



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 1947

DATE SCANNED 8-10-89

SCANNER NO. 2

SCAN OPERATOR JMB

29092634878



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

FEDERAL ELECTION 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: *NJ* NATALIYA IOFFE/RHIANNON MAGRUDER/CHRIS RITCHEE *RM*
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	C00330547	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

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12/23/2008 10:55 AM

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;)

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.

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

Ken Kasney
Shell Oil Company Employees' Political Awareness Committee
P.O. Box 2463
Houston, TX 77252

C00039503
AF#: 1947

Dear Ken Kasney:

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 Shell Oil Company Employees' Political Awareness Committee 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 \$500. It is due by 2/2/2009 and is based on these factors:

Election Sensitivity of Report: Election Sensitive
Level of Activity: \$2,042
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 Shell Oil Company Employees' Political Awareness Committee 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. 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 \$500 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: Shell Oil Company Employees' Political Awareness Committee

FEC ID#: C00039503

AF#: 1947

PAYMENT DUE DATE: 2/2/2009

PAYMENT AMOUNT DUE: \$500

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

C00039503
AF#:1947

Dear Sir or Madame:

I am writing this letter to challenge the subject audit finding (AF#1947).

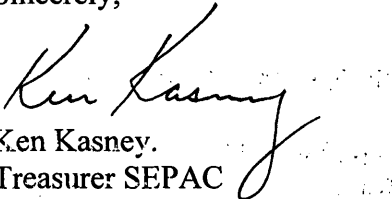
In an email we received from the FEC on December 28th, 2007, the date for filing the pre-general election report was designated as 11/23/2008. Although we now know that this schedule was subsequently revised and reissued, regrettably we continued to refer to the original schedule as we sought to meet our reporting obligations throughout 2008. Our Pre-General Election Report was filed on 11/11/2008, which we assumed was completed well in advance of the deadline, based on the original communication. The report was accepted by the FEC system (FEC-383351).

Our committee acted in good faith by filing our report by the deadline originally provided by the FEC. Furthermore, when we received a late filing notice from the FEC on October 24, 2008, we immediately placed a call to our analyst at the FEC, who advised that the notice had arisen in error and should be disregarded. Our analyst did not indicate to us that the filing deadline had been missed.

Our committee has met every deadline as was provided to us on the email of December 28, 2007 when filing our reports. I ask that the committee take these facts into account when considering this challenge to audit finding #1947.

Thank you for your consideration.

Sincerely,


Ken Kasney,
Treasurer SEPAC

Ken Kasney,
Treasurer SEPAC

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Date: January 29, 2009

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

AF#: 1947

Committee Name: Shell Oil Company Employees' Political Awareness Committee

Committee ID#: C00039503

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): Y

Attachment #: 1

Other Relevant Telecoms (Y/N): N

Attachment #: N/A

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

- Fax Received from Committee January 6, 2009.

Attachment #: 3

RAD Staff Declaration (Y/N): Y

-Prior Notice, dated August 27, 2008.

-Non-Filer Letter, dated November 7, 2008.

-RTB Letter, dated December 29, 2008.

Attachment #: 4

Other RAD Information: (Y/N): N

Attachment#: N/A

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SENDER: COMPLETE THIS SECTION

Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits.

Article Addressed to:

Ken Kasney
Shell Oil Company Employees' Political
Awareness Committee
P.O. Box 2463
Houston, TX 77252

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *Fred Meade*

Agent
 Addressee

B. Received by (Printed Name)

C. Date of Delivery

JAN 2 2009

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type

Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

Article Number

7008 1140 0000 9103 6938

Transfer from service label

Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

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YEAR-END REPORT NOTICE

FEDERAL ELECTION COMMISSION

PARTIES AND PACS

December 27, 2007

CURRENT REPORTS DUE:

QUARTERLY FILERS

REPORT	REPORTING PERIOD ¹	REG./CERT. & OVERNIGHT MAILING DEADLINE	FILING DEADLINE
Year-End	07/01/07 - 12/31/07	01/31/08	01/31/08

MONTHLY FILERS

REPORT	REPORTING PERIOD ¹	REG./CERT. & OVERNIGHT MAILING DEADLINE	FILING DEADLINE
Year-End	12/01/07 - 12/31/07	01/31/08	01/31/08

Supplemental Filing Information available on pages 3, 4 and 5 of this notice.

