



FEDERAL ELECTION COMMISSION  
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 1878

DATE SCANNED 1-23-09

SCANNER NO. 1

SCAN OPERATOR JUP

29092622426



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

September 26, 2008

MEMORANDUM

**SENSITIVE**

TO: THE COMMISSION

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

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

PATRICIA CARMONA *PC*  
ASSISTANT STAFF DIRECTOR  
REPORTS ANALYSIS DIVISION

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

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

2008 SEP 26 P 5:06  
 RECEIVED  
 FEDERAL ELECTION COMMISSION  
 SECRETARIAT

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Attached is a list of political committees and their treasurers who failed to file or failed to timely file the 2008 12 Day Pre-Primary Report for the Florida Primary Election in accordance with 2 U.S.C. 434(a). The 12 Day Pre-Primary Report was due on August 14, 2008, and the Primary Election was held on August 26, 2008.

The committees listed on the attached RTB Circulation Report failed to file the election sensitive report by the required due date. Election sensitive reports filed more than four days prior to the election are considered late, and reports not filed more than four days prior to the election are considered not filed. In accordance with the schedule of civil money penalties for reports at 11 CFR 111.43, these committees should be assessed the civil money penalties highlighted on the attached circulation report.

**Recommendation**

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

Federal Election Commission  
Reason to Believe Circulation Report  
2008 PRE-PRIMARY Election Sensitive 08/14/2008 AUTH

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
1878	C00410761	CASTOR FOR CONGRESS	CASTOR, KATHY	AMY MARTIN	\$792,998	0	8/20/2008	6	\$51,837	\$900
1879	C00445155	JAY MCGOVERN FOR CONGRESS	MCGOVERN, JAMES JOSEPH "JAY"	JUSTIN SPILLER	\$108,370	0	9/3/2008	Not Filed	\$23,987	\$900

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
Reason To Believe Recommendation - 2008 )  
12 Day Pre-Primary Report (FL) for the )  
Administrative Fine Program: )  
CASTOR FOR CONGRESS, and AMY ) AF# 1878  
MARTIN as treasurer; )  
JAY MCGOVERN FOR CONGRESS, and ) AF# 1879  
SPILLER, JUSTIN as treasurer; )

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CERTIFICATION

I, Mary W. Dove, Secretary of the Federal Election Commission, do hereby certify that on September 30, 2008 the Commission took the following actions on the Reason To Believe Recommendation - 2008 12 Day Pre-Primary Report (FL) for the Administrative Fine Program as recommended in the Reports Analysis Division's Memorandum dated September 26, 2008, on the following committees:

AF#1878 Decided by a vote of 6-0 to: (1) find reason to believe that CASTOR FOR CONGRESS, and AMY MARTIN as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#1879 Decided by a vote of 6-0 to: (1) find reason to believe that JAY MCGOVERN FOR CONGRESS, and SPILLER, JUSTIN as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly,

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Federal Election Commission  
Certification for Administrative Fines  
September 30, 2008

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

Attest:

September 30, 2008  
Date

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

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

October 1, 2008

Amy Martin  
Castor for Congress  
301 W. Platt Street, #385  
Tampa, FL 33606

C00410761  
AF#: 1878

Dear Amy Martin:

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 August 6, 2008, shall be filed no later than August 14, 2008. 2 U.S.C. 434(a). Records at the Federal Election Commission ("FEC") indicate that this report was filed on 8/20/2008, 6 days late.

