



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 2807

DATE SCANNED 3/3/15

SCANNER NO. 2

SCAN OPERATOR SES



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

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June 13, 2014

MEMORANDUM

SENSITIVE

TO: The Commission

THROUGH: Alec Palmer *AP*
Staff Director

FROM: Patricia C. Orrock *PO/nur*
Chief Compliance Officer

Debbie Chacona *DC/nur*
Assistant Staff Director
Reports Analysis Division

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

SUBJECT: Reason To Believe Recommendation – 2014 April Quarterly Report for the
Administrative Fine Program

Attached is a list of political committees and their treasurers who failed to file the 2014 April Quarterly Report in accordance with 2 U.S.C. 434(a). The 2014 April Quarterly Report was due on April 15, 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 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.

Federal Election Commission
Reason to Believe Circulation Report
2014 APRIL QUARTERLY Not Election Sensitive 04/15/2014 H S P_UNAUTH

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
2791	C00365965	AMERICAN ACADEMY OF PEDIATRIC DENTISTRY POLITICAL ACTION COMMITTEE		DR. JOHN S. RUTKAUSKAS	\$211,767	0	4/22/2014	7	\$31,700	\$340
2792	C00551002	ART GARDNER 2014	GARDNER, ARTHUR AUGUSTINE	JOHN W. GREENWALD	\$138,983	0	4/23/2014	8	\$43,335	\$360
2793	C00540385	BEALE FOR CONGRESS	BEALE, ANTHONY A	STEVEN R. BURRIS	\$369,434	2		Not Filed	\$92,359 (est)	\$5,775
2794	C00552380	CASSIE FELDER CAMPAIGN LLC	FELDER, CASSIE ERIN	KRISTIN KOENIG	\$128,643	0	4/30/2014	15	\$99,781	\$2,090
2795	C00295964	DC DEMOCRATIC STATE COMMITTEE		WILLIAM O'FIELD	\$128,594	0	5/19/2014	Not Filed	\$32,572	\$1,090
2796	C00468314	DEMOCRACY ENGINE, INC., PAC		JONATHAN ZUCKER	\$690,617	0		Not Filed	\$345,309 (est)	\$9,800
2797	C00548743	FRIENDS OF CLYDE HOLLOWAY FOR CONGRESS	HOLLOWAY, CLYDE C	STEPHANIE HOLLOWAY	\$408,859	0		Not Filed	\$204,430 (est)	\$7,150
2798	C00224790	GRAYROBINSON, P.A., POLITICAL ACTION COMMITTEE		J. CHARLES GRAY	\$160,695	0	5/7/2014	22	\$13,250	\$220
2799	C00547232	JOE PALUMBO FOR CONGRESS	PALUMBO, JOSEPH E	KEITH BUCKHOUT	\$182,849	0		Not Filed	\$182,849 (est)	\$6,050
2800	C00544056	MCCASKILL SENATE FUND	MCCASKILL, CLAIRE	MICHELLE SHEROD	\$152,342	0	5/3/2014	18	\$2,548	\$117
2801	C00509489	PATRIOT SUPER PAC		THOMAS FREILING	\$108,597	0	5/15/2014	30	\$11,617	\$260
2802	C00192849	PLUMBERS AND PIPEFITTERS LOCAL UNION 74		MARK R. PERMAR	\$139,426	1	5/29/2014	Not Filed	\$21,136	\$687
2803	C00078196	RHODE ISLAND REPUBLICAN STATE CENTRAL COMMITTEE		MICHAEL W. GROSSI	\$180,762	0	4/28/2014	13	\$50,484	\$1,532
2804	C00518027	STEVE SALAZAR FOR CONGRESS	SALAZAR, STEVE	ROSARIO RODRIGUEZ	\$110,712	4		Not Filed	\$110,712 (est)	\$9,900
2805	C00550830	TEXANS FOR STOVALL	STOVALL, DWAYNE BRADLEY	KATHERINE BRACKEEN STOVALL	\$172,334	0	4/25/2014	10	\$58,841	\$1,255
2806	C00361949	TRIUMPH GROUP INC PAC		CLAY CRAWFORD	\$285,599	1	5/5/2014	20	\$44,338	\$750

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AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
2807	C00254193	UNIFORMED FIREFIGHTERS ASSOCIATION OF NEW YORK POLITICAL ACTION COMMITTEE (FIRE PAC)		ROBERT STRAUB	\$566,353	0	5/7/2014	22	\$149,538	\$3,410
2808	C00040725	UNITED FRESH PRODUCE ASSOCIATION FRESH POLITICAL ACTION COMMITTEE (FRESH PAC)		ROBERT GUENTHER	\$149,073	0	5/31/2014	Not Filed	\$14,946	\$550

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Reason To Believe Recommendation - 2014)
April Quarterly Report for the)
Administrative Fine Program:)
AMERICAN ACADEMY OF PEDIATRIC) AF# 2791
DENTISTRY POLITICAL ACTION)
COMMITTEE, and DR JOHN S)
RUTKAUSKAS as treasurer;)
ART GARDNER 2014, and JOHN W) AF# 2792
GREENWALD as treasurer;)
BEALE FOR CONGRESS, and STEVEN R) AF# 2793
BURRIS as treasurer;)
CASSIE FELDER CAMPAIGN LLC, and) AF# 2794
KRISTIN KOENIG as treasurer;)
DC DEMOCRATIC STATE) AF# 2795
COMMITTEE, and O'FIELD, WILLIAM)
as treasurer;)
DEMOCRACY ENGINE, INC., PAC, and) AF# 2796
ZUCKER, JONATHAN as treasurer;)
FRIENDS OF CLYDE HOLLOWAY FOR) AF# 2797
CONGRESS, and STEPHANIE)
HOLLOWAY as treasurer;)
GRAYROBINSON, P.A., POLITICAL) AF# 2798
ACTION COMMITTEE, and GRAY, J.)
CHARLES as treasurer;)
JOE PALUMBO FOR CONGRESS, and) AF# 2799
KEITH BUCKHOUT as treasurer;)
MCCASKILL SENATE FUND, and) AF# 2800
MICHELLE SHEROD as treasurer;)
PATRIOT SUPER PAC, and FREILING,) AF# 2801
THOMAS as treasurer;)
PLUMBERS AND PIPEFITTERS LOCAL) AF# 2802
UNION 74, and MR MARK R PERMAR as)
treasurer;)
RHODE ISLAND REPUBLICAN STATE) AF# 2803
CENTRAL COMMITTEE, and GROSSI,)
MICHAEL W as treasurer;)

STEVE SALAZAR FOR CONGRESS, and) AF# 2804
ROSARIO RODRIGUEZ as treasurer;)
TEXANS FOR STOVALL, and) AF# 2805
KATHERINE BRACKEEN STOVALL as)
treasurer;)
TRIUMPH GROUP INC PAC, and) AF# 2806
CRAWFORD, CLAY MR as treasurer;)
UNIFORMED FIREFIGHTERS) AF# 2807
ASSOCIATION OF NEW YORK)
POLITICAL ACTION COMMITTEE)
(FIRE PAC), and STRAUB, ROBERT as)
treasurer;)
UNITED FRESH PRODUCE) AF# 2808
ASSOCIATION FRESH POLITICAL)
ACTION COMMITTEE (FRESH PAC),)
and ROBERT GUENTHER as treasurer;)

CERTIFICATION

I, Shelley E. Garr, Acting Secretary and Clerk of the Federal Election Commission, do hereby certify that on June 17, 2014 the Commission took the following actions on the Reason To Believe Recommendation - 2014 April Quarterly Report for the Administrative Fine Program as recommended in the Reports Analysis Division's Memorandum dated June 13, 2014, on the following committees:

