



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 1529

DATE SCANNED 9/27/07

SCANNER NO. 2

SCAN OPERATOR EEJ

27092612422



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

November 2, 2006

2006 NOV -2 P 2: 15

MEMORANDUM

SENSITIVE

TO: THE COMMISSION

THROUGH: PATRINA M. CLARK *pmc*
STAFF DIRECTOR

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

SUBJECT: REASON TO BELIEVE RECOMMENDATION -
FAILURE TO FILE A 48-HOUR NOTICE UNDER THE
ADMINISTRATIVE FINE PROGRAM

Attached is the name of a principal campaign committee that has failed to file a 48-hour notice with the Commission for contributions received from the close of books for the 12 Day Pre-Convention Report up to 48 hours before the May 13, 2004 Convention in accordance with 2 U.S.C. § 434(a)(6) and 11 C.F.R. § 104.5(f). The Committee to Elect John Jacob represents a candidate who participated in and won the Utah Convention for Congressional District Three (3) but lost the subsequent Primary Election held on July 27, 2006. The committee failed to file a 48-hour notices for a contribution totaling \$30,000.00.

On April 7, 2006, Prior Notice was sent to the committee which included a section detailing the requirements for filing 48-hour notices. The section read as follows:

“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 loans to the candidate or committee) of \$1,000 or more, during the period of April 24 through May 10, 2006. The notices must reach the appropriate federal and state filing offices within 48 hours of the committee’s receipt of the contribution(s).”

A 48-hour notice is required to report all contributions of a \$1,000.00 or more, to any authorized committee of a candidate, including contributions from the candidate, loans from the candidate and other non-bank sources and endorsements or guarantees of loans from banks, as per, 11 C.F.R § 104.5(f).

27092612423

Contribution for Which a 48-Hour Notice Was Not Received

AF 1529

Committee ID: C00415414

Committee Name: Committee to Elect John Jacob

Report Type: 12 Day Pre-Convention Report (4/01/06-4/23/06)

48-Hour Reporting Period: 4/24/06 – 05/10/06

CONTRIBUTOR NAME	DATE	AMOUNT
John Jacob	05/03/06	\$30,000.00
	Total	\$30,000.00

Proposed Civil Money Penalty: \$3,110.00 ((1 Notice Not Filed at \$110) + 10% of Overall Contribution Amount Not Filed)

27092612424



FEDERAL ELECTION COMMISSION
Washington, DC 20463

SENSITIVE

DATE & TIME OF TRANSMITTAL: Thursday, November 02, 2006 4:00

BALLOT DEADLINE: Tuesday, November 07, 2006 4:00

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

SUBJECT: **RTB Recommendation – Failure to File a 48-Hour Notice
Under The Administrative Fine Program.
Memorandum from the Assistant Staff Director, Reports
Analysis Division dated November 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

27092612425

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Reason to Believe Recommendation -) AF 1529
Failure to File 48-Hour Notice Under)
The Administrative Fine Program.)

CERTIFICATION

I, Mary W. Dove, Secretary of the Federal Election Commission, do hereby certify that on November 07, 2006, the Commission decided by a vote of 6-0 to take the following actions in AF 1529:

1. Find reason to believe that the Committee to Elect John Jacob and Stanley R. DeWaal, Treasurer, violated 2 U.S.C. § 434(a)(6) and make a preliminary determination that a civil money penalty of \$3,110.00 be assessed.
2. Send the appropriate mailgram, as recommended in the Reports Analysis Division dated November 2, 2006.

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

Attest:

November 7, 2006
Date

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

27092612426



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 9, 2006

Stanley R. De Waal
Committee to Elect John Jacob
175 South West Temple, Suite 650
Salt Lake City, UT 84101

C00415414
AF#: 1529

Dear Stanley R. De Waal:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires principal campaign committees of candidates for federal office to notify in writing either the Secretary of the Senate or the Federal Election Commission ("FEC"), and the Secretary of State, as appropriate, of any contribution of \$1,000 or more, received by any authorized committee of the candidate after the 20th day, but more than 48 hours before, any election. The Act further requires notification to be made within 48 hours after the receipt of the contribution and to include the name of the candidate and office sought, the date of receipt, the amount of the contribution, and the identification of the contributor. The notification of these contributions shall be in addition to all other reporting requirements. 2 U.S.C. 434(a). You were previously notified of the requirement to file these notices. Records at the FEC indicate that you did not submit 48-Hour Notices for contributions of \$1,000 or more, received between 4/24/06 and 5/10/06, totaling \$30,000.00 (see attached list for contributor overview).

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 11/7/06, the FEC found that there is Reason to Believe ("RTB") that Committee to Elect John Jacob and you, as treasurer, violated 2 U.S.C. 434(a) by failing to file the 48-Hour Notices. Based on the FEC's schedule of civil money penalties at 11 C.F.R. 111.44, the amount of your civil money penalty calculated at the RTB stage is \$3,110.00. Send your payment by 12/17/2006. The amount of the civil money penalty is \$110 for each non-filed notice plus 10 percent of the dollar amount of the contributions not timely reported. The civil money penalty increases by 25 percent for each prior violation.

