



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 2916

DATE SCANNED 7/13/15

SCANNER NO. 2

SCAN OPERATOR Jn



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

2015 MAR 27 PM 3:31

March 27, 2015

SENSITIVE

MEMORANDUM

TO: The Commission

THROUGH: Alec Palmer *EW*
Staff Director

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

Debbie Chacona *DC*
Assistant Staff Director
Reports Analysis Division

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

SUBJECT: Reason To Believe Recommendation – 2014 12 Day Pre-General Report
(Unauthorized Quarterly 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 list is comprised of unauthorized quarterly filers that made General Election contributions or expenditures from October 1, 2014 through October 15, 2014, and failed to file or timely file the 2014 12 Day Pre-General Report.

The committees appearing on the 2014 12 Day Pre-General Report list failed to file the report prior to four (4) days before the General Election (considered a non-filed report). In accordance with 11 CFR § 111.43, these committees should be assessed the civil money penalties indicated in the attachments.

As noted above, the 2014 12 Day Pre-General Report circulation list includes unauthorized quarterly filers that made General Election contributions or expenditures from October 1, 2014 through October 15, 2014, but failed to file or timely file the 2014 12 Day Pre-General Election report. In order to accurately identify these committees for administrative fine purposes, the Reports Analysis Division (RAD) used the following procedures and criteria:

- NECOUNN00011
- Every 12 Day Pre-General Report (12G) submitted by an unauthorized quarterly filer was reviewed to ensure that it disclosed General Election contributions or expenditures made during the coverage dates of the report. Any report meeting this definition that was filed late is included in the list. Any report not disclosing general election contributions or expenditures during this period is not included in the list, as it is not a required filing.
 - Every 30 Day Post-General Report (30G) submitted by an unauthorized quarterly filer that covered the period from October 1, 2014 through November 24, 2014 (55 days) was reviewed for activity which would have required the filing of a 12G. If our research indicated that a 12G was required, we utilized a three-step method to arrive at the activity on which to base the 12G fine amount. First, we took the sum of all itemized receipts and disbursements that should have been disclosed on a 12G. Second, if the committee had any unitemized activity, a per diem level of this activity was calculated by multiplying the total amount of unitemized activity on the report by 27% (15 days (12G Filing Period)/55 days (30G Filing Period)). Third, we took the sum of the amounts calculated in steps one and two to arrive at the level of activity assigned to the 12G.

Recommendation

1. Find reason to believe that the political committees and their treasurers listed on the RTB Circulation Reports violated 52 U.S.C. § 30104(a) (formerly 2 U.S.C. 434(a)) and make a preliminary determination that the civil money penalties would be the amounts indicated on the RTB Circulation Reports.
2. Send the appropriate letters.

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

| AF# | Committee ID | Committee Name | Candidate Name | Treasurer | Threshold | PV | Receipt Date | Days Late | LOA | RTB Penalty |
|------|--------------|--|----------------|-----------------------|-----------|----|--------------|-----------|---------------|-------------|
| 2910 | C00142315 | BOYD GAMING POLITICAL ACTION COMMITTEE | | RICK DARNOLD | \$196,512 | 0 | 12/12/2014 | Not Filed | \$5,008 (est) | \$680 |
| 2911 | C00420125 | CHIANG PATEL AND YERBY INC PAC | | DAVID W. HAYS | \$173,776 | 2 | 12/23/2014 | Not Filed | \$6,000 | \$990 |
| 2912 | C00370759 | DRINKER BIDDLE POLITICAL ACTION COMMITTEE | | JONATHAN TARNOW | \$254,192 | 0 | 12/4/2014 | Not Filed | \$6,682 (est) | \$680 |
| 2913 | C00160630 | DRUMMOND COMPANY, INC. POLITICAL ACTION COMMITTEE (DPAC) | | SCOTT O. STANFIELD | \$274,707 | 0 | 12/3/2014 | Not Filed | \$12,500 | \$1,090 |
| 2914 | C00504753 | FEDERAL FOREST RESOURCE COALITION PAC (FFRC PAC) | | WILLIAM G. IMBERGAMO | \$179,909 | 0 | 1/6/2015 | Not Filed | \$2,000 | \$550 |
| 2915 | C00484667 | ICE PAC | | REID LEBEAU | \$351,343 | 0 | 12/21/2014 | Not Filed | \$55,940 | \$3,300 |
| 2916 | C00137273 | M&T BANK AND WILMINGTON TRUST POLITICAL ACTION COMMITTEE | | JULIAN BROGGIO | \$290,124 | 0 | 12/5/2014 | Not Filed | \$3,624 | \$550 |
| 2917 | C00375451 | MOVING AMERICA FORWARD | | JENNIFER G. MITCHELL | \$184,548 | 0 | 12/6/2014 | Not Filed | \$20,500 | \$1,090 |
| 2918 | C00379180 | NATIONAL ASSOCIATION OF CHEMICAL DISTRIBUTORS RESPONSIBLE DISTRIBUTION POLITICAL ACTION CO | | LISA J. VIENNA | \$555,622 | 0 | 12/29/2014 | Not Filed | \$10,136 | \$1,090 |
| 2919 | C00154104 | NATIONAL POTATO COUNCIL POTATO POLITICAL ACTION COMMITTEE | | JOHN KEELING, JR. | \$207,240 | 0 | 12/3/2014 | Not Filed | \$1,000 | \$550 |
| 2921 | C00406553 | PROGRESSIVE VOTERS OF AMERICA | | F. PHILIP FIERMONTE | \$874,976 | 0 | 1/30/2015 | Not Filed | \$151,606 | \$6,600 |
| 2923 | C00542514 | VIGOR PAC | | TAYLOR CHRISTINE LUBY | \$134,172 | 0 | 11/25/2014 | Not Filed | \$2,763 (est) | \$550 |

