



FEDERAL ELECTION COMMISSION  
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 1937

DATE SCANNED 8-10-09

SCANNER NO. 2

SCAN OPERATOR JMB

29092634766



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

FEDERAL ELECTION COMMISSION  
COMPLIANCE DIVISION  
SECRETARIAT

2008 DEC 23 P 12: 24

December 23, 2008

**SENSITIVE**

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: *NI* NATALIYA IOFFE/RHIANNON MAGRUDER/CHRIS RITCHEE *rem*  
COMPLIANCE BRANCH *CR*

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

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 unauthorized committees that file monthly.

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 November 4, 2008 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.

**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 PRE-GENERAL Election Sensitive 10/23/2008 UNAUTH\_M

AF#	Committee ID	Committee Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
1934	C00005462	10TH DISTRICT REPUBLICAN CONGRESSIONAL COMMITTEE	MR. WALTER J. HELM	\$177,197	0	11/10/2008	Not Filed	\$17,940	\$900
1935	C00214304	DELHAIZE AMERICA POLITICAL ACTION COMMITTEE	TEROSS W. YOUNG	\$102,626	0	11/12/2008	Not Filed	\$441	\$441
1936	C00330647	ECHOSTAR CORPORATION AND DISH NETWORK CORPORATION PAC (ECHOSTAR DISH NETWORK PAC)	DAVID R. GOODFRIEND	\$792,293	0	10/29/2008	6	\$13,973	\$210
1937	C00370221	GREEN PARTY OF THE UNITED STATES	JODY T. GRAGE	\$1,470,195	0	10/31/2008	Not Filed	\$25,619	\$1,400
1938	C00200139	HERSHEY COMPANY POLITICAL ACTION COMMITTEE; THE	RICHARD G. RUSSELL	\$106,104	0	11/10/2008	Not Filed	\$3,104	\$500

1940	C00283135	NATIONAL ASSOCIATION OF HEALTH UNDERWRITERS PAC (HUPAC)	JENNIFER MURPHY	\$1,195,514	0	11/10/2008	Not Filed	\$10,913	\$900
1941	C00101204	NATIONAL FISHERIES INSTITUTE (FISHPAC)	JOHN P. CONNELLY	\$247,465	0	11/17/2008	Not Filed	\$45,750	\$1,400
1942	C00032797	NATIONAL GOOD GOVERNMENT FUND	MR. THOMAS P. MARINIS, JR.	\$125,462	0	11/10/2008	Not Filed	\$1,000	\$500
1943	C00370015	NELNET INC PAC (NELNET PAC)	BEN KISER	\$482,803	0	11/19/2008	Not Filed	\$7,345	\$600

AF#	Committee ID	Committee Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
1944	C00159954	O'MELVENY & MYERS POLITICAL ACTION COMMITTEE	K. LEE BLALACK	\$158,632	0	11/11/2008	Not Filed	\$1,027	\$500

1946	C00274423	SACRAMENTO COUNTY DEMOCRATIC CENTRAL COMMITTEE: UNITED CAMPAIGN COMMITTEE - FEDERAL	WILLIAM GUY CROUCH, CPA EA	\$426,999	0	11/20/2008	Not Filed	\$40,903	\$1,400
1947	C00039503	SHELL OIL COMPANY EMPLOYEES' POLITICAL AWARENESS COMMITTEE	KEN KASNEY	\$248,289	0	11/11/2008	Not Filed	\$2,042	\$500
1948	C00292318	THERMO FISHER SCIENTIFIC INC. PAC	STACY CORDIER	\$234,595	0	11/5/2008	Not Filed	\$1,466	\$500
1949	C00417352	TRONOX INC. PAC	MICHAEL FOSTER	\$175,015	0	11/7/2008	Not Filed	\$5,000	\$600

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
 Reason To Believe Recommendation - 2008 )  
 12 Day Pre-General Report (Unauthorized )  
 Committees – Monthly Filers) for the )  
 Administrative Fine Program: )  
 ECHOSTAR CORPORATION AND DISH ) AF# 1936  
 NETWORK CORPORATION PAC )  
 (ECHOSTAR DISH NETWORK PAC), )  
 and GOODFRIEND, DAVID R as )  
 treasurer; )  
 10TH DISTRICT REPUBLICAN ) AF# 1934  
 CONGRESSIONAL COMMITTEE, and )  
 HELM, WALTER J. MR. as treasurer; )  
 DELHAIZE AMERICA, INC. POLITICAL ) AF# 1935  
 ACTION COMMITTEE, and YOUNG, )  
 TEROSS W as treasurer; )  
 GREEN PARTY OF THE UNITED ) AF# 1937  
 STATES, and GRAGE, JODY T as )  
 treasurer; )  
 HERSHEY COMPANY POLITICAL ) AF# 1938  
 ACTION COMMITTEE; THE, and )  
 RICHARD G RUSSELL as treasurer; )

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NATIONAL ASSOCIATION OF ) AF# 1940  
 HEALTH UNDERWRITERS PAC )  
 (HUPAC), and MURPHY, JENNIFER as )  
 treasurer; )  
 NATIONAL FISHERIES INSTITUTE ) AF# 1941  
 (FISHPAC), and CONNELLY, JOHN P. as )  
 treasurer; )  
 NATIONAL GOOD GOVERNMENT ) AF# 1942  
 FUND, and MARINIS, THOMAS P. MR. )  
 JR. as treasurer; )  
 NELNET INC PAC (NELNET PAC), and ) AF# 1943  
 KISER, BEN as treasurer; )

O'MELVENY & MYERS POLITICAL ) AF# 1944  
ACTION COMMITTEE, and BLALACK, )  
K. LEE as treasurer; )

SACRAMENTO COUNTY ) AF# 1946  
DEMOCRATIC CENTRAL )  
COMMITTEE: UNITED CAMPAIGN )  
COMMITTEE - FEDERAL, and )  
WILLIAM GUY CROUCH CPA EA as )  
treasurer; )  
SHELL OIL COMPANY EMPLOYEES' ) AF# 1947  
POLITICAL AWARENESS )  
COMMITTEE, and KASNEY, KEN as )  
treasurer; )  
THERMO FISHER SCIENTIFIC INC. ) AF# 1948  
PAC, and CORDIER, STACY as treasurer; )  
TRONOX INC. PAC, and FOSTER, ) AF# 1949  
MICHAEL 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 12 Day Pre-General Report (Unauthorized Committees - Monthly Filers) for the Administrative Fine Program as recommended in the Reports Analysis Division's Memorandum dated December 23, 2008, on the following committees:

AF#1936 Decided by a vote of 6-0 to: (1) find reason to believe that ECHOSTAR CORPORATION AND DISH NETWORK CORPORATION PAC (ECHOSTAR DISH NETWORK PAC), and GOODFRIEND, DAVID R as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

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AF#1934 Decided by a vote of 6-0 to: (1) find reason to believe that 10TH DISTRICT REPUBLICAN CONGRESSIONAL COMMITTEE, and HELM, WALTER J. MR. 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#1935 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 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#1937 Decided by a vote of 6-0 to: (1) find reason to believe that GREEN PARTY OF THE UNITED STATES, and GRAGE, JODY T 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#1938 Decided by a vote of 6-0 to: (1) find reason to believe that HERSHEY COMPANY POLITICAL ACTION COMMITTEE; THE, and RICHARD G RUSSELL as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

