

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE #3852

**RECEIVED**

By Office of the Commission Secretary at 10:44 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: Kristin D. Roser/Ben Holly *KDR BH*  
Reports Analysis Division  
Compliance Branch

SUBJECT: Reason To Believe Recommendation – 2020 12 Day Pre-Primary Report  
(Colorado) for the Administrative Fine Program

Attached is the name of a political committee and its treasurer who failed to timely file the 2020 12 Day Pre-Primary Report for the Colorado Primary Election in accordance with 52 U.S.C. § 30104(a). The 12 Day Pre-Primary Report was due on June 18, 2020 and the Primary Election was held on June 30, 2020.

The committee listed on the attached RTB Circulation Report failed to file the election sensitive report by the required due date. Election sensitive reports filed more than four days prior to the election are considered late, and reports not filed more than four days prior to the election are considered not filed. In accordance with the schedule of civil money penalties for reports at 11 CFR § 111.43, the committee should be assessed the civil money penalty highlighted on the attached circulation report.

**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 PRE-PRIMARY Election Sensitive 06/18/2020 AUTH (CO)

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
3852	C00697334	MCCORKLE FOR COLORADO	ISAAC IAN MCCORKLE	BRIAN KEITH IZZOLENA	\$101,358	0	6/29/2020	*Not Filed	\$55,081	\$4,437

\* The committee did not file their report prior to four (4) days before the primary election; therefore, per 11 C.F.R. 111.43(e), the report is considered to be not filed.

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
 Reason To Believe Recommendation - 2020 )  
 12 Day Pre-Primary Report (Colorado) for )  
 the Administrative Fine Program: )  
 MCCORKLE FOR COLORADO, and ) AF# 3852  
 IZZOLENA, BRIAN KEITH 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 12 Day Pre-Primary Report (Colorado) for the Administrative Fine Program, as recommended in the Reports Analysis Division's Memorandum dated August 11, 2020, on the following committees:

AF#3852 Decided by a vote of 6-0 to: (1) find reason to believe that MCCORKLE FOR COLORADO, and IZZOLENA, BRIAN KEITH 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 19:42:13 -05'00'  
 \_\_\_\_\_  
 Laura E. Sinram  
 Acting Secretary and Clerk of the  
 Commission



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

AF

February 4, 2021

Brian Keith Izzolena, in official capacity as Treasurer  
McCorkle for Colorado  
10158 Stoneridge Terrace  
Parker, CO 80134

C00697334  
AF#: 3852

Dear Mr. Izzolena,

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file a 12 Day Pre-Primary Report of Receipts and Disbursements in any calendar year during which there is a regularly scheduled election for which the candidate is seeking election or nomination for election. This report, covering the period April 1, 2020 through June 10, 2020, shall be filed no later than June 18, 2020. 52 U.S.C. § 30104(a). Because records at the Commission indicate that you did not file this report prior to four (4) days before the election, the report is considered not filed for the purpose of calculating the civil money penalty.

The Act permits the FEC to impose civil money penalties for violations of the reporting requirements of 52 U.S.C. § 30104(a). 52 U.S.C. § 30109g(a)(4). On January 7, 2021, the FEC found that there is reason to believe ("RTB") that McCorkle for Colorado 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 18, 2020. Based on the FEC's schedules of civil money penalties at 11 C.F.R. § 111.43, the amount of your civil money penalty calculated at the RTB stage is \$4,437. Please see the attached copy of the Commission's administrative fine regulations at 11 C.F.R. §§ 111.30-111.46. Attachment 1. The Commission's website contains further information about how the administrative fine program works and how the fines are calculated. See <https://www.fec.gov/af/pay.shtml> 11 C.F.R. § 111.34. Your payment of \$4,437 is due within forty (40) days of the finding, or by February 16, 2021, and is based on these factors:

Election Sensitivity of Report: Election Sensitive

Level of Activity: \$55,081

Number of Days Late: Not Filed (reports not filed prior to four (4) days before the Primary Election held on June 30, 2020 are considered not filed for the purpose of calculating the penalty)

Number of Previous Civil Money Penalties Assessed: 0

MCCORKLE FOR COLORADO

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

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

If you should decide to challenge the RTB finding and/or calculated civil money penalty, you must submit a written response to the FEC's Office of Administrative Review. Your response must include the AF# (found at the top of page 1 under your committee's identification number) and be received within forty (40) days of the Commission's RTB finding, or 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](mailto:administrativefines@fec.gov). The Commission encourages the use of electronic signatures on electronically submitted documents, but scanned copies of ink signatures will be accepted. Electronically submitted challenges will be deemed received on the date it is electronically received by staff.

The FEC will only consider challenges that are based on at least one of three grounds: (1) a factual error in the RTB finding; (2) miscalculation of the calculated civil money penalty by the FEC; or (3) your demonstrated use of best efforts to file in a timely manner when prevented from doing so by reasonably unforeseen circumstances that were beyond your control. 11 CFR § 111.35(b). 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

MCCORKLE FOR COLORADO

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control include, but are not limited to: (1) negligence; (2) delays caused by vendors or contractors; (3) treasurer and staff illness, inexperience or unavailability; (4) committee computer, software, or Internet service provider failures; (5) failure to know filing dates; and (6) failure to use filing software properly. 11 CFR § 111.35(d).

