



FEDERAL ELECTION COMMISSION  
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 2675

DATE SCANNED 8/7/13

SCANNER NO. 2

SCAN OPERATOR EEJ

13092692256



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
SECRETARIAT

2013 MAR 29 PM 1:27

March 29, 2013

MEMORANDUM

**SENSITIVE**

TO: The Commission

THROUGH: *AP* 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/Sari Pickerall *JP*  
Compliance Branch

SUBJECT: Reason To Believe Recommendation - 2012 30 Day Post-General Report  
(Unauthorized 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 30 Day Post-General Report in accordance with 2 U.S.C. § 434(a). The list is comprised of unauthorized committees that failed to file or timely file the 2012 30 Day Post-General Report.

The committees appearing on the 30 Day Post-General Report list either failed to file the report, within thirty (30) days of the due date (considered a late-filed report), or filed the report more than thirty (30) days after the due date (considered a non-filed report). In accordance with 11 C.F.R. § 111.43, these committees should be assessed the civil money penalties indicated in the attachment.

In order to determine the level of activity for unauthorized quarterly filers that failed to file or failed to timely file the 30 Day Post-General Report, the Reports Analysis Division (RAD) used the following procedures and criteria:

- Every 30 Day Post-General Report (30 Day Report) 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 12 Day Report. If our

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research indicated that the filing of a 12 Day Report was required, we utilized a two-step method to arrive at the estimated level of activity on which to base the fine amount. First, if the committee had any unitemized activity, a per diem level of activity was used by multiplying the total amount of activity on the report by 25% (17 days (12G Filing Period)/57 days (30G Filing Period)). The committees identified through this process as failing to file or failing to timely file the 12 Day Pre-General Report were included in the Reason to Believe Recommendation circulated to the Commission on March 28, 2013. If the same committee also failed to file the 30 Day Report in a timely manner, we based the 30 Day Report fine on the amount of the remaining level of activity. We arrived at this amount by subtracting the estimated level of activity for the 12 Day Report from the total amount of activity on the 30 Day Report. In these cases, the committees will also be assessed a fine for the 30 Day Reports based on the estimated levels of activity described above and are included on the attached list.

#### **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 POST-GENERAL Not Election Sensitive 12/06/2012 UNAUTH

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days late	LOA	RTB Penalty
2671	C00420125	CHIANG PATEL AND YERBY INC PAC		DAVID W. HAYS	\$146,325	1	1/31/2013	Not Filed	\$2,000	\$312
2672	C00422352	CLEAN ENERGY PAC OF IBERDROLA RENEWABLES, INC.		RICHARD A GLICK	\$119,987	0	1/14/2013	Not Filed	\$25,473	\$990
2673	C00451518	CROWE PAC		ROBERT W. LAZARD	\$267,737	0	12/12/2012	6	\$24,149	\$140
2674	C00468009	EDWARDS WILDMAN PAC INC		KEITH KOTLER	\$418,082	0	2/22/2013	Not Filed	\$22,291	\$550
2675	C00163956	I.U.O.E LOCAL 15 POLITICAL ACTION COMMITTEE		ROBERT J. BURNS	\$756,776	0	12/28/2012	22	\$29,995	\$640
2676	C00465269	IMMIGRATION911, LLC		STANLEY P. DULL	\$505,587	1	2/13/2013	Not Filed	\$24,971	\$687
2677	C00354613	INT LONGSHOREMENS ASSOC (ILA) LOCAL 1291 POLITICAL ACTION COMMITTEE		MARTIN MASCUILLI	\$109,509	1	1/30/2013	Not Filed	\$9,208	\$412
2678	C00417717	KENTUCKY FORWARD PAC		R. WAYNE STRATTON	\$116,770	0	2/6/2013	Not Filed	\$17,293	\$550
2679	C00426320	LIBERTARIAN PARTY OF INDIANA		TODD SINGER	\$175,056	3	1/31/2013	Not Filed	\$10,231	\$962
2680	C00357905	LOUISIANA SHERIFFS AND DEPUTIES POLITICAL ACTION COMMITTEE		MIKE CAZES	\$568,859	0	12/21/2012	15	\$23,867	\$185
2681	C00426809	MADISON PAC: THE		BRIAN J. AHERN	\$694,588	0	12/23/2012	17	\$20,236	\$195
2682	C00188011	NATIONAL TANK TRUCK CARRIERS INC POLITICAL ACTION COMMITTEE		WILLIAM A. USHER	\$114,493	0		Not Filed	\$1,747	\$250

