



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 12 Day Pre-Primary Report (Arizona and Michigan) 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.

On November 16, 2020, Friends of Bob Olsen 4 Congress (AF 3913) filed a 2020 October Quarterly Report (which covers the 2020 12 Day Pre-Primary reporting period) that disclosed a level of activity lower than previously estimated. The circulation report has been revised to reflect the updated level of activity and resulting civil money penalty for AF 3913.

An explanation of the civil money penalty calculation for AF 3913 is as follows: The committee was required to file a 2020 12 Day Pre-Primary Report (12P) covering July 1, 2020 through July 15, 2020 (15 days). On November 16, 2020, the committee filed a 2020 October Quarterly Report covering July 1, 2020 through September 30, 2020 (92 days). We utilized a

three-step method to arrive at the activity on which to base the 12P fine amount. First, we took the sum of all itemized receipts and disbursements that should have been disclosed on a 12P. 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 16.30% (15 days (12P Filing Period)/92 days (Q3 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 12P.

Attached is a list of political committees and their treasurers who failed to timely file the 2020 12 Day Pre-Primary Report for the Arizona and Michigan Primary Elections in accordance with 52 U.S.C. § 30104(a). The 12 Day Pre-Primary Report was due on July 23, 2020 and the Primary Election was held on August 4, 2020.

The committees 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 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 PRE-PRIMARY Election Sensitive 07/23/2020 AUTH (AZ, MI)

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
3912	C00656033	BENTIVOLIO FOR CONGRESS	KERRY BENTIVOLIO	RICHARD ANTHONY PIWKO	\$262,178	0		Not Filed	\$43,696 (est)	\$1,947
3913	C00715748	FRIENDS OF BOB OLSEN 4 CONGRESS	ROBERT OLSEN	LINDA OLSEN	\$130,251	0	11/16/2020	Not Filed*	\$478 (est)	\$478

* 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)	
)	
Withdrawal and Resubmission of Reason)	
To Believe Recommendation - 2020 12 Day)	
Pre-Primary Report (Arizona and Michigan))	
for the Administrative Fine Program:)	
BENTIVOLIO FOR CONGRESS, and)	AF# 3912
PIWKO, RICHARD ANTHONY as)	
treasurer;)	
FRIENDS OF BOB OLSEN 4)	AF# 3913
CONGRESS, and OLSEN, LINDA 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 12 Day Pre-Primary Report (Arizona and Michigan) for the Administrative Fine Program as recommended in the Reports Analysis Division's Memorandum dated January 07, 2021, on the following committees:

AF#3912 Decided by a vote of 6-0 to: (1) find reason to believe that BENTIVOLIO FOR CONGRESS, and PIWKO, RICHARD ANTHONY 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#3913 Decided by a vote of 6-0 to: (1) find reason to believe that FRIENDS OF BOB OLSEN 4 CONGRESS, and OLSEN, LINDA in her 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.

Federal Election Commission
Certification for Administrative Fines
January 08, 2021

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



Attest:

**Laura
Sinram**

Digitally signed by
Laura Sinram
Date: 2021.01.20
16:47:02 -05'00'

Laura E. Sinram
Acting Secretary and Clerk of the
Commission



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

AF

January 25, 2021

Richard Anthony Piwko, in official capacity as Treasurer
Bentivolio for Congress
260 White Pine Trail
Milford, MI 48381

C00656033

AF#: 3912

Dear Mr. Piwko,

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 July 1, 2020 through July 15, 2020, shall be filed no later than July 23, 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. You should file the 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 Bentivolio 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 23, 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 \$1,947. 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 \$1,947 is due within forty (40) days of the finding, or by February 17, 2021, and is based on these factors:

Sensitivity of Report: Election Sensitive
Level of Activity: \$43,696
Number of Days Late: Not Filed
Number of Previous Civil Money Penalties Assessed: 0

BENTIVOLIO FOR CONGRESS

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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 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

BENTIVOLIO FOR CONGRESS

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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 Bentivolio 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 making a payment in an amount less than the calculated civil money penalty assessed or

BENTIVOLIO FOR CONGRESS

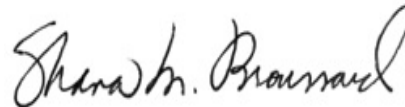
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any restrictive endorsements contained on your check or money order or proposed in correspondence transmitted with your check or money order, will be rejected. Acceptance and deposit or cashing of such a restricted payment does not constitute acceptance 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

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 \$1,947 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 collections. Visit www.fec.gov/af/pay.shtml to be directed to Pay.gov's Administrative

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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: Bentivolio for Congress

FEC ID#: C00656033

AF#: 3912

PAYMENT DUE DATE: February 17, 2021

PAYMENT AMOUNT DUE: \$1,947

RECEIVED
FEC MAIL CENTER

2021 APR 29 AM 11:58
Honorable Kerry Bentivolio
Member of the 113th Congress
U.S. House of Representatives
(2013-2015)
For Michigan's Eleventh Congressional District

April 16, 2021

Federal Elections Commission
Washington, D. C. 20463

RE: C00656033
AF# 3867

Reference your letters dated February 5, 2021, January 25, 2021, February 8, 2021, late filing.

As it pertains to 11CFR 111.35(b). Unforeseen circumstances prevented the campaign from filing a required responses. (see attached document).

The attachment is the Certificate of Death for our Campaign Treasurer, Richard Piwko. He was the only person with access to the campaign FEC files.

I was informed prior to his death all matters pertaining to the campaign were properly filed with the FEC including the closing after the August Primary. I do not have a username or the password information to access the file. There have been NO Transactions whatsoever since August 30, 2020. None. There are no receipts or invoices due.

I'd like the file closed.

Sincerely Yours,

A handwritten signature in black ink that reads "Kerry Bentivolio". The signature is written in a cursive style with a large, sweeping "K" and "B".

Kerry Bentivolio



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

AF

February 5, 2021

Richard Anthony Piwko, in official capacity as Treasurer
Bentivolio for Congress
260 White Pine Trail
Milford, MI 48381

C00656033
AF#: 3867

Dear Mr. Piwko,

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 23, 2020, 8 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 Bentivolio 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 \$1,783. 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 \$1,783 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: \$75,418
Number of Days Late: 8
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

BENTIVOLIO FOR CONGRESS

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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 Bentivolio 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

BENTIVOLIO FOR CONGRESS

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COMMITTEE NAME: Bentivolio for Congress

FEC ID#: C00656033

AF#: 3867

PAYMENT DUE DATE: February 17, 2021

PAYMENT AMOUNT DUE: \$1,783



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

AF

January 25, 2021

Richard Anthony Piwko, in official capacity as Treasurer
Bentivolio for Congress
260 White Pine Trail
Milford, MI 48381

C00656033
AF#: 3912

Dear Mr. Piwko,

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 July 1, 2020 through July 15, 2020, shall be filed no later than July 23, 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. You should file the 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 Bentivolio 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 23, 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 \$1,947. 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 \$1,947 is due within forty (40) days of the finding, or by February 17, 2021, and is based on these factors:

Sensitivity of Report: Election Sensitive
Level of Activity: \$43,696
Number of Days Late: Not Filed
Number of Previous Civil Money Penalties Assessed: 0

BENTIVOLIO FOR CONGRESS

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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 Bentivolio 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 making a payment in an amount less than the calculated civil money penalty assessed or

BENTIVOLIO FOR CONGRESS

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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: Bentivolio for Congress

FEC ID#: C00656033

AF#: 3912

PAYMENT DUE DATE: February 17, 2021

PAYMENT AMOUNT DUE: \$1,947



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

AF

February 8, 2021

Richard Anthony Piwko, in official capacity as Treasurer
Bentivolio for Congress
260 White Pine Trail
Milford, MI 48381

C00656033
AF#: 3957

Dear Mr. Piwko,

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file an October Quarterly Report of Receipts and Disbursements every calendar year. This report, covering the period July 16, 2020 through September 30, 2020, shall be filed no later than October 15, 2020. 52 U.S.C. § 30104(a). Because records at the Federal Election Commission ("FEC") indicate that this report was not filed 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 8, 2021, the FEC found that there is reason to believe ("RTB") that Bentivolio 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 October 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 \$1,252. 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 \$1,252 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: \$43,696
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:

BENTIVOLIO FOR CONGRESS

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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 Bentivolio 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

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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.

