



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 2954

DATE SCANNED 5/18/15

SCANNER NO. 2

SCAN OPERATOR TR



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT
2014 DEC 10 AM 10:54

December 9, 2014

MEMORANDUM

SENSITIVE

TO: The Commission

THROUGH: Alec Palmer *APCO*
Staff Director

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

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

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

SUBJECT: Reason To Believe Recommendation – 2014 October Quarterly Report (Non-Election Sensitive) for the Administrative Fine Program

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

Federal Election Commission
Reason to Believe Circulation Report
2014 OCTOBER QUARTERLY Not Election Sensitive 10/15/2014 H_S_P_UNAUTH

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
2845	C00555555	BARBARA MULVANEY FOR CONGRESS	MULVANEY, BARBARA	JANA MULVANEY	\$301,016	0		Not Filed	\$9,803	\$330

2848	C00543173	CORRY WESTBROOK FOR CONGRESS	WESTBROOK, CORRY	CATHERINE E. WFNZING	\$333,044	0		Not Filed	\$66,609 (est)	\$2,970
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2853	C00550665	FRIENDS OF TERRY ADAMS	ADAMS, TERRY GLEN JR	ROBERT D. TUKE	\$193,468	0		Not Filed	\$48,367 (est)	\$1,090
2854	C00555631	HIRFS FOR CONGRESS	HIRFS REVERLY JOY	ROY WILLIAMS	\$194,087	0	11/8/2014	24	\$51,933	\$2,550

1-500-270-2504

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CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on December 11, 2014 the Commission took the following actions on the Reason To Believe Recommendation – 2014 October Quarterly Report (Non-Election Sensitive) for the Administrative Fine Program as recommended in the Reports Analysis Division's Memorandum dated December 09, 2014, on the following committees:

AF#2845 Decided by a vote of 6-0 to: (1) find reason to believe that BARBARA MULVANEY FOR CONGRESS, and JANA MULVANEY 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#2848 Decided by a vote of 6-0 to: (1) find reason to believe that CORRY WESTBROOK FOR CONGRESS, and CATHERINE E. WENZING 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#2853 Decided by a vote of 6-0 to: (1) find reason to believe that FRIENDS OF TERRY ADAMS, and ROBERT D TUKE 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#2854 Decided by a vote of 6-0 to: (1) find reason to believe that HIRES FOR CONGRESS, and ROY WILEY 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.

[illegible]

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Attest:


Shawn Woodhead Werth
Secretary and Clerk of the Commission



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 12, 2014

Roy Wiley, in official capacity as Treasurer
Hires for Congress
P.O. Box 3297
Stuart, FL 34995

C00555631
AF#: 2854

Dear Mr. Wiley:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file an October Quarterly Report of Receipts and Disbursements every calendar year. This report, covering the period August 7, 2014 through September 30, 2014, shall be filed no later than October 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 November 08, 2014, 24 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. § 30109(a)(4) (formerly 2 U.S.C. § 437g(a)(4)). On December 11, 2014, the FEC found that there is reason to believe ("RTB") that Hires for Congress 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 October 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 \$2,550. 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 \$2,550 is due within forty (40) days of the finding, or by January 20, 2015, and is based on these factors:

Election Sensitivity of Report: Not Election Sensitive
Level of Activity: \$51,933
Number of Days Late: 24
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 January 20, 2015. 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. § 30109 (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 Hires for Congress 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.

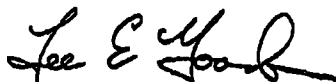
5. Settlement Offers

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

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 \$2,550 for the 2014 October 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 January 20, 2015. 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: Hires for Congress

FEC ID#: C00555631

AF#: 2854

PAYMENT DUE DATE: January 20, 2015

PAYMENT AMOUNT DUE: \$2,550

January 19, 2015

Roy Wiley,
Treasurer Hires for Congress
711 Indiantown Rd
Jupiter FL 33458

Federal Election Commission
Office of Administrative Review
999 E Street NW
Washington, DC 20463

C00555631

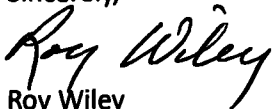
AF#: 2854

Dear Chairman Goodman,

Please be advised that we are challenging the fines levied against the Candidate Committee under 11 CFR: 111.35(b) as despite our best efforts to file the report timely we were prevented due to circumstances beyond our control. Once we were able to obtain the necessary documents and access information to the commission's software, we immediately completed the report and filed it within 24hrs of being able to do so. Please see the attached affidavit and exhibits.

