



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 2682

DATE SCANNED 8/7/13

SCANNER NO. 2

SCAN OPERATOR SES

13092692298



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: *RP* 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	C00465259	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	\$9,206	\$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	\$694,586	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 INT 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

William A. Usher, in official capacity as Treasurer
National Tank Truck Carriers Inc Political Action Committee
950 North Glebe Rd., Ste. 520
Arlington, VA 22203

C00188011
AF#: 2682

Dear Mr. Usher:

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 not filed within thirty (30) days of the due date. You should file the report if you have not already done so.

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 National Tank Truck Carriers Inc Political Action Committee and you, in your official capacity as treasurer, violated 2 U.S.C. 434(a) by failing to file timely this report on or before 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 \$250. 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 \$250 is due within forty (40) days of the finding, or by May 11, 2013, and is based on these factors:

Sensitivity of Report: Not Election Sensitive
Level of Activity: \$1,747
Number of Days Late: Not Filed
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 National Tank Truck Carriers Inc Political Action Committee and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty.

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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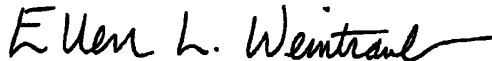
3. If You Choose to Pay the Civil Money Penalty

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 \$250 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

FOR: National Tank Truck Carriers Inc Political Action Committee

FEC ID#: C00188011

AF#: 2682

PAYMENT DUE DATE: May 11, 2013

PAYMENT AMOUNT DUE: \$250

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FEC OFFICE OF ADMIN REVIEW

2013 APR 15 AM 7:26



April 3, 2013

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

Re: Challenge to RTB Finding and/or Civil Money Penalty
C00188011
AF#: 2682

Dear Sir/Madam:

Please accept this letter as our challenge to your imposition of a civil money penalty upon the National Tank Truck Carriers Political Action Committee due to our demonstrated use of best efforts to file in a timely manner. Moreover, this action is related to the same correspondence and issues addressed in our challenge dated just yesterday April 2, 2013. Please note the following as you weigh our challenge:

1. Status of Filings – After spending two full days on this important matter, all of our filings are now thoroughly up to date.
2. Best Efforts to Comply – Since notification of the electronic filing requirement, we have quickly and thoroughly reviewed our delinquent filings, vetted our software options, and taken proactive measures to comply. With the assistance of your professional and technical staffers, I'm pleased to report that our electronic filings are now fully compliant with FEC reporting requirements.

Thank you very much for your consideration of our challenges. I am confident that we will have no further issues as we are aware of our electronic filing requirements and capabilities. Please feel free to call if any additional information is required.

Respectfully,

Daniel R. Furth
Assistant Treasurer
National Tank Truck Carriers Political Action Committee
(703) 838-1902 direct

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Date: April 11, 2013

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

AF#: 2661 and 2682

Committee Name: National Tank Truck Carriers Inc PAC

Committee ID#: C00188011

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 referencing the 2012 12 Day Pre-General Report, dated March 27, 2013 and RTB Certification, dated March 29, 2013 (Y/N):**
Previously Forwarded
- **Copy of RTB Circulation Report referencing the 2012 30 Day Post-General Report, dated March 29, 2013 and RTB Certification, dated April 2, 2013 (Y/N):** Y
- **Proof of Delivery for the 2012 12 Day Pre-General Report RTB Letter (to be forwarded at later date if not yet received) (Y/N):** Y
- **Proof of Delivery for the 2012 30 Day Post-General Report RTB Letter (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.
 - 2012 30 Day Post-General Report Notice, dated November 12, 2012.
 - Notice of Requirement to File Electronically for the 2012 October Quarterly Report, dated October 23, 2012.

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- Notice of Requirement to File Electronically for the 2012 30 Day Post-General Report, dated March 13, 2013.
- RTB Letter for the 2012 12 Day Pre-General Report, dated April 1, 2013.
- RTB Letter for the 2012 30 Day Post-General Report, dated April 2, 2013.

- Other RAD Information: (Y/N): N

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**Delivery Notification**

Dear Customer,

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

Tracking Number: 1Z WF5 860 A2 9793 237 6
Reference Number(s): RAD, 2661
Service: NEXT DAY AIR
Special Instructions: ADULT SIGNATURE REQUIRED
Shipped/Billed On: 04/01/2013
Delivered On: 04/02/2013 10:05 A.M.
Delivered To: 950 N GLEBE RD
400
ARLINGTON, VA, US 22203

Signed By: JACKSON
UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS
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Location: MAIL ROOM

Thank you for giving us this opportunity to serve you.

Sincerely,
UPS

Tracking results provided by UPS: 04/04/2013 4:32 P.M. ET

**Delivery Notification**

Dear Customer,

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

Tracking Number: 1Z WF5 860 A2 9865 856 4
Reference Number(s): RAD, 2682
Service: NEXT DAY AIR
Special Instructions: ADULT SIGNATURE REQUIRED
Shipped/Billed On: 04/02/2013
Delivered On: 04/03/2013 9:49 A.M.
Delivered To: 950 N GLEBE RD
400
ARLINGTON, VA, US 22203

Signed By: SAM
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Location: MAIL ROOM

Thank you for giving us this opportunity to serve you.

