



FEDERAL ELECTION COMMISSION  
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 1876

DATE SCANNED 8-17-09

SCANNER NO. 2

SCAN OPERATOR JmH

29092641287



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

FEDERAL ELECTION  
COMMISSION  
SECRETARIAT

2008 SEP 25 A 11: 12

September 25, 2008

MEMORANDUM

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

SUBJECT: REASON TO BELIEVE RECOMMENDATION – 2008 12 DAY  
PRE-PRIMARY REPORT (TENNESSEE) FOR THE  
ADMINISTRATIVE FINE PROGRAM

Attached is the name of a political committee and its treasurer who failed to file the 2008 12 Day Pre-Primary Report for the Tennessee Primary Election in accordance with 2 U.S.C. 434(a). The 12 Day Pre-Primary Report was due on July 26, 2008, and the Primary Election was held on August 7, 2008.

The committee listed on the attached RTB Circulation Report failed to file the election sensitive report. In accordance with the schedule of civil money penalties for reports at 11 CFR 111.43, the committee should be assessed the civil money penalty highlighted on the attached circulation report.

**Recommendation**

1. Find reason to believe that the political committee and its treasurer listed on the RTB Circulation Report violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the RTB Circulation Report.
2. Send the appropriate letter.

29092641268

Federal Election Commission  
Reason to Believe Circulation Report  
2008 PRE-PRIMARY Election Sensitive 07/26/2008 AUTH

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
1876	C00450858	KENNETH EATON FOR US SENATE 2008	EATON, KENNETH	TONI EATON	\$279,984	0		Not Filed	\$279,984 (est)	\$9,000

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
)  
Reason To Believe Recommendation - ) AF 1876  
2008 12 Day Pre-Primary Report (TN) )  
for the Administrative Fine Program: )  
Kenneth Eaton for US Senate 2008 and )  
Toni Eaton, as treasurer )

CERTIFICATION

I, Mary W. Dove, Secretary of the Federal Election Commission, do hereby certify that on September 26, 2008, the Commission decided by a vote of 6-0 to take the following actions in AF 1876:

1. Find reason to believe that Kenneth Eaton for US Senate 2008 and Toni Eaton, as treasurer, violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be in the amount of \$9,000.
2. Send the appropriate letter.

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

Attest:

September 26, 2008  
Date

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

29092641290



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

September 30, 2008

Toni Eaton  
Kenneth Eaton for US Senate 2008  
200 Church St., Suite 301  
Nashville, TN 37201

C00450858  
AF#: 1876

Dear Toni Eaton:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file a 12 Day Pre-Primary Report of Receipts and Disbursements in a calendar year during which there is a regularly scheduled election for which the candidate is seeking election, or nomination for election. This report, covering the period through July 18, 2008, shall be filed no later than July 26, 2008. 2 U.S.C. 434(a). Records at the Federal Election Commission ("FEC") indicate that this report was not filed prior to four (4) days before the Primary Election held on August 7, 2008. You should file the 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 9/26/2008, the FEC found that there is reason to believe ("RTB") that Kenneth Eaton for US Senate 2008 and you, as treasurer, violated 2 U.S.C. 434(a) by failing to file timely this report on or before July 26, 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 \$9,000. It is due by 11/5/2008 and is based on these factors:

Election Sensitivity of Report: Election Sensitive  
Level of Activity: \$279,984  
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 11/5/2008. 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

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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 Kenneth Eaton for US Senate 2008 and you, as treasurer, violated 2 U.S.C. 434(a) and assess a civil money penalty.

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

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

Additional information on the FEC's administrative fine program, including the final regulations, is located at the FEC's website at [www.FEC.gov](http://www.FEC.gov). If you have questions regarding

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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,

A handwritten signature in black ink, appearing to read "DFM II", with a circular stamp or mark to the right.

Donald F. McGahn II  
Chairman

29092641293

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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 \$9,000 for the 2008 12 Day Pre-Primary 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 11/5/2008. 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: Kenneth Eaton for US Senate 2008

FEC ID#: C00450858

AF#: 1876

PAYMENT DUE DATE: 11/5/2008

PAYMENT AMOUNT DUE: \$9,000

29092641294



RECEIVED  
FEC MAIL CENTER

2008 OCT 20 AM 9:11

SECRETARY OF THE SENATE  
08 OCT 21 PM 2:52

10/05/2008

Federal Election Commission  
Coo450858  
AF# 1876

Re: Challenge to Civil Money Penalty

Attached is a copy of the email I received Sept 21<sup>st</sup> showing due date 10/15/2008  
Where I am not saying you are wrong, I'm saying it seems to be confusing to me  
Since this is my first report your letter with the fine shows a date then this email  
Contradicts what its say. I hope you have what you need

Kenneth Eaton

29092641295

2008 NOV 10 A 11:50

FEC OFFICE OF  
ADMIN REVIEW

**Kenneth Eaton**

**From:** FEC Information [info@fec.gov]  
**Sent:** Monday, September 22, 2008 8:14 AM  
**To:** KENNETH@KENNETHEATON.COM  
**Subject:** October Quarterly Prior Notice for Authorized Committees



Federal Election Commission  
 www.fec.gov / 800-424-9530 / info@fec.gov

The Federal Election Commission is pleased to provide, as a courtesy, this e-mail reminder of your upcoming October Quarterly Report. Should you have any questions concerning your reporting obligations or the contents of your report, please call the FEC at 800-424-9530.

## OCTOBER QUARTERLY REPORT NOTICE

FEDERAL ELECTION COMMISSION

September 22, 2008

CONGRESSIONAL COMMITTEES

### CURRENT REPORT DUE

#### REPORTING DATES

REPORT	REPORTING PERIOD <sup>1</sup>	REG./CERT. & OVERNIGHT MAILING DEADLINE	FILING DEADLINE
October Quarterly	07/01/08 - 09/30/08	10/15/08	10/15/08

PRE- AND POST-ELECTION REPORTS



SECRETARY OF THE SENATE  
OCT 21 PM 2:52

10/05/2008

Federal Election Commission  
Coo450858  
AF# 1876

Re: Challenge to Civil Money Penalty

Attached you will find an amended return ending June 30<sup>th</sup> second quarter  
(Loan note)

As to the 7/01/08 to 7/18/08

It was my understanding this would be the third Quarter report and not due until  
Oct 15<sup>th</sup> 08

We had no knowledge until we received the attached letter stating we owed a  
\$9,000. Fine.

I thought all reports that were due were filed. I receive emails from the FCC stating  
when the Quarterly Statement was due, and to close out my account because I did  
not win the primary.

I have received nothing stating a July 1<sup>st</sup> To July 18<sup>th</sup> statement due except the  
letter with the fine on it. The news media always contacted me when they new a  
report was due, they wanted a copy sent to them at the same time, I did not  
hear from any news media asking for this report or any federal agency And looked  
on the web site and still do not see it.

I hope you take in consideration this campaign was a family ran campaign  
And total collections were \$1050. for the entire campaign.

We do regret the July report was not filed on time and assure you if we had  
known it was due, it would have been filed on time.

I ask that you suspend the fine related to this matter.

Thank you for your Consideration,

Kenneth Eaton

29092641297

4812

FEC FORM 3

REPORT OF RECEIPTS AND DISBURSEMENTS

For An Authorized Committee

SECRETARY OF THE SENATE

06 OCT 2008

RECEIVED FEC MAIL CENTER

2008 OCT 20 AM 9:11

PM 2:52

Office Use Only

1. NAME OF COMMITTEE (in full)

TYPE OR PRINT

Example: If typing, type over the lines.

12FE4M5

Kenneth Eaton for US Senate

ADDRESS (number and street)

200 Church St 301



Check if different than previously reported. (ACC)

Nashville

TN

37203

2. FEC IDENTIFICATION NUMBER

CITY

STATE

ZIP CODE

STATE DISTRICT

000450858

3. IS THIS REPORT

NEW (N)

OR

AMENDED (A)

4. TYPE OF REPORT (Choose One)

(a) Quarterly Reports:

April 15 Quarterly Report (Q1)

July 15 Quarterly Report (Q2)

October 15 Quarterly Report (Q3)

January 31 Year-End Report (YE)

Termination Report (TER)

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

Primary (12P)

General (12G)

Runoff (12R)

Convention (12C)

Special (12S)

Election on 08/07/2008

in the State of TN

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

General (30G)

Runoff (30R)

Special (30S)

Election on

in the State of

5. Covering Period

07/01/2008

through

07/18/2008

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

Kenneth Eaton

Signature of Treasurer

[Signature]

Date

10/01/2008

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

Table with 10 columns and 1 row for Office Use Only

FEC FORM 3 (Revised 02/2003)

29092641298

28-02-066-2052

28020662052

**DETAILED SUMMARY PAGE  
of Receipts**

FEC Form 3 (Revised 12/2003)

Page 3

Write or Type Committee Name

*Kenneth Eder for US Senate*

Report Covering the Period: From:

*07' 01' 2008*

To:

*07' 18' 2008*

**I. RECEIPTS**

**COLUMN A  
Total This Period**

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

**11. CONTRIBUTIONS (other than loans) FROM:**

- (a) Individuals/Persons Other Than Political Committees
  - (i) Itemized (use Schedule A).....
  - (ii) Unitemized.....
  - (iii) TOTAL of contributions from Individuals ▶
- (b) Political Party Committees.....
- (c) Other Political Committees (such as PACs).....
- (d) The Candidate.....
- (e) TOTAL CONTRIBUTIONS (other than loans) (add Lines 11(a)(iii), (b), (c), and (d))..

<i>10000</i>
<i>10000</i>
<i>10000</i>


**12. TRANSFERS FROM OTHER AUTHORIZED COMMITTEES .....**

--

--

**13. LOANS:**

- (a) Made or Guaranteed by the Candidate.....
- (b) All Other Loans.....
- (c) TOTAL LOANS (add Lines 13(a) and (b)).....



**14. OFFSETS TO OPERATING EXPENDITURES (Refunds, Rebates, etc.) .....**

--

--

**15. OTHER RECEIPTS (Dividends, Interest, etc.) .....**

--

--

**16. TOTAL RECEIPTS (add Lines 11(e), 12, 13(c), 14, and 15) (Carry Total to Line 24, page 4)..... ▶**

<i>10000</i>
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29092641299  
28-02-066-2053  
28020662053

SUMMARY PAGE

of Receipts and Disbursements

FEC Form 3 (Revised 02/2003)

Page 2

Write or Type Committee Name

Kenneth Egan for US Senate

Report Covering the Period:

From:

07, 01, 2008

To:

07, 18, 2008

COLUMN A  
This Period

COLUMN B  
Election Cycle-to-Date

6. Net Contributions (other than loans)

(a) Total Contributions  
(other than loans) (from Line 11(e)) ....

10,000

(b) Total Contribution Refunds  
(from Line 20(d)) .....

(c) Net Contributions (other than loans)  
(subtract Line 6(b) from Line 6(a)) .....

10,000

7. Net Operating Expenditures

(a) Total Operating Expenditures  
(from Line 17) .....

22,700

(b) Total Offsets to Operating  
Expenditures (from Line 14) .....

(c) Net Operating Expenditures  
(subtract Line 7(b) from Line 7(a)) .....

