

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE #3835



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

SENSITIVE

June 15, 2020

MEMORANDUM

TO: The Commission

THROUGH: Alec Palmer *AP*
Staff Director

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

Debbie Chacona *DC*
Assistant Staff Director
Reports Analysis Division

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

SUBJECT: Reason To Believe Recommendation – 2020 April Monthly Report for the
Administrative Fine Program

Attached is a list of political committees and their treasurers who failed to file the 2020 April Monthly Report in accordance with 52 U.S.C. § 30104(a). The April Monthly Report was due on April 20, 2020.

The committees listed on the attached RTB Circulation Report either failed to file the report or filed the report no more than thirty (30) days after the due date (considered a late filed report). In accordance with the schedule of civil money penalties for reports at 11 CFR 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 MONTHLY Not Election Sensitive 04/20/2020 P_UNAUTH

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
3835	C00695619	HEALTH JUSTICE FOR ALL		ERIC FEIGL-DING	\$232,095	0		Not Filed	\$58,024 (est)	\$3,925
3836	C00167213	OKLAHOMA LEADERSHIP COUNCIL		MICHAEL G. MCCUTCHIN	\$292,305	0	5/1/2020	11	\$20,148	\$212
3837	C00172510	REPUBLICAN STATE COMMITTEE OF DELAWARE		DENNIS CINI	\$119,098	0		Not Filed	\$17,013 (est)	\$684

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)	
)	
Reason To Believe Recommendation - 2020)	
April Monthly Report for the)	
Administrative Fine Program:)	
HEALTH JUSTICE FOR ALL, and)	AF# 3835
FEIGL-DING, ERIC DR. as treasurer;)	
OKLAHOMA LEADERSHIP COUNCIL,)	AF# 3836
and MCCUTCHIN, MICHAEL G as)	
treasurer;)	
REPUBLICAN STATE COMMITTEE OF)	AF# 3837
DELAWARE, and CINI, DENNIS as)	
treasurer;)	

CERTIFICATION

I, Laura E. Sinram, Acting Secretary and Clerk of the Federal Election Commission, do hereby certify that on June 29, 2020, the Commission took the following actions on the Reason To Believe Recommendation - 2020 April Monthly Report for the Administrative Fine Program, as recommended in the Reports Analysis Division's Memorandum dated June 15, 2020, on the following committees:

AF#3835 Decided by a vote of 4-0 to: (1) find reason to believe that HEALTH JUSTICE FOR ALL, and FEIGL-DING, ERIC DR. 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 29, 2020

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AF#3836 Decided by a vote of 4-0 to: (1) find reason to believe that OKLAHOMA LEADERSHIP COUNCIL, and MCCUTCHIN, MICHAEL G 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#3837 Decided by a vote of 4-0 to: (1) find reason to believe that REPUBLICAN STATE COMMITTEE OF DELAWARE, and CINI, DENNIS in his official capacity as treasurer, violated 52 U.S.C. § 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Hunter, Trainor, Walther, and Weintraub voted affirmatively for the decision.



Attest:

Laura
Sinram

Digitally signed by
Laura Sinram
Date: 2020.07.10
12:01:41 -04'00'

Laura E. Sinram
Acting Secretary and Clerk of the
Commission



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

AF

July 14, 2020

Eric Feigl-Ding, in official capacity as Treasurer
Health Justice For All
2200 Wilson Blvd, Suite 102-554
Arlington, VA 22201

Response Due Date
08/11/2020

C00695619
AF#: 3835

Dear Mr. Feigl-Ding,

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file an April Monthly Report of Receipts and Disbursements covering the period March 1, 2020 through March 31, 2020. This report shall be filed no later than April 20, 2020. 52 U.S.C. § 30104(a). Because records at the Federal Election Commission ("FEC") indicate that you did not file this report within thirty (30) days of the due date, the report is considered not filed for the purpose of calculating the civil money penalty. You should file this report if you have not already done so.

The Act permits the FEC to impose civil money penalties for violations of the reporting requirements of 52 U.S.C. § 30104(a). 52 U.S.C. § 30109g(a)(4). On June 29, 2020, the FEC found that there is reason to believe ("RTB") that Health Justice For All 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 20, 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 \$3,925. 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 \$3,925 is due within forty (40) days of the finding, or by August 8, 2020, and is based on these factors:

Sensitivity of Report: Not Election Sensitive
Level of Activity: \$58,024
Number of Days Late: Not Filed
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

HEALTH JUSTICE FOR ALL

Page 2 of 5

If you should decide to challenge the RTB finding and/or calculated civil money penalty, you must submit a written response to the FEC's Office of Administrative Review. Your response must include the AF# (found at the top of page 1 under your committee's identification number) and be received within forty (40) days of the Commission's RTB finding, or August 8, 2020. 11 CFR § 111.35(a). Your written response must include the reason(s) why you are challenging the RTB finding and/or calculated civil money penalty, and must include the factual basis supporting the reason(s) and supporting documentation. The FEC strongly encourages that documents be submitted in the form of affidavits or declarations. 11 CFR § 111.36(c).

