



FEDERAL ELECTION COMMISSION  
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 1780

DATE SCANNED 8-17-09

SCANNER NO. 2

SCAN OPERATOR JmH

29092640905



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: *NMB* NATALIYA IOFFE/ *OR* RHIANNON MAGRUDER/CHRIS RITCHIE  
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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9/18/2008 8:50 AM

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
1773	C00390583	BROWNSTEIN HYATT FARBER SCHRECK, P. C. POLITICAL ACTION COMMITTEE		MR. STEVEN C. DEMBY	\$143,004	0	3/18/2008	Not Filed	\$74,002	\$2,700
1774	C00431666	GEORGE FEARING FOR CONGRESS	FEARING, GEORGE BARR	DOUGLAS MCKINLEY	\$103,471	0	2/6/2008	6	\$50,666	\$750
1775	C00274944	COLLEGE OF AMERICAN PATHOLOGISTS POLITICAL ACTION COMMITTEE		DR. RENEE R. ELLERBROEK	\$942,324	0	2/7/2008	7	\$68,451	\$825
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

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
1780	C00423202	MIKE GRAVEL FOR PRESIDENT 2008	GRAVEL, MIKE	MIKE GRAVEL	\$863,390	0	3/2/2008	Not Filed	\$303,462	\$8,000
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; )  
BROWNSTEIN HYATT FARBER ) AF# 1773  
SCHRECK, P.C. POLITICAL ACTION )  
COMMITTEE, and DEMBY, STEVEN C. )  
MR. as treasurer; )  
GEORGE FEARING FOR CONGRESS, ) AF# 1774  
and MCKINLEY, DOUGLAS as treasurer; )  
COLLEGE OF AMERICAN ) AF# 1775  
PATHOLOGISTS POLITICAL ACTION )  
COMMITTEE, and ELLERBROEK, )  
RENEE R DR. 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; )  
MIKE GRAVEL FOR PRESIDENT 2008, ) AF# 1780  
and MIKE GRAVEL 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#1773 Decided by a vote of 6-0 to: (1) find reason to believe that BROWNSTEIN HYATT FARBER SCHRECK, P.C. POLITICAL ACTION COMMITTEE, and DEMBY, STEVEN C. 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#1774 Decided by a vote of 6-0 to: (1) find reason to believe that GEORGE FEARING FOR CONGRESS, and MCKINLEY, DOUGLAS 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#1775 Decided by a vote of 6-0 to: (1) find reason to believe that COLLEGE OF AMERICAN PATHOLOGISTS POLITICAL ACTION COMMITTEE, and ELLERBROEK, RENEE R DR. 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#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

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

AF#1780 Decided by a vote of 6-0 to: (1) find reason to believe that MIKE GRAVEL FOR PRESIDENT 2008, and MIKE GRAVEL 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

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

September 22, 2008

Mike Gravel  
Mike Gravel for President 2008  
1600 N. Oak St. #1412  
Arlington, VA 22209

C00423202  
AF#: 1780

Dear Mike Gravel:

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 31<sup>st</sup>, 2008. 2 U.S.C. 434(a). Records at the Federal Election Commission ("FEC") indicate that this report was not filed within thirty (30) days of the due date. You should file this report if you have not already done so.

The Act was further amended in 1999 to permit the FEC to impose civil money penalties for violations of the reporting requirements of 2 U.S.C. 434(a). 2 U.S.C. 437g(a)(4). On 9/19/2008, the FEC found that there is reason to believe ("RTB") that Mike Gravel for President 2008 and you, as treasurer, violated 2 U.S.C. 434(a) by failing to file timely this report on or before January 31<sup>st</sup>, 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 \$8,000. It is due by 10/29/2008 and is based on these factors:

Election Sensitivity of Report: Not Election Sensitive  
Level of Activity: \$303,462  
Number of Days Late: Not Filed  
Number of Previous Civil Money Penalties Assessed: 0

**To Pay the Calculated Civil Money Penalty**

To pay the calculated civil money penalty, send the enclosed remittance and your payment to the FEC at the address on page 4. Upon receipt of your payment, the FEC will send you a final determination letter.

**To Challenge the RTB Finding and/or Calculated Civil Money Penalty**

To challenge the RTB finding and/or calculated civil money penalty, you must submit a written response, including the AF# found on page one, to the FEC's Office of Administrative Review, 999 E Street, NW, Washington, DC 20463. Your response must be received by 10/29/2008. Your written response must include the reason(s) why you are challenging the RTB finding and/or calculated civil money penalty. The FEC will only consider challenges that are based on a factual error in the RTB finding; miscalculation of the calculated civil money penalty

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

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

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

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

If you do not pay the calculated civil money penalty or submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that Mike Gravel for President 2008 and you, as treasurer, violated 2 U.S.C. 434(a) and assess a civil money penalty.

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

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

Additional information on the FEC's administrative fine program, including the final regulations, is located at the FEC's website at [www.FEC.gov](http://www.FEC.gov). If you have questions regarding the payment of the calculated civil money penalty, please contact Rhiannon Magruder in the

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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", with a stylized flourish at the end.

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 \$8,000 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**

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FOR: Mike Gravel for President 2008

FEC ID#: C00423202

AF#: 1780

PAYMENT DUE DATE: 10/29/2008

PAYMENT AMOUNT DUE: \$8,000

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MIKE GRAVEL FOR PRESIDENT 2008 OCT 28 A 9:15  
1600 Oak St # 1412, Arlington, VA, 22209

October 23, 2008

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

Relating to: Waiver of Penalty Charge  
Name of Committee: Mike Gravel for President 2008  
COO423202  
AF#: 1780

**STATEMENT OF REASONABLE CAUSE  
AND REQUEST FOR ABATEMENT OF LATE FILING PENALTIES.**

**JANUARY 31 YEAR END REPORT**

This Statement is submitted in support to request for wavier of penalties impose by 2 U.S.C. 434 (a) by failing to file timely the above report. The reason for requesting for the waiver is based on the existence of extraordinary circumstances that were beyond the control of the respondent and that were for duration of at least 48 hours and that prevented the respondent from filing the report in a timely manner.

Mike Gravel for President 2008 filed a return on March 02, 2008, for the Year End Report of Receipts and Disbursements. In December 2008 we experienced hundreds of small donations coming into the campaign using stolen credit card numbers over the course of several days from a group of computers located in Eastern Europe, with payments being made via hundreds of different credit card numbers. In this regard we experienced hundreds of charge backs from the processing banks and have to manually verify and reconciled all our donations manually to avoid reporting to the FEC these illegitimate donations. We called your office to notify them of this matter.

Accordingly, based on the foregoing the taxpayer requests waiver of the penalties imposed by 2 U.S.C. 434 (a)

The foregoing statement is made under penalties of perjury ands is true, correct and complete to the best of the undersigned officer's knowledge, information and belief.

Sincerely,

  
Senator Mike Gravel

29092540917



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

Via First Class Mail

October 29, 2008

Senator Mike Gravel, as Treasurer  
Mike Gravel for President 2008  
1600 N. Oak St., #1412  
Arlington, VA 22209

C00423202  
AF# 1780

Dear Senator Gravel:

On October 28, 2008 the Commission received your written response ("challenge") which is being reviewed by the Office of Administrative Review. 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

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2008 OCT 30 P 4: 36

Date: October 30, 2008

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

AF#: 1780

Committee Name: Mike Gravel for President 2008

Committee ID#: C00423202

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

**Other Relevant Telecoms (Y/N): N**

Attachment #: N/A

**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

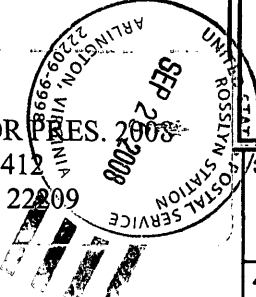
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**SENDER: COMPLETE THIS SECTION**

Complete 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.

Article Addressed to:

MIKE GRAVEL  
MIKE GRAVEL FOR PRES. 2008  
1600 N. OAK ST #1412  
ARLINGTON, VA 22209



**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Agent  Addressee  
 X *[Signature]*

B. Received by (Printed Name) *MIKE GRAVEL* C. Date of Delivery

D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes


Article Number (Transfer from service label) 7001 0360 0003 1652 2125

Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

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## 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 Mike Gravel for President 2008:
    - A) Prior Notice, dated December 27, 2007, referencing the 2007 Year-End Report (sent via electronic mail to: info@gravel08.us);
    - 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 Mike Gravel for President 2008 electronically filed the 2007 Year-End Report with the Commission on March 2, 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 30<sup>th</sup> day of October, 2008.

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

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**YEAR-END  
REPORT NOTICE**

FEDERAL ELECTION COMMISSION

**PRESIDENTIAL COMMITTEES**

December 27, 2007

**CURRENT REPORTS DUE:**

**QUARTERLY FILERS**

<b>REPORT</b>	<b>REPORTING PERIOD <sup>1</sup></b>	<b>REG./CERT. &amp; OVERNIGHT MAILING DEADLINE</b>	<b>FILING DEADLINE</b>
Year-End	10/01/07 - 12/31/07	01/31/08	01/31/08

**MONTHLY FILERS**

<b>REPORT</b>	<b>REPORTING PERIOD <sup>1</sup></b>	<b>REG./CERT. &amp; OVERNIGHT MAILING DEADLINE</b>	<b>FILING DEADLINE</b>
Year-End	12/01/07 - 12/31/07	01/31/08	01/31/08

Supplemental Filing Information available on pages 3, 4 and 5 of this notice.