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 4. Upon receipt of your payment, the FEC will send you a final determination letter.

27092612427

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 12/17/2006. 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 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 Committee To Elect John Jacob and you, as treasurer, violated 2 U.S.C. 434(a) and assess a civil money penalty.

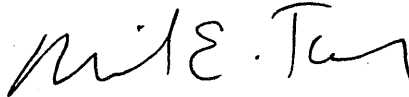
Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA") as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. 3701 et seq. The FEC may take any and all appropriate action authorized and required by the 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.

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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,

A handwritten signature in black ink that reads "Michael E. Toner". The signature is written in a cursive style with a large, stylized "M" and "T".

Michael E. Toner
Chairman

27092612429

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 \$3,110 for the 2006 48-Hour Notification 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 12/17/2006. 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: Committee to Elect John Jacob

FEC ID#: C00415414

AF#: 1529

PAYMENT DUE DATE: 12/17/2006

PAYMENT AMOUNT DUE: \$3,110.00

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Contribution with no 48 Hour Notice

Date	Contributor Name	AMOUNT
05/03/06	John Jacob	\$30,000.00
	Total Contribution not Filed via 48 Hour Notice	\$30,000.00

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RECEIVED
FEC MAIL
OPERATIONS CENTER

COMMITTEE TO ELECT JOHN JACOB

175 SOUTH WEST TEMPLE, SUITE 650

SALT LAKE CITY, UTAH 84101

2006 DEC -4 A 9:49

November 17, 2006

Federal Election Commission
Office of Administrative Review
999 E Street, N.W.
Washington, DC 20463

RE: AF#: 1529
C00415414

Dear Mr. Toner:

This is in response to the letter that Committee to Elect John Jacob received from the Federal Election Commission concerning the penalty levied against this committee for failure to report a 48 hour contribution/loan received on May 03, 2006 in the amount of \$30,000.00 from the candidate.

The following is submitted to you under penalties of perjury.

We were notified of the omission of the 48 hour notice in a letter from the FEC dated August 10, 2006. After calling our Reports Analyst it was determined that we should file a miscellaneous text report (F99) to the FEC explaining the omission and what action we had taken to prevent further infractions of the 48 hour notice filing requirement. Our procedures for filing 48 hour notices is to file the 48 hour notice as soon as we receive the contribution/loan that exceeds the \$1,000.00 limit during the two and twenty days before an election. The aforementioned miscellaneous text report (F99) was filed on 09/08/2006 and received by the FEC with the filing ID number FEC-237210. (See enclosure) This was a one time omission and was in no way deliberate on our part. There was never any intention to omit this 48 hour notice of this loan from the candidate. It was unintentionally overlooked and had no direct bearing on the outcome of the election.

27092612432


COMMITTEE TO ELECT JOHN JACOB
175 SOUTH WEST TEMPLE, SUITE 650
SALT LAKE CITY, UTAH 84101

Federal Election Commission
Office of Administrative Review
999 E Street, N.W.
Washington, DC 20463

RE: AF#: 1529
C00415414

Therefore we are requesting that the penalty of \$3,110.00 be waived. We believe that we have in good faith corrected the problem of fulfilling the 48 hour notice filing requirements dealing with this instance. We have since filed six 48 hour notices of contributions exceeding \$1,000.00 that fall under the 48 hour notice filing requirement for this committee.

Sincerely,


Stanley R. de Waal
Treasurer

SRD/tmb

Enclosures

27092612433



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-2

August 10, 2006

Stanley R. De Waal, Treasurer
Committee to Elect John Jacob
175 South West Temple, Suite 650
Salt Lake City, UT 84101

**Response Due Date:
September 11, 2006**

Identification Number: C00415414

Reference: 12-Day Pre-Primary Election Report (4/24/06 – 6/7/06)

Dear Mr. De Waal:

This letter is prompted by the Commission's preliminary review of the report(s) referenced above. This notice requests information essential to full public disclosure of your federal election campaign finances. **An adequate response must be received at the Commission by the response date noted above.** An itemization of the information needed follows:

-Schedule A of your report indicates that your committee may have failed to file one or more of the required 48 hour notices regarding "last minute" contributions received by your committee after the close of books for the 12-Day Pre-Primary Election report. A principal campaign committee must notify the Commission, in writing, within 48 hours of any contribution of \$1,000 or more received between two and twenty days before an election. These contributions are then reported on the next report required to be filed by the committee. To ensure that the Commission is notified of last minute contributions of \$1,000 or more to your campaign, it is recommended that you review your procedures for checking contributions received during the aforementioned time period. The failure to file 48-hour notices may result in civil money penalties or legal enforcement action. If any contribution of \$1,000 or more was incorrectly reported, you must amend your original report with the clarifying information. (11 CFR §104.5(f))

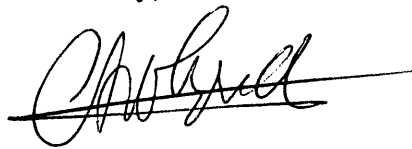
Please note you will not receive an additional notice from the Commission on this matter. Adequate responses received on or before this date will be taken into consideration in determining whether audit action will be initiated. **Requests for extensions of time in which to respond will not be considered.** Failure to provide an adequate response by this date may result in an audit of the committee. Failure to comply with the provisions of the Act may also result in an enforcement action against the

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committee. Any response submitted by your committee will be placed on the public record and will be considered by the Commission prior to taking enforcement action.

