



FEDERAL ELECTION COMMISSION
Washington DC 20463

29092643387

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 1910

DATE SCANNED 11/25/09

SCANNER NO. 2

SCAN OPERATOR EEJ



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

SENSITIVE

December 16, 2008

MEMORANDUM

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TO: THE COMMISSION

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

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

PATRICIA CARMONA *PC*
ASSISTANT STAFF DIRECTOR
REPORTS ANALYSIS DIVISION

BY: NATALIYA IOFFE/RHIANNON MAGRUDER/CHRIS RITCINE *NRI/CR*
COMPLIANCE BRANCH

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

2008 Q4 CCR
SUSPENDED
12/16/08

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.

The committees listed in the attached RTB Circulation Report either failed to file the report, filed the report more than five (5) days after the due date, or filed the report more than thirty (30) days after the due date (considered a non-filed report). In accordance with the schedule of civil money penalties for reports at 11 CFR 111.43, these committees should be assessed the civil money penalties highlighted on the attached circulation report.

Recommendation

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

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Federal Election Commission

Reason to Believe Circulation Report

2008 OCTOBER QUARTERLY Not 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
1910	C0043889	BALDERMAN FOR CONGRESS	BALDERMAN, TIM	TIM BALDERMAN	\$157,308	0		Not Filed	\$157,308 (est)	\$5,500

1912	C00438730	BOB OLSON FOR U S SENATE	OLSON, ROBERT A.	LEE CONNERTON	\$158,365	0		Not Filed	\$31,273 (est)	\$900
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1914	C00415422	DELEcia HOLT FOR CONGRESS COMMITTEE	HOLT, DELEcia ANN	WHITNEY HARRIS	\$370,187	0		Not Filed	\$51,698 (est)	\$2,700
1915	C00451854	DR SANDRA B LIVINGSTONE FOR CONGRESS	LIVINGSTONE, SANDRA B. DR.	ELEANOR L. BUNN	\$264,544	0		Not Filed	\$132,272 (est)	\$4,500
1916	C00438813	EILEEN DONOGHUE FOR CONGRESS COMMITTEE	DONOGHUE, EILEEN	TIMOTHY J. SULLIVAN	\$1,880,423	0		Not Filed	\$240,080 (est)	\$6,500
1917	C00448423	GREG SOWARDS FOR CONGRESS LLC	SOWARDS, GREGORY EDDIE	KIMBALL HAKES	\$628,017	0		Not Filed	\$209,339 (est)	\$6,500
1918	C00445775	JOE PENNACCHIO FOR U.S SENATE	PENNACCHIO, JOSEPH	ALAN ZAKIN	\$853,114	0	10/23/2008	6	\$19,315	\$140
1919	C00437853	KEVIN POWELL FOR CONGRESS	POWELL, KEVIN	TYRA WASHINGTON	\$142,419	1		Not Filed	\$35,606 (est)	\$1,125
1920	C00444844	KOPPLIN FOR CONGRESS	KOPPLIN, ANDREW DAVID	RALPH J. STEPHENS	\$682,097	1	10/30/2008	15	\$8	\$125
1921	C00444056	OGONOWSKI FOR SENATE	OGONOWSKI, JAMES	KATHLEON HAAS OGONOWSKI	\$1,108,035	0	11/13/2008	29	\$3,913	\$170

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AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
1922	C00443568	SABRIN FOR SENATE	SABRIN, MURRAY	CHRISTOPHER R. WHALEN, CPA	\$1,315,150	0	11/19/2008	Not Filed	\$12,987	\$500
1923	C00443485	SEAN OKANE FOR US CONGRESS COMMITTEE	OKANE, SEAN THOMAS	WILLIAM J. SAMMON	\$231,618	1		Not Filed	\$1,000	\$312
1924	C00414821	STEVE RATHJE FOR US SENATE	RATHJE, STEVE	KENNETH R. KOLEK	\$210,598	0		Not Filed	\$20,085 (est)	\$800

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Reason To Believe Recommendation -) AF 1910
2008 October Quarterly Report (Non-)
Election Sensitive) for The)
Administrative Fine Program:)
Baldermann for Congress and Tim)
Baldermann, as treasurer)

CERTIFICATION

I, Mary W. Dove, Secretary of the Federal Election Commission, do hereby certify that on December 18, 2008, the Commission decided by a vote of 6-0 to take the following actions in AF 1910:

1. Find reason to believe that Baldermann for Congress and Tim Baldermann, as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be in the amount of \$5,500.
2. Send the appropriate letters.

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

Attest:

December 23, 2008
Date

Veneche' Ferree-Venes
for Mary W. Dove
Secretary of the Commission

29092643391



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 22, 2008

Tim Baldermann
Baldermann for Congress
P.O. Box 2862
Joliet, IL 60434

290314264
C00439869
AF#: 1910

Dear Tim Baldermann:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file an October Quarterly Report of Receipts and Disbursements every calendar year. 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 thirty (30) days of the due date. You should file this 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 12/18/2008, the FEC found that there is reason to believe ("RTB") that Baldermann for Congress 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 \$5,500. It is due by 1/27/2009 and is based on these factors:

Election Sensitivity of Report: Not Election Sensitive
Level of Activity: \$157,306
Number of Days Late: Not Filed
Number of Previous Civil Money Penalties Assessed: 0

To Pay the Calculated Civil Money Penalty

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

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

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

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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 Baldermann for Congress and you, as treasurer, violated 2 U.S.C. 434(a) and assess a civil money penalty.

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

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

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

29092643394

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 \$5,500 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 1/27/2009. 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: Baldermann for Congress

FEC ID#: C00439869

AF#: 1910

PAYMENT DUE DATE: 1/27/2009

PAYMENT AMOUNT DUE: \$5,500

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2009 JAN 28 P 3:50

Timothy A. Baldermann

New Lenox, IL 60451

January 26, 2009

Federal Election Commission
Office of Administrative Review
999 E. Street NW
Washington, DC 20463

Attn: Shawn Woodhead Werth

Re: AF1910 - RTB
Response of Timothy Baldermann

Dear Ms. Woodhead Werth:

This letter is my response to the FEC's letter to me dated December 22, 2008 ("The Letter"). The Letter states that the FEC has reason to believe that I was the treasurer for Baldermann for Congress, and that I failed to file the appropriate reports.

Pursuant to 11 CFR 111.35 (b) (1) (i), I hereby challenge the FEC's RTB finding on the basis that it contains factual errors as it pertains to me personally. The error that forms the basis for my challenge is the fact that I am not, and never have been, the treasurer of the committee.

