



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 2698

DATE SCANNED 12-11-13

SCANNER NO. 2

SCAN OPERATOR JMLP

13092693796



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT


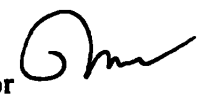
2013 APR -2 AM 8: 56


April 1, 2013

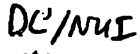
MEMORANDUM



SENSITIVE

TO: The Commission

THROUGH:  Alec Palmer
Staff Director 

FROM: Patricia C. Orrick 
Chief Compliance Officer

Debbie Chacona 
Assistant Staff Director
Reports Analysis Division

BY:  Jodi Winship/Sari Pickeral 
Compliance Branch

SUBJECT: Reason To Believe Recommendation – 2012 Year-End Report for the
Administrative Fine Program

Attached is a list of political committees and their treasurers who failed to file the 2012 Year-End Report in accordance with 2 U.S.C. 434(a). The Year-End Report was due on January 31, 2012.

The committees listed in the attached RTB Circulation Report either failed to file the report, no more than thirty (30) days after 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 the schedule of civil money penalties for reports at 11 C.F.R. 111.43, these committees should be assessed the civil money penalties highlighted on the attached circulation report.

For your information, letters of resignation were filed by the treasurers for Friends of Julian Schreibman (AF 2706) and Kenneth Sanders for Congress Committee (AF 2718). The RTB finding will be against the "Office of Treasurer" as the committees have not yet filed Amended Statements of Organization to appoint new treasurers.

13092693797

Recommendation

1. Find reason to believe that the political committees and their treasurers listed on the RTB Circulation Report 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 Report.
2. Send the appropriate letters.

13092693798

13092693799

4/1/2013 2:46 PM

Federal Election Commission
Reason to Believe Circulation Report
2012 YEAR-END Not Election Sensitive 01/31/2013 H_S_P_UNAUTH

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
2689	C00424788	AMBULATORY SURGERY CENTER ASSOCIATION PAC (ASCAPAC)		BRENDAN DAVIS	\$389,962	0	2/12/2013	12	\$5,159	\$115
2690	C00436360	AMEDISYS INC POLITICAL ACTION COMMITTEE		DALE E. REDMAN	\$329,779	0	2/7/2013	7	\$29,511	\$340
2691	C00102764	AMERICAN CHIROPRACTIC ASSOCIATION PAC		DR. MICHAEL SIMONE	\$628,252	0	2/21/2013	21	\$13,193	\$215
2692	C00511980	ANDREI FOR ARIZONA	CHERNY, ANDREI	SETH SCOTT	\$2,247,802	0		Not Filed	\$561,951 (est)	\$11,000
2693	C00499491	ANDREW HUGHES FOR CONGRESS	HUGHES, ANDREW IFITS	JEFF UPTHEGROVE	\$505,503	1	2/19/2013	19	\$13,888	\$256
2694	C00507442	BARBARA CARLSON FOR US CONGRESS COMMITTEE	CARLSON, BARBARA J	SHERI EDWARDS	\$239,627	0		Not Filed	\$47,925 (est)	\$990
2695	C00504068	BARNES FOR CONGRESS	BARNES, BRIAN PATRICK	LISA MILLER	\$798,374	0	3/11/2013	Not Filed	\$11,256	\$550
2696	C00503177	BETTE GRANDE FOR CONGRESS	GRANDE, BETTE B	ALEC H. GRANDE	\$120,672	0		Not Filed	\$10,090	\$550
2697	C00501411	BRAD BOOKOUT FOR CONGRESS	BOOKOUT, BRADLEY T	LISA BOOKOUT	\$146,766	0		Not Filed	\$20,967 (est)	\$550
2698	C00371211	BRAD MILLER FOR UNITED STATES CONGRESS	MILLER, RALPH BRAD MR	JOHN WALLACE	\$581,475	0		Not Filed	\$83,068 (est)	\$3,850
2699	C00513788	BRAD MORRIS FOR CONGRESS	MORRIS, BRAD	ROBERT T. "BOB" GRAY	\$410,768	0		Not Filed	\$68,461 (est)	\$2,970

2701	C00523431	CASSIS FOR CONGRESS	CASSIS, NANCY	SEAN SANT	\$801,282	0		Not Filed	\$200,321 (est)	\$7,150
2702	C00523167	COMMITTEE TO ELECT RICK MURPHY FOR CONGRESS	MURPHY, RICK	RICK MURPHY	\$171,886	0		Not Filed	\$57,295 (est)	\$2,970
2703	C00510495	DAVID SCHAPIRA FOR CONGRESS	SCHAPIRA, DAVID	LAUREN KUBY	\$562,177	0		Not Filed	\$140,544 (est)	\$4,950
2704	C00468009	EDWARDS WILDMAN PAC INC		KEITH KOTLER	\$426,175	0	2/22/2013	22	\$13,092	\$220
2705	C00500058	FRIENDS OF DAVID FOR CONGRESS	THAYNE, DAVID CRUZ	DAVID CRUZ THAYNE	\$171,317	0		Not Filed	\$28,553 (est)	\$990
2706	C00513739	FRIENDS OF JULIAN SCHREIBMAN	SCHREIBMAN, JULIAN D	OFFICE OF TREASURER	\$2,685,467	0		Not Filed	\$447,578 (est)	\$9,900
2707	C00473710	FRIENDS OF LIBERTY FOR JESSICA	PUENTE BRADSHAW, JESSICA	GARY E. DOAN	\$181,853	0	3/12/2013	Not Filed	\$1,415	\$250

2709	C00350421	FRIENDS OF TIM JOHNSON	JOHNSON, TIMOTHY V	MARK SHELLEN	\$1,278,389	0	2/12/2013	12	\$12,564	\$170
2710	C00505685	GARY SMITH FOR CONGRESS	SMITH, GARY	GARY SMITH	\$505,283	1		Not Filed	\$168,428 (est)	\$7,562
2711	C00495259	IMMIGRATION911, LLC		STANLEY P. DULL	\$520,898	1	2/13/2013	13	\$15,308	\$218
2712	C00498311	IMUS FOR CONGRESS	IMUS, GREGG	CHAD HANELY	\$228,972	0		Not Filed	\$28,622 (est)	\$990

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
2713	C00495549	JACKSON FOR VIRGINIA	JACKSON, EARL W SR	THEODORA J. JACKSON	\$277,821	1	3/5/2013	Not Filed	\$1,136	\$312
2714	C00305920	JESSE JACKSON JR FOR CONGRESS	JACKSON, JESSE JR	VICKIE PASLEY	\$2,066,749	0		Not Filed	\$206,675 (est)	\$7,150
2715	C00478818	JIM HORN ELECTION COMMITTEE	HORN, JIM	OLIVIA JULIA HORN	\$182,905	3		Not Filed	\$36,581 (est)	\$1,732
2716	C00497644	JIMMIE MOORE FOR CONGRESS	MOORE, JIMMIE SEE	GAIL A. CHINN-PRATT	\$342,740	1		Not Filed	\$57,123 (est)	\$3,712

2718	C00514489	KENNETH SANDERS FOR CONGRESS COMMITTEE	SANDERS, KENNETH	OFFICE OF TREASURER	\$280,570	1		Not Filed	\$40,081 (est)	\$1,237
2719	C00512368	KRISTIN JACOBS FOR CONGRESS	JACOBS, KRISTIN	JACOB C. RICHTER	\$978,873	0	2/19/2013	19	\$901	\$120
2720	C00505529	LAMAR STERNAD FOR CONGRESS	STERNAD, JUSTIN LAMAR	JUSTIN LAMAR STERNAD	\$128,591	1		Not Filed	\$32,148 (est)	\$1,237
2721	C00517110	LEAH FOR CONGRESS	SCHANDLBAUER, LEAH CAMPOS	JACOB BROWN	\$143,979	1		Not Filed	\$35,995 (est)	\$1,237
2722	C00394529	LISA MURKOWSKI FOR US SENATE	MURKOWSKI, LISA	JOSEPH M. SCHIERHORN	\$1,343,737	0	2/15/2013	15	\$139,109	\$2,535
2723	C00517078	LONG, WILLIAM TODD	LONG, WILLIAM TODD	TODD LONG	\$295,925	0		Not Filed	\$49,321 (est)	\$990
2724	C00497099	MARAGOS4NY	MARAGOS, GEORGE	KHALEDA MALIQUE	\$4,039,502	0		Not Filed	\$577,072 (est)	\$11,000
2725	C00432948	MCGOFF FOR CONGRESS	MCGOFF, JOHN P	MARJORIE O'LAUGHLIN	\$808,351	0		Not Filed	\$101,044 (est)	\$4,950
2726	C00510982	MELENDEZ FOR CONGRESS	MELENDEZ, JULIUS	BERNIE MAPILI	\$197,616	0		Not Filed	\$49,404 (est)	\$990
2727	C00457960	MICHAEL WILLIAMS FOR CONGRESS	WILLIAMS, MICHAEL L	R. STEVEN HICKS	\$1,615,965	0		Not Filed	\$201,996 (est)	\$7,150
2728	C00494187	MODICA FOR SENATE	MODICA, JULIEN	JULIEN MODICA	\$873,796	3		Not Filed	\$224,599 (est)	\$12,512
2729	C00413567	NATIONAL ASSOCIATION OF FARM SERVICE AGENCY COUNTY OFFICE EMPLOYEES INC PPC AKA NASCOE PAC		ROBERT L. REDDING, JR.	\$200,302	1	2/11/2013	11	\$7,906	\$137
2730	C00508568	PELOQUIN FOR CONGRESS	PELOQUIN, DONALD	KYLE KACZANOWSKI	\$201,448	0		Not Filed	\$28,778 (est)	\$990
2731	C00523993	REDFIELD FOR CONGRESS	REDFIELD, HOLLAND II	JAMES OLIVER	\$107,866	0		Not Filed	\$17,978 (est)	\$550

