

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE #3755



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RECEIVED  
FEDERAL ELECTION COMMISSION  
SECURITY

2019 DEC -5 AM 11:07

December 5, 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: *KDR* Kristin D. Roser/Ben Holly *BH*  
Reports Analysis Division  
Compliance Branch

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

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

The committees listed on the attached RTB Circulation Report failed to file the 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 OCTOBER QUARTERLY Not Election Sensitive 10/15/2019 H\_S\_P

| AF#  | Committee ID | Committee Name                        | Candidate Name     | Treasurer           | Threshold   | PV | Receipt Date | Days Late | LOA               | RTB Penalty |
|------|--------------|---------------------------------------|--------------------|---------------------|-------------|----|--------------|-----------|-------------------|-------------|
| 3754 | C00663104    | COMMITTEE TO ELECT HP                 | HAMID PARVIZIAN    | DOUNIA METOURI      | \$106,911   | 2  |              | Not Filed | \$106,911 (est)   | \$9,811     |
| 3755 | C00655084    | FRIENDS OF MARC FRIEDENBERG           | MARC FRIEDENBERG   | SEAN MILLER         | \$439,083   | 0  |              | Not Filed | \$146,361 (est)   | \$6,541     |
| 3756 | C00581199    | JILL STEIN FOR PRESIDENT              | JILL STEIN         | STEVEN WELZER       | \$282,534   | 14 |              | Not Filed | \$70,634 (est)    | \$17,662    |
| 3757 | C00677872    | JONATHAN JENKINS FOR SENATE COMMITTEE | JONATHAN JENKINS   | OFFICE OF TREASURER | \$1,049,103 | 0  |              | Not Filed | \$1,049,103 (est) | \$17,440    |
| 3758 | C00615013    | SHAUN BROWN FOR VIRGINIA              | SHAUN DENISE BROWN | OCTAVIANUS SMITH    | \$179,167   | 0  |              | Not Filed | \$179,167 (est)   | \$7,994     |

## BEFORE THE FEDERAL ELECTION COMMISSION

|                                         |   |          |
|-----------------------------------------|---|----------|
| In the Matter of                        | ) |          |
|                                         | ) |          |
| Reason To Believe Recommendation - 2019 | ) |          |
| October Quarterly Report for the        | ) |          |
| Administrative Fine Program:            | ) |          |
| COMMITTEE TO ELECT HP, and              | ) | AF# 3754 |
| METOURI, DOUNIA as treasurer;           | ) |          |
| FRIENDS OF MARC FRIEDENBERG,            | ) | AF# 3755 |
| and MILLER, SEAN MR. as treasurer;      | ) |          |
| JILL STEIN FOR PRESIDENT, and           | ) | AF# 3756 |
| WELZER, STEVEN as treasurer;            | ) |          |
| SHAUN BROWN FOR VIRGINIA, and           | ) | AF# 3758 |
| SMITH, OCTAVIANUS as treasurer;         | ) |          |

CERTIFICATION

I, Laura E. Sinram, Acting Secretary and Clerk of the Federal Election Commission, do hereby certify that on June 30, 2020 the Commission took the following actions on the Reason To Believe Recommendation - 2019 October Quarterly Report for the Administrative Fine Program, as recommended in the Reports Analysis Division's Memorandum dated December 05, 2019, on the following committees:

AF#3754 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, Trainor, Walther, and Weintraub voted affirmatively for the decision.

AF#3755 Decided by a vote of 4-0 to: (1) find reason to believe that FRIENDS OF MARC FRIEDENBERG, and MILLER, SEAN MR. in his official capacity as treasurer, violated 52 U.S.C. § 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter.

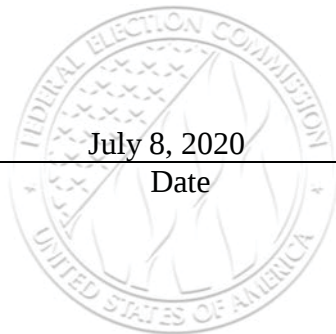
Federal Election Commission  
Certification for Administrative Fines  
June 30, 2020

Page 2

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

AF#3756 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, Trainor, Walther, and Weintraub voted affirmatively for the decision.

AF#3758 Decided by a vote of 4-0 to: (1) find reason to believe that SHAUN BROWN FOR VIRGINIA, and SMITH, OCTAVIANUS 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.



