



FEDERAL ELECTION COMMISSION  
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 1756

DATE SCANNED 12/1/08

SCANNER NO. 1

SCAN OPERATOR ESS

28092621029



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
SECRETARIAT

2007 AUG 29 P 3: 33

August 29, 2007

MEMORANDUM

**SENSITIVE**

TO: THE COMMISSION

THROUGH: PATRINA M. CLARK *PMC*  
STAFF DIRECTOR

JOHN D. GIBSON *JDG*  
CHIEF COMPLIANCE OFFICER

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

BY: RHIANNON RYAN *RR*  
COMPLIANCE BRANCH

SUBJECT: REASON TO BELIEVE RECOMMENDATION -  
FAILURE TO FILE 48-HOUR NOTICES UNDER THE  
ADMINISTRATIVE FINE PROGRAM

Attached is the name of a principal campaign committee that has failed to file 48-hour notices with the Commission for contributions of \$1,000.00 or more received from the close of books for the Hawaii 12 Day Pre-Primary Election Report up to 48 hours before the September 23, 2006 Primary Election in accordance with 2 U.S.C. § 434(a)(6) and 11 C.F.R. § 104.5(f). The committee, Nestor for Congress, represents a candidate who lost the Primary Election in the state of Hawaii. The committee failed to file 48-hour notices for contributions totaling \$32,000.

On August 18, 2006, Prior Notice was sent to the committee which included a section detailing the requirements for filing 48-hour notices. The section read as follows:

“Notices are required if the committee receives contributions (including in-kind gifts or advances of goods or services; loans from the candidate or other non-bank sources; and guarantees or endorsements of loans to the candidate or committee) of \$1,000.00 or more, during the period of September 4 through September 20, 2006. The notices must reach the appropriate federal and state filing offices within 48 hours of the committee’s receipt of the contribution(s).”

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

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

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

Recommendation

1. Find reason to believe that Nestor for Congress and Albi Mateo, Treasurer, violated 2 U.S.C. § 434(a)(6) and make a preliminary determination that a civil money penalty of \$3,420.00 be assessed.
2. Send the appropriate letter.

Attachment

28092621031

**Contributions for Which a 48-Hour Notice Was Not Received**

AF 1756

Committee ID: C00425991

Committee Name: Nestor for Congress

Report Type: October Quarterly Report (9/4/2006 – 9/30/2006)

48-Hour Reporting Period: 9/4/2006 – 9/20/2006

CONTRIBUTOR NAME	DATE	AMOUNT
Garcia, Nestor Ralph	9/12/2006	\$30,000.00
808 Video Productions	9/19/2006	\$1,000.00
808 Video Productions	9/19/2006	\$1,000.00
	<b>TOTAL</b>	<b>\$32,000.00</b>

**Proposed Civil Money Penalty: \$3,420.00** ((2 Notices Not Filed at \$110 each) + (10% of Overall Contributions Not Filed))

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FEDERAL ELECTION COMMISSION  
Washington, DC 20463

**SENSITIVE**

DATE & TIME OF TRANSMITTAL: Thursday, August 30, 2007 11:00

BALLOT DEADLINE: Wednesday, September 05, 2007 4:00

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

SUBJECT: **RTB Recommendation – Failure To File 48-Hour Notices Under The AF Program (AF 1756). Memorandum from the Chief Compliance Officer and the Acting Assistant Staff Director, Reports Analysis Division dated August 29, 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

28092621033

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
Reason to Believe Recommendation: ) AF 1756  
Failure to File 48-Hour Notices Under )  
The Administrative Fine Program. )

CERTIFICATION

I, Mary W. Dove, Secretary of the Federal Election Commission, do hereby certify that on September 05, 2007, the Commission decided by a vote of 4-0 to take the following actions in AF 1756:

1. Find reason to believe that Nestor for Congress and Albi Mateo, Treasurer, violated 2 U.S.C. § 434(a)(6) and make a preliminary determination that a civil money penalty of \$3, 420.00 be assessed.
2. Send the appropriate letter.

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

Attest:

September 5, 2007  
Date

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

28092621034



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

September 6, 2007

Albi Mateo  
Nestor for Congress  
PO Box 970635  
Waipahu, HI 96797

C00425991  
AF#: 1756

Dear Albi Mateo:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires principal campaign committees of candidates for federal office to notify in writing either the Secretary of the Senate or the Federal Election Commission ("FEC"), and the Secretary of State, as appropriate, of any contribution of \$1,000 or more, received by any authorized committee of the candidate after the 20th day, but more than 48 hours before, any election. The Act further requires notification to be made within 48 hours after the receipt of the contribution and to include the name of the candidate and office sought, the date of receipt, the amount of the contribution, and the identification of the contributor. The notification of these contributions shall be in addition to all other reporting requirements. 2 U.S.C. 434(a). You were previously notified of the requirement to file these notices. Records at the FEC indicate that you did not submit 48-Hour Notices for contributions of \$1,000 or more, received between 9/4/2006 and 9/20/2006, totaling \$32,000. See Attachment.

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 9/5/2007, the FEC found that there is Reason to Believe ("RTB") that Nestor for Congress and you, as treasurer, violated 2 U.S.C. 434(a) by failing to file the 48-Hour Notices. Based on the FEC's schedule of civil money penalties at 11 C.F.R. 111.44, the amount of your civil money penalty calculated at the RTB stage is \$3,420. Send your payment by 10/15/2007. The amount of the civil money penalty is \$110 for each non-filed notice plus 10 percent of the dollar amount of the contributions not timely reported. The civil money penalty increases by 25 percent for each prior violation.

**To Pay the Calculated Civil Money Penalty**

To pay the calculated civil money penalty, send the enclosed remittance and your payment to the FEC at the address on page 4. Upon receipt of your payment, the FEC will send you a final determination letter.

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

To challenge the RTB finding and/or calculated civil money penalty, you must submit a written response, including the AF# found on page one, to the FEC's Office of Administrative Review, 999 E Street, NW, Washington, DC 20463. Your response must be received by

28092621035

10/15/2007. 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 in the RTB finding; miscalculation of the calculated civil money penalty by the FEC; or your demonstrated use of best efforts to file in a timely manner when prevented from doing so by reasonably unforeseen circumstances that were beyond your control. In order for a challenge to be considered on the basis of best efforts, you must have filed the required report no later than 24 hours after the end of these reasonably unforeseen circumstances. Examples of circumstances that will be considered reasonably unforeseen and beyond your control include, but are not limited to, a failure of Commission computers or Commission-provided software despite you seeking technical assistance from Commission personnel and resources; a widespread disruption of information transmissions over the Internet that is not caused by the Commission's or your computer systems or Internet service provider; and severe weather or other disaster-related incident. **Examples of circumstances that will not be considered reasonably unforeseen and beyond your control include, but are not limited to, negligence; delays caused by vendors or contractors; treasurer and staff illness, inexperience or unavailability; committee computer, software, or internet service provider failures; failure to know filing dates; and failure to use filing software properly.** Your response must include the factual basis supporting the reason(s) and supporting documentation. The FEC strongly encourages that documents be submitted in the form of affidavits or declarations. 11 C.F.R. 111.35.

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 Nestor for Congress and you, as treasurer, violated 2 U.S.C. 434(a) and assess a civil money penalty.

