



FEDERAL ELECTION COMMISSION  
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 1861

DATE SCANNED 1-23-09

SCANNER NO. 1

SCAN OPERATOR JmH

29092622397



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/ RHIANNON MAGRUDER/CHRIS RITCHIE *RM*  
COMPLIANCE BRANCH

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

2008 SEP 18 P 12:15  
RECEIVED  
COMPLIANCE  
DIVISION

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 Not 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
1839	C00436030	BUCKEY FOR SENATE	BUCKEY, JAY CLARK	ALBERT MARK BELIVEAU	\$270,971	0		Not Filed	\$67,743 (est)	\$2,700

29092622400

9/16/2008 9:58 AM

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
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1861	C00444844	KOPPLIN FOR CONGRESS	KOPPLIN, ANDREW DAVID	RALPH J. STEPHENS	\$637,113	0		Not Filed	\$318,557 (est)	\$8,000
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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
Reason To Believe Recommendation - 2008 )  
July Quarterly Report for the Administrative )  
Fine Program: )

29092622401

Federal Election Commission  
Certification for Administrative Fines  
September 19, 2008

Page 2

BUCKEY FOR SENATE, and ALBERT ) AF# 1839  
MARK BELIVEAU as treasurer; )

29092622402

KOPPLIN FOR CONGRESS, and RALPH ) AF# 1861  
J STEPHENS as treasurer; )

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:

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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.

29092622404

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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 Weutraub voted affirmatively for the decision.

29092622405



Attest:

October 27, 2008  
Date

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

29092622406



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

September 22, 2008

Ralph J. Stephens  
Kopplin for Congress  
735 North 8th Street P.O. Box 5092  
Baton Rouge, LA 70802

C00444844  
AF#: 1861

Dear Ralph J. Stephens:

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 Kopplin 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 \$8,000. It is due by 10/29/2008 and is based on these factors:

Election Sensitivity of Report: Not Election Sensitive  
Level of Activity: \$318,557  
Number of Days Late: Not Filed  
Number of Previous Civil Money Penalties Assessed: 0

**To Pay the Calculated Civil Money Penalty**

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

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

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

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

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

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

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

If you do not pay the calculated civil money penalty or submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that Kopplin 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

29092622408

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

29092622409

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**ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS**

In accordance with the schedule of penalties at 11 C.F.R. 111.43, the amount of your civil money penalty calculated at RTB is \$8,000 for the 2008 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**  
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FOR: Kopplin for Congress

FEC ID#: C00444844

AF#: 1861

PAYMENT DUE DATE: 10/29/2008

PAYMENT AMOUNT DUE: \$8,000

29092622410



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

2008 NOV 19 12 2:43

November 19, 2008

MEMORANDUM

**SENSITIVE**

TO: THE COMMISSION

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

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

PATRICIA CARMONA *PC*  
ASSISTANT STAFF DIRECTOR  
REPORTS ANALYSIS DIVISION

BY: <sup>*NMS*</sup> NATALIYA IOFFE/RHIANNON MAGRUDER *RM*  
COMPLIANCE BRANCH

SUBJECT: ADMINISTRATIVE FINE PROGRAM -  
FINAL DETERMINATION RECOMMENDATION FOR THE  
2008 JULY QUARTERLY REPORT

Attached are two lists of political committees and their treasurers against which the Commission has found reason to believe (RTB) and assessed proposed civil money penalties calculated at RTB for failure to file or failure to timely file the 2008 July Quarterly Report. The first list represents the committees that have paid the civil money penalty and the second list represents those committees that have not paid the civil money penalty. The committees that have not paid have been given at least forty (40) days from the date of the Commission's RTB finding to remit payment.

In accordance with 11 CFR 111.34 and 11 CFR 111.40, the Commission shall send a final determination notice to those respondents that have either paid or not paid the civil money penalty.

For your information, \_\_\_\_\_ committees disclosed a level of activity after the RTB finding which would result in a lowered civil money penalty. Of these, \_\_\_\_\_ committees will be assessed a civil money penalty at Final Determination (FD) that has been reduced since the RTB finding, and \_\_\_\_\_ committees will be assessed a civil money penalty of \$0 at FD. An overview of each of these cases has been provided below.

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Buckey for Senate (AF 1839) filed a report to cover the 2008 July Quarterly coverage dates after the RTB finding and disclosed a level of activity which would result in a lowered civil money penalty. The committee disclosed total receipts and disbursements of \$2,649 (previously estimated to be \$67,743), thus the fine would be lowered from \$2,700 to \$250.

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Kopplin for Congress (AF 1861) filed the 2008 July Quarterly Report after the RTB finding and disclosed a level of activity which would result in a lowered civil money penalty. The committee disclosed total receipts and disbursements of \$16,383 (previously estimated to be \$318,557), thus the fine would be lowered from \$8,000 to \$500.

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**RAD Recommendation**

- (1) Make final determination that the political committees and their treasurers on the attached reports violated 2 U.S.C. 434(a) and assess the final civil money penalties so indicated.
- (2) Send the appropriate letters.

