



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 1663

DATE SCANNED 10/26/07

SCANNER NO. 2

SCAN OPERATOR JFR

27092613261



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

COMMISSION
SECRETARIAT

2007 APR -5 A 9:36

April 4, 2007

MEMORANDUM

SENSITIVE

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TO: THE COMMISSION

THROUGH: PATRINA M. CLARK
STAFF DIRECTOR *PMC*

MARGARITA MAISONET *MM*
CHIEF COMPLIANCE OFFICER

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

SUBJECT: REASON TO BELIEVE RECOMMENDATION - 2006 12 DAY
PRE-GENERAL (QUARTERLY FILERS) AND 30 DAY POST-
GENERAL REPORT FOR THE ADMINISTRATIVE FINE
PROGRAM

Attached are two lists of political committees and their treasurers who failed to file or timely file the 2006 12 Day Pre-General and/or the 2004 30 Day Post-General Reports in accordance with 2 U.S.C. 434(a). The 12 Day Pre-General list is comprised of unauthorized committees filing quarterly that made general election contributions or expenditures from October 1, 2006 through October 18, 2006. The 30 Day Post-General list is comprised of authorized committees whose candidates sought election in the November 7th General Election, as well as unauthorized committees filing either quarterly or monthly.

The 12 Day Pre-General Report was due on October 26, 2006 and should cover the reporting period from October 1, 2006 through October 18, 2006. The 30 Day Post-General Report was due on December 7, 2006 and should cover the reporting period from October 19, 2006 to November 27, 2006 or from October 1, 2006 through November 27, 2006, if the 12 Day Pre-General Report was not required.

The committees appearing on the 12 Day Pre-General Report list either filed late or failed to file the report prior to four (4) days before the General Election (considered a non-filed report). The committees appearing on the 30 Day Post-General Report list either failed to file the report, filed the report more than five (5) days after the due date or

filed the report more than thirty (30) days after the due date (considered a non-filed report). In accordance with 11 C.F.R. 111.43, these committees should be assessed the civil money penalties included on the attached lists.

As noted above, the 12 Day Pre-General Report circulation list includes unauthorized committees filing quarterly that failed to file or failed to timely file the 12 Day Pre-General Report. Unlike unauthorized committees that file on a monthly basis, a quarterly filer need only file this report if it made general election contributions or expenditures between the dates of October 1, 2006 and October 18, 2006. In order to accurately identify the committees for administrative fines purposes, the Reports Analysis Division (RAD) used the following procedures and criteria:

- Every 12 Day Pre-General Report (12 Day Report) submitted by an unauthorized quarterly filer was reviewed to ensure that it disclosed general election contributions or expenditures made during the coverage dates of the report. Any report meeting this definition that was filed late is included in the list. Any report not disclosing general election contributions or expenditures during this period is not included in the list, as it is not a required filing.
- Every 30 Day Post-General Report (30 Day Report) submitted by an unauthorized quarterly filer that covered the period from October 1, 2006 through November 27, 2006 (58 days), was reviewed for activity which would have required the filing of a 12 Day Pre-General Report. If our research indicated that the filing of a 12 Day Report was required, we utilized a two-step method to arrive at the estimated level of activity on which to base the fine amount. First, if the committee had any unitemized activity, a per diem level of activity was used by multiplying the total amount of activity on the report by 31% (18 days (12G Filing Period)/58 days (30G Filing Period)).
- If the same committee also failed to file the 30 Day Report in a timely manner, we based the 30 Day Report fine on the amount of the remaining level of activity. We arrived at this amount by subtracting the estimated level of activity for the 12 Day Report from the total amount of activity on the 30 Day Report. In these cases, the committees will appear on both lists and will be assessed a fine for both the 12 Day and 30 Day Reports based on the estimated levels of activity described above.

Recommendation

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

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

AF#	Committee ID	Committee Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
1604	C00169508	AAI CORPORATION POLITICAL ACTION COMMITTEE	RICHARD F. CHRIST	\$196,951	1	11/5/2006	Not Filed	\$7,500	\$750
1605	C00366385	ADVANCED ACOUSTIC CONCEPTS INC POLITICAL ACTION COMMITTEE	SCOTT WILLIAMS	\$203,094	0	12/8/2006	Not Filed	\$3,599	\$500
1606	C00340356	ADVANCED MEDICAL TECHNOLOGY ASSOCIATION POLITICAL ACTION COMMITTEE	KENNETH MENDEZ	\$413,835	0	11/2/2006	7	\$2,000	\$120
1607	C00141242	AGRI-MARK INC LEGISLATIVE AND EDUCATIONAL COMMITTEE (ALEC)	HAROLD LARRABEE	\$106,244	1	12/15/2006	Not Filed	\$2,000	\$625
1608	C00325159	AIRTRAN AIRWAYS INC POLITICAL ACTION COMMITTEE	STANLEY GADEK	\$143,814	0	1/15/2007	Not Filed	\$7,129	\$600
1609	C00352054	ARMENIAN AMERICAN PAC (ARMENPAC)	DR SARKIS KECHEJIAN	\$281,080	0	12/3/2006	Not Filed	\$5,577	\$600
1610	C00363382	AVAYA INCORPORATED POLITICAL ACTION COMMITTEE	CHARLES E. CROWDERS	\$143,681	0	12/8/2006	Not Filed	\$3,350	\$500
1611	C00204388	BI-COUNTY POLITICAL ACTION COMMITTEE (FKA SUFFOLK PAC)	IRA LAMEL	\$189,003	2	11/2/2006	7	\$6,000	\$255
1612	C00078287	CNA FINANCIAL CORPORATION CITIZENS FOR GOOD GOVERNMENT	KAREN MELCHERT	\$345,872	0	12/12/2006	Not Filed	\$26,149	\$1,400

AF#	Committee ID	Committee Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
1613	C00304832	CONSTELLATION BRANDS INC POLITICAL ACTION COMMITTEE	PERRY HUMPHREY	\$372,102	1	11/6/2006	Not Filed	\$7,554	\$750
1614	C00303818	COUNCIL FOR AFFORDABLE AND RURAL HOUSING PAC INC (CARH PAC)	TRAVIS A. MILLER	\$100,735	0	12/29/2006	Not Filed	\$1,457	\$500
1615	C00160630	DRUMMOND COMPANY INC POLITICAL ACTION COMMITTEE (DPAC)	MR. SCOTT O STANFIELD	\$128,650	0	11/1/2006	6	\$8,500	\$160
1616	C00135855	ENERGEN CORPORATION POLITICAL ACTION COMMITTEE F/K/A ALAGASCO INC PAC	MR. DUDLEY REYNOLDS	\$171,512	0	11/8/2006	Not Filed	\$13,000	\$900
1618	C00400242	FLORIDA FOR AMERICAS FUTURE PAC	HUGH WESTBROOK	\$112,600	0	12/6/2006	Not Filed	\$24,200	\$900
1619	C00349639	FLORIDA PBA INC FRIENDS OF LAW ENFORCEMENT	DAVID BRUCE MURRELL	\$112,445	0	12/7/2006	Not Filed	\$10,161	\$900
1620	C00012328	FLORIDA SUGAR CANE LEAGUE PAC	RYAN WESTON	\$385,029	0	12/6/2006	Not Filed	\$1,000	\$500
1621	C00242040	FOREST LANDOWNERS ASSOCIATION INC POLITICAL ACTION COMMITTEE	SCOTT JONES	\$145,222	0	12/21/2006	Not Filed	\$2,852	\$500
1622	C00297531	GOVERNMENT IS NOT GOD	NANCY M. MURRAY	\$133,277	0	11/8/2006	Not Filed	\$10,769	\$900
1623	C00338848	HOOSIER POLITICAL ACTION COMMITTEE (HOOSIER PAC)	GILEAD KAPEN	\$516,237	1	11/30/2006	Not Filed	\$37,000	\$1,750
1624	C00303073	INTERNATIONAL COUNCIL OF CRUISE LINES POLITICAL ACTION COMM (ICCL-PAC)	J. MICHAEL CRYE	\$317,704	0	12/7/2006	Not Filed	\$6,000	\$600