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AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
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2687	C00446674	WESTERN SUGAR COOPERATIVE POLITICAL ACTION COMMITTEE		J. KENT WIMMER	\$299,912	0	1/2/2013	27	\$2,000	\$160
2688	C00424150	WOMEN'S CAMPAIGN FORUM		SIOBHAN BENNETT	\$390,544	3	12/18/2012	12	\$82,160	\$3,080

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
)  
Reason To Believe Recommendation – )  
2012 30 Day Post-General Report )  
(Unauthorized Filers) For The )  
Administrative Fine Program: )  
CHIANG PATEL AND YERBY INC PAC, ) AF# 2671  
and DAVID W HAYS as treasurer; )  
CLEAN ENERGY PAC OF IBERDROLA ) AF# 2672  
RENEWABLES, INC., and GLICK, )  
RICHARD A as treasurer; )  
CROWE PAC, and LAZARD, ROBERT ) AF# 2673  
W. MR. as treasurer; )  
EDWARDS WILDMAN PAC INC, and ) AF# 2674  
KOTLER, REITH as treasurer; )  
I.U.O.E LOCAL 15 POLITICAL ACTION ) AF# 2675  
COMMITTEE, and BURNS, ROBERT J. as )  
treasurer; )  
IMMIGRATION911, LLC, and STANLEY ) AF# 2676  
P DULL as treasurer; )  
INT LONGSHOREMENS ASSOC (ILA) ) AF# 2677  
LOCAL 1291 POLITICAL ACTION )  
COMMITTEE, and MARTIN MASCUILLI )  
as treasurer; )  
KENTUCKY FORWARD RAC, and ) AF# 2678  
WAYNE STRATTON as treasurer; )  
LIBERTARIAN PARTY OF INDIANA, ) AF# 2679  
and TODD SINGER as treasurer; )  
LOUISIANA SHERIFFS AND DEPUTIES ) AF# 2680  
POLITICAL ACTION COMMITTEE, and )  
CAZES, MIKE as treasurer; )  
MADISON PAC; THE, and AHERN, ) AF# 2681  
BRIAN J. MR. as treasurer; )  
NATIONAL TANK TRUCK CARRIERS ) AF# 2682  
INC POLITICAL ACTION COMMITTEE, )  
and WILLIAM A USHER as treasurer; )

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WESTERN SUGAR COOPERATIVE ) AF# 2687  
POLITICAL ACTION COMMITTEE, and )  
KENT, J. MR. WIMMER as treasurer; )  
WOMEN'S CAMPAIGN FORUM, and ) AF# 2688  
SIOBHAN BENNETT as treasurer; )

CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on April 01, 2013 the Commission took the following actions on the Reason To Believe Recommendation – 2012 30 Day Post-General Report (Unauthorized Filers) For The Administrative Fine Program as recommended in the Reports Analysis Division's Memorandum dated March 29, 2013, on the following committees:

AF#2671 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#2672 Decided by a vote of 5-0 to: (1) find reason to believe that CLEAN ENERGY PAC OF IBERDROLA RENEWABLES, INC., and GLICK, RICHARD A as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil

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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#2673 Decided by a vote of 5-0 to: (1) find reason to believe that CROWE PAC, and LAZARD, ROBERT 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#2674 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#2675 Decided by a vote of 5-0 to: (1) find reason to believe that I.U.O.E LOCAL 15 POLITICAL ACTION COMMITTEE, and BURNS, ROBERT 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#2676 Decided by a vote of 5-0 to: (1) find reason to believe that IMMIGRATION911, LLC, and STANLEY P DULL 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#2677 Decided by a vote of 5-0 to: (1) find reason to believe that ENT LONGSHOREMENS ASSOC (ILA) LOCAL 1291 POLITICAL ACTION COMMITTEE, and MARTIN MASCULLI 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#2678 Decided by a vote of 5-0 to: (1) find reason to believe that KENTUCKY FORWARD PAC, and WAYNE STRATTON 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#2679 Decided by a vote of 5-0 to: (1) find reason to believe that LIBERTARIAN PARTY OF INDIANA, and TODD SINGER as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would

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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#2680 Decided by a vote of 5-0 to: (1) find reason to believe that LOUISIANA SHERIFFS AND DEPUTIES POLITICAL ACTION COMMITTEE, and CAZES, MIKE 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#2681 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#2682 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.

