



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 1530

DATE SCANNED 9/27/07

SCANNER NO. 2

SCAN OPERATOR EEJ

27092612464



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

FEDERAL ELECTION
COMMISSION
SECRETARIAT

2006 NOV 21

A 9:42

November 20, 2006

SENSITIVE

MEMORANDUM

TO: THE COMMISSION

THROUGH: PATRINA M. CLARK *PMC*
STAFF DIRECTOR

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

SUBJECT: ADMINISTRATIVE FINE PROGRAM
REASON TO BELIEVE RECOMMENDATION -
12 DAY PRE-PRIMARY REPORT (AZ, DE, NY)

Attached are the names of political committees and their treasurers who failed to file or timely file the 2006 12 Day Pre-Primary Report in accordance with 2 U.S.C. 434(a). On August 7, 2006, Prior Notice was sent to the political committees and treasurers, informing them that the report was due on August 31, 2006 and should cover the period from July 1, 2006 through August 23, 2006.

Please note that all of the committees from New York who appear on the list, failed to file the election sensitive report by the required due date, however, they did file the report at least 4 days prior to the September 12, 2006 Primary Election. Thus these reports are considered **late**. The committees from Delaware and Arizona filed their required report more than four days after the September 12, 2006 Primary Election, as such, their reports are considered **not filed**. In accordance with the schedule of civil money penalties located within 11 CFR §111.43, the committees should be assessed the civil money penalty outlined on the attached list.

Recommendation

- 1) Find reason to believe that the political committees and treasurers 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 committees.

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11/20/2006 11:26 AM

Federal Election Commission
Reason to Believe Circulation Report
2006 PRE-PRIMARY Election Sensitive 08/31/2006 AZ, DE, NY

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	State	Threshold	PV	Report Receipt Date	Days Late	LOA	RTB Penalty
1530	C00412775	CAMPAIGN TO ELECT MIKE PROTACK	MICHAEL D. PROTACK	MARY ANN PROTACK	DE	\$175,672	0	9/9/2006	Not Filed	\$28,520	\$1,400
1531	C00417048	JEFF LATAS FOR CONGRESS	JEFFREY LYNN LATAS	ANDREA DALESSANDRO	AZ	\$233,757	0	9/27/2006	Not Filed	\$76,358	\$4,000
1532	C00213611	LOUISE SLAUGHTER RE- ELECTION COMMITTEE	LOUISE M. SLAUGHTER	BONNIE CALLAGHAN	NY	\$885,618	0	9/6/2006	6	\$47,768	\$450
1533	C00273169	MALONEY FOR CONGRESS	CAROLYN B. MALONEY	CLIFTON MALONEY	NY	\$1,530,549	0	9/8/2006	8	\$151,145	\$2,400
1534	C00240986	SERRANO FOR CONGRESS	JOSE E. SERRANO	MICHAEL WINICKI	NY	\$434,869	0	9/6/2006	6	\$70,921	\$900
1535	C00421131	ZANZI FOR CONGRESS	ITALO ANDRES ZANZI	RYAN ADRIAN	NY	\$357,357	0	9/8/2006	8	\$95,775	\$1,400



FEDERAL ELECTION COMMISSION

Washington, DC 20463

SENSITIVE

DATE & TIME OF TRANSMITTAL: Tuesday, November 21, 2006 11:00

BALLOT DEADLINE: Monday, November 27, 2006 4:00

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

SUBJECT: **Administrative Fine Program RTB Recommendation 12 Day Pre-Primary Report (AZ, DE, NY). Memorandum from the Assistant Staff Director, Reports Analysis Division dated November 20, 2006.**

- () I approve the recommendation(s)
- () I object to the recommendation(s)
- () I approve the recommendations except those following to which I object (please insert AF#)

- () I approve the recommendations except those following in which I abstain (please insert AF#)

- () I approve the recommendations except those following in which I am recused (please insert AF#)

- () I am not voting on this tally.

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

DATE: _____

SIGNATURE: _____

FROM THE OFFICE OF THE SECRETARY OF THE COMMISSION

27092612467

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Reason To Believe Recommendation 12)
Day Pre-Primary Report (AZ, DE, NY):)
ZANZI FOR CONGRESS, and RYAN) AF# 1535
ADRIAN MORFIN as treasurer;)
MALONEY FOR CONGRESS, and) AF# 1533
Maloney, Clifton as treasurer;)
SERRANO FOR CONGRESS, and) AF# 1534
WINICKI, MICHAEL as treasurer;)
LOUISE SLAUGHTER RE-ELECTION) AF# 1532
COMMITTEE, and Bonnie Callaghan as)
treasurer;)
JEFF LATAS FOR CONGRESS, and) AF# 1531
ANDREA DALESSANDRO as treasurer;)
CAMPAIGN TO ELECT MIKE) AF# 1530
PROTACK, and MARY ANN PROTACK)
as treasurer;)

CERTIFICATION

I, Mary W. Dove, Secretary of the Federal Election Commission, do hereby certify that on November 27, 2006 the Commission took the following actions on the Reason To Believe Recommendation 12 Day Pre-Primary Report (AZ, DE, NY). as recommended in the Reports Analysis Division's Memorandum dated November 20, 2006, on the following committees:

AF#1535 Decided by a vote of 6-0 to: (1) find reason to believe that ZANZI FOR CONGRESS, and RYAN ADRIAN MORFIN as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount

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indicated on the report; (2) send the appropriate mailgram. Commissioners Lenhard, Mason, Toner, von Spakovsky, Walther, and Weintraub voted affirmatively for the decision.

AF#1533 Decided by a vote of 6-0 to: (1) find reason to believe that MALONEY FOR CONGRESS, and Maloney, Clifton as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate mailgram. Commissioners Lenhard, Mason, Toner, von Spakovsky, Walther, and Weintraub voted affirmatively for the decision.

AF#1534 Decided by a vote of 6-0 to: (1) find reason to believe that SERRANO FOR CONGRESS, and WINICKI, MICHAEL as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate mailgram. Commissioners Lenhard, Mason, Toner, von Spakovsky, Walther, and Weintraub voted affirmatively for the decision.

