



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 1973

DATE SCANNED 3/29/10

SCANNER NO. 2

SCAN OPERATOR SES

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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 *de for PC*
ASSISTANT STAFF DIRECTOR
REPORTS ANALYSIS DIVISION

BY: NATALIYA IOFFE/RHIANNON MAGRUDER/SARI PICKERALL *pm*
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 P 3:38

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
1961	C00432724	BEST PAC	GUILLERMO CINTRON	\$211,266	0	12/9/2008	Not Filed	\$3,675	\$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
1968	C00208249	EMPIRE DISTRICT ELECTRIC COMPANY POLITICAL ACTION COMMITTEE	LARRY JAY WILLIAMS	\$133,974	0	12/4/2008	Not Filed	\$6,478 (est)	\$600
1969	C00431981	HOMECARE & 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 LOMBARDI	\$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
1973	C00429084	THE LEGACY COMMITTEE POLITICAL ACTION COMMITTEE	JAMES V. LACY	\$2,515,437	0	11/3/2008	Not Filed	\$152,815	\$6,000
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
1978	C00072025	NATIONAL RURAL LETTER CARRIERS' ASSOCIATION POLITICAL ACTION COMMITTEE	MR. ANTHONY VILARDO	\$2,125,755	0	11/13/2008	Not Filed	\$14,977	\$900
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 FARM PAC	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	12/1/2008	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
1991	C00390179	THE 159 GROUP INC	SAMUEL B. KELLETT, JR	\$129,371	0	12/10/2008	Not Filed	\$12,100	\$900
1992	C00228296	THE ASCAP LEGISLATIVE FUND FOR THE ARTS	SUSAN BOLTERSDORF	\$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
1996	C00412718	AMERICANS AGAINST ILLEGAL IMMIGRATION PAC	SCOTT B. MACKENZIE	\$1,655,187	1	1/30/2009	Not Filed	\$46,623	\$1,125
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
2003	C00381517	DEMOCRATIC ADVANCEMENT PAC	CHRISTOPHER R. CRAMER	\$641,680	0		Not Filed	\$119,843 (est)	\$4,500
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
2008	C00001743	LOCAL 1814 INTERNATIONAL LONGSHOREMENS ASSOC AFL-CIO POLITICAL ACTION AND EDUCATION FUND	ANTHONY GRAFFINO	\$196,630	0	3/19/2009	Not Filed	\$10,252	\$500
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 MASON'S 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 FIERMONTÉ	\$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
2027	C00390179	THE 159 GROUP INC	SAMUEL B. KELLETT, JR.	\$146,371	0	12/10/2008	6	\$17,000	\$130

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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

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
2032	C00450007	CINDY FOR CONGRESS	SHEEHAN, CINDY	CHRISTY MILLER	\$1,180,544	1	2/13/2009	Not Filed	\$272,409	\$10,000
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
2037	C00441840	FAULK FOR CONGRESS	FAULK, JOHN M.	MARY LYNN MCKEOWN	\$129,637	0	1/7/2009	Not Filed	\$7,595	\$300
2038	C00393041	FRIENDS OF AMATA	COLEMAN, AUMUA AMATA	MICHAEL LAWRENCE USLE	\$201,698	1	12/14/2008	10	\$37,039	\$500
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

BEFORE THE FEDERAL ELECTION COMMISSION

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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;	)	
BEST PAC, and GUILLERMO CINTRON	)	AF# 1961
as treasurer;	)	
BIKES BELONG COALITION, LTD.	)	AF# 1962
POLITICAL ACTION COMMITTEE, and	)	
GARY SJOQUIST as treasurer;	)	

Federal Election Commission
Certification for Administrative Fines
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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)
treasurer;)
EMPIRE DISTRICT ELECTRIC) AF# 1968
COMPANY POLITICAL ACTION)
COMMITTEE, and LARRY JAY)
WILLIAMS as treasurer;)
HOMECARE & 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 treasurer;)
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;)
LEGACY COMMITTEE POLITICAL) AF# 1973
ACTION COMMITTEE; THE, and JAMES)
V. LACY as treasurer;)
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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NATIONAL RURAL LETTER CARRIERS' ASSOCIATION POLITICAL ACTION COMMITTEE, and VILARDO, ANTHONY MR. as treasurer;	AF# 1978
NORTEL POLITICAL ACTION COMMITTEE, and MARY JO DORR as treasurer;	) AF# 1979
NORTH CAROLINA FARM BUREAU FEDERATION INC POL ACT CMTE INC (AKA) NC FARM BUREAU FARMPAC, and PHILPOTT, H. JULIAN JR. as treasurer;	) AF# 1980
PLASTERERS' AND CEMENT MASONS' ACTION COMMITTEE, and HURD, EARL F as treasurer;	) AF# 1981
PORTLAND CEMENT ASSOCIATION INC. PCA PAC, and RICHARD C. CREIGHTON MR. as treasurer;	) AF# 1982
PUBLIC SERVICE COMPANY OF NEW MEXICO RESPONSIBLE CITIZENS GROUP, and SATEGNA, THOMAS MR. as treasurer;	) AF# 1983
REGIONS FINANCIAL CORPORATION POLITICAL ACTION COMMITTEE, and BEAR, VIRGINIA as treasurer;	) AF# 1984
RETAIL, WHOLESALE & DEPARTMENT STORE UNION COMMITTEE ON POLITICAL EDUCATION (RWDSU COPE), and STUART H APPELBAUM as treasurer;	) AF# 1985
RICELAND FOODS, INC. PAC, and REED, BILL J. as treasurer;	) AF# 1986
SOCIETY FOR VASCULAR SURGERY POLITICAL ACTION COMMITTEE, and ROBERT ZWOLAK DR. as treasurer;	) AF# 1988
SOCIETY OF INDEPENDENT GASOLINE MARKETERS OF AMERICA PAC, and ELAINE TALBOTT as treasurer;	) AF# 1989
ST. LOUISANS FOR BETTER GOVERNMENT, and SANDMEL, SHELDON as treasurer;	) AF# 1990
THE 159 GROUP INC, and SAMUEL B KELLETT JR as treasurer;	) AF# 1991

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THE ASCAP LEGISLATIVE FUND FOR) AF# 1992
THE ARTS, and BOLTERSDORF, 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 (Unanthorized/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 Baucry, 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 WORKS & 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.

AF#1961 Decided by a vote of 6-0 to: (1) find reason to believe that BEST PAC, and GUILLERMO CINTRON 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#1962 Decided by a vote of 6-0 to: (1) find reason to believe that DIKES 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#1968 Decided by a vote of 6-0 to: (1) find reason to believe that EMPIRE DISTRICT ELECTRIC COMPANY POLITICAL ACTION COMMITTEE, and LARRY JAY WILLIAMS 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.

AF#1973 Decided by a vote of 6-0 to: (1) find reason to believe that LEGACY COMMITTEE POLITICAL ACTION COMMITTEE; THE, and JAMES V. LACY 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#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.

AF#1978 Decided by a vote of 6-0 to: (1) find reason to believe that NATIONAL RURAL LETTER CARRIERS' ASSOCIATION POLITICAL ACTION COMMITTEE, and VILARDO, ANTHONY 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#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 FARMPAC, 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#1991 Decided by a vote of 6-0 to: (1) find reason to believe that THE 159 GROUP INC, and SAMUEL B KELLETT 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#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

James V. Lacy as Treasurer
The Legacy Committee Political Action Committee
30011 Ivy Glenn Drive, Ste. 223
Laguna Niguel, CA 92677

C00429084
AF#: 1973

Dear Mr. Lacy:

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 The Legacy Committee 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 \$6,000. 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: \$152,815
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 The Legacy Committee 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 \$6,000 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

FOR: The Legacy Committee Political Action Committee

FEC ID#: C00429084

AF#: 1973

PAYMENT DUE DATE: May 10, 2009

PAYMENT AMOUNT DUE: \$6,000

10092650635

THE LEGACY COMMITTEE PAC
30011 IVY GLENN DRIVE, SUITE 223
LAGUNA NIGUEL, CA 92677

112 10 35

May 6, 2009

FEC Office of Administrative Review
999 E Street NW
Washington, DC 20463

Re: AF# 1973
The Legacy Committee Political Action Committee
COO429084

We respectfully submit a challenge to the above referenced AF#1973 letter. Following is our response, which broadens the facts in this matter. Had your office contacted us, we would have been able to provide these facts before you just triggered a \$6,000 penalty. As you can see from the below facts, the penalty you have assessed is inappropriate and punitive given the situation:

1. We did prepare the 12 Day Pre-Election Report and did attempt to file it with the FEC on the correct day October 23, 2008. The report was prepared successfully within our NetFile internet based reporting system and we have proof to offer in this regard. Netfile is a California based online reporting system that we use for a number of clients. However, it was rejected by the FEC. From our standpoint it was prepared and filed, but our filing was not accepted by the FEC. We did prepare a full report and could easily have submitted a paper report via fax or mail.
2. Because of the rejection, we did file a FEC Form 99 on the same day, October 23, 2008, disclosing that we had attempted to file, and that we would re-file the rejected report as soon as we knew the reason for the rejection, which we assumed to be technical. We were unable to resolve the technical issue the same day. This Form 99 WAS accepted by the FEC and it was our only avenue to notify the FEC timely of the situation.
3. As noted on the Form 99 (copy attached), we had trouble with receiving and downloading information from and in our system on October 23, 2008. As a result, we had to wait for the corrections before re-filing.
4. Even when correcting the download problem noted in #3 above, we still couldn't get the FEC system to accept our report filing. So we contacted NetFile to determine the reason. NetFile responded to our request on October 31st (see attached). Even though NetFile's response was on October 31st (which was a Friday), we didn't "pick up" the e-mail until the next working day, which was Monday, November 3, 2008. As soon as we received the NetFile e-mail and knew the reason for the rejection, we made the correction immediately and re-filed the report on November 3, 2008, which was accepted. We note that November 3, 2008 was still before the election. We further note that the nature of our filings were not such that prejudiced

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outcomes in the Presidential election. We submit that it is likely the FEC did not receive even one complaint from the public regarding this situation.

5. The reason for rejection (see the NetFile response noted in #4 above) was because of a single independent expenditure (IE) of \$3,322 which was listed as an IE, but the "parent" transaction wasn't "tagged". As can be seen on our filings, we have reported hundred's of IE's, which is why it unfortunately took time to research and discover the specific reason for the rejection.

In summary, we did file the report and took action to resolve at each step and re-submitted the report as soon as possible. We believe the FEC's system should be more flexible in accepting filings, especially in our situation, since all the contributions and expenditures were reported, and the apparent error affected less than 1.5% of the total amounts involved. In other words, your system failed to accept our report, and the whole report was rejected only because of one relatively small IE was not "tagged" to the "parent" transaction.

