

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE #3742



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

2019 AUG 28 AM 10:52

August 28, 2019

MEMORANDUM

**SENSITIVE**

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/Ben Holly *KDR BH*  
Reports Analysis Division  
Compliance Branch

SUBJECT: Reason To Believe Recommendation – 2019 July Quarterly Report for the Administrative Fine Program

Attached is a list of political committees and their treasurers who failed to file the 2019 July Quarterly Report in accordance with 52 U.S.C. § 30104(a). The July Quarterly Report was due on July 15, 2019.

The committees listed in the attached RTB Circulation Report either failed to file the report or filed the report no more than thirty (30) days after the due date (considered a late filed report). In accordance with the schedule of civil money penalties for reports at 11 C.F.R. 111.43, these committees should be assessed the civil money penalties highlighted on the attached circulation report.

**Recommendation**

1. Find reason to believe that the political committees and their treasurers, in their official capacity, listed on the RTB Circulation Report violated 52 U.S.C. § 30104(a) and make a preliminary determination that the civil money penalties would be the amounts indicated on the RTB Circulation Report.
2. Send the appropriate letters.

Federal Election Commission  
 Reason to Believe Circulation Report  
 2019 JULY QUARTERLY Not Election Sensitive 07/15/2019 H\_S\_P

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
3741	C00663104	COMMITTEE TO ELECT HP	HAMID PARVIZIAN	DOUNIA METOURI	\$106,911	1		Not Filed	\$106,911 (est)	\$8,176
3742	C00664086	HART 2020	HART P. CUNNINGHAM	HART C. CUNNINGHAM	\$225,782	0		Not Filed	\$225,782 (est)	\$9,446
3743	C00581199	JILL STEIN FOR PRESIDENT	JILL STEIN	STEVEN WELZER	\$278,934	13	8/6/2019	22	\$217,303	\$29,924
3744	C00677872	JONATHAN JENKINS FOR SENATE COMMITTEE	JONATHAN JENKINS	OFFICE OF TREASURER	\$1,049,103	0		Not Filed	\$1,049,103 (est)	\$17,440
3745	C00656280	SHIREEN GHBORANI FOR CONGRESS	SHIREEN SARAH GHBORANI	ROCHELLE RANDAZZO	\$112,919	0		Not Filed	\$112,919 (est)	\$6,541

## BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)
	)
Reason To Believe Recommendation - 2019	)
July Quarterly Report for the	)
Administrative Fine Program:	)
COMMITTEE TO ELECT HP, and	) AF# 3741
METOURI, DOUNIA as treasurer;	)
HART 2020, and CUNNINGHAM, HART	) AF# 3742
C. as treasurer;	)
JILL STEIN FOR PRESIDENT, and	) AF# 3743
WELZER, STEVEN as treasurer;	)
SHIREEN GHORBANI FOR CONGRESS,	) AF# 3745
and ROCHELLE RANDAZZO as treasurer;	)

CERTIFICATION

I, Laura E. Sinram, Acting Secretary and Clerk of the Federal Election Commission, do hereby certify that on August 30, 2019 the Commission took the following actions on the Reason To Believe Recommendation - 2019 July Quarterly Report for the Administrative Fine Program as recommended in the Reports Analysis Division's Memorandum dated August 28, 2019, on the following committees:

AF#3741      Decided by a vote of 4-0 to: (1) find reason to believe that COMMITTEE TO ELECT HP, and METOURI, DOUNIA 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  
August 30, 2019

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AF#3742 Decided by a vote of 4-0 to: (1) find reason to believe that HART 2020, and CUNNINGHAM, HART C. 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.

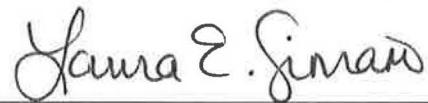
AF#3743 Decided by a vote of 4-0 to: (1) find reason to believe that JILL STEIN FOR PRESIDENT, and WELZER, STEVEN in his official capacity as treasurer violated 52 U.S.C. § 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Hunter, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#3745 Decided by a vote of 4-0 to: (1) find reason to believe that SHIREEN GHORBANI FOR CONGRESS, and ROCHELLE RANDAZZO 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.

Attest:

9/3/19

\_\_\_\_\_  
Date



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



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

AF

September 3, 2019

Hart C. Cunningham, in official capacity as Treasurer  
 Hart 2020  
 170 Massachusetts Avenue  
 Unit # 277  
 Cambridge, MA 02140

**Response Due Date**  
**10/08/2019**

C00664086  
 AF#: 3742

Dear Mr. Cunningham,

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file a July Quarterly Report of Receipts and Disbursements every calendar year. This report, covering the period April 1, 2019 through June 30, 2019, shall be filed no later than July 15, 2019. 52 U.S.C. § 30104(a). Because records at the Federal Election Commission ("FEC") indicate that you did not file this report within thirty (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 August 29, 2019, the FEC found that there is reason to believe ("RTB") that Hart 2020 and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) by failing to file timely this report on or before July 15, 2019. Based on the FEC's schedules of civil money penalties at 11 C.F.R. § 111.43, the amount of your civil money penalty calculated at the RTB stage is \$9,446. Please see the attached copy of the Commission's administrative fine regulations at 11 C.F.R. §§ 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 C.F.R. § 111.34. Your payment of \$9,446 is due within forty (40) days of the finding, or by October 8, 2019, and is based on these factors:

Sensitivity of Report: Not Election Sensitive  
 Level of Activity: \$225,782  
 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:

HART 2020

Page 2 of 5

### **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 October 8, 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.

