



FEDERAL ELECTION COMMISSION  
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 1791

DATE SCANNED 2/3/09

SCANNER NO. 1

SCAN OPERATOR JMP

29092622471



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: *NUG* NATALIYA IOFFE/ *RM* RHIANNON MAGRUDER/CHRIS RITCHIE  
COMPLIANCE BRANCH

SUBJECT: WITHDRAWAL AND RESUBMISSION OF REASON TO  
BELIEVE RECOMMENDATION - 2008 MARCH MONTHLY  
REPORT FOR THE ADMINISTRATIVE FINE PROGRAM

2008 SEP 18 P 12:00  
FEDERAL ELECTION COMMISSION  
COMMUNICATIONS SECTION  
SECRETARIAT

We are withdrawing the document circulated to the Commission on May 16, 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 2008 March Monthly Report in accordance with 2 U.S.C. 434(a). The March Monthly Report was due on March 20, 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.

29092622472

Federal Election Commission  
Reason to Believe Circulation Report  
2008 MARCH MONTHLY Not Election Sensitive 03/20/2008 P\_UNAUTH

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
1791	C00283986	CHEVY CHASE BANK F S B POLITICAL ACTION COMMITTEE		STEPHEN R. HALPIN, JR.	\$170,240	1	4/7/2008	18	\$20,609	\$237

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
)  
Withdrawal and Resubmission of Reason ) AF 1791  
To Believe Recommendation - 2008 )  
March Monthly Report for the )  
Administrative Fine Program: Chevy )  
Chase Bank F S B Political Action )  
Committee and Stephen R. Halpin, Jr., as )  
treasurer )

CERTIFICATION

I, Mary W. Dove, Secretary of the Federal Election Commission, do hereby certify that on September 19, 2008, the Commission decided by a vote of 6-0 to take the following actions in AF 1791:

1. Find reason to believe that Chevy Chase Bank F S B Political Action Committee and Stephen R. Halpin, Jr., as treasurer, violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be in the amount of \$237.
2. Send the appropriate letter.

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

Attest:

September 22, 2008  
Date

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

29092622474



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

September 22, 2008

Stephen R. Halpin, Jr.  
Chevy Chase Bank F. S. B. Political Action Committee  
8401 Connecticut Avenue  
Chevy Chase, MD 20815

C00283986  
AF#: 1791

Dear Stephen R. Halpin, Jr.:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file a March Monthly Report of Receipts and Disbursements covering the period through February 29<sup>th</sup>, 2008. This report shall be filed no later than March 20<sup>th</sup>, 2008. 2 U.S.C. 434(a). Records at the Federal Election Commission ("FEC") indicate that this report was filed on 4/7/2008, 18 days late.

The Act was further amended in 1999 to permit the FEC to impose civil money penalties for violations of the reporting requirements of 2 U.S.C. 434(a). 2 U.S.C. 437g(a)(4). On 9/19/2008, the FEC found that there is reason to believe ("RTB") that Chevy Chase Bank F. S. B. Political Action Committee and you, as treasurer, violated 2 U.S.C. 434(a) by failing to file timely this report on or before March 20<sup>th</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 \$237. It is due by 10/29/2008 and is based on these factors:

Election Sensitivity of Report: Not Election Sensitive  
Level of Activity: \$20,609  
Number of Days Late: 18  
Number of Previous Civil Money Penalties Assessed: 1

**To Pay the Calculated Civil Money Penalty**

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

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

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

29092622475

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

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

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

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

If you do not pay the calculated civil money penalty or submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that Chevy Chase Bank F. S. B. Political Action Committee and you, as treasurer, violated 2 U.S.C. 434(a) and assess a civil money penalty.

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

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "DFM II", is written over a faint circular stamp.

Donald F. McGahn II  
Chairman

29092622477

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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 \$237 for the 2008 March Monthly Report.

Please mail this remittance with a check or money order made payable to the Federal Election Commission to the following address:

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

If you choose to send your remittance and payment by courier or overnight delivery, please use this address:

U.S. Bank - Government Lockbox  
FEC #979058  
1005 Convention Plaza  
Attn: Government Lockbox, SL-MO-C2GL  
St. Louis, MO 63101

The remittance and your payment are due by 10/29/2008. Upon receipt of your remittance and payment, the FEC will send you a final determination letter.

**PAYMENTS BY PERSONAL CHECK**

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

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

---

FOR: Chevy Chase Bank F. S. B. Political Action Committee

FEC ID#: C00283986

AF#: 1791

PAYMENT DUE DATE: 10/29/2008

PAYMENT AMOUNT DUE: \$237

29092622478

CHEVY CHASE BANK

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
SECRETARIAT  
+ CDM

Chevy Chase Bank  
7501 Wisconsin Avenue  
Bethesda, Maryland 20814

2008 OCT 15 P 12: 22

October 7, 2008

Federal Election Commission  
Donald F. McGahn, II, Chairman  
Office of Administrative Review  
999 E Street, NW  
Washington, DC 20463

AF# 1791  
ID# C00283986

Dear Mr. McGahn, II,

In response to receiving your letter on September 23, 2008, the following information is provided to challenge the RTB finding and request a waiver of the calculated civil money penalty.