2733	C00507202	ROBERTS FOR CONGRESS	ROBERTS, MARVIN KIRBY	JUSTIN ROBERTS	\$183,304	0		Not Filed	\$36,661 (est)	\$990
2734	C00504498	ROSE MEZA HARRISON FOR CONGRESS	HARRISON, ROSE MEZA	GEORGE CLOWER	\$719,855	0	3/14/2013	Not Filed	\$2,411	\$250
2735	C00494690	STEVE COLLETT FOR CONGRESS	COLLETT, STEPHEN (STEVE)	STEVE COLLETT	\$402,067	0		Not Filed	\$50,258 (est)	\$2,970
2736	C00343475	TODD AKIN FOR SENATE	AKIN, W TODD	G. SCOTT ENGELBRECHT	\$11,842,136	0	2/7/2013	7	\$121,140	\$1,535
2737	C00528182	VIRGIN ISLANDS FOR PLASKETT	PLASKETT, STACEY	MARVIN L. PICKERING	\$134,305	0		Not Filed	\$44,768 (est)	\$990
2738	C00511287	WILSON 2012	WILSON, THOMAS	MARY F. GRAETZER	\$338,221	3	2/8/2013	8	\$809	\$113
2739	C00514414	ZEIN OBAGI FOR CONGRESS	OBAGI, ZEIN ELABDINE JR	ZEIN E. OBAGI, JR.	\$126,725	0		Not Filed	\$31,681 (est)	\$990

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Reason To Believe Recommendation –)
2012 Year-End Report for the)
Administrative Fine Program:)
AMBULATORY SURGERY CENTER) AF# 2689
ASSOCIATION PAC (ASCAPAC), and)
DAVIS, BRENDAN as treasurer;)
AMEDISYS INC POLITICAL ACTION) AF# 2690
COMMITTEE, and DALE E REDMAN as)
treasurer;)
AMERICAN CHIROPRACTIC) AF# 2691
ASSOCIATION PAC, and SIMONE,)
MICHAEL DR as treasurer;)
ANDREI FOR ARIZONA, and SETH) AF# 2692
SCOTT as treasurer;)
ANDREW HUGHES FOR CONGRESS,) AF# 2693
and JEFF UPTHEGROVE as treasurer;)
BARBARA CARLSON FOR US) AF# 2694
CONGRESS COMMITTEE, and SHERI)
EDWARDS as treasurer;)
BARNES FOR CONGRESS, and MILLER,) AF# 2695
LISA as treasurer;)
BETTE GRANDE FOR CONGRESS, and) AF# 2696
ALEC H GRANDE as treasurer;)
BRAD BOOKOUT FOR CONGRESS, and) AF# 2697
LISA BOOKOUT as treasurer;)
BRAD MILLER FOR UNITED STATES) AF# 2698
CONGRESS, and WALLACE, JOHN MR.)
as treasurer;)
BRAD MORRIS FOR CONGRESS, and) AF# 2699
ROBERT T "BOB" GRAY as treasurer;)

CASSIS FOR CONGRESS, and SEAN) AF# 2701
SANT as treasurer;)

13092693801

Federal Election Commission
Certification for Administrative Fines
April 03, 2013

Page 2

COMMITTEE TO ELECT RICK) AF# 2702
MURPHY FOR CONGRESS, and RICK)
MURPHY as treasurer;)
DAVID SCHAPIRA FOR CONGRESS,) AF# 2703
and LAUREN KUBY as treasurer;)
EDWARDS WILDMAN PAC INC, and) AF# 2704
KOTLER, KEITH as treasurer;)
FRIENDS OF DAVID FOR CONGRESS,) AF# 2705
and DAVID CRUZ THAYNE as treasurer;)
FRIENDS OF LIBERTY FOR JESSICA,) AF# 2707
and DOAN, GARY E MR. as treasurer;)

FRIENDS OF TIM JOHNSON, and) AF# 2709
SHELDEN, MARK as treasurer;)
GARY SMITH FOR CONGRESS, and) AF# 2710
GARY SMITH as treasurer;)
IMMIGRATION911, LLC, and STANLEY) AF# 2711
P DULL as treasurer;)
IMUS FOR CONGRESS, and CHAD) AF# 2712
HANELY as treasurer;)
JACKSON FOR VIRGINIA, and) AF# 2713
THEODORA J JACKSON as treasurer;)
JESSE JACKSON JR FOR CONGRESS,) AF# 2714
and PASLEY, VICKIE as treasurer;)
JIM HORN ELECTION COMMITTEE,) AF# 2715
and OLIVIA JULIA HORN as treasurer;)
JIMMIE MOORE FOR CONGRESS, and) AF# 2716
CHINN-PRATT, GAIL A. as treasurer;)

KRISTIN JACOBS FOR CONGRESS, and) AF# 2719
JACOB C RICHTER as treasurer;)
LAMAR STERNAD FOR CONGRESS,) AF# 2720
and JUSTIN LAMAR STERNAD as)
treasurer;)
LEAH FOR CONGRESS, and JACOB) AF# 2721
BROWN as treasurer;)
LISA MURKOWSKI FOR US SENATE,) AF# 2722
and JOSEPH M SCHIERHORN as)
treasurer;)
LONG, WILLIAM TODD, and LONG,) AF# 2723
TODD MR. as treasurer;)

13092693802

Federal Election Commission
Certification for Administrative Fines
April 03, 2013

Page 3

MARAGOS4NY, and KHALEDA) AF# 2724
MALIQUE as treasurer;)
MCGOFF FOR CONGRESS, and) AF# 2725
O'LAUGHLIN, MARJORIE as treasurer;)
)
)
MELENDEZ FOR CONGRESS, and) AF# 2726
MAPILI, BERNIE as treasurer;)
MICHAEL WILLIAMS FOR CONGRESS,) AF# 2727
and HICKS, R. STEVEN as treasurer;)
MODICA FOR SENATE, and JULIEN) AF# 2728
MODICA as treasurer;)
NATIONAL ASSOCIATION OF FARM) AF# 2729
SERVICE AGENCY COUNTY OFFICE)
EMPLOYEES INC PPC AKA NASCOE)
PAC, and ROBERT L REDDING JR as)
treasurer;)
PELOQUIN FOR CONGRESS, and) AF# 2730
KACZANOWSKI, KYLE as treasurer;)
REDFIELD FOR CONGRESS, and) AF# 2731
OLIVER, JAMES as treasurer;)

ROBERTS FOR CONGRESS, and) AF# 2733
ROBERTS, JUSTIN as treasurer;)
ROSE MEZA HARRISON FOR) AF# 2734
CONGRESS, and GEORGE CLOWER as)
treasurer;)
STEVE COLLETT FOR CONGRESS, and) AF# 2735
COLLETTT, STEVE FED as treasurer;)
TODD AKIN FOR SENATE, and) AF# 2736
ENGELBRECHT, G. SCOTT as treasurer;)
VIRGEN ISLANDS FOR PLASKETT, and) AF# 2737
MARVIN L PICKERING as treasurer;)
WILSON 2012, and MARY F GRAETZER) AF# 2738
as treasurer;)
ZEIN OBAGI FOR CONGRESS, and ZEIN) AF# 2739
E OBAGI JR as treasurer;)

13092693803

CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on April 03, 2013 the Commission took the following actions on the Reason To Believe Recommendation – 2012 Year-End Report for the Administrative Fine Program as recommended in the Reports Analysis Division's Memorandum dated April 01, 2013, on the following committees:

AF#2689 Decided by a vote of 5-0 to: (1) find reason to believe that AMBULATORY SURGERY CENTER ASSOCIATION PAC (ASCAPAC), and DAVIS, BRENDAN 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#2690 Decided by a vote of 5-0 to: (1) find reason to believe that AMEDISYS INC POLITICAL ACTION COMMITTEE, and DALE E REDMAN 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#2691 Decided by a vote of 5-0 to: (1) find reason to believe that AMERICAN CHIROPRACTIC ASSOCIATION PAC, and SIMONE, MICHAEL DR 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#2692 Decided by a vote of 5-0 to: (1) find reason to believe that ANDREI FOR ARIZONA, and SETH SCOTT 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#2693 Decided by a vote of 5-0 to: (1) find reason to believe that ANDREW HUGHES FOR CONGRESS, and JEFF UPTHEGROVE as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the

13092693804

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

AF#2694 Decided by a vote of 5-0 to: (1) find reason to believe that BARBARA CARLSON FOR US CONGRESS COMMITTEE, and SHERI EDWARDS 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#2695 Decided by a vote of 5-0 to: (1) find reason to believe that BARNES FOR CONGRESS, and MILLER, LISA 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#2696 Decided by a vote of 5-0 to: (1) find reason to believe that BETTE GRANDE FOR CONGRESS, and ALEC H GRANDE 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#2697 Decided by a vote of 5-0 to: (1) find reason to believe that BRAD BOOKOUT FOR CONGRESS, and LISA BOOKOUT 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#2698 Decided by a vote of 5-0 to: (1) find reason to believe that BRAD MILLER FOR UNITED STATES CONGRESS, and WALLACE, JOHN 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#2699 Decided by a vote of 5-0 to: (1) find reason to believe that BRAD MORRIS FOR CONGRESS, and ROBERT T "BOB" GRAY 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.

