FEDERAL ELECTION COMMISSION
Washington DC 20463

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THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 2043

DATE SCANNED 10-15-08

SCANNER NO. 2

SCAN OPERATOR [illegible]

FEDERAL ELECTION
COMMISSION
SECRETARIAT

2009 APR -7 P 3:11

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 7, 2009

MEMORANDUM

SENSITIVE

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TO: THE COMMISSION

THROUGH: ROBERT HICKEY
STAFF DIRECTOR AP for RAH

FROM: JOHN D. GIBSON
CHIEF COMPLIANCE OFFICER

PATRICIA CARMONA PC
ASSISTANT STAFF DIRECTOR
REPORTS ANALYSIS DIVISION

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

SUBJECT: WITHDRAWAL AND RESUBMISSION OF REASON TO BELIEVE RECOMMENDATION – 2008 YEAR-END REPORT FOR THE ADMINISTRATIVE FINE PROGRAM

Attached is a list of political committees and their treasurers who failed to file the 2008 Year-End Report in accordance with 2 U.S.C. 434(a). The Year-End Report was due on January 31, 2009.

The committees listed in the attached RTB Circulation Report either failed to file the report, filed the report more than five (5) days but no more than thirty (30) days after the due date (considered a late filed report), or filed the report more than thirty (30) days after the due date (considered a non-filed report). In accordance with the schedule of civil money penalties for reports at 11 CFR 111.43, these committees should be assessed the civil money penalties highlighted on the attached circulation report.

Recommendation

2. Find reason to believe that all other political committees and their treasurers listed on the RTB Circulation Report violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalties would be the amounts indicated on the RTB Circulation Report.

3. Send the appropriate letters.

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Federal Election Commission
Reason to Believe Circulation Report
2008 YEAR-END Not Election Sensitive 01/31/2009 H_S_P_UNAUTH

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	Penalty
2043	C00444067	ALASKANS FOR CUDDY	CUDDY, DAVID W.	BRUCE E. ELIASEN	$2,517,748.00	0		Not Filed	$629,437 (est)	$10,000
2044	C00446476	AMIT SINGH FOR CONGRESS	SINGH, AMIT KUMAR	WENDY S. REIGHARD	$123,334.00	0		Not Filed	$30,834 (est)	$900
2046	C00436535	BENJAMIN LODMELL FOR U S CONGRESS	LODMELL, BENJAMIN	BENJAMIN LODMELL	$121,932.00	0		Not Filed	$40,644 (est)	$900
2047	C00443036	BENNY SHENDO FOR CONGRESS	SHENDO, BENNY, JR.	JOSEPH A. GARCIA	$321,859.00	0		Not Filed	$80,465 (est)	$3,500
2048	C00443762	CARRARO FOR CONGRESS	CARRARO, JOSEPH J.	C. BERT LEDBETTER	$146,500.00	0		Not Filed	$36,625 (est)	$900
2050	C00417972	CHASE FOR SENATE	CHASE, KEN	FRANCIS G. CHASE	$141,295.00	1		Not Filed	$20,185 (est)	$625
2052	C00444208	CITIZENS FOR RAY MCKINNEY	MCKINNEY, RAYMOND LOUIS	LISA DARLENE MCKINNEY	$177,090.00	2		Not Filed	$44,273 (est)	$1,350
2054	C00453852	COMMITTEE TO ELECT KENYA 2 CONGRESS	SMITH, KENYA J. H.	ROLAND BARTHE	$188,899.00	0		Not Filed	$62,966 (est)	$2,700
2055	C00449876	COMMITTEE TO ELECT MARY WRIGHT	WRIGHT, MARY D.	MARY WRIGHT	$343,017.00	1		Not Filed	$57,169 (est)	$3,375
2056	C00420224	COX 2008 COMMITTEE INC	COX, JOHN H.	CLAREMONT RUFF	$1,275,764.00	0		Not Filed	$85,051 (est)	$3,500

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	Penalty
2058	C00447029	DARIUS FOR CONGRESS	SHAHINFAR, DARIUS	DARIUS SHAHINFAR	$477,471.00	0	2/18/2009	18	$7,089	$140
2059	C00444984	DECUIR FOR CONGRESS	DECUIR, JASON MAURICE	WINSTON G. DECUIR, SR.	$276,237.00	0		Not Filed	$69,059 (est)	$2,700
2061	C00438077	ERIC EGLAND FOR CONGRESS	EGLAND, ERIC IVER	ANIA EGLAND	$345,400.00	0		Not Filed	$69,080 (est)	$2,700
2062	C00294918	FANNIE LOU HAMER FEDERAL POLITICAL ACTION COMMITTE		EDWIN K. WASHINGTON	$122,663.00	0		Not Filed	$17,523 (est)	$500
2063	C00431049	FINEGOLD COMMITTEE	FINEGOLD, BARRY	TRAVIS M. DROUIN	$1,957,437.00	1		Not Filed	$217,493 (est)	$8,125
2064	C00395392	FRIENDS OF BARBARA FERRIS	FERRIS, BARBARA ANNE	BARBARA ANNE FERRIS	$139,812.00	0		Not Filed	$17,477 (est)	$500
2065	C00444992	FRIENDS OF JOHN STROUP	STROUP, JOHN REA	ERIC LEO FUNK	$142,927.00	0		Not Filed	$47,642 (est)	$900
2067	C00445189	JACKSON FOR CONGRESS	JACKSON, MICHAEL	MURPHY F. BELL JR.	$429,544.00	0		Not Filed	$53,693 (est)	$2,700
2068	C00441444	JENNIFER DOUGHERTY FOR CONGRESS	DOUGHERTY, JENNIFER P.	KATHLEEN D. CASSIDY	$345,248.00	0		Not Filed	$49,321 (est)	$900
2069	C00447052	JIM FORSYTHE FOR CONGRESS	FORSYTHE, JAMES RUSSELL	CHRISTOPHER LAWLESS	$194,799.00	0		Not Filed	$64,933 (est)	$2,700
2070	C00442863	JONELROD.COM	ELROD, JONATHAN ROBERT	JAN MARSHALL	$397,888.00	0		Not Filed	$56,841 (est)	$2,700

