



FEDERAL ELECTION COMMISSION  
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 1857

DATE SCANNED 6/5/02

SCANNER NO. 2

SCAN OPERATOR JMP

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

September 18, 2008

MEMORANDUM

**SENSITIVE**

TO: THE COMMISSION

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

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

PATRICIA CARMONA *PC*  
ASSISTANT STAFF DIRECTOR  
REPORTS ANALYSIS DIVISION

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

SUBJECT: REASON TO BELIEVE RECOMMENDATION - 2008 JULY  
QUARTERLY REPORT FOR THE ADMINISTRATIVE FINE  
PROGRAM

2008 SEP 18 P 12:12  
 RECEIVED  
 COMPLIANCE  
 ST. BENEVOLENT

Attached is a list of political committees and their treasurers who failed to file the 2008 July Quarterly Report in accordance with 2 U.S.C. 434(a). The July Quarterly Report was due on July 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 JULY QUARTERLY No Election Sensitive 07/15/2008 H\_S\_P\_UNAUTH

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
1835	C00396028	AL GREEN FOR CONGRESS	GREEN, ALEXANDER	WILLIAM A. LAWSON	\$394,230	5	8/22/2008	Not Filed	\$127,201	\$10,125

1837	C00204388	B-COUNTY POLITICAL ACTION COMMITTEE (FKA SUFFOLK PAC)	IRA LAMEL	IRA LAMEL	\$210,570	3	7/24/2008	9	\$72,611	\$1,706
1838	C00434456	BOB HILL FOR CONGRESS	HILL, ROBERT ANTHONY	KATHLEEN KUKIELKA	\$322,400	0		Not Filed	\$107,467 (est)	\$4,500
1839	C00436030	BUCKEY FOR SENATE	BUCKEY, JAY CLARK	ALBERT MARK BELIVEAU	\$270,971	0		Not Filed	\$67,743 (est)	\$2,700
1840	C00445312	CAROLENE MAYS FOR CONGRESS	MAYS, CAROLENE	ANGIE KUHN	\$278,909	0	9/3/2008	Not Filed	\$91,134	\$3,500
1841	C00417972	CHASE FOR SENATE	CHASE, KEN	FRANCIS G. CHASE	\$133,295	0		Not Filed	\$33,324 (est)	\$900
1842	C00450007	CINDY FOR CONGRESS	SHEEHAN, CINDY	CHRISTY MILLER	\$414,640	0	8/21/2008	Not Filed	\$166,972	\$5,500
1843	C00444208	CITIZENS FOR RAY MCKINNEY	MCKINNEY, RAYMOND LOUIS	LISA DARLENE MCKINNEY	\$151,251	0		Not Filed	\$4,273 (est)	\$250
1844	C00408823	COMMITTEE TO RE-ELECT BOBBY JINDAL INC	JINDAL, BOBBY	WILLIAM C. POTTER	\$106,358	0		Not Filed	\$27,090 (est)	\$900
1845	C00147512	CONGRESSIONAL BLACK CAUCUS POLITICAL ACTION COMMITTEE (CBC-PAC)		ARTHUR COLLINS	\$442,307	3	8/6/2008	22	\$132,504	\$5,862

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AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
1846	C00256354	CYNTHIA MCKINNEY FOR CONGRESS	MCKINNEY, CYNTHIA A.	JOAN CHRISTIAN	\$118,664	0	8/29/2008	Not Filed	\$538	\$250
1848	C00433821	DEMMEER FOR CONGRESS	DEMMEER, RANDY LEE	DEBORAH J. TOWEY	\$479,005	0	7/28/2008	13	\$35,670	\$460