<sup>1</sup>These 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.

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**REPORTING SCHEDULE FOR 2008:**

**QUARTERLY FILERS**

<b>REPORT</b>	<b>REPORTING PERIOD <sup>1</sup></b>	<b>REG./CERT. &amp; OVERNIGHT MAILING DEADLINE</b>	<b>FILING DEADLINE</b>
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. 5 ----	
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 <sup>2</sup>

**MONTHLY FILERS**

<b>REPORT</b>	<b>REPORTING PERIOD <sup>1</sup></b>	<b>REG./CERT. &amp; OVERNIGHT MAILING DEADLINE</b>	<b>FILING DEADLINE</b>
February	01/01/08 - 01/31/08	02/20/08	02/20/08
March	02/01/08 - 02/29/08	03/20/08	03/20/08
April	03/01/08 - 03/31/08	04/20/08	04/20/08 <sup>2</sup>
May	04/01/08 - 04/30/08	05/20/08	05/20/08
June	05/01/08 - 05/31/08	06/20/08	06/20/08
July	06/01/08 - 06/30/08	07/20/08	07/20/08 <sup>2</sup>
August	07/01/08 - 07/31/08	08/20/08	08/20/08
September	08/01/08 - 08/31/08	09/20/08	09/20/08 <sup>2</sup>
October	09/01/08 - 09/30/08	10/20/08	10/20/08
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. 5 ----	
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 <sup>2</sup>

Supplemental Filing Information available on pages 3, 4 and 5 of this notice.

<sup>1</sup>These 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.

<sup>2</sup>Notice 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

All committees authorized by Presidential candidates<sup>3</sup> must file either Quarterly or Monthly reports in 2007. 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](http://www.fec.gov/elecfil/electron.shtml).

Presidential candidates who accept public funding are required to file their reports electronically. Other Presidential candidates that receive contributions or make expenditures in excess of \$50,000 in a calendar year, or have reason to expect to do so, must file all reports and statements with the FEC electronically.

#### 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. Please 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.

#### 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.

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<sup>3</sup>Generally, 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).

Paper forms are available at the FEC's website at [www.fec.gov/info/forms.shtml](http://www.fec.gov/info/forms.shtml).

### **Other Means of Filing**

Reports filed by any other means—including first class and courier—must be received by the Commission before the close of business on the last business day before the filing deadline.

## **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).<sup>4</sup> For additional information, visit the FEC website at [www.fec.gov/af/af.shtml](http://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 the 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).

## **CHANGE IN FILING FREQUENCY**

Presidential Committees able to change their reporting schedule (for example, from monthly to quarterly) who wish to do so are requested to notify the Commission in writing. Electronic filers must file this request electronically. All reports filed after such notification must follow the new filing schedule.

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<sup>4</sup>Penalties 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.

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## LOOKING AHEAD TO 2008

### ELECTION YEAR FILING FREQUENCY

**Quarterly Filers:** Committees that have not received contributions or made expenditures of \$100,000 or more during the 2008 presidential election cycle may file on a quarterly basis. Note that quarterly filers must also file a pre-election report for each election in which the candidate seeks nomination or election.

**Monthly Filers:** Committees that have received contributions or made expenditures of \$100,000 or more during the 2008 presidential election cycle must file monthly reports.

### 48-HOUR NOTICES ON CONTRIBUTIONS FOR CANDIDATES NOT PARTICIPATING IN THE "PRESIDENTIAL PUBLIC FUNDING PROGRAM"

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 loans to the candidate or committee)** of \$1,000 or more, after the 20th day, but more than 48 hours before the day of the election.

The notices must reach the appropriate federal filing office 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 additional information, call the Electronic Filing Office at (800) 424-9530 or (202) 694-1642 or visit the FEC website at [www.fec.gov/electfil/electron.shtml](http://www.fec.gov/electfil/electron.shtml). Candidates faxing 48-hour notices should transmit them to the FEC at (202) 219-0174.

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



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

February 20, 2008

RQ-7

MIKE GRAVEL, TREASURER  
MIKE GRAVEL FOR PRESIDENT 2008  
1600 N OAK ST #1412  
ARLINGTON, VA 22209

IDENTIFICATION NUMBER: C00423202

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. YOU WERE PREVIOUSLY NOTIFIED OF THE DUE DATE FOR THIS REPORT.

IT IS IMPORTANT THAT YOU FILE THIS REPORT IMMEDIATELY WITH THE FEDERAL ELECTION COMMISSION, 999 E STREET, N.W., WASHINGTON, D.C. 20463. PLEASE NOTE THAT ELECTRONIC FILERS MUST SUBMIT THEIR REPORTS ELECTRONICALLY, AS PER 11 CFR §104.18. A COPY OF THE REPORT SHOULD ALSO BE FILED WITH THE APPROPRIATE SECRETARY OF STATE OR EQUIVALENT STATE OFFICER, UNLESS THE STATE IS EXEMPT FROM THE FEDERAL REQUIREMENT TO RECEIVE AND MAINTAIN PAPER COPIES.

IF YOU HAVE FILED THIS REPORT TIMELY OR BY EXPRESS, CERTIFIED OR REGISTERED MAIL, PLEASE NOTIFY US IMMEDIATELY, IN WRITING, OF THE TRACKING, CERTIFIED OR REGISTERED NUMBER AND THE DATE THAT THE REPORT WAS SENT. THE FAILURE TO TIMELY FILE THIS REPORT MAY RESULT IN PUBLICATION, CIVIL MONEY PENALTIES, SUSPENSION OF MATCHING FUNDS PAYMENTS, AN AUDIT OR LEGAL ENFORCEMENT ACTION.

IF YOU HAVE ANY QUESTIONS REGARDING THIS MATTER, PLEASE CONTACT CHRISTOPHER RITCHIE IN THE REPORTS ANALYSIS DIVISION ON OUR TOLL FREE NUMBER (800)424-9530. OUR LOCAL NUMBER IS (202)694-1130.

SINCERELY,

PATRICIA CARMONA  
ASSISTANT STAFF DIRECTOR  
REPORTS ANALYSIS DIVISION (RAD)

2803964219082640927



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
SECRETARIAT

2009 FEB 27 P. 1:01

February 23, 2009

**MEMORANDUM**

**SENSITIVE**

To: The Commission

Through: Joseph Stoltz *JTS*  
Acting Staff Director

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

Shawn Woodhead Wertz *SW*  
Reviewing Officer  
Office of Administrative Review

By: Jill Sugarman *JS*  
Reviewing Analyst

Subject: AF# 1780 – Mike Gravel for President 2008 and Mike Gravel, as  
Treasurer (C00423202)

The attached Reviewing Officer recommendation, and the Reviewing Officer recommendations for AF# 1792, AF# 1821, AF# 1826 and AF# 1832, are being circulated on an informational basis. Copies were also sent to the respondents in accordance with 11 C.F.R. § 111.36(f). The respondents may file with the Commission Secretary written responses within 10 days of transmittal of the recommendations.

After the 10 day period, the Reviewing Officer recommendations and the respondents' written responses, if any, will be circulated to the Commission to make final determinations.

Attachment

29092640926



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

February 23, 2009

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

AF# 1780 – Mike Gravel for President 2008 and Mike Gravel, as Treasurer (C00423202)

On September 19, 2008, the Commission found reason to believe ("RTB") that the respondents violated 2 U.S.C. § 434(a) for failing to file the 2007 Year End Report and made a preliminary determination that the civil money penalty was \$8,000 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 October 28, 2008, the Commission received the written response ("challenge") from the Treasurer who asks that the fine be waived since extraordinary circumstances that were beyond their control and lasted at least 48 hours prevented them from filing the report on time. He states that hundreds of small donations came into the campaign in December 2007 using stolen credit card numbers from computers located in Eastern Europe. These payments were made via hundreds of different credit card numbers. They dealt with numerous charge backs from the processing banks and had to manually verify and reconcile all of the donations to avoid reporting the illegitimate donations on the report. They also notified the Commission of this matter. Included is a copy of the first page of the RTB letter with handwritten notes.

**Analysis**

The Year End Report was filed on March 2, 2008, 31 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)(3)(B) and 11 C.F.R. § 104.5(b)(2). 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 and complete filing of reports and the accuracy of the information contained in them. 11 C.F.R. § 104.14(d). The respondents' written response must detail the factual basis supporting its challenge and include supporting documentation. 11 C.F.R. § 111.35(e). The Reviewing Officer may request supplemental information from the respondents and is entitled to draw an adverse inference from the respondents' failure to submit such information. 11 C.F.R. § 111.36(b).