The March Monthly Report, due March 20, 2008 covering the period through February 29, 2008 was shipped Fed Ex on Thursday, March 6, 2008 and delivered Friday, March 7, 2008 (attached Fed Ex shipping documentation). The CD containing the March 20 monthly report inadvertently included the February 20 report when uploaded. The Electronic Filing office did not notify my office of the error until the late notice was received on Friday, March 21. Rosa Lewis in Electronic Filing was contacted and she indicated she could not provide assistance and to resubmit the CD. The new CD containing the March 20 monthly report was shipped Fed Ex on March 28 and received March 31 (attached Fed Ex shipping documentation).

At this time, Sebene in the Electronic Filing office was contacted and she said the March 20 report (CD) was not received and the April 20 report which was shipped Fed Ex on April 3 and delivered April 4 was also not received. At this juncture, Ken Lally, Director of Electronic Filing was contacted for assistance. Two new CDs with the March 20 and April 20 report were shipped directly to Ken Lally and he confirmed receipt (see attached email receipt and Fed Ex shipping documentation).

On Friday, April 25, a phone call came in from a gentleman at the Renaissance Hotel located at 999 9<sup>th</sup> Street in Washington, DC. The second filing of the March 20 report was delivered by Fed Ex to the wrong address in late March.

2008 OCT 16 P 2: 35

FEC OFFICE  
ADMIN REVIEW

29092622479

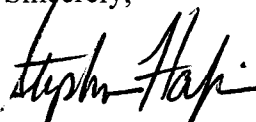
Page Two  
Chevy Chase Bank Federal Political Action Committee  
AF# 539  
ID# C00283986

All supporting documentation and communications between the Electronic Filing Office and Jessica Parker, the Assistant Treasurer have been included to demonstrate the efforts made to resolve the problem in a timely manner.

Please consider this request to waive or recalculate the civil penalty based on the following information: i) the March Monthly report was filed timely but because clerical error occurred when uploading the file it was not successful, ii) the error was not detected by the Electronic Filing office and notification was not received until March 21, and iii) the second CD was sent Fed Ex to correct the problem on March 28 but was delivered to the wrong address and not discovered until early April.

Thank you for your consideration.

Sincerely,



Stephen R. Halpin  
Treasurer  
Chevy Chase Bank Federal  
Political Action Committee

29092622480

**Parker, Jessica**

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**From:** FEC Filing Server  
**Sent:** Friday, March 21, 2008 12:01 PM  
**To:** Parker, Jessica  
**Subject:** FEC Late Filing Notification

Comid : C00283986  
Report Type : MARCH MONTHLY  
Due Date : 03/20/2008  
COB : 02/29/2008  
State :

Do not reply to this notice. It is sent from an unattended account that cannot receive email.

Our records indicate that you should have filed the above report. We have not received the report electronically from you. If you have questions about whether you should be filing this report, please call the Federal Election Commission at (202) 694-1130 or (800) 424-9530, and press 5 for the Reports Analysis Division.

If you need assistance in submitting your report electronically, please call (202) 694-1307 or (800) 424-9530, and press 4 for the Electronic Filing Office.

\*\*\*\*\*  
Email is to be used for Chevy Chase Bank business purposes only. Confidential information should not be sent via email as there is no expectation of privacy or integrity of the message through the Internet.  
\*\*\*\*\*

( Rosa Lewis )

29092622481

**Parker, Jessica**

**From:** Parker, Jessica  
**Sent:** Friday, April 25, 2008 10:55 AM  
**To:**  
**Cc:** Halpin, Stephen  
**Subject:** RE: CDs are here

Ken,  
I wanted you to know that I just received a phone call this morning from a gentleman at the Renaissance Hotel located at 999 9<sup>th</sup> Street in WDC. The second CD with the Bank's March report was delivered by Fed Ex to the wrong address. It has been sitting in their mail room this entire time. Fed Ex is delivering it to the FEC (Eliza) today.

Another part of the mystery solved as to why the FEC Electronic Filing Office didn't receive my CD when I sent it at the end of March. Thought you would like to know. I'm sure once I receive my letter from the FEC with my penalty assessment, I will have lots of material to include in my response. Thanks for your help and I hope I don't have to go through this again any time soon.

Jessica

Jessica L. Parker  
Group Vice President  
and Executive Administrator  
Chevy Chase Bank  
(301) 986-6351  
(301) 986-7412 (fax)

-----Original Message-----

**From:**  
**Sent:** Tuesday, April 08, 2008 10:21 AM  
**To:** Parker, Jessica  
**Cc:** Halpin, Stephen  
**Subject:** CDs are here

Jessica,

Rec'd the CDs, I have instructed Sebene to upload asap.

Ken Lally  
Project Manager / Program Coordinator  
Electronic Filing Office  
Federal Election Commission

"Parker, Jessica"

04/08/2008 08:16 AM

To

cc "Halpin, Stephen"

Subject RE: FEC Electronic Filing Office (V6..2 Finalized Format)...

29092622482

Dear Ken,

I apologize in advance for having to come to you with my problem with my electronic filings recently.

