



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 2761

DATE SCANNED 3/11/14

SCANNER NO. 2

SCAN OPERATOR EJS

14092694274



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2013 OCT 18 PM 1:51

October 18, 2013

MEMORANDUM

SENSITIVE

TO: The Commission

THROUGH: Alec Palmer *AP a/ll*
Staff Director

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

Debbie Chacona *DC*
Assistant Staff Director
Reports Analysis Division

BY: Kristin DeCarmin/Sari Pickerall *DP for KD*
Compliance Branch

SUBJECT: Reason To Believe Recommendation – 2013 Mid-Year Report for the
Administrative Fine Program

Attached is a list of political committees and their treasurers who failed to file the 2013 Mid-Year Report in accordance with 2 U.S.C. 434(a). The Mid-Year Report was due on July 31, 2013. This report was initially circulated to the Commission on September 30, 2013; however, due to the federal government shutdown, it is being recirculated.

The committees listed in the attached RTB Circulation Report either failed to file the 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 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 MID-YEAR REPORT Not Election Sensitive 07/31/2013 UNAUTH

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
2761	C00528760	POLISH AMERICAN LEADERSHIP PAC		LUCAS FUKSA	\$136,578	0	9/7/2013	Not Filed	\$136,578	\$4,950
2762	C00510636	WINNING FREEDOM INC		BRANDON TODD	\$110,804	0		Not Filed	\$110,804 (est)	\$4,950

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Withdrawal and Recirculation of Reason To)
Believe Recommendation - 2013 Mid-Year)
Report for the Administrative Fine)
Program:)
POLISH AMERICAN LEADERSHIP) AF# 2761
PAC, and LUCAS FUKSA as treasurer;)
WINNING FREEDOM INC, and) AF# 2762
BRANDON TODD as treasurer;)

CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on October 21, 2013 the Commission took the following actions on the Withdrawal and Recirculation of Reason To Believe Recommendation - 2013 Mid-Year Report for the Administrative Fine Program as recommended in the Reports Analysis Division's Memorandum dated October 18, 2013, on the following committees:

AF#2761 Decided by a vote of 4-0 to: (1) find reason to believe that POLISH AMERICAN LEADERSHIP PAC, and LUCAS FUKSA 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, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2762 Decided by a vote of 4-0 to: (1) find reason to believe that WINNING FREEDOM INC, and BRANDON TODD 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, Petersen, Walther, and Weintraub voted affirmatively for the decision.

October 22, 2013
Date

Attest:

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

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 22, 2013

Lucas Fuksa, in official capacity as Treasurer
Polish American Leadership PAC
2500 Ravine Way
Glenview, IL 60025

C00528760
AF#: 2761

Dear Mr. Fuksa:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file a Mid-Year Report of Receipts and Disbursements in any calendar year other than one during which a regularly scheduled general election is held. This report, covering the period January 1, 2013 through June 30, 2013, shall be filed no later than July 31, 2013. 2 U.S.C. § 434(a). Because records at the Federal Election Commission ("FEC") indicate that you did not file this report within thirty (30) days of the due date, the report is considered not filed for the purpose of calculating the civil money penalty.

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 October 21, 2013, the FEC found that there is reason to believe ("RTB") that Polish American Leadership PAC 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 July 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 \$4,950. 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 \$4,950 is due within forty (40) days of the finding, or by November 30, 2013, and is based on these factors:

Election Sensitivity of Report: Not Election Sensitive

Level of Activity: \$136,578

Number of Days Late: Not Filed (reports not filed within thirty (30) days of the due date are considered not filed for the purpose of calculating the penalty)

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

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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, NW, Washington, DC 20463. Your response must be received within forty (40) days of the Commission's RTB finding, or November 30, 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 Polish American Leadership PAC 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

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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
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 \$4,950 for the 2013 Mid-Year Report 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 November 30, 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: Polish American Leadership PAC

FEC ID#: C00528760

AF#: 2761

PAYMENT DUE DATE: November 30, 2013

PAYMENT AMOUNT DUE: \$4,950

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2013 DEC -7 PM 12:39

FEC OFFICE OF ADMIN REVIEW

December 2, 2013

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

Re: AF #2761

Dear Sir or Madam:

I am writing to challenge the above-referenced RTB finding based on the fact that our organization demonstrated best efforts to file in a timely manner but was prevented from doing so as a result of unforeseen circumstances that were outside of our control.

In support thereof, please find the enclosed affidavit.

Should you have any questions or concerns, please do not hesitate to contact us.

