

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE #3816



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

SENSITIVE

June 22, 2020

MEMORANDUM

TO: The Commission

THROUGH: Alec Palmer AP by *KAH*
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 April Quarterly Report for the Administrative Fine Program

We are withdrawing the document circulated to the Commission on June 11, 2020 in order to reflect updates disclosed in filings received by the Commission after the initial submission of this recommendation. On June 17, 2020, Committee to Elect Mauro Garza for U.S. Congress (AF 3811) filed a 2020 April Quarterly Report. The circulation report has been updated to reflect this most recent filing.

Attached is a list of political committees and their treasurers who failed to file the 2020 April Quarterly Report in accordance with 52 U.S.C. § 30104(a). The April Quarterly Report was due on April 15, 2020.

The committees listed in the attached RTB Circulation Report either failed to file the report, filed the report no more than thirty (30) days after the due date (considered a late filed report), or filed the report more than thirty (30) days after the due date (considered a non-filed report). In accordance with the schedule of civil money penalties for reports at 11 C.F.R. 111.43, these committees should be assessed the civil money penalties highlighted on the attached circulation report.

Recommendation

1. Find reason to believe that the political committees and their treasurers, in their official capacity, listed on the RTB Circulation Report violated 52 U.S.C. § 30104(a) and make a preliminary determination that the civil money penalties would be the amounts indicated on the RTB Circulation Report.
2. Send the appropriate letters.

Federal Election Commission
Reason to Believe Circulation Report
2020 APRIL QUARTERLY Not Election Sensitive 04/15/2020 H_S_P_UNAUTH

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
3800	C00700534	ADRIENNE BELL FOR CONGRESS	ADRIENNE BELL	MIMI MONTGOMERY	\$180,159	0	5/15/2020	30	\$11,365	\$326
3801	C00698613	ALBERT CHESTER FOR CONGRESS	ALBERT CHESTER	ALBERT CHESTER	\$124,122	0	4/30/2020	15	\$52,846	\$2,087
3802	C00700476	ALBORS PARA COMISIONADO	JUAN CARLOS ALBORS	IGNACIO FERNANDEZ	\$145,698	0		Not Filed	\$48,566 (est)	\$1,230
3803	C00687657	AMERICAN PRO-ISRAEL PAC		JEANNE SULLIVAN	\$137,162	0		Not Filed	\$137,162 (est)	\$6,541
3804	C00438358	AMSTED INDUSTRIES INCORPORATED PAC		TRISTAN PAIGE LOPEZ	\$131,996	0		Not Filed	\$65,998 (est)	\$3,925
3805	C00204388	BI-COUNTY POLITICAL ACTION COMMITTEE		JEREMY S. KUPFERMAN	\$108,550	0	4/21/2020	6	\$10,000	\$182
3806	C00697862	CAMPAIGN TO SUPPORT THE PRESIDENT		MAUREEN OTIS	\$171,912	0		Not Filed	\$85,956 (est)	\$5,086
3807	C00257121	CITIZENS FOR RUSH	BOBBY LEE RUSH	SHEILA L. JACKSON	\$705,217	0	5/4/2020	19	\$137,417	\$4,329

3809	C00663104	COMMITTEE TO ELECT HP	HAMID PARVIZIAN	DOUNIA METOURI	\$106,911	2		Not Filed	\$106,911 (est)	\$9,811
3810	C00693176	COMMITTEE TO ELECT JOE WALZ	THADDEUS JOSEPH WALZ	ERIKA ANDREA WALZ	\$104,372	0		Not Filed	\$26,093 (est)	\$1,230
3811	C00663435	COMMITTEE TO ELECT MAURO GARZA FOR US CONGRESS	MAURO EVERETT GARZA	ELIZABETH IRIS CASTILLO	\$257,596	1	6/17/2020	*Not Filed	\$56,841	\$4,906
3812	C00452581	COPART INC POLITICAL ACTION COMMITTEE (COPART PAC)		JOE MEISTER	\$182,000	0		Not Filed	\$91,000 (est)	\$5,086
3813	C00728675	DR JAY FOR CONGRESS, INC.	JAY JALISI	JAMES C. THOMAS	\$180,067	0		Not Filed	\$180,067 (est)	\$7,994
3814	C00717025	EMILY ROBINSON FOR CONGRESS	EMILY ROBINSON	EMILY ROBINSON	\$240,480	0		Not Filed	\$120,240 (est)	\$6,541
3815	C00655084	FRIENDS OF MARC FRIEDENBERG	MARC FRIEDENBERG	SEAN MILLER	\$439,083	0		Not Filed	\$146,361 (est)	\$6,541
3816	C00691709	FRIENDS OF MICHAEL WEINSTOCK	MICHAEL S. WEINSTOCK	BRIAN DENKER-YOUNGS	\$132,965	0	4/30/2020	15	\$16,108	\$236
3818	C00717215	HOWARD STEELE FOR CONGRESS	HOWARD LYNN STEELE	ANDREA LESTER	\$136,184	0		Not Filed	\$68,092 (est)	\$3,925
3819	C00581199	JILL STEIN FOR PRESIDENT	JILL STEIN	STEVEN WELZER	\$282,534	14		Not Filed	\$70,634 (est)	\$17,662

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
3820	C00710129	JON HOLLIS 4 CONGRESS	JON HOLLIS	JON HOLLIS	\$326,925	0		Not Filed	\$108,975 (est)	\$6,541
3821	C00677872	JONATHAN JENKINS FOR SENATE COMMITTEE	JONATHAN JENKINS	OFFICE OF TREASURER	\$1,049,103	0		Not Filed	\$1,049,103 (est)	\$17,440
3822	C00701508	JOSHUA COLLINS CAMPAIGN COMMITTEE	JOSHUA COLLINS	ANDY LO	\$358,495	0	4/24/2020	9	\$162,556	\$3,117
3824	C00708073	RONDA KENNEDY FOR CONGRESS 2020	RONDA KENNEDY	MICHAEL WARREN KENNEDY	\$100,363	0		Not Filed	\$33,454 (est)	\$1,230
3825	C00707596	SARAH GAD 2020	SARAH GAD	BENJAMIN NAWROCKI	\$185,899	0		Not Filed	\$92,950 (est)	\$5,086
3826	C00615013	SHAUN BROWN FOR VIRGINIA	SHAUN DENISE BROWN	OCTAVIANUS SMITH	\$179,167	0		Not Filed	\$179,167 (est)	\$7,994
3827	C00638148	SHIVA 4 SENATE	SHIVA AYYADURAI	CHRIS MARSTON	\$2,204,642	0	4/21/2020	6	\$2,100,927	\$9,007
3828	C00688069	SUPPORT AMERICAN LEADERS PAC		MAUREEN OTIS	\$956,586	0		Not Filed	\$239,147 (est)	\$9,446
3831	C00676320	UNITED FORWARD 2020 BENZEL FOR CONGRESS	JULIANNE ELIZABETH BENZEL	GREG DON BENZEL	\$202,857	0		Not Filed	\$40,571 (est)	\$1,230
3833	C00616912	WOMEN VOTE SMART		AMY S. KREMER	\$291,231	0		Not Filed	\$145,616 (est)	\$6,541

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

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)	
)	
Withdrawal and Resubmission of Reason)	
To Believe Recommendation – 2020 April)	
Quarterly Report for the Administrative)	
Fine Program:)	
ADRIENNE BELL FOR CONGRESS, and	)	AF# 3800
MIMI MONTGOMERY as treasurer;)	
ALBERT CHESTER FOR CONGRESS,	)	AF# 3801
and CHESTER, ALBERT as treasurer;)	
ALBORS PARA COMISIONADO, and	)	AF# 3802
FERNANDEZ, IGNACIO as treasurer;)	
AMERICAN PRO-ISRAEL PAC, and	)	AF# 3803
SULLIVAN, JEANNE as treasurer;)	
AMSTED INDUSTRIES	)	AF# 3804
INCORPORATED PAC, and LOPEZ,)	
TRISTAN PAIGE as treasurer;)	
BI-COUNTY POLITICAL ACTION	)	AF# 3805
COMMITTEE, and KUPFERMAN,)	
JEREMY S as treasurer;)	
CAMPAIGN TO SUPPORT THE	)	AF# 3806
PRESIDENT, and OTIS, MAUREEN as)	
treasurer;)	
CITIZENS FOR RUSH, and JACKSON,	)	AF# 3807
SHEILA L. as treasurer;)	
COMMITTEE TO ELECT HP, and	)	AF# 3809
METOURI, DOUNIA as treasurer;)	
COMMITTEE TO ELECT JOE WALZ,	)	AF# 3810
and WALZ, ERIKA ANDREA as treasurer;)	
COPART INC POLITICAL ACTION	)	AF# 3812
COMMITTEE (COPART PAC), and)	
MEISTER, JOE as treasurer;)	
DR JAY FOR CONGRESS, INC., and	)	AF# 3813
THOMAS, JAMES C as treasurer;)	
EMILY ROBINSON FOR CONGRESS,	)	AF# 3814
and ROBINSON, EMILY as treasurer;)	
FRIENDS OF MARC FRIEDENBERG,)	AF# 3815
and MILLER, SEAN MR. as treasurer;)	