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA") as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. 3701 et seq. The FEC may take any and all appropriate action authorized and required by the DCA, as amended, including transfer to the U.S. Department of the Treasury for collection. 11 C.F.R. 111.45.

This matter was generated based on information ascertained by the FEC in the normal course of carrying out its supervisory responsibilities. 2 U.S.C. 437g(a)(2). It will remain confidential in accordance with 2 U.S.C. 437g(a)(4)(B) and 437g(a)(12)(A) until it is placed on the public record in accordance with 11 C.F.R. 111.42, unless you notify the FEC in writing that you wish the matter to be made public.

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Additional information on the FEC's administrative fine program, including the final regulations, is located at the FEC's website at [www.FEC.gov](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,

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

Robert D. Lenhard  
Chairman

28092621037

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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 \$3,420 for the 2006 Primary Election 48-Hour Notification Report.

Please mail this remittance with a check or money order made payable to the Federal Election Commission to the following address:

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

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

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

The remittance and your payment are due by 10/15/2007. 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: Nestor for Congress

FEC ID#: C00425991

AF#: 1756

PAYMENT DUE DATE: 10/15/2007

PAYMENT AMOUNT DUE: \$3,420

28092621038

**Contributions for Which a 48-Hour Notice Was Not Received**

**AF 1756**

**Committee ID: C00425991**

**Committee Name: Nestor for Congress**

**Report Type: October Quarterly Report (9/4/2006 – 9/30/2006)**

**48-Hour Reporting Period: 9/4/2006 – 9/20/2006**

<b>CONTRIBUTOR NAME</b>	<b>DATE</b>	<b>AMOUNT</b>
Garcia, Nestor Ralph	9/12/2006	\$30,000.00
808 Video Productions	9/19/2006	\$1,000.00
808 Video Productions	9/19/2006	\$1,000.00
	<b>TOTAL</b>	<b>\$32,000.00</b>

**Proposed Civil Money Penalty: \$3,420.00 ((2 Notices Not Filed at \$110 each) + (10% of Overall Contributions Not Filed))**

28092621039

10 October 2007

2007 OCT 15 P 1:56

RECEIVED  
FEC MAIL CENTER

2007 OCT 15 AM 9:30

Federal Election Commission  
Office of Administrative Review  
999 E Street, N.W.  
Washington, DC 20463

Attn: Mr. Robert Lenhard  
Chair, Office of Administrative Review

Dear Mr. Lenhard:

AF 1756  
Committee ID: C00425991  
Report Type: October Quarterly Report (9/4/2006 -9/30/2006)  
Failure to file one-or-more 48-Hour Notice of Contributions/Loans received

This letter is in response to your letter dated September 6, 2007 in which the FEC has Reason to Believe our committee failed to file 48-Hour Notices (Form 6) for contributions/loans received from:

1. GARCIA, Nestor
2. 808 Productions
3. 808 Productions

In a similar letter dated April 19, 2007 from Ms. Sally Bacon, Senior Campaign Finance Analyst, our committee responded in accordance with the guidance of Ms. Bacon. Whereas, because the Commission's software prohibited our committee to file a new/amended Form 6 -48 Hour Notice of Contributions/Loans received due to time lapsed, the committee was guided to file a Form 99 report. Form 99 was filed on 05/18/07 (filing FEC-289145) to the correct 48-Hour Notices previously filed incorrectly/incomplete for the identified contributions/loan received.

1. GARCIA, Nestor -\$30,000.00 loan to the committee from the candidate. Form 6 filed 09/14/06 (filing FEC-238023).
2. 808 Productions -\$1,000.00 in-kind contribution for editing services provided for campaign TV ad spot 1. Form 6 filed 09/20/06 (filing FEC-238900).
3. 808 Productions -\$1,000.00 in-kind contribution for editing services provided for campaign TV ad spot 2. Form 6 filed 09/20/06 (filing FEC-238901).

Enclosed are documents for the FEC to consider, as the Commission's **e-filing system validated, passed, and assigned filing identifications** to the loan and contributions (in-kind) the committee received within 20 days of the election. Furthermore, the committee itemized the said contributions and loans a second time in its first report (Q3) after the election.

28092621040

FEC  
Office of Administrative Review  
10 October 2007  
Page 2

It is our hope that this letter and the enclosed supporting documents demonstrates that the committee exercised best efforts to file its reports, and responded to your notices, in a timely manner. The committee is taking steps to ensure that future reports and responses are not only filed in a timely manner, but obtain verification for adequacy from its analyst.

Should you have any questions or need additional information, please feel free call us at (808) 688-9099.

Very truly yours,



Albi Mateo  
Treasurer

Enclosures

28092621041

Subj: **FEC Electronic Filing Results**  
Date: 9/14/2006 3:34:32 PM Hawaiian Standard Time  
From: [http\\_db@sdrdc.com](mailto:http_db@sdrdc.com)  
To: [MANDCOMPANYHI@AOL.COM](mailto:MANDCOMPANYHI@AOL.COM)

DISCLOSE -- FEC Financial Disclosure Filing Acknowledgement

This is to acknowledge the receipt and acceptance of your electronic filing via the DISCLOSE protocol.

Your filing was received and accepted by our system at 09/14/2006 - 21:33:36, and was assigned the Filing ID of **FEC-238023**

Please make a note of this, as it will be necessary to refer to this information in the future.

Thank you for using DISCLOSE.

Do not reply to this notice. It is sent from an unattended account that cannot receive email.

For your reference, the output of the validation check was as follows:

FEC File Validator          Version 5.3.1.1

Developed for the Federal Election Commission  
by NIC Technologies, Inc. 1996-2006

=== Identification Section =====

Committee ID: C00425991  
Committee Name: NESTOR FOR CONGRESS  
Filing Type: F6  
Filing Date: 20060914

Software/Ver#: FECfile / Ver# 5.3.1.0(f16)

=== Results Section =====

>>>----> FEC data file PASSED validation! <----<<<  
MD5 checksum:  
1340f90601b17f58a9ed21be7ab83505

28092621042

**48 HOURS NOTICE OF  
CONTRIBUTIONS/LOANS RECEIVED**  
(See Reverse Side for Instructions)

To be used to report all contributions (including loans) of \$1000 or more, received within 20 days of the election.

1. NAME OF COMMITTEE IN FULL

NESTOR FOR CONGRESS

ADDRESS (number and street)

PO BOX 970635

CITY, STATE, and ZIP CODE

WAIPAHU

HI

96797

2. NAME OF CANDIDATE

NESTOR RALPH GARCIA

Any information reported here must be reported to the Federal Election Commission by the person for the purpose of updating contribution records for campaign finance reporting. The name and residence of any political committee is not to be reported here unless it is a campaign committee.

FEC IDENTIFICATION NUMBER  
C00425991

28092621043

SIGNATURE(Optional)	DATE 09/14/2006	For further information contact: Federal Election Commission 888 E Street, NW, Washington, DC 20463 Toll Free 800-424-9530. Local 202-694-1100
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Subj: **FEC Electronic Filing Results**  
Date: 9/19/06 11:54:48 PM Hawaiian Standard Time  
From: [http\\_db@sdrdc.com](mailto:http_db@sdrdc.com)  
To: [mandcompanyhi@aol.com](mailto:mandcompanyhi@aol.com)  
Sent from the Internet (Details)

**DISCLOSE -- FEC Financial Disclosure Filing Acknowledgement**

This is to acknowledge the receipt and acceptance of your electronic filing via the DISCLOSE protocol.