AF#	Committed ID	Committee Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
1625	C00212142	KIRKLAND	STEPHEN TOMLINSON	\$208,482	0	12/5/2006	Not Filed	\$1,333	\$500
1626	C00284810	MARRIOTT INTERNATIONAL, INC. POLITICAL ACTION COMMITTEE	MS. MELISSA FROEHLICH	\$303,418	0	12/6/2007	Not Filed	\$31,748	\$1,400
1627	C00413575	MMW GROUP INC POLITICAL ACTION COMMITTEE THE	SETH ROSENSTEIN	\$115,565	0	11/22/2006	Not Filed	\$5,305	\$600
1628	C00296657	OHIO FINANCIAL SERVICES POLITICAL ACTION COMMITTEE	MR. JOSEPH R. SANDER	\$127,643	0	11/6/2006	Not Filed	\$9,773	\$600
1629	C00383489	PUBLIC SERVICE ENTERPRISE GROUP INC. POLITICAL ACTION COMMITTEE (PEGPAC)	MR. MARK G. KAHRER	\$217,457	0	11/21/2006	Not Filed	\$13,068	\$900
1630	C00363812	RECREATIONAL FISHING ALLIANCE, PAC	SCHNELLER A. STACEY	\$156,919	0	12/8/2006	Not Filed	\$13,184	\$900
1631	C00407130	REHAB CARE GROUP INC PAC	MARK ANTHONY BOGOVICH	\$129,589	0	12/7/2006	Not Filed	\$3,567	\$500
1632	C00345132	REPUBLICAN JEWISH COALITION-POLITICAL ACTION COMMITTEE (RJC-PAC)	MATTHEW BROOKS	\$304,333	0	12/8/2006	Not Filed	\$32,000	\$1,400
1633	C00368696	RESPONSIBILITY AND FREEDOM WORK PAC (REWFAC)	JOHN P. NAIL	\$105,727	0	1/12/2007	Not Filed	\$4,115	\$500
1634	C00411611	SECURE PAC	LONDON THOMPSON	\$101,961	0	12/7/2006	Not Filed	\$57,015	\$3,000
1635	C00402669	SI INTERNATIONAL INC POLITICAL ACTION COMMITTEE	THOMAS E. DUNN	\$183,625	0	12/4/2006	Not Filed	\$6,370	\$600
1636	C00392621	SNOW PAC	STANLEY R. DE WAAL	\$534,667	0	12/8/2006	Not Filed	\$33,367	\$1,400

AF# Committee ID Committee Name Treasurer Threshold PV Receipt Date Days Late LOA RTB Penalty

AF#	Committee ID	Committee Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
1637	C00381459	SOCIETY FOR VASCULAR SURGERY POLITICAL ACTION COMMITTEE	REBECCA MARON	\$169,667	0	11/30/2006	Not Filed	\$2,951	\$500
1638	C00359984	SOUTHEAST MILK INC POLITICAL ACTION COMMITTEE	CHARLES GARRISON	\$101,623	0	12/7/2006	Not Filed	\$7,000	\$600
1639	C00417576	TERRIPAC UNITED ASSN	BRIAN SCHIAVO	\$115,452	1	11/1/2006	6	\$3,615	\$137
1640	C00173419	JOURNEYMEN & APPRENTICE OF PLUMB & PIPEFITTING IND LOCAL 322 COMM FOR POL ED	JAMES REED	\$1,103,402	0	11/1/2006	6	\$24,696	\$210
1641	C00390575	WELLCARE HEALTH PLANS, INC PAC (WELLCARE PAC)	DAVID K SMITH	\$150,163	0	12/5/2006	Not Filed	\$17,500	\$900

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Federal Election Commission
Reason to Believe Circulation Report
2006 POST-GENERAL Non Election Sensitive 12/07/2006 UNAUTH & AUTH

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
1642	C00325159	AIRTRAN AIRWAYS INC POLITICAL ACTION COMMITTEE		STANLEY GADEK	\$148,703	0	1/15/2007	Not Filed	\$4,889	\$250
1643	C00396028	AL GREEN FOR CONGRESS	GREEN, ALEXANDER	WILLIAM LAWSON	\$747,829	3	1/7/2007	Not Filed	\$148,867	\$7,875
1644	C00416404	ARCH LEADERSHIP PAC		JOHN ROSS TRUMAN	\$133,843	0		Not Filed	\$48,281 (est)	\$900
1645	C00427617	BLUE AMERICA PAC		HOWARD KLEIN	\$110,155	0	1/23/2007	Not Filed	\$58,689	\$2,700
1646	C00174847	BREWERY SOFT DRINK BEER DISTR OPTICAL DENTAL MISC WORKERS WAREHOUSEMAN HELP LOCAL 830 PAC		DANIEL H. GRACE	\$360,351	1	1/5/2007	29	\$40,003	\$975
1647	C00423335	BYRNE FOR CONGRESS COMMITTEE THE	BYRNE, MARK	JILL K. HUEY	\$143,413	0	3/14/2007	Not Filed	\$36,327	\$900
1649	C00421693	CHRISTIAN BURRIDGE FOR CONGRESS	BURRIDGE, CHRISTIAN	DANIEL CLYDE CARR	\$130,908	0	2/2/2007	Not Filed	\$28,919	\$900
1650	C00415604	CITIZENS FOR ACTION		NANCY T. KANJORSKI	\$305,153	0	1/10/2007	Not Filed	\$40,281	\$900
1651	C00062224	CLOROX COMPANY EMPLOYEES' POLITICAL ACTION COMMITTEE THE		VICTORIA JONES	\$112,106	0	1/9/2007	Not Filed	\$4,438	\$250
1652	C00416321	COMMITTEE TO ELECT BRAD BLANTON	BLANTON, BRAD	JUSTIN BURCHARD	\$112,351	0		Not Filed	\$22,470 (est)	\$500
1653	C00426783	COMMITTEE TO ELECT RICK TRENT THE	TRENT, RICK LYNN	LISA JO TRENT	\$157,095	0	12/13/2006	6	\$26,805	\$320
1654	C00394692	COMMITTEE TO ELECT WILLIAM (WILLIE) VADEN FOR CONGRESS	VADEN, WILLIAM ROSS	WILLIAM ROSS VADEN	\$244,212	1		Not Filed	\$27,135	\$1,125
1655	C00125534	COMPOSITION ROOFERS LOCAL UNION #30 POLITICAL ACTION & EDUCATION FUND		TOM PEDRICK	\$433,371	0	1/2/2007	26	\$62,963	\$2,250

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
1656	C00111237	COMPRESSED AIR FREE AIR FOUNDATION TUNNEL CAISSON SUBWAY WORKERS POLITICAL ACTION FUND		RICHARD E. FITZSIMMONS	\$133,149	0	1/11/2007	Not Filed	\$28,574	\$900
1657	C00379834	CONTRA COSTA UNITED DEMOCRATIC CAMPAIGN AKATCCUDC		GREGORY SANBORN	\$139,319	1	2/28/2007	Not Filed	\$24,388	\$625
1658	C00387555	COUNCIL FOR A LIVABLE WORLD CANDIDATE FUND		JOHN D. ISAACS	\$516,010	0	12/13/2006	6	\$76,052	\$1,000
1659	C00303818	COUNCIL FOR AFFORDABLE AND RURAL HOUSING PAC INC. (CARHPAC)		TRAVIS MILLER	\$103,976	0	12/29/2006	22	\$3,243	\$135
1660	C00369801	DAVID SCOTT FOR CONGRESS	SCOTT, DAVID ALBERT	HANK AARON	\$2,595,854	0	12/16/2006	9	\$435,592	\$3,800
1661	C00242040	FOREST LANDOWNERS ASSOCIATION, INC. POLITICAL ACTION COMMITTEE		SCOTT JONES	\$151,570	0	12/21/2006	14	\$6,348	\$120
1663	C00131557	HEARTLAND PAC		DAVID B. ORLEAN	\$140,402	0	1/5/2007	29	\$63,249	\$2,475
1665	C00265603	KERN COUNTY REPUBLICAN CENTRAL COMMITTEE		CRAIG HENDERSON	\$590,830	1	12/18/2006	11	\$14,708	\$193
1666	C00428615	LAKE COUNTY DEMOCRATIC PARTY FEDERAL COMMITTEE		PETER A. COUVALL	\$585,876	0	1/4/2007	28	\$189,533	\$5,000
1667	C00420091	MAATTA FOR CONGRESS CAMPAIGN COMMITTEE	MAATTA RANDAL G	DEBRA C. MAATTA	\$194,712	3		Not Filed	\$64,904 (est)	\$4,725
1668	C00003111	MAINE REPUBLICAN PARTY		PHILIP ROY, JR.	\$961,378	0	12/20/2006	13	\$26,507	\$460
1669	C00416131	MIDWEST VALUES PAC (MVP)		THOMAS BORMAN	\$2,184,927	0	1/11/2007	26	\$354,447	\$9,000
1670	C00424077	MIKE MCGRAW FOR CONGRESS	MCGRAW, MICHAEL EDWARD	A ROBERT MUZIO	\$131,898	0	1/29/2007	Not Filed	\$28,452	\$900
1671	C00174854	MONTANA CREDIT UNIONS LEAGUE POLITICAL ACTION COMMITTEE		JERRY W. GUSTAFSON	\$184,776	0	1/29/2007	Not Filed	\$6,396	\$300

