



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 1758

DATE SCANNED 12/1/08

SCANNER NO. 1

SCAN OPERATOR ΣΣΣ

28092621126



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 *JDG*
CHIEF COMPLIANCE OFFICER

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

BY: *CR* 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

28092621129

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)	
)	
Reason To Believe Recommendation –	)	AF 1758
2007 July Quarterly Report For The)	
Administrative Fine Program: Imperato)	
for President 2008 and Charles A.)	
Fiscina, 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 1758:

1. Find reason to believe that Imperato for President 2008 and Charles A. Fiscina, as treasurer violated 2 U.S.C. 434 (a) and make a preliminary determination that the civil money penalty be in the amount of \$4,500.
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

Charles A. Fiscina
Imperato for President 2008
777 S. Flagler Dr., Suite 800W
West Palm Beach, FL 33401

C00428003
AF#: 1758

Dear Charles A. Fiscina:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file a July Quarterly Report of Receipts and Disbursements. 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 Imperato for President 2008 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 \$4,500. It is due by 10/21/2007 and is based on these factors:

Election Sensitivity of Report: Not Election Sensitive
Level of Activity: \$103,600
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 Imperato for President 2008 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", written in a cursive style.

Robert D. Lenhard
Chairman

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ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 C.F.R. 111.43, the amount of your civil money penalty calculated at RTB is \$4,500 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: Imperato for President 2008

FEC ID#: C00428003

AF#: 1758

PAYMENT DUE DATE: 10/21/2007

PAYMENT AMOUNT DUE: \$4,500

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Imperato 2008

For President

OCT 19 P 3:50

October 19, 2007

Office of Administrative Review
Federal Election Commission
999 E Street NW
Washington, DC 20463

C00428003
AF#:1758

To Whom It May Concern:

This letter is a response to your September 12, 2007 RTB letter.

I shall address the reason for the late filing as follows:

1. Our Treasurer, Charles Fiscina did not seem to understand the application of the electronic filing, and stated on a phone conversation with the FEC on October 2, 2007 that he was sure it had been correctly filed.
2. Another mistake our campaign discovered was that Mr. Fiscina did not interpret the activities of the committee properly and used numbers that were grossly inaccurate. We have filed amended documents to correct these errors.

We respectfully ask the FEC's Office of Administrative Review to reconsider the civil money penalty.

Thank you for working with us to clarify these errors. You can contact us with additional questions at the Washington, DC office number (202) 261-2174.

Sincerely,

Daniel Imperato, Candidate for President
Imperato for President 2008 Committee
ID # C00428003

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Via First Class Mail

October 19, 2007

Charles A. Fiscina, as Treasurer
Imperato for President 2008
777 S. Flagler Drive, Suite 800W
West Palm Beach, FL 33401

C00428003
AF# 1758

Dear Mr. Fiscina:

On October 19, 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,

Jill Sugarman

Jill Sugarman
Reviewing Analyst
Office of Administrative Review

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Date: October 30, 2007

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

AF#: 1758

Committee Name: Imperato for President 2008

Committee ID#: C00428003

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**

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

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

-RTB Letter, dated September 12, 2007.

Attachment #: 4

Other RAD Information: (Y/N): N

Attachment#: N/A

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SENDER: COMPLETE THIS SECTION

COMPLETE THIS SECTION ON DELIVERY

- 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 mailpiece, or on the front if space permits.

1. Article Addressed to:

Charles A. Fusena
Imperato for President 2008
777 S. Flagler Dr, Suite 800W
West Palm Beach, FL 33401

A. Signature

[Handwritten Signature]

- Agent
- Addressee

B. Received by (Printed Name)

[Handwritten Name]

C. Date of Delivery

D. Is delivery address different from item 1?

- Yes
- No

If YES, enter delivery address below:

3. Service Type

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

4. Restricted Delivery? (Extra Fee)

- Yes

2. Article Number


(Transfer from service label)

7005 1820 0002 3465 5103

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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 Imperato for President 2008:
 - A) Non-Filer Letter, dated August 31, 2007, referencing the 2007 July Quarterly Report;
 - B) 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 Imperato for President 2008 filed the 2007 July Quarterly Report with the Commission on September 4, 2007.
 4. Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct and that all relevant telecoms for the matter have been provided.
- This declaration was executed at Washington, D.C. on the 30th day of October, 2007.


