

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE #3848

RECEIVED

By Office of the Commission Secretary at 10:48 am, Aug 11, 2020



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

SENSITIVE

August 11, 2020

MEMORANDUM

TO: The Commission

THROUGH: Alec Palmer *AP*
Staff Director

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

Debbie Chacona *DC*
Assistant Staff Director
Reports Analysis Division

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

SUBJECT: Reason To Believe Recommendation – 2020 30 Day Post-Special General Report for the Administrative Fine Program

Attached is the name of a political committee and its treasurer who failed to timely file the 2020 30 Day Post-Special General Report in accordance with 52 U.S.C. § 30104(a). The committee represents a candidate who participated in the Special General Election held in Wisconsin's 7th Congressional District. The 30 Day Post-Special General Report was due on June 11, 2020 and the Special General Election was held on May 12, 2020.

The committee listed on the attached RTB Circulation Report filed a 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 CFR § 111.43, the committee should be assessed the civil money penalty highlighted on the attached circulation report.

An explanation of the civil money penalty calculation for the committee that failed to timely file the report is outlined below:

The committee (AF 3848) was required to file a 2020 30 Day Post Special-General Report (30SG) covering April 23, 2020 through June 1, 2020 (40 days). On July 15, 2020, the committee filed a 2020 July Quarterly Report covering April 23, 2020 through June 30, 2020 (69 days). We utilized a three-step method to arrive at the activity on which to base the 30SG fine amount. First, we took the sum of all itemized receipts and disbursements that should have been disclosed on a

30SG. Second, if the committee had any unitemized activity, a per diem level of this activity was calculated by multiplying the total amount of unitemized activity on the report by 57.97% (40 days (30SG Filing Period)/69 days (Q2 Filing Period)). Third, we took the sum of the amounts calculated in steps one and two to arrive at the level of activity assigned to the 30SG.

Recommendation

1. Find reason to believe that the political committee and its treasurer, in his official capacity, listed on the RTB Circulation Report violated 52 U.S.C. § 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the RTB Circulation Report.
2. Send the appropriate letter.

Federal Election Commission
Reason to Believe Circulation Report
2020 30SG Not Election Sensitive 06/11/2020 AUTH (WI)

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
3848	C00718635	TIFFANY FOR WISCONSIN, INC.	TOM TIFFANY	FRED KOTH	\$3,141,863	0	7/15/2020	*Not Filed	\$662,868 (est)	\$15,529

* 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)
)
 Reason To Believe Recommendation - 2020)
 30 Day Post-Special General Report for the)
 Administrative Fine Program:)
 TIFFANY FOR WISCONSIN, INC., and) AF# 3848
 KOTH, FRED 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 Reason To Believe Recommendation - 2020 30 Day Post-Special General Report for the Administrative Fine Program, as recommended in the Reports Analysis Division's Memorandum dated August 11, 2020, on the following committee:

AF#3848 Decided by a vote of 6-0 to: (1) find reason to believe that TIFFANY FOR WISCONSIN, INC., and KOTH, FRED 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 Broussard, Cooksey, Dickerson, Trainor, Walther, and Weintraub voted affirmatively for the decision.



February 3, 2021
 Date

Attest:

**Laura
 Sinram**

Digitally signed by Laura Sinram
 Date: 2021.02.03 19:36:30 -05'00'

Laura E. Sinram
 Acting Secretary and Clerk of the
 Commission



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

AF

February 4, 2021

Fred Koth, in official capacity as Treasurer
Tiffany for Wisconsin, Inc.
P.O. Box 1007
Wausau, WI 54402-1007

C00718635

AF#: 3848

Dear Mr. Koth,

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file a 30 Day Post-Special General Report of Receipts and Disbursements in a calendar year during which there is a special election for which the candidate sought election. This report, covering the period April 23, 2020 through June 1, 2020 shall be filed no later than June 11, 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. § 30109(a)(4). On January 7, 2021, the FEC found that there is reason to believe ("RTB") that Tiffany for Wisconsin, Inc. 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 June 11, 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 \$15,529. 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 \$15,529 is due within forty (40) days of the finding, or by February 16, 2021, and is based on these factors:

Election Sensitivity of Report: Not Election Sensitive

Level of Activity: \$662,868

Number of Days Late: Not Filed (reports not filed within thirty (30) days of the due date are considered not filed for the purpose of calculating the penalty)

Number of Previous Civil Money Penalties Assessed: 0

TIFFANY FOR WISCONSIN, INC.

