



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

**SENSITIVE**

July 9, 2019

**MEMORANDUM**

TO: The Commission

THROUGH: Alec Palmer *AP*  
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 *BH for KDR*  
Compliance Branch

SUBJECT: Reason to Believe Recommendation -  
Failure to File 48-Hour Notices under the Administrative Fines Program

Attached is the name of a principal campaign committee that has failed to file 48-hour notices with the Commission for contributions of \$1,000.00 or more received from the close of books for the New Jersey 12 Day Pre-Primary Report up to 48 hours before the June 5, 2018 Primary Election in accordance with 52 U.S.C. § 30104(a) and 11 CFR. § 104.5(f). The committee, Peter De Neufville for Congress, Inc., represents a candidate who lost the Primary Election. The committee is being referred for failing to file 48-hour notices for contributions totaling \$401,000.00.

A 48-hour notice is required to report all contributions of a \$1,000.00 or more, to any authorized committee of a candidate, including contributions from the candidate, loans from the candidate and other non-bank sources and endorsements or guarantees of loans from banks, as per 11 CFR § 104.5(f).

We have attached an information sheet which includes the contributor name, date of receipt and amount of the contributions for which a 48-hour notice was not filed.

In accordance with the schedule of civil money penalties outlined within 11 CFR § 111.44, this committee should be assessed the civil money penalty so indicated.

#### Recommendation

1. Find reason to believe that Peter De Neufville for Congress, Inc. and Philip Neuer, in his official capacity as treasurer, violated 52 U.S.C. § 30104(a) and make a preliminary determination that a civil money penalty of \$40,392 be assessed.
2. Send the appropriate letter.

#### Attachment

**Contributions for Which a 48-Hour Notice Was Not Received****AF 3738****Committee ID: C00675215****Committee Name: Peter De Neufville for Congress, Inc.****Report Type: 2018 July Quarterly Report (5/17/2018 – 6/30/2018)****48-Hour Reporting Period: 5/17/2018 – 6/2/2018**

<b>CONTRIBUTOR</b>	<b>DATE</b>	<b>AMOUNT</b>
DE NEUFVILLE, PETER BAYON	5/17/2018	\$400,000.00
BOSZHARDT, ANDREW K JR	6/1/2018	\$1,000.00
	<b>TOTAL</b>	<b>\$401,000.00</b>

**Proposed Civil Money Penalty: \$40,392** ((2 Notices Not Timely Reported at \$146 each) + (10% of the Overall Contributions Not Timely Reported))

Federal Election Commission  
Reason to Believe Circulation Report  
48-Hour Notification Report

7/8/2019 7:44 AM

AF#	Committee ID	Committee Name	State	Election	Candidate Name	Treasurer	Prev Violations	Notices Not Filed	LOA	Penalty
3738	C00675215	PETER DE NEUFVILLE FOR CONGRESS, INC.	NJ	2018	PETER DE NEUFVILLE	PHILIP NEUER	0	2	\$401,000	\$40,392

## BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 ) AF 3738  
 Reason to Believe Recommendation - )  
 Failure to File 48-Hour Notices under the )  
 Administrative Fines Program: Peter De )  
 Neufville for Congress, Inc. and Philip )  
 Neuer, 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 July 23, 2019, the Commission decided by a vote of 4-0 to take the following actions in AF 3738:

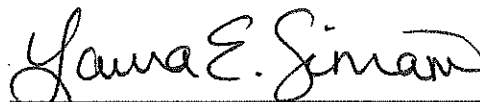
1. Find reason to believe that Peter De Neufville for Congress, Inc. and Philip Neuer, in his official capacity as treasurer, violated 52 U.S.C. § 30104(a) and make a preliminary determination that a civil money penalty of \$40,392 be assessed.
2. Send the appropriate letter.

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

Attest:

7/24/19

Date



Laura E. Sinram  
 Acting Secretary and Clerk of the  
 Commission



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

July 30, 2019

Philip Neuer, in official capacity as Treasurer  
Peter De Neufville for Congress, Inc.  
P.O. Box 736  
Chatham, NJ 07928

C00675215  
AF#: 3738

Dear Mr. Neuer:

The Federal Election Campaign Act of 1971, as amended, 52 U.S.C. § 30101, *et seq.* ("the Act"), requires principal campaign committees of candidates for federal office to notify in writing the Federal Election Commission ("FEC") and the Secretary of State, as appropriate, of any contribution of \$1,000 or more, received by any authorized committee of the candidate after the 20th day, but more than 48 hours before, any election. 52 U.S.C. § 30104(a)(6)(A). The Act further requires notification to be made within 48 hours after the receipt of the contribution and to include the name of the candidate and office sought, the date of receipt, the amount of the contribution, and the identification of the contributor. *Id.* These notification requirements are in addition to all other reporting requirements. 52 U.S.C. § 30104(a). Our records indicate that Peter De Neufville for Congress, Inc. did not submit 48-Hour Notices for contributions of \$1,000 or more, received between May 17, 2018 and June 2, 2018, totaling \$401,000, as required by 52 U.S.C. § 30104(a)(6)(A). Attachment 1.

The Act permits the FEC to impose civil money penalties for violations of the reporting requirements of 52 U.S.C. § 30104(a). 52 U.S.C. § 30109(a)(4). On July 24, 2019, the FEC found that there is Reason to Believe ("RTB") that Peter De Neufville for Congress, Inc. and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) by failing to file the 48-Hour Notices. Based on the FEC's schedule of civil money penalties at 11 CFR § 111.44, the amount of your civil money penalty calculated at the RTB stage is \$40,392. Please see the attached copy of the Commission's administrative fine regulations at 11 CFR §§ 111.30-111.55. Attachment 2. The Commission's website contains further information about how the administrative fine program works and how the fines are calculated. <http://www.fec.gov/af/af.shtml>. 11 CFR § 111.34. The amount of the civil money penalty is \$146 for each non-filed notice plus 10 percent of the dollar amount of the contributions not timely reported. The civil money penalty increases by 25 percent for each prior violation. Send your payment of \$40,392 within forty (40) days of the finding, or by September 2, 2019.

