



FEDERAL ELECTION COMMISSION  
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 2643

DATE SCANNED 11/6/13

SCANNER NO. 2

SCAN OPERATOR SES

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

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FEDERAL ELECTION  
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March 27, 2013

**SENSITIVE**

MEMORANDUM

TO: The Commission

THROUGH: *for* Alec Palmer *AP*  
Staff Director

FROM: Patricia C. Orrock *PCO*  
Chief Compliance Officer

Debbie Chacona *M.H. For D.C.*  
Assistant Staff Director  
Reports Analysis Division

BY: *for* Jodi Winship/Sari Pickerall *JP*  
Compliance Branch

SUBJECT: Reason To Believe Recommendation – 2012 12 Day Pre-General Report  
(Unauthorized Quarterly Filers) for the Administrative Fine Program

Attached is a list of political committees and their treasurers who failed to file or timely file the 2012 12 Day Pre-General Report in accordance with 2 U.S.C. § 434(a). The list is comprised of unauthorized quarterly filers that made General Election contributions or expenditures from October 1, 2012 through October 17, 2012, and failed to file or timely file the 2012 12 Day Pre-General Report.

The committees appearing on the 2012 12 Day Pre-General Report list failed to file the report prior to four (4) days before the General Election (considered a non-filed report). In accordance with 11 CFR § 111.43, these committees should be assessed the civil money penalties indicated in the attachments.

As noted above, the 2012 12 Day Pre-General Report circulation list includes unauthorized quarterly filers that made General Election contributions or expenditures from October 1, 2012 through October 17, 2012, but failed to file or timely file the 2012 12 Day Pre-General Election report. In order to accurately identify these committees for administrative fine purposes, the Reports Analysis Division (RAD) used the following procedures and criteria:

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- Every 12 Day Pre-General Report (12G) submitted by an unauthorized quarterly filer was reviewed to ensure that it disclosed General Election contributions or expenditures made during the coverage dates of the report. Any report meeting this definition that was filed late is included in the list. Any report not disclosing general election contributions or expenditures during this period is not included in the list, as it is not a required filing.
- Every 30 Day Post-General Report (30G) submitted by an unauthorized quarterly filer that covered the period from October 1, 2012 through November 26, 2012 (57 days) was reviewed for activity which would have required the filing of a 12G. If our research indicated that a 12G was required, we utilized a three-step method to arrive at the activity on which to base the 12G fine amount. First, we took the sum of all itemized receipts and disbursements that should have been disclosed on a 12G. Second, if the committee had any unitemized activity, a per diem level of this activity was calculated by multiplying the total amount of unitemized activity on the report by 25% (17 days (12G Filing Period)/57 days (30G Filing Period)). Third, we took the sum of the amounts calculated in steps one and two to arrive at the level of activity assigned to the 12G.

#### **Recommendation**

1. Find reason to believe that the political committees and their treasurers listed on the RTB Circulation Reports violated 2 U.S.C. § 434(a) and make a preliminary determination that the civil money penalties would be the amounts indicated on the RTB Circulation Reports.
2. Send the appropriate letters.

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Federal Election Commission  
Reason to Believe Circulation Report  
2012 PRE-GENERAL Election Sensitive 10/25/2012 UNAUTH\_Q

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
2639	C00498709	19TH STAR PAC INC; THE		MARTIN W. MORRIS	\$202,657	0	12/5/2012	Not Filed	\$5,010	\$660
2640	C00471169	ALEXION PHARMACEUTICALS INC PAC		MICHAEL V. GRECO	\$184,910	0	2/20/2013	Not Filed	\$1,500	\$550
2641	C00518191	ARIZONA PIPE TRADES LOCAL 469 PAC		PHIL MCNALLY	\$1,400,131	0	12/4/2012	Not Filed	\$278,062	\$9,900
2642	C00280743	ASSOCIATION OF AMERICAN RAILROADS POLITICAL ACTION COMMITTEE (RAILPAC)		MELODY STEVENS	\$424,196	0	12/7/2012	Not Filed	\$4,344	\$550
2643	C00470690	BLACKBOARD INC POLITICAL ACTION COMMITTEE		MICHAEL J. STANTON	\$154,181	0	12/12/2012	Not Filed	\$7,500	\$660
2644	C00409789	BLESSEY MARINE SERVICE, INC. POLITICAL ACTION COMMITTEE		PATRICK VOSS	\$113,877	0	11/30/2012	Not Filed	\$1,000	\$550
2645	C00270967	BLUEPAC OF PENNSYLVANIA (THE BLUE CROSS AND BLUE SHIELD ASSOCIATION)		ROBERT BAKER	\$160,674	0	12/7/2012	Not Filed	\$3,069	\$550
2646	C00389429	CALPORTLAND COMPANY POLITICAL ACTION COMMITTEE (CPCC-PAC)		IRMA CABRERA	\$191,173	0	12/7/2012	Not Filed	\$22,430	\$990
2647	C00420125	CHIANG PATEL AND YERBY INC PAC		DAVID W. HAYS	\$144,325	1	1/31/2013	Not Filed	\$7,750	\$825
2648	C00455600	COMMONWEALTH-ALTADIS, INC. EMPLOYEE PAC		HATTIE HINES	\$290,872	1	11/28/2012	Not Filed	\$9,833	\$825
2649	C00383976	COMMUNITY ONCOLOGY ALLIANCE PAC		PATRICK W. COBB	\$100,646	0	12/3/2012	Not Filed	\$1,000	\$550
2650	C00409458	CONSERVATIVE OPPORTUNITIES FOR A NEW AMERICA PAC		WILLIAM BAIN	\$181,627	0	12/21/2012	Not Filed	\$20,423	\$990
2651	C00497131	CORYPAC INC		PETER D. NICHOLS	\$409,822	0	12/7/2012	Not Filed	\$16,794	\$990
2652	C00468009	EDWARDS WILDMAN PAC INC		KEITH KOTLER	\$390,791	0	2/22/2013	Not Filed	\$49,816	\$1,400

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
2653	C00196089	ESOP ASSOCIATION PAC		J. MICHAEL KEELING	\$513,231	0	12/3/2012	Not Filed	\$2,074	\$550
2654	C00307777	FREEDOM CLUB FEDERAL PAC		RICHARD ANDOLSHEK	\$115,934	0	12/3/2012	Not Filed	\$16,000	\$990
2655	C00011189	GLASS MOLDERS POTTERY PLASTICS & ALLIED WORKERS INTERNATIONAL UNION - POLITICAL LEAGUE & GREAT-WEST LIFE & ANNUITY INSURANCE COMPANY POLITICAL ACTION COMMITTEE		WALTER THORN	\$316,477	0	12/4/2012	Not Filed	\$5,175	\$660
2656	C00263723	LIBERTY & PROSPERITY PAC		ROBERT ONSTAD	\$105,413	0	12/10/2012	Not Filed	\$6,717	\$660
2657	C00492538	MADISON PAC; THE MANAGEMENT AND TRAINING CORPORATION POLITICAL ACTION COMMITTEE		WARREN J. LESHNER	\$209,241	0	12/4/2012	Not Filed	\$10,137	\$990
2658	C00426809			BRIAN J. AHERN	\$681,588	0	12/23/2012	Not Filed	\$7,236	\$660
2659	C00208322	MANUFACTURED HOUSING INSTITUTE PAC		LYLE J. PARRY	\$189,880	2	12/5/2012	Not Filed	\$6,853	\$990
2660	C00043463	NATIONAL TANK TRUCK CARRIERS INC POLITICAL ACTION COMMITTEE		LAURA LEE	\$246,708	0	1/30/2013	Not Filed	\$54,838	\$3,300
2661	C00188011	NEW ASURION CORP. EMPLOYEES FEDERAL POLITICAL ACTION COMMITTEE		WILLIAM A. USHER	\$114,493	0		Not Filed	\$605	\$550
2662	C00450916	PPL PEOPLE FOR GOOD GOVERNMENT		PAUL FASSBENDER	\$513,082	1	12/6/2012	Not Filed	\$7,500	\$825
2663	C00228106	RIGHT TO LIFE/OREGON PAC		RUSSELL R. CLELLAND	\$1,276,355	0	11/28/2012	Not Filed	\$32,011	\$1,400
2664	C00141572	THE LOOSE GROUP		GAYLE ATTEBERRY	\$415,683	0	11/30/2012	Not Filed	\$3,889	\$550
2665	C00010793	TO ORGANIZE A MAJORITY PAC (TOMPAC)		JAMES BAKER, THERESA KEHOE	\$172,242	0	1/31/2013	Not Filed	\$16,100	\$900
2666	C00385732	TRANSPORTATION INTERMEDIARIES ASSOCIATION'S TIAPAC		ROBERT A. VOLTSMANN	\$744,010	0	12/10/2012	Not Filed	\$35,052	\$1,400
2667	C00335091	TRIUMPH GROUP INC PAC		PAUL S. DAVIDSON	\$291,411	2	12/7/2012	Not Filed	\$4,000	\$825
2668	C00361949	WALTER ENERGY INC FEDERAL POLITICAL ACTION COMMITTEE		MICHAEL D. GRIFFIN	\$299,932	0	12/6/2012	Not Filed	\$10,269	\$990
2669	C00508341				\$113,320	0	12/5/2012	Not Filed	\$30,317	\$1,400