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FRIENDS OF MICHAEL WEINSTOCK, and DENKER-YOUNGS, BRIAN as treasurer;)	AF# 3816
HOWARD STEELE FOR CONGRESS, and LESTER, ANDREA as treasurer;	)	AF# 3818
JILL STEIN FOR PRESIDENT, and WELZER, STEVEN as treasurer;	)	AF# 3819
JON HOLLIS 4 CONGRESS, and HOLLIS, JON as treasurer;	)	AF# 3820
JOSHUA COLLINS CAMPAIGN COMMITTEE, and LO, ANDY as treasurer;	)	AF# 3822
RONDA KENNEDY FOR CONGRESS 2020, and KENNEDY, MICHAEL WARREN as treasurer;	)	AF# 3824
SARAH GAD 2020, and NAWROCKI, BENJAMIN as treasurer;	)	AF# 3825
SHAUN BROWN FOR VIRGINIA, and SMITH, OCTAVIANUS as treasurer;	)	AF# 3826
SHIVA 4 SENATE, and MARSTON, CHRIS as treasurer;	)	AF# 3827
SUPPORT AMERICAN LEADERS PAC, and OTIS, MAUREEN as treasurer;	)	AF# 3828
UNITED FORWARD 2020 BENZEL FOR CONGRESS, and BENZEL, GREG DON MR. as treasurer;	)	AF# 3831
WOMEN VOTE SMART, and KREMER, AMY S as treasurer;	)	AF# 3833

CERTIFICATION

I, Laura E. Sinram, Acting Secretary and Clerk of the Federal Election Commission, do hereby certify that on June 30, 2020 the Commission took the following actions on the Withdrawal and Resubmission of Reason To Believe Recommendation – 2020 April Quarterly Report for the Administrative Fine Program, as recommended in the Reports Analysis Division's Memorandum dated June 22, 2020, on the following committees:

AF#3800 Decided by a vote of 4-0 to: (1) find reason to believe that ADRIENNE BELL FOR CONGRESS, and MIMI MONTGOMERY 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#3801 Decided by a vote of 4-0 to: (1) find reason to believe that ALBERT CHESTER FOR CONGRESS, and CHESTER, ALBERT 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.

AF#3802 Decided by a vote of 4-0 to: (1) find reason to believe that ALBORS PARA COMISIONADO, and FERNANDEZ, IGNACIO 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.

AF#3803 Decided by a vote of 4-0 to: (1) find reason to believe that AMERICAN PRO-ISRAEL PAC, and SULLIVAN, JEANNE 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#3804 Decided by a vote of 4-0 to: (1) find reason to believe that AMSTED INDUSTRIES INCORPORATED PAC, and LOPEZ, TRISTAN PAIGE 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#3805 Decided by a vote of 4-0 to: (1) find reason to believe that BI-COUNTY POLITICAL ACTION COMMITTEE, and KUPFERMAN, JEREMY S 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.

AF#3806 Decided by a vote of 4-0 to: (1) find reason to believe that CAMPAIGN TO SUPPORT THE PRESIDENT, and OTIS, MAUREEN 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#3807 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#3809 Decided by a vote of 4-0 to: (1) find reason to believe that COMMITTEE TO ELECT HP, and METOURI, DOUNIA 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#3810 Decided by a vote of 4-0 to: (1) find reason to believe that COMMITTEE TO ELECT JOE WALZ, and WALZ, ERIKA ANDREA 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#3812 Decided by a vote of 4-0 to: (1) find reason to believe that COPART INC POLITICAL ACTION COMMITTEE (COPART PAC), and MEISTER, JOE 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.

AF#3813 Decided by a vote of 4-0 to: (1) find reason to believe that DR JAY FOR CONGRESS, INC., and THOMAS, JAMES C 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.

AF#3814 Decided by a vote of 4-0 to: (1) find reason to believe that EMILY ROBINSON FOR CONGRESS, and ROBINSON, EMILY 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#3815 Decided by a vote of 4-0 to: (1) find reason to believe that FRIENDS OF MARC FRIEDENBERG, and MILLER, SEAN MR. 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.

AF#3816 Decided by a vote of 4-0 to: (1) find reason to believe that FRIENDS OF MICHAEL WEINSTOCK, and DENKER-YOUNGS, BRIAN 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.

AF#3818 Decided by a vote of 4-0 to: (1) find reason to believe that HOWARD STEELE FOR CONGRESS, and LESTER, ANDREA 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#3819 Decided by a vote of 4-0 to: (1) find reason to believe that JILL STEIN FOR PRESIDENT, and WELZER, STEVEN 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.

AF#3820 Decided by a vote of 4-0 to: (1) find reason to believe that JON HOLLIS 4 CONGRESS, and HOLLIS, JON 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.

AF#3822 Decided by a vote of 4-0 to: (1) find reason to believe that JOSHUA COLLINS CAMPAIGN COMMITTEE, and LO, ANDY 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.

AF#3824 Decided by a vote of 4-0 to: (1) find reason to believe that RONDA KENNEDY FOR CONGRESS 2020, and KENNEDY, MICHAEL WARREN 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.

AF#3825 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.

AF#3826 Decided by a vote of 4-0 to: (1) find reason to believe that SHAUN BROWN FOR VIRGINIA, and SMITH, OCTAVIANUS 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#3827 Decided by a vote of 4-0 to: (1) find reason to believe that SHIVA 4 SENATE, and MARSTON, CHRIS 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.

AF#3828 Decided by a vote of 4-0 to: (1) find reason to believe that SUPPORT AMERICAN LEADERS PAC, and OTIS, MAUREEN 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#3831 Decided by a vote of 4-0 to: (1) find reason to believe that UNITED FORWARD 2020 BENZEL FOR CONGRESS, and BENZEL, GREG DON MR.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.

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AF#3833 Decided by a vote of 4-0 to: (1) find reason to believe that WOMEN VOTE SMART, and KREMER, AMY S 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.



Attest:

Laura
Sinram

Digitally signed by
Laura Sinram
Date: 2020.07.08
15:11:28 -04'00'

Laura E. Sinram
Acting Secretary and Clerk of the
Commission



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

AF

July 15, 2020

Brian Denker-Youngs, in official capacity as Treasurer
Friends of Michael Weinstock
P.O. Box 2013
Great Neck, NY 11022

Response Due Date**08/09/2020**

C00691709

AF#: 3816

Dear Mr. Denker-Youngs,

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file an April Quarterly Report of Receipts and Disbursements every calendar year. This report, covering the period January 1, 2020 through March 31, 2020, shall be filed no later than April 15, 2020. 52 U.S.C. § 30104(a). Records at the Federal Election Commission ("FEC") indicate that this report was filed on April 30, 2020, 15 days late.

