



FEDERAL ELECTION COMMISSION  
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 2957

DATE SCANNED

3/9/16

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

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April 1, 2015

**SENSITIVE**

MEMORANDUM

TO: The Commission

THROUGH: Alec Palmer *for PCO*  
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 *SP*  
Reports Analysis Division  
Compliance Branch

SUBJECT: Reason To Believe Recommendation – 2014 Year-End Report for the  
Administrative Fine Program

Attached is a list of political committees and their treasurers who failed to file the 2014 Year-End Report in accordance with 52 U.S.C. § 30104(a). The Year-End Report was due on January 31, 2015.

The committees listed in the attached RTB Circulation Report either failed to file the report, no more than thirty (30) days after the due date (considered a late filed report), or filed the report more than thirty (30) days after the due date (considered a non-filed report). In accordance with the schedule of civil money penalties for reports at 11 C.F.R. 111.43, these committees should be assessed the civil money penalties highlighted on the attached circulation report.

**Recommendation**

1. Find reason to believe that the political committees and their treasurers listed on the RTB Circulation Report violated 52 U.S.C. § 30104(a) 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 YEAR-END Not Election Sensitive 01/31/2015 H\_S\_P\_UNAUTH**

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
2953	C00546630	ABELERSENATE	ABELER, JAMES J	BART J. WARD	\$309,164	0	3/6/2015	Not Filed	\$8,601	\$330
2954	C00543074	BARFIELD FOR CONGRESS	BARFIELD, JONATHAN JR	TUFANNA L THOMAS	\$120,923	0	3/15/2015	Not Filed	\$658	\$275
2955	C00540385	BEALE FOR CONGRESS	BEALE, ANTHONY A	STEVEN R BURRIS	\$369,434	5		Not Filed	\$92,359 (est)	\$8,662
2956	C00559146	BELIEVE IN LIFE LIBERTY YOURSELF AKA BILLY PAC		RONALD NEVILLE	\$121,412	0		Not Filed	\$24,282 (est)	\$550
2957	C00559799	BRAD PECK FOR CONGRESS	PECK, LOWELL B	ALLEN WILLIAM BERKMAN III	\$200,492	0		Not Filed	\$66,831 (est)	\$2,970
2958	C00550129	CALVIN D TURNQUEST FOR CONGRESS	TURNQUEST, CALVIN DEON	OLIVIA OUTMEZGUINE	\$112,964	1		Not Filed	\$37,655 (est)	\$1,362
2959	C00405852	CAM CAVASSO FOR U S SENATE	CAVASSO, CAMPBELL	RAYNETTE K NICHOLSON	\$628,063	0		Not Filed	\$62,806 (est)	\$2,970
2960	C00558601	CICOTTE FOR CONGRESS	CICOTTE, GEORGE FREDERICK	GEORGE FREDERICK CICOTTE	\$453,747	0		Not Filed	\$113,437 (est)	\$4,950
2961	C00460238	CUBIST PHARMACEUTICALS INC. PAC (CUBIST PAC)		MARK BATTALIGNI	\$194,531	0		Not Filed	\$17,685 (est)	\$550
2962	C00553297	DAN FREI FOR CONGRESS	FREI, DANIEL EDWARD	MATTHEW SAKALOSKY	\$102,720	0		Not Filed	\$20,544 (est)	\$550
2963	C00547257	DEFRANCO FOR CONGRESS	DEFRANCO, MARISA A	KAI P. MOY	\$186,965	0	2/24/2015	24	\$2,969	\$147
2964	C00176420	DEMOCRATIC FOUNDATION OF ORANGE COUNTY		GLEN HATTON	\$268,359	0		Not Filed	\$42,187 (est)	\$1,090
2965	C00548453	DOC MOYLAN GOES TO WASHINGTON ELECTION COMMITTEE	MOYLAN, DAVID JOHN III MD	ROBERT BEAUVAIS	\$185,684	0	3/16/2015	Not Filed	\$1,000	\$275
2966	C00522821	EMPOWER CITIZENS NETWORK		ROBERT WAYNE WARTHER	\$102,072	0		Not Filed	\$20,414 (est)	\$550
2967	C00547067	ESPERO FOR CONGRESS	ESPERO, WILLIAM	BRYAN GALLARDE	\$225,170	0		Not Filed	\$45,034 (est)	\$1,090
2968	C00554345	FISCHER FOR CONGRESS	FISCHER, JAMES M	STACEY J. FANTAUZZI	\$297,553	0		Not Filed	\$49,592 (est)	\$1,090
2969	C00561688	FLINN FOR SENATE	FLINN, GEORGE SHEA	LLOYD HETZER	\$2,980,586	0		Not Filed	\$993,529 (est)	\$13,200
2970	C00148999	FRIENDS OF DICK DURBIN	DURBIN, RICHARD J	DOUGLAS A. DOUGHERTY	\$17,561,979	0	2/13/2015	13	\$170,433	\$2,930
2971	C00559054	IF HE VOTES LIKE THAT IN SALEM IMAGINE WHAT HE WILL DO IN CONGRESS		CAROL RUSSELL	\$228,068	0		Not Filed	\$32,581 (est)	\$1,090
2972	C00543033	JAY STAMPER FOR SENATE COMMITTEE	STAMPER, JEREMY MICHAEL	JEREMY M. STAMPER	\$125,244	1		Not Filed	\$20,874 (est)	\$687
2973	C00560672	JETT FOR CONGRESS	JETT, SHANE DAVID	LESLIE SUSANNE LANDWERT	\$151,331	0		Not Filed	\$37,833 (est)	\$1,090
2974	C00505800	JILL STEIN FOR PRESIDENT	STEIN, JILL	JAMES MORAN	\$230,734	5		Not Filed	\$11,537 (est)	\$1,237

