



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 October Quarterly Report (Election Sensitive) for the Administrative  
Fine Program

We are withdrawing the document circulated to the Commission on December 4, 2020 in order to reflect updates disclosed in filings received by the Commission after the initial submission of this recommendation. An overview of these updates has been provided below.

Attached is a list of political committees and their treasurers who failed to file the 2020 October Quarterly Report (Election Sensitive) in accordance with 52 U.S.C. § 30104(a). The October Quarterly Report was due on October 15, 2020.

Under the Administrative Fine Program, the October Quarterly Report is considered an election-sensitive filing for authorized committees supporting candidates involved in the general election as well as all unauthorized committees. For the committees listed on the attached RTB Circulation Report, the October Quarterly Report was an election-sensitive filing. The committees either filed the report after the due date, failed to file the report or failed to file the report prior to four (4) days before the general election (considered a non-filed report). In accordance with the schedule of civil money penalties for reports at 11 CFR. 111.43, these committees should be assessed the civil money penalties included on the attached 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 OCTOBER QUARTERLY Election Sensitive 10/15/2020 H\_S\_P\_UNAUTH

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
3941	C00710608	FOR VIRGINIA	THOMAS A. SPECIALE	CARL ALLARD	\$151,568	0		Not Filed	\$37,892 (est)	\$1,947
3944	C00303032	INTERNATIONAL WAREHOUSE LOGISTICS ASSOCIATION PAC		STEVE DEHAAN	\$296,200	0	12/8/2020	Not Filed*	\$95,000	\$5,916

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
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\* The committee did not file their report prior to four (4) days before the general 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 )  
October Quarterly Report (Election )  
Sensitive) for the Administrative Fine )  
Program: )

FOR VIRGINIA, and ALLARD, CARL as ) AF# 3941  
treasurer: )

INTERNATIONAL WAREHOUSE ) AF# 3944  
LOGISTICS ASSOCIATION PAC, and  
DEHAAN, STEVE as treasurer;

Federal Election Commission  
Withdrawal and Resubmission of Reason  
To Believe Recommendation – 2020  
October Quarterly Report (Election  
Sensitive) for the Administrative Fine  
Program  
January 8, 2021

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 October Quarterly Report (Election Sensitive) for the Administrative Fine Program, as recommended in the Reports Analysis Division's Memorandum dated January 07, 2021, on the following committees:

Federal Election Commission  
Withdrawal and Resubmission of Reason  
To Believe Recommendation – 2020  
October Quarterly Report (Election  
Sensitive) for the Administrative Fine  
Program  
January 8, 2021


Federal Election Commission  
Withdrawal and Resubmission of Reason  
To Believe Recommendation – 2020  
October Quarterly Report (Election  
Sensitive) for the Administrative Fine  
Program  
January 8, 2021

AF#3941 Decided by a vote of 6-0 to: (1) find reason to believe that FOR VIRGINIA, and ALLARD, CARL 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.

Federal Election Commission  
Withdrawal and Resubmission of Reason  
To Believe Recommendation – 2020  
October Quarterly Report (Election  
Sensitive) for the Administrative Fine  
Program  
January 8, 2021

AF#3944 Decided by a vote of 6-0 to: (1) find reason to believe that INTERNATIONAL WAREHOUSE LOGISTICS ASSOCIATION PAC, and DEHAAN, STEVE 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.

Federal Election Commission  
Withdrawal and Resubmission of Reason  
To Believe Recommendation – 2020  
October Quarterly Report (Election  
Sensitive) for the Administrative Fine  
Program  
January 8, 2021



February 3, 2021  
Date

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Attest:

**Laura  
Sinram**

Laura E. Sinram  
Acting Secretary and Clerk of the  
Commission

Digitally signed by  
Laura Sinram  
Date: 2021.02.03  
20:04:11 -05'00'



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

AF

February 8, 2021

Steve DeHaan, in official capacity as Treasurer  
International Warehouse Logistics Association PAC  
2800 S River Road, Suite 260  
Des Plaines, IL 60018

C00303032

AF#: 3944

Dear Mr. DeHaan,

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file an October Quarterly Report of Receipts and Disbursements in a calendar year during which there is a regularly scheduled election. This report, covering the period July 1, 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 you did not file this report prior to four (4) days before the general election held on November 3, 2020, the report is considered not filed for the purpose of calculating the civil money penalty.

The Act permits the FEC to impose civil money penalties for violations of the reporting requirements of 52 U.S.C. § 30104(a). 52 U.S.C. § 30109(a)(4). On January 8, 2021, the FEC found that there is reason to believe ("RTB") that International Warehouse Logistics Association PAC 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 C.F.R. § 111.43, the amount of your civil money penalty calculated at the RTB stage is \$5,916. Please see the attached copy of the Commission's administrative fine regulations at 11 C.F.R. §§ 111.30-111.46. Attachment 1. The Commission's website contains further information about how the administrative fine program works and how the fines are calculated. See <https://www.fec.gov/af/pay.shtml> 11 C.F.R. § 111.34. Your payment of \$5,916 is due within forty (40) days of the finding, or by February 17, 2021, and is based on these factors:

Election Sensitivity of Report: Election Sensitive

Level of Activity: \$95,000

Number of Days Late: Not Filed (reports not filed prior to four (4) days before the General Election held on November 3, 2020 are considered not filed for the purpose of calculating the penalty)

Number of Previous Civil Money Penalties Assessed: 0

## INTERNATIONAL WAREHOUSE LOGISTICS ASSOCIATION PAC

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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](mailto:administrativefines@fec.gov). The Commission encourages the use of electronic signatures on electronically submitted documents, but scanned copies of ink signatures will be accepted. Electronically submitted challenges will be deemed received on the date it is electronically received by staff.

The FEC will only consider challenges that are based on at least one of three grounds: (1) a factual error in the RTB finding; (2) miscalculation of the calculated civil money penalty by the FEC; or (3) your demonstrated use of best efforts to file in a timely manner when prevented from doing so by reasonably unforeseen circumstances that were beyond your control. 11 CFR § 111.35(b). For a challenge to be considered on the basis of best efforts, you must have filed the required report no later than 24 hours after the end of these reasonably unforeseen circumstances. *Id.* Examples of circumstances that will be considered reasonably unforeseen and beyond your control include, but are not limited to: (1) a failure of Commission computers or Commission-provided software despite your seeking technical assistance from Commission personnel and resources; (2) a widespread disruption of information transmissions over the Internet that is not caused by a failure of the Commission's or your computer systems or Internet service provider; and (3) severe weather or other disaster-related incident. 11 CFR § 111.35(c). Examples of circumstances that will not be considered reasonably unforeseen and beyond your

## INTERNATIONAL WAREHOUSE LOGISTICS ASSOCIATION PAC

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

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

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

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

If you do not pay the calculated civil money penalty and do not submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that International Warehouse Logistics Association PAC 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**

## INTERNATIONAL WAREHOUSE LOGISTICS ASSOCIATION PAC

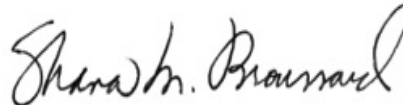
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Any offer to settle or compromise a debt owed to the Commission, including a payment in an amount less than the calculated civil money penalty assessed or any restrictive endorsements contained on your check or money order or proposed in correspondence 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 be deposited and treated as a partial payment towards the civil money penalty that the Commission assesses upon making a final determination. All unpaid civil money penalty amounts remaining will be subject to the debt collection procedures set forth in Section 2, above.

