



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 1802

DATE SCANNED

4/5/09

SCANNER NO.

2

SCAN OPERATOR

JMP

29092624749



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 18, 2008

MEMORANDUM

SENSITIVE

TO: THE COMMISSION

THROUGH: JOSEPH F. STOLTZ *JAS*
ACTING STAFF DIRECTOR

FROM: JOHN D. GIBSON *JG*
CHIEF COMPLIANCE OFFICER

PATRICIA CARMONA *PC*
ASSISTANT STAFF DIRECTOR
REPORTS ANALYSIS DIVISION

BY: NATALIYA IOFFE/ *NIS* RHIANNON MAGRUDER/ *RM* CHRIS RITCHIE *CR*
COMPLIANCE BRANCH

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

2008 SEP 18 P 12:16
FEDERAL ELECTION COMMISSION
SECRETARIAT

We are withdrawing the document circulated to the Commission on June 23, 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 April Quarterly Report in accordance with 2 U.S.C. 434(a). The April Quarterly Report was due on April 15, 2008.

The committees listed in the attached RTB Circulation Report either failed to file the report, filed the report more than five (5) days after the due date, or filed the report more than thirty (30) days after the due date (considered a non-filed report). In accordance with the schedule of civil money penalties for reports at 11 CFR 111.43, these committees should be assessed the civil money penalties highlighted on the attached circulation report.

Recommendation

1. Find reason to believe that the political committees and their treasurers listed on the RTB Circulation Report violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalties would be the amounts indicated on the RTB Circulation Report.
2. Send the appropriate letters.

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Federal Election Commission
Reason to Believe Circulation Report
2008 APRIL QUARTERLY Not Election Sensitive 04/15/2008 H_S_P_UNAUTH

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
1793	C00392290	ACE CASH EXPRESS INC PAC		DAVID DODSON	\$177,279	0	4/22/2008	7	\$26,535	\$340
1794	C00396028	AL GREEN FOR CONGRESS	GREEN, ALEXANDER	WILLIAM A. LAWSON	\$267,029	5	5/2/2008	17	\$36,076	\$1,215

1796	C00434456	BOB HILL FOR CONGRESS	HILL, ROBERT ANTHONY	KATHLEEN KUKIELKA	\$322,400	0		Not Filed	\$107,467 (est)	\$4,500
1797	C00438416	CAPPARELLI FOR CONGRESS COMMITTEE	CAPPARELLI, JIM	JOHN O'BRIEN	\$125,099	0	4/22/2008	7	\$20,243	\$135
1798	C00417972	CHASE FOR SENATE	CHASE, KEN	FRANCIS G CHASE	\$133,295	0		Not Filed	\$33,324 (est)	\$900
1799	C00408823	COMMITTEE TO RE-ELECT BOBBY JINDAL INC	JINDAL, BOBBY	WILLIAM C. POTTER	\$108,358	0		Not Filed	\$27,090 (est)	\$900
1800	C00125534	COMPOSITION ROOFERS LOCAL UNION #30 POLITICAL ACTION & EDUCATION FUND		TOM PEDRICK	\$293,680	1	4/25/2008	10	\$56,735	\$1,312
1801	C00148783	CONTRAN CORPORATION POLITICAL ACTION COMMITTEE (CONPAC)		MR. JOHN ST. WRBA	\$285,086	0	4/21/2008	6	\$120,162	\$1,350
1802	C00440172	DICK VERSACE FOR CONGRESS	VERSACE, RICHARD	THOMAS MASSIMINO	\$339,580	0		Not Filed	\$339,580 (est)	\$8,000

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AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	FV	Receipt Date	Days Late	LOA	RTB Penalty
1804	C00334193	FIRST CITIZENS BANCSHARES INC POLITICAL ACTION COMMITTEE (FIRST CITIZENS BANCSHARES PAC)		MR. JOHN H. GRAY	\$129,689	1	4/21/2008	6	\$34,000	\$400

1807	C00203497	HOUSTON FIRE FIGHTERS POLITICAL ACTION FUND, INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS		JEFFERY CAYNON	\$104,012	0	5/9/2008	24	\$44,909 (est)	\$680
1808	C00115568	INTERNATIONAL UNION OF OPERATING ENGINEERS LOCAL 4 SOCIAL ACTION COMMITTEE-FEDERAL		DAVID F. FANTINI	\$115,094	0	5/5/2008	20	\$18,000	\$200
1809	C00434654	JENNY OROPEZA FOR CONGRESS	OROPEZA, JENNY	WEISSMAN, SHARON	\$772,118	0	5/6/2008	21	\$1,105	\$130

