

**RECEIVED***By Office of the Commission Secretary at 11:12 am, Mar 03, 2021*

FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

**SENSITIVE**

March 3, 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  
*KDR*

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

SUBJECT: Reason To Believe Recommendation – 2020 12 Day Pre-General Report  
(Unauthorized Committees – Quarterly Filers) 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 list is comprised of unauthorized quarterly filers that made General Election contributions or expenditures from October 1, 2020 through October 14, 2020, and failed to file or timely file the 2020 12 Day Pre-General Report.

The committees listed on the attached RTB Circulation Report 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.

As noted above, the 2020 12 Day Pre-General Report circulation list includes unauthorized quarterly filers that made General Election contributions or expenditures from October 1, 2020 through October 14, 2020, but failed to file or timely file the 2020 12 Day Pre-General Election

Report. In order to accurately identify these committees for administrative fine purposes, the Reports Analysis Division (RAD) used the following procedures and criteria:

- Every 12 Day Pre-General Report (12G) submitted by an unauthorized quarterly filer was reviewed to ensure that it disclosed General Election contributions or expenditures made during the coverage dates of the report. Any report meeting this definition that was filed late is included in the list. Any report not disclosing general election contributions or expenditures during this period is not included in the list, as it is not a required filing.
- Every 30 Day Post-General Report (30G) submitted by an unauthorized quarterly filer that covered the period from October 1, 2020 through November 23, 2020 (54 days) was reviewed for activity which would have required the filing of a 12G. If our research indicated that a 12G was required, we utilized a three-step method to arrive at the activity on which to base the 12G fine amount. First, we took the sum of all itemized receipts and disbursements that should have been disclosed on a 12G. Second, if the committee had any unitemized activity, a per diem level of this activity was calculated by multiplying the total amount of unitemized activity on the report by  $25.93\% (14 \text{ days (12G Filing Period)})/54 \text{ days (30G Filing Period)}$ . Third, we took the sum of the amounts calculated in steps one and two to arrive at the level of activity assigned to the 12G.
- Every Year-End Report (YE) submitted by an unauthorized quarterly filer that covered the period from October 1, 2020 through December 31, 2020 (92 days) was reviewed for activity which would have required the filing of a 12G. If our research indicated that a 12G was required, we utilized a three-step method to arrive at the activity on which to base the 12G fine amount. First, we took the sum of all itemized receipts and disbursements that should have been disclosed on a 12G. Second, if the committee had any unitemized activity, a per diem level of this activity was calculated by multiplying the total amount of unitemized activity on the report by  $15.22\% (14 \text{ days (12G Filing Period)})/92 \text{ days (YE Filing Period)}$ . Third, we took the sum of the amounts calculated in steps one and two to arrive at the level of activity assigned to the 12G.

## **Recommendation**

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

**Federal Election Commission**  
**Reason to Believe Circulation Report**  
**2020 PRE-GENERAL Election Sensitive 10/22/2020 UNAUTH\_Q**