BENTIVOLIO FOR CONGRESS

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

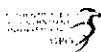
COMMITTEE NAME: Bentivolio for Congress

FEC ID#: C00656033

AF#: 3957

PAYMENT DUE DATE: February 17, 2021

PAYMENT AMOUNT DUE: \$1,252



Rules and Regulations

Federal Register

Vol. 85, No. 153

Friday, August 7, 2020

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

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FEDERAL ELECTION COMMISSION

11 CFR Part 111

[NOTICE 2020-06]

Civil Monetary Penalties Annual Inflation Adjustments

AGENCY: Federal Election Commission.

ACTION: Final rule.

SUMMARY: As required by the Federal Civil Penalties Inflation Adjustment Act of 1990, the Federal Election Commission is adjusting for inflation the civil monetary penalties established under the Federal Election Campaign Act, the Presidential Election Campaign Fund Act, and the Presidential Primary Matching Payment Account Act. The civil monetary penalties being adjusted are those negotiated by the Commission or imposed by a court for certain statutory violations, and those imposed by the Commission for late filing of or failure to file certain reports required by the Federal Election Campaign Act. The adjusted civil monetary penalties are calculated according to a statutory formula and the adjusted amounts will apply to penalties assessed after the effective date of these rules.

DATES: The final rules are effective on August 7, 2020.

FOR FURTHER INFORMATION CONTACT: Mr. Robert M. Knop, Assistant General Counsel, or Mr. Joseph P. Wenzinger, Attorney, Office of General Counsel, (202) 694-1650 or (800) 424-9530.

SUPPLEMENTARY INFORMATION: The Federal Civil Penalties Inflation Adjustment Act of 1990 (the "Inflation Adjustment Act"),¹ as amended by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (the "2015 Act"),² requires federal

agencies, including the Commission, to adjust for inflation the civil monetary penalties within their jurisdiction according to prescribed formulas. A civil monetary penalty is "any penalty, fine, or other sanction" that (1) "is for a specific monetary amount" or "has a maximum amount" under federal law; and (2) that a federal agency assesses or enforces "pursuant to an administrative proceeding or a civil action" in federal court.³ Under the Federal Election Campaign Act, 52 U.S.C. 30101-45 ("FECA"), the Commission may seek and assess civil monetary penalties for violations of FECA, the Presidential Election Campaign Fund Act, 26 U.S.C. 9001-13, and the Presidential Primary Matching Payment Account Act, 26 U.S.C. 9031-42.

The Inflation Adjustment Act requires federal agencies to adjust their civil penalties annually, and the adjustments must take effect no later than January 15 of every year.⁴ Pursuant to guidance issued by the Office of Management and Budget,⁵ the Commission is now adjusting its civil monetary penalties for 2020.⁶

The Commission must adjust for inflation its civil monetary penalties "notwithstanding Section 553" of the Administrative Procedures Act ("APA").⁷ Thus, the APA's notice-and-comment and delayed effective date requirements in 5 U.S.C. 553(b)-(d) do not apply because Congress has specifically exempted agencies from these requirements.⁸

Furthermore, because the inflation adjustments made through these final rules are required by Congress and involve no Commission discretion or policy judgments, these rules do not need to be submitted to the Speaker of the United States House of

Representatives or the President of the United States Senate under the Congressional Review Act, 5 U.S.C. 801 *et seq.* Moreover, because the APA's notice-and-comment procedures do not apply to these final rules, the Commission is not required to conduct a regulatory flexibility analysis under 5 U.S.C. 603 or 604. *See* 5 U.S.C. 601(2), 604(a). Nor is the Commission required to submit these revisions for congressional review under FECA. *See* 5 U.S.C. 30111(d)(1), (4) (providing for congressional review when Commission "prescribe[s]" a "rule of law").

The new penalty amounts will apply to civil monetary penalties that are assessed after the date the increase takes effect, even if the associated violation predated the increase.⁹

Explanation and Justification

The Inflation Adjustment Act requires the Commission to annually adjust its civil monetary penalties for inflation by applying a cost-of-living-adjustment ("COLA") ratio.¹⁰ The COLA ratio is the percentage that the Consumer Price Index ("CPI")¹¹ "for the month of October preceding the date of the adjustment" exceeds the CPI for October of the previous year.¹² To calculate the adjusted penalty, the Commission must increase the most recent civil monetary penalty amount by the COLA ratio.¹³ According to the Office of Management and Budget, the COLA ratio for 2020 is 0.01764, or 1.764%; thus, to calculate the new penalties, the Commission must multiply the most recent civil monetary penalties in force by 1.01764.¹⁴

The Commission assesses two types of civil monetary penalties that must be adjusted for inflation. First are penalties that are either negotiated by the Commission or imposed by a court for violations of FECA, the Presidential Election Campaign Fund Act, or the Presidential Primary Matching Payment Account Act. These civil monetary penalties are set forth at 11 CFR 111.24. Second are the civil monetary penalties

⁹ Inflation Adjustment Act § 6.

¹⁰ The COLA ratio must be applied to the most recent civil monetary penalties. Inflation Adjustment Act, § 4(a); *see also* UMB Memorandum at 2.

¹¹ The Inflation Adjustment Act, § 3, uses the CPI "for all-urban consumers published by the Department of Labor."

¹² Inflation Adjustment Act, § 5(b)(1).

¹³ Inflation Adjustment Act, § 5(a), (b)(1).

¹⁴ UMB Memorandum at 1.

³ Inflation Adjustment Act § 3(2).

⁴ Inflation Adjustment Act § 4(a).

⁵ *See* Inflation Adjustment Act § 7(a) (requiring OMB to "issue guidance to agencies on implementing the inflation adjustments required under this Act"); *see also* Memorandum from Russell T. Vought, Acting Director, Office of Management and Budget, to Heads of Executive Departments and Agencies, M-20-05; Dec. 18, 2019, <https://www.whitehouse.gov/wp-content/uploads/2019/12/M-20-05.pdf> ("OMB Memorandum").

⁶ Inflation Adjustment Act § b.

⁷ Inflation Adjustment Act § 4(b)(2).

⁸ *See, e.g., Asiana Airlines v. FAA*, 134 F.3d 393, 396-99 (D.C. Cir. 1998) (finding APA "notice and comment" requirement not applicable where Congress clearly expressed intent to depart from normal APA procedures).

¹ Public Law 101-410, 104 Stat. 890 (codified at 28 U.S.C. 2461 note), amended by Debt Collection Improvement Act of 1996, Public Law 104-134, § 1001(e)(1), 110 Stat. 1321, 1321-373; Federal Reports Elimination Act of 1998, Public Law 105-362, 1301, 112 Stat. 3280.

² Public Law 114-74, 703, 129 Stat. 684, 699.

