



FEDERAL ELECTION COMMISSION  
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 2825

DATE SCANNED 3/3/15

SCANNER NO. 2

SCAN OPERATOR EEJ



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
SECRETARIAT

2014 SEP 12 PM 1:59

September 12, 2014

MEMORANDUM

**SENSITIVE**

TO: The Commission

THROUGH: Alec Palmer *PCO*  
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: Reason To Believe Recommendation – 2014 July Quarterly Report for the  
Administrative Fine Program

Attached is a list of political committees and their treasurers who failed to file the 2014 July Quarterly Report in accordance with 52 U.S.C. § 30104(a) (formerly 2 U.S.C. 434(a)). The 2014 July Quarterly Report was due on July 15, 2014.

The committees listed in the attached RTB Circulation Report either failed to file 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 52 U.S.C. § 30104(a) (formerly 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 JULY QUARTERLY Not Election Sensitive 07/15/2014 H\_S\_P\_UNAUTH**

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
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2815	C00431056	BOB CASEY FOR SENATE INC	CASEY, ROBERT P JR	CHARLES LYONS	\$1,412,155	0		Not Filed	\$282,431 (est)	\$9,800
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2825	C00369181	REPUBLICAN PARTY OF BEXAR COUNTY		SCOTT J STRATTON	\$525,080	0	8/6/2014	22	\$21,558	\$220
2826	C00547299	RICHARD BOLGER FOR CONGRESS	BOLGER, RICHARD OWEN	JAMES B VELTRI	\$223,226	0		Not Filed	\$74,409 (est)	\$2,970

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
)  
Reason To Believe Recommendation - 2014 )  
July Quarterly Report for the Administrative )  
Fine Program: )

BOB CASEY FOR SENATE INC, and ) AF# 2815  
CHARLES LYONS as treasurer; )

REPUBLICAN PARTY OF BEXAR ) AF# 2825  
COUNTY, and STRATTON, SCOTT J as )  
treasurer; )

RICHARD BOLGER FOR CONGRESS,           AF# 2826  
and JAMES B VELTRI as treasurer;

CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election  
Commission, do hereby certify that on September 16, 2014 the Commission took the  
following actions on the Reason To Believe Recommendation - 2014 July Quarterly  
Report for the Administrative Fine Program as recommended in the Reports Analysis  
Division's Memorandum dated September 12, 2014, on the following committees:

AF#2815       Decided by a vote of 6-0 to: (1) find reason to believe that BOB CASEY  
FOR SENATE INC, and CHARLES LYONS as treasurer violated 52 U.S.C. 30104(a)  
(formerly 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.

—**பொருள்**—

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AF#2825 Decided by a vote of 6-0 to: (1) find reason to believe that REPUBLICAN PARTY OF BEXAR COUNTY, and STRATTON, SCOTT J as treasurer violated 52 U.S.C. 30104(a) (formerly 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#2826 Decided by a vote of 6-0 to: (1) find reason to believe that RICHARD BOLGER FOR CONGRESS, and JAMES B VELTRI as treasurer violated 52 U.S.C. 30104(a) (formerly 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:

September 17, 2014  
Date

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





FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

September 17, 2014

Scott J. Stratton, in official capacity as Treasurer  
Republican Party of Bexar County  
909 NE Loop 410, Suite 514  
San Antonio, TX 78209

C00369181  
AF#: 2825

Dear Mr. Stratton:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file a July Quarterly Report of Receipts and Disbursements in a calendar year during which there is a regularly scheduled election. This report, covering the period April 1, 2014 through June 30, 2014, shall be filed no later than July 15, 2014. 52 U.S.C. § 30104(a) (formerly 2 U.S.C. § 434(a)). Records at the Federal Election Commission ("FEC") indicate that this report was filed on August 6, 2014, twenty-two (22) days late.