¹These dates indicate the beginning and the end of the reporting period. A reporting period always begins the day after the closing date of the last report filed. If the committee is new and has not previously filed a report, the first report must cover all activity that occurred before the committee registered.

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PAC and Party Committees
Year-End Report Notice

REPORTING SCHEDULE FOR 2008:

QUARTERLY FILERS

REPORT	REPORTING PERIOD ¹	REG./CERT. & OVERNIGHT MAILING DEADLINE	FILING DEADLINE
April Quarterly	01/01/08 - 03/31/08	04/15/08	04/15/08
July Quarterly	04/01/08 - 06/30/08	07/15/08	07/15/08
October Quarterly	07/01/08 - 09/30/08	10/15/08	10/15/08
Pre-General ²	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 ³

MONTHLY FILERS

REPORT	REPORTING PERIOD ¹	REG./CERT. & OVERNIGHT MAILING DEADLINE	FILING DEADLINE
February	01/01/08 - 01/31/08	02/20/08	02/20/08
March	02/01/08 - 02/29/08	03/20/08	03/20/08
April	03/01/08 - 03/31/08	04/20/08	04/20/08 ³
May	04/01/08 - 04/30/08	05/20/08	05/20/08
June	05/01/08 - 05/31/08	06/20/08	06/20/08
July	06/01/08 - 06/30/08	07/20/08	07/20/08 ³
August	07/01/08 - 07/31/08	08/20/08	08/20/08
September	08/01/08 - 08/31/08	09/20/08	09/20/08 ³
October	09/01/08 - 09/30/08	10/20/08	10/20/08
Pre-General	10/01/08 - 10/15/08	11/20/08	11/23/08
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 ³

Supplemental Filing Information available on pages 3, 4 and 5 of this notice.

¹These dates indicate the beginning and the end of the reporting period. A reporting period always begins the day after the closing date of the last report filed. If the committee is new and has not previously filed a report, the first report must cover all activity that occurred before the committee registered.

²Required only if committee makes contributions or expenditures in connection with the election during the reporting period.

³Notice that this filing date falls on a weekend. Filing dates 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 close of business on the last business day before the deadline.

PAC and Party Committees
Year-End Report Notice**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

All Party Committees and PACs (Nonconnected Committees and Separate Segregated Funds) must file either semiannual or monthly reports in 2007. 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 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.

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

Quarterly and 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.

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PAC and Party Committees
Year-End Report Notice

Other Means of Filing

Quarterly and Monthly Reports filed by any other means—including first class 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.

Paper forms are available at the FEC website at www.fec.gov/info/forms.shtml.

COMPLIANCE

Treasurer Responsibility. Treasurers of political committees are responsible for both the timeliness and the accuracy of all reports. They may be subject to monetary penalties if reports are inaccurate or are not filed on time.

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.

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. This reporting requirement is in addition to the requirement to file 24-hour reports of independent expenditures each time disbursements for independent expenditures aggregate or exceed \$1,000 during the last 20 days—up to 24 hours—before an election (including a special 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 2007 special election 48- and 24-hour reporting periods for independent expenditures, consult the FEC website at www.fec.gov/info/charts_ie_dates_special.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 a 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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LOOKING AHEAD TO 2008

PRE-ELECTION REPORTING

Quarterly filing committees that make contributions or expenditures (including independent expenditures) in connection with an election must also file a Pre-Election Report, if the activity was not previously reported. More information on the pre-election reporting guidelines will be available on the FEC website in late 2007 and in the January 2008 issue of the *Record*.