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

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

HEALTH JUSTICE FOR ALL

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service provider failures; (5) failure to know filing dates; and (6) failure to use filing software properly. 11 CFR § 111.35(d).

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

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

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

If you do not pay the calculated civil money penalty and do not submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that Health Justice For All 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 making 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

HEALTH JUSTICE FOR ALL

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correspondence transmitted with your check or money order, will be rejected. Acceptance and deposit or cashing of such a restricted payment does not constitute acceptance of the settlement offer. Payments containing restrictive endorsements will be deposited and treated as a partial payment towards the civil money penalty that the Commission assesses upon making a final determination. All unpaid civil money penalty amounts remaining will be subject to the debt collection procedures set forth in Section 2, above.

This matter was generated based on information ascertained by the FEC in the normal course of carrying out its supervisory responsibilities. 52 U.S.C. § 30109(a)(2). Unless you notify the FEC in writing that you wish the matter to be made public, it will remain confidential in accordance with 52 U.S.C. § 30109(a)(4)(B) and 30109(a)(12)(A) until it is placed on the public record at the conclusion of this matter in accordance with 11 CFR § 111.42.

As noted earlier, you may obtain additional information on the FEC's administrative fine program, including the final regulations, on the FEC's website at <https://www.fec.gov/af/pay.shtml>. If you have questions regarding the payment of the calculated civil money penalty, please contact Ben Holly in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130. If you have questions regarding the submission of a challenge, please contact the Office of Administrative Review at our toll free number (800) 424-9530 (press 0, then ext. 1158) or (202) 694-1158.

Sincerely,



James E. "Trey" Trainor III
Chair

ADMINISTRATIVE FINE PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 CFR § 111.43, the amount of your civil money penalty calculated at RTB is \$3,925 for the April Monthly 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

HEALTH JUSTICE FOR ALL

Page 5 of 5

fields. For additional payment options, please contact Ben Holly in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130.

COMMITTEE NAME: Health Justice For All

FEC ID#: C00695619

AF#: 3835

PAYMENT DUE DATE: August 8, 2020

PAYMENT AMOUNT DUE: \$3,925

RECEIVED

By Office of the Commission Secretary at 9:52 am, Nov 04, 2020



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

SENSITIVE

November 3, 2020

MEMORANDUM

TO: The Commission

THROUGH: Alec Palmer *AP*
Staff Director

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

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

BY: *KDR* Kristin D. Roser/Jackie Gausepohl
Reports Analysis Division
Compliance Branch

SUBJECT: Administrative Fine Program – Final Determination Recommendation for the 2020 April Monthly Report

Attached is a list identifying political committees and their treasurers against which the Commission has found reason to believe (RTB) and assessed proposed civil money penalties calculated at RTB for failure to file or failure to timely file the 2020 April Monthly Report. The committees have not paid the civil money penalties requested at RTB and have been given at least forty (40) days from the date of the Commission's RTB finding to remit payment.

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

For your information, one (1) committee disclosed a level of activity after the RTB finding which would result in a lowered civil money penalty. An overview of this case has been provided below.

Health Justice For All (AF 3835) disclosed no activity after the RTB finding (previously estimated to be \$58,024), which would result in no civil money penalty (fine previously assessed to be \$3,925).

RAD Recommendation

- (1) Make a final determination that the political committees and their treasurers, in their official capacity, listed on the attached report violated 52 U.S.C. § 30104(a) and assess the final civil money penalties so indicated.
- (2) Make a final determination that the political committee and its treasurer, in his official capacity, listed on the attached report with no activity, violated 52 U.S.C. § 30104(a) and will not be assessed a civil money penalty.
- (3) Send the appropriate letters.