The Act permits the FEC to impose civil money penalties for violations of the reporting requirements of 52 U.S.C. § 30104(a). 52 U.S.C. § 30109g(a)(4). On June 30, 2020, the FEC found that there is reason to believe ("RTB") that Friends of Michael Weinstock 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 April 15, 2020. Based on the FEC's schedules of civil money penalties at 11 CFR § 111.43, the amount of your civil money penalty calculated at the RTB stage is \$236. Please see the attached copy of the Commission's administrative fine regulations at 11 CFR §§ 111.30-111.55. Attachment 1. The Commission's website contains further information about how the administrative fine program works and how the fines are calculated. See <https://www.fec.gov/af/pay.shtml> 11 CFR § 111.34. Your payment of \$236 is due within forty (40) days of the finding, or by August 9, 2020, and is based on these factors:

Election Sensitivity of Report: Not Election Sensitive
Level of Activity: \$16,108
Number of Days Late: 15
Number of Previous Civil Money Penalties Assessed: 0

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

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

If you should decide to challenge the RTB finding and/or calculated civil money penalty, you must submit a written response to the FEC's Office of Administrative

FRIENDS OF MICHAEL WEINSTOCK

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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 9, 2020. 11 CFR § 111.35(a). Your written response must include the reason(s) why you are challenging the RTB finding and/or calculated civil money penalty, and must include the factual basis supporting the reason(s) and supporting documentation. The FEC strongly encourages that documents be submitted in the form of affidavits or declarations. 11 CFR § 111.36(c).

Please note, on June 18, 2020, the Federal Election Commission began the initial phase (Phase I) of its return to normal operations. At this stage, the agency's offices will remain closed to visitors and most of its employees will continue to telework in an effort to limit the spread of coronavirus (COVID-19). The Commission is processing some documents submitted by mail, though processing will not occur on a daily basis until the agency resumes normal mail operations. Nevertheless, a challenge to an RTB finding and/or calculated civil money penalty must be received on time. Thus, all written responses and supporting documentation should be converted to PDF (Portable Document Format) and must be emailed to administrativefines@fec.gov. The Commission encourages the use of electronic signatures on electronically submitted documents, but scanned copies of ink signatures will be accepted. Electronically submitted challenges will be deemed received on the date it is electronically received by staff.

The FEC will only consider challenges that are based on at least one of three grounds: (1) a factual error in the RTB finding; (2) miscalculation of the calculated civil money penalty by the FEC; or (3) your demonstrated use of best efforts to file in a timely manner when prevented from doing so by reasonably unforeseen circumstances that were beyond your control. 11 CFR § 111.35(b). In order for a challenge to be considered on the basis of best efforts, you must have filed the required report no later than 24 hours after the end of these reasonably unforeseen circumstances. *Id.* Examples of circumstances that will be considered reasonably unforeseen and beyond your control include, but are not limited to: (1) a failure of Commission computers or Commission-provided software despite your seeking technical assistance from Commission personnel and resources; (2) a widespread disruption of information transmissions over the Internet that is not caused by a failure of the Commission's or your computer systems or Internet service provider; and (3) severe weather or other disaster-related incident. 11 CFR § 111.35(c). Examples of circumstances that will not be considered reasonably unforeseen and beyond your control include, but are not limited to: (1) negligence; (2) delays caused by vendors or contractors; (3) treasurer and staff illness, inexperience or unavailability; (4) committee computer, software, or Internet service provider failures; (5) failure to know filing dates; and (6) failure to use filing software properly. 11 CFR § 111.35(d).

FRIENDS OF MICHAEL WEINSTOCK

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The "failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver" of your right to present such argument in a petition to the U.S. District Court under 52 U.S.C. § 30109. 11 CFR § 111.38.

If you intend to be represented by counsel, please advise the Office of Administrative Review. You should provide, in writing, the name, address and telephone number of your counsel and authorize counsel to receive notifications and communications relating to this challenge and imposition of the calculated civil money penalty.

2. If You Choose Not to Pay the Civil Money Penalty and Not to Submit a Challenge

If you do not pay the calculated civil money penalty and do not submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that Friends of Michael Weinstock and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) and assess a civil money penalty.

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

3. If You Choose to Pay the Civil Money Penalty

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

NOTICE REGARDING PARTIAL PAYMENTS AND SETTLEMENT OFFERS

4. Partial Payments

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

5. Settlement Offers

Any offer to settle or compromise a debt owed to the Commission, including a payment in an amount less than the calculated civil money penalty assessed or any restrictive endorsements contained on your check or money order or proposed in correspondence transmitted with your check or money order, will be rejected. Acceptance and deposit or cashing of such a restricted payment does not constitute

FRIENDS OF MICHAEL WEINSTOCK

Page 4 of 5

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 \$236 for the April Quarterly Report.

You may remit payment by ACH withdrawal from your bank account, or by debit or credit card through Pay.gov, the federal government's secure portal for online collections. Visit www.fec.gov/af/pay.shtml to be directed to Pay.gov's Administrative Fine Program Payment form. Please use the details below to complete the required fields. For additional payment options, please contact Ben Holly in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202)

FRIENDS OF MICHAEL WEINSTOCK

Page 5 of 5

694-1130.

COMMITTEE NAME: Friends of Michael Weinstock

FEC ID#: C00691709

AF#: 3816

PAYMENT DUE DATE: August 9, 2020

PAYMENT AMOUNT DUE: \$236

MICHAEL S WEINSTOCK
Attorney at Law
15 CutterMill Road, Suite 290
Great Neck, NY 11021

Phone/Fax 516 482-3602
Cell 646 401-1418

September 17, 2020

Federal Elections Commission
Challenge: RTB Finding
(via email: AdministrativeFines@fec.gov)

FRIENDS OF MICHAEL WEINSTOCK
C00691709
AF# 3816

I am challenging the fine on the grounds that my campaign for Congress demonstrated all reasonable efforts to file in a timely manner, and were prevented from doing so, by unforeseen circumstances that were beyond our control, in accordance with 11 CFR § 111.35(b). Specifically, the spread of the coronavirus in the State of New York, AND the shutting down of all business and offices created a disaster-related incident, in accordance with 11 CFR § 111.35(c).

My campaign for Congress was required to submit our quarterly filings on April 15, 2020. As a direct result of the disaster-related incident (pandemic) in the State of New York, the materials were filed fifteen days late. The fine should be expunged, and the agency should issue an apology, for the issuance of the fine.

On March 20, 2020, the President of the United States issued a disaster declaration, encompassing the State of New York, because of the Coronavirus Disease 2019 (COVID-19) pandemic, (*see* White House Press Release, President Donald J. Trump Approves New York Disaster Declaration, dated March 20, 2020 attached here as “**Exhibit 1**”.)

On March 20, 2020, the Governor of the State of New York issued an Executive Order (“Executive Order”), shutting down all non-essential businesses and requiring non-essential workers to stay home, (*see* Katie Morosky, *Riverhead Local*, New York is shutting down: Most businesses ordered closed, all non-essential workers must stay home, ban on social gatherings, March 20, 2020, Page 1, attached here as “**Exhibit 2**”.)

The restrictions issued by the Governor of the State of New York were mandatory.

AFFADAVIT OF MICHAEL WEINSTOCK

From March 20th, 2020 and through April 30th, 2020, I was unable to travel to Weinstock Campaign Headquarters (located at 169 Middle Neck Road, in Great Neck, New York) to gather the required financial documents and/or use the computers, because the Weinstock for Congress campaign was not categorized as an "essential business" in accordance with the Executive Order issued by the Governor of the State of New York.

Accordingly, travelling to the campaign headquarters would have violated New York State Law and endangered public health during the COVID-19 pandemic

Dated: Great Neck, New York
September 17, 2020

By 

Michael S. Weinstock
Law offices of Michael Weinstock LLC
15 Cuttermill Road,
Great Neck, NY 11021
(646) 401-1418

EXHIBIT 1

**STATEMENTS & RELEASES**

President Donald J. Trump Approves New York Disaster Declaration

— HEALTHCAREIssued on: **March 20, 2020**

Today, President Donald J. Trump declared that a major disaster exists in the State of New York and ordered Federal assistance to supplement State, tribal, and local recovery efforts in the areas affected by the Coronavirus Disease 2019 (COVID-19) pandemic beginning on January 20, 2020, and continuing.

The President's action makes Federal funding available for Crisis Counseling for affected individuals in all areas in the State of New York.

Federal funding is also available to State, tribal, and eligible local governments and certain private nonprofit organizations for emergency protective measures, including direct federal assistance, for all areas in the State of New York impacted by COVID-19.

Pete Gaynor, Administrator, Federal Emergency Management Agency (FEMA), Department of Homeland Security, named Seamus K. Leary as the Federal Coordinating Officer for Federal recovery operations in the affected areas.

