THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 3496

RECEIVED
FEDERAL ELECTION COMMISSION
2018 NOV 27 AM 9: 19

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

SENSITIVE

November 26, 2018

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: Reason To Believe Recommendation – 2018 October Quarterly Report (Election Sensitive) for the Administrative Fine Program

Attached is a list of political committees and their treasurers who failed to file the 2018 October Quarterly Report (Election Sensitive) in accordance with 52 U.S.C. § 30104(a). The October Quarterly Report was due on October 15, 2018.

Under the Administrative Fine Program, the October Quarterly Report is considered an election-sensitive filing for authorized committees supporting candidates involved in the general election as well as all unauthorized committees. For the committees listed on the attached RTB Circulation Report, the October Quarterly Report was an election-sensitive filing. The committees either filed the report after the due date, failed to file the report or failed to file the report prior to four (4) days before the general election (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 included on the attached 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.

11/26/2018 3:31 PM

Federal Election Commission
Reason to Believe Circulation Report
2018 OCTOBER QUARTERLY Election Sensitive 10/15/2018 H_S_P_UNAUTH

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
3496	C00879068	DEMOCRACY FIRST		PAMELA PARIZEK	$137,500	0		Not Filed	$137,500 (est)	$7,088
3501	C00131706	PIPEFITTERS LOCAL UNION #524		PATRICK DOLAN	$194,859	0		Not Filed	$32,477 (est)	$1,866

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
Reason To Believe Recommendation - 2018 October Quarterly Report (Election Sensitive) for the Administrative Fine Program:	)	
DEMOCRACY FIRST, and PAMELA PARIZEK as treasurer;	)	AF# 3496
PIPEFITTERS LOCAL UNION #524, and DOLAN, PATRICK as treasurer;	)	AF# 3501

CERTIFICATION

I, Dayna C. Brown, Secretary and Clerk of the Federal Election Commission, do hereby certify that on December 12, 2018 the Commission took the following actions on the Reason To Believe Recommendation - 2018 October Quarterly Report (Election Sensitive) for the Administrative Fine Program as recommended in the Reports Analysis Division's Memorandum dated November 26, 2018, on the following committees:

AF#3496 Decided by a vote of 4-0 to: (1) find reason to believe that DEMOCRACY FIRST, and PAMELA PARIZEK in her 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#3501 Decided by a vote of 4-0 to: (1) find reason to believe that PIPEFITTERS LOCAL UNION #524, and DOLAN, PATRICK 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.

Attest:

December 13, 2018
Date

Dayna C. Brown
Secretary and Clerk of the Commission

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 13, 2018

Pamela Parizek, in official capacity as Treasurer
Democracy First
PO Box 180
McLean, VA 22101

C00679068
AF#: 3496

Dear Ms. Parizek:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file an October Quarterly Report of Receipts and Disbursements in a calendar year during which there is a regularly scheduled election. This report, covering the period July 1, 2018 through September 30, 2018, shall be filed no later than October 15, 2018. 52 U.S.C. § 30104(a). Because records at the Federal Election Commission ("FEC") indicate that you did not file this report within (30) days of the due date, the report is considered not filed for the purpose of calculating the civil money penalty. 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 December 12, 2018, the FEC found that there is reason to believe ("RTB") that Democracy First 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 October 15, 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 $7,088. 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 $7,088 is due within forty (40) days of the finding, or by January 21, 2019, and is based on these factors:

Sensitivity of Report: Election Sensitive
Level of Activity: $137,500
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, 1050 First 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 January 21, 2019. 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 Democracy First 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, 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 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 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

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 $7,088 for the 2018 October Quarterly 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: Democracy First

FEC ID#: C00679068

AF#: 3496

PAYMENT DUE DATE: January 21, 2019

PAYMENT AMOUNT DUE: $7,088

February 1, 2019

Federal Election Commission
Office of Administrative Review
1050 First Street, NE
Washington, DC 20002.

Re: Democracy First (C00679068)
AF#: 3496

Dear Office of Administrative Review:

We received your December 13, 2018 letter, on January 30, 2019 from Mr. Ben Holly in your office. Mr. Holly forwarded the letter to us directly at 4:53 p.m. **Attachment A.** Previously, Mr. Holly had called to alert us to the notice after our reports were on file. We returned his call within 24 hours and left him a voicemail. According to Mr. Holly, he was not able to return our calls during the government shutdown (*we left him several voicemails*). Ultimately, when we spoke to Mr. Holly, he notified us of the letter and the penalty and was kind enough to forward it to us on January 30, 2019. *Id.*

Given the timing of the events and recent receipt of your letter, we respectfully request that you consider this Letter Response timely under your regulations as the PAC had not received the notice until January 30, 2019, and we were diligently in attempting to contact the FEC for the past several weeks during the government shutdown.

