FEDERAL ELECTION COMMISSION
Washington DC 20463

29032640959

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 1782

DATE SCANNED 8-17-09

SCANNER NO. 2

SCAN OPERATOR JmH

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 18, 2008

MEMORANDUM

SENSITIVE

TO: THE COMMISSION

THROUGH: JOSEPH F. STOLTZ
ACTING STAFF DIRECTOR

FROM: JOHN D. GIBSON
CHIEF COMPLIANCE OFFICER

PATRICIA CARMONA
ASSISTANT STAFF DIRECTOR
REPORTS ANALYSIS DIVISION

BY: NATALIYA IOFFE/ RHIANNON MAGRUDER/CHRIS RITCHIE
COMPLIANCE BRANCH

2008 SEP 18 P 12:

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

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.

29992540969

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
1792	C00423202	MIKE GRAVEL FOR PRESIDENT 2008	MIKE GRAVEL	MIKE GRAVEL	$871,715	0	6/10/2008	Not Filed	$24,498	$500

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
Withdrawal and Resubmission of Reason To Believe Recommendation - 2008 March Monthly Report for the Administrative Fine Program: Mike Gravel for President 2008 and Mike Gravel, as treasurer	)	AF 1792

29992640962

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 1792:

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 in the amount of $500.

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

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#: 1792

29026839593

Dear Mike Gravel:

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 29th, 2008. This report shall be filed no later than March 20th, 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 March 20th, 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 $500. It is due by 10/29/2008 and is based on these factors:

Election Sensitivity of Report: Not Election Sensitive
Level of Activity: $24,498
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 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. 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

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(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,

Donald F. McGahn II
Chairman

29926 49965

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 $500 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: Mike Gravel for President 2008

FEC ID#: C00423202

AF#: 1792

PAYMENT DUE DATE: 10/29/2008

PAYMENT AMOUNT DUE: $500

29992540966

FEC OFFICE OF
ADMIN REVIEW

MIKE GRAVEL FOR PRESIDENT
1600 Oak St # 1412, Arlington, VA, 22209

2008 OCT 28 A 9:16

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#: 1792

29026740967

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

MARCH 20 MONTHLY 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 June 10, 2008, as part of the April 15 Quarterly Receipts and Disbursements Report. We did ask permission from *FEC* campaign finance analyst, *Lauren* Lien to combine the January, February March activity into a Quarterly Report. Again during this period we continue to 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

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# 1792

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,

Shawn Woodhead Werth
Reviewing Officer
Office of Administrative Review

29026496

FEC OFFICE OF
ADMIN REVIEW

2008 OCT 30 P 4:34

Date: October 30, 2008

REFERRAL TO OFFICE OF ADMINISTRATIVE REVIEW
CHALLENGE RECEIVED

AF#: 1792

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 September 22, 2008: Y
Attachment #: 1
Certified Return Receipt (Y/N): Y
Attachment #: 2

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 April 4, 2008.
-RTB Letter, dated September 22, 2008.
Attachment #: 4
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.

1. 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
X ☐ Agent ☐ Addressee

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

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

UNITED STATES POSTAL SERVICE
ROSSLYN STATION
SEP 25 2008
ARLINGTON VIRGINIA
22209-9998

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 9729

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

2900 4599

Attachment 2

29926497

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 2008 March Monthly Report (sent via electronic mail to: info@gravel08.us);
    B) Non-Filer Letter, dated April 4, 2008, referencing the 2008 March Monthly Report;
    C) 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 Mike Gravel for President 2008 electronically filed the 2008 April Quarterly Report to cover the 2008 March Monthly Report coverage dates on June 10, 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 30th day of October, 2008.

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

YEAR-END
REPORT NOTICE

FEDERAL ELECTION COMMISSION

PRESIDENTIAL COMMITTEES December 27, 2007

CURRENT REPORTS DUE:

29092640972

QUARTERLY FILERS

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

MONTHLY FILERS

REPORT	REPORTING PERIOD [1]	REG./CERT. & OVERNIGHT MAILING DEADLINE	FILING DEADLINE
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.