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
4052	C00461624	ARTICLE 1 POLITICAL ACTION COMMITTEE		RICK GALENA	\$167,848	0	12/1/2020	Not Filed	\$6,500	\$844
4053	C00386300	CALUMET PAC		TERRY BRONOWSKI	\$158,100	0	1/31/2021	Not Filed	\$5,200	\$844
4054	C00432393	CRUISE LINES INTERNATIONAL ASSOCIATION PAC (CLIA PAC)		MICHAEL MCGARRY	\$253,521	0	12/3/2020	Not Filed	\$9,000	\$844
4055	C00143867	EQUIFAX INC. POLITICAL ACTION COMMITTEE		PAUL ZURAWSKI	\$228,067	0	12/22/2020	Not Filed	\$14,568	\$1,267
4056	C00520973	ICE MILLER PAC		RENEE CORNELIUS	\$167,115	0	12/3/2020	Not Filed	\$10,000	\$1,267
4057	C00530816	IMMIGRATION REFORM FUND		OMAIRA FIGUEROA	\$205,660	0	12/7/2020	Not Filed	\$3,488	\$704
4058	C00685776	LATINOS FOR THE PRESIDENT		MONI CASAREZ	\$196,200	0	12/3/2020	Not Filed	\$27,767	\$1,970
4059	C00466870	LEADERSHIP FOR ENTERPRISE AND OPPORTUNITY PAC		LOUIS SCHIAZZA	\$1,154,376	0	12/2/2020	Not Filed	\$24,792	\$1,267
4060	C00133611	PAC-INTERNATIONAL UNION OF OPERATING ENGINEERS, LOCAL 487		SCOTT SINGER	\$137,631	0	12/2/2020	Not Filed	\$5,000	\$844
4061	C00421982	SOLAR ENERGY INDUSTRIES ASSOCIATION PAC (SOLARPAC)		MIKE SMITH	\$360,175	0	12/1/2020	Not Filed	\$3,588	\$704
4062	C00300426	SOUTHEAST COTTON COMMITTEE (SECC) SOUTHERN COTTONGROWERS INC/SE COTTON GINNERS ASSN		DAVID RUPPENICKER	\$420,983	1	2/11/2021	Not Filed	\$11,500	\$1,583
4063	C00455378	THE NATIONAL REPUBLICAN TRUST PAC		SCOTT WHEELER	\$354,482	0	11/21/2020	Not Filed	\$16,457	\$1,267
4064	C00648808	VETERANS FOR RESPONSIBLE LEADERSHIP		DANIEL BARKHUFF	\$294,566	0	12/4/2020	Not Filed	\$186,699	\$8,978
4065	C00723148	VISUAL DISOBEDIENCE CAMPAIGN COMMITTEE		PHILIP L. SHEMANSKI	\$177,520	0	12/18/2020	Not Filed	\$8,131	\$844

\*All of the committees on this list failed to file a report covering the 12 Day Pre-General Reporting period prior to four (4) days before the general election; therefore, per 11 C.F.R. 111.43(e), the reports are considered to be not filed.

## BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)
	)
Reason To Believe Recommendation 2020	)
12 Day Pre-General Report (Unauthorized	)
Committees – Quarterly Filers) for the	)
Administrative Fine Program:	)
ARTICLE 1 POLITICAL ACTION	) AF# 4052
COMMITTEE, and GALENA, RICK as	)
treasurer;	)
CALUMET PAC, and BRONOWSKI,	) AF# 4053
TERRY as treasurer;	)
CRUISE LINES INTERNATIONAL	) AF# 4054
ASSOCIATION PAC (CLIA PAC), and	)
MCGARRY, MICHAEL as treasurer;	)
EQUIFAX INC. POLITICAL ACTION	) AF# 4055
COMMITTEE, and ZURAWSKI, PAUL as	)
treasurer;	)
ICE MILLER PAC, and CORNELIUS,	) AF# 4056
RENEE as treasurer;	)
IMMIGRATION REFORM FUND, and	) AF# 4057
FIGUEROA, OMAIRA as treasurer;	)
LATINOS FOR THE PRESIDENT, and	) AF# 4058
CASAREZ, MONI as treasurer;	)
LEADERSHIP FOR ENTERPRISE AND	) AF# 4059
OPPORTUNITY PAC, and SCHIAZZA,	)
LOUIS MR. as treasurer;	)
PAC-INTERNATIONAL UNION OF	) AF# 4060
OPERATING ENGINEERS, LOCAL 487,	)
and SCOTT SINGER as treasurer;	)
SOLAR ENERGY INDUSTRIES	) AF# 4061
ASSOCIATION PAC (SOLARPAC), and	)
SMITH, MIKE as treasurer;	)
SOUTHEAST COTTON COMMITTEE	) AF# 4062
(SECC) SOUTHERN	)
COTTONGROWERS INC/SE COTTON	)
GINNERS ASSN, and RUPPENICKER,	)
DAVID as treasurer;	)
THE NATIONAL REPUBLICAN TRUST	AF# 4063
PAC, and WHEELER, SCOTT as treasurer;	)
VETERANS FOR RESPONSIBLE	AF# 4064
LEADERSHIP, and DANIEL BARKHUFF	)
as treasurer;	)

