



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 1890

DATE SCANNED 6/15/09

SCANNER NO. 1

SCAN OPERATOR JMU

29092630491



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

DEC 8 2008 1:59

December 8, 2008

MEMORANDUM

SENSITIVE

TO: THE COMMISSION

THROUGH: JOSEPH F. STOLTZ *[Signature]*
ACTING STAFF DIRECTOR

FROM: JOHN D. GIBSON *[Signature]*
CHIEF COMPLIANCE OFFICER

PATRICIA CARMONA *[Signature]*
ASSISTANT STAFF DIRECTOR
REPORTS ANALYSIS DIVISION

BY: NATALIYA IOFFE/RJILANNON MAGRUDER/CHRIS RITCHIE *[Signature]*
COMPLIANCE BRANCH

SUBJECT: REASON TO BELIEVE RECOMMENDATION - 2008 OCTOBER
QUARTERLY REPORT (ELECTION SENSITIVE) FOR THE
ADMINISTRATIVE FINE PROGRAM

Attached is a list of political committees and their treasurers who failed to file the 2008 October Quarterly Report in accordance with 2 U.S.C. 434(a). The October Quarterly Report was due on October 15, 2008.

Under the Administrative Fine Program, the October Quarterly Report is considered an election-sensitive filing for authorized committees supporting candidates involved in the general election as well as all unauthorized committees. For the committees listed on the attached RTB Circulation Report, the October Quarterly Report was an election-sensitive filing. The committees either filed the report more than five (5) days after the due date, failed to file the report or failed to file the report prior to four (4) days before the general election (considered a non-filed report). In accordance with the schedule of civil money penalties for reports at 11 C.F.R. 111.43, these committees should be assessed the civil money penalties included on the attached report.

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Recommendation

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

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Federal Election Commission
Reason to Believe Circulation Report
2008 OCTOBER QUARTERLY Election Sensitive 10/15/2008 H_S_P_UNAUTH

| AF# | Committee ID | Committee Name | Candidate Name | Treasurer | Threshold | PV | Receipt Date | Days Late | LOA | RTB Penalty |
|------|--------------|--|----------------|-------------------|-----------|----|--------------|-----------|----------------|-------------|
| 1887 | C00135525 | AMERICAN NATIONAL INSURANCE COMPANY EMPLOYEE POLITICAL ACTION COMMITTEE | | JOHN MARK FLIPPIN | \$179,504 | 0 | 11/10/2008 | Not Filed | \$58,118 | \$3,000 |
| 1888 | C00034645 | AMERICAN SOCIETY FOR CLINICAL LABORATORY SCIENCE POLITICAL ACTION COMMITTEE (FKA ASMT/PAC) | | LINDA HICKOK | \$109,237 | 0 | 11/6/2008 | Not Filed | \$18,167 | \$900 |
| 1889 | C00439042 | AMERICANS UNITED FOR FREEDOM (AUF) PAC | PAUL, RON | BRANDON S. LLOYD | \$164,826 | 0 | | Not Filed | \$54,942 (est) | \$3,000 |
| 1890 | C00395988 | ARGON ST PAC | | GABRIELLE CARRUTH | \$109,550 | 0 | 11/12/2008 | Not Filed | \$11,600 | \$900 |

| | | | | | | | | | | |
|------|-----------|---|--|--------------|-----------|---|-----------|-----------|---------|-------|
| 1892 | C00030593 | CONSUMER DATA INDUSTRY ASSOCIATION INC POLITICAL ACTION COMMITTEE OR CDIA PAC | | JOSEPH RUBIN | \$130,781 | 0 | 11/6/2008 | Not Filed | \$9,165 | \$600 |
|------|-----------|---|--|--------------|-----------|---|-----------|-----------|---------|-------|

| | | | | | | | | | | |
|------|-----------|-------------------------|----------------------|--------------|-----------|---|------------|----|----------|-------|
| 1894 | C00448241 | DOUG TUDOR FOR CONGRESS | TUDOR, DOUGLAS DAVID | JON P. TUDOR | \$175,068 | 0 | 10/29/2008 | 14 | \$49,075 | \$650 |
|------|-----------|-------------------------|----------------------|--------------|-----------|---|------------|----|----------|-------|

| | | | | | | | | | | |
|------|-----------|----------------------------|--|----------------|-----------|---|------------|---|----------|-------|
| 1897 | C00421008 | METAL LATHERS LOCAL 46 PAC | | ROBERT LEDWITH | \$256,590 | 0 | 10/23/2008 | 8 | \$35,396 | \$500 |
|------|-----------|----------------------------|--|----------------|-----------|---|------------|---|----------|-------|