Because the challenge raised the possibility that underlying criminal activity prevented them from filing on time, OAR sent a supplemental request to the respondents on November 21, 2008, and asked that they provide relevant documentation to support their claims and their attempts to resolve the matter. Additionally, the request asked when did they become aware of the alleged misconduct, when was the issue resolved, when did they notify the Commission, and whom did they contact about the alleged misconduct.

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The Treasurer's response, received on December 12, 2008, contains the following five Exhibits.

- Exhibits 1 and 2 are affidavits from the Treasurer and the Campaign Accountant (the Accountant's affidavit is for AF# 1792). They state that the problems began in the fourth quarter of 2007 and continued through the second quarter of 2008. They called the Commission, but do not have a record of whom they spoke to about this matter.
- Exhibit 3 is 11 pages (the 12<sup>th</sup> page is blank) of screen shots listing 253 emails from the credit card processing merchant, Authorize.Net. The subject for all emails is "Suspicious Transaction ... " and they are dated from October 30, 2007 through March 12, 2008.
- Exhibit 4 includes two emails from emailer@authorize.net. The first is dated October 29, 2007 and is titled "Important: Payment Gateway Account – 30 Minute Suspension;" the second is dated October 30, 2007 and is titled "Important: Payment Gateway Account – 60 Minute Suspension." They explain that the Committee's ability to process transactions has been blocked for 30 or 60 minutes due to potentially suspicious or unusually high volume transaction activity. The emails advise them to log into their merchant interface account to check for suspicious activity. If the donations are fraudulent, they should immediately void the transactions. If fraudulent transactions have already been processed, it advises them to issue credits to avoid chargebacks from the cardholders. It also advises them to inform their merchant bank of any suspicious transactions.
- Exhibit 5 is an email dated November 5, 2007 from the Committee's Chief of Staff, Chris Petherick, to other apparent staff members. Mr. Petherick says that they are "getting hit" with numerous bizarre transactions, which he suspects are from Russia or Eastern Europe, and directs staff to track the IP addresses to see where the donations originate so they can give it to the bank to investigate.

Since the affidavit from the Accountant included at Exhibit 2 is for another challenge, the Reviewing Analyst contacted the Treasurer on February 13, 2009. The Treasurer gave her permission to include the affidavit for AF# 1780, which was originally submitted with the response for AF# 1792. This information is included at Attachment 3.

The only evidence they provide to support their contention that these contributions were made using stolen credit card numbers originating from computers in Eastern Europe is the Chief of Staff's email. With respect to their contacts with the Commission about this activity, they have no record of when they contacted the Commission or whom they spoke to about the suspicious transactions. There is no evidence from RAD's telecoms (written records of telephone conversations) that they contacted anyone about these transactions during the period when they occurred. RAD's telecoms show that they had several conversations with them in May and July 2008 about the Committee's filing obligations. The only time they mentioned any suspicious activity was during the July 16 phone call when the Treasurer told the Analyst that they cut off their bank account because it was "hit by some people" and then re-opened it.

The Treasurer asserts that extraordinary circumstances, contributions made using stolen credit cards numbers which originated from Eastern European computers and required that they manually verify and reconcile these receipts, prevented the timely filing of the report. The extraordinary circumstances defense has been supplanted with the best efforts defense, under which the Commission may decide that no violation occurred because the respondents used their best efforts to file on time. 11 C.F.R. § 111.35(b)(3) and (c).

The best efforts defense is a two-part test. The first part consists of the respondents demonstrating that they were prevented from filing on time by reasonably unforeseen circumstances that were beyond their control. With respect to this defense, the Commission states in its Explanation and Justification that the respondent bears the burden of showing that the reasonably unforeseen circumstances in fact prevented the timely and proper filing of the required report. The Commission has decided that this rule requires a strict causal relationship between the circumstances described in the challenge and the respondent's inability to timely file the report. For the second part of the test, the respondents must show that the report was properly filed within 24 hours after the resolution of the circumstances that prevented the report's timely filing.

Treasurers have several recordkeeping and reporting responsibilities. In addition to filing accurate and complete reports on time, the regulations at 11 C.F.R. § 103.3 explain a treasurer's responsibilities for handling the receipt and deposit of contributions and what to do if a questionable contribution is received. Within 10 days of a contribution's receipt, a treasurer must either return the contribution to the donor without depositing it or deposit the contribution. If the deposited contribution appears to be illegal, the Treasurer shall make and retain a written record which notes why it appears illegal, include a statement in the report noting its questionable legality, refund it within 30 days of its receipt if it can not be determined to be legal, and disclose the refund on the report covering the period when the refund was made.

According to the respondents' challenge and supplemental response with its supporting documentation, their credit card processing company notified them via email of suspicious or unusually high volume transaction activity. This activity started in the fourth quarter of 2007 and continued through the second quarter of 2008. Each time they received an email, their ability to process contributions for the next 30 (or 60) minutes was suspended by Authorize.Net. Authorize.Net recommended in its email that they log into their merchant interface account, determine if the transactions are fraudulent, void them immediately (or issue a credit to avoid a chargeback from the cardholder if the transaction had settled), and notify their bank. At the end of the 30 (or 60) minute period, their processing ability was restored and a second email sent to notify them of this. They experienced charge backs from the processing banks for hundreds of these transactions, and had to manually verify and reconcile all the transactions to avoid reporting any illegitimate contributions.

Once the respondents were notified by Authorize.Net of a suspicious contribution, the Commission's regulations gave the respondents a 10 day window to make a decision: return the contribution to the donor without depositing it or deposit the contribution. If they returned it within the 10 day window without depositing it (Authorize.Net advised them to immediately void it) as allowed by 11 C.F.R. § 103.3(a), they had no reporting obligation. Therefore, it would have had no impact on their ability to file the Year End Report on time.

If they, instead, deposited the contribution within the 10 day window, they were required to disclose it on the Year End Report just as they would any other contribution received during the Year End reporting period. This is true regardless of the research they had to do to verify the contribution's legality.

Just as they were required to report the contribution's receipt, they were required to report a refund they made if they could not verify the contribution's legality. If they refunded a contribution by December 31, they were also required to disclose the refund on the Year End

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Report. If the contribution was refunded after December 31, they were required to disclose the refund on a subsequent report covering 2008 activity.

In this case, the respondents said that they had to verify and reconcile these suspicious contributions. They provided documentation showing that they received 206 emails about suspicious transactions between October 30 and December 31. A review of their 2007 and 2008 reports discloses no contribution refunds. It appears, therefore, that the respondents returned the suspicious contributions within the 10 day window without depositing them and did not disclose them since they were not required to do so; or they deposited the suspicious contributions, verified that the contributions were legal and kept them, and disclosed them on the Year End Report.

They received 185 of the 206 emails, approximately 90 percent, between October 30 and November 30. So, no later than December 30, one day before the end of the Year End reporting period, they would have completed their research for almost 90 percent of the suspicious contributions. They would have completed the research for the remaining 21 suspicious contributions, or 10 percent, no later than January 30, the day before the report was due. In either situation, they had ample time to review them, prepare the report, and file it no later than January 31.

The respondents failed to prove that the notification of suspicious transactions by their credit card processor prevented them from filing the Year End Report on time. Therefore, the respondents do not meet the first part of the test and their "best efforts" defense does not succeed.

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 negligence does 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 \$8,000.

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**OAR Recommendations**

- (1) Adopt the Reviewing Officer recommendation for AF# 1780 involving Mike Gravel for President 2008 and Mike Gravel, as Treasurer, in making the final determination;
- (2) Make a final determination in AF# 1780 that Mike Gravel for President 2008 and Mike Gravel, as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$8,000; and
- (3) Send the appropriate letter.

Reviewing Analyst: Jill I. Sugarman

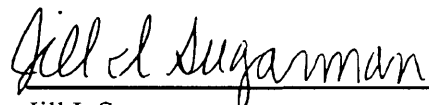
Attachments

- Attachment 1 – Challenge Received from Respondents
- Attachment 2 – \_\_\_\_\_
- Attachment 3 – \_\_\_\_\_
- Attachment 4 – Declaration from RAD \_\_\_\_\_
- Attachment 5 – Declaration from OAR

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### 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) It is the practice of the Reports Analysis Division to document all calls to or from committees regarding a letter they receive or any questions relating to the FECFile software or administrative fine regulations including due dates of reports and filing requirements.
- 4) It is the practice of the Commission to maintain an Administrative Fines section on its web site at <http://www.fec.gov/af/af.shtml> for the use of committees and treasurers. This section includes information on how the Administrative Fine Program works as well as the current Administrative Fine Regulations by issue date.
- 5) 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:
  - a) Page 1 of the Summary Page and the Detailed Summary Page for the 2007 Year End Report electronically filed by Mike Gravel for President 2008 and Mike Gravel, as Treasurer. According to the Commission's records, the report covers the period from October 1 through December 31, 2007 and was received on March 2, 2008. Line 28(d) lists 0.00 in total contribution refunds for the reporting period; and
  - b) Page 1 of the Summary Page and the Detailed Summary Page for the 2008 April Quarterly, 2008 May Monthly, 2008 June Monthly, and 2008 July Monthly Reports electronically filed by Mike Gravel for President 2008 and Mike Gravel, as Treasurer. According to the Commission's records, the reports cover the periods from January 1 through March 31, 2008; April 1 through 30, 2008; May 1 through 31, 2008; and June 1 through 30, 2008; respectively. The reports were received on June 10, July 16, July 17, and July 19, 2008, respectively. Line 28(d) on each report lists 0.00 in total contribution refunds for the reporting period.
- 6) 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 23<sup>rd</sup> of February, 2009.