AF#2791 Decided by a vote of 6-0 to: (1) find reason to believe that AMERICAN ACADEMY OF PEDIATRIC DENTISTRY POLITICAL ACTION COMMITTEE, and DR JOHN S RUTKAUSKAS 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#2792 Decided by a vote of 6-0 to: (1) find reason to believe that ART GARDNER 2014, and JOHN W GREENWALD 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#2793 Decided by a vote of 6-0 to: (1) find reason to believe that BEALE FOR CONGRESS, and STEVEN R BURRIS as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#2794 Decided by a vote of 6-0 to: (1) find reason to believe that CASSIE FELDER CAMPAIGN LLC, and KRISTIN KOENIG 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#2795 Decided by a vote of 6-0 to: (1) find reason to believe that DC DEMOCRATIC STATE COMMITTEE, and O'FIELD, WILLIAM 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#2796 Decided by a vote of 6-0 to: (1) find reason to believe that DEMOCRACY ENGINE, INC., PAC, and ZUCKER, JONATHAN 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#2797 Decided by a vote of 6-0 to: (1) find reason to believe that FRIENDS OF CLYDE HOLLOWAY FOR CONGRESS, and STEPHANIE HOLLOWAY 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#2798 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#2799 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#2800 Decided by a vote of 6-0 to: (1) find reason to believe that MCCASKILL SENATE FUND, and MICHELLE SHEROD 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#2801 Decided by a vote of 6-0 to: (1) find reason to believe that PATRIOT SUPER PAC, and FREILING, THOMAS 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#2802 Decided by a vote of 6-0 to: (1) find reason to believe that PLUMBERS AND PIPEFITTERS LOCAL UNION 74, and MR MARK R PERMAR 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#2803 Decided by a vote of 6-0 to: (1) find reason to believe that RHODE ISLAND REPUBLICAN STATE CENTRAL COMMITTEE, and GROSSI, MICHAEL W 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#2804 Decided by a vote of 6-0 to: (1) find reason to believe that STEVE SALAZAR FOR CONGRESS, and ROSARIO RODRIGUEZ as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#2805 Decided by a vote of 6-0 to: (1) find reason to believe that TEXANS FOR STOVALL, and KATHERINE BRACKEEN STOVALL 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#2806 Decided by a vote of 6-0 to: (1) find reason to believe that TRIUMPH GROUP INC PAC, and CRAWFORD, CLAY MR as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#2807 Decided by a vote of 6-0 to: (1) find reason to believe that UNIFORMED FIREFIGHTERS ASSOCIATION OF NEW YORK POLITICAL ACTION COMMITTEE (FIRE PAC), and STRAUB, ROBERT 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#2808 Decided by a vote of 6-0 to: (1) find reason to believe that UNITED FRESH PRODUCE ASSOCIATION FRESH POLITICAL ACTION COMMITTEE (FRESH PAC), and ROBERT GUENTHER 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:

June 17, 2014
Date

Shelley E. Garr
Shelley E. Garr
Acting Secretary and Clerk of the
Commission



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 18, 2014

Robert Straub, in official capacity as Treasurer
Uniformed Firefighters Association of New York Political Action Committee (FIRE PAC)
204-208 East 23rd Street
New York, NY 10010

C00254193
AF#: 2807

Dear Mr. Straub:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file an April Quarterly Report of Receipts and Disbursements in a calendar year during which there is a regularly scheduled election. This report, covering the period January 1, 2014 through March 31, 2014, shall be filed no later than April 15, 2014. 2 U.S.C. § 434(a). Records at the Federal Election Commission ("FEC") indicate that this report was filed on May 7, 2014, twenty-two (22) days late.

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 June 17, 2014, the FEC found that there is reason to believe ("RTB") that Uniformed Firefighters Association of New York Political Action Committee (FIRE 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 April 15, 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 \$3,410. Please see the attached copy of the Commission's administrative fine regulations at 11 CFR §§ 111.30-111.55. Attachment 1. The Commission's website contains further information about how the administrative fine program works and how the fines are calculated. See <http://www.fec.gov/af/af.shtml>. 11 CFR § 111.34. Your payment of \$3,410 is due within forty (40) days of the finding, or by July 27, 2014, and is based on these factors:

Election Sensitivity of Report: Not Election Sensitive
Level of Activity: \$149,538
Number of Days Late: 22
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 July 27, 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 Uniformed Firefighters Association of New York Political Action Committee (FIRE 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

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.

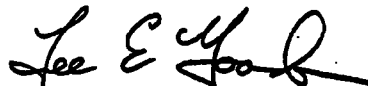
5. Settlement Offers

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 \$3,410 for the 2014 April Quarterly Report.

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

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

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

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

The remittance and your payment are due by July 27, 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: Uniformed Firefighters Association of New York Political Action Committee (FIRE PAC)

FEC ID#: C00254193

AF#: 2807

PAYMENT DUE DATE: July 27, 2014

PAYMENT AMOUNT DUE: \$3,410



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2014 SEP 10 PM 5:19

September 10, 2014

MEMORANDUM

SENSITIVE

TO: The Commission

THROUGH: Alec Palmer *APCO*
Staff Director

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

Debbie Chacona *DC*
Assistant Staff Director
Reports Analysis Division

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

SUBJECT: Administrative Fine Program – Final Determination Recommendation for the
2014 April Quarterly Report

Attached are two lists of political committees and their treasurers against which the Commission has found reason to believe (RTB) and assessed proposed civil money penalties calculated at RTB for failure to file or failure to timely file the 2014 April Quarterly Report. The first list represents the committees that have paid the civil money penalty and the second list represents the committees that have not paid the civil money penalty. The committees that have not paid have been given at least forty (40) days from the date of the Commission's RTB finding to remit payment.

In accordance with 11 CFR § 111.34 and 11 CFR § 111.40, the Commission shall send a final determination notice to those respondents that have either paid or not paid the civil money penalty.

RAD would like to recommend further explanation and a specific course of action for one of the committees outlined on the attached second list:

- Steve Salazar for Congress (AF 2804) is the principal campaign committee ("PCC") for a candidate who appeared on the ballot in the 2012

Texas Primary election held on May 29, 2012. Mr. Salazar did not appear on the ballot for the Runoff election on July 31, 2014 or the General election held on November 6, 2012. This committee currently has five (5) outstanding Administrative Fines (AF cases 2554, 2754, 2759, 2767 and 2784), for which the civil money penalties total \$34,648.00. AF cases 2554, 2754, and 2759 have been transferred to the U. S. Department of the Treasury ("Treasury") for collection. It is expected that AF 2767 and 2784 will also be transferred to Treasury once the forty (40) day period has elapsed from the receipt dates of the Final Determination notification.

Please note that the last report filed by the above committee with the Commission was a 2012 Pre-Primary Report (Texas), filed on May 18, 2012. The Committee filed paper 2012 July Quarterly, 2012 October Quarterly and 2012 Year-End Reports with no activity on December 14, 2012. RAD sent a Notice of Paper Filing on December 21, 2012. Since then, the Committee has stopped filing and did not file in 2013 or 2014.

As such, RAD recommends that the Commission take no further action against Steve Salazar for Congress and permit RAD to desist from pursuing this committee in future Administrative Fine extraction reports.

For your information, four (4) committees disclosed a level of activity after the RTB finding which would result in a lowered civil money penalty. Of these, three (3) committees will be assessed a civil money penalty at Final Determination (FD) that has been reduced since the RTB finding, and one (1) committee will be assessed a civil money penalty of \$0 at FD. An overview of each of these cases has been provided below.

Cassie Felder Campaign LLC (AF 2794) filed an Amended 2014 April Quarterly Report after the RTB finding and disclosed an actual level of activity which would result in a lowered civil money penalty than that assessed at RTB. The committee disclosed total receipts and disbursements of \$53,796 (previously estimated to be \$99,781), thus the fine would be lowered from \$2,090 to \$1,717. The committee paid \$2,090.00 (see first list); therefore, we will issue a refund for the difference (\$373.00).

Democracy Engine, Inc., PAC (AF 2796) filed the 2014 April Quarterly Report after the RTB finding and disclosed an actual level of activity which would result in a lowered civil money penalty than that assessed at RTB. The committee disclosed total receipts and disbursements of \$118,562 (previously estimated to be \$345,309), thus the fine would be lowered from \$9,800 to \$4,950.

Friends of Clyde Holloway for Congress (AF 2797) filed the 2014 April Quarterly Report after the RTB finding and disclosed no activity (previously estimated to be \$204,430), which would result in no civil money penalty (fine previously assessed to be \$7,150). The committee made a partial payment of the civil money penalty assessed at the RTB stage (see second list); therefore, we will issue a refund of the payment (\$500.00).

Joe Palumbo for Congress (AF 2799) filed the 2014 April Quarterly Report after the RTB finding and disclosed an actual level of activity which would result in a lowered civil money penalty than that assessed at RTB. The committee disclosed total receipts and disbursements of \$124 (previously estimated to be \$182,849), thus the fine would be lowered from \$6,050 to \$124.

In addition, two (2) committees detailed below designated a new Treasurer after the RTB finding:

- Cassie Felder Campaign LLC (AF 2794) filed an Amended Statement of Organization after the RTB finding designating Corey William Dorsa as Treasurer (see first list);
- Uniformed Firefighters Association of New York Political Action Committee (FIRE PAC) (AF 2807) filed an Amended Statement of Organization after the RTB finding designating Edward Brown as Treasurer (see second list).

*Please contact Debbie Chacona at extension 1145 with any questions.

RAD Recommendation

- (1) Take no further action against Steve Salazar for Congress (AF 2804) and exclude this committee from future Administrative Fine Reason to Believe recommendations.
- (2) Make a final determination that the political committees and their treasurers listed on the attached reports violated 52 U.S.C. § 30104(a) (formerly 2 U.S.C. § 434(a)) and assess the final civil money penalties so indicated.
- (3) Make a final determination that the political committee and its treasurer listed on the attached report with no activity, violated 52 U.S.C. § 30104(a) (formerly 2 U.S.C. § 434(a)) and will not be assessed a civil money penalty.
- (4) Send the appropriate letters.

