



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 2776

DATE SCANNED 10/28/14

SCANNER NO. 2

SCAN OPERATOR EE5



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2014 APR -1 PM 4: 32

April 1, 2014

MEMORANDUM

SENSITIVE

TO: The Commission

THROUGH: Alec Palmer *AP*
Staff Director

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

Debbie Chacona *DC*
Assistant Staff Director
Reports Analysis Division

BY: Kristin D. Roser/Sari Pickeral *KDR*
Reports Analysis Division
Compliance Branch

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

Attached is a list of political committees and their treasurers who failed to file the 2013 Year-End Report in accordance with 2 U.S.C. 434(a). The Year-End Report was due on January 31, 2014.

The committees listed in the attached RTB Circulation Report either failed to file the report, filed the report : no more than thirty (30) days after the due date (considered a late filed report), or filed the report more than thirty (30) days after the due date (considered a non-filed report). In accordance with the schedule of civil money penalties for reports at 11 C.F.R. 111.43, these committees should be assessed the civil money penalties highlighted on the attached circulation report.

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.

Federal Election Commission
Reason to Believe Circulation Report
2013 YEAR-END Not Election Sensitive 01/31/2014 H_S_P_UNAUTH

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
2774	C00411173	COMMERCIAL REAL ESTATE FINANCE COUNCIL PAC	STEPHEN RENNA		\$124,627	0	2/7/2014	7	\$36,645	\$340
2775	C00553164	DAVID M ALAMEEL FOR UNITED STATES SENATE	DAVID PULLING		\$1,257,586	0	2/6/2014	6	\$1,257,586	\$6,700
2776	C00507780	FLEMMING FOR CONGRESS	FLEMMING, STANLEY L K	MARTHA FLEMMING	\$135,174	0	3/18/2014	Not Filed	\$5,050	\$330
2778	C00224790	GRAYROBINSON, P.A., POLITICAL ACTION COMMITTEE	J. CHARLES GRAY		\$101,815	0		Not Filed	\$101,815 (est)	\$4,950
2780	C00550780	JIM RUBENS FOR US SENATE	RUBENS, JIM	JEFF POSTUPACK	\$320,860	0	2/18/2014	18	\$43,314	\$560
2781	C00547232	JOE PALUMBO FOR CONGRESS	PALUMBO, JOSEPH E	KEITH PALUMBO	\$182,849	0		Not Filed	\$182,849 (est)	\$6,050
2783	C00009845	MONTGOMERY COUNTY DEMOCRATIC CENTRAL COMMITTEE	PAMELA E. QUEEN		\$265,722	0		Not Filed	\$184,557 (est)	\$6,050
2785	C00546747	WELLS GRIFFITH FOR CONGRESS	GRIFFITH, PRESTON WELLS III	RICHARD BYRON WILLIAMS	\$394,486	0		Not Filed	\$197,243 (est)	\$6,050

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Reason To Believe Recommendation - 2013)
Year-End Report for the Administrative)
Fine Program:)

COMMERCIAL REAL ESTATE) AF# 2774
FINANCE COUNCIL PAC, and RENNA,)
STEPHEN as treasurer;)
DAVID M ALAMEEL FOR UNITED) AF# 2775
STATES SENATE, and DAVID PULLING)
as treasurer;)
FLEMMING FOR CONGRESS, and) AF# 2776
MARTHA FLEMMING as treasurer;)

GRAYROBINSON, P.A., POLITICAL) AF# 2778
ACTION COMMITTEE, and GRAY, J.)
CHARLES as treasurer;)

JIM RUBENS FOR US SENATE, and) AF# 2780
JEFF POSTUPACK as treasurer;)
JOE PALUMBO FOR CONGRESS, and) AF# 2781
KEITH BUCKHOUT as treasurer;)

MONTGOMERY COUNTY) AF# 2783
DEMOCRATIC CENTRAL)
COMMITTEE, and QUEEN, PAMELA E)
as treasurer;)

WELLS GRIFFITH FOR CONGRESS, and) AF# 2785
RICHARD BYRON WILLIAMS as)
treasurer;)

14082700M108

CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on April 03, 2014 the Commission took the following actions on the Reason To Believe Recommendation - 2013 Year-End Report for the Administrative Fine Program as recommended in the Reports Analysis Division's Memorandum dated April 01, 2014, on the following committees:

AF#2774 Decided by a vote of 6-0 to: (1) find reason to believe that COMMERCIAL REAL ESTATE FINANCE COUNCIL PAC, and RENNA, STEPHEN 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 Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#2775 Decided by a vote of 6-0 to: (1) find reason to believe that DAVID M ALAMEEL FOR UNITED STATES SENATE, and DAVID PULLING 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 Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#2776 Decided by a vote of 6-0 to: (1) find reason to believe that FLEMMING FOR CONGRESS, and MARTHA FLEMMING 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 Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#2778 Decided by a vote of 6-0 to: (1) find reason to believe that GRAYROBINSON, P.A., POLITICAL ACTION COMMITTEE, and GRAY, J. CHARLES 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 Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#2780 Decided by a vote of 6-0 to: (1) find reason to believe that JIM RUBENS FOR US SENATE, and JEFF POSTUPACK 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 Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#2781 Decided by a vote of 6-0 to: (1) find reason to believe that JOE PALUMBO FOR CONGRESS, and KEITH BUCKHOUT 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 Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#2783 Decided by a vote of 6-0 to: (1) find reason to believe that MONTGOMERY COUNTY DEMOCRATIC CENTRAL COMMITTEE, and QUEEN, PAMELA E 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 Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#2785 Decided by a vote of 6-0 to: (1) find reason to believe that WELLS GRIFFITH FOR CONGRESS, and RICHARD BYRON WILLIAMS 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 Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

Attest:

April 3, 2014
Date

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

160027000401



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 4, 2014

Martha Flemming, in official capacity as Treasurer
Flemming for Congress
7619 Chambers Creek Road W
University Place, WA 98467

C00507780
AF#: 2776

Dear Ms. Flemming:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file a Year-End Report of Receipts and Disbursements every calendar year. This report, covering the period October 1, 2013 through December 31, 2013, shall be filed no later than January 31, 2014. 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 April 3, 2014, the FEC found that there is reason to believe ("RTB") that Flemming 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 January 31, 2014. 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 \$330. 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 \$330 is due within forty (40) days of the finding, or by May 13, 2014, and is based on these factors:

Election Sensitivity of Report: Not Election Sensitive

Level of Activity: \$5,050

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

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 May 13, 2014. 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 Flemming 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.

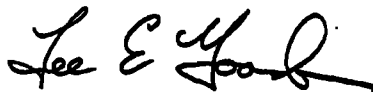
5. Settlement Offers

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,



Lee E. Goodman
Chairman

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 \$330 for the 2013 Year-End Report.

