



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # Q924

DATE SCANNED 6/23/15

SCANNER NO. 2

SCAN OPERATOR JB

1-800-4-NEXT



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

2015 FEB -2 PH 4: 22

February 2, 2015

MEMORANDUM

SENSITIVE

TO: The Commission

THROUGH: Alec Palmer *AP*
Staff Director

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

Debbie Chacona *DC*
Assistant Staff Director
Reports Analysis Division
KDR

BY: Kristin D. Roser
Compliance Branch

SUBJECT: Reason to Believe Recommendation -
Failure to File 48-Hour Notices under the Administrative Fine Program

Attached is the name of a principal campaign committee that has failed to file 48-hour notices with the Commission for contributions of \$1,000.00 or more received from the close of books for the Georgia 12 Day Pre-Runoff Report up to 48 hours before the July 22, 2014 Primary Runoff Election in accordance with 52 U.S.C. § 30104 (formerly 2 U.S.C. § 434(a)) and 11 CFR. § 104.5(f). The committee, Buddy Carter for Congress, represents a candidate who won the Primary Runoff Election. The committee is being referred for failing to file 48-hour notices for contributions totaling \$203,684.17.

A 48-hour notice is required to report all contributions of a \$1,000.00 or more, to any authorized committee of a candidate, including contributions from the candidate, loans from the candidate and other non-bank sources and endorsements or guarantees of loans from banks, as per, 11 CFR § 104.5(f).

We have attached an information sheet which includes the contributor name, date of receipt and amount of the contributions for which a 48-hour notice was not filed.

In accordance with the schedule of civil money penalties outlined within 11 CFR § 111.44, this committee should be assessed the civil money penalty so indicated.

Recommendation

1. Find reason to believe that Buddy Carter for Congress and Carlton H. Hodges, Treasurer, violated 52 U.S.C. § 30104 (formerly 2 U.S.C. § 434(a)) and make a preliminary determination that a civil money penalty of \$20,698 be assessed.
2. Send the appropriate letter.

Attachment

14-00000-1

Contributions for Which a 48-Hour Notice Was Not Received

AF 2904

Committee ID: C00543967

Committee Name: Buddy Carter for Congress

Report Type: October Quarterly Report (7/3/2014 - 9/30/2014)

48-Hour Reporting Period: 7/3/2014 - 7/19/2014

CONTRIBUTOR	DATE	AMOUNT
CARTER, EARL LEROY	07/07/2014	\$200,000.00
CONLEY, JASON	07/10/2014	\$1,000.00
JONES, BILL III	07/10/2014	\$1,184.17
HALLIBURTON, JASON	07/17/2014	\$1,500.00
	TOTAL	\$203,684.17

Proposed Civil Money Penalty: \$20,698.00 ((3 Notices Not Filed at \$110 each) + (10% of the Overall Contributions Not Filed))

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Reason To Believe – Failure to File 48-) AF 2904
Hour Notices under the Administrative)
Fine Program: Buddy Carter for)
Congress and Carlton H. Hodges,)
Treasurer)

CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on February 04, 2015, the Commission decided by a vote of 6-0 to take the following actions in AF 2904:

1. Find reason to believe that Buddy Carter for Congress and Carlton H. Hodges, Treasurer, violated 52 U.S.C. § 30104 (formerly 2 U.S.C. § 434(a)) and make a preliminary determination that a civil money penalty of \$20,698 be assessed.
2. Send the appropriate letter.

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

Attest:

February 5, 2015
Date

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



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 5, 2015

Carlton H. Hodges, in official capacity as Treasurer
Buddy Carter for Congress
200 E. St. Julian Street Suite 603
Savannah, GA 31401

C00543967
AF#: 2904

Dear Mr. Hodges:

The Federal Election Campaign Act of 1971, as amended, 52 U.S.C. § 30101, *et seq.* (formerly 2 U.S.C. § 431) ("the Act"), requires principal campaign committees of candidates for federal office to notify in writing either the Secretary of the Senate or the Federal Election Commission ("FEC"), and the Secretary of State, as appropriate, of any contribution of \$1,000 or more, received by any authorized committee of the candidate after the 20th day, but more than 48 hours before, any election. 52 U.S.C. § 30104(a)(6)(A) (formerly 2 U.S.C. § 434(a)(6)(A)). The Act further requires notification to be made within 48 hours after the receipt of the contribution and to include the name of the candidate and office sought, the date of receipt, the amount of the contribution, and the identification of the contributor. *Id.* These notification requirements are in addition to all other reporting requirements. 52 U.S.C. § 30104(a) (formerly 2 U.S.C. § 434(a)). Our records indicate that Buddy Carter for Congress did not submit 48-Hour Notices for contributions of \$1,000 or more, received between July 7, 2014 and July 17, 2014, totaling \$203,684, as required by 52 U.S.C. § 30104(a)(6)(A) (formerly 2 U.S.C. § 434(a)(6)(A)). Attachment 1.

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 February 4, 2015, the FEC found that there is Reason to Believe ("RTB") that Buddy Carter for Congress and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) (formerly 2 U.S.C. § 434(a)) by failing to file the 48-Hour Notices. Based on the FEC's schedule of civil money penalties at 11 CFR § 111.44, the amount of your civil money penalty calculated at the RTB stage is \$20,698. Please see the attached copy of the Commission's administrative fine regulations at 11 CFR §§ 111.30-111.55. Attachment 2. The Commission's website contains further information about how the administrative fine program works and how the fines are calculated. <http://www.fec.gov/af/af.shtml>. 11 CFR § 111.34. The amount of the civil money penalty is \$110 for each non-filed notice plus 10 percent of the dollar amount of the contributions not timely reported. The civil money penalty increases by 25 percent for each prior violation. Send your payment of \$20,698 within forty (40) days of the finding, or by March 16, 2015.

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 to the FEC's Office of Administrative Review, 999 E Street, NW, Washington, DC 20463. Your response must include the AF# (found at the top of page 1 under your committee's identification number) and be received within forty (40) days of the Commission's RTB finding, or March 16, 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 Buddy Carter for Congress and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) (formerly 2 U.S.C. § 434(a)) and assess a civil money penalty.

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA"), as amended by the Debt Collection

Improvement Act of 1996, 31 U.S.C. § 3701 *et seq.* The FEC may take any and all appropriate action authorized and required by the DCA, as amended, including transfer to the U.S. Department of the Treasury for collection. 11 CFR § 111.51(a)(2).

