



FEDERAL ELECTION COMMISSION
Washington DC 20463

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THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 1818

DATE SCANNED 10/8/09

SCANNER NO. 2

SCAN OPERATOR EEJ



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 18, 2008

MEMORANDUM

SENSITIVE

TO: THE COMMISSION

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

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

PATRICIA CARMONA *pc*
ASSISTANT STAFF DIRECTOR
REPORTS ANALYSIS DIVISION

BY: NATALIYA IOFFE/ RHIANNON MAGRUDER/CHRIS RITCHIE
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
SECRETARIAT
REASON TO BELIEVE
RECOMMENDATION

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

1786	C00434456	BOB HILL FOR CONGRESS	HILL, ROBERT ANTHONY	KATHLEEN KUKIELKA	\$322,400	0		Not Filed	\$107,467 (est)	\$4,500
1787	C00438416	CAPPARELLI FOR CONGRESS COMMITTEE	CAPPARELLI, JIM	JOHN O'BRIEN	\$125,099	0	4/22/2008	7	\$20,243	\$135
1788	C00417972	CHASE FOR SENATE	CHASE, KEN	FRANCIS G. CHASE	\$133,295	0		Not Filed	\$33,324 (est)	\$900
1789	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	C00146783	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				Not Filed	\$339,580 (est)	\$9,000
1803	C00431049	FINEGOLD COMMITTEE	FINEGOLD, BARRY	TRAVIS M. DROUIN	\$1,821,497	0		Not Filed	\$364,299 (est)	\$9,000

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	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
1805	C00435438	GENE CHRISTENSEN FOR CONGRESS	CHRISTENSEN, GENE	RICK NEUDORFF	\$581,680	0	7/26/2008	Not Filed	\$46,296	\$900
1807	C00203497	HOUSTON FIRE FIGHTERS POLITICAL ACTION FUND, INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS		JEFFERY CAYNON	\$104,012	0	5/8/2008	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	5/8/2008	21	\$1,105	\$130
1810	C00445775	JOE PENNACCHIO FOR US SENATE	PENNACCHIO, JOSEPH	ALAN ZAKIN	\$180,338	0	4/23/2008	8	\$168,482	\$2,000
1811	C00086611	KANSAS BANKERS ASSOCIATION BANKPAC		JULIE TAYLOR	\$177,088	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	C08434670	NACHBAR FOR CONGRESS	NACHBAR, DAVID	NANCY NACHBAR	\$431,747	0		Not Filed	\$143,916 (est)	\$4,500
1814	C00143362	PLUMBERS LOCAL 519 POLITICAL ACTION COMMITTEE		PHL TRUCKS, JR.	\$126,745	2	5/13/2008	28	\$26,843	\$1,140
1815	C00433128	RICARDO MUÑOZ FOR CONGRESS	MUNOZ, RICARDO	CARMEN FLORES-RANCE	\$890,313	0		Not Filed	\$172,578 (est)	\$5,500
1816	C00443465	SEAN O'KANE FOR US CONGRESS COMMITTEE	O'KANE, SEAN THOMAS	WILLIAM J. SAMMON	\$231,619	0		Not Filed	\$115,810 (est)	\$4,500

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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
1818	C00378216	SUN POLITICAL ACTION COMMITTEE (SUNPAC)		STEWART APPERLOUTH	\$245,584	0	5/6/2008	21	\$55,000	\$1,875
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;)
SUN POLITICAL ACTION COMMITTEE) AF# 1818
(SUNPAC), and STEWART)
APPELROUTH 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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JOE PENNACCHIO FOR U S SENATE,) AF# 1810
and ALAN ZAKIN as treasurer;)
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;)
FINEGOLD COMMITTEE, and TRAVIS) AF# 1803
M DROUIN as treasurer;)
GENE CHRISTENSEN FOR CONGRESS,) AF# 1806
and RICK NEUDORFF as treasurer;)
NACHBAR FOR CONGRESS, and) AF# 1813
NANCY NACHBAR as treasurer;)
RICARDO MUÑOZ FOR CONGRESS,) AF# 1815
and CARMEN FLORES-RANCE as)
treasurer;)
SEAN O'KANE FOR US CONGRESS) AF# 1816
COMMITTEE, and WILLIAM J)
SAMMON 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.

AF#1818 Decided by a vote of 6-0 to: (1) find reason to believe that SUN POLITICAL ACTION COMMITTEE (SUNPAC), and STEWART APPELROUTH 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#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#1810 Decided by a vote of 6-0 to: (1) find reason to believe that JOE PENNACCHIO FOR U S SENATE, and ALAN ZAKIN 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#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

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 CLASE 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.

AF#1803 Decided by a vote of 6-0 to: (1) find reason to believe that FINEGOLD COMMITTEE, and TRAVIS M DROUIN 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#1806 Decided by a vote of 6-0 to: (1) find reason to believe that GENE CHRISTENSEN FOR CONGRESS, and RICK NEUDORFF 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#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 MUÑOZ 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.