Page 2 of 5

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

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

If you should decide to challenge the RTB finding and/or calculated civil money penalty, you must submit a written response to the FEC's Office of Administrative Review. Your response must include the AF# (found at the top of page 1 under your committee's identification number) and be received within forty (40) days of the Commission's RTB finding, or February 16, 2021. 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 daily 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). 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

TIFFANY FOR WISCONSIN, INC.

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contractors; (3) treasurer and staff illness, inexperience or unavailability; (4) committee computer, software, or Internet service provider failures; (5) failure to know filing dates; and (6) failure to use filing software properly. 11 CFR § 111.35(d).

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

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

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

If you do not pay the calculated civil money penalty and do not submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that Tiffany for Wisconsin, Inc. 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

TIFFANY FOR WISCONSIN, INC.

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

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

As noted earlier, you may obtain additional information on the FEC's administrative fine program, including the final regulations, on the FEC's website at <https://www.fec.gov/af/pay.shtml>. If you have questions regarding the payment of the calculated civil money penalty, please contact Jacqueline Gausepohl 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.

On behalf of the Commission,



Shana M. Broussard
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 \$15,529 for the Post-Special General 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

TIFFANY FOR WISCONSIN, INC.

Page 5 of 5

Fine Program Payment form. Please use the details below to complete the required fields. For additional payment options, please contact Jacqueline Gausepohl in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130.

COMMITTEE NAME: Tiffany for Wisconsin, Inc.

FEC ID#: C00718635

AF#: 3848

PAYMENT DUE DATE: February 16, 2021

PAYMENT AMOUNT DUE: \$15,529

February 11, 2021

Shana Broussard
Federal Election Commission
Washington, DC 20463
administrativefines@fec.gov

RE: Tiffany for Wisconsin
C00718635

To Ms. Broussard,

We are in receipt of your RTB Letter dated February 4, 2021, AF# 3848. The committee understands the error that was made and respectfully requests leniency.

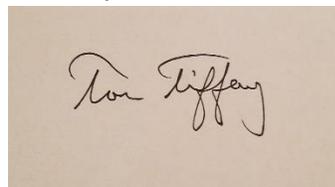
Tiffany for Wisconsin is dedicated to the full compliance of its committee, and the delay in reporting activity from the Post-Special reporting period was due to a mistake with regard to reporting deadlines in the transition from Special General election reporting to Primary election reporting. The committee does rely on professional compliance services which mistakenly believed the activity between April 23 – June 1, 2020 to be reportable on the July Quarterly report. As such, the activity reportable on June 11, 2020 was instead reported on July 15, 2020 in what the committee believed to be in full compliance until receipt of this RTB letter.

We ask that the Commission consider that this committee has no prior violations and that this activity was not election sensitive. There was no intent to delay disclosure and, in fact, the committee did disclose \$98,400 in activity for this period through 48-Hour Notices of Contributions.

A review of the email account listed on its Form 1 at that time confirms that the committee had received prior notice of reporting deadlines from the FEC for previous reporting periods, but did not receive prior notice that a Post-Special report was due. While the committee acknowledges that it is responsible for being aware of the reporting deadlines, the deviation from previous notices sustained the misunderstanding. A review of the committee's email account confirms that the committee did not receive an "FEC Late Notification" email from the FEC. While the committee acknowledges this to be a courtesy notice from the FEC, the benefit of such would have prompted an immediate correction on the part of the Committee.

