



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 1760

DATE SCANNED 2-12-08

SCANNER NO. 2

SCAN OPERATOR Jms

28092620050



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2007 SEP 18 A 9:08

September 17, 2007

SENSITIVE

MEMORANDUM

TO: THE COMMISSION

THROUGH: PATRINA M. CLARK *JPC*
STAFF DIRECTOR

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

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

BY: RHIANNON RYAN *RR*
COMPLIANCE BRANCH

SUBJECT: REASON TO BELIEVE RECOMMENDATION – 2007 POST-RUNOFF REPORT (SPECIAL ELECTION: GEORGIA - CONGRESSIONAL DISTRICT 10) FOR THE ADMINISTRATIVE FINE PROGRAM

Attached is the name of a political committee and its treasurer who failed to file the 2007 30 Day Post-Runoff Report for the Special Election in Georgia's 10th Congressional District in accordance with 2 U.S.C. 434(a). The 30 Day Post-Runoff Report was due on August 16, 2007.

The committee listed in the attached RTB Circulation Report filed the report more than five (5) days after the due date and thus the report would be considered late. In accordance with the schedule of civil money penalties for reports at 11 C.F.R. 111.43, the committee should be assessed the civil money penalty highlighted on the attached circulation report.

Recommendation

1. Find reason to believe that the political committee and treasurer listed on the RTB Circulation Report violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the RTB Circulation Report.
2. Send the appropriate letter.

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Federal Election Commission
Reason to Believe Circulation Report
2007 POST-SPECIAL Not Election Sensitive 08/16/2007 AUTH

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
1760	C00432799	WHITEHEAD FOR CONGRESS	WHITEHEAD, JAMES LESLIE SR.	H. MONTY OSTEEEN	\$1,953,206	0	8/27/2007	11	\$606,485	\$5,200



FEDERAL ELECTION COMMISSION
Washington, DC 20463

SENSITIVE

DATE & TIME OF TRANSMITTAL: Tuesday, September 18, 2007 11:00

BALLOT DEADLINE: Friday, September 21, 2007 4:00

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

SUBJECT: **Reason To Believe Recommendation – 2007 Post Runoff Report (Special Election: Georgia – Congressional District 10) for The Administrative Fine Program. Memorandum from the Chief Compliance Officer and the Acting Assistant Staff Director, Reports Analysis Division dated September 17, 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.

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Reason To Believe – 2007 Post Runoff) AF 1760
Report (Special Election: Georgia –)
Congressional District 10) for the)
Administrative Fine Program)

CERTIFICATION

I, Mary W. Dove, Secretary of the Federal Election Commission, do hereby certify that on September 21, 2007, the Commission decided by a vote of 4-0 to take the following actions in AF 1760:

1. Find reason to believe that Whitehead for Congress and H. Monty Osteen, as treasurer, violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be in the amount of \$5,200.
2. Send the appropriate letter.

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

Attest:

September 21, 2007
Date

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

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 25, 2007

H. Monty Osteen
Whitehead for Congress
P.O. Box 619
Evans, GA 30809

C00432799
AF#: 1760

Dear H. Monty Osteen:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file a 30 Day Post-Special General Runoff Report of Receipts and Disbursements in a calendar year in which the candidate is seeking election, or nomination for election in a special election. This report, covering the period 6/28/2007 through 8/06/2007, shall be filed no later than 8/16/2007. 2 U.S.C. 434(a). Records at the Federal Election Commission ("FEC") indicate that this report was filed on 8/27/2007, 11 days late.

The Act was further amended in 1999 to permit the FEC to impose civil money penalties for violations of the reporting requirements of 2 U.S.C. 434(a). 2 U.S.C. 437g(a)(4). On 9/21/2007, the FEC found that there is reason to believe ("RTB") that Whitehead for Congress and you, as treasurer, violated 2 U.S.C. 434(a) by failing to file timely this report on or before 8/16/2007. 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 \$5,200. It is due by 10/31/2007 and is based on these factors:

Election Sensitivity of Report: Not Election Sensitive
Level of Activity: \$606,485
Number of Days Late: 11
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 10/31/2007. 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 Whitehead for Congress and you, as treasurer, violated 2 U.S.C. 434(a) and assess a civil money penalty.

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

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

Additional information on the FEC's administrative fine program, including the final regulations, is located at the FEC's website at www.FEC.gov. If you have questions regarding the payment of the calculated civil money penalty, please contact Rhiannon Ryan in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-

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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 "Robert D. Lenhard". The signature is fluid and cursive, with a long horizontal stroke 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 \$5,200 for the 2007 Post-Special General Runoff 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 10/31/2007. 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: Whitehead for Congress

FEC ID#: C00432799

AF#: 1760

PAYMENT DUE DATE: 10/31/2007

PAYMENT AMOUNT DUE: \$5,200

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2007 NOV -5 P 1: 33

November 5, 2007

SENSITIVE

MEMORANDUM

TO: THE COMMISSION

THROUGH: PATRINA M. CLARK *pmc*
STAFF DIRECTOR

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

PATRICIA CARMONA *PC*
ASSISTANT STAFF DIRECTOR
REPORTS ANALYSIS DIVISION

BY: *NW* NATALIYA IOFFE / RHIANNON RYAN *RR*
COMPLIANCE BRANCH

SUBJECT: FINAL DETERMINATION RECOMMENDATION FOR THE 2007
POST-RUNOFF REPORT (SPECIAL ELECTION: GEORGIA -
CONGRESSIONAL DISTRICT 10) FOR THE ADMINISTRATIVE
FINE PROGRAM

Attached is the name of a political committee and its treasurer against which the Commission has found reason to believe (RTB) and assessed a proposed civil money penalty calculated at RTB for failure to file or failure to timely file the 2007 30 Day Post-Runoff Report for the Special Election in Georgia's 10th Congressional District. The committee has paid the civil money penalty.