22,700

8. Cash on Hand at Close of  
Reporting Period (from Line 27) .....

227,930

9. Debts and Obligations Owed TO  
the Committee (itemize all on  
Schedule C and/or Schedule D) .....

10. Debts and Obligations Owed BY  
the Committee (itemize all on  
Schedule C and/or Schedule D) .....

For further information contact:

Federal Election Commission  
999 E Street, NW  
Washington, DC 20463

Toll Free 800-424-9530  
Local 202-694-1100

29092641300

28-02-066-2054

28020662054

**DETAILED SUMMARY PAGE**  
of Disbursements

FEC Form 3 (Revised 02/2003)

Page 4

**II. DISBURSEMENTS**

**COLUMN A**  
Total This Period

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

17. OPERATING EXPENDITURES.....

22,700.00

18. TRANSFERS TO OTHER  
AUTHORIZED COMMITTEES .....

19. LOAN REPAYMENTS:

(a) Of Loans Made or Guaranteed  
by the Candidate.....

(b) Of All Other Loans .....

(c) TOTAL LOAN REPAYMENTS  
(add Lines 19(a) and (b)).....

20. REFUNDS OF CONTRIBUTIONS TO:

(a) Individuals/Persons Other  
Than Political Committees .....

(b) Political Party Committees.....

(c) Other Political Committees  
(such as PACs).....

(d) TOTAL CONTRIBUTION REFUNDS  
(add Lines 20(a), (b), and (c)).....

21. OTHER DISBURSEMENTS .....

22. TOTAL DISBURSEMENTS  
(add Lines 17, 18, 19(c), 20(d), and 21) ▶

22,700.00

**III. CASH SUMMARY**

23. CASH ON HAND AT BEGINNING OF REPORTING PERIOD.....

230,000.00

24. TOTAL RECEIPTS THIS PERIOD (from Line 16, page 3).....

100.00

25. SUBTOTAL (add Line 23 and Line 24).....

230,100.00

26. TOTAL DISBURSEMENTS THIS PERIOD (from Line 22).....

22,700.00

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

207,400.00

29092641301

28-02-066-2055

28020662055

**SCHEDULE B (FEC Form 3)  
ITEMIZED DISBURSEMENTS**

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

FOR LINE NUMBER:  
(check only one)

<input type="checkbox"/> 17	<input type="checkbox"/> 18	<input type="checkbox"/> 19a	<input type="checkbox"/> 19b
<input type="checkbox"/> 20a	<input type="checkbox"/> 20b	<input type="checkbox"/> 20c	<input type="checkbox"/> 21

PAGE 1 OF 1

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

NAME OF COMMITTEE (If Full)  
*Kenneth Eaton for US Senate*

Full Name (Last, First, Middle Initial)

A. *Citi Bank*

Date of Disbursement  
M M / D D / Y Y Y Y  
*09 / 15 / 2008*

Mailing Address

City *Nashville* State *TN* Zip Code

Amount of Each Disbursement this Period  
*220.00*

Purpose of Disbursement  
*Gas & Lunch*

Candidate Name  
*Kenneth Eaton US Senate*

Category/  
Type

Office Sought:  House  Senate  President  
State: *TN* District:

Disbursement For:  Primary  General  Other (specify) ▼

Refund or Disposal of Excess  
Contributions Required Under  
11 C.F.R. 400.53

Full Name (Last, First, Middle Initial)

B. *Southern Investments*

Date of Disbursement  
M M / D D / Y Y Y Y  
*09 / 05 / 2008*

Mailing Address  
*200 Church St*

City *Nash* State *TN* Zip Code *37201*

Amount of Each Disbursement this Period  
*1500.00*

Purpose of Disbursement  
*Rent*

Candidate Name  
*Kenneth Eaton for US Senate*

Category/  
Type

Office Sought:  House  Senate  President  
State: *TN* District:

Disbursement For:  Primary  General  Other (specify) ▼

Refund or Disposal of Excess  
Contributions Required Under  
11 C.F.R. 400.53

Full Name (Last, First, Middle Initial)

C.

Date of Disbursement  
M M / D D / Y Y Y Y

Mailing Address

City State Zip Code

Amount of Each Disbursement this Period

Purpose of Disbursement

Candidate Name

Category/  
Type

Office Sought:  House  Senate  President  
State: District:

Disbursement For:  Primary  General  Other (specify) ▼

Refund or Disposal of Excess  
Contributions Required Under  
11 C.F.R. 400.53

SUBTOTAL of Disbursements This Page (optional)..... ▶

*2270.00*

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

*2270.00*

29092641302

28-02-066-2056

28020662056

**SCHEDULE A (FEC Form 3)  
ITEMIZED RECEIPTS**

Use separate schedule(s) for each category of the Detailed Summary Page		FOR LINE NUMBER: (check only one)		PAGE	OF
<input type="checkbox"/>	11a	<input type="checkbox"/>	11b	<input type="checkbox"/>	11c
<input type="checkbox"/>	12	<input type="checkbox"/>	13a	<input type="checkbox"/>	11d
<input type="checkbox"/>		<input type="checkbox"/>	13b	<input type="checkbox"/>	14
<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>	15

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

NAME OF COMMITTEE (In Full)  
*Kenneth Eaton for U.S. Senate*

A. Full Name (Last, First, Middle Initial)  
*Paul Walwyn*

Mailing Address  
*P.O. Box 1277*

City  
*Madison TN 37116* State  
*TN* Zip Code  
*37116*

FEC ID number of contributing federal political committee.  
*C 00450858*

Name of Employer  
*ATTY* Occupation  
*ATTY*

Receipt For:  
 Primary  General  
 Other (specify) ▼

Election Cycle-to-Date ▼  
*07/01/08 07/18/08*

Date of Receipt  
*07 05 2008*

Amount of Each Receipt this Period  
*100.00*

Limits Increased Due to Opponent's Spending (2 U.S.C. §441a(f)/441a-1)

B. Full Name (Last, First, Middle Initial)

Mailing Address

City State Zip Code

FEC ID number of contributing federal political committee.  
*C*

Name of Employer Occupation

Receipt For:  
 Primary  General  
 Other (specify) ▼

Election Cycle-to-Date ▼

Date of Receipt

Amount of Each Receipt this Period

Limits Increased Due to Opponent's Spending (2 U.S.C. §441a(f)/441a-1)

C. Full Name (Last, First, Middle Initial)

Mailing Address

City State Zip Code

FEC ID number of contributing federal political committee.  
*C*

Name of Employer Occupation

Receipt For:  
 Primary  General  
 Other (specify) ▼

Election Cycle-to-Date ▼

Date of Receipt

Amount of Each Receipt this Period

Limits Increased Due to Opponent's Spending (2 U.S.C. §441a(f)/441a-1)

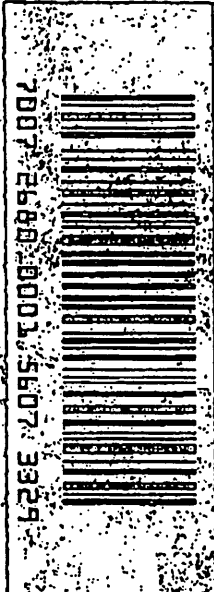
SUBTOTAL of Receipts This Page (optional) ..... ▶

TOTAL This Period (last page this line number only) ..... ▶ *100.00*

28020662057 28-02-066-2057 28092641303

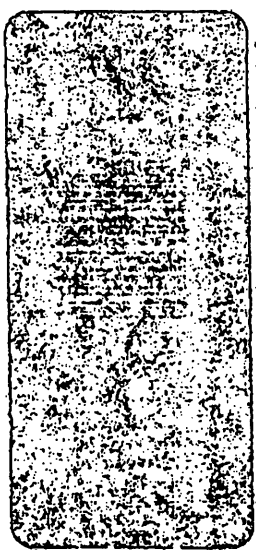
for US Service

37301



REGISTERED MAIL

POSTAGE WILL BE PAID BY ADDRESSEE



MISSISSIPPI WASH DC MAIL

TO: JCTM

28-02-066-2058

29092641304

Commission  
for NW

NANCY ERICKSON  
SECRETARY

PAMELA B. GAVIN  
SUPERINTENDENT

HART SENATE OFFICE BUILDING  
SUITE 232  
WASHINGTON, DC 20510-7116  
PHONE: (202) 224-0322

# United States Senate

OFFICE OF THE SECRETARY

OFFICE OF PUBLIC RECORDS

THE PRECEDING DOCUMENT WAS:

HAND DELIVERED \_\_\_\_\_  
Date of Receipt

USPS FIRST CLASS MAIL \_\_\_\_\_  
Postmark

USPS REGISTERED/CERTIFIED \_\_\_\_\_  
Postmark

USPS PRIORITY MAIL \_\_\_\_\_  
Postmark

DELIVERY CONFIRMATION OR SIGNATURE CONFIRMATION LABEL

USPS EXPRESS MAIL \_\_\_\_\_  
Postmark

OVERNIGHT DELIVERY SERVICE:

	SHIPPING DATE	NEXT BUSINESS DAY DELIVERY
FEDERAL EXPRESS	_____	<input type="checkbox"/>
UPS	_____	<input type="checkbox"/>
DHL	_____	<input type="checkbox"/>
AIRBORNE EXPRESS	_____	<input type="checkbox"/>

RECEIVED FROM FEDERAL ELECTION COMMISSION \_\_\_\_\_  
Date of Receipt

POSTMARK ILLEGIBLE  NO POSTMARK

FAX \_\_\_\_\_  
Date of Receipt

OTHER \_\_\_\_\_  
Date of Receipt or Postmark

PREPARER RD DATE PREPARED 10-21-08

29092641305

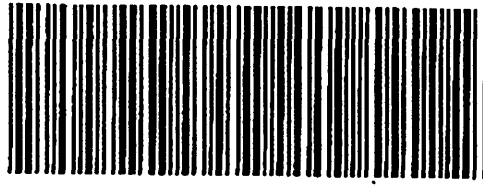
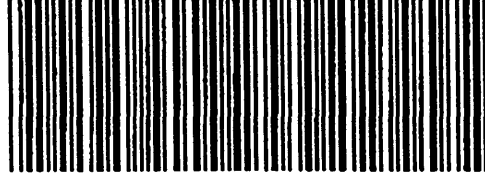
28-02-066-2059

28020662059

29092641306

28-02-066-2060

28020662060



SECRETARY OF THE SENATE

08 OCT 21 PM 8:52

*Form*

RECEIVED  
FEC MAIL CENTER

OCT 20 AM 9:10  
RQ-2



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463  
September 23, 2008

Toni Eaton, Treasurer  
Kenneth Eaton for U.S. Senate 2008  
200 Church Street, Suite 301  
Nashville, TN 37201

Response Due Date:  
October 24, 2008

Identification Number: C00450858

Reference: July Quarterly Report (4/1/08 – 6/30/08)

Dear Treasurer:

This letter is prompted by the Commission's preliminary review of the report(s) referenced above. This notice requests information essential to full public disclosure of your federal election campaign finances. **An adequate response must be received at the Senate Public Records Office by the response date noted above. Failure to adequately respond by the response date noted above could result in an audit or enforcement action.** Additional information is needed for the following 2 item:

1. When a committee reports receiving a loan from the candidate, it is necessary to clarify whether or not the candidate used personal funds or borrowed the money from a lending institution or some other source. Please amend your report to indicate whether the loan is from the candidate's personal funds or if he/she obtained the loan from a bank loan, brokerage account, credit card, home equity line of credit or other line of credit.

