

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE #3792



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 –  
2020 12 Day Pre-Primary Report (Illinois) for the Administrative Fine  
Program

We are withdrawing the document circulated to the Commission on April 28, 2020 in order to reflect updates disclosed in a filing received by the Commission after the initial submission of this recommendation. On May 4, 2020, Citizens for Rush (AF 3791) filed a 2020 12 Day Pre-Primary Report that disclosed a level of activity higher than previously reported. The circulation report has been updated to reflect the level of activity and civil money penalty amounts disclosed on the most recent filing for AF 3791.

Attached is a list of political committees and their treasurers who failed to timely file the 2020 12 Day Pre-Primary Report for the Illinois Primary Election in accordance with 52 U.S.C. § 30104(a). The 12 Day Pre-Primary Report was due on March 5, 2020 and the Primary Election was held on March 17, 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 filed. 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. 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 03/05/2020 AUTH (IL)

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
3790	C00696757	ANTHONY CLARK 2020	ANTHONY CLARK	ANTHONY CLARK	\$216,333	0	3/12/2020	7	\$93,243	\$1,893
3791	C00257121	CITIZENS FOR RUSH	BOBBY LEE RUSH	SHEILA L. JACKSON	\$565,549	0	3/12/2020	7	\$141,461	\$2,582
3792	C00729210	DARREN DUNCAN FOR CONGRESS	DARREN DUNCAN	SHERI JESIEL	\$418,716	0	3/16/2020	*Not Filed	\$211,111	\$10,901
3793	C00697128	FRIENDS TO ELECT ROBERT EMMONS JR.	ROBERT ALEX EMMONS	ALEXANDRA VERONICA PEREZ-GARCIA	\$191,829	0	3/12/2020	7	\$39,086	\$682
3795	C00707596	SARAH GAD 2020	SARAH GAD	BENJAMIN NAWROCKI	\$185,899	0		Not Filed	\$92,950 (est)	\$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

In the Matter of	)	
	)	
Withdrawal and Resubmission of Reason	)	
To Believe Recommendation – 2020 12	)	
Day Pre-Primary Report (Illinois) for the	)	
Administrative Fine Program:	)	
ANTHONY CLARK 2020, and CLARK,	)	AF# 3790
ANTHONY as treasurer;	)	
CITIZENS FOR RUSH, and JACKSON,	)	AF# 3791
SHEILA L. as treasurer;	)	
DARREN DUNCAN FOR CONGRESS,	)	AF# 3792
and JESIEL, SHERI as treasurer;	)	
SARAH GAD 2020, and NAWROCKI,	)	AF# 3795
BENJAMIN 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 took the following actions on the Withdrawal and Resubmission of Reason To Believe Recommendation – 2020 12 Day Pre-Primary Report (Illinois) for the Administrative Fine Program, as recommended in the Reports Analysis Division's Memorandum dated June 05, 2020, on the following committees:

AF#3790 Decided by a vote of 4-0 to: (1) find reason to believe that ANTHONY CLARK 2020, and CLARK, ANTHONY in his official capacity as treasurer violated 52 U.S.C. § 30104(a) and make a preliminary determination that the civil money penalty

Federal Election Commission  
 Certification for Administrative Fines  
 June 29, 2020

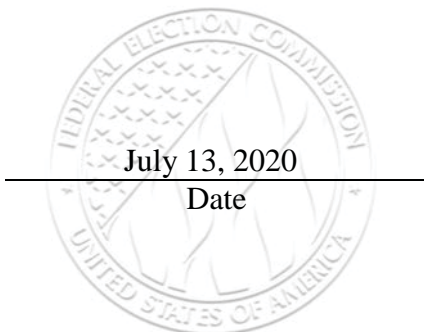
Page 2

would be the amount indicated on the report; (2) send the appropriate letter.  
 Commissioners Hunter, Trainor, Walther, and Weintraub voted affirmatively for the decision.

AF#3791 Decided by a vote of 4-0 to: (1) find reason to believe that CITIZENS FOR RUSH, and JACKSON, SHEILA L. in her official capacity as treasurer violated 52 U.S.C. § 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter.  
 Commissioners Hunter, Trainor, Walther, and Weintraub voted affirmatively for the decision.

AF#3792 Decided by a vote of 4-0 to: (1) find reason to believe that DARREN DUNCAN FOR CONGRESS, and JESIEL, SHERI in her official capacity as treasurer violated 52 U.S.C. § 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter.  
 Commissioners Hunter, Trainor, Walther, and Weintraub voted affirmatively for the decision.