As a preliminary matter, we have been attempting to have Democracy First terminated since December 12, 2018. As indicated in the filed reports and our December 12, 2018 letter to the FEC, Democracy First had no activity during the covered periods, apart from paying its legal and administrative fees. **Attachment B**. Due to this lack of activity, we inadvertently failed to timely file the October quarterly report despite our best efforts to use fecfile. Given the lack of activity, and our efforts to file the reports and to terminate the PAC as outlined herein, we request that you exercise your discretion and waive all penalties and close this matter. *See* 11 CFR 111.38.

With regard to the specific October report which is the subject of the Notice, we attempted to file the report but were unable to use fecfile because of an unforeseen circumstance. This circumstance occurred because we did not have the original report saved to the computer we were using to file the follow up reports. The woman who filed the original report for the PAC was no longer with the PAC, and we did not have access to her computer. We attempted to timely file the reports but simple could not figure out how to use fecfile without the original report and immediately attempted to call the FEC for help. Every time we called the FEC help number for assistance with the filing, the call was placed into an answering system. Ultimately -- by bypassing the prompts in the answering system we reached a live person, Ms. Andrea (Last Name Unknown - LNU). On December 12, 2018, Ms. Andrea helped us *recreate* the first report on fecfile -- that then allowed us to file the late report that day. We fully explained the situation to Ms. Andrea and appreciated her help.

In addition to the electronic filings done on December 12, 2018, we send a hard copy letter to the FEC, with the late reports, explaining our delay and requesting that the Post-Election report serve as Democracy First's termination report.

On January 30, 2019, Mr. Holly informed us that the FEC has not yet terminated the PAC because of the notice issued after our December 12 filings. Further, Mr. Holly kindly advised us that our year-end report was due and helped us file that year-end report on January 30, 2019. Once again, you can see that there has been no activity.

With regard to the amount of the penalty, your calculation appears to vastly overstates the level of activity that occurred in the relevant period. Our filed reports show no activity, except the modest legal and administrative expense and the refund to a donor, during the relevant period.

On the date of your notice (December 13, 2018), the reports had already been filed electronically (December 12, 2018) and show no activity other than that referenced above. Once again, the main reason for the delay was the unforeseen circumstance of not having the original report on our computer and not being able to reach a live person at the FEC to help us. We hope that you will find that our error was not intentional and does not merit a penalty. As you can see in our filings, the only activity during the late period was paying the legal and administrative expenses and refunding the remaining cash balance to the donor

who paid those legal fees. Since that refund, the cash on hand has been zero and we are simply awaiting the FEC to terminate the PAC.

We respectfully request that you approve the termination request without a penalty as an exercise of your discretion. We have timely filed our other reports, and the violation here is minor and will not be repeated, as the PAC is terminating.

If you need further information, please contact us and we will be available for any call or hearing. In the meantime, please consult with FEC employees -- Mr. Ben Holly and/or Ms. Andrea LNU, to confirm the representation contained in this letter.

For future communications regarding this Notice and Appeal, please communicate directly with one of our board members:

Kirk Ogrosky
Arnold & Porter LLP
601 Massachusetts Ave., NW
7th Floor
Washington, DC 20001
202-360-8899

Thank you for your consideration.

Yours truly,

Pamela Parizek

Pamela Parizek
Treasurer

ATTACHMENT A

Outlook Search

New message Reply Delete Archive Junk Sweep Move to Categorize

Inbox 6
Junk Email 14
Drafts
Sent Items
Deleted Items 8
Archive
Conversation Hist...
New folder

Democracy First (C00679068)

COPY

Ben J. Holly <BHolly@fec.gov>
Wed 1/30/2019 4:53 PM
KIRK.OGROSKY

AF 3496 - RTB Letter.pdf 58 KB
Regs Attachment 1 (eCFR... 31 KB

2 attachments (89 KB) Download all Save all to OneDrive

Mr. Ogrosky, I attached the initial RTB fine letter (AF 3496) for the 2018 October Quarterly Report and *corresponding regulations. Thanks,*

Ben

Ben Holly
Senior Campaign Finance and Reviewing Analyst
Reports Analysis Division
Federal Election Commission
(202) 694-1129

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

COPY

December 13, 2018

Pamela Parizek, in official capacity as Treasurer
Democracy First
PO Box 180
McLean, VA 22101

