



FEDERAL ELECTION COMMISSION  
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 1939

DATE SCANNED 8-10-09

SCANNER NO. 2

SCAN OPERATOR JMB

29092634811



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

FEDERAL ELECTION COMMISSION  
COMMISSION 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: NATALIYA IOFFE/RHIANNON MAGRUDER/CHRIS RITCHEE *NI RM CR*  
COMPLIANCE BRANCH

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
1939	C00163535	LOCAL 401 IRON WORKERS POLITICAL ACTION FUND	JOSEPH J. DOUGHERTY	\$445,049	2	11/13/2008	Not Filed	\$9,925	\$900
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
1945	C00233353	PROFESSIONALS IN ADVERTISING POLITICAL ACTION COMMITTEE	DICK O'BRIEN	\$165,023	0	11/12/2008	Not Filed	\$5,005	\$600
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	C00292316	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

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; )  
LOCAL 401 IRON WORKERS ) AF# 1939  
POLITICAL ACTION FUND, and )  
JOSEPH J DOUGHERTY as treasurer; )  
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; )

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O'MELVENY & MYERS POLITICAL ) AF# 1944  
ACTION COMMITTEE, and BLALACK, )  
K. LEE as treasurer; )  
PROFESSIONALS IN ADVERTISING ) AF# 1945  
POLITICAL ACTION COMMITTEE, and )  
DICK O'BRIEN 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.

AF#1939 Decided by a vote of 6-0 to: (1) find reason to believe that LOCAL 401 IRON WORKERS POLITICAL ACTION FUND, and JOSEPH J DOUGHERTY 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#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#1945 Decided by a vote of 6-0 to: (1) find reason to believe that PROFESSIONALS IN ADVERTISING POLITICAL ACTION COMMITTEE, and DICK O'BRIEN 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

Joseph J. Dougherty  
Local 401 Iron Workers Political Action Fund  
11600 Norcom Road  
Philadelphia, PA 19154

C00163535  
AF#: 1939

Dear Joseph J. Dougherty:

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 Local 401 Iron Workers Political Action Fund 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 \$900. It is due by 2/2/2009 and is based on these factors:

Election Sensitivity of Report: Election Sensitive  
Level of Activity: \$9,925  
Number of Days Late: Not Filed  
Number of Previous Civil Money Penalties Assessed: 2

**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 Local 401 Iron Workers Political Action Fund 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", written in a cursive style.

Donald F. McGahn II  
Chairman

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**ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS**

In accordance with the schedule of penalties at 11 C.F.R. 111.43, the amount of your civil money penalty calculated at RTB is \$900 for the 2008 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: Local 401 Iron Workers Political Action Fund

FEC ID#: C00163535

AF#: 1939

PAYMENT DUE DATE: 2/2/2009

PAYMENT AMOUNT DUE: \$900

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

FEDERAL ELECTION  
COMMISSION  
SECRETARIAT

2009 MAR -3 P 4: 51

March 3, 2009

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 *NIO* *RM*  
COMPLIANCE BRANCH

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

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 the committee that has not paid the civil money penalty. The committee that has not paid has 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.

**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.

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

AF#	Committee Name	Committee ID	Treasurer	Receipt Date: Days Late	LOA	PV	RTB Date	RTB Penalty	Final Money Penalty	Date Paid	Amount Paid
1934	10TH DISTRICT REPUBLICAN CONGRESSIONAL COMMITTEE	C00006462	MR. WALTER J HELM	11/10/2008 Not Filed	\$20,083	0	12/24/2008	\$900	\$900	02/06/2009	\$900
1935	DEHAIZE AMERICA POLITICAL ACTION COMMITTEE	C00214304	TEROSS W. YOUNG	11/12/2008 Not Filed	\$441	0	12/24/2008	\$441	\$441	02/05/2009	\$441
1938	ECHOSTAR CORPORATION AND DISH NETWORK CORPORATION PAC (ECHOSTAR DISH NETWORK PAC)	C00330647	LCRI E. KALANI	10/29/2008 6	\$13,973	0	12/24/2008	\$210	\$210	01/30/2009	\$210
1936	HERSHEY COMPANY POLITICAL ACTION COMMITTEE; THE	C00200139	RICHARD G. RUSSELL	11/10/2008 Not Filed	\$3,104	0	12/24/2008	\$500	\$500	01/27/2009	\$500
1940	NATIONAL ASSOCIATION OF HEALTH UNDERWRITERS PAC (HUPAC)	C00283135	JENNIFER MURPHY	11/10/2008 Not Filed	\$10,913	0	12/24/2008	\$900	\$900	02/03/2009	\$900
1941	NATIONAL FISHERIES INSTITUTE (FISHPAC)	C00101204	JOHN P. CONNELLY	11/17/2008 Not Filed	\$45,750	0	12/24/2008	\$1,400	\$1,400	02/03/2009	\$1,400
1942	NATIONAL GOOD GOVERNMENT FUND	C00032797	MR. THOMAS P. MARINIS, JR.	11/10/2008 Not Filed	\$1,000	0	12/24/2008	\$500	\$500	02/03/2009	\$500
1943	NELNET INC PAC (NELNET PAC)	C00370015	BEN KISER	11/19/2008 Not Filed	\$7,345	0	12/24/2008	\$600	\$600	01/30/2009	\$600
1946	SACRAMENTO COUNTY DEMOCRATIC CENTRAL COMMITTEE; UNITED CAMPAIGN COMMITTEE - FEDERAL	C00274423	WILLIAM GUY CROUCH, CPA EA	11/20/2008 Not Filed	\$40,903	0	12/24/2008	\$1,400	\$1,400	02/03/2009	\$1,400
1948	THERMO FISHER SCIENTIFIC INC. PAC	C00292318	STACY CORDIER	11/05/2008 Not Filed	\$1,466	0	12/24/2008	\$500	\$500	02/23/2009	\$500
1949	TRONOX INC. PAC	C00417352	MICHAEL FOSTER	11/07/2008 Not Filed	\$5,000	0	12/24/2008	\$600	\$600	02/05/2009	\$600