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

As noted earlier, you may obtain additional information on the FEC's administrative fine program, including the final regulations, on the FEC's website at <https://www.fec.gov/af/pay.shtml>. If you have questions regarding the payment of the calculated civil money penalty, please contact Ben Holly in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130. If you have questions regarding the submission of a challenge, please contact the Office of Administrative Review at our toll free number (800) 424-9530 (press 0, then ext. 1158) or (202) 694-1158.

On behalf of the Commission,



Shana M. Broussard  
Chair

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ADMINISTRATIVE FINE PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 CFR § 111.43, the amount of your civil money penalty calculated at RTB is \$5,916 for the October Quarterly Report.

You may remit payment by ACH withdrawal from your bank account, or by debit or

## INTERNATIONAL WAREHOUSE LOGISTICS ASSOCIATION PAC

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credit card through Pay.gov, the federal government's secure portal for online collections. Visit [www.fec.gov/af/pay.shtml](http://www.fec.gov/af/pay.shtml) to be directed to Pay.gov's Administrative Fine Program Payment form. Please use the details below to complete the required fields. For additional payment options, please contact Ben Holly in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130.

COMMITTEE NAME: International Warehouse Logistics Association PAC

FEC ID#: C00303032

AF#: 3944

PAYMENT DUE DATE: February 17, 2021

PAYMENT AMOUNT DUE: \$5,916



The Resource for Warehouse Logistics

2800 S. River Road, Suite 260  
Des Plaines, Illinois 60018  
www.IWLA.com

P: 847.813.4699  
F: 847.813.0115  
E: mail@IWLA.com

March 23, 2021

Federal Election Commission  
Office of Administrative Review  
Washington, DC 20463

To Whom It May Concern,

This letter is in response to AF#3944. My name is Robert Budo and I am the accounting manager for International Warehouse Logistics Association (C00303032). I took over control of the IWLA PAC in September of 2020 after the individual who did the filings previous left our organization. I was unaware of the rule that once you file one way (paper or electronic) that this is the way you have to always file. I also experienced unforeseen circumstances prior to the filing date. My computer, with the FEC software on it, had a hard drive failure and a new computer was needed. This is why we filed via paper instead of electronically.

The filing was due on October 15<sup>th</sup>. Knowing my computer was not going to be ready yet, I decided to fill it out via paper and send it to the FEC office via certified mail. I mailed the forms on October 13<sup>th</sup>. We then received a late notification from the FEC for our filing on October 16<sup>th</sup>. I received a notification from USPS that the forms were delivered to the FEC office on October 22<sup>nd</sup>. At that point I felt that we were in compliance and I was going to go back to filing electronically since I was no longer having technical issues. I had never received any phone calls or letters in the mail saying that our committee was non-compliant after October 22<sup>nd</sup>. I discovered we were non-compliant when I called the FEC for help in setting up the FEC software on my new computer. I spoke with Michael Ann, analyst, who let me know that the 3<sup>rd</sup> quarter report was never filed. After hearing this, I arranged a meeting with Michael Ann to help with filing the 3<sup>rd</sup> quarter report electronically. This meeting was on December 8<sup>th</sup>.

I am writing this so the FEC realizes this was not done on purpose and I did what I believed was my best effort to file in a timely manner and make sure it was done correctly. Prior to this filing, we have had zero issues with filing and our last two reports have been filed electronically with zero issues. I'm asking that the FEC waive the fine since we believe this a rather large amount compared to the size of our committee. If you look at our other reports in the last few years this just happened to be the quarter were we did the most activity. It will affect our Committee as well as our Association help our members have their voices heard. If you want to discuss further I would be more than happy to have that conversation, my number is [redacted] I appreciate you taking the time reading this and taking our case under review.

Sincerely,

A handwritten signature in blue ink that reads "Robert Budo".

Robert Budo

## Track Another Package +

**Tracking Number:** 70173380000101781542

Remove X

Your item was delivered to the front desk, reception area, or mail room at 11:02 am on October 22, 2020 in WASHINGTON, DC 20463.

### **Delivered**

October 22, 2020 at 11:02 am  
Delivered, Front Desk/Reception/Mail Room  
WASHINGTON, DC 20463

**Get Updates** v

Feedback

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**Text & Email Updates**



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**Tracking History**



October 22, 2020, 11:02 am  
Delivered, Front Desk/Reception/Mail Room  
WASHINGTON, DC 20463

Your item was delivered to the front desk, reception area, or mail room at 11:02 am on October 22, 2020 in WASHINGTON, DC 20463.

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October 19, 2020, 10:28 am  
Held at Post Office, At Customer Request  
WASHINGTON, DC 20463

October 19, 2020, 9:41 am  
Arrived at Post Office  
WASHINGTON, DC 20018

October 17, 2020  
In Transit to Next Facility

October 13, 2020, 11:19 pm  
Arrived at USPS Regional Facility  
CAROL STREAM IL DISTRIBUTION CENTER

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**Product Information**



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See Less

Feedback

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Go to our FAQs section to find answers to your tracking questions.

**FAQs**



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

May 21, 2021

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

AF# 3944 – International Warehouse Logistics Association PAC and Steve Dehaan, in his official capacity as Treasurer (C00303032)

### **Summary of Recommendation**

Make a final determination that the respondents violated 52 U.S.C. § 30104(a) and assess a \$5,916 civil money penalty.

### **Reason-to-Believe Background**

The 2020 October Quarterly Report was due on October 15, 2020. The respondents filed the report on December 8, 2020, 54 days late. The report is election sensitive and was not filed prior to four days before the general 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 reason to believe (“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 \$5,916 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 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 committee not authorized by a candidate shall file a report for the quarter ending September 30 no later than October 15. 52 U.S.C. § 30104(a) and 11 C.F.R. § 104.5(c)(1)(i). 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 March 23, 2021, the Commission received the written response (“challenge”) from the Committee explaining it believed it was in compliance with the Commission’s reporting requirements for the 2020 October Quarterly Report. The challenge states that the previous reports preparer left the organization, and a new Committee Representative became responsible for the Committee’s filings in September 2020. The Committee Representative was unaware that the Committee was required to file electronically, and with the failure of his computer’s hard drive which contained the FECFile software, he experienced an unforeseen circumstance beyond his control prior to the October 15, 2020 filing deadline.

The Committee explains that upon recognizing it would not be able to electronically file the report by the deadline, it mailed a paper version of the report to the FEC. The Committee mailed the report via USPS Certified Mail on October 13, 2020 and received notification of delivery on October 22, 2020. The Committee notes it received a late filing notice on October 16, 2020, but the Committee Representative believed the Committee was in compliance after the Commission’s October 22 receipt of the paper filing. The Committee states it received no further correspondence from the Commission indicating noncompliance. Further, the Committee Representative was not aware of the electronic filing requirement until he called RAD for assistance with FECFile on his new computer. On December 8, 2020, a RAD Analyst helped the Committee Representative electronically file the 2020 October Quarterly Report.