TABLE 1 TO PARAGRAPH (a)

If the level of activity in the report was:	And the report was filed late, the civil money penalty is:	Or the report was not filed, the civil money penalty is:
\$1–4,999.99 ^a	$[\$36 + (\$6 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$.	$\$347 \times [1 + (.25 \times \text{Number of previous violations})]$.
\$5,000–9,999.99	$[\$69 + (\$6 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$.	$\$417 \times [1 + (.25 \times \text{Number of previous violations})]$.
\$10,000–24,999.99	$[\$149 + (\$6 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$.	$\$696 \times [1 + (.25 \times \text{Number of previous violations})]$.
\$25,000–49,999.99	$[\$295 + (\$28 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$.	$\$1,252 \times [1 + (.25 \times \text{Number of previous violations})]$.
\$50,000–74,999.99	$[\$445 + (\$112 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$.	$\$3,994 \times [1 + (.25 \times \text{Number of previous violations})]$.
\$75,000–99,999.99	$[\$591 + (\$149 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$.	$\$5,176 \times [1 + (.25 \times \text{Number of previous violations})]$.
\$100,000–149,999.99	$[\$886 + (\$185 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$.	$\$6,656 \times [1 + (.25 \times \text{Number of previous violations})]$.
\$150,000–199,999.99	$[\$1,185 + (\$221 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$.	$\$8,135 \times [1 + (.25 \times \text{Number of previous violations})]$.
\$200,000–249,999.99	$[\$1,479 + (\$258 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$.	$\$9,613 \times [1 + (.25 \times \text{Number of previous violations})]$.
\$250,000–349,999.99	$[\$2,219 + (\$295 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$.	$\$11,832 \times [1 + (.25 \times \text{Number of previous violations})]$.
\$350,000–449,999.99	$[\$2,959 + (\$295 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$.	$\$13,311 \times [1 + (.25 \times \text{Number of previous violations})]$.
\$450,000–549,999.99	$[\$3,697 + (\$295 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$.	$\$14,050 \times [1 + (.25 \times \text{Number of previous violations})]$.
\$550,000–649,999.99	$[\$4,437 + (\$295 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$.	$\$14,791 \times [1 + (.25 \times \text{Number of previous violations})]$.
\$650,000–749,999.99	$[\$5,176 + (\$295 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$.	$\$15,529 \times [1 + (.25 \times \text{Number of previous violations})]$.
\$750,000–849,999.99	$[\$5,916 + (\$295 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$.	$\$16,269 \times [1 + (.25 \times \text{Number of previous violations})]$.
\$850,000–949,999.99	$[\$6,656 + (\$295 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$.	$\$17,008 \times [1 + (.25 \times \text{Number of previous violations})]$.
\$950,000 or over	$[\$7,395 + (\$295 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$.	$\$17,748 \times [1 + (.25 \times \text{Number of previous violations})]$.

^a The civil money penalty for a respondent who does not have any previous violations will not exceed the level of activity in the report.

(b) The civil money penalty for election sensitive reports that are filed late or not filed shall be calculated in accordance with the following schedule of penalties:

TABLE 2 TO PARAGRAPH (b)

If the level of activity in the report was:	And the report was filed late, the civil money penalty is:	Or the report was not filed, the civil money penalty is:
\$1–\$4,999.99 ^a	$[\$69 + (\$13 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$.	$\$696 \times [1 + (.25 \times \text{Number of previous violations})]$.
\$5,000–\$9,999.99	$[\$139 + (\$13 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$.	$\$834 \times [1 + (.25 \times \text{Number of previous violations})]$.
\$10,000–24,999.99	$[\$209 + (\$13 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$.	$\$1,252 \times [1 + (.25 \times \text{Number of previous violations})]$.
\$25,000–49,999.99	$[\$445 + (\$36 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$.	$\$1,947 \times [1 + (.25 \times \text{Number of previous violations})]$.
\$50,000–74,999.99	$[\$666 + (\$112 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$.	$\$4,437 \times [1 + (.25 \times \text{Number of previous violations})]$.
\$75,000–99,999.99	$[\$886 + (\$149 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$.	$\$5,916 \times [1 + (.25 \times \text{Number of previous violations})]$.
\$100,000–149,999.99	$[\$1,331 + (\$185 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$.	$\$7,395 \times [1 + (.25 \times \text{Number of previous violations})]$.
\$150,000–199,999.99	$[\$1,775 + (\$221 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$.	$\$8,873 \times [1 + (.25 \times \text{Number of previous violations})]$.
\$200,000–249,999.99	$[\$2,219 + (\$258 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$.	$\$11,093 \times [1 + (.25 \times \text{Number of previous violations})]$.
\$250,000–349,999.99	$[\$3,328 + (\$295 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$.	$\$13,311 \times [1 + (.25 \times \text{Number of previous violations})]$.
\$350,000–449,999.99	$[\$4,437 + (\$295 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$.	$\$14,791 \times [1 + (.25 \times \text{Number of previous violations})]$.
\$450,000–549,999.99	$[\$5,546 + (\$295 \times \text{Number of days late})] \times [1 + (.25 \times \text{Number of previous violations})]$.	$\$16,269 \times [1 + (.25 \times \text{Number of previous violations})]$.

Kerry Bentivolio
260 White Pine Trl.
Milford, MI 48381

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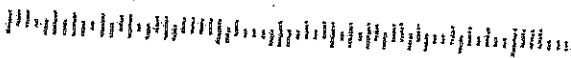
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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 24, 2021

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

AF# 3867, AF# 3912, AF# 3957 – Bentivolio for Congress and Richard Anthony Piwko, in his official capacity as Treasurer¹ (C00656033)

Summary of Recommendation

Make a final determination in AF# 3867 that the respondents violated 52 U.S.C. § 30104(a) and assess a civil money penalty of \$1,783.

Make a final determination in AF# 3912 that the respondents violated 52 U.S.C. § 30104(a) and assess a civil money penalty of \$1,947.

Make a final determination in AF# 3957 that the respondents violated 52 U.S.C. § 30104(a) and assess a civil money penalty of \$1,252.

Reason-to-Believe Background

The 2020 July Quarterly Report was due on July 15, 2020. The respondents filed the report on July 23, 2020, 8 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 reason to believe (“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 \$1,783 based on the schedule of penalties at 11 C.F.R. § 111.43. A letter was emailed 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.

The 2020 Michigan Pre-Primary Report was due on July 23, 2020. To date, the respondents have not yet filed the report. The report is election sensitive and was not filed prior to four days before the primary election; therefore, the report is considered not filed. 11 C.F.R. §§ 111.43(d)(1) and (e)(2). 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 Pre-Primary Report and made a preliminary determination that the civil money penalty was \$1,947 based on the schedule of penalties at

¹ The Committee’s challenge in this matter indicates it shall file an Amended Statement of Organization (FEC Form 1) to name a new Treasurer. 11 C.F.R. § 102.2(a)(2). Upon receipt and processing by the FEC, the change in Treasurer will be reflected in this matter.

11 C.F.R. § 111.43. A letter was emailed to the respondents' email address of record from RAD on January 25, 2021 to notify them of the Commission's RTB finding and civil money penalty.

The 2020 October Quarterly Report was due on October 15, 2020. To date, the respondents have not yet filed the report. 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 8, 2021, the Commission found RTB that the respondents violated 52 U.S.C. § 30104(a) for failing to timely file the 2020 October Quarterly Report and made a preliminary determination that the civil money penalty was \$1,252 based on the schedule of penalties at 11 C.F.R. § 111.43. A letter was emailed to the respondents' email address of record from RAD on February 8, 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 report for the period ending June 30 no later than July 15 and a report for the period ending September 30 no later than October 15. The treasurer of a principal campaign committee shall file a pre-election report no later than 12 days before any primary election in which the candidate seeks election. 52 U.S.C. § 30104(a)(2)(A) and 11 C.F.R. § 104.5(a). 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).

Summary of Respondents' Challenge

On April 29, 2021, the Commission received the written response ("challenge") from the Candidate requesting the matters be closed. He indicates the reports were not timely filed due to the unforeseen death of the Committee's Treasurer on October 2, 2020. The Candidate also states that the Treasurer was the only person with access to the FEC files and software.

The Candidate further explains that he believed "all matters pertaining to the campaign were properly filed with the FEC including the closing after the August Primary." He states there has been no activity since August 30, 2020.