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

AF#	Committee Name	Committee ID	Treasurer	Receipt Date	Days Late	LOA	PV	RTB Date	RTB Penalty	Days Since RTB	FD Penalty
1939	LOCAL 401 IRON WORKERS POLITICAL ACTION FUND	C00163535	JOSEPH J. DOUGHERTY	11/13/2008	Not Filed	\$9,925	2	12/24/2008	\$900	69	\$900

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
)  
Administrative Fines Final Determination )  
Recommendation for the 2008 12 Day Pre- )  
General Report (Unauthorized Committees - )  
Monthly Filers): )  
ECHOSTAR CORPORATION AND DISH ) AF# 1936  
NETWORK CORPORATION PAC )  
(ECHOSTAR DISH NETWORK PAC), )  
and KALANI, LORI E 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; )  
HERSHEY COMPANY POLITICAL ) AF# 1938  
ACTION COMMITTEE; THE, and )  
RICHARD G RUSSELL as treasurer; )  
LOCAL 401 IRON WORKERS ) AF# 1939  
POLITICAL ACTION FUND, and )  
JOSEPH J DOUGHERTY as treasurer; )  
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; )

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SACRAMENTO COUNTY AF# 1946  
DEMOCRATIC CENTRAL  
COMMITTEE: UNITED CAMPAIGN  
COMMITTEE - FEDERAL, and  
WILLIAM GUY CROUCH CPA EA 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 March 05, 2009 the Commission took the following actions on the Administrative Fines Final Determination Recommendation for the 2008 12 Day Pre-General Report (Unauthorized Committees - Monthly Filers) as recommended in the Reports Analysis Division's Memorandum dated March 03, 2009, on the following committees:

AF#1936 Decided by a vote of 6-0 to: (1) make a final determination that ECHOSTAR CORPORATION AND DISH NETWORK CORPORATION PAC (ECHOSTAR DISH NETWORK PAC), and KALANI, LORI E 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#1934 Decided by a vote of 6-0 to: (1) make a final determination that 10TH DISTRICT REPUBLICAN CONGRESSIONAL COMMITTEE, and HELM, WALTER J. MR. 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#1935 Decided by a vote of 6-0 to: (1) make a final determination that DELHAIZE AMERICA, INC. POLITICAL ACTION COMMITTEE, and YOUNG, TEROSS W as treasurer, violated 2 U.S.C. 434(a) and assess the civil money penalty so

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indicated; (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) make a final determination that HERSHEY COMPANY POLITICAL ACTION COMMITTEE; THE, and RICHARD G RUSSELL 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#1939 Decided by a vote of 6-0 to: (1) make a final determination that LOCAL 401 IRON WORKERS POLITICAL ACTION FUND, and JOSEPH J DOUGHERTY 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#1940 Decided by a vote of 6-0 to: (1) make a final determination that NATIONAL ASSOCIATION OF HEALTH UNDERWRITERS PAC (HUPAC), and MURPHY, JENNIFER 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#1941 Decided by a vote of 6-0 to: (1) make a final determination that NATIONAL FISHERIES INSTITUTE (FISHPAC), and CONNELLY, JOHN P. 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#1942 Decided by a vote of 6-0 to: (1) make a final determination that NATIONAL GOOD GOVERNMENT FUND, and MARINIS, THOMAS P. MR. JR. 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#1943 Decided by a vote of 6-0 to: (1) make a final determination that NELNET INC PAC (NELNET PAC), and KISER, BEN 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#1946 Decided by a vote of 6-0 to: (1) make a final determination 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 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#1948 Decided by a vote of 6-0 to: (1) make a final determination that THERMO FISHER SCIENTIFIC INC. PAC, and CORDIER, STACY as treasurer , violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#1949 Decided by a vote of 6-0 to: (1) make a final determination that TRONOX INC. PAC, and FOSTER, MICHAEL 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:

March 5 2009  
Date

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

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

March 12, 2009

Joseph J. Dougherty as Treasurer  
Local 401 Iron Workers Political Action Fund  
11600 Norcom Road  
Philadelphia, PA 19154

C00163535  
AF#: 1939

Dear Mr. Dougherty,

On December 24, 2008, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Local 401 Iron Workers Political Action Fund 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 \$900 in accordance with the schedule of penalties at 11 C.F.R. § 111.43. Within 40 days of the FEC's RTB finding, you were required to either transmit payment of the calculated civil money penalty or submit a written response challenging either the RTB finding or the calculated civil money penalty.

The FEC did not receive payment of the calculated civil money penalty or your written response within the time permitted. The FEC made a final determination on March 5, 2009 that you as treasurer and Local 401 Iron Workers Political Action Fund violated 2 U.S.C. § 434(a) and assessed a civil money penalty in the amount of \$900 in accordance with 11 C.F.R. § 111.43. The civil money penalty is based on these factors:

Election Sensitivity of Report: Election Sensitive  
Level of Activity: \$9,925  
Number of Days Late: Not Filed  
Number of Previous Civil Money Penalties Assessed: 2

**To Pay the Civil Money Penalty**

If you should decide to pay the civil money penalty, send the enclosed remittance form, along with your payment, to the address on page 3 within 30 days of receipt of this letter.

**If You Do Not Pay the 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 ("DCIA"), 31 U.S.C. § 3701 et seq. If you do not pay this debt within

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30 days (or file a written petition to a federal district court - see below), the Commission will transfer the debt to the U.S. Department of the Treasury ("Treasury") for collection. Within 5 days of the transfer to Treasury, Treasury will contact the debtor and request payment. Treasury currently charges a fee of 28% of the civil money penalty amount for its collection services. The fee will be added to the amount of the civil money penalty that you owe. Should Treasury's attempts fail, Treasury will refer the debt to a private collection agency ("PCA"). If the debt remains unpaid, Treasury may recommend that the Commission refer the matter to the Department of Justice for litigation.

**If You Choose to Appeal the Final Determination and/or Civil Money Penalty**

If you choose to appeal the final determination, you should submit a written petition, within 30 days of receipt of this letter, to the district court of the United States for the district in which the committee or treasurer reside, or transact business, requesting that the final determination be modified or set aside. See 2 U.S.C. § 437g(a)(4)(C)(iii). Your failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver of the respondents' right to present such argument in a petition to the district court under 2 U.S.C. § 437g. 11 C.F.R. § 111.38.

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 the payment of the civil money penalty, please contact Rhiannon Magruder at Federal Election Commission, 999 E St., NW, Washington, DC 20463, or our toll free number (800) 424-9530 (at the prompt, press 5) or (202) 694-1130.

On behalf of the Commission,



Steven T. Walther  
Chairman

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**ADMINISTRATIVE FINE PAYMENT INSTRUCTIONS**

In accordance with the schedule of penalties at 11 C.F.R. § 111.43, the civil money penalty is \$900 for the 2008 Pre-General Report.

This penalty should be paid by check or money order made payable to the Federal Election Commission. It should be sent by mail to:

Federal Election Commission  
PO Box 979058  
St. Louis, MO 63197-9000

If you choose to send your 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 form and payment are due within 30 days of receipt of this 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 the 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: Local 401 Iron Workers Political Action Fund

FEC ID#: C00163535

AF#: 1939

PAYMENT AMOUNT DUE: \$900

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FOR: Local 401 Iron Workers Political Action Fund

FEC ID#: C00163535

AF#: 1939

PAYMENT DUE DATE: 2/2/2009

PAYMENT AMOUNT DUE: \$900

126 N  
TOTAL P.05

QUALITY IS OUR PRIORITY FOR LOCKBOX 9058  
SEQ# 001 \$ 000090000 BA# 1 06-04-09 20 4



MONEY ORDER 05001991 3-7413 2360

**WASHINGTON SAVINGS ASSOCIATION**

PHILADELPHIA, PA. DATE 02-25-2009

Pay to the order of: Federal Election Commission

WASHINGTON SAVINGS 900 Dollars & No/100ths

Ironworkers Local 401

SENDER INFORMATION & NAME (PRINT)  
11600 Norcom Road  
Philadelphia PA 19154

*Master J. Redman*  
BANK/DRAWER

VOID OVER \$900.00

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FEDERAL ELECTION COMMISSION  
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 1939

DATE SCANNED 8-10-09

SCANNER NO. 2

SCAN OPERATOR Jm13

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