AF#1532 Decided by a vote of 6-0 to: (1) find reason to believe that LOUISE SLAUGHTER RE-ELECTION COMMITTEE, and Bonnie Callaghan as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate mailgram. Commissioners Lenhard, Mason, Toner, von Spakovsky, Walther, and Weintraub voted affirmatively for the decision.

AF#1531 Decided by a vote of 6-0 to: (1) find reason to believe that JEFF LATAS FOR CONGRESS, and ANDREA DALESSANDRO as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate mailgram. Commissioners Lenhard, Mason, Toner, von Spakovsky, Walther, and Weintraub voted affirmatively for the decision.

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AF#1530 Decided by a vote of 6-0 to: (1) find reason to believe that CAMPAIGN TO ELECT MIKE PROTACK, and MARY ANN PROTACK as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate mailgram. Commissioners Lenhard, Mason, Toner, von Spakovsky, Walther, and Weintraub voted affirmatively for the decision.

Attest:

November 29, 2006
Date

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

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 29, 2006

Mary Ann Protack
Campaign To Elect Mike Protack
PO Box 106
Yorklyn, DE 19736

C00412775
AF#: 1530

Dear Mary Ann Protack:

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 28, 2006, shall be filed no later than August 31, 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 not filed prior to four (4) days before the election. You should file the report if you have not already done so.

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 11/27/2006, the FEC found that there is reason to believe ("RTB") that Campaign To Elect Mike Protack and you, as treasurer, violated 2 U.S.C. 434(a) by failing to file timely this report on or before August 31, 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 \$1400.00. It is due by 1/6/2007 and is based on these factors:

Election Sensitivity of Report: Election Sensitive
Level of Activity: \$28520
Number of Days Late: Not Filed
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 1/6/2007. 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

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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 Campaign To Elect Mike Protack 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,



Michael E. Toner
Chairman

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ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 C.F.R. 111.43, the amount of your civil money penalty calculated at RTB is \$1400.00 for the 2006 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 1/6/2007. 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: Campaign To Elect Mike Protack

FEC ID#: C00412775

AF#: 1530

PAYMENT DUE DATE: 1/6/2007

PAYMENT AMOUNT DUE: \$1400.00

27092612475

Michael D. Protack

2007 JAN -8 A 9:13

Federal Election Commission
Administrative Review
999 E St NW
Washington, D C 20463

C00412775
AF # 1530

Mr. Toner,

I am contesting the fine in your letter of 29 November 2006. I mailed my FEC report 5 days before the deadline by US Mail. I have discovered after the fact that our local mail service has been a bit lacking. Two certified letters from the FEC did not get to my house and Thankfully Vicki Hubbard was kind enough to call me and was a great help.

I have not found that a certified means of mail is required for FEC reports so we did not use one. We relied on the US mail like many citizens do and when that fell through we immediately mailed the report to the FEC. The report was a pre primary report and was not very lengthy.

I understand the need to monitor financial activity with campaigns but our effort did come up short and the total amount raised was less than 100K for the entire campaign.

We in no way sought to avoid the report cycle requirements and look forward to submitting our final and end of year report this week.

Happy New Year,



Mike Protack

302 690 3946 c

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PS~Let me add something to the previous letter. I received a letter from the FEC today via FEDEX. The letter was sent from the FEC and was dated 29 November. I did get the letter through the U S Post Office near my home but it did come through a private vendor.

The post office that apparently has not mailed some of my documents and reports to the FEC also does not send mail to my home either.

I appreciate the need for reports but I as a citizen appreciate the need for the US Postal Service to do its job so you and I can do ours.

Thank you again. This letter was sent overnight from another source.

Mike Protack

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CERTIFIED MAIL

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



7001 0360 0003 1652 1609

Handwritten notes:
1/14
8/14
K...
1/14/15
K...
1/14/15

**RETURN RECEIPT
REQUESTED**

RIS
RETURN TO SENDER

- INSUFFICIENT ADDRESS
- ATTEMPTED NOT KNOWN
- NO SUCH NUMBER/ STREET
- NOT DELIVERABLE AS ADDRESSED
- UNABLE TO FORWARD

A
C
S

Handwritten: 20463

R-12

SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:

Mary Ann Protack
 Campaign to Elect Mike
 Protack
 P O Box 106
 Yorklyn, DE 19736

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

- Agent
- Addressee

B. Received by (Printed Name)

C. Date of Delivery

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

3. Service Type

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

4. Restricted Delivery? (Extra Fee)

Yes

2. Article Number and
 (Transfer from service label)

9817 ST
 7001 0360 0003 1652 1609

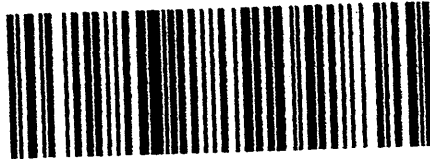
09

PS Form 3851, February 2004. Includes Return Receipt

102595-02-M-1540

CERTIFIED MAIL

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



7001 0360 0003 1652 1609

Official Business

4/14/8
 VNC
 2/26/95

RETURN RECEIPT REQUESTED

RTS
 RETURN TO SENDER

- INSUFFICIENT ADDRESS
- ATTEMPTED NOT KNOWN
- NO SUCH NUMBER/ STREET
- NOT DELIVERABLE AS ADDRESSED
- UNABLE TO FORWARD
- OTHER

A
 C
 S

20463

R-6

27092612477

27092612478

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
1. Article Addressed to: Mary Ann Protrack Campaign to Elect Mike Protrack PO Box 106 Yorklyn, DE 19736		A. Signature X	<input type="checkbox"/> Agent <input type="checkbox"/> Addressee
2. 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.		B. Received by (Printed Name)	C. Date of Delivery
3. Service Type <input 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.		D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, enter delivery address below:	
4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes		5. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
Article Number (Transfer from service label) 9007 5136 0000 0925 1609		PS Form 3826, February 1994 102565-02-M-1840	