[1]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.

REPORTING SCHEDULE FOR 2008:

QUARTERLY FILERS

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

MONTHLY FILERS

REPORT	REPORTING PERIOD [1]	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[2]
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[2]
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[2]
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[2]

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

[1]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.

[2]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[3] 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.

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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.

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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[3]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.

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).[4] For additional information, visit the FEC website at www.fec.gov/af/af.shtml.

Report Format. In addition, political committees that file illegible reports or use non-FEC forms (except for FEC-approved, computer-generated forms) will be required to refile their reports.

Electronic Filers Must File Electronically. Electronic filers who instead file on paper, or who submit an electronic report (either by direct transmission, 3.5" diskette or CD) that does not pass the validation program by 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.

[4]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.

29926596975

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/elecfil/electron.shtml. Candidates faxing 48-hour notices should transmit them to the FEC at (202) 219-0174.

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 4, 2008

RQ-7

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

28039670709264997

IDENTIFICATION NUMBER: C00423202

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)

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT
2009 FEB 27 P 1:01

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 23, 2009

MEMORANDUM

SENSITIVE

To: The Commission

Through: Joseph Stoltz
Acting Staff Director

From: John D. Gibson
Chief Compliance Officer

Shawn Woodhead Werth
Reviewing Officer
Office of Administrative Review

By: Jill Sugarman
Reviewing Analyst

Subject: AF# 1792 – Mike Gravel for President 2008 and Mike Gravel, as Treasurer (C00423202)

The attached Reviewing Officer recommendation, and the Reviewing Officer recommendations for AF# 1780, 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

29992640978

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 23, 2009

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

AF# 1792 – 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 2008 March Monthly Report and made a preliminary determination that the civil money penalty was $500 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.

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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 they continued to have hundreds of small donations come into the campaign 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. In addition, he says that they asked the Analyst's permission to include the February activity in the April Quarterly Report. Included is a copy of the first page of the RTB letter with handwritten notes.

Analysis

The 2008 April Quarterly Report, which includes the March Monthly reporting period, was filed on June 10, 2008. It was filed 82 days after the filing date for the March Monthly Report.

The Federal Election Campaign Act ("Act") states that the treasurer of a principal campaign committee shall file monthly reports no later than the 20th day after the last day of each month. 2 U.S.C. § 434(a)(3)(A)(i) and 11 C.F.R. § 104.5(b)(1). Reports electronically filed must be received and validated at or before 11:59 p.m., Eastern Standard/Daylight Time on March 20 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.

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 Treasurer's affidavit is for AF# 1832; the Accountant's affidavit is for AF# 1780). 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 12th 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 affidavits included at Exhibits 1 and 2 are for other challenges, the Reviewing Analyst contacted the Treasurer on February 13, 2009. The Treasurer gave her permission to include the affidavits for AF# 1792 (the documents were originally submitted with the responses for AF# 1826 and #1780). 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

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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 March Monthly Report on time.

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

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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 February 29, they were also required to disclose the refund on the March Monthly Report. If the contribution was refunded after February 29, 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 21 emails about suspicious transactions between February 1 and 29.

A review of their 2008 reports discloses no contribution refunds or statements questioning the legality of any contributions. 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 April Quarterly Report (they were required to disclose them on a March Monthly Report). In either situation, they had ample time to review them, prepare the report, and file it no later than March 20.

