



FEDERAL ELECTION COMMISSION  
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 2997

DATE SCANNED

10/5/15

SCANNER NO.

2

SCAN OPERATOR

DB

NON-CONFIDENTIAL



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

2015 APR -2 PM 4: 02

April 2, 2015 **SENSITIVE**

**MEMORANDUM**

TO: The Commission

THROUGH: Alec Palmer *SWH for*  
Staff Director

FROM: Patricia C. Orrock *NME for PO*  
Chief Compliance Officer

Debbie Chacona *NME for DC*  
Assistant Staff Director  
Reports Analysis Division

BY: Kristin D. Roser *KDR*  
Compliance Branch

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

Attached is the name of a principal campaign committee that has failed to file 48-hour notices with the Commission for contributions of \$1,000.00 or more received (1) from the close of books for the 2014 Kentucky 12 Day Pre-General Report up to 48 hours before the November 4, 2014 General Election in accordance with 52 U.S.C. § 30104(a). The committee, Ron Leach for Congress Campaign Committee, represents a candidate who lost the General Election. The committee is being referred for failing to file 48-hour notices for contributions totaling \$31,807.64.

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

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

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

**Recommendation**

1. Find reason to believe that Ron Leach for Congress Campaign Committee and Theresa Drake, Treasurer, violated 52 U.S.C. § 30104(a) and make a preliminary determination that a civil money penalty of \$3,620 be assessed.
2. Send the appropriate letter.

**Attachment**

14-00000-1001

**Contributions for Which a 48-Hour Notice Was Not Received**

**AF 2997**

**Committee ID: C00543538**

**Committee Name: Ron Leach for Congress Campaign Committee**

**Report Type: 2014 30 Day Post-General Report (10/16/2014 - 11/24/2014)**

**General 48-Hour Reporting Period: 10/16/2014 - 11/1/2014**

<b>CONTRIBUTOR</b>	<b>DATE</b>	<b>AMOUNT</b>
LEACH, RONALD ALLEN	10/16/14	\$5,526.00
LEACH, RON	10/17/14	\$20,000.00
LEACH, RON	10/21/14	\$3,157.64
LEACH, RONALD ALLEN	10/23/14	\$3,124.00
	<b>TOTAL</b>	<b>\$31,807.64</b>

**Proposed Civil Money Penalty: \$3,620.00 ((4 Notices Not Filed at \$110 each) + (10% of the Overall Contributions Not Filed))**

11/20/2014 10:10:10 AM

**Federal Election Commission  
Reason to Believe Circulation Report  
48-Hour Notification Report**

## Reason to Believe Circulation Report

## 48-Hour Notification Report

**AF# 2997**

**Committee ID**  
**C00543538**

**Committee Name**  
**RON LEACH FOR**  
**CONGRESS CAMPAIGN**  
**COMMITTEE**

State  
KYElection  
2014

**Candidate Name**  
**LEACH, RONALD ALLI**

**Treasurer**  
**E. THERESA**

**Prev Violations**  
**0**

**Notices Not Filed**  
**4**

**LOA**  
**\$31.807**

**Penalty**  
**\$3,620**

**AF# 2997**

**Committee ID**  
**C00543538**

**Committee Name**  
**RON LEACH FOR**  
**CONGRESS CAMPAIGN**  
**COMMITTEE**

State  
KYElection  
2014

**Candidate Name**  
**LEACH, RONALD ALLI**

**Treasurer**  
**E. THERESA**

**Prev Violations**  
**0**

**Notices Not Filed**  
**4**

**LOA**  
**\$31.807**

**Penalty**  
**\$3,620**

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
)  
Reason To Believe – Failure to File 48- ) AF 2997  
Hour Notices under the AF Program: )  
Ron Leach for Congress Campaign )  
Committee and Ms. Theresa Drake, )  
Treasurer )

CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on April 06, 2015, the Commission decided by a vote of 6-0 to take the following actions in AF 2997:

1. Find reason to believe that Ron Leach for Congress Campaign Committee and Theresa Drake, Treasurer, violated 52 U.S.C. § 30104(a) and make a preliminary determination that a civil money penalty of \$3,620 be assessed.
2. Send the appropriate letter.

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

Attest:

April 6, 2015  
Date

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



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

April 7, 2015

Ms. Theresa Drake, in official capacity as Treasurer  
Ron Leach for Congress Campaign Committee  
P.O. Box 647  
Brandenburg, KY 40108

C00543538  
AF#: 2997

Dear Ms. Drake:

The Federal Election Campaign Act of 1971, as amended, 52 U.S.C. § 30101, *et seq.* ("the Act"), requires principal campaign committees of candidates for federal office to notify in writing either the Secretary of the Senate or the Federal Election Commission ("FEC"), and the Secretary of State, as appropriate, of any contribution of \$1,000 or more, received by any authorized committee of the candidate after the 20th day, but more than 48 hours before, any election. 52 U.S.C. § 30104(a)(6)(A). The Act further requires notification to be made within 48 hours after the receipt of the contribution and to include the name of the candidate and office sought, the date of receipt, the amount of the contribution, and the identification of the contributor. *Id.* These notification requirements are in addition to all other reporting requirements. 52 U.S.C. § 30104(a). Our records indicate that Ron Leach for Congress Campaign Committee did not submit 48-Hour Notices for contributions of \$1,000 or more, received between October 16, 2014 and October 23, 2014 totaling \$31,807, as required by 52 U.S.C. § 30104(a)(6)(A). Attachment 1.

The Act permits the FEC to impose civil money penalties for violations of the reporting requirements of 52 U.S.C. § 30104(a). 52 U.S.C. § 30109(a)(4). On April 6, 2015, the FEC found that there is Reason to Believe ("RTB") that Ron Leach for Congress Campaign Committee and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) by failing to file the 48-Hour Notices. Based on the FEC's schedule of civil money penalties at 11 CFR § 111.44, the amount of your civil money penalty calculated at the RTB stage is \$3,620. Please see the attached copy of the Commission's administrative fine regulations at 11 CFR §§ 111.30-111.55. Attachment 2. The Commission's website contains further information about how the administrative fine program works and how the fines are calculated. <http://www.fec.gov/af/af.shtml>. 11 CFR § 111.34. The amount of the civil money penalty is \$110 for each non-filed notice plus 10 percent of the dollar amount of the contributions not timely reported. The civil money penalty increases by 25 percent for each prior violation. Send your payment of \$3,620 within forty (40) days of the finding, or by May 16, 2015.