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
2975	C00545715	JORGE BONILLA FOR US CONGRESS INC	BONILLA, JORGE L JR	MAGDALENA BONILLA	\$270,955	2		Not Filed	\$54,191 (est)	\$4,455
2976	C00552513	KALEKA FOR CONGRESS	KALEKA, AMARDEEP	PETER BELLIN	\$312,974	0		Not Filed	\$62,595 (est)	\$2,970
2977	C00552992	KWASMAN FOR CONGRESS	KWASMAN, ADAM CHARLES	ADAM KWASMAN	\$619,532	0	2/19/2015	19	\$21,000	\$205
2978	C00553958	LARRY WILSKE FOR CONGRESS	WILSKE, LARRY ALBERT	ANTHONY ELLIOTT STEWART	\$406,466	0	2/27/2015	27	\$715	\$162
2979	C00548024	LORENZO 'LARRY' PALOMARES-STARBUCK FOR CONGRESS	PALOMARES-STARBUCK, LORENZO 'LARRY'	ELY CESAR	\$161,220	0		Not Filed	\$80,610 (est)	\$3,850
2980	C00546606	LOUIE MINOR FOR CONGRESS	MINOR, LOUIE JR	ANNA VAZQUEZ	\$135,391	0		Not Filed	\$19,342 (est)	\$550
2981	C00545301	MARJORIE 2014	MARGOLIES-MEZVINSKY, MARJORIE	JENNIFER MAY	\$2,918,618	0	3/19/2015	Not Filed	\$6,524	\$330
2982	C00564724	MCCLINE FOR CONGRESS	MCCLINE, JAMEEL	TRINE ANDERSEN	\$149,352	0		Not Filed	\$74,676 (est)	\$2,970
2983	C00343590	MECHANICAL CONTRACTORS ASSOCIATION OF AMERICA POLITICAL ACTION COMMITTEE (MCA-PAC)		JOHN, MCNERNEY P.	\$230,556	0	3/3/2015	Not Filed	\$2,873	\$275
2984	C00553420	NEW MEXICANS FOR RICHARD PRIEM	PRIEM, RICHARD G	PATTI RIVAS	\$207,589	0		Not Filed	\$51,897 (est)	\$2,970
2985	C00568246	OUR VOICES MATTER		CHARLES PASCAL	\$100,037	0		Not Filed	\$100,037 (est)	\$4,950
2986	C00509489	PATRIOT SUPER PAC		THOMAS FREILING	\$116,793	1		Not Filed	\$23,359 (est)	\$687
2987	C00261891	REPUBLICAN CENTRAL COMMITTEE OF LOS ANGELES COUNTY (FED. ACCT.)		ALBERT GERSH	\$478,815	3		Not Filed	\$5,347 (est)	\$577
2988	C00547299	RICHARD BOLGER FOR CONGRESS	BOLGER, RICHARD OWEN	JAMES B. VELTRI	\$235,024	1		Not Filed	\$47,005 (est)	\$1,362
2989	C00549824	ROBLES FOR CONGRESS	ROBLES, LUZ M	SILVIA CASTRO	\$314,322	0	3/11/2015	Not Filed	\$8,543	\$330
2990	C00557694	SCOTT BRION FOR CONGRESS	BRION, SCOTT FLOYD	ERIC J. LOUDENSLAGER	\$385,242	0	3/4/2015	Not Filed	\$11,504	\$550
2991	C00558312	SEND LARA TO CONGRESS	LARA, BRIAN	BRIAN LARA	\$236,197	0		Not Filed	\$59,049 (est)	\$2,970
2992	C00499137	SHARON SUND FOR CONGRESS	SUND, SHARON	EUGENE ROBERSON	\$283,782	1		Not Filed	\$31,531 (est)	\$1,362
2993	C00542811	THE REAL CONSERVATIVES NATIONAL COMMITTEE		MICHAEL LEAHY	\$544,837	0	3/9/2015	Not Filed	\$3,500	\$275
2994	C00560649	TOM CARTER FOR CONGRESS	CARTER, THOMAS G	THOMAS CARTER	\$411,859	0		Not Filed	\$137,286 (est)	\$4,950
2995	C00548701	WALTERS FOR CONGRESS	WALTERS, RONALD NEAL JR	MICHAEL E. GREENLEAF	\$261,156	0		Not Filed	\$43,526 (est)	\$1,090
2996	C00553545	WES NEUMAN FOR CONGRESS	NEUMAN, WESLEY RYAN	LINDA NEUMAN	\$107,255	0		Not Filed	\$17,876 (est)	\$550

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
)  
Reason To Believe Recommendation - 2014 )  
Year-End Report of the Administrative Fine )  
Program: )  
ABELER4SENATE, and BART J WARD ) AF# 2953  
as treasurer; )  
BARFIELD FOR CONGRESS, and ) AF# 2954  
TUFANNA L THOMAS as treasurer; )  
BEALE FOR CONGRESS, and STEVEN R ) AF# 2955  
BURRIS as treasurer; )  
BELIEVE IN LIFE LIBERTY YOURSELF ) AF# 2956  
AKA BILLY PAC, and RONALD )  
NEVILLE as treasurer; )  
BRAD PECK FOR CONGRESS, and ) AF# 2957  
ALLEN WILLIAM BERKMAN III as )  
treasurer; )  
CALVIN D TURNQUEST FOR ) AF# 2958  
CONGRESS, and OLIVIA )  
OUTMEZGUINE as treasurer; )  
CAM CAVASSO FOR U S SENATE, and ) AF# 2959  
RAYNETTE K NICHOLSON as treasurer; )  
CICOTTE FOR CONGRESS, and ) AF# 2960  
GEORGE FREDERICK CICOTTE as )  
treasurer; )  
CUBIST PHARMACEUTICALS INC. ) AF# 2961  
PAC (CUBIST PAC), and MARK )  
BATTALIGNI as treasurer; )  
DAN FREI FOR CONGRESS, and ) AF# 2962  
SAKALOSKY, MATTHEW as treasurer; )  
DEFRANCO FOR CONGRESS, and KAI P ) AF# 2963  
MOY as treasurer; )  
DEMOCRATIC FOUNDATION OF ) AF# 2964  
ORANGE COUNTY, and HATTON, )  
GLEN as treasurer; )

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DOC MOYLAN GOES TO WASHINGTON ELECTION COMMITTEE, and ROBERT BEAUVAIS as treasurer; AF# 2965

EMPOWER CITIZENS NETWORK, and ROBERT WAYNE WARTHER as treasurer; ) AF# 2966

ESPERO FOR CONGRESS, and GALLARDE, BRYAN as treasurer; ) AF# 2967

FISCHER FOR CONGRESS, and FANTAUZZI, STACEY J. as treasurer; ) AF# 2968

FLINN FOR SENATE, and LLOYD HETZER as treasurer; ) AF# 2969

FRIENDS OF DICK DURBIN, and DOUGLAS A DOUGHERTY as treasurer; ) AF# 2970

IF HE VOTES LIKE THAT IN SALEM IMAGINE WHAT HE WILL DO IN CONGRESS, and CAROL RUSSELL as treasurer; ) AF# 2971

JAY STAMPER FOR SENATE COMMITTEE, and JEREMY M STAMPER as treasurer; ) AF# 2972

JETT FOR CONGRESS, and LESLIE SUSANNE LANDWERT as treasurer; ) AF# 2973

JILL STEIN FOR PRESIDENT, and MORAN, JAMES as treasurer; ) AF# 2974

JORGE BONILLA FOR US CONGRESS INC, and MAGDALENA BONILLA as treasurer; ) AF# 2975

