



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 2708

DATE SCANNED 7-17-13

SCANNER NO. 2

SCAN OPERATOR AmP

13092690773



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. Orrock 
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.

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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.

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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
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2708	C00501361	FRIENDS OF MARK NEUMANN INC	NEUMANN, MARK W	JACK VOIGHT	\$7,562,349	0		Not Filed	\$1,260,392 (est)	\$12,000
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13092690776

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Reason To Believe Recommendation –)
2012 Year-End Report for the)
Administrative Fine Program:)

13092690777

Federal Election Commission
Certification for Administrative Fines
April 03, 2013

Page 2

FRIENDS OF MARK NEUMANN INC,) AF# 2708
and JACK VOIGHT as treasurer;)

13092690778

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:

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**Federal Election Commission
Certification for Administrative Fines
April 03, 2013**

Page 6

13092690780

AF#2708 Decided by a vote of 5-0 to: (1) find reason to believe that FRIENDS OF MARK NEUMANN INC, and JACK VOIGHT as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount

Federal Election Commission
Certification for Administrative Fines
April 03, 2013

Page 7

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

13092690781

Federal Election Commission
Certification for Administrative Fines
April 03, 2013

Page 11

13092690782

April 3, 2013
Date

Attest:

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



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 4, 2013

Jack Voight, in official capacity as Treasurer
Friends of Mark Neumann Inc.
P.O. Box 499
Waukesha, WI 53187

C00501361
AF#: 2708

Dear Mr. Voight:

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 Friends of Mark Neumann Inc. 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 \$12,000. 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 \$12,000 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: \$1,260,392
Number of Days Late: Not Filed
Number of Previous Civil Money Penalties Assessed: 0

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

1. If You Choose to Challenge the RTB Finding and/or Civil Money Penalty

If you should decide to challenge the RTB finding and/or calculated civil money penalty, you must submit a written response, including the AF# found at the top of page 1 under your committee's identification number, to the FEC's Office of Administrative Review, 999 E Street,

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NW, Washington, DC 20463. Your response must be received within forty (40) days of the Commission's RTB finding, or May 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 Friends of Mark Neumann Inc. and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty.

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

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3. If You Choose to Pay the Civil Money Penalty

If you should decide to pay the calculated civil money penalty, send the enclosed remittance form, along with your payment, to the FEC at the address on page 4. Upon receipt of your payment, the FEC will send you a final determination letter.

This matter was generated based on information ascertained by the FEC in the normal course of carrying out its supervisory responsibilities. 2 U.S.C. § 437g(a)(2). It will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and 437g(a)(12)(A) until it is placed on the public record in accordance with 11 CFR § 111.42, unless you notify the FEC in writing that you wish the matter to be made public.

As noted earlier, you may obtain additional information on the FEC's administrative fine program, including the final regulations, on the FEC's website at <http://www.fec.gov/af/af.shtml>. If you have questions regarding the payment of the calculated civil money penalty, please contact Sari Pickerall in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130. If you have questions regarding the submission of a challenge, please contact the Office of Administrative Review at our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

On behalf of the Commission,



Ellen L. Weintraub
Chair

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ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 CFR § 111.43, the amount of your civil money penalty calculated at RTB is \$12,000 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: Friends of Mark Neumann Inc.

FEC ID#: C00501361

AF#: 2708

PAYMENT DUE DATE: May 13, 2013

PAYMENT AMOUNT DUE: \$12,000

13092690786

Mark Neumann
Friends of Mark Neumann, Inc.

W330 N6233 Hasslinger Drive
Nashotah, WI 53058
262.966.1001

RECEIVED
2013 APR 10 AM 11:38
FEC MAIL CENTER

April 9, 2013

FEC
Office of Administrative Review
999 E Street NW
Washington, DC 20463

RE: C00501361, AF# 2708

Dear Administrative Review,

I am in receipt of your letter dated April 4, 2013 regarding your contention that our 2012 Year End Report of Receipts was not filed. Please let this letter be notice that we are challenging the RTB finding that we did not submit this report.

I have enclosed a copy of the front page of our 2012 year-end report of receipts and disbursements stamped as received by the Secretary of the Senate on January 31, 2013 at 12:53pm. I believe this is proof that we did submit the report on time and your letter is in error. To our knowledge, the Secretary of the Senate would not have stamped the report received unless they had it in hand.

