



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 1772

DATE SCANNED

6/15/09

SCANNER NO.

2

SCAN OPERATOR

JMP

29092630293



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 18, 2008

MEMORANDUM

SENSITIVE

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/ *NIO* RHIANNON MAGRUDER/ *RM* CHRIS RITCHIE *CR*
COMPLIANCE BRANCH

SUBJECT: WITHDRAWAL AND RESUBMISSION OF REASON TO
BELIEVE RECOMMENDATION - 2007 YEAR-END REPORT
FOR THE ADMINISTRATIVE FINE PROGRAM

2008 SEP 18 P 12:18
FEDERAL ELECTION COMMISSION
SECRETARIAT

We are withdrawing the document circulated to the Commission on March 26, 2008 in order to reflect updates disclosed in recent filings received by the Commission. Attached is the list of political committees and their treasurers who failed to file the 2007 Year-End Report in accordance with 2 U.S.C. 434(a). The Year-End Report was due on January 31, 2008.

The committees listed in the attached RTB Circulation Report either 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 CFR 111.43, these 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 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 YEAR-END Not Election Sensitive 01/31/2008 H_S_P_UNAUTH

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
1770	C00396028	AL GREEN FOR CONGRESS	GREEN, ALEXANDER	WILLIAM A. LAWSON	\$205,117	5	2/6/2008	6	\$53,559	\$1,687
1771	C00411694	AMERICAN SHIPPING GROUP MARINE RESOURCES GROUP		MR. ROBERT MAGEE	\$125,437	0	2/6/2008	6	\$47,382	\$320
1772	C00434456	BOB HILL FOR CONGRESS	HILL, ROBERT ANTHONY	KATHLEEN KUKIELKA	\$322,400	0	2/24/2008	24	\$5,710	\$170

1776	C00085910	FERT PAC (THE POLITICAL ACTION COMMITTEE OF THE FERTILIZER INSTITUTE)		CAROL-LEE ESTABROOK	\$124,563	0	2/7/2008	7	\$11,153	\$135
1777	C00014555	FOOD MARKETING INSTITUTE POLITICAL ACTION COMMITTEE, FOODPAC		JOHN J. MOTLEY, III	\$396,996	0	2/6/2008	6	\$39,614	\$320
1778	C00326835	HARRIS COUNTY REPUBLICAN PARTY		LARRY M. HICKS	\$137,062	0	2/12/2008	12	\$20,924	\$160
1779	C00158865	HUDSON VALLEY PAC		MR. LEO WEINBERG	\$131,911	0	3/10/2008	Not Filed	\$12,894	\$500

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9/18/2008 8:50 AM

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
1781	C00034272	NATIONAL CHICKEN COUNCIL POLITICAL ACTION COMMITTEE		GEORGE WATTS	\$245,386	0	2/27/2008	27	\$42,220	\$740
1782	C00150045	UNITED BROTHERHOOD OF CARPENTERS/JOINERS OF AMER NEW ENGLAND REG CARPENTERS LEGIS EMP CMTE		GLENN MARSHALL	\$120,758	3	2/8/2008	8	\$60,348	\$1,575

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Withdrawal and Resubmission of Reason)
To Believe Recommendation - 2007 Year-)
End Report for the Administrative Fine)
Program:)
AL GREEN FOR CONGRESS, and) AF# 1770
WILLIAM A LAWSON as treasurer;)
AMERICAN SHIPPING GROUP) AF# 1771
MARINE RESOURCES GROUP, and)
MAGEE, ROBERT MR as treasurer;)
BOB HILL FOR CONGRESS, and) AF# 1772
KATHLEEN KUKIELKA as treasurer;)