We appreciate the continued support of this committee's Analyst and the Reports Analysis Division in guiding us through this RTB process. In response to this error, the committee is putting a new system in place to calendar upcoming deadlines with additional internal controls. We, again, respectfully request leniency with regard to this issue and ask that the FEC consider alternative remedial measures in place of an administrative fine in this case.

Sincerely,

A rectangular area containing a handwritten signature in cursive script that reads "Tom Tiffany". The signature is written in dark ink on a light-colored, textured background.

Tom Tiffany



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 1, 2021

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

AF# 3848 – Tiffany for Wisconsin, Inc. and Fred Koth, in his official capacity as Treasurer (C00718635)

Summary of Recommendation

Terminate the proceedings in accordance with 11 C.F.R. § 111.37(b) and close the file.

Reason-to-Believe Background

The 2020 Post-Special General Report was due on June 11, 2020. The respondents filed the activity for the coverage period on July 15, 2020, 34 days late.¹ The report is not election sensitive and was not filed within 30 days of the due date; therefore, the report is considered not filed. 11 C.F.R. §§ 111.43(d)(1) and (e)(1).

On January 7, 2021, the Commission found reason to believe (“RTB”) that the respondents violated 52 U.S.C. § 30104(a) for failing to timely file the 2020 Post-Special General Report and made a preliminary determination that the civil money penalty was \$15,529 based on the schedule of penalties at 11 C.F.R. § 111.43. A letter was mailed to the respondents’ email address of record from the Reports Analysis Division (“RAD”) on February 4, 2021 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 post-election report no later than 30 days after any general election in which the candidate seeks election. 52 U.S.C. § 30104(a)(2)(A)(i) and 11 C.F.R. § 104.5(a)(2)(ii). Reports electronically filed must be received and validated at or before 11:59 pm Eastern Standard/Daylight Time on the filing deadline 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).

¹The Committee’s 2020 July Quarterly Report included the 2020 Post-Special General reporting period of 4/23/20 – 6/1/20.

Summary of Respondents' Challenge

On February 11, 2021, the Commission received the written response (“challenge”) from the Candidate. He acknowledges the Committee made an error and states the Committee has since implemented new internal controls for future filing deadlines. The Candidate requests leniency and further explains:

Tiffany for Wisconsin is dedicated to the full compliance of its committee, and the delay in reporting activity from the Post-Special reporting period was due to a mistake with regard to reporting deadlines in the transition from Special General election reporting to Primary election reporting. The committee does rely on professional compliance services which mistakenly believed the activity between April 23 – June 1, 2020 to be reportable on the July Quarterly report. As such, the activity reportable on June 11, 2020 was instead reported on July 15, 2020 in what the committee believed to be in full compliance until receipt of this RTB letter...

...A review of the email account listed on its Form 1 at that time confirms that the committee had received prior notice of reporting deadlines from the FEC for previous reporting periods, but did not receive prior notice that a Post-Special report was due. While the committee acknowledges that it is responsible for being aware of the reporting deadlines, the deviation from previous notices sustained the misunderstanding. A review of the committee’s email account confirms that the committee did not receive an “FEC Late Notification” email from the FEC. While the committee acknowledges this to be a courtesy notice from the FEC, the benefit of such would have prompted an immediate correction on the part of the Committee.

Analysis

The Candidate participated in the 2020 Special Primary and Special General Elections held in Wisconsin’s 7th Congressional District. On January 13, 2020, the Commission’s Information Division sent the 2020 Wisconsin Special Election Report Notice to the Committee’s address of record. The notice included the Post-Special General reporting requirements for those committees involved in the 2020 Wisconsin Special General Election. The notice detailed the Committee’s requirement to file a Post-Special General Report for the period of April 23, 2020 through June 1, 2020 by June 11, 2020. Further, the notice detailed the Committee’s requirement to file a July Quarterly Report for the period of June 2, 2020 through June 30, 2020 by July 15, 2020. On July 15, 2020, the Committee filed the 2020 July Quarterly Report covering the period of April 23, 2020 through June 30, 2020. Therefore, the activity that should have been reported on the 2020 Post-Special General Report by June 11, 2020 was not timely filed.