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	Penalty
2072	C00001743	LOCAL 1814 INTERNATIONAL LONGSHOREMENS ASSOC AFL-CIO POLITICAL ACTION AND EDUCATION FUND		ANTHONY GRAFFINO	$206,842.00	0	3/25/2009	Not Filed	$10,213	$500
2074	C00409631	LOUISIANA REFORM PAC		JOHN C. SCHMIDT	$451,239.00	0	2/27/2009	27	$14,204	$235
2075	C00443986	MARK ANDERSON FOR CONGRESS	ANDERSON, MARK	KOREY BOALS	$298,449.00	0		Not Filed	$59,690 (est)	$2,700
2076	C00381277	OHIO COAL ASSOCIATION PAC		MICHAEL CAREY	$182,844.00	0	3/1/2009	29	$3,471	$170
2077	C00446799	ONDER FOR CONGRESS	ONDER, ROBERT FRANK, JR.	PHIL ECKELKAMP	$1,441,485.00	0		Not Filed	$360,371 (est)	$9,000
2078	C00165324	PHILADELPHIA JOINT BOARD UNITE HERE TIPS		MILDRED SALDANA	$153,899.00	0	2/23/2009	23	$330	$140
2079	C00442558	PIPKIN FOR CONGRESS	PIPKIN, E. J.	STEPHEN S. HERSHEY, JR.	$2,150,616.00	0		Not Filed	$537,654 (est)	$9,500
2080	C00363812	RECREATIONAL FISHING ALLIANCE, PAC		TONI STEFANO	$104,891.00	2		Not Filed	$20,978	$750
2081	C00449629	REED FOR US SENATE 2008 INC	REED, CHRISTOPHER	KIMBERLY REED	$117,880.00	0		Not Filed	$29,470 (est)	$900
2082	C00433128	RICARDO MUNOZ FOR CONGRESS	MUNOZ, RICARDO	CARMEN FLORES-RANCE	$690,313.00	0		Not Filed	$172,578 (est)	$5,500.00
2083	C00437152	SCONTRAS FOR CONGRESS	SCONTRAS, DEAN P.	JANE E. FAULKNER	$776,540.00	0		Not Filed	$129,423 (est)	$4,500
2085	C00430520	TODD LONG FOR CONGRESS	LONG, WILLIAM TODD	WILLIAM TODD LONG	$653,524.00	0		Not Filed	$81,691 (est)	$3,500

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	Penalty
2086	C00340828	TROVER SOLUTIONS INC		DOUGLAS R. SHARPS	$104,354.00	0	3/5/2009	Not Filed	$2,832	$250
2087	C00403774	UNITED DEMOCRATIC CAMPAIGN OF ALAMEDA COUNTY		KENNETH PON	$105,456.00	0	2/18/2009	18	$6,881	$140
2088	C00451831	WYNE FOR CONGRESS	WYNE, JAMSHAD	MARIA SCHILLACI	$610,514.00	0		Not Filed	$203,505 (est)	$6,500

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
Withdrawal and Resubmission of Reason To Believe Recommendation - 2008 Year End Report for the Administrative Fine Program:	)	
ALASKANS FOR CUDDY, and BRUCE E ELIASEN as treasurer;	)	AF# 2043
AMIT SINGH FOR CONGRESS, and WENDY S REIGHARD as treasurer;	)	AF# 2044
BENJAMIN LODMELL FOR U S CONGRESS, and BENJAMIN LODMELL as treasurer;	)	AF# 2046
BENNY SHENDO FOR CONGRESS, and JOSEPH A GARCIA as treasurer;	)	AF# 2047
CARRARO FOR CONGRESS, and C BERT LEDBETTER as treasurer;	)	AF# 2048
CHASE FOR SENATE, and FRANCIS G CHASE as treasurer;	)	AF# 2050
CITIZENS FOR RAY MCKINNEY, and LISA DARLENE MCKINNEY as treasurer;	)	AF# 2052
COMMITTEE TO ELECT KENYA 2 CONGRESS, and ROLAND BARTHE as treasurer;	)	AF# 2054
COMMITTEE TO ELECT MARY WRIGHT, and MARY WRIGHT as treasurer;	)	AF# 2055
COX 2008 COMMITTEE INC, and RUFF, CLAREMONT as treasurer;	)	AF# 2056