We respectfully request that you take into consideration the fact that we did file the report and did take immediate corrective action to re-submit the report as soon as possible to have the filing accepted. Also, we did have the report prepared within the deadline, and did submit it for filing within the deadline. We also filed a Form 99 within the deadline (which was accepted) explaining our situation, and we did correct the error & re-submitted our filing immediately. The report was still filed before the election. There was no intent whatsoever to delay the filing, and your own system's inability to accept a small tagging error contributed to the rejection of the entire filing. In this regard, a \$6,000 fine is entirely inappropriate and punitive to the many small donors to Legacy PAC who hope that their contributions will be used for their intended purposes.

Sincerely,



James Lacy
Treasurer

The Legacy Committee Political Action Committee

10092650637

REJECTION OF 10/23/08 E-Filing

Session

10/23/2008 19:17:09 [NetFile Account Name: LEGACYPAC]
10/23/2008 19:17:09 [NetFile User Name: GARCIA]
10/23/2008 19:17:09 [NetFile Document ID: 283]
10/23/2008 19:17:09 [NetFile Session: 69767497]
10/23/2008 19:17:09 [Reply to E-Mail: barrettgarcia@hotmail.com]
10/23/2008 19:17:09 [Reply to Fax:]
10/23/2008 19:17:09 [*****]
10/23/2008 19:17:09 [Ready to Extract File from Database]
10/23/2008 19:17:10 [File Extracted from Database]
10/23/2008 19:17:10 [Decompressed Working File]
10/23/2008 19:17:10 [Ready to Connect to Agency Server "FEC" at
fecef1.sdrdc.com:667]
10/23/2008 19:17:10 [Connected to Agency Server]
NIC Technologies DISCLOSE server version 2.1 10/6/96

Brought to you by SDR Technologies, Inc. Agoura Hills, CA
For more information on this system, call (818) 865-1310

Serving State of California, State of Washington, City/County of San Francisco
and the Federal Election Commission

Access to this system is limited to authorized persons only.
Unauthorized access is subject to criminal prosecution.

DISCLOSE: SDRTECH1

Entity: FEC FEC Election Server
Entity: TEST FEC TEST Election Server
Entity: SENATE Senate Unofficial Server
Entity: FECDL FEC Download Server
Entity: VEND FEC VENDOR TEST Election Server
Entity: PPR FEC Election Server
Entity: FECLRG FEC Election Server

-----BEGIN PGP PUBLIC KEY BLOCK-----
Version: 2.6.2

mQBtAZhKANQAAAEDAMqT9WNBt6d8edbzqtL3WKXrKPazGwNSorfkDmMA/ze2aDye
be+giwklNzj4h9QfD/b8Rdm+mpdBcBb29gRR8gmXUX/gxzYCOWDT26wXKbs3IIsc
pDfB7+CtgySy+uYYjQAFebQIUORSVEVSDGJAJUDBRA2yc6n1Pv4vHeRfWUBAWir
A/99jCax0fk+kay4xLIuJa9X75Cet8QCrrZgXJrPM72PZNQLLSTg4KIq/GuoDI6D
pOM2pGyTikq16ips9b+g5sL4cb1pe8TulzaPGWFI6LIVaUPELY2w1py1Ayr7Ho7
mTg3pGt6ZWJwylQ3hSGm4Y62SDHOoMMn+WQkGF0tYLWeJA==
=wy02

-----END PGP PUBLIC KEY BLOCK-----

10/23/2008 19:17:10 [Adding Public Key]
10/23/2008 19:17:10 [Public Key Added]
10/23/2008 19:17:10 [Ready to Encrypt Output File]
10/23/2008 19:17:10 [Output File Encrypted]
10/23/2008 19:17:10 [Encrypted File Ready to Send]
10/23/2008 19:17:10 [132 Lines are Queued to Be Sent]
10/23/2008 19:17:10 [First Line Sent]
10/23/2008 19:17:10 [Last Line Sent]
10/23/2008 19:17:10 [Waiting for Server Response]
BADFORMAT Filing did not pass validation
10/23/2008 19:17:14 [Session Disconnected. Result code: 0]

111
FEC99

HDRFEC06.2NetFile1996900Report Generated: 10/23/2008 20:44:17
F99C00429084The Legacy Committee Political Action Committee30011 Ivy Glenn Drive,
Ste 223Laguna NiguelCA92677LacyJames20081023
[BEGINTEXT]

Please note that we will need to file the October 23rd pre-election report.

We have attempted to file, but our filing was rejected.

As in the prior period, we still have problems with downloading our contribution files from remote locations. The systems people are on the east coast, so we have to wait until tomorrow to resolve. We will file asap.

[ENDTEXT]

FEC Form 99

Explaining attempt to file

Windows Live™

Home

Hotmail

Spaces

OneCare

MSN

barrettgarcia@hotmail.com

Sign out

New

Reply

Reply all

Forward

Delete

Junk

Move to

Options

Inbox (9)

Junk (63)

Drafts

Sent

Deleted (60)

C4Stra... (2)

Chery... (19)

Draft Comp...

LCG Downloads

NetFile Up...

Pictures

RDI Downlo...

WJG Contrl...

Manage folders

Add an e-mail
account

Today

Mail

Contacts

Calendar

FEC Electronic Filing Results

From: **FEC Filing Server** (http_db@sdrdc.com)

Sent: Thu 10/23/08 8:45 PM

To: barrettgarcia@hotmail.com

*Acceptance of
FEC FORM 99*

DISCLOSE -- FEC Financial Disclosure Filing Acknowledgement

This is to acknowledge the receipt and acceptance of your electronic filing via the DISCLOSE protocol.

Your filing was received and accepted by our system at 10/23/2008 - 23:45:14, and was assigned the Filing ID of: FEC-377576

Please make a note of this, as it will be necessary to refer to this information in the future.

Thank you for using DISCLOSE.

Do not reply to this notice. It is sent from an unattended account that cannot receive email.

For your reference, the output of the validation check was as follows:

FEC File Validator Version 6.2.1.2

Developed for the Federal Election Commission
by NIC Technologies, 1996-2008
Portions Copyright (C) Micro Focus, 1984-1997

=== Identification Section

Committee ID: C00429084

Committee Name: The Legacy Committee Political Action Committee

Filing Type: F99

Software/Ver#: NetFile / Ver# 19969

=== Results Section

>>>----> FEC data file PASSED validation! <----<<<

MD5 checksum:

fbf0686950f9fe9a9ad978eb1778b1e4

Have a fast connection and want more features? Try the full version to see message previews in your inbox. (It's free, too.)

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Help Central | Account | Feedback

10092650640

RE: LegacyPac FEC 3X discrepancy as of Oct 1

From: Support

Sent: Fri 10/31/08 9:31 AM

To: Barrett Garcia

Cc: Support

Look at Mid America Printing with the allocation to John McCain 2008 for 3322.53. Same issue as the last. Allocation is tagged as an IE but the parent is not.

Best,

Hal Nolen

NetFile
2707 Aurora Rd
Mariposa, CA 95338

hal@netfile.com
support@netfile.com
P:209-742-4100
F:209-391-2200
www.netfile.com

NETFILE RESPONSE

10092650641



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Via First Class Mail

May 13, 2009

James V. Lacy, as Treasurer
The Legacy Committee Political Action Committee
30011 Ivy Glenn Drive, Suite 223
Laguna Niguel, CA 92677

C00429084
AF# 1973

Dear Mr. Lacy:

On May 12, 2009, the Commission received your written response ("challenge") which is being reviewed by the Office of Administrative Review. If you have any questions regarding your challenge, please contact this Office on our toll free number (800)424-9530 (press 0, then ext. 1660) or (202)694-1660.

Sincerely,

A handwritten signature in black ink, appearing to read "Shawn Woodhead Werth".

Shawn Woodhead Werth
Reviewing Officer
Office of Administrative Review

10092650642

Date: May 19, 2009

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

AF#: 1973

Committee Name: The Legacy Committee Political Action Committee

Committee ID#: C00429084

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): 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

Attachment #: 3

RAD Staff Declaration (Y/N): Y

-2008 12 Day Pre-General Report Prior Notice, dated September 29, 2008.

-RTB Letter, dated April 6, 2009.

Attachment #: 4

Other RAD Information: (Y/N): N

Attachment#: N/A

10092650643

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:

James V. Lacy
Legacy Committee PAC; The
30011 Ivy Glenn Drive, Ste. 223
Laguna Niguel, CA 92677

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent

☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

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

(Transfer from service label)

7005 1820 0002 3465 7176

Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

1009265064

DECLARATION OF NATALIYA IOFFE

- 10092650645
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 The Legacy Committee Political Action Committee:
 - A) Prior Notice, dated September 29, 2008, referencing the 2008 12 Day Pre-General Report (sent via electronic mail to: wewerlacy@aol.com);
 - B) Reason-to-Believe Letter, dated April 6, 2009, referencing the 2008 12 Day Pre-General Report.
 3. I hereby certify that I have searched the Commission's public records and find that The Legacy Committee Political Action Committee filed the 2008 Pre-General Report with the Commission on November 3, 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 19th day of May, 2009.



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 ¹	REG./CERT. & OVERNIGHT MAILING DEADLINE	FILING DEADLINE
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

II. QUARTERLY FILERS THAT DO NOT MAKE GENERAL ELECTION CONTRIBUTIONS OR EXPENDITURES FROM OCTOBER 1 THROUGH OCTOBER 15 ³

REPORT	REPORTING PERIOD ¹	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.

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.

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

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

REPORTING SCHEDULE FOR REMAINDER OF 2008

REPORTING DATES

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

Supplemental Filing Information available on pages 3 and 4 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.

⁴Notice 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.

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.

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.

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 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.

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



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

SECRET
2009 JUL 10 A 11:13

July 9, 2009

MEMORANDUM

SENSITIVE

To: The Commission

Through: Robert A. Hickey *[Signature]*
Staff Director

From: John D. Gibson *[Signature]*
Chief Compliance Officer

Shawn Woodhead Wertz *[Signature]*
Reviewing Officer
Office of Administrative Review

By: Jill I. Sugarman *[Signature]*
Reviewing Analyst

Subject: Reviewing Officer Recommendation in AF# 1973 – The Legacy
Committee Political Action Committee and James V. Lacy, as
Treasurer (C00429084)

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

10092650650



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 9, 2009

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

**AF# 1973 – The Legacy Committee Political Action Committee and James V. Lacy, as Treasurer
(C00429084)**

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 \$6,000 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 May 12, 2009, the Commission received the written response ("challenge") from the Treasurer who states that they prepared the report using the internet-based reporting system, NetFile, and attempted to file it on October 23, but it was rejected by the FEC. The same day, they filed a Form 99 to explain that they had attempted to file the report and would try again once they knew the reason for the rejection, which they thought was technical. They had trouble downloading information from their system, could not resolve the issue that day and had to wait for the corrections before they could re-file. After correcting the download problem, they were still unable to file the report so they contacted NetFile for help. They received NetFile's October 31 email on November 3 which explained how to correct the problem and they immediately re-filed the report. The problem was an independent expenditure for \$3,322 that was not "tagged" to the "parent" transaction. Due to the high volume of independent expenditures reported by the Committee, it took a long time to discover the specific reason for the rejection.

