THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 3400

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FEDERAL ELECTION COMMISSION
SECRETARIAT
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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

SENSITIVE

June 12, 2018

MEMORANDUM

TO: The Commission

THROUGH: Alec Palmer GWH for
Staff Director

FROM: Patricia C. Orrock DC for PCO
Chief Compliance Officer

Debbie Chacona DC
Assistant Staff Director
Reports Analysis Division

BY: Kristin D. Roser KDR/Ben Holly BH
Reports Analysis Division
Compliance Branch

SUBJECT: Reason To Believe Recommendation – 2018 April Monthly Report for the Administrative Fine Program

Attached is a list of political committees and their treasurers who failed to file the 2018 April Monthly Report in accordance with 52 U.S.C. § 30104(a). The April Monthly Report was due on April 20, 2018.

The committees listed on the attached RTB Circulation Report either filed the report no more than thirty (30) days after the due date (considered a late filed report) or filed the report more than thirty (30) days after the due date (considered a non-filed report). In accordance with the schedule of civil money penalties for reports at 11 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, in their official capacity, 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.

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6/11/2018 5:11 PM

Federal Election Commission
Reason to Believe Circulation Report
2018 APRIL MONTHLY Not Election Sensitive 04/20/2018 P_UNAUTH

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
3399	C00113019	AMERICANS UNITED IN SUPPORT OF DEMOCRACY		CHARLES GLICK	$363,632	0	5/8/2018	18	$35,636	$769
3400	C00630012	IT STARTS TODAY		JONATHAN ZUCKER	$706,884	1	5/4/2018	14	$29,405	$826
3401	C00581199	JILL STEIN FOR PRESIDENT	JILL STEIN	STEVEN WELZER	$3,567,683	5	6/4/2018	Not Filed	$29,547	$2,700
3402	C00529628	THE REPUBLICAN PARTY OF FORT BEND COUNTY FEDERAL COMMITTEE		JINGJING CLEMENCE	$352,375	0	4/30/2018	10	$8,323	$126

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
Reason To Believe Recommendation - 2018	)	
April Monthly Report for the	)	
Administrative Fine Program:	)	
AMERICANS UNITED IN SUPPORT OF	)	AF# 3399
DEMOCRACY, and GLICK, CHARLES as	)	
treasurer;	)	
IT STARTS TODAY, and ZUCKER,	)	AF# 3400
JONATHAN as treasurer;	)	
JILL STEIN FOR PRESIDENT, and	)	AF# 3401
WELZER, STEVEN as treasurer;	)	
THE REPUBLICAN PARTY OF FORT	)	AF# 3402
BEND COUNTY FEDERAL	)	
COMMITTEE, and CLEMENCE,	)	
JINGJING as treasurer;	)	

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CERTIFICATION

I, Dayna C. Brown, Secretary and Clerk of the Federal Election Commission, do hereby certify that on June 18, 2018 the Commission took the following actions on the Reason To Believe Recommendation - 2018 April Monthly Report for the Administrative Fine Program as recommended in the Reports Analysis Division's Memorandum dated June 12, 2018, on the following committees:

AF#3399 Decided by a vote of 4-0 to: (1) find reason to believe that AMERICANS UNITED IN SUPPORT OF DEMOCRACY, and GLICK, CHARLES in his official capacity 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 Hunter, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#3400 Decided by a vote of 4-0 to: (1) find reason to believe that IT STARTS TODAY, and ZUCKER, JONATHAN in his official capacity 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 Hunter, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#3401 Decided by a vote of 4-0 to: (1) find reason to believe that JILL STEIN FOR PRESIDENT, and WELZER, STEVEN in his official capacity 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 Hunter, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#3402 Decided by a vote of 4-0 to: (1) find reason to believe that THE REPUBLICAN PARTY OF FORT BEND COUNTY FEDERAL COMMITTEE, and CLEMENCE, JINGJING in his official capacity 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 Hunter, Petersen, Walther, and Weintraub voted affirmatively for the decision.

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Attest:

June 18, 2018
Date

Dayna C. Brown
Secretary and Clerk of the Commission

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 18, 2018

Jonathan Zucker, in official capacity as Treasurer
It Starts Today
237 Florida Avenue NW
Washington, DC 20001

C00630012
AF#: 3400

Dear Mr. Zucker:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file an April Monthly Report of Receipts and Disbursements covering the period March 1, 2018 through March 31, 2018. This report shall be filed no later than April 20, 2018. 52 U.S.C. § 30104(a). Records at the Federal Election Commission ("FEC") indicate that this report was filed on May 4, 2018, (14) days late.

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 June 18, 2018, the FEC found that there is reason to believe ("RTB") that It Starts Today 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 20, 2018. 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 $826. 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 $826 is due within forty (40) days of the finding, or by July 28, 2018, and is based on these factors:

Election Sensitivity of Report: Not Election Sensitive
Level of Activity: $29,405
Number of Days Late: 14
Number of Previous Civil Money Penalties Assessed: 1

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, 1050 First

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Street, NE, Washington, DC 20002. 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 28, 2018. 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 It Starts Today 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).

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3. If You Choose to Pay the Civil Money Penalty

If you should decide to pay the calculated civil money penalty, follow the payment instructions on page 4 of this letter. 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 Ben Holly 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,

Caroline C. Hunter

Caroline C. Hunter
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 $826 for the 2018 April Monthly Report.

You may remit payment by ACH withdrawal from your bank account, or by debit or credit card through Pay.gov, the federal government's secure portal for online collections. Visit www.fec.gov/af/pay.shtml to be directed to Pay.gov's Administrative Fine Program Payment form.

