

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE #3789



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 14, 2020

MEMORANDUM

TO: The Commission

THROUGH: Alec Palmer *AP*
Staff Director

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

Debbie Chacona *DC*
Assistant Staff Director
Reports Analysis Division
KDR

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

SUBJECT: Reason To Believe Recommendation – 2020 12 Day Pre-Primary Report
(California and Texas) for the Administrative Fine Program

Attached is a list of political committees and their treasurers who failed to timely file the 2020 12 Day Pre-Primary Report for the California and Texas Primary Elections in accordance with 52 U.S.C. § 30104(a). The 12 Day Pre-Primary Report was due on February 20, 2020 and the Primary Election was held on March 3, 2020.

The committees listed on the attached RTB Circulation Report failed to file the election sensitive report by the required due date. Election sensitive reports filed more than four days prior to the election are considered late, and reports not filed more than four days prior to the election are considered not filed¹. In accordance with the schedule of civil money penalties for reports at 11 CFR § 111.43, the committees should be assessed the civil money penalties highlighted on the attached circulation report.

Recommendation

¹ The estimated level of activity for any committee that failed to file a 12 Day Pre-Primary Report was calculated using the formula at 11 CFR § 111.43(d)(2).

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
2020 PRE-PRIMARY Election Sensitive 02/20/2020 AUTH (CA, TX)

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
3784	C00663435	COMMITTEE TO ELECT MAURO GARZA FOR US CONGRESS	MAURO EVERETT GARZA	ELIZABETH IRIS CASTILLO	\$200,754	1	3/3/2020	*Not Filed	\$46,320	\$2,391
3785	C00254573	EDDIE BERNICE JOHNSON FOR CONGRESS	EDDIE BERNICE JOHNSON	RANDY WHITAKER	\$554,801	0	3/1/2020	*Not Filed	\$94,605	\$5,813
3786	C00717215	HOWARD STEELE FOR CONGRESS	HOWARD LYNN STEELE	ANDREA LESTER	\$136,184	0		Not Filed	\$68,091 (est)	\$4,360
3787	C00710129	JON HOLLIS 4 CONGRESS	JON HOLLIS	JON HOLLIS	\$326,925	0	2/26/2020	6	\$5,198	\$215
3789	C00676320	UNITED FORWARD 2020 BENZEL FOR CONGRESS	JULIANNE ELIZABETH BENZEL	GREG DON BENZEL	\$202,857	0	2/28/2020	*Not Filed	\$75,716	\$5,813

* The committee did not file their report prior to four (4) days before the primary election; therefore, per 11 C.F.R. 111.43(e), the report is considered to be not filed.

BEFORE THE FEDERAL ELECTION COMMISSION

)
) AF 3789
 Reason To Believe Recommendation -)
 2020 12 Day Pre-Primary Report for the)
 Administrative Fine Program: United)
 Forward 2020 Benzel for Congress and)
 Mr. Greg Don Benzel, in his official)
 capacity as Treasurer)

CERTIFICATION

I, Laura E. Sinram, Acting Secretary and Clerk of the Federal Election Commission, do hereby certify that on June 29, 2020, the Commission decided by a vote of 4-0 to take the following actions, as recommended in the Reports Analysis Division's Memorandum dated April 14, 2020, and subject to the Notice of Errata Memorandum dated June 19, 2020, in AF# 3789:

1. Find reason to believe that United Forward 2020 Benzel for Congress and Mr. Greg Don Benzel, in his official capacity as treasurer, violated 52 U.S.C. § 30104(a) and make a preliminary determination that a civil money penalty would be in the amount of \$5,813.
2. Send the appropriate letter.

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

Federal Election Commission
Certification for Administrative Fines
June 29, 2020



Attest:

**Laura
Sinram**

Digitally signed by Laura
Sinram
Date: 2020.07.16
18:27:09 -04'00'

Laura E. Sinram
Acting Secretary and Clerk of the
Commission



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

AF

July 21, 2020

Greg Don Benzel, in official capacity as Treasurer
United Forward 2020 Benzel for Congress
P.O. Box 754
Rocklin, CA 95677

C00676320

AF#: 3789

Dear Mr. Benzel,

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file a 12 Day Pre-Primary Report of Receipts and Disbursements in any calendar year during which there is a regularly scheduled election for which the candidate is seeking election or nomination for election. This report, covering the period January 1, 2020 through February 12, 2020, shall be filed no later than February 20, 2020. 52 U.S.C. § 30104(a). Because records at the Commission indicate that you did not file this report prior to four (4) days before the election, the report is considered not filed for the purpose of calculating the civil money penalty.

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 United Forward 2020 Benzel for Congress 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 February 20, 2020. Based on the FEC's schedules of civil money penalties at 11 C.F.R. § 111.43, the amount of your civil money penalty calculated at the RTB stage is \$5,813. Please see the attached copy of the Commission's administrative fine regulations at 11 C.F.R. §§ 111.30-111.46. 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 C.F.R. § 111.34. Your payment of \$5,813 is due within forty (40) days of the finding, or by August 8, 2020, and is based on these factors:

Election Sensitivity of Report: Election Sensitive

Level of Activity: \$75,716

Number of Days Late: Not Filed (reports not filed prior to four (4) days before the Primary Election held on March 3, 2020 are considered not filed for the purpose of calculating the penalty)

Number of Previous Civil Money Penalties Assessed: 0

UNITED FORWARD 2020 BENZEL FOR CONGRESS

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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 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

UNITED FORWARD 2020 BENZEL FOR CONGRESS

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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 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 United Forward 2020 Benzel for Congress 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.

