

**RECEIVED**

By Office of the Commission Secretary at 11:55 am, Dec 14, 2020

**SENSITIVE**

FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

December 14, 2020

## MEMORANDUM

TO: The Commission

THROUGH: Alec Palmer *AP*  
Staff Director

FROM: Patricia C. Orrock *PCO*  
Chief Compliance Officer

Debbie Chacona *DC*  
Assistant Staff Director  
Reports Analysis Division

BY: *KDR* *JLS*  
Kristin D. Roser/Jamie Sikorsky  
Reports Analysis Division  
Compliance Branch

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

Attached is a list of political committees and their treasurers who failed to file or timely file the 2020 12 Day Pre-General Report in accordance with 52 U.S.C. § 30104(a). The 12 Day Pre-General Report was due on October 22, 2020. The list is comprised of authorized committees whose candidates sought election in the General Election held on November 3, 2020.

The committees listed on the attached RTB Circulation Report either 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 at 11 CFR 111.43, these committees should be assessed the civil money penalties highlighted on the attached circulation report.

**Recommendation**

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

Federal Election Commission  
Reason to Believe Circulation Report

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
4025	C00723270	BRAD BARRON FOR US SENATE	STEPHEN BRADLEY BARRON	JILL M. BARRON	\$128,789	0		Not Filed	\$128,789 (est)	\$7,395
4026	C00700054	CAMPAIGN TO ELECT ANTOINE PIERCE	ANTOINE PIERCE	ALICE WOODS	\$127,530	0		Not Filed	\$18,219 (est)	\$1,252
4027	C00739573	CITIZENS FOR JADE SIMMONS	JADE SIMMONS	JADE SIMMONS	\$192,954	0	10/29/2020	7	\$15,188	\$300
4028	C00663435	COMMITTEE TO ELECT MAURO GARZA FOR US CONGRESS	MAURO EVERETT GARZA	IRIS ELIZABETH CASTILLO	\$335,402	2	11/3/2020	Not Filed*	\$15,918	\$1,878
4029	C00717025	EMILY ROBINSON FOR CONGRESS	EMILY ROBINSON	EMILY ROBINSON	\$240,480	0		Not Filed	\$120,240 (est)	\$7,395
4030	C00675546	JANICEK FOR SENATE	CHRIS EDWARD JANICEK	MARK THOMAS NIELSEN	\$301,054	0	10/28/2020	6	\$18,365	\$287
4031	C00731380	ROB ANDERSON FOR LOUISIANA	ROBERT JON ANDERSON	ROBERT JON ANDERSON	\$111,632	0		Not Filed	\$55,816 (est)	\$4,437

\*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	)	
	)	
Reason To Believe Recommendation 2020	)	
12 Day Pre-General Report (Authorized	)	
Committees) for the Administrative Fine	)	
Program:	)	
BRAD BARRON FOR US SENATE, and	)	AF# 4025
JILL M BARRON as treasurer;	)	
CAMPAIGN TO ELECT ANTOINE	)	AF# 4026
PIERCE, and WOODS, ALICE as	)	
treasurer;	)	
CITIZENS FOR JADE SIMMONS, and	)	AF# 4027
SIMMONS, JADE as treasurer;	)	
COMMITTEE TO ELECT MAURO	)	AF# 4028
GARZA FOR US CONGRESS, and	)	
CASTILLO, IRIS ELIZABETH MS. as	)	
treasurer;	)	
EMILY ROBINSON FOR CONGRESS,	)	AF# 4029
and ROBINSON, EMILY as treasurer;	)	
JANICEK FOR SENATE, and NIELSEN,	)	AF# 4030
MARK THOMAS as treasurer;	)	
ROB ANDERSON FOR LOUISIANA, and	)	AF# 4031
ANDERSON, ROBERT JON as treasurer;	)	

CERTIFICATION

I, Laura E. Sinram, Acting Secretary and Clerk of the Federal Election Commission, do hereby certify that on January 07, 2021, the Commission took the following actions on the Reason To Believe Recommendation 2020 12 Day Pre-General Report (Authorized Committees) for the Administrative Fine Program as recommended in the Reports Analysis Division's Memorandum dated December 14, 2020, on the following committees:

Federal Election Commission  
Reason To Believe Recommendation 2020  
12 Day Pre-General Report (Authorized  
Committees) for the Administrative Fine  
Program  
January 7, 2021

AF#4025 Decided by a vote of 6-0 to: (1) find reason to believe that BRAD BARRON FOR US SENATE, and JILL M BARRON 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. Commissioners Broussard, Cooksey, Dickerson, Trainor, Walther, and Weintraub voted affirmatively for the decision.