Sincerely,
UPS

Tracking results provided by UPS: 04/04/2013 5:05 P.M. ET

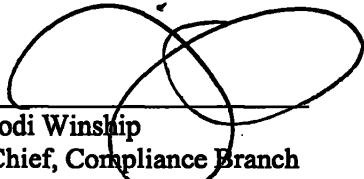
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DECLARATION OF JODI WINSHIP

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 National Tank Truck Carriers Inc PAC:
 - A) Report Notice, dated September 21, 2012, referencing the reporting requirements for the 2012 12 Day Pre-General and 30 Day Post-General Reports (sent via electronic mail to: dfurth@tanktruck.org);
 - B) Report Notice, dated November 12, 2012, referencing the reporting requirements for the 2012 30 Day Post-General Report (sent via electronic mail to: dfurth@tanktruck.org);
 - C) Notice of requirement to file electronically, dated October 23, 2012, referencing the 2012 October Quarterly Report (sent via electronic mail to: dfurth@tanktruck.org);
 - D) Notice of requirement to file electronically, dated March 13, 2013, referencing the 2012 30 Day Post-General Report (sent via electronic mail to: dfurth@tanktruck.org);
 - E) Reason-to-Believe Letter, dated April 1, 2013 referencing the 2012 12 Day Pre-General Report;
 - F) Reason-to-Believe Letter, dated April 2, 2013 referencing the 2012 30 Day Post-General Report.

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3. I hereby certify that I have searched the Commission's public records and find that National Tank Truck Carriers Inc PAC filed the 2012 12 Day Pre-General and 2012 30 Day Post-General Reports with the Commission on April 3, 2013.
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 9th day of April, 2013.



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

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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).

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 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).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].

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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



GENERAL ELECTION

REPORT NOTICE

FEDERAL ELECTION COMMISSION

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).

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

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MS-P

October 23, 2012

WILLIAM A. USHER, TREASURER
NATIONAL TANK TRUCK CARRIERS INC
POLITICAL ACTION COMMITTEE
950 NORTH GLEBE RD STE 520
ARLINGTON, VA 22203

IDENTIFICATION NUMBER: C00188011

REFERENCE: OCTOBER QUARTERLY REPORT (07/01/2012 - 09/30/2012)

Dear Treasurer:

Your Committee has failed to file the above-referenced report in an electronic format. In accordance with 11 CFR § 104.18, you are required to file this report electronically. 11 CFR § 104.18 further states that reports filed on paper do not satisfy a political committee's filing obligation. Your reporting obligation will not be satisfied until you file the above-referenced report in an electronic format. You should also review 11 CFR § 104.18 for more information regarding your future reporting obligations.

It is important that you file this report in an electronic format immediately with the Federal Election Commission. The failure to timely file this report may result in civil money penalties, an audit or legal enforcement action. The civil money calculation for late reports does not include a grace period and begins on the day following the due date for the report.

If you have any questions, please contact David Garr in the Reports Analysis Division on the toll free number, (800) 424-9530 (at the prompt press 5 to reach the Reports Analysis Division). His local number is (202) 694-1137.

Sincerely,

A handwritten signature in black ink, appearing to read "Jodi Winship".

Jodi Winship
Chief, Compliance Branch
Reports Analysis Division

13092692326



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MS-P

March 13, 2013

WILLIAM A. USHER, TREASURER
NATIONAL TANK TRUCK CARRIERS INC
POLITICAL ACTION COMMITTEE
950 NORTH GLEBE RD STE 520
ARLINGTON, VA 22203

IDENTIFICATION NUMBER: C00188011

REFERENCE: POST-GENERAL REPORT (10/01/2012 - 11/26/2012)

Dear Treasurer:

Your Committee has failed to file the above-referenced report in an electronic format. 11 CFR §104.18 states that any committee that receives contributions or makes expenditures in excess of \$50,000 in the current calendar year, or that has reason to expect to do so, must submit its reports electronically. Once filers exceed the \$50,000 threshold, they have "reason to expect" to exceed the threshold in the following two calendar years. Alternatively, committees that have not met the electronic filing threshold but instead voluntarily file reports electronically must continue to file electronically for the remainder of the calendar year.

It is important that you file this report in an electronic format immediately with the Federal Election Commission. Any filer who is required to file electronically, but instead files on paper, will be considered a nonfiler and may be subject to enforcement action under the Administrative Fine Program. Your reporting obligation will not be satisfied until you file the above-reference report in an electronic format. The civil money calculation for late reports does not include a grace period and begins on the day following the due date for the report.

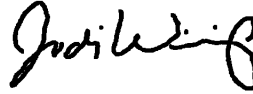
If you have any questions, please contact David Garr in the Reports Analysis Division on the toll free number, (800) 424-9530 (at the prompt press 5 to reach the Reports Analysis Division). His local number is (202) 694-1137.

