

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE #3904



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

January 7, 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

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

SUBJECT: Withdrawal and Resubmission of Reason To Believe Recommendation –
2020 July Quarterly Report for the Administrative Fine Program

We are withdrawing the document circulated to the Commission on September 11, 2020 in order to reflect updates disclosed in filings received by the Commission after the initial submission of this recommendation. An overview of these updates has been provided below.

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

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
3904	C00676320	UNITED FORWARD 2020 BENZEL FOR CONGRESS	JULIANNE ELIZABETH BENZEL	GREG DON BENZEL	\$206,748	0	7/28/2020	13	\$1,420	\$114

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Withdrawal and Resubmission of Reason)
To Believe Recommendation - 2020 July)
Quarterly Report for the Administrative)
Fine Program:)

Federal Election Commission
Withdrawal and Resubmission of Reason
to Believe Recommendation – 2020 July
Quarterly Report for the Administrative
Fine Program
January 08, 2021

Federal Election Commission
Withdrawal and Resubmission of Reason
to Believe Recommendation – 2020 July
Quarterly Report for the Administrative
Fine Program
January 08, 2021

UNITED FORWARD 2020 BENZEL FOR) AF# 3904
CONGRESS, and BENZEL, GREG DON)
MR. as treasurer;)

Federal Election Commission
Withdrawal and Resubmission of Reason
to Believe Recommendation – 2020 July
Quarterly Report for the Administrative
Fine Program
January 08, 2021

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CERTIFICATION

I, Laura E. Sinram, Acting Secretary and Clerk of the Federal Election Commission, do hereby certify that on January 08, 2021, the Commission took the following actions on the Withdrawal and Resubmission of Reason To Believe Recommendation - 2020 July Quarterly Report for the Administrative Fine Program, as recommended in the Reports Analysis Division's Memorandum dated January 07, 2021, on the following committees:

Federal Election Commission
Withdrawal and Resubmission of Reason
to Believe Recommendation – 2020 July
Quarterly Report for the Administrative
Fine Program
January 08, 2021

Federal Election Commission
Withdrawal and Resubmission of Reason
to Believe Recommendation – 2020 July
Quarterly Report for the Administrative
Fine Program
January 08, 2021

Federal Election Commission
Withdrawal and Resubmission of Reason
to Believe Recommendation – 2020 July
Quarterly Report for the Administrative
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AF#3904 Decided by a vote of 6-0 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 Broussard, Cooksey, Dickerson, Trainor, Walther, and Weintraub voted affirmatively for the decision.



Attest:

**Laura
Sinram**

Digitally signed by
Laura Sinram
Date: 2021.02.05
15:39:37 -05'00'

Laura E. Sinram
Acting Secretary and Clerk of the
Commission



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

AF

February 5, 2021

Greg Don Benzel, in official capacity as Treasurer
United Forward 2020 Benzel for Congress
P.O. Box 754
Rocklin, CA 95677

C00676320
AF#: 3904

Dear Mr. Benzel,

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file a July Quarterly Report of Receipts and Disbursements every calendar year. This report, covering the period April 1, 2020 through June 30, 2020, shall be filed no later than July 15, 2020. 52 U.S.C. § 30104(a). Records at the Federal Election Commission ("FEC") indicate that this report was filed on July 28, 2020, 13 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 January 8, 2021, the FEC found that there is reason to believe ("RTB") that United Forward 2020 Benzel for Congress 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 July 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 \$114. 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 \$114 is due within forty (40) days of the finding, or by February 17, 2021, and is based on these factors:

Election Sensitivity of Report: Not Election Sensitive
Level of Activity: \$1,420
Number of Days Late: 13
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

UNITED FORWARD 2020 BENZEL FOR CONGRESS

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 February 17, 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 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

UNITED FORWARD 2020 BENZEL FOR CONGRESS

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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 United Forward 2020 Benzel for Congress 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 acceptance of the settlement offer. Payments containing restrictive endorsements will

UNITED FORWARD 2020 BENZEL FOR CONGRESS

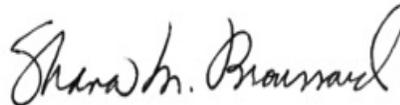
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be deposited and treated as a partial payment towards the civil money penalty that the Commission assesses upon making a final determination. All unpaid civil money penalty amounts remaining will be subject to the debt collection procedures set forth 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.