Analysis

The Reviewing Officer recognizes the campaign may have become inactive after the 2020 Primary Election. However, a committee's filing obligation ends only when a committee files a termination report, and the Commission notifies them in writing that their termination report has been accepted.² 11 C.F.R. § 102.3; *Campaign Guide for Congressional Candidates and Committees*, 79. Therefore, the respondents were required to file the 2020 July Quarterly, Pre-Primary, and October Quarterly Reports.³

² To date, the Committee has not yet filed a Termination Report.

³ Commission records indicate the Commission appropriately notified and reminded the Committee of its reporting requirements on multiple occasions for each filing deadline. *See* Attachments 4, 5, and 6.

The Candidate indicates the reports were not timely filed due to the death of the Treasurer. Further, the Treasurer was the only individual with access to the Committee's FEC data and software. The Reviewing Officer notes that the 2020 July Quarterly and Pre-Primary Reports were both due in July 2020, prior to the Treasurer's death on October 2, 2020. The 2020 July Quarterly Report was due July 15, 2020. The Treasurer filed the report on July 23, 2020, the filing deadline of the 2020 Pre-Primary Report. Therefore, one can reasonably presume the Treasurer was available to file the 2020 Pre-Primary Report on July 23, 2020. The Reviewing Officer acknowledges the 2020 October Quarterly Report was due October 15, 2020, approximately two weeks after the Treasurer's death.

While sympathetic to these circumstances, the Commission urges committees to name an assistant treasurer or designated agent to assume the duties and responsibilities of the treasurer in the event of a temporary or permanent vacancy in the office or the unavailability of the treasurer. 11 C.F.R. § 102.7(a); *Campaign Guide for Congressional Candidates and Committees*, 6-7. However, based on the Candidate's statements in the challenge and the Committee's Statements of Organization, the Committee did not avail itself of naming an individual for this position. Moreover, unavailability of the Treasurer is specifically 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. Therefore, the Reviewing Officer recommends that the Commission make a final determination in AF# 3867, AF# 3912, and AF# 3957 that the respondents violated 52 U.S.C. § 30104(a).

Calculation of the Civil Money Penalties

At the time of the RTB finding in AF# 3867, the Commission appropriately used the actual level of activity (\$75,418) of the 2020 July Quarterly Report to calculate the penalty because the report had been filed. 11 C.F.R. § 111.43(d)(3)(i). The report was filed on July 23, 2020, 8 days late. Using the schedule of penalties at 11 C.F.R. § 111.43(a), a penalty of \$1,783 should be assessed.

At the time of the RTB findings in AF# 3912 and AF# 3957, the Commission used an estimated level of activity (\$43,696) to calculate the penalties because the 2020 Pre-Primary and October Quarterly Reports had not yet been filed. 11 C.F.R. § 111.43(d)(2)(i). To date, the Committee has not yet filed these reports.⁴ In order to calculate the civil money penalties using the actual level of activity disclosed on the 2020 Pre-Primary and October Quarterly Reports, the Committee shall file these reports prior to the Reviewing Officer's Final Determination Recommendation to the Commission. The recommended civil money penalties in the Final Determination Recommendation will be calculated using the actual level of activity of the 2020 Pre-Primary and October Quarterly Reports. 11 C.F.R. § 111.43(d)(3)(i).

At the time of this Reviewing Officer Recommendation, the Reviewing Officer recommends that the Commission make a final determination in AF# 3867, AF# 3912, and AF# 3957 that the respondents violated 52 U.S.C. § 30104(a) and assess civil money penalties of \$1,783, \$1,947, \$1,252, respectively.

⁴ On June 15, 2021, RAD contacted the Candidate to provide reporting assistance. The Candidate stated the Committee has hired a new Treasurer to file the missing reports and resolve any other matters. The Candidate also indicated he would advise the new Treasurer to contact RAD for assistance. To date, the new Treasurer has not yet contacted RAD.

OAR Recommendations

1. Adopt the Reviewing Officer recommendation for AF# 3867 involving Bentivolio for Congress and Richard Anthony Piwko, in his official capacity as Treasurer, in making the final determination;
2. Make a final determination in AF# 3867 that involving Bentivolio for Congress and Richard Anthony Piwko, in his official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess a \$1,783 civil money penalty; and
3. Adopt the Reviewing Officer recommendation for AF# 3912 involving Bentivolio for Congress and Richard Anthony Piwko, in his official capacity as Treasurer, in making the final determination;
4. Make a final determination in AF# 3912 that involving Bentivolio for Congress and Richard Anthony Piwko, in his official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess a \$1,947 civil money penalty; and
5. Adopt the Reviewing Officer recommendation for AF# 3957 involving Bentivolio for Congress and Richard Anthony Piwko, in his official capacity as Treasurer, in making the final determination;
6. Make a final determination in AF# 3957 that involving Bentivolio for Congress and Richard Anthony Piwko, in his official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess a \$1,252 civil money penalty; and
7. Send the appropriate letters.

Attachments

- Attachment 1 –
- Attachment 2 –
- Attachment 3 –
- Attachment 4 –
- Attachment 5 –
- Attachment 6 – Declaration from RAD
- Attachment 7 – 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 Bentivolio for Congress:
 - A) Non-Filer Letter, dated July 22, 2020, referencing the 2020 July Quarterly Report (sent via electronic mail to: kerry@kerrybentivolio.com, rapiwko@gmail.com, kbentivolio@yahoo.com and kbentivolio@gmail.com);
 - B) Non-Filer Letter, dated July 24, 2020, referencing the 2020 12 Day Pre-Primary Report (sent via electronic mail to: kerry@kerrybentivolio.com, rapiwko@gmail.com, kbentivolio@yahoo.com and kbentivolio@gmail.com);
 - C) Reason-to-Believe Letter, dated February 5, 2021, referencing the 2020 July Quarterly Report (sent via overnight mail to the address of record);
 - D) Reason-to-Believe Letter, dated January 25, 2021, referencing the 2020 12 Day Pre-Primary Report (sent via overnight mail to the address of record);
 - E) Reason-to-Believe Letter, dated February 8, 2021, referencing the 2020 October Quarterly Report (sent via overnight mail to the address of record).
4. I hereby certify that I have searched the Commission’s public records and find that Bentivolio for Congress filed the 2020 July Quarterly Report with the Commission on July 23, 2020. In

addition, Bentivolio for Congress has not yet filed the 2020 12 Day Pre-Primary Report or the 2020 October Quarterly Report with the Commission.

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 17th day of June, 2021.

Ben Holly for Kristin D. Roser

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



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-7

July 22, 2020

PIWKO, RICHARD ANTHONY, TREASURER
BENTIVOLIO FOR CONGRESS
260 WHITE PINE TRL
MILFORD, MI 48381

IDENTIFICATION NUMBER: C00656033

REFERENCE: JULY QUARTERLY REPORT (04/01/2020 - 06/30/2020)

Dear Treasurer:

It has come to the attention of the Federal Election Commission that you may have failed to file the above referenced report of receipts and disbursements as required by the Federal Election Campaign Act, as amended. 52 U.S.C. §30104(a)

You will be allowed until 5:00 pm est on the fourth (4th) business day from the date of this notice to file this report to avoid publication. If you have already filed the report by express, certified or registered mail or are planning to file it within four (4) business days from the date of this notice, please notify us immediately of the certified, registered or express tracking number and the date that the report was sent.

If you are a paper filer, the report must be filed with the Federal Election Commission, 1050 First Street, NE, Washington, DC 20002. Please note, on June 18, 2020, the Federal Election Commission began the initial phase (Phase I) of its return to normal operations. At this stage, the agency's offices will remain closed to visitors and most of its employees will continue to telework in an effort to limit the spread of coronavirus (COVID-19). The Commission is processing some documents submitted by mail, though processing will not occur on a daily basis until the agency resumes normal mail operations. Reports sent by registered mail, overnight delivery, or certified mail, are considered filed with the FEC as of the date of the postmark. Reports submitted by first-class mail will be considered filed when actually received by Commission staff, subject to delays resulting from the agency's limited mail processing. The Commission will not be able to receive or process reports filed by courier service during Phase I. The FEC does not have statutory authority to extend filing deadlines, but it may choose not to pursue administrative fines against filers prevented from filing by reasonably unforeseen circumstances beyond their control.