AF#1816 Decided by a vote of 6-0 to: (1) find reason to believe that SEAN O'KANE FOR US CONGRESS COMMITTEE, and WILLIAM J SAMMON 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

Stewart Appelrouth
Sun Political Action Committee (SUNPAC)
999 Ponce De Leon Boulevard, Suite 625
Coral Gables, FL 33134

C00378216
AF#: 1818

Dear Stewart Appelrouth:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file an April Quarterly Report of Receipts and Disbursements in a calendar year during which there is a regularly scheduled election. 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 filed on 5/6/2008, 21 days late.

The Act was further amended in 1999 to permit the FEC to impose civil money penalties for violations of the reporting requirements of 2 U.S.C. 434(a). 2 U.S.C. 437g(a)(4). On 9/19/2008, the FEC found that there is reason to believe ("RTB") that Sun Political Action Committee (SUNPAC) 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 \$1,875. It is due by 10/29/2008 and is based on these factors:

Election Sensitivity of Report: Not Election Sensitive
Level of Activity: \$55,000
Number of Days Late: 21
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

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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 Sun Political Action Committee (SUNPAC) 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 (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

29892642159

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 \$1,875 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 63197-9000

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: Sun Political Action Committee (SUNPAC)

FEC ID#: C00378216

AF#: 1818

PAYMENT DUE DATE: 10/29/2008

PAYMENT AMOUNT DUE: \$1,875

**Sun Political Action Committee
A Multi-Candidate Committee
999 Ponce de Leon Boulevard
Suite 625
Coral Gables, Florida 33134**

October 21, 2008

2008 OCT 22 A 9:16
FEC OFFICE
ADMIN REVIEW

**Federal Elections Commission
Office of Administrative Review
999 E. Street, NW
Washington DC 20463**

**Re: COO378216
AF#: 1818**

To Whom It May Concern:

I am in receipt of your letter dated September 22, 2008 relating to the late filing of the March 31, 2008 FEC Report.

Please note that we had substantial problems with the FEC software. I was continually dealing with Marlene Daughtry, our FEC contact, and technical support in order to fix the problem. When the problem was fixed the report was filed moments later.

There was no intentional delay in filing the report. Please note that since inception of Sun Political Action Committee we have never been late with any filing.

I am hereby asking for an abatement of the late filing penalty of \$1,875.

I understand the importance of timely filing of all reports and will continue to meet all filing deadlines.

Thank you for your consideration.

Sincerely,

~~Stewart L Appelrouth~~
Treasurer

FEC OFFICE OF
ADMIN REVIEW

2008 OCT 28 P 3:05

Date: October 28, 2008

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

AF#: 1818

Committee Name: Sun Political Action Committee (SUNPAC)

Committee ID#: C00378216

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:** Y

Attachment #: 1

Certified Return Receipt (to be forwarded at later date if not yet received)(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

-2008 April Quarterly Report Prior Notice, dated March 22, 2008.

-Non-Filer Letter, dated April 30, 2008.

-RTB Letter, dated September 22, 2008.

Attachment #: 4

Other RAD Information: (Y/N): N

Attachment#: N/A

29092642162

ENTER COMPLETE ADDRESS

- 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 envelope, or on the front if space permits.

Article Addressed to:

STEWART APPELROUTH
SUN PAC (SUNPAC)
999 PONCE DE LEON BLVD.
SUITE 625
CORAL GABLES, FL 33134

U.S. POSTAL SERVICE - DOMESTIC RECEIVED		
A. Signature X <i>W. Chen</i>		<input type="checkbox"/> Agent <input type="checkbox"/> Addressee
B. Received by (Initials/Name) A. Chen	C. Date of Delivery 9/25	
D. Is delivery address different from Item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No		
E. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.		
F. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes		

Article Number
(Transfer from service label) **7001 0360 0003 1652 0992**

Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

290926421

29092642164

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 Sun Political Action Committee (SunPAC):
 - A) Prior Notice, dated March 22, 2008, referencing the 2008 April Quarterly Report (sent via electronic mail to: stewart@appelrouth.com);
 - B) Non-Filer Letter, dated April 30, 2008, referencing the 2008 April Quarterly Report;
 - C) 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 Sun Political Action Committee (SunPAC) electronically filed the 2008 April Quarterly Report with the Commission on May 6, 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 28th day of October, 2008.



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



APRIL QUARTERLY REPORT NOTICE

FEDERAL ELECTION COMMISSION

PARTIES AND PACS

March 22, 2008

CURRENT REPORT DUE

REPORTING DATES

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

PRE-ELECTION REPORTING

Committees that make contributions or expenditures (including independent expenditures) in connection with an election must also file a Pre-Election Report, if the activity was not previously reported. For the pre-election reporting guidelines, see the January 2008 Record, which can be found on the FEC web site at www.fec.gov/pdf/record/2008/jan08.pdf.

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

¹These dates indicate the beginning and the end of the reporting period. A reporting period always begins the day after the closing date of the last report filed. If the committee is new and has not previously filed a report, the first report must cover all activity that occurred before the committee registered up through the close of books for the first report due.