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NATIONAL TANK TRUCK CARRIERS INC POLITICAL ACTION COMMITTEE

Page 2 of 2

Sincerely,



Jodi Winship
Chief, Compliance Branch
Reports Analysis Division

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Via First Class Mail

April 15, 2013

William A. Usher, in official capacity as Treasurer
National Tank Truck Carriers Inc. Political Action Committee
950 North Glebe Rd., Ste 520
Arlington, VA 22203

C00188011

AF#: 2682

Dear Mr. Usher:

On April 12, 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 fluid and cursive.

Rhiannon Magruder
Acting Reviewing Officer
Office of Administrative Review

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2013 APR 30 PM 3: 47

SENSITIVE

April 30, 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# 2661 and AF# 2682 – National
Tank Truck Carriers Inc. Political Action Committee and William A. Usher,
in his official capacity as Treasurer (C00188011)

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

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 30, 2013

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

AF# 2661 and AF# 2682 – National Tank Truck Carriers Inc. Political Action Committee and
William A. Usher, in his official capacity as Treasurer (C00188011)

Summary of Recommendation

Make a final determination in AF# 2661 and AF# 2682 that the respondents violated 2 U.S.C. § 434(a) and assess civil money penalties of \$550 and \$250, respectively.

Reason-to-Believe Background

On March 29 and 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 12 Day Pre-General Report and 2012 30 Day Post-General Report, respectively. The Commission also made a preliminary determination that the civil money penalty was \$550 for AF# 2661 and \$250 for AF# 2682 based on the schedule of penalties at 11 C.F.R. § 111.43. Letters dated April 1 and April 2, 2013, respectively, were 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 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 12 Day Pre-General Report is an election sensitive report pursuant to 11 C.F.R. § 111.43(d)(1). In addition, 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). Political committees required to file reports with the Commission must file in an electronic format if they have received contributions or made expenditures or expect to receive contributions or make expenditures in a calendar year aggregating in excess of \$50,000. 2 U.S.C. § 434(a)(11) and 11 C.F.R. § 104.18(a). 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' Challenges

On April 8, 2013, the Commission received the written response ("challenge") for AF# 2661. Daniel R. Furth, Assistant Treasurer, is challenging the RTB finding based on the Committee's demonstrated best efforts to file in a timely manner. The Committee submitted the

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2012 12 Day Pre-General and 30 Day Post-General Reports in paper format, which were not accepted due to the Committee's electronic reporting requirement. The Assistant Treasurer states he became aware of the Committee's electronic reporting requirement resulting from higher than expected activity levels on March 13, 2013. The challenge notes this is the first time they have met the electronic filing requirement, and the Committee would have opted to file electronically if they were aware of the requirement. "Since notification of the electronic filing requirement, [they] have quickly and thoroughly reviewed [their] delinquent filings, vetted [their] software options, and taken proactive measures to comply."

On April 12, 2013, the Commission received the challenge for AF# 2682. The Assistant Treasurer states the challenge is based on the same issues addressed in the challenge for AF# 2661. The challenge also notes that they are "...now fully compliant with FEC reporting requirements..." and "confident that [they] will have no further issues as [they] are aware of [their] electronic filing requirements and capabilities." Included with the challenge are copies of 1) the challenge for AF# 2661, 2) RTB Letters for AF# 2661 and AF# 2682, and 3) Failure to Electronically File Notices for the 2012 30 Day Post-General and Year-End Reports.

Analysis

On December 6, 2012, the 2012 30 Day Post-General Report filing deadline, the Committee filed a paper version of the report covering the period of October 1 through November 26, 2012. The filing included activity covering October 1 through October 17, 2012 which required the Committee to separately file the 2012 12 Day Pre-General Report by October 25, 2012. 2 U.S.C. § 434(a)(4)(A)(ii) and 11 C.F.R. § 104.5(c)(1)(ii). Both reports were required to be in an electronic format, thus were considered not filed at the time of the RTB findings. 2 U.S.C. § 434(a)(11) and 11 C.F.R. § 104.18(a).

On March 13, 2013, RAD notified the respondents that the paper version of the report was not considered filed and must be filed in an electronic format. The notification was sent via email to "dfurth@tanktruck.org," the email address listed on the Committee's Statement of Organization. The respondents contend they first became aware of the electronic reporting requirement on March 13, and this is the first time they have met the requirement. However, on October 23, 2012, RAD sent a failure to electronically file notification to the same email address in response to the Committee's paper submission of the 2012 October Quarterly Report.

According to RAD telecons (written records of telephone conversations), the Assistant Treasurer called the Compliance Analyst on March 19, after receiving the notice indicating they failed to electronically file the report. The Compliance Analyst guided him through downloading FECFile and also provided contact information for the Electronic Filing Office (EFO). EFO records indicate the Committee received an electronic filing password that same day. Yet, it was not until April 2, after the respondents received the RTB Letter for AF# 2661, that the Committee contacted Commission staff for additional electronic filing assistance. On April 3, 2013, the Committee electronically filed the 2012 12 Day Pre-General and 30 Day Post-General Reports.