13092693805

AF#2701 Decided by a vote of 5-0 to: (1) find reason to believe that CASSIS FOR CONGRESS, and SEAN SANT 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#2702 Decided by a vote of 5-0 to: (1) find reason to believe that COMMITTEE TO ELECT RICK MURPHY FOR CONGRESS, and RICK MURPHY 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#2703 Decided by a vote of 5-0 to: (1) find reason to believe that DAVID SCHAPIRA FOR CONGRESS, and LAUREN KUBY 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#2704 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#2705 Decided by a vote of 5-0 to: (1) find reason to believe that FRIENDS OF DAVID FOR CONGRESS, and DAVID CRUZ THAYNE 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#2707 Decided by a vote of 5-0 to: (1) find reason to believe that FRIENDS OF LIBERTY FOR JESSICA, and DOAN, GARY E 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.

13092693806

AF#2709 Decided by a vote of 5-0 to: (1) find reason to believe that FRIENDS OF TIM JOHNSON, and SHELDEN, MARK 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#2710 Decided by a vote of 5-0 to: (1) find reason to believe that GARY SMITH FOR CONGRESS, and GARY SMITH 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#2711 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#2712 Decided by a vote of 5-0 to: (1) find reason to believe that IMUS FOR CONGRESS, and CHAD HANELY 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#2713 Decided by a vote of 5-0 to: (1) find reason to believe that JACKSON FOR VIRGINIA, and THEODORA J JACKSON 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#2714 Decided by a vote of 5-0 to: (1) find reason to believe that JESSE JACKSON JR FOR CONGRESS, and PASLEY, VICKIE 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#2715 Decided by a vote of 5-0 to: (1) find reason to believe that JIM HORN ELECTION COMMITTEE, and OLIVIA JULIA HORN 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.

13092693807

AF#2716 Decided by a vote of 5-0 to: (1) find reason to believe that JIMMIE MOORE FOR CONGRESS, and CHINN-PRATT, GAIL A. 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#2719 Decided by a vote of 5-0 to: (1) find reason to believe that KRISTIN JACOBS FOR CONGRESS, and JACOB C RICHTER 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#2720 Decided by a vote of 5-0 to: (1) find reason to believe that LAMAR STERNAD FOR CONGRESS, and JUSTIN LAMAR STERNAD 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#2721 Decided by a vote of 5-0 to: (1) find reason to believe that LEAH FOR CONGRESS, and JACOB BROWN 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#2722 Decided by a vote of 5-0 to: (1) find reason to believe that LISA MURKOWSKI FOR US SENATE, and JOSEPH M SCHIERHORN 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#2723 Decided by a vote of 5-0 to: (1) find reason to believe that LONG, WILLIAM TODD, and LONG, TODD 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.

13092693808

AF#2724 Decided by a vote of 5-0 to: (1) find reason to believe that MARAGOS4NY, and KHALEDA MALIQUE 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#2725 Decided by a vote of 5-0 to: (1) find reason to believe that MCGOFF FOR CONGRESS, and O'LAUGHLIN, MARJORIE 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#2726 Decided by a vote of 5-0 to: (1) find reason to believe that MELENDEZ FOR CONGRESS, and MAPILI, BERNIE 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#2727 Decided by a vote of 5-0 to: (1) find reason to believe that MICHAEL WILLIAMS FOR CONGRESS, and HICKS, R. STEVEN 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#2728 Decided by a vote of 5-0 to: (1) find reason to believe that MODICA FOR SENATE, and JULIEN MODICA 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#2729 Decided by a vote of 5-0 to: (1) find reason to believe that NATIONAL ASSOCIATION OF FARM SERVICE AGENCY COUNTY OFFICE EMPLOYEES INC PPC AKA NASCOE PAC, and ROBERT L REDDING JR 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#2730 Decided by a vote of 5-0 to: (1) find reason to believe that PELOQUIN FOR CONGRESS, and KACZANOWSKI, KYLE 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.

13092693809

AF#2731 Decided by a vote of 5-0 to: (1) find reason to believe that REDFIELD FOR CONGRESS, and OLIVER, JAMES 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#2733 Decided by a vote of 5-0 to: (1) find reason to believe that ROBERTS FOR CONGRESS, and ROBERTS, JUSTIN 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#2734 Decided by a vote of 5-0 to: (1) find reason to believe that ROSE MEZA HARRISON FOR CONGRESS, and GEORGE CLOWER 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#2735 Decided by a vote of 5-0 to: (1) find reason to believe that STEVE COLLETT FOR CONGRESS, and COLLETT, STEVE FED 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#2736 Decided by a vote of 5-0 to: (1) find reason to believe that TODD AKIN FOR SENATE, and ENGELBRECHT, G. SCOTT 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#2737 Decided by a vote of 5-0 to: (1) find reason to believe that VIRGIN ISLANDS FOR PLASKETT, and MARVIN L PICKERING 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.

13092693810

AF#2738 Decided by a vote of 5-0 to: (1) find reason to believe that WILSON 2012, and MARY F GRAETZER 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#2739 Decided by a vote of 5-0 to: (1) find reason to believe that ZEIN OBAGI FOR CONGRESS, and ZEIN E OBAGI JR 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 3, 2013
Date

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

13092693811



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 4, 2013

John Wallace, in official capacity as Treasurer
Brad Miller for United States Congress
P.O. Box 10322
Raleigh, NC 27605

C00371211
AF#: 2698

Dear Mr. Wallace:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file a Year End Report of Receipts and Disbursements every calendar year. This report, covering the period through December 31, 2012, was due no later than January 31, 2013. 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 this 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 3, 2013, the FEC found that there is reason to believe ("RTB") that Brad Miller for United States Congress 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 January 31, 2013. 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 \$3,850. 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 \$3,850 is due within forty (40) days of the finding, or by May 13, 2013, and is based on these factors:

Sensitivity of Report: Not Election Sensitive
Level of Activity: \$83,068
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,

13092693812

NW, Washington, DC 20463. Your response must be received within forty (40) days of the Commission's RTB finding, or May 13, 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 Brad Miller for United States Congress 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).

13092693813

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

13092693814

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 \$3,850 for the 2012 Year-End 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 13, 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: Brad Miller for United States Congress

FEC ID#: C00371211

AF#: 2698

PAYMENT DUE DATE: May 13, 2013

PAYMENT AMOUNT DUE: \$3,850

13092693815

**WALLACE
& NORDAN LLP**
ATTORNEYS AT LAW

3737 GLENWOOD AVENUE, SUITE 260
RALEIGH, NORTH CAROLINA 27612

JOHN R. WALLACE
RICHARD P. NORDAN
JOSEPH A. NEWSOME

RECEIVED
MAY 13 AM 10:21

FEC MAIL CENTER

Commission

I am in receipt of the Notice of Civil Penalty transmitted to my office by the

May 6, 2013

FEC - RAD
Reports Analysis Div.

14 MAY '13 RCVD

Ms. Sari Pickerall
Reports Analysis Division
Federal Election Commission
99 East Street Northwest
Washington, D.C. 20463

Re: Brad Miller for United States Congress
FEC ID No. C00371211

Dear Ms. Pickerall:

I am in receipt of the Notice of Civil Penalty transmitted to my office by the Commission.

Please receive this response as the Committee's initial submission, challenging the imposition of a civil penalty. Please note that the Committee anticipates the receipt of additional information and the submission of such additional information at first opportunity.

As we have discussed my telephone, the Committee engaged the services of a consulting firm to assist in the management of the Committee's incoming and outgoing mail, the management of the Committee's financial matters, and the preparation of reports of Receipts and Disbursements to the Commission. The principal of that firm was assaulted and killed by an employee thereof as a consequence, we believe, of the principal's discovery of wrongdoing, including acts of embezzlement and fraud, by the employee.

