

THIS IS THE BEGINNING OF ADMINSTRATIVE FINE CASE

178

DATE FILMED 7/16/01 CAMERA NO. 3

CAMERAMAN EE5



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

SENSITIVE

December 1, 2000

MEMORANDUM

TO: THE COMMISSION

THROUGH: JAMES A. PEHRKON *JAP*
STAFF DIRECTOR

FROM: JOHN D. GIBSON *JDG*
ASSISTANT STAFF DIRECTOR
REPORTS ANALYSIS DIVISION

SUBJECT: REASON TO BELIEVE RECOMMENDATION - OCTOBER
MONTHLY REPORT FOR THE ADMINISTRATIVE FINES
PROGRAM

2000 DEC - 1 P 1:18

RECEIVED
FEDERAL ELECTION
COMMISSION
ADMINISTRATIVE

Attached is a list of political committees and their treasurers who failed to file or timely file the 2000 October Monthly Report in accordance with 2 U.S.C. 434(a). On January 27, 2000 Prior Notice was sent to all political committees and their treasurers informing them that the October Monthly Report was due on October 20, 2000. The report should cover from September 1, 2000 (or the closing date of the last report filed or, if the committee is newly registered, all activity that occurred before registration) through September 30, 2000.

The committees listed in the attached RTB Circulation Report either filed the report more than five (5) days after the due date, failed to file the report or failed to file the report prior to four (4) days before the General Election held on November 7, 2000 (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 included on the report provided.

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.

AF #	COMMITTEE NAME	COMMITTEE ID	TREASURER	DAYS LATE	LEVEL OF ACTIVITY	THRESHOLD AMOUNT	STATE	CANDIDATE NAME	SENSITIVE	PREVIOUS VIOLATIONS	CIVIL MONEY PENALTY
AF0178	AMERICAN DENTAL POLITICAL ACTION COMMITTEE		DR JOHN REITZ	6	\$233,070	\$2,316,641	DC		Yes	0	\$2,550
	C00000729										
	10/26/2000										
AF0179	TITLE INDUSTRY POLITICAL ACTION COMMITTEE		JAMES R MAHER	10	\$26,594	\$474,272	DC		Yes	0	\$800
	C00012914										
	10/30/2000										
AF0181	IUE CMTE ON POL EDUC INT'L UNION/ELECTRONIC ELECTRICAL TECH SALAR		EDWARD FIRE		\$194,466	\$1,267,633	DC		Yes	0	\$6,000
	C00006247										
	11/03/2000 *		Not Filed								

*Defined as not filed



FEDERAL ELECTION COMMISSION
Washington, DC 20463

Gilson
SENSITIVE

DATE & TIME OF TRANSMITTAL: Friday, December 01, 2000 2:00

BALLOT DEADLINE: Wednesday, December 06, 2000 4:00

COMMISSIONER: MASON, McDONALD, SANDSTROM, SMITH, THOMAS, WOLD

SUBJECT: **Reason To Believe Recommendation - October
Monthly Report For The Administrative Fines Program.**

() I approve the recommendation(s)

() I approve the recommendations except those following
to which I object (please insert AF#)

() I approve the recommendations except those following
in which I abstain (please insert AF#)

() I approve the recommendations except those following
in which I am recused (please insert AF#)

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.

DATE: _____

SIGNATURE: _____

FROM THE OFFICE OF THE SECRETARY OF THE COMMISSION

Figure 1. The effect of the concentration of the *Agrobacterium* suspension on the transformation efficiency of *Agrobacterium* strains. The number of transformed cells was determined by the number of colonies on the selective medium. The results are the mean of three independent experiments. Error bars represent standard deviation.

Figure 1. The effect of the concentration of the *Agrobacterium* suspension on the transformation efficiency of *Agrobacterium* strains. The number of transformed cells was determined by the number of colonies on the selective medium. The results are the mean of three independent experiments. Error bars represent standard deviation.

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Figure 1. The effect of the concentration of the *Agrobacterium* suspension on the transformation efficiency of *Agrobacterium* strains. The number of transformed cells was determined by the number of colonies on the selective medium. The results are the mean of three independent experiments. Error bars represent standard deviation.

Federal Election Commission
Certification for AF #178
December 6, 2000

Page 2

Commissioners Mason, McDonald, Sandstrom, Smith,
Thomas, and Wold voted affirmatively for the decision.

Attest:

December 6, 2000
Date

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

Received in the Secretariat: Fri., Dec. 01, 2000 1:18 p.m.
Circulated to the Commission: Fri, Dec. 01, 2000 4:00 p.m.
Deadline for vote: Wed., Dec. 06, 2000 4:00 p.m.

lrd

**WESTERN
UNION**

CONFIRMATION OF CMGM

TO: DR JOHN REITZ

WESTERN UNION COMMERCIAL SERVICES

AMERICAN DENTAL POLITICAL ACTION CMTE
1111 14TH ST NW 11TH FL
WASHINGTON DC 20005-5603FEDERAL ELECTION COMMISSION
LEAH PALMER
999 E ST NW # 709
WASHINGTON DC 20463

DECEMBER 7, 2000

DR JOHN REITZ
AMERICAN DENTAL POLITICAL ACTION CMTE
1111 14TH STREET, NW, 11TH FLOOR
WASHINGTON DC 20005C03000729
AF# 178

DEAR DR JOHN REITZ:

THE FEDERAL ELECTION CAMPAIGN ACT OF 1971, AS AMENDED ("THE ACT"), REQUIRES THAT YOUR COMMITTEE FILE AN OCTOBER MONTHLY REPORT OF RECEIPTS AND DISBURSEMENTS COVERING THE PERIOD THROUGH SEPTEMBER 30. THIS REPORT SHALL BE FILED NO LATER THAN OCTOBER 20TH 2 U.S.C. 434(A). YOU WERE PREVIOUSLY NOTIFIED OF THE DUE DATE FOR THE REPORT. RECORDS AT THE COMMISSION INDICATE THAT THIS REPORT WAS FILED ON 10/26/2000, 6 DAYS LATE.