At the time of the RTB findings, the Commission estimated the levels of activity used to calculate the civil money penalties based on the activity disclosed on the paper filing. The Commission estimated the levels of activity for AF# 2661 and AF# 2682 to be \$605 and \$1,747,

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respectively. Based on the 2012 12 Day Pre-General and 30 Day Post-General Reports electronically filed on April 3, 2013, the actual levels of activity are \$850 and \$1,502, respectively. Using the schedules of penalties at 11 C.F.R. § 111.43, the civil money penalties calculated at RTB remain unchanged.

Their challenge fails to meet any of the three valid grounds for challenging the RTB finding or proposed penalty 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. The Reviewing Officer, therefore, recommends that the Commission make a final determination that the respondents violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$550 in AF# 2661 and \$250 in AF# 2682.

OAR Recommendations

- (1) Adopt the Reviewing Officer recommendation for AF# 2661 involving National Tank Truck Carriers Inc. Political Action Committee and William A. Usher, in his official capacity as Treasurer, in making the final determination;
- (2) Make a final determination in AF# 2661 that National Tank Truck Carriers Inc. Political Action Committee and William A. Usher, in his official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$550;
- (3) Adopt the Reviewing Officer recommendation for AF# 2682 involving National Tank Truck Carriers Inc. Political Action Committee and William A. Usher, in his official capacity as Treasurer, in making the final determination;
- (4) Make a final determination in AF# 2682 that National Tank Truck Carriers Inc. Political Action Committee and William A. Usher, in his official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$250; and
- (5) Send the appropriate letters.

Acting Reviewing Officer: Rhiannon Magruder

Attachments

- Attachment 1 -
- Attachment 2 - Challenge Received from Respondents for AF# 2682
- Attachment 3 -
- Attachment 4 - Declaration from RAD
- Attachment 5 - Declaration from OAR

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 to be timely filed.
- 3) The 2012 30 Day Post-General Report, covering the period October 18 through November 26, 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 to be timely filed.
- 4) 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.
- 5) 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) The Cover Page, Summary Page and Detailed Summary Pages for the 2012 12 Day Pre-General Report electronically filed by National Tank Truck Carriers Inc. Political Action Committee and William A. Usher, 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 April 3, 2013.
 - (b) The Cover Page, Summary Page and Detailed Summary Pages for the 2012 30 Day Post-General Report electronically filed by National Tank Truck Carriers Inc. Political Action Committee and William A. Usher, in official capacity as Treasurer. According to the Commission's records, the report covers the period from October 18 through November 26, 2012, and was received on April 3, 2013.
- 6) 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 30th day of April, 2013.

Rhiannon Magruder

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

13092692334

Image# 13940511808

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

NATIONAL TANK TRUCK CARRIERS INC POLITICAL ACTION COMMITTEE

ADDRESS (number and street) 950 NORTH GLEBE RD STE 520

Check if different than previously reported. (ACC) ARLINGTON VA 22203

2. FEC IDENTIFICATION NUMBER ▼ CITY ▲ STATE ▲ ZIP CODE ▲

C C00188011

3. IS THIS REPORT X NEW (N) OR AMENDED (A)

4. TYPE OF REPORT (Choose One)

(a) Quarterly Reports:

	Feb 20 (M2)	May 20 (M5)	Aug 20 (M8)	Nov 20 (M11) (Non-Election Year Only)
April 15 Quarterly Report (Q1)	Mar 20 (M3)	Jun 20 (M6)	Sep 20 (M9)	Dec 20 (M12) (Non-Election Year Only)
July 15 Quarterly Report (Q2)	Apr 20 (M4)	Jul 20 (M7)	Oct 20 (M10)	Jan 31 (YE)
October 15 Quarterly Report (Q3)				
January 31 Year-End Report (YE)				

(b) Monthly Report Due On:

(c) 12-Day PRE-Election Report for the:

	Primary (12P)	General (12G)	Runoff (12R)
Convention (12C) <td></td> <td>Special (12S)</td> <td></td>		Special (12S)	

(d) 30-Day POST-Election Report for the:

	General (30G)	Runoff (30R)	Special (30S)

Termination Report (TER)

5. Covering Period 10 01 2012 through 10 17 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 Mr. Daniel R Furth

Signature of Treasurer Mr. Daniel R Furth [Electronically Filed] Date 04 03 2013

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

FESAND28

13092692335

SUMMARY PAGE **OF RECEIPTS AND DISBURSEMENTS.**

FEC Form 3X (Rev. 02/2003)

Page 2

Write or Type Committee Name

NATIONAL TANK TRUCK CARRIERS INC POLITICAL ACTION COMMITTEE

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		24003.99
(b) Cash on Hand at Beginning of Reporting Period.....	65573.82	
(c) Total Receipts (from Line 19)	350.00	55425.00
(d) Subtotal (add Lines 6(b) and 6(c) for Column A and Lines 6(a) and 6(c) for Column B)	65923.82	79428.99
7. Total Disbursements (from Line 31)	500.00	14005.17
8. Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d))	65423.82	65423.82
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