Best Regards,


Lucas M. Fuksa

2500 Ravine Way • Glenview, IL 60025

Phone: 847-730-3459 • Fax: 847-834-0192

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AFFIDAVIT OF LUCAS FUKSA

STATE OF ILLINOIS)
COUNTY OF COOK)

I, LUCAS FUKSA, being first duly sworn and on oath, do hereby state as follows:

1. That I am the current President of the Polish American Leadership Political Action Committee (PAL-PAC).
2. That PAL-PAC is a new organization that was formed in September, 2012.
3. That on June 15, 2013 PAL-PAC held its first annual gala that was attended by over 400 individuals.
4. That tickets for the gala were priced at \$145 per ticket and most individuals contributed in excess of \$200 as a result of purchasing more than one ticket or purchasing sponsorship/advertising opportunities in connection with the event.
5. That prior to and during the course of the event, many individuals/entities failed to provide their addresses as requested by PAL-PAC via its ticket forms or information cards, and information cards were misplaced at the venue such that the contributors' information was not available to PAL-PAC immediately after the event.
6. That at the gala, many individuals contributed cash without filling out the information cards.
7. That due to the FEC's requirement that political action committees provide the aforementioned contributors' information in their periodic financial

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reports, PAL-PAC administrative personnel and officers made great efforts to contact the individuals and/or entities in order to obtain the missing information.

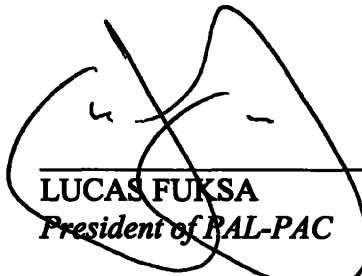
8. That many of these individuals/entities did not respond to our requests or finally responded after multiple requests.

9. That as a result of the foregoing, PAL-PAC did not have the information required to be provided in its mid-year report by the report filing deadline.

10. That PAL-PAC did not want to submit an incomplete report for fear that it would be rejected.


11. That PAL-PAC filed its mid-year report immediately after it had obtained the required information or made good faith attempts to obtain same.

12. That PAL-PAC has not yet distributed any funds to politically related activities.



LUCAS FUKSA
President of PAL-PAC

SUBSCRIBED and SWORN to before me
this 2nd day of December, 2013.



Notary Public





FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 16, 2013

Lucas M. Fuksa
Polish American Leadership Political Action Committee
2500 Ravine Way
Glenview, IL 60025

C00528760
AF#: 2761

Dear Mr. Fuksa

On December 9, 2013, the Commission's Office of Administrative Review ("OAR") received your written response ("challenge") for Polish American Leadership Political Action Committee and Janine Pawlus, in official capacity as Treasurer, which is being reviewed by OAR. If you have any questions regarding your 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

14092694265

Date: December 17, 2013

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

AF#: 2761

Committee Name: Polish American Leadership Political Action Committee

Committee ID#: C00528760

Committee Address (if different than in RTB letter): N/A

Treasurer Name (if different than in RTB finding): Janine Pawlus


Attachments:

- **Copy of RTB Circulation Report, dated October 18, 2013 and RTB Certification, dated October 22, 2013 (Y/N): Y**
- **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**
 - 2013 Mid-Year Report Notice, dated June 26, 2013.**
 - Non-Filer Letter, dated August 22, 2013.**
 - RTB Letter, dated October 22, 2013.**
- **Other RAD Information: (Y/N): N**

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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 Polish American Leadership Political Action Committee:
 - A) Report Notice, dated June 26, 2013, referencing the 2013 Mid-Year Report Report (sent via electronic mail to: lfuksa001@yahoo.com);
 - B) Non-Filer Letter, dated August 22, 2013, referencing the 2013 Mid-Year Report;
 - C) Reason-to-Believe Letter, dated October 22, 2013 referencing the 2013 Mid-Year Report.
3. I hereby certify that I have searched the Commission's public records and find that Polish American Leadership Political Action Committee filed the 2013 Mid-Year Report with the Commission on September 7, 2013.
4. Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct and that all relevant telecoms for the matter have been provided. This declaration was executed at Washington, D.C. on the 17th day of December, 2013.


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

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MID-YEAR

REPORT NOTICE

FEDERAL ELECTION COMMISSION

PARTIES AND PACS

June 26, 2013

CURRENT REPORTS DUE:

SEMI-ANNUAL FILERS

REPORT	CLOSE OF BOOKS ¹	REG./CERT. & OVERNIGHT MAILING DEADLINE	FILING DEADLINE
Mid-Year	06/30/13	07/31/13	07/31/13

MONTHLY FILERS

REPORT	CLOSE OF BOOKS ¹	REG./CERT. & OVERNIGHT MAILING DEADLINE	FILING DEADLINE
July Monthly	06/30/13	07/20/13	07/20/13 ²

[Click here for Supplemental Filing Information](#)

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

¹These dates indicate the beginning and 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.