He says the FEC's system should be more flexible and not reject an entire report because an independent expenditure was incorrectly "tagged." The expenditure accounted for 1.5% of the total amount reported. The report was filed on November 3 and did not affect the outcome of the Presidential election. He asks that the Commission take into account that there was no intent to delay the filing, they prepared the report and tried to file it by the due date, they filed a Form 99 to explain the situation, they took action to resolve the problem, and they submitted the report as soon as possible. The fine is also inappropriate and punitive to the Committee's many small donors.

Included with the challenge are the following documents:

1. one page titled "Rejection of 10/23/08 E-Filing" which lists user feedback from an attempted upload on October 23, 2008, and indicates "BADFORMAT Filing did not pass validation;"
2. one page of Form 99 text generated on October 23, 2008 and corresponding email confirmation receipt from the FEC;
3. email sent to Barrett Garcia on October 31, 2008 from Hal Nolen of NetFile which states "[I]ook at Mid America Printing with the allocation to John McCain

2008 for 3322.53. Same issue as the last. Allocation is tagged as an IE but the parent is not;" and

4. 3 pages of the RTB letter.

Analysis

The 12 Day Pre-General Report was filed on November 3, 2008, 11 days late.

The Federal Election Campaign Act ("Act") states that the treasurer of a political committee shall file a pre-election report no later than the 12th 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). Reports filed electronically 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. 11 C.F.R. §§ 100.19(c) and 104.5(e). The treasurer shall be personally responsible for the timely filing of reports. 11 C.F.R. § 104.14(d).

The Treasurer says the late filing was caused by two software problems: they could not download contributor information from NetFile and an independent expenditure was incorrectly "tagged." It appears from the October 23 Form 99 submission, NetFile's email, and the RAD telecoms (written records of telephone conversations) that these problems are recurring issues which the respondents knew about when they filed the prior report. Nonetheless, neither issue caused the report to be rejected by the Commission's electronic filing system. Logs from the Electronic Filing Office ("EFO") and the Information Technology Division ("ITD") Manager's response show that an unrelated validation error was the actual reason for the rejection of the filing.

The EFO logs show that the Committee tried to upload the report twice on October 23 but both filings were rejected for the same reason: a payee name on Schedule E contained more characters than the allowable limit. The EFO emailed the rejection receipts to barrettgarcia@hotmail.com that same day. Each rejection receipt identified the specific transaction which caused the filings' rejection and described the problem: "{Orange County Republican Leadership Voter Guide}...exceeds maximum length of 0030." The respondents corrected this problem when they filed the report on November 3 because the payee name is shortened to "OC Rep. Leadership Voter Guide."

The EFO logs and RAD telecoms do not show that the respondents contacted anyone for help with the rejected filings, although explanations of validation errors and how to fix them are available to filers on the Commission's website. In the electronic submission filed on October 23, they explain that they attempted to file the Pre-General Report, it was rejected, and as with their previous report, they still have problems downloading contribution files from remote locations and are unable to resolve the issue until the next day. They do not mention the validation error cited in the rejection receipts. According to the RAD telecoms, Barry Garcia spoke to the Analyst on October 16 regarding the October Quarterly Report and described similar problems downloading contributor information from NetFile. He said these problems prevented them from filing the third quarter report on time and he filed a Form 99 to explain the situation. Thus, despite the known possibility of download problems, they waited until the filing deadline to attempt to file the 12 Day Pre-General Report.

After correcting the download problems, they were still unable to file the report and discovered from NetFile that the issue was the incorrect "tagging" of a \$3,322 independent

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expenditure paid to Mid America Printing. According to NetFile's email, it is the "[s]ame issue as the last." Schedule E of the 12 Day Pre-General Report lists payments to Mid America Printing but not for that specific amount. It appears that NetFile is referring to the \$3,322 payment to this vendor which is disclosed on the October Quarterly Report.

The EFO logs and rejection receipts confirm that the only issue preventing the report from successfully uploading on October 23 was the length of one payee name on Schedule E. While they contend that the filings should not have been rejected for relatively small errors, the ITD Manager explains in his response that clear formatting specifications for electronic filings are provided to the Committee's software vendor, NetFile, by means of the downloadable Vendor Tools located on the FEC website.

Committee software failures, failure to use filing software properly, delays caused by committee vendors and negligence are included at 11 C.F.R. § 111.35(d) as examples of circumstances that are not considered reasonably unforeseen and beyond the respondents' control. The other issues raised in the challenge (the report was filed before the election; it did not prejudice the outcome of the Presidential election; they filed a Form 99 on the due date; there was no intent to delay the filing) do 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 \$6,000.

OAR Recommendations

- (1) Adopt the Reviewing Officer recommendation for AF# 1973 involving The Legacy Committee Political Action Committee and James V. Lacy, as Treasurer, in making the final determination;
- (2) Make a final determination in AF# 1973 that The Legacy Committee Political Action Committee and James V. Lacy, as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$6,000; and
- (3) Send the appropriate letter.

Reviewing Analyst: Jill I. Sugarman

Attachments

Attachment 1 – Challenge Received from Respondents

Attachment 2 –

Attachment 3 – Declaration from RAC

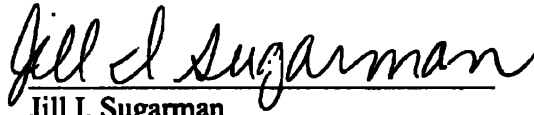
Attachment 4 – Declaration from OAR

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 2008 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. It is the practice of the Electronic Filing Office to maintain an Electronic Filing section on the Commission's web site at <http://www.fec.gov/electfil/electron.shtml> for the use of committees and treasurers who are electronic filers. It is also the practice of this office to provide lists of validation error messages on the website at http://www.fec.gov/support/faq_valid.shtml. Number 7 on the list is "{field} exceeds maximum length of ____."
4. I hereby certify that I have searched the Commission's public records and that the documents identified herein are the true and accurate copies of:
 - (a) electronic submission filed by The Legacy Committee Political Action Committee and James V. Lacy, as Treasurer. According to the Commission's records, the letter was received on October 15, 2008 and states "[w]e have attempted to file, but our filing was rejected see below." On Page 2, it lists "Number of Errors Found: 00864;"
 - (b) electronic submission filed by The Legacy Committee Political Action Committee and James V. Lacy, as Treasurer. According to the Commission's records, the letter was received on October 23, 2008 and states "[w]e have attempted to file, but our filing was rejected. As in the prior period, we still have problems with downloading our contribution files from remote locations....we have to wait until tomorrow to resolve. We will file asap;"
 - (c) Page 1 of the Summary Page and 1 Page of Schedule E for the amended 2008 October Quarterly Report electronically filed by The Legacy Committee Political Action Committee and James V. Lacy, as Treasurer. According to the Commission's records, the report was received on November 2, 2008. Schedule E (Itemized Independent Expenditures) lists a \$3,322.53 payment on September 29, 2008 to Mid America Printing; and
 - (d) Page 1 of the Summary Page, 1 Page of Schedule B, and 3 Pages of Schedule E for the 2008 12 Day Pre-General Report electronically filed by The Legacy Committee Political Action Committee and James V. Lacy, as Treasurer. According to the Commission's records, the report covers the period from October 1 through October 15, 2008, and was received on November 3, 2008. Schedule B (Itemized Disbursements) lists a \$2,000.00 contribution made October 10, 2008 to the Committee to Re-Elect Congressman Dana Rohrabacher, and a \$5,000.00 contribution made October 10, 2008 to John McCain for President 2008. The disbursement box for "General" is checked on both entries. Schedule E (Itemized Independent Expenditures) lists one payment to OC Rep. Leadership Voter Guide. Schedule E lists two payments to Mid America Printing for \$5,387.56 and \$516.81.

10092650654

5. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at Washington on the 9th of July, 2009.

A handwritten signature in cursive script, reading "Jill I. Sugarman", written in black ink.

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

10092650655



FEDERAL ELECTION COMMISSION

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Validator "Fail" and "Warning" Error Messages Defined

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The validator for the electronic filing format evaluates filings, reviews the structure, format, and other aspects of the filing being validated. If error(s)/problem(s) are found, the validator issues a message flagging each one.

If the error(s)/problem(s) will prevent the filing from being successfully processed, a Failing Message is issued. If the error(s)/problem(s) will still allow the filing to be processed, a Warning Message is issued. Specific definitions are provided for each Failing and Warning message in this resource.

First, Failing Messages are presented immediately below. Each message is listed by message number. It shows the message that is issued by the validator, and then further defines what the error message means. Warning messages are covered in the same way, in a separate list, after the Failing Messages list. Simply scroll down to the error message you are interested in. They are provided in numeric order for each grouping:

FAILING MESSAGES

WARNING MESSAGES

Failing Messages (most common followed by least common):

1. {Contributor First Name} is Required, but field is Empty

Contributions from individuals (Schedule A transactions) must contain a first and last name. If this error has occurred, the first name of the contributor has been omitted or incorrectly submitted in conjunction with the wrong Entity Type (individual, organization, business, etc.). Locate the transaction and correct the name.

FECFile users: From the Individual/Organizations window, scroll down (listings are alphabetical) until you find your contributor. Double-click to open up the profile. Enter in the first name of the contributor if missing or check the first field to verify that you have chosen from the drop-down the entity type of "Individual other than candidate".

Note: This error can also occur when contributions are imported into FECFile from Excel where inadvertently the first and last names of the contributor have been listed in the last name field of the Excel import format. If this has occurred and the errors are numerous, each name would need to be corrected manually from the Individual/Organizations window.

2. {Recipient First Name} is Required, but field is Empty

Disbursements to individuals (Schedule B transactions) must contain a first and last name. If this error has occurred, the first name of the individual has been omitted or incorrectly submitted in conjunction with the wrong Entity Type (individual, organization, business, etc.). Locate the transaction and correct the name.

FECFile users: From the Individual/Organizations window, scroll down (listings are alphabetical) until you find your individual. Double-click to open up the profile. Enter in the first name of the individual if missing or check the first line to verify that you have chosen from the drop-down the entity type of "Individual other than candidate".

3. {Treasurer Name} is Required, but field is empty

This error indicates that the committee treasurer name is missing.

FECFile users: This error generally indicates that you have not signed the report. From the Reports window, highlight and double-click on your report, the Report Information window will open. Choose the treasure in the "Signed by" field. Close and date the report.