Should the Commission reject the Candidate Committee's best efforts exception, please note that the committee has no assets and no funds in a bank account. Also, since the candidate is financially unable to pay this fine due to financial constraints, we request a reasonable settlement given the totality of the circumstances and wish to remain compliant. If the Commission is inclined to settle this matter, we offer the following \$50 a month for 6 months for a total of \$300 for combined fines of this and the preprimary report which was also late.

Sincerely,



Roy Wiley
In capacity of Treasurer

1/19/2015

(no subject)

From: rr

To: thenurselawyer

Subject: (no subject)

Date: Thu, Nov 6, 2014 3:42 pm

Attachments: Hires_First_Quarter_2014.DCf (21K), hiresq1.zip (3K), nicbkup.dcf (10K)

<http://www.fec.gov/electfil/FECFileIntroPage.shtml>

Here's the old backup of the FEC File DB.

Form{Item}: SALLAI {Hillmann, Elise}
Field Name: #024 Employer
Warning Conditionally Required field is Empty

Form{Item}: SALLAI {Scharf, Audrey}
Field Name: #013 Contributor Street 1
Warning is Required, but field is Empty

Form{Item}: SALLAI {Scharf, Audrey}
Field Name: #017 Contributor ZIP Code
Warning Zip Code is Invalid or Missing / zip = {Missing}

Form{Item}: SALLAI {Scharf, Audrey}
Field Name: #024 Employer
Warning Conditionally Required field is Empty

Form{Item}: SA13A {BEVERLY HIRES FOR CONGRESS}
Field Name: #028 Donor Candidate FEC ID Number
Warning Conditionally Required field is Empty

Form{Item}: SA13A {BEVERLY HIRES FOR CONGRESS}
Field Name: #028 Donor Candidate FEC ID Number
Warning Conditionally Required field is Empty

Form{Item}: SA13A {BEVERLY HIRES FOR CONGRESS}
Field Name: #028 Donor Candidate FEC ID Number
Warning Conditionally Required field is Empty

MD5 checksum:
55dd5315af2450468960b3df32f53101

7C 0.00 0.00
8 7,325.81
9 0.00
10 6,000.00
11A1 850.00
11A11 250.00
11A111 1,100.00 1,100.00
11B 0.00 0.00
11C 0.00 0.00
11D 0.00 0.00
11E 1,100.00 1,100.00
12 0.00 0.00
13A 6,000.00 6,000.00
13B 0.00 0.00
13C 6,000.00 6,000.00
14 0.00 0.00
15 0.00 0.00
16 7,100.00 7,100.00
17 0.00 0.00
18 0.00 0.00
19A 0.00 0.00
19B 0.00 0.00
19C 0.00 0.00
20A 0.00 0.00
20B 0.00 0.00
20C 0.00 0.00
20D 0.00 0.00
21 3,500.00 3,500.00
22 3,500.00 3,500.00
23 3,725.81
24 7,100.00
25 10,825.81
26 3,500.00
27 7,325.81

==== Errors & Warnings Section =====

Validation Errors & Warnings

ERROR Messages...

No Errors

WARNING Messages...

Form{Item}: SAllAI {Hillmann, Elise}

Field Name: #018 Election Type Code

Warning Election Code missing: ?

DISCLOSE -- FEC Financial Disclosure Filing Acknowledgement

This is to acknowledge the receipt and acceptance of your electronic filing via the DISCLOSE protocol.

Your filing was received and accepted by our system at 11/08/2014 - 20:18:47, and was assigned the Filing ID of: FEC-972667

Please make a note of this, as it will be necessary to refer to this information in the future.

Thank you for using DISCLOSE.

Do not reply to this notice. It is sent from an unattended account that cannot receive email.

For your reference, the output of the validation check was as follows:

FEC File Validator Version 8.1

For technical support, please contact: ELECTRONIC FILING OFFICE, FEC
Direct dial: 202-694-1642, Toll free: 1-800-424-9530 x 1642

=== Identification Section ===

Committee ID: C00555631
Committee Name: BEVERLY HIRES FOR CONGRESS
Filing Type: F3N
From/Through: 20140701 - 20140806

Software/Ver#: FECfile / Ver# 8.1.0.1(f29)

=== Results Section ===

>>>----> FEC data file PASSED validation! <----<<<

Alert: 00008 warnings and/or potential missing information encountered

=== Summary Page Totals Section ===

Cover/Summary Page Totals for Form: F3

Line No.	Column A	Column B
6A	1,100.00	1,100.00
6B	0.00	0.00
6C	1,100.00	1,100.00
7A	0.00	0.00
7B	0.00	0.00

1/19/2015

Gmail - Federal Election Commission Change Password Request



Bev Hires <bev hiresforcongress@gmail.com>

Federal Election Commission Change Password Request

1 message

noreply-efiling@fec.gov <noreply-efiling@fec.gov>

Sat, Nov 8, 2014 at 8:18 PM

To: bev hiresforcongress@gmail.com, BEVHIRESFORCONGRESS@gmail.com

Your new FEC filing password request has been successfully processed!

