

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE #3780



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 3780
 Withdrawal and Resubmission of Reason)
 To Believe Recommendation - 2019)
 Year-End Report for the Administrative)
 Fine Program: Western Energy Alliance)
 PAC and Kathleen M Sgamma 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# 3780:

1. Find reason to believe that Western Energy Alliance PAC and Kathleen M Sgamma in her official capacity as treasurer violated 52 U.S.C. § 30104(a) and make a preliminary determination that a civil money penalty of \$2,333 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
 15:23:11 -04'00'

 Laura E. Sinram
 Acting Secretary and Clerk of the
 Commission



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

AF

July 20, 2020

Kathleen M. Sgamma, in official capacity as Treasurer
Western Energy Alliance PAC
1175 Sherman Street, Suite 2700
Denver, CO 80203

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

C00426569

AF#: 3780

Dear Ms. Sgamma,

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 July 1, 2019 through December 31, 2019, shall be filed no later than January 31, 2020. 52 U.S.C. § 30104(a). Records at the Federal Election Commission ("FEC") indicate that this report was filed on February 12, 2020, 12 days late.

The Act permits the FEC to impose civil money penalties for violations of the reporting requirements of 52 U.S.C. § 30104(a). 52 U.S.C. § 30109g(a)(4). On June 29, 2020, the FEC found that there is reason to believe ("RTB") that Western Energy Alliance PAC 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 \$2,333. 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 \$2,333 is due within forty (40) days of the finding, or by August 8, 2020, and is based on these factors:

Election Sensitivity of Report: Not Election Sensitive
Level of Activity: \$78,358
Number of Days Late: 12
Number of Previous Civil Money Penalties Assessed: 0

At this juncture, the following courses of action are available to you:

1. If You Choose to Challenge the RTB Finding and/or Civil Money Penalty

If you should decide to challenge the RTB finding and/or calculated civil money

WESTERN ENERGY ALLIANCE PAC

Page 2 of 5

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 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

WESTERN ENERGY ALLIANCE PAC

Page 3 of 5

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 Western Energy Alliance PAC and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) and assess a civil money penalty.

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA"), as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 et seq. The FEC may take any and all appropriate action authorized and required by the DCA, as amended, including transfer to the U.S. Department of the Treasury for collection. 11 CFR § 111.51(a)(2).

3. If You Choose to Pay the Civil Money Penalty

If you should decide to pay the calculated civil money penalty, follow the payment instructions on page 4 of this letter. Upon receipt of your payment, the FEC will send you a final determination letter.

NOTICE REGARDING PARTIAL PAYMENTS AND SETTLEMENT OFFERS

4. Partial Payments

If you make a payment in an amount less than the calculated civil money penalty, the amount of your partial payment will be credited towards the full civil money penalty that the Commission assesses upon making a final determination.

5. Settlement Offers

Any offer to settle or compromise a debt owed to the Commission, including a payment in an amount less than the calculated civil money penalty assessed or any restrictive endorsements contained on your check or money order or proposed in correspondence transmitted with your check or money order, will be rejected.

WESTERN ENERGY ALLIANCE PAC

Page 4 of 5

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 \$2,333 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 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

WESTERN ENERGY ALLIANCE PAC

Page 5 of 5

Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130.

COMMITTEE NAME: Western Energy Alliance PAC

FEC ID#: C00426569

AF#: 3780

PAYMENT DUE DATE: August 8, 2020

PAYMENT AMOUNT DUE: \$2,333



August 5, 2020

Federal Election Commission
Office of Administrative Review
1050 First Street, NE
Washington, D.C. 20463

Re: AF# 3780

Dear Reviewing Officer:

Thank you for reviewing our challenge of the RTB finding of June 29, 2020 regarding Western Energy Alliance PAC's failure to file the 2019 year-end report on January 31, 2020. We made our best efforts to file the report on time, but were prevented from doing so by outdated information in the FEC system which prevented us from filing until we worked through the problem with FEC staff.

As you can tell from our record of compliance, we have been filing timely reports for many years. Our intention of course, was to file our 2019 year-end report on January 31st, however, we ran into a problem with the FEC software that we were unable to correct until February 12th. Once that problem was cleared up, we filed the report within 24 hours as required by FEC regulation.

