



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 2944

DATE SCANNED 7/13/15

SCANNER NO. 2

SCAN OPERATOR DR

1-800-424-9547



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

2015 MAR 31 AM 9:12

March 30, 2015

MEMORANDUM

SENSITIVE

TO: The Commission

THROUGH: Alec Palmer *EAP for*
Staff Director

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

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

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

SUBJECT: Reason To Believe Recommendation - 2014 30 Day Post-General Report
(Unauthorized 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 30 Day Post-General Report in accordance with 52 U.S.C. § 30104(a) (formerly 2 U.S.C. § 434(a)). The list is comprised of unauthorized committees that failed to file or timely file the 2014 30 Day Post-General Report.

The committees appearing on the 30 Day Post-General Report list either failed to file the report, after the due date but within thirty (30) days of the due date (considered a late filed report), or filed the report more than thirty (30) days after the due date (considered a non-filed report). In accordance with 11 C.F.R. § 111.43, these committees should be assessed the civil money penalties indicated in the attachment.

In order to determine the level of activity for unauthorized quarterly filers that failed to file or failed to timely file the 30 Day Post-General Report, the Reports Analysis Division (RAD) used the following procedures and criteria:

- Every 30 Day Post-General Report (30 Day Report) 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 12 Day Pre-General Report (12 Day Report). If our research indicated that the filing of a 12 Day Report was required, we utilized a two-step method to arrive at the estimated level of activity on which to base the fine amount. First, if the committee had any unitemized activity, a per diem level of activity was used by multiplying the total amount of activity on the report by 27% (15 days (12G Filing Period)/55 days (30G Filing Period)). The committees identified through this process as failing to file or failing to timely file the 12 Day Report were included in the Reason to Believe Recommendation circulated to the Commission on March 30, 2015. If the same committee also failed to file the 30 Day Report in a timely manner, we based the 30 Day Report fine on the amount of the remaining level of activity. We arrived at this amount by subtracting the estimated level of activity for the 12 Day Report from the total amount of activity on the 30 Day Report. In these cases, the committees will also be assessed a fine for the 30 Day Report based on the estimated levels of activity described above and are included on the attached list.

Recommendation

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

Federal Election Commission
Reason to Believe Circulation Report
2014 POST-GENERAL Not Election Sensitive 12/04/2014 UNAUTH

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
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AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
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2944	C00406553	PROGRESSIVE VOTERS OF AMERICA		F. PHILIP FIERMONTE	\$915,165	0	1/30/2015	Not Filed	\$40,189	\$1,090
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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Reason To Believe Recommendation - 2014)
30 Day Post-General Report (Unauthorized)
Filers) for the Administrative Fine Program:)

CONFIDENTIAL

Federal Election Commission
Certification for Administrative Fines
April 01, 2015

Page 2

PROGRESSIVE VOTERS OF AMERICA,) AF# 2944
and FIERMONTE, F. PHILIP as treasurer;)

CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on April 01, 2015 the Commission took the following actions on the Reason To Believe Recommendation - 2014 30 Day Post-General Report (Unauthorized Filers) for the Administrative Fine Program as recommended in the Reports Analysis Division's Memorandum dated March 30, 2015, on the following committees:

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AF#2944 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.

UNION-PAID

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Federal Election Commission
Certification for Administrative Fines
April 01, 2015

Page 8

Attest:

April 2, 2015
Date

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



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 2, 2015

F. Philip Fiermonte, in official capacity as Treasurer
Progressive Voters of America
P.O. Box 852
Burlington, VT 05402

C00406553
AF#: 2944

Dear Mr. Fiermonte:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file a 30 Day Post-General Report of Receipts and Disbursements in a calendar year in which a regularly scheduled general election is held. This report, covering the period October 16, 2014 through November 24, 2014, shall be filed no later than December 4, 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 within thirty (30) days of the due date, 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 April 1, 2015, the FEC found that there is reason to believe ("RTB") that Progressive Voters of America and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) (formerly 2 U.S.C. 434(a)) by failing to file timely this report on or before December 4, 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 \$1,090. 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 \$1,090 is due within forty (40) days of the finding, or by May 11, 2015, and is based on these factors:

Election Sensitivity of Report: Not Election Sensitive

Level of Activity: \$40,189

Number of Days Late: Not Filed (reports not filed within thirty (30) days of the due date 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 11, 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 Progressive Voters of America 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

NOTICE REGARDING PARTIAL PAYMENTS AND SETTLEMENT OFFERS

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.

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.

Jon M Ravel

**Ann M. Ravel
Chair**

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 \$1,090 for the 2014 Post-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 11, 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: Progressive Voters of America

FEC ID#: C00406553

AF#: 2944

PAYMENT DUE DATE: May 11, 2015

PAYMENT AMOUNT DUE: \$1,090



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

2015 JUN 23 PM 4:00

June 22, 2015

SENSITIVE

MEMORANDUM

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

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

SUBJECT: Administrative Fine Program –

Final Determination Recommendation for the
2014 30 Day Post-General Report (Unauthorized Quarterly Filers)

Attached are two lists 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 30 Day Post-General Report (Unauthorized Quarterly Filers). The first list represents the committees that have paid the civil money penalty and the second list represents those committees that have not paid the civil money penalty. The committees that have not paid have been given at least forty (40) days from the date of the Commission's RTB finding to remit payment.

In accordance with 11 CFR § 111.34 and 11 CFR § 111.40, the Commission shall send a final determination notice to those respondents that have either paid or not paid the civil money penalty.

RAD Recommendation

- (2) Make a final determination that the political committees and their treasurers on the attached reports 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.