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AF#1940 Decided by a vote of 6-0 to: (1) find reason to believe that NATIONAL ASSOCIATION OF HEALTH UNDERWRITERS PAC (HUPAC), and MURPHY, JENNIFER 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#1941 Decided by a vote of 6-0 to: (1) find reason to believe that NATIONAL FISHERIES INSTITUTE (FISHPAC), and CONNELLY, JOHN P. as treasurer violated

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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#1942 Decided by a vote of 6-0 to: (1) find reason to believe that NATIONAL GOOD GOVERNMENT FUND, and MARINIS, THOMAS P. MR. JR. as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#1943 Decided by a vote of 6-0 to: (1) find reason to believe that NELNET INC PAC (NELNET PAC), and KISER, BEN 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#1944 Decided by a vote of 6-0 to: (1) find reason to believe that O'MELVENY & MYERS POLITICAL ACTION COMMITTEE, and BLALACK, K. LEE 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#1946 Decided by a vote of 6-0 to: (1) find reason to believe that SACRAMENTO COUNTY DEMOCRATIC CENTRAL COMMITTEE: UNITED CAMPAIGN COMMITTEE - FEDERAL, and WILLIAM GUY CROUCH CPA EA 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#1947 Decided by a vote of 6-0 to: (1) find reason to believe that SHELL OIL COMPANY EMPLOYEES' POLITICAL AWARENESS COMMITTEE, and KASNEY, KEN 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

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

AF#1948 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#1949 Decided by a vote of 6-0 to: (1) find reason to believe that TRONOX INC. PAC, and FOSTER, MICHAEL 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.

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

Jody T. Grage  
Green Party of the United States  
1711 18th St., N.W., Lower Level  
Washington, DC 20009

C00370221  
AF#: 1937

Dear Jody T. Grage:

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. 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 Green Party of the United States 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 \$1,400. It is due by 2/2/2009 and is based on these factors:

Election Sensitivity of Report: Election Sensitive  
Level of Activity: \$25,619  
Number of Days Late: Not Filed  
Number of Previous Civil Money Penalties Assessed: 0

**To Pay the Calculated Civil Money Penalty**

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

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

To challenge the RTB finding and/or calculated civil money penalty, you must submit a written response, including the AF# found on page one, to the FEC's Office of Administrative

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Review, 999 E Street, NW, Washington, DC 20463. Your response must be received by 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 Green Party of the United States and you, as treasurer, violated 2 U.S.C. 434(a) and assess a civil money penalty.

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

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

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the public record in accordance with 11 C.F.R. 111.42, unless you notify the FEC in writing that you wish the matter to be made public.

Additional information on the FEC's administrative fine program, including the final regulations, is located at the FEC's website at [www.FEC.gov](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,

A handwritten signature in black ink, appearing to read "DFM II", is written over a faint, dotted grid background.

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 \$1,400 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**  
-----

FOR: Green Party of the United States

FEC ID#: C00370221

AF#: 1937

PAYMENT DUE DATE: 2/2/2009

PAYMENT AMOUNT DUE: \$1,400

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Steering Committee  
Co-Chairs:  
Liz Arnone, NJ  
Jim Coplen, IN  
Budd Dickinson, CA  
Phil Huckelberry, IL  
Jason Nabewantec, NY  
Kristen Olson, MN  
Sarah "echo" Steiner, FL

Secretary  
Holly Hart, IA

Treasurer  
Jody Grage, WA

RECEIVED  
FEDERAL CENTER

2009 FEB -2 PM 12:36

Federal Election Commission  
Washington, D.C. 20463

Attn: Rhiannon Magruder

Green Party of the United States  
ID Number: C00370221

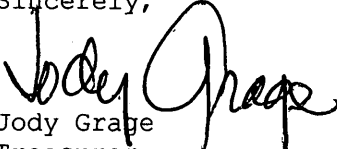
Reference: FEC letter of Dec 29, 2008 re: report not filed  
AF 1937

We apparently filed our report for the period 10/1/08 - 10/15/08 on 10/31/08 instead of 10/23/08 due to being unaware of the irregular filing date. Normally the report for this period would not be due until 11/20/08. On or about 10/20/08 we were filing the report for September. We now know that this was a special pre-election report.

We ask that in light of the confusion caused by an irregular filing date, the low activity level of the report, and the short amount of time that the report was late, that the fine be waived and that we receive a warning.

In the alternative we ask that the fine be reduced. Thank you.

Sincerely,

  
Jody Grage  
Treasurer

2009 FEB -2 P 3:30

FEC OFFICE OF  
ADMIN REVIEW

2909264779



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

Via First Class Mail

February 3, 2009

Jody Grage, as Treasurer  
Green Party of the United States  
1711 18th St., NW, Lower Level  
Washington, DC 20009

C00370221  
AF# 1937

Dear Ms. Grage:

On February 2, 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,

A handwritten signature in black ink that reads "Shawn Woodhead Werth". The signature is written in a cursive, flowing style.

Shawn Woodhead Werth  
Reviewing Analyst  
Office of Administrative Review

29092634780

Date: February 10, 2009

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

AF#: 1937

Committee Name: Green Party of the United States

Committee ID#: C00370221

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 23, 2008 and RTB  
Certification, dated December 24, 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 August 27, 2008.**

**-RTB Letter, dated December 29, 2008.**

**Attachment #: 2**

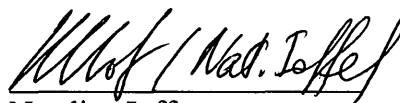
**Other RAD Information: (Y/N): Y – Memo to File, Copy of Returned RTB  
Letter, Fax Transmittals**

**Attachment#: 3**

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## 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 Green Party of the United States:
    - A) Prior Notice, dated August 27, 2008, referencing the 2008 Pre-General Report (sent via electronic mail to: [jakeschneider@myexcel.com](mailto:jakeschneider@myexcel.com));
    - B) Reason-to-Believe Letter, dated December 29, 2008, referencing the 2008 Pre-General Report.
  3. I hereby certify that I have searched the Commission's public records and find that Green Party of the United States filed the 2008 Pre-General with the Commission on October 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 all relevant telecoms for the matter have been provided.
- This declaration was executed at Washington, D.C. on the 10<sup>th</sup> day of February, 2009.



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



**MONTHLY  
REPORT NOTICE**

FEDERAL ELECTION COMMISSION

**PARTIES AND PACS**

August 27, 2008

**MONTHLY REPORTING SCHEDULE FOR  
REMAINDER OF 2008**

**REPORTING DATES**

<b>REPORT</b>	<b>REPORTING PERIOD<sup>1</sup></b>	<b>REG./CERT. &amp; OVERNIGHT MAILING DEADLINE</b>	<b>FILING DEADLINE</b>
September	08/01/08 - 08/31/08	09/20/08	09/20/08 <sup>2</sup>
October	09/01/08 - 09/30/08	10/20/08	10/20/08
Pre-General	10/01/08 - 10/15/08	10/20/08	10/23/08
Post-General	10/16/08 - 11/24/08	12/04/08	12/04/08
Year-End	11/25/08 - 12/31/08	01/31/09	01/31/09 <sup>2</sup>

**Supplemental Filing Information is available on pages 2 and 3 of this notice.**

<sup>1</sup>These 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.

