



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 1757

DATE SCANNED 12/1/08

SCANNER NO. 1

SCAN OPERATOR SES

28092621081



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2007 SEP -5 P 3:49

September 5, 2007

MEMORANDUM

SENSITIVE

TO: THE COMMISSION

THROUGH: PATRINA M. CLARK *PMC*
STAFF DIRECTOR

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

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

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

SUBJECT: REASON TO BELIEVE RECOMMENDATION - 2007 JULY
QUARTERLY REPORT FOR THE ADMINISTRATIVE FINE
PROGRAM

Attached is a list of political committees and their treasurers who failed to file the 2007 July Quarterly Report in accordance with 2 U.S.C. 434(a). The July Quarterly Report was due on July 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 JULY QUARTERLY Not Election Sensitive 07/15/2007 H_S_P

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
1757	C00415422	DELECIA HOLT FOR CONGRESS COMMITTEE	HOLT, DELECIA ANN	WHITTNEY HARRIS	\$251,747	0	8/19/2007	Not Filed	\$221,647	\$6,500
1758	C00428003	IMPERATO FOR PRESIDENT 2008	IMPERATO, DANIEL J.	CHARLES A. FISCINA	\$483,600	0	9/4/2007	Not Filed	\$103,600	\$4,500



FEDERAL ELECTION COMMISSION
Washington, DC 20463

SENSITIVE

DATE & TIME OF TRANSMITTAL: Thursday, September 06, 2007 11:00

BALLOT DEADLINE: Tuesday, September 11, 2007 4:00

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

SUBJECT: **Reason To Believe Recommendation – 2007 July
Quarterly Report For The Administrative Fine
Program. Memorandum from the Chief
Compliance Officer and the Acting Assistant Staff
Director, Reports Analysis Division dated September 5, 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

28092621084

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Reason To Believe Recommendation –) AF 1757
2007 July Quarterly Report For The)
Administrative Fine Program: Delecia)
Holt for Congress Committee and)
Whittney Harris, as treasurer.)

CERTIFICATION

I, Mary W. Dove, Secretary of the Federal Election Commission, do hereby certify that on September 11, 2007, the Commission decided by a vote of 4-0 to take the following actions in AF 1757:

1. Find reason to believe that Delecia Holt for Congress Committee and Whittney Harris, as treasurer violated 2 U.S.C. 434 (a) and make a preliminary determination that the civil money penalty be in the amount of \$6,500.
2. Send the appropriate letter.

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

Attest:

September 12, 2007
Date

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

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 12, 2007

Whittney Harris
Delecia Holt for Congress Committee
P.O. Box 6701
Laguna Niguel, CA 92607

C00415422
AF#: 1757

Dear Whittney Harris:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file a July Quarterly Report of Receipts and Disbursements every calendar year. This report, covering the period through June 30th, shall be filed no later than July 15th. 2 U.S.C. 434(a). You were previously notified of the due date for this report. Records at the Federal Election Commission ("FEC") indicate that this report was 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 9/11/2007, the FEC found that there is reason to believe ("RTB") that Delecia Holt for Congress Committee and you, as treasurer, violated 2 U.S.C. 434(a) by failing to file timely this report on or before July 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 10/21/2007 and is based on these factors:

Election Sensitivity of Report: Not Election Sensitive
Level of Activity: \$221,647
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 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 10/21/2007. 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 in the RTB finding; miscalculation of the calculated civil money penalty

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

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

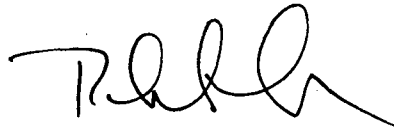
This matter was generated based on information ascertained by the FEC in the normal course of carrying out its supervisory responsibilities. 2 U.S.C. 437g(a)(2). It will remain confidential in accordance with 2 U.S.C. 437g(a)(4)(B) and 437g(a)(12)(A) until it is placed on the public record in accordance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

Additional information on the FEC's administrative fine program, including the final regulations, is located at the FEC's website at www.FEC.gov. If you have questions regarding the payment of the calculated civil money penalty, please contact Rhiannon Ryan in the Reports

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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 'R. Lenhard', with a long horizontal flourish extending to the right.

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 July 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 10/21/2007. 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

FOR: Delecia Holt for Congress Committee

FEC ID#: C00415422

AF#: 1757

PAYMENT DUE DATE: 10/21/2007

PAYMENT AMOUNT DUE: \$6,500

28092621089



For U.S. Congress – 53rd Congressional District
 P.O. Box 6701
 Laguna Niguel, California 92607
www.VoteHolt.com
 Phone: 877-455-4159
 Fax: 877-455-4159
 Email: info@voteholt.com

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 FEC MAIL CENTER

2007 NOV 13 AM 9:17



Delecia Holt
 Republican Candidate

*Representing everyone in the 53rd District;
 and relying on Ethics, Values and Morals!*

October 18, 2007

I.D. # C00415422

FEC Office of Administrative Review

999 E Street, NW
 Washington, DC 20463
 Phone: 800-424-9530 Ext. 1660
 Fax: 202-219-0674

AF# 1757

2007 NOV 13 P 12:50

RECEIVED
 ACTION CENTER

Re: Response to FEC FAX Transmittal received on October 2,2007 with regard to a letter from the FEC dated September 12,2007 and regarding the July 2007 Quarterly report filed by the Delecia Holt for Congress Committee.

Dear Mr. Lenhard,

We declare our innocence of any wrong doing and respectfully challenge the RTB Finding and/or Civil Money Penalty from the FEC's Administrative Review Commissions initial assessment of our committee's **having not filed a July Quarterly Report for 2007** based upon factual error which is evidenced by our inclusion of "Exhibit A-1" which is the FEC's letter to the Delecia Holt for Congress Committee dated September 12,2007 and faxed to us on October 2,2007. While the July 2007 Quarterly Report was our first electronic filing and we apologize for any inconvenience with regard to the delay in receiving a usable password, and our need for technical support in utilizing the FEC software program, to enable us to file the July 2007 Quarterly report, the July Quarterly Report was indeed filed and received by your office as indicated by "Exhibit A" – **FEC letter sent to Delecia Holt for Congress, dated August 23, 2007**, by FEC Campaign Finance Analyst Lauren Lien and "Exhibit B" – **the subsequent letter of response and all attachments filed with the FEC by our committee on August 27,2007** as proof that the July Quarterly Report was indeed filed and a request for additional information from the FEC was requested and provided in a timely manner.