REPORTING SCHEDULE FOR REMAINDER OF 2008

REPORTING DATES

REPORT	REPORTING PERIOD ¹	REG/CERT. & OVERNIGHT MAILING DEADLINE	FILING DEADLINE
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 ²	10/01/08 - 10/15/08	10/20/08	10/23/08
Post-General	10/16/08 - 11/24/08	12/04/08	12/04/08
Year-End	11/25/08 - 12/31/08	01/31/09	01/31/09 ³

PRE-ELECTION REPORTING

Committees that make contributions or expenditures (including independent expenditures) in connection with an election must also file a Pre-Election Report, if the activity was not previously reported. For the pre-election reporting guidelines, see the January 2008 Record, which can be found on the FEC web site at www.fec.gov/pdf/record/2008/jan08.pdf.

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

¹These dates indicate the beginning and the end of the reporting period. A reporting period always begins the day after the closing date of the last report filed. If the committee is new and has not previously filed a report, the first report must cover all activity that occurred before the committee registered up through the close of books for the first report due.

²Required only if committee makes contributions or expenditures in connection with the general election during the reporting period.

³Notice that this filing deadline falls on a weekend. Filing deadlines are not extended when they fall on nonworking days. Accordingly, reports filed by methods other than Registered, Certified or Overnight Mail, or electronically, must be received before the Commission's (or for committees supporting only Senate candidates, the Secretary of the Senate's) close of business on the last business day before the deadline.

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 Party Committees and PACs (Nonconnected Committees and Separate Segregated Funds) filing on a quarterly basis must file an April Quarterly Report by April 15, 2008. Before a committee can stop filing with the FEC, it must file a termination report with the Commission. Committees must continue to file reports until the Commission notifies them in writing that their termination report has been accepted.

METHODS OF FILING REPORTS

Electronic Filing

Quarterly Reports filed electronically must be received and validated by the Commission by 11:59 p.m. Eastern Time on the filing deadline. For additional information, call the Electronic Filing Office at (800) 424-9530 or (202) 694-1642 or visit our website at www.fec.gov/electfil/electron.shtml.

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

Registered & Certified Mail

Quarterly 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

Quarterly Reports filed via overnight mail will be considered timely filed if the report is received by the delivery service on or before the mailing deadline. "Overnight mail" includes Priority or Express Mail having a delivery confirmation, or an overnight delivery service with which the report is scheduled for next business day delivery and is recorded in the service's on-line tracking system.

Other Means of Filing

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

Forms are available for downloading and printing at the FEC website at www.fec.gov/info/forms.shtml.

COMPLIANCE

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

Administrative Fine Program. Under the Administrative Fine Program, political committees and their treasurers who fail to file their reports on time may be subject to civil money penalties up to \$16,000 (or more for repeat late- and non-filers). For additional information, visit the FEC website at www.fec.gov/af/af.shtml.

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).

48- AND 24-HOUR REPORTS OF INDEPENDENT EXPENDITURES

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

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

CHANGE IN FILING FREQUENCY

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



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 30, 2008

RQ-7

STEWART APPELROUTH, TREASURER
SUN POLITICAL ACTION COMMITTEE (SUNPAC)
999 PONCE DE LEON BOULEVARD SUITE 625
CORAL GABLES, FL 33134

IDENTIFICATION NUMBER: C00378216

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. 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 SWAPNA KRISHNA 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)

2803971409992642169



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

REC'D
SECY. (A)
12/5/08

FEC-000-3 A 9:34

December 5, 2008

MEMORANDUM

To: The Commission **SENSITIVE**

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

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

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

By: Maureen Benitez *MB*
Reviewing Analyst

Subject: AF# 1818 – Sun Political Action Committee and Stewart L. Appelrouth,
as Treasurer (C00378216)

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

29092642170



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 5, 2008

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

AF# 1818 - Sun Political Action Committee (SUNPAC) and Stewart L. Appelrouth, as Treasurer (C00378216)

On September 19, 2008, the Commission found reason to believe ("RTB") that the respondents violated 2 U.S.C. § 434(a) for failing to timely file the 2008 April Quarterly Report and made a preliminary determination that the civil money penalty was \$1,875 based on the schedule of penalties at 11 C.F.R. § 111.43. They were notified by the Reports Analysis Division ("RAD") on September 22, 2008 of the Commission's RTB finding and civil money penalty.

Respondents' Response

On October 22, 2008, the Commission received the written response ("challenge") from the Treasurer requesting that the Commission abate the late filing penalty because they had substantial problems with the FEC software. Further, as soon as the technical problems were resolved, the report was immediately and successfully uploaded. The Treasurer also asserts that the Committee has never filed a report late, with the exception of the 2008 April Quarterly Report, and he understands the importance of meeting all filing deadlines.

Analysis

The 2008 April Quarterly Report was filed on May 6, 2008, 21 days late.