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

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

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

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

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: It Starts Today

FEC ID#: C00630012

AF#: 3400

PAYMENT DUE DATE: July 28, 2018

PAYMENT AMOUNT DUE: $826

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RECEIVED
FEDERAL ELECTION COMMISSION
2019 APR 16 AM 10: 15

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

SENSITIVE

April 16, 2019

MEMORANDUM

TO: The Commission

THROUGH: Alec Palmer AP by MAH
Staff Director

FROM: Patricia C. Orrock PCO
Chief Compliance Officer

Debbie Chacona DC
Assistant Staff Director
Reports Analysis Division

BY: Kristin D. Roser KDR/Ben Holly BH
Reports Analysis Division
Compliance Branch

SUBJECT: Administrative Fine Program – Final Determination Recommendation for the 2018 April Monthly 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 2018 April Monthly 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, one (1) committee disclosed a change in treasurer after the RTB finding. An overview of this case has been provided below.

The Republican Party of Fort Bend County Federal Committee (AF 3402) filed an Amended Statement of Organization after the RTB finding designating Seth Manish as Treasurer.

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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) Send the appropriate letters.

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4/15/2019 3:45 PM

Federal Election Commission
FD Circulation Report Fine Paid
2018 APRIL MONTHLY Not Election Sensitive 04/20/2018 P_UNAUTH

AF#	Committee Name	Candidate Name	Committee ID	Treasurer	Receipt Date	Days Late	LOA	PV	RTB Date	RTB Penalty	Final Money Penalty	Date Paid	Amount Paid
3399	AMERICANS UNITED IN SUPPORT OF DEMOCRACY		C00113019	CHARLES GLICK	05/08/2018	18	$35,636	0	06/18/2018	$769	$769	07/19/2018	$769
3400	IT STARTS TODAY		C00630012	JONATHAN ZUCKER	05/04/2018	14	$29,405	1	06/18/2018	$826	$826	06/21/2018	$826
3402	THE REPUBLICAN PARTY OF FORT BEND COUNTY FEDERAL COMMITTEE		C00529628	SETH MANISH	04/30/2018	10	$8,323	0	06/18/2018	$126	$126	06/29/2018	$126

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Federal Election Commission
FD Circulation Report Fine Not Paid
2018 APRIL MONTHLY Not Election Sensitive 04/20/2018 P_UNAUTH

AF#	Committee Name	Candidate Name	Committee ID	Treasurer	Receipt Date	Days Late	LOA	PV	RTB Date	RTB Penalty	Days Since RTB	FD Penalty
3401	JILL STEIN FOR PRESIDENT	JILL STEIN	C00581199	STEVEN WELZER	06/04/2018	45 (Not Filed*)	$29,547	5	06/18/2018	$2,700	301	$2,700

* The committee filed their report more than thirty (30) days after the due date; therefore, the report is considered not filed.

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
Administrative Fine Program - Final Determination Recommendation for the 2018 April Monthly Report:	)	
AMERICANS UNITED IN SUPPORT OF DEMOCRACY, and GLICK, CHARLES as treasurer;	)	AF# 3399
IT STARTS TODAY, and ZUCKER, JONATHAN as treasurer;	)	AF# 3400
JILL STEIN FOR PRESIDENT, and WELZER, STEVEN as treasurer;	)	AF# 3401
THE REPUBLICAN PARTY OF FORT BEND COUNTY FEDERAL COMMITTEE, and SETH, MANISH as treasurer;	)	AF# 3402

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CERTIFICATION

I, Dayna C. Brown, Secretary and Clerk of the Federal Election Commission, do hereby certify that on April 18, 2019 the Commission took the following actions on the Administrative Fine Program - Final Determination Recommendation for the 2018 April Monthly Report as recommended in the Reports Analysis Division's Memorandum dated April 16, 2019, on the following committees:

AF#3399 Decided by a vote of 4-0 to: (1) make a final determination that AMERICANS UNITED IN SUPPORT OF DEMOCRACY, and GLICK, CHARLES in his official capacity as treasurer, violated 52 U.S.C. 30104(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Hunter, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#3400 Decided by a vote of 4-0 to: (1) make a final determination that IT STARTS TODAY, and ZUCKER, JONATHAN in his official capacity as treasurer, violated 52 U.S.C. 30104(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Hunter, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#3401 Decided by a vote of 4-0 to: (1) make a final determination that JILL STEIN FOR PRESIDENT, and WELZER, STEVEN in his official capacity as treasurer, violated 52 U.S.C. 30104(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Hunter, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#3402 Decided by a vote of 4-0 to: (1) make a final determination that THE REPUBLICAN PARTY OF FORT BEND COUNTY FEDERAL COMMITTEE, and SETH, MANISH in his official capacity as treasurer, violated 52 U.S.C. 30104(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Hunter, Petersen, Walther, and Weintraub voted affirmatively for the decision.

19092725189

Attest:

April 18, 2019
Date

Dayna C. Brown
Secretary and Clerk of the Commission

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 18, 2019

Jonathan Zucker, in official capacity as Treasurer
It Starts Today
237 Florida Avenue NW
Washington, DC 20001

C00630012
AF#: 3400

Dear Mr. Zucker:

On June 18, 2018, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that It Starts Today and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) for filing late or failing to file the 2018 April Monthly Report. By letter dated June 18, 2018, the Commission notified you of the RTB finding and the civil money penalty calculated at the RTB stage totaling $826 in accordance with the schedule of penalties at 11 CFR § 111.43.

On June 21, 2018, the FEC received payment of the civil money penalty calculated at the RTB stage. The FEC made a final determination on April 18, 2019 that It Starts Today and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a), assessed a civil money penalty in the amount of $826 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 Ben Holly on our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130.

On behalf of the Commission,

Ellen L. Weintraub

Ellen L. Weintraub
Chair

19092723100

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 3400

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