UNITED FORWARD 2020 BENZEL FOR CONGRESS

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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. 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 \$5,813 for the Pre-Primary Report.

UNITED FORWARD 2020 BENZEL FOR CONGRESS

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

COMMITTEE NAME: United Forward 2020 Benzel for Congress

FEC ID#: C00676320

AF#: 3789

PAYMENT DUE DATE: August 8, 2020

PAYMENT AMOUNT DUE: \$5,813

From: [Greg Benzel](#)
To: [FEC Administrative Fines](#)
Subject: Fwd: United Forward 2020 Benzel for Congress (C00676320)
Date: Thursday, August 20, 2020 6:10:52 PM
Attachments: [AF 3789 - RTB Letter.pdf](#)
[AF 3831 - RTB Letter.pdf](#)
[Regs Attachment 1 \(eCFR 2019\) .pdf](#)

To whom it may concern:

In 2018, as result of multiple events and circumstances, my wife was approached and encouraged to run for Congress. She accepted this major challenge and a campaign began literally from scratch. We did not do an exploratory committee. We started with absolutely nothing and believed we had a chance to make a difference and bring a genuine female conservative voice to CA Dist 4.

With no staff, few volunteers and minimal funding, we had a phenomenal townhall and made a big splash in our district. We raised money for digital ads and radio ads and truly believed we could make it to through the primary.

We were devastated and exhausted when we did not make it through. Since, I was the campaign manager, treasurer, marketer, driver, you name it.... I just shut down for a while and put it all away for my own health and sanity (then the virus hit which presented its own challenges). So it is accurate to say that I did not get the report done on time for April. But I certainly did get the pre primary report done. We strongly considered ending the existence of the committee and that still may happen. We are still in the decision making mindset for closing out the committee.

Regardless of getting the reports in on time or not... having a late fee of 5,000.00 plus and another for over 1000.00 is ridiculous. We are truly a grassroots campaign committee that desires to do things right even with an inexperienced one man show campaign manager and acting treasurer, me, in charge of the reports. We are obviously going to dispute this and pursue a release from these fines for all the reasons stated above. In addition, our organization barely made 100,000.00 and 50,000.00 was our own money. If you are going to fine someone for being late, let the punishment fit the crime. The 6000.00 plus fine is excessive and ultimately, given our circumstances, is not right. Please move forward to remove the fines and put our committee back in good standing.

Sincerely,

Greg Benzel



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 19, 2020

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

AF# 3789 and AF# 3831– United Forward 2020 Benzel for Congress and Greg Don Benzel, in his official capacity as Treasurer (C00676320)

Summary of Recommendation

Make a final determination in AF# 3789 that the respondents violated 52 U.S.C. § 30104(a) and assess a \$5,813 civil money penalty.

Make a final determination in AF# 3831 that the respondents violated 52 U.S.C. § 30104(a) and assess a \$341 civil money penalty.

Reason-to-Believe Background

The 2020 California Pre-Primary Report was due on February 20, 2020. The respondents filed the report on February 28, 2020, 8 days late. The report is election sensitive and was not filed prior to 4 days before the March 3, 2020 election; therefore, the report is considered not filed. 11 C.F.R. §§ 111.43(d)(1) and (e)(2). 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 2020 Pre-Primary Report and made a preliminary determination that the civil money penalty was \$5,813 based on the schedule of penalties at 11 C.F.R. § 111.43. A letter was sent to the respondents’ email address of record from the Reports Analysis Division (“RAD”) on July 21, 2020 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 respondents filed the report on July 28, 2020, 104 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 30, 2020, the Commission found RTB that the respondents violated 52 U.S.C. § 30104(a) for failing to timely file the 2020 April Quarterly Report and made a preliminary determination that the civil money penalty was \$1,230 based on the schedule of penalties at 11 C.F.R. § 111.43. A letter was sent to the respondents’ email address of record from the Reports Analysis Division (“RAD”) on July 15, 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 principal campaign committee of a candidate shall file a pre-election report no later than 12 days before any primary election in which the candidate seeks election. 52 U.S.C. § 30104(a)(2)(A)(i) and 11 C.F.R. § 104.5(a)(2)(i). Reports filed electronically must be received and validated at or before 11:59 pm, Eastern Standard/Daylight Time on February 20, 2020 for the 2020 California Pre-Primary Report to be timely filed. The Act also states that the treasurer of a principal campaign committee of a candidate shall file a report for the period 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 filed electronically must be received and validated at or before 11:59 pm, Eastern Standard/Daylight Time on April 15 for the April Quarterly 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 20, 2020, the Commission received the written response (“challenge”) from the Candidate’s husband serving as Treasurer. He explains the grassroots nature of the campaign, which started “with no staff, few volunteers, and minimal funding.” He further explains:

We were devastated and exhausted when we did not make it through [the Primary Election]. Since, I was the campaign manager, treasurer, marketer, driver, you name it....I just shut down for a while and put it all away for my own health and sanity (then the virus hit which presented its own challenges).

