



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 2881

DATE SCANNED 7/9/15

SCANNER NO. 2

SCAN OPERATOR JH

1-800-424-9547



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

SECRET
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2014 DEC 16 AM 9:25

December 15, 2014

MEMORANDUM

SENSITIVE

TO: The Commission

THROUGH: Alec Palmer *AP*
Staff Director

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

Debbie Chacona *for PCO*
Assistant Staff Director
Reports Analysis Division

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

SUBJECT: Reason To Believe Recommendation – 2014 12 Day Pre-General Report
(Unauthorized Committees – Monthly Filers) for the Administrative Fine
Program

Attached is a list of political committees and their treasurers who failed to file or timely file the 2014 12 Day Pre-General Report in accordance with 52 U.S.C. § 30104(a) (formerly 2 U.S.C. 434(a)). The 12 Day Pre-General Report was due on October 23, 2014 and the General Election was held on November 4, 2014. The list is comprised of unauthorized committees that file monthly.

The committees listed on the attached RTB Circulation Report either filed the election sensitive report after the due date, failed to file the report or failed to file the report prior to four (4) days before the General Election (considered a non-filed report). In accordance with the schedule of civil money penalties 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

2. Send the appropriate letters.

2. Send the appropriate letters.

12/15/2014 5:13 PM

Federal Election Commission
Reason to Believe Circulation Report
2014 PRE-GENERAL Election Sensitive 10/23/2014 UNAUTH_M

System#	Committee ID	Committee Name	Cand ID	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
2881	C00395723	ALSTON & BIRD PAC			DENNIS O. GARRIS	\$804,182	0	11/3/2014	Not Filed	\$1,450	\$550
2883	C00270967	CAPITAL BLUEPAC, THE POLITICAL ACTION COMMITTEE OF CAPITAL BLUEPAC			ROBERT BAKER	\$199,852	1	11/5/2014	Not Filed	\$2,535	\$687
2886	C00422501	CSL BEHRING EMPLOYEES POLITICAL ACTION COMMITTEE			PATRICK COLLINS	\$132,240	0	11/3/2014	Not Filed	\$4,332	\$550

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Reason To Believe Recommendation - 2014)
12 Day Pre-General Report (Unauthorized)
Committees - Monthly Filers) for the)
Administrative Fine Program:)
ALSTON & BIRD PAC, and GARRIS,) AF# 2881
DENNIS O. as treasurer;)

CAPITAL BLUEPAC, THE POLITICAL) AF# 2883
ACTION COMMITTEE OF CAPITAL)
BLUECROSS, and BAKER, ROBERT as)
treasurer;)

CSL BEHRING EMPLOYEES) AF# 2886
POLITICAL ACTION COMMITTEE, and)
PATRICK COLLINS as treasurer;)

15082/014119

CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on December 17, 2014 the Commission took the following actions on the Reason To Believe Recommendation - 2014 12 Day Pre-General Report (Unauthorized Committees - Monthly Filers) for the Administrative Fine Program as recommended in the Reports Analysis Division's Memorandum dated December 15, 2014, on the following committees:

AF#2881 Decided by a vote of 6-0 to: (1) find reason to believe that ALSTON & BIRD PAC, and GARRIS, DENNIS O. 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#2883 Decided by a vote of 6-0 to: (1) find reason to believe that CAPITAL BLUEPAC, THE POLITICAL ACTION COMMITTEE OF CAPITAL BLUECROSS, and BAKER, ROBERT 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#2886 Decided by a vote of 6-0 to: (1) find reason to believe that CSL BEHRING EMPLOYEES POLITICAL ACTION COMMITTEE, and PATRICK COLLINS 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.

11/05/2014 09:14:10



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20543

December 18, 2014

Dennis O. Garris, in official capacity as Treasurer
Alston & Bird PAC
The Atlantic Building, 950 F Street, NW
Washington, DC 20004

C00395723
AF#: 2881

Dear Mr. Garris:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file a 12 Day Pre-General Report of Receipts and Disbursements in a calendar year during which there is a regularly scheduled election. This report, covering the period October 1, 2014 through October 15, 2014, shall be filed no later than October 23, 2014. 52 U.S.C. § 30104(a) (formerly 2 U.S.C. 434(a)). Because records at the Federal Election Commission ("FEC") indicate that you did not file this report prior to four (4) days before the General Election held on November 4, 2014, the report is considered not filed for the purpose of calculating the civil money penalty.

The Act permits the FEC to impose civil money penalties for violations of the reporting requirements of 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 17, 2014, the FEC found that there is reason to believe ("RTB") that Alston & Bird PAC 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 23, 2014. Based on the FEC's schedules of civil money penalties at 11 CFR § 111.43, the amount of your civil money penalty calculated at the RTB stage is \$550. Please see the attached copy of the Commission's administrative fine regulations at 11 CFR §§ 111.30-111.55. Attachment 1. The Commission's website contains further information about how the administrative fine program works and how the fines are calculated. See <http://www.fec.gov/af/af.shtml>. 11 CFR § 111.34. Your payment of \$550 is due within forty (40) days of the finding, or by January 26, 2015, and is based on these factors:

Election Sensitivity of Report: Election Sensitive

Level of Activity: \$1,450

Number of Days Late: Not Filed (reports not filed prior to four (4) days before the General Election held on November 4, 2014 are considered not filed for the purpose of calculating the penalty)

Number of Previous Civil Money Penalties Assessed: 0

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

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

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.

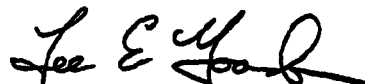
5. Settlement Offers

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

11030N/011491

ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 CFR § 111.43, the amount of your civil money penalty calculated at RTB is \$550 for the 2014 Pre-General 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 26, 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: Alston & Bird PAC

FEC ID#: C00395723

AF#: 2881

PAYMENT DUE DATE: January 26, 2015

PAYMENT AMOUNT DUE: \$550

Federal Election Commission
Certification for Administrative Fines
December 17, 2014

Page 4

Attest:

December 18, 2014
Date

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

1406270180051

ALSTON & BIRD PAC

The Atlantic Building
950 F Street, NW
Washington, DC 20004-1404

Dennis O. Garris

Direct Dial: 202-239-3452

Email: dennis.garris@alston.com

January 26, 2015

VIA HAND DELIVERY

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

Re: Alston & Bird PAC, C00395723
Response to FEC Reason to Believe Finding
AF#: 2881

Dear Chairman Gordon:

This is to respond to your letter dated December 18, 2014, in which you explained that the Federal Election Commission ("FEC") found that there is reason to believe ("RTB") that Alston & Bird PAC ("PAC") failed to file the 2014 12 Day Pre-General Report of Receipts and Disbursements in a timely fashion, in violation of 52 U.S.C. § 30401(a). Based on the FEC's schedules of civil monetary penalties, and as explained in your letter, the civil penalty proposed by the FEC was \$550. A copy of the letter is enclosed with this response as Exhibit One.

Alston & Bird PAC hereby submits this response to challenge the FEC's RTB finding and proposed civil monetary penalty. We believe that the FEC's RTB finding is not warranted under the statute and implementing FEC regulations, and we therefore respectfully request that the proposed civil monetary penalty be rescinded.

Alston & Bird PAC has been in existence since 2004. Until 2014, Alston & Bird PAC was a quarterly filer. As such, it understood its pre-election filing obligation to require filing of a report only where a contribution or expenditure was made to or on behalf of a candidate. See 52 U.S.C. 30104(a)(4)(A)(ii). In 2014, Alston & Bird PAC transitioned to become a monthly filer. As part of the transition to being a monthly filer, we reviewed the statute and implementing FEC regulations. In reviewing the pre-general election reporting requirements for monthly filers, Alston & Bird PAC reviewed the language of 11 C.F.R. §104.5(a)(3). This provision states in paragraph (i) that monthly reports shall be filed no later than 20 days after the last day of the month. Moreover, paragraph (ii) provides as follows:

In lieu of monthly reports due in November and December, in any year in which a regularly scheduled general election is held, **a pre-election report shall be filed as prescribed at 11 C.F.R. §104.5(a)(1)(ii)**, a post general election report shall be filed as prescribed at 11 C.F.R. §104.5(a)(1)(iii), and a year-end report shall be filed no later than January 31 of the following calendar year.

11 C.F.R. §104.5(a)(3) (emphasis added).

The reference to 11 C.F.R. §104.5(a)(1)(ii) provides that "Pre-election reports for the primary and general election shall be filed by a political committee which makes contributions or expenditures in connection with any such election **if such disbursements have not been previously disclosed.**" Relying on this FEC regulation, Alston & Bird PAC understood the reference to 11 C.F.R. §104.5(a)(1)(ii) to require a pre-general election report *only if* the PAC had made previously-undisclosed contributions or expenditures in connection with the election because that is the requirement "prescribed at 11 C.F.R. §104.5(a)(1)(ii)."

Prior to the November 2014 general election, Alston & Bird PAC reviewed its contributions and expenditures and identified no disbursements made in connection with the general election that had not been previously disclosed on prior reports. Therefore, Alston & Bird PAC did not file a pre-election report. It was Alston & Bird PAC's reasonable belief, based upon the wording of the regulations cited above, that no pre-election report was required, since there were no disbursements made by the PAC in connection with the election that had not been previously disclosed.

When we were contacted by the FEC about the failure to file the pre-election report, a colleague of mine spoke with the FEC to discuss the reporting requirement, and the FEC explained its position that monthly filers must always file pre-general election reports, regardless of activity. When asked for the specific regulation that made clear that pre-general election reporting was not dependent on PAC activity for monthly filers, the FEC instead pointed to the monthly filing schedule available online. The FEC asked that the PAC file its report and assured my colleague that there would be no issue as long as the report was filed.

We thus immediately prepared and filed the report on November 3, 2014. As shown in the November 3 filing, a copy of which is attached as Exhibit Two, the only activity reported on the pre-general election report filed by Alston & Bird PAC was a disbursement to Alston & Bird for administrative expenses and the receipt of four individual contributions. There were no contributions or expenditures made in connection with the general election to report.

For the reasons outlined above, we respectfully request that the FEC reconsider the proposed civil monetary penalty and rescind it in its entirety. Alston & Bird PAC

Alston & Bird PAC
Response to FEC Reason to Believe Finding
January 26, 2015
Page 3

1-1106027-00171000
takes compliance with FEC regulations very seriously and has not had any prior violations. The PAC reviewed the FEC regulations and reasonably concluded that no pre-election report was required since it did not have any "contributions or expenditures in connection with any such election [that had] not been previously disclosed." 11 C.F.R. §104.5(a)(1)(ii). While this was an election sensitive report, Alston & Bird PAC had no disbursements related to an actual election and thus the FEC was not denied information critical to its review of pre-general election activity. The PAC's decision to not file this report was not a matter of negligence or ignorance of the law; instead, the PAC carefully read the language in the regulations and proceeded "as prescribed at 11 C.F.R. §104.5(a)(1)(ii)."

We now understand that the FEC requires committees that are on a monthly reporting schedule to file pre-general reports in lieu of the November monthly report regardless of activity, and will ensure that we submit pre-general election filings in the future on a timely basis.

Please contact the undersigned should you have any questions or require any additional information. We look forward to your response.

Sincerely,



Dennis O. Garris

Encls.

Exhibit One



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 18, 2014

Dennis O. Garriss, in official capacity as Treasurer
Alston & Bird PAC
The Atlantic Building, 950 F Street, NW
Washington, DC 20004

C00395723
AF#: 2881

Dear Mr. Garriss:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file a 12 Day Pre-General Report of Receipts and Disbursements in a calendar year during which there is a regularly scheduled election. This report, covering the period October 1, 2014 through October 15, 2014, shall be filed no later than October 23, 2014. 52 U.S.C. § 30104(a) (formerly 2 U.S.C. 434(a)). Because records at the Federal Election Commission ("FEC") indicate that you did not file this report prior to four (4) days before the General Election held on November 4, 2014, the report is considered not filed for the purpose of calculating the civil money penalty.

The Act permits the FEC to impose civil money penalties for violations of the reporting requirements of 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 17, 2014, the FEC found that there is reason to believe ("RTB") that Alston & Bird PAC 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 23, 2014. Based on the FEC's schedules of civil money penalties at 11 CFR § 111.43, the amount of your civil money penalty calculated at the RTB stage is \$550. Please see the attached copy of the Commission's administrative fine regulations at 11 CFR §§ 111.30-111.55. Attachment 1. The Commission's website contains further information about how the administrative fine program works and how the fines are calculated. See <http://www.fec.gov/af/af.shtml>. 11 CFR § 111.34. Your payment of \$550 is due within forty (40) days of the finding, or by January 26, 2015, and is based on these factors:

Election Sensitivity of Report: Election Sensitive

Level of Activity: \$1,450

Number of Days Late: Not Filed (reports not filed prior to four (4) days before the General Election held on November 4, 2014 are considered not filed for the purpose of calculating the penalty)

Number of Previous Civil Money Penalties Assessed: 0

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

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

If you should decide to challenge the RTB finding and/or calculated civil money penalty, you must submit a written response, including the AF# found at the top of page 1 under your committee's identification number, to the FEC's Office of Administrative Review, 999 E Street, NW, Washington, DC 20463. Your response must be received within forty (40) days of the Commission's RTB finding, or January 26, 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 Alston & Bird PAC and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) (formerly 2 U.S.C. § 434(a)) and assess a civil money penalty.

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).

1-15036-001496

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.

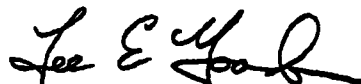
5. Settlement Offers

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 \$550 for the 2014 Pre-General 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 26, 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: Alston & Bird PAC

FEC ID#: C00395723

AF#: 2881

PAYMENT DUE DATE: January 26, 2015

PAYMENT AMOUNT DUE: \$550

§111.30

employee, or other person who knowingly and willfully violates this provision shall be fined not more than \$7,500.

[62 FR 11317, Mar. 12, 1997; 63 FR 18167, Apr. 14, 1998; 65 FR 31794, May 19, 2000; 67 FR 76977, Dec. 13, 2002; 70 FR 34636, June 16, 2005; 74 FR 31347, July 1, 2009; 78 FR 44420, July 24, 2013]

Subpart B—Administrative Fines

Source: 65 FR 31794, May 19, 2000, unless otherwise noted.

§111.30 When will subpart B apply?

Subpart B applies to violations of the reporting requirements of 2 U.S.C. 434(a) committed by political committees and their treasurers that relate to the reporting periods that begin on or after July 14, 2000 and end on or before December 31, 2013.