Based upon the following factors pointed out in the FEC's letter which was dated September 12, 2007 and faxed to our committee on October 2,2007:

- 1) Election Sensitivity of Report: Not Election Sensitive
- 2) Number of Days Late: Not Filed
- 3) Number of Previous Civil Money Penalties Assessed: 0

Thus, we respectfully request that the FEC's Administrative Review Board rule in our favor and not assess a civil money penalty as we assure the board that best-efforts has always been utilized in the past in collecting contributor information to ensure complete reports and filings in a timely manner and that best efforts will continue to be implemented in all future reports.

Appreciatively,
Whittney Harris
 Whittney Harris, Treasurer
 Delecia Holt for Congress, 53rd District

Appreciatively,
D.A.Holt
 Delecia Holt, Candidate
 53rd Congressional District

06012976082

" EXHIBIT A-1 "



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Response due 10/19/07

EIN: 26-1255045

FAX TRANSMITTAL

Date: 10/18/07

To: Delecia Holt

Delecia Holt for Congress

Fax #: 949-472-0480

From: Rhannon Ryan

*mailed
Sent on 10/18/07*

FEC Fax #: (202) 219-3496

FEC Phone #: (800) 424-9530 or (202) 694-1130

Page Count: 5
(including cover sheet)

*Tech support
#4 eFiling
#2 tech support*

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"EXHIBIT A"



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 12, 2007

Whittney Harris
Delecia Holt for Congress Committee
P.O. Box 6701
Laguna Niguel, CA 92607

C00415422
AF#: 1757

Dear Whittney Harris:

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

(report was filed electronically this was our 1st electronic filing we needed Tech support & application training as well as updated password as original password did not work - was a year old. New password was issued on 8/1/2007)
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 9/11/2007, the FEC found that there is reason to believe ("RTB") that Delecia Holt for Congress Committee and you, as treasurer, violated 2 U.S.C. 434(a) by failing to file timely this report on or before July 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 10/21/2007 and is based on these factors:

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- Level of Activity: \$221,647
- Number of Days Late: Not Filed
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page 2-5

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"EXHIBIT A-1"

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

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

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

Additional information on the FEC's administrative fine program, including the final regulations, is located at the FEC's website at www.FEC.gov. If you have questions regarding the payment of the calculated civil money penalty, please contact Rhiannon Ryan in the Reports

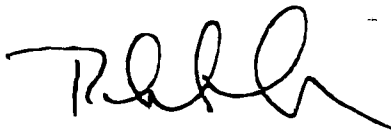
Page 3-5

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"EXHIBIT A"

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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page 4-5

"EXHIBIT A"

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 July 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 10/21/2007. 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

FOR: Delecia Holt for Congress Committee

FEC ID#: C00415422

AF#: 1757

PAYMENT DUE DATE: 10/21/2007

PAYMENT AMOUNT DUE: \$6,500

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EXHIBIT "A"



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-2

August 23, 2007

Whitney Harris, Treasurer
Delecia Holt for Congress Committee
Post Office Box 6701
Laguna Niguel, CA 92607

**Response Due Date:
September 24, 2007**

Identification Number: C00415422

Reference: July Quarterly Report (4/1/07 - 6/30/07)

Dear Treasurer:

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. **Failure to adequately respond by the response date noted above could result in an audit or enforcement action.** Additional information is needed for the following 3 items:

1. Column B figures for the Summary and Detailed Summary Page information should equal the sum of the Column B figures on your previous report and the Column A figures on this report. Please file an amendment to your report to correct the Column B discrepancies for Line(s) 6(a), 6(c), 11(a)(iii), 11(d), 11(e), 16, and all subsequent report(s) which may be affected by this correction. Note that Column B should reflect only the election cycle-to-date totals. (2 U.S.C. § 434(b))
2. Your report fails to include an FEC Form 3Z-1. Form 3Z-1 is used to disclose the total gross receipts of the candidate's authorized committees available to be expended as of June 30, 2007 in connection with the 2008 Primary and General elections. Please provide a completed Form 3Z-1 with this report. (2 U.S.C. § 434(B) and 11 CFR § 104.19(b))
3. Commission Regulations require that a committee disclose the identification of all individuals who contribute in excess of \$200 in an election cycle. (11 CFR § 104.3(a)(4)(i)) Identification for an individual is defined as the full name (initials are not acceptable), complete mailing address, an adequate description of occupation and name of employer. (11 CFR § 100.12) Your report discloses contributions from individuals for which the identification is not complete.

page 1-3

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EXHIBIT "A"

You must provide the missing information, or if you are unable to do so, you must demonstrate that "best efforts" have been used to obtain the information. To establish "best efforts," you must provide the Commission with a detailed description of your procedures for requesting the information. Establishing "best efforts" is a three-fold process.

First, your original solicitation must include a clear and conspicuous request for the contributor information and must inform the contributor of the requirements of federal law for the reporting of such information. (11 CFR § 104.7(b)(1)) See 11 CFR § 104.7(b)(1)(B) for examples of acceptable statements regarding the requirements of federal law.

Second, if the information is not provided, you must make one follow-up, stand alone effort to obtain this information, regardless of whether the contribution(s) was solicited or not. This effort must occur no later than 30 days after receipt of the contribution and may be in the form of a request via mail, e-mail or telephone documented in writing. (11 CFR § 104.7(b)(2)) Follow-up requests should be done, if necessary. These requests must be documented clearly in the form of written records. The requests must:

- clearly ask for the missing information, without soliciting a contribution;
- inform the contributor of the requirements of federal law for the reporting of such information, and
- if the request is written, include a pre-addressed post card or return envelope.