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

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 31, 2007

RQ-7

Charles A. Fiscina, Treasurer
Imperato for President 2008
777 South Flagler Dr, Suite 800 West Tower
West Palm Beach, FL 33401

IDENTIFICATION NUMBER: C00428003

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.

It is important that you file this report immediately with the Federal Election Commission, 999 E Street, N.W., Washington, D.C. 20463. Please note that electronic filers must submit their reports electronically, as per 11 CFR §104.18. A copy of the report should also be filed with the appropriate Secretary of State or equivalent State officer, unless the State is exempt from the federal requirement to receive and maintain paper copies.

If you have filed this report timely or by express, certified or registered mail, please notify us immediately, in writing, of the tracking, certified or registered number and the date that the report was sent. The failure to timely file this report may result in publication, civil money penalties, suspension of matching funds payments, an audit or legal enforcement action.

If you have any questions regarding this matter, please contact Chris Ritchie in the reports analysis division on our toll free number (800)424-9530. Our local number is (202)694-1130.

Sincerely,

Patricia Carmona

Patricia Carmona
Acting Assistant Staff Director
Reports Analysis Division (RAD)

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2008 FEB -8 P 3: 30

February 8, 2008

MEMORANDUM

SENSITIVE

To: The Commission

Through: Patrina M. Clark *pmc*
Staff Director

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

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

By: Maureen Benitz *MB*
Reviewing Analyst

Subject: AF# 1758 – Imperato for President 2008 and Charles A. Fiscina, as
Treasurer (C00428003)

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

28092621141



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 8, 2008

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

AF# 1758 – Imperato for President 2008 and Charles A. Fiscina, as Treasurer (C00428003)

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 \$4,500 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.

Respondents' Response

On October 19, 2007, the Commission received the written response ("challenge") from the Candidate, on behalf of the respondents, respectfully requesting that the Commission reconsider the civil money penalty. He states that the Treasurer did not understand the application of the electronic filing software and that he was sure it had been correctly filed. Furthermore, he asserts that the Treasurer did not correctly interpret the activities of the campaign, resulting in grossly inaccurate numbers on their reports. They filed amended reports to correct the errors.

Analysis

The July Quarterly Report was filed on September 4, 2007, 51 days late.

The Federal Election Campaign Act ("Act") states that the treasurer of a principal campaign committee shall file a report for the quarter ending June 30 no later than July 15. 2 U.S.C. § 434(a)(3)(B) and 11 C.F.R. § 104.5(b)(2). 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 respondents were notified on two occasions after the July Quarterly Report's due date that the report had not been filed: by the July 16 non filer notification sent to info@imperatobrooks.com and by the August 31 Non-Filer Notice. In addition, during their conversation on August 31 about another issue, the RAD Analyst reminded the Treasurer that he had not yet filed the report.

On July 10, the respondents faxed a password request to the Electronic Filing Office ("EFO"). The EFO's records indicate that five voicemail messages were left for the Treasurer regarding the password. The Treasurer did not return the calls until August 15, over a month after he submitted the password request, and the EFO staff assigned a password to him. Furthermore, the EFO records show that he only sought assistance with the password, and not with the application of the software.

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Based on the RAD telephone records, it appears that the Treasurer did not seek help using the FECFile software until September 6, two days after the July Quarterly Report was filed. From the time of the RTB finding until October 12, they were in contact with RAD Analysts on several occasions. During these telephone conversations, they expressed frustration at the lack of help offered by the EFO staff, in addition to seeking help with reports other than the July Quarterly Report. The Analysts repeatedly suggested that they seek help from the EFO with the FECFile software. However, the EFO telephone records indicate that they did not call the EFO until October 12, and that the telephone conversations on this date primarily concerned a report other than the July Quarterly Report.

