



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 2476

DATE SCANNED 10-11-11

SCANNER NO. 2

SCAN OPERATOR JmP

11092672422



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2011 MAY 12 P 4: 53

May 12, 2011

MEMORANDUM

SENSITIVE

TO: The Commission

THROUGH: Alec Palmer *AP*
Acting Staff Director

FROM: Patricia Carmona *PC*
Chief Compliance Officer

Debbie Chacona *DC*
Assistant Staff Director
Reports Analysis Division

BY: *JW* Jodi Winship
Compliance Branch

SUBJECT: Reason to Believe Recommendation -
Failure to File 48-Hour Notices under the Administrative Fine Program

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 Wisconsin 12 Day Pre-General Report up to 48 hours before the November 2, 2010 General Election in accordance with 2 U.S.C. § 434(a)(6) and 11 CFR. § 104.5(f). The committee, Rod Johnson for Senate, Inc., represents a candidate who won the General Election. The committee is being referred for failing to file 48-hour notices for contributions totaling \$135,659.40.

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.

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Recommendation

1. Find reason to believe that Ron Johnson for Senate, Inc., and James J. Malczewski, Treasurer, violated 2 U.S.C. § 434(a)(6) and make a preliminary determination that a civil money penalty of \$15,216.00 be assessed.
2. Send the appropriate letter.

Attachment

11092672424

Contributions for Which a 48-Hour Notice Was Not Received

AF: 2476

Committee ID: C00482984

Committee Name: Ron Johnson for Senate, Inc.

Report Type: 30 Day Post General Report (10/14/10 – 11/22/2010)

48-Hour Reporting Period: 10/14/2010 – 10/30/2010

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KOCH, ANNA B	10/14/2010	\$2,400.00
MCKEITHAN, PATTI MRS	10/14/2010	\$2,400.00
NAIOP-PAC	10/14/2010	\$5,000.00
NORTHWESTERN MUTUAL LIFE INSURANCE COMPANY FEDERAL PAC	10/14/2010	\$5,000.00
WILKEY, RICHARD L	10/14/2010	\$2,234.36
AMERICAN COLLEGE OF RADIOLOGY ASSOCIATION POLITICAL ACTION COMMITTEE	10/15/2010	\$5,000.00
BRUSH ENGINEERED MATERIALS GOOD GOVERNMENT FUND	10/15/2010	\$1,000.00
GRUSKY, ROBERT R	10/15/2010	\$1,000.00
RENNER, PETER	10/15/2010	\$2,000.00
WEBER, WILLIAM G MD	10/16/2010	\$1,000.00
MOSLNG, STEPHEN	10/18/2010	\$2,400.00
REICHERTZ, RICHARD S	10/18/2010	\$1,500.00
TOLL, NANCY A	10/18/2010	\$2,200.00
BAHL, DAVID L MR	10/19/2010	\$1,000.00
BARNETT, JERALD JR	10/19/2010	\$1,000.00
BHAKOO, GIRISH	10/19/2010	\$1,000.00
DUERR, GREGORY L MR	10/19/2010	\$1,000.00
HARVEY, WILLIAM D	10/19/2010	\$1,000.00
KRAUSE, CHESTER L MR	10/19/2010	\$1,000.00
LIVERMORE, JOHN T MR	10/19/2010	\$1,000.00
MUHS, FRED H	10/19/2010	\$1,000.00
PATRICK, THOMAS M	10/19/2010	\$1,000.00
SCHNEIDER, PAUL C MR	10/19/2010	\$1,000.00
DIVELBISS, GAYLA L	10/20/2010	\$2,400.00
DIVELBISS, RICHARD J MR	10/20/2010	\$1,400.00
FORTUNE, CHRISTOPHER S	10/20/2010	\$1,000.00
INTEGRYS ENERGY GROUP, INC.PAC	10/20/2010	\$2,500.00
LOCKE, E DAVID	10/20/2010	\$2,000.00