Electronic filers must file amendments (to include statements, designations and reports) in an electronic format and must submit an amended report in its entirety, rather than just those portions of the report that are being amended. If you should have any questions regarding this matter or wish to verify the adequacy of your response, please contact me on our toll-free number (800) 424-9530 (at the prompt press 5 to reach the Reports Analysis Division) or my local number (202) 694-1161.

Sincerely,



Christopher A. Whyrick
Senior Campaign Finance Analyst
Reports Analysis Division

ETEXT ATTACHMENT

This is in response to a request for more information regarding a missing 48 hour notice. On 05/03/2006 John Jacob loaned \$30,000.00 to his campaign and a 48 hour notice was inadvertently not filed for that loan.

We have since reviewed our procedures for filing 48 hour notices and have corrected the problem. We are now checking our contributions received during the two and twenty days before the election more thoroughly and filing the appropriate 48 hour notices.

27092612436



From FEC Disclosure Filing

Fri Sep 08 11:37:55 2006

Page 1 of 1

DISCLOSE -- FEC Financial Disclosure Filing Acknowledgement

This is to acknowledge the receipt and acceptance of your electronic filing via the DISCLOSE protocol.

Your filing was received and accepted by our system at 09/08/2006 - 11:37:39, and was assigned the Filing ID of: FEC-237210

Please make a note of this, as it will be necessary to refer to this information in the future.

Thank you for using DISCLOSE.

Do not reply to this notice. It is sent from an unattended account that cannot receive email.

For your reference, the output of the validation check was as follows:

FEC File Validator Version 5.3.1.1

Developed for the Federal Election Commission
by NIC Technologies, Inc. 1996-2006

=== Identification Section =====

Committee ID: C00415414
Committee Name: Committee to Elect John Jacob
Filing Type: F99

Software/Ver#: Aristotle International CM4 PM4 / Ver# Version 4.2.1

=== Results Section =====

>>>----> FEC data file PASSED validation! <----<<<
MD5 checksum:
5hddaa6b57860244cbd3fa0haf6360a8

27092612437

Teresa Burton (CBIZ FPGCo.)

From: http_db@sdrdc.com
Sent: Friday, September 08, 2006 9:38 AM
To: tburton@cbiz.com
Subject: FEC Electronic Filing Results

DISCLOSE -- FEC Financial Disclosure Filing Acknowledgement

This is to acknowledge the receipt and acceptance of your electronic filing via the DISCLOSE protocol.

Your filing was received and accepted by our system at 09/08/2006 - 11:37:39, and was assigned the Filing ID of: FEC-237210

Please make a note of this, as it will be necessary to refer to this information in the future.

Thank you for using DISCLOSE.

Do not reply to this notice. It is sent from an unattended account that cannot receive email.

For your reference, the output of the validation check was as follows:

FEC File Validator Version 5.3.1.1

Developed for the Federal Election Commission
by NIC Technologies, Inc. 1996-2006

=== Identification Section =====

Committee ID: C00415414
Committee Name: Committee to Elect John Jacob
Filing Type: F99

Software/Ver#: Aristotle International CM4 PM4 / Ver# Version 4.2.1

=== Results Section =====

>>>----> FEC data file PASSED validation! <----<<<
MD5 checksum:
5bddaa6b57860244cbd3fe0baf6360a8

27092612438



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Via First Class Mail

December 5, 2006

Stanley R. DeWaal, as Treasurer
Committee to Elect John Jacob
175 South West Temple, Suite 650
Salt Lake City, Utah 84101

C00415414
AF# 1529

Dear Mr. DeWaal:

On December 4, 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

27092612439

2006 DEC 11 A 11: 11

Date: December 11, 2006

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

AF#: 1529

Committee Name: Committee to Elect John Jacob

Committee ID#: C00415414

Committee Address (if different than in RTB letter): N/A

Treasurer Name (if different than in RTB finding): N/A

Attachments:

Copy of RTB Circulation Report, dated November 2, 2006 and RTB
Certification, dated November 7, 2006:

Attachment #: 1

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

Attachment #: 2

Original Correspondence Received by RAD in Response to
RTB Letter (Y/N): N

Attachment #:

RAD Staff Declaration (Y/N): Y

-12C Report Prior Notice, dated April 7, 2006.

-RTB Letter, dated November 9, 2006.

Attachment #: 4

Other RAD Information: Letter Tracking and Fax info (Y/N): N

Attachment#:

27092612440

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SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> ■ 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. 	<p>A. Signature <input checked="" type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) C. Date of Delivery 11/13/06</p>
<p>1. Article Addressed to:</p> <p>Stanley R. De Waal 175 South West Temple Suite 650 Salt Lake City, UT 84101</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number: 7005 1820 0003 8239 6316 (Transfer from service label)</p>	
<p>PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540</p>	

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 Committee to Elect John Jacob:
- A) Prior Notice dated April 7, 2006 referencing the 2006 Utah Pre-Convention Report;
 - B) Reason-to-Believe Mailgram dated November 9, 2006, referencing failure to file required 48-Hour Notice.
3. I hereby certify that I have searched the Commission's public records and find that Committee To Elect John Jacob failed to timely file the required 48-Hour Notice.
4. Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct and we have provided all relevant telecommunication records for the case correct.
- This declaration was executed at Washington, D.C. on the 11th day of December, 2006.