The Committee requests the Commission waive the civil penalty given its belief that it had made best efforts to timely and correctly file the report. The Committee also states previous reports were timely filed, and it has successfully electronically filed recent reports. Finally, the Committee also notes that it considers the amount of the penalty to be disproportionate to the size of the Committee given this report contains most of its activity from the last few years.

## Analysis

The challenge contends that a new Committee Representative took over reporting responsibilities in September 2020, and he then experienced an unforeseen circumstance with a computer failure prior to the filing deadline. The Committee submitted its 2020 October Quarterly Report on paper because the Committee Representative was unaware that the report must be filed electronically.

Political committees required to file reports with the Commission must file in an electronic format if they have received contributions or made expenditures totaling over \$50,000 in a calendar year. 52 U.S.C. § 30104(a)(11) and 11 C.F.R. § 104.18(a). Pages 51-52 of the Commission’s *Campaign Guide for Nonconnected Committees* explain the electronic filing requirements as follows:

A nonconnected committee must file all reports and statements electronically if it raises or spends more than \$50,000 in any calendar year, or expects to do so. Committees that are required to file electronically, but that file on paper or fail to file, will be considered nonfilers and may be subject to enforcement action. 104.18(a)(2).

The Committee previously exceeded the mandatory electronic filing threshold with its 2020 April Quarterly Report. Therefore, all subsequent reports for that calendar year and the two following calendar years are required to be filed in an electronic format. 11 C.F.R. § 104.18(a).

The Committee acknowledges that it received one notification related to the late filing of the 2020 October Quarterly Report. Commission records indicate the Committee is referring to the late notification email sent by the Commission's Electronic Filing Office ("EFO") on October 16, 2020 because the report had not yet been filed. EFO sent the notification to ablock@iwla.com, rshah@iwla.com, and smccalin@iwla.com, the email addresses listed on the Committee's Statement of Organization and used to upload electronic reports. However, the Committee notes that it disregarded this notification after receiving confirmation that its paper submission was delivered to the Commission on October 22, 2020.

The Committee contends that it never received any notification from the Commission indicating the paper filing was inadequate and an electronic filing was necessary. However, Commission records indicate otherwise. On October 28, 2020, RAD sent a notification to alert the respondents that the paper version of the 2020 October Quarterly Report was not considered filed, and it must be filed in an electronic format. The notification was sent via email to rshah@iwla.com and smccalin@iwla.com, the email addresses listed on the Committee's Statement of Organization. Furthermore, on October 30, 2020, RAD sent the non-filer notification to the same email addresses, again indicating the 2020 October Quarterly Report was considered not filed. Therefore, the Committee should have known that its paper submission of the 2020 October Quarterly Report was not accepted as an official filing, and the report was considered not filed.

The Committee also explains that it was not aware the report must be electronically filed until the Committee Representative called RAD to request assistance with FECFile on his new computer. According to RAD telephone logs, the Committee Representative called the RAD Analyst on December 7, 2020, in response to receiving a late notification.<sup>1</sup> During the call, the Committee Representative explained that the Committee had not had access to its data file since August 2020, when the Committee's previous reports preparer left the organization.<sup>2</sup> On December 8, 2020, the following day, the RAD Analyst assisted the Committee Representative with the process of rebuilding the data file and filing the report. The Committee electronically filed the 2020 October Quarterly Report the same day.

The Reviewing Officer recognizes that the Committee Representative may not have had access to the Committee's data file upon taking over filing responsibilities in September 2020, and subsequent computer failures prevented him from rebuilding the Committee's data file prior to the October 15, 2020 filing deadline. The Reviewing Officer also recognizes the Committee Representative attempted to file a paper submission of the report because he was unaware of the Committee's requirement to electronically file. However, inexperience or unavailability of the treasurer or staff, and committee computer/software failures are specifically included at 11 C.F.R. § 111.35(d) as examples of circumstances that will not be considered reasonably

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<sup>1</sup> Commission records indicate the Committee is referring to the late notification email sent by EFO on 12/4/20 because the 2020 Post-General Report, due 12/3/20, had not yet been filed.

<sup>2</sup> There are no Commission records that indicate the Committee contacted Commission staff for assistance in rebuilding their data file prior to December 7, 2020.

unforeseen and beyond the respondents' control. Therefore, the "best efforts" defense does not succeed, and the Reviewing Officer recommends that the Commission make a final determination that the respondents violated 52 U.S.C. § 30104(a).

Finally, the Committee requests that the civil penalty be waived, as the amount of activity disclosed on the 2020 October Quarterly Report is significantly higher than other reporting periods. The Reviewing Officer confirms the calculation of the civil money penalty at RTB is correct and in accordance with the schedule of penalties for election sensitive reports at 11 C.F.R. § 111.43(b). The 2020 October Quarterly Report discloses \$0 in total receipts and \$95,000 in total disbursements during the reporting period. Therefore, the level of activity for the 2020 October Quarterly reporting period is \$95,000. 11 C.F.R § 111.43(d)(3). Using the schedule of penalties at 11 C.F.R § 111.43(b), the Reviewing Officer confirms a penalty of \$5,916 should be assessed.

The challenge fails to adequately address any of the three valid grounds at 11 C.F.R § 111.35(b). These are: (i) the RTB finding is based on factual errors; and/or (ii) the improper calculation of the civil money penalty; and/or (iii) they used best efforts to file on time but were prevented from doing so by reasonably unforeseen circumstances that were beyond their control and they filed the report no later than 24 hours after the end of these circumstances. 11 C.F.R. § 111.35(b). Therefore, the Reviewing Officer recommends that the Commission make a final determination that the respondents violated 52 U.S.C. § 30104(a) and assess a civil money penalty of \$5,916.

### **OAR Recommendations**

1. Adopt the Reviewing Officer recommendation for AF# 3944 involving International Warehouse Logistics Association PAC and Steve Dehaan, in his official capacity as Treasurer, in making the final determination;
2. Make a final determination in AF# 3944 that International Warehouse Logistics Association PAC and Steve Dehaan, in his official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess a civil money penalty of \$5,916; and
3. Send the appropriate letter.

### **Attachments**

Attachment 1 –  
 Attachment 2 –  
 Attachment 3 –  
 Attachment 4 –  
 Attachment 5 – Declaration from RAD  
 Attachment 6 – Declaration from OAR

**DECLARATION OF KRISTIN D. ROSER**

1. I am the Chief of the Compliance Branch for the Reports Analysis Division of the Federal Election Commission (“Commission”). In my capacity as Chief of the Compliance Branch, I oversee the initial processing of the Administrative Fine Program. I make this declaration based on my personal knowledge and, if called upon as a witness, could and would testify competently to the following matters.
2. It is the practice of the Reports Analysis Division to document all calls to or from committees regarding a letter they receive or any questions relating to the FECFile software or administrative fine regulations, including due dates of reports and filing requirements.
3. I hereby certify that documents identified herein are true and accurate copies of the following sent by the Commission to International Warehouse Logistics Association PAC:
  - A) Miscellaneous Notice for Paper Report, dated October 28, 2020, referencing the paper filed 2020 October Quarterly Report, received on October 13, 2020 (sent via electronic mail to shah@iwla.com and smcclain@iwla.com);
  - B) Non-Filer Letter, dated October 30, 2020, referencing the 2020 October Quarterly Report (sent via electronic mail to: rshah@iwla.com and smcclain@iwla.com);
  - C) Reason-to-Believe Letter, dated February 8, 2021, referencing the 2020 October Quarterly Report (sent via electronic mail to: rshah@iwla.com and smcclain@iwla.com).
4. I hereby certify that I have searched the Commission’s public records and find that International Warehouse Logistics Association PAC electronically filed the 2020 October Quarterly Report with the Commission on December 8, 2020.
5. Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct and that all relevant telecoms for the matter have been provided. This declaration was executed on the 26<sup>th</sup> day of April, 2021.