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AF#2687 Decided by a vote of 5-0 to: (1) find reason to believe that WESTERN SUGAR COOPERATIVE POLITICAL ACTION COMMITTEE, and KENT, J. MR. WIMMER 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#2688 Decided by a vote of 5-0 to: (1) find reason to believe that WOMEN'S CAMPAIGN FORUM, and SIOBHAN BENNETT 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:

April 2, 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 2, 2013

Robert J. Burns, in official capacity as Treasurer  
I.U.O.E Local 15 Political Action Committee  
44-40 11th Street  
Long Island City, NY 11101

C00163956  
AF#: 2675

Dear Mr. Burns:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file a 30 Day Post-General Report of Receipts and Disbursements in a calendar year in which a regularly scheduled general election is held. This report, covering the period through November 26, 2012, shall be filed no later than December 6, 2012. 2 U.S.C. § 434(a). Records at the Federal Election Commission ("FEC") indicate that this report was filed on December 28, 2012, twenty-two (22) days late.

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 April 1, 2013, the FEC found that there is reason to believe ("RTB") that I.U.O.E Local 15 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 December 6, 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 \$640. 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/uf.shtml>. 11 CFR § 111.34. Your payment of \$640 is due within forty (40) days of the finding, or by May 11, 2013, and is based on these factors:

Election Sensitivity of Report: Not Election Sensitive  
Level of Activity: \$29,995  
Number of Days Late: 22  
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 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,

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NW, Washington, DC 20463. Your response must be received within forty (40) days of the Commission's RTB finding, or May 11, 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 I.U.O.E Local 15 Political Action Committee and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty.

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA"), as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 *et seq.* The FEC may take any and all appropriate action authorized and required by the DCA, as amended, including transfer to the U.S. Department of the Treasury for collection. 11 CFR § 111.51(a)(2).

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**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 \$640 for the 2012 Post-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 11, 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**  
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FOR: I.U.O.E Local 15 Political Action Committee

FEC ID#: C00163956

AF#: 2675

PAYMENT DUE DATE: May 11, 2013

PAYMENT AMOUNT DUE: \$640

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# FEC OFFICE OF ADMIN REVIEW

2013 MAY 16 AM 7: 41

1055 FRANKLIN AVENUE, SUITE 204  
GARDEN CITY, NEW YORK 11530  
T. 516.256.3200 F. 516.256.4620  
acrpa.com

SALVATORE J. ARMAO, CPA/PFS, CFP, CFE  
MICHAEL J. COSTA, CPA, CGIFP  
LISA M. RICCIARDI, CPA  
ROBERT D. ROTHBORT, CPA, CFE

May 3, 2013

Federal Election Commission  
Office of Administrative Review  
999 E Street NW  
Washington, DC 20463

Re: AF#: 2675  
I.U.O.E Local 15 Political Action Committee

Dear Sir/Madam:

We are in receipt of your notice, (copy attached).

We respectfully request that the Civil Penalty be abated because the lateness of the filing was due to circumstances that were beyond the control of management.

The employee responsible for the filing left for vacation and neglected to file the return and did not advise anyone to file it in his absence. As soon as it was determined that it had not been timely filed it was filed immediately.

There has never been any previous Civil Penalties assessed against this PAC. All prior filings were done in a timely manner. Additionally this was not an election sensitive report.

In light of the circumstances and the spotless record of timely filing of the above referenced PAC we would appreciate your consideration in abating the penalty.

Thank you in advance for your anticipated cooperation.

Respectfully Submitted,

ARMAO, COSTA & RICCIARDI, CPAs, P.C.

