

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE #3749



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RECEIVED  
2019 OCT -8 PM 2:54

**SENSITIVE**

October 8, 2019

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

SUBJECT: Reason To Believe Recommendation – 2019 August Monthly Report for the Administrative Fine Program

Attached is a list of political committees and their treasurers who failed to file the 2019 August Monthly Report in accordance with 52 U.S.C. § 30104(a). The August Monthly Report was due on August 20, 2019.

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

**Recommendation**

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

10/8/2019 11:05 AM

Federal Election Commission  
Reason to Believe Circulation Report  
2019 AUGUST MONTHLY Not Election Sensitive 08/20/2019 P\_UNAUTH

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
3749	C00008409	INTERNATIONAL UNION OF OPERATING ENGINEERS LOCAL #302 VOLUNTARY POLITICAL FUND		DAREN KONOPASKI	\$122,566	0	8/29/2019	9	\$17,677	\$200
3750	C00172510	REPUBLICAN STATE COMMITTEE OF DELAWARE		DENNIS CINI	\$169,119	0	8/30/2019	10	\$21,950	\$206
3751	C00024679	VERMONT DEMOCRATIC PARTY		BILLI GOSH	\$312,181	0	9/20/2019	Not Filed*	\$19,444	\$684

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

## BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
Reason To Believe Recommendation - 2019	)	
August Monthly Report for the	)	
Administrative Fine Program:	)	
INTERNATIONAL UNION OF	)	AF# 3749
OPERATING ENGINEERS LOCAL #302	)	
VOLUNTARY POLITICAL FUND, and	)	
KONOPASKI, DAREN as treasurer;	)	
REPUBLICAN STATE COMMITTEE OF	)	AF# 3750
DELAWARE, and CINI, DENNIS as	)	
treasurer;	)	
VERMONT DEMOCRATIC PARTY, and	)	AF# 3751
BILLI GOSH 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 took the following actions on the Reason To Believe Recommendation - 2019 August Monthly Report for the Administrative Fine Program, as recommended in the Reports Analysis Division's Memorandum dated October 08, 2019, on the following committees:

AF#3749 Decided by a vote of 4-0 to: (1) find reason to believe that INTERNATIONAL UNION OF OPERATING ENGINEERS LOCAL #302 VOLUNTARY POLITICAL FUND, and KONOPASKI, DAREN 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

Federal Election Commission  
 Certification for Administrative Fines  
 June 29, 2020

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

AF#3750 Decided by a vote of 4-0 to: (1) find reason to believe that REPUBLICAN STATE COMMITTEE OF DELAWARE, and CINI, DENNIS 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, Trainor, Walther, and Weintraub voted affirmatively for the decision.

AF#3751 Decided by a vote of 4-0 to: (1) find reason to believe that VERMONT DEMOCRATIC PARTY, and BILLI GOSH 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, Trainor, Walther, and Weintraub voted affirmatively for the decision.




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July 10, 2020

Date

Attest:

**Laura  
 Sinram**

Digitally signed by Laura  
 Sinram  
 Date: 2020.07.10 11:28:10  
 -04'00'

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Laura E. Sinram  
 Acting Secretary and Clerk of the  
 Commission



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

AF

July 14, 2020

Daren Konopaski, in official capacity as Treasurer  
International Union of Operating Engineers Local #302 Voluntary Political Fund  
18701 120th Ave. NE  
Bothell, WA 98011

**Response Due Date****08/09/2020**

C00008409

AF#: 3749

Dear Mr. Konopaski,

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file an August Monthly Report of Receipts and Disbursements covering the period July 1, 2019 through July 31, 2019. This report shall be filed no later than August 20, 2019. 52 U.S.C. § 30104(a). Records at the Federal Election Commission ("FEC") indicate that this report was filed on August 29, 2019, 9 days late.

The Act permits the FEC to impose civil money penalties for violations of the reporting requirements of 52 U.S.C. § 30104(a). 52 U.S.C. § 30109g(a)(4). On June 29, 2020, the FEC found that there is reason to believe ("RTB") that International Union of Operating Engineers Local #302 Voluntary Political Fund 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 August 20, 2019. 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 \$200. 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 <https://www.fec.gov/af/pay.shtml> 11 CFR § 111.34. Your payment of \$200 is due within forty (40) days of the finding, or by August 8, 2020, and is based on these factors:

Election Sensitivity of Report: Not Election Sensitive  
Level of Activity: \$17,677  
Number of Days Late: 9  
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

INTERNATIONAL UNION OF OPERATING ENGINEERS LOCAL #302 VOLUNTARY  
POLITICAL FUND

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penalty, you must submit a written response to the FEC's Office of Administrative Review. 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 August 8, 2020. 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).