[73 FR 72688, Dec. 1, 2008]

§111.31 Does this subpart replace subpart A of this part for violations of the reporting requirements of 2 U.S.C. 434(a)?

(a) No; §§111.1 through 111.8 and 111.20 through 111.24 shall apply to all compliance matters. This subpart will apply, rather than §§111.9 through 111.19, when the Commission, on the basis of information ascertained by the Commission in the normal course of carrying out its supervisory responsibilities, and when appropriate, determines that the compliance matter should be subject to this subpart. If the Commission determines that the violation should not be subject to this subpart, then the violation will be subject to all sections of subpart A of this part.

(b) Subpart B will apply to compliance matters resulting from a complaint filed pursuant to 11 CFR 111.4 through 111.7 if the complaint alleges a violation of 2 U.S.C. 434(a). If the complaint alleges violations of any other provision of any statute or regulation over which the Commission has jurisdiction, subpart A will apply to the alleged violations of these other provisions.

11 CFR Ch. I (1-1-14 Edition)

§111.32 How will the Commission notify respondents of a reason to believe finding and a proposed civil money penalty?

If the Commission determines, by an affirmative vote of at least four (4) of its members, that it has reason to believe that a respondent has violated 2 U.S.C. 434(a), the Chairman or Vice-Chairman shall notify such respondent of the Commission's finding. The written notification shall set forth the following:

(a) The alleged factual and legal basis supporting the finding including the type of report that was due, the filing deadline, the actual date filed (if filed), and the number of days the report was late (if filed);

(b) The applicable schedule of penalties;

(c) The number of times the respondent has been assessed a civil money penalty under this subpart during the current two-year election cycle and the prior two-year election cycle;

(d) The amount of the proposed civil money penalty based on the schedules of penalties set forth in 11 CFR 111.43 or 111.44; and

(e) An explanation of the respondent's right to challenge both the reason to believe finding and the proposed civil money penalty.

§111.33 What are the respondent's choices upon receiving the reason to believe finding and the proposed civil money penalty?

The respondent must either send payment in the amount of the proposed civil money penalty pursuant to 11 CFR 111.34 or submit a written response pursuant to 11 CFR 111.35.

§111.34 If the respondent decides to pay the civil money penalty and not to challenge the reason to believe finding, what should the respondent do?

(a) The respondent shall transmit payment in the amount of the civil money penalty to the Commission within forty (40) days of the Commission's reason to believe finding.

(b) Upon receipt of the respondent's payment, the Commission shall send the respondent a final determination that the respondent has violated the statute or regulations and the amount

the respondent. The respondent may file with the Commission Secretary a written response to the recommendation within ten (10) days of transmittal of the recommendation. This response may not raise any arguments not raised in the respondent's original written response or not directly responsive to the reviewing officer's recommendation.

§ 111.37 What will the Commission do once it receives the respondent's written response and the reviewing officer's recommendation?

(a) If the Commission, after having found reason to believe and after reviewing the respondent's written response and the reviewing officer's recommendation, determines by an affirmative vote of at least four (4) of its members, that the respondent has violated 2 U.S.C. 434(a) and the amount of the civil money penalty, the Commission shall authorize the reviewing officer to notify the respondent by letter of its final determination.

(b) If the Commission, after reviewing the reason to believe finding, the respondent's written response, and the reviewing officer's written recommendation, determines by an affirmative vote of at least four (4) of its members, that no violation has occurred (either because the Commission had based its reason to believe finding on a factual error or because the respondent used best efforts to file in a timely manner) or otherwise terminates its proceedings, the Commission shall authorize the reviewing officer to notify the respondent by letter of its final determination.

(c) The Commission will modify the proposed civil money penalty only if the respondent is able to demonstrate that the amount of the proposed civil money penalty was calculated on an incorrect basis.

(d) When the Commission makes a final determination under this section, the statement of reasons for the Commission action will, unless otherwise indicated by the Commission, consist of the reasons provided by the reviewing officer for the recommendation, if approved by the Commission, although statements setting forth additional or different reasons may also be issued. If

the reviewing officer's recommendation is modified or not approved, the Commission will indicate the grounds for its action and one or more statements of reasons may be issued.

[65 FR 31794, May 19, 2000, as amended at 72 FR 14688, Mar. 29, 2007]

§ 111.38 Can the respondent appeal the Commission's final determination?

Yes; within thirty (30) days of receipt of the Commission's final determination under 11 CFR 111.37, the respondent may submit a written petition to the district court of the United States for the district in which the respondent resides, or transacts business, requesting that the final determination be modified or set aside. The respondent's failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver of the respondent's right to present such argument in a petition to the district court under 2 U.S.C. 437g.

§ 111.39 When must the respondent pay the civil money penalty?

(a) If the respondent does not submit a written petition to the district court of the United States, the respondent must remit payment of the civil money penalty within thirty (30) days of receipt of the Commission's final determination under 11 CFR 111.37.

(b) If the respondent submits a written petition to the district court of the United States and, upon the final disposition of the civil action, is required to pay a civil money penalty, the respondent shall remit payment of the civil money penalty to the Commission within thirty (30) days of the final disposition of the civil action. The final disposition may consist of a judicial decision which is not reviewed by a higher court.

(c) Failure to pay the civil money penalty may result in the commencement of collection action under 31 U.S.C. 3701 *et seq.* (1996), or a civil suit pursuant to 2 U.S.C. 437g(a)(5)(A), or any other legal action deemed necessary by the Commission.

\$111.43

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If the level of activity in the report was:	And the report was filed late, the civil money penalty is:	Or the report was not filed, the civil money penalty is:
\$950,000 or over	$[\$5500 + (\$200 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$	$\$13,200 \times [1 + (.25 \times \text{Number of previous violations})]$

* The civil money penalty for a respondent who does not have any previous violations will not exceed the level of activity in the report.

(b) The civil money penalty for election sensitive reports that are filed late or not filed shall be calculated in accordance with the following schedule of penalties:

If the level of activity in the report was:	And the report was filed late, the civil money penalty is:	Or the report was not filed, the civil money penalty is:
\$1-\$4,999.99	$[\$55 + (\$10 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$	$\$550 \times [1 + (.25 \times \text{Number of previous violations})]$
\$5,000-\$9,999.99	$[\$110 + (\$10 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$	$\$660 \times [1 + (.25 \times \text{Number of previous violations})]$
\$10,000-\$24,999.99	$[\$165 + (\$10 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$	$\$1,090 \times [1 + (.25 \times \text{Number of previous violations})]$
\$25,000-\$49,999.99	$[\$330 + (\$27.50 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$	$\$1,400 \times [1 + (.25 \times \text{Number of previous violations})]$
\$50,000-\$74,999.99	$[\$495 + (\$32.50 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$	$\$3,300 \times [1 + (.25 \times \text{Number of previous violations})]$
\$75,000-\$99,999.99	$[\$660 + (\$110 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$	$\$4,400 \times [1 + (.25 \times \text{Number of previous violations})]$
\$100,000-\$149,999.99	$[\$1,090 + (\$125 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$	$\$5,500 \times [1 + (.25 \times \text{Number of previous violations})]$
\$150,000-\$199,999.99	$[\$1,200 + (\$150 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$	$\$6,600 \times [1 + (.25 \times \text{Number of previous violations})]$
\$200,000-\$249,999.99	$[\$1,500 + (\$175 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$	$\$9,250 \times [1 + (.25 \times \text{Number of previous violations})]$
\$250,000-\$349,999.99	$[\$2,475 + (\$200 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$	$\$10,900 \times [1 + (.25 \times \text{Number of previous violations})]$
\$350,000-\$449,999.99	$[\$3,300 + (\$200 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$	$\$11,000 \times [1 + (.25 \times \text{Number of previous violations})]$
\$450,000-\$549,999.99	$[\$4,125 + (\$200 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$	$\$12,100 \times [1 + (.25 \times \text{Number of previous violations})]$
\$550,000-\$649,999.99	$[\$4,950 + (\$200 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$	$\$13,200 \times [1 + (.25 \times \text{Number of previous violations})]$
\$650,000-\$749,999.99	$[\$5,775 + (\$200 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$	$\$14,300 \times [1 + (.25 \times \text{Number of previous violations})]$
\$750,000-\$849,999.99	$[\$6,600 + (\$200 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$	$\$15,400 \times [1 + (.25 \times \text{Number of previous violations})]$
\$850,000-\$949,999.99	$[\$7,425 + (\$200 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$	$\$16,500 \times [1 + (.25 \times \text{Number of previous violations})]$
\$950,000 or over	$[\$9,250 + (\$200 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$	$\$17,600 \times [1 + (.25 \times \text{Number of previous violations})]$

* The civil money penalty for a respondent who does not have any previous violations will not exceed the level of activity in the report.

(c) If the respondent fails to file a required report and the Commission cannot calculate the level of activity under paragraph (d) of this section, then the civil money penalty shall be \$6,050.

(d) *Definitions.* For this section only, the following definitions will apply:

(1) *Election Sensitive Reports* means third quarter reports due on October 15th before the general election (for all committees required to file this report except committees of candidates who do not participate in that general election); monthly reports due October

20th before the general election (for all committees required to file this report except committees of candidates who do not participate in that general election); and pre-election reports for primary, general, and special elections under 11 CFR 104.5.

(2) *Estimated level of activity* means:

(1) For an authorized committee, total receipts and disbursements reported in the current two-year election cycle divided by the number of reports filed to date covering the activity in the current two-year election cycle. If the respondent has not filed a report

§ 111.45

(2) The civil money penalty calculated in paragraph (a)(1) of this section shall be increased by twenty-five percent (25%) for each prior violation.

(b) For purposes of this section, prior violation means a final civil money penalty that has been assessed against the respondent under this subpart in the current two-year election cycle or the prior two-year election cycle.

[65 FR 31794, May 19, 2000, as amended at 70 FR 34636, June 15, 2005; 74 FR 31349, July 1, 2009]

§ 111.46 [Reserved]

§ 111.46 How will the respondent be notified of actions taken by the Commission and the reviewing officer?

If a statement designating counsel has been filed in accordance with 11 CFR 111.23, all notifications and other communications to a respondent provided for in subpart B of this part will be sent to designated counsel. If a statement designating counsel has not been filed, all notifications and other communications to a respondent provided for in subpart B of this part will be sent to respondent political committee and its treasurer at the political committee's address as listed in the most recent Statement of Organization, or amendment thereto, filed with the Commission in accordance with 11 CFR 102.2.

[68 FR 12580, Mar. 17, 2003]

Subpart C—Collection of Debts Arising From Enforcement and Administration of Campaign Finance Laws

SOURCE: 75 FR 19875, Apr. 16, 2010, unless otherwise noted.

§ 111.50 Purpose and scope.

Subpart C prescribes standards and procedures under which the Commission will collect and dispose of certain debts owed to the United States, as described in 11 CFR 111.51. The regulations in this subpart implement the Debt Collection Improvement Act of 1996, 31 U.S.C. 3701, 3711, and 3716-3720A, as amended; and the Federal Claims Collection Standards, 31 CFR parts 900-

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904. The activities covered include: The collection of claims of any amount; compromising claims; suspending or terminating the collection of claims; and referring debts to the U.S. Department of the Treasury for collection action.

§ 111.51 Debts that are covered.

(a) The procedures of this subpart C of part 111 apply to claims for payment or debt arising from, or ancillary to, any action undertaken by or on behalf of the Commission in furtherance of efforts to ensure compliance with the Federal Election Campaign Act, 2 U.S.C. 431 *et seq.*, as amended, and to administer the Presidential Election Campaign Fund Act, 28 U.S.C. 9001 *et seq.*, or the Presidential Primary Matching Payment Account Act, 26 U.S.C. 9031 *et seq.*, and Commission regulations, including:

(1) Negotiated civil penalties in enforcement matters and alternative dispute resolution matters;

(2) Civil money penalties assessed under the administrative fines program;

(3) Claims reduced to judgment in the courts and that are no longer in litigation;

(4) Repayments of public funds under the Presidential Election Campaign Fund Act, 28 U.S.C. 9001 *et seq.*; or

(5) Repayment of public funds under the Presidential Primary Matching Payment Account Act, 26 U.S.C. 9031 *et seq.*

(c) The procedures covered by this subpart do not apply to any of the following debts:

(1) Debts that result from administrative activities of the Commission that are governed by 11 CFR part 8.

(2) Debts involving criminal actions of fraud, the presentation of a false claim, or misrepresentation on the part of the debtor or any other person having an interest in the claim.

(3) Debts based in whole or in part on conduct in violation of the antitrust laws.

(4) Debts under the Internal Revenue Code of 1986.

(d) The Commission is authorized to impose interest and related charges on debts not subject to 31 U.S.C. 3717, in accordance with common law.

PART 112—ADVISORY OPINIONS (2 U.S.C. 437f)

- Sec. 112.1 Requests for advisory opinions (2 U.S.C. 437f(a)(1)).
- 112.2 Public availability of requests (2 U.S.C. 437f(d)).
- 112.3 Written comments on requests (2 U.S.C. 437f(d)).
- 112.4 Issuance of advisory opinions (2 U.S.C. 437f(a) and (b)).
- 112.5 Reliance on advisory opinions (2 U.S.C. 437f(c)).
- 112.6 Reconsideration of advisory opinions.

AUTHORITY: 2 U.S.C. 437f, 438(a)(8).

SOURCE: 45 FR 15123, Mar. 7, 1980, unless otherwise noted.

§ 112.1 Requests for advisory opinions (2 U.S.C. 437f(a)(1)).

(a) Any person may request in writing an advisory opinion concerning the application of the Act, chapters 95 or 96 of the Internal Revenue Code of 1954, or any regulation prescribed by the Commission. An authorized agent of the requesting person may submit the advisory opinion request, but the agent shall disclose the identity of his or her principal.

(b) The written advisory opinion request shall set forth a specific transaction or activity that the requesting person plans to undertake or is presently undertaking and intends to undertake in the future. Requests presenting a general question of interpretation, or posing a hypothetical situation, or regarding the activities of third parties, do not qualify as advisory opinion requests.

(c) Advisory opinion requests shall include a complete description of all facts relevant to the specific transaction or activity with respect to which the request is made.

(d) The Office of General Counsel shall review all requests for advisory opinions submitted under 11 CFR 112.1. If the Office of General Counsel determines that a request for an advisory opinion is incomplete or otherwise not qualified under 11 CFR 112.1, it shall, within 10 calendar days of receipt of

such request, notify the requesting person and specify the deficiencies in the request.

(e) Advisory opinion requests should be sent to the Federal Election Commission, Office of General Counsel, 999 E Street, NW., Washington, DC 20463.