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

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

If you should decide to challenge the RTB finding and/or calculated civil money penalty, you must submit a written response to the FEC's Office of Administrative Review, 999 E Street, NW, Washington, DC 20463. Your response must include the AF# (found at the top of page 1 under your committee's identification number) and be received within forty (40) days of the Commission's RTB finding, or May 16, 2015. 11 CFR § 111.35(a). Your written response must include the reason(s) why you are challenging the RTB finding and/or calculated civil money penalty, and must include the factual basis supporting the reason(s) and supporting documentation. The FEC strongly encourages that documents be submitted in the form of affidavits or declarations. 11 CFR § 111.36(c).

The FEC will only consider challenges that are based on at least one of three grounds: (1) a factual error in the RTB finding; (2) miscalculation of the calculated civil money penalty by the FEC; or (3) your demonstrated use of best efforts to file in a timely manner when prevented from doing so by reasonably unforeseen circumstances that were beyond your control. 11 CFR § 111.35(b). In order for a challenge to be considered on the basis of best efforts, you must have filed the required report no later than 24 hours after the end of these reasonably unforeseen circumstances. *Id.* Examples of circumstances that will be considered reasonably unforeseen and beyond your control include, but are not limited to: (1) a failure of Commission computers or Commission-provided software despite your seeking technical assistance from Commission personnel and resources; (2) a widespread disruption of information transmissions over the Internet that is not caused by a failure of the Commission's or your computer systems or Internet service provider; and (3) severe weather or other disaster-related incident. 11 CFR § 111.35(c). Examples of circumstances that will not be considered reasonably unforeseen and beyond your control include, but are not limited to: (1) negligence; (2) delays caused by vendors or contractors; (3) treasurer and staff illness, inexperience or unavailability; (4) committee computer, software, or Internet service provider failures; (5) failure to know filing dates; and (6) failure to use filing software properly. 11 CFR § 111.35(d).

The "failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver" of your right to present such argument in a petition to the U.S. District Court under 52 U.S.C. § 30109. 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 Ron Leach for Congress Campaign Committee 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 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 David Garr in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130. If you have questions regarding the submission of a challenge, please contact the Office of Administrative Review at our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

On behalf of the Commission,



Ann M. Ravel  
Chair

---

**ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS**

In accordance with the schedule of penalties at 11 CFR § 111.44, the amount of your civil money penalty calculated at RTB is \$3,620 for the 2014 General Election 48-Hour Notification Report.

Please mail this remittance with a check or money order made payable to the Federal Election Commission to the following address:

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

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

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

The remittance and your payment are due by May 16, 2015. Upon receipt of your remittance and payment, the FEC will send you a final determination letter.

**PAYMENTS BY PERSONAL CHECK**

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

**PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT**

---

FOR: Ron Leach for Congress Campaign Committee

FEC ID#: C00543538

AF#: 2997

PAYMENT DUE DATE: May 16, 2015

PAYMENT AMOUNT DUE: \$3,620

**Contributions for Which a 48-Hour Notice Was Not Received**

AF 2997

Committee ID: C00543538

Committee Name: Ron Leach for Congress Campaign Committee

Report Type: 2014 30 Day Post-General Report (10/16/2014 - 11/24/2014)

General 48-Hour Reporting Period: 10/16/2014 - 11/1/2014

CONTRIBUTOR	DATE	AMOUNT
LEACH, RONALD ALLEN	10/16/14	\$5,526.00
LEACH, RON	10/17/14	\$20,000.00
LEACH, RON	10/21/14	\$3,157.64
LEACH, RONALD ALLEN	10/23/14	\$3,124.00
TOTAL		\$31,807.64

Proposed Civil Money Penalty: \$3,620.00 ((4 Notices Not Filed at \$110 each) + (10% of the Overall Contributions Not Filed))



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

FEDERAL ELECTION  
COMMISSION  
SECRETARIAT

2015 MAY 19 P 4: 55

May 19, 2015

MEMORANDUM

**SENSITIVE**

TO: The Commission

THROUGH: Alec Palmer *sub for*  
Staff Director *PCO*

FROM: Patricia C. Orrock  
Chief Compliance Officer

Debbie Chacona *DC*  
Assistant Staff Director  
Reports Analysis Division

BY: Kristin D. Roser *KDR*  
Reports Analysis Division  
Compliance Branch

SUBJECT: Administrative Fine Program – Final Determination Recommendation for the  
Failure to File 48-Hour Notices

Attached is a list identifying a political committee and its treasurer against which the Commission has found reason to believe (RTB) and assessed a proposed civil money penalty calculated at RTB for failure to file or failure to timely file the appropriate 48 Hour Notices for the 2014 General Election. The committee has not paid the civil money penalty requested at RTB and has been given at least forty (40) days from the date of the Commission's RTB finding to remit payment.

In accordance with 11 CFR § 111.40, the Commission shall send a final determination notice to the respondent that has not paid the civil money penalty.

**RAD Recommendation**

- (1) Make a final determination that the political committee and its treasurer listed on the attached report violated 52 U.S.C. § 30104(a) and assess the final civil money penalty so indicated.
- (2) Send the appropriate letter.

Federal Election Commission  
Final Determination Circulation Report  
48-Hour Notification Report

5/19/2015 3:05 PM

AF#	Committee ID	Committee Name	State	Election	Candidate Name	Treasurer	Prev Violations	Notices Not Filed	LOA	RTB Date	RTB Penalty	Days Since RTB	FD Penalty
2997	C00543538	RON LEACH FOR CONGRESS CAMPAIGN COMMITTEE	KY	2014	LEACH, RONALD DRAKE, THERESA ALLEN	MS	0	4	\$33,807	04/06/2015	\$3,620	43	\$3,620

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
)  
Administrative Fine Program - Final ) AF 2997  
Determination Recommendation for the )  
Failure to File 48-Hour Notices: Ron )  
Leach for Congress Campaign )  
Committee and Ms. Theresa Drake, )  
Treasurer )

CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on May 21, 2015, the Commission decided by a vote of 6-0 to take the following actions in AF 2997:

1. Make a final determination that Ron Leach for Congress Campaign Committee and Ms. Theresa Drake, Treasurer violated 52 U.S.C. § 30104(a) and assess the final civil money penalty in the amount of \$3,620.
2. Send the appropriate letter.