FERT PAC (THE POLITICAL ACTION) AF# 1776
COMMITTEE OF THE FERTILIZER)
INSTITUTE), and ESTABROOK, CAROL-)
LEE as treasurer;)
FOOD MARKETING INSTITUTE) AF# 1777
POLITICAL ACTION COMMITTEE,)
FOODPAC, and MOTLEY, JOHN J III as)
treasurer;)
HARRIS COUNTY REPUBLICAN) AF# 1778
PARTY, and LARRY M HICKS as)
treasurer;)
HUDSON VALLEY PAC, and) AF# 1779
WEINBERG, LEO MR. as treasurer;)

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NATIONAL CHICKEN COUNCIL) AF# 1781
POLITICAL ACTION COMMITTEE, and)
WATTS, GEORGE as treasurer;)
UNITED BROTHERHOOD OF) AF# 1782
CARPENTERS/JOINERS OF AMER NEW)
ENGLAND REG CARPENTERS LEGIS)
EMP CMTE, and GLENN MARSHALL as)
treasurer;)

AMENDED CERTIFICATION

I, Mary W. Dove, Secretary of the Federal Election Commission, do hereby certify that on September 19, 2008 the Commission took the following actions on the Withdrawal and Resubmission of Reason To Believe Recommendation - 2007 Year-End Report for the Administrative Fine Program as recommended in the Reports Analysis Division's Memorandum dated September 18, 2008, on the following committees:

AF#1770 Decided by a vote of 6-0 to: (1) find reason to believe that AL GREEN FOR CONGRESS, and WILLIAM A LAWSON as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#1771 Decided by a vote of 6-0 to: (1) find reason to believe that AMERICAN SHIPPING GROUP MARINE RESOURCES GROUP, and MAGEE, ROBERT MR as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#1772 Decided by a vote of 6-0 to: (1) find reason to believe that BOB HILL FOR CONGRESS, and KATHLEEN KUKIELKA as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

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AF#1776 Decided by a vote of 6-0 to: (1) find reason to believe that FERT PAC (THE POLITICAL ACTION COMMITTEE OF THE FERTILIZER INSTITUTE), and ESTABROOK, CAROL-LEE as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#1777 Decided by a vote of 6-0 to: (1) find reason to believe that FOOD MARKETING INSTITUTE POLITICAL ACTION COMMITTEE, FOODPAC, and MOTLEY, JOHN J III as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#1778 Decided by a vote of 6-0 to: (1) find reason to believe that HARRIS COUNTY REPUBLICAN PARTY, and LARRY M HICKS as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#1779 Decided by a vote of 6-0 to: (1) find reason to believe that HUDSON VALLEY PAC, and WEINBERG, LEO MR. as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount

indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#1781 Decided by a vote of 6-0 to: (1) find reason to believe that NATIONAL CHICKEN COUNCIL POLITICAL ACTION COMMITTEE, and WATTS, GEORGE as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#1782 Decided by a vote of 6-0 to: (1) find reason to believe that UNITED BROTHERHOOD OF CARPENTERS/JOINERS OF AMER NEW ENGLAND REG CARPENTERS LEGIS EMP CMTE, and GLENN MARSHALL as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

Attest:

October 27, 2008
Date

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

29092630300



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 22, 2008

Kathleen Kukielka
Bob Hill for Congress
501 Main St. N., Suite 302
Stillwater, MN 55082

C00434456
AF#: 1772

Dear Kathleen Kukielka:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file a Year End Report of Receipts and Disbursements every calendar year. This report, covering the period through December 31st, 2007 shall be filed no later than January 31st, 2008. 2 U.S.C. 434(a). Records at the Federal Election Commission ("FEC") indicate that this report was filed on 2/24/2008, 24 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 9/19/2008, the FEC found that there is reason to believe ("RTB") that Bob Hill for Congress and you, as treasurer, violated 2 U.S.C. 434(a) by failing to file timely this report on or before January 31st, 2008. 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 \$170. It is due by 10/29/2008 and is based on these factors:

Election Sensitivity of Report: Not Election Sensitive
Level of Activity: \$5,710
Number of Days Late: 24
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 10/29/2008. 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 Bob Hill for Congress and you, as treasurer, violated 2 U.S.C. 434(a) and assess a civil money penalty.

