



FEDERAL ELECTION COMMISSION  
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 309

DATE SCANNED 3/1/16

SCANNER NO. 2

SCAN OPERATOR 21



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RECEIVED  
FEDERAL ELECTION COMMISSION

2015 SEP -1 PM 4:09

September 1, 2015

MEMORANDUM

**SENSITIVE**

TO: The Commission

THROUGH: Alec Palmer *awp*  
Staff Director

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

Debbie Chacona *DC*  
Assistant Staff Director  
Reports Analysis Division

BY: Kristin D. Roser/Marlene Colucci *KD*  
Reports Analysis Division  
Compliance Branch

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

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

The committees listed in the attached RTB Circulation Report either failed to file the report<sup>1</sup> or filed the report no more than thirty (30) days after the due date (considered a late filed 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.

<sup>1</sup> The committee (AF 3018) represents a candidate that participated in the 2015 Special General Election in Mississippi. The committee was required to file a 2015 July Quarterly Report (Q2) covering 4/23/2015 through 6/30/2015 (69 days). In order to determine the civil money penalty for the 2015 July Quarterly Report, an estimated level of activity was calculated using a per-diem average by multiplying the previous activity reported for the 2015-2016 election cycle (\$168,068) by 176.92% (the number of days required in Q2 (69) / the number of days included in the committee's 2015-2016 election cycle reports (39)).

**FOUO**

Federal Election Commission  
Reason to Believe Circulation Report  
2015 JULY QUARTERLY Not Election Sensitive 07/15/2015 H\_S\_P

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
3016	C00266932	CHAMBLISS FOR SENATE	CHAMBLISS, C SAXBY	DAVID TYNDALL	\$136,658	0	7/30/2015	15	\$84,047	\$2,090
3017	C00554253	CLAITOR FOR CONGRESS	CLAITOR, DANIEL A	CHELSEA BONNECAZE	\$120,518	0		Not Filed	\$120,518 (est)	\$4,950
3018	C00574442	EDWARD TROY HOLLIDAY		NANCY SHARON YOUNG	\$168,068	0		Not Filed	\$297,351 (est)	\$9,800
3019	C00519231	RAYE FOR CONGRESS	RAYE, KEVIN L.	NICHI S. FARNHAM	\$109,834	0		Not Filed	\$109,834 (est)	\$4,950
3020	C00560849	TOM CARTER FOR CONGRESS	CARTER, THOMAS G	THOMAS CARTER	\$137,286	0		Not Filed	\$137,286 (est)	\$4,950

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
)  
Reason To Believe Recommendation - 2015 )  
July Quarterly Report for the )  
Administrative Fine Program: )  
CHAMBLISS FOR SENATE, and DAVID ) AF# 3016  
TYNDALL as treasurer; )  
CLAITOR FOR CONGRESS, and ) AF# 3017  
CHELSEA BONNECAZE as treasurer; )  
EDWARD TROY HOLLIDAY, and ) AF# 3018  
YOUNG, NANCY SHARON as treasurer; )  
RAYE FOR CONGRESS, and NICHI S. ) AF# 3019  
FARNHAM as treasurer; )  
TOM CARTER FOR CONGRESS, and ) AF# 3020  
CARTER, THOMAS as treasurer; )

CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on September 03, 2015 the Commission took the following actions on the Reason To Believe Recommendation - 2015 July Quarterly Report for the Administrative Fine Program as recommended in the Reports Analysis Division's Memorandum dated September 01, 2015, on the following committees:

AF#3016 Decided by a vote of 6-0 to: (1) find reason to believe that CHAMBLISS FOR SENATE, and DAVID TYNDALL 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#3017 Decided by a vote of 6-0 to: (1) find reason to believe that CLAITOR FOR CONGRESS, and CHELSEA BONNECAZE 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#3018 Decided by a vote of 6-0 to: (1) find reason to believe that EDWARD TROY HOLLIDAY, and YOUNG, NANCY SHARON 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#3019 Decided by a vote of 6-0 to: (1) find reason to believe that RAYE FOR CONGRESS, and NICHI S. FARNHAM 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#3020 Decided by a vote of 6-0 to: (1) find reason to believe that TOM CARTER FOR CONGRESS, and CARTER, THOMAS as treasurer violated 52 U.S.C. 30104(a) 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:

September 3, 2015  
Date

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



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

September 4, 2015

Nichi S. Farnham, in official capacity as Treasurer  
Raye for Congress  
P.O. Box 207  
Eastport, ME 04631

