



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 1673

DATE SCANNED 1/14/08

SCANNER NO. 2

SCAN OPERATOR ΣΣΣ

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

COMMISSION
SECRETARIAT

2007 APR -5 A 9:36

April 4, 2007

MEMORANDUM

SENSITIVE

TO: THE COMMISSION

THROUGH: PATRINA M. CLARK *PMC*
STAFF DIRECTOR

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

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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) | IRAI 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# | Committee ID | Committee Name | Treasurer | Threshold | PV | Receipt Date | Days Late | LOA | RTB Penalty |
|------|--------------|---|-----------------------|-----------|----|--------------|-----------|----------|-------------|
| 1625 | C00212142 | KIRKLAND | STEPHEN STOMLISON | \$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 | MWW GROUP INC POLITICAL ACTION COMMITTEE | 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 (REFWPAC) | 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. DUINN | \$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 |

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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 | \$2,354 | \$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 | BRIAN SCHIAYO | \$115,452 | 1 | 11/1/2006 | 6 | \$3,615 | \$137 |
| 1640 | C00173419 | UNITED ASSN JOURNEYMEN & APPRENT OF PLUMB & PIPEFITTING IND LOCAL 322 COMM FOR POLED | 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 | WILUJAMA 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 | GLOROX 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, RICKY LYNN | LISA JO TRENT | \$157,095 | 0 | 12/13/2006 | 6 | \$26,605 | \$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 | \$133,371 | 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 AKA CCUDC | | GREGORY E. SANBORN | \$139,379 | 0 | 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 A. 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. OREAN | \$140,402 | 0 | 1/5/2007 | 29 | \$63,249 | \$2,475 |
| 1664 | C00411512 | KANNO FOR CONGRESS | KANNO, JOHN | LEE NEVES | \$294,209 | 0 | | Not Filed | \$36,776 (est) | \$900 |
| 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 | \$2,194,927 | 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 | WZM INC PAC | | MS JEANNE GONEIL | \$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 TROMMANN | \$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 |
| 1678 | C00025395 | PNM RESPONSIBLE CITIZENS GROUP | | JOHN R. LOYACK | \$101,173 | 0 | 12/18/2006 | 11 | \$5,097 | \$105 |
| 1679 | C00368696 | RESPONSIBILITY AND FREEDOM WORK PAC (REWFAC) | | 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 J GRIFFIN JR | \$150,036 | 0 | 1/12/2007 | Not Filed | \$21,496 | \$500 |
| 1683 | C00178541 | TEAMSTERS JOINT COUNCIL 53 POLITICAL ACTION COMMITTEE | | PAUL CARBUJELLO | \$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 |

| 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 |
| 1689 | C00422139 | VOICE-GRIFFITH | GRIFFITH, WILLIAM | JEAN GRIFFITH | \$109,972 | 0 | 12/26/2006 | 19 | \$35,907 | \$580 |
| 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 | WILSON AURBACH | JORDAN WALDREP | \$147,275 | 0 | 1/23/2007 | Not Filed | \$8,065 | \$300 |
| 1693 | C00421131 | ZANZI FOR CONGRESS | ZANZI, ITALO ANDRES | RYAN ADRIAN MOREN | \$656,819 | 1 | 12/18/2006 | 11 | \$109,643 | \$2,46 |



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

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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;)
VOTE GRIFFITH, and MRS JEAN C) AF# 1689
GRIFFITH as treasurer;)
COMMITTEE TO ELECT RICK TRENT;) AF# 1653
THE, and LISA JO TRENT as treasurer;)
KANNO FOR CONGRESS, and Neves,) AF# 1664
Lee 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;)
PNM RESPONSIBLE CITIZENS GROUP,) AF# 1678
and JOHN R LOYACK 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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Federal Election Commission
Certification for Administrative Fines
April 10, 2007

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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;)

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 MICHAEL 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

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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#1689 Decided by a vote of 4-0 to: (1) find reason to believe that VOTE GRIFFITH, and MRS JEAN C GRIFFITH 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.