Please note that electronic filers must submit their reports electronically, as per 11 CFR §104.18. A copy of the report must also be filed with the Secretary of State or equivalent State officer unless the state is exempt from the federal requirement to receive and

BENTIVOLIO FOR CONGRESS

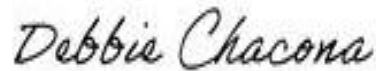
Page 2 of 2

maintain paper copies. You can verify the Commission's receipt of any documents submitted by your committee on the FEC website at www.fec.gov.

In addition, the failure to timely file this report may result in civil money penalties, an audit or other legal enforcement action. The civil money penalty calculation for late reports does not include a grace period and begins on the day following the due date for the report.

If you have any questions regarding this matter, please contact Christopher Ritchie in the Reports Analysis Division on our toll-free number (800)424-9530. The analyst's direct number is (202)694-1146.

Sincerely,



Deborah Chacona
Assistant Staff Director
Reports Analysis Division

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-7

July 24, 2020

PIWKO, RICHARD ANTHONY, TREASURER
BENTIVOLIO FOR CONGRESS
260 WHITE PINE TRL
MILFORD, MI 48381

IDENTIFICATION NUMBER: C00656033

REFERENCE: PRE-PRIMARY REPORT (07/01/2020 - 07/15/2020)

Dear Treasurer:

It has come to the attention of the Federal Election Commission that you may have failed to file the above referenced report of receipts and disbursements as required by the Federal Election Campaign Act, as amended. 52 U.S.C. §30104(a)

You will be allowed until 5:00 pm est on the fourth (4th) business day from the date of this notice to file this report to avoid publication. If you have already filed the report by express, certified or registered mail or are planning to file it within four (4) business days from the date of this notice, please notify us immediately of the certified, registered or express tracking number and the date that the report was sent.

If you are a paper filer, the report must be filed with the Federal Election Commission, 1050 First Street, NE, Washington, DC 20002. Please note, on June 18, 2020, the Federal Election Commission began the initial phase (Phase I) of its return to normal operations. At this stage, the agency's offices will remain closed to visitors and most of its employees will continue to telework in an effort to limit the spread of coronavirus (COVID-19). The Commission is processing some documents submitted by mail, though processing will not occur on a daily basis until the agency resumes normal mail operations. Reports sent by registered mail, overnight delivery, or certified mail, are considered filed with the FEC as of the date of the postmark. Reports submitted by first-class mail will be considered filed when actually received by Commission staff, subject to delays resulting from the agency's limited mail processing. The Commission will not be able to receive or process reports filed by courier service during Phase I. The FEC does not have statutory authority to extend filing deadlines, but it may choose not to pursue administrative fines against filers prevented from filing by reasonably unforeseen circumstances beyond their control.

Please note that electronic filers must submit their reports electronically, as per 11 CFR §104.18. A copy of the report must also be filed with the Secretary of State or equivalent State officer unless the state is exempt from the federal requirement to receive and

BENTIVOLIO FOR CONGRESS

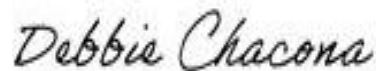
Page 2 of 2

maintain paper copies. You can verify the Commission's receipt of any documents submitted by your committee on the FEC website at www.fec.gov.

In addition, the failure to timely file this report may result in civil money penalties, an audit or other legal enforcement action. The civil money penalty calculation for late reports does not include a grace period and begins on the day following the due date for the report.

If you have any questions regarding this matter, please contact Jamie Sikorsky in the Reports Analysis Division on our toll-free number (800)424-9530. The analyst's direct number is (202)694-1137.

Sincerely,



Deborah Chacona
Assistant Staff Director
Reports Analysis Division

250

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) A principal campaign committee of a candidate shall file a pre-election report no later than 12 days before any primary 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 July 23, 2020 for the 2020 Michigan Pre-Primary Report to be timely filed.
- 4) A principal campaign committee of a candidate shall file a report for the period ending September 30 no later than October 15. Reports filed electronically must be received and validated at or before 11:59 pm, Eastern Standard/Daylight Time October 15, 2020 for the 2020 October Quarterly Report to be timely filed.
- 5) 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) Statement of Organization filed by Bentivolio for Congress on December 9, 2019.
 - b) Amended Statement of Organization filed by Bentivolio for Congress on April 23, 2020.
 - c) Cover, Summary, and Detailed Summary Pages of the 2020 July Quarterly Report filed by Bentivolio for Congress. The report includes the coverage period of April 1, 2020 through June 30, 2020 and was electronically filed on July 23, 2020.
- 6) 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 24th day of June, 2021.

Rhiannon Magruder
Rhiannon Magruder
Reviewing Officer
Office of Administrative Review
Federal Election Commission

FEC FORM 1

STATEMENT OF ORGANIZATION

Office Use Only

1. NAME OF COMMITTEE (in full) (Check if name is changed) Example: If typing, type over the lines.

12FE4M5

Bentivolio for Congress

ADDRESS (number and street) 260 White Pine Trl

(Check if address is changed)

Milford MI 48381
CITY ▲ STATE ▲ ZIP CODE ▲

COMMITTEE'S E-MAIL ADDRESS

(Check if address is changed)

kerry@kerrybentivolio.com

Optional Second E-Mail Address
rapiwko@gmail.com

COMMITTEE'S WEB PAGE ADDRESS (URL)

(Check if address is changed)

www.kerrybentivolio.com

2. DATE 12 / 09 / 2019

3. FEC IDENTIFICATION NUMBER ▶ C C00656033

4. IS THIS STATEMENT NEW (N) OR AMENDED (A)

I certify that I have examined this Statement and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer Piwko, Richard, Anthony, ,

Signature of Treasurer Piwko, Richard, Anthony, , [Electronically Filed] Date 12 / 09 / 2019

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Statement to the penalties of 2 U.S.C. §437g. ANY CHANGE IN INFORMATION SHOULD BE REPORTED WITHIN 10 DAYS.

5. TYPE OF COMMITTEE

Candidate Committee:

- (a) This committee is a principal campaign committee. (Complete the candidate information below.)
- (b) This committee is an authorized committee, and is NOT a principal campaign committee. (Complete the candidate information below.)

Name of Candidate Bentivolio, Kerry, Lynn, ,

Candidate Party Affiliation: REP DEM IND OTH

Office Sought: House Senate President

State: AL AK AZ CA CO CT DC DE FL GA HI IA IL IN KS KY LA MA MD ME MI MN MO MS MT NC ND NH NJ NM NV NY OH OK OR PA RI SC SD TN TX UT VT WA WI WY

District: 1 2 3 4 5 6 7 8 9 10 11 12

- (c) This committee supports/opposes only one candidate, and is NOT an authorized committee.

Name of Candidate _____

Party Committee:

- (d) This committee is a _____ (National, State or subordinate) committee of the _____ (Democratic, Republican, etc.) Party.

Political Action Committee (PAC):

- (e) This committee is a separate segregated fund. (Identify connected organization on line 6.) Its connected organization is a:
 - Corporation Corporation w/o Capital Stock Labor Organization
 - Membership Organization Trade Association Cooperative
 - In addition, this committee is a Lobbyist/Registrant PAC.
- (f) This committee supports/opposes more than one Federal candidate, and is NOT a separate segregated fund or party committee. (i.e., nonconnected committee)
 - In addition, this committee is a Lobbyist/Registrant PAC.
 - In addition, this committee is a Leadership PAC. (Identify sponsor on line 6.)