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VISUAL DISOBEDIENCE CAMPAIGN ) AF# 4065  
COMMITTEE, and SHEMANSKI, PHILIP )  
L as treasurer; )

CERTIFICATION

I, Laura E. Sinram, Acting Secretary and Clerk of the Federal Election Commission, do hereby certify that on March 05, 2021, the Commission took the following actions on the Reason To Believe Recommendation 2020 12 Day Pre-General Report (Unauthorized Committees – Quarterly Filers) for the Administrative Fine Program, as recommended in the Reports Analysis Division's Memorandum dated March 03, 2021, on the following committees:

AF#4052 Decided by a vote of 5-0 to: (1) find reason to believe that ARTICLE 1 POLITICAL ACTION COMMITTEE, and GALENA, RICK 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, Walther, and Weintraub voted affirmatively for the decision. Commissioner Trainor did not vote.

AF#4053 Decided by a vote of 5-0 to: (1) find reason to believe that CALUMET PAC, and BRONOWSKI, TERRY 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, Walther, and Weintraub voted affirmatively for the decision. Commissioner Trainor did not vote.

AF#4054 Decided by a vote of 5-0 to: (1) find reason to believe that CRUISE LINES INTERNATIONAL ASSOCIATION PAC (CLIA PAC), and MCGARRY, MICHAEL 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, Walther, and Weintraub voted affirmatively for the decision. Commissioner Trainor did not vote.

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March 5, 2021

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AF#4055 Decided by a vote of 5-0 to: (1) find reason to believe that EQUIFAX INC. POLITICAL ACTION COMMITTEE, and ZURAWSKI, PAUL 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, Walther, and Weintraub voted affirmatively for the decision. Commissioner Trainor did not vote.

AF#4056 Decided by a vote of 5-0 to: (1) find reason to believe that ICE MILLER PAC, and CORNELIUS, RENEE 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, Walther, and Weintraub voted affirmatively for the decision. Commissioner Trainor did not vote.

AF#4057 Decided by a vote of 5-0 to: (1) find reason to believe that IMMIGRATION REFORM FUND, and FIGUEROA, OMAIRA 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, Walther, and Weintraub voted affirmatively for the decision. Commissioner Trainor did not vote.

AF#4058 Decided by a vote of 5-0 to: (1) find reason to believe that LATINOS FOR THE PRESIDENT, and CASAREZ, MONI 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, Walther, and Weintraub voted affirmatively for the decision. Commissioner Trainor did not vote.

AF#4059 Decided by a vote of 5-0 to: (1) find reason to believe that LEADERSHIP FOR ENTERPRISE AND OPPORTUNITY PAC, and SCHIAZZA, LOUIS MR. in his official capacity as treasurer violated 52 U.S.C. § 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Broussard, Cooksey, Dickerson, Walther, and Weintraub voted affirmatively for the decision. Commissioner Trainor did not vote.

AF#4060 Decided by a vote of 5-0 to: (1) find reason to believe that PAC-INTERNATIONAL UNION OF OPERATING ENGINEERS, LOCAL 487, and SCOTT SINGER 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, Walther, and Weintraub voted affirmatively for the decision. Commissioner Trainor did not vote.

AF#4061 Decided by a vote of 5-0 to: (1) find reason to believe that SOLAR ENERGY INDUSTRIES ASSOCIATION PAC (SOLARPAC), and SMITH, MIKE in

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 Certification for Administrative Fines  
 March 5, 2021

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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, Walther, and Weintraub voted affirmatively for the decision. Commissioner Trainor did not vote.