<sup>2</sup>Notice that this filing deadline falls on a weekend. Filing deadlines are not extended when they fall on nonworking days. Accordingly, reports filed by methods other than Registered, Certified or Overnight Mail, or electronically, must be received before the Commission's (or for committees supporting only Senate candidates, the Secretary of the Senate's) close of business on the last business day before the deadline.

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## SUPPLEMENTAL FILING INFORMATION

**PLEASE NOTE:** The Commission provides reminders of upcoming filing dates as a courtesy to help committees comply with the filing deadlines set forth in the Act and Commission regulations. Committee treasurers must comply with all applicable filing deadlines established by law, and the lack of prior notice does not constitute an excuse for failing to comply with any filing deadline.

### WHO MUST FILE

As a monthly filer, you must file monthly reports in 2008. Before a committee can stop filing with the FEC, it must file a termination report with the Commission. Committees must continue to file reports until the Commission notifies them in writing that their termination report has been accepted.

### METHODS OF FILING REPORTS

#### Electronic Filing

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

Under the Commission's mandatory electronic filing regulations, political committees that receive contributions or make expenditures, including independent expenditures, in excess of \$50,000 in a calendar year, or that have reason to expect to do so, must file all reports with the FEC electronically. Other committees may voluntarily file electronically; however, any entity that files electronically, whether required to do so or not, must comply with the electronic filing rules.

#### Registered & Certified Mail

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

#### Overnight Mail

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

#### Other Means of Filing

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

Forms are available for downloading and printing at the FEC website at [www.fec.gov/info/forms.shtml](http://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](http://www.fec.gov/law/policy/2004/notice2004-20.pdf).

**Administrative Fine Program.** Under the Administrative Fine Program, political committees and their treasurers who fail to file their reports on time may be subject to civil money penalties up to \$16,000 (or more for repeat late- and non-filers). For additional information, visit the FEC website at [www.fec.gov/af/af.shtml](http://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).

### 48- AND 24-HOUR REPORTS OF INDEPENDENT EXPENDITURES

Any PAC or Party Committee that makes independent expenditures at any time during the calendar year—up to and including the 20th day before an election (including a special election)—are required to disclose this activity within 48 hours each time that the expenditures aggregate \$10,000 or more in connection with that election. This reporting requirement is in addition to the requirement to file 24-hour reports of independent expenditures each time disbursements for independent expenditures in connection with that election aggregate or exceed \$1,000 during the last 20 days—up to 24 hours—before an election. PACs and Party Committees must report independent expenditures that do not trigger the 48- or 24-hour reporting thresholds on their regularly-scheduled disclosure reports. See 11 CFR 104.4.

These reports are not required when a Party Committee or PAC makes a contribution directly to a candidate. For a chart of the 2008 48- and 24-hour reporting periods for independent expenditures, consult the FEC website at [www.fec.gov/info/charts\\_ie\\_dates\\_pres.shtml](http://www.fec.gov/info/charts_ie_dates_pres.shtml).

### CHANGE IN FILING FREQUENCY

Committees able to change their reporting schedule (for example, from monthly to quarterly) who wish to do so must notify the Commission in writing when filing a report under the committee's current schedule. All reports filed after providing such a notice of change in filing frequency must follow the new filing schedule. Electronic filers must file this request electronically. Committees may change their filing frequency no more than once per calendar year.

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



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

2009 APR -3 A 11:35

**SENSITIVE**

April 3, 2009

**MEMORANDUM**

To: The Commission

Through: Robert A. Hickey  
Staff Director

From: John D. Gibson  
Chief Compliance Officer

Shawn Woodhead Wertz  
Reviewing Officer  
Office of Administrative Review

By: Maureen Benitz  
Reviewing Analyst

Subject: AF# 1937 – Green Party of the United States and Jody T. Grage, as  
Treasurer (C00370221)

The attached Reviewing Officer Recommendation is being circulated on an informational basis. A copy was also sent to the respondents in accordance with 11 C.F.R. § 111.36(f). The respondents may file with the Commission Secretary a written response within 10 days of transmittal of the recommendation.

After the 10 day period, the Reviewing Officer Recommendation and the respondents' written response, if any, will be circulated to the Commission to make a final determination.

Attachment

29092634786



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

April 3, 2009

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

AF# 1937 – Green Party of the United States and Jody T. Grage, as Treasurer  
(C00370221)

On December 24, 2008, the Commission found reason to believe ("RTB") that the respondents violated 2 U.S.C. § 434(a) for failing to file the 2008 12 Day Pre-General Report, an election sensitive report. The Commission also made a preliminary determination that the civil money penalty was \$1,400 based on the schedule of penalties at 11 C.F.R. § 111.43. The Reports Analysis Division ("RAD") notified them, at their address of record, of the Commission's RTB finding and civil money penalty on December 29, 2008. On January 29, 2009, RAD received the returned RTB letter. That same day, RAD contacted the respondents and the RTB letter was faxed to them, per the Treasurer's request.

**Respondents' Response**

On February 2, 2009, the Commission received the written response ("challenge") from the Treasurer requesting that, in light of the confusion caused by the irregular filing date, the low activity level of the report, and the short amount of time that the report was late, the Commission waive the fine and issue a warning instead or, alternatively, reduce the fine. Ms. Grage states that she was unaware of the irregular filing date, filed it on October 31 instead of October 23, and that normally the report for this period would not be due until November 20, 2008.

**Analysis**

The 2008 12 Day Pre-General Report was filed on October 31, 2008, 8 days late.

The Federal Election Campaign Act ("Act") states that, in lieu of filing the report due in November of any year in which a regularly scheduled general election is held, the treasurer of a political committee not authorized by a candidate shall file a 12 day pre-election report no later than the 12<sup>th</sup> day before the election. 2 U.S.C. § 434(a)(4)(B) and 11 C.F.R. § 104.5(c)(3)(ii). Reports electronically filed must be received and validated at or before 11:59 p.m., Eastern Standard/Daylight Time on the prescribed filing date to be timely filed. 11 C.F.R. § 104.5(e). The treasurer shall be personally responsible for the timely filing of reports. 11 C.F.R. § 104.14(d).

Ms. Grage states that the Committee was unaware of the irregular filing date for the 12 Day Pre-General Report; however, the respondents were notified before the report

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was due that they must file it. Even if someone other than the Treasurer prepares and files the report, it is still the Treasurer's responsibility to ensure that it is filed on time.

The Commission provides filing information on its website which includes Prior Notices, filing deadlines and the Record. In a January 2008 FEC Record article explaining 2008 filing requirements for all committees, it states that a political action committee filing on a monthly basis is required to file the 12 Day Pre-General Report in lieu of the November Monthly Report. The respondents were subsequently reminded of the 12 Day Pre-General Report filing requirement in an article on page 1 of the October 2008 FEC Record. Thus, they were notified on several occasions of their obligation to file the 12 Day Pre-General Report.

According to records of the Electronic Filing Office, an electronic notification was sent by the Commission on October 24, 2008 to the email address provided by the respondents: dougmalkan@yahoo.com. Thus, they were notified the day after the 12 Day Pre-General Report's due date that they had not electronically filed the report.

Commission records indicate that Ms. Grage, was designated Treasurer on September 21, 2006 and Doug Malkan was designated Assistant Treasurer on November 19, 2001. The respondents' past filing history evidences their knowledge of the 12 Day Pre-General Report filing requirement. Commission records show that in 2006, they timely filed a 12 Day Pre-General Report.

