



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 1696

DATE SCANNED 10-26-07

SCANNER NO. 2

SCAN OPERATOR JMP

27092613057



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2007 APR 26 ~~Apr 23~~, 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 -
FAILURE TO FILE 48-HOUR NOTICES UNDER THE
ADMINISTRATIVE FINE PROGRAM

Attached is the name of a principal campaign committee that has failed to file 48-hour notices with the Commission for contributions of \$1,000.00 or more received from the close of books for the 12 Day Pre-General Election Report up to 48 hours before the November 7, 2006 General Election in accordance with 2 U.S.C. § 434(a)(6) and 11 C.F.R. § 104.5(f). Friends of Sherrod Brown represents a Senate candidate who won the General Election in the state of Ohio. The committee failed to file 48-hour notices for contributions totaling \$35,900.00.

On October 2, 2006, Prior Notice was sent to the committee which included a section detailing the requirements for filing 48-hour notices. The section read as follows:

“Notices are required if the committee receives contributions (**including in-kind gifts or advances of goods or services; loans from the candidate or other non-bank sources; and guarantees or endorsements of loans to the candidate or committee**) of \$1,000.00 or more, during the period of October 19 through November 4, 2006. The notices must reach the appropriate federal and state filing offices within 48 hours of the committee’s receipt of the contribution(s).”

A 48-hour notice is required to report all contributions of a \$1,000.00 or more, to any authorized committee of a candidate, including contributions from the candidate, loans from the candidate and other non-bank sources and endorsements or guarantees of loans from banks, as per, 11 C.F.R § 104.5(f).

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We have attached an information sheet which includes the name, date of receipt and amount of the contributions for which a 48-hour notice was not filed.

In accordance with the schedule of civil money penalties outlined within 11 C.F.R. §111.44, this committee should be assessed the civil money penalty so indicated.

Recommendation

1. Find reason to believe that Friends of Sherrod Brown and Eileen Gallagher, Treasurer, violated 2 U.S.C. § 434(a)(6) and make a preliminary determination that a civil money penalty of \$4,250.00 be assessed.
2. Send the appropriate letter.

Attachment

27092613059

Contributions for Which a 48-Hour Notice Was Not Received

AF 1696

Committee ID: C00264697

Committee Name: Friends of Sherrod Brown

Report Type: 30 Day Post-General Election Report (10/19/06 – 11/27/06)

48-Hour Reporting Period: 10/19/06 – 11/4/06

CONTRIBUTOR NAME	DATE	AMOUNT
Winchell, John A.	10/19/2006	\$1,000.00
Bentz, William	10/20/2006	\$1,000.00
Keller, Jamie	10/20/2006	\$1,000.00
McLemore, Julia K.	10/20/2006	\$1,000.00
Reed, Robert R.	10/20/2006	\$1,500.00
Rinehardt, John K.	10/20/2006	\$1,000.00
Shook, James	10/20/2006	\$1,000.00
Tschantz, David P.	10/20/2006	\$1,000.00
Corey, Paul A.	10/24/2006	\$1,000.00
Fried, Samuel P.	10/24/2006	\$2,100.00
Friends of Charlie Wilson	10/24/2006	\$1,000.00
Fries, Tom L.	10/24/2006	\$1,600.00
Ginise, Russell T.	10/24/2006	\$1,000.00
Schottenstein, Zox, and Dunn Co LPA Federal PAC	10/24/2006	\$2,000.00
Baranowski, Shelley O.	10/27/2006	\$1,000.00
Goldman, Benjamin	10/27/2006	\$1,000.00
Randall, William	10/27/2006	\$1,000.00
Talbott, Richard A.	10/27/2006	\$1,000.00
Bellows, Jeffrey C.	10/28/2006	\$1,000.00
Dascenzo, Anthony Jay	10/28/2006	\$1,500.00
Dipetro, Sandra J.	10/31/2006	\$2,100.00
Dipetro, Steven P.	10/31/2006	\$1,900.00
Dipietro, Christine	10/31/2006	\$2,100.00
Dipietro, David	10/31/2006	\$2,100.00
Eisenhut, John D.	10/31/2006	\$2,000.00
Williams, Brie	10/31/2006	\$2,000.00
	TOTAL	\$35,900.00

Proposed Civil Money Penalty: \$4,250.00 ((6 Notices Not Filed at \$110 each) + 10% of Overall Contributions Not Filed)

27092613060

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Reason to Believe Recommendation -) AF 1696
Failure to file 48-Hour Notices Under the)
AF Program (Friends of Sherrod Brown,)
et al.))