  
Salvatore J. Armao, CPA/PFS, CFP, CFE

SJA/ck

MEMBERS OF:  
AMERICAN INSTITUTE OF CERTIFIED  
PUBLIC ACCOUNTANTS  
NEW YORK STATE SOCIETY OF CERTIFIED  
PUBLIC ACCOUNTANTS  
ASSOCIATION OF CERTIFIED FRAUD EXAMINERS

NEW YORK OFFICE:  
410 PARK AVENUE, 15TH FLOOR  
NEW YORK, NY 10022

GREENWICH OFFICE:  
591 WEST PUTNAM AVENUE  
GREENWICH, CT 06830



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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

Via First Class Mail

May 21, 2013

Richard Burns, in official capacity as Treasurer  
I.U.O.E Local 15 Political Action Committee  
44-40 11<sup>th</sup> Street  
Long Island City, NY 11101

C00163956

AF#: 2675

Dear Mr. Burns:

On May 15, 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

13092692271



**Date: May 21, 2013**

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

**AF#: 2675**

**Committee Name: I.U.O.E. Local 15 Political Action Committee**

**Committee ID#: C00163956**

**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 29, 2013 and RTB Certification, dated April 2, 2013 (Y/N): Previously Forwarded**
- **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 30 Day Post-General Report Notices, dated September 21, 2012 and November 12, 2012.**
  - Non-Filer Letter, dated December 14, 2012.**
  - RTB Letter, dated April 2, 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 9980 285 1  
**Reference Number(s):** RAD, 2675  
**Service:** NEXT DAY AIR  
**Special Instructions:** ADULT SIGNATURE REQUIRED  
**Shipped/Billed On:** 04/02/2013  
**Delivered On:** 04/03/2013 10:16 A.M.  
**Delivered To:** 4440 11TH ST  
LONG ISLAND CITY, NY, US 11101

**Signed By:** DENISE

**Location:** RECEPTION

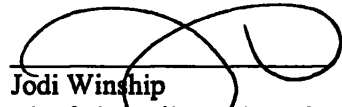
**Thank you for giving us this opportunity to serve you.**

**Sincerely,  
UPS**

**Tracking results provided by UPS: 04/04/2013 5:08 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 I.U.O.E. Local 15 Political Action Committee:
  - A) Report Notices, dated September 21, 2012 and November 12, 2012, referencing the 2012 30 Day Post-General Report (sent via electronic mail to: [kerryo@iuoe15.org](mailto:kerryo@iuoe15.org));
  - B) Non-Filer Letter, dated December 14, 2012, referencing the 2012 30 Day Post-General Report;
  - C) Reason-to-Believe Letter, dated April 2, 2013 referencing the 2012 30 Day Post-General Report.
3. I hereby certify that I have searched the Commission's public records and find that I.U.O.E. Local 15 Political Action Committee filed the 2012 30 Day Post-General Report with the Commission on December 28, 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 21<sup>st</sup> day of May, 2013.

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

13092692274



# OCTOBER QUARTERLY REPORT NOTICE

FEDERAL ELECTION COMMISSION

CONGRESSIONAL COMMITTEES  
PARTIES AND PACS

September 21, 2012

## CURRENT REPORT DUE

REPORT	CLOSE OF BOOKS	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	REG/CERT & OVERNIGHT MAILING DEADLINE	FILING DEADLINE
Pre-General <sup>1</sup>	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

<sup>1</sup> 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.

<sup>2</sup> **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).

## 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 <sup>1</sup> (including unopposed candidates and candidates whose names do not appear on the ballot) must file Quarterly Reports in 2012. <sup>2</sup>

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]

<sup>1</sup> 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).

<sup>2</sup> If a candidate has more than one authorized committee, the principal campaign committee files a consolidated report on Form 32 [PDF]. See 11 CFR 104.3(f).

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## 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]

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## 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).<sup>3</sup> 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.<sup>4</sup> 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.

<sup>3</sup> 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.

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

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**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.

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



GENERAL ELECTION

# REPORT NOTICE

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FEDERAL ELECTION COMMISSION

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PARTIES AND PACS

November 12, 2012

**\*\*\*\* REMINDER \*\*\*\***

**All party committees and PACs (nonconnected committees and separate segregated funds) must file a Post-General Election Report.**

**Reports sent by Registered or Certified Mail must be postmarked by the mailing deadline (December 6, 2012). If using Overnight Mail, the delivery service must receive the report by the mailing deadline (December 6, 2012). Otherwise, the report must be received by the filing deadline (December 6, 2012).**

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

13092692281



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

December 14, 2012

RQ-7

SCHNEIDER, DANIEL J, TREASURER  
I.U.O.E LOCAL 15 POLITICAL ACTION COMMITTEE  
44-40 11TH STREET  
LONG ISLAND CITY, NY 111015105

IDENTIFICATION NUMBER: C00163956

REFERENCE: POST-GENERAL REPORT 10/1/2012 - 11/26/2012

DEAR TREASURER:

It has come to the attention of the Federal Election Commission that you may have failed to file the above referenced report of receipts and disbursements or failed to file a report covering the entire reporting period as required by the Federal Election Campaign Act, as amended.

