



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 1531

DATE SCANNED 9/27/07

SCANNER NO. 2

SCAN OPERATOR EEJ

27092612511



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 *JG*
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 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	\$357,351	0	9/8/2006	8	\$97,775	\$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

27092612514

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

27092612517



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 29, 2006

Andrea Dalessandro
Jeff Latas For Congress
PO Box 69907
Tucson, AZ 85737

C00417048
AF#: 1531

Dear Andrea Dalessandro:

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 Jeff Latas For Congress and you, as treasurer, violated 2 U.S.C. 434(a) by failing to file timely this report on or before 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 \$4000.00. It is due by 1/6/2007 and is based on these factors:

Election Sensitivity of Report: Election Sensitive
Level of Activity: \$76358
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 Jeff Latas For Congress and you, as treasurer, violated 2 U.S.C. 434(a) and assess a civil money penalty.

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA") as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. 3701 et seq. The FEC may take any and all appropriate action authorized and required by the DCA, as amended, including transfer to the U.S. Department of the Treasury for collection. 11 C.F.R. 111.45.

This matter was generated based on information ascertained by the FEC in the normal course of carrying out its supervisory responsibilities. 2 U.S.C. 437g(a)(2). It will remain confidential in accordance with 2 U.S.C. 437g(a)(4)(B) and 437g(a)(12)(A) until it is placed on the public record in accordance with 11 C.F.R. 111.42, unless you notify the FEC in writing that you wish the matter to be made public.

Additional information on the FEC's administrative fine program, including the final regulations, is located at the FEC's website at www.FEC.gov. 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 \$4000.00 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: Jeff Latas For Congress

FEC ID#: C00417048

AF#: 1531

PAYMENT DUE DATE: 1/6/2007

PAYMENT AMOUNT DUE: \$4000.00

27092612520

2214 E. Falcon Vista Drive
Green Valley, AZ 85614-5525
January 3, 2007

Received DAR
1/5/07

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

Jeff Latas C 00417048

Dear Sir:

We are requesting that the fine relating to the Pre-Primary filing be waived or reduced.

We had no staff to perform reporting duties. I am a volunteer. The campaign does not have funds to retain counsel.

I informed the FEC of my difficulties on several occasions with updates including the enclosed letters.

During the entire process our FEC analyst, Travis Brown, was responsive and helpful. He told me that he would record the information that I supplied in each phone call.

Cost incurred by me regarding the pre-primary filing:


HP Technical Support	\$ 99.00
Computer technician	250.00
Comp USA	99.98
DTI Data	<u>1,348.13</u>

Total \$ 1,797.11

Unfortunately, Jeff Latas received only six percent of the votes in the primary. I strongly believe that our late filing had zero effect on the outcome of the primary.

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

Sincerely,


Andrea Dalessandro

27092612521

RECEIVED
FEC MAIL
OPERATION'S CENTER

2214 E. Falcon Vista Drive
Green Valley, AZ 85614
ADalessCPA@aol.com
(520) 648 2092
September 12, 2006

2006 SEP 20 A 8:04

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

Jeff Latas for Congress C 00417048

Dear Sir:

Last month I encountered a serious computer problem. I tried several techniques over several days but despite my many efforts I was not successful.

In the early hours of September 1, I contacted HP Technical support. Even though I paid a \$99 fee and after hours on the phone with several technicians they were not able to get my computer to boot up. They led me to believe that there was a problem with my hard drive.

A local computer expert was recommended to me. After five hours and a \$250 bill he verified that the hard drive was bad. He installed a new hard drive. He was unable to retrieve the data on the hard drive.

Since the data on the computer was crucial, I then took the old hard drive to CompUSA in Tucson on Sunday, September 3. For a fee of \$99.98 they tried to retrieve the data until Thursday, September 7. They were unsuccessful despite using many different tools. They mentioned that it might be a defective logic board. See attached documentation.