C00519231  
AF#: 3019

Dear Ms. Farnham:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file a July Quarterly Report of Receipts and Disbursements every calendar year. This report, covering the period April 1, 2015 through June 30, 2015, shall be filed no later than July 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. § 30109g(a)(4). On September 3, 2015, the FEC found that there is reason to believe ("RTB") that Raye for Congress and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) by failing to file timely this report on or before July 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 October 13, 2015, and is based on these factors:

Sensitivity of Report: Not Election Sensitive  
Level of Activity: \$109,834  
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 October 13, 2015. 11 CFR § 111.35(a). Your written response must include the reason(s) why you are challenging the RTB finding and/or calculated civil money penalty, and must include the factual basis supporting the reason(s) and supporting documentation. The FEC strongly encourages that documents be submitted in the form of affidavits or declarations. 11 CFR § 111.36(c).

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

The "failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver" of your right to present such argument in a petition to the U.S. District Court under 52 U.S.C. § 30109. 11 CFR § 111.38.

If you intend to be represented by counsel, please advise the Office of Administrative Review. You should provide, in writing, the name, address and telephone number of your counsel and authorize counsel to receive notifications and communications relating to this challenge and imposition of the calculated civil money penalty.

## **2. If You Choose Not to Pay the Civil Money Penalty and Not to Submit a Challenge**

If you do not pay the calculated civil money penalty and do not submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that Raye for Congress and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) and assess a civil money penalty.

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA"), as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 *et seq.* The FEC may take any and all appropriate action authorized and required by the DCA, as amended, including transfer to the U.S. Department of the Treasury for collection. 11 CFR § 111.51(a)(2).



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

If you should decide to pay the calculated civil money penalty, send the enclosed remittance form, along with your payment, to the FEC at the address on page 4. Upon receipt of your payment, the FEC will send you a final determination letter.

**NOTICE REGARDING PARTIAL PAYMENTS AND SETTLEMENT OFFERS**

**4. Partial Payments**

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

**5. Settlement Offers**

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

This matter was generated based on information ascertained by the FEC in the normal course of carrying out its supervisory responsibilities. 52 U.S.C. § 30109(a)(2). Unless you notify the FEC in writing that you wish the matter to be made public, it will remain confidential in accordance with 52 U.S.C. § 30109(a)(4)(B) and 30109(a)(12)(A) until it is placed on the public record at the conclusion of this matter in accordance with 11 CFR § 111.42.

As noted earlier, you may obtain additional information on the FEC's administrative fine program, including the final regulations, on the FEC's website at <http://www.fec.gov/af/af.shtml>. If you have questions regarding the payment of the calculated civil money penalty, please contact Marlene Colucci in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130. If you have questions regarding the submission of a challenge, please contact the Office of Administrative Review at our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

On behalf of the Commission,



Ann M. Ravel  
Chair

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**ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS**

In accordance with the schedule of penalties at 11 CFR § 111.43, the amount of your civil money penalty calculated at RTB is \$4,950 for the 2015 July 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 October 13, 2015. Upon receipt of your remittance and payment, the FEC will send you a final determination letter.

**PAYMENTS BY PERSONAL CHECK**

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

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

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FOR: Raye for Congress

FEC ID#: C00519231

AF#: 3019

PAYMENT DUE DATE: October 13, 2015

PAYMENT AMOUNT DUE: \$4,950



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

2016 FEB -1 AM 10:08

February 1, 2016

MEMORANDUM

**SENSITIVE**

TO: The Commission

THROUGH: Alec Palmer *WHP*  
Staff Director

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

Debbie Chacona *DC*  
Assistant Staff Director  
Reports Analysis Division

BY: *KOR* Kristin D. Roser/Marlene Colucci *MC*  
Reports Analysis Division  
Compliance Branch

SUBJECT: Administrative Fine Program – Final Determination Recommendation for the  
2015 July Quarterly Report

Attached are two lists of political committees and their treasurers against which the Commission has found reason to believe (RTB) and assessed proposed civil money penalties calculated at RTB for failure to file or failure to timely file the 2015 July Quarterly Report. The first list represents the committees that have paid the civil money penalty and the second list represents the committees that have not paid the civil money penalty. The committees that have not paid have been given at least forty (40) days from the date of the Commission's RTB finding to remit payment.

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

For your information, three (3) committees disclosed a level of activity after the RTB finding which would result in a lowered civil money penalty. Of these, two (2) committees will

be not be assessed a civil money penalty at FD. An overview of each of these cases has been provided below.

Edward Troy Holliday (AF 3018) filed the 2015 July Quarterly Report after the RTB finding and disclosed an actual level of activity which would result in a lowered civil money penalty than that assessed at RTB. The committee disclosed total receipts and disbursements of \$113,199 (previously estimated to be \$297,351), thus the fine would be lowered from \$9,800 to \$4,950.