KALEKA FOR CONGRESS, and BELLIN, PETER as treasurer; ) AF# 2976

KWASMAN FOR CONGRESS, and KWASMAN, ADAM as treasurer; ) AF# 2977

LARRY WILSKE FOR CONGRESS, and STEWART, ANTHONY ELLIOTT as treasurer; ) AF# 2978

LORENZO 'LARRY' PALOMARES-STARBUCK FOR CONGRESS, and ELY CESAR as treasurer; ) AF# 2979

LOUIE MINOR FOR CONGRESS, and ANNA VAZQUEZ as treasurer; ) AF# 2980

MARJORIE 2014, and JENNIFER MAY as treasurer; ) AF# 2981

MCCLINE FOR CONGRESS, and TRINE ANDERSEN as treasurer; ) AF# 2982

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MECHANICAL CONTRACTORS ) AF# 2983  
ASSOCIATION OF AMERICA )  
POLITICAL ACTION COMMITTEE )  
(MCA-PAC), and JOHN, MCNERNEY P. )  
as treasurer; )  
NEW MEXICANS FOR RICHARD ) AF# 2984  
PRIEM, and PATTI RIVAS as treasurer; )  
OUR VOICES MATTER, and CHARLES ) AF# 2985  
PASCAL as treasurer; )  
PATRIOT SUPER PAC, and FREILING, ) AF# 2986  
THOMAS as treasurer; )  
REPUBLICAN CENTRAL COMMITTEE ) AF# 2987  
OF LOS ANGELES COUNTY (FED. )  
ACCT.), and ALBERT GERSH as )  
treasurer; )  
RICHARD BOLGER FOR CONGRESS, ) AF# 2988  
and JAMES B. VELTRI as treasurer; )  
ROBLES FOR CONGRESS, and SILVIA ) AF# 2989  
CASTRO as treasurer; )  
SCOTT BRION FOR CONGRESS, and ) AF# 2990  
ERIC J LOUDENSLAGER as treasurer; )  
SEND LARA TO CONGRESS, and ) AF# 2991  
BRIAN LARA as treasurer; )  
SHARON SUND FOR CONGRESS, and ) AF# 2992  
ROBERSON, EUGENE as treasurer; )  
THE REAL CONSERVATIVES ) AF# 2993  
NATIONAL COMMITTEE, and )  
MICHAEL LEAHY as treasurer; )  
TOM CARTER FOR CONGRESS, and ) AF# 2994  
CARTER, THOMAS as treasurer; )  
WALTERS FOR CONGRESS, and ) AF# 2995  
MICHAEL E GREENLEAF as treasurer; )  
WES NEUMAN FOR CONGRESS, and ) AF# 2996  
LINDA NEUMAN as treasurer; )

CERTIFICATION

I, Shelley E. Garr, Deputy Secretary of the Federal Election Commission, do hereby certify that on April 03, 2015 the Commission took the following actions on the Reason To Believe Recommendation - 2014 Year-End Report of the Administrative Fine Program as recommended in the Reports Analysis Division's Memorandum dated April 01, 2015, on the following committees:

AF#2953 Decided by a vote of 6-0 to: (1) find reason to believe that ABELER4SENATE, and BART J WARD 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#2954 Decided by a vote of 6-0 to: (1) find reason to believe that BARFIELD FOR CONGRESS, and TUFANNA L THOMAS 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#2955 Decided by a vote of 6-0 to: (1) find reason to believe that BEALE FOR CONGRESS, and STEVEN R BURRIS 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#2956 Decided by a vote of 6-0 to: (1) find reason to believe that BELIEVE IN LIFE LIBERTY YOURSELF AKA BILLY PAC, and RONALD NEVILLE 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#2957 Decided by a vote of 6-0 to: (1) find reason to believe that BRAD PECK FOR CONGRESS, and ALLEN WILLIAM BERKMAN III 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#2958 Decided by a vote of 6-0 to: (1) find reason to believe that CALVIN D TURNQUEST FOR CONGRESS, and OLIVIA OUTMEZGUINE 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#2959 Decided by a vote of 6-0 to: (1) find reason to believe that CAM CAVASSO FOR U S SENATE, and RAYNETTE K NICHOLSON 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#2960 Decided by a vote of 6-0 to: (1) find reason to believe that CICOTTE FOR CONGRESS, and GEORGE FREDERICK CICOTTE 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#2961 Decided by a vote of 6-0 to: (1) find reason to believe that CUBIST PHARMACEUTICALS INC. PAC (CUBIST PAC), and MARK BATTALIGNI 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#2962 Decided by a vote of 6-0 to: (1) find reason to believe that DAN FREI FOR CONGRESS, and SAKALOSKY, MATTHEW 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#2963 Decided by a vote of 6-0 to: (1) find reason to believe that DEFRANCO FOR CONGRESS, and KAI P MOY 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#2964 Decided by a vote of 6-0 to: (1) find reason to believe that DEMOCRATIC FOUNDATION OF ORANGE COUNTY, and HATTON, GLEN 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#2965 Decided by a vote of 6-0 to: (1) find reason to believe that DOC MOYLAN GOES TO WASHINGTON ELECTION COMMITTEE, and ROBERT BEAUVAIS 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#2966 Decided by a vote of 6-0 to: (1) find reason to believe that EMPOWER CITIZENS NETWORK, and ROBERT WAYNE WARTHER 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#2967 Decided by a vote of 6-0 to: (1) find reason to believe that ESPERO FOR CONGRESS, and GALLARDE, BRYAN 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#2968 Decided by a vote of 6-0 to: (1) find reason to believe that FISCHER FOR CONGRESS, and FANTAUZZI, STACEY J. 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#2969 Decided by a vote of 6-0 to: (1) find reason to believe that FLINN FOR SENATE, and LLOYD HETZER 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#2970 Decided by a vote of 6-0 to: (1) find reason to believe that FRIENDS OF DICK DURBIN, and DOUGLAS A DOUGHERTY 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#2971 Decided by a vote of 6-0 to: (1) find reason to believe that IF HE VOTES LIKE THAT IN SALEM IMAGINE WHAT HE WILL DO IN CONGRESS, and CAROL RUSSELL 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#2972 Decided by a vote of 6-0 to: (1) find reason to believe that JAY STAMPER FOR SENATE COMMITTEE, and JEREMY M STAMPER 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#2973 Decided by a vote of 6-0 to: (1) find reason to believe that JETT FOR CONGRESS, and LESLIE SUSANNE LANDWERT 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#2974 Decided by a vote of 6-0 to: (1) find reason to believe that JILL STEIN FOR PRESIDENT, and MORAN, JAMES 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#2975 Decided by a vote of 6-0 to: (1) find reason to believe that JORGE BONILLA FOR US CONGRESS INC, and MAGDALENA BONILLA 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#2976 Decided by a vote of 6-0 to: (1) find reason to believe that KALEKA FOR CONGRESS, and BELLIN, PETER 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#2977 Decided by a vote of 6-0 to: (1) find reason to believe that KWASMAN FOR CONGRESS, and KWASMAN, ADAM 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#2978 Decided by a vote of 6-0 to: (1) find reason to believe that LARRY WILSKE FOR CONGRESS, and STEWART, ANTHONY ELLIOTT 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#2979 Decided by a vote of 6-0 to: (1) find reason to believe that LORENZO 'LARRY' PALOMARES-STARBUCK FOR CONGRESS, and ELY CESAR 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#2980 Decided by a vote of 6-0 to: (1) find reason to believe that LOUIE MINOR FOR CONGRESS, and ANNA VAZQUEZ 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#2981 Decided by a vote of 6-0 to: (1) find reason to believe that MARJORIE 2014, and JENNIFER MAY 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#2982 Decided by a vote of 6-0 to: (1) find reason to believe that MCCLINE FOR CONGRESS, and TRINE ANDERSEN 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#2983 Decided by a vote of 6-0 to: (1) find reason to believe that MECHANICAL CONTRACTORS ASSOCIATION OF AMERICA POLITICAL ACTION COMMITTEE (MCA-PAC), and JOHN, MCNERNEY P. 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#2984 Decided by a vote of 6-0 to: (1) find reason to believe that NEW MEXICANS FOR RICHARD PRIEM, and PATTI RIVAS 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#2985 Decided by a vote of 6-0 to: (1) find reason to believe that OUR VOICES MATTER, and CHARLES PASCAL 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#2986 Decided by a vote of 6-0 to: (1) find reason to believe that PATRIOT SUPER PAC, and FREILING, THOMAS 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#2987 Decided by a vote of 6-0 to: (1) find reason to believe that REPUBLICAN CENTRAL COMMITTEE OF LOS ANGELES COUNTY (FED. ACCT.), and ALBERT GERSH 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#2988 Decided by a vote of 6-0 to: (1) find reason to believe that RICHARD BOLGER FOR CONGRESS, and JAMES B. VELTRI 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#2989 Decided by a vote of 6-0 to: (1) find reason to believe that ROBLES FOR CONGRESS, and SILVIA CASTRO 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#2990 Decided by a vote of 6-0 to: (1) find reason to believe that SCOTT BRION FOR CONGRESS, and ERIC J LOUDENSLAGER 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#2991 Decided by a vote of 6-0 to: (1) find reason to believe that SEND LARA TO CONGRESS, and BRIAN LARA 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#2992 Decided by a vote of 6-0 to: (1) find reason to believe that SHARON SUND FOR CONGRESS, and ROBERSON, EUGENE 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#2993 Decided by a vote of 6-0 to: (1) find reason to believe that THE REAL CONSERVATIVES NATIONAL COMMITTEE, and MICHAEL LEAHY 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#2994 Decided by a vote of 6-0 to: (1) find reason to believe that TOM CARTER FOR CONGRESS, and CARTER, THOMAS 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#2995 Decided by a vote of 6-0 to: (1) find reason to believe that WALTERS FOR CONGRESS, and MICHAEL E GREENLEAF 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