The Act permits the FEC to impose civil money penalties for violations of the reporting requirements of 52 U.S.C. § 30104(a) (formerly 2 U.S.C. § 434(a)). 52 U.S.C. § 30109g(a)(4) (formerly 2 U.S.C. § 437g(a)(4)). On September 16, 2014, the FEC found that there is reason to believe ("RTB") that Republican Party of Bexar County and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) (formerly 2 U.S.C. § 434(a)) by failing to file timely this report on or before July 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 \$220. 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 \$220 is due within forty (40) days of the finding, or by October 26, 2014, and is based on these factors:

Election Sensitivity of Report: Not Election Sensitive  
Level of Activity: \$21,558  
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 October 26, 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 52 U.S.C. § 30109g (formerly 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 Republican Party of Bexar County 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.

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. 52 U.S.C. § 30109g(a)(2) (formerly 2 U.S.C. § 437g(a)(2)). It will remain confidential in accordance with 52 U.S.C. § 30109g(a)(4)(B) (formerly 2 U.S.C. § 437g(a)(4)(B)) and 30109g(a)(12)(A) (formerly 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

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**ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS**

In accordance with the schedule of penalties at 11 CFR § 111.43, the amount of your civil money penalty calculated at RTB is \$220 for the 2014 July 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 October 26, 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**  
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FOR: Republican Party of Bexar County

FEC ID#: C00369181

AF#: 2825

PAYMENT DUE DATE: October 26, 2014

PAYMENT AMOUNT DUE: \$220

**FEC OFFICE OF  
ADMIN REVIEW**

**Republican Party of Bexar County**  
**C00369181**  
**AF#: 2825**

2014 OCT 28 AM 7: 52

This letter is an appeal of the FEC findings for the 2014 July Quarterly Report of Receipts & Disbursements.

I Scott Stratton Treasurer of C0036981 hereby certify, to the best of my ability, these facts presented in response to the filing made on July 15, 2014.

The FEC July Quarterly report was filed on July 16, 2014 early morning at 12:45am. I received an email confirmation that the report was filed and saw no reason to doubt the integrity of the filing that was made.

It was not until several weeks later that I received an email asking for the July Quarterly report and that it had not been filed. I was stunned and asked "how can this be". After verifying the confirmation email received for filing the report it showed that a 3 year old one page report was filed and not the July Quarterly Report.

I worked with several individuals at the FEC and told them that the July Report does show filed in the FEC Software and closed. We tried to resend the report but it would fail saying the file had already been received. We then zipped up and emailed all the FEC Software Data to be reviewed by the FEC. I then received a new file to resubmit to the FEC for the July Quarterly Report. After filing the FEC report again it was then a successful transmission and email confirmation of the report being filed.

I am not sure how a 3 year old report got superimposed for the July Quarterly Report but would like to know so this would not happen again.

Sincerely,

Scott J. Stratton  
Treasurer, 210-824-9445  
Republican Party of Bexar County  
909 NE Loop 410, Suite 514  
San Antonio, Texas 78209





FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

October 28, 2014

Scott J. Stratton, Treasurer  
Republican Party of Bexar County  
909 NE Loop 410  
Suite 514  
San Antonio, TX 78209

C00369181  
AF#: 2825

Dear Mr. Stratton:

On October 27, 2014, the Commission's Office of Administrative Review ("OAR") received your written response ("challenge") for Republican Party of Bexar County and you, in your official capacity as Treasurer, which is being reviewed by OAR. If you have any questions regarding your challenge, please contact this Office on our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

Sincerely,

A handwritten signature in cursive script that reads "Rhiannon Magruder".

Rhiannon Magruder  
Reviewing Officer  
Office of Administrative Review



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

2014 DEC 30 PM 1:37

**SENSITIVE**

December 30, 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: Reviewing Officer Recommendation in AF# 2825 – Republican Party of Bexar County and Scott J. Stratton, in his official capacity as Treasurer (C00369181)

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.