4. {Treasurer Signature Date} is Required, but field is empty

This error indicates that the report signature date is missing.

FECFile users: This error generally indicates that you have not closed the report. From the Reports window, highlight and right-click on your report, and chose "Close Report...". The Close Report window will appear where you must enter a date, generally the day you close and submit the report.

5. ID# _____ NOT Correct FEC ID# Format

This indicates that the committee OR candidate ID number used is not in the correct format or has been submitted incorrectly in conjunction with the ID entity type. Committee ID type numbers start with a capital "C" and contain nine digits (correct example: C00123456). Candidate ID type numbers start with a capital "H, S, or P", contain nine digits and a variation of capital letters and numbers (correct example: H2OH17158).

In most cases where this error has occurred there has been a committee ID placed where a candidate ID should be placed or visa versa. Check your related entities to confirm that you have used the appropriate ID number with respect to its entity type.

FECFile users: The "C" leading the committee ID number in the Committee ID field must be capitalized in the profile for the committee. This is a common error. Check this and other profiles for committees by clicking on the Individuals/Organizations icon, highlighting, and selecting the entity. The profile window will appear where you can make the correction.

Another example where this type of problem exists is in the profile for a campaign committee or a candidate. Campaign committee and candidate profiles have a field at the bottom called the "Other ID" field. This field is only available if you have chosen from the entity type "Campaign Committee" or "Candidate", and should ONLY have a candidate ID number for the "Campaign Committee" entity type and a committee ID number for a "Candidate" entity type. On occasion the "Other ID" field has populated incorrectly with the automated load of the FEC's lookup database. In any event the ID number must reflect the correct entity type for the profile that exists. Corrections can be made by clicking on the Individuals/Organizations icon, highlighting, and selecting the entity. The profile window will appear where you can make the correction.

6. Leading Blanks {e.g. " TEXT"} not allowed

This indicates that there are blanks prior to text. This is not allowed. Example: (, text.). Locate the text with the leading blank(s) and delete them.

FECFile users: This problem generally occurs in a MEMO TEXT attached to a transaction or a report, when language is cut and pasted from another document. Locate the MEMO TEXT and remove the leading blanks, usually preceding the first line of text. Or, delete the text entirely and manually retype the text message.

7. {field} exceeds maximum length of _____

This indicates the user has exceeded the maximum number of characters allowed in a particular field. Find the field and either truncate the text or abbreviate appropriately.

FECFile users: Sometimes committee profiles with extended names are copied into FECFile using the committee lookup function. If this occurs, find the name and either truncate the text or abbreviate appropriately.

8. Header (HDR) inconsistent with Orig/Amend status

This indicates that the header line in the file (report) reflects an AMENDED status, but the form type indicates the file is a NEW report (F3N when it should be F3A or, F3XN when it should be F3XA). If you use vendor provided software, it is recommended that you call them to assist you in resolving this problem.

9. Amended filing must have an "Amendment Number"

This means that either the amendment indicator in the report is missing or incorrect. Each amendment is numbered beginning with "1". If the same report is amended again the amended number will be "2" and so on. If you use vendor provided software, it is recommended that you call them to assist you in resolving this problem.

Please note that we will need to file/amend the October 15th quarterly report.

We have attempted to file, but our filing was rejected see below.

Our systems group provides us with a list of all contributors, which we then download into our reporting system. However for the 3rd quarter 2008, they failed to identify the type of contributor, which created numerous problems with the filing. (i.e., individual) and their first/last name.

As a result, we attempted to file our report to meet the deadline, but we will have to wait for tomorrow because the system people are on the east coast and we cannot contact them until then.

DISCLOSE -- FEC Financial Disclosure Filing Acknowledgement -- Rejection Notice

This is to acknowledge the receipt and subsequent rejection of your electronic filing via the DISCLOSE protocol.

Your filing was received at Wed Oct 15 18:49:16 2008.

Thank you for using DISCLOSE.

Do not reply to this notice. It is sent from an unattended account that cannot receive email.

Your filing was rejected for the following reasons:

FEC File Validator Version 6.2.1.2

Developed for the Federal Election Commission
by NIC Technologies, 1996-2008
Portions Copyright (C) Micro Focus, 1984-1997

=== Identification Section =====

Committee ID: C00429084
Committee Name: The Legacy Committee Political Action Committee
Filing Type: F3XN
From/Through: 20080701 - 20080930

Software/Ver#: NetFile / Ver# 19966

=== Results Section =====

>>>----> FEC data file FAILED validation! <----<<<

10092650658

Image# 28933529728

ETEXT ATTACHMENT

Number of Errors Found: 00864

Number of Warning Messages: 00686

(Please correct all Errors before filing report)

10092650659

.....

ETEXT ATTACHMENT

10/23/2008 23 : 45

Please note that we will need to file the October 23rd pre-election report.

We have attempted to file, but our filing was rejected.

As in the prior period, we still have problems with downloading our contribution files from remote locations. The systems people are on the east coast, so we have to wait until tomorrow to resolve. We will file asap.

10092650660

.....

**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

The Legacy Committee Political Action Committee

ADDRESS (number and street)

30011 Ivy Glenn Drive, Ste 223

Check if different
than previously
reported. (ACC)

Laguna Niguel

CA

92677

2. FEC IDENTIFICATION NUMBER CITY STATE ZIP CODE

C00429084

3. IS THIS
REPORTNEW
(N)

OR

X

AMENDED
(A)

4. TYPE OF REPORT
(Choose One)

(a) Quarterly Reports:

April 15
Quarterly Report(Q1)July 15
Quarterly Report(Q2)X 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)

General (12G)

Runoff (12R)

Convention (12C)

Special (12G)

Election on

in the
State of(d) 30-Day
Post -Election
Report for the:

General (30G)

Runoff (30R)

Special (30S)

Election on

in the
State of

5. Covering Period 07 01 2008 through 09 30 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 James Lacy

Signature of Treasurer Electronically Filed by James Lacy Date 11 02 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)

10092650661

SCHEDULE E (FEC Form 3X) **ITEMIZED INDEPENDENT EXPENDITURES**

PAGE 579 / 582
 FOR LINE 24 OF FORM 3X

NAME OF COMMITTEE (In Full)
 The Legacy Committee Political Action Committee

FEC IDENTIFICATION NUMBER ▼

C C00429084

Check if 24-hour notice 48-hour notice

Full Name (Last, First, Middle, Initial) of Payee

Mid America Printing

Mailing Address

2070 Chain Bridge Road, Suite 520

City

Vienna

State

VA

Zip Code

22182

Purpose of Expenditure

Printing

Category/

Type

003

Name of Federal Candidate supported or Opposed by expenditure:

John McCain

Calendar Year-To-Date Per Election

for Office Sought

556587.71

Date

09 / 29 / 2008

Amount

3322.53

Transaction ID: EDT.EALC.272

Office Sought:

House

State: _____

Senate

District: _____

X Presidential

Check One:

X Support

Oppose

Disbursement For:

Primary

X General

Other (specify) : _____
 2008

Full Name (Last, First, Middle, Initial) of Payee

Response Dynamics, Inc.

Mailing Address

2070 Chain Bridge Rd., Suite 520

City

Vienna

State

VA

Zip Code

22182

Purpose of Expenditure

Mailing services

Category/

Type

003

Name of Federal Candidate supported or Opposed by expenditure:

John McCain

Calendar Year-To-Date Per Election

for Office Sought

556587.71

Date

09 / 29 / 2008

Amount

492.75

Transaction ID: EDT.EALC.273

Office Sought:

House

State: _____

Senate

District: _____

X Presidential

Check One:

X Support

Oppose

Disbursement For:

Primary

X General

Other (specify) : _____
 2008

(a) SUBTOTAL of Itemized Independent Expenditures 3815.28

(b) SUBTOTAL of Unitemized Independent Expenditures

(c) TOTAL Independent Expenditures

Under penalty of perjury I certify that the independent expenditures reported herein were not made in cooperation, consultation, or concert with, or at the request or suggestion of, any candidate or authorized committee or agent of either, or (if the reporting entity is not a political party committee) any political party committee or its agent.

James Lacy

Signature

Date 11 / 02 / 2008

**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

The Legacy Committee Political Action Committee

ADDRESS (number and street)

30011 Ivy Glenn Drive, Ste 223

Check if different
than previously
reported. (ACC)

Laguna Niguel

CA

92677

2. FEC IDENTIFICATION NUMBER CITY STATE ZIPCODE

C00429084

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

4. TYPE OF REPORT
(Choose One)

(a) Quarterly Reports:

April 15
Quarterly Report(Q1)July 15
Quarterly Report(Q2)October 15
Quarterly Report(Q3)January 31
Quarterly Report(YE)July 31 Mid-Year
Report(Non-election
Year Only) (MY)Termination Report
(TER)(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)

X

General (12G)

Runoff (12R)

Convention (12C)

Special (12G)

Election on

in the
State of(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 James Lacy

Signature of Treasurer Electronically Filed by James Lacy

Date 11 03 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)

**SCHEDULE B (FEC Form 3X)
ITEMIZED DISBURSEMENTS**Use separate schedule(s)
for each category of the
Detailed Summary PageFOR LINE NUMBER:
(check only one)

PAGE 48 / 56

☐ 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)

The Legacy Committee Political Action Committee

A. Full Name (Last, First, Middle Initial)
Committee To Re-Elect Congressman Dana Rohrabacher

Transaction ID: EXP.B.2532

Date of Disbursement

Mailing Address 101 Main Street, Suite 380

10 / 10 / 2008

City State Zip Code
Huntington Beach CA 92648

Amount of Each Disbursement this Period

Purpose of Disbursement
Contribution

2000.00

Candidate Name
Committee To Re-Elect Congressman Dana Rohrabacher011
Category/
TypeOffice Sought: ☒ House
Senate
PresidentDisbursement For: 2008
Primary ☒ General
Other (specify) ▼

State: CA District: 46

B. Full Name (Last, First, Middle Initial)
John McCain for President 2008

Transaction ID: EXP.B.2527

Date of Disbursement

Mailing Address

10 / 10 / 2008

City State Zip Code

Amount of Each Disbursement this Period

Purpose of Disbursement
Contribution

5000.00

Candidate Name
John McCain for President 2008011
Category/
TypeOffice Sought: ☐ House
Senate
☒ PresidentDisbursement For: 2008
Primary ☒ General
Other (specify) ▼

State: District:

SUBTOTAL of Disbursements This Page (optional) ▶

7000.00

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

7000.00

SCHEDULE E (FEC Form 3X) **ITEMIZED INDEPENDENT EXPENDITURES**

PAGE 51 / 56
 FOR LINE 24 OF FORM 3X

NAME OF COMMITTEE (In Full)
 The Legacy Committee Political Action Committee

FEC IDENTIFICATION NUMBER ▼

C C00429084

Check if 24-hour notice 48-hour notice

Full Name (Last, First, Middle, Initial) of Payee

OC Rep. Leadership Voter Guide

Mailing Address

30011 Ivy Glenn Dr. #223

City

Laguna Niguel

State

CA

Zip Code

92677

Purpose of Expenditure

Advertising

Category/
Type

004

Name of Federal Candidate supported or Opposed by expenditure:

John McCain

Calendar Year-To-Date Per Election

597122.11

for Office Sought

Date

M M / D D / Y Y Y Y
 10 / 11 / 2008

Amount

5000.00

Transaction ID: EDT.EALC.280

Office Sought:

House

State: _____

Senate

District: _____

X Presidential

Check One:

X Support

Oppose

Disbursement For:

Primary

X General

Other (specify) : _____
 2008

Full Name (Last, First, Middle, Initial) of Payee

Save Proposition 13

Mailing Address

30011 Ivy Glenn Dr. #223

City

Laguna Niguel

State

CA

Zip Code

92677

Purpose of Expenditure

Advertising

Category/
Type

004

Name of Federal Candidate supported or Opposed by expenditure:

John McCain

Calendar Year-To-Date Per Election

597122.11

for Office Sought

Date

M M / D D / Y Y Y Y
 10 / 11 / 2008

Amount

15000.00

Transaction ID: EDT.EALC.279

Office Sought:

House

State: _____

Senate

District: _____

X Presidential

Check One:

X Support

Oppose

Disbursement For:

Primary

X General

Other (specify) : _____
 2008

(a) SUBTOTAL of Itemized Independent Expenditures 20000.00

(b) SUBTOTAL of Unitemized Independent Expenditures

(c) TOTAL Independent Expenditures

Under penalty of perjury I certify that the independent expenditures reported herein were not made in cooperation, consultation, or concert with, or at the request or suggestion of, any candidate or authorized committee or agent of either, or (if the reporting entity is not a political party committee) any political party committee or its agent.

James Lacy

Signature

Date M M / D D / Y Y Y Y
 11 / 03 / 2008

SCHEDULE E (FEC Form 3X)
ITEMIZED INDEPENDENT EXPENDITURES

 PAGE 50 / 56
 FOR LINE 24 OF FORM 3X

 NAME OF COMMITTEE (In Full)
 The Legacy Committee Political Action Committee

 FEC IDENTIFICATION NUMBER
C C00429084

 Check if ☐ 24-hour notice ☐ 48-hour notice

Full Name (Last, First, Middle, Initial) of Payee

Mid America Printing

Mailing Address

2070 Chain Bridge Road, Suite 520

City

Vienna

State

VA

Zip Code

22182

Purpose of Expenditure

Printing

 Category/
Type

003

Name of Federal Candidate supported or Opposed by expenditure:

John McCain

Calendar Year-To-Date Per Election

for Office Sought

597122.11

Date

 M M D D Y Y Y Y
 1 0 0 6 2 0 0 8

Amount

5387.56

Transaction ID: EDT.EALC.275

Office Sought:

House

State:

Senate

District:

☒ Presidential

Check One:

☒ Support

☐ Oppose

Disbursement For:

Primary

☒ General

 Other (specify) :
 2008

Full Name (Last, First, Middle, Initial) of Payee

Response Dynamics, Inc.

Mailing Address

2070 Chain Bridge Rd., Suite 520

City

Vienna

State

VA

Zip Code

22182

Purpose of Expenditure

Postage

 Category/
Type

003

Name of Federal Candidate supported or Opposed by expenditure:

John McCain

Calendar Year-To-Date Per Election

for Office Sought

597122.11

Date

 M M D D Y Y Y Y
 1 0 0 6 2 0 0 8

Amount

3818.64

Transaction ID: EDT.EALC.276

Office Sought:

House

State:

Senate

District:

☒ Presidential

Check One:

☒ Support

☐ Oppose

Disbursement For:

Primary

☒ General

 Other (specify) :
 2008

(a) SUBTOTAL of Itemized Independent Expenditures

9206.20

(b) SUBTOTAL of Unitemized Independent Expenditures

(c) TOTAL Independent Expenditures

Under penalty of perjury I certify that the independent expenditures reported herein were not made in cooperation, consultation, or concert with, or at the request or suggestion of, any candidate or authorized committee or agent of either, or (if the reporting entity is not a political party committee) any political party committee or its agent.

James Lacy

Signature

 Date M M D D Y Y Y Y
 1 1 0 3 2 0 0 8

10092650666

SCHEDULE E (FEC Form 3X)
ITEMIZED INDEPENDENT EXPENDITURES

 PAGE 53/56
 FOR LINE 24 OF FORM 3X

 NAME OF COMMITTEE (In Full)
 The Legacy Committee Political Action Committee

 FEC IDENTIFICATION NUMBER ▼
C C00429084

 Check if ☐ 24-hour notice ☐ 48-hour notice

 Full Name (Last, First, Middle, Initial) of Payee
 Mid America Printing

 Mailing Address
 2070 Chain Bridge Road, Suite 520

 City State Zip Code
 Vienna VA 22182

 Purpose of Expenditure Category/ Type
 Printing 003

 Name of Federal Candidate supported or Opposed by expenditure:
 John McCain

 Calendar Year-To-Date Per Election
 for Office Sought 597122.11

 Date
 M M / D D Y Y Y Y
 10 / 13 2008

 Amount
 516.81

Transaction ID: EDT.EALC.283

 Office Sought: House State: _____
 Senate District: _____
☒ Presidential

 Check One: ☒ Support ☐ Oppose

 Disbursement For: Primary ☒ General
 Other (specify) : _____
 2008

 Full Name (Last, First, Middle, Initial) of Payee
 Response Dynamics, Inc.

 Mailing Address
 2070 Chain Bridge Rd., Suite 520

 City State Zip Code
 Vienna VA 22182

 Purpose of Expenditure Category/ Type
 Postage 003

 Name of Federal Candidate supported or Opposed by expenditure:
 John McCain

 Calendar Year-To-Date Per Election
 for Office Sought 597122.11

 Date
 M M / D D Y Y Y Y
 10 / 13 2008

 Amount
 2712.36

Transaction ID: EDT.EALC.284

 Office Sought: House State: _____
 Senate District: _____
☒ Presidential

 Check One: ☒ Support ☐ Oppose

 Disbursement For: Primary ☒ General
 Other (specify) : _____
 2008

 (a) SUBTOTAL of Itemized Independent Expenditures **3229.17**

(b) SUBTOTAL of Unitemized Independent Expenditures

(c) TOTAL Independent Expenditures

Under penalty of perjury I certify that the independent expenditures reported herein were not made in cooperation, consultation, or concert with, or at the request or suggestion of, any candidate or authorized committee or agent of either, or (if the reporting entity is not a political party committee) any political party committee or its agent.

 James Lacy
 Signature

 Date M M / D D Y Y Y Y
 11 / 03 2008

10092650667



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

VIA OVERNIGHT DELIVERY

July 13, 2009

James V. Lacy, as Treasurer
The Legacy Committee Political Action Committee
30011 Ivy Glenn Drive, Suite 223
Laguna Niguel, CA 92677

C00429084
AF# 1973

Dear Mr. Lacy:

On March 31, 2009, the Federal Election Commission ("Commission") found reason to believe ("RTB") that The Legacy Committee 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 \$6,000 based on the schedule of penalties at 11 C.F.R. § 111.43.

After reviewing the written response and any supplemental information submitted by you and 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 cursive script that reads "Jill I. Sugarman".

Jill I. Sugarman
Reviewing Analyst
Office of Administrative Review

Attachment

10092650668

THE LEGACY COMMITTEE PAC
30011 IVY GLENN DRIVE, SUITE 223
LAGUNA NIGUEL, CA 92677

FEDERAL ELECTION
COMMISSION
SECRETARIAT

2009 JUL 28 A 10: 51

July 21, 2009

Commission Secretary
999 E Street NW
Washington, DC 20463

Re: AF# 1973
The Legacy Committee Political Action Committee
COO429084

In response to your letter dated July 13, 2009, please consider the following:

1. We respectfully request that you take into consideration the fact that we did file the report and did take immediate corrective action to re-submit the report as soon as possible to have the filing accepted. Also, we did have the report prepared within the deadline on our NetFile filing software system, and did submit it for filing within the deadline. We also filed a Form 99 within the deadline (which was accepted) explaining our situation, and we did correct the error & re-submitted our filing as soon as we discovered the reason.
2. Your letter of July 13, 2009 noted that the report was rejected because of one error and included a copy of that rejection notice. However, the rejection notice we received on October 23, 2008 (attached) referred to 12 errors.
3. As a result of the above rejection which noted 12 errors, we analyzed the October 15th report and discovered that the beginning balance as of October 1, 2009, was \$3,322.53 higher than the ending balance as reported on the September 30th FEC-3X .
4. Because of the \$3,322.53 discrepancy above, and prior problems we had encountered with receiving and downloading information, we believed that was the reason for the rejection. We e-filed NetFile as to the cause of this discrepancy and (as included in our prior response), NetFile informed us the discrepancy was because of a single independent expenditure (IE) of \$3,322 which was listed as an IE, but the "parent" transaction wasn't "tagged".
5. As soon as we received the response from NetFile, we corrected the error and re-submitted the report. After this filing we did receive another rejection notice on November 3, 2008 referring to the one error you noted in item #2 above. We corrected that immediately and re-filed, at which time the report was accepted.

Because your original rejection notice referred to 12 errors and not one, and because our subsequent analysis discovered the \$3,322.53 discrepancy (#3 & 4 above), we believe we had good reason to believe this was the reason for the rejection, and when corrected, we resubmitted the report on November 3, 2008, within 24 hours of our correction.

10092650669

- 10092650670
6. Consistent with 11 C.F.R. 111.35, we have provided you facts supporting that we used best efforts to file in a timely manner but were prevented from filing by reasonably unforeseen circumstances beyond our control as stated above. We always responded immediately and when we had control of the situation did so within 24 hours. You have the power to recognize the facts in our case as "beyond our control" as the list of circumstances offered in this regulation is not exclusive to other situations that can occur, like ours, that should be considered under the regulation. We believe a reviewing court would review the facts in our situation as one "beyond our control," especially given the punitive fine of \$6,000 you seek.
 7. We further state that the fine schedule used is inappropriate in these circumstances. The Legacy PAC does not have permanent staff or offices and its contributions to candidates are based entirely on small contributions from donors. The cost of fundraising and other FEC compliance themselves greatly diminish available funds to actually accomplish the purposes of the organization and the intentions of these small donors. The nature of direct-mail fundraising during 2008 involved a "ramp-up" to October, 2008 that might have shown a total "level of activity" at the time of the report apparently justifying the \$6,000 fine, but this "level of activity" is inappropriate to calculate a fine in this instance, where the error had no effect of the election, was corrected before the election, and in the end involved just one incorrect tagging of a name for an independent expenditure involving just \$3,322. The fine is punitive and we believe the District Court would agree with us that assessment of this fine is arbitrary and capricious under the circumstances.