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Reason To Believe Recommendation - 2014)
12 Day Pre-General Report (Unauthorized)
Quarterly Filers) for the Administrative)
Fine Program:)
BOYD GAMING POLITICAL ACTION) AF# 2910
COMMITTEE, and DARNOLD, RICK as)
treasurer;)
CHIANG PATEL AND YERBY INC PAC,) AF# 2911
and DAVID W HAYS as treasurer;)
DRINKER BIDDLE POLITICAL ACTION) AF# 2912
COMMITTEE, and TARNOW,)
JONATHAN as treasurer;)
DRUMMOND COMPANY, INC.) AF# 2913
POLITICAL ACTION COMMITTEE)
(DPAC), and STANFIELD, SCOTT O.)
MR. as treasurer;)
FEDERAL FOREST RESOURCE) AF# 2914
COALITION PAC (FFRC PAC), and)
IMBERGAMO, WILLIAM G. as treasurer;)
ICE PAC, and LEBEAU, REID as) AF# 2915
treasurer;)
M&T BANK AND WILMINGTON) AF# 2916
TRUST POLITICAL ACTION)
COMMITTEE, and BROGGIO, JULIAN)
MR. as treasurer;)
MOVING AMERICA FORWARD, and) AF# 2917
MITCHELL, JENNIFER G MS. as)
treasurer;)
NATIONAL ASSOCIATION OF) AF# 2918
CHEMICAL DISTRIBUTORS)
RESPONSIBLE DISTRIBUTION)
POLITICAL ACTION CO, and LISA J.)
VIENNA as treasurer;)

NATIONAL POTATO COUNCIL) AF# 2919
POTATO POLITICAL ACTION)
COMMITTEE, and KEELING, JOHN MR.)
JR. as treasurer;)

PROGRESSIVE VOTERS OF AMERICA,) AF# 2921
and FIERMONTE, F. PHILIP as treasurer;)

VIGOR PAC, and LUBY, TAYLOR) AF# 2923
CHRISTINE as treasurer;)

CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on March 31, 2015 the Commission took the following actions on the Reason To Believe Recommendation - 2014 12 Day Pre-General Report (Unauthorized Quarterly Filers) for the Administrative Fine Program as recommended in the Reports Analysis Division's Memorandum dated March 27, 2015, on the following committees:

