



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 1713

DATE SCANNED 11-29-07

SCANNER NO. 26

SCAN OPERATOR JMA

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2007 MAY -9 P 4:52

May 9, 2007

MEMORANDUM

SENSITIVE

TO: THE COMMISSION *gm*

THROUGH: PATRINA M. CLARK *pmc*
STAFF DIRECTOR

MARGARITA MAISONET *mm*
CHIEF COMPLIANCE OFFICER

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

SUBJECT: REASON TO BELIEVE RECOMMENDATION - 2006 YEAR
END REPORT FOR THE ADMINISTRATIVE FINE PROGRAM

Attached is a list of political committees and their treasurers who failed to file or failed to timely file the 2006 Year End Report in accordance with 2 U.S.C. 434(a). The Year End Report was due on January 31, 2007.

The committees listed in the attached RTB Circulation Report either failed to file the report, filed the report more than five (5) days after the due date, or filed the report more than thirty (30) days after the due date (considered a non-filed report). In accordance with the schedule of civil money penalties for reports at 11 C.F.R. 111.43, these committees should be assessed the civil money penalties highlighted on the attached circulation report.

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Recommendation

- 1.
2. Find reason to believe that all other political committees and their treasurers listed on the RTB Circulation Report 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 Report.
3. Send the appropriate letters.

Federal Election Commission
Reason to Believe Circulation Report
2006 YEAR-END Not Election Sensitive 01/31/2007 H_S_P_UNAUTH

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
1697	C00038604	AMERICAN FINANCIAL SERVICES ASSOCIATION PAC		MR. BILL HIMPLER	\$626,701	0	2/14/2007	14	\$11,400	\$170
1698	C00413534	ANDY MICHAUD FOR CONGRESS	MICHAUD, ANDY	ANDY MICHAUD	\$349,922	0		Not Filed	\$49,989 (est)	\$900
1699	C00416404	ARCH LEADERSHIP PAC		JOHN ROSS TRUMAN	\$133,843	0		Not Filed	\$44,614 (est)	\$900
1701	C00423608	BEATTY FOR CONGRESS COMMITTEE	BEATTY, JEFFREY K	JUDITH GRANDINETTI	\$181,670	0	4/27/2007	Not Filed	\$1,387	\$250
1702	C00423335	BYRNE FOR CONGRESS COMMITTEE, THE	BYRNE, MARK	JILL K. HUEY	\$148,107	0	4/6/2007	Not Filed	\$4,894	\$250
1704	C00416321	COMMITTEE TO ELECT BRAD BLANTON	BLANTON, BRAD	JUSTIN BURCHARD	\$112,352	0		Not Filed	\$22,470 (est)	\$500
1705	C00420505	COMMITTEE TO ELECT MARVELL MITCHELL FOR CONGRESS	MITCHELL, MARVELL R	RICHARD B. CAMPBELL	\$257,039	1	3/12/2007	Not Filed	\$1,751	\$312
1706	C00421229	COMMITTEE TO ELECT SEKHON FOR CONGRESS	SEKHON, ARJINDERPAL SINGH	DALJIT KAUR SEKHON	\$356,831	0	3/12/2007	Not Filed	\$7,498	\$900
1707	C00111237	COMPRESSED AIR FREE AIR FOUNDATION TUNNEL CAISSON SUBWAY WORKERS POLITICAL ACTION FUND		RICHARD E. FITZSIMMONS	\$141,104	0	2/15/2007	15	\$7,954	\$125
1708	C00218172	CONSERVATIVE VICTORY COMMITTEE		LEIF E. NOREN	\$100,252	0		Not Filed	\$16,709 (est)	\$500
1709	C00379834	CONTRA COSTA UNITED DEMOCRATIC CAMPAIGN AKA CCUDC		GREGORY E. SANBORN	\$145,026	1	2/28/2007	28	\$5,647	\$237
1710	C00424978	DONZELLA JAMES FOR US CONGRESS CAMPAIGN 2006 AKA CCUDC	JAMES DONZELLA	ELMO JAMES	\$117,025	1		Not Filed	\$1,475 (est)	\$312
1711	C00424051	GREEN FOR CHANGE	GREEN, ROGER LEON	CORAMINITA MAHR	\$122,014	1	3/7/2007	Not Filed	\$4,200	\$312
1712	C00414177	HOMER HARTAGE	HARTAGE, HOMER	BLAKE ERICA	\$353,490	0	4/14/2007	Not Filed	\$9,254	\$300