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AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
2670	C00236596	WORLD ALLIANCE FOR ISRAEL POLITICAL ACTION COMMITTEE		LEE ZIFF	\$569,200	0	12/4/2012	Not Filed	\$11,435	\$990

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
)  
Reason To Believe Recommendation - 2012 )  
12 Day Pre-General Report (Unauthorized )  
Quarterly Filers) for the Administrative Fine )  
Program: )  
19TH STAR PAC INC; THE, and ) AF# 2639  
MORRIS, MARTIN W. as treasurer; )  
ALEXION PHARMACEUTICALS INC ) AF# 2640  
PAC, and MICHAEL V GRECO as )  
treasurer; )  
ARIZONA PIPE TRADES LOCAL 469 ) AF# 2641  
PAC, and MCNALLY, PHIL as treasurer; )  
ASSOCIATION OF AMERICAN ) AF# 2642  
RAILROADS POLITICAL ACTION )  
COMMITTEE (RAILPAC), and )  
STEVENS, MELODY as treasurer; )  
BLACKBOARD INC POLITICAL ) AF# 2643  
ACTION COMMITTEE, and STANTON, )  
MICHAEL J. as treasurer; )  
BLESSEY MARINE SERVICE, INC. ) AF# 2644  
POLITICAL ACTION COMMITTEE, and )  
VOSS, PATRICK as treasurer; )  
BLUEPAC OF PENNSYLVANIA (THE ) AF# 2645  
BLUE CROSS AND BLUE SHIELD )  
ASSOCIATION), and BAKER, ROBERT )  
as treasurer; )  
CALPORTLAND COMPANY ) AF# 2646  
POLITICAL ACTION COMMITTEE )  
(CPCC-PAC), and CABRERA, IRMA MS )  
as treasurer; )  
CHIANG PATEL AND YERBY INC PAC, ) AF# 2647  
and DAVID W HAYS as treasurer; )  
COMMONWEALTH-ALTADIS, INC. ) AF# 2648  
EMPLOYEE PAC, and HINES, HATTIE as )  
treasurer; )

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Federal Election Commission  
Certification for Administrative Fines  
March 29, 2013

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COMMUNITY ONCOLOGY ALLIANCE ) AF# 2649  
PAC, and COBB, PATRICK W MR. as  
treasurer;  
CONSERVATIVE OPPORTUNITIES FOR ) AF# 2650  
A NEW AMERICA PAC, and BAIN,  
WILLIAM MR. as treasurer;  
CORYPAC INC, and NICHOLS, PETER D ) AF# 2651  
as treasurer;  
EDWARDS WILDMAN PAC INC, and ) AF# 2652  
KOTLER, KEITH as treasurer;  
ESOP ASSOCIATION PAC, and J ) AF# 2653  
MICHAEL KEELING as treasurer;  
FREEDOM CLUB FEDERAL PAC, and ) AF# 2654  
ANDOLSHEK, RICHARD as treasurer;  
GLASS MOLDERS POTTERY PLASTICS ) AF# 2655  
& ALLIED WORKERS  
INTERNATIONAL UNION - POLITICAL )  
ED LEAG, and THORN, WALTER as  
treasurer;  
GREAT-WEST LIFE & ANNUITY ) AF# 2656  
INSURANCE COMPANY POLITICAL  
ACTION COMMITTEE, and ONSTAD,  
ROBERT MR as treasurer;  
LIBERTY & PROSPERITY PAC, and ) AF# 2657  
LESHNER, WARREN J. as treasurer;  
MADISON PAC; THE, and AHERN, ) AF# 2658  
BRIAN J. MR. as treasurer;  
MANAGEMENT AND TRAINING ) AF# 2659  
CORPORATION POLITICAL ACTION  
COMMITTEE, and LYLE J PARRY as  
treasurer;  
MANUFACTURED HOUSING ) AF# 2660  
INSTITUTE PAC, and LEE, LAURA MS.  
as treasurer;  
NATIONAL TANK TRUCK CARRIERS ) AF# 2661  
INC POLITICAL ACTION COMMITTEE,  
and WILLIAM A USHER as treasurer;  
NEW ASURION CORP. EMPLOYEES ) AF# 2662  
FEDERAL POLITICAL ACTION  
COMMITTEE, and FASSBENDER, PAUL  
as treasurer;  
PPL PEOPLE FOR GOOD ) AF# 2663  
GOVERNMENT, and CLELLAND,  
RUSSELL R. as treasurer;

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RIGHT TO LIFE/OREGON PAC, and	)	AF# 2664
ATTEBERRY, GAYLE MRS. as treasurer;	)	
THE LOOSE GROUP, and BAKER,	)	AF# 2665
JAMES MR. as treasurer;	)	
TO ORGANIZE A MAJORITY PAC	)	AF# 2666
(TOMPAC), and THERESA KEHOE as	)	
treasurer;	)	
TRANSPORTATION INTERMEDIARIES	)	AF# 2667
ASSOCIATION'S TIAPAC, and ROBERT	)	
A VOLTSMANN as treasurer;	)	
TRIUMPH GROUP INC PAC, and	)	AF# 2668
DAVIDSON, PAUL S MR as treasurer;	)	
WALTER ENERGY INC FEDERAL	)	AF# 2669
POLITICAL ACTION COMMITTEE, and	)	
GRIFFIN, MICHAEL D. as treasurer;	)	
WORLD ALLIANCE FOR ISRAEL	)	AF# 2670
POLITICAL ACTION COMMITTEE, and	)	
LEE ZIFF as treasurer;	)	

CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on March 29, 2013 the Commission took the following actions on the Reason To Believe Recommendation - 2012 12 Day Pre-General Report (Unauthorized Quarterly Filers) for the Administrative Fine Program as recommended in the Reports Analysis Division's Memorandum dated March 27, 2013, on the following committees:

AF#2639 Decided by a vote of 5-0 to: (1) find reason to believe that 19TH STAR PAC INC; THE, and MORRIS, MARTIN W. 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 Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2640 Decided by a vote of 5-0 to: (1) find reason to believe that ALEXION PHARMACEUTICALS INC PAC, and MICHAEL V GRECO 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 Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2641 Decided by a vote of 5-0 to: (1) find reason to believe that ARIZONA PIPE TRADES LOCAL 469 PAC, and MCNALLY, PHIL 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 Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2642 Decided by a vote of 5-0 to: (1) find reason to believe that ASSOCIATION OF AMERICAN RAILROADS POLITICAL ACTION COMMITTEE (RAILPAC), and STEVENS, MELODY 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 Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2643 Decided by a vote of 5-0 to: (1) find reason to believe that BLACKBOARD INC POLITICAL ACTION COMMITTEE, and STANTON, MICHAEL J. as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2644 Decided by a vote of 5-0 to: (1) find reason to believe that BLESSEY MARINE SERVICE, INC. POLITICAL ACTION COMMITTEE, and VOSS, PATRICK 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 Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2645 Decided by a vote of 5-0 to: (1) find reason to believe that BLUEPAC OF PENNSYLVANIA (THE BLUE CROSS AND BLUE SHIELD ASSOCIATION), and BAKER, ROBERT 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 Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2646 Decided by a vote of 5-0 to: (1) find reason to believe that CALPORTLAND COMPANY POLITICAL ACTION COMMITTEE (CPCC-PAC), and CABRERA, IRMA MS 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 Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

