



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 2867

DATE SCANNED 6/28/13

SCANNER NO. 2

SCAN OPERATOR ES

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

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FEDERAL ELECTION
COMMISSION
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March 27, 2013

MEMORANDUM

SENSITIVE

TO: The Commission

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

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

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

BY: *W*odi Winship/Sari Pickerall *SP*
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 (RAI PAC)		MELODY STEVENS	\$424,196	0	12/7/2012	Not Filed	\$4,344	\$550

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

2657	C00492538	LIBERTY & PROSPERITY PAC		WARREN J. LESHNER	\$209,241	0	12/4/2012	Not Filed	\$10,137	\$990
2658	C00426809	MADISON PAC; THE MANAGEMENT AND TRAINING CORPORATION POLITICAL ACTION COMMITTEE		BRIAN J. AHERN	\$681,588	0	12/23/2012	Not Filed	\$7,236	\$660
2659	C00208322			LYLE J. PARRY	\$189,880	2	12/5/2012	Not Filed	\$6,853	\$990
2660	C00043463	MANUFACTURED HOUSING INSTITUTE PAC		LAURA LEE	\$246,708	0	1/30/2013	Not Filed	\$54,838	\$3,300

2662	C00450916	NEW ASURION CORP. EMPLOYEES FEDERAL POLITICAL ACTION COMMITTEE		PAUL FASSBENDER	\$513,082	1	12/6/2012	Not Filed	\$7,500	\$825
2663	C00228106	PPL PEOPLE FOR GOOD GOVERNMENT		RUSSELL R. CLELLAND	\$1,276,355	0	11/28/2012	Not Filed	\$32,011	\$1,400
2664	C00141572	RIGHT TO LIFE/OREGON PAC		GAYLE ATTEBERRY	\$415,683	0	11/30/2012	Not Filed	\$3,889	\$550
2665	C00010793	THE LOOSE GROUP		JAMES BAKER.	\$172,242	0	1/31/2013	Not Filed	\$16,100	\$990
2666	C00385732	TO ORGANIZE A MAJORITY PAC (TOMPAC)		THERESA KEHOE	\$744,010	0	12/10/2012	Not Filed	\$35,052	\$1,400
2667	C00335091	TRANSPORTATION INTERMEDIARIES ASSOCIATION'S TIAPAC		ROBERT A. VOLTSMANN	\$291,411	2	12/7/2012	Not Filed	\$4,000	\$825
2668	C00361949	TRIUMPH GROUP INC PAC		PAUL S. DAVIDSON	\$299,932	0	12/6/2012	Not Filed	\$10,269	\$990

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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 Finr)
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;)

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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COMMUNITY ONCOLOGY ALLIANCE) AF# 2649
PAC, and COBB, RATRICK 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 KEBLING as treasurer,)
FREEDOM CLUB FEDERAL PAC, and) AF# 2654
ANDOLSHK, RICHARD 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;)

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 VOLTMANN as treasurer;)
TRIUMPH GROUP INC PAC, and) AF# 2668
DAVIDSON. PAUL S MR 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

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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#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 MIS 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 ANDOLSHEK, 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#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#2662 Decided by a vote of 5-0 to: (1) find reason to believe that NEW ASURION CORP. EMPLOYEES FEDERAL POLITICAL ACTION COMMITTEE, and FASSBENDER, 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 in 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#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

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 1, 2013

Robert A. Voltmann, in official capacity as Treasurer
Transportation Intermediaries Association's TIAPAC
1625 Prince St., Suite 200
Alexandria, VA 22314

C00335091
AF#: 2667

Dear Mr. Voltmann:

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 Transportation Intermediaries Association's TIAPAC 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 \$825. 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 \$825 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: \$4,000

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: 2

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 Transportation Intermediaries Association's TIAPAC 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 \$825 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: Transportation Intermediaries Association's TIAPAC

FEC ID#: C00335091

AF#: 2667

PAYMENT DUE DATE: May 8, 2013

PAYMENT AMOUNT DUE: \$825

13092690293



RECEIVED
2013 APR -3 AM 11:34
FEC MAIL CENTER

April 3, 2013

FEC Office of Administrative Review
999 E Street, N.W.
Washington, DC 20463

Identification Number: C00335091
AF Number: 2667

To Whom It May Concern:

In reference to the Federal Election Commission (FEC) letter dated April 1, 2013, I am submitting a formal challenge to the "reason to believe" (RTB) assessment and subsequent civil penalty assessed in the amount of \$825. The Transportation Intermediaries Association Political Action Committee (TIAPAC) is filing this challenge on the basis that the committee used best efforts to file on time.

On or around October 19, 2012, my staff filed the 12 Day Pre-General Report of Receipts and Disbursements for calendar year 2012 and was given a "successfully" completed screen prompt within the FEC e-file software.

