



FEDERAL ELECTION COMMISSION  
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 1970

DATE SCANNED 8-17-09

SCANNER NO. 2

SCAN OPERATOR JmH

2909264157A



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

March 30, 2009

MEMORANDUM

**SENSITIVE**

TO: THE COMMISSION

THROUGH: ROBERT A. HICKEY  
STAFF DIRECTOR

FROM: JOHN D. GIBSON  
CHIEF COMPLIANCE OFFICER

PATRICIA CARMONA *dc for PC*  
ASSISTANT STAFF DIRECTOR  
REPORTS ANALYSIS DIVISION

BY: NATALIYA IOFFE/RHIANNON MAGRUDER/SARI PICKERALL *RM*  
COMPLIANCE BRANCH

SUBJECT: REASON TO BELIEVE RECOMMENDATION - 2008 12 DAY PRE-  
GENERAL REPORT (UNAUTHORIZED QUARTERLY FILERS) AND  
30 DAY POST-GENERAL REPORT (UNAUTHORIZED/AUTHORIZED  
FILERS) FOR THE ADMINISTRATIVE FINE PROGRAM

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
SECRETARIAT

2009 MAR 30 3:28

Attached are three lists of political committees and their treasurers who failed to file or timely file the 2008 12 Day Pre-General and/or the 2008 30 Day Post-General Report(s) in accordance with 2 U.S.C. 434(a). The first list is comprised of unauthorized quarterly filers that made General Election contributions or expenditures from October 1, 2008 through October 15, 2008, and failed to file or timely file the 2008 12 Day Pre-General Report. The second list is comprised of unauthorized committees that failed to file or timely file the 2008 30 Day Post-General Report. The third list is comprised of authorized committees of candidates who participated in the November 4, 2008 General Election that failed to file or timely file the 30 Day Post-General Report.

The committees appearing on the 2008 12 Day Pre-General Report list either filed the report more than five (5) days after the due date but prior to four (4) days before the 2008 General Election (considered a late filed report), or failed to file the report prior to four (4) days before the General Election (considered a non-filed report). The committees appearing on the 30 Day Post-General Report list either failed to file the report, filed the report more than five (5) days after the due date but within thirty (30) days of the due date (considered a late filed report),

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or filed the report more than thirty (30) days after the due date (considered a non-filed report). In accordance with 11 C.F.R. 111.43, these committees should be assessed the civil money penalties indicated in the attachments.

As noted above, the 2008 12 Day Pre-General Report circulation list includes unauthorized quarterly filers that made General Election contributions or expenditures from October 1, 2008 through October 15, 2008, but failed to file or timely file the 2008 12 Day Pre-General Election report. In order to accurately identify these committees for administrative fine purposes, the Reports Analysis Division (RAD) used the following procedures and criteria:

- Every 12 Day Pre-General Report (12G) submitted by an unauthorized quarterly filer was reviewed to ensure that it disclosed General Election contributions or expenditures made during the coverage dates of the report. Any report meeting this definition that was filed late is included in the list. Any report not disclosing general election contributions or expenditures during this period is not included in the list, as it is not a required filing.
- Every 30 Day Post-General Report (30G) submitted by an unauthorized quarterly filer that covered the period from October 1, 2008 through November 24, 2008 (55 days) was reviewed for activity which would have required the filing of a 12G. If our research indicated that a 12G was required, we utilized a three-step method to arrive at the activity on which to base the 12G fine amount. First, we took the sum of all itemized receipts and disbursements that should have been disclosed on a 12G. Second, if the committee had any unitemized activity, a per diem level of this activity was calculated by multiplying the total amount of unitemized activity on the report by 27% (15 days (12G Filing Period)/55 days (30G Filing Period)). Third, we took the sum of the amounts calculated in steps one and two to arrive at the level of activity assigned to the 12G. If the same committee also failed to file the 30G in a timely manner, we based the 30G fine on the amount of the remaining level of activity. We arrived at this amount by subtracting the level of activity assigned to the 12G from the total amount of activity disclosed on the 30G. In this case, the committee will appear on both lists and will be assessed a fine for both the 12G and 30G based on the estimated levels of activity described above.

### **Recommendation**

1. Find reason to believe that the political committees and their treasurers listed on the RTB Circulation Reports 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 Reports.
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\_Q

AF#	Committee ID	Committee Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
1956	C00213231	A DUDA & SONS, INC. POLITICAL ACTION COMMITTEE	TRACY DUDA CHAPMAN	\$116,833	0	12/3/2008	Not Filed	\$8,250	\$600
1957	C00295097	AMERICAN IRON AND STEEL INSTITUTE POLITICAL ACTION COMMITTEE (STEEL PAC)	THOMAS GIBSON	\$251,156	0	12/4/2008	Not Filed	\$4,000	\$500
1958	C00034645	AMERICAN SOCIETY FOR CLINICAL LABORATORY SCIENCE POLITICAL ACTION COMMITTEE (FKA ASMT/PAC)	LINDA HICKOK	\$110,237	1	11/6/2008	Not Filed	\$1,000	\$625
1959	C00211250	AON CORPORATION POLITICAL ACTION COMMITTEE	PAUL HAGY	\$615,146	0	10/31/2008	Not Filed	\$27,258	\$1,400
1960	C00249359	BAKERY CONFECTIONERY TOBACCO WKRS & GRAIN MILLERS INT'L UNION LOCAL 19 POL ORG 'BCTGM'	THOMAS EDWARD	\$129,499	0	12/18/2008	Not Filed	\$2,893	\$500

1962	C00372862	BIKES BELONG COALITION, LTD. POLITICAL ACTION COMMITTEE	GARY SJOQUIST	\$109,242	0	12/8/2008	Not Filed	\$3,010	\$500
1963	C00390583	BROWNSTEIN HYATT FARBER SCHRECK POLITICAL ACTION COMMITTEE	STEVEN DEMBY	\$309,005	0	12/4/2008	Not Filed	\$2,000	\$500
1964	C00386300	CALUMET PAC	TERRENCE BRONOWSKI	\$496,285	0	12/1/2008	Not Filed	\$14,000	\$900
1965	C00099937	COOPER INDUSTRIES POLITICAL ACTION COMMITTEE	MR. TYLER W. JOHNSON	\$314,852	0	10/30/2008	7	\$7,000	\$170

AF#	Committee ID	Committee Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
1966	C00130187	DADE COUNTY FIRE FIGHTERS, LOCAL 1403 PAC	JOAQUIN DEL CUETO	\$290,798	0	12/17/2008	Not Filed	\$8,829	\$600
1967	C00004952	ELECTRIC POWER ASSOCIATIONS OF MISSISSIPPI ACTION COMMITTEE FOR RURAL ELECTRIFICATION	MR. MICHAEL CALLAHAN	\$468,071	0	12/8/2008	Not Filed	\$3,000	\$500

1969	C00431981	HEMOCARE & HOSPICE PAC	RUTH L. CONSTANT	\$252,603	0	11/26/2008	Not Filed	\$6,063 (est)	\$600
1970	C00138966	INTERNATIONAL UNION OF OPERATING ENGINEERS LOCAL 68 POLITICAL ACTION COMMITTEE	JOHN LOMBARDO	\$117,532	0	11/4/2008	Not Filed	\$8,500	\$600
1971	C00388462	ITC HOLDINGS CORP. PAC	ANNE JINKS	\$158,856	0	12/3/2008	Not Filed	\$2,240 (est)	\$500
1972	C00212522	KELLY SERVICES INC POLITICAL ACTION COMMITTEE (KELLYPAC)	JAMES D. MCINTIRE	\$155,917	0	1/31/2009	Not Filed	\$31,700	\$1,400