Article Number (Transfer from service label)
9007 5136 0000 0925 1609

PS Form 3826, February 1994
 102565-02-M-1840

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ORIGIN ID: OXCA 1130
PATRICIA CARMONA
FEC
STE 819
898 E ST NW
WASHINGTON DC 20463
UNITED STATES

Ship Date: 29DEC06
Actual Wgt: 4 LB
System#: 668557
Account: S 0200-9348-1

TO: MIKE PROTACK
CAMPAIGN TO ELECT MIKE PROTACK
10 LARCHMONT CT
HOCKESSIN, DE 19707-9682

Ph: (302) 234-4827

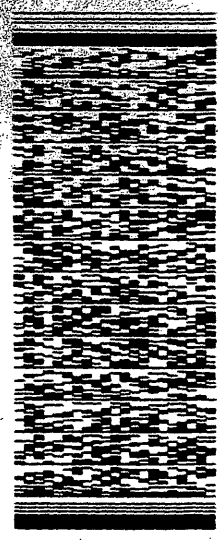
FedEx
Express



(US)



Delivery Address
Berends



PRIORITY OVERNIGHT

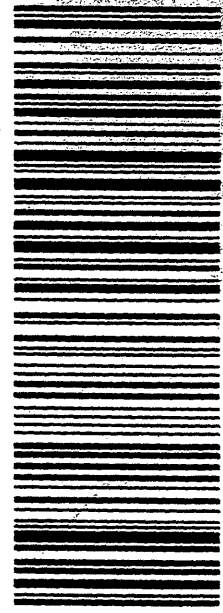
TRK# 7055 8429 8683 0201

TUE

Delivery by
02 Jan 07
A2

PHL

19707 -DE-US
ASR



The World On

ENVELOPE

For FedEx Express Shipments Only

Handwritten: ok / y/s



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Via First Class Mail

January 8, 2007

Mary Ann Protack, as Treasurer
Campaign to Elect Mike Protack
P.O. Box 106
Yorklyn, Delaware 19736

C00412775
AF# 1530

Dear Ms. Protack:

On January 5, 2007, the Commission received the written response ("challenge") from the candidate 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 black ink that reads "Shawn Woodhead Werth".

Shawn Woodhead Werth
Reviewing Officer
Office of Administrative Review

27092612480

Date: January 9, 2007

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

AF#: 1530

Committee Name: Campaign to Elect Mike Protack

Committee ID#: C00412775

Committee Address (if different than in RTB letter):

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

Attachments:

Copy of RTB Circulation Report, dated November 20, 2006 and RTB Certification, dated November 27, 2006:

Attachment #: 1

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

Attachment #: N/A

Other Relevant Telecoms (Y/N): N

Attachment #: N/A

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

Attachment #: N/A

RAD Staff Declaration (Y/N): Y

-2006 Pre-Primary Report Prior Notice, dated August 7, 2006.

-Non-Filer Letter, dated September 1, 2006.

-RTB Letter, dated November 29, 2006.

Attachment #: 3

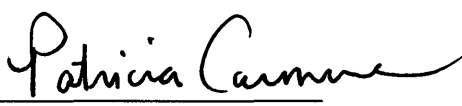
Other RAD Information: Letter Tracking, Memo to File, and Fax info (Y/N): Y

Attachment#: 4

27092612481

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 initial processing of 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 the Campaign to Elect Mike Protack:
 - A) Prior Notice, dated August 7, 2006, referencing the 2006 Pre-Primary Report;
 - B) Non-Filer Letter, dated September 1, 2006, referencing the 2006 Pre-Primary Report;
 - C) Reason-to-Believe Letter, dated November 29, 2006, referencing the 2006 Pre-Primary Report.
3. I hereby certify that I have searched the Commission's public records and find that the Campaign to Elect Mike Protack filed the 2006 Pre-Primary Report with the Secretary of Senate on September 9, 2006.
4. Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct and that all relevant telecoms for the matter have been provided. This declaration was executed at Washington, D.C. on the 9th day of January, 2007.



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

27092612482

27092612483

7001 0360 0003 1652 1609

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

CERTIFIED MAIL



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

Official Business

7001 0360 0003 1652 1609

7001 0360 0003 1652 1609

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

OFFICIAL USE

Postage	\$	Postmark Here
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	

Sent To **Mary Ann Protack**
 Street, Apt. No.; or PO Box No. **PO Box 106**
 City, State, ZIP+4 **Yorklyn, DE 19736**

PS Form 3800, January 2001 See Reverse for Instructions

Mary Ann Protack
Campaign To Elect Mike Protack
PO Box 106
Yorklyn, DE 19736

OFFICIAL MAIL RECEIPT
(Domestic Mail Only - No Insurance Coverage Provided)

OFFICIAL USE

Postage \$ 00.39
Certified Fee \$2.40
Return Receipt Fee (Endorsement Required) \$1.85
Restricted Delivery Fee (Endorsement Required) \$0.00
Total Postage & Fees \$4.64

Postmark Here
11/29/2006

Sent To **Mary Ann Protack**
Street, Apt. No., or PO Box No. **P.O. Box 106**
City, State, ZIP+4 **Yorklyn, DE 19736**

PS Form 3800, January 2001 See Reverse for Instructions

OFFICIAL MAIL RECEIPT
(Domestic Mail Only - No Insurance Coverage Provided)

OFFICIAL USE

Postage \$ 00.39
Certified Fee \$2.40
Return Receipt Fee (Endorsement Required) \$1.85
Restricted Delivery Fee (Endorsement Required) \$0.00
Total Postage & Fees \$4.64

Postmark Here
11/29/2006

Sent To **Michael Winicki**
Street, Apt. No., or PO Box No. **275 Madison Avenue**
City, State, ZIP+4 **New York, NY 10016**

PS Form 3800, January 2001 See Reverse for Instructions

OFFICIAL MAIL RECEIPT
(Domestic Mail Only - No Insurance Coverage Provided)