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
1673	C00369884	MZM INC PAC		MS JEANNE GINEIL	\$178,705	0		Not Filed	\$35,741 (est)	\$900
1674	C00188987	NATIONAL ASSOCIATION FOR HOME CARE POLITICAL ACTION COMMITTEE		MICHAEL N. WOODS	\$137,626	2	1/11/2007	Not Filed	\$1,357	\$375
1675	C00012211	NORTH CAROLINA DENTAL PAC		AARON TROPMANN	\$124,000	0	1/6/2007	30	\$240	\$175
1676	C00416511	PENNSYLVANIA PAC FOR PROGRESS		JONATHAN ROBERT KING	\$149,370	0		Not Filed	\$37,679 (est)	\$900
1677	C00266536	PHILLIPS INTERNATIONAL INC POLITICAL ACTION COMMITTEE		MR WILLIAM ESTEY	\$231,502	0		Not Filed	\$46,300 (est)	\$900
1679	C00368696	RESPONSIBILITY AND FREEDOM WORK PAC (REWPAC)		JOHN P. NAIL	\$141,142	0	1/16/2007	Not Filed	\$35,415	\$900
1680	C00409359	SAN MATEO COUNTY DEMOCRATIC CENTRAL COMMITTEE		JUDITH A. CHRISTENSEN	\$160,523	0		Not Filed	\$12,832 (est)	\$500
1681	C00278788	SUFF CO DETECTIVES ASSN INC POLITICAL ACTION COMMITTEE		RAYMOND L. GRIFFIN, JR	\$150,036	0	1/12/2007	Not Filed	\$21,496	\$500
1683	C00178541	TEAMSTERS JOINT COUNCIL 53 POLITICAL ACTION COMMITTEE		PAUL CARBUJLO	\$288,780	0	1/12/2007	Not Filed	\$50,002	\$2,700
1684	C00009357	THE RECORDING INDUSTRY ASSOCIATION OF AMERICA POLITICAL ACTION COMMITTEE		MITCH GLAZIER	\$323,689	0	12/14/2006	7	\$12,000	\$135
1685	C00414417	TOM BARLOW FOR CONGRESS '06	BARLOW, THOMAS J III	SHIRLEY J. BARLOW	\$240,749	0	12/14/2006	7	\$86,118	\$1,100
1687	C00173419	UNITED ASSN JOURNEYMEN & APPRENT OF PLUMB & PIPEFITTING IND LOCAL 322 COMM FOR POLED		JAMES REED	\$1,178,532	0	12/29/2006	22	\$75,121	\$2,600

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AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
1688	C00063586	UNITED STATES BEET SUGAR ASSOCIATION POLITICAL ACTION COMMITTEE		JAMES JOHNSON	\$154,516	0	1/25/2007	Not Filed	\$1,000	\$250
1690	C00421628	WEGNER FOR CONGRESS	WEGNER, KENNETH ALEXANDER	KENNETH WEGNER	\$192,120	1	3/28/2007	Not Filed	\$23,586	\$625
1691	C00419614	WILSON/AURBACH FOR CONGRESS COMMITTEE	AURBACH, WILSON	JORDAN WALDRUP	\$147,275	0	1/23/2007	Not Filed	\$8,065	\$300
1693	C00421131	ZANZI FOR CONGRESS	ZANZI, ITALO ANDRES	RYAN ADRIAN MOREIN	\$656,819	1	12/18/2006	11	\$109,643	\$2,468



FEDERAL ELECTION COMMISSION
Washington, DC 20463

SENSITIVE

DATE & TIME OF TRANSMITTAL: Thursday, April 5, 2007 11:00

BALLOT DEADLINE: Tuesday, April 10, 2007 4:00

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

SUBJECT: RTB Recommendation – 2006 12 Day Pre-General
(Quarterly Filers) and 30 Day Post-General Report For
The Administrative Fine Program. Memorandum from the
Assistant Staff Director, Reports Analysis Division
dated April 4, 2007.

- () 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

27092613272

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Reason To Believe Recommendation 12)
Day Pre-General (Quarterly Filers) and 30)
Day Post-General Report For The)
Administrative Fine Program:)
DAVID SCOTT FOR CONGRESS, and) AF# 1660
HANK AARON as treasurer;)
TOM BARLOW FOR CONGRESS '06, and) AF# 1685
SHIRLEY J BARLOW as treasurer;)

ZANZI FOR CONGRESS, and RYAN) AF# 1693
ADRIAN MORFIN as treasurer;)

COMMITTEE TO ELECT RICK TRENT;) AF# 1653
THE, and LISA JO TRENT as treasurer;)

TAN NGUYEN FOR CONGRESS, and) AF# 1683
Tello, Emilee as treasurer;)
MIKE MCGRAW FOR CONGRESS, and) AF# 1670
A ROBERT MUZIO as treasurer;)

BYRNE FOR CONGRESS COMMITTEE;) AF# 1647
THE, and JILL K HUEY as treasurer;)
WEGNER FOR CONGRESS, and) AF# 1690
KENNETH WEGNER as treasurer;)

MAATTA FOR CONGRESS CAMPAIGN) AF# 1667
COMMITTEE, and DEBRA C MAATTA)
as treasurer;)
AL GREEN FOR CONGRESS, and) AF# 1643
WILLIAM A LAWSON as treasurer;)

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COMMITTEE TO ELECT WILLIAM) AF# 1654
(WILLIE) VADEN FOR CONGRESS, and)
WILLIAM ROSS VADEN as treasurer;)
WILSON AURBACH FOR CONGRESS) AF# 1691
COMMITTEE, and JORDAN WALDREP)
as treasurer;)
CHRISTIAN BURRIDGE FOR) AF# 1649
CONGRESS, and DANIEL CLYDE CARR)
as treasurer;)
COMMITTEE TO ELECT BRAD) AF# 1652
BLANTON, and Burchard, Justin as)
treasurer;)
COUNCIL FOR AFFORDABLE AND) AF# 1659
RURAL HOUSING PAC INC (CARH)
PAC), and TRAVIS A MILLER as)
treasurer;)

BREWERY SOFT DRINK BEER DISTR) AF# 1646
OPTICAL DENTAL MISC WORKERS)
WAREHOUSEMAN HELP LOCAL 830)
PAC, and DANIEL H GRACE as treasurer;)
COMPOSITION ROOFERS LOCAL) AF# 1655
UNION #30 POLITICAL ACTION &)
EDUCATION FUND, and TOM PEDRICK)
as treasurer;)
COUNCIL FOR A LIVABLE WORLD) AF# 1658
CANDIDATE FUND, and JOHN D.)
ISAACS as treasurer;)
FOREST LANDOWNERS) AF# 1661
ASSOCIATION INC. POLITICAL)
ACTION COMMITTEE, and Jones, Scott)
as treasurer;)
HEARTLAND PAC FKA:) AF# 1663
YOUNGSTOWN, and DAVID B.)
ORLEAN as treasurer;)
NORTH CAROLINA DENTAL PAC, and) AF# 1675
AARON TROPMANN as treasurer;)