The Treasurer states they are in the process of deciding whether to terminate the Committee. He concludes by requesting the Commission waive the penalties. He states the penalties are excessive for a committee that “barely made [\$]100,000.00 and [\$]50,000.00 was our own money. If you are going to fine someone for being late, let the punishment fit the crime.”

Analysis

The Treasurer explains the grassroots nature of the campaign and that operations were effectively shut down after the Candidate lost in the Primary Election.¹ The respondents state they are in the process of deciding whether to terminate the Committee. While the Candidate may have lost in the Primary Election, the Reviewing Officer confirms that a committee’s filing obligation ends only when the committee files a termination report, and the Commission notifies them in writing that their termination report has been accepted. 11 C.F.R § 102.3; *Campaign Guide for Congressional Candidates and Committees*, 123. Therefore, the Reviewing Officer confirms the respondents were required to timely file the 2020 Pre-Primary and 2020 April Quarterly Reports.

For the purpose of calculating the civil money penalty, the level of activity for an authorized committee is the total amount of receipts and disbursements for the period covered by the late report.

¹ The respondents did not dispute nor contend they were unaware of the filing requirements. Commission records indicate the Commission appropriately notified and reminded the Committee of its reporting requirements on multiple occasions for both filing deadlines. See Attachments 2, 3, and 4.

11 C.F.R. § 111.43(d)(3)(i). The Reviewing Officer confirms that contributions from the Candidate should be included in the level of activity.

Regarding the 2020 Pre-Primary Report, the Commission appropriately calculated the total amount of receipts and disbursements to determine the level of activity and civil money penalty at the time of the RTB finding. The report discloses \$36,704 in total receipts and \$39,012 in total disbursements. Therefore, the level of activity of the 2020 Pre-Primary Report is \$75,716. The respondents filed the report on February 28, 2020, 8 days late. The report is election sensitive and was not filed prior to 4 days before the March 3, 2020 Primary Election; therefore, the report is considered not filed. 11 C.F.R. §§ 111.43(d)(1) and (e)(2). Using the schedule of penalties at 11 C.F.R. § 111.43(b) for the level of activity bracket of \$75,000 – \$99,999.99, the civil money penalty is $\$5,813 \times [1 + (.25 \times 0 \text{ previous violations})]$ or \$5,813.

Regarding the 2020 April Quarterly Report, at the time of the RTB finding, the Commission used an estimated level of activity (\$40,571) to calculate the penalty because the report had not yet been filed. 11 C.F.R. § 111.43(d)(2)(i). On July 28, 2020, the respondents filed the 2020 April Quarterly Report, 104 days late. The report discloses \$860 in total receipts and \$1,611 in total disbursements. Therefore, the actual level of activity of the 2020 April Quarterly Report is \$2,471. 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). Using the schedule of penalties at 11 C.F.R. § 111.43(a) for the level of activity bracket of \$1 – \$4,999.99, the civil money penalty is $\$341 \times [1 + (.25 \times 0 \text{ previous violations})]$ or \$341.

The challenge fails to address any of the three valid grounds at 11 C.F.R. § 111.35(b). These are: (i) the RTB finding is based on factual errors; and/or (ii) the improper calculation of the civil money penalty; and/or (iii) they used best efforts to file on time but were prevented from doing so by reasonably unforeseen circumstances that were beyond their control and they filed the report no later than 24 hours after the end of these circumstances. Moreover, inexperience of the treasurer and negligence are specifically included at 11 C.F.R. § 111.35(d) as examples of a circumstance that will not be considered reasonably unforeseen and beyond the respondents' control. Therefore, the Reviewing Officer recommends that the Commission make a final determination in AF# 3789 and AF# 3831 that the respondents violated 52 U.S.C. § 30104(a) and assess civil money penalties of \$5,813 and \$341, respectively.

OAR Recommendations

1. Adopt the Reviewing Officer recommendation for AF# 3789 involving United Forward 2020 Benzel for Congress and Greg Don Benzel, in his official capacity as Treasurer, in making the final determination;
2. Make a final determination in AF# 3789 that United Forward 2020 Benzel for Congress and Greg Don Benzel, in his official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess a \$5,813 civil money penalty; and
3. Adopt the Reviewing Officer recommendation for AF# 3831 involving United Forward 2020 Benzel for Congress and Greg Don Benzel, in his official capacity as Treasurer, in making the final determination;
4. Make a final determination in AF# 3831 that United Forward 2020 Benzel for Congress and Greg Don Benzel, in his official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess a \$341 civil money penalty (reduced from the RTB civil money penalty of \$1,230); and
5. Send the appropriate letters.