On or around December 4, 2012, my staff filed the 30 Day Post-General Report of Receipts and Disbursements for calendar year 2012 and was given a "successfully" completed screen prompt within the FEC e-file software.

On December 7, 2012, my staff checked the status of the filings within the FEC database and noticed that neither filing had been posted to our account. My staff immediately called our Account Representative Ms. Kaitlin Eger, Senior Campaign Finance Analyst for the Report Analysis Division of the Federal Election Commission, which the FEC should have record of in Ms. Eger's call record. Ms. Eger explained to my staff that sometimes the system will give the filer a "false positive" and recommended that we run the latest update of the FEC e-file software. Ms. Eger promulgated to my staff to file the reports immediately.

Within minutes of this call my staff filed as instructed the reports and contacted Ms. Eger to confirm receipt of the filings, which she did. My staff still never received confirmation emails entitled: "FEC Electronic Filing Results" for the 12 Day Pre-General and 30 Day Post-General Election.

The Association of the Professional 3PL Industry

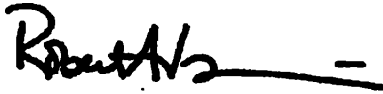
13092690294

The TIAPAC has since filed the Year End Quarterly Report for calendar year 2012, and the 1st Quarter Report for calendar year 2013 without incident or error. Additionally, TIAPAC has received confirmation emails entitled: "FEC Electronic Filing Results" for these reports.

It is important to understand that past reporting errors were completed by a staffer no longer employed by TIA. Since reassigning our FEC filings to a new staff member beginning July 2011, reports have been filed on time, if not weeks early for every filing deadline as required for quarterly reporting.

We appreciate the opportunity to address this misunderstanding and look forward to working with you to resolve this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert A. Voltmann", followed by a horizontal line.

Robert A. Voltmann
President and CEO
TIAPAC Treasurer

13092690295



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Via First Class Mail

April 19, 2013

Robert A., Voltmann, in official capacity as Treasurer
Transportation Intermediaries Association's TIAPAC
1625 Prince Street, Suite 200
Alexandria, VA 22314

C00335091

AF#: 2667

Dear Mr. Voltmann:

On April 3, 2013, the Commission received the written response ("challenge") which is being reviewed by the Office of Administrative Review. If you have any questions regarding the challenge, please contact this Office on our toll free number (800)424-9530 (press 0, then ext. 1660) or (202)694-1660.

Sincerely,

A handwritten signature in black ink that reads "Rhiannon Magruder". The signature is written in a cursive, flowing style.

Rhiannon Magruder
Acting Reviewing Officer
Office of Administrative Review

13092690296

Date: April 8, 2013

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

AF#: 2667

Committee Name: Transportation Intermediaries Association's TIAPAC

Committee ID#: C00335091

Committee Address (if different than in RTB letter): N/A

Treasurer Name (if different than in RTB finding): N/A

Attachments:

- **Copy of RTB Circulation Report, dated March 27, 2013 and RTB Certification, dated March 29, 2013 (Y/N): Y**
- **Proof of Delivery (to be forwarded at later date if not yet received) (Y/N): Y**
-
- **Other Relevant Telecoms (Y/N): N**
- **Original Correspondence Received by RAD in Response to RTB Letter (Y/N): N**
- **RAD Staff Declaration (Y/N): Y**
 - 2012 October Quarterly Report Notice, dated September 21, 2012.**
 - RTB Labor, dated April 1, 2013.**
- **Other RAD Information: (Y/N): N**

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Dear Customer,

This notice serves as proof of delivery for the shipment listed below.

Tracking Number:	1Z WF5 860 A2 9939 641 6
Reference Number(s):	RAD, 2667
Service:	NEXT DAY AIR
Special Instructions:	ADULT SIGNATURE REQUIRED
Shipped/Billed On:	04/01/2013
Delivered On:	04/02/2013 10:22 A.M.
Delivered To:	1625 PRINCE ST 200 ALEXANDRIA, VA, US 22314

[illegible]

Location: FRONT DESK

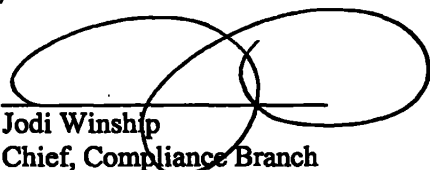
Thank you for giving us this opportunity to serve you.