Federal Election Commission
FD Circulation Report Fine Paid
2014 APRIL QUARTERLY Not Election Sensitive 04/15/2014 H_S_P_UNAUTH

AF#	Committee Name	Candidate Name	Committee ID	Treasurer	Receipt Date	Days Late	LOA	PV	RTB Date	RTB Penalty	Final Money Penalty	Date Paid	Amount Paid
2791	AMERICAN ACADEMY OF PEDIATRIC DENTISTRY POLITICAL ACTION COMMITTEE		C00365985	JOHN S. RUTKAUSKAS	04/22/2014	7	\$31,700	0	06/17/2014	\$340	\$340	06/30/2014	\$340
2792	ART GARDNER 2014	GARDNER, ARTHUR AUGUSTINE	C00551002	JOHN W. GREENWALD	04/23/2014	8	\$43,335	0	06/17/2014	\$360	\$360	07/15/2014	\$360
2795	DC DEMOCRATIC STATE COMMITTEE		C00295964	WILLIAM O'FIELD	05/19/2014	Not Filed	\$32,572	0	06/17/2014	\$1,090	\$1,090	07/29/2014	\$1,090
2798	GRAYROBINSON, P.A., POLITICAL ACTION COMMITTEE		C00224790	J. CHARLES GRAY	05/07/2014	22	\$13,250	0	06/17/2014	\$220	\$220	07/14/2014	\$220
2800	MCCASKILL SENATE FUND	MCCASKILL, CLAIRE	C00544056	MICHELLE SHEROD	05/03/2014	18	\$2,548	0	06/17/2014	\$117	\$117	07/07/2014	\$117
2801	PATRIOT SUPER PAC		C00509489	THOMAS FREILING	05/15/2014	30	\$11,617	0	06/17/2014	\$260	\$260	09/09/2014	\$260
2802	PIPEFITTERS LOCAL UNION 74		C00192849	MARK R. PERMAR	05/29/2014	Not Filed	\$21,136	1	06/17/2014	\$687	\$687	08/01/2014	\$687
2805	TEXANS FOR STOVALL	STOVALL, DWAYNE BRADLEY	C00550830	KATHERINE BRACKEEN STOVALL	04/25/2014	10	\$58,841	0	06/17/2014	\$1,255	\$1,255	07/28/2014	\$1,255
2806	TRIUMPH GROUP INC PAC UNITED FRESH PRODUCE ASSOCIATION FRESH POLITICAL ACTION COMMITTEE (FRESH PAC)		C00361949	CLAY CRAWFORD	05/05/2014	20	\$44,338	1	06/17/2014	\$750	\$750	07/01/2014	\$750
2808			C00040725	ROBERT GUENTHER	05/31/2014	Not Filed	\$14,946	0	06/17/2014	\$550	\$550	07/29/2014	\$550

Federal Election Commission
FD Circulation Report, Fine Not Paid
2014 APRIL QUARTERLY Not Election Sensitive 04/15/2014 H_S_P_UNAUTH

AF#	Committee Name	Candidate Name	Committee ID	Treasurer	Receipt Date	Days Late	LOA	PV	RTB Date	RTB Penalty	Days Since RTB	FD Penalty
2793	BEALE FOR CONGRESS	BEALE, ANTHONY A	C00540385	STEVEN R. BURRIS		Not Filed	\$92,359 (est)	2	06/17/2014	\$5,775	85	\$5,775
2794	CASSIE FELDER CAMPAIGN LLC	FELDER, CASSIE ERIN	C00552380	COREY WILLIAM DORSA	04/30/2014	15	\$53,796	0	06/17/2014	\$2,090	85	\$1,717
2796	DEMOCRACY ENGINE, INC., PAC		C00468314	JONATHAN ZUCKER	06/21/2014	Not Filed	\$118,562	0	06/17/2014	\$9,800	85	\$4,950
2797	FRIENDS OF CLYDE HOLLOWAY FOR CONGRESS	HOLLOWAY, CLYDE C	C00548743	STEPHANIE HOLLOWAY	07/15/2014	Not Filed	\$0	0	06/17/2014	\$7,150	85	NONE
2799	JOE PALUMBO FOR CONGRESS	PALUMBO, JOSEPH E	C00547232	KEITH BUCKHOUT	06/18/2014	Not Filed	\$124	0	06/17/2014	\$6,050	85	\$124
2804	STEVE SALAZAR FOR CONGRESS	SALAZAR, STEVE	C00518027	ROSARIO RODRIGUEZ		Not Filed	\$110,712 (est)	4	06/17/2014	\$9,900	85	NFA
2807	UNIFORMED FIREFIGHTERS ASSOCIATION OF NEW YORK POLITICAL ACTION COMMITTEE (FIRE PAC)		C00254193	EDWARD BROWN	05/07/2014	22	\$149,538	0	06/17/2014	\$3,410	85	\$3,410

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Administrative Fine Program - Final)
Determination Recommendation for the)
April Quarterly Report:)
AMERICAN ACADEMY OF PEDIATRIC) AF# 2791
DENTISTRY POLITICAL ACTION)
COMMITTEE, and RUTKAUSKAS,)
JOHN S. as treasurer;)
ART GARDNER 2014, and JOHN W) AF# 2792
GREENWALD as treasurer;)
BEALE FOR CONGRESS, and STEVEN R) AF# 2793
BURRIS as treasurer;)
CASSIE FELDER CAMPAIGN LLC, and) AF# 2794
DORSA, COREY WILLIAM as treasurer;)
DC DEMOCRATIC STATE) AF# 2795
COMMITTEE, and O'FIELD, WILLIAM)
as treasurer;)
DEMOCRACY ENGINE, INC., PAC, and) AF# 2796
ZUCKER, JONATHAN as treasurer;)
GRAYROBINSON, P.A., POLITICAL) AF# 2798
ACTION COMMITTEE, and GRAY, J.)
CHARLES as treasurer;)
JOE PALUMBO FOR CONGRESS, and) AF# 2799
KEITH BUCKHOUT as treasurer;)
MCCASKILL SENATE FUND, and) AF# 2800
MICHELLE SHEROD as treasurer;)
PATRIOT SUPER PAC, and FREILING,) AF# 2801
THOMAS as treasurer;)
PLUMBERS AND PIPEFITTERS LOCAL) AF# 2802
UNION 74, and MR MARK R PERMAR as)
treasurer;)
TEXANS FOR STOVALL, and) AF# 2805
KATHERINE BRACKEEN STOVALL as)
treasurer;)
TRIUMPH GROUP INC PAC, and) AF# 2806
CRAWFORD, CLAY MR as treasurer;)

UNIFORMED FIREFIGHTERS)	AF# 2807
ASSOCIATION OF NEW YORK)	
POLITICAL ACTION COMMITTEE)	
(FIRE PAC), and BROWN, EDWARD as)	
treasurer;)	
UNITED FRESH PRODUCE)	AF# 2808
ASSOCIATION FRESH POLITICAL)	
ACTION COMMITTEE (FRESH PAC),)	
and ROBERT GUENTHER as treasurer;)	

AMENDED CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on September 12, 2014 the Commission took the following actions on the Administrative Fine Program - Final Determination Recommendation for the April Quarterly Report as recommended in the Reports Analysis Division's Memorandum dated September 10, 2014, on the following committees:

AF#2791 Decided by a vote of 6-0 to: (1) make a final determination that AMERICAN ACADEMY OF PEDIATRIC DENTISTRY POLITICAL ACTION COMMITTEE, and RUTKAUSKAS, JOHN S. as treasurer, violated 52 U.S.C. 30104(a) (formerly 2 U.S.C. 434(a)) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#2792 Decided by a vote of 6-0 to: (1) make a final determination that ART GARDNER 2014, and JOHN W GREENWALD as treasurer, violated 52 U.S.C. 30104(a) (formerly 2 U.S.C. 434(a)) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#2793 Decided by a vote of 6-0 to: (1) make a final determination that BEALE FOR CONGRESS, and STEVEN R BURRIS as treasurer, violated 52 U.S.C. 30104(a) (formerly 2 U.S.C. 434(a)) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#2794 Decided by a vote of 6-0 to: (1) make a final determination that CASSIE FELDER CAMPAIGN LLC, and DORSA, COREY WILLIAM as treasurer, violated 52 U.S.C. 30104(a) (formerly 2 U.S.C. 434(a)) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#2795 Decided by a vote of 6-0 to: (1) make a final determination that DC DEMOCRATIC STATE COMMITTEE, and O'FIELD, WILLIAM as treasurer, violated 52 U.S.C. 30104(a) (formerly 2 U.S.C. 434(a)) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#2796 Decided by a vote of 6-0 to: (1) make a final determination that DEMOCRACY ENGINE, INC., PAC, and ZUCKER, JONATHAN as treasurer, violated 52 U.S.C. 30104(a) (formerly 2 U.S.C. 434(a)) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#2798 Decided by a vote of 6-0 to: (1) make a final determination that GRAYROBINSON, P.A., POLITICAL ACTION COMMITTEE, and GRAY, J. CHARLES as treasurer, violated 52 U.S.C. 30104(a) (formerly 2 U.S.C. 434(a)) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#2799 Decided by a vote of 6-0 to: (1) make a final determination that JOE PALUMBO FOR CONGRESS, and KEITH BUCKHOUT as treasurer, violated 52 U.S.C. 30104(a) (formerly 2 U.S.C. 434(a)) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#2800 Decided by a vote of 6-0 to: (1) make a final determination that MCCASKILL SENATE FUND, and MICHELLE SHEROD as treasurer, violated 52 U.S.C. 30104(a) (formerly 2 U.S.C. 434(a)) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#2801 Decided by a vote of 6-0 to: (1) make a final determination that PATRIOT SUPER PAC, and FREILING, THOMAS as treasurer, violated 52 U.S.C. 30104(a) (formerly 2 U.S.C. 434(a)) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#2802 Decided by a vote of 6-0 to: (1) make a final determination that PLUMBERS AND PIPEFITTERS LOCAL UNION 74, and MR MARK R PERMAR as treasurer, violated 52 U.S.C. 30104(a) (formerly 2 U.S.C. 434(a)) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#2805 Decided by a vote of 6-0 to: (1) make a final determination that TEXANS FOR STOVALL, and KATHERINE BRACKEEN STOVALL as treasurer, violated 52 U.S.C. 30104(a) (formerly 2 U.S.C. 434(a)) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#2806 Decided by a vote of 6-0 to: (1) make a final determination that TRIUMPH GROUP INC PAC, and CRAWFORD, CLAY MR as treasurer, violated 52 U.S.C. 30104(a) (formerly 2 U.S.C. 434(a)) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#2807 Decided by a vote of 6-0 to: (1) make a final determination that UNIFORMED FIREFIGHTERS ASSOCIATION OF NEW YORK POLITICAL ACTION COMMITTEE (FIRE PAC), and BROWN, EDWARD as treasurer, violated 52 U.S.C. 30104(a) (formerly 2 U.S.C. 434(a)) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#2808 Decided by a vote of 6-0 to: (1) make a final determination that UNITED FRESH PRODUCE ASSOCIATION FRESH POLITICAL ACTION COMMITTEE (FRESH PAC), and ROBERT GUENTHER as treasurer, violated 52 U.S.C. 30104(a) (formerly 2 U.S.C. 434(a)) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