*Kristin D. Roser*

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



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

MS-P

October 28, 2020

DEHAAN, STEVE, TREASURER  
INTERNATIONAL WAREHOUSE LOGISTICS  
ASSOCIATION PAC  
2800 S RIVER ROAD SUITE 260  
DES PLAINES, IL 60018

IDENTIFICATION NUMBER: C00303032

REFERENCE: OCTOBER QUARTERLY REPORT (07/01/2020 - 09/30/2020),  
RECEIVED 10/13/2020

Dear Treasurer:

Your Committee has failed to file the above-referenced report in an electronic format. 11 CFR §104.18 states that any committee that receives contributions or makes expenditures in excess of \$50,000 in the current calendar year, or that has reason to expect to do so, must submit its reports electronically. Once filers exceed the \$50,000 threshold, they have "reason to expect" to exceed the threshold in the following two calendar years. Alternatively, committees that have not met the electronic filing threshold but instead voluntarily files reports electronically must continue to file electronically for the remainder of the calendar year.

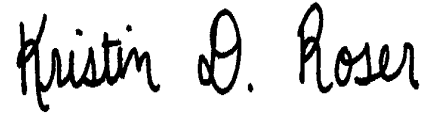
It is important that you file this report in an electronic format immediately with the Federal Election Commission. Any filer who is required to file electronically, but instead files on paper, will be considered a nonfiler and may be subject to enforcement action under the Administrative Fine Program. Your reporting obligation will not be satisfied until you file the above-referenced report in an electronic format. The civil money 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, please contact Jackie Gausepohl in the Reports Analysis Division on the toll free number, (800) 424-9530 (at the prompt press 5 to reach the Reports Analysis Division). Her local number is (202) 694-1277.

INTERNATIONAL WAREHOUSE LOGISTICS ASSOCIATION PAC

Page 2 of 2

Sincerely,

A handwritten signature in black ink that reads "Kristin D. Roser". The signature is written in a cursive style with a large, prominent 'K' and 'R'.

Kristin Roser  
Chief, Compliance Branch  
Reports Analysis Division

223



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RQ-7

October 30, 2020

DEHAAN, STEVE, TREASURER  
INTERNATIONAL WAREHOUSE LOGISTICS ASSOCIATION PAC  
2800 S RIVER ROAD  
SUITE 260  
DES PLAINES, IL 60018

IDENTIFICATION NUMBER: C00303032

REFERENCE: OCTOBER QUARTERLY REPORT (07/01/2020 - 09/30/2020)

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 or failed to file a report covering the entire reporting period as required by the Federal Election Campaign Act, as amended. 52 U.S.C. §30104(a)

It is important that you file this report immediately 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 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](http://www.fec.gov).

The failure to timely file this report may result in civil money penalties, suspension of

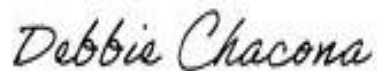
## INTERNATIONAL WAREHOUSE LOGISTICS ASSOCIATION PAC

Page 2 of 2

matching funds payments, an audit or 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. Due to heightened security screening measures, delivery of mail by the US Postal Service may be delayed. The Commission recommends that you submit your report via overnight delivery or courier service.

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

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 committee not authorized by a candidate shall file, in an election year, a report for the quarter 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.
- 3) I hereby certify that I have searched the Commission’s public records and that the documents identified herein are the true and accurate copies of:
  - a) Cover, Summary, Detailed Summary, Envelope, and Envelope Replacement Pages of the Miscellaneous Report filed by International Warehouse Logistics Association PAC on October 22, 2020.
  - b) Cover, Summary, and Detailed Summary Pages of the 2020 October Quarterly Report filed by International Warehouse Logistics Association PAC. The report includes the coverage period of July 1, 2020 through September 30, 2020 and was electronically filed on December 8, 2020.
- 4) Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 21<sup>st</sup> day of May, 2021.

*Rhiannon Magruder*

Rhiannon Magruder  
Reviewing Officer  
Office of Administrative Review  
Federal Election Commission

RECEIVED  
FEC MAIL CENTER  
2020 OCT 22 PM 3:29

FEC  
FORM 3X

REPORT OF RECEIPTS  
AND DISBURSEMENTS  
For Other Than An Authorized Committee

Office Use Only

1. NAME OF COMMITTEE (in full)

TYPE OR PRINT ▼

Example: If typing, type over the lines.

12FE4M5

INTERNATIONAL WAREHOUSE LOGISTICS ASSOCIATION  
PAC

ADDRESS (number and street)

2800 S RIVER ROAD



Check if different than previously reported. (ACC)

SUITE 260

DES PLAINES

IL

60018

2. FEC IDENTIFICATION NUMBER ▼

CITY ▲

STATE ▲

ZIP CODE ▲

C 00303032

3. IS THIS REPORT



NEW (N)

OR



AMENDED (A)

4. TYPE OF REPORT

(Choose One)

(a) Quarterly Reports:



April 15 Quarterly Report (Q1)



July 15 Quarterly Report (Q2)



October 15 Quarterly Report (Q3)



January 31 Year-End Report (YE)



July 31 Mid-Year Report (Non-election Year Only) (MY)



Termination Report (TER)

(b) Monthly Report Due On:



Feb 20 (M2)



May 20 (M5)



Aug 20 (M8)



Nov 20 (M11) (Non-Election Year Only)



Mar 20 (M3)



Jun 20 (M6)



Sep 20 (M9)



Dec 20 (M12) (Non-Election Year Only)



Apr 20 (M4)



Jul 20 (M7)



Oct 20 (M10)



Jan 31 (YE)

(c) 12-Day PRE-Election Report for the:



Primary (12P)



General (12G)



Runoff (12R)



Convention (12C)



Special (12S)

Election on

MEM /

DD /

YYYYYY

in the State of

(d) 30-Day POST-Election Report for the:



General (30G)



Runoff (30R)



Special (30S)

Election on

MEM /

DD /

YYYYYY

in the State of

5. Covering Period

MEM / DD / YYYYYY  
07 / 01 / 2020

MEM / DD / YYYYYY  
01 / 30 / 2020

MEM / DD / YYYYYY  
09 / 30 / 2020

through

MEM / DD / YYYYYY  
09 / 30 / 2020

MEM / DD / YYYYYY  
10 / 30 / 2020

MEM / DD / YYYYYY  
10 / 30 / 2020

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

Type or Print Name of Treasurer Steve DeHaan

Signature of Treasurer

Date

MEM / DD / YYYYYY  
10 / 13 / 2020

MEM / DD / YYYYYY  
10 / 13 / 2020

MEM / DD / YYYYYY  
10 / 13 / 2020

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 52 U.S.C. § 30109.