In accordance with 11 CFR § 111.34, the Commission shall send a final determination notice to those respondents that have paid the civil money penalty.

RAD Recommendation

- (1) Make a final determination that the political committee and its treasurer on the attached report violated 2 U.S.C. § 434(a) and assess the final civil money penalty so indicated.
- (2) Send the appropriate letters.

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Federal Election Commission
 FD Circulation Report Fine Paid
 2007 POST-SPECIAL Not Election Sensitive 08/16/2007 AUTH

AF#	Committee Name	Candidate Name	Committee ID	Treasurer	Receipt Date	Days Late	LOA	PV	RTB Date	RTB Penalty	Final Money Penalty	Date Paid	Amount Paid
1760	WHITEHEAD FOR CONGRESS	WHITEHEAD, JAMES LESLIE, SR.	C00432799	H. MONTY OSTEEN	08/27/2007	11	\$606,485	0	09/21/2007	\$5,200	\$5,200	10/31/2007	\$5,200



FEDERAL ELECTION COMMISSION

Washington, DC 20463

SENSITIVE

DATE & TIME OF TRANSMITTAL: Monday, November 05, 2007 4:00

BALLOT DEADLINE: Thursday, November 08, 2007 4:00

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

SUBJECT: **Final Determination Recommendation for the 2007 Post-Runoff Report (Special Election: Georgia – Congressional District 10) for the Administrative Fine Program. Memorandum from the Chief Compliance Officer and the Assistant Staff Director, Reports Analysis Division dated November 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

28092620061

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Final Determination Recommendation) AF 1760
for the 2007 Post-Runoff Report (Special)
Election: Georgia – Congressional)
District 10) for the Administrative Fine)
Program)

CORRECTED CERTIFICATION

I, Mary W. Dove, Secretary of the Federal Election Commission, do hereby certify that on November 08, 2007, the Commission decided by a vote of 4-0 to take the following actions in AF 1760:

1. Make a final determination that Whitehead for Congress and H. Monty Osteen, treasurer, violated 2 U.S.C. § 434(a) and assess the final civil money penalty in the amount of \$5,200.
2. Send the appropriate letters.

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

Attest:

November 13, 2007
Date

for Darlene Harris
Mary W. Dove
Secretary of the Commission

28092620062



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 13, 2007

H. Monty Osteen, Treasurer
Whitehead for Congress
P.O. Box 619
Evans, GA 30809

C00432799
AF#: 1760

Dear H. Monty Osteen,

On 9/21/2007, the Federal Election Commission ("FEC") found reason to believe ("RTB") that Whitehead for Congress and you, as treasurer, violated 2 U.S.C. 434(a) for filing late or failing to file the 2007 Post-Special General Runoff Report. By letter dated 9/25/2007 the FEC sent you notification of the RTB finding that included a civil money penalty calculated at the RTB stage of \$5,200 in accordance with the schedule of penalties at 11 C.F.R. 111.43.

On 10/31/2007, the FEC received payment of your civil money penalty calculated at the RTB stage. The FEC made a final determination on 11/8/2007 that you, as treasurer, and Whitehead for Congress violated 2 U.S.C. 434(a), assessed a civil money penalty in the amount of \$5,200 in accordance with 11 C.F.R. 111.43, and voted to close the file.

The confidentiality provisions at 2 U.S.C. 437g(a)(12) no longer apply and this matter is now public. The file will be made a part of the public record pursuant to 11 C.F.R. 111.42(b). Although the file must be placed on the public record within thirty (30) days from the date of the Commission's notification, this could occur at anytime following certification of the Commission's vote.

If you have any questions regarding this matter, please contact Rhiannon Ryan on our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Lenhard", written over a horizontal line.

Robert D. Lenhard
Chairman

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FOR: Whitehead for Congress
PO BOX 619, EVANS, GA 30809
FEC ID#: C00432799

AF#: 1760

PAYMENT DUE DATE: 10/31/2007

PAYMENT AMOUNT DUE: \$5,200

QUALITY IS OUR PRIORITY FOR LOCKBOX 9058
SEQ# 001 \$ 0000520000 BA# 1 10-30-07 20 9



us bancorp.
The Star Banker Connection

1844

WHITEHEAD FOR CONGRESS

DATE 10/21/07 64-413-611

FAY TO THE ORDER OF Federal Election Commission \$5200⁰⁰

five thousand two hundred DOLLARS

First Bank
Martinez, Georgia

FOR [Redacted]

[Signature]

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FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 1760

DATE SCANNED 2-12-08

SCANNER NO. 2

SCAN OPERATOR Jms

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