The Federal Election Campaign Act ("Act") states that the treasurer of committee not authorized by a candidate shall file, in an election year, a report for the period ending March 30 no later than April 15. 2 U.S.C. § 434(a)(4)(A)(i) and 11 C.F.R. § 104.5(c)(1)(i). Political committees required to file reports with the Commission must file in an electronic format if they received or expect to receive contributions or made or expect to make expenditures in a calendar year aggregating in excess of \$50,000. 2 U.S.C. § 434(a)(1) and 11 C.F.R. § 104.18(a). Reports filed electronically 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).

The Treasurer asserts that he had substantial problems with FECFile, the FEC's filing software, and that he was in constant communication with his RAD analyst. He also claims that he was in contact with the Electronic Filing Office ("EFO") to resolve the problems he experienced with the software.

The telephone records provided by RAD, as well as the supplemental response from RAD about the telephone conversations, indicate that he did not call their RAD Analyst about

difficulties filing this report, as he did for the prior report. The telephone records provided by the EFO indicate that the Treasurer did not call for assistance until April 30, 15 days after the due date of the report. At that time, the EFO staff left a voicemail message for him and asked him to call back if he still required assistance. However, the Treasurer did not return the call until May 6, six days after his initial call, and sought help with a validation error. After he emailed the data set to the EFO on May 6, the EFO staff instructed the Treasurer on how to close the report, which enabled him to upload it, 21 days after the due date of April 15.

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 delays caused by the failure to use filing software properly do 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 \$1,875.

OAR Recommendations

- (1) Adopt the Reviewing Officer recommendation for AF# 1818 involving the Sun Political Action Committee (SUNPAC) and Stewart L. Appelrouth, as Treasurer, in making the final determination;
- (2) Make a final determination in AF# 1818 that the Sun Political Action Committee (SUNPAC) and Stewart L. Appelrouth, as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$1,875; and
- (3) Send the appropriate letter.

Reviewing Analyst: Maureen Benitz

Attachments

Attachment 1 – Challenge Received from Respondents

Attachment 2 - _____

Attachment 3 - _____

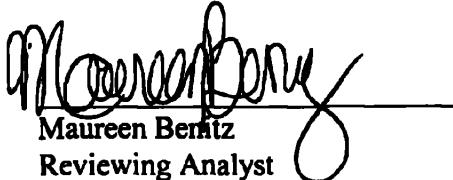
Attachment 4 – Declaration from RAD

Attachment 5 - Declaration from OAR

DECLARATION OF MAUREEN BENITZ

29092642173

- 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) It is the practice of the Reports Analysis Division to document all calls to or from committees regarding a non-filer 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 Electronic Filing Office to document all calls to or from committees regarding an error message they receive while using the FECFile software. It is also this Office's practice to maintain an Electronic Filing section on the Commission's web site at <http://www.fec.gov/elecfil/electron.shtml> for the use of committees and treasurers who are electronic filers.
- 5) I hereby certify that I have searched the Commission's public records and that the document identified herein is the true and accurate copy of Page 1 of the Summary Page for the 2008 April Quarterly Report electronically filed by Sun Political Action Committee and Stewart Appelrouth, as Treasurer. According to the Commission's records, the report covers the period from January 1 through March 31, 2008, and was received on May 6, 2008.
- 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 5th of December, 2008.



Maureen Benitz
Reviewing Analyst
Office of Administrative Review
Federal Election Commission

FEC
FORM 3XREPORT OF RECEIPTS
AND DISBURSEMENTS
For Other Than An Authorized Committee

Office Use Only

1. NAME OF COMMITTEE (in full)	USE FEC MAILING LABEL OR TYPE OR PRINT <input checked="" type="checkbox"/>		Example: If typing, type over the lines				
Sun Political Action Committee							
ADDRESS (number and street)	999 Ponce de Leon Boulevard Suite 625 Coral Gables FL 33134						
Check if different than previously reported. (ACC)							
2. FEC IDENTIFICATION NUMBER <input type="checkbox"/>	CITY <input type="checkbox"/>		STATE <input type="checkbox"/>	ZIPCODE <input type="checkbox"/>			
C00378216		3. IS THIS REPORT <input checked="" type="checkbox"/>	NEW (N) <input type="checkbox"/>	OR <input type="checkbox"/>	AMENDED (A) <input type="checkbox"/>		
4. TYPE OF REPORT (Choose One)	(b) Monthly Report Due On:	Feb 20 (M2)	May 20 (M5)	Aug 20 (M8)	Nov 20 (M11) (Non-Election Year Only)		
(a) Quarterly Reports:		Mar 20 (M3)	Jun 20 (M6)	Sep 20 (M9)	Dec 20 (M12) (Non-Election Year Only)		
X April 15 Quarterly Report(Q1)		Apr 20 (M4)	Jul 20 (M7)	Oct 20 (M10)	Jan 31 (YE)		
July 15 Quarterly Report(Q2)	(c) 12-Day PRE-Election Report for the:	Primary (12P)	General (12G)	Runoff (12R)			
October 15 Quarterly Report(Q3)		Convention (12C)	Special (12G)				
January 31 Quarterly Report(YE)	Election on				in the State of		
July 31 Mid-Year Report(Non-election Year Only) (MY)	(d) 30-Day Post -Election Report for the:	General (30G)	Runoff (30R)	Special (30S)			
Termination Report (TER)		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 Stewart AppelrouthSignature of Treasurer Electronically Filed by Stewart Appelrouth Date 04 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
OnlyFEC FORM 3X
(Rev. 12/2004)