3. If You Choose to Pay the Civil Money Penalty

If you should decide to pay the calculated civil money penalty, send the enclosed remittance form, along with your payment, to the FEC at the address on page 4. Upon receipt of your payment, the FEC will send you a final determination letter.

NOTICE REGARDING PARTIAL PAYMENTS AND SETTLEMENT OFFERS

4. Partial Payments

If you make a payment in an amount less than the calculated civil money penalty, the amount of your partial payment will be credited towards the full civil money penalty that the Commission assesses upon making a final determination.

5. Settlement Offers

Any offer to settle or compromise a debt owed to the Commission, including a payment in an amount less than the calculated civil money penalty assessed or any restrictive endorsements contained on your check or money order or proposed in correspondence transmitted with your check or money order, will be rejected. Acceptance and deposit or cashing of such a restricted payment does not constitute acceptance of the settlement offer. Payments containing restrictive endorsements will be deposited and treated as a partial payment towards the civil money penalty that the Commission 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)). Unless you notify the FEC in writing that you wish the matter to be made public, 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 at the conclusion of this matter in accordance with 11 CFR § 111.42.

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 David Garr 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,



Ann M. Ravel
Chair

ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 CFR § 111.44, the amount of your civil money penalty calculated at RTB is \$20,698 for the 2014 Primary Runoff Election 48-Hour Notification 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 March 16, 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: Buddy Carter for Congress

FEC ID#: C00543967

AF#: 2904

PAYMENT DUE DATE: March 16, 2015

PAYMENT AMOUNT DUE: \$20,698

Contributions for Which a 48-Hour Notice Was Not Received

AF 2904

Committee ID: C00543967

Committee Name: Buddy Carter for Congress

Report Type: October Quarterly Report (7/3/2014 - 9/30/2014)

48-Hour Reporting Period: 7/3/2014 - 7/19/2014

CONTRIBUTOR	DATE	AMOUNT
CARTER, EARL LEROY	07/07/2014	\$200,000.00
CONLEY, JASON	07/10/2014	\$1,000.00
JONES, BILL III	07/10/2014	\$1,184.17
HALLIBURTON, JASON	07/17/2014	\$1,500.00
TOTAL		\$203,684.17

Proposed Civil Money Penalty: \$20,698.00 ((3 Notices Not Filed at \$110 each) + (10% of the Overall Contributions Not Filed))



Buddy Carter For Congress
PO Box 10570
Savannah, GA 31412
(912) 344-5510

February 16, 2015

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

By FedEx Delivery

Re: AF# 2904 (Campaign # C00543967)

Dear Sir or Madam:

I am in receipt of the notice of civil penalties issued to this committee dated February 5, 2015 (copy attached). I wish to appeal for relief of those penalties based upon the following circumstances.

This committee was formed on behalf of a first-time federal candidate. This is my first time as the treasurer of a federal campaign. I have worked diligently to meet the various reporting responsibilities of the campaign including numerous phone calls to the FEC information hot-line. I take no dispute with the findings of the Commission that the items listed were indeed omitted from the 48 hour reporting although they were subsequently reported on the next FEC report. The omitted items were of three types; two were online donations, one was an in-kind donation and one was a loan from the candidate. The on-line and in-kind were missed because they were items that did not credit to our bank-account on the dates given. The loan from the candidate was an oversight as I misunderstood that loans from a candidate fell under the same 48 hour reporting guidelines as contributions. This single item has obviously brought about the greatest portion of the penalties. Although I will admit to these oversights, I believe, as a volunteer and private citizen with no previous experience, I have exercised due diligence and good faith efforts regarding these reporting requirements.

Since the candidate was successful and the committee will continue to function, and to assure the above omissions do not occur again, I have implemented an oversight process whereby an additional person besides myself will review all activity within future 48 hour reporting time periods paying special attention to on-line and in-kind contributions. Any loans from the candidate in the future will obviously not be overlooked now that I am aware of this requirement.

Office of Administrative Review
Federal Election Commission
February 16, 2015
Page 2

Based upon these circumstances, I respectfully request consideration of relief from the penalties assessed.

Thank you for your consideration of this request.

Sincerely,



Carlton H. Hodges
Campaign Treasurer

/ch

Enclosure

1-11-2015 10:00 AM



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 19, 2015

Carlton H. Hodges, Treasurer
Buddy Carter for Congress
200 E. St. Julian Street, Suite 603
Savannah, GA 31401-2754

C00543967
AF#: 2904

Dear Mr. Hodges:

On February 18, 2015, the Commission's Office of Administrative Review ("OAR") received your written response ("challenge") for Buddy Carter for Congress and you, in your official capacity as Treasurer, which is being reviewed by OAR. If you have any questions regarding your challenge, please contact this Office on our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

Sincerely,

A handwritten signature in cursive script, reading "Rhiannon Magruder", is positioned above the typed name.

Rhiannon Magruder
Reviewing Officer
Office of Administrative Review

cc: [illegible]
Carter



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2015 APR 16 A 11:15

SENSITIVE

April 15, 2015

MEMORANDUM

To: The Commission

Through: Alec Palmer *AP*
Staff Director

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

Rhiannon Magruder *RM*
Reviewing Officer
Office of Administrative Review

Subject: Reviewing Officer Recommendation in AF# 2904 – Buddy Carter for Congress
and Carlton H. Hodges, in his official capacity as Treasurer (C00543967)

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

April 15, 2015

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

AF# 2904 – Buddy Carter for Congress and Carlton H. Hodges, in his official capacity as Treasurer (C00543967)

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 \$20,698 civil money penalty.

Reason-to-Believe Background

In connection with the 2014 Georgia Primary Runoff Election held on July 22, 2014, the respondents were required to file 48-Hour Notices for contributions of \$1,000 or more received between July 3, 2014 and July 19, 2014. On February 4, 2015, 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 48-Hour Notices for four contributions totaling \$203,684.17 and made a preliminary determination that the civil money penalty was \$20,698 based on the schedule of penalties at 11 C.F.R. § 111.44. A letter was mailed to the respondents' address of record from the Reports Analysis Division ("RAD") on February 5, 2015 to notify them of the Commission's RTB finding and civil money penalty.