AF#4062 Decided by a vote of 5-0 to: (1) find reason to believe that SOUTHEAST COTTON COMMITTEE (SECC) SOUTHERN COTTONGROWERS INC/SE COTTON GINNERS ASSN, and RUPPENICKER, DAVID 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, Walther, and Weintraub voted affirmatively for the decision. Commissioner Trainor did not vote.

AF#4063 Decided by a vote of 5-0 to: (1) find reason to believe that THE NATIONAL REPUBLICAN TRUST PAC, and WHEELER, SCOTT 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, Walther, and Weintraub voted affirmatively for the decision. Commissioner Trainor did not vote.

AF#4064 Decided by a vote of 5-0 to: (1) find reason to believe that VETERANS FOR RESPONSIBLE LEADERSHIP, and DANIEL BARKHUFF 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, Walther, and Weintraub voted affirmatively for the decision. Commissioner Trainor did not vote.

AF#4065 Decided by a vote of 5-0 to: (1) find reason to believe that VISUAL DISOBEDIENCE CAMPAIGN COMMITTEE, and SHEMANSKI, PHILIP L 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, Walther, and Weintraub voted affirmatively for the decision. Commissioner Trainor did not vote.



March 10, 2021

Date

Attest:

**Laura  
Sinram**

Laura E. Sinram  
 Acting Secretary and Clerk of the  
 Commission

Digitally signed by  
 Laura Sinram  
 Date: 2021.03.10  
 19:53:10 -05'00'



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

AF

March 15, 2021

Daniel Barkhuff, in official capacity as Treasurer  
 Veterans for Responsible Leadership  
 P.O. Box 9219  
 South Burlington, VT 05407

C00648808  
 AF#: 4064

Dear Mr. Barkhuff,

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. This report is required if your committee makes a contribution to or expenditure on behalf of a candidate in the general 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). 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. You should file the report if you have not already done so.

The Act permits the FEC to impose civil money penalties for violations of the reporting requirements of 52 U.S.C. § 30104(a). 52 U.S.C. § 30109(a)(4). On March 5, 2021, the FEC found that there is reason to believe ("RTB") that Veterans for Responsible Leadership 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 C.F.R. § 111.43, the amount of your civil money penalty calculated at the RTB stage is \$8,978. 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 \$8,978 is due within forty (40) days of the finding, or by April 14, 2021, and is based on these factors:

Election Sensitivity of Report: Election Sensitive  
 Level of Activity: \$186,699

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)

## VETERANS FOR RESPONSIBLE LEADERSHIP

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Number of Previous Civil Money Penalties Assessed: 0

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

**1. If You Choose to Challenge the RTB Finding and/or Civil Money Penalty**

If you should decide to challenge the RTB finding and/or calculated civil money penalty, you must submit a written response to the FEC's Office of Administrative 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 April 14, 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

## VETERANS FOR RESPONSIBLE LEADERSHIP

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

The "failure to raise an argument in a timely fashion during the administrative process 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 Veterans for Responsible Leadership 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**

## VETERANS FOR RESPONSIBLE LEADERSHIP

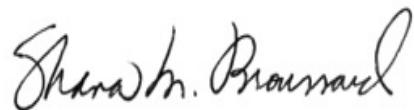
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Any offer to settle or compromise a debt owed to the Commission, including a payment in an amount less than the calculated civil money penalty assessed or any restrictive endorsements contained on your check or money order or proposed in correspondence 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 \$8,978 for the Pre-General Report.

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

## VETERANS FOR RESPONSIBLE LEADERSHIP

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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: Veterans for Responsible Leadership

FEC ID#: C00648808

AF#: 4064

PAYMENT DUE DATE: April 14, 2021

PAYMENT AMOUNT DUE: \$8,978

**RECEIVED***By Office of the Commission Secretary at 10:48 am, Sep 22, 2021*

FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

**SENSITIVE**

September 22, 2021

**MEMORANDUM**

TO: The Commission

THROUGH: Alec Palmer  
Staff Director *AP*FROM: Patricia C. Orrock *PCO*  
Chief Compliance OfficerDebbie Chacona *DC*  
Assistant Staff Director  
Reports Analysis DivisionBY: Kristin D. Roser/Ben Holly *KDR BH*  
Reports Analysis Division  
Compliance Branch

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

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. 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.