**Sincerely,
UPS**

Tracking results provided by UPS: 04/04/2013 4:34 P.M. ET

DECLARATION OF JODI WINSHIP

1. I am the Chief of the Compliance Branch for the Reports Analysis Division of the Federal Election Commission ("Commission"). In my capacity as Chief of the Compliance Branch, I oversee the initial processing of the Administrative Fine Program. I make this declaration based on my personal knowledge and, if called upon as a witness, could and would testify competently to the following matters.
2. I hereby certify that documents identified herein are true and accurate copies of the following sent by the Commission to Transportation Intermediaries Association's TIAPAC:
 - A) Report Notice, dated September 21, 2012, referencing the reporting requirements for the 2012 12 Day Pre-General Report (sent via electronic mail to: voltmann@tianet.org);
 - B) Reason-to-Believe Letter, dated April 1, 2013 referencing the 2012 12 Day Pre-General Report.
3. I hereby certify that I have searched the Commission's public records and find that Transportation Intermediaries Association's TIAPAC filed the 2012 12 Day Pre-General Report with the Commission on December 7, 2012.
4. Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct and that all relevant telecoms for the matter have been provided. This declaration was executed at Washington, D.C. on the 8th day of April, 2013.



Jodi Winship
Chief, Compliance Branch
Reports Analysis Division
Federal Election Commission

13092690299



OCTOBER QUARTERLY REPORT NOTICE

FEDERAL ELECTION COMMISSION

CONGRESSIONAL COMMITTEES
PARTIES AND PACS

September 21, 2012

CURRENT REPORT DUE

REPORT	CLOSE OF BOOKS ¹	REG./CERT. & OVERNIGHT MAILING DEADLINE	FILING DEADLINE
October Quarterly	09/30/12	10/15/12	10/15/12

REPORTING SCHEDULE FOR REMAINDER OF 2012

REPORT	CLOSE OF BOOKS ¹	REG./CERT. & OVERNIGHT MAILING DEADLINE	FILING DEADLINE
Pre-General ²	10/17/12	10/22/12	10/25/12
Post-General	11/26/12	12/06/12	12/06/12
Year-End	12/31/12	01/31/13	01/31/13

Supplemental Filing Information is available:

- Congressional Committees
- Parties and PACs

¹ A reporting period always begins the day after the closing date of the last report filed. If the committee is new and has not previously filed a report, the first report must cover all activity that occurred before the committee registered up through the close of books for the first report due.

² **Parties and PACs:** required only if committee makes contributions or expenditures in connection with the general election during the reporting period. 11 CFR 104.5(c)(1)(ii).
Congressional Committees: the principal campaign committee of a candidate who participates in the general election must file pre-and post-general election reports. 11 CFR 104.5(a)(2).

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2012 SUPPLEMENTAL FILING INFORMATION CONGRESSIONAL COMMITTEES

PLEASE NOTE: The Commission provides reminders of upcoming filing dates as a courtesy to help committees comply with the filing deadlines set forth in the Act and Commission regulations. Committee treasurers must comply with all applicable filing deadlines established by law, and the lack of prior notice does not constitute an excuse for failing to comply with any filing deadline.

WHO MUST FILE

Principal campaign committees of congressional candidates ¹ (including unopposed candidates and candidates whose names do not appear on the ballot) must file Quarterly Reports in 2012. ²

Campaigns that raise or spend more than \$5,000 for the 2012 election cycle (and thus trigger registration and reporting requirements) must file quarterly reports throughout 2012, even if the candidate plans to retire, withdraws from the race prior to the primary election, loses the primary or drops out of the race prior to the general election. See 11 CFR 104.5(a)(2).

Before a committee can stop filing with the FEC, it must file a termination report with the Commission. See 11 CFR 102.3. Committees must continue to file reports until the Commission notifies them in writing that their termination report has been accepted.

METHODS OF FILING REPORTS

Electronic Filing

Reports filed electronically must be received and validated by the Commission by 11:59 p.m. Eastern Time on the filing deadline. See 11 CFR 104.5(e). See also 11 CFR 104.18 and 100.19.

- Web Page: Electronic Filing Page
- Campaign Guide for Congressional Candidates and Committees (Candidate Guide), pp. 83-86 [PDF]

Paper Filing - Meeting the Filing Deadline

Paper Report filing options -- Registered, Certified or Overnight or First Class Mail.

See 11 CFR 104.5(e). See also 11 CFR 100.19.

- Web Page: Link to Paper Forms (for downloading and printing)
- Candidate Guide, p. 82 [PDF]

¹ Generally, an individual becomes a candidate for federal office (and thus triggers registration and reporting obligations) when his or her campaign exceeds \$5,000 in either contributions or expenditures. If the campaign has not crossed the \$5,000 threshold, it is not required to file reports. See 11 CFR 100.3(a). See also 11 CFR 104.5(a).

² If a candidate has more than one authorized committee, the principal campaign committee files a consolidated report on Form 3Z [PDF]. See 11 CFR 104.3(f).