Joint Fundraising Representative:

- (g) This committee collects contributions, pays fundraising expenses and disburses net proceeds for two or more political committees/organizations, at least one of which is an authorized committee of a federal candidate.
- (h) This committee collects contributions, pays fundraising expenses and disburses net proceeds for two or more political committees/organizations, none of which is an authorized committee of a federal candidate.

Committees Participating in Joint Fundraiser

1. _____ FEC ID number C _____
2. _____ FEC ID number C _____
3. _____ FEC ID number C _____
4. _____ FEC ID number C _____

Write or Type Committee Name

Bentivolio for Congress

6. Name of Any Connected Organization, Affiliated Committee, Joint Fundraising Representative, or Leadership PAC Sponsor

NONE

Mailing Address

CITY

STATE

ZIP CODE

Relationship: Connected Organization Affiliated Committee Joint Fundraising Representative Leadership PAC Sponsor

7. Custodian of Records: Identify by name, address (phone number -- optional) and position of the person in possession of committee books and records.

Full Name Piwko, Richard, Anthony, ,

Mailing Address 7284 Birchwood Rd.

Lexington

MI

48450

Title or Position

CITY

STATE

ZIP CODE

Treasurer

Telephone number 313 - 559 - 0182

8. Treasurer: List the name and address (phone number -- optional) of the treasurer of the committee; and the name and address of any designated agent (e.g., assistant treasurer).

Full Name of Treasurer Piwko, Richard, Anthony, ,

Mailing Address 7284 Birchwood Rd.

Lexington

MI

48450

Title or Position Treasurer

CITY

STATE

ZIP CODE

Telephone number 313 - 559 - 0182

Full Name of Designated Agent

[Empty grid for Full Name of Designated Agent]

Mailing Address

[Empty grid for Mailing Address line 1]

[Empty grid for Mailing Address line 2]

[Empty grid for Mailing Address line 3]

CITY

STATE

ZIP CODE

Title or Position

[Empty grid for Title or Position]

Telephone number

[Empty grid for Telephone number]

9. Banks or Other Depositories: List all banks or other depositories in which the committee deposits funds, holds accounts, rents safety deposit boxes or maintains funds.

Name of Bank, Depository, etc.

Huron Valley State Bank

[Empty grid for Name of Bank, Depository, etc.]

Mailing Address

130 S. Milford Rd.

[Empty grid for Mailing Address line 1]

[Empty grid for Mailing Address line 2]

Milford

[Empty grid for Mailing Address line 3]

MI

[Empty grid for Mailing Address line 4]

48381

[Empty grid for Mailing Address line 5]

CITY

STATE

ZIP CODE

Name of Bank, Depository, etc.

[Empty grid for Name of Bank, Depository, etc.]

Mailing Address

[Empty grid for Mailing Address line 1]

[Empty grid for Mailing Address line 2]

[Empty grid for Mailing Address line 3]

CITY

STATE

ZIP CODE

: 97 A-G79 @C B9CI G H9LHF9 @ H98 HC 5 F9DCFHŽG7 <98I @ CF #19A-N5HCB

Form/Schedule: F1A
Transaction ID :

This committee is a joint fundraising representative and collects contributions, pays fundraising expenses and disburses net proceeds for two or more political committees/organizations, at least one of which is an authorized committee of a federal candidate. Combat Veterans for Congress PAC, C00469239, 2307 Fenton Pkwy, Ste 107-184, San Diego, CA 92108

Form/Schedule:
Transaction ID:

FEC FORM 1

STATEMENT OF ORGANIZATION

Office Use Only

1. NAME OF COMMITTEE (in full) (Check if name is changed) Example: If typing, type over the lines. 12FE4M5

Bentivolio for Congress

ADDRESS (number and street) 260 White Pine Trl

(Check if address is changed)

Milford MI 48381
 CITY ▲ STATE ▲ ZIP CODE ▲

COMMITTEE'S E-MAIL ADDRESS

(Check if address is changed) kerry@kerrybentivolio.com

Optional Second E-Mail Address
rapiwko@gmail.com

COMMITTEE'S WEB PAGE ADDRESS (URL)

(Check if address is changed) www.kerrybentivolio.com

2. DATE 04 / 23 / 2020

3. FEC IDENTIFICATION NUMBER ▶ C C00656033

4. IS THIS STATEMENT NEW (N) OR AMENDED (A)

I certify that I have examined this Statement and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer Piwko, Richard, Anthony, ,

Signature of Treasurer Piwko, Richard, Anthony, , *[Electronically Filed]* Date 04 / 23 / 2020

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Statement to the penalties of 2 U.S.C. §437g. ANY CHANGE IN INFORMATION SHOULD BE REPORTED WITHIN 10 DAYS.

5. TYPE OF COMMITTEE

Candidate Committee:

- (a) This committee is a principal campaign committee. (Complete the candidate information below.)
- (b) This committee is an authorized committee, and is NOT a principal campaign committee. (Complete the candidate information below.)

Name of Candidate Bentivolio, Kerry, Lynn, ,

Candidate Party Affiliation: REP DEM IND OTHER

Office Sought: House Senate President

State: AL AK AR AZ CA CO CT DC DE FL GA HI IA IL IN KS KY LA MA MD ME MI MN MO MS MT NC ND NE NH NJ NM NV NY OH OK OR PA RI SC SD TN TX UT VT WA WI WY

District: 1 2 3 4 5 6 7 8 9 10 11 12

- (c) This committee supports/opposes only one candidate, and is NOT an authorized committee.

Name of Candidate _____

Party Committee:

- (d) This committee is a _____ (National, State or subordinate) committee of the _____ (Democratic, Republican, etc.) Party.

Political Action Committee (PAC):

- (e) This committee is a separate segregated fund. (Identify connected organization on line 6.) Its connected organization is a:
 - Corporation Corporation w/o Capital Stock Labor Organization
 - Membership Organization Trade Association Cooperative
 - In addition, this committee is a Lobbyist/Registrant PAC.
- (f) This committee supports/opposes more than one Federal candidate, and is NOT a separate segregated fund or party committee. (i.e., nonconnected committee)
 - In addition, this committee is a Lobbyist/Registrant PAC.
 - In addition, this committee is a Leadership PAC. (Identify sponsor on line 6.)

Joint Fundraising Representative:

- (g) This committee collects contributions, pays fundraising expenses and disburses net proceeds for two or more political committees/organizations, at least one of which is an authorized committee of a federal candidate.
- (h) This committee collects contributions, pays fundraising expenses and disburses net proceeds for two or more political committees/organizations, none of which is an authorized committee of a federal candidate.

Committees Participating in Joint Fundraiser

1.	_____	FEC ID number	<input type="checkbox"/> C _____
2.	_____	FEC ID number	<input type="checkbox"/> C _____
3.	_____	FEC ID number	<input type="checkbox"/> C _____
4.	_____	FEC ID number	<input type="checkbox"/> C _____

Write or Type Committee Name

Bentivolio for Congress

6. Name of Any Connected Organization, Affiliated Committee, Joint Fundraising Representative, or Leadership PAC Sponsor

NONE

Mailing Address

CITY

STATE

ZIP CODE

Relationship: Connected Organization Affiliated Committee Joint Fundraising Representative Leadership PAC Sponsor

7. Custodian of Records: Identify by name, address (phone number -- optional) and position of the person in possession of committee books and records.

Full Name Piwko, Richard, Anthony, ,

Mailing Address 7284 Birchwood Rd.

Lexington MI 48450

Lexington MI 48450

Title or Position CITY STATE ZIP CODE

Treasurer Telephone number 313 - 559 - 0182

8. Treasurer: List the name and address (phone number -- optional) of the treasurer of the committee; and the name and address of any designated agent (e.g., assistant treasurer).

Full Name of Treasurer Piwko, Richard, Anthony, ,

Mailing Address 7284 Birchwood Rd.