There was no intent whatsoever to delay the filing, and your own system's inability to accept a small error contributed to the rejection of the entire filing. In this regard, we believe a \$6,000 fine is inappropriate and punitive to the many small donors to Legacy PAC who hope that their contributions will be used for their intended purposes.



Barrett Garcia
Assistant Treasurer
The Legacy Committee Political Action Committee

*Rejection of
10/15/08 report*

=== Identification Section ===

Committee ID: C00429084
Committee Name: The Legacy Committee Political Action Committee
Filing Type: F3XN
From/Through: 20081001 - 20081015
Software/Ver#: NetFile / Ver# 19969

=== Results Section ===

>>>-----> FEC data file FAILED validation! <-----<<<

Number of Errors Found: 00012
Number of Warning Messages: 00029

(Please correct all Errors before filing report)

=== Summary Page Totals Section ===

Cover/Summary Page Totals for Form: F3X

Line No.	Column A	Column B
6A 2008		16,185.38
6B	37,759.77	
6C	89,622.05	845,685.13
6D	127,381.82	861,870.51
7	63,193.36	801,004.58
8	64,188.46	64,188.46
9	0.00	
10	0.00	
11Ai	28,937.50	380,252.45
11Aii	60,684.55	460,432.68
11Aiii	89,622.05	840,685.13
11B	0.00	0.00
11C	0.00	0.00
11D	89,622.05	840,685.13
12	0.00	0.00
13	0.00	5,000.00
14	0.00	0.00
15	0.00	0.00
16	0.00	0.00
17	0.00	0.00
18A	0.00	0.00
18B	0.00	0.00
18C	0.00	0.00
19	89,622.05	845,685.13
20	89,622.05	845,685.13
21Ai	0.00	0.00
21Aii	0.00	0.00
21B	10,658.96	93,520.17
21C	10,658.96	93,520.17
22	0.00	0.00

		check[1]
23	7,000.00	7,000.00
24	40,534.40	687,651.41
25	0.00	0.00
26	5,000.00	5,000.00
27	0.00	0.00
28A	0.00	0.00
28B	0.00	0.00
28C	0.00	0.00
28D	0.00	0.00
29	0.00	7,833.00
30Ai	0.00	0.00
30Aii	0.00	0.00
30B	0.00	0.00
30C	0.00	0.00
31	63,193.36	801,004.58
32	63,193.36	801,004.58
33	89,622.05	840,685.13
34	0.00	0.00
35	89,622.05	840,685.13
36	10,658.96	93,520.17
37	0.00	0.00
38	10,658.96	93,520.17

=== Errors & Warnings Section ===

Validation Errors & Warnings

ERROR Messages...

Form{Item}: SE {Direct Response Data}
Field Name: #008 Payee Individual Last Name
Error Superfluous Data in field not used with this Filing

Form{Item}: SE {Fulfillment Management}
Field Name: #008 Payee Individual Last Name
Error Superfluous Data in field not used with this Filing

Form{Item}: SE {Mid America Printing}
Field Name: #008 Payee Individual Last Name
Error Superfluous Data in field not used with this Filing

Form{Item}: SE {Response Dynamics, Inc.}
Field Name: #008 Payee Individual Last Name
Error Superfluous Data in field not used with this Filing

Form{Item}: SE {Orange County Republican Leadership Voter Guide}
Field Name: #008 Payee Individual Last Name
Error exceeds maximum length of 0030

Form{Item}: SE {Orange County Republican Leadership Voter Guide}
Field Name: #008 Payee Individual Last Name
Error Superfluous Data in field not used with this Filing

Form{Item}: SE {Save Proposition 13}
Field Name: #008 Payee Individual Last Name
Error Superfluous Data in field not used with this Filing

Form{Item}: SE {Direct Response Data}
Field Name: #008 Payee Individual Last Name
Error Superfluous Data in field not used with this Filing

check[1]

Form{Item}: SE {Fulfillment Management}
Field Name: #008 Payee Individual Last Name
Error Superfluous Data in field not used with this Filing

Form{Item}: SE {Mid America Printing}
Field Name: #008 Payee Individual Last Name
Error Superfluous Data in field not used with this Filing

Form{Item}: SE {Response Dynamics, Inc.}
Field Name: #008 Payee Individual Last Name
Error Superfluous Data in field not used with this Filing

Form{Item}: SE {The Best List, Inc.}
Field Name: #008 Payee Individual Last Name
Error Superfluous Data in field not used with this Filing

WARNING Messages...

Form{Item}: F3XN
Field Name: #012 Type of Report: Date of Election
Warning Conditionally Required field is Empty

Form{Item}: F3XN
Field Name: #013 Type of Report: Election State Code
Warning Conditionally Required field is Empty

Form{Item}: F3XN
Field Name: #079 Line 8, Col B: Cash on Hand at Close
Warning Subtotal \$64188.46 not supported by other lines

Form{Item}: SA11AI {JONES, DONALD R}
Field Name: #017 Contributor ZIP Code
Warning Zip Code is Invalid or Missing / Zip = 2554

Form{Item}: SA11AI {COYNE, JOHN}
Field Name: #017 Contributor ZIP Code
Warning Zip Code is Invalid or Missing / Zip = 8043

Form{Item}: SA11AI {LIEDSTRAND, ALVIN E}
Field Name: #026 Employer
Warning Conditionally Required field is Empty

Form{Item}: SA11AI {LIEDSTRAND, ALVIN E}
Field Name: #027 Occupation
Warning Conditionally Required field is Empty

Form{Item}: SA11AI {COYNE, JOHN}
Field Name: #017 Contributor ZIP Code
Warning Zip Code is Invalid or Missing / Zip = 8043

Form{Item}: SA11AI {JONES, DONALD R}
Field Name: #017 Contributor ZIP Code
Warning Zip Code is Invalid or Missing / Zip = 2554

Form{Item}: SA11AI {JONES, DONALD R}
Field Name: #017 Contributor ZIP Code
Warning Zip Code is Invalid or Missing / Zip = 2554

Form{Item}: SA11AI {COYNE, JOHN}
Field Name: #017 Contributor ZIP Code
Warning Zip Code is Invalid or Missing / Zip = 8043

check[1]

Form{Item}: SA11AI {PAOLICELLI, MARILYN}
Field Name: #017 Contributor ZIP Code
Warning Zip Code is Invalid or Missing / Zip = 7649

Form{Item}: SB23 {Committee To Re-Elect Congressman Dana Rohrabacher}
Field Name: #031 Beneficiary Candidate: First Name
Warning is Required, but field is Empty

Form{Item}: SB23 {John McCain for President 2008}
Field Name: #013 Recipient Street 1
Warning is Required, but field is Empty

Form{Item}: SB23 {John McCain for President 2008}
Field Name: #015 Recipient City
Warning is Required, but field is Empty

Form{Item}: SB23 {John McCain for President 2008}
Field Name: #016 Recipient State Code
Warning is Required, but field is Empty

Form{Item}: SB23 {John McCain for President 2008}
Field Name: #017 Recipient ZIP Code
Warning Zip Code is Invalid or Missing / Zip = {Missing}

Form{Item}: SB23 {John McCain for President 2008}
Field Name: #031 Beneficiary Candidate: First Name
Warning is Required, but field is Empty

Form{Item}: SE {Direct Response Data}
Field Name: #030 [Support|Oppose] Candidate: First Name
Warning is Required, but field is Empty

Form{Item}: SE {Fulfillment Management}
Field Name: #030 [Support|Oppose] Candidate: First Name
Warning is Required, but field is Empty

Form{Item}: SE {Mid America Printing}
Field Name: #030 [Support|Oppose] Candidate: First Name
Warning is Required, but field is Empty

Form{Item}: SE {Response Dynamics, Inc.}
Field Name: #030 [Support|Oppose] Candidate: First Name
Warning is Required, but field is Empty

Form{Item}: SE {Orange County Republican Leadership Voter Guide}
Field Name: #030 [Support|Oppose] Candidate: First Name
Warning is Required, but field is Empty

Form{Item}: SE {Save Proposition 13}
Field Name: #030 [Support|Oppose] Candidate: First Name
Warning is Required, but field is Empty

Form{Item}: SE {Direct Response Data}
Field Name: #030 [Support|Oppose] Candidate: First Name
Warning is Required, but field is Empty

Form{Item}: SE {Fulfillment Management}
Field Name: #030 [Support|Oppose] Candidate: First Name
Warning is Required, but field is Empty

Form{Item}: SE {Mid America Printing}
Field Name: #030 [Support|Oppose] Candidate: First Name

Warning is Required, but field is Empty check[1]

Form{Item}: SE {Response Dynamics, Inc.}
Field Name: #030 [Support|Oppose] Candidate: First Name
Warning is Required, but field is Empty

Form{Item}: SE {The Best List, Inc.}
Field Name: #030 [Support|Oppose] Candidate: First Name
Warning is Required, but field is Empty

WEWER & LACY, LLP
CIVIC CENTER PLAZA
30011 IVY GLENN DRIVE, SUITE 223
LAGUNA NIGUEL, CALIFORNIA 92677

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SUITE 0, #269
LAGUNA NIGUEL, CALIFORNIA 92677

BY FEDERAL EXPRESS
September 2, 2009

Ms. Jill Sugerman
Office of Administrative Review
Federal Election Commission
999 E Street, NW
Washington, D.C. 20463

Regarding: A.F. 1973, *In re: Legacy PAC*

Dear Ms. Sugerman:

Thanks to your office and the Commission for the opportunity to file this supplemental information with the Commission before it's final determination on the staff recommendation in this matter. Accordingly, attached is the sworn statement of Barrett Garcia, CPA, the Assistant Treasurer of Legacy PAC, which corrects the record on a couple of details and restates the facts in this matter. Please consider this letter as a part of our supplemental filing as well.

In this simple case, the FEC staff is seeking a \$6,000 fine against Legacy PAC because the name of a vendor for an electronic disclosure of an independent expenditure in the amount of \$3,322.53 was "too long" to be accepted by the FEC's computer system. This foregoing statement summarizes the import of this matter. It is how we believe the issue should be framed for the Commission, and it is certainly how Legacy PAC will frame it before a Federal Judge in Orange County, California if circumstances so require.¹

In this matter we renew and raise three issues. First, we state that the fine level chosen by the Commission staff is inappropriate to the alleged violation. Secondly, we argue that the Commission has the ability on the facts presented to reject a "reason to believe" in this matter where the circumstances of the alleged violation are reasonably unforeseen. Finally, we argue that Legacy PAC has engaged in best efforts to fix the problem and that the filing in question as amended should be considered in compliance with the Act.