Four factors are used to calculate the civil money penalty under the administrative fine regulations. 11 C.F.R. § 111.43. Their challenge addresses two of the four factors: the number of days late and the level of activity. The 2008 12 Day Pre-General Report is an election sensitive report. If it is not filed prior to four days before the election (in this case, November 4), it is considered not filed for the purpose of the civil money penalty calculation. The level of activity for an unauthorized committee is calculated by adding all receipts and all disbursements on the report minus the total of transfers received from the non-Federal account for allocable activity (on Line 18(a)) and disbursements for the non-Federal share of allocable operating expenditures (on Line 21(a)(ii)). 11 C.F.R. § 111.43(b)(2)(i). Therefore, the RTB civil money penalty was correctly calculated for respondents with no previous violations who filed their report with a level of activity totaling \$25,619, 4 days before the November 4 General Election using the \$25,000 - \$49,999.99 level of activity bracket:  $\$1,400 \times [1 + (.25 \times 0)]$  or \$1,400.

The challenge fails to address any of the three valid excuses at 11 C.F.R. § 111.35(b). These are: (i) the RTB finding is based on factual errors; and/or (ii) the improper calculation of the civil money penalty; and/or (iii) they used best efforts to file on time but were prevented from doing so by reasonably unforeseen circumstances that were beyond their control and they filed the report no later than 24 hours after the end of these circumstances

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Therefore, the Reviewing Officer recommends that the Commission make a final determination that the respondents violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$1,400.

**OAR Recommendations**

- (1) Adopt the Reviewing Officer recommendation for AF# 1937 involving the Green Party of the United States and Jody T. Grage, as Treasurer, in making the final determination;
- (2) Make a final determination in AF# 1937 that the Green Party of the United States and Jody T. Grage, as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$1,400; and
- (3) Send the appropriate letter.

Reviewing Analyst: Maureen Benitz

Attachments

Attachment 1 – Challenge Received from Respondents

Attachment 2 –

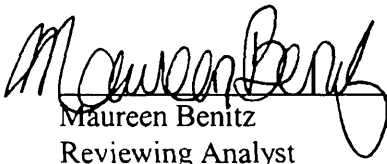
Attachment 3 – Declaration from RAD

Attachment 4 – Declaration from OAR

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### DECLARATION OF MAUREEN BENITZ

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 12 Day Pre-General Report, covering the period from October 1 through October 15, 2008, is due October 23, 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 October 23 to be timely filed.
3. It is the practice of the Commission's Information Division to place reporting notices, schedules of filing deadlines, and issues of the FEC Record on the Commission's web site for public access at <http://www.fec.gov/pages/record.shtml> and [http://www.fec.gov/info/report\\_dates.shtml](http://www.fec.gov/info/report_dates.shtml).
4. I hereby certify that I have searched the Commission's public records and that the documents identified herein are true and accurate copies of:
  - (a) Pages 1 and 3 of the Statement of Organization filed by the Green Party of the United States and Robert A. Franklin, as Treasurer. According to Commission records, the Statement was received on November 19, 2001. Line 8 lists Doug Malkan as Assistant Treasurer;
  - (b) Pages 1 and 3 of the Statement of Organization filed by the Green Party of the United States and Doug Malkan, as Assistant Treasurer. According to Commission records, the Statement was received on September 21, 2006. Line 8 lists Jody T. Grage as Treasurer;
  - (c) Page 1 of the Summary Page for the 2006 12 Day Pre-General Report filed electronically by Green Party of the United States and Doug Malkan, as Assistant Treasurer. According to Commission records, the Report was received on October 24, 2006; and
  - (d) Page 1 of the Summary Page for the 2008 12 Day Pre-General Report filed electronically by Green Party of the United States and Doug Malkan, as Assistant Treasurer. According to Commission records, the Report was received on October 31, 2008 and covers the period from October 1 through October 15, 2008.
5. 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 3<sup>rd</sup> of April, 2009.

  
Maureen Benitz  
Reviewing Analyst  
Office of Administrative Review  
Federal Election Commission

29092634790

FEC FORM 1

STATEMENT OF ORGANIZATION

(See Instructions)

RECEIVED
FEC MAIL ROOM
2001 NOV 19 P 2 27

Office Use Only

1. NAME OF COMMITTEE (In full) (Check if name is changed) Example: If typing, type over the lines. 12FE4M5

Green Party of the United States

ADDRESS (number and street)

P.O. Box 18452

(Check if address is changed)

Washington

DC

20036

CITY

STATE

ZIP CODE

COMMITTEE'S E-MAIL ADDRESS

Capeconn@home.com

COMMITTEE'S WEB PAGE ADDRESS (URL)

GPUS.org

2. DATE 11 16 2001

3. FEC IDENTIFICATION NUMBER C

4. IS THIS STATEMENT NEW (N) OR AMENDED (A)

I certify that I have examined this Statement and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer Robert A. Franklin

Signature of Treasurer

[Handwritten signature of Robert A. Franklin]

Date

11 16 2001

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Statement to the penalties of 2 U.S.C. §437g. ANY CHANGE IN INFORMATION SHOULD BE REPORTED WITHIN 10 DAYS.

Office Use Only

For further information contact: Federal Election Commission Toll Free 800-424-9630 Local 202-694-1100

FEC FORM 1 (Revised 1/01)

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Write or Type Committee Name

Green Party of the United States

7. Custodian of Records: Identify by name, address (phone number - optional) and position of the person in possession of committee books and records.

Full Name | Nathalie Paravicini |

Mailing Address | 818 West 31st Street |

| Houston | TX | 77018 |

Title or Position | CITY | STATE | ZIP CODE

| Secretary | Telephone number | 713 | - | 880 | - | 9929 |

8. Treasurer: List the name and address (phone number - optional) of the treasurer of the committee; and the name and address of any designated agent (e.g., assistant treasurer).

Full Name of Treasurer | Robert A. Franklin |

Mailing Address | 705 Janisch Road |

| Houston | TX | 77018 |

Title or Position | CITY | STATE | ZIP CODE

| Treasurer | Telephone number | 713 | - | 699 | - | 5440 |

Full Name of Designated Agent | Doug Malkan |

Mailing Address | P.O. Box 705 |

| Breckenridge | CO | 80424 |

Title or Position | CITY | STATE | ZIP CODE

| Assistant Treasurer | Telephone number | 970 | - | 453 | - | 8695 |

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# FEC FORM 1

# STATEMENT OF ORGANIZATION

(See instructions)

Office use only

1. NAME OF COMMITTEE (in full) (Check if name is changed) Example: If typing, type over the lines 12FE4M5

Green Party of the United States

ADDRESS (number and street)

1700 Conneticut Ave., NW

(Check if address is changed)

suite 404

Washington

DC

20009

CITY ▲

STATE ▲

ZIP CODE ▲

COMMITTEE'S E-MAIL ADDRESS

dougmalcan@yahoo.com

COMMITTEE'S WEB PAGE ADDRESS (URL)

www.gp.org

COMMITTEE'S FAX NUMBER

2. DATE 09 / 21 / 2006

3. FEC IDENTIFICATION NUMBER C C00370221

4. IS THIS STATEMENT X NEW (N) OR AMENDED (A)

I certify that I have examined this Statement and to the best of my knowledge and belief it is true, correct and complete

Type or Print Name of Treasurer Doug Malkan, Assistant Treasurer

Signature of Treasurer Electronically Filed by Doug Malkan, Assistant Treasurer Date 09 / 21 / 2006

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Statement to the penalties of 2 U.S.C. S437g.