(f) Upon receipt by the Commission, each request which qualifies as an advisory opinion request (AOR) under 11 CFR 112.1 shall be assigned an AOR number for reference purposes.

[45 FR 15123, Mar. 7, 1980, as amended at 50 FR 50778, Dec. 12, 1985]

§ 112.2 Public availability of requests (2 U.S.C. 437f(d)).

(a) Advisory opinion requests which qualify under 11 CFR 112.1 shall be made public at the Commission promptly upon their receipt.

(b) A copy of the original request and any supplements thereto, shall be available for public inspection and purchase at the Public Disclosure Division of the Commission.

§ 112.3 Written comments on requests (2 U.S.C. 437f(d)).

(a) Any interested person may submit written comments concerning advisory opinion requests made public at the Commission.

(b) The written comments shall be submitted within 10 calendar days following the date the request is made public at the Commission. However, if the 10th calendar day falls on a Saturday, Sunday, or Federal holiday, the 10 day period ends at the close of the business day next following the weekend or holiday. Additional time for submission of written comments may be granted upon written request for an extension by the person who wishes to submit comments or may be granted by the Commission without an extension request.

(c) Comments on advisory opinion requests should refer to the AOR number of the request, and statutory references should be to the United States Code citations, rather than to Public Law citations.

(d) Written comments and requests for additional time to comment shall be sent to the Federal Election Commission, Office of General Counsel, 999 E Street, NW., Washington, DC 20463.

Exhibit Two

Image# 14952566722

**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

Alston & Bird PAC

ADDRESS (number and street) ▼

The Atlantic Building

950 F Street, NW

Check if different
than previously
reported. (ACC)

Washington

DC

20004-1404

2. FEC IDENTIFICATION NUMBER ▼

CITY ▲

STATE ▲

ZIP CODE ▲

C C00395723

3. IS THIS
REPORTX NEW
(N)

OR

AMENDED
(A)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)July 31 Mid-Year
Report (Non-election
Year Only) (MY)Termination Report
(TER)(b) Monthly
Report
Due On:

Feb 20 (M2)

May 20 (M5)

Aug 20 (M8)

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

Mar 20 (M3)

Jun 20 (M6)

Sep 20 (M9)

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

Apr 20 (M4)

Jul 20 (M7)

Oct 20 (M10)

Jan 31 (YE)

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

Primary (12P)

X General (12G)

Runoff (12R)

Convention (12C)

Special (12S)

Election on

11 04 2014

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

General (30G)

Runoff (30R)

Special (30S)

Election on

11 04 2014

in the
State of

5. Covering Period

10 01 2014

through

10 15 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 Dennis O. Garris

Signature of Treasurer

Dennis O. Garris

[Electronically Filed]

Date

11

03

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

SUMMARY PAGE OF RECEIPTS AND DISBURSEMENTS

FEC Form 3X (Rev. 02/2003)

Page 2

Write or Type Committee Name

Alston & Bird PAC

Report Covering the Period:

From:

10 01 2014

To:

10 15 2014

	COLUMN A This Period	COLUMN B Calendar Year-to-Date
6. (a) Cash on Hand January 1, 2014		131959.44
(b) Cash on Hand at Beginning of Reporting Period.....	78340.97	
(c) Total Receipts (from Line 19)	425.01	166522.35
(d) Subtotal (add Lines 6(b) and 6(c) for Column A and Lines 6(a) and 6(c) for Column B)	78765.98	298481.79
7. Total Disbursements (from Line 31)	1025.00	220740.81
8. Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d))	77740.98	77740.98
9. Debts and Obligations Owed TO the Committee (Itemize all on Schedule C and/or Schedule D)	0.00	
10. Debts and Obligations Owed BY the Committee (Itemize all on Schedule C and/or Schedule D)	0.00	

☒ This committee has qualified as a multicandidate committee. (see FEC FORM 1M)

For further information contact:

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

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

DETAILED SUMMARY PAGE of Receipts

FEC Form 3X (Rev. 06/2004)

Page 3

Write or Type Committee Name

Alston & Bird PAC

Report Covering the Period:

From:

10 / 01 / 2014

To:

10 / 15 / 2014

I. Receipts	COLUMN A Total This Period	COLUMN B Calendar Year-to-Date
11. Contributions (other than loans) From:		
(a) Individuals/Persons Other Than Political Committees		
(i) Itemized (use Schedule A).....	425.01	152055.52
(ii) Unitemized	0.00	5616.83
(iii) TOTAL (add Lines 11(a)(i) and (ii)).....▶	425.01	157672.35
(b) Political Party Committees	0.00	0.00
(c) Other Political Committees (such as PACs).....	0.00	0.00
(d) Total Contributions (add Lines 11(a)(iii), (b), and (c)) (Carry Totals to Line 33, page 5).....▶	425.01	157672.35
12. Transfers From Affiliated/Other Party Committees.....	0.00	0.00
13. All Loans Received	0.00	0.00
14. Loan Repayments Received.....	0.00	0.00
15. Offsets To Operating Expenditures (Refunds, Rebates, etc.) (Carry Totals to Line 37, page 5).....	0.00	0.00
16. Refunds of Contributions Made to Federal Candidates and Other Political Committees.....	0.00	8850.00
17. Other Federal Receipts (Dividends, Interest, etc.).....	0.00	0.00
18. Transfers from Non-Federal and Levin Funds		
(a) Non-Federal Account (from Schedule H3).....	0.00	0.00
(b) Levin Funds (from Schedule H5).....	0.00	0.00
(c) Total Transfers (add 18(a) and 18(b))..	0.00	0.00
19. Total Receipts (add Lines 11(d), 12, 13, 14, 15, 16, 17, and 18(c)).....▶	425.01	166522.35
20. Total Federal Receipts (subtract Line 18(c) from Line 19).....▶	425.01	166522.35

DETAILED SUMMARY PAGE of Disbursements

FEC Form 3X (Rev. 02/2003)

Page 4

II. Disbursements	COLUMN A Total This Period	COLUMN B Calendar Year-to-Date
21. Operating Expenditures:		
(a) Allocated Federal/Non-Federal Activity (from Schedule H4)		
(i) Federal Share	0.00	0.00
(ii) Non-Federal Share	0.00	0.00
(b) Other Federal Operating Expenditures	1025.00	3490.81
(c) Total Operating Expenditures (add 21(a)(i), (a)(ii), and (b))	1025.00	3490.81
22. Transfers to Affiliated/Other Party Committees	0.00	0.00
23. Contributions to Federal Candidates/Committees and Other Political Committees	0.00	216500.00
24. Independent Expenditures (use Schedule E)	0.00	0.00
25. Coordinated Party Expenditures (2 U.S.C. §441a(d)) (use Schedule F)	0.00	0.00
26. Loan Repayments Made	0.00	0.00
27. Loans Made	0.00	0.00
28. Refunds of Contributions To:		
(a) Individuals/Persons Other Than Political Committees	0.00	750.00
(b) Political Party Committees	0.00	0.00
(c) Other Political Committees (such as PACs)	0.00	0.00
(d) Total Contribution Refunds (add Lines 28(a), (b), and (c))	0.00	750.00
29. Other Disbursements	0.00	0.00
30. Federal Election Activity (2 U.S.C. §431(20))		
(a) Allocated Federal Election Activity (from Schedule H6)		
(i) Federal Share	0.00	0.00
(ii) "Levin" Share	0.00	0.00
(b) Federal Election Activity Paid Entirely With Federal Funds	0.00	0.00
(c) Total Federal Election Activity (add Lines 30(a)(i), 30(a)(ii) and 30(b))	0.00	0.00
31. Total Disbursements (add Lines 21(c), 22, 23, 24, 25, 26, 27, 28(d), 29 and 30(c)) ..	1025.00	220740.81
32. Total Federal Disbursements (subtract Line 21(a)(ii) and Line 30(a)(ii) from Line 31)	1025.00	220740.81

DETAILED SUMMARY PAGE of Disbursements

FEC Form 3X (Rev. 02/2003)

Page 5

III. Net Contributions/Operating Expenditures	COLUMN A Total This Period	COLUMN B Calendar Year-to-Date
33. Total Contributions (other than loans) (from Line 11(d), page 3)	425.01	157672.35
34. Total Contribution Refunds (from Line 28(d))	0.00	750.00
35. Net Contributions (other than loans) (subtract Line 34 from Line 33)	425.01	156922.35
36. Total Federal Operating Expenditures (add Line 21(a)(i) and Line 21(b))	1025.00	3490.81
37. Offsets to Operating Expenditures (from Line 15, page 3)	0.00	0.00
38. Net Operating Expenditures (subtract Line 37 from Line 36)	1025.00	3490.81

SCHEDULE A (FEC Form 3X)
ITEMIZED RECEIPTS

 Use separate schedule(s)
 for each category of the
 Detailed Summary Page

 FOR LINE NUMBER: PAGE 6 OF 11
 (check only one)
☒ 11a ☐ 11b ☐ 11c ☐ 12
☐ 13 ☐ 14 ☐ 15 ☐ 16 ☐ 17

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

NAME OF COMMITTEE (In Full)

Alston & Bird PAC

Full Name (Last, First, Middle Initial)

A. Bill Anaya

Mailing Address The Atlantic Building

950 F Street, NW

City

Washington

State

DC

Zip Code

20004

FEC ID number of contributing
federal political committee.

C

Name of Employer

Alston & Bird LLP

Occupation

Counsel

Receipt For:

☐ Primary ☐ General
☐ Other (specify) ▼

Aggregate Year-to-Date ▼

3958.46

Date of Receipt

10 15 2014

Transaction ID : SA11AI.8355

Amount of Each Receipt this Period

208.34

Individual contribution (\$208.34 semi-monthly)

Full Name (Last, First, Middle Initial)

B. Carolyn Smith

Mailing Address The Atlantic Building

950 F Street NW

City

Washington

State

DC

Zip Code

20004

FEC ID number of contributing
federal political committee.

C

Name of Employer

Alston & Bird LLP

Occupation

Counsel

Receipt For:

☐ Primary ☐ General
☐ Other (specify) ▼

Aggregate Year-to-Date ▼

2375.00

Date of Receipt

10 15 2014

Transaction ID : SA11AI.8356

Amount of Each Receipt this Period

125.00

Individual contribution (\$125 semi-monthly)

Full Name (Last, First, Middle Initial)

C. Richard Sparling

Mailing Address The Atlantic Building

950 F Street NW

City

Washington

State

DC

Zip Code

20004

FEC ID number of contributing
federal political committee.

C

Name of Employer

Alston & Bird LLP

Occupation

Counsel

Receipt For:

☐ Primary ☐ General
☐ Other (specify) ▼

Aggregate Year-to-Date ▼

950.00

Date of Receipt

10 15 2014

Transaction ID : SA11AI.8357

Amount of Each Receipt this Period

50.00

Individual contribution (\$50.00 semi-monthly)

SUBTOTAL of Receipts This Page (optional).....▶

383.34

TOTAL This Period (last page this line number only).....▶

Image# 14952566728

PAGE 7 / 11

FEC MISCELLANEOUS TEXT RELATED TO A REPORT, SCHEDULE OR ITEMIZATION

Form/Schedule: SA11AI

Transaction ID : SA11AI.8355

Payroll deduction

Form/Schedule: SA11AI

Transaction ID: SA11AI.8356

Payroll deduction

14952566728

Image# 14952566729

PAGE 8 / 11

FEC MISCELLANEOUS TEXT RELATED TO A REPORT, SCHEDULE OR ITEMIZATION

Form/Schedule: SA11AI

Transaction ID : SA11AI.8357

Payroll deduction

Form/Schedule:

Transaction ID:

SCHEDULE A (FEC Form 3X)
ITEMIZED RECEIPTS

 Use separate schedule(s)
 for each category of the
 Detailed Summary Page

 FOR LINE NUMBER: PAGE 9 OF 11
 (check only one)

<input checked="" type="checkbox"/> 11a	<input type="checkbox"/> 11b	<input type="checkbox"/> 11c	<input type="checkbox"/> 12
<input type="checkbox"/> 13	<input type="checkbox"/> 14	<input type="checkbox"/> 15	<input type="checkbox"/> 16
<input type="checkbox"/> 17			

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

 NAME OF COMMITTEE (In Full)
Alston & Bird PAC

A. Marilyn K. Yager Full Name (Last, First, Middle Initial) Mailing Address The Atlantic Building 950 F Street NW City Washington State DC Zip Code 20004 FEC ID number of contributing federal political committee. C Name of Employer Alston & Bird LLP Occupation Senior Policy Advisor Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify) ▼ Aggregate Year-to-Date ▼ 791.72			Date of Receipt 10 / 15 / 2014 Transaction ID : SA11AI.8358 Amount of Each Receipt this Period 41.67 Individual Contribution (\$41.67 semi-monthly)
B. Full Name (Last, First, Middle Initial) Mailing Address City State Zip Code FEC ID number of contributing federal political committee. C Name of Employer Occupation Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify) ▼ Aggregate Year-to-Date ▼			Date of Receipt Amount of Each Receipt this Period
C. Full Name (Last, First, Middle Initial) Mailing Address City State Zip Code FEC ID number of contributing federal political committee. C Name of Employer Occupation Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify) ▼ Aggregate Year-to-Date ▼			Date of Receipt Amount of Each Receipt this Period
SUBTOTAL of Receipts This Page (optional)			41.67
TOTAL This Period (last page this line number only)			425.01

FEC MISCELLANEOUS TEXT RELATED TO A REPORT, SCHEDULE OR ITEMIZATION

Form/Schedule: SA11AI

Transaction ID : SA11AI.8358

Payroll Deduction

Form/Schedule:

Transaction ID:

**SCHEDULE B (FEC Form 3X)
ITEMIZED DISBURSEMENTS**Use separate schedule(s)
for each category of the
Detailed Summary PageFOR LINE NUMBER:
(check only one)

PAGE 11 OF 11

<input checked="" type="checkbox"/> 21b	<input type="checkbox"/> 22	<input type="checkbox"/> 23	<input type="checkbox"/> 24	<input type="checkbox"/> 25	<input type="checkbox"/> 26
<input type="checkbox"/> 27	<input type="checkbox"/> 28a	<input type="checkbox"/> 28b	<input type="checkbox"/> 28c	<input type="checkbox"/> 29	<input type="checkbox"/> 30b

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

NAME OF COMMITTEE (In Full)

Alston & Bird PAC

Full Name (Last, First, Middle Initial)

A. Alston & Bird LLP

Date of Disbursement

10	13	2014
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Mailing Address The Atlantic Building
950 F Street NW

City Washington State DC Zip Code 20004

Purpose of Disbursement
Administrative expenses

Candidate Name

001
Category/ Type

Transaction ID : SB21B.8359

Amount of Each Disbursement this Period

1025.00

Office Sought: ☐ House
☐ Senate
☐ PresidentDisbursement For:
☐ Primary ☐ General
☐ Other (specify) ▼

State: District:

Full Name (Last, First, Middle Initial)

B.