AF#1664 Decided by a vote of 4-0 to: (1) find reason to believe that KANNO FOR CONGRESS, and Neves, Lee 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.

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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,

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

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#1678 Decided by a vote of 4-0 to: (1) find reason to believe that PNM RESPONSIBLE CITIZENS GROUP, and JOHN R LOYACK 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 MICHAEL 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

John R. Loyack
PNM Responsible Citizens Group
Alvarado Square
MS 2701
Albuquerque, NM 87158

C00025395
AF#: 1678

Dear John R. Loyack:

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 12/18/2006, 11 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 PNM Responsible Citizens Group 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 \$105. It is due by 5/20/2007 and is based on these factors:

Election Sensitivity of Report: Not Election Sensitive
Level of Activity: \$5,097
Number of Days Late: 11
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 extraordinary circumstances that

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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 PNM Responsible Citizens Group 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 \$105 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: PNM Responsible Citizens Group

FEC ID#: C00025395

AF#: 1678

PAYMENT DUE DATE: 5/20/2007

PAYMENT AMOUNT DUE: \$105

28092614537

PNM
Alvarado Square
Albuquerque, NM 87158
www.pnm.com

Received OAR
5/31/07



April 20, 2007

Federal Election Commission

Attention: Committee ID for Responsible Citizen's Group – C00025395
Electronic Filing Office, Room 419

Subject: FEC Filing of 11/27/06, Late Penalty Charge

In reference to the above subject, I wanted to make mention that this report was actually filed on time, but not received by the FEC through their website. Our office was experiencing a lot of problems with the software at that time. The report was submitted, but when we did not receive the confirmation notice of receipt, we called and were told that the FEC had never received our filing. We spoke with our FEC Analyst, Michael Hartsock and one of your IT Analyst's at that time, and was told that we had to re-create everything we had originally entered. In working with the IT Analyst, they informed us there would be no problem with the re-submission, and did not mention a penalty.

Sincerely,

A handwritten signature in black ink that reads "Tom Sategna".

Tom Sategna
Treasure, PNM Responsible Citizens Group

28092614538

FOR: PNM Responsible Citizens Group

FEC ID#: C00025395

AF#: 1678

PAYMENT DUE DATE: 5/20/2007

PAYMENT AMOUNT DUE: \$105

4-26

QUALITY IS OUR PRIORITY FOR LOCKBOX 9058
SEQ# 002 \$ 0000010500 BA# 1 05-30-07 20 4



28092614539



| | | |
|---|--|------------------------|
| COMPASS BANK & ALBUQUERQUE, NEW MEXICO | | 1350 |
| PNM RESPONSIBLE CITIZENS GROUP FEDERAL ACCOUNT PUBLIC SERVICE COMPANY OF NEW MEXICO [REDACTED] | | 95-78/1078 48335 |
| PAY TO THE ORDER OF: Federal Election Commission | | 4/20/2007 \$ 105.00 |
| One Hundred Five Only | | DOLLARS |
| P.O. Box 979058 St. Louis, MO 63197-9000 | | |
| MEMO: Civil Penalty 2006 30 Day Post-Gen. Report [REDACTED] | | <i>Tom Salinas</i> |



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Via First Class Mail

June 5, 2007

John R. Loyack, as Treasurer
PNM Responsible Citizens Group
Alvarado Square, MS 2701
Albuquerque, NM 87158

C00025395
AF# 1678

Dear Mr. Loyack:

On May 31, 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

28092614540

Date: June 11, 2007

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

AF#: 1678

Committee Name: PNM Responsible Citizens Group

Committee ID#: C00025395

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

Treasurer Name (if different than in RTB finding): Tom Sategna

Attachments:

**Copy of RTB Circulation Report, dated April 4, 2007 and RTB Certification,
dated April 10, 2007: Previously Forwarded**

Attachment #: N/A

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

Attachment #: 1

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

Attachment #: N/A

RAD Staff Declaration (Y/N): Y

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

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

-RTB Letter, dated April 12, 2007.