AF#2910 Decided by a vote of 6-0 to: (1) find reason to believe that BOYD GAMING POLITICAL ACTION COMMITTEE, and DARNOLD, RICK 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#2911 Decided by a vote of 6-0 to: (1) find reason to believe that CHIANG PATEL AND YERBY INC PAC, and DAVID W HAYS 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#2912 Decided by a vote of 6-0 to: (1) find reason to believe that DRINKER BIDDLE POLITICAL ACTION COMMITTEE, and TARNOW, JONATHAN 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#2913 Decided by a vote of 6-0 to: (1) find reason to believe that DRUMMOND COMPANY, INC. POLITICAL ACTION COMMITTEE (DPAC), and STANFIELD, SCOTT O. MR. 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#2914 Decided by a vote of 6-0 to: (1) find reason to believe that FEDERAL FOREST RESOURCE COALITION PAC (FFRC PAC), and IMBERGAMO, WILLIAM G. 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#2915 Decided by a vote of 6-0 to: (1) find reason to believe that ICE PAC, and LEBEAU, REID 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#2916 Decided by a vote of 6-0 to: (1) find reason to believe that M&T BANK AND WILMINGTON TRUST POLITICAL ACTION COMMITTEE, and BROGGIO, JULIAN MR. 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#2917 Decided by a vote of 6-0 to: (1) find reason to believe that MOVING AMERICA FORWARD, and MITCHELL, JENNIFER G MS. 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#2918 Decided by a vote of 6-0 to: (1) find reason to believe that NATIONAL ASSOCIATION OF CHEMICAL DISTRIBUTORS RESPONSIBLE DISTRIBUTION POLITICAL ACTION CO, and LISA J. VIENNA 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#2919 Decided by a vote of 6-0 to: (1) find reason to believe that NATIONAL POTATO COUNCIL POTATO POLITICAL ACTION COMMITTEE, and KEELING, JOHN MR. JR. 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#2921 Decided by a vote of 6-0 to: (1) find reason to believe that PROGRESSIVE VOTERS OF AMERICA, and FIERMONTE, F. PHILIP 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#2923 Decided by a vote of 6-0 to: (1) find reason to believe that VIGOR PAC, and LUBY, TAYLOR CHRISTINE 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.

— 100 —


Shawn Woodhead Werth
Secretary and Clerk of the Commission



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 1, 2015

Julian Broggio, in official capacity as Treasurer
M&T Bank and Wilmington Trust Political Action Committee
465 Main Street, Suite 500
Buffalo, NY 14203

C00137273
AF#: 2916

Dear Mr. Broggio:

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 is required if your committee makes a contribution to or expenditure on behalf of a candidate in the general 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 March 31, 2015, the FEC found that there is reason to believe ("RTB") that M&T Bank and Wilmington Trust Political Action Committee and you, 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 May 10, 2015, and is based on these factors:

Election Sensitivity of Report: Election Sensitive
Level of Activity: \$3,624

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 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 May 10, 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 M&T Bank and Wilmington Trust Political Action Committee 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

1-100627-0148-110

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 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,



Ann M. Ravel
Chair

11-00000-01-00000-01

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 May 10, 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: M&T Bank and Wilmington Trust Political Action Committee

FEC ID#: C00137273

AF#: 2916

PAYMENT DUE DATE: May 10, 2015

PAYMENT AMOUNT DUE: \$550



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 10, 2015

SENSITIVE

MEMORANDUM

TO: The Commission

THROUGH: Alec Palmer *swf for*
Staff Director

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

Debbie Chacona *DC*
Assistant Staff Director
Reports Analysis Division

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

SUBJECT: Administrative Fine Program -
Final Determination Recommendation for the
2014 12 Day Pre-General Report (Unauthorized Quarterly Filers)

Attached is a list of political committees and their treasurers against which the Commission has found reason to believe (RTB) and assessed proposed civil money penalties calculated at RTB for failure to file or failure to timely file the 2014 12 Day Pre-General Report (Unauthorized Quarterly Filers). The committees have paid the civil money penalties requested at RTB.

In accordance with 11 CFR § 111.34, the Commission shall send a final determination notice to the respondents that have paid the civil money penalties.

Also, one (1) committee detailed below designated a new Treasurer after the RTB finding:

- Boyd Gaming Political Action Committee (AF 2910) filed an Amended Statement of Organization after the RTB finding designating William J. Noonan as Treasurer.

RAD Recommendation

- (2) Make a final determination that the political committees and their treasurers listed on the attached report violated 52 U.S.C. § 30104(a) (formerly 2 U.S.C. § 434(a)) and assess the final civil money penalties so indicated.
- (3) Send the appropriate letters.

—15100000—151.

—15100000—151.