Attachment



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

December 30, 2014

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

AF# 2825 – Republican Party of Bexar County and Scott J. Stratton, in his official capacity as Treasurer (C00369181)

### **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 \$220 civil money penalty.

### **Reason-to-Believe Background**

The 2014 July Quarterly Report was due on July 15, 2014. The respondents filed the report on August 6, 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 September 16, 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 July Quarterly Report and made a preliminary determination that the civil money penalty was \$220 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 September 17, 2014 to notify them of the Commission's RTB finding and civil money penalty.

### **Legal Requirements**

The Federal Election Campaign Act ("Act") states that the treasurer of a committee not authorized by a candidate shall file, in an election year, a report for the period ending June 30 no later than July 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 July 15 for the July 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 27, 2014, the Commission received the response ("challenge") from the Committee's Treasurer. The challenge states that the Committee filed the 2014 July Quarterly Report at 12:45 a.m. on July 16, 2014. The Treasurer states he received an email confirming the report was filed. Several weeks later, he received an email stating the 2014 July Quarterly Report had not been filed. He then realized that a three year old one page report was filed instead of the 2014 July Quarterly Report.



The Treasurer worked with Commission staff, informing them that FECFile showed the 2014 July Quarterly Report was filed and closed. The Treasurer attempted to re-submit the report, "but it [failed] saying the report had already been received." The Committee sent its FECFile data file to the Commission, and the Commission sent back a new file for the Committee to use to upload the report. The Committee then successfully filed the 2014 July Quarterly Report.

The Treasurer concludes by stating he would like to know how the filings were superimposed.

### Analysis

The challenge contends the Committee filed the 2014 July Quarterly Report at 12:45 a.m. on July 16, 2014. However, the Manager of the Systems Analysis and Design Branch in the Commission's Information Technology Division states there is no record of any submission of a 2014 July Quarterly Report on or around the reporting deadline. Therefore, on July 16, 2014 at approximately 2:00 p.m., the Electronic Filing Office ("EFO") sent a late notification email to treasurer@bexargop.net. The email notified the Committee that it had failed to electronically file the 2014 July Quarterly Report.

The OCIO Manager states the Committee did successfully file a Miscellaneous Document (FEC Form 99) at 6:00 p.m. on July 16, 2014. EFO subsequently sent a confirmation email to treasurer@bexargop.net and chairman@bexargop.net. The contents of the email indicated the filing type was "F99," as acknowledged by the Treasurer in the challenge.

On August 4, 2014, RAD sent a non-filer letter via email to treasurer@bexargop.net and chairman@bexargop.net. The notice informed the Committee that it may have failed to file the 2014 July Quarterly Report.

According to RAD telecoms (written records of telephone conversations), on August 5 2014, the Treasurer contacted a RAD Compliance Analyst regarding the non-filer letter. The Treasurer explained that he submitted the 2014 July Quarterly Report, but it appeared a Form 99 previously submitted in 2011 was filed instead. The RAD Compliance Analyst confirmed the 2014 July Quarterly Report was not filed, despite the Treasurer's contention that FECFile indicated the report had already been filed and closed.

Later that day, the RAD Compliance Analyst contacted the Treasurer to offer assistance in filing the report. The Treasurer stated he had attempted to file the report as an amendment but was unsuccessful. In the challenge, the Treasurer further explains that FECFile displayed a message indicating the file had already been received. The RAD Compliance Analyst transferred the Treasurer to EFO for technical assistance. After multiple conversations with RAD and EFO staff, the Treasurer was informed that he could not file the 2014 July Quarterly Report as an amendment to the Form 99. Instead, staff instructed the Committee to file a new 2014 July Quarterly Report.

The Treasurer continued to experience technical difficulties with filing the 2014 July Quarterly Report and sent the Committee's data file to EFO for assistance. EFO determined that the user had placed the 2014 July Quarterly Report in a closed and amended status, although the original report was never successfully uploaded to the Commission. EFO Technical Support unclosed and unamended the report, and sent the corrected Committee file back to the Treasurer. On August 6, 2014, the Committee successfully electronically filed the 2014 July Quarterly Report, 22 days late.