²Notice that this filing deadline falls on a weekend. Filing deadlines are not extended when they fall on nonworking days. Accordingly, reports filed by methods other than Registered, Certified or Overnight Mail, or electronically, must be received before the Commission's (or for committees supporting only Senate candidates, the Secretary of the Senate's) close of business on the last business day before the deadline.

REPORTING SCHEDULE FOR REMAINDER OF 2013

SEMI-ANNUAL FILERS

REPORT	CLOSE OF BOOKS ¹	REG./CERT. & OVERNIGHT MAILING DEADLINE	FILING DEADLINE
Year-End	12/31/13	01/31/14	01/31/14

MONTHLY FILERS

REPORT	CLOSE OF BOOKS ¹	REG./CERT. & OVERNIGHT MAILING DEADLINE	FILING DEADLINE
August	07/31/13	08/20/13	08/20/13
September	08/31/13	09/20/13	09/20/13
October	09/30/13	10/20/13	10/20/13 ²
November	10/31/13	11/20/13	11/20/13
December	11/30/13	12/20/13	12/20/13
Year-End	12/31/13	01/31/14	01/31/14

[Click here for Supplemental Filing Information](#)

¹These dates indicate the beginning and 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.

²Notice that this filing deadline falls on a weekend. Filing deadlines are not extended when they fall on nonworking days. Accordingly, reports filed by methods other than Registered, Certified or Overnight Mail, or electronically, must be received before the Commission's (or for committees supporting only Senate candidates, the Secretary of the Senate Public Records Office's) close of business on the last business day before the deadline.

2013 SUPPLEMENTAL FILING INFORMATION PACs AND PARTY COMMITTEES

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

WHO MUST FILE

All Party Committees and PACs (Nonconnected Committees and Separate Segregated Funds) must file either semi-annual or monthly reports in 2013. See 11 CFR 104.5(c). Before a committee can stop filing with the FEC, it must file a termination report with the Commission. See 11 CFR 102.3. Committees must continue to file reports until the Commission notifies them in writing that their termination report has been accepted.

- Web Page: Filing Frequency by Type of Filer

METHODS OF FILING REPORTS

Electronic Filing

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

- Web Page: Electronic Filing Page
- Campaign Guide: Nonconnected Committees (Nonconnected), pp. 51-53 [PDF]; Corporations and Labor Organizations (SSF), pp. 49-51 [PDF]; Political Party Committees (Party), pp. 69-71 [PDF].

Paper Filing -- Meeting the Filing Deadline

Paper report filing options – Registered, Certified or Overnight or First Class Mail.

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

- Web Page: Link to Paper Forms (for downloading and printing)
- Campaign Guide: Nonconnected, pp. 47-48 [PDF]; SSF, pp. 45-46 [PDF]; Party, p. 65 [PDF].

2013 REPORTING SCHEDULE

- Web Page: 2013 Reporting Dates Page
- The Record:
 - FEC Record Blog: Reporting
 - January 2013 Reporting Article [PDF]
- Campaign Guide: Nonconnected, pp. 49-51 [PDF]; SSF, pp. 46-48 [PDF]; Party, pp. 67-68 [PDF].

CHANGE IN FILING FREQUENCY

Committees able to change their reporting schedule (for example, from monthly to semi-annually) who wish to do so must notify the Commission in writing and may change their filing frequency no more than once per calendar year. See 11 CFR 104.5(c).

- Web Page: Filing Frequency by Type of Committee
- Campaign Guide: Nonconnected, p. 51 [PDF]; SSF, p. 49 [PDF]; Party, p. 67 [PDF].

COMPLIANCE

Treasurer Responsibility

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

- Statement of Policy Regarding Treasurers Subject to Enforcement Proceeding [PDF]
- Campaign Guide: Nonconnected, pp. 3-4 [PDF]; SSF, pp. 1-2 [PDF]; Party, pp. 6-7 [PDF].

Administrative Fine Program

Failure to file reports on time may be subject to civil money penalties up to \$17,600 (or more for repeat late- or non-filers). See 11 CFR 111.43(b). See generally, 11 CFR Part 111 Subpart B. See also 11 CFR 111.43.

- Web Page: Administrative Fine Program Page
- Campaign Guide: Nonconnected, pp. 48-49 [PDF]; SSF, p. 46 [PDF]; Party, p. 66 [PDF].

DISCLOSURE OF LOBBYIST BUNDLING ACTIVITY

Party committees and Leadership PACs must file FEC Form 3L [PDF] if they receive two or more bundled contributions from lobbyists/registrants or lobbyist/registrant PACs that aggregate in excess of \$17,100 during the applicable reporting period (see page 1 of this notice). See 11 CFR 104.22(b) and 11 CFR 110.17(e)(2).