13092692336

DETAILED SUMMARY PAGE of Receipts

FEC Form 3X (Rev. 06/2004)

Page 3

Write or Type Committee Name

NATIONAL TANK TRUCK CARRIERS INC POLITICAL ACTION COMMITTEE

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

I. Receipts	COLUMN A Total This Period	COLUMN B Calendar Year-to-Date
11. Contributions (other than loans) From:		
(a) Individuals/Persons Other Than Political Committees		
(i) Itemized (use Schedule A).....	0.00	54875.00
(ii) Unitemized	350.00	550.00
(iii) TOTAL (add Lines 11(a)(i) and (ii))..... ▶	350.00	55425.00
(b) Political Party Committees	0.00	0.00
(c) Other Political Committees (such as PACs).....	0.00	0.00
(d) Total Contributions (add Lines 11(a)(iii), (b), and (c)) (Carry Totals to Line 33, page 5)	350.00	55425.00
12. Transfers From Affiliated/Other Party Committees.....	0.00	0.00
13. All Loans Received	0.00	0.00
14. Loan Repayments Received.....	0.00	0.00
15. Offsets To Operating Expenditures (Refunds, Rebates, etc.) (Carry Totals to Line 37, page 5).....	0.00	0.00
16. Refunds of Contributions Made to Federal Candidates and Other Political Committees.....	0.00	0.00
17. Other Federal Receipts (Dividends, Interest, etc.).....	0.00	0.00
18. Transfers from Non-Federal and Levin Funds		
(a) Non-Federal Account (from Schedule H3)	0.00	0.00
(b) Levin Funds (from Schedule H5)	0.00	0.00
(c) Total Transfers (add 18(a) and 18(b))..	0.00	0.00
19. Total Receipts (add Lines 11(d), 12, 13, 14, 15, 16, 17, and 18(c))	350.00	55425.00
20. Total Federal Receipts (subtract Line 18(c) from Line 19)	350.00	55425.00

DETAILED SUMMARY PAGE of Disbursements

FEC Form 3X (Rev. 02/2003)

Page 4

II. Disbursements	COLUMN A Total This Period	COLUMN B Calendar Year-to-Date
21. Operating Expenditures:		
(a) Allocated Federal/Non-Federal Activity (from Schedule H4)		
(i) Federal Share	0.00	0.00
(ii) Non-Federal Share.....	0.00	0.00
(b) Other Federal Operating Expenditures	0.00	505.17
(c) Total Operating Expenditures (add 21(a)(i), (a)(ii), and (b))	0.00	505.17
22. Transfers to Affiliated/Other Party Committees.....	0.00	0.00
23. Contributions to Federal Candidates/Committees and Other Political Committees.....	500.00	13500.00
24. Independent Expenditures (use Schedule E)	0.00	0.00
25. Coordinated Party Expenditures (2 U.S.C. §441a(d)) (use Schedule F).....	0.00	0.00
26. Loan Repayments Made.....	0.00	0.00
27. Loans Made.....	0.00	0.00
28. Refunds of Contributions To:		
(a) Individuals/Persons Other Than Political Committees	0.00	0.00
(b) Political Party Committees	0.00	0.00
(c) Other Political Committees (such as PACs).....	0.00	0.00
(d) Total Contribution Refunds (add Lines 28(a), (b), and (c)).....	0.00	0.00
29. Other Disbursements	0.00	0.00
30. Federal Election Activity (2 U.S.C. §431(20))		
(a) Allocated Federal Election Activity (from Schedule H6)		
(i) Federal Share	0.00	0.00
(ii) "Levin" Share.....	0.00	0.00
(b) Federal Election Activity Paid Entirely With Federal Funds	0.00	0.00
(c) Total Federal Election Activity (add Lines 30(a)(i), 30(a)(ii) and 30(b)).....	0.00	0.00
31. Total Disbursements (add Lines 21(c), 22, 23, 24, 25, 26, 27, 28(d), 29 and 30(c)) ..	500.00	14005.17
32. Total Federal Disbursements (subtract Line 21(a)(ii) and Line 30(a)(ii) from Line 31).....	500.00	14005.17

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DETAILED SUMMARY PAGE of Disbursements

FEC Form 3X (Rev. 02/2003)

Page 5

III. Net Contributions/Operating Expenditures	COLUMN A Total This Period	COLUMN B Calendar Year-to-Date
33. Total Contributions (other than loans) (from Line 11(d), page 3)	350.00	55425.00
34. Total Contribution Refunds (from Line 28(d))	0.00	0.00
35. Net Contributions (other than loans) (subtract Line 34 from Line 33)	350.00	55425.00
36. Total Federal Operating Expenditures (add Line 21(a)(i) and Line 21(b)) ▶	0.00	505.17
37. Offsets to Operating Expenditures (from Line 15, page 3)	0.00	0.00
38. Net Operating Expenditures (subtract Line 37 from Line 36) ▶	0.00	505.17