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

VIA OVERNIGHT DELIVERY

December 8, 2008

Stewart L. Appelrouth, as Treasurer
Sun Political Action Committee (SUNPAC)
999 Ponce de Leon Boulevard, Suite 625
Coral Gables, Florida 33134

C00378216
AF# 1818

Dear Mr. Appelrouth:

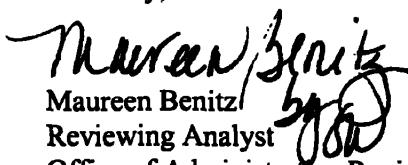
On September 19, 2008, the Federal Election Commission ("Commission") found reason to believe ("RTB") that the Sun Political Action Committee (SUNPAC) and you, as Treasurer ("respondents"), violated 2 U.S.C. § 434(a) for failing to timely file the 2008 April Quarterly Report. The Commission also made a preliminary determination that the civil money penalty was \$1,875 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,


Maureen Benitz
Reviewing Analyst
Office of Administrative Review

Attachment

29092642175

Stewart L. Appelrouth
999 Ponce de Leon Boulevard
Suite 625
Coral Gables, Florida 33134

FEDERAL ELECTORAL
COMMISSION
SECRETARIAT

December 17, 2008

2009 JAN -5 A 8:47

Commission Secretary
999 E. Street, NW
Washington DC 20463

Re: AF #1818

To Whom It May Concern:

I am in receipt of your letter dated December 8, 2008 and received subsequently. I adamantly disagree with the conclusion of the Reviewing Analyst. I have never been late on any filing. My report was ready for filing prior to the deadline but could not upload the file due to errors that I could not fix. I called my FEC contact immediately and left messages. She called me back several days later and I was out of the office, sick. I returned the call and again she did not answer and she subsequently called me back. When we finally talked she tried to help me by suggesting how to fix the problem. I tried the solution but it did not work. I called her again and she did suggest that I call the technical department which I did and left a message. When the technical department called me back they could not help me and referred me back to the FEC contact. When I spoke to the FEC contact again we finally figured out what the problem was. I corrected the problem and uploaded the file.

There is no reason that I would not file the report in a timely manner. My report was prepared in advance and I just could not upload the report.

I always prepare my work in advance of the filing date. The only reason that this letter is being filed on the last day is that I had cataract surgery and could not write.

I ask that the above information be considered and am requesting that the penalty be removed.

Thank You for your assistance in this matter.

Sincerely,

Stewart L. Appelrouth

29092642176



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2009 MAY 21 P 3:26

May 21, 2009

MEMORANDUM

SENSITIVE

To: The Commission

Through: Robert A. Hickey *gj*
Staff Director

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

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

By: Maureen Benitz *MB*
Reviewing Analyst

Subject: Final Determination Recommendation in AF# 1818 – Sun Political Action Committee (SUNPAC) and Stewart L. Applerouth, as Treasurer (C00378216)

On September 19, 2008, the Commission found reason to believe ("RTB") that the respondents violated 2 U.S.C. § 434(a) for failing to timely file the 2008 April Quarterly Report. As a result, the Commission also made a preliminary determination that the civil money penalty was \$1,875 based on the schedule of penalties at 11 C.F.R. § 111.43.

On October 22, 2008, the Commission received their written response ("challenge"). After reviewing the challenge, the Reviewing Officer's recommendation dated December 5, 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 \$1,875 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

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their challenge or not directly responsive to the Reviewing Officer's recommendation. 11 C.F.R. § 111.36(f). A response was received from the Treasurer on January 5, 2009.

In his response, the Treasurer says that he "adamantly disagree[s]" with the Reviewing Officer recommendation ("ROR") and addresses the issue raised in it and the challenge: he had substantial problems with the FECFile software, he was in contact with his Reports Analysis Division ("RAD") Analyst and the Electronic Filing Office ("EFO") staff about these problems, and filed the report as soon as the problems were resolved. He also provides new facts: he prepared and was ready to file the report before the due date but could not upload it because of errors he could not fix; he immediately called the Analyst and left messages; she called back several days later but he was sick and out of the office; he called her back, she did not answer but subsequently called back and tried to help him; her solution did not work so he called the EFO as she suggested and left a message; and the EFO staff called back but they could not help and referred him back to the Analyst who finally helped him solve the problem so he could upload the report.