Legal Requirements

The Federal Election Campaign Act ("Act") requires that the principal campaign committee of a candidate must notify the Commission, in writing, of any contribution of \$1,000 or more received after the 20th day but more than 48 hours before an election. The principal campaign committee must notify the Commission within 48 hours of receipt of the contribution. The 48-hour notification shall be in addition to all other reporting requirements under the Act. 52 U.S.C. § 30104(a)(6)(A) (formerly 2 U.S.C. § 434(a)(6)(A)) and 11 C.F.R. § 104.5(f). 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 February 18, 2015, the Commission received the written response ("challenge") from the Committee's Treasurer. The Treasurer states that he does not dispute the RTB finding, but further explains:

"The omitted items were of three types; two were online donations, one was an in-kind donation and one was a loan from the candidate. The on-line and in-kind were missed because they were items that did not credit to our bank-account on the dates given. The loan from the candidate was an oversight as I misunderstood that loans from a candidate fell under the same 48 hour reporting guidelines as contributions."

The Treasurer states that as a first-time treasurer for a federal campaign, he believes he exercised due diligence and good faith efforts with the reporting requirements. He also notes that since the Candidate was successful, and the Committee will remain operational, he has implemented safeguards to ensure these transactions will not be overlooked in the future. The Treasurer concludes by requesting that the Commission consider waiving the civil money penalty.

The challenge included a copy of the RTB Letter.

Analysis

The Candidate participated in the 2014 Georgia Primary Runoff Election held on July 22, 2014. Therefore, the Committee was required to file 48-Hour Notices for contributions of \$1,000 or more received during the 48-Hour Notice period of July 3, 2014 through July 19, 2014. The Committee did timely file 48-Hour Notices for contributions received during the period, with the exception of four contributions.

On December 17, 2014, RAD sent a Request for Additional Information ("RFAI") to the Committee regarding their failure to file 48-Hour Notices for these contributions. On December 29, 2014, the Committee filed a Miscellaneous Document (FEC Form 99) in response to the RFAI, which states:

"We concur these items were overlooked. In regard to the loan from the candidate, we misunderstood that 48 hour recording included loans from the candidate as well as contributions. The amount from Bill Jones, III was an in-kind contribution and was overlooked for reporting since it was not actual cash received. The remaining omitted contributions were on-line contributions that do not hit our account for several days after the actual contribution and those were overlooked."

The challenge also explains that the transactions in question consisted of the receipt of two online donations, one in-kind donation, and one candidate loan. All of these transactions meet the definition of a contribution. 11 C.F.R. § 100.52 defines a contribution to be a gift, subscription,

loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing any election for Federal office.

In the challenge, the Treasurer explains that the online and in-kind donations were received during the 48-Hour Notice period, but they did not post to the Committee's bank account until later. Page 23 of the *Campaign Guide for Congressional Candidates and Committees* ("*Campaign Guide*") states:

"The date of receipt is the date the campaign (or a person acting on the campaign's behalf) actually receives the contribution. 102.8(a). This is the date used by the campaign for reporting purposes...When the committee receives contributions through credit card charges, the date of receipt is the date on which the committee receives the contributor's signed authorization to charge the contribution...The date of receipt for an in-kind contribution is the date the goods or services are provided to the committee, even if the contributor pays the bill for the goods or services after they are provided. See 110.1(b)(6)."

The Treasurer also contends that he was unaware that the 48-Hour Notice requirement applied to candidate loans. As mentioned above, candidate loans are included in the definition of a contribution at 11 C.F.R. § 100.52. Page 81 of the *Campaign Guide* explains that 48-Hour Notice requirements "[apply] to all types of contributions to any authorized committee of the candidate, including...loans from the candidate..." Further, On April 15, 2014, the Commission's Information Division sent an email to "amanda@caineshodges.com," an email address disclosed on the Committee's Statement of Organization.¹ The email included a link to the 2014 Georgia Pre-Primary Report Prior Notice on the Commission's website. The notice detailed the reporting requirements in connection with the 2014 Georgia Primary Runoff Election, including the 48-Hour Notice requirement for contributions of \$1,000 or more received from July 3, 2014 through July 19, 2014. Within the Prior Notice, there was a link to the Supplemental Filing Information for Congressional Committees page of the Commission's website, which states:

"The principal campaign committee must file notices if any authorized committees receive any contribution (including in-kind gifts or advances of goods or services; Loans from the candidate or other non-bank sources; and guarantees or endorsements of bank loans to the candidate or committee) of \$1,000 or more per source, during the period less than 20 days but more than 48 hours before any election in which the candidate is running. See 11 CFR 104.5(f)." (emphasis included)

All of the transactions in question are considered contributions pursuant to 11 C.F.R. § 100.52. In addition, all of these contributions were of \$1,000 or more and received during the 2014 Georgia Primary Runoff Election 48-Hour Notice period of July 3, 2014 through July 19, 2014. Therefore, as acknowledged by the respondents in their Miscellaneous Document filed December 29, 2014 and in their challenge to the RTB finding, 48-Hour Notices were required for all four contributions pursuant to 11 C.F.R. § 104.5(f).

¹ The Committee's Statement of Organization also discloses "carlton@caineshodges.com" as an official email address. Due to a technical error, the 2014 Georgia Pre-Primary Prior Notice was not sent to this email address.

While the Reviewing Officer recognizes the Treasurer may not have had any prior experience with federal campaigns, inexperience of the treasurer is specifically included at 11 C.F.R. § 111.35(d) as an example of a circumstance that will not be considered reasonably unforeseen and beyond the respondents' control. Their challenge fails to address any of the three valid grounds at 11 C.F.R. § 111.35(b). These are: (i) the RTB finding is based on factual errors; and/or (ii) the improper calculation of the civil money penalty; and/or (iii) they used best efforts to file on time but were prevented from doing so by reasonably unforeseen circumstances that were beyond their control and they filed the report no later than 24 hours after the end of these circumstances. 11 C.F.R. § 104.14(d). Therefore, the Reviewing Officer recommends that the Commission make a final determination that the respondents violated 52 U.S.C. § 30104(a) (formerly 2 U.S.C. § 434(a)) and assess a \$20,698 civil money penalty.

OAR Recommendations

1. Adopt the Reviewing Officer recommendation for AF# 2904 that Buddy Carter for Congress and Carlton H. Hodges, in his official capacity as Treasurer, in making the final determination;
2. Make a final determination in AF# 2904 that Buddy Carter for Congress and Carlton H. Hodges, in his official capacity as Treasurer, violated 52 U.S.C. § 30104(a) (formerly 2 U.S.C. § 434(a)) and assess a \$20,698 civil money penalty; and
3. Send the appropriate letter.