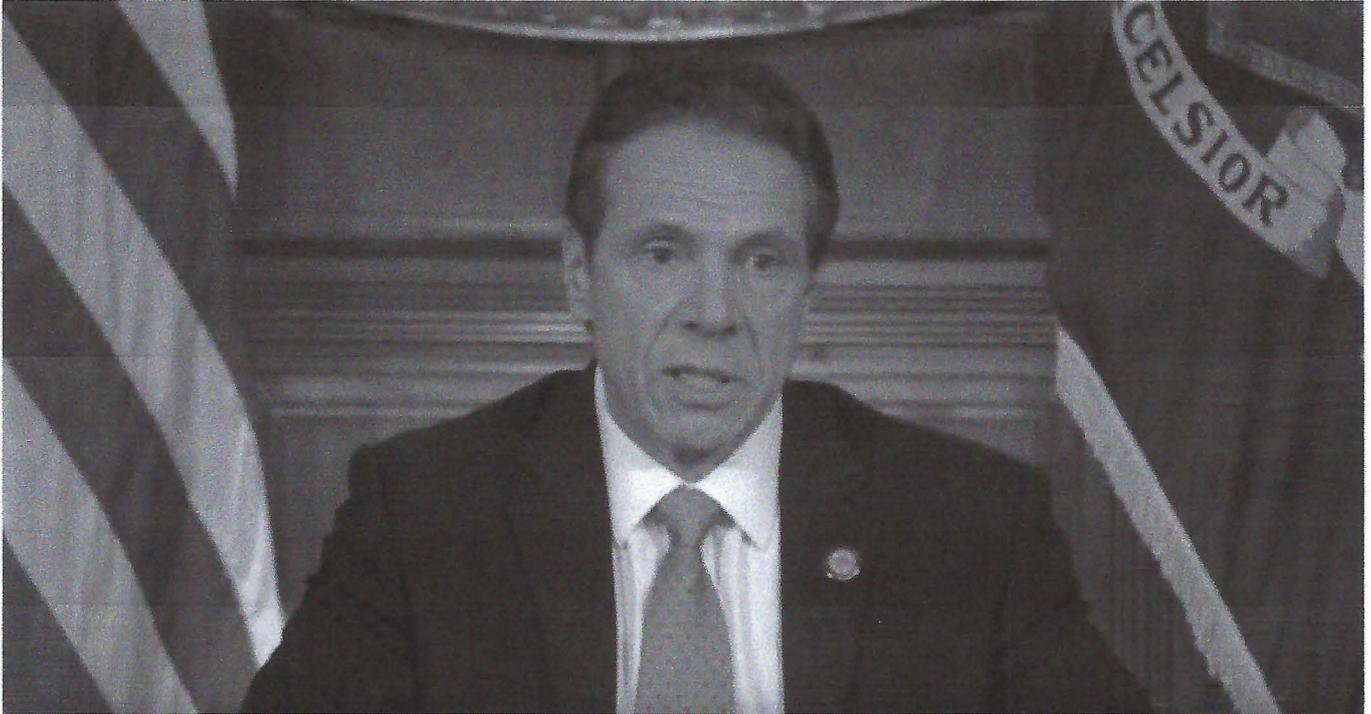
Additional designations may be made at a later date if requested by the State and warranted by the results of further assessments.

FOR FURTHER INFORMATION MEDIA SHOULD CONTACT THE FEMA NEWS DESK AT (202) 646-3272 OR FEMA-NEWS-DESK@FEMA.DHS.GOV .

EXHIBIT 2

New York is shutting down: Most businesses ordered closed, all non-essential workers must stay home, ban on social gatherings

By **Katie Morosky** - Mar 20, 2020, 12:28 pm



Governor Andrew Cuomo announced sweeping new restrictions on New Yorkers at a press conference today. Photo: NYS livestream.

New York State is taking some of the most extreme measures in the nation to slow the spread of coronavirus, ordering all non-essential businesses to keep workers at home, banning social gatherings of any size and implementing even more drastic restrictions for vulnerable populations.

“When we look back at this 10 years from now, I want to be able to say to the people of New York that I did everything we could do,” Governor Andrew Cuomo said at a press conference today. “This is about saving lives.”

The new measures, which take effect Sunday evening, are necessary in order to prevent the rapidly escalating infection rate from collapsing local hospitals, Cuomo said.

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“This is not life as usual,” he said. “Accept it and realize it and deal with it.”

New York today has more than 7,100 cases of confirmed coronavirus, almost 3,000 more than the day before. More than 1,100 of those cases are in Nassau and Suffolk counties, and 4,408 are in New York City.

READ MORE: Suffolk County hospitals scramble to expand capacity for oncoming coronavirus surge.

Cuomo could not predict how long these measures will be in effect, but explained that public officials could relax and tighten them as the situation progresses.

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He compared the restrictions to a “density control valve,” which officials can open and close depending on how the rate of infections responds to each action.

“Today, we’re going to take it to the ultimate step, which is that we’re going to close the valve,” he said. “Because the rate of increase in the number of cases portends a total overwhelming of our hospital system.”



He could not yet provide a full list of what would be considered essential services, but defined them loosely as “services that society needs to function.”

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LIVE UPDATES: Coronavirus coverage, closings and cancellations.

The following restrictions will apply to everyone in the state of New York, beginning Sunday evening:

- All non-essential businesses will be required to keep their entire workforce home. There will be mandatory closures and civil fines for businesses that do not comply.
- Social gatherings of any size for any reason are banned, including parties, celebrations and other social event.
- Any gathering of people outside of the home must be limited to workers providing essential services.
- When in public, people must stay at least six feet apart from each other.
- Outdoor recreational activities are limited to non-contact sports and activities.
- Sick people shouldn't leave home unless it is to receive medical care, and only after a telehealth visit.
- Limit public transportation unless absolutely necessary.

Even stricter rules will be in effect for vulnerable populations, which Cuomo defined as people over the age of 70, immunocompromised populations or those with underlying illness:

- Stay indoors except for solitary outdoor exercise.
- All visitors and aides to homes of vulnerable populations must be screened by taking their temperature.
- Vulnerable populations should wear a mask when in the company of others.
- Anyone in the presence of someone in a vulnerable population should wear a mask, to the greatest extent possible.

The governor said he knows these are drastic measures, but the situation demands them.



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 13, 2020

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

AF# 3816 – Friends of Michael Weinstock and Brian Denker-Youngs, in his official capacity as Treasurer (C00691709)

Summary of Recommendation

Make a final determination, in accordance with 11 C.F.R. § 111.37(b), that no violation has occurred because, pursuant to 11 C.F.R. § 111.35(b)(3), the respondents used best efforts to file in a timely manner and close the file.

Reason-to-Believe Background

The 2020 April Quarterly Report was due on April 15, 2020. The respondents filed the report on April 30, 2020, 15 days late. The report is not election sensitive and was filed within 30 days of the due date; therefore, the report is considered late. 11 C.F.R. §§ 111.43(d)(1) and (e)(1).

On June 30, 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 April Quarterly Report and made a preliminary determination that the civil money penalty was \$236 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 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 September 17, 2020, the Commission received the written response (“challenge”) from the Candidate challenging the RTB finding due to impacts of COVID-19 in the State of New York. The Candidate explains that on March 20, 2020, the President of the United States issued a disaster declaration. On the same day, the Governor of New York issued an Executive Order requiring non-essential businesses to close and all non-essential workers to stay home.

According to the enclosed Affidavit of Michael Weinstock, the Candidate, he was unable to travel to campaign headquarters from March 20, 2020 through April 30, 2020 “...to gather the required financial documents and/or use the computers...”

Analysis

The respondents contend they used their best efforts to timely file the 2020 April Quarterly Report but were prevented from doing so due to impacts of COVID-19, which they state is a circumstance that was unforeseen and beyond the Committee’s control. Specifically, the respondents contend their inability to access campaign headquarters to gather financial records and/or use the computers prevented the Committee from timely filing the report.

The Reviewing Officer recognizes the Candidate and Committee staff were prohibited from traveling to campaign headquarters under the Governor’s Executive Orders of March 20, 2020 and April 16, 2020. See Attachment 2. The Reviewing Officer also notes that the Committee filed the 2020 April Quarterly Report on April 30, 2020, the same day the Candidate states he was able to travel to campaign headquarters. Moreover, Commission records support the Committee’s contention that its inability to access campaign headquarters directly prevented the Committee from timely filing the report.

