



FEDERAL ELECTION COMMISSION  
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 1932

DATE SCANNED

4-28-09

SCANNER NO.

2

SCAN OPERATOR

Jm D

29092624034



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

**SENSITIVE**

December 22, 2008

**MEMORANDUM**

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: <sup>*NT*</sup> NATALIYA IOFFE/<sup>*RM*</sup> RHIANNON MAGRUDER/<sup>*CR*</sup> CHRIS RITCHIE  
COMPLIANCE BRANCH

SUBJECT: REASON TO BELIEVE RECOMMENDATION – 2008 12 DAY PRE-  
GENERAL REPORT (AUTHORIZED COMMITTEES) FOR THE  
ADMINISTRATIVE FINE PROGRAM

2008 DEC 23 P 12:24  
 FEDERAL ELECTION  
 COMMISSION  
 SECRETARIAT

Attached is a list of political committees and their treasurers who failed to file or timely file the 2008 12 Day Pre-General Report in accordance with 2 U.S.C. 434(a). The list is comprised of authorized committees whose candidates sought election in the November 4<sup>th</sup> General Election.

The committees appearing on the list 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 at 11 CFR 111.43, these committees should be assessed the civil money penalties outlined on the attached Reason to Believe (RTB) circulation list.

29092624035

**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.

29092624036

Federal Election Commission  
Reason to Believe Circulation Report  
2008 PRE-GENERAL Election Sensitive 10/23/2008 AUTH

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
1928	C00393041	FRIENDS OF AMATA	COLEMAN, AUMUA AMATA	MICHAEL LAWRENCE USLE	\$164,857	0	10/30/2008	7	\$2,641	\$120
1929	C00431866	GEORGE FEARING FOR CONGRESS	FEARING, GEORGE BARR	DONTE LE MONTOYA, CPA	\$494,517	0	10/29/2008	6	\$29,643	\$450
1930	C00444810	HARTKE FOR CONGRESS	HARTKE, ANITA RUTH	ANITA HARTKE	\$129,341	0	10/29/2008	6	\$18,165	\$210
1931	C00426387	LARRY ISHMAEL FOR CONGRESS	ISHMAEL, LARRY WAYNE	CARL E. PETERSON	\$100,963	0		Not Filed	\$12,620 (est)	\$900
1932	C00446468	LYNCH FOR CONGRESS	LYNCH, EDWARD J.	EDWARD LYNCH	\$197,985	1		Not Filed	\$65,995 (est)	\$3,750

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
)  
Reason To Believe Recommendation - 2008 )  
12 Day Pre-General Report (Authorized )  
Committees) for the Administrative Fine )  
Program: )  
HARTKE FOR CONGRESS, and ANITA ) AF# 1930  
HARTKE as treasurer; )

LYNCH FOR CONGRESS, and EDWARD ) AF# 1932  
LYNCH as treasurer; )  
LARRY ISHMAEL FOR CONGRESS, and ) AF# 1931  
CARL E PETERSON as treasurer; )  
GEORGE FEARING FOR CONGRESS, ) AF# 1929  
and MONTOYA, DANTE LE CPA as )  
treasurer; )  
FRIENDS OF AMATA, and MICHAEL ) AF# 1928  
LAWRENCE USLE as treasurer; )

29092624038

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 12 Day Pre-General Report (Authorized Committees) for the Administrative Fine Program as recommended in the Reports Analysis Division's Memorandum dated December 22, 2008, on the following committees:

AF#1930 Decided by a vote of 6-0 to: (1) find reason to believe that HARTKE FOR CONGRESS, and ANITA HARTKE 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#1932 Decided by a vote of 6-0 to: (1) find reason to believe that LYNCH FOR CONGRESS, and EDWARD LYNCH 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#1931 Decided by a vote of 6-0 to: (1) find reason to believe that LARRY ISHMAEL FOR CONGRESS, and CARL E PETERSON 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#1929 Decided by a vote of 6-0 to: (1) find reason to believe that GEORGE FEARING FOR CONGRESS, and MONTOYA, DANTE LE CPA 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