| AF# | Committee ID | Committee Name | Candidate Name | Treasurer | Threshold | PV | Receipt Date | Days Late | LOA | RTB Penalty |
|------|--------------|--|------------------|-----------------------|-----------|----|--------------|-----------|----------------|-------------|
| 1899 | C00363812 | RECREATIONAL FISHING ALLIANCE, PAC | | TONI STEFANO | \$104,392 | 1 | | Not Filed | \$26,098 (est) | \$1,750 |
| 1900 | C00437871 | SALAZAR COMISIONADO 2008 | SALAZAR, ALFREDO | LUIS SALAZAR | \$710,846 | 1 | 10/26/2008 | 11 | \$353,807 | \$6,500 |
| 1901 | C00189266 | SHEET METAL WORKERS LOCAL 100 POLITICAL ACTION COMMITTEE (100 PAC) | | JOHN R. SHIELDS, JR. | \$120,048 | 0 | 11/17/2008 | Not Filed | \$10,976 | \$900 |
| 1902 | C00153379 | SIERRA PACIFIC EMPLOYEES POLITICAL ACTION COMMITTEE | | JOHN VINSKI | \$127,020 | 0 | 10/21/2008 | 6 | \$31,925 | \$450 |
| 1903 | C00421982 | SOLAR ENERGY INDUSTRIES ASSOCIATION PAC | | RHONE RESCH | \$135,255 | 0 | 10/27/2008 | 12 | \$23,382 | \$270 |
| 1904 | C00148155 | ST LOUISIANS FOR BETTER GOVERNMENT | | BERNARD PASTERNAK | \$112,276 | 0 | 10/26/2008 | 11 | \$3,752 | \$160 |
| 1905 | C00139867 | UGI CORPORATION POLITICAL ACTION COMMITTEE (UGI/PAC) | | GREGORY MICHAEL BUCKS | \$206,865 | 0 | 12/4/2008 | Not Filed | \$30,127 | \$1,400 |
| 1906 | C00377549 | USAFARMWORKERPAC | | STUART J. MITCHELL | \$103,719 | 0 | 11/19/2008 | Not Filed | \$34,398 | \$1,400 |

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Reason To Believe Recommendation - 2008)
October Quarterly Report (Election)
Sensitive) for the Administrative Fine)
Program:)
AMERICAN NATIONAL INSURANCE) AF# 1887
COMPANY EMPLOYEE POLITICAL)
ACTION COMMITTEE, and JOHN)
MARK FLIPPIN as treasurer;)
AMERICAN SOCIETY FOR CLINICAL) AF# 1888
LABORATORY SCIENCE POLITICAL)
ACTION COMMITTEE (FKA)
ASMT/PAC), and LINDA HICKOK as)
treasurer;)
AMERICANS UNITED FOR FREEDOM) AF# 1889
(AUF) PAC, and BRANDON S LLOYD as)
treasurer;)
ARGON ST PAC, and GABRIELLE) AF# 1890
CARRUTH as treasurer;)

CONSUMER DATA INDUSTRY) AF# 1892
ASSOCIATION INC POLITICAL)
ACTION COMMITTEE OR CDIA PAC,)
and JOSEPH RUBIN as treasurer;)

DOUG TUDOR FOR CONGRESS, and) AF# 1894
JON P TUDOR as treasurer;)

METAL LATHERS LOCAL 46 PAC, and) AF# 1897
ROBERT LEDWITH as treasurer;)

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| | |
|---------------------------------------|----------|
| RECREATIONAL FISHING ALLIANCE,) | AF# 1899 |
| PAC, and TONI STEFANO as treasurer;) | |
| SALAZAR COMISIONADO 2008, and) | AF# 1900 |
| LUIS SALAZAR as treasurer;) | |
| SHEET METAL WORKERS LOCAL 100) | AF# 1901 |
| POLITICAL ACTION COMMITTEE (100) | |
| PAC), and JOHN R SHIELDS JR as) | |
| treasurer;) | |
| SIERRA PACIFIC EMPLOYEES) | AF# 1902 |
| POLITICAL ACTION COMMITTEE, and) | |
| VINSKI, JOHN as treasurer;) | |
| SOLAR ENERGY INDUSTRIES) | AF# 1903 |
| ASSOCIATION PAC, and RHONE) | |
| RESCII as treasurer;) | |
| ST LOUISIANS FOR BETTER) | AF# 1904 |
| GOVERNMENT, and BERNARD) | |
| PASTERNAK as treasurer;) | |
| UGI CORPORATION POLITICAL) | AF# 1905 |
| ACTION COMMITTEE (UGI/PAC), and) | |
| GREGORY MICHAEL BUCKS as) | |
| treasurer;) | |
| USAFARMWORKERPAC, and STUART J) | AF# 1906 |
| MITCHELL as treasurer;) | |

CERTIFICATION

I, Mary W. Dove, Secretary of the Federal Election Commission, do hereby certify that on December 10, 2008 the Commission took the following actions on the Reason To Believe Recommendation - 2008 October Quarterly Report (Election Sensitive) for the Administrative Fine Program as recommended in the Reports Analysis Division's Memorandum dated December 08, 2008, on the following committees:

AF#1887 Decided by a vote of 6-0 to: (1) find reason to believe that AMERICAN NATIONAL INSURANCE COMPANY EMPLOYEE POLITICAL ACTION

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COMMITTEE, and JOHN MARK FLIPPIN 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#1888 Decided by a vote of 6-0 to: (1) find reason to believe that AMERICAN SOCIETY FOR CLINICAL LABORATORY SCIENCE POLITICAL ACTION COMMITTEE (FKA ASMT/PAC), and LINDA HICKOK 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#1889 Decided by a vote of 6-0 to: (1) find reason to believe that AMERICANS UNITED FOR FREEDOM (AUF) PAC, and BRANDON S LLOYD 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#1890 Decided by a vote of 6-0 to: (1) find reason to believe that ARGON ST PAC, and GABRIELLE CARRUTH 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#1892 Decided by a vote of 6-0 to: (1) find reason to believe that CONSUMER DATA INDUSTRY ASSOCIATION INC POLITICAL ACTION COMMITTEE OR CDIA PAC, and JOSEPH RUBIN as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

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AF#1894 Decided by a vote of 6-0 to: (1) find reason to believe that DOUG TUDOR FOR CONGRESS, and JON P TUDOR 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#1897 Decided by a vote of 6-0 to: (1) find reason to believe that METAL LATHERS LOCAL 46 PAC, and ROBERT LEDWITH 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#1899 Decided by a vote of 6-0 to: (1) find reason to believe that RECREATIONAL FISHING ALLIANCE, PAC, and TONI STEFANO 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#1900 Decided by a vote of 6-0 to: (1) find reason to believe that SALAZAR COMISIONADO 2008, and LUIS SALAZAR as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount

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indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#1901 Decided by a vote of 6-0 to: (1) find reason to believe that SHEET METAL WORKERS LOCAL 100 POLITICAL ACTION COMMITTEE (100 PAC), and JOHN R SHIELDS JR as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#1902 Decided by a vote of 6-0 to: (1) find reason to believe that SIERRA PACIFIC EMPLOYEES POLITICAL ACTION COMMITTEE, and VINSKI, JOHN 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#1903 Decided by a vote of 6-0 to: (1) find reason to believe that SOLAR ENERGY INDUSTRIES ASSOCIATION PAC, and RHONE RESCH 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#1904 Decided by a vote of 6-0 to: (1) find reason to believe that ST LOUISIANS FOR BETTER GOVERNMENT, and BERNARD PASTERNAK 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#1905 Decided by a vote of 6-0 to: (1) find reason to believe that UGI CORPORATION POLITICAL ACTION COMMITTEE (UGI/PAC), and GREGORY MICHAEL BUCKS 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#1906 Decided by a vote of 6-0 to: (1) find reason to believe that USAFARMWORKERPAC, and STUART J MITCHELL as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

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Attest:

December 10, 2008
Date

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

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 11, 2008

Gabrielle Carruth
Argon St. PAC
12701 Fair Lakes Circle
Fairfax, VA 22033

C00395988
AF#: 1890

Dear Gabrielle Carruth:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file an October Quarterly Report of Receipts and Disbursements in a calendar year during which there is a regularly scheduled election. This report, covering the period through September 30th, shall be filed no later than October 15th. 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 general election held on November 4, 2008. You should file the October Quarterly 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 12/10/2008, the FEC found that there is reason to believe ("RTB") that Argon St. PAC and you, as treasurer, violated 2 U.S.C. 434(a) by failing to file timely this report on or before October 15th. 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 1/19/2009 and is based on these factors:

Election Sensitivity of Report: Election Sensitive
Level of Activity: \$11,600
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.

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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 1/19/2009. 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 Argon St. PAC 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.

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

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

Sincerely,



Donald F. McGahn II
Chairman

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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 October Quarterly Report.

Please mail this remittance with a check or money order made payable to the Federal Election Commission to the following address:

Federal Election Commission
P.O. Box 979058
St. Louis, MO 63197-9000

If you choose to send your remittance and payment by courier or overnight delivery, please use this address:

U.S. Bank - Government Lockbox
FEC #979058
1005 Convention Plaza
Attn: Government Lockbox, SL-MO-C2GL
St. Louis, MO 63101

The remittance and your payment are due by 1/19/2009. 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: Argon St. PAC

FEC ID#: C00395988

AF#: 1890

PAYMENT DUE DATE: 1/19/2009

PAYMENT AMOUNT DUE: \$900

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FEC OFFICE OF
ADMIN REVIEW

2008 DEC 22 A 10: 39

December 17, 2008
RECEIVED
FEC MAIL CENTER

2008 DEC 22 AM 8: 18

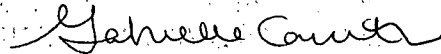
Dear Sir,

I am writing this letter to challenge the RTB finding, AF#1890, dated December 11, 2008. In this letter of finding you indicate that that the ArgonST PAC (C00395988) quarterly report covering the period through September 30, 2008 "was not filed within (30) days of the due date", which in your letter you spell out as "October 15, 2008". In no previous correspondence was any other date provided as reason to levy a civil fine.

