

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE #3778



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

BY: *KDR BH*  
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

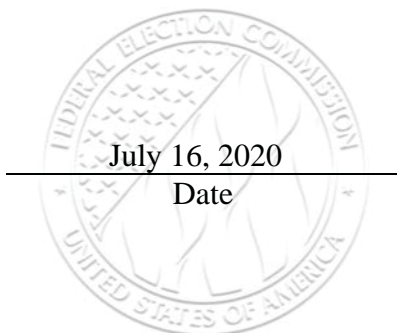
In the Matter of )  
 ) AF 3778  
 Withdrawal and Resubmission of Reason )  
 To Believe Recommendation - 2019 )  
 Year-End Report for the Administrative )  
 Fine Program: Shaun Brown for Virginia )  
 and Octavianus Smith in her official )  
 capacity as treasurer )

CERTIFICATION

I, Laura E. Sinram, Acting Secretary and Clerk of the Federal Election Commission, do hereby certify that on 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# 3778:

1. Find reason to believe that Shaun Brown for Virginia and Octavianus Smith in her official capacity as treasurer violated 52 U.S.C. § 30104(a) and make a preliminary determination that a civil money penalty of \$7,994 would 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  
 14:57:28 -04'00'

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



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

AF

July 20, 2020

Octavianus Smith, in official capacity as Treasurer  
Shaun Brown for Virginia  
1 Beatrice Drive  
Hampton, VA 23666

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

C00615013

AF#: 3778

Dear Mr. Smith,

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 Shaun Brown for Virginia 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 \$7,994. 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 \$7,994 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: \$179,167  
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:

SHAUN BROWN FOR VIRGINIA

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### **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

SHAUN BROWN FOR VIRGINIA

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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 Shaun Brown for Virginia 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

SHAUN BROWN FOR VIRGINIA

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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 \$7,994 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](http://www.fec.gov/af/pay.shtml) to be directed to Pay.gov's Administrative

SHAUN BROWN FOR VIRGINIA

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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: Shaun Brown for Virginia

FEC ID#: C00615013

AF#: 3778

PAYMENT DUE DATE: August 8, 2020

PAYMENT AMOUNT DUE: \$7,994

**SHAUN BROWN FOR VIRGINIA  
1 BEATRICE DRIVE  
HAMPTON, VIRGINIA 23666**

September 8, 2020

Dear Mr. Holly,

RE. SHAUN BROWN FOR VIRGINIA - C00615013

AF#: 3778

Response Due Date: 08/08/2020

**AFFIDAVIT**

"I am Shaun Brown, candidate, of Shaun Brown for Virginia. I am now on home confinement at 1 Beatrice Drive, Hampton, Virginia 23666. As a result of my vulnerability to COVID-19 I have been relocated from Alderson Federal Prison in Alderson, West Virginia back home.

I am providing this challenge to the RTB Finding and/or Civil Money Penalty. My treasurer is currently in quarantine caring for a family member While available by phone it is too risky at the moment for me to meet face to face regarding this challenge.

The **January 31, 2020 End of the Year report** has been filed. There was no activity. A notice of my self surrender to the Norfolk Federal Courthouse in Norfolk, Virginia on March 20,2019 in route to Alderson Federal Prison, was provided anticipating no campaign finance activity.

No bank fees were subtracted by Old Point National Bank of Hampton, Virginia as reflected in the report. The RTB finding indicates a Level of Activity of \$179,167. "

Submitted by.

A handwritten signature in black ink that reads "Shaun D. Brown". The signature is written in a cursive style with a large initial 'S'.

Shaun Brown



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

November 6, 2020

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

AF# 3758, AF# 3778, and AF# 3826 – Shaun Brown for Virginia and Octavianus Smith, in his official capacity as Treasurer (C00615013)

**Summary of Recommendations**

Make a final determination in AF# 3758 that the respondents violated 52 U.S.C. § 30104(a) and assess no civil money penalty.

Make a final determination in AF# 3778 that the respondents violated 52 U.S.C. § 30104(a) and assess no civil money penalty.

Make a final determination in AF# 3826 that the respondents violated 52 U.S.C. § 30104(a) and assess no civil money penalty.

**Reason-to-Believe Background**

The 2019 October Quarterly Report was due on October 15, 2019. The Committee filed the report on September 4, 2020, 325 days late. The report is not election sensitive and was not filed within 30 days of the due date; therefore, the report is considered not filed. 11 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 file the 2019 October Quarterly Report. The Commission also made a preliminary determination that the civil money penalty was \$7,994 based on the schedule of penalties at 11 C.F.R. § 111.43. A letter dated July 9, 2020 was sent to the respondents’ email address of record by the Reports Analysis Division (“RAD”) to notify them of the Commission’s RTB finding and civil money penalty.