Please note, on June 18, 2020, the Federal Election Commission began the initial phase (Phase I) of its return to normal operations. At this stage, the agency's offices will remain closed to visitors and most of its employees will continue to telework in an effort to limit the spread of coronavirus (COVID-19). The Commission is processing some documents submitted by mail, though processing will not occur on a daily basis until the agency resumes normal mail operations. Nevertheless, a challenge to an RTB finding and/or calculated civil money penalty must be received on time. Thus, all written responses and supporting documentation should be converted to PDF (Portable Document Format) and must be emailed to [administrativefines@fec.gov](mailto:administrativefines@fec.gov). The Commission encourages the use of electronic signatures on electronically submitted documents, but scanned copies of ink signatures will be accepted. Electronically submitted challenges will be deemed received on the date it is electronically received by staff.

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

INTERNATIONAL UNION OF OPERATING ENGINEERS LOCAL #302 VOLUNTARY  
POLITICAL FUND

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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 International Union Of Operating Engineers Local #302 Voluntary Political Fund 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

INTERNATIONAL UNION OF OPERATING ENGINEERS LOCAL #302 VOLUNTARY  
POLITICAL FUND

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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 <https://www.fec.gov/af/pay.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,



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 amount of your civil money penalty calculated at RTB is \$200 for the August Monthly Report.

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



# International Union of Operating Engineers

LOCAL 302 • Washington • Alaska • Idaho • AFL-CIO

Daren Konopaski, *Business Manager & General Vice President*

Federal Election Commission  
Office of Administrative Review  
Washington DC 20463  
administrativefines@fec.gov

Re: AF#: 3749  
(Challenge to RTB/Civil Money Penalty)

To whom it may concern:

On September 11, 2020, this office received an FEC notice of a late FEC filing for an “August Monthly Report of Receipts and Disbursements” covering the period July 1, 2019 through July 31, 2019. The notice alleges that the filing was due no later than August 20, 2019, but was received on August 29, 2019, nine days late. For the reasons described in the attached declaration of Beverly Colegrove, the Local 302 Voluntary Political Fund files this challenge to the FEC’s RTB finding that it failed to file a timely report on or before August 20, 2019. The Local 302 Voluntary Political Fund used best efforts to file in a timely manner but were prevented from perfecting the filing by reasonably unforeseen circumstances that were beyond its control. Accordingly, the Civil Money Penalty should be waived.

Sincerely,

Beverly Colegrove  
IUOE Local 302 Accountant

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Sean Jeffries, *President* • Jason Alward, *Vice President*

18701 120th Avenue NE • Bothell, Washington 98011-9514

Telephone: (425) 806-0302 • Toll-free: 1-800-521-8882 • Fax: (425) 806-0030

Washington Branches: Bellingham • Silverdale • Ellensburg • Spokane • Pasco Alaska Branches: Anchorage • Fairbanks • Juneau Idaho Branch: Pocatello

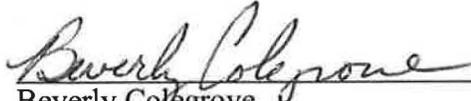




1 5. I made every reasonable effort to, and in fact believed I had, successfully submitted a  
2 timely report prior to the August 20, 2019 deadline. I had no reason to believe that the upload was  
3 unsuccessful as there was no indication of an error.  
4

5 I declare under penalty of perjury under the laws of the State of Washington that the above is true  
6 and correct.

7 EXECUTED in Bothell, Washington this 24<sup>th</sup> day of September, 2020.  
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11 Beverly Colegrove  
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DECLARATION OF BEVERLY COLEGROVE --

Thursday, August 29, 2019 9:18:43 AM PT

**Subject:** FEC Late Notification**Date:** Tuesday, August 14, 2018 2:00:18 PM PT**From:** noreply-efiling@fec.gov <noreply-efiling@fec.gov>**To:** bcolegrove@local302.com <bcolegrove@local302.com>

Federal Election Commission - Late Filer Notification



08/21/2019

Dear Filer,

Committee ID	C00008409
Report Type	M8
Due Date	08/20/2019
Close of Books	07/31/2019

Our records indicate that you may have been required to file the above report. However, it appears that we have not received the report electronically from you. If you believe you have filed this report or have questions about whether you should be filing this report, please call the Federal Election Commission at (202) 694-1130 or (800) 424-9530, and press 5 for the Reports Analysis Division.

If you need assistance in submitting your report electronically, please call (202) 694-1307 or (800) 424-9530, and press 4 for the Electronic Filing Office.

Please do not reply to this notice. It is sent from an unattended account that cannot receive email.

Thank you,  
Electronic Filing Office  
Federal Election Commission

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This e-mail is intended only for the use of the Committee/Filer designated as recipient.