The OCIO Manager states that it is not possible that Commission computers or the electronic filing system caused the Committee's 2014 July Quarterly Report to be transposed with another filing. In addition, EFO simulated the Committee's filing scenarios from August 6, 2014 and confirmed that FECFile displayed no text indicating a filing had already been "received" or "filed." Given EFO's determination that the Committee was prevented from filing the report because of its closed and amended status in FECFile, the applicable FECFile message text would read: "This report is already closed...Changes made will not be recorded!" As described in the *FECFile User Manual*, the process of closing a report only prevents changes being made to the data. It is a separate process that precedes transmitting the file to the Commission. Since the Commission's electronic filing system had no record of receiving the 2014 July Quarterly Report at that time, it is not possible that the user saw a message indicating the report was previously filed.

The Committee's technical difficulties can only be attributed to its failure to use filing software properly, which is included at 11 C.F.R. § 111.35(d) as an example of a circumstance 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). 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 \$220 civil money penalty.

#### **OAR Recommendations**

- 1) Adopt the Reviewing Officer recommendation for AF# 2825 involving Republican Party of Bexar County and Scott J. Stratton, in his official capacity as Treasurer in making the final determination;
- 2) Make a final determination in AF# 2825 that Republican Party of Bexar County and Scott J. Stratton, in his official capacity as Treasurer, violated 52 U.S.C. § 30104(a) (formerly 2 U.S.C. § 434(a)) and assess a \$220 civil money penalty; and
- 3) Send the appropriate letter.

## **Attachments**

Attachment 1 – Challenge Received from Respondents

Attachment 2 –

Attachment 3 – “Closing a Report” & “Transmitting a Report Electronically,” *FECFile User Manual*

Attachment 4 – Declaration from RAD

Attachment 5 – Declaration from OAR

## Closing a Report

When a report is completed and user is finished entering information, it must be closed in order to prevent additional changes. A report that is not closed cannot be uploaded and filed. To close a report:

Select the Reports  view from the tool bar

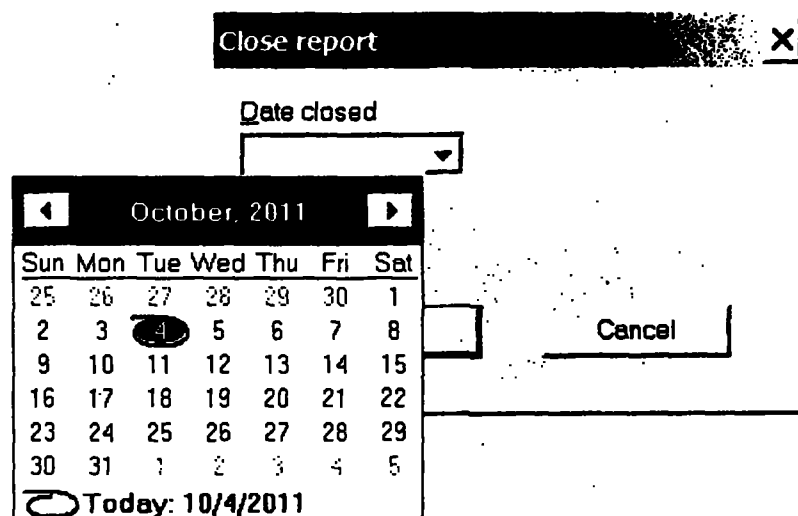
Select a report from the list

Select **Edit > Close Report** from the menu bar

Enter the actual date the report will be filed in the **Date closed** field, or select the date using the Date Picker Calendar (click the down arrow to the right of the date field). The **Date field** will be automatically populated.

The **Filing ID** is only used for amendments.