THE ACT WAS FURTHER AMENDED IN 1999 TO PERMIT THE FEDERAL ELECTION COMMISSION ("THE COMMISSION") 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 12/06/2000, THE COMMISSION FOUND THAT THERE IS REASON TO BELIEVE ("RTB") THAT AMERICAN DENTAL POLITICAL ACTION CMTE AND YOU, AS TREASURER, VIOLATED 2 U.S.C. 434(A) BY FAILING TO FILE TIMELY THIS REPORT ON OR BEFORE OCTOBER 20TH. BASED ON THE COMMISSION'S SCHEDULES OF CIVIL MONEY PENALTIES AT 11 CFR 111.43, THE AMOUNT OF YOUR CIVIL MONEY PENALTY CALCULATED AT RTB IS \$2550.00. IT IS DUE BY 01/15/2001 AND IS BASED ON THESE FACTORS:

ELECTION SENSITIVITY OF REPORT: ELECTION SENSITIVE
LEVEL OF ACTIVITY: \$ 233070
NUMBER OF DAYS LATE: 6
NUMBER OF PREVIOUS CIVIL MONEY PENALTIES ASSESSED: 0TO PAY THE CALCULATED CIVIL MONEY PENALTY
TO PAY THE CALCULATED CIVIL MONEY PENALTY, SEND THE ENCLOSED

**WESTERN
UNION**

WESTERN UNION COMMERCIAL SERVICES

REMITTANCE AND YOUR PAYMENT TO THE COMMISSION AT THE ADDRESS ON PAGE 3. UPON RECEIPT OF THE REMITTANCE AND PAYMENT, THE COMMISSION 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 TO THE COMMISSION'S OFFICE OF ADMINISTRATIVE REVIEW, 999 E STREET, NW, WASHINGTON, DC 20463. YOUR RESPONSE MUST BE RECEIVED BY 01/15/2001. YOUR WRITTEN RESPONSE MUST INCLUDE THE REASON(S) WHY YOU ARE CHALLENGING THE RTB FINDING AND/OR CALCULATED CIVIL MONEY PENALTY. THE COMMISSION WILL ONLY CONSIDER CHALLENGES THAT ARE BASED ON A FACTUAL ERROR, MISCALCULATION OF THE CALCULATED CIVIL MONEY PENALTY BY THE COMMISSION, OR THE EXISTENCE OF EXTRAORDINARY CIRCUMSTANCES THAT PERSISTED FOR MORE THAN 48 HOURS THAT WERE BEYOND YOUR CONTROL AND PREVENTED YOU FROM FILING THE REPORT IN A TIMELY MANNER. YOUR RESPONSE MUST INCLUDE THE FACTUAL BASIS SUPPORTING THE REASON(S) AND SUPPORTING DOCUMENTATION. THE COMMISSION STRONGLY ENCOURAGES THAT DOCUMENTS BE SUBMITTED IN THE FORM OF AFFIDAVITS OR DECLARATIONS. EXTRAORDINARY CIRCUMSTANCES THAT WILL NOT BE CONSIDERED INCLUDE, BUT ARE NOT LIMITED TO, NEGLIGENCE, PROBLEMS WITH VENDORS OR CONTRACTORS, STAFF ILLNESS, COMPUTER FAILURES AND SIMILAR CIRCUMSTANCES. 11 CFR 111.35(3)(1)(III) AND (4).

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 COMMISSION WILL ASSUME THAT THE PRECEDING FACTUAL ALLEGATIONS ARE TRUE AND MAKE A FINAL DETERMINATION THAT AMERICAN DENTAL POLITICAL ACTION CMTE 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 COMMISSION 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 CFR 111.45.

THIS MATTER WAS GENERATED BASED ON INFORMATION ASCERTAINED BY THE COMMISSION 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) UNLESS YOU NOTIFY THE COMMISSION IN WRITING THAT YOU WISH THE MATTER TO BE MADE PUBLIC.

ADDITIONAL INFORMATION ON THE COMMISSION'S ADMINISTRATIVE FINE PROGRAM, INCLUDING THE FINAL REGULATIONS, IS LOCATED AT THE COMMISSION'S WEBSITE AT WWW.FEC.GOV. IF YOU HAVE QUESTIONS REGARDING THE PAYMENT OF THE CALCULATED CIVIL MONEY PENALTY, PLEASE CONTACT MARY E. SEILER IN THE REPORTS ANALYSIS DIVISION AT OUR TOLL FREE NUMBER (800)424-9530 (PRESS 1, THEN PRESS 2) OR (202)694-1130.

**WESTERN
UNION**

WESTERN UNION COMMERCIAL SERVICES

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,

DARRYL WOLD
CHAIRMAN

* * * * *
ADMINISTRATIVE FINE PAYMENT REMITTANCE & PAYMENT INSTRUCTIONS

IN ACCORDANCE WITH THE SCHEDULE OF PENALTIES AT 11 CFR 111.43,
THE AMOUNT OF YOUR CIVIL MONEY PENALTY CALCULATED AT RT8 IS
\$2550.00 FOR THE 2000 OCTOBER 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 952182
ST. LOUIS, MO 63195-2182

IF YOU CHOOSE TO SEND YOUR REMITTANCE AND PAYMENT BY COURIER OR
OVERNIGHT DELIVERY, PLEASE USE THIS ADDRESS:
FIRSTAR - GOVERNMENT LOCKBOX
FEC #952132
1005 CONVENTION PLAZA
ST. LOUIS, MO 63101

THE REMITTANCE AND YOUR PAYMENT ARE DUE BY 01/15/2001. UPON
RECEIPT OF YOUR REMITTANCE AND PAYMENT, THE COMMISSION WILL SEND YOU
A FINAL DETERMINATION LETTER.

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: AMERICAN DENTAL POLITICAL ACTION CMTE

FEC ID#: C00000729

AF#: 178

PAYMENT DUE DATE: 01/15/2001

PAYMENT AMOUNT DUE: \$2550.00

2000 JAN 12 P 12:10

EC OFFICE OF
ADMIN REVIEW



1111 14th Street, N.W.

Washington, D.C. 20005

(202) 898-2424

(888) 232-8326

American Dental
Political Action Committee

January 11, 2001

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

Dear Sir/Madam:

Please find enclosed our Committee's (I.D. #C00000729) response to the penalty for the late filing of the October report.

If you need further information, please contact me at 202 789-5171. Thank you for your assistance in this matter.

Sincerely,

A handwritten signature in cursive script that reads "Francis X. McLaughlin, Jr." The signature is written in dark ink and is positioned above the printed name.

Francis X. McLaughlin, Jr.
Director of Political Affairs/ADPAC

2001 JAN 11 P 4:43
FEDERAL ELECTION COMMISSION

054610530
00A
05014750



11th Floor

1111 14th Street, N.W.

Washington, D.C. 20005

(202) 898-2424

American Dental
Political Action Committee

Affidavit of

Francis X. McLaughlin, Jr.

I, Francis X. McLaughlin, Jr., am the Political Affairs Director of the American Dental Association ("ADA"). Mrs. Cynthia Taylor, Manager of the American Dental Political Action Committee ("ADPAC"), works under my direction. Mrs. Taylor who in the past had prepared ADPAC's Federal Election Commission ("FEC") reports, was pregnant at the time of the October filing. Because of concern about her pregnancy, she left the ADA sooner than originally planned. These concerns appear to have preoccupied Mrs. Taylor and served to prevent her from completing all of her responsibilities.