Your filing was received and accepted by our system at ~~09/20/2006 - 05:53:49~~ and was assigned the Filing ID of: ~~FEC-238900~~ *SEP 19 2006 11:54 AM*

Please make a note of this, as it will be necessary to refer to this information in the future.

Thank you for using DISCLOSE.

Do not reply to this notice. It is sent from an unattended account that cannot receive email.

For your reference, the output of the validation check was as follows:

FEC File Validator      Version 5.3.1.1  
Developed for the Federal Election Commission  
by NIC Technologies, Inc. 1996-2006

=== Identification Section =====

Committee ID: C00425991  
Committee Name: NESTOR FOR CONGRESS  
Filing Type: F6  
Filing Date: 20060919

Software/Ver#: FECfile / Ver# 5.3.1.0(f16)

=== Results Section =====

>>>----> FEC data file PASSED validation! <----<<<  
MD5 checksum:  
0947e9dda903eada64ffcbd3ab20bc54

28092621044

## 48 HOURS NOTICE OF CONTRIBUTIONS/LOANS RECEIVED

1/1

(See Reverse Side for Instructions)

To be used to report all contributions (including loans) of \$1000 or more, received within 20 days of the election.

## 1. NAME OF COMMITTEE IN FULL

NESTOR FOR CONGRESS

## ADDRESS (number and street)

PO BOX 970635

## CITY, STATE, and ZIP CODE

WAIPAHU

HI

96797

## 2. NAME OF CANDIDATE

NESTOR RALPH GARCIA

Any information reported here must be kept separate from other information assigned to the candidate or committee by any source for the purpose of conducting campaign finance or election law compliance. The name and address of any political committee is not to be included on this form and submitted to the Commission.

1. FEC IDENTIFICATION NUMBER  
C00425991

SIGNATURE(Optional)

DATE  
09/19/2006

**For further information contact:**  
Federal Election Commission  
699 E Street, NW, Washington, DC 20483  
Toll Free 800-424-9530. Local 202-684-1100

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**FEC FORM 6**  
(Revised 1/2001)

28092621045

Subj: **FEC Electronic Filing Results**  
Date: 9/20/06 12:05:23 AM Hawaiian Standard Time  
From: [http\\_db@sdrdc.com](mailto:http_db@sdrdc.com)  
To: [mandcompanyhi@aol.com](mailto:mandcompanyhi@aol.com)  
Sent from the Internet (Details)

**DISCLOSE -- FEC Financial Disclosure Filing Acknowledgement**

This is to acknowledge the receipt and acceptance of your electronic filing via the DISCLOSE protocol.

Your filing was received and accepted by our system at ~~09/20/2006 - 06:04:25~~ and was assigned the Filing ID of: ~~FEC#238901~~

*SOE P. 11/10 1 8/12*  
*100*  
*Rec'd 9/20*

Please make a note of this, as it will be necessary to refer to this information in the future.

Thank you for using DISCLOSE.

Do not reply to this notice. It is sent from an unattended account that cannot receive email.

For your reference, the output of the validation check was as follows:

FEC File Validator      Version 5.3.1.1  
Developed for the Federal Election Commission  
by NIC Technologies, Inc. 1996-2006

=== Identification Section =====

Committee ID: C00425991  
Committee Name: NESTOR FOR CONGRESS  
Filing Type: F6  
Filing Date: 20060920

Software/Ver#: FECfile / Ver# 5.3.1.0(f16)

=== Results Section =====

>>>----> FEC data file PASSED validation! <----<<<  
MD5 checksum:  
30ed65ffa04396813a144247609945b8

28092621046

# 48 HOURS NOTICE OF CONTRIBUTIONS/LOANS RECEIVED

(See Reverse Side for Instructions)

To be used to report all contributions (including loans) of \$1000 or more, received within 20 days of the election.

1. NAME OF COMMITTEE IN FULL

NESTOR FOR CONGRESS

ADDRESS (number and street)

PO BOX 970635

CITY, STATE, and ZIP CODE

WAIPAHU HI 96797

2. NAME OF CANDIDATE

NESTOR RALPH GARCIA

Any information reported from this form is required to be used for no other purpose by any person for the purpose of identifying contributions for or against any candidate, including the name and address of any political committee, except as provided for in the instructions.

FEDERAL ELECTION COMMISSION  
C00425991

SIGNATURE(Optional)	DATE 09/20/2006	For further information contact: Federal Election Commission 999 E Street, NW, Washington, DC 20463 Toll Free 800-424-9630, Local 202-684-1100
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**FEC FORM 6**  
(Revised 1/2001)

28092621047

Subj: **FEC Electronic Filing Results**  
Date: 5/18/2007 12:29:18 PM Hawaiian Standard Time  
From: http\_db@sdrdc.com  
To: MANDCOMPANYHI@AOL.COM

DISCLOSE -- FEC Financial Disclosure Filing Acknowledgement

This is to acknowledge the receipt and acceptance of your electronic filing via the DISCLOSE protocol.

Your filing was received and accepted by our system at 05/18/2007 18:28:55, and was assigned the Filing ID of FEC-289145.

Please make a note of this, as it will be necessary to refer to this information in the future.

Thank you for using DISCLOSE.

Do not reply to this notice. It is sent from an unattended account that cannot receive email.

For your reference, the output of the validation check was as follows:

FEC File Validator Version 5.3.1.1

Developed for the Federal Election Commission  
by NIC Technologies, Inc. 1996-2006

=== Identification Section =====

Committee ID: C00425991  
Committee Name: NESTOR FOR CONGRESS  
Filing Type: F99

Software/Ver#: FECfile / Ver# 5.3.1.0(f16)

=== Results Section =====

>>>----> FEC data file PASSED validation! <----<<<  
MD5 checksum:  
73443d34ddf76766fb6af125fecfff3d

28092621048

ETEXT ATTACHMENT

05/18/2007 18:28

18 May 2007

Federal Election Commission  
Reports Analysis Division  
Washington, DC 20463

Attn: Sally Bacon  
Senior Campaign Finance Analysis

Dear Ms. Bacon:

Identification Number: C00425991  
Reference: Amended October Quarterly Report (9/4/06 - 9/30/06)

In response to your preliminary review of the report referenced above, it is evident that the committee's Form 6 was incorrectly reported as filed. We request for the Commission to consider the following:

1. Schedule C (FEC Form 3) : Loan Made by the Candidate

Name: Nestor R. Garcia -Personal funds  
Address: P.O. Box 970635  
Waipahu, Hawaii 96797  
Employer: City & County of Honolulu  
Occupation: City Councilman  
Date Incurred: 09/12/06  
Amount Received: \$30,000.00  
Filing Type: F6  
Filing Date: 20060914  
Filing ID of: FEC-238023

2. Contributor

Name: 808 Video Productions  
Address: 111D McCully St., Suite 203  
Honolulu, Hawaii 96826  
Date: 09/19/2006  
Amount: \$1,000.00 In-Kind (Editing services TV AD Spot 1)  
Filing Type: F6  
Filing Date: 20060919  
Filing ID of: FEC-238900

3. Contributor

Name: 808 Video Productions  
Address: 111D McCully St., Suite 203  
Honolulu, Hawaii 96826  
Date: 09/19/06  
Amount: \$1,000.00 In-Kind (Editing services TV AD Spot 2)  
Filing type: F6  
Filing Date: 20060920

28092621049

**ETEXT ATTACHMENT**

Filing ID of: FEC-238901

The committee regrets the loan and contributions noted above were incorrectly filed. It is our hope the information provided clarifies the committee's filing of 48-hour notices.