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

Attest:

May 22, 2015  
Date

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



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

May 22, 2015

Ms. Theresa Drake, in official capacity as Treasurer  
Ron Leach for Congress Campaign Committee  
62 Merion Court  
Brandenburg, KY 40108

C00543538  
AF#: 2997

Dear Ms. Drake:

On April 6, 2015, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Ron Leach for Congress Campaign Committee and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) for failing to file 48-Hour Notices for contributions of \$1,000 or more, received between October 16, 2014 and October 23, 2014, totaling \$31,807. By letter dated April 7, 2015, the Commission notified you of the RTB finding and the civil money penalty calculated at the RTB stage to be \$3,620 in accordance with the schedule of penalties at 11 CFR § 111.44. Within forty (40) days of the FEC's RTB finding, you, as treasurer, were required to either transmit payment of the calculated civil money penalty or submit a written response challenging either the RTB finding or the calculated civil money penalty.

The FEC did not receive payment of the calculated civil money penalty or a written response within the time permitted. The FEC made a final determination on May 21, 2015 that Ron Leach for Congress Campaign Committee and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) and assessed a civil money penalty in the amount of \$3,620 in accordance with 11 CFR § 111.44.

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

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

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

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

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

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

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

## **3. If You Choose to Pay the Civil Money Penalty**

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

## **NOTICE REGARDING PARTIAL PAYMENTS AND SETTLEMENT OFFERS**

### **4. Partial Payments**

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

### **5. Settlement Offers**

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



If you have any questions regarding the payment of the civil money penalty, please contact David Garr at Federal Election Commission, 999 E St., NW, Washington, DC 20463, or our toll free number (800) 424-9530 (at the prompt, press 5) or (202) 694-1130.

Jon M Ravel

**Ann M. Ravel  
Chair**

-----

**ADMINISTRATIVE FINE PAYMENT INSTRUCTIONS**

In accordance with the schedule of penalties at 11 CFR § 111.44, the civil money penalty is \$3,620 for the 2014 General Election 48-Hour Notification Report.

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

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

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

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

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

**Payments by Personal Check**

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

**PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT**

-----

FOR: Ron Leach for Congress Campaign Committee

FEC ID#: C00543538

AF#: 2997

PAYMENT AMOUNT DUE: \$3,620

David Garr  
Federal Election Commission  
999 E St NW  
Washington DC 20463

RECEIVED  
FEC MAIL CENTER  
2015 MAY 22 AM 7:56

13 May 2015

Sir

Reference FEC penalties for the Ron Leach for Congress Campaign – C00543538, AF#2997, I ask for your consideration of reduced or dismissed penalties as possible.

The situation that has brought this campaign into a determination of non-compliance are as follows:

We were a small underfunded grass roots campaign with no prior knowledge, skills or experience with FEC compliance (despite attending the FEC Compliance Course in Washington to attempt to gain some understanding).

Our Treasurer – Theresa Drake – though big hearted and enthusiastic - proved very early on to be unable to master the software and requirements for FEC compliance. In lieu of her inability, Lacy Connelly – initially our campaign manager and advisor completed and submitted our FEC reports. She had prior FEC compliance work experience. Once she left the struggling campaign to take a position with the organization PCCC, our office manager – Ms. Lanora Crawford stepped forward and began filing our FEC reports to the best of her ability. While still on the campaign payroll and without my knowledge she failed to file the 12 day pre-election report. I only became aware of this when I sought help from the FEC to guide me through filing the 30 Day post-election report. Could not file the 30 Day Post-Election report without help (your software is simply bizarre and near unusable) filing the previously missed report. Thus began a snowballing of penalties and associated fines.

There is no more Ron Leach for Congress Campaign, no staff, no treasurer, and no money. I – the former candidate, Ron Leach – am left to unravel this mess and attempt to bring things to an appropriate close. I am aware that incompetence and unqualified staff is not a reasonable defense, and I take ultimate personal responsibility. If there can be no dismissal or adjustment in the current penalties, I will be responsible for payment of these penalties. Please do not go after our former Treasurer – Theresa Drake for this money. She cannot pay such penalties and I am assuming full responsibility. I will make payments and settle these fines as necessary.

I assure the FEC that there has been no attempt to misreport, deceive, or violate campaign finance oversight or transparency. These penalties, as currently assessed, will in no way serve the purpose of the FEC in providing for free, fair, and transparent elections. They will only serve as crippling penalties for one regular citizen who was naive enough to believe that you did not yet need to be a millionaire in order to seek to represent your fellow citizens.

Please consider that this campaign and the period of time that I did not work during this campaign have placed me in a tight financial situation. I request that whatever final penalty is determined be paid over a period of no less than 4 months.

Respectfully,



Ron Leach  
910-391-3702



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

2015 MAY 29 P 1:43

May 29, 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: Rescinding the Final Determination Recommendation in AF# 2997 – Ron Leach  
for Congress Campaign Committee and Ms. Theresa Drake, in her official  
capacity as Treasurer (C00543538)

On April 6, 2015, the Commission found reason to believe ("RTB") that the respondents violated 52 U.S.C. § 30104(a) for failing to timely file 48-Hour Notices for contributions totaling \$31,807.64 and made a preliminary determination that the civil money penalty was \$3,620 based on the schedule of penalties at 11 C.F.R. § 111.44. The Reports Analysis Division (RAD) notified the respondents of the Commission's RTB finding and proposed civil money penalty on April 7, 2015.

During a phone call with a RAD Analyst on May 14, 2015, the Candidate indicated he intended to pay the civil money penalty; the Candidate did not mention any intent to challenge the RTB finding or civil money penalty. On May 19, 2015, after the forty (40) day response window expired, RAD recommended that the Commission make a final determination that the respondents violated 52 U.S.C. § 30104(a) and assess a \$3,620 civil money penalty. On May 21, 2015, the Commission approved RAD's recommendation. On May 22, 2015, RAD notified the respondents of the Commission's final determination and civil money penalty.

On May 22, 2015, the Commission received the written response ("challenge"), which was postmarked within the forty (40) day response period. The Office of Administrative Review ("OAR") received the challenge on May 27, 2015.

The Federal Election Campaign Act requires that respondents be given notice and an opportunity to be heard before the Commission can make a final determination and assess a civil money penalty. In addition, the Department of the Treasury requires certification that

# MEMORANDUM

1) Rescind the Commission's May 21, 2015 final determination and assessment of a \$3,620 civil money penalty made in AF# 2997 against Ron Leach for Congress Campaign Committee and Ms. Theresa Drake, in her official capacity as Treasurer (C00543548), for failing to timely file 48-Hour Notices for contributions totaling \$31,807.64 in violation of 52 U.S.C. § 30104(a); and

- 2) Approve the attached letter.