- The Record: March 2009 issue [PDF]

48- AND 24-HOUR REPORTS OF INDEPENDENT EXPENDITURES

Any PAC or Party Committee that makes independent expenditures may have to disclose this activity within 48- or 24-hours based upon the date and amount of the expenditure. See 11 CFR 104.4(b)(2) and (c). See generally, 11 CFR 104.4.

- Web Page: 2013 special election 48- and 24-hour periods for independent expenditures
- Campaign Guide: Nonconnected, pp. 72-74 [PDF]; SSF, pp. 65-67 [PDF]; Party, pp. 87-89 [PDF].

These reports are not required when a PAC or Party Committee makes a contribution directly to a candidate.

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



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-7

August 22, 2013

LUCAS FUKSA, TREASURER
POLISH AMERICAN LEADERSHIP POLITICAL
ACTION COMMITTEE
2500 RAVINE WAY
GLENVIEW, IL 60025

IDENTIFICATION NUMBER: C00528760

REFERENCE: MID-YEAR REPORT REPORT (01/01/2013 - 06/30/2013)

Dear Treasurer:

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

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

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

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

14092694292

POLISH AMERICAN LEADERSHIP POLITICAL ACTION COMMITTEE

Page 2 of 2

Sincerely,

Debbie Chacona

Deborah Chacona
Assistant Staff Director
Reports Analysis Division

250

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2013 DEC 20 PM 2: 56

SENSITIVE

December 20, 2013

MEMORANDUM

To: The Commission

Through: Alec Palmer *APC*
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# 2761 – Polish American Leadership
Political Action Committee and Janine Pawlus, in her official capacity as
Treasurer (C00528760)

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 filed an Amended Statement of Organization (FEC Form 1) on November 13, 2013 to disclose Janine Pawlus as the current Treasurer. The Reviewing Officer Recommendation reflects the change in Treasurer after RTB, listing the current respondents as Polish American Leadership Political Action Committee and Janine Pawlus, in her official capacity as Treasurer.

Attachment

14092694294



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 20, 2013

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

AF# 2761 – Polish American Leadership Political Action Committee and Janine Pawlus, in her official capacity as Treasurer (C00528760)

Summary of Recommendation

Make a final determination that the respondents violated 2 U.S.C. § 434(a) and assess a \$4,950 civil money penalty.

Reason-to-Believe Background

The 2013 Mid-Year Report was due on July 31, 2013. The respondents filed the report on September 7, 2013, 38 days late. The report is not election sensitive and was not filed within 30 days of the due date; therefore, the report is considered not filed. 11 C.F.R. §§ 111.43(d)(1) and (e)(1).

On October 21, 2013, the Commission found reason to believe ("RTB") that the respondents violated 2 U.S.C. § 434(a) for failing to timely file the 2013 Mid-Year Report and made a preliminary determination that the civil money penalty was \$4,950 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 October 22, 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 committee not authorized by a candidate shall file, in a non-election year, a report for the period ending June 30 no later than July 31. 2 U.S.C. § 434(a)(4)(A)(iv) and 11 C.F.R. § 104.5(c)(2)(i)(A). Reports filed electronically must be received and validated at or before 11:59 pm, Eastern Standard/Daylight Time on July 31 for the Mid-Year Report to be timely filed. 11 C.F.R. §§ 100.19(c) and 104.5(e). The treasurer shall be personally responsible for the timely and complete filing of reports. 11 C.F.R. § 104.14(d).

Respondents' Challenge

On December 9, 2013, the Commission received the written response ("challenge") from the Committee's Treasurer at the time of RTB, Mr. Lucas M. Fuksa, stating the Committee "demonstrated best efforts to file in a timely manner but was prevented from doing so as a result of unforeseen circumstances that were outside of [its] control."

Mr. Fuksa states in an affidavit that despite the Committee's attempts to collect contributor information for contributions received at their first annual gala, the Committee did not have the required information by the filing deadline. Mr. Fuksa explains that the Committee "did not want to submit an incomplete report for fear that it would be rejected." Further, the Committee filed the report "immediately after it had obtained the required information or made good faith attempts to obtain some." Mr. Fuksa also notes that the Committee "has not yet distributed any funds to politically related activities."

Analysis

The Committee's challenge is based on its attempts to demonstrate its use of best efforts to comply with its statutory obligations specifically relating to reporting the identification of contributors. 11 C.F.R. §§ 102.9(d) and 104.7. The Committee contends it did not file the 2013 Mid-Year Report on time because it did not have all required information at the time of the filing deadline to file a complete report. Commission regulations state that the treasurer is "...responsible for the *timely and complete* filing of the report...and for the accuracy of any information or statement contained in it." 11 C.F.R. § 104.14(d) (emphasis added).

Furthermore, the challenge indicates it was the Committee's decision to not timely file the report. There was no indication that 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. Such circumstances include the failure of Commission computers or Commission-provided software; widespread disruptions to the internet; or severe weather or a disaster-related incident. 11 C.F.R. § 111.35(c).