Thursday, August 29, 2019 10:15:40 AM PT

**Subject:** FEC: August Monthly Filing - Accepted  
**Date:** Wednesday, August 22, 2018 12:15:42 PM PT  
**From:** noreply-efiling@fec.gov <noreply-efiling@fec.gov>  
**To:** bcolegrove@local302.com <bcolegrove@local302.com>

## FEC electronic filing results

Your filing was received and accepted by our system on 08/29/2019 12:15:35 PM, and was assigned the Filing ID: FEC-1350137

**Committee ID:** C00008409  
**Committee name:** INTERNATIONAL UNION OF OPERATING ENGINEERS LOCAL #302 VOLUNTARY POLITICAL FUND  
**Form type:** F3XN (New Report)  
**Schedule:** August Monthly  
**From/through:** 07/01/2019 - 07/31/2019

### Filing

**software/version:** FECfile/8.3.0.0(f32)

Review your validation warnings:

<https://efoservices.fec.gov/webcheck/services/results/FSIJ190829127910>

If you are receiving this email in error or have any questions, please contact the FEC Electronic Filing Office toll-free at (800) 424-9530 ext. 1307 or locally at (202) 694-1307.

# FEC FORM 3X

# REPORT OF RECEIPTS AND DISBURSEMENTS

For Other Than An Authorized Committee

Office Use Only

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

INTERNATIONAL UNION OF OPERATING ENGINEERS LOCAL #302 VOLUNTARY POLITICAL FUND

ADDRESS (number and street) 18701 120TH AVE NE

Check if different than previously reported. (ACC) BOTHELL WA 98011

2. FEC IDENTIFICATION NUMBER ▼ CITY ▲ STATE ▲ ZIP CODE ▲

C C00008409

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

### 4. TYPE OF REPORT (Choose One)

(a) Quarterly Reports:

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

- (b) Monthly Report Due On:
- |                                      |                                      |   |  |
|--------------------------------------|--------------------------------------|---|--|
| <input type="checkbox"/> Feb 20 (M2) | <input type="checkbox"/> May 20 (M5) | <input checked="" type="checkbox"/> Aug 20 (M8) | <input type="checkbox"/> Nov 20 (M11) (Non-Election Year Only) |
| <input type="checkbox"/> Mar 20 (M3) | <input type="checkbox"/> Jun 20 (M6) | <input type="checkbox"/> Sep 20 (M9)            | <input type="checkbox"/> Dec 20 (M12) (Non-Election Year Only) |
| <input type="checkbox"/> Apr 20 (M4) | <input type="checkbox"/> Jul 20 (M7) | <input type="checkbox"/> Oct 20 (M10)           | <input type="checkbox"/> Jan 31 (YE)                           |

- (c) 12-Day PRE-Election Report for the:
- |   |  |                                       |
|---|--|---------------------------------------|
| <input type="checkbox"/> Primary (12P)    | <input type="checkbox"/> General (12G) | <input type="checkbox"/> Runoff (12R) |
| <input type="checkbox"/> Convention (12C) | <input type="checkbox"/> Special (12S) |                                       |

Election on M M / D D / Y Y Y Y in the State of

- (d) 30-Day POST-Election Report for the:
- |  |                                       |  |
|--|---------------------------------------|--|
| <input type="checkbox"/> General (30G) | <input type="checkbox"/> Runoff (30R) | <input type="checkbox"/> Special (30S) |
|--|---------------------------------------|--|

Election on M M / D D / Y Y Y Y in the State of

5. Covering Period 07 01 2019 through 07 31 2019

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

KONOPASKI, DAREN, , ,

Type or Print Name of Treasurer

Signature of Treasurer KONOPASKI, DAREN, , ,

Date 08 08 2019

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

Office Use Only							
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**SUMMARY PAGE  
OF RECEIPTS AND DISBURSEMENTS**

FEC Form 3X (Rev. 05/2016)

Page 2

Write or Type Committee Name

**INTERNATIONAL UNION OF OPERATING ENGINEERS LOCAL #302 VOLUNTARY POLITICAL FUND**

Report Covering the Period:

From:

M M / D D / Y Y Y Y  
07 / 01 / 2019

To:

M M / D D / Y Y Y Y  
07 / 31 / 2019

	COLUMN A This Period	COLUMN B Calendar Year-to-Date
6. (a) Cash on Hand January 1, <span style="border: 1px solid black; padding: 2px;">Y Y Y Y 2019</span>		738302.92
(b) Cash on Hand at Beginning of Reporting Period.....	799658.67	
(c) Total Receipts (from Line 19) .....	17677.09	100799.64
(d) Subtotal (add Lines 6(b) and 6(c) for Column A and Lines 6(a) and 6(c) for Column B).....	817335.76	839102.56
7. Total Disbursements (from Line 31).....	0.00	21766.80
8. Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d)).....	817335.76	817335.76
9. Debts and Obligations Owed <b>TO</b> the Committee (Itemize all on Schedule C and/or Schedule D) .....	0.00	
10. Debts and Obligations Owed <b>BY</b> the Committee (Itemize all on Schedule C and/or Schedule D) .....	0.00	