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AF#2647 Decided by a vote of 5-0 to: (1) find reason to believe that CHIANG PATEL AND YERBY INC PAC, and DAVID W HAYS 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 Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2648 Decided by a vote of 5-0 to: (1) find reason to believe that COMMONWEALTH-ALTADIS, INC. EMPLOYEE PAC, and HINES, HATTIE 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 Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2649 Decided by a vote of 5-0 to: (1) find reason to believe that COMMUNITY ONCOLOGY ALLIANCE PAC, and COBB, PATRICK W MR. as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2650 Decided by a vote of 5-0 to: (1) find reason to believe that CONSERVATIVE OPPORTUNITIES FOR A NEW AMERICA PAC, and BAIN, WILLIAM MR. as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2651 Decided by a vote of 5-0 to: (1) find reason to believe that CORYPAC INC, and NICHOLS, PETER D 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 Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2652 Decided by a vote of 5-0 to: (1) find reason to believe that EDWARDS WILDMAN PAC INC, and KOTLER, KEITH 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 Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2653 Decided by a vote of 5-0 to: (1) find reason to believe that ESOP ASSOCIATION PAC, and J MICHAEL KEELING 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 Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

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AF#2654 Decided by a vote of 5-0 to: (1) find reason to believe that FREEDOM CLUB FEDERAL PAC, and ANDGLSHEK, RICHARD 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 Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2655 Decided by a vote of 5-0 to: (1) find reason to believe that GLASS MOLDERS POTTERY PLASTICS & ALLIED WORKERS INTERNATIONAL UNION - POLITICAL ED LEAG, and THORN, WALTER 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 Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2656 Decided by a vote of 5-0 to: (1) find reason to believe that GREAT-WEST LIFE & ANNUITY INSURANCE COMPANY POLITICAL ACTION COMMITTEE, and ONSTAD, ROBERT MR as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2657 Decided by a vote of 5-0 to: (1) find reason to believe that LIBERTY & PROSPERITY PAC, and LESHNER, WARREN J. as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2658 Decided by a vote of 5-0 to: (1) find reason to believe that MADISON PAC; THE, and AHERN, BRIAN J. MR. as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2659 Decided by a vote of 5-0 to: (1) find reason to believe that MANAGEMENT AND TRAINING CORPORATION POLITICAL ACTION COMMITTEE, and LYLE J PARRY 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 Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2660 Decided by a vote of 5-0 to: (1) find reason to believe that MANUFACTURED HOUSING INSTITUTE PAC, and LEE, LAURA MS. 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.

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

AF#2661 Decided by a vote of 5-0 to: (1) find reason to believe that NATIONAL TANK TRUCK CARRIERS INC POLITICAL ACTION COMMITTEE, and WILLIAM A USHER 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 Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2662 Decided by a vote of 5-0 to: (1) find reason to believe that NEW ASURION CORP. EMPLOYEES FEDERAL POLITICAL ACTION COMMITTEE, and FASBENDER, PAUL as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2663 Decided by a vote of 5-0 to: (1) find reason to believe that PPL PEOPLE FOR GOOD GOVERNMENT, and CLELLAND, RUSSELL R. 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 Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2664 Decided by a vote of 5-0 to: (1) find reason to believe that RIGHT TO LIFE/OREGON PAC, and ATTEBERRY, GAYLE MRS. 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 Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2665 Decided by a vote of 5-0 to: (1) find reason to believe that THE LOOSE GROUP, and BAKER, JAMES MR. as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2666 Decided by a vote of 5-0 to: (1) find reason to believe that TO ORGANIZE A MAJORITY PAC (TOMPAC), and THERESA KEHOE 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 Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2667 Decided by a vote of 5-0 to: (1) find reason to believe that TRANSPORTATION INTERMEDIARIES ASSOCIATION'S TIAPAC, and ROBERT

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

AF#2668 Decided by a vote of 5-0 to: (1) find reason to believe that TRIUMPH GROUP INC PAC, and DAVIDSON, PAUL S MR as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2669 Decided by a vote of 5-0 to: (1) find reason to believe that WALTER ENERGY INC FEDERAL POLITICAL ACTION COMMITTEE, and GRIFFIN, MICHAEL D. 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 Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2670 Decided by a vote of 5-0 to: (1) find reason to believe that WORLD ALLIANCE FOR ISRAEL POLITICAL ACTION COMMITTEE, and LEE ZIFF 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 Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

Attest:

March 29, 2013  
Date

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

13092693178



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

April 1, 2013

Michael J. Stanton, in official capacity as Treasurer  
Blackboard Inc Political Action Committee  
650 Massachusetts Avenue, NW  
Washington, DC 20001

C00470690  
AF#: 2643

Dear Mr. Stanton:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file a 12 Day Pre-General Report of Receipts and Disbursements in a calendar year during which there is a regularly scheduled election. This report is required if your committee makes a contribution to or expenditure on behalf of a candidate in the general election. This report, covering the period October 1, 2012, through October 17, 2012, shall be filed no later than October 25, 2012. 2 U.S.C. 434(a). Because records at the Federal Election Commission ("FEC") indicate that you did not file this report prior to four (4) days before the General Election held on November 6, 2012, the report is considered not filed for the purpose of calculating the civil money penalty.

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 March 29, 2013, the FEC found that there is reason to believe ("RTB") that Blackboard Inc Political Action Committee and you, in your official capacity as treasurer, violated 2 U.S.C. 434(a) by failing to file timely this report on or before October 25, 2012. Based on the FEC's schedules of civil money penalties at 11 CFR § 111.43, the amount of your civil money penalty calculated at the RTB stage is \$660. Please see the attached copy of the Commission's administrative fine regulations at 11 CFR §§ 111.30-111.55. 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 CFR § 111.34. Your payment of \$660 is due within forty (40) days of the finding, or by May 8, 2013, and is based on these factors:

Election Sensitivity of Report: Election Sensitive

Level of Activity: \$7,500

Number of Days Late: Not Filed (reports not filed prior to four (4) days before the General Election held on November 6, 2012 are considered not filed for the purpose of calculating the penalty)

Number of Previous Civil Money Penalties Assessed: 0

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

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### **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 1 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 May 8, 2013. 11 CFR § 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 CFR § 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 CFR § 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 CFR § 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 CFR § 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 CFR § 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 submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that Blackboard Inc Political Action Committee 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 CFR § 111.51(a)(2).

### 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 CFR § 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 Sari Pickerall 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,



Ellen L. Weintraub  
Chair

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**ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS**

In accordance with the schedule of penalties at 11 CFR § 111.43, the amount of your civil money penalty calculated at RTB is \$660 for the 2012 Pre-General Report.

