



FEDERAL ELECTION COMMISSION  
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 2754

DATE SCANNED

8/12/14

SCANNER NO.

2

## SCAN OPERATOR

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RECEIVED  
FEDERAL ELECTION  
COMMISSION  
SECRETARIAT

FEDERAL ELECTION COMMISSION 2013 JUL 22 PM 2:31  
WASHINGTON, D.C. 20463

July 22, 2013

MEMORANDUM

**SENSITIVE**

TO: The Commission

THROUGH: Alec Palmer *for PCO*  
Staff Director

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

Debbie Chacona *DC*  
Assistant Staff Director  
Reports Analysis Division

BY: Kristin DeCarmine/Sari Pickerall *KS DP*  
Compliance Branch

SUBJECT: Withdrawal and Resubmission of Reason To Believe  
Recommendation - 2013 April Quarterly Report for the  
Administrative Fine Program

We are withdrawing the document circulated to the Commission on July 19, 2013 in order to reflect shortened coverage dates for two committees representing candidates participating in special elections

Attached is the list of political committees and their treasurers who failed to file the 2013 April Quarterly Report in accordance with 2 U.S.C. 434(a). The April Quarterly Report was due on April 15, 2013.

The committees listed in the attached RTB Circulation Report failed to file the report. In accordance with the schedule of civil money penalties for reports at 11 CFR 111.43, these committees should be assessed the civil money penalties highlighted on the attached circulation report.

**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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Federal Election Commission  
Reason to Believe Circulation Report  
2013 APRIL QUARTERLY Not Election Sensitive 04/15/2013 H\_S\_P

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
2749	C00540385	BEALE FOR CONGRESS	BEALE, ANTHONY A	STEVEN R. BURRIS	\$124,222	0		Not Filed	\$124,222 (est)	\$4,950
2750	C00305920	JESSE JACKSON JR FOR CONGRESS	JACKSON, JESSE JR	VICKIE PASLEY	\$206,675	1		Not Filed	\$206,675 (est)	\$8,937

2752	C00503284	PAM GULLESON FOR NORTH DAKOTA	GULLESON, PAM	JOSEPH KROEBER	\$255,391	0		Not Filed	\$255,391 (est)	\$8,800
2753	C00519231	RAYE FOR CONGRESS	RAYE, KEVIN L	ARTHUR A. COMSTOCK	\$195,175	0		Not Filed	\$195,175 (est)	\$6,050
2754	C00518027	STEVE SALAZAR FOR CONGRESS	SALAZAR, STEVE	ROSARIO RODRIGUEZ	\$110,712	1		Not Filed	\$110,712 (est)	\$6,187

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
)  
Withdrawal and Resubmission of Reason )  
To Believe Recommendation – 2013 April )  
Quarterly Report for the Administrative )  
Fine Program: )  
BEALE FOR CONGRESS, and STEVEN R ) AF# 2749  
BURRIS as treasurer; )  
JESSE JACKSON JR FOR CONGRESS, ) AF# 2750  
and PASLEY, VICKIE as treasurer: )  
  
PAM GULLESON FOR NORTH ) AF# 2752  
DAKOTA, and KROEBER, JOSEPH as )  
treasurer; )  
RAYE FOR CONGRESS, and ARTHUR A ) AF# 2753  
COMSTOCK as treasurer; )  
STEVE SALAZAR FOR CONGRESS, and ) AF# 2754  
ROSARIO RODRIGUEZ as treasurer; )

CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on July 23, 2013 the Commission took the following actions on the Withdrawal and Resubmission of Reason To Believe Recommendation – 2013 April Quarterly Report for the Administrative Fine Program as recommended in the Reports Analysis Division's Memorandum dated July 22, 2013, on the following committees:

AF#2749 Decided by a vote of 5-0 to: (1) find reason to believe that BEALE FOR CONGRESS, and STEVEN R BURRIS 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.

