



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 1588

DATE SCANNED 6/5/08

SCANNER NO. 2

SCAN OPERATOR JMP

29092624322



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2007 MAR -2 P 2:49

March 2, 2006

SENSITIVE

MEMORANDUM

TO: THE COMMISSION

THROUGH: PATRINA M. CLARK *Just for PMC*
STAFF DIRECTOR

MARGARITA MAISONET *mm*
CHIEF COMPLIANCE OFFICER

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

SUBJECT: REASON TO BELIEVE RECOMMENDATION -
2006 12 DAY PRE-GENERAL REPORT FOR THE
ADMINISTRATIVE FINES PROGRAM

Attached is a list of political committees and their treasurers who failed to file or timely file the 2006 12 Day Pre-General Report in accordance with 2 U.S.C. 434(a). The list is comprised of unauthorized committees that file monthly and authorized committees whose candidates sought election in the November 7th General Election. The filing of the 12 Day Pre-General Report is mandatory in both cases.

On October 2, 2006, Prior Notices were sent to the political committees and their treasurers, informing them that the report was due on October 26, 2006 and should cover the period from October 1, 2006 through October 18, 2006.

The committees appearing on the list either filed the report more than five (5) days after the due date, failed to file the report or failed to file the report prior to four (4) days before the general election (considered a non-filed report). In accordance with the schedule of civil money penalties at 11 CFR 111.43, these committees should be assessed the civil money penalties outlined on the attached Reason to Believe (RTB) circulation list.

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For your information, the Penske Truck Lending Co LP Political Action Committee (AF 1595) filed a 2006 November Monthly Report in lieu of the required 2006 12 Day Pre-General Report. RAD calculated a proposed civil money penalty based on a prorated activity level of 58.0%. This figured was determined based on the percentage of the November Monthly Report that comprised the 12 Day Pre-General Report, i.e. while only 18 days were required for the 12G, 31 days were actually reported on the M11.

Additionally, Road to Victory Political Action Committee (AF 1596) also filed a 2006 November Monthly Report in lieu of the required 2006 12 Day Pre-General Report. RAD was able to calculate the proposed civil money penalty based upon the actual activity level, since all activity on the report was itemized.

As stated at the outset, this RTB circulation only includes those unauthorized committees filing monthly reports and authorized committees supporting candidates who were in the general election. An unauthorized committee that files on a quarterly basis must file the 12 Day Pre-General Report only if it makes a contribution to, or an expenditure on behalf of, a candidate in the general election between the dates of October 1, 2006 and October 18, 2006. The universe of quarterly filers required to file this report cannot be determined with any certainty until we are able to review the activity disclosed in the 30 Day Post-General Report submitted by quarterly filers. Once this research is completed, we will circulate the RTB recommendations for the failure to file or failure to timely file the 12 Day Pre-General Report by unauthorized quarterly filers.

Recommendation

1. Find reason to believe that the political committees and their treasurers, listed on the attached RTB circulation list violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalties would be the amounts so indicated on the circulation list.
2. Send the appropriate letter.

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For your information, the Penske Truck Lending Co LP Political Action Committee (AF 1595) filed a 2006 November Monthly Report in lieu of the required 2006 12 Day Pre-General Report. RAD calculated a proposed civil money penalty based on a prorated activity level of 58.0%. This figured was determined based on the percentage of the November Monthly Report that comprised the 12 Day Pre-General Report, i.e. while only 18 days were required for the 12G, 31 days were actually reported on the M11.

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As stated at the outset, this RTB circulation only includes those unauthorized committees filing monthly reports and authorized committees supporting candidates who were in the general election. An unauthorized committee that files on a quarterly basis must file the 12 Day Pre-General Report only if it makes a contribution to, or an expenditure on behalf of, a candidate in the general election between the dates of October 1, 2006 and October 18, 2006. The universe of quarterly filers required to file this report cannot be determined with any certainty until we are able to review the activity disclosed in the 30 Day Post-General Report submitted by quarterly filers. Once this research is completed, we will circulate the RTB recommendations for the failure to file or failure to timely file the 12 Day Pre-General Report by unauthorized quarterly filers.

Recommendation

1. Find reason to believe that the political committees and their treasurers, listed on the attached RTB circulation list violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalties would be the amounts so indicated on the circulation list.
2. Send the appropriate letter.

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Federal Election Commission
Reason to Believe Circulation Report
2006 PRE-GENERAL Election Sensitive 10/26/2006

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
1573	C00114694	AIR TRANSPORT ASSOCIATION OF AMERICA POLITICAL ACTION COMMITTEE; THE		PAUL ARCHAMBEAULT	\$249,190	2	11/1/2006	6	\$916	\$165
1574	C06396028	AL GREEN FOR CONGRESS	GREEN, ALEXANDER	WILLIAM A LAWSON	\$598,969	2	11/18/2006	Not Filed	\$10,237	\$1,350
1575	C00335232	ALLEGHENY ENERGY, INC. FEDERAL POLITICAL ACTION COMMITTEE (ALLEGHENY POWERPAC - FEDERAL)		MICHAEL T. KRINER	\$421,082	1	11/15/2006	Not Filed	\$7,043	\$750
1576	C00142489	ALLETE PAC (WELLS FARGO POLITICAL ACTION COMMITTEE)		AARON B DAVIS	\$101,621	0	11/14/2006	Not Filed	\$6,829	\$600
1577	C00332924	ARMOR HOLDINGS, INC. POLITICAL ACTION COMMITTEE (ARMOR HOLDINGS PAC)		JOHN BACKUS	\$224,991	0	12/18/2006	Not Filed	\$3,441	\$500
1578	C00423385	BYRNE FOR CONGRESS COMMITTEE - THE	BYRNE, MARK	JILL K. HUEY	\$107,986	0	11/6/2006	Not Filed	\$9,987	\$600
1579	C00283986	CHEVY CHASE BANK F S B POLITICAL ACTION COMMITTEE		STEPHEN R. HALPIN, JR.	\$272,245	0	11/9/2006	Not Filed	\$10,568	\$900
1580	C00370322	COMMITTEE FOR A DEMOCRATIC FUTURE		WEINER, GERALD T. MR.	\$290,489	0	11/19/2006	Not Filed	\$12,001	\$900
1581	C00416321	COMMITTEE TO ELECT BRAD BLANTON	BLANTON, BRAD	BURCHARD, JUSTIN	\$112,351	0	11/3/2006	Not Filed	\$3,242	\$500
1582	C00387585	COUNCIL FOR A LIVABLE WORLD CANDIDATE FUND		JOHN D. ISAACS	\$439,946	0	12/13/2006	Not Filed	\$27,186	\$1,400

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB	Penalty
1583	C00248849	CROPLIFE AMERICA POLITICAL ACTION COMMITTEE		MR. JAY VROOM	\$268,721	0	11/11/2006	6	\$8,062		\$160
1584	C00279380	DISTRICT NO. 1 FOOD MEDIA POLITICAL FUND (NEBA- PAF)		MR. BILL VAN LOO	\$1,135,875	0	11/28/2006	Not Filed	\$43,777		\$1,400
1585	C00341552	DOLLAR THRIFTY AUTOMOTIVE GROUP INC PAC (DTAG PAC)		PAMELA S. PECK	\$182,002	0	11/16/2006	Not Filed	\$1,293		\$500
1586	C00005756	FOOD PRODUCTS ASSOCIATION POLITICAL ACTION COMMITTEE (EPA- PAC)		MR. CALVIN DOOLEY	\$114,222	0	11/20/2006	Not Filed	\$1,746		\$500
1587	C00397836	FRIENDS OF RICHARD HOFFMAN	HOFFMAN, RICHARD A	VICKI HOFFMAN	\$119,770	2	11/11/2006	6	\$5,153		\$240
1588	C00428795	GEORGIA HEARN	HEARN, GLORIA WILLIAMS	ANN BELGARD	\$226,678	0	11/7/2006	Not Filed	\$147,417		\$5,000
1589	C00388793	GROWTH AND PROSPERITY POLITICAL ACTION COMMITTEE		JOEY DOBBS	\$1,997,649	0	11/21/2006	Not Filed	\$16,336		\$900
1590	C00415521	KEVIN ZEESE FOR US SENATE	ZEESE, KEVIN	JOHN OTTO LOW	\$18,978	0	11/11/2006	6	\$12,812		\$210
1591	C00095059	L A PAC		IRWIN LEVIN	\$581,440	0	11/21/2006	Not Filed	\$161,868		\$6,000
1592	C00163535	LOCAL 401 IRON WORKERS POLITICAL ACTION FUND		JOSEPH J DOUGHERTY	\$358,497	0	11/17/2006	Not Filed	\$20,650		\$900
1593	C00420091	MAATTA FOR CONGRESS CAMPAIGN COMMITTEE	MAATTA, RANDAL G	DEBRA C. MAATTA	\$194,712	2		Not Filed	\$64,904 (est)		\$4,500
1594	C00153031	OREGON REPUBLICAN PARTY		CHARLES S. OAKES	\$1,079,020	1	11/20/2006	Not Filed	\$56,383		\$3,750
1595	C00373217	PENSKE TRUCK LEASING CO LP POLITICAL ACTION COMMITTEE		JAMES A. ROSEN	\$122,160	0	11/14/2006	Not Filed	\$5,603		\$600