Please mail this remittance with a check or money order made payable to the Federal Election Commission to the following address:

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

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

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

The remittance and your payment are due by May 8, 2013. 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: Blackboard Inc Political Action Committee

FEC ID#: C00470690

AF#: 2643

PAYMENT DUE DATE: May 8, 2013

PAYMENT AMOUNT DUE: \$660

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
SECRETARIAT

2013 MAY 23 AM 11:37

May 23, 2013

**SENSITIVE**

**MEMORANDUM**

TO: The Commission

THROUGH: Alec Palmer *AP*  
Staff Director

FROM: Patricia C. Orrock *PCO*  
Chief Compliance Officer

Debbie Chacona *DC*  
Assistant Staff Director  
Reports Analysis Division

BY: *JW* Jodi Winship/Kristin DeCarmine/Sari Pickerall *AP*  
Compliance Branch

SUBJECT: Administrative Fine Program – Final Determination Recommendation for the  
2012 12 Day Pre-General Report (Unauthorized Committees)

Attached are two lists of political committees and their treasurers against which the Commission has found reason to believe (RTB) and assessed proposed civil money penalties calculated at RTB for failure to file or failure to timely file the 2012 12 Day Pre-General Report. The first list represents the committees that have paid the civil money penalty and the second list represents the committees that have not paid the civil money penalty. The committees that have not paid have been given at least forty (40) days from the date of the Commission's RTB finding to remit payment.

In accordance with 11 CFR § 111.34 and 11 CFR § 111.40, the Commission shall send a final determination notice to those respondents that have either paid or not paid the civil money penalty.

For your information, two (2) committees detailed below designated a new Treasurer after the RTB finding:

- CoryPAC Inc (AF 2651) filed an Amended Statement of Organization after the RTB finding designating Judy Zamore as Treasurer (see first list).

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- Edwards Wildman PAC Inc (AF 2652) filed an Amended Statement of Organization after the RTB finding designating John Holthaus as Treasurer (see first list).

In addition, one (1) committee detailed below changed their committee name after the RTB finding:

- BluePAC of Pennsylvania (The Blue Cross and Blue Shield Association) (AF 2645) filed an Amended Statement of Organization after the RTB finding changing their Committee name to Capital BluePAC (see first list).

#### **RAD Recommendation**

- (1) Make final determination that the political committees and their treasurers listed on the attached reports violated 2 U.S.C. § 434(a) and assess the final civil money penalties so indicated.
- (2) Send the appropriate letters.

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Federal Election Commission  
FD Circulation Report Review - Fine Paid  
2012 PRE-GENERAL Election Sensitive 10/25/2012 UNAUTH\_Q

AF#	Committee Name	Candidate Name	Committee ID	Treasurer	Receipt Date	Days Late	LOA	PV	RTB Date	RTB Penalty	Final Money Penalty	Date Paid	Amount Paid
2639	19TH STAR PAC INC; THE ALEXON		C00498709	MARTIN W. MORRIS	12/05/2012	Not Filed	\$5,010	0	03/29/2013	\$660	\$660	04/23/2013	\$660
2640	PHARMACEUTICALS INC PAC		C00471169	MICHAEL V. GRECO	02/20/2013	Not Filed	\$1,500	0	03/29/2013	\$550	\$550	05/09/2013	\$550
2641	ARIZONA PIPE TRADES LOCAL 469 PAC		C00518191	PHIL MCNALLY	12/04/2012	Not Filed	\$278,062	0	03/29/2013	\$9,900	\$9,900	04/23/2013	\$9,900
2642	ASSOCIATION OF AMERICAN RAILROADS POLITICAL ACTION COMMITTEE (RAILPAC)		C00280743	MELODY STEVENS	12/07/2012	Not Filed	\$4,344	0	03/29/2013	\$550	\$550	04/19/2013	\$550
2644	BLESSEY MARINE SERVICE, INC. POLITICAL ACTION COMMITTEE		C00409789	PATRICK VOSS	11/30/2012	Not Filed	\$1,000	0	03/29/2013	\$550	\$550	04/25/2013	\$550
2645	CAPITAL BLUEPAC		C00270967	ROBERT BAKER	12/07/2012	Not Filed	\$3,069	0	03/29/2013	\$550	\$550	05/07/2013	\$550
2646	CALPORTLAND COMPANY POLITICAL ACTION COMMITTEE (CPCC-PAC)		C00389429	IRMA CABRERA	12/07/2012	Not Filed	\$22,430	0	03/29/2013	\$990	\$990	04/09/2013	\$990
2647	CHIANG PATEL AND YERBY INC PAC		C00420125	DAVID W. HAYS	01/31/2013	Not Filed	\$7,750	1	03/29/2013	\$825	\$825	04/09/2013	\$825
2648	COMMONWEALTH-ALTADIS, INC. EMPLOYEE PAC		C00455680	HATTIE HINES	11/28/2012	Not Filed	\$9,833	1	03/29/2013	\$825	\$825	04/25/2013	\$825
2649	COMMUNITY ONCOLOGY ALLIANCE PAC		C00383976	PATRICK W. COBB	12/03/2012	Not Filed	\$1,000	0	03/29/2013	\$550	\$550	05/10/2013	\$550
2650	OPPORTUNITIES FOR A NEW AMERICA PAC		C00409458	WILLIAM BAIN	12/21/2012	Not Filed	\$20,423	0	03/29/2013	\$990	\$990	05/13/2013	\$990
2651	CORYPAC INC		C00497131	JUDY ZAMORE	12/07/2012	Not Filed	\$16,794	0	03/29/2013	\$990	\$990	05/10/2013	\$990
2652	EDWARDS WILDMAN PAC INC		C00468009	JOHN HOLTHAUS	02/22/2013	Not Filed	\$49,816	0	03/29/2013	\$1,400	\$1,400	05/14/2013	\$1,400
2653	ESOP ASSOCIATION PAC		C00196089	J. MICHAEL KEELING	12/03/2012	Not Filed	\$2,074	0	03/29/2013	\$550	\$550	04/17/2013	\$550
2654	FREEDOM CLUB FEDERAL PAC		C00307777	RICHARD ANDOLSHEK	12/03/2012	Not Filed	\$16,000	0	03/29/2013	\$990	\$990	05/07/2013	\$990
2657	LIBERTY & PROSPERITY PAC		C00492538	WARREN J. LESHNER	12/04/2012	Not Filed	\$10,137	0	03/29/2013	\$990	\$990	05/03/2013	\$990
2658	MADISON PAC; THE MANAGEMENT AND TRAINING CORPORATION POLITICAL ACTION COMMITTEE		C00426809	BRIAN J. AHERN	12/23/2012	Not Filed	\$7,236	0	03/29/2013	\$660	\$660	04/23/2013	\$660
2659			C00208322	LYLE J. PARRY	12/05/2012	Not Filed	\$6,853	2	03/29/2013	\$990	\$990	04/24/2013	\$990
2660	MANUFACTURED HOUSING INSTITUTE PAC		C00043463	LAURA LEE	01/30/2013	Not Filed	\$55,858	0	03/29/2013	\$3,300	\$3,300	04/30/2013	\$3,300
2662	NEW ASURION CORP. EMPLOYEES FEDERAL POLITICAL ACTION COMMITTEE		C00450916	PAUL FASSBENDER	12/06/2012	Not Filed	\$7,500	1	03/29/2013	\$825	\$825	05/10/2013	\$825
2663	PPL PEOPLE FOR GOOD GOVERNMENT		C00228108	RUSSELL CLELAND	11/28/2012	Not Filed	\$32,011	0	03/29/2013	\$1,400	\$1,400	04/17/2013	\$1,400
2664	RIGHT TO LIFE/OREGON PAC		C00141572	GAYLE ATTEBERRY	11/30/2012	Not Filed	\$3,889	0	03/29/2013	\$550	\$550	04/08/2013	\$550
2665	THE LOOSE GROUP		C00010793	JAMES BAKER	01/31/2013	Not Filed	\$16,100	0	03/29/2013	\$990	\$990	05/10/2013	\$990

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AF#	Committee Name	Candidate Name	Committee ID	Treasurer	Receipt Date	Days Late	LOA	PV	RTB Date	RTB Penalty	Final Money Penalty	Date Paid	Amount Paid
2666	TO ORGANIZE A MAJORITY PAC (TOMPAC)		C00385732	THERESA KEHOE	12/10/2012	Not Filed	\$35,052	0	03/29/2013	\$1,400	\$1,400	04/25/2013	\$1,400
2668	TRIUMPH GROUP INC PAC		C00361949	PAUL S. DAVIDSON	12/06/2012	Not Filed	\$10,269	0	03/29/2013	\$990	\$990	05/07/2013	\$990
2670	WORLD ALLIANCE FOR ISRAEL POLITICAL ACTION COMMITTEE		C00236596	LEE ZIFF	12/04/2012	Not Filed	\$11,435	0	03/29/2013	\$990	\$990	04/24/2013	\$990