PRE- AND POST-ELECTION REPORTS

The principal campaign committee of any candidate participating in a 2012 state primary, nominating convention or runoff election -- even if unopposed -- must also file a pre-election report 12 days prior to the primary, nominating convention or runoff. The principal campaign committee of a candidate who participates in the general election must file pre- and post-general election reports. See 11 CFR 104.5(a)(2).

- Web Page: 2012 Congressional Pre-Primary Reporting Dates
- The Record:
 - FEC Record Blog: Reporting
 - January 2012 issue [PDF]
- Candidate Guide, pp. 81-82 [PDF]

48 HOUR NOTICES OF CONTRIBUTIONS

The principal campaign committee must file notices if any authorized committees receive any contribution (including in-kind gifts or advances of goods or services; loans from the candidate or other non-bank sources; and guarantees or endorsements of bank loans to the candidate or committee) of \$1,000 or more per source, during the period less than 20 days but more than 48 hours before any election in which the candidate is running. See 11 CFR 104.5(f).

The notices must reach the appropriate federal filing office within 48 hours of the committee's receipt of the contribution(s). Campaign committees that file electronically **MUST** submit their 48-hour notices electronically. See 11 CFR 104.5(f).

- Web Page: Electronic Filing Page
- Web Page: Link to Paper Forms (for downloading and printing)
- Web Page: Link to Web Form 6 (for online submission)
- Form 6 Fax numbers
 - Senate campaigns (Secretary of the Senate): (202) 224-1851
 - House Campaigns (FEC): (202) 219-0174
- Campaign Guide: Candidate Guide, p. 81 [PDF]

2012 REPORTING SCHEDULE

- Web Page: 2012 Reporting Dates Page
- The Record:
 - FEC Record Blog: Reporting
 - January 2012 issue [PDF]
- Candidate Guide, p. 83 [PDF]

COMPLIANCE

Treasurer Responsibility

Committee Treasurers are responsible for both the timeliness and the accuracy of all reports. They may be subject to monetary penalties if reports are inaccurate or are not filed on time. See 11 CFR 104.14(d).

- Statement of Policy Regarding Treasurers Subject to Enforcement Proceedings [PDF]
- Candidate Guide, p. 7-9 [PDF]

Administrative Fine Program

Political committees and their treasurers who fail to file their reports on time may be subject to civil money penalties up to \$17,600 (or more for repeat late- and non-filers).³ See generally, 11 CFR Part 111 Subpart B. See also 11 CFR 111.43.

- Web Page: Administrative Fine Program
- Candidate Guide, pp. 82-83 [PDF]

DISCLOSURE OF LOBBYIST BUNDLING ACTIVITY

Campaign committees must file FEC Form 3L [PDF] if they receive two or more bundled contributions from lobbyists/registrants or lobbyist/registrant PACs that aggregate in excess of \$16,700 during the applicable reporting period (see page 1 of this notice). See 11 CFR 104.22 and 11 CFR 110.17(f).

- The Record: March 2009 issue [PDF]
- Candidate Guide, Appendix F, pp. 155-161 [PDF]

IMPORTANT FILING INFORMATION - PAPER FILERS

In response to the 2001 anthrax threat, the U.S. Postal Service is irradiating mail directed to many federal agencies, including the FEC and the Secretary of the Senate.⁴ This process has not only delayed mail delivery, it has also damaged and in some cases destroyed pieces of mail. As a result, committees that file reports with the FEC may want to consider submitting their reports by some means other than U.S. mail. Alternative methods include electronic filing, overnight mail or delivery service, and hand delivery.

³ Penalties for late- or non-filing of 48-hour notices are based on the amount of contributions not timely disclosed. As a result, these penalties may exceed \$17,600, even for first-time violations.

⁴ Senate committees should contact the Secretary of the Senate at (202) 224-0322 for more information on filing reports via US mail.

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

2012 SUPPLEMENTAL FILING INFORMATION PACs AND PARTY COMMITTEES

PLEASE NOTE: The Commission provides reminders of upcoming filing dates as a courtesy to help committees comply with the filing deadlines set forth in the Act and Commission regulations. Committee treasurers must comply with all applicable filing deadlines established by law, and the lack of prior notice does not constitute an excuse for failing to comply with any filing deadline.

WHO MUST FILE

All Party Committees and PACs (Nonconnected Committees and Separate Segregated Funds) must file either quarterly or monthly reports in 2012. See 11 CFR 104.5(c). Before a committee can stop filing with the FEC, it must file a termination report with the Commission. See 11 CFR 102.3. Committees must continue to file reports until the Commission notifies them in writing that their termination report has been accepted.