Select **OK**



Close report

Date closed

Sun	Mon	Tue	Wed	Thu	Fri	Sat
25	26	27	28	29	30	1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31	1	2	3	4	5

Today: 10/4/2011

Cancel

## Topic: Transmitting a Report Electronically

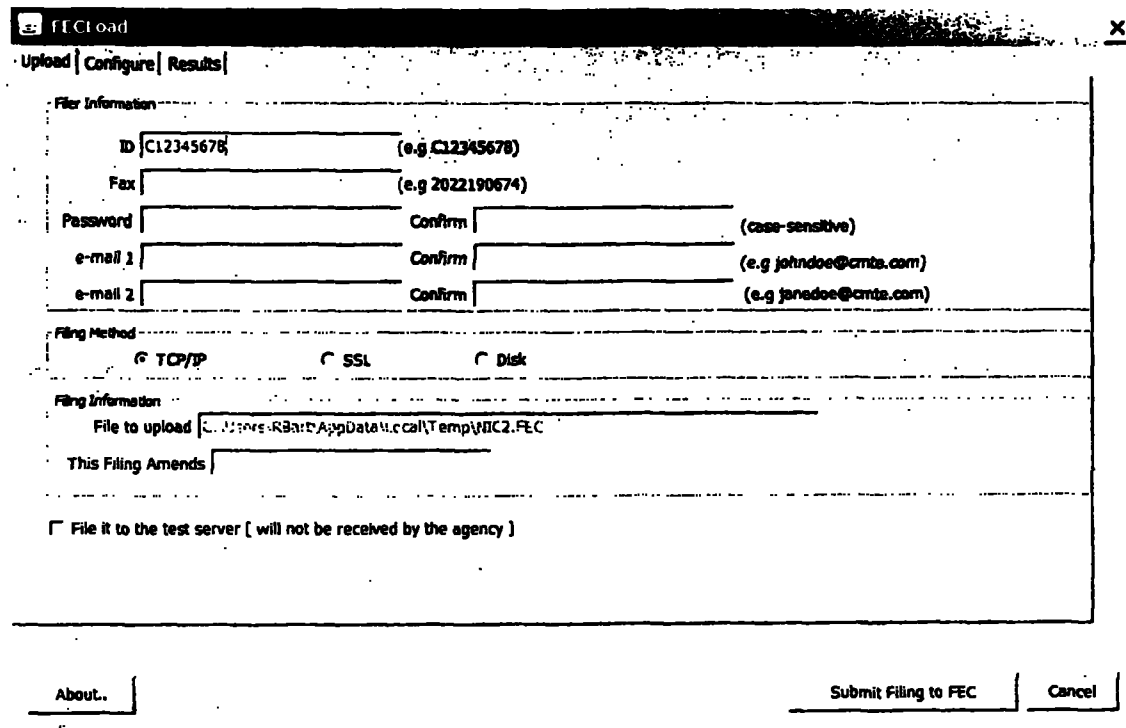
### Transmitting a Report Electronically

Select the Upload  button on the tool bar.

The Validation process will start and will display all errors

If the report does not pass Validation, resolve the errors and begin again

The FECLoad file transmission utility will start and portions of the dialog box will be pre-populated. Enter any missing information. Minimally, the ID, Fax or e-mail and the password fields must be entered.



**FECLoad**

Upload | Configure | Results

**Filer Information**

ID  (e.g. C12345678)

Fax  (e.g. 2022190674)

Password  Confirm  (case-sensitive)

e-mail 1  Confirm  (e.g. johndoe@cmts.com)

e-mail 2  Confirm  (e.g. janedoe@cmts.com)

**Filing Method**

☒ TCP/IP ☐ SSL ☐ Disk

**Filing Information**

File to upload

This Filing Amends

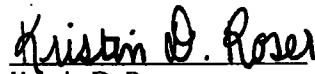
☐ File it to the test server [ will not be received by the agency ]

About... Submit Filing to FEC Cancel

A fax number or an email address is required for the user to receive confirmation that the report has been received by the FEC. Entering both will result in confirmation by fax and by up to two emails.

**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 Republican Party of Bexar County:
  - A) Report Notice, dated June 20, 2014, referencing the 2014 July Quarterly Report (sent via electronic mail to: chairman@bexargop.net);
  - B) Non-Filer Letter, dated August 4, 2014, referencing the 2014 July Quarterly Report (sent via electronic mail to: treasurer@bexargop.net and chairman@bexargop.net);
  - C) Reason-to-Believe Letter, dated September 17, 2014 referencing the 2014 July 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 Republican Party of Bexar County filed the 2014 July Quarterly Report with the Commission on August 6, 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 19<sup>th</sup> day of November, 2014.