AF#4026 Decided by a vote of 6-0 to: (1) find reason to believe that CAMPAIGN TO ELECT ANTOINE PIERCE, and WOODS, ALICE 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. Commissioners Broussard, Cooksey, Dickerson, Trainor, Walther, and Weintraub voted affirmatively for the decision.

AF#4027 Decided by a vote of 6-0 to: (1) find reason to believe that CITIZENS FOR JADE SIMMONS, and SIMMONS, JADE 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. Commissioners Broussard, Cooksey, Dickerson, Trainor, Walther, and Weintraub voted affirmatively for the decision.

AF#4028 Decided by a vote of 6-0 to: (1) find reason to believe that COMMITTEE TO ELECT MAURO GARZA FOR US CONGRESS, and CASTILLO, IRIS ELIZABETH MS. 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. Commissioners Broussard, Cooksey, Dickerson, Trainor, Walther, and Weintraub voted affirmatively for the decision.

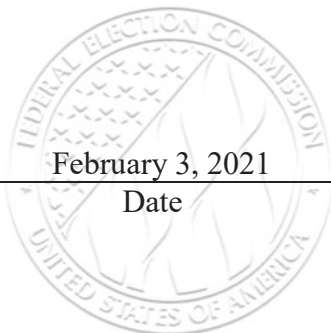
AF#4029 Decided by a vote of 6-0 to: (1) find reason to believe that EMILY ROBINSON FOR CONGRESS, and ROBINSON, EMILY in her official capacity as treasurer violated 52 U.S.C. 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Broussard, Cooksey, Dickerson, Trainor, Walther, and Weintraub voted affirmatively for the decision.

AF#4030 Decided by a vote of 6-0 to: (1) find reason to believe that JANICEK FOR SENATE, and NIELSEN, MARK THOMAS 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  
Reason To Believe Recommendation 2020  
12 Day Pre-General Report (Authorized  
Committees) for the Administrative Fine  
Program  
January 7, 2021

Page 3

AF#4031 Decided by a vote of 6-0 to: (1) find reason to believe that ROB ANDERSON FOR LOUISIANA, and ANDERSON, ROBERT JON in his official capacity as treasurer violated 52 U.S.C. 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Broussard, Cooksey, Dickerson, Trainor, Walther, and Weintraub voted affirmatively for the decision.



Attest:

**Laura  
Sinram**

Digitally signed by Laura  
Sinram  
Date: 2021.02.03  
21:13:05 -05'00'

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Laura E. Sinram  
Acting Secretary and Clerk of the  
Commission



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

AF

February 9, 2021

Mark Thomas Nielsen, in official capacity as Treasurer  
Janicek for Senate  
405 N 40th Street  
Omaha, NE 68131

C00675546  
AF#: 4030

Dear Mr. Nielsen,

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file a 12 Day Pre-General Report of Receipts and Disbursements in a 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 October 1, 2020 through October 14, 2020, shall be filed no later than October 22, 2020. 52 U.S.C. § 30104(a). Records at the Federal Election Commission ("FEC") indicate that this report was filed on October 28, 2020, 6 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 7, 2021, the FEC found that there is reason to believe ("RTB") that Janicek for Senate 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 22, 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 \$287. 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 \$287 is due within forty (40) days of the finding, or by February 16, 2021, and is based on these factors:

Election Sensitivity of Report: Election Sensitive  
Level of Activity: \$18,365  
Number of Days Late: 6  
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**

JANICEK FOR SENATE

Page 2 of 5

If you should decide to challenge the RTB finding and/or calculated civil money penalty, you must submit a written response to the FEC's Office of Administrative Review. Your response must include the AF# (found at the top of page 1 under your committee's identification number) and be received within forty (40) days of the Commission's RTB finding, or February 16, 2021. 11 CFR § 111.35(a). Your written response must include the reason(s) why you are challenging the RTB finding and/or calculated civil money penalty and must include the factual basis supporting the reason(s) and supporting documentation. The FEC strongly encourages that documents be submitted in the form of affidavits or declarations. 11 CFR § 111.36(c).