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

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

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Additional information on the FEC's administrative fine program, including the final regulations, is located at the FEC's website at www.FEC.gov. 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 written over a faint circular stamp.

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 \$170 for the 2007 Year-End 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 10/29/2008. 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

FOR: Bob Hill for Congress

FEC ID#: C00434456

AF#: 1772

PAYMENT DUE DATE: 10/29/2008

PAYMENT AMOUNT DUE: \$170

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ROBERT HILL & ASSOCIATES, LTD.
ATTORNEYS AT LAW

12700 ANDERSON LAKES PKWY
EDEN PRAIRIE, MINNESOTA 55344
E-MAIL: bob@roberthilllaw.com
TELEPHONE: 952-426-7373
FACSIMILE: 952-426-7370

ROBERT A. HILL**
*Also Admitted in Virginia
†Also Admitted in District of Columbia
AMY D. GRADY

October 28, 2008

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

Re: AF#:1772

To Whom it May Concern:

This letter constitutes my written response challenging the PTB findings regarding the fact that the year-end report for my campaign committee was accepted by the FEC twenty-four days late.

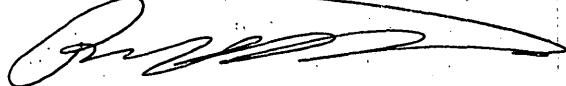
The basis for this response is two-fold: First, my campaign committee ceased all financial activity as of September 30, 2007. My year-end report reflected the fact that no contributions were received and no expenses incurred in the fourth quarter of 2007. As I understand it, if there is a complete cessation of all activities with regard to receiving income and paying expenses, the civil penalty is and should be zero.

Second, it is my understanding from my treasurer that she did attempt to file the necessary year-end report by January 31, 2008, but was unable to download the FEC's updated software. As I understand it, my treasurer believed that our report had been filed but was later notified that the report was not accepted.

For both of these reasons, I respectfully request that the fine of \$170 be forgiven. If you have any questions, feel free to contact me at the above-referenced address.

Very truly yours,

ROBERT HILL & ASSOCIATES, LTD.



Robert A. Hill

RAH:jar

FEC OFFICE OF
ADMIN REVIEW

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2008 NOV 10 P 3: 27

Date: November 10, 2008

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

AF#: 1772

Committee Name: Bob Hill for Congress

Committee ID#: C00434456

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 18, 2008 and RTB
Certification, dated October 27, 2008: Previously Forwarded

Attachment #: N/A

Certified Return Receipt (Y/N): Y

Attachment #: 1

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

Attachment #: N/A

RAD Staff Declaration (Y/N): Y

-2007 Year-End Report Prior Notice, dated December 27, 2007.

-Non-Filer Letter, dated February 20, 2008.

-RTB Letter, dated September 22, 2008.

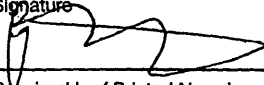


Attachment #: 3

Other RAD Information: (Y/N): N

Attachment#: N/A

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SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> ■ 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. 	A. Signature <input checked="" type="checkbox"/>  <div style="float: right;"> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee </div>	
1. Article Addressed to: <div style="text-align: center;">  KATHLEEN KUKIELKA BOB HILL FOR CONGRESS 501 MAIN ST. N., SUITE 302 STILLWATER, MN 55082 </div>	B. Received by (<i>Printed Name</i>)	C. Date of Delivery <div style="text-align: center;">  </div>
2. Article Number <i>(Transfer from service label)</i>	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No 	
	3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
	4. Restricted Delivery? (<i>Extra Fee</i>) <input type="checkbox"/> Yes	
2. Article Number (Transfer from service label) 7005 1820 0002 3463 1763		

