



FEDERAL ELECTION COMMISSION
Washington DC 20463

29092623901

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 1909

DATE SCANNED 4-28-09

SCANNER NO. 2

SCAN OPERATOR JMP



SENSITIVE

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 10, 2008

MEMORANDUM

20092623902

TO: THE COMMISSION

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

JOHN D. GIBSON *jk*
CHIEF COMPLIANCE OFFICER

FROM: PATRICIA CARMONA *pc*
ASSISTANT STAFF DIRECTOR
REPORTS ANALYSIS DIVISION

BY: NATALIYA IOFFE/RHIANNON MAGRUDER *nm*
COMPLIANCE BRANCH

SUBJECT: REASON TO BELIEVE RECOMMENDATION -
FAILURE TO FILE 48-HOUR NOTICES UNDER THE
ADMINISTRATIVE FINE PROGRAM

Attached is the name of a principal campaign committee that has failed to file 48-hour notices with the Commission for contributions of \$1,000.00 or more received from the close of books for the Alabama 12 Day Pre-Primary Election Report up to 48 hours before the June 3, 2008 Primary Election in accordance with 2 U.S.C. § 434(a)(6) and 11 CFR. § 104.5(f). The committee, Schmidtke for Congress, represents a candidate who lost the Primary Election in the state of Alabama. The committee is being referred for failing to file 48-hour notices for contributions totaling \$243,050.00.

A 48-hour notice is required to report all contributions of a \$1,000.00 or more, to any authorized committee of a candidate, including contributions from the candidate, loans from the candidate and other non-bank sources and endorsements or guarantees of loans from banks, as per, 11 CFR § 104.5(f).

We have attached an information sheet which includes the contributor name, date of receipt and amount of the contributions for which a 48-hour notice was not filed.

In accordance with the schedule of civil money penalties outlined within 11 CFR §111.44, this committee should be assessed the civil money penalty so indicated.

Recommendation

1. Find reason to believe that Schmidtke for Congress and Meredith M. Mann, Treasurer, violated 2 U.S.C. § 434(a)(6) and make a preliminary determination that a civil money penalty of \$24,635.00 be assessed.
2. Send the appropriate letter.

Attachment

20092623903

Contributions for Which a 48-Hour Notice Was Not Received

AF 1909

Committee ID: C00445551

Committee Name: Schmidtke for Congress

Report Type: July Quarterly Report (5/15/2008 – 6/30/2008)

48-Hour Reporting Period: 5/15/2008 – 5/31/2008

CONTRIBUTOR NAME	DATE	AMOUNT
SCHMIDTKE, CRAIG D. Dr.	5/15/2008	\$122,500.00
SCHMIDTKE, CRAIG D. Dr.	5/23/2008	\$50,550.00
SCHMIDTKE, CRAIG D. Dr.	5/27/2008	\$70,000.00
	Total	\$243,050.00

Proposed Civil Money Penalty: \$24,635.00 ((3 Notices Not Filed at \$110 each) + (10% of Overall Contributions Not Filed))

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RTB Circulation Report - 48H

12/10/2008 8:55 AM

AF#	Committee ID	Committee Name	State	Candidate Name	Treasurer	Prev Violations	LOA	Notices Not Filed	Penalty
1909	C00445551	SCHMIDTKE FOR CONGRESS	AL	SCHMIDTKE, CRAIG D.	MEREDITH M. MANN	0	\$243,050	3	\$24,635

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Reason To Believe Recommendation) AF 1909
Failure to File 48-hour Notices Under the)
Administrative Fine Program: Schmidtke)
for Congress and Meredith M. Mann,)
Treasurer)

CERTIFICATION

I, Mary W. Dove, Secretary of the Federal Election Commission, do hereby certify that on December 12, 2008, the Commission decided by a vote of 6-0 to take the following actions in AF 1909:

1. Find reason to believe that Schmidtke for Congress and Meredith M. Mann, Treasurer, violated 2 U.S.C. § 434(a)(6) and make a preliminary determination that a civil money penalty of \$24,635.00 be assessed.
2. Send the appropriate letter.