Third, if you receive contributor information after the contribution(s) has been reported, you should either a) file with your next regularly scheduled report, an amended memo Schedule A listing all the contributions for which additional information was received; or b) file on or before your next regularly scheduled reporting date, amendments to the report(s) originally disclosing the contribution(s). (11 CFR § 104.7(b)(4))

Please amend your report to provide the missing information and a detailed description of your procedures for requesting the information. For more information on demonstrating "best efforts," please refer to the Campaign Guide for Congressional Committees and Candidates.

Page 2-3

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EXHIBIT "A"

Please note, you will not receive an additional notice from the Commission on this matter. Adequate responses must be received by the Commission on or before the due date noted above to be taken into consideration in determining whether audit action will be initiated. 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. **Requests for extensions of time in which to respond will not be considered.**

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) 694-1169.

Sincerely,



Lauren Lien
Campaign Finance Analyst
Reports Analysis Division

302

28092621098

page 3-3



For U.S. Congress – 53rd Congressional District
 P.O. Box 6701
 Laguna Niguel, California 92607
 www.VoteHolt.com
 Phone: 877-455-4159
 Fax: 877-455-4159
 Email: info@voteholt.com

RECEIVED
 FEC MAIL CENTER

2007 SEP -4 AM 10: 06

Republican Candidate

**Representing everyone in the 53rd District;
 and relying on Ethics, Values and Morals!**

August 27, 2007

Electronic Filing Division
 FEC Campaign Finance Committee
 Phone: 800-424-9530 Ext. 1642
 Fax: 202-219-0674

**Re: Follow-up attempt to obtain additional information from contributors, FEC request for additional information of July 2007 quarterly report filed for Delecia Holt for Congress Committee, letter dated August 23, 2007 for Campaign Finance Analyst Lauren Lien
 FEC # C00415422**

Dear Mrs. Lien,

This is our first electronic filing and we apologize for any inconvenience with regard to the July 2007 Quarterly report that was filed. As instructed we are submitting a hard copy of the requested FEC form 3Z-1 that apparently was not pulled during the upload during our electronic filing process. We have made every effort during our campaigning and fundraising efforts to obtain the full identification of all individuals who contribute an excess of \$200 to our campaign during an election cycle per (11 CFR § 104.3(a)(4)(i)) and (11 CFR § 100.12) have enclosed a copy of our original solicitation which included "a clear and conspicuous request" for the contributor information (we are enclosing a copy for your use, that was sent with their contribution incomplete) and will follow up with each contributor who did not provide a full name (only an initial) in an effort to obtain the incomplete information in order to report to the FEC.

We are using best efforts and taking the following steps to collect missing information:

- 1) Immediately identifying any contributor who did not provide a full name (i.e., initials, etc.)
- 2) We are mailing out a follow-up "Request for Information" post card asking for the missing information, *without* asking for a contribution to the campaign (a copy of postcard is enclosed).
- 3) We will once again inform the contributor of the requirements of federal law for reporting of such information.
- 4) We are including a pre-addressed post card and return pre-paid envelope to protect their privacy.

As we receive additional information we will update our files and per your instructions in your letter dated August 23, 2007 for Campaign Finance Analyst Lauren Lien, as we are an electronic filer we will "...file amendments, 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..."

Thank you and please feel free to contact me with any further concerns.

Appreciatively,

Whittney Harris

Whittney Harris, Treasurer
 Delecia Holt for Congress, 53rd District

EXHIBIT "B" 11

page 1-6

EXHIBIT "B"



Congressional Candidate Campaign Commitment



Serving San Diego since 1983

Dear Delecia, thank you for your Leadership

I agree that we need to be proactive and aggressively support your candidacy as Representative for the 53rd Congressional District. We need to take back control of the U.S. House of Representatives. That's why I am making this monetary commitment to your campaign to ensure your election to the House. I have enclosed my campaign contribution of:

- \$2300 \$1100 \$550 \$365 \$225
- \$185 \$150 \$95 \$50 \$_____



*Time to lead;
We will do that
365 days a year
with your
Guidance &
Support!*

Thank you for your generous contribution

To make your contribution using your *personal* credit card complete this form or use PayPal at our secure website: www.DeleciaHolt.com

Please make *personal* checks payable to:

Delecia Holt for Congress

P.O. Box 881735

San Diego, CA. 92168

Credit Card Payment Option:

You may make your contribution to the **Delecia Holt for Congress** by personal credit card if you choose by completing the required information below:

- VISA M/C DISCOVER AMEX



Credit Card Number: _____

Expiration Date: _____ Amount of Gift: \$ _____

Name as it Appears on Card: _____

Signature: _____

Your "Candidate Campaign Appreciation" will arrive in 2-4 weeks

**Paid for by Delecia Holt for Congress
PO Box 881735 San Diego, CA. 92168**

Contributions to the **Delecia Holt for Congress** are not deductible as charitable contributions for federal income tax purposes. Contributions from corporations, federal government contractors and foreign nationals are prohibited. Federal law requires us to use our best efforts to collect and report the name, mailing address, occupation and name of employer for each individual whose contributions exceed \$200 in a calendar year:

Name: _____
 Address: _____
 Occupation: _____
 Employer: _____
 Fax: _____ Phone: _____
 E-Mail: _____

Delecia Holt for Congress is on the web! Please visit us online at www.VoteHolt.com and submit your payment and E-mail address so we may keep you informed of all upcoming community events and news. Phone: 877-455-4159 Email: info@voteholt.com

29083523199



Congressional Candidate Campaign Commitment



Serving San Diego since 1983

Dear Delecia, thank you for your Leadership

I agree that we need to be proactive and aggressively support your candidacy as Representative for the 53rd Congressional District. We need to take back control of the U.S. House of Representatives. That's why I am making this monetary commitment to your campaign to ensure your election to the House. I have enclosed my campaign contribution of:

