



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 1926

DATE SCANNED 4-28-09

SCANNER NO. 2

SCAN OPERATOR JmD

29092623934



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 22, 2008

MEMORANDUM

SENSITIVE

TO: THE COMMISSION

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

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

PATRICIA CARMONA *PC*
ASSISTANT STAFF DIRECTOR
REPORTS ANALYSIS DIVISION

BY: NATALIYA IOFFE/RHIANNON MAGRUDER/CHRIS RITCHIE *NJI* *RM*
COMPLIANCE BRANCH

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

2008 DEC 23 PM 24

FEDERAL ELECTION
COMMISSION
SECRETARIAT

Attached is a list of political committees and their treasurers who failed to file the 2008 October Monthly Report in accordance with 2 U.S.C. 434(a). The October Monthly Report was due on October 20, 2008.

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

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Recommendation

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

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Federal Election Commission
Reason to Believe Circulation Report
2008 OCTOBER MONTHLY Election Sensitive 10/20/2008 P_UNAUTH

AF#	Committee ID	Committee Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
1925	C00214304	DELHAIZE AMERICA POLITICAL ACTION COMMITTEE	TEROSS W. YOUNG	\$102,184	0	11/12/2008	Not Filed	\$6,076	\$600
1926	C00292318	THERMO FISHER SCIENTIFIC INC. PAC	STACY CORDIER	\$233,128	0	11/4/2008	Not Filed	\$12,194	\$900

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Reason To Believe Recommendation –)
2008 October Monthly Report (Election)
Sensitive) for the Administrative Fine)
Program:)
THERMO FISHER SCIENTIFIC INC.) AF# 1926
PAC, and CORDIER, STACY as treasurer;)
DELHAIZE AMERICA, INC. POLITICAL) AF# 1925
ACTION COMMITTEE, and YOUNG,)
TEROSS W as treasurer;)

CERTIFICATION

I, Mary W. Dove, Secretary of the Federal Election Commission, do hereby certify that on December 24, 2008 the Commission took the following actions on the Reason To Believe Recommendation – 2008 October Monthly Report (Election Sensitive) for the Administrative Fine Program as recommended in the Reports Analysis Division's Memorandum dated December 22, 2008, on the following committees:

AF#1926 Decided by a vote of 6-0 to: (1) find reason to believe that THERMO FISHER SCIENTIFIC INC. PAC, and CORDIER, STACY as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#1925 Decided by a vote of 6-0 to: (1) find reason to believe that DELHAIZE AMERICA, INC. POLITICAL ACTION COMMITTEE, and YOUNG, TEROSS W as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil

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Federal Election Commission
Certification for Administrative Fines
December 24, 2008

Page 2

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

Attest:

December 24, 2008
Date

Darlene Harris
for Mary W. Dove
Secretary of the Commission

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 29, 2008

Stacy Cordier
Thermo Fisher Scientific Inc. PAC
81 Wyman Street
P.O. Box 9046
Waltham, MA 02454

C00292318
AF#: 1926

Dear Stacy Cordier:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file an October Monthly Report of Receipts and Disbursements covering the period through September 30th. This report shall be filed no later than October 20th. 2 U.S.C. 434(a). Records at the Federal Election Commission ("FEC") indicate that this report was not filed prior to four (4) days before the general election held on November 4, 2008. You should file the 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 12/24/2008, the FEC found that there is reason to believe ("RTB") that Thermo Fisher Scientific Inc. PAC and you, as treasurer, violated 2 U.S.C. 434(a) by failing to file timely this report on or before October 20th. Based on the FEC's schedules of civil money penalties at 11 C.F.R. 111.43, the amount of your civil money penalty calculated at the RTB stage is \$900. It is due by 2/2/2009 and is based on these factors:

Election Sensitivity of Report: Election Sensitive
Level of Activity: \$12,194
Number of Days Late: Not Filed
Number of Previous Civil Money Penalties Assessed: 0

To Pay the Calculated Civil Money Penalty

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

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

To challenge the RTB finding and/or calculated civil money penalty, you must submit a written response, including the AF# found on page one, to the FEC's Office of Administrative Review, 999 E Street, NW, Washington, DC 20463. Your response must be received by 2/2/2009. 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 Thermo Fisher Scientific Inc. PAC and you, as treasurer, violated 2 U.S.C. 434(a) and assess a civil money penalty.