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

**For further information contact:**

Federal Election Commission  
999 E Street, NW  
Washington, DC 20463

Toll Free 800-424-9530  
Local 202-694-1100

**DETAILED SUMMARY PAGE**  
of Receipts

FEC Form 3X (Rev. 05/2016)

Page 3

Write or Type Committee Name

**INTERNATIONAL UNION OF OPERATING ENGINEERS LOCAL #302 VOLUNTARY POLITICAL FUND**

Report Covering the Period: From:    To:

I. Receipts	COLUMN A Total This Period	COLUMN B Calendar Year-to-Date
11. Contributions (other than loans) From:		
(a) Individuals/Persons Other Than Political Committees		
(i) Itemized (use Schedule A).....	0.00	0.00
(ii) Unitemized .....	17677.09	100799.64
(iii) TOTAL (add Lines 11(a)(i) and (ii)).....▶	17677.09	100799.64
(b) Political Party Committees .....	0.00	0.00
(c) Other Political Committees (such as PACs).....	0.00	0.00
(d) Total Contributions (add Lines 11(a)(iii), (b), and (c)) (Carry Totals to Line 33, page 5) .....	17677.09	100799.64
12. Transfers From Affiliated/Other Party Committees.....	0.00	0.00
13. All Loans Received.....	0.00	0.00
14. Loan Repayments Received.....	0.00	0.00
15. Offsets To Operating Expenditures (Refunds, Rebates, etc.) (Carry Totals to Line 37, page 5).....	0.00	0.00
16. Refunds of Contributions Made to Federal Candidates and Other Political Committees.....	0.00	0.00
17. Other Federal Receipts (Dividends, Interest, etc.).....	0.00	0.00
18. Transfers from Non-Federal and Levin Funds		
(a) Non-Federal Account (from Schedule H3).....	0.00	0.00
(b) Levin Funds (from Schedule H5) .....	0.00	0.00
(c) Total Transfers (add 18(a) and 18(b))..	0.00	0.00
19. Total Receipts (add Lines 11(d), 12, 13, 14, 15, 16, 17, and 18(c)).....▶	17677.09	100799.64
20. Total Federal Receipts (subtract Line 18(c) from Line 19).....▶	17677.09	100799.64

**DETAILED SUMMARY PAGE**  
of Disbursements

FEC Form 3X (Rev. 05/2016)

Page 4

II. Disbursements	COLUMN A Total This Period	COLUMN B Calendar Year-to-Date
21. Operating Expenditures:		
(a) Allocated Federal/Non-Federal Activity (from Schedule H4)		
(i) Federal Share .....	0.00	0.00
(ii) Non-Federal Share.....	0.00	0.00
(b) Other Federal Operating Expenditures .....	0.00	0.00
(c) Total Operating Expenditures (add 21(a)(i), (a)(ii), and (b)) .....	0.00	0.00
22. Transfers to Affiliated/Other Party Committees.....	0.00	0.00
23. Contributions to Federal Candidates/Committees and Other Political Committees.....	0.00	0.00
24. Independent Expenditures (use Schedule E).....	0.00	0.00
25. Coordinated Party Expenditures (52 U.S.C. § 30116(d)) (use Schedule F).....	0.00	0.00
26. Loan Repayments Made.....	0.00	0.00
27. Loans Made.....	0.00	0.00
28. Refunds of Contributions To:		
(a) Individuals/Persons Other Than Political Committees .....	0.00	0.00
(b) Political Party Committees .....	0.00	0.00
(c) Other Political Committees (such as PACs).....	0.00	0.00
(d) Total Contribution Refunds (add Lines 28(a), (b), and (c)).....	0.00	0.00
29. Other Disbursements (Including Non-Federal Donations).....	0.00	21766.80
30. Federal Election Activity (52 U.S.C. § 30101(20))		
(a) Allocated Federal Election Activity (from Schedule H6)		
(i) Federal Share .....	0.00	0.00
(ii) "Levin" Share.....	0.00	0.00
(b) Federal Election Activity Paid Entirely With Federal Funds .....	0.00	0.00
(c) Total Federal Election Activity (add Lines 30(a)(i), 30(a)(ii) and 30(b)).....	0.00	0.00
31. Total Disbursements (add Lines 21(c), 22, 23, 24, 25, 26, 27, 28(d), 29 and 30(c))..	0.00	21766.80
32. Total Federal Disbursements (subtract Line 21(a)(ii) and Line 30(a)(ii) from Line 31).....	0.00	21766.80

**DETAILED SUMMARY PAGE**  
of Disbursements

FEC Form 3X (Rev. 05/2016)