Should you have any questions or require additional information, please call me at (808) 688-9099.

Sincerely,

*/s/ Albi Mateo*  
Albi Mateo  
Treasurer

28092621050

.....

# 48 HOUR NOTICE OF CONTRIBUTIONS/LOANS RECEIVED

(See Reverse Side for Instructions)

*To be used to report all contributions (including loans) of \$1000 or more, received within 20 days of the election.*

1. NAME OF COMMITTEE IN FULL <b>NESTOR FOR CONGRESS</b>	
ADDRESS (number and street) <b>PO BOX 970635</b>	
CITY, STATE, and ZIP CODE <b>WAIPAHU, HAWAII 96797</b>	
2. NAME OF CANDIDATE <b>NESTOR RALPH GARCIA</b>	3. OFFICE SOUGHT (State and District) <b>HAWAII 02</b>

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes other than using the name and address of any political committee to solicit contributions from such committee.

4. FEC IDENTIFICATION NUMBER

**C00425991**

A. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount
NESTOR RALPH GARCIA PO BOX 970635 WAIPAHU, HAWAII 96797	CITY & COUNTY OF HONOLULU	09/12/06	\$30,000.00
	Occupation CITY COUNCILMAN		
B. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount
	Occupation		
C. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount
	Occupation		
D. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount
	Occupation		
E. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount
	Occupation		
SIGNATURE (optional)		DATE	For further information contact: Federal Election Commission 999 E Street, NW, Washington, DC 20463 Toll Free 800-424-9530, Local 202-694-1100
		10/10/07	

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**FEC FORM 6**  
(Revised 1/2001)

28092621051

# 48 HOUR NOTICE OF CONTRIBUTIONS/LOANS RECEIVED

(See Reverse Side for Instructions)

To be used to report all contributions (including loans) of \$1000 or more, received within 20 days of the election.

1. NAME OF COMMITTEE IN FULL <b>NESTOR FOR CONGRESS</b>	
ADDRESS (number and street) <b>PO BOX 970635</b>	
CITY, STATE, and ZIP CODE <b>WAIPAHU, HAWAII 96797</b>	
2. NAME OF CANDIDATE <b>NESTOR RALPH GARCIA</b>	3. OFFICE SOUGHT (State and District) <b>HAWAII 02</b>

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes other than using the name and address of any political committee to solicit contributions from such committee.

4. FEC IDENTIFICATION NUMBER

**C00425991**

A. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount
DONARD SONODA 1110 MCCULLY STREET, SUITE 203 HONOLULU, HAWAII 96826	808 VIDEO PRODUCTIONS	09/19/06	\$1,000.00 In-kind- Editings Services
	Occupation Self		
DONARD SONODA 1110 MCCULLY STREET, SUITE 203 HONOLULU, HAWAII 96826	808 VIDEO PRODUCTIONS	09/19/06	\$1,000.00 In-kind- Editing Services
	Occupation Self		
C. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount
	Occupation		
D. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount
	Occupation		
E. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount
	Occupation		

SIGNATURE (optional)	DATE <b>10/10/07</b>	For further information contact: Federal Election Commission 999 E Street, NW, Washington, DC 20463 Toll Free 800-424-9530, Local 202-694-1100
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**FEC FORM 6**  
(Revised 1/2001)

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

Via First Class Mail

October 15, 2007

Albi Mateo, as Treasurer  
Nestor for Congress  
PO Box 970635  
Waipahu, HI 96797

C00425991  
AF# 1756

Dear Treasurer:

On October 15, 2007, the Commission received the written response ("challenge") which is being reviewed by the Office of Administrative Review. If you have any questions regarding the 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 Sugarman".

Jill Sugarman  
Reviewing Analyst  
Office of Administrative Review

28092621053

2007 OCT 16 A 11: 19

Date: October 16, 2007

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

**AF#: 1756**

**Committee Name:** Nestor for Congress

**Committee ID#:** C00425991

**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 August 29, 2007 and RTB Certification, dated September 5, 2007: Y**

**Attachment #: 1**

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

**Attachment #: 2**

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

**Attachment #: N/A**

**RAD Staff Declaration (Y/N): Y**

**-2006 48-Hour Notices Prior Notice, dated August 18, 2006.**

**-RFAI, dated April 19, 2007.**

**-RTB Letter, dated September 6, 2007.**

**Attachment #: 4**

**Other RAD Information: (Y/N): N**

**Attachment#: N/A**

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**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the multipiece or on the front if space permits.

**1. Article Addressed to:**

Albi Mateo  
 Nestor for Congress  
 PO Box 970635  
 Waipahu, HI 96797

**2. Article Number**

(Transfer from service label)

**COMPLETE THIS SECTION ON DELIVERY**

**A. Signature**

X *Conception Herolaga* Addressee

**B. Received by (Printed Name)**

*Conception Herolaga*

**C. Date of Delivery**

*2-14-07*

- D. Is delivery address different from item 1?**  Yes  
 If YES, enter delivery address below:  No

**3. Service Type**

- Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

- 4. Restricted Delivery? (Extra Fee)**  Yes

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**DECLARATION OF NATALIYA IOFFE**

1. I am the Acting Chief of the Compliance Branch for the Reports Analysis Division of the Federal Election Commission ("Commission"). In my capacity as Acting 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 Nestor for Congress:

- A) Prior Notice, dated August 18, 2006, referencing the reporting requirements of 2006 48-Hour Notices;
- B) RFAI Letter, dated April 19, 2007, referencing missing 48-Hour Notices;
- C) Reason-to-Believe Letter, dated September 6, 2007, referencing missing 48-Hour Notices.

3. 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 16<sup>th</sup> day of October, 2007.



Nataliya Ioffe  
Acting Chief, Compliance Branch  
Reports Analysis Division  
Federal Election Commission

28092621056

# PRIMARY ELECTION REPORT NOTICE

FEDERAL ELECTION COMMISSION

**HAWAII**  
Congressional Committees

August 18, 2006

## **FOR COMMITTEES INVOLVED IN THE PRIMARY (09/23/06)**

<b>REPORT</b>	<b>REPORTING PERIOD<sup>1</sup></b>	<b>REG./CERT. &amp; OVERNIGHT MAILING DATE</b>	<b>FILING DATE</b>
Pre-Primary	07/01/06 - 09/03/06	09/08/06	09/11/06
48-Hour Notices	09/04/06 - 09/20/06	----see reverse side----	
October Quarterly	09/04/06 - 09/30/06	10/15/06	10/15/06 <sup>2</sup>

### **WHO MUST FILE**

Principal campaign committees of congressional candidates<sup>3</sup> (including unopposed candidates and candidates whose names do not appear on the ballot) who seek nomination in the primary must file the above reports and notices.<sup>4</sup> Committees must continue to file reports until the Commission notifies them in writing that their termination report has been accepted.