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Administrative Fines Final Determination)
Recommendation for the 12 Day Pre-)
General Report (Unauthorized Quarterly)
Filers):)
BOYD GAMING POLITICAL ACTION) AF# 2910
COMMITTEE, and NOONAN, WILLIAM)
J. as treasurer;)
CHIANG PATEL AND YERBY INC PAC,) AF# 2911
and DAVID W HAYS as treasurer;)
DRINKER BIDDLE POLITICAL ACTION) AF# 2912
COMMITTEE, and TARNOW,)
JONATHAN as treasurer;)
DRUMMOND COMPANY, INC.) AF# 2913
POLITICAL ACTION COMMITTEE)
(DPAC), and STANFIELD, SCOTT O.)
MR. as treasurer;)
FEDERAL FOREST RESOURCE) AF# 2914
COALITION PAC (FFRC PAC), and)
IMBERGAMO, WILLIAM G. as treasurer;)
ICE PAC, and LEBEAU, REID as) AF# 2915
treasurer;)
M&T BANK AND WILMINGTON) AF# 2916
TRUST POLITICAL ACTION)
COMMITTEE, and BROGGIO, JULIAN)
MR. as treasurer;)
MOVING AMERICA FORWARD, and) AF# 2917
MITCHELL, JENNIFER G MS. as)
treasurer;)
NATIONAL ASSOCIATION OF) AF# 2918
CHEMICAL DISTRIBUTORS)
RESPONSIBLE DISTRIBUTION)
POLITICAL ACTION CO, and LISA J.)
VIENNA as treasurer;)

NATIONAL POTATO COUNCIL) AF# 2919
POTATO POLITICAL ACTION)
COMMITTEE, and KEELING, JOHN MR.)
JR. as treasurer;)
PROGRESSIVE VOTERS OF AMERICA,) AF# 2921
and FIERMONTE, F. PHILIP as treasurer;)
VIGOR PAC, and LUBY, TAYLOR) AF# 2923
CHRISTINE as treasurer;)

CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on June 12, 2015 the Commission took the following actions on the Administrative Fines Final Determination Recommendation for the 12 Day Pre-General Report (Unauthorized Quarterly Filers) as recommended in the Reports Analysis Division's Memorandum dated June 10, 2015, on the following committees:

AF#2910 Decided by a vote of 6-0 to: (1) make a final determination that BOYD GAMING POLITICAL ACTION COMMITTEE, and NOONAN, WILLIAM J. as treasurer, violated 52 U.S.C. 30104(a) (formerly 2 U.S.C. 434(a)) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#2911 Decided by a vote of 6-0 to: (1) make a final determination that CHIANG PATEL AND YERBY INC PAC, and DAVID W HAYS as treasurer, violated 52 U.S.C. 30104(a) (formerly 2 U.S.C. 434(a)) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#2912 Decided by a vote of 6-0 to: (1) make a final determination that DRINKER BIDDLE POLITICAL ACTION COMMITTEE, and TARNOW, JONATHAN as treasurer, violated 52 U.S.C. 30104(a) (formerly 2 U.S.C. 434(a)) and assess the final civil money penalty so indicated; (2) send the appropriate letter.

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

AF#2913 Decided by a vote of 6-0 to: (1) make a final determination that DRUMMOND COMPANY, INC. POLITICAL ACTION COMMITTEE (DPAC), and STANFIELD, SCOTT O. MR. as treasurer, violated 52 U.S.C. 30104(a) (formerly 2 U.S.C. 434(a)) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#2914 Decided by a vote of 6-0 to: (1) make a final determination that FEDERAL FOREST RESOURCE COALITION PAC (FFRC PAC), and IMBERGAMO, WILLIAM G. as treasurer, violated 52 U.S.C. 30104(a) (formerly 2 U.S.C. 434(a)) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#2915 Decided by a vote of 6-0 to: (1) make a final determination that ICE PAC, and LEBEAU, REID as treasurer, violated 52 U.S.C. 30104(a) (formerly 2 U.S.C. 434(a)) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#2916 Decided by a vote of 6-0 to: (1) make a final determination that M&T BANK AND WILMINGTON TRUST POLITICAL ACTION COMMITTEE, and BROGGIO, JULIAN MR. as treasurer, violated 52 U.S.C. 30104(a) (formerly 2 U.S.C. 434(a)) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#2917 Decided by a vote of 6-0 to: (1) make a final determination that MOVING AMERICA FORWARD, and MITCHELL, JENNIFER G MS. as treasurer, violated 52 U.S.C. 30104(a) (formerly 2 U.S.C. 434(a)) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#2918 Decided by a vote of 6-0 to: (1) make a final determination that NATIONAL ASSOCIATION OF CHEMICAL DISTRIBUTORS RESPONSIBLE DISTRIBUTION POLITICAL ACTION CO, and LISA J. VIENNA as treasurer, violated 52 U.S.C. 30104(a) (formerly 2 U.S.C. 434(a)) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#2919 Decided by a vote of 6-0 to: (1) make a final determination that NATIONAL POTATO COUNCIL POTATO POLITICAL ACTION COMMITTEE, and