Southeast Cotton Committee (SECC) Southern Cottongrowers Inc/SE Cotton Ginners Assn (AF 4062) disclosed no activity after the RTB finding (previously estimated to be \$11,500), which would result in no civil money penalty (fine previously assessed to be \$1,583).

For your information, two (2) committees disclosed a change in treasurer after the RTB finding. An overview of these cases has been provided below.

Calumet PAC (AF 4053) filed an Amended Statement of Organization after the RTB finding designating Cynthia Lopez as Treasurer.

The National Republican Trust PAC (AF 4063) filed an Amended Statement of Organization after the RTB finding designating Frederick A. Peterson as Treasurer.

### **RAD Recommendation**

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

**Federal Election Commission  
FD Circulation Report Fine Paid  
2020 12G Election Sensitive 10/22/2020**

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
4054	CRUISE LINES INTERNATIONAL ASSOCIATION PAC (CLIA PAC)		C00432393	MICHAEL MCGARRY	12/03/2020	*Not Filed	\$9,000	0	03/05/2021	\$844	\$844	03/23/2021	\$844
4055	EQUIFAX INC. POLITICAL ACTION COMMITTEE		C00143867	PAUL ZURAWSKI	12/22/2020	*Not Filed	\$14,568	0	03/05/2021	\$1,267	\$1,267	03/18/2021	\$1,267
4056	ICE MILLER PAC		C00520973	RENEE CORNELIUS	12/03/2020	*Not Filed	\$10,000	0	03/05/2021	\$1,267	\$1,267	04/13/2021	\$1,267
4057	IMMIGRATION REFORM FUND		C00530816	OMAIRA FIGUEROA	12/07/2020	*Not Filed	\$3,488	0	03/05/2021	\$704	\$704	03/16/2021	\$704
4059	LEADERSHIP FOR ENTERPRISE AND OPPORTUNITY PAC		C00466870	LOUIS SCHIAZZA	12/02/2020	*Not Filed	\$24,792	0	03/05/2021	\$1,267	\$1,267	04/14/2021	\$1,267
4060	PAC-INTERNATIONAL UNION OF OPERATING ENGINEERS, LOCAL 487		C00133611	SCOTT SINGER	12/02/2020	*Not Filed	\$5,000	0	03/05/2021	\$844	\$844	03/24/2021	\$844
4063	THE NATIONAL REPUBLICAN TRUST PAC		C00455378	FREDERICK A. PETERSON	11/21/2020	*Not Filed	\$16,457	0	03/05/2021	\$1,267	\$1,267	07/29/2021	\$1,267
4065	VISUAL DISOBEDIENCE CAMPAIGN COMMITTEE		C00723148	PHILIP L. SHEMANSKI	12/18/2020	*Not Filed	\$8,131	0	03/05/2021	\$844	\$844	06/22/2021	\$844

\* 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.