The Committee contends that it was not aware of the requirement to file the Post-Special General Report. The Reviewing Officer notes that a committee’s treasurer shall be personally responsible for the timely filing of reports. 11 C.F.R. § 104.14(d). Moreover, failure to know filing dates is included at 11 C.F.R. § 111.35(d) as an example of a circumstance that will not be considered reasonably unforeseen and beyond the respondents’ control.

However, the Committee also contends that it did not receive pre- and post-filing email notifications for this report. The Reviewing Officer notes that the Commission's Electronic Filing Office ("EFO") does send reminder email notifications to electronic filers prior to regularly scheduled filing deadlines. In accordance with current business procedures, EFO did not send a reminder email prior to the Post-Special General Report filing deadline. Further, the Commission failed to notify the Committee that it had failed to timely file the report. According to the Assistant Staff Director of RAD, a technical error resulted in the 2020 Post-Special General Report being considered filed in the Commission's database. Therefore, EFO did not send a late filing notification email to the Committee the day after the filing deadline, and RAD did not send the subsequent Non-Filer notification to the Committee.²

The Reviewing Officer recognizes the Commission did not treat the respondents in accordance with its normal business procedures. Had the Commission sent these email notifications to the Committee, the respondents would have been reminded of the 2020 Post-Special General Report filing requirement prior to the deadline and also notified of their failure to file the report the day following the filing deadline. Ultimately, the Reviewing Officer recognizes the Committee may have been able to timely file the report if it had received these notifications. Therefore, the Reviewing Officer recommends that the Commission terminate the proceedings in accordance with 11 C.F.R. § 111.37(b) and close the file.

OAR Recommendations

1. Terminate the proceedings in AF# 3848 that Tiffany for Wisconsin, Inc. and Fred Koth, in his official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and close the file; and
2. Send the appropriate letter.

Attachments

Attachment 1 –
Attachment 2 –
Attachment 3 –
Attachment 4 – Declaration from RAD
Attachment 5 – Declaration from OAR

² RAD and EFO will expand the current business procedures to include sending reminder notifications prior to all pre- and post-election reporting deadlines. Further, RAD and EFO will implement a quality review process for all notifications.

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 Tiffany for Wisconsin, Inc.:
 - A) Reason-to-Believe Letter, dated February 4, 2021, referencing the 2020 30 Day Post-Special General Report (sent via electronic mail to: tiffany4wisconsin@gmail.com).
4. I hereby certify that I have searched the Commission’s public records and find that Tiffany for Wisconsin, Inc. filed the 2020 July Quarterly Report, which included activity covering the reporting period for the 30 Day Post-Special General Report, with the Commission on July 15, 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 25th day of February, 2021.

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 post-election report no later than 30 days after any general election in which the candidate seeks election. Reports filed electronically must be received and validated at or before 11:59 pm, Eastern Standard/Daylight Time by June 11, 2020 for the 2020 Post-Special General 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 and Summary pages of the 2020 July Quarterly Report filed by Tiffany for Wisconsin, Inc. The report includes the coverage period of April 23, 2020 through June 30, 2020 and was electronically filed on July 15, 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 1st day of April, 2021.

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)

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Write or Type Committee Name
TIFFANY FOR WISCONSIN, INC.