Federal Election Commission  
Certification for Administrative Fines  
July 23, 2013

Page 2

AF#2750 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#2752 Decided by a vote of 5-0 to: (1) find reason to believe that PAM GULLESON FOR NORTH DAKOTA, and KROEBER, JOSEPH 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#2753 Decided by a vote of 5-0 to: (1) find reason to believe that RAYE FOR CONGRESS, and ARTHUR A COMSTOCK 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#2754 Decided by a vote of 5-0 to: (1) find reason to believe that STEVE SALAZAR FOR CONGRESS, and ROSARIO RODRIGUEZ 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:

July 24, 2013  
Date

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



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

July 24, 2013

Rosario Rodriguez, in official capacity as Treasurer  
Steve Salazar for Congress  
1033 N. Zang Blvd.  
Dallas, TX 75208

C00518027  
AF#: 2754

Dear Ms. Rodriguez:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file an April Quarterly Report of Receipts and Disbursements every calendar year. This report, covering the period January 1, 2013 through March 31, 2013, shall be filed no later than April 15, 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 July 23, 2013, the FEC found that there is reason to believe ("RTB") that Steve Salazar for 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 April 15, 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 \$6,187. 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 \$6,187 is due within forty (40) days of the finding, or by September 1, 2013, and is based on these factors:

Sensitivity of Report: Not Election Sensitive  
Level of Activity: \$110,712  
Number of Days Late: Not Filed  
Number of Previous Civil Money Penalties Assessed: 1

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 September 1, 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 Steve Salazar for 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).



**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.

**NOTICE REGARDING PARTIAL PAYMENTS AND SETTLEMENT OFFERS**

**4. Partial Payments**

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

**5. Settlement Offers**

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

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*

Ellen L. Weintraub  
Chair

14062697919

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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 \$6,187 for the 2013 April Quarterly 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 September 1, 2013. Upon receipt of your remittance and payment, the FEC will send you a final determination letter.

**PAYMENTS BY PERSONAL CHECK**

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

**PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT**  
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FOR: Steve Salazar for Congress

FEC ID#: C00518027

AF#: 2754

PAYMENT DUE DATE: September 1, 2013

PAYMENT AMOUNT DUE: \$6,187



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
SECRETARIAT

2013 OCT 29 PM 5:17

October 29, 2013 **SENSITIVE**

**MEMORANDUM**

TO: The Commission

THROUGH: Alec Palmer *AP* *PCO*  
Staff Director

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

Debbie Chacona *DC*  
Assistant Staff Director  
Reports Analysis Division

BY: Kristin DeCarmine *KD* Sari Pickerall *SP*  
Compliance Branch

SUBJECT: Administrative Fine Program – Final Determination Recommendation for the  
2013 April Quarterly Report

Attached is a list of political committees and their treasurers against which the Commission has found reason to believe (RTB) and assessed proposed civil money penalties calculated at RTB for failure to file or failure to timely file the 2013 April Quarterly Report. These committees have not paid the civil money penalty requested at RTB and have been given at least forty (40) days from the date of the Commission's RTB finding to remit payment.

In accordance with 11 CFR § 111.40, the Commission shall send a final determination notice to those respondents that have not paid the civil money penalty.

For your information, two (2) committees disclosed a level of activity after the RTB finding which would result in a lowered civil money penalty. Of these, one (1) committee will be assessed a civil money penalty at Final Determination (FD) that has been reduced since the RTB finding, and one (1) committee will be assessed a civil money penalty of \$0 at FD. An overview of each of these cases has been provided below.

Pam Guleson for North Dakota (AF 2752) filed the 2013 April Quarterly Report after the RTB finding and disclosed an actual level of activity which would result in a lowered civil



Federal Election Commission  
FD Circulation Report Fine Not Paid  
2013 APRIL QUARTERLY Not Election Sensitive 04/15/2013 H\_S\_P

AF#	Committee Name	Candidate Name	Committee ID	Treasurer	Receipt Date	Days Late	LOA	PV	RTB Date	RTB Penalty	Days Since	FD Penalty
2749	BEALE FOR CONGRESS	BEALE, ANTHONY A	C00540385	STEVEN R. BURRIS	09/26/2013	Not Filed	\$149,205	0	07/23/2013	\$4,950	RTB 98	\$4,950
2750	JESSE JACKSON JR FOR CONGRESS	JACKSON, JESSE JR	C00305920	OFFICE OF TREASURER		Not Filed	\$206,675 (est)	1	07/23/2013	\$8,937	98	\$8,937
2752	PAM GULLESON FOR NORTH DAKOTA	GULLESON, PAM	C00503284	JOSEPH KROEBER	08/30/2013	Not Filed	\$5,500	0	07/23/2013	\$8,800	98	\$330
2753	RAYE FOR CONGRESS	RAYE, KEVIN L.	C00519231	NICHI S. FARNHAM	09/09/2013	Not Filed	\$0	0	07/23/2013	\$6,050	98	NONE
2754	STEVE SALAZAR FOR CONGRESS	SALAZAR, STEVE	C00518027	ROSARIO RODRIGUEZ		Not Filed	\$110,712 (est)	1	07/23/2013	\$6,187	98	\$6,187