We don't know what changed within the FEC system, but when we tried to log into the system on January 31st and timely file the report, we received an error that our password didn't work. Apparently the system was only recognizing an old email address for jbargas@ipams.org. Jon Bargas was the Treasurer until 2010 when he left Western Energy Alliance and I replaced him as Treasurer. Obviously, we've been filing since then and have been receiving FEC email notifications, but we are unsure what changed in FEC systems that caused it to revert to an old email address. However, when we tried to reset the email and password, the system just kept us in a loop of sending the change notification to that defunct address.

We called the help desk at FEC on Friday, January 31st and were told to download a form and submit by regular mail to change the email address. Knowing that would be slow and cause us to miss the deadline, we also called to talk to our representative, Nicholas Tarone. We were able to get him on the phone on Tuesday, February 4th, and explained the situation to him. He tried to help us get the password changed, and confirmed that we needed to send in Form 1. We were able to submit the Form 1 electronically on February 5th. We then waited for the Form 1 to be accepted so that the email address change would be accepted by FEC.

As we still hadn't received notification that our Form 1 email change had been accepted, we checked back on February 11th with Mr. Tarone. Although we weren't able to get him on the phone directly, we were able to contact his co-worker Brian Jones on February 11th with the following email.

 Tue 2/11/2020 6:47 AM
 Brian Jones <BJones@fec.gov>
 RE: form 1

To CFO

Good afternoon, Rebecca,

I'm available at 202-694-1177 to discuss your question further; however, I'm not allowed to provide reporting guidance via e-mail at this time.

Thank you,
 Brian

From: CFO <cfo@westernenergyalliance.org>
Sent: Tuesday, February 11, 2020 6:54 AM
To: Brian Jones <BJones@fec.gov>
Subject: RE: form 1

Hey Brian. I wanted to check in. I received a temporary password to complete the online Form 1 only, and did this last week on 2/5. We still don't have a password reset for filing our FEC reports. Could you check on this?

Thanks!

Rebecca Osborne

Western Energy Alliance
 1775 Sherman St., Suite 2700
 Denver, CO 80203

Fortunately, we were able to talk to Mr. Jones that day and apparently he did something to get the Form 1 accepted, as a short while later we received automated acceptance that the account had been updated with the correct email address.

 Tue 2/11/2020 7:13 AM
 noreply-efiling@fec.gov
 Alert: Account information has been updated

To Kathleen Sgamma; CFO

 If there are problems with how this message is displayed, click here to view it in a web browser.



Federal Election Commission
 UNITED STATES - of - AMERICA

Account has been updated

ksgamma@westernenergyalliance.org has submitted a request to create an electronic filing password for your Committee ID C00426569.

Please do not reply to this message.

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

We tried to reset the password that day, but still got stuck in a loop of needing to recertify the email. We received emails to reset the password, but it still wouldn't let us reset it so

WESTERN ENERGY ALLIANCE

we could file. We left a voice mail for Nick Tarone on February 12th, and luckily, he returned the call that day, and stepped us through the reset. After he helped us with the password reset, we were finally able to file the report on the 12th.

We regret that we were unable to file on time as we normally do. We were fortunate that we were able to get Mr. Tarone and Mr. Jones on the phone at various points to walk us through the issues with the software, but it did take some time as they are busy with other clients as well. If we had simply accepted the answer we got from the helpdesk on January 31st that we needed to mail the Form 1 in and hadn't followed up several times to find a more expedient solution, we would have been even more delayed in our filing. I hope you agree that we made our best efforts to file, but were stymied by a confusing process with the FEC system.

I hereby declare that the above information is a true accounting of our best-faith efforts to rectify the situation and file our report as soon as possible.

Sincerely,



Kathleen M. Sgamma
Treasurer
Western Energy Alliance PAC



WESTERN ENERGY ALLIANCE



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 23, 2020

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

AF# 3780 – Western Energy Alliance PAC and Kathleen M. Sgamma, in her official capacity as Treasurer (C00426569)

Summary of Recommendation

Terminate the proceedings in accordance with 11 C.F.R. § 111.37(b) and close the file.