AF#3795 Decided by a vote of 4-0 to: (1) find reason to believe that SARAH GAD 2020, and NAWROCKI, BENJAMIN in his official capacity as treasurer violated 52 U.S.C. § 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter.  
 Commissioners Hunter, Trainor, Walther, and Weintraub voted affirmatively for the decision.



Attest:

**Laura  
 Sinram**

Laura E. Sinram  
 Acting Secretary and Clerk of the  
 Commission

Digitally signed by  
 Laura Sinram  
 Date: 2020.07.13  
 16:24:11 -04'00'



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

AF

July 21, 2020

Emily Duncan, in official capacity as Treasurer  
Darren Duncan for Congress  
508 N. Chicago St.  
Rossville, IL 60963

C00729210

AF#: 3792

Dear Ms. Duncan,

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 26, 2020, shall be filed no later than March 5, 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 Darren Duncan 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 March 5, 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 \$10,901. 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 \$10,901 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: \$211,111

Number of Days Late: Not Filed (reports not filed prior to four (4) days before the Primary Election held on March 17, 2020 are considered not filed for the purpose of calculating the penalty)

Number of Previous Civil Money Penalties Assessed: 0

DARREN DUNCAN 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](mailto:administrativefines@fec.gov). The Commission encourages the use of electronic signatures on electronically submitted documents, but scanned copies of ink signatures will be accepted. Electronically submitted challenges will be deemed received on the date it is electronically received by staff.

The FEC will only consider challenges that are based on at least one of three grounds: (1) a factual error in the RTB finding; (2) miscalculation of the calculated civil money penalty by the FEC; or (3) your demonstrated use of best efforts to file in a timely manner when prevented from doing so by reasonably unforeseen circumstances that were beyond your control. 11 CFR § 111.35(b). In order for a challenge to be considered on the basis of best efforts, you must have filed the required report no later than 24 hours after the end of these reasonably unforeseen circumstances. *Id.* Examples of circumstances that will be considered reasonably unforeseen and beyond your control include, but are not limited to: (1) a failure of Commission computers or Commission-provided software despite your seeking technical assistance from Commission personnel and resources; (2) a widespread disruption of information transmissions over the Internet that is not caused by a failure of the Commission's or your computer systems or Internet service provider; and (3) severe weather or other disaster-related incident. 11 CFR § 111.35(c). Examples of circumstances that will not



DARREN DUNCAN FOR CONGRESS

Page 3 of 5

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 Darren Duncan 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.

### **5. Settlement Offers**

DARREN DUNCAN FOR CONGRESS

Page 4 of 5

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 Jamie Sikorsky in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130. If you have questions regarding the submission of a challenge, please contact the Office of Administrative Review at our toll free number (800) 424-9530 (press 0, then ext. 1158) or (202) 694-1158.

Sincerely,



James E. "Trey" Trainor III  
Chair

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ADMINISTRATIVE FINE PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 CFR § 111.43, the amount of your civil money penalty calculated at RTB is \$10,901 for the Pre-Primary Report.

You may remit payment by ACH withdrawal from your bank account, or by debit or

DARREN DUNCAN FOR CONGRESS

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

COMMITTEE NAME: Darren Duncan for Congress

FEC ID#: C00729210

AF#: 3792

PAYMENT DUE DATE: August 8, 2020

PAYMENT AMOUNT DUE: \$10,901



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

November 5, 2020

**MEMORANDUM**

TO: The Commission

THROUGH: Alec Palmer  
Staff Director *AP*

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

Debbie Chacona *DC*  
Assistant Staff Director  
Reports Analysis Division

BY: Kristin D. Roser/Jamie Sikorsky *KDR JLS*  
Reports Analysis Division  
Compliance Branch

SUBJECT: Administrative Fine Program – Final Determination Recommendation for the  
2020 12 Day Pre-Primary Report (Illinois)

Attached are two lists of political committees and their treasurers against which the Commission has found reason to believe (RTB) and assessed proposed civil money penalties calculated at RTB for failure to file or failure to timely file the 2020 12 Day Pre-Primary Report. The first list represents committees that have paid the civil money penalty and the second list represents committees that have not paid the civil money penalty. The committees that have not paid have been given at least forty (40) days from the date of the Commission's RTB finding to remit payment.

In accordance with 11 CFR § 111.34 and 11 CFR § 111.40, the Commission shall send a final determination notice to those respondents that have either paid or not paid the civil money penalty.