It is important that you file this report immediately with the Federal Election Commission, 999 E Street, N.W., Washington, DC 20463. Please note that electronic filers must submit their reports electronically, as per 11 CFR §104.18. A copy of the report or relevant portions must also be filed with the Secretary of State or equivalent State officer unless the State is exempt from the federal requirement to receive and maintain paper copies. You can verify the Commission's receipt of any documents submitted by your committee on the FEC website at [www.fec.gov](http://www.fec.gov).

The failure to timely file a complete report may result in civil money penalties, an audit or legal enforcement action. The civil money penalty calculation for late reports does not include a grace period and begins on the day following the due date for the report. Due to heightened security screening measures, delivery of mail by the US Postal Service may be delayed. The Commission recommends that you submit your report via overnight delivery or courier service.

If you have any questions regarding this matter, please contact Christopher Ritchie in the Reports Analysis Division on our toll free number (800)424-9530. Our local number is (202)694-1130.

Sincerely,

*Debbie Chacona*

Debbie Chacona  
Assistant Staff Director  
Reports Analysis Division (RAD)

13092692282  
12030983462



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
SECRETARIAT


2013 MAY 29 PM 4: 29

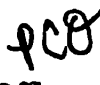
**SENSITIVE**


May 29, 2013

**MEMORANDUM**

To: The Commission

Through:  Alec Palmer  
Staff Director

From: Patricia C. Orrock   
Chief Compliance Officer

Rhiannon Magruder   
Acting Reviewing Officer  
Office of Administrative Review

Subject: Reviewing Officer Recommendation in AF# 2675 – I.U.O.E Local 15  
Political Action Committee and Robert J. Burns, in his official capacity as  
Treasurer (C00163956)

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

13092692283



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

May 29, 2013

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

AF# 2675 – I.U.O.E Local 15 Political Action Committee and Robert J. Burns, in his official capacity as Treasurer (C00163956)

**Summary of Recommendation**

Make a final determination that the respondents violated 2 U.S.C. § 434(a) and assess a \$640 civil money penalty.

**Reason-to-Believe Background**

On April 1, 2013, the Commission found reason to believe ("RTB") that the respondents violated 2 U.S.C. § 434(a) for failing to file the 2012 30 Day Post-General Report and also made a preliminary determination that the civil money penalty was \$640 based on the schedule of penalties at 11 C.F.R. § 111.43. A letter dated April 2, 2013 was mailed to the respondents' address of record by the Reports Analysis Division ("RAD") to notify them of the Commission's RTB findings and civil money penalties.

**Legal Requirements**

The Federal Election Campaign Act ("Act") states that the treasurer of a political committee not authorized by a candidate shall file, in an election year, a post-general election report no later than 30 days after any general election. 2 U.S.C. § 434(a)(4)(A)(iii) and 11 C.F.R. § 104.5(c)(1)(iii). Reports electronically filed must be received and validated at or before 11:59 p.m. Eastern Standard/Daylight Time on the 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 May 15, 2013, the Commission received the written response ("challenge") from the Committee's accountant challenging the RTB finding. The challenge states:

"We respectfully request that the [c]ivil [p]enalty be abated because the lateness of the filing was due to circumstances that were beyond the control of management. The employee responsible for the filing left for vacation and neglected to file the return and did not advise anyone to file it in his absence. As soon as it was determined that it had not been timely filed it was filed immediately."

Additionally, the challenge notes the Committee's previous compliance and the report's classification as non-election sensitive.

## Analysis

On December 7, 2012, the day after the filing deadline, the Commission's Electronic Filing Office sent a notice to "kerryo@iuoe15.org," the email address previously provided by the Committee, to inform the Committee they had not filed the 2012 30 Day Post-General Report. On December 14, RAD sent a non-filer notice to the Committee's address of record. While the challenge contends the report was filed immediately after it was determined the report was not filed, the 2012 30 Day Post-General Report was not filed until December 28, 22 days late.