Next, I did a Google search on data retrieval on hard drives with defective logic boards. It led me to DTI Data in Florida. Conversations with a technician informed me that they were able to retrieve data from hard drives nearly 100% of the time. They received my hard drive on Monday, September 11. They update me frequently. They are expecting to be finished on September 16. See attached documentation.

I have contacted our Analyst, Travis Brown, on Tuesday, September 5, to alert him to my computer situation. I also called again on Wednesday September 6, Monday September 11 and I spoke to him today to keep him informed of the status.

I have re-input the receipts and disbursements for Pre-Primary report and I know that I will have to re-input all records manually if the data retrieval efforts fail. I can't file the Pre-Primary report until I either re-input all the data or it is retrieved.

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I have imported the Q2 report that I filed electronically. I am currently analyzing what is there and what needs to be input in case the data retrieval fails.

September 5 deadline for Quarter 2 information request

In response to this request I sent amended 2005 and Quarter 1, 2006 paper reports to reflect the correct opening balance and updated donor employers and occupations for those reports.

The following information will be shown in the Q2 2006 when I amend it electronically.

Lynn Karabinas	Pensions Specialist, Inc. Pension Consultant
Maria Masif	Self Activist
Thomas McConnell	Self Geographical Information Systems
Dr. Janice Smith	Glendale Memorial Hospital
Gretchen Wagenseller	State of Arizona

Additionally, two credit card payments in the amount of \$1,100 for Dr. Janice Smith were incorrectly recorded by Pay pal. Other corrections will be made including to reattribute some of Jesse Latas' contribution to the general election. There was a return of some in-kind equipment to Barbara Tellman because the equipment was not needed by the campaign. One of my personal donations has been reattributed to my husband Andrew Dalessandro. An incorrect amount was listed for Jason Marcantonio. My review of the Quarter 2 shows some other corrections that I will make.

The Jeff Latas for Congress campaign is a grassroots effort. I am a volunteer and we do not have paid staff to assist me.

Sincerely,



Andrea Dalessandro

Treasurer, Jeff Latas for Congress

27092612523

CompUSA #244, Phone 520-293-6362
4841 N.Stone Av. Tucson, AZ 85704

9/03/06 16:20 0244 01 0171 98

305944 PC TUNE UP 49.99
305944 PC TUNE UP 49.99
112566
Salesperson:0000295362
PR TECHNICAL SERVICES .00
*** TAX .00 BAL 99.98
VF VISA 99.98
Acct# *****2885
Authorization # 02508A
Sequence #4520
DALESSANDRO/ANDREA
CHANGE .00

Trans Salesperson:0000295362
ITEMS SOLD - 3
9/03/06 16:20 0244 01 0171 98

Exchanges/returns must be made in accordance with the return policy. Policies can vary by product type. For details, see complete policy listed on back of receipt, as posted in-store, or visit www.compusa.com.

LET US KNOW HOW WE'RE DOING.
TAKE THE CUSTOMER SURVEY AT
<http://www.compusa.com/storesurvey>

Visit [COMPUSA.COM](http://www.compusa.com) to shop online
or obtain Rebate info.



99903670432264999065353470

Thank you for shopping at CompUSA
We Got It! We Get It!

27092612524

Review Ticket: 52769

Drive:

WD

Model: WD2500JD-22HB80

S/N: WCAL71513604

Status of Data: **Prerecovery**

Data recovery has not yet started, the drive is being prepared for recovery.

Location: **Physical Lab**

Part of the clean room where the drive is cloned

updated: Sep 11,06 10:34

Process: **Attmpt Recovery**

We have determined the problem and are currently attempting to recover the data

updated: Sep 11,06 02:56

Expected Recovery Date:

September 16, 2006

Tracking Number:

NONE

Note:

Invoice

Comment, request or update:

Update Ticket

27092612525

Subj: DTI Data Recovery Case #: 52769
Date: 9/11/2006 8:34:56 AM US Mountain Standard Time
From: customerservice@dtidata.com
To: adalesscpa@aol.com

Your drive has been received and assigned the case number: 52769

To follow the status of your drive, please visit:
<http://tickets.dtidata.com/?email=adalesscpa@aol.com&case=52769>

After reviewing the Service Ticket, you may add comments as necessary which will be reviewed by our support staff.