Unfortunately, during this time, I was in Chicago attending the ADA annual meeting and did not return to the office until Monday, October 23rd. I asked Ms. Shiwand Thomas, the ADPAC Political Education Assistant, to prepare the Pre-General election FEC report that was due shortly after my return. In preparation for this report Ms. Thomas needed the October filing which she could not find. It was only then that we learned that Mrs. Taylor did not prepare the October report. Ms Thomas prepared the October report and I signed it on the 24th of October.

To the best of my knowledge, this was the first violation of any nature by ADPAC in the ten years since I joined the ADA.

Francis X. McLaughlin, Jr.
Name:

January 11, 2001
Date:

2001 JAN 11 PM 4:43

FBI/DOJ
RECEIVED



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

Via First Class Mail

January 12, 2001

Dr. John Reitz, Treasurer
American Dental Political Action Committee
1111 14th St., NW, 11th Floor
Washington, DC 20005

AF# 178
ID# C00000729

Dear Dr. Reitz:

On December 6, 2000, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that the American Dental Political Action Committee and you, as Treasurer, violated 2 U.S.C. § 434(a) with respect to the 2000 October Monthly Report.

On January 12, 2001, the Commission received a written response from Francis X. McLaughlin, Jr., and supporting documents ("challenge") which is being reviewed by the Office of Administrative Review. If you have any questions regarding your challenge, please contact me on 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 "Jennifer H. Boyd".

Jennifer H. Boyd
Reviewing Analyst

Office of Administrative Review

2000 JAN 22 10 10 10

Date: January 22, 2001

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

AF#: 178

Committee Name: American Dental Political Action Committee

Committee ID#: C00000729

Committee Address (if different than in RTB mailgram) : N/A

Treasurer Name (if different than in RTB finding): N/A

Attachments:

Copy of RTB Report - Attachment #: 1

Copy of Redacted RTB Circulation Report - Attachment # : 2

Copy of RTB Mailgram - Attachment # : see declaration

Certified Return Receipt (to be forwarded at later date if not yet received) -
Attachment #: 3

Other Reports (Redacted if Necessary) Used for RTB Review -
Attachment # : N/A

Telecons and Visitcons in Response to RTB Mailgram (Y/N): N
Attachment # : N/A

Original Correspondence Received by RAD in Response to
RTB Mailgram (Y/N): N
Attachment # : N/A

RAD Staff Declaration - Attachment # : 4

DECLARATION OF MARY E. SEILER

1. I am the Senior Analyst of the Compliance Branch for the Reports Analysis Division of the Federal Election Commission (.Commission.). In my capacity as Senior Analyst of the Compliance Branch, I oversee the research conducted with regard to 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 the American Dental Political Action Committee:
 - A) Prior Notice dated January 27, 2000 referencing the 2000 October Monthly Report;
 - B) Reason-to-Believe Mailgram dated December 7, 2000 referencing the 2000 October Monthly Report.
3. I hereby certify that I have searched the Commission's public records and find that the American Dental Political Action Committee filed the 2000 October Monthly Report with the Commission on October 26, 2000.
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, D.C. on the 22nd day of January, 2001.



Mary E. Seiler
Senior Analyst, Compliance Branch
Reports Analysis Division
Federal Election Commission

MONTHLY REPORT NOTICE

FEDERAL ELECTION COMMISSION

PARTIES AND PACS

January 27, 2000

WHO MUST FILE

Party Committees and PACs (Nonconnected Committees and Separate Segregated Funds) filing on a monthly basis must file Monthly Reports in 2000.

REPORTING DATES

REPORT	REPORTING PERIOD ¹	REG./CERT. MAILING DATE ²	FILING DATE
February	01/01/00 - 01/31/00	02/20/00	02/20/00 ³
March	02/01/00 - 02/29/00	03/20/00	03/20/00
April	03/01/00 - 03/31/00	04/20/00	04/20/00
May	04/01/00 - 04/30/00	05/20/00	05/20/00 ³
June	05/01/00 - 05/31/00	06/20/00	06/20/00
July	06/01/00 - 06/30/00	07/20/00	07/20/00
August	07/01/00 - 07/31/00	08/20/00	08/20/00 ³
September	08/01/00 - 08/31/00	09/20/00	09/20/00
October	09/01/00 - 09/30/00	10/20/00	10/20/00
Pre-Election	10/01/00 - 10/18/00	10/23/00	10/26/00
Post-Election	10/19/00 - 11/27/00	12/07/00	12/07/00
Year-End	11/28/00 - 12/31/00	01/31/01	01/31/01

24 HOUR REPORT ON INDEPENDENT EXPENDITURES

Any PAC or Party Committee that makes independent expenditures in connection with an election may have to file a 24 hour report. This reporting requirement will be triggered if the committee makes independent expenditures aggregating \$1,000 or more after the 20th day, but more than 24 hours, before the day of the election. This report is *not* required when a Party Committee or PAC makes a contribution directly to a candidate.

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.

²Reports sent by registered or certified mail must be postmarked by the mailing date; otherwise, they must be received by the filing date.

³Note that the filing date falls on a weekend. Filing dates are not extended when they fall on nonworking days.

CHANGE IN FILING FREQUENCY

Committees wishing to change their reporting schedule (for example, from monthly to quarterly) must notify the Commission in writing when they file their next report due under their current reporting schedule. Committees may change their filing frequencies no more than once per calendar year.

LABEL

Committees should affix the peel-off label from the envelope to Line 1 of the report. Corrections should be made on the label.

ELECTRONIC FILING

Political committees have the option of filing their reports electronically. If you are interested in this option, review the enclosed handout entitled "Electronic Filing," and call the Data Division at (800) 424-9530 or (202) 694-1306.

COMPLIANCE

Treasurers of political committees are responsible for the accuracy of all reports and for filing all reports on time. Treasurers may be subject to enforcement action if reports are not filed timely or reports are inaccurate. Committees filing illegible reports or using non-FEC forms (except for FEC approved computer generated forms) will be required to refile.



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

VIA OVERNIGHT DELIVERY

April 18, 2001

Dr. John Reitz
American Dental PAC
1111 14th Street, NW, 11th Floor
Washington, DC 20005

AF# 178
C00000729

Dear Dr. Reitz:

On December 6, 2000, the Federal Election Commission ("Commission") found reason to believe ("RTB") that the American Dental Political Action Committee and you, as treasurer, ("respondents") violated 2 U.S.C. § 434(a) for failing to file the 2000 October Monthly Report. The Commission also made a preliminary determination that the civil money penalty was \$2,550.00 based on the schedule of penalties at 11 CFR § 111.43.

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

You may file with the Commission Secretary a written response to the recommendation within 10 days of the date of this letter. Your written response should be sent to the Commission Secretary, 999 E Street, NW, Washington, DC 20463. 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 CFR § 111.36(f). The Commission will then make a final determination in this matter.

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

Sincerely,

A handwritten signature in cursive script that reads "Shawn Woodhead Werth".