As a courtesy, at your request we would be willing to resubmit but will need the failure to file notice removed from the FEC website immediately and written verification that this was an error on the part of the FEC and not our campaign.

For future correspondence, please use the address and phone number on this letterhead. The P.O. Box has been discontinued.

Please let me know if you have any questions.

Thank you,



Kelly O'Donnell
Co-Treasurer

CC: Ginny Badanes, CMDI

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FEC
FORM 3

REPORT OF RECEIPTS AND DISBURSEMENTS

For An Authorized Committee

RECEIVED
SECRETARY OF THE SENATE
PUBLIC RECORDS
2013 APR 10 AM 11:38
FEC MAIL CENTER
PH 12:53

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

12FE4M5

Friends of Mark Neumann, Inc.

ADDRESS (number and street)

PO Box 499

Check if different
than previously
reported. (ACC)

Waukesha

WI

53187-0499

2. FEC IDENTIFICATION NUMBER ▼

CITY ▲

STATE ▲

ZIP CODE ▲

STATE ▼ DISTRICT

C

C00501381

3. IS THIS
REPORTNEW
(N)

OR

AMENDED
(A)

WI

4. TYPE OF REPORT (Choose One)

(a) Quarterly Reports:



April 15 Quarterly Report (Q1)



July 15 Quarterly Report (Q2)



October 15 Quarterly Report (Q3)



January 31 Year-End Report (YE)



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 Y

M M / D D / Y Y Y Y Y

M M / D D / Y Y Y Y Y

in the
State of

M M / D D / Y Y Y Y Y

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



General (30G)



Runoff (30R)



Special (30S)

Election on

M M / D D / Y Y Y Y Y

M M / D D / Y Y Y Y Y

M M / D D / Y Y Y Y Y

in the
State of

M M / D D / Y Y Y Y Y

5. Covering Period

M M / D D / Y Y Y Y Y

M M / D D / Y Y Y Y Y

M M / D D / Y Y Y Y Y

through

M M / D D / Y Y Y Y Y

M M / D D / Y Y Y Y Y

M M / D D / Y Y Y Y Y

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

Signature of Treasurer

Date

M M / D D / Y Y Y Y Y

M M / D D / Y Y Y Y Y

M M / D D / Y Y Y Y Y

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
OnlyFEC FORM 3
(Revised 02/2003)

FESAN018

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Via First Class Mail

April 11, 2013

Jack Voight, in official capacity as Treasurer
Friends of Mark Neumann, Inc.
P.O. Box 499
Waukesha, WI 53187

C00501361

AF#: 2708

Dear Mr. Voight:

On April 10, 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 cursive script that reads "Rhiannon Magruder".

Rhiannon Magruder
Acting Reviewing Officer
Office of Administrative Review

13092690789

Date: April 11, 2013

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

AF#: 2708

Committee Name: Friends of Mark Neumann Inc.

Committee ID#: C00501361

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):** Y
- **Proof of Delivery (to be forwarded at later date if not yet received) (Y/N):** Y
- **Telecoms and Visitcoms in Response to RTB Letter (Y/N):** N
- **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, 2013.
 - Non-Filer Letter, dated February 19, 2013.
 - RTB Letter, dated April 4, 2013.
- **Other RAD Information: (Y/N):** Y

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Date: 04/09/2013

SARI PICKERALL:

The following is in response to your 04/09/2013 request for delivery information on your Express Mail(R) item number EM30 2697 260U S. The delivery record shows that this item was delivered on 04/08/2013 at 03:17 PM in NASHOTAH, WI 53058 to K NEWMAN. The scanned image of the recipient information is provided below.

Signature of Recipient:

Kelly O'Connell

Address of Recipient:

*W330 N4233 Hasselburg Dr
Nashotah, WI 53058*

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local Post Office or postal representative.

