



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 2808

DATE SCANNED 10/22/14

SCANNER NO. 2

SCAN OPERATOR SES



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

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FEDERAL ELECTION
COMMISSION
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2014 JUN 16 AM 10:38

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
KOR

BY: Kristin D. Roser/Sari Pickerall *JS*
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 |
| 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 |
| 2798 | C00224790 | GRAYROBINSON, P.A., POLITICAL ACTION COMMITTEE | | J. CHARLES GRAY | \$160,695 | 0 | 5/7/2014 | 22 | \$13,250 | \$220 |
| 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 |
| 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 | \$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 |

| AF# | Committee ID | Committee Name | Candidate Name | Treasurer | Threshold | PV | Receipt Date | Days Late | LOA | RTB Penalty |
|-----|--------------|----------------|----------------|-----------|-----------|----|--------------|-----------|-----|-------------|
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| 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;)

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;)

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;)

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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;)

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.

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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#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#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 Guenther, in official capacity as Treasurer
United Fresh Produce Association FRESH POLITICAL ACTION COMMITTEE (FRESH PAC)
1901 Pennsylvania Ave., Suite 1100
Washington, DC 20006

C00040725
AF#: 2808

Dear Mr. Guenther:

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). Because records at the Federal Election Commission ("FEC") indicate that you did not file this report within thirty (30) days of the due date, the report is considered not filed for the purpose of calculating the civil money penalty.

The Act permits the FEC to impose civil money penalties for violations of the reporting requirements of 2 U.S.C. § 434(a). 2 U.S.C. § 437g(a)(4). On June 17, 2014, the FEC found that there is reason to believe ("RTB") that United Fresh Produce Association FRESH POLITICAL ACTION COMMITTEE (FRESH 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 \$550. 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 \$550 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: \$14,946

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

Number of Previous Civil Money Penalties Assessed: 0

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

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

If you should decide to challenge the RTB finding and/or calculated civil money penalty, you must submit a written response, including the AF# found at the top of page 1 under your committee's identification number, to the FEC's Office of Administrative Review, 999 E Street, NW, Washington, DC 20463. Your response must be received within forty (40) days of the Commission's RTB finding, or 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 United Fresh Produce Association FRESH POLITICAL ACTION COMMITTEE (FRESH 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

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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

14062700418

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 \$550 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: United Fresh Produce Association FRESH POLITICAL ACTION COMMITTEE
(FRESH PAC)

FEC ID#: C00040725

AF#: 2808

PAYMENT DUE DATE: July 27, 2014

PAYMENT AMOUNT DUE: \$550



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

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FEDERAL ELECTION
COMMISSION
SECRETARIAT

2014 SEP 10 PH 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* *SP*
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 outstanding Administrative Fines (AF cases 2554, 2754, 2759, 2767 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.

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.

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.

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 | | C00365965 | JOHN S. RUTKAUSKAS | 04/22/2014 | 7 | \$31,700 | 0 | 06/17/2014 | \$340 | \$340 | 06/30/2014 | \$340 |
| 2792 | ART GARDNER 2014 COMMITTEE | 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. PERIMAR | 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 BRACKKEEN 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 | | C00381949 | CLAY CRAWFORD | 05/05/2014 | 20 | \$44,338 | 1 | 06/17/2014 | \$750 | \$750 | 07/01/2014 | \$750 |
| 2808 | UNITED FRESH PRODUCE ASSOCIATION FRESH POLITICAL ACTION COMMITTEE (FRESH PAC) | | C00040725 | ROBERT GUENTHER | 05/31/2014 | Not Filed | \$14,946 | 0 | 06/17/2014 | \$550 | \$550 | 07/28/2014 | \$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 |
|------|--------------------------------|----------------|--------------|-------------------|--------------|-----------|-----------------|----|------------|-------------|----------------|------------|
| 2796 | DEMOCRACY ENGINE, INC., NAC | | C00468314 | JONATHAN ZUCKER | 06/21/2014 | Not Filed | \$118,562 | 0 | 06/17/2014 | \$9,800 | 85 | \$4,950 |
| 2804 | STEVE SALAZAR FOR CONGRESS | SALAZAR, STEVE | C00518027 | ROSARIO RODRIGUEZ | | Not Filed | \$110,712 (est) | 4 | 06/17/2014 | \$9,900 | 85 | NFA |