Shawn Woodhead Werth
Reviewing Officer
Office of Administrative Review

Attachment



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Werth
RECEIVED
FEDERAL ELECTION
COMMISSION
2001 APR 12 AM 10:12

SENSITIVE

April 17, 2001

MEMORANDUM

TO: THE COMMISSION

THROUGH: JAMES A. PEHRKON
STAFF DIRECTOR *[Signature]*
ALISON L. DOONE *[Signature]*
DEPUTY STAFF DIRECTOR

FROM: SHAWN WOODHEAD WERTH *[Signature]*
REVIEWING OFFICER
OFFICE OF ADMINISTRATIVE REVIEW

SUBJECT: AF# 178 - AMERICAN DENTAL POLITICAL ACTION
COMMITTEE AND DR. JOHN REITZ, AS TREASURER

The attached Reviewing Officer Recommendation is being circulated on an informational basis. A copy was also sent to respondents in accordance with 11 CFR § 111.36(f). 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



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 17, 2001

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

AF# 178 - American Dental Political Action Committee and Dr. John Reitz, as Treasurer

On December 6, 2000, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that the American Dental Political Action Committee and Dr. John Reitz, as Treasurer ("the respondents"), violated 2 U.S.C. § 434(a) for failing to file the 2000 October Monthly Report in a timely manner and made a preliminary determination that the civil money penalty was \$2,550.00 based on the schedule of penalties at 11 C.F.R. § 111.43. Respondents were notified by the Reports Analysis Division via mailgram on December 7, 2000 of the Commission's finding and civil money penalty calculated at RTB.

Respondents' Response

On January 11, 2001, the Commission received the written response and supporting documentation ("challenge") from the respondents in which they challenge the RTB finding.¹ Respondents provide a statement from Francis X. McLaughlin, Jr., the Assistant Treasurer as well as the Political Affairs Director of the American Dental Association. In his statement, Mr. McLaughlin explains that an employee, who was Manager of the Committee and "in the past had prepared [their] reports, was pregnant at the time of the October filing. Because of concern about her pregnancy, she left the ADA sooner than originally planned. These concerns appear to have preoccupied [her] and served to prevent her from completing all of her responsibilities." Mr. McLaughlin states that he was on a trip and did not return to the office until October 23. He indicates that they did not know the October Monthly Report was not prepared until another individual needed it to prepare the 12 Day Pre-General Report, due "shortly after [his] return," at which point they also prepared the October Monthly Report.

Analysis of Challenge

The October Monthly Report was hand delivered on October 26, 2000. It was filed 6 days late.

The Federal Election Campaign Act ("Act") requires that monthly reports shall be filed by the treasurer of a political committee no later than the 20th day after the last day of the month. 2 U.S.C. § 434(a)(4)(B). Reports sent by certified or registered mail are considered filed on the date of the U.S. post mark; otherwise, reports must be received by the close of business on October 20th to be timely filed. 11 C.F.R. § 104.5(e). Every political committee shall have a treasurer and may designate an assistant treasurer who shall assume the treasurer's duties and responsibilities if there is a temporary or

¹ Subsequent to the submission of the challenge, the Commission received an amended Statement of Organization naming Dr. Rick Crinzi as Treasurer, effective January 1, 2001.

permanent vacancy in the office or the treasurer is unavailable. 2 U.S.C. § 432(a) and 11 C.F.R. § 102.7(a). The treasurer shall be personally responsible for the timely and complete filing of reports and statements as well as the accuracy of the information they contain. 11 C.F.R. § 104.14(d). The October Monthly Report is an election sensitive report and, for purposes of the schedules of penalties, an election sensitive report is considered to be filed late if it is filed after the due date but prior to four (4) days before the general election and to be not filed if it is not filed prior to four (4) days before the general election. 11 C.F.R. § 111.43(d) and (e)(2).

Prior Notice for the October Monthly Report, which was sent to respondents on January 27, 2000, states that the filing date is October 20, 2000. The second footnote of the Prior Notice explains that unless a report is sent via certified or registered mail, the report must be received by the filing date. It further informs them on the second page that treasurers are responsible for the timeliness and accuracy of their reports.

As suggested in the regulations, the respondents designated an Assistant Treasurer. The Manager of the Committee, working under the direction of the Assistant Treasurer, failed to prepare the October Monthly Report before her departure, and, when this was discovered, another individual prepared it. However, in accordance with the Act, it is still the treasurer's responsibility to file reports in a timely manner. With respect to the other issue raised in the challenge (the previous filing record of the respondents), it does not fall within the list of defenses outlined in 11 C.F.R. § 111.35(b)(1)(iii) as an "extraordinary circumstance" which was beyond their control, lasted for at least 48 hours and prevented them from filing the report.

Respondents filed the October Monthly Report (an election-sensitive report) 6 days late. Respondents presented no evidence that a factual error was made, that the civil money penalty was miscalculated at RTB or that extraordinary circumstances existed which prevented them from filing the October Monthly Report in a timely manner. The Reviewing Officer, therefore, 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 \$2,550.00.

OAR Recommendations

- (1) Make a final determination in AF# 178 that the American Dental Political Action Committee and Dr. John Reitz, as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$2,550.00; and
- (2) Send the appropriate letter.

Staff Assigned: Jennifer Boyt

Attachments

Attachment 1 - Challenge Received from Respondents

Attachment 2 - Declaration from the Reports Analysis Division

Attachment 3 - C Indices of Reports Filed for the 1999-2000 and 2001-2002 Election Cycles