With respect to the respondents' statement that the report is a non-election sensitive report, the Commission accurately classified the report as such. The \$640 civil money penalty assessed at the RTB stage was correctly calculated pursuant to 11 CFR § 111.43(a).

While the Reviewing Officer is sympathetic to the circumstance, unavailability of committee staff and negligence are included at 11 C.F.R. § 111.35(d) as examples of circumstances that will not be considered reasonably unforeseen and beyond the respondents' control. Their challenge fails to address any of the three valid grounds at 11 C.F.R. § 111.35(b). These are: (i) the RTB finding is based on factual errors; and/or (ii) the improper calculation of the civil money penalty; and/or (iii) they used best efforts to file on time but were prevented from doing so by reasonably unforeseen circumstances that were beyond their control and they filed the report no later than 24 hours after the end of these circumstances. Therefore, the Reviewing Officer recommends that the Commission make a final determination that the respondents violated 2 U.S.C. § 434(a) and assess a \$640 civil money penalty.

## OAR Recommendations

- 1) Adopt the Reviewing Officer recommendation for AF# 2675 involving I.U.O.E Local 15 Political Action Committee and Robert J. Burns, in his official capacity as Treasurer, in making the final determination;
- 2) Make a final determination in AF# 2675 that I.U.O.E Local 15 Political Action Committee and Robert J. Burns, in his official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assess a \$640 civil money penalty; and
- 3) Send the appropriate letter.

Acting Reviewing Officer: Rhiannon Magruder

## Attachments

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

### DECLARATION OF RHIANNON MAGRUDER

1. I am the Acting Reviewing Officer in the Office of Administrative Review for the Federal Election Commission ("Commission"). In my capacity as Acting Reviewing Officer, I conduct research with respect to all challenges submitted in accordance with the Administrative Fine program.
2. The 2012 30 Day Post-General Report is due December 6, 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 December 6, 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:
  - a. Cover Page and Summary Page for the 2012 30 Day Post-General Report electronically filed by I.U.O.E Local 15 Political Action Committee and Robert J. Burns, in his official capacity as Treasurer. According to the Commission's records, the report was received on December 28, 2012 and covers the period from October 1 through November 26, 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 on the 29th of May, 2013.

---

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

Image# 12963870420

PAGE 1 / 6

**FEC  
FORM 3X****REPORT OF RECEIPTS  
AND DISBURSEMENTS**  
For Other Than An Authorized Committee

Office Use Only

1. NAME OF COMMITTEE (in full) TYPE OR PRINT ▼ Example: If typing, type over the lines. 12FE4M5

I.U.O.E LOCAL 15 POLITICAL ACTION COMMITTEE

ADDRESS (number and street) ▼

44-40 11th Street

X

Check if different  
than previously  
reported. (ACC)

Long Island City

NY

11101-5105

2. FEC IDENTIFICATION NUMBER ▼

CITY ▲

STATE ▲

ZIP CODE ▲

C C00163956

3. IS THIS  
REPORT

X

NEW  
(N)

OR

AMENDED  
(A)4. TYPE OF REPORT  
(Choose One)(b) Monthly  
Report  
Due On:

Feb 20 (M2)

May 20 (M5)

Aug 20 (M8)

Nov 20 (M11)  
(Non-Election  
Year Only)

Mar 20 (M3)

Jun 20 (M6)

Sep 20 (M9)

Dec 20 (M12)  
(Non-Election  
Year Only)

(a) Quarterly Reports:

Apr 20 (M4)

Jul 20 (M7)

Oct 20 (M10)

Jan 31 (YE)

April 15  
Quarterly Report (Q1)

(c) 12-Day

Primary (12P)

General (12G)

Runoff (12R)

July 15  
Quarterly Report (Q2)

PRE-Election

Convention (12C)

Special (12S)

October 15  
Quarterly Report (Q3)January 31  
Year-End Report (YE)

Election on

In the  
State ofJuly 31 Mid-Year  
Report (Non-election  
Year Only) (MY)

(d) 30-Day

POST-Election

X

General (30G)

Runoff (30R)

Special (30S)

Termination Report  
(TER)

Election on

11

06

2012

In the  
State of

NY

5. Covering Period 10 01 2012 through 11 26 2012

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer Robert Burns

Signature of Treasurer Robert Burns

[Electronically Filed]

Date

12

28

2012

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. §437g.