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
)  
Administrative Fine Program – Final )  
Determination Recommendation for the )  
2013 April Quarterly Report: )  
BEALE FOR CONGRESS, and STEVEN R ) AF# 2749  
BURRIS as treasurer; )  
  
PAM GULLESON FOR NORTH ) AF# 2752  
DAKOTA, and KROEBER, JOSEPH as )  
treasurer; )  
STEVE SALAZAR FOR CONGRESS, and ) AF# 2754  
ROSARIO RODRIGUEZ as treasurer; )

CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on October 31, 2013 the Commission took the following actions on the Administrative Fine Program – Final Determination Recommendation for the 2013 April Quarterly Report as recommended in the Reports Analysis Division's Memorandum dated October 29, 2013, on the following committees:

AF#2749 Decided by a vote of 6-0 to: (1) make a final determination that BEALE FOR CONGRESS, and STEVEN R BURRIS as treasurer , violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#2752 Decided by a vote of 6-0 to: (1) make a final determination that PAM GULLESON FOR NORTH DAKOTA, and KROEBER, JOSEPH as treasurer , violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#2754 Decided by a vote of 6-0 to: (1) make a final determination that STEVE SALAZAR FOR CONGRESS, and ROSARIO RODRIGUEZ as treasurer , violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

Attest:

November 1, 2013  
Date

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



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

November 5, 2013

Rosario Rodriguez, in official capacity as Treasurer  
Steve Salazar for Congress  
1033 N Zang Blvd  
Dallas, TX 75208

C00518027  
AF#: 2754

Dear Ms. Rodriguez:

On July 23, 2013, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Steve Salazar for Congress and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) for filing late or failing to file the 2013 April Quarterly Report. By letter dated July 24, 2013, the Commission notified you of the RTB finding and the civil money penalty calculated at the RTB stage to be \$6,187 in accordance with the schedule of penalties at 11 CFR § 111.43. Within forty (40) days of the FEC's RTB finding, you, as treasurer, were required to either transmit payment of the calculated civil money penalty or submit a written response challenging either the RTB finding or the calculated civil money penalty. You must also file the 2013 April Quarterly Report if you have not already done so.

The FEC did not receive payment of the calculated civil money penalty or a written response within the time permitted. The FEC made a final determination on October 31, 2013 that Steve Salazar for Congress and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) and assessed a civil money penalty in the amount of \$6,187 in accordance with 11 CFR § 111.43. The civil money penalty is based on these factors:

Election Sensitivity of Report: Not Election Sensitive  
Level of Activity: \$110,712  
Number of Days Late: Not Filed  
Number of Previous Civil Money Penalties Assessed: 1

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

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

If you choose to appeal the final determination, you should submit a written petition, within thirty (30) days of receipt of this letter, to the district court of the United States for the district in which the committee or you reside, or transact business, requesting that the final

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# Introduction

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

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

If you have any questions regarding the payment of the civil money penalty, please contact Sari Pickerall at Federal Election Commission, 999 E St., NW, Washington, DC 20463, or our toll free number (800) 424-9530 (at the prompt, press 5) or (202) 694-1130.

On behalf of the Commission,



Ellen L. Weintraub  
Chair

170626094628

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**ADMINISTRATIVE FINE PAYMENT INSTRUCTIONS**

In accordance with the schedule of penalties at 11 CFR § 111.43, the civil money penalty is \$6,187 for the 2013 April Quarterly Report.

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

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

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

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

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

**Payments by Personal Check**

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

**PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT**

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FOR: Steve Salazar for Congress

FEC ID#: C00518027

AF#: 2754

PAYMENT AMOUNT DUE: \$6,187

**U.S. DEPARTMENT OF THE TREASURY  
BUREAU OF THE FISCAL SERVICE**

**Cross-Servicing Program and Treasury Offset Program**

**Agreement to Certify Federal Nontax Debts**

This Agreement to Certify Federal Nontax Debts (Certification Agreement) is submitted by:  
Federal Election Commission (FEC) (Creditor Agency).