If the candidate loan was obtained from a lending institution, you must also file a Schedule C-1 with the Commission providing the name of the lending institution and the complete terms of the loan between the candidate and the lending institution. Schedule C-1 can be downloaded from the FEC website at <http://www.fec.gov>, or requested through the FEC Faxline at (202) 501-3413. Electronic filers must submit the Schedule C-1 electronically.

If the loan(s) was from personal funds, please acknowledge that fact in an amendment to this report. It is important to note that "personal funds" is strictly defined by Commission Regulations. See 11 CFR §100.33.

29092641307

28-02-066-2061

28020662061

10-9-08

2012

SECRETARY OF THE SENATE

FEC FORM 3

REPORT OF RECEIPTS AND DISBURSEMENTS

For An Authorized Committee

RECEIVED OCT 21 PM 2:52 FEC MAIL CENTER

2008 OCT 20 AM 9:10 Office Use Only

1. NAME OF COMMITTEE (in full)

TYPE OR PRINT

Example: If typing, type over the lines.

12FE4M5

Kenneth Eaton for US Senate

ADDRESS (number and street)

200 Church St

Check if different than previously reported. (ACC)

Nashville

TN

37201

2. FEC IDENTIFICATION NUMBER

CITY

STATE

ZIP CODE

STATE DISTRICT

00450858

3. IS THIS REPORT

NEW (N)

OR

AMENDED (A)

TN

4. TYPE OF REPORT (Choose One)

(a) Quarterly Reports:

April 15 Quarterly Report (Q1)

July 15 Quarterly Report (Q2)

October 15 Quarterly Report (Q3)

January 31 Year-End Report (YE)

Termination Report (TER)

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

Primary (12P)

General (12G)

Runoff (12R)

Convention (12C)

Special (12S)

Election on

08

07

2008

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

Kenneth Eaton

Signature of Treasurer

Kenneth Eaton

Date

10

09

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.

Table with 7 columns and 2 rows (Office Use Only)

FEC FORM 3 (Revised 02/2003)

FESAN018

29092641308 28-02-066-2062 28020662062

**SCHEDULE C (FEC Form 4)**

**LOANS**

NAME OF COMMITTEE (In Full)  
*Kenneth Eaton for US Senate*

LOAN SOURCE Full Name (Last, First, Middle Initial) <i>James K. and Toni Eaton.</i>	Election: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify) ▼
Mailing Address <i>200 Church St Nash TN 37201</i>	
City State ZIP Code <i>Nash TN 37201</i>	

Original Amount of Loan <i>\$254,042.66</i>	Cumulative Payment To Date <i>-0-</i>	Balance Outstanding at Close of This Period <i>254,042.66</i>
--	--	--

TERMS	Date Incurred <i>06/29/08.</i>	Date Due <i>08/07/08</i>	Interest Rate <i>-0-</i>	Secured: % (apr) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
-------	-----------------------------------	-----------------------------	-----------------------------	---

List All Endorsers or Guarantors (if any) to Loan Source

1. Full Name (Last, First, Middle Initial) <i>Kenneth Eaton</i>	Name of Employer <i>The Eaton Group.</i>
Mailing Address <i>200 Church St</i>	Occupation <i>Investor</i>
City State ZIP Code <i>Nashville TN 37201</i>	Amount Guaranteed Outstanding: <i>254,042.66</i>
2. Full Name (Last, First, Middle Initial)	Name of Employer
Mailing Address	Occupation
City State ZIP Code	Amount Guaranteed Outstanding:
3. Full Name (Last, First, Middle Initial)	Name of Employer
Mailing Address	Occupation
City State ZIP Code	Amount Guaranteed Outstanding:
4. Full Name (Last, First, Middle Initial)	Name of Employer
Mailing Address	Occupation
City State ZIP Code	Amount Guaranteed Outstanding:

SUBTOTALS This Period This Page (optional).....	<i>254,042.66</i>	▶
TOTALS This Period (last page in this line only).....	<i>254,042.66</i>	▶

Carry outstanding balance only to LINE 3, Schedule D, for this line. If no Schedule D, carry forward to appropriate line of Summary.

28020662063 28-02-066-2063 28092641309

**SCHEDULE D (FEC Form 4)  
DEBTS AND OBLIGATIONS**

**Excluding Loans**

NAME OF COMMITTEE (In Full)  
*Kenneth Eator US C*

A. Full Name (Last, First, Middle Initial) of Debtor or Creditor  
*Kenneth & Toni Eator*

Nature of Debt (Purpose):  
*Campaign Loan*

Mailing Address  
*200 Church St*

City *NASH TN* State *TN* Zip Code *37201*

Outstanding Balance Beginning This Period *0*

Amount Incurred This Period *254,042.66* Payment This Period *0* Outstanding Balance at Close of This Period *254,042.66*

B. Full Name (Last, First, Middle Initial) of Debtor or Creditor

Nature of Debt (Purpose):

Mailing Address

City State Zip Code

Outstanding Balance Beginning This Period

Amount Incurred This Period Payment This Period Outstanding Balance at Close of This Period

C. Full Name (Last, First, Middle Initial) of Debtor or Creditor

Nature of Debt (Purpose):

Mailing Address

City State Zip Code

Outstanding Balance Beginning This Period

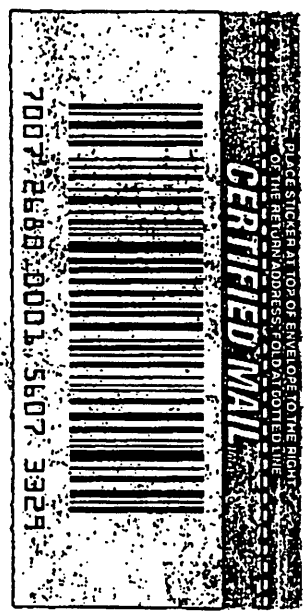
Amount Incurred This Period Payment This Period Outstanding Balance at Close of This Period

1) SUBTOTALS This Period This Page (optional) .....	<i>254,042.66</i>	▶
2) TOTALS This Period (last page this line number only) .....	<i>254,042.66</i>	▶
3) TOTAL OUTSTANDING LOANS from Schedule C (last page only) .....	<i>254,042.66</i>	▶
4) ADD 2) and 3) and carry forward to appropriate line of Summary Page (last page only) ▶		

29092641510 28-02-066-2064 280206662064

for US Senate

37201



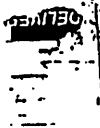
MISSSENT WASH DC MAIL

TO: JCTM

29092641511

28-02-066-2065

for  
Commission



NANCY ERICKSON  
SECRETARY

PAMELA B. GAVIN  
SUPERINTENDENT

HART SENATE OFFICE BUILDING  
SUITE 232  
WASHINGTON, DC 20510-7118  
PHONE (202) 224-0322

# United States Senate

OFFICE OF THE SECRETARY

OFFICE OF PUBLIC RECORDS

THE PRECEDING DOCUMENT WAS:

HAND DELIVERED \_\_\_\_\_  
Date of Receipt

USPS FIRST CLASS MAIL \_\_\_\_\_  
Postmark

USPS REGISTERED/CERTIFIED \_\_\_\_\_  
Postmark

USPS PRIORITY MAIL \_\_\_\_\_  
Postmark

DELIVERY CONFIRMATION OR SIGNATURE CONFIRMATION LABEL

USPS EXPRESS MAIL \_\_\_\_\_  
Postmark

OVERNIGHT DELIVERY SERVICE:

	SHIPPING DATE	NEXT BUSINESS DAY DELIVERY
FEDERAL EXPRESS	_____	<input type="checkbox"/>
UPS	_____	<input type="checkbox"/>
DHL	_____	<input type="checkbox"/>
AIRBORNE EXPRESS	_____	<input type="checkbox"/>

RECEIVED FROM FEDERAL ELECTION COMMISSION \_\_\_\_\_  
Date of Receipt

POSTMARK ILLEGIBLE  NO POSTMARK

FAX \_\_\_\_\_  
Date of Receipt

OTHER \_\_\_\_\_  
Date of Receipt or Postmark

PREPARER

*RD*

DATE PREPARED

*10-21-08*

29092641312

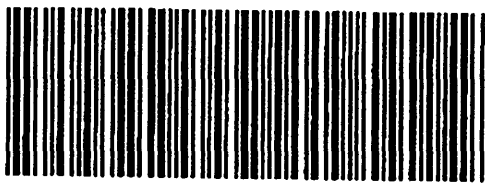
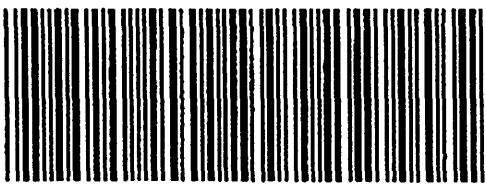
28-02-066-2066

28020662066

29092641313

28-02-066-2067

28020662067



0812

FEC FORM 3

REPORT OF RECEIPTS AND DISBURSEMENTS

For An Authorized Committee

SECRETARY OF THE SENATE RECEIVED
FEC MAIL CENTER
08 OCT 21 PM 2: 52
2008 OCT 20 AM 9: 11
Office Use Only

1. NAME OF COMMITTEE (in full)

TYPE OR PRINT

Example: If typing, type over the lines.

12FE4M5

Kenneth Eaton for US Senate

ADDRESS (number and street)

1200 Church St

Check if different than previously reported. (ACC)

Mashville

TN

37201-1

2. FEC IDENTIFICATION NUMBER

CITY

STATE

ZIP CODE

STATE DISTRICT

000450858

3. IS THIS REPORT

X

NEW (N)

OR

AMENDED (A)

TN

1

4. TYPE OF REPORT (Choose One)

(a) Quarterly Reports:

April 15 Quarterly Report (Q1)

July 15 Quarterly Report (Q2)

October 15 Quarterly Report (Q3)

January 31 Year-End Report (YE)

X

Termination Report (TER)

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

X

Primary (12P)

General (12G)

Runoff (12R)

Convention (12C)

Special (12S)

Election on

08

07

2008

in the State of

TN

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

General (30G)

Runoff (30R)

Special (30S)

Election on

M M

D D

Y Y Y Y

in the State of

5. Covering Period

07

19

2008

through

08

07

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

Kenneth Eaton

Signature of Treasurer

Kenneth Eaton

Date

10

09

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)

29092641314 28-02-066-2068 28020662068

SUMMARY PAGE

of Receipts and Disbursements

FEC Form 3 (Revised 02/2003)

Page 2

Write or Type Committee Name

Kenneth Eaton for US Senate

Report Covering the Period:

From:

07, 19, 2008

To:

08, 07, 2008

COLUMN A  
This Period

COLUMN B  
Election Cycle-to-Date

6. Net Contributions (other than loans)

(a) Total Contributions  
(other than loans) (from Line 11(e)) ....

0-

(b) Total Contribution Refunds  
(from Line 20(d)) .....

(c) Net Contributions (other than loans)  
(subtract Line 6(b) from Line 6(a)) .....

7. Net Operating Expenditures

(a) Total Operating Expenditures  
(from Line 17) .....

18,527.87

(b) Total Offsets to Operating  
Expenditures (from Line 14) .....

(c) Net Operating Expenditures  
(subtract Line 7(b) from Line 7(a)) .....