It all started with a clerical error on my part in the Bank's December monthly report. I corrected the error, which was an incorrect name of a recipient and amended the December monthly, the year end report and the January monthly. At the same time, I filed my March monthly, therefore four disks were sent to electronic filing and four were received on March 6 (confirmed by Sebony (spelling?) yesterday). Unfortunately, the fourth disk with my March monthly, I again made an inadvertent mistake and uploaded the February monthly instead of the March monthly. I did not receive notification of my error until I received an email indicating the March monthly was late. Sebony confirmed yesterday that she had the fourth disk and it had the February monthly report on the disk. I did not receive an email notifying me of the error.

I contacted my report analyst, Rosa Lewis and she could not help me and said refile, which I did on March 28 and the CD was received at the FEC on March 31 (Fed Ex tracking). I then received a letter from the FEC yesterday saying the March report was still not filed. I called Eliza and she referred me to Sebony, who said she simply did not have it and had not received any notification from the mail room and referred me to you.

I also filed my April monthly report last Thursday, April 3 and it was received by the FEC on Friday, April 4 and Sebony said she also had not received this CD either.

I have now sent the Bank's March and April Monthly to your attention last night because I am hoping the problem with receiving the CDs at the FEC and getting them to the Electronic Filing office could be resolved.

Again, I apologize for bothering you with my problem and asking for your assistance, but at this juncture, I am lost as to how to resolve the problem. I wish I could simply upload my reports and I may have to pursue loading the software on a standalone computer and connecting to the Internet to upload outside of the Bank's network.

I know I made a mistake by uploading the February report inadvertently for my March report; however, is it truly unreasonable for Sebony to send me an email to let me know of my mistake back on March 6 when it first happened so I could have corrected the problem and avoided most likely a penalty at this point?

Any consideration and help from you would be very much appreciated.

Thanks,

Jessica

Jessica L. Parker  
Group Vice President  
and Executive Administrator  
Chevy Chase Bank  
(301) 986-6351  
(301) 986-7412 (fax)  
-----Original Message-----

**From:**

**Sent:** Monday, April 07, 2008 12:12 PM

**Cc:**

**Subject:** FEC Electronic Filing Office (V6.2 Finalized Format)...

Vendors, software developers, consultants, and data users,

Thank you very much for the feedback, one comment resulted in a minor change.

Attached are the vendor comments (with EFO response), the finalized V6.2 format, and the supporting specifications pdf that accompanies the layouts.

Later today we will notify the electronic filing community by email about the upcoming release. We will also add a similar

4/25/2008

29092622483



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Track Shipments/FedEx Kinko's Orders  
Detailed Results

Printable Version

Printable Version

Quick Help

Tracking number 864614126866  
Signed for by R.WATTS  
Ship date Mar 6, 2008  
Delivery date Mar 7, 2008 8:39 AM

Reference 0001  
Delivered to Mailroom  
Service type Standard Box  
Weight 3.0 lbs.

Wrong Address?  
Reduce future mistakes by using  
FedEx Address Checker.

Tracking a FedEx SmartPos  
Shipment?  
Go to shipper login

Status Delivered

Signature image available Yes

Date/Time	Activity	Location	Details
Mar 7, 2008	8:39 AM	Delivered	
	8:14 AM	On FedEx vehicle for delivery	WASHINGTON, DC
	7:06 AM	At local FedEx facility	WASHINGTON, DC
Mar 6, 2008	6:19 AM	At dest sort facility	DULLES, VA
	9:28 PM	Left origin	ROCKVILLE, MD
	5:07 PM	Picked up	ROCKVILLE, MD



Signature proof | E-mail results | Track more shipments/orders

Subscribe to tracking updates (optional)

Your name:

Your e-mail address:

E-mail address

Language

Exception updates

Delivery updates

	English	<input type="checkbox"/>	<input type="checkbox"/>
	English	<input type="checkbox"/>	<input type="checkbox"/>
	English	<input type="checkbox"/>	<input type="checkbox"/>
	English	<input type="checkbox"/>	<input type="checkbox"/>

Select format:  HTML  Text  Wireless

Add personal message:

Not available for Wireless or non-English characters.

By selecting this check box and the Submit button, I agree to these Terms and Conditions

Submit

29092622484



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Freight

Expedited

Office/Print Services

Ship

Track

Manage

Business Solutions

Track Shipments/FedEx Kinko's Orders  
Detailed Results

Printable Version

Printable Version

Quick Help

Tracking number 864614126899  
 Signed for by **S.HOUSER**  
 Ship date Mar 28, 2008  
 Delivery date Mar 31, 2008 8:40 AM  
 Status Delivered  
 Signature image available Yes

Reference 0001  
 Delivered to Mailroom  
 Service type Priority Envelope

**Wrong Address?**  
 Reduce future mistakes by using  
 FedEx Address Checker.

**Tracking a FedEx SmartPos  
 Shipment?**  
 Go to [shipper login](#)

Date/Time	Activity	Location	Details
Mar 31, 2008	8:40 AM	<b>Delivered</b>	
	7:33 AM	On FedEx vehicle for delivery	WASHINGTON, DC
Mar 29, 2008	8:33 AM	At local FedEx facility	WASHINGTON, DC
	8:33 AM	At local FedEx facility	WASHINGTON, DC
Mar 28, 2008	9:46 PM	At dest sort facility	DULLES, VA
	9:32 PM	Left origin	ROCKVILLE, MD
	5:14 PM	Picked up	ROCKVILLE, MD



*Sebony*

[Signature proof](#)

[E-mail results](#)

[Track more shipments/orders](#)

Subscribe to tracking updates (optional)

Your name:

Your e-mail address:

E-mail address

Language

Exception updates

Delivery updates

<input type="text"/>	English	<input type="checkbox"/>	<input type="checkbox"/>
<input type="text"/>	English	<input type="checkbox"/>	<input type="checkbox"/>
<input type="text"/>	English	<input type="checkbox"/>	<input type="checkbox"/>
<input type="text"/>	English	<input type="checkbox"/>	<input type="checkbox"/>

Select format:  HTML  Text  Wireless

Add personal message:

Not available for Wireless or non-English characters.