Please mail this remittance with a check or money order made payable to the Federal Election Commission to the following address:

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

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

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

The remittance and your payment are due by May 13, 2014. 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: Flemming for Congress

FEC ID#: C00507780

AF#: 2776

PAYMENT DUE DATE: May 13, 2014

PAYMENT AMOUNT DUE: \$330

April 25, 2014

5 MAY '14 RCVD

Mr. Lee E. Goodman, Chairman
Federal Elections Commission
999 E. Street N.W.
Washington, D.C. 20463

Re: AF#2776

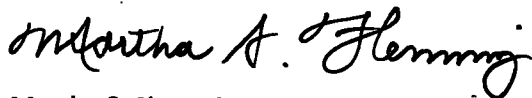
Dear Mr. Goodman:

This letter is in response to your correspondence dated April 4, 2014 which stated that I had failed to file a Year End Report for Receipts and Disbursements for the period of October 1, 2013 through December 31, 2013.

In accordance with paragraph three, subparagraph bold "1." of your letter and 11 CFR Para 111.35(a), I am electing to challenge the RTB Findings and/or Civil Money Penalty which you have levied against me. My challenge is based on (1) A factual error in the RTB finding and (2) My demonstrated use of best efforts to file in a timely manner when prevented from doing so by reasonably unforeseen circumstances that were beyond my control. Per 11 CFR Para 111.36(c), I have submitted my response in the format that you have required (See Attachment).

I thank you in advance for your reconsideration of my request to have the fine of \$330 rescinded.

Sincerely,



Martha S. Flemming
Treasurer, Flemming for Congress Campaign 2012

2014 MAY -5 AM 10:49

14062700M100



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 5, 2014

Martha Flemming
Flemming for Congress
7619 Chambers Creek Road W
University Place, WA 98467

C00507780
AF#: 2776

Dear Ms. Flemming

On May 5, 2014, the Commission's Office of Administrative Review ("OAR") received your written response ("challenge") for Flemming for Congress and you, in your 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,

p.p. Kristen D. Rose

fr Rhiannon Magruder
Reviewing Officer
Office of Administrative Review

Date: June 24, 2014

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

AF#: 2776

Committee Name: Flemming for Congress

Committee ID#: C00507780

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

Treasurer Name (if different than in RTB finding): N/A

Attachments:

- **Copy of RTB Circulation Report, dated April 1, 2014 and RTB Certification, dated April 3, 2014 (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 Year-End Report Notice, dated December 27, 2013.
 - Termination Denial Letter, dated January 30, 2014.
 - Non-Filer Letter, dated February 19, 2014.
 - RTB Letter, dated April 4, 2014.
- **Other RAD Information: (Y/N): N**



Dear Customer,

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

Tracking Number: 1Z WF5 860 A2 9231 470 3
Reference Number(s): RAD, RTB - 2776
Service: NEXT DAY AIR
Special Instructions: ADULT SIGNATURE REQUIRED
Shipped/Billed On: 04/04/2014
Delivered On: 04/08/2014 9:50 A.M.
Delivered To: 7619 CHAMBERS CREEK RD W
 UNIVERSITY PLACE, WA, US 98467

Signed By: ANDERSON

[illegible]

Location: RESIDENTIAL

Thank you for giving us this opportunity to serve you.

**Sincerely,
UPS**

Tracking results provided by UPS: 04/09/2014 10:03 A.M. ET

DECLARATION OF KRISTIN D. ROSER

1. I am the Chief of the Compliance Branch for the Reports Analysis Division of the Federal Election Commission ("Commission"). In my capacity as Chief of the Compliance Branch, I oversee the initial processing of the Administrative Fine Program. I make this declaration based on my personal knowledge and, if called upon as a witness, could and would testify competently to the following matters.
2. I hereby certify that documents identified herein are true and accurate copies of the following sent by the Commission to Flemming for Congress:
 - A) Report Notice, dated December 27, 2013, referencing the 2013 Year-End Report
(sent via electronic mail to: flemmingforcongress@gmail.com);
 - B) Termination Denial Letter, dated January 30, 2014, referencing the Termination Report covering July 1, 2013 through September 30, 2013
(sent via electronic mail to: flemmingforcongress@gmail.com);
 - C) Non-Filer Letter, dated February 19, 2014, referencing the 2013 Year-End Report
(sent via electronic mail to: flemmingforcongress@gmail.com);
 - D) Reason-to-Believe Letter, dated April 4, 2014 referencing the 2013 Year-End Report
(sent via overnight mail to the address of record).
3. I hereby certify that I have searched the Commission's public records and find that Flemming for Congress filed the 2013 Year-End Report with the Commission on March 18, 2014.
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 24th day of June, 2014.

Kristin D. Roser

Kristin D. Roser
Chief, Compliance Branch
Reports Analysis Division
Federal Election Commission



YEAR-END

REPORT NOTICE

FEDERAL ELECTION COMMISSION

CONGRESSIONAL COMMITTEES

December 27, 2013

CURRENT REPORT DUE:

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

[Click here for Supplemental Filing Information \(2013\)](#)

LOOKING AHEAD TO 2014

REPORT	CLOSE OF BOOKS ¹	REG./CERT. & OVERNIGHT MAILING DEADLINE	FILING DEADLINE
April Quarterly	03/31/14	04/15/14	04/15/14
July Quarterly	06/30/14	07/15/14	07/15/14
October Quarterly	09/30/14	10/15/14	10/15/14
Pre-General	10/15/14	10/20/14	10/23/14
48-Hour Notices	Period: 10/16/14 – 11/01/14 ---- click here for filing info ----		
Post-General	11/24/14	12/04/14	12/04/14
Year-End	12/31/14	01/31/15	01/31/15 ²

[Click here for Supplemental Filing Information \(2014\)](#)

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 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 CONGRESSIONAL COMMITTEES

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

WHO MUST FILE

Principal campaign committees of current and former congressional candidates¹ (including unopposed candidates and candidates whose names do not appear on the ballot) must file Quarterly Reports in 2013.² See 11 CFR 104.5(a). Before a committee can stop filing with the FEC, it must file a termination report with the Commission. See 11 CFR 102.3. Committees must continue to file reports until the Commission notifies them in writing that their termination report has been accepted.

METHODS OF FILING REPORTS

Electronic Filing

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

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

Paper Filing - Meeting the Filing Deadline

Paper Report filing options -- Registered, Certified or Overnight or First Class Mail.
See 11 CFR 104.5(e). See also 11 CFR 100.19.

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

2013 REPORTING SCHEDULE

- Web Page: 2013 Reporting Dates Page
- The Record:
 - FEC Record Blog: Reporting
 - January 2013 Reporting Article [PDF]
- Candidate Guide, p. 83 [PDF]

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

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

COMPLIANCE

Treasurer Responsibility

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

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

Administrative Fine Program

Failure to file reports on time may be subject to civil money penalties up to \$17,600 (or more for repeat late- and non-filers). ³ See generally, 11 CFR Part 111 Subpart B. See 11 CFR 111.43(b). See also 11 CFR 111.43.

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

DISCLOSURE OF LOBBYIST BUNDLING ACTIVITY

Campaign committees must file FEC Form 3L [PDF] if they receive two or more bundled contributions from lobbyists/registrants or lobbyist/registant 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]
- Candidate Guide, Appendix F, pp. 155-161 [PDF]

IMPORTANT FILING INFORMATION - PAPER FILERS

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

³ Penalties for late- or non-filing of 48-hour notices are based on the amount of contributions received that are not timely disclosed. As a result, these penalties may exceed \$17,600, even for first-time violations. See 11 CFR 111.44.

