



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 3007

DATE SCANNED 11/16/15

SCANNER NO. 2

SCAN OPERATOR Jk



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 8, 2015

SENSITIVE

MEMORANDUM

TO: The Commission

THROUGH: Alec Palmer *call for*
Staff Director

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

Debbie Chacona *DC*
Assistant Staff Director
Reports Analysis Division

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

SUBJECT: Reason To Believe Recommendation – 2015 April Quarterly Report for the
Administrative Fine Program

Attached is a list of political committees and their treasurers who failed to file the 2015 April Quarterly Report in accordance with 52 U.S.C. § 30104(a). The 2015 April Quarterly Report was due on April 15, 2015.

The committees listed in the attached RTB Circulation Report failed to file the report. In accordance with the schedule of civil money penalties for reports at 11 CFR 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
2015 APRIL QUARTERLY Not Election Sensitive 04/15/2015 H_S_P

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
3007	C00560268	FRIENDS OF EDWIN W EDWARDS	EDWARDS, EDWIN WASHINGTON	RACHELLE MARKS	\$108,270	0		Not Filed	\$108,270 (est)	\$4,950
3010	C00546135	TREADWELL ALASKA INC	TREADWELL, MEAD	CHERYL FRASCA	\$259,079	0		Not Filed	\$259,079 (est)	\$9,800

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Reason To Believe Recommendation - 2015)
April Quarterly Report for the)
Administrative Fine Program:)

FRIENDS OF EDWIN W EDWARDS, and) AF# 3007
RACHELLE MARKS as treasurer;)

TREADWELL ALASKA INC, and) AF# 3010
CHERYL FRASCA as treasurer;)

CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on June 10, 2015 the Commission took the following actions on the Reason To Believe Recommendation - 2015 April Quarterly Report for the Administrative Fine Program as recommended in the Reports Analysis Division's Memorandum dated June 08, 2015, on the following committees:

AF#3007 Decided by a vote of 6-0 to: (1) find reason to believe that FRIENDS OF EDWIN W EDWARDS, and RACHELLE MARKS as treasurer violated 52 U.S.C. 30104(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#3010 Decided by a vote of 6-0 to: (1) find reason to believe that TREADWELL ALASKA INC, and CHERYL FRASCA as treasurer violated 52 U.S.C. 30104(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:

June 11, 2015
Date

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



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 11, 2015

Rachelle Marks, in official capacity as Treasurer
Friends of Edwin W. Edwards
435 Roy Road
Arnaudville, LA 70512

C00560268
AF#: 3007

Dear Ms. Marks:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file an April Quarterly Report of Receipts and Disbursements every calendar year. This report, covering the period January 1, 2015 through March 31, 2015, shall be filed no later than April 15, 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 June 10, 2015, the FEC found that there is reason to believe ("RTB") that Friends of Edwin W. Edwards 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 April 15, 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 \$4,950. 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 \$4,950 is due within forty (40) days of the finding, or by July 20, 2015, and is based on these factors:

Sensitivity of Report: Not Election Sensitive
Level of Activity: \$108,270
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 July 20, 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 Friends of Edwin W. Edwards 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

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 \$4,950 for the 2015 April Quarterly 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 July 20, 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: Friends of Edwin W. Edwards

FEC ID#: C00560268

AF#: 3007

PAYMENT DUE DATE: July 20, 2015

PAYMENT AMOUNT DUE: \$4,950



RECEIVED
FEC MAIL CENTER
2015 JUL 27 AM 7:13

Friends of Edwin W. Edwards
Principal Campaign Committee
FEC Identification Number C00560268
435 Roy Road
Arnaudville, LA 70512

July 20, 2015

Federal Election Commission
Office of Administrative Review
999 E. Street, N.W.
Washington, DC 20463

CONFIDENTIAL

RE: AF #3007
Friends of Edwin W. Edwards - C00560268
Failure to File 2015 April Quarterly Report
Written Response Pursuant to 11 CFR 111.35

Dear FEC Office of Administrative Review Representative:

Please accept this letter as a challenge to the FEC's RTB finding regarding the violation of failing to file the 2015 April Quarterly Report timely for Friends of Edwin W. Edwards, a principal campaign committee, hereinafter referred to as the "Campaign".