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

29092640934

**REPORT OF RECEIPTS AND DISBURSEMENTS** 1 / 194  
 BY AN AUTHORIZED COMMITTEE OF A CANDIDATE FOR THE OFFICE OF PRESIDENT OR VICE-PRESIDENT

1. NAME OF COMMITTEE (in full)  
**MIKE GRAVEL FOR PRESIDENT 2008**

ADDRESS (number and street)  Check if different than previously reported  
 1600 N OAK ST #1412

2. IDENTIFICATION NUMBER  
 C00423202

CITY, STATE, and ZIP CODE  
 ARLINGTON VA 22209

3. IS THIS REPORT FOR :  
 Primary  General

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

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

Monthly Report Due On:  
 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  
 on \_\_\_\_\_

IS THIS REPORT AN AMENDMENT  YES  NO

5. COVERING PERIOD FROM 10/01/2007 THROUGH 12/31/2007

SUMMARY		
6. CASH ON HAND AT BEGINNING OF THE REPORTING PERIOD	.....	17526.55
7. TOTAL RECEIPTS THIS PERIOD (From Line 22, Column A, Page 2)	.....	141601.45
8. SUBTOTAL (Lines 6 and 7)	.....	159128.00
9. TOTAL DISBURSEMENTS THIS PERIOD (From Line 30, Column A, Page 2)	.....	161861.04
10. CASH ON HAND AT CLOSE OF REPORTING PERIOD (Subtract Line 9 from 8)	.....	-2733.04
11. DEBTS AND OBLIGATIONS OWED TO THE COMMITTEE (Itemize All on Schedule C-P or Schedule D-P)	.....	5784.70
12. DEBTS AND OBLIGATIONS OWED BY THE COMMITTEE (Itemize All on Schedule C-P or Schedule D-P)	.....	112065.55
13. EXPENDITURES SUBJECT TO LIMITATION	.....	498229.34
NET ELECTION CYCLE-TO-DATE CONTRIBUTIONS AND EXPENDITURES		
14. NET CONTRIBUTIONS (Other than Loans) (Subtract Line 28d, Column B from 17e, Column B, Page 2)	.....	447880.57
15. NET OPERATING EXPENDITURES (Subtract Line 20a, Column B from 23, Column B, Page 2)	.....	498229.34

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 **MIKE GRAVEL** Date 03/02/2008

Signature of Treasurer

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

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**DETAILED SUMMARY OF RECEIPTS AND DISBURSEMENTS**

(PAGE 2, FEC FORM 3P)

Name of committee (in full)

**MIKE GRAVEL FOR PRESIDENT 2008**

Report Covering the Period

From: 10/01/2007

To: 12/31/2007

<b>I. RECEIPTS</b>		<b>COLUMN A Total This Period</b>	<b>COLUMN B Election Cycle-to-Date</b>
16. FEDERAL FUNDS (Itemize on Schedule A-P)	.....	0.00	0.00
17. CONTRIBUTIONS (other than loans) FROM :			
(a) Individuals/Persons Other Than Political Committees	.....	141601.45	447378.97
(b) Political Party Committees	.....	0.00	0.00
(c) Other Political Committees	.....	0.00	501.60
(d) The Candidate	.....	0.00	0.00
(e) TOTAL CONTRIBUTIONS (other than loans) (Add 17(a) , 17(b), 17(c), 17(d))	.....	141601.45	447880.57
18. TRANSFERS FROM OTHER AUTHORIZED COMMITTEES	.....	0.00	0.00
19. LOANS RECEIVED:			
(a) Loans Received From or Guaranteed by Candidate	.....	0.00	73515.73
(b) Other Loans	.....	0.00	0.00
(c) TOTAL LOANS (Add 19(a) and 19(b))	.....	0.00	73515.73
20. OFFSETS TO EXPENDITURES (Refunds, Rebates, etc.) :			
(a) Operating	.....	0.00	0.00
(b) Fundraising	.....	0.00	0.00
(c) Legal and Accounting	.....	0.00	0.00
(d) TOTAL OFFSETS TO OPERATING EXPENDITURES (Add 20(a), 20(b) and 20(c))	.....	0.00	0.00
21. OTHER RECEIPTS (Dividend, Interest, etc.)	.....	0.00	0.00
22. TOTAL RECEIPTS (Add 16, 17(e), 18, 19(c), 20(d), 21)	.....	141601.45	521396.30
<b>II. DISBURSEMENTS</b>			
23. OPERATING EXPENDITURES	.....	151861.04	498229.34
24. TRANSFERS TO OTHER AUTHORIZED COMMITTEES	.....	0.00	0.00
25. FUNDRAISING DISBURSEMENTS	.....	0.00	0.00
26. EXEMPT LEGAL AND ACCOUNTING DISBURSEMENTS	.....	0.00	0.00
27. LOAN REPAYMENTS MADE :			
(a) Repayment of Loans made or Guaranteed by Candidate	.....	10000.00	25900.00
(b) Other Repayments	.....	0.00	0.00
(c) TOTAL LOAN REPAYMENTS MADE (Add 27(a) and 27(b))	.....	10000.00	25900.00
28. 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	.....	0.00	0.00
(d) TOTAL CONTRIBUTION REFUNDS (Add 28(a), 28(b), 28(c))	.....	0.00	0.00
29. OTHER DISBURSEMENTS	.....	0.00	0.00
30. TOTAL DISBURSEMENTS (Add 23, 24, 25, 26, 27(c), 28(d) and 29)	.....	161861.04	524129.34
<b>III. CONTRIBUTED ITEMS (Stock, Art Objects, etc.)</b>			
31. ITEMS ON HAND TO BE LIQUIDATED (Attach List)	.....	0.00	

29092640935

**REPORT OF RECEIPTS AND DISBURSEMENTS**  
 BY AN AUTHORIZED COMMITTEE OF A CANDIDATE FOR THE OFFICE OF PRESIDENT OR VICE-PRESIDENT 1 / 92

<b>1. NAME OF COMMITTEE (In full)</b> MIKE GRAVEL FOR PRESIDENT 2008		<b>2. IDENTIFICATION NUMBER</b> C00423202
<b>ADDRESS (number and street)</b> <input type="checkbox"/> Check if different than previously reported 1600 N OAK ST #1412		
<b>CITY, STATE, and ZIP CODE</b> ARLINGTON                      VA                                      22209		<b>3. IS THIS REPORT FOR :</b> <input type="checkbox"/> Primary <input type="checkbox"/> General

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

April 15 Quarterly Report                       February 20                       June 20                       October 20  
 July 15 Quarterly Report                       March 20                       July 20                       November 20  
 October 15 Quarterly Report                       April 20                       August 20                       December 20  
 January 31 Year End Report                       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 \_\_\_\_\_  
 on \_\_\_\_\_

IS THIS REPORT AN AMENDMENT     YES                       NO

5. COVERING PERIOD	FROM	THROUGH
	01/01/2008	03/31/2008
<b>SUMMARY</b>		
6. CASH ON HAND AT BEGINNING OF THE REPORTING PERIOD	.....	-2733.04
7. TOTAL RECEIPTS THIS PERIOD (From Line 22, Column A, Page 2)	.....	49843.10
8. SUBTOTAL (Lines 6 and 7)	.....	47110.06
9. TOTAL DISBURSEMENTS THIS PERIOD (From Line 30, Column A, Page 2)	.....	40317.65
10. CASH ON HAND AT CLOSE OF REPORTING PERIOD (Subtract Line 9 from 8)	.....	6792.41
11. DEBTS AND OBLIGATIONS OWED TO THE COMMITTEE (Itemize All on Schedule C-P or Schedule D-P)	.....	4208.01
12. DEBTS AND OBLIGATIONS OWED BY THE COMMITTEE (Itemize All on Schedule C-P or Schedule D-P)	.....	136565.55
13. EXPENDITURES SUBJECT TO LIMITATION	.....	538546.99
<b>NET ELECTION CYCLE- TO-DATE CONTRIBUTIONS AND EXPENDITURES</b>		
14. NET CONTRIBUTIONS (Other than Loans) (Subtract Line 28d, Column B from 17e, Column B, Page 2)	.....	491938.97
15. NET OPERATING EXPENDITURES (Subtract Line 20a, Column B from 23, Column B, Page 2)	.....	538546.99

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 <b>Gravel Mike</b>	Date 06/10/2008
Signature of Treasurer	

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

29092640937

**DETAILED SUMMARY OF RECEIPTS AND DISBURSEMENTS**

2 / 92

(PAGE 2, FEC FORM 3P)

Name of committee (in full)