RECORDING INDUSTRY) AF# 1679
ASSOC/AMERICA INC POLITICAL)
ACTION COMMITTEE (FKA)
RECORDING ARTS PAC), and)
JENNIFER L. BENDALL as treasurer;)

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UNITED ASSN JOURNEYMEN &) AF# 1687
APPRENT OF PLUMB & PIPEFITTING)
IND LOCAL 322 COMM FOR POL ED,)
and JAMES REED as treasurer;)

LAKE COUNTY DEMOCRATIC PARTY) AF# 1666
FEDERAL COMMITTEE, and Couvall,)
Peter A. as treasurer;)

KERN COUNTY REPUBLICAN) AF# 1665
CENTRAL COMMITTEE, and)
HENDERSON, CRAIG as treasurer;)

MAINE REPUBLICAN PARTY, and) AF# 1668
Philip Roy Jr. as treasurer;)

ARCH LEADERSHIP PAC, and JOHN) AF# 1644
ROSS TRUMAN as treasurer;)

BLUE AMERICA PAC, and HOWARD) AF# 1645
KLEIN as treasurer;)

CITIZENS FOR ACTION, and NANCY T) AF# 1650
KANJORSKI as treasurer;)

CONTRA COSTA UNITED) AF# 1657
DEMOCRATIC CAMPAIGN AKA)

CCUDC, and GREGORY E SANBORN as)
treasurer;)

PENNSYLVANIA PAC FOR PROGRESS,) AF# 1676
and JONATHAN ROBERT KING as)
treasurer;)

AIRTRAN AIRWAYS INC POLITICAL) AF# 1642
ACTION COMMITTEE, and Gadek,)
Stanley as treasurer;)

CLOROX COMPANY EMPLOYEES') AF# 1651
POLITICAL ACTION COMMITTEE, THE,)
and VICTORIA JONES as treasurer;)

COMPRESSED AIR FREE AIR) AF# 1656
FOUNDATION TUNNEL CAISSON)

SUBWAY WORKERS POLITICAL)
ACTION FUND, and RICHARD E)
FITZSIMMONS as treasurer;)

MIDWEST VALUES PAC (MVP), and) AF# 1669
Thomas Borman as treasurer;)

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MONTANA CREDIT UNIONS LEAGUE)	AF# 1671
POLITICAL ACTION COMMITTEE, and)	
JERRY W GUSTAFSON as treasurer;)	
MZM INC. PAC, and O'Neil, Jeanne Ms. as)	AF# 1673
treasurer;)	
NATIONAL ASSOCIATION FOR HOME)	AF# 1674
CARE POLITICAL ACTION)	
COMMITTEE, and MICHAELE N)	
WOODS as treasurer;)	
PHILLIPS INTERNATIONAL INC)	AF# 1677
POLITICAL ACTION COMMITTEE, and)	
Estey, William Mr. as treasurer;)	
RESPONSIBILITY AND FREEDOM)	AF# 1680
WORK PAC (RFPAC), and JOHN P)	
NAIL as treasurer;)	
TEAMSTERS JOINT COUNCIL 53)	AF# 1684
POLITICAL ACTION COMMITTEE, and)	
cardullo, paul as treasurer;)	
UNITED STATES BEET SUGAR)	AF# 1688
ASSOCIATION POLITICAL ACTION)	
COMMITTEE, and JAMES JOHNSON as)	
treasurer;)	
SAN MATEO COUNTY DEMOCRATIC)	AF# 1681
CENTRAL COMMITTEE, and JUDITH A)	
CHRISTENSEN as treasurer;)	

CERTIFICATION

I, Mary W. Dove, Secretary of the Federal Election Commission, do hereby certify that on April 10, 2007 the Commission took the following actions on the Reason To Believe Recommendation 12 Day Pre-General (Quarterly Filers) and 30 Day Post-General Report For The Administrative Fine Program as recommended in the Reports Analysis Division's Memorandum dated April 04, 2007, on the following committees:

AF#1660 Decided by a vote of 4-0 to: (1) find reason to believe that DAVID SCOTT FOR CONGRESS, and HANK AARON 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, von Spakovsky, and Walther voted affirmatively for the decision. Commissioner Weintraub did not vote.

AF#1685 Decided by a vote of 4-0 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, von Spakovsky, and Walther voted affirmatively for the decision. Commissioner Weintraub did not vote.

AF#1693 Decided by a vote of 4-0 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 indicated on the report; (2) send the appropriate letter. Commissioners Lenhard, Mason, von Spakovsky, and Walther voted affirmatively for the decision. Commissioner Weintraub did not vote.

AF#1653 Decided by a vote of 4-0 to: (1) find reason to believe that COMMITTEE TO ELECT RICK TRENT; THE, and LISA JO TRENT 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, von Spakovsky, and Walther voted affirmatively for the decision. Commissioner Weintraub did not vote.

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AF#1683 Decided by a vote of 4-0 to: (1) find reason to believe that TAN NGUYEN FOR CONGRESS, and Tello, Emilee 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, von Spakovsky, and Walther voted affirmatively for the decision. Commissioner Weintraub did not vote.

AF#1670 Decided by a vote of 4-0 to: (1) find reason to believe that MIKE MCGRAW FOR CONGRESS, and A ROBERT MUZIO 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, von Spakovsky, and Walther voted affirmatively for the decision. Commissioner Weintraub did not vote.

AF#1647 Decided by a vote of 4-0 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, von Spakovsky, and Walther voted affirmatively for the decision. Commissioner Weintraub did not vote.

AF#1690 Decided by a vote of 4-0 to: (1) find reason to believe that WEGNER FOR CONGRESS, and KENNETH WEGNER 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, von Spakovsky, and Walther voted affirmatively for the decision. Commissioner Weintraub did not vote.

AF#1667 Decided by a vote of 4-0 to: (1) find reason to believe that MAATTA FOR CONGRESS CAMPAIGN COMMITTEE, and DEBRA C MAATTA as treasurer

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

AF#1643 Decided by a vote of 4-0 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, von Spakovsky, and Walther voted affirmatively for the decision. Commissioner Weintraub did not vote.

AF#1654 Decided by a vote of 4-0 to: (1) find reason to believe that COMMITTEE TO ELECT WILLIAM (WILLIE) VADEN FOR CONGRESS, and WILLIAM ROSS VADEN 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, von Spakovsky, and Walther voted affirmatively for the decision. Commissioner Weintraub did not vote.

AF#1691 Decided by a vote of 4-0 to: (1) find reason to believe that WILSON AURBACH FOR CONGRESS COMMITTEE, and JORDAN WALDREP 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, von Spakovsky, and Walther voted affirmatively for the decision. Commissioner Weintraub did not vote.

AF#1649 Decided by a vote of 4-0 to: (1) find reason to believe that CHRISTIAN BURRIDGE FOR CONGRESS, and DANIEL CLYDE CARR 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, von Spakovsky, and Walther voted affirmatively for the decision. Commissioner Weintraub did not vote.

AF#1652 Decided by a vote of 4-0 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, von Spakovsky, and Walther voted affirmatively for the decision. Commissioner Weintraub did not object.

AF#1659 Decided by a vote of 4-0 to: (1) find reason to believe that COUNCIL FOR AFFORDABLE AND RURAL HOUSING PAC INC (CARH PAC), and TRAVIS A MILLER 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

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

AF#1646 Decided by a vote of 4-0 to: (1) find reason to believe that BREWERY SOFT DRINK BEER DISTR OPTICAL DENTAL MISC WORKERS WAREHOUSEMAN HELP LOCAL 830 PAC, and DANIEL H GRACE 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, von Spakovsky, and Walther voted affirmatively for the decision. Commissioner Weintraub did not vote.