1850	C00427328	DERRICK SHEPHERD CAMPAIGN COMMITTEE	SHEPHERD, DERRICK	DERRICK SHEPHERD	\$346,510	1		Not Filed	\$87,128 (est)	\$4,375
1851	C00440172	DICK VERSACE FOR CONGRESS	VERSACE, RICHARD	THOMAS MASSIMINO	\$679,110	0		Not Filed	\$679,110 (est)	\$10,500
1852	C00362178	FAMILY-PAC FEDERAL		D. PAUL CAPRIO	\$103,147	0	7/24/2008	9	\$45,634	\$380
1853	C00431049	FINEGOLD COMMITTEE	FINEGOLD, BARRY	TRAVIS M. DROJIN	\$1,821,497	0		Not Filed	\$303,583 (est)	\$8,000
1854	C00250968	GROCERY MANUFACTURERS ASSOCIATION POLITICAL ACTION COMMITTEE ('GMA PAC')		MR. MICHAEL MCSHANE	\$489,596	0	7/21/2008	8	\$146,233	\$1,350
1855	C00394775	GROOM/LAW GROUP, CHARTERED POLITICAL ACTION COMMITTEE		BRIGEN L. WINTERS	\$114,785	0	7/22/2008	7	\$26,015	\$340
1856	C00432245	HONEYCUTT FOR CONGRESS	HONEYCUTT, DEBORAH TRAVIS	SCOTT B. MACKENZIE	\$5,110,389	0	8/12/2008	28	\$164,553	\$5,000
1857	C00084822	INTERNATIONAL ASSOCIATION OF HOLIDAY INNS		EVA FERGUSON	\$121,711	0	7/30/2008	15	\$37,250	\$500

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
1858	C00439513	JOHN ROUNSAVILLE FOR CONGRESS	ROUNSAVILLE, JOHN WALTER	JAMES LAFAYETTE PERRY JR	\$547,317	0		Not Filed	\$182,439 (est)	\$5,500
1859	C00438101	KEVIN BURNS FOR CONGRESS	BURNS, KEVIN	JOHN J BURNS	\$175,553	0	8/4/2008	20	\$8,754	\$150

1861	C00444844	KOPPLIN FOR CONGRESS	KOPPLIN, ANDREW DAVID	RALPH J. STEPHENS	\$637,113	0		Not Filed	\$318,557 (est)	\$8,000
1862	C00439877	LEE FOR CONGRESS 2008	LEE, JIMMY D.	GERALD BAUMAN	\$279,286	0	8/20/2008	Not Filed	\$1,884	\$250
1863	C00434670	NACHBAR FOR CONGRESS	NACHBAR, DAVID	NANCY NACHBAR	\$431,747	0		Not Filed	\$143,916 (est)	\$4,500
1864	C0045296	PUCKETT FOR CONGRESS	PUCKETT, LUKE WAYNE	ARTHUR LEE WILLIS II	\$331,257	0	7/21/2008	6	\$120,523	\$1,350
1865	C00433128	RICARDO MUNOZ FOR CONGRESS	MUNOZ, RICARDO	CARMEN FLORES-RANCE	\$690,313	0		Not Filed	\$172,578 (est)	\$5,500
1866	C00428185	ROBINSON FOR CONGRESS	ROBINSON, CHRISTOPHER R.	MR. TED A BROOKS	\$209,827	0		Not Filed	\$41,965 (est)	\$900

1869	C00443465	SEAN OKANE 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
1870	C00169490	SHEET METAL WORKERS INTERNATIONAL ASSOCIATION LOCAL 28 POLITICAL COMMITTEE		RICHARD L. KNICE	\$652,512	0	8/7/2008	23	\$112,014	\$3,475
1871	C00402669	SI INTERNATIONAL INC POLITICAL ACTION COMMITTEE		THOMAS E. DUNN	\$284,112	1	7/21/2008	6	\$43,853	\$400
1872	C00359695	SWANSON FOR U S SENATE COMMITTEE	SWANSON, JOHNNY III	JOHNNY SWANSON III	\$169,147	0		Not Filed	\$28,191 (est)	\$900
1873	C00253377	WYNN FOR CONGRESS	WYNN, ALBERT R.	MR. CURT CLIFTON	\$2,938,632	0		Not Filed	\$587,726 (est)	\$10,000

