

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE #3827



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: Kristin D. Roser/Ben Holly *KDR BH*
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
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3833	C00616912	WOMEN VOTE SMART		AMY S. KREMER	\$291,231	0		Not Filed	\$145,616 (est)	\$6,541
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* 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;)

Federal Election Commission
Certification for Administrative Fines
June 30, 2020

Page 2

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.

Federal Election Commission
Certification for Administrative Fines
June 30, 2020

Page 4

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

Federal Election Commission
Certification for Administrative Fines
June 30, 2020

Page 5

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.

Federal Election Commission
Certification for Administrative Fines
June 30, 2020

Page 6

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

Federal Election Commission
Certification for Administrative Fines
June 30, 2020

Page 7

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.

Federal Election Commission
Certification for Administrative Fines
June 30, 2020

Page 8

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**

Laura E. Sinram

Acting Secretary and Clerk of the
Commission

Digitally signed by
Laura Sinram
Date: 2020.07.08
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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

AF

July 15, 2020

Chris Marston, in official capacity as Treasurer
Shiva 4 Senate
701 Concord Avenue
Cambridge, MA 02138

Response Due Date

08/09/2020

C00638148
AF#: 3827

Dear Mr. Marston,

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 21, 2020, 6 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 Shiva 4 Senate 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 \$9,007. 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 \$9,007 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: \$2,100,927
Number of Days Late: 6
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

SHIVA 4 SENATE

Page 2 of 5

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).

SHIVA 4 SENATE

Page 3 of 5

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 Shiva 4 Senate 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

SHIVA 4 SENATE

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 \$9,007 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)

SHIVA 4 SENATE

Page 5 of 5

694-1130.

COMMITTEE NAME: Shiva 4 Senate

FEC ID#: C00638148

AF#: 3827

PAYMENT DUE DATE: August 9, 2020

PAYMENT AMOUNT DUE: \$9,007

August 9, 2020

Shiva 4 Senate
701 Concord Ave
Cambridge MA 02138

Office of Administrative Review
Federal Election Commission
Washington DC 20463

VIA E-mail administrativefines@fec.gov

RE: C00638148; AF#: 3827

To whom it may concern:

By this letter, Shiva 4 Senate challenges the Commission's Reason to Believe Finding (RTB) and the calculation of the civil money penalty.

First, the Committee uses the Commission's FECFile software. The Committee receives contributions online through several common payment processors, including PayPal and Stripe. The contributions reported on the 2020 April Quarterly report represented a dramatic increase in the number of the Committee's receipts, including many receipts from international addresses and individuals with names including non-standard characters, such as those with accent marks (The Committee has properly refunded all contributions from foreign sources).

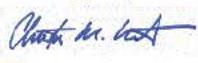
The data from PayPal and Stripe, due to the volume and the non-standard addresses, were very difficult to import into FECFile. In addition to the non-standard addresses, the data included a number of newline characters. Importing a file with newline characters causes FECFile to crash during the import. Data with non-standard addresses causes import errors. While the Committee did not require technical support from the Commission to correct these errors, because of the large size of the file and the repeated crashes from newline imports and correcting non-standard addresses, the Committee was delayed in making its filing. The Committee respectfully requests that the Commission consider that it exercised its best efforts to timely file.

Second, the Committee notes that the "Level of Activity" used to calculate the civil money penalty should not include the substantial in-kind contributions from the candidate, which count twice in the calculation, once as a receipt and once as a disbursement. These in-kind contributions total \$995,131.28, including \$985,000 of fair market value for use of software, developed and owned by the candidate. Consistent with the Committee's practice, this is an estimate of the value for the annual cost of the licenses, which could have been reported on a per-quarter basis. As such, the Committee believes that, should the Commission hold to its RTB finding, the correct level of activity on which to base the fine should be \$130,927, which would lead to a civil money penalty of \$1,963.

Thank you for your consideration.

