



FEDERAL ELECTION COMMISSION  
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 1768

DATE SCANNED 12-23-08

SCANNER NO. 2

SCAN OPERATOR JMJD

28092621257



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

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FEDERAL ELECTION  
COMMISSION  
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2008 JAN 23 P 2:55  
January 23, 2008

MEMORANDUM

**SENSITIVE**

TO: THE COMMISSION

THROUGH: PATRINA M. CLARK *PC*  
STAFF DIRECTOR

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

PATRICIA CARMONA *PC*  
ASSISTANT STAFF DIRECTOR  
REPORTS ANALYSIS DIVISION

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

SUBJECT: REASON TO BELIEVE RECOMMENDATION – 2007  
DECEMBER MONTHLY REPORT FOR THE  
ADMINISTRATIVE FINE PROGRAM

Attached is a list of political committees and their treasurers who failed to file the 2007 December Monthly Report in accordance with 2 U.S.C. 434(a). The December Monthly Report was due on December 20, 2007.

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

**Recommendation**

1. Find reason to believe that the political committees and 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 DECEMBER MONTHLY Not Election Sensitive 12/20/2007 P\_UNAUTH

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
1768	C00095059	L A PAC		IRWIN LEVIN	\$133,107	1	12/26/2007	6	\$22,156	\$162
1769	C00163535	LOCAL 401 IRON WORKERS POLITICAL ACTION FUND		JOSEPH J. DOUGHERTY	\$234,666	1	1/2/2008	13	\$18,162	\$206

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
Reason To Believe Recommendation - ) AF 1768  
2007 December Monthly Report for the )  
Administrative Fine Program: L A PAC )  
and Irwin Levin, as treasurer )

CERTIFICATION

I, Mary W. Dove, Secretary of the Federal Election Commission, do hereby certify that on September 18, 2008, the Commission decided by a vote of 6-0 to take the following actions in AF 1768:

1. Find reason to believe that L A PAC and Irwin Levin, 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 \$162.
2. Send the appropriate letter.

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

Attest:

September 19, 2008  
Date

Darlene Harris  
for Mary W. Dove  
Secretary of the Commission

28092621260



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

September 19, 2008

Irwin Levin  
L A PAC  
6380 Wilshire Blvd., #1612  
Los Angeles, CA 90048

C00095059  
AF#: 1768

Dear Irwin Levin:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file a December Monthly Report of Receipts and Disbursements covering the period through November 30th, 2007. This report shall be filed no later than December 20th, 2007. 2 U.S.C. 434(a). Records at the Federal Election Commission ("FEC") indicate that this report was filed on 12/26/2007, 6 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 9/18/2008, the FEC found that there is reason to believe ("RTB") that L A PAC and you, as treasurer, violated 2 U.S.C. 434(a) by failing to file timely this report on or before December 20th, 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 \$162. It is due by 10/28/2008 and is based on these factors:

Election Sensitivity of Report: Not Election Sensitive  
Level of Activity: \$22,156  
Number of Days Late: 6  
Number of Previous Civil Money Penalties Assessed: 1

**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 10/28/2008. Your written response must include the reason(s) why you are challenging the RTB

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

Your failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver of your right to present such argument in a petition to the district court under 2 U.S.C. 437g. 11 C.F.R. 111.38.

If you intend to be represented by counsel, please advise the Office of Administrative Review. You should provide, in writing, the name, address and telephone number of your counsel and authorize counsel to receive notifications and communications relating to this challenge and imposition of the calculated civil money penalty.

#### **If You Do Not Pay the Calculated Civil Money Penalty or Submit a Challenge**

If you do not pay the calculated civil money penalty or submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that L A PAC and you, as treasurer, violated 2 U.S.C. 434(a) and assess a civil money penalty.

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

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

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Additional information on the FEC's administrative fine program, including the final regulations, is located at the FEC's website at [www.FEC.gov](http://www.FEC.gov). If you have questions regarding the payment of the calculated civil money penalty, please contact Rhiannon Magruder in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130. If you have questions regarding the submission of a challenge, please contact the Office of Administrative Review at our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

Sincerely,

A handwritten signature in black ink, appearing to read "DFM II", is positioned above the printed name.

Donald F. McGahn II  
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 \$162 for the 2007 December Monthly 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 10/28/2008. Upon receipt of your remittance and payment, the FEC will send you a final determination letter.