1811	C00086611	KANSAS BANKERS ASSOCIATION BANKPAC		JULIE TAYLOR	\$177,068	0	5/5/2008	20	\$48,818	\$600
1812	C00439677	LEE FOR CONGRESS 2008	LEE, JIMMY D.	GERALD BAUMAN	\$277,402	0	4/30/2008	15	\$145,694	\$2,475
1813	C06434670	NACHBAR FOR CDNGRESS	NACHBAR, DAVID	NANCY NACHBAR	\$431,747	0		Not Filed	\$143,916 (est)	\$4,500
1814	C00143362	PLUMBERS LOCAL 519 POLITICAL ACTION COMMITTEE		PHIL TRUCKS, JR.	\$126,745	2	5/13/2008	28	\$26,643	\$1,140
1815	C00433128	RICARDO MUNOZ FOR CONGRESS	MUNOZ, RICARDO	CARMEN FLORES-RANCE	\$690,313	0		Not Filed	\$172,578 (est)	\$5,500

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
1817	C00252395	STEAMFITTERS LOCAL 475 POLITICAL ACTION COMMITTEE		THOMAS MANNING	\$464,785	1	4/22/2008	7	\$90,064	\$1,375

1819	C00039164	TEAMSTERS LOCAL 959 ALASKA LABOR INDEPENDENT VOTER EDUCATION		KRIS LIRA	\$109,797	0	5/6/2008	21	\$6,290	\$155
1820	C00150045	UNITED BROTHERHOOD OF CARPENTERS/JOINERS OF AMER NEW ENGLAND REG CARPENTERS LEGIS EMP CMTE		GLENN MARSHALL	\$135,044	3	4/21/2008	6	\$14,285	\$227

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Withdrawal and Resubmission of Reason)
To Believe Recommendation - 2008 April)
Quarterly Report for the Administrative)
Fine Program:)
PLUMBERS LOCAL 519 POLITICAL) AF# 1814
ACTION COMMITTEE, and PHIL)
TRUCKS JR as treasurer;)
HOUSTON FIRE FIGHTERS POLITICAL) AF# 1807
ACTION FUND, INTERNATIONAL)
ASSOCIATION OF FIRE FIGHTERS, and)
JEFFERY CAYNON as treasurer;)
JENNY OROPEZA FOR CONGRESS, and) AF# 1809
WEISSMAN, SHARON as treasurer;)

TEAMSTERS LOCAL 959 ALASKA) AF# 1819
LABOR INDEPENDENT VOTER)
EDUCATION, and LIRA, KRIS as)
treasurer;)
INTERNATIONAL UNION OF) AF# 1808
OPERATING ENGINEERS LOCAL 4)
SOCIAL ACTION COMMITTEE-)
FEDERAL, and FANTINI, DAVID F. as)
treasurer;)
KANSAS BANKERS ASSOCIATION) AF# 1811
BANKPAC, and JULIE TAYLOR as)
treasurer;)
AL GREEN FOR CONGRESS, and) AF# 1794
WILLIAM A LAWSON as treasurer;)
LEE FOR CONGRESS 2008, and) AF# 1812
GERALD BAUMAN as treasurer;)
COMPOSITION ROOFERS LOCAL) AF# 1800
UNION #30 POLITICAL ACTION &)
EDUCATION FUND, and TOM PEDRICK)
as treasurer;)

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Federal Election Commission
Certification for Administrative Fines
September 19, 2008

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ACE CASH EXPRESS INC PAC, and) AF# 1793
DAVID DODSON as treasurer;)
CAPPARELLI FOR CONGRESS) AF# 1797
COMMITTEE, and JOHN O'BRIEN as)
treasurer;)
STEAMFITTERS LOCAL 475) AF# 1817
POLITICAL ACTION COMMITTEE, and)
THOMAS MANNING as treasurer;)
CONTRAN CORPORATION POLITICAL) AF# 1801
ACTION COMMITTEE (CONPAC), and)
ST. WRBA, JOHN MR as treasurer;)
FIRST CITIZENS BANCSHARES INC) AF# 1804
POLITICAL ACTION COMMITTEE)
(FIRST CITIZENS BANCSHARES PAC),)
and GRAY^JOHN H.^MR.^ as treasurer;)
UNITED BROTHERHOOD OF) AF# 1820
CARPENTERS/JOINERS OF AMER NEW)
ENGLAND REG CARPENTERS LEGIS)
EMP CMTE, and GLENN MARSHALL as)
treasurer;)

BOB HILL FOR CONGRESS, and) AF# 1796
KATHLEEN KUKIELKA as treasurer;)
CHASE FOR SENATE, and FRANCIS G) AF# 1798
CHASE as treasurer;)
COMMITTEE TO RE-ELECT BOBBY) AF# 1799
JINDAL, and WILLIAM C POTTER as)
treasurer;)
DICK VERSACE FOR CONGRESS, and) AF# 1802
THOMAS MASSIMINO as treasurer;)