According to the committee's statement of organization, Christopher J. Ward was the committee's treasurer. Further, there was a filing that stated Kendall Lynchey was later identified as the committee's treasurer. Although, I was aware of Christopher Ward being treasurer for the committee, I was not informed, and do not believe that, Kendall Lynchey ever served in that capacity.

I was a candidate for the United States House of Representatives in the February 2008 primary. Immediately after winning the primary, I announced I was going to withdraw from the race. Exhibit A is my notice sent to the Office of the Clerk, U.S. House of Representatives, declaring my official withdrawal on April 27, 2008.

29092643396

January 26, 2009

Page 2

Exhibit B is information I received from my campaign manager, Andy Sere. This shows that at the time of withdrawal, the campaign was actually \$6,493.67 in debt. There were no monies raised for the general election.

Exhibit C is correspondence to Andy McKenna Jr., chairman of the Illinois Republican Party, which outlines the agreement made between myself, the Republican Party of Illinois and the Martin Ozinga for Congress Committee.

Exhibit D is a personally signed letter from Andy Sere and Martin Ozinga stating that they were responsible for retiring the campaign debt of Baldermann for Congress as well as insuring that all administrative tasks related to closing down Baldermann for Congress would be completed. This included all the appropriate filings with the FEC.

Due to the fact that 2 USC 434 (a) (1) imposes the obligation to file the required reports on a political committee's treasurer, I believe I cannot reasonably be held responsible for the Committee's failure to file the appropriate reports.

Based on the above, I request that the FEC make a final determination that I have committed no violations and therefore am not held liable either financially or in any other regard. Furthermore, I am requesting my attorney be notified as well, with your findings and any other correspondence. My attorney is:

Burton Odelson
Odelson & Sterk, Ltd.
3318 W. 95th Street
Evergreen Park, IL 60805

Sincerely,



Timothy A. Baldermann

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EXHIBIT A

NOTICE:

If you have not yet raised (either through contributions or loans from yourself or others) or spent in excess of \$5,000 for your campaign, or if you have withdrawn your candidacy, please sign and date below, and return to the Office of the Clerk, U.S. House of Representatives, Legislative Resource Center, B-106 Cannon House Office Building, Washington, D.C. 20515-6612.

Office of the Clerk, U.S. House of Representatives
Legislative Resource Center
B-106 Cannon House Office Building
Washington, D.C. 20515-6601

Dear Sir/Madam:

This is to notify you that I have not yet raised (either through contributions or loans from myself or others) or spent in excess of \$5,000 for my campaign for the U.S. House of Representatives.

I understand that when I do raise or spend in excess of \$5,000 for my campaign, I must file a Financial Disclosure Statement with the Clerk of the House of Representatives according to the deadlines set out on page 2 and 3 of the Financial Disclosure Instruction booklet, a copy of which has been provided to me by the Clerk.

Name: _____
(Please print or type)

Signature: _____

Date: _____

State: _____ District: _____ Daytime Telephone: _____

or

This is to notify you that under the laws of the state of ILLINOIS, I withdrew my candidacy for the U.S. House of Representatives on April 27, 2008. [NOTE: If your Financial Disclosure Statement was due *before* the date on which you withdrew from the race, you still must file a Financial Disclosure Statement with the House.]

Name: TIMOTHY A. BALDERMAN
(Please print or type)

Signature: T. A. Balderman

Date: 08/6/08

State: IL District: 11 Daytime Telephone: (815)545-1344

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EXHIBIT B

Outstanding Bills

Checks that have been writing and mailed but have not yet been cashed

- ❖ Revere Strategy Group- \$1,000 (Website maintenance monthly retainer)
- ❖ Andy Sere- \$65.85 (Staff Reimbursement)
- ❖ AT&T Mobility- \$469.02 (Monthly Bill)
- ❖ Townsend Group- \$419.00 (Flight Reimbursement)

Checks that have been written but have not been mailed or cashed

- ❖ Winning Systems-
- ❖ Senica's Oak Ridge Golf Club- \$1,060.26 (Fundraising Expenses)
- ❖ Curtis Scott Advertising- \$1,540 (Primary Palm Cards Reprint)

Companies that have not been paid/ pending final invoices

- ❖ The UPS Store- \$200 (estimated)
- ❖ Nicor Gas- \$100 (estimated)
- ❖ ComED- \$100 (estimated)
- ❖ Comcast- \$1,268.97
- ❖ PDS Compliance- \$3,000
- ❖ ATT Mobility- \$,1016.00 (prorated monthly bill +\$716)
 - \$179 cancellation fee per line (4 total)
 - \$469.02 monthly bill, estimated \$300 pro-rated monthly bill

As of 2/29/08:

Total Amount Owed to Vendors: \$14,760.94

Total Amount In the Bank: \$8,267.27

Difference Between the 2 Amounts: -\$6,493.67

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EXHIBIT C

April 28, 2008

Andy McKenna, Jr., Chairman
Illinois Republican Party
205 W. Randolph, Suite 1245
Chicago, Illinois 60606

Re: Baldermann for Congress

Dear Mr. McKenna:

Pursuant to my discussions with Andy Sere, I have executed my withdrawal of candidacy, and will deliver it to Andy on Monday April 28, 2008, with the Republican Party of Illinois assuring me by letter, that it will assume all responsibility to administer the closing of my congressional committee including completing all reports required by the FEC.

Also, the Ozinga campaign and Marty Ozinga will also guarantee payment of approximately \$8,000.00 to repay the outstanding obligations of the campaign committee. All necessary payments must be made to the State of Illinois and the federal government to pay any and all obligations of the committee. There will be approximately \$4,000.00 available from the funds in the committee to repay the outstanding obligations.

Please verify that we have a mutual understanding so that we can move forward to close out this committee and move forward with the Ozinga committee.

Very truly yours,



Tim Baldermann

2909264200

EXHIBIT D

April 28, 2008

We, Andrew D. Seré and Martin Ozinga, III, shall be responsible for retiring the campaign debt (roughly \$8,000), via various sources and methods, of Baldermann for Congress. We, Andrew D. Seré and Martin Ozinga, III, shall also be responsible for ensuring that the Republican Party of Illinois completes all administrative tasks related to closing down Baldermann for Congress.



Andrew D. Seré



Martin Ozinga, III

29092643401



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Via First Class Mail

January 29, 2009

29092643402
Timothy Baldermann, as Treasurer
Baldermann for Congress

New Lenox, IL 60451

C00439869
AF# 1910

Dear Mr. Baldermann:

On January 28, 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,

Jill Sugarman
Jill Sugarman
Reviewing Analyst
Office of Administrative Review

2009 FEB -3 P 1:31

Date: February 3, 2009

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

AF#: 1910

Committee Name: Baldermann for Congress

Committee ID#: C00439869

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): N

Attachment #: N/A

Other Relevant Telecoms (Y/N): N

Attachment #: N/A

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

Attachment #: N/A

RAD Staff Declaration (Y/N): Y

-Prior Notice, dated September 21, 2008.