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
)  
Reason To Believe Recommendation - 2008 )  
July Quarterly Report for the Administrative )  
Fine Program: )  
HONEYCUTT FOR CONGRESS, and ) AF# 1856  
MACKENZIE, SCOTT B as treasurer; )  
SHEET METAL WORKERS ) AF# 1870  
INTERNATIONAL ASSOCIATION )  
LOCAL 28 POLITICAL COMMITTEE, )  
and KNICE, RICHARD L. as treasurer; )  
CONGRESSIONAL BLACK CAUCUS ) AF# 1845  
POLITICAL ACTION COMMITTEE )  
(CBC-PAC), and ARTHUR COLLINS as )  
treasurer; )  
KEVIN BURNS FOR CONGRESS, and ) AF# 1859  
JOHN J BURNS as treasurer; )  
INTERNATIONAL ASSOCIATION OF ) AF# 1857  
HOLIDAY INNS, and EVA FERGUSON )  
as treasurer; )  
DEMMEER FOR CONGRESS, and ) AF# 1848  
DEBORAH J TOWEY as treasurer; )

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BI-COUNTY POLITICAL ACTION ) AF# 1837  
COMMITTEE (FKA SUFFOLK PAC), and )  
IRA LAMEL as treasurer; )  
FAMILY-PAC FEDERAL, and D PAUL ) AF# 1852  
CAPRIO as treasurer: )

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GROOM LAW GROUP, CHARTERED ) AF# 1855  
POLITICAL ACTION COMMITTEE, and )  
BRIGEN L WINTERS as treasurer; )

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GROCERY MANUFACTURERS ) AF# 1854  
ASSOCIATION POLITICAL ACTION  
COMMITTEE ('GMA PAC'), and  
MCSHANE, MICHAEL MR. as treasurer;  
PUCKETT FOR CONGRESS, and ) AF# 1864  
ARTIUR LEE WILLIS II as treasurer; )  
SI INTERNATIONAL INC POLITICAL ) AF# 1871  
ACTION COMMITTEE, and THOMAS E )  
DUNN as treasurer; )  
AL GREEN FOR CONGRESS, and ) AF# 1835  
WILLIAM A LAWSON as treasurer; )

BOB HILL FOR CONGRESS, and ) AF# 1838  
KATHLEEN KUKIELKA as treasurer; )  
BUCKEY FOR SENATE, and ALBERT ) AF# 1839  
MARK BELIVEAU as treasurer; )  
CAROLENE MAYS FOR CONGRESS, ) AF# 1840  
and ANGIE KUHN as treasurer; )  
CHASE FOR SENATE, and FRANCIS G ) AF# 1841  
CHASE as treasurer; )  
CINDY FOR CONGRESS, and CHRISTY ) AF# 1842  
MILLER as treasurer; )  
CITIZENS FOR RAY MCKINNEY, and ) AF# 1843  
LISA DARLENE MCKINNEY as )  
treasurer; )  
COMMITTEE TO RE-ELECT BOBBY ) AF# 1844  
JINDAL, and WILLIAM C POTTER as )  
treasurer; )  
CYNTHIA MCKINNEY FOR ) AF# 1846  
CONGRESS, and CHRISTIAN, JOAN as )  
treasurer; )  
DERRICK SHEPHERD CAMPAIGN ) AF# 1850  
COMMITTEE, and SHEPHERD, )  
DERRICK as treasurer; )  
DICK VERSACE FOR CONGRESS, and ) AF# 1851  
THOMAS MASSIMINO as treasurer; )  
FINEGOLD COMMITTEE, and TRAVIS ) AF# 1853  
M DROUIN as treasurer; )  
JOHN ROUNSAVILLE FOR CONGRESS, ) AF# 1858  
and JAMES LAFAYETTE PERRY JR as )  
treasurer; )