METHODS OF FILING REPORTS

Electronic Filing

Reports filed electronically must be received and validated by the Commission by 11:59 p.m. Eastern Time on the filing deadline. See 11 CFR 104.5(e). See also 11 CFR 104.18 and 100.19.

- Web Page: Electronic Filing Page
- Campaign Guide: Nonconnected Committees (Nonconnected), pp. 51-53 [PDF]; Corporations and Labor Organizations (SSF), pp. 49-51 [PDF]; Political Party Committees (Party), pp. 69-71 [PDF].

Paper Filing -- Meeting the Filing Deadline

Paper report filing options -- Registered, Certified or Overnight or First Class Mail. See 11 CFR 104.5(e). See also 11 CFR 100.19.

- Web Page: Link to Paper Forms (for downloading and printing)
- Campaign Guide: Nonconnected, pp. 47-48 [PDF]; SSF, pp. 45-46 [PDF]; Party, p. 65 [PDF].

CHANGE IN FILING FREQUENCY

Committees able to change their reporting schedule (for example, from monthly to quarterly) who wish to do so must notify the Commission in writing and may change their filing frequency no more than once per calendar year. See 11 CFR 104.5(c).

- Web Page: Filing Frequency by Type of Committee
- Campaign Guide: Nonconnected, p. 51 [PDF]; SSF, p. 49 [PDF]; Party, p. 67 [PDF].

2012 REPORTING SCHEDULE

- Web Page: 2012 Reporting Dates Page
- The Record:
 - FEC Record Blog: Reporting
 - January 2012 issue [PDF]
- Campaign Guide: Nonconnected, pp. 49-51 [PDF]; SSF, pp. 46-48 [PDF]; Party, pp. 67-68 [PDF].

PRE-ELECTION REPORTING

Quarterly filing committees that make contributions or expenditures (including independent expenditures) in connection with an election must also file a Pre-Election Report, if the activity was not previously reported. See 11 CFR 104.5(c)(1)(ii).

- Web Page: 2012 Congressional Pre-Primary Reporting Dates Page
- The Record:
 - FEC Record Blog: Reporting
 - January 2012 issue [PDF]
- Campaign Guide: Nonconnected, pp. 49-51 [PDF]; SSF, pp. 46-48 [PDF]; Party, pp. 67-68 [PDF].

COMPLIANCE

Treasurer Responsibility

Committee treasurers are responsible for both the timeliness and the accuracy of all reports. They may be subject to monetary penalties if reports are inaccurate or are not filed on time. See 11 CFR 104.14(d).

- Statement of Policy Regarding Treasurers Subject to Enforcement Proceeding [PDF]
- Campaign Guide: Nonconnected, pp. 3-4 [PDF]; SSF, pp. 1-2 [PDF]; Party, pp. 6-7 [PDF].

Administrative Fine Program

Failure to file reports on time may be subject to civil money penalties up to \$17,600 (or more for repeat late- or non-filers). See 11 CFR 111.43(b). See generally, 11 CFR Part 111 Subpart B. See also 11 CFR 111.43.

- Web Page: Administrative Fine Program Page
- Campaign Guide: Nonconnected, pp. 48-49 [PDF]; SSF, p. 46 [PDF]; Party, p. 66 [PDF].

DISCLOSURE OF LOBBYIST BUNDLING ACTIVITY

Party committees and Leadership PACs must file FEC Form 3L [PDF] if they receive two or more bundled contributions from lobbyists/registrants or lobbyist/registrant PACs that aggregate in excess of \$16,700 during the applicable reporting period (see page 1 of this notice). See 11 CFR 104.22 and 11 CFR 110.17(f).

- The Record: March 2009 issue [PDF]

48- AND 24-HOUR REPORTS OF INDEPENDENT EXPENDITURES

Any PAC or Party Committee that makes independent expenditures in 2012 may have to disclose this activity within 48- or 24-hours based upon the date and amount of the expenditure.

See 11 CFR 104.4(b)(2) and (c). See generally, 11 CFR 104.4.

- Web Page: State-by-state chart of 2012 48- and 24-hour periods for independent expenditures
- Campaign Guide: Nonconnected, pp. 72-74 [PDF]; SSF, pp. 65-67 [PDF]; Party, pp. 87-89 [PDF].

These reports are not required when a PAC or Party Committee makes a contribution directly to a candidate.

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



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2013 APR 29 PM 2: 32

SENSITIVE

April 26, 2013

MEMORANDUM

To: The Commission

Through: Alec Palmer *AP*
Staff Director

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

Rhiannon Magruder *RM*
Acting Reviewing Officer
Office of Administrative Review

Subject: Reviewing Officer Recommendation in AF# 2667 – Transportation Intermediaries Association's TIAPAC and Robert A. Voltmann, in his official capacity as Treasurer (C00335091)

The attached Reviewing Officer Recommendation is being circulated on an informational basis. A copy was also sent to the respondents in accordance with 11 C.F.R. § 111.36(f). The respondents may file with the Commission Secretary a written response within 10 days of transmittal of the recommendation.