Attachment 4 - Declaration from OAR

COMMITTEE	DOCUMENT	RECEIPTS	DISBURSEMENTS	COVERAGE DATES	# OF PAGES	IMAGE LOCATION
						TYPE OF FILER
AMERICAN DENTAL POLITICAL ACTION COMMITTEE						ID #C00000729 NON-PARTY QUALIFIED
CONNECTED ORGANIZATION: DENTAL ASS'N; AMERICAN						
1999	STATEMENT OF ORGANIZATION - AMENDMENT			17MAR99	1	99FEC/438/0208
	FEBRUARY MONTHLY	77,856	10,583	1JAN99 -31JAN99	11	99FEC/433/3648
	REQUEST FOR ADDITIONAL INFORMATION			1JAN99 -31JAN99	3	99FEC/488/2529
	REQUEST FOR ADDITIONAL INFORMATION 2ND			1JAN99 -31JAN99	3	99FEC/492/0269
	MARCH MONTHLY	112,420	8,537	1FEB99 -28FEB99	23	99FEC/438/0209
	APRIL MONTHLY	111,971	20,495	1MAR99 -31MAR99	23	99FEC/445/1951
	MAY MONTHLY	74,055	75,537	1APR99 -30APR99	18	99FEC/451/2516
	REQUEST FOR ADDITIONAL INFORMATION			1APR99 -30APR99	2	99FEC/489/2532
	REQUEST FOR ADDITIONAL INFORMATION 2ND			1APR99 -30APR99	3	99FEC/492/0272
	JUNE MONTHLY	27,065	30,422	1MAY99 -31MAY99	24	99FEC/453/0734
	JULY MONTHLY	43,700	54,000	1JUN99 -30JUN99	17	99FEC/456/3160
	AUGUST MONTHLY	21,488	13,035	1JUL99 -31JUL99	10	99FEC/478/3572
	SEPTEMBER MONTHLY	51,746	14,000	1AUG99 -31AUG99	9	99FEC/482/2690
	OCTOBER MONTHLY	8,725	31,043	1SEP99 -30SEP99	17	99FEC/487/4857
	OCTOBER MONTHLY - AMENDMENT	9,884	32,592	1SEP99 -30SEP99	3	20FEC/531/3547
	REQUEST FOR ADDITIONAL INFORMATION			1SEP99 -30SEP99	3	20FEC/551/2826
	REQUEST FOR ADDITIONAL INFORMATION 2ND			1SEP99 -30SEP99	3	20FEC/557/4279
	NOVEMBER MONTHLY	82,912	38,910	1OCT99 -31OCT99	109	99FEC/492/1164
	NOVEMBER MONTHLY - AMENDMENT	91,132	38,943	1OCT99 -31OCT99	4	20FEC/531/3543
	REQUEST FOR ADDITIONAL INFORMATION			1OCT99 -31OCT99	3	20FEC/506/3513
	REQUEST FOR ADDITIONAL INFORMATION 2ND			1OCT99 -31OCT99	4	20FEC/528/3943
	DECEMBER MONTHLY	1,750	51,554	1NOV99 -30NOV99	11	99FEC/496/1330
	DECEMBER MONTHLY - AMENDMENT	3,036	52,938	1NOV99 -30NOV99	3	20FEC/531/3550
	REQUEST FOR ADDITIONAL INFORMATION			1NOV99 -30NOV99	3	20FEC/526/4204
	YEAR-END	24,297	59,966	1DEC99 -31DEC99	27	20FEC/506/4666
	YEAR-END - AMENDMENT	24,297	59,966	1DEC99 -31DEC99	3	20FEC/531/3553
	YEAR-END - AMENDMENT	24,297	59,966	1DEC99 -31DEC99	9	20FEC/551/1783
	REQUEST FOR ADDITIONAL INFORMATION			1DEC99 -31DEC99	2	20FEC/541/0432
2000	FEBRUARY MONTHLY	24,173	9,814	1JAN00 -31JAN00	20	20FEC/531/3556
	MARCH MONTHLY	138,938	39,078	1FEB00 -29FEB00	21	20FEC/534/3020
	MARCH MONTHLY - AMENDMENT	138,938	39,078	1FEB00 -29FEB00	8	20FEC/560/3258
	REQUEST FOR ADDITIONAL INFORMATION			1FEB00 -29FEB00	8	20FEC/551/2818
	REQUEST FOR ADDITIONAL INFORMATION 2ND			1FEB00 -29FEB00	9	20FEC/557/4282
	APRIL MONTHLY	133,260	155,776	1MAR00 -31MAR00	35	20FEC/554/4850
	APRIL MONTHLY - AMENDMENT	133,260	155,776	1MAR00 -31MAR00	13	20FEC/555/2849
	REQUEST FOR ADDITIONAL INFORMATION			1MAR00 -31MAR00	8	20FEC/563/2598
	REQUEST FOR ADDITIONAL INFORMATION 2ND			1MAR00 -31MAR00	10	20FEC/568/1937
	MAY MONTHLY	83,713	16,015	1APR00 -30APR00	14	20FEC/561/2527
	MAY MONTHLY - AMENDMENT	85,651	16,030	1APR00 -30APR00	14	20FEC/574/2458

FEDERAL ELECTION COMMISSION
1999-2000
COMMITTEE INDEX OF DISCLOSURE DOCUMENTS - (C)

DATE 4/17/2001

PAGE 2

COMMITTEE	DOCUMENT	RECEIPTS	DISBURSEMENTS	COVERAGE DATES	# OF PAGES	IMAGE LOCATION
						TYPE OF FILER
	MAY MONTHLY - AMENDMENT	85,651	16,030	1APR00 -30APR00	8	20FEC/597/4285
	REQUEST FOR ADDITIONAL INFORMATION			1APR00 -30APR00	3	20FEC/587/5024
	REQUEST FOR ADDITIONAL INFORMATION 2ND			1APR00 -30APR00	4	20FEC/597/2401
	JUNE MONTHLY	124,184	57,200	1MAY00 -31MAY00	22	20FEC/565/1002
	JUNE MONTHLY - AMENDMENT	125,376	57,281	1MAY00 -31MAY00	23	20FEC/574/2472
	JUNE MONTHLY - AMENDMENT	125,376	57,281	1MAY00 -31MAY00	13	20FEC/599/0599
	REQUEST FOR ADDITIONAL INFORMATION			1MAY00 -31MAY00	5	20FEC/598/2466
	JULY MONTHLY	20,131	81,083	1JUN00 -30JUN00	23	20FEC/574/2495
	JULY MONTHLY - AMENDMENT	-	-	1JUN00 -30JUN00	4	20FEC/647/0564
	REQUEST FOR ADDITIONAL INFORMATION			1JUN00 -30JUN00	8	20FEC/607/1899
	REQUEST FOR ADDITIONAL INFORMATION 2ND			1JUN00 -30JUN00	9	20FEC/632/1423
	AUGUST MONTHLY	21,292	32,427	1JUL00 -31JUL00	16	20FEC/595/4994
	AUGUST MONTHLY - AMENDMENT	-	-	1JUL00 -31JUL00	2	20FEC/645/1714
	REQUEST FOR ADDITIONAL INFORMATION			1JUL00 -31JUL00	6	20FEC/629/3340
	SEPTEMBER MONTHLY	5,872	77,691	1AUG00 -31AUG00	15	20FEC/602/4844
	OCTOBER MONTHLY	12,320	220,750	1SEP00 -30SEP00	52	20FEC/636/4774
	OCTOBER MONTHLY - AMENDMENT	12,320	220,750	1SEP00 -30SEP00	21	21FEC/691/0524
	REQUEST FOR ADDITIONAL INFORMATION			1SEP00 -30SEP00	2	21FEC/679/1074
	PRE-GENERAL	64,075	61,583	1OCT00 -18OCT00	109	20FEC/641/1835
	PRE-GENERAL - AMENDMENT	64,375	61,583	1OCT00 -18OCT00	4	21FEC/677/0097
	PRE-GENERAL - AMENDMENT	64,375	61,583	1OCT00 -18OCT00	9	21FEC/691/0545
	REQUEST FOR ADDITIONAL INFORMATION			1OCT00 -18OCT00	3	21FEC/679/1076
	NOVEMBER MONTHLY	95,368	102,548	1OCT00 -31OCT00	140	20FEC/648/2221
	POST-GENERAL	36,368	57,464	19OCT00 -27NOV00	48	20FEC/655/1739
	POST-GENERAL - AMENDMENT	36,368	57,464	19OCT00 -27NOV00	2	21FEC/676/0296
	REQUEST FOR ADDITIONAL INFORMATION			19OCT00 -27NOV00	2	21FEC/701/4695
	DECEMBER MONTHLY	5,435	17,500	1NOV00 -30NOV00	11	20FEC/670/3996
	YEAR-END	15,192	500	28NOV00 -31DEC00	21	21FEC/678/0246
	TOTAL	1,432,401	0 1,340,573	0	1096	TOTAL PAGES