**MIKE GRAVEL FOR PRESIDENT 2008**

Report Covering the Period

From: 01/01/2008

To: 03/31/2008

<b>I. RECEIPTS</b>		<b>COLUMN A Total This Period</b>	<b>COLUMN B Election Cycle-to-Date</b>
16. FEDERAL FUNDS (Itemize on Schedule A-P) .....		0.00	0.00
17. CONTRIBUTIONS (other than loans) FROM :			
(a) Individuals/Persons Other Than Political Committees .....		44058.40	491437.37
(b) Political Party Committees .....		0.00	0.00
(c) Other Political Committees .....		0.00	501.60
(d) The Candidate .....		0.00	0.00
(e) TOTAL CONTRIBUTIONS (other than loans) (Add 17(a) , 17(b), 17(c), 17(d)) .....		44058.40	491938.97
18. TRANSFERS FROM OTHER AUTHORIZED COMMITTEES .....		0.00	0.00
19. LOANS RECEIVED:			
(a) Loans Received From or Guaranteed by Candidate .....		0.00	73515.73
(b) Other Loans .....		0.00	0.00
(c) TOTAL LOANS (Add 19(a) and 19(b)) .....		0.00	73515.73
20. OFFSETS TO EXPENDITURES (Refunds, Rebates, etc.) :			
(a) Operating .....		0.00	0.00
(b) Fundraising .....		0.00	0.00
(c) Legal and Accounting .....		0.00	0.00
(d) TOTAL OFFSETS TO OPERATING EXPENDITURES (Add 20(a), 20(b) and 20(c)) .....		0.00	0.00
21. OTHER RECEIPTS (Dividend, Interest, etc.) .....		5784.70	5784.70
22. TOTAL RECEIPTS (Add 16, 17(e), 18, 19(c), 20(d), 21) .....		49843.10	571239.40
<b>II. DISBURSEMENTS</b>			
23. OPERATING EXPENDITURES .....		40317.65	538546.99
24. TRANSFERS TO OTHER AUTHORIZED COMMITTEES .....		0.00	0.00
25. FUNDRAISING DISBURSEMENTS .....		0.00	0.00
26. EXEMPT LEGAL AND ACCOUNTING DISBURSEMENTS .....		0.00	0.00
27. LOAN REPAYMENTS MADE :			
(a) Repayment of Loans made or Guaranteed by Candidate .....		0.00	25900.00
(b) Other Repayments .....		0.00	0.00
(c) TOTAL LOAN REPAYMENTS MADE (Add 27(a) and 27(b)) .....		0.00	25900.00
28. 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 .....		0.00	0.00
(d) TOTAL CONTRIBUTION REFUNDS (Add 28(a), 28(b), 28(c)) .....		0.00	0.00
29. OTHER DISBURSEMENTS .....		0.00	0.00
30. TOTAL DISBURSEMENTS (Add 23, 24, 25, 26, 27(c), 28(d) and 29) .....		40317.65	564446.99
<b>III. CONTRIBUTED ITEMS (Stock, Art Objects, etc.)</b>			
31. ITEMS ON HAND TO BE LIQUIDATED (Attach List) .....		0.00	

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

1. NAME OF COMMITTEE (in full) <b>MIKE GRAVEL FOR PRESIDENT 2008</b>	
ADDRESS (number and street) 1600 N OAK ST #1412	<input type="checkbox"/> Check if different than previously reported
CITY, STATE, and ZIP CODE ARLINGTON VA 22209	2. IDENTIFICATION NUMBER C00423202
3. IS THIS REPORT FOR : <input type="checkbox"/> Primary <input type="checkbox"/> General	

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

Monthly Report Due On:

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

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

Thirtieth day report following the General Election on \_\_\_\_\_  
on \_\_\_\_\_

IS THIS REPORT AN AMENDMENT  YES  NO

5. COVERING PERIOD	FROM	THROUGH
	04/01/2008	04/30/2008
<b>SUMMARY</b>		
6. CASH ON HAND AT BEGINNING OF THE REPORTING PERIOD		6792.41
7. TOTAL RECEIPTS THIS PERIOD (From Line 22, Column A, Page 2)		5475.32
8. SUBTOTAL (Lines 6 and 7)		12267.73
9. TOTAL DISBURSEMENTS THIS PERIOD (From Line 30, Column A, Page 2)		7601.30
10. CASH ON HAND AT CLOSE OF REPORTING PERIOD (Subtract Line 9 from 8)		4666.43
11. DEBTS AND OBLIGATIONS OWED TO THE COMMITTEE (Itemize All on Schedule C-P or Schedule D-P)		3723.01
12. DEBTS AND OBLIGATIONS OWED BY THE COMMITTEE (Itemize All on Schedule C-P or Schedule D-P)		162046.88
13. EXPENDITURES SUBJECT TO LIMITATION		546148.29
<b>NET ELECTION CYCLE-TO-DATE CONTRIBUTIONS AND EXPENDITURES</b>		
14. NET CONTRIBUTIONS (Other than Loans) (Subtract Line 28d, Column B from 17e, Column B, Page 2)		497414.29
15. NET OPERATING EXPENDITURES (Subtract Line 20a, Column B from 23, Column B, Page 2)		546148.29

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 <b>Gravel Mike</b>	Date 07/16/2008
---	--------------------

Signature of Treasurer

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

29092640939

**DETAILED SUMMARY OF RECEIPTS AND DISBURSEMENTS**

(PAGE 2, FEC FORM 3P)

Name of committee (in full)

**MIKE GRAVEL FOR PRESIDENT 2008**

Report Covering the Period

From: 04/01/2008

To: 04/30/2008

<b>I. RECEIPTS</b>		<b>COLUMN A Total This Period</b>	<b>COLUMN B Election Cycle-to-Date</b>
16. FEDERAL FUNDS (Itemize on Schedule A-P)	.....	0.00	0.00
17. CONTRIBUTIONS (other than loans) FROM :			
(a) Individuals/Persons Other Than Political Committees	.....	5475.32	496912.69
(b) Political Party Committees	.....	0.00	0.00
(c) Other Political Committees	.....	0.00	501.60
(d) The Candidate	.....	0.00	0.00
(e) TOTAL CONTRIBUTIONS (other than loans) (Add 17(a) , 17(b), 17(c), 17(d))	.....	5475.32	497414.29
18. TRANSFERS FROM OTHER AUTHORIZED COMMITTEES	.....	0.00	0.00
19. LOANS RECEIVED:			
(a) Loans Received From or Guaranteed by Candidate	.....	0.00	73515.73
(b) Other Loans	.....	0.00	0.00
(c) TOTAL LOANS (Add 19(a) and 19(b))	.....	0.00	73515.73
20. OFFSETS TO EXPENDITURES (Refunds, Rebates, etc.) :			
(a) Operating	.....	0.00	0.00
(b) Fundraising	.....	0.00	0.00
(c) Legal and Accounting	.....	0.00	0.00
(d) TOTAL OFFSETS TO OPERATING EXPENDITURES (Add 20(a), 20(b) and 20(c))	.....	0.00	0.00
21. OTHER RECEIPTS (Dividend, Interest, etc.)	.....	0.00	5784.70
22. TOTAL RECEIPTS (Add 16, 17(e), 18, 19(c), 20(d), 21)	.....	5475.32	576714.72
<b>II. DISBURSEMENTS</b>			
23. OPERATING EXPENDITURES	.....	7601.30	546148.29
24. TRANSFERS TO OTHER AUTHORIZED COMMITTEES	.....	0.00	0.00
25. FUNDRAISING DISBURSEMENTS	.....	0.00	0.00
26. EXEMPT LEGAL AND ACCOUNTING DISBURSEMENTS	.....	0.00	0.00
27. LOAN REPAYMENTS MADE :			
(a) Repayment of Loans made or Guaranteed by Candidate	.....	0.00	25900.00
(b) Other Repayments	.....	0.00	0.00
(c) TOTAL LOAN REPAYMENTS MADE (Add 27(a) and 27(b))	.....	0.00	25900.00
28. 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	.....	0.00	0.00
(d) TOTAL CONTRIBUTION REFUNDS (Add 28(a), 28(b), 28(c))	.....	0.00	0.00
29. OTHER DISBURSEMENTS	.....	0.00	0.00
30. TOTAL DISBURSEMENTS (Add 23, 24, 25, 26, 27(c), 28(d) and 29)	.....	7601.30	572048.29
<b>III. CONTRIBUTED ITEMS (Stock, Art Objects, etc.)</b>			
31. ITEMS ON HAND TO BE LIQUIDATED (Attach List)	.....	0.00	

29092640940

**REPORT OF RECEIPTS AND DISBURSEMENTS**  
 BY AN AUTHORIZED COMMITTEE OF A CANDIDATE FOR THE OFFICE OF PRESIDENT OR VICE-PRESIDENT 1 / 54

<b>1. NAME OF COMMITTEE (in full)</b> MIKE GRAVEL FOR PRESIDENT 2008		<b>2. IDENTIFICATION NUMBER</b> C00423202
<b>ADDRESS (number and street)</b> <input type="checkbox"/> Check if different than previously reported 1600 N OAK ST #1412		
<b>CITY, STATE, and ZIP CODE</b> ARLINGTON VA 22209		<b>3. IS THIS REPORT FOR :</b> <input type="checkbox"/> Primary <input type="checkbox"/> General