OFFICIAL USE

Postage \$ 00.39
Certified Fee \$2.40
Return Receipt Fee (Endorsement Required) \$1.85
Restricted Delivery Fee (Endorsement Required) \$0.00
Total Postage & Fees \$4.64

Postmark Here
11/29/2006

Sent To **Clifton Maloney**
Street, Apt. No., or PO Box No. **49 East 92nd Street**
City, State, ZIP+4 **New York, NY 10128**

PS Form 3800, January 2001 See Reverse for Instructions

OFFICIAL MAIL RECEIPT
(Domestic Mail Only - No Insurance Coverage Provided)

OFFICIAL USE

Postage \$ 00.39
Certified Fee \$2.40
Return Receipt Fee (Endorsement Required) \$1.85
Restricted Delivery Fee (Endorsement Required) \$0.00
Total Postage & Fees \$4.64

Postmark Here
11/29/2006

Sent To **Andrea Dalesandro**
Street, Apt. No., or PO Box No. **P.O. Box 69907**
City, State, ZIP+4 **Tucson, AZ 85787**

PS Form 3800, January 2001 See Reverse for Instructions

OFFICIAL MAIL RECEIPT
(Domestic Mail Only - No Insurance Coverage Provided)

OFFICIAL USE

Postage \$ 00.39
Certified Fee \$2.40
Return Receipt Fee (Endorsement Required) \$1.85
Restricted Delivery Fee (Endorsement Required) \$0.00
Total Postage & Fees \$4.64

Postmark Here
11/29/2006

Sent To **Bonnie Callaghan**
Street, Apt. No., or PO Box No. **P.O. Box 730**
City, State, ZIP+4 **Honeoye, NY 14471**

PS Form 3800, January 2001 See Reverse for Instructions

OFFICIAL MAIL RECEIPT
(Domestic Mail Only - No Insurance Coverage Provided)

OFFICIAL USE

Postage \$ 00.39
Certified Fee \$2.40
Return Receipt Fee (Endorsement Required) \$1.85
Restricted Delivery Fee (Endorsement Required) \$0.00
Total Postage & Fees \$4.64

Postmark Here
11/29/2006

Sent To **Ryan Adrian Morfin**
Street, Apt. No., or PO Box No. **P.O. Box 549**
City, State, ZIP+4 **Smithtown, NY 11787**

PS Form 3800, January 2001 See Reverse for Instructions

BENJAMIN FRANKLIN STATION
WASHINGTON, District of Columbia
200042403

1050050205 -0090
11/29/2006 (202)523-2386 11:23:53 AM

Product Description	Sales Receipt		Final Price
	Sale Qty	Unit Price	
TUCSON AZ 85737			\$0.39
First-Class			
0.90 oz.			
Return Rcpt (Green Card)			\$1.85
Certified			\$2.40
Label #:	70010360000316521616		
Customer Postage			-\$4.64
Subtotal:			\$0.00
YORKLYN DE 19736			\$0.39
First-Class			
0.80 oz.			
Return Rcpt (Green Card)			\$1.85
Certified			\$2.40
Label #:	70010360000316521609		
Customer Postage			-\$4.64
Subtotal:			\$0.00
HONEOYE NY 14471			\$0.39
First-Class			
0.80 oz.			
Return Rcpt (Green Card)			\$1.85
Certified			\$2.40
Label #:	70010360000316521623		
Customer Postage			-\$4.64
Subtotal:			\$0.00
NEW YORK NY 10016			\$0.39
First-Class			
0.80 oz.			
Return Rcpt (Green Card)			\$1.85
Certified			\$2.40
Label #:	70010360000316521579		
Customer Postage			-\$4.64
Subtotal:			\$0.00
SMITHTOWN NY 11787			\$0.39
First-Class			
0.80 oz.			
Return Rcpt (Green Card)			\$1.85
Certified			\$2.40
Label #:	70010360000316521586		
Customer Postage			-\$4.64
Subtotal:			\$0.00
NEW YORK NY 10128			\$0.39
First-Class			
0.80 oz.			
Return Rcpt (Green Card)			\$1.85
Certified			\$2.40
Label #:	70010360000316521593		
Customer Postage			-\$4.64
Subtotal:			\$0.00
Total:			\$0.00

Paid by:

Bill#: 1001001655874
Clerk: 13

All sales final on stamps and postage.
Refunds for guaranteed services only.
Thank you for your business.
Customer Copy

27092612485

[MSN Home](#) [Hotmail](#) [My MSN](#) [Sign In](#)



[White Pages](#) [Yellow Pages](#) [Reverse Phone](#) [Reverse Address](#) [Area & ZIP Codes](#)

More Information for:

SP

Mike & Maryann Protack

10 Larchmont Ct
Hockessin, DE 19707-9682
(302) 234-4827
Local Time: 1:08 p.m.
[Find Neighbors](#)

[Back to Results](#)

[Area Code Map](#)

[Map this Location](#)

[Save to Outlook®](#)

[E-mail to Friends](#)

Phone Details

Line Type: Land Line
Provider: Verizon

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[MSN Privacy](#) [Legal](#)

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27092612486

Shipment Request Form



Z900000003159

From:

Name: Patricia Carmona
Department: RAD
Phone: 1130

To:

Ship To 1: Campaign to Elect Mike Protack
Ship To 2: Mike Protack
Address: 10 Larchmont Ct

Hockessin, DE 19707-9682

Country: US

Special Instructions:

Obtain Signature

Requested Date: 12/29/2006 1:19:42 PM

To print this form:

- 1) Click the Print button. (Print two copies, one to attach to your package and one to keep for your records.)
- 2) Place the form in a waybill pouch or attach it to your shipment so that the barcode portion of the page can be read and scanned.