We note that the 2015 April Quarterly Report was filed on July 15, 2015, concurrently with the 2014 Amended Post Runoff, 2014 Amended Year End, and 2015 July Quarterly reports. The 2015 April Quarterly Report was assigned file number FEC-1015423.

ISSUE 1 - CAMPAIGN BELIEVED REPORT WAS FILED

The Campaign contracted with Postlethwaite & Netterville, APAC ("P&N") of Baton Rouge, Louisiana, for campaign accounting and report filing services. P&N, the largest accounting firm in Louisiana, provides similar services to both federal and state campaigns throughout the state. P&N had timely filed all of the Campaign's reports prior to the 2015 April Quarterly Report.

P&N prepared the 2015 April Quarterly Report prior to the due date of April 15, 2015. After reviewing the draft report, P&N attempted to upload the report. P&N reasonably believed it had filed the Campaign's report; however, assumingly, an error occurred and the report was not uploaded to the FEC. P&N and the Campaign did not realize the report was not filed until the May 1, 2015, letter from Deborah Chacona was received. In that letter, Ms. Chacona informed the Campaign that the report had not been filed.



EDWIN EDWARDS
— FOR CONGRESS —
2 0 1 4

Immediately after receiving notice that the report had not been filed, the Campaign and P&N re-prepared the unfiled report. At this time, it was discovered that the 2014 Post Runoff report contained an error. P&N performed a full reconciliation of the Campaign's transactions to identify the error and to ensure no other errors exist. Due to the large volume of 2014 transactions, the reconciliation process took approximately one month. Upon reconciling the transactions, four reports were filed simultaneously – the 2014 Amended Post Runoff, 2014 Amended Year End, 2015 April Quarterly, and 2015 July Quarterly.

The Campaign reasonably believes the facts alleged herein satisfy 11 CFR 111.35(b)(3)(i). The Campaign was in effect prevented from filing its 2015 April Quarterly report in a timely manner because it reasonably relied on P&N's misunderstanding that the report was filed. However, admittedly, the report was not filed within 24 hours after notice was received from the FEC. The Campaign reasonably believed and asserts herein that it was more important for the public interest to focus on filing the corrected, amended report for the Post Runoff period instead of the July Quarterly, which was not election sensitive.

ISSUE 2 – ADMINISTRATIVE FINE AMOUNT

Furthermore, the Campaign asserts that the Commission improperly calculated the civil money penalty under 11 CFR 111.35(b)(2). According to the FEC's Online Administrative Fine Calculator, the correct fine amount is \$550.00 (Exhibit A). The fine amount is generated based on the following criteria: (1) the report is not election sensitive, (2) the report was filed under the "non-filer" designation because it was 91 days late, and (3) no previous violations occurred, no receipts were received by the Campaign during the 2015 April Quarterly period, and \$18,317.48 of disbursements were expended by the Campaign during the 2015 April Quarterly period.

The Commission originally assessed a \$4950 fine based on an estimated level of activity because no report was filed. Because the actual level of activity is significantly lower than the estimated amount, the fine, if not waived under Issue 1 above, should be reduced to the \$550 amount.

Finally, the Campaign will fully cooperate with the Federal Election Commission in the resolution of this matter. Please contact the undersigned campaign representative with any questions at 985-662-8411.

Sincerely,

07/20/2015

Lucius L. Morris II
Campaign Representative

Administrative Fine Calculator

This calculator is for estimating the administrative fine for late or not filed reports due on or after July 25, 2013. If you have not yet filed your report submit it as soon as possible.

Information on filing requirements and due dates of reports can be found at the [Reporting Dates](#) page. More information on administrative fines can be found at the [Administrative Fine Program](#) page.