NACHBAR FOR CONGRESS, and) AF# 1813
NANCY NACHBAR as treasurer;)
RICARDO MUNOZ FOR CONGRESS,) AF# 1815
and CARMEN FLORES-RANCE as)
treasurer;)

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CERTIFICATION

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

AF#1814 Decided by a vote of 6-0 to: (1) find reason to believe that PLUMBERS LOCAL 519 POLITICAL ACTION COMMITTEE, and PHIL TRUCKS JR as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#1807 Decided by a vote of 6-0 to: (1) find reason to believe that HOUSTON FIRE FIGHTERS POLITICAL ACTION FUND, INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS, and JEFFERY CAYNON as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#1809 Decided by a vote of 6-0 to: (1) find reason to believe that JENNY OROPEZA FOR CONGRESS, and WEISSMAN, SHARON as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

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AF#1819 Decided by a vote of 6-0 to: (1) find reason to believe that TEAMSTERS LOCAL 959 ALASKA LABOR INDEPENDENT VOTER EDUCATION, and LIRA, KRIS as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#1808 Decided by a vote of 6-0 to: (1) find reason to believe that INTERNATIONAL UNION OF OPERATING ENGINEERS LOCAL 4 SOCIAL ACTION COMMITTEE-FEDERAL, and FANTINI, DAVID F. as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#1811 Decided by a vote of 6-0 to: (1) find reason to believe that KANSAS BANKERS ASSOCIATION BANKPAC, and JULIE TAYLOR as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#1794 Decided by a vote of 6-0 to: (1) find reason to believe that AL GREEN FOR CONGRESS, and WILLIAM A LAWSON as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#1812 Decided by a vote of 6-0 to: (1) find reason to believe that LEE FOR CONGRESS 2008, and GERALD BAUMAN as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#1800 Decided by a vote of 6-0 to: (1) find reason to believe that COMPOSITION ROOFERS LOCAL UNION #30 POLITICAL ACTION & EDUCATION FUND, and TOM PEDRICK as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

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AF#1793 Decided by a vote of 6-0 to: (1) find reason to believe that ACE CASII EXPRESS INC PAC, and DAVID DODSON as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#1797 Decided by a vote of 6-0 to: (1) find reason to believe that CAPPARELLI FOR CONGRESS COMMITTEE, and JOHN O'BRIEN as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#1817 Decided by a vote of 6-0 to: (1) find reason to believe that STEAMFITTERS LOCAL 475 POLITICAL ACTION COMMITTEE, and THOMAS MANNING as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#1801 Decided by a vote of 6-0 to: (1) find reason to believe that CONTRAN CORPORATION POLITICAL ACTION COMMITTEE (CONPAC), and ST. WRBA, JOHN MR as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#1804 Decided by a vote of 6-0 to: (1) find reason to believe that FIRST CITIZENS BANCSHARES INC POLITICAL ACTION COMMITTEE (FIRST CITIZENS BANCSHARES PAC), and GRAY^JOHN H.^MR.^ as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#1820 Decided by a vote of 6-0 to: (1) find reason to believe that UNITED BROTHERHOOD OF CARPENTERS/JOINERS OF AMER NEW ENGLAND REG CARPENTERS LEGIS EMP CMTE, and GLENN MARSHALL as treasurer violated 2

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U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#1796 Decided by a vote of 6-0 to: (1) find reason to believe that BOB HILL FOR CONGRESS, and KATHLEEN KUKIELKA as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#1798 Decided by a vote of 6-0 to: (1) find reason to believe that CHASE FOR SENATE, and FRANCIS G CHASE as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#1799 Decided by a vote of 6-0 to: (1) find reason to believe that COMMITTEE TO RE-ELECT BOBBY JINDAL, and WILLIAM C POTTER as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#1802 Decided by a vote of 6-0 to: (1) find reason to believe that DICK VERSACE FOR CONGRESS, and THOMAS MASSIMINO as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

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AF#1813 Decided by a vote of 6-0 to: (1) find reason to believe that NACHBAR FOR CONGRESS, and NANCY NACHBAR as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#1815 Decided by a vote of 6-0 to: (1) find reason to believe that RICARDO MUNOZ FOR CONGRESS, and CARMEN FLORES-RANCE as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

Attest:

September 23, 2008
Date

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

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 22, 2008

Thomas Massimino
Dick Versace for Congress
P.O. Box 9611
Peoria, IL 61612

C00440172
AF#: 1802

Dear Thomas Massimino:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file an April Quarterly Report of Receipts and Disbursements every calendar year. This report, covering the period through March 31st, 2008 shall be filed no later than April 15th, 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 Dick Versace for Congress and you, as treasurer, violated 2 U.S.C. 434(a) by failing to file timely this report on or before April 15th, 2008. Based on the FEC's schedules of civil money penalties at 11 C.F.R. 111.43, the amount of your civil money penalty calculated at the RTB stage is \$8,000. It is due by 10/29/2008 and is based on these factors:

Election Sensitivity of Report: Not Election Sensitive
Level of Activity: \$339,580
Number of Days Late: Not Filed
Number of Previous Civil Money Penalties Assessed: 0

To Pay the Calculated Civil Money Penalty

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

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

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

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

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

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

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

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

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

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

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

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Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130. If you have questions regarding the submission of a challenge, please contact the Office of Administrative Review at our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

Sincerely,

A handwritten signature in black ink, appearing to read "DFM II". The signature is written in a cursive style with a large initial "D" and "F" and a stylized "M".