The 2019 Year-End Report was due on January 31, 2020. The Committee filed the report on September 4, 2020, 217 days late. The report is not election sensitive and was not filed within 30 days of the due date; therefore, the report is considered not filed. 11 C.F.R. §§ 111.43(d)(1) and (e)(1). On June 29, 2020, the Commission found RTB that the respondents violated 52 U.S.C. § 30104(a) for failing to file the 2019 Year-End Report. The Commission also made a preliminary determination that the civil money penalty was \$7,994 based on the schedule of penalties at 11 C.F.R. § 111.43. A letter dated July 20, 2020 was sent to the respondents’ email address of record by RAD to notify them of the Commission’s RTB finding and civil money penalty.

The 2020 April Quarterly Report was due on April 15, 2020. The Committee filed the report on September 4, 2020, 142 days late. The report is not election sensitive and was not filed within 30 days of the due date; therefore, the report is considered not filed. 11 C.F.R. §§ 111.43(d)(1) and (e)(1). On June 29, 2020, the Commission found RTB that the respondents violated 52 U.S.C. § 30104(a) for failing to file the 2020 April Quarterly Report. The Commission also made a preliminary determination that the civil money penalty was \$7,994 based on the schedule of penalties at 11 C.F.R. § 111.43. A letter dated July 15, 2020 was sent to the respondents' email address of record by RAD 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 principal campaign committee shall file a report for the quarter ending September 30 no later than October 15, a report for the quarter ending December 31 no later than January 31 of the following calendar year, and a report for the quarter ending March 31 no later than April 15. 52 U.S.C. § 30104(a) and 11 C.F.R. § 104.5(a)(1)(i). 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).

## **Respondents' Challenges**

On September 8, 2020, the Commission received the written responses ("challenges") from the Candidate for AF# 3758, AF# 3778, and AF# 3826. She indicates she was previously incarcerated, and the 2019 October Quarterly, 2019 Year-End, and 2020 April Quarterly Reports have now been filed. She states that there was no activity for each of the reporting periods.

## **Analysis**

The Candidate indicates the civil money penalties calculated at RTB were calculated using an incorrect level of activity. At the time of the RTB findings, the Commission used an estimated level of activity (\$179,167) to calculate the penalties because the reports had not yet been filed. 11 C.F.R. § 111.43(d)(2)(i). On September 4, 2020, the Committee filed the 2019 October Quarterly, 2019 Year-End, and 2020 April Quarterly Reports. Each of the reports discloses \$0 in total receipts and \$0 in total disbursements during each of the reporting periods. For authorized committees, the level of activity is the amount of total receipts plus total disbursements disclosed on the report. 11 C.F.R. § 111.43(d)(3)(i). Therefore, the actual level of activity for the 2019 October Quarterly, 2019 Year-End, and 2020 April Quarterly reporting periods is \$0. Using the schedule of penalties at 11 C.F.R. § 111.43(a), no civil money penalty should be assessed for a level of activity of \$0.

The Reviewing Officer recommends that the Commission make a final determination in AF# 3758, AF# 3778, and AF# 3826 that the respondents violated 52 U.S.C. § 30104(a) and assess no civil money penalties.

**OAR Recommendations**

- (1) Adopt the Reviewing Officer recommendation for AF# 3758 involving Shaun Brown for Virginia and Octavianus Smith, in his official capacity as Treasurer, in making the final determination;
- (2) Make a final determination in AF# 3758 that Shaun Brown for Virginia and Octavianus Smith, in his official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess no civil money penalty (reduced from the RTB civil money penalty of \$7,994);
- (3) Adopt the Reviewing Officer recommendation for AF# 3778 involving Shaun Brown for Virginia and Octavianus Smith, in his official capacity as Treasurer, in making the final determination;
- (4) Make a final determination in AF# 3778 that Shaun Brown for Virginia and Octavianus Smith, in his official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess no civil money penalty (reduced from the RTB civil money penalty of \$7,994);
- (5) Adopt the Reviewing Officer recommendation for AF# 3826 involving Shaun Brown for Virginia and Octavianus Smith, in his official capacity as Treasurer, in making the final determination;
- (6) Make a final determination in AF# 3826 that Shaun Brown for Virginia and Octavianus Smith, in his official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess no civil money penalty (reduced from the RTB civil money penalty of \$7,994);
- (7) Send the appropriate letters.