Office  
Use  
Only**FEC FORM 3X**  
Rev. 12/2004

13092692287



**SUMMARY PAGE  
OF RECEIPTS AND DISBURSEMENTS**

FEC Form 3X (Rev. 02/2003)

Page 2

Write or Type Committee Name

I.U.O.E LOCAL 15 POLITICAL ACTION COMMITTEE

Report Covering the Period: From: 10 01 2012 To: 11 26 2012

	COLUMN A This Period	COLUMN B Calendar Year-to-Date
6. (a) Cash on Hand January 1, 2012		1021193.27
(b) Cash on Hand at Beginning of Reporting Period.....	1021193.27	
(c) Total Receipts (from Line 19) .....	28253.04	28253.04
(d) Subtotal (add Lines 6(b) and 6(c) for Column A and Lines 6(a) and 6(c) for Column B) .....	1049446.31	1049446.31
7. Total Disbursements (from Line 31) .....	1742.50	1742.50
8. Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d)) .....	1047703.81	1047703.81
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

13092692288



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

VIA OVERNIGHT DELIVERY

May 29, 2013

Richard Burns, in official capacity as Treasurer  
I.U.O.E Local 15 Political Action Committee  
44-40 11<sup>th</sup> Street  
Long Island City, NY 11101

C00163956

AF#: 2675

Dear Mr. Burns:

On April 1, 2013, the Federal Election Commission ("Commission") found reason to believe ("RTB") that I.U.O.E Local 15 Political Action Committee and you, in your official capacity as Treasurer ("respondents"), violated 2 U.S.C. § 434(a) for failing to file the 2012 30 Day Post-General Report. The Commission also made a preliminary determination that the civil money penalty was \$640 based on the schedules of penalties at 11 C.F.R. § 111.43.

After reviewing the written response and any supplemental information submitted by you and Commission staff, the Reviewing Officer has recommended that the Commission make a final determination in this matter. A copy of the Reviewing Officer 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 responses 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 these matters.

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 black ink that reads "Rhiannon Magruder". The signature is fluid and cursive.

Rhiannon Magruder  
Acting Reviewing Officer  
Office of Administrative Review

13092692289



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
SECRETARIAT

2013 JUN 12 PM 3: 33

June 12, 2013

**SENSITIVE**

**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: Final Determination Recommendation in AF# 2675 – I.U.O.E Local 15 Political  
Action Committee and Robert J. Burns, in his official capacity as Treasurer  
(C00163956)

On April 1, 2013, the Commission found reason to believe ("RTB") that the respondents violated 2 U.S.C. § 434(a) for failing to file the 2012 30 Day Post-General Report. The Commission also made a preliminary determination that the civil money penalty was \$640 based on the schedule of penalties at 11 C.F.R. § 111.43.

On May 15, 2013, the Commission received their written response ("challenge"). After reviewing the challenge, the Reviewing Officer Recommendation ("ROR") dated May 29, 2013 was forwarded to the Commission, a copy was forwarded to the respondents, and is hereby incorporated by reference. They submitted no evidence that a factual error was made in the RTB finding, that the penalty was miscalculated at RTB or that they used best efforts to file on time. 11 C.F.R. § 111.35(b). Therefore, the Reviewing Officer recommended that the Commission make a final determination that they violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$640.

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). On June 12, 2013, the Commission received a check for \$640 and forwarded it to the U.S. Bank lockbox for processing.

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### **OAR Recommendations**

- 1) Adopt the Reviewing Officer recommendation for AF# 2675 involving I.U.O.E Local 15 Political Action Committee and Robert J. Burns, in his official capacity as Treasurer, in making the final determination;
- 2) Make a final determination in AF# 2675 that I.U.O.E Local 15 Political Action Committee and Robert J. Burns, in his official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assess a \$640 civil money penalty; and
- 3) Send the appropriate letter.