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

LOOKING AHEAD TO 2014

WHO MUST FILE

Principal campaign committees of current and former congressional candidates ¹ (including unopposed candidates and candidates whose names do not appear on the ballot) must file Quarterly Reports in 2014.² In addition, committees of candidates participating in an election must file pre-election and, as applicable, post-election reports, as described below.

All ongoing committees (regardless of the level of financial activity) and new campaigns that raise or spend more than \$5,000 for the 2014 election cycle (and thus trigger registration and reporting requirements) must file quarterly reports throughout 2014. This applies even if the candidate plans to retire, withdraws from the race prior to the primary election, loses the primary or drops out of the race prior to the general election. See 11 CFR 104.5(a)(1).

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.

PRE- AND POST-ELECTION REPORTS

A committee whose candidate participates in a 2014 state primary, nominating convention or runoff election – even if unopposed – must also file a pre-election report 12 days prior to the primary, nominating convention or runoff. The campaign committee of a candidate who participates in the general election must file pre- and post-general election reports.

11 CFR 104.5(a)(2).

- Web Page: 2014 Congressional Pre-Primary Reporting Dates – coming in 2014
- The Record:
 - FEC Record Blog: Reporting
 - January 2014 Article [PDF] – coming in 2014
- Candidate Guide, pp. 81-82 [PDF]

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

² If a candidate has more than one authorized committee, the principal campaign committee must also file a consolidated report on Form 3Z [PDF].

48 HOUR NOTICES ON CONTRIBUTIONS

The principal campaign committee must file notices if any authorized committees of the candidate receive any contribution (including in-kind gifts or advances of goods or services; loans from the candidate or other non-bank sources; and guarantees or endorsements of bank loans to the candidate or committee) of \$1,000 or more per source, during the period less than 20 days but more than 48 hours before any election in which the candidate is running. See 11 CFR 104.5(f).

The notices which may be filed using Form 6, or a letter containing the same information, must reach the appropriate federal and/or state filing office(s) within 48 hours of the committee's receipt of the contribution(s). See 11 CFR 104.5(f). Senate candidates file 48 hour notices with the Secretary of the Senate; all other candidate committees file with the FEC. **Campaign committees that file electronically MUST submit their 48 hour notices electronically.**

See 11 CFR 104.5(f).

- Web Page: Electronic Filing
- Web Page: Link to Paper Forms (for downloading and printing)
- Web Page: Link to Web Form 6 (for online submission)
- Web Page: State Filing Waivers
- Form 6 Fax numbers
 - Senate campaigns (Secretary of the Senate): (202) 224-1851
 - House Campaigns (FEC): (202) 219-0174
- Campaign Guide: Candidate Guide, p. 81 [PDF]

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

1400621000175



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-2

January 30, 2014

MARTHA FLEMMING, TREASURER
FLEMMING FOR CONGRESS
7619 CHAMBERS CK RD W
UNIVERSITY PLACE, WA 98467

Response Due Date

03/06/2014

IDENTIFICATION NUMBER: C00507780

REFERENCE: TERMINATION REPORT (07/01/2013 - 09/30/2013)

Dear Treasurer:

This letter is prompted by the Commission's preliminary review of the report referenced above. This notice requests information essential to full public disclosure of your federal election campaign finances. **Failure to adequately respond by the response date noted above could result in an audit or enforcement action.** Additional information is needed for the following 1 item(s):

- Your committee has requested that the Commission permit your committee to terminate pursuant to 2 U.S.C. § 433(d) and 11 CFR § 102.3. Preliminary review of reports filed during the 2012 election cycle identified problems concerning certain information disclosed by your committee of which you were previously notified. Your committee must continue to file all required reports with the Commission while a determination is being made on whether to pursue these matters any further. The Commission will notify you when your request to terminate has been approved and the committee is no longer required to file reports with the Commission.

Please note, you will not receive an additional notice from the Commission on this matter. Adequate responses must be received by the Commission on or before the due date noted above to be taken into consideration in determining whether audit action will be initiated. Failure to comply with the provisions of the Act may also result in an enforcement action against the committee. Any response submitted by your committee will be placed on the public record and will be considered by the Commission prior to taking enforcement action. **Requests for extensions of time in which to respond will not be considered.**

Electronic filers must file amendments (to include statements, designations and reports) in an electronic format and must submit an amended report in its entirety, rather than just those portions of the report that are being amended.

FLEMMING FOR CONGRESS

Page 2 of 2

If you should have any questions regarding this matter or wish to verify the adequacy of your response, please contact me on our toll-free number (800) 424-9530 (at the prompt press 5 to reach the Reports Analysis Division) or my local number (202) 694-1167.

Sincerely,



Tyler Culberson
Senior Campaign Finance Analyst
Reports Analysis Division

423

14330042502



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-7

February 19, 2014

MARTHA FLEMMING, TREASURER
FLEMMING FOR CONGRESS
7619 CHAMBERS CK RD W
UNIVERSITY PLACE, WA 98467

IDENTIFICATION NUMBER: C00507780

REFERENCE: YEAR-END REPORT (10/01/2013 - 12/31/2013)

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. The report must be filed with the Federal Election Commission, 999 E Street, N.W., Washington, DC 20463 for House candidates, or the Secretary of the Senate, 232 Hart Senate Office Building, Washington, DC 20510 (if sent via overnight delivery service) or Senate Office of Public Records, P.O. Box 77578, Washington, DC 20013-7578 (if sent via USPS) for Senate Candidates. Please note that electronic filers must submit their reports electronically, as per 11 CFR §104.18. A copy of the report must also be filed with the Secretary of State or equivalent State officer unless the State is exempt from the federal requirement to receive and maintain paper copies. You can verify the Commission's receipt of any documents submitted by your committee on the FEC website at www.fec.gov.

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

FLEMMING FOR CONGRESS

Page 2 of 2

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

Sincerely,

Debbie Chacona

Deborah Chacona
Assistant Staff Director
Reports Analysis Division

250

14330044243



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2014 JUN 25 PM 12:12

June 25, 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: AF# 2776 – Flemming for Congress and Martha Flemming, in her official capacity as Treasurer (C00507780)

The attached Reviewing Officer Recommendation ("ROR") 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 ROR and the respondents' written response, if any, will be circulated to the Commission to make a final determination.

Attachment



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 25, 2014

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

AF# 2776 – Flemming for Congress and Martha Flemming, in her official capacity as Treasurer
(C00507780)

Summary of Recommendation

Make a final determination that the respondents violated 2 U.S.C. § 434(a) and assess a \$330 civil money penalty.

Reason-to-Believe Background

The 2013 Year End Report was due on January 31, 2014. The respondents filed the report on March 18, 2014, 46 days late. The report is not election sensitive and was filed more than 30 days after the due date; therefore, the report is considered not filed. 11 C.F.R. §§ 111.43(d)(1) and (e)(1).

On April 3, 2014, the Commission found reason to believe ("RTB") that the respondents violated 2 U.S.C. § 434(a) for failing to timely file the 2013 Year End Report and made a preliminary determination that the civil money penalty was \$330 based on the schedule of penalties at 11 C.F.R. § 111.43. A letter was mailed to the respondents' address of record from the Reports Analysis Division ("RAD") on April 4, 2014 to notify them of the Commission's RTB finding and civil money penalty.

