



FEDERAL ELECTION COMMISSION  
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 1743

DATE SCANNED 2-12-08

SCANNER NO. 2

SCAN OPERATOR JMB

28092614003



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RECEIVED  
COMMISSION  
SECRETARIAT

JUL -6 P 4:57

July 6, 2007  
**SENSITIVE**

MEMORANDUM

TO: THE COMMISSION

THROUGH: PATRINA M. CLARK *PC*  
STAFF DIRECTOR *pmc*

FROM: JOHN D. GIBSON *JG*  
ACTING CHIEF COMPLIANCE OFFICER

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

BY: PATRICIA CARMONA *PC* / RHIANNON RYAN *RR*  
COMPLIANCE BRANCH

SUBJECT: REASON TO BELIEVE RECOMMENDATION – 2007 APRIL  
QUARTERLY REPORT FOR THE ADMINISTRATIVE FINE  
PROGRAM

Attached is a list of political committees and their treasurers who failed to file the 2007 April Quarterly Report in accordance with 2 U.S.C. 434(a). The April Quarterly Report was due on April 15, 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.

**Recommendation**

1. 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.
2. Send the appropriate letters.

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Federal Election Commission  
Reason to Believe Circulation Report  
2007 APRIL QUARTERLY Not Election Sensitive 04/15/2007 H\_S\_P

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
1740	C00411652	BOB MCEWEN FOR CONGRESS COMMITTEE	MCEWEN, BOB	LIZ MCEWEN ✓	\$208,428	0		Not Filed	\$208,428 (est)	\$6,500
1741	C00411603	CHARLIE STUART FOR CONGRESS	STUART, CHARLES SAMUEL	JEFFREY S. BERGER	\$203,843	0		Not Filed	\$203,843 (est)	\$6,500
1742	C00416438	COMMITTEE TO ELECT OZ BENGUR	BENGUR, O. R. OZ	JOANNE M. RUBIN	\$171,072	0		Not Filed	\$171,072 (est)	\$5
1743	C00427328	DERRICK SHEPHERD CAMPAIGN COMMITTEE	SHEPHERD, DERRICK	BYRON LEE	\$243,579	0		Not Filed	\$243,579 (est)	\$6,500
1744	C00424978	DONZELLA JAMES FOR US CONGRESS CAMPAIGN 2006	JAMES, DONZELLA	ELMO JAMES	\$117,024	1		Not Filed	\$117,024 (est)	\$5,625
1745	C00428193	FRANK ENRIQUEZ FOR CONGRESS	ENRIQUEZ, FRANK	PRESTON E. HENRICHSON	\$203,635	0		Not Filed	\$203,635 (est)	\$6,500
1746	C00423210	FRIENDS TO ELECT VANCE W CHEEK JR	CHEEK, VANCE W. JR	FRANK LITTLE	\$210,081	1		Not Filed	\$210,081 (est)	\$8,125
1747	C00399055	GRAF FOR CONGRESS	GRAF, RANDALL RANDY	THOMAS E. LINN	\$246,372	0		Not Filed	\$246,372 (est)	\$6,500
1748	C00414102	JOE SULZER FOR CONGRESS COMMITTEE	SULZER, JOSEPH P.	ROBERT HITCHENS	\$143,057	0		Not Filed	\$143,057 (est)	\$4,500
1749	C00424655	MEJIAS FOR CONGRESS	MEJIAS, DAVID L.	MICHAEL G. NORMAN	\$304,091	0		Not Filed	\$304,091 (est)	\$8,000
1750	C00393090	PEOPLE FOR CARL ANDREWS COMMITTEE	ANDREWS, EMANUEL C.	STEPHEN R. BOKSER	\$128,627	0		Not Filed	\$128,627 (est)	\$4,500
1751	C00395822	SCHWARZ FOR CONGRESS	SCHWARZ, JOHN	ROBERT HANS SCHULER	\$329,678	0		Not Filed	\$329,678 (est)	\$8,000
1752	C00419820	SKINNER FOR CONGRESS 06	SKINNER, NANCY ANN	CHUCK SKINNER	\$118,016	0		Not Filed	\$118,016 (est)	\$4,500

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AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
1754	C00422360	TJ COX CONGRESSIONAL CAMPAIGN COMMITTEE	COX, TJ	SUSAN W. SEIDEN	\$253,181	0		Not Filed	\$253,181 (est)	\$8,000
1755	C00415094	VAS FOR CONGRESS	VAS, JOSEPH	MELVIN RAMOS	\$260,408	0		Not Filed	\$260,408 (est)	\$8,000

