



FEDERAL ELECTION COMMISSION  
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 2089

DATE SCANNED 8-10-09

SCANNER NO. 2

SCAN OPERATOR JMB

29092640653



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

April 10, 2009

MEMORANDUM

**SENSITIVE**

TO: THE COMMISSION

THROUGH: ROBERT A. HICKEY *PH for RAH*  
STAFF DIRECTOR

FROM: JOHN D. GIBSON *JG*  
CHIEF COMPLIANCE OFFICER

PATRICIA CARMONA *PC*  
ASSISTANT STAFF DIRECTOR  
REPORTS ANALYSIS DIVISION

BY: *ML* NATALIYA IOFFE/RHIANNON MAGRUDER *RM*  
COMPLIANCE BRANCH

SUBJECT: REASON TO BELIEVE RECOMMENDATION -  
FAILURE TO FILE 48-HOUR NOTICES UNDER THE  
ADMINISTRATIVE FINE PROGRAM

2009 APR 10 P 1:14  
FEDERAL ELECTION COMMISSION  
SECRETARIAT

29092640854

Attached is the name of a principal campaign committee that has failed to file 48-hour notices with the Commission for contributions of \$1,000.00 or more received from the close of books for the Missouri 12 Day Pre-Primary Election Report up to 48 hours before the August 5, 2008 Primary Election in accordance with 2 U.S.C. § 434(a)(6) and 11 CFR. § 104.5(f). The committee, Blaine for Congress 2008, represents a candidate who won the General Election. The committee is being referred for failing to file 48-hour notices for contributions totaling \$62,500.00.

A 48-hour notice is required to report all contributions of a \$1,000.00 or more, to any authorized committee of a candidate, including contributions from the candidate, loans from the candidate and other non-bank sources and endorsements or guarantees of loans from banks, as per 11 CFR § 104.5(f).

We have attached an information sheet which includes the contributor name, date of receipt and amount of the contributions for which a 48-hour notice was not filed.

In accordance with the schedule of civil money penalties outlined within 11 CFR § 111.44, this committee should be assessed the civil money penalty so indicated.

Recommendation

1. Find reason to believe that Blaine for Congress 2008 and Brice Luetkemeyer, Treasurer, violated 2 U.S.C. § 434(a)(6) and make a preliminary determination that a civil money penalty of \$6,690.00 be assessed.
2. Send the appropriate letter.

Attachment

29092640855

**Contributions for Which a 48-Hour Notice Was Not Received**

**AF 2089**

**Committee ID: C00447748**

**Committee Name: Blaine for Congress 2008**

**Report Type: October Quarterly Report (7/17/2008 – 9/30/2008)**

**48-Hour Reporting Period: 7/17/2008 – 8/2/2008**

<b>CONTRIBUTOR NAME</b>	<b>DATE</b>	<b>AMOUNT</b>
Humphreys, Debra	7/17/2008	\$2,300.00
Humphreys, David C.	7/17/2008	\$4,600.00
Murphy, Mary (Mimi)	7/23/2008	\$2,300.00
Schell, Gary K.	7/25/2008	\$1,000.00
Schell, Mildred M.	7/25/2008	\$2,300.00
Luetkemeyer, W. Blaine	7/28/2008	\$50,000.00
	<b>TOTAL</b>	<b>\$62,500.00</b>

**Proposed Civil Money Penalty: \$6,690.00 ((4 Notices Not Filed at \$110 each) + (10% of Overall Contributions Not Filed))**

29092640856

AF#	Committee ID	Committee Name	State	Election	Candidate Name	Treasurer	PV	Notices Not Filed	LOA	Penalty
2089	C00447748	BLAINE FOR CONGRESS 2008	MO	2008 Primary	LUETKEMEYER, BLAINE	BRICE A. LUETKEMEYER	0	4	\$62,500	\$6,690

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
)  
Reason To Believe Recommendation – ) AF 2089  
Failure to File 48-Hour Notices Under )  
the AF Program – Errata: Blaine for )  
Congress )  
)

AMENDED CERTIFICATION

I, Mary W. Dove, Secretary of the Federal Election Commission, do hereby certify that on April 23, 2009, the Commission decided by a vote of 6-0 to take the following actions in AF 2089:

1. Find reason to believe that Blaine for Congress 2008 and Brice Luetkemeyer, Treasurer, violated 2 U.S.C. § 434(a)(6) and make a preliminary determination that a civil money penalty of \$6,360.00 be assessed.
2. Direct the Office of the Commission Secretary to prepare an amended Certification in this matter.
3. Send the appropriate letter.