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

DECLARATION OF NATALIYA IOFFE

1. I am the Chief of the Compliance Branch for the Reports Analysis Division of the Federal Election Commission ("Commission"). In my capacity as 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 Bob Hill for Congress:
- A) Prior Notice, dated December 27, 2007, referencing the 2007 Year-End Report (sent via electronic mail to: info@bobhill08.com);
 - B) Non-Filer Letter, dated February 20, 2008, referencing the 2007 Year-End Report;
 - C) Reason-to-Believe Letter, dated September 22, 2008, referencing the 2007 Year-End Report.
3. I hereby certify that I have searched the Commission's public records and find that Bob Hill for Congress electronically filed the 2007 Year-End Report with the Commission on February 24, 2008.
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 7th day of November, 2008.



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

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**YEAR-END
REPORT NOTICE**

FEDERAL ELECTION COMMISSION

CONGRESSIONAL COMMITTEES

December 27, 2007

CURRENT REPORT DUE:

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

REPORTING SCHEDULE FOR 2008:

REPORT	REPORTING PERIOD ¹	REG./CERT. & OVERNIGHT MAILING DEADLINE	FILING DEADLINE
April Quarterly	01/01/08 - 03/31/08	04/15/08	04/15/08
July Quarterly	04/01/08 - 06/30/08	07/15/08	07/15/08
October Quarterly	07/01/08 - 09/30/08	10/15/08	10/15/08
Pre-General	10/01/08 - 10/15/08	10/20/08	10/23/08
48-Hour Notices	10/16/08 - 11/01/08	---- see info on p. 4 ----	
Post-General	10/16/08 - 11/24/08	12/04/08	12/04/08
Year-End	11/25/08 - 12/31/08	01/31/09	01/31/09 ²

Supplemental Filing Information is available on pages 2, 3 and 4 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.

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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.

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.

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LOOKING AHEAD TO 2008

PRE- AND POST-ELECTION REPORTS

A committee whose candidate participates in a 2008 state primary, nominating convention or runoff election – even if unopposed – must also file a pre-election report 12 days prior to the primary, nominating convention or runoff. The campaign committee of a candidate who participates in the general election must file pre- and post-general election reports. Separate notices will be sent to explain these additional reporting obligations. More information will be available in the January 2008 issue of the *Record*.

48 HOUR NOTICES ON CONTRIBUTIONS

Notices are required if the committee receives contributions **(including in-kind gifts or advances of goods or services; Loans from the candidate or other non-bank sources; and guarantees or endorsements of bank loans to the candidate or committee)** of \$1,000 or more, during the period less than 20 days but more than 48 hours before any election in which the candidate is running.

The notices, which may be filed using Form 6, or under limited circumstances Form 10, must reach the appropriate federal and/or state filing office(s) within 48 hours of the committee's receipt of the contribution(s). **Campaign committees that file electronically MUST submit their 48-hour notices electronically.** For more information, visit the FEC web site at www.fec.gov/electfil/online.shtml. U.S. House candidates faxing 48-hour notices should transmit them to the FEC at (202) 219-0174. U.S. Senate candidates must transmit them to the Secretary of the Senate at (202) 224-1851. Paper forms are available at the website at www.fec.gov/info/forms.shtml.

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



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 20, 2008

RQ-7

KATHLEEN KUKIELKA, TREASURER
BOB HILL FOR CONGRESS
501 MAIN ST N SUITE 302
STILLWATER, MN 55082

IDENTIFICATION NUMBER: C00434456

REFERENCE: YEAR-END REPORT 10/1/2007 - 12/31/2007

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 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 CHRISTOPHER RITCHIE AT OUR TOLL FREE NUMBER (800)424-9530. OUR DIRECT LOCAL NUMBER IS (202)694-1130.

SINCERELY,

A handwritten signature in cursive script that reads "Patricia Carmona".