On February 12, 2009, OAR asked RAD if it was possible that the Analyst spoke with the Treasurer about his efforts to file the report but may not have documented the contacts because of the heavy call volume during the filing period. In her March 2 response, the Unauthorized Branch Chief explains that it is possible, during filing periods when call volume is particularly heavy, that a conversation may occur about filing requirements or difficulties and not be documented. She says it is possible that the Analyst spoke with him yet RAD has no documented record for the 2008 April Quarterly Report and the Analyst assigned to this Committee was not in the office on May 6, 2008, the day on which the Treasurer states that he was able to successfully upload the report with her help.

Because the respondents say that they tried but could not upload the report before and after it was due, OAR asked the Information Technology Division ("ITD") Manager on May 7, 2009 if the EFO records show any network connections between the Commission's electronic filing system and the Committee which would indicate that they tried to upload the report or that the report failed validation and a rejection notice was emailed to them.

According to the ITD Manager's May 12 response, the EFO logs any successful network connection between a filer's computer hardware and the Commission's electronic filing system. This log retains either the source IP address which is usually the filer's computer or the IP address of the firewall or proxy server where the connection originated. A filer may successfully connect to the electronic filing system, so that connection and IP address will be logged, but the filer does not complete the upload process after establishing the connection. He provides two examples of this: the filer discontinues the upload process or the filer experiences a local or internet interruption, or disconnection. On May 6, there is a log of the IP address used by the Treasurer to upload the report. There is no other connection by that IP address for the period between April 1 and May 6.

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The Treasurer says he spoke to the Analyst before and after the report was due but he does not provide the dates of these contacts. RAD has no records of contacts with him about the report but it is possible the Analyst spoke to him and did not document their conversations. The Treasurer's contacts with the EFO appear to have occurred after the due date; again, he does not provide any dates. The EFO's April 30 log supports the Treasurer's assertion that he called and left a message, and they called him back. The EFO log differs, however, in that the EFO staff left a message for him, telling him to call back if he still needed help, whereas the Treasurer states the EFO staff could not help him and referred him back to the Analyst. The Treasurer does not refer to any other contact with the EFO staff but the EFO logs show that they, not the Analyst, spoke with him on May 6. The EFO staff told him to email the Committee's FECFile data set to her (which he did), explained how to close the report, and waited on the phone until he successfully uploaded it.

The Treasurer asserts that he sought technical assistance from Commission staff with the FECFile software because he could not upload the report. Yet, the EFO logs and ITD Manager's responses indicate that this is not a situation involving the failure of the FECFile software. In fact, the logs show that the validation error he spoke to the EFO staff about on May 6 was one of several steps in the upload process. The ITD Manager explains that subsequent tests on the data set also found no validation errors or other problems that would have prevented the Treasurer from uploading the report. A review of the IP address logs for the period before and after April 15 indicate that the only successful connection to the electronic filing system occurred on May 6.

The administrative fines regulations provide for a 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.

One example of a circumstance that will be considered reasonably unforeseen and beyond their control is a failure of Commission-provided software despite the respondents seeking technical assistance from Commission personnel and resources. 11 C.F.R. § 111.35(c)(1). Just as the administrative fine regulations provide examples of circumstances that will be considered reasonably unforeseen and beyond the respondents' control, the regulations also provide examples of circumstances that will not be considered reasonably unforeseen and beyond their control. One of these examples is the failure to use filing software properly. 11 C.F.R. § 111.35(d)(6).

The Reviewing Officer believes that that is what occurred in this case: the Treasurer sought help because he did not complete all the required steps in the upload process. As part of the signing and dating of the report in the FECFile software, the filer must also close the report (the FECFile User's Manual for Party Committees and PACs on the Commission's website includes this as part of the instructions for uploading reports). Had the Treasurer done so, he should have been able to successfully upload the

report and complete the validation process as subsequent tests on the report's data set show that there were no other problems which would have prevented its upload.

The Reviewing Officer, therefore, recommends that the Commission make a final determination that the respondents violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$1,875.

OAR Recommendations

- (1) Adopt the Reviewing Officer recommendation for AF# 1818 involving the Sun Political Action Committee (SUNPAC) and Stewart L. Appelrouth, as Treasurer, in making the final determination;
- (2) Make a final determination in AF# 1818 that the Sun Political Action Committee (SUNPAC) and Stewart L. Appelrouth, as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$1,875; and
- (3) Send the appropriate letter.

Reviewing Analyst: Maureen Benitz

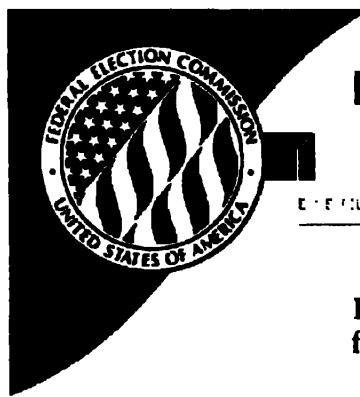
Attachment 1 – Respondents' Response

Attachment 2 – _____

Attachment 3 – _____

Attachment 4 – Section H (File Submission, Uploading the Report, and Error Messages) from the FECFile User Manual for PAC's & Party Committees retrieved May 21, 2009 from the Commission's website at http://www.fec.gov/elecfil/unauthorized_manual/manual.shtml.