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

Attest:

April 24, 2009  
Date

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

29092540858



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

April 28, 2009

Brice A. Luetkemeyer as Treasurer  
Blaine for Congress 2008  
P.O. Box 1526  
Columbia, MO 65205

C00447748  
AF#: 2089

Dear Mr. Luetkemeyer:

The Federal Election Campaign Act of 1971, as amended, 2 U.S.C. § 431, *et seq.* ("the Act"), requires principal campaign committees of candidates for federal office to notify in writing either the Secretary of the Senate or the Federal Election Commission ("FEC"), and the Secretary of State, as appropriate, of any contribution of \$1,000 or more, received by any authorized committee of the candidate after the 20th day, but more than 48 hours before, any election. 2 U.S.C. 434(a)(6)(A). The Act further requires notification to be made within 48 hours after the receipt of the contribution and to include the name of the candidate and office sought, the date of receipt, the amount of the contribution, and the identification of the contributor. *Id.* The notification of these contributions shall be in addition to all other reporting requirements. 2 U.S.C. § 434(a). 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). Our records indicate that Blaine for Congress 2008 did not submit 48-Hour Notices for contributions of \$1,000 or more, received between July 17, 2008 and August 2, 2008, totaling \$59,200, as required by 2 U.S.C. § 434(a)(6)(A). *See* Attachment 1.

On April 23, 2009, the FEC found that there is Reason to Believe ("RTB") that Blaine for Congress 2008 and you as treasurer violated 2 U.S.C. § 434(a) by failing to file the 48-Hour Notices. Based on the FEC's schedule of civil money penalties at 11 C.F.R. § 111.44, the amount of your civil money penalty calculated at the RTB stage is \$6,360. Please see the attached copy of the Commission's administrative fine regulations at 11 C.F.R. §§ 111.30-11.46. Attachment 2. 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. The amount of the civil money penalty is \$110 for each non-filed notice plus 10 percent of the dollar amount of the contributions not timely reported. The civil money penalty increases by 25 percent for each prior violation. Send your payment within forty (40) days of the finding, or by June 2, 2009.

29092640859

**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 June 2, 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 Blaine for Congress 2008 and you as treasurer violated 2 U.S.C. § 434(a) and assess a civil money penalty.

29092640960

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

29092640661

-----  
**ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS**

In accordance with the schedule of penalties at 11 C.F.R. § 111.44, the amount of your civil money penalty calculated at RTB is \$6,360 for the 2008 Primary Election 48-Hour Notification 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 June 2, 2009. Upon receipt of your remittance and payment, the FEC will send you a final determination letter.

**PAYMENTS BY PERSONAL CHECK**

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

**PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT**  
-----

FOR: Blaine for Congress 2008

FEC ID#: C00447748

AF#: 2089

PAYMENT DUE DATE: June 2, 2009

PAYMENT AMOUNT DUE: \$6,360

29092640862

**Contributions for Which a 48-Hour Notice Was Not Received**

AF 2089

Committee ID: C00447748

Committee Name: Blaine for Congress 2008

Report Type: October Quarterly Report (7/17/2008 – 9/30/2008)

48-Hour Reporting Period: 7/17/2008 – 8/2/2008

CONTRIBUTOR NAME	DATE	AMOUNT
Humphreys, Debra	7/17/2008	\$2,300.00
Humphreys, David C.	7/17/2008	\$2,300.00
Murphy, Mary (Mimi)	7/23/2008	\$2,300.00
Schell, Gary K.	7/25/2008	\$1,000.00
Schell, Mildred M.	7/25/2008	\$1,300.00
Luetkemeyer, W. Blaine	7/28/2008	\$50,000.00
	<b>TOTAL</b>	<b>\$59,200.00</b>

**Proposed Civil Money Penalty: \$6,360.00** ((4 Notices Not Filed at \$110 each) + (10% of Overall Contributions Not Filed))

29092640863



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

2009 JUN 17 P 1:30  
SECRET

June 17, 2009

MEMORANDUM

**SENSITIVE**

TO: THE COMMISSION

THROUGH: ROBERT A. HICKEY  
STAFF DIRECTOR

FROM: JOHN D. GIBSON  
CHIEF COMPLIANCE OFFICER

PATRICIA CARMONA  
ASSISTANT STAFF DIRECTOR  
REPORTS ANALYSIS DIVISION

BY: NATALIYA IOFFE/RHIANNON MAGRUDER  
COMPLIANCE BRANCH

SUBJECT: FINAL DETERMINATION RECOMMENDATION –  
FAILURE TO FILE 48-HOUR NOTICES UNDER THE  
ADMINISTRATIVE FINE PROGRAM

Attached is a circulation report identifying a political committee and its treasurer against which the Commission has found reason to believe (RTB) and assessed a proposed civil money penalty calculated at RTB for failure to file the appropriate 48-Hour Notices for the 2008 Missouri Primary Election. The committee has paid the civil money penalty requested at RTB.

