

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE #3559



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

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FEDERAL ELECTION COMMISSION

2018 DEC 10 AM 10:29

**SENSITIVE**

December 10, 2018

MEMORANDUM

TO: The Commission

THROUGH: Alec Palmer *AP*  
Staff Director

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

Debbie Chacona *DC*  
Assistant Staff Director  
Reports Analysis Division

BY: Kristin D. Roser/Aimee Wechsler *KDR AW*  
Reports Analysis Division  
Compliance Branch

SUBJECT: Reason To Believe Recommendation – 2018 12 Day Pre-General Report  
(Authorized Committees) for the Administrative Fine Program

Attached is a list of political committees and their treasurers who failed to file or timely file the 2018 12 Day Pre-General Report in accordance with 52 U.S.C. § 30104(a). The 12 Day Pre-General Report was due on October 25, 2018. The list is comprised of authorized committees whose candidates sought election in the General Election held on November 6, 2018.

The committees listed on the attached RTB Circulation Report either 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 at 11 CFR 111.43, these committees should be assessed the civil money penalties highlighted on the attached circulation report.

An explanation of the civil money penalties calculation for the committees that failed to file the report is outlined below:

The committee (AF 3559) represents a candidate that participated in the 2018 General Election. The committee was required to file a 2018 12 Day Pre-General Report (12G) covering October 1, 2018 through October 17, 2018 (17 days). In order to determine the civil money penalty for the 2018 12 Day Pre-General Report, an estimated level of activity was calculated using a per diem average by multiplying the previous activity reported for the 2017-2018 election cycle (\$102,268) by 4.72% (the number of days required in 12G (17) divided by the number of days included in the Committee's 2017-2018 election cycle reports (360)).

**Recommendation**

1. Find reason to believe that the political committees and their treasurers, in their official capacity, listed on the RTB Circulation Report (except for the committee listed in recommendation 3), 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.

12/10/2018 9:09 AM

Federal Election Commission  
Reason to Believe Circulation Report  
2018 PRE-GENERAL Election Sensitive 10/25/2018 AUTH

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
3559	G00663179	BILLUPS FOR CONGRESS	WILLIE KAILAWN BILLUPS	WILLIE KAILAWN BILLUPS	\$102,268	0		Not Filed	\$4,827 (est)	\$667
3561	C00653592	TATIANA MATTA FOR CONGRESS	TATIANA MATTA	TATIANA MATTA	\$184,608	0	11/6/2018	Not Filed*	\$20,035	\$1,200

\* The committee did not file their report prior to four (4) days before the general election; therefore, per 11 C.F.R. 111.43(e), the report is considered to be not filed.

## BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
 Reason To Believe Recommendation – )  
 2018 12 Day Pre-General Report )  
 (Authorized Committees) for the )  
 Administrative Fine Program: )  
 BILLUPS FOR CONGRESS, and ) AF# 3559  
 BILLUPS, WILLIE KAILAWN MR as )  
 treasurer; )  
 TATIANA MATTA FOR CONGRESS, ) AF# 3561  
 and MATTA, TATIANA as treasurer; )

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 12 Day Pre-General Report (Authorized Committees) for the Administrative Fine Program as recommended in the Reports Analysis Division's Memorandum dated December 10, 2018, on the following committees:

AF#3559 Decided by a vote of 4-0 to: (1) find reason to believe that BILLUPS FOR CONGRESS, and BILLUPS, WILLIE KAILAWN MR 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#3561 Decided by a vote of 4-0 to: (1) find reason to believe that TATIANA MATTA FOR CONGRESS, and MATTA, TATIANA 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.

Federal Election Commission  
Certification for Administrative Fines  
December 12, 2018

Attest:

December 12, 2018  
Date

Dayna C. Brown  
Dayna C. Brown  
Secretary and Clerk of the Commission



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

December 13, 2018

Willie Kailawn Billups, in official capacity as Treasurer  
Billups for Congress  
P.O. Box 201766  
Arlington, TX 76006

C00663179  
AF#: 3559

Dear Mr. Billups:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file a 12 Day Pre-General Report of Receipts and Disbursements in a calendar year in which the candidate is seeking election, or nomination for election, in a special election. This report, covering the period October 1, 2018 through October 17, 2018 shall be filed no later than October 25, 2018. 52 U.S.C. § 30104(a). Because records at the Commission indicate that you did not file this report prior to four (4) days before the General Election held on November 6, 2018, the report is considered not filed for the purpose of calculating the civil money penalty. You should file the 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 Billups 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 October 25, 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 \$667. 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 \$667 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: \$4,827  
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 Billups 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, 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 Aimee Wechsler 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  
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 \$667 for the 2018 Pre-General 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](http://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**

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FOR: Billups for Congress

FEC ID#: C00663179

AF#: 3559

PAYMENT DUE DATE: January 21, 2019

PAYMENT AMOUNT DUE: \$667



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RECEIVED  
2019 OCT -1 AM 11:35

October 1, 2019

**MEMORANDUM**

**SENSITIVE**

TO: The Commission

THROUGH: Alec Palmer *AP*  
Staff Director

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

Debbie Chacona *M.H. for D.C.*  
Assistant Staff Director Reports  
Analysis Division

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

SUBJECT: Administrative Fine Program – Final Determination Recommendation for the  
2018 12 Day Pre-General Report (Authorized Committees)

Attached is a list identifying 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 12 Day Pre-General Report (Authorized Committees). The committees have not paid the civil money penalties requested at RTB and 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 not paid the civil money penalty.