Legal Requirements

The Federal Election Campaign Act ("Act") states that the treasurer of a principal campaign committee shall file a report for the quarter ending December 31 no later than January 31 of the following calendar year. 2 U.S.C. § 434(a)(2)(B) and 11 C.F.R. § 104.5(a)(1)(i). Reports electronically filed must be received and validated at or before 11:59 pm Eastern Standard/Daylight Time on the filing deadline to be timely filed. 11 C.F.R. §§ 100.19(c) and 104.5(e). The treasurer shall be personally responsible for the timely filing of reports. 11 C.F.R. § 104.14(d).

Respondents' Challenge

On May 5, 2014, the Commission received the written response ("challenge") from the Treasurer and Candidate's wife, Mrs. Martha Flemming, challenging the RTB finding. The challenge was submitted in the form of an affidavit, listing 19 items.

Item 1 states that in December of 2011, the Candidate, Stanley L. K. Flemming, entered the race for Washington's new 10th Congressional District. The Candidate and Mrs. Flemming subsequently formed Flemming for Congress and began timely filing reports as required.

The remaining items directly relate to the untimely filing of the 2013 Year End Report and the RTB finding.

"In September 2013, [the Committee's] former campaign manager left the area, taking with her records of the campaign and access codes for the FEC e-filing." On October 21, 2013, the Candidate called the RAD Analyst asking "how to best obtain a new password and code to the campaign account in order to access the reports." After the Analyst informed the Candidate that a report was due, the Candidate asked how to close the committee and conclude reporting since the campaign ended in August of 2012. The Analyst walked the Candidate through the process of filing a final report and closing the Committee.

The Candidate contacted the RAD Analyst again on October 22, 2013 and November 5, 2013, after several failed attempts to electronically file the report. The RAD Analyst informed the Candidate that he could fax the report.

"...[The Candidate] faxed those documents and report to the FEC on that same date. It was our understanding from [the Analyst] that we had officially closed out our account and no further reporting was required. NEVER during that conversation did he state or imply that continued reporting was required..."

"...On November 1, 2013, [Mrs. Flemming] received a letter from the FEC informing [her] that [she] may have forgotten to file the October Quarterly Report. [Mrs. Flemming] discussed this with [the Candidate], who informed [her] that per his previous conversation with [the Analyst], no further reporting was required..."

"...On January 30, 2014, [Mrs. Flemming] received another letter from the FEC. That letter informed [the Committee] that it was in reference to [the Committee's] Termination Report [and noted] that the FEC had 'identified problems concerning certain information disclosed by [the] committee of which [she] was previously notified.' This was the first time [Mrs. Flemming] had ever been notified. It was also the first time that [she] was informed that [she] had to continued (sp) filing reports until such time the Commission determined it was no longer required. [The Candidate] contacted the [RAD Analyst] immediately after receipt of that letter requesting an explanation...[The Analyst] also informed [the Candidate] for the first time that [the Committee] had to continue reporting to the FEC indefinitely. When [the Candidate] reminded him that per his previous conversation with [the Analyst], a Termination Report had been completed and submitted with his assistance and that it was [the respondents'] understanding [they] were done reporting, [the Analyst] denied that he had given [the Candidate] any guidance regarding a Termination Report. [The Candidate] reminded him that the Termination Report had been completed and submitted with his full

knowledge and assistance. Without [the Analyst's] help, we would not have had any knowledge of a 'Final Report' existing. During that conversation, [the Analyst] also stated that [the Committee's filings were] under review and continued reporting was required. [The Analyst] was short with [the Candidate] during that conversation, which was a complete change in attitude from the previous conversation..."

"...Between March 3, 2014 and March 20, 2014 [Mrs. Flemming] communicated numerous times telephonically and by email with [Technical Support Staff] from the FEC. [The Candidate] likewise communicated with [Technical Support Staff] on several occasions regarding the continued difficulties [the Committee was] having in completing and filing a Year End and the April Quarterly report. [They] had tried several times to following (sp) directions on the internet provided by the FEC only to learn that those directions were incomplete. On March 18, 2014 [Mrs. Flemming] received confirmation from the FEC that the reports had been [electronically filed] successfully..."

Mrs. Flemming concludes by stating she is appealing the RTB finding based on the fact that she acted in good faith. In October 2013, the Committee was led to believe they no longer had to file reports with the FEC. Once the Committee was instructed to file again, the respondents worked with Technical Support Staff for nearly two weeks to rebuild their data file and submit the reports. She respectfully requests that the Commission reconsider the RTB finding.

Analysis

The challenge contends that the respondents were under the impression that the Committee had no further reporting obligations as of October 21, 2013. The respondents state that on this date, the Candidate, spoke to the RAD Reviewing Analyst and subsequently faxed supplemental documents in response to outstanding RFAIs and a Termination Report.

According to RAD's Response to Request for Supplemental Information and RAD telecoms (written records of telephone conversations), on October 21, 2013, the Candidate contacted the RAD Reviewing Analyst. The Candidate stated he wanted to terminate the Committee, but he did not have access to the Committee's records and electronic data file because he had been unsuccessful in reaching the Committee's previous campaign manager. The Reviewing Analyst explained that the Committee had outstanding matters

which must be resolved before the Committee would be eligible to terminate. The Analyst then instructed the Candidate how to view the Committee's outstanding RFAIs on the FEC website and how to file a Termination Report. RAD's Response to Request for Supplemental Information states: "At no point did the Analyst state or imply that the Committee was eligible for termination by the FEC" (Attachment 3).

Mrs. Flemming states that on November 1, 2013, the Candidate indicated to her that the RAD Reviewing Analyst previously informed him no further reporting was required. Commission records indicate the faxed documents were not received until November 5, 2013. On November 14, 2013, the Committee filed the Termination Report covering the 2013 October Quarterly reporting period from July 1, 2013 through September 30, 2013. The timing of these

submissions is evidence that the Candidate was aware that the Committee had further reporting obligations as of November 1, 2013.

As of December 20, 2013, the Committee's termination request had not yet been approved. Therefore, on this date, the Commission emailed a Prior Notice for the 2013 Year End Report to "flemmingforcongress@gmail.com," the email address listed on their Statement of Organization. Page 2 of this notice states:

"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." (Attachment 3)

On January 30, 2014 an RFAI was sent to the same email address informing the respondents they would not be permitted to terminate until all outstanding matters were resolved. The RFAI states:

"...Your committee must continue to file all required reports with the Commission while a determination is being made on whether to pursue these matters any further. The Commission will notify you when your request to terminate has been approved and the committee is no longer required to file reports with the Commission..." (Attachment 5)

According to the Manager of the Systems Analysis and Design Branch within the Commission's Information Technology Division ("ITD"), on February 1, 2014, the Electronic Filing Office ("EFO") emailed a notice to "stanflemming@hotmail.com," the email address previously provided to EFO by the Committee, informing the Committee that it had failed to file the 2013 Year End Report (Attachment 2).