Please note, on June 18, 2020, the Federal Election Commission began the initial phase (Phase I) of its return to normal operations. At this stage, the agency's offices will remain closed to visitors and most of its employees will continue to telework in an effort to limit the spread of coronavirus (COVID-19). The Commission is processing some documents submitted by mail, though processing will not occur daily until the agency resumes normal mail operations. Nevertheless, a challenge to an RTB finding and/or calculated civil money penalty must be received on time. Thus, all written responses and supporting documentation should be converted to PDF (Portable Document Format) and must be emailed to [administrativefines@fec.gov](mailto:administrativefines@fec.gov). The Commission encourages the use of electronic signatures on electronically submitted documents, but scanned copies of ink signatures will be accepted. Electronically submitted challenges will be deemed received on the date it is electronically received by staff.

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



JANICEK FOR SENATE

Page 3 of 5

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 Janicek for Senate 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

JANICEK FOR SENATE

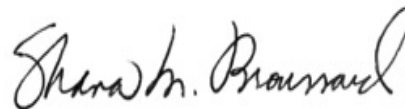
Page 4 of 5

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 Jamie Sikorsky 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 \$287 for the 2020 Pre-General 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 Jamie Sikorsky in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or

JANICEK FOR SENATE

Page 5 of 5

(202) 694-1130.

COMMITTEE NAME: Janicek for Senate

FEC ID#: C00675546

AF#: 4030

PAYMENT DUE DATE: February 16, 2021

PAYMENT AMOUNT DUE: \$287

**RECEIVED**

By Office of the Commission Secretary at 10:34 am, Sep 22, 2021



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

**SENSITIVE**

September 22, 2021

**MEMORANDUM**

TO: The Commission

THROUGH: Alec Palmer *AP*  
Staff Director

FROM: Patricia C. Orrock *PCO*  
Chief Compliance Officer

Debbie Chacona *DC*  
Assistant Staff Director  
Reports Analysis Division

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

SUBJECT: Administrative Fine Program – Final Determination Recommendation for the 2020 12-Day Pre-General Report (Authorized Committees)

Attached are two lists of political committees and their treasurers against which the Commission has found reason to believe (RTB) and assessed proposed civil money penalties calculated at RTB for failure to file or failure to timely file the 2020 12-Day Pre-General Report (Authorized Committees). The first list represents the committees that have paid the civil money penalty and the second list represents the committees that have not paid the civil money penalty. The committees that have not paid have been given at least forty (40) days from the date of the Commission's RTB finding to remit payment.

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

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

Campaign to Elect Antoine Pierce (AF 4026) filed a Termination Report, which covered the 2020 12-Day Pre-General reporting period, after the RTB finding and disclosed an actual level of activity which would result in a lowered civil money penalty than that assessed at RTB. The committee disclosed total receipts and disbursements of \$6,610 (previously estimated to be \$18,219), thus the fine would be lowered from \$1,252 to \$834. The committee

paid the civil money penalty assessed at RTB; we will therefore issue a refund for the difference (\$418).

**RAD Recommendation**

- (1) Make a final determination that the political committees and their treasurers, in their official capacity, listed on the attached reports violated 52 U.S.C. § 30104(a) and assess the final civil money penalties so indicated.
- (2) Send the appropriate letters.

Federal Election Commission  
 FD Circulation Report Fine Paid  
 2020 PRE-GENERAL Election Sensitive 10/22/2020 AUTH

AF#	Committee Name	Candidate Name	Committee ID	Treasurer	Receipt Date	Days Late	LOA	PV	RTB Date	RTB Penalty	Final Money Penalty	Date Paid	Amount Paid
4026	CAMPAIGN TO ELECT ANTOINE PIERCE	ANTOINE PIERCE	C00700054	ALICE WOODS	02/10/2021	*Not Filed	\$6,610	0	01/07/2021	\$1,252	\$834	2/11/2021	**\$1,252
4027	CITIZENS FOR JADE SIMMONS	JADE SIMMONS	C00739573	JADE SIMMONS	10/29/2020	7	\$15,188	0	01/07/2021	\$300	\$300	02/19/2021	\$300
4028	COMMITTEE TO ELECT MAURO GARZA FOR US CONGRESS	MAURO EVERETT GARZA	C00663435	IRIS ELIZABETH CASTILLO	11/03/2020	*Not Filed	\$15,918	2	01/07/2021	\$1,878	\$1,878	06/29/2021	\$1,878

\* 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.