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
1713	C00201491	INTERGRAPH CORPORATION POLITICAL ACTION COMMITTEE		KERRY M. FEHRENBACH	\$163,850	1	2/14/2007	14	\$4,939	\$118
1714	C00418152	JACOBS FOR CONGRESS	JACOBS, THOR, MICHAEL	WILLARD STEPHEN HAYNES	\$121,238	0		Not Filed	\$40,413 (est)	\$900
1716	C00411512	KANNO FOR CONGRESS	KANNO, JOHN	LEE NEVES	\$294,209	0		Not Filed	\$36,776 (est)	\$900
1717	C00393702	KING FOR CONGRESS	KING, GARY KENNETH	BRUCE MALOTT	\$118,789	0	2/7/2007	7	\$14,561	\$135
1720	C00424077	MIKE MCGRAW FOR CONGRESS	MCGRAW, MICHAEL EDWARD	A. ROBERT MUZIO	\$131,898	0		Not Filed	\$32,975 (est)	\$900
1721	C00369884	MZM INC. PAC		JEANNE ONEIL	\$178,705	0		Not Filed	\$35,741 (est)	\$900
1722	C00399287	NEXT POLITICAL ACTION COMMITTEE		PATRICK LINEHAN	\$103,302	0	3/2/2007	30	\$3,600	\$175
1724	C00300939	OHIO ASSOCIATION OF MORTGAGE BROKERS PAC (OAMB PAC)		JIM STEINBERG	\$115,420	1		Not Filed	\$16,489 (est)	\$625
1725	C00422329	OSTROW FOR CONGRESS	OSTROW, PAUL TIMOTHY	SUSAN H. HANNA	\$459,687	0	3/5/2007	Not Filed	\$38,560	\$900
1726	C00412742	PAUL R. NELSON FOR CONGRESS COMMITTEE	NELSON, PAUL R	JEFF ANDERSON	\$492,369	0		Not Filed	\$61,545 (est)	\$2,700
1727	C00416511	PENNSYLVANIA PAC FOR PROGRESS		JONATHAN ROBERT KING	\$165,851	0	2/8/2007	8	\$15,130	\$140
1728	C00266536	PHILLIPS INTERNATIONAL INC. POLITICAL ACTION COMMITTEE		WILLIAM ESTEY	\$231,502	0		Not Filed	\$46,300 (est)	\$900
1729	C00416503	RIGGER FOR CONGRESS	RIGGER, DARREN J	JENNIFER I. BUTLER	\$254,644	0		Not Filed	\$50,928 (est)	\$2,700
1730	C00409359	SAN MATEO COUNTY DEMOCRATIC CENTRAL COMMITTEE		JUDITH A. CHRISTENSEN	\$160,523	0		Not Filed	\$14,465 (est)	\$500
1731	C00395822	SCHWARZ FOR CONGRESS	SCHWARZ, JOHN	ROBERT HANS SCHULER	\$3,296,783	0		Not Filed	\$329,677 (est)	\$8,000
1732	C00393488	STOP HILARY PAC		JOHN LEBOUFELIER	\$108,809	0		Not Filed	\$27,202 (est)	\$900

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AFF	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
1733	C00278788	SUFF CO DETECTIVES ASSN INC POLITICAL ACTION COMMITTEE		RAYMOND L GRIFFIN, JR.	\$154,093	0	4/29/2007	Not Filed	\$4,057	\$250
1734	C00399113	TAN NGUYEN FOR CONGRESS	NGUYEN, JAND	TAN NGUYEN	\$1,095,210	0		Not Filed	\$121,690 (est)	\$4,500
1735	C00415760	TERRY STULCE FOR CONGRESS	STULCE, TERRY F	BLAIR CANNON	\$116,369	0		Not Filed	\$23,274 (est)	\$500

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Reason To Believe Recommendation - 2006)
Year End Report for the Administrative)
Fine Program:)
KING FOR CONGRESS, and BRUCE) AF# 1717
MALOTT as treasurer;)
COMMITTEE TO ELECT SEKHON FOR) AF# 1706
CONGRESS, and DALJIT KAUR)
SEKHON as treasurer;)
KANNO FOR CONGRESS, and Neves,) AF# 1716
Lee as treasurer;)
TAN NGUYEN FOR CONGRESS, and) AF# 1734
Tello, Emilee as treasurer;)
HOMER HARTAGE, and Black, Erica C.) AF# 1712
as treasurer;)
ANDY MICHAUD FOR CONGRESS, and) AF# 1698
ANDY MICHAUD as treasurer;)
MIKE MCGRAW FOR CONGRESS, and) AF# 1720
A ROBERT MUZIO as treasurer;)
DONZELLA JAMES FOR US) AF# 1710
CONGRESS CAMPAIGN 2006, and)
ELMO JAMES as treasurer;)

BEATTY FOR CONGRESS) AF# 1701
COMMITTEE, and JUDITH)
GRANDINETTI as treasurer;)

SCHWARZ FOR CONGRESS, and) AF# 1731
ROBERT HANS SCHULER as treasurer:)

OSTROW FOR CONGRESS, and SUSAN) AF# 1725
H HANNA as treasurer;)

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Federal Election Commission
Certification for Administrative Fines
May 15, 2007

Page 2

BYRNE FOR CONGRESS COMMITTEE;) AF# 1702
THE, and JILL K HUEY as treasurer;)
GREEN FOR CHANGE, and) AF# 1711
CORAMINITA MAHR as treasurer;)
RIGGER FOR CONGRESS, and) AF# 1729
JENNIFER I BUTLER as treasurer;)
JACOBS FOR CONGRESS, and) AF# 1714
WILLARD STEPHEN HAYNES as)
treasurer;)

TERRY STULCE FOR CONGRESS, and) AF# 1735
Cannon, Blair Ms as treasurer;)
COMMITTEE TO ELECT MARVELL) AF# 1705
MITCHELL FOR CONGRESS, and)
RICHARD B CAMPBELL as treasurer;)
COMMITTEE TO ELECT BRAD) AF# 1704
BLANTON, and Burchard, Justin as)
treasurer;)
PAUL R. NELSON FOR CONGRESS) AF# 1726
COMMITTEE, and Anderson, Jeff as)
treasurer;)
CONTRA COSTA UNITED) AF# 1709
DEMOCRATIC CAMPAIGN AKA)
CCUDC, and GREGORY E SANBORN as)
treasurer;)
NEXT POLITICAL ACTION) AF# 1722
COMMITTEE, and Linehan, Patrick as)
treasurer;)
PENNSYLVANIA PAC FOR PROGRESS,) AF# 1727
and JONATHAN ROBERT KING as)
treasurer;)
AMERICAN FINANCIAL SERVICES) AF# 1697
ASSOCIATION PAC, and Himpler, Bill)
Mr. as treasurer;)