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 \$114 for the July 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) 694-1130.

UNITED FORWARD 2020 BENZEL FOR CONGRESS

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COMMITTEE NAME: United Forward 2020 Benzel for Congress

FEC ID#: C00676320

AF#: 3904

PAYMENT DUE DATE: February 17, 2021

PAYMENT AMOUNT DUE: \$114

To: FEC Secretary,

Updated February 10, 2021

In 2018, as result of multiple events and circumstances, my wife was approached and encouraged to run for Congress. She accepted this major challenge and a campaign began literally from scratch. We did not do an exploratory committee. We started with absolutely nothing and believed we had a chance to make a difference and bring a genuine female conservative voice to CA District 4.

With no staff, few volunteers and minimal funding, we had a phenomenal townhall and made a big splash in our district. We raised money for digital ads and radio ads and truly believed we could make it to through the primary.

We were devastated and exhausted when we did not make it through. Since, I was the campaign manager, treasurer, marketer, driver, you name it.... I just shut down for a while and put it all away for my own health and sanity (then the virus hit which presented its own challenges). Therefore; it is accurate to say that I did not get the report done on time for the ~~April and July~~ Quarterlies. I was not aware of my violation of FEC poicy worthy of such a fine so I was late on my July filing as well. We will be ending/terminating this committee as soon as it is in good standing.

It is clear and has been documented that the reports were filed late. There is no denying that I am responsible for filing reports on time. However; we are truly a grassroots campaign committee that desires to do things right and operate legitimately. Even though we had no history of running a campaign and my wife and I ran virtually every position from Campaign manager to driver to Treasurer (and everything in between), it was still a tremendous experience (we met some incredible people and learned a ton). Besides not moving forward in the Primary, the late filing of these reports was the only negative in our journey.

I am accepting responsibility for the late filing and there are no excuses for this oversight. I will, however; emphasize the reasons why it happened in hopes that perhaps the fees will be waived.

1. Because this was a grassroots campaign, I needed to be the Treasurer. With only the experience of running our home finances, I spent countless hours establishing our organization and documenting our transactions. I basically was operating correctly for over a year until the late pre-primary filing right before the primary election and the late filings following the primary election. As stated earlier, I was emotionally attached to the election and was devastated by the results.
2. Being upset by not moving forward in the Primary election and the ensuing pandemic, I was clouded to the Treasurer's responsibilities. I reverted back to my school email as my teaching responsibilities shifted to the challenges of Distance

Learning. Almost out of necessity, I rarely checked my United Forward Email. Because of my mindset and inexperience with the FEC as a Treasurer, I didn't make the Committee a priority since we were not in the running. I should have inquired/researched more concerning committee activity after a loss.

3. Because of its grassroots nature, The United Forward Committee representing Julianne Benzel for Congress is not well funded. It is not able to pay the fees required for the late filing violations.

It is clear that late filing errors have been made. I am responsible for those errors as treasurer. Please realize the human experience factor in this scenario and strongly consider extending grace to our committee by removing the fees and allowing United Forward to close in good standing. We appreciate your time in reviewing this matter.

Sincerely,

Greg Benzel
United Forward Julianne Benzel for Congress
Treasurer



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 31, 2021

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

AF# 3904 – United Forward 2020 Benzel for Congress and Greg Don Benzel, in his official capacity as Treasurer (C00676320)

Summary of Recommendation

Make a final determination in AF# 3904 that the respondents violated 52 U.S.C. § 30104(a) and assess a \$114 civil money penalty.

Reason-to-Believe Background

The 2020 July Quarterly Report was due on July 15, 2020. The respondents filed the report on July 28, 2020, 13 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 January 8, 2021, the Commission found RTB that the respondents violated 52 U.S.C. § 30104(a) for failing to timely file the 2020 July Quarterly Report and made a preliminary determination that the civil money penalty was \$114 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 February 5, 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 of a candidate shall file a report for the period ending June 30 no later than July 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 July 15 for the July Quarterly Report to be timely filed. 11 C.F.R. §§ 100.19(c) and 104.5(e). The treasurer shall be personally responsible for the timely filing of reports. 11 C.F.R. § 104.14(d).