Sincerely,

DocuSigned by:



Chris Marston,
Treasurer



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 7, 2020

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

AF# 3827 – Shiva 4 Senate and Serena Scovell, in her official capacity as Treasurer¹ (C00638148)

Summary of Recommendation

Make a final determination that the respondents violated 52 U.S.C. § 30104(a) and assess a \$9,007 civil money penalty.

Reason-to-Believe Background

The 2020 April Quarterly Report was due on April 15, 2020. The respondents filed the report on April 21, 2020, 6 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 \$9,007 based on the schedule of penalties at 11 C.F.R. § 111.43. A letter was sent to the respondents’ email address of record from the Reports Analysis Division (“RAD”) on July 15, 2020 to notify them of the Commission’s RTB finding and civil money penalty.

Legal Requirements

The Federal Election Campaign Act (“Act”) states that the treasurer of a principal campaign committee of a candidate shall file a 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).

¹ On September 8, 2020, the Committee filed an Amended Statement of Organization to disclose Serena Scovell as the Committee’s new Treasurer. The Reviewing Officer Recommendation reflects this change and refers to the respondents as Shiva 4 Senate and Serena Scovell, in her official capacity as Treasurer.

Summary of Respondents' Challenge

On August 8, 2020, the Commission received the written response (“challenge”) from the respondents. The Committee states that it received a large volume of online contributions through online payment processors, and the data formats caused errors when attempting to import into FECFile. They further explain:

The data from PayPal and Stripe, due to the volume and the non-standard addresses, were very difficult to import into FECFile. In addition to the non-standard addresses, the data included a number of newline characters. Importing a file with newline characters causes FECFile to crash during the import. Data with non-standard addresses causes import errors. While the Committee did not require technical support from the Commission to correct these errors, because of the large size of the file and the repeated crashes from newline imports and correcting non-standard addresses, the Committee was delayed in making its filing. The Committee respectfully requests that the Commission consider that it exercised its best efforts to timely file.

The respondents also state that the level of activity used to calculate the civil money should not include in-kind contributions from the Candidate. The respondents explain:

[The in-kind contributions] count twice in the calculation, once as a receipt and once as a disbursement. These in-kind contributions total \$995,131.28, including \$985,000 of fair market value for use of software, developed and owned by the candidate. Consistent with the Committee’s practice, this is an estimate of the value for the annual cost of the licenses, which could have been reported on a per-quarter basis. As such, the Committee believes that, should the Commission hold to its RTB finding, the correct level of activity on which to base the fine should be \$130,927, which would lead to a civil money penalty of \$1,963.

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 technical difficulty with importing data into FECFile. The respondents explain non-standard data formats caused errors. The Commission’s Electronic Filing Office (“EFO”) confirms that in order for data to be successfully imported into FECFile, it must meet import format specifications. The Commission’s website provides FECFile import instructions and data converters, and also instructs filers to contact EFO for assistance with importing.² As mentioned by the respondents in the challenge, EFO has no records of the Committee contacting its office for assistance.

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

² <https://www.fec.gov/help-candidates-and-committees/filing-reports/importing-data-fecfile/>

that were beyond their control, and they filed the report no later than 24 hours after the end of these circumstances.

While the Reviewing Officer recognizes it may have taken the Committee additional time to convert non-standard data formats into an acceptable format, failure to use filing software properly and computer/software failures are specifically included at 11 C.F.R. § 111.35(d) as examples of a circumstance that will not be considered reasonably unforeseen and beyond the respondents' control. Therefore, the "best efforts" defense does not succeed, and the Reviewing Officer recommends that the Commission make a final determination that the respondents violated 52 U.S.C. § 30104(a).