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

**JULY QUARTERLY REPORT NOTICE****FEDERAL ELECTION COMMISSION****CONGRESSIONAL COMMITTEES  
PARTIES AND PACS****June 20, 2014****CURRENT REPORT DUE**

REPORT	CLOSE OF BOOKS 1	REG./CERT. & OVERNIGHT MAILING DEADLINE	FILING DEADLINE
July Quarterly	06/30/14	07/15/14	07/15/14

**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
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

August 4, 2014

STRATTON, SCOTT J., TREASURER  
REPUBLICAN PARTY OF BEXAR COUNTY  
909 NE LOOP 410 SUITE 514  
SAN ANTONIO, TX 78209

IDENTIFICATION NUMBER: C00369181

REFERENCE: JULY QUARTERLY REPORT (04/01/2014 - 06/30/2014).

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](http://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. His/Her direct number is (202)694-1129.

REPUBLICAN PARTY OF BEXAR COUNTY

Page 2 of 2

Sincerely,

*Debbie Chacona*

Deborah Chacona  
Assistant Staff Director  
Reports Analysis Division

### DECLARATION OF RHIANNON MAGRUDER

- 1) I am the Reviewing Officer in the Office of Administrative Review for the Federal Election Commission ("Commission"). In my capacity as Reviewing Officer, I conduct research with respect to all challenges submitted in accordance with the Administrative Fine program.
- 2) The principal campaign committee of a candidate must file a report for the quarter ending June 30 no later than July 15. Reports filed electronically must be received and validated at or before 11:59 pm, Eastern Standard/Daylight Time on July 15 for the July 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 FECFile software or 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) Miscellaneous Document (FEC Form 99) electronically filed by Republican Party of Bexar County and Scott J. Stratton, in his official capacity as Treasurer. According to the Commission's records, the filing was received on July 16, 2014.
  - b) Report Cover Page for the 2014 July Quarterly Report electronically filed by Republican Party of Bexar County and Scott J. Stratton, in his official capacity as Treasurer. According to the Commission's records, the report covers the period from April 1 through June 30, 2014 and was received on August 6, 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 30th day of December, 2014.



Rhiannon Magruder  
Reviewing Officer  
Office of Administrative Review  
Federal Election Commission

**MISCELLANEOUS TEXT (FEC Form 99)**

PAGE 1 / 1

In reply to your inquiry of May 12, 2011 concerning our 30 Day Post-General Report (10/01/2010 - 11/22/2010):

Re: No. 1:

No payments for 'salary' or 'payroll tax deposit' involve any employee who spent more than 25% of their compensated time on 'FEA'.

Therefore, the expenditures were properly reported on Schedule H4.

Re: No 2:

The referenced transfers from the federal account to the non-federal ('State') account reported on Sch B, Line 22 were merely permissible contributions from the Party's federal account to the Party's state account and were in no way 'made to influence the election or defeat of specific federal candidates.'

Furthermore, the State account has not paid any expenses that should have been allocated. We pay allocable expenses from the federal account first and then transfer the appropriate non-federal share of the expense to the federal account in accordance with FEC guidelines.

2011-05-12 14:00:00

Image# 14962176075

PAGE 1 / 39

**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

Republican Party of Bexar County

ADDRESS (number and street) 909 NE Loop 410

Suite 514

Check if different  
than previously  
reported. (ACC)

San Antonio

TX

78209

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

C C00369181

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

## 4. TYPE OF REPORT

(Choose One)

(a) Quarterly Reports:

April 15  
Quarterly Report (Q1)X 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)(b) Monthly  
Report  
Due On:

Feb 20 (M2)

Mar 20 (M3)

Apr 20 (M4)

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

Election on

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

Election on

May 20 (M5)