DARIUS FOR CONGRESS, and SHAHINFAR, DARIUS as treasurer;	)	AF# 2058
DECUIR FOR CONGRESS, and WINSTON G DECUIR SR as treasurer;	)	AF# 2059
ERIC EGLAND FOR CONGRESS, and EGLAND, ANIA as treasurer;	)	AF# 2061
FANNIE LOU HAMER FEDERAL POLITICAL ACTION COMMITTE, and EDWIN K WASHINGTON as treasurer;	)	AF# 2062
FINEGOLD COMMITTEE, and TRAVIS M DROUIN as treasurer;	)	AF# 2063
FRIENDS OF BARBARA FERRIS, and BARBARA ANNE FERRIS as treasurer;	)	AF# 2064
FRIENDS OF JOHN STROUP, and ERIC LEO FUNK as treasurer;	)	AF# 2065
JACKSON FOR CONGRESS, and MURPHY F BELL JR as treasurer;	)	AF# 2067
JENNIFER DOUGHERTY FOR CONGRESS, and KATHLEEN D CASSIDY as treasurer;	)	AF# 2068
JIM FORSYTHE FOR CONGRESS, and CHRISTOPHER LAWLESS as treasurer;	)	AF# 2069
JONELROD.COM, and JAN MARSHALL as treasurer;	)	AF# 2070
LOCAL 1814 INTERNATIONAL LONGSHOREMENS ASSOC AFL-CIO POLITICAL ACTION AND EDUCATION FUND, and ANTHONY GRAFFINO as treasurer;	)	AF# 2072
LOUISIANA REFORM PAC, and SCHMIDT, JOHN C as treasurer;	)	AF# 2074
MARK ANDERSON FOR CONGRESS, and BOALS, KOREY as treasurer;	)	AF# 2075

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OHIO COAL ASSOCIATION PAC, and CAREY^MICHAEL^^ as treasurer;	)	AF# 2076
ONDER FOR CONGRESS, and PHIL ECKELKAMP as treasurer;	)	AF# 2077
PHILADELPHIA JOINT BOARD UNITE HERE TIPS, and MS MILDRED SALDANA as treasurer;	)	AF# 2078
PIPKIN FOR CONGRESS, and STEPHEN S HERSHEY JR as treasurer;	)	AF# 2079
RECREATIONAL FISHING ALLIANCE, PAC, and TONI STEFANO as treasurer;	)	AF# 2080
REED FOR US SENATE 2008 INC, and KIMBERLY REED as treasurer;	)	AF# 2081
RICARDO MUNOZ FOR CONGRESS, and CARMEN FLORES-RANCE as treasurer;	)	AF# 2082
SCONTRAS FOR CONGRESS, and GORDON A DAVIS as treasurer;	)	AF# 2083
TODD LONG FOR CONGRESS, and LONG, WILLIAM TODD MR. as treasurer;	)	AF# 2085
TROVER SOLUTIONS INC, and DOUGLAS R SHARPS as treasurer;	)	AF# 2086
UNITED DEMOCRATIC CAMPAIGN OF ALAMEDA COUNTY, and KENNETH PON CPA as treasurer;	)	AF# 2087
WYNE FOR CONGRESS, and MARIA SCHILLACI as treasurer;	)	AF# 2088

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CERTIFICATION

I, Mary W. Dove, Secretary of the Federal Election Commission, do hereby certify that on April 08, 2009 the Commission took the following actions on the Withdrawal and Resubmission of Reason To Believe Recommendation - 2008 Year End Report for the Administrative Fine Program as recommended in the Reports Analysis Division's Memorandum dated April 07, 2009, on the following committees:

AF#2043 Decided by a vote of 6-0 to: (1) find reason to believe that ALASKANS FOR CUDDY, and BRUCE E ELIASEN 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#2044 Decided by a vote of 6-0 to: (1) find reason to believe that AMIT SINGH FOR CONGRESS, and WENDY S REIGHARD 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#2046 Decided by a vote of 6-0 to: (1) find reason to believe that BENJAMIN LODMELL FOR U S CONGRESS, and BENJAMIN LODMELL 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#2047 Decided by a vote of 6-0 to: (1) find reason to believe that BENNY SHENDO FOR CONGRESS, and JOSEPH A GARCIA 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#2048 Decided by a vote of 6-0 to: (1) find reason to believe that CARRARO FOR CONGRESS, and C BERT LEDBETTER 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#2050 Decided by a vote of 6-0 to: (1) find reason to believe that CHASE FOR SENATE, and FRANCIS G CHASE 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#2052 Decided by a vote of 6-0 to: (1) find reason to believe that CITIZENS FOR RAY MCKINNEY, and LISA DARLENE MCKINNEY 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#2054 Decided by a vote of 6-0 to: (1) find reason to believe that COMMITTEE TO ELECT KENYA 2 CONGRESS, and ROLAND BARTHE 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#2055 Decided by a vote of 6-0 to: (1) find reason to believe that COMMITTEE TO ELECT MARY WRIGHT, and MARY WRIGHT 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#2056 Decided by a vote of 6-0 to: (1) find reason to believe that COX 2008 COMMITTEE INC, and RUFF, CLAREMONT 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#2058 Decided by a vote of 6-0 to: (1) find reason to believe that DARIUS FOR CONGRESS, and SHAHINFAR, DARIUS 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#2059 Decided by a vote of 6-0 to: (1) find reason to believe that DECUIR FOR CONGRESS, and WINSTON G DECUIR SR 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#2061 Decided by a vote of 6-0 to: (1) find reason to believe that ERIC EGLAND FOR CONGRESS, and EGLAND, ANIA 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#2062 Decided by a vote of 6-0 to: (1) find reason to believe that FANNIE LOU HAMER FEDERAL POLITICAL ACTION COMMITTE, and EDWIN K WASHINGTON 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#2063 Decided by a vote of 6-0 to: (1) find reason to believe that FINEGOLD COMMITTEE, and TRAVIS M DROUIN as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated

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on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2064 Decided by a vote of 6-0 to: (1) find reason to believe that FRIENDS OF BARBARA FERRIS, and BARBARA ANNE FERRIS 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#2065 Decided by a vote of 6-0 to: (1) find reason to believe that FRIENDS OF JOHN STROUP, and ERIC LEO FUNK 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#2067 Decided by a vote of 6-0 to: (1) find reason to believe that JACKSON FOR CONGRESS, and MURPHY F BELL 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#2068 Decided by a vote of 6-0 to: (1) find reason to believe that JENNIFER DOUGHERTY FOR CONGRESS, and KATHLEEN D CASSIDY 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#2069 Decided by a vote of 6-0 to: (1) find reason to believe that JIM FORSYTHE FOR CONGRESS, and CHRISTOPHER LAWLESS 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#2070 Decided by a vote of 6-0 to: (1) find reason to believe that JONELROD.COM, and JAN MARSHALL 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#2072 Decided by a vote of 6-0 to: (1) find reason to believe that LOCAL 1814 INTERNATIONAL LONGSHOREMENS ASSOC AFL-CIO POLITICAL ACTION AND EDUCATION FUND, and ANTHONY GRAFFINO 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#2074 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#2075 Decided by a vote of 6-0 to: (1) find reason to believe that MARK ANDERSON FOR CONGRESS, and BOALS, KOREY 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#2076 Decided by a vote of 6-0 to: (1) find reason to believe that OHIO COAL ASSOCIATION PAC, and CAREY^MICHAEL^^ as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2077 Decided by a vote of 6-0 to: (1) find reason to believe that ONDER FOR CONGRESS, and PHIL ECKELKAMP as treasurer violated 2 U.S.C. 434(a) and make a

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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#2078 Decided by a vote of 6-0 to: (1) find reason to believe that PHILADELPHIA JOINT BOARD UNITE HERE TIPS, and MS MILDRED SALDANA 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#2079 Decided by a vote of 6-0 to: (1) find reason to believe that PIPKIN FOR CONGRESS, and STEPHEN S HERSHEY 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#2080 Decided by a vote of 6-0 to: (1) find reason to believe that RECREATIONAL FISHING ALLIANCE, PAC, and TONI STEFANO 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#2081 Decided by a vote of 6-0 to: (1) find reason to believe that REED FOR US SENATE 2008 INC, and KIMBERLY REED 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#2082 Decided by a vote of 6-0 to: (1) find reason to believe that RICARDO MUNOZ FOR CONGRESS, and CARMEN FLORES-RANCE 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#2083 Decided by a vote of 6-0 to: (1) find reason to believe that SCONTRAS FOR CONGRESS, and GORDON A DAVIS 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#2085 Decided by a vote of 6-0 to: (1) find reason to believe that TODD LONG FOR CONGRESS, and LONG, WILLIAM TODD MR. as treasurer violated 2 U.S.C.

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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#2086 Decided by a vote of 6-0 to: (1) find reason to believe that TROVER SOLUTIONS INC, and DOUGLAS R SHARPS 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#2087 Decided by a vote of 6-0 to: (1) find reason to believe that UNITED DEMOCRATIC CAMPAIGN OF ALAMEDA COUNTY, and KENNETH PON CPA 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#2088 Decided by a vote of 6-0 to: (1) find reason to believe that WYNE FOR CONGRESS, and MARIA SCHILLACI 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:

April 8, 2009
Date

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

29092642677

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 13, 2009

Bruce E. Eliasen as Treasurer
Alaskans for Cuddy
1900 Stanford Drive
Anchorage, AK 99508

C00444067
AF#: 2043

29092542678

Dear Mr. Eliasen:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file a Year End Report of Receipts and Disbursements every calendar year. This report, covering the period through December 31, 2008, was due no later than January 31, 2009. 2 U.S.C. § 434(a). Records at the Federal Election Commission ("FEC") indicate that this report was not filed within thirty (30) days of the due date. You should file this report if you have not already done so.

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 April 8, 2009, the FEC found that there is reason to believe ("RTB") that Alaskans for Cuddy and you as treasurer violated 2 U.S.C. § 434(a) by failing to file timely this report on or before January 31, 2009. 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 $10,000. 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 18, 2009, and is based on these factors:

Election Sensitivity of Report: Not Election Sensitive
Level of Activity: $629,437
Number of Days Late: Not Filed
Number of Previous Civil Money Penalties Assessed: 0

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 18, 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 <u>not</u> 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 Alaskans for Cuddy and you as treasurer violated 2 U.S.C. § 434(a) and assess a civil money penalty.

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

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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.

29092642680

On behalf of the Commission,

Steven T. Walther
Chairman

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 $10,000 for the 2008 Year-End 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 18, 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: Alaskans for Cuddy

FEC ID#: C00444067

AF#: 2043

PAYMENT DUE DATE: May 18, 2009

PAYMENT AMOUNT DUE: $10,000

29092642681

Alaskans for Cuddy, Inc.

RECEIVED
FEC MAIL CENTER
2009 MAY 14 A 9:08

SECRETARY OF THE SENATE
09 MAY 14 PM 3:21

David Cuddy, candidate
1900 Stanford Drive Anchorage, Ak 99508
512 668 4346
david@studioestates.biz

29092642682

Maurine Benitz

202 208 1574 fax 800 424 9530 0 x1660

May 4, 2009

Dear Ms. Benitz,

I must admit to being angry at seeing a fine leveled for a late report that had already been submitted...until I found out that you are right, it had not been submitted.

I would like to give you the history of the filing of this report, and seek your assistance in submitting a request to dismiss/challenge this fine.

I lost this race in the primary last August to incumbent Senator Ted Stevens. I'm in the process of closing down and terminating this account. The bank account has been closed for six months.