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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 Shell Oil Company Employees' Political Awareness Committee:
- A) Prior Notice, dated August 27, 2008, referencing the 2008 12 Day Pre-General Report (sent via electronic mail to: KEN.KASNEY@SHELL.COM);
 - B) Non-Filer Letter, dated November 7, 2008, referencing the 2008 12 Day Pre-General Report;
 - C) Reason-to-Believe Letter, dated December 29, 2008, referencing the 2008 12 Day Pre-General Report.
3. I hereby certify that I have searched the Commission's public records and find that Shell Oil Company Employees' Political Awareness Committee filed the 2008 12 Day Pre-General Report with the Commission on November 11, 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 29th day of January, 2009.



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

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MONTHLY
REPORT NOTICE

FEDERAL ELECTION COMMISSION

PARTIES AND PACS

August 27, 2008

**MONTHLY REPORTING SCHEDULE FOR
 REMAINDER OF 2008**

REPORTING DATES

REPORT	REPORTING PERIOD ¹	REG./CERT. & OVERNIGHT MAILING DEADLINE	FILING DEADLINE
September	08/01/08 - 08/31/08	09/20/08	09/20/08 ²
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 ²

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

¹These dates indicate the beginning and the end of the reporting period. A reporting period always begins the day after the closing date of the last report filed. If the committee is new and has not previously filed a report, the first report must cover all activity that occurred before the committee registered up through the close of books for the first report due.

²Notice that this filing deadline falls on a weekend. Filing deadlines are not extended when they fall on nonworking days. Accordingly, reports filed by methods other than Registered, Certified or Overnight Mail, or electronically, must be received before the Commission's (or for 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.

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.

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COMPLIANCE

Treasurer Responsibility. Treasurers of political committees are responsible for both the timeliness and the accuracy of all reports. They may be subject to monetary penalties if reports are inaccurate or are not filed on time. For additional information, see the Commission's *Statement of Policy Regarding Treasurers Subject to Enforcement Proceedings* on the web site at www.fec.gov/law/policy/2004/notice2004-20.pdf.

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

Report Format. In addition, political committees that file illegible reports or use non-FEC forms (except for FEC-approved, computer-generated forms) will be required to refile their reports.

Electronic Filers Must File Electronically. Electronic filers who instead file on paper, or who submit an electronic report (either by direct transmission, 3.5" diskette or CD) that does not pass the validation program by 11:59 p.m. Eastern Time on the filing deadline, will be considered non-filers and may be subject to enforcement actions (including administrative fines).

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.

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.

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



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 7, 2008

RQ-7

KEN KASNEY, TREASURER
SHELL OIL COMPANY EMPLOYEES' POLITICAL AWARENESS COMMITTEE
P O BOX 2463
HOUSTON, TX 77252

IDENTIFICATION NUMBER: C00039503

REFERENCE: PRE-GENERAL REPORT 10/1/2008 - 10/15/2008

DEAR TREASURER:

IT HAS COME TO THE ATTENTION OF THE FEDERAL ELECTION COMMISSION THAT YOU MAY HAVE FAILED TO FILE THE ABOVE REFERENCED REPORT OF RECEIPTS AND EXPENDITURES AS REQUIRED BY THE FEDERAL ELECTION CAMPAIGN ACT, AS AMENDED.

IT IS IMPORTANT THAT YOU FILE THIS REPORT IMMEDIATELY WITH THE FEDERAL ELECTION COMMISSION, 999 E STREET, N.W., WASHINGTON, D.C., 20463. PLEASE NOTE THAT ELECTRONIC FILERS MUST SUBMIT THEIR REPORTS ELECTRONICALLY, AS PER 11 CFR §104.18. A COPY OF THE REPORT OR RELEVANT PORTIONS MUST ALSO BE FILED WITH THE SECRETARY OF THE STATE OR EQUIVALENT STATE OFFICER UNLESS THE STATE IS EXEMPT FROM THE FEDERAL REQUIREMENT TO RECEIVE AND MAINTAIN PAPER COPIES. YOU CAN VERIFY THE COMMISSION'S RECEIPT OF ANY DOCUMENTS SUBMITTED BY YOUR COMMITTEE ON THE FEC WEBSITE AT WWW.FEC.GOV.