Attachment #: 3

Other RAD Information: (Y/N): N

Attachment#: N/A

28092614541

28092614542

| 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"/> Addressee</p> |
| <p>1. Article Addressed to:</p> <p>JOHN R. LOYACK PNM RESPONSIBLE CITIZENS GROUP ALVARADO SQUARE, MS 2701 ALBUQUERQUE, NM 87158</p> | <p>B. Received by (Printed Name) <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>C. Date of Delivery</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below. <input checked="" 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 6815</p> | |

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

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 PNM Responsible Citizens Group:
 - A) Prior Notice, dated October 2, 2006, referencing the 2006 Post-General Report;
 - B) Reminder Notice, dated November 13, 2006, referencing the 2006 Post-General Report;
 - C) 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 PNM Responsible Citizens Group filed the 2006 Post-General Report with the Commission on December 18, 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 11th day of June, 2007.



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

28092614543

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)

28092614544

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

28092614545

● 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

28092614546



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2007 SEP 28 P 5:08

September 28, 2007

MEMORANDUM

SENSITIVE

To: The Commission

Through: Patrina M. Clark *PK*
Staff Director *pkc*

From: John Gibson *JG*
Chief Compliance Officer

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

Subject: AF# 1678 – PNM Responsible Citizens Group and John R. Loyack, as Treasurer (C00025395)

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 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

28092614547



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 28, 2007

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

AF# 1678 – PNM Responsible Citizens Group and John R. Loyack, as Treasurer (C00025395)

On April 10, 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 timely file the 2006 30 Day Post-General Report and made a preliminary determination that the civil money penalty was \$105 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 31, 2007, the Commission received the written response ("challenge") from Tom Sategna, who signed as Treasurer on behalf of the respondents.¹ Mr. Sategna asserts that they filed the report on time electronically but that it was not received by the FEC, and indicates that they experienced software problems at that time. He explains that after submitting the report and failing to receive a confirmation of receipt, they called the FEC and were told that the report was not received. He notes that their FEC analyst advised them to re-create the original work, and that an IT analyst did not mention a penalty. Submitted with the challenge is a check for the \$105 RTB civil money penalty.

Analysis of Challenge

The 30 Day Post-General Report was filed on December 18, 2006, 11 days late.

The Federal Election Campaign Act ("Act") requires that the 30 day post-general report be filed by the treasurer of a political committee no later than the 30th day after any general election. 2 U.S.C. § 434(a)(4)(A)(iii) and 11 C.F.R. § 104.5(c)(1)(iii). Reports filed electronically must be received and validated by the Commission at or before 11:59 p.m., Eastern Standard/Daylight Time on December 7 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).

In his response to OAR's request, the Information Technology Division ("ITD") Manager provides logs of contacts between the Electronic Filing Office ("EFO") staff and the respondents which show that the Committee's staff failed to develop competence in the use of reporting software for more than a year before the 30 Day Post-General Report was due. He notes that on

¹ The challenge was submitted to the lockbox along with their payment, both of which were forwarded to the Commission on May 30. On June 13 an amended Statement of Organization was filed designating Tom Sategna as Treasurer.

28092614548

numerous occasions between July 2005 and June 2006, Committee staff member Yolanda Zamora spoke with the EFO staff for help to resolve validation errors and upload reports. During the contact on October 31, 2006, the EFO staff assisted her with rebuilding a single data file to correct discrepancies on several reports that resulted when she had erroneously created separate data files for every report.

On December 8, the EFO notified them by e-mail that they had not filed the report. The e-mail was sent to yzamora@pnm.com. RAD's "telecom" (written record of a telephone conversation) shows that, on December 8, Ms. Zamora called their RAD Analyst after receiving the e-mail notice. She stated that they did not know they were required to file the report. However, the Commission previously mailed two notices to the Committee referencing the filing date for the report, on October 2 and November 13. Ms. Zamora also called the EFO staff on December 8 for additional assistance rebuilding the data file but did not upload the report at that time.

On December 18 she again called for assistance with filing an amendment for another report, and on that day uploaded the 30 Day Post-General Report. The ITD Manager notes that the EFO logs indicate that the staff did not mention the possibility of an administrative fine, and that it is not their practice to discuss such fines with filers.