**Federal Election Commission**  
**FD Circulation Report Fine Not Paid**  
**2020 12G Election Sensitive 10/22/2020**

AF#	Committee Name	Candidate Name	Committee ID	Treasurer	Receipt Date	Days Late	LOA	PV	RTB Date	RTB Penalty	Days Since RTB	FD Penalty
4052	ARTICLE 1 POLITICAL ACTION COMMITTEE		C00461624	RICK GALENA	12/01/2020	*Not Filed	\$6,500	0	03/05/2021	\$844	201	\$844
4053	CALUMET PAC		C00386300	CYNTHIA LOPEZ	01/31/2021	*Not Filed	\$5,200	0	03/05/2021	\$844	201	\$844
4058	LATINOS FOR AMERICA FIRST		C00685776	MONI CASAREZ	12/03/2020	*Not Filed	\$40,628	0	03/05/2021	\$1,970	201	\$1,970
4061	SOLAR ENERGY INDUSTRIES ASSOCIATION PAC (SOLARPAC)		C00421982	MIKE SMITH	12/01/2020	*Not Filed	\$3,588	0	03/05/2021	\$704	201	\$704
4062	SOUTHEAST COTTON COMMITTEE (SECC) SOUTHERN COTTONGROWERS INC/SE COTTON GINNERS ASSN		C00300426	DAVID RUPPENICKER	02/11/2021	*Not Filed	\$0	1	03/05/2021	\$1,583	201	NONE
4064	VETERANS FOR RESPONSIBLE LEADERSHIP		C00648808	DANIEL BARKHUFF	12/04/2020	*Not Filed	\$186,351	0	03/05/2021	\$8,978	201	\$8,978

\* 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	)
	)
Administrative Fine Program – Final	)
Determination Recommendation for the	)
2020 12-Day Pre-General Report	)
(Unauthorized Committees – Quarterly	)
Filers):	)
ARTICLE 1 POLITICAL ACTION	) AF# 4052
COMMITTEE, and GALENA, RICK as	)
treasurer;	)
CALUMET PAC, and LOPEZ, CYNTHIA	) AF# 4053
as treasurer;	)
CRUISE LINES INTERNATIONAL	) AF# 4054
ASSOCIATION PAC (CLIA PAC), and	)
MCGARRY, MICHAEL as treasurer;	)
EQUIFAX INC. POLITICAL ACTION	) AF# 4055
COMMITTEE, and ZURAWSKI, PAUL as	)
treasurer;	)
ICE MILLER PAC, and CORNELIUS,	) AF# 4056
RENEE as treasurer;	)
IMMIGRATION REFORM FUND, and	) AF# 4057
FIGUEROA, OMAIRA as treasurer;	)
LATINOS FOR AMERICA FIRST, and	) AF# 4058
CASAREZ, MONI as treasurer;	)
LEADERSHIP FOR ENTERPRISE AND	) AF# 4059
OPPORTUNITY PAC, and SCHIAZZA,	)
LOUIS as treasurer;	)
PAC-INTERNATIONAL UNION OF	) AF# 4060
OPERATING ENGINEERS, LOCAL 487,	)
and SCOTT SINGER as treasurer;	)
SOLAR ENERGY INDUSTRIES	) AF# 4061
ASSOCIATION PAC (SOLARPAC), and	)
SMITH, MIKE as treasurer;	)
SOUTHEAST COTTON COMMITTEE	) AF# 4062
(SECC) SOUTHERN	)
COTTONGROWERS INC/SE COTTON	)
GINNERS ASSN, and RUPPENICKER,	)
DAVID as treasurer;	)

Federal Election Commission  
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 September 24, 2021

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THE NATIONAL REPUBLICAN TRUST	)	AF# 4063
PAC, and PETERSON, FREDERICK A III	)	
as treasurer;	)	
VETERANS FOR RESPONSIBLE	)	AF# 4064
LEADERSHIP, and BARKHUFF,	)	
DANIEL as treasurer;	)	
VISUAL DISOBEDIENCE CAMPAIGN	)	AF# 4065
COMMITTEE, and SHEMANSKI, PHILIP	)	
L 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 (Unauthorized Committees – Quarterly Filers), as recommended in the Reports Analysis Division's Memorandum dated September 22, 2021, on the following committees:

AF#4052 Decided by a vote of 4-0 to: (1) make a final determination that ARTICLE 1 POLITICAL ACTION COMMITTEE, and GALENA, RICK 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#4053 Decided by a vote of 4-0 to: (1) make a final determination that CALUMET PAC, and LOPEZ, CYNTHIA 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#4054 Decided by a vote of 4-0 to: (1) make a final determination that CRUISE LINES INTERNATIONAL ASSOCIATION PAC (CLIA PAC), and MCGARRY, MICHAEL 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.