Donald F. McGahn II
Chairman

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ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 C.F.R. 111.43, the amount of your civil money penalty calculated at RTB is \$8,000 for the 2008 April Quarterly 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 63197-9,000

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: Dick Versace for Congress

FEC ID#: C00440172

AF#: 1802

PAYMENT DUE DATE: 10/29/2008

PAYMENT AMOUNT DUE: \$8,000

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FEC OFFICE OF
ADMIN REVIEW

October 27, 2008

2008 OCT 28 P 3: 10

FEC
Office of the Administrative Review
999 E Street, NW
Washington, D.C 20463

Re: AF# 1802, Dick Versace for Congress – C00440172

Dear Sirs:

During the first part of October, I was traveling on business. Upon my return, I had a message notifying me of a fine, for failure to file the April Quarterly Report of Receipts and Disbursements for the Dick Versace for Congress campaign. Not knowing previously, that I had to file, I gathered all of the appropriate information and filed a report within 24 hours. I also discussed the situation with Rhiannon Magruder, of your office. After explaining to Rhiannon the situation, she told me to call her back the next day and she would walk me through the "fine" calculation.

Based on my filed report, the following calculation was made:

Disbursements	53,729
Receipts	0
Fine Calculation	2,700

After reviewing this with Rhiannon, I have decided to challenge the RTB funding based on the following extenuating circumstances.

In early December of 2007, the Dick Versace for Congress campaign was terminated. All monies received were returned to all contributors during this time. All reporting through December 2007 was completed and filed in accordance with the regulations.

As you will see from my records, we requested to terminate the filings at this time but were advised not to do so by NGP software, as money still existed in the account. (The only money that remained was part of the money loaned to the campaign by the candidate Dick Versace.)

The only transactions that existed for the April filing were bank fees charged to the account in January and the remaining re-payment of the loan to the candidate. Being new to an election and not having knowledge of the filing requirements, I incorrectly understood no filing was necessary.

After speaking with Rhiannon Magruder, I immediately filed all appropriate documents including the July and October 2008 reports.

29092624765

I then had one additional conversation with an analyst named Rebecca. She advised me to file a final termination report, which I did last week.

Due to the above circumstances, I am requesting that the fine be eliminated. I look forward to your response and thank you for your consideration. Please direct all future correspondence to:

Thomas S. Massimino

Lake Barrington, IL 60010

Very truly yours,

A handwritten signature in black ink, appearing to read 'T S Massimino', with a long horizontal flourish extending to the right.

Thomas S. Massimino

29092624766



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

Via First Class Mail

October 29, 2008

Thomas Massimino, as Treasurer
Dick Versace for Congress

Lake Barrington, IL 60010

C00440172
AF# 1802

Dear Mr. Massimino:

On October 28, 2008 the Commission received your written response ("challenge") which is being reviewed by the Office of Administrative Review. If you have any questions regarding your challenge, please contact this Office on our toll free number (800)424-9530 (press 0, then ext. 1660) or (202)694-1660.

Sincerely,

A handwritten signature in black ink that reads "Shawn Woodhead Werth".

Shawn Woodhead Werth
Reviewing Officer
Office of Administrative Review

29092624767

2008 OCT 30 P 4: 30

Date: October 30, 2008

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

AF#: 1802

Committee Name: Dick Versace for Congress

Committee ID#: C00440172

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 23, 2008: Previously Forwarded**

Attachment #: N/A

Certified Return Receipt (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 May 1, 2008.

-RTB Letter, dated September 22, 2008.

Attachment #: 2

Other RAD Information: (Y/N): RAD Memo to File, Returned RTB Letter, Fax
Transmittal

Attachment#: 3

29092624768

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 Dick Versace for Congress:
- A) Non-Filer Letter, dated May 1, 2008, referencing the 2008 April Quarterly Report;
 - B) Reason-to-Believe Letter, dated September 22, 2008, referencing the 2008 April Quarterly Report.
3. I hereby certify that I have searched the Commission's public records and find that Dick Versace for Congress filed the 2008 April Quarterly Report with the Commission on October 15, 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