Upon shipping, you will receive an email with the tracking number.

Please direct all questions or comments to
customerservice@dtidata.com

Thank you for choosing DTI Data.

27092612526

Federal Election Commission
ENVELOPE REPLACEMENT PAGE FOR INCOMING DOCUMENTS
 The FEC added this page to the end of this filing to indicate how it was received.

Hand Delivered Date of Receipt

USPS First Class Mail Postmarked
9/12/06

USPS Registered/Certified Postmarked (R/C)

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

USPS Express Mail Postmarked

Postmark Illegible

No Postmark

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

Received from House Records & Registration Office Date of Receipt

Received from Senate Public Records Office Date of Receipt

Received from Electronic Filing Office Date of Receipt

Other (Specify): Date of Receipt or Postmarked

Jei
 PREPARER
 (3/2005)

9/20/06
 DATE PREPARED

27092612527

2214 E. Falcon Vista Drive
Green Valley, AZ 85614
ADalessCPA@aol.com
(520) 648 2092
September 25, 2006

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

Jeff Latas for Congress C 00417048

On Saturday, September 23, I received the data from my damaged hard drive. Fortunately all of the FEC information was intact. I have enclosed a copy of the shipping document which indicates that it was shipped by dtidata.com on September 22 and received by me on September 23. I have also included the invoice. They explained that there was a delay because my hard drive was so severely damaged.

Please find enclosed a copy of Q1 2006 with a minor change in the employer and occupation of a donor.

With regard to amended Quarter 2, 2006 filed today there was a return of some in-kind equipment to Barbara Tellman for \$900 because the equipment was not needed by the campaign. Additionally, a refund of \$1,100 is shown to Dr. Janice Smith because Paypal recorded duplicate credit card payments. Therefore, she is not over the limit.

I plan to electronically file the 12 Day Pre Primary Report Electronically in a day or two.

Sincerely,

Andrea Dalessandro

Treasurer, Jeff Latas for Congress

27092612528



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Via First Class Mail

January 8, 2007

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

C00417048
AF# 1531

Dear Ms. Dalessandro:

On January 5, 2007, the Commission received your written response ("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

27092612529

Date: January 9, 2007

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

AF#: 1531

Committee Name: Jeff Latas for Congress

Committee ID#: C00417048

Committee Address (if different than in RTB letter): 2214 E. Falcon Vista Drive
Green Valley, AZ 85614-5525

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: Previously Forwarded**

Attachment #: N/A

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

Attachment #: 1

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: (Y/N): N

Attachment#: N/A

27092612530

27092612531

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. 	A. Signature <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee	
1. Article/Addressed to: Andrea Dalessandro Jeff Lata's for Congress PO Box 69907 Tucson, AZ 85737	B. Received by (Printed Name) JEFF LATAS	C. Date of Delivery 11 DEC 06
	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
2. Article Number (Transfer from service label)	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.	
	4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540		

7001 0360 0003 1652 1606 616

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 Jeff Latas for Congress:
- 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 Jeff Latas for Congress filed the 2006 Pre-Primary Report with the Commission on September 27, 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

27092612532



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

COMMISSION
SECRETARIAT

2007 JUN 12 P 2: 32

June 12, 2007

MEMORANDUM

SENSITIVE

TO: THE COMMISSION

THROUGH: PATRINA M. CLARK *mc*
STAFF DIRECTOR

JOHN D. GIBSON *JG*
ACTING CHIEF COMPLIANCE OFFICER

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

SUBJECT: AF# 1531 - JEFF LATAS FOR CONGRESS AND ANDREA
DALESSANDRO, AS TREASURER (C00417048)

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

27092612533



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 12, 2007

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

AF #1531 – Jeff Latas for Congress and Andrea Dalessandro, as Treasurer (C00417048)

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 Day Pre-Primary Report and made a preliminary determination that the civil money penalty was \$4,000 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.