Legacy PAC has no staff or permanent office. It is a non-connected political action committee that started from scratch in 2007 to try to raise some funds to make

¹ See 11 Code of Federal Regulations Section 111.38.

11-13

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contributions in the November, 2008 election, exclusively through direct-mail to lists of proven "conservative" donors. This type of direct-mail fundraising requires a great deal of lead time to "prospect" for donors – usually at a loss – and then turn the donor into a regular giver to therefore build up enough funds to use for election activity.

The FEC has a number of curious rules that affect such PACs, among them is a rule that if a mass-mailing letter contains content of "express advocacy," costs associated with it must be detailed and specially disclosed as "independent expenditures" ("I.E.s"), even if the letter is not targeted to a voter or intended to sway a vote. From its start in 2007 until roughly October of 2008, Legacy PAC had reported many dozens of "IEs" under this rule, exclusively in connection with the Presidential campaign, even though the expenditures were simply fundraising letters targeted exclusively to recipients on the basis of whether they might contribute to the organization, and with no regard as to whether they lived in a district or state where a primary election was occurring. The stated theme in these letters was always focused on the Fall election, not the primaries, and the "ask" in the letters was not for a vote, rather, for a contribution.

While Legacy PAC was required to report a great deal of "I.E." activity as a result of the FEC rules, it actually did not engage in very much real campaign activity until late in the Fall. In fact, because of a bad economy and resulting low margins on direct-mail fundraising, Legacy PAC turned over significant funds, but was never in a realistic position to have any real election activity until fundraising reached a "tipping point" in October of 2008, and the organization was then able to start making multiple contributions to candidates, which it did as generously as funds allowed through the end of the year. In fact, last summer I had extended discussions with Thomas B. Edsall of the *Huffington Post*, and Michael Luo of the *New York Times*, both of whom had called me because they noticed what they thought was a high level of election activity publicly disclosed by Legacy PAC. As a result of these discussions both Edsall and Luo agreed that the FEC's rules on reporting expenses of fundraising letters (the content of which is generally "preaching to the choir" rather than true voter persuasion) as independent expenditures caused a gross misperception of true activity in their minds, and could also cause a similar misperception in the public's mind.

We raise this issue because we believe the FEC's method of assessing fines at 11 CFR Section 111.43 for an alleged violation of the reporting requirements is deeply flawed. In the current case, the FEC staff is recommending an assessment of a fine of \$6,000 on the basis of alleged election activity of Legacy PAC of \$950,000 or more. This is simply an arbitrary and capricious assessment in this matter, given the facts. The actual, real election activity of Legacy PAC as of October 15, and a *potentially* justifiable fine based on the facts of this case, would be much closer to the \$1-24,999.99 level, or \$100 base fine plus \$50 a day late, rather than \$6,000. If we are forced to file a Petition appeal in the Federal courthouse in Orange County, California, please understand our Petition will include an attack on the *entire* fine structure of the Commission at Section 111.43. We will engage political science experts and other witnesses to demonstrate that the "activity" method chosen by the FEC to assess its' fines results in highly uneven

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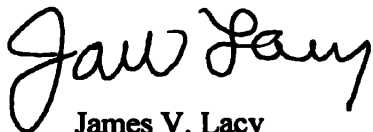
outcomes of fines between regulated organizations and candidates for similar alleged offenses, and is not the best method for assessment of such fines.

Secondly, we believe the attached sworn statement of Barrett Garcia establishes that Legacy PAC encountered unforeseen circumstances in connection with the October 23 attempt to electronically file. As Garcia states, it was not clear to Legacy PAC until November 2 that the FEC's system could not accommodate the length of the name of the one vendor that caused the rejection of the filing. Legacy PAC corrected the matter within one day of this date. In addition, Legacy PAC immediately informed the FEC on Form 99 on October 23 that it had encountered a problem and was working on a resolution. Little more could be done to resolve this "computer glitch," which was caused more by the unforeseen limitations of the FEC's computer system than the inattention of Legacy PAC. Under 11 CFR 1135, the Commission may determine that the facts as stated in Mr. Garcia's Declaration support a conclusion that the circumstances were reasonably unforeseen and beyond the control of Legacy PAC. We urge the Commission to make that determination in this matter on the basis of Mr. Garcia's sworn facts.

Finally, there are absolutely no facts in this matter that even hint or suggest that Legacy PAC intended to avoid timely disclosure. Mr. Garcia's Declaration evidences frustration and regret that the source of the problem could not be identified sooner – but the problem was nevertheless fixed and the disclosure made before the election date. Further, the short period in which Legacy PAC's information was not publicly disclosed, did not affect the outcome of any election, and was not the subject of a complaint from the public. Under these circumstances, we urge the Commission to find that the Legacy PAC has herein shown its best efforts to obtain, maintain, and submit information, and that under 11 CFR 104.7, the October 23 filing as amended be found to comply fully with the Act, with no penalty imposed.

Thank you again for the opportunity to provide this supplemental filing.

Sincerely,

A handwritten signature in black ink, appearing to read "James V. Lacy". The signature is fluid and cursive, with the first name "James" and last name "Lacy" clearly distinguishable.

James V. Lacy
Treasurer, Legacy PAC



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2009 SEP 29 P 4: 01

September 29, 2009

MEMORANDUM

SENSITIVE

To: The Commission

Through: Robert A. Hickey *RF, RH*
Staff Director

From: John D. Gibson *JG*
Chief Compliance Officer

Shawn Woodhead Wertz *SW*
Reviewing Officer
Office of Administrative Review

By: Jill I. Sugarman *JS*
Reviewing Analyst

Subject: Final Determination Recommendation in AF# 1973 – The Legacy
Committee Political Action Committee and James V. Lacy, as
Treasurer (C00429084)

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. As a result, the Commission also made a preliminary determination that the civil money penalty was \$6,000 based on the schedule of penalties at 11 C.F.R. § 111.43.

On May 12, 2009, the Commission received their written response ("challenge"). After reviewing the challenge, the Reviewing Officer's recommendation ("ROR") dated July 9, 2009 was forwarded to the Commission, a copy was forwarded to the respondents, and is hereby incorporated by reference. The Reviewing Officer recommended that the Commission make a final determination that they violated 2 U.S.C. § 434(a) and assess a \$6,000 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, they may file a written response with the Commission Secretary which may not raise any arguments not raised in their challenge or not directly responsive to the ROR. 11 C.F.R. § 111.36(f).

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On July 22, 2009, the Commission received the written response from the Assistant Treasurer, Barrett Garcia, which expands upon the issues raised in the challenge and addressed in the ROR: the rejection notices sent by the Commission's Electronic Filing Office ("EFO") and the level of activity in the report. The first part of the analysis focuses on the rejection notices sent by the EFO. The second part of the analysis focuses on the level of activity.

Mr. Garcia provides two new facts about the rejection notices. First, he disputes that the report was rejected on October 23 because of one error. He includes a copy of a rejection notice they received on October 23 which references 12 errors. Second, Mr. Garcia says that they analyzed the October Quarterly Report as a result of this rejection notice, contacted their vendor for help, learned the cause of the discrepancy, corrected this error, and tried to re-submit the 12 Day Pre-General Report on November 3, but received another rejection notice. This rejection notice contained the one error referenced in the ROR. They immediately fixed the error and re-filed the report.

As noted in the ROR, the Information Technology Division ("ITD") Manager's May 29, 2009 response included copies of two rejection receipts emailed to barrettgarcia@hotmail.com on October 23, 2008. Both receipts cite one error. Since the respondents contend that the rejection notice they received on October 23 cited 12 errors and they received a rejection notice on November 3, OAR sent the ITD Manager another request on July 31, 2009. OAR asked if the EFO records show that the respondents received any other rejection notices on October 23 or November 3, 2008.

According to the ITD Manager's August 5, 2009 response, the rejection notice provided by the respondents was not sent by the Commission. Rather, it is validation report generated by FECheck, a software application that performs field level checks on report data as specified by the Commission's Electronic Filing Specifications. Software vendors incorporate FECheck (also known as the validator) into their commercial filing packages. FECheck is a stand-alone application, so filers who use commercial software can generate a validation report at any time before they try to upload a report. Once a report is uploaded to the Commission's Electronic Filing System, it is validated using the same FECheck. If the report fails validation, it is not uploaded to the Commission's database and a rejection notice is emailed to the filer. The validation report provided by the respondents shows that it was generated using FECheck Version 6.3.1.0. The ITD Manager says FECheck Version 6.3.1.0 was not released by the EFO until March 10, 2009. Therefore, they could not have generated the validation report on October 23 as that Version was not released until five months after the report was due.

The ITD Manager also confirms that the respondents twice tried to upload the report on November 2. Both filings were rejected for the same reason: one Payee Last Name field on Schedule E contained more characters than the allowable limit. This is the same formatting issue that prevented them from successfully uploading the report on two attempts on October 23. Both rejection receipts on November 2 were emailed to barrettgarcia@hotmail.com and faxed to (949)495-3459. The ITD Manager also confirms that no rejection notices were sent to them on November 3.

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Based on the information provided in the ITD Manager's response, the Reviewing Analyst contacted the Treasurer. During an August 26 conference call, the Reviewing Analyst explained to the Treasurer and Assistant Treasurer that the EFO's records show that the validation report they submitted could not have been created before March 10, 2009 and was not sent to them by the Commission. She also told them that two rejection notices were sent on November 2; none were sent on November 3. The Treasurer and Assistant Treasurer agreed to research this matter and provide further clarification.

On September 3, 2009, the Commission received a written response from the Treasurer with a declaration from the Assistant Treasurer. Regarding the October 23 rejection notice, the Assistant Treasurer says that while he was preparing the earlier responses in May and July 2009, he found a rejection notice of the report which included 12 errors. He incorrectly assumed that this was the original rejection notice received on October 23, but he now knows that it was received sometime in 2009. Regarding the date on which subsequent rejection notices were sent, the Assistant Treasurer says that his additional research indicates that he actually received the rejection notice on November 2. He re-analyzed the November 2 rejection notice the next morning, saw that the reason for the rejection was the length of one payee name on Schedule E, and re-filed the report immediately. Although he now knows that the report was rejected because of the length of one payee's name, he says "on October 23rd I personally was not aware of this fact" as he "was frustrated with the [cash-on-hand] 'out-of-balance' situation ... and honestly thought that was the reason for the rejection." The Treasurer contends that little could be done to resolve the "computer glitch" caused by the limits of the Commission's computer system and that there was no intent to avoid timely disclosure.