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
Rescinding the Final Determination ) AF 2997  
Recommendation: Ron Leach for )  
Congress Campaign Committee and Ms. )  
Theresa Drake, in her official capacity as )  
Treasurer (C00543538) )

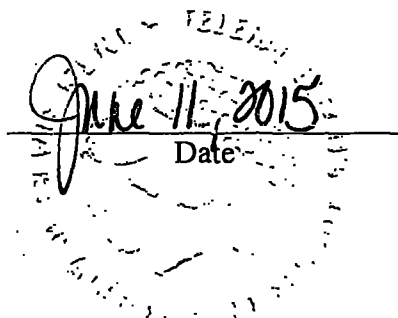
CERTIFICATION

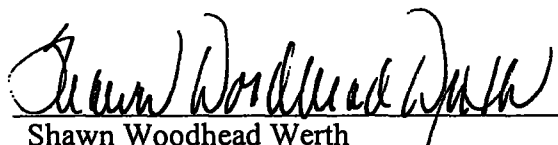
I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on June 11, 2015, the Commission decided by a vote of 6-0 to take the following actions in AF# 2997:

1. Rescind the Commission's May 21, 2015 final determination and assessment of a \$3,620 civil money penalty made in AF# 2997 against Ron Leach for Congress Campaign Committee and Ms. Theresa Drake, in her official capacity as Treasurer (C00543548), for failing to timely file 48-Hour Notices for contributions totaling \$31,807.64 in violation of 52 U.S.C. § 30104(a).
2. Approve the letter, as recommended in the Memorandum from the Chief Compliance Officer and the Reviewing Officer dated May 29, 2015.

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

Attest:

  
Date

  
Shawn Woodhead Werth  
Secretary and Clerk of the Commission



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

June 12, 2015

Ms. Theresa Drake, in official capacity as Treasurer  
Ron Leach for Congress Campaign Committee  
P.O. Box 647  
Brandenburg, KY 40108

AF# 2997  
C00543538

Dear Ms. Drake:

On April 6, 2015, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Ron Leach for Congress Campaign Committee and you, in your official capacity as Treasurer, violated 52 U.S.C. § 30104(a) for failing to timely file 48-Hour Notices for contributions totaling \$31,807.64. By letter dated April 7, 2015, the Commission sent you notification of the RTB finding that included a civil money penalty calculated at RTB of \$3,620, in accordance with the schedule of penalties at 11 C.F.R. § 111.44.

During a phone call with a RAD Analyst on May 14, 2015, the Candidate indicated he intended to pay the civil money penalty; the Candidate did not mention any intent to challenge the RTB finding or civil money penalty. On May 19, 2015, after the forty (40) day response period expired, the Reports Analysis Division ("RAD") recommended that the Commission make a final determination that the respondents violated 52 U.S.C. § 30104(a) and assess a \$3,620 civil money penalty. On May 21, 2015, the Commission approved RAD's recommendation. On May 22, 2015, RAD notified the respondents of the Commission's final determination and civil money penalty.

On May 22, 2015, the Commission received the written response ("challenge"), which was postmarked within the forty (40) day response period. Ron Leach for Congress Campaign Committee and you, in your official capacity as Treasurer, timely mailed the challenge and did not receive an opportunity to be heard before the Commission's final determination decision. As a result, on June 11, 2015, the Commission rescinded its final determination and assessment of a \$3,620 civil money penalty in this case.

The Reviewing Officer will review your challenge and then make a recommendation to the Commission regarding final determination and the assessment of a civil money penalty.

If you have questions regarding this matter, please contact Rhiannon Magruder, Reviewing Officer, in 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





FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RECEIVED  
FEDERAL ELECTION COMMISSION  
SECRETARIAT

2015 JUL 21 PM 2: 38

July 21, 2015

MEMORANDUM

**SENSITIVE**

To: The Commission

Through: Alec Palmer *awt for*  
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# 2997 – Ron Leach for Congress  
Campaign Committee and Ms. Theresa Drake, in her official capacity as Treasurer  
(C00543538)

The attached Reviewing Officer Recommendation is being circulated on an informational basis. A copy was also sent to the respondents in accordance with 11 C.F.R. § 111.36(f). The respondents may file with the Commission Secretary a written response within 10 days of transmittal of the recommendation. After the 10 day period, the Reviewing Officer Recommendation and the respondents' written response, if any, will be circulated to the Commission to make a final determination.

Attachment



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

July 21, 2015

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

AF# 2997 – Ron Leach for Congress Campaign Committee and Ms. Theresa Drake, in her official capacity as Treasurer (C00543538)

**Summary of Recommendation**

Make a final determination that the respondents violated 52 U.S.C. § 30104(a) and assess a \$3,620 civil money penalty.

**Reason-to-Believe Background**

In connection with the 2014 Kentucky General Election held on November 4, 2014, the respondents were required to file 48-Hour Notices for contributions of \$1,000 or more received between October 16 and November 1, 2014. On April 6, 2015, the Commission found reason to believe ("RTB") that the respondents violated 52 U.S.C. § 30104(a) for failing to timely file 48-Hour Notices for four contributions totaling \$31,807.64 and made a preliminary determination that the civil money penalty was \$3,620 based on the schedule of penalties at 11 C.F.R. § 111.44. A letter was mailed to the respondents' address of record from the Reports Analysis Division ("RAD") on April 7, 2015 to notify them of the Commission's RTB finding and civil money penalty.

On May 21, 2015, the Commission made a final determination that the respondents violated 52 U.S.C. § 30104(a) for failing to timely file 48-Hour Notices for four contributions totaling \$31,807.64 and assessed a civil money penalty of \$3,620.

On May 22, 2015, the Commission received the written response ("challenge"), which was postmarked within the forty (40) day response period. OAR received the challenge on May 27, 2015. The respondents timely mailed the challenge for AF# 2997, and they did not receive an opportunity to be heard before the Commission's final determination decision. Therefore, OAR recommended that the Commission rescind the final determination and assessment of a civil money penalty. On June 11, 2015, the Commission approved OAR's recommendation. On June 12, 2015, the respondents were notified of the Commission's action and informed that their challenge would be reviewed and a recommendation would be made to the Commission regarding final determination and the assessment of a civil money penalty.