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
)  
Reason To Believe Recommendation 2007 )  
April Quarterly Report for the )  
Administrative Fine Program: )  
MCEWEN, BOB, and MCEWEN, LIZ as ) AF# 1740  
treasurer; )  
STUART, CHARLES SAMUEL, and ) AF# 1741  
JEFFREY S. BERGER as treasurer; )  
BENGUR, O R OZ, and JOANNE M ) AF# 1742  
RUBIN as treasurer; )  
SHEPHERD, DERRICK, and BYRON LEE ) AF# 1743  
as treasurer; )  
JAMES, DONZELLA, and ELMO JAMES ) AF# 1744  
as treasurer; )  
ENRIQUEZ, FRANK, and PRESTON E ) AF# 1745  
HENRICHSON as treasurer; )  
CHEEK, VANCE W JR, and FRANK ) AF# 1746  
LITTLE as treasurer; )  
GRAF, RANDALL RANDY, and ) AF# 1747  
THOMAS E LINN as treasurer; )  
SULZER, JOSEPH P, and ROBERT ) AF# 1748  
HITCHENS as treasurer; )  
MEJIAS, DAVID L, and MICHAEL G ) AF# 1749  
NORMAN as treasurer; )  
ANDREWS, EMANUEL C, and STEPHEN ) AF# 1750  
R BOKSER as treasurer; )  
SCHWARZ, JOHN, and ROBERT HANS ) AF# 1751  
SCHULER as treasurer; )  
  
COX, T J, and SUSAN W SEIDEN as ) AF# 1754  
treasurer; )  
VAS, JOSEPH, and RAMOS, MELVIN as ) AF# 1755  
treasurer; )

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CERTIFICATION

I, Mary W. Dove, Secretary of the Federal Election Commission, do hereby certify that on July 12, 2007 the Commission took the following actions on the Reason To Believe Recommendation 2007 April Quarterly Report for the Administrative Fine Program, as recommended in the Reports Analysis Division's Memorandum dated July 06, 2007, on the following committees:

AF#1740 Decided by a vote of 5-0 to: (1) find reason to believe that MCEWEN, BOB, and MCEWEN, LIZ 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, Walther, and Weintraub voted affirmatively for the decision.

AF#1741 Decided by a vote of 5-0 to: (1) find reason to believe that STUART, CHARLES SAMUEL, and JEFFREY S. BERGER 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, Walther, and Weintraub voted affirmatively for the decision.

AF#1742 Decided by a vote of 5-0 to: (1) find reason to believe that BENGUR, O R OZ, and JOANNE M RUBIN 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, Walther, and Weintraub voted affirmatively for the decision.

AF#1743 Decided by a vote of 5-0 to: (1) find reason to believe that SHEPHERD, DERRICK, and BYRON 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, Walther, and Weintraub voted affirmatively for the decision.

AF#1744 Decided by a vote of 5-0 to: (1) find reason to believe that JAMES, DONZELLA, 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, Walther, and Weintraub voted affirmatively for the decision.

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AF#1745 Decided by a vote of 5-0 to: (1) find reason to believe that ENRIQUEZ, FRANK, and PRESTON E HENRICHSON 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, Walther, and Weintraub voted affirmatively for the decision.

AF#1746 Decided by a vote of 5-0 to: (1) find reason to believe that CHEEK, VANCE W JR, and FRANK LITTLE 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, Walther, and Weintraub voted affirmatively for the decision.

AF#1747 Decided by a vote of 5-0 to: (1) find reason to believe that GRAF, RANDALL RANDY, and THOMAS E LINN 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, Walther, and Weintraub voted affirmatively for the decision.

AF#1748 Decided by a vote of 5-0 to: (1) find reason to believe that SULZER, JOSEPH P, and ROBERT HITCHENS 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, Walther, and Weintraub voted affirmatively for the decision.

AF#1749 Decided by a vote of 5-0 to: (1) find reason to believe that MEJIAS, DAVID L, and MICHAEL G NORMAN 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, Walther, and Weintraub voted affirmatively for the decision.

AF#1750 Decided by a vote of 5-0 to: (1) find reason to believe that ANDREWS, EMANUEL C, and STEPHEN R BOKSER 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, Walther, and Weintraub voted affirmatively for the decision.

AF#1751 Decided by a vote of 5-0 to: (1) find reason to believe that SCHWARZ, JOHN, 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, Walther, and Weintraub voted affirmatively for the decision.