The Act was further amended in 1999 to permit the FEC to impose civil money penalties for violations of the reporting requirements of 2 U.S.C. 434(a). 2 U.S.C. 437g(a)(4). On 9/30/2008, the FEC found that there is reason to believe ("RTB") that Castor for Congress and you, as treasurer, violated 2 U.S.C. 434(a) by failing to file timely this report on or before August 14, 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 \$900. It is due by 11/9/2008 and is based on these factors:

Election Sensitivity of Report: Election Sensitive  
Level of Activity: \$51,837  
Number of Days Late: 6  
Number of Previous Civil Money Penalties Assessed: 0

**To Pay the Calculated Civil Money Penalty**

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

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

To challenge the RTB finding and/or calculated civil money penalty, you must submit a written response, including the AF# found on page one, to the FEC's Office of Administrative Review, 999 E Street, NW, Washington, DC 20463. Your response must be received by

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11/9/2008. Your written response must include the reason(s) why you are challenging the RTB finding and/or calculated civil money penalty. The FEC will only consider challenges that are based on a factual error in the RTB finding; miscalculation of the calculated civil money penalty by the FEC; or your demonstrated use of best efforts to file in a timely manner when prevented from doing so by reasonably unforeseen circumstances that were beyond your control. In order for a challenge to be considered on the basis of best efforts, you must have filed the required report no later than 24 hours after the end of these reasonably unforeseen circumstances. Examples of circumstances that will be considered reasonably unforeseen and beyond your control include, but are not limited to, a failure of Commission computers or Commission-provided software despite you seeking technical assistance from Commission personnel and resources; a widespread disruption of information transmissions over the Internet that is not caused by the Commission's or your computer systems or Internet service provider; and severe weather or other disaster-related incident. **Examples of circumstances that will not be considered reasonably unforeseen and beyond your control include, but are not limited to, negligence; delays caused by vendors or contractors; treasurer and staff illness, inexperience or unavailability; committee computer, software, or internet service provider failures; failure to know filing dates; and failure to use filing software properly.** Your response must include the factual basis supporting the reason(s) and supporting documentation. The FEC strongly encourages that documents be submitted in the form of affidavits or declarations. 11 C.F.R. 111.35.

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

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

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

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

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

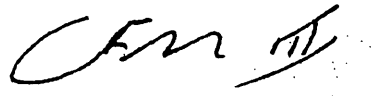
This matter was generated based on information ascertained by the FEC in the normal course of carrying out its supervisory responsibilities. 2 U.S.C. 437g(a)(2). It will remain confidential in accordance with 2 U.S.C. 437g(a)(4)(B) and 437g(a)(12)(A) until it is placed on

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the public record in accordance with 11 C.F.R. 111.42, unless you notify the FEC in writing that you wish the matter to be made public.

Additional information on the FEC's administrative fine program, including the final regulations, is located at the FEC's website at [www.FEC.gov](http://www.FEC.gov). If you have questions regarding the payment of the calculated civil money penalty, please contact Rhiannon Magruder in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130. If you have questions regarding the submission of a challenge, please contact the Office of Administrative Review at our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

Sincerely,

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

Donald F. McGahn II  
Chairman

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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 \$900 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 11/9/2008. Upon receipt of your remittance and payment, the FEC will send you a final determination letter.

**PAYMENTS BY PERSONAL CHECK**

Personal checks will be converted into electronic funds transfers (EFTS). Your account will be electronically debited for the amount on your check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

**PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT**

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FOR: Castor for Congress

FEC ID#: C00410761

AF#: 1878

PAYMENT DUE DATE: 11/9/2008

PAYMENT AMOUNT DUE: \$900

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20461

DEC 2 2008 10:55 AM

December 2, 2008

MEMORANDUM

SENSITIVE

TO: THE COMMISSION

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

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

PATRICIA CARMONA *PC*  
ASSISTANT STAFF DIRECTOR  
REPORTS ANALYSIS DIVISION

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

SUBJECT: ADMINISTRATIVE FINE PROGRAM -  
FINAL DETERMINATION RECOMMENDATION FOR THE  
2008 12 DAY PRE-PRIMARY REPORT (FLORIDA)

Attached are two lists of political committees and their treasurers against which the Commission has found reason to believe (RTB) and assessed proposed civil money penalties calculated at RTB for failure to file or failure to timely file the 2008 12 Day Pre-Primary Report for Florida. The first list represents the committees that have paid the civil money penalty and the second list represents the committee that has not paid the civil money penalty. The committee that has not paid has been given at least forty (40) days from the date of the Commission's RTB finding to remit payment.