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KOPPLIN FOR CONGRESS, and RALPH J STEPHENS as treasurer;	)	AF# 1861
LEE FOR CONGRESS 2008, and GERALD BAUMAN as treasurer;	)	AF# 1862
NACHBAR FOR CONGRESS, and NANCY NACHBAR as treasurer;	)	AF# 1863
RICARDO MUNOZ FOR CONGRESS, and CARMEN FLORES-RANCE as treasurer;	)	AF# 1865
ROBINSON FOR CONGRESS, and BROOKS, TED A MR. as treasurer;	)	AF# 1866
SEAN O'KANE FOR US CONGRESS COMMITTEE, and WILLIAM J SAMMON as treasurer;	)	AF# 1869
SWANSON FOR U S SENATE COMMITTEE, and SWANSON, JOHNNY III as treasurer;	)	AF# 1872
WYNN FOR CONGRESS, and MR CURT CLIFTON as treasurer;	)	AF# 1873

AMENDED CERTIFICATION

I, Mary W. Dove, Secretary of the Federal Election Commission, do hereby certify that on September 19, 2008 the Commission took the following actions on the Reason To Believe Recommendation - 2008 July 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#1856 Decided by a vote of 6-0 to: (1) find reason to believe that HONEYCUTT FOR CONGRESS, and MACKENZIE, SCOTT B 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#1870 Decided by a vote of 6-0 to: (1) find reason to believe that SHEET METAL WORKERS INTERNATIONAL ASSOCIATION LOCAL 28 POLITICAL COMMITTEE, and KNICE, RICHARD L. 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#1845 Decided by a vote of 6-0 to: (1) find reason to believe that CONGRESSIONAL BLACK CAUCUS POLITICAL ACTION COMMITTEE (CBC-PAC), and ARTHUR COLLINS 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#1859 Decided by a vote of 6-0 to: (1) find reason to believe that KEVIN BURNS FOR CONGRESS, and JOHN J BURNS 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#1857 Decided by a vote of 6-0 to: (1) find reason to believe that INTERNATIONAL ASSOCIATION OF HOLIDAY INNS, and EVA FERGUSON 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#1848 Decided by a vote of 6-0 to: (1) find reason to believe that DEMMER FOR CONGRESS, and DEBORAH J TOWEY 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#1837 Decided by a vote of 6-0 to: (1) find reason to believe that BI-COUNTY POLITICAL ACTION COMMITTEE (FKA SUFFOLK PAC), and IRA LAMEL 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#1852 Decided by a vote of 6-0 to: (1) find reason to believe that FAMILY-PAC FEDERAL, and D PAUL CAPRIO as treasurer violated 2 U.S.C. 434(a) and make a

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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#1855 Decided by a vote of 6-0 to: (1) find reason to believe that GROOM LAW GROUP, CHARTERED POLITICAL ACTION COMMITTEE, and BRIGEN L WINTERS 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#1854 Decided by a vote of 6-0 to: (1) find reason to believe that GROCERY MANUFACTURERS ASSOCIATION POLITICAL ACTION COMMITTEE ('GMA PAC'), and MCSHANE, MICHAEL 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#1864 Decided by a vote of 6-0 to: (1) find reason to believe that PUCKETT FOR CONGRESS, and ARTHUR LEE WILLIS II 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#1871 Decided by a vote of 6-0 to: (1) find reason to believe that SI INTERNATIONAL INC POLITICAL ACTION COMMITTEE, and THOMAS E DUNN 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#1835 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.