In the challenge, the Candidate states that the Treasurer spoke to a representative at the Commission on October 2. OAR telephone records indicate that the respondents spoke with the Reviewing Officer regarding both the challenge and the incorrect financial activity disclosed on the reports. The Reviewing Officer suggested that the respondents review their records and file any necessary amended reports to accurately reflect the activity level of the Committee.

The Candidate states that the Committee's reports used grossly inaccurate numbers. At the time of the RTB filing, the Committee's report disclosed \$50,000 in receipts and \$53,600 in disbursements, resulting in a level of activity of \$103,600. The criteria used in assessing the civil money penalty are: the election sensitivity of a report, the level of activity, the number of days late (or that the report is considered not filed) and any prior violations. The July Quarterly Report is not election sensitive and is considered not filed. There are no prior violations. The respondents filed an amended July Quarterly Report on October 12, 2007. The amended report discloses \$12,500 in receipts and \$12,500 in disbursements, resulting in an activity level of \$25,000. Using the schedule of penalties at 11 C.F.R § 111.43(a) and the level of activity bracket of \$25,000 through \$49,999.99, the civil money penalty is $\$900 \times [1 + (.25 \times 0)]$ or \$900.

Their challenge fails to address any of the three valid excuses at 11 C.F.R § 111.35(b). These are: (i) the RTB finding is based on factual errors; and/or (ii) the improper calculation of the civil money penalty; and/or (iii) they 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 Administrative Fine regulations specifically state that delays caused by negligence and the failure to use filing software properly do not constitute reasonably unforeseen circumstances. 11 C.F.R. § 111.35(d).

Therefore, the Reviewing Officer recommends that the Commission make a final determination that the respondents violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$900 (reduced from the RTB civil money penalty of \$4,500).

OAR Recommendations

- (1) Adopt the Reviewing Officer recommendation for AF# 1758 involving Imperato for President 2008 and Charles Fiscina, as Treasurer, in making the final determination;
- (2) Make a final determination in AF# 1758 that Imperato for President 2008 and Charles Fiscina, as Treasurer, violated 2 U.S.C. § 434(a) and, based on the level of activity disclosed on the amended July Quarterly Report filed October 12, 2007 (\$25,000), assess a civil money penalty of \$900; and
- (3) Send the appropriate letter.

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Reviewing Analyst: Maureen Benitz

Attachments

Attachment 1 – Challenge Received from Respondents

Attachment 2 –

Attachment 3 – Declaration from RAD

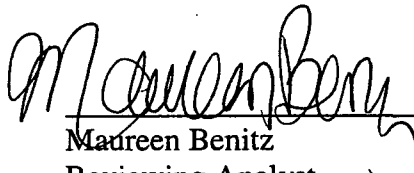
Provided with Declaration

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 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:
 - (a) Page 1 of the Summary Page for the 2007 July Quarterly Report filed electronically by Imperato for President 2008 and Charles A. Fiscina, as Treasurer. According to Commission records, the Report was received on September 4, 2007. Lines 7 and 9 list \$50,000.00 in receipts and \$53,600.00 in disbursements, respectively, for this period. The Type or Print Name of Treasurer line says "Mr. Daniel J Imperato;" and
 - (b) Page 1 of the Summary Page for the Amended 2007 July Quarterly Report filed electronically by Imperato for President 2008 and Charles A. Fiscina, as Treasurer. According to Commission records, the Report was received on October 12, 2007. Lines 7 and 9 list \$12,500.00 in receipts and \$12,500.00 in disbursements, respectively, for this period. The Type or Print Name of Treasurer line says "Daniel J Imperato."
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 8th of February, 2008.