### **METHOD OF FILING**

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

<sup>1</sup>These 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.

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

<sup>3</sup>An individual becomes a candidate for Federal office (and thus triggers registration and reporting obligations) when his or her campaign exceeds \$5,000 in either contributions received or expenditures made. If the campaign has not exceeded the \$5,000 threshold, it is not required to file reports.

<sup>4</sup>If the campaign has more than one authorized committee, in addition to the principal campaign committee, the principal campaign committee must also file a consolidated report on Form 3Z.

(over)

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**48 HOUR NOTICES ON CONTRIBUTIONS**

Notices are required if the committee receives contributions **(including in-kind gifts or advances of goods or services; loans from the candidate or other non-bank sources; and guarantees or endorsements of bank loans to the candidate or committee)** of \$1,000 or more, during the period of September 4 through September 20, 2006.

The notices must reach the appropriate federal filing office within 48 hours of the committee's receipt of the contribution(s). Senate candidates must transmit them to the Secretary of the Senate at (202) 224-1851. **Campaign committees that file electronically MUST submit their 48-hour notices electronically.** For more information, visit the FEC web site at [www.fec.gov/electfil/online.shtml](http://www.fec.gov/electfil/online.shtml). U.S. House candidates faxing 48-hour notices should transmit them to the FEC at (202) 219-0174.

**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 (including 48-hour notices) on time may be subject to civil money penalties up to \$16,000 (or more for repeat late- and non-filers).<sup>5</sup> For additional information, see the enclosed handout entitled, "Administrative Fine Program," and visit the FEC web site at [www.fec.gov/af.shtml](http://www.fec.gov/af.shtml).
- In addition, political committees that file illegible reports or use non-FEC forms (except for FEC-approved, computer-generated forms) will be required to refile their reports.
- Electronic filers who instead file on paper or submit an electronic report (either by direct transmission or on 3.5" diskette) that does not pass the validation test will be considered non-filers and may be subject to enforcement actions (including administrative fines).

**ELECTRONIC FILING**

U.S. House 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](http://www.fec.gov/electfil/electron.shtml).

<sup>5</sup>Penalties for late- or non-filing of 48-hour notices are based on the amount of contributions not timely disclosed. As a result, these penalties may exceed \$16,000, even for first-time violations.



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RQ-2

April 19, 2007

Albi Mateo, Treasurer  
Nestor for Congress  
P.O. Box 970635  
Waipahu, HI 96797

**Response Due Date:  
May 21, 2007**

Identification Number: C00425991

Reference: Amended October Quarterly Report (9/4/06 - 9/30/06), received  
10/31/06

Dear Mr. Mateo:

This letter is prompted by the Commission's preliminary review of the report(s) referenced above. This notice requests information essential to full public disclosure of your federal election campaign finances. **An adequate response must be received at the Commission by the response date noted above.** An itemization of the information needed follows:

-Schedule A of your report indicates that your committee may have failed to file one or more of the required 48 hour notices regarding "last minute" contributions received by your committee after the close of books for the 12 Day Pre-Primary report. A principal campaign committee must notify the Commission, in writing, within 48 hours of any contribution of \$1,000 or more received between two and twenty days before an election. These contributions are then reported on the next report required to be filed by the committee. To ensure that the Commission is notified of last minute contributions of \$1,000 or more to your campaign, it is recommended that you review your procedures for checking contributions received during the aforementioned time period. The failure to file 48-hour notices may result in civil money penalties or legal enforcement action. If any contribution of \$1,000 or more was incorrectly reported, you must amend your original report with the clarifying information. (11 CFR §104.5(f))

**Please note you will not receive an additional notice from the Commission on this matter.** Adequate responses received on or before this date will be taken into consideration in determining whether audit action will be initiated. **Requests for**

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extensions of time in which to respond will not be considered. Failure to provide an adequate response by this date may result in an audit of the committee. Failure to comply with the provisions of the Act may also result in an enforcement action against the committee. Any response submitted by your committee will be placed on the public record and will be considered by the Commission prior to taking enforcement action.

Electronic filers must file amendments (to include statements, designations and reports) in an electronic format and must submit an amended report in its entirety, rather than just those portions of the report that are being amended. If you should have any questions regarding this matter or wish to verify the adequacy of your response, please contact me on our toll-free number (800) 424-9530 (at the prompt press 5 to reach the Reports Analysis Division) or my local number (202) 694-1173.

Sincerely,



*ts* Sally Bacon  
Senior Campaign Finance Analyst  
Reports Analysis Division

28052010250

Missing 48-hour notices

Nestor for Congress

(C00425991)

Amended October Quarterly Report (9/4/06 - 9/30/06), received 10/31/06

Primary Election 2006

48-hour notice period (10/19/06 - 11/27/06)

CONTRIBUTOR NAME		DATE	AMOUNT	ELECTION
808 Video Productions		9/19/2006	\$ 1,000.00	P2006
808 Video Productions		9/19/2006	\$ 1,000.00	P2006
Garcia	Nestor Ralph	9/12/2006	\$ 30,000.00	P2006

230524205063



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
SECRETARIAT

2008 FEB 27 P 3:47

February 26, 2008

MEMORANDUM

**SENSITIVE**

To: The Commission

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

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

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

By: Maureen Benitz *MB*  
Reviewing Analyst

Subject: AF# 1756 – Nestor for Congress and Albi Mateo, as Treasurer  
(C00425991)

This is one of two challenges for 2006 48-Hour Notices where the respondents were able to file blank 48-Hour Notices.

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

February 26, 2008

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

AF# 1756 – Nestor for Congress and Albi Mateo, as Treasurer (C00425991)

On September 5, 2007, the Commission found reason to believe ("RTB") that the respondents violated 2 U.S.C. § 434(a) for failing to file 48-Hour Notices for three contributions totaling \$32,000 for the 2006 Primary Election and made a preliminary determination that the civil money penalty was \$3,420 based on the schedule of penalties at 11 C.F.R. § 111.44. They were notified by the Reports Analysis Division ("RAD") on September 6, 2007 of the Commission's RTB finding and civil money penalty.

**Respondents' Response**

On October 15, 2007, the Commission received the written response and supporting documentation ("challenge") from the Treasurer requesting that the RTB finding be reconsidered as they thought they had successfully filed these Notices. They received confirmation receipt emails from the Commission which show that the Notices passed validation, were uploaded and given filing identification numbers. She includes copies of the three 48-Hour Notices filed on September 14 and 20; the three corresponding emails confirming receipt by the Commission; a Miscellaneous Electronic Submission filed on May 18, 2007 in response to the RAD Analyst's letter; and two completed Form 6s for these contributions.

**Analysis**

One incomplete 48-Hour Notice was filed on September 14, 2006 and two incomplete 48-Hour Notices were filed on September 20, 2006.

The Federal Election Campaign Act ("Act") states that the treasurer of an authorized committee of a candidate shall file a 48-hour notice for contributions of \$1,000 or more received between two and twenty days before an election. 2 U.S.C. § 434(a)(6)(A) and 11 C.F.R. § 104.5(f). Political committees required to file reports with the Commission must file in an electronic format if they received or expect to receive contributions or made or expect to 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 shall be personally responsible for the timely filing of reports. 11 C.F.R. § 104.14(d).