The Treasurer first contacted RAD on April 17, 2020 to request assistance with installing FECFile on a different computer than what is normally used to file the Committee’s reports. The RAD Analyst explained that he would not be able to install FECFile on a Mac computer. The Analyst provided the Treasurer with resources on the Commission’s website, stressed the importance of filing the 2020 April Quarterly Report as soon as possible, and encouraged him to call back with any questions. On April 24, 2020, the Treasurer left a voicemail for the Commission’s Electronic Filing Office (“EFO”) requesting technical assistance. EFO Staff returned the call and left a voicemail encouraging him to call back for assistance. On April 27, 2020, the Treasurer contacted EFO to request assistance with creating a new datafile. EFO Staff provided assistance, and the Treasurer indicated that he did not have all of the necessary data to create the new datafile. He stated he would gather the necessary information and call back. On April 30, 2020, the Treasurer left a message for EFO requesting assistance in uploading the report. EFO returned the call that same day, but by that time, the Treasurer had already successfully filed the report.

In accordance with 11 C.F.R. § 111.35, 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) demonstrated use of best efforts to file in a timely manner when prevented from doing so by reasonably unforeseen circumstances that were beyond the respondents’ control. The “best efforts” defense is a two-part test: the respondents 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.

The Commission states in its *Explanation and Justification for Revised 11 CFR § 111.35(b)(3) – “Best Efforts” Defense*, 72 Fed. Reg. 14662, 14664-14666 (Mar. 29, 2007) that respondents must show

“...that the reasonably unforeseen circumstances in fact *prevented* the timely and proper filing of the required report...[T]his rule requires a strict causal relationship between the circumstances described in the challenge...and the respondent's inability to file the report timely. It is not sufficient for reasonably unforeseen circumstances to make it merely more difficult than usual for the respondent to file on time. The circumstance must cause the respondent to be *unable* to file in a timely and proper manner, despite the respondent attempting to use all available methods of filing.” (emphasis included)

The Reviewing Officer recognizes COVID-19 and its related impacts may be considered a reasonably unforeseen circumstance beyond a committee's control. Further, the respondents demonstrated that the unforeseen circumstances directly *prevented* them from gaining access to the financial records and/or computers at campaign headquarters until April 30, 2020. Upon gaining access to campaign headquarters on April 30, 2020, the Committee filed the report within 24 hours. Therefore, the “best efforts” defense succeeds. 11 C.F.R. § 111.35(b)(3). The Reviewing Officer recommends that, in accordance with 11 C.F.R. § 111.37(b), the Commission make a final determination that no violation has occurred because, pursuant to 11 C.F.R. § 111.35(b)(3), the respondents used best efforts to file in a timely manner and close the file.

OAR Recommendations

1. Adopt the Reviewing Officer recommendation for AF# 3816 involving Friends of Michael Weinstock and Brian Denker-Youngs, in his official capacity as Treasurer, in making a final determination;
2. Make a final determination in AF# 3816 that Friends of Michael Weinstock and Brian Denker-Youngs, in his official capacity as Treasurer, did not violate 52 U.S.C. § 30104(a) because, pursuant to 11 C.F.R. § 111.35(b)(3), the respondents used best efforts to file in a timely manner and close the file;
3. Send the appropriate letter.

Attachments

- Attachment 1 –
- Attachment 2 – State of New York Executive Order No. 202.8 and No. 202.18
- Attachment 3 –
- Attachment 4 – Declaration from RAD
- Attachment 5 – Declaration from OAR



State of New York

Executive Chamber

No. 202.8

EXECUTIVE ORDER

Continuing Temporary Suspension and Modification of Laws Relating to the Disaster Emergency

WHEREAS, on March 7, 2020, I issued Executive Order Number 202, declaring a State disaster emergency for the entire State of New York;

WHEREAS, both travel-related cases and community contact transmission of COVID-19 have been documented in New York State and are expected to be continue;

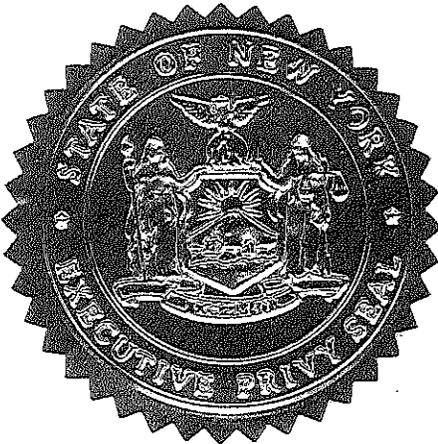
WHEREAS, in order to facilitate the most timely and effective response to the COVID-19 emergency disaster, it is critical for New York State to be able to act quickly to gather, coordinate, and deploy goods, services, professionals, and volunteers of all kinds; and

NOW, THEREFORE, I, Andrew M. Cuomo, Governor of the State of New York, by virtue of the authority vested in me by Section 29-a of Article 2-B of the Executive Law to temporarily suspend or modify any statute, local law, ordinance, order, rule, or regulation, or parts thereof, of any agency during a State disaster emergency, if compliance with such statute, local law, ordinance, order, rule, or regulation would prevent, hinder, or delay action necessary to cope with the disaster emergency or if necessary to assist or aid in coping with such disaster, I hereby temporarily suspend or modify, for the period from the date of this Executive Order through April 19, 2020 the following:

- In accordance with the directive of the Chief Judge of the State to limit court operations to essential matters during the pendency of the COVID-19 health crisis, any specific time limit for the commencement, filing, or service of any legal action, notice, motion, or other process or proceeding, as prescribed by the procedural laws of the state, including but not limited to the criminal procedure law, the family court act, the civil practice law and rules, the court of claims act, the surrogate's court procedure act, and the uniform court acts, or by any other statute, local law, ordinance, order, rule, or regulation, or part thereof, is hereby tolled from the date of this executive order until April 19, 2020;
- Subdivision 1 of Section 503 of the Vehicle and Traffic Law, to the extent that it provides for a period of validity and expiration of a driver's license, in order to extend for the duration of this executive order the validity of driver's licenses that expire on or after March 1, 2020;
- Subdivision 1 of Section 491 of the Vehicle and Traffic Law, to the extent that it provides for a period of validity and expiration of a non-driver identification card, in order to extend for the duration of this executive order the validity of non-driver identification cards that expire on or after March 1, 2020;
- Sections 401, 410, 2222, 2251, 2261, and 2282(4) of the Vehicle and Traffic law, to the extent that it provides for a period of validity and expiration of a registration certificate or number plate for a motor vehicle or trailer, a motorcycle, a snowmobile, a vessel, a limited use vehicle, and an all-terrain vehicle, respectively, in order to extend for the duration of this executive order the validity of such registration certificate or number plate that expires on or after March 1, 2020;
- Section 420-a of the vehicle and traffic law to the extent that it provides an expiration for temporary registration documents issued by auto dealers to extend the validity of such during the duration of this executive order.
- Subsection (a) of Section 602 and subsections (a) and (b) of Section 605 of the Business Corporation Law, to the extent they require meetings of shareholders to be noticed and held at a physical location.

NOW, THEREFORE, by virtue of the authority vested in me by Section 29-a of Article 2-B of the Executive Law to issue any directive during a disaster emergency necessary to cope with the disaster, I hereby issue the following directives for the period from the date of Executive Order through April 19, 2020:

- The provisions of Executive Order 202.6 are hereby modified to read as follows: Effective on March 22 at 8 p.m.: All businesses and not-for-profit entities in the state shall utilize, to the maximum extent possible, any telecommuting or work from home procedures that they can safely utilize. Each employer shall reduce the in-person workforce at any work locations by 100% no later than March 22 at 8 p.m. Any essential business or entity providing essential services or functions shall not be subject to the in-person restrictions. An entity providing essential services or functions whether to an essential business or a non-essential business shall not be subjected to the in-person work restriction, but may operate at the level necessary to provide such service or function. Any business violating the above order shall be subject to enforcement as if this were a violation of an order pursuant to section 12 of the Public Health Law.
- There shall be no enforcement of either an eviction of any tenant residential or commercial, or a foreclosure of any residential or commercial property for a period of ninety days.
- Effective at 8 p.m. March 20, any appointment that is in-person at any state or county department of motor vehicles is cancelled, and until further notice, only on-line transactions will be permitted.
- The authority of the Commissioner of Taxation and Finance to abate late filing and payment penalties pursuant to section 1145 of the Tax Law is hereby expanded to also authorize abatement of interest, for a period of 60 days for a taxpayers who are required to file returns and remit sales and use taxes by March 20, 2020, for the sales tax quarterly period that ended February 29, 2020.