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

27092612442



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2007 MAY 14 A 10: 23

May 11, 2007

MEMORANDUM

SENSITIVE

TO: THE COMMISSION

THROUGH: PATRINA M. CLARK *PKC*
STAFF DIRECTOR

MARGARITA MAISONET *MM*
CHIEF COMPLIANCE OFFICER

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

SUBJECT: AF# 1529 - COMMITTEE TO ELECT JOHN JACOB AND
STANLEY R. DE WAAL, AS TREASURER (C00415414)

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

27092612443



May 11, 2007

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

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

AF# 1529 – Committee to Elect John Jacob and Stanley R. De Waal, as Treasurer (C00415414)

On November 7, 2006, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that the Committee to Elect John Jacob and Stanley R. De Waal, as Treasurer ("the respondents"), violated 2 U.S.C. § 434(a) for failing to file a 48-Hour Notice for one contribution of \$30,000 received May 3, 2006 and made a preliminary determination that the civil money penalty was \$3,110 based on the schedule of penalties at 11 C.F.R. § 111.44. The respondents were notified by the Reports Analysis Division ("RAD") via letter on November 9, 2006 of the Commission's RTB finding and civil money penalty.

Respondents' Response

On December 4, 2006, the Commission received the written response and supporting documentation ("challenge") from the Treasurer. He states that the 48-Hour Notice for the \$30,000 candidate loan was unintentionally overlooked. After receipt of RAD's August 10, 2006 notice and speaking to the RAD Analyst about this issue, he filed an electronic amendment on September 8th in which he described what actions he had taken to prevent similar problems from occurring in the future. The Treasurer believes that they acted in good faith to correct the matter, and asks that the penalty be waived since this one-time omission was not deliberate on their part and did not affect the outcome of the election. Included with the challenge are copies of the RTB letter, RAD's Request for Additional Information ("RFAI") citing the missing 48-Hour Notice, the Committee's electronic amendment that was filed on September 8, and the corresponding confirmation receipts.

Analysis of Challenge

Based on a review of the Commission's records, there is no indication that a 48-Hour Notice was filed for the \$30,000 contribution that was received May 3, 2006.

The Federal Election Campaign Act ("Act") requires that the principal campaign committee of a candidate must notify the Commission, in writing, of any contribution of \$1,000 or more received after the 20th day but more than 48 hours before the May 13, 2006 Convention. The principal campaign committee must notify the Commission within 48 hours of receipt of the contribution. The 48-hour notification shall be in addition to all other reporting requirements under the Act. 2 U.S.C. § 434(a)(6)(A) and 11 C.F.R. § 104.5(f). The treasurer shall be personally responsible for the timely filing of reports. 11 C.F.R. § 104.14(d).

Prior Notice for the Utah Pre-Convention Report, sent on April 7, 2006 to the respondents at their address of record, states that 48-Hour Notices are required if the committee

27092612444

receives contributions (including loans from the candidate) of \$1,000 or more during the period of April 24 through May 10. The Notice informs committees and their treasurers that the 48-Hour Notices must reach the appropriate federal filing office within 48 hours of the committee's receipt of the contribution(s) and, if they fail to file 48-Hour Notices on time, they may be subject to civil money penalties.

According to RAD's telecoms [written records of telephone conversations], a committee official, Theresa Burton, contacted the RAD Analyst on September 5 and 6. The RAD Analyst stated that it is too late to file the missing 48-Hour Notice, but suggested that they submit an electronic amendment to explain the situation, which they did on September 8. In it, they admit to overlooking the 48-Hour Notice for the candidate loan, but add that they have revised their procedures and are now checking the last minute contributions more thoroughly.

The other issues raised in the challenge (that there was never any intention to omit the 48-Hour Notice and their good faith effort to correct it for the future) fail to address any of the three valid excuses enumerated at 11 C.F.R. § 111.35(b). These are: (i) the existence of factual errors; and/or (ii) the improper calculation of the civil money penalty; and/or (iii) the existence of extraordinary circumstances that were beyond their control and that were for a duration of at least 48 hours and that prevented them from filing the 48-Hour Notice for the \$30,000 loan received on May 3, 2006. The Reviewing Officer, therefore, recommends that the Commission make a final determination that they violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$3,110.

OAR Recommendations

- (1) Make a final determination in AF# 1529 that the Committee to Elect John Jacob and Stanley R. De Waal, as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$3,110; and
- (2) Send the appropriate letter.