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Federal Election Commission
Certification for Administrative Fines
May 15, 2007

COMPRESSED AIR FREE AIR) AF# 1707
FOUNDATION TUNNEL CAISSON)
SUBWAY WORKERS POLITICAL)
ACTION FUND, and RICHARD E)
FITZSIMMONS as treasurer;)
INTERGRAPH CORPORATION) AF# 1713
POLITICAL ACTION COMMITTEE, and)
KERRY M FEHRENBACH as treasurer;)
STOP HILARY PAC, and JOHN) AF# 1732
LEBOUTELLIER as treasurer;)
ARCH LEADERSHIP PAC, and JOHN) AF# 1699
ROSS TRUMAN as treasurer;)
SUFF CO DETECTIVES ASSN INC) AF# 1733
POLITICAL ACTION COMMITTEE, and)
RAYMOND L GRIFFIN JR as treasurer;)
CONSERVATIVE VICTORY) AF# 1708
COMMITTEE, and LEIF E NOREN as)
treasurer;)
MZM INC. PAC, and O'Neil, Jeanne Ms. as) AF# 1721
treasurer;)
OHIO ASSOCIATION OF MORTGAGE) AF# 1724
BROKERS PAC (OAMB PAC), and JIM)
STEINBERG as treasurer;)
PHILLIPS INTERNATIONAL INC) AF# 1728
POLITICAL ACTION COMMITTEE, and)
Estey, William Mr. as treasurer;)
SAN MATEO COUNTY DEMOCRATIC) AF# 1730
CENTRAL COMMITTEE, and JUDITH A)
CHRISTENSEN as treasurer;)

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CERTIFICATION

I, Mary W. Dove, Secretary of the Federal Election Commission, do hereby certify that on May 15, 2007 the Commission took the following actions on the Reason To Believe Recommendation - 2006 Year End Report for the Administrative Fine Program as recommended in the Reports Analysis Division's Memorandum dated May 09, 2007, on the following committees:

AF#1717 Decided by a vote of 4-0 to: (1) find reason to believe that KING FOR CONGRESS, and BRUCE MALOTT 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#1706 Decided by a vote of 4-0 to: (1) find reason to believe that COMMITTEE TO ELECT SEKHON FOR CONGRESS, and DALJIT KAUR SEKHON 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#1716 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.

AF#1734 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#1712 Decided by a vote of 4-0 to: (1) find reason to believe that HOMER HARTAGE, and Black, Erica C. 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

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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#1698 Decided by a vote of 4-0 to: (1) find reason to believe that ANDY MICHAUD FOR CONGRESS, and ANDY MICHAUD 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#1720 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#1710 Decided by a vote of 4-0 to: (1) find reason to believe that DONZELLA JAMES FOR US CONGRESS CAMPAIGN 2006, and ELMO JAMES 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#1701 Decided by a vote of 4-0 to: (1) find reason to believe that BEATTY FOR CONGRESS COMMITTEE, and JUDITH GRANDINETTI 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#1731 Decided by a vote of 4-0 to: (1) find reason to believe that SCHWARZ FOR CONGRESS, and ROBERT HANS SCHULER 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#1725 Decided by a vote of 4-0 to: (1) find reason to believe that OSTROW FOR CONGRESS, and SUSAN H HANNA 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#1702 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#1711 Decided by a vote of 4-0 to: (1) find reason to believe that GREEN FOR CHANGE, and CORAMINITA MAHR 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#1729 Decided by a vote of 4-0 to: (1) find reason to believe that RIGGER FOR CONGRESS, and JENNIFER I BUTLER 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#1714 Decided by a vote of 4-0 to: (1) find reason to believe that JACOBS FOR CONGRESS, and WILLARD STEPHEN HAYNES 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#1735 Decided by a vote of 4-0 to: (1) find reason to believe that TERRY STULCE FOR CONGRESS, and Cannon, Blair 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#1705 Decided by a vote of 4-0 to: (1) find reason to believe that COMMITTEE TO ELECT MARVELL MITCHELL FOR CONGRESS, and RICHARD B CAMPBELL 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#1704 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,

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

AF#1726 Decided by a vote of 4-0 to: (1) find reason to believe that PAUL R. NELSON FOR CONGRESS COMMITTEE, and Anderson, Jeff 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#1709 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.

AF#1722 Decided by a vote of 4-0 to: (1) find reason to believe that NEXT POLITICAL ACTION COMMITTEE, and Linehan, Patrick 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#1727 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#1697 Decided by a vote of 4-0 to: (1) find reason to believe that AMERICAN FINANCIAL SERVICES ASSOCIATION PAC, and Himpler, Bill 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.