If you are receiving this email in error, or have not requested a password, please contact the Electronic Filing Office at the number below.

NOTE: A copy of this communication has been sent to the (FEC registered) official email address for this account.

This is an automated email. Please do not reply. If you have any questions, please contact The Electronic Filing Office toll-free at (800) 424-9530 ext. 1307 or locally at (202) 694-1307.

fec

[Click here](#)

Move to Inbox

Fool.com Headlines - Google Stock: 3 Things I Want to Hear From Larry Page on Ja

Inbox (4)

Starred

Important

Sent Mail

Drafts (51)

Notes

More

Beverly

Enabling "last seen" lets
your contacts see you're
online.

Re-enable

No recent chats

Start a new one

FEC Electronic Filing Results

Inbox x

FEC Filing Server <noreply-efiling@fec.gov>
to me

DISCLOSE – FEC Financial Disclosure Filing Acknowledgement

This is to acknowledge the receipt and acceptance of your electronic
filing via the DISCLOSE protocol.

Your filing was received and accepted by our system at 11/08/2014 - 20:18:4
and was assigned the Filing ID of: FEC-972667

Please make a note of this, as it will be necessary to refer to this
information in the future.

Thank you for using DISCLOSE.

Do not reply to this notice. It is sent from an unattended account
that cannot receive email.

For your reference, the output of the validation check was as follows:

FEC File Validator Version 8.1

For technical support, please contact: ELECTRONIC FILING OFFICE, FEC
Direct dial: 202-694-1542, Toll free: 1-800-424-3530 x 1542

=== Identification Section =====

Committee ID: C00555631
Committee Name: BEVERLY HIRES FOR CONGRESS
Filing Type: F3N
From/Through: 20140701 - 20140806

Software/Ver#: FECfile / Ver# 8.1.0.1(f29)

=== Results Section =====

>>>—> FEC data file PASSED validation! <—<<<

At 11:00:00 on 11/08/2014, the following information was submitted:



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

January 20, 2015

Ron Wiley
Hires for Congress
PO Box 3297
Stuart, FL 34995

C00555631
AF#: 2854

Dear Mr. Wiley

On January 20, 2015, the Commission's Office of Administrative Review ("OAR") received your written response ("challenge") for Hires for Congress and you, in your official capacity as Treasurer, which is being reviewed by OAR. If you have any questions regarding your challenge, please contact this Office on our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

Sincerely,

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

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2015 MAR 11 PM 3:14

March 11, 2015

SENSITIVE

MEMORANDUM

To: The Commission

Through: Alec Palmer *AP*
Staff Director

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

Rhiannon Magruder *RM*
Reviewing Officer
Office of Administrative Review

Subject: Reviewing Officer Recommendation in AF# 2854 – Hires for Congress and Roy Wiley, in his official capacity as Treasurer (C00555631)

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

March 11, 2015

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

AF# 2854 – Hires for Congress and Roy Wiley, in his official capacity as Treasurer (C00555631)

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 \$2,550 civil money penalty.

Reason-to-Believe Background

The 2014 October Quarterly Report was due on October 15, 2014. The respondents filed the report on November 8, 2014, 24 days late. The report is not election sensitive and was filed less than 30 days after the due date; therefore, the report is considered late. 11 C.F.R. §§ 111.43(d)(1) and (e)(1).

On December 11, 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 October Quarterly Report and made a preliminary determination that the civil money penalty was \$2,550 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 December 12, 2014 to notify them of the Commission's RTB finding and civil money penalty. The letter was unclaimed and returned to the Commission. On January 5, 2015, RAD sent the RTB Letter to an alternate address, and it was successfully delivered on January 6, 2015.

Legal Requirements

The Federal Election Campaign Act ("Act") states that the treasurer of a principal campaign committee shall file a report for the quarter ending September 30 no later than October 15. 52 U.S.C. § 30104(a) (formerly 2 U.S.C. § 434(a)) and 11 C.F.R. § 104.5(a)(1)(i). Reports electronically filed must be received and validated at or before 11:59 pm Eastern Standard/Daylight Time on the filing deadline to be timely filed. 11 C.F.R. §§ 100.19(c) and 104.5(e). The treasurer shall be personally responsible for the timely filing of reports. 11 C.F.R. § 104.14(d).