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

With respect to the other issue raised in the challenge (the Analyst gave the Treasurer permission to include February's activity in an April Quarterly Report), there is no indication from the telecoms that they discussed this but two Analysts did discuss filing requirements with him on May 27 and July 1. During May's conversation, one Analyst explained that they had to continue to file reports, including a termination report, even if the Committee had no activity (as of this date, they had not filed any reports for 2008 activity). During July's conversation, another Analyst explained the monthly filing requirements in an election year for Presidential committees which exceed the $100,000 threshold. Moreover, they were notified that they must file on a monthly basis before and after the March Monthly filing deadline. The Prior Notice for the 2007 Year End Report, which includes the filing requirements for monthly reports in 2008, was sent to them via email on December 27, 2007. They were notified again on April 4 when RAD sent the non-filer letter for the March Monthly Report.

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 $500.

OAR Recommendations

(1) Adopt the Reviewing Officer recommendation for AF# 1792 involving Mike Gravel for President 2008 and Mike Gravel, as Treasurer, in making the final determination;
(2) Make a final determination in AF# 1792 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 $500; and
(3) Send the appropriate letter.

Reviewing Analyst: Jill 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 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 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, the Detailed Summary Page, and two pages of Schedule A for Line 17(a) for the 2008 April Quarterly 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 January 1 through March 31, 2008 and was received on June 10, 2008. Schedule A lists two contributions and neither entry has any notation questioning its legality. 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 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 April 1 through 30, 2008; May 1 through 31, 2008; and June 1 through 30, 2008; respectively. The reports were received on 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 23rd of February, 2009.

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

Image# 28931879138 06/10/2008 05 : 56

REPORT OF RECEIPTS AND DISBURSEMENTS 1 / 92

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 ☐ March 20 ☐ April 20 ☐ May 20
☐ June 20 ☐ July 20 ☐ August 20 ☐ September 20
☐ October 20 ☐ November 20 ☐ December 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 01/01/2008	THROUGH 03/31/2008
SUMMARY	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
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)	.....	491938.97
	15. NET OPERATING EXPENDITURES (Subtract Line 20a, Columnn 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
Gravel Mike

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.

For further information contact: Federal Election Commission
999 E Street, N.W.
Washington, DC 20463
Toll Free 800-424-9530
Local 202-694-1100

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(01/2001)

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Image# 28931879139

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: 01/01/2008 To: 03/31/2008

	COLUMN A Total This Period	COLUMN B Election Cycle-to-Date
I. RECEIPTS		
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
II. DISBURSEMENTS		
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
III. CONTRIBUTED ITEMS (Stock, Art Objects, etc.)		
31. ITEMS ON HAND TO BE LIQUIDATED (Attach List)	0.00	

Image# 28931879148

Schedule A-P
ITEMIZED RECEIPTS

Use separate schedule(s) for each category of the Detailed Summary Page

FOR LINE NUMBER: PAGE 11 / 92
(check only one)
☐ 16 ☒ 17a ☐ 17b ☐ 17c ☐ 17d ☐ 18
☐ 19a ☐ 19b ☐ 20a ☐ 20b ☐ 20c ☐ 21

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

NAME OF COMMITTEE (In Full)
MIKE GRAVEL FOR PRESIDENT 2008

A.
Full Name (Last, First, Middle Initial)
DARIUS ENGEL
Mailing Address
P.O. Box 117330
City: GAINSVILLE | State: FL | Zip Code: 32611
FEC ID number of contributing federal political committee.
Name of Employer: UNIVERSITY OF FLORIDA
Occupation: RESERCHER
Receipt For: 2008 — X Primary — General — Other (specify) ▼
Election Cycle-to-Date ▼ 10.00

Date of Receipt: M M / D D / Y Y Y Y — 02 / 26 / 2008
Amount of Each Receipt this Period: 5.00
DONATION
Transaction ID: SA17A.5057

B.
Full Name (Last, First, Middle Initial)
Esther Franklin
Mailing Address
3980 McKinley Blvd
City: Sacramanto | State: CA | Zip Code: 95809
FEC ID number of contributing federal political committee.
Name of Employer:
Occupation: Retired
Receipt For: 2008 — X Primary — General — Other (specify) ▼
Election Cycle-to-Date ▼ 250.00