- \$2300 \$1100 \$550 \$365 \$225
- \$185 \$150 \$95 \$50 \$_____



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We will do that
365 days a year
with your
Guidance &
Support!*

Thank you for your generous contribution

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P.O. Box 881735

San Diego, CA. 92168

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You may make your contribution to the **Delecia Holt for Congress** by personal credit card if you choose by completing the required information below:

- VISA M/C DISCOVER AMEX



Credit Card Number: _____

Expiration Date: _____ Amount of Gift: \$ _____

Name as it Appears on Card: _____

Signature: _____

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 Address: _____
 Occupation: _____
 Employer: _____
 Fax: _____ Phone: _____
 E-Mail: _____

Delecia Holt for Congress is on the web! Please visit us online at www.VoteHolt.com and submit your payment and E-mail address so we may keep you informed of all upcoming community events and news. Phone: 877-455-4159 Email: info@voteholt.com

EXHIBIT "B"

Request for Information



*Time to lead;
We will do that 365
days a year with your
Guidance & Support!*

Dear Supporter, thank you for your support in our efforts to take back control of Congress and hold our elected officials accountable. Contributions to Delecia Holt for Congress are not deductible as charitable contributions for federal tax purposes. Contributions from corporations, federal government contractors and foreign nationals are prohibited. Federal law requires us to use our best efforts to collect and report the name, mailing address, occupation and name of employer for each individual whose contribution exceed \$200 in a calendar year. Please provide the requested information and mail it back to us immediately in the pre-paid envelope. Thank you for your support!



*Serving San Diego
since 1983*

*Appreciatively,
Delecia Holt,
Republican Congressional Candidate—53rd District*

Contributions to the **Delecia Holt for Congress** are not deductible as charitable contributions for federal income tax purposes. Contributions from corporations, federal government contractors and foreign nationals are prohibited. Federal law requires us to use our best efforts to collect and report the name, mailing address, occupation and name of employer for each individual whose contributions exceed \$200 in a calendar year:

Name: _____
Address: _____
Occupation: _____
Employer: _____
Fax: _____ Phone: _____
E-Mail: _____

Paid for by Delecia Holt for Congress
PO Box 881735 San Diego, CA. 92168

Delecia Holt for Congress is on the web!
Please visit us online at www.VoteHolt.com so we may keep you informed of all upcoming community events and news.

Request for Information



*Time to lead;
We will do that 365
days a year with your
Guidance & Support!*

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*Serving San Diego
since 1983*

*Appreciatively,
Delecia Holt,
Republican Congressional Candidate—53rd District*

Contributions to the **Delecia Holt for Congress** are not deductible as charitable contributions for federal income tax purposes. Contributions from corporations, federal government contractors and foreign nationals are prohibited. Federal law requires us to use our best efforts to collect and report the name, mailing address, occupation and name of employer for each individual whose contributions exceed \$200 in a calendar year:

Name: _____
Address: _____
Occupation: _____
Employer: _____
Fax: _____ Phone: _____
E-Mail: _____

Paid for by Delecia Holt for Congress
PO Box 881735 San Diego, CA. 92168

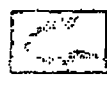
Delecia Holt for Congress is on the web!
Please visit us online at www.VoteHolt.com so we may keep you informed of all upcoming community events and news.

EXHIBIT "B"

10/3/07 updated

28092621102
27839526248

2007 - Congressional Candidate Campaign Commitment



San Diego
Since 1973

Out of the box

Dear Delecia, thank you for your Leadership

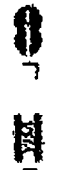
I agree that we need to be proactive and aggressively support your candidacy as Representative for the 53rd Congressional District. We need to take back control of the U.S. House of Representatives. That's why I am making this monetary commitment to your campaign to ensure your election to the House in 2008. I have enclosed my 2007 Primary Election Contribution of:

\$2100 \$1100 \$550 \$365 \$225
 \$185 \$150 \$95 \$500

check # 9793 from Washington Mutual

Credit Card Payment Option:

You may make your contribution to the Delecia Holt for Congress by personal credit card if you choose by completing the required information below:



Credit Card Number:

Expiration Date:

Name as it Appears on Card:

Signature:

Your Candidate Campaign Appreciation* will arrive in 2-4 weeks

*Paid for by the committee to elect Delecia Holt for Congress
Printed on recycled paper, Not printed at Tax-Payer expense.
Phone 817-452-4159 Email: info@voteholt.com



Time to lead!
We will do that
365 days a year
with your
Guidance &
Support!

Thank you for your generous
contribution!

To make your contribution using your personal credit card complete the back of this form or use PayPal at our secure website: www.VoteHolt.com

Please make personal checks payable to:

Delecia Holt for Congress
P.O. Box 881735
San Diego, CA 92168

on 10/18/2007

Contributions to the Delecia Holt for Congress are not deductible as charitable contributions for federal income tax purposes. Contributions from corporations, federal governmental entities and foreign nationals are prohibited. Federal law requires us to use our best efforts to collect and report the name, address, occupation and name of employer for each individual whose contributions exceed \$100 in a calendar year.

Name: Charles Cardenas, Sr. Trustee

Address:

Occupation: Real Estate Broker

Employer: Box Downline

City:

State:

Delecia Holt for Congress is on the web!

Please visit us online at www.VoteHolt.com and submit your payment online and E-mail address so we may keep you informed of all upcoming community events and news!