Federal Election Commission
Certification for Administrative Fines
September 12, 2014

Page 5

Attest:

September 16, 2014
Date

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



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 16, 2014

Edward Brown, in official capacity as Treasurer
Uniformed Firefighters Association of New York
Political Action Committee (FIRE PAC)
204-208 East 23rd Street
New York, NY 10010

C00254193
AF#: 2807

Dear Mr. Brown:

On June 17, 2014, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Uniformed Firefighters Association of New York Political Action Committee (FIRE PAC) and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) (formerly 2 U.S.C. § 434(a)) for filing late or failing to file the 2014 April Quarterly Report. By letter dated June 18, 2014, the Commission notified you of the RTB finding and the civil money penalty calculated at the RTB stage to be \$3,410 in accordance with the schedule of penalties at 11 CFR § 111.43. Within forty (40) days of the FEC's RTB finding, you, as treasurer, were required to either transmit payment of the calculated civil money penalty or submit a written response challenging either the RTB finding or the calculated civil money penalty.

The FEC did not receive payment of the calculated civil money penalty or a written response within the time permitted. The FEC made a final determination on September 12, 2014 that Uniformed Firefighters Association of New York Political Action Committee (FIRE PAC) and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) (formerly 2 U.S.C. § 434(a)) and assessed a civil money penalty in the amount of \$3,410 in accordance with 11 CFR § 111.43. The civil money penalty is based on these factors:

Election Sensitivity of Report: Not Election Sensitive
Level of Activity: \$149,538
Number of Days Late: 22
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 Appeal the Final Determination and/or Civil Money Penalty**

If you choose to appeal the final determination, you should submit a written petition, within thirty (30) days of receipt of this letter, to the district court of the United States for the district in which the committee or you reside, or transact business, requesting that the final determination be modified or set aside. See 52 U.S.C. § 30109g(a)(4)(C)(iii) (formerly 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 52 U.S.C. § 30109g (formerly 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 thirty (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 five (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 thirty (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.

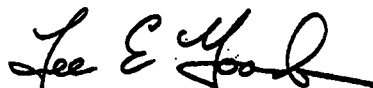
5. Settlement Offers

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 52 U.S.C. § 30109g(a)(12) (formerly 2 U.S.C. § 437g(a)(12)) no longer apply and this matter is now public. The file will be made a part of the public record pursuant to 11 CFR § 111.42(b). Although the file must be placed on the public record within thirty (30) days from the date of the Commission's notification, this could occur at anytime following certification of the Commission's vote.

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

On behalf of the Commission,



Lee E. Goodman
Chairman

ADMINISTRATIVE FINE PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 CFR § 111.43, the civil money penalty is \$3,410 for the 2014 April Quarterly Report.

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

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

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

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

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

Payments by Personal Check

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

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: Uniformed Firefighters Association of New York Political Action Committee (FIRE PAC)

FEC ID#: C00254193

AF#: 2807

PAYMENT AMOUNT DUE: \$3,410



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2014 OCT 15 AM 10:43

October 14, 2014

MEMORANDUM

To: The Commission

Through: Alec Palmer *for PCO*
Staff Director

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

Rhiannon Magruder *RM*
Reviewing Officer
Office of Administrative Review

Subject: Rescinding the Final Determination Recommendation in AF# 2807 – Uniformed Firefighters Association of New York Political Action Committee (Fire PAC) and Edward Brown, in his official capacity as Treasurer (C00254193)

SENSITIVE

On June 17, 2014, the Commission found reason to believe ("RTB") that the respondents violated 52 U.S.C. § 30104(a) (formerly 2 U.S.C. § 434(a)) for failing to file the 2014 April Quarterly Report and made a preliminary determination that the civil money penalty was \$3,410 based on the schedule of penalties at 11 C.F.R. § 111.43. The Reports Analysis Division (RAD) notified the respondents of the Commission's RTB finding and proposed civil money penalty on June 18, 2014.

On September 12, 2014, the Commission made a final determination that the respondents violated 52 U.S.C. § 30104(a) (formerly 2 U.S.C. § 434(a)) and assessed a \$3,410 civil money penalty. RAD notified the respondents of the Commission's final determination and civil money penalty on September 16, 2014.

In an October 8, 2014 conversation with a RAD Analyst, the Committee's CPA firm stated they had submitted a written response ("challenge") on behalf of the respondents within the forty (40) day period which had not been considered by the Commission before making its final determination. The representative faxed a copy of the challenge dated June 30, 2014, well before the July 27, 2014 due date. They were unable to provide any proof of mailing; therefore, there is no evidence of where the error may have occurred in appropriately delivering the challenge to the Office of Administrative Review (OAR). To date, OAR has no record of receiving the originally mailed challenge.

THE NEW YORK STATE
The Federal Election Campaign Act requires that respondents be given notice and an opportunity to be heard before the Commission can make a final determination and assess a civil money penalty. In addition, the Department of the Treasury requires certification that respondents are given notice of the debt and the agency has considered the debtor's evidence before the debt can be transferred to Treasury for collection. Assuming the respondents timely mailed the challenge and were not responsible for the error in delivery, they did not receive an opportunity to be heard before the Commission's final determination decision. Therefore, OAR recommends that the Commission rescind the final determination and notify the respondents of the decision. The Reviewing Officer would then make a final determination recommendation based on their challenge.

OAR Recommendations

- 1) Rescind the Commission's September 12, 2014 final determination and assessment of a \$3,410 civil money penalty made in AF# 2807 against Uniformed Firefighters Association of New York Political Action Committee (Fire PAC) and Edward Brown, in his official capacity as Treasurer (C00254193), for failing to file the 2014 April Quarterly Report in violation of 52 U.S.C. § 30104(a) (formerly 2 U.S.C. § 434(a)); and
- 2) Approve the attached letter.

Attachment

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Rescinding the Final Determination) AF 2807
Recommendation: Uniformed)
Firefighters Association of New York)
Political Action Committee (Fire PAC))
and Edward Brown, in his official)
capacity as Treasurer (C00254193))

CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on October 23, 2014, the Commission decided by a vote of 6-0 to take the following actions in AF 2807:

1. Rescind the Commission's September 12, 2014 final determination and assessment of a \$3,410 civil money penalty made in AF# 2807 against Uniformed Firefighters Association of New York Political Action Committee (Fire PAC) and Edward Brown, in his official capacity as Treasurer (C00254193), for failing to file the 2014 April Quarterly Report in violation of 52 U.S.C. § 30104(a) (formerly 2 U.S.C. § 434(a)).
2. Approve the letter, as recommended in the Memorandum from the Chief Compliance Officer dated October 14, 2014.

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

Attest:

October 23, 2014

Date

Shawn Woodhead Werth

Shawn Woodhead Werth
Secretary and Clerk of the Commission



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 28, 2014

Edward Brown, in official capacity as Treasurer
Uniformed Firefighters Association of New York
Political Action Committee (Fire PAC)
204-208 East 23rd Street
New York, NY 10010

AF# 2807
C00254193

Dear Mr. Brown:

On June 17, 2014,, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Uniformed Firefighters Association of New York Political Action Committee (Fire PAC) and you, in your official capacity as Treasurer, violated 52 U.S.C. § 30104(a) (formerly 2 U.S.C. § 434(a)) for failing to file the 2014 April Quarterly Report. By letter dated June 18, 2014, the Commission sent you notification of the RTB finding that included a civil money penalty calculated at RTB of \$3,410 in accordance with the schedule of penalties at 11 C.F.R. § 111.43.