Federal Election Commission
 FD Circulation Report Fine Not Paid
 2020 APRIL MONTHLY Not Election Sensitive 04/20/2020 P_UNAUTH

AF#	Committee Name	Candidate Name	Committee ID	Treasurer	Receipt Date	Days Late	LOA	PV	RTB Date	RTB Penalty	Days Since RTB	FD Penalty
3835	HEALTH JUSTICE FOR ALL		C00695619	ERIC FEIGL-DING	10/26/2020	*Not Filed	\$0	0	06/29/2020	\$3,925	127	NONE
3836	OKLAHOMA LEADERSHIP COUNCIL		C00167213	MICHAEL G MCCUTCHIN	05/01/2020	11	\$20,148	0	06/29/2020	\$212	127	\$212
3837	REPUBLICAN STATE COMMITTEE OF DELAWARE		C00172510	DENNIS CINI	08/14/2020	*Not Filed	\$32,280	0	06/29/2020	\$684	127	\$684

* 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)	
)	
Administrative Fine Program – Final)	
Determination Recommendation for the)	
2020 April Monthly Report:)	
HEALTH JUSTICE FOR ALL, and)	AF# 3835
FEIGL-DING, ERIC DR. as treasurer;)	
OKLAHOMA LEADERSHIP COUNCIL,)	AF# 3836
and MCCUTCHIN, MICHAEL G as)	
treasurer;)	
REPUBLICAN STATE COMMITTEE OF)	AF# 3837
DELAWARE, and CINI, DENNIS as)	
treasurer;)	

CERTIFICATION

I, Laura E. Sinram, Acting Secretary and Clerk of the Federal Election Commission, do hereby certify that on January 07, 2021, the Commission took the following actions on the Administrative Fine Program – Final Determination Recommendation for the 2020 April Monthly Report, as recommended in the Reports Analysis Division's Memorandum dated November 03, 2020, on the following committees:

AF#3835 Decided by a vote of 6-0 to: (1) make a final determination that HEALTH JUSTICE FOR ALL, and FEIGL-DING, ERIC DR., in his official capacity as treasurer, violated 52 U.S.C. 30104(a) and will not be assessed a final civil money penalty; (2) send the appropriate letter. Commissioners Broussard, Cooksey, Dickerson, Trainor, Walther, and Weintraub voted affirmatively for the decision.

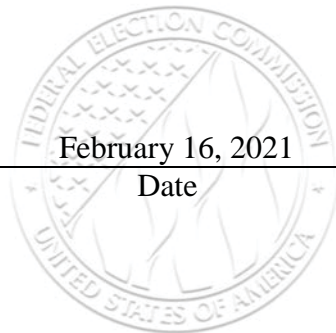
AF#3836 Decided by a vote of 6-0 to: (1) make a final determination that OKLAHOMA LEADERSHIP COUNCIL, and MCCUTCHIN, MICHAEL G, in his official capacity as treasurer, violated 52 U.S.C. 30104(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Broussard,

Federal Election Commission
Administrative Fine Program – Final
Determination Recommendation for the
2020 April Monthly Report
January 7, 2021

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

AF#3837 Decided by a vote of 6-0 to: (1) make a final determination that REPUBLICAN STATE COMMITTEE OF DELAWARE, and CINI, DENNIS, in his official capacity as treasurer, violated 52 U.S.C. 30104(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Broussard, Cooksey, Dickerson, Trainor, Walther, and Weintraub voted affirmatively for the decision.



Attest:

Laura
Sinram

Digitally signed by
Laura Sinram
Date: 2021.02.16
18:46:48 -05'00'

Laura E. Sinram
Acting Secretary and Clerk of the
Commission



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

AF

February 18, 2021

Eric Feigl-Ding, in official capacity as Treasurer
Health Justice For All
2200 Wilson Blvd., Suite 102-554
Arlington, VA 22201

C00695619

AF#: 3835

Dear Dr. Feigl-Ding,

On June 29, 2020, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Health Justice For All and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) for filing late or failing to file the 2020 April Monthly Report. By letter dated July 14, 2020, the Commission notified you of the RTB finding and the preliminary civil money penalty calculated at the RTB stage to be \$3,925 in accordance with the schedule of penalties at 11 CFR § 111.43.

Since that time, the amount of the civil money penalty has been changed to reflect the actual level of activity of the April Monthly Report. The FEC made a final determination on January 7, 2021 that Health Justice For All and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a), assessed no civil money penalty in accordance with 11 CFR § 111.43, and voted to close the file.

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

If you have any questions regarding this matter, please contact Jacqueline Gausepohl on our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130.

On behalf of the Commission,

A handwritten signature in black ink, appearing to read "Shana M. Broussard".

Shana M. Broussard
Chair

THIS IS THE END OF ADMINISTRATIVE FINE CASE #3835