AF#1655 Decided by a vote of 4-0 to: (1) find reason to believe that COMPOSITION ROOFERS LOCAL UNION #30 POLITICAL ACTION & EDUCATION FUND, and TOM PEDRICK 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, von Spakovsky, and Walther voted affirmatively for the decision. Commissioner Weintraub did not vote.

AF#1658 Decided by a vote of 4-0 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, von Spakovsky, and Walther voted affirmatively for the decision. Commissioner Weintraub did not vote.

AF#1661 Decided by a vote of 4-0 to: (1) find reason to believe that FOREST LANDOWNERS ASSOCIATION INC. POLITICAL ACTION COMMITTEE, and Jones, Scott 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, von Spakovsky, and Walther voted affirmatively for the decision. Commissioner Weintraub did not vote.

AF#1663 Decided by a vote of 4-0 to: (1) find reason to believe that HEARTLAND PAC FKA: YOUNGSTOWN, and DAVID B. ORLEAN 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,

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AF#1675 Decided by a vote of 4-0 to: (1) find reason to believe that NORTH CAROLINA DENTAL PAC, and AARON TROPMANN 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, von Spakovsky, and Walther voted affirmatively for the decision. Commissioner Weintraub did not vote.

AF#1679 Decided by a vote of 4-0 to: (1) find reason to believe that RECORDING INDUSTRY ASSOC/AMERICA INC POLITICAL ACTION COMMITTEE (FKA RECORDING ARTS PAC), and JENNIFER L. BENDALL 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, von Spakovsky, and Walther voted affirmatively for the decision. Commissioner Weintraub did not vote.

AF#1687 Decided by a vote of 4-0 to: (1) find reason to believe that UNITED ASSN JOURNEYMEN & APPRENT OF PLUMB & PIPEFITTING IND LOCAL 322 COMM FOR POL ED, and JAMES REED 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, von Spakovsky, and Walther voted affirmatively for the decision. Commissioner Weintraub did not vote.

AF#1666 Decided by a vote of 4-0 to: (1) find reason to believe that LAKE COUNTY DEMOCRATIC PARTY FEDERAL COMMITTEE, and Couvall, Peter A. 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, von Spakovsky, and Walther voted affirmatively for the decision. Commissioner Weintraub did not vote.

AF#1665 Decided by a vote of 4-0 to: (1) find reason to believe that KERN COUNTY REPUBLICAN CENTRAL COMMITTEE, and HENDERSON, CRAIG 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, von Spakovsky, and Walther voted affirmatively for the decision. Commissioner Weintraub did not vote.

AF#1668 Decided by a vote of 4-0 to: (1) find reason to believe that MAINE REPUBLICAN PARTY, and Philip Roy 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, von Spakovsky, and Walther voted affirmatively for the decision. Commissioner Weintraub did not vote.

AF#1644 Decided by a vote of 4-0 to: (1) find reason to believe that ARCH LEADERSHIP PAC, and JOHN ROSS TRUMAN 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, von Spakovsky, and Walther voted affirmatively for the decision. Commissioner Weintraub did not vote.

AF#1645 Decided by a vote of 4-0 to: (1) find reason to believe that BLUE AMERICA PAC, and HOWARD KLEIN 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, von Spakovsky, and Walther voted affirmatively for the decision. Commissioner Weintraub did not vote.

AF#1650 Decided by a vote of 4-0 to: (1) find reason to believe that CITIZENS FOR ACTION, and NANCY T KANJORSKI 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, von Spakovsky, and Walther voted affirmatively for the decision. Commissioner Weintraub did not vote.

AF#1657 Decided by a vote of 4-0 to: (1) find reason to believe that CONTRA COSTA UNITED DEMOCRATIC CAMPAIGN AKA CCUDC, and GREGORY E SANBORN 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, von Spakovsky, and Walther voted affirmatively for the decision. Commissioner Weintraub did not vote.

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AF#1676 Decided by a vote of 4-0 to: (1) find reason to believe that PENNSYLVANIA PAC FOR PROGRESS, and JONATHAN ROBERT KING 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, von Spakovsky, and Walther voted affirmatively for the decision. Commissioner Weintraub did not vote.

AF#1642 Decided by a vote of 4-0 to: (1) find reason to believe that AIRTRAN AIRWAYS INC POLITICAL ACTION COMMITTEE, and Gadek, Stanley 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, von Spakovsky, and Walther voted affirmatively for the decision. Commissioner Weintraub did not vote.

AF#1651 Decided by a vote of 4-0 to: (1) find reason to believe that CLOROX COMPANY EMPLOYEES' POLITICAL ACTION COMMITTEE, THE, and VICTORIA JONES 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, von Spakovsky, and Walther voted affirmatively for the decision. Commissioner Weintraub did not vote.

AF#1656 Decided by a vote of 4-0 to: (1) find reason to believe that COMPRESSED AIR FREE AIR FOUNDATION TUNNEL CAISSON SUBWAY WORKERS POLITICAL ACTION FUND, and RICHARD E FITZSIMMONS 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, von Spakovsky, and Walther voted affirmatively for the decision. Commissioner Weintraub did not vote.

AF#1669 Decided by a vote of 4-0 to: (1) find reason to believe that MIDWEST VALUES PAC (MVP), and Thomas Borman 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, von Spakovsky, and Walther voted affirmatively for the decision. Commissioner Weintraub did not vote.

AF#1671 Decided by a vote of 4-0 to: (1) find reason to believe that MONTANA CREDIT UNIONS LEAGUE POLITICAL ACTION COMMITTEE, and JERRY W

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GUSTAFSON 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, von Spakovsky, and Walther voted affirmatively for the decision. Commissioner Weintraub did not vote.

AF#1673 Decided by a vote of 4-0 to: (1) find reason to believe that MZM INC. PAC, and O'Neil, Jeanne Ms. 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, von Spakovsky, and Walther voted affirmatively for the decision. Commissioner Weintraub did not vote.

AF#1674 Decided by a vote of 4-0 to: (1) find reason to believe that NATIONAL ASSOCIATION FOR HOME CARE POLITICAL ACTION COMMITTEE, and MICHAELE N WOODS 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, von Spakovsky, and Walther voted affirmatively for the decision. Commissioner Weintraub did not vote.

AF#1677 Decided by a vote of 4-0 to: (1) find reason to believe that PHILLIPS INTERNATIONAL INC POLITICAL ACTION COMMITTEE, and Estey, William 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, von Spakovsky, and Walther voted affirmatively for the decision. Commissioner Weintraub did not vote.

AF#1680 Decided by a vote of 4-0 to: (1) find reason to believe that RESPONSIBILITY AND FREEDOM WORK PAC (RFPAC), and JOHN P NAIL 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, von Spakovsky, and Walther voted affirmatively for the decision. Commissioner Weintraub did not vote.

AF#1684 Decided by a vote of 4-0 to: (1) find reason to believe that TEAMSTERS JOINT COUNCIL 53 POLITICAL ACTION COMMITTEE, and cardullo, paul 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, von Spakovsky, and Walther voted affirmatively for the decision. Commissioner Weintraub did not vote.

AF#1688 Decided by a vote of 4-0 to: (1) find reason to believe that UNITED STATES BEET SUGAR ASSOCIATION POLITICAL ACTION COMMITTEE, and JAMES JOHNSON 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;

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(2) send the appropriate letter. Commissioners Lenhard, Mason, von Spakovsky, and Walther voted affirmatively for the decision. Commissioner Weintraub did not vote.

AF#1681 Decided by a vote of 4-0 to: (1) find reason to believe that SAN MATEO COUNTY DEMOCRATIC CENTRAL COMMITTEE, and JUDITH A CHRISTENSEN 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, von Spakovsky, and Walther voted affirmatively for the decision. Commissioner Weintraub did not vote.