On September 12, 2014, the Commission made a final determination that Uniformed Firefighters Association of New York Political Action Committee (Fire PAC) and you, in your official capacity as Treasurer, violated 52 U.S.C. § 30104(a) (formerly 2 U.S.C. § 434(a)) and assessed a civil money penalty of \$3,410 since a written response ("challenge") was not received by July 27, 2014. By letter dated September 16, 2014, the Commission sent you notification of the final determination and civil money penalty.

In an October 8, 2014 conversation with a RAD Analyst, a representative from the Committee's CPA firm stated they had submitted a written response ("challenge") on your behalf within the forty (40) day period which had not been considered by the Commission before making its final determination. The representative faxed a copy of the challenge dated June 30, 2014, which the Commission recognizes is dated well before the July 27, 2014 due date. The representative was unable to provide any proof of mailing; therefore, there is no evidence of where the error may have occurred in appropriately delivering the challenge to the Office of Administrative Review (OAR). To date, OAR has no record of receiving the originally mailed challenge.


Assuming Uniformed Firefighters Association of New York Political Action Committee (Fire PAC) and you, in your official capacity as Treasurer, timely mailed the challenge and were not responsible for the error in delivery, you did not receive an

opportunity to be heard before the Commission's final determination decision. As a result, on October 23, 2014, the Commission rescinded its final determination and assessment of a \$3,410 civil money penalty in this case.

The Reviewing Officer will review your challenge and then make a recommendation to the Commission regarding final determination and the assessment of a civil money penalty.

If you have questions regarding this matter, please contact Rhiannon Magruder, Reviewing Officer, in 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,

A handwritten signature in black ink, appearing to read "Lee E. Goodman". The signature is fluid and cursive, with the first name "Lee" being the most prominent.

Lee E. Goodman
Chairman

Date: October 30, 2014

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

AF#: 2807

Committee Name: Uniformed Firefighters Association of New York Political Action
Committee (FIRE PAC)

Committee ID#: C00254193

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

Treasurer Name (if different than in RTB finding): Edward Brown

Attachments:

- **RTB Proof of Delivery (to be forwarded at later date if not yet received) (Y/N):** Y
- **FD 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
 - 2014 April Quarterly Report Notice, dated March 21, 2014.
 - Non-Filer Letter, dated May 2, 2014.

- **Other RAD Information: (Y/N):** N

**Delivery Notification**

Dear Customer,

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

Tracking Number: 1Z WF5 860 A2 9144 782 1
Reference Number(s): RAD, RTB - 2807
Service: NEXT DAY AIR
Special Instructions: ADULT SIGNATURE REQUIRED
Shipped/Billed On: 06/17/2014
Delivered On: 06/19/2014 10:12 A.M.
Delivered To: 204 E 23RD ST
4
NEW YORK, NY, US 10010

Signed By: TRUCELLI

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Location: OFFICE

Thank you for giving us this opportunity to serve you.

Sincerely,
UPS

Tracking results provided by UPS: 06/20/2014 12:03 P.M. ET



Delivery Notification

Dear Customer,

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

Tracking Number: 1Z WF5 860 01 9264 002 4
Reference Number(s): RAD, FD #2807
Service: NEXT DAY AIR
Shipped/Billed On: 09/16/2014
Delivered On: 09/17/2014 10:15 A.M.
Delivered To: 204 E 23RD ST
4
NEW YORK, NY, US 10010

Signed By: TRUCELLI
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Location: OFFICE

Thank you for giving us this opportunity to serve you.

Sincerely,
UPS

Tracking results provided by UPS: 09/24/2014 4:19 P.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 Uniformed Firefighters Association of New York Political Action Committee (FIRE PAC):
 - A) Report Notice, dated March 21, 2014, referencing the 2014 April Quarterly Report (sent via electronic mail to: spettit@ufanyc.org);
 - B) Non-Filer Letter, dated May 2, 2014, referencing the 2014 April Quarterly Report (sent via electronic mail to: spettit@ufanyc.org);
 - C) Reason-to-Believe Letter, dated June 18, 2014 referencing the 2014 April Quarterly Report (sent via overnight mail to the address of record);
 - D) Final Determination Letter, dated September 16, 2014 referencing the 2014 April Quarterly 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 Uniformed Firefighters Association of New York Political Action Committee (FIRE PAC) filed the 2014 April Quarterly Report with the Commission on May 7, 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 30th day of October, 2014.



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

APRIL QUARTERLY REPORT NOTICE

FEDERAL ELECTION COMMISSION

**CONGRESSIONAL COMMITTEES
PARTIES AND PACS**

March 21, 2014

CURRENT REPORT DUE

REPORT	CLOSE OF BOOKS <u>1</u>	REG./CERT. & OVERNIGHT MAILING DEADLINE	FILING DEADLINE
April Quarterly	03/31/14	04/15/14	04/15/14

PRE- AND POST-ELECTION REPORTS

Congressional Committees

The principal campaign committee of any candidate participating 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 principal campaign committee of a candidate participating in the general election must file pre- and post-general election reports. Separate notices will be sent to explain these additional reporting obligations. See 11 CFR 104.5(a)(2).

Parties and PACs

Committees that make contributions or expenditures (including independent expenditures) in connection with an election must also file a Pre-Election Report, if the activity was not previously reported. See 11 CFR 104.5(c)(1)(ii).

• Web Page: 2014 Congressional Pre-Primary Reporting Dates

• The Record:

- FEC Record Blog: Reporting
- January 2014 Reporting Article [PDF]

SUPPLEMENTAL FILING INFORMATION

- Congressional Committees
- Parties and PACs

REPORTING SCHEDULE FOR REMAINDER OF 2014

REPORT	CLOSE OF BOOKS <u>1</u>	REG./CERT. & OVERNIGHT MAILING DEADLINE	FILING DEADLINE
July Quarterly	06/30/14	07/15/14	07/15/14
October Quarterly	09/30/14	10/15/14	10/15/14
Pre-General <u>2</u>	10/15/14	10/20/14	10/23/14
Post-General	11/24/14	12/04/14	12/04/14
Year-End	12/31/14	01/31/15	01/31/15 <u>3</u>

SUPPLEMENTAL FILING INFORMATION

- Congressional Committees
- Parties and PACs

FOOTNOTES:

1 These dates indicate the end of the reporting period. A reporting period always begins the day after the closing date of the last report filed. If the committee is new and has not previously filed a report, the first report must cover all activity that occurred before the committee registered up through the close of books for the first report due.

2 Parties and PACs: required only if committee makes contributions or expenditures in connection with the general election during the reporting period. See 11 CFR 104.5(c)(1)(ii).

Congressional Committees: the principal campaign committee of a candidate who participates in the general election must file pre-and post-general election reports. See 11 CFR 104.5(a)(2).

3 Notice 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 Public Records Office) close of business on the last business day before the deadline. See also Supplemental Filing Information [Congressional Committees] [Parties and PACs].

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

Return to 2014 Reporting Schedule

Other Filing Information:

- Electioneering Communications Periods
- 48- and 24-Hour Reports of Independent Expenditures Periods
- Coordinated Communications Periods
- Federal Election Activity Periods

(top of page)



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-7

May 2, 2014

STRAUB, ROBERT, TREASURER
UNIFORMED FIREFIGHTERS ASSOCIATION
OF NEW YORK POLITICAL ACTION
COMMITTEE (FIRE PAC)
204-208 EAST 23RD STREET
NEW YORK, NY 10010

IDENTIFICATION NUMBER: C00254193

REFERENCE: APRIL QUARTERLY REPORT (01/01/2014 - 03/31/2014)

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 Sari Pickerall in the Reports Analysis Division on our toll free number (800)424-9530. Our local number is (202)694-1130.

UNIFORMED FIREFIGHTERS ASSOCIATION OF NEW YORK POLITICAL ACTION
COMMITTEE (FIRE PAC)

Page 2 of 2

Sincerely,

Debbie Chacona

Deborah Chacona
Assistant Staff Director
Reports Analysis Division

250

UNIFORMED FIREFIGHTERS ASSOCIATION OF NEW YORK POLITICAL ACTION COMMITTEE (FIRE PAC)



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION COMMISSION
NOV 12 2014
3:23 PM

SENSITIVE

November 12, 2014

MEMORANDUM

To: The Commission

Through: Alec Palmer *EWH for*
Staff Director

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

Rhiannon Magruder *RM*
Reviewing Officer
Office of Administrative Review

Subject: AF# 2807 – Uniformed Firefighters Association of New York Political Action Committee (Fire PAC) and Edward Brown, in his official capacity as Treasurer (C00254193)

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 that the Reviewing Officer previously recommended that the Commission rescind its September 12, 2014 final determination and assessment of a \$3,410 civil money penalty made in AF# 2807 to allow review of the respondents' late submitted challenge. On October 23, 2014, the Commission voted to approve this recommendation.