The FECFile User's Manual, available to candidate committees on the Commission's website, describes the steps to follow when preparing a 48-Hour Notice. The respondents, who use FECFile software, completed the first step: to create the Notice (or Form 6 Report). They did not, however, complete the second step: to select each contribution and add it to the Notice.

Notwithstanding the fact that the Notices contained no contributions, the respondents were able to successfully upload them to the Commission. They received confirmation receipts which said that the Notices were received and accepted by the electronic filing system, passed validation, and were assigned Filing IDs.

According to the Information Technology Division Manager's ("ITD") response, as of January 3, 2008, it is no longer possible for a filer to upload a Notice that does not contain

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contributions. If a filer tries to do this using either FECFile or vendor software, the filer will receive a "fatal" validation error that will prevent him/her from successfully uploading the Notice.

The Treasurer asserts that the respondents used their best efforts to file these notices. The best efforts defense is a two-part test: the respondents used best efforts to file on time but were prevented from doing so by reasonably unforeseen circumstances that were beyond their control and they filed the report no later than 24 hours after the end of these circumstances. The regulations include examples of circumstances which are not reasonably unforeseen or beyond respondents' control, one of which is the failure to use filing software properly. 11 C.F.R. § 111.35(b)(3) and (d).

In this case, the respondents did not complete all of the required steps when filing the 48-Hour Notices. While the failure to use filing software properly is not considered a reasonably unforeseen circumstance, the Reviewing Officer recognizes that the Commission's FECFile software and electronic filing system validation process allowed them to successfully upload blank Notices. The FECFile software and validation process were changed in early January 2008; now, filers will be prohibited from uploading a blank 48-Hour Notice.

The Reviewing Officer, therefore, recommends that the Commission take no further action and close the file.

**OAR Recommendations**

- (1) Adopt the Reviewing Officer recommendation in AF# 1756 involving Nestor for Congress and Albi Mateo, as Treasurer;
- (2) Take no further action in AF# 1756 that Nestor for Congress and Albi Mateo, as Treasurer, violated 2 U.S.C. § 434(a) and close the file; and
- (3) Send the appropriate letter.

Reviewing Analyst: Maureen Benitz

Attachments

Attachment 1 – Challenge Received from Respondents

Attachment 2 –

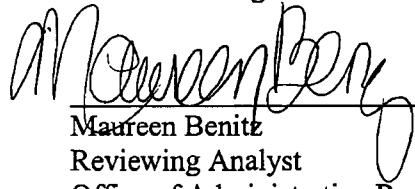
Attachment 3 – Declaration from RAD and                      Provided with Declaration

Attachment 4 – Declaration from OAR

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**DECLARATION OF MAUREEN BENITZ**

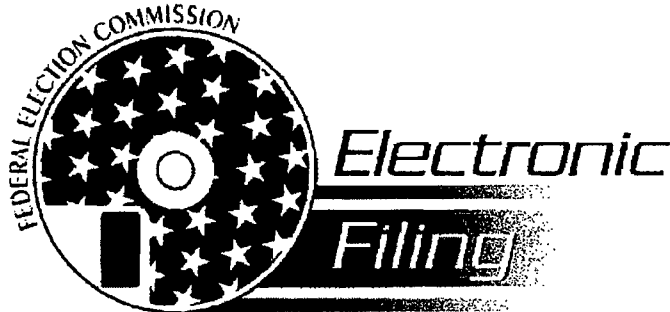
1. I am the Reviewing Analyst in the Office of Administrative Review for the Federal Election Commission ("Commission"). In my capacity as Reviewing Analyst, I conduct research with respect to all challenges submitted in accordance with the Administrative Fine program.
2. The principal campaign committee of a congressional candidate must file notifications disclosing contributions of \$1,000 or more which are received between September 4 and September 20, 2006. These notifications (also called 48-Hour Notices) must be filed with the Commission within 48 hours of the committee's receipt of the contribution(s).
3. It is the practice of the Commission's Electronic Filing Office to send an electronic notice acknowledging the receipt and acceptance of electronic filings and to maintain the FECFile Electronic Filing Software User's Manuals for authorized committees on the website at [http://www.fec.gov/electfil/authorized\\_manual/manual.shtml](http://www.fec.gov/electfil/authorized_manual/manual.shtml) for the use of committees and treasurers who are electronic filers.
4. I hereby certify that I have searched the Commission's public records and that the documents identified herein are true and accurate copies of:
  - a) Page 1 of the Summary Page and 2 pages of Schedule A for the amended 2006 October Quarterly Report filed electronically by Nestor for Congress and Albi Mateo, as Treasurer. According to the Commission's records, the report covers the period from September 4 through September 30, 2006, and was received on October 31, 2006. Schedule A lists the receipt of 3 contributions totaling \$32,000 on September 12 and 19, 2006. Each contribution equals \$1,000 or more; and
  - b) the Miscellaneous Electronic Submission, received in response to the Reports Analysis Division's letter, filed by Nestor for Congress and Albi Mateo, as Treasurer. According to the Commission's records, it was received on May 18, 2007. The Treasurer states "[t]he committee regrets the loan and contributions noted above were incorrectly filed. It is our hope the information provided clarifies the committee's filing of 48-hour notices." The Treasurer lists the name, address, amount, date and filing identification number for one loan and two contributions.
5. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at Washington on the 26<sup>th</sup> of February, 2008.

  
Maureen Benitz  
Reviewing Analyst  
Office of Administrative Review  
Federal Election Commission

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**This file is the document FECFile User Manual for Candidate Committees. To learn more about the Federal Election Commission, Electronic Filing Program, or find this document by Section, follow the following links:**

**WWW.FEC.GOV >. EFILING >. FECFILE FILING SOFTWARE**



# **FECFile User Manual for Candidate Committees**

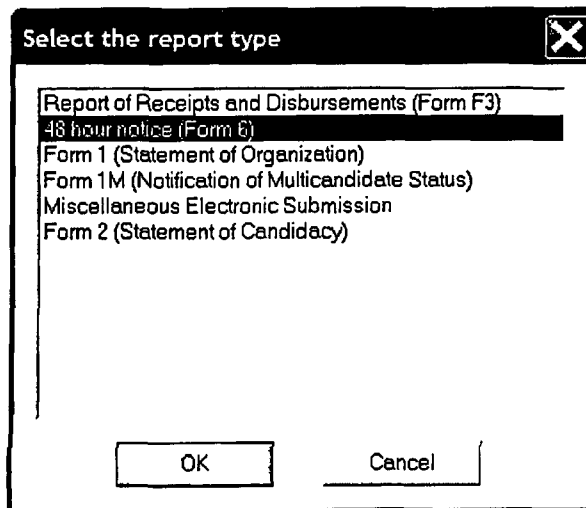
This manual is designed to help political committees use FECFile software and to assist with the filing of disclosure reports. The format for this manual is user-friendly and contains step-by-step instructions, along with screen shots, in an effort to help users maneuver through the software. Some of the areas found in this manual include: How to enter transactions on each line, How to upload a report, How to file a miscellaneous electronic submission and How to make sense of some common error codes.