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AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB	Penalty
1596	C00385377	ROAD TO VICTORY POLITICAL ACTION COMMITTEE		CHRISTOPHER HOGIN	\$852,303	0	11/20/2006	Not Filed	\$14,000	\$900	\$900
1597	C00396291	TEAM AMERICA POLITICAL ACTION COMMITTEE INC		SHARON KORCHNAK	\$1,639,694	1	11/21/2006	Not Filed	\$32,761	\$1,750	\$1,750
1598	C00355866	TESORO PETEROLEUM CORPORATION POLITICAL ACTION COMMITTEE		MATTHEW R. CHAPMAN	\$1,659,016	0	11/21/2006	Not Filed	\$12,250	\$900	\$900
1599	C00325498	THE FRED D. THOMPSON PAC		SUZIE BROWNING	\$165,049	0	11/1/2006	6	\$25,000	\$450	\$450
1600	C00414417	TOM BARLOW FOR CONGRESS '06	BARLOW, THOMAS J III	SHIRLEY J BARLOW	\$216,856	0	11/1/2006	6	\$45,005	\$450	\$450
1601	C00172841	UNITED EGG ASSOCIATION EGGPAC		ALBERT E. POPE	\$352,258	0	11/16/2006	Not Filed	\$14,063	\$900	\$900
1602	C00040741	UTILITY WORKERS UNION OF AMERICA POLITICAL CONTRIBUTIONS COMMITTEE		GARY RUFFNER	\$399,088	0	11/20/2006	Not Filed	\$65,025	\$3,000	\$3,000

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Reason To Believe Recommendation - 2006)
12 Day Pre-General Report For The)
Administrative Fines Program.:)
TOM BARLOW FOR CONGRESS '06, and) AF# 1600
SHIRLEY J BARLOW as treasurer;)
KEVIN ZEESE FOR US SENATE, and) AF# 1590
JOHN OTTO LOW as treasurer;)
FRIENDS OF RICHARD HOFFMAN, and) AF# 1587
Hoffman, Vicki as treasurer;)
GLORIA HEARN, and ANN BELGARD) AF# 1588
as treasurer;)
BYRNE FOR CONGRESS COMMITTEE;) AF# 1578
THE, and JILL K HUEY as treasurer;)
MAATTA FOR CONGRESS CAMPAIGN) AF# 1593
COMMITTEE, and DEBRA C MAATTA)
as treasurer;)
AL GREEN FOR CONGRESS, and) AF# 1574
WILLIAM A LAWSON as treasurer;)
COMMITTEE TO ELECT BRAD) AF# 1581
BLANTON, and Burchard, Justin as)
treasurer;)
AIR TRANSPORT ASSOCIATION OF) AF# 1573
AMERICA POLITICAL ACTION)
COMMITTEE; THE, and PAUL)
ARCHAMBEAULT as treasurer;)
CROPLIFE AMERICA POLITICAL) AF# 1583
ACTION COMMITTEE, and Vroom, Jay)
Mr. as treasurer;)
THE FRED D. THOMPSON PAC, and) AF# 1599
SUZIE BROWNING Treasurer as treasurer;)
ALLEGHENY ENERGY INC. FEDERAL) AF# 1575
POLITICAL ACTION COMMITTEE)
(ALLEGHENY POWERPAC -)
FEDERAL), and Kriner, Michael T. as)
treasurer;)

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ALLETE PAC (ALLETE POLITICAL ACTION COMMITTEE), and AARON B DAVIS as treasurer;)	AF# 1576
ARMOR HOLDINGS INC. POLITICAL ACTION COMMITTEE (ARMOR HOLDINGS PAC), and Backus, John as treasurer;	)	AF# 1577
CHEVY CHASE BANK F S B POLITICAL ACTION COMMITTEE, and STEPHEN R. HALPIN, JR. as treasurer;	)	AF# 1579
COMMITTEE FOR A DEMOCRATIC FUTURE, and Weiner, Gerald T. Mr. as treasurer;	)	AF# 1580
COUNCIL FOR A LIVABLE WORLD CANDIDATE FUND, and JOHN D. ISAACS as treasurer;	)	AF# 1582
DISTRICT NO 1-PCD MEBA POLITICAL ACTION FUND (MEBA-PAF), and McIntyre, Cecil as treasurer;	)	AF# 1584
DOLLAR THRIFTY AUTOMOTIVE GROUP INC PAC (DTAG PAC), and PAMELA S PECK as treasurer;	)	AF# 1585
FOOD PRODUCTS ASSOCIATION POLITICAL ACTION COMMITTEE (FPA-PAC), and Dooley, Calvin Mr. as treasurer;	)	AF# 1586
GROWTH AND PROSPERITY POLITICAL ACTION COMMITTEE, and JOEY DOBBS as treasurer;	)	AF# 1589
L A PAC, and Levin, Irwin as treasurer;	)	AF# 1591
LOCAL 401 IRON WORKERS POLITICAL ACTION FUND, and JOSEPH J DOUGHERTY as treasurer;	)	AF# 1592
PENSKE TRUCK LEASING CO LP POLITICAL ACTION COMMITTEE, and JAMES A ROSEN as treasurer;	)	AF# 1595
ROAD TO VICTORY POLITICAL ACTION COMMITTEE, and Hogin, Christopher as treasurer;	)	AF# 1596
TEAM AMERICA POLITICAL ACTION COMMITTEE INC, and Sharon Korchnak as treasurer;	)	AF# 1597
TESORO PETROLEUM CORPORATION POLITICAL ACTION COMMITTEE, and MATTHEW R CHAPMAN as treasurer;)	AF# 1598

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UNITED EGG ASSOCIATION EGGPAC,) AF# 1601
and Albert E. Pope, Albert Mr. as treasurer;)
UTILITY WORKERS UNION OF) AF# 1602
AMERICA POLITICAL)
CONTRIBUTIONS COMMITTEE, and)
GARY RUFFNER as treasurer;)
OREGON REPUBLICAN PARTY, and) AF# 1594
Charles S. Oakes as treasurer;)

CERTIFICATION

I, Mary W. Dove, Secretary of the Federal Election Commission, do hereby certify that on March 07, 2007 the Commission took the following actions on the Reason To Believe Recommendation - 2006 12 Day Pre-General Report For The Administrative Fines Program. as recommended in the Reports Analysis Division's Memorandum dated March 07, 2007, on the following committees:

AF#1600 Decided by a vote of 6-0 to: (1) find reason to believe that TOM BARLOW FOR CONGRESS '06, and SHIRLEY J BARLOW 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 letter. Commissioners Lenhard, Mason, Toner, von Spakovsky, Walther, and Weintraub voted affirmatively for the decision.

AF#1590 Decided by a vote of 6-0 to: (1) find reason to believe that KEVIN ZEESE FOR US SENATE, and JOHN OTTO LOW 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 letter. Commissioners Lenhard, Mason, Toner, von Spakovsky, Walther, and Weintraub voted affirmatively for the decision.

AF#1587 Decided by a vote of 6-0 to: (1) find reason to believe that FRIENDS OF RICHARD HOFFMAN, and Hoffman, Vicki 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 letter. Commissioners Lenhard, Mason, Toner, von Spakovsky, Walther, and Weintraub voted affirmatively for the decision.

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AF#1588 Decided by a vote of 6-0 to: (1) find reason to believe that GLORIA HEARN, and ANN BELGARD 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 letter. Commissioners Lenhard, Mason, Toner, von Spakovsky, Walther, and Weintraub voted affirmatively for the decision.