THE FAILURE TO TIMELY FILE THIS REPORT MAY RESULT IN CIVIL MONEY PENALTIES, AN AUDIT OR LEGAL ENFORCEMENT ACTION. THE CIVIL MONEY PENALTY CALCULATION FOR LATE REPORTS DOES NOT INCLUDE A GRACE PERIOD AND BEGINS ON THE DAY FOLLOWING THE DUE DATE FOR THE REPORT. DUE TO HEIGHTENED SECURITY SCREENING MEASURES, DELIVERY OF MAIL BY THE US POSTAL SERVICE MAY BE DELAYED. THE COMMISSION RECOMMENDS THAT YOU SUBMIT YOUR REPORT VIA OVERNIGHT DELIVERY OR COURIER SERVICE.

IF YOU HAVE ANY QUESTIONS REGARDING THIS MATTER, PLEASE CONTACT CHRISTOPHER RITCHIE AT OUR TOLL FREE NUMBER (800)424-9530. OUR DIRECT LOCAL NUMBER IS (202)694-1130.

SINCERELY,

A handwritten signature in cursive script that reads "Patricia Carmona".

PATRICIA CARMONA
ASSISTANT STAFF DIRECTOR
REPORTS ANALYSIS DIVISION (RAD)

2803991425092634903



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRET

2009 MAR 27 A 11: 22

March 26, 2009

MEMORANDUM

SENSITIVE

To: The Commission

Through: Robert A. Hickey
Staff Director

From: John D. Gibson
Chief Compliance Officer

Shawn Woodhead Werth
Reviewing Officer
Office of Administrative Review

By: Jill I. Sugarman
Reviewing Analyst

Subject: AF# 1947 – Shell Oil Company Employees’ Political Awareness
Committee and Ken Kasney, as Treasurer (C00039503)

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

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 26, 2009

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

AF# 1947- Shell Oil Company Employees' Political Awareness Committee and Ken
Kasney, as Treasurer (C00039503)

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 and made a preliminary determination that the civil money penalty was \$500 based on the schedule of penalties at 11 C.F.R. § 111.43. They were notified by the Reports Analysis Division ("RAD") on December 29, 2008 of the Commission's RTB finding and civil money penalty.

Respondents' Response

On January 23, 2009, the Commission received the written response ("challenge") from the Treasurer who asks that the following circumstances be taken into consideration. First, the Committee received an email notice on December 28, 2007, indicating that the date to file the report was November 23, 2008. Second, the report was received by the Commission on November 11, 2008, well before the date indicated on the email notice. Third, after the late filing notice was received from the Commission on October 24, 2008, he called their RAD analyst, who gave no indication the filing deadline was missed and advised him that the notice was an error and should be disregarded. Fourth, the Committee has met every deadline provided to them in the December 28 email when filing reports.

Analysis

The 12 Day Pre-General Report was filed on November 11, 2008, 19 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 12th day before the election. 2 U.S.C. § 434(a)(4)(B) and 11 C.F.R. § 104.5(c)(3)(ii). The treasurer shall be personally responsible for the timely filing of reports. 11 C.F.R. § 104.14(d).

The Treasurer states that he received an email on December 28, 2007, with the filing dates for the 2008 reports, which listed the due date for the 12 Day Pre-General Report as November 23, 2008. At the request of the RAD Compliance Analyst during their phone call on January 6, 2009, he faxed a copy of the email to her. RAD forwarded this email with its declaration to OAR. On the monthly filer chart for the 2008 reporting

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schedule, the filing date for the report is incorrectly listed as November 23 rather than October 23.

Subsequent prior notices had the correct due date (see for example the August 2008 notice included with RAD's declaration) but did not alert monthly filers to disregard the 12 Day Pre-General Report's due date in the December 2007 notice because it was wrong. Had the RAD Analyst realized when Mr. LaBuz called on October 24, 2008 that he actually received a 12-hour nonfiler email notification for the 12 Day Pre-General, not the October Quarterly, Report, the Analyst could have told him he needed to file the report as soon as possible.