**Attachments**

- Attachment 1 –
- Attachment 2 – Declaration from RAD
- Attachment 3 – Declaration from OAR

**DECLARATION OF KRISTIN D. ROSER**

1. I am the Chief of the Compliance Branch for the Reports Analysis Division of the Federal Election Commission (“Commission”). In my capacity as Chief of the Compliance Branch, I oversee the initial processing of the Administrative Fine Program. I make this declaration based on my personal knowledge and, if called upon as a witness, could and would testify competently to the following matters.
2. It is the practice of the Reports Analysis Division to document all calls to or from committees regarding a letter they receive or any questions relating to the FECFile software or administrative fine regulations, including due dates of reports and filing requirements.
3. I hereby certify that documents identified herein are true and accurate copies of the following sent by the Commission to Shaun Brown for Virginia:
  - A) Non-Filer Letter, dated October 30, 2019, referencing the 2019 October Quarterly Report (sent via electronic mail to: [contact.shaun.brown@gmail.com](mailto:contact.shaun.brown@gmail.com) and [omannmail2004@yahoo.com](mailto:omannmail2004@yahoo.com));
  - B) Non-Filer Letter, dated February 19, 2020, referencing the 2019 Year-End Report (sent via electronic mail to: [contact.shaun.brown@gmail.com](mailto:contact.shaun.brown@gmail.com) and [omannmail2004@yahoo.com](mailto:omannmail2004@yahoo.com));
  - C) Non-Filer Letter, dated April 30, 2020, referencing the 2020 April Quarterly Report (sent via electronic mail to: [contact.shaun.brown@gmail.com](mailto:contact.shaun.brown@gmail.com), [omannmail2004@yahoo.com](mailto:omannmail2004@yahoo.com) and [shaun.brown@gmail.com](mailto:shaun.brown@gmail.com));
  - D) Reason-to-Believe Letter, dated July 9, 2020, referencing the 2019 October Quarterly Report (sent via electronic mail to: [contact.shaun.brown1@gmail.com](mailto:contact.shaun.brown1@gmail.com), [contact.shaun.brown@gmail.com](mailto:contact.shaun.brown@gmail.com) and [omannmail2004@yahoo.com](mailto:omannmail2004@yahoo.com)).

- E) Reason-to-Believe Letter, dated July 20, 2020, referencing the 2019 Year-End Report (sent via electronic mail to: contact.shaun.brown1@gmail.com, contact.shaun.brown@gmail.com and omanmail2004@yahoo.com).
- F) Reason-to-Believe Letter, dated July 15, 2020, referencing the 2020 April Quarterly Report (sent via electronic mail to: contact.shaun.brown1@gmail.com, contact.shaun.brown@gmail.com and omanmail2004@yahoo.com).
4. I hereby certify that I have searched the Commission's public records and find that Shaun Brown for Virginia filed the 2019 October Quarterly Report, 2019 Year-End Report, and the 2020 April Quarterly Report with the Commission on September 4, 2020.
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 29<sup>th</sup> day of October, 2020.

*Kristin D. Roser*

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



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RQ-7

October 30, 2019

SMITH, OCTAVIANUS, TREASURER  
SHAUN BROWN FOR VIRGINIA  
1 BEATRICE DRIVE  
HAMPTON, VA 23666

IDENTIFICATION NUMBER: C00615013

REFERENCE: OCTOBER QUARTERLY REPORT (07/01/2019 - 09/30/2019)

Dear Treasurer:

It has come to the attention of the Federal Election Commission that you may have failed to file the above referenced report of receipts and disbursements or failed to file a report covering the entire reporting period as required by the Federal Election Campaign Act, as amended. 52 U.S.C. §30104(a)

It is important that you file this report immediately. The report must be filed with the Federal Election Commission, 1050 First Street, NE, Washington, DC 20002. Please note that electronic filers must submit their reports electronically, as per 11 CFR §104.18. A copy of the report must also be filed with the Secretary of State or equivalent State officer unless the State is exempt from the federal requirement to receive and maintain paper copies. You can verify the Commission's receipt of any documents submitted by your committee on the FEC website at [www.fec.gov](http://www.fec.gov).

The failure to timely file a complete report may result in civil money penalties, an audit or legal enforcement action. The civil money penalty calculation for late reports does not include a grace period and begins on the day following the due date for the report. Due to heightened security screening measures, delivery of mail by the US Postal Service may be delayed. The Commission recommends that you submit your report via overnight delivery or courier service.