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

AF#1928 Decided by a vote of 6-0 to: (1) find reason to believe that FRIENDS OF AMATA, and MICHAEL LAWRENCE USLE as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

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Attest:

December 24, 2008  
Date

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

29092624040



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

December 29, 2008

Edward Lynch  
Lynch for Congress  
P.O. Box 210544  
Royal Palm Beach, FL 33421

C00446468  
AF#: 1932

Dear Edward Lynch:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file a 12 Day Pre-General Report of Receipts and Disbursements in a calendar year during which there is a regularly scheduled election for which the candidate is seeking election, or nomination for election. This report, covering the period through October 15, 2008, shall be filed no later than October 23, 2008. 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 Lynch for Congress and you, as treasurer, violated 2 U.S.C. 434(a) by failing to file timely this report on or before October 23, 2008. 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 \$3,750. It is due by 2/2/2009 and is based on these factors:

Election Sensitivity of Report: Election Sensitive  
Level of Activity: \$65,995  
Number of Days Late: Not Filed  
Number of Previous Civil Money Penalties Assessed: 1

**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 Lynch 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.

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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](http://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

29092624043

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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 \$3,750 for the 2008 Pre-General 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**  
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FOR: Lynch for Congress

FEC ID#: C00446468

AF#: 1932

PAYMENT DUE DATE: 2/2/2009

PAYMENT AMOUNT DUE: \$3,750

29092624044



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20461

FEDERAL ELECTION COMMISSION  
SECRETARIAT

February 26, 2009 2009 FEB 27 P 1:00

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 *NIM*  
COMPLIANCE BRANCH

SUBJECT: ADMINISTRATIVE FINE PROGRAM -- FINAL DETERMINATION  
RECOMMENDATION FOR THE 2008 12 DAY PRE-GENERAL REPORT  
(AUTHORIZED COMMITTEES)

Attached are two lists 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 12 Day Pre-General Report. The first list represents the committees that have paid the civil money penalty and the second list represents those committees that have not paid the civil money penalty. The committees that have not paid have been given at least forty (40) days from the date of the Commission's RTB finding to remit payment.

In accordance with 11 CFR 111.34 and 11 CFR 111.40, the Commission shall send a final determination notice to those respondents that have either paid or not paid the civil money penalty.

For your information, three (3) committees disclosed a level of activity after the RTB finding which would result in a lowered civil money penalty. Of these, one (1) committee will be assessed a civil money penalty at Final Determination (FD) that has been reduced since the RTB finding, and two (2) committees will be assessed a civil money penalty of \$0 at FD. An overview of each of these cases has been provided below.

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Larry Ishmael for Congress (AF 1931) disclosed no activity (previously estimated to be \$12,620) after the RTB finding which would result in no civil money penalty (fine previously assessed to be \$900).

Lynch for Congress (AF 1932) filed the 2008 12 Day Pre-General Report after the RTB finding and disclosed no activity (previously estimated to be \$65,995) which would result in no civil money penalty (fine previously assessed to be \$3,750).

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**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.

29092624046

29092624047

Federal Election Commission  
FD Circulation Report Fine Paid  
2008 PRE-GENERAL Election Sensitive 10/23/2008 AUTH

AF#	Committee Name	Candidate Name	Committee ID	Treasurer	Receipt Date	Days Late	LOA	PV	RTB Date	RTB Penalty	Final Money Penalty	Date Paid	Amount Paid
1928	FRIENDS OF AMATA	COLEMAN, ALUMIA AMATA	C00393041	MICHAEL LAWRENCE USLE	10/30/2008	7	\$2,641	0	12/24/2008	\$120	\$120	02/09/2009	\$120
1929	GEORGE FEARING FOR CONGRESS	FEARING, GEORGE BARR	C00431865	DANTE LE MONTOYA, CPA	10/29/2008	6	\$29,643	0	12/24/2008	\$450	\$450	02/05/2009	\$450
1930	HARTKE FOR CONGRESS	HARTKE, ANITA RUTH	C00444810	ANITA HARTKE	10/29/2008	6	\$18,165	0	12/24/2008	\$210	\$210	02/05/2009	\$210