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AF#1838 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#1839 Decided by a vote of 6-0 to: (1) find reason to believe that BUCKEY FOR SENATE, and ALBERT MARK BELIVEAU 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#1840 Decided by a vote of 6-0 to: (1) find reason to believe that CAROLINE MAYS FOR CONGRESS, and ANGIE KUHN 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#1841 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#1842 Decided by a vote of 6-0 to: (1) find reason to believe that CINDY FOR CONGRESS, and CHRISTY MILLER 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#1843 Decided by a vote of 6-0 to: (1) find reason to believe that CITIZENS FOR RAY MCKINNEY, and LISA DARLENE MCKINNEY 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#1844 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#1846 Decided by a vote of 6-0 to: (1) find reason to believe that CYNTHIA MCKINNEY FOR CONGRESS, and CHRISTIAN, JOAN 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#1850 Decided by a vote of 6-0 to: (1) find reason to believe that DERRICK SHEPHERD CAMPAIGN COMMITTEE, and SHEPHERD, DERRICK 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#1851 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#1853 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.

AF#1858 Decided by a vote of 6-0 to: (1) find reason to believe that JOHN ROUNSAVILLE FOR CONGRESS, and JAMES LAFAYETTE PERRY 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.

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AF#1861 Decided by a vote of 6-0 to: (1) find reason to believe that KOPPLIN FOR CONGRESS, and RALPH J STEPHENS 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#1862 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#1863 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#1865 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.

AF#1866 Decided by a vote of 6-0 to: (1) find reason to believe that ROBINSON FOR CONGRESS, and BROOKS, TED A 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#1869 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.

AF#1872 Decided by a vote of 6-0 to: (1) find reason to believe that SWANSON FOR U S SENATE COMMITTEE, and SWANSON, JOHNNY III as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners

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

AF#1873 Decided by a vote of 6-0 to: (1) find reason to believe that WYNN FOR CONGRESS, and MR CURT CLIFTON as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

Attest:

October 27, 2008  
Date

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

29092624801



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#: 1851

Dear Thomas Massimino:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file a July Quarterly Report of Receipts and Disbursements every calendar year. This report, covering the period through June 30<sup>th</sup>, 2008, shall be filed no later than July 15<sup>th</sup>, 2008. 2 U.S.C. 434(a). Records at the Federal Election Commission ("FEC") indicate that this report was not filed within thirty (30) days of the due date. You should file this report if you have not already done so.

The Act was further amended in 1999 to permit the FEC to impose civil money penalties for violations of the reporting requirements of 2 U.S.C. 434(a). 2 U.S.C. 437g(a)(4). On 9/19/2008, the FEC found that there is reason to believe ("RTB") that 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 July 15<sup>th</sup>, 2008. Based on the FEC's schedules of civil money penalties at 11 C.F.R. 111.43, the amount of your civil money penalty calculated at the RTB stage is \$10,500. It is due by 10/29/2008 and is based on these factors:

Election Sensitivity of Report: Not Election Sensitive  
Level of Activity: \$679,110  
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

29092624802

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](http://www.FEC.gov). If you have questions regarding the payment of the calculated civil money penalty, please contact Rhiannon Magruder in the

29092624803

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

Sincerely,

A handwritten signature in black ink, appearing to read 'DFM II', with a stylized flourish at the end.

Donald F. McGahn II  
Chairman

29092624804

-----  
**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 \$10,500 for the 2008 July 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: Dick Versace for Congress

FEC ID#: C00440172

AF#: 1851

PAYMENT DUE DATE: 10/29/2008

PAYMENT AMOUNT DUE: \$10,500

29092624805

2008 OCT 28 P 3: 10

October 27, 2008

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

Re: AF# 1851 – Dick Versace for Congress – C00440172

Dear Sirs:

After reviewing your notification of failure to file the June 30, 2008 quarterly report for the Dick Versace for Congress campaign, I immediately filed on October 15, 2008.

After reviewing my report with Rhiannon Magruder at your office, she re-calculated the penalty as \$0 as there was no activity for this quarter.

Please take this letter as my appeal of AF #1851 and no penalty should be assessed.

In addition, please remit any future correspondence to:

Thomas Massimino

Lake Barrington, IL 60010

Thank you for your consideration in this matter.

