



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 1981

DATE SCANNED

6/5/07

SCANNER NO.

2

SCAN OPERATOR

JMP

29092624859



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

2008 DEC -8 P 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/^{*nru*}RIIANNON MAGRUDER/^{*RM*}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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12/8/2008 11:16 AM

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
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1894	C00448241	DOUG TUDOR FOR CONGRESS	TUDOR, DOUGLAS DAVID	JON P. TUDOR	\$175,068	0	10/29/2008	14	\$49,075	\$650
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1897	C00421008	METAL LATHERS LOCAL 46 PAC		ROBERT LEDWITH	\$256,590	0	10/23/2008	8	\$35,396	\$500
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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	C00421962	SOLAR ENERGY INDUSTRIES ASSOCIATION PAC		RHONE RESCH	\$135,255	0	10/27/2008	12	\$23,382	\$270
1904	C00146155	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

John R. Shields, Jr
Sheet Metal Workers Local 100
Political Action Committee (100 PAC)
4725 Silver Hill Road
Suitland, MD 20746

C00189266
AF#: 1901

Dear John R. Shields, Jr:

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 within (30) days of the due date. 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 Sheet Metal Workers Local 100 Political Action Committee (100 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: \$10,976
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

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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 Sheet Metal Workers Local 100 Political Action Committee (100 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.

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. 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 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: Sheet Metal Workers Local 100 Political Action Committee (100 PAC)

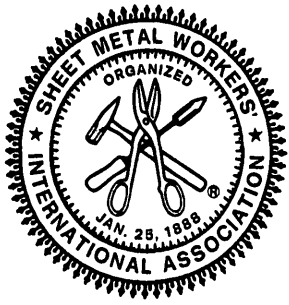
FEC ID#: C00189266

AF#: 1901

PAYMENT DUE DATE: 1/19/2009

PAYMENT AMOUNT DUE: \$900

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Sheet Metal Workers' International Association Local Union No. 100

Affiliated with AFL-CIO

Headquarters Office

4725 Silver Hill Road, Suitland, Maryland 20746-2400

Phone: 301-568-8655 ~ Fax: 301-967-1683

E-mail: info@smwlocal100.com

2009 JAN -8 P 3:40
FEC OFFICE OF
ADMIN REVIEW

John R. Shields, Jr.
*Business Manager &
Financial Secretary*

**AREA BUSINESS
REPRESENTATIVES:**

Michael A. Cirillo
Baltimore

Edward T. Whalen
Baltimore

Michael S. Adams
Cumberland

James E. Bizzell
Norfolk

J. Ray Chilton
Richmond

Michael L. Mays
Roanoke

Milo N. Chaffee
Washington, D.C.

Richard D. LaBille, III
Washington, D.C.

Clifton E. Savoy, Jr.
Washington, D.C.

Federal Election Commission

Office of Administrative Review

999 E. St. N.W.

Washington, D.C. 20463

January 5, 2009

Dear Donald F. McGahn II,

This is an appeal in reference to AF#1901. The report in question was mailed to your office on 10-10-08 via USPS. I have enclosed a copy of the receipt issued to me at the USPS as well as a copy of the tracking information showing that they did receive it at the Suitland, MD Post Office on 10-10-08, but did not deliver it. These documents prove that our office did file this report in a timely manner. Due to unforeseen circumstances beyond our control it was never delivered to you by the US Postal Service.

Please accept these documents and drop the penalties as outlined in your letter dated December 11, 2008.

Sincerely,

John R. Shields, Jr.

- | | | |
|---|---|------------------------------------|
| <input type="checkbox"/> BALTIMORE OFFICE: | 4705 Erdman Avenue, Baltimore, Maryland 21205-3101 | (410) 732-1849 Fax: (410) 675-1345 |
| <input type="checkbox"/> CUMBERLAND OFFICE: | 42. Clement Street, Cumberland, Maryland 21502-4703 | (301) 724-2416 Fax: (301) 722-2034 |
| <input type="checkbox"/> NORFOLK OFFICE: | 1500 E. Littlecreek Road, Room 308, Norfolk, Virginia 23518-4137 | (757) 587-5566 Fax: (757) 587-1867 |
| <input type="checkbox"/> RICHMOND OFFICE: | 3204 Cutshaw Avenue, 1 st Floor, Richmond, Virginia 23230-5010 | (804) 353-2425 Fax: (804) 353-5237 |
| <input type="checkbox"/> ROANOKE OFFICE: | 2101 Dale Avenue, S.E., Roanoke, Virginia 24013-2135 | (540) 345-9585 Fax: (540) 345-8538 |
| <input type="checkbox"/> WASHINGTON, D.C. OFFICE: | 4725 Silver Hill Road, Suitland, Maryland 20746-2400 | (301) 568-8655 Fax: (301) 967-1683 |