Summary of Respondents’ Challenge

On February 10, 2021, the Commission received the written response (“challenge”) from the Candidate’s husband serving as Treasurer. He explains the grassroots nature of the campaign, which started “with no staff, few volunteers, and minimal funding.” He further explains:

We were devastated and exhausted when we did not make it through [the Primary Election]. Since, I was the campaign manager, treasurer, marketer, driver, you name it....I just shut down for a while and put it all away for my own health and sanity (then the virus hit which presented its own challenges).

He also provides the following explanations for why the report was not timely filed:

1. Because this was a grassroots campaign, I needed to be the Treasurer. With only the experience of running our home finances, I spent countless hours establishing our organization and documenting our transactions. I basically was operating correctly for over a year until the late pre-primary filing right before the primary election and the late filing a month following the primary election. As stated earlier, I was emotionally attached to the election and was devastated by the results.
2. Being upset by not moving forward in the Primary election and the ensuing pandemic, I was clouded to the Treasurer's responsibilities. I reverted back to my school email as my teaching responsibilities shifted to the challenges of Distance Learning. Almost out of necessity, I rarely checked my United Forward Email.

Because of my mindset and inexperience with the FEC as a Treasurer, I didn't make the Committee a priority since we were not in the running. I should have inquired/researched more concerning committee activity after a loss.

3. Because of its grassroots nature, The United Forward Committee representing Julianne Benzel for Congress is not well funded. It is not able to pay the fees required for the late filing violations.

The Treasurer concludes by acknowledging he failed to timely file the report, and he requests the Commission waive the penalty and allow the Committee to terminate.

Analysis

The Treasurer explains the grassroots nature of the campaign and that operations were effectively shut down after the Candidate lost in the Primary Election.¹ The respondents also state their intent to terminate the Committee. While the Candidate may have lost in the Primary Election, the Reviewing Officer confirms that a committee's filing obligation ends only when the committee files a termination report, and the Commission notifies them in writing that their termination report has been accepted. 11 C.F.R § 102.3; *Campaign Guide for Congressional Candidates and Committees*, 123. Therefore, the Reviewing Officer confirms the respondents were required to timely file the 2020 July Quarterly Report.

¹ The respondents did not dispute nor contend they were unaware of the filing requirements. Commission records indicate the Commission appropriately notified and reminded the Committee of its reporting requirements on multiple occasions. See Attachments 2, 3, and 4.

The Reviewing Officer recognizes the grassroots nature of the campaign and that the Treasurer became less focused on campaign responsibilities after the Primary Election. However, the challenge fails to address any of the three valid grounds at 11 C.F.R § 111.35(b). These are: (i) the RTB finding is based on factual errors; and/or (ii) the improper calculation of the civil money penalty; and/or (iii) they used best efforts to file on time but were prevented from doing so by reasonably unforeseen circumstances that were beyond their control and they filed the report no later than 24 hours after the end of these circumstances. Moreover, inexperience of the treasurer and negligence 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 Reviewing Officer recommends that the Commission make a final determination that the respondents violated 52 U.S.C. § 30104(a) and assess a civil money penalty of \$114.

OAR Recommendations

1. Adopt the Reviewing Officer recommendation for AF# 3904 involving United Forward 2020 Benzel for Congress and Greg Don Benzel, in his official capacity as Treasurer, in making the final determination;
2. Make a final determination in AF# 3904 that United Forward 2020 Benzel for Congress and Greg Don Benzel, in his official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess a \$114 civil money penalty; and
3. Send the appropriate letter.

Attachments

Attachment 1 –

Attachment 2 –

Attachment 3 –

Attachment 4 – Declaration from RAD

Attachment 5 – Page 123 of *Campaign Guide for Congressional Candidates and Committees*

Attachment 6 – 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 United Forward 2020 Benzel for Congress:
 - A) Reason-to-Believe Letter, dated February 5, 2021, referencing the 2020 July Quarterly Report (sent via electronic mail to: unitedforward2020@gmail.com and jbenzel2020@gmail.com).
4. I hereby certify that I have searched the Commission’s public records and find that United Forward 2020 Benzel for Congress filed the 2020 July Quarterly Report with the Commission on July 28, 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 23rd day of February, 2021.

