



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

**SENSITIVE**

April 1, 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: Reason To Believe Recommendation – 2020 Year-End Report for the  
Administrative Fine Program

Attached is a list of political committees and their treasurers who failed to file the 2020 Year-End Report in accordance with 52 U.S.C. § 30104(a). The Year-End Report was due on January 31, 2021.

The committees listed in the attached RTB Circulation Report either failed to file the report, filed the report no more than thirty (30) days after the due date (considered a late filed report), or filed the report more than thirty (30) days after the due date (considered a non-filed report). In accordance with the schedule of civil money penalties for reports at 11 C.F.R. 111.43, these committees should be assessed the civil money penalties highlighted on the attached circulation report.

In order to determine the level of activity for unauthorized quarterly filers that filed a Year-End Report and were required to but failed to file the 30 Day Post-General Report, the Reports Analysis Division (RAD) used the following procedures and criteria:

- 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 30 Day Post-General Report (30 Day Report). If our research indicated that a 30G was required, we utilized a three-step method to arrive at the activity on which to base the YE fine amount. First, we took the sum of all itemized receipts and disbursements that should have been disclosed on a YE that covered the period from November 24, 2020 through December 31, 2020 (38 days). 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 41.30% (38 days (correct YE Filing Period)/92 days (submitted 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 YE.

### **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 YEAR-END Not Election Sensitive 01/31/2021 H\_S\_P\_UNAUTH

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
4131	C00743146	COMMITTEE TO ELECT ROBERT J. LOVERO		MICHAEL W. FELLOWS	\$383,254	0	2/10/2021	10	\$13,621	\$211

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
4149	C00702043	I.B.E.W. LOCAL 103 FEDERAL POLITICAL ACTION COMMITTEE		KEVIN W. MONAHAN	\$584,510	0		Not Filed	\$97,418 (est)	\$5,237

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
Reason To Believe Recommendation – )  
2020 Year-End Report for the )  
Administrative Fine Program: )

Federal Election Commission  
Certification for Administrative Fines  
April 5, 2021

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COMMITTEE TO ELECT ROBERT J. ) AF# 4131  
LOVERO, and FELLOWS, MICHAEL W )  
as treasurer; )

Federal Election Commission  
Certification for Administrative Fines  
April 5, 2021

I.B.E.W. LOCAL 103 FEDERAL ) AF# 4149  
POLITICAL ACTION COMMITTEE, and )  
MONAHAN, KEVIN W MR. as treasurer; )



Federal Election Commission  
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April 5, 2021

Federal Election Commission  
Certification for Administrative Fines  
April 5, 2021

CERTIFICATION

I, Laura E. Sinram, Acting Secretary and Clerk of the Federal Election Commission, do hereby certify that on April 05, 2021, the Commission took the following actions on the Reason To Believe Recommendation – 2020 Year-End Report for the Administrative Fine Program, as recommended in the Reports Analysis Division's Memorandum dated April 01, 2021, on the following committees:

Federal Election Commission  
Certification for Administrative Fines  
April 5, 2021

Federal Election Commission  
Certification for Administrative Fines  
April 5, 2021

Federal Election Commission  
Certification for Administrative Fines  
April 5, 2021

Federal Election Commission  
Certification for Administrative Fines  
April 5, 2021

AF#4131 Decided by a vote of 4-0 to: (1) find reason to believe that COMMITTEE TO ELECT ROBERT J. LOVERO, and FELLOWS, MICHAEL W 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, and Weintraub voted affirmatively for the decision. Commissioners Trainor and Walther did not vote.



Federal Election Commission  
Certification for Administrative Fines  
April 5, 2021

Federal Election Commission  
Certification for Administrative Fines  
April 5, 2021

AF#4149 Decided by a vote of 4-0 to: (1) find reason to believe that I.B.E.W. LOCAL 103 FEDERAL POLITICAL ACTION COMMITTEE, and MONAHAN, KEVIN W 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, and Weintraub voted affirmatively for the decision. Commissioners Trainor and Walther did not vote.