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Label/Receipt Number: 7006 3450 0000 9039 8495
Status: **Acceptance**

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Restricted Delivery Fee (Endorsement Required)	\$2.78	
Total Postage & Fees	\$ 230.71	

0746 Postmark
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12

Sent To **FEC** \$5.49 10/10/2008

Street, Apt. No.,
or PO Box No. **999 E St. NW**

City, State, ZIP+4
Wash DC 20463

PS Form 3800, August 2006

See Reverse for Instructions

7006 3450 0000 9039 8495



Track/Confirm - Intranet Item Inquiry - Domestic

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Item: 7006 3450 0000 9039 8495		Service Calculation Acceptance	
		Date/Time: 10/10/2008 13:35	
Destination	ZIP Code: 20463	City: WASHINGTON	State: DC
Origin	ZIP Code: 20746-9998	City: SUITLAND	State: MD
Class/Service: First-Class Packages Certified Mail			
Anticipated Delivery Date: 10/11/2008			
Weight: 0 lb(s) 2 oz(s)		Postage: \$0.59	
Delv Rqmt: Normal Delivery		PO Box?: N	
Special Services	Associated Labels	Amount	
CERTIFIED MAIL	7006 3450 0000 9039 8495	\$2.70	
RETURN RECEIPT		\$2.20	

Event	Date/Time	Location	Scanner ID
ACCEPT OR PICKUP	10/10/2008 13:35	SUITLAND, MD 20746	
Request Delivery Record			

Enter Request Type and Item Number:

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Version 1.0

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Via First Class Mail

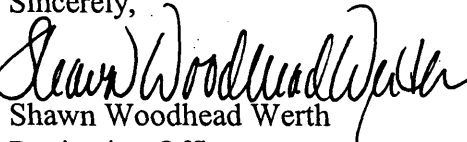
January 13, 2009

John R. Shields, Jr., as Treasurer
Sheet Metal Workers Local 100 Political Action Committee
4725 Silver Hill Rd.
Suitland, MD 20746

C00189266
AF# 1901

Dear Mr. Shields:

On January 8, 2009, the Commission received your written response ("challenge") which is being reviewed by the Office of Administrative Review. If you have any questions regarding your challenge, please contact this Office on our toll free number (800)424-9530 (press 0, then ext. 1660) or (202)694-1660.

Sincerely,

Shawn Woodhead Werth
Reviewing Officer
Office of Administrative Review

29092624877

2009 JAN 13 A 11:18

Date: January 13, 2009

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

AF#: 1901

Committee Name: Sheet Metal Workers Local 100 Political Action Committee (100 PAC)

Committee ID#: C00189266

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: Previously Forwarded**

Attachment #: N/A

Certified Return Receipt (Y/N): Y

Attachment #: 1

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.

-RTB Letter, dated December 11, 2008.

Attachment #: 3

Other RAD Information (Y/N): N

Attachment#: N/A

29092624878

29092624879

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:

John R. Shields, Jr
 Sheet Metal Workers Local 100
 Political Action Committee (100 PAC)
 4725 Silver Hill Road
 Suitland, MD 20746

COMPLETE THIS SECTION ON DELIVERY

A. Signature

x *Judy Smith* Agent
 Addressee

B. Received by (Printed Name)

C. Date of Delivery

SUITLAND MD 20746
2-15-08

D. Is delivery address different from item 1? If YES, enter delivery address below:

Yes
 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

7005 1820 0001 7501 3796

(Transfer from service label)

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 Sheet Metal Workers Local 100 Political Action Committee (100 PAC):
- A) Prior Notice, dated September 21, 2008, referencing the 2008 October Quarterly Report (sent via electronic mail to: SMWIA100@AOL.COM);
 - B) Non-Filer Letter, dated November 3, 2008, referencing the 2008 October Quarterly Report;
 - C) Reason-to-Believe Letter, dated December 11, 2008, referencing the 2008 October Quarterly Report.
3. I hereby certify that I have searched the Commission's public records and find that Sheet Metal Workers Local 100 Political Action Committee (100 PAC) filed the 2008 October Quarterly Report with the Commission on November 17, 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 13th day of January, 2009.