The Committee does not have possession of its financial records, inasmuch as those records remain in the custody of the Raleigh Police Department. The Committee has requested duplicate records from the Committee's bank and will provide amended reports for those periods for which amendment is necessary and appropriate.

I enclose a copy of my letter of last week to Jeffrey Jordan, Esquire, arising from my conversations with him, and further describing the measures that we intend to take to address errors in the Committee's reporting. At the present, we do not have the ability to amend accurately any filed report of the Committee.

13092693816

Sincerely,

WALLACE & NORDAN LLP

John R. Wallace

JRW/coo
Enclosure

13092693817

**WALLACE
& NORDAN LLP**
ATTORNEYS AT LAW

3737 GLENWOOD AVENUE, SUITE 250
RALEIGH, NORTH CAROLINA 27612

JOHN R. WALLACE
RICHARD R. NORDAN
JOSEPH A. NEWSOME

May 13, 2013

Ms. Ellen L. Weintraub, Chair
Federal Election Commission
c/o Office of Administrative Review
999 E. Street NW
Washington, DC 20463.

Re: Response of Brad Miller Committee
Committee # C00371211
AF # 2698

Dear Ms. Weintraub:

I am in receipt of the Notice of Civil Penalty transmitted to my office by the Commission. I serve as Treasurer, as well as counsel, to the Committee. Please receive this response as the Committee's submission, challenging the imposition of a civil penalty.

Factual Background

The Brad Miller for United States Congress Committee is the principal campaign committee of R. Bradley Miller, formerly a member of the U.S. House of Representatives, representing the 13th Congressional District in North Carolina. During the course of 2011, the North Carolina General Assembly redrew congressional district lines, significantly modifying the boundaries of the 13th Congressional District and placing Congressman Miller in the 4th Congressional District, along with incumbent Democratic Congressman David Price.

In early 2012, prior to the filing period for the filing of Notices of Candidacy, Congressman Miller determined that he would not seek election to office as a member of Congress in the 2012 election cycle. He had, prior to that time, anticipated seeking election and had engaged in activities in anticipation of that election cycle. Among other things, Congressman Miller engaged the services of SkyBlue Strategies, a proprietorship operated by Ms. Jamie Hahn, to provide campaign management, fundraising, and compliance services. Ms. Hahn was designated as the custodian of the Committee's records. At a time not known to the Committee, Ms. Hahn engaged Jonathan W. Broyhill to provide assistance with the Miller Committee.

13092693818

E. Weintraub
May 13, 2013
Page 2

During the course of 2011, SkyBlue assisted in the fundraising activities of the Committee and, through Ms. Hahn and Mr. Broyhill, prepared draft reports of contributions and expenditures, and met with me quarterly to review such draft reports. These reports were generated by the NGP reporting software utilized by SkyBlue. Upon review and approval of final reports, the reports were uploaded from the Committee's computer for electronic filing with the Commission and House Office of Public Records.

Fundraising activities and related compliance matters were the contractual obligations of SkyBlue. Therefore, during 2011, the Committee's activities largely consisted of fundraising in anticipation of the 2012 election cycle. In 2012, however, with the decision of Congressman Miller not to seek election, the Committee's activities evolved. Ms. Hahn, who had been expected to serve through 2012 as campaign manager, ceased the fundraising activities that had been the focus of her efforts. SkyBlue Strategies was, as of early 2011 and through July 2012, compensated in the amount of \$6,500.00 per month for its services. Thereafter, SkyBlue Strategies was compensated at the rate of \$2,000.00 per month for the balance of 2012.

Response of the Committee

As of January 1, 2012, the Committee had a bank balance of approximately \$160,000.00. It was the intention of the Congressman and the Committee to make refunds to some contributors and to pay certain indebtednesses of the Committee as it wound down its activities. Apparently, Mr. Broyhill was entrusted with the records of the Committee, including the checkbook, and was provided access to the Committee's post office box, phone accounts, and office. During the course of 2012, he engaged in substantial acts of embezzlement, apparently writing checks to himself and entering them in the NGP system as refunds to contributors or contributions to other candidates. By these activities, along with the expenditure of Committee funds for lawful and appropriate purposes, the balance in the Committee account was reduced to approximately \$47,000.00 by the beginning of the fourth quarter of 2012. During that fourth quarter, the Committee expended another \$17,500.00 (this computation is based upon an incomplete set of bank documents and does not recognize contributions received but not yet credited, nor checks disbursed but not yet debited).

In early 2013, I met with Mr. Broyhill with respect to the preparation of the fourth quarter report, and, subject to one or more proposed revisions, expected that such report would be timely filed by an uploading from the Committee's computer, utilizing the NGP software. Apparently, Mr. Broyhill failed to file the report. However, after the close of the first quarter of 2013, Ms. Hahn and Mr. Broyhill met with me to review the draft report of activity for the first quarter of 2013. Again, questions were raised and requests for amendment were made. In this instance, the report was uploaded, but without correction of the items identified for revision.

During the course of this period of time, other questions surfaced with respect to the Committee's financial condition, and on April 22, Mr. Broyhill met with Ms. Hahn, apparently to address her concerns regarding the activities of Mr. Broyhill. During this meeting, Mr. Broyhill assaulted Ms. Hahn, resulting in her death. In this regard, I enclose a news account of this attack, which has been printed from the web site of The News & Observer, the locally

13092693819

E. Weintraub
May 13, 2013
Page 3

prominent newspaper published in Raleigh. Mr. Broyhill has since been charged with the murder of Ms. Hahn.

Most of the records of the Committee, including bank statements, checkbook, records of accounts payable, and the laptop computers of the Committee, were in the automobile owned by Mr. Broyhill and have been seized pursuant to a search warrant issued in connection with the murder prosecution. Those records will be in the possession of the Raleigh Police Department and the Wake County District Attorney for an indeterminate period of time. The Committee has requested a complete set of bank records from PNC Bank but has not yet received any records from the bank. The Committee has, however, regained access to its post office box and has discovered that the Committee's mail had not been regularly retrieved. I am aware, now, that two or more items were sent to the Committee's post office box, which was, by October 2011, accessed only by Mr. Broyhill, and that the Commission had attempted to correspond with me through that post office box. I did not receive such correspondence. Therefore, the Committee has not yet responded to the request for additional information transmitted to me in October of 2012, nor has the Committee filed the Fourth Quarter 2012 Report, upon which this Failure to File civil penalty was based. In fact, the Committee cannot file its fourth quarter report yet, and must obtain all its bank records from PNC Bank in order to amend previously filed and apparently inaccurate reports dating back through 2012, and perhaps earlier. The Committee is unable to file later reports until these records are received and those reports filed. The Committee has consulted NGP regarding this process and has engaged a compliance specialist to assist in the accurate completion of these tasks.

Please note that the Commission has estimated the Committee's activities to be in the approximate amount of \$83,000.00 during the fourth quarter of 2012, and has based the proposed civil penalty on that estimate. It would appear that the Committee's activities are substantially less than that, in the approximate amount of \$17,500.00, although such calculation relies solely on information obtained from the bank but without access to the checkbook. The Committee is, as a consequence of the embezzlement activities, insolvent.


It is the intention of the Committee to amend and file all erroneous reports and will do so as quickly as possible. The completion of this task will require the receipt of all bank statements at minimum, and may require access to the Committee's checkbook. I am reluctant to set forth a date upon which this task can be completed, but will expedite the tasks which are necessary to restoration of an accurate public record of the Committee's financial activities. The Committee has begun the process of preparing a *sua sponte* submission to the Commission, which will include a complaint regarding the wrongful activities of Mr. Broyhill. The Committee will also make a Form 99 filing to set forth on the public record the Committee's awareness that its filed reports may not be deemed to be reliable.

I will appreciate your consideration of this submission and the abatement of the proposed civil penalty.

13092693820

E. Weintraub
May 13, 2013
Page 4

Regards,

A large, stylized handwritten signature in black ink, appearing to read 'John R. Wallace', is written over the printed name and firm name.

WALLACE & NORDAN, LLP

John R. Wallace

JRW/coo
Enclosure

13092693821

RALEIGH: Suspect in Jamie Hahn stabbing made questionable camp... <http://www.newsobserver.com/2013/04/24/2846591/woman-stabbed-i...>

NewsObserver.com

Next Story >

Group bangs the drums for imprisoned mothers

Suspect in Jamie Hahn stabbing made questionable campaign reports, ex-congressman says

Published: April 24, 2013



Jameson Kirk Hahn and Nathan Richard Hahn

Courtesy

By Josh Shaffer, Anne Blythe and Thomas McDonald — jshaffer@newsobserver.com
ablythe@newsobserver.com
tmcdonald@newsobserver.com

RALEIGH — As the Triangle mourned slain political strategist Jamie Hahn on Wednesday, attention turned to whether the man who police say stabbed her had made questionable campaign finance reports while working for Hahn's firm.