EXHIBIT "B"

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

<input type="checkbox"/> Hand Delivered	Date of Receipt
<input checked="" type="checkbox"/> USPS First Class Mail	Postmarked 8/30/07
<input type="checkbox"/> USPS Registered/Certified	Postmarked (R/C)
<input type="checkbox"/> USPS Priority Mail	Postmarked
Delivery Confirmation™ or Signature Confirmation™ Label <input type="checkbox"/>	
<input type="checkbox"/> USPS Express Mail	Postmarked
<input type="checkbox"/> Postmark Illegible	
<input type="checkbox"/> No Postmark	
<input type="checkbox"/> Overnight Delivery Service (Specify):	Shipping Date
Next Business Day Delivery <input type="checkbox"/>	
<input type="checkbox"/> Received from House Records & Registration Office	Date of Receipt
<input type="checkbox"/> Received from Senate Public Records Office	Date of Receipt
<input type="checkbox"/> Received from Electronic Filing Office	Date of Receipt
<input type="checkbox"/> Other (Specify):	Date of Receipt or Postmarked


PREPARER
(3/2005)

9/4/07
DATE PREPARED

7079256307

EXHIBIT "B"

FEC FORM 3Z-1

CONSOLIDATED REPORT OF GROSS RECEIPTS FOR AUTHORIZED COMMITTEES (11 CFR 104.19) (Millionaires' Amendment)

RECEIVED
FEC MAIL CENTER

2007 SEP -4 AM 10:06

Name of Candidate		Candidate ID Number
DELECIA HOLT		HGCA 48229
Name of Principal Campaign Committee		Committee ID Number
DELECIA HOLT FOR CONGRESS		C00415422
Committee Address		
P.O. Box 6701		
City	State	ZIP
Laguna Niguel	CA	92607
Report Covering Period (check one) <input checked="" type="checkbox"/> through June 30, or <input type="checkbox"/> through December 31 of the year preceding the year of the general election		
	Primary	General
1. Gross receipts of authorized committees.....	203,608.00	0.
2. Aggregate amount of contributions from personal funds of the candidate ...	38,053.00	0.
3. Gross receipts minus the candidate's personal contributions.....	165,555.00	0.

20070929 09:52:43



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Via First Class Mail

November 1, 2007

Whittney Harris, as Treasurer
Delecia Holt for Congress Committee
P.O. Box 6701
Laguna Niguel, CA 92607

C00415422
AF# 1757

Dear Ms. Harris:

On October 31, 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

28092621105

Date: November 1, 2007

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

AF#: 1757

Committee Name: Delecia Holt for Congress

Committee ID#: C00415422

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 September 5, 2007 and RTB Certification, dated September 12, 2007: Y (RTB Certification only)

Attachment #: 1

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

Attachment #: N/A

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

Attachment #: N/A

RAD Staff Declaration (Y/N): Y

-2007 July Quarterly Report Prior Notice, dated June 21, 2007.

-Non-Filer Notice, dated July 31, 2007.

-RTB Letter, dated September 12, 2007.

Attachment #: 3

Other RAD Information: (Y/N): Y – Returned RTB Letter, Fax Transmittal, Received Fax

Attachment#: 4


2007 NOV - 1 P 3:40

FEDERAL
ADMINISTRATIVE
REVIEW

28092621106

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 Delecia Holt for Congress:
 - A) Prior Notice, dated June 21, 2007 , referencing the 2007 July Quarterly Report (sent via electronic mail to: info@voteholt.com);
 - B) Non-Filer Letter, dated July 31, 2007, referencing the 2007 July Quarterly Report;
 - C) Reason-to-Believe Letter, dated September 12, 2007, referencing the 2007 July Quarterly Report.
3. I hereby certify that I have searched the Commission's public records and find that Delecia Holt for Congress filed the 2007 July Quarterly Report with the Commission on August 19, 2007.
4. Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct and that all relevant telecons for the matter have been provided. This declaration was executed at Washington, D.C. on the 1st day of November, 2007.



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

28092621107



**JULY QUARTERLY
REPORT NOTICE**

FEDERAL ELECTION COMMISSION

CONGRESSIONAL COMMITTEES

June 21, 2007

CURRENT REPORT DUE:

REPORT	REPORTING PERIOD ¹	REG./CERT. & OVERNIGHT MAILING DEADLINE	FILING DEADLINE
July Quarterly	04/01/07 - 06/30/07	07/15/07	07/15/07 ²

REPORTING SCHEDULE FOR REMAINDER OF 2007:

REPORT	REPORTING PERIOD ¹	REG./CERT. & OVERNIGHT MAILING DEADLINE	FILING DEADLINE
October Quarterly	07/01/07 - 09/30/07	10/15/07	10/15/07
Year-End	10/01/07 - 12/31/07	01/31/08	01/31/08

Supplemental Filing Information is available on pages 2 and 3 of this notice.

¹These dates indicate the beginning and the end of the reporting period. A reporting period always begins the day after the closing date of the last report filed. If the committee is new and has not previously filed a report, the first report must cover all activity that occurred before the committee registered.

²Notice that this filing date falls on a weekend. Filing dates are not extended when they fall on nonworking days. Accordingly, reports filed by methods other than Registered, Certified or Overnight Mail, or electronically, must be received before close of business on the last business day before the deadline.

28092621108

SUPPLEMENTAL FILING INFORMATION

PLEASE NOTE: The Commission provides reminders of upcoming filing dates as a courtesy to help committees comply with the filing deadlines set forth in the Act and Commission regulations. Committee treasurers must comply with all applicable filing deadlines established by law, and the lack of prior notice does not constitute an excuse for failing to comply with any filing deadline.

WHO MUST FILE

Principal campaign committees of congressional candidates³ (including unopposed candidates and candidates whose names do not appear on the ballot) must file Quarterly Reports.⁴ Before a committee can stop filing with the FEC, it must file a termination report with the Commission. Committees must continue to file reports until the Commission notifies them in writing that their termination report has been accepted.

METHODS OF FILING REPORTS

Electronic Filing

Reports filed electronically must be received and validated by 11:59 p.m. Eastern Time on the filing deadline. For additional information, call the Electronic Filing Office at (800) 424-9530 or (202) 694-1642 or visit our website at www.fec.gov/elecfil/electron.shtml.

Under the Commission's mandatory electronic filing regulations, 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 file all reports and statements with the FEC electronically. Other U.S. House committees may voluntarily file electronically; however, any entity that files electronically, whether required to do so or not, must comply with the electronic filing rules. U.S. Senate committees that file with the Secretary of the Senate are not subject to the mandatory electronic filing rules, but may file an unofficial copy of their reports with the Commission in order to speed disclosure.