Page 5

<b>III. Net Contributions/ Operating Expenditures</b>	<b>COLUMN A Total This Period</b>	<b>COLUMN B Calendar Year-to-Date</b>
33. Total Contributions (other than loans) (from Line 11(d), page 3) .....	17677.09	100799.64
34. Total Contribution Refunds (from Line 28(d)) .....	0.00	0.00
35. Net Contributions (other than loans) (subtract Line 34 from Line 33) .....	17677.09	100799.64
36. Total Federal Operating Expenditures (add Line 21(a)(i) and Line 21(b)) .....	0.00	0.00
37. Offsets to Operating Expenditures (from Line 15, page 3).....	0.00	0.00
38. Net Operating Expenditures (subtract Line 37 from Line 36) .....	0.00	0.00



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

November 23, 2020

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

AF# 3749 – International Union of Operating Engineers Local #302 Voluntary Political Fund and Daren Konopaski, in his official capacity as Treasurer (C00008409)

### **Summary of Recommendation**

Make a final determination that the respondents violated 52 U.S.C. § 30104(a) and assess a \$200 civil money penalty.

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

The 2019 August Monthly Report was due on August 20, 2019. The respondents filed the report on August 29, 2019, 9 days late. The report is not election sensitive and was filed within 30 days of the due date; therefore, the report is considered late. C.F.R. §§ 111.43(d)(1) and (e)(1).

On June 29, 2020, the Commission found reason to believe (“RTB”) that the respondents violated 52 U.S.C. § 30104(a) for failing to timely file the 2019 August Monthly Report and made a preliminary determination that the civil money penalty was \$200 based on the schedule of penalties at 11 C.F.R. § 111.43. A letter was emailed to the respondents’ email address of record from the Reports Analysis Division (“RAD”) on July 14, 2020 to notify them of the Commission’s RTB finding and civil money penalty.

### **Legal Requirements**

The Federal Election Campaign Act (“Act”) states that the treasurer of a political committee not authorized by a candidate which is filing on a monthly basis shall file monthly reports no later than 20 days after the end of the month. 52 U.S.C. § 30104(a)(4)(B) and 11 C.F.R. § 104.5(c)(3). 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 September 24, 2020, the Commission received the written response (“challenge”) from the respondents explaining the Committee believed it timely filed the 2019 August Monthly Report. The Committee states that it completed and uploaded the report on August 8, 2020, 12 days prior to the filing deadline. There was no indication “that the upload was anything but successful.” On August 29, 2019, the Committee received a late notification email dated August 14, 2018. The Committee then re-filed the 2019 August Monthly Report that same day.

## Analysis

The respondents contend they originally filed the 2019 August Monthly Report on August 8, 2019. However, according to the Commission’s Electronic Filing Office (“EFO”), the 2019 August Monthly Report was not received until August 29, 2019. There is no indication that the Committee uploaded the report prior to this date, nor were there any issues with the Commission’s Electronic Filing System which would have prevented the Committee from filing the report at any time in August 2019.

The Committee notes that it did not receive any type of message indicating that its attempt to upload the report on August 8, 2019 had failed. When an electronic report is successfully uploaded, EFO sends a confirmation email indicating whether the filing was accepted or rejected. Given the Committee’s experience in filing, it should have expected to receive this email immediately after attempting to file on August 8, 2019. The absence of this email should have alerted the Committee that its attempt to file was not successful.

The Committee indicates it first became aware the 2019 August Monthly Report had not been filed upon receiving EFO’s late notification email on August 29, 2019, and it then successfully uploaded the report that same day. While the Committee may not have been aware of this email until August 29, 2019, EFO sent the notification on August 21, 2019, the day following the filing deadline.<sup>1</sup> Had the Committee been aware of this email on the day it was sent, it would have been alerted to the missing report sooner.

While the Reviewing Officer recognizes the Committee may have intended to timely file the report on August 8, 2019, failure to use filing software properly is specifically included at 11 C.F.R. § 111.35(d) as an example of a circumstance that will not be considered reasonably unforeseen and beyond the respondents’ control. 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 \$200 civil money penalty.

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<sup>1</sup> The Committee states that it did not receive the email until August 29, 2019, and it was dated August 14, 2018. The Reviewing Officer also notes a date anomaly on the provided copy of the August 29, 2019 filing confirmation email. It appears the date anomalies may be associated with the Committee’s email account.

**OAR Recommendations**

1. Adopt the Reviewing Officer recommendation for AF# 3749 involving International Union of Operating Engineers Local #302 Voluntary Political Fund and Daren Konopaski, in his official capacity as Treasurer, in making the final determination;
2. Make a final determination in AF# 3749 that International Union of Operating Engineers Local #302 Voluntary Political Fund and Daren Konopaski, in his official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess a \$200 civil money penalty; and
3. Send the appropriate letter.

**Attachments**

Attachment 1 –

Attachment 2 –

Attachment 3 – Declaration from RAD

Attachment 4 – 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 International Union of Operating Engineers Local #302 Voluntary Political Fund:
  - A) Reason-to-Believe Letter, dated July 14, 2020, referencing the 2019 August Monthly Report (sent via overnight mail to the address of record).
4. I hereby certify that I have searched the Commission’s public records and find that International Union of Operating Engineers Local #302 Voluntary Political Fund filed the 2019 August Monthly Report with the Commission on August 29, 2019.
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 on the 23<sup>rd</sup> day of November, 2020.