Select a Type of Report

 Show Help With Selecting a Type of Report

- ☐ Election Sensitive Report
- ☒ Not Election Sensitive Report
- ☐ 48-Hour Notice (FEC Form 6)

Select Either Late-Filer or Non-Filer

 Show Help With Selecting Between Late-Filer and Non-Filer

- ☐ Late-Filer
- ☒ Non-Filer

Complete This Form

 Show Help With Completing This Form

0	Number of Previous Violations
0.00	Total Receipts
18317.48	Total Disbursements

Finish



\$18317.48	Total Receipts & Disbursements
\$550.00	Total Fine

Exhibit A



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 7, 2015

Rachelle Marks, Treasurer
Friends of Edwin W. Edwards
435 Roy Road
Arnaudville, LA 70512

C00560268
AF#: 3007

Dear Ms. Marks:

On July 27, 2015, the Commission's Office of Administrative Review ("OAR") received the written response ("challenge") for Friends of Edwin W. Edwards and you, in your official capacity as Treasurer, which is being reviewed by OAR. If you have any questions regarding your challenge, please contact this Office on our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

Sincerely,

A handwritten signature in cursive script that reads "Rhiannon Magruder".

Rhiannon Magruder
Reviewing Officer
Office of Administrative Review



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

2015 SEP 21 PM 1:59

September 21, 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: Reviewing Officer Recommendation in AF# 3007 – Friends of Edwin W. Edwards and Rachelle Marks, in her official capacity as Treasurer (C00560268)

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

September 21, 2015

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

AF# 3007 – Friends of Edwin W. Edwards and Rachelle Marks, in her official capacity as Treasurer (C00560268)

Summary of Recommendation

Make a final determination that the respondents violated 52 U.S.C. § 30104(a) and assess a \$550 civil money penalty.

Reason-to-Believe Background

The 2015 April Quarterly Report was due on April 15, 2015. The respondents filed the report on July 15, 2015, 91 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 June 10, 2015, the Commission found reason to believe ("RTB") that the respondents violated 52 U.S.C. § 30104(a) for failing to timely file the 2015 April Quarterly Report and made a preliminary determination that the civil money penalty was \$4,950 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 June 11, 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 March 31 no later than April 15. 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).

Summary of Respondents' Challenge

On July 27, 2015, the Commission received the written response ("challenge") from a campaign representative, Mr. Lucius L. Morris, II. Mr. Morris explains:

"The Campaign contracted with Postlethwaite & Netterville, APAC ("P&N") of Baton Rouge, Louisiana, for campaign accounting and report filing

services...P&N prepared the 2015 April Quarterly Report prior to the due date of April 15, 2015. After reviewing the draft report, P&N attempted to upload the report. P&N reasonably believed it had filed the Campaign's report; however, assumingly, an error occurred and the report was not uploaded to the FEC."

Mr. Morris states that neither P&N or the Committee realized the report was not filed until it received the FEC's non-filer notification on May 1, 2015. P&N immediately began working to prepare the report again, at which point they discovered an error in the 2014 Post-Runoff Report. "P&N performed a full reconciliation of the Campaign's transactions to identify the error and to ensure no other errors exist[ed]." The reconciliation process took approximately one month due to the volume of transactions. Upon completing, the Committee simultaneously filed the Amended 2014 Post-Runoff Report, Amended 2014 Year-End Report, 2015 April Quarterly Report, and 2015 July Quarterly Report.

The challenge then states:

"The Campaign reasonably believes the facts alleged herein satisfy 11 CFR 111.35(b)(3)(i). The Campaign was in effect prevented from filing its 2015 April Quarterly report in a timely manner because it reasonably relied on P&N's misunderstanding that the report was filed. However, admittedly, the report was not filed within 24 hours after notice was received from the FEC. The Campaign reasonably believed and asserts herein that it was more important for the public interest to focus on filing the corrected, amended report for the Post Runoff period instead of the July Quarterly, which was not election sensitive."

Mr. Morris also requests that if the civil money penalty is not waived due to the reasons above, it be reduced to the proper amount. He explains that the civil money penalty assessed at RTB was calculated using an estimated level of activity because the report had not yet been filed. He states that the 2015 April Quarterly Report discloses no receipts and \$18,317.48 in total expenses. Therefore, the penalty should be reduced to \$550.