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

29092624880



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.

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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

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.

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.

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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/electfil/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.

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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_prez.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

29092624884



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 3, 2008

RQ-7

JOHN R SHIELDS JR, TREASURER
SHEET METAL WORKERS LOCAL 100 POLITICAL ACTION COMMITTEE (100 PAC)
4725 SILVER HILL ROAD
SUITLAND, MD 20746

IDENTIFICATION NUMBER: C00189266

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 SARI PICKERALL AT OUR TOLL FREE NUMBER (800)424-9530. OUR DIRECT LOCAL NUMBER IS (202)694-1130.

SINCERELY,

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

PATRICIA CARMONA
ASSISTANT STAFF DIRECTOR
REPORTS ANALYSIS DIVISION (RAD)

2803991219092624885



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

FEDERAL ELECTION
COMMISSION
SECRETARIAT


2009 FEB -2 P 3: 29

January 30, 2009


MEMORANDUM


SENSITIVE

To: The Commission

Through: Joseph F. Stoltz 
Acting Staff Director

From: John D. Gibson
Chief Compliance Officer

Shawn Woodhead Wertz 
Reviewing Officer
Office of Administrative Review

By: Maureen Benitz 
Reviewing Analyst

Subject: AF# 1901 – Sheet Metal Workers Local 100 Political Action Committee
(100 PAC) and John R. Shields, Jr., as Treasurer (C00189266)

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

29092624886



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

January 30, 2009

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

AF# 1901 – Sheet Metal Workers Local 100 Political Action Committee (100 PAC) and
John R. Shields, Jr., as Treasurer (C00189266)

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 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.

Respondents' Response

On January 8, 2008, the Commission received the written response ("challenge") from the Treasurer requesting that the Commission drop the penalties assessed as the Committee has the receipt issued from the USPS indicating the report was mailed on October 10, 2008. Further, the report was mailed from the Suitland, MD Post Office, but never delivered to the Commission. Included with the challenge is the "Track & Confirm" page from the USPS web site, a copy of the certified mail receipt (tracking number - 7006 3450 0000 9039 8495) which is postmarked October 10, 2008, a "Track/Confirm" results page from the USPS web site with the same certified mail number and mail date, and a copy of the RTB letter.

Analysis

The October Quarterly Report shall be filed no later than October 15. 2 U.S.C. § 434(a)(4)(A)(i). The Federal Election Campaign Act states that if a report (other than a pre-election report) is sent by certified mail, the U.S. postmark is considered the date of filing. 2 U.S.C. § 434(a)(5).

The respondents have provided factual evidence that shows they "filed" their report to the Commission via certified mail on October 10, 2008. It appears that the USPS did not deliver the report to the Commission.

The respondents availed themselves of the certified mail safe harbor provision at 2 U.S.C. § 434(a)(5) and their report should be considered filed on October 10, 2008, making it a timely filed report.

Therefore, the Reviewing Officer recommends that the Commission find that they did not violate 2 U.S.C. § 434(a) because the RTB finding was based on a factual error.

29092624887

OAR Recommendations

- (1) Adopt the Reviewing Officer recommendation for AF# 1901 involving Sheet Metal Workers Local 100 Political Action Committee (100 PAC) and John R. Shields, Jr., as Treasurer, in making the final determination;
- (2) Make a final determination in AF# 1901 that Sheet Metal Workers Local 100 Political Action Committee (100 PAC) and John R. Shields, Jr., as Treasurer, did not violate 2 U.S.C. § 434(a) because the RTB finding was based on a factual error;
- (3) Close the file; and
- (4) Send the appropriate letter.