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AF#1707 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#1713 Decided by a vote of 4-0 to: (1) find reason to believe that INTERGRAPH CORPORATION POLITICAL ACTION COMMITTEE, and KERRY M FEHRENBACH 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#1732 Decided by a vote of 4-0 to: (1) find reason to believe that STOP HILARY PAC, and JOHN LEBOUTELLIER 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#1699 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#1733 Decided by a vote of 4-0 to: (1) find reason to believe that SUFF CO DETECTIVES ASSN INC POLITICAL ACTION COMMITTEE, and RAYMOND L GRIFFIN 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#1708 Decided by a vote of 4-0 to: (1) find reason to believe that CONSERVATIVE VICTORY COMMITTEE, and LEIF E NOREN 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#1721 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

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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#1724 Decided by a vote of 4-0 to: (1) find reason to believe that OHIO ASSOCIATION OF MORTGAGE BROKERS PAC (OAMB PAC), and JIM STEINBERG 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#1728 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#1730 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:

May 16, 2007
Date

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

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 17, 2007

Kerry M. Fehrenbach
Intergraph Corporation Political Action Committee
170 Graphics Drive
Madison, AL 35758

C00201491
AF#: 1713

Dear Kerry M. Fehrenbach:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file a Year End Report of Receipts and Disbursements every calendar year. This report, covering the period through December 31st, shall be filed no later than January 31st. 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 2/14/2007, 14 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 5/15/2007, the FEC found that there is reason to believe ("RTB") that Intergraph Corporation Political Action Committee and you, as treasurer, violated 2 U.S.C. 434(a) by failing to file timely this report on or before January 31st. 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 \$118. It is due by 6/24/2007 and is based on these factors:

Election Sensitivity of Report: Not Election Sensitive
Level of Activity: \$4,939
Number of Days Late: 14
Number of Previous Civil Money Penalties Assessed: 1

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 6/24/2007. 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

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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 Intergraph Corporation Political Action Committee 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 \$118 for the 2006 Year-End 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 6/24/2007. 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: Intergraph Corporation Political Action Committee

FEC ID#: C00201491

AF#: 1713

PAYMENT DUE DATE: 6/24/2007

PAYMENT AMOUNT DUE: \$118

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ADM: [unclear]

2007 JUN 19 A 9:21



Security, Government, & Infrastructure
170 Graphics Drive
Madison, Alabama 35758

p: 256.730.2000
www.intergraph.com

June 5, 2007

RE: AF#1713 C00201491
Intergraph Corporation Political Action Committee

Dear Sir or Madam:

We received a notice that Intergraph PAC report for period ending December 31st was received late and a penalty was assessed. We would like it submit for the record that we did not willfully submit this report late.

We originally submitted the report timely. This was submitted as an actual paper report, as previous reports. Please see attached Federal Express tracking statement. We were notified in February that we were now required to submit electronically, due to our level of activity. We did not have the appropriate software and worked with your IT department to download and request passwords. As soon as the software and passwords were set up, we immediately submitted the year ending 2006 report again as an electronic file. We will submit all future reports electronically by the appropriate deadlines..

Enclosed you will find a check for the requested penalty of \$118.00. Please contact us if you have any questions or concerns.

Thank you very much for your help in this matter.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Via First Class Mail

June 19, 2007

Kerry M. Fehrenbach, as Treasurer
Intergraph Corporation Political Action Committee
170 Graphics Drive, ISG Mailstop W. 1501
Madison, WI 53758

C00201491
AF# 1713

Dear Treasurer:

On June 19, 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

27092613778

REC'D
ADMIN REVIEW

2007 JUN 26 P 3:13

Date: June 26, 2007

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

AF#: 1713

Committee Name: Intergraph Corporation Political Action Committee

Committee ID#: C00201491

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

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

Attachments:

**Copy of RTB Circulation Report, dated May 9, 2007 and RTB Certification,
dated May 15, 2007: Previously Forwarded**

Attachment #: N/A

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

Attachment #: N/A

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

Attachment #: N/A

RAD Staff Declaration (Y/N): Y

-2006 Year End Report Prior Notice, dated December 27, 2006.

-MS-P Letter, dated February 6, 2007.

-RTB Letter, dated May 17, 2007.

Attachment #: 2

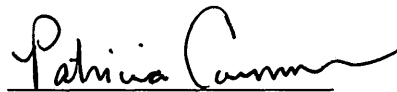
Other RAD Information: (Y/N): N

Attachment#: N/A

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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 Intergraph Corporation Political Action Committee:
 - A) Prior Notice, dated December 27, 2006, referencing the 2006 Year End Report;
 - B) MS-P Letter, dated February 6, 2007, referencing the 2006 Year End Report;
 - C) Reason-to-Believe Letter, dated May 17, 2007, referencing the 2006 Year End Report.
3. I hereby certify that I have searched the Commission's public records and find that Intergraph Corporation Political Action Committee electronically filed the 2006 Year End Report with the Commission on February 14, 2007.
4. Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct and that all relevant telecoms for the matter have been provided. This declaration was executed at Washington, D.C. on the 26th day of June, 2007.



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

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● ●

YEAR-END REPORT NOTICE

FEDERAL ELECTION COMMISSION

PARTIES AND PACS

December 27, 2006

QUARTERLY AND MONTHLY FILERS

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

WHO MUST FILE

All Party Committees and PACs (Nonconnected Committees and Separate Segregated Funds) filing on a quarterly basis must file a Year-End Report on January 31, 2007. 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

Monthly, Quarterly and Year-End 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. Monthly, Quarterly and Year-End 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.