Analysis

Committee Representative Mr. Lucius L. Morris, II states that the Committee's accounting firm, P&N, timely prepared the 2015 April Quarterly Report. "[H]owever, assumingly, an error occurred and the report was not uploaded to the FEC." Mr. Morris contends that "the Campaign was in effect prevented from filing its 2015 April Quarterly report in a timely manner because it reasonably relied on P&N's misunderstanding that the report was filed." Once they became aware of the missing report, the filing was further delayed by a month-long reconciliation to identify and correct discrepancies.

According to the Manager of the E-Filing and Disclosure Branch in the Commission's Office of the Chief Information Officer ("OCIO"), there is no indication that the Committee attempted to upload the report prior to July 15, 2015. Although the challenge does not contend the upload error was caused by a problem with FECFile or the Commission's computers, OCIO confirmed there is no indication of any problem that would have prevented the Committee from timely filing the report.

The challenge also contends that neither P&N or the Committee realized the 2015 April Quarterly Report was not filed until they received RAD's non-filer notification on May 1, 2015. RAD sent this notification via email to "ewe4congress@aol.com." However, the Commission's Electronic Filing Office ("EFO") also notified them of their failure to file the report immediately after the April 15, 2015 filing deadline. On April 16, 2015, EFO sent a late notification email to "lmorris@pnepa.com," the email address previously provided by the Committee and presumably designated to Mr. Morris as an employee of P&N. Therefore, Mr. Morris should have been aware of the missing report prior to the May 1, 2015 non-filer notification.

The Reviewing Officer recognizes the reconciliation process to correct the 2014 Post-Runoff Report further delayed the filing of the 2015 April Quarterly Report. However, this defense cannot be considered a reasonably unforeseen circumstance beyond the respondents' control, nor did it in fact prevent them from timely filing the report. 11 C.F.R. § 111.35(b)(3). Moreover, failure to use filing software properly and delays caused by committee vendors or contractors are both included at 11 C.F.R. § 111.35(d) as examples of circumstances that will not be considered reasonably unforeseen and beyond the respondents' control. Their challenge fails to adequately address any of the three valid grounds at 11 C.F.R. § 111.35(b). These are: (i) the RTB finding is based on factual errors; and/or (ii) the improper calculation of the civil money penalty; and/or (iii) they used best efforts to file on time but were prevented from doing so by reasonably unforeseen circumstances that were beyond their control and they filed the report no later than 24 hours after the end of these circumstances. 11 C.F.R. § 111.35(b). Therefore, the Reviewing Officer recommends that the Commission make a final determination that the respondents violated 52 U.S.C. § 30104(a).

The Reviewing Officer agrees that the civil money penalty should be recalculated based on the actual level of activity of the 2015 April Quarterly Report. At the time of the RTB finding, the Commission used an estimated level of activity (\$108,270) to calculate the civil money penalty because the 2015 April Quarterly Report had not yet been filed. 11 C.F.R. § 111.43(d)(2)(i). The Committee filed the report on July 15, 2015, 91 days late. As contended in the challenge, the report discloses \$0 in total receipts and \$18,317 in total disbursements. Therefore, the actual level of activity of the 2015 April Quarterly Report is \$18,317. Using 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 \$10,000 - \$24,999.99, the civil money penalty is $\$550 \times [1 + (.25 \times 0 \text{ previous penalties})]$ or \$550. Therefore, the Reviewing Officer recommends that the Commission assess a \$550 civil money penalty, reduced from the RTB civil money penalty of \$4,950.

OAR Recommendations

1. Adopt the Reviewing Officer recommendation for AF# 3007 involving Friends of Edwin W. Edwards and Rachelle Marks, in her official capacity as Treasurer, in making the final determination;
2. Make a final determination in AF# 3007 that Friends of Edwin W. Edwards and Rachelle Marks, in her official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess a \$550 civil money penalty (reduced from the RTB civil money penalty of \$4,950); and
3. Send the appropriate letter.