Kristin D. Roser

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

CHAPTER 14

WINDING DOWN THE CAMPAIGN

This chapter explains the requirements for an authorized committee that wishes to close down its operations at the end of a campaign.¹

I. TERMINATING THE COMMITTEE

Eligibility

A committee may file a termination report at any time, provided that:

- The committee no longer intends to receive contributions, make expenditures or make any disbursements that would otherwise qualify it as a political committee; and
- Neither the committee seeking to terminate nor any other authorized committee of the same candidate has any outstanding debts or obligations.

102.3 and 116.1. Campaigns with debts or obligations should see “Retiring Debts” and “Settling Debts,” below.

A committee involved in an FEC enforcement action, an FEC audit or litigation with the FEC, however, must continue to file regularly scheduled reports until the matter is resolved.

Termination Report

When filing the committee’s termination report, the treasurer must check the “Termination Report” box on Line 4 of the Summary Page of Form 3. The termination report must disclose:

- All receipts and disbursements not previously reported, including an accounting of debt retirement (See “Retiring Debts” and “Settling Debts” below); and

¹ If a candidate wishes to use the committee for a subsequent federal campaign, he or she may redesignate it as an authorized committee using FEC Form 2. See Chapter 2, “Candidate and Committee Registration,” for more information.

- The purposes for which any remaining committee funds or assets will be used. (See Chapter 8, “Expenditures and Other Uses of Campaign Funds;” see also “Winding Down Costs” and “Sale of Campaign Assets,” below.) 102.3(a).

Committee No Longer Required to Report Once Notified

The committee’s reporting obligation ends only when the Commission notifies the committee in writing that the termination report has been accepted. Until the committee receives this notification, it must continue to file reports.

Administrative Termination

The FEC, upon its own initiative or at the request of a political committee, may administratively terminate a committee’s reporting status. For details on administrative termination, consult Section 102.4 of the regulations.

2. CONVERSION TO MULTICANDIDATE COMMITTEE

In past advisory opinions, the Commission has explicitly permitted a principal campaign committee to become a multicandidate committee as an alternative to the committee’s termination. In meeting the requirements for multicandidate status, a former principal campaign committee may avail itself of the length of time of its prior registration, the number of contributions it has made in the past and the number of contributions it has received. Note that the prohibition on converting campaign funds to personal use still applies to such a committee. See AOs 2012-06, 2004-03, 1993-22, and 1985-30 and the *Campaign Guide for Nonconnected Committees* for more information. Principal campaign committees of active candidates cannot qualify as multicandidate committees. 102.12(c) and 102.13(c).

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 June 30 no later than July 15. Reports filed electronically must be received and validated at or before 11:59 pm, Eastern Standard/Daylight Time July 15, 2020 for the 2020 July 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 July Quarterly Report filed by United Forward 2020 Benzel for Congress. The report includes the coverage period of April 1, 2020 through June 30, 2020 and was electronically filed on July 28, 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 31st day of March, 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)

PAGE 2 / 8

Write or Type Committee Name
United Forward Julianne Benzel for Congress

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))....	630.00	10556.92
(b) Total Contribution Refunds (from Line 20(d))	0.00	0.00
(c) Net Contributions (other than loans) (subtract Line 6(b) from Line 6(a))	630.00	10556.92
7. Net Operating Expenditures		
(a) Total Operating Expenditures (from Line 17)	790.00	4376.27
(b) Total Offsets to Operating Expenditures (from Line 14).....	0.00	0.00
(c) Net Operating Expenditures (subtract Line 7(b) from Line 7(a))	790.00	4376.27
8. Cash on Hand at Close of Reporting Period (from Line 27).....	6444.63	
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)	14000.00	

For further information contact:

Federal Election Commission
999 E Street, NW
Washington, DC 20463

Toll Free 800-424-9530
Local 202-694-1100

DETAILED SUMMARY PAGE
of Receipts

FEC Form 3 (Revised 05/2016)