Shipment Request Form (1 of 1)

27092612487

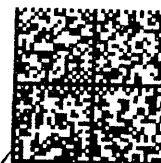
CERTIFIED MAIL

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



7001 0360 0003 1652 1609

Official Business



02 1A
0004343720
MAILED FROM ZI

*2/11
48
UNC
2/26/15*

**RETURN RECEIPT
REQUESTED**

Mary A
Camp
PO Bo
Yorkly

RTS
RETURN TO SENDER

- INSUFFICIENT ADDRESS
- ATTEMPTED NOT KNOWN
- NO SUCH NUMBER/ STREET
- NOT DELIVERABLE AS ADDRESSED - UNABLE TO FORWARD
- OTHER

ACS

20463

R-E

27092612488



FedEx Express
Customer Support Trace
3875 Airways Boulevard
Module H, 4th Floor
Memphis, TN 38116

U.S. Mail: PO Box 727
Memphis, TN 38194-4643
Telephone: 901-369-3600

January 5, 2007

Dear Customer:

The following is the proof of delivery you requested with the tracking number **705584298583**.

Delivery Information:

Status:	Delivered	Delivery date:	Jan 4, 2007 10:19
Signed for by:	M.PROTACK		
Service type:	Priority Overnight		



Shipping Information:

Tracking number:	705584298583	Ship date:	Dec 29, 2006
		Weight:	4.0 lbs.

Recipient:
Hockessin, DE US

Shipper:
WASHINGTON, DC US

Thank you for choosing FedEx Express.

FedEx Worldwide Customer Service
1.800.GoFedEx 1.800.463.3339

27092612489



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

SECRET/AT

2007 APR 19 P 12:30

April 17, 2007

MEMORANDUM

SENSITIVE

TO: THE COMMISSION

THROUGH: PATRINA M. CLARK
STAFF DIRECTOR *pmc*

MARGARITA MAISONET
CHIEF COMPLIANCE OFFICER *mm*

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

SUBJECT: AF# 1530 - CAMPAIGN TO ELECT MIKE PROTACK AND
MARY ANN PROTACK, AS TREASURER (C00412775)

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

27092612490



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 17, 2007

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

AF# 1530 – Campaign to Elect Mike Protack and Mary Ann Protack, as Treasurer (C00412775)

On November 27, 2006, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that the respondents violated 2 U.S.C. § 434(a) for failing to file the 2006 12 Pre-Primary Report, an election sensitive report, and made a preliminary determination that the civil money penalty was \$1,400 based on the schedule of penalties at 11 C.F.R. § 111.43. They were notified by the Reports Analysis Division ("RAD") on November 29, 2006 of the Commission's RTB finding and civil money penalty. The RTB letter was sent certified mail to the address of record, was returned because it was unclaimed, and was sent via Federal Express to the Candidate's home address on December 29. A copy was also faxed to the Candidate on December 13, 2006.

Respondents' Response

On January 5 and 8, 2007, the Commission received written responses and supporting documentation ("challenge") from the Candidate, Mike Protack, on behalf of the respondents, who states that the report was mailed five days before the filing deadline. Since certified mail is not required when filing reports, he relied upon first class mail. He later discovered problems with his local mail service. The Candidate also notes his loss in the race and the limited amount of funds raised during the campaign. Included with the challenge were copies of the returned envelope, green card, and Federal Express mailing envelope from the RTB letter.

Analysis

The 12 Day Pre-Primary Report was sent by Express Mail on September 9, 2006 and received on September 11, 2006. There is no evidence that the report was received on an earlier date.

The Federal Election Campaign Act requires that 12 day pre-election reports be filed by the treasurer of a principal campaign committee no later than the 12th day before any election in which the candidate is seeking election, or nomination for election. 2 U.S.C. § 434(a)(2)(A)(i) and 11 C.F.R. § 104.5(a)(2)(i). If these reports are sent by registered or certified mail, by Express or Priority Mail with delivery confirmation or by overnight delivery service with an online tracking system, and scheduled for next business day delivery, they must be postmarked, or deposited with the mailing service, no later than the 15th day before the election to be timely filed. Reports sent by first class mail must be received by the filing date to be timely filed. 2 U.S.C. § 434(a)(5) and 11 C.F.R. §§ 100.19(b) and 104.5(e). The treasurer shall be personally responsible for the timely filing of reports. 11 C.F.R. § 104.14(d).

27092612491

The Candidate is correct that they were not required to file the report using certified mail. It is not clear when the original report was mailed since he says in the challenge that it was sent five days before the due date and, in the cover letter attached to the report received on September 11, he says that it was mailed on August 30.

Regardless of the method used to file a report, the Treasurer is responsible for filing reports on time. When a report is sent by first class mail, it must be received by the filing date which, in this case, means that the 12 Day Pre-Primary Report had to be received by August 31. The Commission did not receive this report and the respondents are unable to provide proof of that filing because they did not avail themselves of one of the "safe harbor" methods described in 2 U.S.C. § 434(a)(5). To avoid the unpredictability of first class mail service, the Candidate could have chosen an alternative "safe harbor" method, such as an overnight delivery service.

The challenge fails 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 report in a timely manner. The other issues raised in the challenge (the Candidate's loss in the election and the amount raised for the campaign) also fail to meet the requirements of 11 C.F.R. § 111.35(b). The Reviewing Officer, therefore, recommends that the Commission make a final determination that the respondents violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$1,400.

OAR Recommendations

- (1) Make a final determination in AF# 1530 that the Campaign to Elect Mike Protack and Mary Ann Protack, as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$1,400; and
- (2) Send the appropriate letter.

Reviewing Analyst: Jill I. Sugarman

Attachments

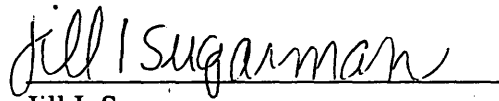
Attachment 1 - Challenge Received from Respondents

Attachment 2 - Declaration from RAD.