29092624769



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 1, 2008

RQ-7

THOMAS MASSIMINO, TREASURER
DICK VERSACE FOR CONGRESS
PO BOX 9611
PEORIA, IL 61612

IDENTIFICATION NUMBER: C00440172

REFERENCE: APRIL QUARTERLY REPORT 1/1/2008 - 3/31/2008

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 FOR HOUSE CANDIDATES, OR THE SECRETARY OF THE SENATE, 232 HART SENATE OFFICE BUILDING, WASHINGTON, D.C. 20510, FOR SENATE CANDIDATES. PLEASE NOTE THAT ELECTRONIC FILERS MUST SUBMIT THEIR REPORTS ELECTRONICALLY, AS PER 11 CFR §104.18. A COPY OF THE REPORT MUST ALSO BE FILED WITH THE SECRETARY OF STATE OR EQUIVALENT STATE OFFICER UNLESS THE STATE IS EXEMPT FROM THE FEDERAL REQUIREMENT TO RECEIVE AND MAINTAIN PAPER COPIES. YOU CAN VERIFY THE COMMISSION'S RECEIPT OF ANY DOCUMENTS SUBMITTED BY YOUR COMMITTEE ON THE FEC WEBSITE AT WWW.FEC.GOV.

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

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

SINCERELY,

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

PATRICIA CARMONA
ASSISTANT STAFF DIRECTOR
REPORTS ANALYSIS DIVISION (RAD)

2803972019092624770



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2008 DEC 24 A 8:57

December 24, 2008

MEMORANDUM

SENSITIVE

To: The Commission

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

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

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

By: Maureen Benitz *MB*
Reviewing Analyst

Subject: AF# 1802 – Dick Versace for Congress and Thomas Massimino, as
Treasurer (C00440172)

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

29092624771



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 24, 2008

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

AF# 1802 – Dick Versace for Congress and Thomas S. Massimino, as Treasurer
(C00440172)

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 April Quarterly Report and made a preliminary determination that the civil money penalty was \$8,000 based on the schedule of penalties at 11 C.F.R. § 111.43. They were notified by the Reports Analysis Division ("RAD") on September 22, 2008 of the Commission's RTB finding and civil money penalty. The RTB letter, sent to their address of record, was returned; and a copy was faxed to the Treasurer.

Respondents' Response

On October 28, 2008, the Commission received the written response ("challenge") from the Treasurer requesting that the Commission eliminate the fine for several reasons: as of December 2007, the campaign was terminated; they attempted to terminate but were advised not to by their software vendor; since he was new to the process, he did not know he had to file the report; the only transactions in the report period were for bank fees and a loan repayment to the candidate; and the report was filed with disbursements and receipts of \$53,729. Based on his calculations, he estimates the penalty to be \$2,700.

Analysis

The 2008 April Quarterly Report was filed on October 15, 2008.

The Federal Election Campaign Act ("Act") states that the treasurer of a principal campaign committee of a candidate shall file a report for the period ending March 30 no later than April 15. 2 U.S.C. § 434(a)(2)(A)(iii) and 11 C.F.R. § 104.5(a)(1)(i). Reports electronically filed must be received and validated at or before 11:59 pm Eastern Standard/Daylight Time on April 15 to be timely filed. 11 C.F.R. §§ 100.19(c) and 104.5(e). The treasurer shall be personally responsible for the timely filing of reports. 11 C.F.R. § 104.14(d).

RAD's telecoms (written records of telephone conversations) indicate that the decision not to terminate the Committee's filing requirements was made before the 2007 Year End Report was due. Their software vendor's advice was correct as the amended Year End Report shows they had \$61,957 in cash on hand and \$100,100 in outstanding

29092624772

debts at the end of 2007 and could not terminate at that time. See 2 U.S.C. § 433(d)(1) and 11 C.F.R. § 102.3.

At the time of the RTB finding, the Commission estimated the level of activity to be \$339,580 because no report was received. 11 C.F.R. § 111.43(a)(2)(ii) and (e). The April Quarterly Report, filed on October 15, 2008 and considered not filed for purposes of the civil money penalty calculation, discloses \$0 in receipts and \$53,728 in disbursements. For an authorized committee, the level of activity means the total amount of receipts and disbursements for the period covered by the late report. 11 C.F.R. § 111.43(a)(2)(i). Disbursements include all operating expenditures (bank fees) as well as loan repayments. 11 C.F.R. § 104.3(b)(2). This then results in an actual level of activity of \$53,728. Using the schedule of penalties at 11 C.F.R. § 111.43(a) for non-election sensitive reports, respondents with no prior violations, and the level of activity bracket of \$50,000 - \$74,999.99, the civil money penalty is \$2700 x [1 + (.25 x 0)] or \$2,700.

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 \$2,700.

