McIntosh
Hastings for Congress
P.O. Box 100277
Ft. Lauderdale, FL 33310

C00269837
AF#: 1526

Dear Tomas Eduardo Mcintosh:

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 through August 16, 2006, shall be filed no later than August 24, 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 8/31/2006, 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 10/20/2006 the FEC found that there is reason to believe ("RTB") that Hastings for Congress and you, as treasurer, violated 2 U.S.C. 434(a) by failing to file timely this report on or before August 24, 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 \$975. It is due by 11/29/2006 and is based on these factors:

Election Sensitivity of Report: Election Sensitive
Level of Activity: \$ 58,714
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, N.W., Washington, DC 20463. Your response must be received by 11/29/2006. 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

27092593575

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

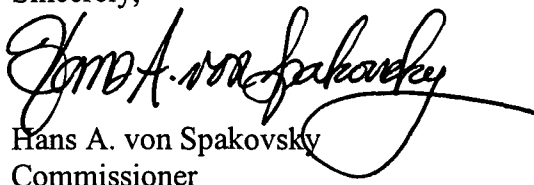
If you do not pay the calculated civil money penalty or submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that Hastings For Congress and you, as treasurer, violated 2 U.S.C. 434(a) and assess a civil money penalty.

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 Laura Sinram 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,


Hans A. von Spakovsky
Commissioner

27092593576

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 \$975 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 11/29/2006. 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: Hastings for Congress

FEC ID#: C00269837

AF#: 1526

PAYMENT DUE DATE: 11/29/2006

PAYMENT AMOUNT DUE: \$ 975

27092593577



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2006 DEC -8 P 2:45
December 8, 2006

MEMORANDUM

SENSITIVE

TO: THE COMMISSION

THROUGH: PATRINA M. CLARK *PMC*
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 (FL)

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.

27092593578

27092593579

12/8/2006 8:32 AM

Federal Election Commission
FD Circulation Report Fine Paid
2006 PRE-PRIMARY Election Sensitive 08/24/2006 H

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
1526	HASTINGS FOR CONGRESS	ALCEE L. HASTINGS	C00269837	TOMAS EDUARDO MCINTOSH	8/31/2006	7	\$58,714	0	10/20/2006	\$975	\$975	11/7/2006	\$975

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Administrative Fine Program Final) AF 1526
Determination Recommendation - 2006)
12 Day Pre-Primary Report (FL))

CERTIFICATION

I, Mary W. Dove, Secretary of the Federal Election Commission, do hereby certify that on December 14, 2006, the Commission decided by a vote of 5-0 to take the following actions in AF 1526:

1. Make final determination that Hastings for Congress and Tomas Eduardo McIntosh, as treasurer, violated 2 U.S.C. 434(a) and assess the final civil money penalty of \$975.
2. Send the appropriate Final Determination letter to the committee.

Commissioners Lenhard, Mason, Toner, von Spakovsky, and Walther voted affirmatively for the decision. Commissioner Weintraub did not vote.

Attest:

December 14, 2006
Date

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

27092593580



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 21, 2006

Tomas Eduardo McIntosh, Treasurer
Hastings For Congress
P.O. Box 100277
Fort Lauderdale, FL 33310

C00269837
AF#: 1526

Dear Tomas,

On 10/20/2006, the Federal Election Commission ("FEC") found reason to believe ("RTB") that Hastings 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 10/20/2006 the FEC sent you notification of the RTB finding that included a civil money penalty calculated at the RTB stage of \$975.00 in accordance with the schedule of penalties at 11 C.F.R. 111.43.

On 11/7/2006, the FEC received payment of your civil money penalty calculated at the RTB stage. The FEC made a final determination on 12/14/2006 that you, as treasurer, and Hastings For Congress violated 2 U.S.C. 434(a), assessed a civil money penalty in the amount of \$975.00 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 Chris Ritchie on our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130.

Sincerely,

A handwritten signature in black ink that reads "Mike E Toner".

Michael E. Toner
Chairman

270992593581

FOR: Hastings for Congress

FEC ID#: C00269837

AF#: 1526

PAYMENT DUE DATE: 11/29/2006

PAYMENT AMOUNT DUE: \$ 975

11/01/2006 WED 12:13 [TX/RX NO 7060] 001

QUALITY IS OUR PRIORITY FOR LOCKBOX 9058
SEQ# 002 \$ 000097500 BA# 1 11-06-06 20 3



27092593582



Security enhanced document. See back for details.

HASTINGS FOR CONGRESS		4532
[REDACTED]		DATE <u>11-1-06</u>
<small>PAY TO THE ORDER OF</small>	<u>Federal Election Commission</u>	<small>69-277631 FL 311</small> \$ <u>975.00</u>
	<u>nine hundred and seventy-five ⁰⁰/₁₀₀</u>	DOLLARS
Bank of America		
<small>ACH R/T 06310277</small>		
<small>FOR FEC ID# C00269837 AF#1526</small>		<u>Oliver J. Hastings</u>
[REDACTED]		



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 1526

DATE SCANNED 3/1/07

SCANNER NO. 1

SCAN OPERATOR SES

27092593583