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. Committees may change their filing frequency no more than once per calendar year.

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.

(over)

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2007 FILING SCHEDULE

I. SEMIANNUAL FILERS

REPORT	REPORTING PERIOD¹	REG./CERT. & OVERNIGHT MAILING DATE²	FILING DATE
Mid-Year	01/01/07 - 06/30/07	07/31/07	07/31/07
Year-End	07/01/07 - 12/31/07	01/31/08	01/31/08

II. MONTHLY FILERS

REPORT	REPORTING PERIOD¹	REG./CERT. & OVERNIGHT MAILING DATE	FILING DATE
February	01/01/07 - 01/31/07	02/20/07	02/20/07
March	02/01/07 - 02/28/07	03/20/07	03/20/07
April	03/01/07 - 03/31/07	04/20/07	04/20/07
May	04/01/07 - 04/30/07	05/20/07	05/20/07 ²
June	05/01/07 - 05/31/07	06/20/07	06/20/07
July	06/01/07 - 06/30/07	07/20/07	07/20/07
August	07/01/07 - 07/31/07	08/20/07	08/20/07
September	08/01/07 - 08/31/07	09/20/07	09/20/07
October	09/01/07 - 09/30/07	10/20/07	10/20/07 ²
November	10/01/07 - 10/31/07	11/20/07	11/20/07
December	11/01/07 - 11/30/07	12/20/07	12/20/07
Year-End	12/01/07 - 12/31/07	01/31/08	01/31/08

48- AND 24-HOUR REPORTS OF INDEPENDENT EXPENDITURES

Any PAC or Party Committee that makes independent expenditures in connection with a special 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 1st and the 20th day before the election. The 24-hour reporting requirement will be triggered each time the committee makes independent expenditures in connection with a federal election aggregating \$1,000 or more after the 20th day, but more than 24 hours, before the day of the election. See 11 CFR 104.4. These reports are *not* required when a Party Committee or PAC makes a contribution directly to a candidate.

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).

¹See footnote #1, on reverse side.

²Notice that the filing date falls on a weekend. Filing deadlines are not extended when they fall on nonworking days.

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



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MS-P

February 6, 2007

Kerry M. Fehrenbach, Treasurer
Intergraph Corporation Political Action Committee
170 Graphics Drive
ISG Mailstop W 1501
Madison, AL 35758

Identification Number: C00201491

Reference: Year End Report (11/28/2006 – 12/31/2006)

Dear Treasurer:

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

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

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

Sincerely,

John D. Gibson
Assistant Staff Director
Reports Analysis Division

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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 *JC*
Staff Director *pmc*

From: John Gibson *JG*
Chief Compliance Officer

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

Subject: AF# 1713 - Intergraph Corporation Political Action Committee and
Kerry M. Fehrenbach, as Treasurer (C00201491)

This case's recommendation complies with the Commission's decision in prior cases to terminate its proceedings because the respondents exceeded the \$50,000 mandatory electronic filing threshold but, instead of filing the report electronically, they filed it on paper which would have been timely had they not been required to file it electronically. After they were notified by RAD, they filed it electronically.

The attached Reviewing Officer Recommendation is being circulated on an informational basis. A copy was also sent to the respondents in accordance with 11 C.F.R. § 111.36(f). The respondents may file with the Commission Secretary a written response within 10 days of transmittal of the recommendation.

After the 10 day period, the Reviewing Officer Recommendation and the respondents' written response, if any, will be circulated to the Commission to make a final determination.

Attachment

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 28, 2007

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

AF# 1713 – Intergraph Corporation Political Action Committee and Kerry M. Fehrenbach,
as Treasurer (C00201491)

On May 15, 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 Year End Report and made a preliminary determination that the civil money penalty was \$118 based on the schedule of penalties at 11 C.F.R. § 111.43. They were notified by the Reports Analysis Division ("RAD") on May 17, 2007 of the Commission's RTB finding and civil money penalty.

Respondents' Response

On June 19, 2007, the Commission received the written response ("challenge") from the respondents who note that their failure to file the report timely in an electronic format was not willful¹. After they were notified by the Commission in its February 6, 2007 letter that due to their level of financial activity they are required to file the report electronically, they took steps to comply. They contacted the Commission's Electronic Filing Office ("EFO") for assistance to acquire the necessary software and password to file electronically, and immediately filed the report thereafter. They pledge to submit all future reports timely and in the required electronic format.

Enclosed with the challenge are copies of the RTB letter; FedEx Shipment notification email sent January 30, 2007; and the Detailed Results from FedEx's website with a January 31, 2007 delivery date. They also paid the \$118 RTB civil money penalty.

Analysis

The Year End Report was electronically filed on February 14, 2007, 14 days late. A paper copy of the report was sent via Federal Express overnight delivery service on January 30, 2007.

The Federal Election Campaign Act ("Act") states the treasurer of a political committee shall file a report for the quarter ending December 31 no later than January 31 of the following calendar year. 2 U.S.C. § 434(a)(4)(A)(i) and 11 C.F.R. § 104.5(c)(1)(i). Political committees required to file reports with the Commission must file in an electronic

¹ The challenge was submitted to the lockbox with the payment, and forwarded to the Commission on June 18. The letter is not signed; however, the accompanying check is signed by Steven L. Cost, who is Vice President and Chief Accounting Officer of Intergraph Corporation according to the company's website.