ANY CHANGE IN INFORMATION SHOULD BE REPORTED WITHIN 10 DAYS

Office Use Only				
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For further information contact: Federal Election Commission Toll Free 800-424-9530 Local 202-694-1100

FEC FORM 1 (Revised 02/2003)

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Write or Type Committee Name

**Green Party of the United States**

7. **Custodian of Records:** Identify by name, address, (phone number -- optional), and position of the person in possession of Committee books and records.

Full Name Assistant Treasurer Doug Malkan

Mailing Address PO Box 7051

Breckenridge CO 80424

Title or Position ▼ CITY ▲ STATE ▲ ZIP CODE ▲

Telephone number \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

8. **Treasurer:** List the name and address (phone number -- optional) of the treasurer of the committee; and the name and address of any designated agent (e.g., assistant treasurer).

Full Name of Treasurer Jody Grage

Mailing Address 2428 NW 56th

Seattle WA 98107

Title or Position ▼ CITY ▲ STATE ▲ ZIP CODE ▲

Telephone number \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

Full Name of Designated Agent \_\_\_\_\_

Mailing Address \_\_\_\_\_

Title or Position ▼ CITY ▲ STATE ▲ ZIP CODE ▲

Telephone number \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

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# Record

January 2008

Federal Election Commission

Volume 34, Number 1

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## Commission

### Message from the Chairman

The Federal Election Commission begins 2008 under unusual circumstances. The recess appointments of three FEC Commissioners expired at the end of 2007 without Senate confirmation. Another Commissioner departed the FEC during the year and no replacement has been nominated. As a result, as of January 2008 the FEC has only two sitting Commissioners and four vacancies.

Under the Federal Election Campaign Act, the affirmative votes of four Commissioners are necessary in order for the FEC to take certain actions related to advisory opinions, forms, regulations, enforcement matters, litigation, and to certify public funds to Presidential candidates.

It is important to note that campaign finance laws and reporting and disclosure requirements remain in effect. The Commission will continue to receive and process complaints during this time. We will also continue to receive, review and publish disclosure reports. Indeed, the agency is striving to improve the transparency of campaign finance activity for the 2008 elections through such innovations as the Presidential Campaign Finance Map, which became available on

## Regulations

### Final Rules and Explanation for Electioneering Communications

On December 14, 2007, the Commission voted to modify its regulations governing the funding of "electioneering communications" (ECs) by corporations and labor organizations and to apply the EC reporting and disclaimer requirements to ECs made by corporations and labor organizations. The new rule is in response to the Supreme Court's decision in *FEC v. Wisconsin Right to Life, Inc.* (WRTL II). The revised rules allow corporations and labor organizations to distribute ECs, provided that they are not the "functional equivalent of express advocacy," and took effect December 26, 2007.

### Background

The Bipartisan Campaign Reform Act of 2002 (BCRA) amended the Federal Election Campaign Act (the Act) to add a new type of political communication called "electioneering communications." The BCRA defined an EC as a broadcast, cable or satellite communication that refers to a clearly identified federal candidate, is publicly distributed within 30 days of a primary election or within 60 days of a general elec-

(continued on page 2)

(continued on page 2)

the Act and Commission regulations, including violating reporting requirements (2 U.S.C. §434(b)), accepting excessive contributions (2 U.S.C. §441a(f)), accepting contributions in the name of another (2 U.S.C. §441f), commingling campaign funds with personal funds (2 U.S.C. §432(b)(3)) and falsely terminating the Committee (11 CFR 102.3).

**Complaint**

The Commission asserts in the complaint that Mr. Morgan has not paid any portion of the \$60,000 civil penalty agreed to in the conciliation agreement. Under the terms of the agreement, Mr. Morgan was to pay the penalty in three installments of \$20,000, due 30, 60 and 90 days following the April 20, 2007, effective date of the agreement.

**Relief**

The Commission requests that the court:

- Declare that Mr. Morgan violated the conditions of the conciliation agreement;
- Order Mr. Morgan to pay the \$60,000 civil penalty;
- Enjoin Mr. Morgan from violating the provisions of the agreement in the future;
- Require Mr. Morgan to pay interest on the civil penalty until he has fully paid; and
- Award any other relief that the court finds appropriate.

U.S. District Court for the District of Columbia, 1:07-cv-02196.  
—Meredith Metzler

**Hearn v. FEC**

On October 5, 2007, Gloria Hearn filed a complaint in the U.S. District Court for the Western District of Louisiana challenging two administrative fines the Commission levied against her campaign committee and its treasurer for failure to file disclosure reports.

**Background and Complaint**

Gloria Hearn was a candidate for the U.S. House of Representatives in the 2006 election. In her complaint, Ms. Hearn alleges that her campaign committee filed paper copies of the reports on time, then re-filed the reports electronically after the Commission informed the committee that it should have filed electronically. According to the complaint, the Commission imposed fines of \$5,000 and \$3,500 for the two violations.

**Electronic Filing**

Commission regulations require House campaign committees, among others, to file all reports and statements electronically if their total contributions or total expenditures exceed, or are expected to exceed, \$50,000 in a calendar year. 2 U.S.C. §434(a)(1)(A)(i); 11 CFR 104.18(a)(1)(ii). Reports filed on paper do not satisfy the filing obligations for these committees. 11 CFR 104.18(a)(2).

**Relief**

The plaintiff asks the court to waive the administrative fines imposed by the Commission.

U.S. District Court for the Western District of Louisiana, 1:07-cv-01674.  
—Meredith Metzler

**Reports**

**Reports Due in 2008**

This article on filing requirements for 2008 is supplemented by the reporting tables on the following pages.

**Notification of Filing Deadlines**

In addition to publishing this article and its accompanying charts, the Commission notifies committees of filing deadlines on its web site, via its automated Faxline and through reporting reminders called prior notices. Since January 1, 2007, prior notices have been sent exclusively by electronic mail and are no longer sent to committees using U.S. mail.

See December 2006 Record, page 1. For that reason, it is important that every committee update its Statement of Organization (FEC Form 1) to disclose a current e-mail address. To amend Form 1, electronic filers must submit Form 1 filled out in its entirety. Paper filers should include only the committee's name, address, identification number and the updated or changed portions of the form.

**Treasurer's Responsibilities**

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.

Please note that filing deadlines are not extended in cases where the filing date falls on a weekend or federal holiday. Accordingly, reports filed by methods other than Registered, Certified or Overnight Mail, or electronically, must be received by the Commission (or the Secretary of the Senate) by the close of business on the last business day before the deadline.

**Filing Electronically**

Under the Commission's mandatory electronic filing regulations, individuals and organizations that receive contributions or make expenditures, including independent expenditures,<sup>1</sup> in excess of \$50,000

*(continued on page 6)*

<sup>1</sup> The regulation covers individuals and organizations required to file reports of contributions and/or expenditures with the Commission, including any person making an independent expenditure. Disbursements for "electioneering communications" do not count toward the \$50,000 threshold for mandatory electronic filing. 11 CFR 100.29(c)(3) and 104.18(a).