For the purpose of calculating the civil money penalty, the level of activity for an authorized committee is the total amount of receipts and disbursements for the period covered by the late report. 11 C.F.R. § 111.43(d)(3)(i). The Reviewing Officer confirms that in-kind contributions from the Candidate should be included in the level of activity. In accordance with 11 C.F.R. § 104.13(a), an in-kind contribution should be reported as a contribution and as an expenditure. Therefore, the Commission appropriately calculated the total amount of receipts and disbursements to determine the level of activity and civil money penalty at RTB. The report discloses \$1,090,582 in total receipts and \$1,010,345 in total disbursements. Therefore, the level of activity of the 2020 April Quarterly Report is \$2,100,927. Using the schedule of penalties at 11 C.F.R. § 111.43(a) for the level of activity bracket of \$950,000 or more, the civil money penalty is $[\$7,267 + (\$290 \times 6 \text{ days late})] \times [1 + (.25 \times 0 \text{ previous violations})]$ or \$9,007.

Therefore, the Reviewing Officer recommends that the Commission make a final determination that the respondents violated 52 U.S.C. § 30104(a) and assess a \$9,007 civil money penalty.

OAR Recommendations

1. Adopt the Reviewing Officer recommendation for AF# 3827 involving Shiva 4 Senate and Serena Scovell, in her official capacity as Treasurer, in making the final determination;
2. Make a final determination in AF# 3827 that Shiva 4 Senate and Serena Scovell, in her official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess a \$9,007 civil money penalty; and
3. Send the appropriate letter.

Attachments

Attachment 1 –

Attachment 2 –

Attachment 3 – Declaration from RAD

Attachment 4 – Declaration from OAR

DECLARATION OF KRISTIN D. ROSER

1. I am the Chief of the Compliance Branch for the Reports Analysis Division of the Federal Election Commission (“Commission”). In my capacity as Chief of the Compliance Branch, I oversee the initial processing of the Administrative Fine Program. I make this declaration based on my personal knowledge and, if called upon as a witness, could and would testify competently to the following matters.
2. It is the practice of the Reports Analysis Division to document all calls to or from committees regarding a letter they receive or any questions relating to the FECFile software or administrative fine regulations, including due dates of reports and filing requirements.
3. I hereby certify that documents identified herein are true and accurate copies of the following sent by the Commission to Shiva 4 Senate:
 - A) Reason-to-Believe Letter, dated July 15, 2020, referencing the 2020 April Quarterly Report (sent via electronic mail to: shiva4senate@shiva4senate.com and chris@electioncfo.com).
4. I hereby certify that I have searched the Commission’s public records and find that Shiva 4 Senate filed the 2020 April Quarterly Report with the Commission on April 21, 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 6th day of October, 2020.

Kristin D. Roser

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

DECLARATION OF RHIANNON MAGRUDER

- 1) I am the Reviewing Officer in the Office of Administrative Review for the Federal Election Commission (“Commission”). In my capacity as Reviewing Officer, I conduct research with respect to all challenges submitted in accordance with the Administrative Fine program.
- 2) A 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 Shiva 4 Senate. The report includes the coverage period of January 1, 2020 through March 31, 2020 and was electronically filed on April 21, 2020.
 - b) Amended Statement of Organization filed by Shiva 4 Senate on September 8, 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 7th day of October, 2020.

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

FEC
FORM 3REPORT OF RECEIPTS
AND DISBURSEMENTS
For An Authorized Committee

Office Use Only

1. NAME OF
COMMITTEE (in full)

TYPE OR PRINT ▼

Example: If typing, type
over the lines.

12FE4M5

SHIVA 4 SENATE

ADDRESS (number and street)

701 CONCORD AVENUE

Check if different
than previously
reported. (ACC)

CAMBRIDGE

MA

02138

CITY ▲

STATE ▲

ZIP CODE ▲

2. FEC IDENTIFICATION NUMBER ▼

C

C00638148

3. IS THIS
REPORTNEW
(N)

OR

AMENDED
(A)

STATE ▼ DISTRICT

MA

00

4. TYPE OF REPORT (Choose One)

(a) Quarterly Reports:

- April 15 Quarterly Report (Q1)
- July 15 Quarterly Report (Q2)
- October 15 Quarterly Report (Q3)
- January 31 Year-End Report (YE)
- Termination Report (TER)

(b) 12-Day PRE-Election Report for the:

- Primary (12P)
- General (12G)
- Runoff (12R)
- Convention (12C)
- Special (12S)

Election on

M M / D D / Y Y Y Y

in the
State of

(c) 30-Day POST-Election Report for the:

- General (30G)
- Runoff (30R)
- Special (30S)

Election on

M M / D D / Y Y Y Y

in the
State of

5. Covering Period

M M / D D / Y Y

through

M M / D D / Y Y

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

MARSTON, CHRIS, , ,

Type or Print Name of Treasurer

Signature of Treasurer

MARSTON, CHRIS, , ,

[Electronically Filed]

Date

M M / D D / Y Y

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

Office
Use
OnlyFEC FORM 3
(Revised 05/2016)

Write or Type Committee Name
SHIVA 4 SENATE

Report Covering the Period: From:

M M 01 / D D 01 / Y Y 2020

To:

M M 03 / D D 31 / Y Y 2020

6. Net Contributions (other than loans)

- (a) Total Contributions (other than loans) (from Line 11(e))
- (b) Total Contribution Refunds (from Line 20(d))
- (c) Net Contributions (other than loans) (subtract Line 6(b) from Line 6(a))

COLUMN A
This Period

COLUMN B
Election Cycle-to-Date

1090582.40	1146934.77
0.00	0.00
1090582.40	1146934.77

7. Net Operating Expenditures

- (a) Total Operating Expenditures (from Line 17)
- (b) Total Offsets to Operating Expenditures (from Line 14).....
- (c) Net Operating Expenditures (subtract Line 7(b) from Line 7(a))

1010345.65	1074561.21
0.00	499.00
1010345.65	1074062.21

8. Cash on Hand at Close of Reporting Period (from Line 27).....

90521.26

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

PAGE 3 / 38

FEC Form 3 (Revised 05/2016)

Write or Type Committee Name

SHIVA 4 SENATE

Report Covering the Period: From:

M M 01 / D D 01 / Y Y Y 2020

To:

M M 03 / D D 31 / Y Y Y 2020

I. RECEIPTS

COLUMN A
Total This PeriodCOLUMN B
Election Cycle-to-Date

11. CONTRIBUTIONS (other than loans) FROM:

- (a) Individuals/Persons Other Than Political Committees
 - (i) Itemized (use Schedule A)
 - (ii) Unitemized
 - (iii) TOTAL of contributions from individuals
- (b) Political Party Committees.....
- (c) Other Political Committees (such as PACs)
- (d) The Candidate.....
- (e) TOTAL CONTRIBUTIONS (other than loans)
(add Lines 11(a)(iii), (b), (c), and (d))..

11851.00	15760.92
83600.12	95013.93
95451.12	110774.85
0.00	0.00
0.00	0.00
995131.28	1036159.92
1090582.40	1146934.77
0.00	0.00

12. TRANSFERS FROM OTHER AUTHORIZED COMMITTEES

13. LOANS:

- (a) Made or Guaranteed by the Candidate.....
- (b) All Other Loans.....
- (c) TOTAL LOANS
(add Lines 13(a) and (b)).....

0.00	0.00
0.00	0.00
0.00	0.00

14. OFFSETS TO OPERATING EXPENDITURES
(Refunds, Rebates, etc.)15. OTHER RECEIPTS
(Dividends, Interest, etc.)16. TOTAL RECEIPTS (add Lines 11(e), 12, 13(c), 14, and 15)
(Carry Total to Line 24, page 4).....