For your information, Our Everyday PAC f/k/a Friends to Elect Robert Emmons Jr. (AF 3793) converted from a principal campaign committee to a political action committee after the date of the primary election and after the RTB Recommendation was approved.

For your information, three (3) committees disclosed a change in treasurer after the RTB finding. An overview of these cases has been provided below.

Citizens for Rush (AF 3791) filed an Amended Statement of Organization after the RTB finding designating Janet Szydelko as Treasurer.

Darren Duncan for Congress (AF 3792) filed an Amended Statement of Organization after the RTB finding designating Emily Duncan as Treasurer.

Our Everyday PAC f/k/a Friends to Elect Robert Emmons Jr. (AF 3793) filed an Amended Statement of Organization after the RTB finding designating Robert Emmons Jr. as Treasurer.

### **RAD Recommendation**

- (1) Make a final determination that the political committees and their treasurers, in their official capacity, listed on the attached reports violated 52 U.S.C. § 30104(a) and assess the final civil money penalties so indicated.
- (2) Send the appropriate letters.

Federal Election Commission  
FD Circulation Report - Fine Paid  
2020 PRE-PRIMARY Election Sensitive 03/05/2020 AUTH (IL)

AF#	Committee Name	Candidate Name	Committee ID	Treasurer	Receipt Date	Days Late	LOA	PV	RTB Date	RTB Penalty	Final Money Penalty	Date Paid	Amount Paid
3791	CITIZENS FOR RUSH	BOBBY LEE RUSH	C00257121	JANET SZYDELKO	03/12/2020	7	\$141,461	0	06/29/2020	\$2,582	\$2,582	09/09/2020	\$2,582
3793	OUR EVERYDAY PAC	ROBERT ALEX EMMONS JR.	C00697128	ROBERT EMMONS JR.	03/12/2020	7	\$39,902	0	06/29/2020	\$682	\$682	07/22/2020	\$682

Federal Election Commission  
 FD Circulation Report - Fine Not Paid  
 2020 PRE-PRIMARY Election Sensitive 03/05/2020 AUTH (IL)

AF#	Committee Name	Candidate Name	Committee ID	Treasurer	Receipt Date	Days Late	LOA	PV	RTB Date	RTB Penalty	Days Since RTB	FD Penalty
3790	ANTHONY CLARK 2020	ANTHONY CLARK	C00696757	ANTHONY CLARK	03/12/2020	7	\$93,243	0	06/29/2020	\$1,893	128	\$1,893
3792	DARREN DUNCAN FOR CONGRESS	DARREN DUNCAN	C00729210	EMILY DUNCAN	03/16/2020	*Not Filed	\$211,111	0	06/29/2020	\$10,901	128	\$10,901
3795	SARAH GAD 2020	SARAH GAD	C00707596	BENJAMIN NAWROCKI		Not Filed	\$92,950 (est)	0	06/29/2020	\$5,813	128	\$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

In the Matter of	)	
	)	
Administrative Fine Program – Final	)	
Determination Recommendation for the	)	
2020 12 Day Pre-Primary Report (Illinois):	)	
ANTHONY CLARK 2020, and CLARK,	)	AF# 3790
ANTHONY as treasurer;	)	
CITIZENS FOR RUSH, and SZYDELKO,	)	AF# 3791
JANET as treasurer;	)	
DARREN DUNCAN FOR CONGRESS,	)	AF# 3792
and DUNCAN, EMILY as treasurer;	)	
OUR EVERYDAY PAC, and EMMONS,	)	AF# 3793
ROBERT JR. as treasurer;	)	
SARAH GAD 2020, and NAWROCKI,	)	AF# 3795
BENJAMIN as treasurer;	)	

CERTIFICATION

I, Laura E. Sinram, Acting Secretary and Clerk of the Federal Election Commission, do hereby certify that on March 17, 2021, the Commission took the following actions on the Administrative Fine Program – Final Determination Recommendation for the 2020 12 Day Pre-Primary Report (Illinois), as recommended in the Reports Analysis Division's Memorandum dated November 05, 2020, on the following committees:

AF#3790 Decided by a vote of 6-0 to: (1) make a final determination that ANTHONY CLARK 2020, and CLARK, ANTHONY in his official capacity as treasurer, violated 52 U.S.C. § 30104(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Broussard, Cooksey, Dickerson, Trainor, Walther, and Weintraub voted affirmatively for the decision.