Date of Receipt: M M / D D / Y Y Y Y — 03 / 01 / 2008
Amount of Each Receipt this Period: 50.00
CONTRIBUTION
Transaction ID: SA17A.19456

C.
Full Name (Last, First, Middle Initial)
Hugh Giordano
Mailing Address
425 Conarroe Street
City: Philadelphia | State: PA | Zip Code: 19128
FEC ID number of contributing federal political committee.
Name of Employer: UFCW local 152
Occupation: Organizer
Receipt For: 2008 — X Primary — General — Other (specify) ▼
Election Cycle-to-Date ▼ 257.49

Date of Receipt: M M / D D / Y Y Y Y — 01 / 19 / 2008
Amount of Each Receipt this Period: 257.49
CONTRIBUTION
Transaction ID: SA17A.18586

SUBTOTAL of Receipts This Page (optional) ▶ **312.49**

TOTAL This Period (last page this line number only) ▶

FEC **Schedule A** (Form 3P) (Revised 1/2001)

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Image# 28931879157

Schedule A-P
ITEMIZED RECEIPTS

Use separate schedule(s) for each category of the Detailed Summary Page

FOR LINE NUMBER: PAGE 20 / 92
(check only one)
☐ 16 ☒ 17a ☐ 17b ☐ 17c ☐ 17d ☐ 18
☐ 19a ☐ 19b ☐ 20a ☐ 20b ☐ 20c ☐ 21

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

NAME OF COMMITTEE (In Full)
MIKE GRAVEL FOR PRESIDENT 2008

A.
Full Name (Last, First, Middle Initial)
THERESA O'DELL
Mailing Address
22211 SOUTH ORE ROAD
City | State | Zip Code
HARRISONVILLE | MO | 64701
FEC ID number of contributing federal political committee.
Name of Employer
USDA|Computer Specialist
Occupation
Receipt For: 2008
X Primary General
Other (specify) ▼
Election Cycle-to-Date ▼
250.00

Date of Receipt
M M / D D / Y Y Y Y
02 / 06 / 2008
Amount of Each Receipt this Period
250.00
CONTRIBUTION
Transaction ID: SA17A.19300

B.
Full Name (Last, First, Middle Initial)
Hite Rosemary
Mailing Address
77500 South 6th St. Unit #B-18
City | State | Zip Code
Cottage Grove | OR | 97424
FEC ID number of contributing federal political committee.
Name of Employer
N/A
Occupation
Retired
Receipt For: 2008
X Primary General
Other (specify) ▼
Election Cycle-to-Date ▼
850.00

Date of Receipt
M M / D D / Y Y Y Y
01 / 18 / 2008
Amount of Each Receipt this Period
200.00
CONTRIBUTION
Transaction ID: SA17A.18402

C.
Full Name (Last, First, Middle Initial)
Aaron Smith
Mailing Address
240 E 10th St,#10A
City | State | Zip Code
New York | NY | 10003
FEC ID number of contributing federal political committee.
Name of Employer
None
Occupation
Self-Employed
Receipt For: 2008
X Primary General
Other (specify) ▼
Election Cycle-to-Date ▼
1037.31

Date of Receipt
M M / D D / Y Y Y Y
02 / 29 / 2008
Amount of Each Receipt this Period
37.31
CONTRIBUTION
Transaction ID: SA17A.19157

SUBTOTAL of Receipts This Page (optional) ▶ **487.31**

TOTAL This Period (last page this line number only) ▶

Image# 28991489848 07/16/2008 20 : 08

REPORT OF RECEIPTS AND DISBURSEMENTS

1 / 53

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 04/01/2008	THROUGH 04/30/2008
SUMMARY	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
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)	.....	497414.29
	15. NET OPERATING EXPENDITURES (Subtract Line 20a, Columnn 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
Gravel Mike

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.