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 September 2, 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.

### **1. 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 Peter De Neufville for Congress, Inc. 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).

**2. 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.

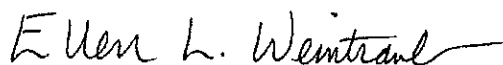
**5. Settlement Offers**

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 Jamie Sikorsky 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. 1158) or (202) 694-1158.

On behalf of the Commission,



Ellen L. Weintraub  
Chair



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**ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS**

In accordance with the schedule of penalties at 11 CFR § 111.44, the amount of your civil money penalty calculated at RTB is \$40,392 for the 2018 New Jersey Primary Election 48-Hour Notification 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: Peter De Neufville for Congress, Inc.

FEC ID#: C00675215

AF#: 3738

PAYMENT DUE DATE: September 2, 2019

PAYMENT AMOUNT DUE: \$40,392

**Contributions for Which a 48-Hour Notice Was Not Received****AF 3738****Committee ID: C00675215****Committee Name: Peter De Neufville for Congress, Inc.****Report Type: 2018 July Quarterly Report (5/17/2018 – 6/30/2018)****48-Hour Reporting Period: 5/17/2018 – 6/2/2018**

<b>CONTRIBUTOR</b>	<b>DATE</b>	<b>AMOUNT</b>
DE NEUFVILLE, PETER BAYON	5/17/2018	\$400,000.00
BOSZHARDT, ANDREW K JR	6/1/2018	\$1,000.00
<b>TOTAL</b>		<b>\$401,000.00</b>

**Proposed Civil Money Penalty: \$40,392** ((2 Notices Not Timely Reported at \$146 each) + (10% of the Overall Contributions Not Timely Reported))

October 14, 2019

Chair Ellen L. Weintraub  
Federal Election Commission  
1050 First St NE,  
Washington, DC 20463

RE: AF# 3738

Dear Ms. Weintraub,

I was disturbed to receive your letter dated July 30th, 2019 but received well after that, about our campaign. As a first-time candidate we made significant efforts to comply with all Federal campaign regulations, and I have no intention of running again and/or using this campaign committee C00675215 in the future. Therefore, we have begun steps to terminate the Committee.

Your letter to my campaign Treasurer, which was only recently received because the campaign is dormant, indicated that two 48 hour contribution reports were missed by my campaign and proposes a \$40,392 "civil money penalty" for missing these reports. My recollection is that I was out knocking on doors during this time period and expected that the accountants retained by the campaign would handle any necessary reporting. Of course, having lost the race and with no money, the campaign no longer has accountants and no ability to pay what appears to be a massive proposed penalty for an administrative mistake from a campaign with minimal contributors and expenditures.

May I respectfully propose that the campaign pay the standard \$146 x 2 notices not timely reported, which would total \$292?

If the Commission is amenable to that resolution, then I will personally write the check for \$292.00 and terminate the campaign committee.

Thank you for your consideration.

Very truly yours,



Peter B. de Neufville



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

December 12, 2019

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

AF# 3738 – Peter De Neufville for Congress, Inc. and Philip Neuer, in his official capacity as Treasurer (C00675215)

### **Summary of Recommendation**

Make a final determination that the respondents violated 52 U.S.C. § 30104(a) and assess a \$40,392 civil money penalty.

### **Reason-to-Believe Background**

In connection with the 2018 New Jersey Primary Election held on June 5, 2018, the respondents were required to file 48-Hour Notices of Contributions/Loans ("48-Hour Notices") for contributions of \$1,000 or more received between May 17, 2018 and June 2, 2018.

On July 23, 2019, the Commission found reason to believe ("RTB") that the respondents violated 52 U.S.C. § 30104(a) for failing to timely file 48-Hour Notices for twelve contributions totaling \$401,000 and made a preliminary determination that the civil money penalty was \$40,392 based on the schedule of penalties at 11 C.F.R. § 111.44. A letter was mailed to the respondents' address of record from the Reports Analysis Division ("RAD") on July 30, 2019 to notify them of the Commission's RTB finding and civil money penalty.

### **Legal Requirements**

The Federal Election Campaign Act ("Act") requires that the principal campaign committee of a candidate must notify the Commission, in writing, of any contribution of \$1,000 or more received after the 20<sup>th</sup> day but more than 48 hours before an election. The principal campaign committee must notify the Commission within 48 hours of receipt of the contribution. The 48-hour notification shall be in addition to all other reporting requirements under the Act. 52 U.S.C. § 30104(a)(6)(A) and 11 C.F.R. § 104.5(f). 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

On October 21, 2019, the Commission received the written response ("challenge") from the Candidate stating he was a first-time candidate and "...made significant efforts to comply with all Federal campaign regulations." He also states he has no intention of running for office in the future and is attempting to terminate the Committee.

In response to the two untimely 48-Hour Notices, the Candidate explains:

...My recollection is that I was out knocking on doors during this time period and expected that the accountants retained by the campaign would handle any necessary reporting. Of course, having lost the race and with no money, the campaign no longer has accountants and no ability to pay what appears to be a massive proposed penalty for an administrative mistake from a campaign with minimal contributors and expenditures.

The Candidate concludes by proposing a reduced penalty of \$146 for each untimely 48-Hour Notice, totaling \$292.

## Analysis

The Committee failed to timely file 48-Hour Notices to support the receipt of a \$400,000 loan from the Candidate<sup>1</sup> and a \$1,000 contribution from an individual. Commission records indicate the Committee was aware of and understood the 2018 New Jersey Primary Election 48-Hour Notice reporting requirements.