Their challenge fails to address any of the three valid excuses 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 "best efforts" defense is a two-part test and one example of circumstances that are not considered reasonably unforeseen is failure to use filing software properly. 11 C.F.R. § 111.35(d). Thus, the respondents failed to satisfy the first part of the best efforts test which renders moot the second part of the test. The Reviewing Officer, therefore, recommends that the Commission make a final determination that the respondents violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$105.

OAR Recommendations

- (1) Adopt the Reviewing Officer Recommendation for AF #1678 involving PNM Responsible Citizens Group and John R. Loyack, as Treasurer, in making the final determination;
- (2) Make a final determination in AF #1678 that PNM Responsible Citizens Group and John R. Loyack, as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$105; and
- (3) Send the appropriate letter.

Attachments

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

28092614549

PNM
Alvarado Square
Albuquerque, NM 87158
www.pnm.com

Received OAR
5/31/07

April 20, 2007



Federal Election Commission

Attachment # 1
Page

Attention: Committee ID for Responsible Citizen's Group - C00025395
Electronic Filing Office, Room 419

Subject: FEC Filing of 11/27/06, Late Penalty Charge

In reference to the above subject, I wanted to make mention that this report was actually filed on time, but not received by the FEC through their website. Our office was experiencing a lot of problems with the software at that time. The report was submitted, but when we did not receive the confirmation notice of receipt, we called and were told that the FEC had never received our filing. We spoke with our FEC Analyst, Michael Hartsock and one of your IT Analyst's at that time, and was told that we had to re-create everything we had originally entered. In working with the IT Analyst, they informed us there would be no problem with the re-submission, and did not mention a penalty.

Sincerely,

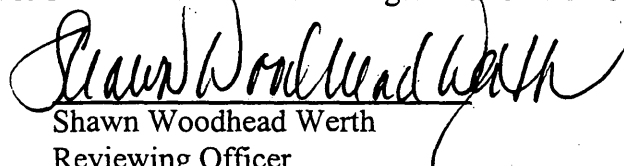
A handwritten signature in black ink that reads "Tom Sategna". The signature is written in a cursive style with a long horizontal line above the first name.

Tom Sategna
Treasure, PNM Responsible Citizens Group

28092614550

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 is due December 7, 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 December 7 to be timely filed.
- 3) It is the practice of the Commission's Electronic Filing Office to send an electronic notice acknowledging the receipt and acceptance of electronic filings and to maintain the FECFile Electronic Filing Software User's Manuals for unauthorized committees on the website at http://www.fec.gov/electfil/unauthorized_manual/manual.shtml and http://www.fec.gov/support/GettingStartedManual_U.doc for the use of committees and treasurers who are electronic filers.
- 4) 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 filed electronically by PNM Responsible Citizens Group and John Loyack, as Treasurer. According to the Commission's records, the report covers the period from October 1 through November 27, 2006 and was received on December 18, 2006.
- 5) Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at Washington on the 28th of September, 2007.



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

28092614551

**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

PNM Responsible Citizens Group

ADDRESS (number and street) **Alvarado Square**
MS 2701
Check if different than previously reported. (ACC) **Abuquerque** **NM** **87158**

2. **FEC IDENTIFICATION NUMBER** **CITY** **STATE** **ZIP CODE**

C00025395

3. IS THIS REPORT NEW (N) 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 12 07 2006 in the State of NM

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. Thomas Salagna

Signature of Treasurer Electronically Filed by Mr. Thomas Salagna Date 12 18 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 3X
(Rev. 02/2003)

28092614552



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

VIA OVERNIGHT DELIVERY

October 1, 2007

John R. Loyack, as Treasurer
PNM Responsible Citizens Group
Alvarado Square
Albuquerque, New Mexico 87158

C00025395
AF# 1678

Dear Mr. Loyack:

On April 10, 2007, the Federal Election Commission ("Commission") found reason to believe ("RTB") that the PNM Responsible Citizens Group 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 \$105 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". The signature is written in a cursive style.