1974	C00409631	LOUISIANA REFORM PAC	JOHN C. SCHMIDT	\$405,337	0	2/27/2009	Not Filed	\$84,182	\$4,000
1975	C00272724	MAYNARD COOPER AND GALE PC PAC	EDWARD A. HOSP	\$122,266	0	12/4/2008	Not Filed	\$4,038 (est)	\$500
1976	C00421008	METAL LATHERS LOCAL 46 PAC	ROBERT LEDWITH	\$264,728	1	12/10/2008	Not Filed	\$8,138 (est)	\$750
1977	C00233304	NATIONAL ASSOCIATION OF INDUSTRIAL AND OFFICE PROPERTIES, DEVELOPMENT PAC (NAIOP-PAC)	ELIZABETH R. GREENE	\$422,814	0	12/4/2008	Not Filed	\$9,179 (est)	\$600

AF#	Committee ID	Committee Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
1979	C00167627	NORTEL POLITICAL ACTION COMMITTEE	MARY JO DORR	\$240,104	0	12/3/2008	Not Filed	\$8,869	\$600
1980	C00216754	NORTH CAROLINA FARM BUREAU FEDERATION INC POL ACT CMTE INC (AKA) NC FARM BUREAU FARMPAC	H. JULIAN PHILPOTT, JR.	\$187,936	0	12/4/2008	Not Filed	\$3,058 (est)	\$500
1981	C00134742	PLASTERERS' AND CEMENT MASONS' ACTION COMMITTEE	EARL F. HURD	\$102,460	0	1/7/2009	Not Filed	\$3,589 (est)	\$500
1982	C00237065	PORTLAND CEMENT ASSOCIATION INC. PCA PAC	MR. RICHARD C. CREIGHTON	\$245,129	0	1/6/2009	Not Filed	\$2,240	\$500
1983	C00025395	PUBLIC SERVICE COMPANY OF NEW MEXICO RESPONSIBLE CITIZENS GROUP	MR. THOMAS SATEGNA	\$109,257	1	12/8/2008	Not Filed	\$2,873 (est)	\$625
1984	C00432252	REGIONS FINANCIAL CORPORATION POLITICAL ACTION COMMITTEE	VIRGINIA BEAR	\$887,679	0	12/11/2008	Not Filed	\$13,251 (est)	\$900
1985	C00174011	RETAIL, WHOLESALE & DEPARTMENT STORE UNION COMMITTEE ON POLITICAL EDUCATION (RWDSU COPE)	STUART H. APPELBAUM	\$181,673	0	11/5/2008	Not Filed	\$20,776	\$900
1986	C00220053	RICELAND FOODS, INC. PAC	BILL J. REED	\$124,465	0	12/5/2008	Not Filed	\$5,000	\$600
1987	C00428268	RIGHT TRACK PAC	HAL HYNEMAN	\$171,312	0	10/30/2008	7	\$23,013	\$220
1988	C00381459	SOCIETY FOR VASCULAR SURGERY POLITICAL ACTION COMMITTEE	REBECCA MARON	\$182,712	1	12/4/2008	Not Filed	\$3,102 (est)	\$625

AF#	Committee ID	Committee Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
1989	C00120030	SOCIETY OF INDEPENDENT GASOLINE MARKETERS OF AMERICA PAC	ELAINE TALBOTT	\$495,580	0	12/1/2008	Not Filed	\$6,250	\$600
1990	C00148155	ST. LOUISANS FOR BETTER GOVERNMENT	SHELDON SANDMEL	\$115,326	1	11/6/2008	Not Filed	\$3,049	\$625

1992	C00228296	THE ASCAP LEGISLATIVE FUND FOR THE ARTS	SUSAN BOLTERS DORF	\$294,359	0	11/4/2008	Not Filed	\$7,189	\$600
1993	C00165878	UNITED EMP PAC, CENTRAL LOUISIANA ELECTRIC CO. INC.	MELISSA LOHMAN	\$207,535	0	11/24/2008	Not Filed	\$9,137	\$600
1994	C00235036	ZURICH HOLDING COMPANY OF AMERICA COMMITTEE FOR GOOD GOVERNMENT (Z-PAC)	THOMAS A. BRADLEY	\$610,834	0	11/4/2008	Not Filed	\$8,980	\$600

Federal Election Commission  
Reason to Believe Circulation Report  
2008 POST-GENERAL Not Election Sensitive 12/04/2008 UNAUTH

AF#	Committee ID	Committee Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
1995	C00010322	AMERICAN POSTAL WORKERS UNION COMMITTEE ON POLITICAL ACTION	TERRY R. STAPLETON	\$4,618,749	0	12/11/2008	7	\$467,571	\$3,900
1997	C00406405	BLOGPAC	CHRISTOPHER BOWERS	\$254,195	0	12/13/2008	9	\$60,625	\$975
1998	C00415752	BORDER HEALTH FEDERAL PAC	ERNIE PEREZ	\$802,565	0	1/29/2009	Not Filed	\$100,107	\$4,500
1999	C00165803	BUNCOMBE COUNTY REPUBLICAN PARTY	EDWARD S. OSADA	\$120,422	0	1/9/2009	Not Filed	\$6,675	\$300
2000	C00410589	CERNER CORPORATION	MARC NAUGHTON	\$263,666	0	12/26/2008	22	\$10,288	\$210
2001	C00130187	DADE COUNTY FIRE FIGHTERS, LOCAL 1403 PAC	JOAQUIN DEL CUETO	\$325,873	0	12/10/2008	6	\$35,074	\$320
2002	C00214304	DELHAIZE AMERICA POLITICAL ACTION COMMITTEE	TEROSS W. YOUNG	\$119,775	2	1/12/2009	Not Filed	\$17,149	\$750
2004	C00362178	FAMILY-PAC FEDERAL	D. PAUL CAPRIO	\$119,333	1	12/29/2008	25	\$5,249	\$218

AF#	Committee ID	Committee Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
2005	C00354613	INT LONGSHOREMENS ASSOC (ILA) LOCAL 1291 POLITICAL ACTION COMMITTEE	MARTIN MASCUILLI	\$129,868	0	1/9/2009	Not Filed	\$9,629	\$300
2006	C00276253	INTERNATIONAL BROTHERHOOD OF PAINTERS AND ALLIED TRADES DISTRICT COUNCIL 21 PAC	JOSEPH ASHDALE	\$1,553,623	0	1/8/2009	Not Filed	\$213,959	\$6,500
2007	C00212522	KELLY SERVICES INC POLITICAL ACTION COMMITTEE (KELLYPAC)	JAMES D. MCINTIRE	\$165,194	0	1/31/2009	Not Filed	\$9,277	\$300

2009	C00409631	LOUISIANA REFORM PAC	JOHN C. SCHMIDT	\$437,034	0	2/27/2009	Not Filed	\$31,696	\$900
2010	C00170696	MARSHALL AND ILSLEY CORPORATION POLITICAL ACTION COMMITTEE	DYANA L. PAFENFUS	\$132,557	0	1/6/2009	Not Filed	\$44,233	\$900
2011	C00421008	METAL LATHERS LOCAL 46 PAC	ROBERT LEDWITH	\$279,765	1	12/10/2008	6	\$15,037 (est)	\$162
2012	C00366922	METROPOLITAN TRANSPORTATION AUTHORITY POLICE BENEVOLENT ASSOCIATION PAC	RAYMOND GIMMLER	\$144,220	0	1/9/2009	Not Filed	\$11,485	\$500
2013	C00376384	MONROE COUNTY DEMOCRATIC COMMITTEE	LEIGH KEGERREIS	\$1,282,381	1	2/3/2009	Not Filed	\$18,918	\$625
2014	C00092247	NATIONAL ORGANIZATION FOR WOMEN PAC	LATIFA LYLES	\$489,092	0	12/23/2008	19	\$17,000	\$195
2015	C00452854	NEWAYGO COUNTY DEMOCRATIC EXECUTIVE COMMITTEE	CHARLES D. BENHAM	\$145,342	0	12/30/2009	Not Filed	\$8,713 (est)	\$300