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Federal Election Commission  
FD Circulation Report Review - Fine Not Paid  
2012 PRE-GENERAL Election Sensitive 10/25/2012 UNAUTH\_Q

AF#	Committee Name	Candidate Name	Committee ID	Treasurer	Receipt Date	Days Late	LOA	PV	RTB Date	RTB Penalty	Days Since RTB	FD Penalty
2643	BLACKBOARD INC POLITICAL ACTION COMMITTEE		C00470690	MICHAEL J. STANTON	12/12/2012	Not Filed	\$7,500	0	03/29/2013	\$660	54	\$660
2655	GLASS MOLDERS POTTERY PLASTICS & ALLIED WORKERS INTERNATIONAL UNION - POLITICAL ED LEAG		C00011189	WALTER THORN	12/04/2012	Not Filed	\$5,424	0	03/29/2013	\$660	54	\$660
2656	GREAT-WEST LIFE & ANNUITY INSURANCE COMPANY POLITICAL ACTION COMMITTEE		C00263723	ROBERT ONSTAD	12/10/2012	Not Filed	\$6,717	0	03/29/2013	\$660	54	\$660
2669	WALTER ENERGY INC FEDERAL POLITICAL ACTION COMMITTEE		C00508341	MICHAEL D. GRIFFIN	12/05/2012	Not Filed	\$30,000	0	03/29/2013	\$1,400	54	\$1,400

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
)  
Administrative Fine Program - Final )  
Determination Recommendation for the 12 )  
Day Pre-General Report (Unauthorized )  
Committees): )  
19TH STAR PAC INC; THE, and ) AF# 2639  
MORRIS, MARTIN W. as treasurer; )  
ALEXION PHARMACEUTICALS INC ) AF# 2640  
PAC, and MICHAEL V GRECO as )  
treasurer; )  
ARIZONA PIPE TRADES LOCAL 469 ) AF# 2641  
PAC, and MCNALLY, PHIL as treasurer; )  
ASSOCIATION OF AMERICAN ) AF# 2642  
RAILROADS POLITICAL ACTION )  
COMMITTEE (RAILPAC), and )  
STEVENS, MELODY as treasurer; )  
BLACKBOARD INC POLITICAL ) AF# 2643  
ACTION COMMITTEE, and STANTON, )  
MICHAEL J. as treasurer; )  
BLESSEY MARINE SERVICE, INC. ) AF# 2644  
POLITICAL ACTION COMMITTEE, and )  
VOSS, PATRICK as treasurer; )  
CAPITAL BLUEPAC, and BAKER, ) AF# 2645  
ROBERT as treasurer; )  
CALPORTLAND COMPANY ) AF# 2646  
POLITICAL ACTION COMMITTEE )  
(CPCC-PAC), and CABRERA, IRMA MS )  
as treasurer; )  
CHIANG PATEL AND YERBY INC PAC, ) AF# 2647  
and DAVID W HAYS as treasurer; )  
COMMONWEALTH-ALTADIS, INC. ) AF# 2648  
EMPLOYEE PAC, and HINES, HATTIE as )  
treasurer; )  
COMMUNITY ONCOLOGY ALLIANCE ) AF# 2649  
PAC, and COBB, PATRICK W MR. as )  
treasurer; )

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Federal Election Commission  
Certification for Administrative Fines  
May 24, 2013

Page 2

CONSERVATIVE OPPORTUNITIES FOR ) AF# 2650  
A NEW AMERICA PAC, and BAIN, )  
WILLIAM MR. as treasurer; )  
CORYPAC INC, and ZAMORE, JUDY as ) AF# 2651  
treasurer; )  
EDWARDS WILDMAN PAC INC, and ) AF# 2652  
HOLTHAUS, JOHN as treasurer; )  
ESOP ASSOCIATION PAC, and J ) AF# 2653  
MICHAEL KEELING as treasurer; )  
FREEDOM CLUB FEDERAL PAC, and ) AF# 2654  
ANDOLSHEK, RICHARD as treasurer; )  
GLASS MOLDERS POTTERY PLASTICS ) AF# 2655  
& ALLIED WORKERS )  
INTERNATIONAL UNION - POLITICAL )  
ED LEAG, and THORN, WALTER as )  
treasurer; )  
GREAT-WEST LIFE & ANNUITY ) AF# 2656  
INSURANCE COMPANY POLITICAL )  
ACTION COMMITTEE, and ONSTAD, )  
ROBERT MR as treasurer; )  
LIBERTY & PROSPERITY PAC, and ) AF# 2657  
LESKNER, WARREN J. as treasurer; )  
MADISON PAC; THE, and AHERN, ) AF# 2658  
BRIAN J. MR. as treasurer; )  
MANAGEMENT AND TRAINING ) AF# 2659  
CORPORATION POLITICAL ACTION )  
COMMITTEE, and LYLE J PARRY as )  
treasurer; )  
MANUFACTURED HOUSING ) AF# 2660  
INSTITUTE PAC, and LEE, LAURA MS. )  
as treasurer; )  
NEW ASURION CORP. EMPLOYEES ) AF# 2662  
FEDERAL POLITICAL ACTION )  
COMMITTEE, and FASSBENDER, PAUL )  
as treasurer; )  
PPL PEOPLE FOR GOOD ) AF# 2663  
GOVERNMENT, and CLELLAND, )  
RUSSELL R. as treasurer; )  
RIGHT TO LIFE/OREGON PAC, and ) AF# 2664  
ATTEBERRY, GAYLE MRS. as treasurer; )  
THE LOOSE GROUP, and BAKER, ) AF# 2665  
JAMES MR. as treasurer; )  
TO ORGANIZE A MAJORITY PAC ) AF# 2666  
(TOMPAC), and THERESA KEHOE as )  
treasurer; )

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TRIUMPH GROUP INC PAC, and	)	AF# 2668
DAVIDSON, PAUL S MR as treasurer;	)	
WALTER ENERGY INC FEDERAL	)	AF# 2669
POLITICAL ACTION COMMITTEE, and	)	
GRIFFIN, MICHAEL D. as treasurer;	)	
WORLD ALLIANCE FOR ISRAEL	)	AF# 2670
POLITICAL ACTION COMMITTEE, and	)	
LEE ZIFF as treasurer;	)	

CERTIFICATION

I, Shelley E. Garr, Deputy Secretary of the Federal Election Commission, do hereby certify that on May 24, 2013 the Commission took the following actions on the Administrative Fine Program - Final Determination Recommendation for the 12 Day Pre-General Report (Unauthorized Committees) as recommended in the Reports Analysis Division's Memorandum dated May 23, 2013, on the following committees:

AF#2639 Decided by a vote of 5-0 to: (1) make a final determination that 19TH STAR PAC INC; THE, and MORRIS, MARTIN W. as treasurer , violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2640 Decided by a vote of 5-0 to: (1) make a final determination that ALEXION PHARMACEUTICALS INC PAC, and MICHAEL V GRECO as treasurer , violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2641 Decided by a vote of 5-0 to: (1) make a final determination that ARIZONA PIPE TRADES LOCAL 469 PAC, and MCNALLY, PHIL as treasurer , violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2642 Decided by a vote of 5-0 to: (1) make a final determination that ASSOCIATION OF AMERICAN RAILROADS POLITICAL ACTION COMMITTEE

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(RAILPAC), and STEVENS, MELODY as treasurer , violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter.