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

Attest:

December 12, 2008
Date

Darlene Harris
for Mary W. Dove
Secretary of the Commission

2909262390



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 15, 2008

Meredith M. Mann
Schmidtke for Congress
115 Bauman Drive, Suite 1
Dothan, AL 36301

C00445551
AF#: 1909

Dear Meredith M. Mann:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires principal campaign committees of candidates for federal office to notify in writing either the Secretary of the Senate or the Federal Election Commission ("FEC"), and the Secretary of State, as appropriate, of any contribution of \$1,000 or more, received by any authorized committee of the candidate after the 20th day, but more than 48 hours before, any election. The Act further requires notification to be made within 48 hours after the receipt of the contribution and to include the name of the candidate and office sought, the date of receipt, the amount of the contribution, and the identification of the contributor. The notification of these contributions shall be in addition to all other reporting requirements. 2 U.S.C. § 434(a). Records at the FEC indicate that you did not submit 48-Hour Notices for contributions of \$1,000 or more, received between 5/15/2008 and 5/31/2008, totaling \$243,050. See Attachment 1.

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 12/12/2008, the FEC found that there is Reason to Believe ("RTB") that Schmidtke for Congress and you, as treasurer, violated 2 U.S.C. § 434(a) by failing to file the 48-Hour Notices. Based on the FEC's schedule of civil money penalties at 11 C.F.R. § 111.44, the amount of your civil money penalty calculated at the RTB stage is \$24,635. Send your payment by 1/21/2009. The amount of the civil money penalty is \$110 for each non-filed notice plus 10 percent of the dollar amount of the contributions not timely reported. The civil money penalty increases by 25 percent for each prior violation.

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.

20092623007

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 1/21/2009. 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 Schmidke for Congress and you, as treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty.

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

2009282009

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

20092623909

ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 C.F.R. § 111.44, the amount of your civil money penalty calculated at RTB is \$24,635 for the 2008 Primary Election 48-Hour Notification 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 1/21/2009. 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: Schmidtke for Congress

FEC ID#: C00445551

AF#: 1909

PAYMENT DUE DATE: 1/21/2009

PAYMENT AMOUNT DUE: \$24,635

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2009 FEB -b A 10: 19

February 5, 2009

SENSITIVE

MEMORANDUM

TO: THE COMMISSION
THROUGH: JOSEPH F. STOLTZ *JS*
ACTING STAFF DIRECTOR
FROM: JOHN D. GIBSON *JG*
CHIEF COMPLIANCE OFFICER
PATRICIA CARMONA *PC*
ASSISTANT STAFF DIRECTOR
REPORTS ANALYSIS DIVISION
BY: NATALIYA IOFFE/RHIANNON MAGRUDER *NRI*
COMPLIANCE BRANCH
SUBJECT: FINAL DETERMINATION RECOMMENDATION –
FAILURE TO FILE 48-HOUR NOTICES UNDER THE
ADMINISTRATIVE FINE PROGRAM

Attached is a circulation report identifying a political committee and its treasurer against which the Commission has found reason to believe (RTB) and assessed a proposed civil money penalty calculated at RTB for failure to file the appropriate 48-Hour Notices for the 2008 Primary Election in Alabama. The committee has paid the civil money penalty requested at RTB.

In accordance with 11 C.F.R. 111.34, the Commission shall send a final determination notice to the respondent that has paid the civil money penalty.

RAD Recommendation

- (1) Make final determination that the political committee and its treasurer on the attached report violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated.
- (2) Send the appropriate letter.

20092623312

AF#	Committee Name	State	Candidate Name	Committee ID	Treasurer	Report Type	Receipt Date	Days Late	LOA	Prev. Violations	RTB Date	RTB Penalty	FD Penalty	Date Paid	Amount Paid
1909	SCHMIDTKE FOR CONGRESS	AL	SCHMIDTKE, CRAIG D.	CO0445551	MEREDITH M. MANN	48H	07/12/2008	Not Filed	\$243.050	0	12/12/2008	\$24.635	\$24.635	01/21/2009	\$24.635

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Final Determination Recommendation –) AF 1909
Failure to file 48-hour Notices Under the)
Administrative Fine Program: Schmidtke)
for Congress and Meredith M. Mann, as)
treasurer)

CERTIFICATION

I, Mary W. Dove, Secretary of the Federal Election Commission, do hereby certify that on February 09, 2009, the Commission decided by a vote of 6-0 to take the following actions in AF 1909:

1. Make a final determination that Schmidtke for Congress and Meredith M. Mann, as treasurer violated 2 U.S.C. 434(a) and assess the final civil money penalty in the amount of \$24,635.
2. Send the appropriate letter.