AF#	Committee ID	Committee Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
2016	C00362210	O'NEILL AND ASSOCIATES PAC	SUSAN WATSON	\$109,606	0	1/14/2009	Not Filed	\$11,422	\$500
2017	C00165324	PHILADELPHIA JOINT BOARD UNITE HERE TIPS	MS. MILDRED SALDANA	\$153,568	0	2/23/2009	Not Filed	\$643	\$250
2018	C00134742	PLASTERERS' AND CEMENT MASONS' ACTION COMMITTEE	EARL F. HURD	\$114,160	0	1/7/2009	Not Filed	\$11,699 (est)	\$500
2019	C00192849	PLUMBERS AND PIPEFITTERS LOCAL UNION 74	VICTOR SALVATORE	\$103,604	0	1/6/2009	Not Filed	\$2,379	\$250
2020	C00143362	PLUMBERS LOCAL 519 POLITICAL ACTION COMMITTEE	PHIL TRUCKS, JR.	\$259,305	2	12/30/2008	26	\$16,460	\$345
2021	C00237065	PORTLAND CEMENT ASSOCIATION INC. PCA PAC	MR. RICHARD C. CREIGHTON	\$247,169	0	1/6/2009	Not Filed	\$2,040	\$250
2022	C00406553	PROGRESSIVE VOTERS OF AMERICA	PHILIP FIERMONTE	\$194,586	0	12/11/2008	7	\$50,021	\$825
2023	C00363812	RECREATIONAL FISHING ALLIANCE, PAC	TONI STEFANO	\$104,892	2		Not Filed	\$20,978 (est)	\$750
2024	C00153379	SIERRA PACIFIC EMPLOYEES POLITICAL ACTION COMMITTEE	JOHN VINSKI	\$140,541	1	12/11/2008	7	\$13,520	\$168
2025	C00278788	SUFFOLK COUNTY DETECTIVES ASSN INC., POLITICAL ACTION COMMITTEE	WILLIAM RATHJEN	\$173,246	2	1/6/2009	Not Filed	\$12,655	\$750
2026	C00363689	TALLATCHEE CREEK INC. PAC	ELIZABETH EMBER CONATSER	\$493,267	0	1/2/2009	29	\$40,900	\$780

AF#	Committee ID	Committee Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
2028	C00400135	UNITED HEALTH SERVICES PAC, INC.	CHRIS C. DOWNING	\$192,434	0	1/8/2009	Not Filed	\$19,105	\$500
2029	C00377549	USAFARMWORKERPAC	STUART J. MITCHELL	\$104,586	0	12/30/2008	26	\$864	\$155
2030	C00417063	WEST VIRGINIA REPUBLICAN PARTY, INC.	MARY V. RIGGALL	\$880,366	0	12/15/2008	11	\$27,446	\$420
2031	C00048181	WISCONSIN BANKERS ASSOCIATION (WISBANKPAC)	MRS. DEBORAH RUFER	\$241,494	0	12/10/2008	6	\$27,016	\$320

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Federal Election Commission  
Reason to Believe Circulation Report  
2008 POST-GENERAL Not Election Sensitive 12/04/2008 AUTH

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
2033	C00449876	COMMITTEE TO ELECT MARY WRIGHT	WRIGHT, MARY D.	MARY WRIGHT	\$343,017	1		Not Filed	\$57,169 (est)	\$3,375
2034	C00418293	COMMITTEE TO RE-ELECT HENRY HANK JOHNSON	JOHNSON, HENRY C. JR.	MALCOLM A. CUNNINGHAM	\$748,019	0	1/13/2009	Not Filed	\$52,265	\$2,700
2036	C00448241	DOUG TUDOR FOR CONGRESS	TUDOR, DOUGLAS DAVID	JON P. TUDOR	\$241,978	2	12/30/2008	26	\$37,596	\$1,080
2039	C00446641	JACK HOOGENDYK FOR US SENATE	HOOGENDYK JR, JACK	JACK HOOGENDYK	\$602,428	0	12/12/2008	8	\$177,298	\$2,000
2040	C00317842	KILPATRICK FOR UNITED STATES CONGRESS	KILPATRICK, CAROLYN MS.	MR. CARL STAFFORD	\$2,084,372	0	12/10/2008	6	\$37,329	\$320
2041	C00449629	REED FOR US SENATE 2008 INC	REED, CHRISTOPHER	KIMBERLY REED	\$117,880	0	1/14/2009	Not Filed	\$26,742	\$900
2042	C00449231	STRATEN FOR CONGRESS INC	STRATEN, ROLAND	RICHARD HOLLAND	\$139,752	0	12/10/2008	6	\$19,399	\$130

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
 Reason To Believe Recommendation – )  
 2008 12 Day Pre-General )  
 Report(Unauthorized Quarterly Filers) and )  
 30 Day Post-General Report )  
 (Unauthorized/Authorized Filers) for the )  
 Administrative Fine Program (2008 Pre- )  
 General) (UNAUTH): )  
 COOPER INDUSTRIES POLITICAL ) AF# 1965  
 ACTION COMMITTEE, and JOHNSON, )  
 TYLER W MR. as treasurer; )  
 RIGHT TRACK PAC, and HAL ) AF# 1987  
 HYNEMAN as treasurer; )  
 A DUDA & SONS, INC. POLITICAL ) AF# 1956  
 ACTION COMMITTEE, and TRACY )  
 DUDA CHAPMAN as treasurer; )  
 AMERICAN IRON AND STEEL ) AF# 1957  
 INSTITUTE POLITICAL ACTION )  
 COMMITTEE (STEEL PAC), and )  
 GIBSON, THOMAS as treasurer; )  
 AMERICAN SOCIETY FOR CLINICAL ) AF# 1958  
 LABORATORY SCIENCE POLITICAL )  
 ACTION COMMITTEE (FKA )  
 ASMT/PAC), and LINDA HICKOK as )  
 treasurer; )  
 AON CORPORATION POLITICAL ) AF# 1959  
 ACTION COMMITTEE, and HAGY, )  
 PAUL as treasurer; )  
 BAKERY CONFECTIONERY TOBACCO ) AF# 1960  
 WKRS & GRAIN MILLERS INT'L )  
 UNION LOCAL 19 POL ORG 'BCTGM', )  
 and EDWARD, THOMAS as treasurer; )  
 )  
 BIKES BELONG COALITION, LTD. ) AF# 1962  
 POLITICAL ACTION COMMITTEE, and )  
 GARY SJOQUIST as treasurer; )

Federal Election Commission  
Certification for Administrative Fines  
March 31, 2009

BROWNSTEIN HYATT FARBER ) AF# 1963  
SCHRECK POLITICAL ACTION )  
COMMITTEE, and DEMBY, STEVEN as )  
treasurer; )  
CALUMET PAC, and TERRENCE ) AF# 1964  
BRONOWSKI as treasurer; )  
DADE COUNTY FIRE FIGHTERS, ) AF# 1966  
LOCAL 1403 PAC, and DEL CUETO, )  
JOAQUIN as treasurer; )  
ELECTRIC POWER ASSOCIATIONS OF ) AF# 1967  
MISSISSIPPI ACTION COMMITTEE )  
FOR RURAL ELECTRIFICATION, and )  
CALLAHAN, MICHAEL - MR. as )  
trcasurer; )