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))....	434597.82	1759058.85
(b) Total Contribution Refunds (from Line 20(d))	2763.34	8363.34
(c) Net Contributions (other than loans) (subtract Line 6(b) from Line 6(a))	431834.48	1750695.51
7. Net Operating Expenditures		
(a) Total Operating Expenditures (from Line 17)	430916.57	1549978.64
(b) Total Offsets to Operating Expenditures (from Line 14).....	204.79	204.79
(c) Net Operating Expenditures (subtract Line 7(b) from Line 7(a))	430711.78	1549773.85
8. Cash on Hand at Close of Reporting Period (from Line 27).....	229507.62	
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



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 2, 2021

Fred Koth, in his official capacity as Treasurer
Tiffany for Wisconsin, Inc.
PO Box 1007
Wausau, WI 54402

C00718635
AF#: 3848

Dear Mr. Koth:

On January 7, 2021, the Federal Election Commission (“Commission”) found reason to believe (“RTB”) that Tiffany for Wisconsin, Inc. and you, in your official capacity as Treasurer, violated 52 U.S.C. § 30104(a) for failing to timely file the 2020 Post-Special General Report. The Commission also made a preliminary determination that the civil money penalty was \$15,529 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 terminate the proceedings in accordance with 11 C.F.R. § 111.37(b) 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 11:14 am, Apr 13, 2021



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

SENSITIVE

April 13, 2021

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# 3848 – Tiffany for Wisconsin, Inc. and Fred Koth, in his official capacity as Treasurer (C00718635)

On January 7, 2021, the Commission found reason to believe (“RTB”) that the respondents violated 52 U.S.C. § 30104(a) for failing to timely file the 2020 Post-Special General Report and made a preliminary determination that the civil money penalty was \$15,529 based on the schedule of penalties at 11 C.F.R. § 111.43. On February 11, 2021, the Commission received their written response (“challenge”). After reviewing the challenge, the Reviewing Officer Recommendation (“ROR”) dated April 1, 2021 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 terminate the proceedings in accordance with 11 C.F.R. § 111.37(b) 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). The respondents have since indicated they will not be submitting a response to the ROR.

OAR Recommendations

1. Terminate the proceedings in AF# 3848 that Tiffany for Wisconsin, Inc. and Fred Koth, in his official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and close the file; and
2. Send the appropriate letter.

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) AF 3848
 Final Determination Recommendation:)
 Tiffany for Wisconsin, Inc. and Fred)
 Koth, in his official capacity as Treasurer)
 (C00718635))

CERTIFICATION

I, Laura E. Sinram, Acting Secretary and Clerk of the Federal Election Commission, do hereby certify that on April 21, 2021, the Commission decided by a vote of 5-0 to take the following actions in AF# 3848:

1. Terminate the proceedings in AF# 3848 that Tiffany for Wisconsin, Inc. and Fred Koth, in his official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and close the file.
2. Send the appropriate letter.

Commissioners Broussard, Cooksey, Dickerson, Trainor, and Weintraub voted affirmatively for the decision. Commissioner Walther did not vote.

Attest:

**Laura
Sinram**

Digitally signed by Laura Sinram
 Date: 2021.04.22
 13:38:25 -04'00'



 Laura E. Sinram
 Acting Secretary and Clerk of the
 Commission



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 7, 2021

Fred Koth, in official capacity as Treasurer
Tiffany for Wisconsin, Inc.
PO Box 1007
Wausau, WI 54402-1007

C00718635
AF# 3848

Dear Mr. Koth:

On January 7, 2021, the Federal Election Commission (“the Commission”) found reason to believe (“RTB”) that Tiffany for Wisconsin, Inc. and you, in your official capacity as Treasurer, violated 52 U.S.C. § 30104(a) for failing to timely file the 2020 Post-Special General Report. By letter dated February 4, 2021, the Commission sent notification of the RTB finding that included a civil money penalty calculated at RTB of \$15,529 in accordance with the schedule of penalties at 11 C.F.R. § 111.43. On February 11, 2021, 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 terminate the proceedings and close the file. The Reviewing Officer Recommendation was sent to you on April 2, 2021.

On April 21, 2021, the Commission adopted the Reviewing Officer’s recommendation to terminate the proceedings with respect to 52 U.S.C. § 30104(a) 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. 1660) or (202) 694-1660.

On behalf of the Commission,


Shana M. Broussard
Chair

THIS IS THE END OF ADMINISTRATIVE FINE CASE #3848