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## 48 Hour Notice (Form 6)

Only Candidate Committees report a 48 Hour Notice to the FEC. If filing a Form 3 electronically, the option to select 48 hour Notice, (Form 6) is available from the Reports view. If using the Form 3X, this report type is not available, as it is not applicable.

- ✓ Upon launching FECFile, select the appropriate candidate or committee information option.
- ✓ As the application asks "Would you like to create a Report and enter your Report Information Now", select OK.
- ✓ Select View, from the menu bar and select Reports.



- ✓ Select Edit from the menu bar and then select New. Select 48 Hour Notice (Form 6), from the Report list. Enter the information, state, where the committee is registered, the date of the election, and the name of the individual signing the report. Select OK.
- ✓ Select view from the menu bar, and select Reports. Highlight the Form 6 that was just created.

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- ✓ Select view from the menu bar, and select All Transactions. Highlight the contribution that should appear on the 48 hour notice.
  
- ✓ Right click on the desired transaction, and select add to Form 6. Any information in the transaction may now be changed, however the information should remain the same. Note the memo box has a check mark. It is important to record these Transactions as Memo items, so the committee's total contributions are not inflated. The software, however, automatically generates a memo item of that transaction. Also, remember the receipt will also be submitted in the next report. The transaction for the Form 6 will be listed in red in the receipts window.
  
- ✓ These steps are repeated for each transaction to be reported.

**Note: Prior to attaching transactions to a 48 hour notice, the transactions must be generated in the report to be filed.**

FEC FORM 3

REPORT OF RECEIPTS AND DISBURSEMENTS

For An Authorized Committee

Office Use Only

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

NESTOR FOR CONGRESS

ADDRESS (number and street) PO BOX 870635

Check if different than previously reported. (ACG)

WAIPAHU HI 96787

2. FEC IDENTIFICATION NUMBER C00425991 CITY A STATE A ZIP CODE A STATE DISTRICT

3. IS THIS REPORT NEW (N) OR X AMENDED (A)

4. TYPE OF REPORT (Choose One)

(a) Quarterly Reports:

April 15 Quarterly Report (Q1)

July 15 Quarterly Report (Q2)

X October 15 Quarterly Report (Q3)

January 31 Year-End Report (YE)

Termination Report (TER)

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

Primary (12P)

General (12G)

Runoff (12R)

Convention (12C)

Special (12S)

Election on

In the State of

(c) 30-Day POST-Election Report for the:

General (30G)

Runoff (30R)

Special (30S)

Election on

in the State of

5. Covering Period 09 04 2006 through 09 30 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 Ms ALBI MATEO

Signature of Treasurer Electronically Filed by Ms ALBI MATEO Date 10 30 2006

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

Office Use Only

FEC FORM 3 (Revised 02/2005)

28092621069

**SCHEDULE A (FEC Form 3 )  
ITEMIZED RECEIPTS**

Use separate schedule(s)  
or each category of the  
Detailed Summary Page

FOR LINE NUMBER: PAGE 6/24  
(check only one)

<input checked="" type="checkbox"/> 11a	<input type="checkbox"/> 11b	<input type="checkbox"/> 11c	<input type="checkbox"/> 11d	<input type="checkbox"/> 12	<input type="checkbox"/> 13a	<input type="checkbox"/> 13b	<input type="checkbox"/> 14	<input type="checkbox"/> 15
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Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

NAME OF COMMITTEE (In Full)  
NESTOR FOR CONGRESS

28092621070 MB

<b>A.</b> Full Name (Last, First, Middle Initial) 808 VIDED PRODUCTIONS Mailing Address 111D MCCULLY ST. SUITE 203 City HONOLULU State HI Zip Code 96826 FEC ID number of contributing federal political committee. <b>C</b> Name of Employer Occupation Receipt For: 2006 Election Cycle-to-Date ▼ X Primary General Other (specify) ▼ 1000.00		Date of Receipt M O N T H Y Y Y Y Y 09 10 2006 Transaction ID: SA11A1.4641 Amount of Each Receipt this Period 1000.00 In-kind - EDITING SERVICES (TV AD SPOT1) Limit Increased Due to Opponent's Spending (2 U.S.C. 441a(f)(4)(1a-1))
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<b>B.</b> Full Name (Last, First, Middle Initial) 808 VIDED PRODUCTIONS Mailing Address 111D MCCULLY ST. SUITE 203 City HONOLULU State HI Zip Code 96826 FEC ID number of contributing federal political committee. <b>C</b> Name of Employer Occupation Receipt For: 2006 Election Cycle-to-Date ▼ X Primary General Other (specify) ▼ 2000.00		Date of Receipt M O N T H Y Y Y Y Y 09 10 2006 Transaction ID: SA11A1.4644 Amount of Each Receipt this Period 1000.00 In-kind - EDITING SERVICES (TV AD SPOT2) Limit Increased Due to Opponent's Spending (2 U.S.C. 441a(f)(4)(1a-1))
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<b>C.</b> Full Name (Last, First, Middle Initial) ALFREDO G. EVANGELISTA Mailing Address 98-2008H KAAHUMANU ST. City AIEA State HI Zip Code 96701 FEC ID number of contributing federal political committee. <b>C</b> Name of Employer Occupation EVANGELISTA & QUIBAN ATTORNEY Receipt For: 2006 Election Cycle-to-Date ▼ X Primary General Other (specify) ▼ 500.00		Date of Receipt M O N T H Y Y Y Y Y 09 10 2006 Transaction ID: SA11A1.4647 Amount of Each Receipt this Period 500.00 Limit Increased Due to Opponent's Spending (2 U.S.C. 441a(f)(4)(1a-1))
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SUBTOTAL of Receipts TNs Page (optional) .....	2500.00
TOTAL This Period (last page this line number only) .....	

**SCHEDULE A (FEC Form 3 )  
ITEMIZED RECEIPTS**

Use separate schedule(s)  
or each category of the  
Detailed Summary Page

FOR LINE NUMBER: PAGE 9 / 24  
(check only one)  
 11a  11b  11c  11d  
 12  13a  13b  14  15

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

NAME OF COMMITTEE (In Full)  
NESTOR FOR CONGRESS

Full Name (Last, First, Middle Initial)

A. NESTOR RALPH GARCIA

Mailing Address P.O. BOX 870835

City State Zip Code  
WAIPAHU HI 96797

FEC ID number of contributing federal political committee.