Date of Disbursement

Mailing Address

City State Zip Code

Purpose of Disbursement

Candidate Name

Category/ Type

Amount of Each Disbursement this Period

Office Sought: ☐ House
☐ Senate
☐ PresidentDisbursement For:
☐ Primary ☐ General
☐ Other (specify) ▼

State: District:

Full Name (Last, First, Middle Initial)

C.

Date of Disbursement

Mailing Address

City State Zip Code

Purpose of Disbursement

Candidate Name

Category/ Type

Amount of Each Disbursement this Period

Office Sought: ☐ House
☐ Senate
☐ PresidentDisbursement For:
☐ Primary ☐ General
☐ Other (specify) ▼

State: District:

SUBTOTAL of Disbursements This Page (optional).....▶

1025.00

TOTAL This Period (last page this line number only).....▶

1025.00



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2015 MAR 19 PM 4: 07

SENSITIVE

March 19, 2015

MEMORANDUM

To: The Commission

Through: Alec Palmer *awp*
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# 2881 – Alston & Bird PAC and
Dennis O. Garris, in his official capacity as Treasurer (C00395723)

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 19, 2015

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

AF# 2881 – Alston & Bird PAC and Dennis O. Garris, in his official capacity as Treasurer
(C00395723)

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 \$550 civil money penalty.

Reason-to-Believe Background

The 2014 Pre-General Report was due on October 23, 2014. The respondents filed the report on November 3, 2014, the day before the 2014 General Election. The report is election sensitive and was not filed prior to four days before the 2014 General Election; therefore, the report is considered not filed. 11 C.F.R. §§ 111.43(d)(1) and (e)(2).

On December 17, 2014, the Commission found reason to believe ("RTB") that the respondents violated 52 U.S.C. § 30104(a) (formerly 2 U.S.C. § 434(a)) for failing to timely file the 2014 Pre-General Report and made a preliminary determination that the civil money penalty was \$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 18, 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 political committee not authorized by a candidate which is filing on a monthly basis shall file a pre-general election report no later than the 12th day before the general election in any year in which a regularly scheduled general election is held. 52 U.S.C. § 30104(a)(4)(B) (formerly 2 U.S.C. § 434(a)(4)(B) and 11 C.F.R. § 104.5(c)(3)(ii). 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 26, 2015, the Commission received the written response ("challenge") from the respondents' Treasurer. The challenge states:

"Alston & Bird PAC has been in existence since 2004. Until 2014, Alston & Bird PAC was a quarterly filer. As such, it understood its pre-election filing obligation to require filing of a report only where a contribution or expenditure was made to or on behalf of a candidate. See 52 U.S.C. 30104(a)(4)(A)(ii). In 2014, Alston & Bird PAC transitioned to become a monthly filer. As part of the transition to being a monthly filer, we reviewed the statute and implementing FEC regulations. In reviewing the pre-general election reporting requirements for monthly filers, Alston & Bird PAC reviewed the language of 11 C.F.R. § 104.5(a)(3). This provision states in paragraph (i) that monthly reports shall be filed no later than 20 days after the last day of the month. Moreover, paragraph (ii) provides as follows:

'In lieu of monthly reports due in November and December, in any year in which a regularly scheduled general election is held, *a pre-election report shall be filed as prescribed at 11 C.F.R. § 104.5(a)(1)(ii)*, a post general election report shall be filed as prescribed at 11 C.F.R. § 104.5(a)(1)(iii), and a year-end report shall be filed no later than January 31 of the following calendar year.' 11 C.F.R. § 104.5(a)(3) (emphasis added).

The reference to 11 C.F.R. § 104.5(a)(1)(ii) provides that 'Pre-election reports for the primary and general election shall be filed by a political committee which makes contributions or expenditures in connection with any such election *if such disbursements have not been previously disclosed.*' Relying on this FEC regulation, Alston & Bird PAC understood the reference to 11 C.F.R. § 104.5(a)(1)(ii) to require a pre-general election report *only if* the PAC had made previously-undisclosed contributions or expenditures in connection with the election because that is the requirement 'prescribed at 11 C.F.R. § 104.5(a)(1)(ii).'"

The Committee determined that it did not make any contributions or expenditures in connection with the 2014 General Election which had not been previously disclosed; therefore, it was their belief that they were not required to file the 2014 Pre-General Report.

After receiving a notification from the Commission that it had failed to file the report, the Committee contacted Commission staff to discuss the reporting requirement. Staff confirmed that monthly filers are required to file the report, regardless of activity. The challenge further states:

"When [we] asked for the specific regulation that made clear that pre-general election reporting was not dependent on PAC activity for monthly filers, the FEC instead pointed to the monthly filing schedule available online. The FEC asked that the PAC file its report and assured my colleague that there would be no issue as long as the report was filed."

The respondents state that they filed the 2014 Pre-General Report on November 3, 2014, which discloses no contributions or expenditures made in connection with the 2014 General Election.

In conclusion, the respondents reiterate that "[t]he PAC's decision to not file this report was not a matter of negligence or ignorance of the law; instead, the PAC carefully read the language in the regulations and proceeded 'as prescribed at 11 C.F.R. § 104.5(a)(1)(ii).'" The respondents also state they will ensure they timely file future pre-general election reports.

The challenge includes a declaration of Dennis O. Garris, Treasurer; a copy of the RTB Letter sent by RAD on December 18, 2014; and a copy of the 2014 Pre-General Report filed by the respondents on November 3, 2014.

Office of General Counsel ("OGC") Guidance

On February 2, 2015, the Office of Administrative Review ("OAR") requested that OGC confirm the respondents, as monthly filers, were required to file the 2014 Pre-General Report, regardless of activity.

On March 12, 2015, OAR received OGC's response. OGC concludes that the Act and the Commission's regulations require the respondents to file the 2014 Pre-General Report, regardless of activity.¹ OGC acknowledges the past potential for confusion in the regulations but explains that the necessary corrections were made in March 2014, and the Commission sufficiently notified the respondents of their 2014 Pre-General reporting requirements. OGC also notes that the Act has always been clear that monthly filers must file a pre-election report in lieu of a November monthly report. Nonetheless, OGC recommends that the Commission consider the unusual circumstances of the case, as analyzed below, when deciding how to proceed in this matter.

Analysis

As mentioned in the respondents' challenge, the Committee transitioned from a quarterly filer to a monthly filer in 2014. On January 31, 2014, the Commission received the Committee's request to change its filing frequency to monthly. On February 12, 2014, RAD sent a letter to the respondents acknowledging the filing frequency change. The notification was sent via email to "pactreasurer@alston.com," the email address listed on the Committee's Statement of Organization.

The respondents contend that they reviewed the reporting requirements of monthly filers at 11 C.F.R. § 104.5(c)(3) and "...understood the reference to 11 C.F.R. § 104.5(a)(1)(ii) to require a pre-general election report *only if* the PAC had made previously-undisclosed contributions or expenditures in connection with the election because that is the requirement 'prescribed at 11 C.F.R. § 104.5(a)(1)(ii).'" Since the Committee did not make any contributions or expenditures in connection with the 2014 General Election during the October 1 through

¹ OGC notes that the respondents cite 11 C.F.R. § 104.5(a)(3), which does not exist. OGC presumes the respondents intended to cite 11 C.F.R. § 104.5(c)(3), and the ROR reflects this in all subsequent mentions.

October 15, 2014 coverage period, the respondents believed they were not required to file the 2014 Pre-General Report.

In response to this statement, OGC explains that prior to March 26, 2014, 11 C.F.R. § 104.5(c)(3), which addresses monthly filing requirements, incorrectly cross-referenced 11 C.F.R. § 104.5(a)(1)(ii), which addresses the requirements for filing quarterly reports. However, on March 26, 2014, almost seven months prior to the 2014 Pre-General Report filing deadline, the Commission made the necessary correction to the citation. 11 C.F.R. § 104.5(c)(3) now correctly cites section 104.5(a)(2)(i), which states that a pre-general report must be filed no later than 12 days before the election, and it must disclose all receipts and disbursements as of the 20th day before the election. The correction was published in *Explanation and Justification/or Corrections to 11 C.F.R. § 104.5*, 79 Fed. Reg. 16661, 16662 (Mar. 26, 2014).

Moreover, OGC notes that the Commission has been explicit that committees must be "aware or should be aware of their legal duty to file the required reports in a timely manner, and the Commission makes ongoing efforts to remind committees of their duty." *Explanation and Justification for Section 111.35*, 65 Fed. Reg. 31787, 31790 (May 19, 2000). The respondents were notified on several occasions of their requirement to file the 2014 Pre-General Report, as detailed below.

On December 20, 2013, the Commission's Information Division sent an email to "pactreasurer@alston.com." The email reminded the Committee of the 2013 Year End Report filing requirement and also included a link to the 2014 filing requirements on the Commission's website. While the respondents were still quarterly filers at this point, the link provided the 2014 filing requirements for both quarterly and monthly filers. The 2014 monthly reporting schedule included the 2014 Pre-General Report due October 23, 2014.

RAD's acknowledgement of filing frequency change letter sent on February 12, 2014 also included the monthly filing schedule for the 2014 calendar year. The 2014 monthly reporting schedule included the 2014 Pre-General Report due October 23, 2014.

On August 28, 2014, the Commission's Information Division sent an email to "pactreasurer@alston.com." The email reminded the Committee of the September Monthly Report filing requirement and included a link to the Monthly Report Prior Notice on the Commission's website. The notice detailed the monthly reporting schedule for the remainder of the 2014 calendar year, including the 2014 Pre-General Report due October 23, 2014.

On October 1, 2014, the Information Division inadvertently sent an email to "pactreasurer@alston.com" referencing the 2014 Pre-General Report filing requirements for quarterly filers. The notice explained that only those quarterly filers that made contributions or expenditures in connection with the 2014 General Election during the coverage period were required to file the 2014 Pre-General Report, the same concept upon which the respondents relied on at the outdated 11 C.F.R. § 104.5(c)(3). While this erroneous notice may have potentially caused confusion, the respondents did not indicate that they relied on the information in this notice.

The respondents were again reminded of the 2014 Pre-General reporting requirement on October 21, 2014. According to the Manager of the Electronic Filing and Disclosure Branch in the Commission's Office of the Chief Information Officer, the Electronic Filing Office ("EFO") sent a reminder email to "diego.marquez@alston.com," the email address previously provided by the Committee to EFO. The email stated: "Please note, Electronic filers have until 11:59 (EDT) on Thursday, October 23 to submit their 12 Day Pre-General Report on time."

On October 24, 2014, EFO sent a late notification email to "diego.marquez@alston.com." The email notified the committee that they had failed to electronically file their 2014 Pre-General Report. According to RAD telecoms (written records of telephone conversations), that same day, Mr. Diego Marquez called a RAD Analyst to ask if the Committee was required to file the 2014 Pre-General Report. The Analyst confirmed that all monthly filers are required to file the report, regardless of activity. The challenge contends the Analyst "...assured [Mr. Marquez] that there would be no issue as long as the report was filed." However, RAD telecoms do not indicate this statement was made to Mr. Marquez.

Ten days later, on November 3, 2014, the Committee filed the 2014 Pre-General Report. The report disclosed total receipts of \$425.01 and total disbursements of \$1,025. The disbursements disclosed did not include any contributions or expenditures made in connection with the 2014 General Election. The report is election sensitive and was not filed prior to four days before the November 4, 2014 General Election; therefore, the report is considered not filed. 11 C.F.R. §§ 111.43(d)(1) and (e)(2).

As highlighted by OGC, 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).

While the Reviewing Officer recognizes the potential for confusion regarding the respondents' requirement to file the 2014 Pre-General Report as a monthly filer, as OGC notes, the Commission notified the respondents of their requirement to file the report on several occasions. In addition, the Commission made the necessary corrections to the cross references at 11 C.F.R. § 104.5(c)(3) on March 26, 2014, seven months prior to the 2014 Pre-General Report filing deadline. Moreover, the Act has always been clear that monthly filers must file a pre-general election report in lieu of a November monthly report in accordance with 52 U.S.C. § 30104(a)(2)(A)(i) (formerly 2 U.S.C. § 434(a)(2)(A)(i)). 52 U.S.C. § 30104(a)(4)(B) (formerly 2 U.S.C. § 434(a)(4)(B)). 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 \$550 civil money penalty.

OAR Recommendations

- 1) Adopt the Reviewing Officer recommendation for AF# 2881 involving Alston & Bird PAC and Dennis O. Garris, in his official capacity as Treasurer in making the final determination;
- 2) Make a final determination in AF# 2881 that Alston & Bird PAC and Dennis O. Garris, in his official capacity as Treasurer, violated 52 U.S.C. § 30104(a) (formerly 2 U.S.C. § 434(a)) and assess a \$550 civil money penalty; and
- 3) Send the appropriate letter.

Attachments

- Attachment 1 – Challenge Received from Respondents
- Attachment 2 –
- Attachment 3 –
- Attachment 4 –
- Attachment 5 –
- Attachment 6 – Declaration from RAD
- Attachment 7 – Declaration from OAR

ALSTON & BIRD PAC

The Atlantic Building
950 F Street, NW
Washington, DC 20004-1404

Dennis O. Garris

Direct Dial: 202-239-3452

Email: dennis.garris@alston.com

January 26, 2015

VIA HAND DELIVERY

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

RECEIVED
2015 JAN 26 PM 02:33
FEC MAIL CENTER

Re: Alston & Bird PAC, C00395723
Response to FEC Reason to Believe Finding
AF#: 2881

Dear Chairman Gordon:

This is to respond to your letter dated December 18, 2014, in which you explained that the Federal Election Commission ("FEC") found that there is reason to believe ("RTB") that Alston & Bird PAC ("PAC") failed to file the 2014 12 Day Pre-General Report of Receipts and Disbursements in a timely fashion, in violation of 52 U.S.C. § 30401(a). Based on the FEC's schedules of civil monetary penalties, and as explained in your letter, the civil penalty proposed by the FEC was \$550. A copy of the letter is enclosed with this response as Exhibit One.

Alston & Bird PAC hereby submits this response to challenge the FEC's RTB finding and proposed civil monetary penalty. We believe that the FEC's RTB finding is not warranted under the statute and implementing FEC regulations, and we therefore respectfully request that the proposed civil monetary penalty be rescinded.