Reviewing Analyst: Jill I. Sugarman

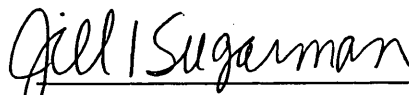
Attachments

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

27092612445

DECLARATION OF JILL I. SUGARMAN

1. I am the Reviewing Analyst in the Office of Administrative Review for the Federal Election Commission ("Commission"). In my capacity as Reviewing Analyst, I conduct research with respect to all challenges submitted in accordance with the Administrative Fine program.
2. The principal campaign committee of a congressional candidate must file notifications disclosing contributions of \$1,000 or more which are received between April 24 and May 10, 2006. These notifications (also called 48-Hour Notices) must be filed with the Commission within 48 hours of the committee's receipt of the contribution(s).
3. 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) Page 1 of the Summary Page and Schedule A for Line 13(a) for the 2006 12 Day Pre-Primary Report filed by the Committee to Elect John Jacob and Stanley R. De Waal, as Treasurer. According to Commission records, the report was received on June 15, 2006 and Schedule A lists the receipt of a \$30,000.00 loan from John D. Jacob on May 3, 2006;
 - b) Request for Additional Information dated August 10, 2006 which is addressed to the Committee to Elect John Jacob and Stanley R. De Waal, as Treasurer. According to Commission records, the Request was sent by the Reports Analysis Division and references the 12-Day Pre-Primary Election Report. On Page 1 of the Request, it states that "Schedule A ... indicates that your committee may have failed to file one or more of the required 48 hour notices regarding 'last minute' contributions received by your committee after the close of books for the 12-Day Pre-Primary Election report. A principal campaign committee must notify the Commission, in writing, within 48 hours of any contribution of \$1,000 or more received between two and twenty days before an election;" and
 - c) Electronic Amendment received September 8, 2006 from the Committee to Elect John Jacob that states, "[O]n 05/03/2006 John Jacob loaned \$30,000.00 to his campaign and a 48 hour notice was inadvertently not filed for that loan."
4. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at Washington on the 11th of May, 2007.



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

27092612446

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

Committee to Elect John Jacob

ADDRESS (number and street)

175 South West Temple, Suite 650

Check if different than previously reported. (ACC)

Salt Lake City

UT

84101

2. FEC IDENTIFICATION NUMBER

C00415414

CITY

STATE

ZIP CODE

STATE DISTRICT

3. IS THIS REPORT NEW OR AMENDED

x NEW OR

UT 03

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:

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

Election on 11 07 2008 in the State of UT

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

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

Election on in the State of

5. Covering Period 04 24 2008 through 06 07 2008

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 Stanley R. de Waal

Signature of Treasurer Electronically Filed by Stanley R. de Waal Date 06 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 02/2005)

27092612447

**SCHEDULE A (FEC Form 3)
ITEMIZED RECEIPTS**

Use separate schedule(s)
or each category of the
Detailed Summary Page

FOR LINE NUMBER: PAGE 9 / 67
(check only one)
 11a 11b 11c 11d
 12 13a 13b 14 15

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

NAME OF COMMITTEE (In Full)
Committee to Elect John Jacob

A. Full Name (Last, First, Middle Initial)
John D. Jacob

Mailing Address 9155 N. Cedar Pass Road

City Lehi State UT Zip Code 84043

FEC ID number of contributing federal political committee. **C**

Name of Employer Self Occupation Candidate
Receipt For: Primary General Other (specify) Election Cycle-to-Date Election Cycle-to-Date ▼ 275000.00

Date of Receipt 05 / 03 / 2006
Transaction ID: 60512.C29
Amount of Each Receipt this Period 30000.00
Loans Made/Guaranteed by Cand. Limit Increased Due to Opponent's Spending (2 U.S.C. 441a(f)(4)41a-1)
NOTE: PERSONAL FUNDS

B. Full Name (Last, First, Middle Initial)
John D. Jacob

Mailing Address 9155 N. Cedar Pass Road

City Lehi State UT Zip Code 84043

FEC ID number of contributing federal political committee. **C**

Name of Employer Self Occupation Candidate
Receipt For: Primary General Other (specify) Election Cycle-to-Date Election Cycle-to-Date ▼ 283000.00

Date of Receipt 05 / 10 / 2006
Transaction ID: 60512.C30
Amount of Each Receipt this Period 8000.00
Loans Made/Guaranteed by Cand. Limit Increased Due to Opponent's Spending (2 U.S.C. 441a(f)(4)41a-1)
NOTE: PERSONAL FUNDS

C. Full Name (Last, First, Middle Initial)
John D. Jacob

Mailing Address 9155 N. Cedar Pass Road

City Lehi State UT Zip Code 84043

FEC ID number of contributing federal political committee. **C**

Name of Employer Self Occupation Candidate
Receipt For: Primary General Other (specify) Special Election Cycle-to-Date Election Cycle-to-Date ▼ 303000.00

Date of Receipt 05 / 18 / 2006
Transaction ID: 60525.C36
Amount of Each Receipt this Period 20000.00
Loans Made/Guaranteed by Cand. Limit Increased Due to Opponent's Spending (2 U.S.C. 441a(f)(4)41a-1)
NOTE: PERSONAL FUNDS

SUBTOTAL of Receipts This Page (optional) ▶ 58000.00

TOTAL This Period (last page this line number only) ▶

27092612448



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-2

August 10, 2006

Stanley R. De Waal, Treasurer
Committee to Elect John Jacob
175 South West Temple, Suite 650
Salt Lake City, UT 84101