Reason-to-Believe Background

The 2019 Year-End Report was due on January 31, 2020. The respondents filed the report on February 12, 2020, 12 days late. The report is not election sensitive and was filed within 30 days of the due date; therefore, the report is considered late. 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 timely file the 2019 Year-End Report and made a preliminary determination that the civil money penalty was \$2,333 based on the schedule of penalties at 11 C.F.R. § 111.43. A letter was mailed to the respondents’ email address of record from the Reports Analysis Division (“RAD”) on July 20, 2020 to notify them of the Commission’s RTB finding and civil money penalty.

Legal Requirements

The Federal Election Campaign Act (“Act”) states that the treasurer of a committee not authorized by a candidate shall file a report for the period ending December 31 no later than January 31 of the following year. 52 U.S.C. § 30104(a) and 11 C.F.R. § 104.5(c)(2). Reports filed electronically must be received and validated at or before 11:59 pm, Eastern Standard/Daylight Time on January 31 for the Year-End Report to be timely filed. 11 C.F.R. §§ 100.19(c) and 104.5(e). The treasurer shall be personally responsible for the timely filing of reports. 11 C.F.R. § 104.14(d).

Summary of Respondents’ Challenge

On August 25, 2020, the Commission received the written response (“challenge”) from the respondents. The Treasurer states the Committee made its best efforts to file the report on January 31, 2020 but were prevented from doing so “by outdated information in the FEC system.” The Treasurer further explains that they received an error relating to their electronic filing password, and

the system was only recognizing an old email address dated back to 2010, which they were no longer able to access. The Treasurer states:

Obviously, we've been filing since then and have been receiving FEC email notifications, but we are unsure what changed in FEC systems that caused it to revert to an old email address. However, when we tried to reset the email and password, the system just kept us in a loop of sending the change notification to that defunct address.

On January 31, 2020, the Committee called the FEC regarding the issue and was told they would need to send in a form by regular mail to change the email address. Understanding this process may prevent them from timely filing the report, the Committee also contacted its RAD Analyst the same day but did not connect with him until February 4, 2020. The RAD Analyst confirmed the Committee would need to file a Form 1, which it did on February 5, 2020.

The Committee then waited for notification that the Form 1 and email change was accepted. On February 11, 2020, the Committee followed up with RAD and was able to get the Form 1 accepted and start the process of resetting the password. The Committee received the emails to reset the password but were unable to successfully reset the password. On February 12, 2020, the Committee again contacted the RAD Analyst for assistance. The RAD Analyst walked the Committee through the process, and the Committee successfully filed the report that same day.

The Treasurer explains the filing would have been more delayed if they had mailed in the Form 1 and had not followed up with RAD on several occasions. The Treasurer concludes by stating: "I hope you agree that we made our best efforts to file, but were stymied by a confusing process with the FEC system."

Analysis

Commission records support the Committee's contention that it attempted to timely file the 2019 Year-End Report on January 31, 2020 but were prevented from doing so due to password issues. Commission records of telephone conversations state the Committee representative mentioned the electronic filing password could not be located. Further, the Committee was not able to use the standard procedures of the Electronic Filing Password Assignment System ("PAS") to change its password because the official email address of record was connected to its previous Treasurer, dating back to 2010.¹

In May 2019, the Commission updated PAS with additional security features and procedures for those situations in which the Committee does not have access to the email address(es) disclosed on their Statement of Organization (FEC Form 1). To ensure the validity of the password change request and protect the Committee's confidential data, the Committee must perform multiple steps before ultimately executing the password change. Committees must work directly with Commission staff to receive guidance and ensure all appropriate steps are taken.

¹ The Committee failed to update its Statement of Organization (FEC Form 1) to reflect a current email address. 11 C.F.R. § 104.14(d). On 7/23/10, the Committee filed an Amended Form 1 to disclose Kathleen Sgamma as Treasurer. No change was made to the email address of record until 2/5/20.

The Reviewing Officer notes that Commission staff did provide guidance to the respondents on multiple occasions but recognizes there were instances in which more guidance and instruction could have been provided.² Had the respondents received such guidance and instruction at the onset, they may have been able to file the 2019 Year-End Report in a more timely manner. Therefore, the Reviewing Officer recommends that the Commission terminate the proceedings and close the file.