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

<input type="checkbox"/> April 15 Quarterly Report <input type="checkbox"/> July 15 Quarterly Report <input type="checkbox"/> October 15 Quarterly Report <input type="checkbox"/> January 31 Year End Report	<b>Monthly Report Due On:</b> <table style="width: 100%;"> <tr> <td><input type="checkbox"/> February 20</td> <td><input checked="" type="checkbox"/> June 20</td> <td><input type="checkbox"/> October 20</td> </tr> <tr> <td><input type="checkbox"/> March 20</td> <td><input type="checkbox"/> July 20</td> <td><input type="checkbox"/> November 20</td> </tr> <tr> <td><input type="checkbox"/> April 20</td> <td><input type="checkbox"/> August 20</td> <td><input type="checkbox"/> December 20</td> </tr> <tr> <td><input type="checkbox"/> May 20</td> <td><input type="checkbox"/> September 20</td> <td><input type="checkbox"/> January 31</td> </tr> </table> <input type="checkbox"/> Twelfth day report preceding _____ (Type of Election) election on _____ in the State of _____ <input type="checkbox"/> Thirtieth day report following the General Election on _____ on _____	<input type="checkbox"/> February 20	<input checked="" type="checkbox"/> June 20	<input type="checkbox"/> October 20	<input type="checkbox"/> March 20	<input type="checkbox"/> July 20	<input type="checkbox"/> November 20	<input type="checkbox"/> April 20	<input type="checkbox"/> August 20	<input type="checkbox"/> December 20	<input type="checkbox"/> May 20	<input type="checkbox"/> September 20	<input type="checkbox"/> January 31
<input type="checkbox"/> February 20	<input checked="" type="checkbox"/> June 20	<input type="checkbox"/> October 20											
<input type="checkbox"/> March 20	<input type="checkbox"/> July 20	<input type="checkbox"/> November 20											
<input type="checkbox"/> April 20	<input type="checkbox"/> August 20	<input type="checkbox"/> December 20											
<input type="checkbox"/> May 20	<input type="checkbox"/> September 20	<input type="checkbox"/> January 31											

IS THIS REPORT AN AMENDMENT  YES  NO

5. COVERING PERIOD	FROM	THROUGH
	05/01/2008	05/31/2008
<b>SUMMARY</b>		
6. CASH ON HAND AT BEGINNING OF THE REPORTING PERIOD	4666.43	
7. TOTAL RECEIPTS THIS PERIOD (From Line 22, Column A, Page 2)	12604.07	
8. SUBTOTAL (Lines 6 and 7)	17270.50	
9. TOTAL DISBURSEMENTS THIS PERIOD (From Line 30, Column A, Page 2)	12742.60	
10. CASH ON HAND AT CLOSE OF REPORTING PERIOD (Subtract Line 9 from 8)	4527.90	
11. DEBTS AND OBLIGATIONS OWED TO THE COMMITTEE (Itemize All on Schedule C-P or Schedule D-P)	3723.01	
12. DEBTS AND OBLIGATIONS OWED BY THE COMMITTEE (Itemize All on Schedule C-P or Schedule D-P)	170046.88	
13. EXPENDITURES SUBJECT TO LIMITATION	555890.89	
<b>NET ELECTION CYCLE-TO-DATE CONTRIBUTIONS AND EXPENDITURES</b>		
14. NET CONTRIBUTIONS (Other than Loans) (Subtract Line 28d, Column B from 17e, Column B, Page 2)	510018.36	
15. NET OPERATING EXPENDITURES (Subtract Line 20a, Column B from 23, Column B, Page 2)	555890.89	

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 <b>Gravel Mike</b>	Date 10/17/2008
Signature of Treasurer	

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

29092640941

**DETAILED SUMMARY OF RECEIPTS AND DISBURSEMENTS**

(PAGE 2, FEC FORM 3P)

Name of committee (in full)

**MIKE GRAVEL FOR PRESIDENT 2008**

Report Covering the Period

From: 05/01/2008

To: 05/31/2008

<b>I. RECEIPTS</b>		<b>COLUMN A Total This Period</b>	<b>COLUMN B Election Cycle-to-Date</b>
16. FEDERAL FUNDS (Itemize on Schedule A-P)	.....	0.00	0.00
17. CONTRIBUTIONS (other than loans) FROM :			
(a) Individuals/Persons Other Than Political Committees	.....	12604.07	509516.76
(b) Political Party Committees	.....	0.00	0.00
(c) Other Political Committees	.....	0.00	501.60
(d) The Candidate	.....	0.00	0.00
(e) TOTAL CONTRIBUTIONS (other than loans) (Add 17(a) , 17(b), 17(c), 17(d))	.....	12604.07	510018.36
18. TRANSFERS FROM OTHER AUTHORIZED COMMITTEES	.....	0.00	0.00
19. LOANS RECEIVED:			
(a) Loans Received From or Guaranteed by Candidate	.....	0.00	73515.73
(b) Other Loans	.....	0.00	0.00
(c) TOTAL LOANS (Add 19(a) and 19(b))	.....	0.00	73515.73
20. OFFSETS TO EXPENDITURES (Refunds, Rebates, etc.) :			
(a) Operating	.....	0.00	0.00
(b) Fundraising	.....	0.00	0.00
(c) Legal and Accounting	.....	0.00	0.00
(d) TOTAL OFFSETS TO OPERATING EXPENDITURES (Add 20(a), 20(b) and 20(c))	.....	0.00	0.00
21. OTHER RECEIPTS (Dividend, Interest, etc.)	.....	0.00	5784.70
22. TOTAL RECEIPTS (Add 16, 17(e), 18, 19(c), 20(d), 21)	.....	12604.07	589318.79
<b>II. DISBURSEMENTS</b>			
23. OPERATING EXPENDITURES	.....	9742.60	555890.89
24. TRANSFERS TO OTHER AUTHORIZED COMMITTEES	.....	0.00	0.00
25. FUNDRAISING DISBURSEMENTS	.....	0.00	0.00
26. EXEMPT LEGAL AND ACCOUNTING DISBURSEMENTS	.....	0.00	0.00
27. LOAN REPAYMENTS MADE :			
(a) Repayment of Loans made or Guaranteed by Candidate	.....	3000.00	28900.00
(b) Other Repayments	.....	0.00	0.00
(c) TOTAL LOAN REPAYMENTS MADE (Add 27(a) and 27(b))	.....	3000.00	28900.00
28. 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	.....	0.00	0.00
(d) TOTAL CONTRIBUTION REFUNDS (Add 28(a), 28(b), 28(c))	.....	0.00	0.00
29. OTHER DISBURSEMENTS	.....	0.00	0.00
30. TOTAL DISBURSEMENTS (Add 23, 24, 25, 26, 27(c), 28(d) and 29)	.....	12742.60	584790.89
<b>III. CONTRIBUTED ITEMS (Stock, Art Objects, etc.)</b>			
31. ITEMS ON HAND TO BE LIQUIDATED (Attach List)	.....	0.00	

29092640942

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

1. NAME OF COMMITTEE (in full)  
**MIKE GRAVEL FOR PRESIDENT 2008**

ADDRESS (number and street)  Check if different than previously reported  
 1600 N OAK ST #1412

2. IDENTIFICATION NUMBER  
 C00423202

CITY, STATE, and ZIP CODE  
 ARLINGTON VA 22209

3. IS THIS REPORT FOR :  
 Primary  General

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

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

Monthly Report Due On:  
 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 \_\_\_\_\_  
 on \_\_\_\_\_

IS THIS REPORT AN AMENDMENT  YES  NO

5. COVERING PERIOD		FROM	THROUGH
		06/01/2008	06/30/2008
<b>SUMMARY</b>	6. CASH ON HAND AT BEGINNING OF THE REPORTING PERIOD	.....	4527.90
	7. TOTAL RECEIPTS THIS PERIOD (From Line 22, Column A, Page 2)	.....	724.72
	8. SUBTOTAL (Lines 6 and 7)	.....	5252.62
	9. TOTAL DISBURSEMENTS THIS PERIOD (From Line 30, Column A, Page 2)	.....	579.96
	10. CASH ON HAND AT CLOSE OF REPORTING PERIOD (Subtract Line 9 from 8)	.....	4672.66
	11. DEBTS AND OBLIGATIONS OWED TO THE COMMITTEE (Itemize All on Schedule C-P or Schedule D-P)	.....	3723.01
	12. DEBTS AND OBLIGATIONS OWED BY THE COMMITTEE (Itemize All on Schedule C-P or Schedule D-P)	.....	177046.88
	13. EXPENDITURES SUBJECT TO LIMITATION	.....	556470.85
<b>NET ELECTION CYCLE-TO-DATE CONTRIBUTIONS AND EXPENDITURES</b>	14. NET CONTRIBUTIONS (Other than Loans) (Subtract Line 28d, Column B from 17e, Column B, Page 2)	.....	510278.36
	15. NET OPERATING EXPENDITURES (Subtract Line 20a, Column B from 23, Column B, Page 2)	.....	556470.85