Attachment 3 - Declaration from OAR

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 2006 12 Day Pre-Primary Report is due August 31, 2006. Senate principal campaign committees must file reports with the Secretary of the Senate. Reports sent by Express Mail are considered filed on the postmark date.
3. It is the practice of the Office of Public Records, Secretary of the Senate to date stamp each report as it is received and complete an envelope processing page disclosing the method used to file the report.
4. I hereby certify that I have searched the Commission's public records and that the documents identified herein are true and accurate copies of the cover letter signed by the Candidate, Page 1 of the Summary Page, envelope, and the Senate Office of Public Records postmark sheet for the 2006 12 Day Pre-Primary Report filed by Express Mail by the Committee to Elect Mike Protack and Mary Ann Protack, as Treasurer. According to Commission records, the report covers the period from July 1 through August 23, 2006, was sent on September 9, and was received on September 11, 2006. In the cover letter, the Candidate states that "[t]his report is a repeat report that was mailed ... on 30 August 2006."
5. 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 17th of April, 2007.



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

27092612493



SECRETARY OF THE SENATE
02 SEP 12 PM 12:19

I have sent the primary report for U S Senate race (R) Delaware 2006.

This report is a repeat report that was mailed in Washington, D.C. on 30 August 2006.

Thank you,

Mike Protack

302 690 3946 (c)
302 656 7950 (o)

RECEIVED
FEC MAIL
OPERATIONS CENTER
2006 SEP 11 A 8:52

27092612494

25020670341

FEC FORM 3

REPORT OF RECEIPTS AND DISBURSEMENTS For An Authorized Committee

RECEIVED FEC MAIL OPERATIONS CENTER

2008 SEP 11 8:52

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

12FE4M5

CAMPAIGN TO ELECT MIKE PROTACK

ADDRESS (number and street)

3301 LANCASTER AVE

SUITE 2B

WILMINGTON

DE

19805

SECRETARY RECEIVED 06 SEP 22 2008

Check if different than previously reported. (AOC)

2. FEC IDENTIFICATION NUMBER

C00412775

CITY

STATE

ZIP CODE

STATE DISTRICT

3. IS THIS REPORT

NEW (N)

OR

AMENDED (A)

DE

4. TYPE OF REPORT (Choose One)

(a) Quarterly Reports:

April 15 Quarterly Report (Q1)

April 15 Quarterly Report (Q1)

July 15 Quarterly Report (Q2)

July 15 Quarterly Report (Q2)

October 15 Quarterly Report (Q3)

October 15 Quarterly Report (Q3)

January 31 Year-End Report (YE)

January 31 Year-End Report (YE)

Termination Report (TER)

Termination Report (TER)

(b) 12-Day PRE-Election Report for the:

Primary (12P)

Primary (12P)

General (12G)

General (12G)

Runoff (12R)

Runoff (12R)

Convention (12C)

Convention (12C)

Special (12S)

Special (12S)

Election on

09

12

2006

in the State of

DE

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

General (30G)

General (30G)

Runoff (30R)

Runoff (30R)

Special (30S)

Special (30S)

Election on

MM

DD

YYYYYY

in the State of

5. Covering Period

07

01

2006

through

08

23

2006

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

Type or Print Name of Treasurer

Mike Protack / Candidate

Signature of Treasurer

Mike Protack

Date

08

30

2006

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. 5437g.

Office Use Only

FEC FORM 3 (Revised 02/2008)

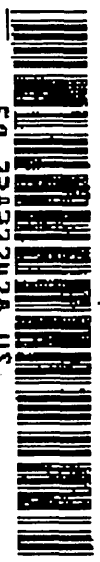
FEDNOTE

27092612495

25020670342

REGISTRATION OF FINANCIAL DONATIONS USE ONLY

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0000

Mailing Label Label 1403, Version 2004

\$14.40 00041757-08

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PO ZIP CODE: 19707
 Delivery Point: 9906
 No. of Pieces: 1
 Total Pieces: 1
 Time Accepted: 6 AM
 Day: 11/2
 PM
 Postage: \$4.40
 Insurance Fee: \$
 Signature Fee: \$
 Application Fee: \$

FROM: **Michael Prokack**
 P.O. Box 106
 Yuliyu, DE 19736

ADDRESSEE USE ONLY

Delivery Address: **Federal Election Commission**
 999 E St. NW
 Washington, DC 20463

Employee Signature: _____
 Employee Bureau: _____

POST OFFICE TO ADDRESSEE

POSTAGE PAID
 HD 00000000
 SEP 06 06
 ADDIT

06 SEP 12 PM 12:20
 SECRETARY OF THE SENATE

2006 SEP 11 A 8:52
 SENATORS CENTER

FOR PICKUP OR TRACKING
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 CALL 1-800-222-1811

EMILY J. REYNOLDS
SECRETARY

PAMELA B. GAVIN
SUPERINTENDENT

MARY SENATE OFFICE BUILDING
SUITE 222
WASHINGTON, DC 20510-7116
PHONE: (202) 224-0322

United States Senate

OFFICE OF THE SECRETARY

OFFICE OF PUBLIC RECORDS

THE PRECEDING DOCUMENT WAS:

HAND DELIVERED _____

Date of Receipt

USPS FIRST CLASS MAIL _____

Postmark

USPS REGISTERED/CERTIFIED _____

Postmark

USPS PRIORITY MAIL _____

Postmark

DELIVERY CONFIRMATION OR SIGNATURE CONFIRMATION LABEL

USPS EXPRESS MAIL _____

09.09.06

Postmark

OVERNIGHT DELIVERY SERVICE:

SHIPPING DATE

NEXT BUSINESS DAY DELIVERY

FEDERAL EXPRESS _____

UPS _____

DHL _____

AIRBORNE EXPRESS _____

RECEIVED FROM FEDERAL ELECTION COMMISSION _____

Date of Receipt

POSTMARK ILLEGIBLE

NO POSTMARK

FAX _____

Date of Receipt

OTHER _____

Date of Receipt or Postmark

PREPARER

RD

DATE PREPARED

09.12.06

27092612497

28020670351



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2007 MAY -7 P 2:49

May 7, 2007

MEMORANDUM

TO: THE COMMISSION

THROUGH: PATRINA M. CLARK *pmc*
STAFF DIRECTOR

MARGARITA MAISONET *hm*
CHIEF COMPLIANCE OFFICER

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

SUBJECT: FINAL DETERMINATION RECOMMENDATION IN AF# 1530 -
CAMPAIGN TO ELECT MIKE PROTACK AND MARY ANN
PROTACK, AS TREASURER (C00412775)

SENSITIVE

On November 27, 2006, the Commission found reason to believe that the respondents violated 2 U.S.C. § 434(a) for failing to timely file the 2006 12 Day Pre-Primary Report and also made a preliminary determination that the civil money penalty was \$1,400 based on the schedule of penalties at 11 C.F.R. § 111.43.