## Legal Requirements

The Federal Election Campaign Act ("Act") requires that the principal campaign committee of a candidate must notify the Commission, in writing, of any contribution of \$1,000 or more received after the 20<sup>th</sup> day but more than 48 hours before an election. The principal campaign committee must notify the Commission within 48 hours of receipt of the contribution. The 48-hour notification shall be in addition to all other reporting requirements under the Act. 52 U.S.C. § 30104(a)(6)(A) and 11 C.F.R. § 104.5(f). Reports electronically filed must be received and validated at or before 11:59 pm Eastern Standard/Daylight Time on the filing deadline to be timely filed. 11 C.F.R. §§ 100.19(c) and 104.5(e). The treasurer shall be personally responsible for the timely filing of reports. 11 C.F.R. § 104.14(d).

## Summary of Respondents' Challenge

On May 22, 2015, the Commission received the written response ("challenge") from the Candidate requesting the Commission reduce or dismiss the Committee's penalties.<sup>1</sup> The Candidate states the Committee was "a small underfunded grass roots campaign with no prior knowledge, skills or experience with FEC compliance (despite attending the FEC Compliance Course in Washington to attempt to gain some understanding)." The Candidate further explains that the reporting responsibilities shifted amongst campaign staffers multiple times, and ultimately, the Candidate sought assistance to file the missing reports. The Candidate then acknowledges that "incompetence and unqualified staff is not a reasonable defense."

The Candidate also explains that the campaign is no longer operational, with "no staff, no treasurer, and no money." He requests that the Commission consider that he was unemployed during his campaign, and he is now experiencing financial hardships. The Candidate states the Treasurer is unable to pay the fines, and therefore, he will assume full responsibility for paying any outstanding penalties.

## Analysis

The Candidate participated in the 2014 Kentucky General Election held on November 4, 2014. Therefore, the Committee was required to file 48-Hour Notices for contributions of \$1,000 or more received during the 48-Hour Notice period of October 16, 2014 through November 1, 2014. The Committee failed to file four 48-Hour Notices for a total of \$31,807.64 in contributions from the Candidate, received on October 16, 17, 21, and 23, 2014.

On February 9, 2015, RAD sent a Request for Additional Information ("RFAI") to the Committee regarding their failure to file the 48-Hour Notices. The notice was sent via email to

<sup>1</sup> The respondents' challenge directly responds to AF# 2997 but also indirectly refers to other penalties. In addition to AF# 2997, the respondents are currently involved in AF# 2878 for their failure to timely file the 2014 Pre-General Report and AF# 2901 for their failure to timely file the 2014 Post-General Report. The respondents were required to submit challenges to the RTB findings in AF# 2878 and AF# 2901 by January 26, 2015 and March 15, 2015, respectively. Given the respondents' challenge was not received until well after the response due date for AF# 2878 and AF# 2901, the Reviewing Officer Recommendation only refers to and analyzes the respondents' involvement in AF# 2997.

"terri\_gail@yahoo.com" and "lyayly@gmail.com," the email addresses listed on the Committee's Statement of Organization.

According to RAD telecoms (written records of telephone conversation), on May 14, 2015, the Candidate informed the RAD Compliance Analyst that he intended to make incremental payments for AF# 2997. On June 2, 2015, the Commission received a partial payment of \$500.<sup>2</sup>

The challenge does not provide an explanation of why the Committee failed to file the 48-Hour Notices specifically. The Committee also never provided any explanation to RAD in response to the RFAI or during the numerous phone calls between December 2014 and May 2015.

The Committee should have been aware of the 48-Hour Notice reporting requirements in connection with the 2014 General Election and that these requirements apply to contributions from a candidate. Page 81 of the *Campaign Guide for Congressional Candidates and Committees* explains that 48-Hour Notice requirements "[apply] to all types of contributions to any authorized committee of the candidate, including...contributions from the candidate..." Further, on October 1, 2014, the Commission's Information Division sent an email to "lyayly@gmail.com," an email address disclosed on the Committee's Statement of Organization.<sup>3</sup> The email included a link to the 2014 Pre-General Report Prior Notice on the Commission's website. The notice detailed the reporting requirements in connection with the 2014 General Election, including the 48-Hour Notice requirement for contributions of \$1,000 or more received from October 16, 2014 through November 1, 2014. Within the Prior Notice, there was a link to the Supplemental Filing Information for Congressional Committees page of the Commission's website, which states:

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

The Reviewing Officer is sympathetic to the respondents' financial hardships. However, negligence, failure to know reporting dates, and inexperience or unavailability of the committee treasurer or committee staff are specifically included at 11 C.F.R. § 111.35(d) as examples of a circumstance that will not be considered reasonably unforeseen and beyond the respondents' control. Their challenge fails to address any of the three valid grounds at 11 C.F.R. § 111.35(b). These are: (i) the RTB finding is based on factual errors; and/or (ii) the improper calculation of the civil money penalty; and/or (iii) they used best efforts to file on time but were prevented from doing so by reasonably unforeseen circumstances that were beyond their control and they filed the

<sup>2</sup> The respondents submitted a \$1,500 check with remittance slips for AF#s 2878, 2901, and 2997. Partial payments of \$500 were applied to each.

<sup>3</sup> The Committee's Statement of Organization also discloses "terri\_gail@yahoo.com" as an official email address. Due to a technical error, the 2014 Pre-General Report Prior Notice was not sent to this email address.

report no later than 24 hours after the end of these circumstances. 11 C.F.R. § 104.14(d). Therefore, the Reviewing Officer recommends that the Commission make a final determination that the respondents violated 52 U.S.C. § 30104(a) and assess a \$3,620 civil money penalty.

#### **OAR Recommendations**

1. Adopt the Reviewing Officer recommendation for AF# 2997 that Ron Leach for Congress Campaign Committee and Ms. Theresa Drake, in her official capacity as Treasurer, in making the final determination;
2. Make a final determination in AF# 2997 that Ron Leach for Congress Campaign Committee and Ms. Theresa Drake, in her official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess a \$3,620 civil money penalty; and
3. Send the appropriate letter.

#### **Attachments**

- Attachment 1 –
- Attachment 2 –
- Attachment 3 – Page 81 of *Campaign Guide for Congressional Candidates and Committees*
- Attachment 4 – Declaration from RAD
- Attachment 5 – Declaration from OAR

## Election Year Reporting

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

### Pre-Election Reports

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

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

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

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

### Post-General Election Reports

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

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

### Last-Minute Contributions (48-Hour Notice)

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

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

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

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

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


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

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

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

**DECLARATION OF KRISTIN D. ROSER**

1. I am the Chief of the Compliance Branch for the Reports Analysis Division of the Federal Election Commission ("Commission"). In my capacity as Chief of the Compliance Branch, I oversee the initial processing of the Administrative Fine Program. I make this declaration based on my personal knowledge and, if called upon as a witness, could and would testify competently to the following matters.
2. I hereby certify that documents identified herein are true and accurate copies of the following sent by the Commission to Ron Leach for Congress Campaign Committee:
  - A) Request for Additional Information for the 2014 30 Day Post-General Report, dated February 9, 2015, referencing the missing 48-Hour Notices (sent via electronic mail to: terri\_gail@yahoo.com and lyayly@gmail.com);
  - B) Reason-to-Believe Letter, dated April 7, 2015, referencing the missing 48-Hour Notices (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 Ron Leach for Congress Campaign Committee has not yet filed the missing 48-Hour Notices with the Commission.
4. Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct and that all relevant telecoms for the matter have been provided. This declaration was executed at Washington, D.C. on the 1<sup>st</sup> day of June, 2015.