Attachments

Attachment 1 – Challenge Received from Respondents
Attachment 2 – Pages 23 and 81 of *Campaign Guide*
Attachment 3 –
Attachment 4 – Declaration from RAD
Attachment 5 – Declaration from OAR

Date Contribution is Made

The date a contribution is made is the date the contributor relinquishes control over it. 110.1(b)(6).

For example:

- A hand-delivered contribution is considered made on the date it is delivered by the contributor to the campaign. 110.1(b)(6).
- A mailed contribution is made on the date of the postmark. 110.1(b)(6). Note that if a campaign wishes to rely on a postmark as evidence of the date a contribution was made, it must retain the envelope or a copy of it. 110.1(l)(4).
- An in-kind contribution is made on the date that the goods or services are provided by the contributor. See AOs 2004-36 and 1996-29.
- A contribution made via the Internet is considered made on the date the contributor electronically confirms making the transaction. AO 1995-09.
- An earmarked contribution is considered made during the election cycle in which the contribution is actually made, regardless of the year in which the election is held. See AOs 2008-08 and 2006-30 (footnote 5). (Note that the conduit must forward this information to the campaign.) See Appendix A for more information.

Date Contribution is Received

The date of receipt is the date the campaign (or a person acting on the campaign's behalf) actually receives the contribution. 102.8(a). This is the date used by the campaign for reporting purposes, but it also affects the application of the net debts outstanding rule (discussed in Section 8 of this chapter).

Contributions Charged on Credit Cards

When the committee receives contributions through credit card charges, the date of receipt is the date on which the committee receives the contributor's signed authorization to charge the contribution. The treasurer should retain a copy of the authorization form in the committee's records. See AOs 1995-09 and 1990-04.

In-Kind Contributions

The date of receipt for an in-kind contribution is the date the goods or services are provided to the committee, even if the contributor pays the bill for the goods or services after they are provided. See 110.1(b)(6).

Effect of Dates on Undesignated Contributions

The date an undesignated contribution is made determines which election limit it counts against. The date of receipt, however, does not affect the application of the contribution limits. An undesignated contribution made on or before Election Day counts against the donor's limit for that election, even if the date of receipt is after Election Day and even if the campaign has no net debts outstanding. On the other hand, an undesignated contribution made after an election counts against the donor's limit for the candidate's next election. 110.1(b)(2)(ii).

Effect of Dates on Designated Contributions

Both the date a contribution is made and the date of receipt affect the application of the net debts outstanding rule to a designated contribution. The date the contribution is made determines whether the rule will apply, while the date of receipt governs whether the contribution is acceptable under the rule. For example, a contribution designated for the primary and made before that election will not be subject to the net debts outstanding rule, even if the campaign receives the contribution after the primary. By contrast, a contribution designated for—but made after—the primary is acceptable only to the extent the campaign has net debts outstanding for the primary on the date of receipt. 110.1(b)(3)(i) and (iii). See Section 8 of this chapter.

Date of Deposit

While all contributions must be deposited within 10 days, the date of deposit is not used for reporting or contribution limit purposes.

Election Year Reporting

Election years are years in which regularly scheduled federal elections are held (even-numbered years).

Pre-Election Reports

In addition to quarterly reports, a committee must file pre-election reports:

- A pre-primary report must be filed before the election in which the candidate seeks nomination.
- A pre-general report must be filed if the candidate runs in the general election.
- A pre-runoff report must be filed when a candidate is involved in a runoff election. (Note: this may be either a primary or a general election.)

A pre-election report is due 12 days before the election and covers activity through the 20th day before the election. If sent by registered or certified mail, priority mail with a delivery confirmation, express mail with a delivery confirmation, or overnight delivery service with an online tracking system, the report must be postmarked no later than the 15th day before the election.³ 104.5(a)(2)(i).

Authorized committees must file appropriate pre- and post-election reports even if the candidate is unopposed or if the election is not held. AO 1986-21.

Post-General Election Reports

There is no requirement for post-primary reports, but a committee must file a post-general report if the candidate runs in the general election. A post-

general election report covers activity through the 20th day after the election and is due 30 days after the election. 104.5(a)(2)(ii). Committees filing the post-general report must include the Post-Election Detailed Summary Page. See Chapter 13, Section 27, for more information. (Committees of campaigns not running in the general election include this form with the year-end report following the election.)

Last-Minute Contributions (48-Hour Notice)

Campaign committees must file special notices regarding contributions of \$1,000 or more received less than 20 days but more than 48 hours before 12:01 a.m. of the day of any election in which the candidate is running. 104.5(f). (These are often called "48-Hour Notices.") This rule applies to all types of contributions to any authorized committee of the candidate, including:

- Contributions from the candidate;
- Loans from the candidate and other non-bank sources; and
- Endorsements or guarantees of loans from banks. See Chapter 3, Section 2.

Committees filing electronically must file their 48-hour notices electronically. See Section 5, "Electronic Filing" below.

Paper-filing committees may file their 48-hour notices using FEC Form 6. Alternatively, a paper-filing committee may file online using the FEC's web-based forms (www.fec.gov/electfil/online.shtml), or may use its own paper or stationery for the notice, provided that it contains the following information:

- The candidate's name and the office sought;
- The identification of the contributor; and
- The amount and date of receipt of the contribution.

Committees filing paper forms may fax the notice to the appropriate office using the following numbers: FEC, 202/219-0174; Secretary of the Senate, 202/224-1851. The committee should keep fax receipts of all transmissions.

The FEC or the Secretary of the Senate must receive the notice within 48 hours of the committee's receipt of the contribution. The committee must itemize all last-minute contributions in the committee's next scheduled report. 104.5(f). See reporting example Chapter 13, Section 15.

³ In several instances, the Commission has been asked to determine a state's primary date for purposes of the Act. In those states in which a party caucus or convention has authority to select a nominee (Virginia) or has authority to select a nominee and is held in addition to a primary (Connecticut and Utah), pre-election reports must be filed for the caucus or convention. See AOs 2004-20, 1992-25, 2000-29 and "Party Caucus or Convention" in Chapter 4. See also, the Commission's Interpretive Rule on the Date of Political Party Nominations of Candidates for Special Primary Elections in New York at <http://go.usa.gov/8hU9>, and *FEC v. Citizens for Senator Wofford*, No. 1: CV-94-2057, slip op. at 8-10 (M.D. Pa. Sept. 27, 1995) (Holding that state party convention constituted a "primary election" under the Act and Commission regulations even though state law required the party to file a subsequent certificate of nomination with the state.)