C00679068
AF#: 3496

19092725648

Dear Ms. Parizek:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file an October Quarterly Report of Receipts and Disbursements in a calendar year during which there is a regularly scheduled election. This report, covering the period July 1, 2018 through September 30, 2018, shall be filed no later than October 15, 2018. 52 U.S.C. § 30104(a). Because records at the Federal Election Commission ("FEC") indicate that you did not file this report within (30) days of the due date, the report is considered not filed for the purpose of calculating the civil money penalty. 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 December 12, 2018, the FEC found that there is reason to believe ("RTB") that Democracy First 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 October 15, 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 $7,088. 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 $7,088 is due within forty (40) days of the finding, or by January 21, 2019, and is based on these factors:

Sensitivity of Report: Election Sensitive
Level of Activity: $137,500
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, 1050 First 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 January 21, 2019. 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 Democracy First 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, 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 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 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

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 $7,088 for the 2018 October Quarterly 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: Democracy First

FEC ID#: C00679068

AF#: 3496

PAYMENT DUE DATE: January 21, 2019

PAYMENT AMOUNT DUE: $7,088

ATTACHMENT B

December 12, 2018

COPY

Ms. Deborah Chacona
Assistant Staff Director
Reports Analysis Division
Federal Election Commission
1050 First Street, NE
Washington, DC 20463

Re: RFAI-October Quarterly 2018, Post-Election 2018, and Termination of Democracy First (C00679068)

Dear Ms. Chacona:

I am writing in response to your letter dated November 2, 2018, notifying Democracy First that it may have failed to file the 2018 October Quarterly report. Due to inadvertent error, Democracy First did not file the report, and is doing so now, along with the late Post-Election report. Please allow the Post-Election report to serve as Democracy First's termination report.

As indicated in the reports, Democracy First has had no activity during the covered periods, apart from paying its legal fees. Due to this lack of activity, we inadvertently failed to timely file the October Quarterly report. We sincerely apologize for the error. Given the lack of activity, we have also decided to terminate the PAC.

We respectfully request that you approve the termination request without any enforcement action for the late filings, at the very least as an exercise of your discretion. We have timely filed our other reports, and the violation here is minor and will not be repeated, as the PAC is terminating.

Thank you for your consideration.

Yours truly,

Pamela Parizek
Treasurer

February 14, 2019

Rhiannon Magruder
Reviewing Officer
Federal Election Commission
Office of Administrative Review
1050 First Street, NE
Washington, DC 20002

Re: Democracy First (C00679068)
AF#: 3496

Dear Ms. Magruder:

We received your February 7, 2019 e-mail request regarding the calls we placed to the FEC. We apologize for the delay in responding. The brief delay was caused by our efforts to obtain land-line telephone records for local D.C. calls. Unlike calls made through cellular services (that we could have easily obtained via cell phone bills), local land-line calls were more difficult for us to obtain. That said, we have identified 12 calls that we placed to the FEC at either 800-424-9530 or 202-694-1307. And we identified several calls to Mr. Ben Holly.

As a preliminary matter, the challenge to AF# 3496 that you referenced in your request involves a PAC that we have been attempting to have terminated. As you can see from the Quarterly reports and Termination Report, the PAC had no activity during the covered periods, apart from paying its legal and administrative fees and refunding its cash on hand a donor. Due to this lack of activity, we inadvertently failed to timely file the October quarterly report despite our best efforts to use *fecfile*. As we described in our February 1, 2019 letter, our inability to timely file was due to the original report having to be recreated and we were grateful to the FEC's Ms. Andrea (Last Name Unknown) for her assistance in helping us recreated the original report -- which in turn allowed us to file the others and our termination request.

You specifically requested that we provide the following information regarding our calls: *Date(s)/Time(s), Number dialed, Did automated prompts seem to work appropriately?, Did you leave a message?, If so, was it returned?, and Other comments.*

Several of these questions, we can answer for all of our calls to the FEC. Since all of the calls were placed with the intention of seeking help with the *fecfile* software submission program, once the calls were routed into the voicemail system -- we attempted to use prompt 4. This took us to a voicemail box. We did not leave any voicemail seeking help with the *fecfile*. At no time did we reach a live person when we followed the prompts as directed. We only reached Ms. Andrea when we repeatedly pressed zero in an effort to reach a live person.

While frustrating to use, we are not suggesting that your system was not functioning appropriately. We did not leave a message because we were seeking direct assistance in how to use *fecfile*. We would note (that aside for the period of the government shutdown when our calls to the FEC were unreturned), Mr. Ben Holly has returned our messages within a day or sooner on every occasion. And, in turn, we have returned his calls to the PAC within a day on each occasion.