Shawn Woodhead Werth
Reviewing Officer
Office of Administrative Review

cc: Thomas Sategna, as Treasurer
Attachment

28092614553



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2007 OCT 17 P 4: 47

October 17, 2007

SENSITIVE

MEMORANDUM

To: The Commission

Through: Patrina M. Clark *PM*
Staff Director

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

Shawn Woodhead Wertz *SW*
Reviewing Officer
Office of Administrative Review

Subject: Final Determination Recommendation in AF# 1678 - PNM
Responsible Citizens Group and John R. Loyack, as Treasurer
(C00025395)

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 \$105 based on the schedule of penalties at 11 C.F.R. § 111.43.

On May 31, 2007, the Commission received the respondents' written response ("challenge") and payment for the RTB civil money penalty. After reviewing the challenge, the Reviewing Officer's recommendation dated September 28, 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 \$105 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.

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). As of this date, a written response has not been received.

28092614554

OAR Recommendations

- (1) Adopt the Reviewing Officer Recommendation for AF# 1678 involving the PNM Responsible Citizens Group and John R. Loyack, as Treasurer, in making the final determination;
- (2) Make a final determination in AF# 1678 that the PNM Responsible Citizens Group and John R. Loyack, as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$105; and
- (3) Send the appropriate letter.



FEDERAL ELECTION COMMISSION
Washington, DC 20463

SENSITIVE

DATE & TIME OF TRANSMITTAL: Thursday, October 18, 2007 11:00

BALLOT DEADLINE: Tuesday, October 23, 2007 4:00

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

SUBJECT: **Final Determination Recommendation in AF
1678 – PNM Responsible Citizens Group and
John R. Loyack, as Treasurer (C00025395)
Memorandum from the Chief Compliance Officer
and the Reviewing Officer dated October 17, 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

28092614556

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Final Determination Recommendation:) AF 1678
PNM Responsible Citizens Group and)
John R. Loyack, as Treasurer)
(C00025395))

CERTIFICATION

I, Mary W. Dove, Secretary of the Federal Election Commission, do hereby certify that on October 23, 2007, the Commission decided by a vote of 5-0 to take the following actions in AF 1678:

1. Adopt the Reviewing Officer Recommendation for AF 1678 involving the PNM Responsible Citizens Group and John R. Loyack, as Treasurer, in making the final determination.
2. Make a final determination in AF 1678 that the PNM Responsible Citizens Group and John R. Loyack, as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$105.
3. Send the appropriate letter.

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

Attest:

October 24, 2007
Date

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

28092614557



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 25, 2007

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

John R. Loyack, as Treasurer
PNM Responsible Citizens Group
Alvarado Square
Albuquerque, New Mexico 87158

ID# C00025395
AF# 1678

Dear Mr. Loyack:

On April 10, 2007, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that the PNM Responsible Citizens Group 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 \$105 in accordance with the schedule of penalties at 11 C.F.R. § 111.43. On May 31, 2007, the Office of Administrative Review received the written response from Tom Sategna challenging the RTB finding. Submitted with the challenge is a check for the \$105 RTB civil money penalty.

The Reviewing Officer reviewed the Commission's RTB finding with its supporting documentation and the written response. Based on this review, the Reviewing Officer recommended that the Commission make a final determination that the PNM Responsible Citizens Group and you, as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty in the amount of \$105 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 October 1, 2007.

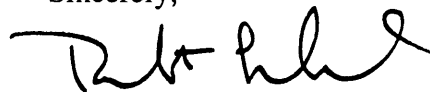
On October 23, 2007, the Commission adopted the Reviewing Officer's recommendation and made a final determination that the PNM Responsible Citizens Group and you, as Treasurer, violated 2 U.S.C. § 434(a) and assessed a civil money penalty of \$105. It is based on the same factors used to calculate the civil money penalty at RTB. A copy of the final determination memorandum is attached.

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,



Robert D. Lenhard
Chairman

cc: Thomas Sategna, as Treasurer

Attachment

28092614559



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 1678

DATE SCANNED 1/14/08

SCANNER NO. 2

SCAN OPERATOR ESS

28092614560