In accordance with 11 C.F.R. 111.34, the Commission shall send a final determination notice to the respondent that has paid the civil money penalty.

**RAD Recommendation**

- (1) Make final determination that the political committee and its treasurer on the attached report violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated.
- (2) Send the appropriate letter.

29092640664

29092640865

AF#	Committee Name	State	Election	Candidate Name	Committee ID	Treasurer	Report Type	Notices Not Filed	LOA	Prev Violations	RTB Date	RTB Penalty	FD Penalty	Date Paid	Amount Paid
2089	BLAINE FOR CONGRESS 2008	MO	2008 Primary	LUETKEMEYER, BLAINE	C0047748	LUETKEMEYER, BRICE A.	48H	4	\$59,200	0	04/23/2009	\$6,360	\$6,360	05/29/2009	\$6,360

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
)  
Final Determination Recommendation - ) AF 2089  
Failure to File 48-Hour Notices under the )  
Administrative Fine Program: Blaine for )  
Congress 2008 and Brice A. )  
Luetkemeyer, as treasurer )

CERTIFICATION

I, Mary W. Dove, Secretary of the Federal Election Commission, do hereby certify that on June 18, 2009, the Commission decided by a vote of 6-0 to take the following actions in AF 2089:

1. Make a final determination that Blaine for Congress 2008 and Brice A. Luetkemeyer, as treasurer, violated 2 U.S.C. 434(a) and assess the final civil money penalty in the amount of \$6,360.
2. Send the appropriate letter.

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

Attest:

June 18 2009  
Date

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

29092640866



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

June 30, 2009

Brice A. Luetkemeyer as Treasurer  
Blaine for Congress 2008  
P.O. Box 1526  
Columbia, MO 65205

C00447748  
AF#: 2089

Dear Mr. Luetkemeyer:

On April 23, 2009, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Blaine for Congress 2008 and its treasurer violated 2 U.S.C. § 434(a) for failing to file 48-Hour Notices for contributions of \$1,000 or more, received between July 17, 2008 and August 2, 2008, totaling \$59,200. By letter dated April 28, 2009, the Commission sent notification of the RTB finding that included a civil money penalty calculated at the RTB stage of \$6,360 in accordance with the schedule of penalties at 11 C.F.R. § 111.44.

On May 29, 2009, the FEC received payment of the civil money penalty calculated at the RTB stage. The FEC made a final determination on June 18, 2009 that you as treasurer and Blaine for Congress 2008 violated 2 U.S.C. § 434(a), assessed a civil money penalty in the amount of \$6,360 in accordance with 11 C.F.R. § 111.44 and voted to close the file.

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

If you have any questions regarding this matter, please contact Rhiannon Magruder on our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130.

On behalf of the Commission,

A handwritten signature in cursive script that reads "Steven T. Walther".

Steven T. Walther  
Chairman

29092640867

FOR: Blaine for Congress 2008

FEC ID#: C00447748

AF#: 2089

PAYMENT DUE DATE: June 2, 2009

PAYMENT AMOUNT DUE: \$6,360

29092640868

QUALITY IS OUR PRIORITY FOR LOCKBOX 9058  
SEQ# 001 \$ 0000636000 BA# 1 05-28-09 20 9



	W. BLAINE LUETKEMEYER M. JACKIE LUETKEMEYER [REDACTED] BOX 147 ST. ELIZABETH, MO 65075	80-1445/815 101230	3824
PAY TO THE ORDER OF	J.E.C. ✓	DATE	5/22/09 ✓
			\$ 6360 = ✓
			DOLLARS
BANK OF ST. ELIZABETH ST. ELIZABETH, MO 65075			
BANK OF FREEBURG FREEBURG, MO 65635	MARTY'S HOME BANK EUGENE, MO 65023		
MEMO		[REDACTED]	



FEDERAL ELECTION COMMISSION  
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 2089

DATE SCANNED 8-10-09

SCANNER NO. 2

SCAN OPERATOR Jm13

29092640869