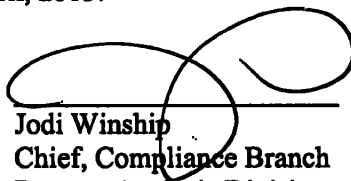
Sincerely,

United States Postal Service

13092690791

DECLARATION OF JODI WINSHIP

1. I am the Chief of the Compliance Branch for the Reports Analysis Division of the Federal Election Commission ("Commission"). In my capacity as Chief of the Compliance Branch, I oversee the initial processing of the Administrative Fine Program. I make this declaration based on my personal knowledge and, if called upon as a witness, could and would testify competently to the following matters.
2. I hereby certify that documents identified herein are true and accurate copies of the following sent by the Commission to Friends of Mark Neumann Inc.:
 - A) Report Notice, dated December 27, 2012, referencing the 2012 Year End Report (sent via electronic mail to: neumannforsenate@gmail.com);
 - B) Non-Filer Letter, dated February 19, 2013, referencing the 2012 Year End Report (sent via electronic mail to: neumannforsenate@gmail.com);
 - 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 Friends of Mark Neumann Inc. 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 telecöms for the matter have been provided. This declaration was executed at Washington, D.C. on the 11th day of April, 2013.



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

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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	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 32 [PDF]. See 11 CFR 104.3(f).

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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 19, 2013

JACK VOIGHT, TREASURER
FRIENDS OF MARK NEUMANN INC
PO BOX 499
WAUKESHA, WI 53187-0499

IDENTIFICATION NUMBER: C00501361

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.

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FRIENDS OF MARK NEUMANN INC

Page 2 of 2

If you have any questions regarding this matter, please contact Sari Pickerall 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

13092690798



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2013 APR 29 PM 2:33

SENSITIVE

April 29, 2013

MEMORANDUM

To: The Commission

Through: Alec Palmer *AP*
Staff Director

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

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

Subject: AF# 2708 – Friends of Mark Neumann, Inc. and Jack Voight, in his official capacity as Treasurer (C00501361)

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

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

Attachment

13092690799



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 29, 2013

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

AF# 2708 – Friends of Mark Neumann, Inc. and Jack Voight, in his official capacity as Treasurer
(C00501361)

Summary of Recommendation

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

Reason-to-Believe Background

On March 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 \$12,000 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). All reports required to be filed by the principal campaign committee of a candidate for the office of U.S. Senator shall be filed with the Secretary of the Senate. 2 U.S.C. § 432(g) and 11 C.F.R. § 105.2. Hand delivered documents must be received by the close of business on the prescribed filing date to be timely filed. 2 U.S.C. § 434(a)(5), and 11 C.F.R. §§ 100.19 and 104.5(e). The treasurer shall be personally responsible for the timely filing of reports. 11 C.F.R. § 104.14(d).

Respondents' Challenge

On April 10, 2013, the Commission received the written response ("challenge") from Kelly O'Donnell, Assistant Treasurer, challenging the RTB finding because the report was timely filed with the Secretary of Senate's Office of Public Records. The challenge states that the report was time stamped by the Secretary of Senate on January 31, 2013 at 12:53 p.m., thus the RTB finding is in error.

The respondents indicate the Committee is willing to resubmit the report, if necessary. The challenge requests that the notice of failure to file be removed from the FEC website immediately and also asks for written verification that the error was on the part of the FEC. Included with the challenge is a copy of the cover page of the 2012 Year End Report, time stamped by the Secretary of Senate.

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On April 12, 2013, the Assistant Treasurer submitted additional information about the delivery of the report to the Secretary of Senate, clarifying the report was hand delivered. As part of the vendor's delivery process, the vendor asks that an internal copy of the report cover page be time stamped as verification of receipt. Secretary of Senate staff "compare the internal cover page to the real cover page to confirm they go together, then stamp both of them right in a row, and hand us our receipt [cover page] back." This process is repeated for each report submitted by the vendor, which are handed to Secretary of Senate staff individually. The Committee notes that two other reports submitted by the vendor during that same delivery were processed correctly and appear on the FEC website.

Analysis

At the time of RTB, Commission records indicated that the respondents had not filed the 2012 Year End Report. Therefore, additional information was requested from the Office of the Secretary of the Senate's Office of Public Records ("OPR"), the point of entry for reports filed by Senate committees.

The Superintendent of OPR states in her response that OPR located the Committee's 2012 Year End Report in OPR archives. On April 15, 2013, OPR transmitted the report to the Commission with a processing page indicating the report was hand delivered on January 31, 2013. Subsequently, the Commission removed the notification of failure to file from the public record.