July 8, 2020  
Date

Attest:

Laura  
Sinram

Laura E. Sinram  
Acting Secretary and Clerk of the  
Commission

Digitally signed by Laura  
Sinram  
Date: 2020.07.08  
12:02:52 -04'00'



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

AF

July 9, 2020

Sean Miller, in official capacity as Treasurer  
Friends of Marc Friedenberg  
P.O. Box 459  
Pine Grove Mills, PA 16868

**Response Due Date**

**08/18/2020**

C00655084

AF#: 3755

Dear Mr. Miller,

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file an October Quarterly Report of Receipts and Disbursements every calendar year. This report, covering the period July 1, 2019 through September 30, 2019, shall be filed no later than October 15, 2019. 52 U.S.C. § 30104(a). Because records at the Federal Election Commission ("FEC") indicate that this report was not filed 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. § 30109(a)(4). On June 29, 2020, the FEC found that there is reason to believe ("RTB") that Friends of Marc Friedenberg and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) by failing to file timely this report on or before October 15, 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 \$6,541. 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 \$6,541 is due within forty (40) days of the finding, or by August 8, 2020, and is based on these factors:

Sensitivity of Report: Not Election Sensitive  
Level of Activity: \$146,361  
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:

## FRIENDS OF MARC FRIEDENBERG

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. 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

FRIENDS OF MARC FRIEDENBERG

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illness, inexperience or unavailability; (4) committee computer, software, or Internet service provider failures; (5) failure to know filing dates; and (6) failure to use filing software properly. 11 CFR § 111.35(d).

The "failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver" of your right to present such argument in a petition to the U.S. District Court under 52 U.S.C. § 30109. 11 CFR § 111.38.

If you intend to be represented by counsel, please advise the Office of Administrative Review. You should provide, in writing, the name, address and telephone number of your counsel and authorize counsel to receive notifications and communications relating to this challenge and imposition of the calculated civil money penalty.

## **2. If You Choose Not to Pay the Civil Money Penalty and Not to Submit a Challenge**

If you do not pay the calculated civil money penalty and do not submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that Friends of Marc Friedenberg 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

## FRIENDS OF MARC FRIEDENBERG

Page 4 of 5

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

This matter was generated based on information ascertained by the FEC in the normal course of carrying out its supervisory responsibilities. 52 U.S.C. § 30109(a)(2). Unless you notify the FEC in writing that you wish the matter to be made public, it will remain confidential in accordance with 52 U.S.C. § 30109(a)(4)(B) and 30109(a)(12)(A) until it is placed on the public record at the conclusion of this matter in accordance with 11 CFR § 111.42.

As noted earlier, you may obtain additional information on the FEC's administrative fine program, including the final regulations, on the FEC's website at <http://www.fec.gov/af/af.shtml>. If you have questions regarding the payment of the calculated civil money penalty, please contact Ben Holly in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130. If you have questions regarding the submission of a challenge, please contact the Office of Administrative Review at our toll free number (800) 424-9530 (press 0, then ext. 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 \$6,541 for the October Quarterly Report.

You may remit payment by ACH withdrawal from your bank account, or by debit or credit card through Pay.gov, the federal government's secure portal for online

FRIENDS OF MARC FRIEDENBERG

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collections. Visit [www.fec.gov/af/pay.shtml](http://www.fec.gov/af/pay.shtml) to be directed to Pay.gov's Administrative Fine Program Payment form. Please use the details below to complete the required fields. For additional payment options, please contact Ben Holly in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130.

FOR: Friends of Marc Friedenberg

FEC ID#: C00655084

AF#: 3755

PAYMENT DUE DATE: August 8, 2020

PAYMENT AMOUNT DUE: \$6,541

**RECEIVED**

By Office of the Commission Secretary at 8:38 am, Oct 30, 2020



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

**SENSITIVE**

October 29, 2020

**MEMORANDUM**

TO: The Commission

THROUGH: Alec Palmer *AP*  
Staff Director

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

Debbie Chacona *NCA for DC*  
Assistant Staff Director  
Reports Analysis Division

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

SUBJECT: Administrative Fine Program – Final Determination Recommendation for the 2019 October 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 October 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.

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.

For your information, one (1) committee disclosed a level of activity after the RTB finding which would result in a lowered civil money penalty. An overview of this case has been provided below.

Friends of Marc Friedenberg (AF 3755) disclosed no activity after the RTB finding (previously estimated to be \$146,361), which would result in no civil money penalty (fine previously assessed to be \$6,541).

For your information, one (1) committee disclosed a change in treasurer after the RTB finding. An overview of this case has been provided below.

Friends of Marc Friedenberg (AF 3755) filed an Amended Statement of Organization after the RTB finding designating Margaret Swoboda as Treasurer.

**RAD Recommendation**

- (1) Make a final determination that the political committees and their treasurers, in their official capacity, listed on the attached report 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 her official capacity, listed on the attached report 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 OCTOBER QUARTERLY Not Election Sensitive 10/15/2019 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 |
|------|---------------------------------------|------------------|--------------|---------------------|--------------|------------|-------------------|----|------------|-------------|----------------|------------|
| 3754 | COMMITTEE TO ELECT HP                 | HAMID PARVIZIAN  | C00663104    | DOUNIA METOURI      |              | Not Filed  | \$106,911 (est)   | 2  | 06/29/2020 | \$9,811     | 122            | \$9,811    |
| 3755 | FRIENDS OF MARC FRIEDENBERG           | MARC FRIEDENBERG | C00655084    | MARGARET SWOBODA    | 07/14/2020   | *Not Filed | \$0               | 0  | 06/29/2020 | \$6,541     | 122            | NONE       |
| 3756 | JILL STEIN FOR PRESIDENT              | JILL STEIN       | C00581199    | STEVEN WELZER       | 09/23/2020   | *Not Filed | \$87,122          | 14 | 06/29/2020 | \$17,662    | 122            | \$17,662   |
| 3757 | JONATHAN JENKINS FOR SENATE COMMITTEE | JONATHAN JENKINS | C00677872    | OFFICE OF TREASURER |              | Not Filed  | \$1,049,103 (est) | 0  | 06/29/2020 | \$17,440    | 122            | \$17,440   |