Very truly yours,



Thomas S. Massimino

29092624806



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

Via First Class Mail

October 29, 2008

Thomas Massimino, as Treasurer  
Dick Versace for Congress

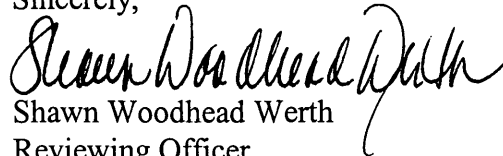
Lake Barrington, IL 60010

C00440172  
AF# 1851

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,

  
Shawn Woodhead Werth  
Reviewing Officer  
Office of Administrative Review

29092624807

2008 OCT 30 P 4: 30

**Date:** October 30, 2008

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

**AF#:** 1851

**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 October 27, 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 August 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

29092624808

## 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 August 1, 2008, referencing the 2008 July Quarterly Report;
    - B) Reason-to-Believe Letter, dated September 22, 2008, referencing the 2008 July 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 July 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



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

August 1, 2008

RQ-7

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

IDENTIFICATION NUMBER: C00440172

REFERENCE: JULY QUARTERLY REPORT 4/1/2008 - 6/30/2008

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 SARI PICKERALL 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)

2803980468992624810



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 *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: AF# 1851 – 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

29092624811



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

December 24, 2008

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

AF# 1851 – 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 failing to file the 2008 July Quarterly Report and made a preliminary determination that the civil money penalty was \$10,500 based on the schedule of penalties at 11 C.F.R. § 111.43. They were notified by the Reports Analysis Division ("RAD") on September 22, 2008 of the Commission's RTB finding and civil money penalty. 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 re-calculate the penalty, as there was no activity disclosed on the report. Based on this level of activity, the Treasurer believes the civil money penalty to be \$0.

**Analysis**

The 2008 July 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 June 30 no later than July 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 July 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).

At the time of the RTB finding, the Commission estimated the level of activity to be \$679,110 because no report was received. 11 C.F.R. § 111.43(a)(2)(ii) and (e). The July Quarterly Report, filed on October 15, 2008, discloses \$0 in receipts and \$0 in disbursements, resulting in a level of activity of \$0. Since the schedule of penalties at 11 C.F.R. § 111.43(a)(2)(iii) only provides for civil money penalties if the level of activity is \$1.00 or more, no civil money penalty should be assessed in this case.

29092624812

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 \$0 (reduced from the RTB civil money penalty of \$10,500).

**OAR Recommendations**

- (1) Adopt the Reviewing Office recommendation in AF# 1851 involving Dick Versace for Congress and Thomas Massimino, as Treasurer, in making the final determination;
- (2) Make a final determination in AF# 1851 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 July Quarterly Report (\$0), assess a civil money penalty of \$0 (reduced from the RTB civil money penalty of \$10,500); 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

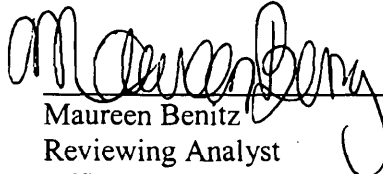
Attachment 3 – Declaration from OAR

Returned

29092624813

**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 July Quarterly Report is due July 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 July 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 Page 1 of the Summary Page and Page 4 of the Detailed Summary Page for the 2008 July 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 April 1 through June 30, 2008. Lines 24 and 26 list \$0.00 in total receipts and \$0.00 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 24<sup>th</sup> of December, 2008.