Hahn, 29, died early Wednesday from wounds sustained Monday evening, when police say Jonathan Broyhill, 31, stabbed Hahn and her husband, Nathan, in their North Raleigh home.

Broyhill worked for Sky Blue Strategies, Jamie Hahn's political consulting firm.

Former Democratic U.S. Rep. Brad Miller, who decided not to seek re-election in 2012, said he hired Sky Blue for fundraising help around 2010. Broyhill was the main person with access to fundraising software, Miller said.

"Some of the things that Jon said about the campaign finances were inconsistent with other information," Miller said Wednesday. "It's probably the case that Jamie was asking questions on behalf of the campaign about campaign finances. I think it's bound to be part of the investigation of Jon's motive."

Broyhill is a longtime friend of Nathan Hahn and acted as best man at the couple's 2009 wedding. Broyhill has been charged with attempted murder and assault with a deadly weapon with intent to kill inflicting serious injury. Raleigh police said Wednesday they expect to upgrade Broyhill's charges to murder.

He remains at WakeMed with self-inflicted injuries, police spokesman Jim Sughrue said. Sughrue declined to comment on any investigation into Broyhill's handling of campaign money.

In October, the Federal Elections Commission sent Miller campaign treasurer John Wallace a letter requesting more information about documents that appeared to show donors receiving refunds from the campaign in excess of what they paid.

13092693822

RALEIGH: Suspect in Jamie Hahn stabbing made questionable camp... <http://www.newsobserver.com/2013/04/24/2846591/woman-stabbed-i...>

Those five donors gave a combined \$8,250 in the 2012 quarterly report cited by the FEC, but the document shows the five receiving a combined \$16,800 in refunds. It's not clear whether the donors actually received refunds.

Miller emphasized that he does not know of any law enforcement inquiry into election money and said any investigation is limited to his campaign thus far. His campaign's latest report to the FEC was filed April 15, showing \$2,383 in expenses for the first quarter of 2013 and \$82,914 on hand.

"Obviously, we'll have someone look at bank records and (FEC) reports and see if people shown on the reports were paid," Miller said.

'She was my center'

A service for Jamie Hahn has been set for 11 a.m. Saturday at Raleigh's Pullen Memorial Baptist Church, where the Hahns and Broyhill were active.

"Jamie lost her struggle to live this morning," her family said in a statement issued early Wednesday. "We lost a beautiful and loving wife, daughter and friend. We all lost a pure and brave spirit."

On Wednesday morning, Nation Hahn wrote about his wife in several posts on Twitter.

"I have no idea what I am going to do without @jamiehahn. She was my center, my rock and my soulmate," he wrote.

Later, he posted, "It is almost unfathomable that the sun can shine without @jamiehahn here. Tell your loved ones how much they mean to you daily."

At a service on Tuesday, he read a poem by Aeschylus. "Even in our sleep, pain which cannot forget falls drop by drop upon the heart until, in our own despair, against our will, comes wisdom through the awful grace of God."

Friends reported Wednesday that Nation Hahn was upstairs, changing into gym clothes, on Monday evening when he heard his wife scream. He ran down to find her being attacked. He received cuts on both hands as he tried to stop the violence.

Emergency dispatchers received a 911 phone call from a woman shortly before 5:30 p.m. Monday. The caller, whom police did not identify, described Jamie Hahn as "bleeding terribly," according to a recording of the call.

Jamie Hahn had run out of the home, the recording said. The caller described multiple wounds in the abdomen area.

Police arrived on the scene and followed a trail of blood from Tealbird Drive to nearby Tealwood Place, where they found Broyhill in the Hahns' home and additional blood, according to a search warrant released Tuesday.

Police collected a knife and a bullet from the home, a search warrant said.

Both Nation Hahn and Broyhill lived from Lenoir, and the three shared common interests beyond their jobs as Democratic strategists, fundraisers and campaigners. They often watched college basketball together and Jamie Hahn's Facebook wall shows a photo of the three sipping drinks with umbrellas perched in their glasses.

On Monday nights, the three routinely gathered at the Hahn home for supper, friends said.

'Her light will shine'

Nation and Jamie Hahn, both graduates of UNC-Chapel Hill, were married in April 2009 at the First Baptist Church in Orangeburg, S.C., where many in the bride's family lived.

In its statement Wednesday, the family said Jamie Hahn "believed in justice, opportunity and fairness for all. She loved politics, and she saw the Democratic Party as the path to realize her ideals."

"She had a gift for bringing us together — black and white, young and old, gay and straight. She challenged us to work together for a better world. Her light will shine on in all of us who knew and loved her."

Miller, the former congressman, said he knew both Hahns and Broyhill.

"I spent a lot of time with Jon," he said. "Jon would sit with me when I made calls. Jamie might send Jon with me to events."

Nation Hahn also is well-known among North Carolina Democrats as an online strategist who has helped many politicians and nonprofit organizations with direct mail and email campaigns. He worked with the Coalition to Protect All N.C. Families, a campaign opposed to the state constitutional amendment that limits marriage to a union between a man and a woman.

Gary Pearce, a Democratic strategist and friend of the Hahns, posted on his Talking About Politics blog Wednesday. "Jamie and Nation had a unique quality that people responded to. They liked people. Their home was a familiar gathering place. People had fun."

"Jamie liked politics, and she was good at it. She exemplified all that is good in politics," Pearce wrote. "Yesterday, the Wake County Republican Party posted a tribute to them both. That was a class act. This is one of those times when what unites us as people is so much bigger than what divides us in politics."

Shaffer, 919-829-4818

13092693823

RALEIGH: Suspect in Jamie Hahn stabbing made questionable camp... <http://www.newsobserver.com/2013/04/24/2846591/woman-strapped-i...>

[Back to Top](#)
[< Previous Story](#)

2 NC men apprehended in soldier's shooting death

[Next Story >](#)

Group bangs the drums for imprisoned mothers

[Email Newsletters >](#)
[Manage newsletter subscriptions](#)
[Tablets >](#)
[Apps and services for tablet devices](#)
[Mobiles >](#)
[Apps and services for your mobile phone](#)
[Social Media >](#)
[Get updates via Facebook and Twitter](#)
[e-Edition >](#)
[Your daily paper delivered to your computer](#)
[Home Delivery >](#)
[Manage your home delivery account](#)
[Digital Subscriptions >](#)
[Manage your online subscriptions](#)

© 2013 www.newsobserver.com and its service sources. All Rights Reserved. <http://www.newsobserver.com>

13092693824



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Via First Class Mail

May 29, 2013

John Wallace, in official capacity as Treasurer
Brad Miller for United States Congress
P.O. Box 12065
Raleigh, NC 27605

C00371211

AF#: 2698

Dear Mr. Wallace:

On May 24, 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

13092693825

Date: May 28, 2013

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

AF#: 2698

Committee Name: Brad Miller for United States Congress

Committee ID#: C00371211

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 April 1, 2013 and RTB Certification, dated April 3, 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 Year End Report Notice, dated December 27, 2012.**
 - Non-Filer Letter, dated February 15, 2013.**
 - RTB Letter, dated April 4, 2013.**
- **Other RAD Information: (Y/N): Y**
 - Memo to File, dated April 4, 2013**

13092693826



Delivery Notification

Dear Customer,

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

Tracking Number: 1Z WF5 860 A2 9258 344 0
Reference Number(s): RAD, 2698
Service: NEXT DAY AIR
Special Instructions: ADULT SIGNATURE REQUIRED
Shipped/Billed On: 04/25/2013
Delivered On: 04/26/2013 9:22 A.M.
Delivered To: 3737 GLENWOOD AVE
260
RALEIGH, NC, US 27612
Signed By: OUTER
Location: RECEPTION

Thank you for giving us this opportunity to serve you.

Sincerely,
UPS

Tracking results provided by UPS: 04/26/2013 9:45 A.M. ET

13092693827

DECLARATION OF KRISTIN DECARMINE

1. I am the Acting Chief of the Compliance Branch for the Reports Analysis Division of the Federal Election Commission ("Commission"). In my capacity as Acting 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 Brad Miller for United States Congress:
 - A) Report Notice, dated December 27, 2012, referencing the 2012 Year End Report (sent via electronic mail to: brad@bradmiller.org);
 - B) Non-Filer Letter, dated February 15, 2013, referencing the 2012 Year End Report (sent via electronic mail to: brad@bradmiller.org);
 - C) Reason-to-Believe Letter, dated April 4, 2013 referencing the 2012 Year End Report.
3. I hereby certify that I have searched the Commission's public records and find that Brad Miller for United States Congress has not yet filed the 2012 Year End Report with the Commission.
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 28th day of May, 2013.