Attachment 1 –
Attachment 2 –
Attachment 3 – Declaration from RAD
Attachment 4 – Declaration from OAR

Attachment 1 -

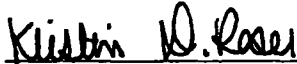
Attachment 2 –

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 Friends of Edwin W. Edwards:
 - A) Non-Filer Letter, dated May 1, 2015, referencing the 2015 April Quarterly Report (sent via electronic mail to: ewe4congress@aol.com);
 - B) Reason-to-Believe Letter, dated June 11, 2015 referencing the 2015 April Quarterly Report (sent via overnight mail to the address of record).
3. I hereby certify that I have searched the Commission's public records and find that Friends of Edwin W. Edwards filed the 2015 April Quarterly Report with the Commission on July 15, 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 30th day of July, 2015.


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



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-7

May 1, 2015

RACHELLE MARKS, TREASURER
FRIENDS OF EDWIN W EDWARDS
435 ROY ROAD
ARNAUDVILLE, LA 70512

IDENTIFICATION NUMBER: C00560268

REFERENCE: APRIL QUARTERLY REPORT (01/01/2015 - 03/31/2015)

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)

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.

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.

FRIENDS OF EDWIN W EDWARDS

Page 2 of 2

If you have any questions regarding this matter, please contact Christopher Ritchie at our toll-free number (800)424-9530. The analyst's direct number is (202)694-1146.

Sincerely,

Debbie Chacona

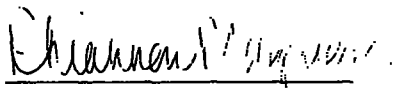
Deborah Chacona
Assistant Staff Director
Reports Analysis Division

250

MEMORANDUM

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 Fines Program.
- 2) The principal campaign committee of a candidate must file a report for the quarter ending March 31 no later than April 15. Reports filed electronically must be received and validated at or before 11:59 pm, Eastern Standard/Daylight Time on April 15 for the April Quarterly 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 FECFile software or 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, Summary Page, and Detailed Summary Pages of the 2015 April Quarterly Report filed by Friends of Edwin W. Edwards and Rachelle Marks, in her official capacity as Treasurer. According to the Commission's records, the document was received on July 15, 2015 and covers the period of January 1 through March 31, 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 21st day of September, 2015.


Rhiannon Magruder
Reviewing Officer
Office of Administrative Review
Federal Election Commission

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

Office Use Only

1. NAME OF COMMITTEE (in full) TYPE OR PRINT ▼ Example: If typing, type over the lines. 12FE4M5

FRIENDS OF EDWIN W EDWARDS

ADDRESS (number and street) ▼

435 ROY ROAD

Check if different
than previously
reported. (ACC)

ARNAUDVILLE

LA

70512

2. FEC IDENTIFICATION NUMBER ▼

C C00560268

CITY ▲

STATE ▲

ZIP CODE ▲

STATE ▼ DISTRICT

3. IS THIS REPORT X NEW (N) OR AMENDED (A)

LA 06

4. TYPE OF REPORT (Choose One)

(a) Quarterly Reports:

- X 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

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 01 01 2015 through 03 31 2015

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 RACHELLE MARKS

Signature of Treasurer RACHELLE MARKS [Electronically Filed] Date 07 15 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)

SUMMARY PAGE
of Receipts and Disbursements

FEC Form 3 (Revised 02/2003)

PAGE 2 / 6

Write or Type Committee Name

FRIENDS OF EDWIN W EDWARDS

Report Covering the Period: From: 01 01 2015 To: 03 31 2015

	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	430786.42
(b) Total Contribution Refunds (from Line 20(d))	0.00	425.00
(c) Net Contributions (other than loans) (subtract Line 6(b) from Line 6(a))	0.00	430361.42
7. Net Operating Expenditures		
(a) Total Operating Expenditures (from Line 17)	18317.48	400542.10
(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))	18317.48	400542.10
8. Cash on Hand at Close of Reporting Period (from Line 27)	4100.55	
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

DETAILED SUMMARY PAGE of Receipts

FEC Form 3 (Revised 12/2003)