GIVEN under my hand and the Privy Seal of the
State in the City of Albany this
twentieth day of March in the year
two thousand twenty.

BY THE GOVERNOR

Mr. C
Secretary to the Governor

Adriano



State of New York

Executive Chamber

No. 202.18

EXECUTIVE ORDER

Continuing Temporary Suspension and Modification of Laws Relating to the Disaster Emergency

WHEREAS, on March 7, 2020, I issued Executive Order Number 202, declaring a State disaster emergency for the entire State of New York; and

WHEREAS, both travel-related cases and community contact transmission of COVID-19 have been documented in New York State and are expected to be continue;

NOW, THEREFORE, I, Andrew M. Cuomo, Governor of the State of New York, by virtue of the authority vested in me by Section 29-a of Article 2-B of the Executive Law to temporarily suspend or modify any statute, local law, ordinance, order, rule, or regulation, or parts thereof, of any agency during a State disaster emergency, if compliance with such statute, local law, ordinance, order, rule, or regulation would prevent, hinder, or delay action necessary to cope with the disaster emergency or if necessary to assist or aid in coping with such disaster, I hereby temporarily suspend or modify, for the period from the date of this Executive Order through May 16, 2020 the following:

- Sections 6512 through 6516, and 6905, 6906 and 6910 of the Education Law and Part 64 of Title 8 of the NYCRR, to the extent necessary to allow registered nurses, licensed practical nurses, and nurse practitioners or a substantially similar title licensed and in current good standing in any province or territory of Canada, to practice in New York State without civil or criminal penalty related to lack of licensure;
- Sections 6512 through 6516, and 6524 of the Education Law and Part 60 of Title 8 of the NYCRR, to the extent necessary to allow physicians licensed and in current good standing in any province or territory of Canada, to practice medicine in New York State without civil or criminal penalty related to lack of licensure;
- Sections 6512 through 6516, and 6541 of the Education Law and Part 60.8 of Title 8 of the NYCRR 8 NYCRR, to the extent necessary to allow physician assistants or a substantially similar title licensed and in current good standing in any province or territory of Canada, to practice in New York State without civil or criminal penalty related to lack of licensure;
- Sections 3502 and 3505 of the Public Health Law and Part 89 of Title 10 of the NYCRR to the extent necessary to permit radiologic technologists or a substantially similar title licensed and in current good standing in any province or territory of Canada, to practice in New York State without civil or criminal penalty related to lack of licensure;
- Sections 6512 through 6516, 6548 and 6911 of the Education Law and sections 60.11 and 64.8 Title 8 of the NYCRR, to the extent necessary to allow clinical nurse specialists, specialist assistants, and substantially similar titles certified and in current good standing in any state in the United States, or any province or territory of Canada, to practice in New York State without civil or criminal penalty related to lack of certification;
- Sections 6512 through 6516, and 7704 of the Education Law and Part 74 of Title 8 of the NYCRR, to the extent necessary to allow licensed master social workers, licensed clinical social workers, and substantially similar titles licensed and in current good standing in any state in the

United States, or in any province or territory of Canada, to practice in New York State without civil or criminal penalty related to lack of licensure;

- Section 6502 of the Education Law and 8 NYCRR 59.8, to the extent necessary to allow specialist assistants, respiratory therapists, respiratory therapist technicians, pharmacists, clinical nurse specialists, dentists, dental hygienists, registered dental assistants, midwives, perfusionists, clinical laboratory technologists, cytotechnologists, certified clinical laboratory technicians, certified histological technicians, licensed clinical social workers, licensed master social workers, podiatrists, physical therapists, physical therapist assistants, mental health counselors, marriage and family therapists, creative arts therapists, psychoanalysts and psychologists who have an unencumbered license and are currently in good standing in New York State but not registered in New York State to practice in New York State without civil or criminal penalty related to lack of registration;
- Section 6908 of the Education Law and associated regulations, to the extent necessary to permit graduates of State Education Department registered, licensure qualifying nurse practitioner education programs to be employed to practice nursing in a hospital or nursing home for 180 days immediately following successful completion of a New York State Registered licensure qualifying education program, provided that the graduate files with the State Education Department an application for certification as a nurse practitioner;
- Section 8609 of the Education Law and associated regulations, to the extent necessary to permit graduates of State Education Department registered, licensure qualifying clinical laboratory technology and clinical laboratory technician education programs to be employed to practice for 180 days immediately following successful completion of a New York State Registered licensure qualifying education program, in a clinical laboratory with a valid New York State permit, provided that the graduate files an application for a New York State clinical laboratory practitioner license and limited permit;
- Section 6808 of the Education Law and 8 NYCRR 63.6 and 63.8, to the extent necessary to extend the triennial registrations of pharmacy establishments who are currently registered and whose registration is set to expire on or after March 31, 2020. An application for re-registration of such registrations shall be submitted no later than 30 days after expiration of Executive Order 202;
- Sections 1514 and 1531 of the Business Corporation Law and Section 121-1500(g) of the Partnership Law, to the extent necessary to extend the statements of domestic or foreign professional service corporations, design professional service corporations, registered professional limited liability partnerships, New York registered foreign professional limited liability partnerships whose statements are set to expire on or after March 31, 2020. Such statements shall be filed no later than 30 days after the expiration of Executive Order 202;
- Section 7210 of the Education Law, to the extent necessary to extend the triennial renewal of certificates of authorizations of domestic or foreign professional service corporations, design professional service corporations, professional service limited liability companies, foreign professional service limited liability companies, registered professional limited liability partnerships, New York registered professional foreign limited liability partnerships, partnerships and joint enterprises specified in Education Law §7209(4) authorized to provide professional engineering, land surveying or professional geology services whose certificates of authorizations are set to expire on or after March 31, 2020. The application for the renewal of such certificates of authorization shall be submitted no later than 30 days after the expiration of Executive Order 202;
- Section 6503-b of the Education Law and 8 NYCRR 59.15, to the extent necessary to extend the waivers for certain special education schools and early intervention programs providing certain professional services whose waivers are set to expire on or after March 31, 2020. An application for renewal of such waivers shall be submitted no later than 30 days after expiration of Executive Order 202;
- Sections 6802, 6808, and 6841 of the Education Law and Parts 29.7 (10) and 63.6 of Title 8 of the NYCRR, to the extent necessary to permit pharmacy technicians and pharmacists to practice at an alternative location, including their home, as long as there is adequate security to prevent any Personal Health Information from being compromised;
- Section 603(b) of the Not-for-Profit Corporations Law to the extent necessary to permit annual meetings of members to be held remotely or by electronic means;
- Sub-clauses (1), (2), and (3) of clause (a) of subparagraph (ii) of paragraph (3) of subdivision (a) of section 6654.10 of Title 9 of the New York Code of Rules and Regulations, to the extent

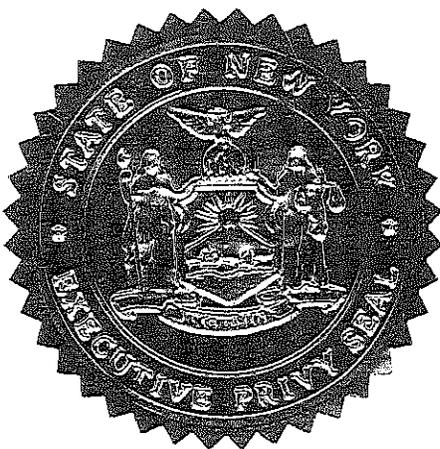
necessary to make home-delivered meals available to persons age 60 or older who do not meet these listed eligibility requirements;