I learned in January that the 3Q report had an error and needed to be amended. I got a letter from the FEC in late January or early February. I phoned the FEC and assured them that this was a priority and would be handled. I contacted my personal CPA and had him meet with Jay Griffin, our former office manager who had been handling the bookkeeping for these reports. I offered Mr. Griffin the assistance of my CPA to close this business out. Mr. Griffin assured me that he could handle the amendment and the year end report, without the assistance of my CPA. I asked Mr. Griffin to call the FEC and stay in contact with them while he completed the reports, as we were slightly late in the filings, and I needed to make sure we kept in contact until these reports were satisfactorily filed. I asked him to send me a copy of the filed reports. I flew to Austin Texas, where I've been working for the past three months. I did not get a copy of the filed reports by late March, so I arranged a conference call with the campaign treasurer and Mr. Griffin and myself in early April. The treasurer's email had changed, so he did not attend the conference call, but Mr. Griffin told me he had the filings under control, and was in contact with the FEC and would get these reports filed immediately. He reiterated that he did not need the campaign treasurer's help, especially because the year end and 1Q reports reflected no new activity. When I didn't get copies of the filed reports mid April, I flew back to

Anchorage in late April to get this report filed. I opened your letter at that time. I called and emailed Mr. Griffin all week, and he finally returned my call on Saturday, May 2. He said he had not been able to reach the campaign treasurer to get his signature. I opened the phone book and called the treasurer. He personally answered on the first ring...very easy to reach. I pushed Mr. Griffin to bring the reports that he said had been ready for weeks, to the treasurer's home and we got them signed and mailed out certified. The reports have been filed.

There is never an excuse for not complying with the law. The law required the timely filing of these reports, and they should have been filed on time. I made every attempt I could to get them filed. I have no explanation for why Mr. Griffin did not file them, or why he sat on the completed reports this past month. As you may know, losing a campaign to a powerful incumbent is hard to fund, and hard to find good volunteers. That is not your problem, but it was our problem. I was not able to wrest the forms and information from Mr. Griffin, as he said he could handle it each time we conversed. Mr. Griffin thought he had a rapport with the FEC official he was working with, and didn't know the campaign was at risk of a fine (not an excuse).

All I can do is apologize, agree we filed late, and ask for leniency and dismissal of the fine. We want to close this account out and be done with this account. Citizen candidates face difficult obstacles in running against powerful incumbents. I hope you don't penalize this campaign for trying to bring about that change. I hope you'll agree that there was no harm done...in that no activity took place during the reporting times of these two reports. I can't ask Mr. Griffin to pay the fine, he's just a volunteer, and he has no money. The campaign has no money, and no ability to raise any money. I think you'll agree that my opponent, Senator Stevens' failure to report to the FEC his $250,000 gift from a man convicted of bribing politicians was a greater harm to our nation, and I'm sure he wasn't fined.

I'd appreciate your advice as how to approach the FEC and ask for dismissal of this fine.

Sincerely,

David Cuddy, candidate

29092642683

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Via First Class Mail

May 6, 2009

29092642684

Bruce E. Eliasen, as Treasurer
Alaskans for Cuddy
1900 Stanford Drive
Anchorage, AK 99508

C00444067
AF# 2043

Dear Mr. Eliason:

On May 4, 2009 the Commission received a written response ("challenge") which is being reviewed by the Office of Administrative Review. If you have any questions regarding this challenge, please contact this Office on our toll free number (800)424-9530 (press 0, then ext. 1660) or (202)694-1660.

Sincerely,

Shawn Woodhead Werth
Reviewing Officer
Office of Administrative Review

cc: David Cuddy

29099264268 5

Date: May 21, 2009

REFERRAL TO OFFICE OF ADMINISTRATIVE REVIEW
CHALLENGE RECEIVED

AF#: 2043

Committee Name: Alaskans for Cuddy

Committee ID#: C00444067

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 Reports, dated April 3, 2009 and April 7, 2009, and RTB Certification, dated April 8, 2009: Y
Attachment #: 1
Certified Return Receipt (Y/N): Y
Attachment #: 2

Other Relevant Telecoms (Y/N): N
Attachment #: N/A
Original Correspondence Received by RAD in Response to RTB Letter (Y/N): N
Attachment #: N/A
RAD Staff Declaration (Y/N): Y
-Non-Filer Letter, dated February 20, 2009.
-RTB Letter, dated April 13, 2009.
Attachment #: 4
Other RAD Information: (Y/N): N
Attachment#: N/A

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.

1. Article Addressed to:

BRUCE E. ELIASEN
ALASKANS FOR CUDDY
1900 STANFORD DRIVE
ANCHORAGE, AK 99508

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X [signature] ☐ Agent ☐ Addressee

B. Received by (Printed Name) [signature] 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

2. Article Number (Transfer from service label) 7008 2810 0001 2225 7843

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

2909264268

DECLARATION OF NATALIYA IOFFE

1. I am the Chief of the Compliance Branch for the Reports Analysis Division of the Federal Election Commission ("Commission"). In my capacity as Chief of the Compliance Branch, I oversee the initial processing of the Administrative Fine Program. I make this declaration based on my personal knowledge and, if called upon as a witness, could and would testify competently to the following matters.
2. I hereby certify that documents identified herein are true and accurate copies of the following sent by the Commission to Alaskans for Cuddy:
   A) Non-Filer Letter, dated February 20, 2009, referencing the 2008 Year End Report;
   B) Reason-to-Believe Letter, dated April 13, 2009, referencing the 2008 Year End Report.
3. I hereby certify that I have searched the Commission's public records and find that Alaskans for Cuddy filed the 2008 Year End Report with the Secretary of Senate on May 2, 2009.
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 8th day of May, 2009.