Jun 20 (M6)

Jul 20 (M7)

Primary (12P)

Convention (12C)

General (30G)

Aug 20 (M8)

Sep 20 (M9)

Oct 20 (M10)

General (12G)

Special (12S)

Runoff (30R)

Nov 20 (M11)  
(Non-Election  
Year Only)Dec 20 (M12)  
(Non-Election  
Year Only)

Jan 31 (YE)

Runoff (12R)

in the  
State of

Special (30S)

in the  
State of

5. Covering Period 04 01 2014 through 06 30 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 Scott J Stratton

Signature of Treasurer Scott J Stratton

[Electronically Filed]

Date 08 06 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



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

December 30, 2014

Scott J. Stratton, Treasurer  
Republican Party of Bexar County  
909 NE Loop 410  
Suite 514  
San Antonio, TX 78209

C00369181  
AF#: 2825

Dear Mr. Stratton:

On September 16, 2014, the Federal Election Commission ("Commission") found reason to believe ("RTB") that Republican Party of Bexar County 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 July Quarterly Report. The Commission also made a preliminary determination that the civil money penalty was \$220 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 cursive script that reads "Rhiannon Magruder".

Rhiannon Magruder  
Reviewing Officer  
Office of Administrative Review



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

AL FLE  
COMMISSION  
SECRETARY

2015 JAN 20 PM 1:24

January 20, 2015

**MEMORANDUM**

To: The Commission

Through: Alec Palmer  
Staff Director

From: Patricia C. Orrock  
Chief Compliance Officer

Rhiannon Magruder  
Reviewing Officer  
Office of Administrative Review

Subject: AF# 2825 – Republican Party of Bexar County and Scott J. Stratton, in his official capacity as Treasurer (C00369181)

On September 16, 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 July Quarterly Report and made a preliminary determination that the civil money penalty was \$220 based on the schedule of penalties at 11 C.F.R. § 111.43.

On October 27, 2014, the Commission received their written response ("challenge"). After reviewing the challenge, the Reviewing Officer Recommendation ("ROR") dated December 30, 2014 was forwarded to the Commission and a copy was forwarded to the respondents. They submitted no evidence that a factual error was made in the RTB finding, that the penalty was miscalculated at RTB or that they used best efforts to file on time. 11 C.F.R. § 111.35(b).

Within 10 days of transmittal of the recommendation, they may file a written response with the Commission Secretary which may not raise any arguments not raised in their challenge or not directly responsive to the ROR. 11 C.F.R. § 111.36(f). The Committee has since paid the recommended \$220 civil money penalty.

### **OAR Recommendations**

- 1) Adopt the Reviewing Officer recommendation for AF# 2825 involving Republican Party of Bexar County and Scott J. Stratton, in his official capacity as Treasurer in making the final determination;
- 2) Make a final determination in AF# 2825 that Republican Party of Bexar County and Scott J. Stratton, in his official capacity as Treasurer, violated 52 U.S.C. § 30104(a) (formerly 2 U.S.C. § 434(a)) and assess a \$220 civil money penalty; and
- 3) Send the appropriate letter.



BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
Republican Party of Bexar County and ) AF 2825  
Scott J. Stratton, in his official capacity )  
as Treasurer (C00369181) )

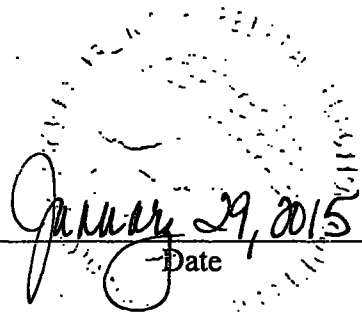
CERTIFICATION


I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on January 29, 2015, the Commission decided by a vote of 6-0 to take the following actions in AF 2825:

1. Adopt the Reviewing Officer recommendation for AF# 2825 involving Republican Party of Bexar County and Scott J. Stratton, in his official capacity as Treasurer in making the final determination.
2. Make a final determination in AF# 2825 that Republican Party of Bexar County and Scott J. Stratton, in his official capacity as Treasurer, violated 52 U.S.C. § 30104(a) (formerly 2 U.S.C. § 434(a)) and assess a \$220 civil money penalty.
3. Send the appropriate letter.