Also note that the Committee filed an Amended Statement of Organization (FEC Form 1) on August 1, 2014 to disclose Edward Brown as the current Treasurer. The Reviewing Officer Recommendation reflects the change in Treasurer after RTB, listing the current respondents as Uniformed Firefighters Association of New York Political Action Committee (Fire PAC) and Edward Brown, in his official capacity as Treasurer.

Attachment



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 12, 2014

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

AF# 2807 – Uniformed Firefighters Association of New York Political Action Committee (Fire PAC) and Edward Brown, in his official capacity as Treasurer (C00254193)

Summary of Recommendation

Make a final determination that the respondents violated 52 U.S.C. § 30104(a) (formerly 2 U.S.C. § 434(a)) and assess a \$785 civil money penalty.

Reason-to-Believe Background

The 2014 April Quarterly Report was due on April 15, 2014. The respondents filed the report on May 7, 2014, 22 days late. The report is not election sensitive and was filed within 30 days of the due date; therefore, the report is considered late. 11 C.F.R. §§ 111.43(d)(1) and (e)(1).

On June 17, 2014, the Commission found reason to believe ("RTB") that the respondents violated 52 U.S.C. § 30104(a) (formerly 2 U.S.C. § 434(a)) for failing to timely file the 2014 April Quarterly Report and made a preliminary determination that the civil money penalty was \$3,410 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 June 18, 2014 to notify them of the Commission's RTB finding and civil money penalty.

On September 12, 2014, the Commission made a final determination that the respondents violated 52 U.S.C. § 30104(a) (formerly 2 U.S.C. § 434(a)) for failing to timely file the 2014 April Quarterly Report and assessed a civil money penalty of \$3,410.

In an October 8, 2014 conversation with a RAD Analyst, the Committee's CPA firm stated they had submitted a written response ("challenge") on behalf of the respondents within the forty (40) day period which had not been considered by the Commission before making its final determination. The representative faxed a copy of the challenge dated June 30, 2014, well before the July 27, 2014 due date. They were unable to provide any proof of mailing; therefore, there is no evidence of where the error may have occurred in appropriately delivering the challenge to OAR. Assuming the respondents timely mailed the challenge and were not responsible for the error in delivery, they did not receive an opportunity to be heard before the Commission's final determination decision. As a result, on October 23, 2014, the Commission rescinded the September 12 final determination and assessment of a civil money penalty. On October 28, 2014, the respondents were notified of the Commission's action and informed that their challenge would be reviewed and a recommendation would be made to the Commission regarding final determination and the assessment of a 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 an election year, a report for the period ending March 31 no later than April 15. 52 U.S.C. § 30104(a)(4)(A)(i) (formerly 2 U.S.C. § 434(a)(4)(A)(i)) and 11 C.F.R. § 104.5(c)(1)(i). Reports filed electronically must be received and validated at or before 11:59 pm, Eastern Standard/Daylight Time on April 15 for the April Quarterly 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 October 8, 2014, the Commission received the response ("challenge") from the Committee's CPA firm on behalf of the Committee. The challenge states, in part:

"...We are requesting an abatement due to facts we were not aware of. We were retained to provide services for this client to file their [FEC] reports as of January 2014. Being advised that the client files on a semi-annual report period[,] we did not file the April 2014 report. Once the client received a notice of missing report[,] they immediately contacted us to prepare it."

In conclusion, the challenge notes that all previous reports were timely filed and all future reports will be timely filed.

Analysis

The challenge contends the Committee advised its CPA firm that it files on a semi-annual basis; therefore, the CPA firm was unaware of the 2014 April Quarterly reporting requirement. However, the Commission notified the Committee of the 2014 April Quarterly reporting requirement on two separate occasions before the due date. According to the Assistant Staff Director of the Commission's Information Division, on March 22, 2014, the April Quarterly Report Prior Notice was sent via email to "spettit@ufanyc.org," the only email address disclosed on the Committee's Statement of Organization at that time.¹ In addition, according to the Manager of the Systems Analysis and Design Branch in the Commission's Information Technology Division, on April 10, 2014, the Electronic Filing Office ("EFO") sent the 2014 April Quarterly Report courtesy reminder email to "spettit@ufanyc.org," the email address previously provided by the Committee to EFO. The email explained that "Unauthorized committees are not permitted to file semi-annual reports in lieu of quarterly reports during an election year." Therefore, the Committee should have been aware of the 2014 April Quarterly reporting requirement.

On May 2, 2014, RAD sent a non-filer letter via email to "spettit@ufanyc.org," the email address listed on the Committee's Statement of Organization at that time. The notice informed the Committee that it may have failed to file the 2014 April Quarterly Report.

¹ On August 1, 2014, the Committee filed an Amended Statement of Organization listing "ebrown@ufanyc.org" and "spettit@ufanyc.org" as Committee email addresses.

According to RAD telecoms (written records of telephone conversations), on May 7, 2014, a representative from the CPA firm called a RAD Compliance Analyst regarding the non-filer letter. The Compliance Analyst clarified that semi-annual reports were only acceptable in non-election years, and the Committee was required to file on a quarterly basis in election years. That same day, the Committee electronically filed the 2014 April Quarterly Report, 22 days late.

Failure to know filing dates and delays caused by committee vendors or contractors 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. 11 C.F.R. § 104.14(d).

However, according to the ITD Manager, EFO typically sends email notifications to electronic filers that may have failed to timely file a report. This email notification is sent the day following a filing deadline. EFO failed to send the respondents the courtesy email notifying them that they may have failed to timely file the 2014 April Quarterly Report. The Reviewing Officer recognizes that if the Committee received EFO's late notification email on April 16, 2014, the Committee may have been able to file the missing report that same day. If the Committee filed the report on April 16, 2014, it would be considered one day late. Using the schedule of penalties at 11 C.F.R. § 111.43(a), for respondents with no previous violations, and the level of activity bracket of \$100,000 - \$149,999.99, the civil money penalty is $[\$660 + (\$125 \times 1 \text{ day late})] \times [1 + (.25 \times 0 \text{ previous penalties})]$ or \$785, reduced from the RTB civil money penalty of \$3,410. Therefore, the Reviewing Officer recommends that the Commission make a final determination that the respondents violated 52 U.S.C. § 30104(a) (formerly 2 U.S.C. § 434(a)) and assess a \$785 civil money penalty.

OAR Recommendations

- 1) Adopt the Reviewing Officer recommendation for AF# 2807 involving Uniformed Firefighters Association of New York Political Action Committee (Fire PAC) and Edward Brown, in his official capacity as Treasurer, in making the final determination;
- 2) Make a final determination in AF# 2807 that Uniformed Firefighters Association of New York Political Action Committee (Fire PAC) and Edward Brown, in his official capacity as Treasurer, violated 52 U.S.C. § 30104(a) (formerly 2 U.S.C. § 434(a)) and assess a \$785 civil money penalty (reduced from the RTB civil money penalty of \$3,410); 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 – Declaration from OAR

McENERNEY, BRADY & COMPANY, LLC
CERTIFIED PUBLIC ACCOUNTANTS293 Eisenhower Parkway
Livingston, NJ 07039
(973) 535-2880
(973) 535-5893 - Fax832 McLean Avenue
Yonkers, NY 10704
(914) 237-3676FEC - RAD
Reports Analysis Div.
8 OCT '14 RCVD

FAX COVER SHEET

TO:

FROM:

DATE:

OF SHEETS:

(INCLUDING COVER SHEET)

MESSAGE:

ACTION REQUEST:

IF YOU DO NOT RECEIVE ANY PART OF THIS TRANSMITTAL, PLEASE CALL US
AT THE ABOVE NUMBER. THANK YOU.Confidentiality Note:

Tax Advice Disclosure: To ensure compliance with requirements imposed by the IRS under Circular 230, we inform you that any U.S. federal tax advice contained in this communication (including any attachments), unless otherwise specifically stated, was not intended or written to be used, and cannot be used, for the purpose of (1) avoiding penalties under the Internal Revenue Code or (2) promoting, marketing or recommending to another party any matters addressed herein.

The information contained in this facsimile message is legally privileged and confidential information intended only for the use of the individual or entity names above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copy of this telecopy is strictly prohibited. If you have received this telecopy in error, please immediately notify us by telephone and return the original message to us at our address via the United States Postal Service. Thank you.



New Jersey Office
293 Eisenhower Parkway, Suite 270
Livingston, New Jersey 07039
(973) 535-2880 FAX (973) 535-5893

FEC - RAD
Reports Analysis Div.

8 OCT '14 RCVD

New York Office
832 McLean Avenue
Yonkers, New York 10704
(914) 237-3676

June 30, 2014

Federal Election Commission
999 E Street NW
Washington, DC 20463

Re: Uniformed Firefighters Association of New York
Political Action Committee (FIRE PAC)
C00254193
April 2014 Quarterly Filing

Ladies and Gentlemen:

I am writing to you on behalf of our client, the Uniformed Firefighters Association of New York, with regard to fines assessed for the April 2014 Quarterly Filing.