Raye for Congress (AF 3019) disclosed no activity after the RTB finding (previously estimated to be \$109,834), which would result in no civil money penalty (fine previously assessed to be \$4,950).

Tom Carter for Congress (AF 3020) disclosed no activity after the RTB finding (previously estimated to be \$137,286), which would result in no civil money penalty (fine previously assessed to be \$4,950).

#### **RAD Recommendation**

- (1) Make a final determination that the political committees and their treasurers, in their official capacity, listed on the attached reports violated 52 U.S.C. § 30104(a) and assess the final civil money penalties so indicated.
- (2) Make a final determination that the political committees and their treasurers, in their official capacity, listed on the attached reports with no activity, violated 52 U.S.C. § 30104(a) and will not be assessed a civil money penalty.
- (3) Send the appropriate letters.

Federal Election Commission  
FD Circulation Report Fine Paid  
2015 JULY QUARTERLY Not Election Sensitive 07/15/2015 H\_S\_P

AF#	Committee Name	Candidate Name	Committee ID	Treasurer	Receipt Date	Days Late	LOA	PV	RTB Date	RTB Penalty	Final Money Penalty	Date Paid	Amount Paid
3016	CHAMBLISS FOR SENATE	CHAMBLISS, C SAXBY	C00266932	DAVID TYNDALL	07/30/2015	15	\$84,047	0	09/03/2015	\$2,090	\$2,090	10/15/2015	\$2,090

**Federal Election Commission**  
**FD Circulation Report Fine Not Paid**  
**2015 JULY QUARTERLY Not Election Sensitive 07/15/2015 H\_S\_P**

AF#	Committee Name	Candidate Name	Committee ID	Treasurer	Receipt Date	Days Late	LOA	PV	RTB Date	RTB Penalty	Days Since RTB	FD Penalty
3017	CLAITOR FOR CONGRESS	DANIEL A. CLAITOR	C00554253	CHELSEA BONNECAZE		Not Filed	\$120,518 (est)	0	09/03/2015	\$4,950	151	\$4,950
3018	EDWARD TROY HOLLIDAY	ED HOLLIDAY	C00574442	YOUNG, NANCY SHARON	10/05/2015	Not Filed	\$113,199	0	09/03/2015	\$9,800	151	\$4,950
3019	RAYE FOR CONGRESS	KEVIN L. RAYE	C00519231	NICHI S. FARNHAM		Not Filed	\$0	0	09/03/2015	\$4,950	151	NONE
3020	TOM CARTER FOR CONGRESS	THOMAS G. CARTER	C00560649	CARTER, THOMAS		Not Filed	\$0	0	09/03/2015	\$4,950	151	NONE

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
Administrative Fine Program - Final ) AF 3019  
Determination Recommendation for the )  
2015 July Quarterly Report: Raye for )  
Congress and Nichi S. Farnham, as )  
treasurer )

CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on February 04, 2016, the Commission decided by a vote of 6-0 to take the following actions in AF# 3019:

1. Make a final determination that Raye for Congress and Nichi S. Farnham, in her official capacity as treasurer, listed on the attached reports with no activity, violated 52 U.S.C. § 30104(a) and will not be assessed a civil money penalty.
2. Send the appropriate letter.

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

Attest:

February 5, 2016  
Date

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



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

February 4, 2016

Nichi S. Farnham, in official capacity as Treasurer  
Raye for Congress  
P.O. Box 207  
Eastport, ME 04631

C00519231  
AF#: 3019

Dear Ms. Farnham:

On September 3, 2015, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Raye for Congress and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) for filing late or failing to file the 2015 July Quarterly Report. By letter dated September 4, 2015, the Commission notified you of the RTB finding and the preliminary civil money penalty calculated at the RTB stage to be \$4,950 in accordance with the schedule of penalties at 11 CFR § 111.43. Please note that you must file the 2015 July Quarterly Report in the appropriate format if you have not already done so for your report to be considered filed.

Since that time, the amount of the civil money penalty has been changed to reflect the actual level of activity disclosed in the miscellaneous document dated November 3, 2015. The FEC made a final determination on February 4, 2016 that Raye for Congress and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a), assessed no civil money penalty in accordance with 11 CFR § 111.43, and voted to close the file.

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

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

On behalf of the Commission,

A handwritten signature in black ink, appearing to read "Matthew S. Petersen", is written over a horizontal line.

Matthew S. Petersen  
Chair





FEDERAL ELECTION COMMISSION  
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 3010

DATE SCANNED 3/1/16

SCANNER NO. 2

SCAN OPERATOR 2