Attachments

Attachment 1 –

Attachment 2 –

Attachment 3 –

Attachment 4 – Declaration from RAD

Attachment 5 – Page 123 of *Campaign Guide for Congressional Candidates and Committees*

Attachment 6 – 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 United Forward 2020 Benzel for Congress:
 - A) Non-Filer Letter, dated February 21, 2020, referencing the 2020 12 Day Pre-Primary Report (California) (sent via electronic mail to: unitedforward2020@gmail.com and jbenzel2020@gmail.com).
 - B) Non-Filer Letter, dated April 30, 2020, referencing the 2020 April Quarterly Report (sent via electronic mail to: unitedforward2020@gmail.com and jbenzel2020@gmail.com).
 - C) Reason-to-Believe Letter, dated July 21, 2020, referencing the 2020 12 Day Pre-Primary Report (California) (sent via electronic mail to: unitedforward2020@gmail.com and jbenzel2020@gmail.com).
 - D) Reason-to-Believe Letter, dated July 15, 2020, referencing the 2020 April Quarterly Report (sent via electronic mail to: unitedforward2020@gmail.com and jbenzel2020@gmail.com).
4. I hereby certify that I have searched the Commission’s public records and find that United Forward 2020 Benzel for Congress filed the 2020 12 Day Pre-Primary Report with the

Commission on February 28, 2020, and the 2020 April Quarterly Report with the Commission on July 28, 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 19th day of October, 2020.

Kristin D. Roser

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



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-7

February 21, 2020

BENZEL, GREG DON MR., TREASURER
UNITED FORWARD 2020 BENZEL FOR CONGRESS
P.O. BOX 754
ROCKLIN, CA 95677

IDENTIFICATION NUMBER: C00676320

REFERENCE: PRE-PRIMARY REPORT (01/01/2020 - 02/12/2020)

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 as required by the Federal Election Campaign Act, as amended. 52 U.S.C. §30104(a)

You will be allowed until **5:00 pm est on the fourth (4th) business day** from the date of this notice to file this report to avoid publication. If you have already filed the report by express, certified or registered mail or are planning to file it within four (4) business days from the date of this notice, **please notify us immediately** of the certified, registered or express tracking number and the date that the report was sent.

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.

In addition, the failure to timely file this report may result in civil money penalties, an audit or other 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.

If you have any questions regarding this matter, please contact Christopher Ritchie in the Reports Analysis Division on our toll-free number (800)424-9530. The analyst's direct number is (202)694-1146.

UNITED FORWARD 2020 BENZEL FOR CONGRESS

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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

April 30, 2020

BENZEL, GREG DON MR., TREASURER
UNITED FORWARD 2020 BENZEL FOR CONGRESS
P.O. BOX 754
ROCKLIN, CA 95677

IDENTIFICATION NUMBER: C00676320

REFERENCE: APRIL QUARTERLY REPORT (02/13/2020 - 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.

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

UNITED FORWARD 2020 BENZEL FOR CONGRESS

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 Ben Holly in the Reports Analysis Division on our toll-free number (800)424-9530. The analyst's direct number is (202)694-1129.

Sincerely,

A handwritten signature in cursive script that reads "Debbie Chacona". The signature is written in black ink on a white background.

Deborah Chacona
Assistant Staff Director
Reports Analysis Division

250

CHAPTER 14

WINDING DOWN THE CAMPAIGN

This chapter explains the requirements for an authorized committee that wishes to close down its operations at the end of a campaign.¹

I. TERMINATING THE COMMITTEE

Eligibility

A committee may file a termination report at any time, provided that:

- The committee no longer intends to receive contributions, make expenditures or make any disbursements that would otherwise qualify it as a political committee; and
- Neither the committee seeking to terminate nor any other authorized committee of the same candidate has any outstanding debts or obligations.

102.3 and 116.1. Campaigns with debts or obligations should see “Retiring Debts” and “Settling Debts,” below.

A committee involved in an FEC enforcement action, an FEC audit or litigation with the FEC, however, must continue to file regularly scheduled reports until the matter is resolved.

Termination Report

When filing the committee’s termination report, the treasurer must check the “Termination Report” box on Line 4 of the Summary Page of Form 3. The termination report must disclose:

- All receipts and disbursements not previously reported, including an accounting of debt retirement (See “Retiring Debts” and “Settling Debts” below); and

¹ If a candidate wishes to use the committee for a subsequent federal campaign, he or she may redesignate it as an authorized committee using FEC Form 2. See Chapter 2, “Candidate and Committee Registration,” for more information.

- The purposes for which any remaining committee funds or assets will be used. (See Chapter 8, “Expenditures and Other Uses of Campaign Funds;” see also “Winding Down Costs” and “Sale of Campaign Assets,” below.) 102.3(a).

Committee No Longer Required to Report Once Notified

The committee’s reporting obligation ends only when the Commission notifies the committee in writing that the termination report has been accepted. Until the committee receives this notification, it must continue to file reports.

Administrative Termination

The FEC, upon its own initiative or at the request of a political committee, may administratively terminate a committee’s reporting status. For details on administrative termination, consult Section 102.4 of the regulations.

2. CONVERSION TO MULTICANDIDATE COMMITTEE

In past advisory opinions, the Commission has explicitly permitted a principal campaign committee to become a multicandidate committee as an alternative to the committee’s termination. In meeting the requirements for multicandidate status, a former principal campaign committee may avail itself of the length of time of its prior registration, the number of contributions it has made in the past and the number of contributions it has received. Note that the prohibition on converting campaign funds to personal use still applies to such a committee. See AOs 2012-06, 2004-03, 1993-22, and 1985-30 and the *Campaign Guide for Nonconnected Committees* for more information. Principal campaign committees of active candidates cannot qualify as multicandidate committees. 102.12(c) and 102.13(c).