Respondents' Challenge

On January 20, 2015, the Commission received the written response ("challenge") from the Treasurer. The Treasurer states that despite the respondents' best efforts to timely file the report, they were prevented from doing so due to circumstances beyond their control. He also notes that the Committee filed the report within 24 hours of obtaining the necessary documents and access to the filing software.

The Treasurer further notes that the Committee has no funds or assets, and the Candidate is also financially unable to pay the fine. Therefore, the respondents request a reasonable settlement, specifically stating: "...we offer the following \$50 a month for 6 months for a total of \$300 for combined fines of this and the preprimary report which was also late."

The challenge includes an affidavit of Beverly Hires, the Candidate, which explains that the Committee's political consultant was responsible for all donations, deposits, bank statement reconciliations, and the electronic filing of reports. The Candidate provided the consultant with the necessary documentation to prepare the reports, and the consultant indicated he would complete the filings and advised that they close the committee.

"[The consultant] then refused to prepare reports, failed to communicate, refused to turn over [the] records and left the state to participate in a runoff election...He did not provide the committee with documents in his control necessary to make an accurate report so filing an accurate report was impossible."

In November, the Candidate received the necessary files and documents to prepare the report, and she filed the report that same day. She concludes by stating:

"The candidate and treasurer made best efforts to comply but were unable to do so as the behavior of the former campaign consultant and difficulty accessing the software. Once we received the necessary documents, opened the program, the report was immediately filed, and however, due to unforeseen [sic] circumstances beyond our control, it was late."

The challenge includes copies of automatically generated emails from the Commission's Electronic Filing Office, and email and text exchanges with the political consultant.

Analysis

The challenge contends that "[t]he Candidate and Treasurer made best efforts to comply [with the 2014 October Quarterly Report filing requirements] but were unable to do so [because of] the behavior of the former campaign consultant..." The provided text message exchanges do indicate the respondents may have had difficulty acquiring the necessary records from the consultant. However, unavailability of committee staff and delays caused by committee vendors 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.

The respondents also mention difficulty accessing the electronic filing software, but they indicate that they were still able to file the report within 24 hours of receiving the necessary records. According to the Manager of the E-Filing and Disclosure Branch in the Commission's Office of the Chief Information Officer, the respondents did request a password change for their electronic filing account on November 8, 2014. The password change request was processed, and the Committee successfully electronically filed the 2014 October Quarterly Report that same day, 24 days late. There are no other Commission records regarding the Committee's difficulty accessing the electronic filing system. Therefore, one can reasonably presume that their difficulty in accessing the system was due to their failure to know the account password. Negligence is also

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.

The Treasurer offers a \$300 combined settlement for AF# and this matter, noting that the Committee and Candidate are unable to pay the civil money penalties.

While the Reviewing Officer is sympathetic to their financial hardships, the Final Determination Letter sent by RAD on February 27, 2015 specifically states: "Any offer to settle or compromise a debt owed to the Commission...will be rejected."

In addition, their challenge with respect to this matter fails to adequately demonstrate that they used best efforts to file on time but were prevented from doing so by reasonably unforeseen circumstances that were beyond their control. While the Reviewing Officer recognizes the Candidate and Treasurer may have experienced unfortunate circumstances, unavailability of committee staff, delays caused by committee vendors, and negligence are all included at 11 C.F.R. § 111.35(d) as examples of circumstances that will not be considered reasonably unforeseen and beyond the respondents' control. Therefore, the Reviewing Officer recommends that the Commission make a final determination that the respondents violated 2 U.S.C. § 434(a) in AF# 2854.

On January 30, 2015, the respondents filed an Amended 2014 October Quarterly Report. The report disclosed no change in total receipts or total disbursements, resulting in no change in the level of activity. Therefore, the Reviewing Officer recommends that the Commission assess a \$2,550 civil money penalty in AF# 2854, as calculated at RTB.

OAR Recommendations

- 1) Adopt the Reviewing Officer recommendation for AF# 2854 involving Hires for Congress and Roy Wiley, in his official capacity as Treasurer, in making the final determination;
- 2) Make a final determination in AF# 2854 that Hires for Congress and Roy Wiley, in his official capacity as Treasurer, violated 52 U.S.C. § 30104(a) (formerly 2 U.S.C. § 434(a)) and assess a \$2,550 civil money penalty; and
- 3) Send the appropriate letter.