18,527.87

8. Cash on Hand at Close of  
Reporting Period (from Line 27) .....

-0-

9. Debts and Obligations Owed TO  
the Committee (Itemize all on  
Schedule C and/or Schedule D) .....

10. Debts and Obligations Owed BY  
the Committee (Itemize all on  
Schedule C and/or Schedule D) .....

44,740.53

For further information contact:

Federal Election Commission  
999 E Street, NW  
Washington, DC 20463

Toll Free 800-424-9530  
Local 202-694-1100

29092641315  
28-02-066-2069  
28020662069

**DETAILED SUMMARY PAGE  
of Receipts**

FEC Form 3 (Revised 12/2003)

Page 3

Write or Type Committee Name

*Kenneth Eator for US Senate*

Report Covering the Period: From:

*07* ' *19* ' *2008*

To:

*08* ' *07* ' *2008*

**I. RECEIPTS**

**COLUMN A  
Total This Period**

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

**11. CONTRIBUTIONS (other than loans) FROM:**

(a) Individuals/Persons Other Than Political Committees

(i) Itemized (use Schedule A).....

*-0-*

(ii) Unitemized.....

(iii) TOTAL of contributions from individuals ▶

(b) Political Party Committees.....

(c) Other Political Committees (such as PACs).....

(d) The Candidate.....

(e) TOTAL CONTRIBUTIONS (other than loans) (add Lines 11(a)(iii), (b), (c), and (d))..

*-0-*

**12. TRANSFERS FROM OTHER AUTHORIZED COMMITTEES.....**

**13. LOANS:**

(a) Made or Guaranteed by the Candidate.....

(b) All Other Loans.....

(c) TOTAL LOANS (add Lines 13(a) and (b)).....

**14. OFFSETS TO OPERATING EXPENDITURES (Refunds, Rebates, etc.).....**

**15. OTHER RECEIPTS (Dividends, Interest, etc.).....**

**16. TOTAL RECEIPTS (add Lines 11(e), 12, 13(c), 14, and 15) (Carry Total to Line 24, page 4)..... ▶**

*-0-*

29092641316  
28-02-066-2070  
28020662070

**DETAILED SUMMARY PAGE**  
of Disbursements

FEC Form 3 (Revised 02/2003)

Page 4

**II. DISBURSEMENTS**

**COLUMN A**  
Total This Period

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

17. OPERATING EXPENDITURES.....	18,527.87	
18. TRANSFERS TO OTHER AUTHORIZED COMMITTEES.....		
19. LOAN REPAYMENTS:		
(a) Of Loans Made or Guaranteed by the Candidate.....	209,302.13	
(b) Of All Other Loans.....		
(c) TOTAL LOAN REPAYMENTS (add Lines 19(a) and (b)).....	209,302.13	
20. REFUNDS OF CONTRIBUTIONS TO:		
(a) Individuals/Persons Other Than Political Committees.....		
(b) Political Party Committees.....		
(c) Other Political Committees (such as PACs).....		
(d) TOTAL CONTRIBUTION REFUNDS (add Lines 20(a), (b), and (c)).....		
21. OTHER DISBURSEMENTS.....		
22. TOTAL DISBURSEMENTS (add Lines 17, 18, 19(c), 20(d), and 21) ▶	227,830.00	

**III. CASH SUMMARY**

23. CASH ON HAND AT BEGINNING OF REPORTING PERIOD.....	227,830.00
24. TOTAL RECEIPTS THIS PERIOD (from Line 16, page 3).....	= 0 =
25. SUBTOTAL (add Line 23 and Line 24).....	227,830.00
26. TOTAL DISBURSEMENTS THIS PERIOD (from Line 22).....	227,830.00
27. CASH ON HAND AT CLOSE OF REPORTING PERIOD (subtract Line 26 from Line 25).....	= 0 =

29092641317

28-02-066-2071

28020662071

**SCHEDULE C (FEC Form 3)**  
**LOANS**

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

PAGE      OF     

FOR LINE NUMBER: (check only one)  13a  13b

NAME OF COMMITTEE (In Full)  
*Kenneth Eaton for US Senate*

LOAN SOURCE Full Name (Last, First, Middle Initial)  
*Kenneth & Toni Eaton*

Election:  
 Primary  
 General  
 Other (specify)     

Mailing Address  
*200 Church St*

City State ZIP Code  
*Nashville TN 37201*

Original Amount of Loan Cumulative Payment To Date Balance Outstanding at Close of This Period  
*254,042.66 209,302.13 44,740.53*

TERMS Date Incurred Date Due Interest Rate Secured:  
*06 29 2008 08 07 2008 0 % (apr) Yes  No*

List All Endorsers or Guarantors (if any) to Loan Source

1. Full Name (Last, First, Middle Initial)	Name of Employer
Mailing Address	Occupation
City State ZIP Code	Amount Guaranteed Outstanding: <u>    </u>
2. Full Name (Last, First, Middle Initial)	Name of Employer
Mailing Address	Occupation
City State ZIP Code	Amount Guaranteed Outstanding: <u>    </u>
3. Full Name (Last, First, Middle Initial)	Name of Employer
Mailing Address	Occupation
City State ZIP Code	Amount Guaranteed Outstanding: <u>    </u>
4. Full Name (Last, First, Middle Initial)	Name of Employer
Mailing Address	Occupation
City State ZIP Code	Amount Guaranteed Outstanding: <u>    </u>

SUBTOTALS This Period This Page (optional) ..... ▶     

TOTALS This Period (last page in this line only) ..... ▶ 44,740.53

Carry outstanding balance only to LINE 3, Schedule D, for this line. If no Schedule D, carry forward to appropriate line of Summary.

29092641319 28-02-066-2072 28020662072

**SCHEDULE D (FEC Form 3)  
DEBTS AND OBLIGATIONS**

**Excluding Loans**

NAME OF COMMITTEE (In Full)  
*Kenneth Eaton for US Senate*

A. Full Name (Last, First, Middle Initial) of Debtor or Creditor <i>Toni &amp; Kenneth Eaton</i>	Nature of Debt (Purpose): <i>Campaign Loan</i>
Mailing Address <i>200 Church St</i>	
City State Zip Code <i>Nashville TN 37201</i>	

Outstanding Balance Beginning This Period <i>254,042.66</i>	Amount Incurred This Period	Payment This Period <i>209,302.13</i>	Outstanding Balance at Close of This Period <i>44,740.53</i>
--	-----------------------------	--	---

B. Full Name (Last, First, Middle Initial) of Debtor or Creditor	Nature of Debt (Purpose):
Mailing Address	
City State Zip Code	

Outstanding Balance Beginning This Period	Amount Incurred This Period	Payment This Period	Outstanding Balance at Close of This Period
---	-----------------------------	---------------------	---

C. Full Name (Last, First, Middle Initial) of Debtor or Creditor	Nature of Debt (Purpose):
Mailing Address	
City State Zip Code	

Outstanding Balance Beginning This Period	Amount Incurred This Period	Payment This Period	Outstanding Balance at Close of This Period
---	-----------------------------	---------------------	---

1) SUBTOTALS This Period This Page (optional) .....	
2) TOTALS This Period (last page this line number only) .....	
3) TOTAL OUTSTANDING LOANS from Schedule C (last page only) .....	<i>44,740.53</i>
4) ADD 2) and 3) and carry forward to appropriate line of Summary Page (last page only) ▶	

29092641319  
28-02-066-2073  
28020662073

**SCHEDULE B (FEC Form 3)  
ITEMIZED DISBURSEMENTS**

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

FOR LINE NUMBER:  
(check only one)

PAGE OF 6

17  18  19a  19b  
20a 20b 20c 21

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

NAME OF COMMITTEE (In Full)

Kenneth Eaton for U.S. Senate

Full Name (Last, First, Middle Initial)

A. Rod Thompson

Mailing Address

City Nashville State TN Zip Code

Purpose of Disbursement  
Filming

Candidate Name  
Kenneth Eaton for US Senate

Office Sought:  House  Senate  President  
Disbursement For:  Primary  General  Other (specify)   
State: TN District:

Date of Disbursement

08 / 04 / 2008

Amount of Each Disbursement this Period

1,200.00

Refund or Disposal of Excess Contributions Required Under 11 C.F.R. 400.53

B. Jim Owens

Mailing Address

City Nashville State TN Zip Code

Purpose of Disbursement  
Copy Filming

Candidate Name  
Kenneth Eaton for US Senate

Office Sought:  House  Senate  President  
Disbursement For:  Primary  General  Other (specify)   
State: TN District:

Date of Disbursement

08 / 04 / 2008

Amount of Each Disbursement this Period

800.00

Refund or Disposal of Excess Contributions Required Under 11 C.F.R. 400.53

C. WVLT

Mailing Address

City Knoxville State TN Zip Code

Purpose of Disbursement  
TV Advertising

Candidate Name  
Kenneth Eaton for US Senate

Office Sought:  House  Senate  President  
Disbursement For:  Primary  General  Other (specify)   
State: TN District:

Date of Disbursement

08 / 04 / 2008

Amount of Each Disbursement this Period

535.90

Refund or Disposal of Excess Contributions Required Under 11 C.F.R. 400.53

SUBTOTAL of Disbursements This Page (optional)

2,535.50

TOTAL This Period (last page this line number only)

18,527.87

**SCHEDULE B (FEC Form 3)  
ITEMIZED DISBURSEMENTS**

Use separate schedule(s) for each category of the Detailed Summary Page	FOR LINE NUMBER: (check only one)		PAGE 2 OF 6	
	<input type="checkbox"/> 17 20a	<input type="checkbox"/> 18 20b	<input type="checkbox"/> 19a 20c	<input type="checkbox"/> 19b 21

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

NAME OF COMMITTEE (In Full)  
**Kenneth Eaton For U.S. Senate**

**A. WBFZ**

Full Name (Last, First, Middle Initial)

Mailing Address

City **Knoxville** State **TN** Zip Code

Purpose of Disbursement **TU Add**

Candidate Name **Kenneth Eaton for US Senate** Category/Type

Office Sought:  House  Senate  President

Disbursement For:  Primary  General  Other (specify) ▼

State: **TN** District:

Date of Disbursement **08 04 2008**

Amount of Each Disbursement this Period **12,750.00**

Refund or Disposal of Excess Contributions Required Under 11 C.F.R. 400.53

**B. WATE**

Full Name (Last, First, Middle Initial)

Mailing Address

City **Knoxville** State **TN** Zip Code

Purpose of Disbursement **TU Add**

Candidate Name **Kenneth Eaton for U.S. Senate** Category/Type

Office Sought:  House  Senate  President

Disbursement For:  Primary  General  Other (specify) ▼

State: **TN** District:

Date of Disbursement **08 04 2008**

Amount of Each Disbursement this Period **2,480.00**

Refund or Disposal of Excess Contributions Required Under 11 C.F.R. 400.53

**C. WDEF**

Full Name (Last, First, Middle Initial)

Mailing Address

City **Chattanooga** State **TN** Zip Code

Purpose of Disbursement **TU Add**

Candidate Name **Kenneth Eaton for US Senate** Category/Type

Office Sought:  House  Senate  President

Disbursement For:  Primary  General  Other (specify) ▼

State: **TN** District:

Date of Disbursement **08 04 2008**

Amount of Each Disbursement this Period **3,357.50**

Refund or Disposal of Excess Contributions Required Under 11 C.F.R. 400.53

SUBTOTAL of Disbursements This Page (optional).....▶ **23,587.50**

TOTAL This Period (last page this line number only).....▶ **18,527.87**

29092641321  
28-02-066-2075  
28020662075

**SCHEDULE B (FEC Form 3)  
ITEMIZED DISBURSEMENTS**

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

FOR LINE NUMBER:  
(check only one)