OAR Recommendations

- (1) Adopt the Reviewing Officer recommendation for AF# 1802 involving Dick Versace for Congress and Thomas Massimino, as Treasurer;
- (2) Make a final determination in AF# 1802 that Dick Versace for Congress and Thomas Massimino, as Treasurer, violated 2 U.S.C. § 434(a) and, based on the actual level of activity disclosed on the April Quarterly Report filed on October 15, 2008 (\$53,728), assess a civil money penalty of \$2,700 (reduced from the RTB civil money penalty of \$8,000); and
- (3) Send the appropriate letter.

Reviewing Analyst: Maureen Benitz

Attachments

Attachment 1 – Challenge Received from Respondents

Attachment 2 – Declaration from RAD,
RTB envelope and Facsimile Cover Sheet

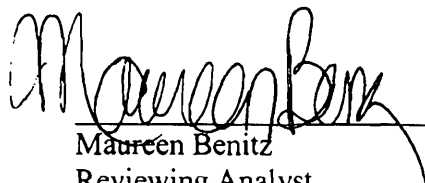
Attachment 3 – Declaration from OAR

Returned

29092624773

DECLARATION OF MAUREEN BENITZ

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 April Quarterly Report is due April 15, 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 April 15 to be timely filed.
3. I hereby certify that I have searched the Commission's public records and that the documents identified herein are true and accurate copies of :
 - (a) the Summary Page for the Amended 2007 Year End Report filed electronically by Dick Versace for Congress and Thomas Massimino, as Treasurer. According to Commission records, the report was received on March 13, 2008 and covers the period from September 1 through December 31, 2007. Lines 8 and 10 list \$61,957.66 in cash on hand at the close of the reporting period and \$100,100.00 in debts and obligations owed by the committee, respectively; and
 - (b) Page 1 of the Summary Page and Page 4 of the Detailed Summary Page for the 2008 April Quarterly Report filed electronically by Dick Versace for Congress and Thomas Massimino, as Treasurer. According to Commission records, the Report was received on October 15, 2008 and covers the period from January 1 through March 31, 2008. Lines 24 and 26 list \$0.00 in total receipts and \$53,728.90 in total disbursements, respectively, for this period.
4. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at Washington on the 24th of December, 2008.



Maureen Benitz
Reviewing Analyst
Office of Administrative Review
Federal Election Commission

29092624774

**FEC
FORM 3**

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

Office Use Only

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

Dick Versace for Congress

ADDRESS (number and street)

P O Box 9611

Check if different than previously reported. (ACC)

Peoria

IL

61612

2. FEC IDENTIFICATION NUMBER

C00440172

CITY

STATE

ZIP CODE

STATE DISTRICT

3. IS THIS REPORT

NEW (N)

OR

X

AMENDED (A)

IL

18

4. TYPE OF REPORT (Choose One)

(a) Quarterly Reports:

April 15 Quarterly Report (Q1)

July 15 Quarterly Report (Q2)

October 15 Quarterly Report (Q3)

X January 31 Year-End Report (YE)

Termination Report (TER)

(b) 12-Day PRE-Election Report for the:

Primary (12P)

General (12G)

Runoff (12R)

Convention (12C)

Special (12S)

Election on

in the State of

(c) 30-Day POST-Election Report for the:

General (30G)

Runoff (30R)

Special (30S)

Election on

in the State of

5. Covering Period 09 01 2007 through 12 31 2007

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

Type or Print Name of Treasurer Thomas Massimino

Signature of Treasurer Electronically Filed by Thomas Massimino Date 12 31 2007

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

Office Use Only

FEC FORM 3
(Revised 02/2003)

2909262475

SUMMARY PAGE
of Receipts and Disbursements

Write or Type Committee Name

Dick Versace for Congress

Report Covering the Period: From: ^{M M} 0 9 ^{D D} 0 1 ^{Y Y Y Y} 2 0 0 7 To: ^{M M} 1 2 ^{D D} 3 1 ^{Y Y Y Y} 2 0 0 7

	COLUMN A This Period	COLUMN B Election Cycle-to-Date
6. Net Contributions (other than loans)		
(a) Total Contributions (other than loans) (from Line 11(e)).....	100669.04	100669.04
(b) Total Contribution Refunds (from Line 20(d)).....	99540.00	99540.00
(c) Net Contributions (other than loans) (subtract Line 6(b) from Line 6(a)).....	1129.04	1129.04
7. Net Operating Expenditures		
(a) Total Operating Expenditures (from Line 17).....	39271.38	39271.38
(b) Total Offsets to Operating Expenditures (from Line 14).....	0.00	0.00
(c) Net Operating Expenditures (subtract Line 7(b) from Line 7(a)).....	39271.38	39271.38
8. Cash on Hand at Close of Reporting Period (from Line 27).....	61957.66	
9. Debts and Obligations Owed TO the Committee (Itemize all on Schedule C and/or Schedule D).....	0.00	
10. Debts and Obligations Owed BY the Committee (Itemize all on Schedule C and/or Schedule D).....	100100.00	