*Kristin D. Roser*

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

**DECLARATION OF RHIANNON MAGRUDER**

- 1) I am the Reviewing Officer in the Office of Administrative Review for the Federal Election Commission (“Commission”). In my capacity as Reviewing Officer, I conduct research with respect to all challenges submitted in accordance with the Administrative Fine program.
- 2) A political committee not authorized by a candidate which is filing on a monthly basis shall file monthly reports no later than 20 days after the end of the month. Reports filed electronically must be received and validated at or before 11:59 pm, Eastern Standard/Daylight Time on August 20, 2019 for the 2019 August Monthly Report to be timely filed.
- 3) I hereby certify that I have searched the Commission’s public records and that the documents identified herein are the true and accurate copies of:
  - a) Cover Page, Summary Page, and Detailed Summary Pages of the 2019 August Monthly Report filed by International Union of Operating Engineers Local #302 Voluntary Political Fund. The report covers July 1, 2019 through July 31, 2019 and was filed on August 29, 2019.
- 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 on the 23<sup>rd</sup> day of November, 2020.

*Rhiannon Magruder*

Rhiannon Magruder  
Reviewing Officer  
Office of Administrative Review  
Federal Election Commission



**SUMMARY PAGE  
OF RECEIPTS AND DISBURSEMENTS**

FEC Form 3X (Rev. 05/2016)

Page 2

Write or Type Committee Name

**INTERNATIONAL UNION OF OPERATING ENGINEERS LOCAL #302 VOLUNTARY POLITICAL FUND**

Report Covering the Period: From:  /  /  To:  /  /

	COLUMN A This Period	COLUMN B Calendar Year-to-Date
6. (a) Cash on Hand January 1, <input type="text" value="2019"/>		738302.92
(b) Cash on Hand at Beginning of Reporting Period.....	799658.67	
(c) Total Receipts (from Line 19) .....	17677.09	100799.64
(d) Subtotal (add Lines 6(b) and 6(c) for Column A and Lines 6(a) and 6(c) for Column B).....	817335.76	839102.56
7. Total Disbursements (from Line 31).....	0.00	21766.80
8. Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d)).....	817335.76	817335.76
9. Debts and Obligations Owed TO the Committee (Itemize all on Schedule C and/or Schedule D).....	0.00	
10. Debts and Obligations Owed BY the Committee (Itemize all on Schedule C and/or Schedule D).....	0.00	

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

**For further information contact:**

Federal Election Commission  
999 E Street, NW  
Washington, DC 20463

Toll Free 800-424-9530  
Local 202-694-1100

**DETAILED SUMMARY PAGE**  
of Receipts

FEC Form 3X (Rev. 05/2016)

Page 3

Write or Type Committee Name

**INTERNATIONAL UNION OF OPERATING ENGINEERS LOCAL #302 VOLUNTARY POLITICAL FUND**

Report Covering the Period: From:  /  /  To:  /  /

I. Receipts	COLUMN A Total This Period	COLUMN B Calendar Year-to-Date
11. Contributions (other than loans) From:		
(a) Individuals/Persons Other Than Political Committees		
(i) Itemized (use Schedule A).....	0.00	0.00
(ii) Unitemized .....	17677.09	100799.64
(iii) TOTAL (add Lines 11(a)(i) and (ii)).....▶	17677.09	100799.64
(b) Political Party Committees .....	0.00	0.00
(c) Other Political Committees (such as PACs).....	0.00	0.00
(d) Total Contributions (add Lines 11(a)(iii), (b), and (c)) (Carry Totals to Line 33, page 5) .....	17677.09	100799.64
12. Transfers From Affiliated/Other Party Committees.....	0.00	0.00
13. All Loans Received .....	0.00	0.00
14. Loan Repayments Received.....	0.00	0.00
15. Offsets To Operating Expenditures (Refunds, Rebates, etc.) (Carry Totals to Line 37, page 5).....	0.00	0.00
16. Refunds of Contributions Made to Federal Candidates and Other Political Committees.....	0.00	0.00
17. Other Federal Receipts (Dividends, Interest, etc.).....	0.00	0.00
18. Transfers from Non-Federal and Levin Funds		
(a) Non-Federal Account (from Schedule H3).....	0.00	0.00
(b) Levin Funds (from Schedule H5) .....	0.00	0.00
(c) Total Transfers (add 18(a) and 18(b))..	0.00	0.00
19. Total Receipts (add Lines 11(d), 12, 13, 14, 15, 16, 17, and 18(c)).....▶	17677.09	100799.64
20. Total Federal Receipts (subtract Line 18(c) from Line 19).....▶	17677.09	100799.64