OAR Recommendations

1. In accordance with 11 C.F.R. § 111.37(b), terminate the proceedings in AF# 3780 that Western Energy Alliance PAC and Kathleen M. Sgamma, in her official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and close the file; and
2. Send the appropriate letter.

Attachments

- Attachment 1 –
- Attachment 2 –
- Attachment 3 – Declaration from RAD
- Attachment 4 – Declaration from OAR

² EFO and RAD staff will provide a thorough overview of the process at the onset and encourage regular contact with committees until all steps are executed. In addition, relevant automated PAS email notifications will now clearly communicate that after electronically filing the Amended Form 1 with an updated email address, the committee should proceed to PAS to create a new permanent password.

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 Western Energy Alliance PAC:
 - A) Reason-to-Believe Letter, dated July 20, 2020, referencing the 2019 Year-End Report (sent via electronic mail to: ksgamma@westernenergyalliance.org and cfo@westernenergyalliance.org).
4. I hereby certify that I have searched the Commission’s public records and find that Western Energy Alliance PAC filed the 2019 Year-End Report with the Commission on February 12, 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 21st day of October, 2020.

Kristin D. Roser

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

DECLARATION OF RHIANNON MAGRUDER

- 1) I am the Reviewing Officer in the Office of Administrative Review for the Federal Election Commission (“Commission”). In my capacity as Reviewing Officer, I conduct research with respect to all challenges submitted in accordance with the Administrative Fine program.
- 2) A committee not authorized by 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 January 31, 2020 for the 2019 Year-End Report to be timely filed.
- 3) I hereby certify that I have searched the Commission’s public records and that the documents identified herein are the true and accurate copies of:
 - a) Amended Statement of Organization filed by Western Energy Alliance PAC and Kathleen M. Sgamma, in her official capacity as Treasurer, on February 5, 2020.
 - b) Cover Page of the 2019 Year-End Report filed by Western Energy Alliance PAC and Kathleen M. Sgamma, in her official capacity as Treasurer. The report includes the coverage period of July 1, 2019 through December 31, 2019 and was electronically filed on February 12, 2020.
 - c) Cover, Summary, and Detailed Summary Pages of the Amended 2019 Year-End Report filed by Western Energy Alliance PAC and Kathleen M. Sgamma, in her official capacity as Treasurer. The report includes the coverage period of July 1, 2019 through December 31, 2019 and was electronically filed on April 13, 2020.
- 4) Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at Washington, D.C. on the 23rd day of October, 2020.

Rhiannon Magruder

Rhiannon Magruder
Reviewing Officer
Office of Administrative Review
Federal Election Commission

FEC FORM 1

STATEMENT OF ORGANIZATION

Office Use Only

1. NAME OF COMMITTEE (in full) (Check if name is changed) Example: If typing, type over the lines.

12FE4M5

Western Energy Alliance PAC

ADDRESS (number and street) 1175 Sherman Street
Suite 2700
Denver CO 80203
CITY STATE ZIP CODE

COMMITTEE'S E-MAIL ADDRESS (Check if address is changed) ksgamma@westernenergyalliance.org

Optional Second E-Mail Address cfo@westernenergyalliance.org

COMMITTEE'S WEB PAGE ADDRESS (URL) (Check if address is changed) WESTERNENERGYALLIANCE.ORG/GET-INVOLVED/POLITICAL-ACTION-COMMITTEE

2. DATE 02 / 05 / 2020

3. FEC IDENTIFICATION NUMBER C C00426569

4. IS THIS STATEMENT NEW (N) OR AMENDED (A)

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

Type or Print Name of Treasurer Sgamma, Kathleen, M, ,

Signature of Treasurer Sgamma, Kathleen, M, , [Electronically Filed] Date 02 / 05 / 2020

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Statement to the penalties of 2 U.S.C. §437g. ANY CHANGE IN INFORMATION SHOULD BE REPORTED WITHIN 10 DAYS.

5. TYPE OF COMMITTEE

Candidate Committee:

- (a) This committee is a principal campaign committee. (Complete the candidate information below.)
- (b) This committee is an authorized committee, and is NOT a principal campaign committee. (Complete the candidate information below.)

