

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE #3909



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 Monthly Report for the Administrative Fine Program

We are withdrawing the document circulated to the Commission on September 16, 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 Monthly Report in accordance with 52 U.S.C. § 30104(a). The July Monthly Report was due on July 20, 2020.

The committees listed on the attached RTB Circulation Report either failed to file the 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 CFR 111.43, these committees should be assessed the civil money penalties highlighted on the attached circulation report.

### **Recommendation**

1. Find reason to believe that the political committees and their treasurers, in their official capacity, listed on the RTB Circulation Report violated 52 U.S.C. § 30104(a) and make a preliminary determination that the civil money penalties would be the amounts indicated on the RTB Circulation Report.
2. Send the appropriate letters.

Federal Election Commission  
Reason to Believe Circulation Report  
2020 JULY MONTHLY Not Election Sensitive 07/20/2020 P\_UNAUTH

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
3909	C00697227	ELECT HENRY HEWES 2020	HENRY HEWES	HENRY HEWES	\$799,625	0		Not Filed	\$199,906 (est)	\$8,135
3911	C00172510	REPUBLICAN STATE COMMITTEE OF DELAWARE		DENNIS CINI	\$492,638	0	8/20/2020	Not Filed*	\$37,308	\$1,252

\* The committee filed their report more than thirty (30) days after the due date; therefore, the report is considered not filed.

## BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
Withdrawal and Resubmission of Reason	)	
To Believe Recommendation- 2020 July	)	
Monthly Report for the Administrative Fine	)	
Program:	)	
ELECT HENRY HEWES 2020, and	)	AF# 3909
HEWES, HENRY as treasurer;	)	
	)	
REPUBLICAN STATE COMMITTEE OF	)	AF# 3911
DELAWARE, and CINI, DENNIS as	)	
treasurer;	)	

CERTIFICATION

I, Laura E. Sinram, Acting Secretary and Clerk of the Federal Election Commission, do hereby certify that on January 08, 2021 the Commission took the following actions on the Withdrawal and Resubmission of Reason To Believe Recommendation- 2020 July Monthly 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  
 Monthly Report for the Administrative  
 Fine Program  
 January 8, 2020

Page 2

AF#3909 Decided by a vote of 6-0 to: (1) find reason to believe that ELECT HENRY HEWES 2020, and HEWES, HENRY 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.

AF#3911 Decided by a vote of 6-0 to: (1) find reason to believe that REPUBLICAN STATE COMMITTEE OF DELAWARE, and CINI, DENNIS in his official capacity as treasurer violated 52 U.S.C. 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Broussard, Cooksey, Dickerson, Trainor, Walther, and Weintraub voted affirmatively for the decision.




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January 24, 2021

Date

Attest:

**Laura  
Sinram**

Digitally signed by  
 Laura Sinram  
 Date: 2021.01.24  
 22:35:04 -05'00'

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Laura E. Sinram  
 Acting Secretary and Clerk of the  
 Commission



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

AF

January 25, 2021

Henry Hewes, in official capacity as Treasurer  
Elect Henry Hewes 2020  
515 Madison Avenue  
New York, NY 10022

C00697227

AF#: 3909

Dear Mr. Hewes,

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

The Act permits the FEC to impose civil money penalties for violations of the reporting requirements of 52 U.S.C. § 30104(a). 52 U.S.C. § 30109g(a)(4). On January 8, 2021, the FEC found that there is reason to believe ("RTB") that Elect Henry Hewes 2020 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 20, 2020. Based on the FEC's schedules of civil money penalties at 11 CFR § 111.43, the amount of your civil money penalty calculated at the RTB stage is \$8,135. 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 \$8,135 is due within forty (40) days of the finding, or by February 17, 2021, and is based on these factors:

Sensitivity of Report: Not Election Sensitive  
Level of Activity: \$199,906  
Number of Days Late: Not Filed  
Number of Previous Civil Money Penalties Assessed: 0

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

ELECT HENRY HEWES 2020

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### **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 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](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 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;

ELECT HENRY HEWES 2020

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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 Elect Henry Hewes 2020 and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) and assess a civil money penalty.

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA"), as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 et seq. The FEC may take any and all appropriate action authorized and required by the DCA, as amended, including transfer to the U.S. Department of the Treasury for collection. 11 CFR § 111.51(a)(2).

## **3. If You Choose to Pay the Civil Money Penalty**

If you should decide to pay the calculated civil money penalty, follow the payment instructions on page 4 of this letter. Upon receipt of your payment, the FEC will send you a final determination letter.

## **NOTICE REGARDING PARTIAL PAYMENTS AND SETTLEMENT OFFERS**

### **4. Partial Payments**

If you make a payment in an amount less than the calculated civil money penalty, the amount of your partial payment will be credited towards the full civil money penalty that the Commission assesses upon making a final determination.

### **5. Settlement Offers**

Any offer to settle or compromise a debt owed to the Commission, including making a payment in an amount less than the calculated civil money penalty assessed or any restrictive endorsements contained on your check or money order or proposed in correspondence transmitted with your check or money order, will be rejected.