Number Dialed	*Length of Call*	*Message*	*Return*
202-694-1307	2 min	No	N/A
202-694-1307	2 min	No	N/A
800-424-9530	2 min	No	N/A
202-694-1307	3 min	No	N/A
202-694-1307	3 min	No	N/A
202-694-1307	3 min	No	N/A
202-694-1307	1 min	No	N/A
202-694-1307	3 min	No	N/A
202-694-1307	1 min	No	N/A
202-694-1307	1 min	No	N/A
202-694-1307	1 min	No	N/A
800-424-9530	1 hour 4 min	Spoke to Ms. Andrea	

As you can see, we were unable to extract exact dates for the calls. The calls came from Once again, thank you for your consideration.

Yours truly,

Pamela Parizek

Pamela Parizek
Treasurer

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 27, 2019

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

AF# 3496 – Democracy First and Pamela Parizek, in her official capacity as Treasurer (C00679068)

Summary of Recommendation

Make a final determination that the respondents violated 52 U.S.C. § 30104(a) and assess an $800 civil money penalty.

Reason-to-Believe Background

The 2018 October Quarterly Report was due on October 15, 2018. The respondents filed the report on December 14, 2018, 60 days late. The report is election sensitive and was not filed prior to four days before the general election; therefore, the report is considered not filed. 11 C.F.R. §§ 111.43(d)(1) and (e)(2).

On December 12, 2018, the Commission found reason to believe ("RTB") that the respondents violated 52 U.S.C. § 30104(a) for failing to timely file the 2018 October Quarterly Report and made a preliminary determination that the civil money penalty was $7,088 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 December 13, 2018 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 committee not authorized by a candidate shall file a report for the quarter ending September 30 no later than October 15. 52 U.S.C. § 30104(a) and 11 C.F.R. § 104.5(c)(1)(i). Reports electronically filed must be received and validated at or before 11:59 pm Eastern Standard/Daylight Time on the filing deadline to be timely filed. 11 C.F.R. §§ 100.19(c) and 104.5(e). The treasurer shall be personally responsible for the timely filing of reports. 11 C.F.R. § 104.14(d).

Summary of Respondents' Challenge and Supplemental Response

On February 1, 2019, the Commission received the written response ("challenge") from the Treasurer. The respondents explain that the Committee's recent activity has consisted of only legal and administrative fees, and they inadvertently failed to timely file reports. Further, the Committee

requested termination on December 12, 2018 and has no remaining cash on hand. The respondents request that the Commission approve their termination and waive the civil penalty.

The respondents further explain that the 2018 October Quarterly Report was delayed by a staff transition that left the current employee without access to the Committee's data file. The staff member was unsuccessful using FECFile and was directed to the Commission's answering service multiple times before speaking with the RAD Analyst on December 12, 2018. That same day, the Committee filed the outstanding reports, including the 2018 October Quarterly Report and a Termination Report. The challenge notes that the activity disclosed on the 2018 October Quarterly Report is significantly lower than the estimated level of activity stated in the RTB finding.

On February 4, 2019, the Reviewing Officer spoke to a Committee Representative and discussed the grounds of the challenge. The Reviewing Officer confirmed that the Reviewing Officer Recommendation would include a recommendation to recalculate the civil money penalty based on the level of activity disclosed on the 2018 October Quarterly Report. The Committee Representative indicated his intent to pay the reduced penalty.

On February 7, 2019, the Reviewing Officer requested the respondents provide more details related to their attempts to contact Commission staff via telephone. On February 14, 2019, the Treasurer submitted a response. The respondents identified 12 calls dialed from placed to either 202-694-1307 or 800-424-9530. The Treasurer states they were unable to retrieve the dates and times of these calls. The Treasurer further explains that in 11 of the 12 attempts, they received a voicemail box. Since they were trying to receive immediate assistance, they did not leave a message. On the final attempt, they successfully reached the RAD Analyst.

Analysis

The respondents were notified of their requirement to file the 2018 October Quarterly Report on multiple occasions. On September 27, 2018, the Commission's Information Division sent the 2018 October Quarterly Report Prior Notice to fund4democracyfirst@gmail.com, the email address listed on the Committee's Statement of Organization. The notice specifically highlighted the Committee's requirement to file the 2018 October Quarterly Report by October 15, 2018. On October 16, 2018, the day following the filing deadline, the Commission's Electronic Filing Office sent a late notification email to areynolds@pass1.com and fund4democracyfirst@gmail.com, because the report had not yet been filed. On November 2, 2018, RAD sent the non-filer notification to fund4democracyfirst@gmail.com. Despite receiving these notifications, Commission records indicate the Committee did not attempt to reach Commission staff regarding the 2018 October Quarterly Report until December 14, 2018, 60 days after the filing deadline.