Federal Election Commission  
Certification for Administrative Fines  
April 03, 2015

Page 11

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

AF#2996 Decided by a vote of 6-0 to: (1) find reason to believe that WES NEUMAN FOR CONGRESS, and LINDA NEUMAN 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.

Attest:

April 6, 2015  
Date

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



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

April 6, 2015

Allen William Berkman III, in official capacity as Treasurer  
Brad Peck for Congress  
200 N Road 34  
Pasco, WA 99301

C00559799  
AF#: 2957

Dear Mr. Berkman:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file a Year-End Report of Receipts and Disbursements every calendar year. This report, covering the period October 1, 2014 through December 31, 2014, was due no later than January 31, 2015. 52 U.S.C. § 30104(a). Records at the Federal Election Commission ("FEC") indicate that this report was not filed within thirty (30) days of the due date. You should file this report if you have not already done so.

The Act permits the FEC to impose civil money penalties for violations of the reporting requirements of 52 U.S.C. § 30104(a). 52 U.S.C. § 30109(a)(4). On April 3, 2015, the FEC found that there is reason to believe ("RTB") that Brad Peck for Congress and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) by failing to file timely this report on or before January 31, 2015. Based on the FEC's schedules of civil money penalties at 11 CFR § 111.43, the amount of your civil money penalty calculated at the RTB stage is \$2,970. Please see the attached copy of the Commission's administrative fine regulations at 11 CFR §§ 111.30-111.55. Attachment 1. The Commission's website contains further information about how the administrative fine program works and how the fines are calculated. See <http://www.fec.gov/af/af.shtml>. 11 CFR § 111.34. Your payment of \$2,970 is due within forty (40) days of the finding, or by May 13, 2015, and is based on these factors:

Sensitivity of Report: Not Election Sensitive  
Level of Activity: \$66,831  
Number of Days Late: Not Filed  
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 13, 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. 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 Brad Peck for Congress and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(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 making 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). 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) and 30109(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

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**ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS**

In accordance with the schedule of penalties at 11 CFR § 111.43, the amount of your civil money penalty calculated at RTB is \$2,970 for the 2014 Year-End 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 13, 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**  
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FOR: Brad Peck for Congress

FEC ID#: C00559799

AF#: 2957

PAYMENT DUE DATE: May 13, 2015

PAYMENT AMOUNT DUE: \$2,970

***A. William Berkman***Richland, WA 99352 •**FEC - RAD**  
Reports Analysis Div.Federal Election Commission  
Office of Administrative Review  
999 E. Street NW  
Washington DC 20463

24 JUN '15 RCVD

April 28, 2015

Re: C0059799 -- Late Filing Penalty Appeal

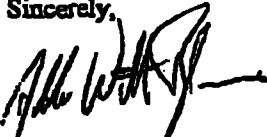
Dear Sir or Madam,

I am responding to the Commissions Letter dated 6, April 2015 concerning the late filing penalty. As directed therein, I am sending this letter in an appeal to eliminate the assessed penalty. Allow me to state the facts as I see them -

1. The campaign was terminated in May of 2014 when the candidate determined he was not going to be successful in running for the office. At that time, no further contributions were accepted and the campaign began reaching out to all donors in an effort to refund their contributions. The campaign also eliminated all sources of expenses including web sites, domains and email accounts.
2. The campaign continued to file quarterly and pre-election filings as prescribed throughout the balance of the year.
3. By the end of the year, we were able to return all contributions or obtain written affirmations of re-attribution of all contributions from all contributors.
4. On January 18 of this year, the candidate and I met and wrapped up all finances related to the campaign and, later that evening, I filed the Q4 2014 filing as well as Termination filing. I will note that since all campaign email accounts were previously terminated no notices were received from the FEC server. (I will note, however, that in re-filing these two notices, I observed that the email addresses for notifications could be modified in the FEC File software. I regret this oversight).