PATRICIA CARMONA
ASSISTANT STAFF DIRECTOR
REPORTS ANALYSIS DIVISION (RAD)

2803964193429092630313



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Via First Class Mail

November 12, 2008

Kathleen Kukielka, as Treasurer
Bob Hill for Congress
501 Main St. N., Suite 302
Stillwater, MN 55082

C00434456
AF# 1772

Dear Ms. Kukielka:

On November 3, 2008 the Commission received the written response ("challenge") from Robert Hill which is being reviewed by the Office of Administrative Review. Please note that if your intent is to be represented by counsel, 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. A Designation of Counsel form is included for your convenience.

If you have any questions regarding your 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 "Shawn Woodhead Werth".

Shawn Woodhead Werth
Reviewing Officer
Office of Administrative Review

Enclosure

29092630314

2008 DEC -2 P 1: 30

STATEMENT OF DESIGNATION OF COUNSEL

AF #: 1772

NAME OF COUNSEL: Robert A. Hill

FIRM: Robert Hill & Associates, Ltd


ADDRESS: 12700 Anderson Lakes Parkway
Eden Prairie, Minn. 55344

TELEPHONE: (952) 426-7373

FAX: (952) 426-7370

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission in the matter of the aforementioned Administrative Fine.

11-25-08
Date


Signature

RESPONDENT'S NAME: Kathleen Kukiel Ka

COMMITTEE NAME: Bob Hill For Congress

ADDRESS: 501 Main St. N. Suite 302
Stillwater, Minn. 55082

TELEPHONE: HOME: () _____

BUSINESS: (952) 426-7373

29092630315



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

FEDERAL ELECTION
COMMISSION
SECRETARIAT

2008 DEC 23 P 12:35

December 23, 2008

MEMORANDUM

SENSITIVE

To: The Commission

Through: Joseph F. Stoltz *JFS*
Acting Staff Director

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

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

By: Jill Sugarman *JS*
Reviewing Analyst

Subject: AF# 1772 – Bob Hill for Congress and Kathleen Kukielka, as Treasurer
(C00434456)

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

29092630316



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 23, 2008

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

AF# 1772 – Bob Hill for Congress and Kathleen Kukielka, as Treasurer (C00434456)

On September 19, 2008, the Commission found reason to believe ("RTB") that the respondents violated 2 U.S.C. § 434(a) for failing to timely file the 2007 Year End Report and made a preliminary determination that the civil money penalty was \$170 based on the schedule of penalties at 11 C.F.R. § 111.43. They were notified by the Reports Analysis Division ("RAD") on September 22, 2008 of the Commission's RTB finding and civil money penalty.

Respondents' Response

On November 3, 2008, the Commission received the written response ("challenge") from the respondents' counsel, Robert Hill, who is also the Candidate. He requests that the Commission forgive the penalty because the committee ceased all activity on September 30, 2007. Counsel cites the Year End Report as proof that no contributions were received and no expenses were incurred during the period. He concludes that a filing with no activity should have a penalty of zero dollars. Counsel notes that the Treasurer attempted to file the report by January 31, 2008, but was unable to successfully download the FEC's updated software. The Treasurer believed the report was filed; however, she later learned that it was not accepted.

Analysis

The Year End Report was filed on February 24, 2008, 24 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 December 31 no later than January 31 of the following calendar year. 2 U.S.C. § 434(a)(2)(A)(iii) and 11 C.F.R. § 104.5(a)(1)(i). Reports electronically filed must be received and validated at or before 11:59 p.m., Eastern Standard/Daylight Time on January 31 to be timely filed. 11 C.F.R. §§ 100.19(c) and 104.5(e). The treasurer shall be personally responsible for the timely filing of reports. 11 C.F.R. § 104.14(d).

The respondents were notified on three occasions, once before the due date and twice after the due date, that they must file this report. On December 27, 2007, the Report Notice for the Year End Report was sent via email to info@bobhill08.com. On February 1, 2008, one day after the deadline, the Electronic Filing Office ("EFO") sent an email notification to the same email address stating that they failed to file the report. They were notified again when RAD sent the non-filer letter on February 20.