My subsequent correspondence with the FEC however indicates that the report in question was received at the FEC on November 14, 2008, which is within the 30 day window of the October 15th date. In fact your letter of finding indicates the report was "not filed" at all.

I am therefore respectfully challenging your RTB finding based on a factual error in your finding. That is that the FEC did not receive the report in question within 30 days of the October 15, 2008 date you provided in the letter.

Sincerely,



Gabrielle Carruth
Treasurer, ArgonST PAC

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Via First Class Mail

December 22, 2008

Gabrielle Carruth, as Treasurer
Argon ST PAC
12701 Fair Lakes Circle
Fairfax, VA 22033

C003959884
AF# 1890

Dear Ms. Carruth:

On December 22, 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

29092630507

FEC OFFICE OF
ADMIN REVIEW

2009 JAN -2 A 10: 28

Date: January 2, 2009

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

AF#: 1890

Committee Name: Argon ST PAC

Committee ID#: C00395988

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 December 8, 2008 and RTB
Certification, dated December 10, 2008: Y**

Attachment #: 1

Certified Return Receipt (to be forwarded at later date if not yet received)(Y/N):Y

Attachment #: 2

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

Attachment #: N/A

RAD Staff Declaration (Y/N): Y

-2008 October Quarterly Report Prior Notice, dated September 21, 2008.

-Non-Filer Letter, dated November 3, 2008.

-Original RTB Letter, dated December 11, 2008.

-Corrected RTB Letter, mailed December 17, 2008.

Attachment #: 4

Other RAD Information: (Y/N): Memo to File, Re-mail Info

Attachment#: 5

20092630506

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| SENDER: COMPLETE THIS SECTION | COMPLETE THIS SECTION ON DELIVERY |
|--|--|
| <ul style="list-style-type: none"> ■ 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. | <p>A. Signature <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>X <i>Lauren Donnelly</i></p> <p>B. Received by (Printed Name) C. Date of Delivery</p> <p><i>Lauren Donnelly</i> <i>12.15.08</i></p> |
| <p>1. Article Addressed to:</p> <p style="text-align: center;">Gabrielle Carruth Argon St PAC 12701 Fair Lakes Circle Fairfax, VA 22033</p> | <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p> |
| <p>2. Article Number 7005 1820 0001 7501 3741 (Transfer from service label)</p> | |

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 Argon ST PAC:
 - A) Prior Notice, dated September 21, 2008, referencing the 2008 October Quarterly Report (sent via electronic mail to: ARGONSTPAC@ARGONST.COM);
 - B) Non-Filer Letter, dated November 3, 2008, referencing the 2008 October Quarterly Report;
 - C) Original Reason-to-Believe Letter, dated December 11, 2008, referencing the 2008 October Quarterly Report.
 - D) Corrected Reason-to-Believe Letter, mailed December 17, 2008, referencing the 2008 October Quarterly Report.
3. I hereby certify that I have searched the Commission's public records and find that Argon ST PAC filed the 2008 October Quarterly Report with the Commission on November 12, 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 January, 2009.



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

29092630510



OCTOBER QUARTERLY
REPORT NOTICE

FEDERAL ELECTION COMMISSION

PARTIES AND PACS

September 21, 2008

CURRENT REPORT DUE

REPORTING DATES

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

PRE-ELECTION REPORTING

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

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

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

11501626062

REPORTING SCHEDULE FOR REMAINDER OF 2008

REPORTING DATES

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

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

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

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

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

SUPPLEMENTAL FILING INFORMATION

PLEASE NOTE: The Commission provides reminders of upcoming filing dates as a courtesy to help committees comply with the filing deadlines set forth in the Act and Commission regulations. Committee treasurers must comply with all applicable filing deadlines established by law, and the lack of prior notice does not constitute an excuse for failing to comply with any filing deadline.

WHO MUST FILE

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

METHODS OF FILING REPORTS

Electronic Filing

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

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

Registered & Certified Mail

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

Overnight Mail

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

Other Means of Filing

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

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

COMPLIANCE

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

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

Report Format. In addition, political committees that file illegible reports or use non-FEC forms (except for FEC-approved, computer-generated forms) will be required to refile their reports.

Electronic Filers Must File Electronically. Electronic filers who instead file on paper, or who submit an electronic report (either by direct transmission, 3.5" diskette or CD) that does not pass the validation program by the 11:59 p.m. Eastern Time on the filing deadline, will be considered non-filers and may be subject to enforcement actions (including administrative fines).