CERTIFICATION

I, Mary W. Dove, Secretary of the Federal Election Commission, do hereby certify that on May 02, 2007, the Commission decided by a vote of 5-0 to take the following actions in the above-captioned matter:

1. Find reason to believe that Friends of Sherrod Brown and Eileen Gallagher, Treasurer, violated 2 U.S.C. § 434(a)(6) and make a preliminary determination that a civil money penalty of \$4,250.00 be assessed.
2. Send the appropriate letter.

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

Attest:

May 3, 2007
Date

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

27092613061



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 4, 2007

Eileen Gallagher
Friends of Sherrod Brown
P.O. Box 76187
Washington, DC 20013

C00264697
AF#: 1696

Dear Eileen Gallagher:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires principal campaign committees of candidates for federal office to notify in writing either the Secretary of the Senate or the Federal Election Commission ("FEC"), and the Secretary of State, as appropriate, of any contribution of \$1,000 or more, received by any authorized committee of the candidate after the 20th day, but more than 48 hours before, any election. The Act further requires notification to be made within 48 hours after the receipt of the contribution and to include the name of the candidate and office sought, the date of receipt, the amount of the contribution, and the identification of the contributor. The notification of these contributions shall be in addition to all other reporting requirements. 2 U.S.C. 434(a). You were previously notified of the requirement to file these notices. Records at the FEC indicate that you did not submit 48-Hour Notices for contributions of \$1,000 or more, received between 10/19/2006 and 11/4/2006, totaling \$35,900. See Attachment 1 for contribution overview.

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 5/2/2007, the FEC found that there is Reason to Believe ("RTB") that Friends of Sherrod Brown and you, as treasurer, violated 2 U.S.C. 434(a) by failing to file the 48-Hour Notices. Based on the FEC's schedule of civil money penalties at 11 C.F.R. 111.44, the amount of your civil money penalty calculated at the RTB stage is \$4,250. Send your payment by 6/11/2007. The amount of the civil money penalty is \$110 for each non-filed notice plus 10 percent of the dollar amount of the contributions not timely reported. The civil money penalty increases by 25 percent for each prior violation.

Election Sensitivity of Report: Election Sensitive
Level of Activity: \$35,900
Number of Days Late: Not Filed
Number of Previous Civil Money Penalties Assessed: 0

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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 4. 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 6/11/2007. 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 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 Friends of Sherrod Brown 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.

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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,

A handwritten signature in black ink, appearing to read "RDL", written over a horizontal line.

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 \$4,250 for the 2006 48 Hour Notification 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 6/11/2007. 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: Friends of Sherrod Brown

FEC ID#: C00264697

AF#: 1696

PAYMENT DUE DATE: 6/11/2007

PAYMENT AMOUNT DUE: \$4,250

27092613065

Contributions for Which a 48-Hour Notice Was Not Received

AF 1696

Committee ID: C00264697

Committee Name: Friends of Sherrod Brown

Report Type: 30 Day Post-General Election Report (10/19/06 – 11/27/06)

48-Hour Reporting Period: 10/19/06 – 11/4/06

CONTRIBUTOR NAME	DATE	AMOUNT
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Keller, Jamie	10/20/2006	\$1,000.00
McLemore, Julia K.	10/20/2006	\$1,000.00
Reed, Robert R.	10/20/2006	\$1,500.00
Rinehardt, John K.	10/20/2006	\$1,000.00
Shook, James	10/20/2006	\$1,000.00
Tschantz, David P.	10/20/2006	\$1,000.00
Corey, Paul A.	10/24/2006	\$1,000.00
Fried, Samuel P.	10/24/2006	\$2,100.00
Friends of Charlie Wilson	10/24/2006	\$1,000.00
Fries, Tom L.	10/24/2006	\$1,600.00
Ginise, Russell T.	10/24/2006	\$1,000.00
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Baranowski, Shelley O.	10/27/2006	\$1,000.00
Goldman, Benjamin	10/27/2006	\$1,000.00
Randall, William	10/27/2006	\$1,000.00
Talbott, Richard A.	10/27/2006	\$1,000.00
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Dascenzo, Anthony Jay	10/28/2006	\$1,500.00
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Dipetro, Steven P.	10/31/2006	\$1,900.00
Dipietro, Christine	10/31/2006	\$2,100.00
Dipietro, David	10/31/2006	\$2,100.00
Eisenhut, John D.	10/31/2006	\$2,000.00
Williams, Brie	10/31/2006	\$2,000.00
	TOTAL	\$35,900.00

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2007 JUN 26 P 5:00
June 26, 2007

MEMORANDUM

SENSITIVE

TO: THE COMMISSION

THROUGH: PATRINA M. CLARK *pmc*
STAFF DIRECTOR

JOHN D. GIBSON *JDG*
ACTING CHIEF COMPLIANCE OFFICER

FROM: CRAIG CROOKS *CC*
ACTING ASSISTANT STAFF DIRECTOR
REPORTS ANALYSIS DIVISION

SUBJECT: FINAL DETERMINATION RECOMMENDATION –
FAILURE TO FILE 48-HOUR NOTICES UNDER THE
ADMINISTRATIVE FINE PROGRAM

Attached is a circulation report identifying a political committee and its treasurer against which the Commission has found reason to believe (RTB) and assessed a proposed civil money penalty calculated at RTB for failure to file the appropriate 48-Hour Notices for the 2006 General Election. The committee has paid the civil money penalty requested at RTB.