C

Name of Employer  
CITY & COUNTY OF HONOLULU

Occupation  
CITY COUNCILMAN  
Election Cycle-to-Date ▼

Receipt For: 2006  
 Primary  General  
 Other (specify) ▼

70000.00

Date of Receipt

09 12 2006

Transaction ID: SA13A.4838

Amount of Each Receipt this Period

30000.00

Limit Increased Due to Opponent's Spending (2 U.S.C. 441a(f)(4)41e-1)

MB

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SUBTOTAL of Receipts This Page (optional) ▶

30000.00

TOTAL This Period (last page this line number only) ▶

30000.00

**ETEXT ATTACHMENT**

05/18/2007 18:28

18 May 2007

Federal Election Commission  
Reports Analysis Division  
Washington, DC 20463

Attn: Sally Bacon  
Senior Campaign Finance Analysis

Dear Ms. Bacon:

Identification Number: C00425991  
Reference: Amended October Quarterly Report (9/4/06 - 9/30/06)

In response to your preliminary review of the report referenced above, it is evident that the committee's Form 6 was incorrectly reported as filed. We request for the Commission to consider the following:

1. Schedule C (FEC Form 3) : Loan Made by the Candidate

Name: Nestor R. Garcia -Personal funds

Address: P.O. Box 970635

Waipahu, Hawaii 96797

Employer: City & County of Honolulu

Occupation: City Councilman

Date Incurred: 09/12/06

Amount Received: \$30,000.00

Filing Type: F6

Filing Date: 20060914

Filing ID of: FEC-238023

2. Contributor

Name: 808 Video Productions

Address: 111D McCully St., Suite 203

Honolulu, Hawaii 96826

Date: 09/19/2006

Amount: \$1,000.00 In-Kind (Editing services TV AD Spot 1)

Filing Type: F6

Filing Date: 20060919

Filing ID of: FEC-238900

3. Contributor

Name: 808 Video Productions

Address: 111D McCully St., Suite 203

Honolulu, Hawaii 96826

Date: 09/19/06

Amount: \$1,000.00 In-Kind (Editing services TV AD Spot 2)

Filing type: F6

Filing Date: 20060920

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**ETEXT ATTACHMENT**

Filing ID of: FEC-238901

The committee regrets the loan and contributions noted above were incorrectly filed. It is our hope the information provided clarifies the committee's filing of 48-hour notices.

Should you have any questions or require additional information, please call me at (808) 688-9099.

Sincerely,

/s/ albi mateo  
Albi Mateo  
Treasurer

28092621073

.....



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

VIA OVERNIGHT DELIVERY

March 3, 2008

Albi Mateo, as Treasurer  
Nestor for Congress  
P.O. Box 970635  
Waipahu, HI 96797

C00425991  
AF# 1756

Dear Ms. Mateo:

On September 5, 2007, the Federal Election Commission ("Commission") found reason to believe ("RTB") that Nestor for Congress and you, as Treasurer ("respondents"), violated 2 U.S.C. § 434(a) for failing to file 48-Hour Notices. The Commission also made a preliminary determination that the civil money penalty was \$3,420 based on the schedule of penalties at 11 C.F.R. § 111.44.

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, appearing to read "Maureen Benitz".

Maureen Benitz  
Reviewing Analyst  
Office of Administrative Review

Attachment

28092621074



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

March 27, 2008

**MEMORANDUM**

To: The Commission

Through: Patrina M. Clark  
Staff Director

From: John D. Gibson  
Chief Compliance Officer

Shawn Woodhead Wertz  
Reviewing Officer  
Office of Administrative Review

By: Maureen Benitz *MB*  
Reviewing Analyst

Subject: Final Determination Recommendation in AF# 1756 – Nestor for  
Congress and Albi Mateo, as Treasurer (C00425991)

On September 5, 2007, the Commission found reason to believe (“RTB”) that the respondents violated 2 U.S.C. § 434(a) for failing to file 48-Hour Notices associated with the 2006 Primary Election. As a result, the Commission also made a preliminary determination that the civil money penalty was \$3,420 based on the schedule of penalties at 11 C.F.R. § 111.44.

On October 15, 2007, the Commission received their written response (“challenge”). After reviewing the challenge, the Reviewing Officer’s recommendation dated February 26, 2008 was forwarded to the Commission, a copy was forwarded to the respondents, and is hereby incorporated by reference. The respondents’ challenge presented evidence that the electronic filing software, as well as the validation process, allowed them to file blank 48-Hour Notices. The Reviewing Officer recommends that the Commission take no further action and close the file because the notices passed the Commission’s validation and upload process. The latest version of the electronic filing software, as well as the validation process, have both been modified to prevent a user from uploading a blank 48-Hour Notice.

Within 10 days of transmittal of the recommendation, they may file a written response with the Commission Secretary which may not raise any arguments not raised in

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their challenge or not directly responsive to the Reviewing Officer's recommendation. 11 C.F.R. § 111.36(f). As of this date, a written response has not been received.

**OAR Recommendations**

- (1) Adopt the Reviewing Officer recommendation for AF# 1756 involving Nestor for Congress and Albi Mateo as Treasurer, in making the final determination;
- (2) Take no further action in AF# 1756 that Nestor for Congress and Albi Mateo, as Treasurer, violated 2 U.S.C. § 434(a) and close the file; and
- (3) Send the appropriate letter.

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
)  
Final Determination Recommendation: ) AF 1756  
Nestor for Congress and Albi Mateo, as )  
Treasurer (C00425991) )

CERTIFICATION

I, Mary W. Dove, Secretary of the Federal Election Commission, do hereby certify that on September 24, 2008, the Commission decided by a vote of 6-0 to take the following actions in AF 1756:

1. Adopt the Reviewing Officer recommendation for AF 1756 involving Nestor for Congress and Albi Mateo as Treasurer, in making the final determination.
2. Take no further action in AF 1756 that Nestor for Congress and Albi Mateo, as Treasurer, violated 2 U.S.C. § 434(a) and close the file.
3. Send the appropriate letter.

Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

Attest:

September 25, 2008  
Date

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

28092621077



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

October 9, 2008

VIA CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Albi Mateo, as Treasurer  
Nestor for Congress  
P.O. Box 970635  
Waipahu, HI 96797

C00425991  
AF# 1756

Dear Ms. Mateo:

On September 5, 2007, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Nestor for Congress and you, as Treasurer, violated 2 U.S.C. § 434(a) for failing to file 48-Hour Notices for the 2006 Primary Election. By letter dated September 6, 2007, the Commission sent you notification of the RTB finding that included a civil money penalty calculated at RTB of \$3,420 in accordance with the schedule of penalties at 11 C.F.R. § 111.44. On October 15, 2007, the Office of Administrative Review received the written response from you challenging the RTB civil money penalty.

The Reviewing Officer reviewed the Commission's RTB finding with its supporting documentation and the challenge. Based on this review, the Reviewing Officer recommended that the Commission take no further action because the challenge presented evidence that there was a fault in the FECFile software. In this case, the respondents did not complete all of the required steps when filing the 48-Hour Notices. While the failure to use filing software properly is not considered a reasonably unforeseen circumstance, the Reviewing Officer recognizes that the Commission's FECFile software and electronic filing system validation process allowed them to successfully upload blank Notices. The basis for the Reviewing Officer's recommendation was included in the Final Determination Report, a copy of which was sent to you on March 3, 2008.

On September 24, 2008, 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). 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

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matter is now public. The file will be made a part of the public record pursuant to 11 C.F.R. § 111.42(b). Although the file must be placed on the public record within 30 days from the date of the Commission's notification, this could occur at any time following certification of the Commission's vote.

If you have any questions regarding this matter, please contact Maureen Benitz on our toll free number (800)424-9530 (press 0, then ext. 1660) or (202)694-1660.

Sincerely,



Donald F. McGahn II  
Chairman

Attachment

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FEDERAL ELECTION COMMISSION  
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 1756

DATE SCANNED 12/1/08

SCANNER NO. 1

SCAN OPERATOR SES

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