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

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

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

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

MCCORKLE FOR COLORADO

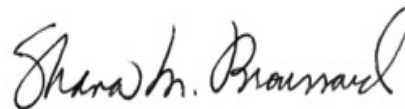
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payment in an amount less than the calculated civil money penalty assessed or any restrictive endorsements contained on your check or money order or proposed in correspondence transmitted with your check or money order, will be rejected. Acceptance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

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

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

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ADMINISTRATIVE FINE PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 CFR § 111.43, the amount of your civil money penalty calculated at RTB is \$4,437 for the Pre-Primary 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

MCCORKLE FOR COLORADO

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collections. Visit [www.fec.gov/af/pay.shtml](http://www.fec.gov/af/pay.shtml) to be directed to Pay.gov's Administrative Fine Program Payment form. Please use the details below to complete the required fields. For additional payment options, please contact 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: McCorkle for Colorado

FEC ID#: C00697334

AF#: 3852

PAYMENT DUE DATE: February 16, 2021

PAYMENT AMOUNT DUE: \$4,437

**RECEIVED**

By Office of the Commission Secretary at 11:22 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

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

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

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

Attached is a list identifying a political committee and its treasurer against which the Commission has found reason to believe (RTB) and assessed a proposed civil money penalty calculated at RTB for failure to file or failure to timely file the 2020 12 Day Pre-Primary Report. The committee has paid the civil money penalty requested at RTB.

In accordance with 11 CFR § 111.40, the Commission shall send a final determination notice to the respondent that has paid the civil money penalty.

**RAD Recommendation**

- (1) Make a final determination that the political committee and its treasurer, in his official capacity, listed on the attached report violated 52 U.S.C. § 30104(a) and assess the final civil money penalty so indicated.
- (2) Send the appropriate letter.

Federal Election Commission  
FD Circulation Report Fine Paid  
2020 PRE-PRIMARY Election Sensitive 06/18/2020 AUTH (CO)

AF#	Committee Name	Candidate Name	Committee ID	Treasurer	Receipt Date	Days Late	LOA	PV	RTB Date	RTB Penalty	Final Money Penalty	Date Paid	Amount Paid
3852	MCCORKLE FOR COLORADO	ISAAC IAN MCCORKLE	C00697334	BRIAN KEITH IZZOLENA	06/29/2020	*Not Filed	\$55,081	0	01/07/2021	\$4,437	\$4,437	02/24/2021	\$4,437

\* The committee did not file their report prior to four (4) days before the primary election; therefore, per 11 C.F.R. 111.43(e), the report is considered to be not filed.

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
 Administrative Fine Program - Final )  
 Determination Recommendation for the )  
 2020 12 Day Pre-Primary Report )  
 (Colorado): )  
 MCCORKLE FOR COLORADO, and ) AF# 3852  
 IZZOLENA, BRIAN KEITH as treasurer; )

CERTIFICATION


I, Laura E. Sinram, Acting Secretary and Clerk of the Federal Election Commission, do hereby certify that on April 15, 2021 the Commission took the following actions on the Administrative Fine Program - Final Determination Recommendation for the 2020 12 Day Pre-Primary Report (Colorado), as recommended in the Reports Analysis Division's Memorandum dated April 13, 2021, on the following committee:

AF#3852 Decided by a vote of 6-0 to: (1) make a final determination that MCCORKLE FOR COLORADO, and IZZOLENA, BRIAN KEITH in his official capacity as treasurer, violated 52 U.S.C. § 30104(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Broussard, Cooksey, Dickerson, Trainor, Walther, and Weintraub voted affirmatively for the decision.

 April 16, 2021  
 \_\_\_\_\_  
 Date

Attest:

**Laura  
 Sinram**

 Digitally signed by  
 Laura Sinram  
 Date: 2021.04.16  
 12:38:30 -04'00'

\_\_\_\_\_  
 Laura E. Sinram  
 Acting Secretary and Clerk of the  
 Commission



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

AF

April 19, 2021

Brian Keith Izzolena, in official capacity as Treasurer  
McCorkle for Colorado  
10158 Stoneridge Terrace  
Parker, CO 80134

C00697334  
AF#: 3852

Dear Mr. Izzolena,

On January 7, 2021, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that McCorkle for Colorado and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) for filing late or failing to file the 2020 Pre-Primary Report. By letter dated February 4, 2021, the Commission notified you of the RTB finding and the civil money penalty calculated at the RTB stage totaling \$4,437 in accordance with the schedule of penalties at 11 CFR § 111.43.

On February 24, 2021, the FEC received payment of the civil money penalty calculated at the RTB stage. The FEC made a final determination on April 15, 2021 that McCorkle for Colorado and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a), assessed a civil money penalty in the amount of \$4,437 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 Jamie Sikorsky 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 #3852