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 pre-election report no later than 12 days before any primary election in which the candidate seeks election. Reports filed electronically must be received and validated at or before 11:59 pm, Eastern Standard/Daylight Time on February 20, 2020 for the 2020 Pre-Primary Report to be timely filed.
- 3) A principal campaign committee of a candidate shall file a 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 April 15, 2020 for the 2020 April Quarterly Report to be timely filed.
- 4) 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 2020 Pre-Primary Report filed by United Forward 2020 Benzel for Congress. The report includes the coverage period of January 1, 2020 through February 12, 2020 and was electronically filed on February 28, 2020.
 - b) Cover, Summary, and Detailed Summary Pages of the 2020 April Quarterly Report filed by United Forward 2020 Benzel for Congress. The report includes the coverage period of February 13, 2020 through March 31, 2020 and was electronically filed on July 28, 2020.
- 5) 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 19th day of October, 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 / 15

Write or Type Committee Name
United Forward Julianne Benzel for Congress

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

	COLUMN A This Period	COLUMN B Election Cycle-to-Date
6. Net Contributions (other than loans)		
(a) Total Contributions (other than loans) (from Line 11(e))....	31704.00	88106.32
(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))	31704.00	88106.32
7. Net Operating Expenditures		
(a) Total Operating Expenditures (from Line 17)	39012.80	94751.10
(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))	39012.80	94751.10
8. Cash on Hand at Close of Reporting Period (from Line 27).....	7355.22	
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)	14000.00	

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

United Forward Julianne Benzel 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)	31604.00	69350.39
(ii) Unitemized	100.00	4755.93
(iii) TOTAL of contributions from individuals	31704.00	74106.32
(b) Political Party Committees	0.00	0.00
(c) Other Political Committees (such as PACs)	0.00	0.00
(d) The Candidate	0.00	14000.00
(e) TOTAL CONTRIBUTIONS (other than loans) (add Lines 11(a)(iii), (b), (c), and (d))..	31704.00	88106.32
12. TRANSFERS FROM OTHER AUTHORIZED COMMITTEES	0.00	0.00
13. LOANS:		
(a) Made or Guaranteed by the Candidate	5000.00	17000.00
(b) All Other Loans	0.00	0.00
(c) TOTAL LOANS (add Lines 13(a) and (b))	5000.00	17000.00
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)	36704.00	105106.32

DETAILED SUMMARY PAGE
of Disbursements

FEC Form 3 (Revised 05/2016)

PAGE 4 / 15

II. DISBURSEMENTS	COLUMN A Total This Period	COLUMN B Election Cycle-to-Date
17. OPERATING EXPENDITURES.....	39012.80	94751.10
18. TRANSFERS TO OTHER AUTHORIZED COMMITTEES	0.00	0.00
19. LOAN REPAYMENTS:		
(a) Of Loans Made or Guaranteed by the Candidate.....	0.00	3000.00
(b) Of All Other Loans	0.00	0.00
(c) TOTAL LOAN REPAYMENTS (add Lines 19(a) and (b)).....	0.00	3000.00
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	0.00
22. TOTAL DISBURSEMENTS (add Lines 17, 18, 19(c), 20(d), and 21) ►	39012.80	97751.10

III. CASH SUMMARY

23. CASH ON HAND AT BEGINNING OF REPORTING PERIOD.....	9664.02
24. TOTAL RECEIPTS THIS PERIOD (from Line 16, page 3).....	36704.00
25. SUBTOTAL (add Line 23 and Line 24).....	46368.02
26. TOTAL DISBURSEMENTS THIS PERIOD (from Line 22).....	39012.80
27. CASH ON HAND AT CLOSE OF REPORTING PERIOD (subtract Line 26 from Line 25).....	7355.22

SUMMARY PAGE
of Receipts and Disbursements

FEC Form 3 (Revised 05/2016)

PAGE 2 / 9

Write or Type Committee Name
United Forward Julianne Benzel for Congress

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

	COLUMN A This Period	COLUMN B Election Cycle-to-Date
6. Net Contributions (other than loans)		
(a) Total Contributions (other than loans) (from Line 11(e))....	860.00	88966.32
(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))	860.00	88966.32
7. Net Operating Expenditures		
(a) Total Operating Expenditures (from Line 17)	1610.59	96361.69
(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))	1610.59	96361.69
8. Cash on Hand at Close of Reporting Period (from Line 27).....	6604.63	
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)	14000.00	

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

United Forward Julianne Benzel 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)	500.00	69850.39
(ii) Unitemized	360.00	5115.93
(iii) TOTAL of contributions from individuals	860.00	74966.32
(b) Political Party Committees	0.00	0.00
(c) Other Political Committees (such as PACs)	0.00	0.00
(d) The Candidate	0.00	14000.00
(e) TOTAL CONTRIBUTIONS (other than loans) (add Lines 11(a)(iii), (b), (c), and (d))..	860.00	88966.32
12. TRANSFERS FROM OTHER AUTHORIZED COMMITTEES	0.00	0.00
13. LOANS:		
(a) Made or Guaranteed by the Candidate	0.00	17000.00
(b) All Other Loans	0.00	0.00
(c) TOTAL LOANS (add Lines 13(a) and (b))	0.00	17000.00
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)	860.00	105966.32