PAGE 3 OF 6

<input type="checkbox"/> 17 20a	<input type="checkbox"/> 18 20b	<input type="checkbox"/> 19a 20c	<input type="checkbox"/> 19b 21
------------------------------------	------------------------------------	-------------------------------------	------------------------------------

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

NAME OF COMMITTEE (In Full)

*Kenneth Eator for US Senate*

Full Name (Last, First, Middle Initial)

A. *WRCB*

Mailing Address

Date of Disbursement

*08 04 2008*

City *Chattanooga* State *TN* Zip Code

Amount of Each Disbursement this Period

*514.25*

Purpose of Disbursement

*TV Ad*

Candidate Name

*Kenneth Eator for US Senate*

Category/  
Type

Office Sought:

House  
 Senate  
 President

Disbursement For:

Primary  General  
 Other (specify) ▼

Refund or Disposal of Excess  
Contributions Required Under  
11 C.F.R. 400.53

State: *TN* District:

Full Name (Last, First, Middle Initial)

B. *WTVC*

Mailing Address

Date of Disbursement

*08 04 2008*

City *Chattanooga* State *TN* Zip Code

Amount of Each Disbursement this Period

*850.00*

Purpose of Disbursement

*TV Ad*

Candidate Name

*Kenneth Eator for US Senate*

Category/  
Type

Office Sought:

House  
 Senate  
 President

Disbursement For:

Primary  General  
 Other (specify) ▼

Refund or Disposal of Excess  
Contributions Required Under  
11 C.F.R. 400.53

State: *TN* District:

Full Name (Last, First, Middle Initial)

C. *WREG*

Mailing Address

Date of Disbursement

*08 04 2008*

City *Memphis* State *TN* Zip Code

Amount of Each Disbursement this Period

*104.25*

Purpose of Disbursement

*TV Ad*

Candidate Name

*Kenneth Eator for US Senate*

Category/  
Type

Office Sought:

House  
 Senate  
 President

Disbursement For:

Primary  General  
 Other (specify) ▼

Refund or Disposal of Excess  
Contributions Required Under  
11 C.F.R. 400.53

State: *TN* District:

SUBTOTAL of Disbursements This Page (optional).....▶

*2405.50*

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

*1852.787*

29092641322  
28-02-066-2076  
28020662076

**SCHEDULE B (FEC Form 3)  
ITEMIZED DISBURSEMENTS**

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

FOR LINE NUMBER: (check only one)  
 17  18  19a  19b  
 20a  20b  20c  21

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

NAME OF COMMITTEE (In Full)  
*Kenneth Eaton for US Senate*

Full Name (Last, First, Middle Initial)

A. *WPTY*

Mailing Address

Date of Disbursement

*08 04 2008*

City *Memphis* State *TN* Zip Code

Amount of Each Disbursement this Period

*780.00*

Purpose of Disbursement

Candidate Name

Office Sought:

House  
 Senate  
 President

Disbursement For:

Primary  General  
 Other (specify) ▼

State: *TN* District:

Refund or Disposal of Excess  
Contributions Required Under  
11 C.F.R. 400.53

Full Name (Last, First, Middle Initial)

B. *WSMV*

Mailing Address

Date of Disbursement

*08 04 2008*

City *Nashville* State *TN* Zip Code

Amount of Each Disbursement this Period

*2635.00*

Purpose of Disbursement

Candidate Name

Office Sought:

House  
 Senate  
 President

Disbursement For:

Primary  General  
 Other (specify) ▼

State: *TN* District:

Refund or Disposal of Excess  
Contributions Required Under  
11 C.F.R. 400.53

Full Name (Last, First, Middle Initial)

C. *WKRN*

Mailing Address

Date of Disbursement

*08 04 2008*

City *Nashville* State *TN* Zip Code

Amount of Each Disbursement this Period

*1020.00*

Purpose of Disbursement

Candidate Name

Office Sought:

House  
 Senate  
 President

Disbursement For:

Primary  General  
 Other (specify) ▼

State: *TN* District:

Refund or Disposal of Excess  
Contributions Required Under  
11 C.F.R. 400.53

SUBTOTAL of Disbursements This Page (optional).....▶

*4436.00*

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

*18527.87*

**SCHEDULE B (FEC Form 3)  
ITEMIZED DISBURSEMENTS**

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

FOR LINE NUMBER:  
(check only one)

PAGE 5 OF 6

<input type="checkbox"/> 17 20a	<input type="checkbox"/> 18 20b	<input type="checkbox"/> 19a 20c	<input type="checkbox"/> 19b 21
------------------------------------	------------------------------------	-------------------------------------	------------------------------------

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

NAME OF COMMITTEE (In Full)

Kenneth Eaton for US Senate

Full Name (Last, First, Middle Initial)

A. WTVF

Mailing Address

City Nashville State TN Zip Code

Purpose of Disbursement

TU Add

Candidate Name

Kenneth Eaton for US Senate

Office Sought:

House  
 Senate  
 President

Disbursement For:

Primary  General  
 Other (specify) ▼

State: TN District:

Date of Disbursement

08 / 04 / 2008

Amount of Each Disbursement this Period

3145.00

Refund or Disposal of Excess  
Contributions Required Under  
11 C.F.R. 400.53

B. WZTV

Mailing Address

City Nashville State TN Zip Code

Purpose of Disbursement

TU add

Candidate Name

Kenneth Eaton for US Senate

Office Sought:

House  
 Senate  
 President

Disbursement For:

Primary  General  
 Other (specify) ▼

State: TN District:

Date of Disbursement

08 / 04 / 2008

Amount of Each Disbursement this Period

425.00

Refund or Disposal of Excess  
Contributions Required Under  
11 C.F.R. 400.53

C. US Post office

Mailing Address

City Nashville State TN Zip Code

Purpose of Disbursement

mail TU Add

Candidate Name

Kenneth Eaton for US Senate

Office Sought:

House  
 Senate  
 President

Disbursement For:

Primary  General  
 Other (specify) ▼

State: TN District:

Date of Disbursement

08 / 04 / 2008

Amount of Each Disbursement this Period

368.12

Refund or Disposal of Excess  
Contributions Required Under  
11 C.F.R. 400.53

SUBTOTAL of Disbursements This Page (optional) .....

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

3938.12  
18527.87

29092641324

28-02-066-2078

28020662078

**SCHEDULE B (FEC Form 3)  
ITEMIZED DISBURSEMENTS**

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

FOR LINE NUMBER:  
(check only one)

PAGE 6 OF 6

<input type="checkbox"/> 17	<input type="checkbox"/> 18	<input type="checkbox"/> 19a	<input type="checkbox"/> 19b
<input type="checkbox"/> 20a	<input type="checkbox"/> 20b	<input type="checkbox"/> 20c	<input type="checkbox"/> 21

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

NAME OF COMMITTEE (In Full)

Kenneth Eaton for US Senate

Full Name (Last, First, Middle Initial)

A. Citi Bank

Mailing Address

City State Zip Code

Purpose of Disbursement

Gas & Food.

Candidate Name

Kenneth Eaton for US Senate

Office Sought:

House  
 Senate  
 President

Disbursement For:

Primary  General  
 Other (specify) ▼

State: TN District:

Full Name (Last, First, Middle Initial)

Date of Disbursement

08 / 06 / 2008

Amount of Each Disbursement this Period

1,000.00

Refund or Disposal of Excess  
Contributions Required Under  
11 C.F.R. 400.53

B. Nashville Electric Ser.

Mailing Address

City State Zip Code

Purpose of Disbursement

Electio...office"

Candidate Name

Kenneth Eaton for US Senate

Office Sought:

House  
 Senate  
 President

Disbursement For:

Primary  General  
 Other (specify) ▼

State: TN District:

Full Name (Last, First, Middle Initial)

Date of Disbursement

08 / 06 / 2008

Amount of Each Disbursement this Period

1,754.00

Refund or Disposal of Excess  
Contributions Required Under  
11 C.F.R. 400.53

C. Mailing Address

City State Zip Code

Purpose of Disbursement

Candidate Name

Office Sought:

House  
 Senate  
 President

Disbursement For:

Primary  General  
 Other (specify) ▼

State: District:

Date of Disbursement

MM / DD / YYYY

Amount of Each Disbursement this Period

Refund or Disposal of Excess  
Contributions Required Under  
11 C.F.R. 400.53

SUBTOTAL of Disbursements This Page (optional).....▶

28,540.00

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

18,527.87

29092641325  
28-02-066-2079  
28020662079

for US Senate

37201



MISSSENT WASH DC MAIL

TO: JCTM

29092641326 28-02-066-2080

for  
Commission

DELIVER

NANCY ERICKSON  
SECRETARY

PAMELA B. GAVIN  
SUPERINTENDENT

HART SENATE OFFICE BUILDING  
SUITE 232  
WASHINGTON, DC 20510-7118  
PHONE: (202) 224-0322

# United States Senate

OFFICE OF THE SECRETARY

OFFICE OF PUBLIC RECORDS

THE PRECEDING DOCUMENT WAS:

HAND DELIVERED \_\_\_\_\_  
Date of Receipt

USPS FIRST CLASS MAIL \_\_\_\_\_  
Postmark

USPS REGISTERED/CERTIFIED \_\_\_\_\_  
Postmark

USPS PRIORITY MAIL \_\_\_\_\_  
Postmark

DELIVERY CONFIRMATION OR SIGNATURE CONFIRMATION LABEL

USPS EXPRESS MAIL \_\_\_\_\_  
Postmark

OVERNIGHT DELIVERY SERVICE:

	SHIPPING DATE	NEXT BUSINESS DAY DELIVERY
FEDERAL EXPRESS	_____	<input type="checkbox"/>
UPS	_____	<input type="checkbox"/>
DHL	_____	<input type="checkbox"/>
AIRBORNE EXPRESS	_____	<input type="checkbox"/>

RECEIVED FROM FEDERAL ELECTION COMMISSION \_\_\_\_\_  
Date of Receipt

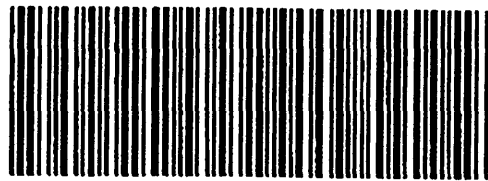
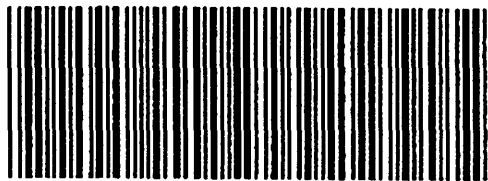
POSTMARK ILLEGIBLE  NO POSTMARK

FAX \_\_\_\_\_  
Date of Receipt

OTHER \_\_\_\_\_  
Date of Receipt or Postmark

PREPARER RD DATE PREPARED 10-21-08

29092641527  
28-02-066-2081  
28020662081



29092641328

28-02-066-2082

28020662082



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

Via First Class Mail

October 29, 2008

Toni Eaton, as Treasurer  
Kenneth Eaton for US Senate 2008  
200 Church St., Suite 301  
Nashville, TN 37201

C00450858  
AF# 1876

Dear Ms. Eaton:

On October 20, 2008 the Commission received your written response ("challenge") which is being reviewed by the Office of Administrative Review. If you have any questions regarding your challenge, please contact this Office on our toll free number (800)424-9530 (press 0, then ext. 1660) or (202)694-1660.