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

29092642687

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 20, 2009

RQ-7

BRUCE E ELIASEN, TREASURER
ALASKANS FOR CUDDY
1900 STANFORD DRIVE
ANCHORAGE, AK 99508

29030034092642688

IDENTIFICATION NUMBER: C00444067

REFERENCE: YEAR-END REPORT 10/1/2008 - 12/31/2008

DEAR TREASURER:

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

IT IS IMPORTANT THAT YOU FILE THIS REPORT IMMEDIATELY WITH THE FEDERAL ELECTION COMMISSION, 999 E STREET, N.W., WASHINGTON, D.C. 20463 FOR HOUSE CANDIDATES, OR THE SECRETARY OF THE SENATE, 232 HART SENATE OFFICE BUILDING, WASHINGTON, D.C. 20510 (MAILING ADDRESS: OFFICE OF PUBLIC RECORDS, P.O. BOX 2517, ALEXANDRIA, VA 22301), FOR SENATE CANDIDATES. PLEASE NOTE THAT ELECTRONIC FILERS MUST SUBMIT THEIR REPORTS ELECTRONICALLY, AS PER 11 CFR §104.18. A COPY OF THE REPORT MUST ALSO BE FILED WITH THE SECRETARY OF STATE OR EQUIVALENT STATE OFFICER UNLESS THE STATE IS EXEMPT FROM THE FEDERAL REQUIREMENT TO RECEIVE AND MAINTAIN PAPER COPIES. YOU CAN VERIFY THE COMMISSION'S RECEIPT OF ANY DOCUMENTS SUBMITTED BY YOUR COMMITTEE ON THE FEC WEBSITE AT WWW.FEC.GOV.

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

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

SINCERELY,

Patricia Carmona

PATRICIA CARMONA
ASSISTANT STAFF DIRECTOR
REPORTS ANALYSIS DIVISION (RAD)

2009 JUN -1 P 5:11

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 1, 2009

MEMORANDUM

SENSITIVE

To: The Commission

Through: Robert A. Hickey
Staff Director

From: John D. Gibson
Chief Compliance Officer

Shawn Woodhead Werth
Reviewing Officer
Office of Administrative Review

By: Jill I. Sugarman
Reviewing Analyst

Subject: Reviewing Officer Recommendation in AF# 2043 – Alaskans for Cuddy and Bruce E. Eliasen, as Treasurer (C00444067)

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

29092642689

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 1, 2009

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

AF# 2043 – Alaskans for Cuddy and Bruce E. Eliasen, as Treasurer (C00444067)

On April 8, 2009, the Commission found reason to believe ("RTB") that the respondents violated 2 U.S.C. § 434(a) for failing to file the 2008 Year End Report and made a preliminary determination that the civil money penalty was $10,000 based on the schedule of penalties at 11 C.F.R. § 111.43. They were notified of the Commission's finding and RTB civil money penalty by the Reports Analysis Division ("RAD") on April 13, 2009.

Respondents' Response

On May 4, 2009, the Commission received, via facsimile, the written response ("challenge") from the Candidate on behalf of the respondents (the original challenge was received on May 14). He contacted the Commission, his personal CPA and Jay Griffin, the former office manager who handled the bookkeeping, when he learned in January that the third quarter report had an error. He offered Mr. Griffin his CPA's services but Mr. Griffin said that he could handle the amendment and the Year End Report on his own. He asked Mr. Griffin to stay in contact with the Commission since the reports were already late and to send him copies once they were filed. Mr. Cuddy contacted him in early April because the reports had not been filed. Mr. Griffin said that the filings were under control, he was in contact with the Commission, would file the reports immediately, and did not need the Treasurer's help since the Year End and April Quarterly Reports had no new activity. Mr. Cuddy followed-up with him again in late April and arranged for Mr. Griffin to get the Treasurer to sign the reports, and then mail them. The Candidate made every attempt to get the reports filed. He offers no explanation for why Mr. Griffin waited so long to file the reports, but Mr. Griffin believed he had a rapport with Commission staff and was unaware of the risk of a fine. Since there was no activity during these periods, the Candidate says no harm was done. He apologizes, agrees that they filed late, and asks for leniency and dismissal of the fine.

Analysis

The 2008 Year End Report was filed on May 2, 2009, 91 days late.

The Federal Election Campaign Act ("Act") states that the treasurer of a principal campaign committee shall file a report for the quarter ending December 31 no later than January 31 of the following calendar year. 2 U.S.C. § 434(a)(2)(A)(iii) and 11 C.F.R. § 104.5(a)(1)(i). If the reports are sent by registered or certified mail, by Express or Priority Mail with delivery confirmation or by overnight delivery service with an online tracking system, and scheduled for next business day delivery, they must be postmarked, or deposited with the mailing service, no later than the January 31 to be timely filed. 2 U.S.C. § 434(a)(5) and 11 C.F.R. §§ 100.19(b) and 104.5(e). The treasurer shall be personally responsible for the timely filing of reports. 11 C.F.R. § 104.14(d).

At the time of the RTB finding, the Commission estimated the level of activity to be $629,437 because no report was received. 11 C.F.R § 111.43(a)(2)(ii)(d) and (e). The Year

29092642690

End Report, filed on May 2, 2009, discloses $0 in receipts and $0 in disbursements, resulting in a level of activity of $0. Since the schedule of penalties at 11 C.F.R. § 111.43(a)(2)(iii) only provides for civil money penalties if the level of activity is $1.00 or more, no civil money penalty should be assessed in this case.

Negligence and the unavailability or inexperience of the treasurer or other staff 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 (he lost the Primary Election; his opponent in that election; difficulty finding good volunteers; their ability to pay the fine; they are in the process of terminating; and the bank account is closed) 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 $0 (reduced from the RTB civil money penalty of $10,000).