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NATIONAL FRANCHISEE ASSOCIATION PAC (NFA-PAC)	10/20/2010	\$5,000.00
POST, JEFF	10/20/2010	\$2,000.00
TRUNZO, ROBERT N	10/20/2010	\$2,000.00
WPS RESOURCES CORPORATION RESPONSIBLE GOVERNMENT COMMITTEE	10/20/2010	\$5,000.00
JOHNSON-LEIPOLD, HELEN P	10/21/2010	\$2,400.00
STALINGS, KYLE	10/21/2010	\$1,500.00
THOMPSON, EDWARD MR	10/21/2010	\$2,400.00
WADE, CHRISTY M	10/21/2010	\$1,000.00
NICHOLSON, DAVID	10/22/2010	\$1,000.00
RAUSE, DAVID A MR	10/22/2010	\$1,000.00
BRUCKER, WALLACE DR	10/23/2010	\$1,000.00
ADVANCED MEDICAL TECHNOLOGY ASSOCIATION POLITICAL ACTION COMMITTEE	10/24/2010	\$5,000.00
CMECKIV, MARTIN MR JR	10/25/2010	\$1,000.00
COURI, GERALDE	10/25/2010	\$1,300.00
COURI, JUDITH M	10/25/2010	\$2,400.00
CRAFT, LAUREN	10/25/2010	\$2,400.00
CRAFT, RYAN	10/25/2010	\$2,400.00
DOULL, JAMES	10/25/2010	\$1,000.00
FOUNDERS JOINT CANDIDATE COMMITTEE	10/25/2010	\$3,605.26
GILLET, THOMAS J	10/25/2010	\$1,000.00
GRATZ, EDWARD W MR JR	10/25/2010	\$1,000.00
HERZING, HENRY G	10/25/2010	\$1,750.00
HERZING, RENEE K	10/25/2010	\$1,500.00
LANGEL, CRAIG A	10/25/2010	\$2,400.00
LEPPING, RICHARD A	10/25/2010	\$1,000.00
LUDINGTON, DAVID P	10/25/2010	\$2,400.00
MAWER, STEPHEN	10/25/2010	\$1,000.00
RING, WILLIAM J	10/25/2010	\$1,000.00
RUDDY, CHRISTOPHER	10/25/2010	\$1,500.00
TACO POLITICAL ACTION COMMITTEE	10/25/2010	\$3,000.00
FOOD MARKETING INSTITUTE POLITICAL ACTION COMMITTEE (FOODPAC)	10/26/2010	\$2,500.00
FRAZIER, FRITZ J III	10/26/2010	\$1,000.00
GAGE, MARY B	10/26/2010	\$1,000.00
GAGE, WILLIAM B JR	10/26/2010	\$1,000.00
HOWARTH, RICHARD A	10/26/2010	\$1,000.00
HUSTON, JOAN M	10/26/2010	\$1,000.00

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HUSTON, JUDITH A	10/26/2010	\$1,000.00
KELLER, JEFFREY B DR	10/26/2010	\$1,000.00
MACK, STEVEN J	10/26/2010	\$1,000.00
NATIONAL ASSOCIATION OF HEALTH UNDERWRITER'S (NAHU) POLITICAL ACTION COMMITTEE (HUPAC)	10/26/2010	\$2,500.00
READER, MICHAEL J	10/26/2010	\$1,000.00
LEIPOLD, CRAIG L MR	10/27/2010	\$1,269.78
HALPER, BONNIE J	10/28/2010	\$1,000.00
MASSARO, BETTE	10/28/2010	\$1,000.00
WILLIAMS, KENNETH R	10/29/2010	\$5,000.00

Proposed Civil Money Penalty: \$15,216.00 ((15 Notices Not Filed at \$110 each) + (10% of the Overall Contributions Not Filed))

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Federal Election Commission
Reason to Believe Circulation Report
48-Hour Notification Report

5/10/2011 4:13 PM

AF#	Committee ID	Committee Name	State	Election	Candidate Name	Treasurer	Prev Violations	Notices Not Filed	LOA	Penalty
2478	C00482884	RON JOHNSON FOR SENATE INC	WI	2010	JOHNSON, RONALD HAROLD	JAMES J. MALCZEWSKI	0	15	\$135,659	\$15,218

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Reason To Believe Recommendation -) AF 2476
Failure to File 48-Hour Notices under the)
Administrative Fine Program: Ron)
Johnson for Senate, Inc., and James J.)
Malczewski, Treasurer)

CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on May 16, 2011, the Commission decided by a vote of 6-0 to take the following actions in AF 2476:

1. Find reason to believe that Ron Johnson for Senate, Inc., and James J. Malczewski, Treasurer, violated 2 U.S.C. § 434(a)(6) and make a preliminary determination that a civil money penalty of \$15,216.00 be assessed.
2. Send the appropriate letter.