The Reviewing Officer requested the Office of the Chief Information Officer ("OCIO") research the Commission's telephone service call records from October 1, 2018 through December 14, 2018. OCIO identified 10 calls dialed from the respondents' telephone number of to the Commission's Electronic Filing Office ("EFO") at 202-694-1307. All 10 calls were received on December 14, 2018 between 4:26 p.m. and 4:58 p.m. EFO states that during periods of heavy call volume, callers may receive EFO's voicemail box. It is EFO's practice to return

[1] On February 25, 2019, the respondents indicated they made a typographical error in their response and confirmed the calls were placed from

voicemails in the order they are received, and calls are typically returned within one business day. However, as indicated by the respondents, the Committee chose not to leave a voicemail.

The respondents state they spoke to a RAD Analyst on December 12, 2018. However, RAD telecoms (written records of telephone conversations) indicate this conversation occurred on December 14, 2018, just minutes after the Committee placed its last call to EFO.[2] The Committee Representative indicated they did not have access to the Committee's previous data file, and the Analyst assisted the Committee Representative with creating the 2018 October Quarterly Report. That same day, the Committee electronically filed the report, 60 days late.

The Reviewing Officer recognizes the staff transition and absence of the Committee's data file may have contributed to the delay in filing the report. However, there is no indication that the Commission failed to provide timely or adequate assistance in helping the Committee file the report. Moreover, unavailability of committee staff is included at 11 C.F.R. § 111.35(d) as an example of a circumstance that will not be considered reasonably unforeseen and beyond the respondents' control. Lastly, a committee's intent to terminate and amount of cash on hand are not considered. 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 also recommends that the Commission assess a $800 civil money penalty, reduced from the RTB civil money penalty of $7,088. At the time of the RTB finding, the Commission used an estimated level of activity ($137,500) to calculate the penalty because the 2018 October Quarterly Report had not yet been filed. 11 C.F.R § 111.43(d)(2)(i). The Committee filed the report on December 14, 2018, 60 days late. The report discloses $2,531 in total receipts and $3,532 in total disbursements. The challenge notes that this activity is comprised of only administrative and legal fees. The Reviewing Officer confirms that this activity should be included in the calculation of the level of activity. 11 C.F.R § 111.43(d)(3)(ii) Therefore, the actual level of activity of the 2018 October Quarterly Report is $6,063. Using the schedule of penalties at 11 C.F.R § 111.43(b) for the level of activity bracket of $5,000 – 9,999.99, the civil money penalty is $800 x [1 + (.25 x 0 previous violations)] or $800.

OAR Recommendations

1. Adopt the Reviewing Officer recommendation for AF# 3496 involving Democracy First and Pamela Parizek, in her official capacity as Treasurer, in making the final determination;

2. Make a final determination in AF# 3496 that Democracy First and Pamela Parizek, in her official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess an $800 civil money penalty (reduced from $7,088 RTB civil money penalty); and

3. Send the appropriate letter.

[2] OCIO was unable to retrieve the call history for 800-424-9530; however, RAD's telecoms indicate the call started at approximately 5:03 p.m.

Attachments

Attachment 1 –
Attachment 2 –
Attachment 3 –
Attachment 4 – Declaration from RAD
Attachment 5 – Declaration from OAR

Attachment 4
10 Pages

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. 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.

3. I hereby certify that documents identified herein are true and accurate copies of the following sent by the Commission to Democracy First:

   A) Termination Denial Letter, dated February 12, 2019, referencing the Termination Report covering November 27, 2018 through December 14, 2018 (sent via regular mail to the address of record);

   B) Non-Filer Letter, dated November 2, 2018, referencing the 2018 October Quarterly Report (sent via electronic mail to: fund4democracyfirst@gmail.com);

   C) Reason-to-Believe Letter, dated December 13, 2018, referencing the 2018 October Quarterly Report (sent via overnight mail to the address of record).

4. I hereby certify that I have searched the Commission's public records and find that Democracy First filed the 2018 October Quarterly Report with the Commission on December 14, 2018.

5. 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 12th day of February, 2019.

Kristin D. Roser

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

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 12, 2019

Pamela Parizek, Treasurer
Democracy First
P.O. Box 180
McLean, VA 22101

Dear Treasurer:

On December 21, 2018, you filed a report requesting that the Federal Election Commission permit Democracy First (C00679068) to terminate pursuant to 52 U.S.C. § 30103(d) and 11 CFR § 102.3 of the Commission's Regulations. Because of an administrative fines matter involving your committee, your termination request has been denied.

Your committee must continue to file all required reports with the Commission. You will be notified when your request to terminate has been granted and your committee is no longer required to file reports with the Commission. If you have any questions regarding this matter, please do not hesitate to contact Aimee Wechsler on our toll free number at (800) 424-9530. Her local number is (202) 694-1194.