Despite the Committee's contention in the challenge, the untimely filing appears to be a direct result of the new Treasurer's inexperience with Commission regulations and reporting requirements. According to RAD telecoms (written records of telephone conversations), the Committee called on August 1, 2013 to state the Committee's new Treasurer, Ms. Janine Pawlus, would be filing the report soon. On August 12 and 20, RAD Analysts provided a great deal of guidance to Ms. Pawlus, including discussing numerous reporting topics and providing her with multiple resources to help her file the 2013 Mid-Year Report. At no point during these conversations did Ms. Pawlus discuss the lack of contributor information being the cause for not timely filing the report (Attachment 3).

On September 3, 2013, a Committee Representative called the RAD Analyst and stated that Ms. Pawlus was unable to upload the report. The Analyst recommended that she contact the Commission's Electronic Filing Office (EFO) for assistance. At that point, the Committee Representative asked if any potential fine would be waived if there was a technical problem at the Commission. The Analyst stated he could not answer that question and recommended Ms. Pawlus work with EFO to get the report filed as soon as possible. Ms. Pawlus indicated she would call EFO for further assistance; however, EFO has no record of any conversations with the Committee. In addition, EFO confirmed there was no evidence of any software problem that would have prevented the Committee from uploading the report (Attachment 2).

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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. In addition, inexperience of the treasurer or other staff and failure to use filing software properly 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. 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 \$4,950 civil money penalty.

OAR Recommendations

- 1) Adopt the Reviewing Officer recommendation for AF# 2761 involving Polish American Leadership Political Action Committee and Janine Pawlus, in her official capacity as Treasurer, in making the final determination;
- 2) Make a final determination in AF# 2761 that Polish American Leadership Political Action Committee and Janine Pawlus, in her official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assess a \$4,950 civil money penalty; and
- 3) Send the appropriate letter.

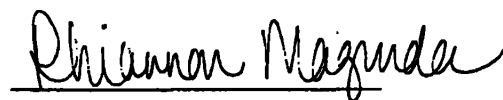
Acting Reviewing Officer: Rhiannon Magruder

Attachments

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

DECLARATION OF RHIANNON MAGRUDER

- 1) I am the Acting Reviewing Officer in the Office of Administrative Review for the Federal Election Commission ("Commission"). In my capacity as Reviewing Officer, I conduct research with respect to all challenges submitted in accordance with the Administrative Fine program.
- 2) A committee not authorized by a candidate shall file, in a non-election year, a report for the period ending June 30 no later than July 31. Reports filed electronically must be received and validated at or before 11:59 pm, Eastern Standard/Daylight Time on July 31 for the Mid-Year Report 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 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) Page 3 of the Amended Statement of Organization filed by Polish American Leadership Political Action Committee and Janine Pawlus, in her official capacity as Treasurer. This document lists Janine Pawlus as Treasurer and was received on November 13, 2013.
 - b) Report Cover Page, Summary Page, and Detailed Summary Pages for the 2013 Mid-Year Report filed by Polish American Leadership Political Action Committee and Janine Pawlus, in her official capacity as Treasurer. According to the Commission's records, the report covers the period from January 1 through June 30, 2013, and was received on September 7, 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, D.C. on the 20th day of December, 2013.



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

14092694298

Write or Type Committee Name

Polish American Leadership Political Action Committee**6. Name of Any Connected Organization, Affiliated Committee, Joint Fundraising Representative, or Leadership PAC Sponsor**

NONE

Mailing Address

CITY

STATE

ZIP CODE

Relationship: ☐ Connected Organization ☐ Affiliated Committee ☐ Joint Fundraising Representative ☐ Leadership PAC Sponsor**7. Custodian of Records: Identify by name, address (phone number -- optional) and position of the person in possession of committee books and records.**

Full Name

Janine Pawlus

Mailing Address

501 Ford Ln

Bartlett

IL

Title or Position

CITY

STATE

ZIP CODE

Telephone number

8. Treasurer: List the name and address (phone number -- optional) of the treasurer of the committee; and the name and address of any designated agent (e.g., assistant treasurer).Full Name
of Treasurer

Janine Pawlus

Mailing Address

501 Ford Ln

Bartlett

IL

Title or Position

CITY

STATE

ZIP CODE

Telephone number

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Image# 13964590300

PAGE 1 / 63

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

Office Use Only

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

Polish American Leadership Political Action Committee

ADDRESS (number and street) 2500 Ravine Way

X Check if different than previously reported. (ACC)

Glenview

IL

60025

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

C C00528760

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

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

Feb 20 (M2)

May 20 (M5)

Aug 20 (M8)

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

Mar 20 (M3)

Jun 20 (M6)

Sep 20 (M9)

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

Apr 20 (M4)