Write or Type Committee Name

United Forward Julianne Benzel for Congress

Report Covering the Period: From: / / To: / /

I. RECEIPTS	COLUMN A Total This Period	COLUMN B Election Cycle-to-Date
11. CONTRIBUTIONS (other than loans) FROM:		
(a) Individuals/Persons Other Than Political Committees		
(i) Itemized (use Schedule A)	430.00	9670.29
(ii) Unitemized	200.00	886.63
(iii) TOTAL of contributions from individuals	630.00	10556.92
(b) Political Party Committees	0.00	0.00
(c) Other Political Committees (such as PACs)	0.00	0.00
(d) The Candidate	0.00	0.00
(e) TOTAL CONTRIBUTIONS (other than loans) (add Lines 11(a)(iii), (b), (c), and (d))..	630.00	10556.92
12. TRANSFERS FROM OTHER AUTHORIZED COMMITTEES	0.00	0.00
13. LOANS:		
(a) Made or Guaranteed by the Candidate	0.00	0.00
(b) All Other Loans	0.00	0.00
(c) TOTAL LOANS (add Lines 13(a) and (b))	0.00	0.00
14. OFFSETS TO OPERATING EXPENDITURES (Refunds, Rebates, etc.)	0.00	0.00
15. OTHER RECEIPTS (Dividends, Interest, etc.)	0.00	0.00
16. TOTAL RECEIPTS (add Lines 11(e), 12, 13(c), 14, and 15) (Carry Total to Line 24, page 4)	630.00	10556.92

DETAILED SUMMARY PAGE
of Disbursements

FEC Form 3 (Revised 05/2016)

PAGE 4 / 8

II. DISBURSEMENTS	COLUMN A Total This Period	COLUMN B Election Cycle-to-Date
17. OPERATING EXPENDITURES.....	790.00	4376.27
18. TRANSFERS TO OTHER AUTHORIZED COMMITTEES	0.00	0.00
19. LOAN REPAYMENTS:		
(a) Of Loans Made or Guaranteed by the Candidate.....	0.00	3000.00
(b) Of All Other Loans	0.00	0.00
(c) TOTAL LOAN REPAYMENTS (add Lines 19(a) and (b)).....	0.00	3000.00
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) ►	790.00	7376.27

III. CASH SUMMARY

23. CASH ON HAND AT BEGINNING OF REPORTING PERIOD.....	6604.63
24. TOTAL RECEIPTS THIS PERIOD (from Line 16, page 3).....	630.00
25. SUBTOTAL (add Line 23 and Line 24).....	7234.63
26. TOTAL DISBURSEMENTS THIS PERIOD (from Line 22).....	790.00
27. CASH ON HAND AT CLOSE OF REPORTING PERIOD (subtract Line 26 from Line 25).....	6444.63



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 31, 2021

Greg Don Benzel, in his official capacity as Treasurer
United Forward 2020 Benzel for Congress
PO Box 754
Rocklin, CA 95677

C00676320
AF#: 3904

Dear Mr. Benzel:

On January 8, 2021, the Federal Election Commission (“Commission”) found reason to believe (“RTB”) that United Forward 2020 Benzel for Congress and you, in your official capacity as Treasurer, violated 52 U.S.C. § 30104(a) for failing to timely file the 2020 July Quarterly Report. The Commission also made a preliminary determination that the civil money penalty was \$114 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 10:32 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# 3904 – United Forward 2020 Benzel for Congress and Greg Don Benzel, in his official capacity as Treasurer (C00676320)

On January 8, 2021, the Commission found RTB that the respondents violated 52 U.S.C. § 30104(a) for failing to timely file the 2020 July Quarterly Report and made a preliminary determination that the civil money penalty was \$114 based on the schedule of penalties at 11 C.F.R. § 111.43. On February 10, 2021, the Commission received their written response (“challenge”). After reviewing the challenge, the Reviewing Officer Recommendation (“ROR”) dated March 18, 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 make a final determination that the respondents violated 52 U.S.C. § 30104(a) and assess a \$114 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 indicated they will not be submitting a response to the ROR.

OAR Recommendations

1. Adopt the Reviewing Officer recommendation for AF# 3904 involving United Forward 2020 Benzel for Congress and Greg Don Benzel, in his official capacity as Treasurer, in making the final determination;
2. Make a final determination in AF# 3904 that United Forward 2020 Benzel for Congress and Greg Don Benzel, in his official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess a \$114 civil money penalty; and
3. Send the appropriate letter.

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) AF 3904
 Final Determination Recommendation:)
 United Forward 2020 Benzel for)
 Congress and Greg Don Benzel, in his)
 official capacity as Treasurer)
 (C00676320))

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 4-1 to take the following actions in AF# 3904:

1. Adopt the Reviewing Officer recommendation for AF# 3904 involving United Forward 2020 Benzel for Congress and Greg Don Benzel, in his official capacity as Treasurer, in making the final determination.
2. Make a final determination in AF# 3904 that United Forward 2020 Benzel for Congress and Greg Don Benzel, in his official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess a \$114 civil money penalty.
3. Send the appropriate letter.