DECLARATION OF KRISTIN D. ROSER

1. I am the Chief of the Compliance Branch for the Reports Analysis Division of the Federal Election Commission ("Commission"). In my capacity as Chief of the Compliance Branch, I oversee the initial processing of the Administrative Fine Program. I make this declaration based on my personal knowledge and, if called upon as a witness, could and would testify competently to the following matters.
2. I hereby certify that documents identified herein are true and accurate copies of the following sent by the Commission to Buddy Carter for Congress:
 - A) Request for Additional Information Letter, dated December 17, 2014, referencing the missing 48-Hour Notices (sent via electronic mail to: amanda@caineshodges.com and carlton@caineshodges.com);
 - B) Reason-to-Believe Letter, dated February 5, 2015 referencing the 2014 October Quarterly Report (sent via overnight mail to the address of record).
3. I hereby certify that I have searched the Commission's public records and find that Buddy Carter for Congress has not filed the 48-Hour Notices with the Commission.
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 23rd day of February, 2015.

Kristin D. Roser

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



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-2

December 17, 2014

CARLTON H. HODGES, TREASURER
BUDDY CARTER FOR CONGRESS
200 E ST JULIAN ST SUITE 603
SAVANNAH, GA 31401

Response Due Date
01/21/2015

IDENTIFICATION NUMBER: C00543967

REFERENCE: OCTOBER QUARTERLY REPORT (07/03/2014 - 09/30/2014)

Dear Treasurer:

This letter is prompted by the Commission's preliminary review of the report referenced above. This notice requests information essential to full public disclosure of your federal election campaign finances. **Failure to adequately respond by the response date noted above could result in an audit or enforcement action.** Additional information is needed for the following 3 item(s):

1. Itemized disbursements must include a brief statement or description of why each disbursement was made. Please amend Schedule B supporting Line 17 of your report to clarify the following description(s): "Consultant," "Consulting," "Consulting Srv," and "Fundraising Event." For further guidance regarding acceptable purposes of disbursement, please refer to 11 CFR 104.3(b)(4)(i)(A).

Additional clarification regarding inadequate purposes of disbursement published in the Federal Register is available on the FEC website at www.fec.gov/law/policy/purposeofdisbursement/inadequate_purpose_list_3507.pdf. A non-exhaustive list of acceptable purposes is also available on the FEC website at <http://www.fec.gov/rad/pacs/documents/ExamplesofAdequatePurposes.pdf>.

2. Schedule B of your report discloses reimbursements to individuals for the following disbursement(s): "Reimbursement for Campaign Expenses: See Memo," "Reimbursement for Expenses: See Memo," "Reimbursement of Campaign Event: See Memo," and "Reimbursement for Newspaper Ads: See Memo." Please be advised that when itemizing reimbursements to individuals for goods or services, if the payment to the original vendor aggregates in excess of \$200 in an election cycle, a memo entry including the name and address of the original vendor, as well as the date, amount and purpose of the original

BUDDY CARTER FOR CONGRESS

Page 2 of 3

purchase must be provided. Please amend your report to clearly identify each memo entry supporting the above reimbursements. If itemization is not necessary, you must indicate so in an amendment to this report. (11 CFR §§ 104.3(b)(4)(i) and 104.9, and Advisory Opinions 1992-1 and 1996-20, footnote 3)

3. Schedule A of your report indicates that your committee may have failed to file one or more of the required 48-hour notices regarding "last minute" contributions received by your committee after the close of books for the 12 Day Pre- Runoff Report (see attached). A principal campaign committee must notify the Commission, in writing, within 48 hours of any contribution of \$1,000 or more received between two and twenty days before an election. These contributions are then reported on the next report required to be filed by the committee. To ensure that the Commission is notified of last minute contributions of \$1,000 or more to your campaign, it is recommended that you review your procedures for checking contributions received during the aforementioned time period. The failure to file 48-hour notices may result in civil money penalties or legal enforcement action. (11 CFR § 104.5(f))

If any contribution of \$1,000 or more was incorrectly reported, you must amend your original report with the clarifying information.

Please note, you will not receive an additional notice from the Commission on this matter. Adequate responses must be received by the Commission on or before the due date noted above to be taken into consideration in determining whether audit action will be initiated. Failure to comply with the provisions of the Act may also result in an enforcement action against the committee. Any response submitted by your committee will be placed on the public record and will be considered by the Commission prior to taking enforcement action. Requests for extensions of time in which to respond will not be considered.

Electronic filers must file amendments (to include statements, designations and reports) in an electronic format and must submit an amended report in its entirety, rather than just those portions of the report that are being amended.

If you should have any questions regarding this matter or wish to verify the adequacy of your response, please contact me on our toll-free number (800) 424-9530 (at the prompt press 5 to reach the Reports Analysis Division) or my local number (202) 694-1171.

BUDDY CARTER FOR CONGRESS

Page 3 of 3

Sincerely,

A handwritten signature in cursive script, appearing to read "J. Grainger".

Jessica Grainger
Campaign Finance Analyst
Reports Analysis Division

432

UNCLASSIFIED

Missing 48-Hour Notices
Buddy Carter for Congress (C00543967)

Contributor Name	Date	Amount	Election
Carter, Earl Leroy	7/7/14	\$200,000.00	G2014
Conley, Jason	7/10/14	\$1,000.00	R2014
Jones, Bill III	7/10/14	\$1,184.17	R2014
Halliburton, Jason	7/17/14	\$1,500.00	G2014

14330067811

DECLARATION OF RHIANNON MAGRUDER

- 1) I am the Reviewing Officer in the Office of Administrative Review for the Federal Election Commission ("Commission"). In my capacity as Reviewing Officer, I conduct research with respect to all challenges submitted in accordance with the Administrative Fine program.
- 2) The principal campaign committee of a candidate must file notifications disclosing contributions of \$1,000 or more which are received after the 20th day but more than 48 hours before an election. These notifications (also called 48-Hour Notices) must be filed with the Commission within 48 hours of the committee's receipt of the contribution(s).
- 3) It is the practice of the Reports Analysis Division to document all calls to or from committees regarding a letter they receive or any questions relating to the administrative fine regulations, including due dates of reports and filing requirements.
- 4) I hereby certify that I have searched the Commission's public records and that the documents identified herein are the true and accurate copies of:
 - a) Report Cover Page and 4 pages of Schedule A for the Amended 2014 October Quarterly Report filed by Buddy Carter for Congress and Carlton H. Hodges, in his official capacity as Treasurer. According to the Commission's records, the report covers the period from July 3, 2014 through September 30, 2014, and was received on December 24, 2014. Schedule A lists the receipt of the 4 questioned contributions totaling \$203,684.17 received between July 7, 2014 and July 17, 2014. Each contribution equals \$1,000 or more.
 - b) Page 1 of Miscellaneous Document filed by Buddy Carter for Congress and Carlton H. Hodges, in his official capacity as Treasurer, on December 29, 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 15th day of April, 2015.