RAD telecoms (written records of telephone conversations) indicate RAD staff and Committee representatives specifically discussed the Committee's 48-Hour Notice reporting requirements. On May 16, 2018, RAD informed the Committee that its 48-Hour Notice period covered May 17, 2018 through June 2, 2018 and explained the reporting requirements. On May 17, 2018, RAD assisted the Committee representative in finding the New Jersey Primary Election Prior Notice on the Commission's website. The notice detailed the reporting requirements in connection with the 2018 New Jersey Primary Election, including the 48-Hour Notice requirement for contributions of \$1,000 or more received from May 17, 2018 through June 2, 2018. Within the Prior Notice, there was a link to the Supplemental Filing Information for Congressional Committees page of the Commission's website, which states:

The principal campaign committee must file notices if any authorized committees receive any contribution **(including in-kind gifts or advances of goods or services; Loans from the candidate or other non-bank sources; and guarantees**

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<sup>1</sup>48-Hour Notice reporting requirements apply to a committee's receipt of candidate loans. The Commission's regulations, publications, and website explain 48-Hour Notice reporting requirements. Candidate loans are specifically included in the definition of a contribution at 11 C.F.R. § 100.52. In addition, page 81 of the *Campaign Guide for Congressional Candidates and Committees* explains that 48-Hour Notice requirements "[apply] to all types of contributions to any authorized committee of the candidate, including...loans from the candidate..."

**or endorsements of bank loans to the candidate or committee)** of \$1,000 or more per source, during the period less than 20 days but more than 48 hours before any election in which the candidate is running. *See* 11 CFR 104.5(f). (emphasis included)

Moreover, the Reviewing Officer notes that the Committee timely filed multiple 48-Hour Notices to support other contributions received during the 2018 New Jersey Primary Election 48-Hour Notice period, including other loans from the Candidate. Therefore, one can reasonably presume the Committee understood the 48-Hour Notice reporting requirements for the two contributions in question. Further, on May 29, 2018, a Committee representative contacted RAD regarding potential penalties for late filed 48-Hour Notices. On July 15, 2018, the Committee filed a 48-Hour Notice to amend the notice filed on May 19, 2018. The amended version included the \$400,000 loan from the Candidate which should have been originally reported on the May 19, 2018 48-Hour Notice.<sup>2</sup>

While the Candidate may have “expected that the accountants retained by the campaign would handle any necessary reporting...,” negligence and delays caused by committee contractors are specifically included at 11 C.F.R. § 111.35(d) as examples of circumstances that will not be considered reasonably unforeseen and beyond the respondents’ control. The Reviewing Officer recognizes the campaign may no longer be active. However, a committee’s intent to terminate and amount of cash on hand are also not considered valid grounds for a challenge. The challenge fails to adequately address any of the three valid grounds at 11 C.F.R § 111.35(b). These are: (i) the RTB finding is based on factual errors; and/or (ii) the improper calculation of the civil money penalty; and/or (iii) they used best efforts to file on time but were prevented from doing so by reasonably unforeseen circumstances that were beyond their control and they filed the report no later than 24 hours after the end of these circumstances. 11 C.F.R. § 111.35(b).

The Reviewing Officer acknowledges the Candidate’s request for a reduced penalty. However, the civil money penalty calculation for 48-Hour Notices is contained at 11 C.F.R. § 111.44. The calculation is \$146 plus 10% of the amount of the contributions not reported on *each* 48-Hour Notice, plus 25% for each previous violation. The number of missing notices should be calculated by determining the minimum number of notices the Committee could have filed to cover the contributions in question. The minimum number of 48-Hour Notices the Committee could have filed to cover the contributions in question equals 2. Thus, the amount of the civil money penalty is [(\$146 x 2 missing notices) + (.10 x \$401,000 in total contributions)] or \$40,392.

Therefore, the Reviewing Officer recommends that the Commission make a final determination that the respondents violated 52 U.S.C. § 30104(a) and assess a \$40,392 civil money penalty.

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<sup>2</sup> The Committee did not file an original or amended 48-Hour Notice to include the referenced \$1,000 contribution from an individual.

**OAR Recommendations**

1. Adopt the Reviewing Officer Recommendation for AF# 3738 involving Peter De Neufville for Congress, Inc. and Philip Neuer, in his official capacity as Treasurer, in making the final determination;
2. Make a final determination in AF# 3738 that Peter De Neufville for Congress, Inc. and Philip Neuer, in his official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess a \$40,392 civil money penalty; and
3. Send the appropriate letter.

**Attachments**

Attachment 1 –

Attachment 2 – Declaration from RAD

Attachment 3 – Declaration from OAR

**DECLARATION OF KRISTIN D. ROSER**

1. I am the Chief of the Compliance Branch for the Reports Analysis Division of the Federal Election Commission ("Commission"). In my capacity as Chief of the Compliance Branch, I oversee the initial processing of the Administrative Fine Program. I make this declaration based on my personal knowledge and, if called upon as a witness, could and would testify competently to the following matters.
2. 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 Peter de Neufville for Congress, Inc.:
  - A) Request for Additional Information for the 2018 July Quarterly Report, dated April 30, 2019, referencing the missing 48-Hour Notices (sent via electronic mail to: pdeneufville@yahoo.com and will@peterdeneufville.com);
  - B) Reason-to-Believe Letter, dated July 30, 2019, referencing the missing 48-Hour Notices (sent via overnight mail to address of record).
4. I hereby certify that I have searched the Commission's public records and find that Peter de Neufville for Congress, Inc. filed one of two missing 48-Hour Notices with the Commission on July 15, 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 22<sup>nd</sup> day of November, 2019.