On February 5, 2014, the Candidate called the RAD Reviewing Analyst and notified him that the Committee was in receipt of the RFAI denying the Committee's request to terminate. The Candidate stated that he was under the impression that the Committee was terminated once they filed the Termination Report. The Reviewing Analyst reiterated that the Committee could not terminate until the Committee's outstanding matters were resolved, which they previously discussed on October 21, 2013. The Reviewing Analyst then reminded the Candidate that the Committee needed to file the 2013 Year End Report and continue filing any regular quarterly reports until the Commission notified the Committee that it had been terminated. The Candidate acknowledged this and stated the Committee would file the 2013 Year-End Report (Attachment 4).

On February 18, 2014, the Candidate requested a copy of the Committee's prior report to assist the respondents in filing the 2013 Year End Report. The RAD Reviewing Analyst successfully faxed the report to the Candidate on February 19, 2014 (Attachment 4).

On February 19, 2014, RAD sent a non-filer letter via email to "flemmingforcongress@gmail.com" notifying the respondents that they did not file the 2013 Year End Report (Attachment 5).

On February 27, 2014, 22 days after the RAD Reviewing Analyst advised the Committee to file the 2013 Year End Report, the Candidate made his first attempt to contact Commission staff for assistance in electronically filing the report. The Candidate called the RAD Compliance Analyst in response to the non-filer letter and explained that he did not have access to the Committee's electronic data file and asked how he could go about filing electronically. The Compliance Analyst walked him through how to download the FECFile software and request a password. The Compliance Analyst also gave him the contact information of the EFO and the RAD Reviewing Analyst (Attachment 4).

EFO phone logs indicate the respondents worked with EFO Technical Support Staff numerous times during the period of February 27, 2014 through March 18, 2014. EFO provided assistance with various topics, including password requests, downloading previous reports to recreate the Committee's data file, addressing error messages, transaction entry, and uploading reports (Attachment 2). On March 18, 2014, the Committee electronically filed its 2013 Year End Report, 46 days late.

The Committee was never given any indication that its termination request had been approved. In addition, the Committee first acknowledged they were having trouble with electronic filing on October 21, 2013. Had the respondents requested electronic filing assistance at that time, or even after receiving the December 20, 2013 email containing the Year End Report Notice, they would have had adequate time to receive assistance from EFO and file the report by the due date. Negligence, inexperience of the treasurer and other staff, and a committee's 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. Their challenge fails to address any of the three valid grounds at 11 C.F.R. § 111.35(b). These are: (i) the RTB finding is based on factual errors; and/or (ii) the improper calculation of the civil money penalty; and/or (iii) they used best efforts to file on time but were prevented from doing so by reasonably unforeseen circumstances that were beyond their control and they filed the report no later than 24 hours after the end of these circumstances. Therefore, the Reviewing Officer recommends that the Commission make a final determination that the respondents violated 2 U.S.C. § 434(a) and assess a \$330 civil money penalty.

OAR Recommendations

- 1) Adopt the Reviewing Officer recommendation for AF# 2776 involving Flemming for Congress and Martha Flemming, in her official capacity as Treasurer, in making the final determination;
- 2) Make a final determination in AF# 2776 that Flemming for Congress and Martha Flemming, in her official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assess a \$330 civil money penalty; and
- 3) Send the appropriate letter.

Reviewing Officer: Rhiannon Magruder

Attachments

Attachment 1 – Challenge Received from Respondents

Attachment 2 –

Attachment 3 –

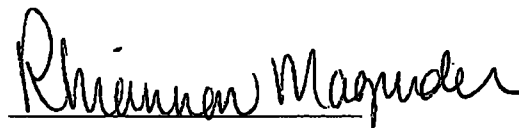
Attachment 4 –

Attachment 5 –

Attachment 6 – Declaration from OAR

DECLARATION OF RHIANNON MAGRUDER

- 1) I am the Reviewing Officer in the Office of Administrative Review for the Federal Election Commission ("Commission"). In my capacity as Reviewing Officer, I conduct research with respect to all challenges submitted in accordance with the Administrative Fine program.
- 2) The principal campaign committee of a candidate must file a report for the quarter ending December 31 no later than January 31 of the following calendar year. Reports filed electronically must be received and validated at or before 11:59 pm, Eastern Standard/Daylight Time on January 31 for the Year End 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 1 of the Statement of Organization filed by Flemming for Congress and Martha Flemming, in her official capacity as Treasurer. According to the Commission's records, the document was received on December 15, 2011 and lists "flemmingforcongress@gmail.com" as the Committee's email address;
 - b) Cover Letter, Report Cover Page, Summary Page, Detailed Summary Pages, and Envelope Replacement Page for the Termination Report filed by Flemming for Congress and Martha Flemming, in her official capacity as Treasurer. According to the Commission's records, the report covers the period from July 1 through September 30, 2013 and was received on November 14, 2013.
 - c) Report Cover Page, Summary Page, and Detailed Summary Pages for the 2013 Year End Report electronically filed by Flemming for Congress and Martha Flemming, in her official capacity as Treasurer. According to the Commission's records, the report covers the period from October 1 through December 31, 2013, and was received on March 18, 2014.
- 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 25th day of June, 2014.



Rhiannon Magruder
Reviewing Officer
Office of Administrative Review
Federal Election Commission

1700627000897

FEC
FORM 1

STATEMENT OF
ORGANIZATION

RECEIVED

2011 DEC 16 PM 12:01

FEC MAIL CENTER

Office Use Only

1. NAME OF
COMMITTEE (in full)

☐

(Check if name
is changed)

Example: If typing, type
over the lines.

12FE4M5

Flemming for Congress

ADDRESS (number and street)

7619 Chambers Creek Road West

☐

(Check if address
is changed)

University Place

WA

98467

CITY

STATE

ZIP CODE

COMMITTEE'S E-MAIL ADDRESS (Please provide only one e-mail address)

☐

(Check if address
is changed)

Flemmingforcongress@gmail.com

COMMITTEE'S WEB PAGE ADDRESS (URL)

☐

(Check if address
is changed)

www.electstanflemming.com

2. DATE

12 14 2011

3. FEC IDENTIFICATION NUMBER

C

4. IS THIS STATEMENT

☒

NEW (N)

OR

☐

AMENDED (A)

I certify that I have examined this Statement and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer

Martha S. Flemming

Signature of Treasurer

Martha S. Flemming

Date

12 14 2011

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Statement to the penalties of 2 U.S.C. §437g.

ANY CHANGE IN INFORMATION SHOULD BE REPORTED WITHIN 10 DAYS.

Office
Use
Only

For further information contact:
Federal Election Commission
Toll Free 800-424-9530
Local 202-694-1100

FEC FORM 1
(Revised 02/2009)

November 1, 2013

RECEIVED

2013 NOV 14 AM 8:36

FEC MAIL CENTER

Mr. Tyler Culberson
Senior Campaign Finance Analyst
Reports Analysis Division
Federal Elections Commission

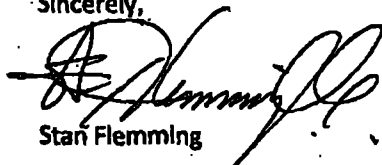
Dear Mr. Culberson;

Thank you for your recent assistance in helping me close this campaign account. Enclosed in this facsimile is my last FEC Form 3 and supplemental reports.

Also, please accept this letter as my release of interest and/or expectation or demand for any of the loans I made to my campaign totaling \$64,000.00. I consider these loans forgiven.