Rhiannon Magruder
Reviewing Officer
Office of Administrative Review
Federal Election Commission

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

Office Use Only

1. NAME OF COMMITTEE (in full) TYPE OR PRINT ▼

Example: If typing, type
over the lines.

12FE4M5

BUDDY CARTER FOR CONGRESS

ADDRESS (number and street)

200 E ST JULIAN ST SUITE 603

Check if different
than previously
reported. (ACC)

SAVANNAH

GA

31401

2. FEC IDENTIFICATION NUMBER ▼

CITY ▲

STATE ▲

ZIP CODE ▲

STATE ▼ DISTRICT

C C00543967

3. IS THIS
REPORTNEW
(N)

OR

AMENDED
(A)

GA

01

4. TYPE OF REPORT (Choose One)

(a) Quarterly Reports:

April 15 Quarterly Report (Q1)

July 15 Quarterly Report (Q2)

X October 15 Quarterly Report (Q3)

January 31 Year-End Report (YE)

Termination Report (TER)

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

Primary (12P)

General (12G)

Runoff (12R)

Convention (12C)

Special (12S)

Election on

M M / D D / Y Y Y Y

In the
State of

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

General (30G)

Runoff (30R)

Special (30S)

Election on

M M / D D / Y Y Y Y

In the
State of

5. Covering Period

M M / D D / Y Y Y Y
07 / 03 / 2014

through

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

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer CARLTON H HODGES

Signature of Treasurer CARLTON H HODGES

[Electronically Filed]

Date

M M / D D / Y Y Y Y
12 / 24 / 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 3**
(Revised 02/2003)

SCHEDULE A (FEC Form 3)
ITEMIZED RECEIPTS

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

 FOR LINE NUMBER: PAGE 13 OF 158
 (check only one)
☒ 11a ☐ 11b ☐ 11c ☐ 11d
☐ 12 ☐ 13a ☐ 13b ☐ 14 ☐ 15

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)
BUDDY CARTER FOR CONGRESS

 Full Name (Last, First, Middle Initial)
JASON CONLEY
A. Mailing Address 15 HIBERNIA RD.

 City State Zip Code
 SAVANNAH GA 31411

 FEC ID number of contributing
 federal political committee.

C

 Name of Employer
 VILLAGE WALK PHARMACY

 Occupation
 PHARMACIST

Receipt For: 2014

☐ Primary ☐ General
☒ Other (specify) Runoff

Election Cycle-to-Date

1000.00

Date of Receipt

07 / 10 / 2014

Transaction ID : SA11AI.8750

Amount of Each Receipt this Period

1000.00

B. Full Name (Last, First, Middle Initial)
PATRICK CONN

Mailing Address 242 LAUREL LANDING BLVD.

 City State Zip Code
 KINGSLAND GA 31548

 FEC ID number of contributing
 federal political committee.

C

 Name of Employer
 UNITED 1ST FED. CREDIT UNION

 Occupation
 MANAGER

Receipt For: 2014

☐ Primary ☒ General
☐ Other (specify)

Election Cycle-to-Date

250.00

Date of Receipt

09 / 29 / 2014

Transaction ID : SA11AI.9156

Amount of Each Receipt this Period

250.00

C. Full Name (Last, First, Middle Initial)
JOHN M CONSIDINE Jr.

Mailing Address 3 MODENA ISLAND DRIVE

 City State Zip Code
 SAVANNAH GA 31411

 FEC ID number of contributing
 federal political committee.

C

 Name of Employer
 COASTAL IMAGING

 Occupation
 PHYSICIAN

Receipt For: 2014

☒ Primary ☐ General
☒ Other (specify) Runoff

Election Cycle-to-Date

1250.00

Date of Receipt

07 / 18 / 2014

Transaction ID : SA11AI.8752

Amount of Each Receipt this Period

250.00

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

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

1500.00

SCHEDULE A (FEC Form 3)
ITEMIZED RECEIPTS

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

FOR LINE NUMBER: PAGE 26 OF 158

(check only one)

☒ 11a ☐ 11b ☐ 11c ☐ 11d
☐ 12 ☐ 13a ☐ 13b ☐ 14 ☐ 15

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)

BUDDY CARTER FOR CONGRESS

Full Name (Last, First, Middle Initial)

JASON HALLIBURTON

Mailing Address 363 E LAKE PLACE

 City State Zip Code
 MARIETTA GA 30062

FEC ID number of contributing federal political committee.

C

Name of Employer
SELF-EMPLOYEDOccupation
CONSULTANT

Receipt For: 2014

☐ Primary ☒ General
☐ Other (specify)

Election Cycle-to-Date

1500.00

Date of Receipt

 M M / D D / Y Y Y Y
 07 17 2014

Transaction ID : SA11AI.8812

Amount of Each Receipt this Period

1500.00

Full Name (Last, First, Middle Initial)

JONATHAN HARRIS

Mailing Address 334 K'VILLE

 City State Zip Code
 SCREVEN GA 31560

FEC ID number of contributing federal political committee.

C

Name of Employer
GREENVIEO FARM NO.2Occupation
FARMER

Receipt For: 2014

☐ Primary ☒ General
☐ Other (specify)

Election Cycle-to-Date

500.00

Date of Receipt

 M M / D D / Y Y Y Y
 08 04 2014

Transaction ID : SA11AI.8815

Amount of Each Receipt this Period

500.00

Full Name (Last, First, Middle Initial)

JOHN C. HELMKEN II

Mailing Address 45 ISLAND DRIVE

 City State Zip Code
 SAVANNAH GA 31406

FEC ID number of contributing federal political committee.

C

Name of Employer
SOUTH STATE BANKOccupation
EXECUTIVE VICE PRES.