0.00	499.00
0.00	0.00
1090582.40	1147433.77

DETAILED SUMMARY PAGE

of Disbursements

PAGE 4 / 38

FEC Form 3 (Revised 05/2016)

II. DISBURSEMENTS	COLUMN A Total This Period	COLUMN B Election Cycle-to-Date
17. OPERATING EXPENDITURES.....	1010345.65	1074561.21
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) ►	1010345.65	1074561.21

III. CASH SUMMARY

23. CASH ON HAND AT BEGINNING OF REPORTING PERIOD.....	10284.51
24. TOTAL RECEIPTS THIS PERIOD (from Line 16, page 3).....	1090582.40
25. SUBTOTAL (add Line 23 and Line 24).....	1100866.91
26. TOTAL DISBURSEMENTS THIS PERIOD (from Line 22).....	1010345.65
27. CASH ON HAND AT CLOSE OF REPORTING PERIOD (subtract Line 26 from Line 25).....	90521.26

FEC
FORM 1STATEMENT OF
ORGANIZATION

Office Use Only

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

12FE4M5

SHIVA 4 SENATE

ADDRESS (number and street)

701 CONCORD AVENUE

 (Check if address
is changed)

CAMBRIDGE

MA

02138

CITY ▲

STATE ▲

ZIP CODE ▲

COMMITTEE'S E-MAIL ADDRESS

 (Check if address
is changed)

SHIVA4SENATE@SHIVA4SENATE.COM

Optional Second E-Mail Address
vashiva@vashiva.com

COMMITTEE'S WEB PAGE ADDRESS (URL)

 (Check if address
is changed)

https://shiva4senate.com/

2. DATE

M M / D D / Y Y Y Y
09 / 08 / 2020

3. FEC IDENTIFICATION NUMBER ►

C C00638148

4. IS THIS STATEMENT



NEW (N)

OR



AMENDED (A)

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

Type or Print Name of Treasurer SCOVELL, SERENA, , ,

Signature of Treasurer

SCOVELL, SERENA, , ,

[Electronically Filed]

Date

M M / D D / Y Y Y Y
09 / 08 / 2020NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Statement to the penalties of 2 U.S.C. §437g.
ANY CHANGE IN INFORMATION SHOULD BE REPORTED WITHIN 10 DAYS.Office
Use
OnlyFor further information contact:
Federal Election Commission
Toll Free 800-424-9530
Local 202-694-1100FEC FORM 1
(Revised 06/2012)

5. TYPE OF COMMITTEE

Candidate Committee:

(a) This committee is a principal campaign committee. (Complete the candidate information below.)

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

Name of
Candidate

AYYADURAI, SHIVA, , ,

Candidate
Party Affiliation

REP

Off ce
Sought:

House

Senate

President

State

MA

D str ct

00

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

Name of
Candidate**Party Committee:**

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

Political Action Committee (PAC):

(e) This committee is a separate segregated fund. (Identify connected organization on line 6.) Its connected organization is:

<input type="checkbox"/> Corporation	<input type="checkbox"/> Corporation w/o Capital Stock	<input type="checkbox"/> Labor Organization
<input type="checkbox"/> Membership Organization	<input type="checkbox"/> Trade Association	<input type="checkbox"/> Cooperative
<input type="checkbox"/> In addition, this committee is a Lobbyist/Registrant PAC.		

(f) This committee supports/opposes more than one Federal candidate, and is NOT a separate segregated fund or party committee. (i.e., nonconnected committee)

<input type="checkbox"/> In addition, this committee is a Lobbyist/Registrant PAC.
<input type="checkbox"/> In addition, this committee is a Leadership PAC. (Identify sponsor on line 6.)

Joint Fundraising Representative:

(g) This committee collects contributions, pays fundraising expenses and disburses net proceeds for two or more political committees/organizations, at least one of which is an authorized committee of a federal candidate.

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

Committees Participating in Joint Fundraiser

1. FEC ID number
2. FEC ID number
3. FEC ID number
4. FEC ID number

Full Name of
Designated
Agent

Mailing Address

CITY

STATE

ZIP CODE

Title or Position

Telephone number

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

Name of Bank, Depository, etc.

BELMONT SAVINGS BANK

2 LEONARD ST

Mailing Address

BELMONT

MA

02478

CITY

STATE

ZIP CODE

Name of Bank, Depository, etc.