Alston & Bird PAC has been in existence since 2004. Until 2014, Alston & Bird PAC was a quarterly filer. As such, it understood its pre-election filing obligation to require filing of a report only where a contribution or expenditure was made to or on behalf of a candidate. See 52 U.S.C. 30104(a)(4)(A)(ii). In 2014, Alston & Bird PAC transitioned to become a monthly filer. As part of the transition to being a monthly filer, we reviewed the statute and implementing FEC regulations. In reviewing the pre-general election reporting requirements for monthly filers, Alston & Bird PAC reviewed the language of 11 C.F.R. §104.5(a)(3). This provision states in paragraph (i) that monthly reports shall be filed no later than 20 days after the last day of the month. Moreover, paragraph (ii) provides as follows:

In lieu of monthly reports due in November and December, in any year in which a regularly scheduled general election is held, *a pre-election report shall be filed as prescribed at 11 C.F.R. §104.5(a)(1)(ii)*, a post general election report shall be filed as prescribed at 11 C.F.R. §104.5(a)(1)(iii), and a year-end report shall be filed no later than January 31 of the following calendar year.

11 C.F.R. §104.5(a)(3) (emphasis added).

The reference to 11 C.F.R. §104.5(a)(1)(ii) provides that "Pre-election reports for the primary and general election shall be filed by a political committee which makes contributions or expenditures in connection with any such election *if such disbursements have not been previously disclosed.*" Relying on this FEC regulation, Alston & Bird PAC understood the reference to 11 C.F.R. §104.5(a)(1)(ii) to require a pre-general election report *only if* the PAC had made previously-undisclosed contributions or expenditures in connection with the election because that is the requirement "prescribed at 11 C.F.R. §104.5(a)(1)(ii)."

Prior to the November 2014 general election, Alston & Bird PAC reviewed its contributions and expenditures and identified no disbursements made in connection with the general election that had not been previously disclosed on prior reports. Therefore, Alston & Bird PAC did not file a pre-election report. It was Alston & Bird PAC's reasonable belief, based upon the wording of the regulations cited above, that no pre-election report was required, since there were no disbursements made by the PAC in connection with the election that had not been previously disclosed.

When we were contacted by the FEC about the failure to file the pre-election report, a colleague of mine spoke with the FEC to discuss the reporting requirement, and the FEC explained its position that monthly filers must always file pre-general election reports, regardless of activity. When asked for the specific regulation that made clear that pre-general election reporting was not dependent on PAC activity for monthly filers, the FEC instead pointed to the monthly filing schedule available online. The FEC asked that the PAC file its report and assured my colleague that there would be no issue as long as the report was filed.

We thus immediately prepared and filed the report on November 3, 2014. As shown in the November 3 filing, a copy of which is attached as Exhibit Two, the only activity reported on the pre-general election report filed by Alston & Bird PAC was a disbursement to Alston & Bird for administrative expenses and the receipt of four individual contributions. There were no contributions or expenditures made in connection with the general election to report.

For the reasons outlined above, we respectfully request that the FEC reconsider the proposed civil monetary penalty and rescind it in its entirety. Alston & Bird PAC

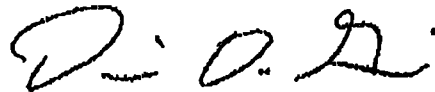
Alston & Bird PAC
Response to FEC Reason to Believe Finding
January 26, 2015
Page 3

takes compliance with FEC regulations very seriously and has not had any prior violations. The PAC reviewed the FEC regulations and reasonably concluded that no pre-election report was required since it did not have any "contributions or expenditures in connection with any such election [that had] not been previously disclosed." 11 C.F.R. §104.5(a)(1)(ii). While this was an election sensitive report, Alston & Bird PAC had no disbursements related to an actual election and thus the FEC was not denied information critical to its review of pre-general election activity. The PAC's decision to not file this report was not a matter of negligence or ignorance of the law; instead, the PAC carefully read the language in the regulations and proceeded "as prescribed at 11 C.F.R. §104.5(a)(1)(ii)."

We now understand that the FEC requires committees that are on a monthly reporting schedule to file pre-general reports in lieu of the November monthly report regardless of activity, and will ensure that we submit pre-general election filings in the future on a timely basis.

Please contact the undersigned should you have any questions or require any additional information. We look forward to your response.

Sincerely,



Dennis O. Garriss

Encls.

THEORY OF COMPUTATION



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 18, 2014

Dennis O. Garris, in official capacity as Treasurer
Alston & Bird PAC
The Atlantic Building, 950 F Street, NW
Washington, DC 20004

C00395723
AF#: 2881

Dear Mr. Garris:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file a 12 Day Pre-General Report of Receipts and Disbursements in a calendar year during which there is a regularly scheduled election. This report, covering the period October 1, 2014 through October 15, 2014, shall be filed no later than October 23, 2014. 52 U.S.C. § 30104(a) (formerly 2 U.S.C. 434(a)). Because records at the Federal Election Commission ("FEC") indicate that you did not file this report prior to four (4) days before the General Election held on November 4, 2014, the report is considered not filed for the purpose of calculating the civil money penalty.

The Act permits the FEC to impose civil money penalties for violations of the reporting requirements of 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 17, 2014, the FEC found that there is reason to believe ("RTB") that Alston & Bird PAC 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 23, 2014. Based on the FEC's schedules of civil money penalties at 11 CFR § 111.43, the amount of your civil money penalty calculated at the RTB stage is \$550. Please see the attached copy of the Commission's administrative fine regulations at 11 CFR §§ 111.30-111.55. Attachment 1. The Commission's website contains further information about how the administrative fine program works and how the fines are calculated. See <http://www.fec.gov/af/af.shtml>, 11 CFR § 111.34. Your payment of \$550 is due within forty (40) days of the finding, or by January 26, 2015, and is based on these factors:

Election Sensitivity of Report: Election Sensitive

Level of Activity: \$1,450

Number of Days Late: Not Filed (reports not filed prior to four (4) days before the General Election held on November 4, 2014 are considered not filed for the purpose of calculating the penalty)

Number of Previous Civil Money Penalties Assessed: 0

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

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

If you should decide to challenge the RTB finding and/or calculated civil money penalty, you must submit a written response, including the AF# found at the top of page 1 under your committee's identification number, to the FEC's Office of Administrative Review, 999 E Street, NW, Washington, DC 20463. Your response must be received within forty (40) days of the Commission's RTB finding, or January 26, 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 Alston & Bird PAC and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) (formerly 2 U.S.C. § 434(a)) and assess a civil money penalty.

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.

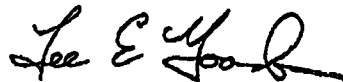
5. Settlement Offers

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 \$550 for the 2014 Pre-General 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 26, 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: Alston & Bird PAC

FEC ID#: C00395723

AF#: 2881

PAYMENT DUE DATE: January 26, 2015

PAYMENT AMOUNT DUE: \$550

§111.30

employee, or other person who knowingly and willfully violates this provision shall be fined not more than \$7,500.

(62 FR 11317, Mar. 12, 1997; 62 FR 16167, Apr. 14, 1997; 66 FR 31794, May 19, 2000; 67 FR 76977, Dec. 12, 2002; 70 FR 24635, June 16, 2005; 74 FR 31317, July 1, 2009; 78 FR 44420, July 24, 2013)

Subpart B—Administrative Fines

Source: 65 FR 31794, May 19, 2000, unless otherwise noted.

§111.30 When will subpart B apply?

Subpart B applies to violations of the reporting requirements of 2 U.S.C. 434(a) committed by political committees and their treasurers that relate to the reporting periods that begin on or after July 14, 2000 and end on or before December 31, 2013.

(73 FR 72883, Dec. 1, 2008)

§111.31 Does this subpart replace subpart A of this part for violations of the reporting requirements of 2 U.S.C. 434(a)?

(a) No; §§111.1 through 111.8 and 111.20 through 111.24 shall apply to all compliance matters. This subpart will apply, rather than §§111.9 through 111.18, when the Commission, on the basis of information ascertained by the Commission in the normal course of carrying out its supervisory responsibilities, and when appropriate, determines that the compliance matter should be subject to this subpart. If the Commission determines that the violation should not be subject to this subpart, then the violation will be subject to all sections of subpart A of this part.

(b) Subpart B will apply to compliance matters resulting from a complaint filed pursuant to 11 CFR 111.4 through 111.7 if the complaint alleges a violation of 2 U.S.C. 434(a). If the complaint alleges violations of any other provision of any statute or regulation over which the Commission has jurisdiction, subpart A will apply to the alleged violations of these other provisions.

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§111.32 How will the Commission notify respondents of a reason to believe finding and a proposed civil money penalty?

If the Commission determines, by an affirmative vote of at least four (4) of its members, that it has reason to believe that a respondent has violated 2 U.S.C. 434(a), the Chairman or Vice-Chairman shall notify such respondent of the Commission's finding. The written notification shall set forth the following:

(a) The alleged factual and legal basis supporting the finding including the type of report that was due, the filing deadline, the actual date filed (if filed), and the number of days the report was late (if filed);

(b) The applicable schedule of penalties;

(c) The number of times the respondent has been assessed a civil money penalty under this subpart during the current two-year election cycle and the prior two-year election cycle;

(d) The amount of the proposed civil money penalty based on the schedules of penalties set forth in 11 CFR 111.43 or 111.44; and

(e) An explanation of the respondent's right to challenge both the reason to believe finding and the proposed civil money penalty.

§111.33 What are the respondent's choices upon receiving the reason to believe finding and the proposed civil money penalty?

The respondent must either send payment in the amount of the proposed civil money penalty pursuant to 11 CFR 111.34 or submit a written response pursuant to 11 CFR 111.35.

§111.34 If the respondent decides to pay the civil money penalty and not to challenge the reason to believe finding, what should the respondent do?

(a) The respondent shall transmit payment in the amount of the civil money penalty to the Commission within forty (40) days of the Commission's reason to believe finding.

(b) Upon receipt of the respondent's payment, the Commission shall send the respondent a final determination that the respondent has violated the statute or regulations and the amount

§ 111.37

the respondent. The respondent may file with the Commission Secretary a written response to the recommendation within ten (10) days of transmittal of the recommendation. This response may not raise any arguments not raised in the respondent's original written response or not directly responsive to the reviewing officer's recommendation.

§ 111.37 What will the Commission do once it receives the respondent's written response and the reviewing officer's recommendation?

(a) If the Commission, after having found reason to believe and after reviewing the respondent's written response and the reviewing officer's recommendation, determines by an affirmative vote of at least four (4) of its members, that the respondent has violated 2 U.S.C. 434(a) and the amount of the civil money penalty, the Commission shall authorize the reviewing officer to notify the respondent by letter of its final determination.

(b) If the Commission, after reviewing the reason to believe finding, the respondent's written response, and the reviewing officer's written recommendation, determines by an affirmative vote of at least four (4) of its members, that no violation has occurred (either because the Commission had based its reason to believe finding on a factual error or because the respondent used best efforts to file in a timely manner) or otherwise terminates its proceedings, the Commission shall authorize the reviewing officer to notify the respondent by letter of its final determination.

(c) The Commission will modify the proposed civil money penalty only if the respondent is able to demonstrate that the amount of the proposed civil money penalty was calculated on an incorrect basis.

(d) When the Commission makes a final determination under this section, the statement of reasons for the Commission action will, unless otherwise indicated by the Commission, consist of the reasons provided by the reviewing officer for the recommendation, if approved by the Commission, although statements setting forth additional or different reasons may also be issued. If

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the reviewing officer's recommendation is modified or not approved, the Commission will indicate the grounds for its action and one or more statements of reasons may be issued.

[65 FR 31784, May 19, 2000, as amended at 72 FR 14968, Mar. 29, 2007]

§ 111.38 Can the respondent appeal the Commission's final determination?

Yes; within thirty (30) days of receipt of the Commission's final determination under 11 CFR 111.37, the respondent may submit a written petition to the district court of the United States for the district in which the respondent resides, or transacts business, requesting that the final determination be modified or set aside. The respondent's failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver of the respondent's right to present such argument in a petition to the district court under 2 U.S.C. 437g.

§ 111.39 When must the respondent pay the civil money penalty?

.. (a) If the respondent does not submit a written petition to the district court of the United States, the respondent must remit payment of the civil money penalty within thirty (30) days of receipt of the Commission's final determination under 11 CFR 111.37.

(b) If the respondent submits a written petition to the district court of the United States and, upon the final disposition of the civil action, is required to pay a civil money penalty, the respondent shall remit payment of the civil money penalty to the Commission within thirty (30) days of the final disposition of the civil action. The final disposition may consist of a judicial decision which is not reviewed by a higher court.

(c) Failure to pay the civil money penalty may result in the commencement of collection action under 31 U.S.C. 3701 *et seq.* (1990), or a civil suit pursuant to 2 U.S.C. 437g(a)(8)(A), or any other legal action deemed necessary by the Commission.

If the level of activity in the report was:	And the report was filed late, the civil money penalty is:	Or the report was not filed, the civil money penalty is:
\$950,000 or over	$\$5500 + (\$200 \times \text{Number of days late}) \times (1 + (.25 \times \text{Number of previous violations}))$.	$\$13,200 \times (1 + (.25 \times \text{Number of previous violations}))$.

* The civil money penalty for a respondent who does not have any previous violations will not exceed the level of activity in the report.