By selecting this check box and the Submit button, I agree to these [Terms and](#)

29092622485

Track Shipments/FedEx Kinko's Orders  
Detailed Results

[Quick](#)

**Tracking number** 864614127093  
**Signed for by** D.DAVIS  
**Ship date** Apr 3, 2008  
**Delivery date** Apr 4, 2008 9:50 AM  
**Status** Delivered  
**Signature image available** Yes

**Reference** 0001  
**Delivered to** Shipping/Receiving  
**Service type** Standard Envelope

Date/Time	Activity	Location	Details
Apr 4, 2008	9:50 AM	Delivered	
	9:05 AM	On FedEx vehicle for delivery	WASHINGTON, DC
Apr 3, 2008	7:23 AM	At local FedEx facility	WASHINGTON, DC
	9:47 PM	At dest sort facility	DULLES, VA
	9:32 PM	Left origin	ROCKVILLE, MD
	7:34 PM	Picked up	ROCKVILLE, MD

[Signature proof](#) [E-mail results](#) [Track more shipments/orders](#)

Subscribe to tracking updates (optional)

Your name:

Your e-mail address:

E-mail address	Language	Exception updates	Delivery updates
	English	<input type="checkbox"/>	<input type="checkbox"/>
	English	<input type="checkbox"/>	<input type="checkbox"/>
	English	<input type="checkbox"/>	<input type="checkbox"/>
	English	<input type="checkbox"/>	<input type="checkbox"/>

Select format:  HTML  Text  Wireless

Add personal message:

Not available for Wireless or non-English characters.

By selecting this check box and the Submit button, I agree to these [Terms and Conditions](#)

Submit

29092622486



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

Via First Class Mail

October 17, 2008

Stephen R. Halpin, as Treasurer  
Chevy Chase Bank Federal Political Action Committee  
8401 Connecticut Ave.  
Chevy Chase, MD 20815

C00283986  
AF# 1791

Dear Mr. Halpin:

On October 15, 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,

*Jill Sugarman*

Jill Sugarman  
Reviewing Analyst  
Office of Administrative Review

29092622487

Date: October 20, 2008

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

AF#: 1791

Committee Name: Chevy Chase Bank F. S. B. Political Action Committee

Committee ID#: C00283986

Committee Address (if different than in RTB letter): 7501 Wisconsin Ave., 7<sup>th</sup> Floor  
Bethesda, MD 20814

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

**Attachments:**

Copy of RTB Circulation Report, dated September 18, 2008 and RTB  
Certification, dated September 22, 2008: Y

Attachment #: 1

Certified Return Receipt Sent to Address 1 (Y/N): Y

Attachment #: 2

Certified Return Receipt Sent to Address 2 (Y/N): Y

Attachment #: 3

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

-Non-Filer Letter, dated April 4, 2008.

-RTB Letter, dated September 22, 2008.

Attachment #: 5

Other RAD Information: (Y/N): Memo to File

Attachment#: 6

29092622488

**SENDER: COMPLETE THIS SECTION**

**COMPLETE THIS SECTION ON DELIVERY**

- 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.

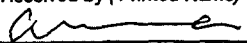
Signature

X 

Agent

Addressee

B. Received by (Printed Name)



C. Date of Delivery

9/30/06

D. Is delivery address different from item 1?  Yes

If YES, enter delivery address below:  No

1. Article Addressed to:

STEPHEN R. HALPIN, JR.  
 CHEVY CHASE BANK F. S. B. PAC  
 8401 CONNECTICUT AVENUE  
 CHEVY CHASE, MD 20815

3. Service Type

Certified Mail  Express Mail

Registered  Return Receipt for Merchandise

Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)

Yes

2. Article Number

(Transfer from service label) 7001 0360 0003 1651 9712

29092622489

**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.

1. Article Addressed to:

Stephen R. Halpin, JR  
Chevy Chase Bank FSB PAE  
7501 Wisconsin Ave, 7th Floor  
Bethesda, MD 20814

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X

Agent

Addressee

B. Received by (Printed Name)

awman

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

2. Article Number

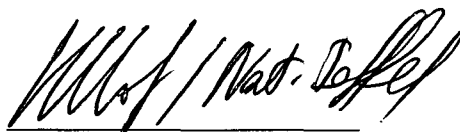
(Transfer from service label)

7005 1820 0002 3465 7046

29092622490

**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 Chevy Chase Bank F. S. B. Political Action Committee:
    - A) Non-Filer Letter, dated April 4, 2008, referencing the 2008 March Monthly Report;
    - B) Reason-to-Believe Letter, dated September 22, 2008, referencing the 2008 March Monthly Report.
  3. I hereby certify that I have searched the Commission's public records and find that Chevy Chase Bank F. S. B. Political Action Committee electronically filed the 2008 March Monthly Report with the Commission on April 7, 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 20<sup>th</sup> day of October, 2008.