Maureen Benitz
Reviewing Analyst
Office of Administrative Review
Federal Election Commission

28092621145

REPORT OF RECEIPTS AND DISBURSEMENTS
BY AN AUTHORIZED COMMITTEE OF A CANDIDATE FOR THE OFFICE OF PRESIDENT OR VICE-PRESIDENT

09/04/2007 12:34

1. NAME OF COMMITTEE (in full) Imperato for President 2008		2. IDENTIFICATION NUMBER C00428003
ADDRESS (number and street) <input type="checkbox"/> Check if different than previously reported 777 South Flagler Dr Ste 800W		
CITY, STATE, and ZIP CODE West Palm Beach FL 33401	3. IS THIS REPORT FOR : <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General	

4. TYPE OF REPORT (Check here if this is a Termination Report.)

<input type="checkbox"/> April 15 Quarterly Report	Monthly Report Due On:	<input type="checkbox"/> June 20	<input type="checkbox"/> October 20
<input checked="" type="checkbox"/> July 15 Quarterly Report	<input type="checkbox"/> February 20	<input type="checkbox"/> July 20	<input type="checkbox"/> November 20
<input type="checkbox"/> October 15 Quarterly Report	<input type="checkbox"/> March 20	<input type="checkbox"/> August 20	<input type="checkbox"/> December 20
<input type="checkbox"/> January 31 Year End Report	<input type="checkbox"/> April 20	<input type="checkbox"/> September 20	<input type="checkbox"/> January 31
	<input type="checkbox"/> May 20		

Twelfth day report preceding election on _____ in the State of _____ (Type of Election)

Thirtieth day report following the General Election on _____ on _____

IS THIS REPORT AN AMENDMENT YES NO

5. COVERING PERIOD FROM 04/01/2007 THROUGH 06/30/2007

SUMMARY	FROM	THROUGH
6. CASH ON HAND AT BEGINNING OF THE REPORTING PERIOD		0.00
7. TOTAL RECEIPTS THIS PERIOD (From Line 22, Column A, Page 2)		50000.00
8. SUBTOTAL (Lines 6 and 7)		50000.00
9. TOTAL DISBURSEMENTS THIS PERIOD (From Line 30, Column A, Page 2)		53600.00
10. CASH ON HAND AT CLOSE OF REPORTING PERIOD (Subtract Line 9 from 8)		-3600.00
11. DEBTS AND OBLIGATIONS OWED TO THE COMMITTEE (Itemize All on Schedule C-P or Schedule D-P)		0.00
12. DEBTS AND OBLIGATIONS OWED BY THE COMMITTEE (Itemize All on Schedule C-P or Schedule D-P)		50000.00
13. EXPENDITURES SUBJECT TO LIMITATION		53600.00
NET ELECTION CYCLE-TO-DATE CONTRIBUTIONS AND EXPENDITURES		
14. NET CONTRIBUTIONS (Other than Loans) (Subtract Line 28d, Column B from 17e, Column B, Page 2)		0.00
15. NET OPERATING EXPENDITURES (Subtract Line 20a, Column B from 23, Column B, Page 2)		53600.00

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: Mr. Daniel J Imperato Date: 06/30/2007

Signature of Treasurer: _____

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. §437g. All previous versions of FEC FORM 3P are obsolete and should no longer be used.

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REPORT OF RECEIPTS AND DISBURSEMENTS
BY AN AUTHORIZED COMMITTEE OF A CANDIDATE FOR THE OFFICE OF PRESIDENT OR VICE-PRESIDENT

10/12/2007 17:15

1. NAME OF COMMITTEE (in full) Imperato for President 2008		2. IDENTIFICATION NUMBER C00428003
ADDRESS (number and street) <input type="checkbox"/> Check if different than previously reported 777 South Flagler Dr Suite 800W		
CITY, STATE, and ZIP CODE West Palm Beach FL 33401		3. IS THIS REPORT FOR : <input type="checkbox"/> Primary <input type="checkbox"/> General

4. TYPE OF REPORT (Check here if this is a Termination Report.)

- April 15 Quarterly Report
 July 15 Quarterly Report
 October 15 Quarterly Report
 January 31 Year End Report

Monthly Report Due On:

- | | | |
|--------------------------------------|---------------------------------------|--------------------------------------|
| <input type="checkbox"/> February 20 | <input type="checkbox"/> June 20 | <input type="checkbox"/> October 20 |
| <input type="checkbox"/> March 20 | <input type="checkbox"/> July 20 | <input type="checkbox"/> November 20 |
| <input type="checkbox"/> April 20 | <input type="checkbox"/> August 20 | <input type="checkbox"/> December 20 |
| <input type="checkbox"/> May 20 | <input type="checkbox"/> September 20 | <input type="checkbox"/> January 31 |

Twelfth day report preceding

(Type of Election)

election on

in the State of

Thirtieth day report following the General Election on

on _____

IS THIS REPORT AN AMENDMENT YES NO

5. COVERING PERIOD	FROM 04/01/2007	THROUGH 06/30/2007
--------------------	--------------------	-----------------------

SUMMARY		
6. CASH ON HAND AT BEGINNING OF THE REPORTING PERIOD	.....	0.00
7. TOTAL RECEIPTS THIS PERIOD (From Line 22, Column A, Page 2)	.....	12500.00
8. SUBTOTAL (Lines 6 and 7)	.....	12500.00
9. TOTAL DISBURSEMENTS THIS PERIOD (From Line 30, Column A, Page 2)	.....	12500.00
10. CASH ON HAND AT CLOSE OF REPORTING PERIOD (Subtract Line 9 from 8)	.....	0.00
11. DEBTS AND OBLIGATIONS OWED TO THE COMMITTEE (Itemize All on Schedule C-P or Schedule D-P)	.....	0.00
12. DEBTS AND OBLIGATIONS OWED BY THE COMMITTEE (Itemize All on Schedule C-P or Schedule D-P)	.....	30000.00
13. EXPENDITURES SUBJECT TO LIMITATION	.....	12480.00
NET ELECTION CYCLE-TO-DATE CONTRIBUTIONS AND EXPENDITURES		
14. NET CONTRIBUTIONS (Other than Loans) (Subtract Line 28d, Column B from 17e, Column B, Page 2)	.....	0.00
15. NET OPERATING EXPENDITURES (Subtract Line 20a, Column B from 23, Column B, Page 2)	.....	12500.00

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 DANIEL J IMPERATO	Date 10/12/2007
---	--------------------

Signature of Treasurer

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. §437g. All previous versions of FEC FORM 3P are obsolete and should no longer be used.

28092621147



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

VIA OVERNIGHT DELIVERY

February 12, 2008

Charles A. Fiscina, as Treasurer
Imperato for President 2008
777 S Flagler Dr Suite 800W
West Palm Beach, FL 33401

C00428003
AF# 1758

Dear Mr. Fiscina:

On September 11, 2007, the Federal Election Commission ("Commission") found reason to believe ("RTB") that Imperato for President 2008 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 \$4,500 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 black ink, appearing to read "Maureen Benitz".

Maureen Benitz
Reviewing Analyst
Office of Administrative Review

Attachment
CC: Mr. Daniel Imperato

28092621148



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 14, 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 
Reviewing Analyst

Subject: Final Determination Recommendation in AF# 1758 - Imperato for
President 2008 and Charles A. Fiscina, as Treasurer (C00428003)

On September 11, 2007, the Commission found reason to believe ("RTB") that the respondents violated 2 U.S.C. § 434(a) for failure to file the 2007 July Quarterly Report. The Report was filed on September 4, 2007, 51 days late, and is considered not filed for purposes of the civil money penalty. As a result, on September 11, 2007, the Commission also made a preliminary determination that the civil money penalty was \$4,500 based on the schedule of penalties at 11 C.F.R. § 111.43.

On October 12, 2007, the respondents filed an amended July Quarterly Report which discloses \$12,500 in total receipts and \$12,500 in total disbursements. Had the amended report been filed disclosing this level of activity (\$25,000) prior to the Commission's RTB finding, the civil money penalty would have been \$900, based on the schedule of penalties at 11 C.F.R. § 111.43

On October 19, 2007, the Commission received their written response ("challenge"). After reviewing the challenge, the Reviewing Officer's recommendation dated February 8, 2008 was forwarded to the Commission, a copy was forwarded to the respondents, and is hereby incorporated by reference. The Reviewing Officer recommended that the Commission make a final determination that they violated 2 U.S.C. § 434(a) and assess a \$900 civil money penalty because they submitted no

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evidence that a factual error was made in the RTB finding, that the penalty was miscalculated at RTB or that they used best efforts to file on time. 11 C.F.R. § 111.35(b).