48- AND 24-HOUR REPORTS OF INDEPENDENT EXPENDITURES

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

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

CHANGE IN FILING FREQUENCY

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

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



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 3, 2008

RQ-7

GABRIELLE CARRUTH, TREASURER
ARGON ST PAC
12701 FAIR LAKES CIRCLE
FAIRFAX, VA 22033

IDENTIFICATION NUMBER: C00395988

REFERENCE: OCTOBER QUARTERLY REPORT 7/1/2008 - 9/30/2008

DEAR TREASURER:

IT HAS COME TO THE ATTENTION OF THE FEDERAL ELECTION COMMISSION THAT YOU MAY HAVE FAILED TO FILE THE ABOVE REFERENCED REPORT OF RECEIPTS AND EXPENDITURES AS REQUIRED BY THE FEDERAL ELECTION CAMPAIGN ACT, AS AMENDED.

IT IS IMPORTANT THAT YOU FILE THIS REPORT IMMEDIATELY WITH THE FEDERAL ELECTION COMMISSION, 999 E STREET, N.W., WASHINGTON, D.C., 20463. PLEASE NOTE THAT ELECTRONIC FILERS MUST SUBMIT THEIR REPORTS ELECTRONICALLY, AS PER 11 CFR §104.18. A COPY OF THE REPORT OR RELEVANT PORTIONS MUST ALSO BE FILED WITH THE SECRETARY OF THE STATE OR EQUIVALENT STATE OFFICER UNLESS THE STATE IS EXEMPT FROM THE FEDERAL REQUIREMENT TO RECEIVE AND MAINTAIN PAPER COPIES. YOU CAN VERIFY THE COMMISSION'S RECEIPT OF ANY DOCUMENTS SUBMITTED BY YOUR COMMITTEE ON THE FEC WEBSITE AT WWW.FEC.GOV.

THE FAILURE TO TIMELY FILE THIS REPORT MAY RESULT IN CIVIL MONEY PENALTIES, AN AUDIT OR LEGAL ENFORCEMENT ACTION. THE CIVIL MONEY PENALTY CALCULATION FOR LATE REPORTS DOES NOT INCLUDE A GRACE PERIOD AND BEGINS ON THE DAY FOLLOWING THE DUE DATE FOR THE REPORT. DUE TO HEIGHTENED SECURITY SCREENING MEASURES, DELIVERY OF MAIL BY THE US POSTAL SERVICE MAY BE DELAYED. THE COMMISSION RECOMMENDS THAT YOU SUBMIT YOUR REPORT VIA OVERNIGHT DELIVERY OR COURIER SERVICE.

IF YOU HAVE ANY QUESTIONS REGARDING THIS MATTER, PLEASE CONTACT ROBERT BROWN AT OUR TOLL FREE NUMBER (800)424-9530. OUR DIRECT LOCAL NUMBER IS (202)694-1130.

SINCERELY,

A handwritten signature in cursive script that reads "Patricia Carmona".

PATRICIA CARMONA
ASSISTANT STAFF DIRECTOR
REPORTS ANALYSIS DIVISION (RAD)



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

15
SECRET

2009 FEB 24 P 2 57

SENSITIVE

February 23, 2009

MEMORANDUM

To: The Commission

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

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

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

By: Maureen Benitz *MB*
Reviewing Analyst

Subject: AF# 1890 – Argon ST PAC and Gabrielle Carruth, as Treasurer
(C00395988)

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

29092630516



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 23, 2009

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

AF# 1890 – Argon ST PAC and Gabrielle Carruth, as Treasurer (C00395988)

On December 10, 2008, the Commission found reason to believe ("RTB") that the respondents violated 2 U.S.C. § 434(a) for failing to file the 2008 October Quarterly Report, an election sensitive report, and made a preliminary determination that the civil money penalty was \$900 based on the schedule of penalties at 11 C.F.R. § 111.43. They were notified by the Reports Analysis Division ("RAD") on December 11, 2008 of the Commission's RTB finding and civil money penalty. On December 17, 2008 a second RTB letter was sent, via overnight delivery, which clarified when an election sensitive report is considered not-filed.

Respondents' Response

On December 22, 2008, the Commission received the written response ("challenge") from the Treasurer stating the Commission's RTB finding was incorrect due to a factual error. The Treasurer states that the report was filed on November 14, 2008, and, thus, filed within the 30 day window referenced in the original RTB letter. Because the report was received on November 14, it should not be considered not-filed. The Commission received the \$900 civil money penalty on January 22, 2009.

Analysis

The 2008 October Quarterly Report was filed on November 12, 2008, 28 days late.

The Federal Election Campaign Act ("Act") states that the treasurer of committee not authorized by a candidate shall file, in an election year, a report for the period ending September 30 no later than October 15. 2 U.S.C. § 434(a)(4)(A)(i) and 11 C.F.R. § 104.5(c)(1)(i). A quarterly report sent by an overnight delivery service with an online tracking system and scheduled for next business day delivery shall be considered filed on the date of the delivery to the delivery service. 2 U.S.C. § 434(a)(5) and 11 C.F.R. § 104.5(e). The treasurer shall be personally responsible for the timely filing of reports. 11 C.F.R. § 104.14(d).