AF#3791 Decided by a vote of 6-0 to: (1) make a final determination that CITIZENS FOR RUSH, and SZYDELKO, JANET in her official capacity as treasurer, violated 52 U.S.C. § 30104(a) and assess the final civil money penalty so indicated; (2)



Federal Election Commission  
 Administrative Fine Program – Final  
 Determination Recommendation for the  
 2020 12 Day Pre-Primary Report (Illinois)  
 March 17, 2021

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

AF#3792 Decided by a vote of 6-0 to: (1) make a final determination that DARREN DUNCAN FOR CONGRESS, and DUNCAN, EMILY in her official capacity as treasurer, violated 52 U.S.C. § 30104(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Broussard, Cooksey, Dickerson, Trainor, Walther, and Weintraub voted affirmatively for the decision.

AF#3793 Decided by a vote of 6-0 to: (1) make a final determination that OUR EVERYDAY PAC, and EMMONS, ROBERT JR. in his official capacity as treasurer, violated 52 U.S.C. § 30104(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Broussard, Cooksey, Dickerson, Trainor, Walther, and Weintraub voted affirmatively for the decision.

AF#3795 Decided by a vote of 6-0 to: (1) make a final determination that SARAH GAD 2020, and NAWROCKI, BENJAMIN in his official capacity as treasurer, violated 52 U.S.C. § 30104(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Broussard, Cooksey, Dickerson, Trainor, Walther, and Weintraub voted affirmatively for the decision.



April 8, 2021

Date

Attest:

Laura  
 Sinram

Digitally signed by

Laura Sinram

Date: 2021.04.08

15:08:51 -04'00'

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 Laura E. Sinram

Acting Secretary and Clerk of the  
 Commission



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

AF

April 14, 2021

Emily Duncan, in official capacity as Treasurer  
Darren Duncan for Congress  
508 N. Chicago St.  
Rossville, IL 60963

C00729210

AF#: 3792

Dear Ms. Duncan,

On June 29, 2020, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Darren Duncan for Congress and you, in your official capacity as treasurer violated 52 U.S.C. § 30104(a) for filing late or failing to file the 2020 Pre-Primary Report. By letter dated July 21, 2020, the Commission notified you of the RTB finding and the civil money penalty calculated at the RTB stage to be \$10,901 in accordance with the schedule of penalties at 11 CFR § 111.43. Within forty (40) days of the FEC's RTB finding, you, in your official capacity as treasurer, were required to either transmit payment of the calculated civil money penalty or submit a written response challenging either the RTB finding or the calculated civil money penalty.

The FEC did not receive payment of the calculated civil money penalty or a written response within the time permitted. The FEC made a final determination on March 17, 2021 that Darren Duncan 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 \$10,901 in accordance with 11 CFR § 111.43. The civil money penalty is based on these factors:

Election Sensitivity of Report: Election Sensitive

Level of Activity: \$211,111

Number of Days Late: Not Filed (reports not filed prior to four (4) days before the Primary Election held on March 17, 2020 are considered not filed for the purposes of calculating the penalty)

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 Appeal the Final Determination and/or Civil Money Penalty**

If you choose to appeal the final determination, you should submit a written petition, within thirty (30) days of receipt of this letter, to the U.S. District Court for the

DARREN DUNCAN FOR CONGRESS

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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 thirty (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 five (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

DARREN DUNCAN FOR CONGRESS

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#### **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.

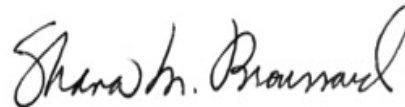
#### **5. Settlement Offers**

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 CFR §§ 111.42(b) and 111.20(c), the file will be placed on the public record within thirty (30) days from the date of this notification.

If you have any questions regarding the payment of the civil money penalty, please contact Jamie Sikorsky at Federal Election Commission, 1050 First St., NE, Washington, DC 20002, or our toll free number (800) 424-9530 (at the prompt, press 5) or (202) 694-1130.

On behalf of the Commission,



Shana M. Broussard  
Chair

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#### **ADMINISTRATIVE FINE PAYMENT INSTRUCTIONS**

In accordance with the schedule of penalties at 11 CFR § 111.43, the civil money penalty is \$10,901 for the 2020 Pre-Primary Report. The payment is due within 30 days of receipt of this letter.

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

DARREN DUNCAN FOR CONGRESS

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

COMMITTEE NAME: Darren Duncan for Congress

FEC ID#: C00729210

AF#: 3792

PAYMENT AMOUNT DUE: \$10,901

THIS IS THE END OF ADMINISTRATIVE FINE CASE #3792