29092624048

Federal Election Commission  
 FD Circulation Report Fine Not Paid  
 2008 PRE-GENERAL Election Sensitive 10/23/2008 AUTH

AF#	Committee Name	Candidate Name	Committee ID	Treasurer	Receipt Date	Days Late	LOA	PV	RTB Date	RTB Penalty	Days Since RTB	FD Penalty
1931	LARRY ISHMAEL FOR CONGRESS	ISHMAEL, LARRY WAYNE	C00426387	CARL E. PETERSON	02/23/2009	Not Filed	\$0	0	12/24/2008	\$900	64	\$0
1932	LYNCH FOR CONGRESS	LYNCH, EDWARD J.	C00446468	EDWARD LYNCH	02/03/2009	Not Filed	\$0	1	12/24/2008	\$3,750	64	\$0

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
)  
Administrative Fines Final Determination )  
Recommendation for the 12 Day Pre- )  
General Report (Authorized Committees): )  
FRIENDS OF AMATA, and MICHAEL ) AF# 1928  
LAWRENCE USLE as treasurer; )

GEORGE FEARING FOR CONGRESS, ) AF# 1929  
and MONTOYA, DANTE LE CPA as )  
treasurer; )  
HARTKE FOR CONGRESS, and ANITA ) AF# 1930  
HARTKE as treasurer; )

LARRY ISHMAEL FOR CONGRESS, and ) AF# 1931  
CARL E PETERSON as treasurer; )  
LYNCH FOR CONGRESS, and EDWARD ) AF# 1932  
LYNCH 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 12 Day Pre-General Report (Authorized Committees) as recommended in the Reports Analysis Division's Memorandum dated February 26, 2009, on the following committees:

29092624049

AF#1928 Decided by a vote of 6-0 to: (1) make a final determination that FRIENDS OF AMATA, and MICHAEL LAWRENCE USLE 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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AF#1929 Decided by a vote of 6-0 to: (1) make a final determination that GEORGE FEARING FOR CONGRESS, and MONTOYA, DANTE LE CPA 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#1930 Decided by a vote of 6-0 to: (1) make a final determination that HARTKE FOR CONGRESS, and ANITA HARTKE 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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AF#1931 Decided by a vote of 6-0 to: (1) make a final determination that LARRY ISHMAEL FOR CONGRESS, and CARL E PETERSON 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#1932 Decided by a vote of 6-0 to: (1) make a final determination that LYNCH FOR CONGRESS, and EDWARD LYNCH 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.

Attest:

29092624050

Federal Election Commission  
Certification for Administrative Fines  
March 04, 2009

Page 3

March 5 2009  
Date

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

29092624051



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

March 12, 2009

Edward Lynch as Treasurer  
Lynch for Congress  
P.O. Box 210544  
Royal Palm Beach, FL 33421

C00446468  
AF#: 1932

Dear Mr. Lynch:

On December 24, 2008, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Lynch for Congress and you as treasurer violated 2 U.S.C. § 434(a) for filing late or failing to file the 2008 Pre-General 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 \$3,750 in accordance with the schedule of penalties at 11 C.F.R. § 111.43.

The amount of the civil money penalty has been changed to reflect the actual level of activity on your 2008 Pre-General Report. The FEC made a final determination on March 4, 2009 that you as treasurer and Lynch for Congress violated 2 U.S.C. § 434(a), assessed no civil money penalty 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 that reads "Steven T. Walther".

Steven T. Walther  
Chairman

29092624052



FEDERAL ELECTION COMMISSION  
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 1932

DATE SCANNED 4-28-09

SCANNER NO. 2

SCAN OPERATOR Jm P

29092624053