Federal Election Commission  
Certification for Administrative Fines  
April 5, 2021

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Federal Election Commission  
Certification for Administrative Fines  
April 5, 2021

Federal Election Commission  
Certification for Administrative Fines  
April 5, 2021

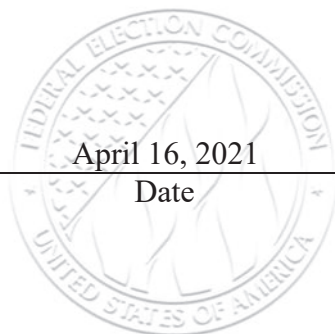
Federal Election Commission  
Certification for Administrative Fines  
April 5, 2021



Federal Election Commission  
Certification for Administrative Fines  
April 5, 2021

Federal Election Commission  
Certification for Administrative Fines  
April 5, 2021

Federal Election Commission  
Certification for Administrative Fines  
April 5, 2021



April 16, 2021

Date

Attest:

**Laura Sinram**

Digitally signed by

Laura Sinram

Date: 2021.04.16

09:00:52 -04'00'

Laura E. Sinram

Acting Secretary and Clerk of the  
Commission



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

AF

April 20, 2021

Kevin W. Monahan, in official capacity as Treasurer  
I.B.E.W. Local 103 Federal Political Action Committee  
256 Freeport Street  
Floor 1  
Boston, MA 02122

C00702043  
AF#: 4149

Dear Mr. Monahan,

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file a Year-End Report of Receipts and Disbursements every calendar year. This report, covering the period November 24, 2020 through December 31, 2020, shall be filed no later than January 31, 2021. 52 U.S.C. § 30104(a). Because records at the Federal Election Commission ("FEC") indicate that you did not file this report within thirty (30) days of the due date, the report is considered not filed for the purpose of calculating the civil money penalty. You should file this report if you have not already done so.

The Act permits the FEC to impose civil money penalties for violations of the reporting requirements of 52 U.S.C. § 30104(a). 52 U.S.C. § 30109(a)(4). On April 5, 2021, the FEC found that there is reason to believe ("RTB") that I.B.E.W. Local 103 Federal Political Action Committee 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 January 31, 2021. 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 \$5,237. 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 \$5,237 is due within forty (40) days of the finding, or by May 15, 2021, and is based on these factors:

Sensitivity of Report: Not Election Sensitive  
Level of Activity: \$97,418  
Number of Days Late: Not Filed  
Number of Previous Civil Money Penalties Assessed: 0

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

I.B.E.W. LOCAL 103 FEDERAL POLITICAL ACTION COMMITTEE

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

If you should decide to challenge the RTB finding and/or calculated civil money penalty, you must submit a written response to the FEC's Office of Administrative Review. Your response must include the AF# (found at the top of page 1 under your committee's identification number) and be received within forty (40) days of the Commission's RTB finding, or May 15, 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, the Federal Election Commission's office remains closed to visitors and most of its employees are continuing 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;

I.B.E.W. LOCAL 103 FEDERAL POLITICAL ACTION COMMITTEE

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and (6) failure to use filing software properly. 11 CFR § 111.35(d).

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

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

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

If you do not pay the calculated civil money penalty and do not submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that I.B.E.W. Local 103 Federal Political Action Committee and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) and assess a civil money penalty.

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

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

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

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

### **4. Partial Payments**

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

### **5. Settlement Offers**

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

## I.B.E.W. LOCAL 103 FEDERAL POLITICAL ACTION COMMITTEE

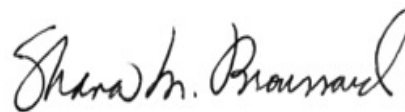
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correspondence transmitted with your check or money order, will be rejected. Acceptance and deposit or cashing of such a restricted payment does not constitute acceptance of the settlement offer. Payments containing restrictive endorsements will be 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 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

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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 \$5,237 for the Year-End 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

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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: I.B.E.W. Local 103 Federal Political Action Committee

FEC ID#: C00702043

AF#: 4149

PAYMENT DUE DATE: May 15, 2021

PAYMENT AMOUNT DUE: \$5,237



**Affidavit: IBEW Local 103 Federal Political Action Committee**

**C00702043**

**AF#: 4149**

I, Shang Yang of I.B.E.W. Local 103, 256 Freeport Street, Boston, MA 02122, personally appeared before the undersigned notary public, and under oath or affirmation make the following statements:

Regarding the notice of failure to file of Year-End Report period November 24, 2020 through December 31, 2020 within thirty (30) days of the due date. On January 29, 2021, we were on the phone with FEC on how to properly file the YE and the Post-General reports. We filed both reports on January 29, 2021 (see attached screenshot from FECfile software) per the instructions of the FEC representative. The FEC representative on the phone assured us it was filed properly.

On April 15, 2021, we were notified by the FEC on the failure to file. At this time, we phoned the FEC helpdesk again and was informed the YE report was not received on January 29, 2021 by FEC. We were asked to provide an email confirmation, which we did not have. However, our Post-General report was filed on the same day, and we did not receive a confirmation neither; that was received by the FEC without issues on the same date. We suspect that there may have be a communication issue with the file transmission on January 29, 2021.