Attachment # 4
3 Pages



FEDERAL ELECTION COMMISSION

ABOUT THE FEC



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SITE MAP

E-FILING HELP • FECFILE MANUAL • UNAUTHORIZED COMMITTEES

Campaign Finance
Reports and Data

FECFile User Manual for PAC's & Party Committees

This manual is designed to help political committees use FECfile software and to assist with the filing of disclosure reports. The format is user-friendly and contains step-by-step instructions, along with screen shots, in an effort to help users maneuver through the software. Some of the areas found in this manual include: How to enter transactions on each line, How to upload a report, How to file a miscellaneous electronic submission and How to make sense of some common error codes.

Meetings and
Hearings

These documents are in PDF format which requires the free Acrobat Reader Version 6.0 available from [Adobe Systems](http://www.adobe.com).

Enforcement
Matters

Entire Document

- FECFile User Manual (Unauthorized Committees) [25 MB]

Help with Reporting
and Compliance

By Section

- [Table of Contents](#)
- [FECFile Introduction](#)
- Starting FECFILE and Retrieving the Candidate Database
- Creating a New Committee and Filing Types
- Reports
- [Transactions](#)
- Special Features
- Recovering DCF's and Deleting Transactions
- File Submission, Uploading the Report and Error Messages
- [Special Filer and Report Types](#)
- Amending Reports and Notices
- Navigating the FEC Website

Law & Regulations

Contact Information

If you have questions about the User Manual then please call locally in the Washington, DC area 202-694-1642 or toll-free 1-800-424-9530 extension 1642.

Revised January 2, 2008

[What's New](#) [Library](#) [FOIA](#) [USA.gov](#) [Privacy](#) [Links](#) [eFiling](#) [Inspector General](#) [!\[\]\(c4ad4b0358d7cc7966ca6d3271275423_img.jpg\) **Subscribe**](#)

Federal Election Commission, 999 E Street, NW, Washington, DC 20463 (800) 424-9530 In Washington (202) 694-1000
 For the hearing impaired, TTY (202) 219-3336 Send comments and suggestions about this site to the web manager.

H.File Submission, Uploading the Report and Error Messages

File Submission

When all transactions have been entered for a report, and the deadline for reporting is imminent, the final details must be collected in order to file electronically. There are several different ways a user may file, and with detailed information following.

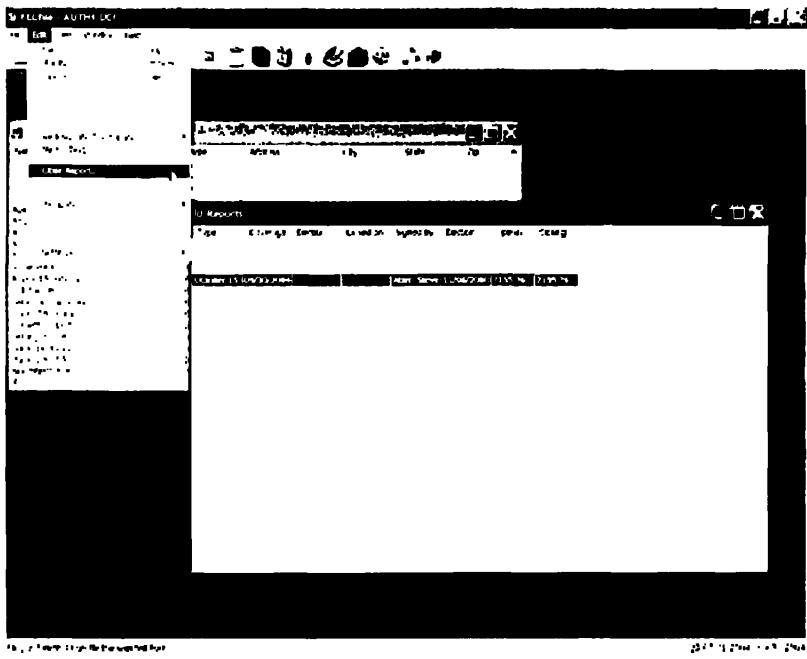
Filing Requirements

- ✓ **The user must have an FEC electronic filing password.** This is REQUIRED. They must contact the FEC electronic filing office if they do not have a password, or if it has been forgotten.