For further information contact: Federal Election Commission
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Washington, DC 20463
Toll Free 800-424-9530
Local 202-694-1100

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(01/2001)

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Image# 28991489849

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

	COLUMN A Total This Period	COLUMN B Election Cycle-to-Date
I. RECEIPTS		
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
II. DISBURSEMENTS		
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
III. CONTRIBUTED ITEMS (Stock, Art Objects, etc.)		
31. ITEMS ON HAND TO BE LIQUIDATED (Attach List)	0.00	

29926749

Image# 28991490311 07/17/2008 01 : 09

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)
1600 N OAK ST #1412

☐ Check if different than previously reported

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 05/01/2008 THROUGH 05/31/2008
SUMMARY	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
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)	510018.36
	15. NET OPERATING EXPENDITURES (Subtract Line 20a, Columnn 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
Gravel Mike

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.

For further information contact: Federal Election Commission
999 E Street, N.W. Washington, DC 20463
Toll Free 800-424-9530
Local 202-694-1100

FEC FORM 3P
(01/2001)

FE1AN060.PDF

28991490311

Image# 28991490312

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

	COLUMN A Total This Period	COLUMN B Election Cycle-to-Date
I. RECEIPTS		
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
II. DISBURSEMENTS		
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
III. CONTRIBUTED ITEMS (Stock, Art Objects, etc.)		
31. ITEMS ON HAND TO BE LIQUIDATED (Attach List)	0.00	

Image# 28932315753 07/19/2008 10 : 51

REPORT OF RECEIPTS AND DISBURSEMENTS

1 / 39

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 ☐ March 20 ☐ April 20 ☐ May 20
☐ June 20 ☒ July 20 ☐ August 20 ☐ September 20
☐ October 20 ☐ November 20 ☐ December 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 06/01/2008	THROUGH 06/30/2008
SUMMARY	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
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)	.....	510278.36
	15. NET OPERATING EXPENDITURES (Subtract Line 20a, Columnn 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.

For further information contact: Federal Election Commission
999 E Street, N.W.
Washington, DC 20463
Toll Free 800-424-9530
Local 202-694-1100

FEC FORM 3P
(01/2001)

FE1AN060.PDF

28932315753

Image# 28932315754

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

	COLUMN A Total This Period	COLUMN B Election Cycle-to-Date
I. RECEIPTS		
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
II. DISBURSEMENTS		
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
III. CONTRIBUTED ITEMS (Stock, Art Objects, etc.)		
31. ITEMS ON HAND TO BE LIQUIDATED (Attach List)	0.00	

29932315754

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# 1792

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 2008 March Monthly Report. The Commission also made a preliminary determination that the civil money penalty was $500 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,

Jill I. Sugarman
Reviewing Analyst
Office of Administrative Review

Attachment

29992640995

MIKE FOR PRESIDENT
GRAVEL

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 /ss/

Mike Gravel, as Treasurer

Cc: **Scott E. Thomas,** Counsel
Dickstein Shapiro LLP

29992649696

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2009 MAR 17 A 8:47

DICKSTEINSHAPIRO LLP

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

29926896997

March 16, 2009

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

Re: RE: AF# 1792

Dear Madam Secretary:

Mike Gravel for President 2008 ("the Committee") respectfully responds to the recommendation of the Reviewing Officer to impose a penalty of $500 for the late-filed 2008 March Monthly 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

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2009 MAR 27 A 11: 22

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 26, 2009

MEMORANDUM

SENSITIVE

To: The Commission

Through: Robert A. Hickey
Staff Director

From: John D. Gibson
Chief Compliance Officer

Shawn Woodhead Wert
Reviewing Officer
Office of Administrative Review

By: Jill I. Sugarman
Reviewing Analyst

Subject: Final Determination Recommendation in AF# 1792 – 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 2008 March Monthly Report. As a result, the Commission also made a preliminary determination that the civil money penalty was $500 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 $500 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).