For further information contact:

Federal Election Commission
999 E Street, NW
Washington, DC 20463
Toll Free 800-424-9530
Local 202-694-1100

29092624776

**FEC
FORM 3**

**REPORT OF RECEIPTS
AND DISBURSEMENTS**

For An Authorized Committee

Office Use Only

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

Dick Versace for Congress

ADDRESS (number and street)

27789 Bridgewater ct

X Check if different than previously reported. (ACC)

Lake Barrington

IL

60010

2. FEC IDENTIFICATION NUMBER

C00440172

CITY

STATE

ZIP CODE

STATE DISTRICT

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

IL

18

4. TYPE OF REPORT (Choose One)

(a) Quarterly Reports:

- X April 15 Quarterly Report (Q1)
- July 15 Quarterly Report (Q2)
- October 15 Quarterly Report (Q3)
- January 31 Year-End Report (YE)

Termination Report (TER)

(b) 12-Day PRE-Election Report for the:

- Primary (12P) General (12G) Runoff (12R)
- Convention (12C) Special (12S)

Election on _____ in the State of _____

(c) 30-Day POST-Election Report for the:

- General (30G) Runoff (30R) Special (30S)

Election on _____ in the State of _____

5. Covering Period 01 01 2008 through 03 31 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 Thomas Massimino

Signature of Treasurer Electronically Filed by Thomas Massimino Date 10 15 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 3
(Revised 02/2003)

2909262477

DETAILED SUMMARY PAGE
of Disbursements

II. DISBURSEMENTS	COLUMN A Total This Period	COLUMN B Election Cycle-to-Date
17. OPERATING EXPENDITURES.....	682.16	40183.80
18. TRANSFERS TO OTHER AUTHORIZED COMMITTEES.....	0.00	0.00
19. LOAN REPAYMENTS:		
(a) Of Loans Made or Guaranteed by the Candidate.....	0.00	0.00
(b) Of all Other Loans.....	53046.74	60963.14
(c) TOTAL LOAN REPAYMENTS (add Lines 19(a) and (b)).....	53046.74	60963.14
20. REFUNDS OF CONTRIBUTIONS TO:		
(a) Individuals/Persons Other Than Political Committees.....	0.00	84490.00
(b) Political Party Committees.....	0.00	50.00
(c) Other Political Committees (such as PACs).....	0.00	15000.00
(d) TOTAL CONTRIBUTION REFUNDS (add Lines 20(a), (b), and (c)).....	0.00	99540.00
21. OTHER DISBURSEMENTS.....	0.00	0.00
22. TOTAL DISBURSEMENTS (add Lines 17, 18, 19(c), 20(d), and 21) >	53728.90	200686.94

III. CASH SUMMARY

23. CASH ON HAND AT BEGINNING OF REPORTING PERIOD.....	0.00
24. TOTAL RECEIPTS THIS PERIOD (from Line 16, page3).....	0.00
25. SUBTOTAL (add Line 23 and Line 24).....	0.00
26. TOTAL DISBURSEMENTS THIS PERIOD (from Line 22).....	53728.90
27. CASH ON HAND AT CLOSE OF REPORTING PERIOD (subtract Line 26 from Line 25).....	-53728.90

29092624778



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

VIA OVERNIGHT DELIVERY

December 29, 2008

Thomas Massimino, as Treasurer
Dick Versace for Congress
27789 Bridgewater Court
Lake Barrington, IL 60010

C00440172
AF# 1802

Dear Mr. Massimino:

On September 19, 2008, the Federal Election Commission ("Commission") found reason to believe ("RTB") that Dick Versace for Congress and you, as Treasurer ("respondents"), violated 2 U.S.C. § 434(a) for failing to file the 2008 April Quarterly Report. The Commission also made a preliminary determination that the civil money penalty was \$8,000 based on the schedule of penalties at 11 C.F.R. § 111.43.

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

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "Maureen Benitz", is written over a printed name and title.

Maureen Benitz
Reviewing Analyst
Office of Administrative Review

Attachment

29092624779



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

2009 FEB 24 P 2:59

February 23, 2009

MEMORANDUM

SENSITIVE

To: The Commission

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

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

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

By: Maureen Benitz *MB*
Reviewing Analyst

Subject: Final Determination Recommendation in AF# 1802 – Dick Versace for
Congress and Thomas Massimino, as Treasurer (C00440172)

On September 19, 2008, the Commission found reason to believe (“RTB”) that the respondents violated 2 U.S.C. § 434(a) for failure to file the 2008 April Quarterly Report. The Report was filed on October 15, 2008, and is considered not filed for purposes of the civil money penalty. As a result, on September 22, 2008, the Commission also made a preliminary determination that the civil money penalty was \$8,000 based on the schedule of penalties at 11 C.F.R. § 111.43.