29092642691

OAR Recommendations

(1) Adopt the Reviewing Office recommendation in AF# 2043 involving Alaskans for Cuddy and Bruce E. Eliasen, as Treasurer, in making the final determination;
(2) Make a final determination in AF# 2043 that Alaskans for Cuddy and Bruce E. Eliasen, as Treasurer, violated 2 U.S.C. § 434(a) and, based on the actual level of activity disclosed on the Year End Report ($0), assess a civil money penalty of $0 (reduced from the RTB civil money penalty of $10,000); and
(3) Send the appropriate letter.

Reviewing Analyst: Jill I. Sugarman

Attachments

Attachment 1 – Challenge Received from Respondents
Attachment 2 – Declaration from RAD
Attachment 3 – Declaration from OAR

Attachment #3
5 Pages

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 Year End Report is due January 31, 2009. Senate principal campaign committees must file reports with the Secretary of the Senate. If the report is sent by certified or registered mail, Priority or Express Mail with delivery confirmation, or by overnight delivery service with an on-line tracking system and scheduled for next business day delivery, it must be postmarked, or delivered to the service, by the close of business on January 31 to be timely filed.
3. It is the practice of the Office of Public Records, Secretary of the Senate to date stamp each report as it is received and complete an envelope processing page disclosing the method used to file the report as well as either the date of receipt or postmark.
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 Page 1 of the Summary Page, Page 4 of the Detailed Summary Page, the envelope, and the Senate Office of Public Records postmark sheet for the 2008 Year End Report filed via Express Mail by Alaskans for Cuddy and Bruce E. Eliasen, as Treasurer. According to the Commission's records, the report covers the period from October 1 through December 31, 2008, was sent on May 2, 2009, and received on May 6, 2009. Lines 24 and 26 list $0.00 in total receipts and total disbursements, respectively, for the reporting period.
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 1st of June, 2009.

Jill I. Sugarman

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

29092642692

FEC FORM 3

REPORT OF RECEIPTS AND DISBURSEMENTS

For An Authorized Committee

SECRETARY OF THE SENATE
09 MAY -6 AM 10:43
SECRETARY OF THE SENATE
Office Use Only

12FE4M5

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

ALASKANS FOR CUDDY

ADDRESS (number and street) ▼

1900 STANFORD DR

Check if different than previously reported. (ADC)

ANCHORAGE | AK | 99508-

2. FEC IDENTIFICATION NUMBER ▼

C00444067

CITY ▲ | STATE ▲ | ZIP CODE ▲

STATE ▼ DISTRICT

AK

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

4. TYPE OF REPORT (Choose One)

(a) Quarterly Reports:

- April 15 Quarterly Report (Q1)
- July 15 Quarterly Report (Q2)
- October 15 Quarterly Report (Q3)
- ✓ January 31 Year-End Report (YE)
- Termination Report (TER)

(b) 12-Day PRE-Election Report for the:

Primary (12P) General (12G) Runoff (12R)

Convention (12C) Special (12S)

Election on M M / D D / Y Y Y Y in the State of

(c) 30-Day POST-Election Report for the:

General (30G) Runoff (30R) Special (30S)

Election on M M / D D / Y Y Y Y in the State of

6. Covering Period 10 / 01 / 2008 through 12 / 31 / 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: Bruce E. Eliasen

Signature of Treasurer: [signature] Date 05 / 02 / 2009

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 3 (Revised 02/2003)

29092642693

29020202040

DETAILED SUMMARY PAGE
of Disbursements

II. DISBURSEMENTS	COLUMN A Total This Period	COLUMN B Election Cycle-to-Date
17. OPERATING EXPENDITURES	0.00	7507116.1
18. TRANSFERS TO OTHER AUTHORIZED COMMITTEES	0.00	0.00
19. LOAN REPAYMENTS:		
(a) Of Loans Made or Guaranteed by the Candidate	0.00	1036597.1
(b) Of All Other Loans	0.00	0.00
(c) TOTAL LOAN REPAYMENTS (add Lines 19(a) and (b))	0.00	1036597.1
20. REFUNDS OF CONTRIBUTIONS TO:		
(a) Individuals/Persons Other Than Political Committees	0.00	829221
(b) Political Party Committees	0.00	0.00
(c) Other Political Committees (such as PACs)	0.00	0.00
(d) TOTAL CONTRIBUTION REFUNDS (add Lines 20(a), (b), and (c))	0.00	829221
21. OTHER DISBURSEMENTS	0.00	0.00
22. TOTAL DISBURSEMENTS (add Lines 17, 18, 19(c), 20(d), and 21) ▶	0.00	8626635.31

III. CASH SUMMARY

23. CASH ON HAND AT BEGINNING OF REPORTING PERIOD	0.00
24 TOTAL RECEIPTS THIS PERIOD (from Line 16, page 3)	0.00
25. SUBTOTAL (add Line 23 and Line 24)	0.00
26. TOTAL DISBURSEMENTS THIS PERIOD (from Line 22)	0.00
27. CASH ON HAND AT CLOSE OF REPORTING PERIOD (subtract Line 26 from Line 25)	0.00

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SECRETARY

PAMELA S. SAWIN
SUPERINTENDENT

HART SENATE OFFICE BUILDING
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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

VIA OVERNIGHT DELIVERY

June 2, 2009

Bruce E. Eliasen, as Treasurer
Alaskans for Cuddy
1900 Stanford Drive
Anchorage, AK 99508

C00444067
AF# 2043

Dear Mr. Eliasen:

On April 8, 2009, the Federal Election Commission ("Commission") found reason to believe ("RTB") that Alaskans for Cuddy and you, as Treasurer ("respondents"), violated 2 U.S.C. § 434(a) for failing to file the 2008 Year End Report. The Commission also made a preliminary determination that the civil money penalty was $10,000 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,

Jill I. Sugarman

Jill I. Sugarman
Reviewing Analyst
Office of Administrative Review

Attachment

29092642597

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

2009 JUL -1 P 3:15

July 1, 2009

SENSITIVE

MEMORANDUM

To: The Commission

Through: Robert A. Hickey
Staff Director

From: John D. Gibson
Chief Compliance Officer

Shawn Woodhead Werner
Reviewing Officer
Office of Administrative Review

By: Jill I. Sugarman
Reviewing Analyst

Subject: Final Determination Recommendation in AF# 2043 – Alaskans for Cuddy and Bruce E. Eliasen, as Treasurer (C00444067)

On April 8, 2009, the Commission found reason to believe that the respondents violated 2 U.S.C. § 434(a) for failing to file the 2008 Year End Report. Because they had not filed the report, the Commission made a preliminary determination, using the estimated level of activity, that the civil money penalty was $10,000 based on the schedule of penalties at 11 C.F.R. § 111.43.

On May 2, 2009, the respondents filed the Year End Report which discloses $0 in total receipts and $0 in total disbursements. Since the report discloses that the Committee had no activity during the Year End reporting period and the schedule of penalties at 11 C.F.R. § 111.43(a)(2)(iii) only provides for civil money penalties if the level of activity is $1.00 or more, no civil money penalty would have been assessed had the report been filed prior to the RTB finding.

On May 4, 2009, the Commission received their written response ("challenge"). After reviewing the challenge, the Reviewing Officer's recommendation dated June 1, 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 $0 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).

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Within 10 days of transmittal of the recommendation, the respondents may file a written response with the Commission Secretary which may not raise any arguments not raised in the respondents' challenge or not directly responsive to the Reviewing Officer's recommendation. 11 C.F.R. § 111.36(f). As of this date, a written response has not been received.

OAR Recommendations

(1) Adopt the Reviewing Office recommendation in AF# 2043 involving Alaskans for Cuddy and Bruce E. Eliasen, as Treasurer, in making the final determination;
(2) Make a final determination in AF# 2043 that Alaskans for Cuddy and Bruce E. Eliasen, as Treasurer, violated 2 U.S.C. § 434(a) and, based on the actual level of activity disclosed on the Year End Report ($0), assess a civil money penalty of $0 (reduced from the RTB civil money penalty of $10,000); and
(3) Send the appropriate letter.

29099264269

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
Final Determination Recommendation:	)	AF 2043
Alaskans for Cuddy and Bruce E.	)	
Eliasen, as Treasurer (C00444067)	)	
	)	

29092642700

CERTIFICATION

I, Mary W. Dove, Secretary of the Federal Election Commission, do hereby certify that on July 16, 2009, the Commission decided by a vote of 6-0 to take the following actions in AF 2043:

1. Adopt the Reviewing Officer recommendation in AF 2043 involving Alaskans for Cuddy and Bruce E. Eliasen, as Treasurer, in making the final determination.

2. Make a final determination in AF 2043 that Alaskans for Cuddy and Bruce E. Eliasen, as Treasurer, violated 2 U.S.C. § 434(a) and, based on the actual level of activity disclosed on the Year End Report ($0), assess a civil money penalty of $0 (reduced from the RTB civil money penalty of $10,000).

3. Send the appropriate letter.

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

Attest:

July 17, 2009
Date

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

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 15, 2009

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Bruce E. Eliasen, as Treasurer
Alaskans for Cuddy
1900 Stanford Drive
Anchorage, AK 99508

C00444067
AF# 2043

29092642701

Dear Mr. Eliasen:

On April 8, 2009, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Alaskans for Cuddy and you, as Treasurer, violated 2 U.S.C. § 434(a) for failing to file the 2008 Year End Report. By letter dated April 13, 2009, the Commission sent you notification of the RTB finding that included a civil money penalty calculated at RTB of $10,000 in accordance with the schedule of penalties at 11 C.F.R. § 111.43. On May 4, 2009, the Office of Administrative Review received the written response from the Candidate, David Cuddy, challenging the RTB 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 reduce the RTB civil money penalty because it was calculated on an estimated level of activity, make a final determination that Alaskans for Cuddy and you, as Treasurer, violated 2 U.S.C. § 434(a) and, based on the actual level of activity disclosed on the 2008 Year End Report filed May 2, 2009 ($0), assess a civil money penalty in the amount of $0 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 June 2, 2009.

On July 16, 2009, the Commission adopted the Reviewing Officer's recommendation, made a final determination that Alaskans for Cuddy and you, as Treasurer, violated 2 U.S.C. § 434(a) and, based on the level of activity disclosed on the 2008 Year End Report ($0), assessed a civil money penalty of $0 (reduced from the RTB civil money penalty of $10,000). It is based on the same factors used to calculate the civil money penalty at RTB except that the actual rather than the estimated level of activity was used. A copy of the final determination recommendation is attached.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. The file will be made a part of the public record pursuant to 11 C.F.R. § 111.42(b). Although the file must be placed on the public record within 30 days from the date of the Commission's notification, this could occur at any time following certification of the Commission's vote.

If you have any questions, 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

29092642702

Attachment

FEDERAL ELECTION COMMISSION
Washington DC 20463

29092642703

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 2043

DATE SCANNED 10-19-09

SCANNER NO. 2

SCAN OPERATOR JM