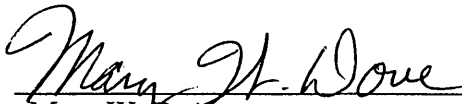
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AF#1754 Decided by a vote of 5-0 to: (1) find reason to believe that COX, T J, and SUSAN W SEIDEN as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Lenhard, Mason, von Spakovsky, Walther, and Weintraub voted affirmatively for the decision.

AF#1755 Decided by a vote of 5-0 to: (1) find reason to believe that VAS, JOSEPH, and RAMOS, MELVIN 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, Walther, and Weintraub voted affirmatively for the decision.

Attest:

July 13, 2007  
Date

  
Mary W. Dove  
Secretary of the Commission

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

July 16, 2007

Byron Lee  
Derrick Shepherd Campaign Committee  
2009 Ames Boulevard  
Marrero, LA 70072

C00427328  
AF#: 1743

Dear Byron Lee:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file an April Quarterly Report of Receipts and Disbursements every calendar year. This report, covering the period through March 31st, shall be filed no later than April 15th. 2 U.S.C. 434(a). Records at the Federal Election Commission ("FEC") indicate that this report was not filed within thirty (30) days of the due date. You should file this report if you have not already done so.

The Act was further amended in 1999 to permit the FEC to impose civil money penalties for violations of the reporting requirements of 2 U.S.C. 434(a). 2 U.S.C. 437g(a)(4). On 7/12/2007, the FEC found that there is reason to believe ("RTB") that Derrick Shepherd Campaign Committee and you, as treasurer, violated 2 U.S.C. 434(a) by failing to file timely this report on or before April 15th. 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 \$6,500. It is due by 8/21/2007 and is based on these factors:

Election Sensitivity of Report: Not Election Sensitive  
Level of Activity: \$243,579  
Number of Days Late: Not Filed  
Number of Previous Civil Money Penalties Assessed: 0

**To Pay the Calculated Civil Money Penalty**

To pay the calculated civil money penalty, send the enclosed remittance and your payment to the FEC at the address on page 3. Upon receipt of your payment, the FEC will send you a final determination letter.

**To Challenge the RTB Finding and/or Calculated Civil Money Penalty**

To challenge the RTB finding and/or calculated civil money penalty, you must submit a written response, including the AF# found on page one, to the FEC's Office of Administrative Review, 999 E Street, NW, Washington, DC 20463. Your response must be received by 8/21/2007. 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 Derrick Shepherd Campaign 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](http://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 \$6,500 for the 2007 April Quarterly 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 8/21/2007. 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**

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FOR: Derrick Shepherd Campaign Committee

FEC ID#: C00427328

AF#: 1743

PAYMENT DUE DATE: 8/21/2007

PAYMENT AMOUNT DUE: \$6,500

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
SECRETARIAT

2007 SEP -4 P 3: 29  
August 31, 2007

MEMORANDUM

**SENSITIVE**

TO: THE COMMISSION

THROUGH: PATRINA M. CLARK *J. Stone*  
STAFF DIRECTOR

FROM: JOHN D. GIBSON *JTG for [Signature]*  
CHIEF COMPLIANCE OFFICER

PATRICIA CARMONA *PC*  
ACTING ASSISTANT STAFF DIRECTOR  
REPORTS ANALYSIS DIVISION

BY: *RR* RHIANNON RYAN / CHRISTOPHER RITCHIE *CR*  
COMPLIANCE BRANCH

SUBJECT: ADMINISTRATIVE FINE PROGRAM - FINAL  
DETERMINATION RECOMMENDATION FOR THE 2007  
APRIL QUARTERLY REPORT

Attached is a list of political committees and their treasurers against which the Commission has found reason to believe (RTB) and assessed proposed civil money penalties calculated at RTB for failure to file or failure to timely file the 2007 April Quarterly Report. All of the committees on the list have not paid the civil money penalty and have been given at least forty (40) days from the date of the Commission's RTB finding to remit payment.

For your information, all thirteen (13) committees filed the 2007 April Quarterly Report after the RTB finding and twelve (12) disclosed a level of activity which would result in a lowered civil money penalty.<sup>1</sup> An overview of each of the twelve (12) adjusted fines has been provided for your review.

Charlie Stuart for Congress (AF 1741) filed the 2007 April Quarterly Report after the RTB finding and disclosed a level of activity which would result in a lowered civil money penalty. The committee disclosed total receipts and disbursements of \$11,500 (previously estimated to be \$203,843), thus the fine would be lowered from \$6,500 to \$500.