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

Attest:

  
January 29, 2015  
Date

  
Shawn Woodhead Werth  
Secretary and Clerk of the Commission



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

February 4, 2015

Scott J. Stratton, Treasurer  
Republican Party of Bexar County  
909 NE Loop 410  
Suite 514  
San Antonio, TX 78209

C00369181  
AF#: 2825

Dear Mr. Stratton:

On September 16, 2014, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Republican Party of Bexar County 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 July Quarterly Report. By letter dated September 17, 2014, the Commission sent notification of the RTB finding that included a civil money penalty calculated at RTB of \$220 in accordance with the schedule of penalties at 11 C.F.R. § 111.43. On October 27, 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 make a final determination that Republican Party of Bexar County 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 \$220 in accordance with 11 C.F.R. § 111.43. A copy of the Reviewing Officer Recommendation was sent to you on December 30, 2014.

On January 12, 2015, the Commission received your \$220 payment.

On January 29, 2015, the Commission adopted the Reviewing Officer's recommendation and made a final determination that Republican Party of Bexar County 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 \$220. It is based on the same factors used to calculate the civil money penalty at RTB. A copy of the Final Determination Recommendation is attached.

**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 U.S. District Court 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.

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

FOR: Republican Party of Bexar County

FEC ID#: C00369181

AF#: 2825

PAYMENT DUE DATE: October 26, 2014

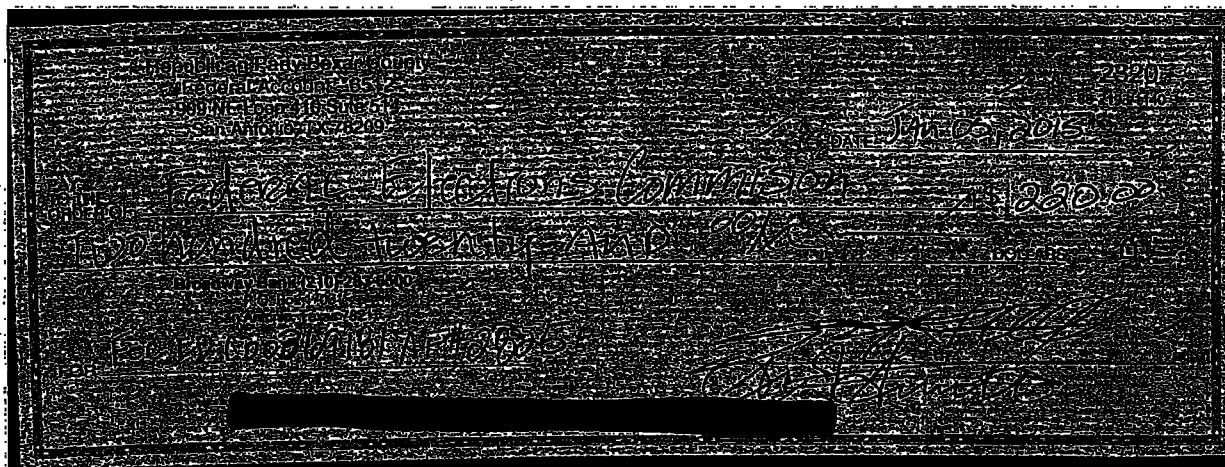
PAYMENT AMOUNT DUE: \$220

FEDERAL ELECTION COMMISSION

Lockbox: GLX-979058 Ledger Date 01/09/2015

usbank

St. Louis GA Lockbox  
(314) 425-1818



Batch	Item	TID	Batch Total	Amount
1	3	Y-4820703	\$345.00	\$220.00



FEDERAL ELECTION COMMISSION  
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 2825

DATE SCANNED 3/3/15

SCANNER NO. 2

SCAN OPERATOR ΣΣJ