DETAILED SUMMARY PAGE
of Disbursements

II. DISBURSEMENTS	COLUMN A Total This Period	COLUMN B Election Cycle-to-Date
17. OPERATING EXPENDITURES.....	1610.59	96361.69
18. TRANSFERS TO OTHER AUTHORIZED COMMITTEES	0.00	0.00
19. LOAN REPAYMENTS:		
(a) Of Loans Made or Guaranteed by the Candidate.....	0.00	3000.00
(b) Of All Other Loans	0.00	0.00
(c) TOTAL LOAN REPAYMENTS (add Lines 19(a) and (b)).....	0.00	3000.00
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	0.00
22. TOTAL DISBURSEMENTS (add Lines 17, 18, 19(c), 20(d), and 21) ▶	1610.59	99361.69

III. CASH SUMMARY

23. CASH ON HAND AT BEGINNING OF REPORTING PERIOD.....	7355.22
24. TOTAL RECEIPTS THIS PERIOD (from Line 16, page 3).....	860.00
25. SUBTOTAL (add Line 23 and Line 24).....	8215.22
26. TOTAL DISBURSEMENTS THIS PERIOD (from Line 22).....	1610.59
27. CASH ON HAND AT CLOSE OF REPORTING PERIOD (subtract Line 26 from Line 25).....	6604.63



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 20, 2020

Greg Don Benzel, in his official capacity as Treasurer
United Forward 2020 Benzel for Congress
PO Box 754
Rocklin, CA 95677

C00676320
AF#: 3789 and 3831

Dear Mr. Benzel:

On June 29, 2020, the Federal Election Commission (“Commission”) found reason to believe (“RTB”) that United Forward 2020 Benzel for Congress and you, in your official capacity as Treasurer, violated 52 U.S.C. § 30104(a) for failing to timely file the 2020 Pre-Primary Report and made a preliminary determination that the civil money penalty was \$5,813 based on the schedule of penalties at 11 C.F.R. § 111.43. On June 30, 2020, the Commission found RTB that United Forward 2020 Benzel for Congress and you, in your official capacity as Treasurer, violated 52 U.S.C. § 30104(a) for failing to timely file the 2020 April Quarterly Report and made a preliminary determination that the civil money penalty was \$1,230 based on the schedule of penalties at 11 C.F.R. § 111.43.

After reviewing your written response and any supplemental information submitted by you and Commission staff, the Reviewing Officer has recommended that the Commission make a final determination and assess civil money penalties. 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

To: FEC Secretary,

In 2018, as result of multiple events and circumstances, my wife was approached and encouraged to run for Congress. She accepted this major challenge and a campaign began literally from scratch. We did not do an exploratory committee. We started with absolutely nothing and believed we had a chance to make a difference and bring a genuine female conservative voice to CA District 4.

With no staff, few volunteers and minimal funding, we had a phenomenal townhall and made a big splash in our district. We raised money for digital ads and radio ads and truly believed we could make it to through the primary.

We were devastated and exhausted when we did not make it through. Since, I was the campaign manager, treasurer, marketer, driver, you name it.... I just shut down for a while and put it all away for my own health and sanity (then the virus hit which presented its own challenges). Therefore; it is accurate to say that I did not get the report done on time for April. But, I was under the impression that I had completed the pre- primary report (facts demonstrate now that it was not completed with the correct dates). We strongly considered ending the existence of the committee and that still may happen. We are still in the decision- making mindset for closing out the committee.

It is clear and has been documented that the reports were filed late. There is no denying that I am responsible for filing reports on time. However; we are truly a grassroots campaign committee that desires to do things right and operate legitimately. Even though we had no history of running a campaign and my wife and I ran virtually every position from Campaign manager to driver to Treasurer (and everything in between), it was still a tremendous experience (we met some incredible people and learned a ton). Besides not moving forward in the Primary, this late filing of the pre- primary report and the April Quarterly report was the only negative in our journey.

I am accepting responsibility for the late filing and there are no excuses for this oversight. I will, however; emphasize the reasons why it happened in hopes that perhaps the fees will be waived.

1. Because this was a grassroots campaign, I needed to be the Treasurer. With only the experience of running our home finances, I spent countless hours establishing our organization and documenting our transactions. I basically was operating correctly for over a year until the late pre-primary filing right before the primary election and the late filing a month following the primary election. As stated earlier, I was emotionally attached to the election and was devastated by the results.
2. Being upset by not moving forward in the Primary election and the ensuing pandemic, I was clouded to the Treasurer's responsibilities. I reverted back to my school email as my teaching responsibilities shifted to the challenges of Distance Learning. Almost out of necessity, I rarely checked my United Forward Email.

Because of my mindset and inexperience with the FEC as a Treasurer, I didn't make the Committee a priority since we were not in the running. I should have inquired/researched more concerning committee activity after a loss.