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HEMOCARE & HOSPICE PAC, and ) AF# 1969  
CONSTANT, RUTH L as treasurer; )  
INTERNATIONAL UNION OF ) AF# 1970  
OPERATING ENGINEERS LOCAL 68 )  
POLITICAL ACTION COMMITTEE, and )  
JOHN LOMBARDO as trcasurer; )  
ITC HOLDINGS CORP. PAC, and JINKS, ) AF# 1971  
ANNE as treasurer; )  
KELLY SERVICES INC POLITICAL ) AF# 1972  
ACTION COMMITTEE (KELLYPAC), )  
and JAMES D MCINTIRE as treasurer; )

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LOUISIANA REFORM PAC, and ) AF# 1974  
SCHMIDT, JOHN C as treasurer; )  
MAYNARD COOPER AND GALE PC ) AF# 1975  
PAC, and EDWARD A HOSP as treasurer; )  
METAL LATHERS LOCAL 46 PAC, and ) AF# 1976  
ROBERT LEDWITH as treasurer; )  
NATIONAL ASSOCIATION OF ) AF# 1977  
INDUSTRIAL AND OFFICE )  
PROPERTIES, DEVELOPMENT PAC )  
(NAIOP-PAC), and ELIZABETH R )  
GREENE as treasurer; )

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NORTEL POLITICAL ACTION	)	AF# 1979
COMMITTEE, and MARY JO DORR as	)	
treasurer;	)	
NORTH CAROLINA FARM BUREAU	)	AF# 1980
FEDERATION INC POL ACT CMTE INC	)	
(AKA) NC FARM BUREAU FARMPAC,	)	
and PHILPOTT, H. JULIAN JR. as	)	
treasurer;	)	
PLASTERERS' AND CEMENT MASONS'	)	AF# 1981
ACTION COMMITTEE, and HURD,	)	
EARL F as treasurer;	)	
PORTLAND CEMENT ASSOCIATION	)	AF# 1982
INC. PCA PAC, and RICHARD C.	)	
CREIGHTON MR. as treasurer;	)	
PUBLIC SERVICE COMPANY OF NEW	)	AF# 1983
MEXICO RESPONSIBLE CITIZENS	)	
GROUP, and SATEGNA, THOMAS MR.	)	
as treasurer;	)	
REGIONS FINANCIAL CORPORATION	)	AF# 1984
POLITICAL ACTION COMMITTEE, and	)	
BEAR, VIRGINIA as treasurer;	)	
RETAIL, WHOLESALE &	)	AF# 1985
DEPARTMENT STORE UNION	)	
COMMITTEE ON POLITICAL	)	
EDUCATION (RWDSU COPE), and	)	
STUART H APPELBAUM as treasurer;	)	
RICELAND FOODS, INC. PAC, and	)	AF# 1986
REED, BILL J. as treasurer;	)	
SOCIETY FOR VASCULAR SURGERY	)	AF# 1988
POLITICAL ACTION COMMITTEE, and	)	
ROBERT ZWOLAK DR. as treasurer;	)	
SOCIETY OF INDEPENDENT	)	AF# 1989
GASOLINE MARKETERS OF AMERICA	)	
PAC, and ELAINE TALBOTT as treasurer;	)	
ST. LOUISANS FOR BETTER	)	AF# 1990
GOVERNMENT, and SANDMEL,	)	
SHELDON as treasurer;	)	

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THE ASCAP LEGISLATIVE FUND FOR ) AF# 1992  
THE ARTS, and BOLTERS DORF, SUSAN )  
as treasurer; )  
UNITED EMP PAC, CENTRAL ) AF# 1993  
LOUISIANA ELECTRIC CO. INC., and )  
MELISSA LOHMAN as treasurer; )  
ZURICH HOLDING COMPANY OF ) AF# 1994  
AMERICA COMMITTEE FOR GOOD )  
GOVERNMENT (Z-PAC), and )  
BRADLEY, THOMAS A as treasurer; )

CERTIFICATION

I, Mary W. Dove, Secretary of the Federal Election Commission, do hereby certify that on March 31, 2009 the Commission took the following actions on the Reason To Believe Recommendation – 2008 12 Day Pre-General Report (Unauthorized Quarterly Filers) and 30 Day Post-General Report (Unauthorized/Authorized Filers) for the Administrative Fine Program (2008 Pre-General) (UNAUTH) as recommended in the Reports Analysis Division's Memorandum dated March 30, 2009, on the following committees:

AF#1965 Decided by a vote of 6-0 to: (1) find reason to believe that COOPER INDUSTRIES POLITICAL ACTION COMMITTEE, and JOHNSON, TYLER W 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#1987 Decided by a vote of 6-0 to: (1) find reason to believe that RIGHT TRACK PAC, and HAL HYNEMAN 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#1956 Decided by a vote of 6-0 to: (1) find reason to believe that A DUDA & SONS, INC. POLITICAL ACTION COMMITTEE, and TRACY DUDA CHAPMAN 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#1957 Decided by a vote of 6-0 to: (1) find reason to believe that AMERICAN IRON AND STEEL INSTITUTE POLITICAL ACTION COMMITTEE (STEEL PAC), and GIBSON, THOMAS 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#1958 Decided by a vote of 6-0 to: (1) find reason to believe that AMERICAN SOCIETY FOR CLINICAL LABORATORY SCIENCE POLITICAL ACTION COMMITTEE (FKA ASMT/PAC), and LINDA HICKOK 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#1959 Decided by a vote of 6-0 to: (1) find reason to believe that AON CORPORATION POLITICAL ACTION COMMITTEE, and HAGY, PAUL 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#1960 Decided by a vote of 6-0 to: (1) find reason to believe that BAKERY CONFECTIONERY TOBACCO WKRS & GRAIN MILLERS INT'L UNION LOCAL 19 POL ORG 'BCTGM', and EDWARD, THOMAS 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#1962 Decided by a vote of 6-0 to: (1) find reason to believe that BIKES BELONG COALITION, LTD. POLITICAL ACTION COMMITTEE, and GARY SJOQUIST as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination

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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#1963 Decided by a vote of 6-0 to: (1) find reason to believe that BROWNSTEIN HYATT FARBER SCHRECK POLITICAL ACTION COMMITTEE, and DEMBY, STEVEN 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#1964 Decided by a vote of 6-0 to: (1) find reason to believe that CALUMET PAC, and TERRENCE BRONOWSKI 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#1966 Decided by a vote of 6-0 to: (1) find reason to believe that DADE COUNTY FIRE FIGHTERS, LOCAL 1403 PAC, and DEL CUETO, JOAQUIN 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#1967 Decided by a vote of 6-0 to: (1) find reason to believe that ELECTRIC POWER ASSOCIATIONS OF MISSISSIPPI ACTION COMMITTEE FOR RURAL ELECTRIFICATION, and CALLAHAN, MICHAEL - 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#1969 Decided by a vote of 6-0 to: (1) find reason to believe that HOMECARE & HOSPICE PAC, and CONSTANT, RUTH L 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#1970 Decided by a vote of 6-0 to: (1) find reason to believe that INTERNATIONAL UNION OF OPERATING ENGINEERS LOCAL 68 POLITICAL ACTION COMMITTEE, and JOHN LOMBARDO 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#1971 Decided by a vote of 6-0 to: (1) find reason to believe that ITC HOLDINGS CORP. PAC, and JINKS, ANNE 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#1972 Decided by a vote of 6-0 to: (1) find reason to believe that KELLY SERVICES INC POLITICAL ACTION COMMITTEE (KELLYPAC), and JAMES D MCINTIRE 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#1974 Decided by a vote of 6-0 to: (1) find reason to believe that LOUISIANA REFORM PAC, and SCHMIDT, JOHN C 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#1975 Decided by a vote of 6-0 to: (1) find reason to believe that MAYNARD COOPER AND GALE PC PAC, and EDWARD A HOSP 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#1976 Decided by a vote of 6-0 to: (1) find reason to believe that METAL LATHERS LOCAL 46 PAC, and ROBERT LEDWITH 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,

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

AF#1977 Decided by a vote of 6-0 to: (1) find reason to believe that NATIONAL ASSOCIATION OF INDUSTRIAL AND OFFICE PROPERTIES, DEVELOPMENT PAC (NAIOP-PAC), and ELIZABETH R GREENE 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#1979 Decided by a vote of 6-0 to: (1) find reason to believe that NORTEL POLITICAL ACTION COMMITTEE, and MARY JO DORR 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#1980 Decided by a vote of 6-0 to: (1) find reason to believe that NORTH CAROLINA FARM BUREAU FEDERATION INC POL ACT CMTE INC (AKA) NC FARM BUREAU FARM PAC, and PHILPOTT, H. JULIAN 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#1981 Decided by a vote of 6-0 to: (1) find reason to believe that PLASTERERS' AND CEMENT MASONS' ACTION COMMITTEE, and HURD, EARL F 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#1982 Decided by a vote of 6-0 to: (1) find reason to believe that PORTLAND CEMENT ASSOCIATION INC. PCA PAC, and RICHARD C. CREIGHTON 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.