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



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

April 4, 2008

RQ-7

STEPHEN R. HALPIN JR., TREASURER  
CHEVY CHASE BANK F S B POLITICAL ACTION COMMITTEE  
7501 WISCONSIN AVENUE, 7TH FLOOR  
BETHESDA, MD 20814

IDENTIFICATION NUMBER: C00283986

REFERENCE: MARCH MONTHLY REPORT 2/1/2008 - 2/29/2008

DEAR TREASURER:

IT HAS COME TO THE ATTENTION OF THE FEDERAL ELECTION COMMISSION THAT YOU MAY HAVE FAILED TO FILE THE ABOVE REFERENCED REPORT OF RECEIPTS AND EXPENDITURES AS REQUIRED BY THE FEDERAL ELECTION CAMPAIGN ACT, AS AMENDED.

IT IS IMPORTANT THAT YOU FILE THIS REPORT IMMEDIATELY WITH THE FEDERAL ELECTION COMMISSION, 999 E STREET, N.W., WASHINGTON, D.C., 20463. PLEASE NOTE THAT ELECTRONIC FILERS MUST SUBMIT THEIR REPORTS ELECTRONICALLY, AS PER 11 CFR §104.18. A COPY OF THE REPORT OR RELEVANT PORTIONS MUST ALSO BE FILED WITH THE SECRETARY OF THE STATE OR EQUIVALENT STATE OFFICER UNLESS THE STATE IS EXEMPT FROM THE FEDERAL REQUIREMENT TO RECEIVE AND MAINTAIN PAPER COPIES. YOU CAN VERIFY THE COMMISSION'S RECEIPT OF ANY DOCUMENTS SUBMITTED BY YOUR COMMITTEE ON THE FEC WEBSITE AT WWW.FEC.GOV.

THE FAILURE TO TIMELY FILE THIS REPORT MAY RESULT IN CIVIL MONEY PENALTIES, AN AUDIT OR LEGAL ENFORCEMENT ACTION. THE CIVIL MONEY PENALTY CALCULATION FOR LATE REPORTS DOES NOT INCLUDE A GRACE PERIOD AND BEGINS ON THE DAY FOLLOWING THE DUE DATE FOR THE REPORT. DUE TO HEIGHTENED SECURITY SCREENING MEASURES, DELIVERY OF MAIL BY THE US POSTAL SERVICE MAY BE DELAYED. THE COMMISSION RECOMMENDS THAT YOU SUBMIT YOUR REPORT VIA OVERNIGHT DELIVERY OR COURIER SERVICE.

IF YOU HAVE ANY QUESTIONS REGARDING THIS MATTER, PLEASE CONTACT CHRISTOPHER RITCHIE AT OUR TOLL FREE NUMBER (800)424-9530. OUR DIRECT LOCAL NUMBER IS (202)694-1130.

SINCERELY,

*Patricia Carmona*

PATRICIA CARMONA  
ASSISTANT STAFF DIRECTOR  
REPORTS ANALYSIS DIVISION (RAD)

280926707298



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RECEIVED  
FEDERAL ELECTION COMMISSION  
NOV 20 2008 3:35

**SENSITIVE**  
November 20, 2008

**MEMORANDUM**

To: The Commission

Through: Joseph F. Stoltz *[Signature]*  
Acting Staff Director

From: John D. Gibson *[Signature]* -  
Chief Compliance Officer

Shawn Woodhead Wertz *[Signature]*  
Reviewing Officer  
Office of Administrative Review

By: Jill Sugarman *[Signature]*  
Reviewing Analyst

Subject: AF# 1791 – Chevy Chase Bank, F.S.B. Political Action Committee and  
Stephen R. Halpin, as Treasurer (C00283986)

The attached Reviewing Officer Recommendation is being circulated on an informational basis. A copy was also sent to the respondents in accordance with 11 C.F.R. § 111.36(f). The respondents may file with the Commission Secretary a written response within 10 days of transmittal of the recommendation.

After the 10 day period, the Reviewing Officer Recommendation and the respondents' written response, if any, will be circulated to the Commission to make a final determination.

Attachment

29092622493



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

November 20, 2008

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

AF# 1791 – Chevy Chase Bank, F.S.B. Political Action Committee and Stephen R. Halpin, as  
Treasurer (C00283986)

On September 19, 2008, the Commission found reason to believe ("RTB") that the respondents violated 2 U.S.C. § 434(a) for failing to timely file the 2008 March Monthly Report and made a preliminary determination that the civil money penalty was \$237 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 15, 2008, the Commission received the written response and supporting documentation ("challenge") from the Treasurer who states that they intended to file the March Monthly Report via CD on March 6; however, they included the February Report on the CD instead of the March Report. The Electronic Filing Office ("EFO") informed them of that error on March 21. They contacted RAD and sent another CD with the March Monthly Report via FedEx on March 28. They called to confirm receipt of the March Report, but the EFO staff said there was no record of it, nor was there a record of the April Monthly Report sent via FedEx on April 3. They contacted the Director of EFO, Ken Lally, and sent new CDs with the March and April Monthly Reports, which were received on April 8, 2008. The Treasurer asks that the fine be waived since they inadvertently uploaded the wrong report to the CD sent on March 6 and because the EFO waited until March 21 to notify them of the error. He also notes that the FedEx package sent on April 3 was delivered to the wrong address.