Lexington MI 48450

Lexington MI 48450

Title or Position CITY STATE ZIP CODE

Treasurer Telephone number 313 - 559 - 0182

Full Name of Designated Agent

[Grid for Full Name of Designated Agent]

Mailing Address

[Grid for Mailing Address Line 1]

[Grid for Mailing Address Line 2]

[Grid for Mailing Address Line 3]

CITY

STATE

ZIP CODE

Title or Position

[Grid for Title or Position]

Telephone number

[Grid for Telephone number]

9. Banks or Other Depositories: List all banks or other depositories in which the committee deposits funds, holds accounts, rents safety deposit boxes or maintains funds.

Name of Bank, Depository, etc.

Huron Valley State Bank

[Grid for Name of Bank, Depository, etc.]

Mailing Address

130 S. Milford Rd.

[Grid for Mailing Address Line 1]

[Grid for Mailing Address Line 2]

Milford

MI

48381

CITY

STATE

ZIP CODE

Name of Bank, Depository, etc.

[Grid for Name of Bank, Depository, etc.]

Mailing Address

[Grid for Mailing Address Line 1]

[Grid for Mailing Address Line 2]

[Grid for Mailing Address Line 3]

CITY

STATE

ZIP CODE

SUMMARY PAGE
of Receipts and Disbursements

FEC Form 3 (Revised 05/2016)

PAGE 2 / 37

Write or Type Committee Name
BENTIVOLIO 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))....	56842.64	97567.91
(b) Total Contribution Refunds (from Line 20(d))	0.00	17786.26
(c) Net Contributions (other than loans) (subtract Line 6(b) from Line 6(a))	56842.64	79781.65
7. Net Operating Expenditures		
(a) Total Operating Expenditures (from Line 17)	18575.65	41979.11
(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))	18575.65	41979.11
8. Cash on Hand at Close of Reporting Period (from Line 27).....	43274.70	
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)	28799.55	

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

BENTIVOLIO 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)	53994.37	81394.41
(ii) Unitemized	2848.27	16173.50
(iii) TOTAL of contributions from individuals	56842.64	97567.91
(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))..	56842.64	97567.91
12. TRANSFERS FROM OTHER AUTHORIZED COMMITTEES	0.00	0.00
13. LOANS:		
(a) Made or Guaranteed by the Candidate	0.00	52500.00
(b) All Other Loans	0.00	0.00
(c) TOTAL LOANS (add Lines 13(a) and (b))	0.00	52500.00
14. OFFSETS TO OPERATING EXPENDITURES (Refunds, Rebates, etc.)	0.00	0.00
15. OTHER RECEIPTS (Dividends, Interest, etc.)	0.00	2150.00
16. TOTAL RECEIPTS (add Lines 11(e), 12, 13(c), 14, and 15) (Carry Total to Line 24, page 4)	56842.64	152217.91

DETAILED SUMMARY PAGE
of Disbursements

FEC Form 3 (Revised 05/2016)

PAGE 4 / 37

II. DISBURSEMENTS	COLUMN A Total This Period	COLUMN B Election Cycle-to-Date
17. OPERATING EXPENDITURES.....	18575.65	41979.11
18. TRANSFERS TO OTHER AUTHORIZED COMMITTEES	0.00	0.00
19. LOAN REPAYMENTS:		
(a) Of Loans Made or Guaranteed by the Candidate.....	0.00	50120.00
(b) Of All Other Loans	0.00	0.00
(c) TOTAL LOAN REPAYMENTS (add Lines 19(a) and (b)).....	0.00	50120.00
20. REFUNDS OF CONTRIBUTIONS TO:		
(a) Individuals/Persons Other Than Political Committees	0.00	17786.26
(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	17786.26
21. OTHER DISBURSEMENTS	0.00	75.00
22. TOTAL DISBURSEMENTS (add Lines 17, 18, 19(c), 20(d), and 21) ►	18575.65	109960.37

III. CASH SUMMARY

23. CASH ON HAND AT BEGINNING OF REPORTING PERIOD.....	5007.71
24. TOTAL RECEIPTS THIS PERIOD (from Line 16, page 3).....	56842.64
25. SUBTOTAL (add Line 23 and Line 24).....	61850.35
26. TOTAL DISBURSEMENTS THIS PERIOD (from Line 22).....	18575.65
27. CASH ON HAND AT CLOSE OF REPORTING PERIOD (subtract Line 26 from Line 25).....	43274.70



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 24, 2021

Bentivolio for Congress
260 White Pine Trail
Milford, MI 48381

C00656033
AF#: 3867, 3912, 3957

Dear Treasurer:

On January 8, 2021, the Commission found reason to believe (“RTB”) that Bentivolio for Congress and Richard Anthony Piwko, in his official capacity as Treasurer (“the respondents”) violated 52 U.S.C. § 30104(a) for failing to timely file the 2020 July Quarterly Report (AF# 3867), 2020 Pre-Primary Report (AF# 3912), and 2020 October Quarterly Report (AF# 3957) and made a preliminary determination that the civil money penalties were \$1,783, \$1,947, and \$1,252, respectively, 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 in AF# 3867, AF# 3912, and AF# 3957. 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



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

SENSITIVE

December 22, 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# 3867, AF# 3912, AF# 3957 – Bentivolio for Congress and Kerry Bentivolio, in their official capacity as Treasurer¹ (C00656033)

On January 8, 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 July Quarterly Report and made a preliminary determination that the civil money penalty was \$1,783 based on the schedule of penalties at 11 C.F.R. § 111.43 (AF# 3867). 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 Pre-Primary Report and made a preliminary determination that the civil money penalty was \$1,947 based on the schedule of penalties at 11 C.F.R. § 111.43 (AF# 3912). 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 October Quarterly Report and made a preliminary determination that the civil money penalty was \$1,252 based on the schedule of penalties at 11 C.F.R. § 111.43 (AF# 3957).

On April 29, 2021, the Commission received their written response (“challenge”). After reviewing the challenge, the Reviewing Officer Recommendation (“ROR”) dated June 24, 2021 was forwarded to the Commission, a copy was forwarded to the respondents, and is hereby incorporated by reference.

¹ On 12/10/21, the Committee filed an Amended Statement of Organization (FEC Form 1) to name Kerry Bentivolio, the Candidate, as Treasurer. The respondents in this matter have been updated accordingly.

The Reviewing Officer recognized the campaign may have become inactive after the 2020 Primary Election but confirmed the Committee was still required to file the 2020 July Quarterly, Pre-Primary, and October Quarterly Reports. The Reviewing Officer explained that a committee's filing obligation ends only when a committee files a termination report, and the Commission notifies them in writing that their termination report has been accepted.² 11 C.F.R § 102.3.

In addition, while sympathetic to the death of the Treasurer in October 2020, the Reviewing Officer noted that the Treasurer's death was subsequent to the 2020 July Quarterly and Pre-Primary filing deadlines. Further, the Reviewing Officer noted that the Commission urges committees to name an assistant treasurer or designated agent to assume the duties and responsibilities of the treasurer in the event of a temporary or permanent vacancy in the office or the unavailability of the treasurer. 11 C.F.R § 102.7(a). However, based on the Candidate's statements in the challenge and the Committee's Statements of Organization, the Committee did not avail itself of naming an individual for this position. Moreover, unavailability of the Treasurer is specifically 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. Therefore, the Reviewing Officer recommended that the Commission make a final determination in AF# 3867, AF# 3912, and AF# 3957 that the respondents violated 52 U.S.C. § 30104(a).