Sincerely,

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

Shawn Woodhead Werth  
Reviewing Officer  
Office of Administrative Review

29092641329

2008 OCT 29 P 2: 58

Date: October 29, 2008

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

AF#: 1876

Committee Name: Kenneth Eaton for US Senate 2008

Committee ID#: C00450858

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 25, 2008 and RTB  
Certification, September 26, 2008: Y**

**Attachment #: 1**

**Certified Return Receipt (Y/N): Y**

**Attachment #: 2**

**Other Relevant Telecoms (Y/N): N**

**Attachment #: N/A**

**Original Correspondence Received by RAD in Response to RTB Letter (Y/N): N**

**Attachment #: N/A**

**RAD Staff Declaration (Y/N): Y**

**-2008 Pre-Primary Report Prior Notice, dated July 2, 2008.**

**-RTB Letter, dated September 30, 2008.**

**Attachment #: 4**

**Other RAD Information: (Y/N): N**

**Attachment#: N/A**

29092641330

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Toni Eaton  
 Kenneth Eaton for US Senate 2008  
 200 Church St, Suite 101  
 Nashville, TN 37201

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X *Toni Eaton*  Agent  
 Addressee

B. Received by (Printed Name)

C. Date of Delivery

10208

D. Is delivery address different from item 1?  Yes

If YES, enter delivery address below:  No

3. Service Type

- Certified Mail  Express Mail
- Registered  Return Receipt for Merchandise
- Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

2. Article Number

(Transfer from service label)

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

290926413

**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 Kenneth Eaton for US Senate 2008:
  - A) Prior Notice, dated July 2, 2008, referencing the 2008 Pre-Primary Report (sent via electronic mail to: kenneth@kennetheaton.com);
  - B) Reason-to-Believe Letter, dated September 30, 2008, referencing the 2008 Pre-Primary Report.
3. I hereby certify that I have searched the Commission's public records and find that Kenneth Eaton for US Senate 2008 filed the 2008 Pre-Primary Report with the Secretary of the Senate on October 9, 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 2nd day of December, 2008.



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

29092641332



# PRIMARY ELECTION REPORT NOTICE

FEDERAL ELECTION COMMISSION

TENNESSEE  
Congressional Committees

July 2, 2008

**COMMITTEES INVOLVED IN THE PRIMARY (08/07/08) MUST FILE:**

REPORT	REPORTING PERIOD <sup>1</sup>	REG./CERT. & OVERNIGHT MAILING DEADLINE	FILING DEADLINE
Pre-Primary	07/01/07 - 07/18/08	07/23/08	07/26/08 <sup>2</sup>
48 Hour Notices	07/19/08 - 08/04/08	---see p. 3 of notice---	
October Quarterly	07/19/08 - 09/30/08	10/15/08	10/15/08

Supplemental Filing Information is available on pages 2 and 3 of this notice.

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

<sup>2</sup>Notice 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 the Secretary of the Senate's) close of business on the last business day before the deadline.

29092641333

## 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

Principal campaign committees of congressional candidates<sup>3</sup> (including unopposed candidates and candidates whose names do not appear on the ballot) who seek nomination in the primary election must file the above reports and notices.<sup>4</sup> 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

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/elecfil/electron.shtml](http://www.fec.gov/elecfil/electron.shtml).

Under the Commission's mandatory electronic filing regulations, U.S. House committees that receive contributions or make expenditures in excess of \$50,000 in a calendar year, or that have reason to expect to do so, must file all reports and statements with the FEC electronically. Other U.S. House 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. U.S. Senate committees that file with the Secretary of the Senate are not subject to the mandatory electronic filing rules, but may file an unofficial copy of their reports with the Commission in order to speed disclosure.

#### Registered & Certified Mail

Reports sent by Registered or Certified Mail must be postmarked on or before the mailing deadline to be considered timely filed. A committee sending its reports by Certified Mail should keep its certified mailing receipt with the U.S. Postal Service (USPS) postmark as proof of filing because the USPS does not keep complete records of items sent by Certified Mail. A committee sending its report by Registered Mail should keep its proof of mailing. Note that a Certificate of Mailing from the USPS is not sufficient to prove that a report is timely filed using Registered, Certified or Overnight Mail.

#### Overnight Mail

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

Forms are available for downloading and printing at the FEC website at [www.fec.gov/info/forms.shtml](http://www.fec.gov/info/forms.shtml).

<sup>3</sup>Generally, an individual becomes a candidate for Federal office (and thus triggers registration and reporting obligations) when his or her campaign exceeds \$5,000 in either contributions received or expenditures made. If the campaign has not exceeded the \$5,000 threshold, it is not required to file reports. See 11 CFR 100.3(a).

<sup>4</sup>If a candidate has more than one authorized committee, the principal campaign committee must also file a consolidated report on Form 3Z.

### Other Means of Filing

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

### 48 HOUR NOTICES ON CONTRIBUTIONS

Notices are required if the committee receives any contribution (**including in-kind gifts or advances of goods or services; loans from the candidate or other non-bank sources; and guarantees or endorsements of bank loans to the candidate or committee**) of \$1,000 or more per source, during the period of July 19 through August 4, 2008.

The notices, which may be filed using Form 6, or under limited circumstances Form 10, must reach the appropriate federal filing office within 48 hours of the committee's receipt of the contribution(s). U.S. Senate candidates must transmit the notices to the Secretary of the Senate by fax at (202) 224-1851. **Campaign committees that file electronically MUST submit their 48-hour notices electronically.** For more information, visit the FEC web site at [www.fec.gov/electfil/online.shtml](http://www.fec.gov/electfil/online.shtml). U.S. House candidates faxing 48-hour notices should transmit them to the FEC at (202) 219-0174. Paper forms are available at the website at [www.fec.gov/info/forms.shtml](http://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](http://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).<sup>5</sup> For additional information, visit the FEC website at [www.fec.gov/af/af.shtml](http://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 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).

### IMPORTANT FILING INFORMATION - PAPER FILERS

In response to the anthrax threat, the U.S. Postal Service is irradiating mail directed to many federal agencies, including the FEC and the Secretary of the Senate.<sup>6</sup> This process has not only delayed mail delivery, it has also damaged and in some cases destroyed pieces of mail. As a result, committees that file reports with the FEC may want to consider submitting their reports by some means other than U.S. mail. Alternative methods include electronic filing, overnight mail service, and hand delivery.

<sup>5</sup>Penalties for late- or non-filing of 48-hour notices are based on the amount of contributions not timely disclosed. As a result, these penalties may exceed \$16,000, even for first-time violations.

<sup>6</sup>Senate committees should contact the Secretary of the Senate at (202) 224-0322 for more information on filing reports via US mail.

29092641555



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

DEC 5 2008 A 9:34

December 5, 2008

MEMORANDUM

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: Jill Sugarman *JS*  
Reviewing Analyst

Subject: AF# 1876 – Kenneth Eaton for US Senate 2008 and Toni Eaton, as  
Treasurer (C00450858)

**SENSITIVE**

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

29092641336



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

December 5, 2008

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

AF# 1876 – Kenneth Eaton for US Senate 2008 and Toni Eaton, as Treasurer (C00450858)

On September 26, 2008, the Commission found reason to believe ("RTB") that the respondents violated 2 U.S.C. § 434(a) for failing to file the 2008 12 Day Pre-Primary Report, an election sensitive report, and made a preliminary determination that the civil money penalty was \$9,000 based on the schedule of penalties at 11 C.F.R. § 111.43. They were notified by the Reports Analysis Division ("RAD") on September 30, 2008, of the Commission's RTB finding and civil money penalty.

**Respondents' Response**

On October 20, 2008, the Commission received the written response ("challenge") from the Candidate, on behalf of the respondents, who states that he received nothing stating that a report was due covering July 1 to July 18 and he still cannot find that requirement on the web site. He thought all reports were filed because neither the news media nor any federal agency asked him for the report. He received an email about the October Quarterly Report which he understood was not due until October 15 and this notice advised him to close the account since he lost in the Primary. He regrets that the report was filed late. Had he known it was due, he would have filed it on time. He asks that the fine be suspended since the campaign was family run and the total collections were only \$1050.

Included with the challenge are copies of Page 1 of the Request for Additional Information for the July Quarterly Report, Page 1 of the RTB letter, and Page 1 of the email notification for the October Quarterly Report Notice dated September 22, 2008 and sent to KENNETH@KENNETHEATON.COM by the Commission's Information Division. The Amended July Quarterly Report, 12 Day Pre-Primary Report and October Quarterly/Termination Report are also enclosed.

**Analysis of Challenge**

The 12 Day Pre-Primary Report was sent certified mail and received on October 20, 2008. According to the Secretary of the Senate's Office of Public Records, the postmark is illegible. According to the U.S. Postal Service online tracking results, the report was sent on October 10, 2008, 76 days late.

The Federal Election Campaign Act requires that 12 day pre-election reports be filed by the treasurer of a principal campaign committee no later than the 12th day before any election in which the candidate is seeking election, or nomination for election. 2 U.S.C. § 434(a)(2)(A)(i) and 11 C.F.R. § 104.5(a)(2)(i). If the reports are sent by registered or certified mail, by Express or Priority Mail with delivery confirmation or by

29092641337

overnight delivery service with an online tracking system, and scheduled for next business day delivery, they must be postmarked, or deposited with the mailing service, no later than the 15th day before the election to be timely filed. 2 U.S.C. § 434(a)(5) and 11 C.F.R. §§ 100.19(b) and 104.5(e). The treasurer shall be personally responsible for the timely filing of reports. 11 C.F.R. § 104.14(d).

The Candidate claims they were never notified that a report was required for the period of July 1 through July 18 and he still cannot find the requirement on the web site. Commission records, however, show that they were notified on July 2 that they must file this report when the Primary Election Report Notice was sent via email to kenneth@kennetheaton.com, the email address disclosed on their Statement of Organization. This filing information is also found on the Commission's web site at [http://www.fec.gov/info/charts\\_primary\\_dates.shtml](http://www.fec.gov/info/charts_primary_dates.shtml) in either PDF or HTML format. The Candidate says that the October Quarterly Report Notice caused confusion about the filing dates but that notice was sent via email on September 22, almost two months after the 12 Day Pre-Primary Report was due, and could not have contributed to the late filing of the report.

At the time of the RTB finding for the 12 Day Pre-Primary Report, the Commission had not received the report; therefore, the estimated level of activity (\$279,984) was used to calculate the RTB civil money penalty. 11 C.F.R. § 111.43(b)(2)(ii). The respondents filed the 12 Day Pre-Primary Report on October 10, 2008. It discloses total receipts of \$100 and total disbursements of \$2,270. Based on the actual level of activity (\$2,370) for an election sensitive report that is considered not filed, the amount of the civil money penalty is  $\$500 \times [1 + (.25 \times 0)]$  or \$500. 11 C.F.R. § 111.43(b)(2)(iii).

Negligence and the failure to know filing dates are included at 11 C.F.R. § 111.35(d) as examples of circumstances that are not considered reasonably unforeseen and beyond the respondents' control. The other issues raised in the challenge (he regrets that the report was late and it was a family run campaign with little activity) also do not fall within the list of defenses enumerated 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 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 \$500 (reduced from the RTB civil money penalty of \$9,000).