<sup>1</sup> Committee to Elect Oz Bengur (AF 1742) submitted the report to RAD via facsimile. This document will be processed as a Miscellaneous Document.

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Committee to Elect Oz Bengur (AF 1742) faxed the 2007 April Quarterly Report to RAD after the RTB finding and disclosed a level of activity which would result in a lowered civil money penalty. The committee disclosed total receipts and disbursements of \$3,115 (previously estimated to be \$171,072), thus the fine would be lowered from \$5,500 to \$250.

Donzella James for US Congress Campaign 2006 (AF 1744) filed the 2007 April Quarterly Report after the RTB finding and disclosed a level of activity which would result in a lowered civil money penalty. The committee disclosed total receipts and disbursements of \$0 (previously estimated to be \$117,024), thus the fine would be lowered from \$5,625 to \$0.

Frank Enriquez for Congress (AF 1745) filed the 2007 April Quarterly Report after the RTB finding and disclosed a level of activity which would result in a lowered civil money penalty. The committee disclosed total receipts and disbursements of \$1,181 (previously estimated to be \$203,635), thus the fine would be lowered from \$6,500 to \$250.

Friends to Elect Vance W. Cheek Jr. (AF 1746) filed the 2007 April Quarterly Report after the RTB finding and disclosed a level of activity which would result in a lowered civil money penalty. The committee disclosed total receipts and disbursements of \$0 (previously estimated to be \$210,081), thus the fine would be lowered from \$8,125 to \$0.

Graf for Congress (AF 1747) filed the 2007 April Quarterly Report after the RTB finding and disclosed a level of activity which would result in a lowered civil money penalty. The committee disclosed total receipts and disbursements of \$54,272 (previously estimated to be \$246,372), thus the fine would be lowered from \$6,500 to \$2,700.

Mejias for Congress (AF 1749) filed the 2007 April Quarterly Report after the RTB finding and disclosed a level of activity which would result in a lowered civil money penalty. The committee disclosed total receipts and disbursements of \$5,581 (previously estimated to be \$304,091), thus the fine would be lowered from \$8,000 to \$300.

People for Carl Andrews Committee (AF 1750) filed the 2007 April Quarterly Report after the RTB finding and disclosed a level of activity which would result in a lowered civil money penalty. The committee disclosed total receipts and disbursements of \$9,504 (previously estimated to be \$128,627), thus the fine would be lowered from \$4,500 to \$300.

Schwarz for Congress (AF 1751) filed the 2007 April Quarterly Report after the RTB finding and disclosed a level of activity which would result in a lowered civil money penalty. The committee disclosed total receipts and disbursements of \$93,420 (previously estimated to be \$329,678), thus the fine would be lowered from \$8,000 to \$3,500.

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Skinner for Congress 06 (AF 1752) filed the 2007 April Quarterly Report after the RTB finding and disclosed a level of activity which would result in a lowered civil money penalty. The committee disclosed total receipts and disbursements of \$14,953 (previously estimated to be \$118,016), thus the fine would be lowered from \$4,500 to \$500.

TJ Cox Congressional Campaign Committee (AF 1754) filed the 2007 April Quarterly Report after the RTB finding and disclosed a level of activity which would result in a lowered civil money penalty. The committee disclosed total receipts and disbursements of \$30,122 (previously estimated to be \$253,181), thus the fine would be lowered from \$8,000 to \$900.

Vas for Congress (AF 1755) filed the 2007 April Quarterly Report after the RTB finding and disclosed a level of activity which would result in a lowered civil money penalty. The committee disclosed total receipts and disbursements of \$4,100 (previously estimated to be \$260,408), thus the fine would be lowered from \$8,000 to \$250.

In accordance with 11 CFR 111.40, the Commission shall send a final determination notice to those respondents that have not paid the civil money penalty.

#### **RAD Recommendation**

- (1) Make final determination that the political committees and their treasurers on the attached reports violated 2 U.S.C. 434(a) and assess the final civil money penalties so indicated.
- (2) Send the appropriate letters.