Attachments

- Attachment 1 –
- Attachment 2 –
- Attachment 3 –
- Attachment 4 – Declaration from RAD
- Attachment 5 – Declaration from OAR

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 Hires for Congress:
 - A) Non-Filer Letter, dated October 31, 2014, referencing the 2014 October Quarterly Report (sent via electronic mail to: bevhiresforcongress@gmail.com);
 - B) Reason-to-Believe Letter, dated December 12, 2014 referencing the 2014 October 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 Hires for Congress filed the 2014 October Quarterly Report with the Commission on November 8, 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 22nd day of January, 2015.

Kristin D. Roser

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



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-7

October 31, 2014

ROY WILEY, TREASURER
HIRES FOR CONGRESS
PO BOX 3297
STUART, FL 34995

IDENTIFICATION NUMBER: C00555631

REFERENCE: OCTOBER QUARTERLY REPORT (08/07/2014 - 09/30/2014)

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. 52 U.S.C. §30104(a) (formerly 2 U.S.C. §434(a))

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

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

Page 2 of 2

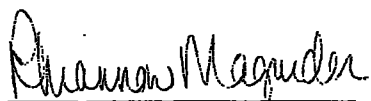
Sincerely,

Debbie Chacona

250

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 September 30 no later than October 15. Reports filed electronically must be received and validated at or before 11:59 pm, Eastern Standard/Daylight Time on October 15 for the October 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) Report Cover Page, Summary Page, and Detailed Summary Pages for the 2014 October Quarterly Report filed by Hires for Congress and Roy Wiley, in his official capacity as Treasurer. According to the Commission's records, the report covers the period from August 7 through September 30, 2014 and was received on November 8, 2014.
 - b) Report Cover Page, Summary Page, and Detailed Summary Pages for the Amended 2014 October Quarterly Report filed by Hires for Congress and Roy Wiley, in his official capacity as Treasurer. According to the Commission's records, the report covers the period from August 7 through September 30, 2014 and was received on January 30, 2015.
- 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 11th day of March, 2015.



Rhiannon Magruder
Reviewing Officer
Office of Administrative Review
Federal Election Commission

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

Office Use Only

1. NAME OF
COMMITTEE (in full)

TYPE OR PRINT ▼

Example: If typing, type
over the lines.

12FE4M5

BEVERLY HIRES FOR CONGRESS

ADDRESS (number and street)

18213 SE FAIRVIEW CIR

Check if different
than previously
reported. (ACC)

TEQUESTA

FL

33469

2. FEC IDENTIFICATION NUMBER ▼

CITY ▲

STATE ▲

ZIP CODE ▲

STATE ▼ DISTRICT

C

C00555631

3. IS THIS
REPORTNEW
(N)

OR

AMENDED
(A)

FL

18

4. TYPE OF REPORT (Choose One)

(a) Quarterly Reports:



April 15 Quarterly Report (Q1)



July 15 Quarterly Report (Q2)



October 15 Quarterly Report (Q3)



January 31 Year-End Report (YE)



Termination Report (TER)

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



Primary (12P)



General (12G)



Runoff (12R)



Convention (12C)



Special (12S)

Election on

MM / DD / YYYY

In the
State of

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



General (30G)



Runoff (30R)



Special (30S)

Election on

MM / DD / YYYY

In the
State of

5. Covering Period

MM / DD / YYYY

through

MM / DD / YYYY

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 Beverly Hires

Signature of Treasurer

Beverly Hires

[Electronically Filed]

Date

MM / DD / YYYY

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

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

FEC Form 3 (Revised 02/2003)

SUMMARY PAGE of Receipts and Disbursements

PAGE 2 / 18

Write or Type Committee Name

BEVERLY HIRES FOR CONGRESS

Report Covering the Period:

From:

MM / DD / YYYY
08 / 07 / 2014

To:

MM / DD / YYYY
09 / 30 / 2014

	COLUMN A This Period	COLUMN B Election Cycle-to-Date
6. Net Contributions (other than loans)		
(a) Total Contributions (other than loans) (from Line 11(e))	3946.00	5046.00
(b) Total Contribution Refunds (from Line 20(d))	0.00	0.00
(c) Net Contributions (other than loans) (subtract Line 6(b) from Line 6(a))	3946.00	5046.00
7. Net Operating Expenditures		
(a) Total Operating Expenditures (from Line 17)	25707.18	25707.18
(b) Total Offsets to Operating Expenditures (from Line 14)	0.00	0.00
(c) Net Operating Expenditures (subtract Line 7(b) from Line 7(a))	25707.18	25707.18
8. Cash on Hand at Close of Reporting Period (from Line 27)	4784.63	
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)	26750.00	