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

Attest:

May 17, 2011
Date

Shawn Woodhead Werth
Shawn Woodhead Werth
Secretary and Clerk of the Commission

11092672429



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 17, 2011

James J. Malczewski, in official capacity as Treasurer
Ron Johnson for Senate, Inc.
219 E. Washington Ave
Suite 101
Oshkosh, WI 54901

C00482984
AF#: 2476

Dear Mr. Malczewski:

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.* These notification requirements are in addition to all other reporting requirements. 2 U.S.C. § 434(a). Our records indicate that Ron Johnson for Senate, Inc. did not submit 48-Hour Notices for contributions of \$1,000 or more, received between October 14, 2010 and October 30, 2010, totaling \$135,659, as required by 2 U.S.C. § 434(a)(6)(A). Attachment 1.

The Act permits 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 May 16, 2011, the FEC found that there is Reason to Believe ("RTB") that Ron Johnson for Senate, Inc. and you, in your official capacity 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 \$15,216. Please see the attached copy of the Commission's administrative fine regulations at 11 C.F.R. §§ 111.30-111.46. Attachment 2. The Commission's website contains further information about how the administrative fine program works and how the fines are calculated. <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 of \$15,216 within forty (40) days of the finding, or by June 25, 2011.

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At this juncture, the following courses of action are available to you:

1. If You Choose to Challenge the RTB Finding and/or 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 at the top of page i under your committee's identification number, 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 25, 2011. 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, and 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).

The FEC will only consider challenges that are based on at least one of three grounds: (1) a factual error in the RTB finding; (2) miscalculation of the calculated civil money penalty by the FEC; or (3) 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, (1) a failure of Commission computers or Commission-provided software despite your seeking technical assistance from Commission personnel and resources; (2) a widespread disruption of information transmissions over the Internet that is not caused by a failure of the Commission's or your computer systems or Internet service provider; and (3) 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, (1) negligence; (2) delays caused by vendors or contractors; (3) treasurer and staff illness, inexperience or unavailability; (4) committee computer, software, or Internet service provider failures; (5) failure to know filing dates; and (6) failure to use filing software properly. 11 C.F.R. § 111.35(d).

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 U.S. 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.

2. If You Choose Not to Pay the Civil Money Penalty and Not to Submit a Challenge

If you do not pay the calculated civil money penalty and do not or submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that Ron Johnson for Senate, Inc. and you, in your official capacity 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.

3. If You Choose to Pay the 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.

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 Ian Wandner 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,



Cynthia L. Bauerly
Chair

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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 \$15,216 for the 2010 General 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 25, 2011. 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: Ron Johnson for Senate, Inc.

FEC ID#: C00482984

AF#: 2476

PAYMENT DUE DATE: June 25, 2011

PAYMENT AMOUNT DUE: \$15,216

11092672433

Contributions for Which a 48-Hour Notice Was Not Received

AF: 2476

Committee ID: C00482984

Committee Name: Ron Johnson for Senate, Inc.

Report Type: 30 Day Post General Report (10/14/10 – 11/22/2010)

48-Hour Reporting Period: 10/14/2010 – 10/30/2010

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CONTRIBUTOR	DATE	AMOUNT
KOCH, ANNA B	10/14/2010	\$2,400.00
MCKEITHAN, PATTI MRS	10/14/2010	\$2,400.00
NAIOP-PAC	10/14/2010	\$5,000.00
NORTHWESTERN MUTUAL LIFE INSURANCE COMPANY FEDERAL PAC	10/14/2010	\$5,000.00
WILKEY, RICHARD L	10/14/2010	\$2,234.36
AMERICAN COLLEGE OF RADIOLOGY ASSOCIATION POLITICAL ACTION COMMITTEE	10/15/2010	\$5,000.00
BRUSH ENGINEERED MATERIALS GOOD GOVERNMENT FUND	10/15/2010	\$1,000.00
GRUSKY, ROBERT R	10/15/2010	\$1,000.00
RENNER, PETER	10/15/2010	\$2,000.00
WEBER, WILLIAM G MD	10/16/2010	\$1,000.00
MOSLING, STEPHEN	10/18/2010	\$2,400.00
REICHERTZ, RICHARD S	10/18/2010	\$1,500.00
TOLL, NANCY A	10/18/2010	\$2,200.00
BAHL, DAVID L MR	10/19/2010	\$1,000.00
BARNETT, JERALD JR	10/19/2010	\$1,000.00
BHAKOO, GIRISH	10/19/2010	\$1,000.00
DUERR, GREGORY L MR	10/19/2010	\$1,000.00
HARVEY, WILLIAM D	10/19/2010	\$1,000.00
KRAUSE, CHESTER L MR	10/19/2010	\$1,000.00
LIVERMORE, JOHN T MR	10/19/2010	\$1,000.00
MUHS, FRED H	10/19/2010	\$1,000.00
PATRICK, THOMAS M	10/19/2010	\$1,000.00
SCHNEIDER, PAUL C MR	10/19/2010	\$1,000.00
DIVELBISS, GAYLA L	10/20/2010	\$2,400.00
DIVELBISS, RICHARD J MR	10/20/2010	\$1,400.00
FORTUNE, CHRISTOPHER S	10/20/2010	\$1,000.00
INTEGRYS ENERGY GROUP, INC PAC	10/20/2010	\$2,500.00
LOCKE, E DAVID	10/20/2010	\$2,000.00