Office Use Only									
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FEC FORM 3X  
Rev. 05/2016

**SUMMARY PAGE  
OF RECEIPTS AND DISBURSEMENTS**

FEC Form 3X (Rev. 05/2016)

Page 2

Write or Type Committee Name

Report Covering the Period: From:

MM / DD / YYYY  
07 / 01 / 2020

To:

MM / DD / YYYY  
09 / 30 / 2020

	COLUMN A This Period	COLUMN B Calendar Year-to-Date
6. (a) Cash on Hand January 1, <span style="border: 1px solid black; padding: 2px;">YYYYYY 2020</span>		<span style="border: 1px solid black; padding: 2px;">4784421</span>
(b) Cash on Hand at Beginning of Reporting Period.....	<span style="border: 1px solid black; padding: 2px;">10044421</span>	
(c) Total Receipts (from Line 19) .....	<span style="border: 1px solid black; padding: 2px;">000</span>	<span style="border: 1px solid black; padding: 2px;">7060000</span>
(d) Subtotal (add Lines 6(b) and 6(c) for Column A and Lines 6(a) and 6(c) for Column B) .....	<span style="border: 1px solid black; padding: 2px;">10044421</span>	<span style="border: 1px solid black; padding: 2px;">11844421</span>
7. Total Disbursements (from Line 31) .....	<span style="border: 1px solid black; padding: 2px;">9500000</span>	<span style="border: 1px solid black; padding: 2px;">11300000</span>
8. Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d)) .....	<span style="border: 1px solid black; padding: 2px;">544421</span>	<span style="border: 1px solid black; padding: 2px;">544421</span>
9. Debts and Obligations Owed TO the Committee (Itemize all on Schedule C and/or Schedule D) .....	<span style="border: 1px solid black; padding: 2px;">000</span>	
10. Debts and Obligations Owed BY the Committee (Itemize all on Schedule C and/or Schedule D) .....	<span style="border: 1px solid black; padding: 2px;">000</span>	

This committee has qualified as a multicandidate committee. (see FEC FORM 1M)

**For further information contact:**

Federal Election Commission  
1050 First Street, N.E.  
Washington, DC 20463

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

DETAILED SUMMARY PAGE of Receipts

FEC Form 3X (Rev. 05/2016)

Page 3

Write or Type Committee Name

Report Covering the Period: From: 07 / 01 / 2020 To: 09 / 30 / 2020

I. Receipts

COLUMN A Total This Period

COLUMN B Calendar Year-to-Date

11. Contributions (other than loans) From:

(a) Individuals/Persons Other Than Political Committees

(i) Itemized (use Schedule A).....

0.00

65,600.00

(ii) Unitemized.....

0.00

0.00

(iii) TOTAL (add Lines 11(a)(i) and (ii)).....

0.00

65,600.00

(b) Political Party Committees.....

0.00

0.00

(c) Other Political Committees (such as PACs).....

0.00

5,000.00

(d) Total Contributions (add Lines 11(a)(iii), (b), and (c)) (Carry Totals to Line 33, page 5).....

0.00

70,600.00

12. Transfers From Affiliated/Other Party Committees.....

0.00

0.00

13. All Loans Received.....

0.00

0.00

14. Loan Repayments Received.....

0.00

0.00

15. Offsets To Operating Expenditures (Refunds, Rebates, etc.) (Carry Totals to Line 37, page 5).....

0.00

0.00

16. Refunds of Contributions Made to Federal Candidates and Other Political Committees.....

0.00

0.00

17. Other Federal Receipts (Dividends, Interest, etc.).....

0.00

0.00

18. Transfers from Non-Federal and Levin Funds

(a) Non-Federal Account (from Schedule H3).....

0.00

0.00

(b) Levin Funds (from Schedule H5).....

0.00

0.00

(c) Total Transfers (add 18(a) and 18(b))..

0.00

0.00

19. Total Receipts (add Lines 11(d), 12, 13, 14, 15, 16, 17, and 18(c)).....

0.00

70,600.00

20. Total Federal Receipts (subtract Line 18(c) from Line 19).....

0.00

70,600.00

**DETAILED SUMMARY PAGE**  
of Disbursements

FEC Form 3X (Rev. 05/2016)

Page 4

II. Disbursements	COLUMN A Total This Period	COLUMN B Calendar Year-to-Date
21. Operating Expenditures:		
(a) Allocated Federal/Non-Federal Activity (from Schedule H4)		
(i) Federal Share .....	0.00	0.00
(ii) Non-Federal Share .....	0.00	0.00
(b) Other Federal Operating Expenditures .....	0.00	0.00
(c) Total Operating Expenditures (add 21(a)(i), (a)(ii), and (b)) .....	0.00	0.00
22. Transfers to Affiliated/Other Party Committees .....	0.00	0.00
23. Contributions to Federal Candidates/Committees and Other Political Committees .....	95,000.00	113,000.00
24. Independent Expenditures (use Schedule E) .....	0.00	0.00
25. Coordinated Party Expenditures (52 U.S.C. § 30116(d)) (use Schedule F) .....	0.00	0.00
26. Loan Repayments Made .....	0.00	0.00
27. Loans Made .....	0.00	0.00
28. Refunds of Contributions To:		
(a) Individuals/Persons Other Than Political Committees .....	0.00	0.00
(b) Political Party Committees .....	0.00	0.00
(c) Other Political Committees (such as PACs) .....	0.00	0.00
(d) Total Contribution Refunds (add Lines 28(a), (b), and (c)) .....	0.00	0.00
29. Other Disbursements (Including Non-Federal Donations) .....	0.00	0.00
30. Federal Election Activity (52 U.S.C. § 30101(20))		
(a) Allocated Federal Election Activity (from Schedule H6)		
(i) Federal Share .....	0.00	0.00
(ii) "Levin" Share .....	0.00	0.00
(b) Federal Election Activity Paid Entirely With Federal Funds .....	0.00	0.00
(c) Total Federal Election Activity (add Lines 30(a)(i), 30(a)(ii) and 30(b)) .....	0.00	0.00
31. Total Disbursements (add Lines 21(c), 22, 23, 24, 25, 26, 27, 28(d), 29 and 30(c)) ..	95,000.00	113,000.00
32. Total Federal Disbursements (subtract Line 21(a)(ii) and Line 30(a)(ii) from Line 31) .....	95,000.00	113,000.00

DETAILED SUMMARY PAGE  
of Disbursements

III. Net Contributions/ Operating Expenditures	COLUMN A Total This Period	COLUMN B Calendar Year-to-Date
33. Total Contributions (other than loans) (from Line 11(d), page 3) .....	0.00	70600.00
34. Total Contribution Refunds (from Line 28(d)) .....	0.00	0.00
35. Net Contributions (other than loans) (subtract Line 34 from Line 33) .....	0.00	70600.00
36. Total Federal Operating Expenditures (add Line 21(a)(i) and Line 21(b)) .....	0.00	0.00
37. Offsets to Operating Expenditures (from Line 15, page 3) .....	0.00	0.00
38. Net Operating Expenditures (subtract Line 37 from Line 36) .....	0.00	0.00

NOV 10 10 00 AM '08



2800 S. River Road, Suite 260  
Des Plaines, Illinois 60018  
www.IWLA.com

for Warehouse Logistics

**CERTIFIED MAIL**



0001 0178 1542



NEOPOST FIRST-CLASS  
10/13/2020  
**US POSTAGE \$004.94**



ZIP 6001  
041L10259

FEDERAL ELECTION COMMISSION  
1050 FIRST STREET, N.E.  
WASHINGTON, DC 20463

RECEIVED  
FEC MAIL CENTER  
2020 OCT 22 PM 3:29

Attachment 6  
7 of 13

Federal Election Commission  
**ENVELOPE REPLACEMENT PAGE FOR INCOMING DOCUMENTS**  
 The FEC added this page to the end of this filing to indicate how it was received.