Jul 20 (M7)

Oct 20 (M10)

Jan 31 (YE)

April 15
Quarterly Report (Q1)(c) 12-Day
PRE-Election
Report for the:

Primary (12P)

General (12G)

Runoff (12R)

July 15
Quarterly Report (Q2)

Convention (12C)

Special (12S)

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

Election on

in the
State ofX July 31 Mid-Year
Report (Non-election
Year Only) (MY)(d) 30-Day
POST-Election
Report for the:

General (30G)

Runoff (30R)

Special (30S)

Termination Report
(TER)

Election on

in the
State of

5. Covering Period 01 01 2013 through 06 30 2013

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 Janine Pawlus

Signature of Treasurer

Janine Pawlus

[Electronically Filed]

Date

07

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

SUMMARY PAGE OF RECEIPTS AND DISBURSEMENTS

FEC Form 3X (Rev. 02/2003)

Page 2

Write or Type Committee Name

Polish American Leadership Political Action Committee

Report Covering the Period: From: 01 01 2013 To: 06 30 2013

	COLUMN A This Period	COLUMN B Calendar Year-to-Date
6. (a) Cash on Hand January 1, 2013		76000.00
(b) Cash on Hand at Beginning of Reporting Period.....	76000.00	
(c) Total Receipts (from Line 19)	63091.53	63091.53
(d) Subtotal (add Lines 6(b) and 6(c) for Column A and Lines 6(a) and 6(c) for Column B)	139091.53	139091.53
7. Total Disbursements (from Line 31)	73486.86	73486.86
8. Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d))	65604.67	65604.67
9. Debts and Obligations Owed TO the Committee (Itemize all on Schedule C and/or Schedule D)	0.00	
10. Debts and Obligations Owed BY the Committee (Itemize all on Schedule C and/or Schedule D)	0.00	

This committee has qualified as a multicandidate committee. (see FEC FORM 1M)

For further information contact:

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

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

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DETAILED SUMMARY PAGE of Receipts

FEC Form 3X (Rev. 06/2004)

Page 3

Write or Type Committee Name

Polish American Leadership Political Action Committee

Report Covering the Period: From: 01 01 2013 To: 06 30 2013

I. Receipts	COLUMN A Total This Period	COLUMN B Calendar Year-to-Date
11. Contributions (other than loans) From:		
(a) Individuals/Persons Other Than Political Committees		
(i) Itemized (use Schedule A).....	55044.85	55044.85
(ii) Unitemized	8046.68	8046.68
(iii) TOTAL (add Lines 11(a)(i) and (ii))..... ►	63091.53	63091.53
(b) Political Party Committees	0.00	0.00
(c) Other Political Committees (such as PACs).....	0.00	0.00
(d) Total Contributions (add Lines 11(a)(iii), (b), and (c)) (Carry Totals to Line 33, page 5)..... ►	63091.53	63091.53
12. Transfers From Affiliated/Other Party Committees.....	0.00	0.00
13. All Loans Received	0.00	0.00
14. Loan Repayments Received.....	0.00	0.00
15. Offsets To Operating Expenditures (Refunds, Rebates, etc.) (Carry Totals to Line 37, page 5).....	0.00	0.00
16. Refunds of Contributions Made to Federal Candidates and Other Political Committees.....	0.00	0.00
17. Other Federal Receipts (Dividends, Interest, etc.).....	0.00	0.00
18. Transfers from Non-Federal and Levin Funds		
(a) Non-Federal Account (from Schedule H3).....	0.00	0.00
(b) Levin Funds (from Schedule H5)	0.00	0.00
(c) Total Transfers (add 18(a) and 18(b))..	0.00	0.00
19. Total Receipts (add Lines 11(d), 12, 13, 14, 15, 16, 17, and 18(c))..... ►	63091.53	63091.53
20. Total Federal Receipts (subtract Line 18(c) from Line 19)..... ►	63091.53	63091.53

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DETAILED SUMMARY PAGE of Disbursements

FEC Form 3X (Rev. 02/2003)