In conclusion, I made every effort to file in accordance with regulations. As both the campaign email accounts were terminated and FEC File software does not record filing activity, I am unable to prove my assertion that the Q4 and Termination filings were made on January 18, 2015.

Sincerely,



Allen W. Berkman III



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

July 1, 2015

Allen William Berkman, III, Treasurer  
Brad Peck for Congress  
200 N. Road 34  
Pasco, WA 99301

C00559799  
AF#: 2957

Dear Mr. Berkman:

On June 24, 2015, the Commission's Office of Administrative Review ("OAR") received your written response ("challenge") for Brad Peck 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 black ink that reads "Rhiannon Magruder". The signature is fluid and cursive.

Rhiannon Magruder  
Reviewing Officer  
Office of Administrative Review



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RECEIVED  
FEDERAL ELECTION COMMISSION

2015 AUG 20 PM 1:51

**SENSITIVE**

August 20, 2015

**MEMORANDUM**

To: The Commission

Through: Alec Palmer *AP*  
Staff Director

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

Rhiannon Magruder *RM*  
Reviewing Officer  
Office of Administrative Review

Subject: Reviewing Officer Recommendation in AF# 2957 – Brad Peck for Congress and Allen William Berkman, III, in his official capacity as Treasurer (C00559799)

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.

Please note, the Committee filed a Termination Report on April 27, 2015. The Committee will be eligible for termination once this matter is closed.

Attachment



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

August 20, 2015

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

AF# 2957 – Brad Peck for Congress and Allen William Berkman, III, in his official capacity as Treasurer (C00559799)

**Summary of Recommendation**

Make a final determination that the respondents violated 52 U.S.C. § 30104(a) and assess a \$330 civil money penalty.

**Reason-to-Believe Background**

The 2014 Year-End Report was due on January 31, 2015. The respondents filed the report on April 27, 2015, 86 days late. The report is not election sensitive and was not filed within 30 days of the due date; therefore, the report is considered not filed. 11 C.F.R. §§ 111.43(d)(1) and (e)(1).

On April 3, 2015, the Commission found reason to believe ("RTB") that the respondents violated 52 U.S.C. § 30104(a) for failing to timely file the 2014 Year-End Report and made a preliminary determination that the civil money penalty was \$2,970 based on the schedule of penalties at 11 C.F.R. § 111.43. A letter was mailed to the respondents' address of record from the Reports Analysis Division ("RAD") on April 6, 2015 to notify them of the Commission's RTB finding and civil money penalty.

**Legal Requirements**

The Federal Election Campaign Act ("Act") states that the treasurer of a principal campaign committee shall file a report for the quarter ending December 31 no later than January 31 of the following calendar year. 52 U.S.C. § 30104(a) and 11 C.F.R. § 104.5(a)(1)(i). Reports electronically filed must be received and validated at or before 11:59 p.m. Eastern Standard/Daylight Time on the filing date 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). Any change in information previously filed in a Statement of Organization must be reported within 10 days of the change. 11 C.F.R. § 102.2(a)(2).

**Summary of Respondents' Challenge**

On June 24, 2015, the Commission received the written response ("challenge") from the Treasurer, Mr. Allen William Berkman, III, requesting that the Commission waive the civil money penalty. The Treasurer states that in May 2014, the Candidate decided to end his candidacy. "At that time, no further contributions were accepted and the campaign began reaching out to all donors in an effort to refund their contributions. The campaign also eliminated all sources of expenses including web sites, domains and email accounts." The Committee continued to file reports for the balance of 2014 to report this winding down activity.

The Treasurer further explains that on January 18, 2015, he electronically filed the 2014 Year-End Report and Termination Report. The Treasurer acknowledges that the Committee failed to update its email addresses after all campaign email accounts were terminated. The Committee did not receive any of the Commission's email notifications regarding the filing of their 2014 Year-End Report. Therefore, the respondents are unable to provide any documentation to prove the Committee filed the report on January 18, 2015.

### Analysis

Commission records indicate the Committee filed the 2014 Year-End Report on April 27, 2015, 86 days late. However, the Treasurer contends the Committee electronically filed the report on January 18, 2015, 13 days before the filing deadline. According to the Manager of the E-Filing and Disclosure Branch in the Commission's Office of the Chief Information Officer, the Electronic Filing Office ("EFO") has no record of the Committee attempting to upload the report prior to April 27, 2015. EFO also notes there were no problems with Commission computers or FECFile which would have prevented the Committee from filing the report on or around January 18, 2015.

The Commission sent two separate email notifications regarding the Committee's failure to timely file the 2014 Year-End Report. On February 1, 2015, EFO sent an email to lpb.4th@gmail.com, the address previously provided by the Committee. On February 18, 2015, RAD sent a non-filer notification to the same email address, the official email address disclosed on the Committee's Statement of Organization.

However, the Treasurer states that the Committee did not receive these notifications because the Committee failed to update its email address with the Commission. Any change in information previously filed in a Statement of Organization must be reported within 10 days of the change. 11 C.F.R. § 102.2(a)(2). Had the Committee timely amended its Statement of Organization as required or timely updated its email address within FECFile, it would have been alerted of its failure to file the 2014 Year-End Report prior to the RTB finding.<sup>1</sup>

The respondents did not provide any evidence to support the Committee electronically filed the report prior to April 27, 2015. Therefore, there is not enough evidence to suggest the Commission's record is incomplete. 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. Therefore, the Reviewing Officer recommends that the Commission make a final determination that the respondents violated 52 U.S.C. § 30104(a).

At the time of the RTB finding, the Commission used an estimated level of activity (\$66,831) to calculate the fine because the report had not yet been filed. 11 C.F.R. § 111.43(d)(2)(i). The respondents' 2014 Year-End Report discloses \$0 in total receipts and \$5,660.32 in total disbursements, resulting in an actual level of activity of \$5,660.32. Using

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<sup>1</sup> To date, the Committee has not yet amended its Statement of Organization to disclose a new email address.



the schedule of penalties at 11 C.F.R § 111.43(a), for respondents with no previous violations and the level of activity bracket of \$5,000 - \$9,999.99, the civil money penalty is  $\$330 \times [1 + (.25 \times 0)]$  or \$330. Therefore, the Reviewing Officer recommends that the Commission assess a \$330 civil money penalty, reduced from the RTB civil money penalty of \$2,970.