For further information contact:

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

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

DETAILED SUMMARY PAGE of Receipts

FEC Form 3 (Revised 12/2003)

PAGE 3 / 18

Write or Type Committee Name

BEVERLY HIRES FOR CONGRESS

Report Covering the Period:

From:

M	M	/	D	D	/	Y	Y	Y	Y
0	8		0	7		2	0	1	4

To:

M	M	/	D	D	/	Y	Y	Y	Y
0	9		3	0		2	0	1	4

I. RECEIPTS
COLUMN A
Total This Period

COLUMN B
Election Cycle-to-Date
11. CONTRIBUTIONS (other than loans) FROM:

(a) Individuals/Persons Other Than Political Committees

(i) Itemized (use Schedule A)

3750.00

4600.00

(ii) Unitemized

196.00

446.00

(iii) TOTAL of contributions from individuals ▶

3946.00

5046.00

(b) Political Party Committees

0.00

0.00

(c) Other Political Committees (such as PACs)

0.00

0.00

(d) The Candidate

0.00

0.00

(e) TOTAL CONTRIBUTIONS

(other than loans)

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

3946.00

5046.00

12. TRANSFERS FROM OTHER AUTHORIZED COMMITTEES

0.00

0.00

13. LOANS:

(a) Made or Guaranteed by the Candidate

20750.00

26750.00

(b) All Other Loans

0.00

0.00

(c) TOTAL LOANS

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

20750.00

26750.00

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

0.00

0.00

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

0.00

0.00

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

24696.00

31796.00

DETAILED SUMMARY PAGE of Disbursements

FEC Form 3 (Revised 02/2003)

PAGE 4 / 18

II. DISBURSEMENTS	COLUMN A Total This Period	COLUMN B Election Cycle-to-Date
17. OPERATING EXPENDITURES.....	25707.18	25707.18
18. TRANSFERS TO OTHER AUTHORIZED COMMITTEES	0.00	0.00
19. LOAN REPAYMENTS:		
(a) Of Loans Made or Guaranteed by the Candidate.....	0.00	0.00
(b) Of All Other Loans	0.00	0.00
(c) TOTAL LOAN REPAYMENTS (add Lines 19(a) and (b)).....	0.00	0.00
20. REFUNDS OF CONTRIBUTIONS TO:		
(a) Individuals/Persons Other Than Political Committees	0.00	0.00
(b) Political Party Committees.....	0.00	0.00
(c) Other Political Committees (such as PACs).....	0.00	0.00
(d) TOTAL CONTRIBUTION REFUNDS (add Lines 20(a), (b), and (c)).....	0.00	0.00
21. OTHER DISBURSEMENTS	1530.00	5030.00
22. TOTAL DISBURSEMENTS (add Lines 17, 18, 19(c), 20(d), and 21) ►	27237.18	30737.18

III. CASH SUMMARY

23. CASH ON HAND AT BEGINNING OF REPORTING PERIOD.....	7325.81
24. TOTAL RECEIPTS THIS PERIOD (from Line 16, page 3).....	24696.00
25. SUBTOTAL (add Line 23 and Line 24).....	32021.81
26. TOTAL DISBURSEMENTS THIS PERIOD (from Line 22).....	27237.18
27. CASH ON HAND AT CLOSE OF REPORTING PERIOD (subtract Line 26 from Line 25).....	4784.63

**FEC
FORM 3****REPORT OF RECEIPTS
AND DISBURSEMENTS**

For An Authorized Committee

Office Use Only

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

12FE4M5

BEVERLY HIRES FOR CONGRESS

ADDRESS (number and street)

18213 SE FAIRVIEW CIR

Check If different
than previously
reported. (ACC)

TEQUESTA

FL

33469

2. FEC IDENTIFICATION NUMBER ▼

C00555631

CITY ▲

STATE ▲

ZIP CODE ▲

STATE ▼ DISTRICT

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

FL 18

4. TYPE OF REPORT (Choose One)

(a) Quarterly Reports:

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

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

- ☐ Primary (12P) ☐ General (12G) ☐ Runoff (12R)
- ☐ Convention (12C) ☐ Special (12S)

Election on

MM / DD / YYYY

In the
State of

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

- ☐ General (30G) ☐ Runoff (30R) ☐ Special (30S)