**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.

Federal Election Commission  
 FD Circulation Report Fine Not Paid  
 2018 12G Election Sensitive 10/25/2018

AF#	Committee Name	Candidate Name	Committee ID	Treasurer	Receipt Date	Days Late	LOA	PV	RTB Date	RTB Penalty	Days Since RTB	FD Penalty
3559	BILLUPS FOR CONGRESS	WILLIE KAILAWN BILLUPS	C00663179	WILLIE KAILAWN BILLUPS	03/24/2019	Not Filed*	\$4,268	0	12/12/2018	\$667	292	\$667
3561	TATIANA MATTA FOR CONGRESS	TATIANA MATTA	C00653592	TATIANA MATTA	11/06/2018	Not Filed*	\$20,035	0	12/12/2018	\$1,200	292	\$1,200

\* The committee did not file their report prior to four (4) days before the general election; therefore, per 11 C.F.R. 111.43(e), the report is considered to be not filed.

## BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 ) AF 3559  
 Administrative Fine Program - Final )  
 Determination Recommendation for the )  
 2018 12 Day Pre-General Report )  
 (Authorized Committees): Billups for )  
 Congress and Willie Kailawn Billups in )  
 his official capacity as treasurer )

CERTIFICATION

I, Laura E. Sinram, Acting Secretary and Clerk of the Federal Election Commission, do hereby certify that on June 29, 2020, the Commission decided by a vote of 4-0 to take the following action in AF 3559:

1. Make a final determination that Billups for Congress and Willie Kailawn Billups in his official capacity as treasurer violated 52 U.S.C. § 30104(a) and assess the final civil money penalty in the amount of \$667.
2. Send the appropriate letter.

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



Attest:

**Laura  
Sinram**

Digitally signed by  
 Laura Sinram  
 Date: 2020.07.28  
 18:43:45 -04'00'

\_\_\_\_\_  
 Laura E. Sinram  
 Acting Secretary and Clerk of the  
 Commission



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

AF

August 3, 2020

Willie Kailawn Billups, in official capacity as Treasurer  
Billups for Congress  
P.O. Box 201766  
Arlington, TX 76006

C00663179

AF#: 3559

Dear Mr. Billups,

On December 12, 2018, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Billups 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 2018 Pre-General Report. By letter dated December 13, 2018, the Commission notified you of the RTB finding and the civil money penalty calculated at the RTB stage to be \$667 in accordance with the schedule of penalties at 11 CFR § 111.43. Within forty (40) days of the FEC's RTB finding, you were required to either transmit payment of the calculated civil money penalty or submit a written response challenging either the RTB finding or the calculated civil money penalty.

The FEC did not receive payment of the calculated civil money penalty or a written response within the time permitted. Since that time, the amount of the level of activity has been changed to reflect the actual level of activity of the 2018 Pre-General Report. The FEC made a final determination on June 29, 2020 that Billups for Congress and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) and assessed a civil money penalty in the amount of \$667 in accordance with 11 CFR § 111.43. The civil money penalty is based on these factors:

Election Sensitivity of Report: Election Sensitive

Level of Activity: \$4,268

Number of Days Late: Not Filed (reports not filed prior to four (4) days before the General Election held on November 6, 2018 are considered not filed for the purposes of calculating the penalty)

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 Appeal the Final Determination and/or Civil Money Penalty**

If you choose to appeal the final determination, you should submit a written

## BILLUPS FOR CONGRESS

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

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

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA") as amended by the Debt Collection Improvement Act of 1996 ("DCIA"), 31 U.S.C. § 3701 et seq. If you do not pay this debt within thirty (30) days (or file a written petition to a federal district court - see below), the Commission will transfer the debt to the U.S. Department of the Treasury ("Treasury") for collection. Within five (5) days of the transfer to Treasury, Treasury will contact you to request payment. Treasury currently charges a fee of 30% of the civil money penalty amount for its collection services. If the age of the debt is greater than or equal to two years old, Treasury will charge a fee of 32% of the civil money penalty amount for its collection services. The fee will be added to the amount of the civil money penalty that you owe. Should Treasury's attempts fail, Treasury will refer the debt to a private collection agency ("PCA"). If the debt remains unpaid, Treasury may recommend that the Commission refer the matter to the Department of Justice for litigation.

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

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

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

If you should decide to pay the civil money penalty, follow the payment instructions on page 4 of this letter. You should make payment within thirty (30) days of receipt of this letter.

NOTICE REGARDING PARTIAL PAYMENTS AND SETTLEMENT OFFERS

BILLUPS FOR CONGRESS

Page 3 of 4

#### 4. Partial Payments

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

#### 5. Settlement Offers

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

The confidentiality provisions at 52 U.S.C. § 30109(a)(12) 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 the payment of the civil money penalty, please contact Ben Holly at Federal Election Commission, 1050 First St., NE, Washington, DC 20002, or our toll free number (800) 424-9530 (at the prompt, press 5) or (202) 694-1130.

Sincerely,



James E. "Trey" Trainor III  
Chair

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#### ADMINISTRATIVE FINE PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 CFR § 111.43, the civil money penalty is \$667 for the 2018 Pre-General Report. The payment is due within 30 days of receipt of this letter.

You may remit payment by ACH withdrawal from your bank account, or by debit or

## BILLUPS FOR CONGRESS

Page 4 of 4

credit card through Pay.gov, the federal government's secure portal for online collections. Visit [www.fec.gov/af/pay.shtml](http://www.fec.gov/af/pay.shtml) to be directed to Pay.gov's Administrative Fine Program Payment form. Please use the details below to complete the required fields. For additional payment options, 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.

COMMITTEE NAME: Billups for Congress

FEC ID#: C00663179

AF#: 3559

PAYMENT AMOUNT DUE: \$667

THIS IS THE END OF ADMINISTRATIVE FINE CASE #3559