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**Reports**

(continued from page 5)

in a calendar year—or have reason to expect to do so—and that file with the Commission must file all reports and statements with the FEC electronically. Reports filed electronically must be received and validated by the Commission by 11:59 p.m. Eastern Time on the applicable filing deadline. Electronic filers who instead file on paper or submit an electronic report that does not pass the Commission's validation program by the filing deadline will be considered nonfilers and may

be subject to enforcement actions, including administrative fines.

Senate committees and other committees that file with the Secretary of the Senate<sup>2</sup> are not subject to the mandatory electronic filing rules.

The Commission's electronic filing software, FECFile, is free and can be downloaded from the FEC's web site. As of January 2, 2008, new FECFile Version 6.1.1.0 will be available for download from the FEC web site at <http://www.fec.gov/electil/update/elist.html>. See *December 2007 Record*, page 13. All reports

filed after January 2, 2008, must be filed in Format Version 6.1 (the new version). Reports filed in previous formats will not be accepted.

Filers may also use commercial or privately developed software as long as the software meets the Commission's format specifications, which are available on the Commission's web site. Committees using commercial software should contact their vendors for more information about the Commission's latest software release.

<sup>2</sup> See "Where to File" on page 12.

**Guide to 2008 Reporting**

Note: All committees must also file a 2007 Year-End Report, due January 31, 2008.

**Required Reports**

Type of Filer	Quarterly	Monthly	Pre-Primary <sup>1</sup>	Pre-General	Post-General
House and Senate Campaigns	X		X	X	X
			Required Only if Candidate Runs in Election		
Presidential Campaigns Anticipating Activity of at Least \$100,000		X		X	X
			Required Only if Candidate Runs in Election		
Presidential Campaigns With Activity Less than \$100,000 <sup>2</sup>	X		X	X	X
			Required Only if Candidate Runs in Election		
PACs and Party Committees Filing Monthly		X		X	X
			Filed in Lieu of November and December Monthly Reports		
PACs and Party Committees Filing Quarterly <sup>3</sup>	X		X	X	X
			Required Only if Committee Makes Contributions or Expenditures in Connection with Election During the Reporting Period <sup>4</sup>		Required Regardless of Activity

<sup>1</sup> This category includes pre-convention and pre-runoff reports.

<sup>2</sup> Presidential committees able to change their reporting schedule and that wish to do so must notify the Commission in writing. Electronic filers must file this request electronically.

<sup>3</sup> PACs and party committees that filed on a semiannual basis in 2007 file on a quarterly basis in 2008. To avoid the need to file pre-primary and pre-runoff reports, these committees may change to monthly filing if they first notify the Commission in writing. Committees may change filing frequency only once a year. 11 CFR 104.5(c). National party committees and state and local party committees with reportable receipts or disbursements for federal election activity must file on a monthly schedule. 11 CFR 300.36(c)(1).

<sup>4</sup> A reporting period begins with the close of books for the last report filed and ends with the closing date for the applicable report.

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**Timely Filing for Paper Filers**

*Registered and 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 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 reports by registered mail should keep its proof of mailing.

*Overnight Mail.* Reports filed by Express or Priority Mail with delivery confirmation will be considered timely if they are deposited with the USPS on or before the mailing deadline. Reports filed by an overnight delivery with an on-line tracking system and scheduled for next day delivery will be timely if they are deposited with the service on or before the mailing deadline. A committee sending its reports by either of these methods should keep its proof of mailing or other means of transmittal of its reports.

Please note that a Certificate of Mailing from the USPS is not sufficient to prove that a report is timely filed using Registered, Certified or Overnight Mail.

*Other Means of Filing.* Reports sent by other means—including first class mail and courier—must be received by the FEC (or the Secretary of the Senate for Senate committees and political committees supporting only Senate candidates) before the Commission's (or the Secretary of the Senate's) close of business on the filing deadline. 2 U.S.C. §434(a)(5) and 11 CFR 104.5(e).

Paper forms are available at the FEC's web site (<http://www.fec.gov/info/forms.shtml>) and from the FEC Faxline, the agency's automated fax system (202/501-3413). The 2008 Reporting Schedule is also available on the FEC's web site ([http://www.fec.gov/info/report\\_dates.shtml](http://www.fec.gov/info/report_dates.shtml)).

(continued on page 8)

**2007 Year-End Report**

Note: All committees file this report.

Report	Period Covered	Filing Deadline <sup>1</sup>
Year-End <sup>2</sup>	Closing date of last report through 12/31/07	January 31, 2008

**2008 Monthly Reports**

Note: All national party committees and any state, district or local party committee that engages in federal election activity (FEA) must file monthly reports.

Report	Period Covered	Filing Deadline <sup>1</sup>
February	1/1 - 1/31	2/20
March	2/1 - 2/29	3/20
April	3/1 - 3/31	4/20*
May	4/1 - 4/30	5/20
June	5/1 - 5/31	6/20
July	6/1 - 6/30	7/20*
August	7/1 - 7/31	8/20
September	8/1 - 8/31	9/20*
October	9/1 - 9/30	10/20
Pre-General <sup>3</sup>	10/1 - 10/15	10/23
Post-General	10/16 - 11/24	12/4
Year-End	11/25 - 12/31	1/31/2009*

**2008 Quarterly Reports<sup>4</sup>**

Report	Close of Books	Filing Deadline <sup>1</sup>
April Quarterly	3/31	4/15
July Quarterly	6/30	7/15
October Quarterly	9/30	10/15
Year-End	12/31	1/31/2009*

**Election Reports for November 4 General Election**

Report	Close of Books	Filing Deadline <sup>1</sup>
Pre-General <sup>3</sup>	10/15	10/23
Post-General	11/24	12/4

\* Note that this filing deadline falls on a weekend. Filing deadlines are not extended for weekends or federal holidays.

<sup>1</sup> Reports sent by registered or certified mail, by Express or Priority Mail with delivery confirmation or by overnight delivery service with an online tracking system must be postmarked, or deposited with the mailing service, by the filing deadline. Reports sent by other means—including first class mail and courier—must be received by the filing deadline. 2 U.S.C. §434(a)(5) and 11 CFR 104.5(e).

<sup>2</sup> Authorized committees of candidates in the 2008 general election file Form 3Z-1.

<sup>3</sup> If sent by registered, certified or overnight mail, the pre-general must be postmarked by October 20.

<sup>4</sup> Principal campaign committees must also file a pre-primary report if the candidate is running in a primary, and all quarterly filers must file pre-primary reports before any primary in which they make a contribution or expenditure on behalf of a candidate in that primary. Primary reporting deadlines are listed on pages 9-12.