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

AF#2643 Decided by a vote of 5-0 to: (1) make a final determination that BLACKBOARD INC POLITICAL ACTION COMMITTEE, and STANTON, MICHAEL J. as treasurer , violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2644 Decided by a vote of 5-0 to: (1) make a final determination that BLESSEY MARINE SERVICE, INC. POLITICAL ACTION COMMITTEE, and VOSS, PATRICK as treasurer , violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2645 Decided by a vote of 5-0 to: (1) make a final determination that CAPITAL BLUEPAC, and BAKER, ROBERT as treasurer , violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2646 Decided by a vote of 5-0 to: (1) make a final determination that CALPORTLAND COMPANY POLITICAL ACTION COMMITTEE (CPCC-PAC), and CABRERA, IRMA MS as treasurer , violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2647 Decided by a vote of 5-0 to: (1) make a final determination that CHIANG PATEL AND YERBY INC PAC, and DAVID W HAYS as treasurer , violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2648 Decided by a vote of 5-0 to: (1) make a final determination that COMMONWEALTH-ALTADIS, INC. EMPLOYEE PAC, and HINES, HATTIE as treasurer , violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2649 Decided by a vote of 5-0 to: (1) make a final determination that COMMUNITY ONCOLOGY ALLIANCE PAC, and COBB, PATRICK W MR. as treasurer , violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated;

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

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AF#2650 Decided by a vote of 5-0 to: (1) make a final determination that CONSERVATIVE OPPORTUNITIES FOR A NEW AMERICA PAC, and BAIN, WILLIAM MR. as treasurer, violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2651 Decided by a vote of 5-0 to: (1) make a final determination that CORYPAC INC, and ZAMORE, JUDY as treasurer, violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2652 Decided by a vote of 5-0 to: (1) make a final determination that EDWARDS WILDMAN PAC INC, and HOLTHAUS, JOHN as treasurer, violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2653 Decided by a vote of 5-0 to: (1) make a final determination that ESOP ASSOCIATION PAC, and J MICHAEL KEELING as treasurer, violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2654 Decided by a vote of 5-0 to: (1) make a final determination that FREEDOM CLUB FEDERAL PAC, and ANDOLSHEK, RICHARD as treasurer, violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2655 Decided by a vote of 5-0 to: (1) make a final determination that GLASS MOLDERS POTTERY PLASTICS & ALLIED WORKERS INTERNATIONAL UNION - POLITICAL ED LEAG, and THORN, WALTER as treasurer, violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2656 Decided by a vote of 5-0 to: (1) make a final determination that GREAT-WEST LIFE & ANNUITY INSURANCE COMPANY POLITICAL ACTION COMMITTEE, and ONSTAD, ROBERT MR as treasurer, violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter.

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

AF#2657 Decided by a vote of 5-0 to: (1) make a final determination that LIBERTY & PROSPERITY PAC, and LESHNER, WARREN J. as treasurer, violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2658 Decided by a vote of 5-0 to: (1) make a final determination that MADISON PAC; THE, and AHERN, BRIAN J. MR. as treasurer, violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2659 Decided by a vote of 5-0 to: (1) make a final determination that MANAGEMENT AND TRAINING CORPORATION POLITICAL ACTION COMMITTEE, and LYLE J PARRY as treasurer, violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2660 Decided by a vote of 5-0 to: (1) make a final determination that MANUFACTURED HOUSING INSTITUTE PAC, and LEE, LAURA MS. as treasurer, violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2662 Decided by a vote of 5-0 to: (1) make a final determination that NEW ASURION CORP. EMPLOYEES FEDERAL POLITICAL ACTION COMMITTEE, and FASSBENDER, PAUL as treasurer, violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2663 Decided by a vote of 5-0 to: (1) make a final determination that PPL PEOPLE FOR GOOD GOVERNMENT, and CLELLAND, RUSSELL R. as treasurer, violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2664 Decided by a vote of 5-0 to: (1) make a final determination that RIGHT TO LIFE/OREGON PAC, and ATTEBERRY, GAYLE MRS. as treasurer, violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

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AF#2665 Decided by a vote of 5-0 to: (1) make a final determination that THE LOOSE GROUP, and BAKER, JAMES MR. as treasurer, violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2666 Decided by a vote of 5-0 to: (1) make a final determination that TO ORGANIZE A MAJORITY PAC (TOMPAC), and THERESA KEHOE as treasurer, violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2668 Decided by a vote of 5-0 to: (1) make a final determination that TRIUMPH GROUP INC PAC, and DAVIDSON, PAUL S MR as treasurer, violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2669 Decided by a vote of 5-0 to: (1) make a final determination that WALTER ENERGY INC FEDERAL POLITICAL ACTION COMMITTEE, and GRIFFIN, MICHAEL D. as treasurer, violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2670 Decided by a vote of 5-0 to: (1) make a final determination that WORLD ALLIANCE FOR ISRAEL POLITICAL ACTION COMMITTEE, and LEE ZIFF as treasurer, violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

Attest:

May 28, 2013  
Date

Shelley E. Garr  
Shelley E. Garr  
Deputy Secretary of the Commission

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

May 28, 2013

Michael J. Stanton, in official capacity as Treasurer  
Blackboard Inc Political Action Committee  
650 Massachusetts Avenue, N.W.  
Washington, DC 20001

C00470690  
AF#: 2643

Dear Mr. Stanton:

On March 29, 2013, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Blackboard Inc Political Action Committee and you, in your official capacity as treasurer violated 2 U.S.C. § 434(a) for filing late or failing to file the 2012 Pre-General Report. By letter dated April 1, 2013, the Commission notified you of the RTB finding and the civil money penalty calculated at the RTB stage to be \$660 in accordance with the schedule of penalties at 11 CFR § 111.43. Within 40 days of the FEC's RTB finding, you, as treasurer, were required to either transmit payment of the calculated civil money penalty or submit a written response challenging either the RTB finding or the calculated civil money penalty.

The FEC did not receive payment of the calculated civil money penalty or a written response within the time permitted. The FEC made a final determination on May 24, 2013 that Blackboard Inc Political Action Committee and you, in your official capacity as treasurer violated 2 U.S.C. § 434(a) and assessed a civil money penalty in the amount of \$660 in accordance with 11 CFR § 111.43. The civil money penalty is based on these factors:

Election Sensitivity of Report: Election Sensitive

Level of Activity: \$7,500

Number of Days Late: Not Filed (reports not filed prior to four (4) days before the General Election held on November 6, 2012 are considered not filed for the purposes of calculating the penalty)

Number of Previous Civil Money Penalties Assessed: 0

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

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

If you choose to appeal the final determination, you should submit a written petition, within 30 days of receipt of this letter, to the district court of the United States for the district in

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which the committee or you reside, or transact business, requesting that the final determination be modified or set aside. See 2 U.S.C. § 437g(a)(4)(C)(iii). Your failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver of the respondents' right to present such argument in a petition to the district court under 2 U.S.C. § 437g. 11 CFR § 111.38.

## **2. If You Choose Not to Pay the Civil Money Penalty and Not to Appeal**

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

Actions which may be taken to enforce recovery of a delinquent debt by Treasury may also include: (1) offset of any payments, which the debtor is due, including tax refunds and salary; (2) referral of the debt to agency counsel for litigation; (3) reporting of the debt to a credit bureau; (4) administrative wage garnishment; and (5) reporting of the debt, if discharged, to the IRS as potential taxable income. In addition, under the provisions of DCIA and other statutes applicable to the FEC, the debtor may be subject to the assessment of other statutory interest, penalties, and administrative costs.

In accordance with the DCIA, at your request, the agency will offer you the opportunity to inspect and copy records relating to the debt, the opportunity for a review of the debt, and the opportunity to enter into a written repayment agreement.

## **3. If You Choose to Pay the Civil Money Penalty**

If you should decide to pay the civil money penalty, send the enclosed remittance form, along with your payment, to the address on page 4 within 30 days of receipt of this letter.

## **NOTICE REGARDING PARTIAL PAYMENTS AND SETTLEMENT OFFERS**

### **4. Partial Payments**

If you make a payment in an amount less than the civil money penalty, the amount of your partial payment will be credited towards the full civil money penalty that the Commission assessed upon making a final determination.