Kristin DeCarmine

Kristin DeCarmine
Acting Chief, Compliance Branch
Reports Analysis Division
Federal Election Commission

13092693828



YEAR-END REPORT NOTICE

FEDERAL ELECTION COMMISSION

CONGRESSIONAL COMMITTEES

December 27, 2012

CURRENT REPORT DUE:

I. 2012 GENERAL ELECTION CANDIDATES

REPORT	CLOSE OF BOOKS ¹	REG./CERT. & OVERNIGHT MAILING DEADLINE	FILING DEADLINE
Year-End	12/31/12	01/31/13	01/31/13

II. UNSUCCESSFUL 2012 PRIMARY ELECTION CAMPAIGN COMMITTEES AND CANDIDATES NOT ACTIVE IN 2012 ELECTIONS

REPORT	REPORTING PERIOD ¹	REG./CERT. & OVERNIGHT MAILING DEADLINE	FILING DEADLINE
Year-End	10/01/12 - 12/31/12	01/31/13	01/31/13

NOTE FOR COMMITTEES NOT REQUIRED TO FILE A POST-GENERAL ELECTION REPORT CHART II (see above)

For candidates who ran in 2012 but did not participate in the general election, the reporting period for the Year-End Report spans two election cycles. For this report only, committees should instead use the Post-Election Detailed Summary Page (FEC Form 3, Pages 5-8). Committees should not use the normal Detailed Summary Page.

[Click here for Supplemental Filing Information](#)

[See Page 2 for 2013 Reporting Schedule](#)

¹These dates indicate the end of the reporting period. 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.

LOOKING AHEAD TO 2013

REPORT	CLOSE OF BOOKS ¹	REG./CERT. & OVERNIGHT MAILING DEADLINE	FILING DEADLINE
April Quarterly	03/31/13	04/15/13	04/15/13
July Quarterly	06/30/13	07/15/13	07/15/13
October Quarterly	09/30/13	10/15/13	10/15/13
Year-End	12/31/13	01/31/14	01/31/14

[Click here for Supplemental Filing Information](#)

¹These dates indicate the end of the reporting period. 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.

2012 SUPPLEMENTAL FILING INFORMATION CONGRESSIONAL COMMITTEES

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

WHO MUST FILE

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

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

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

METHODS OF FILING REPORTS

Electronic Filing

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

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

Paper Filing - Meeting the Filing Deadline

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

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

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

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

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

2012 REPORTING SCHEDULE

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

COMPLIANCE

Treasurer Responsibility

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

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

Administrative Fine Program

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

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

DISCLOSURE OF LOBBYIST BUNDLING ACTIVITY

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

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

IMPORTANT FILING INFORMATION - PAPER FILERS

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

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

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

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



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-7

February 15, 2013

WALLACE, JOHN MR., TREASURER
BRAD MILLER FOR UNITED STATES CONGRESS
PO BOX 10322
RALEIGH, NC 27605

IDENTIFICATION NUMBER: C00371211

REFERENCE: YEAR-END REPORT (10/01/2012 - 12/31/2012)

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. The report must be filed with the Federal Election Commission, 999 E Street, N.W., Washington, DC 20463 for House candidates, or the Secretary of the Senate, 232 Hart Senate Office Building, Washington, DC 20510 (if sent via overnight delivery service) or Senate Office of Public Records, P.O. Box 77578, Washington, DC 20013-7578 (if sent via USPS) for Senate Candidates. Please note that electronic filers must submit their reports electronically, as per 11 CFR §104.18. A copy of the report 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.

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.

13092693833

BRAD MILLER FOR UNITED STATES CONGRESS

Page 2 of 2

If you have any questions regarding this matter, please contact Christopher Ritchie at our toll-free number (800)424-9530. Our direct local number is (202)694-1130.

Sincerely,

Debbie Chacona

Deborah Chacona
Assistant Staff Director
Reports Analysis Division

250

13092693834



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2013 JUL 31 PM 4:48

SENSITIVE

August 1, 2013

MEMORANDUM

To: The Commission

Through: Alec Palmer *for PCO*
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# 2698 – Brad Miller for United States Congress and John Wallaco, in his official capacity as Treasurer (C00371211)

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.

Please note, the Committee's challenge references the embezzlement of campaign funds. The Committee is currently involved in RR13L-19 and P-MUR558, which relate to this matter.

Attachment

13092693835



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 1, 2013

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

AF# 2698 – Brad Miller for United States Congress and John Wallace, in his official capacity as Treasurer (C00371211)

Summary of Recommendation

Make a final determination that the respondents violated 2 U.S.C. § 434(a) and assess a \$550 civil money penalty.

Reason-to-Believe Background

The 2012 Year End Report was due on January 31, 2013. The respondents filed the report on July 15, 2013, 165 days late. The report is not election sensitive and was filed more than 30 days after the due date; therefore, the report is considered not filed. 11 C.F.R. §§ 111.43(d)(1) and (e)(1).

On April 3, 2013, the Commission found reason to believe ("RTB") that the respondents violated 2 U.S.C. § 434(a) for failing to timely file the 2012 Year End Report and made a preliminary determination that the civil money penalty was \$3,850 based on the schedule of penalties at 11 C.F.R. § 111.43. A letter was mailed to the respondents' address of record from the Reports Analysis Division ("RAD") on April 4, 2013 to notify them of the Commission's RTB finding and civil money penalty.

Legal Requirements

The Federal Election Campaign Act ("Act") states that the treasurer of a principal campaign committee shall file a report for the quarter ending December 31 no later than January 31 of the following calendar year. 2 U.S.C. § 434(a)(2)(A)(iii) and 11 C.F.R. § 104.5(a)(1)(i). Reports electronically filed must be received and validated at or before 11:59 pm Eastern Standard/Daylight Time on the filing deadline 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 24, 2013, the Commission received the written response ("challenge") from the Treasurer challenging the RTB finding. The challenge explains, in part:

"Congressman Miller engaged the services of SkyBlue Strategies, a proprietorship operated by Ms. Jamie Hahn, to provide campaign management, fundraising, and compliance services. Ms. Hahn was designated custodian of the Committee's records. At a time not known to the Committee, Ms. Hahn engaged Jonathan W. Broyhill to provide assistance with the Miller Committee...Apparently, Mr.

Broyhill was entrusted with the records of the Committee, including the checkbook, and was provided access to the Committee's post office box, phone accounts, and office. During the course of 2012, he engaged in substantial acts of embezzlement, apparently writing checks to himself and entering them in the NGP [filing] system as refunds to contributors or contributions to other candidates...

In early 2013, I met with Mr. Broyhill with respect to the preparation of the [2012 Year End Report], and, subject to one or more proposed revisions, expected that such report would be timely filed by an uploading from the Committee's computer, utilizing the NGP software. Apparently, Mr. Broyhill failed to file the report. However, after the close of the first quarter of 2013, Ms. Hahn and Mr. Broyhill met with me to review the draft [2013 April Quarterly Report]. Again, questions were raised and requests for amendment were made. In this instance, the report was uploaded, but without correction of the items identified for revision.

During the course of this period of time, other questions surfaced with respect to the Committee's financial condition, and on April 22, Mr. Broyhill met with Ms. Hahn, apparently to address her concerns regarding the activities of Mr. Broyhill. During the meeting, Mr. Broyhill assaulted Ms. Hahn, resulting in her death...

Most of the records of the Committee, including bank statements, checkbook, records of accounts payable, and the laptop computers of the Committee, were in the automobile owned by Mr. Broyhill and have been seized pursuant to a search warrant issued in connection with the murder prosecution. Those records will be in the possession of [law enforcement] for an indeterminate period of time. The Committee has requested a complete set of bank records from PNC Bank but has not yet received any records from the bank. The Committee has, however, regained access to its post office box and has discovered that the Committee's mail had not been regularly retrieved. I am aware, now, that two or more items were sent to the Committee's post office box, which was, by October 2011, accessed only by Mr. Broyhill and that the Commission had attempted to correspond with me through that post office box. I did not receive such correspondence. Therefore, the Committee has not yet...filed the [2012 Year End Report], upon which this Failure to File civil penalty was based. In fact, the Committee cannot file its [Year End Report] yet, and must obtain all its bank records from PNC Bank in order to amend previously filed and apparently inaccurate reports dating back through 2012, and perhaps earlier. The Committee is unable to file later reports until these records are received and those reports filed. The Committee has consulted NGP regarding this process and has engaged a compliance specialist to assist in the accurate completion of these tasks..."

The Treasurer then notes that at the time of the RTB finding, the Commission estimated the Committee's level of activity for the 2012 Year End Report to be approximately \$83,060. He estimates the actual level of activity to be approximately \$17,500 and highlights that the Committee is currently insolvent. The Treasurer concludes by stating it is the Committee's intent

to amend and file all erroneous reports as quickly as possible after it retrieves the necessary documentation. Included with the challenge is a copy of a news article covering the assault.

Analysis

The Treasurer states that he did not receive notice that the Committee had failed to file the 2012 Year End Report due to Mr. Broyhill's failure to timely retrieve documents from their P.O. Box. However, on February 15, 2013, RAD sent the failure to file notification via email to "brad@bradmiller.org," the email address listed on the Committee's most recent Statement of Organization. Therefore, the Committee should have been aware that the 2012 Year End Report was not timely filed.