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

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

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

Sincerely,



Donald F. McGahn II
Chairman

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ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 C.F.R. 111.43, the amount of your civil money penalty calculated at RTB is \$900 for the 2008 October Monthly 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 2/2/2009. 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: Thermo Fisher Scientific Inc. PAC

FEC ID#: C00292318

AF#: 1926

PAYMENT DUE DATE: 2/2/2009

PAYMENT AMOUNT DUE: \$900

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

2009 FEB 27 P 4: 02
February 25, 2009

MEMORANDUM

TO: THE COMMISSION

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

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

PATRICIA CARMONA *PC*
ASSISTANT STAFF DIRECTOR
REPORTS ANALYSIS DIVISION

BY: NATALIYA IOFFE/RHIANNON MAGRUDER *NIS RM*
COMPLIANCE BRANCH

SUBJECT: ADMINISTRATIVE FINE PROGRAM – FINAL DETERMINATION
RECOMMENDATION FOR THE 2008 OCTOBER MONTHLY
REPORT (ELECTION SENSITIVE)

Attached is a list of political committees and their treasurers against which the Commission has found reason to believe (RTB) and assessed proposed civil money penalties calculated at RTB for failure to file or failure to timely file the 2008 October Monthly Report.¹ The committees have paid the civil money penalty.

In accordance with 11 CFR 111.34, the Commission shall send a final determination notice to those respondents that have paid the civil money penalty.

RAD Recommendation

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

¹ Under the Administrative Fine Program, the October Monthly Report is considered an election-sensitive filing for all unauthorized committees that file monthly.

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2/25/2009 8:04 AM

Federal Election Commission
 FD Circulation Report Fine Paid
 2008 OCTOBER MONTHLY Election Sensitive 10/20/2008 P_UNAUTH

AF#	Committee Name	Committee ID	Treasurer	Receipt Date	Days Late	LOA	PV	RTB Date	RTB Penalty	Final Money Penalty	Date Paid	Amount Paid
1925	DELHAIZE AMERICA POLITICAL ACTION COMMITTEE	C00214304	TEROSS W. YOUNG	11/12/2008	Not Filed	\$6,076	0	12/24/2008	\$600	\$600	02/05/2009	\$600
1926	THERMO FISHER SCIENTIFIC INC. PAC	C00292318	STACY CORDIER	11/04/2008	Not Filed	\$12,194	0	12/24/2008	\$900	\$900	02/23/2009	\$900

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Administrative Fines Final Determination)
Recommendation for the October Monthly)
Report (Election Sensitive):)
DELHAIZE AMERICA, INC. POLITICAL) AF# 1925
ACTION COMMITTEE, and YOUNG,)
TEROSS W as treasurer;)
THERMO FISHER SCIENTIFIC INC.) AF# 1926
PAC, and CORDIER, STACY as treasurer;)

CERTIFICATION

I, Mary W. Dove, Secretary of the Federal Election Commission, do hereby certify that on March 04, 2009 the Commission took the following actions on the Administrative Fines Final Determination Recommendation for the October Monthly Report (Election Sensitive) as recommended in the Reports Analysis Division's Memorandum dated February 25, 2009, on the following committees:

AF#1925 Decided by a vote of 6-0 to: (1) make a final determination that DELHAIZE AMERICA, INC. POLITICAL ACTION COMMITTEE, and YOUNG, TEROSS W as treasurer , violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#1926 Decided by a vote of 6-0 to: (1) make a final determination that THERMO FISHER SCIENTIFIC INC. PAC, and CORDIER, STACY as treasurer , violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

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Federal Election Commission
Certification for Administrative Fines
March 04, 2009

Attest:

March 5 2009
Date

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

29092623947



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 12, 2009

Stacy Cordier as Treasurer
Thermo Fisher Scientific Inc. PAC
81 Wyman Street
P.O. Box 9046
Waltham, MA 02454

C00292318
AF#: 1926

Dear Ms. Cordier:

On December 24, 2008, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Thermo Fisher Scientific Inc. PAC and you as treasurer violated 2 U.S.C. § 434(a) for filing late or failing to file the 2008 October Monthly Report. By letter dated December 29, 2008, the Commission sent you notification of the RTB finding that included a civil money penalty calculated at the RTB stage of \$900 in accordance with the schedule of penalties at 11 C.F.R. § 111.43.

On February 23, 2009, the FEC received payment of your civil money penalty calculated at the RTB stage. The FEC made a final determination on March 4, 2009 that you as treasurer and Thermo Fisher Scientific Inc. PAC violated 2 U.S.C. § 434(a), assessed a civil money penalty in the amount of \$900 in accordance with 11 C.F.R. § 111.43, and voted to close the file.

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

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

On behalf of the Commission,

A handwritten signature in cursive script, appearing to read "Steven T. Walther".

Steven T. Walther
Chairman

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PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: Thermo Fisher Scientific Inc. PAC

FEC ID#: C00292318

AF#: 1926

PAYMENT DUE DATE: 2/2/2009

2-19

PAYMENT AMOUNT DUE: \$900

M10 N

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QUALITY IS OUR PRIORITY FOR LOCKBOX 9058
SEQ# 002 \$ 000090000 BA# 1 02-20-09 20 9



ThermoFisher SCIENTIFIC CORPORATE OFFICE 81 Wyman Street Post Office Box 9048 Waltham, MA 02454-9048		Bank of America 20-153 ME 070537						
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FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 1926

DATE SCANNED 4-28-09

SCANNER NO. 2

SCAN OPERATOR Jmp

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