\*\* This committee disclosed a level of activity after the RTB finding which would result in a lowered civil money penalty and will be assessed a civil money penalty at Final Determination (FD) that has been reduced since the RTB finding. This committee paid the civil money penalty assessed at RTB; therefore, we will issue a refund for the difference.

Federal Election Commission  
 FD Circulation Report Fine Not Paid  
 2020 PRE-GENERAL Election Sensitive 10/22/2020 AUTH

AF#	Committee Name	Candidate Name	Committee ID	Treasurer	Receipt Date	Days Late	LOA	PV	RTB Date	RTB Penalty	Days Since RTB	FD Penalty
4025	BRAD BARRON FOR US SENATE	STEPHEN BRADLEY BARRON	C00723270	JILL M. BARRON		Not Filed	\$128,789 (est)	0	01/07/2021	\$7,395	258	\$7,395
4029	EMILY ROBINSON FOR CONGRESS	EMILY ROBINSON	C00717025	EMILY ROBINSON		Not Filed	\$120,240 (est)	0	01/07/2021	\$7,395	258	\$7,395
4030	JANICEK FOR SENATE	CHRIS EDWARD JANICEK	C00675546	MARK THOMAS NIELSEN	10/28/2020	6	\$18,365	0	01/07/2021	\$287	258	\$287
4031	ROB ANDERSON FOR LOUISIANA	ROBERT JON ANDERSON	C00731380	ROBERT JON ANDERSON		Not Filed	\$55,816 (est)	0	01/07/2021	\$4,437	258	\$4,437

## BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
)  
Administrative Fine Program – Final )  
Determination Recommendation for the )  
2020 12-Day Pre-General Report )  
(Authorized Committees): )  
BRAD BARRON FOR US SENATE, and ) AF# 4025  
BARRON, JILL M BARRON as treasurer; )  
CAMPAIGN TO ELECT ANTOINE ) AF# 4026  
PIERCE, and WOODS, ALICE as )  
treasurer; )  
CITIZENS FOR JADE SIMMONS, and ) AF# 4027  
SIMMONS, JADE as treasurer; )  
COMMITTEE TO ELECT MAURO ) AF# 4028  
GARZA FOR US CONGRESS, and )  
CASTILLO, IRIS ELIZABETH MS. as )  
treasurer; )  
EMILY ROBINSON FOR CONGRESS, ) AF# 4029  
and ROBINSON, EMILY as treasurer; )  
JANICEK FOR SENATE, and NIELSEN, ) AF# 4030  
MARK THOMAS as treasurer; )  
ROB ANDERSON FOR LOUISIANA, and ) AF# 4031  
ANDERSON, ROBERT JON as treasurer; )



CERTIFICATION

I, Laura E. Sinram, Acting Secretary and Clerk of the Federal Election Commission, do hereby certify that on September 24, 2021 the Commission took the following actions on the Administrative Fine Program – Final Determination Recommendation for the 2020 12-Day Pre-General Report (Authorized Committees) , as recommended in the Reports Analysis Division's Memorandum dated September 22, 2021, on the following committees:

AF#4025 Decided by a vote of 4-0 to: (1) make a final determination that BRAD BARRON FOR US SENATE, and BARRON, JILL M BARRON in their official capacity as treasurer, violated 52 U.S.C. § 30104(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Cooksey, Dickerson, Walther, and Weintraub voted affirmatively for the decision. Commissioners Broussard and Trainor did not vote.

AF#4026 Decided by a vote of 4-0 to: (1) make a final determination that CAMPAIGN TO ELECT ANTOINE PIERCE, and WOODS, ALICE in their official capacity as treasurer, violated 52 U.S.C. § 30104(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Cooksey, Dickerson, Walther, and Weintraub voted affirmatively for the decision. Commissioners Broussard and Trainor did not vote.