Respondents' Response

On January 5, 2007, the Commission received a written response and supporting documentation ("challenge") from the Treasurer who states that, as a volunteer, she had no support staff to help with the filings. She says that the late filing was due to computer problems, was not an attempt to hide information from the public, and did not affect the primary election, which the candidate lost. She explains that she did everything in her power to file on time and kept the Commission apprised of her difficulties through letters and phone calls. The Treasurer spent \$1,797 to fix the computer problems and sought help from HP Technical Support, a computer technician, CompUSA, and DTI Data. She says that they lack the funds to retain counsel and asks that the penalty be reduced or waived.

Included with the challenge are copies of the Treasurer's September 12, 2006 letter to the Commission with its three attachments and the cover letter dated September 25, 2006 for the amended 2006 April Quarterly Report.

In the September 12 letter, she describes the efforts taken between September 1 and 11 with the above four vendors to fix the computer's damaged hard drive and defective logic board. She cites three conversations on September 5, 6, and 11 when she updated the RAD Analyst on the matter. The CompUSA sales receipt is dated September 3 for "PC TUNE UP" and the review ticket with a September 16 expected recovery date and e-mail confirmation from DTI Data are dated September 11. In the September 25 cover letter, she explains that the data from the damaged hard drive was retrieved, she received it on September 23, and plans to file the report soon.

Analysis

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). Committees must file electronically if they have received contributions or made expenditures in a calendar year aggregating in excess of \$50,000. 2 U.S.C. § 434(a)(11) and 11 C.F.R. § 104.18(a). Reports filed electronically must be received and validated at or before 11:59 p.m.

Eastern Standard/Daylight Time on August 31st. 11 C.F.R. §§ 104.5(e) and 100.19(c). The treasurer shall be personally responsible for the timely filing of reports. 11 C.F.R. § 104.14(d).

On September 1, the day after the report was due, the Treasurer was not able to boot up her computer even with a vendor's help. The next vendor installed a new hard drive but could not recover the data file, so she took the computer to a third vendor on September 3. While the third vendor had her computer, the Electronic Filing Office ("EFO") logs show that the Treasurer downloaded the FECFile software on September 4 and spoke with EFO staff twice on September 5 about retrieving and rebuilding the data file. The EFO staff referred her to the Commission's website for directions on rebuilding her data file. When she asked if she could retrieve the data other than by rebuilding the data file, the EFO staff gave her two options. First, she could manually re-create the prior reports or, second, she could download itemized transactions from the Commission's website, import them into the FECFile software, and manually enter the unitemized transactions. Since the third vendor was not able to retrieve the data, the Treasurer sent the hard drive to a fourth vendor, which that vendor received on September 11.

Thus, based on the September 5 conversations with the EFO staff and the Treasurer's September 12 letter in which she explains that she had imported and added some but not all of the data to FECFile, the Treasurer knew how to re-create the data file by September 12. She could have added the remaining data, and then prepared and filed the 12 Day Pre-Primary Report; however, she sent the hard drive to the fourth vendor, who told her on September 11 of the estimated September 16 completion date. She received the recovered data from that vendor on September 23 and filed the Report on September 27, 27 days late.

While the Treasurer employed several vendors to fix the computer and retrieve the lost data, the Act clearly states that computer failures, except failures of the Commission's computers, do not constitute an extraordinary circumstance. 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 late filing was unintentional, the Committee's lack of staff and funds, and the candidate's loss in the race) 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 \$4,000.

OAR Recommendations

- (1) Make a final determination in AF #1531 that Jeff Latas for Congress and Andrea Dalessandro, as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$4,000; and
- (2) Send the appropriate letter.