#### **OAR Recommendations**

- 1) Adopt the Reviewing Officer recommendation for AF# 2957 involving Brad Peck for Congress and Allen William Berkman, III, in his official capacity as Treasurer, in making the final determination;
- 2) Make a final determination in AF# 2957 that Brad Peck for Congress and Allen William Berkman, III, in his official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess a \$330 civil money penalty (reduced from the RTB civil money penalty of \$2,970); and
- 3) Send the appropriate letter.

#### **Attachments**

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

**DECLARATION OF KRISTIN D. ROSER**

1. I am the Chief of the Compliance Branch for the Reports Analysis Division of the Federal Election Commission ("Commission"). In my capacity as Chief of the Compliance Branch, I oversee the initial processing of the Administrative Fine Program. I make this declaration based on my personal knowledge and, if called upon as a witness, could and would testify competently to the following matters.
2. I hereby certify that documents identified herein are true and accurate copies of the following sent by the Commission to Brad Peck for Congress:
  - A) Termination Denial Letter, dated May 14, 2015, referencing the Termination Report, covering January 1, 2015 through January 18, 2015 (sent via regular mail to the address of record);
  - B) Non-Filer Letter, dated February 18, 2015, referencing the 2014 Year-End Report (sent via electronic mail to: lbp.4th@gmail.com);
  - C) Reason-to-Believe Letter, dated April 6, 2015 referencing the 2014 Year-End 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 Brad Peck for Congress filed the 2014 Year-End Report with the Commission on April 27, 2015.
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 7<sup>th</sup> day of July, 2015.



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



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

May 14, 2015

Allen William Berkman III, Treasurer  
Brad Peck for Congress  
200 N Road 34  
Pasco, WA 99301

Dear Treasurer:

On April 27, 2015, you filed a report requesting that the Federal Election Commission permit Brad Peck for Congress (C00559799) to terminate pursuant to 52 U.S.C. § 30103(d) and 11 CFR § 102.3 of the Commission's Regulations. Because of an administrative fines matter involving your committee, your termination request has been denied.

Your committee must continue to file all required reports with the Commission. You will be notified when your request to terminate has been granted and your committee is no longer required to file reports with the Commission. If you have any questions regarding this matter, please do not hesitate to contact David Garr on our toll free number at (800) 424-9530. His local number is (202) 694-1137.

Sincerely,

*Debbie Chacona*

Debbie Chacona  
Assistant Staff Director  
Reports Analysis Division



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RQ-7

February 18, 2015

ALLEN WILLIAM BERKMAN III, TREASURER  
BRAD PECK FOR CONGRESS  
200 N ROAD 34  
PASCO, WA 99301

IDENTIFICATION NUMBER: C00559799

REFERENCE: YEAR-END REPORT (10/01/2014 - 12/31/2014)

Dear Treasurer:

It has come to the attention of the Federal Election Commission that you may have failed to file the above referenced report of receipts and disbursements or failed to file a report covering the entire reporting period as required by the Federal Election Campaign Act, as amended. 52 U.S.C. §30104(a) (formerly 2 U.S.C. §434(a))

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

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

BRAD PECK FOR CONGRESS

Page 2 of 2

If you have any questions regarding this matter, please contact Sari Pickerall at our toll-free number (800)424-9530. The analyst's direct number is (202)694-1129.

Sincerely,

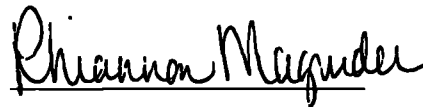
*Debbie Chacona*

Deborah Chacona  
Assistant Staff Director  
Reports Analysis Division

250

### DECLARATION OF RHIANNON MAGRUDER

- 1) I am the Reviewing Officer in the Office of Administrative Review for the Federal Election Commission ("Commission"). In my capacity as Reviewing Officer, I conduct research with respect to all challenges submitted in accordance with the Administrative Fine program.
- 2) The principal campaign committee of a candidate must file a report for the quarter ending December 31 no later than January 31 of the following calendar year. Reports filed electronically must be received and validated at or before 11:59 pm, Eastern Standard/Daylight Time on January 31 for the Year-End Report to be timely filed.
- 3) It is the practice of the Reports Analysis Division to document all calls to or from committees regarding a letter they receive or any questions relating to the administrative fine regulations, including due dates of reports and filing requirements.
- 4) I hereby certify that I have searched the Commission's public records and that the documents identified herein are the true and accurate copies of:
  - a) Cover Page of the Statement of Organization filed by Brad Peck for Congress and Allen William Berkman, III, in his official capacity as Treasurer. According to the Commission's records, the document was received on March 18, 2014, and lists an email address of "lbp.4th@gmail.com";
  - b) Cover Page, Summary Page, and Post-Election Detailed Summary Pages of the 2014 Year-End Report electronically filed by Brad Peck for Congress and Allen William Berkman, III, in his official capacity as Treasurer. According to the Commission's records, the report was received on April 27, 2015.
- 5) Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at Washington, D.C. on the 20th day of August, 2015.



Rhiannon Magruder  
Reviewing Officer  
Office of Administrative Review  
Federal Election Commission

FEC  
FORM 1

STATEMENT OF  
ORGANIZATION

RECEIVED

2014 MAR 18 AM 8:29

Office Use Only  
FEC MAIL CENTER

1. NAME OF  
COMMITTEE (in full)

☐

(Check if name  
is changed)

Example: If typing, type  
over the lines.

12FE4M5

Brad Peck for Congress

ADDRESS (number and street)

200 N. Road 34

☐

(Check if address  
is changed)

Pasco

WA

99301

CITY

STATE

ZIP CODE

COMMITTEE'S E-MAIL ADDRESS (Please provide only one e-mail address)

☐

(Check if address  
is changed)

lbp.4th@gmail.com

COMMITTEE'S WEB PAGE ADDRESS (URL)

☐

(Check if address  
is changed)

www.bradpeck.org

2. DATE

03

11

2014

3. FEC IDENTIFICATION NUMBER

C

4. IS THIS STATEMENT

☒

NEW (N)

OR

☐

AMENDED (A)

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

Type or Print Name of Treasurer

Allen William Berkman

Signature of Treasurer



Date

03

11

2014

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

ANY CHANGE IN INFORMATION SHOULD BE REPORTED WITHIN 10 DAYS.