(b) The civil money penalty for election sensitive reports that are filed late or not filed shall be calculated in accordance with the following schedule of penalties:

If the level of activity in the report was:	And the report was filed late, the civil money penalty is:	Or the report was not filed, the civil money penalty is:
\$1-\$4,999.99	$\$355 + (\$10 \times \text{Number of days late}) \times (1 + (.25 \times \text{Number of previous violations}))$.	$\$550 \times (1 + (.25 \times \text{Number of previous violations}))$.
\$5,000-\$9,999.99	$\$610 + (\$10 \times \text{Number of days late}) \times (1 + (.25 \times \text{Number of previous violations}))$.	$\$650 \times (1 + (.25 \times \text{Number of previous violations}))$.
\$10,000-\$24,999.99	$\$1180 + (\$10 \times \text{Number of days late}) \times (1 + (.25 \times \text{Number of previous violations}))$.	$\$1080 \times (1 + (.25 \times \text{Number of previous violations}))$.
\$25,000-\$49,999.99	$\$1330 + (\$27.50 \times \text{Number of days late}) \times (1 + (.25 \times \text{Number of previous violations}))$.	$\$1,400 \times (1 + (.25 \times \text{Number of previous violations}))$.
\$50,000-\$74,999.99	$\$1495 + (\$32.50 \times \text{Number of days late}) \times (1 + (.25 \times \text{Number of previous violations}))$.	$\$3300 \times (1 + (.25 \times \text{Number of previous violations}))$.
\$75,000-\$99,999.99	$\$1600 + (\$110 \times \text{Number of days late}) \times (1 + (.25 \times \text{Number of previous violations}))$.	$\$4400 \times (1 + (.25 \times \text{Number of previous violations}))$.
\$100,000-\$149,999.99	$\$1090 + (\$125 \times \text{Number of days late}) \times (1 + (.25 \times \text{Number of previous violations}))$.	$\$5500 \times (1 + (.25 \times \text{Number of previous violations}))$.
\$150,000-\$199,999.99	$\$1200 + (\$150 \times \text{Number of days late}) \times (1 + (.25 \times \text{Number of previous violations}))$.	$\$6800 \times (1 + (.25 \times \text{Number of previous violations}))$.
\$200,000-\$249,999.99	$\$1500 + (\$175 \times \text{Number of days late}) \times (1 + (.25 \times \text{Number of previous violations}))$.	$\$9250 \times (1 + (.25 \times \text{Number of previous violations}))$.
\$250,000-\$349,999.99	$\$1876 + (\$200 \times \text{Number of days late}) \times (1 + (.25 \times \text{Number of previous violations}))$.	$\$10,900 \times (1 + (.25 \times \text{Number of previous violations}))$.
\$350,000-\$449,999.99	$\$3300 + (\$200 \times \text{Number of days late}) \times (1 + (.25 \times \text{Number of previous violations}))$.	$\$11,000 \times (1 + (.25 \times \text{Number of previous violations}))$.
\$450,000-\$549,999.99	$\$4125 + (\$200 \times \text{Number of days late}) \times (1 + (.25 \times \text{Number of previous violations}))$.	$\$12,100 \times (1 + (.25 \times \text{Number of previous violations}))$.
\$550,000-\$649,999.99	$\$4950 + (\$200 \times \text{Number of days late}) \times (1 + (.25 \times \text{Number of previous violations}))$.	$\$13,200 \times (1 + (.25 \times \text{Number of previous violations}))$.
\$650,000-\$749,999.99	$\$5775 + (\$200 \times \text{Number of days late}) \times (1 + (.25 \times \text{Number of previous violations}))$.	$\$14,300 \times (1 + (.25 \times \text{Number of previous violations}))$.
\$750,000-\$849,999.99	$\$6600 + (\$200 \times \text{Number of days late}) \times (1 + (.25 \times \text{Number of previous violations}))$.	$\$15,400 \times (1 + (.25 \times \text{Number of previous violations}))$.
\$850,000-\$949,999.99	$\$7425 + (\$200 \times \text{Number of days late}) \times (1 + (.25 \times \text{Number of previous violations}))$.	$\$16,500 \times (1 + (.25 \times \text{Number of previous violations}))$.
\$950,000 or over	$\$8250 + (\$200 \times \text{Number of days late}) \times (1 + (.25 \times \text{Number of previous violations}))$.	$\$17,600 \times (1 + (.25 \times \text{Number of previous violations}))$.

* The civil money penalty for a respondent who does not have any previous violations will not exceed the level of activity in the report.

(c) If the respondent fails to file a required report and the Commission cannot calculate the level of activity under paragraph (d) of this section, then the civil money penalty shall be \$8,050.

(d) *Definitions.* For this section only, the following definitions will apply:

(1) *Election Sensitive Reports* means third quarter reports due on October 15th before the general election (for all committees required to file this report except committees of candidates who do not participate in that general election); monthly reports due October

20th before the general election (for all committees required to file this report except committees of candidates who do not participate in that general election); and pre-election reports for primary, general, and special elections under 11 CFR 104.6.

(2) *Estimated level of activity* means:

(1) For an authorized committee, total receipts and disbursements reported in the current two-year election cycle divided by the number of reports filed to date covering the activity in the current two-year election cycle. If the respondent has not filed a report

(3) The civil money penalty calculated in paragraph (a)(1) of this section shall be increased by twenty-five percent (25%) for each prior violation.

(b) For purposes of this section, prior violation means a final civil money penalty that has been assessed against the respondent under this subpart in the current two-year election cycle or the prior two-year election cycle.

(65 FR 31781, May 18, 2000, as amended at 70 FR 34036, June 15, 2005; 74 FR 31349, July 1, 2009)

§ 111.45 [Reserved]

§ 111.40 How will the respondent be notified of notices taken by the Commission and the reviewing officer?

If a statement designating counsel has been filed in accordance with 11 CFR 111.23, all notifications and other communications to a respondent provided for in subpart B of this part will be sent to designated counsel. If a statement designating counsel has not been filed, all notifications and other communications to a respondent provided for in subpart B of this part will be sent to respondent political committee and its treasurer at the political committee's address as listed in the most recent Statement of Organization, or amendment thereto, filed with the Commission in accordance with 11 CFR 102.2.

(65 FR 12510, Mar. 17, 2000)

Subpart C—Collection of Debts Arising From Enforcement and Administration of Campaign Finance Laws

Source: 76 FR 19879, Apr. 18, 2010, unless otherwise noted.

§ 111.50 Purpose and scope.

Subpart C prescribes standards and procedures under which the Commission will collect and dispose of certain debts owed to the United States, as described in 11 CFR 111.51. The regulations in this subpart implement the Debt Collection Improvement Act of 1996, 31 U.S.C. 3701, 3711, and 3716-3720A, as amended; and the Federal Claims Collection Standards, 31 CFR parts 900-

904. The activities covered include: The collection of claims of any amount; compromising claims; suspending or terminating the collection of claims; and referring debts to the U.S. Department of the Treasury for collection action.

§ 111.51 Debts that are covered.

(a) The procedures of this subpart C of part 111 apply to claims for payment or debt arising from, or ancillary to, any action undertaken by or on behalf of the Commission in furtherance of efforts to ensure compliance with the Federal Election Campaign Act, 2 U.S.C. 431 *et seq.*, as amended, and to administer the Presidential Election Campaign Fund Act, 26 U.S.C. 9001 *et seq.*, or the Presidential Primary Matching Payment Account Act, 26 U.S.C. 9031 *et seq.*, and Commission regulations, including:

(1) Negotiated civil penalties in enforcement matters and alternative dispute resolution matters;

(2) Civil money penalties assessed under the administrative fines program;

(3) Claims reduced to judgment in the courts and that are no longer in litigation;

(4) Repayments of public funds under the Presidential Election Campaign Fund Act, 26 U.S.C. 9001 *et seq.*; or

(5) Repayment of public funds under the Presidential Primary Matching Payment Account Act, 26 U.S.C. 9031 *et seq.*

(c) The procedures covered by this subpart do not apply to any of the following debts:

(1) Debts that result from administrative activities of the Commission that are governed by 11 CFR part 8.

(2) Debts involving criminal actions of fraud, the presentation of a false claim, or misrepresentation on the part of the debtor or any other person having an interest in the claim.

(3) Debts based in whole or in part on conduct in violation of the antitrust laws.

(4) Debts under the Internal Revenue Code of 1986.

(d) The Commission is authorized to impose interest and related charges on debts not subject to 31 U.S.C. 3717, in accordance with common law.

PART 112—ADVISORY OPINIONS (2 U.S.C. 437f)

- Sec.
- 112.1 Requests for advisory opinions (2 U.S.C. 437f(a)(1)).
- 112.2 Public availability of requests (2 U.S.C. 437f(d)).
- 112.3 Written comments on requests (2 U.S.C. 437f(d)).
- 112.4 Issuance of advisory opinions (2 U.S.C. 437f(a) and (b)).
- 112.5 Reliance on advisory opinions (2 U.S.C. 437f(c)).
- 112.6 Reconsideration of advisory opinions.

AUTHORITY: 2 U.S.C. 437f, 438(a)(2).

SOURCE: 45 FR 16123, Mar. 7, 1980, unless otherwise noted.

§ 112.1 Requests for advisory opinions (2 U.S.C. 437f(a)(1)).

(a) Any person may request in writing an advisory opinion concerning the application of the Act, chapters 95 or 96 of the Internal Revenue Code of 1954, or any regulation prescribed by the Commission. An authorized agent of the requesting person may submit the advisory opinion request, but the agent shall disclose the identity of his or her principal.

(b) The written advisory opinion request shall set forth a specific transaction or activity that the requesting person plans to undertake or is presently undertaking and intends to undertake in the future. Requests presenting a general question of interpretation, or posing a hypothetical situation, or regarding the activities of third parties, do not qualify as advisory opinion requests.

(c) Advisory opinion requests shall include a complete description of all facts relevant to the specific transaction or activity with respect to which the request is made.

(d) The Office of General Counsel shall review all requests for advisory opinions submitted under 11 CFR 112.1. If the Office of General Counsel determines that a request for an advisory opinion is incomplete or otherwise not qualified under 11 CFR 112.1, it shall, within 10 calendar days of receipt of

such request, notify the requesting person and specify the deficiencies in the request.

(e) Advisory opinion requests should be sent to the Federal Election Commission, Office of General Counsel, 899 E Street, NW., Washington, DC 20463.

(f) Upon receipt by the Commission, each request which qualifies as an advisory opinion request (AOR) under 11 CFR 112.1 shall be assigned an AOR number for reference purposes.

(45 FR 16123, Mar. 7, 1980, as amended at 50 FR 60778, Dec. 12, 1985)

§ 112.2 Public availability of requests (2 U.S.C. 437f(d)).

(a) Advisory opinion requests which qualify under 11 CFR 112.1 shall be made public at the Commission promptly upon their receipt.

(b) A copy of the original request and any supplements thereto, shall be available for public inspection and purchase at the Public Disclosure Division of the Commission.

§ 112.3 Written comments on requests (2 U.S.C. 437f(d)).

(a) Any interested person may submit written comments concerning advisory opinion requests made public at the Commission.

(b) The written comments shall be submitted within 10 calendar days following the date the request is made public at the Commission. However, if the 10th calendar day falls on a Saturday, Sunday, or Federal holiday, the 10 day period ends at the close of the business day next following the weekend or holiday. Additional time for submission of written comments may be granted upon written request for an extension by the person who wishes to submit comments or may be granted by the Commission without an extension request.

(c) Comments on advisory opinion requests should refer to the AOR number of the request, and statutory references should be to the United States Code citations, rather than to Public Law citations.

(d) Written comments and requests for additional time to comment shall be sent to the Federal Election Commission, Office of General Counsel, 899 E Street, NW., Washington, DC 20463.

Exhibit Two

Image# 14952568722

**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

Alston & Bird PAC

ADDRESS (number and street)

The Atlantic Building

950 F Street, NW

Check if different
than previously
reported. (ACC)

Washington

DC

20004-1404

2. FEC IDENTIFICATION NUMBER ▼

CITY ▲

STATE ▲

ZIP CODE ▲

C 000395723

3. IS THIS
REPORTNEW
(N)

OR

AMENDED
(A)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)☐ July 31 Mid-Year
Report (Non-election
Year Only) (MY)☐ Termination Report
(TER)(b) Monthly
Report
Due On:☐ Feb 20 (M2)☐ May 20 (M5)☐ Aug 20 (M8)☐ Nov 20 (M11)
(Non-Election
Year Only)☐ Mar 20 (M3)☐ Jun 20 (M6)☐ Sep 20 (M9)☐ Dec 20 (M12)
(Non-Election
Year Only)☐ Apr 20 (M4)☐ Jul 20 (M7)☐ Oct 20 (M10)☐ Jan 31 (YE)(c) 12-Day
PRE-Election
Report for the:☐ Primary (12P)☒ General (12G)☐ Runoff (12R)☐ Convention (12C)☐ Special (12S)

Election on

11 / 04 / 2014

In the
State of(d) 30-Day
POST-Election
Report for the:☐ General (30G)☐ Runoff (30R)☐ Special (30S)

Election on

11 / 04 / 2014

In the
State of

5. Covering Period

10 / 01 / 2014

through

10 / 15 / 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 Dennis O. Garris

Signature of Treasurer

Dennis O. Garris

(Electronically Filed)

Date

11 / 03 / 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							
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FEC FORM 3X
Rev. 12/2004

FEGAN028

SUMMARY PAGE OF RECEIPTS AND DISBURSEMENTS

FEC Form 3X (Rev. 02/2003)

Page 2

Write or Type Committee Name

Alston & Bird PAC

Report Covering the Period:

From:

10 / 01 / 2014

To:

10 / 15 / 2014

	COLUMN A This Period	COLUMN B Calendar Year-to-Date
6. (a) Cash on Hand January 1, 2014		131959.44
(b) Cash on Hand at Beginning of Reporting Period.....	78340.97	
(c) Total Receipts (from Line 19).....	425.01	166522.35
(d) Subtotal (add Lines 6(b) and 6(c) for Column A and Lines 6(a) and 6(c) for Column B).....	78765.98	298481.79
7. Total Disbursements (from Line 31).....	1025.00	220740.81
8. Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d)).....	77740.98	77740.98
9. Debts and Obligations Owed TO the Committee (Itemize all on Schedule C and/or Schedule D).....	0.00	
10. Debts and Obligations Owed BY the Committee (Itemize all on Schedule C and/or Schedule D).....	0.00	

☒ This committee has qualified as a multicandidate committee. (see FEC FORM 1M)

For further information contact:

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

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

DETAILED SUMMARY PAGE of Receipts

FEC Form 3X (Rev. 08/2004)

Page 3

Write or Type Committee Name

Alston & Bird PAC

Report Covering the Period:

From:

10 / 01 / 2014

To:

10 / 15 / 2014

I. Receipts	COLUMN A Total This Period	COLUMN B Calendar Year-to-Date
11. Contributions (other than loans) From:		
(a) Individuals/Persons Other Than Political Committees		
(i) Itemized (use Schedule A).....	425.01	152056.62
(ii) Unitemized.....	0.00	5616.83
(ii) TOTAL (add Lines 11(a)(i) and (ii)).....▶	425.01	157672.35
(b) Political Party Committees.....	0.00	0.00
(c) Other Political Committees (such as PACs).....	0.00	0.00
(d) Total Contributions (add Lines 11(a)(ii), (b), and (c)) (Carry Totals to Line 33, page 5).....▶	425.01	157672.35
12. Transfers From Affiliated/Other Party Committees.....	0.00	0.00
13. All Loans Received.....	0.00	0.00
14. Loan Repayments Received.....	0.00	0.00
15. Offsets To Operating Expenditures (Refunds, Rebates, etc.) (Carry Totals to Line 37, page 5).....	0.00	0.00
16. Refunds of Contributions Made to Federal Candidates and Other Political Committees.....	0.00	8850.00
17. Other Federal Receipts (Dividends, Interest, etc.).....	0.00	0.00
18. Transfers from Non-Federal and Levin Funds		
(a) Non-Federal Account (from Schedule H3).....	0.00	0.00
(b) Levin Funds (from Schedule H5).....	0.00	0.00
(c) Total Transfers (add 18(a) and 18(b))..	0.00	0.00
19. Total Receipts (add Lines 11(d), 12, 13, 14, 15, 16, 17, and 18(c)).....▶	425.01	166522.35
20. Total Federal Receipts (subtract Line 18(c) from Line 19).....▶	425.01	166522.35

DETAILED SUMMARY PAGE of Disbursements

FEC Form 3X (Rev. 02/2003)

Page 4

II. Disbursements	COLUMN A Total This Period	COLUMN B Calendar Year-to-Date
21. Operating Expenditures:		
(a) Allocated Federal/Non-Federal Activity (from Schedule H4)		
(i) Federal Share	0.00	0.00
(ii) Non-Federal Share	0.00	0.00
(b) Other Federal Operating Expenditures	1025.00	3490.81
(c) Total Operating Expenditures (add 21(a)(i), (a)(ii), and (b))	1025.00	3490.81
22. Transfers to Affiliated/Other Party Committees	0.00	0.00
23. Contributions to Federal Candidates/Committees and Other Political Committees	0.00	216500.00
24. Independent Expenditures (use Schedule E)	0.00	0.00
25. Coordinated Party Expenditures (2 U.S.C. §441a(d)) (use Schedule F)	0.00	0.00
26. Loan Repayments Made	0.00	0.00
27. Loans Made	0.00	0.00
28. Refunds of Contributions To:		
(a) Individuals/Persons Other Than Political Committees	0.00	750.00
(b) Political Party Committees	0.00	0.00
(c) Other Political Committees (such as PACs)	0.00	0.00
(d) Total Contribution Refunds (add Lines 28(a), (b), and (c))	0.00	750.00
29. Other Disbursements	0.00	0.00
30. Federal Election Activity (2 U.S.C. §431(20))		
(a) Allocated Federal Election Activity (from Schedule H6)		
(i) Federal Share	0.00	0.00
(ii) "Levin" Share	0.00	0.00
(b) Federal Election Activity Paid Entirely With Federal Funds	0.00	0.00
(c) Total Federal Election Activity (add Lines 30(a)(i), 30(a)(ii) and 30(b))	0.00	0.00
31. Total Disbursements (add Lines 21(c), 22, 23, 24, 25, 26, 27, 28(d), 29 and 30(c)) ..	1025.00	220740.81
32. Total Federal Disbursements (subtract Line 21(a)(ii) and Line 30(a)(ii) from Line 31)	1025.00	220740.81

DETAILED SUMMARY PAGE of Disbursements

FEC Form 3X (Rev. 02/2003)

Page 5

III. Net Contributions/Operating Expenditures	COLUMN A Total This Period	COLUMN B Calendar Year-to-Date
33. Total Contributions (other than loans) (from Line 11(d), page 3)	425.01	157672.35
34. Total Contribution Refunds (from Line 28(d))	0.00	750.00
35. Net Contributions (other than loans) (subtract Line 34 from Line 33)	425.01	156922.35
36. Total Federal Operating Expenditures (add Line 21(a)(i) and Line 21(b))	1025.00	3490.81
37. Offsets to Operating Expenditures (from Line 15, page 3)	0.00	0.00
38. Net Operating Expenditures (subtract Line 37 from Line 36)	1025.00	3490.81

SCHEDULE A (FEC Form 3X)
ITEMIZED RECEIPTS

 Use separate schedule(s)
 for each category of the
 Detailed Summary Page

FOR LINE NUMBER: PAGE 6 OF 11

(check only one)

☒ 11a ☐ 11b ☐ 11c ☐ 12
☐ 13 ☐ 14 ☐ 15 ☐ 16 ☐ 17

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

NAME OF COMMITTEE (In Full)

Alston & Bird PAC

Full Name (Last, First, Middle Initial)

A. Bill Anaya

Mailing Address The Atlantic Building

950 F Street, NW

City

Washington

State

DC

Zip Code

20004

FEC ID number of contributing
federal political committee.

C

Name of Employer

Alston & Bird LLP

Occupation

Counsel

Receipt For:

☐ Primary ☐ General☐ Other (specify) ▼

Aggregate Year-to-Date ▼

3958.46

Date of Receipt

10 / 15 / 2014

Transaction ID : SA11Al.8355

Amount of Each Receipt this Period

208.34

Individual contribution (\$208.34 semi-monthly)

Full Name (Last, First, Middle Initial)

B. Carolyn Smith

Mailing Address The Atlantic Building

950 F Street NW

City

Washington

State

DC

Zip Code

20004

FEC ID number of contributing
federal political committee.

C

Name of Employer

Alston & Bird LLP

Occupation

Counsel

Receipt For:

☐ Primary ☐ General☐ Other (specify) ▼

Aggregate Year-to-Date ▼

2375.00

Date of Receipt

10 / 15 / 2014

Transaction ID : SA11Al.8356

Amount of Each Receipt this Period

125.00

Individual contribution (\$125 semi-monthly)

Full Name (Last, First, Middle Initial)

C. Richard Sparling

Mailing Address The Atlantic Building

950 F Street NW

City

Washington

State

DC

Zip Code

20004

FEC ID number of contributing
federal political committee.

C

Name of Employer

Alston & Bird LLP

Occupation

Counsel

Receipt For:

☐ Primary ☐ General☐ Other (specify) ▼

Aggregate Year-to-Date ▼

950.00

Date of Receipt

10 / 15 / 2014

Transaction ID : SA11Al.8357

Amount of Each Receipt this Period

50.00

Individual contribution (\$50.00 semi-monthly)

SUBTOTAL of Receipts This Page (optional) ▶

383.34

TOTAL This Period (last page this line number only) ▶

Image# 14952586728

PAGE 7 / 11

FEC MISCELLANEOUS TEXT RELATED TO A REPORT, SCHEDULE OR ITEMIZATION

Form/Schedule: SA11AI

Transaction ID: SA11AI.8355

Payroll deduction

Form/Schedule: SA11AI

Transaction ID: SA11AI.8356

Payroll deduction

01-11-2010 10:00:01

Image# 14952586729

PAGE 8 / 11

FEC MISCELLANEOUS TEXT RELATED TO A REPORT, SCHEDULE OR ITEMIZATION

Form/Schedule: SA11AI

Transaction ID: SA11AI.8357

Payroll deduction

Form/Schedule:

Transaction ID:

SCHEDULE A (FEC Form 3X)
ITEMIZED RECEIPTS

 Use separate schedule(s)
 for each category of the
 Detailed Summary Page

 FOR LINE NUMBER:
 (check only one)

PAGE 9 OF 11

☒ 11a ☐ 11b ☐ 11c ☐ 12
☐ 13 ☐ 14 ☐ 15 ☐ 16 ☐ 17

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

NAME OF COMMITTEE (In Full)

Alston & Bird PAC

Full Name (Last, First, Middle Initial)

A. Marilyn K. Yager

Mailing Address The Atlantic Building

950 F Street NW

City

Washington

State

DC

Zip Code

20004

FEC ID number of contributing
federal political committee.

C

Name of Employer

Alston & Bird LLP

Occupation

Senior Policy Advisor

Receipt For:

☐ Primary ☐ General
☐ Other (specify) ▼

Aggregate Year-to-Date ▼

791.72

Date of Receipt

 M / M / D / D / Y / Y / Y / Y
 10 / 15 / 2014

Transaction ID : SA11A1.8358

Amount of Each Receipt this Period

41.67

Individual Contribution (\$41.67 semi-monthly)

Full Name (Last, First, Middle Initial)

B.

Mailing Address

City

State

Zip Code

FEC ID number of contributing
federal political committee.

C

Name of Employer

Occupation

Receipt For:

☐ Primary ☐ General
☐ Other (specify) ▼

Aggregate Year-to-Date ▼

Date of Receipt

 M / M / D / D / Y / Y / Y / Y
 10 / 15 / 2014

Amount of Each Receipt this Period

Full Name (Last, First, Middle Initial)

C.

Mailing Address

City

State

Zip Code

FEC ID number of contributing
federal political committee.

C

Name of Employer

Occupation

Receipt For:

☐ Primary ☐ General
☐ Other (specify) ▼

Aggregate Year-to-Date ▼

Date of Receipt

 M / M / D / D / Y / Y / Y / Y
 10 / 15 / 2014

Amount of Each Receipt this Period

SUBTOTAL of Receipts This Page (optional).....▶

41.67

TOTAL This Period (last page this line number only).....▶

425.01

Image# 14952586731

PAGE 10 / 11

FEC MISCELLANEOUS TEXT RELATED TO A REPORT, SCHEDULE OR ITEMIZATION

Form/Schedule: SA11AI

Transaction ID : SA11AI.8358

Payroll Deduction

Form/Schedule:
Transaction ID:

SCHEDULE B (FEC Form 3X)
ITEMIZED DISBURSEMENTS

 Use separate schedule(s)
 for each category of the
 Detailed Summary Page

 FOR LINE NUMBER:
 (check only one)

PAGE 11 OF 11

☒ 21b ☐ 22 ☐ 23 ☐ 24 ☐ 25 ☐ 26
☐ 27 ☐ 28a ☐ 28b ☐ 28c ☐ 29 ☐ 30b

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

NAME OF COMMITTEE (In Full)

Alston & Bird PAC

Full Name (Last, First, Middle Initial)

A. Alston & Bird LLP

Date of Disbursement

 Mailing Address The Atlantic Building
 950 F Street NW

 M M / D D / Y Y Y Y
 10 / 13 / 2014

City Washington State DC Zip Code 20004

Transaction ID : 8B21B,8359

 Purpose of Disbursement
 Administrative expenses

001

Amount of Each Disbursement this Period

Candidate Name

 Category/
 Type

1025.00

Office Sought:

☐ House
☐ Senate
☐ President

Disbursement For:

☐ Primary ☐ General
☐ Other (specify) ▼

State:

District:

Full Name (Last, First, Middle Initial)

B.

Date of Disbursement

Mailing Address

 M M / D D / Y Y Y Y
 / / /

City State Zip Code

Purpose of Disbursement

 Category/
 Type

Amount of Each Disbursement this Period

Candidate Name

Office Sought:

☐ House
☐ Senate
☐ President

Disbursement For:

☐ Primary ☐ General
☐ Other (specify) ▼

State:

District:

Full Name (Last, First, Middle Initial)

C.

Date of Disbursement

Mailing Address

 M M / D D / Y Y Y Y
 / / /

City State Zip Code

Purpose of Disbursement

 Category/
 Type

Amount of Each Disbursement this Period

Candidate Name

Office Sought:

☐ House
☐ Senate
☐ President

Disbursement For:

☐ Primary ☐ General
☐ Other (specify) ▼

State:

District:

SUBTOTAL of Disbursements This Page (optional).....▶

1025.00

TOTAL This Period (last page this line number only).....▶

1025.00

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 the document identified herein is a true and an accurate copy of the following sent by the Commission to Alston & Bird PAC:
 - A) Acknowledgement of Filing Frequency Change, Dated February 12, 2014 (sent via electronic mail to: pactreasurer@alston.com).
 - B) Reason-to-Believe Letter, dated December 18, 2014 referencing the 2014 12 Day Pre-General 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 Alston & Bird PAC filed the 2014 12 Day Pre-General Report with the Commission on November 3, 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 10th day of March, 2015.

Kristin D. Roser

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



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MS-O

February 12, 2014

DENNIS O. GARRIS, TREASURER
ALSTON & BIRD PAC
THE ATLANTIC BUILDING 950 F STREET, NW
WASHINGTON, DC 20004-1404

IDENTIFICATION NUMBER: C00395723

REFERENCE: CHANGE TO MONTHLY FILER

Dear Treasurer:

The Commission has received notification of your 1/31/2014 request to change to a Monthly filer of receipts and disbursements.

Please be advised that under Section 104.5(c) of the Commission regulations, a committee may change its filing frequency no more than once per calendar year. Attached is a reporting schedule for the 2014 calendar year.

If you have any questions, please contact David Garr in the Reports Analysis Division on the toll free number, (800) 424-9530 (at the prompt press 5 to reach the Reports Analysis Division). His local number is (202) 694-1137.

Sincerely,

A handwritten signature in black ink that reads "Kristin D. Roser". The signature is written in a cursive, flowing style.

Kristin Roser
Chief, Compliance Branch
Reports Analysis Division

2014 Monthly Filing Schedule

Report Type	Coverage dates	Due Date
February Monthly	1/1/2014 - 1/31/2014	2/20/2014
March Monthly	2/1/2014 - 2/28/2014	3/20/2014
April Monthly	3/1/2014 - 3/31/2014	4/20/2014
May Monthly	4/1/2014 - 4/30/2014	5/20/2014
June Monthly	5/1/2014 - 5/31/2014	6/20/2014
July Monthly	6/1/2014 - 6/30/2014	7/20/2014
August Monthly	7/1/2014 - 7/31/2014	8/20/2014
September Monthly	8/1/2014 - 8/31/2014	9/20/2014
October Monthly	9/1/2014 - 9/30/2014	10/20/2014
12 Day Pre-General	10/1/2014 - 10/15/2014	10/23/2014
30 Day Post General	10/16/2014 - 11/24/2014	12/4/2014
Year End	11/25/2014 - 12/31/2014	1/31/2015



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 18, 2014

Dennis O. Garris, in official capacity as Treasurer
Alston & Bird PAC
The Atlantic Building, 950 F Street, NW
Washington, DC 20004

C00395723
AF#: 2881

Dear Mr. Garris:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file a 12 Day Pre-General Report of Receipts and Disbursements in a calendar year during which there is a regularly scheduled election. This report, covering the period October 1, 2014 through October 15, 2014, shall be filed no later than October 23, 2014. 52 U.S.C. § 30104(a) (formerly 2 U.S.C. 434(a)). Because records at the Federal Election Commission ("FEC") indicate that you did not file this report prior to four (4) days before the General Election held on November 4, 2014, the report is considered not filed for the purpose of calculating the civil money penalty.