Receipt For: 2014

☐ Primary ☐ General
☒ Other (specify) Runoff

Election Cycle-to-Date

750.00

Date of Receipt

 M M / D D / Y Y Y Y
 07 17 2014

Transaction ID : SA11AI.8819

Amount of Each Receipt this Period

500.00

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

2500.00

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

SCHEDULE A (FEC Form 3)
ITEMIZED RECEIPTS

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

 FOR LINE NUMBER: PAGE 34 OF 158
 (check only one)
☒ 11a ☐ 11b ☐ 11c ☐ 11d
☐ 12 ☐ 13a ☐ 13b ☐ 14 ☐ 15

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)
BUDDY CARTER FOR CONGRESS

Full Name (Last, First, Middle Initial) BILL JONES III		Date of Receipt MM / DD / YYYY 07 / 10 / 2014
Mailing Address 100 CLOISTER DRIVE		Transaction ID : SA11AI.9401
City SEA ISLAND	State GA Zip Code 31561	
FEC ID number of contributing federal political committee. C		Amount of Each Receipt this Period 1184.17
Name of Employer SEA ISLAND COMPANY	Occupation PRESIDENT	In-kind - FUNDRAISER VENUE
Receipt For: 2014 <input type="checkbox"/> Primary <input type="checkbox"/> General <input checked="" type="checkbox"/> Other (specify) Runoff	Election Cycle-to-Date 1184.17	

Full Name (Last, First, Middle Initial) PATRICK JONES		Date of Receipt MM / DD / YYYY 07 / 14 / 2014
Mailing Address 6243 TALLPINE DRIVE		Transaction ID : SA11AI.8649
City BLACKSHEAR	State GA Zip Code 31516	
FEC ID number of contributing federal political committee. C		Amount of Each Receipt this Period 1000.00
Name of Employer FLASH FOODS	Occupation OWNER	
Receipt For: 2014 <input type="checkbox"/> Primary <input type="checkbox"/> General <input checked="" type="checkbox"/> Other (specify) Runoff	Election Cycle-to-Date 1000.00	

Full Name (Last, First, Middle Initial) JOHN D. KALVELAGE		Date of Receipt MM / DD / YYYY 07 / 07 / 2014
Mailing Address 2258 SUMNER CT. NE		Transaction ID : SA11AI.8839
City CONYERS	State GA Zip Code 30012	
FEC ID number of contributing federal political committee. C		Amount of Each Receipt this Period 1000.00
Name of Employer MEDICINE-ON-TIME	Occupation PRESIDENT	
Receipt For: 2014 <input type="checkbox"/> Primary <input type="checkbox"/> General <input checked="" type="checkbox"/> Other (specify) Runoff	Election Cycle-to-Date 1500.00	

SUBTOTAL of Receipts This Page (optional).....	3184.17
TOTAL This Period (last page this line number only).....	

SCHEDULE A (FEC Form 3)
ITEMIZED RECEIPTS

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

FOR LINE NUMBER: PAGE 79 OF 158

(check only one)

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

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)
BUDDY CARTER FOR CONGRESS

Full Name (Last, First, Middle Initial)

EARL LEROY CARTER**A.**

Mailing Address 406 PURPLE FINCH DR

City	State	Zip Code
POOLER	GA	31322

FEC ID number of contributing federal political committee.

C H4GA01039Name of Employer
CARTER'S PHARMACYOccupation
PHARMACIST

Receipt For: 2014

☐ Primary ☒ General
☐ Other (specify)

Election Cycle-to-Date

500000.00

Date of Receipt

MM / DD / YYYY
07 / 07 / 2014

Transaction ID : SA13A.9344

Amount of Each Receipt this Period

200000.00

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)

Election Cycle-to-Date

Date of Receipt

MM / DD / YYYY

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)

Election Cycle-to-Date

Date of Receipt

MM / DD / YYYY

Amount of Each Receipt this Period

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

200000.00

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

200000.00



Buddy Carter For Congress
PO Box 10570
Savannah, GA 31412
(912) 344-5510

RECEIVED
2015 JAN -5 AM 11:56
FEC MAIL CENTER

December 24, 2014

Ms. Jessica Grainger
Campaign Finance Analyst
Reports Analysis Division
Federal Election Commission
999 E Street, NW
Washington, DC 20463

Dear Ms. Grainger

In response to the attached notice, we offer the following.

Item 1 - We have amended the report as of this date to clarify and correct the items indicated.

Item 2 - According to our FECfile software and the report it is generating, the items indicated related to reimbursements are properly memoed and the underlying vendor information is disclosed. We did notice that one small amount of \$10 was incorrectly cross-referenced. (corrected on the amended return) We will be pleased to review this further if a specific reimbursement item can be indicated.

Item 3 - We concur these items were overlooked. In regard to the loan from the candidate, we misunderstood that 48 hour recording included loans from the candidate as well as contributions. The amount from Bill Jones, III was an in-kind contribution and was overlooked for reporting since it was not actual cash received. The remaining omitted contributions were on-line contributions that do not hit our account for several days after the actual contribution and those were overlooked.

This committee takes its reporting responsibilities very seriously. We are doubling our efforts and putting processes in place to assure the proper 48 hour reporting in the future.

We apologize for this inconvenience as we diligently work to be in compliance with federal election regulations.

Sincerely,

Carlton H. Hodges
Campaign Treasurer

/ch

Enclosure

www.BuddyCarterForCongress.com

Paid for by Buddy Carter For Congress



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 15, 2015

Carlton H. Hodges, Treasurer
Buddy Carter for Congress
200 E. St. Julian Street, Suite 603
Savannah, GA 31401-2754

C00543967
AF#: 2904

Dear Mr. Hodges:

On February 4, 2015, the Federal Election Commission ("Commission") found reason to believe ("RTB") that Buddy Carter for Congress 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 48-Hour Notices for four contributions totaling \$203,684.17. The Commission also made a preliminary determination that the civil money penalty was \$20,698 based on the schedule of penalties at 11 C.F.R. § 111.44.

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

FEDERAL ELECTION
COMMISSION
SECRETARIAT

2015 MAY -8 A 9 46

May 8, 2015

MEMORANDUM

SENSITIVE

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# 2904 – Buddy Carter for Congress
and Carlton H. Hodges, in his official capacity as Treasurer (C00543967)

On February 4, 2015, 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 48-Hour Notices for four contributions totaling \$203,684.17 and made a preliminary determination that the civil money penalty was \$20,698 based on the schedule of penalties at 11 C.F.R. § 111.44.

On February 18, 2015, the Commission received their written response ("challenge"). After reviewing the challenge, the Reviewing Officer Recommendation ("ROR") dated April 15, 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). Therefore, the Reviewing Officer recommended that the Commission make a final determination that they violated 52 U.S.C. § 30104(a) (formerly 2 U.S.C. § 434(a)) and assess a \$20,698 civil money penalty.