Reviewing Analyst: Jill Sugarman

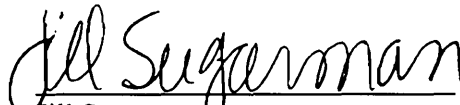
Attachments

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

29092624888

DECLARATION OF JILL 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 October Quarterly Report is due October 15, 2008. If the report is sent by certified mail and is postmarked by October 15, 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 the true and accurate copies of the letter accompanying the 2008 October Quarterly Report, the "Track and Confirm" page from the USPS web site for tracking number 7006 3450 0000 9039 8495 which says that the "item was accepted ... on October 10, 2008," the certified mail receipt for tracking number 7006 3450 0000 9039 8495, which is postmarked October 10, 2008, Page 1 of the 2008 October Quarterly Report, and the Envelope Replacement Page for Incoming Documents filed by the Sheet Metal Workers Local 100 Political Action Committee (100 PAC) and John R. Shields, Jr., as Treasurer. According to Commission records, the Report, letter, USPS web site page and receipt were sent on November 6, 2008 via first class mail and were received on November 17, 2008.
- 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 30th of January, 2009.


Jill Sugarman

Reviewing Analyst
Office of Administrative Review
Federal Election Commission

29092624889



Sheet Metal Workers' International Association Local Union No. 100

Affiliated with AFL-CIO

Headquarters Office

4725 Silver Hill Road, Suitland, Maryland 20746-2400

Phone: 301-568-8655 ~ Fax: 301-967-1683

E-mail: info@smwlocal100.com

John R. Shields, Jr.
Business Manager &
Financial Secretary

AREA BUSINESS REPRESENTATIVES:

Michael A. Cirillo
Baltimore

Edward T. Whalen
Baltimore

Michael S. Adams
Cumberland

James E. Bizzell
Norfolk

J. Ray Chilton
Richmond

Michael L. Mays
Roanoke

Milo N. Chaffee
Washington, D.C.

Richard D. LaBille, III
Washington, D.C.

Clifton E. Savoy, Jr.
Washington, D.C.

Federal Election Commission
Washington, DC 20463

November 5, 2008

Dear Patricia Carmona,

I am writing concerning the enclosed copy of the recent letter issued by your office.. This report was in fact mailed to your office on 10-10-08. Apparently, it has not yet arrived. I am enclosing a copy of the receipt from the USPS as well as the report. I would like to request that I get the original mail date applied to our file to avoid any late penalties.

Sincerely,

John Shields, Jr.

RECEIVED
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2008 NOV 17 AM 11:20

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42 Clement Street, Cumberland, Maryland 21502-4703
1500 E. Littlecreek Road, Room 308, Norfolk, Virginia 23518-4137
3204 Cutshaw Avenue, 1st Floor, Richmond, Virginia 23230-5010
2101 Dale Avenue, S.E., Roanoke, Virginia 24013-2135
4725 Silver Hill Road, Suitland, Maryland 20746-2400

(410) 732-1849 Fax: (410) 675-1345
(301) 724-2416 Fax: (301) 722-2034
(757) 587-5566 Fax: (757) 587-1867
(804) 353-2425 Fax: (804) 353-5237
(540) 345-9585 Fax: (540) 345-8538
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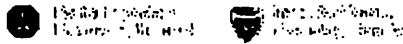
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Federal Election Commission
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Delivery Confirmation™ or Signature Confirmation™ Label <input type="checkbox"/>	
<input type="checkbox"/> USPS Express Mail	Postmarked
<input type="checkbox"/> Postmark Illegible	
<input type="checkbox"/> No Postmark	
<input type="checkbox"/> Overnight Delivery Service (Specify):	Shipping Date
Next Business Day Delivery <input 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

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------------------------	----------------------------------

28039921756 29092624893



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

VIA OVERNIGHT DELIVERY

February 3, 2009

John R. Shields, Jr., as Treasurer
Sheet Metal Workers Local 100 Political Action Committee
4725 Silver Hill Rd.
Suitland, MD 20746

C00189266
AF# 1901

Dear Mr. Shields:

On December 10, 2008, the Federal Election Commission ("Commission") found reason to believe ("RTB") that Sheet Metal Workers Local 100 Political Action Committee 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 \$900.00 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,

A handwritten signature in black ink that reads "Maureen Benitz". The signature is written in a cursive style.