AF#1578 Decided by a vote of 6-0 to: (1) find reason to believe that BYRNE FOR CONGRESS COMMITTEE; THE, and JILL K HUEY 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 letter. Commissioners Lenhard, Mason, Toner, von Spakovsky, Walther, and Weintraub voted affirmatively for the decision.

AF#1593 Decided by a vote of 6-0 to: (1) find reason to believe that MAATTA FOR CONGRESS CAMPAIGN COMMITTEE, and DEBRA C MAATTA 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 letter. Commissioners Lenhard, Mason, Toner, von Spakovsky, Walther, and Weintraub voted affirmatively for the decision.

AF#1574 Decided by a vote of 6-0 to: (1) find reason to believe that AL GREEN FOR CONGRESS, and WILLIAM A LAWSON 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 letter. Commissioners Lenhard, Mason, Toner, von Spakovsky, Walther, and Weintraub voted affirmatively for the decision.

AF#1581 Decided by a vote of 6-0 to: (1) find reason to believe that COMMITTEE TO ELECT BRAD BLANTON, and Burchard, Justin 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 letter. Commissioners Lenhard, Mason, Toner, von Spakovsky, Walther, and Weintraub voted affirmatively for the decision.

AF#1573 Decided by a vote of 6-0 to: (1) find reason to believe that AIR TRANSPORT ASSOCIATION OF AMERICA POLITICAL ACTION COMMITTEE; THE, and PAUL ARCHAMBEAULT 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 letter. Commissioners Lenhard, Mason, Toner, von Spakovsky, Walther, and Weintraub voted affirmatively for the decision.

AF#1583 Decided by a vote of 6-0 to: (1) find reason to believe that CROPLIFE AMERICA POLITICAL ACTION COMMITTEE, and Vroom, Jay Mr. 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 letter.

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

AF#1599 Decided by a vote of 6-0 to: (1) find reason to believe that THE FRED D. THOMPSON PAC, and SUZIE BROWNING Treasurer 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 letter. Commissioners Lenhard, Mason, Toner, von Spakovsky, Walther, and Weintraub voted affirmatively for the decision.

AF#1575 Decided by a vote of 6-0 to: (1) find reason to believe that ALLEGHENY ENERGY INC. FEDERAL POLITICAL ACTION COMMITTEE (ALLEGHENY POWERPAC - FEDERAL), and Kriner, Michael T. 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 letter. Commissioners Lenhard, Mason, Toner, von Spakovsky, Walther, and Weintraub voted affirmatively for the decision.

AF#1576 Decided by a vote of 6-0 to: (1) find reason to believe that ALLETE PAC (ALLETE POLITICAL ACTION COMMITTEE), and AARON B DAVIS 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 letter. Commissioners Lenhard, Mason, Toner, von Spakovsky, Walther, and Weintraub voted affirmatively for the decision.

AF#1577 Decided by a vote of 6-0 to: (1) find reason to believe that ARMOR HOLDINGS INC. POLITICAL ACTION COMMITTEE (ARMOR HOLDINGS PAC), and Backus, John 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 letter. Commissioners Lenhard, Mason, Toner, von Spakovsky, Walther, and Weintraub voted affirmatively for the decision.

AF#1579 Decided by a vote of 6-0 to: (1) find reason to believe that CHEVY CHASE BANK F S B POLITICAL ACTION COMMITTEE, and STEPHEN R. HALPIN, JR. 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 letter. Commissioners Lenhard, Mason, Toner, von Spakovsky, Walther, and Weintraub voted affirmatively for the decision.

AF#1580 Decided by a vote of 6-0 to: (1) find reason to believe that COMMITTEE FOR A DEMOCRATIC FUTURE, and Weiner, Gerald T. Mr. 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 letter. Commissioners Lenhard, Mason, Toner, von Spakovsky, Walther, and Weintraub voted affirmatively for the decision.

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AF#1582 Decided by a vote of 6-0 to: (1) find reason to believe that COUNCIL FOR A LIVABLE WORLD CANDIDATE FUND, and JOHN D. ISAACS 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 letter. Commissioners Lenhard, Mason, Toner, von Spakovsky, Walther, and Weintraub voted affirmatively for the decision.

AF#1584 Decided by a vote of 6-0 to: (1) find reason to believe that DISTRICT NO 1-PCD MEBA POLITICAL ACTION FUND (MEBA-PAF), and McIntyre, Cecil 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 letter. Commissioners Lenhard, Mason, Toner, von Spakovsky, Walther, and Weintraub voted affirmatively for the decision.

AF#1585 Decided by a vote of 6-0 to: (1) find reason to believe that DOLLAR THRIFTY AUTOMOTIVE GROUP INC PAC (DTAG PAC), and PAMELA S PECK 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 letter. Commissioners Lenhard, Mason, Toner, von Spakovsky, Walther, and Weintraub voted affirmatively for the decision.

AF#1586 Decided by a vote of 6-0 to: (1) find reason to believe that FOOD PRODUCTS ASSOCIATION POLITICAL ACTION COMMITTEE (FPA-PAC), and Dooley, Calvin Mr. 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 letter. Commissioners Lenhard, Mason, Toner, von Spakovsky, Walther, and Weintraub voted affirmatively for the decision.

AF#1589 Decided by a vote of 6-0 to: (1) find reason to believe that GROWTH AND PROSPERITY POLITICAL ACTION COMMITTEE, and JOEY DOBBS 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 letter. Commissioners Lenhard, Mason, Toner, von Spakovsky, Walther, and Weintraub voted affirmatively for the decision.

AF#1591 Decided by a vote of 6-0 to: (1) find reason to believe that L A PAC, and Levin, Irwin 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 letter. Commissioners Lenhard, Mason, Toner, von Spakovsky, Walther, and Weintraub voted affirmatively for the decision.

AF#1592 Decided by a vote of 6-0 to: (1) find reason to believe that LOCAL 401 IRON WORKERS POLITICAL ACTION FUND, and JOSEPH J DOUGHERTY 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

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

AF#1595 Decided by a vote of 6-0 to: (1) find reason to believe that PENSKE TRUCK LEASING CO LP POLITICAL ACTION COMMITTEE, and JAMES A ROSEN 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 letter. Commissioners Lenhard, Mason, Toner, von Spakovsky, Walther, and Weintraub voted affirmatively for the decision.

AF#1596 Decided by a vote of 6-0 to: (1) find reason to believe that ROAD TO VICTORY POLITICAL ACTION COMMITTEE, and Hogin, Christopher 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 letter. Commissioners Lenhard, Mason, Toner, von Spakovsky, Walther, and Weintraub voted affirmatively for the decision.

AF#1597 Decided by a vote of 6-0 to: (1) find reason to believe that TEAM AMERICA POLITICAL ACTION COMMITTEE INC, and Sharon Korchnak 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 letter. Commissioners Lenhard, Mason, Toner, von Spakovsky, Walther, and Weintraub voted affirmatively for the decision.

AF#1598 Decided by a vote of 6-0 to: (1) find reason to believe that TESORO PETROLEUM CORPORATION POLITICAL ACTION COMMITTEE, and MATTHEW R CHAPMAN 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 letter. Commissioners Lenhard, Mason, Toner, von Spakovsky, Walther, and Weintraub voted affirmatively for the decision.

AF#1601 Decided by a vote of 6-0 to: (1) find reason to believe that UNITED EGG ASSOCIATION EGGPAC, and Albert E. Pope, Albert Mr. 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 letter. Commissioners Lenhard, Mason, Toner, von Spakovsky, Walther, and Weintraub voted affirmatively for the decision.

AF#1602 Decided by a vote of 6-0 to: (1) find reason to believe that UTILITY WORKERS UNION OF AMERICA POLITICAL CONTRIBUTIONS COMMITTEE, and GARY RUFFNER 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 letter. Commissioners Lenhard, Mason, Toner, von Spakovsky, Walther, and Weintraub voted affirmatively for the decision.

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AF#1594 Decided by a vote of 6-0 to: (1) find reason to believe that OREGON REPUBLICAN PARTY, and Charles S. Oakes 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 letter. Commissioners Lenhard, Mason, Toner, von Spakovsky, Walther, and Weintraub voted affirmatively for the decision.