We are requesting an abatement due to facts we were not aware of. We were retained to provide services for this client to file their Federal PAC reports as of January 2014. Being advised that the client files on a semi-annual report period we did not file the April 2014 report. Once the client received a notice of missing report they immediately contacted us to prepare it. Please note that there were no political donations to candidates during the first quarter of 2014. On behalf of our client we apologize for the late filing.

Please note that all prior reports were timely filed and all future reports will be filed on a timely basis.

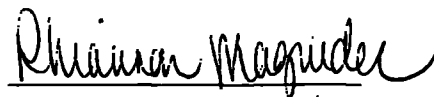
Very truly yours,

Edmond P. Brady, CPA
Partner

EPB/sbb

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) A committee not authorized by a candidate shall file, in an election year, a report for the period ending March 31 no later than April 15. Reports filed electronically must be received and validated at or before 11:59 pm, Eastern Standard/Daylight Time on April 15 for the April Quarterly 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 Amended Statement of Organization filed by Uniformed Firefighters Association of New York Political Action Committee (Fire PAC) and Edward Brown, in his official capacity as Treasurer. According to the Commission's records, the document was received on July 1, 2010 and lists "spettit@ufanyc.org" as the Committee's email address;
 - b) Page 1 of the Amended Statement of Organization filed by Uniformed Firefighters Association of New York Political Action Committee (Fire PAC) and Edward Brown, in his official capacity as Treasurer. According to the Commission's records, the document was received on August 1, 2014 and lists Edward Brown as the Committee's Treasurer;
 - c) Report Cover Page, Summary Page, and Detailed Summary Pages for the 2014 April Quarterly Report filed by Uniformed Firefighters Association of New York Political Action Committee (Fire PAC) and Edward Brown, in his official capacity as Treasurer. According to the Commission's records, the report covers the period from January 1 through March 31, 2014, and was received on May 7, 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 12th day of November, 2014.



Rhiannon Magruder
Reviewing Officer
Office of Administrative Review
Federal Election Commission

**FEC
FORM 1****STATEMENT OF
ORGANIZATION**

(See instructions)

Office use only

1. NAME OF COMMITTEE (in full) (Check if name is changed) Example: If typing, type over the lines 12FE4M5

UNIFORMED FIREFIGHTERS ASSOCIATION OF NEW YORK POLITICAL ACTION COMMITTEE (FIREF PAC)

ADDRESS (number and street)

204-208 EAST 23RD STREET

(Check if address is changed)

NEW YORK

NY

10010

CITY ▲

STATE ▲

ZIP CODE ▲

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

(Check if address is changed)

spettit@ufanyc.org

COMMITTEE'S WEB PAGE ADDRESS (URL)

(Check if address is changed)

2. DATE M M D D Y Y Y Y
05 18 2010

3. FEC IDENTIFICATION NUMBER C C00254193

4. IS THIS STATEMENT NEW (N) OR X 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

ROBERT STRAUB

Signature of Treasurer

Electronically Filed by ROBERT STRAUB

Date

M M D D Y Y Y Y
07 01 2010

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)

**FEC
FORM 1****STATEMENT OF
ORGANIZATION**

Office Use Only

1. NAME OF COMMITTEE (in full) (Check if name is changed) Example: If typing, type over the lines. 12FE4M5

UNIFORMED FIREFIGHTERS ASSOCIATION OF NEW YORK POLITICAL ACTION COMMITTEE (FIRE PAC)

ADDRESS (number and street)

204-208 EAST 23RD STREET

(Check if address is changed)

NEW YORK

CITY ▲

NY

STATE ▲

10010

ZIP CODE ▲

COMMITTEE'S E-MAIL ADDRESS

(Check if address is changed)

ebrown@ufanyc.org

Optional Second E-Mail Address

spettit@ufany.org

COMMITTEE'S WEB PAGE ADDRESS (URL)

(Check if address is changed)

UFANYC.ORG

2. DATE 08 01 2014

3. FEC IDENTIFICATION NUMBER ► C C00254193

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 EDWARD BROWN

Signature of Treasurer EDWARD BROWN

[Electronically Filed]

Date 08 01 2014

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 06/2012)

Image# 14941196869

PAGE 1 / 10

**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

UNIFORMED FIREFIGHTERS ASSOCIATION OF NEW YORK POLITICAL ACTION COMMITTEE (FIRE PAC)

ADDRESS (number and street) 204-208 EAST 23RD STREET

Check if different
than previously
reported. (ACC)

NEW YORK

NY

10010

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

C C00254193

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

(a) Quarterly Reports:

X April 15
Quarterly Report (Q1)July 15
Quarterly Report (Q2)October 15
Quarterly Report (Q3)January 31
Year-End Report (YE)July 31 Mid-Year
Report (Non-election
Year Only) (MY)Termination Report
(TER)(c) 12-Day
PRE-Election
Report for the:

Primary (12P)

General (12G)

Runoff (12R)

Convention (12C)

Special (12S)

Election on

in the
State of(d) 30-Day
POST-Election
Report for the:

General (30G)

Runoff (30R)

Special (30S)

Election on

in the
State of

5. Covering Period 01 01 2014 through 03 31 2014

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 ROBERT STRAUB

Signature of Treasurer ROBERT STRAUB

[Electronically Filed]

Date 05 07 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 3X**
Rev. 12/2004

FEGAN026

SUMMARY PAGE OF RECEIPTS AND DISBURSEMENTS

FEC Form 3X (Rev. 02/2003)

Page 2

Write or Type Committee Name

UNIFORMED FIREFIGHTERS ASSOCIATION OF NEW YORK POLITICAL ACTION COMMITTEE (FIRE PAC)

Report Covering the Period: From: 01 01 2014 To: 03 31 2014

	COLUMN A This Period	COLUMN B Calendar Year-to-Date
6. (a) Cash on Hand January 1, 2014		14662.69
(b) Cash on Hand at Beginning of Reporting Period.....	14662.69	
(c) Total Receipts (from Line 19)	74769.48	74769.48
(d) Subtotal (add Lines 6(b) and 6(c) for Column A and Lines 6(a) and 6(c) for Column B)	89432.17	89432.17
7. Total Disbursements (from Line 31)	74769.48	74769.48
8. Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d))	14662.69	14662.69
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

DETAILED SUMMARY PAGE of Receipts

FEC Form 3X (Rev. 06/2004)

Page 3

Write or Type Committee Name

UNIFORMED FIREFIGHTERS ASSOCIATION OF NEW YORK POLITICAL ACTION COMMITTEE (FIRE PAC)

Report Covering the Period: From: 01 01 2014 To: 03 31 2014

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).....	0.00	0.00
(ii) Unitemized.....	74769.48	74769.48
(iii) TOTAL (add Lines 11(a)(i) and (ii)).....▶	74769.48	74769.48
(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).....▶	74769.48	74769.48
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)).....▶	74769.48	74769.48
20. Total Federal Receipts (subtract Line 18(c) from Line 19).....▶	74769.48	74769.48

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	0.00	0.00
(c) Total Operating Expenditures (add 21(a)(i), (a)(ii), and (b))	0.00	0.00
22. Transfers to Affiliated/Other Party Committees	74769.48	74769.48
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	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 28(a), (b), and (c))	0.00	0.00
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)) ..	74769.48	74769.48
32. Total Federal Disbursements (subtract Line 21(a)(ii) and Line 30(a)(ii) from Line 31)	74769.48	74769.48

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)	74769.48	74769.48
34. Total Contribution Refunds (from Line 28(d))	0.00	0.00
35. Net Contributions (other than loans) (subtract Line 34 from Line 33)	74769.48	74769.48
36. Total Federal Operating Expenditures (add Line 21(a)(i) and Line 21(b))	0.00	0.00
37. Offsets to Operating Expenditures (from Line 15, page 3)	0.00	0.00
38. Net Operating Expenditures (subtract Line 37 from Line 36)	0.00	0.00



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 12, 2014

Edward Brown, in official capacity as Treasurer
Uniformed Firefighters Association of New York
Political Action Committee (Fire PAC)
204-208 East 23rd Street
New York, NY 10010

AF# 2807
C00254193

Dear Mr. Brown:

On June 17, 2014, the Federal Election Commission ("Commission") found reason to believe ("RTB") that Uniformed Firefighters Association of New York Political Action Committee (Fire PAC) and you, in your official capacity as Treasurer ("respondents"), violated 52 U.S.C. § 30104(a) (formerly 2 U.S.C. § 434(a)) for failing to file the 2014 April Quarterly Report. The Commission also made a preliminary determination that the civil money penalty was \$3,410 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



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2014 DEC -2 PM 1:54

December 2, 2014

MEMORANDUM

SENSITIVE

To: The Commission

Through: Alec Palmer
Staff Director

From: Patricia C. Orrock
Chief Compliance Officer

Rhiannon Magruder
Reviewing Officer
Office of Administrative Review

Subject: Final Determination Recommendation in AF# 2807 – Uniformed Firefighters Association of New York Political Action Committee (Fire PAC) and Edward Brown, in his official capacity as Treasurer (C00254193)

On June 17, 2014, the Commission found reason to believe ("RTB") that the respondents violated 52 U.S.C. § 30104(a) (formerly 2 U.S.C. § 434(a)) for failing to file the 2014 April Quarterly Report and made a preliminary determination that the civil money penalty was \$3,410 based on the schedule of penalties at 11 C.F.R. § 111.43. On September 12, 2014, the Commission made a final determination that the respondents violated 52 U.S.C. § 30104(a) (formerly 2 U.S.C. § 434(a)) and assessed a \$3,410 civil money penalty.