-Non-Filer Letter, dated November 4, 2008.

-RTB Letter, dated December 22, 2008.

Attachment #: 2

Other RAD Information: (Y/N): Y – Memo to File, Copy of Returned RTB Letter, Re-mail Information

Attachment#: 3

FEC OFFICE OF
ADMIN REVIEW

29092643404

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 Baldermann for Congress:
 - A) Prior Notice, dated September 21, 2008, referencing the 2008 October Quarterly Report (sent via electronic mail to: baldermannforcongress@gmail.com);
 - B) Non-Filer Letter, dated November 4, 2008, referencing the 2008 October Quarterly Report;
 - C) Reason-to-Believe Letter, dated December 22, 2008, referencing the 2008 October Quarterly Report.
3. I hereby certify that I have searched the Commission's public records and find that Baldermann for Congress has not yet filed the 2008 October Quarterly Report with the Commission.
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 telecons for the matter have been provided. This declaration was executed at Washington, D.C. on the 3rd day of February, 2009.



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



OCTOBER QUARTERLY REPORT NOTICE

FEDERAL ELECTION COMMISSION

CONGRESSIONAL COMMITTEES

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- AND POST-ELECTION REPORTS

A committee whose candidate participates in a 2008 state primary, nominating convention or runoff election – even if unopposed – must also file a pre-election report 12 days prior to the primary, nominating convention or runoff. The campaign committee of a candidate who participates in the general election must file pre- and post-general election reports. Separate notices will be sent to explain these additional reporting obligations. 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 is 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.

REPORTING SCHEDULE FOR REMAINDER OF 2008

REPORTING DATES

REPORT	REPORTING PERIOD ¹	REG. CERT. & OVERNIGHT MAILING DEADLINE	FILING DEADLINE
Pre-General	10/01/08 - 10/15/08	10/20/08	10/23/08
48 Hour Notices	10/16/08 - 11/01/08	---see p. 4 of notice---	
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 ²

PRE- AND POST-ELECTION REPORTS

A committee whose candidate participates in a 2008 state primary, nominating convention or runoff election – even if unopposed – must also file a pre-election report 12 days prior to the primary, nominating convention or runoff. The campaign committee of a candidate who participates in the general election must file pre- and post-general election reports. Separate notices will be sent to explain these additional reporting obligations. 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 is 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.

²Notice 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 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

Principal campaign committees of congressional candidates³ (including unopposed candidates and candidates whose names do not appear on the ballot) must file an October Quarterly Report by October 15, 2008.⁴

Campaigns that raise or spend more than \$5,000 for the 2008 election cycle (and thus trigger registration and reporting requirements) must file quarterly reports throughout 2008, even if the candidate plans to retire, withdraws from the race prior to the primary election, loses the primary or drops out of the race prior to the general election. Before a committee can stop filing with the FEC, it must file a termination report with the Commission. Committees must continue to file reports until the Commission notifies them in writing that their termination report has been accepted.

METHODS OF FILING REPORTS

Electronic Filing

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

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

Registered & Certified Mail

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

Overnight Mail

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

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

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

Other Means of Filing

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

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

48 HOUR NOTICES ON CONTRIBUTIONS

Notices are required if the committee receives any contribution (including in-kind gifts or advances of goods or services; Loans from the candidate or other non-bank sources; and guarantees or endorsements of bank loans to the candidate or committee) of \$1,000 or more per source, during the period less than 20 days but more than 48 hours before any election in which the candidate is running.

The notices, which may be filed using Form 6, or under limited circumstances Form 10, must reach the appropriate federal and/or state filing office(s) within 48 hours of the committee's receipt of the contribution(s). U.S. Senate candidates must transmit the notices to the Secretary of the Senate by fax at (202) 224-1851. **Campaign committees that file electronically MUST submit their 48-hour notices electronically.** For more information, visit the FEC web site at www.fec.gov/elecfil/online.shtml. U.S. House candidates faxing 48-hour notices should transmit them to the FEC at (202) 219-0174. Paper forms are available at the FEC web site 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).⁵ 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 11:59 p.m. Eastern Time on the filing deadline, will be considered non-filers and may be subject to enforcement actions (including administrative fines).

IMPORTANT FILING INFORMATION - PAPER FILERS

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

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

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

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



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 4, 2008

RQ-7

KENDALL LYNCH, TREASURER
BALDELMANN FOR CONGRESS
PO BOX 2862
JOLIET, IL 60434

IDENTIFICATION NUMBER: C00439869

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 FOR HOUSE CANDIDATES, OR THE SECRETARY OF THE SENATE, 232 HART SENATE OFFICE BUILDING, WASHINGTON, D.C. 20510, FOR SENATE CANDIDATES. PLEASE NOTE THAT ELECTRONIC FILERS MUST SUBMIT THEIR REPORTS ELECTRONICALLY, AS PER 11 CFR §104.18. A COPY OF THE REPORT MUST ALSO BE FILED WITH THE SECRETARY OF 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 CHRISTOPHER RITCHIE AT OUR TOLL FREE NUMBER (800) 424-9530. OUR DIRECT LOCAL NUMBER IS (202) 694-1130.

SINCERELY,

Patricia Carmona

PATRICIA CARMONA
ASSISTANT STAFF DIRECTOR
REPORTS ANALYSIS DIVISION (RAD)



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2009 JUN 11 A 9:00

SENSITIVE

June 10, 2009

MEMORANDUM

To: The Commission

Through: Robert A. Hickey
Staff Director

From: John D. Gibson
Chief Compliance Officer

Shawn Woodhead Werth
Reviewing Officer
Office of Administrative Review

By: Maureen Benitz
Reviewing Analyst

Subject: AF# 1910 – Baldermann for Congress and its Treasurer
(C00439869)

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 recommendations.

The Committee is a respondent in three other cases: AF# 1795, AF# 1836 and AF# 2045. These four cases are being circulated together, and should be reviewed together, given the unique circumstances surrounding the Treasurer of the Committee.

On October 17, 2007, the Committee's original Statement of Organization was filed naming Christopher J. Ward as both the Treasurer and Custodian of Records. No other individuals are named as Designated Agents of the Committee. This Statement of Organization was hand delivered to the Commission. The Committee's first and only report was electronically filed on January 24, 2008 by Mr. Ward. On February 8, 2008, the Committee's Amended Statement of Organization was electronically filed. The Treasurer was changed from Christopher J. Ward to Kendall Lynchey. Margarita Almanza, the Deputy Campaign Manager, was named as the Custodian of Records.