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NATIONAL FRANCHISEE ASSOCIATION PAC (NFA-PAC)	10/20/2010	\$5,000.00
POST, JEFF	10/20/2010	\$2,000.00
TRUNZO, ROBERT N	10/20/2010	\$2,000.00
WPS RESOURCES CORPORATION RESPONSIBLE GOVERNMENT COMMITTEE	10/20/2010	\$5,000.00
JOHNSON-LEIPOLD, HELEN P	10/21/2010	\$2,400.00
STALINGS, KYLE	10/21/2010	\$1,500.00
THOMPSON, EDWARD MR	10/21/2010	\$2,400.00
WADE, CHRISTY M	10/21/2010	\$1,000.00
NICHOLSON, DAVID	10/22/2010	\$1,000.00
RAUSE, DAVID A MR	10/22/2010	\$1,000.00
BRUCKER, WALLACE DR	10/23/2010	\$1,000.00
ADVANCED MEDICAL TECHNOLOGY ASSOCIATION POLITICAL ACTION COMMITTEE	10/24/2010	\$5,000.00
CMECKIY, MARTIN MR JR	10/25/2010	\$1,000.00
COURI, GERALD E	10/25/2010	\$1,300.00
COURI, JUDITH M	10/25/2010	\$2,400.00
CRAFT, LAUREN	10/25/2010	\$2,400.00
CRAFT, RYAN	10/25/2010	\$2,400.00
DOULL, JAMES	10/25/2010	\$1,000.00
FOUNDERS JOINT CANDIDATE COMMITTEE	10/25/2010	\$3,605.26
GILLET, THOMAS J	10/25/2010	\$1,000.00
GRATZ, EDWARD W MR JR	10/25/2010	\$1,000.00
HERZING, HENRY G	10/25/2010	\$1,750.00
HERZING, RENEE K	10/25/2010	\$1,500.00
LANGEL, CRAIG A	10/25/2010	\$2,400.00
LEPPING, RICHARD A	10/25/2010	\$1,000.00
LUDINGTON, DAVID P	10/25/2010	\$2,400.00
MAWER, STEPHEN	10/25/2010	\$1,000.00
RING, WILLIAM J	10/25/2010	\$1,000.00
RUDDY, CHRISTOPHER	10/25/2010	\$1,500.00
TACO POLITICAL ACTION COMMITTEE	10/25/2010	\$3,000.00
FOOD MARKETING INSTITUTE POLITICAL ACTION COMMITTEE (FOODPAC)	10/26/2010	\$2,500.00
FRAZIER, FRITZ J III	10/26/2010	\$1,000.00
GAGE, MARY B	10/26/2010	\$1,000.00
GAGE, WILLIAM B JR	10/26/2010	\$1,000.00
HOWARTH, RICHARD A	10/26/2010	\$1,000.00
HUSTON, JOAN M	10/26/2010	\$1,000.00

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HUSTON, JUDITH A	10/26/2010	\$1,000.00
KELLER, JEFFREY B DR	10/26/2010	\$1,000.00
MACK, STEVEN J	10/26/2010	\$1,000.00
NATIONAL ASSOCIATION OF HEALTH UNDERWRITER'S (NAHU) POLITICAL ACTION COMMITTEE (HUPAC)	10/26/2010	\$2,500.00
READER, MICHAEL J	10/26/2010	\$1,000.00
LEIPOLD, CRAIG L MR	10/27/2010	\$1,269.78
HALPER, BONNIE J	10/28/2010	\$1,000.00
MASSARO, BETTE	10/28/2010	\$1,000.00
WILLIAMS, KENNETH R	10/29/2010	\$5,000.00
TOTAL		\$15,659.40