20092634798

# Record

October 2008

Federal Election Commission

Volume 34, Number 10

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## Reporting

### October Reporting Reminder

The following reports are due in October:

- All principal campaign committees of House and Senate candidates must file a quarterly report by October 15. The report covers financial activity from July 1 (or the day after the closing date of the last report) through September 30;
- Principal campaign committees of Presidential candidates must file a report by October 15, if they are quarterly filers (the report covers financial activity from July 1 through September 30), or by October 20, if they are monthly filers (the report covers activity for the month of September);
- National party committees, political action committees (PACs) following a monthly filing schedule and state, district and local party committees that engage in reportable federal election activity must file a monthly report by October 20. This report covers activity for the month of September. Other PACs and party committees must file a quarterly report by October 15; and
- Pre-General reports are due on October 23 (close of books, October 15). Candidate committees must

(continued on page 2)

## Advisory Opinions

### AO 2008-4

### Publicly Funded Presidential Candidate May Redesignate Contributions to Senate Election Within 60 Days

The authorized committee of a Presidential candidate receiving primary matching funds may issue refunds or obtain redesignations to his Senate campaign (the Senate Committee) for contributions made in connection with the general election. Additionally, the campaign may treat the costs associated with issuing the refunds or obtaining the redesignations as "winding down costs," which are qualified campaign expenses.

### Background

Chris Dodd for President, Inc. (the Presidential Committee) is the principal campaign committee of Senator Chris Dodd, who was a candidate for the nomination of the Democratic Party for President of the United States. When Senator Dodd became a candidate for President, his Presidential Committee began accepting contributions for both the primary and general elections, which were kept in separate bank accounts. Senator Dodd applied

(continued on page 6)

## Reports

(continued from page 1)

file this report if their candidate is running in the general election. PACs and party committees that file quarterly must file this report if they make contributions or expenditures in connection with a federal election during the October 1-15 reporting period. PACs and party committees that file on a monthly schedule **must** file a pre-general report in lieu of the regular November 20 monthly report.

## Notification of Filing Deadlines

In addition to publishing this article, the Commission notifies committees of filing deadlines on its web site, via its automated Faxline and through reporting reminders called prior notices. Since January 1, 2007,

**Federal Election Commission**  
999 E Street, NW  
Washington, DC 20463

800/424-9530  
202/694-1100  
202/501-3413 (FEC Faxline)  
202/219-3336 (TDD for the hearing impaired)

**Donald F. McGahn II**, Chairman  
**Steven T. Walther**, Vice Chairman  
**Cynthia L. Bauerly**,  
Commissioner  
**Caroline C. Hunter**,  
Commissioner  
**Matthew S. Petersen**,  
Commissioner  
**Ellen L. Weintraub**,  
Commissioner

**Joseph E. Stoltz**,  
Acting Staff Director  
**Thomasenia Duncan**,  
General Counsel

Published by the Information  
Division of the Office of  
Communications

**Greg J. Scott**, Assistant Staff  
Director

**Amy L. Kort**, Deputy Assistant  
Staff Director

**Myles G. Martin**, Editor

[www.fec.gov](http://www.fec.gov)

prior notices have been distributed exclusively by electronic mail. They are no longer sent to committees via U.S. mail. See December 2006 *Record*, page 1. For that reason, it is important that every committee update its Statement of Organization (FEC Form 1) to disclose a current e-mail address. To amend Form 1, electronic filers must submit Form 1 filled out in its entirety. Paper filers should include only the committee's name, address, FEC identification number and the updated or changed portions of the form.

## Treasurer's Responsibilities

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.

Please note that filing deadlines are not extended in cases where the filing deadline falls on a weekend or federal holiday. Accordingly, reports filed by methods other than Registered, Certified or Overnight Mail, or electronically, must be received by the Commission's (or the Secretary of the Senate's) close of business on the last business day before the deadline.

## Filing Electronically

Under the Commission's mandatory electronic filing regulations, individuals and organizations that receive contributions or make expenditures, including independent expenditures,<sup>1</sup> in excess of \$50,000

<sup>1</sup>The regulation covers individuals and organizations required to file reports of contributions and/or expenditures with the Commission, including any person making an independent expenditure. Disbursements for "electioneering communications" do not count toward the \$50,000 threshold for mandatory electronic filing. 11 CFR 104.18(a).

in a calendar year—or have reason to expect to do so—must file all reports and statements with the FEC electronically. Reports filed electronically must be received and validated by the Commission by 11:59 p.m. Eastern Time on the applicable filing deadline. Electronic filers who instead file on paper or submit an electronic report that does not pass the Commission's validation program by the filing deadline will be considered nonfilers and may be subject to enforcement actions, including administrative fines.

Senate committees and other committees that file with the Secretary of the Senate are not subject to the mandatory electronic filing rules.

The Commission's electronic filing software, FECFile, is free and can be downloaded from the FEC's web site. New FECFile Version 6.2.1.0 is available for download from the FEC web site at <http://www.fec.gov/electfil/updateslist.html>. All reports filed after June 9, 2008, must be filed in Format Version 6.2 (the new version). Reports filed in previous formats will not be accepted.

Filers may also use commercial or privately developed software as long as the software meets the Commission's format specifications, which are available on the Commission's web site. Committees using commercial software should contact their vendors for more information about the Commission's latest software release.

## Timely Filing for Paper Filers

*Registered and 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 or registered mail should keep its 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.

FEC FORM 3X

REPORT OF RECEIPTS AND DISBURSEMENTS For Other Than 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

Green Party of the United States

ADDRESS (number and street)

1700 Conneticut Ave., NW

suite 404

Check if different than previously reported. (ACC)

Washington

DC

20009

2. FEC IDENTIFICATION NUMBER CITY STATE ZIPCODE

C00370221

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

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 Quarterly Report(YE)
July 31 Mid-Year Report(Non-election Year Only) (MY)
Termination Report (TER)

Table with columns for report types: Monthly Report, Feb 20 (M2), May 20 (M5), Aug 20 (M8), Nov 20 (M11), Mar 20 (M3), Jun 20 (M6), Sep 20 (M9), Dec 20 (M12), Apr 20 (M4), Jul 20 (M7), Oct 20 (M10), Jan 31 (YE)

Table for (c) 12-Day PRE-Election Report for the: Primary (12P), General (12G), Runoff (12R), Convention (12C), Special (12G)

Table for (d) 30-Day Post-Election Report for the: General (30G), Runoff (30R), Special (30S)

5. Covering Period 10 01 2006 through 10 18 2006

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 Assistant Treasurer Doug Malkan

Signature of Treasurer Electronically Filed by Assistant Treasurer Doug Malkan Date 10 24 2006

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 Only grid table with 8 columns and 1 row.

FEC FORM 3X (Rev. 02/2003)

29092634801

FEC FORM 3X

REPORT OF RECEIPTS AND DISBURSEMENTS For Other Than 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

Green Party of the United States

ADDRESS (number and street)

1711 18th St., NW

Lower Level

Check if different than previously reported. (ACC)

Washington

DC

20009

2. FEC IDENTIFICATION NUMBER CITY STATE ZIP CODE

C00370221

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

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 Quarterly Report(YE)
July 31 Mid-Year Report(Non-election Year Only) (MY)
Termination Report (TER)

Table with columns for report due dates: Feb 20 (M2), Mar 20 (M3), Apr 20 (M4), May 20 (M5), Jun 20 (M6), Jul 20 (M7), Aug 20 (M8), Sep 20 (M9), Oct 20 (M10), Nov 20 (M11), Dec 20 (M12), Jan 31 (YE)

Table for 12-Day PRE-Election Report for the: Primary (12P), Convention (12C), General (12G), Special (12G), Runoff (12R). Includes Election on date: 11 04 2008 in the State of

Table for 30-Day Post-Election Report for the: General (30G), Runoff (30R), Special (30S). Includes Election on date in the State of

5. Covering Period 10 01 2008 through 10 15 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 Assistant Treasurer Doug Malkan

Signature of Treasurer Electronically Filed by Assistant Treasurer Doug Malkan Date 10 23 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 Only table with 8 empty columns

FEC FORM 3X (Rev. 12/2004)

29092634802



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

VIA OVERNIGHT DELIVERY

April 6, 2009

Jody Grage, as Treasurer  
Green Party of the United States  
1711 18th St., NW, Lower Level  
Washington, DC 20009

C00370221  
AF# 1937

Dear Ms. Grage:

On December 24, 2008, the Federal Election Commission ("Commission") found reason to believe ("RTB") that the Green Party of the United States and you, as Treasurer ("respondents"), violated 2 U.S.C. § 434(a) for failing to file the 2008 12 Day Pre-General Report. The Commission also made a preliminary determination that the civil money penalty was \$1,400 based on the schedule of penalties at 11 C.F.R. § 111.43.