PAGE 3 / 6

Write or Type Committee Name

FRIENDS OF EDWIN W EDWARDS

Report Covering the Period: From: 01 01 2015 To: 03 31 2015

I. RECEIPTS	COLUMN A Total This Period	COLUMN B Election Cycle-to-Date
11. CONTRIBUTIONS (other than loans) FROM:		
(a) Individuals/Persons Other Than Political Committees		
(i) Itemized (use Schedule A)	0.00	376246.42
(ii) Unitemized	0.00	23590.00
(iii) TOTAL of contributions from individuals	0.00	399836.42
(b) Political Party Committees.....	0.00	0.00
(c) Other Political Committees (such as PACs)	0.00	30950.00
(d) The Candidate	0.00	0.00
(e) TOTAL CONTRIBUTIONS (other than loans) (add Lines 11(a)(iii), (b), (c), and (d))..	0.00	430786.42
12. TRANSFERS FROM OTHER AUTHORIZED COMMITTEES	0.00	0.00
13. LOANS:		
(a) Made or Guaranteed by the Candidate.....	0.00	0.00
(b) All Other Loans.....	0.00	0.00
(c) TOTAL LOANS (add Lines 13(a) and (b)).....	0.00	0.00
14. OFFSETS TO OPERATING EXPENDITURES (Refunds, Rebates, etc.)	0.00	0.00
15. OTHER RECEIPTS (Dividends, Interest, etc.)	0.00	0.00
16. TOTAL RECEIPTS (add Lines 11(e), 12, 13(c), 14, and 15) (Carry Total to Line 24, page 4).....	0.00	430786.42

DETAILED SUMMARY PAGE of Disbursements

FEC Form 3 (Revised 02/2003)

PAGE 4 / 6

II. DISBURSEMENTS	COLUMN A Total This Period	COLUMN B Election Cycle-to-Date
17. OPERATING EXPENDITURES.....	18317.48	400542.10
18. TRANSFERS TO OTHER AUTHORIZED COMMITTEES	0.00	0.00
19. LOAN REPAYMENTS:		
(a) Of Loans Made or Guaranteed by the Candidate.....	0.00	0.00
(b) Of All Other Loans	0.00	0.00
(c) TOTAL LOAN REPAYMENTS (add Lines 19(a) and (b)).....	0.00	0.00
20. REFUNDS OF CONTRIBUTIONS TO:		
(a) Individuals/Persons Other Than Political Committees	0.00	425.00
(b) Political Party Committees.....	0.00	0.00
(c) Other Political Committees (such as PACs)	0.00	0.00
(d) TOTAL CONTRIBUTION REFUNDS (add Lines 20(a), (b), and (c)).....	0.00	425.00
21. OTHER DISBURSEMENTS	0.00	740.63
22. TOTAL DISBURSEMENTS (add Lines 17, 18, 19(c), 20(d), and 21) ►	18317.48	401707.73

III. CASH SUMMARY

23. CASH ON HAND AT BEGINNING OF REPORTING PERIOD.....	22418.03
24. TOTAL RECEIPTS THIS PERIOD (from Line 16, page 3).....	0.00
25. SUBTOTAL (add Line 23 and Line 24).....	22418.03
26. TOTAL DISBURSEMENTS THIS PERIOD (from Line 22).....	18317.48
27. CASH ON HAND AT CLOSE OF REPORTING PERIOD (subtract Line 26 from Line 25).....	4100.55



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 21, 2015

Rachelle Marks, Treasurer
Friends of Edwin W. Edwards
435 Roy Road
Arnaudville, LA 70512

C00560268
AF#: 3007

Dear Ms. Marks:

On June 10, 2015, the Federal Election Commission ("Commission") found reason to believe ("RTB") that Friends of Edwin W. Edwards and you, in your official capacity as Treasurer ("respondents"), violated 52 U.S.C. § 30104(a) for failing to file the 2015 April Quarterly Report. The Commission also made a preliminary determination that the civil money penalty was \$4,950 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,

Rhiannon Magruder
Rhiannon Magruder
Reviewing Officer
Office of Administrative Review



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

2015 OCT -6 PM 12:41

October 6, 2015

MEMORANDUM

SENSITIVE

To: The Commission

Through: Alec Palmer *awp*
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# 3007 – Friends of Edwin W. Edwards and Rachelle Marks, in her official capacity as Treasurer (C00560268)

On June 10, 2015, the Commission found reason to believe ("RTB") that the respondents violated 52 U.S.C. § 30104(a) for failing to timely file the 2015 April Quarterly Report and made a preliminary determination that the civil money penalty was \$4,950 based on the schedule of penalties at 11 C.F.R. § 111.43.