3. Because of its grassroots nature, The United Forward Committee representing Julianne Benzel for Congress is not well funded. It is not able to pay the fees required for the late filing violations.

It is clear that late filing errors have been made. I am responsible for those errors as treasurer. Please realize the human experience factor in this scenario and strongly consider extending grace to our committee by removing the fees and allowing United Forward to either close or move ahead in good standing. We appreciate your time in reviewing this matter.

Sincerely,

Greg Benzel
United Forward Julianne Benzel for Congress
Treasurer



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# 3789 and AF# 3831– United Forward 2020 Benzel for Congress and Greg Don Benzel, in his official capacity as Treasurer (C00676320)

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 2020 California Pre-Primary Report and made a preliminary determination that the civil money penalty was \$5,813 based on the schedule of penalties at 11 C.F.R. § 111.43. On June 30, 2020, the Commission found RTB that the respondents violated 52 U.S.C. § 30104(a) for failing to timely file the 2020 April Quarterly Report and made a preliminary determination that the civil money penalty was \$1,230 based on the schedule of penalties at 11 C.F.R. § 111.43.

On August 20, 2020, the Commission received their written response (“challenge”). After reviewing the challenge, the Reviewing Officer Recommendation (“ROR”) dated October 19, 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# 3789 and AF# 3831 that the respondents violated 52 U.S.C. § 30104(a) and assess civil money penalties of \$5,813 and \$341 (reduced from the RTB civil money penalty of \$1,230), respectively.

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). On November 18, 2020, the Commission received their response to the ROR. The Treasurer reiterates the points made in

the original challenge and accepts responsibility for the late filings. He also provides the following explanations for why the reports were not timely filed:

1. Because this was a grassroots campaign, I needed to be the Treasurer. With only the experience of running our home finances, I spent countless hours establishing our organization and documenting our transactions. I basically was operating correctly for over a year until the late pre-primary filing right before the primary election and the late filing a month following the primary election. As stated earlier, I was emotionally attached to the election and was devastated by the results.
2. Being upset by not moving forward in the Primary election and the ensuing pandemic, I was clouded to the Treasurer's responsibilities. I reverted back to my school email as my teaching responsibilities shifted to the challenges of Distance Learning. Almost out of necessity, I rarely checked my United Forward Email.

Because of my mindset and inexperience with the FEC as a Treasurer, I didn't make the Committee a priority since we were not in the running. I should have inquired/researched more concerning committee activity after a loss.

3. Because of its grassroots nature, The United Forward Committee representing Julianne Benzel for Congress is not well funded. It is not able to pay the fees required for the late filing violations.

It is clear that late filing errors have been made. I am responsible for those errors as treasurer. Please realize the human experience factor in this scenario and strongly consider extending grace to our committee by removing the fees and allowing United Forward to either close or move ahead in good standing. We appreciate your time in reviewing this matter.

While the Reviewing Officer recognizes the grassroots nature of the campaign and that the Treasurer became less focused on campaign responsibilities after the Primary Election, the Reviewing Officer's recommendation is unchanged. The original challenge and response to the ROR fail to address any of the three valid grounds at 11 C.F.R § 111.35(b). These are: (i) the RTB finding is based on factual errors; and/or (ii) the improper calculation of the civil money penalty; and/or (iii) they used best efforts to file on time but were prevented from doing so by reasonably unforeseen circumstances that were beyond their control and they filed the report no later than 24 hours after the end of these circumstances. Moreover, inexperience of the treasurer and negligence are specifically included at 11 C.F.R. § 111.35(d) as examples of a circumstance that will not be considered reasonably unforeseen and beyond the respondents' control. Therefore, the Reviewing Officer recommends that the Commission make a final determination in AF# 3789 and AF# 3831 that the respondents violated 52 U.S.C. § 30104(a) and assess civil money penalties of \$5,813 and \$341, respectively.

OAR Recommendations

1. Adopt the Reviewing Officer recommendation for AF# 3789 involving United Forward 2020 Benzel for Congress and Greg Don Benzel, in his official capacity as Treasurer, in making the final determination;
2. Make a final determination in AF# 3789 that United Forward 2020 Benzel for Congress and Greg Don Benzel, in his official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess a \$5,813 civil money penalty; and
3. Adopt the Reviewing Officer recommendation for AF# 3831 involving United Forward 2020 Benzel for Congress and Greg Don Benzel, in his official capacity as Treasurer, in making the final determination;
4. Make a final determination in AF# 3831 that United Forward 2020 Benzel for Congress and Greg Don Benzel, in his official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess a \$341 civil money penalty (reduced from the RTB civil money penalty of \$1,230); and
5. Send the appropriate letters.

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) AFs 3789 and 3831
 Final Determination Recommendation:)
 United Forward 2020 Benzel for)
 Congress and Greg Don Benzel, in his)
 official capacity as Treasurer)
 (C00676320))

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 AFs 3789 and 3831:

1. Adopt the Reviewing Officer recommendation for AF# 3789 involving United Forward 2020 Benzel for Congress and Greg Don Benzel, in his official capacity as Treasurer, in making the final determination.
2. Make a final determination in AF# 3789 that United Forward 2020 Benzel for Congress and Greg Don Benzel, in his official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess a \$5,813 civil money penalty.
3. Adopt the Reviewing Officer recommendation for AF# 3831 involving United Forward 2020 Benzel for Congress and Greg Don Benzel, in his official capacity as Treasurer, in making the final determination.
4. Make a final determination in AF# 3831 that United Forward 2020 Benzel for Congress and Greg Don Benzel, in his official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess a \$341 civil money penalty (reduced from the RTB civil money penalty of \$1,230).
5. Send the appropriate letters.