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



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RQ-2

February 9, 2015

MS. THERESA DRAKE, TREASURER  
RON LEACH FOR CONGRESS CAMPAIGN  
COMMITTEE  
P.O. BOX 647  
BRANDENBURG, KY 40108

Response Due Date  
03/16/2015

IDENTIFICATION NUMBER: C00543538

REFERENCE: 30 DAY POST-GENERAL REPORT (10/16/2014 - 11/24/2014)

Dear Treasurer:

This letter is prompted by the Commission's preliminary review of the report referenced above. This notice requests information essential to full public disclosure of your federal election campaign finances. **Failure to adequately respond by the response date noted above could result in an audit or enforcement action.** Additional information is needed for the following 1 item(s):

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

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

**Please note, you will not receive an additional notice from the Commission on this matter.** Adequate responses must be received by the Commission on or before the due date noted above to be taken into consideration in determining whether audit action will be initiated. Failure to comply with the provisions of the Act may also result in an enforcement action against the committee. Any response submitted by your committee



RON LEACH FOR CONGRESS CAMPAIGN COMMITTEE

Page 2 of 2

will be placed on the public record and will be considered by the Commission prior to taking enforcement action. **Requests for extensions of time in which to respond will not be considered.**

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

If you should have any questions regarding this matter or wish to verify the adequacy of your response, please contact me on our toll-free number (800) 424-9530 (at the prompt press 5 to reach the Reports Analysis Division) or my local number (202) 694-1166.

Sincerely,



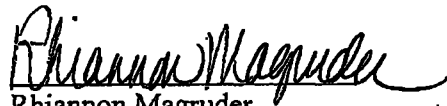
Bradley Matheson  
Sr. Campaign Finance & Reviewing Analyst  
Reports Analysis Division

**Missing 48-Hour Notices****Ron Leach for Congress Campaign Committee (C00543538)**

Contributor Name	Date	Amount	Election
LEACH, RONALD ALLEN	10/16/14	\$5,526.00	G2014
LEACH, RON	10/17/14	\$20,000.00	G2014
LEACH, RON	10/21/14	\$3,157.64	G2014
LEACH, RONALD ALLEN	10/23/14	\$3,124.00	G2014

**DECLARATION OF RHIANNON MAGRUDER**

- 1) I am the Reviewing Officer in the Office of Administrative Review for the Federal Election Commission ("Commission"). In my capacity as Reviewing Officer, I conduct research with respect to all challenges submitted in accordance with the Administrative Fine program.
- 2) The principal campaign committee of a candidate must file notifications disclosing contributions of \$1,000 or more which are received after the 20<sup>th</sup> day but more than 48 hours before an election. These notifications (also called 48-Hour Notices) must be filed with the Commission within 48 hours of the committee's receipt of the contribution(s).
- 3) It is the practice of the Reports Analysis Division to document all calls to or from committees regarding a letter they receive or any questions relating to the administrative fine regulations, including due dates of reports and filing requirements.
- 4) I hereby certify that I have searched the Commission's public records and that the documents identified herein are the true and accurate copies of:
- a) Statement of Organization filed by Ron Leach for Congress Campaign Committee and Ms. Theresa Drake, in her official capacity as Treasurer. The document was filed on February 25, 2014 and "terri\_gail@yahoo.com" and "lyayly@gmail.com" as the Committee's official email addresses.
  - b) Report Cover Page and Schedule A for the 2014 Post-General Report filed by Ron Leach for Congress Campaign Committee and Ms. Theresa Drake, in her official capacity as Treasurer. According to the Commission's records, the report covers the period from October 16, 2014 through November 24, 2014, and was received on December 31, 2014. The report discloses the receipt of \$31,807.64 in contributions from the Candidate, received on October 16, 17, 21, and 23, 2014.
- 5) Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at Washington, D.C. on the 21st day of July, 2015.

  
Rhiannon Magruder  
Reviewing Officer  
Office of Administrative Review  
Federal Election Commission

**FEC  
FORM 1****STATEMENT OF  
ORGANIZATION**

Office Use Only

1. NAME OF  
COMMITTEE (in full)(Check if name  
is changed)Example: If typing, type  
over the lines.

12FE4M5

Ron Leach for Congress Campaign Committee

ADDRESS (number and street)

P.O. Box 847

(Check if address  
is changed)

Brandenburg

CITY ▲

KY

STATE ▲

40108

ZIP CODE ▲

COMMITTEE'S E-MAIL ADDRESS

X (Check if address  
is changed)

terri\_gail@yahoo.com

Optional Second E-Mail Address

lyayly@gmail.com

COMMITTEE'S WEB PAGE ADDRESS (URL)

(Check if address  
is changed)

www.RonLeach4KY.com

2. DATE

M M / D D / Y Y Y Y  
07 30 2014

3. FEC IDENTIFICATION NUMBER ►

C C00543538

4. IS THIS STATEMENT

X

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 Ms Theresa Drake

Signature of Treasurer

Ms Theresa Drake

[Electronically Filed]

Date

M M / D D / Y Y Y Y  
07 31 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  
OnlyFor further information contact:  
Federal Election Commission  
Toll Free 800-424-9530  
Local 202-694-1100**FEC FORM 1**  
(Revised 06/2012)

**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

Ron Leach for Congress Campaign Committee

ADDRESS (number and street) ▼

P.O. Box 647

Check if different  
than previously  
reported. (ACC)

Brandenburg

KY

40108

2. FEC IDENTIFICATION NUMBER ▼

CITY ▲

STATE ▲

ZIP CODE ▲

STATE ▼ DISTRICT

C C00543538

3. IS THIS  
REPORT☒NEW  
(N)

OR

☐AMENDED  
(A)

KY

02

4. TYPE OF REPORT (Choose One)

(a) Quarterly Reports:

April 15 Quarterly Report (Q1)

July 15 Quarterly Report (Q2)

October 15 Quarterly Report (Q3)

January 31 Year-End Report (YE)

Termination Report (TER)

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

☐ Primary (12P)☐ General (12G)☐ Runoff (12R)☐ Convention (12C)☐ Special (12S)

Election on

MM / DD / YYYY

In the  
State of

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

☒

General (30G)

☐ Runoff (30R)☐ Special (30S)

Election on

MM / DD / YYYY

In the  
State of

KY

5. Covering Period

MM / DD / YYYY

10

16

2014

through

MM / DD / YYYY

11

24

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 Ms Theresa Drake

Signature of Treasurer Ms Theresa Drake

[Electronically Filed]

Date

MM / DD / YYYY

12

31

2014

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

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

**SCHEDULE A (FEC Form 3)**  
**ITEMIZED RECEIPTS**

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

 FOR LINE NUMBER: PAGE 7 OF 15  
 (check only one)

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

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

 NAME OF COMMITTEE (In Full)  
**Ron Leach for Congress Campaign Committee**

 Full Name (Last, First, Middle Initial)  
**Ron Leach**

A.

Mailing Address 62 Merion Ct

City	State	Zip Code
Brandenburg	KY	40108-7102

FEC ID number of contributing federal political committee.

C H4KY02089

 Name of Employer  
 Retired

 Occupation  
 Retired

Receipt For: 2014

☐ Primary ☒ General  
☐ Other (specify)

Election Cycle-to-Date

20000.00

Date of Receipt

 M M / D D / Y Y Y Y  
 10 17 2014

Transaction ID : SA11D.5278

Amount of Each Receipt this Period

20000.00

In-kind - Television Advertisement

 Full Name (Last, First, Middle Initial)  
**Ron Leach**

B.

Mailing Address 62 Merion Ct

City	State	Zip Code
Brandenburg	KY	40108-7102

FEC ID number of contributing federal political committee.

C H4KY02089

 Name of Employer  
 Retired

 Occupation  
 Retired

Receipt For: 2014

☐ Primary ☒ General  
☐ Other (specify)

Election Cycle-to-Date

23157.64

Date of Receipt

 M M / D D / Y Y Y Y  
 10 21 2014

Transaction ID : SA11D.5284

Amount of Each Receipt this Period

3157.64

In-kind - Yard Signs

 Full Name (Last, First, Middle Initial)  
**RONALD ALLEN LEACH**

C.

Mailing Address 62 MERION COURT

City	State	Zip Code
BRANDENBURG	KY	40108

FEC ID number of contributing federal political committee.

C H4KY02089

 Name of Employer  
 U.S. ARMY

 Occupation  
 P.A. CIVILIAN CONTRACTOR

Receipt For: 2014

☐ Primary ☒ General  
☐ Other (specify)

Election Cycle-to-Date

42737.57

Date of Receipt

 M M / D D / Y Y Y Y  
 10 16 2014

Transaction ID : SA11D.5287

Amount of Each Receipt this Period

5526.00

In-kind - Radio advertisement

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

28683.64

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

**SCHEDULE A (FEC Form 3)**  
**ITEMIZED RECEIPTS**

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

 FOR LINE NUMBER:  
 (check only one)

PAGE 8 OF 15

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

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

NAME OF COMMITTEE (In Full)

Ron Leach for Congress Campaign Committee

Full Name (Last, First, Middle Initial)

RONALD ALLEN LEACH

A.

Mailing Address 62 MERION COURT

City

BRANDENBURG

State

KY

Zip Code

40108

FEC ID number of contributing  
federal political committee.

C

H4KY02089

Name of Employer

U.S. ARMY

Occupation

P.A. CIVILIAN CONTRACTOR

Receipt For: 2014

☐ Primary  
☐ Other (specify)

☒ General

Election Cycle-to-Date

45861.57

Date of Receipt

 M M / D D / Y Y Y Y  
 10 23 2014

Transaction ID : SA11D.5274

Amount of Each Receipt this Period

3124.00

In-kind - Radio Advertisement

Full Name (Last, First, Middle Initial)

B.

Mailing Address

City

State

Zip Code

FEC ID number of contributing  
federal political committee.

C

Name of Employer

Occupation

Receipt For:

☐ Primary  
☐ Other (specify)

☐ General

Election Cycle-to-Date

Date of Receipt

M M / D D / Y Y Y Y

Amount of Each Receipt this Period

Full Name (Last, First, Middle Initial)

C.

Mailing Address

City

State

Zip Code

FEC ID number of contributing  
federal political committee.

C

Name of Employer

Occupation

Receipt For:

☐ Primary  
☐ Other (specify)

☐ General

Election Cycle-to-Date

Date of Receipt

M M / D D / Y Y Y Y

Amount of Each Receipt this Period

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

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

3124.00

31807.64



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

July 22, 2015

Ms. Theresa Drake, in official capacity as Treasurer  
Ron Leach for Congress Campaign Committee  
P.O. Box 647  
Brandenburg, KY 40108

AF# 2997  
C00543538

Dear Ms. Drake:

On April 6, 2015, the Federal Election Commission ("Commission") found reason to believe ("RTB") that Ron Leach for Congress Campaign Committee and you, in your official capacity as Treasurer ("respondents"), violated 52 U.S.C. § 30104(a) for failing to file 48-Hour Notices for four contributions totaling \$31,807.64. The Commission also made a preliminary determination that the civil money penalty was \$3,620 based on the schedule of penalties at 11 C.F.R. § 111.44.

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

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

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

Sincerely,

*Rhiannon Magruder*  
Rhiannon Magruder  
Reviewing Officer  
Office of Administrative Review

140027071411





FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RECEIVED  
FEDERAL ELECTION COMMISSION

2015 AUG -7 AM 11: 51

August 7, 2015

**SENSITIVE**

**MEMORANDUM**

To: The Commission

Through: Alec Palmer *AP*  
Staff Director

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

Rhiannon Magruder *RM*  
Reviewing Officer  
Office of Administrative Review

Subject: Final Determination Recommendation in AF# 2997 – Ron Leach for Congress  
Campaign Committee and Ms. Theresa Drake, in her official capacity as Treasurer  
(C00543538)

On April 6, 2015, the Commission found reason to believe ("RTB") that the respondents violated 52 U.S.C. § 30104(a) for failing to timely file 48-Hour Notices for four contributions totaling \$31,807.64 and made a preliminary determination that the civil money penalty was \$3,620 based on the schedule of penalties at 11 C.F.R. § 111.44. On May 21, 2015, the Commission made a final determination that the respondents violated 52 U.S.C. § 30104(a) and assessed a \$3,620 civil money penalty.