The respondents assert that, because they filed the report within the 30 day window noted in the RTB letter, the report should not be considered not-filed. The original RTB letter sent to them on December 11 includes the definition for a not-filed, non-election sensitive report (the report was not filed within 30 days of the due date) instead of the correct definition for a not-filed, election sensitive report (the report was

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not filed prior to 4 days before the election). 11 C.F.R. § 111.43(d) and (e). According to RAD's telecoms (written records of telephone conversations), the Analyst spoke with the Treasurer on December 17, explained what was wrong in the original RTB letter, told her a letter with the correct definition will be sent, and said the same four factors used to calculate the RTB fine amount appear in both letters. The second RTB letter with the correct definition was sent to the Treasurer that day.

Four factors are used to calculate the civil money penalty under the administrative fine regulations. 11 C.F.R. § 111.43. Two of these factors are the election sensitivity of the report and if the report is considered filed late or not filed. The 2008 October Quarterly Report is an election sensitive report. If it is not filed prior to four days before the election (in this case, November 4), it is considered not filed for the purpose of the civil money penalty calculation. Therefore, the RTB civil money penalty was correctly calculated for respondents with no previous violations who filed their report with a level of activity totaling \$11,600, 8 days after the November 4 General Election, using the \$10,000 - \$24,999.99 level of activity bracket: $\$900 \times [1 + (.25 \times 0)]$ or \$900.

Their challenge fails to address any of the three valid excuses at 11 C.F.R § 111.35(b). These are: (i) the RTB finding is based on factual errors; and/or (ii) the improper calculation of the civil money penalty; and/or (iii) they used best efforts to file on time but were prevented from doing so by reasonably unforeseen circumstances that were beyond their control and they filed the report no later than 24 hours after the end of these circumstances.

Therefore, the Reviewing Officer recommends that the Commission make a final determination that the respondents violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$900. The Commission received the \$900 civil money penalty on January 22, 2009.

OAR Recommendations

- (1) Adopt the Reviewing Officer recommendation for AF# 1890 involving Argon ST PAC and Gabrielle Carruth, as Treasurer, in making the final determination;
- (2) Make a final determination in AF# 1890 that Argon ST PAC and Gabrielle Carruth, as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$900; and
- (3) Send the appropriate letter.

Reviewing Analyst: Maureen Benitz

Attachments

Attachment 1 – Challenge Received from Respondents

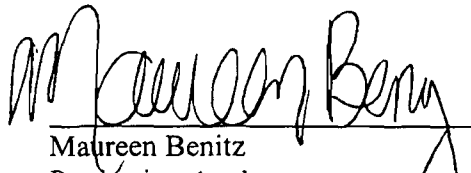
Attachment 2 – Declaration from RAD

Attachment 3 – Declaration from OAR

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DECLARATION OF MAUREEN BENITZ

1. I am the Reviewing Analyst in the Office of Administrative Review for the Federal Election Commission ("Commission"). In my capacity as Reviewing Analyst, I conduct research with respect to all challenges submitted in accordance with the Administrative Fine program.
2. The 2008 October Quarterly Report is due October 15, 2008. If the report is deposited by October 15th with an overnight delivery service with an online tracking system and scheduled for next business day delivery, it is considered timely filed.
3. I hereby certify that I have searched the Commission's public records and that the documents identified herein are true and accurate copies of the cover letter dated November 9, 2008, the Summary Page and Envelope Replacement Page for Incoming Documents for the October Quarterly Report filed by overnight delivery service by Argon ST PAC and Gabrielle Carruth, as Treasurer. According to Commission records, the report was sent on November 12, 2008 and received on November 14, 2008. It covers the period from July 1 through September 30, 2008. For this period, Lines 6(c) and 7 list \$5,000.00 in total receipts and \$6,600.00 in total disbursements.
4. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at Washington on the 23th of February, 2009.


Maureen Benitz
Reviewing Analyst
Office of Administrative Review
Federal Election Commission

29092630519

RECEIVED
FEC MAIL CENTER

November 9, 2008

2008 NOV 14 AM 8:08

Dear Ms. Carmona,

In response to your letter dated November 3, 2008, please see the enclosed Argon ST PAC Quarterly Report for the time period July 1, 2008 through September 30, 2008.