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  
**Gravel Mike**

Date  
 07/19/2008

Signature of Treasurer

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

29092640943

**DETAILED SUMMARY OF RECEIPTS AND DISBURSEMENTS**

(PAGE 2, FEC FORM 3P)

Name of committee (in full)

**MIKE GRAVEL FOR PRESIDENT 2008**

Report Covering the Period

From: 06/01/2008

To: 06/30/2008

<b>I. RECEIPTS</b>	<b>COLUMN A Total This Period</b>	<b>COLUMN B Election Cycle-to-Date</b>
16. FEDERAL FUNDS (Itemize on Schedule A-P) .....	0.00	0.00
17. CONTRIBUTIONS (other than loans) FROM :		
(a) Individuals/Persons Other Than Political Committees .....	260.00	509776.76
(b) Political Party Committees .....	0.00	0.00
(c) Other Political Committees .....	0.00	501.60
(d) The Candidate .....	0.00	0.00
(e) TOTAL CONTRIBUTIONS (other than loans) (Add 17(a) , 17(b), 17(c), 17(d)) .....	260.00	510278.36
18. TRANSFERS FROM OTHER AUTHORIZED COMMITTEES .....	0.00	0.00
19. LOANS RECEIVED:		
(a) Loans Received From or Guaranteed by Candidate .....	0.00	73515.73
(b) Other Loans .....	0.00	0.00
(c) TOTAL LOANS (Add 19(a) and 19(b)) .....	0.00	73515.73
20. OFFSETS TO EXPENDITURES (Refunds, Rebates, etc.) :		
(a) Operating .....	0.00	0.00
(b) Fundraising .....	0.00	0.00
(c) Legal and Accounting .....	0.00	0.00
(d) TOTAL OFFSETS TO OPERATING EXPENDITURES (Add 20(a), 20(b) and 20(c)) .....	0.00	0.00
21. OTHER RECEIPTS (Dividend, Interest, etc.) .....	464.72	6249.42
22. TOTAL RECEIPTS (Add 16, 17(e), 18, 19(c), 20(d), 21) .....	724.72	590043.51
<b>II. DISBURSEMENTS</b>		
23. OPERATING EXPENDITURES .....	579.96	556470.85
24. TRANSFERS TO OTHER AUTHORIZED COMMITTEES .....	0.00	0.00
25. FUNDRAISING DISBURSEMENTS .....	0.00	0.00
26. EXEMPT LEGAL AND ACCOUNTING DISBURSEMENTS .....	0.00	0.00
27. LOAN REPAYMENTS MADE :		
(a) Repayment of Loans made or Guaranteed by Candidate .....	0.00	28900.00
(b) Other Repayments .....	0.00	0.00
(c) TOTAL LOAN REPAYMENTS MADE (Add 27(a) and 27(b)) .....	0.00	28900.00
28. 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 .....	0.00	0.00
(d) TOTAL CONTRIBUTION REFUNDS (Add 28(a), 28(b), 28(c)) .....	0.00	0.00
29. OTHER DISBURSEMENTS .....	0.00	0.00
30. TOTAL DISBURSEMENTS (Add 23, 24, 25, 26, 27(c), 28(d) and 29) .....	579.96	585370.85
<b>III. CONTRIBUTED ITEMS (Stock, Art Objects, etc.)</b>		
31. ITEMS ON HAND TO BE LIQUIDATED (Attach List) .....	0.00	

2909264094



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

VIA OVERNIGHT DELIVERY

March 5, 2009

Mike Gravel, as Treasurer  
Mike Gravel for President 2008  
1600 N. Oak Street, #1412  
Arlington, VA 22209

C00423202  
AF# 1780

Dear Senator Gravel:

On September 19, 2008, the Federal Election Commission ("Commission") found reason to believe ("RTB") that Mike Gravel for President 2008 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 \$8,000 based on the schedule of penalties at 11 C.F.R. § 111.43.

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

You may file with the Commission Secretary a written response to the recommendation within 10 days of the date of this letter. Your written response should be sent to the Commission Secretary, 999 E Street, NW, Washington, DC 20463. As a result of the anthrax threat in the Washington, DC area, US Postal Service mail delivery to federal agencies, including the Commission, has been interrupted. Until regular mail delivery resumes, you may also file your written response with the Commission Secretary via facsimile (202-208-3333) or by courier at the same address (if you use an overnight delivery service, please use zip code 20004 instead of zip code 20463). Please include the AF # in your response. Your response may not raise any arguments not raised in your original written response or not directly responsive to the Reviewing Officer's recommendation. 11 C.F.R. § 111.36(f). The Commission will then make a final determination in this matter.

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

Sincerely,

A handwritten signature in cursive script that reads "Jill I. Sugarman".

Jill I. Sugarman  
Reviewing Analyst  
Office of Administrative Review

Attachment

29092640945



P.O. Box 948 | Arlington, VA 22216 | gravel2008.us  
Main Office 703-652-4698 | Main Fax 703-349-2958

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
SECRETARIAT

2009 MAR 17 A 8:48

March 15, 2009

Mary Dove  
Commission Secretary  
Federal Election Commission  
999 E Street, NW  
Washington, DC 20463

RE: AF ## 1780, 1792, 1821, 1826, 1832

Dear Madam Secretary:

This is to notify you that Respondent Mike Gravel for President 2008 is now represented in the above-referenced AF matters by Dickstein Shapiro LLP, 1825 I Street, NW, Washington, DC 20006 (phone 202 420 2601). That firm is authorized to receive any and all notifications and other communications from the Commission on behalf of Respondent in connection with the AF matters.

Thank you for notifying the appropriate personnel.

Sincerely,

Mike Gravel, as Treasurer

Cc: Scott E. Thomas, Counsel  
Dickstein Shapiro LLP

29092640946

**DICKSTEINSHAPIRO**LLP

1825 Eye Street NW | Washington, DC 20006-5403  
 TEL (202) 420-2200 | FAX (202) 420-2201 | dicksteinshapiro.com

RECEIVED  
 FEDERAL ELECTION  
 COMMISSION  
 SECRETARIAT

2009 MAR 17 A 8:47

March 16, 2009

Mary Dove  
 Commission Secretary  
 Federal Election Commission  
 999 E Street, NW  
 Washington, DC 20463

Re: AF# 1780

Dear Madam Secretary:

Mike Gravel for President 2008 ("the Committee") respectfully responds to the recommendation of the Reviewing Officer to impose a penalty of \$8,000 for the late-filed 2007 Year End Report. We request that the full Commission consider the relevant facts provided by the Committee in earlier communications.

While it is not easy to convey to the Commission the difficulty faced by the Committee's treasurer when reconciling multiple potential false contributions stemming from stolen credit card numbers, we sincerely hope the Commission can appreciate that this type of 'scare' was very troubling to a short-handed, relatively inexperienced (in FEC complexities) group of individuals trying to get the report pulled together in a way that would not be deemed inaccurate submissions for the public record. The report was filed as soon as these very real concerns could be addressed.

Sincerely,



Scott E. Thomas  
 (202) 420-2601  
 thomasscott@dicksteinshapiro.com

ST/st

29092640947



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
SECRETARIAT

2009 MAR 27 A 11: 22

March 26, 2009

MEMORANDUM

**SENSITIVE**

To: The Commission

Through: Robert A. Hickey  
Staff Director

From: John D. Gibson  
Chief Compliance Officer

Shawn Woodhead Wertz  
Reviewing Officer  
Office of Administrative Review

By: Jill I. Sugarman  
Reviewing Analyst

Subject: Final Determination Recommendation in AF# 1780 – Mike Gravel for President 2008 and Mike Gravel, as Treasurer (C00423202)

On September 19, 2008, the Commission found reason to believe (“RTB”) that the respondents violated 2 U.S.C. § 434(a) for failing to file the 2007 Year End Report. As a result, the Commission also made a preliminary determination that the civil money penalty was \$8,000 based on the schedule of penalties at 11 C.F.R. § 111.43.

On October 28, 2008, the Commission received their written response (“challenge”). After reviewing the challenge, the Reviewing Officer’s recommendation dated February 23, 2009 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 \$8,000 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).

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On March 17, 2009, the Commission received the written response from their Counsel, Scott E. Thomas, who was designated by the Treasurer. Other than asking for consideration of the issues raised in the challenge and addressed in the Reviewing Officer recommendation, Counsel does not raise any new facts. He notes the difficulties faced by the Treasurer as he tried to reconcile questionable contributions stemming from stolen credit card numbers and explains that the situation was troubling to the inexperienced short-handed group of individuals who were working to pull the report together so it would be deemed accurate for the public record. He also says that the report was filed as soon as those concerns could be addressed. The response is attached for your review.

The Reviewing Officer recommends that the Commission make a final determination that they violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$8,000.

#### **OAR Recommendations**

- (1) Adopt the Reviewing Officer recommendation for AF# 1780 involving Mike Gravel for President 2008 and Mike Gravel, as Treasurer, in making the final determination;
- (2) Make a final determination in AF# 1780 that Mike Gravel for President 2008 and Mike Gravel, as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$8,000; and
- (3) Send the appropriate letter.