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PAGE 1 / 8

**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

NATIONAL TANK TRUCK CARRIERS INC POLITICAL ACTION COMMITTEE

ADDRESS (number and street) 950 NORTH GLEBE RD STE 520

Check if different
than previously
reported. (ACC)

ARLINGTON

VA

22203

2. FEC IDENTIFICATION NUMBER ▼ CITY ▲ STATE ▲ ZIP CODE ▲

C C00188011

3. IS THIS REPORT X NEW (N) OR AMENDED (A)

4. TYPE OF REPORT
(Choose One)

(a) Quarterly Reports:

April 15
Quarterly Report (Q1)July 15
Quarterly Report (Q2)October 15
Quarterly Report (Q3)January 31
Year-End Report (YE)July 31 Mid-Year
Report (Non-election
Year Only) (MY)Termination Report
(TER)(b) Monthly
Report
Due On:

Feb 20 (M2)

Mar 20 (M3)

Apr 20 (M4)

(c) 12-Day

PRE-Election

Report for the:

Election on

(d) 30-Day

POST-Election

Report for the:

Election on

May 20 (M5)

Jun 20 (M6)

Jul 20 (M7)

Primary (12P)

Convention (12C)

General (30G)

Aug 20 (M8)

Sep 20 (M9)

Oct 20 (M10)

General (12G)

Special (12S)

Runoff (30R)

Nov 20 (M11)
(Non-Election
Year Only)Dec 20 (M12)
(Non-Election
Year Only)

Jan 31 (YE)

Runoff (12R)

Special (30S)

In the
State ofIn the
State of

5. Covering Period 10 18 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 Mr. Daniel R Furth

Signature of Treasurer Mr. Daniel R Furth

[Electronically Filed]

Date 04 03 2013

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

FE6AN026

13092692340

SUMMARY PAGE OF RECEIPTS AND DISBURSEMENTS

FEC Form 3X (Rev. 02/2003)

Page 2

Write or Type Committee Name

NATIONAL TANK TRUCK CARRIERS INC POLITICAL ACTION COMMITTEE

Report Covering the Period: From: 10 18 2012 To: 11 26 2012

	COLUMN A This Period	COLUMN B Calendar Year-to-Date
6. (a) Cash on Hand January 1, 2012		24003.99
(b) Cash on Hand at Beginning of Reporting Period.....	65423.82	
(c) Total Receipts (from Line 19)	1500.00	56925.00
(d) Subtotal (add Lines 6(b) and 6(c) for Column A and Lines 6(a) and 6(c) for Column B)	66923.82	80928.99
7. Total Disbursements (from Line 31)	2.00	14007.17
8. Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d))	66921.82	66921.82
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

13092692341

DETAILED SUMMARY PAGE of Receipts

FEC Form 3X (Rev. 06/2004)

Page 3

Write or Type Committee Name

NATIONAL TANK TRUCK CARRIERS INC POLITICAL ACTION COMMITTEE

Report Covering the Period: From: 10 18 2012 To: 11 26 2012

I. Receipts	COLUMN A Total This Period	COLUMN B Calendar Year-to-Date
11. Contributions (other than loans) From:		
(a) Individuals/Persons Other Than Political Committees		
(i) Itemized (use Schedule A).....	500.00	55375.00
(ii) Unitemized	0.00	550.00
(iii) TOTAL (add Lines 11(a)(i) and (ii))..... ▶	500.00	55925.00
(b) Political Party Committees	0.00	0.00
(c) Other Political Committees (such as PACs).....	1000.00	1000.00
(d) Total Contributions (add Lines 11(a)(iii), (b), and (c)) (Carry Totals to Line 33, page 5)	1500.00	56925.00
12. Transfers From Affiliated/Other Party Committees.....	0.00	0.00
13. All Loans Received	0.00	0.00
14. Loan Repayments Received.....	0.00	0.00
15. Offsets To Operating Expenditures (Refunds, Rebates, etc.) (Carry Totals to Line 37, page 5).....	0.00	0.00
16. Refunds of Contributions Made to Federal Candidates and Other Political Committees.....	0.00	0.00
17. Other Federal Receipts (Dividends, Interest, etc.).....	0.00	0.00
18. Transfers from Non-Federal and Levin Funds		
(a) Non-Federal Account (from Schedule H3)	0.00	0.00
(b) Levin Funds (from Schedule H5)	0.00	0.00
(c) Total Transfers (add 18(a) and 18(b))..	0.00	0.00
19. Total Receipts (add Lines 11(d), 12, 13, 14, 15, 16, 17, and 18(c))	1500.00	56925.00
20. Total Federal Receipts (subtract Line 18(c) from Line 19)	1500.00	56925.00

13092692342

DETAILED SUMMARY PAGE of Disbursements

FEC Form 3X (Rev. 02/2003)