After the 10 day period, the Reviewing Officer Recommendation and the respondents' written response, if any, will be circulated to the Commission to make a final determination.

Attachment

13092690306



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 26, 2013

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

AF# 2667 – Transportation Intermediaries Association's TIAPAC and Robert A. Voltmann, in his official capacity as Treasurer (C00335091)

Summary of Recommendation

Take no further action that the respondents violated 2 U.S.C. § 434(a) and close the file.

Reason-to-Believe Background

On March 29, 2013, the Commission found reason to believe ("RTB") that the respondents violated 2 U.S.C. § 434(a) for failing to file the 2012 12 Day Pre-General Report and made a preliminary determination that the civil money penalty was \$825 based on the schedule of penalties at 11 C.F.R. § 111.43. A letter, dated April 1, 2013, was mailed to the respondents' address of record by the Reports Analysis Division ("RAD") to notify them of the Commission's RTB finding and civil money penalty.

Legal Requirements

The Federal Election Campaign Act ("Act") states that the treasurer of a political committee not authorized by a candidate shall file a pre-election report no later than the 12th day before any election in which the committee makes contributions or expenditures in connection with such election. 2 U.S.C. § 434(a)(4)(A)(ii) and 11 C.F.R. § 104.5(c)(1)(ii). The Pre-General Report is an election sensitive report pursuant to 11 C.F.R. § 111.43(d)(1). Reports electronically filed must be received and validated at or before 11:59 p.m., Eastern Standard/Daylight Time on the prescribed filing date to be timely filed. 11 C.F.R. §§ 100.19(c) and 104.5 (e). The treasurer shall be personally responsible for the timely filing of reports. 11 C.F.R. § 104.14(d).

Respondents' Challenge

On April 3, 2013, the Commission received the written response ("challenge") signed by Robert A. Voltmann, Treasurer, challenging the RTB finding based on the Committee's best efforts to file in a timely manner. The respondents explain that on or around October 19, 2012, the Committee filed the 2012 12 Day Pre-General Report "and was given a 'successfully' completed screen prompt within the FEC e-file software." The Committee received the same message when it filed the 2012 30 Day Post-General Report on or around December 4, 2012.

On December 7, 2012, the Committee noticed that neither filing appeared within the FEC database. Committee staff immediately called their assigned Reports Analysis Division Analyst. The Analyst explained that the system sometimes gives this message in error and recommended that the Committee download the most recent version of the software. The Analyst also urged

13092690307

the Committee to file the reports immediately. The Committee followed the Analyst's instructions and filed the reports within minutes of their conversation. While the Analyst confirmed receipt of the filings, the Committee never received confirmation emails.

The Committee also notes it has successfully filed subsequent reports and "...past reporting errors were completed by a staffer no longer employed by TIA. Since reassigning [their] FEC filings to a new staff member beginning July 2011, reports have been filed on time, if not weeks early for every filing deadline..."

At the request of the Reviewing Officer, on April 22, 2013, the Committee clarified the steps it took to successfully file the report. The Committee "...installed a clean version of the FEC e-file software and ran all the necessary updates...The report ran through its cycle and stated it was successfully submitted..."

Analysis

The challenge contends that the Committee immediately called its assigned Reports Analyst after realizing the report was not successfully filed on December 7, 2012. The respondents state the Analyst acknowledged the successfully filed screen prompt may have been received in error and advised the Committee to upgrade to the most recent version of FECFile. However, RAD telecoms (written records of telephone conversations) indicate no conversation occurred between the Committee and their assigned Analyst, and no Reports Analyst provided such advice.

According to RAD telecoms, Chris Burroughs, Committee representative, called and spoke to a different Reports Analyst on December 10, 2012. Mr. Burroughs indicated he realized the 2012 12 Day Pre-General Report was not filed after receiving the Electronic Filing Office's (EFO) email notifying the Committee that it had not filed the 30 Day Post-General Report. Mr. Burroughs then told the Analyst the Association's firewall had prevented the report from uploading. The Analyst confirmed that the Committee had since successfully filed the report, which was received on December 7, 2012.

The challenge also states that the Committee called their assigned Analyst to confirm the receipt of the report after never receiving a confirmation email from the December 7 filing. Again, RAD telecoms only include the above-mentioned conversation with a different Analyst on December 10. In addition, the Manager of the Systems Analysis and Design Branch in the Commission's Information Technology Division confirmed that the confirmation email was sent to "burroughs@tianet.org," the email address previously provided by the Committee.