In accordance with 11 C.F.R. 111.34, the Commission shall send a final determination notice to those respondents that have paid the civil money penalty.

RAD Recommendation

- (1) Make final determination that the political committee and its treasurer on the attached report violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated.
- (2) Send the appropriate letter.

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8/25/2007 11:48 AM

Federal Election Commission
 FD Circulation Report - Fine Paid
 Failure to File 48-Hour Notices - 2006 General Election
 10/19/2006 - 11/4/2006

AF Number	Committee Name	Candidate Name	Committee ID	Treasurer	Receipt Date	Days Late	LOA	PV	RTB Date	RTB Penalty	Final Money Penalty	Date Paid	Amount Paid
1696	FRIENDS OF SHERROD BROWN	BROWN, SHERROD	C00284697	EILEEN GALLAGHER	12/07/2006	Not Filled	\$35,900	0	5/2/2007	\$4,250	\$4,250	06/06/2007	\$4,250

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
 Final Determination Recommendation –) AF 1696
 Failure to File 48-Hour Notices Under)
 the Administrative Fine Program: Friends)
 of Sherrod Brown and Eileen Gallagher,)
 as treasurer.)

CERTIFICATION

I, Mary W. Dove, Secretary of the Federal Election Commission, do hereby certify that on July 02, 2007, the Commission decided by a vote of 5-0 to take the following actions in AF 1696:

1. Make a final determination that Friends of Sherrod Brown and Eileen Gallagher, as treasurer violated 2 U.S.C. 434(a) and assess the final civil money penalty in the amount of \$ 4,250.00.
2. Send the appropriate letter, as recommended in the Reports Analysis Division's Memorandum date June 26, 2007.

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

Attest:

July 3, 2007
 Date

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

27082613069



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 3, 2007

Eileen Gallagher, Treasurer
Friends of Sherrod Brown
P.O. Box 76187
Washington, DC 20013

C00264697
AF#: 1696

Dear Eileen Gallagher,

On 5/2/2007, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Friends of Sherrod Brown and you, as treasurer, violated 2 U.S.C. 434(a) for failing to file 48-Hour Notices for contributions of \$1,000 or more, received between 10/19/2006 and 11/4/2006, totaling \$35,900. By letter dated 5/4/2007, the Commission sent you notification of the RTB finding that included a civil money penalty calculated at the RTB stage of \$4,250 in accordance with the schedule of penalties at 11 C.F.R. 111.44.

On 6/6/2007, the Commission received payment of your civil money penalty calculated at the RTB stage. The Commission made a final determination on 7/2/2007 that you, as treasurer, and Friends of Sherrod Brown violated 2 U.S.C. 434(a), assessed a civil money penalty in the amount of \$4,250 in accordance with 11 C.F.R. 111.44, and voted to close the file.

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 thirty (30) days from the date of the Commission's notification, this could occur at anytime following certification of the Commission's vote.

If you have any questions regarding this matter, please contact Rhiannon Ryan on our toll free number (800) 424-9530 (at the prompt, press 5) or (202) 694-1130.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Lenhard", written in a cursive style.

Robert D. Lenhard
Chairman

27092613070

FOR: Friends of Sherrod Brown

FEC ID#: C00264697

AF#: 1696

PAYMENT DUE DATE: 6/11/2007

PAYMENT AMOUNT DUE: \$4,250

QUALITY IS OUR PRIORITY FOR LOCKBOX 9058
SEQ# 001 \$ 0000425000 BA# 1 06-05-07 20 4



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Friends of Sherrod Brown		CITIBANK, N.A. Washington, DC 20036-0867 15-7011/2540	3108
		5/29/2007	
PAY TO THE ORDER OF	Federal Election Commission	\$ 4,250.00	
Four Thousand Two Hundred Fifty Only		DOLLARS	
Federal Election Commission PO Box 978058 St. Louis, MO 63197-9000		VOID AFTER 90 Days	
MEMO	FEC ID# C00264697, AF# 1696		



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 1696

DATE SCANNED 10-16-07

SCANNER NO. 2

SCAN OPERATOR JmH

27092613072