20092641339

**OAR Recommendations**

- (1) Adopt the Reviewing Officer recommendation for AF# 1876 involving Kenneth Eaton for US Senate 2008 and Toni Eaton, as Treasurer, in making the final determination;
- (2) Make a final determination in AF# 1876 that Kenneth Eaton for US Senate 2008 and Toni Eaton, as Treasurer, violated 2 U.S.C. § 434(a) and, based on the actual level of activity disclosed on the 12 Day Pre-Primary Report (\$2,370), assess a civil money penalty of \$500 (reduced from the RTB civil money of \$9,000); and
- (3) Send the appropriate letter.

Reviewing Analyst: Jill I. Sugarman

Attachments

- Attachment 1 – Challenge Received from Respondents
- Attachment 2 – Declaration from RAD
- Attachment 3 –
- Attachment 4 – Declaration from OAR

29092641339

### DECLARATION OF JILL I. SUGARMAN

1. I am the Reviewing Analyst in the Office of Administrative Review for the Federal Election Commission ("Commission"). In my capacity as Reviewing Analyst, I conduct research with respect to all challenges submitted in accordance with the Administrative Fine program.
2. The 2008 12 Day Pre-Primary Report is due July 26, 2008. Senate principal campaign committees must file reports with the Secretary of the Senate. If the report is sent by certified or registered mail, Priority or Express Mail with delivery confirmation, or by overnight delivery service with an on-line tracking system, it must be postmarked by the close of business on July 23 to be timely filed.
3. It is the practice of the Commission's Information Division to send, via email, prior notification of a report's due date to committees and treasurers approximately 3 weeks before the due date if they have provided an email address on the Statement of Organization. It is also the practice of this Division to place reporting notices for pre-primary election reports on the Commission's web site for public access at [http://www.fec.gov/info/charts\\_primary\\_dates.shtml](http://www.fec.gov/info/charts_primary_dates.shtml).
4. It is the practice of the Office of Public Records, Secretary of the Senate to date stamp each report as it is received and complete an envelope processing page disclosing the method used to file the report as well as either the date of receipt or postmark.
5. I hereby certify that I have searched the Commission's public records and that the documents identified herein are the true and accurate copies of:
  - (a) Page 1 of the Statement of Organization filed by Kenneth Eaton for US Senate 2008 and Toni Eaton, as Treasurer. According to the Commission's records, the document is dated May 20, was received on May 22, 2008, and lists "Kenneth@Kennetheaton.com" as the Committee's email address; and
  - (b) Page 1 of the Summary Page, Page 4 of the Detailed Summary Page, the envelope, and the Senate Office of Public Records postmark sheet for the 2008 12 Day Pre-Primary Report filed via certified mail by Kenneth Eaton for US Senate 2008 and Toni Eaton, as Treasurer. According to the Commission's records, the report covers the period from July 1 through July 18, 2008, was received on October 20, 2008, and the postmark is illegible. Lines 24 and 26 list \$100.00 in total receipts and \$2,270.00 in total disbursements, respectively, for the reporting period.
6. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at Washington on the 5th<sup>th</sup> of December, 2008.



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

20092641340



**FEDERAL ELECTION COMMISSION**

Site Navigation

ABOUT THE FEC



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Background Information

- Campaign Finance Reports and Data
- Commission Meetings
- Enforcement Matters
- Help with Reporting and Compliance
- Law & Regulations
- Commission Calendar

**PRIMARY ELECTION REPORT NOTICE**

**FEDERAL ELECTION COMMISSION**

TENNESSEE  
Congressional Committees

July 2, 2008

**FOR COMMITTEES INVOLVED IN THE PRIMARY (08/07/08)**

REPORT	REPORTING PERIOD 1	REG./CERT. & OVERNIGHT MAILING DEADLINE	FILING DEADLINE
Pre-Primary	07/01/08 - 07/18/08	07/23/08	07/26/08 2
48-Hour Notices	07/19/08 - 08/04/08	--- see filing information ---	
October Quarterly	07/19/08 - 09/30/08	10/15/08	10/15/08

**FOOTNOTES:**

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

2 Notice 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 the Secretary of the Senate's) close of business on the last business day before the deadline.

**More Information**

**FOR INFORMATION, CALL: (800) 424-9530 or (202) 694-1100**

**Other Filing Information:**

- [Electioneering Communications Periods](#)
- [48- and 24-Hour Reports of Independent Expenditures Periods](#)
- [Coordinated Communications Periods](#)
- [Federal Election Activity Periods](#)

*(top of page)*

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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.

29092641341

FEC FORM 1

STATEMENT OF ORGANIZATION

RECEIVED  
E-MAIL CENTER  
2008 MAY 22 AM 9:05

SECRETARY OF THE SENATE  
PH 3:08

Office Use Only

1. NAME OF COMMITTEE (in full)  (Check if name is changed) Example: If typing, type over the lines.

12FE4M5

Kenneth Eaton for U.S. Senate 2008

ADDRESS (number and street) 200 Church St Suite 301

(Check if address is changed)

Nashville TN 37201-1

CITY

STATE

ZIP CODE

COMMITTEE'S E-MAIL ADDRESS

Kenneth@KennethEaton.com

COMMITTEE'S WEB PAGE ADDRESS (URL)

www.KennethEaton.com

COMMITTEE'S FAX NUMBER

615-254-1044

2. DATE 03 20 2008

3. FEC IDENTIFICATION NUMBER C

4. IS THIS STATEMENT  NEW (N) OR  AMENDED (A)

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

Type or Print Name of Treasurer Jonid Eaton

Signature of Treasurer \* Joni C. Eaton Date 05 20 2008

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

ANY CHANGE IN INFORMATION SHOULD BE REPORTED WITHIN 10 DAYS.

Office Use Only				
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For further information contact:  
Federal Election Commission  
Toll Free 800-424-9530  
Local 202-694-1100

FEC FORM 1  
(Revised 12/2007)

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28020253810

**DETAILED SUMMARY PAGE**  
of Disbursements

**II. DISBURSEMENTS**

**COLUMN A**  
Total This Period

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

17. OPERATING EXPENDITURES.....	22,700.00	
18. TRANSFERS TO OTHER AUTHORIZED COMMITTEES.....		
19. LOAN REPAYMENTS:		
(a) Of Loans Made or Guaranteed by the Candidate.....		
(b) Of All Other Loans.....		
(c) TOTAL LOAN REPAYMENTS (add Lines 19(a) and (b)).....		
20. REFUNDS OF CONTRIBUTIONS TO:		
(a) Individuals/Persons Other Than Political Committees.....		
(b) Political Party Committees.....		
(c) Other Political Committees (such as PACs).....		
(d) TOTAL CONTRIBUTION REFUNDS (add Lines 20(a), (b), and (c)).....		
21. OTHER DISBURSEMENTS.....		
22. TOTAL DISBURSEMENTS (add Lines 17, 18, 19(c), 20(d), and 21) ▶	22,700.00	

**III. CASH SUMMARY**

23. CASH ON HAND AT BEGINNING OF REPORTING PERIOD.....	230,000.00
24. TOTAL RECEIPTS THIS PERIOD (from Line 16, page 3).....	100.00
25. SUBTOTAL (add Line 23 and Line 24).....	230,100.00
26. TOTAL DISBURSEMENTS THIS PERIOD (from Line 22).....	22,700.00
27. CASH ON HAND AT CLOSE OF REPORTING PERIOD (subtract Line 26 from Line 25).....	227,830.00

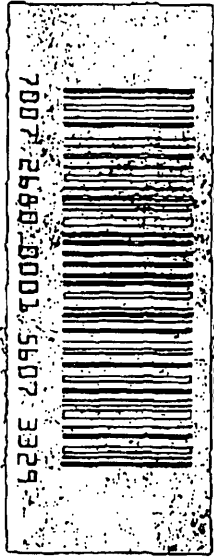
29092641343

28020712197

for US Senate  
37301

SEALED

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT  
OF THE RETURN ADDRESS, ABOVE POSTAGE LINE  
**CERTIFIED MAIL™**



MISSENT WASH DC MAIL

TO: JCTM

29092641344

for  
Commission

28020712200

NANCY ERICKSON  
SECRETARY

PAMELA B. GAVIN  
SUPERINTENDENT

HART SENATE OFFICE BUILDING  
SUITE 232  
WASHINGTON, DC 20510-7116  
PHONE: (202) 224-0322

# United States Senate

OFFICE OF THE SECRETARY

OFFICE OF PUBLIC RECORDS

THE PRECEDING DOCUMENT WAS:

HAND DELIVERED \_\_\_\_\_  
Date of Receipt

USPS FIRST CLASS MAIL \_\_\_\_\_  
Postmark

USPS REGISTERED/CERTIFIED \_\_\_\_\_  
Postmark

USPS PRIORITY MAIL \_\_\_\_\_  
Postmark  
DELIVERY CONFIRMATION OR SIGNATURE CONFIRMATION LABEL

USPS EXPRESS MAIL \_\_\_\_\_  
Postmark

OVERNIGHT DELIVERY SERVICE:

	SHIPPING DATE	NEXT BUSINESS DAY DELIVERY
FEDERAL EXPRESS	_____	<input type="checkbox"/>
UPS	_____	<input type="checkbox"/>
DHL	_____	<input type="checkbox"/>
AIRBORNE EXPRESS	_____	<input type="checkbox"/>

RECEIVED FROM FEDERAL ELECTION COMMISSION \_\_\_\_\_  
Date of Receipt

POSTMARK ILLEGIBLE  NO POSTMARK

FAX \_\_\_\_\_  
Date of Receipt

OTHER \_\_\_\_\_  
Date of Receipt or Postmark

PREPARER RD DATE PREPARED 10-21-08

29092641345

28020712201



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

VIA OVERNIGHT DELIVERY

December 9, 2008

Toni Eaton, as Treasurer  
Kenneth Eaton for US Senate 2008  
200 Church St., Suite 301  
Nashville, TN 37201

C00450858  
AF# 1876

Dear Ms. Eaton:

On September 26, 2008, the Federal Election Commission ("Commission") found reason to believe ("RTB") that Kenneth Eaton for US Senate 2008 and you, as Treasurer ("respondents"), violated 2 U.S.C. § 434(a) for failing to file the 2008 12 Day Pre-Primary Report. The Commission also made a preliminary determination that the civil money penalty was \$9,000 based on the schedule of penalties at 11 C.F.R. § 111.43.

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

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

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

Sincerely,

A handwritten signature in cursive script that reads "Jill I. Sugarman".

Jill I. Sugarman  
Reviewing Analyst  
Office of Administrative Review

Attachment

29092641346



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

**SENSITIVE**

January 7, 2009

**MEMORANDUM**

To: The Commission

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

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

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

By: Jill I. Sugarman *JIS*  
Reviewing Analyst

Subject: Final Determination Recommendation in AF# 1876 – Kenneth Eaton for US Senate 2008 and Toni Eaton, as Treasurer (C00450858)

2009 JAN -7 P 12:03

FEDERAL ELECTION COMMISSION  
SECRETARIAT

On September 26, 2008, the Commission found reason to believe that the respondents violated 2 U.S.C. § 434(a) for failing to file the 2008 12 Day Pre-Primary Report. Because they had not filed the report, the Commission made a preliminary determination, using the estimated level of activity, that the civil money penalty was \$9,000 based on the schedule of penalties at 11 C.F.R. § 111.43.