*Kristin D. Roser*

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





FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RQ-2

April 30, 2019

PHILIP NEUER, TREASURER  
PETER DE NEUFVILLE FOR CONGRESS,  
INC.  
P.O. BOX 736  
CHATHAM, NJ 07928

**Response Due Date**  
**06/04/2019**

IDENTIFICATION NUMBER: C00675215

REFERENCE: JULY QUARTERLY REPORT (05/17/2018 - 06/30/2018)

Dear Treasurer:

This letter is prompted by the Commission's preliminary review of the report referenced above. This notice requests information essential to full public disclosure of your federal election campaign finances. **Failure to adequately respond by the response date noted above could result in an audit or enforcement action.** Additional information is needed for the following 2 item(s):

1. Schedule A of your report indicates that your committee may have failed to file one or more of the required 48-hour notices regarding "last minute" contributions (to include loans, in-kind contributions, and advances) received by your committee after the close of books for the 12 Day Pre-Primary Report (see attached). A principal campaign committee must notify the Commission, in writing, within 48 hours of any contribution of \$1,000 or more received between two and twenty days before an election. These contributions are then reported on the next report required to be filed by the committee. To ensure that the Commission is notified of last minute contributions of \$1,000 or more to your campaign, it is recommended that you review your procedures for checking contributions received during the aforementioned time period. The failure to file 48-hour notices may result in civil money penalties or legal enforcement action. (11 CFR § 104.5(f))

If any contribution of \$1,000 or more was incorrectly reported, you must amend your original report with the clarifying information.

2. Your committee filed 48-hour notices reporting the following "last minute" contributions (see attached). However, these contributions do not appear on Schedule A of this report. Please amend your report to include these contributions or provide an explanation of these apparent discrepancies. (11 CFR § 104.3(a)(4)(i))

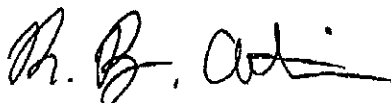
PETER DE NEUFVILLE FOR CONGRESS, INC.

Page 2 of 2

**Please note, you will not receive an additional notice from the Commission on this matter.** Adequate responses must be received by the Commission on or before the due date noted above to be taken into consideration in determining whether audit action will be initiated. Failure to comply with the provisions of the Act may also result in an enforcement action against the committee. Any response submitted by your committee will be placed on the public record and will be considered by the Commission prior to taking enforcement action. **Requests for extensions of time in which to respond will not be considered.**

Electronic filers must file amendments (to include statements, designations and reports) in an electronic format and must submit an amended report in its entirety, rather than just those portions of the report that are being amended. For additional information about the report review process or specific filing information for your committee type, please visit <http://transition.fec.gov/rad/>. If you should have any questions regarding this matter or wish to verify the adequacy of your response, please contact me on our toll free number (800) 424-9530 (at the prompt press 5 to reach the Reports Analysis Division) or my local number (202) 694-1196.

Sincerely,

A handwritten signature in black ink, appearing to read "B. B. Austin", written over a horizontal line.

Bradley Austin  
Senior Campaign Finance Analyst  
Reports Analysis Division

**Missing 48-Hour Notices****Peter De Neufville for Congress, Inc. (C00675215)**

<b>Contributor Name</b>	<b>Date</b>	<b>Amount</b>	<b>Election</b>
De Neufville, Peter Bayon	5/17/18	\$400,000.00	P2018
Boszhardt, Andrew K Jr	6/1/18	\$1,000.00	P2018

**Incorrectly Reported Receipts on 48-Hour Notices**  
**Peter De Neufville for Congress, Inc. (C00675215)**

**48-Hour Notices Filed/Contributions Not Disclosed on Schedule A**

<b>Contributor Name</b>	<b>Date</b>	<b>Amount</b>
Laffont, Ana	6/1/18	\$2,700.00
Laffont, Philippe	6/1/18	\$2,700.00

**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) The principal campaign committee of a candidate must file notifications disclosing contributions of \$1,000 or more which are received after the 20<sup>th</sup> day but more than 48 hours before an election. These notifications (also called 48-Hour Notices) must be filed with the Commission within 48 hours of the committee's receipt of the contribution(s).
- 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) 48-Hour Notice filed by Peter De Neufville for Congress, Inc., received May 19, 2018.
  - b) 48-Hour Notice filed by Peter De Neufville for Congress, Inc., received July 15, 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 12<sup>th</sup> day of December, 2019.



Rhiannon Magruder  
Reviewing Officer  
Office of Administrative Review  
Federal Election Commission

Image# 201805199112145228

# 48-HOUR NOTICE OF CONTRIBUTIONS/LOANS RECEIVED

(See Reverse Side for Instructions)

To be used to report all contributions (including loans) of \$1000 or more, received within 20 days of the election.

<b>1. NAME OF COMMITTEE IN FULL</b> PETER DE NEUFVILLE FOR CONGRESS, INC.			
ADDRESS (number and street) P.O. BOX 736			
<b>CITY</b> CHATHAM	<b>STATE</b> NJ	<b>ZIP CODE</b> 07928	
<b>2. NAME OF CANDIDATE</b> DE NEUFVILLE, PETER, BAYON, ,		<b>3. OFFICE SOUGHT (State and District)</b> House NJ 11	
		<b>4. FEC IDENTIFICATION NUMBER</b> C00675215	
<b>5. IS THIS AN AMENDMENT?</b> <input checked="" type="checkbox"/> NO, THIS IS A NEW FILING <input type="checkbox"/> YES, IT AMENDS THE NOTICE FILED ON ____ / ____ / ____			