Registered & Certified Mail

Reports sent by Registered or Certified Mail must be postmarked on or before the mailing deadline to be considered timely filed. A committee sending its reports by Certified Mail should keep its certified mailing receipt with the U.S. Postal Service (USPS) postmark as proof of filing because the USPS does not keep complete records of items sent by Certified Mail. A committee sending its report by Registered Mail should keep its proof of mailing. Note that a Certificate of Mailing from the USPS is not sufficient to prove that a report is timely filed using Registered, Certified or Overnight Mail.

³Generally, 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. See also 11 CFR 100.3(a)(2) & (3).

⁴If 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.

28092621109

Overnight Mail

Reports filed via overnight mail will be considered timely filed if the report is received by the delivery service on or before the mailing deadline. "Overnight mail" includes Priority or Express Mail having a delivery confirmation, or an overnight delivery service with which the report is scheduled for next business day delivery and is recorded in the service's on-line tracking system.

Other Means of Filing

Reports filed by any other means—including first class and courier—must be received by the Commission (or for Senate committees, the Secretary of the Senate) before the close of business on the last business day before the filing deadline.

Paper forms are available at the FEC website at www.fec.gov/info/forms.shtml.

COMPLIANCE

Treasurer Responsibility. 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.

Administrative Fine Program. Under the Administrative Fine Program, political committees and their treasurers who fail to file their reports on time may be subject to civil money penalties up to \$16,000 (or more for repeat late- and non-filers).⁵ For additional information, visit the FEC website at www.fec.gov/af/af.shtml.

Report Format. 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 Must File Electronically. Electronic filers who instead file on paper, or who submit an electronic report (either by direct transmission, 3.5" diskette or CD) that does not pass the validation program by 11:59 p.m. Eastern Time on the filing deadline, will be considered non-filers and may be subject to enforcement actions (including administrative fines).

Form 3Z-1. Principal campaign committees of U.S. House and U.S. Senate candidates running in 2008 must file FEC Form 3Z-1 as part of their 2007 July Quarterly and Year-End Reports. The information provided on this form allows opposing candidates to compute their "gross receipts advantage" which is used to determine whether a candidate is entitled to increased contribution and coordinated expenditure limits under the "Millionaires' Amendment."⁶

⁵Penalties 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.

⁶See *Millionaires' Amendment* brochure on the FEC website at www.fec.gov/pages/brochures/millionaire.shtml.

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

28092621110



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 31, 2007

RQ-7

Whittney Harris, Treasurer
Delecia Holt For Congress Committee
P.O. Box 6701
Laguna Niguel, CA 92607

IDENTIFICATION NUMBER: C00415422

Reference: July Quarterly Report 4/1/2007 - 6/30/2007

Dear Treasurer:

It has come to the attention of the Federal Election Commission that you may have failed to file the above referenced report of receipts and expenditures as required by the Federal Election Campaign Act, as amended. You were previously notified of the due date for this report.

It is important that you file this report immediately with the Federal Election Commission, 999 E Street, N.W., Washington, D.C. 20463 for House candidates, or the Secretary of the Senate, 232 Hart Senate office building, Washington, D.C. 20510, for Senate candidates. Please note that electronic filers must submit their reports electronically, as per 11 CFR §104.18. A copy of the report must also be filed with the Secretary of State or equivalent State officer unless the State is exempt from the federal requirement to receive and maintain paper copies. You can verify the Commission's receipt of any documents submitted by your committee on the FEC website at www.fec.gov.

The failure to timely file this report may result in civil money penalties, an audit or legal enforcement action. The civil money penalty calculation for late reports does not include a grace period and begins on the day following the due date for the report. Due to heightened security screening measures, delivery of mail by the US Postal Service may be delayed. The Commission recommends that you submit your report via overnight delivery or courier service.

If you have any questions regarding this matter, please contact Swapna Krishna at our toll free number (800)424-9530. Our direct local number is (202)694-1130.

Sincerely,

A handwritten signature in black ink, appearing to read "Craig Crooks".

Craig Crooks
Acting Assistant Staff Director
Reports Analysis Division (RAD)

2009091413



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2008 MAR 21 P 12:17

March 21, 2008

MEMORANDUM

To: The Commission

Through: Patrina M. Clark *PM*
Staff Director

From: John Gibson *JG*
Chief Compliance Officer

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

By: Jill Sugarman *JS*
Reviewing Analyst

Subject: AF# 1757 – Delicia Holt for Congress Committee and Whitney Harris,
as Treasurer (C00415422)

SENSITIVE

The respondents exceeded the \$50,000 mandatory electronic filing threshold on the report they filed late. For that reason
the recommendation is to take no further action and close the file.

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

28092621112



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 21, 2008

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

AF# 1757 – Delecia Holt for Congress Committee and Whittney Harris, as Treasurer
(C00415422)

On September 11, 2007, the Commission found reason to believe ("RTB") that the respondents violated 2 U.S.C. § 434(a) for failing to file the 2007 July Quarterly Report and made a preliminary determination that the civil money penalty was \$6,500 based on the schedule of penalties at 11 C.F.R. § 111.43. They were notified by the Reports Analysis Division ("RAD") on September 12, 2007 of the Commission's RTB finding and civil money penalty. The letter, sent to the address of record, was returned to the Commission on October 12, 2007; however, a copy was sent to them via facsimile on October 2, 2007.

Respondents' Response

On October 31, 2007, the Commission received the written response and supporting documentation ("challenge") from the Treasurer and Candidate who contend that the RTB finding was based on "factual error."¹ They reject the Commission's assessment that they did not file the July Quarterly Report, and note that the report was indeed filed as indicated by the attached Exhibits. This report was the first electronic filing. They apologize for the delay in receiving a usable password and in seeking help with the software from technical support. They ask the Commission to reconsider the fine since they always use best efforts to get contributor information and ensure that complete reports are filed in a timely manner.