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Federal Election Commission  
 FD Circulation Report - Fine Not Paid  
 2007 APRIL QUARTERLY Not Election Sensitive 04/15/2007 H\_S\_P

AF#	Committee Name	Candidate Name	Committee ID	Treasurer	Receipt Date	Days Late	LOA	PV	RTB Date	RTB Penalty	Days Since RTB	FD Penalty
1741	CHARLIE STUART FOR CONGRESS	STUART, CHARLES SAMUEL	C00411603	JEFFREY S. BERGER	08/21/2007	Not Filed	\$11,500	0	07/12/2007	\$6,500	50	\$500
1742	COMMITTEE TO ELECT OZ BENGUR	BENGUR, O. R. OZ	C00416438	JOANNE M. RUBIN		Not Filed	\$3,115	0	07/12/2007	\$5,500	50	\$250
1743	DERRICK SHEPHERD CAMPAIGN COMMITTEE	SHEPHERD, DERRICK	C00427328	BYRON LEE	08/29/2007	Not Filed	\$348,508	0	07/12/2007	\$6,500	50	\$6,500
1744	DONZELLA JAMES FOR US CONGRESS; CAMPAIGN 2006	JAMES, DONZELLA	C00424978	EIMO JAMES	08/29/2007	Not Filed	\$0	1	07/12/2007	\$5,625	50	\$0
1745	FRANK ENRIQUEZ FOR CONGRESS	ENRIQUEZ, FRANK	C00428193	PRESTON E. HENRICHSON	08/28/2007	Not Filed	\$1,181	0	07/12/2007	\$6,500	50	\$250
1746	FRIENDS TO ELECT VANCE W. CHEEK JR	CHEEK, VANCE W. JR	C00423210	FRANK LITTLE	08/28/2007	Not Filed	\$0	1	07/12/2007	\$8,125	50	\$0
1747	GRAF FOR CONGRESS	GRAF, RANDALL RANDY	C00399055	THOMAS E. LINN	08/27/2007	Not Filed	\$54,272	0	07/12/2007	\$6,500	50	\$2,700
1749	MEJIAS FOR CONGRESS	MEJIAS, DAVID L	C00424655	MICHAEL G. NORMAN	08/28/2007	Not Filed	\$5,561	0	07/12/2007	\$8,000	50	\$300
1750	PEOPLE FOR CARL ANDREWS COMMITTEE	ANDREWS, EMANUEL C.	C00393090	STEPHEN R. BOKSER	08/29/2007	Not Filed	\$9,504	0	07/12/2007	\$4,500	50	\$300
1751	SCHWARZ FOR CONGRESS	SCHWARZ, JOHN	C00395822	ROBERT HANS SCHUEER	08/29/2007	Not Filed	\$93,420	0	07/12/2007	\$8,000	50	\$3,500
1752	SKINNER FOR CONGRESS 06	SKINNER, NANCY ANN	C00419820	CHUCK SKINNER	08/01/2007	Not Filed	\$14,953	0	07/12/2007	\$4,500	50	\$500
1754	TJ COX CONGRESSIONAL CAMPAIGN COMMITTEE	COX, TJ	C00422360	TJ COX	08/22/2007	Not Filed	\$30,122	0	07/12/2007	\$8,000	50	\$900
1755	VAS FOR CONGRESS	VAS, JOSEPH	C00415034	RAMOS, MELVIN	08/15/2007	Not Filed	\$4,100	0	07/12/2007	\$8,000	50	\$250

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
)  
Administrative Fine Program - Final )  
Determination Recommendation for the )  
2007 April Quarterly Report: )  
CHARLIE STUART FOR CONGRESS, ) AF# 1741  
and JEFFREY S. BERGER as treasurer; )  
COMMITTEE TO ELECT OZ BENGUR, ) AF# 1742  
and JOANNE M RUBIN as treasurer; )  
DERRICK SHEPHERD CAMPAIGN ) AF# 1743  
COMMITTEE, and BYRON LEE as )  
treasurer; )  
DONZELLA JAMES FOR US ) AF# 1744  
CONGRESS CAMPAIGN 2006, and )  
ELMO JAMES as treasurer; )  
FRANK ENRIQUEZ FOR CONGRESS, ) AF# 1745  
and PRESTON E HENRICHSON as )  
treasurer; )  
FRIENDS TO ELECT VANCE W CHEEK ) AF# 1746  
JR, and FRANK LITTLE as treasurer; )  
MEJIAS FOR CONGRESS, and ) AF# 1749  
MICHAEL G NORMAN as treasurer; )  
PEOPLE FOR CARL ANDREWS ) AF# 1750  
COMMITTEE, and STEPHEN R BOKSER )  
as treasurer; )  
SCHWARZ FOR CONGRESS, and ) AF# 1751  
ROBERT HANS SCHULER as treasurer; )  
SKINNER FOR CONGRESS 06, and ) AF# 1752  
CHUCK SKINNER as treasurer; )  
TJ COX CONGRESSIONAL CAMPAIGN ) AF# 1754  
COMMITTEE, and TJ COX as treasurer; )  
VAS FOR CONGRESS, and RAMOS, ) AF# 1755  
MELVIN as treasurer; )