Office  
Use  
Only

For further information contact:  
Federal Election Commission  
Toll Free 800-424-9530  
Local 202-694-1100

FEC FORM 1  
(Revised 02/2009)

140311194650

**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

Brad Peck for Congress

ADDRESS (number and street)

200 N. 34

Check if different  
than previously  
reported. (ACC)

Pasco

WA

99301

2. FEC IDENTIFICATION NUMBER ▼

C C00559799

CITY ▲

STATE ▲

ZIP CODE ▲

STATE ▼ DISTRICT

3. IS THIS  
REPORT

X

NEW  
(N)

OR

AMENDED  
(A)

WA

04

4. TYPE OF REPORT (Choose One)

(a) Quarterly Reports:

April 15 Quarterly Report (Q1)

July 15 Quarterly Report (Q2)

October 15 Quarterly Report (Q3)

X 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

in the  
State of

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

General (30G)

Runoff (30R)

Special (30S)

Election on

in the  
State of

5. Covering Period 10 23 2014 through 12 31 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 Allen W Berkman III

Signature of Treasurer Allen W Berkman III

[Electronically Filed]

Date

01

18

2015

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

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



FEC Form 3 (Revised 02/2003)

# SUMMARY PAGE

## of Receipts and Disbursements

PAGE 2 / 7

Write or Type Committee Name

Brad Peck for Congress

Report Covering the Period: From: 10 23 2014 To: 12 31 2014

	COLUMN A This Period	COLUMN B Election Cycle-to-Date
6. Net Contributions (other than loans)		
(a) Total Contributions (other than loans) (from Line 11(e)) .....	0.00	0.00
(b) Total Contribution Refunds (from Line 20(d)) .....	0.00	0.00
(c) Net Contributions (other than loans) (subtract Line 6(b) from Line 6(a)) .....	0.00	0.00
7. Net Operating Expenditures		
(a) Total Operating Expenditures (from Line 17) .....	5660.32	0.00
(b) Total Offsets to Operating Expenditures (from Line 14) .....	0.00	0.00
(c) Net Operating Expenditures (subtract Line 7(b) from Line 7(a)) .....	5660.32	0.00
8. Cash on Hand at Close of Reporting Period (from Line 27) .....	0.00	
9. Debts and Obligations Owed TO the Committee (Itemize all on Schedule C and/or Schedule D) .....	0.00	
10. Debts and Obligations Owed BY the Committee (Itemize all on Schedule C and/or Schedule D) .....	0.00	

## For further information contact:

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

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

**POST-ELECTION DETAILED SUMMARY PAGE**

## Report of Receipts and Disbursements

FEC Form 3 (Revised 07/05)

PAGE 3 / 7

- If the candidate participated in the general election, use this form for the 30-day Post-General report.
- If the candidate did NOT participate in the general election, use this form for the Year-end report covering through December 31 of the election year (due on January 31).

This form is used in lieu of filling out Line Numbers 6 through 7 on Page 2 (Summary Page) and Pages 3 and 4 (the Detailed Summary Page) for the last report filed by a candidate during the current election cycle.

Write or Type Committee Name

Brad Peck for Congress

Report Covering the Period: From: 10 23 2014 To: 12 31 2014

**I. RECEIPTS**

COLUMN A Total this Period	COLUMN B Election Cycle Total as of  11 04 2014 (date of general election)	COLUMN C Total for  11 05 2014 (date after general election)  through  12 31 2014 (last day of reporting period)
11. CONTRIBUTIONS (other than loans) FROM: (a) Individuals/Persons Other than Political Committees (i) Itemized (use Schedule A)		
0.00	0.00	0.00
(ii) Unitemized  0.00	0.00	0.00
(iii) Total of contributions from individuals  0.00	0.00	0.00
(b) Political Party Committees  0.00	0.00	0.00
(c) Other Political Committees  0.00	0.00	0.00

**POST-ELECTION DETAILED SUMMARY PAGE**

## Report of Receipts and Disbursements

FEC Form 3 (Revised 1/01)

PAGE 4 / 7

<b>COLUMN A</b> Total this Period	<b>COLUMN B</b> Election Cycle Total as of * (date of general election) (* See page 5 for date)	<b>COLUMN C</b> Total for * (date after general election) through * (last day of reporting period) (* See page 5 for dates)
(d) The Candidate		
0.00	0.00	0.00
(e) TOTAL CONTRIBUTIONS (other than loans) (add Lines 11(a)(iii), (b), (c) and (d))		
0.00	0.00	0.00
12. TRANSFERS FROM OTHER AUTHORIZED COMMITTEES		
0.00	0.00	0.00
13. LOANS:		
(a) Made or Guaranteed by the Candidate		
0.00	0.00	0.00
(b) All Other Loans		
0.00	0.00	0.00
(c) TOTAL LOANS (add Lines 13(a) and (b))		
0.00	0.00	0.00
14. OFFSETS TO OPERATING EXPENDITURES (Refunds, rebates, etc.)		
0.00	0.00	0.00
15. OTHER RECEIPTS (Dividends, Interest, etc.)		
0.00	0.00	0.00
16. TOTAL RECEIPTS (add 11(e), 12, 13(c), 14 and 15)		
0.00	0.00	0.00

**POST-ELECTION DETAILED SUMMARY PAGE**

Report of Receipts and Disbursements

FEC Form 3 (Revised 1/01)

PAGE 5 / 7

Write or Type Committee Name

Brad Peck for Congress

Report Covering the Period: From: 10 23 2014 To: 12 31 2014

**II. DISBURSEMENTS**

COLUMN A Total this Period	COLUMN B Election Cycle Total as of * (date of general election) (* See page 5 for date)	COLUMN C Total for * (date after general election) through * (last day of reporting period) (* See page 5 for dates)
<b>17. OPERATING EXPENDITURES</b>		
5660.32	0.00	5660.32
<b>18. TRANSFERS TO OTHER AUTHORIZED COMMITTEES</b>		
0.00	0.00	0.00
<b>19. LOAN REPAYMENTS:</b>		
(a) Of Loans Made or Guaranteed by the Candidate		
0.00	0.00	0.00
(b) Of All Other Loans		
0.00	0.00	0.00
(c) TOTAL LOAN REPAYMENTS (add Lines 19(a) and 19(b))		
0.00	0.00	0.00
<b>20. REFUNDS OF CONTRIBUTIONS TO:</b>		
(a) Individuals/Persons Other Than Political Committees		
0.00	0.00	0.00
(b) Political Party Committees		
0.00	0.00	0.00

**POST-ELECTION DETAILED SUMMARY PAGE**

## Report of Receipts and Disbursements

FEC Form 3 (Revised 1/01)