The Treasurer asserts that they used their best efforts to file the report on time. The best efforts defense is a two-part test: the respondents 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. The regulations include examples of circumstances which are not reasonably unforeseen or beyond respondents' control, one of which is a Committee's failure to know filing dates. 11 C.F.R. § 111.35(b)(3) and (d).

While the failure to know filing dates is not considered a reasonably unforeseen circumstance, the Reviewing Officer recognizes that the Commission provided the incorrect due date on the December 2007 prior notice and did not advise committees in later prior notices that it was wrong.

The Reviewing Officer, therefore, recommends that the Commission take no further action and close the file.

OAR Recommendations

- (1) Adopt the Reviewing Officer recommendation for AF# 1947 involving the Shell Oil Company Employees' Political Awareness Committee and Ken Kasney, as Treasurer, in making the final determination;
- (2) Take no further action in AF# 1947 that the Shell Oil Company Employees' Political Awareness Committee and Ken Kasney, as Treasurer violated 2 U.S.C. § 434(a) and close the file; and
- (3) Send the appropriate letter.

Reviewing Analyst: Jill I. Sugarman

Attachments

Attachment 1 – Challenge Received from Respondents

Attachment 2 – _____

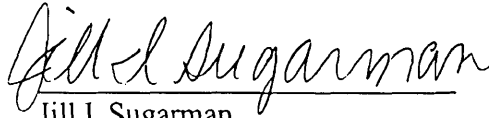
Attachment 3 – Declaration from RAD _____

Attachment 4 – Declaration from OAR _____

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DECLARATION OF JILL I. SUGARMAN

- 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 12 Day Pre-General Report 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) I hereby certify that I have searched the Commission's public records and that the document identified herein is the true and accurate copy of Page 1 of the Summary Page for the 2008 12 Day Pre-General Report electronically filed by Shell Oil Company Employees' Political Awareness Committee and Ken Kasney, as Treasurer. According to Commission records, the report was received on November 11, 2008.
- 4) Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at Washington on the 26th of March 2009.



Jill I. Sugarman
Reviewing Analyst
Office of Administrative Review
Federal Election Commission

29092634907

**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

SHELL OIL COMPANY EMPLOYEES' POLITICAL AWARENESS COMMITTEE

ADDRESS (number and street)

P O BOX 2463

Check if different than previously reported. (ACC)

HOUSTON

TX

77252

2. **FEC IDENTIFICATION NUMBER** **CITY** **STATE** **ZIP CODE**

C00039503

3. IS THIS REPORT 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)

(b) Monthly Report Due On:	Feb 20 (M2)	May 20 (M5)	Aug 20 (M8)	Nov 20 (M11) (Non-Election Year Only)
	Mar 20 (M3)	Jun 20 (M6)	Sep 20 (M9)	Dec 20 (M12) (Non-Election Year Only)
	Apr 20 (M4)	Jul 20 (M7)	Oct 20 (M10)	Jan 31 (YE)
(c) 12-Day PRE-Election Report for the:	Primary (12P)	<input checked="" type="checkbox"/> General (12G)	Runoff (12R)	
	Convention (12C)	Special (12G)		
Election on	1 1	0 4	2 0 0 8	in the State of TX
(d) 30-Day Post -Election Report for the:	General (30G)	Runoff (30R)	Special (30S)	
Election on				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 Ken Kasney

Signature of Treasurer Electronically Filed by Ken Kasney Date 11 11 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							
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FEC FORM 3X
(Rev. 12/2004)

29092634908



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

VIA OVERNIGHT DELIVERY

March 30, 2009

Ken Kasney, as Treasurer
Shell Oil Company Employees' Political Awareness Committee
P.O. Box 2463
Houston, TX 77252

C00039503
AF# 1947

Dear Mr. Kasney:

On December 24, 2008, the Federal Election Commission ("Commission") found reason to believe ("RTB") that the Shell Oil Company Employees' Political Awareness Committee 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 \$500 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 by 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".