Federal Election Commission
AFs 3789 and 3831
February 16, 2021

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
15:28:01 -05'00'

Laura E. Sinram
Acting Secretary and Clerk of the
Commission



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 23, 2021

Greg Don Benzel, in his official capacity as Treasurer
United Forward 2020 Benzel for Congress
PO Box 754
Rocklin, CA 95677

C00676320
AF#: 3789

Dear Mr. Benzel:

On June 29, 2020, the Federal Election Commission (“the Commission”) found reason to believe (“RTB”) that United Forward 2020 Benzel for Congress and you, in your official capacity as Treasurer, violated 52 U.S.C. § 30104(a) for failing to file the 2020 Pre-Primary Report. By letter dated July 21, 2020, the Commission sent notification of the RTB finding that included a civil money penalty calculated at RTB of \$5,813 in accordance with the schedule of penalties at 11 C.F.R. § 111.43. On August 20, 2020, the Office of Administrative Review received your written response challenging the RTB finding.

The Reviewing Officer reviewed the Commission’s RTB finding with its supporting documentation and your written response. Based on this review, the Reviewing Officer recommended that the Commission make a final determination that United Forward 2020 Benzel for Congress and you, in your official capacity as Treasurer, violated 52 U.S.C. § 30104(a), and assess a civil money penalty in the amount of \$5,813 in accordance with 11 C.F.R. § 111.43. The Reviewing Officer Recommendation was sent to you on October 20, 2020.

On February 16, 2021, the Commission adopted the Reviewing Officer’s recommendation and made a final determination that United Forward 2020 Benzel for Congress and you, in your official capacity as Treasurer, violated 52 U.S.C. § 30104(a), and assessed a civil money penalty in the amount of \$5,813. A copy of the Final Determination Recommendation is attached.

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

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

If you choose to appeal the final determination, you should submit a written petition, within 30 days of receipt of this letter, to the U.S. District Court for the district in which the committee or you reside, or transact business, requesting that the final determination be modified or set aside. See 52 U.S.C. § 30109(a)(4)(C)(iii). Your failure to raise an argument in a timely fashion during

the administrative process shall be deemed a waiver of the respondents' right to present such argument in a petition to the district court under 52 U.S.C. § 30109. 11 CFR § 111.38.

2. If You Choose Not to Pay the Civil Money Penalty and Not to Appeal

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 ("DCIA"), 31 U.S.C. § 3701 *et seq.* If you do not pay this debt within 30 days (or file a written petition to a federal district court - see below), the Commission will transfer the debt to the U.S. Department of the Treasury ("Treasury") for collection. Within 5 days of the transfer to Treasury, Treasury will contact you to request payment. Treasury currently charges a fee of 30% of the civil money penalty amount for its collection services. If the age of the debt is greater than or equal to two years old, Treasury will charge a fee of 32% of the civil money penalty amount for its collection services. The fee will be added to the amount of the civil money penalty that you owe. Should Treasury's attempts fail, Treasury will refer the debt to a private collection agency ("PCA"). If the debt remains unpaid, Treasury may recommend that the Commission refer the matter to the Department of Justice for litigation.

Actions which may be taken to enforce recovery of a delinquent debt by Treasury may also include: (1) offset of any payments, which the debtor is due, including tax refunds and salary; (2) referral of the debt to agency counsel for litigation; (3) reporting of the debt to a credit bureau; (4) administrative wage garnishment; and (5) reporting of the debt, if discharged, to the IRS as potential taxable income. In addition, under the provisions of DCIA and other statutes applicable to the FEC, the debtor may be subject to the assessment of other statutory interest, penalties, and administrative costs.

In accordance with the DCIA, at your request, the agency will offer you the opportunity to inspect and copy records relating to the debt, the opportunity for a review of the debt, and the opportunity to enter into a written repayment agreement.

3. If You Choose to Pay the Civil Money Penalty

If you should decide to pay the civil money penalty, follow the payment instructions on page 4 of this letter. You should make payment within thirty (30) days of receipt of this letter.

NOTICE REGARDING PARTIAL PAYMENTS AND SETTLEMENT OFFERS

4. Partial Payments

If you make a payment in an amount less than the civil money penalty, the amount of your partial payment will be credited towards the full civil money penalty that the Commission assessed 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 civil money penalty assessed or any restrictive endorsements contained on your check or money order or proposed in correspondence transmitted with your check or money order, will be rejected. Acceptance and deposit or cashing of such a restricted payment does not

constitute acceptance of the settlement offer. Payments containing restrictive endorsements will be deposited and treated as a partial payment towards the civil money penalty that the Commission assessed 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.

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

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

On behalf of the Commission,



Shana M. Broussard
Chair

THIS IS THE END OF ADMINISTRATIVE FINE CASE #3789