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CERTIFICATION

I, Mary W. Dove, Secretary of the Federal Election Commission, do hereby certify that on September 07, 2007 the Commission took the following actions on the Administrative Fine Program - Final Determination Recommendation for the 2007 April Quarterly Report, as recommended in the Reports Analysis Division's Memorandum dated August 31, 2007, on the following committees:

AF#1741 Decided by a vote of 5-0 to: (1) make a final determination that CHARLIE STUART FOR CONGRESS, and JEFFREY S. BERGER as treasurer , violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate letter. Commissioners Lenhard, Mason, von Spakovsky, Walther, and Weintraub voted affirmatively for the decision.

AF#1742 Decided by a vote of 5-0 to: (1) make a final determination that COMMITTEE TO ELECT OZ BENGUR, and JOANNE M RUBIN as treasurer , violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate letter. Commissioners Lenhard, Mason, von Spakovsky, Walther, and Weintraub voted affirmatively for the decision.

AF#1743 Decided by a vote of 5-0 to: (1) make a final determination that DERRICK SHEPHERD CAMPAIGN COMMITTEE, and BYRON LEE as treasurer , violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate letter. Commissioners Lenhard, Mason, von Spakovsky, Walther, and Weintraub voted affirmatively for the decision.

AF#1744 Decided by a vote of 5-0 to: (1) make a final determination that DONZELLA JAMES FOR US CONGRESS CAMPAIGN 2006, and ELMO JAMES as treasurer , violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate letter. Commissioners Lenhard, Mason, von Spakovsky, Walther, and Weintraub voted affirmatively for the decision.

AF#1745 Decided by a vote of 5-0 to: (1) make a final determination that FRANK ENRIQUEZ FOR CONGRESS, and PRESTON E HENRICHSON as treasurer , violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate letter. Commissioners Lenhard, Mason, von Spakovsky, Walther, and Weintraub voted affirmatively for the decision.

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AF#1746 Decided by a vote of 5-0 to: (1) make a final determination that FRIENDS TO ELECT VANCE W CHEEK JR, and FRANK LITTLE as treasurer , violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate letter. Commissioners Lenhard, Mason, von Spakovsky, Walther, and Weintraub voted affirmatively for the decision.

AF#1749 Decided by a vote of 5-0 to: (1) make a final determination that MEJIAS FOR CONGRESS, and MICHAEL G NORMAN as treasurer , violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate letter. Commissioners Lenhard, Mason, von Spakovsky, Walther, and Weintraub voted affirmatively for the decision.

AF#1750 Decided by a vote of 5-0 to: (1) make a final determination that PEOPLE FOR CARL ANDREWS COMMITTEE, and STEPHEN R BOKSER as treasurer , violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate letter. Commissioners Lenhard, Mason, von Spakovsky, Walther, and Weintraub voted affirmatively for the decision.

AF#1751 Decided by a vote of 5-0 to: (1) make a final determination that SCHWARZ FOR CONGRESS, and ROBERT HANS SCHULER as treasurer , violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate letter. Commissioners Lenhard, Mason, von Spakovsky, Walther, and Weintraub voted affirmatively for the decision.

AF#1752 Decided by a vote of 5-0 to: (1) make a final determination that SKINNER FOR CONGRESS 06, and CHUCK SKINNER as treasurer , violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate letter. Commissioners Lenhard, Mason, von Spakovsky, Walther, and Weintraub voted affirmatively for the decision.

AF#1754 Decided by a vote of 5-0 to: (1) make a final determination that TJ COX CONGRESSIONAL CAMPAIGN COMMITTEE, and TJ COX as treasurer , violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate letter. Commissioners Lenhard, Mason, von Spakovsky, Walther, and Weintraub voted affirmatively for the decision.

AF#1755 Decided by a vote of 5-0 to: (1) make a final determination that VAS FOR CONGRESS, and RAMOS, MELVIN as treasurer , violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate letter. Commissioners Lenhard, Mason, von Spakovsky, Walther, and Weintraub voted affirmatively for the decision.