Should you have any further questions, please do not hesitate to contact me direct at 253.861.9018. Again, thank you.

Sincerely,


Stan Flemming

Encl.

13031140714

13031140714

FEC
FORM 3

REPORT OF RECEIPTS
AND DISBURSEMENTS
For An Authorized Committee

RECEIVED

2013 NOV 14 AM 8:36

Office Use Only

FEC MAIL CENTER

12FE4M5

1. NAME OF
COMMITTEE (In full)

TYPE OR PRINT ▽

Example: If typing, type
over the lines.

FLEMMING FOR CONGRESS

ADDRESS (number and street)

7619 CHAMBERS CK RD W



Check if different
than previously
reported. (ACC)

UNIVERSITY PLACE

WA

98467

2. FEC IDENTIFICATION NUMBER ▽

CITY △

STATE △

ZIP CODE △

STATE ▽ DISTRICT

C00507780

3. IS THIS
REPORT

NEW
(N)

OR

AMENDED
(A)

WA

10

4. TYPE OF REPORT (Choose One)

(a) Quarterly Reports:

☐
☐
☐
☐

April 15 Quarterly Report (Q1)

July 15 Quarterly Report (Q2)

October 15 Quarterly Report (Q3)

January 31 Year-End Report (YE)



Termination Report (TER)

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

Primary (12P)

General (12G)

Runoff (12R)

Convention (12C)

Special (12S)

Election on

In the
State of

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

General (30G)

Runoff (30R)

Special (30S)

Election on

In the
State of

5. Covering Period

07 ' 01 ' 2013

through

09 ' 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

STAN FLEMMING

Signature of Treasurer

Stan Fleming

Date

10 ' 21 ' 2013

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. §437g.

Office
Use
Only

FEC FORM 3
(Revised 02/2003)

SUMMARY PAGE
of Receipts and Disbursements

Write or Type Committee Name

FLEMMING FOR CONGRESS

Report Covering the Period:

From:

07 01 2013

To:

09 30 2013

	COLUMN A This Period	COLUMN B Election Cycle-to-Date
6. Net Contributions (other than loans)		
(a) Total Contributions (other than loans) (from Line 11(e))	0.00	39,866.85
(b) Total Contribution Refunds (from Line 20(d))	0.00	0.00
(c) Net Contributions (other than loans) (subtract Line 6(b) from Line 6(a))	0.00	39,866.85
7. Net Operating Expenditures		
(a) Total Operating Expenditures (from Line 17)	2,428.70	83,020.26
(b) Total Offsets to Operating Expenditures (from Line 14)	0.00	0.00
(c) Net Operating Expenditures (subtract Line 7(b) from Line 7(a))	2,428.70	83,020.26
8. Cash on Hand at Close of Reporting Period (from Line 27)	0.00	
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)	59,583.56	

For further information contact:

Federal Election Commission
999 E Street, NW
Washington, DC 20463Toll Free 800-424-9530
Local 202-694-1100

DETAILED SUMMARY PAGE
of Receipts

FEC Form 3 (Revised 12/2003)

Page 3

Write or Type Committee Name

FLEMMING FOR CONGRESS

Report Covering the Period:

From:

07/01/2013

To:

09/30/2013

I. RECEIPTS

COLUMN A
Total This Period

COLUMN B
Election Cycle-to-Date

11. CONTRIBUTIONS (other than loans) FROM:

(a) Individuals/Persons Other Than
Political Committees

(i) Itemized (use Schedule A).....

0.00

32,500.00

(ii) Unitemized.....

0.00

5,366.85

(iii) TOTAL of contributions
from individuals.....

0.00

37,866.85

(b) Political Party Committees.....

0.00

1,000.00

(c) Other Political Committees
(such as PACs).....

0.00

1,000.00

(d) The Candidate.....

60,000.00

60,000.00

(e) TOTAL CONTRIBUTIONS
(other than loans)
(add Lines 11(a)(iii), (b), (c), and (d))..

60,000.00

99,866.85

**12. TRANSFERS FROM OTHER
AUTHORIZED COMMITTEES.....**

0.00

0.00

13. LOANS:

(a) Made or Guaranteed by the
Candidate.....

0.00

4,000.00

(b) All Other Loans.....

0.00

204,950.00

(c) TOTAL LOANS
(add Lines 13(a) and (b)).....

0.00

208,950.00

**14. OFFSETS TO OPERATING
EXPENDITURES
(Refunds, Rebates, etc.).....**

0.00

0.00

**15. OTHER RECEIPTS
(Dividends, Interest, etc.).....**

0.00

0.00

**16. TOTAL RECEIPTS (add Lines
11(e), 12, 13(c), 14, and 15)
(Carry Total to Line 24, page 4).....**

60,000.00

308,816.85

DETAILED SUMMARY PAGE
of Disbursements

FEC Form 3 (Revised 02/2003)

Page 4

II. DISBURSEMENTS

COLUMN A
Total This Period

COLUMN B
Election Cycle-to-Date

17. OPERATING EXPENDITURES.....

2,178.70

82,770.26

18. TRANSFERS TO OTHER
AUTHORIZED COMMITTEES

0.00

0.00

19. LOAN REPAYMENTS:

(a) Of Loans Made or Guaranteed
by the Candidate.....

0.00

0.00

(b) Of All Other Loans

60,250.00

210,250.00

(c) TOTAL LOAN REPAYMENTS
(add Lines 19(a) and (b)).....

60,250.00

210,250.00

20. REFUNDS OF CONTRIBUTIONS TO:

(a) Individuals/Persons Other
Than Political Committees

0.00

0.00

(b) Political Party Committees.....

0.00

0.00

(c) Other Political Committees
(such as PACs).....

0.00

0.00

(d) TOTAL CONTRIBUTION REFUNDS
(add Lines 20(a), (b), and (c)).....

0.00

0.00

21. OTHER DISBURSEMENTS

0.00

4,003.10

22. TOTAL DISBURSEMENTS
(add Lines 17, 18, 19(c), 20(d), and 21) ►

62,428.70

293,023.36

III. CASH SUMMARY

23. CASH ON HAND AT BEGINNING OF REPORTING PERIOD.....

2,428.70

24. TOTAL RECEIPTS THIS PERIOD (from Line 16, page 3).....

60,000.00

25. SUBTOTAL (add Line 23 and Line 24).....

62,428.70

26. TOTAL DISBURSEMENTS THIS PERIOD (from Line 22).....

62,428.70


27. CASH ON HAND AT CLOSE OF REPORTING PERIOD
(subtract Line 26 from Line 25).....

0.00

13031140718

UNION-COMM-0001

Federal Election Commission
ENVELOPE REPLACEMENT PAGE FOR INCOMING DOCUMENTS
The FEC added this page to the end of this filing to indicate how it was received.