1-800-NINJA-5

| | | |
|----------------------------------|---|----------|
| 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; |) | |

| | | |
|-----------------------------------|---|----------|
| 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; |) | |

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#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#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#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

1400N000000



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 16, 2014

Robert Guenther, in official capacity as Treasurer
United Fresh Produce Association FRESH POLITICAL ACTION COMMITTEE (FRESH PAC)
1901 Pennsylvania Ave., Suite 1100
Washington, DC 20006

C00040725
AF#: 2808

Dear Mr. Guenther:

On June 17, 2014, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that United Fresh Produce Association FRESH POLITICAL ACTION COMMITTEE (FRESH 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 totaling \$550 in accordance with the schedule of penalties at 11 CFR § 111.43.

On July 28, 2014, the FEC received payment of the civil money penalty calculated at the RTB stage. The FEC made a final determination on September 12, 2014 that United Fresh Produce Association FRESH POLITICAL ACTION COMMITTEE (FRESH PAC) and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) (formerly 2 U.S.C. § 434(a)), assessed a civil money penalty in the amount of \$550 in accordance with 11 CFR § 111.43, and voted to close the file.

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 this matter, please contact Sari Pickerall on our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130.

On behalf of the Commission,

A handwritten signature in black ink, appearing to read "Lee E. Goodman".

Lee E. Goodman
Chairman

14062700440

FOR: ~~UNITED FRESH PRODUCE~~ Association FRESH POLITICAL ACTION COMMITTEE
(FRESH PAC)

FEC ID#: C00040725

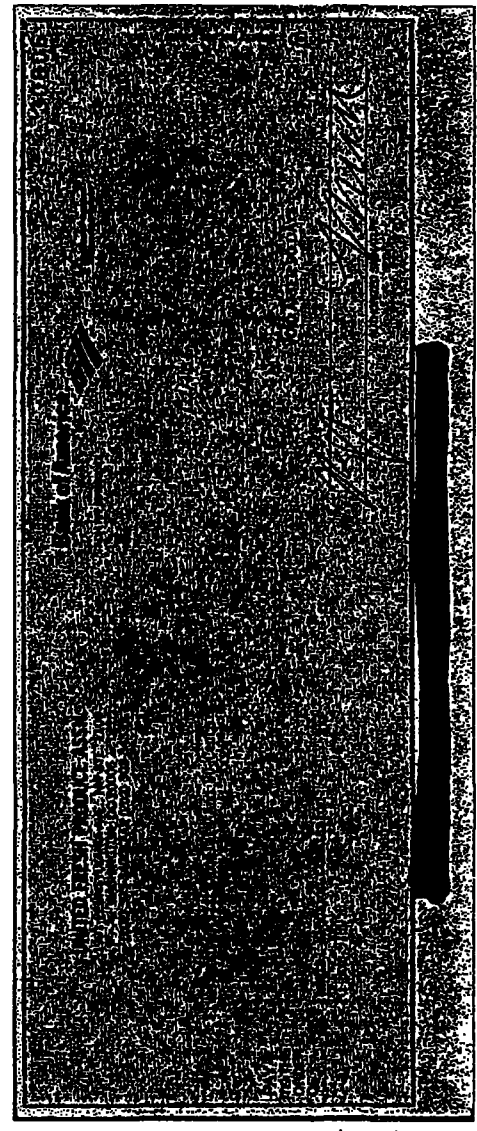
AF#: 2808

PAYMENT DUE DATE: July 27, 2014

PAYMENT AMOUNT DUE: \$550

FEDERAL ELECTION COMMISSION Lockbox: GLX-979058 Ledger Date 07/25/2014

usbank.
St. Louis GA Lockbox
(314) 425-1818



| Batch | Item | TID | Batch Total | Amount |
|-------|------|-----------|-------------|----------|
| 1 | 3 | Y-4721139 | \$2,895.00 | \$550.00 |



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 2808

DATE SCANNED 10/22/14

SCANNER NO. 2

SCAN OPERATOR ESS