Election on

MM / DD / YYYY

In the
State of

5. Covering Period

MM / DD / YYYY
08 / 07 / 2014

through

MM / DD / YYYY
09 / 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 Beverly Hires

Signature of Treasurer Beverly Hires

[Electronically Filed]

Date

MM / DD / YYYY
01 / 30 / 2015

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

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

FEC Form 3 (Revised 02/2003)

SUMMARY PAGE

of Receipts and Disbursements

PAGE 2 / 17

Write or Type Committee Name

BEVERLY HIRES FOR CONGRESS

Report Covering the Period:

From:

M	M	/	D	D	/	Y	Y	Y	Y
0	8		0	7		2	0	1	4

To:

M	M	/	D	D	/	Y	Y	Y	Y
0	9		3	0		2	0	1	4

	COLUMN A This Period	COLUMN B Election Cycle-to-Date
6. Net Contributions (other than loans)		
(a) Total Contributions (other than loans) (from Line 11(e))	3946.00	5046.00
(b) Total Contribution Refunds (from Line 20(d))	0.00	0.00
(c) Net Contributions (other than loans) (subtract Line 6(b) from Line 6(a))	3946.00	5046.00
7. Net Operating Expenditures		
(a) Total Operating Expenditures (from Line 17)	25707.18	25707.18
(b) Total Offsets to Operating Expenditures (from Line 14)	0.00	0.00
(c) Net Operating Expenditures (subtract Line 7(b) from Line 7(a))	25707.18	25707.18
8. Cash on Hand at Close of Reporting Period (from Line 27)	4784.63	
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)	25400.00	

For further information contact:

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

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

DETAILED SUMMARY PAGE of Receipts

FEC Form 3 (Revised 12/2003)

PAGE 3 / 17

Write or Type Committee Name

BEVERLY HIRES FOR CONGRESS

Report Covering the Period:

From:

M	M	/	D	D	/	Y	Y	Y	Y	Y	Y
08			07			2014					

To:

M	M	/	D	D	/	Y	Y	Y	Y	Y	Y
09			30			2014					

I. RECEIPTS
COLUMN A
Total This Period

COLUMN B
Election Cycle-to-Date
11. CONTRIBUTIONS (other than loans) FROM:

- (a) Individuals/Persons Other Than
Political Committees

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

3750.00

4800.00

(ii) Unitemized.....

198.00

448.00

(iii) TOTAL of contributions
from individuals ▶

3948.00

5048.00

(b) Political Party Committees.....

0.00

0.00

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

0.00

0.00

(d) The Candidate.....

0.00

0.00

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

3948.00

5048.00

**12. TRANSFERS FROM OTHER
AUTHORIZED COMMITTEES**

0.00

0.00

13. LOANS:

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

20750.00

26750.00

(b) All Other Loans.....

0.00

0.00

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

20750.00

26750.00

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

0.00

0.00

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

0.00

0.00

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

24698.00

31798.00

DETAILED SUMMARY PAGE of Disbursements

FEC Form 3 (Revised 02/2003)

PAGE 4 / 17

II. DISBURSEMENTS	COLUMN A Total This Period	COLUMN B Election Cycle-to-Date
17. OPERATING EXPENDITURES.....	25707.18	25707.18
18. TRANSFERS TO OTHER AUTHORIZED COMMITTEES	0.00	0.00
19. LOAN REPAYMENTS:		
(a) Of Loans Made or Guaranteed by the Candidate.....	1350.00	1350.00
(b) Of All Other Loans	0.00	0.00
(c) TOTAL LOAN REPAYMENTS (add Lines 19(a) and (b)).....	1350.00	1350.00
20. REFUNDS OF CONTRIBUTIONS TO:		
(a) Individuals/Persons Other Than Political Committees	0.00	0.00
(b) Political Party Committees.....	0.00	0.00
(c) Other Political Committees (such as PACs)	0.00	0.00
(d) TOTAL CONTRIBUTION REFUNDS (add Lines 20(a), (b), and (c)).....	0.00	0.00
21. OTHER DISBURSEMENTS	180.00	3680.00
22. TOTAL DISBURSEMENTS (add Lines 17, 18, 19(c), 20(d), and 21) ►	27237.18	30737.18

III. CASH SUMMARY

23. CASH ON HAND AT BEGINNING OF REPORTING PERIOD.....	7325.81
24. TOTAL RECEIPTS THIS PERIOD (from Line 16, page 3).....	24696.00
25. SUBTOTAL (add Line 23 and Line 24).....	32021.81
26. TOTAL DISBURSEMENTS THIS PERIOD (from Line 22).....	27237.18
27. CASH ON HAND AT CLOSE OF REPORTING PERIOD (subtract Line 26 from Line 25).....	4784.63