Mailing Address

CITY

STATE

ZIP CODE



October 8, 2020

Serena Scovell, in her official capacity as Treasurer
Shiva 4 Senate
701 Concord Ave.
Cambridge, MA 02138

C00638148
AF#: 3827

Dear Ms. Scovell:

On June 30, 2020, the Federal Election Commission (“Commission”) found reason to believe (“RTB”) that Shiva 4 Senate 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 \$9,007 based on the schedule of penalties at 11 C.F.R. § 111.43.

After reviewing your written response and any supplemental information submitted by you and Commission staff, the Reviewing Officer has recommended that the Commission make a final determination and assess a civil money penalty. 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 12:16 pm, Oct 30, 2020



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

SENSITIVE

October 30, 2020

MEMORANDUM

To: The Commission

Through: Alec Palmer *AP*
Staff DirectorFrom: Patricia C. Orrock *PCO*
Chief Compliance OfficerRhiannon Magruder *RM*
Reviewing Officer
Office of Administrative Review

Subject: Final Determination Recommendation in AF# 3827 – Shiva 4 Senate and Serena Scovell, in her official capacity as Treasurer (C00638148)

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 \$9,007 based on the schedule of penalties at 11 C.F.R. § 111.43.

On August 8, 2020, the Commission received their written response (“challenge”). After reviewing the challenge, the Reviewing Officer Recommendation (“ROR”) dated October 7, 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 that the respondents violated 52 U.S.C. § 30104(a) and assess a \$9,007 civil money penalty.

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). The respondents have since paid the recommended civil money penalty of \$9,007.

OAR Recommendations

1. Adopt the Reviewing Officer recommendation for AF# 3827 involving Shiva 4 Senate and Serena Scovell, in her official capacity as Treasurer, in making the final determination;
2. Make a final determination in AF# 3827 that Shiva 4 Senate and Serena Scovell, in her official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess a \$9,007 civil money penalty; and
3. Send the appropriate letter.

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) AF 3827
Final Determination Recommendation:)
Shiva 4 Senate and Serena Scovell, in her)
official capacity as Treasurer)
(C00638148))

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 3827:

1. Adopt the Reviewing Officer recommendation for AF# 3827 involving Shiva 4 Senate and Serena Scovell, in her official capacity as Treasurer, in making the final determination.
2. Make a final determination in AF# 3827 that Shiva 4 Senate and Serena Scovell, in her official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess a \$9,007 civil money penalty.
3. Send the appropriate letter.

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

Attest:

Laura Sinram

Digitally signed by
Laura Sinram
Date: 2021.02.19
15:15:10 -05'00'

Laura E. Sinram
Acting Secretary and Clerk of the
Commission



February 22, 2021

Serena Scovell, in her official capacity as Treasurer
 Shiva 4 Senate
 701 Concord Ave.
 Cambridge, MA 02138

C00638148
 AF#: 3827

Dear Ms. Scovell:

On June 30, 2020, the Federal Election Commission (“Commission”) found reason to believe (“RTB”) that Shiva 4 Senate 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 \$9,007 in accordance with the schedule of penalties at 11 C.F.R. § 111.43. On August 8, 2020, the Office of Administrative Review received your written response challenging the RTB finding.

The Reviewing Officer reviewed the Commission’s RTB finding with its supporting documentation and your written response. Based on this review, the Reviewing Officer recommended that the Commission make a final determination that Shiva 4 Senate and you, in your official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess a civil money penalty in the amount of \$9,007 in accordance with 11 C.F.R. § 111.43. The Reviewing Officer Recommendation was sent to you on October 8, 2020.

On February 17, 2021, the Commission adopted the Reviewing Officer’s recommendation and made a final determination that Shiva 4 Senate and you, in your official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assessed a civil money penalty of \$9,007. It is based on the same factors used to calculate the civil money penalty at RTB. A copy of the Final Determination Recommendation is attached.

On October 21, 2020, the Commission received your \$9,007 payment.

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

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

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

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

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

On behalf of the Commission,



Shana M. Broussard
Chair

THIS IS THE END OF ADMINISTRATIVE FINE CASE #3827