At the time of the RTB finding for the 12 Day Pre-Primary Report, the Commission had not received the report; therefore, the estimated level of activity (\$279,984) was used to calculate the RTB civil money penalty. On October 10, 2008, the respondents filed the 12 Day Pre-Primary Report which discloses total receipts of \$100 and total disbursements of \$2,270, resulting in a level of activity totaling \$2,370. Had the report been filed disclosing this level of activity (\$2,370) prior to the Commission's RTB finding, the civil money penalty would have been \$500 based on the schedule of penalties at 11 C.F.R. § 111.43(a).

On October 20, 2008, the Commission received the respondents' written response ("challenge"). After reviewing the challenge, the Reviewing Officer's recommendation dated December 5, 2008 was forwarded to the Commission, a copy was sent 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 based on the actual level of activity for the 12 Day Pre-Primary reporting period (\$2,370), assess a civil money penalty of

29092641347

\$500 because they submitted no evidence that the RTB finding was based on factual errors, that the civil money penalty was improperly calculated at RTB, or that 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.

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). As of this date, a written response has not been received.

### **OAR Recommendations**

- (1) Adopt the Reviewing Officer recommendation for AF# 1876 involving Kenneth Eaton for US Senate 2008 and Toni Eaton, as Treasurer, in making the final determination;
- (2) Make a final determination in AF# 1876 that Kenneth Eaton for US Senate 2008 and Toni Eaton, as Treasurer, violated 2 U.S.C. § 434(a) and, based on the actual level of activity disclosed on the 12 Day Pre-Primary Report (\$2,370), assess a civil money penalty of \$500 (reduced from the RTB civil money of \$9,000); and
- (3) Send the appropriate letter.

20092641548

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
)  
Final Determination Recommendation: ) AF 1876  
Kenneth Eaton for US Senate 2008 and )  
Toni Eaton, as Treasurer (C00450858) )

CERTIFICATION

I, Mary W. Dove, Secretary of the Federal Election Commission, do hereby certify that on January 23, 2009, the Commission decided by a vote of 6-0 to take the following actions in AF 1876:

1. Adopt the Reviewing Officer recommendation for AF 1876 involving Kenneth Eaton for US Senate 2008 and Toni Eaton, as Treasurer, in making the final determination.
2. Make a final determination in AF 1876 that Kenneth Eaton for US Senate 2008 and Toni Eaton, as Treasurer, violated 2 U.S.C. § 434(a) and, based on the actual level of activity disclosed on the 12 Day Pre-Primary Report (\$2,370), assess a civil money penalty of \$500 (reduced from the RTB civil money of \$9,000.)
3. Send the appropriate letter.

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

Attest:

January 26, 2009  
Date

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

29092641349



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

February 13, 2009

VIA CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Toni Eaton, as Treasurer  
Kenneth Eaton for US Senate 2008  
200 Church Street, Suite 301  
Nashville, TN 37201

C00450858  
AF# 1876

Dear Ms. Eaton:

On September 26, 2008, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Kenneth Eaton for US Senate 2008 and you, as Treasurer, violated 2 U.S.C. § 434(a) for failing to file the 2008 12 Day Pre-Primary Report. By letter dated September 30, 2008, the Commission sent you notification of the RTB finding that included a civil money penalty calculated at RTB of \$9,000 in accordance with the schedule of penalties at 11 C.F.R. § 111.43. On October 20, 2008, the Office of Administrative Review received the written response from the Candidate, Mr. Eaton, challenging the RTB finding.

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 Kenneth Eaton for US Senate 2008 and you, as Treasurer, violated 2 U.S.C. § 434(a) and, based on the actual level of activity disclosed on the 2008 12 Day Pre-Primary Report filed October 10, 2008 (\$2,370), assess a civil money penalty in the amount of \$500 in accordance with 11 C.F.R. § 111.43. The basis for the Reviewing Officer's recommendation was included in the Final Determination Report, a copy of which was sent to you on December 9, 2008.

On January 23, 2009, the Commission adopted the Reviewing Officer's recommendation, made a final determination that Kenneth Eaton for US Senate 2008 and you, as Treasurer, violated 2 U.S.C. § 434(a) and based on the level of activity disclosed on the 2008 12 Day Pre-Primary Report (\$2,370), assessed a civil money penalty of \$500 (reduced from the RTB civil money penalty of \$9,000). It is based on the same factors used to calculate the civil money penalty at RTB except that the actual rather than the estimated level of activity was used. A copy of the final determination recommendation is attached.

#### **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.

29092641350

**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 Jill I. Sugarman on our toll free number (800)424-9530 (press 0, then ext. 1660) or (202)694-1660.

On behalf of the Commission,

  
Steven T. Walther  
Chairman

Attachment

29092641351

-----  
**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 12 Day Pre-Primary 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: Kenneth Eaton for US Senate 2008

FEC ID#: C00450858

AF#: 1876

PAYMENT AMOUNT DUE: \$500

29092641352

**AGREEMENT AS TO THE METHOD OF CERTIFYING  
DEBTS SUBMITTED TO THE FINANCIAL MANAGEMENT SERVICE'S  
CROSS-SERVICING PROGRAM**

**This Agreement is submitted by:** Federal Election Commission

**Creditor Agency:** Federal Election Commission

**Date of Agreement:** December 18, 2008

**The Creditor Agency agrees that:**

- I. This Agreement (henceforth referenced as 'Agreement') covers all debts, including updates, changes, and modifications (Debts) submitted by Electronic Transmission on or after the date of this Agreement, by the Creditor Agency (henceforth referenced as 'Agency') to the Financial Management Service (FMS), a bureau of the U.S. Department of the Treasury, for collection through the FMS's Cross-Servicing Program (Cross-Servicing).;
- II. The Agency will submit debts to Cross-Servicing via Electronic Transmission of "Add Records" or "Update Records," as described in the attached Exhibit A. Each time the Agency submits a Debt via an Add Record or Update Record, the Agency is certifying the Debt;
- III. Any person who submits Debts via an Add Record or Update Record has or will have delegated authority to certify the Debts on behalf of the head of the Agency, and the Agency will provide a copy of this Agreement to any such person; and,
- IV. By submitting Debts via an Add Record or Update Record, the person submitting such Debts is certifying to the U.S. Department of the Treasury, under penalty of perjury pursuant to 5 U.S.C. § 5514, 31 U.S.C. § 3716, 31 U.S.C. § 3720A, and 28 U.S.C. § 1746, that to the best of his or her knowledge and belief, the following is true and correct:
  1. **Valid Debts.** The debts are delinquent, valid and legally enforceable in the amounts stated.
  2. **No Bar to Collection.** The debts are not subject to any circumstances that legally preclude or bar collection, including collection by offset. There are no foreclosures pending with respect to any collateral securing a debt. The Agency's records do not show that any debtor owing a debt has filed for bankruptcy protection. Alternatively, the Agency can clearly establish that any automatic stay has been lifted or is no longer in effect.

29092641353

3. **Administrative Offset and Tax Refund Offset.** If the Agency has established a profile instructing FMS to refer debts to the Treasury Offset Program (TOP) on its behalf for the purposes of tax refund and administrative offset, the person submitting such debts will be certifying to the following:

a. The Agency has complied with all of the provisions of 31 U.S.C. § 3716, 31 U.S.C. § 3720A, 31 C.F.R. §§ 285.2 and 285.5, and the Federal Claims Collection Standards (31 C.F.R. Parts 900-904), as may be amended, as well as other statutes, regulations and policies applicable to collection by administrative offset and tax refund offset. No Debt is more than 10 years delinquent, except for those Debts that may be legally offset if more than 10 years delinquent.

b. At least 60 days prior to the date of the certification (i.e., date of Electronic Transmission), the Agency has provided, or made a reasonable attempt to provide in accordance with applicable offset regulations, each debtor with:

i. written notification, at the debtor's most current known address, of the nature and the amount of the debt, the intention of the Agency to collect the debt through administrative offset and tax refund offset, including offset of State payments, and an explanation of the rights of the debtor;

ii. an opportunity to inspect and copy the records of the Agency with respect to the debt;

iii. an opportunity for review within the Agency of the determination of the Agency with respect to the debt, including the opportunity to present evidence that all or part of the debt is not past-due or legally enforceable; and

iv. an opportunity to enter into a written repayment agreement with the Agency

c. The Agency has considered any evidence presented by the debtor and determined that the amount of the debt is past-due and legally enforceable and there are no pending appeals of such determination.

d. The Agency has, at minimum, made the following reasonable efforts to obtain payment of the debt: demanded payment and provided the debtor with the notice and opportunities described in paragraph 3.b.

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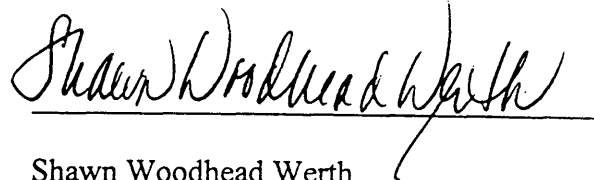
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4. ***Due Process Compliance for Salary Offset.*** With respect to the offset of Federal salaries, if the Agency has authorized FMS to set up an agency profile so that all debts are referred to TOP for offset of federal salary payments:
  - a. The Agency has complied with all of the provisions of 5 U.S.C. § 5514, 5 C.F.R. §§ 550.1101-1110, and 31 CFR 285.7, as may be amended, as well as other statutes, regulations and policies applicable to collection by salary offset.
  - b. The Agency has provided, or made a reasonable attempt to provide, each debtor with the notice, opportunities, and considerations described in paragraphs 3.B. and 3.C. and the additional notices and opportunities, including the opportunity for waiver consideration and for a hearing, required for salary offset.
  
5. ***Consumer Reporting Agencies.*** The Agency has complied with all of the provisions of 31 U.S.C. § 3711(e) and the Federal Claims Collection Standards, as well as other statutes, regulations and policies applicable to the Agency's reporting of delinquent debts to consumer reporting agencies. The Agency has:
  - a. determined that the debts are valid and overdue;
  - b. notified the debtor, more than 60 days prior to the date of the certification:
    - i. that the debt is overdue,
    - ii. that the Agency intends to disclose to a consumer reporting agency that the debtor is responsible for the debt,
    - iii. of the specific information to be disclosed to the consumer reporting agency, and
    - iv. of the debtor's rights to an explanation of the claim, to dispute the information in the Agency's records about the claim, and to administrative repeal or review of the claim; and
  - c. upon the request of a debtor, provided for a review of any debtor's claim, including an opportunity for reconsideration of the initial decision on the claim.

In addition, no debtor has repaid or agreed to repay the claim under a signed repayment agreement or filed for review of the claim.

6. ***Interest and Penalties.*** The Agency has complied with all of the provisions of 31 U.S.C. § 3717 and the Federal Claims Collection Standards, as well as other statutes, regulations and policies applicable to Agency's assessment of interest, penalties and administrative costs. The Agency has mailed or hand-delivered a written notice to all debtors explaining the Agency's requirements concerning the charges.

**CERTIFICATION:** Pursuant to 28 U.S.C. § 1746, I certify that I have been delegated authority to execute this Agreement on behalf of the head of my agency.

A handwritten signature in cursive script, reading "Shawn Woodhead Werth", is written over a horizontal line.

Shawn Woodhead Werth

Director, Office of Administrative Review

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FEDERAL ELECTION COMMISSION  
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 1876

DATE SCANNED 8-17-09

SCANNER NO. 2

SCAN OPERATOR JmK

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