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11/19/2008 11:37 AM

Federal Election Commission  
 FD Circulation Report - Fine Not Paid  
 2008 JULY QUARTERLY Not Election Sensitive 07/15/2008 H\_S\_P\_UNAUTH

AF#	Committee Name	Candidate Name	Committee ID	Treasurer	Receipt Date	Days Late	LOA	PV	RTB Date	RTB Penalty	Days Since RTB	FD Penalty
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1839	BUCKEY FOR SENATE	BUCKEY, JAY CLARK	C00436030	ALBERT MARK BELIVEAU	09/25/2008	Not Filed	\$2,649	0	09/19/2008	\$2,700	61	\$250
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1861	KOPPLIN FOR CONGRESS	KOPPLIN, ANDREW DAVID	C00444844	RALPH J. STEPHENS	10/30/2008	Not Filed	\$16,363	0	09/19/2008	\$8,000	61	\$500
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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
Administrative Fines Final Determination )  
Recommendation for the July Quarterly )  
Report: )

29092622415

Federal Election Commission  
Certification for Administrative Fines  
November 20, 2008

BUCKEY FOR SENATE, and ALBERT ) AF# 1839  
MARK BELIVEAU as treasurer; )

KOPPLIN FOR CONGRESS, and RALPH ) AF# 1861  
J STEPHENS as treasurer: )

29092622416

CERTIFICATION

I, Mary W. Dove, Secretary of the Federal Election Commission, do hereby certify that on November 20, 2008 the Commission took the following actions on the Administrative Fines Final Determination Recommendation for the July Quarterly Report as recommended in the Reports Analysis Division's Memorandum dated November 19, 2008, on the following committees:

29092622417

AF#1839 Decided by a vote of 6-0 to: (1) make a final determination that BUCKEY FOR SENATE, and ALBERT MARK BELIVEAU as treasurer , violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Pctersen, Walther, and Weintrauh voted affirmatively for the decision.

29092622418

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AF#1861 Decided by a vote of 6-0 to: (1) make a final determination that KOPPLIN FOR CONGRESS, and RALPH J STEPHENS as treasurer , violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

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Attest:

November 20, 2008  
Date

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



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

November 24, 2008

Ralph J. Stephens, Treasurer  
Kopplin for Congress  
735 North 8th Street  
P.O. Box 5092  
Baton Rouge, LA 70802

C00444844  
AF#: 1861

Dear Ralph J. Stephens,

On 9/19/2008, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Kopplin for Congress and you, as treasurer, violated 2 U.S.C. 434(a) for filing late or failing to file the 2008 July Quarterly Report. By letter dated 9/22/2008, the Commission sent you notification of the RTB finding that included a civil money penalty calculated at the RTB stage of \$8000 in accordance with the schedule of penalties at 11 C.F.R. 111.43. Within 40 days of the FEC's RTB finding, you were required to either transmit payment of the calculated civil money penalty or submit a written response challenging either the RTB finding or the calculated civil money penalty. The amount of the civil money penalty has been changed to reflect the actual level of activity of your 2008 July Quarterly.

The FEC did not receive payment of the calculated civil money penalty or your written response within the time permitted. The FEC made a final determination on 11/20/2008 that you, as treasurer, and Kopplin for Congress violated 2 U.S.C. 434(a) and assessed a civil money penalty in the amount of \$500 in accordance with 11 C.F.R. 111.43. The civil money penalty is based on these factors:

Election Sensitivity of Report: Not Election Sensitive  
Level of Activity: \$16,383  
Number of Days Late: Not Filed  
Number of Previous Civil Money Penalties Assessed: 0

**To Pay the Civil Money Penalty**

To pay the civil money penalty, send the enclosed form and your 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

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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 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 you 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 respondent's 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 thirty (30) days from the date of the Commission's notification, this could occur at anytime following certification of the Commission's vote.

If you have any questions regarding the payment of the civil money penalty, please contact Rhiannon Magruder at Federal Election Commission, 999 E St., NW, Washington, DC 20463, or our toll free number (800) 424-9530 (at the prompt, press 5) or (202) 694-1130.

Sincerely,



Donald F. McGahn II  
Chairman

29092622422

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**ADMINISTRATIVE FINE PAYMENT INSTRUCTIONS**

In accordance with the schedule of penalties at 11 C.F.R. 111.43, the civil money penalty is \$500 for the 2008 July 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**

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FOR: Kopplin for Congress

FEC ID#: C00444844

AF#: 1861

PAYMENT AMOUNT DUE: \$500

29092622423

FOR: Kopplin for Congress

FEC ID#: C00444844

AF#: 1861

12-9

PAYMENT AMOUNT DUE: \$500

Q2N

QUALITY IS OUR PRIORITY FOR LOCKBOX 9058  
SEQ# 001 \$ 000050000 BA# 1 12-17-08 20 4



29092622424



ANDREA D. NEIGHBOURS  
ANDREW D. KOPPLIN

5178

9 December 2008  
Date

Pay To The Order Of Federal Election Commission \$500.00

Five hundred and 00/100 Dollars

La Capitol FEDERAL CREDIT UNION  
800-522-2748  
225-342-5055  
www.lacapfco.org

For C00444844

AS/N



FEDERAL ELECTION COMMISSION  
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 1861

DATE SCANNED 1-23-09

SCANNER NO. 1

SCAN OPERATOR Jmw

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