KEELING, JOHN MR. JR. as treasurer , violated 52 U.S.C. 30104(a) (formerly 2 U.S.C. 434(a)) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#2921 Decided by a vote of 6-0 to: (1) make a final determination that PROGRESSIVE VOTERS OF AMERICA, and FIERMONTE, F. PHILIP as treasurer , violated 52 U.S.C. 30104(a) (formerly 2 U.S.C. 434(a)) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#2923 Decided by a vote of 6-0 to: (1) make a final determination that VIGOR PAC, and LUBY, TAYLOR CHRISTINE as treasurer , violated 52 U.S.C. 30104(a) (formerly 2 U.S.C. 434(a)) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

Attest:

June 12, 2015
Date

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



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 15, 2015

Julian Broggio, in official capacity as Treasurer
M&T Bank and Wilmington Trust Political Action Committee
465 Main Street, Suite 500
Buffalo, NY 14203

C00137273

AF#: 2916

Dear Mr. Broggio:

On March 31, 2015, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that M&T Bank and Wilmington Trust Political Action Committee and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) (formerly 2 U.S.C. § 434(a)) for filing late or failing to file the 2014 Pre-General Report. By letter dated April 1, 2015, the Commission notified you of the RTB finding and the civil money penalty calculated at the RTB stage totaling \$550 in accordance with the schedule of penalties at 11 CFR § 111.43.

On May 12, 2015, the FEC received payment of the civil money penalty calculated at the RTB stage. The FEC made a final determination on June 12, 2015 that M&T Bank and Wilmington Trust Political Action Committee and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) (formerly 2 U.S.C. § 434(a)), assessed a civil money penalty in the amount of \$550 in accordance with 11 CFR § 111.43, and voted to close the file.

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

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

On behalf of the Commission,

A handwritten signature in black ink that reads "Ann M. Ravel". The signature is fluid and cursive.

Ann M. Ravel
Chair

FOR: M&T Bank and Wilmington Trust Political Action Committee

FEC ID#: C00137273

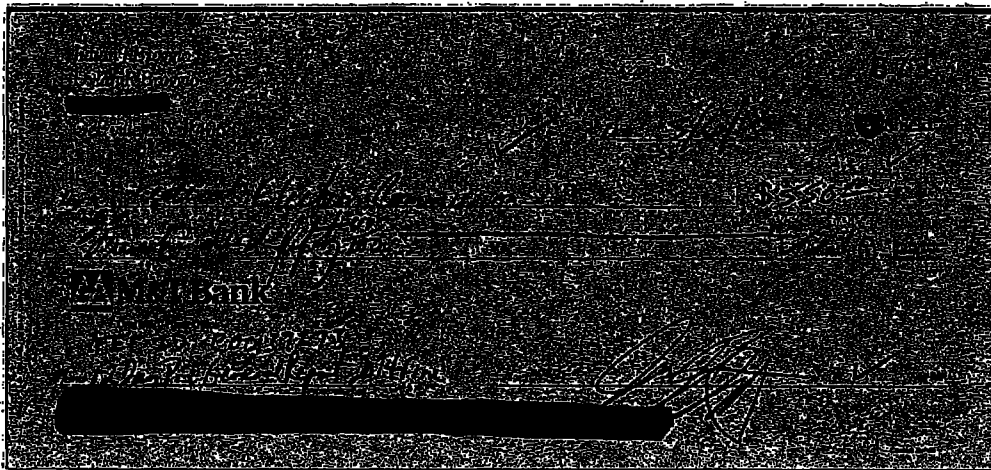
AP#: 2916

PAYMENT DUE DATE: May 10, 2015

PAYMENT AMOUNT DUE: \$550

FEDERAL ELECTION COMMISSION

Lockbox: GLX-979058 Ledger Date 05/11/2015



| Batch | Item | TID | Batch Total | Amount |
|-------|------|-----------|-------------|----------|
| 1 | 3 | Y-6233215 | \$1,665.00 | \$550.00 |

usbank

St. Louis GA Lockbox
(314) 425-1818



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 2916

DATE SCANNED 7/13/15

SCANNER NO. 2

SCAN OPERATOR JB