- Paragraph (4) of subdivision (a) and subparagraph (ii) of paragraph (14) of subdivision (b) of section 6654.10 of Title 9 of the New York Code of Rules and Regulations, insofar as it requires meals served to provide minimum percentages of the dietary reference intake;
- Paragraph (6) of subdivision (a) of section 6654.10 of Title 9 of the New York Code of Rules and Regulations to the extent that it requires menus to be reviewed and approved by a registered dietitian;
- Paragraph (5) of subdivision (a) and paragraph (6) of subdivision (b) of section 6654.10 of Title 9 of the New York Code of Rules and Regulations, insofar as it requires menus to follow a minimum of a four-week cycle;
- Clause (a) of subparagraph (i) of paragraph (3) of subdivision (a) and subparagraph (ii) of paragraph (2) of subdivision (b) of section 6654.10 of Title 9 of the New York Code of Rules and Regulations, insofar as it requires that home-delivered meals be provided 5 or more days per week;
- Paragraph (2) of subdivision (s) of section 6654.17 of Title 9 of the New York Code of Rules and Regulations to the extent that it requires an in-home supervisory visit within 5 days of the first time services are provided to a client;
- Section 6654.6 of Title 9 of the New York Code of Rules and Regulations to the extent necessary to allow for all new clients to be provided services under the Expanded In-Home Services for the Elderly Program without the requirement that any such clients pay cost-sharing until such time as an assessment is conducted and a cost share amount can be determined;
- Subdivision (r) of section 6654.16 of Title 9 of the New York Code of Rules and Regulations to the extent that it requires client contacts be conducted in-home or in-person and to allow for all required client contacts to be conducted by telephone or otherwise remotely;
- Section 352-eeee(2)(a) of the General Business Law, and any order, rule, or regulation in furtherance of the requirements thereof, to the extent it requires that an offering statement or prospectus become effective within fifteen months from filing or from the date of issue of the letter of the attorney general stating that the offering statement or prospectus has been accepted for filing, and any such fifteen month period, shall be tolled during the duration of this executive order;
- Section 352-e(7)(a) of the General Business law, and any order, rule, or regulation in furtherance of the requirements thereof, to the extent it requires certain filing fees be made at the time of submission and filing of each offering statement or prospectus, shall be exempted during the duration of this executive order, it being understood that such filing fees shall be remitted in full to the department of law within 90 days from the expiration of this executive order;
- 13 NYCRR §§ 18.3(g)(1), 20.3(h)(1), 23.3(h)(1), and any order, rule, or regulation in furtherance of the requirements thereof, to the extent it requires sponsor to set forth a budget for the first year of condominium operation, the requirements with respect to any such projected first year of condominium operation are hereby tolled for the duration of this executive order. Sponsor must update the first year of operation, as necessary, within 30 days from the expiration of this executive order and shall not be required to offer rescission, to the extent such budget for the first year of operation does not increase by 25 percent or more during the pendency of the state of disaster emergency;
- 13 NYCRR § 20.3(o)(12), and any order, rule, or regulation in furtherance of the requirements thereof, to the extent it requires sponsor to offer rescission if the first closing of a unit does not occur within the first year of operation projected in schedule B, is hereby tolled for the duration of the executive order. Sponsor must update the first year of operation, as necessary, within 30 days from the expiration of this executive order;
- Article 165 of the Education Law and section 58-1.3 of Title 10 of the NYCRR, to the extent necessary to allow clinical laboratory practitioners to perform testing in a clinical laboratory under remote supervision, provided a supervisor is on-site at least eight hours per week;
- Subdivision (a) of section 70 and subdivision (a) of section 370 of the retirement and social security law, to the extent necessary to waive the 15 day waiting period in which a service retirement application must be on file before it becomes effective, which suspension shall be deemed to have been in effect on and after the issuance of executive order 202, and shall enable any member who has died due to COVID-19 after March 7, 2020 while an application was on

file, but not yet effective, shall be entitled to retirement benefits due to them pursuant to this suspension;

IN ADDITION, by virtue of the authority vested in me by Section 29-a of Article 2-B of the Executive Law to issue any directive during a disaster emergency necessary to cope with the disaster, I hereby issue the following directives for the period from the date of this Executive Order through May 16, 2020:

- Any skilled nursing facility, nursing home, or adult care facility licensed and regulated by the Commissioner of Health shall notify family members or next of kin if any resident tests positive for COVID-19, or if any resident suffers a COVID-19 related death, within 24 hours of such positive test result or death.
- Any person utilizing public or private transportation carriers or other for-hire vehicles, who is over age two and able to medically tolerate a face covering, shall wear a mask or face covering over the nose and mouth during any such trip; any person who is operating such public or private transport, shall likewise wear a face covering or mask which covers the nose and mouth while there are any passengers in such vehicle. This directive shall take effect in the same manner as Executive Order 202.17, at 8 p.m. on Friday, April 17, 2020.
- Executive Order 202.14, which extended the provisions of Executive Orders 202.3, 202.4, 202.5, 202.6, 202.7, 202.8, 202.10, 202.11, and 202.13 which each closed or otherwise restricted public or private businesses or places of public accommodation, and which required postponement or cancellation of all non-essential gatherings of individuals of any size for any reason (e.g. parties, celebrations, games, meetings or other social events), is hereby continued, provided that the expiration date of such provisions of such Executive Orders shall be aligned, such that all in-person business restrictions and workplace restrictions will be effective until 11:59 p.m. on May 15, 2020, unless later extended by a future Executive Order. All enforcement mechanisms by state or local governments shall continue to be in full force an effect until May 15, 2020 unless later extended by a future Executive Order.
- Executive Order 202.14, which extended the directive contained in Executive Order 202.4 as amended by Executive Order 202.11 related to the closure of schools statewide is hereby continued to provide that all schools shall remain closed through May 15, 2020, at which time the continued closure shall be re-evaluated. No school shall be subject to a diminution in school aid due to failure to meet the 180 day in session requirement as a result of the COVID-19 outbreak, provided their closure does not extend beyond the term set forth herein. School districts must continue plans for alternative instructional options, distribution and availability of meals, and child care, with an emphasis on serving children of essential workers, and continue to first use any vacation or snow days remaining.



BY THE GOVERNOR

Secretary to the Governor

G I V E N under my hand and the Privy Seal of the
State in the City of Albany this
sixteenth day of April in the year two
thousand twenty.

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 Friends of Michael Weinstock:
 - A) Termination Denial Letter, dated August 6, 2020, referencing the Termination Report covering July 17, 2020 through July 17, 2020 (sent via electronic mail to: weinstock@lawyer.com);
 - B) Non-Filer Letter, dated April 30, 2020, referencing the 2020 April Quarterly Report (sent via electronic mail to: weinstock@lawyer.com);
 - C) Reason-to-Believe Letter, dated July 15, 2020, referencing the 2020 April Quarterly Report (sent via electronic mail to: weinstock@lawyer.com).
4. I hereby certify that I have searched the Commission’s public records and find that Friends of Michael Weinstock filed the 2020 April Quarterly Report with the Commission on April 30, 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 10th day of November, 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

April 30, 2020

HU, OLIVER, TREASURER
FRIENDS OF MICHAEL WEINSTOCK
PO BOX 2013
GREAT NECK, NY 11022

IDENTIFICATION NUMBER: C00691709

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

Dear Treasurer:

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

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

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

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

FRIENDS OF MICHAEL WEINSTOCK

Page 2 of 2

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

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

Sincerely,

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

Deborah Chacona
Assistant Staff Director
Reports Analysis Division

250

DECLARATION OF RHIANNON MAGRUDER

- 1) I am the Reviewing Officer in the Office of Administrative Review for the Federal Election Commission (“Commission”). In my capacity as Reviewing Officer, I conduct research with respect to all challenges submitted in accordance with the Administrative Fine program.
- 2) A principal campaign committee of a candidate shall file a 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.
- 3) I hereby certify that I have searched the Commission’s public records and that the documents identified herein are the true and accurate copies of:
 - a) Cover, Summary, and Detailed Summary Pages of the 2020 April Quarterly Report filed by Friends of Michael Weinstock. The report includes the coverage period of January 1, 2020 through March 31, 2020 and was electronically filed on April 30, 2020.
- 4) Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 13th day of November, 2020.