Counsel claims that the Treasurer could not download the updated FECFile software; however, the RAD telecoms [written records of telephone conversations] and EFO logs show no attempts by the respondents to contact anyone for assistance. According to the EFO logs, they last downloaded the software on September 17, 2007 and had not contacted the EFO since October 15, 2007. When the Candidate called the RAD Analyst on February 4, 2008, he asked

29092630317

about terminating the Committee but did not mention the Year End Report or any electronic filing problems.

Counsel asserts that the penalty should be zero, but his calculation is incorrect. There are four criteria used to calculate the amount of the civil money penalty. 11 C.F.R. § 111.43. They are: the election sensitivity of a report, the level of activity on the late report, the number of days late, and the number of prior violations. The respondents have no prior violations. The Year End Report is not an election sensitive report and was filed 24 days late. The Year End Report discloses \$100 in receipts and \$5,610 in disbursements, resulting in a level of activity of \$5,710. Using the schedule of penalties at 11 C.F.R § 111.43(a)(2) and the level of activity bracket of \$5,000 - \$9,999.99, the civil money penalty is $[\$50 + (\$5 \times 24)] \times [1 + (.25 \times 0)]$ or \$170.

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 the treasurer's inexperience 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 \$170.

OAR Recommendations

- (1) Adopt the Reviewing Officer recommendation for AF# 1772 involving Bob Hill for Congress and Kathleen Kukielka, as Treasurer, in making the final determination;
- (2) Make a final determination in AF# 1772 that Bob Hill for Congress and Kathleen Kukielka, as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$170; and
- (3) Send the appropriate letter.

Reviewing Analyst: Jill Sugarman

Attachments

Attachment 1 – Challenge Received from Respondents

Attachment 2 –

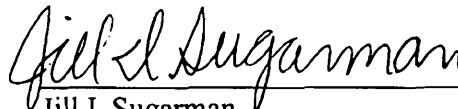
Attachment 3 – Declaration from RAD

Attachment 4 – Declaration from OAR

29092630318

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 Year End Report is due January 31, 2008. If electronically filed, it must be received and validated by the Commission at or before 11:59 p.m., Eastern Standard/Daylight Time on January 31 to be timely filed.
- 3) I hereby certify that I have searched the Commission's public records and that the documents identified herein are the true and accurate copies of Page 1 of the Summary Page and Page 4 of the Detailed Summary Page for the 2007 Year End Report electronically filed by Bob Hill for Congress and Kathleen Kukielka, as Treasurer. According to the Commission's records, the report covers the period from October 1 through December 31, 2007, and was received on February 24, 2008. Lines 24 and 26 list \$100.00 in total receipts and \$5,610.42 in total disbursements, respectively, 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 23rd of December, 2008.



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

29092630319

**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

Bob Hill for Congress

ADDRESS (number and street)

501 MAIN ST N SUITE 302

Check if different than previously reported. (ACC)

STILLWATER

MN

55082

2. FEC IDENTIFICATION NUMBER

C00434456

CITY

STATE

ZIP CODE

STATE DISTRICT

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

MN

06

4. TYPE OF REPORT (Choose One)

(a) Quarterly Reports:

April 15 Quarterly Report (Q1)

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 10 01 2007 through 12 31 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 Kathleen Kukielka

Signature of Treasurer Electronically Filed by Kathleen Kukielka Date 12 31 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)