<b>A. FULL NAME</b> DE NEUFVILLE, CAROLINA, , , MAILING ADDRESS 435 E 52ND STREET CITY STATE ZIP CODE NEW YORK NY 10022	Name of Employer SELF-EMPLOYED Transaction ID : F6.4111 Occupation CONSULTANT	Date (month, day, year) 05/18/2018	Amount 2700.00
<b>B. FULL NAME</b> DE NEUFVILLE, JOHN, , , MAILING ADDRESS 323 MAIN ST CITY STATE ZIP CODE CHATHAM NJ 07928	Name of Employer RETIRED Transaction ID : F6.4113 Occupation RETIRED	Date (month, day, year) 05/18/2018	Amount 2700.00
<b>C. FULL NAME</b> DE NEUFVILLE, THOMAS, , , MAILING ADDRESS 435 E 52ND STREET CITY STATE ZIP CODE NEW YORK NY 10022	Name of Employer NORTH BRANCH CAPITAL Transaction ID : F6.4109 Occupation INVESTOR	Date (month, day, year) 05/18/2018	Amount 2700.00
<b>D. FULL NAME</b> HEANEY, ANDREW, , , MAILING ADDRESS 2 BONTECOU ROAD CITY STATE ZIP CODE MILLBROOK NY 12545	Name of Employer HEANEY ENERGY CORP. Transaction ID : F6.4105 Occupation BUSINESS OWNER	Date (month, day, year) 05/17/2018	Amount 2700.00
<b>E. FULL NAME</b> HEANEY, LESLIE, , , MAILING ADDRESS 2 BONTECOU ROAD CITY STATE ZIP CODE MILLBROOK NY 12545	Name of Employer SELF-EMPLOYED Transaction ID : F6.4107 Occupation ATTORNEY	Date (month, day, year) 05/17/2018	Amount 2700.00

<b>SIGNATURE (optional)</b> NEUER, PHILIP, , , <div style="text-align: right;">[Electronically Filed]</div>	<b>DATE</b> 05/19/2018	<b>For further information contact:</b> Federal Election Commission 999 E Street, NW, Washington, DC 20463 Toll Free 800-424-9530, Local 202-694-1100
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Any information copied from reports and statements filed under the Federal Election Campaign Act may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes other than using the name and address of any political committee to solicit contributions from such committee.

**FEC FORM 6**  
(Revised 03/2016)

# 48-HOUR NOTICE OF CONTRIBUTIONS/LOANS RECEIVED

(See Reverse Side for Instructions)

To be used to report all contributions (including loans) of \$1000 or more, received within 20 days of the election.

<b>1. NAME OF COMMITTEE IN FULL</b> PETER DE NEUFVILLE FOR CONGRESS, INC.			
<b>ADDRESS</b> (number and street) P.O. BOX 736			
<b>CITY</b> CHATHAM	<b>STATE</b> NJ	<b>ZIP CODE</b> 07928	
<b>2. NAME OF CANDIDATE</b> DE NEUFVILLE, PETER, BAYON, ,		<b>3. OFFICE SOUGHT</b> (State and District) House NJ 11	<b>4. FEC IDENTIFICATION NUMBER</b> C00675215
<b>5. IS THIS AN AMENDMENT?</b> <input type="checkbox"/> NO, THIS IS A NEW FILING <input checked="" type="checkbox"/> YES, IT AMENDS THE NOTICE FILED ON 05 / 19 / 2018			

<b>A. FULL NAME</b> DE NEUFVILLE, CAROLINA, , , <b>MAILING ADDRESS</b> 435 E 52ND STREET <b>CITY</b> NEW YORK <b>STATE</b> NY <b>ZIP CODE</b> 10022	<b>Name of Employer</b> SELF-EMPLOYED  <b>Transaction ID : F6.4111</b> <b>Occupation</b> CONSULTANT	<b>Date (month, day, year)</b> 05/18/2018	<b>Amount</b> 2700.00
<b>B. FULL NAME</b> DE NEUFVILLE, JOHN, H, MR., <b>MAILING ADDRESS</b> 323 MAIN STREET <b>CITY</b> CHATHAM <b>STATE</b> NJ <b>ZIP CODE</b> 07928	<b>Name of Employer</b> SELF-EMPLOYED  <b>Transaction ID : F6.4113</b> <b>Occupation</b> REAL ESTATE DEVELOPER	<b>Date (month, day, year)</b> 05/18/2018	<b>Amount</b> 2700.00
<b>C. FULL NAME</b> DE NEUFVILLE, THOMAS, , , <b>MAILING ADDRESS</b> 435 E 52ND STREET <b>CITY</b> NEW YORK <b>STATE</b> NY <b>ZIP CODE</b> 10022	<b>Name of Employer</b> NORTH BRANCH CAPITAL  <b>Transaction ID : F6.4109</b> <b>Occupation</b> INVESTOR	<b>Date (month, day, year)</b> 05/18/2018	<b>Amount</b> 2700.00
<b>D. FULL NAME</b> HEANEY, ANDREW, , , <b>MAILING ADDRESS</b> 2 BONTECOU ROAD <b>CITY</b> MILLBROOK <b>STATE</b> NY <b>ZIP CODE</b> 12545	<b>Name of Employer</b> HEANEY ENERGY CORP  <b>Transaction ID : F6.4105</b> <b>Occupation</b> BUSINESS OWNER	<b>Date (month, day, year)</b> 05/17/2018	<b>Amount</b> 2700.00
<b>E. FULL NAME</b> HEANEY, LESLIE, , MS., <b>MAILING ADDRESS</b> 2 BONTECOU ROAD <b>CITY</b> MILLBROOK <b>STATE</b> NY <b>ZIP CODE</b> 12545	<b>Name of Employer</b> HEANEY LAW OFFICE  <b>Transaction ID : F6.4107</b> <b>Occupation</b> ATTORNEY	<b>Date (month, day, year)</b> 05/17/2018	<b>Amount</b> 2700.00

<b>SIGNATURE (optional)</b> NEUER, PHILIP, , , <div style="text-align: center; margin-top: 10px;">[Electronically Filed]</div>	<b>DATE</b> 07/15/2018	<b>For further information contact:</b> Federal Election Commission 999 E Street, NW, Washington, DC 20463 Toll Free 800-424-9530, Local 202-694-1100
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**FEC FORM 6**  
(Revised 03/2016)

# 48 HOUR NOTICE OF CONTRIBUTIONS/LOANS RECEIVED

(See Reverse Side for Instructions)

To be used to report all contributions (including loans) of \$1000 or more, received within 20 days of the election.