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

[illegible]

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Final Determination Recommendation:) AF 2904
Buddy Carter for Congress and Carlton)
H. Hodges, in his official capacity as)
Treasurer (C00543967))

CERTIFICATION


I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on May 26, 2015, the Commission decided by a vote of 6-0 to take the following actions in AF 2904:

1. Adopt the Reviewing Officer recommendation for AF# 2904 that Buddy Carter for Congress and Carlton H. Hodges, in his official capacity as Treasurer, in making the final determination.
2. Make a final determination in AF# 2904 that Buddy Carter for Congress and Carlton H. Hodges, in his official capacity as Treasurer, violated 52 U.S.C. § 30104(a) (formerly 2 U.S.C. § 434(a)) and assess a \$20,698 civil money penalty.
3. Send the appropriate letter.

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

Attest:




Shawn Woodhead Werth
Secretary and Clerk of the Commission



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 28, 2015

Carlton H. Hodges, Treasurer
Buddy Carter for Congress
200 E. St. Julian Street, Suite 603
Savannah, GA 31401-2754

C00543967
AF#: 2904

Dear Mr. Hodges:

On February 4, 2015, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Buddy Carter for Congress and you, in your official capacity as Treasurer, violated 52 U.S.C. § 30104(a) (formerly 2 U.S.C. § 434(a)) for failing to timely file 48-Hour Notices for four contributions totaling \$203,684.17. By letter dated February 5, 2015, the Commission sent notification of the RTB finding that included a civil money penalty calculated at RTB of \$20,698 in accordance with the schedule of penalties at 11 C.F.R. § 111.44. On February 18, 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 Buddy Carter for Congress and you, in your official capacity as Treasurer, violated 52 U.S.C. § 30104(a) (formerly 2 U.S.C. § 434(a)) and assess a civil money penalty in the amount of \$20,698 in accordance with 11 C.F.R. § 111.44. A copy of the Reviewing Officer Recommendation was sent to you on April 15, 2015.

On May 26, 2015, the Commission adopted the Reviewing Officer's recommendation and made a final determination that Buddy Carter for Congress and you, in your official capacity as Treasurer, violated 52 U.S.C. § 30104(a) (formerly 2 U.S.C. § 434(a)) and assessed a civil money penalty in the amount of \$20,698. A copy of the Final Determination Recommendation is attached.

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

1. If You Choose to Appeal the Final Determination and/or Civil Money Penalty

If you choose to appeal the final determination, you should submit a written petition, within 30 days of receipt of this letter, to the U.S. District Court for the district in which the committee or you reside, or transact business, requesting that the final determination be modified or set aside. See 52 U.S.C. § 30109(a)(4)(C)(iii) (formerly 2 U.S.C. § 437g(a)(4)(C)(iii)). Your failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver of the respondents' right to present such argument in a petition to the district court under 52 U.S.C. § 30109 (formerly 2 U.S.C. § 437g). 11 CFR § 111.38.

2. If You Choose Not to Pay the Civil Money Penalty and Not to Appeal

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA") as amended by the Debt Collection Improvement Act of 1996 ("DCIA"), 31 U.S.C. § 3701 *et seq.* If you do not pay this debt within 30 days (or file a written petition to a federal district court - see below), the Commission will transfer the debt to the U.S. Department of the Treasury ("Treasury") for collection. Within 5 days of the transfer to Treasury, Treasury will contact you to request payment. Treasury currently charges a fee of 28% of the civil money penalty amount for its collection services. The fee will be added to the amount of the civil money penalty that you owe. Should Treasury's attempts fail, Treasury will refer the debt to a private collection agency ("PCA"). If the debt remains unpaid, Treasury may recommend that the Commission refer the matter to the Department of Justice for litigation.

Actions which may be taken to enforce recovery of a delinquent debt by Treasury may also include: (1) offset of any payments, which the debtor is due, including tax refunds and salary; (2) referral of the debt to agency counsel for litigation; (3) reporting of the debt to a credit bureau; (4) administrative wage garnishment; and (5) reporting of the debt, if discharged, to the IRS as potential taxable income. In addition, under the provisions of DCIA and other statutes applicable to the FEC, the debtor may be subject to the assessment of other statutory interest, penalties, and administrative costs.

In accordance with the DCIA, at your request, the agency will offer you the opportunity to inspect and copy records relating to the debt, the opportunity for a review of the debt, and the opportunity to enter into a written repayment agreement.

3. If You Choose to Pay the Civil Money Penalty

If you should decide to pay the civil money penalty, send the enclosed remittance form, along with your payment, to the address on page 4 within 30 days of receipt of this letter.

NOTICE REGARDING PARTIAL PAYMENTS AND SETTLEMENT OFFERS

4. Partial Payments

If you make a payment in an amount less than the civil money penalty, the amount of your partial payment will be credited towards the full civil money penalty that the Commission assessed upon making a final determination.

5. Settlement Offers

Any offer to settle or compromise a debt owed to the Commission, including a payment in an amount less than the civil money penalty assessed or any restrictive endorsements contained on your check or money order or proposed in correspondence transmitted with your check or money order, will be rejected. Acceptance and deposit or cashing of such a restricted payment does not constitute acceptance of the settlement offer. Payments containing restrictive endorsements will be deposited and treated as a partial payment towards the civil money penalty that the Commission assessed upon making a final determination. All unpaid civil money penalty amounts remaining will be subject to the debt collection procedures set forth in Section 2, above.

The confidentiality provisions at 52 U.S.C. § 30109(a)(12) (formerly 2 U.S.C. § 437g(a)(12)) no longer apply and this matter is now public. Pursuant to 11 C.F.R. §§ 111.42(b) and 111.20(c), the file will be placed on the public record within 30 days from the date of this notification.

If you have any questions regarding the payment of the civil money penalty, please contact Rhiannon Magruder on our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

On behalf of the Commission,



Ann M. Ravel
Chair

ADMINISTRATIVE FINE PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 C.F.R. § 111.44, the civil money penalty is \$20,698 for failing to timely file 48-Hour Notices for four contributions totaling \$203,684.17.

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

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

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

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

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

PAYMENTS BY PERSONAL CHECK

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

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: Buddy Carter for Congress

FEC ID#: C00543967

AF#: 2904

PAYMENT AMOUNT DUE: \$20,698



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 2904

DATE SCANNED 6/23/15

SCANNER NO. 2

SCAN OPERATOR TR