Name of Candidate _____

Candidate Party Affiliation: _____

Office Sought: House Senate President

State: _____

District: _____

- (c) This committee supports/opposes only one candidate, and is NOT an authorized committee.

Name of Candidate _____

Party Committee:

- (d) This committee is a (National, State or subordinate) committee of the (Democratic, Republican, etc.) Party.

Political Action Committee (PAC):

- (e) This committee is a separate segregated fund. (Identify connected organization on line 6.) Its connected organization is a:
 - Corporation Corporation w/o Capital Stock Labor Organization
 - Membership Organization Trade Association Cooperative
 - In addition, this committee is a Lobbyist/Registrant PAC.
- (f) This committee supports/opposes more than one Federal candidate, and is NOT a separate segregated fund or party committee. (i.e., nonconnected committee)
 - In addition, this committee is a Lobbyist/Registrant PAC.
 - In addition, this committee is a Leadership PAC. (Identify sponsor on line 6.)

Joint Fundraising Representative:

- (g) This committee collects contributions, pays fundraising expenses and disburses net proceeds for two or more political committees/organizations, at least one of which is an authorized committee of a federal candidate.
- (h) This committee collects contributions, pays fundraising expenses and disburses net proceeds for two or more political committees/organizations, none of which is an authorized committee of a federal candidate.

Committees Participating in Joint Fundraiser

| | | | |
|----|-------|---------------|---------|
| 1. | _____ | FEC ID number | C _____ |
| 2. | _____ | FEC ID number | C _____ |
| 3. | _____ | FEC ID number | C _____ |
| 4. | _____ | FEC ID number | C _____ |

Write or Type Committee Name

Western Energy Alliance PAC

6. Name of Any Connected Organization, Affiliated Committee, Joint Fundraising Representative, or Leadership PAC Sponsor

Western Energy Alliance PAC

Mailing Address 1775 Sherman Street
 Suite 2700
 Denver CO 80203
 CITY STATE ZIP CODE

Relationship: Connected Organization Affiliated Committee Joint Fundraising Representative Leadership PAC Sponsor

7. Custodian of Records: Identify by name, address (phone number -- optional) and position of the person in possession of committee books and records.

Full Name Brooke, Gina, , ,
 Mailing Address 1775 Sherman Street
 Suite 2700
 Denver CO 80203
 CITY STATE ZIP CODE
 Title or Position Mgr Administration Telephone number 303 623 0987

8. Treasurer: List the name and address (phone number -- optional) of the treasurer of the committee; and the name and address of any designated agent (e.g., assistant treasurer).

Full Name of Treasurer Sgamma, Kathleen, M, ,
 Mailing Address 1775 Sherman Street
 Suite 2700
 Denver CO 80203
 CITY STATE ZIP CODE
 Title or Position President Telephone number 303 623 0987

Full Name of Designated Agent

[Empty grid for Full Name of Designated Agent]

Mailing Address

[Empty grid for Mailing Address line 1]

[Empty grid for Mailing Address line 2]

[Empty grid for Mailing Address line 3]

CITY

STATE

ZIP CODE

Title or Position

[Empty grid for Title or Position]

Telephone number

[Empty grid for Telephone number]

9. Banks or Other Depositories: List all banks or other depositories in which the committee deposits funds, holds accounts, rents safety deposit boxes or maintains funds.

Name of Bank, Depository, etc.

FirstBank of Colorado

[Grid for Name of Bank, Depository, etc.]

Mailing Address

7590 W Colfax Ave

[Empty grid for Mailing Address line 2]

Lakewood CO 80214

CITY

STATE

ZIP CODE

Name of Bank, Depository, etc.

[Empty grid for Name of Bank, Depository, etc.]