Reviewing Analyst: Jill I. Sugarman

27092612535

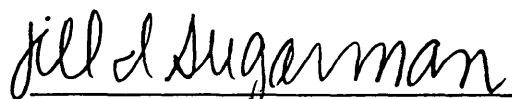
Attachments

- Attachment 1 - Challenge Received from Respondents
- Attachment 2 -
- Attachment 3 - RAD Declaration
- Attachment 4 -
- Attachment 5 - OAR Declaration

27092612536

DECLARATION OF JILL I. SUGARMAN

- 27092612537
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. If electronically filed, it must be received and validated by the Commission at or before 11:59 p.m., Eastern Standard/Daylight Time on August 31 to be timely filed.
 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) a letter and three attachments filed by Jeff Latas for Congress and Andrea Dalessandro, as Treasurer. According to Commission records, the letter was dated September 12, 2006 and was received September 20. In it, the Treasurer describes the efforts taken between September 1 and 11 to correct the computer problems, her contacts with the RAD Analyst, and her attempts to manually re-create the prior reports. The attachments are copies of a CompUSA sales receipt for "PC TUNE UP" dated September 3, a DTI Data Review Ticket with the notation "Expected Recovery Date: September 16," and an e-mail confirmation for "case number: 52769" from DTI Data dated September 11;
 - (b) the cover letter and two attachments for the amended 2006 April Quarterly Report filed by Jeff Latas for Congress and Andrea Dalessandro, as Treasurer. According to Commission records, the cover letter is dated September 25, 2006 and was received October 3. In it, the Treasurer says that she received the data from the damaged hard drive on September 23 and that she plans to file the report "in a day or two." The attachments are copies of a DTI Data Service Invoice Number "52769" for "Data Recovery" dated September 14 and a Federal Express Ship Manager Label dated September 22 addressed to Andrea Dalessandro from "dtidata;"
 - (c) Page 1 of the Summary Page for the 2006 12 Day Pre-Primary Report electronically filed by Jeff Latas for Congress and Andrea Dalessandro, as Treasurer. According to Commission records, the report covers the period from July 1 through August 23, 2006, and was received on September 27, 2006; and
 - (d) Page 1 of the Summary Page for the amended 2006 12 Day Pre-Primary Report electronically filed by Jeff Latas for Congress and Andrea Dalessandro, as Treasurer. According to Commission records, the report covers the period from July 1 through August 23, 2006, and was received on October 15, 2006.
 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 12th of June, 2007.



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

FEC FORM 3

REPORT OF RECEIPTS AND DISBURSEMENTS

For An Authorized Committee

Office Use Only

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

JEFF LATAS FOR CONGRESS

ADDRESS (number and street)

PO BOX 69907

Check if different than previously reported. (ACC)

TUCSON

AZ

85737

2. FEC IDENTIFICATION NUMBER

C00417048

CITY

STATE

ZIP CODE

STATE DISTRICT

3. IS THIS REPORT x NEW (N) OR AMENDED (A)

AZ 08

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 09 12 2008 in the State of AZ

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

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

Election on 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 Ms ANDREA D. DALESSANDRO

Signature of Treasurer Electronically Filed by Ms ANDREA D. DALESSANDRO Date 09 27 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)

27092612538

**FEC
FORM 3**

**REPORT OF RECEIPTS
AND DISBURSEMENTS**

For An Authorized Committee

Office Use Only

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

JEFF LATAS FOR CONGRESS

ADDRESS (number and street) PO BOX 69907

Check if different than previously reported. (ACC)

TUCSON AZ 85737

2. FEC IDENTIFICATION NUMBER CITY STATE ZIP CODE STATE DISTRICT

C00417048 IS THIS REPORT NEW OR AMENDED (N) (A) AZ 08

4. TYPE OF REPORT (Choose One)

- (a) Quarterly Reports:
 - April 15 Quarterly Report (Q1)
 - July 15 Quarterly Report (Q2)
 - October 15 Quarterly Report (Q3)
 - January 31 Year-End Report (YE)
 - Termination Report (TER)

- (b) 12-Day PRE-Election Report for the:
 - Primary (12P) General (12G) Runoff (12R)
 - Convention (12C) Special (12S)
 - Election on 09 12 2006 In the State of AZ
- (c) 30-Day POST-Election Report for the:
 - General (30G) Runoff (30R) Special (30S)
 - Election on 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 Ms ANDREA D. DALESSANDRO

Signature of Treasurer Electronically Filed by Ms ANDREA D. DALESSANDRO Date 10 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.