On October 15, 2008, the respondents filed the April Quarterly Report which discloses \$0 in total receipts and \$53,728 in total disbursements. Had the report been filed disclosing this level of activity (\$53,728) prior to the Commission’s RTB finding, the civil money penalty would have been \$2,700 based on the schedule of penalties at 11 C.F.R. § 111.43(a).

On October 28, 2008, the Commission received their written response (“challenge”). After reviewing the challenge, the Reviewing Officer’s recommendation dated December 24, 2008 was forwarded to the Commission, a copy was forwarded to the respondents, and is hereby incorporated by reference. The Reviewing Officer recommended that the Commission make a final determination that they violated 2 U.S.C. § 434(a) and assess a \$2,700 civil money penalty because they submitted no

29092624780

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, 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). A written response was received on January 14 and is attached for your review. The respondents ask that the Commission accept their \$2,700 payment and terminate the Committee.

OAR Recommendations

- (1) Adopt the Reviewing Officer recommendation for AF# 1802 involving Dick Versace for Congress and Thomas Massimino, as Treasurer;
- (2) Make a final determination in AF# 1802 that Dick Versace for Congress and Thomas Massimino, as Treasurer, violated 2 U.S.C. § 434(a) and, based on the actual level of activity disclosed on the April Quarterly Report filed on October 15, 2008 (\$53,728), assess a civil money penalty of \$2,700 (reduced from the RTB civil money penalty of \$8,000); and
- (3) Send the appropriate letter.

Attachment

29092624781

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Final Determination Recommendation:) AF 1802
Dick Versace for Congress and Thomas)
Massimino, as Treasurer (C00440172))

CERTIFICATION

I, Mary W. Dove, Secretary of the Federal Election Commission, do hereby certify that on March 06, 2009, the Commission decided by a vote of 6-0 to take the following actions in AF 1802:

1. Adopt the Reviewing Officer recommendation for AF 1802 involving Dick Versace for Congress and Thomas Massimino, as Treasurer.
2. Make a final determination in AF 1802 that Dick Versace for Congress and Thomas Massimino, as Treasurer, violated 2 U.S.C. § 434(a) and, based on the actual level of activity disclosed on the April Quarterly Report filed on October 15, 2008 (\$53,728), assess a civil money penalty of \$2,700 (reduced from the RTB civil money penalty of \$8,000).
3. Send the appropriate letter.

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

Attest:

March 6, 2009
Date

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

29092624782



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 12, 2009

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Thomas Massimino, as Treasurer
Dick Versace for Congress
27789 Bridgewater Court
Lake Barrington, IL 60010

C00440172
AF# 1802

Dear Mr. Massimino:

On September 19, 2008, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Dick Versace for Congress and you, as Treasurer, violated 2 U.S.C. § 434(a) for failing to file the 2008 April Quarterly 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 \$8,000 in accordance with the schedule of penalties at 11 C.F.R. § 111.43. On October 28, 2008, the Office of Administrative Review received the written response from you, 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 reduce the RTB civil money penalty because it was calculated on an estimated level of activity, make a final determination that Dick Versace for Congress and you, as Treasurer, violated 2 U.S.C. § 434(a) and, based on the actual level of activity disclosed on the 2008 April Quarterly Report filed October 15, 2008 (\$53,728), assess a civil money penalty in the amount of \$2,700 in accordance with 11 C.F.R. § 111.43. The basis for the Reviewing Officer's recommendation was included in the Final Determination Report, a copy of which was sent to you on December 29, 2008.

The \$2,700 civil money penalty payment was received on January 15, 2009.


On March 6, 2009, the Commission adopted the Reviewing Officer's recommendation, made a final determination that Dick Versace for Congress and you, as Treasurer, violated 2 U.S.C. § 434(a) and based on the level of activity disclosed on the 2008 April Quarterly Report (\$53,728), assessed a civil money penalty of \$2,700 (reduced from the RTB civil money penalty of \$8,000). It is based on the same factors used to calculate the civil money penalty at RTB except that the actual rather than the estimated level of activity was used. A copy of the final determination recommendation is attached.

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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, please contact Maureen Benitz 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

29092624784



QUALITY IS OUR PRIORITY FOR LOCKBOX 9058
SEQ# 001 \$ 000027000 BA# 2 01-14-09 20 4

THOMAS MASSIMINO		0361	
N ANDOVER MA 01845		53-7534/2113	
PAYER REF		DATE	
ORDER OF		1/12/09	
<i>Federal Electric Comm</i>		\$ 2700.00	
<i>West-Seven Lumber Co</i>		DOLLARS	
C00440172		D	
FOR AC # 1803		D	
Rockland		D	
FEDERAL CREDIT UNION		D	
DIVERSIFIED		D	



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 1802

DATE SCANNED 6/5/09

SCANNER NO. 2

SCAN OPERATOR JMF

29092624786