29025499998

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 $500.

29992549999

OAR Recommendations

(1) Adopt the Reviewing Officer recommendation for AF# 1792 involving Mike Gravel for President 2008 and Mike Gravel, as Treasurer, in making the final determination;
(2) Make a final determination in AF# 1792 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 $500; and
(3) Send the appropriate letter.

Attachment

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
Final Determination Recommendation:	)	AF 1792
Mike Gravel for President 2008 and	)	
Mike Gravel, as Treasurer (C00423202)	)	

29926451000

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 1792:

1. Adopt the Reviewing Officer recommendation for AF 1792 involving Mike Gravel for President 2008 and Mike Gravel, as Treasurer, in making the final determination.

2. Make a final determination in AF 1792 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 $500.

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

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# 1792

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 2008 March Monthly 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 $500 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 $500 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 $500. 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.

29044950268

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

ADMINISTRATIVE FINE PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 C.F.R. § 111.43, the civil money penalty is $500 for the 2008 March Monthly 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#: 1792

PAYMENT AMOUNT DUE: $500

29992641093

FOR: Mike Gravel for President 2008

FEC ID#: C00423202

AF#: 1792

PAYMENT AMOUNT DUE: $500

Ch# 1178

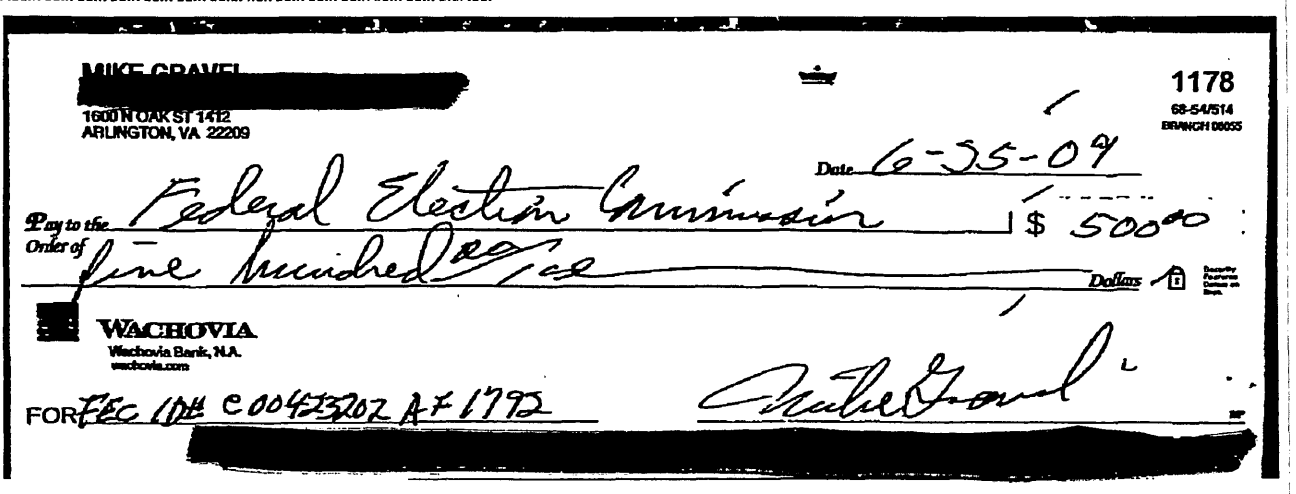
6-25

M3 N

29929319051

usbancorp. Five Star Service Guaranteed

QUALITY IS OUR PRIORITY FOR LOCKBOX 9058
SEQ# 004 $ 0000050000 BA# 1 07-08-09 20 3



FEDERAL ELECTION COMMISSION
Washington DC 20463

2505 264 1005

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 1792

DATE SCANNED 8-17-05

SCANNER NO. 2

SCAN OPERATOR JMD