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

Attest:

February 10, 2009
Date

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

20092623915



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

20092623914
February 11, 2009

Meredith M. Mann as Treasurer
Schmidtke for Congress
115 Bauman Drive, Suite 1
Dothan, AL 36301

C00445551
AF#: 1909

Dear Meredith M. Mann:

On December 12, 2008, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Schmidtke for Congress and you as treasurer violated 2 U.S.C. § 434(a) for failing to file 48-Hour Notices for contributions of \$1,000 or more, received between May 15, 2008 and May 31, 2008, totaling \$243,050. By letter dated December 15, 2008, the Commission sent you notification of the RTB finding that included a civil money penalty calculated at the RTB stage of **\$24,635** in accordance with the schedule of penalties at 11 C.F.R. § 111.44.

On January 21, 2009, the FEC received payment of your civil money penalty calculated at the RTB stage. The FEC made a final determination on February 9, 2009 that you as treasurer and Schmidtke for Congress violated 2 U.S.C. § 434(a), assessed a civil money penalty in the amount of **\$24,635** in accordance with 11 C.F.R. § 111.44 and voted to close the file.

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

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

On behalf of the Commission,

Steven T. Walther
Chairman

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: Schmidtke for Congress

FEC ID#: C00445551

1-15

AF#: 1909

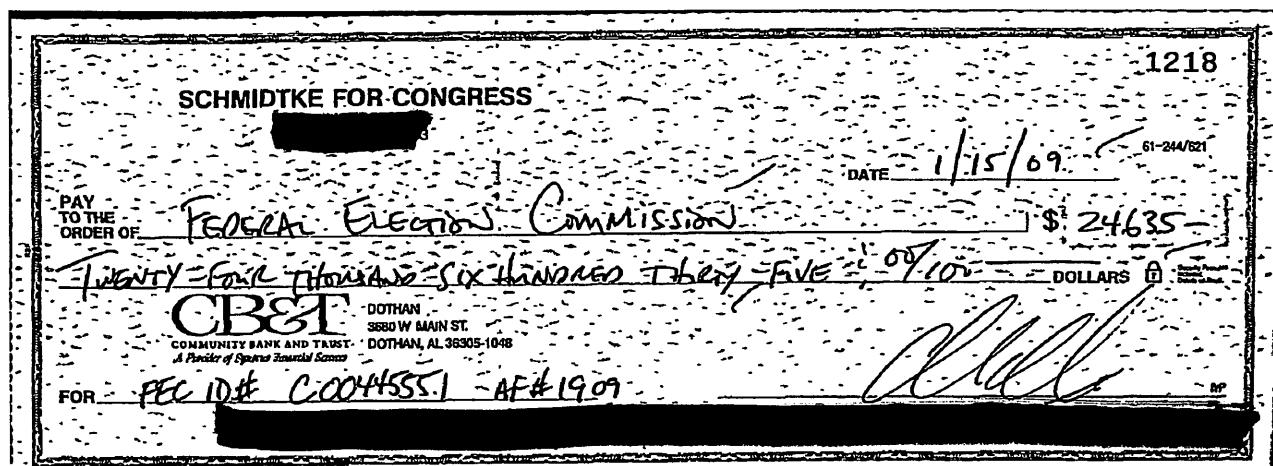
PAYMENT DUE DATE: 1/21/2009

PAYMENT AMOUNT DUE: \$24,635

QUALITY IS OUR PRIORITY FOR LOCKBOX 9058
SEQ# 001 \$ 0002463500 BA# 2 01-20-09 20 4



usbancorp.
First Star Service Company



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FEDERAL ELECTION COMMISSION
Washington DC 20463

20092623916
THIS IS THE END OF ADMINISTRATIVE FINE CASE # 1909

DATE SCANNED 4-28-09

SCANNER NO. 2

SCAN OPERATOR JMP