Included with the challenge are copies of the Late Filing Notification email sent to Jessica Parker and dated March 21, 2008 with handwritten notes, two pages of emails between Ms. Parker and Mr. Lally documenting communications from April 7 to April 25, 2008, and three pages of FedEx Tracking Results showing the receipt of deliveries on March 7, March 31, and April 4, 2008.

**Analysis**

The March Monthly Report was filed on April 7, 2008, 18 days late.

The Federal Election Campaign Act ("Act") requires that the monthly report covering February 1 through February 29, 2008 be filed no later than March 20, 2008. 2 U.S.C. § 434(a)(4)(B) and 11 C.F.R. § 104.5(c)(3)(i). Reports filed electronically must be received and validated at or before 11:59 p.m. Eastern Standard/Daylight Time on March 20th. 11 C.F.R. §§ 104.5(e) and 100.19(c). The treasurer shall be personally responsible for the timely filing of reports. 11 C.F.R. § 104.14(d).

29092622494

According to the EFO logs and the Information Technology Division Manager's response, the EFO's procedures for rejected diskette filings were not followed in this case. On both occasions, on March 7 and 31, the EFO failed to contact and tell them why the CDs were rejected, what they needed to do to correctly submit the report, and instruct them to re-file. When Ms. Parker was informed by the EFO staff on April 7 that the first CD had been rejected and that the second CD had not been received, she immediately submitted the third CD that same day and it was successfully uploaded the next day.

The Reviewing Officer believes that, had the EFO staff followed their procedures and notified them of the first rejection on March 7, the respondents would have immediately corrected their error and filed the March Monthly Report. The Reviewing Officer reaches this conclusion for two reasons. First, the respondents tried to file the report two weeks before it was due and, second, they immediately sent a third, correct CD as soon as they became aware that the first CD had been rejected and the second CD had not been received. The Reviewing Officer, therefore, recommends that the Commission take no further action and close the file.

#### **OAR Recommendations**

- (1) Adopt the Reviewing Officer recommendation for AF# 1791 involving the Chevy Chase Bank, F.S.B. Political Action Committee and Stephen R. Halpin, Jr., as Treasurer, in making the final determination;
- (2) Take no further action in AF# 1791 that the Chevy Chase Bank, F.S.B. Political Action Committee and Stephen R. Halpin, Jr., as Treasurer, violated 2 U.S.C. § 434(a) and close the file; and
- (3) Send the appropriate letter.

Reviewing Analyst: Jill I. Sugarman

#### Attachments

Attachment 1 – Challenge Received from Respondents

Attachment 2 –

Information Technology Division

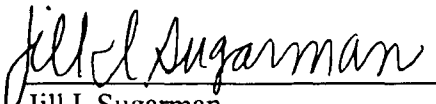
Attachment 3 – Declaration from RAD

Attachment 4 – Declaration from OAR

29092622495

**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 2008 March Monthly Report is due March 20, 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 March 20 to be timely filed.
- 3) It is the practice of Commission's Information Division to send, via email, prior notification of a report's due date to committees and treasurers approximately 3 weeks before the due date if they have provided an email address on the Statement of Organization. It is also the practice of this Division to place reporting notices on the Commission's web site for public access at [http://www.fec.gov/info/report\\_dates.shtml#monthly](http://www.fec.gov/info/report_dates.shtml#monthly).
- 4) I hereby certify that I have searched the Commission's public records and that the document identified herein is the true and accurate copy of Page 1 of the Summary Page for the 2008 March Monthly Report electronically filed by the Chevy Chase Bank F.S.B. Political Action Committee and Stephen R. Halpin, as Treasurer. According to the Commission's records, the report covers the period from February 1 through February 29, 2008, and was received on April 7, 2008.
- 5) Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at Washington on the 20<sup>th</sup> of November, 2008.

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

29092622496



# MONTHLY REPORT NOTICE

FEDERAL ELECTION COMMISSION

PARTIES AND PACS

January 31, 2008

## MONTHLY REPORTING SCHEDULE FOR 2008

### REPORTING DATES

REPORT	REPORTING PERIOD <sup>1</sup>	REG./CERT. & OVERNIGHT MAILING DEADLINE	FILING DEADLINE
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
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 is available on pages 2 and 3 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 up through the close of books for the first report due.

<sup>2</sup>Notice that this filing deadline falls on a weekend. Filing deadlines 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 the Commission's (or for committees supporting only Senate candidates, the Secretary of the Senate's) close of business on the last business day before the deadline.

29092622497

## 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**

As a monthly filer, you must file monthly reports in 2008. 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 the Commission 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).

Under the Commission's mandatory electronic filing regulations, political committees that receive contributions or make expenditures, including independent expenditures, in excess of \$50,000 in a calendar year, or that have reason to expect to do so, must file all reports with the FEC electronically. Other committees may voluntarily file electronically; however, any entity that files electronically, whether required to do so or not, must comply with the electronic filing rules.