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AF#1983 Decided by a vote of 6-0 to: (1) find reason to believe that PUBLIC SERVICE COMPANY OF NEW MEXICO RESPONSIBLE CITIZENS GROUP, and SATEGNA, THOMAS 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#1984 Decided by a vote of 6-0 to: (1) find reason to believe that REGIONS FINANCIAL CORPORATION POLITICAL ACTION COMMITTEE, and BEAR, VIRGINIA 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#1985 Decided by a vote of 6-0 to: (1) find reason to believe that RETAIL, WHOLESALE & DEPARTMENT STORE UNION COMMITTEE ON POLITICAL EDUCATION (RWDSU COPE), and STUART H APPELBAUM 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#1986 Decided by a vote of 6-0 to: (1) find reason to believe that RICELAND FOODS, INC. PAC, and REED, BILL J. 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#1988 Decided by a vote of 6-0 to: (1) find reason to believe that SOCIETY FOR VASCULAR SURGERY POLITICAL ACTION COMMITTEE, and ROBERT ZWOLAK DR. 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#1989 Decided by a vote of 6-0 to: (1) find reason to believe that SOCIETY OF INDEPENDENT GASOLINE MARKETERS OF AMERICA PAC, and ELAINE TALBOTT 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#1990 Decided by a vote of 6-0 to: (1) find reason to believe that ST. LOUISANS FOR BETTER GOVERNMENT, and SANDMEL, SHELDON as treasurer

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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#1992 Decided by a vote of 6-0 to: (1) find reason to believe that THE ASCAP LEGISLATIVE FUND FOR THE ARTS, and BOLTERSDORF, SUSAN 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#1993 Decided by a vote of 6-0 to: (1) find reason to believe that UNITED EMP PAC, CENTRAL LOUISIANA ELECTRIC CO. INC., and MELISSA LOHMAN 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#1994 Decided by a vote of 6-0 to: (1) find reason to believe that ZURICH HOLDING COMPANY OF AMERICA COMMITTEE FOR GOOD GOVERNMENT (Z-PAC), and BRADLEY, THOMAS A 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:

March 31, 2009  
Date

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

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

April 6, 2009

John Lombardo as Treasurer  
International Union of Operating Engineers  
Local 68 Political Action Committee  
11 Fairfield Place  
West Caldwell, NJ 07006

C00138966  
AF#: 1970

Dear Mr. Lombardo:

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 if your committee makes a contribution to or expenditure on behalf of a candidate in the general 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). Because records at the Federal Election Commission ("FEC") indicate that this activity was not disclosed prior to four (4) days before the General Election held on November 4, 2008, the report is considered not filed for the purpose of calculating the civil money penalty.

The Act was 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 March 31, 2009, the FEC found that there is reason to believe ("RTB") that International Union of Operating Engineers Local 68 Political Action 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 \$600. Please see the attached copy of the Commission's administrative fine regulations at 11 C.F.R. §§ 111.30-11.46. Attachment 1. The Commission's website contains further information about how the administrative fine program works and how the fines are calculated. See <http://www.fec.gov/af/af.shtml>. 11 C.F.R. § 111.34. Your payment is due within forty (40) days of the finding, or by May 10, 2009, and is based on these factors:

Election Sensitivity of Report: Election Sensitive  
Level of Activity: \$8,500  
Number of Days Late: Not Filed  
Number of Previous Civil Money Penalties Assessed: 0

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**To Pay the Calculated Civil Money Penalty**

If you should decide to pay the calculated civil money penalty, send the enclosed remittance form, along with 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**

If you should decide to challenge the RTB finding and/or calculated civil money penalty, you must submit a written response, including the AF# found on page one, to the FEC's Office of Administrative Review, 999 E Street, NW, Washington, DC 20463. Your response must be received within forty (40) days of the Commission's RTB finding, or May 10, 2009. 11 C.F.R. § 111.35(a). 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. 11 C.F.R. § 111.35(b). 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. *Id.* 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. 11 C.F.R. § 111.35(c). 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. 11 C.F.R. § 111.35(d). 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. § 111.36(c).

Pursuant to the Commission's regulations, the "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 International Union of Operating Engineers Local 68 Political Action Committee and you as treasurer violated 2 U.S.C. § 434(a) and assess a civil money penalty.

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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 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.

As noted earlier, you may obtain additional information on the FEC's administrative fine program, including the final regulations, on the FEC's website at <http://www.fec.gov/af/af.shtml>. 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.

On behalf of the Commission,



Steven T. Walther  
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 \$600 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 May 10, 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: International Union of Operating Engineers Local 68 Political Action Committee

FEC ID#: C00138966

AF#: 1970

PAYMENT DUE DATE: May 10, 2009

PAYMENT AMOUNT DUE: \$600

29092641599

**WASILEWSKI & KEATING, P.C.**

CERTIFIED PUBLIC ACCOUNTANTS

2009 APR 20 P 4: 41

117 SOUTH MAPLE AVENUE

BASKING RIDGE, NEW JERSEY 07920

PHONE: (908) 953-0919 - FAX NO.: (908) 953-0557

April 14, 2009

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

CERTIFIED MAIL, RRR

Re: International Union of Operating Engineers  
Local 68 Political Action Committee  
C000138966  
AF#:1970

Dear Sir or Madam:

Your letter addressed to John Lombardo, as Treasurer of the above named PAC has been turned over to us for reply. This is so, because we are the accountants for the PAC and we prepare the filings as required by FEC.

For the period of October 1<sup>st</sup> through October 15<sup>th</sup> 2008, we misunderstood the fact that that were some expenditures during this period and did not prepare the report that was due by October 23, 2008.

When we were getting ready to prepare that next report due 12/04/08, we realized that there were \$8500.00 of expenditures between 10/01/08 and 10/15/08. We immediately prepared the 12-day pre-election report and it was mailed "Certified Mail" on 11/08/08.

We have been preparing the Local 68 PAC FEC reports for many years now and have never been late before. This was a misunderstanding on our part. Given our history of timely compliance, we respectfully request that this penalty be waived. Thank you.

Very truly yours,



Stanley J. Wasilewski, CPA

cc: IUOE Local 68 PAC  
John Lombardo, Treasurer

29092641600





FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

Via First Class Mail

April 21, 2009

John Lombardo, as Treasurer  
International Union of Operating Engineers  
Local 68 Political Action Committee  
11 Fairfield Place  
West Caldwell, NJ 07006

C00138966  
AF# 1970

Dear Mr. Lombardo:

On April 20, 2009, the Commission received a written response ("challenge") from Stanley J. Wasilewski, CPA which is being reviewed by the Office of Administrative Review. If you have any questions regarding this challenge, please contact this Office on our toll free number (800)424-9530 (press 0, then ext. 1660) or (202)694-1660.