Attest:

March 8, 2007
Date

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

29092624337



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 9, 2007

Ann Belgard
Gloria Hearn
1327 Military Hwy
Pineville, LA 71360

C00429795
AF#: 1588

Dear Ann Belgard:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file a 12 Day Pre-General Report of Receipts and Disbursements in a 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 October 18th, shall be filed no later than October 26th. 2 U.S.C. 434(a). You were previously notified of the due date for this report. Records at the Federal Election Commission ("FEC") indicate that this report was not filed prior to four (4) days before the General Election held on November 7, 2006. 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 3/7/2007, the FEC found that there is reason to believe ("RTB") that Gloria Hearn and you, as treasurer, violated 2 U.S.C. 434(a) by failing to file timely this report on or before October 26th. 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 \$5,000. It is due by 4/16/2007 and is based on these factors:

Election Sensitivity of Report: Election Sensitive
Level of Activity: \$147,417
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 4/16/2007. 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 based on a factual error, miscalculation of the calculated civil money penalty by the FEC, or the

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existence of extraordinary circumstances that persisted for more than 48 hours that were beyond your control and prevented you from filing the report in a timely manner. Your response must include the factual basis supporting the reason(s) and supporting documentation. The FEC strongly encourages that documents be submitted in the form of affidavits or declarations. Examples of circumstances that will not be considered extraordinary include, but are not limited to, negligence, problems with vendors or contractors, staff illness, computer failures and similar circumstances. 11 C.F.R. 111.35(b)(1)(iii) and (4).

Your failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver of your right to present such argument in a petition to the district court under 2 U.S.C. 437g. 11 C.F.R. 111.38.

If you intend to be represented by counsel, please advise the Office of Administrative Review. You should provide, in writing, the name, address and telephone number of your counsel and authorize counsel to receive notifications and communications relating to this challenge and imposition of the calculated civil money penalty.

If You Do Not Pay the Calculated Civil Money Penalty or Submit a Challenge

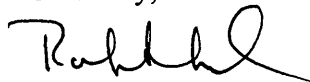
If you do not pay the calculated civil money penalty or submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that Gloria Hearn and you, as treasurer, violated 2 U.S.C. 434(a) and assess a civil money penalty.

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

Sincerely,



Robert D. Lenhard
Chairman

20092624339

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 \$5,000 for the 2006 12 Day Pre-General 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 4/16/2007. 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: Gloria Hearn

FEC ID#: C00429795

AF#: 1588

PAYMENT DUE DATE: 4/16/2007

PAYMENT AMOUNT DUE: \$5,000

29092624340

2007 MAR 21 A 10:17

1327 Military Highway
Pineville, LA 71360
March 15, 2007

Mr. Robert D. Lenhard, Chairman
Federal Election Commission
P.O. Box 979058
St. Louis, MO 63197-9000

Re: C00429795
AF#: 1588

Dear Mr. Lenhard:

In response to your letter dated 3/9/07, we would like to say that to our knowledge all reports were filed in a timely manner in accordance to 2 U.S.C. 434(a). Our CPA, Blaine Hebert, is also sending a response to this letter to further explain our position. Mr. Blaine Hebert prepared and filed all of our campaign reports. It is our understanding he called immediately to clarify this.

Thank you for your attention to this matter.

Sincerely,



Gloria Hearn



Ann Belgard

29092624341

2007 MAR 21 A 8:43



HEBERT & CARBO
A Professional Accounting Corporation

March 14, 2007

Federal Election Commission
Office of Administrative Review
999 E Street, NW
Washington, DC 20463

Re: Hearn for Congress
AF#1588
C00429795

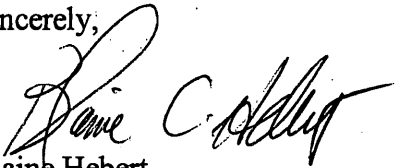
To Whom it May Concern:

Please be advised that this letter is in response to a calculated civil money penalty imposed for late filing of a 12 Day Pre-General Report for Gloria Hearn.

According to our records and yours, we filed a timely paper report for the period through October 18th on October 26th. We later were notified that we were required to electronically file this report. Upon notification, our firm immediately electronically filed the necessary report. Had we realized that this report should have initially been electronically filed, we would have complied.

Therefore, we respectfully request an abatement of the calculated civil money penalty. Thank your for your prompt attention in this matter.

Sincerely,



Blaine Hebert
Certified Public Accountant

Cc: Gloria Hearn

Blaine C. Hebert, CPA | Michael B. Carbo, CPA

29092624342



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Via First Class Mail

March 22, 2007

Ann Belgard, as Treasurer
Gloria Hearn
1327 Military Highway
Pineville, Louisiana 71360

C00429795
AF# 1588

Dear Ms. Belgard:

On March 21, 2007, the Commission received your written response dated March 15 and the Blaine Hebert's written response dated March 14 ("challenge"). The challenge is being reviewed by the Office of Administrative Review. Please contact this Office on our toll free number (800)424-9530 (press 0, then ext. 1660) or (202)694-1660 if you have any questions regarding the challenge.

Sincerely,

A handwritten signature in cursive script that reads "Shawn Woodhead Werth".

Shawn Woodhead Werth
Reviewing Officer
Office of Administrative Review

29092624343

Date: March 26, 2007

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

AF#: 1588

Committee Name: Gloria Hearn

Committee ID#: C00429795

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

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

Attachments:

Copy of RTB Circulation Report, dated March 2, 2007 and RTB Certification, dated March 7, 2007: Y

Attachment #: 1

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

Attachment #: 2

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

Attachment #: N/A

RAD Staff Declaration (Y/N): Y

-2006 12 Day Pre-General Report Prior Notice, dated October 2, 2006.

-MS-P Letter, dated November 2, 2006.

-RTB Letter, dated March 9, 2007.

Attachment #: 4

Other RAD Information: (Y/N): N

Attachment#: N/A

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SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input type="checkbox"/> Agent <input checked="" type="checkbox"/> <i>Ann Belgard</i> <input checked="" type="checkbox"/> Addressee</p>
<p>1. Article Addressed to:</p> <p>Ann Belgard Gloria Hearn 1327 Military Hwy Pineville, LA 71360</p>	<p>B. Received by (Printed Name) C. Date of Delivery <i>Ann Belgard</i> <i>3/14/07</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>2. Article Number (Transfer from service label)</p>	<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>
	<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>7006 0810 0005 9266 5979</p>	
<p>PS Form 3811, February 2004 Domestic Return Receipt 102595-02M-1540</p>	

DECLARATION OF PATRICIA CARMONA

1. I am the Chief of the Compliance Branch for the Reports Analysis Division of the Federal Election Commission ("Commission"). In my capacity as Chief of the Compliance Branch, I oversee the 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 Gloria Hearn:
- A) Prior Notice, dated October 2, 2006 , referencing the 2006 12 Day Pre-General Report;
 - B) MS-P Letter, dated November 2, 2006.
 - C) Reason-to-Believe Letter, dated March 9, 2007.
3. I hereby certify that I have searched the Commission's public records and find that Gloria Hearn electronically filed the 2006 12 Day Pre-General Report with the Commission on November 7, 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 26th day of March, 2007.



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

29092624346

GENERAL ELECTION REPORT NOTICE

FEDERAL ELECTION COMMISSION

CONGRESSIONAL COMMITTEES

October 2, 2006

2006 GENERAL ELECTION CANDIDATE COMMITTEES

REPORT	REPORTING PERIOD¹	REG./CERT. & OVERNIGHT MAILING DATE	FILING DATE
Pre-General	10/01/06 - 10/18/06	10/23/06	10/26/06
48-Hour Notices	10/19/06 - 11/04/06	----see below----	
Post-General	10/19/06 - 11/27/06	12/07/06	12/07/06

WHO MUST FILE

Principal campaign committees of all 2006 general election congressional candidates² (including unopposed candidates and candidates whose names do not appear on the ballot) must file Pre- and Post-General Election Reports.³

Campaigns that raise or spend more than \$5,000 for the 2006 election cycle (and thus trigger registration and reporting requirements) must file quarterly reports throughout 2006, even if the candidate plans to retire, withdraws from the race prior to the primary election, loses the primary or drops out of the race prior to the general election. Committees must continue to file reports until the Commission notifies them in writing that their termination report has been accepted.

48 HOUR NOTICES ON CONTRIBUTIONS

Notices are required if the committee receives contributions (**including in-kind gifts or advances of goods or services; Loans from the candidate or other non-bank sources; and guarantees or endorsements of bank loans to the candidate or committee**) of \$1,000 or more, during the period of October 19 through November 4, 2006.