#### **Registered & Certified Mail**

Monthly 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.

#### **Other Means of Filing**

Monthly Reports filed by any other means—including first class mail and courier—must be received by the Commission (or for committees supporting only Senate candidates, the Secretary of the Senate) before the close of business on the last business day before the filing deadline.

Forms are available for downloading and printing at the FEC website at [www.fec.gov/info/forms.shtml](http://www.fec.gov/info/forms.shtml).

## COMPLIANCE

**Treasurer Responsibility.** Treasurers of political committees are responsible for both the timeliness and the accuracy of all reports. They may be subject to monetary penalties if reports are inaccurate or are not filed on time. For additional information, see the Commission's *Statement of Policy Regarding Treasurers Subject to Enforcement Proceedings* on the web site at [www.fec.gov/law/policy/2004/notice2004-20.pdf](http://www.fec.gov/law/policy/2004/notice2004-20.pdf).

**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). 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 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).

### 48- AND 24-HOUR REPORTS OF INDEPENDENT EXPENDITURES

Any PAC or Party Committee that makes independent expenditures at any time during the calendar year—up to and including the 20th day before an election (including a special election)—are required to disclose this activity within 48 hours each time that the expenditures aggregate \$10,000 or more in connection with that election. This reporting requirement is in addition to the requirement to file 24-hour reports of independent expenditures each time disbursements for independent expenditures in connection with that election aggregate or exceed \$1,000 during the last 20 days—up to 24 hours—before an election. PACs and Party Committees must report independent expenditures that do not trigger the 48- or 24-hour reporting thresholds on their regularly-scheduled disclosure reports. See 11 CFR 104.4.

These reports are not required when a Party Committee or PAC makes a contribution directly to a candidate. For a chart of the 2008 48- and 24-hour reporting periods for independent expenditures, consult the FEC website at [www.fec.gov/info/charts\\_ie\\_dates\\_pres.shtml](http://www.fec.gov/info/charts_ie_dates_pres.shtml).

### CHANGE IN FILING FREQUENCY

Committees able to change their reporting schedule (for example, from monthly to quarterly) who wish to do so must notify the Commission in writing when filing a report under the committee's current schedule. All reports filed after providing such a notice of change in filing frequency must follow the new filing schedule. Electronic filers must file this request electronically. Committees may change their filing frequency no more than once per calendar year.

---

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

**FEC  
FORM 3X**

**REPORT OF RECEIPTS  
AND DISBURSEMENTS**  
For Other Than An Authorized Committee

Office Use Only

1. NAME OF COMMITTEE (in full) **USE FEC MAILING LABEL OR TYPE OR PRINT** Example: If typing, type over the lines

CHEVY CHASE BANK F S B POLITICAL ACTION COMMITTEE

ADDRESS (number and street) **7501 Wisconsin Avenue**  
**7th Floor**  
Check if different than previously reported. (ACC) **Bethesda** **MD** **20814**

2. **FEC IDENTIFICATION NUMBER** **CITY** **STATE** **ZIP CODE**

C00283986

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

4. TYPE OF REPORT (Choose One)	3. IS THIS REPORT				
	Monthly Report Due On:	Feb 20 (M2)	May 20 (M5)	Aug 20 (M8)	Nov 20 (M11) (Non-Election Year Only)
(a) Quarterly Reports:	<input checked="" type="checkbox"/>	Mar 20 (M3)	Jun 20 (M6)	Sep 20 (M9)	Dec 20 (M12) (Non-Election Year Only)
April 15 Quarterly Report(Q1)		Apr 20 (M4)	Jul 20 (M7)	Oct 20 (M10)	Jan 31 (YE)
July 15 Quarterly Report(Q2)	(c)	12-Day PRE-Election Report for the:	Primary (12P) Convention (12C)	General (12G) Special (12G)	Runoff (12R)
October 15 Quarterly Report(Q3)		Election on			in the State of
January 31 Quarterly Report(YE)	(d)	30-Day Post -Election Report for the:	General (30G)	Runoff (30R)	Special (30S)
July 31 Mid-Year Report(Non-election Year Only) (MY)		Election on			in the State of
Termination Report (TER)					

5. Covering Period 02 01 2008 through 02 29 2008

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 Jessica L. Parker

Signature of Treasurer Electronically Filed by Jessica L. Parker Date 03 06 2008

NOTE : Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C 437g.

Office Use Only

**FEC FORM 3X**  
(Rev. 12/2004)

29092622500



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

**VIA OVERNIGHT DELIVERY**

November 24, 2008

Stephen R. Halpin, as Treasurer  
Chevy Chase Bank, F.S.B. Political Action Committee  
7501 Wisconsin Avenue, 7<sup>th</sup> Floor  
Bethesda, MD 20814

C00283986  
AF# 1791

Dear Mr. Halpin:

On September 19, 2008, the Federal Election Commission ("Commission") found reason to believe ("RTB") that the Chevy Chase Bank, F.S.B. Political Action Committee and you, as Treasurer ("respondents"), violated 2 U.S.C. § 434(a) for failing to timely file the 2008 March Monthly Report. The Commission also made a preliminary determination that the civil money penalty was \$237 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