Maureen Benitz
Reviewing Analyst
Office of Administrative Review

Attachment

29092624894



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

FEDERAL ELECTION
COMMISSION
SECRETARIAT

2009 FEB 24 P 2: 58

February 23, 2009

MEMORANDUM

SENSITIVE

To: The Commission

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

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

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

By: Maureen Benitz *MB*
Reviewing Analyst

Subject: Final Determination Recommendation in AF# 1901 – Sheet Metal
Workers Local 100 Political Action Committee (100 PAC) and John R.
Shields, Jr., as Treasurer (C00189266)

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. As a result, 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 January 8, 2009, the Commission received the respondents’ written response (“challenge”). After reviewing the challenge, the Reviewing Officer’s recommendation dated January 30, 2009 was forwarded to the Commission, a copy was forwarded to the respondents, and is hereby incorporated by reference. The respondents provided factual evidence that they filed their report, via certified mail, on October 10, 2008. It appears that the USPS lost the report. Because they availed themselves of the certified safe harbor provision at 2 U.S.C. § 434(a)(5), the report should be considered filed on October 10, making it a timely filed report. The Reviewing Officer recommended that the Commission make a final determination that they did not violate 2 U.S.C. § 434(a) because the RTB finding was based on a factual error.

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

29092624895

raised in the respondents' challenge or not directly responsive to the Reviewing Officer's recommendation. 11 C.F.R. § 111.36(f). To date, no response has been received.

OAR Recommendations

- (1) Adopt the Reviewing Officer recommendation for AF# 1901 involving Sheet Metal Workers Local 100 Political Action Committee (100 PAC) and John R. Shields, Jr., as Treasurer, in making the final determination;
- (2) Make a final determination in AF# 1901 that Sheet Metal Workers Local 100 Political Action Committee (100 PAC) and John R. Shields, Jr., as Treasurer, did not violate 2 U.S.C. § 434(a) because the RTB finding was based on a factual error;
- (3) Close the file; and
- (4) Send the appropriate letter

29092624896

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Final Determination Recommendation:) AF 1901
Sheet Metal Workers Local 100 Political)
Action Committee (100 PAC) and John)
R. Shields, Jr., as Treasurer (C00189266))

CERTIFICATION

I, Mary W. Dove, Secretary of the Federal Election Commission, do hereby certify that on March 06, 2009, the Commission decided by a vote of 6-0 to take the following actions in AF 1901:

1. Adopt the Reviewing Officer recommendation for AF 1901 involving Sheet Metal Workers Local 100 Political Action Committee (100 PAC) and John R. Shields, Jr., as Treasurer, in making the final determination.
2. Make a final determination in AF 1901 that Sheet Metal Workers Local 100 Political Action Committee (100 PAC) and John R. Shields, Jr., as Treasurer, did not violate 2 U.S.C. § 434(a) because the RTB finding was based on a factual error.
3. Close the file.
4. Send the appropriate letter.

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

Weintraub voted affirmatively for the decision.

Attest:

March 6, 2009
Date

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

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 12, 2009

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

John R. Shields, Jr., as Treasurer
Sheet Metal Workers Local 100 Political Action Committee (100 PAC)
4725 Silver Hill Rd.
Suitland, MD 20746

C00189266
AF# 1901

Dear Mr. Shields:

On December 10, 2008, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that the Sheet Metal Workers Local 100 Political Action Committee (100 PAC) and you, as Treasurer, violated 2 U.S.C. § 434(a) for failing to file the 2008 October Quarterly Report. By letter 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 January 8, 2009, the Office of Administrative Review received the written response from you 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 make a final determination that the Sheet Metal Workers Local 100 Political Action Committee (100 PAC) and you, as Treasurer, did not violate 2 U.S.C. § 434(a) because the RTB finding was based on a factual error as the respondents provided factual evidence that they timely filed the report by certified mail on October 10, 2008, but the Commission did not receive it. 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 3, 2009.

On March 6, 2009, the Commission adopted the Reviewing Officer's recommendation and made a final determination that the Sheet Metal Workers Local 100 Political Action Committee (100 PAC) and you, as Treasurer, did not violate 2 U.S.C. § 434(a) because the RTB finding was based on a factual error. A copy of the final determination recommendation is attached.

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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, 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

29092624899



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 1901

DATE SCANNED 4/5/07

SCANNER NO. 2

SCAN OPERATOR JRP

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