Mailing Address

[Empty grid for Mailing Address line 1]

[Empty grid for Mailing Address line 2]

[Empty grid for Mailing Address line 3]

CITY

STATE

ZIP CODE

FEC FORM 3X

REPORT OF RECEIPTS AND DISBURSEMENTS

For Other Than An Authorized Committee

Office Use Only

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

ADDRESS (number and street) 1775 SHERMAN ST
SUITE 2700
Check if different than previously reported. (ACC) DENVER CO 80203

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

C C00426569

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

4. TYPE OF REPORT

(Choose One)

(a) Quarterly Reports:

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

- (b) Monthly Report Due On:
- Feb 20 (M2) May 20 (M5) Aug 20 (M8) Nov 20 (M11) (Non-Election Year Only)
 - Mar 20 (M3) Jun 20 (M6) Sep 20 (M9) Dec 20 (M12) (Non-Election Year Only)
 - Apr 20 (M4) Jul 20 (M7) Oct 20 (M10) Jan 31 (YE)

- (c) 12-Day PRE-Election Report for the:
- Primary (12P) General (12G) Runoff (12R)
 - Convention (12C) Special (12S)

Election on / / in the State of

- (d) 30-Day POST-Election Report for the:
- General (30G) Runoff (30R) Special (30S)

Election on / / in the State of

5. Covering Period / / 07 / 01 / 2019 through / / 12 / 31 / 2019

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

Sgamma, Kathleen, M, ,

Type or Print Name of Treasurer

Signature of Treasurer Sgamma, Kathleen, M, , [Electronically Filed] Date / / 01 / 29 / 2020

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

| | | | | | | | |
|-----------------|--|--|--|--|--|--|--|
| Office Use Only | | | | | | | |
|-----------------|--|--|--|--|--|--|--|

FEC FORM 3X Rev. 05/2016

**SUMMARY PAGE
OF RECEIPTS AND DISBURSEMENTS**

FEC Form 3X (Rev. 05/2016)

Page 2

Write or Type Committee Name

WESTERN ENERGY ALLIANCE PAC

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

| | COLUMN A This Period | COLUMN B Calendar Year-to-Date |
|--|-------------------------|-----------------------------------|
| 6. (a) Cash on Hand January 1, <input type="text" value="2019"/> | | 997.12 |
| (b) Cash on Hand at Beginning of Reporting Period..... | 24747.12 | |
| (c) Total Receipts (from Line 19) | 33358.36 | 74608.36 |
| (d) Subtotal (add Lines 6(b) and 6(c) for Column A and Lines 6(a) and 6(c) for Column B) | 58105.48 | 75605.48 |
| 7. Total Disbursements (from Line 31) | 45000.00 | 62500.00 |
| 8. Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d)) | 13105.48 | 13105.48 |
| 9. Debts and Obligations Owed TO the Committee (Itemize all on Schedule C and/or Schedule D) | 0.00 | |
| 10. Debts and Obligations Owed BY the Committee (Itemize all on Schedule C and/or Schedule D) | 0.00 | |

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

For further information contact:

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

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

DETAILED SUMMARY PAGE
of Receipts

FEC Form 3X (Rev. 05/2016)

Page 3

Write or Type Committee Name

WESTERN ENERGY ALLIANCE PAC

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

| I. Receipts | COLUMN A Total This Period | COLUMN B Calendar Year-to-Date |
|---|-------------------------------|-----------------------------------|
| 11. Contributions (other than loans) From: | | |
| (a) Individuals/Persons Other Than Political Committees | | |
| (i) Itemized (use Schedule A)..... | 32216.68 | 73316.68 |
| (ii) Unitemized | 1141.68 | 1291.68 |
| (iii) TOTAL (add Lines 11(a)(i) and (ii).....▶ | 33358.36 | 74608.36 |
| (b) Political Party Committees | 0.00 | 0.00 |
| (c) Other Political Committees (such as PACs)..... | 0.00 | 0.00 |
| (d) Total Contributions (add Lines 11(a)(iii), (b), and (c)) (Carry Totals to Line 33, page 5) | 33358.36 | 74608.36 |
| 12. Transfers From Affiliated/Other Party Committees..... | 0.00 | 0.00 |
| 13. All Loans Received | 0.00 | 0.00 |
| 14. Loan Repayments Received..... | 0.00 | 0.00 |
| 15. Offsets To Operating Expenditures (Refunds, Rebates, etc.) (Carry Totals to Line 37, page 5)..... | 0.00 | 0.00 |
| 16. Refunds of Contributions Made to Federal Candidates and Other Political Committees..... | 0.00 | 0.00 |
| 17. Other Federal Receipts (Dividends, Interest, etc.)..... | 0.00 | 0.00 |
| 18. Transfers from Non-Federal and Levin Funds | | |
| (a) Non-Federal Account (from Schedule H3)..... | 0.00 | 0.00 |
| (b) Levin Funds (from Schedule H5)..... | 0.00 | 0.00 |
| (c) Total Transfers (add 18(a) and 18(b)).. | 0.00 | 0.00 |
| 19. Total Receipts (add Lines 11(d), 12, 13, 14, 15, 16, 17, and 18(c)).....▶ | 33358.36 | 74608.36 |
| 20. Total Federal Receipts (subtract Line 18(c) from Line 19).....▶ | 33358.36 | 74608.36 |