29092643411

Based on the response received from the Information Technology Division's Manager, confirmation of the successful upload of the February 8, 2008 Amended Statement of Organization was emailed to paul@pdscompliance.com.

In AF# 1795 and 1836, Mr. Lynchey is named as the respondent Treasurer. He submitted the challenges for these cases, denies any association with the Committee, and says he was named as Treasurer without his knowledge.

In AF# 1910, the Candidate is named as the respondent Treasurer. In Mr. Baldermann's challenge to the RTB finding in this case, he states that he was "aware of Christopher Ward being treasurer" but "was not informed" and does "not believe that Kendall Lynchey ever served" as Treasurer of the Committee. This corroborates Mr. Lynchey's assertion that he was not the Treasurer of the Committee.

As part of his challenge for AF# 1910, the Candidate includes two letters, one he sent to the Chairman of the Illinois Republican Party and one he received from Andrew D. Sere (whom he identifies as his campaign manager) and Martin Ozinga, III. In his letter to the Chairman, the Candidate specifically states that the Party will "assume all responsibility to administer the closing of my congressional committee including completing all reports required by the FEC," that the "Ozinga campaign and Marty Ozinga will also guarantee payment of approximately \$8,000.00 to repay the outstanding obligations," and there "will be approximately \$4,000.00 available ... to repay the ... obligations." In the letter from Mr. Sere and Mr. Ozinga, they state that they "shall be responsible for retiring the campaign debt" and the Party will complete "all administrative tasks related to closing down Baldermann for Congress." In this correspondence, there is no reference to naming a new Treasurer.

In AF# 2045, Mr. Lynchey is named as the respondent Treasurer. The Candidate submitted the challenge which is identical to the one he submitted for AF# 1910.

Staff has appealed in their conversations with the Candidate to file the missing reports with the expectation that the level of activity on the missing reports would go down and result in a significantly lower or possibly \$0 civil money penalty. The Reviewing Officer did this in her December 2008 conversation as well as the RAD Analyst in her May 11, 2009 conversation. As of this date, none of the reports have been filed.

Please note that in a conversation with the Reviewing Analyst who explained that future contacts will be with counsel since it appears he designated counsel for AF# 1910, Mr. Baldermann said he decided not to designate counsel at this time.

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.

Attachments



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 10, 2009

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

AF# 1910 – Baldermann for Congress and Timothy A. Baldermann, as Treasurer
(C00439869)

On December 18, 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, a non-election sensitive report, and made a preliminary determination that the civil money penalty was \$5,500 based on the schedule of penalties at 11 C.F.R. § 111.43. They were notified by the Reports Analysis Division ("RAD") on December 22, 2008 of the Commission's RTB finding and civil money penalty. The RTB letter, sent to their address of record, was returned; and a copy was resent via FedEx to the Candidate at an alternate address

Respondents' Response

On January 28, 2009, the Commission received the written response ("challenge") from Mr. Timothy A. Baldermann, the Candidate. He submitted an identical challenge for AF# 2045. In the challenge, Mr. Baldermann states that he is not, and has never been, Treasurer of the Committee. Furthermore, he states that he "was aware of Christopher Ward being treasurer" but he states that he "was not informed" and does "not believe that Kendall Lynchey ever served" as Treasurer of the Committee.

As part of his challenge for AF# 1910, the Candidate includes two letters, one he sent to the Chairman of the Illinois Republican Party and one he received from Andrew D. Sere (whom he identifies as his campaign manager) and Martin Ozinga, III. In his letter to the Chairman, the Candidate specifically states that the Party will "assume all responsibility to administer the closing of my congressional committee including completing all reports required by the FEC," that the "Ozinga campaign and Marty Ozinga will also guarantee payment of approximately \$8,000.00 to repay the outstanding obligations," and there "will be approximately \$4,000.00 available ... to repay the ... obligations." In the letter from Mr. Sere and Mr. Ozinga, they state that they "shall be responsible for retiring the campaign debt" and the Party will complete "all administrative tasks related to closing down Baldermann for Congress." In this correspondence, there is no reference to naming a new Treasurer.

Analysis

The 2008 October Quarterly Report has not been filed as of this date.

The Federal Election Campaign Act ("Act") states that the treasurer of a principal campaign committee of a candidate shall file a report for the period ending September 30 no later than October 15. 2 U.S.C. § 434(a)(2)(A)(iii) and 11 C.F.R. § 104.5(a)(1)(i). Reports electronically filed must be received and validated at or before 11:59 pm Eastern Standard/Daylight Time on October 15 to be timely filed. 11 C.F.R. §§ 100.19(c) and 104.5(e). The treasurer shall be personally responsible for the timely filing of reports. 11 C.F.R. § 104.14(d). Every political committee shall have a treasurer and may designate an assistant treasurer who shall assume the treasurer's duties and responsibilities if there is a temporary or permanent vacancy in the office or the treasurer is unavailable. 2 U.S.C. § 432(a) and 11 C.F.R. § 102.7(a).

On October 17, 2007, the Committee filed its original Statement of Organization naming Christopher J. Ward as both the Treasurer and Custodian of Records. It appears that Mr. Ward signed the Statement. No other individuals are named as Designated Agents of the Committee. This Statement of Organization was hand delivered to the Commission. On February 8, 2008, Mr. Ward contacted the EFO requesting help with amending the Statement of Organization. Specifically, he called because the candidate name was not appearing on the form. Staff in the EFO assisted him and the Committee electronically filed an Amended Statement of Organization on that same day. The Treasurer was changed from Christopher J. Ward to Kendall Lynchey. Margarita Almanza, the Deputy Campaign Manager, is named as the Custodian of Records. Based on the response received from the Information Technology Division's Manager, confirmation of the successful upload of the February 8, 2008 Amended Statement of Organization was emailed to paul@pdscompliance.com.

On October 28, 2008, the Commission received the written response ("challenge") from Mr. Kendall Lynchey for AF# 1795 and AF# 1836, two other cases involving the Committee. He requests that the Commission make a final determination that he did not violate 2 U.S.C. § 434(a) as he is not, and has never been, the Treasurer and has never filed or signed a Statement of Organization naming himself as Treasurer of the Committee. He states that he has never had access to the Committee's electronic filing password and could not, and did not, file the February amended Statement of Organization. He never had access to the Committee's P.O. Box, which is why he did not receive the Commission's correspondence. He further states that he never authorized any individual associated with the Committee to name him as Treasurer.

Included with Mr. Lynchey's challenges is a copy of the Statement of Organization, received October 17, 2007, and the Amended Statement of Organization, electronically filed on February 8, 2008.