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Attest:

September 10, 2007  
Date

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

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

September 10, 2007

Byron Lee, Treasurer  
Derrick Shepherd Campaign Committee  
2009 Ames Boulevard  
Marrero, LA 70072

C00427328  
AF# 1743

Dear Byron Lee,

On 7/12/2007 the Federal Election Commission ("FEC") found reason to believe ("RTB") that Derrick Shepherd Campaign Committee and you, as treasurer, violated 2 U.S.C. 434(a) for failing to file the 2007 April Quarterly Report. By letter dated 7/16/2007, the FEC sent you notification of the RTB finding that included a civil money penalty calculated at the RTB stage of \$6,500 in accordance with the schedule of penalties at 11 C.F.R. 111.43. Within 40 days of the FEC's RTB finding, you were required to either transmit payment of the calculated civil money penalty or submit a written response challenging either the RTB finding or the calculated civil money penalty. You must also file the 2007 April Quarterly Report if you have not already done so.

The FEC did not receive payment of the calculated civil money penalty or your written response within the time permitted. Therefore, the FEC made a final determination on 9/7/2007 that you, as treasurer, and Derrick Shepherd Campaign Committee violated 2 U.S.C. 434(a) and assessed a civil money penalty in the amount of \$6,500 in accordance with 11 C.F.R. 111.43. The civil money penalty is based on these factors:

Election Sensitivity of Report: Not Election Sensitive  
Level of Activity: \$348,508  
Number of Previous Violations: 0  
Number of Days Late: Not Filed

**To Pay the Civil Money Penalty**

To pay the civil money penalty, send the enclosed form and your payment to the address on page 3 within 30 days of receipt of this letter.

**If You Do Not Pay the Civil Money Penalty**

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA") as amended by the Debt Collection Improvement Act of 1996 ("DCIA"), 31 U.S.C. § 3701 et seq. If you do not pay this debt within 30 days (or file a written petition to a federal district court - see below), the Commission will transfer the debt to the U.S. Department of the Treasury ("Treasury") for collection. Within 5

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days of the transfer to Treasury, Treasury will contact the debtor and request payment. Treasury currently charges a fee of 28% of the civil money penalty amount for its collection services. The fee will be added to the amount of the civil money penalty that you owe. Should Treasury's attempts fail, Treasury will refer the debt to a private collection agency ("PCA"). If the debt remains unpaid, Treasury may recommend that the Commission refer the matter to the Department of Justice for litigation.

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

If you choose to appeal the final determination, you should submit a written petition, within 30 days of receipt of this letter, to the district court of the United States for the district in which the committee or you reside, or transact business, requesting that the final determination be modified or set aside. See 2 U.S.C. 437g(a)(4)(C)(iii). Your failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver of the respondent's right to present such argument in a petition to the district court under 2 U.S.C. 437g. 11 C.F.R. 111.38.

The confidentiality provisions at 2 U.S.C. 437g(a)(12) no longer apply and this matter is now public. The file will be made a part of the public record pursuant to 11 C.F.R. 111.42(b). Although the file must be placed on the public record within 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 the payment of the civil money penalty, please contact Rhiannon Ryan at Federal Election Commission, 999 E St., NW, Washington, DC 20463, or our toll free number (800) 424-9530 (at the prompt, press 5) or (202) 694-1130.

Sincerely,



Robert D. Lenhard  
Chairman

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**ADMINISTRATIVE FINE PAYMENT INSTRUCTIONS**

In accordance with the schedule of penalties at 11 C.F.R. 111.43, the civil money penalty is \$6,500 for the 2007 April Quarterly Report.

This penalty should be paid by check or money order made payable to the Federal Election Commission. It should be sent by mail to:

Federal Election Commission  
PO Box 979058  
St. Louis, MO 63197-9000

If you choose to send your payment by courier or overnight delivery, please use this address:

U.S. Bank - Government Lockbox  
FEC #979058  
1005 Convention Plaza  
Attn: Government Lockbox, SL-MO-C2GL  
St. Louis, MO 63101

The form and payment are due within 30 days of receipt of this letter.

**Payments by Personal Check**

Personal checks will be converted into electronic funds transfers (EFTs). Your account will be electronically debited for the amount on the check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

**PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT**

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FOR: Derrick Shepherd Campaign Committee

FEC ID: C00427328

AF#: 1743

PAYMENT AMOUNT DUE: \$6,500

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**AGREEMENT AS TO THE METHOD OF CERTIFYING  
DEBTS SUBMITTED TO THE FINANCIAL MANAGEMENT SERVICE'S  
CROSS-SERVICING PROGRAM**

This Agreement (Agreement) is submitted by:

Creditor Agency: Federal Election Commission

Date of Agreement: November 1, 2006

The Creditor Agency agrees that:

I. This Agreement covers all debts, including updates, changes, and modifications (Debts) submitted on or after the date of this Agreement, by Creditor Agency to the Financial Management Service (FMS), a bureau of the U.S. Department of the Treasury, for collection through the FMS's Cross-Servicing Program (Cross-Servicing);