DETAILED SUMMARY PAGE
of Disbursements

FEC Form 3X (Rev. 05/2016)

Page 4

| II. Disbursements | COLUMN A Total This Period | COLUMN B Calendar Year-to-Date |
|---|-------------------------------|-----------------------------------|
| 21. Operating Expenditures: | | |
| (a) Allocated Federal/Non-Federal Activity (from Schedule H4) | | |
| (i) Federal Share | 0.00 | 0.00 |
| (ii) Non-Federal Share | 0.00 | 0.00 |
| (b) Other Federal Operating Expenditures | 0.00 | 0.00 |
| (c) Total Operating Expenditures (add 21(a)(i), (a)(ii), and (b)) | 0.00 | 0.00 |
| 22. Transfers to Affiliated/Other Party Committees | 0.00 | 0.00 |
| 23. Contributions to Federal Candidates/Committees and Other Political Committees | 45000.00 | 62500.00 |
| 24. Independent Expenditures (use Schedule E) | 0.00 | 0.00 |
| 25. Coordinated Party Expenditures (52 U.S.C. § 30116(d)) (use Schedule F) | 0.00 | 0.00 |
| 26. Loan Repayments Made | 0.00 | 0.00 |
| 27. Loans Made | 0.00 | 0.00 |
| 28. Refunds of Contributions To: | | |
| (a) Individuals/Persons Other Than Political Committees | 0.00 | 0.00 |
| (b) Political Party Committees | 0.00 | 0.00 |
| (c) Other Political Committees (such as PACs) | 0.00 | 0.00 |
| (d) Total Contribution Refunds (add Lines 28(a), (b), and (c)) | 0.00 | 0.00 |
| 29. Other Disbursements (Including Non-Federal Donations) | 0.00 | 0.00 |
| 30. Federal Election Activity (52 U.S.C. § 30101(20)) | | |
| (a) Allocated Federal Election Activity (from Schedule H6) | | |
| (i) Federal Share | 0.00 | 0.00 |
| (ii) "Levin" Share | 0.00 | 0.00 |
| (b) Federal Election Activity Paid Entirely With Federal Funds | 0.00 | 0.00 |
| (c) Total Federal Election Activity (add Lines 30(a)(i), 30(a)(ii) and 30(b)) | 0.00 | 0.00 |
| 31. Total Disbursements (add Lines 21(c), 22, 23, 24, 25, 26, 27, 28(d), 29 and 30(c)) .. | 45000.00 | 62500.00 |
| 32. Total Federal Disbursements (subtract Line 21(a)(ii) and Line 30(a)(ii) from Line 31) | 45000.00 | 62500.00 |

DETAILED SUMMARY PAGE
of Disbursements

FEC Form 3X (Rev. 05/2016)

Page 5

| III. Net Contributions/ Operating Expenditures | COLUMN A Total This Period | COLUMN B Calendar Year-to-Date |
|--|---------------------------------------|---|
| 33. Total Contributions (other than loans) (from Line 11(d), page 3) | 33358.36 | 74608.36 |
| 34. Total Contribution Refunds (from Line 28(d)) | 0.00 | 0.00 |
| 35. Net Contributions (other than loans) (subtract Line 34 from Line 33) | 33358.36 | 74608.36 |
| 36. Total Federal Operating Expenditures (add Line 21(a)(i) and Line 21(b)) | 0.00 | 0.00 |
| 37. Offsets to Operating Expenditures (from Line 15, page 3) | 0.00 | 0.00 |
| 38. Net Operating Expenditures (subtract Line 37 from Line 36) | 0.00 | 0.00 |