<b>1. NAME OF COMMITTEE IN FULL</b> PETER DE NEUFVILLE FOR CONGRESS, INC.			
<b>ADDRESS</b> (number and street) P.O. BOX 736			
<b>CITY, STATE, and ZIP CODE</b> CHATHAM NJ 07928			
<b>2. NAME OF CANDIDATE</b> DE NEUFVILLE, PETER, BAYON, ,		<b>3. OFFICE SOUGHT</b> (State and District) House NJ 11	
<b>4. FEC IDENTIFICATION NUMBER</b> C00675215		<i>continuation page</i>	
<b>5. IS THIS AN AMENDMENT?</b> <input type="checkbox"/> NO, THIS IS A NEW FILING <input checked="" type="checkbox"/> YES, IT AMENDS THE NOTICE FILED ON 05 / 19 / 2018			
<b>A. FULL NAME, MAILING ADDRESS AND ZIP CODE</b> DE NEUFVILLE, PETER, BAYON, , P.O. BOX 736 CHATHAM NJ 07928			
Name of Employer PETER DE NEUFVILLE FOR CONGRES <b>Transaction ID : F6.4872</b>		Date (month, day, year) 05/17/2018	
Occupation CANDIDATE		Amount 400000.00	
<b>B. FULL NAME, MAILING ADDRESS AND ZIP CODE</b>			
Name of Employer		Date (month, day, year)	
Occupation		Amount	
<b>C. FULL NAME, MAILING ADDRESS AND ZIP CODE</b>			
Name of Employer		Date (month, day, year)	
Occupation		Amount	
<b>D. FULL NAME, MAILING ADDRESS AND ZIP CODE</b>			
Name of Employer		Date (month, day, year)	
Occupation		Amount	
<b>E. FULL NAME, MAILING ADDRESS AND ZIP CODE</b>			
Name of Employer		Date (month, day, year)	
Occupation		Amount	

Any information copied from reports and statements filed under the Federal Election Campaign Act may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes other than using the name and address of any political committee to solicit contributions from such committee.

**FEC FORM 6**  
(Revised 07/2011)





FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

December 12, 2019

Philip Neuer, in official capacity as Treasurer  
Peter De Neufville for Congress, Inc.  
PO Box 736  
Chatham, NJ 07928

C00675215  
AF#: 3738

Dear Mr. Neuer:

On July 24, 2019, the Commission found reason to believe ("RTB") that Peter De Neufville for Congress, Inc. and you, in your official capacity as Treasurer, violated 52 U.S.C. § 30104(a) for failing to timely file 48-Hour Notices for contributions totaling \$401,000 and made a preliminary determination that the civil money penalty was \$40,392 based on the schedule of penalties at 11 C.F.R. § 111.44.

After reviewing your written response and any supplemental information submitted by you and Commission staff, the Reviewing Officer has recommended that the Commission make a final determination. A copy of the Reviewing Officer's recommendation is attached.

You may file with the Commission Secretary a written response to the recommendation within 10 days of the date of this letter. Your written response should be sent to the Commission Secretary, 999 E Street, NW, Washington, DC 20463 or via facsimile (202-208-3333). Please include the AF # in your response. Your response may not raise any arguments not raised in your original written response or not directly responsive to the Reviewing Officer's recommendation. 11 C.F.R. § 111.36(f). The Commission will then make a final determination in this matter.

Please contact me at the toll free number 800-424-9530 (press 0, then press 1660) or 202-694-1158 if you have any questions.

Sincerely,

*Rhiannon Magruder*  
Rhiannon Magruder  
Reviewing Officer  
Office of Administrative Review

May 26, 2020

Federal Election Commission  
c/o Ms. Laura Sinram  
Commission Secretary  
Washington, DC 20463

By email:

Dear Commissioners:

Thank you for providing me the opportunity to respond to your colleague's December 12, 2019 report. The chronology provided seems accurate and, I believe, demonstrates that our Committee used its best efforts, throughout the campaign and including the May 19, 2018 report that was later amended. To quote from it, *"the Reviewing Officer notes that the Committee timely filed multiple 48-hour reports ..."* It's perhaps worth mentioning here that I was in the race for only seven weeks before the election, and, as related in my previous letter to you, was a first-time candidate for elected office.

With further research, we were able to determine that the unforeseen circumstance that gave rise to the omission in the May 19 filing was that, while the \$400,000 loan was promised to the campaign in the second week of May 2018, the wire transfer was not posted to the campaign's bank account until May 17, 2018. In a case of unfortunate timing, that was also the same week that my campaign started working with a new accounting and FEC reporting firm. Due to the banking delays, the belated posting date, in regard to the reporting requirement, did not come to light until the July quarterly report was being prepared.

The FEC's internal report recognizes that, after we learned of this mistake (which was after I had lost the primary election on June 5) "on July 15, 2018 the Committee filed a 48 Hour Notice to amend the notice filed May 19, 2018. *The amended notice included the \$400,000 loan.*" Ultimately, the financial transaction, which was subject to each bank's transfer processes, took longer than was expected. This was further compounded by the timing of the adoption of the reporting management system.

As a former US Navy Officer and Federal agent, I understand fully that we all have an important statutory role to safeguard the integrity of our Federal elections system. I share a strong belief in the standards that you are empaneled to uphold, as does Mr. Philip Neuer, who served as our Treasurer, and is an Adjunct Professor of Law at Seaton Hall University and the long-time Chairman of the West Orange, New Jersey Planning Committee. The same applies to our campaign team of three, highly respected, former State of California and State of New Jersey officials. The above notes from your report, including references to calls from our campaign to

Page 2

your office requesting clarification on compliance issues, demonstrates the seriousness and best-efforts with which our team attempted to uphold those standards.