Given OPR's confirmation that the respondents' 2012 Year End Report was timely delivered on January 31, 2013, the Commission's RTB finding was based on a factual error. 11 C.F.R. § 111.35(b)(1). The Reviewing Officer, therefore, recommends that the Commission take no further action and close the file.

OAR Recommendations

- (1) Take no further action in AF# 2708 that Friends of Mark Neumann, Inc. and Jack Voight, in his official capacity as Treasurer, violated 2 U.S.C. § 434(a) and close the file; and
- (2) Send the appropriate letter.

Acting Reviewing Officer: Rhiannon Magruder

Attachments

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

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DECLARATION OF RHIANNON MAGRUDER

1. I am the Reviewing Officer in the Office of Administrative Review for the Federal Election Commission ("Commission"). In my capacity as Reviewing Officer, I conduct research with respect to all challenges submitted in accordance with the Administrative Fine program.
2. The 2012 Year End Report is due January 31, 2013. Senate principal campaign committees must file reports with the Secretary of the Senate. If the report is hand delivered, it must be received by the close of business on January 31 to be timely filed.
3. It is the practice of the Office of Public Records, Secretary of the Senate to date stamp each report as it is received and complete an envelope processing page disclosing the method used to file the report as well as either the date of receipt or postmark.
4. I hereby certify that I have searched the Commission's public records and that the documents identified herein are the true and accurate copies of the cover page and the Senate Office of Public Records processing sheet for the 2012 Year End Report filed by Friends of Mark Neumann, Inc. and Jack Voight, in official capacity as Treasurer. According to the Commission's records, the report covers the period from October 1, 2012 through December 31, 2012, and was hand delivered on January 31, 2013.
5. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at Washington on the 29th of April, 2013.



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

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FEC
FORM 3REPORT OF RECEIPTS
AND DISBURSEMENTS
For An Authorized CommitteeRECEIVED
SECRETARY OF THE SENATE
PUBLIC RECORDS13 JAN 31 PM 12:55
Office Use Only

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

12FE4M5

Friends of Mark Neumann, Inc.

ADDRESS (number and street) PO Box 499

☐ Check if different than previously reported. (ACC)

Waukesha

WI

53187-0499

2. FEC IDENTIFICATION NUMBER ▼

C C00501361

CITY ▲ STATE ▲
3. IS THIS REPORT ☒ NEW (N) OR ☐ AMENDED (A)ZIP CODE ▲
STATE ▼ DISTRICT
WI

4. TYPE OF REPORT (Choose One)

(a) Quarterly Reports:

- ☐
- April 15 Quarterly Report (Q1)
-
- ☐
- July 15 Quarterly Report (Q2)
-
- ☐
- October 15 Quarterly Report (Q3)
-
- ☒
- January 31 Year-End Report (YE)
-
- ☐
- Termination Report (TER)

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

- ☐
- Primary (12P)
- ☐
- General (12G)
- ☐
- Runoff (12R)
-
- ☐
- Convention (12C)
- ☐
- Special (12S)

Election on MM/DD/YYYY In the State of

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

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

Election on MM/DD/YYYY In the State of

5. Covering Period

MM/DD/YYYY through MM/DD/YYYY
10 01 2012 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

Kelly O'Donnell Co-treasurer

Signature of Treasurer

Kelly O'Donnell

Date

MM/DD/YYYY
01 31 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
OnlyFEC FORM 3
(Revised 02/2003)

FESAN018

13092690803

13-02-016-0363

13020160363

NANCY ERICKSON
SECRETARY

DANA E. MCCALLUM
SUPERINTENDENT

HART SENATE OFFICE BUILDING
SUITE 232
WASHINGTON, DC 20510-7116
PHONE: (202) 224-0322

United States Senate

OFFICE OF THE SECRETARY

OFFICE OF PUBLIC RECORDS

THE PRECEDING DOCUMENT WAS:

HAND DELIVERED

01-31-13

Date of Receipt

USPS FIRST CLASS MAIL

Postmark

USPS REGISTERED/CERTIFIED

Postmark

USPS PRIORITY MAIL

Postmark

DELIVERY CONFIRMATION OR SIGNATURE CONFIRMATION LABEL ☐

USPS EXPRESS MAIL

Postmark

OVERNIGHT DELIVERY SERVICE:

SHIPPING DATE

NEXT BUSINESS DAY DELIVERY

FEDERAL EXPRESS

☐

UPS

☐

DHL

☐

AIRBORNE EXPRESS

☐

RECEIVED FROM FEDERAL ELECTION COMMISSION

Date of Receipt

POSTMARK ILLEGIBLE ☐

NO POSTMARK ☐

FAX

Date of Receipt

OTHER

Date of Receipt or Postmark

PREPARER

RD

DATE PREPARED

01-31-13

13092690804

13-02-016-0510

13020160510



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

VIA OVERNIGHT DELIVERY

April 29, 2013

Jack Voight, in official capacity as Treasurer
Friends of Mark Neumann, Inc.
P.O. Box 499
Waukesha, WI 53187

C00501361

AF#: 2708

Dear Mr. Voight:

On March 3, 2013, the Federal Election Commission ("Commission") found reason to believe ("RTB") that Friends of Mark Neumann, Inc. 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 \$12,000 based on the schedule of penalties at 11 C.F.R. § 111.43.

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

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

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

Sincerely,

Rhiannon Magruder

Rhiannon Magruder
Acting Reviewing Officer
Office of Administrative Review

13092690805



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2013 MAY 23 AM 10: 08

May 23, 2013

MEMORANDUM

SENSITIVE

To: The Commission

Through: Alec Palmer *AP*
Staff Director

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

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

Subject: Final Determination Recommendation in AF# 2708 – Friends of Mark Neumann, Inc. and Jack Voight, in his official capacity as Treasurer (C00501361)

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 \$12,000 based on the schedule of penalties at 11 C.F.R. § 111.43.

On April 10, 2013, the Commission received their written response ("challenge"). After reviewing the challenge, the Reviewing Officer's recommendation ("ROR") dated April 29, 2013 was forwarded to the Commission, a copy was forwarded to the respondents, and is hereby incorporated by reference. Given the Secretary of Senate's Office of Public Records' confirmation that the respondents' 2012 Year End Report was timely delivered on January 31, 2013, the Commission's RTB finding was based on a factual error. 11 C.F.R. § 111.35(b)(1). Therefore, the Reviewing Officer recommended that the Commission take no further action and close the file.

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

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OAR Recommendations

- (1) Take no further action in AF# 2708 that Friends of Mark Neumann, Inc. and Jack Voight, in his official capacity as Treasurer, violated 2 U.S.C. § 434(a) and close the file; and
- (2) Send the appropriate letter.

Acting Reviewing Officer: Rhiannon Magruder

13092690807

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Final Determination Recommendation:) AF 2708
Friends of Mark Neumann, Inc. and Jack)
Voight, in his official capacity as)
Treasurer (C00501361))

CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on June 05, 2013, the Commission decided by a vote of 5-0 to take the following actions in AF# 2708:

1. Take no further action in AF# 2708 that Friends of Mark Neumann, Inc. and Jack Voight, in his official capacity as Treasurer, violated 2 U.S.C. § 434(a) and close the file.
2. Send the appropriate letter.

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

Attest:

June 6, 2013
Date

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

13092690808



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 14, 2013

VIA OVERNIGHT DELIVERY

Jack Voight, in official capacity as Treasurer
Friends of Mark Neumann, Inc.
P.O. Box 499
Waukesha, WI 53187

C00501361
AF# 2708

Dear Mr. Voight:

On April 3, 2013, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Friends of Mark Neumann, Inc. and you, in your official capacity as Treasurer, 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 \$12,000 in accordance with the schedule of penalties at 11 C.F.R. § 111.43. On April 10, 2013, the Office of Administrative Review received your written response, challenging the RTB finding.

The Reviewing Officer reviewed the Commission's RTB finding with its supporting documentation and the written response. Based on this review, the Reviewing Officer recommended that the Commission take no further action because you timely filed the report. The basis for the Reviewing Officer's recommendation was included in the Final Determination Report, a copy of which was sent to you on April 29, 2013.

On June 5, 2013, the Commission adopted the Reviewing Officer's recommendation to take no further action with respect to 2 U.S.C. § 434(a) and close the file. A copy of the final determination recommendation is attached.

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

13092690809

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,



Ellen L. Weintraub
Chair

Attachment

13092690810



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 2768

DATE SCANNED 7-17-13

SCANNER NO. 2

SCAN OPERATOR Imp

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