Included with the challenge are three exhibits. Exhibit A-1 contains copies of a fax transmittal sheet, dated October 2, 2007, addressed to the Candidate from the RAD Analyst and the RTB letter, both with handwritten notes. Exhibit A is a copy of the Request for Additional Information ("RFAI") referencing the July Quarterly Report and dated August 23, 2007. Exhibit B is a copy of the Committee's response to the RFAI and dated August 27, 2007.

Analysis

The July Quarterly Report was filed on August 19, 2007, 35 days late.

The Federal Election Campaign Act requires that a report for the quarter ending June 30, 2007 be filed no later than July 15th. 2 U.S.C. § 434(a)(2)(B) and 11 C.F.R. § 104.5(a)(1)(i). Political committees required to file reports with the Commission must file in an electronic format if they have received contributions or made expenditures or expect to receive

¹ The respondents sent the challenge via facsimile on October 31, 2007. The identical hard copy was received on November 13, 2007.

28092621113

contributions or make expenditures in a calendar year aggregating in excess of \$50,000. 2 U.S.C. § 434(a)(11) and 11 C.F.R. § 104.18(a). Reports electronically filed must be received and validated at or before 11:59 p.m., Eastern Standard/Daylight Time on the prescribed filing date to be timely filed. 11 C.F.R. §§ 104.5(e) and 100.19(c). The treasurer shall be personally responsible for the timely filing of reports. 11 C.F.R. § 104.14(d).

The respondents assert that they used best efforts to gather contributor information and file the report, their first required electronic filing, in a timely manner. Commission records support their contention that this was the first report they were required to file electronically, as the July Quarterly Report discloses the receipt of \$173,508 in net contributions for this period. As they acknowledge, they filed it in the correct format, albeit late.

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

OAR Recommendations

- (1) Adopt the Reviewing Officer recommendation for AF# 1757 involving the Delecia Holt for Congress Committee and Whitney Harris, as Treasurer, in making the final determination;
- (2) Take no further action in AF# 1757 that the Delecia Holt for Congress Committee and Whitney Harris, as Treasurer, violated 2 U.S.C. § 434(a) and close the file; and
- (3) Send the appropriate letter.

Reviewing Analyst: Jill I. Sugarman

Attachments

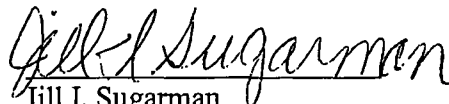
Attachment 1 – Challenge Received from Respondents

Attachment 2 – Declaration from RAD, Returned Envelope,
Fax Transmittal Sheet, and Fax Received from Respondents

Attachment 3 – Declaration from OAR

DECLARATION OF JILL I. SUGARMAN

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 2007 July Quarterly Report is due July 15, 2007. If electronically filed, it must be received and validated by the Commission at or before 11:59 p.m., Eastern Standard/Daylight Time on July 15 to be timely filed.
3. I hereby certify that I have searched the Commission's public records and that the documents identified herein are true and accurate copies of Pages 1 and 2 of the Summary Page for the 2007 July Quarterly Report electronically filed by the Delecia Holt for Congress Committee and Whitney Harris, as Treasurer. According to the Commission's records, the report covers the period of April 1 through June 30, 2007, and was received on August 19, 2007. Line 6(a) lists \$173,508.80 in total contributions for the reporting period.
4. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at Washington on the 21st of March, 2008.


Jill I. Sugarman
Reviewing Analyst
Office of Administrative Review
Federal Election Commission

28092621115

**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

Delecia Holt for Congress

ADDRESS (number and street) P.O. Box 6701

Check if different than previously reported. (ACC)

Laguna Niguel CA 92607

2. FEC IDENTIFICATION NUMBER C00415422 CITY STATE ZIP CODE STATE DISTRICT
3. IS THIS REPORT NEW (N) OR AMENDED (A) CA 53

4. TYPE OF REPORT (Choose One)

(a) Quarterly Reports:

April 15 Quarterly Report (Q1)

X July 15 Quarterly Report (Q2)

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 D4 01 2007 through 06 30 2007

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 Whitney Harris

Signature of Treasurer Electronically Filed by Whitney Harris Date 07 12 2007

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

Office Use Only

FEC FORM 3 (Revised 02/2003)

28092621116

SUMMARY PAGE
of Receipts and Disbursements

FEC Form 3 (Revised 02/2003)

Page 2

Write or Type Committee Name

Delecia Holt for Congress

Report Covering the Period: From: ^{M M} 0 4 ^{D D} 0 1 ^{Y Y Y Y} 2 0 0 7 To: ^{Y M} 0 8 ^{D D} 3 0 ^{Y Y Y Y} 2 0 0 7

	COLUMN A This Period	COLUMN B Election Cycle-to-Date
6. Net Contributions (other than loans)		
(a) Total Contributions (other than loans) (from Line 11(a)).....	173508.80	173508.80
(b) Total Contribution Refunds (from Line 20(d)).....	0.00	0.00
(c) Net Contributions (other than loans) (subtract Line 6(b) from Line 6(a)).....	173508.80	173508.80
7. Net Operating Expenditures		
(a) Total Operating Expenditures (from Line 17).....	48139.12	48139.12
(b) Total Offsets to Operating Expenditures (from Line 14).....	0.00	0.00
(c) Net Operating Expenditures (subtract Line 7(b) from Line 7(a)).....	48139.12	48139.12
8. Cash on Hand at Close of Reporting Period (from Line 27).....	155469.68	
9. Debts and Obligations Owed TO the Committee (itemize all on Schedule C and/or Schedule D).....	0.00	
10. Debts and Obligations Owed BY the Committee (itemize all on Schedule C and/or Schedule D).....	0.00	

For further information contact:

Federal Election Commission
999 E Street, NW
Washington, DC 20463

Toll Free 800-424-9530
Local 202-694-1100

28092621117



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

VIA OVERNIGHT DELIVERY

March 27, 2008

Whittney Harris, as Treasurer
Delecia Holt for Congress Committee
PO Box 6701
Laguna Niguel, CA 92607

C00415422
AF# 1757

Dear Ms. Harris:

On September 11, 2007, the Federal Election Commission ("Commission") found reason to believe ("RTB") that the Delecia Holt for Congress Committee and you, as Treasurer ("respondents"), violated 2 U.S.C. § 434(a) for failing to file the 2007 July Quarterly Report. The Commission also made a preliminary determination that the civil money penalty was \$6,500 based on the schedule of penalties at 11 C.F.R. § 111.43.