Attachment

29092640949

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
)  
Final Determination Recommendation: ) AF 1780  
Mike Gravel for President 2008 and )  
Mike Gravel, as Treasurer (C00423202) )

CERTIFICATION

I, Mary W. Dove, Secretary of the Federal Election Commission, do hereby certify that on April 09, 2009, the Commission decided by a vote of 5-0 to take the following actions in AF 1780:

1. Adopt the Reviewing Officer recommendation for AF 1780 involving Mike Gravel for President 2008 and Mike Gravel, as Treasurer, in making the final determination.
2. Make a final determination in AF 1780 that Mike Gravel for President 2008 and Mike Gravel, as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$8,000.
3. Send the appropriate letter.

Commissioners Bauerly, Hunter, Petersen, Walther, and Weintraub voted affirmatively for the decision. Commissioner McGahn II did not vote.

Attest:

April 9 2009  
Date

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

29092640950



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

April 16, 2009

VIA CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Scott E. Thomas  
Dickstein Shapiro LLP  
1825 Eye Street, NW  
Washington, DC 20006

C00423202  
AF# 1780

Dear Mr. Thomas:

On September 19, 2008, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Mike Gravel for President 2008 and Mike Gravel, as Treasurer, violated 2 U.S.C. § 434(a) for failing to file the 2007 Year End Report. By letter dated September 22, 2008, the Commission sent your clients notification of the RTB finding that included a civil money penalty calculated at RTB of \$8,000 in accordance with the schedule of penalties at 11 C.F.R. § 111.43. On October 28, 2008, the Office of Administrative Review received the written response from the Treasurer 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 Mike Gravel for President 2008 and Mike Gravel, as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty in the amount of \$8,000 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 the respondents on March 5, 2009.

On March 17, 2009, the Commission received your response and the Treasurer's designation of you as counsel. On April 9, 2009, the Commission adopted the Reviewing Officer's recommendation and made a final determination that Mike Gravel for President 2008 and Mike Gravel, as Treasurer, violated 2 U.S.C. § 434(a) and assessed a civil money penalty of \$8,000. 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.

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**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). The 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

29092640952

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**ADMINISTRATIVE FINE PAYMENT INSTRUCTIONS**

In accordance with the schedule of penalties at 11 C.F.R. § 111.43, the civil money penalty is \$8,000 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: Mike Gravel for President 2008

FEC ID#: C00423202

AF#: 1780

PAYMENT AMOUNT DUE: \$8,000

29092640953

**AGREEMENT AS TO THE METHOD OF CERTIFYING  
DEBTS SUBMITTED TO THE FINANCIAL MANAGEMENT SERVICE'S  
CROSS-SERVICING PROGRAM**

**This Agreement is submitted by:** Federal Election Commission

**Creditor Agency:** Federal Election Commission

**Date of Agreement:** December 18, 2008

**The Creditor Agency agrees that:**

- I. This Agreement (henceforth referenced as 'Agreement') covers all debts, including updates, changes, and modifications (Debts) submitted by Electronic Transmission on or after the date of this Agreement, by the Creditor Agency (henceforth referenced as 'Agency') to the Financial Management Service (FMS), a bureau of the U.S. Department of the Treasury, for collection through the FMS's Cross-Servicing Program (Cross-Servicing).;
- II. The Agency will submit debts to Cross-Servicing via Electronic Transmission of "Add Records" or "Update Records," as described in the attached Exhibit A. Each time the Agency submits a Debt via an Add Record or Update Record, the Agency is certifying the Debt;
- III. Any person who submits Debts via an Add Record or Update Record has or will have delegated authority to certify the Debts on behalf of the head of the Agency, and the Agency will provide a copy of this Agreement to any such person; and,
- IV. By submitting Debts via an Add Record or Update Record, the person submitting such Debts is certifying to the U.S. Department of the Treasury, under penalty of perjury pursuant to 5 U.S.C. § 5514, 31 U.S.C. § 3716, 31 U.S.C. § 3720A, and 28 U.S.C. § 1746, that to the best of his or her knowledge and belief, the following is true and correct:
  1. **Valid Debts.** The debts are delinquent, valid and legally enforceable in the amounts stated.
  2. **No Bar to Collection.** The debts are not subject to any circumstances that legally preclude or bar collection, including collection by offset. There are no foreclosures pending with respect to any collateral securing a debt. The Agency's records do not show that any debtor owing a debt has filed for bankruptcy protection. Alternatively, the Agency can clearly establish that any automatic stay has been lifted or is no longer in effect.

29092640954

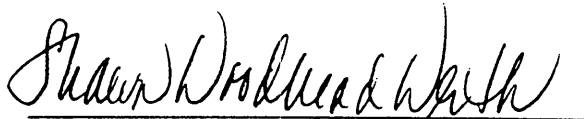
- 29092640955
3. ***Administrative Offset and Tax Refund Offset.*** If the Agency has established a profile instructing FMS to refer debts to the Treasury Offset Program (TOP) on its behalf for the purposes of tax refund and administrative offset, the person submitting such debts will be certifying to the following:
- a. The Agency has complied with all of the provisions of 31 U.S.C. § 3716, 31 U.S.C. § 3720A, 31 C.F.R. §§ 285.2 and 285.5, and the Federal Claims Collection Standards (31 C.F.R. Parts 900-904), as may be amended, as well as other statutes, regulations and policies applicable to collection by administrative offset and tax refund offset. No Debt is more than 10 years delinquent, except for those Debts that may be legally offset if more than 10 years delinquent.
  - b. At least 60 days prior to the date of the certification (i.e., date of Electronic Transmission), the Agency has provided, or made a reasonable attempt to provide in accordance with applicable offset regulations, each debtor with:
    - i. written notification, at the debtor's most current known address, of the nature and the amount of the debt, the intention of the Agency to collect the debt through administrative offset and tax refund offset, including offset of State payments, and an explanation of the rights of the debtor;
    - ii. an opportunity to inspect and copy the records of the Agency with respect to the debt;
    - iii. an opportunity for review within the Agency of the determination of the Agency with respect to the debt, including the opportunity to present evidence that all or part of the debt is not past-due or legally enforceable; and
    - iv. an opportunity to enter into a written repayment agreement with the Agency
  - c. The Agency has considered any evidence presented by the debtor and determined that the amount of the debt is past-due and legally enforceable and there are no pending appeals of such determination.
  - d. The Agency has, at minimum, made the following reasonable efforts to obtain payment of the debt: demanded payment and provided the debtor with the notice and opportunities described in paragraph 3.b.

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4. ***Due Process Compliance for Salary Offset.*** With respect to the offset of Federal salaries, if the Agency has authorized FMS to set up an agency profile so that all debts are referred to TOP for offset of federal salary payments:
    - a. The Agency has complied with all of the provisions of 5 U.S.C. § 5514, 5 C.F.R. §§ 550.1101-1110, and 31 CFR 285.7, as may be amended, as well as other statutes, regulations and policies applicable to collection by salary offset.
    - b. The Agency has provided, or made a reasonable attempt to provide, each debtor with the notice, opportunities, and considerations described in paragraphs 3.B. and 3.C. and the additional notices and opportunities, including the opportunity for waiver consideration and for a hearing, required for salary offset.
  
  5. ***Consumer Reporting Agencies.*** The Agency has complied with all of the provisions of 31 U.S.C. § 3711(e) and the Federal Claims Collection Standards, as well as other statutes, regulations and policies applicable to the Agency's reporting of delinquent debts to consumer reporting agencies. The Agency has:
    - a. determined that the debts are valid and overdue;
    - b. notified the debtor, more than 60 days prior to the date of the certification:
      - i. that the debt is overdue,
      - ii. that the Agency intends to disclose to a consumer reporting agency that the debtor is responsible for the debt,
      - iii. of the specific information to be disclosed to the consumer reporting agency, and
      - iv. of the debtor's rights to an explanation of the claim, to dispute the information in the Agency's records about the claim, and to administrative repeal or review of the claim; and
    - c. upon the request of a debtor, provided for a review of any debtor's claim, including an opportunity for reconsideration of the initial decision on the claim.

In addition, no debtor has repaid or agreed to repay the claim under a signed repayment agreement or filed for review of the claim.

6. ***Interest and Penalties.*** The Agency has complied with all of the provisions of 31 U.S.C. § 3717 and the Federal Claims Collection Standards, as well as other statutes, regulations and policies applicable to Agency's assessment of interest, penalties and administrative costs. The Agency has mailed or hand-delivered a written notice to all debtors explaining the Agency's requirements concerning the charges.

**CERTIFICATION:** Pursuant to 28 U.S.C. § 1746, I certify that I have been delegated authority to execute this Agreement on behalf of the head of my agency.



Shawn Woodhead Werth

Director, Office of Administrative Review

29092640957



FEDERAL ELECTION COMMISSION  
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 1780

DATE SCANNED 8-17-09

SCANNER NO. 2

SCAN OPERATOR JmK

29092640958