**DETAILED SUMMARY PAGE**  
of Disbursements

FEC Form 3X (Rev. 05/2016)

Page 4

II. Disbursements	COLUMN A Total This Period	COLUMN B Calendar Year-to-Date
21. Operating Expenditures:		
(a) Allocated Federal/Non-Federal Activity (from Schedule H4)		
(i) Federal Share .....	0.00	0.00
(ii) Non-Federal Share.....	0.00	0.00
(b) Other Federal Operating Expenditures .....	0.00	0.00
(c) Total Operating Expenditures (add 21(a)(i), (a)(ii), and (b)) .....	0.00	0.00
22. Transfers to Affiliated/Other Party Committees.....	0.00	0.00
23. Contributions to Federal Candidates/Committees and Other Political Committees.....	0.00	0.00
24. Independent Expenditures (use Schedule E) .....	0.00	0.00
25. Coordinated Party Expenditures (52 U.S.C. § 30116(d)) (use Schedule F).....	0.00	0.00
26. Loan Repayments Made.....	0.00	0.00
27. Loans Made.....	0.00	0.00
28. Refunds of Contributions To:		
(a) Individuals/Persons Other Than Political Committees .....	0.00	0.00
(b) Political Party Committees .....	0.00	0.00
(c) Other Political Committees (such as PACs).....	0.00	0.00
(d) Total Contribution Refunds (add Lines 28(a), (b), and (c)).....	0.00	0.00
29. Other Disbursements (Including Non-Federal Donations).....	0.00	21766.80
30. Federal Election Activity (52 U.S.C. § 30101(20))		
(a) Allocated Federal Election Activity (from Schedule H6)		
(i) Federal Share .....	0.00	0.00
(ii) "Levin" Share.....	0.00	0.00
(b) Federal Election Activity Paid Entirely With Federal Funds .....	0.00	0.00
(c) Total Federal Election Activity (add Lines 30(a)(i), 30(a)(ii) and 30(b)) .....	0.00	0.00
31. Total Disbursements (add Lines 21(c), 22, 23, 24, 25, 26, 27, 28(d), 29 and 30(c)) ..	0.00	21766.80
32. Total Federal Disbursements (subtract Line 21(a)(ii) and Line 30(a)(ii) from Line 31).....	0.00	21766.80

DETAILED SUMMARY PAGE  
of Disbursements

FEC Form 3X (Rev. 05/2016)

Page 5

III. Net Contributions/ Operating Expenditures	COLUMN A Total This Period	COLUMN B Calendar Year-to-Date
33. Total Contributions (other than loans) (from Line 11(d), page 3) .....	17677.09	100799.64
34. Total Contribution Refunds (from Line 28(d)) .....	0.00	0.00
35. Net Contributions (other than loans) (subtract Line 34 from Line 33) .....	17677.09	100799.64
36. Total Federal Operating Expenditures (add Line 21(a)(i) and Line 21(b)) .....	0.00	0.00
37. Offsets to Operating Expenditures (from Line 15, page 3).....	0.00	0.00
38. Net Operating Expenditures (subtract Line 37 from Line 36) .....	0.00	0.00



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

November 24, 2020

Daren Konopaski, in official capacity as Treasurer  
International Union of Operating Engineers Local #302 Voluntary Political Fund  
18701 120<sup>th</sup> Ave., NE  
Bothell, WA 98011

C00008409  
AF#: 3749

Dear Mr. Konopaski:

On June 29, 2020, the Federal Election Commission (“Commission”) found reason to believe (“RTB”) that International Union of Operating Engineers Local #302 Voluntary Political Fund and you, in your official capacity as Treasurer (“respondents”), violated 52 U.S.C. § 30104(a) for failing to timely file the 2019 August Monthly Report. The Commission also made a preliminary determination that the civil money penalty was \$200 based on the schedule of penalties at 11 C.F.R. § 111.43.

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

You may file with the Commission Secretary a written response to the recommendation within 10 days of the date of this letter. Please note, the agency's offices remain closed to visitors and most of its employees will continue to telework in an effort to limit the spread of coronavirus (COVID-19). The Commission is processing some documents submitted by mail, though processing will not occur on a daily basis until the agency resumes normal mail operations. Nevertheless, if you choose to submit a response to the recommendation, it must be received on time. Thus, all written responses and supporting documentation should be converted to PDF (Portable Document Format) and must be emailed to the Commission Secretary at [secretary@fec.gov](mailto:secretary@fec.gov). The Commission encourages the use of electronic signatures on electronically submitted documents, but scanned copies of ink signatures will be accepted. Electronically submitted responses will be deemed received on the date it is electronically received by staff. Please include the AF # in your response. Your response may not raise any arguments not raised in your original written response or not directly responsive to the Reviewing Officer’s recommendation. 11 C.F.R. § 111.36(f). The Commission will then make a final determination in this matter.