UNRECORDED

6/23/2015 1:49 PM

Federal Election Commission
FD Circulation Report Fine Paid
2014 POST-GENERAL Not Election Sensitive 12/04/2014 UNAUTH

AF#	Committee Name	Candidate Name	Committee ID	Treasurer	Receipt Date	Days Late	LOA	PV	RTB Date	RTB Penalty	Final Money Penalty	Date Paid	Amount Paid
2944	PROGRESSIVE VOTERS OF AMERICA		C00406553	F. PHILIP FIERMONTE	01/30/2015	Not Filed	\$40,189	0	04/01/2015	\$1,090	\$1,090	05/11/2015	\$1,090

MEMORANDUM

In the Matter of)
)
Administrative Fine Program Final)
Determination Recommendation for the)
2014 30 Day Post-General Report)
(Unauthorized Quarterly Filers):)

Federal Election Commission
Certification for Administrative Fines
June 25, 2015

Page 2

PROGRESSIVE VOTERS OF AMERICA,) AF# 2944
and FIERMONTE, F. PHILIP as treasurer;)

USINPAC, and PURI, SANJAY K as
treasurer;

AF# 2952

CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on June 25, 2015 the Commission took the following actions on the Administrative Fine Program Final Determination Recommendation for the 2014 30 Day Post-General Report (Unauthorized Quarterly Filers) as recommended in the Reports Analysis Division's Memorandum dated June 22, 2015, on the following committees:

THE OMAHA TRIBUNE

THE OMAHA TRIBUNE

AF#2944 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.

Attest:

June 26, 2015
Date

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



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 26, 2015

F. Philip Fiermonte, in official capacity as Treasurer
Progressive Voters of America
P.O. Box 852
Burlington, VT 05402

C00406553
AF#: 2944

Dear Mr. Fiermonte:

On April 1, 2015, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Progressive Voters of America 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 Post-General Report. By letter dated April 2, 2015, the Commission notified you of the RTB finding and the civil money penalty calculated at the RTB stage totaling \$1,090 in accordance with the schedule of penalties at 11 CFR § 111.43.

On May 11, 2015, the FEC received payment of the civil money penalty calculated at the RTB stage. The FEC made a final determination on June 25, 2015 that Progressive Voters of America 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 \$1,090 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

Progressive Voters of America

Helping to elect progressive candidates at the federal, state and local level.

PO BOX 852 • BURLINGTON, VT 05402

May 5, 2015

The Honorable Ann M. Ravel
Chair
Federal Election Commission
999 E Street, NW
Washington, DC 20463

Re: Progressive Voters of America (C00406553)
Administrative Fine AF#: 2921
~~Administrative Fine AF#: 2944~~

Dear Chair Ravel,

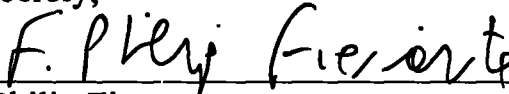
This is in response to your letters dated April 1 (AF#2921) and April 2, 2015 (AF#2944).

We acknowledge that we neglected to file the 12 day Pre-General Report of Receipts and Disbursements and the 30 day Post-General Report of Receipts and Disbursements before the filing deadlines and have enclosed checks to pay for each of the administrative fines for these infractions. This was an inadvertent mistake. As you know, we have since filed both reports with the FEC.

We will make certain to be diligent to comply with all filing deadlines in the future.

Please note that we have submitted separate payments for each of the above-referenced Administrative Fines and have included a copy of this letter as part of each payment submission. We hereby request that this letter be made part of the public record for both matters.

Sincerely,


F. Philip Fiermonte
Treasurer

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: Progressive Voters of America

FEC ID#: C00406553

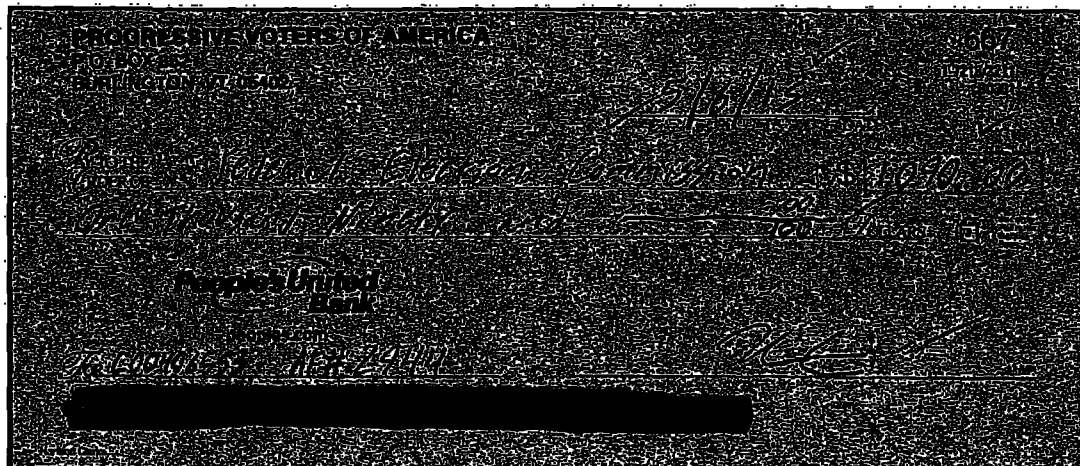
AF#: 2944

PAYMENT DUE DATE: May 11, 2015

PAYMENT AMOUNT DUE: \$1,090

FEDERAL ELECTION COMMISSION

Lockbox: GLX-979058 Ledger Date 05/08/2015



Batch	Item	TID	Batch Total	Amount
1	4	Y-6244533	\$13,590.00	\$1,090.00

usbank.

St. Louis GA Lockbox
(314) 425-1818



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 2944

DATE SCANNED 7/13/15

SCANNER NO. 2

SCAN OPERATOR JR