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September 24, 2021

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

AF#4055 Decided by a vote of 4-0 to: (1) make a final determination that EQUIFAX INC. POLITICAL ACTION COMMITTEE, and ZURAWSKI, PAUL 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#4056 Decided by a vote of 4-0 to: (1) make a final determination that ICE MILLER PAC, and CORNELIUS, RENEE 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#4057 Decided by a vote of 4-0 to: (1) make a final determination that IMMIGRATION REFORM FUND, and FIGUEROA, OMAIRA 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#4058 Decided by a vote of 4-0 to: (1) make a final determination that LATINOS FOR AMERICA FIRST, and CASAREZ, MONI 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#4059 Decided by a vote of 4-0 to: (1) make a final determination that LEADERSHIP FOR ENTERPRISE AND OPPORTUNITY PAC, and SCHIAZZA, LOUIS 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#4060 Decided by a vote of 4-0 to: (1) make a final determination that PAC-INTERNATIONAL UNION OF OPERATING ENGINEERS, LOCAL 487, and SCOTT SINGER 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#4061 Decided by a vote of 4-0 to: (1) make a final determination that SOLAR ENERGY INDUSTRIES ASSOCIATION PAC (SOLARPAC), and SMITH, MIKE in

Federal Election Commission  
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 September 24, 2021

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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#4062 Decided by a vote of 4-0 to: (1) make a final determination that SOUTHEAST COTTON COMMITTEE (SECC) SOUTHERN COTTONGROWERS INC/SE COTTON GINNERS ASSN, and RUPPENICKER, DAVID in their official capacity as treasurer, violated 52 U.S.C. § 30104(a) and will not be assessed a civil money penalty; (2) send the appropriate letter. Commissioners Cooksey, Dickerson, Walther, and Weintraub voted affirmatively for the decision. Commissioners Broussard and Trainor did not vote.

AF#4063 Decided by a vote of 4-0 to: (1) make a final determination that THE NATIONAL REPUBLICAN TRUST PAC, and PETERSON, FREDERICK A III 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#4064 Decided by a vote of 4-0 to: (1) make a final determination that VETERANS FOR RESPONSIBLE LEADERSHIP, and BARKHUFF, DANIEL 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#4065 Decided by a vote of 4-0 to: (1) make a final determination that VISUAL DISOBEDIENCE CAMPAIGN COMMITTEE, and SHEMANSKI, PHILIP L 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**

Laura E. Sinram

Acting Secretary and Clerk of the  
Commission

Digitally signed by  
Laura e Sinram  
Date: 2021.09.29  
14:15:53 -04'00'



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

AF

September 30, 2021

Daniel Barkhuff, in official capacity as Treasurer  
Veterans for Responsible Leadership  
P.O. Box 9219  
South Burlington, VT 05407

C00648808  
AF#: 4064

Dear Mr. Barkhuff,

On March 5, 2021, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Veterans for Responsible Leadership 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 March 15, 2021, the Commission notified you of the RTB finding and the civil money penalty calculated at the RTB stage to be \$8,978 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. Since that time, the amount of the level of activity has been changed to reflect the actual level of activity of the Pre-General Report. The FEC made a final determination on September 24, 2021 that Veterans for Responsible Leadership 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 \$8,978 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: \$186,351

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 purposes of calculating the penalty)

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

## VETERANS FOR RESPONSIBLE LEADERSHIP

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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 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

## VETERANS FOR RESPONSIBLE LEADERSHIP

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**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.

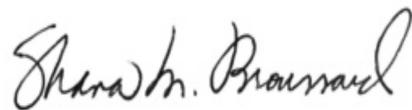
**5. Settlement Offers**

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 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 \$8,978 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

## VETERANS FOR RESPONSIBLE LEADERSHIP

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

COMMITTEE NAME: Veterans for Responsible Leadership

FEC ID#: C00648808

AF#: 4064

PAYMENT AMOUNT DUE: \$8,978