Response Due Date:
September 11, 2006

Identification Number: C00415414

Reference: 12-Day Pre-Primary Election Report (4/24/06 – 6/7/06)

Dear Mr. De Waal:

This letter is prompted by the Commission's preliminary review of the report(s) referenced above. This notice requests information essential to full public disclosure of your federal election campaign finances. An adequate response must be received at the Commission by the response date noted above. An itemization of the information needed follows:

-Schedule A of your report indicates that your committee may have failed to file one or more of the required 48 hour notices regarding "last minute" contributions received by your committee after the close of books for the 12-Day Pre-Primary Election report. A principal campaign committee must notify the Commission, in writing, within 48 hours of any contribution of \$1,000 or more received between two and twenty days before an election. These contributions are then reported on the next report required to be filed by the committee. To ensure that the Commission is notified of last minute contributions of \$1,000 or more to your campaign, it is recommended that you review your procedures for checking contributions received during the aforementioned time period. The failure to file 48-hour notices may result in civil money penalties or legal enforcement action. If any contribution of \$1,000 or more was incorrectly reported, you must amend your original report with the clarifying information. (11 CFR §104.5(f))

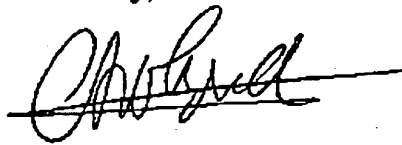
Please note you will not receive an additional notice from the Commission on this matter. Adequate responses received on or before this date will be taken into consideration in determining whether audit action will be initiated. Requests for extensions of time in which to respond will not be considered. Failure to provide an adequate response by this date may result in an audit of the committee. Failure to comply with the provisions of the Act may also result in an enforcement action against the

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committee. Any response submitted by your committee will be placed on the public record and will be considered by the Commission prior to taking enforcement action.

Electronic filers must file amendments (to include statements, designations and reports) in an electronic format and must submit an amended report in its entirety, rather than just those portions of the report that are being amended. If you should have any questions regarding this matter or wish to verify the adequacy of your response, please contact me on our toll-free number (800) 424-9530 (at the prompt press 5 to reach the Reports Analysis Division) or my local number (202) 694-1161.

Sincerely,



Christopher A. Whyrick
Senior Campaign Finance Analyst
Reports Analysis Division

480

260 163424092612450

ETEXT ATTACHMENT

09/08/2006 11 : 37

This is in response to a request for more information regarding a missing 48 hour notice. On 05/03/2006 John Jacob loaned \$30,000.00 to his campaign and a 48 hour notice was inadvertently not filed for that loan.

We have since reviewed our procedures for filing 48 hour notices and have corrected the problem. We are now checking our contributions received during the two and twenty days before the election more thoroughly and filing the appropriate 48 hour notices.

27092612451



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

VIA OVERNIGHT DELIVERY

May 15, 2007

Stanley R. De Waal, as Treasurer
Committee to Elect John Jacob
175 South West Temple, Suite 650
Salt Lake City, UT 84101

C00415414
AF# 1529

Dear Mr. De Waal:

On November 7, 2006, the Federal Election Commission ("Commission") found reason to believe ("RTB") that the Committee to Elect John Jacob and you, as Treasurer ("respondents"), violated 2 U.S.C. § 434(a) for failing to timely file a 48-Hour Notice for one contribution of \$30,000 received May 3, 2006. The Commission also made a preliminary determination that the civil money penalty was \$3,110 based on the schedule of penalties at 11 C.F.R. § 111.44.

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 cursive script that reads "Jill I. Sugarman".

Jill I. Sugarman
Reviewing Analyst
Office of Administrative Review

Attachment

27092612452

Attachment
2 Pages

COMMITTEE TO ELECT JOHN JACOB
175 SOUTH WEST TEMPLE, SUITE 650
SALT LAKE CITY, UTAH 84101

VIA FACSIMILE AT 202-208-3333

May 24, 2007

Federal Election Commission Secretary
999 E Street, NW
Washington, DC 20463

C00415414
REF: AF# 1529

2007 MAY 29 P 3:40

HE...
SECRETARIAL

Dear Commission Secretary:

This letter is written in response to the Federal Election Commission's ("Commission") letter concerning the final determination in the matter concerning the violation to properly file a certain 48-Hour Notice. Further delineated in that certain letter from the Commission dated May 15, 2007.

I respectfully submit the following letter to the Commission under the penalties of perjury. Furthermore, I submit this letter with the complete intent to provide information beneficial to the review and final determination whether or not to levy a fine in a fair and equitable manor.

Please refer to the letter written to the Commission dated November 17, 2006. Mr. de Waal, the Treasurer for the Committee to Elect John Jacob, reviewed the circumstances of the unfortunate 48-Hour Rule oversight concerning that particular Loan from Mr. Jacob. Mr. de Waal pointed out the subsequent 100% compliance by the Committee to Elect John Jacob ("Respondents") with the 48-Hour Rule and the Respondents policy implementation that provided the safeguards to recognize any future contributions or loans that must be reported according to the 48-Hour Rule. The Respondents started out as a rookie campaign committee. It is my belief and understanding that the intent of an action or inaction in the United States Justice System plays an important role in granting mercy. It was not the intent of the Respondents to ignore the 48-Hour rule and not report the Loan.