If you have any questions regarding this matter, please contact Jamie Sikorsky in the Reports Analysis Division on our toll-free number (800)424-9530. The analyst's direct number is (202)694-1137.

SHAUN BROWN FOR VIRGINIA

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Sincerely,

A handwritten signature in black ink that reads "Debbie Chacona". The signature is written in a cursive, slightly slanted style.

Deborah Chacona  
Assistant Staff Director  
Reports Analysis Division

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RQ-7

February 19, 2020

SMITH, OCTAVIANUS, TREASURER  
SHAUN BROWN FOR VIRGINIA  
1 BEATRICE DRIVE  
HAMPTON, VA 23666

IDENTIFICATION NUMBER: C00615013

REFERENCE: YEAR-END REPORT (10/01/2019 - 12/31/2019)

Dear Treasurer:

It has come to the attention of the Federal Election Commission that you may have failed to file the above referenced report of receipts and disbursements or failed to file a report covering the entire reporting period as required by the Federal Election Campaign Act, as amended. 52 U.S.C. §30104(a)

It is important that you file this report immediately. The report must be filed with the Federal Election Commission, 1050 First Street, NE, Washington, DC 20002. Please note that electronic filers must submit their reports electronically, as per 11 CFR §104.18. A copy of the report must also be filed with the Secretary of State or equivalent State officer unless the State is exempt from the federal requirement to receive and maintain paper copies. You can verify the Commission's receipt of any documents submitted by your committee on the FEC website at [www.fec.gov](http://www.fec.gov).

The failure to timely file a complete report may result in civil money penalties, an audit or legal enforcement action. The civil money penalty calculation for late reports does not include a grace period and begins on the day following the due date for the report. Due to heightened security screening measures, delivery of mail by the US Postal Service may be delayed. The Commission recommends that you submit your report via overnight delivery or courier service.

If you have any questions regarding this matter, please contact Jamie Sikorsky in the Reports Analysis Division on our toll-free number (800)424-9530. The analyst's direct number is (202)694-1137.

SHAUN BROWN FOR VIRGINIA

Page 2 of 2

Sincerely,

A handwritten signature in black ink that reads "Debbie Chacona". The signature is written in a cursive style with a loop at the end of the last name.

Deborah Chacona  
Assistant Staff Director  
Reports Analysis Division

250



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RQ-7

April 30, 2020

SMITH, OCTAVIANUS, TREASURER  
SHAUN BROWN FOR VIRGINIA  
1 BEATRICE DRIVE  
HAMPTON, VA 23666

IDENTIFICATION NUMBER: C00615013

REFERENCE: APRIL QUARTERLY REPORT (01/01/2020 - 03/31/2020)

Dear Treasurer:

It has come to the attention of the Federal Election Commission that you may have failed to file the above referenced report of receipts and disbursements or failed to file a report covering the entire reporting period as required by the Federal Election Campaign Act, as amended. 52 U.S.C. §30104(a)

It is important that you file this report immediately. The report must be filed with the Federal Election Commission, 1050 First Street, NE, Washington, DC 20002. Please note, the Federal Election Commission has suspended its mail operations in an effort to limit the spread of coronavirus (COVID-19). While most agency operations are unaffected, the Commission will not process any documents submitted on paper, including non-electronically filed reports. We will process the reports once normal operations have resumed. Reports sent by registered mail, overnight delivery, or certified mail, are considered filed with the FEC as of the date of the postmark. Reports submitted by first-class mail or delivery service will be considered filed within 24 hours after the Commission resumes normal mail operations. The FEC does not have statutory authority to extend filing deadlines, but it may choose not to pursue administrative fines against filers prevented from filing by reasonably unforeseen circumstances beyond their control. If you have already filed the report by express, certified or registered mail, please notify us immediately of the certified, registered or express tracking number and the date that the report was sent.

Please note that electronic filers must submit their reports electronically, as per 11 CFR §104.18. A copy of the report must also be filed with the Secretary of State or equivalent State officer unless the State is exempt from the federal requirement to receive and maintain paper copies. You can verify the Commission's receipt of any documents submitted by your committee on the FEC website at [www.fec.gov](http://www.fec.gov).

The failure to timely file a complete report may result in civil money penalties, an audit or legal enforcement action. The civil money penalty calculation for late reports does not

SHAUN BROWN FOR VIRGINIA

Page 2 of 2

include a grace period and begins on the day following the due date for the report.