Based on the evidence provided, it appears that Kendall Lynchey was not Treasurer, as he has affirmed in his challenges for AF# 1795 and AF# 1836 that he did not sign or authorize the signing of the Amended Statement of Organization filed on February 8, 2008. Neither Statement of Organization discloses an Assistant Treasurer for the Committee. In the challenge to AF# 1910 and AF# 2045, the Candidate says that he is not and was never the Treasurer and references the Illinois Republican Party, Mr. Sere

and Mr. Ozinga, who had agreed to close down the Committee; yet no one is designated as Treasurer nor is it clear who may have been acting as Treasurer. Nonetheless, whomever was serving in that capacity did not adequately close the Committee, as required by 2 U.S.C. § 433(d)(1) and 11 C.F.R. § 102.3(b), and file the missing reports. As such, the Reviewing Officer recommends that the Commission make a final determination against the Committee and its Treasurer in AF# 1910.

Staff members from both RAD and OAR have spoken with the Candidate on several occasions, urging him to file the missing reports. In March of 2008, the RAD Analyst spoke with the Candidate at length, explaining how to download the FECFile software and user manual, amend the Statement of Organization (the Candidate told her he is handling everything for the Committee), file a debt settlement plan and terminate the Committee. Furthermore, the Analyst explained that the Committee could not terminate until several issues raised in the Request for Additional Information were addressed. The Analyst clearly stated that the Committee was not eligible for termination at that point.

In December of 2008, the Reviewing Officer spoke with the Candidate in great detail about the Administrative Fine Program, the basis of Mr. Lynchey's challenge, and the missing reports. In this conversation, the Candidate acknowledged having some records, as well as stating that there was activity during the reporting periods in question. The Candidate stated that he did not remember downloading the FECFile software, as the RAD Analyst instructed in March of 2008. It was stressed that any documentation regarding the naming of Treasurer should be provided to OAR with the challenge. Furthermore, the Reviewing Officer emphasized that the reports should be filed and that, based on his description of the financial activity, the RTB fine may be reduced if the actual level of activity is closed. Lastly, the Reviewing Officer faxed copies of the RTB letters, the challenges submitted by Mr. Lynchey, as well as the Summary and Detailed Summary Pages for the 2008 12 Day Pre-Primary Report, to the Candidate.

The last report received by the Commission from the Committee is the 12 Day Pre-Primary Report which covers October 1, 2007 – January 16, 2008 and was electronically filed on January 24, 2008. This report discloses an ending cash balance of \$50,414.33. In the challenges for AF# 1910 and 2045, the Candidate includes a list of financial activity that has not been disclosed on the proper FEC form. Based on this information, it is clear that there was financial activity during the reporting periods in question and reports must be filed to accurately disclose such activity.

The administrative fine regulations' schedule of civil money penalties is based on four factors – if the report is election sensitive or not election sensitive, the level of activity on the late report or the estimated level of activity if it is not filed, the number of days late, and any previous civil money penalties assessed. 11 C.F.R. § 111.43(a)(2), (d) and (e). The October Quarterly Report is not an election sensitive report. To date, it has not been filed, thus, the RTB fine was based on an estimated level of activity of \$157,306. The respondents have no prior violations. Had the respondents filed the 2008 October Quarterly Report prior to the Commission's RTB finding, the amount of the civil

money penalty would have been calculated using the actual level of activity disclosed for that reporting period.

Staff appealed in their conversations with the Candidate to file the missing reports with the expectation that the level of activity on the missing reports would go down and result in a significantly lower or possibly \$0 civil money penalty. The Reviewing Officer did this in her December 2008 conversation as well as the RAD Analyst in her May 11, 2009 conversation. As of this date, none of the reports have been filed.

Therefore, the Reviewing Officer recommends that the Commission make a final determination that the Committee and its Treasurer violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$5,500.

OAR Recommendations

- (1) Adopt the Reviewing Officer recommendation for AF# 1910 involving Baldermann for Congress and its Treasurer in making the final determination;
- (2) Make a final determination in AF# 1910 that Baldermann for Congress and its Treasurer violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$5,500; and
- (3) Send the appropriate letter.

Reviewing Analyst: Maureen Benitz

Attachments

Attachment 1 – Challenge Received from Candidate for AF# 1910 [redacted]

Attachment 2 – Declaration from RAD, [redacted]

Attachment 3 – [redacted]

Attachment 4 – [redacted]

Attachment 5 – [redacted]

Attachment 6 – Declaration from OAR [redacted]

DECLARATION OF MAUREEN BENITZ

29092643417

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 April Quarterly Report is due April 15, 2008. If electronically filed, it must be received and validated by the Commission at or before 11:59 p.m., Eastern Standard/Daylight Time on April 15 to be 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:
 - a) Page 1 and 2 of the Summary Page for the 2008 12 Day Pre-Primary Report electronically filed by Baldermann for Congress and Christopher Ward, as Treasurer. According to Commission records, the report was received on January 24, 2008 and covers the period from October 1, 2007 through January 16, 2008. Line 8 shows an ending cash on hand balance of \$50,414.33; and
 - b) Six 48-Hour Notices electronically filed by Baldermann for Congress and Christopher Ward, as Treasurer. According to Commission records, the Notices were received on January 19, January 23, two on January 27, January 29 and February 2, 2008. The Notices list 18 contributions totaling \$28,600 received on January 1, 17, 22, 25, 26, 29 and 31, 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 10th of June, 2009.



Maureen Benitz
Reviewing Analyst
Office of Administrative Review
Federal Election Commission

FEC
FORM 3REPORT OF RECEIPTS
AND DISBURSEMENTS
For An Authorized Committee

Office Use Only

1. NAME OF
COMMITTEE (in full) USE FEC MAILING LABEL
OR TYPE OR PRINT Example: If typing, type
over the lines

BALDERMANN FOR CONGRESS

ADDRESS (number and street) PO BOX 2862

Check if different
than previously
reported. (ACC)

JOLIET

IL

60434

2. FEC IDENTIFICATION NUMBER CITY STATE ZIP CODE
STATE DISTRICT

C00439869

3. IS THIS
REPORT NEW
(N) OR AMENDED
(A)

IL 11

4. TYPE OF REPORT (Choose One)

(a) Quarterly Reports:

April 15 Quarterly Report (Q1)

July 15 Quarterly Report (Q2)

October 15 Quarterly Report (Q3)

January 31 Year-End Report (YE)

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

 Primary (12P) General (12G) Runoff (12R)
Convention (12C) Special (12S)

Election on 02 05 2008 in the State of IL

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

General (30G) Runoff (30R) Special (30S)