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

**RAD Recommendation**

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

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12/2/2008 12:27 PM

Federal Election Commission  
FD Circulation Report - Fine Paid  
2008 PRE-PRIMARY Election Sensitive 08/14/2008 AUTH

AF#	Committee Name	Candidate Name	Committee ID	Treasurer	Receipt Date	Days Late	LOA	PV	RTB Date	RTB Penalty	Final Money Penalty	Date Paid	Amount Paid
1878	CASTOR FOR CONGRESS	CASTOR, KATHY	C00410761	AMY MARTIN	08/20/2008	6	\$51,637	0	09/30/2008	\$900	\$900	11/05/2008	\$900
1879	JAY MCGOVERN FOR CONGRESS	MCGOVERN, JAMES JOSEPH "JAY"	C00445155	JUSTIN SPILLER	09/03/2008	Not Filed	\$23,987	0	09/30/2008	\$900	\$900	10/16/2008	\$900

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
Administrative Fine Program – Final ) AF 1878  
Determination Recommendation for the )  
2008 12 Day Pre-Primary Report (FL): )  
Castor for Congress and Amy Martin, )  
Treasurer )

CERTIFICATION

I, Mary W. Dove, Secretary of the Federal Election Commission, do hereby certify that on December 05, 2008, the Commission decided by a vote of 6-0 to take the following actions in AF 1878:

1. Make a final determination that Castor for Congress and Amy Martin, Treasurer, violated 2 U.S.C. 434(a) and assess the final civil money penalties in the amount of \$900.00.
2. Send the appropriate letters.

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

Attest:

December 5, 2008  
Date

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

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

December 8, 2008

Amy Martin, Treasurer  
Castor for Congress  
301 W. Platt Street, #385  
Tampa, FL 33606

C00410761  
AF#: 1878

Dear Amy Martin,

On 9/30/2008, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Castor for Congress and you, as treasurer, violated 2 U.S.C. 434(a) for filing late or failing to file the 2008 Pre-Primary Report. By letter dated 10/1/2008, the Commission sent you notification of the RTB finding that included a civil money penalty calculated at the RTB stage of \$900 in accordance with the schedule of penalties at 11 C.F.R. 111.43.

On 11/5/2008, the FEC received payment of your civil money penalty calculated at the RTB stage. The FEC made a final determination on 12/5/2008 that you, as treasurer, and Castor for Congress violated 2 U.S.C. 434(a), assessed a civil money penalty in the amount of \$900 in accordance with 11 C.F.R. 111.43, and voted to close the file.

The confidentiality provisions at 2 U.S.C. 437g(a)(12) no longer apply and this matter is now public. The file will be made a part of the public record pursuant to 11 C.F.R. 111.42(b). Although the file must be placed on the public record within thirty (30) days from the date of the Commission's notification, this could occur at anytime following certification of the Commission's vote.

If you have any questions regarding this matter, please contact Rhiannon Magruder on our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130.

Sincerely,

A handwritten signature in black ink, appearing to read "DFM II".

Donald F. McGahn II  
Chairman

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PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: Castor for Congress

FEC ID#: C00410761

11-4

AF#: 1878

PAYMENT DUE DATE: 11/9/2008

PAYMENT AMOUNT DUE: \$900

QUALITY IS OUR PRIORITY FOR LOCKBOX 9058  
SEQ# 001 \$ 000090000 BA# 1 11-04-08 20 3



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<b>CASTOR FOR CONGRESS</b> 301 W PLATT ST 385 TAMPA, FL 33606		<b>1593</b> <small>83-215/631</small>
		DATE <u>10-23-08</u>
PAY TO THE ORDER OF <u>Federal Election Commission</u>	<u>\$ 900.00</u>	
<u>Nine hundred and 00/100</u>	DOLLARS	
<b>SUNTRUST</b>	ACH RT 061000104	
FOR ID # C00410761 AF # 1878		



FEDERAL ELECTION COMMISSION  
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 1878

DATE SCANNED 1-23-09

SCANNER NO. 1

SCAN OPERATOR JMD

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