Page 4

II. Disbursements	COLUMN A Total This Period	COLUMN B Calendar Year-to-Date
21. Operating Expenditures:		
(a) Allocated Federal/Non-Federal Activity (from Schedule H4)		
(i) Federal Share	0.00	0.00
(ii) Non-Federal Share.....	0.00	0.00
(b) Other Federal Operating Expenditures	2.00	507.17
(c) Total Operating Expenditures (add 21(a)(i), (a)(ii), and (b))	2.00	507.17
22. Transfers to Affiliated/Other Party Committees.....	0.00	0.00
23. Contributions to Federal Candidates/Committees and Other Political Committees.....	0.00	13500.00
24. Independent Expenditures (use Schedule E)	0.00	0.00
25. Coordinated Party Expenditures (2 U.S.C. §441a(d)) (use Schedule F).....	0.00	0.00
26. Loan Repayments Made.....	0.00	0.00
27. Loans Made.....	0.00	0.00
28. Refunds of Contributions To:		
(a) Individuals/Persons Other Than Political Committees	0.00	0.00
(b) Political Party Committees	0.00	0.00
(c) Other Political Committees (such as PACs).....	0.00	0.00
(d) Total Contribution Refunds (add Lines 28(a), (b), and (c)).....	0.00	0.00
29. Other Disbursements	0.00	0.00
30. Federal Election Activity (2 U.S.C. §431(20))		
(a) Allocated Federal Election Activity (from Schedule H6)		
(i) Federal Share	0.00	0.00
(ii) "Levin" Share.....	0.00	0.00
(b) Federal Election Activity Paid Entirely With Federal Funds	0.00	0.00
(c) Total Federal Election Activity (add .. Lines 30(a)(i), 30(a)(ii) and 30(b))....	0.00	0.00
31. Total Disbursements (add Lines 21(c), 22, 23, 24, 25, 26, 27, 28(d), 29 and 30(c))..	2.00	14007.17
32. Total Federal Disbursements (subtract Line 21(a)(ii) and Line 30(a)(ii) from Line 31).....	2.00	14007.17

DETAILED SUMMARY PAGE of Disbursements

FEC Form 3X (Rev. 02/2003)

Page 5

III. Net Contributions/Operating Expenditures	COLUMN A Total This Period	COLUMN B Calendar Year-to-Date
33. Total Contributions (other than loans) (from Line 11(d), page 3)	1500.00	56925.00
34. Total Contribution Refunds (from Line 28(d))	0.00	0.00
35. Net Contributions (other than loans) (subtract Line 34 from Line 33)	1500.00	56925.00
36. Total Federal Operating Expenditures (add Line 21(a)(i) and Line 21(b)) ▶	2.00	507.17
37. Offsets to Operating Expenditures (from Line 15, page 3)	0.00	0.00
38. Net Operating Expenditures (subtract Line 37 from Line 36) ▶	2.00	507.17



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

VIA OVERNIGHT DELIVERY

April 30, 2013

William A. Usher, in official capacity as Treasurer
National Tank Truck Carriers Inc. Political Action Committee
950 North Glebe Rd., Ste 520
Arlington, VA 22203

C00188011

AF#: 2661 and 2682

Dear Mr. Usher:

On March 29 and April 1, 2013, the Federal Election Commission ("Commission") found reason to believe ("RTB") that National Tank Truck Carriers Inc. 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 12 Day Pre-General and 30 Day Post-General Reports. The Commission also made a preliminary determination that the civil money penalties were \$550 and \$250, respectively, based on the schedules of penalties at 11 C.F.R. § 111.43.

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

Rhiannon Magruder
Acting Reviewing Officer
Office of Administrative Review

13092692345



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2013 MAY 23 AM 10:08

May 23, 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: Final Determination Recommendation in AF# 2661 and AF# 2682 – National Tank Truck Carriers Inc. Political Action Committee and William A. Usher, in his official capacity as Treasurer (C00188011)

On March 29 and 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 12 Day Pre-General Report and 2012 30 Day Post-General Report, respectively. The Commission also made a preliminary determination that the civil money penalty was \$550 for AF# 2661 and \$250 for AF# 2682 based on the schedule of penalties at 11 C.F.R. § 111.43.

On April 8 and 12, 2013, the Commission received their written responses ("challenges"). After reviewing the challenges, the Reviewing Officer Recommendation ("ROR") dated April 30, 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 in AF# 2661 and AF# 2682 that they violated 2 U.S.C. § 434(a) and assess civil money penalties of \$550 and \$250, respectively.

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.

13092692346

OAR Recommendations

- (1) Adopt the Reviewing Officer recommendation for AF# 2661 involving National Tank Truck Carriers Inc. Political Action Committee and William A. Usher, in his official capacity as Treasurer, in making the final determination;
- (2) Make a final determination in AF# 2661 that National Tank Truck Carriers Inc. Political Action Committee and William A. Usher, in his official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$550;
- (3) Adopt the Reviewing Officer recommendation for AF# 2682 involving National Tank Truck Carriers Inc. Political Action Committee and William A. Usher, in his official capacity as Treasurer, in making the final determination;
- (4) Make a final determination in AF# 2682 that National Tank Truck Carriers Inc. Political Action Committee and William A. Usher, in his official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$250; and
- (5) Send the appropriate letters.