Termination Report (TER)

Election on in the State of

5. Covering Period 10 01 2007 through 01 16 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 Christopher Ward

Signature of Treasurer Electronically Filed by Christopher Ward Date 01 24 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
OnlyFEC FORM 3
(Revised 02/2003)

FE5AN018

SUMMARY PAGE
of Receipts and Disbursements

Page 2

FEC Form 3 (Revised 02/2003)

Write or Type Committee Name

BALDERMANN FOR CONGRESS

Report Covering the Period: From: **10 M 01 Y 2007** To: **01 M 16 Y 2008**

	COLUMN A This Period	COLUMN B Election Cycle-to-Date
6. Net Contributions (other than loans)		
(a) Total Contributions (other than loans) (from Line 11(e)).....	103819.00	103819.00
(b) Total Contribution Refunds (from Line 20(d)).....	0.00	0.00
(c) Net Contributions (other than loans) (subtract Line 6(b) from Line 6(a)).....	103819.00	103819.00
7. Net Operating Expenditures		
(a) Total Operating Expenditures (from Line 17).....	53245.76	53245.76
(b) Total Offsets to Operating Expenditures (from Line 14).....	0.00	0.00
(c) Net Operating Expenditures (subtract Line 7(b) from Line 7(a)).....	53245.76	53245.76
8. Cash on Hand at Close of Reporting Period (from Line 27)	50414.33	
9. Debts and Obligations Owed TO the Committee (Itemize all on Schedule C and/or Schedule D)	0.00	
10. Debts and Obligations Owed BY the Committee (Itemize all on Schedule C and/or Schedule D)	0.00	

For further Information contact:

Federal Election Commission
999 E Street, NW
Washington, DC 20463
Toll Free 800-424-9530
Local 202-694-1100

48 HOURS NOTICE OF CONTRIBUTIONS/LOANS RECEIVED

(See Reverse Side for Instructions)

To be used to report all contributions (including loans) of \$1000 or more, received within 20 days of the election.

1. NAME OF COMMITTEE IN FULL

BALDERMANN FOR CONGRESS

ADDRESS (number and street)

PO BOX 2862

CITY, STATE, and ZIP CODE

JOLIET

IL

60434

2. NAME OF CANDIDATE

TIM BALDERMANN

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

4. FEC IDENTIFICATION NUMBER
C00439869

SIGNATURE(Optional)			DATE 01/19/2008	For further information contact: Federal Election Commission 999 E Street, NW, Washington, DC 20463 Toll Free 800-424-9530, Local 202-694-1100

FEC FORM 6

(Revised 1/2001)

FEC FORM 6 - 48 HOUR NOTICE OF CONTRIBUTIONS / LOANS
(continuation page)

Any information reported herein may not be copied for sale or use by any person for the purposes of soliciting contributions or for any other commercial purpose except that the name and address of any political committee may be used to solicit contributions from that committee.

Name of Individual, Organization, or Corporation

Full Name, Address, and ZIP Code	Name of Employer	Date (month, day, year)	Amount Received this Period
Craig J. Duchossois 845 Larch Ave Elmhurst IL 60126	Duchossois Industries Occupation CEO	01/01/2008	2300.00
Ronald J. Gidwitz 200 S Wacker Dr, Ste 4000 Chicago IL 60606	Name of Employer GCG Partners Occupation Partner	01/17/2008	1000.00
Heidi A. Huizenga 2215 York Rd, Ste 500 Oak Brook IL 60523	Name of Employer Self Employed Occupation Consultant	01/17/2008	2000.00
Peter H. Huizenga 2215 York Rd, Ste 500 Oak Brook IL 60523	Name of Employer Huizenga Capital Occupation Investments	01/17/2008	2000.00
TOTAL THIS PERIOD (last page only)			
			7300.00

1 / 2

48 HOURS NOTICE OF CONTRIBUTIONS/LOANS RECEIVED

(See Reverse Side for Instructions)

To be used to report all contributions (including loans) of \$1000 or more, received within 20 days of the election.

1. NAME OF COMMITTEE IN FULL

BALDERMANN FOR CONGRESS

ADDRESS (number and street)

PO BOX 2862

CITY, STATE, and ZIP CODE

JOLIET

IL

60434

2. NAME OF CANDIDATE

TIM BALDERMANN

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4. FEC IDENTIFICATION NUMBER
C00439869

SIGNATURE(Optional)			DATE 01/23/2008	For further information contact: Federal Election Commission 999 E Street, NW, Washington, DC 20463 Toll Free 800-424-9530, Local 202-694-1100

FEC FORM 6

(Revised 1/2001)

FEC FORM 6 - 48 HOUR NOTICE OF CONTRIBUTIONS / LOANS
(continuation page)

Any information reported herein may not be copied for sale or use by any person for the purposes of soliciting contributions or for any other commercial purpose except that the name and address of any political committee may be used to solicit contributions from that committee.

Name of Individual, Organization, or Corporation

Full Name, Address, and ZIP Code Noreen Dollinger 7502 W. Hansel Rd Channahon IL 60410			Name of Employer Self Employed	Date (month, day, year) 01/22/2008	Amount Received this Period 1000.00
			Occupation Farming		

Full Name, Address, and ZIP Code Sebastian S. Paulmbo 4401 West Roosevelt Rd Hillside IL 60162			Name of Employer Orange Crush LLC	Date (month, day, year) 01/22/2008	Amount Received this Period 1000.00
			Occupation Vice President		

Full Name, Address, and ZIP Code Sue Rezin 5395 Crescent Green Ct Morris IL 60450			Name of Employer Homemaker	Date (month, day, year) 01/22/2008	Amount Received this Period 1000.00
			Occupation Homemaker		

TOTAL THIS PERIOD (last page only)	3000.00
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48 HOURS NOTICE OF CONTRIBUTIONS/LOANS RECEIVED

(See Reverse Side for Instructions)

To be used to report all contributions (including loans) of \$1000 or more, received within 20 days of the election.

1. NAME OF COMMITTEE IN FULL

BALDERMANN FOR CONGRESS

ADDRESS (number and street)

PO BOX 2862

CITY, STATE, and ZIP CODE

JOLIET

IL

60434

2. NAME OF CANDIDATE

TIM BALDERMANN

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4. FEC IDENTIFICATION NUMBER
C00439869

SIGNATURE(Optional)			DATE 01/27/2008	For further information contact: Federal Election Commission 999 E Street, NW, Washington, DC 20463 Toll Free 800-424-9530, Local 202-694-1100

FEC FORM 6

(Revised 1/2001)

FEC FORM 6 - 48 HOUR NOTICE OF CONTRIBUTIONS / LOANS
(continuation page)

Any information reported herein may not be copied for sale or use by any person for the purposes of soliciting contributions or for any other commercial purpose except that the name and address of any political committee may be used to solicit contributions from that committee.