Rhiannon Magruder
Rhiannon Magruder
Reviewing Officer
Office of Administrative Review
Federal Election Commission

SUMMARY PAGE
of Receipts and Disbursements

FEC Form 3 (Revised 05/2016)

Write or Type Committee Name
Friends of Michael Weinstock

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))....	5570.00	65814.00
(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))	5570.00	65814.00
7. Net Operating Expenditures		
(a) Total Operating Expenditures (from Line 17)	10538.86	46020.86
(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))	10538.86	46020.86
8. Cash on Hand at Close of Reporting Period (from Line 27).....	19793.14	
9. Debts and Obligations Owed TO the Committee (Itemize all on Schedule C and/or Schedule D)	0.00	
10. Debts and Obligations Owed BY the Committee (Itemize all on Schedule C and/or Schedule D)	0.00	

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

Friends of Michael Weinstock

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)	5570.00	64689.00
(ii) Unitemized	0.00	1125.00
(iii) TOTAL of contributions from individuals	5570.00	65814.00
(b) Political Party Committees	0.00	0.00
(c) Other Political Committees (such as PACs)	0.00	0.00
(d) The Candidate	0.00	0.00
(e) TOTAL CONTRIBUTIONS (other than loans) (add Lines 11(a)(iii), (b), (c), and (d))..	5570.00	65814.00
12. TRANSFERS FROM OTHER AUTHORIZED COMMITTEES	0.00	0.00
13. LOANS:		
(a) Made or Guaranteed by the Candidate	0.00	0.00
(b) All Other Loans	0.00	0.00
(c) TOTAL LOANS (add Lines 13(a) and (b))	0.00	0.00
14. OFFSETS TO OPERATING EXPENDITURES (Refunds, Rebates, etc.)	0.00	0.00
15. OTHER RECEIPTS (Dividends, Interest, etc.)	0.00	0.00
16. TOTAL RECEIPTS (add Lines 11(e), 12, 13(c), 14, and 15) (Carry Total to Line 24, page 4)	5570.00	65814.00

DETAILED SUMMARY PAGE
of Disbursements

FEC Form 3 (Revised 05/2016)

PAGE 4 / 14

II. DISBURSEMENTS	COLUMN A Total This Period	COLUMN B Election Cycle-to-Date
17. OPERATING EXPENDITURES.....	10538.86	46020.86
18. TRANSFERS TO OTHER AUTHORIZED COMMITTEES	0.00	0.00
19. LOAN REPAYMENTS:		
(a) Of Loans Made or Guaranteed by the Candidate.....	0.00	0.00
(b) Of All Other Loans	0.00	0.00
(c) TOTAL LOAN REPAYMENTS (add Lines 19(a) and (b)).....	0.00	0.00
20. REFUNDS OF CONTRIBUTIONS TO:		
(a) Individuals/Persons Other Than Political Committees	0.00	0.00
(b) Political Party Committees.....	0.00	0.00
(c) Other Political Committees (such as PACs).....	0.00	0.00
(d) TOTAL CONTRIBUTION REFUNDS (add Lines 20(a), (b), and (c)).....	0.00	0.00
21. OTHER DISBURSEMENTS	0.00	0.00
22. TOTAL DISBURSEMENTS (add Lines 17, 18, 19(c), 20(d), and 21) ▶	10538.86	46020.86

III. CASH SUMMARY

23. CASH ON HAND AT BEGINNING OF REPORTING PERIOD.....	24762.00
24. TOTAL RECEIPTS THIS PERIOD (from Line 16, page 3).....	5570.00
25. SUBTOTAL (add Line 23 and Line 24).....	30332.00
26. TOTAL DISBURSEMENTS THIS PERIOD (from Line 22).....	10538.86
27. CASH ON HAND AT CLOSE OF REPORTING PERIOD (subtract Line 26 from Line 25).....	19793.14



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 16, 2020

Brian Denker-Youngs, in his official capacity as Treasurer
Friends of Michael Weinstock
PO Box 2013
Great Neck, NY 11022

C00691709
AF#: 3816

Dear Mr. Denker-Youngs:

On June 30, 2020, the Federal Election Commission (“Commission”) found reason to believe (“RTB”) that Friends of Michael Weinstock and you, in your official capacity as Treasurer (“respondents”), violated 52 U.S.C. § 30104(a) for failing to timely file the 2020 April Quarterly Report. The Commission also made a preliminary determination that the civil money penalty was \$236 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 that no violation has occurred because, pursuant to 11 C.F.R. § 111.35(b)(3), the respondents used best efforts to file in a timely manner and close the file. A copy of the Reviewing Officer’s recommendation is attached.

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

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

Sincerely,

Rhiannon Magruder

Rhiannon Magruder
Reviewing Officer
Office of Administrative Review

RECEIVED

By Office of the Commission Secretary at 11:41 am, Dec 08, 2020

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463**SENSITIVE**

December 8, 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# 3816 – Friends of Michael Weinstock and Brian Denker-Youngs, in his official capacity as Treasurer (C00691709)

On June 30, 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 April Quarterly Report and made a preliminary determination that the civil money penalty was \$236 based on the schedule of penalties at 11 C.F.R. § 111.43.

On September 17, 2020, the Commission received their written response (“challenge”). After reviewing the challenge, the Reviewing Officer Recommendation (“ROR”) dated November 13, 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 accordance with 11 C.F.R. § 111.37(b), that no violation has occurred because, pursuant to 11 C.F.R. § 111.35(b)(3), the respondents used best efforts to file in a timely manner and close the file.

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

OAR Recommendations

1. Adopt the Reviewing Officer recommendation for AF# 3816 involving Friends of Michael Weinstock and Brian Denker-Youngs, in his official capacity as Treasurer, in making a final determination;
2. Make a final determination in AF# 3816 that Friends of Michael Weinstock and Brian Denker-Youngs, in his official capacity as Treasurer, did not violate 52 U.S.C. § 30104(a) because, pursuant to 11 C.F.R. § 111.35(b)(3), the respondents used best efforts to file in a timely manner and close the file;
3. Send the appropriate letter.

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) AF 3816
 Final Determination Recommendation:)
 Friends of Michael Weinstock and Brian)
 Denker-Youngs, in his official capacity)
 as Treasurer (C00691709))

CERTIFICATION

I, Laura E. Sinram, Acting Secretary and Clerk of the Federal Election Commission, do hereby certify that on February 17, 2021, the Commission decided by a vote of 6-0 to take the following actions in AF 3816:

1. Adopt the Reviewing Officer recommendation for AF# 3816 involving Friends of Michael Weinstock and Brian Denker-Youngs, in his official capacity as Treasurer, in making the final determination.
2. Make a final determination in AF# 3816 that Friends of Michael Weinstock and Brian Denker-Youngs, in his official capacity as Treasurer, did not violate 52 U.S.C. § 30104(a) because, pursuant to 11 C.F.R. § 111.35(b)(3), the respondents used best efforts to file in a timely manner and close the file.
3. Send the appropriate letter.

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


 February 19, 2021

 Date

Attest:

**Laura
Sinram**

Digitally signed by
 Laura Sinram
 Date: 2021.02.19
 12:57:27 -05'00'

 Laura E. Sinram
 Acting Secretary and Clerk of the
 Commission



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 22, 2021

Brian Denker-Youngs, in his official capacity as Treasurer
Friends of Michael Weinstock
PO Box 2013
Great Neck, NY 11022

C00691709
AF#: 3816

Dear Mr. Denker-Youngs:

On June 30, 2020, the Federal Election Commission (“Commission”) found reason to believe (“RTB”) that Friends of Michael Weinstock and you, in your official capacity as Treasurer (“respondents”), violated 52 U.S.C. § 30104(a) for failing to timely file the 2020 April Quarterly Report. By letter dated July 15, 2020, the Commission sent notification of the RTB finding that included a civil money penalty calculated at RTB of \$236 in accordance with the schedule of penalties at 11 C.F.R. § 111.43. On September 17, 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 no violation has occurred because, pursuant to 11 C.F.R. § 111.35(b)(3), the respondents used best efforts to file in a timely manner and close the file. The Reviewing Officer Recommendation was sent to you on November 16, 2020.

On February 17, 2021, the Commission adopted the Reviewing Officer’s recommendation to make a final determination that no violation has occurred because, pursuant to 11 C.F.R. § 111.35(b)(3), the respondents used best efforts to file in a timely manner and close the file. A copy of the Final Determination Recommendation is attached.

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

If you have any questions regarding this matter, please contact Rhiannon Magruder on our toll free number (800) 424-9530 (press 0, then ext. 1158) or (202) 694-1158.

On behalf of the Commission,

A handwritten signature in black ink, appearing to read "Shana M. Broussard". The signature is written in a cursive, flowing style.

Shana M. Broussard
Chair

THIS IS THE END OF ADMINISTRATIVE FINE CASE #3816