On January 5 and 8, 2007, the Commission received the respondents' written responses and supporting documentation ("challenge"). After reviewing the challenge, the Reviewing Officer's recommendation dated April 17, 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 \$1,400 because they submitted no evidence that a factual error was made, that the civil money penalty was miscalculated at RTB or that extraordinary circumstances existed which prevented them from filing the report on time.

Within 10 days of transmittal of the recommendation, the respondents may file a written response with the Commission Secretary which may not raise any arguments not raised in the respondents' challenge or not directly responsive to the Reviewing Officer's recommendation. 11 C.F.R. § 111.36(f). The Commission received their written response on April 24, 2007 which is attached for your review.

27092612498

OAR Recommendations

- (1) Make a final determination in AF# 1530 that the Campaign to Elect Mike Protack and Mary Ann Protack, as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$1,400; and
- (2) Send the appropriate letter.

Reviewing Analyst: Jill I. Sugarman

Attachment

27092612499



FEDERAL ELECTION COMMISSION
Washington, DC 20463

SENSITIVE

DATE & TIME OF TRANSMITTAL: Tuesday, May 08, 2007 11:00

BALLOT DEADLINE: Friday, May 11, 2007 4:00

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

SUBJECT: **Final Determination Recommendation in AF #1530 – Campaign to Elect Mike Protack and Mary Ann Protack, as Treasurer (C00412775) Memorandum from the Reviewing Officer dated May 7, 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

27092612500



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

VIA OVERNIGHT DELIVERY

April 23, 2007

Mary Ann Protack, as Treasurer
Campaign to Elect Mike Protack
PO Box 106
Yorklyn, DE 19736

C00412775
AF# 1530

Dear Ms. Protack:

On November 27, 2006, the Federal Election Commission ("Commission") found reason to believe ("RTB") that the Campaign to Elect Mike Protack and you, as Treasurer ("respondents"), violated 2 U.S.C. § 434(a) for failing to timely file the 2006 12 Day Pre-Primary Report. The Commission also made a preliminary determination that the civil money penalty was \$1,400 based on the schedule of penalties at 11 C.F.R. § 111.43.

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

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

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

Sincerely,

A handwritten signature in cursive script that reads "Jill I. Sugarman".

Jill I. Sugarman
Reviewing Analyst
Office of Administrative Review

Attachment

27092612501

Mike Protack

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2007 APR 24 A 11:26

FEC
C00412775
AF# 1530,AF# 1497

I received a letter dated 23 April 2007 offering me the chance to dispute the administrative fees of \$1400. per incident.

I have used up more time and effort explaining this reporting episode than anything other admin matter in the last year. Today, instead of taking care of my Mother who has dementia I am calling and writing the FEC.

I mailed our reports using the U S Post Office which is an approved method for transmitting the reports. However, I am being told now that while the "safe harbor" methods are not required they are indeed the only "reliable" methods for sending documents. I was also told to "use FEDEX or UPS if you really want to be sure the stuff gets here". Enforcement of an administrative requirement using non-required methods outside of the regulations is not fair or reasonable to any campaign committee.

We used the U S Mail as allowed by the FEC regulations with 5 days of transit time between Delaware and Washington, DC. Five days is long enough to walk to Washington DC and hand-deliver the documents although I was told I was told that mode was not allowed even though I offered to do so. The regulations clearly do not require any other mode of delivery or special tracking. To be told that "if you can't prove you did this then you didn't" is offensive to any American.

I clearly documented special circumstances that lasted more than 48 hours. In many incidents I detailed the numerous shortcomings of our local post office. Missed mailings, undelivered certified mailings etc. were all documented which is why I offered to hand deliver the reports while I was in DC and I was told I could not hand deliver anything given post 9-11 regulations. Clearly, when told that the government was unreliable and extra personal effort is offered and refused adding on a fine is outside of the regulations.

Unless the regulations require "safe harbor" methods a campaign committee should not have to pay a civil fine because of the failure of a government agency (Post Office) which has been documented. This failure is clearly acknowledged by the FEC. In the letter of 23 April it clearly states "to avoid the unpredictability of first class mail service, the Candidate could have chosen an alternative "safe Harbor" method." Could have is not the same as should have.

Mike Protack

27092612502

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Final Determination Recommendation:) AF 1530
Campaign to Elect Mike Protack and)
Mary Ann Protack, as Treasurer.)

CERTIFICATION

I, Mary W. Dove, Secretary of the Federal Election Commission, do hereby certify that on May 11, 2007, the Commission decided by a vote of 5-0 to take the following actions in AF 1530:

1. Make a final determination in AF 1530 that the Campaign to Elect Mike Protack and Mary Ann Protack, as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$1,400.
2. Send the appropriate letter, as recommended in the Reviewing Officer's Memorandum dated May 7, 2007.

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

Attest:

May 11, 2007
Date

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

27092612503



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 16, 2007

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mary Ann Protack, as Treasurer
Campaign to Elect Mike Protack
P.O. Box 106
Yorklyn, DE 19736

ID# C00412775
AF# 1530

Dear Ms. Protack:

On November 27, 2006, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that the Campaign to Elect Mike Protack and you, as Treasurer, violated 2 U.S.C. § 434(a) for failing to file the 2006 12 Day Pre-Primary Report. By letter dated November 29, 2006, the Commission sent you notification of the RTB finding that included a civil money penalty calculated at RTB of \$1,400 in accordance with the schedule of penalties at 11 C.F.R. § 111.43. On January 5 and 8, 2007, the Office of Administrative Review received the written response from the Candidate, Mike Protack, challenging the RTB finding.