ELECT HENRY HEWES 2020

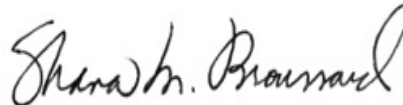
Page 4 of 5

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 \$8,135 for the July Monthly Report.

You may remit payment by ACH withdrawal from your bank account, or by debit or credit card through Pay.gov, the federal government's secure portal for online collections. Visit [www.fec.gov/af/pay.shtml](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

ELECT HENRY HEWES 2020

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Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130.

COMMITTEE NAME: Elect Henry Hewes 2020

FEC ID#: C00697227

AF#: 3909

PAYMENT DUE DATE: February 17, 2021

PAYMENT AMOUNT DUE: \$8,135

**RECEIVED**

By Office of the Commission Secretary at 2:56 pm, Apr 21, 2021



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

**SENSITIVE**

April 20, 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: Kristin D. Roser/Ben Holly *KDR BH*  
Reports Analysis Division  
Compliance Branch

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

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

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

Elect Henry Hewes 2020 (AF 3909) disclosed no activity after the RTB finding (previously estimated to be \$199,906), which would result in no civil money penalty (fine previously assessed to be \$8,135).

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

**RAD Recommendation**

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

Federal Election Commission  
 FD Circulation Report Fine Not Paid  
 2020 JULY MONTHLY Not Election Sensitive 07/20/2020 P\_UNAUTH

AF#	Committee Name	Candidate Name	Committee ID	Treasurer	Receipt Date	Days Late	LOA	PV	RTB Date	RTB Penalty	Days Since RTB	FD Penalty
3909	ELECT HENRY HEWES 2020	HENRY HEWES	C00697227	HENRY HEWES		Not Filed	\$0	0	01/08/2021	\$8,135	102	NONE
3911	REPUBLICAN STATE COMMITTEE OF DELAWARE		C00172510	DENNIS CINI	08/20/2020	*Not Filed	\$37,308	0	01/08/2021	\$1,252	102	\$1,252

\* The committee filed their report more than thirty (30) days after the due date; therefore, the report is considered not filed.

## BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
 Administrative Fine Program - Final )  
 Determination Recommendation for the )  
 2020 July Monthly Report: )  
 ELECT HENRY HEWES 2020, and ) AF# 3909  
 HEWES, HENRY as treasurer; )  
 REPUBLICAN STATE COMMITTEE OF ) AF# 3911  
 DELAWARE, and CINI, DENNIS as )  
 treasurer; )

CERTIFICATION

I, Laura E. Sinram, Acting Secretary and Clerk of the Federal Election Commission, do hereby certify that on April 23, 2021, the Commission took the following actions on the Administrative Fine Program - Final Determination Recommendation for the 2020 July Monthly Report, as recommended in the Reports Analysis Division's Memorandum dated April 20, 2021, on the following committees:

AF#3909 Decided by a vote of 6-0 to: (1) make a final determination that ELECT HENRY HEWES 2020, and HEWES, HENRY in his official capacity as treasurer, violated 52 U.S.C. § 30104(a) and will not be assessed a civil money penalty; (2) send the appropriate letter. Commissioners Broussard, Cooksey, Dickerson, Trainor, Walther, and Weintraub voted affirmatively for the decision.

AF#3911 Decided by a vote of 6-0 to: (1) make a final determination that REPUBLICAN STATE COMMITTEE OF DELAWARE, and CINI, DENNIS in his official capacity as treasurer, violated 52 U.S.C. § 30104(a) and assess the final civil money penalty in the amount of \$1,252; (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: 2021.05.04  
10:46:17 -04'00'



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



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

AF

May 5, 2021

Henry Hewes, in official capacity as Treasurer  
Elect Henry Hewes 2020  
515 Madison Avenue  
New York, NY 10022

C00697227  
AF#: 3909

Dear Mr. Hewes,

On January 8, 2021, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Elect Henry Hewes 2020 and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) for filing late or failing to file the July Monthly Report. By letter dated January 25, 2021, the Commission notified you of the RTB finding and the preliminary civil money penalty calculated at the RTB stage to be \$8,135 in accordance with the schedule of penalties at 11 CFR § 111.43. Please note that you must file the July Monthly Report in the appropriate format if you have not already done so for your report to be considered filed.

Since that time, the amount of the civil money penalty has been changed to reflect the actual level of activity disclosed in the miscellaneous document dated February 25, 2021. The FEC made a final determination on April 23, 2021 that Elect Henry Hewes 2020 and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a), assessed no civil money penalty in accordance with 11 CFR § 111.43, and voted to close the file.

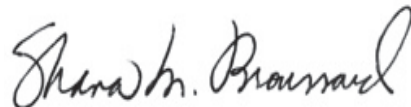
The confidentiality provisions at 52 U.S.C. § 30109(a)(12) no longer apply and this matter is now public. Pursuant to 11 CFR §§ 111.42(b) and 111.20(c), the file will be placed on the public record within thirty (30) days from the date of this notification.

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

ELECT HENRY HEWES 2020

Page 2 of 2

On behalf of the Commission,

A handwritten signature in black ink, reading "Shana M. Broussard". The signature is written in a cursive style with a large, looping initial "S".

Shana M. Broussard  
Chair

THIS IS THE END OF ADMINISTRATIVE FINE CASE #3909