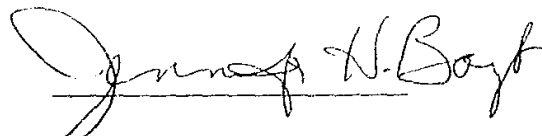
COMMITTEE	DOCUMENT	RECEIPTS	DISBURSEMENTS	COVERAGE DATES	# OF PAGES	IMAGE LOCATION
				TYPE OF FILER		

AMERICAN DENTAL POLITICAL ACTION COMMITTEE				ID #C00000729	NON-PARTY QUALIFIED	
CONNECTED ORGANIZATION: DENTAL ASS'N; AMERICAN						
2001 STATEMENT OF ORGANIZATION - AMENDMENT				29JAN01	2	21FEC/680/3620
	FEBRUARY MONTHLY	69,672	2,057	1JAN01 -31JAN01	15	21F99/003/8990
	FEBRUARY MONTHLY - AMENDMENT	69,672	2,057	1JAN01 -31JAN01	15	21F99/003/9018
	MARCH MONTHLY	108,708	28,752	1FEB01 -28FEB01	24	21F99/004/9869
	MARCH MONTHLY - AMENDMENT	108,708	28,752	1FEB01 -28FEB01	24	21F99/004/9893
	MARCH MONTHLY - AMENDMENT	108,308	29,252	1FEB01 -28FEB01	24	21F99/006/8475
	APRIL MONTHLY	66,355	80,708	1MAR01 -31MAR01	24	21F99/006/8499
	APRIL MONTHLY - AMENDMENT	66,355	80,708	1MAR01 -31MAR01	24	21F99/006/8621
TOTAL		244,335	0	112,017	0	152 TOTAL PAGES

2001-04-17 14:04:00

DECLARATION OF JENNIFER HENRY BOYT

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 2000 October Monthly Report, covering the period September 1 through September 30, 2000, is due October 20, 2000. Unless sent by certified or registered mail, the report must be received by the close of business on October 20, 2000 to be filed in a timely manner.
3. It is the practice of the Commission's Disclosure Division to date stamp each report as it is received and to complete an Envelope Replacement Page disclosing the method used to file the report.
4. I hereby certify that I have searched the Commission's public records and that the documents identified herein are true and accurate copies of the:
 - a) cover letter, Summary Page and Envelope Replacement Page for the 2000 October Monthly Report filed via hand delivery by the American Dental Political Action Committee and Dr. John Reitz, as Treasurer. According to the Commission's records, the report covering the period September 1 through September 30, 2000 was received on October 26, 2000. The cover letter, dated October 26, 2000, is signed for Cynthia J. Taylor, Manager, ADPAC and the Summary Page is signed by Francis X. McLaughlin, Jr., as Assistant Treasurer;
 - b) amended Statement of Organization, in the form of a letter, filed by the American Dental Political Action Committee and Dr. John Reitz, as Treasurer, which, according to the Commission's records, was received March 17, 1999 and lists Dr. John Reitz as the new Treasurer and Francis X. McLaughlin, Jr., as Assistant Treasurer. The letter, signed by Cynthia J. Pickett, Manager, ADPAC, is not accompanied on the Public Record by an Envelope Replacement Page, but is stamped as having been received in the Mail Room at 4:32 p.m. on March 17, 1999.
5. 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 17th of April, 2001.



Jennifer Henry Boyt
Reviewing Analyst
Office of Administrative Review
Federal Election Commission

RECEIVED
FEC MAIL ROOM

2000 OCT 26 A 11: 03

October 26, 2000

Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Dear Sir/Madam:

Please find enclosed our Committee's (I.D. #C00000729) **October 20th Report** covering the period of **September 1-30, 2000**. Also, please note that our line 12 amounts are reflective of receipts from various states, which act as our collecting agents for membership contributions. In order to track these receipts on our software, we must post them on line 12 so that the amount will be able to exceed \$200. Although we "treat" the states as individuals for our software purposes, these contributions still fall within FEC guidelines.

Thus, the software automatically produces schedules to justify the amount on line 12. Our Committee understands that these schedules are not necessary and that the amounts can be listed as itemized contributions on line 11a. But for our software purposes and in order to keep generating our reports by computer--it is much simpler to continue reporting in this manner, as long as it is within FEC guidelines. Thank you for your cooperation and assistance.

Sincerely,

Cynthia J. Taylor
Cynthia J. Taylor
Manager, ADPAC

01.09.250.44705

REPORT OF RECEIPTS AND DISBURSEMENTSFor Other Than An Authorized Committee
(Summary Page)RECEIVED
FEC MAIL ROOM

2000 OCT 26 A 11:03

USE FEC MAILING LABEL
OR
TYPE OR PRINT

1. NAME OF COMMITTEE (in full) American Dental Political Action Committee		2. FEC IDENTIFICATION NUMBER C00000729
ADDRESS (number and street) ☐ Check if different than previously reported 1111 14th Street, NW Suite 1100		
CITY, STATE and ZIP CODE Washington, DC 20005		
		3. ☒ This committee has qualified as a multicandidate committee. (see FEC FORM 1M)

4. TYPE OF REPORT(a) ☐ April 15 Quarterly Report☐ July 15 Quarterly Report☐ October 15 Quarterly Report☐ January 31 Year End Report☐ July 31 Mid Year Report (Non-election Year Only)☐ Termination Report

Monthly Report Due On:

☐ February 20	☐ June 20	☒ October 20
☐ March 20	☐ July 20	☐ November 20
☐ April 20	☐ August 20	☐ December 20
☐ May 20	☐ September 20	☐ January 31

☐ Twelfth day report preceding _____
(Type of Election)

election on _____ in the State of _____

☐ Thirtieth day report following the General Election on _____
in the State of _____

(b) Is this Report an Amendment?