Sincerely,

A handwritten signature in black ink that reads "Shawn Woodhead Werth" followed by a stylized flourish.

Shawn Woodhead Werth  
Reviewing Officer  
Office of Administrative Review

29092641601

Date: April 23, 2009

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

AF#: 1970

Committee Name: International Union of Operating Engineers Local 68 Political Action Committee

Committee ID#: C00138966

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 March 30, 2009 and RTB Certification, dated March 31, 2009: Previously Forwarded**

Attachment #: N/A

**Certified Return Receipt (to be forwarded at later date if not yet received) (Y/N): N**

Attachment #: N/A

**Telecoms and Visitcoms in Response to RTB Letter (Y/N): N**

Attachment #: N/A

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

Attachment #: N/A

**RAD Staff Declaration (Y/N): Y**

-2008 Pre-General Report Prior Notice, dated September 29, 2008.

-RTB Letter, dated April 6, 2009.

Attachment #: 2

**Other RAD Information: (Y/N): N**

Attachment#: N/A

2009 APR 23 P 3:42

FEC OFFICE OF  
ADMIN REVIEW

2091#926082

**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:

John Lombardo  
International Union Of Operating  
Engineers Local 68 PAC  
11 Fairfield Place  
West Caldwell, NJ 07006

Article Number  
(Transfer from service label)

7005 1820 0002 3465 7145

Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Agent  
 *Kevin Fry*  Addressee

B. Received by (Printed Name) C. Date of Delivery  
*KEVIN FRY* *4-9-09*

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

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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 International Union of Operating Engineers Local 68 Political Action Committee:
  - A) Prior Notice, dated September 29, 2008, referencing the 2008 Pre-General Report (sent via electronic mail to: [tgiblin@iuoe-68.org](mailto:tgiblin@iuoe-68.org));
  - B) Reason-to-Believe Letter, dated April 6, 2009, referencing the 2008 Pre-General Report.
3. I hereby certify that I have searched the Commission's public records and find that International Union of Operating Engineers Local 68 Political Action Committee filed the 2008 Pre-General Report with the Commission on November 4, 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 23rd day of April, 2009.



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



# GENERAL ELECTION REPORT NOTICE

FEDERAL ELECTION COMMISSION

PARTIES AND PACS

September 29, 2008

## CURRENT REPORT DUE

### I. QUARTERLY FILERS THAT MAKE GENERAL ELECTION CONTRIBUTIONS OR EXPENDITURES FROM OCTOBER 1 THROUGH OCTOBER 15

REPORT	REPORTING PERIOD <sup>1</sup>	REG./CERT. & OVERNIGHT MAILING DEADLINE	FILING DEADLINE
Pre-General <sup>2</sup>	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

### II. QUARTERLY FILERS THAT DO NOT MAKE GENERAL ELECTION CONTRIBUTIONS OR EXPENDITURES FROM OCTOBER 1 THROUGH OCTOBER 15 <sup>3</sup>

REPORT	REPORTING PERIOD <sup>1</sup>	REG./CERT. & OVERNIGHT MAILING DEADLINE	FILING DEADLINE
Post-General	10/01/08 - 11/24/08	12/04/08	12/04/08

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

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

<sup>2</sup>Required only if committee makes contributions or expenditures in connection with the general election during the reporting period.

<sup>3</sup>Committees that made general election contributions or expenditures before October 1 and did not previously report them must also follow Chart I.

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## REPORTING SCHEDULE FOR REMAINDER OF 2008

### REPORTING DATES

REPORT	REPORTING PERIOD <sup>1</sup>	REG./CERT. & OVERNIGHT MAILING DEADLINE	FILING DEADLINE
Year-End	11/25/08 - 12/31/08	01/31/09	01/31/09 <sup>4</sup>

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

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

<sup>4</sup>Notice that this filing deadline falls on a weekend. Filing deadlines are not extended when they fall on nonworking days. Accordingly, reports filed by methods other than Registered, Certified or Overnight Mail, or electronically, must be received before the Commission's (or for committees supporting only Senate candidates, the Secretary of the Senate's) close of business on the last business day before the deadline.

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## SUPPLEMENTAL FILING INFORMATION

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

### WHO MUST FILE

Party Committees and PACs (Nonconnected Committees and Separate Segregated Funds) must follow the above charts in order to determine whether they must file a report 12 days before the general election on November 4 (the Pre-General Election Report). All Party Committees and PACs, regardless of financial activity, must file a report 30 days after the general election (the Post-General Election Report). 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

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

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

#### Registered & Certified Mail

Quarterly 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

Quarterly 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**

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

Forms are available for downloading and printing at the FEC website at [www.fec.gov/info/forms.shtml](http://www.fec.gov/info/forms.shtml).

## **COMPLIANCE**

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

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

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

**Electronic Filers Must File Electronically.** Electronic filers who instead file on paper, or who submit an electronic report (either by direct transmission, 3.5" diskette or CD) that does not pass the validation program by the 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).

## **CHANGE IN FILING FREQUENCY**

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

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

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
SECRETARIAT

2009 JUL 11 A 9:28

May 7, 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: Maureen Benitz  
Reviewing Analyst

Subject: AF# 1970 – International Union of Operating Engineers Local 68  
Political Action Committee and John Lombardo, as Treasurer  
(C00138966)

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

29092641609



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

May 7, 2009

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

AF# 1970 – International Union of Operating Engineers Local 68 Political Action  
Committee and John Lombardo, as Treasurer (C00138966)

On March 31, 2009, the Commission found reason to believe ("RTB") that the respondents violated 2 U.S.C. § 434(a) for failing to file the 2008 12 Day Pre-General Report, an election sensitive report, and made a preliminary determination that the civil money penalty was \$600 based on the schedule of penalties at 11 C.F.R. § 111.43. They were notified by the Reports Analysis Division ("RAD") on April 6, 2009 of the Commission's RTB finding and civil money penalty.

**Respondents' Response**

On April 20, 2009, the Commission received the written response ("challenge") from one of the accountants responsible for preparing Committee reports, Stanley J. Wasilewski, on behalf of the Treasurer. He requests that the Commission waive the penalty due to their history of timely compliance. Mr. Wasilewski claims that the preparers misunderstood the fact that there were expenditures during the 12 Day Pre-General reporting period. As soon as the preparers realized that there was \$8,500 in expenditures, they immediately prepared the report and mailed it via "Certified Mail" on November 8, 2008.

**Analysis**

The 12 Day Pre-General Report was sent via certified/registered mail and received on November 12, 2008, 20 days after the filing deadline. According to the Envelope Replacement Page, the postmark was illegible; therefore, the date of the report, November 4, was used as the filing date. According to the challenge, the report was sent certified mail on November 8.

The Federal Election Campaign Act ("Act") states that the treasurer of a political committee shall file a pre-election report no later than the 12<sup>th</sup> day (or posted by certified or registered mail no later than the 15<sup>th</sup> day) before any election in which the committee makes a contribution to or expenditure on behalf of a candidate in such election. 2 U.S.C. § 434(a)(4)(A)(ii), and 11 C.F.R. § 104.5(c)(1)(ii) and (e). Thus, the 2008 12 Day Pre-General Report must be posted by certified mail no later than October 20 to be timely filed. The treasurer shall be personally responsible for the timely filing of reports. 11 C.F.R. § 104.14(d).

Mr. Wasilewski states that they were unaware that there were expenditures during the Pre-General reporting period and were required to file the 12 Day Pre-General

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Report. The respondents were notified before the report was due that they must file it if contributions or expenditures were made in connection with the General Election during this reporting period. Their report shows that they made contributions on October 7, 11 and 15 to three candidates participating in the 2008 General Election. Because the Committee follows a quarterly filing schedule and they made these contributions during the 12 Day Pre-General reporting period, they were required to file the report. Even if someone other than the Treasurer prepares and files the report, it is still the Treasurer's responsibility to ensure that it is filed on time.