<input type="checkbox"/> Hand Delivered	Date of Receipt
<input checked="" type="checkbox"/> USPS First Class Mail	Postmarked 11/8/13
<input type="checkbox"/> USPS Registered/Certified	Postmarked (R/C)
<input type="checkbox"/> USPS Priority Mail	Postmarked
<input type="checkbox"/> USPS Priority Mail Express	Postmarked
<input type="checkbox"/> Postmark Illegible	
<input type="checkbox"/> No Postmark	
<input type="checkbox"/> Overnight Delivery Service (Specify):	Shipping Date
	Next Business Day Delivery <input type="checkbox"/>
<input type="checkbox"/> Received from House Records & Registration Office	Date of Receipt
<input type="checkbox"/> Received from Senate Public Records Office	Date of Receipt
<input type="checkbox"/> Received from Electronic Filing Office	Date of Receipt
<input type="checkbox"/> Other (Specify):	Date of Receipt or Postmarked
 PREPARER	11/14/13 DATE PREPARED

(8/2013)

13031140732

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

Office Use Only

1. NAME OF
COMMITTEE (In full)

TYPE OR PRINT ▼

Example: If typing, type
over the lines.

12FE4M5

Flemming for Congress

ADDRESS (number and street)

7619 Chambers Ck Rd W

Check if different
than previously
reported. (ACC)

University Place

WA

98467

2. FEC IDENTIFICATION NUMBER ▼

CITY ▲

STATE ▲

ZIP CODE ▲

STATE ▼ DISTRICT

C C00507780

3. IS THIS
REPORT☒NEW
(N)

OR

☐AMENDED
(A)

WA

10

4. TYPE OF REPORT (Choose One)

(a) Quarterly Reports:

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

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

☐

Primary (12P)

☐

General (12G)

☐

Runoff (12R)

☐

Convention (12C)

☐

Special (12S)

Election on

MM / DD / YYYY

In the
State of

CA

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

☐

General (30G)

☐

Runoff (30R)

☐

Special (30S)

Election on

MM / DD / YYYY

In the
State of

CA

5. Covering Period

MM / DD / YYYY

10

01

2013

through

MM / DD / YYYY

12

31

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 Martha S. Flemming

Signature of Treasurer Martha S. Flemming

[Electronically Filed]

Date

MM / DD / YYYY

03

18

2014

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. §437g.

Office
Use
Only**FEC FORM 3**
(Revised 02/2003)

SUMMARY PAGE

of Receipts and Disbursements

Write or Type Committee Name
Flemming for Congress

Report Covering the Period:

From:

10 / 01 / 2013

To:

12 / 31 / 2013

	COLUMN A This Period	COLUMN B Election Cycle-to-Date
6. Net Contributions (other than loans)		
(a) Total Contributions (other than loans) (from Line 11(e))	0.00	100366.85
(b) Total Contribution Refunds (from Line 20(d))	0.00	0.00
(c) Net Contributions (other than loans) (subtract Line 6(b) from Line 6(a))	0.00	100366.85
7. Net Operating Expenditures		
(a) Total Operating Expenditures (from Line 17)	0.00	86441.56
(b) Total Offsets to Operating Expenditures (from Line 14)	0.00	0.00
(c) Net Operating Expenditures (subtract Line 7(b) from Line 7(a))	0.00	86441.56
8. Cash on Hand at Close of Reporting Period (from Line 27)	0.00	
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	

For further information contact:

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

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

DETAILED SUMMARY PAGE of Receipts

FEC Form 3 (Revised 12/2003)

PAGE 3 / 5

Write or Type Committee Name

Flemming for Congress

Report Covering the Period:

From:

M	M	/	D	D	/	Y	Y	Y	Y
1	0	/	0	1	/	2	0	1	3

To:

M	M	/	D	D	/	Y	Y	Y	Y
1	2	/	3	1	/	2	0	1	3

I. RECEIPTS
COLUMN A
Total This Period

COLUMN B
Election Cycle-to-Date
11. CONTRIBUTIONS (other than loans) FROM:**(a) Individuals/Persons Other Than Political Committees**

(i) Itemized (use Schedule A).....

0.00

38366.85

(ii) Unitemized.....

0.00

0.00

(iii) TOTAL of contributions from individuals ▶

0.00

38366.85

(b) Political Party Committees.....

0.00

1000.00

(c) Other Political Committees (such as PACs).....

0.00

1000.00

(d) The Candidate.....

0.00

60000.00

(e) TOTAL CONTRIBUTIONS

(other than loans)

(add Lines 11(a)(iii), (b), (c), and (d))..

0.00

100366.85

12. TRANSFERS FROM OTHER AUTHORIZED COMMITTEES.....

0.00

0.00

13. LOANS:**(a) Made or Guaranteed by the Candidate.....**

0.00

0.00

(b) All Other Loans.....

0.00

9300.00

(c) TOTAL LOANS

(add Lines 13(a) and (b)).....

0.00

9300.00

14. OFFSETS TO OPERATING EXPENDITURES (Refunds, Rebates, etc.).....

0.00

0.00

15. OTHER RECEIPTS (Dividends, Interest, etc.).....

0.00

0.00

16. TOTAL RECEIPTS (add Lines 11(e), 12, 13(c), 14, and 15) (Carry Total to Line 24, page 4)..... ▶

0.00

109666.85

DETAILED SUMMARY PAGE of Disbursements

FEC Form 3 (Revised 02/2003)

PAGE 4 / 5

II. DISBURSEMENTS	COLUMN A Total This Period	COLUMN B Election Cycle-to-Date
17. OPERATING EXPENDITURES.....	0.00	86441.56
18. TRANSFERS TO OTHER AUTHORIZED COMMITTEES	0.00	0.00
19. LOAN REPAYMENTS:		
(a) Of Loans Made or Guaranteed by the Candidate.....	0.00	4000.00
(b) Of All Other Loans	0.00	210250.00
(c) TOTAL LOAN REPAYMENTS (add Lines 19(a) and (b)).....	0.00	214250.00
20. REFUNDS OF CONTRIBUTIONS TO:		
(a) Individuals/Persons Other Than Political Committees	0.00	0.00
(b) Political Party Committees.....	0.00	0.00
(c) Other Political Committees (such as PACs).....	0.00	0.00
(d) TOTAL CONTRIBUTION REFUNDS (add Lines 20(a), (b), and (c)).....	0.00	0.00
21. OTHER DISBURSEMENTS	5050.00	9922.29
22. TOTAL DISBURSEMENTS (add Lines 17, 18, 19(c), 20(d), and 21) ►	5050.00	310613.85

III. CASH SUMMARY

23. CASH ON HAND AT BEGINNING OF REPORTING PERIOD.....	5050.00
24. TOTAL RECEIPTS THIS PERIOD (from Line 16, page 3).....	0.00
25. SUBTOTAL (add Line 23 and Line 24).....	5050.00
26. TOTAL DISBURSEMENTS THIS PERIOD (from Line 22).....	5050.00
27. CASH ON HAND AT CLOSE OF REPORTING PERIOD (subtract Line 26 from Line 25).....	0.00



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

VIA OVERNIGHT DELIVERY

June 30, 2014

Martha Flemming
Flemming for Congress
7619 Chambers Ck Rd W
University Place, WA 98467

C00507780
AF#: 2776

Dear Mrs. Flemming:

On April 3, 2014, the Federal Election Commission ("Commission") found reason to believe ("RTB") that Flemming for Congress and you, in your official capacity as Treasurer ("respondents"), violated 2 U.S.C. § 434(a) for failing to file the 2013 Year End Report. The Commission also made a preliminary determination that the civil money penalty was \$330 based on the schedule of penalties at 11 C.F.R. § 111.43.