☐ YES ☒ NO

SUMMARY		COLUMN A This Period	COLUMN B Calendar Year-to-Date
5. Covering Period	09/01/00 through 09/30/00		
6. (a) Cash on Hand January 1, 19 00			\$ 499,307.63
(b) Cash on Hand at Beginning of Reporting Period		\$ 584,820.03	
(c) Total Receipts (from Line 19)		\$ 12,320.15	\$ 567,016.64
(d) Subtotal (add Lines 6(b) and 6(c) for Column A and Lines 6(a) and 6(c) for Column B)		\$ 597,140.18	\$ 1,066,324.27
7. Total Disbursements (from Line 30)		\$ 220,750.80	\$ 689,934.89
8. Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d))		\$ 376,389.38	\$ 376,389.38
9. Debts and Obligations Owed TO the Committee (Itemize all on Schedule C and/or Schedule D)		\$ 0.00	For further information contact: Federal Election Commission 999 E Street, NW Washington, DC 20463 Toll Free 800-424-9530 Local 202-219-3420
10. Debts and Obligations Owed BY the Committee (Itemize all on Schedule C and/or Schedule D)		\$ 0.00	

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer

Francis X. McLaughlin, Jr., Assistant Treasurer

Signature of Treasurer

Date

Francis X. McLaughlin, Jr. Assistant Treasurer 10/24/00

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. 5437g.

--	--	--	--	--	--	--	--	--	--

FEC FORM 3X

(revised 9/93)

Federal Election Commission

ENVELOPE REPLACEMENT PAGE FOR INCOMING DOCUMENTS

The Commission has added this page to the end of this filing to indicate how it was received.

☒ Hand Delivered	Date of Receipt 10/26/00
☐ First Class Mail	POSTMARKED
☐ Registered/Certified Mail	POSTMARKED (R/C)
☐ No Postmark	
☐ Postmark Illegible	
☐ Received from the House office of Records and Registration	Date of Receipt
☐ Received from the Senate Office of Public Records	Date of Receipt
☐ Other (Specify):	Postmarked and/or Date of Receipt
☐ Electronic Filing	
CR PREPARER	10/26/00 DATE PREPARED

ADPAC

11th Floor

1111 14th Street, N.W.

RECEIVED
FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20005
COMMISSION MAIL ROOM

(202) 898-2424

MAR 17 1 32 PM '99

*American Dental
Political Action Committee*

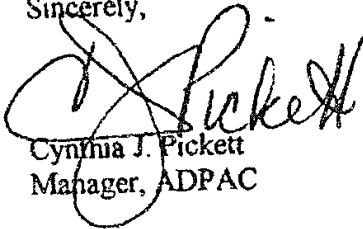
March 17, 1999

Ms. Antoinette Kitchen, Reports Analyst
Reports Analysis Division
Federal Election Commission
999 E Street, NW
Washington, DC 20463

Dear Ms. Kitchen:

I have enclosed, along with the March 20, 1999 report, an amended October 20, 1998 report, which now correctly discloses the Ganske contribution. ADPAC is also amending its statement of organization: The Committee has elected a new Treasurer, **Dr. John Reitz**. Dr. Reitz will serve for two years. Mr. Frank McLaughlin will still serve as Assistant Treasurer.

Sincerely,



Cynthia J. Pickett
Manager, ADPAC



11th Floor

1111 14th Street, N.W.

Washington, D.C. 20005

(202) 898-2424

(888) 232-8326

American Dental
Political Action Committee

April 25, 2001

Ms. Jennifer Boyt
Reviewing Analyst
Office of Administrative Review
Federal Election Commission
999 E Street, N.W.
Washington, DC 20463

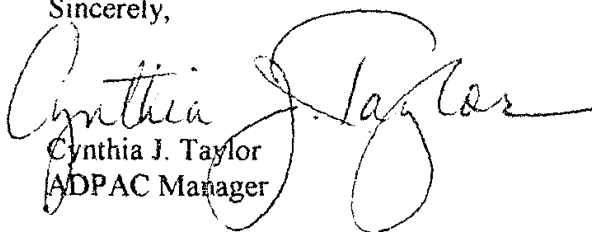
RE: FEC ID#C00000729 AF# 178

Dear Ms. Boyt:

A check in the amount of \$2,550 has been sent in payment of ADPAC's civil penalty assessed by the Federal Election Commission. This was sent via overnight delivery to the government lockbox address as directed in the mailgram dated December 7, 2000.

Thank you for your assistance in this matter. If you have any further questions or need additional information, please contact me at 202-789-5172.

Sincerely,


Cynthia J. Taylor
ADPAC Manager

CJT

FEC OFFICE OF
ADMINISTRATIVE REVIEW

2001 APR 25 PM 2:07

2001 APR 25 PM 2:07



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
COMMUNICATIONS
DIVISION

2001 APR 27 A 9:59

SENSITIVE

April 26, 2001

MEMORANDUM

TO: THE COMMISSION

THROUGH: JAMES A. PEHRKON
STAFF DIRECTOR

ALISON L. DOONE
DEPUTY STAFF DIRECTOR

FROM: SHAWN WOODHEAD WERTH
REVIEWING OFFICER
OFFICE OF ADMINISTRATIVE REVIEW

SUBJECT: FINAL DETERMINATION RECOMMENDATION
IN AF# 178 - AMERICAN DENTAL POLITICAL ACTION
COMMITTEE AND DR. JOHN REITZ, AS TREASURER

On December 6, 2000, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that the American Dental Political Action Committee and Dr. John Reitz, as Treasurer ("respondents"), violated 2 U.S.C. § 434(a) for failing to file the 2000 October Monthly Report in a timely manner. The report was filed on October 26, 2000, 6 days late. As a result, the Commission also made a preliminary determination on that same date that the civil money penalty was \$2,550.00 based on the schedule of penalties at 11 C.F.R. § 111.43.

The Commission received the respondents' written response and supporting documentation ("challenge") on January 11, 2001. After reviewing the respondents' challenge, the Reviewing Officer's recommendation dated April 17, 2001 was forwarded to the Commission. A copy of the Reviewing Officer's recommendation was simultaneously forwarded to the respondents. The Reviewing Officer recommended that the Commission make a final determination that the respondents violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$2,550.00 because respondents submitted no evidence that a factual error was made, that the civil money penalty was miscalculated at RTB or that extraordinary circumstances existed which prevented them from filing the October Monthly Report (an election sensitive report) in a timely manner.

Instead of filing a written response with the Commission Secretary within 10 days of transmittal of the recommendation in accordance with 11 C.F.R. § 111.36(f), the respondents state that they sent the \$2,550.00 civil money penalty to the government lockbox.

OAR Recommendations

- (1) Make a final determination in AF# 178 that the American Dental Political Action Committee and Dr. John Reitz, as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$2,550.00; and
- (2) Send the appropriate letter.