Sincerely,

Debbie Chacona

Debbie Chacona
Assistant Staff Director
Reports Analysis Division

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-7

November 2, 2018

PAMELA PARIZEK, TREASURER
DEMOCRACY FIRST
PO BOX 180
MCLEAN, VA 22101

IDENTIFICATION NUMBER: C00679068

REFERENCE: OCTOBER QUARTERLY REPORT (07/01/2018 - 09/30/2018)

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 with the Federal Election Commission, 1050 First Street, NE, Washington, DC 20002. Please note that electronic filers must submit their reports electronically, as per 11 CFR §104.18. A copy of the report or relevant portions 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.

If you have any questions regarding this matter, please contact Ben Holly in the Reports Analysis Division on our toll-free number (800)424-9530. The analyst's direct number is (202)694-1129.

Sincerely,

Debbie Chacona

Deborah Chacona
Assistant Staff Director
Reports Analysis Division

250

Attachment 5
6 Pages

DECLARATION OF RHIANNON MAGRUDER

1) I am the Reviewing Officer in the Office of Administrative Review for the Federal Election Commission ("Commission"). In my capacity as Reviewing Officer, I conduct research with respect to all challenges submitted in accordance with the Administrative Fine program.

2) A committee not authorized by a candidate shall file a report for the quarter ending September 30 no later than October 15. Reports filed electronically must be received and validated at or before 11:59 pm, Eastern Standard/Daylight Time October 15, 2018 for the 2018 October Quarterly Report to be timely filed.

3) 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, Summary, and Detailed Summary Pages of the 2018 October Quarterly Report filed by Democracy First and Pamela Parizek, in her official capacity as Treasurer. The report includes the coverage period of July 1, 2018 through September 30, 2018 and was electronically filed on December 14, 2018.

4) 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 27th day of March, 2019.

Rhiannon Magruder

Rhiannon Magruder
Reviewing Officer
Office of Administrative Review
Federal Election Commission

FEC FORM 3X

REPORT OF RECEIPTS AND DISBURSEMENTS

For Other Than An Authorized Committee

Office Use Only

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

DEMOCRACY FIRST

ADDRESS (number and street) ▼ PO BOX 180

☐ Check if different than previously reported. (ACC)

MCLEAN — VA — 22101 -

CITY ▲ STATE ▲ ZIP CODE ▲

2. FEC IDENTIFICATION NUMBER ▼ C C00679068

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

4. TYPE OF REPORT (Choose One)

(a) Quarterly Reports:

- ☐ April 15 Quarterly Report (Q1)
- ☐ July 15 Quarterly Report (Q2)
- ☒ October 15 Quarterly Report (Q3)
- ☐ January 31 Year-End Report (YE)
- ☐ July 31 Mid-Year Report (Non-election Year Only) (MY)
- ☐ Termination Report (TER)

(b) Monthly Report Due On:

☐ Feb 20 (M2)	☐ May 20 (M5)	☐ Aug 20 (M8)	☐ Nov 20 (M11) (Non-Election Year Only)
☐ Mar 20 (M3)	☐ Jun 20 (M6)	☐ Sep 20 (M9)	☐ Dec 20 (M12) (Non-Election Year Only)
☐ Apr 20 (M4)	☐ Jul 20 (M7)	☐ Oct 20 (M10)	☐ Jan 31 (YE)

(c) 12-Day PRE-Election Report for the: ☐ Primary (12P) ☐ General (12G) ☐ Runoff (12R) ☐ Convention (12C) ☐ Special (12S)

Election on MM / DD / YYYYY in the State of

(d) 30-Day POST-Election Report for the: ☐ General (30G) ☐ Runoff (30R) ☐ Special (30S)

Election on MM / DD / YYYYY in the State of

5. Covering Period 07 / 01 / 2018 through 09 / 30 / 2018

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 Parizek, Pamela, , ,

Signature of Treasurer *Parizek, Pamela, , ,* *[Electronically Filed]* Date 12 / 14 / 2018

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 52 U.S.C. § 30109.