27092612539

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2007 JUN 21 A 8:51

15 June 2007

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

C00417048
AF# 1531

Dear Commission Secretary,

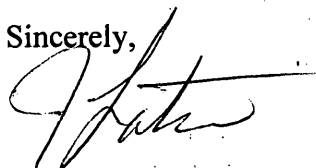
Yesterday, I received an overnight package on the finding of the Office of Administrative Review concerning the late filing of my campaign's Pre-Primary report. I believe the details of the report were clear and the work of my Treasurer, Andrea Delassandro, was commendable, considering the circumstances with which she had to deal. However, I do believe that this fine is unfair.

Every effort was made to coordinate with the FEC during the time frame between 1 September and 27 September to provide the required information. No one was intentionally withholding information from the FEC and the election was not affected by the late report. The FEC does not mandate any backup procedures for electronic filing and therefore all actions taken by Ms. Delassandro were in full compliance with the FEC, until her computer hard drive malfunctioned—a situation completely beyond her control. The software provided by the FEC for the electronic filing may have caused the crash of Ms. Delassandro's computer, therefore making this the fault of the FEC. The clause that computer failures do not constitute extraordinary circumstances is not right or just. It was the issue in this case and every effort was made to rectify this problem as quickly as was practical.

I find it hard to believe that we must be punished for doing the right thing. In this case, no one was wrong or guilty of anything other than trying to fix a problem in data retrieval.

I ask that this fine be reconsidered and the FEC encourage future campaign committees to have backup systems for reporting or give some grace time to committees that have similar problems, so long as they are communicating in a timely manner and fully cooperating with the Commission during the reporting periods.

Sincerely,



Jeff Latas

27092612540



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

VIA OVERNIGHT DELIVERY

June 13, 2007

Andrea Dalessandro, as Treasurer
Jeff Latas for Congress
4402 E. Placita Meseta Dorado
Oro Valley, AZ 85755

C00417048
AF# 1531

Dear Ms. Delassandro:

On November 27, 2006, the Federal Election Commission ("Commission") found reason to believe ("RTB") that Jeff Latas for Congress and you, as Treasurer ("respondents"), violated 2 U.S.C. § 434(a) for failing to file the 2006 12 Day Pre-Primary Report. The Commission also made a preliminary determination that the civil money penalty was \$4,000 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

27092612541



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2007 JUN 22 P 2:33

June 22, 2007

MEMORANDUM

SENSITIVE

TO: THE COMMISSION

THROUGH: PATRINA M. CLARK *pk*
STAFF DIRECTOR *pk*

JOHN D. GIBSON *JDG*
ACTING CHIEF COMPLIANCE OFFICER

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

SUBJECT: FINAL DETERMINATION RECOMMENDATION IN AF# 1531 -
JEFF LATAS FOR CONGRESS AND ANDREA
DALESSANDRO, AS TREASURER (C00417048)

On November 27, 2006, the Commission found reason to believe that the respondents violated 2 U.S.C. § 434(a) for failing to file the 2006 12 Day Pre-Primary Report and also made a preliminary determination that the civil money penalty was \$4,000 based on the schedule of penalties at 11 C.F.R. § 111.43.

On January 5, 2007, the Commission received the respondents' written response ("challenge"). After reviewing the challenge, the Reviewing Officer's recommendation dated June 12, 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 \$4,000 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 June 21, 2007 which is attached for your review.