<input type="checkbox"/> Hand Delivered	Date of Receipt
<input type="checkbox"/> USPS First Class Mail	Postmarked Date of Receipt
<input checked="" type="checkbox"/> USPS Registered/Certified	Postmarked (R/C) 10/13/20
<input type="checkbox"/> USPS Priority Mail	Postmarked
<input type="checkbox"/> USPS Priority Mail Express	Postmarked
<input type="checkbox"/> Postmark Illegible	
<input type="checkbox"/> No Postmark	
<input type="checkbox"/> Overnight Delivery Service (Specify):	Shipping Date
	Next Business Day Delivery <input type="checkbox"/>
<input type="checkbox"/> Received from House Records & Registration Office	Date of Receipt
<input type="checkbox"/> Received from Senate Public Records Office	Date of Receipt
<input type="checkbox"/> Received from Electronic Filing Office	Date of Receipt
<input type="checkbox"/> Other (Specify):	Date of Receipt or Postmarked
PREPARER <i>SPM</i> (3/2015)	DATE PREPARED 10/23/20

2020 OCT 23 10:01 AM



**SUMMARY PAGE  
OF RECEIPTS AND DISBURSEMENTS**

FEC Form 3X (Rev. 05/2016)

Page 2

Write or Type Committee Name

**INTERNATIONAL WAREHOUSE LOGISTICS ASSOCIATION PAC**

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

	COLUMN A This Period	COLUMN B Calendar Year-to-Date
6. (a) Cash on Hand January 1, <input type="text" value="2020"/>		47844.21
(b) Cash on Hand at Beginning of Reporting Period.....	100444.21	
(c) Total Receipts (from Line 19) .....	0.00	70600.00
(d) Subtotal (add Lines 6(b) and 6(c) for Column A and Lines 6(a) and 6(c) for Column B).....	100444.21	118444.21
7. Total Disbursements (from Line 31).....	95000.00	113000.00
8. Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d)).....	5444.21	5444.21
9. Debts and Obligations Owed TO the Committee (Itemize all on Schedule C and/or Schedule D).....	0.00	
10. Debts and Obligations Owed BY the Committee (Itemize all on Schedule C and/or Schedule D).....	0.00	

This committee has qualified as a multicandidate committee. (see FEC FORM 1M)

**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 3X (Rev. 05/2016)

Page 3

Write or Type Committee Name

INTERNATIONAL WAREHOUSE LOGISTICS ASSOCIATION PAC

Report Covering the Period: From: 07 / 01 / 2020 To: 09 / 30 / 2020

I. Receipts	COLUMN A Total This Period	COLUMN B Calendar Year-to-Date
11. Contributions (other than loans) From:		
(a) Individuals/Persons Other Than Political Committees		
(i) Itemized (use Schedule A).....	0.00	65600.00
(ii) Unitemized .....	0.00	0.00
(iii) TOTAL (add Lines 11(a)(i) and (ii)).....▶	0.00	65600.00
(b) Political Party Committees .....	0.00	0.00
(c) Other Political Committees (such as PACs).....	0.00	5000.00
(d) Total Contributions (add Lines 11(a)(iii), (b), and (c)) (Carry Totals to Line 33, page 5) .....	0.00	70600.00
12. Transfers From Affiliated/Other Party Committees.....	0.00	0.00
13. All Loans Received .....	0.00	0.00
14. Loan Repayments Received.....	0.00	0.00
15. Offsets To Operating Expenditures (Refunds, Rebates, etc.) (Carry Totals to Line 37, page 5).....	0.00	0.00
16. Refunds of Contributions Made to Federal Candidates and Other Political Committees.....	0.00	0.00
17. Other Federal Receipts (Dividends, Interest, etc.).....	0.00	0.00
18. Transfers from Non-Federal and Levin Funds		
(a) Non-Federal Account (from Schedule H3).....	0.00	0.00
(b) Levin Funds (from Schedule H5) .....	0.00	0.00
(c) Total Transfers (add 18(a) and 18(b))..	0.00	0.00
19. Total Receipts (add Lines 11(d), 12, 13, 14, 15, 16, 17, and 18(c)).....▶	0.00	70600.00
20. Total Federal Receipts (subtract Line 18(c) from Line 19).....▶	0.00	70600.00

**DETAILED SUMMARY PAGE**  
of Disbursements

FEC Form 3X (Rev. 05/2016)

Page 4

II. Disbursements	COLUMN A Total This Period	COLUMN B Calendar Year-to-Date
21. Operating Expenditures:		
(a) Allocated Federal/Non-Federal Activity (from Schedule H4)		
(i) Federal Share .....	0.00	0.00
(ii) Non-Federal Share.....	0.00	0.00
(b) Other Federal Operating Expenditures .....	0.00	0.00
(c) Total Operating Expenditures (add 21(a)(i), (a)(ii), and (b)) .....	0.00	0.00
22. Transfers to Affiliated/Other Party Committees.....	0.00	0.00
23. Contributions to Federal Candidates/Committees and Other Political Committees.....	95000.00	113000.00
24. Independent Expenditures (use Schedule E) .....	0.00	0.00
25. Coordinated Party Expenditures (52 U.S.C. § 30116(d)) (use Schedule F).....	0.00	0.00
26. Loan Repayments Made.....	0.00	0.00
27. Loans Made.....	0.00	0.00
28. Refunds of Contributions To:		
(a) Individuals/Persons Other Than Political Committees .....	0.00	0.00
(b) Political Party Committees .....	0.00	0.00
(c) Other Political Committees (such as PACs).....	0.00	0.00
(d) Total Contribution Refunds (add Lines 28(a), (b), and (c)).....	0.00	0.00
29. Other Disbursements (Including Non-Federal Donations).....	0.00	0.00
30. Federal Election Activity (52 U.S.C. § 30101(20))		
(a) Allocated Federal Election Activity (from Schedule H6)		
(i) Federal Share .....	0.00	0.00
(ii) "Levin" Share.....	0.00	0.00
(b) Federal Election Activity Paid Entirely With Federal Funds .....	0.00	0.00
(c) Total Federal Election Activity (add Lines 30(a)(i), 30(a)(ii) and 30(b)) .....	0.00	0.00
31. Total Disbursements (add Lines 21(c), 22, 23, 24, 25, 26, 27, 28(d), 29 and 30(c)) ..	95000.00	113000.00
32. Total Federal Disbursements (subtract Line 21(a)(ii) and Line 30(a)(ii) from Line 31).....	95000.00	113000.00