According to the letter dated May 11, 2007 from Ms. Jill I. Sugarman and titled REVIEWING OFFICER RECOMMENDATION OFFICE OF ADMINISTRATIVE REVIEW ("Letter") we have "fail[ed] to address any of the three valid excuses enumerated at 11 C.F.R. § 111.35(b)." I wish to address two issues that comply with the above-mentioned "valid excuses."

27092612453

The first concerns 11 C.F.R. § 111.35(b)(i) "the existence of factual errors;". One of the problems that I create for people is caused by a habit (I am working diligently to change) that creates time lapsed factual errors. The habit I write to you about is one where I sometimes deposit money in my business operating accounts and my campaign operating account without disclosing the deposit information to the people who need to know about the deposit. This lack of communication is not intended to create problems. In my businesses my loyal bookkeepers check their respective bank accounts each morning. If there is a deposit made, they do not know about, they take the needed action to find out what the deposit was for. The deposit in question, the \$30,000 Loan I made to my campaign was not reported to my campaign bookkeeper. She had no way of knowing about the deposit until it came to her attention through account reconciliation.

The second valid excuse concerns 11 C.F.R. § 111.35(b)(iii) "the existence of extraordinary circumstances that were beyond their control and that were for a duration of at least 48 hours and that prevented them from filing the 48-Hour Notice for the \$30,000 loan received on May 3, 2006." I did not notify my campaign bookkeeper or treasurer that I had made the \$30,000 loan and deposited it. I often get so busy that I forget to communicate information that creates extraordinary circumstances that "drive people crazy." The deposit in question was discovered by the campaign bookkeeper several days after the deposit making it impossible for the Respondents to file the 48-Hour Notice in a timely manner.

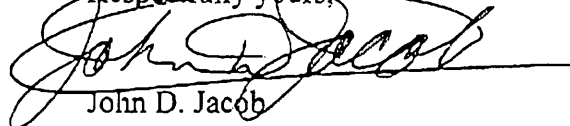
The above described circumstances do fall under the valid excuses contained in 11 C.F.R. § 111.35(b) which the Letter from the Reviewing Officer mentions. It is my opinion that the Reviewing Officers Recommendation is flawed because of the lack of detail provided to Ms. Sugarman in Mr. de Waal's response letter dated November 17, 2006.

The 2006 election was the first occasion where I had to form a campaign committee and follow Federal Election Commission Rules. This first federal office campaign taught me many valuable lessons. One of those lessons is the critical need a successful election campaign committee has for appropriate communication with all parties involved, especially communication on how the campaign money is acquired, used and reported in a proper manner.

The penalty imposed seems to be a bit harsh for a first time error or violation. I therefore plead with the commission for relief and abatement of the proposed fine of \$3,110.00.

Thank you for your time in reviewing my request.

Respectfully yours,



John D. Jacob

Former Candidate United States Congress

27092612454



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2007 MAY 31 A 11: 51

May 31, 2007

SENSITIVE

MEMORANDUM

TO: THE COMMISSION

THROUGH: PATRINA M. CLARK *PMC*
STAFF DIRECTOR

MARGARITA MAISONET *hm*
CHIEF COMPLIANCE OFFICER

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

SUBJECT: FINAL DETERMINATION RECOMMENDATION IN AF# 1529 –
COMMITTEE TO ELECT JOHN JACOB AND STANLEY R. DE
WAAL, AS TREASURER (C00415414)

On November 7, 2006, the Commission found reason to believe that the respondents violated 2 U.S.C. § 434(a) for failing to file a 48-Hour Notice for one contribution of \$30,000 received May 3, 2006 and also made a preliminary determination that the civil money penalty was \$3,110 based on the schedule of penalties at 11 C.F.R. § 111.44.

On December 4, 2006, the Commission received the respondents' written response ("challenge"). After reviewing the challenge, the Reviewing Officer's recommendation dated May 11, 2007 was forwarded to the Commission. A copy was simultaneously forwarded to the respondents. The Reviewing Officer recommended that the Commission make a final determination that they violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$3,110 because they submitted no evidence that a factual error was made, that the civil money penalty was miscalculated at RTB or that extraordinary circumstances existed which prevented them from filing the 48-Hour Notice on time.

Within 10 days of transmittal of the recommendation, the respondents may file a written response with the Commission Secretary which may not raise any arguments not raised in the respondents' challenge or not directly responsive to the Reviewing Officer's recommendation. 11 C.F.R. § 111.36(f). The Commission received their written response on May 29, 2007 which is attached for your review.

27092612455

OAR Recommendations

- (1) Make a final determination in AF# 1529 that the Committee to Elect John Jacob and Stanley R. De Waal, as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$3,110; and
- (2) Send the appropriate letter.