Sincerely,



Gabrielle Carruth
Treasurer
Argon ST PAC

29092630520
28039920922

FEC FORM 3X

REPORT OF RECEIPTS AND DISBURSEMENTS For Other Than An Authorized Committee

RECEIVED FEC MAIL CENTER

2008 NOV 14 AM 8:08

Office Use Only

1. NAME OF COMMITTEE (in full) TYPE OR PRINT Example: If typing, type over the lines. 12FE4M5

ARGON ST PAC

ADDRESS (number and street) 12701 FAIR LAKES CIRCLE

Check if different than previously reported. (ACC)

FAIRFAX VA 22038

2. FEC IDENTIFICATION NUMBER CITY STATE ZIP CODE

C00395988

3. IS THIS REPORT NEW OR AMENDED

Table with 4 columns: (a) Quarterly Reports (Q1-Q3, YE, MY, TER), (b) Monthly Report Due On (Feb 20, Mar 20, Apr 20, May 20, Jun 20, Jul 20, Aug 20, Sep 20, Oct 20, Nov 20, Dec 20, Jan 31), (c) 12-Day PRE-Election Report for the (Primary, General, Convention, Special), (d) 30-Day POST-Election Report for the (General, Runoff, Special). Includes election dates and state information.

5. Covering Period 07' 01' 2008 through 09' 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 GABRIELLE CARUTH

Signature of Treasurer Gabrielle K Caruth Date 11' 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 grid with 10 columns and 1 row.

FEC FORM 3X Rev. 12/2004

28039920925

**SUMMARY PAGE
OF RECEIPTS AND DISBURSEMENTS**

FEC Form 3X (Rev. 02/2003)

Page 2

Write or Type Committee Name

Argon ST PAC

Report Covering the Period:

From:

09 ' 01 ' 2008

To:

09 ' 30 ' 2008

| | COLUMN A This Period | COLUMN B Calendar Year-to-Date |
|--|-------------------------|-----------------------------------|
| 6. (a) Cash on Hand January 1. 2008 | | 31,228.00 |
| (b) Cash on Hand at Beginning of Reporting Period..... | 16,328.00 | |
| (c) Total Receipts (from Line 19)..... | 5,000.00 | 18,100.00 |
| (d) Subtotal (add Lines 6(b) and 6(c) for Column A and Lines 6(a) and 6(c) for Column B)..... | 21,328.00 | 49,328.00 |
| 7. Total Disbursements (from Line 31)..... | 6,600.00 | 34,600.00 |
| 8. Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d))..... | 14,728.00 | 14,728.00 |
| 9. Debts and Obligations Owed TO the Committee (itemize all on Schedule C and/or Schedule D)..... | 0 | |
| 10. Debts and Obligations Owed BY the Committee (itemize all on Schedule C and/or Schedule D)..... | 0 | |



This committee has qualified as a multicandidate committee. (see FEC FORM 1M)

For further information contact:

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

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

29092630522
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Federal Election Commission
ENVELOPE REPLACEMENT PAGE FOR INCOMING DOCUMENTS
 The FEC added this page to the end of this filing to indicate how it was received.

| | |
|---|----------------------------------|
| <input type="checkbox"/> Hand Delivered | Date of Receipt |
| <input type="checkbox"/> USPS First Class Mail | Postmarked |
| <input type="checkbox"/> USPS Registered/Certified | Postmarked (R/C) |
| <input type="checkbox"/> USPS Priority Mail | Postmarked |
| Delivery Confirmation™ or Signature Confirmation™ Label <input type="checkbox"/> | |
| <input type="checkbox"/> USPS Express Mail | Postmarked |
| <input type="checkbox"/> Postmark Illegible | |
| <input type="checkbox"/> No Postmark | |
| <input checked="" type="checkbox"/> Overnight Delivery Service (Specify): Fed Ex | Shipping Date 11/12/08 |
| Next Business Day Delivery <input checked="" type="checkbox"/> | |
| <input type="checkbox"/> Received from House Records & Registration Office | Date of Receipt |
| <input type="checkbox"/> Received from Senate Public Records Office | Date of Receipt |
| <input type="checkbox"/> Received from Electronic Filing Office | Date of Receipt |
| <input type="checkbox"/> Other (Specify): | Date of Receipt or Postmarked |


 PREPARER
 (3/2005)

11/14/08
 DATE PREPARED

29092630523
28039920930



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

VIA OVERNIGHT DELIVERY

February 25, 2009

Gabrielle Carruth, as Treasurer
Argon ST PAC
12701 Fair Lakes Circle
Fairfax, VA 22033

C00395988
AF# 1890

Dear Ms. Carruth:

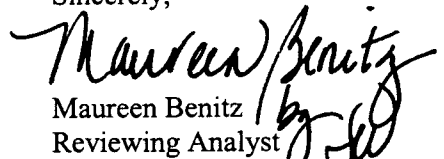
On December 10, 2008, the Federal Election Commission ("Commission") found reason to believe ("RTB") that Argon ST PAC and you, as Treasurer ("respondents"), violated 2 U.S.C. § 434(a) for failing to file the 2008 October Quarterly Report. The Commission also made a preliminary determination that the civil money penalty was \$900 based on the schedule of penalties at 11 C.F.R. § 111.43.