29092630320

DETAILED SUMMARY PAGE
of Disbursements

29092630321

II. DISBURSEMENTS	COLUMN A Total This Period	COLUMN B Election Cycle-to-Date
17. OPERATING EXPENDITURES.....	5610.42	42159.40
18. TRANSFERS TO OTHER AUTHORIZED COMMITTEES.....	0.00	0.00
19. LOAN REPAYMENTS:		
(a) Of Loans Made or Guaranteed by the Candidate.....	0.00	0.00
(b) Of all Other Loans.....	0.00	0.00
(c) TOTAL LOAN REPAYMENTS (add Lines 19(a) and (b)).....	0.00	0.00
20. REFUNDS OF CONTRIBUTIONS TO:		
(a) Individuals/Persons Other Than Political Committees.....	0.00	0.00
(b) Political Party Committees.....	0.00	0.00
(c) Other Political Committees (such as PACs).....	0.00	0.00
(d) TOTAL CONTRIBUTION REFUNDS (add Lines 20(a), (b), and (c)).....	0.00	0.00
21. OTHER DISBURSEMENTS.....	0.00	0.00
22. TOTAL DISBURSEMENTS (add Lines 17, 18, 19(c), 20(d), and 21) ▷	5610.42	42159.40

III. CASH SUMMARY

23. CASH ON HAND AT BEGINNING OF REPORTING PERIOD.....	64005.36
24. TOTAL RECEIPTS THIS PERIOD (from Line 16, page3).....	100.00
25. SUBTOTAL (add Line 23 and Line 24).....	64105.36
26. TOTAL DISBURSEMENTS THIS PERIOD (from Line 22).....	5610.42
27. CASH ON HAND AT CLOSE OF REPORTING PERIOD (subtract Line 26 from Line 25).....	58494.94



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

VIA OVERNIGHT DELIVERY

December 29, 2008

Kathleen Kukielka, as Treasurer
Bob Hill for Congress
501 Main St. N., Suite 302
Stillwater, MN 55082

C00434456
AF# 1772

Dear Ms. Kukielka:

On September 19, 2008, the Federal Election Commission ("Commission") found reason to believe ("RTB") that Bob Hill for Congress and you, as Treasurer ("respondents"), violated 2 U.S.C. § 434(a) for failing to file the 2007 Year End Report. The Commission also made a preliminary determination that the civil money penalty was \$170 based on the schedule of penalties at 11 C.F.R. § 111.43.

After reviewing the written response and any supplemental information submitted by respondents 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 "Jill I. Sugarman for".

Jill I. Sugarman

Reviewing Analyst

Office of Administrative Review

Attachment

29092630322



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2009 JAN 15 A 10: 52

January 14, 2009

MEMORANDUM

SENSITIVE

To: The Commission

Through: Joseph F. Stoltz *JFS*
Acting Staff Director

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

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

By: Jill Sugarman *JS*
Reviewing Analyst

Subject: Final Determination Recommendation in AF# 1772 – Bob Hill for Congress and Kathleen Kukielka, as Treasurer (C00434456)

On September 19, 2008, the Commission found reason to believe (“RTB”) that the respondents violated 2 U.S.C. § 434(a) for failing to timely file the 2007 Year End Report and also made a preliminary determination that the civil money penalty was \$170 based on the schedule of penalties at 11 C.F.R. § 111.43.

On November 3, 2008, the Commission received their written response (“challenge”). After reviewing the challenge, the Reviewing Officer’s recommendation dated December 23, 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 \$170 civil money penalty because they submitted no 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.

29092630323

OAR Recommendations

- (1) Adopt the Reviewing Officer recommendation for AF# 1772 involving Bob Hill for Congress and Kathleen Kukielka, as Treasurer, in making the final determination;
- (2) Make a final determination in AF# 1772 that Bob Hill for Congress and Kathleen Kukielka, as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$170; and
- (3) Send the appropriate letter.

29092630324

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Final Determination Recommendation:) AF 1772
Bob Hill for Congress and Kathleen)
Kukielka, as Treasurer (C00434456))

CERTIFICATION

I, Mary W. Dove, Secretary of the Federal Election Commission, do hereby certify that on January 29, 2009, the Commission decided by a vote of 6-0 to take the following actions in AF 1772:

1. Adopt the Reviewing Officer recommendation for AF 1772 involving Bob Hill for Congress and Kathleen Kukielka, as Treasurer, in making the final determination.
2. Make a final determination in AF 1772 that Bob Hill for Congress and Kathleen Kukielka, as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$170.
3. Send the appropriate letter.