Calculation of the Civil Money Penalties

At the time of the RTB finding in AF# 3867, the Commission used the actual level of activity (\$75,418) of the 2020 July Quarterly Report to calculate the penalty because the report had been filed. 11 C.F.R § 111.43(d)(3)(i). On August 27, 2021 and December 10, 2021, the Committee filed Amended 2020 July Quarterly Reports disclosing a level of activity of \$33,018, lower than previously reported. The report was originally filed on July 23, 2020, 8 days late, and is considered late. 11 C.F.R § 111.43(e). Using the schedule of penalties at 11 C.F.R § 111.43(a), a penalty of \$519 should be assessed (reduced from the RTB civil money penalty of \$1,783).

At the time of the RTB findings in AF# 3912 and AF# 3957, the Commission used an estimated level of activity (\$43,696) to calculate the penalties because the 2020 Pre-Primary and October Quarterly Reports had not yet been filed. 11 C.F.R § 111.43(d)(2)(i). At the time of the ROR, the Committee had not yet filed these reports. The Reviewing Officer noted that in order to calculate the civil money penalties using the actual level of activity disclosed on the 2020 Pre-Primary and October Quarterly Reports, the Committee shall file these reports prior to the Reviewing Officer's Final Determination Recommendation to the Commission.³

On December 10, 2021, the Committee filed the 2020 Pre-Primary Report disclosing a level of activity of \$16,459. 11 C.F.R § 111.43(d)(3)(i). The report was filed 505 days late and is considered not filed. 11 C.F.R § 111.43(e). Using the schedule of penalties at 11 C.F.R § 111.43(b) for election sensitive reports, a penalty of \$1,252 should be assessed (reduced from the RTB civil money penalty of \$1,947).

² To date, the Committee has not yet filed a Termination Report.

³ Subsequent to the ROR, RAD contacted the Committee several times to request an update on the outstanding filings and offer assistance. See Attachment 1.

On December 10, 2021, the Committee filed the 2020 October Quarterly Report disclosing a level of activity of \$36,912. 11 C.F.R § 111.43(d)(3)(i). The report was filed 421 days late and is considered not filed. 11 C.F.R § 111.43(e). Using the schedule of penalties at 11 C.F.R § 111.43(a), a penalty of \$1,252 should be assessed.

Therefore, the Reviewing Officer now recommends that the Commission make a final determination in AF# 3867, AF# 3912, and AF# 3957 that the respondents violated 52 U.S.C. § 30104(a) and assess civil money penalties of \$519, \$1,252, and \$1,252, respectively.

OAR Recommendations

1. Adopt the Reviewing Officer recommendation for AF# 3867 involving Bentivolio for Congress and Kerry Bentivolio, in their official capacity as Treasurer, in making the final determination;
2. Make a final determination in AF# 3867 that Bentivolio for Congress and Kerry Bentivolio, in their official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess a \$519 civil money penalty (reduced from the RTB civil money penalty of \$1,783);
3. Adopt the Reviewing Officer recommendation for AF# 3912 involving Bentivolio for Congress and Kerry Bentivolio, in their official capacity as Treasurer, in making the final determination;
4. Make a final determination in AF# 3912 that Bentivolio for Congress and Kerry Bentivolio, in their official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess a \$1,252 civil money penalty (reduced from the RTB civil money penalty of \$1,947);
5. Adopt the Reviewing Officer recommendation for AF# 3957 involving Bentivolio for Congress and Kerry Bentivolio, in their official capacity as Treasurer, in making the final determination;
6. Make a final determination in AF# 3957 that Bentivolio for Congress and Kerry Bentivolio, in their official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess a \$1,252 civil money penalty; and
7. Send the appropriate letters.

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) AFs 3867, 3912 and 3957
 Final Determination Recommendation:)
 Bentivolio for Congress and Kerry)
 Bentivolio, in their official capacity as)
 Treasurer (C00656033))

CERTIFICATION

I, Laura E. Sinram, Acting Secretary and Clerk of the Federal Election Commission, do hereby certify that on January 12, 2022, the Commission decided by a vote of 6-0 to take the following actions in AFs 3867, 3912, and 3957:

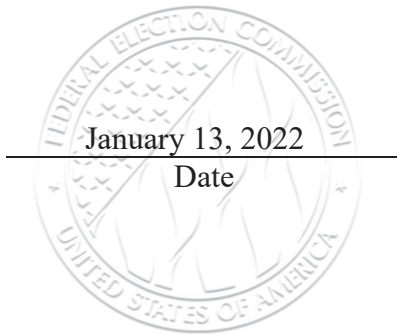
1. Adopt the Reviewing Officer recommendation for AF# 3867 involving Bentivolio for Congress and Kerry Bentivolio, in their official capacity as Treasurer, in making the final determination.
2. Make a final determination in AF# 3867 that Bentivolio for Congress and Kerry Bentivolio, in their official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess a \$519 civil money penalty (reduced from the RTB civil money penalty of \$1,783).
3. Adopt the Reviewing Officer recommendation for AF# 3912 involving Bentivolio for Congress and Kerry Bentivolio, in their official capacity as Treasurer, in making the final determination.
4. Make a final determination in AF# 3912 that Bentivolio for Congress and Kerry Bentivolio, in their official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess a \$1,252 civil money penalty (reduced from the RTB civil money penalty of \$1,947).

Federal Election Commission
AFs 3867, 3912, and 3957
January 12, 2022

5. Adopt the Reviewing Officer recommendation for AF# 3957 involving Bentivolio for Congress and Kerry Bentivolio, in their official capacity as Treasurer, in making the final determination.
6. Make a final determination in AF# 3957 that Bentivolio for Congress and Kerry Bentivolio, in their official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess a \$1,252 civil money penalty.
7. Send the appropriate letters.

Commissioners Broussard, Cooksey, Dickerson, Trainor, Walther, and

Weintraub voted affirmatively for the decision.



Attest:

**Laura e
Sinram**

Digitally signed by Laura e Sinram
Date: 2022.01.13 17:10:28 -05'00'

Laura E. Sinram
Acting Secretary and Clerk of the
Commission



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 1, 2022

Kerry Bentivolio, in official capacity as Treasurer
Bentivolio for Congress
260 White Pine Trail
Milford, MI 48381

C00656013
AF# 3912

Dear Mr. Bentivolio:

On January 8, 2021, the Federal Election Commission (“the Commission”) found reason to believe (“RTB”) that Bentivolio for Congress and you, in your official capacity as Treasurer, violated 52 U.S.C. § 30104(a) for failing to file the 2020 Pre-Primary Report. By letter dated January 25, 2021, the Commission sent notification of the RTB finding that included a civil money penalty calculated at \$1,947 in accordance with the schedule of penalties at 11 C.F.R. § 111.43. On April 29, 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 uphold the RTB civil money penalty because it was calculated using an estimated level of activity, make a final determination that Bentivolio for Congress and you, in your official capacity as Treasurer, violated 52 U.S.C. § 30104(a), and based on the estimated level of activity of the 2020 Pre-Primary Report not yet filed (\$43,696), assess a civil money penalty in the amount of \$1,947 in accordance with 11 C.F.R. § 111.43. The Reviewing Officer Recommendation was sent to you on June 24, 2021.

On January 12, 2022, the Commission adopted the Reviewing Officer’s final recommendation and made a final determination that Bentivolio for Congress and you, in your official capacity as Treasurer, violated 52 U.S.C. § 30104(a), and based on the level of activity disclosed on the 2020 Pre-Primary Report filed December 20, 2021 (\$16,459), assessed a civil money penalty in the amount of \$1,252 (reduced from the RTB civil money penalty of \$1,947). It is based on the same factors used to calculate the civil money penalty at RTB, except that the actual level of activity, rather than the estimated level of activity, was used. 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 that 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 this matter, please contact Rhiannon Magruder on our toll-free number (800) 424-9530 (press 0, then ext. 1158) or (202) 694-1158.

On behalf of the Commission,



Allen Dickerson
Chairman

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 \$1,252 for the 2020 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 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: Bentivolio for Congress

FEC ID#: C00656033

AF#: 3912

PAYMENT AMOUNT DUE: \$1,252