27092613785

contributions or make expenditures in a calendar year aggregating in excess of \$50,000. 2 U.S.C. § 434(a)(11) and 11 C.F.R. § 104.18(a). The treasurer is personally responsible for the timely filing of reports. 11 C.F.R. § 104.14(d).

On January 30, 2007, the respondents submitted a paper copy of the report via an overnight delivery service with an on-line tracking system, one of the "safe harbor" methods set forth in 2 U.S.C. § 434(a)(5). The paper copy would have been acceptable and filed timely had the respondents not exceeded the \$50,000 mandatory electronic filing threshold on the report. The paper filing discloses \$51,260 in net contributions for calendar year 2006, thus triggering the electronic filing requirement.

The respondents were notified by RAD on February 6, 2007 of the electronic filing requirement. On February 14, 2007, they contacted the Analyst in response to RAD's notice. She transferred them to the EFO whose staff explained how to download and update their FECfile software and obtain an electronic filing password. The report was filed that same day. The Reviewing Officer, therefore, recommends that the Commission take no further action and close the file. If the Commission votes to uphold the Reviewing Officer's recommendation, the \$118 will be refunded to the respondents.

OAR Recommendations

- (1) Adopt the Reviewing Officer recommendation for AF# 1713 involving the Intergraph Corporation Political Action Committee and Kerry M. Fehrenbach as Treasurer, in making its final determination;
- (2) Take no further action in AF# 1713 that Intergraph Corporation Political Action Committee and Kerry M. Fehrenbach, as Treasurer, violated 2 U.S.C. § 434(a) and close the file; and
- (3) Send the appropriate letter.

Attachments

Attachment 1 - Challenge Received from Respondents

Attachment 2 -

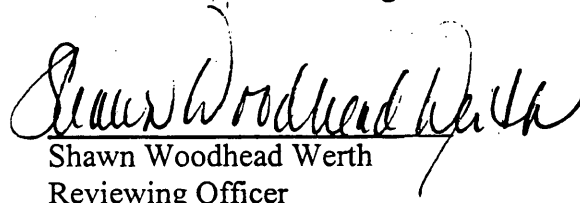
Attachment 3 - Declaration from RAD

Attachment 4 - Declaration from OAR

27092613786

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 Year End Report is due January 31, 2007. If the report is deposited with an overnight delivery service with an on-line tracking system and scheduled for next business day delivery, it is considered filed upon deposit with the service.
- 3) I hereby certify that I have searched the Commission's public records and that the documents identified herein are the true and accurate copies of:
 - a) Page 1 of the Summary Page, Page 3 of the Detailed Summary Page, and the Envelope Replacement Page for the paper copy of the report sent via overnight delivery by the Intergraph Corporation Political Action Committee and Kerry M. Fehrenbach, as Treasurer. According to the Commission's records, the paper copy covers the period from November 28 through December 31, 2006, was deposited on January 30, 2007, and was received on January 31, 2007. On Line 11(d), it lists \$51,260.77 for the calendar year-to-date in total contributions received; and
 - b) Page 1 of the Summary Page for the 2006 Year End Report electronically filed by the Intergraph Corporation Political Action Committee and Kerry M. Fehrenbach, as Treasurer. According to the Commission records, the report covers the period from November 28, through December 31, 2006, and was received on February 14, 2007.
- 4) Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at Washington on the 28th of September, 2007.



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

27092613787

**FEC
FORM 3X**

**REPORT OF RECEIPTS
AND DISBURSEMENTS**
For Other Than An Authorized Committee

RECEIVED
FEC MAIL ROOM
2007 JAN 31 A 9 59

Office Use Only

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

INTERGRAPH CORPORATION POLITICAL ACTION COMMITTEE

ADDRESS (number and street) 170 Graphics Drive

Mallstop IW1501

Check if different than previously reported. (ACC)

Madison AL 36758

2. FEC IDENTIFICATION NUMBER CITY STATE ZIP CODE

C00201491

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:
- | | | | |
|--------------------------------------|--------------------------------------|---------------------------------------|--|
| <input type="checkbox"/> Feb 20 (M2) | <input type="checkbox"/> May 20 (M5) | <input type="checkbox"/> Aug 20 (M8) | <input type="checkbox"/> Nov 20 (M11) (Non-Election Year Only) |
| <input type="checkbox"/> Mar 20 (M3) | <input type="checkbox"/> Jun 20 (M6) | <input type="checkbox"/> Sep 20 (M9) | <input type="checkbox"/> Dec 20 (M12) (Non-Election Year Only) |
| <input type="checkbox"/> Apr 20 (M4) | <input type="checkbox"/> Jul 20 (M7) | <input type="checkbox"/> Oct 20 (M10) | <input type="checkbox"/> Jan 31 (YE) |


- (c) 12-Day PRE-Election Report for the:
- | | | |
|---|--|---------------------------------------|
| <input type="checkbox"/> Primary (12P) | <input type="checkbox"/> General (12G) | <input type="checkbox"/> Runoff (12R) |
| <input type="checkbox"/> Convention (12C) | <input type="checkbox"/> Special (12G) | |
- Election on _____ in the State of _____

- (d) 30-Day Post-Election Report for the:
- | | | |
|--|---------------------------------------|--|
| <input type="checkbox"/> General (30G) | <input type="checkbox"/> Runoff (30R) | <input type="checkbox"/> Special (30S) |
|--|---------------------------------------|--|
- Election on _____ in the State of _____

5. Covering Period 11 28 2006 through 12 31 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 Kerry Fehrenbach

Signature of Treasurer 

Date 1 29 2007

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C 437g.