The respondents' 12 Day Pre-General Report was twice rejected by the Commission's Electronic Filing System on October 23, 2008 because of one error. Both rejection receipts emailed to the Assistant Treasurer identified the specific transaction which caused the filings' rejection and described the problem: "{Orange County Republican Leadership Voter Guide}...exceeds maximum length of 0030." Had he corrected this one error when he received either rejection receipt on October 23, he would have been able to successfully upload the report that same day. Instead, the Assistant Treasurer conducted his own analysis, sought help from his vendor and tried to file the report again, 10 days later, on November 2. Both filings were again rejected because he never corrected the original error. Once he shortened the length of the payee name, he successfully uploaded the report on November 3. As explained in the ROR, a committee's software failures and failure to use filing software properly are included at 11 C.F.R. § 111.35(d) as circumstances that are not considered reasonably unforeseen and beyond the respondents' control.

Their second issue concerns the level of activity used to calculate the fine. In his July 22 response, the Assistant Treasurer concedes that a "ramp up" in their direct mail fundraising caused the report to have a level of activity that apparently justifies the \$6,000 fine. He contends, however, that a \$6,000 fine is inappropriate and punitive for these reasons: the error had no effect on and was corrected before the election and concerned the incorrect tagging of a name for an independent expenditure, the Committee

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has no permanent staff or offices, and its contributions to candidates are based on small contributions from donors. He believes that the U.S. District Court would agree that the fine is arbitrary and capricious.

In his September 3 response, the Treasurer explains the Committee's direct-mail fundraising background since its inception in 2007 with the goal of raising funds for the 2008 General Election. From its inception until October 2008, the Committee reported many dozens of independent expenditures in connection with the Presidential campaign because of the Commission's rules concerning express advocacy. Although the Committee was required to report this activity, it did not engage in very much campaign activity until late in the Fall of 2008 and the "actual, real election activity ... as of October 15, and a *potentially* justifiable fine ... would be much closer to the \$1 – 24,999.99 level, or \$100 base fine plus \$50 a day late." [Emphasis in original.] The Treasurer believes that, if they were to file suit in U.S. District Court, their experts and witnesses would demonstrate that the activity method used to calculate fines results in highly uneven outcomes between regulated organizations and candidates for similar alleged offenses.

As explained in the RTB letter, the administrative fine regulations include the four criteria used to calculate the amount of the civil money penalty. 11 C.F.R. § 111.43. They are: the election sensitivity of a report, the level of activity on the late report, the number of days late, and the number of previous violations. In its 2000 Explanation and Justification, the Commission said that the

amendment to the FECA clearly states that the Commission must take into account the "amount of the violation involved," which is not limited to contributions and expenditures. Under section 434 of the Act, political committees are required to disclose all receipts and disbursements in their reports, not just contributions and expenditures. Moreover, Congress could have drafted the amendment to include just contributions and expenditures, as it did for mandatory electronic filing in Section 639 within the same amendment, but it did not.... Thus, the Commission concludes that the "amount of the violation involved" is equal to receipts and disbursements.

The Commission revised the level of activity definition for unauthorized committees in 2003. The level of activity for these committees is now defined as total receipts and disbursements for the period covered by the late report minus the total of transfers received from the non-Federal account(s) reported on Line 18(a) and disbursements for the non-Federal share of operating expenditures attributable to allocated Federal/non-Federal activity as reported on Line 21(a)(ii). 11 C.F.R. § 111.43(a)(2)(i)(B). In its Explanation and Justification for these rules, the Commission said that it

is a permissible construction of 2 U.S.C. 437g(a)(4) to exclude from the definition of "level of activity" receipts and disbursements attributable to the payment of allocable non-Federal activity. Section 437g(a)(4) ... permits the Commission to establish and publish a schedule of penalties "which takes into account the amount of the violation involved . . . and other factors as the Commission deems

appropriate." (Emphasis added). It is both appropriate and fair to exclude from the civil money penalty calculation those receipts and disbursements solely attributable to payment of the non-Federal portion of allocated Federal/non-Federal activity. This approach ensures that the civil money penalty is proportionate to a committee's level of participation in Federal elections.

Although the Treasurer believes that the more appropriate level of activity bracket to calculate the fine should be \$1-\$24,999.99, he provides no evidence to support his assertion. The 12 Day Pre-General Report itself discloses total receipts of \$89,622 and total disbursements of \$63,193. Because the report discloses no allocable Federal/non-Federal activity, the correct level of activity for the Pre-General reporting period is \$152,815. The 12 Day Pre-General Report is an election sensitive report and is considered not filed because it was not filed prior to four days before the election. The respondents have no prior violations. 11 C.F.R. § 111.43(b)(2)(i), (d) and (e). Using the schedule of penalties at 11 C.F.R. § 111.43(b)(2)(iii) and the level of activity bracket of \$150,000 - \$199,999.99, the civil money penalty is \$6,000 x [1 + (.25 x 0)] or \$6,000. Therefore, the RTB fine was correctly calculated and there is no basis to lower it.

The respondents contend that they used best efforts to file in a timely manner but were prevented from filing by reasonably unforeseen circumstances beyond their control. Because the best efforts defense was not raised in the challenge and, therefore, is not directly responsive to the Reviewing Officer's recommendation, it is not addressed by the Reviewing Officer in this memorandum. 11 C.F.R. § 111.36(f).

The Reviewing Officer, therefore, 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 \$6,000.

OAR Recommendations

- (1) Adopt the Reviewing Officer recommendation for AF# 1973 involving The Legacy Committee Political Action Committee and James V. Lacy, as Treasurer, in making the final determination;
- (2) Make a final determination in AF# 1973 that The Legacy Committee Political Action Committee and James V. Lacy, as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$6,000; and
- (3) Send the appropriate letter.

Attachment 1 – Respondents' Response received on July 22, 2009

Attachment 2 – Supplemental Request Sent to and Response Received from ITD

Attachment 3 – Respondents' Response received on September 3, 2009

Attachment 4 – Federal Register, Vol. 65, No. 98, dated May 19, 2000, Pages 31787 and 31792; and Federal Register, Vol. 68, No. 51, dated March 17, 2003, Pages 12572 and 12576

Attachment 5 – Pages 1, 3 and 4 of the 2008 12 Day Pre-General Report filed by The Legacy Committee Political Action Committee and James V. Lacy, as Treasurer

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) AF 1973
Final Determination Recommendation:)
The Legacy Committee Political Action)
Committee and James V. Lacy, as)
Treasurer (C00429084))

CERTIFICATION

I, Darlene Harris, recording secretary for the Federal Election Commission executive session on November 03, 2009, do hereby certify that the Commission decided by a vote of 6-0, on an amended pre-meeting tally, to take the following actions in AF 1973:

1. Adopt the Reviewing Officer recommendation for AF 1973 involving The Legacy Committee Political Action Committee and James V. Lacy, as Treasurer, in making the final determination.
2. Make a final determination in AF 1973 that The Legacy Committee Political Action Committee and James V. Lacy, as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$6,000.
3. Send the appropriate letter.

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

Attest:

November 4, 2009
Date

Darlene Harris
Darlene Harris
Deputy Secretary of the Commission

10092650684



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 10, 2009

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

James V. Lacy, as Treasurer
The Legacy Committee Political Action Committee
30011 Ivy Glenn Drive, Suite 223
Laguna Niguel, CA 92677

C00429084
AF# 1973

Dear Mr. Lacy:

On March 31, 2009, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that The Legacy Committee 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 \$6,000 in accordance with the schedule of penalties at 11 C.F.R. § 111.43. On May 12, 2009, the Office of Administrative Review received the written response from you challenging the RTB finding and civil money penalty.

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 Legacy Committee Political Action Committee and you, as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty in the amount of \$6,000 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 July 13, 2009.

On July 22 and September 3, 2009, the Commission received the responses from Mr. Garcia, Assistant Treasurer, and you, respectively. On November 3, 2009, the Commission adopted the Reviewing Officer's recommendation and made a final determination that The Legacy Committee Political Action Committee and you, as Treasurer, violated 2 U.S.C. § 434(a) and assessed a civil money penalty of \$6,000. It is based on the same factors used to calculate the civil money penalty at RTB. A copy of the final determination recommendation is attached.

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

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

If You Choose Not to Pay the Civil Money Penalty and Not to Appeal

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA") as amended by the Debt Collection Improvement Act of 1996 ("DCIA"), 31 U.S.C. § 3701 et seq. If you do not pay this debt within 30 days (or file a written petition to a federal district court - see below), the Commission will transfer the debt to the U.S. Department of the Treasury ("Treasury") for collection. Within 5 days of the transfer to Treasury, Treasury will contact the debtor and request payment. Treasury currently charges a fee of 28% of the civil money penalty amount for its collection services. The fee will be added to the amount of the civil money penalty that you owe. Should Treasury's attempts fail, Treasury will refer the debt to a private collection agency ("PCA"). If the debt remains unpaid, Treasury may recommend that the Commission refer the matter to the Department of Justice for litigation.

If You Choose to Pay the Civil Money Penalty

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

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 Jill Sugarman 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

ADMINISTRATIVE FINE PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 C.F.R. § 111.43, the civil money penalty is \$6,000 for the 2008 12 Day Pre-General Report.

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

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

If you choose to send your payment by courier or overnight delivery, please use this address:

U.S. Bank - Government Lockbox
FEC # 979058
1005 Convention Plaza
Attn: Government Lockbox, SL-MO-C2GL
St. Louis, MO 63101

The form and payment are due within 30 days of receipt of this letter.

PAYMENTS BY PERSONAL CHECK

Personal checks will be converted into electronic funds transfers (EFTs). Your account will be electronically debited for the amount on the check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: The Legacy Committee Political Action Committee

FEC ID#: C00429084

AF#: 1973

PAYMENT AMOUNT DUE: \$6,000

FOR: The Legacy Committee Political Action Committee

FEC ID#: C00429084

AF#: 1973

1-26

PAYMENT AMOUNT DUE: \$6,000

3

QUALITY IS OUR PRIORITY FOR LOCKBOX 9058
SEQ# 003 \$ 0000600000 BA# 1 02-01-10 20 3



1163

THE LEGACY COMMITTEE PAC
ID #C00429084
82011 NY GLENN DR. #222
LAGUNA HILLS, CA 92653

BANK OF AMERICA
DANA POINT BRANCH 1077
2001 DEL PRADO AVENUE
DANA POINT, CA 92629
714-251-1234

1/21/2010

PAY TO THE Federal Election Commission
ORDER OF
Six Thousand Dollars and Zero Cents

\$ 6,000.00
DOLLARS

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

MEMO

[Handwritten signature]

10002650688

tsbancorp.



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 1973

DATE SCANNED 3/29/10

SCANNER NO. 2

SCAN OPERATOR ESS

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