If you have any questions regarding this matter, please contact Jamie Sikorsky in the Reports Analysis Division on our toll-free number (800)424-9530. The analyst's direct number is (202)694-1137.

Sincerely,

A handwritten signature in black ink that reads "Debbie Chacona". The signature is written in a cursive, flowing style.

Deborah Chacona  
Assistant Staff Director  
Reports Analysis Division

250

## 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 principal campaign committee of a candidate shall file a quarterly report for the period ending September 30 no later than October 15. Reports filed electronically must be received and validated at or before 11:59 pm, Eastern Standard/Daylight Time on October 15, 2019 for the 2019 October Quarterly Report to be timely filed.
- 3) A principal campaign committee of a candidate shall file a report for the period ending December 31 no later than January 31 of the following year. Reports filed electronically must be received and validated at or before 11:59 pm, Eastern Standard/Daylight Time on January 31, 2020 for the 2019 Year-End Report to be timely filed.
- 4) A principal campaign committee of a candidate shall file a quarterly report for the period ending March 31 no later than April 15. Reports filed electronically must be received and validated at or before 11:59 pm, Eastern Standard/Daylight Time on April 15, 2020 for the 2020 April Quarterly Report to be timely filed.
- 5) 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, Summary, and Detailed Summary Pages of the 2019 October Quarterly Report filed by Shaun Brown for Virginia. The report includes the coverage period of July 1, 2019 through September 30, 2019 and was electronically filed on September 4, 2020.
  - b) Cover, Summary, and Detailed Summary Pages of the 2019 Year-End Report filed by Shaun Brown for Virginia. The report includes the coverage period of October 1, 2019 through December 31, 2019 and was electronically filed on September 4, 2020.
  - c) Cover, Summary, and Detailed Summary Pages of the 2020 April Quarterly Report filed by Shaun Brown for Virginia. The report includes the coverage period of January 1, 2020 through March 31, 2020 and was electronically filed on September 4, 2020.

- 6) 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 6<sup>th</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 3 (Revised 05/2016)

PAGE 2 / 9

Write or Type Committee Name  
**SHAUN BROWN FOR CONGRESS**

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

	COLUMN A This Period	COLUMN B Election Cycle-to-Date
<b>6. Net Contributions (other than loans)</b>		
(a) Total Contributions (other than loans) (from Line 11(e))....	0.00	718402.44
(b) Total Contribution Refunds (from Line 20(d)) .....	0.00	0.00
(c) Net Contributions (other than loans) (subtract Line 6(b) from Line 6(a)) .....	0.00	718402.44
<b>7. Net Operating Expenditures</b>		
(a) Total Operating Expenditures (from Line 17) .....	0.00	716094.64
(b) Total Offsets to Operating Expenditures (from Line 14).....	0.00	0.00
(c) Net Operating Expenditures (subtract Line 7(b) from Line 7(a)) .....	0.00	716094.64
<b>8. Cash on Hand at Close of Reporting Period (from Line 27).....</b>	13.88	
<b>9. Debts and Obligations Owed TO the Committee (Itemize all on Schedule C and/or Schedule D) .....</b>	0.00	
<b>10. Debts and Obligations Owed BY the Committee (Itemize all on Schedule C and/or Schedule D) .....</b>	5380.00	

**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 3 (Revised 05/2016)

Write or Type Committee Name

SHAUN BROWN FOR CONGRESS

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

I. RECEIPTS	COLUMN A Total This Period	COLUMN B Election Cycle-to-Date
11. CONTRIBUTIONS (other than loans) FROM:		
(a) Individuals/Persons Other Than Political Committees		
(i) Itemized (use Schedule A) .....	0.00	6265.25
(ii) Unitemized .....	0.00	531.77
(iii) TOTAL of contributions from individuals .....	0.00	6797.02
(b) Political Party Committees .....	0.00	0.00
(c) Other Political Committees (such as PACs) .....	0.00	0.00
(d) The Candidate .....	0.00	711605.42
(e) TOTAL CONTRIBUTIONS (other than loans) (add Lines 11(a)(iii), (b), (c), and (d))..	0.00	718402.44
12. TRANSFERS FROM OTHER AUTHORIZED COMMITTEES .....	0.00	0.00
13. LOANS:		
(a) Made or Guaranteed by the Candidate .....	0.00	0.00
(b) All Other Loans .....	0.00	0.00
(c) TOTAL LOANS (add Lines 13(a) and (b)) .....	0.00	0.00
14. OFFSETS TO OPERATING EXPENDITURES (Refunds, Rebates, etc.) .....	0.00	0.00
15. OTHER RECEIPTS (Dividends, Interest, etc.) .....	0.00	0.00
16. TOTAL RECEIPTS (add Lines 11(e), 12, 13(c), 14, and 15) (Carry Total to Line 24, page 4) .....	0.00	718402.44

