

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE #3769



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 5, 2020

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
KDR BH

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

SUBJECT: Withdrawal and Resubmission of Reason To Believe Recommendation –
2019 Year-End Report for the Administrative Fine Program

We are withdrawing the document circulated to the Commission on March 31, 2020 in order to reflect updates disclosed in filings received by the Commission after the initial submission of this recommendation. On May 22, 2020, Abe Matthew for Congress (AF 3765) filed an Amended 2019 Year-End Report that disclosed a level of activity higher than previously disclosed. On April 14, 2020, Jineea for Congress (AF 3772) filed a 2019 Year-End Report that disclosed a level of activity higher than previously estimated. The circulation report has been updated to reflect the level of activity and civil money penalty amounts disclosed on the most recent filings for AF 3765 and AF 3772. The document was also updated to reflect a change in the Treasurer for Tarrant County Republican Victory Fund (AF 3779).

Attached is a list of political committees and their treasurers who failed to file the 2019 Year-End Report in accordance with 52 U.S.C. § 30104(a). The Year-End Report was due on January 31, 2020.

The committees listed in the attached RTB Circulation Report either failed to file the report, 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 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 YEAR-END Not Election Sensitive 01/31/2020 H_S_P_UNAUTH

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
3765	C00700831	ABE MATTHEW FOR CONGRESS	ABRAHAM THOMAS MATTHEW	DEMIJAN DRNOVSEK	\$126,094	0	3/1/2020	30	\$19,663	\$326
3766	C00687657	AMERICAN PRO-ISRAEL PAC		JEANNE SULLIVAN	\$137,162	0		Not Filed	\$137,162 (est)	\$6,541
3767	C00663104	COMMITTEE TO ELECT HP	HAMID PARVIZIAN	DOUNIA METOURI	\$106,911	2		Not Filed	\$106,911 (est)	\$9,811
3768	C00663435	COMMITTEE TO ELECT MAURO GARZA FOR US CONGRESS	MAURO EVERETT GARZA	ELIZABETH IRIS CASTILLO	\$154,433	1	2/28/2020	28	\$108,058	\$7,458
3769	C00655084	FRIENDS OF MARC FRIEDENBERG	MARC FRIEDENBERG	SEAN MILLER	\$439,083	0		Not Filed	\$146,361 (est)	\$6,541
3770	C00695619	HEALTH JUSTICE FOR ALL		ERIC FEIGL-DING	\$232,095	0		Not Filed	\$58,023 (est)	\$3,925
3771	C00581199	JILL STEIN FOR PRESIDENT	JILL STEIN	STEVEN WELZER	\$282,534	14		Not Filed	\$70,634 (est)	\$17,662
3772	C00709758	JINEEA FOR CONGRESS	JINEEA BUTLER	ANITA MEADOR	\$447,436	0	4/14/2020	*Not Filed	\$326,262	\$11,627
3773	C00698795	JOHN EAVES FOR CONGRESS	JOHN H. EAVES	JOHN HENRY EAVES	\$180,366	0		Not Filed	\$60,122 (est)	\$3,925
3774	C00677872	JONATHAN JENKINS FOR SENATE COMMITTEE	JONATHAN JENKINS	OFFICE OF TREASURER	\$1,049,103	0		Not Filed	\$1,049,103 (est)	\$17,440
3775	C00528026	NATIONAL CANNABIS INDUSTRY ASSOCIATION PAC		MICHAEL J. CORREIA	\$128,095	0	2/20/2020	20	\$30,670	\$850

3777	C00172510	REPUBLICAN STATE COMMITTEE OF DELAWARE		DENNIS CINI	\$119,098	0		Not Filed	\$17,013 (est)	\$684
3778	C00615013	SHAUN BROWN FOR VIRGINIA	SHAUN DENISE BROWN	OCTAVIANUS SMITH	\$179,167	0		Not Filed	\$179,167 (est)	\$7,994
3779	C00406645	TARRANT COUNTY REPUBLICAN VICTORY FUND		SHANNON DUBBERLY	\$217,614	0	3/12/2020	*Not Filed	\$115	\$115
3780	C00426569	WESTERN ENERGY ALLIANCE PAC		KATHLEEN M. SGAMMA	\$137,108	0	2/12/2020	12	\$78,358	\$2,333

* 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)
) AF 3769
Withdrawal and Resubmission of Reason)
To Believe Recommendation - 2019)
Year-End Report for the Administrative)
Fine Program: Friends of Marc)
Friedenberg and Sean Miller 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, as recommended in the Reports Analysis Division's Memorandum dated June 5, 2020, and subject to the Notice of Errata Memorandum dated June 19, 2020, in AF 3769:

1. Find reason to believe that Friends of Marc Friedenberg and Sean Miller in his official capacity as treasurer violated 52 U.S.C. § 30104(a) and make a preliminary determination that a civil money penalty in the amount of \$6,541 be assessed.
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: 2020.07.16
13:00:02 -04'00'

Laura E. Sinram
Acting Secretary and Clerk of the
Commission





FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

AF

July 20, 2020

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

Response Due Date

08/08/2020

C00655084
AF#: 3769

Dear Mr. Miller,

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file a Year-End Report of Receipts and Disbursements every calendar year. This report, covering the period October 1, 2019 through December 31, 2019, shall be filed no later than January 31, 2020. 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. § 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 January 31, 2020. 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 \$6,541. 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 \$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. 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

Page 3 of 5

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 making a payment in an amount less than the calculated civil money penalty assessed or

FRIENDS OF MARC FRIEDENBERG

Page 4 of 5

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

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 Year-End 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 to be directed to Pay.gov's Administrative

FRIENDS OF MARC FRIEDENBERG

Page 5 of 5

Fine Program Payment form. Please use the details below to complete the required fields. For additional payment options, please contact Ben Holly in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130.