Page 4

II. Disbursements	COLUMN A Total This Period	COLUMN B Calendar Year-to-Date
21. Operating Expenditures:		
(a) Allocated Federal/Non-Federal Activity (from Schedule H4)		
(i) Federal Share	0.00	0.00
(ii) Non-Federal Share.....	0.00	0.00
(b) Other Federal Operating Expenditures	73986.86	73986.86
(c) Total Operating Expenditures (add 21(a)(i), (a)(ii), and (b))	73986.86	73986.86
22. Transfers to Affiliated/Other Party Committees.....	0.00	0.00
23. Contributions to Federal Candidates/Committees and Other Political Committees.....	0.00	0.00
24. Independent Expenditures (use Schedule E)	0.00	0.00
25. Coordinated Party Expenditures (2 U.S.C. §441a(d)) (use Schedule F).....	0.00	0.00
26. Loan Repayments Made.....	0.00	0.00
27. Loans Made.....	0.00	0.00
28. Refunds of Contributions To:		
(a) Individuals/Persons Other Than Political Committees	-500.00	-500.00
(b) Political Party Committees	0.00	0.00
(c) Other Political Committees (such as PACs).....	0.00	0.00
(d) Total Contribution Refunds (add Lines 28(a), (b), and (c)).....	-500.00	-500.00
29. Other Disbursements	0.00	0.00
30. Federal Election Activity (2 U.S.C. §431(20))		
(a) Allocated Federal Election Activity (from Schedule H6)		
(i) Federal Share	0.00	0.00
(ii) "Levin" Share.....	0.00	0.00
(b) Federal Election Activity Paid Entirely With Federal Funds	0.00	0.00
(c) Total Federal Election Activity (add .. Lines 30(a)(i), 30(a)(ii) and 30(b))....	0.00	0.00
31. Total Disbursements (add Lines 21(c), 22, 23, 24, 25, 26, 27, 28(d), 29 and 30(c)) ..	73486.86	73486.86
32. Total Federal Disbursements (subtract Line 21(d)(ii) and Line 30(a)(ii) from Line 31).....	73486.86	73486.86

DETAILED SUMMARY PAGE
of Disbursements

FEC Form 3X (Rev. 02/2003)

Page 5

III. Net Contributions/Operating Expenditures	COLUMN A Total This Period	COLUMN B Calendar Year-to-Date
33. Total Contributions (other than loans) (from Line 11(d), page 3)	63091.53	63091.53
34. Total Contribution Refunds (from Line 28(d))	-500.00	-500.00
35. Net Contributions (other than loans) (subtract Line 34 from Line 33)	63591.53	63591.53
36. Total Federal Operating Expenditures (add Line 21(a)(i) and Line 21(b))▶	73986.86	73986.86
37. Offsets to Operating Expenditures (from Line 15, page 3).....	0.00	0.00
38. Net Operating Expenditures (subtract Line 37 from Line 36)▶	73986.86	73986.86

14092694304



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

VIA OVERNIGHT DELIVERY

December 27, 2013

Janine Pawlus, in official capacity as Treasurer
Polish American Leadership Political Action Committee
2500 Ravine Way
Glenview, IL 60025

C00528760
AF#: 2761

Dear Ms. Pawlus:

On October 21, 2013, the Federal Election Commission ("Commission") found reason to believe ("RTB") that Polish American Leadership Political Action Committee and Janine Pawlus, in her official capacity as Treasurer ("respondents"), violated 2 U.S.C. § 434(a) for failing to file the 2013 Mid-Year Report. The Commission also made a preliminary determination that the civil money penalty was \$4,950 based on the schedule of penalties at 11 C.F.R. § 111.43.

After reviewing the written response and any supplemental information submitted by the respondents 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 cursive script that reads "Rhiannon Magruder".

Rhiannon Magruder
Acting Reviewing Officer
Office of Administrative Review

14092694305



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2014 JAN 14 AM 9: 20

January 13, 2014

MEMORANDUM

SENSITIVE

To: The Commission

Through: Alec Palmer *AP*
Staff Director

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

Rhiannon Magruder *RM*
Reviewing Officer
Office of Administrative Review

Subject: Final Determination Recommendation in AF# 2761 – Polish American Leadership Political Action Committee and Janine Pawlus, in her official capacity as Treasurer (C00528760)

On October 21, 2013, the Commission found reason to believe (“RTB”) that the respondents violated 2 U.S.C. § 434(a) for failing to timely file the 2013 Mid-Year Report and made a preliminary determination that the civil money penalty was \$4,950, based on the schedule of penalties at 11 C.F.R. § 111.43.

On December 9, 2013, the Commission received their written response (“challenge”). After reviewing the challenge, the Reviewing Officer Recommendation (“ROR”) dated December 20, 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 assess a \$4,950 civil money penalty 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). As of this date, a written response has not been received.

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OAR Recommendations

- 1) Adopt the Reviewing Officer recommendation for AF# 2761 involving Polish American Leadership Political Action Committee and Janine Pawlus, in her official capacity as Treasurer, in making the final determination;
- 2) Make a final determination in AF# 2761 that Polish American Leadership Political Action Committee and Janine Pawlus, in her official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assess a \$4,950 civil money penalty; and
- 3) Send the appropriate letter.