**DETAILED SUMMARY PAGE**  
of Disbursements

II. DISBURSEMENTS	COLUMN A Total This Period	COLUMN B Election Cycle-to-Date
17. OPERATING EXPENDITURES.....	0.00	716094.64
18. TRANSFERS TO OTHER AUTHORIZED COMMITTEES .....	0.00	0.00
19. LOAN REPAYMENTS:		
(a) Of Loans Made or Guaranteed by the Candidate.....	0.00	0.00
(b) Of All Other Loans .....	0.00	0.00
(c) TOTAL LOAN REPAYMENTS (add Lines 19(a) and (b)).....	0.00	0.00
20. 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 20(a), (b), and (c)).....	0.00	0.00
21. OTHER DISBURSEMENTS .....	0.00	1333.48
22. <b>TOTAL DISBURSEMENTS</b> (add Lines 17, 18, 19(c), 20(d), and 21) ▶	0.00	717428.12

**III. CASH SUMMARY**

23. CASH ON HAND AT BEGINNING OF REPORTING PERIOD.....	13.88
24. TOTAL RECEIPTS THIS PERIOD (from Line 16, page 3).....	0.00
25. SUBTOTAL (add Line 23 and Line 24).....	13.88
26. TOTAL DISBURSEMENTS THIS PERIOD (from Line 22).....	0.00
27. CASH ON HAND AT CLOSE OF REPORTING PERIOD (subtract Line 26 from Line 25).....	13.88



**SUMMARY PAGE**  
of Receipts and Disbursements

FEC Form 3 (Revised 05/2016)

PAGE 2 / 9

Write or Type Committee Name  
**SHAUN BROWN FOR CONGRESS**

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

	COLUMN A This Period	COLUMN B Election Cycle-to-Date
<b>6. Net Contributions (other than loans)</b>		
(a) Total Contributions (other than loans) (from Line 11(e))....	0.00	718402.44
(b) Total Contribution Refunds (from Line 20(d)) .....	0.00	0.00
(c) Net Contributions (other than loans) (subtract Line 6(b) from Line 6(a)) .....	0.00	718402.44
<b>7. Net Operating Expenditures</b>		
(a) Total Operating Expenditures (from Line 17) .....	0.00	716094.64
(b) Total Offsets to Operating Expenditures (from Line 14).....	0.00	0.00
(c) Net Operating Expenditures (subtract Line 7(b) from Line 7(a)) .....	0.00	716094.64
<b>8. Cash on Hand at Close of Reporting Period (from Line 27).....</b>	13.88	
<b>9. Debts and Obligations Owed TO the Committee (Itemize all on Schedule C and/or Schedule D) .....</b>	0.00	
<b>10. Debts and Obligations Owed BY the Committee (Itemize all on Schedule C and/or Schedule D) .....</b>	5380.00	

**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 3 (Revised 05/2016)

Write or Type Committee Name

SHAUN BROWN FOR CONGRESS

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

I. RECEIPTS	COLUMN A Total This Period	COLUMN B Election Cycle-to-Date
11. CONTRIBUTIONS (other than loans) FROM:		
(a) Individuals/Persons Other Than Political Committees		
(i) Itemized (use Schedule A) .....	0.00	6265.25
(ii) Unitemized .....	0.00	531.77
(iii) TOTAL of contributions from individuals .....	0.00	6797.02
(b) Political Party Committees .....	0.00	0.00
(c) Other Political Committees (such as PACs) .....	0.00	0.00
(d) The Candidate .....	0.00	711605.42
(e) TOTAL CONTRIBUTIONS (other than loans) (add Lines 11(a)(iii), (b), (c), and (d))..	0.00	718402.44
12. TRANSFERS FROM OTHER AUTHORIZED COMMITTEES .....	0.00	0.00
13. LOANS:		
(a) Made or Guaranteed by the Candidate .....	0.00	0.00
(b) All Other Loans .....	0.00	0.00
(c) TOTAL LOANS (add Lines 13(a) and (b)) .....	0.00	0.00
14. OFFSETS TO OPERATING EXPENDITURES (Refunds, Rebates, etc.) .....	0.00	0.00
15. OTHER RECEIPTS (Dividends, Interest, etc.) .....	0.00	0.00
16. TOTAL RECEIPTS (add Lines 11(e), 12, 13(c), 14, and 15) (Carry Total to Line 24, page 4) .....	0.00	718402.44