After reviewing the written response and any supplemental information submitted by you and Commission staff, the Reviewing Officer has recommended that the Commission make a final determination in this matter. A copy of the Reviewing Officer's recommendation is attached.

You may file with the Commission Secretary a written response to the recommendation within 10 days of the date of this letter. Your written response should be sent to the Commission Secretary, 999 E Street, NW, Washington, DC 20463. As a result of the anthrax threat in the Washington, DC area, US Postal Service mail delivery to federal agencies, including the Commission, has been interrupted. Until regular mail delivery resumes, you may also file your written response with the Commission Secretary via facsimile (202-208-3333) or by courier at the same address (if you use an overnight delivery service, please use zip code 20004 instead of zip code 20463). Please include the AF # in your response. Your response may not raise any arguments not raised in your original written response or not directly responsive to the Reviewing Officer's recommendation. 11 C.F.R. § 111.36(f). The Commission will then make a final determination in this matter.

Please contact me at the toll free number 800-424-9530 (press 0, then press 1660) or 202-694-1660 if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Jill I. Sugarman".

Jill I. Sugarman
Reviewing Analyst
Office of Administrative Review

Attachment

28092621118



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2008 APR -9 P 5:09

April 8, 2008 **SENSITIVE**

MEMORANDUM

To: The Commission

Through: Patrina M. Clark *pmc*
Staff Director

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

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

By: Jill I. Sugarman *JIS*
Reviewing Analyst

Subject: Final Determination Recommendation in AF# 1757 – Delecia Holt for Congress Committee and Whitney Harris, as Treasurer (C00415422)

On September 11, 2007, the Commission found reason to believe that the respondents violated 2 U.S.C. § 434(a) for failing to file the 2007 July Quarterly Report and also made a preliminary determination that the civil money penalty was \$6,500 based on the schedule of penalties at 11 C.F.R. § 111.43.

On October 31, 2007, the Commission received the respondents' written response ("challenge"). The challenge presented evidence that this was the first report the respondents were required to file electronically and they filed it in the correct format, albeit late. The Reviewing Officer, therefore, recommended that the Commission take no further action and close the file.

The Reviewing Officer's recommendation dated March 21, 2008 was forwarded to the Commission. A copy was simultaneously forwarded to the respondents and is hereby incorporated by reference. Within 10 days of transmittal of the recommendation, the respondents may file a written response with the Commission Secretary which may not raise any arguments not raised in the respondents' challenge or not directly responsive to the Reviewing Officer's recommendation. 11 C.F.R. § 111.36(f). As of this date, a written response has not been received.

28092621119

OAR Recommendations

- (1) Adopt the Reviewing Officer recommendation for AF# 1757 involving the Delecia Holt for Congress Committee and Whitney Harris, as Treasurer, in making a final determination;
- (2) Take no further action in AF# 1757 against the Delecia Holt for Congress Committee and Whitney Harris, as Treasurer, with respect to 2 U.S.C. § 434(a) and close the file; and
- (3) Send the appropriate letter.

28092621120



FEDERAL ELECTION COMMISSION
Washington, DC 20463

SENSITIVE

DATE & TIME OF TRANSMITTAL: Thursday, April 10, 2008 11:00

BALLOT DEADLINE: Tuesday, April 15, 2008 4:00

COMMISSIONER: MASON, WEINTRAUB

SUBJECT: **Final Determination Recommendation
in AF #1757 – Delecia Holt for Congress
Committee and Whittney Harris, as
Treasurer (C00415422)
Memorandum from the Chief Compliance
Officer and the Reviewing Officer
dated April 8, 2008**

- 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.

28092621121

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Final Determination Recommendation:) AF 1757
Delecia Holt for Congress Committee)
and Whittney Harris, as Treasurer)
(C00415422))

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 1757:

1. Adopt the Reviewing Officer's recommendation for AF 1757 involving Delecia Holt for Congress Committee and Whittney Harris, as Treasurer, in making the final determination.
2. Take no further action in AF 1757 against the Delecia Holt for Congress Committee and Whittney Harris, as Treasurer, with respect to 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

28092621122



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 9, 2008

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Whittney Harris, as Treasurer
Delecia Holt for Congress Committee
P.O. Box 6701
Laguna Niguel, CA 92607

ID# C00415422
AF# 1757

Dear Ms. Harris:

On September 11, 2007, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that the Delecia Holt for Congress Committee and you, as Treasurer, violated 2 U.S.C. § 434(a) for failing to file the 2007 July Quarterly Report. By letter dated September 12, 2007, the Commission sent you notification of the RTB finding that included a civil money penalty calculated at RTB of \$6,500 in accordance with the schedule of penalties at 11 C.F.R. § 111.43. On October 31, 2007, the Office of Administrative Review received the written response from you and Ms. Holt 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 respondents presented evidence that this was the first report they were required to file electronically and that they filed it in the correct format, albeit late. 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 27, 2008.

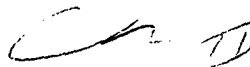
On September 24, 2008, the Commission adopted the Reviewing Officer's recommendation to take no further action against the respondents with respect to 2 U.S.C. § 434(a). A copy of the final determination memorandum is attached.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this 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.

28092621123

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

Sincerely,



Donald F. McGahn II
Chairman

Attachment

28092621124



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 1757

DATE SCANNED 12/1/08

SCANNER NO. 1

SCAN OPERATOR SCV

28092621125