Office Use Only							

SUMMARY PAGE
OF RECEIPTS AND DISBURSEMENTS

FEC Form 3X (Rev. 05/2016)

Write or Type Committee Name

DEMOCRACY FIRST

Report Covering the Period: From: 07 / 01 / 2018 To: 09 / 30 / 2018

	COLUMN A This Period	COLUMN B Calendar Year-to-Date
6. (a) Cash on Hand January 1, 2018		0.00
(b) Cash on Hand at Beginning of Reporting Period	2500.00	
(c) Total Receipts (from Line 19)	2531.25	72531.25
(d) Subtotal (add Lines 6(b) and 6(c) for Column A and Lines 6(a) and 6(c) for Column B)	5031.25	72531.25
7. Total Disbursements (from Line 31)	3532.40	71032.40
8. Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d))	1498.85	1498.85
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	

☐ This committee has qualified as a multicandidate committee. (see FEC FORM 1M)

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 3X (Rev. 05/2016)

Write or Type Committee Name

DEMOCRACY FIRST

Report Covering the Period: From: 07 / 01 / 2018 To: 09 / 30 / 2018

I. Receipts	COLUMN A Total This Period	COLUMN B Calendar Year-to-Date
11. Contributions (other than loans) From:		
(a) Individuals/Persons Other Than Political Committees		
(i) Itemized (use Schedule A)	2531.25	72531.25
(ii) Unitemized	0.00	0.00
(iii) TOTAL (add Lines 11(a)(i) and (ii)) ▶	2531.25	72531.25
(b) Political Party Committees	0.00	0.00
(c) Other Political Committees (such as PACs)	0.00	0.00
(d) Total Contributions (add Lines 11(a)(iii), (b), and (c)) (Carry Totals to Line 33, page 5) ▶	2531.25	72531.25
12. Transfers From Affiliated/Other Party Committees	0.00	0.00
13. All Loans Received	0.00	0.00
14. Loan Repayments Received	0.00	0.00
15. Offsets To Operating Expenditures (Refunds, Rebates, etc.) (Carry Totals to Line 37, page 5)	0.00	0.00
16. Refunds of Contributions Made to Federal Candidates and Other Political Committees	0.00	0.00
17. Other Federal Receipts (Dividends, Interest, etc.)	0.00	0.00
18. Transfers from Non-Federal and Levin Funds		
(a) Non-Federal Account (from Schedule H3)	0.00	0.00
(b) Levin Funds (from Schedule H5)	0.00	0.00
(c) Total Transfers (add 18(a) and 18(b))	0.00	0.00
19. Total Receipts (add Lines 11(d), 12, 13, 14, 15, 16, 17, and 18(c)) ▶	2531.25	72531.25
20. Total Federal Receipts (subtract Line 18(c) from Line 19) ▶	2531.25	72531.25

DETAILED SUMMARY PAGE
of Disbursements

FEC Form 3X (Rev. 05/2016)

II. Disbursements	COLUMN A Total This Period	COLUMN B Calendar Year-to-Date
21. Operating Expenditures:		
(a) Allocated Federal/Non-Federal Activity (from Schedule H4)		
(i) Federal Share	0.00	0.00
(ii) Non-Federal Share	0.00	0.00
(b) Other Federal Operating Expenditures	3532.40	3532.40
(c) Total Operating Expenditures (add 21(a)(i), (a)(ii), and (b)) ▶	3532.40	3532.40
22. Transfers to Affiliated/Other Party Committees	0.00	0.00
23. Contributions to Federal Candidates/Committees and Other Political Committees	0.00	0.00
24. Independent Expenditures (use Schedule E)	0.00	67500.00
25. Coordinated Party Expenditures (52 U.S.C. § 30116(d)) (use Schedule F)	0.00	0.00
26. Loan Repayments Made	0.00	0.00
27. Loans Made	0.00	0.00
28. Refunds of Contributions To:		
(a) Individuals/Persons Other Than Political Committees	0.00	0.00
(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 28(a), (b), and (c)) ▶	0.00	0.00
29. Other Disbursements (Including Non-Federal Donations)	0.00	0.00
30. Federal Election Activity (52 U.S.C. § 30101(20))		
(a) Allocated Federal Election Activity (from Schedule H6)		
(i) Federal Share	0.00	0.00
(ii) "Levin" Share	0.00	0.00
(b) Federal Election Activity Paid Entirely With Federal Funds	0.00	0.00
(c) Total Federal Election Activity (add Lines 30(a)(i), 30(a)(ii) and 30(b)) ▶	0.00	0.00
31. Total Disbursements (add Lines 21(c), 22, 23, 24, 25, 26, 27, 28(d), 29 and 30(c))	3532.40	71032.40
32. Total Federal Disbursements (subtract Line 21(a)(ii) and Line 30(a)(ii) from Line 31) ▶	3532.40	71032.40

DETAILED SUMMARY PAGE
of Disbursements

FEC Form 3X (Rev. 05/2016)

III. Net Contributions/ Operating Expenditures	COLUMN A Total This Period	COLUMN B Calendar Year-to-Date
33. Total Contributions (other than loans) (from Line 11(d), page 3)	2531.25	72531.25
34. Total Contribution Refunds (from Line 28(d))	0.00	0.00
35. Net Contributions (other than loans) (subtract Line 34 from Line 33)	2531.25	72531.25
36. Total Federal Operating Expenditures (add Line 21(a)(i) and Line 21(b)) ▶	3532.40	3532.40
37. Offsets to Operating Expenditures (from Line 15, page 3)	0.00	0.00
38. Net Operating Expenditures (subtract Line 37 from Line 36) ▶	3532.40	3532.40