**DETAILED SUMMARY PAGE**  
of Disbursements

FEC Form 3 (Revised 05/2016)

PAGE 4 / 9

II. DISBURSEMENTS	COLUMN A Total This Period	COLUMN B Election Cycle-to-Date
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(b) Of All Other Loans .....	0.00	0.00
(c) TOTAL LOAN REPAYMENTS (add Lines 19(a) and (b)).....	0.00	0.00
20. 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 20(a), (b), and (c)).....	0.00	0.00
21. OTHER DISBURSEMENTS .....	0.00	1333.48
22. <b>TOTAL DISBURSEMENTS</b> (add Lines 17, 18, 19(c), 20(d), and 21) ▶	0.00	717428.12

**III. CASH SUMMARY**

23. CASH ON HAND AT BEGINNING OF REPORTING PERIOD.....	13.88
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**SUMMARY PAGE**  
of Receipts and Disbursements

FEC Form 3 (Revised 05/2016)

PAGE 2 / 9

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**SHAUN BROWN FOR CONGRESS**

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999 E Street, NW  
Washington, DC 20463

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

**DETAILED SUMMARY PAGE**  
of Receipts

FEC Form 3 (Revised 05/2016)

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SHAUN BROWN FOR CONGRESS

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**DETAILED SUMMARY PAGE**  
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FEC Form 3 (Revised 05/2016)

PAGE 4 / 9

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26. TOTAL DISBURSEMENTS THIS PERIOD (from Line 22).....	0.00
27. CASH ON HAND AT CLOSE OF REPORTING PERIOD (subtract Line 26 from Line 25).....	13.88

**RECEIVED**

By Office of the Commission Secretary at 8:20 am, Dec 01, 2020



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

**SENSITIVE**

November 30, 2020

**MEMORANDUM**

To: The Commission

Through: Alec Palmer *AP*  
Staff Director

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

Rhiannon Magruder *RM*  
Reviewing Officer  
Office of Administrative Review

Subject: Final Determination Recommendation in AF# 3758, AF# 3778, and AF# 3826 – Shaun Brown for Virginia and Octavianus Smith, in his official capacity as Treasurer (C00615013)

On June 29, 2020, the Commission found reason to believe (“RTB”) that the respondents violated 52 U.S.C. § 30104(a) for failing to file the 2019 October Quarterly Report and made a preliminary determination that the civil money penalty was \$7,994 based on the schedule of penalties at 11 C.F.R. § 111.43 (AF# 3758). On June 29, 2020, the Commission found RTB that the respondents violated 52 U.S.C. § 30104(a) for failing to file the 2019 Year-End Report and made a preliminary determination that the civil money penalty was \$7,994 based on the schedule of penalties at 11 C.F.R. § 111.43 (AF# 3778). On June 29, 2020, the Commission found RTB that the respondents violated 52 U.S.C. § 30104(a) for failing to file the 2020 April Quarterly Report and made a preliminary determination that the civil money penalty was \$7,994 based on the schedule of penalties at 11 C.F.R. § 111.43 (AF# 3826).

On September 8, 2020, the Commission received their written response (“challenge”). After reviewing the challenge, the Reviewing Officer Recommendation (“ROR”) dated November 6, 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 in AF# 3758, AF# 3778, and AF# 3826 that the respondents violated 52 U.S.C. § 30104(a) and assess no civil money penalties.

Within 10 days of transmittal of the recommendation, they may file a written response with the Commission Secretary which may not raise any arguments not raised in their challenge or not directly responsive to the ROR. 11 C.F.R. § 111.36(f). To date, a response has not been received.