Name of Individual, Organization, or Corporation

Full Name, Address, and ZIP Code	Name of Employer	Date (month, day, year)	Amount Received this Period
Thomas D. Grusecki 5060 River Rd Schiller Park IL 60176	Name of Employer Northern Builders Inc Occupation Executive Vice President	Date (month, day, year) 01/25/2008	Amount Received this Period 1000.00
Full Name, Address, and ZIP Code Gregory P. Kolinski 10532 Great Egret Dr Orland Park IL 60467	Name of Employer Ledcor Construction Occupation Preconstruction Manager	Date (month, day, year) 01/25/2008	Amount Received this Period 1000.00
Full Name, Address, and ZIP Code Fred A. Krehbiel 505 South County Line Rd Hinsdale IL 60521	Name of Employer Molex Inc Occupation Executive	Date (month, day, year) 01/25/2008	Amount Received this Period 1000.00
Full Name, Address, and ZIP Code John D. Peacock 2576 Creekside Ln Morris IL 60450	Name of Employer Peacock & McFarland Occupation Attorney	Date (month, day, year) 01/25/2008	Amount Received this Period 1000.00
Full Name, Address, and ZIP Code Charles E. Smith, Jr 18645 W West Creek Dr Tinley Creek IL 60477	Name of Employer Occupation	Date (month, day, year) 01/25/2008	Amount Received this Period 1000.00
Full Name, Address, and ZIP Code Mark Vandenberg 20658 Francisca Way Frankfort IL 60423	Name of Employer Occupation	Date (month, day, year) 01/25/2008	Amount Received this Period 1000.00
TOTAL THIS PERIOD (last page only)			
6000.00			

48 HOURS NOTICE OF CONTRIBUTIONS/LOANS RECEIVED

(See Reverse Side for Instructions)

To be used to report all contributions (including loans) of \$1000 or more, received within 20 days of the election.

1. NAME OF COMMITTEE IN FULL

BALDERMANN FOR CONGRESS

ADDRESS (number and street)

PO BOX 2862

CITY, STATE, and ZIP CODE

JOLIET

IL

60434

2. NAME OF CANDIDATE

TIM BALDERMANN

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

4. FEC IDENTIFICATION NUMBER
C00439869

SIGNATURE(Optional)		DATE 01/27/2008	For further Information contact: Federal Election Commission 999 E Street, NW, Washington, DC 20463 Toll Free 800-424-9530, Local 202-694-1100

FEC FORM 6 - 48 HOUR NOTICE OF CONTRIBUTIONS / LOANS

(continuation page)

Any information reported herein may not be copied for sale or use by any person for the purposes of soliciting contributions or for any other commercial purpose except that the name and address of any political committee may be used to solicit contributions from that committee.

Name of Individual, Organization, or Corporation

Full Name, Address, and ZIP Code	Name of Employer	Date (month, day, year)	Amount Received this Period
George Barr 2801 Black Rd Joliet IL 60435	Self Employed	01/26/2008	1500.00
	Occupation Contractor		
Full Name, Address, and ZIP Code	Name of Employer	Date (month, day, year)	Amount Received this Period
FREEDOM PROJECT; THE 424 C Street NE Basement UNIT Washington DC 20002		01/26/2008	5000.00
	Occupation		
TOTAL THIS PERIOD (last page only)			6500.00

48 HOURS NOTICE OF CONTRIBUTIONS/LOANS RECEIVED

(See Reverse Side for Instructions)

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ADDRESS (number and street)

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CITY, STATE, and ZIP CODE

JOLIET

IL

60434

2. NAME OF CANDIDATE

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4. FEC IDENTIFICATION NUMBER
C00439869

SIGNATURE(Optional)		DATE 01/29/2008	For further Information contact: Federal Election Commission 999 E Street, NW, Washington, DC 20463 Toll Free 800-424-9530, Local 202-694-1100
<input type="text"/>	<input type="text"/>	<input type="text"/>	

FEC FORM 6

(Revised 1/2001)

FEC FORM 6 - 48 HOUR NOTICE OF CONTRIBUTIONS / LOANS**(continuation page)**

Any information reported herein may not be copied for sale or use by any person for the purposes of soliciting contributions or for any other commercial purpose except that the name and address of any political committee may be used to solicit contributions from that committee.

Name of Individual, Organization, or Corporation

Full Name, Address, and ZIP Code	Name of Employer	Date (month, day, year)	Amount Received this Period
Daniel Para 17 Ridge Farm Rd Burr Ridge IL 60527	Self Employed	01/29/2008	1000.00
	Occupation Investor		

TOTAL THIS PERIOD (last page only)

1000.00

48 HOURS NOTICE OF CONTRIBUTIONS/LOANS RECEIVED

(See Reverse Side for Instructions)

To be used to report all contributions (including loans) of \$1000 or more, received within 20 days of the election.

1. NAME OF COMMITTEE IN FULL

BALDERMANN FOR CONGRESS

ADDRESS (number and street)

PO BOX 2862

CITY, STATE, and ZIP CODE

JOLIET

IL

60434

2. NAME OF CANDIDATE

TIM BALDERMANN

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

4. FEC IDENTIFICATION NUMBER
C00439869

SIGNATURE(Optional)		DATE 02/02/2008	For further information contact: Federal Election Commission 999 E Street, NW, Washington, DC 20463 Toll Free 800-424-9530, Local 202-694-1100

FE1AN053.PDF

FEC FORM 6
(Revised 1/2001)

FEC FORM 6 - 48 HOUR NOTICE OF CONTRIBUTIONS / LOANS
(continuation page)

Any information reported herein may not be copied for sale or use by any person for the purposes of soliciting contributions or for any other commercial purpose except that the name and address of any political committee may be used to solicit contributions from that committee.

Name of Individual, Organization, or Corporation

Full Name, Address, and ZIP Code C&F Partnership 9821 S 78th Ave			Name of Employer Occupation	Date (month, day, year) 01/31/2008	Amount Received this Period 2300.00
Full Name, Address, and ZIP Code AMERICAN BANKERS ASSOCIATION PAC (BANKPA-C) 1120 Connecticut Avenue NW			Name of Employer Occupation	Date (month, day, year) 01/31/2008	Amount Received this Period 2500.00
Washington DC 20036			Occupation		
TOTAL THIS PERIOD (last page only)					
					4800.00



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

VIA OVERNIGHT DELIVERY

June 15, 2009

29092643432
Kendall Lynchey
Baldermann for Congress
c/o 1938 E. Lincoln Highway, Suite 210
New Lenox, Illinois 60451

C00439869
AF# 1795, 1836 and 2045

Dear Mr. Lynchey:

On September 19, 2008 and April 8, 2009, the Federal Election Commission ("Commission") found reason to believe ("RTB") that Baldermann for Congress and you, as Treasurer ("respondents"), violated 2 U.S.C. § 434(a) for failing to file the 2008 April and July Quarterly, and Year End Reports, respectively. The Commission also made preliminary determinations on these dates that the civil money penalty was \$5,500 for each of these three reports based on the schedule of penalties at 11 C.F.R. § 111.43.