The Act permits the FEC to impose civil money penalties for violations of the reporting requirements of 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 17, 2014, the FEC found that there is reason to believe ("RTB") that Alston & Bird PAC 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 23, 2014. Based on the FEC's schedules of civil money penalties at 11 CFR § 111.43, the amount of your civil money penalty calculated at the RTB stage is \$550. Please see the attached copy of the Commission's administrative fine regulations at 11 CFR §§ 111.30-111.55. Attachment 1. The Commission's website contains further information about how the administrative fine program works and how the fines are calculated. See <http://www.fec.gov/af/af.shtml>. 11 CFR § 111.34. Your payment of \$550 is due within forty (40) days of the finding, or by January 26, 2015, and is based on these factors:

Election Sensitivity of Report: Election Sensitive

Level of Activity: \$1,450

Number of Days Late: Not Filed (reports not filed prior to four (4) days before the General Election held on November 4, 2014 are considered not filed for the purpose of calculating the penalty)

Number of Previous Civil Money Penalties Assessed: 0

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

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

If you should decide to challenge the RTB finding and/or calculated civil money penalty, you must submit a written response, including the AF# found at the top of page 1 under your committee's identification number, to the FEC's Office of Administrative Review, 999 E Street, NW, Washington, DC 20463. Your response must be received within forty (40) days of the Commission's RTB finding, or January 26, 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 Alston & Bird PAC and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) (formerly 2 U.S.C. § 434(a)) and assess a civil money penalty.

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.

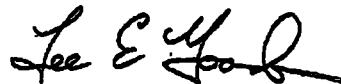
5. Settlement Offers

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 \$550 for the 2014 Pre-General 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 26, 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: Alston & Bird PAC

FEC ID#: C00395723

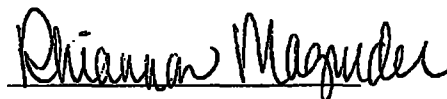
AF#: 2881

PAYMENT DUE DATE: January 26, 2015

PAYMENT AMOUNT DUE: \$550

DECLARATION OF RHIANNON MAGRUDER

- 1) I am the Reviewing Officer in the Office of Administrative Review for the Federal Election Commission ("Commission"). In my capacity as Reviewing Officer, I conduct research with respect to all challenges submitted in accordance with the Administrative Fine program.
- 2) A political committee not authorized by a candidate which is filing on a monthly basis shall file a pre-general election report no later than the 12th day before the general election in any year in which a regularly scheduled general election is held. Reports filed electronically must be received and validated at or before 11:59 pm, Eastern Standard/Daylight Time on October 23, 2014 for the 2014 12 Day Pre-General 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) Report Cover Page, Summary Page, and Detailed Summary Pages for the 2014 12 Day Pre-General Report electronically filed by Alston & Bird PAC and Dennis O. Garris, in his official capacity as Treasurer. According to the Commission's records, the report covers the period from October 1 through 15, 2014 and was received on November 3, 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 19th day of March, 2015.



Rhiannon Magruder
Reviewing Officer
Office of Administrative Review
Federal Election Commission

Image# 14952566722

**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

Alston & Bird PAC

ADDRESS (number and street)

The Atlantic Building

950 F Street, NW

Check if different
than previously
reported. (ACC)

Washington

DC

20004-1404

2. FEC IDENTIFICATION NUMBER ▼

CITY ▲

STATE ▲

ZIP CODE ▲

C C00395723

3. IS THIS
REPORT☒ NEW
(N)

OR

☐ AMENDED
(A)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)
- ☐ July 31 Mid-Year
Report (Non-election
Year Only) (MY)
- ☐ Termination Report
(TER)

(b) Monthly
Report
Due On:☐ Feb 20 (M2)☐ May 20 (M5)☐ Aug 20 (M8)☐ Nov 20 (M11)
(Non-Election
Year Only)☐ Mar 20 (M3)☐ Jun 20 (M6)☐ Sep 20 (M9)☐ Dec 20 (M12)
(Non-Election
Year Only)☐ Apr 20 (M4)☐ Jul 20 (M7)☐ Oct 20 (M10)☐ Jan 31 (YE)(c) 12-Day
PRE-Election
Report for the:☐ Primary (12P)☒ General (12G)☐ Runoff (12R)☐ Convention (12C)☐ Special (12S)

Election on

11

04

2014

in the
State of(d) 30-Day
POST-Election
Report for the:☐ General (30G)☐ Runoff (30R)☐ Special (30S)

Election on

M M / D D / Y Y Y Y Y Y

in the
State of

5. Covering Period

10 / 01 / 2014

through

10 / 15 / 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 Dennis O. Garris

Signature of Treasurer

Dennis O. Garris

[Electronically Filed]

Date

11 / 03 / 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

SUMMARY PAGE OF RECEIPTS AND DISBURSEMENTS

FEC Form 3X (Rev. 02/2003)

Page 2

Write or Type Committee Name

Alston & Bird PAC

Report Covering the Period:

From:

10 / 01 / 2014

To:

10 / 15 / 2014

	COLUMN A This Period	COLUMN B Calendar Year-to-Date
6. (a) Cash on Hand January 1, 2014		131869.44
(b) Cash on Hand at Beginning of Reporting Period.....	78340.97	
(c) Total Receipts (from Line 19)	425.01	166522.35
(d) Subtotal (add Lines 6(b) and 6(c) for Column A and Lines 6(a) and 6(c) for Column B)	78765.98	298481.79
7. Total Disbursements (from Line 31)	1025.00	220740.81
8. Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d))	77740.98	77740.98
9. Debts and Obligations Owed TO the Committee (Itemize all on Schedule C and/or Schedule D)	0.00	
10. Debts and Obligations Owed BY the Committee (Itemize all on Schedule C and/or Schedule D)	0.00	

X

This committee has qualified as a multicandidate committee. (see FEC FORM 1M)

For further information contact:

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

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

DETAILED SUMMARY PAGE of Receipts

FEC Form 3X (Rev. 06/2004)

Page 3

Write or Type Committee Name

Alston & Bird PAC

Report Covering the Period: From:

10 / 01 / 2014

To:

10 / 15 / 2014

I. Receipts	COLUMN A Total This Period	COLUMN B Calendar Year-to-Date
11. Contributions (other than loans) From:		
(a) Individuals/Persons Other Than Political Committees		
(i) Itemized (use Schedule A).....	425.01	152055.52
(ii) Unitemized.....	0.00	5616.83
(iii) TOTAL (add Lines 11(a)(i) and (ii)).....▶	425.01	157672.35
(b) Political Party Committees.....	0.00	0.00
(c) Other Political Committees (such as PACs).....	0.00	0.00
(d) Total Contributions (add Lines 11(a)(iii), (b), and (c)) (Carry Totals to Line 33, page 5).....▶	425.01	157672.35
12. Transfers From Affiliated/Other Party Committees.....	0.00	0.00
13. All Loans Received.....	0.00	0.00
14. Loan Repayments Received.....	0.00	0.00
15. Offsets To Operating Expenditures (Refunds, Rebates, etc.) (Carry Totals to Line 37, page 5).....	0.00	0.00
16. Refunds of Contributions Made to Federal Candidates and Other Political Committees.....	0.00	8850.00
17. Other Federal Receipts (Dividends, Interest, etc.).....	0.00	0.00
18. Transfers from Non-Federal and Levin Funds		
(a) Non-Federal Account (from Schedule H3).....	0.00	0.00
(b) Levin Funds (from Schedule H5).....	0.00	0.00
(c) Total Transfers (add 18(a) and 18(b))..	0.00	0.00
19. Total Receipts (add Lines 11(d), 12, 13, 14, 15, 16, 17, and 18(c)).....▶	425.01	166522.35
20. Total Federal Receipts (subtract Line 18(c) from Line 19).....▶	425.01	166522.35

DETAILED SUMMARY PAGE of Disbursements

FEC Form 3X (Rev. 02/2003)

Page 4

II. Disbursements	COLUMN A Total This Period	COLUMN B Calendar Year-to-Date
21. Operating Expenditures:		
(a) Allocated Federal/Non-Federal Activity (from Schedule H4)		
(i) Federal Share	0.00	0.00
(ii) Non-Federal Share	0.00	0.00
(b) Other Federal Operating Expenditures	1025.00	3490.81
(c) Total Operating Expenditures (add 21(a)(i), (a)(ii), and (b))	1025.00	3490.81
22. Transfers to Affiliated/Other Party Committees	0.00	0.00
23. Contributions to Federal Candidates/Committees and Other Political Committees	0.00	216500.00
24. Independent Expenditures (use Schedule E)	0.00	0.00
25. Coordinated Party Expenditures (2 U.S.C. §441a(d)) (use Schedule F)	0.00	0.00
26. Loan Repayments Made	0.00	0.00
27. Loans Made	0.00	0.00
28. Refunds of Contributions To:		
(a) Individuals/Persons Other Than Political Committees	0.00	750.00
(b) Political Party Committees	0.00	0.00
(c) Other Political Committees (such as PACs)	0.00	0.00
(d) Total Contribution Refunds (add Lines 28(a), (b), and (c))	0.00	750.00
29. Other Disbursements	0.00	0.00
30. Federal Election Activity (2 U.S.C. §431(20))		
(a) Allocated Federal Election Activity (from Schedule H6)		
(i) Federal Share	0.00	0.00
(ii) "Levin" Share	0.00	0.00
(b) Federal Election Activity Paid Entirely With Federal Funds	0.00	0.00
(c) Total Federal Election Activity (add Lines 30(a)(i), 30(a)(ii) and 30(b))	0.00	0.00
31. Total Disbursements (add Lines 21(c), 22, 23, 24, 25, 26, 27, 28(d), 29 and 30(c)) ..	1025.00	220740.81
32. Total Federal Disbursements (subtract Line 21(a)(ii) and Line 30(a)(ii) from Line 31)	1025.00	220740.81



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 19, 2015

Dennis O. Garris, Treasurer
Alston & Bird PAC
The Atlantic Building
950 F Street, NW
Washington, DC 20004-1404

C00395723
AF#: 2881

Dear Mr. Garris:

On December 17, 2014, the Federal Election Commission ("Commission") found reason to believe ("RTB") that Alston & Bird PAC and you, in your official capacity as Treasurer ("respondents"), violated 52 U.S.C. § 30104(a) (formerly 2 U.S.C. § 434(a)) for failing to file the 2014 Pre-General Report. The Commission also made a preliminary determination that the civil money penalty was \$550 based on the schedule of penalties at 11 C.F.R. § 111.43.

After reviewing your 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,

Rhiannon Magruder

Rhiannon Magruder
Reviewing Officer
Office of Administrative Review



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

SENSITIVE

April 23, 2015

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: Final Determination Recommendation in AF# 2881 – Alston & Bird PAC and
Dennis O. Garriss, in his official capacity as Treasurer (C00395723)

2015 APR 23 P 1:20
FEDERAL ELECTION
COMMISSION
SECRETARIAT

On December 17, 2014, the Commission found reason to believe ("RTB") that the respondents violated 52 U.S.C. § 30104(a) (formerly 2 U.S.C. § 434(a)) for failing to timely file the 2014 Pre-General Report and made a preliminary determination that the civil money penalty was \$550 based on the schedule of penalties at 11 C.F.R. § 111.43.

On January 26, 2015, the Commission received their written response ("challenge"). After reviewing the challenge, the Reviewing Officer Recommendation ("ROR") dated March 19, 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. 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# 2881 involving Alston & Bird PAC and Dennis O. Garris, in his official capacity as Treasurer in making the final determination;
- 2) Make a final determination in AF# 2881 that Alston & Bird PAC and Dennis O. Garris, in his official capacity as Treasurer, violated 52 U.S.C. § 30104(a) (formerly 2 U.S.C. § 434(a)) and assess a \$550 civil money penalty; and
- 3) Send the appropriate letter.

UNCLASSIFIED

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) AF 2881
Final Determination Recommendation -)
Alston & Bird PAC and Dennis O.)
Garris, in his official capacity as)
Treasurer (C00395723))

CERTIFICATION

I, Shelley E. Garr, recording secretary of the Federal Election Commission executive session, do hereby certify that on June 16, 2015, the Commission took the following actions in the above-captioned matter:

1. Failed by a vote of 3-2 to:
 - a. Adopt the Reviewing Officer recommendation for AF# 2881 involving Alston & Bird PAC and Dennis O. Garris, in his official capacity as Treasurer in making the final determination.
 - b. Make a final determination in AF# 2881 that Alston & Bird PAC and Dennis O. Garris, in his official capacity as Treasurer, violated 52 U.S.C. § 30104(a) (formerly 2 U.S.C. § 434(a)) and assess a \$550 civil money penalty.
 - c. Send the appropriate letter.

Commissioners Ravel, Walther, and Weintraub voted affirmatively for the motion.

Commissioners Goodman and Petersen dissented. Commissioner Hunter was recused and did not vote.

2. Decided by a vote of 5-0 to:

- a. Pursuant to 11 C.F.R. § 111.37(b) otherwise terminate the proceedings with the understanding that this is the ministerial vote to close the file.

Commissioners Goodman, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision. Commissioner Hunter was recused and did not vote.

Attest:

June 17, 2015
Date

Shelley E. Gann
Shelley E. Gann
Deputy Secretary of the Commission



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 19, 2015

Dennis O. Garris, Treasurer
Alston & Bird PAC
The Atlantic Building
950 F Street, NW
Washington, DC 20004-1404

C00395723
AF#: 2881

Dear Mr. Garris:

On December 17, 2014, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Alston & Bird PAC and you, in your official capacity as Treasurer, violated 52 U.S.C. § 30104(a) (formerly 2 U.S.C. § 434(a)) for failing to file the 2014 Pre-General Report. By letter dated December 18, 2014, the Commission sent notification of the RTB finding that included a civil money penalty calculated at RTB of \$550 in accordance with the schedule of penalties at 11 C.F.R. § 111.43. On January 26, 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 Alston & Bird PAC and you, in your official capacity as Treasurer, violated 52 U.S.C. § 30104(a) (formerly 2 U.S.C. § 434(a)) and assess a civil money penalty in the amount of \$550 in accordance with 11 C.F.R. § 111.43. A copy of the Reviewing Officer Recommendation was sent to you on March 19, 2015.

On June 16, 2015, the Commission failed to adopt the Reviewing Officer's final recommendation, and voted to terminate the proceedings as a ministerial vote to close the file with respect to 52 U.S.C. § 30104(a) (formerly 2 U.S.C. § 434(a)). A copy of the Final Determination Recommendation is attached.

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.

Introduction

Jon M Ravel

Attachment



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 2881

DATE SCANNED 7/9/15

SCANNER NO. 2

SCAN OPERATOR Jk