II. Creditor Agency will submit debts to Cross-Servicing via Electronic Transmission of "Add Records" or "Update Records," as described in the attached Exhibit A. Each time the Creditor Agency submits a Debt via an Add Record or Update Record, the Creditor Agency is certifying the Debt;

III. Any person who submits Debts via an Add Record or Update Record has or will have delegated authority to certify the Debts on behalf of the head of the Creditor Agency, and the Creditor Agency will provide a copy of this Agreement to any such person; and,

IV. By submitting Debts via an Add Record or Update Record, the person submitting such Debts is certifying to the U.S. Department of the Treasury, under penalty of perjury pursuant to 31 U.S.C. § 3716, 31 U.S.C. § 3720A, and 28 U.S.C. § 1746, that to the best of his or her knowledge and belief, the following is true and correct:

1. **Valid Debts.** The debts are delinquent, valid and legally enforceable in the amounts stated. No debtor has repaid or agreed to repay the claim under a signed repayment agreement or filed for review of the claim.

2. **No Bar to Collection.** The debts are not subject to any circumstances that legally preclude or bar collection. There are no foreclosures pending with respect to any collateral securing a debt. The Agency's records do not show that any debtor owing a debt has filed for bankruptcy protection. Alternatively, the Agency can clearly establish that any automatic stay has been lifted or is no longer in effect.

3. **Due Process.** The Agency, at a minimum, has made reasonable efforts to obtain payment of the debt, demanded payment, and provided the debtor with the notice and opportunities described below:

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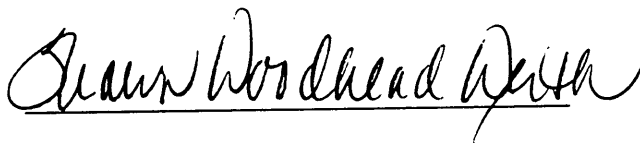
A. At least 30 days prior to the date of this certification, the Agency has provided, or made reasonable efforts to provide each debtor with:

- written notification, at the debtor's most current known address, of the nature and the amount of the debt, the intention of the Agency to collect the debt through referral to Treasury, and actions that may be taken by Treasury including referral of the debt to a private collection agency and referral of the debt to the Department of Justice for litigation;
- an opportunity to inspect and copy the records of the Agency with respect to the debt; and
- an opportunity for review within the Agency of the determination of the Agency with respect to the debt, including the opportunity to present evidence that all or part of the debt is not past-due or legally enforceable.

B. The Agency has considered any evidence presented by the debtor and determined that the amount of the debt is past-due and legally enforceable and there are no pending appeals of such determination.

4. ***Interest and Penalties.*** The Agency has complied with all of the provisions of 31 U.S.C. § 3717 and the Federal Claims Collection Standards, as well as other statutes, regulations and policies applicable to the Agency's assessment of interest, penalties and administrative costs. The Agency has mailed a written notice to all debtors explaining the Agency's requirements concerning the charges.

**CERTIFICATION:** Pursuant to 28 U.S.C. § 1746, I certify that I have been delegated authority to execute this Agreement on behalf of the head of my agency.



Shawn Woodhead Werth

Director, Office of Administrative Review

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ATTACHMENT A

TREASURY CROSS-SERVICING PROGRAM

CERTIFICATION TERMINOLOGY

For purposes of the foregoing Certification Agreement, the following describes how creditor agencies submit debts via Electronic Transmission of computer records to the Cross-Servicing Program:

1. Electronic Transmission. Any transmission from creditor agencies to the Cross-Servicing Program via any form of electronic media (including, but not limited to, tapes, diskettes, and on-line access), as more particularly described in *Step 7; Electronic Format* in the "Crossservicing Implementation Guide", dated November 1998, as may be amended or updated ("Cross Servicing Guide"), is an Electronic Transmission.
2. Add Records. Add Records are electronic records which creditor agencies use to add new debts to Cross-Servicing. Add Records are more particularly described in "Step 7; Agency File Formats" in the Cross Servicing Guide.
3. Update Records. Update Records are electronic records that creditor agencies use to update, change or modify information about debts previously transmitted to Cross-Servicing by creditor agencies. Update Records are more particularly described in "Step 7; Agency File Formats" in the Cross Servicing Guide.

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FEDERAL ELECTION COMMISSION  
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 1743

DATE SCANNED 2-12-08

SCANNER NO. 2

SCAN OPERATOR Jms

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