29092622501



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

FEDERAL ELECTION  
COMMISSION  
COMPLIANCE  
2008-3 A 10:55

**SENSITIVE**

December 2, 2008

**MEMORANDUM**

To: The Commission

Through: Joseph F. Stoltz *JFS*  
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: Final Determination Recommendation in AF# 1791 – Chevy Chase Bank,  
F.S.B. Political Action Committee and Stephen R. Halpin, Jr., as Treasurer  
(C00283986)

On September 19, 2008, the Commission found reason to believe that the respondents violated 2 U.S.C. § 434(a) for failing to timely file the 2008 March Monthly Report and also made a preliminary determination that the civil money penalty was \$237 based on the schedule of penalties at 11 C.F.R. § 111.43. On October 15, 2008, the Commission received the respondents' written response and supporting documentation ("challenge").

The Reviewing Officer's recommendation dated November 20, 2008 was forwarded to the Commission. A copy was simultaneously forwarded to the respondents and is hereby incorporated by reference. According to the challenge, EFO logs and the Information Technology Division Manager's response, the EFO's procedures for rejected diskette filings were not followed in this case. On two occasions, March 7 and 31, the EFO failed to contact and tell them why their CDs were rejected, what they needed to do to correctly submit the report, and instruct them to re-file. When they were informed by the EFO staff on April 7 that the first CD had been rejected and that the second CD had not been received, they immediately submitted the third CD that same day and it was successfully uploaded the next day. The Reviewing Officer believes that, had the EFO staff followed their procedures and notified them of the first rejection on March 7, the respondents would have immediately corrected their error and filed the March Monthly Report. The Reviewing Officer, therefore, recommended that the Commission take no further action and close the file.

29092622502

Within 10 days of transmittal of the recommendation, the respondents may file a written response with the Commission Secretary which may not raise any arguments not raised in the respondents' challenge or not directly responsive to the Reviewing Officer's recommendation. 11 C.F.R. § 111.36(f). As of this date, a written response has not been received.

**OAR Recommendations**

- (1) Adopt the Reviewing Officer recommendation for AF# 1791 involving the Chevy Chase Bank, F.S.B. Political Action Committee and Stephen R. Halpin, Jr., as Treasurer, in making the final determination;
- (2) Take no further action in AF# 1791 against the Chevy Chase Bank, F.S.B. Political Action Committee and Stephen R. Halpin, Jr., as Treasurer, with respect to 2 U.S.C. § 434(a) and close the file; and
- (3) Send the appropriate letter.

29092622503

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
)  
Final Determination Recommendation: ) AF 1791  
Chevy Chase Bank F.S.B. Political )  
Action Committee and Stephen R. )  
Halpin, Jr., as Treasurer (C00283986) )

CERTIFICATION

I, Mary W. Dove, Secretary of the Federal Election Commission, do hereby certify that on December 18, 2008, the Commission decided by a vote of 6-0 to take the following actions in AF 1791:

1. Adopt the Reviewing Officer recommendation for AF 1791 involving the Chevy Chase Bank, F.S.B. Political Action Committee and Stephen R. Halpin, Jr., as Treasurer, in making the final determination.
2. Take no further action in AF 1791 against the Chevy Chase Bank, F.S.B. Political Action Committee and Stephen R. Halpin, Jr., as Treasurer, with respect to 2 U.S.C. § 434(a) and close the file.
3. Send the appropriate letter.

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

Attest:

December 19, 2008  
Date

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

29092622504



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

December 19, 2008

VIA CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Stephen R. Halpin, Jr., as Treasurer  
Chevy Chase Bank, F.S.B. Political Action Committee  
7501 Wisconsin Avenue, 7<sup>th</sup> Floor  
Bethesda, MD 20814

ID# C00283986  
AF# 1791

Dear Mr. Halpin:

On September 19, 2008, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that the Chevy Chase Bank, F.S.B. Political Action Committee and you, as Treasurer, violated 2 U.S.C. § 434(a) for failing to timely file the 2008 March Monthly Report. By letter dated September 22, 2008, the Commission sent you notification of the RTB finding that included a civil money penalty calculated at RTB of \$237 in accordance with the schedule of penalties at 11 C.F.R. § 111.43. On October 15, 2008, the Office of Administrative Review received the written response from you challenging the RTB civil money penalty.

The Reviewing Officer reviewed the Commission's RTB finding with its supporting documentation and the challenge. Based on this review, the Reviewing Officer recommended that the Commission take no further action because the Commission's Electronic Filing Office failed to follow their procedures for rejected diskette filings. The basis for the Reviewing Officer's recommendation was included in the Final Determination Report, a copy of which was sent to you on November 24, 2008.

On December 18, 2008, the Commission adopted the Reviewing Officer's recommendation to take no further action against the respondents with respect to 2 U.S.C. § 434(a). A copy of the final determination memorandum is attached.

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.

29092622505

If you have any questions regarding this matter, please contact Jill Sugarman on our toll free number (800)424-9530 (press 0, then ext. 1660) or (202)694-1660.

Sincerely,



Donald F. McGahn II  
Chairman

Attachment

29092622506



FEDERAL ELECTION COMMISSION  
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 1791

DATE SCANNED 2/3/09

SCANNER NO. 1

SCAN OPERATOR JmW

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