\* 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                     | ) |          |
|                                      | ) |          |
| Administrative Fine Program – Final  | ) |          |
| Determination Recommendation for the | ) |          |
| 2019 October Quarterly Report:       | ) |          |
| COMMITTEE TO ELECT HP, and           | ) | AF# 3754 |
| METOURI, DOUNIA as treasurer;        | ) |          |
| FRIENDS OF MARC FRIEDENBERG,         | ) | AF# 3755 |
| and SWOBODA, MARGARET MRS. as        | ) |          |
| treasurer;                           | ) |          |
| JILL STEIN FOR PRESIDENT, and        | ) | AF# 3756 |
| WELZER, STEVEN as treasurer;         | ) |          |
| JONATHAN JENKINS FOR SENATE          | ) | AF# 3757 |
| COMMITTEE, and OFFICE OF             | ) |          |
| TREASURER;                           | ) |          |

CERTIFICATION

I, Laura E. Sinram, Acting Secretary and Clerk of the Federal Election Commission, do hereby certify that on January 07, 2021, the Commission took the following actions on the Administrative Fine Program – Final Determination Recommendation for the 2019 October Quarterly Report, as recommended in the Reports Analysis Division's Memorandum dated October 29, 2020, on the following committees:

AF#3754      Decided by a vote of 6-0 to: (1) make a final determination that COMMITTEE TO ELECT HP, and METOURI, DOUNIA in her official capacity as treasurer, violated 52 U.S.C. 30104(a) and assess the final civil money penalty so

Federal Election Commission  
 Certification for Administrative Fines –  
 Final Determination Recommendation for  
 the 2019 October Quarterly Report  
 January 7, 2021

Page 2

indicated; (2) send the appropriate letter. Commissioners Broussard, Cooksey, Dickerson, Trainor, Walther, and Weintraub voted affirmatively for the decision.

AF#3755 Decided by a vote of 6-0 to: (1) make a final determination that FRIENDS OF MARC FRIEDENBERG, and SWOBODA, MARGARET MRS. in her official capacity as treasurer, violated 52 U.S.C. 30104(a) and will not be assessed a civil money penalty; (2) send the appropriate letter. Commissioners Broussard, Cooksey, Dickerson, Trainor, Walther, and Weintraub voted affirmatively for the decision.

AF#3756 Decided by a vote of 6-0 to: (1) make a final determination that JILL STEIN FOR PRESIDENT, and WELZER, STEVEN in his official capacity as treasurer, violated 52 U.S.C. 30104(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Broussard, Cooksey, Dickerson, Trainor, Walther, and Weintraub voted affirmatively for the decision.

AF#3757 Decided by a vote of 6-0 to: (1) make a final determination that JONATHAN JENKINS FOR SENATE COMMITTEE, and OFFICE OF TREASURER in his official capacity as treasurer, violated 52 U.S.C. 30104(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Broussard, Cooksey, Dickerson, Trainor, Walther, and Weintraub voted affirmatively for the decision.



February 17, 2021

Date

Attest:

Laura  
Sinram

Laura E. Sinram  
 Acting Secretary and Clerk of the  
 Commission

Digitally signed by Laura Sinram  
 Date: 2021.02.17  
 12:03:33 -05'00'



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

AF

February 17, 2021

Margaret Swoboda, in official capacity as Treasurer  
Friends of Marc Friedenberg  
P.O. Box 459  
Pine Grove Mills, PA 16868

C00655084

AF#: 3755

Dear Ms. Swoboda,

On June 29, 2020, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Friends of Marc Friedenberg and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) for filing late or failing to file the 2019 October Quarterly Report. By letter dated July 9, 2020, the Commission notified you of the RTB finding and the preliminary civil money penalty calculated at the RTB stage to be \$6,541 in accordance with the schedule of penalties at 11 CFR § 111.43.

Since that time, the amount of the civil money penalty has been changed to reflect the actual level of activity of the October Quarterly Report. The FEC made a final determination on January 7, 2021 that Friends of Marc Friedenberg 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.

On behalf of the Commission,

A handwritten signature in black ink, appearing to read "Shana M. Broussard".

Shana M. Broussard  
Chair

THIS IS THE END OF ADMINISTRATIVE FINE CASE #3755