EFO indicated that the last FECFile update was in June 2012, and the Committee had previously filed its 2012 July and October Quarterly Reports using this most recent version of the software. Therefore, EFO did further research and simulated filing with a firewall as mentioned in the December 10 phone call. EFO confirmed that the text "uploading complete!" may be displayed in such situations and is taking the necessary steps to make this language more clear. Given the Committee could have reasonably interpreted this text to mean the report was successfully filed, the Reviewing Officer recommends that the Commission take no further action and close the file.

OAR Recommendations

- (1) Take no further action in AF# 2667 that Transportation Intermediaries Association's TIAPAC and Robert A. Voltmann, in his official capacity as Treasurer, violated 2 U.S.C. § 434(a) and close the file; and
- (2) Send the appropriate letter.

Acting Reviewing Officer: Rhiannon Magruder

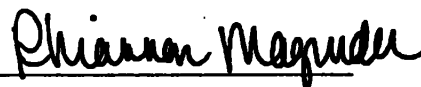
Attachments

- Attachment 1 – Challenge Received from Respondents
- Attachment 2 – Supplemental Information from Respondents
- Attachment 3 –
- Attachment 4 – Declaration from RAD
- Attachment 5 – Declaration from OAR

13092690309

DECLARATION OF RHIANNON MAGRUDER

- 1) I am the Reviewing Officer in the Office of Administrative Review for the Federal Election Commission ("Commission"). In my capacity as Reviewing Officer, I conduct research with respect to all challenges submitted in accordance with the Administrative Fine program.
- 2) The 2012 12 Day Pre-General Report, covering the period October 1 through October 17, is due October 25, 2012. If electronically filed, it must be received and validated by the Commission at or before 11:59 p.m., Eastern Standard/Daylight Time on October 25, 2012 to be timely filed.
- 3) It is the practice of the Reports Analysis Division to document all calls to or from committees regarding a letter they receive or any questions relating to the FECFile software or administrative fine regulations, including due dates of reports and filing requirements.
- 4) I hereby certify that I have searched the Commission's public records and that the documents identified herein are the true and accurate copies of the Summary Page for the 2012 12 Day Pre-General Report electronically filed by Transportation Intermediaries Association's TIAPAC and Robert A. Voltmann, in official capacity as Treasurer. According to the Commission's records, the report covers the period from October 1 through October 17, 2012, and was received on December 7, 2012.
- 5) Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at Washington, D.C. on the 26th day of April, 2013.



Rhiannon Magruder
Acting Reviewing Officer
Office of Administrative Review
Federal Election Commission

13092690310

**SUMMARY PAGE
OF RECEIPTS AND DISBURSEMENTS**

FEC Form 3X (Rev. 02/2003)

Page 2

Write or Type Committee Name

TRANSPORTATION INTERMEDIARIES ASSOCIATION'S TIAPAC

Report Covering the Period: From: 10 01 2012 To: 10 17 2012

	COLUMN A This Period	COLUMN B Calendar Year-to-Date
6. (a) Cash on Hand January 1, 2012		23175.66
(b) Cash on Hand at Beginning of Reporting Period.....	76603.66	
(c) Total Receipts (from Line 19)	3500.00	113928.00
(d) Subtotal (add Lines 6(b) and 6(c) for Column A and Lines 6(a) and 6(c) for Column B)	80103.66	137103.66
7. Total Disbursements (from Line 31)	500.00	57500.00
8. Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d))	79603.66	79603.66
9. Debts and Obligations Owed TO the Committee (Itemize all on Schedule C and/or Schedule D)	0.00	
10. Debts and Obligations Owed BY the Committee (Itemize all on Schedule C and/or Schedule D)	0.00	

This committee has qualified as a multicandidate committee. (see FEC FORM 1M)

For further information contact:

Federal Election Commission
999 E Street, NW
Washington, DC 20463

Toll Free 800-424-9530
Local 202-694-1100

13092690311



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

VIA OVERNIGHT DELIVERY

April 26, 2013

Robert A., Voltmann, in official capacity as Treasurer
Transportation Intermediaries Association's TIAPAC
1625 Prince Street, Suite 200
Alexandria, VA 22314

C00335091

AF#: 2667

Dear Mr. Voltmann:

On March 29, 2013, the Federal Election Commission ("Commission") found reason to believe ("RTB") that Transportation Intermediaries Association's TIAPAC and you, in your official capacity as Treasurer ("respondents"), violated 2 U.S.C. § 434(a) for failing to file the 2012 12 Day Pre-General Report. The Commission also made a preliminary determination that the civil money penalty was \$825 based on the schedule of penalties at 11 C.F.R. § 111.43.