After reviewing the written responses and any supplemental information submitted by you and Commission staff, the Reviewing Officer has recommended that the Commission make a final determination in these matters. Copies of the Reviewing Officer's recommendations are attached.

You may file with the Commission Secretary a written response to the recommendations 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 numbers in your response. Your response may not raise any arguments not raised in the original written responses or not directly responsive to the Reviewing Officer's recommendations. 11 C.F.R. § 111.36(f). The Commission will then make final determinations in these matters.

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
Maureen Benitz
Reviewing Analyst
Office of Administrative Review

cc: Timothy Baldermann
Attachments



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2009 JUL 22 P 3:53

July 22, 2009

MEMORANDUM

SENSITIVE

To: The Commission
Through: Robert A. Hickey *1.22.107*
Staff Director
From: John D. Gibson
Chief Compliance Officer
Shawn Woodhead Werth
Reviewing Officer
Office of Administrative Review
By: Maureen Benitz
Reviewing Analyst
Subject: Final Determination Recommendation in AF# 1910 – Baldermann
for Congress and Timothy A. Baldermann, as Treasurer
(C00439869)

On December 18, 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. The Commission also made a preliminary determination that the civil money penalty was \$5,500 based on the schedule of penalties at 11 C.F.R. § 111.43.

On January 28, 2009, the Commission received the respondents' written response ("challenge"). After reviewing the challenge, the Reviewing Officer's recommendation ("ROR") dated June 10, 2009 was forwarded to the Commission, a copy was sent to the respondents, and is hereby incorporated by reference. The Reviewing Officer recommended that the Commission make a final determination that the Committee and its Treasurer violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$5,500.

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). The Reviewing Analyst spoke with Mr. Baldermann on June 25 about the ROR; he did not indicate if he would respond to it. As

29092643433

of this date, no written response has been received.

On July 7, 2009, the Commission received, via facsimile, the paper copy of the October Quarterly Report which discloses \$5 in total receipts and \$0 in total disbursements. The report was filed electronically on July 10, 2009. Had the report been filed disclosing this level of activity (\$5) prior to the Commission's RTB finding, the civil money penalty would have been \$5 based on the schedule of penalties at 11 C.F.R. § 111.43(a)(2)(i)(A) and (iii) as the schedule of penalties states that a penalty for respondents with no prior violations shall not exceed the level of activity in the report.

The Reviewing Officer recommends, however, that the Commission make a final determination that Baldermann for Congress and its Treasurer violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$0 as the outlay of additional resources on this case to collect a \$5 civil money penalty is not in the best interests of the Commission or the respondents.

OAR Recommendations

- (1) Adopt the Reviewing Officer recommendation for AF# 1910 involving Baldermann for Congress and its Treasurer in making the final determination;
- (2) Make a final determination in AF# 1910 that Baldermann for Congress and its Treasurer violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$0 (reduced from the \$5,500 RTB civil money penalty); and
- (3) Send the appropriate letter.

2 9 0 9 2 6 4 3 4 3 4

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

)

)

Final Determination Recommendation:) AF 1910
Baldermann for Congress and Timothy)
A. Baldermann, as Treasurer)
(C00439869))

CERTIFICATION

I, Mary W. Dove, Secretary of the Federal Election Commission, do hereby certify that on August 06, 2009, the Commission decided by a vote of 5-0 to take the following actions in AF 1910:

1. Adopt the Reviewing Officer recommendation for AF 1910 involving Baldermann for Congress and its Treasurer in making the final determination.
2. Make a final determination in AF 1910 that Baldermann for Congress and its Treasurer violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$0 (reduced from the \$5,500 RTB civil money penalty).
3. Send the appropriate letter.

Commissioners Bauerly, Hunter, Petersen, Walther and Weintraub voted affirmatively for the decision. Commissioner McGahn II did not vote.

Attest:

August 6, 2009
Date

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

29092643435



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 20, 2009

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

29092643426
Timothy Baldermann
Baldermann for Congress
c/o 2647 Bimini Lane
New Lenox, Illinois 60451

C00439869
AF# 1910

Dear Mr. Baldermann:

On December 18, 2008, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Baldermann for Congress and you, as Treasurer, violated 2 U.S.C. § 434(a) for failing to file the 2008 October Quarterly Report. By letter dated December 22, 2008, the Commission sent you notification of the RTB finding that included a civil money penalty calculated at RTB of \$5,500 in accordance with the schedule of penalties at 11 C.F.R. § 111.43. On January 28, 2009, the Office of Administrative Review received the written response from you challenging the RTB civil money penalty.

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 Baldermann for Congress and its Treasurer violated 2 U.S.C. § 434(a) and assess a civil money penalty in the amount of \$5,500 in accordance with 11 C.F.R. § 111.43. The basis for the Reviewing Officer's recommendation was included in the Final Determination Report, a copy of which was sent to you on June 15, 2009.

On July 7, 2009, the Commission received, via facsimile, the paper copy of the October Quarterly report. The report was filed electronically on July 10, 2009. Had the report been filed disclosing this level of activity (\$5) prior to the Commission's RTB finding, the civil money penalty would have been \$5 based on the schedule of penalties at 11 C.F.R. § 111.43(a)(2)(i)(A) and (iii) as the schedule of penalties states that a penalty for respondents with no prior violations shall not exceed the level of activity in the report. The Reviewing Officer recommends that the Commission make a final determination that Baldermann for Congress and its Treasurer violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$0 as the outlay of additional resources on this case to collect a \$5 civil money penalty is not in the best interests of the Commission or the respondents.

On August 6, 2009, the Commission adopted the Reviewing Officer's recommendation, made a final determination that Baldermann for Congress and its Treasurer violated

2 U.S.C. § 434(a) and assessed a civil money penalty of \$0 (reduced from the RTB civil money penalty of \$5,500). 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.

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

29092643437



FEDERAL ELECTION COMMISSION
Washington DC 20463

29092643438

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 1910

DATE SCANNED 11/25/09

SCANNER NO. 2

SCAN OPERATOR EE5