The notices must reach the appropriate federal filing office within 48 hours of the committee's receipt of the contribution(s). Senate candidates must transmit them to the Secretary of the Senate at (202) 224-1851. **Campaign committees that file electronically MUST submit their 48-hour notices electronically.** For more information, visit the FEC web site at www.fec.gov/electfil/online.shtml. U.S. House candidates faxing 48-hour notices should transmit them to the FEC at (202) 219-0174.

¹These dates indicate the beginning and the end of the reporting period. A reporting period always begins the day after the closing date of the last report filed. If the committee is new and has not previously filed a report, the first report must cover all activity that occurred before the committee registered.

²An individual becomes a candidate for Federal office (and thus triggers registration and reporting obligations) when his or her campaign exceeds \$5,000 in either contributions received or expenditures made. If the campaign has not exceeded the \$5,000 threshold, it is not required to file reports.

³If the campaign has more than one authorized committee in addition to the principal campaign committee, the principal campaign committee must also file a consolidated report on Form 3Z.

(over)

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REPORTING SCHEDULE FOR REMAINDER OF 2006

REPORT	REPORTING PERIOD ¹	REG./CERT. & OVERNIGHT MAILING DATE	FILING DATE
Year-End	11/28/06 - 12/31/06	01/31/07	01/31/07

METHOD OF FILING

Reports sent by registered or certified mail must be postmarked by the mailing date (please note that a certificate of mailing is not an acceptable method). Committees should keep the mailing receipt with its postmark as proof of filing.

If using overnight mail, the delivery service must receive the report by the mailing date. "Overnight mail" includes Priority or Express Mail having a delivery confirmation, or an overnight delivery service with an on-line tracking system and scheduled for next business day delivery. Reports filed by any other means must be received by the Commission (or Secretary of the Senate for Senate committees) by the filing date.

COMPLIANCE

- Treasurers of political committees are responsible for both the timeliness and the accuracy of all reports. They may be subject to monetary penalties if reports are inaccurate or are not filed on time.
- Under the Administrative Fine Program, political committees and their treasurers who fail to file their reports (including 48-hour notices) on time may be subject to civil money penalties up to \$16,000 (or more for repeat late- and non-filers).⁴ For additional information, see the enclosed handout entitled, "Administrative Fine Program," and visit the FEC web site at www.fec.gov/af.shtml.
- In addition, political committees that file illegible reports or use non-FEC forms (except for FEC-approved, computer-generated forms) will be required to refile their reports.
- Electronic filers who instead file on paper or submit an electronic report (either by direct transmission or on 3.5" diskette) that does not pass the validation test will be considered non-filers and may be subject to enforcement actions (including administrative fines).

ELECTRONIC FILING

U.S. House committees that receive contributions or make expenditures in excess of \$50,000 in a calendar year, or that have reason to expect to do so, must submit their reports electronically. For additional information, review the enclosed handout entitled "Electronic Filing," call the FEC's Electronic Filing office at (800) 424-9530 or (202) 694-1642, and visit our web site at www.fec.gov/elecfil/electron.shtml.

¹See footnote #1, on reverse side.

⁴Penalties for late- or non-filing of 48-hour notices are based on the amount of contributions not timely disclosed. As a result, these penalties may exceed \$16,000, even for first-time violations.

FOR INFORMATION, CALL: (800) 424-9530 or (202) 694-1100

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MS-P

November 2, 2006

Ann Belgard, Treasurer
Gloria Hearn
1327 Military Hwy
Pineville, LA 71360

Identification Number: C00429795

Reference: 12 Day Pre-General Report (10/1/2006 - 10/18/2006)

Dear Treasurer:

Your Committee has failed to file the above-referenced report in an electronic format. In accordance with 11 C.F.R. 104.18, you are required to file this report electronically. 11 C.F.R. 104.18 further states that reports filed on paper do not satisfy a political committee's filing obligation. Your reporting obligation will not be satisfied until you file the above-referenced report in an electronic format. You should also review 11 C.F.R. 104.18 of the regulations regarding your future reporting obligations.

It is important that you file this report in an electronic format immediately with the Federal Election Commission. The failure to timely file this report may result in civil money penalties, an audit or legal enforcement action. The civil money calculation for late reports does not include a grace period and begins on the day following the due date for the report.

If you have further questions regarding this matter, please contact Kim Doughty in the Reports Analysis Division on our toll free number (800) 424-9530. Our local number is 202-694-1130.

Sincerely,

A handwritten signature in black ink, appearing to read "John D. Gibson".

John D. Gibson
Assistant Staff Director
Reports Analysis Division

29092624349



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2007 AUG 24 P 12:30

August 24, 2007

MEMORANDUM

To: The Commission

Through: Patrina M. Clark *[Signature]*
Staff Director

From: John D. Gibson *[Signature]*
Chief Compliance Officer

Shawn Woodhead Werth *[Signature]*
Reviewing Officer
Office of Administrative Review

Subject: AF# 1588 – Gloria Hearn and Ann Belgard, as Treasurer
(C00429795)

SENSITIVE

The respondents' challenge for this case was due prior to the April 30, 2007 effective date of the revised administrative fine regulations. The Reviewing Officer's recommendation, therefore, is analyzed under the old rules. The respondents' other challenge, AF# 1662, falls under the new rules and the Reviewing Officer's recommendation in that case is analyzed under these new rules.

The attached Reviewing Officer recommendation, and the Reviewing Officer recommendation for AF# 1662, are being circulated on an informational basis. Copies were also sent to the respondents in accordance with 11 C.F.R. § 111.36(f). The respondents may file with the Commission Secretary written responses within 10 days of transmittal of the recommendations.

After the 10 day period, the Reviewing Officer recommendations and the respondents' written responses, if any, will be circulated to the Commission to make final determinations.

Attachment

29092624350



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 24, 2007

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

AF# 1588 – Gloria Hearn and Ann Belgard, as Treasurer (C00429795)

On March 7, 2007, 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-General Report, an election sensitive report, and made a preliminary determination that the civil money penalty was \$5,000 based on the schedule of penalties at 11 C.F.R. § 111.43. They were notified by the Reports Analysis Division ("RAD") on March 9, 2007 of the Commission's RTB finding and civil money penalty.

Respondents' Response

On March 21, 2007, the Commission received written responses ("challenge") from the candidate, the Treasurer, and Blaine Hebert, the Assistant Treasurer. They claim that the paper report was timely filed on October 26th. Mr. Hebert states that his firm was unaware of the electronic filing requirement but immediately filed the report electronically when notified.

Analysis of Challenge

The 2006 12 Day Pre-General Report was electronically filed on November 7, 2006, 12 days late. A paper copy of the report was sent by first class mail on October 26, 2006 and received on October 31, 2006.

The Federal Election Campaign Act ("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 (or posted by registered or certified mail no later than the 15th 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). Effective for reporting periods beginning after December 31, 2000, all political committees must file in an electronic format if they have received contributions or made expenditures, or expect to receive contributions or make expenditures, in a calendar year aggregating in excess of \$50,000. Once a political committee exceeds or has reason to expect to exceed the appropriate threshold, it must file electronically all subsequent reports covering financial activity for the remainder of the calendar year. Reports filed on paper do not satisfy a political committee's filing obligations. 2 U.S.C. § 434(a)(11) and 11 C.F.R. § 104.18(a). Reports electronically filed must be received and validated at or before 11:59 p.m., Eastern Standard/Daylight Time on the prescribed filing date to be timely filed. 11 C.F.R. § 104.5(e). The treasurer shall be personally responsible for the timely filing of reports. 11 C.F.R. § 104.14(d).

The respondents' 2006 October Quarterly Report discloses the receipt of \$49,733 in net contributions and candidate loans received during the October Quarterly reporting

29092624351

period, just \$267 below the \$50,000 mandatory electronic filing threshold. The report also discloses \$41,756 in net operating expenditures for the same period.

On October 26, the due date for the 12 Day Pre-General Report, they sent a paper copy of the 12 Day Pre-General Report to the Commission by first class mail. The paper copy shows that the Committee received an additional \$76,925 in contributions and candidate loans and had another \$71,507 in operating expenditures during the October 1 through 18 reporting period. When added to what they received and spent during the prior reporting period, the Committee received \$126,658 in net contributions and loans and had \$113,263 in operating expenditures as of October 18. Thus, they should have filed the 12 Day Pre-General Report electronically rather than on paper to comply with the Act and regulations.