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

Attest:

January 29, 2009
Date

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

29092630325



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 13, 2009

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Kathleen Kukielka, as Treasurer
Bob Hill for Congress
501 Main Street North, Suite 302
Stillwater, MN 55082

C00434456
AF# 1772

Dear Ms. Kukielka:

On September 19, 2008, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Bob Hill for Congress and you, as Treasurer, violated 2 U.S.C. § 434(a) for failing to timely file the 2007 Year End Report. By letter dated September 22, 2008, the Commission sent you notification of the RTB finding that included a civil money penalty calculated at RTB of \$170 in accordance with the schedule of penalties at 11 C.F.R. § 111.43. On November 3, 2008, the Office of Administrative Review received the written response from Mr. Hill challenging the RTB civil money penalty.

The Reviewing Officer reviewed the Commission's RTB finding with its supporting documentation and the written response. Based on this review, the Reviewing Officer recommended that the Commission make a final determination that Bob Hill for Congress and you, as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty in the amount of \$170 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 December 29, 2008.

On January 29, 2009, the Commission adopted the Reviewing Officer's recommendation and made a final determination that Bob Hill for Congress and you, as Treasurer, violated 2 U.S.C. § 434(a) and assessed a civil money penalty of \$170. It is based on the same factors used to calculate the civil money penalty at RTB. A copy of the final determination recommendation is attached.

To Pay the Civil Money Penalty

If you should decide to pay the civil money penalty, send the enclosed form and payment to the address on page 3 within 30 days of receipt of this letter.

29092630326

If You Do Not Pay the 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 ("DCIA"), 31 U.S.C. § 3701 et seq. If you do not pay this debt within 30 days (or file a written petition to a federal district court - see below), the Commission will transfer the debt to the U.S. Department of the Treasury ("Treasury") for collection. Within 5 days of the transfer to Treasury, Treasury will contact the debtor and request payment. Treasury currently charges a fee of 28% of the civil money penalty amount for its collection services. The fee will be added to the amount of the civil money penalty that you owe. Should Treasury's attempts fail, Treasury will refer the debt to a private collection agency ("PCA"). If the debt remains unpaid, Treasury may recommend that the Commission refer the matter to the Department of Justice for litigation.


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 Jill Sugarman on our toll free number (800)424-9530 (press 0, then ext. 1660) or (202)694-1660.

On behalf of the Commission,


Steven T. Walther
Chairman

Attachment

29092630327

ADMINISTRATIVE FINE PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 C.F.R. § 111.43, the civil money penalty is \$170 for the 2007 Year End Report.

This penalty should be paid by check or money order, made payable to the Federal Election Commission. It should be sent by mail to:

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

If you choose to send your 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 form and payment are due within 30 days of receipt of this 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 the 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: Bob Hill for Congress

FEC ID#: C00434456

AF#: 1772

PAYMENT AMOUNT DUE: \$170

29092630328

QUALITY IS OUR PRIORITY FOR LOCKBOX 9058
SEQ# 001 \$ 0000017000 BA# 1 04-02-09 20 4



DEBRA R PELISSERO
HASTINGS, MN 55039-9423

17-2/810
1047728287
5216

DATE 3.31.09

PAY TO THE ORDER OF *Federal Election Commission* \$ 170.⁰⁰

One hundred seventy dollars and 00/100 DOLLARS

MEMO *Bob Hill - Co0434456*

usbancorp. Five Star Service Guaranteed usbanc.com

Debra Pelissero

MEMO [Redacted]

FOR: Bob Hill for Congress

FEC ID#: C00434456

AF#: 1772

PAYMENT AMOUNT DUE: \$170

4-1



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 1772

DATE SCANNED

6/5/07

SCANNER NO.

2

SCAN OPERATOR

JW

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