  
\_\_\_\_\_  
Maureen Benitz  
Reviewing Analyst  
Office of Administrative Review  
Federal Election Commission

29092624814

**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

X

NEW (N)

OR

AMENDED (A)

IL

18

4. TYPE OF REPORT (Choose One)

(a) Quarterly Reports:

April 15 Quarterly Report (Q1)

X 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 04 01 2008 through 06 30 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)

29092624815

**DETAILED SUMMARY PAGE**  
of Disbursements

**II. DISBURSEMENTS**

**COLUMN A**  
Total This Period

**COLUMN B**  
Election Cycle-to-Date

17. OPERATING EXPENDITURES.....	0.00	39272.38
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.....	0.00	60963.14
(c) TOTAL LOAN REPAYMENTS (add Lines 19(a) and (b)).....	0.00	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) ▶	0.00	199775.52

**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).....	0.00
27. CASH ON HAND AT CLOSE OF REPORTING PERIOD (subtract Line 26 from Line 25).....	0.00

29092624816



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# 1851

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 July Quarterly Report. The Commission also made a preliminary determination that the civil money penalty was \$10,500 based on the schedule of penalties at 11 C.F.R. § 111.43.

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

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "Maureen Benitz".

Maureen Benitz  
Reviewing Analyst  
Office of Administrative Review

Attachment

29092624817



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

FEDERAL ELECTION  
COMMISSION  
SECRETARIAT

2009 FEB 24 P 2: 58

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 *SW*  
Reviewing Officer  
Office of Administrative Review

By: Maureen Benitz *MB*  
Reviewing Analyst

Subject: Final Determination Recommendation in AF# 1851 – 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 July 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 \$10,500 based on the schedule of penalties at 11 C.F.R. § 111.43.

On October 15, 2008, the respondents filed the July Quarterly Report which discloses \$0 in total receipts and \$0 in total disbursements. Since the report discloses that the Committee had no activity during the July Quarterly reporting period and the schedule of penalties at 11 C.F.R. § 111.43(a)(i) only provides for civil money penalties if the level of activity is \$1.00 or more, no civil money penalty would have been assessed had the report been filed prior to the RTB finding.

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

29092624818

2 U.S.C. § 434(a) and assess a \$0 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, 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 agree with the Recommendation that no fine is due.

#### **OAR Recommendations**

- (1) Adopt the Reviewing Office recommendation in AF# 1851 involving Dick Versace for Congress and Thomas Massimino, as Treasurer, in making the final determination;
- (2) Make a final determination in AF# 1851 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 July Quarterly Report (\$0), assess a civil money penalty of \$0 (reduced from the RTB civil money penalty of \$10,500); and
- (3) Send the appropriate letter.

Attachment

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
Final Determination Recommendation: ) AF 1851  
Dick Versace for Congress and Thomas )  
Massimino, as treasurer )

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 1851:

1. Adopt the Reviewing Officer recommendation for AF 1851 involving Dick Versace for Congress and Thomas Massimino, as Treasurer, in making the final determination.
2. Make a final determination in AF 1851 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 July Quarterly Report (\$0), assess a civil money penalty of \$0 (reduced from the RTB civil money penalty of \$10,500).
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

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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# 1851

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 July 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 \$10,500 in accordance with the schedule of penalties at 11 C.F.R. § 111.43. On October 28, 2008, the Office of Administrative Review received the written response from you, as Treasurer, challenging the RTB civil money penalty.

The Reviewing Officer reviewed the Commission's RTB finding with its supporting documentation and the written response. Based on this review, the Reviewing Officer recommended that the Commission 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 July Quarterly Report filed October 15, 2008 (\$0), assess a civil money penalty in the amount of \$0 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.

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 July Quarterly Report (\$0), assessed a civil money penalty of \$0 (reduced from the RTB civil money penalty of \$10,500). 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.

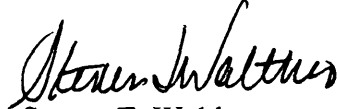
The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. The file will be made a part of the public record pursuant to 11 C.F.R. § 111.42(b). Although the file must be placed on the public record within 30 days

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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

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FEDERAL ELECTION COMMISSION  
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 1857

DATE SCANNED 6/5/07

SCANNER NO. 2

SCAN OPERATOR JmH

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