### **5. Settlement Offers**

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If you make a payment in an amount less than the civil money penalty as an offer to settle or compromise a debt owed to the Commission, the offer is herewith rejected despite any restrictive endorsements contained on your check or money order or proposed in correspondence transmitted with your check or money order. Acceptance and deposit or cashing of such a restricted payment does not constitute acceptance of the settlement offer. Payments containing restrictive endorsements will be deposited and treated as a partial payment towards the civil money penalty that the Commission assessed upon making a final determination. All unpaid civil money penalty amounts remaining will be subject to the debt collection procedures set forth in Section 2, above.

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 CFR § 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 the payment of the civil money penalty, please contact Sari Pickerall at Federal Election Commission, 999 E St., NW, Washington, DC 20463, or our toll free number (800) 424-9530 (at the prompt, press 5) or (202) 694-1130.

On behalf of the Commission,



Ellen L. Weintraub  
Chair

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**ADMINISTRATIVE FINE PAYMENT INSTRUCTIONS**

In accordance with the schedule of penalties at 11 CFR § 111.43, the civil money penalty is \$660 for the 2012 Pre-General Report.

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

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

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

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

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

**Payments by Personal Check**

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

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

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FOR: Blackboard Inc Political Action Committee

FEC ID#: C00470690

AF#: 2643

PAYMENT AMOUNT DUE: \$660

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**U.S. Department of the Treasury  
Financial Management Service  
Debt Collection Programs**

**(Cross-Servicing Program and Treasury Offset Program)**

**Calendar Year 2013 Annual Debt Certification Agreement for Federal Nontax Debts**

This Annual Debt Certification Agreement for Federal Nontax Debts (Certification Agreement) is submitted by: (Creditor Agency) Federal Election Commission (FEC).

**Section I: Background**

- A. The U.S. Department of the Treasury, Financial Management Service (FMS), provides debt collection services to Federal agencies that are owed delinquent debt.
- B. Federal agencies are generally required to submit debts that have been delinquent for 180 days to FMS for debt collection services, and may submit debts sooner if the necessary prerequisites are met. See 31 U.S.C. §§ 3711(g) and 3716(c).
- C. Upon submitting debts to FMS for debt collection services, Federal agencies are required to certify to FMS, among other things, that the debts are valid, legally enforceable, there are no bars to collection, and all requisite due process has been completed, as set forth in this Certification Agreement.
- D. The definitions of terms used in this Certification Agreement are in Attachment A, Definitions of Terms Used in Certification Agreement.

**Section II: General Provisions**

The Creditor Agency understands and agrees to the following:

- A. **Scope.** The provisions of this Certification Agreement apply to all Debts submitted by Electronic Transmission on or after the date of the Certification Agreement by the Creditor Agency to FMS for collection through the Cross-Servicing Program and/or the Treasury Offset Program.
- B. **Certification Authority.** Only an individual with delegated authority to certify a Debt on behalf of the Creditor Agency will submit a Debt to FMS via an Add Record or Update Record. The Creditor Agency will provide a copy of this Certification Agreement to any such individual.

**C. Changes to Debt Information.**

1. The Creditor Agency understands its obligation to notify FMS: (a) of any change in the amount, validity, or legal enforceability of the Debt; and (b) if the Debt becomes subject to circumstances that legally preclude or bar collection.
2. The Creditor Agency authorizes FMS to Update Records on its behalf, in accordance with criteria established by FMS, for the purpose of adding alias Debtor name information for a Debt certified by the Creditor Agency. Creditor Agency will notify FMS as soon as it learns that any such updates are incorrect.

**Section III: Debt Certification**

The Creditor Agency understands that by submitting a Debt to FMS via an Add Record or Update Record, the individual submitting the Debt is certifying to FMS, in writing, under penalty of perjury, that, to the best of his or her knowledge and belief, the following is true and correct:

**A. General Prerequisites for Collection.**

1. **Valid Debts.** The Creditor Agency has made a final determination that the Debt is valid and legally enforceable in the amount stated, and that the Debt is not subject to any circumstances that legally preclude or bar collection.
2. **Delinquent Debts.** The Debt is delinquent, and the Debtor is not paying the Debt in accordance with any repayment plan agreed to by the Creditor Agency.
3. **Interest, Penalties, and Administrative Costs.** The Creditor Agency has complied with all of the provisions of 31 U.S.C. § 3717 and 31 CFR 901.9, as well as other statutes, regulations, and policies applicable to Creditor Agency's assessment of interest, penalties, and administrative costs on the Debt. The Creditor Agency has provided a written notice to the Debtor explaining the Creditor Agency's requirements concerning the assessment of interest, penalties, and administrative costs.
4. **Debtor Disputes.** The Creditor Agency has considered any and all evidence presented by the Debtor disputing the Creditor Agency's determination about the Debt, and there are no pending appeals of such determination that would preclude collection of the Debt.
5. **Collection Efforts.** The Creditor Agency has made reasonable efforts to obtain payment of the Debt, including, at a minimum, by demanding payment of the Debt.
6. **Creditor Agency Profile Form.** The Creditor Agency Profile Form has been completed by the Creditor Agency and is accurate and up-to-date.

- B. General Prerequisites for Collection by Offset, including Tax Refund Offset.** If, in the Creditor Agency Profile Form, the Creditor Agency has authorized FMS to collect the Debt by offsetting Federal and State tax and nontax payments:

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1. ***Compliance with Offset Laws.*** The Creditor Agency has complied with all of the provisions of 31 U.S.C. §§ 3716 and 3720A, 31 CFR Part 285, and the Federal Claims Collection Standards (31 CFR Parts 900-904), as may be amended, as well as other statutes, regulations and policies applicable to the collection of the Debt by offset.
  2. ***Due Process Prerequisites.*** At least 60 days prior to the Certification Date, the Creditor Agency has provided, or made a reasonable attempt to provide, in accordance with applicable offset regulations, each Debtor with:
    - a. a written notification, at the Debtor's most current known address, of the nature and the amount of the Debt, the intention of the Creditor Agency to collect the Debt through offset, including offset of Federal and State payments, and an explanation of the rights of the Debtor;
    - b. an opportunity to inspect and copy the records of the Creditor Agency with respect to the Debt;
    - c. an opportunity for review of the Creditor Agency's determination with respect to the Debt, including an opportunity to present evidence that all or part of the Debt is not delinquent or legally enforceable; and
    - d. an opportunity to enter into a written repayment agreement with the Creditor Agency.
  3. ***Due Process Prerequisites for Certain Older Debts.*** For a Debt outstanding more than ten years on or before December 28, 2009, the Creditor Agency sent the notice described in Section III.B.2.a to the last known address of the Debtor after the Debt was outstanding for more than ten years, and afforded the Debtor the opportunities described in Sections III.B.2.b. - II.B.2.d. at that time. This requirement does not apply to any Debt that could be collected by offset without regard to any time limitation prior to December 28, 2009.
- C. ***Prerequisites for Collection by Federal Salary Offset.*** If, through a Salary Offset Instruction, the Creditor Agency has authorized FMS to collect the Debt by offsetting Federal salary payments:
1. ***Compliance with Federal Salary Offset Laws.*** The Creditor Agency has complied with all of the provisions of 5 U.S.C. § 5514, 5 CFR §§ 550.1101-1110, and 31 CFR 285.7, as may be amended, as well as other statutes, regulations and policies applicable to collection by salary offset; and
  2. ***Due Process Prerequisites.*** At least 60 days prior to the Certification Date, the Creditor Agency has provided, or made a reasonable attempt to provide, in accordance with applicable offset regulations, each Debtor with the notification and opportunities required by Sections III.B.2. and III.B.3., and any other notices, opportunities, or considerations required for Federal salary offset.