Reviewing Officer: Rhiannon Magruder

14092694307

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Final Determination Recommendation:) AF 2761
Polish American Leadership Political)
Action Committee and Janine Pawlus, in)
her official capacity as Treasurer)
(C00528760))

CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on January 24, 2014, the Commission decided by a vote of 6-0 to take the following actions in AF 2761:

1. Adopt the Reviewing Officer recommendation for AF# 2761 involving Polish American Leadership Political Action Committee and Janine Pawlus, in her official capacity as Treasurer, in making the final determination.
2. Make a final determination in AF# 2761 that involving Polish American Leadership Political Action Committee and Janine Pawlus, in her official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assess a \$4,950 civil money penalty.
3. Send the appropriate letter.

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

Attest:

January 24, 2014
Date

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

14092694306



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

January 27, 2014

Janine Pawlus, in official capacity as Treasurer
Polish American Leadership Political Action Committee
2500 Ravine Way
Glenview, IL 60025

C00528760
AF#: 2761

Dear Ms. Pawlus:

On October 21, 2013, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Polish American Leadership Political Action Committee and you, in your official capacity as Treasurer, violated 2 U.S.C. § 434(a) for failing to file the 2013 Mid-Year Report. By letter dated October 22, 2013, the Commission sent notification of the RTB finding that included a civil money penalty calculated at RTB of \$4,950 in accordance with the schedule of penalties at 11 C.F.R. § 111.43. On December 9, 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 Polish American Leadership Political Action Committee and you, in your official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty in the amount of \$4,950 in accordance with 11 C.F.R. § 111.43. The basis for the recommendation was included in the Reviewing Officer Recommendation, a copy of which was sent to you on December 27, 2013.

On January 24, 2014, the Commission adopted the Reviewing Officer's recommendation and made a final determination that Polish American Leadership Political Action Committee and you, in your official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assessed a civil money penalty of \$4,950. It is based on the same factors used to calculate the civil money penalty at RTB. A copy of the final determination recommendation is attached.

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

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

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

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

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

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

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

3. If You Choose to Pay the Civil Money Penalty

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

NOTICE REGARDING PARTIAL PAYMENTS AND SETTLEMENT OFFERS

4. Partial Payments

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

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5. Settlement Offers

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

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

If you have any questions regarding the payment of the civil money penalty, please contact Rhiannon Magruder on our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

On behalf of the Commission,



Lee E. Goodman
Chairman

ADMINISTRATIVE FINE PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 C.F.R. § 111.43, the civil money penalty is \$4,950 for the 2013 Mid-Year Report.

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

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

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

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

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

PAYMENTS BY PERSONAL CHECK

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

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: Polish American Leadership Political Action Committee

FEC ID#: C00528760

AF#: 2761

PAYMENT AMOUNT DUE: \$4,950

FOR: Polish American Leadership Political Action Committee

FEC ID#: C00528760

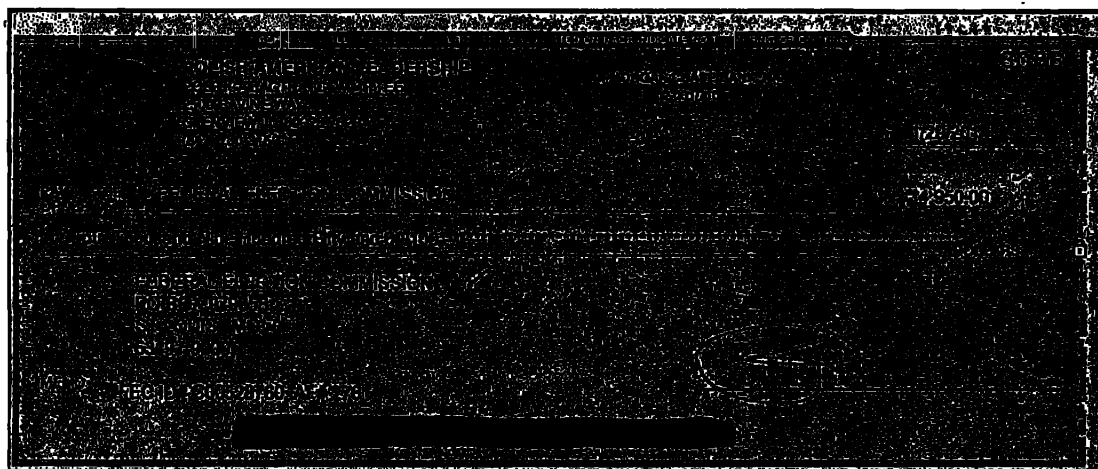
AF#: 2761

PAYMENT AMOUNT DUE: \$4,950

4

FEDERAL ELECTION COMMISSION

Lockbox: GLX-979058 Ledger Date 01/31/2014



Batch	Item	TID	Batch Total	Amount
1	1	Y-3041936	\$8,066.00	\$4,950.00

14092694313

usbank.

St. Louis GA Lockbox
(314) 425-1818



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 2761

DATE SCANNED 3/11/14

SCANNER NO. 2

SCAN OPERATOR SES

14092694314