The Envelope Replacement Page for the report shows that it was sent certified/registered mail and the postmark was illegible, therefore, the date of the report, November 4, was used as the filing date. The accountant says that they mailed it on November 8. Nonetheless, because the report was not filed prior to four days before the General Election (November 4), it is considered not filed for purposes of the civil money penalty calculation. 11 C.F.R. § 111.43.

The other issue raised in the challenge (their history of timely compliance) does not fall within the list of any of the three valid excuses at 11 C.F.R § 111.35(b). These are: (i) the RTB finding is based on factual errors; and/or (ii) the improper calculation of the civil money penalty; and/or (iii) they used best efforts to file on time but were prevented from doing so by reasonably unforeseen circumstances that were beyond their control and they filed the report no later than 24 hours after the end of these circumstances

Therefore, the Reviewing Officer recommends that the Commission make a final determination that the respondents violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$600.

### **OAR Recommendations**

- (1) Adopt the Reviewing Officer recommendation for AF# 1970 involving the International Union of Operating Engineers Local 68 Political Action Committee and John Lombardo, as Treasurer, in making the final determination;
- (2) Make a final determination in AF# 1970 that the International Union of Operating Engineers Local 68 Political Action Committee and John Lombardo, as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$600; and
- (3) Send the appropriate letter.

Reviewing Analyst: Maureen Benitz

### Attachments

Attachment 1 – Challenge Received from Respondents

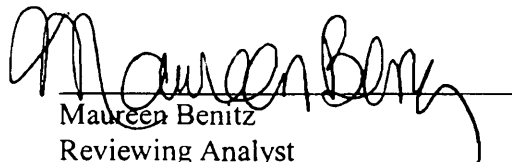
Attachment 2 – Declaration from RAD

Attachment 3 – Declaration from OAR

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**DECLARATION OF MAUREEN BENITZ**

1. I am the Reviewing Analyst in the Office of Administrative Review for the Federal Election Commission ("Commission"). In my capacity as Reviewing Analyst, I conduct research with respect to all challenges submitted in accordance with the Administrative Fine program.
2. The 2008 12 Day Pre-General Report, covering the period from October 1 through October 15, 2008, is due October 23, 2008. If sent by certified mail, it must be postmarked by October 20 to be timely filed.
3. I hereby certify that I have searched the Commission's public records and that the documents identified herein are true and accurate copies of Page 1 of the Summary Page, Page 4 of the Detailed Summary Page, 1 page of Schedule B, and the Envelope Replacement Page for the 2008 12 Day Pre-General Report filed via certified mail by the International Union of Operating Engineers Local 68 Political Action Committee and John Lombardo, as Treasurer. According to Commission records, the report covers the period from October 1 through October 15, 2008, and the postmark on the envelope was illegible. The date on Page 1 is November 4, 2008. Schedule B (Itemized Disbursements) lists three contributions totaling \$3,500.00 with a date of October 7, 11, and 15 to Shulman for Congress, Wyka for Congress, and Don Payne for Congress, respectively. For each disbursement, the "General" box is checked
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 7<sup>th</sup> of May, 2009.

  
Maureen Benitz  
Reviewing Analyst  
Office of Administrative Review  
Federal Election Commission

2191F926082

**FEC  
FORM 3X**

**REPORT OF RECEIPTS  
AND DISBURSEMENTS**  
For Other Than An Authorized Committee

RECEIVED  
FEC MAIL CENTER

2008 NOV 12 PM 1:17  
Office Use Only

1. NAME OF COMMITTEE (in full) **TYPE OR PRINT** Example: If typing, type over the lines.

12FE4MS

International Union of Operating Engineers  
Local 68 Political Action Committee

ADDRESS (number and street) 11 Fairfield Place

Check if different than previously reported. (ACC)

West Caldwell NJ 07006

2. FEC IDENTIFICATION NUMBER CITY STATE ZIP CODE

C 00138966

3. IS THIS REPORT NEW OR AMENDED  
 (N)  (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 Year-End 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)  General (12G)  Runoff (12R)
  - Convention (12C)  Special (12S)

Election on 11 / 04 / 2008 in the State of NJ

- (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 John Lombardo

Signature of Treasurer *John Lombardo* Date 11 / 04 / 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

**FEC FORM 3X**  
Rev. 12/2004

28039920079092641613

**DETAILED SUMMARY PAGE  
of Disbursements**

FEC Form 3X (Rev. 02/2003)

Page 4

**II. Disbursements**

**COLUMN A  
Total This Period**

**COLUMN B  
Calendar Year-to-Date**

21. Operating Expenditures:		
(a) Allocated Federal/Non-Federal Activity (from Schedule H4)		
(i) Federal Share .....		
(ii) Non-Federal Share.....		
(b) Other Federal Operating Expenditures .....		2,108 00
(c) Total Operating Expenditures (add 21(a)(i), (a)(ii), and (b)) .....		2,108 00
22. Transfers to Affiliated/Other Party Committees.....		3,250 00
23. Contributions to Federal Candidates/Committees and Other Political Committees.....	3,500 00	12,300 00
24. Independent Expenditures (use Schedule E) .....		
25. Coordinated Party Expenditures (2 U.S.C. §441a(d)) (use Schedule F) .....		
26. Loan Repayments Made.....		
27. Loans Made.....		
28. Refunds of Contributions To:		
(a) Individuals/Persons Other Than Political Committees .....		
(b) Political Party Committees .....		
(c) Other Political Committees (such as PACs).....		
(d) Total Contribution Refunds (add Lines 28(a), (b), and (c)).....		
29. Other Disbursements .....	5,000 00	5,000 00
30. Federal Election Activity (2 U.S.C. §431(20))		
(a) Allocated Federal Election Activity (from Schedule H6)		
(i) Federal Share .....		
(ii) "Levin" Share .....		
(b) Federal Election Activity Paid Entirely With Federal Funds .....		
(c) Total Federal Election Activity (add Lines 30(a)(i), 30(a)(ii) and 30(b)).....		
31. Total Disbursements (add Lines 21(c), 22, 23, 24, 25, 26, 27, 28(d), 29 and 30(c))..	8,500 00	22,658 00
32. Total Federal Disbursements (subtract Line 21(a)(ii) and Line 30(a)(ii) from Line 31).....	8,500 00	22,658 00

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**SCHEDULE B (FEC Form 3X)  
ITEMIZED DISBURSEMENTS**

Use separate schedule(s)  
for each category of the  
Detailed Summary Page

FOR LINE NUMBER:  
(check only one)

PAGE 1 OF 1

21b  22  23  24  25  26  
 27  28a  28b  28c  29  30b

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

NAME OF COMMITTEE (In Full) **International Union of Operating Engineers  
Local 68 Political Action Committee**

Full Name (Last, First, Middle Initial)

**A. Shulman for Congress**

Date of Disbursement: 10 / 07 / 2008

Mailing Address: P.O. Box 3

City: Demorest State: NJ Zip Code: 07627

Purpose of Disbursement: Contribution

Candidate Name: Dennis Shulman

Office Sought:  House  Senate  President

Disbursement For:  Primary  General  Other (specify) ▼

State: NJ District: 5

Amount of Each Disbursement this Period: 2,000.00

Category/Type: 011

Full Name (Last, First, Middle Initial)

**B. Wyka for Congress**

Date of Disbursement: 10 / 11 / 2008

Mailing Address: P.O. Box 350

City: Lake Hiawatha State: NJ Zip Code: 07034

Purpose of Disbursement: Contribution

Candidate Name: Tom Wyka

Office Sought:  House  Senate  President

Disbursement For:  Primary  General  Other (specify) ▼

State: NJ District: 11

Amount of Each Disbursement this Period: 500.00

Category/Type: 011

Full Name (Last, First, Middle Initial)

**C. Don Payne for Congress**

Date of Disbursement: 10 / 15 / 2008

Mailing Address: P.O. Box 2406

City: Newark State: NJ Zip Code: 07114

Purpose of Disbursement: Contribution

Candidate Name: Donald Payne

Office Sought:  House  Senate  President

Disbursement For:  Primary  General  Other (specify) ▼

State: NJ District: 10

Amount of Each Disbursement this Period: 1,000.00

Category/Type: 011

SUBTOTAL of Disbursements This Page (optional).....▶

TOTAL This Period (last page this line number only).....▶

3,500.00  
3,500.00

2803992008292941615

**Federal Election Commission**  
**ENVELOPE REPLACEMENT PAGE FOR INCOMING DOCUMENTS**  
 The FEC added this page to the end of this filing to indicate how it was received.