AF#4027 Decided by a vote of 4-0 to: (1) make a final determination that CITIZENS FOR JADE SIMMONS, and SIMMONS, JADE in their official capacity as treasurer, violated 52 U.S.C. § 30104(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Cooksey, Dickerson, Walther, and Weintraub voted affirmatively for the decision. Commissioners Broussard and Trainor did not vote.

AF#4028 Decided by a vote of 4-0 to: (1) make a final determination that COMMITTEE TO ELECT MAURO GARZA FOR US CONGRESS, and CASTILLO, IRIS ELIZABETH MS. in their official capacity as treasurer, violated 52 U.S.C. § 30104(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Cooksey, Dickerson, Walther, and Weintraub voted affirmatively for the decision. Commissioners Broussard and Trainor did not vote.

Federal Election Commission  
Certification for Administrative Fines  
September 24, 2021

Page 3

AF#4029 Decided by a vote of 4-0 to: (1) make a final determination that EMILY ROBINSON FOR CONGRESS, and ROBINSON, EMILY in their official capacity as treasurer, violated 52 U.S.C. § 30104(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Cooksey, Dickerson, Walther, and Weintraub voted affirmatively for the decision. Commissioners Broussard and Trainor did not vote.

AF#4030 Decided by a vote of 4-0 to: (1) make a final determination that JANICEK FOR SENATE, and NIELSEN, MARK THOMAS in their official capacity as treasurer, violated 52 U.S.C. § 30104(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Cooksey, Dickerson, Walther, and Weintraub voted affirmatively for the decision. Commissioners Broussard and Trainor did not vote.

AF#4031 Decided by a vote of 4-0 to: (1) make a final determination that ROB ANDERSON FOR LOUISIANA, and ANDERSON, ROBERT JON in their official capacity as treasurer, violated 52 U.S.C. § 30104(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Cooksey, Dickerson, Walther, and Weintraub voted affirmatively for the decision. Commissioners Broussard and Trainor did not vote.



Attest:

Laura e  
Sinram

Digitally signed by  
Laura e Sinram  
Date: 2021.09.28  
20:44:34 -04'00'

Laura E. Sinram  
Acting Secretary and Clerk of the  
Commission



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

AF

September 30, 2021

Mark Thomas Nielsen, in official capacity as Treasurer  
Janicek for Senate  
405 N 40th Street  
Omaha, NE 68131

C00675546  
AF#: 4030

Dear Mr. Nielsen,

On January 7, 2021, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Janicek for Senate and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) for filing late or failing to file the 2020 Pre-General Report. By letter dated February 9, 2021, the Commission notified you of the RTB finding and the civil money penalty calculated at the RTB stage to be \$287 in accordance with the schedule of penalties at 11 CFR § 111.43. Within forty (40) days of the FEC's RTB finding, you, in your official capacity as treasurer, were required to either transmit payment of the calculated civil money penalty or submit a written response challenging either the RTB finding or the calculated civil money penalty.

The FEC did not receive payment of the calculated civil money penalty or a written response within the time permitted. The FEC made a final determination on September 24, 2021 that Janicek for Senate and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) and assessed a civil money penalty in the amount of \$287 in accordance with 11 CFR § 111.43. The civil money penalty is based on these factors:

Election Sensitivity of Report: Election Sensitive  
Level of Activity: \$18,365  
Number of Days Late: 6  
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 Appeal the Final Determination and/or Civil Money Penalty**

If you choose to appeal the final determination, you should submit a written petition, within thirty (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

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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 thirty (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 five (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

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Commission assessed upon making a final determination.

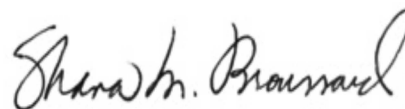
### 5. Settlement Offers

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 CFR §§ 111.42(b) and 111.20(c), the file will be placed on the public record within thirty (30) days from the date of this notification.

If you have any questions regarding the payment of the civil money penalty, please contact Jamie Sikorsky at Federal Election Commission, 1050 First St., NE, Washington, DC 20002, or our toll free number (800) 424-9530 (at the prompt, press 5) or (202) 694-1130.

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 civil money penalty is \$287 for the 2020 Pre-General Report. The payment is due within 30 days of receipt of this letter.

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 Jamie Sikorsky in the Reports

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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: Janicek for Senate

FEC ID#: C00675546

AF#: 4030

PAYMENT AMOUNT DUE: \$287