Attest:

April 11, 2007
Date

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

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 12, 2007

David B. Orlean
Heartland PAC
23875 Commerce Park Rd.
Suite 140
Beachwood, OH 44122

C00131557
AF#: 1663

Dear David B. Orlean:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file a 30 Day Post-General Report of Receipts and Disbursements in a calendar year in which a regularly scheduled general election is held. This report, covering the period through 11/27/2006, shall be filed no later than 12/7/2006, 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 filed on 1/5/2007, 29 days late.

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 4/10/2007, the FEC found that there is reason to believe ("RTB") that Heartland PAC and you, as treasurer, violated 2 U.S.C. 434(a) by failing to file timely this report on or before 12/7/2006. 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 \$2,475. It is due by 5/20/2007 and is based on these factors:

Election Sensitivity of Report: Not Election Sensitive
Level of Activity: \$63,249
Number of Days Late: 29
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 5/20/2007. 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 existence of

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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 Heartland PAC 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

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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 \$2,475 for the 2006 30 Day Post-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 5/20/2007. 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: Heartland PAC

FEC ID#: C00131557

AF#: 1663

PAYMENT DUE DATE: 5/20/2007

PAYMENT AMOUNT DUE: \$2,475

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2007 MAY 24 A 8:39

HEARTLAND PAC
23875 Commerce Park Rd., #140
Beachwood, Ohio 44122
Phone 216-514-4994
Fax 216-514-5154
Email heartlandpac@orleanco.com

May 18, 2007

VIA FACSIMILE 202-208-1574
AND US MAIL

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

Reference: AF #1663

To Whom It May Concern:

We respectfully request that the civil money penalty assessed be waived as a one time courtesy. We understand that there are few circumstances under which a waiver would be granted.

While serving as treasurer for this organization I am primarily the owner of a small business owner with my administrative assistant designated to file reports on the organizations behalf. At the time this report was due, we had no full time staff devoted to this function. There were several temporary employees filling in as administrative help from September 1, 2006 through December 6, 2006 and we were then without support through January 23, 2007 when a suitable replacement was finally hired. In the meantime, realizing that our report was not filed we did so immediately.

According to your letter, this report was not election sensitive nor have there been previous civil money penalties been assessed. We will do everything we can to ensure that this situation does not reoccur and repeat our request to waive this penalty on a one time basis.

Sincerely,



David B. Orlean
Treasurer

27092613289



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 18, 2007

David B. Orlean, as Treasurer
Heartland PAC
23875 Commerce Park Road, Suite 140
Beachwood, OH 44122

C00131557
AF# 1663

Dear Mr. Orlean:

On May 18, 2007, the Commission received your written response ("challenge") which is being reviewed by the Office of Administrative Review. If you have any questions regarding your 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 "Jill I. Sugarman".

Jill I. Sugarman
Reviewing Analyst
Office of Administrative Review

27092613290

Date: May 22, 2007

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

AF#: 1663

Committee Name: Heartland PAC

Committee ID#: C00131557

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 April 4, 2007 and RTB Certification, dated April 10, 2007: Previously Forwarded

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

Attachment #: 1

Telecoms and Visitcoms in Response to RTB Letter (Y/N): N

Attachment #: N/A

Other Relevant Telecoms (Y/N): N

Attachment #: N/A

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

Attachment #: N/A

RAD Staff Declaration:

-2006 Post-General Prior Notice, dated October 2, 2006.

-2006 Post-General Reminder Notice, dated November 13, 2006.

-Non-Filer Letter, dated December 21, 2006.

-RTB Letter, dated April 12, 2007.

Attachment #: 2

Other RAD Information (Y/N): N

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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 <i>X Barbara Robinson</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p>	
<p>1. Article Addressed to:</p> <div style="border: 1px dashed black; padding: 5px; margin: 5px 0;"> DAVID B. ORLEAN HEARTLAND PAC 23875 COMMERCE PARK RD., STE 140 BEACHWOOD, OH 44122 </div>	<p>B. Received by (Printed Name)</p>	<p>C. Date of Delivery <i>4/16/07</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>3. Service Type</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>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	
<p>2. Article Number (Transfer from service label)</p>	<p>7006 0810 0005 9265 6927</p>	
<p>PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540</p>		

DECLARATION OF PATRICIA CARMONA

1. I am the Chief of the Compliance Branch for the Reports Analysis Division of the Federal Election Commission ("Commission"). In my capacity as Chief of the Compliance Branch, I oversee the research conducted with regard to the Administrative Fine Program. I make this declaration based on my personal knowledge and, if called upon as a witness, could and would testify competently to the following matters.
2. I hereby certify that documents identified herein are true and accurate copies of the following sent by the Commission to Heartland PAC:
- Prior Notice, dated October 2, 2006, referencing the 2006 Post-General Report.
 - Reminder Notice, dated November 13, 2006, referencing the 2006 Post-General Report.
 - Non-Filer Notice, dated December 21, 2006, referencing the 2006 Post-General Report.
 - Reason-to-Believe Letter, dated April 12, 2007, referencing the 2006 Post-General Report.
3. I hereby certify that I have searched the Commission's public records and find that Heartland PAC filed the 2006 Post-General Report with the Federal Election Commission on January 5, 2007.
4. Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct and there are no relevant telecoms for the case. This declaration was executed at Washington, D.C. on the 22nd day of May, 2007.



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

GENERAL ELECTION REPORT NOTICE

FEDERAL ELECTION COMMISSION

PARTIES AND PACS

October 2, 2006

I. QUARTERLY FILERS THAT MAKE GENERAL ELECTION CONTRIBUTIONS OR EXPENDITURES FROM OCTOBER 1 THROUGH OCTOBER 18

REPORT	REPORTING PERIOD ¹	REG./CERT. & OVERNIGHT MAILING DATE	FILING DATE
Pre-General ³	10/01/06 - 10/18/06	10/23/06	10/26/06
Post-General	10/19/06 - 11/27/06	12/07/06	12/07/06

II. QUARTERLY FILERS THAT DO NOT MAKE GENERAL ELECTION CONTRIBUTIONS OR EXPENDITURES FROM OCTOBER 1 THROUGH OCTOBER 18²

REPORT	REPORTING PERIOD ¹	REG./CERT. & OVERNIGHT MAILING DATE	FILING DATE
Post-General	10/01/06 - 11/27/06	12/07/06	12/07/06

WHO MUST FILE

Party Committees and PACs (Nonconnected Committees and Separate Segregated Funds) must follow the above charts in order to determine whether they must file a report 12 days before the general election on November 7 (the Pre-General Election Report). All Party Committees and PACs, regardless of financial activity, must file a report 30 days after the general election (the Post-General Election Report). Committees must continue to file reports until the Commission notifies them in writing that their termination report has been accepted.

Certain party committees are required to file monthly reports (quarterly reporting is no longer an option for these committees). For more information, see the January 2006 Record, which can be found on the FEC web site at www.fec.gov/pages/record.shtml.

METHOD OF FILING

Quarterly 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. Quarterly Reports filed by any other means must be received by the Commission (or Secretary of the Senate for committees supporting only Senate candidates) by the filing date.

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.

²Committees that made general election contributions or expenditures before October 1 and did not previously report them must also follow Chart I.

(over)

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48- AND 24-HOUR REPORTS OF INDEPENDENT EXPENDITURES

Any PAC or Party Committee that makes independent expenditures in connection with the general election may also have to file 48-hour or 24-hour reports. The 48-hour reporting requirement will be triggered each time the committee makes independent expenditures aggregating \$10,000 or more between January 1 and October 18, 2006. The 24-hour reporting requirement will be triggered each time the committee makes independent expenditures in connection with the general election aggregating \$1,000 between October 19 and November 5, 2006. See 11 CFR 104.4. These reports are *not* required when a Party Committee or PAC makes a contribution directly to a candidate.

QUARTERLY FILING SCHEDULE FOR REMAINDER OF 2006

REPORT	REPORTING PERIOD¹	REG./CERT. & OVERNIGHT MAILING DATE	FILING DATE
Year-End	11/28/06 - 12/31/06	01/31/07	01/31/07

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 on time may be subject to civil money penalties up to \$16,000 (or more for repeat late- and non-filers). 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

Political 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/electfil/electron.shtml.