Reviewing Analyst: Jill I. Sugarman

Attachment

27092612456



FEDERAL ELECTION COMMISSION
Washington, DC 20463

SENSITIVE

DATE & TIME OF TRANSMITTAL: Thursday, May 31, 2007 4:00

BALLOT DEADLINE: Tuesday, June 05, 2007 4:00

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

SUBJECT: **Final Determination Recommendation in
AF 1529 – Committee to Elect John Jacob
and Stanley R. De Waal, as treasurer (C00415414)
Memorandum from the Reviewing Officer
dated May 31, 2007.**

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

COMMENTS: _____

DATE: _____

SIGNATURE: _____

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

FROM THE OFFICE OF THE SECRETARY OF THE COMMISSION

27092612457

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Final Determination Recommendation:) AF 1529
Committee to Elect John Jacob and)
Stanley R. De Waal, as treasurer.)
(C00415414))

CERTIFICATION

I, Mary W. Dove, Secretary of the Federal Election Commission, do hereby certify that on June 05, 2007, the Commission decided by a vote of 5-0 to take the following actions in AF 1529:

1. Make a final determination in AF #1529 that the Committee to Elect John Jacob and Stanley R. De Waal, as Treasurer, violated 2 U.S.C. §434(a) and assess a civil money penalty of \$3,110.00, as recommended in the Reviewing Officer's Memorandum dated May 31, 2007.
2. Send the appropriate letter.

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

Attest:

June 6, 2007
Date

Darlene Harris
for Mary W. Dove
Secretary of the Commission

27092612458



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 8, 2007

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Stanley R. De Waal, as Treasurer
Committee to Elect John Jacob
175 South West Temple, Suite 650
Salt Lake City, UT 84101

ID# C00415414
AF# 1529

Dear Mr. De Waal:

On November 7, 2006, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that the Committee to Elect John Jacob and you, as Treasurer, violated 2 U.S.C. § 434(a) for failing to file a 48-Hour Notice for one contribution of \$30,000 received May 3, 2006. By letter dated November 9, 2006, the Commission sent you notification of the RTB finding that included a civil money penalty calculated at RTB of \$3,110 in accordance with the schedule of penalties at 11 C.F.R. § 111.44. On December 4, 2006, the Office of Administrative Review received the written response from you challenging the RTB finding.

The Reviewing Officer reviewed the Commission's RTB finding with its supporting documentation and your written response. Based on this review, the Reviewing Officer recommended that the Commission make a final determination that the Committee to Elect John Jacob and you, as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty in the amount of \$3,110 in accordance with 11 C.F.R. § 111.44. The basis for the Reviewing Officer's recommendation was included in the Final Determination Report, a copy of which was sent to you on May 15, 2007.

On May 29, 2007, the Commission Secretary received a written response from the Candidate, John Jacob, and a copy was forwarded to the Commission. On June 5, 2007, the Commission adopted the Reviewing Officer's recommendation and made a final determination that the Committee to Elect John Jacob and you, as Treasurer, violated 2 U.S.C. § 434(a) and assessed a civil money penalty of \$3,110. It is based on the same factors used to calculate the civil money penalty at RTB.

To Pay the Civil Money Penalty

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

27092612459

If You Do Not Pay the Civil Money Penalty

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

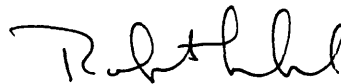
If You Choose to Appeal the Final Determination and/or Civil Money Penalty

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

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

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

Sincerely,



Robert D. Lenhard
Chairman

27092612460

ADMINISTRATIVE FINE PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 C.F.R. § 111.44, the civil money penalty is \$3,110 for the 2006 48-Hour Notification Report.

This penalty should be paid by check or money order, made payable to the Federal Election Commission. It should be sent by mail to:

Federal Election Commission
PO Box 979058
St. Louis, MO 63197-9000

If you choose to send your payment by courier or overnight delivery, please use this address:

U.S. Bank - Government Lockbox
FEC # 979058
1005 Convention Plaza
Attn: Government Lockbox, SL-MO-C2GL
St. Louis, MO 63101

The form and payment are due within 30 days of receipt of this letter.

PAYMENTS BY PERSONAL CHECK

Personal checks will be converted into electronic funds transfers (EFTs). Your account will be electronically debited for the amount on the check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: Committee to Elect John Jacob

FEC ID#: C00415414

AF#: 1529

PAYMENT AMOUNT DUE: \$3,110

27092612461

FOR: Committee to Elect John Jacob

FEC ID#: C00415414

AF#: 1529

PAYMENT AMOUNT DUE: \$3,110

3

QUALITY IS OUR PRIORITY FOR LOCKBOX 9058
SEQ# 002 \$ 0000311000 BA# 1 07-30-07 20 4



usbancorp.
The New America Company

JOHN D. JACOB COMPANY		CENTRAL BANK PROVO OFFICE 75 N UNIVERSITY AVE PROVO, UT 84603-1498 97-3271243	7676
[REDACTED]			7/26/2007
PAY TO THE ORDER OF	Federal Election Commission		\$ 3,110.00
Three Thousand One Hundred Ten and 00/100			DOLLARS
Federal Election Commission			
MEMO:	FECID C00415414 AF# 1529		
[REDACTED SIGNATURE]			

Security Features: Details on back

27092612462



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 1529

DATE SCANNED

9/27/07

SCANNER NO.

2

SCAN OPERATOR

SSS

27092612463