### **OAR Recommendations**

- (1) Adopt the Reviewing Officer recommendation for AF# 3758 involving Shaun Brown for Virginia and Octavianus Smith, in his official capacity as Treasurer, in making the final determination;
- (2) Make a final determination in AF# 3758 that Shaun Brown for Virginia and Octavianus Smith, in his official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess no civil money penalty (reduced from the RTB civil money penalty of \$7,994);
- (3) Adopt the Reviewing Officer recommendation for AF# 3778 involving Shaun Brown for Virginia and Octavianus Smith, in his official capacity as Treasurer, in making the final determination;
- (4) Make a final determination in AF# 3778 that Shaun Brown for Virginia and Octavianus Smith, in his official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess no civil money penalty (reduced from the RTB civil money penalty of \$7,994);
- (5) Adopt the Reviewing Officer recommendation for AF# 3826 involving Shaun Brown for Virginia and Octavianus Smith, in his official capacity as Treasurer, in making the final determination;
- (6) Make a final determination in AF# 3826 that Shaun Brown for Virginia and Octavianus Smith, in his official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess no civil money penalty (reduced from the RTB civil money penalty of \$7,994);
- (7) Send the appropriate letters.

## BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 ) AFs 3758, 3778 and 3826  
 Final Determination Recommendation: )  
 Shaun Brown for Virginia and )  
 Octavianus Smith, in his official capacity )  
 as Treasurer (C00615013) )

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 AFs 3758, 3778, and 3826:

1. Adopt the Reviewing Officer recommendation for AF# 3758 involving Shaun Brown for Virginia and Octavianus Smith, in his official capacity as Treasurer, in making the final determination.
2. Make a final determination in AF# 3758 that Shaun Brown for Virginia and Octavianus Smith, in his official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess no civil money penalty (reduced from the RTB civil money penalty of \$7,994).
3. Adopt the Reviewing Officer recommendation for AF# 3778 involving Shaun Brown for Virginia and Octavianus Smith, in his official capacity as Treasurer, in making the final determination.
4. Make a final determination in AF# 3778 that Shaun Brown for Virginia and Octavianus Smith, in his official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess no civil money penalty (reduced from the RTB civil money penalty of \$7,994).
5. Adopt the Reviewing Officer recommendation for AF# 3826 involving Shaun Brown for Virginia and Octavianus Smith, in his official capacity as Treasurer, in making the final determination.

Federal Election Commission  
AFs 3758, 3778, and 3826  
February 17, 2021

6. Make a final determination in AF# 3826 that Shaun Brown for Virginia and Octavianus Smith, in his official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess no civil money penalty (reduced from the RTB civil money penalty of \$7,994).
7. Send the appropriate letters.

Commissioners Broussard, Cooksey, Dickerson, Trainor, Walther, and

Weintraub voted affirmatively for the decision.



Attest:

**Laura  
Sinram**

Digitally signed by  
Laura Sinram  
Date: 2021.02.19  
17:38:39 -05'00'

Laura E. Sinram  
Acting Secretary and Clerk of the  
Commission



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

February 23, 2021

Octavianus Smith, in his official capacity as Treasurer  
Shaun Brown for Virginia  
1 Beatrice Drive  
Hampton, VA 23666

C00615013  
AF#: 3778

Dear Mr. Smith:

On June 29, 2020, the Federal Election Commission (“the Commission”) found reason to believe (“RTB”) that Shaun Brown for Virginia and you, in your official capacity as Treasurer, violated 52 U.S.C. § 30104(a) for failing to file the 2019 Year-End Report. By letter dated July 9, 2020, the Commission sent notification of the RTB finding that included a civil money penalty calculated at RTB of \$7,994 in accordance with the schedule of penalties at 11 C.F.R. § 111.43. On September 8, 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 reduce the RTB civil money penalty because it was calculated using an estimated level of activity, make a final determination that Shaun Brown for Virginia and you, in your official capacity as Treasurer, violated 52 U.S.C. § 30104(a), and based on the actual level of activity disclosed on the 2019 Year-End Report filed September 4, 2020 (\$0), assess no civil money penalty in accordance with 11 C.F.R. § 111.43. The Reviewing Officer Recommendation was sent to you on November 6, 2020.

On February 17, 2021, the Commission adopted the Reviewing Officer’s recommendation and made a final determination that Shaun Brown for Virginia and you, in your official capacity as Treasurer, violated 52 U.S.C. § 30104(a), and based on the level of activity disclosed on the 2019 Year-End Report (\$0), assessed no civil money penalty (reduced from the RTB civil money penalty of \$7,994). It is based on the same factors used to calculate the civil money penalty at RTB except that the actual rather than the estimated level of activity was used. A copy of the Final Determination Recommendation is attached.

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 this matter, please contact Rhiannon Magruder on our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

On behalf of the Commission,

A handwritten signature in black ink, appearing to read "Shana M. Broussard". The signature is written in a cursive style with a large initial 'S'.

Shana M. Broussard  
Chair

THIS IS THE END OF ADMINISTRATIVE FINE CASE #3778