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

Sincerely,

*Rhiannon Magruder*

Rhiannon Magruder  
Reviewing Officer  
Office of Administrative Review

**RECEIVED**

By Office of the Commission Secretary at 3:40 pm, Dec 03, 2020



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

**SENSITIVE**

December 3, 2020

**MEMORANDUM**

To: The Commission

Through: Alec Palmer  
Staff Director *AP*

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

Rhiannon Magruder *RM*  
Reviewing Officer  
Office of Administrative Review

Subject: Final Determination Recommendation in AF# 3749 – International Union of Operating Engineers Local #302 Voluntary Political Fund and Daren Konopaski, in his official capacity as Treasurer (C00008409)

On June 29, 2020, the Commission found reason to believe (“RTB”) that the respondents violated 52 U.S.C. § 30104(a) for failing to timely file the 2019 August Monthly Report and made a preliminary determination that the civil money penalty was \$200 based on the schedule of penalties at 11 C.F.R. § 111.43.

On September 24, 2020, the Commission received their written response (“challenge”). After reviewing the challenge, the Reviewing Officer Recommendation (“ROR”) November 23, 2020 was forwarded to the Commission, a copy was forwarded to the respondents, and is hereby incorporated by reference. The Reviewing Officer recommended that the Commission make a final determination that the respondents violated 52 U.S.C. § 30104(a) and assess a \$200 civil money penalty.

Within 10 days of transmittal of the recommendation, the respondents 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). The respondents have since paid the recommended civil money penalty of \$200.

**OAR Recommendations**

1. Adopt the Reviewing Officer recommendation for AF# 3749 involving International Union of Operating Engineers Local #302 Voluntary Political Fund and Daren Konopaski, in his official capacity as Treasurer, in making the final determination;
2. Make a final determination in AF# 3749 that International Union of Operating Engineers Local #302 Voluntary Political Fund and Daren Konopaski, in his official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess a \$200 civil money penalty; and
3. Send the appropriate letter.

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 ) AF 3749  
 Final Determination Recommendation: )  
 International Union of Operating )  
 Engineers Local #302 Voluntary Political )  
 Fund and Daren Konopaski, in his )  
 official capacity as Treasurer )  
 (C00008409) )

CERTIFICATION

I, Laura E. Sinram, Acting Secretary and Clerk of the Federal Election Commission, do hereby certify that on February 17, 2021, the Commission decided by a vote of 6-0 to take the following actions in AF 3749:

1. Adopt the Reviewing Officer recommendation for AF# 3749 involving International Union of Operating Engineers Local #302 Voluntary Political Fund and Daren Konopaski, in his official capacity as Treasurer, in making the final determination.
2. Make a final determination in AF# 3749 that International Union of Operating Engineers Local #302 Voluntary Political Fund and Daren Konopaski, in his official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess a \$200 civil money penalty.
3. Send the appropriate letter.

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

  
 February 19, 2021  
 \_\_\_\_\_  
 Date

Attest:

**Laura Sinram**

Digitally signed by  
 Laura Sinram  
 Date: 2021.02.19  
 13:08:58 -05'00'

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



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

February 21, 2021

Daren Konopaski, in official capacity as Treasurer  
International Union of Operating Engineers Local #302 Voluntary Political Fund  
18701 120<sup>th</sup> Ave., NE  
Bothell, WA 98011

C00008409  
AF#: 3749

Dear Mr. Konopaski:

On June 29, 2020, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that International Union of Operating Engineers Local #302 Voluntary Political Fund and you, in your official capacity as Treasurer, violated 52 U.S.C. § 30104(a) for failing to file the 2019 August Monthly Report. By letter dated July 14, 2020, the Commission sent notification of the RTB finding that included a civil money penalty calculated at RTB of \$200 in accordance with the schedule of penalties at 11 C.F.R. § 111.43. On September 24, 2020, 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 International Union of Operating Engineers Local #302 Voluntary Political Fund 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 \$200 in accordance with 11 C.F.R. § 111.43. The Reviewing Officer Recommendation was sent to you on November 24, 2020.

On February 17, 2021, the Commission adopted the Reviewing Officer's recommendation and made a final determination that International Union of Operating Engineers Local #302 Voluntary Political Fund and you, in your official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assessed a civil money penalty of \$200. It is based on the same factors used to calculate the civil money penalty at RTB. A copy of the Final Determination Recommendation is attached.

On December 2, 2020, the Commission received your \$200 payment.

**If You Choose to Appeal the Final Determination and/or Civil Money Penalty**

If you choose to appeal the final determination, you should submit a written petition, within 30 days of receipt of this letter, to the U.S. District Court for the district in which the committee

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

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

If you have any questions regarding the payment of the civil money penalty, please contact Rhiannon Magruder on our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1158.

On behalf of the Commission,



Shana M. Broussard  
Chair

THIS IS THE END OF ADMINISTRATIVE FINE CASE #3749