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

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

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

Sincerely,


Maureen Benitz
Reviewing Analyst
Office of Administrative Review

Attachment

29092630524



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 16, 2009

MEMORANDUM

To: The Commission

Through: Robert A. Hickey
Staff Director

From: John D. Gibson
Chief Compliance Officer

Shawn Woodhead Wertz
Reviewing Officer
Office of Administrative Review

By: Maureen Benitz
Reviewing Analyst

Subject: Final Determination Recommendation in AF# 1890 – Argon ST PAC
and Gabrielle Carruth, as Treasurer (C00395988)

On December 10, 2008, the Commission found reason to believe (“RTB”) that the respondents violated 2 U.S.C. § 434(a) for failure to file the 2008 October Quarterly Report, an election sensitive report. The Report was filed on November 12, 2008, and is considered not filed for purposes of the civil money penalty. As a result, on December 10, 2008, the Commission also made a preliminary determination that the civil money penalty was \$900 based on the schedule of penalties at 11 C.F.R. § 111.43.

On December 22, 2008, the Commission received their written response (“challenge”). On January 23, 2009, the \$900 RTB civil money penalty payment was received. After reviewing the challenge, the Reviewing Officer’s recommendation dated February 23, 2009 was forwarded to the Commission, a copy was forwarded to the respondents, and is hereby incorporated by reference. The Reviewing Officer recommended that the Commission make a final determination that they violated 2 U.S.C. § 434(a) and assess a \$900 civil money penalty because they submitted no evidence that a factual error was made in the RTB finding, that the penalty was miscalculated at RTB or that they used best efforts to file on time. 11 C.F.R. § 111.35(b).

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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 response has not been received.

OAR Recommendations

- (1) Adopt the Reviewing Officer recommendation for AF# 1890 involving Argon ST PAC and Gabrielle Carruth, as Treasurer, in making the final determination;
- (2) Make a final determination in AF# 1890 that Argon ST PAC and Gabrielle Carruth, as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$900; and
- (3) Send the appropriate letter.

29092630526

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Final Determination Recommendation:) AF 1890
Argon ST PAC and Gabrielle Carruth, as)
Treasurer (C00395988))

CERTIFICATION

I, Mary W. Dove, Secretary of the Federal Election Commission, do hereby certify that on April 20, 2009, the Commission decided by a vote of 6-0 to take the following actions in AF 1890:

1. Adopt the Reviewing Officer recommendation for AF 1890 involving Argon ST PAC and Gabrielle Carruth, as Treasurer, in making the final determination.
2. Make a final determination in AF 1890 that Argon ST PAC and Gabrielle Carruth, as Treasurer violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$900.
3. Send the appropriate letter.

Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and

Weintraub voted affirmatively for the decision.

Attest:

April 21, 2009
Date

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

29092630527



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 7, 2009

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Gabrielle Carruth, as Treasurer
Argon ST PAC
12701 Fair Lakes Circle
Fairfax, VA 22033

C00395988
AF# 1890

Dear Ms. Carruth:

On December 10, 2008, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Argon ST PAC and you, as Treasurer, violated 2 U.S.C. § 434(a) for failing to file the 2008 October Quarterly Report, an election sensitive report. By letters dated December 11, 2008, the Commission sent you notification of the RTB finding that included a civil money penalty calculated at RTB of \$900 in accordance with the schedule of penalties at 11 C.F.R. § 111.43. On December 22, 2008, the Office of Administrative Review received the written response from you challenging the RTB finding.

On January 23, 2009, the Commission received the \$900 civil money penalty payment.

The Reviewing Officer reviewed the Commission's RTB finding with its supporting documentation and the written response. Based on this review, the Reviewing Officer recommended that the Commission make a final determination that Argon ST PAC and you, as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty in the amount of \$900 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 February 25, 2009.

On April 20, 2009, the Commission adopted the Reviewing Officer's recommendation and made a final determination that Argon ST PAC and you, as Treasurer, violated 2 U.S.C. § 434(a) and assessed a civil money penalty of \$900. A copy of the final determination recommendation is attached.

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

29092630528

If you have any questions regarding the payment of the civil money penalty, please contact Maureen Benitz on our toll free number (800)424-9530 (press 0, then ext. 1660) or (202)694-1660.

On behalf of the Commission,



Steven T. Walther
Chairman

Attachment

29092630529

QUALITY IS OUR PRIORITY FOR LOCKBOX 9058
SEQ# 003 \$ 00009000 BA# 1 01-21-09 20 3



Pay To The Order of: **Federal Election Commission**

Bank of America

ACH REF 051000017

For: **Civil # C00395988**

1101 68-1510 VA 1954

\$1900

1-15

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: Argon St. PAC

FEC ID#: C00395988

AF#: 1890

PAYMENT DUE DATE: 1/19/2009

PAYMENT AMOUNT DUE: \$900

NSN

02505926062



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 1890

DATE SCANNED 6/15/19

SCANNER NO. 1

SCAN OPERATOR JMP

29092630531