At the time of the RTB finding, the Commission used an estimated level of activity (\$83,068) to calculate the fine because the report had not yet been filed. 11 C.F.R. § 111.43(d)(2)(i). On July 15, 2013, the Commission received the respondents' 2012 Year End Report which discloses on receipts and \$19,776.72 in total disbursements, resulting in an actual level of activity of \$19,776.72. Therefore, using the schedule of penalties at 11 C.F.R. § 111.43(a), for respondents with no previous violations, and the level of activity bracket of \$10,000 - \$24,999.99, the civil money penalty is $\$550 \times [1 + (.25 \times 0)]$ or \$550, reduced from the RTB civil money penalty of \$3,850.

While the Reviewing Officer is sympathetic to the situation, delays caused by committee vendors 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 \$550 civil money penalty.

OAR Recommendations

- 1) Adopt the Reviewing Officer recommendation for AF# 2698 involving Brad Miller for United States Congress and John Wallace, in his official capacity as Treasurer, in making the final determination;
- 2) Make a final determination in AF# 2698 that Brad Miller for United States Congress and John Wallace, in his official capacity as Treasurer, violated 2 U.S.C. § 434(a) and, based on the actual level of activity disclosed on the 2012 Year End Report (\$19,776.72), assess a \$550 civil money penalty (reduced from the RTB civil money penalty of \$3,850); and
- 3) Send the appropriate letter.

Acting Reviewing Officer: Rhiamon Magruder

Attachments

Attachment 1 – Challenge Received from Respondents

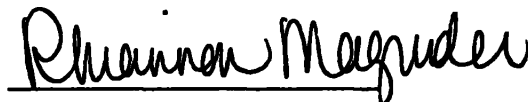
Attachment 2 –

Attachment 3 – Declaration from OAR

13092693839

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 Year End Report is due January 31, 2013. If electronically filed, it must be received and validated by the Commission at or before 11:59 p.m., Eastern Standard/Daylight Time on January 31, 2013 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, Summary Page, and Detailed Summary Pages for the 2012 Year End Report electronically filed by Brad Miller for United States Congress and John Wallace, in his official capacity as Treasurer. According to the Commission's records, the report was received on July 15, 2013 and covers the period from October 1 through December 31, 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 1st of August, 2013.



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

13092693840

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

Office Use Only

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

BRAD MILLER FOR UNITED STATES CONGRESS

ADDRESS (number and street) ▼

PO BOX 10322

Check if different
than previously
reported. (ACC)

RALEIGH

NC

27605

2. FEC IDENTIFICATION NUMBER ▼

C C00371211

CITY ▲

STATE ▲

ZIP CODE ▲

STATE ▼ DISTRICT

3. IS THIS
REPORT

X

NEW
(N) ORAMENDED
(A)

NC

13

4. TYPE OF REPORT (Choose One)

(a) Quarterly Reports:

April 15 Quarterly Report (Q1)

July 15 Quarterly Report (Q2)

October 15 Quarterly Report (Q3)

X January 31 Year-End Report (YE)

Termination Report (TER)

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

Primary (12P)

General (12G)

Runoff (12R)

Convention (12C)

Special (12S)

Election on M M / D D / Y Y Y Y

in the
State of

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

General (30G)

Runoff (30R)

Special (30S)

Election on M M / D D / Y Y Y Y

in the
State of

5. Covering Period M M / D D / Y Y Y Y 10 01 2012 through M M / D D / Y Y Y Y 12 31 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. John R. Wallace

Signature of Treasurer Mr. John R. Wallace

[Electronically Filed]

Date

M M / D D / Y Y Y Y 07 15 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 3**
(Revised 02/2003)

SUMMARY PAGE

of Receipts and Disbursements

Write or Type Committee Name

BRAD MILLER FOR UNITED STATES CONGRESS

Report Covering the Period:

From:

M 10 / D 01 / Y 2012

To:

M 12 / D 31 / Y 2012

	COLUMN A This Period	COLUMN B Election Cycle-to-Date
6. Net Contributions (other than loans)		
(a) Total Contributions (other than loans) (from Line 11(e))	0.00	267609.25
(b) Total Contribution Refunds (from Line 20(d))	0.00	3400.00
(c) Net Contributions (other than loans) (subtract Line 5(b) from Line 6(a))	0.00	264209.25
7. Net Operating Expenditures		
(a) Total Operating Expenditures (from Line 17)	19776.72	343528.38
(b) Total Offsets to Operating Expenditures (from Line 14)	0.00	4365.60
(c) Net Operating Expenditures (subtract Line 7(b) from Line 7(a))	19776.72	339162.78
8. Cash on Hand at Close of Reporting Period (from Line 27)	33138.18	
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)	14006.79	

For further information contact:

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

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

POST-ELECTION DETAILED SUMMARY PAGE**Report of Receipts and Disbursements**

FEC Form 3 (Revised 07/05)

PAGE 3 / 21

- If the candidate participated in the general election, use this form for the 30-day Post-General report.
- If the candidate did NOT participate in the general election, use this form for the Year-end report covering through December 31 of the election year (due on January 31).

This form is used in lieu of filling out Line Numbers 6 through 7 on Page 2 (Summary Page) and Pages 3 and 4 (the Detailed Summary Page) for the last report filed by a candidate during the current election cycle.

Write or Type Committee Name

BRAD MILLER FOR UNITED STATES CONGRESS

Report Covering the Period: From: M M D D Y Y Y Y 10 01 2012 To: M M D D Y Y Y Y 12 31 2012

I. RECEIPTS
COLUMN A
 Total this Period

COLUMN B
 Election Cycle Total as of

M M D D Y Y Y Y
 11 06 2012
 (date of general election)

COLUMN C
 Total for

M M D D Y Y Y Y
 11 07 2012
 (date after general election)

through

M M D D Y Y Y Y
 12 31 2012
 (last day of reporting period)
11. CONTRIBUTIONS

(other than loans) FROM:

(a) Individuals/Persons Other than Political Committees

(i) Itemized (use Schedule A)

, , 0.00 , , 111553.00 , , 0.00

(ii) Unitemized

, , 0.00 , , 35306.25 , , 0.00

(iii) Total of contributions from individuals

, , 0.00 , , 146859.25 , , 0.00

(b) Political Party Committees

, , 0.00 , , 0.00 , , 0.00

(c) Other Political Committees

, , 0.00 , , 120750.00 , , 0.00

13092693843

POST-ELECTION DETAILED SUMMARY PAGE

Report of Receipts and Disbursements

FEC Form 3 (Revised 1/01)

PAGE 4 / 21

COLUMN A Total this Period	COLUMN B Election Cycle Total as of * (date of general election) (* See page 5 for data)	COLUMN C Total for * (date after general election) through * (last day of reporting period) (* See page 5 for dates)
(d) The Candidate		
0.00	0.00	0.00
(e) TOTAL CONTRIBUTIONS (other than loans) (add Lines 11(a)(iii), (b), (c) and (d))		
0.00	287609.25	0.00
12. TRANSFERS FROM OTHER AUTHORIZED COMMITTEES		
0.00	0.00	0.00
13. LOANS:		
(a) Made or Guaranteed by the Candidate		
0.00	0.00	0.00
(b) All Other Loans		
0.00	0.00	0.00
(c) TOTAL LOANS (add Lines 13(a) and (b))		
0.00	0.00	0.00
14. OFFSETS TO OPERATING EXPENDITURES (Refunds, rebates, etc.)		
0.00	4365.60	0.00
15. OTHER RECEIPTS (Dividends, interest, etc.)		
0.00	0.00	0.00
16. TOTAL RECEIPTS (add 11(e), 12, 13(c), 14 and 15)		
0.00	271974.85	0.00

POST-ELECTION DETAILED SUMMARY PAGE

Report of Receipts and Disbursements

FEC Form 3 (Revised 1/01)

PAGE 5 / 21

Write or Type Committee Name

BRAD MILLER FOR UNITED STATES CONGRESS

Report Covering the Period: From: M M / D D / Y Y Y Y To: M M / D D / Y Y Y Y
 10 01 2012 12 31 2012

II. DISBURSEMENTS

COLUMN A Total this Period	COLUMN B Election Cycle Total as of * (date of general election) (* See page 5 for date)	COLUMN C Total for * (date after general election) through * (last day of reporting period) (* See page 5 for dates)
17. OPERATING EXPENDITURES		
19776.72	343528.38	8943.32
18. TRANSFERS TO OTHER AUTHORIZED COMMITTEES		
0.00	0.00	0.00
19. LOAN REPAYMENTS:		
(a) Of Loans Made or Guaranteed by the Candidate		
0.00	0.00	0.00
(b) Of All Other Loans		
0.00	0.00	0.00
(c) TOTAL LOAN REPAYMENTS (add Lines 19(a) and 19(b))		
0.00	0.00	0.00
20. REFUNDS OF CONTRIBUTIONS TO:		
(a) Individuals/Persons Other Than Political Committees		
0.00	3400.00	0.00
(b) Political Party Committees		
0.00	0.00	0.00