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 11, 2015

Ron Wiley
Hires for Congress
P.O. Box 3297
Stuart, FL 34995

C00555631
AF#: 2854

Dear Mr. Wiley

On December 11, 2014, the Federal Election Commission ("Commission") found reason to believe ("RTB") that Hires for Congress and you, in your official capacity as Treasurer ("respondents"), violated 2 U.S.C. § 434(a) for failing to file the 2014 October Quarterly Report. The Commission also made a preliminary determination that the civil money penalty was \$2,550 based on the schedule of penalties at 11 C.F.R. § 111.43.

After reviewing the written response and any supplemental information submitted by the Candidate 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 "Rhianon Magruder".

Rhianon Magruder
Reviewing Officer
Office of Administrative Review



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

SENSITIVE

April 6, 2015

MEMORANDUM

To: The Commission

Through: Alec Palmer *EW/HP*
Staff Director

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

Rhiannon Magruder *RM*
Reviewing Officer
Office of Administrative Review

Subject: Final Determination Recommendation in AF# 2854 – Hires for Congress and Roy Wiley, in his official capacity as Treasurer (C00555631)

2015 APR - 6 A 10:41

FEDERAL ELECTION
COMMISSION
SECRETARIAT

On December 11, 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 October Quarterly Report and made a preliminary determination that the civil money penalty was \$2,550 based on the schedule of penalties at 11 C.F.R. § 111.43.

On January 20, 2015, the Commission received their written response ("challenge"). After reviewing the challenge, the Reviewing Officer Recommendation ("ROR") dated March 11, 2015 was forwarded to the Commission, a copy was forwarded to the respondents, and is hereby incorporated by reference. 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 but were prevented from doing so by reasonably unforeseen circumstances that were beyond their control. 11 C.F.R. § 111.35(b).

Within 10 days of transmittal of the recommendation, they may file a written response with the Commission Secretary which may not raise any arguments not raised in their challenge or not directly responsive to the ROR. 11 C.F.R. § 111.36(f). As of this date, a written response has not been received.

OAR Recommendations

- 1) Adopt the Reviewing Officer recommendation for AF# 2854 involving Hires for Congress and Roy Wiley, in his official capacity as Treasurer, in making the final determination;
- 2) Make a final determination in AF# 2854 that Hires for Congress and Roy Wiley, in his official capacity as Treasurer, violated 52 U.S.C. § 30104(a) (formerly 2 U.S.C. § 434(a)) and assess a \$2,550 civil money penalty; and
- 3) Send the appropriate letter.

2025 RELEASE UNDER E.O. 14176

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Final Determination Recommendation –) AF 2854
Hires for Congress and Roy Wiley, in his)
official capacity as Treasurer)
(C00555631))

CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on April 16, 2015, the Commission decided by a vote of 6-0 to take the following actions in AF 2854:

1. Adopt the Reviewing Officer recommendation for AF# 2854 involving Hires for Congress and Roy Wiley, in his official capacity as Treasurer, in making the final determination.
2. Make a final determination in AF# 2854 that Hires for Congress and Roy Wiley, in his official capacity as Treasurer, violated 52 U.S.C. § 30104(a) (formerly 2 U.S.C. § 434(a)) and assess a \$2,550 civil money penalty.
3. Send the appropriate letter.

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

Attest:

April 17, 2015
Date

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



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 21, 2015

Roy Wiley
Hires for Congress
P.O. Box 3297
Stuart, FL 34995

C00555631
AF#: 2854

Dear Mr. Wiley

On December 11, 2014, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Hires for Congress 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 October Quarterly Report. By letter dated December 12, 2014, the Commission sent notification of the RTB finding that included a civil money penalty calculated at RTB of \$2,550 in accordance with the schedule of penalties at 11 C.F.R. § 111.43. On January 20, 2015, 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 Hires for Congress 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 \$2,550 in accordance with 11 C.F.R. § 111.43. A copy of the Reviewing Officer Recommendation was sent to you on March 11, 2015.

On April 16, 2015, the Commission adopted the Reviewing Officer's recommendation and made a final determination that Hires for Congress 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 \$2,550. 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 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.

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 \$2,550 for the 2014 October 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: Hires for Congress

FEC ID#: C00555631

AF#: 2854

PAYMENT AMOUNT DUE: \$2,550



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 2854

DATE SCANNED 8/18/15

SCANNER NO. 2

SCAN OPERATOR JA