Attachment



FEDERAL ELECTION COMMISSION
Washington, DC 20463

SENSITIVE

DATE & TIME OF TRANSMITTAL: Friday, April 27, 2001 12:00

BALLOT DEADLINE: Wednesday, May 02, 2001 4:00

COMMISSIONER: MASON, McDONALD, SANDSTROM, SMITH, THOMAS, WOLD

SUBJECT: **Final Determination Recommendation In AF #178 - American Dental Political Action Committee & Dr. John Reitz, as treasurer. Memorandum from the Reviewing Officer, Office of Administrative Review dated April 26, 2001.**

- () I approve the recommendation(s)
- () I object to the recommendation(s)
- () I abstain from voting on the recommendation(s)
- () I am recused from voting on the recommendation(s)

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.

DATE _____

SIGNATURE _____

FROM THE OFFICE OF THE SECRETARY OF THE COMMISSION

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Final Determination) AF #178
Recommendation In AF #178 -)
American Dental Political)
Action Committee and Dr. John)
Reitz, as treasurer.)

CERTIFICATION

I, Mary W. Dove, Secretary of the Federal Election Commission, do hereby certify that on May 2, 2001, the Commission decided by a vote of 5-0 to take the following actions in AF #178:

1. Make a final determination in AF #178 that the American Dental Political Action Committee and Dr. John Reitz, as treasurer, violated 2 U.S.C. §434(a) and assess a civil money penalty of \$2,550.00.
2. Send the appropriate letter, as recommended in the Reviewing Officer's Memorandum dated April 26, 2001.

Commissioners Mason, McDonald, Sandstrom, Smith, and Wold voted affirmatively for the decision.

Commissioner Thomas did not vote.

Attest:

May 2, 2001
Date

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

Received in the Secretariat: Fri., Apr. 27, 2001 9:59 a.m.
Circulated to the Commission: Fri., Apr. 27, 2001 12:00 p.m.
Deadline for vote: Wed., May. 02, 2001 4:00 p.m.

vfv

**WESTERN
UNION**

CONFIRMATION OF CMGM

WESTERN UNION COMMERCIAL SERVICES
TO: CYNTHIA TAYLOR, MANAGER
(DR. JOHN REITZ, AS TREASURER)
AMERICAN DENTAL PAC
1111 14TH ST NW FL 11
WASHINGTON DC 20005-5633

JENNIFER BOYT/DAR, REVIEW
FEDERAL ELECTION COMMISSION
999 E ST NW
WASHINGTON DC 20463

FEDERAL ELECTION COMMISSION
999 E STREET, NW
WASHINGTON, DC 20463

MAY 22, 2001

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

CYNTHIA TAYLOR, MANAGER
(DR. JOHN REITZ, AS TREASURER)
AMERICAN DENTAL POLITICAL
ACTION COMMITTEE
1111 14TH ST., NW, 11TH FLOOR
WASHINGTON, DC 20005

ID# C00000729
AF# 178

DEAR DR. REITZ:

ON DECEMBER 6, 2000, THE FEDERAL ELECTION COMMISSION ("THE COMMISSION") FOUND REASON TO BELIEVE ("RTB") THAT THE AMERICAN DENTAL POLITICAL ACTION COMMITTEE AND DR. JOHN REITZ, AS TREASURER, VIOLATED 2 U.S.C. 434(A) FOR FAILING TO FILE THE 2000 OCTOBER MONTHLY REPORT IN A TIMELY MANNER. BY LETTER DATED DECEMBER 7, 2000, THE COMMISSION SENT YOU NOTIFICATION OF THE RTB FINDING THAT INCLUDED A CIVIL MONEY PENALTY CALCULATED AT RTB OF \$2,550.00 IN ACCORDANCE WITH THE SCHEDULE OF PENALTIES AT 11 C.F.R. 111.43.

ON JANUARY 11, 2001, THE OFFICE OF ADMINISTRATIVE REVIEW RECEIVED YOUR WRITTEN RESPONSE AND SUPPORTING DOCUMENTATION ("CHALLENGE") CHALLENGING THE RTB FINDING. THE REVIEWING OFFICER REVIEWED THE COMMISSION'S RTB FINDING AND SUPPORTING DOCUMENTATION AND YOUR CHALLENGE AND RECOMMENDED IN A REPORT DATED APRIL 17, 2001, THAT THE COMMISSION MAKE A FINAL DETERMINATION THAT THE AMERICAN DENTAL POLITICAL ACTION COMMITTEE AND DR. JOHN REITZ, AS TREASURER, VIOLATED 2 U.S.C. 434(A) AND ASSESS A CIVIL MONEY PENALTY OF \$2,550.00.

**WESTERN
UNION**

WESTERN UNION COMMERCIAL SERVICES

ON APRIL 26, THE COMMISSION RECEIVED PAYMENT OF YOUR CIVIL MONEY PENALTY RECOMMENDED BY THE REVIEWING OFFICER. THEREFORE, THE COMMISSION ADOPTED THE REVIEWING OFFICER'S RECOMMENDATION AND MADE A FINAL DETERMINATION ON MAY 2, 2001 THAT THE AMERICAN DENTAL POLITICAL ACTION COMMITTEE AND DR. JOHN REITZ, AS TREASURER, VIOLATED 2 U.S.C. 434(A), AND ASSESSED A CIVIL MONEY PENALTY IN THE AMOUNT OF \$2,550.00 IN ACCORDANCE WITH 11 C.F.R. 111.43.

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 COMPLETE FILE MUST BE PLACED ON THE PUBLIC RECORD WITHIN THIRTY (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 THIS MATTER, PLEASE CONTACT JENNIFER H. BOYT ON OUR TOLL FREE NUMBER (800)424-9530 (PRESS 0, THEN EXT. 1650) OR (202)694-1650.

SINCERELY,

DANNY L. McDONALD
CHAIRMAN

FOR: AMERICAN DENTAL POLITICAL ACTION CMTE

FEC ID#: C00000729

AF#: 178

PAYMENT DUE DATE: 01/15/2001 N/K

PAYMENT AMOUNT DUE: \$2550.00

MGMCOMP 21:21 EST

To reply by Mailgram Message, see reverse side for Western Union's toll-free number.

QUALITY IS OUR PRIORITY FOR LOCKBOX 2182

SEQ# 001 \$ 0000255000 PR# 1 04-25-01 20 9

AMERICAN DENTAL POLITICAL
ACTION COMMITTEE
EDUCATION FUND
1111 - 14TH STREET NW, SUITE 1100
WASHINGTON, DC 20004

1004

DATE 4/24/2001 10-7011-0240

PAY TO THE ORDER OF Federal Election Commission \$ 2,550.00

THE SUM OF 2,550 DOLLARS AND 00 CENTS

CITIBANK, P.A.B.
WASHINGTON, DC 20036-0047

Francis X. McLaughlin

2550

0000255000

THIS IS THE END OF ADMINSTRATIVE FINE CASE
178

DATE FILMED 7/16/01 CAMERA NO. 3

CAMERAMAN ΣΣΣ

2001-07-16 14:00:00