**Section I: Background**

- A. The U.S. Department of the Treasury, Bureau of the Fiscal Service (Fiscal Service), provides debt collection services to Federal agencies that are owed delinquent debt.
- B. Federal agencies are generally required to submit debts that have been delinquent for 180 days to Fiscal Service for debt collection services, and may submit debts sooner if the necessary prerequisites are met. See 31 U.S.C. §§ 3711(g) and 3716(c).
- C. Upon submitting debts to Fiscal Service for debt collection services, Federal agencies are required to certify to Fiscal Service, among other things, that the debts are valid, legally enforceable, there are no bars to collection, and all requisite due process has been completed, as set forth in this Certification Agreement.
- D. The definitions of terms used in this Certification Agreement are in Attachment A, Certification Terminology.

**Section II: General Provisions**

The Creditor Agency understands and agrees to the following:

- A. **Scope.** The provisions of this Certification Agreement apply to all Debts submitted by Electronic Transmission on or after the date of the Certification Agreement by the Creditor Agency to Fiscal Service for collection through the Cross-Servicing Program and/or the Treasury Offset Program.
- B. **Certification Authority.** Only an individual with delegated authority to certify a Debt on behalf of the Creditor Agency will submit a Debt to Fiscal Service via an Add Record or Update Record. The Creditor Agency will provide a copy of this Certification Agreement to any such individual.
- C. **Changes to Debt Information.**
  - 1. The Creditor Agency understands its obligation to notify Fiscal Service: (a) of any change in the amount, validity, or legal enforceability of the Debt; and (b) if the Debt becomes subject to circumstances that legally preclude or bar collection.

2. The Creditor Agency authorizes Fiscal Service to Update Records on its behalf, in accordance with criteria established by Fiscal Service, for the purpose of adding alias Debtor name information for a Debt certified by the Creditor Agency. Creditor Agency will notify Fiscal Service as soon as it learns that any such updates are incorrect.

### **Section III: Debt Certification**

The Creditor Agency understands that by submitting a Debt to Fiscal Service via an Add Record or Update Record, the individual submitting the Debt is certifying to Fiscal Service, in writing, under penalty of perjury, that, to the best of his or her knowledge and belief, the following is true and correct:

#### **A. General Prerequisites for Collection.**

1. ***Valid Debts.*** The Creditor Agency has made a final determination that the Debt is valid and legally enforceable in the amount stated, and that the Debt is not subject to any circumstances that legally preclude or bar collection.
2. ***Delinquent Debts.*** The Debt is delinquent, and the Debtor is not paying the Debt in accordance with any repayment plan agreed to by the Creditor Agency.
3. ***Interest, Penalties, and Administrative Costs.*** The Creditor Agency has complied with all of the provisions of 31 U.S.C. § 3717 and 31 CFR § 901.9, as well as other statutes, regulations, and policies applicable to Creditor Agency's assessment of interest, penalties, and administrative costs on the Debt. The Creditor Agency has provided a written notice to the Debtor explaining the Creditor Agency's requirements concerning the assessment of interest, penalties, and administrative costs.
4. ***Debtor Disputes.*** The Creditor Agency has considered any and all evidence presented by the Debtor disputing the Creditor Agency's determination about the Debt, and there are no pending appeals of such determination that would preclude collection of the Debt.
5. ***Collection Efforts.*** The Creditor Agency has made reasonable efforts to obtain payment of the Debt, including, at a minimum, by demanding payment of the Debt.
6. ***Creditor Agency Profile Form.*** The Creditor Agency has completed the Creditor Agency Profile Form(s) and has ensured that the Creditor Agency Profile Form(s) are accurate and up-to-date. The Creditor Agency must complete a separate Creditor Agency Profile Form for each distinct program area under which Debts arise, unless the program areas are substantially similar.