CHANGE IN FILING FREQUENCY

Committees able to change their reporting schedule (for example, from quarterly to monthly) who wish to do so must notify the Commission in writing when they file their next report due under their current reporting schedule. Electronic filers must file this request electronically. Committees may change their filing frequency no more than once per calendar year.

¹See footnote #1, on reverse side.

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

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● GENERAL ELECTION ●
REPORT NOTICE

FEDERAL ELECTION COMMISSION

PARTIES AND PACS

November 13, 2006

*****REMINDER REMINDER REMINDER*****

All party committees and PACs (nonconnected committees and separate segregated funds) must file a Post-General Election Report.

Reports sent by registered or certified mail must be postmarked by the mailing date (December 7, 2006). If using overnight mail, the delivery service must receive the report by the mailing date (December 7, 2006). Otherwise, they must be received by the filing date (December 7, 2006).

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

27092613296



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 21, 2006

RQ-7

ORLEAN, DAVID B., TREASURER
HEARTLAND PAC FKA: YOUNGSTOWN
23875 COMMERCE PARK RD. SUITE 140
BEACHWOOD, OH 44122

IDENTIFICATION NUMBER: C00131557

REFERENCE: POST-GENERAL REPORT 10/1/2006 - 11/27/2006

DEAR TREASURER:

IT HAS COME TO THE ATTENTION OF THE FEDERAL ELECTION COMMISSION THAT YOU MAY HAVE FAILED TO FILE THE ABOVE REFERENCED REPORT OF RECEIPTS AND EXPENDITURES AS REQUIRED BY THE FEDERAL ELECTION CAMPAIGN ACT, AS AMENDED. YOU WERE PREVIOUSLY NOTIFIED OF THE DUE DATE FOR THIS REPORT.

IT IS IMPORTANT THAT YOU FILE THIS REPORT IMMEDIATELY WITH THE FEDERAL ELECTION COMMISSION, 999 E STREET, N.W., WASHINGTON, D.C., 20463. A COPY OF THE REPORT OR RELEVANT PORTIONS MUST ALSO BE FILED WITH THE SECRETARY OF THE STATE OR EQUIVALENT STATE OFFICER UNLESS THE STATE IS EXEMPT FROM THE FEDERAL REQUIREMENT TO RECEIVE AND MAINTAIN PAPER COPIES. YOU CAN VERIFY THE COMMISSION'S RECEIPT OF ANY DOCUMENTS SUBMITTED BY YOUR COMMITTEE ON THE FEC WEBSITE AT WWW.FEC.GOV.

THE FAILURE TO TIMELY FILE THIS REPORT MAY RESULT IN CIVIL MONEY PENALTIES, AN AUDIT OR LEGAL ENFORCEMENT ACTION. THE CIVIL MONEY PENALTY CALCULATION FOR LATE REPORTS DOES NOT INCLUDE A GRACE PERIOD AND BEGINS ON THE DAY FOLLOWING THE DUE DATE FOR THE REPORT. DUE TO HEIGHTENED SECURITY SCREENING MEASURES, DELIVERY OF MAIL BY THE US POSTAL SERVICE MAY BE DELAYED. THE COMMISSION RECOMMENDS THAT YOU SUBMIT YOUR REPORT VIA OVERNIGHT DELIVERY OR COURIER SERVICE.

IF YOU HAVE ANY QUESTIONS REGARDING THIS MATTER, PLEASE CONTACT CHRISTOPHER RITCHIE AT OUR TOLL FREE NUMBER (800)424-9530. OUR DIRECT 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 (RAD)



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
Staff Director *[Signature]*

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

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

Subject: AF# 1663 – Heartland PAC and David B. Orlean, as Treasurer
(C00131557)

SENSITIVE

The respondents' challenge for this case was due May 20, 2007, after the April 30, 2007 effective date of the revised administrative fine regulations. The Office of General Counsel informed this Office that if the respondents' challenge is due after the April 30 effective date, the new rules apply. The Reviewing Officer's recommendation, therefore, is based on the new rules.

The attached Reviewing Officer Recommendation is being circulated on an informational basis. A copy was also sent to the 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

27092613298



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 24, 2007

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

AF #1663 – Heartland PAC and David B. Orlean, as Treasurer (C00131557)

On April 10, 2007, the Commission found reason to believe ("RTB") that the respondents violated 2 U.S.C. § 434 (a) for failure to timely file the 2006 30 Day Post-General Report and made a preliminary determination that the civil money penalty was \$2,475 based on the schedule of penalties at 11 C.F.R. § 111.43. They were notified by the Reports Analysis Division ("RAD") on April 12, 2007 of the Commission's RTB finding and civil money penalty.

Respondents' Response

On May 18, 2007, the Commission received a written response ("challenge") from the Treasurer who states that his company's administrative assistant is designated to file the Committee's reports. When the report was due, he had no full time staff devoted to filing reports although temporary staff filled in from September 1 through December 6. It was not until January 23, 2007, when he hired someone to handle the filing of reports. He states that the Committee will do all it can to ensure that this does not happen again and requests that the penalty be waived.

Analysis

The 30 Day Post-General Report was filed on January 5, 2007, 29 days late.

The Federal Election Campaign Act ("Act") states that the treasurer of a political committee shall file a 30 day post-general election report no later than 30 days after the general election. 2 U.S.C. § 434(a)(4)(A)(iii) and 11 C.F.R. § 104.5(c)(1)(iii). 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. 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 respondents were notified on four occasions, twice before the due date and twice after the due date, that they must file this report. The first Notice was sent to them on October 2 and informs them that treasurers are responsible for the timeliness of their reports. A Reminder Notice was sent to them on November 13. The day after the report was due, the Electronic Filing Office sent a notice to the email address which they previously provided, davidroth@orleanco.com, informing them that they had failed to file

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the report. They were notified a fourth time when RAD sent them the Non-Filer Notice on December 21.

As the Treasurer points out, there are certain circumstances under which the Commission may decide that no violation occurred because the respondents used their best efforts to file on time. 11 C.F.R. § 111.35(b)(3) and (c). The unavailability of staff is not one of these circumstances; in fact, unavailability of the Treasurer and other staff is included at 11 C.F.R. § 111.35(d)(3) as a circumstance that is not considered reasonably unforeseen and beyond the respondents' control. Furthermore, the Treasurer is responsible for the timely filing of reports even if someone else is assigned to prepare and file them. 11 C.F.R. § 104.14(d).

With respect to the calculation of the RTB civil money penalty, he notes that no "previous civil money penalties" have been assessed against the Committee. He is correct that the civil money penalty in AF# 1663 does not include a previous violation factor as no other administrative fines were assessed in the current (2007-2008) and prior (2005-2006) election cycles. They were, however, assessed a civil money penalty in 2003 for an earlier administrative fine case (AF# 858) which is not used as a factor in determining the amount of the fine in AF# 1663. 11 C.F.R. § 111.43(d).

The challenge fails to address any of the three valid excuses enumerated at 11 C.F.R. § 111.35(b). These are: (i) the RTB finding is based on factual errors; and/or (ii) the improper calculation of the civil money penalty; and/or (iii) they used best efforts to file on time but were prevented from doing so by reasonably unforeseen circumstances that were beyond their control and they filed the report no later than 24 hours after the end of these circumstances. The Reviewing Officer, therefore, recommends that the Commission make a final determination that they violated 2 U.S.C. § 434(a) and assess a \$2,475 civil money penalty.

OAR Recommendations

- (1) Adopt the Reviewing Officer recommendation for AF# 1663 involving the Heartland PAC and David B. Orlean, as Treasurer;
- (2) Make a final determination in AF# 1663 that the Heartland PAC and David B. Orlean, as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$2,475; and
- (3) Send the appropriate letter.