13092693845

POST-ELECTION DETAILED SUMMARY PAGE**Report of Receipts and Disbursements**

FEC Form 3 (Revised 1/01)

PAGE 6 / 21

COLUMN A Total this Period	COLUMN B Election Cycle Total as of * (date of general election) (* See page 5 for date)	COLUMN C Total for * (date after general election) through * (last day of reporting period) (* See page 5 for dates)
(c) Other Political Committees (such as PACs)		
0.00	0.00	0.00
(d) TOTAL CONTRIBUTION REFUNDS (add Lines 20(a), (b) and (c))		
0.00	3400.00	0.00
21. OTHER DISBURSEMENTS		
0.00	2250.00	0.00
22. TOTAL DISBURSEMENTS (add Lines 17, 18, 19(c), 20(d) and 21)		
19776.72	349178.38	8943.32

III. NET CONTRIBUTIONS (OTHER THAN LOANS)

(Note: Substitute in lieu of Line #6 of Summary Page for this report only; subtract Line 20(d) from Line 11(e))

0.00	264209.25	0.00
------	-----------	------

IV. NET OPERATING EXPENDITURES

(Note: Substitute in lieu of Line #7 of Summary Page for this report only; subtract Line 14 from Line 17)

19776.72	339162.78	8943.32
----------	-----------	---------

V. CASH SUMMARY

23. CASH ON HAND AT BEGINNING OF REPORTING PERIOD.....	52914.90
24. TOTAL RECEIPTS THIS PERIOD (from Line 16).....	0.00
25. SUBTOTAL (add Line 23 and Line 24).....	52914.90
26. TOTAL DISBURSEMENTS THIS PERIOD (from Line 22).....	19776.72
27. CASH ON HAND AT CLOSE OF REPORTING PERIOD (subtract Line 26 from Line 25)	33138.18



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

VIA OVERNIGHT DELIVERY

August 1, 2013

John Wallace, in official capacity as Treasurer
Brad Miller for United States Congress
P.O. Box 10322
Raleigh, NC 27605

C00371211

AF#: 2698

Dear Mr. Wallace:

On April 3, 2013, the Federal Election Commission ("Commission") found reason to believe ("RTB") that Brad Miller for United States Congress and you, in your official capacity as Treasurer ("respondents"), violated 2 U.S.C. § 434(a) for failing to file the 2012 Year End Report. The Commission also made a preliminary determination that the civil money penalty was \$3,850 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

13092693847

WALLACE
& NORDAN LLP
ATTORNEYS AT LAW

3737 GLENWOOD AVENUE, SUITE 260
RALEIGH, NORTH CAROLINA 27612

JOHN R. WALLACE
RICHARD P. NORDAN
JOSEPH A. NEWSOME

August 14, 2013

Rhiannon Magruder
Acting Reviewing Officer
Office of Administrative Review
999 E Street, NW
Washington, DC 20463

Re: AF#: 2698
C00371211

Dear Ms. Magruder:

I'm in receipt of your letter dated August 1 which arrived after I had left town for a week out of the office. I write in behalf of myself and in behalf of the Committee to accept the civil penalty as modified by the Recommendation enclosed with your letter.

However, notwithstanding our acceptance of this penalty, please note that we disagree with the finding set forth in the Analysis on page 3 of the Recommendation which notes that the RAD sent the failure to file notification via e-mail to "brad@bradmiller.org" and that therefore, the Committee was aware of the deficiency. Mr. Broyhill, the contractor engaged in the acts of embezzlement, had access to that e-mail address and was the only person to our knowledge monitoring that address. Neither Congressman Miller nor I had access to that account. As with the other communications transmitted to the Committee, the e-mail sent to the Committee through that address was apparently intercepted and concealed by Mr. Broyhill.

I would appreciate if you will include this response with the reference session with this matter and the commission structure. Thank you for your kind assistance in this regard.

Sincerely,

WALLACE & NORDAN, LLP

John R. Wallace

CC: Commission Secretary

JRW/sms

13092693848



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2013 AUG 16 PM 3: 14

August 16, 2013

MEMORANDUM

SENSITIVE

To: The Commission

Through: Alec Palmer *AP*
Staff Director

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

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

Subject: Final Determination Recommendation in AF# 2698 – Brad Miller for United States Congress and John Wallace, in his official capacity as Treasurer (C00371211)

On April 3, 2013, the Commission found reason to believe ("RTB") that the respondents violated 2 U.S.C. § 434(a) for failing to file the 2012 Year End Report. The Commission also made a preliminary determination that the civil money penalty was \$3,850 based on the schedule of penalties at 11 C.F.R. § 111.43.

On May 24, 2013, the Commission received their written response ("challenge"). After reviewing the challenge, the Reviewing Officer Recommendation ("ROR") dated July 31, 2013 was forwarded to the Commission, a copy was forwarded to the respondents, and is hereby incorporated by reference. The Reviewing Officer recommended that the Commission make a final determination that they violated 2 U.S.C. § 434(a) and based on the actual activity reported on the 2012 Year End Report (\$19,776), assess a \$550 civil money penalty (reduced from the RTB civil money penalty of \$3,850) because 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).

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 August 14, 2013, the Treasurer submitted a response which indicates the respondents accept the modified civil money penalty of \$550. In addition, the Treasurer states:

13092693849

13092693850

"...Please note that we disagree with the finding set forth in the [ROR] which notes that the RAD sent the failure to file notification via e-mail to 'brad@bradmiller.org' and that therefore, the Committee was aware of the deficiency. Mr. Broyhill, the contractor engaged in the acts of embezzlement, had access to that e-mail address and was the only person to our knowledge monitoring that address. Neither Congressman Miller nor I had access to that account. As with the other communications transmitted to the Committee, the e-mail sent to the Committee through that address was apparently intercepted and concealed by Mr. Broyhill..."

As addressed in the ROR, delays caused by committee vendors is included at 11 C.F.R. § 111.35(d) as an example of a circumstance that will not be considered reasonably unforeseen and beyond the respondents' control. 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 \$550 civil money penalty (reduced from the RTB civil money penalty of \$3,850).

OAR Recommendations

- 1) Adopt the Reviewing Officer recommendation for AF# 2698 involving Brad Miller for United States Congress and John Wallace, in his official capacity as Treasurer, in making the final determination;
- 2) Make a final determination in AF# 2698 that Brad Miller for United States Congress and John Wallace, in his official capacity as Treasurer, violated 2 U.S.C. § 434(a) and, based on the actual level of activity disclosed on the 2012 Year End Report (\$19,776.72), assess a \$550 civil money penalty (reduced from the RTB civil money penalty of \$3,850); and
- 3) Send the appropriate letter.

Acting Reviewing Officer: Rhiannon Magruder

Attachment

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) AF 2698
Final Determination Recommendation:)
Brad Miller for United States Congress)
and John Wallace, in his official)
capacity as Treasurer (C00371211))

CERTIFICATION

I, Shelley E. Garr, recording secretary for the Federal Election Commission executive session on October 22, 2013, do hereby certify that the Commission decided by a vote of 4-0 to terminate the proceedings in AF 2698.

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

Attest:

October 22, 2013

Date

Shelley E. Garr

Shelley E. Garr

Deputy Secretary of the Commission

13092693851



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 1, 2013

John Wallace, in official capacity as Treasurer
Brad Miller for United States Congress
P.O. Box 10322
Raleigh, NC 27605

C00371211

AF#: 2698

Dear Mr. Wallace:

On April 3, 2013, the Federal Election Commission ("Commission") found reason to believe ("RTB") that Brad Miller for United States Congress and you, in your official capacity as Treasurer ("respondents"), violated 2 U.S.C. § 434(a) for failing to file the 2012 Year End Report. By letter dated April 4, 2013, the Commission sent notification of the RTB finding that included a civil money penalty calculated at RTB of \$3,850 in accordance with the schedule of penalties at 11 C.F.R. § 111.43. On May 24, 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 Brad Miller for United States Congress and you, in your official capacity as Treasurer, violated 2 U.S.C. § 434(a) and, based on the actual level of activity disclosed on the 2012 Year End Report (\$19,776.72), assess a \$550 civil money penalty (reduced from the RTB civil money penalty of \$3,850) in accordance with 11 C.F.R. § 111.43. A copy of the Reviewing Officer Recommendation (ROR) was sent to you on July 31, 2013. On August 14, 2013, the Commission received your written response to the ROR.

On October 22, 2013, the Commission failed to adopt the Reviewing Officer's recommendations contained in the Final Determination Recommendation (attached). The Commission then voted to terminate the proceedings pursuant to 11 C.F.R. § 111.37(b) and close the file.

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

13092693852

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

On behalf of the Commission,

A handwritten signature in black ink that reads "Ellen L. Weintraub". The signature is fluid and cursive, with a long horizontal flourish extending from the end of the name.

Ellen L. Weintraub
Chair

Attachment

13092693853



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 2698

DATE SCANNED 12-11-13

SCANNER NO. 2

SCAN OPERATOR JmW

13092693854