On July 27, 2015, the Commission received their written response ("challenge"). After reviewing the challenge, the Reviewing Officer Recommendation ("ROR") dated September 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 \$550 civil money penalty, reduced from the RTB civil money penalty of \$4,950.

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). On October 6, 2015, the Committee paid the recommended civil money penalty of \$550.

ADDENDUM

1. Adopt the Reviewing Officer recommendation for AF# 3007 involving Friends of Edwin W. Edwards and Rachelle Marks, in her official capacity as Treasurer, in making the final determination;
2. Make a final determination in AF# 3007 that Friends of Edwin W. Edwards and Rachelle Marks, in her official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess a \$550 civil money penalty (reduced from the RTB civil money penalty of \$4,950); and
3. Send the appropriate letter.

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Final Determination Recommendation –) AF 3007
Friends of Edwin W. Edwards and)
Rachelle Marks, in her official capacity)
as Treasurer (C00560268))

CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on October 15, 2015, the Commission decided by a vote of 6-0 to take the following actions in AF 3007:

1. Adopt the Reviewing Officer recommendation for AF# 3007 involving Friends of Edwin W. Edwards and Rachelle Marks, in her official capacity as Treasurer, in making the final determination.
2. Make a final determination in AF# 3007 that Friends of Edwin W. Edwards and Rachelle Marks, in her official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess a \$550 civil money penalty (reduced from the RTB civil money penalty of \$4,950).
3. Send the appropriate letter.

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

Attest:

October 15, 2015
Date

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



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 21, 2015

Rachelle Marks, Treasurer
Friends of Edwin W. Edwards
435 Roy Road
Arnaudville, LA 70512

C00560268
AF#: 3007

Dear Ms. Marks:

On June 10, 2015, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Friends of Edwin W. Edwards and you, in your official capacity as Treasurer, violated 52 U.S.C. § 30104(a) for failing to file the 2015 April Quarterly Report. By letter dated June 11, 2015, the Commission sent notification of the RTB finding that included a civil money penalty calculated at RTB of \$4,950 in accordance with the schedule of penalties at 11 C.F.R. § 111.43. On July 27, 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 reduce the RTB civil money penalty because it was calculated using an estimated level of activity, make a final determination that Friends of Edwin W. Edwards and you, in your official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and based on the actual level of activity disclosed on the 2015 April Quarterly Report filed July 15, 2015 (\$18,317), assess a civil money penalty in the amount of \$550 in accordance with 11 C.F.R. § 111.43. The basis for the Reviewing Officer's recommendation was included in the Reviewing Officer Recommendation, a copy of which was sent to you on September 21, 2015.

On October 15, 2015, the Commission adopted the Reviewing Officer's recommendation and made a final determination that Friends of Edwin W. Edwards and you, in your official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and based on the level of activity disclosed on the 2015 April Quarterly Report (\$18,317), assessed a civil money penalty in the amount of \$550 (reduced from the RTB civil money penalty of \$4,950). It is based on the same factors used to calculate the civil money penalty at RTB except that the actual rather than the estimated level of activity was used. A copy of the Final Determination Recommendation is attached.

On October 6, 2015, the Commission received your \$550 payment.

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). 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.

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 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

usbank.St. Louis GA Lockbox
(314) 425-1818

FRIENDS OF EDWARD EDWARDS CAMPAIGN ACCOUNT 7801 WHEATFIELD BLVD SUITE A BATON ROUGE, LA 70807		12/2 9-30-2015
Pay to the Order of	Federal Election Commission	550.00
Five hundred fifty dollars + NO		70 DOLLARS 00 CENTS
		
Candidate ID: 00540248		

Batch	Item	TID	Batch Total	Amount
1	1	Y-3116000	\$550.00	\$550.00

FEDERAL ELECTION COMMISSION



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 3007

DATE SCANNED 11/16/15

SCANNER NO. 2

SCAN OPERATOR JR