PAGE 6 / 7

COLUMN A Total this Period	COLUMN B Election Cycle Total as of * (date of general election) (* See page 5 for date)	COLUMN C Total for * (date after general election) through * (last day of reporting period) (* See page 5 for dates)
(c) Other Political Committees (such as PACs)		
0.00	0.00	0.00
(d) TOTAL CONTRIBUTION REFUNDS (add Lines 20(a), (b) and (c))		
0.00	0.00	0.00
21. OTHER DISBURSEMENTS		
0.00	0.00	0.00
22. TOTAL DISBURSEMENTS (add Lines 17, 18, 19(c), 20(d) and 21)		
5660.32	0.00	5660.32

**III. NET CONTRIBUTIONS (OTHER THAN LOANS)**

(Note: Substitute in lieu of Line #6 of Summary Page for this report only; subtract Line 20(d) from Line 11(e))

0.00	0.00	0.00
------	------	------

**IV. NET OPERATING EXPENDITURES**

(Note: Substitute in lieu of Line #7 of Summary Page for this report only; subtract Line 14 from Line 17)

5660.32	0.00	5660.32
---------	------	---------

**V. CASH SUMMARY**

23. CASH ON HAND AT BEGINNING OF REPORTING PERIOD.....	5660.32
24. TOTAL RECIEPTS THIS PERIOD (from Line 16).....	0.00
25. SUBTOTAL (add Line 23 and Line 24).....	5660.32
26. TOTAL DISBURSEMENTS THIS PERIOD (from Line 22).....	5660.32
27. CASH ON HAND AT CLOSE OF REPORTING PERIOD (subtract Line 26 from Line 25)	0.00



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

August 20, 2015

Allen William Berkman, III, Treasurer  
Brad Peck for Congress  
200 N. Road 34  
Pasco, WA 99301

C00559799  
AF#: 2957

Dear Mr. Berkman:

On April 3, 2015, the Federal Election Commission ("Commission") found reason to believe ("RTB") that Brad Peck for Congress and you, in your official capacity as Treasurer ("respondents"), violated 52 U.S.C. § 30104(a) for failing to file the 2014 Year-End Report. The Commission also made a preliminary determination that the civil money penalty was \$2,970 based on the schedule of penalties at 11 C.F.R. § 111.43.

After reviewing your written response and any supplemental information submitted by you and Commission staff, the Reviewing Officer has recommended that the Commission make a final determination. A copy of the Reviewing Officer's recommendation is attached.

You may file with the Commission Secretary a written response to the recommendation within 10 days of the date of this letter. Your written response should be sent to the Commission Secretary, 999 E Street, NW, Washington, DC 20463 or via facsimile (202-208-3333). Please include the AF # in your response. Your response may not raise any arguments not raised in your original written response or not directly responsive to the Reviewing Officer's recommendation. 11 C.F.R. § 111.36(f). The Commission will then make a final determination in this matter.

Please contact me at the toll free number 800-424-9530 (press 0, then press 1660) or 202-694-1660 if you have any questions.

Sincerely,

A handwritten signature in cursive script, reading "Rhiannon Magruder", is written over a horizontal line.

Rhiannon Magruder  
Reviewing Officer  
Office of Administrative Review



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

2015 SEP -8 PM 3: 05

September 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# 2957 – Brad Peck for Congress and Allen William Berkman, III. in his official capacity as Treasurer (C00559799)

On April 3, 2015, the Commission found reason to believe ("RTB") that the respondents violated 52 U.S.C. § 30104(a) for failing to timely file the 2014 Year-End Report and made a preliminary determination that the civil money penalty was \$2,970 based on the schedule of penalties at 11 C.F.R. § 111.43.

On June 24, 2015, the Commission received their written response ("challenge"). After reviewing the challenge, the Reviewing Officer Recommendation ("ROR") dated August 20, 2015 was forwarded to the Commission, a copy was forwarded to the respondents, and is hereby incorporated by reference. The Reviewing Officer recommended that the Commission make a final determination that the respondents violated 52 U.S.C. § 30104(a) and assess a \$330 civil money penalty, reduced from the RTB civil money penalty of \$2,970.

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

### **OAR Recommendations**

- 1) Adopt the Reviewing Officer recommendation for AF# 2957 involving Brad Peck for Congress and Allen William Berkman, III, in his official capacity as Treasurer, in making the final determination:
- 2) Make a final determination in AF# 2957 that Brad Peck for Congress and Allen William Berkman, III, in his official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess a \$330 civil money penalty (reduced from the RTB civil money penalty of \$2,970); and
- 3) Send the appropriate letter.

100-334757-9



BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 ) AF 2957  
Brad Peck for Congress and Allen )  
William Berkman, III, in his official )  
capacity as Treasurer (C00559799) )

CERTIFICATION

I, Shelley E. Garr, recording secretary of the Federal Election Commission executive session, do hereby certify that on December 10, 2015, the Commission took the following actions in the above-captioned matter:

1. Decided by a vote of 6-0 to:

Ratify the Commission's April 3, 2015 reason to believe finding that Brad Peck for Congress and Allen William Berkman, III, as Treasurer violated 52 U.S.C. § 30104(a) and the preliminary determination that a civil money penalty of \$2,970 be assessed.

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

2. Decided by a vote of 6-0 to:

Pursuant to 11 C.F.R. § 111.37(b), otherwise terminate the proceedings.

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

Attest:

December 14, 2015  
Date

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



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

December 14, 2015

Allen William Berkman, III, Treasurer  
Brad Peck for Congress  
200 N. Road 34  
Pasco, WA 99301

C00559799  
AF#: 2957

Dear Mr. Berkman:

On April 3, 2015, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Brad Peck for Congress and you, in your official capacity as Treasurer, violated 52 U.S.C. § 30104(a) for failing to file the 2014 Year-End Report. By letter dated April 6, 2015, the Commission sent notification of the RTB finding that included a civil money penalty calculated at RTB of \$2,970 in accordance with the schedule of penalties at 11 C.F.R. § 111.43. On June 24, 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 Brad Peck for Congress and you, in your official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess a civil money penalty in the amount of \$330 in accordance with 11 C.F.R. § 111.43. A copy of the Reviewing Officer Recommendation was sent to you on August 20, 2015.

On December 10, 2015, the Commission failed to adopt the Reviewing Officer's recommendation, and voted to terminate the proceedings with respect to 52 U.S.C. § 30104(a) and close the file. A copy of the Final Determination Recommendation is attached.

The confidentiality provisions at 52 U.S.C. § 30109(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 this matter, 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,

A handwritten signature in black ink, appearing to read "Ann M. Ravel". The signature is fluid and cursive, with the first name "Ann" and middle initial "M" being more stylized than the last name "Ravel".

Ann M. Ravel  
Chair

Attachment



FEDERAL ELECTION COMMISSION  
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 2957

DATE SCANNED

3/9/16

SCANNER NO.

2

SCAN OPERATOR

JB