After receipt of the paper copy on October 31, RAD sent the respondents a failure to file in an electronic format notification on November 2. The respondents called the Electronic Filing Office ("EFO") on November 6 for assistance, submitted and obtained an electronic filing password, and downloaded the FECFile electronic filing software. After receiving more help from the EFO staff the following day, they filed the report electronically on November 7.

The respondents contend that they filed the paper copy on time. Had they been permitted to file the 12 Day Pre-General Report in a paper rather than an electronic format, it still would not have been filed on time since they sent it on the due date by first class mail. Reports sent by first class mail are considered filed when received and their paper copy was received October 31, 5 days after the report was due. 11 C.F.R. §§ 100.19(b)(2) and 104.5(e).

The 12 Day Pre-General Report was filed 12 days late and is considered not filed for purposes of the civil money penalty calculation. 11 C.F.R. § 111.43(e)(2). Their challenge presented no evidence that a factual error was made, that the civil penalty was miscalculated at RTB or that there were extraordinary circumstances as outlined in 11 C.F.R. § 111.35(b) which prevented the 12 Day Pre-General Report from being filed in a timely manner. The Reviewing Officer, therefore, recommends that the Commission make a final determination that they violated 2 U.S.C. 434(a) and assess a civil money penalty of \$5,000.

OAR Recommendations

- (1) Make a final determination in AF# 1588 that the Gloria Hearn committee and Ann Belgard, as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$5,000; and
- (2) Send the appropriate letter.

Attachments

Attachment 1 - Challenge Received from Respondents

Attachment 2 -

Attachment 3 - Declaration from RAD

Attachment 4 - Declaration from OAR

29092624352

DECLARATION OF SHAWN WOODHEAD WERTH

- 1) I am the Reviewing Officer in the Office of Administrative Review for the Federal Election Commission ("Commission"). In my capacity as Reviewing Officer, I supervise research conducted with respect to all challenges submitted in accordance with the Administrative Fine program.
- 2) The 2006 12 Day Pre-General Report is due October 26, 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 October 26 to be timely filed.
- 3) I hereby certify that I have searched the Commission's public records and that the documents identified herein are the true and accurate copies of:
 - a) Page 1 of the Summary Page, and Pages 3 and 4 of the Detailed Summary Page for the October Quarterly Report filed by the Gloria Hearn committee and Ann Belgard, as Treasurer. According to Commission records, the report was received on October 19, 2006 and covers the period from August 1 through September 30, 2006. For this reporting period, it lists \$9,733.00 in total contributions received on Line 11(e), \$40,000.00 in total loans received on Line 13(c), and \$41,756.87 in operating expenditures on Line 17;
 - b) Page 1 of the Summary Page, Pages 3 and 4 of the Detailed Summary Page, and Envelope Replacement Page for the paper copy of the report for the Gloria Hearn committee and Ann Belgard, as Treasurer. According to Commission records, the paper copy was sent by first class mail on October 26, 2006, received on October 31, 2006, and covers the period from October 1 through October 18, 2006. For this reporting period, the paper copy lists \$1,925.00 in total contributions received on Line 11(e), \$75,000.00 in total loans received on Line 13(c), and \$71,507.27 in operating expenditures on Line 17; and
 - c) Page 1 of the Summary Page for the 2006 12 Day Pre-General Report electronically filed by the Gloria Hearn committee and Ann Belgard, as Treasurer. According to Commission records, the report covers the period from October 1 through October 18, 2006, and was received on November 7, 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 24th of August, 2007.



Shawn Woodhead Werth
Reviewing Officer
Office of Administrative Review
Federal Election Commission

29092624353

FEC FORM 3

REPORT OF RECEIPTS AND DISBURSEMENTS For An Authorized Committee

RECEIVED FEC MAIL OPERATIONS CENTER 2006 OCT 19 A 7:53 Office Use Only

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

12FE4M5

HEARN, FDR CONGRESS

ADDRESS (number and street)

11327 MILITARY HWY

Check if different than previously reported. (ACC)

PINEVILLE

LA

71360

2. FEC IDENTIFICATION NUMBER

C

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

ZIP CODE STATE DISTRICT LA

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 MM/DD/YYYY in the State of

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

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

Election on MM/DD/YYYY in the State of

5. Covering Period

08/01/2006 through 09/30/2006

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

Ann Belgard

Signature of Treasurer

Ann Belgard

Date

10/13/2006

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 02/2003)

DETAILED SUMMARY PAGE
of Receipts

FEC Form 3 (Revised 12/2003)

Page 3

Write or Type Committee Name

Hearn for Congress

Report Covering the Period: From:

08 / 01 / 2006

To:

09 / 30 / 2006

I. RECEIPTS

COLUMN A
Total This Period

COLUMN B
Election Cycle-to-Date

11. CONTRIBUTIONS (other than loans) FROM:

(a) Individuals/Persons Other Than Political Committees

(i) Itemized (use Schedule A).....

97,330.00

97,330.00

(ii) Unitemized.....

0.00

0.00

(iii) TOTAL of contributions from individuals.....

97,330.00

97,330.00

(b) Political Party Committees.....

0.00

0.00

(c) Other Political Committees (such as PACs).....

0.00

0.00

(d) The Candidate.....

0.00

0.00

(e) TOTAL CONTRIBUTIONS (other than loans)

(add Lines 11(a)(iii), (b), (c), and (d))..

97,330.00

97,330.00

12. TRANSFERS FROM OTHER AUTHORIZED COMMITTEES.....

0.00

0.00

13. LOANS:

(a) Made or Guaranteed by the Candidate.....

40,000.00

40,000.00

(b) All Other Loans.....

0.00

0.00

(c) TOTAL LOANS

(add Lines 13(a) and (b)).....

40,000.00

40,000.00

14. OFFSETS TO OPERATING EXPENDITURES (Refunds, Rebates, etc.).....

0.00

0.00

15. OTHER RECEIPTS

(Dividends, Interest, etc.).....

0.00

0.00

16. TOTAL RECEIPTS (add Lines

11(e), 12, 13(c), 14, and 15) (Carry Total to Line 24, page 4).....

49,733.00

49,733.00

29092624355

DETAILED SUMMARY PAGE
of Disbursements

II. DISBURSEMENTS

COLUMN A
Total This Period

COLUMN B
Election Cycle-to-Date

17. OPERATING EXPENDITURES.....	41,756.87	41,756.87
18. TRANSFERS TO OTHER AUTHORIZED COMMITTEES	0.00	0.00
19. LOAN REPAYMENTS:		
(a) Of Loans Made or Guaranteed by the Candidate.....	0.00	0.00
(b) Of All Other Loans	0.00	0.00
(c) TOTAL LOAN REPAYMENTS (add Lines 19(a) and (b)).....	0.00	0.00
20. REFUNDS OF CONTRIBUTIONS TO:		
(a) Individuals/Persons Other Than Political Committees.....	0.00	0.00
(b) Political Party Committees.....	0.00	0.00
(c) Other Political Committees (such as PACs).....	0.00	0.00
(d) TOTAL CONTRIBUTION REFUNDS (add Lines 20(a), (b), and (c)).....	0.00	0.00
21. OTHER DISBURSEMENTS	0.00	0.00
22. TOTAL DISBURSEMENTS (add Lines 17, 18, 19(c), 20(d), and 21) ▶	41,756.87	41,756.87

III. CASH SUMMARY

23. CASH ON HAND AT BEGINNING OF REPORTING PERIOD.....	0.00
24. TOTAL RECEIPTS THIS PERIOD (from Line 16, page 3).....	49,733.00
25. SUBTOTAL (add Line 23 and Line 24).....	49,733.00
26. TOTAL DISBURSEMENTS THIS PERIOD (from Line 22).....	41,756.87
27. CASH ON HAND AT CLOSE OF REPORTING PERIOD (subtract Line 26 from Line 25).....	7,976.13

29092624356

FEC FORM 3

REPORT OF RECEIPTS AND DISBURSEMENTS

For An Authorized Committee

RECEIVED FEC MAIL OPERATIONS CENTER

2006 OCT 31 A 7:58

Office Use Only

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

12FE4M5

HEARN FOR CONGRESS

ADDRESS (number and street)

11327 MILITARY HWY

Check if different than previously reported. (ACC)