2703936437892613788

**DETAILED SUMMARY PAGE
OF RECEIPTS**

FEC Form 3X (Rev. 02/2003)

Page 3

Write or Type Committee Name

INTERGRAPH CORPORATION POLITICAL ACTION COMMITTEE

Report Covering the Period:

From:

MM DD YYYY
11 28 2006

To:

MM DD YYYY
12 31 2006

I. Receipts	COLUMN A Total This Period	COLUMN B Calendar Year-to-Date
11. Contributions (other than loans) From:		
(a) Individuals/Persons Other Than Political Committees		
(i) Itemized (use Schedule A)	2928.00	35137.00
(ii) Unitemized	40.00	8340.00
(ii) TOTAL (add Lines 11(a)(i) and (ii))	2968.00	43477.00
(b) Political Party Committees	0.00	0.00
(c) Other Political Committees (such as PACs)	1932.00	7783.77
(d) Total Contributions (add Lines 11(a)(ii),(b) and (c)) (Carry Totals to Line 33, page 5)	4900.00	51260.77
12. Transfers From Affiliated/Other Party Committees	0.00	0.00
13. All Loans Received	0.00	0.00
14. Loan Repayments Received	0.00	0.00
15. Offsets To Operating Expenditures (Refunds, Rebates, etc.) (Carry Totals to Line 37, page 5)	0.00	0.00
16. Refunds of Contributions Made to Federal candidates and Other Political Committees	0.00	0.00
17. Other Federal Receipts (Dividends, Interest, etc.)	0.00	455.69
18. Transfers from Non-Federal and Levin Funds		
(a) Non-Federal Account (from Schedule H3)	0.00	0.00
(b) Levin Funds (from Schedule H5)	0.00	0.00
(c) Total Transfer (add 18(a) and 18(b))	0.00	0.00
19. Total Receipts (add Lines 11(d), 12, 13, 14, 15, 16, 17, and 18(c))	4900.00	51716.46
20. Total Federal Receipts (subtract Line 18(c) from Line 19)	4900.00	51716.46

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

Hand Delivered Date of Receipt

USPS First Class Mail Postmarked

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1/30/07
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EL
 PREPARER
 (3/2005)

1/31/07
 DATE PREPARED

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**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 PRINTY** Example: If typing, type over the lines

INTERGRAPH CORPORATION POLITICAL ACTION COMMITTEE

ADDRESS (number and street) 170 Graphics Drive
Mallstop IW1501
Check if different than previously reported. (ACC) Madison AL 35758

2. FEC IDENTIFICATION NUMBER C00201491 CITY STATE ZIP CODE
3. IS THIS REPORT NEW OR AMENDED
REPORT (N) (A)

4. TYPE OF REPORT (Choose One)	(b) Monthly Report Due On:				
	Feb 20 (M2)	May 20 (M5)	Aug 20 (M8)	Nov 20 (M11) (Non-Election Year Only)	Dec 20 (M12) (Non-Election Year Only)
(a) Quarterly Reports:	Mar 20 (M3)	Jun 20 (M6)	Sep 20 (M9)	Jan 31 (YE)	
April 15 Quarterly Report (Q1)	Apr 20 (M4)	Jul 20 (M7)	Oct 20 (M10)		
July 15 Quarterly Report (Q2)	(c) 12-Day PRE-Election Report for the:	Primary (12P)	General (12G)	Runoff (12R)	
October 15 Quarterly Report (Q3)		Convention (12C)	Special (12S)		
X January 31 Quarterly Report (YE)	Election on			in the State of	
July 31 Mid-Year Report (Non-election Year Only) (MY)	(d) 30-Day Post-Election Report for the:	General (30G)	Runoff (30R)	Special (30S)	
Termination Report (TER)	Election on			in the State of	

5. Covering Period 11 28 2006 through 12 31 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 Kerry Fehrenbach
Signature of Treasurer Electronically Filed by Kerry Fehrenbach Date 02 14 2007

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C 437g.

27092613791



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

VIA OVERNIGHT DELIVERY

October 1, 2007

Kerry M. Fehrenbach, as Treasurer
Intergraph Corporation Political Action Committee
170 Graphics Drive
Madison, Alabama 35758

C00201491
AF# 1713

Dear Ms. Fehrenbach:

On May 15, 2007, the Federal Election Commission ("Commission") found reason to believe ("RTB") that the Intergraph Corporation Political Action Committee and you, as Treasurer ("respondents"), violated 2 U.S.C. § 434(a) for failing to timely file the 2006 Year End Report. The Commission also made a preliminary determination that the civil money penalty was \$118 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

Attachment

27092613792



RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2007 OCT -9 A 8: 06

Intergraph Corporation
PO Box 240000
Huntsville, AL 35824

p: 1.256.730.2000
www.intergraph.com

October 8, 2007

Mary M. Dove
Commission Secretary
Federal Election Commission
FAX: 202-208-3333

C00201491
AF# 1713

Dear Ms. Dove:

I have received the packet from the Office of Administrative Review (OAR) dated October 1, 2007. In response, I would like to notify your office that Intergraph Corporation and I, as treasurer of the Intergraph Political Action Committee, concur with the OAR's recommendation.