Acting Reviewing Officer: Rhiannon Magruder

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Final Determination Recommendation -) AFs 2661 and 2682
National Tank Truck Carriers Inc.)
Political Action Committee and William)
A. Usher, in his official capacity as)
Treasurer (C00188011))

CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on June 05, 2013, the Commission decided by a vote of 5-0 to take the following actions in AFs 2661 and 2682:

1. Adopt the Reviewing Officer recommendation for AF# 2661 involving National Tank Truck Carriers Inc. Political Action Committee and William A. Usher, in his official capacity as Treasurer, in making the final determination.
2. Make a final determination in AF# 2661 that National Tank Truck Carriers Inc. Political Action Committee and William A. Usher, in his official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$550.
3. Adopt the Reviewing Officer recommendation for AF# 2682 involving National Tank Truck Carriers Inc. Political Action Committee and William A. Usher, in his official capacity as Treasurer, in making the final determination.

13092692348

4. Make a final determination in AF# 2682 that National Tank Truck Carriers Inc. Political Action Committee and William A. Usher, in his official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$250.
5. Send the appropriate letters.

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

Attest:

June 6, 2013
Date

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

13092692349



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 14, 2013

VIA OVERNIGHT DELIVERY

William A. Usher, in official capacity as Treasurer
National Tank Truck Carriers Inc. Political Action Committee
950 North Glebe Rd., Ste 520
Arlington, VA 22203

C00188011
AF#: 2682

Dear Mr. Usher:

On April 1, 2013, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that National Tank Truck Carriers Inc. 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 \$250 in accordance with the schedule of penalties at 11 C.F.R. § 111.43. On April 12, 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 National Tank Truck Carriers Inc. Political Action Committee and you, in your official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty in the amount of \$250 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 April 30, 2013.

On June 5, 2013, the Commission adopted the Reviewing Officer's recommendation and made a final determination that National Tank Truck Carriers Inc. Political Action Committee and you, in your official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assessed a civil money penalty of \$250. 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.

13092692350

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

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

If you choose to appeal the final determination, you should submit a written petition, within 30 days of receipt of this letter, to the district court of the United States for the district in which the committee or you reside, or transact business, requesting that the final determination be modified or set aside. See 2 U.S.C. § 437g(a)(4)(C)(iii). Your failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver of the respondents' right to present such argument in a petition to the district court under 2 U.S.C. § 437g. 11 CFR § 111.38.

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

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

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

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

3. If You Choose to Pay the Civil Money Penalty

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

NOTICE REGARDING PARTIAL PAYMENTS AND SETTLEMENT OFFERS

4. Partial Payments

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

13092692352

5. **Settlement Offers**

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

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

If you have any questions regarding the payment of the civil money penalty, please contact 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

ADMINISTRATIVE FINE PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 C.F.R. § 111.43, the civil money penalty is \$250 for the 2012 30 Day Post-General Report.

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

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

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

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

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

PAYMENTS BY PERSONAL CHECK

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

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: National Tank Truck Carriers Inc. Political Action Committee

FEC ID#: C00188011

AF#: 2682

PAYMENT AMOUNT DUE: \$250

FOR: National Tank Truck Carriers Inc. Political Action Committee

FEC ID#: C00188011

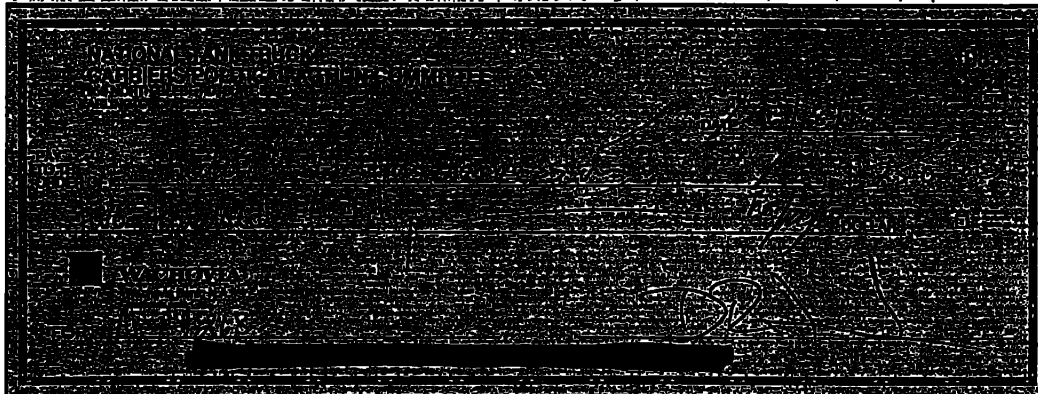
AF#: 2682

PAYMENT AMOUNT DUE: \$250

4

FEDERAL ELECTION COMMISSION

Lockbox: GLX-979058 Ledger Date 06/24/2013



Batch	Item	TID	Batch Total	Amount
1	3	Y-4248422	\$2,210.00	\$250.00

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usbank

St. Louis, CA Lockbox
(314) 425-1818



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 2682

DATE SCANNED

8/7/13

SCANNER NO.

2

SCAN OPERATOR

EES

13092692355