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



Attest:

**Laura
Sinram**

Laura E. Sinram
 Acting Secretary and Clerk of the
 Commission

Digitally signed by
 Laura Sinram
 Date: 2021.04.22
 13:53:41 -04'00'



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 30, 2021

Greg Don Benzel, in his official capacity as Treasurer
United Forward 2020 Benzel for Congress
PO Box 754
Rocklin, CA 95677

C00676320
AF#: 3904

Dear Mr. Benzel:

On January 8, 2021, the Federal Election Commission (“the Commission”) found reason to believe (“RTB”) that United Forward 2020 Benzel for Congress and you, in your official capacity as Treasurer, violated 52 U.S.C. § 30104(a) for failing to file the 2020 July Quarterly Report. By letter dated February 5, 2021, the Commission sent notification of the RTB finding that included a civil money penalty calculated at RTB of \$114 in accordance with the schedule of penalties at 11 C.F.R. § 111.43. On February 10, 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 make a final determination that United Forward 2020 Benzel for Congress 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 \$114 in accordance with 11 C.F.R. § 111.43. The Reviewing Officer Recommendation was sent to you on March 31, 2021.

On April 21, 2021, the Commission adopted the Reviewing Officer’s recommendation and made a final determination that United Forward 2020 Benzel for Congress and you, in your official capacity as Treasurer, violated 52 U.S.C. § 30104(a), and assessed a civil money penalty in the amount of \$114. A copy of the Final Determination Recommendation is attached.

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

1. 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.

2. If You Choose Not to Pay the Civil Money Penalty and Not to Appeal

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 ("DCIA"), 31 U.S.C. § 3701 *et seq.* If you do not pay this debt within 30 days (or file a written petition to a federal district court - see below), the Commission will transfer the debt to the U.S. Department of the Treasury ("Treasury") for collection. Within 5 days of the transfer to Treasury, Treasury will contact you to request payment. Treasury currently charges a fee of 30% of the civil money penalty amount for its collection services. If the age of the debt is greater than or equal to two years old, Treasury will charge a fee of 32% of the civil money penalty amount for its collection services. The fee will be added to the amount of the civil money penalty that you owe. Should Treasury's attempts fail, Treasury will refer the debt to a private collection agency ("PCA"). If the debt remains unpaid, Treasury may recommend that the Commission refer the matter to the Department of Justice for litigation.

Actions which may be taken to enforce recovery of a delinquent debt by Treasury may also include: (1) offset of any payments, which the debtor is due, including tax refunds and salary; (2) referral of the debt to agency counsel for litigation; (3) reporting of the debt to a credit bureau; (4) administrative wage garnishment; and (5) reporting of the debt, if discharged, to the IRS as potential taxable income. In addition, under the provisions of DCIA and other statutes applicable to the FEC, the debtor may be subject to the assessment of other statutory interest, penalties, and administrative costs.

In accordance with the DCIA, at your request, the agency will offer you the opportunity to inspect and copy records relating to the debt, the opportunity for a review of the debt, and the opportunity to enter into a written repayment agreement.

3. If You Choose to Pay the Civil Money Penalty

If you should decide to pay the civil money penalty, follow the payment instructions on page 4 of this letter. You should make payment within thirty (30) days of receipt of this letter.

NOTICE REGARDING PARTIAL PAYMENTS AND SETTLEMENT OFFERS

4. Partial Payments

If you make a payment in an amount less than the civil money penalty, the amount of your partial payment will be credited towards the full civil money penalty that the Commission assessed 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 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 assessed 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.

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. 1660) or (202) 694-1660.

On behalf of the Commission,



Shana M. Broussard
Chair

Attachment

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 final determination is \$114 for the 2020 July 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 Rhiannon Magruder on our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

COMMITTEE NAME: United Forward 2020 Benzel for Congress

FEC ID#: C00676320

AF#: 3904

PAYMENT AMOUNT DUE: \$114

THIS IS THE END OF ADMINISTRATIVE FINE CASE #3904