Proposed Civil Money Penalty: \$15,216.00 ((15 Notices Not Filed at \$110 each) + (10% of the Overall Contributions Not Filed))



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 28, 2011

MEMORANDUM

TO: The Commission

THROUGH: Alec Palmer
Acting Staff Director

FROM: Patricia Carmona *PC*
Chief Compliance Officer

Debbie Chacona *DC*
Assistant Staff Director
Reports Analysis Division

BY: *JW* Jodi Winship/Ian Wandner
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 2010 General 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)(6) and assess the final civil money penalty so indicated.
- (2) Send the appropriate letter.

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11092672438

6/28/2011 10:58 AM

Federal Election Commission
Final Determination Circulation Report
48-Hour Notification Report

AF#	Committee ID	Committee Name	State	Election	Candidate Name	Treasurer	Prev Violations	Notices Not Filed	LOA	RTB Date	RTB Penalty	FD Penalty	Date Paid	Amount Paid
2476	C00462984	RON JOHNSON FOR SENATE, INC.	WI	2010 GENERAL	RONALD HAROLD JOHNSON	JAMES J. MALCZEWSKI	0	15	\$135,659	05/16/2011	\$15,216	\$15,216	06/24/2011	\$15,216

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
 Final Determination Recommendation -) AF 2476
 Failure to File 48-Hour Notices under the)
 Administrative Fine Program: Ron)
 Johnson for Senate, Inc. and James J.)
 Malczewski, Treasurer)

11092672439

CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on June 30, 2011, the Commission decided by a vote of 6-0 to take the following actions in AF 2476:

1. Make a final determination that the Ron Johnson for Senate, Inc. and James J. Malczewski, Treasurer, violated 2 U.S.C. § 434(a)(6) and assess the final civil money penalty in the amount of \$15,216.
2. Send the appropriate letter.

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

Attest:

July 1, 2011
 Date

Shawn Woodhead Werth
 Shawn Woodhead Werth
 Secretary and Clerk of the Commission



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 6, 2011

James J. Malczewski, in official capacity as Treasurer
Ron Johnson for Senate, Inc.
219 E. Washington Ave., Suite 101
Oshkosh, WI 54901

C00482984
AF#: 2476

Dear Mr. Malczewski:

On May 16, 2011, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Ron Johnson for Senate, Inc. 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 October 14, 2010 and October 30, 2010, totaling \$135,659. By letter dated May 17, 2011, the Commission sent notification of the RTB finding that included a civil money penalty calculated at the RTB stage of \$15,216 in accordance with the schedule of penalties at 11 C.F.R. § 111.44.

On June 24, 2011, the FEC received payment of the civil money penalty calculated at the RTB stage. The FEC made a final determination on June 30, 2011 that you, in your official capacity as treasurer, and Ron Johnson for Senate, Inc. violated 2 U.S.C. § 434(a), assessed a civil money penalty in the amount of \$15,216 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 Ian Wandner on our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130.

On behalf of the Commission,


Cynthia L. Bauerly
Chair

11092672448

FOR: Ron Johnson for Senate, Inc.

FEC ID#: C00482984

AF#: 2476

PAYMENT DUE DATE: June 25, 2011

PAYMENT AMOUNT DUE: \$15,216

QUALITY IS OUR PRIORITY FOR LOCKBOX 9058
SEQ# 001 \$ 0001521600 BA# 1 06-24-11 20 9



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usbancorp.
The Bancorp Company

Ron Johnson for Senate, Inc. 601 Oregon St - Ste A Oshkosh, WI 54902		U.S. BANK NATIONAL ASSOCIATION 12/27/00	2175
		5/30/2011	
PAY TO THE ORDER OF	Federal Election Commission	\$	15,216.00
Fifteen Thousand Two Hundred Sbdcen and 00/100			DOLLARS
Federal Election Commission PO Box 979058 St. Louis, MO 63197-9000		<i>Carol E. Howard</i>	
MEMO			



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 2476

DATE SCANNED 10-11-11

SCANNER NO. 2

SCAN OPERATOR JMD

11092672442