After reviewing the written response submitted by you and any supplemental information submitted Commission staff, the Reviewing Officer has recommended that the Commission make a final determination in this matter. A copy of the Reviewing Officer's recommendation is attached.

You may file with the Commission Secretary a written response to the recommendation within 10 days of the date of this letter. Your written response should be sent to the Commission Secretary, 999 E Street, NW, Washington, DC 20463. As a result of the anthrax threat in the Washington, DC area, US Postal Service mail delivery to federal agencies, including the Commission, has been interrupted. Until regular mail delivery resumes, you may also file your written response with the Commission Secretary via facsimile (202-208-3333) or by courier at the same address (if you use an overnight delivery service, please use zip code 20004 instead of zip code 20463). Please include the AF # in your response. Your response may not raise any arguments not raised in your original written response or not directly responsive to the Reviewing Officer's recommendation. 11 C.F.R. § 111.36(f). The Commission will then make a final determination in this matter.

Please contact me at the toll free number 800-424-9530 (press 0, then press 1660) or 202-694-1660 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Maureen Benitz". The signature is stylized and cursive.

Maureen Benitz  
Reviewing Analyst  
Office of Administrative Review

Attachment

29092634803



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
SECRETARIAT

2009 APR 30 P 4: 49

April 30, 2009

MEMORANDUM

**SENSITIVE**

To: The Commission

Through: Robert A. Hickey  
Staff Director

From: John D. Gibson  
Chief Compliance Officer

Shawn Woodhead Wert  
Reviewing Officer  
Office of Administrative Review

By: Maureen Benitz  
Reviewing Analyst

Subject: Final Determination Recommendation in AF# 1937 – Green Party of  
the United States and Jody T. Grage, as Treasurer (C00370221)

On December 24, 2008, the Commission found reason to believe (“RTB”) that the respondents violated 2 U.S.C. § 434(a) for failure to file the 2008 12 Day Pre-General Report, an election sensitive report. The Report was filed on October 31, 2008, and is considered not filed for purposes of the civil money penalty. As a result, on December 24, 2008, the Commission also made a preliminary determination that the civil money penalty was \$1,400 based on the schedule of penalties at 11 C.F.R. § 111.43.

On February 2, 2009, the Commission received their written response (“challenge”). After reviewing the challenge, the Reviewing Officer’s recommendation dated April 3, 2009 was forwarded to the Commission, a copy was forwarded to the respondents, and is hereby incorporated by reference. The Reviewing Officer recommended that the Commission make a final determination that they violated 2 U.S.C. § 434(a) and assess a \$1,400 civil money penalty because they submitted no evidence that a factual error was made in the RTB finding, that the penalty was miscalculated at RTB or that they used best efforts to file on time. 11 C.F.R. § 111.35(b).

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

29092634804

raised in the respondents' challenge or not directly responsive to the Reviewing Officer's recommendation. 11 C.F.R. § 111.36(f). On April 23, 2009, a check for \$1,440 was received. If the Commission upholds the Reviewing Officer's Recommendation, a request for a refund of \$40 will be submitted to the Finance Office.

**OAR Recommendations**

- (1) Adopt the Reviewing Officer recommendation for AF# 1937 involving the Green Party of the United States and Jody T. Grage, as Treasurer, in making the final determination;
- (2) Make a final determination in AF# 1937 that the Green Party of the United States and Jody T. Grage, as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$1,400; and
- (3) Send the appropriate letter.

29092634805

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
)  
Final Determination Recommendation: ) AF 1937  
Green Party of the United States and )  
Jody T. Grage, as Treasurer (C00370221) )

CERTIFICATION

I, Mary W. Dove, Secretary of the Federal Election Commission, do hereby certify that on May 15, 2009, the Commission decided by a vote of 6-0 to take the following actions in AF 1937:

1. Adopt the Reviewing Officer recommendation for AF 1937 involving the Green Party of the United States and Jody T. Grage, as Treasurer, in making the final determination.
2. Make a final determination in AF 1937 that the Green Party of the United States and Jody T. Grage, as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$1,400.
3. Send the appropriate letter.

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

Attest:

May 15, 2009  
Date

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

29092634806



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

May 19, 2009

VIA CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Jody Grage, as Treasurer  
Green Party of the United States  
1711 18th St., NW, Lower Level  
Washington, DC 20009

C00370221  
AF# 1937

Dear Ms. Grage:

On December 24, 2008, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that the Green Party of the United States and you, as Treasurer, violated 2 U.S.C. § 434(a) for failing to file the 2008 12 Day Pre-General Report, an election sensitive report. By letter dated December 29, 2008, the Commission sent you notification of the RTB finding that included a civil money penalty calculated at RTB of \$1,400 in accordance with the schedule of penalties at 11 C.F.R. § 111.43. On February 2, 2009, the Office of Administrative Review received the written response from you challenging the RTB finding.

The Reviewing Officer reviewed the Commission's RTB finding with its supporting documentation and the written response. Based on this review, the Reviewing Officer recommended that the Commission make a final determination that the Green Party of the United States and you, as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty in the amount of \$1,400 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 April 6, 2009.

On April 23, 2009, the Commission received a check for \$1,440. A refund for \$40 has been submitted to the Finance Office.

On May 15, 2009, the Commission adopted the Reviewing Officer's recommendation and made a final determination that the Green Party of the United States and you, as Treasurer, violated 2 U.S.C. § 434(a) and assessed a civil money penalty of \$1,400. 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.

29092634807

If you have any questions regarding the payment of the civil money penalty, 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

29092634808

QUALITY IS OUR PRIORITY FOR LOCKBOX 9058  
SEQ# 001 \$ 0000144000 BA# 1 04-22-09 20 4



29092634809



CONTRIBUTOR CHECK 1-800-782-0226

65-278550 3493

THE GREEN PARTY OF THE UNITED STATES  
P.O. BOX 57065  
WASHINGTON, DC 20037  
(202) 319-7191

Date 15 APR 09

Pay to the order of FEC \$ 1440.00

One thousand four hundred forty & no/100 Dollars

SUNTRUST BANK  
ACH R/T 051000104

GREEN PARTY OF THE UNITED STATES  
WWW.GP.ORG

Memo AF# 1937 Jody Orage

C00370221 GREEN



FEDERAL ELECTION COMMISSION  
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 1937

DATE SCANNED 8-10-09

SCANNER NO. 2

SCAN OPERATOR Jm11

29092634810