Attachments

Attachment 1 – Challenge Received from Respondents

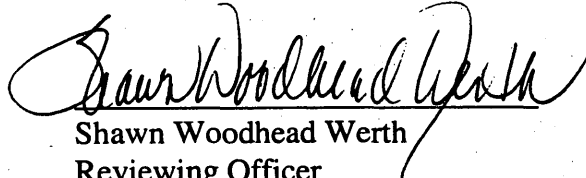
Attachment 2 –

Attachment 3 – RAD Declaration

Attachment 4 – OAR Declaration

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 30 Day Post-General Report covers the period from October 1 through November 27, 2006 and is due December 7, 2006. If electronically filed, it must be received and validated by the Commission at or before 11:59 pm., Eastern Standard/Daylight Savings Time on December 7 to be timely filed.
3. I hereby certify that I have searched the Commission's public records and that the document identified herein is the true and accurate copy of Page 1 of the Summary Page for the 2006 30 Day Post-General Report electronically filed by the Heartland PAC and David B. Orlean, as Treasurer. According to Commission records, the report covers the period October 1 through November 27, 2006 and was received on January 5, 2007.
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

27092613301

FEC FORM 3X

REPORT OF RECEIPTS AND DISBURSEMENTS For Other Than 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

Hearland PAC

ADDRESS (number and street)

23875 Commerce Park Rd.

Suite 140

Check if different than previously reported. (ACC)

Beachwood

OH

44122

2. FEC IDENTIFICATION NUMBER CITY STATE ZIP CODE

C00131557

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

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 Quarterly Report (YE)
July 31 Mid-Year Report (Non-election Year Only) (MY)
Termination Report (TER)

(b) Monthly Report Due On:

- Feb 20 (M2) May 20 (M5) Aug 20 (M8) Nov 20 (M11) (Non-Election Year Only)
Mar 20 (M3) Jun 20 (M6) Sep 20 (M9) Dec 20 (M12) (Non-Election Year Only)
Apr 20 (M4) Jul 20 (M7) Oct 20 (M10) Jan 31 (YE)

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

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

(d) 30-Day Post-Election Report for the:

- General (30G) Runoff (30R) Special (30S)
Election on 11 07 2006 in the State of OH

5. Covering Period 10 01 2006 through 11 27 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 Mr. David Orlean

Signature of Treasurer Electronically Filed by Mr. David Orlean Date 01 05 2007

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 3X (Rev. 02/2003)

27092613302



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

VIA OVERNIGHT DELIVERY

August 27, 2007

David B. Orlean, as Treasurer
Heartland PAC
23875 Commerce Park Road
Beachwood, Ohio 44122

C00131557
AF# 1663


Dear Mr. Orlean:

On April 10, 2007, the Federal Election Commission ("Commission") found reason to believe ("RTB") that Heartland PAC and you, as Treasurer ("respondents"), violated 2 U.S.C. § 434(a) for failing to timely file the 2006 30 Day Post-General Report. The Commission also made a preliminary determination that the civil money penalty was \$2,475 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,

Shawn Woodhead Werth
Reviewing Officer
Office of Administrative Review

Attachment

27092613303



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2007 SEP 11 P 3:57
September 11, 2007

MEMORANDUM

To: The Commission

Through: Patrina M. Clark *PMC*
Staff Director

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

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

Subject: Final Determination Recommendation in AF# 1663 – Heartland PAC
and David B. Orlean, as Treasurer (C00131557)

SENSITIVE

On April 10, 2007, the Commission found reason to believe (“RTB”) that the respondents violated 2 U.S.C. § 434(a) for failing to timely file the 2006 30 Day Post-General Report and also made a preliminary determination that the civil money penalty was \$2,475 based on the schedule of penalties at 11 C.F.R. § 111.43.

On May 18, 2007, the Commission received the respondents’ written response (“challenge”). After reviewing the challenge, the Reviewing Officer’s recommendation dated August 24, 2007 was forwarded to the Commission, a copy was forwarded to the respondents, and is hereby incorporated by reference. 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 \$2,475 because they submitted no evidence that the RTB finding was based on factual errors, that the civil money penalty was improperly calculated at RTB, or that they used best efforts to file on time but were prevented from doing so by reasonably unforeseen circumstances that were beyond their control and they filed the report no later than 24 hours after the end of these circumstances.

Instead of filing a written response with the Commission Secretary within 10 days of transmittal of the recommendation in accordance with 11 C.F.R. § 111.36(f), the respondents paid the civil money penalty.

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OAR Recommendations

- (1) Adopt the Reviewing Officer recommendation for AF# 1663 involving the Heartland PAC and David B. Orlean, as Treasurer, in making a final determination;
- (2) Make a final determination in AF# 1663 that the Heartland PAC and David B. Orlean, as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$2,475; and
- (3) Send the appropriate letter.

27092613305



FEDERAL ELECTION COMMISSION
Washington, DC 20463

SENSITIVE

DATE & TIME OF TRANSMITTAL: Wednesday, September 12, 2007 4:00

BALLOT DEADLINE: Monday, September 17, 2007 4:00

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

SUBJECT: **Final Determination Recommendation in
AF 1663 – Heartland PAC and David B. Orlean,
as treasurer(C00131557). Memorandum from the
Chief Compliance Officer and the Reviewing Officer
dated September 11, 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

27092613306

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Final Determination Recommendation:) AF 1663
Heartland PAC and David B. Orlean, as)
Treasurer (C00131557))

CERTIFICATION

I, Mary W. Dove, Secretary of the Federal Election Commission, do hereby certify that on September 17, 2007, the Commission decided by a vote of 4-0 to take the following actions in AF 1663:

1. Adopt the Reviewing Officer recommendation for AF 1663 involving the Heartland PAC and David B. Orlean, as Treasurer, in making a final determination.
2. Make a final determination in AF 1663 that the Heartland PAC and David B. Orlean, as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$2,475.
3. Send the appropriate letter.

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

Attest:

September 17, 2007
Date

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

27092613307



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 19, 2007

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

David B. Orlean, as Treasurer
Heartland PAC
23875 Commerce Park Road, Suite 140
Beachwood, Ohio 44122

ID# C00131557
AF# 1663

Dear Mr. Orlean:

On April 10, 2007, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Heartland PAC and you, as Treasurer, violated 2 U.S.C. § 434(a) for failing to timely file the 2006 30 Day Post-General Report. By letter dated April 12, 2007, the Commission sent you notification of the RTB finding that included a civil money penalty calculated at RTB of \$2,475 in accordance with the schedule of penalties at 11 C.F.R. § 111.43. On May 18, 2007, the Office of Administrative Review received the written response from you challenging the RTB civil money penalty.

The Reviewing Officer reviewed the Commission's RTB finding with its supporting documentation and your written response. Based on this review, the Reviewing Officer recommended that the Commission make a final determination that Heartland PAC and you, as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty in the amount of \$2,475 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 \$2,475 payment for the civil money penalty was received at the Commission's lockbox on September 11, 2007.

On September 17, 2007, the Commission adopted the Reviewing Officer's recommendation, made a final determination that Heartland PAC and you, as Treasurer, violated 2 U.S.C. § 434(a), and assessed a civil money penalty of \$2,475. It is based on the same factors used to calculate the civil money penalty at RTB. A copy of the final determination memorandum is attached.

27092613308

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

Attachment

27092613309

FOR: Heartland PAC

FEC ID#: C00131557

AF#: 1663

PAYMENT DUE DATE: 5/20/2007

PAYMENT AMOUNT DUE: \$2,475

QUALITY IS OUR PRIORITY FOR LOCKBOX 9058
SEQ# 001 \$ 0000247500 BA# 1 09-10-07 20 4



27092613310



ABEL, BISHOP AND CLARKE REALTY COMPANY		usbank <small>www.usbank.com</small>	021300
		<small>68-228-412</small>	
PAY TO THE ORDER OF	CHECK NO.	DATE	AMOUNT
<input type="checkbox"/>	021300	9-5-07	\$2,475.00
<input type="checkbox"/>	Federal Election Commission PO Box 979058 St. Louis, MO 63197-9000		
<input type="checkbox"/>	ABEL, BISHOP AND CLARKE REALTY COMPANY		
<i>David B. Allen</i>			



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 1663

DATE SCANNED 10/26/07

SCANNER NO. 2

SCAN OPERATOR JAD

27092613311