The Reviewing Officer reviewed the Commission's RTB finding with its supporting documentation and the written response. Based on this review, the Reviewing Officer recommended that the Commission make a final determination that the Campaign to Elect Mike Protack and you, as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty in the amount of \$1,400 in accordance with 11 C.F.R. § 111.43. The basis for the Reviewing Officer's recommendation was included in the Final Determination Report, a copy of which was sent to you on April 23, 2007.

On April 24, 2007, the Commission Secretary received a written response from Mr. Protack and a copy was forwarded to the Commission. On May 11, 2007, the Commission adopted the Reviewing Officer's recommendation and made a final determination that the Campaign to Elect Mike Protack and you, as Treasurer, violated 2 U.S.C. § 434(a) and assessed a civil money penalty of \$1,400. 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.

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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

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ADMINISTRATIVE FINE PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 C.F.R. § 111.43, the civil money penalty is \$1,400 for the 2006 12 Day Pre-Primary 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: Campaign to Elect Mike Protack

FEC ID#: C00412775

AF#: 1530

PAYMENT AMOUNT DUE: \$1,400

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**AGREEMENT AS TO THE METHOD OF CERTIFYING
DEBTS SUBMITTED TO THE FINANCIAL MANAGEMENT SERVICE'S
CROSS-SERVICING PROGRAM**

This Agreement (Agreement) is submitted by:

Creditor Agency: Federal Election Commission

Date of Agreement: November 1, 2006

The Creditor Agency agrees that:

I. This Agreement covers all debts, including updates, changes, and modifications (Debts) submitted on or after the date of this Agreement, by Creditor Agency to the Financial Management Service (FMS), a bureau of the U.S. Department of the Treasury, for collection through the FMS's Cross-Servicing Program (Cross-Servicing);

II. Creditor Agency will submit debts to Cross-Servicing via Electronic Transmission of "Add Records" or "Update Records," as described in the attached Exhibit A. Each time the Creditor Agency submits a Debt via an Add Record or Update Record, the Creditor Agency is certifying the Debt;

III. Any person who submits Debts via an Add Record or Update Record has or will have delegated authority to certify the Debts on behalf of the head of the Creditor Agency, and the Creditor Agency will provide a copy of this Agreement to any such person; and,

IV. By submitting Debts via an Add Record or Update Record, the person submitting such Debts is certifying to the U.S. Department of the Treasury, under penalty of perjury pursuant to 31 U.S.C. § 3716, 31 U.S.C. § 3720A, and 28 U.S.C. § 1746, that to the best of his or her knowledge and belief, the following is true and correct:

1. **Valid Debts.** The debts are delinquent, valid and legally enforceable in the amounts stated. No debtor has repaid or agreed to repay the claim under a signed repayment agreement or filed for review of the claim.
2. **No Bar to Collection.** The debts are not subject to any circumstances that legally preclude or bar collection. There are no foreclosures pending with respect to any collateral securing a debt. The Agency's records do not show that any debtor owing a debt has filed for bankruptcy protection. Alternatively, the Agency can clearly establish that any automatic stay has been lifted or is no longer in effect.
3. **Due Process.** The Agency, at a minimum, has made reasonable efforts to obtain payment of the debt, demanded payment, and provided the debtor with the notice and opportunities described below:

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A. At least 30 days prior to the date of this certification, the Agency has provided, or made reasonable efforts to provide each debtor with:

- written notification, at the debtor's most current known address, of the nature and the amount of the debt, the intention of the Agency to collect the debt through referral to Treasury, and actions that may be taken by Treasury including referral of the debt to a private collection agency and referral of the debt to the Department of Justice for litigation;
- an opportunity to inspect and copy the records of the Agency with respect to the debt; and
- an opportunity for review within the Agency of the determination of the Agency with respect to the debt, including the opportunity to present evidence that all or part of the debt is not past-due or legally enforceable.

B. The Agency has considered any evidence presented by the debtor and determined that the amount of the debt is past-due and legally enforceable and there are no pending appeals of such determination.

4. ***Interest and Penalties.*** The Agency has complied with all of the provisions of 31 U.S.C. § 3717 and the Federal Claims Collection Standards, as well as other statutes, regulations and policies applicable to the Agency's assessment of interest, penalties and administrative costs. The Agency has mailed a written notice to all debtors explaining the Agency's requirements concerning the charges.

CERTIFICATION: Pursuant to 28 U.S.C. § 1746, I certify that I have been delegated authority to execute this Agreement on behalf of the head of my agency.



Shawn Woodhead Werth

Director, Office of Administrative Review

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ATTACHMENT A
TREASURY CROSS-SERVICING PROGRAM
CERTIFICATION TERMINOLOGY

For purposes of the foregoing Certification Agreement, the following describes how creditor agencies submit debts via Electronic Transmission of computer records to the Cross-Servicing Program:

1. Electronic Transmission. Any transmission from creditor agencies to the Cross-Servicing Program via any form of electronic media (including, but not limited to, tapes, diskettes, and on-line access), as more particularly described in *Step 7; Electronic Format* in the "Crossservicing Implementation Guide", dated November 1998, as may be amended or updated ("Cross Servicing Guide"), is an Electronic Transmission.
2. Add Records. Add Records are electronic records which creditor agencies use to add new debts to Cross-Servicing. Add Records are more particularly described in "Step 7; Agency File Formats" in the Cross Servicing Guide.
3. Update Records. Update Records are electronic records that creditor agencies use to update, change or modify information about debts previously transmitted to Cross-Servicing by creditor agencies. Update Records are more particularly described in "Step 7; Agency File Formats" in the Cross Servicing Guide.

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FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 1530

DATE SCANNED

9/27/07

SCANNER NO.

2

SCAN OPERATOR

SES

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