<input type="checkbox"/> Hand Delivered	Date of Receipt
<input type="checkbox"/> USPS First Class Mail	Postmarked
<input checked="" type="checkbox"/> USPS Registered/Certified	Postmarked (R/C)
<input type="checkbox"/> USPS Priority Mail	Postmarked
Delivery Confirmation™ or Signature Confirmation™ Label <input type="checkbox"/>	
<input type="checkbox"/> USPS Express Mail	Postmarked
<input checked="" type="checkbox"/> Postmark Illegible	
<input type="checkbox"/> No Postmark	
<input type="checkbox"/> Overnight Delivery Service (Specify):	Shipping Date
Next Business Day Delivery <input type="checkbox"/>	
<input type="checkbox"/> Received from House Records & Registration Office	Date of Receipt
<input type="checkbox"/> Received from Senate Public Records Office	Date of Receipt
<input type="checkbox"/> Received from Electronic Filing Office	Date of Receipt
<input type="checkbox"/> Other (Specify):	Date of Receipt or Postmarked

  
**PREPARER**

11/12/08  
**DATE PREPARED**

2803992008092541616



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

VIA OVERNIGHT DELIVERY

May 11, 2009

John Lombardo, as Treasurer  
International Union of Operating Engineers  
Local 68 Political Action Committee  
11 Fairfield Place  
West Caldwell, NJ 07006

C00138966  
AF# 1970

Dear Mr. Lombardo:

On March 31, 2009, the Federal Election Commission ("Commission") found reason to believe ("RTB") that the International Union of Operating Engineers Local 68 Political Action 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 \$600 based on the schedule of penalties at 11 C.F.R. § 111.43.

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

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "Maureen Benitez".

Maureen Benitez  
Reviewing Analyst  
Office of Administrative Review

Attachment

29092641617



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

FEDERAL ELECTION  
COMMISSION  
SECRETARIAT


2009 MAY 27 A 11: 14

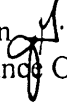
May 27, 2009


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# 1970 – International Union of Operating Engineers Local 68 Political Action Committee and John Lombardo, as Treasurer (C00138966)

On March 31, 2009, 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, an election sensitive report. The Commission also made a preliminary determination that the civil money penalty was \$600 based on the schedule of penalties at 11 C.F.R. § 111.43.

On April 20, 2009, the Commission received the respondents’ written response (“challenge”). After reviewing the challenge, the Reviewing Officer’s recommendation dated May 7, 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 make a final determination that they violated 2 U.S.C. § 434(a) and assess a \$600 civil money penalty because they submitted no evidence that a factual error was made in the RTB finding, that the penalty was miscalculated at RTB or that they used best efforts to file on time. 11 C.F.R. § 111.35(b).

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

29092641618

recommendation. 11 C.F.R. § 111.36(f). On May 22, 2009, the Commission received the \$600 RTB civil money penalty

**OAR Recommendations**

- (1) Adopt the Reviewing Officer recommendation for AF# 1970 involving the International Union of Operating Engineers Local 68 Political Action Committee and John Lombardo, as Treasurer, in making the final determination;
- (2) Make a final determination in AF# 1970 that the International Union of Operating Engineers Local 68 Political Action Committee and John Lombardo, as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$600; and
- (3) Send the appropriate letter.

20092641619

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
 Final Determination Recommendation: ) AF 1970  
 International Union of Operating )  
 Engineers Local 68 Political Action )  
 Committee and John Lombardo, as )  
 Treasurer (C00138966) )

CERTIFICATION

I, Mary W. Dove, Secretary of the Federal Election Commission, do hereby certify that on June 11, 2009, the Commission decided by a vote of 6-0 to take the following actions in AF 1970:

1. Adopt the Reviewing Officer recommendation for AF 1970 involving the International Union of Operating Engineers Local 68 Political Action Committee and John Lombardo, as Treasurer, in making the final determination.
2. Make a final determination in AF 1970 that the International Union of Operating Engineers Local 68 Political Action Committee and John Lombardo, as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$600.
3. Send the appropriate letter.

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

Attest:

June 11, 2009  
 Date

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

29092641620



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

July 16, 2009

VIA CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

John Lombardo, as Treasurer  
International Union of Operating Engineers  
Local 68 Political Action Committee  
11 Fairfield Place  
West Caldwell, NJ 07006

C00138966  
AF# 1970

Dear Mr. Lombardo:

On March 31, 2009, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that the International Union of Operating Engineers Local 68 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, an election sensitive report. By letter dated April 6, 2009, the Commission sent you notification of the RTB finding that included a civil money penalty calculated at RTB of \$600 in accordance with the schedule of penalties at 11 C.F.R. § 111.43. On April 20, 2009, the Office of Administrative Review received the written response from one of the Committee's accountants on your behalf challenging the RTB finding.

The Reviewing Officer reviewed the Commission's RTB finding with its supporting documentation and the written response. Based on this review, the Reviewing Officer recommended that the Commission make a final determination that the International Union of Operating Engineers Local 68 Political Action Committee and you, as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty in the amount of \$600 in accordance with 11 C.F.R. § 111.43. The basis for the Reviewing Officer's recommendation was included in the Final Determination Report, a copy of which was sent to you on May 11, 2009.

On May 22, 2009, the Commission received a check for \$600.

On June 11, 2009, the Commission adopted the Reviewing Officer's recommendation and made a final determination that the International Union of Operating Engineers Local 68 Political Action Committee and you, as Treasurer, violated 2 U.S.C. § 434(a) and assessed a civil money penalty of \$600. A copy of the final determination recommendation is attached.

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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.

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

On behalf of the Commission,



Steven T. Walther  
Chairman

29092641622

FOR: International Union of Operating Engineers Local 68 Political Action Committee

FEC ID#: C00138966

AF#: 1970

PAYMENT DUE DATE: May 10, 2009

PAYMENT AMOUNT DUE: \$600

QUALITY IS OUR PRIORITY FOR LOCKBOX 9058  
SEQ# 001 \$ 000060000 BA# 1 05-20-09 20 3



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The Best Service Guaranteed

LOCAL 68 ENGINEERS POLITICAL  
ACTION COMMITTEE  
FEDERAL ACCOUNT  
11 FAIRFIELD PLACE  
WEST CALDWELL, NJ 07006

1433

May 14 19 2009 <sup>55-821</sup>/<sub>21221</sub>

PAY TO THE ORDER OF Federal Election Commission

\$ 600.00

Six Hundred and 00/100-

DOLLARS



FOR

*(Signature)*  
*(Signature)*



RELATIVE CHECK PRINTING - 00

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FEDERAL ELECTION COMMISSION  
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 1970

DATE SCANNED 8-17-09

SCANNER NO. 2

SCAN OPERATOR JmD

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