On May 22, 2015, the Commission received the written response ("challenge"), which was postmarked within the forty (40) day response period. On June 11, 2015, the Commission voted to approve the Reviewing Officer's recommendation to rescind the May 21, 2015 final determination and assessment of a civil money penalty to allow review of the respondents' timely submitted challenge.

After reviewing the challenge, the Reviewing Officer Recommendation ("ROR") dated July 21, 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 \$3,620 civil money penalty.

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

#### **OAR Recommendations**

1. Adopt the Reviewing Officer recommendation for AF# 2997 involving Ron Leach for Congress Campaign Committee and Ms. Theresa Drake, in her official capacity as Treasurer, in making the final determination:
2. Make a final determination in AF# 2997 that Ron Leach for Congress Campaign Committee and Ms. Theresa Drake, in her official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess a \$3,620 civil money penalty; and
3. Send the appropriate letter.

CONFIDENTIAL

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
)  
Final Determination Recommendation – ) AF 2997  
Ron Leach for Congress Campaign )  
Committee and Ms. Theresa Drake, in )  
her official capacity as Treasurer )  
(C00543538) )

CERTIFICATION

I, Shelley E. Garr, Deputy Secretary of the Federal Election Commission,  
do hereby certify that on September 08, 2015, the Commission decided by a  
vote of 6-0 to take the following actions in AF 2997:

1. Adopt the Reviewing Officer recommendation for AF# 2997 involving Ron Leach for Congress Campaign Committee and Ms. Theresa Drake, in her official capacity as Treasurer, in making the final determination.
2. Make a final determination in AF# 2997 that Ron Leach for Congress Campaign Committee and Ms. Theresa Drake, in her official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess a \$3,620 civil money penalty.
3. Send the appropriate letter.

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

Attest:

September 8, 2015  
Date

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



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

September 9, 2015

Ms. Theresa Drake, in official capacity as Treasurer  
Ron Leach for Congress  
P.O. Box 647  
Brandenburg, KY 40108

C00543538  
AF# 2997

Dear Ms. Theresa Drake:

On April 6, 2015, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Ron Leach for Congress and you, in your official capacity as Treasurer, violated 52 U.S.C. § 30104(a) for failing to timely file 48-Hour Notices for four contributions totaling \$31,807.64. By letter dated April 7, 2015, the Commission sent notification of the RTB finding that included a civil money penalty calculated at RTB of \$3,620 in accordance with the schedule of penalties at 11 C.F.R. § 111.44. On May 22, 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 Ron Leach 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 \$3,620 in accordance with 11 C.F.R. § 111.44. A copy of the Reviewing Officer Recommendation was sent to you on July 22, 2015.

On September 8, 2015, the Commission adopted the Reviewing Officer's recommendation and made a final determination that Ron Leach for Congress and you, in your official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assessed a civil money penalty in the amount of \$3,620. A copy of the Final Determination Recommendation is attached.

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

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

If you choose to appeal the final determination, you should submit a written petition, within 30 days of receipt of this letter, to the U.S. District Court for the district in which the committee or you reside, or transact business, requesting that the final determination be modified or set aside. See 52 U.S.C. § 30109(a)(4)(C)(iii) (formerly 2 U.S.C. § 437g(a)(4)(C)(iii)). Your

failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver of the respondents' right to present such argument in a petition to the district court under 52 U.S.C. § 30109 (formerly 2 U.S.C. § 437g). 11 CFR § 111.38.

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

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

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

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

**3. If You Choose to Pay the Civil Money Penalty**

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

## **NOTICE REGARDING PARTIAL PAYMENTS AND SETTLEMENT OFFERS**

### **4. Partial Payments**

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

### **5. Settlement Offers**

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

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

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

On behalf of the Commission,



Ann M. Ravel  
Chair

-----  
**ADMINISTRATIVE FINE PAYMENT INSTRUCTIONS**

In accordance with the schedule of penalties at 11 C.F.R. § 111.44, the civil money penalty is \$3,620 for failing to timely file 48-Hour Notices for four contributions totaling \$31,807.64.

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

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

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

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

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

**PAYMENTS BY PERSONAL CHECK**

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

**PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT**  
-----

FOR: Ron Leach for Congress

FEC ID#: C00543538

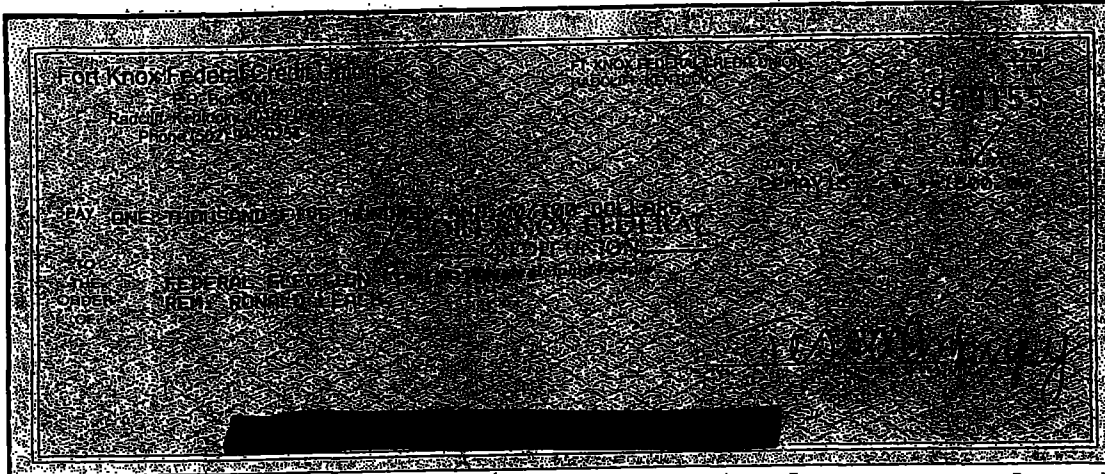
AF#: 2997

PAYMENT AMOUNT DUE: \$3,620

CONFIDENTIAL

**usbank.**

St. Louis GA Lockbox  
(314) 425-1818



Batch	Item	TID	Batch Total	Amount
1	2	Y-6374155	\$2,125.00	\$1,500.00





FEDERAL ELECTION COMMISSION  
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 2997

DATE SCANNED 10/5/15

SCANNER NO. 2

SCAN OPERATOR Sh