I will not be a candidate for the US House of Representatives in this or probably the upcoming election cycles and wish to terminate our committee as soon as this issue is resolved. The bottom line here is that despite my campaign's seriousness regarding FEC reporting and compliance, we filed one report late and when we discovered it, immediately corrected the error. While I understand the Commission's need to treat that seriously, the penalty amount proposed by your staff seems quite disproportionate to a one-day-error. We respectfully request, in light of the above points, that you use your authority to close this matter and enable us to disband our committee.

Thank you for your consideration.

With regards,

A handwritten signature in black ink, reading "Peter de Neufville". The signature is written in a cursive, flowing style.

Peter B. de Neufville



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

**SENSITIVE**

July 30, 2020

**MEMORANDUM**

To: The Commission

Through: Alec Palmer *AP*  
Staff Director

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

Rhiannon Magruder *RM*  
Reviewing Officer  
Office of Administrative Review

Subject: Final Determination Recommendation in AF# 3738 – Peter De Neufville for Congress, Inc. and Philip Neuer, in his official capacity as Treasurer (C00675215)

In connection with the 2018 New Jersey Primary Election held on June 5, 2018, the respondents were required to file 48-Hour Notices of Contributions/Loans (“48-Hour Notices”) for contributions of \$1,000 or more received between May 17, 2018 and June 2, 2018. On July 23, 2019, the Commission found reason to believe (“RTB”) that the respondents violated 52 U.S.C. § 30104(a) for failing to timely file 48-Hour Notices for two contributions totaling \$401,000 and made a preliminary determination that the civil money penalty was \$40,392 based on the schedule of penalties at 11 C.F.R. § 111.44. *See* Attachment 1.

On October 21, 2019, the Commission received their written response (“challenge”). After reviewing the challenge, the Reviewing Officer Recommendation (“ROR”) dated December 12, 2019 was forwarded to the Commission, a copy was forwarded to the respondents<sup>1</sup>, and is hereby incorporated by reference. *See* Reviewing Officer Recommendation in AF# 3738 – Peter De Neufville for Congress, Inc., et al. The challenge failed to adequately address any of the three valid grounds at 11 C.F.R. § 111.35(b). These are: (i) the RTB finding is based on factual errors; and/or (ii) the improper calculation of the civil money penalty; and/or (iii) they used best efforts to file on time but were prevented from doing so by reasonably unforeseen circumstances that were beyond their control and they filed the report no later than 24 hours after the end of these circumstances. 11 C.F.R. § 111.35(b). Therefore, the Reviewing

<sup>1</sup> Due to outdated contact information, the Candidate did not receive the ROR until May 14, 2020.

Officer recommended that the Commission make a final determination that the respondents violated 52 U.S.C. § 30104(a) and assess a \$40,392 civil money penalty.

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 June 2, 2020, the Candidate submitted a written response to the ROR. *See* Attachment 2.

In the response to the ROR, the Candidate indicated that the \$400,000 loan from the Candidate was “promised” in early May 2018, prior to the 48-Hour Notice period. However, the wire transfer did not post to the Committee’s bank account until May 17, 2018. The Committee reported the date incurred as May 17, 2018, which was within the 48-Hour Notice period and triggered the requirement to file a 48-Hour Notice.<sup>2</sup>

OAR requested the Candidate provide more details and supporting documentation relating to the date the Candidate “promised” the \$400,000 loan. On June 12, 2020, the Candidate submitted additional details and documentation. *See* Attachment 3. The Candidate explained he made the \$400,000 loan commitment in connection with a commitment to a vendor for an ad campaign. The Candidate provided documentation to support telephone conversations with the vendor on May 7 and 11, 2018.

OAR subsequently requested guidance from the Office of the General Counsel (“OGC”) to determine when the loan is considered incurred. The date the loan is considered incurred determines if a 48-Hour Notice is required for the \$400,000 loan from the Candidate. *See* Attachment 4. In response, OGC stated:

We recommend that OAR and the Commission not consider the Committee’s argument for two reasons. First, the Committee did not raise the argument in its original written response to the Commission’s reason-to-believe finding (“RTB”). As a result, according to Commission regulations, the Committee cannot raise the issue at this stage of the administrative fines process. Second, the defense that the Committee is asserting is one of legal interpretation, not a factual error assertion, and therefore it does not fall within the scope of permissible defenses in this type of a challenge. *See* Attachment 5.

Therefore, the final determination recommendation is unchanged from the Reviewing Officer Recommendation dated December 12, 2019. The Reviewing Officer recommends that the Commission make a final determination that the respondents violated 52 U.S.C. § 30104(a) for failing to timely file 48-Hour Notices for two contributions totaling \$401,000 and assess a \$40,392 civil money penalty.

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<sup>2</sup> The Candidate did not provide any additional response with respect to the \$1,000 contribution from an individual.

**OAR Recommendations**

1. Adopt the Reviewing Officer Recommendation for AF# 3738 involving Peter De Neufville for Congress, Inc. and Philip Neuer, in his official capacity as Treasurer, in making the final determination;
2. Make a final determination in AF# 3738 that Peter De Neufville for Congress, Inc. and Philip Neuer, in his official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess a \$40,392 civil money penalty; and
3. Send the appropriate letter.