After reviewing the written response and any supplemental information submitted by you and Commission staff, the Reviewing Officer has recommended that the Commission take no further action and close the file. A copy of the Reviewing Officer's recommendation is attached.

You may file with the Commission Secretary a written response to the recommendation within 10 days of the date of this letter. Your written response should be sent to the Commission Secretary, 999 E Street, NW, Washington, DC 20463 or via facsimile (202-208-3333). Please include the AF # in your response. Your response may not raise any arguments not raised in your original written response or not directly responsive to the Reviewing Officer's recommendation. 11 C.F.R. § 111.36(f). The Commission will then make a final determination in this matter.

Please contact me at the toll free number 800-424-9530 (press 0, then press 1660) or 202-694-1660 if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Rhannon Magruder".

Rhannon Magruder
Acting Reviewing Officer
Office of Administrative Review

13082690312



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2013 MAY 15 AM 9:28

May 14, 2013

MEMORANDUM

SENSITIVE

To: The Commission

Through: Alec Palmer *AP*
Staff Director

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

Rhiannon Magruder *RM*
Acting Reviewing Officer
Office of Administrative Review

Subject: Final Determination Recommendation in AF# 2667 – Transportation
Intermediaries Association's TIAPAC and Robert A. Voltmann, in his official
capacity as Treasurer (C00335091)

On March 29, 2013, the Commission found reason to believe ("RTB") that the respondents violated 2 U.S.C. § 434(a) for failing to file the 2012 12 Day Pre-General Report and made a preliminary determination that the civil money penalty was \$825 based on the schedule of penalties at 11 C.F.R. § 111.43.

On April 3, 2013, the Commission received their written response ("challenge"). After reviewing the challenge, the Reviewing Officer's recommendation ("ROR") dated April 26, 2013 was forwarded to the Commission, a copy was forwarded to the respondents, and is hereby incorporated by reference. Given the Committee could have reasonably interpreted text displayed within FECFile to mean the report was successfully filed, the Reviewing Officer recommended that the Commission take no further action that the respondents violated 2 U.S.C. § 434(a) and close the file.

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

13092690313

OAR Recommendations

- (1) Take no further action in AF# 2667 that Transportation Intermediaries Association's TIAPAC and Robert A. Voltmann, in his official capacity as Treasurer, violated 2 U.S.C. § 434(a) and close the file; and
- (2) Send the appropriate letter.

Acting Reviewing Officer: Rhiannon Magruder

13092690314

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Final Determination Recommendation:) AF 2667
Transportation Intermediaries)
Association's TIAPAC and Robert A.)
Voltmann, in his official capacity as)
Treasurer (C00335091))

CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on May 23, 2013, the Commission decided by a vote of 5-0 to take the following actions in AF# 2667:

1. Take no further action in AF# 2667 that Transportation Intermediaries Association's TIAPAC and Robert A. Voltmann, in his official capacity as Treasurer, violated 2 U.S.C. § 434(a) and close the file.
2. Send the appropriate letter.

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

Attest:

May 23, 2013
Date

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

13092690315



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 31, 2013

Robert A. Voltmann, in official capacity as Treasurer
Transportation Intermediaries Association's TIAPAC
1625 Prince Street, Suite 200
Alexandria, VA 22314

C00335091

AF#: 2667

Dear Mr. Voltmann:

On March 29, 2013, the Federal Election Commission ("Commission") found reason to believe ("RTB") that Transportation Intermediaries Association's TIAPAC and you, in your official capacity as Treasurer ("respondents"), violated 2 U.S.C. § 434(a) for failing to file the 2012 12 Day Pre-General Report. By letter dated April 1, 2013, the Commission sent notification of the RTB finding that included a civil money penalty calculated at RTB of \$825 in accordance with the schedule of penalties at 11 C.F.R. § 111.43. On April 3, 2013, the Office of Administrative Review received your written response challenging the RTB finding.

The Reviewing Officer reviewed the Commission's RTB finding with its supporting documentation and the written response. Based on this review, the Reviewing Officer recommended that the Commission take no further action and close the file. A copy of the Reviewing Officer Recommendation was sent to you on April 26, 2013.

On May 23, 2013, the Commission adopted the Reviewing Officer's recommendations to take no further action with respect to 2 U.S.C. § 434(a) and close the file. A copy of the Final Determination Recommendation is attached.

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

If you have any questions regarding this matter, please contact Rhiannon Magruder on our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

On behalf of the Commission,

A handwritten signature in cursive script, reading "Ellen L. Weintraub", is written over the typed name.

Ellen L. Weintraub
Chair

Attachment

13092690316



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 2667

DATE SCANNED

6/28/13

SCANNER NO.

2

SCAN OPERATOR

ΣΣJ

13092690317