27092612542

OAR Recommendations

- (1) Make a final determination in AF# 1531 that Jeff Latas for Congress and Andrea Dalessandro, as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$4,000; and
- (2) Send the appropriate letter.

Reviewing Analyst: Jill I. Sugarman

Attachment

27092612543



FEDERAL ELECTION COMMISSION
Washington, DC 20463

SENSITIVE

DATE & TIME OF TRANSMITTAL: Friday, June 22, 2007 4:00

BALLOT DEADLINE: Wednesday, June 27, 2007 4:00

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

SUBJECT: **Final Determination in AF #1531 – Jeff Latas
for Congress and Andrea Dalessandro,
as treasurer (C00417048) Memorandum from
the Reviewing Officer dated June 22, 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

27092612544

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Final Determination Recommendation:) AF 1531
Jeff Latas for Congress and Andrea)
Dalessandro, as treasurer.(C00417048))
)

CERTIFICATION

I, Mary W. Dove, Secretary of the Federal Election Commission, do hereby certify that on June 27, 2007, the Commission decided by a vote of 5-0 to take the following actions in AF 1531:

1. Make a final determination in AF 1531 that Jeff Latas for Congress and Andrea Dalessandro, as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$4,000, as recommended in the Reviewing Officer's Memorandum dated June 22, 2007.
2. Send the appropriate letter.

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

Attest:

June 28 2007
Date

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

27092612545



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 2, 2007

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Andrea Dalessandro, as Treasurer
Jeff Latas for Congress
4402 E. Placita Meseta Dorado
Oro Valley, AZ 85755

ID# C00417048
AF# 1531

Dear Ms. Dalessandro:

On November 27, 2006, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Jeff Latas for Congress 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 \$4,000 in accordance with the schedule of penalties at 11 C.F.R. § 111.43. On January 5, 2007, 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 the written response. Based on this review, the Reviewing Officer recommended that the Commission make a final determination that Jeff Latas for Congress and you, as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty in the amount of \$4,000 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 June 13, 2007.

On June 21, 2007, the Commission Secretary received a written response from the Candidate, Jeff Latas, and a copy was forwarded to the Commission. On June 27, 2007, the Commission adopted the Reviewing Officer's recommendation and made a final determination that Jeff Latas for Congress and you, as Treasurer, violated 2 U.S.C. § 434(a) and assessed a civil money penalty of \$4,000. 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.

27092612546

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.

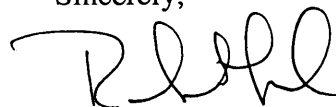
If You Choose to Appeal the Final Determination and/or Civil Money Penalty

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

27092612547

ADMINISTRATIVE FINE PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 C.F.R. § 111.43, the civil money penalty is \$4,000 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: Jeff Latas for Congress

FEC ID#: C00417048

AF#: 1531

PAYMENT AMOUNT DUE: \$4,000

27092612548

FOR: Jeff Latas for Congress

FEC ID#: C00417048

AF#: 1531

PAYMENT AMOUNT DUE: \$4,000

3

QUALITY IS OUR PRIORITY FOR LOCKBOX 9058
SEQ# 001 \$ 000040000 BA# 1 07-24-07 20 9



THIS INSTRUMENT HAS A COLORED BACKGROUND, VOID PANTOGRAPH AND MICROPRINTING. THE REVERSE SIDE INCLUDES AN ARTIFICIAL WATERMARK.

Salette A. or Jeffrey L. Latas
USA
10750 McDermott Frey
San Antonio, TX 78258-0544
210-456-8000
30-7428 / 3146

5031
Date 7/19/2007

PAY TO THE ORDER OF Federal Elections Commission \$ 4,000.00

FOUR-THOUSAND AND 00/100 DOLLARS

Federal Elections Commission
FEC# C00417048
AF# 1531

Jeff Latas for Congress
AUTHORIZED SIGNATURE



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 1531

DATE SCANNED 9/27/07

SCANNER NO. 2

SCAN OPERATOR SSS

27092612550