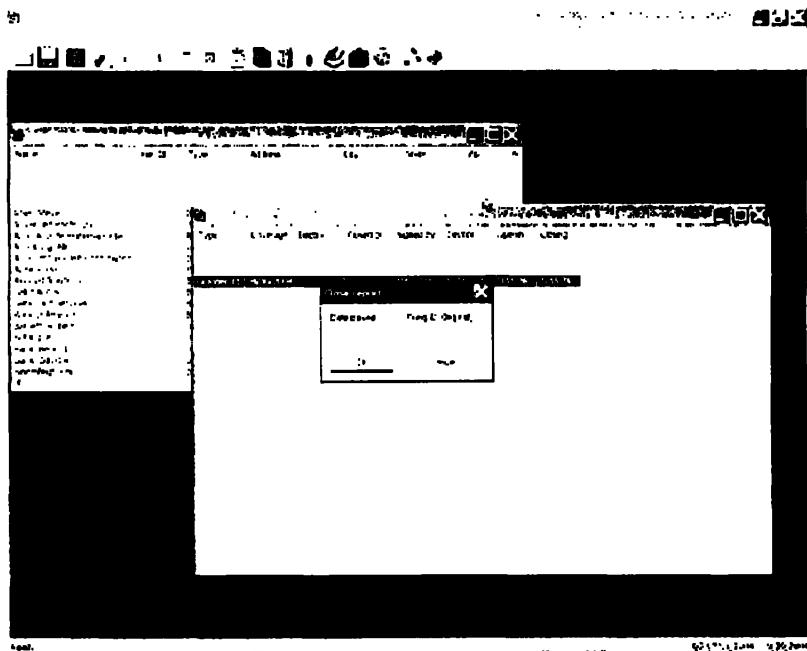
The user must have a modem and phone line connection for dial up, or a network connection to the Internet. (When no other option is available, filing on diskette or CD is an option). The report must pass validation.

Signing and Dating the Report

If the report is not properly signed and dated, the validator will note that the information is missing and generate Level 12 (serious level) errors, and uploading will not be possible. If the report is not ready to actually upload, but want to validate it, the user may want to leave the report date blank.



- ✓ To sign the report, double click on the report type in the Reports Window. This will open the report information window. The Treasurer must be selected in the 'Signed by' field. Date the report, select **Close Report** from the edit menu or right click on the report to close in the **Reports** window. This can only be done with the Reports View active.



BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Final Determination Recommendation –) AF 1818
Sun Political Action Committee)
(SUNPAC) and Stewart L. Appelrouth,)
as Treasurer (C00378216))

CERTIFICATION

I, Mary W. Dove, Secretary of the Federal Election Commission, do hereby certify that on June 03, 2009, the Commission decided by a vote of 6-0 to take the following actions in AF 1818:

1. Adopt the Reviewing Officer recommendation for AF 1818 involving the Sun Political Action Committee (SUNPAC) and Stewart L. Appelrouth, as Treasurer, in making the final determination.
2. Make a final determination in AF 1818 that the Sun Political Action Committee (SUNPAC) and Stewart L. Appelrouth, as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$1,875.
3. Send the appropriate letter.

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

Attest:

June 4, 2009
Date

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



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 16, 2009

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Stewart L. Appelrouth, as Treasurer
Sun Political Action Committee (SUNPAC)
999 Ponce de Leon Boulevard, Suite 625
Coral Gables, Florida 33134

C00378216
AF# 1818

Dear Mr. Appelrouth:

On September 19, 2008, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Sun Political Action Committee (SUNPAC) and you, as Treasurer, violated 2 U.S.C. § 434(a) for failing to timely 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 \$1,875 in accordance with the schedule of penalties at 11 C.F.R. § 111.43. On October 22, 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 make a final determination that Sun Political Action Committee (SUNPAC) and you, as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty in the amount of \$1,875 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 8, 2008.

On June 3, 2009, the Commission adopted the Reviewing Officer's recommendation and made a final determination that Sun Political Action Committee (SUNPAC) and you, as Treasurer, violated 2 U.S.C. § 434(a) and assessed a civil money penalty of \$1,875. 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.

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). Your 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 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

29092642186

ADMINISTRATIVE FINE PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 C.F.R. § 111.43, the civil money penalty is \$1,875 for the 2008 April Quarterly 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: Sun Political Action Committee (SUNPAC)

FEC ID#: C00378216

AF#: 1818

PAYMENT AMOUNT DUE: \$1,875

FOR: Sun Political Action Committee (SUNPAC)

FEC ID#: C00378216

AF#: 1818

PAYMENT AMOUNT DUE: \$1,875

8-12

3

QUALITY IS OUR PRIORITY FOR LOCKBOX 9058
SEQ# 001 \$ 0000187500 BA# 1 08-18-09 20 9



1185

06/12/2008

 Sun Political Action Committee A Multi-Candidate Committee 500 Ponce de Leon Boulevard Suite 625 Coral Gables, Florida 33134	CITY NATIONAL BANK OF FLORIDA 25 WEST FLAGLER STREET MIAMI, FLORIDA 33130 03-400000
PAY TO THE ORDER OF <u>Federal Election Commission</u>	
\$ 1,875.00	
One Thousand Eight Hundred Seventy-Five and 00/100	
DOLLARS <u>1875</u>	
Federal Election Commission	
MEMO: 	

29892642188

U.S. Bank Corp.



FEDERAL ELECTION COMMISSION
Washington DC 20463

29092642189

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 1818

DATE SCANNED 10/8/09

SCANNER NO. 2

SCAN OPERATOR EES