Maureen Benitz
Reviewing Analyst
Office of Administrative Review

Attachment

29092634909



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2009 APR 27 A 10: 31

April 23, 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# 1947 - Shell Oil Company Employees' Political Awareness Committee and Ken Kasney, as Treasurer (C00039503)

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 12 Day Pre-General Report. The Commission also made a preliminary determination that the civil money penalty was \$500 based on the schedule of penalties at 11 C.F.R. § 111.43.

On January 23, 2009, the Commission received the respondents' written response ("challenge"). After reviewing the challenge, the Reviewing Officer's recommendation dated March 26, 2009 was forwarded to the Commission, a copy was sent to the respondents, and is hereby incorporated by reference. The Reviewing Officer recommended that the Commission take no further action and close the file as the Commission provided the incorrect due date for this report on the December 2007 prior notice sent to the Committee and did not advise committees in later prior notices that it was wrong.

Within 10 days of transmittal of the recommendation, the respondents may file a written response with the Commission Secretary which may not raise any arguments not raised in the respondents' challenge or not directly responsive to the Reviewing Officer's

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recommendation. 11 C.F.R. § 111.36(f). To date, no response has been received.

OAR Recommendations

- (1) Adopt the Reviewing Officer recommendation for AF# 1947 involving the Shell Oil Company Employees' Political Awareness Committee and Ken Kasney, as Treasurer, in making the final determination;
- (2) Take no further action in AF# 1947 that the Shell Oil Company Employees' Political Awareness Committee and Ken Kasney, as Treasurer, violated 2 U.S.C. § 434(a) and close the file; and
- (3) Send the appropriate letter.

29092634911

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Final Determination Recommendation:) AF 1947
Shell Oil Company Employees' Political)
Awareness Committee and Ken Kasney,)
as Treasurer (C00039503))

CERTIFICATION

I, Mary W. Dove, Secretary of the Federal Election Commission, do hereby certify that on May 07, 2009, the Commission decided by a vote of 5-0 to take the following actions in AF 1947:

1. Adopt the Reviewing Officer recommendation for AF 1947 involving the Shell Oil Company Employees' Political Awareness Committee and Ken Kasney, as Treasurer, in making the final determination.
2. Take no further action in AF 1947 that the Shell Oil Company Employees' Political Awareness Committee and Ken Kasney, as Treasurer violated 2 U.S.C. § 434(a) and close the file.
3. Send the appropriate letter.

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

Attest:

May 7, 2009
Date

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

29092634912



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 26, 2009

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ken Kasney, as Treasurer
Shell Oil Company Employees' Political Action Committee
P.O. Box 2463
Houston, TX 77252

C00039503
AF# 1947

Dear Mr. Kasney:

On December 24, 2008, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that the Shell Oil Company Employees' Political Action Committee and you, as Treasurer, violated 2 U.S.C. § 434(a) for failing to file the 2008 12 Day 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 RTB of \$500 in accordance with the schedule of penalties at 11 C.F.R. § 111.43. On January 23, 2009, the Office of Administrative Review received your written response 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 take no further action because the Commission provided the incorrect due date for this report on the original prior notice sent to the Committee and did not advise committees in later prior notices that it was wrong. The basis for the Reviewing Officer's recommendation was included in the Final Determination Report, a copy of which was sent to you on March 31, 2009.

On May 7, 2009, the Commission adopted the Reviewing Officer's recommendation to take no further action against the respondents with respect to 2 U.S.C. § 434(a). 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.

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If you have any questions, please contact Maureen Benitz on our toll free number (800)424-9530 (press 0, then ext. 1660) or (202) 694-1660.

On behalf of the Commission,



Steven T. Walther
Chairman

Attachment

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FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 1947

DATE SCANNED 8-10-09

SCANNER NO. 2

SCAN OPERATOR Jm13

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