DETAILED SUMMARY PAGE  
of Disbursements

FEC Form 3X (Rev. 05/2016)

Page 5

III. Net Contributions/ Operating Expenditures	COLUMN A Total This Period	COLUMN B Calendar Year-to-Date
33. Total Contributions (other than loans) (from Line 11(d), page 3) .....	0.00	70600.00
34. Total Contribution Refunds (from Line 28(d)) .....	0.00	0.00
35. Net Contributions (other than loans) (subtract Line 34 from Line 33) .....	0.00	70600.00
36. Total Federal Operating Expenditures (add Line 21(a)(i) and Line 21(b)) .....	0.00	0.00
37. Offsets to Operating Expenditures (from Line 15, page 3).....	0.00	0.00
38. Net Operating Expenditures (subtract Line 37 from Line 36) .....	0.00	0.00



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

May 21, 2021

Steve Dehaan, in official capacity as Treasurer  
International Warehouse Logistics Association PAC  
2800 River Road, Suite 260  
Des Plaines, IL 60018

C00303032  
AF# 3944

Dear Mr. Dehaan:

On January 8, 2021, the Federal Election Commission (“the Commission”) found reason to believe (“RTB”) that International Warehouse Logistics Association PAC and you, in your official capacity as Treasurer, violated 52 U.S.C. § 30104(a) for failing to file the 2020 October Quarterly Report. The Commission also made a preliminary determination that the civil money penalty was \$5,916 based on the schedule of penalties at 11 C.F.R. § 111.43.

After reviewing your written response and any supplemental information submitted by you and Commission staff, the Reviewing Officer has recommended that the Commission make a final determination and assess a civil money penalty. A copy of the Reviewing Officer’s recommendation is attached.

You may file with the Commission Secretary a written response to the recommendation within 10 days of the date of this letter. Please note, the agency’s offices remain closed to visitors and most of its employees will continue to telework in an effort to limit the spread of coronavirus (COVID-19). The Commission is processing some documents submitted by mail, though processing will not occur on a daily basis until the agency resumes normal mail operations. Nevertheless, if you choose to submit a response to the recommendation, it must be received on time. Thus, all written responses and supporting documentation should be converted to PDF (Portable Document Format) and must be emailed to the Commission Secretary at [secretary@fec.gov](mailto: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



The Resource for Warehouse Logistics

2800 S. River Road, Suite 260  
Des Plaines, Illinois 60018  
www.IWLA.com

P: 847.813.4699  
F: 847.813.0115  
E: mail@IWLA.com

May 27, 2021

Federal Election Commission  
Office of Administrative Review  
Washington, DC 20463

To Whom It May Concern,

This letter is a written response to the recommendation of AF#3944. My name is Robert Budo and I am the accounting manager for International Warehouse Logistics Association (C00303032). I took over control of the IWLA PAC in September of 2020 after the individual who did the filings previous left our organization. Our association due to COVID has been affected quite a bit with our staff being down more than 30%. Due to being short staffed, this was my first time filing for the committee.

Our filing date was October 15<sup>th</sup> and I experienced a hard drive failure the week before the filing. This computer was the only computer with the FEC program on it. Because of this, I needed to get a new computer up and running. This was happening during COVID and individuals working remotely which made the process difficult and slower than normal. Since I wanted to make sure that I got the filing done on time, my only option was to file via paper so I could comply with the FEC guidelines. I mailed the forms on October 13<sup>th</sup> via certified mail. I cannot explain why the delivery took 10 days to be delivered but the package was delivered and received on October 22.

After we mailed the filing, our committee believed we were in good standing. We understand that e-mails were sent out to inform us, but these notices were sent to incorrect e-mail addresses and not received by us. Since they never reached the appropriate people, we were unaware that you would reject our paper filing and consider it not received even though it was in your possession. I discovered we were non-compliant when I called the FEC for help in setting up the FEC software on my new computer. Once I talked to the FEC, we immediately corrected the filing and filed it electronically.

I am writing this because our committee believes, looking at the facts above, that we should not have to pay a fine or fee. In our view, the filing was completed on time and received by the Commission. Prior to this filing, we have had zero issues with filing and our last two reports have been filed electronically with zero issues. Having this fine will affect our Committee as well as our Association help our members have their voices heard. I appreciate you taking the time reading this and taking our case under review.

Sincerely,

A handwritten signature in blue ink that reads "Robert Budo". The signature is written in a cursive style and is positioned above the printed name.

Robert Budo



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

**SENSITIVE**

June 14, 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# 3944 – International Warehouse Logistics Association PAC and Steve Dehaan, in his official capacity as Treasurer (C00303032)

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 October Quarterly Report and made a preliminary determination that the civil money penalty was \$5,916 based on the schedule of penalties at 11 C.F.R. § 111.43.

On March 23, 2021, the Commission received their written response (“challenge”). After reviewing the challenge, the Reviewing Officer Recommendation (“ROR”) dated May 21, 2021 was forwarded to the Commission, a copy was forwarded to the respondents, and is hereby incorporated by reference. The Reviewing Officer determined the respondents’ “best efforts” defense did not succeed because inexperience or unavailability of the treasurer or staff, and committee computer/software failures are specifically included at 11 C.F.R. § 111.35(d) as examples of circumstances that will not be considered reasonably unforeseen and beyond the respondents’ control. The Reviewing Officer also confirmed the calculation of the civil penalty at RTB was correct. Therefore, the Reviewing Officer recommended that the Commission make a final determination that the respondents violated 52 U.S.C. § 30104(a) and assess a \$5,916 civil money penalty.

Within 10 days of transmittal of the recommendation, the respondents may file a written response with the Commission Secretary which may not raise any arguments not raised in their challenge or not directly responsive to the ROR. 11 C.F.R. § 111.36(f). On May 27, 2021, the

Commission received their response. *See* Attachment 1. The response reiterates the points made in the original challenge, noting the Committee submitted a paper version of the 2020 October Quarterly Report because of a computer failure, and the new Committee Representative was unaware the Committee was required to file reports electronically.

In addition, the response further explains the impacts of COVID-19 on Committee operations. Specifically, the response notes staffing shortages which led to the Committee Representative assuming reporting responsibilities beginning with the report in question. Further, the response notes that impacts of COVID-19 and a remote workforce caused difficulty and delays in getting the Committee Representative's new computer up and running. Finally, the response also states that Commission emails noted in the ROR "...never reached the appropriate people..."<sup>1</sup>

As stated in the ROR, inexperience or unavailability of the treasurer or staff, and committee computer/software failures are specifically included at 11 C.F.R. § 111.35(d) as examples of circumstances that will not be considered reasonably unforeseen and beyond the respondents' control. Therefore, a "best efforts" defense with respect to the Committee Representative's inexperience, not knowing the mandatory electronic filing requirement, or computer failure does not succeed.

While not directly presented as part of the "best efforts" defense in the original challenge or response to the ROR, the Reviewing Officer recognizes COVID-19 and its related impacts may be considered a reasonably unforeseen circumstance beyond a committee's control. 11 C.F.R. § 111.35. The "best efforts" defense is a two-part test: the respondents used best efforts to file on time but were prevented from doing so by reasonably unforeseen circumstances that were beyond their control, and they filed the report no later than 24 hours after the end of these circumstances.