PINEVILLE

LA

71340

2. FEC IDENTIFICATION NUMBER

CITY

STATE

ZIP CODE

STATE DISTRICT

0

3. IS THIS REPORT

NEW (N)

OR

AMENDED (A)

LA

1

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)

12-Day PRE-Election Report for the:

Primary (12P)

General (12G)

Runoff (12R)

Convention (12C)

Special (12S)

Election on

MM/DD/YYYY

MM/DD/YYYY

MM/DD/YYYY

in the State of

LA

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

General (30G)

Runoff (30R)

Special (30S)

Election on

MM/DD/YYYY

MM/DD/YYYY

MM/DD/YYYY

in the State of

LA

5. Covering Period

10

01

2006

through

10

18

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

Blaine C. Hebert

Signature of Treasurer

Blaine C. Hebert, CAO

Date

10

26

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 02/2003)

DETAILED SUMMARY PAGE
of Receipts

FEC Form 3 (Revised 12/2003)

Page 3

Write or Type Committee Name

Hearn for Congress

Report Covering the Period: From:

10 ' 01 ' 2006

To:

10 ' 18 ' 2006

I. RECEIPTS

COLUMN A
Total This Period

COLUMN B
Election Cycle-to-Date

11. CONTRIBUTIONS (other than loans) FROM:

(a) Individuals/Persons Other Than Political Committees

(i) Itemized (use Schedule A).....

192500

710300

(ii) Unitemized.....

000

000

(iii) TOTAL of contributions from individuals.....

192500

710300

(b) Political Party Committees.....

000

000

(c) Other Political Committees (such as PACs).....

000

000

(d) The Candidate.....

000

000

(e) TOTAL CONTRIBUTIONS

(other than loans)
(add Lines 11(a)(iii), (b), (c), and (d))..

192500

710300

12. TRANSFERS FROM OTHER AUTHORIZED COMMITTEES.....

000

000

13. LOANS:

(a) Made or Guaranteed by the Candidate.....

7500000

11500000

(b) All Other Loans.....

000

000

(c) TOTAL LOANS

(add Lines 13(a) and (b)).....

7500000

11500000

14. OFFSETS TO OPERATING EXPENDITURES

(Refunds, Rebates, etc.).....

000

000

15. OTHER RECEIPTS

(Dividends, Interest, etc.).....

000

000

16. TOTAL RECEIPTS (add Lines

11(e), 12, 13(c), 14, and 15)
(Carry Total to Line 24, page 4).....

7692500

12210300

29092624358

DETAILED SUMMARY PAGE
of Disbursements

FEC Form 3 (Revised 02/2003)

Page 4

II. DISBURSEMENTS

COLUMN A
Total This Period

COLUMN B
Election Cycle-to-Date

17. OPERATING EXPENDITURES.....

71,507.27

100,931.12

18. TRANSFERS TO OTHER
AUTHORIZED COMMITTEES

000

000

19. LOAN REPAYMENTS:

(a) Of Loans Made or Guaranteed
by the Candidate.....

000

000

(b) Of All Other Loans

000

000

(c) TOTAL LOAN REPAYMENTS
(add Lines 19(a) and (b)).....

000

000

20. REFUNDS OF CONTRIBUTIONS TO:

(a) Individuals/Persons Other
Than Political Committees

000

000

(b) Political Party Committees

000

000

(c) Other Political Committees
(such as PACs)

000

000

(d) TOTAL CONTRIBUTION REFUNDS
(add Lines 20(a), (b), and (c)).....

000

000

21. OTHER DISBURSEMENTS

000

000

22. TOTAL DISBURSEMENTS
(add Lines 17, 18, 19(c), 20(d), and 21) ▶

71,507.27

71,507.27

III. CASH SUMMARY

23. CASH ON HAND AT BEGINNING OF REPORTING PERIOD.....

79,761.31

24. TOTAL RECEIPTS THIS PERIOD (from Line 16, page 3).....

76,925.00

25. SUBTOTAL (add Line 23 and Line 24).....

84,901.13

26. TOTAL DISBURSEMENTS THIS PERIOD (from Line 22).....

71,507.27

27. CASH ON HAND AT CLOSE OF REPORTING PERIOD
(subtract Line 26 from Line 25).....

13,393.86

29092624359

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
10-26-06

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

Jms 10-31-06
 PREPARER DATE PREPARED

29092624360

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

Hearn for Congress

ADDRESS (number and street) 1327 Military Hwy Pineville LA 71360

2. FEC IDENTIFICATION NUMBER C00429795 3. IS THIS REPORT NEW OR AMENDED (A) LA 05

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)

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

Primary (12P) General (12G) Runoff (12R) Convention (12C) Special (12S) Election on 11 11 2008 in the State of LA

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

General (30G) Runoff (30R) Special (30S) Election on in the State of

Termination Report (TER)

5. Covering Period 10 01 2006 through 10 18 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 Ann Belgard

Signature of Treasurer Electronically Filed by Ms Ann Belgard Date 11 07 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)

29092624361



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

VIA OVERNIGHT DELIVERY

August 27, 2007

Ann Belgard, as Treasurer
Gloria Hearn
1327 Military Highway
Pineville, Louisiana 71360

C00429795
AF# 1588

Dear Ms. Belgard:

On March 7, 2007, the Federal Election Commission ("Commission") found reason to believe ("RTB") that the Gloria Hearn committee and you, as Treasurer ("respondents"), violated 2 U.S.C. § 434(a) for failing to file the 2006 12 Day Pre-General Report. The Commission also made a preliminary determination that the civil money penalty was \$5,000 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 black ink that reads "Shawn Woodhead Werth".

Shawn Woodhead Werth
Reviewing Officer
Office of Administrative Review

Attachment

29092624362

1327 Military Highway
Pineville, Louisiana 71360
September 3, 2007

Date: 4-3-07	# Of Pages: 2	QUICK FAX™ OfficeMax®	
To: Shawn Woodhead Werth	From: Gloria Hearn		
Co./Dept: FEC ; Suite 819	Co./Dept: Rep AF# 11662	C0042	
Fax: 202-208-3333	Fax: 318-487-2892	478	
Phone: 202-694-1660	Phone: 318-487-2800		
Note: Copy of letter to Com. Sec.	E-Mail: glshearn@aol.com		

Commission Secretary
Federal Elections Commission
Washington, D.C. 20463

RE: C00429795
A F # 1662

Dear Sir/Mesdame:

I have read the letters and materials sent to me recently. I got them this past Friday, August, 31, 2007. I respectfully request that you waive the fee indicated. When I was a candidate (I ran only because I was trying to be a good citizen to give the people a choice), I knew I did not have the technical and mathematical expertise to do the things as determined by your office. Ms. Belgard was my part-time office manager at that time hence her name appeared as treasurer since all the activities of the campaign came to and through my office. Ms. Belgard was a part-time employee and since that time she has found it necessary to have full-time employment therefore she is no longer my associate and has no further contact with the campaign wrap-up. Since neither of us had the background for such high-level work in financial reporting, I chose to hire Blaine Hebert, CPA, to help us get all the required filings and reportings done. His very able assistant, Ms. Robin Doyle, have been doing all the filings and reportings done on my behalf. I wanted to be very sure we did everything "in a fitting and orderly way(I Cor. 14:40) as taught in the Scriptures.

I did not think I could find anyone better anywhere who would be better than Mr. Hebert and Ms. Doyle to help me in getting the reports done in a timely way and professional manner. I think it may be helpful to mention that they moved their office during the campaign therefore therefore they had to make a lot of changed and adjustments so if there was a delay about the reports, I think those factors should be considered.

Please consider this letter as a formal appeal. This Labor Day but I am working to get this off to you and also to let you know that I am getting all the information you sent to me to them tomorrow so they can help me know what to do. If I owe money, I will have to scratch but I will do the best I can. I don't have any money, but I will do the best I can to take care of my responsibilities. I want to "render unto Caesar what is Caesar, but unto God what is God's." (Matthew 22:2). Please be merciful to me. I have never intended to break the law. I may just have to go to prison or jail, but if that is what is required, I am prepared to do it "without murmurings and disputings (Phillipians)."

2007 SEP - 6 P 3:44

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

29092624363

Thank you for any and every consideration and help you can give to me. I simply do not know what to do as I believed that everything that was required of me had been already taken care of.

Best wishes and appreciation for all you do to help our country have fair and impartial elections.