After reviewing the written response and any supplemental information submitted by you and Commission staff, the Reviewing Officer has recommended that the Commission make a final determination. A copy of the Reviewing Officer's recommendation is attached.

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

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

Sincerely,

A handwritten signature in black ink that reads "Rhiannon Magruder". The signature is fluid and cursive.

Rhiannon Magruder
Reviewing Officer
Office of Administrative Review

Commission Secretary
999 E Street NW
Washington DC 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2014 JUL -8 P 3:02

July 7, 2014

Commission Secretary:

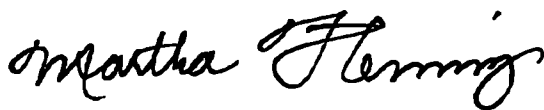
This letter is in response to correspondence I received dated June 30, 2014 (C00507780 AF#: 2776) from the Federal Election Commission and signed by Reviewing Officer Rhiannon Magruder. The correspondence states that the Reviewing Officer recommends that myself as Treasurer and the Flemming for Congress campaign (respondents) violated 2 U.S.C. para 434(a) and therefore should be assessed a \$330 civil money penalty.

On April 25, 2014 I sent correspondence to Mr. Goodman, FEC Chairman, challenging the RTB findings and penalty levied against me. That correspondence, in the form of an affidavit as required, outlined the circumstances in this case that prevented me from filing the 2013 Report in a timely manner, and requested that the penalty be rescinded.

I believe that I acted responsibly and in a timely manner to address the issues and resolve them. I worked diligently to comply with federal regulations and did submit the required year-end report. Having never worked as a treasurer on a political campaign prior to Flemming for Congress, I found the system difficult to navigate and the software was not user-friendly. I acted in good faith and to the best of my ability.

I have no further response at this time, and ask that you again reconsider this civil penalty.

Sincerely,



Martha Flemming
Treasurer, Flemming for Congress Campaign 2012

140662700400

political campaign prior to Flemming for Congress, I found the system difficult to navigate and the software was not user-friendly. I acted in good faith and to the best of my ability."

As stated in the ROR, negligence, inexperience of the treasurer and other staff, and a committee's 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 \$330 civil money penalty.

OAR Recommendations

- 1) Adopt the Reviewing Officer recommendation for AF# 2776 involving Flemming for Congress and Martha Flemming, in her official capacity as Treasurer, in making the final determination;
- 2) Make a final determination in AF# 2776 that Flemming for Congress and Martha Flemming, in her official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assess a \$330 civil money penalty; and
- 3) Send the appropriate letter.

Reviewing Officer: Rhiannon Magruder

Attachment

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Final Determination Recommendation:) AF 2776
Flemming for Congress and Martha)
Flemming, in her official capacity as)
Treasurer (C00507780))

CERTIFICATION

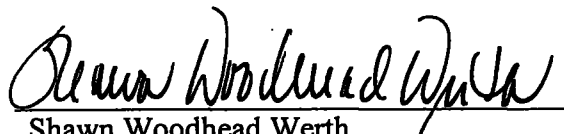
I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on July 25, 2014, the Commission decided by a vote of 6-0 to take the following actions in AF 2776:

1. Adopt the Reviewing Officer recommendation for AF# 2776 involving Flemming for Congress and Martha Flemming, in her official capacity as Treasurer, in making the final determination.
2. Make a final determination in AF# 2776 that Flemming for Congress and Martha Flemming, in her official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assess a \$330 civil money penalty.
3. Send the appropriate letter.

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

Attest:

July 25, 2014
Date


Shawn Woodhead Werth
Secretary and Clerk of the Commission



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 25, 2014

Martha Flemming
Flemming for Congress
7619 Chambers Ck. Rd. W.
University Place, WA 98467

C00507780
AF#: 2776

Dear Mrs. Flemming:

On April 3, 2014, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Flemming for Congress and you, in your official capacity as Treasurer, violated 2 U.S.C. § 434(a) for failing to file the 2013 Year End Report. By letter dated April 4, 2014, the Commission sent notification of the RTB finding that included a civil money penalty calculated at RTB of \$330 in accordance with the schedule of penalties at 11 C.F.R. § 111.43. On May 5, 2014, 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 Flemming for Congress 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 \$330 in accordance with 11 C.F.R. § 111.43. The basis for the Reviewing Officer's recommendation was included in the Reviewing Officer Recommendation, a copy of which was sent to you on June 30, 2014.

On July 25, 2014, the Commission adopted the Reviewing Officer's recommendation and made a final determination that Flemming for Congress and you, in your official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assessed a civil money penalty of \$330. 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.

5. Settlement Offers

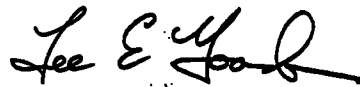
If you make a payment in an amount less than the civil money penalty as an offer to settle or compromise a debt owed to the Commission, the offer is herewith rejected despite any restrictive endorsements contained on your check or money order or proposed in correspondence transmitted with your check 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 \$330 for the 2013 Year End 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: Flemming for Congress

FEC ID#: C00507780

AF#: 2776

PAYMENT AMOUNT DUE: \$330

FOR: Flemming for Congress

FEC ID#: C00507780

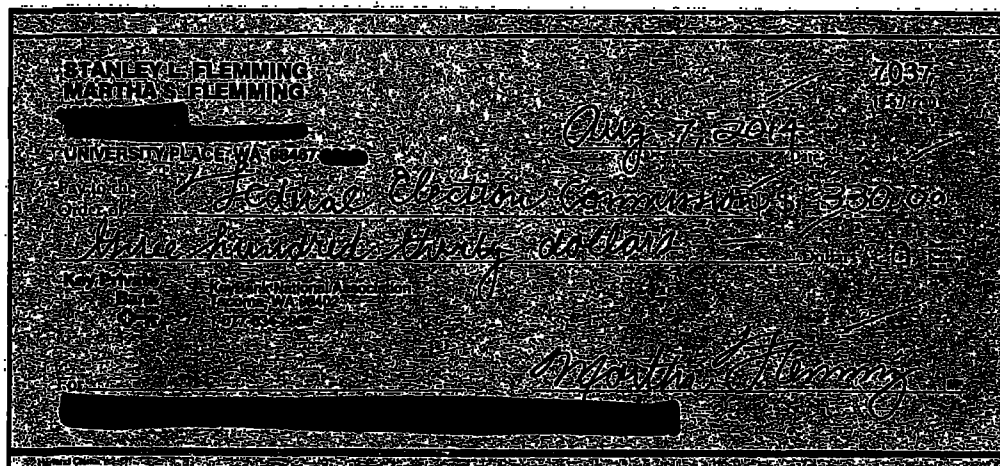
AF#: 2776

PAYMENT AMOUNT DUE: \$330.

4

FEDERAL ELECTION COMMISSION

Lockbox: GLX-979058 Ledger Date 09/08/2014



Batch	Item	TID	Batch Total	Amount
1	2	Y-4532485	\$940.00	\$330.00

usbank

St. Louis GA Lockbox
(314) 425-1818



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 2776

DATE SCANNED 10/23/14

SCANNER NO. 2

SCAN OPERATOR EEJ