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 26, 2020

Kathleen M. Sgamma, in her official capacity as Treasurer
Western Energy Alliance PAC
1775 Sherman Street, Suite 2700
Denver, CO 80203

C00426569
AF#: 3780

Dear Ms. Sgamma:

On June 29, 2020, the Federal Election Commission (“Commission”) found reason to believe (“RTB”) that Western Energy Alliance PAC and you, in your official capacity as Treasurer (“respondents”), violated 52 U.S.C. § 30104(a) for failing to timely file the 2019 Year-End Report. The Commission also made a preliminary determination that the civil money penalty was \$2,333 based on the schedule of penalties at 11 C.F.R. § 111.43.

After reviewing your written response and any supplemental information submitted by you and Commission staff, the Reviewing Officer has recommended that the Commission terminate the proceedings in accordance with 11 C.F.R. § 111.37(b) and close the file. A copy of the Reviewing Officer’s recommendation is attached.

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

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

Sincerely,

Rhiannon Magruder

Rhiannon Magruder
Reviewing Officer
Office of Administrative Review

RECEIVED

By Office of the Commission Secretary at 2:40 pm, Dec 09, 2020



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

SENSITIVE

December 9, 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# 3780 – Western Energy Alliance PAC and Kathleen M. Sgamma, in her official capacity as Treasurer (C00426569)

On June 29, 2020, the Commission found reason to believe (“RTB”) that the respondents violated 52 U.S.C. § 30104(a) for failing to timely file the 2019 Year-End Report and made a preliminary determination that the civil money penalty was \$2,333 based on the schedule of penalties at 11 C.F.R. § 111.43.

On August 25, 2020, the Commission received their written response (“challenge”). After reviewing the challenge, the Reviewing Officer Recommendation (“ROR”) dated October 23, 2020 was forwarded to the Commission, a copy was forwarded to the respondents, and is hereby incorporated by reference. The Reviewing Officer recommended that the Commission terminate the proceedings in accordance with 11 C.F.R. § 111.37(b) and close the file.

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

OAR Recommendations

1. Terminate the proceedings in AF# 3780 that Western Energy Alliance PAC and Kathleen M. Sgamma, in her official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and close the file; and
2. Send the appropriate letter.

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) AF 3780
 Final Determination Recommendation:)
 Western Energy Alliance PAC and)
 Kathleen M. Sgamma, in her official)
 capacity as Treasurer (C00426569))

CERTIFICATION

I, Laura E. Sinram, Acting Secretary and Clerk of the Federal Election Commission, do hereby certify that on February 16, 2021, the Commission decided by a vote of 6-0 to take the following actions in AF 3780:

1. Terminate the proceedings in AF# 3780 that Western Energy Alliance PAC and Kathleen M. Sgamma, in her official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and close the file.
2. Send the appropriate letter.

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



February 19, 2021

 Date

Attest:
Laura Sinram

 Laura E. Sinram
 Acting Secretary and Clerk of the
 Commission

Digitally signed by
 Laura Sinram
 Date: 2021.02.19
 14:53:04 -05'00'



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 22, 2021

Kathleen M. Sgamma, in her official capacity as Treasurer
Western Energy Alliance PAC
1775 Sherman Street, Suite 2700
Denver, CO 80203

C00426569
AF#: 3780

Dear Ms. Sgamma:

On June 29, 2020, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Western Energy Alliance PAC 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 20, 2020, the Commission sent notification of the RTB finding that included a civil money penalty calculated at RTB of \$2,333 in accordance with the schedule of penalties at 11 C.F.R. § 111.43. On August 25, 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 terminate the proceedings and close the file. The Reviewing Officer Recommendation was sent to you on October 26, 2020.

On February 17, 2021, the Commission adopted the Reviewing Officer's recommendation to terminate the proceedings with respect to 52 U.S.C. § 30104(a) and close the file. 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. 1158) or (202) 694-1158.

On behalf of the Commission,

A handwritten signature in cursive script, reading "Shana M. Broussard".

Shana M. Broussard
Chair

THIS IS THE END OF ADMINISTRATIVE FINE CASE #3780