Sincerely,

A handwritten signature in cursive script that reads "Gloria Hearn". The signature is written in dark ink and is positioned above the typed name.

Gloria Hearn (former candidate)

Copy: Shawn Woodhead Werth,
Reviewing Officer
Office of Administration Review

2909262436A



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2007 SEP 13 P 2: 35
September 13, 2007

MEMORANDUM

SENSITIVE

To: The Commission

Through: Patrina M. Clark
Staff Director *PMC*

From: John D. Gibson
Chief Compliance Officer *JDG*

Shawn Woodhead Werth
Reviewing Officer *SWW*
Office of Administrative Review

Subject: Final Determination Recommendation in AF# 1588 – Gloria Hearn and Ann Belgard, as Treasurer (C00429795)

On March 7, 2007, 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-General Report, an election sensitive report, and made a preliminary determination that the civil money penalty was \$5,000 based on the schedule of penalties at 11 C.F.R. § 111.43.

On March 21, 2007, the Commission received the respondents' written responses ("challenge"). After reviewing the challenge, the Reviewing Officer's recommendation dated August 24, 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 \$5,000 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 via facsimile on September 4 and overnight delivery on September 6. A copy is attached for your review.

OAR Recommendations

- (1) Make a final determination in AF# 1588 that the Gloria Hearn committee and Ann Belgard, as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$5,000; and
- (2) Send the appropriate letter.

Attachment

29092624365

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Final Determination Recommendation:) AF 1588
Gloria Hearn and Ann Belgard, as)
Treasurer(C00429795))

CERTIFICATION

I, Mary W. Dove, Secretary of the Federal Election Commission, do hereby certify that on September 18, 2007, the Commission decided by a vote of 5-0 to take the following actions in AF 1588:

1. Make a final determination in AF 1588 that the Gloria Hearn committee and Ann Belgard, as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$5,000.
2. Send the appropriate letter.

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

Attest:

September 18, 2007
Date

Darlene Harris
for Mary W. Dove
Secretary of the Commission

29092624366



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 20, 2007

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ann Belgard, as Treasurer
Gloria Hearn
1327 Military Highway
Pineville, Louisiana 71360

ID# C00429795
AF# 1588

Dear Ms. Belgard:

On March 7, 2007, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that the Gloria Hearn committee and you, as Treasurer, violated 2 U.S.C. § 434(a) for failing to file the 2006 12 Day Pre-General Report. By letter dated March 9, 2007, the Commission sent you notification of the RTB finding that included a civil money penalty calculated at RTB of \$5,000 in accordance with the schedule of penalties at 11 C.F.R. § 111.43. On March 21, 2007, the Office of Administrative Review received the written responses from you, the Assistant Treasurer, and the candidate challenging the RTB civil money penalty.

The Reviewing Officer reviewed the Commission's RTB finding with its supporting documentation and the written responses. Based on this review, the Reviewing Officer recommended that the Commission make a final determination that the Gloria Hearn committee and you, as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty in the amount of \$5,000 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 August 27, 2007.

The Commission Secretary received your response on September 4 and a copy was forwarded to the Commission. On September 18, 2007, the Commission adopted the Reviewing Officer's recommendation and made a final determination that the Gloria Hearn committee and you, as Treasurer, violated 2 U.S.C. § 434(a) and assessed a civil money penalty of \$5,000. 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 your payment to the address on page 3 within 30 days of receipt of this letter.

29092624367

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.

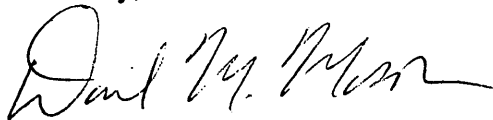
If You Choose to Appeal the Final Determination and/or Civil Money Penalty

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 you 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 Shawn Woodhead Werth on our toll free number (800)424-9530 (press 0, then ext. 1660) or (202)694-1660.

Sincerely,



David M. Mason
Vice Chairman

29092624368

ADMINISTRATIVE FINE PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 C.F.R. § 111.43, the civil money penalty is \$5,000 for the 2006 12 Day Pre-General 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: Gloria Hearn

FEC ID#: C00429795

AF#: 1588

PAYMENT AMOUNT DUE: \$5,000

29092624369

RECEIVED
IN ALEXANDRIA, LA

JUL 10 2008

ROBERT H. SHEMWELL, CLERK
WESTERN DISTRICT OF LOUISIANA

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF LOUISIANA

ALEXANDRIA DIVISION

GLORIA WILLIAMS HEARN

CIVIL ACTION NO. 07-1674

-vs-

JUDGE DRELL

FEDERAL ELECTION COMMISSION

MAGISTRATE JUDGE KIRK

R U L I N G

Before the Court is a motion to dismiss, or, in the alternative, motion for summary judgment (Doc. 7), filed by the defendant, the Federal Election Commission ("FEC"). For the reasons set forth below, it will be granted as a motion to dismiss.

The plaintiff, the individual Gloria Williams Hearn, filed this suit on her own behalf on October 5, 2007. She seeks judicial review of two final agency determinations by the FEC against the Gloria Hearn committee (FEC ID# C00429795) and Ann Belgard, as treasurer for the Gloria Hearn committee: AF# 1588, in the amount of \$5,000 (Doc. 1-3, pp. 26-29); and AF#1662, in the amount of \$3,500 (Doc. 1-3, 22-25). On December 31, 2007, the FEC filed the instant motion, asserting, inter alia, that the plaintiff, the individual Gloria Williams Hearn, lacks statutory standing to bring this suit. We agree.

Both of the final agency determinations at issue in this suit imposed a fine on the Gloria Hearn committee and its treasurer, Ann Belgard. Neither imposed a fine on the plaintiff herself, the individual Gloria Williams Hearn. Both of the final agency determinations were made in accordance with the federal statutes on disclosure of

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federal campaign funds, 2 U.S.C. § 431 et seq. Both letters regarding the FEC final agency decision were dated September 20, 2007, and both were sent to Ms. Belgard. (Doc. 1-3, pp. 22-29). Both letters gave the following instructions regarding the right to appeal:

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 you 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 such 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.

(Doc. 1-3, pp. 27, 29). Significantly, 2 U.S.C. § 437g(a)(4)(C)(iii), provides:

(iii) Any person against whom an adverse determination is made under this subparagraph may obtain a review of such determination in the district court of the United States for the district in which the person resides, or transacts business, by filing in such court (prior to the expiration of the 30-day period which begins on the date the person receives notification of the determination) a written petition requesting that the determination be modified or set aside.

Id.

Because only the Gloria Hearn committee and its treasurer, Ann Belgard, were the persons "against whom an adverse determination [was] made," Id., they are the only proper parties to a suit requesting review of the FEC final agency determinations. Unfortunately, neither the Gloria Hearn committee nor Ms. Belgard is a party to this suit. The only enrolled plaintiff is the individual Gloria Williams Hearn, but she lacks statutory standing to bring this suit under 2 U.S.C. § 437g(a)(4)(C)(iii). See Miles for

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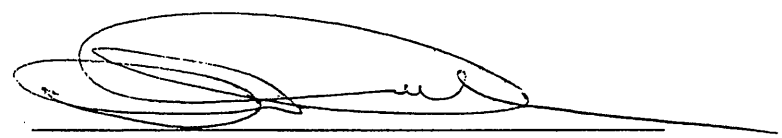
MAGISTRATE JUDGE KIRK

J U D G M E N T

Based on written reasons given this date,

IT IS ORDERED that the defendant's motion to dismiss, or, in the alternative, motion for summary judgment (Doc. 7), is GRANTED as a motion to dismiss. IT IS FURTHER ORDERED that this suit is DISMISSED WITHOUT PREJUDICE.

SIGNED on this 10th day of July, 2008 at Alexandria, Louisiana.



DEE D. DRELL
UNITED STATES DISTRICT JUDGE

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QUALITY IS OUR PRIORITY FOR LOCKBOX 9058
SEQ# 002 \$ 00085000 BA# 1 03-18-09 20 4



1305
84-7912/2662 0

3-7-09 Date

Pay to the Order of Federal Election Commission \$18,500.00 Dollars

Eighty-five and 00/100

CENVA
Federal Credit Union
P.O. Box 1271 • Alexandria, La. 71809

Gloria Hearn

1305



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 1588

DATE SCANNED 6/5/09

SCANNER NO. 2

SCAN OPERATOR JKH

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