Acting Reviewing Officer: Rhiamon Magruder

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
Final Determination Recommendation - ) AF 2675  
I.U.O.E. Local 15 Political Action )  
Committee and Robert J. Burns, in his )  
official capacity as Treasurer (C00163956) )

AMENDED CERTIFICATION

I, Shelley E. Garr, Deputy Secretary of the Federal Election Commission,  
do hereby certify that on July 05, 2013, the Commission decided by a vote of 5-0  
to take the following actions in AF 2675:

1. Adopt the Reviewing Officer recommendation for AF# 2675 involving I.U.O.E. Local 15 Political Action Committee and Robert J. Burns, in his official capacity as Treasurer, in making the final determination.
2. Make a final determination in AF# 2675 involving I.U.O.E. Local 15 PAC and Robert J. Burns, in his official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assess a \$640 civil money penalty.
3. Send the appropriate letter.

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

Attest:

July 8, 2013  
Date

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

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

July 12, 2013

**VIA OVERNIGHT DELIVERY**

Richard Burns, in official capacity as Treasurer  
I.U.O.E Local 15 Political Action Committee  
44-40 11<sup>th</sup> Street  
Long Island City, NY 11101

C00163956  
AF#: 2675

Dear Mr. Burns:

On April 1, 2013, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that I.U.O.E Local 15 Political Action Committee and you, in your official capacity as Treasurer, violated 2 U.S.C. § 434(a) for failing to file the 2012 30 Day Post-General Report. By letter dated April 2, 2013, the Commission sent notification of the RTB finding that included a civil money penalty calculated at RTB of \$640 in accordance with the schedule of penalties at 11 C.F.R. § 111.43. On May 15, 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 make a final determination that I.U.O.E Local 15 Political Action Committee and you, in your official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty in the amount of \$640 in accordance with 11 C.F.R. § 111.43. The basis for the Reviewing Officer's recommendation was included in the Final Determination Report, a copy of which was sent to you on May 29, 2013.

On July 5, 2013, the Commission adopted the Reviewing Officer's recommendation and made a final determination that I.U.O.E Local 15 Political Action Committee and you, in your official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assessed a civil money penalty of \$640. It is based on the same factors used to calculate the civil money penalty at RTB. A copy of the final determination recommendation is attached.

On June 17, 2013, the Commission received your payment of \$640.

**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.

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 Rhiannon Magruder on our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

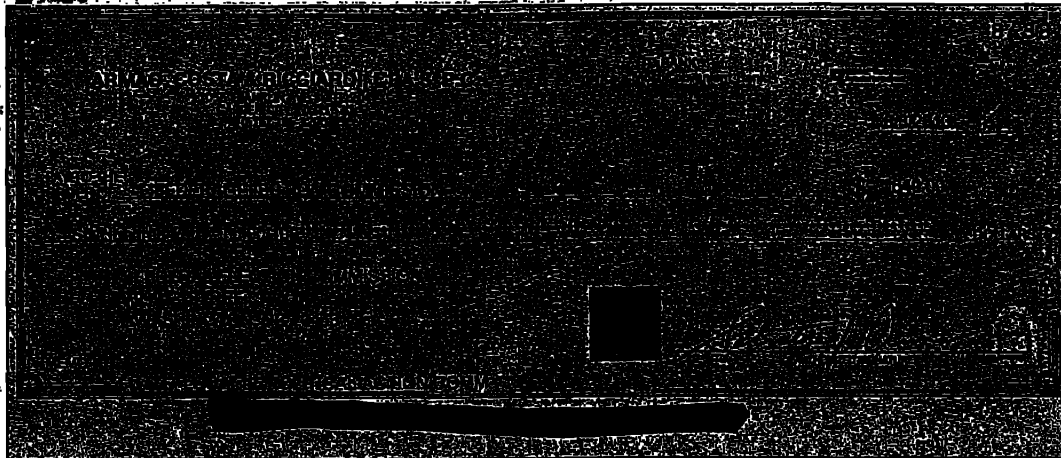
On behalf of the Commission,



Ellen L. Weintraub  
Chair

FEDERAL ELECTION COMMISSION

Lockbox: GLX-979058 Ledger Date 06/14/2013



Batch	Item	TID	Batch Total	Amount
1	2	Y-4257501	\$940.00	\$640.00

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**usbank.**  
 St. Louis GA Lockbox  
 (314) 425-1818





FEDERAL ELECTION COMMISSION  
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 2675

DATE SCANNED

8/7/13

SCANNER NO.

2

SCAN OPERATOR

EEJ

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