D. **Consumer Reporting Agencies.** If, in the Creditor Agency Profile Form, the Creditor Agency has authorized FMS to disclose Debts to consumer reporting agencies:

1. **Compliance with Consumer Reporting Agency Requirements.** The Creditor Agency has complied with all of the provisions of 31 U.S.C. § 3711(e) and the Federal Claims Collection Standards, as well as other statutes, regulations, and policies applicable to the reporting of a delinquent Debt to consumer reporting agencies.
2. **Notice Prerequisites.** At least 60 days prior to the Certification Date, the Creditor Agency provided the Debtor with:
  - a. notification that the Debt is overdue and the Creditor Agency intends to disclose that the Debtor is responsible for the Debt to a consumer reporting agency;
  - b. the specific information to be disclosed to the consumer reporting agency; and
  - c. the Debtor's rights to an explanation of the claim, dispute the information in the Creditor Agency's records about the claim, and an administrative appeal or review of the claim; and
3. **Review Prerequisites.** Upon the request of a Debtor, the Creditor Agency has provided for a review of the Debtor's claim(s), including an opportunity for reconsideration of the initial decision on the Debt.

#### **Section IV: Certification**

By signing below, I certify that I have delegated authority to execute this Certification Agreement on behalf of the head of Creditor Agency and understand this agreement applies to all debts submitted by Electronic Transmission on or after the date of the Certification Agreement to FMS for collection through the Cross-Servicing Program and/or the Treasury Offset Program.

Signature

Judy Berning

Print Name

Chief Finance Officer

Title

Date

U.S. Department of the Treasury  
Financial Management Service  
Debt Collection Programs

(Cross-Servicing Program and Treasury Offset Program)

Annual Debt Certification Agreement for Federal Nontax Debts

ATTACHMENT A

Definitions of Terms Used in Certification Agreement

For the purposes of this Certification Agreement:

1. **Add Records.** "Add Records" means the addition of new Debts, by Electronic Transmission, to the Cross-Servicing Program or TOP, by the Creditor Agency with an instruction by the Creditor Agency directing the Financial Management Service (FMS) to take collection action on the Debt, in accordance with the specification in the FMS Technical Guidance. "Add Records" occurs when the Creditor Agency submits a Debt to FMS unless the Creditor Agency explicitly instructs FMS not to take collection action (in accordance with the specifications of the FMS Technical Guidance). As further specified in the FMS Technical Guidance, "Add Records" can be accomplished either through a batch or manual process.
2. **Certification Date.** "Certification Date" means the date of the Electronic Transmission of the Debt.
3. **Creditor Agency Profile Form.** "Creditor Agency Profile Form" means the document(s) the Creditor Agency completes to provide information to FMS, including, among other things, what tools FMS is authorized to use to collect Debts on behalf of the Creditor Agency, and contact information for the Creditor Agency's personnel who are available to assist FMS with questions related to the transferred Debt. The Creditor Agency Profile Form is an FMS document that FMS sends to agencies for completion.
4. **Cross-Servicing Program.** "Cross-Servicing Program" means FMS's debt collection program in which FMS uses a variety of debt collection tools, including TOP, to collect delinquent nontax debts on behalf of Federal agencies.
5. **Debt.** "Debt" means any federal nontax debt, any information about such a debt, any information about the Debtor associated with the debt, and any update, change, or modification to such information.
6. **Debtor.** "Debtor" means a person who owes a Debt.
7. **Debtor Detail Screen.** "Debtor Detail Screen" means the screen in the TOP Web Client (as defined in FMS Technical Guidance) on which a Debt can be entered.

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8. **Electronic Transmission.** "Electronic Transmission" means any transmission of information to FMS from the Creditor Agency via any form of electronic media including, but not limited to, tapes, diskettes, and on-line access through an Add Records, an Update Records, or a Salary Offset Instruction.
  9. **FMS Technical Guidance.** "FMS Technical Guidance" means the technical guidance issued by FMS that, among other things, instructs agencies how to Add Records and Update Records. "FMS Technical Guidance" includes:
    - a. ***Direct Referrals to TOP.*** For direct referrals to TOP, "FMS Technical Guidance" includes:
      - i. "Treasury Offset Program Agency Guide: The Official Federal Agency Guide to the Treasury Offset Program," version 2010.3, as updated from time-to-time;
      - ii. "Treasury Offset Program: Enhanced Record Layouts Version 3.2 with Definitions, Error Codes and Layout Mapping," as updated from time-to-time;
      - iii. "Integrated Agency Interface File Formats," version 3.30t, as updated from time-to-time;
      - iv. "Treasury Offset Program: The Online Client Agency User Guide," version 1.0, as updated from time-to-time; and
      - v. Any other guidance issued by FMS providing technical specifications for how to refer Debts directly to TOP.
    - b. ***Referrals to the Cross-Servicing Program.*** For referrals to the Cross-Servicing Program, "FMS Technical Guidance" includes:
      - i. "Integrated Agency Interface File Format For Cross-Servicing," version 3.30.1, as updated from time-to-time;
      - ii. "XDC FedDebt Referral File Format: Electronic Case Entry for Cross-Servicing," as updated from time-to-time;
      - iii. "FedDebt Online Functionality: Creating a Case Online," revised 12/2010, as updated from time-to-time;
      - iv. "Cross-Servicing Implementation Guide," revised August 2008, as updated from time-to-time; and
      - v. Any other guidance issued by FMS providing technical specifications for how to refer Debts to the Cross-Servicing Program.
  10. **Record Type 6.** "Record Type 6" means the record layout used for sending data to TOP, and includes information regarding what payments should be excluded from offset.
  11. **Salary Offset Instruction.** "Salary Offset Instruction" means the salary by-pass indicator used by the Creditor Agency to indicate to TOP whether or not a Debt should be collected through the offset of Federal salary payments. As further specified in the FMS Technical Guidance:
    - a. ***No Offset of Federal Salary Payments.*** To direct that FMS not collect a Debt through the offset of Federal salary payments, the Creditor Agency must:



- i. Transmit the file with a Record Type 6 containing an A in the Action Field and SAL in the Payment Bypass Indicator Field;
  - ii. Indicate in the Creditor Agency's Agency Profile (i.e., the default settings established by the Creditor Agency) that Federal salary payments should not be offset;
  - iii. Manually check the "salary by-pass" column online through the Debtor Detail Screen; or
  - iv. Follow other relevant guidance in the FMS Technical Guidance regarding how to bypass salary payments.
- b. ***Offset Federal Salary Payments.*** The Creditor Agency directs FMS to collect a Debt through the offset of Federal salary payments as follows:
- i. If the Creditor Agency submits a Debt to FMS without a specific indication that the Debt should not be collected through the offset of Federal salary payments (see paragraph 11.a. of this Attachment A, above), the Creditor Agency has indicated that the Debt should be collected through the offset of Federal salary payments;
  - ii. If the Creditor Agency has previously indicated that Federal salary payments not be offset, to indicate that Federal salary payments be offset, the Creditor Agency must:
    - (a) Send a Record Type 6 with a D in the Action Field and SAL in the Payment Bypass Indicator Field;
    - (b) Send a Record Type 6 with a U in the Action Field and SAL in the Payment Bypass Indicator Field; or
    - (c) Indicate in the Creditor Agency's Agency Profile (i.e., the default settings established by the Creditor Agency) that Federal salary payments should be offset; or
  - iii. The Creditor Agency must follow other relevant guidance in the FMS Technical Guidance regarding how to offset Federal salary payments.
12. **Treasury Offset Program or TOP.** "Treasury Offset Program" or "TOP" means the FMS's debt matching and payment offset program that uses payment and debt data received from Federal agencies and States to collect delinquent debt from payments disbursed by FMS and other Federal and State disbursing agencies.
13. **Update Records.** "Update Records" means any update, change or modification of information about a Debt previously transmitted by the Creditor Agency. Specifically, "Update Records" includes any update, change or modification of information about such a Debt that is submitted to FMS, by Electronic Transmission, through either a batch or manual process, as further specified by the FMS Technical Guidance.



FEDERAL ELECTION COMMISSION  
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 2643

DATE SCANNED

11/6/13

SCANNER NO.

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SCAN OPERATOR

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