HART 2020

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**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 Hart 2020 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 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

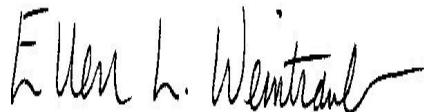
HART 2020

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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. 1158) or (202) 694-1158.

Sincerely,



Ellen Weintraub  
Chair  
Reports Analysis Division

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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 \$9,446 for the July 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](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

HART 2020

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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: Hart 2020

FEC ID#: C00664086

AF#: 3742

PAYMENT DUE DATE: October 8, 2019

PAYMENT AMOUNT DUE: \$9,446



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

2020 JAN 13 AM 11:27

January 13, 2020

**MEMORANDUM**

**SENSITIVE**

TO: The Commission

THROUGH: Alec Palmer *PP*  
Staff Director

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

Debbie Chacona *DC*  
Assistant Staff Director  
Reports Analysis Division

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

SUBJECT: Administrative Fine Program – Final Determination Recommendation for the 2019 July Quarterly Report

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 2019 July Quarterly Report. 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.

For your information, two (2) committees disclosed a level of activity after the RTB finding which would result in a lowered civil money penalty. An overview of these cases has been provided below.

Hart 2020 (AF 3742) disclosed no activity after the RTB finding (previously estimated to be \$225,782), which would result in no civil money penalty (fine previously assessed to be \$9,446).

Shireen Ghorbani for Congress (AF 3745) filed the 2019 July Quarterly Report after the RTB finding and disclosed an actual level of activity which would result in a lowered civil money penalty than that assessed at RTB. The committee disclosed total receipts and disbursements of \$3,513 (previously estimated to be \$112,919), thus the fine would be lowered from \$6,541 to \$341.

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) Make a final determination that the political committee and its treasurer, in his official capacity, listed on the attached reports with no activity, violated 52 U.S.C. § 30104(a) and will not be assessed a civil money penalty.
- (3) Send the appropriate letters.

**Federal Election Commission  
FD Circulation Report Fine Not Paid  
2019 JULY QUARTERLY Not Election Sensitive 07/15/2019 H\_S\_P**

AF#	Committee Name	Candidate Name	Committee ID	Treasurer	Receipt Date	Days Late	LOA	PV	RTB Date	RTB Penalty	Days Since RTB	FD Penalty
3741	COMMITTEE TO ELECT HP	HAMID PARVIZIAN	C00663104	DOUNIA METOURI		Not Filed	\$106,911 (est)	1	08/29/2019	\$8,176	137	\$8,176
3742	HART 2020	HART P. CUNNINGHAM	C00664086	HART C. CUNNINGHAM		Not Filed	\$0	0	08/29/2019	\$9,446	137	NONE
3743	JILL STEIN FOR PRESIDENT	JILL STEIN	C00581199	STEVEN WELZER	08/06/2019	22	\$217,303	13	08/29/2019	\$29,924	137	\$29,924
3744	JONATHAN JENKINS FOR SENATE COMMITTEE	JONATHAN JENKINS	C00677872	OFFICE OF TREASURER		Not Filed	\$1,049,103 (est)	0	08/29/2019	\$17,440	137	\$17,440
3745	SHIREEN GHORBANI FOR CONGRESS	SHIREEN SARAH GHORBANI	C00656280	ROCHELLE RANDAZZO	12/02/2019	Not Filed*	\$3,513	0	08/29/2019	\$6,541	137	\$341

\* The committee filed their report more than thirty (30) days after the report due date; 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 3742  
Administrative Fine - Final )  
Determination Recommendation for the )  
2019 July Quarterly Report: Hart 2020 )  
and Hart C. Cunningham 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 actions in AF 3742:

1. Make a final determination that Hart 2020 and Hart C. Cunningham in his official capacity as treasurer violated 52 U.S.C. § 30104(a) and will not be assessed a final civil money penalty.
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: 2020.07.29  
15:41:55 -04'00'

Laura E. Sinram  
Acting Secretary and Clerk of the  
Commission



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

AF

July 31, 2020

Hart C. Cunningham, in official capacity as Treasurer

Hart 2020

170 Massachusetts Avenue, Unit # 277

Cambridge, MA 02140

AF#: 3742

Dear Mr. Cunningham,

On August 29, 2019, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Hart 2020 and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) for filing late or failing to file the 2019 July Quarterly Report. By letter dated September 3, 2019, the Commission notified you of the RTB finding and the preliminary civil money penalty calculated at the RTB stage to be \$9,446 in accordance with the schedule of penalties at 11 CFR § 111.43. Please note that you must file the 2019 July Quarterly Report in the appropriate format if you have not already done so for your report to be considered filed.

Since that time, the amount of the civil money penalty has been changed to reflect the actual level of activity disclosed in the miscellaneous document dated November 9, 2019. The FEC made a final determination on June 29, 2020 that Hart 2020 and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a), assessed no civil money penalty in accordance with 11 CFR § 111.43, and voted to close the file.

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "J.E. Trainor, III".

James E. "Trey" Trainor III  
Chair

THIS IS THE END OF ADMINISTRATIVE FINE CASE #3742