Sincerely,

Kerry M. Fehrenbach, Treasurer
Intergraph Political Action Committee
Intergraph Corporation

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

October 12, 2007

2007 OCT 12 P 12:53
SENSITIVE

MEMORANDUM

To: The Commission

Through: Patrina M. Clark *mc*
Staff Director

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

Shawn Woodhead *SW*
Reviewing Officer
Office of Administrative Review

Subject: Final Determination Recommendation in AF# 1713 – Intergraph Corporation Political Action Committee and Kerry M. Fehrenbach, as Treasurer (C00201491)

On May 15, 2007, the Commission found reason to believe that the respondents violated 2 U.S.C. § 434(a) for failing to timely file the 2006 Year End Report and also made a preliminary determination that the civil money penalty was \$118 based on the schedule of penalties at 11 C.F.R. § 111.43.

On June 19, 2007, the Commission received the respondents' written response ("challenge") and payment for the \$118 RTB civil money penalty. The challenge presented evidence that the respondents sent a paper copy of the report by one of the "safe harbor methods" provided for at 2 U.S.C. § 434(a)(5). It would have been an acceptable and timely filing had they not exceeded the \$50,000 mandatory electronic filing threshold on this same report. They electronically filed the report on February 14 after receipt of the February 6th failure to electronically file notice. The Reviewing Officer, therefore, recommended that the Commission take no further action, close the file, and refund the \$118 to them if the Commission votes to uphold the Reviewing Officer's recommendation.

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. Within 10 days of transmittal of the recommendation, the respondents may file a written response with the Commission Secretary which may not raise any arguments not raised in the respondents' challenge or not directly responsive to the Reviewing Officer's recommendation. 11 C.F.R. § 111.36(f).

The Commission received their written response via facsimile on October 9 and a copy is attached for your review. In her response, the Treasurer states that she concurs with the Reviewing Officer's recommendation.

2709261379A

OAR Recommendations

- (1) Adopt the Reviewing Officer's recommendation for AF# 1713 involving the Intergraph Corporation Political Action Committee and Kerry M. Fehrenbach, as Treasurer, in making its final determination;
- (2) Take no further action in AF# 1713 that Intergraph Corporation Political Action Committee and Kerry M. Fenrenbach, as Treasurer, violated 2 U.S.C. § 434(a) and close the file; and
- (3) Send the appropriate letter.

Attachment

27092613795



FEDERAL ELECTION COMMISSION
Washington, DC 20463

SENSITIVE

DATE & TIME OF TRANSMITTAL: Friday, October 12, 2007 4:00

BALLOT DEADLINE: Wednesday, October 17, 2007 4:00

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

SUBJECT: **Final Determination Recommendation in
AF 1713 – Intergraph Corporation Political Action
Committee and Kerry M. Fehrenbach, as
treasurer (C00201491). Memorandum from the
Chief Compliance Officer and the Reviewing
Officer dated October 12, 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

27092613796

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Final Determination Recommendation:) AF 1713
Intergraph Corporation Political Action)
Committee and Kerry M. Fehrenbach, as)
treasurer (C00201491))

CERTIFICATION

I, Mary W. Dove, Secretary of the Federal Election Commission, do hereby certify that on October 17, 2007, the Commission decided by a vote of 5-0 to take the following actions in AF 1713:

1. Adopt the Reviewing Officer recommendation for AF 1713 involving Intergraph Corporation Political Action Committee and Kerry M. Fehrenbach, as Treasurer, in making its final determination.
2. Take no further action in AF 1713 that Intergraph Corporation Political Action Committee and Kerry M. Fehrenbach, as Treasurer, violated 2 U.S.C. § 434(a) and close the file.
3. Send the appropriate letter.

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

Attest:

October 18, 2007
Date

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

27092613797



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 22, 2007

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Kerry Fehrenbach, as Treasurer
Intergraph Corporation Political Action Committee
170 Graphics Drive
Madison, Alabama 35758

ID# C00201491
AF# 1713

Dear Ms. Fehrenbach:

On May 15, 2007, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that the Intergraph Corporation Political Action Committee and you, as Treasurer ("the respondents"), violated 2 U.S.C. § 434(a) for failing to timely file the 2006 Year End Report. By letter dated May 17, 2007, the Commission sent you notification of the RTB finding that included a civil money penalty calculated at RTB of \$118 in accordance with the schedule of penalties at 11 C.F.R. § 111.43. On June 19, 2007, the Office of Administrative Review received the written response ("challenge") challenging the RTB finding and the payment for the \$118 RTB civil money penalty.

The Reviewing Officer reviewed the Commission's RTB finding with its supporting documentation and your written response. Based on this review, the Reviewing Officer recommended that the Commission take no further action because the challenge presented evidence that you sent a paper copy of the report by one of the "safe harbor" methods provided for at 2 U.S.C. § 434(a)(5). It would have been an acceptable and timely filing had the Committee not exceeded the \$50,000 mandatory electronic filing threshold on this same report. On February 14, you electronically filed the report after receipt of the February 6th failure to electronically file notice. 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 17, 2007, the Commission adopted the Reviewing Officer's recommendation to take no further action against the respondents with respect to 2 U.S.C. § 434(a). The Commission will issue you a refund of the \$118 payment. 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

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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 this matter, 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

Attachment

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FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 1713

DATE SCANNED 11-29-07

SCANNER NO. 2

SCAN OPERATOR Jm H

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