The Commission states in its *Explanation and Justification for Revised 11 CFR § 111.35(b)(3) – "Best Efforts" Defense*, 72 Fed. Reg. 14662, 14664-14666 (Mar. 29, 2007) that respondents must show

...that the reasonably unforeseen circumstances in fact *prevented* the timely and proper filing of the required report...[T]his rule requires a strict causal relationship between the circumstances described in the challenge...and the respondent's inability to file the report timely. It is not sufficient for reasonably unforeseen circumstances to make it merely more difficult than usual for the respondent to file on time. The circumstance must cause the respondent to be *unable* to file in a timely and proper manner, despite the respondent attempting to use all available methods of filing. (emphasis included)

However, the Committee did not demonstrate that the circumstances directly *prevented* the respondents from filing the report. Nor did the respondents demonstrate that they filed the report no later than 24 hours after the end of a circumstance considered to be unforeseen and beyond the

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<sup>1</sup>To date, the Committee has not filed an Amended Statement of Organization to update the email addresses of record.

respondents' control. Therefore, a "best efforts" defense with respect to COVID-19 also does not succeed.

The information received in the Committee's response does not change the analysis or recommendations in the ROR. The Reviewing Officer recommends that the Commission make a final determination that the respondents violated 52 U.S.C. § 30104(a) and assess a civil money penalty of \$5,916.

### **OAR Recommendations**

1. Adopt the Reviewing Officer recommendation for AF# 3944 involving International Warehouse Logistics Association PAC and Steve Dehaan, in his official capacity as Treasurer, in making the final determination;
2. Make a final determination in AF# 3944 that International Warehouse Logistics Association PAC and Steve Dehaan, in his official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess a civil money penalty of \$5,916; and
3. Send the appropriate letter.

## BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 ) AF 3944  
 Final Determination Recommendation: )  
 International Warehouse Logistics )  
 Association PAC and Steve Dehaan, in )  
 his official capacity as Treasurer )  
 (C00303032) )

CERTIFICATION

I, Laura E. Sinram, Acting Secretary and Clerk of the Federal Election Commission, do hereby certify that on June 23, 2021, the Commission decided by a vote of 4-1 to take the following actions in AF 3944:

1. Adopt the Reviewing Officer recommendation for AF# 3944 involving International Warehouse Logistics Association PAC and Steve Dehaan, in his official capacity as Treasurer, in making the final determination.
2. Make a final determination in AF# 3944 that International Warehouse Logistics Association PAC and Steve Dehaan, in his official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess a civil money penalty of \$5,916.
3. Send the appropriate letter.

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



Attest:

**Laura  
Sinram**

Laura E. Sinram  
Acting Secretary and Clerk of the  
Commission

Digitally signed by  
Laura Sinram  
Date: 2021.06.24  
14:28:05 -04'00'



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

June 25, 2021

Steve Dehaan, in official capacity as Treasurer  
International Warehouse Logistics Association PAC  
2800 River Road, Suite 260  
Des Plaines, IL 60018

C00303032  
AF# 3944

Dear Mr. Dehaan,

On January 8, 2021, the Federal Election Commission (“the Commission”) found reason to believe (“RTB”) that International Warehouse Logistics Association PAC and you, in your official capacity as Treasurer, violated 52 U.S.C. § 30104(a) for failing to file the 2020 October Quarterly Report. By letter dated February 8, 2021, the Commission sent notification of the RTB finding that included a civil money penalty calculated at RTB of \$5,916 in accordance with the schedule of penalties at 11 C.F.R. § 111.43. On March 23, 2021, the Office of Administrative Review received your written response challenging the RTB finding.

The Reviewing Officer reviewed the Commission’s RTB finding with its supporting documentation and your written response. Based on this review, the Reviewing Officer recommended that the Commission make a final determination that International Warehouse Logistics Association PAC and you, in your official capacity as Treasurer, violated 52 U.S.C. § 30104(a), and assess a civil money penalty in the amount of \$5,916 in accordance with 11 C.F.R. § 111.43. The Reviewing Officer Recommendation was sent to you on May 21, 2021.

On June 23, 2021, the Commission adopted the Reviewing Officer’s recommendation and made a final determination that International Warehouse Logistics Association PAC 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 October Quarterly Report (\$95,000), assessed a civil money penalty in the amount of \$5,916. A copy of the Final Determination Recommendation is attached.

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

**1. If You Choose to Appeal the Final Determination and/or Civil Money Penalty**

If you choose to appeal the final determination, you should submit a written petition, within 30 days of receipt of this letter, to the U.S. District Court for the district in which the committee

or you reside, or transact business, requesting that the final determination be modified or set aside. See 52 U.S.C. § 30109(a)(4)(C)(iii). Your failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver of the respondents' right to present such argument in a petition to the district court under 52 U.S.C. § 30109. 11 CFR § 111.38.

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

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA") as amended by the Debt Collection Improvement Act of 1996 ("DCIA"), 31 U.S.C. § 3701 *et seq.* If you do not pay this debt within 30 days (or file a written petition to a federal district court - see below), the Commission will transfer the debt to the U.S. Department of the Treasury ("Treasury") for collection. Within 5 days of the transfer to Treasury, Treasury will contact you to request payment. Treasury currently charges a fee of 30% of the civil money penalty amount for its collection services. If the age of the debt is greater than or equal to two years old, Treasury will charge a fee of 32% of the civil money penalty amount for its collection services. The fee will be added to the amount of the civil money penalty that you owe. Should Treasury's attempts fail, Treasury will refer the debt to a private collection agency ("PCA"). If the debt remains unpaid, Treasury may recommend that the Commission refer the matter to the Department of Justice for litigation.

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

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

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

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

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

### **4. Partial Payments**

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

### **5. Settlement Offers**

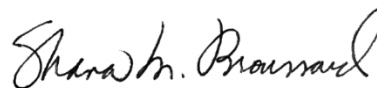
Any offer to settle or compromise a debt owed to the Commission, including a payment in an amount less than the civil money penalty assessed or any restrictive endorsements contained on

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

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

If you have any questions regarding the payment of the civil money penalty, please contact Rhiannon Magruder on our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1158.

On behalf of the Commission,



Shana M. Broussard  
Chair

Attachment

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**ADMINISTRATIVE FINE PAYMENT INSTRUCTIONS**

In accordance with the schedule of penalties at 11 CFR § 111.43, the amount of your civil money penalty calculated at final determination is \$5,916 for the 2020 October Quarterly Report.

You may remit payment by ACH withdrawal from your bank account, or by debit or credit card through Pay.gov, the federal government's secure portal for online collections. Visit [www.fec.gov/af/pay.shtml](http://www.fec.gov/af/pay.shtml) to be directed to Pay.gov's Administrative Fine Program Payment form. Please use the details below to complete the required fields. For additional payment options, please contact Rhiannon Magruder on our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

COMMITTEE NAME: International Warehouse Logistics Association PAC

FEC ID#: C00303032

AF#: 3944

PAYMENT AMOUNT DUE: \$5,916