#### **B. General Prerequisites for Collection by Offset, including Tax Refund Offset.** If, in the Creditor Agency Profile Form, the Creditor Agency has authorized Fiscal Service to collect the Debt by offsetting Federal and State tax and nontax payments:

1. ***Compliance with Offset Laws.*** The Creditor Agency has complied with all of the

provisions of 31 U.S.C. §§ 3716 and 3720A, 31 CFR Part 285, and the Federal Claims Collection Standards (31 CFR Parts 900-904), as may be amended, as well as other statutes, regulations and policies applicable to the collection of the Debt by offset.

2. ***Due Process Prerequisites.*** At least 60 days prior to the Certification Date, the Creditor Agency has provided, or made a reasonable attempt to provide, in accordance with applicable offset regulations, each Debtor with:
  - a. a written notification, at the Debtor's most current known address, of the nature and the amount of the Debt, the intention of the Creditor Agency to collect the Debt through offset, including offset of Federal and State payments, and an explanation of the rights of the Debtor;
  - b. an opportunity to inspect and copy the records of the Creditor Agency with respect to the Debt;
  - c. an opportunity for review of the Creditor Agency's determination with respect to the Debt, including an opportunity to present evidence that all or part of the Debt is not delinquent or legally enforceable; and
  - d. an opportunity to enter into a written repayment agreement with the Creditor Agency.
3. ***Due Process Prerequisites for Certain Older Debts.*** For a Debt outstanding more than ten years on or before December 28, 2009, the Creditor Agency sent the notice described in Section III.B.2.a to the last known address of the Debtor after the Debt was outstanding for more than ten years, and afforded the Debtor the opportunities described in Sections III.B.2.b. - II.B.2.d. at that time. This requirement does not apply to any Debt that could be collected by offset without regard to any time limitation prior to December 28, 2009.

C. **Prerequisites for Collection by Federal Salary Offset.** If, through a Salary Offset Instruction, the Creditor Agency has authorized Fiscal Service to collect the Debt by offsetting Federal salary payments:

1. ***Compliance with Federal Salary Offset Laws.*** The Creditor Agency has complied with all of the provisions of 5 U.S.C. § 5514, 5 CFR §§ 550.1101-1110, and 31 CFR § 285.7, as may be amended, as well as other statutes, regulations and policies applicable to collection by salary offset; and
2. ***Due Process Prerequisites.*** At least 60 days prior to the Certification Date, the Creditor Agency has provided, or made a reasonable attempt to provide, in accordance with applicable offset regulations, each Debtor with the notification and opportunities required by Sections III.B.2. and III.B.3., and any other notices, opportunities, or considerations required for Federal salary offset.

D. **Consumer Reporting Agencies.** If, in the Creditor Agency Profile Form, the Creditor Agency has authorized Fiscal Service to disclose Debts to consumer reporting agencies:

1. **Compliance with Consumer Reporting Agency Requirements.** The Creditor Agency has complied with all of the provisions of 31 U.S.C. § 3711(e) and the Federal Claims Collection Standards, as well as other statutes, regulations, and policies applicable to the reporting of a delinquent Debt to consumer reporting agencies.
2. **Notice Prerequisites.** At least 60 days prior to the Certification Date, the Creditor Agency provided the Debtor with:
- a. notification that the Debt is overdue and the Creditor Agency intends to disclose that the Debtor is responsible for the Debt to a consumer reporting agency;
  - b. the specific information to be disclosed to the consumer reporting agency; and
  - c. the Debtor's rights to an explanation of the claim, dispute the information in the Creditor Agency's records about the claim, and an administrative appeal or review of the claim; and
3. **Review Prerequisites.** Upon the request of a Debtor, the Creditor Agency has provided for a review of the Debtor's claim(s), including an opportunity for reconsideration of the initial decision on the Debt.

#### **Section IV: Certification**

By signing below, I certify that I have delegated authority to execute this Certification Agreement on behalf of the head of Creditor Agency and understand this agreement applies to all debts submitted by Electronic Transmission on or after the date of the Certification Agreement to Fiscal Service for collection through the Cross-Servicing Program and/or the Treasury Offset Program.

  
\_\_\_\_\_  
Signature

Judy Berning

\_\_\_\_\_  
Print Name

Acting Chief Finance Officer

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

December 4, 2013



FEDERAL ELECTION COMMISSION  
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 2754

DATE SCANNED 8/12/14

SCANNER NO. 2

SCAN OPERATOR ESS

1-800-438-6800