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 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 in AF# 1758 involving Imperato for President 2008 and Charles A. Fiscina, as Treasurer, in making the final determination;
- (2) Make a final determination in AF# 1758 that Imperato for President 2008 and Charles A. Fiscina, as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$900 and
- (3) Send the appropriate letter.

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Final Determination Recommendation:) AF 1758
Imperato for President 2008 and Charles)
A. Fiscina, as Treasurer (C00428003))

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 1758:

1. Adopt the Reviewing Officer Recommendation in AF 1758 involving Imperato for President 2008 and Charles A. Fiscina, as Treasurer, in making the final determination.
2. Make a final determination in AF 1758 that Imperato for President 2008 and Charles A. Fiscina, as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$900.
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

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 9, 2008

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Charles A. Fiscina, as Treasurer
Imperato for President 2008
777 S Flagler Dr Suite 800W
West Palm Beach, FL 33401

C00428003
AF# 1758

Dear Mr. Fiscina:

On September 11, 2007, the Commission found reason to believe that Imperato for President 2008 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 \$4,500 in accordance with the schedule of penalties at 11 C.F.R. § 111.43. On October 19, 2007, the Office of Administrative Review received the written response from Mr. Imperato challenging the RTB finding.

The Reviewing Officer reviewed the Commission's RTB finding with its supporting documentation and your written response. Based on this review, the Reviewing Officer recommended that the Commission reduce the RTB civil money penalty because it was calculated on an estimated level of activity, make a final determination that Imperato for President 2008 and you, as Treasurer, violated 2 U.S.C. § 434(a) and, based on the actual level of activity disclosed on the Amended July Quarterly Report filed October 12, 2007 (\$25,000), assess a civil money penalty in the amount of \$900 in accordance with 11 C.F.R. § 111.43. The basis for the Reviewing Officer's recommendation was included in the Final Determination Report, a copy of which was sent to you on February 12, 2008.

On June 18, 2008, the Commission received your \$900 payment. On September 24, 2008, the Commission adopted the Reviewing Officer's recommendation, made a final determination that Imperato for President 2008 and you, as Treasurer, violated 2 U.S.C. § 434(a) and based on the level of activity disclosed on the 2007 July Quarterly Report (\$25,000), assessed a civil money penalty of \$900 (reduced from the RTB civil money penalty of \$4,500). It is based on the same factors used to calculate the civil money penalty at RTB except that the

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actual rather than the estimated level of activity was used. A copy of the final determination memorandum is attached.

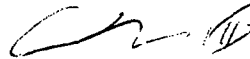
If You Choose to Appeal the Final Determination and/or Civil Money Penalty

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

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. The file will be made a part of the public record pursuant to 11 C.F.R. § 111.42(b). Although the file must be placed on the public record within 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 the payment of the civil money penalty, 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

CC: Daniel Imperato, Treasurer

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QUALITY IS OUR PRIORITY FOR LOCKBOX 9058
SEQ# 001 \$ 0000090000 BA# 1 06-17-08 20 3



28092621154



DANIEL L. IMPERATO 03/08
1035
63-215/631
BRANCH SA

Deposits for Deposit July 8, 08 Date

Pay to the order of Henry Stephen Cameron \$ 900

Please hold rather Dollars 900.00

SUNTRUST ACH RT 061000104
AMOUNT GUARANTEED TO BE \$ 900.00
U.S. BANK
ST. LOUIS, MISSOURI, INT BL

For BL 1758 600425003



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 1758

DATE SCANNED 12/1/08

SCANNER NO. 1

SCAN OPERATOR EEA

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