**Attachments**

Attachment 1 – Contributions for Which a 48-Hour Notice Was Not Received

Attachment 2 –

Attachment 3 – Additional Response

Attachment 4 –

Attachment 5 –

**Contributions for Which a 48-Hour Notice Was Not Received****AF 3738****Committee ID: C00675215****Committee Name: Peter De Neufville for Congress, Inc.****Report Type: 2018 July Quarterly Report (5/17/2018 – 6/30/2018)****48-Hour Reporting Period: 5/17/2018 – 6/2/2018**

<b>CONTRIBUTOR</b>	<b>DATE</b>	<b>AMOUNT</b>
DE NEUFVILLE, PETER BAYON	5/17/2018	\$400,000.00
BOSZHARDT, ANDREW K JR	6/1/2018	\$1,000.00
	<b>TOTAL</b>	<b>\$401,000.00</b>

**Proposed Civil Money Penalty: \$40,392** ((2 Notices Not Timely Reported at \$146 each) + (10% of the Overall Contributions Not Timely Reported))

**From:** [Peter deNeufville](#)  
**To:** [Rhiannon Magruder](#)  
**Subject:** FW: response to AF# 3738  
**Date:** Friday, June 12, 2020 8:54:10 AM  
**Attachments:** [De Neufville\\_May\\_2018 .pdf](#)

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Dear Ms. Magruder,

Just following up on our call last week, attached, please see PDF of my May 2018 calendar. Please note that while it lists a number of engagements, it was not a comprehensive record all my appointments.

As you can see, there was a call on the 7th with Kurt Anderson and our team to review the results of a poll his firm had completed. That data indicated, with a \$500,000 commitment, i.e. loan from me, we would have a shot at winning the primary. My team including our manager, Gregg Edwards, the recent New Jersey Deputy Commissioner of Education; Will Semmes, a former Deputy Director of the California Department of General Services; and my brother, Thomas, a past executive of the Washington Post Corp., all attended the meeting and either that day or the next I committed to loan the campaign the money to fund the ad campaign. As I mentioned, the filming was scheduled to begin early on May 14 in On-Message's DC studio and Thomas and I arrived at our accommodations on H St. late on the afternoon of the 13th in preparation for that. Due to circumstances that arose, I believe the actual filming may have occurred on the 17th or 18th. I mention it because by the 11th there was obviously a firm commitment by the campaign, based on my loan of the 7th or 8th, to film and air the cable and TV ads.

I have consulted with counsel at Connell Foley in Jersey City, and that individual confirmed that New Jersey common law recognizes oral contracts with only narrow exceptions, such as the lease or sale of real property. Based on this, I think we can safely say that the loan had been concluded by May 8th, 2018.

I am happy to try and provide any further information that I can.

With regards,

Peter de Neufville



## BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 ) AF 3738  
 Final Determination Recommendation: )  
 Peter De Neufville for Congress, Inc. )  
 and Philip Neuer, in his official capacity )  
 as Treasurer (C00675215) )

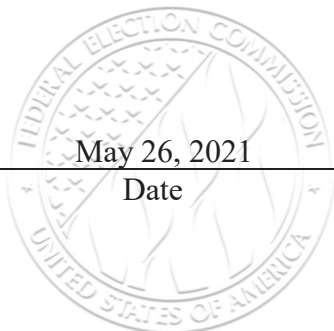
CERTIFICATION

I, Vicktoria J. Allen, recording secretary for the Federal Election Commission executive session on May 20, 2021, do hereby certify that the Commission decided by a vote of 6-0 to take the following actions in AF 3738:

1. Adopt the Reviewing Officer recommendation for AF# 3738 involving Peter De Neufville for Congress, Inc. and Philip Neuer, in his official capacity at Treasurer, in making the final determination.
2. Make a final determination in AF#3738 that Peter De Neufville for Congress, Inc. and Philip Neuer, in his official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess a \$40,392 civil money penalty.
3. Send the appropriate letter.

Commissioners Broussard, Cooksey, Dickerson, Trainor, Walther, and Weintraub voted affirmatively for the decision.

Attest:



**Vicktoria Allen** Digitally signed by Vicktoria Allen  
Date: 2021.05.26 18:41:34 -04'00'

Vicktoria J. Allen  
Acting Deputy Secretary of the Commission



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

June 3, 2021

Philip Neuer, in official capacity as Treasurer  
Peter De Neufville for Congress, Inc.  
PO Box 736  
Chatham, NJ 07928

C00675215  
AF#: 3738

Dear Mr. Neuer:

On July 24, 2019, the Federal Election Commission (“the Commission”) found reason to believe (“RTB”) that Peter De Neufville for Congress, Inc. and you, in your official capacity as Treasurer, violated 52 U.S.C. § 30104(a) for failing to file 48-Hour Notices. By letter dated July 30, 2019, the Commission sent notification of the RTB finding that included a civil money penalty calculated at RTB of \$40,392 in accordance with the schedule of penalties at 11 C.F.R. § 111.44. On October 21, 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 make a final determination that Peter De Neufville for Congress, Inc. and you, in your official capacity as Treasurer, violated 52 U.S.C. § 30104(a), and assess a civil money penalty in the amount of \$40,392 in accordance with 11 C.F.R. § 111.44. The Reviewing Officer Recommendation was sent to you on December 12, 2019.

On May 20, 2021, the Commission adopted the Reviewing Officer’s recommendation and made a final determination that Peter De Neufville for Congress, Inc. 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 \$40,392. A copy of the Final Determination Recommendation is attached.

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 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.

## **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 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 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**

### **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 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,

A handwritten signature in black ink, appearing to read "Shana M. Broussard". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Shana M. Broussard  
Chair

Attachment

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**ADMINISTRATIVE FINE PAYMENT INSTRUCTIONS**

In accordance with the schedule of penalties at 11 CFR § 111.44, the amount of your civil money penalty calculated at final determination is \$40,392 for the 48-Hour Notices.

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. Please use the details below to complete the required fields. For additional payment options, please contact Rhiannon Magruder on our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

COMMITTEE NAME: Peter De Neufville for Congress, Inc.

FEC ID#: C00675215

AF#: 3738

PAYMENT AMOUNT DUE: \$40,392