**PAYMENTS BY PERSONAL CHECK**

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

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

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FOR: L A PAC

FEC ID#: C00095059

AF#: 1768

PAYMENT DUE DATE: 10/28/2008

PAYMENT AMOUNT DUE: \$162

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

2008 NOV 13 A 8:58

November 10, 2008

**SENSITIVE**

MEMORANDUM

TO: THE COMMISSION

THROUGH: JOSEPH F. STOLTZ *JFS*  
ACTING STAFF DIRECTOR

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

PATRICIA CARMONA *PC*  
ASSISTANT STAFF DIRECTOR  
REPORTS ANALYSIS DIVISION

BY: NATALIYA IOFFE/RHIANNON MAGRUDER *NMF* *RM*  
COMPLIANCE BRANCH

SUBJECT: ADMINISTRATIVE FINE PROGRAM –  
FINAL DETERMINATION RECOMMENDATION FOR THE  
2007 DECEMBER MONTHLY REPORT

Attached is a list of political committees and their treasurers against which the Commission has found reason to believe (RTB) and assessed proposed civil money penalties calculated at RTB for failure to timely file the 2007 December Monthly Report. All of the committees have 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 final determination that the political committees and their treasurers on the attached report violated 2 U.S.C. 434(a) and assess the final civil money penalties so indicated.
- (2) Send the appropriate letters.

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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
1768	L A PAC		C00095059	IRWIN LEVIN	12/26/2007	6	\$22,156	1	09/18/2008	\$162	\$162	10/03/2008	\$162
1769	LOCAL 401 IRON WORKERS POLITICAL ACTION FUND		C00163535	JOSEPH J. DOUGHERTY	01/02/2008	13	\$18,162	1	09/18/2008	\$206	\$206	10/30/2008	\$206

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
)  
Administrative Fine Program - Final )  
Determination Recommendation for the )  
2007 December Monthly Report: )  
LOCAL 401 IRON WORKERS ) AF# 1769  
POLITICAL ACTION FUND, and )  
JOSEPH J DOUGHERTY as treasurer; )  
L A PAC, and IRWIN LEVIN as treasurer; ) AF# 1768

CERTIFICATION

I, Mary W. Dove, Secretary of the Federal Election Commission, do hereby certify that on November 17, 2008 the Commission took the following actions on the Administrative Fine Program - Final Determination Recommendation for the 2007 December Monthly Report as recommended in the Reports Analysis Division's Memorandum dated November 10, 2008, on the following committees:

AF#1769 Decided by a vote of 6-0 to: (1) make a final determination that LOCAL 401 IRON WORKERS POLITICAL ACTION FUND, and JOSEPH J DOUGHERTY as treasurer , violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#1768 Decided by a vote of 6-0 to: (1) make a final determination that L A PAC, and IRWIN LEVIN as treasurer , violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

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Federal Election Commission  
Certification for Administrative Fines  
November 17, 2008

Page 2

Attest:

November 17, 2008  
Date

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

28092621268



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

November 19, 2008

Irwin Levin, Treasurer  
L A PAC  
6380 Wilshire Blvd., #1612  
Los Angeles, CA 90048

C00095059  
AF#: 1768

Dear Irwin Levin,

On 9/18/2008, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that L A PAC and you, as treasurer, violated 2 U.S.C. 434(a) for filing late or failing to file the 2007 December Monthly Report. By letter dated 9/19/2008, the Commission sent you notification of the RTB finding that included a civil money penalty calculated at the RTB stage of \$162 in accordance with the schedule of penalties at 11 C.F.R. 111.43.

On 10/3/2008, the FEC received payment of your civil money penalty calculated at the RTB stage. The FEC made a final determination on 11/17/2008 that you, as treasurer, and L A PAC violated 2 U.S.C. 434(a), assessed a civil money penalty in the amount of \$162 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 Magruder 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 "DM II".

Donald F. McGahn II  
Chairman

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The Star Company Connection

QUALITY IS OUR PRIORITY FOR LOCKBOX 9058  
SEQ# 001 \$ 000016200 BA# 1 10-02-08 20 4



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**PADILLA & ASSOCIATES**  
LOS ANGELES, CA 90048

**CALIFORNIA BANK & TRUST**  
L.A. Metro Office  
550 S. Hope Street  
Los Angeles, CA 90071  
16-339/1220

3219

9/26/2008 ✓

PAY TO THE ORDER OF Federal Election Commission  
One Hundred Sixty-Two Only\*\*\*\*\*

\$ \*\*162.00 ✓

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

DOLLARS

MEMO Penalty - LA PAC, #C00095059, AF# 1768

*Margie Pavia*

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UNRECORDED

THIS DOCUMENT CONTAINS SENSITIVE INFORMATION. IF THIS IMAGE DISAPPEARS WITH HEAT, THE ORIGINAL DOCUMENT IS A COPY.



FEDERAL ELECTION COMMISSION  
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 1768

DATE SCANNED 12-23-08

SCANNER NO. 2

SCAN OPERATOR JmH

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