On October 8, 2014, the Commission received their late submitted challenge. On October 23, 2014, the Commission voted to approve the Reviewing Officer's recommendation to rescind the September 12, 2014 final determination and assessment of a civil money penalty to allow review of the respondents' late submitted challenge. After reviewing the challenge, the Reviewing Officer Recommendation ("ROR") dated November 12, 2014 was forwarded to the Commission and a copy was forwarded to the respondents.

Given the Committee may have been able to file the 2014 April Quarterly Report as early as the day following the deadline if the Commission sent its late notification email in accordance with its normal course of business, the Reviewing Officer recommends that the Commission consider the report one day late for purposes of calculating the civil money penalty. Using the schedule of penalties at 11 C.F.R. § 111.43(a), for respondents with no previous violations, and the level of activity bracket of \$100,000 - \$149,999.99, the civil money penalty is [\$660 + (\$125 x 1 day late)] x [1 + (.25 x 0 previous penalties)] or \$785, reduced from the RTB civil money penalty of \$3,410. Therefore, the Reviewing Officer recommends that the Commission make a

final determination that the respondents violated 52 U.S.C. § 30104(a) (formerly 2 U.S.C. § 434(a)) and assess a \$785 civil money penalty.

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). The respondents have expressed their intent to pay the recommended \$785 civil money penalty.

OAR Recommendations

- 1) Adopt the Reviewing Officer recommendation for AF# 2807 involving Uniformed Firefighters Association of New York Political Action Committee (Fire PAC) and Edward Brown, in his official capacity as Treasurer, in making the final determination;
- 2) Make a final determination in AF# 2807 that Uniformed Firefighters Association of New York Political Action Committee (Fire PAC) and Edward Brown, in his official capacity as Treasurer, violated 52 U.S.C. § 30104(a) (formerly 2 U.S.C. § 434(a)) and assess a \$785 civil money penalty (reduced from the RTB civil money penalty of \$3,410); and
- 3) Send the appropriate letter.

Reviewing Officer: Rhiannon Magruder

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Final Determination Recommendation:) AF 2807
Uniformed Firefighters Association of)
New York Political Action Committee)
(Fire PAC) and Edward Brown, in his)
official capacity as Treasurer)
(C00254193))

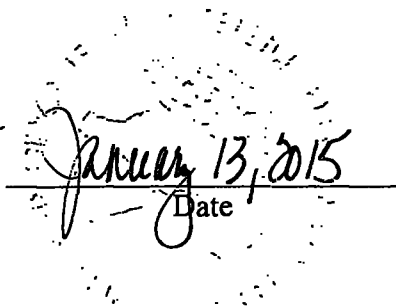
CERTIFICATION

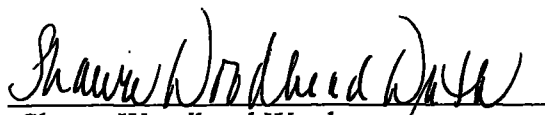
I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on January 13, 2015, the Commission decided by a vote of 6-0 to take the following actions in AF 2807:

1. Adopt the Reviewing Officer recommendation for AF# 2807 involving Uniformed Firefighters Association of New York Political Action Committee (Fire PAC) and Edward Brown, in his official capacity as Treasurer, in making the final determination.
2. Make a final determination in AF# 2807 that Uniformed Firefighters Association of New York Political Action Committee (Fire PAC) and Edward Brown, in his official capacity as Treasurer, violated 52 U.S.C. § 30104(a) (formerly 2 U.S.C. § 434(a)) and assess a \$785 civil money penalty (reduced from the RTB civil money penalty of \$3,410).
3. Send the appropriate letter.

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

Attest:


January 13, 2015
Date


Shawn Woodhead Werth
Secretary and Clerk of the Commission



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

January 16, 2015

Edward Brown, in official capacity as Treasurer
Uniformed Firefighters Association of New York
Political Action Committee (Fire PAC)
204-208 East 23rd Street
New York, NY 10010

AF# 2807
C00254193

Dear Mr. Brown:

On June 17, 2014, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Uniformed Firefighters Association of New York Political Action Committee (Fire PAC) and you, in your official capacity as Treasurer, violated 52 U.S.C. § 30104(a) (formerly 2 U.S.C. § 434(a)) for failing to file the 2014 April Quarterly Report. By letter dated June 18, 2014, the Commission sent notification of the RTB finding that included a civil money penalty calculated at RTB of \$3,410 in accordance with the schedule of penalties at 11 C.F.R. § 111.43. On October 8, 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 your written response. Based on this review, the Reviewing Officer recommended that the Commission reduce the RTB civil money penalty, make a final determination that Uniformed Firefighters Association of New York Political Action Committee (Fire PAC) and you, in your official capacity as Treasurer, violated 52 U.S.C. § 30104(a) (formerly 2 U.S.C. § 434(a)) and assess a civil money penalty in the amount of \$785 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 November 12, 2014.

On January 13, 2015, the Commission adopted the Reviewing Officer's recommendation and made a final determination that Uniformed Firefighters Association of New York Political Action Committee (Fire PAC) and you, in your official capacity as Treasurer, violated 52 U.S.C. § 30104(a) (formerly 2 U.S.C. § 434(a)) and assessed a civil money penalty in the amount of \$785 (reduced from the RTB civil money penalty of \$3,410). 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 52 U.S.C. § 30109(a)(4)(C)(iii) (formerly 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 52 U.S.C. § 30109 (formerly 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

Any offer to settle or compromise a debt owed to the Commission, including a payment in an amount less than the civil money penalty assessed or any restrictive endorsements contained on your check or money order or proposed in correspondence transmitted with your check or money order, will be rejected. 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 52 U.S.C. § 30109(a)(12) (formerly 2 U.S.C. § 437g(a)(12)) no longer apply and this matter is now public. Pursuant to 11 C.F.R. §§ 111.42(b) and 111.20(c), the file will be placed on the public record within 30 days from the date of this notification.

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,



Ann M. Ravel
Chair

ADMINISTRATIVE FINE PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 C.F.R. § 111.43, the civil money penalty is \$785 for the 2014 April Quarterly Report.

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

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

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

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

The form and payment are due within 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: Uniformed Firefighters Association of New York Political Action Committee (Fire PAC)

FEC ID#: C00254193

AF#: 2807

PAYMENT AMOUNT DUE: \$785

FOR: Uniformed Firefighters Association of New York Political Action Committee (Fire PAC)

FEC ID#: C00254193

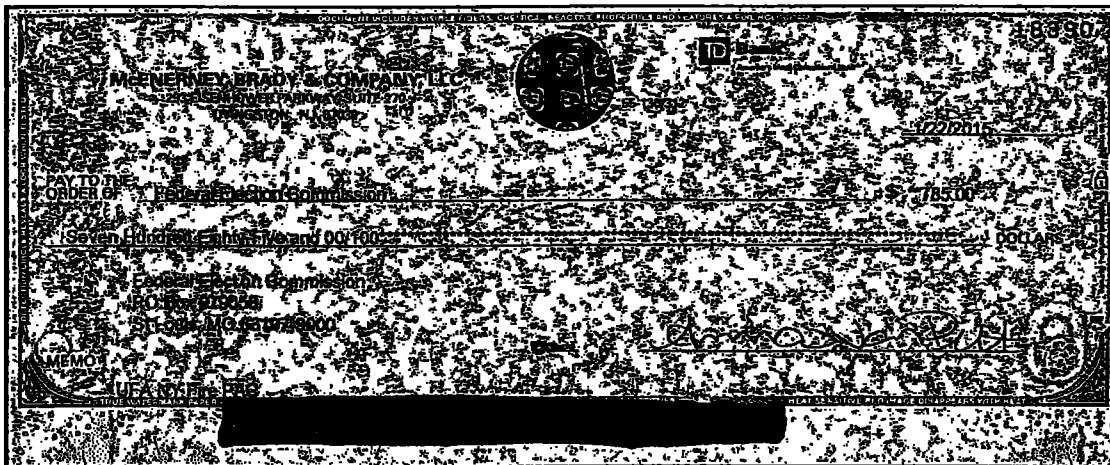
AF#: 2807

PAYMENT AMOUNT DUE: \$785

4

FEDERAL ELECTION COMMISSION

Lockbox: GLX-979058 Ledger Date 01/27/2015



Batch	Item	TID	Batch Total	Amount
1	2	Y-5886460	\$1,995.00	\$785.00

usbank.

St. Louis GA Lockbox
(314) 425-1818

OUT-TO-NO-OUT



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 2807

DATE SCANNED 3/3/15

SCANNER NO. 2

SCAN OPERATOR EE5