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 28, 2019

Pamela Parizek, in official capacity as Treasurer
Democracy First
P.O. Box 180
McLean, VA 22101

C00679068
AF#: 3496

Dear Ms. Parizek:

On December 12, 2018, the Federal Election Commission ("Commission") found reason to believe ("RTB") that Democracy First and you, in your official capacity as Treasurer ("respondents"), violated 52 U.S.C. § 30104(a) for failing to timely file the 2018 October Quarterly Report. The Commission also made a preliminary determination that the civil money penalty was $7,088 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 and assess a reduced civil money penalty. 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, 1050 First Street, NE, 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 202-694-1158 if you have any questions.

Sincerely,

Rhiannon Magruder

Rhiannon Magruder
Reviewing Officer
Office of Administrative Review

RECEIVED
FEDERAL ELECTION COMMISSION
SECRETARIAT

2019 APR -9 PM 1:10

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

SENSITIVE

April 9, 2019

MEMORANDUM

To: The Commission

Through: Alec Palmer
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# 3496 – Democracy First and Pamela Parizek, in her official capacity as Treasurer (C00679068)

On December 12, 2018, the Commission found reason to believe ("RTB") that the respondents violated 52 U.S.C. § 30104(a) for failing to timely file the 2018 October Quarterly Report and made a preliminary determination that the civil money penalty was $7,088 based on the schedule of penalties at 11 C.F.R. § 111.43.

On February 1, 2019 the Commission received their written response ("challenge"). After reviewing the challenge, the Reviewing Officer Recommendation ("ROR") dated March 27, 2019 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 an $800 civil money penalty (reduced from the RTB civil money penalty of $7,088).

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 April 3, 2019, the respondents indicated their intent to pay the recommended reduced civil money penalty of $800. Please note, the Committee will be eligible to terminate once this matter is closed.

OAR Recommendations

1. Adopt the Reviewing Officer recommendation for AF# 3496 involving Democracy First and Pamela Parizek, in her official capacity as Treasurer, in making the final determination;

2. Make a final determination in AF# 3496 that Democracy First and Pamela Parizek, in her official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess an $800 civil money penalty (reduced from the RTB civil money penalty of $7,088); and

3. Send the appropriate letter.

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	AF 3496
Final Determination Recommendation:	)	
Democracy First and Pamela Parizek, in	)	
her official capacity as Treasurer	)	
(C00679068)	)	

CERTIFICATION

I, Dayna C. Brown, Secretary and Clerk of the Federal Election Commission, do hereby certify that on April 18, 2019, the Commission decided by a vote of 4-0 to take the following actions in AF 3496:

1. Adopt the Reviewing Officer recommendation for AF# 3496 involving Democracy First and Pamela Parizek, in her official capacity as Treasurer, in making the final determination.

2. Make a final determination in AF# 3496 that Democracy First and Pamela Parizek, in her official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess an $800 civil money penalty (reduced from the RTB civil money penalty of $7,088).

3. Send the appropriate letter.

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

Attest:

April 18, 2019
Date

Dayna C. Brown
Secretary and Clerk of the Commission

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 24, 2019

Pamela Parizek, in official capacity as Treasurer
Democracy First
P.O. Box 180
McLean, VA 22101

C00679068
AF#: 3496

19092723674

Dear Ms. Parizek:

On December 12, 2018, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Democracy First and you, in your official capacity as Treasurer, violated 52 U.S.C. § 30104(a) for failing to file the 2018 October Quarterly Report. By letter dated December 13, 2018, the Commission sent notification of the RTB finding that included a civil money penalty calculated at RTB of $7,088 in accordance with the schedule of penalties at 11 C.F.R. § 111.43. On February 1, 2019, 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 Democracy First 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 2018 October Quarterly Report filed December 14, 2018, ($6,063), assess a civil money penalty in the amount of $800 in accordance with 11 C.F.R. § 111.43. The Reviewing Officer Recommendation was sent to you on March 27, 2019. The Commission received your responses to the ROR.

On April 18, 2019, the Commission adopted the Reviewing Officer's recommendation and made a final determination that Democracy First 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 2018 October Quarterly Report ($6,063), assessed a civil money penalty in the amount of $800 (reduced from the RTB civil money penalty of $7,088). 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 April 10, 2019, the Commission received your $800 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,

Ellen L. Weintraub

Ellen L. Weintraub
Chair

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 3496

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