COMMITTEE NAME: Friends of Marc Friedenberg

FEC ID#: C00655084

AF#: 3769

PAYMENT DUE DATE: August 8, 2020

PAYMENT AMOUNT DUE: \$6,541



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

SENSITIVE

November 2, 2020

MEMORANDUM

TO: The Commission

THROUGH: Alec Palmer *AP*
Staff Director

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

Debbie Chacona *DC*
Assistant Staff Director
Reports Analysis Division

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

SUBJECT: Administrative Fine Program – Final Determination Recommendation for the 2019 Year-End Report

Attached are two lists of 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 Year-End Report. The first list represents the committees that have paid the civil money penalty and the second list represents the committees that have not paid the civil money penalty. The committees that have not paid 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 either paid or not paid the civil money penalty.

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.

Friends of Marc Friedenberg (AF 3769) 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).

Health Justice For All (AF 3770) filed the 2019 Year-End 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 \$152 (previously estimated to be \$58,023), thus the fine would be lowered from \$3,925 to \$152.

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 3769) 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 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 her 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 Paid
 2019 YEAR-END Not Election Sensitive 01/31/2020 H_S_P_UNAUTH

AF#	Committee Name	Candidate Name	Committee ID	Treasurer	Receipt Date	Days Late	LOA	PV	RTB Date	RTB Penalty	Final Money Penalty	Date Paid	Amount Paid
3765	ABE MATTHEW FOR CONGRESS	ABRAHAM THOMAS MATTHEW	C00700831	DEMIJAN DRNOVSEK	03/01/2020	30	\$19,663	0	06/29/2020	\$326	\$326	08/07/2020	\$326
3775	NATIONAL CANNABIS INDUSTRY ASSOCIATION PAC		C00528026	MICHAEL J. CORREIA	02/20/2020	20	\$30,670	0	06/29/2020	\$850	\$850	08/10/2020	\$850
3777	REPUBLICAN STATE COMMITTEE OF DELAWARE		C00172510	DENNIS CINI	08/11/2020	*Not Filed	\$14,120	0	06/29/2020	\$684	\$684	08/10/2020	\$684
3779	TARRANT COUNTY REPUBLICAN VICTORY FUND		C00406645	SHANNON DUBBERLY	03/12/2020	*Not Filed	\$70,102	0	06/29/2020	\$115	\$115	08/10/2020	\$115

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

Federal Election Commission
 FD Circulation Report Fine Not Paid
 2019 YEAR-END Not Election Sensitive 01/31/2020 H_S_P_UNAUTH

AF#	Committee Name	Candidate Name	Committee ID	Treasurer	Receipt Date	Days Late	LOA	PV	RTB Date	RTB Penalty	Days Since RTB	FD Penalty
3766	AMERICAN PRO-ISRAEL PAC		C00687657	JEANNE SULLIVAN		Not Filed	\$137,162 (est)	0	06/29/2020	\$6,541	126	\$6,541
3767	COMMITTEE TO ELECT HP	HAMID PARVIZIAN	C00663104	DOUNIA METOURI		Not Filed	\$106,911 (est)	2	06/29/2020	\$9,811	126	\$9,811
3768	COMMITTEE TO ELECT MAURO GARZA FOR US CONGRESS	MAURO EVERETT GARZA	C00663435	ELIZABETH IRIS CASTILLO	02/28/2020	28	\$108,058	1	06/29/2020	\$7,458	126	\$7,458
3769	FRIENDS OF MARC FRIEDENBERG	MARC FRIEDENBERG	C00655084	MARGARET SWOBODA	07/14/2020	*Not Filed	\$0	0	06/29/2020	\$6,541	126	NONE
3770	HEALTH JUSTICE FOR ALL		C00695619	ERIC FEIGL-DING	10/26/2020	*Not Filed	\$152	0	06/29/2020	\$3,925	126	\$152
3771	JILL STEIN FOR PRESIDENT	JILL STEIN	C00581199	STEVEN WELZER	09/23/2020	*Not Filed	\$61,217	14	06/29/2020	\$17,662	126	\$17,662
3772	JINEEA FOR CONGRESS	JINEEA BUTLER	C00709758	ANITA MEADOR	04/14/2020	*Not Filed	\$325,998	0	06/29/2020	\$11,627	126	\$11,627
3773	JOHN EAIVES FOR CONGRESS	JOHN H. EAIVES	C00698795	JOHN HENRY EAIVES		Not Filed	\$60,122 (est)	0	06/29/2020	\$3,925	126	\$3,925
3774	JONATHAN JENKINS FOR SENATE COMMITTEE	JONATHAN JENKINS	C00677872	OFFICE OF TREASURER		Not Filed	\$1,049,103 (est)	0	06/29/2020	\$17,440	126	\$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)
) AF 3769
Administrative Fine Program - Final)
Determination Recommendation for the)
2019 Year-End Report: Friends of Marc)
Friedenberg and Margaret Swoboda, in)
her official capacity as 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 decided by a vote of 6-0 to take the following actions in AF 3769:

1. Make a final determination that Friends of Marc Friedenberg and Margaret Swoboda, 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.

March 5, 2021

Date

Attest:

Laura Sinram

Digitally signed by
Laura Sinram
Date: 2021.03.05
15:57:13 -05'00'

Laura E. Sinram
Acting Secretary and Clerk of the
Commission



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#: 3769

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 Year-End Report. By letter dated July 20, 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 Year-End 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

FRIENDS OF MARC FRIEDENBERG

Page 2 of 2

THIS IS THE END OF ADMINISTRATIVE FINE CASE #3769