Upon received the notice on April 15, 2021, we re-submitted the YE report immediately on the day. We ask that the commission waive the penalty based on the above circumstance, the fact there were no previous assessed penalties, and the difficulty of the pandemic.

Date: 5/6/21

Signature of Affiant

Shang Yang

State of Mass

County of suffolk

On this 6 of May, 2021, before me, Atiya Charley (name of notary public), Shang yang (name of document signer) personally appeared and proved to me through satisfactory evidence of identification, which were MIA DL, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose.



**ATIYA FARAH CHARLEY**  
Notary Public  
Commonwealth of Massachusetts  
My Commission Expires  
December 26, 2025

Notary Public Signature and Seal

Atiya Charley  
12/26/25

FECfile - YE2019

File Edit View Tools Window Help



Type	Coverage	Election Date	Closed on	Signed by
A1:S1:January 31 Year End (Monthly)	07/01/2019 - 12/31/2019		07/08/2020	Monahan, Kevin
A1:S1:April 15 Quarterly	01/01/2020 - 03/31/2020		07/08/2020	Monahan, Kevin
July 15 Quarterly	04/01/2020 - 06/30/2020		07/15/2020	Monahan, Kevin
A4:S2:October 15 Quarterly	07/01/2020 - 09/30/2020		01/29/2021	Monahan, Kevin
A4:S3:30 day Post-General	10/01/2020 - 11/23/2020	11/03/2020	01/29/2021	Monahan, Kevin
January 31 Year End (Quarterly)	11/24/2020 - 12/31/2020		01/29/2021	Monahan, Kevin



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

July 1, 2021

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

AF# 4149 – I.B.E.W. Local 103 Federal Political Action Committee and Mr. Kevin W. Monahan, in his official capacity as Treasurer (C00702043)

### **Summary of Recommendation**

Make a final determination that the respondents violated 52 U.S.C. § 30104(a) and assess a \$704 civil money penalty.

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

The 2020 Year-End Report was due on January 31, 2021. The respondents filed the report on April 20, 2021, 79 days late. The report is not election sensitive and was not filed within 30 days of the due date; therefore, the report is considered not filed. 11 C.F.R. §§ 111.43(d)(1) and (e)(1).

On April 5, 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 Year-End Report and made a preliminary determination that the civil money penalty was \$5,237 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 April 20, 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 political committee not authorized by a candidate which is filing on a quarterly basis shall file a report for the final calendar quarter of the year by January 31 of the following calendar year. 52 U.S.C. § 30104(a)(4)(A)(i) 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 May 6, 2021, the Commission received the written response (“challenge”) from the Committee stating that they believed they filed the 2020 Year-End Report on January 29, 2021. The Committee explains that they received assistance from RAD to file both the 2020 Post-General and Year-End Reports on January 29, 2021, and the FEC representative “assured us it was filed properly.” The Committee includes a screenshot of its FECFile screen highlighting the 2020 Year-End Report was closed on January 29, 2021.

The Committee notes that upon receiving a notification regarding the late filing on April 15, 2021, they called the FEC for further assistance. The FEC representative asked the Committee for an email confirmation indicating the report was received by the FEC, which the Committee did not have. The Committee also notes that it did not receive an email confirmation for the 2020 Post-General Report, which was successfully filed and received on January 29, 2021. The Committee “suspect[s] that there may have [been] a communication issue with the file transmission on January 29, 2021.”

The Committee concludes by stating that it filed the 2020 Year-End Report immediately upon notification on April 15, 2021. Further, the Committee requests that the penalty be waived “based on the above circumstance, the fact there were no previous assessed penalties, and the difficulty of the pandemic.”

## Analysis

The Committee states it believed it had successfully filed the 2020 Year-End Report on January 29, 2021, prior to the January 31, 2021 filing deadline. Further, the Committee indicates it was not aware the 2020 Year-End Report had not been filed until April 20, 2021, upon receiving notice from the FEC. The Committee contacted the RAD Analyst for assistance and filed the report again that same day.<sup>1</sup>

The Committee also states that FEC staff assured the Committee that the report was properly filed on January 29, 2021. However, RAD telephone logs do not suggest the RAD Analyst provided any type of confirmation that the 2020 Year-End Report was received on or around January 29, 2021. While the Analyst had provided assistance related to filing amendments of other reports in the days prior, the Analyst only had a brief discussion with the Committee Representative related to the 2020 Year-End Report. According to telephone logs, the Committee Representative called the RAD Analyst on January 29, 2021 to request the coverage dates of the report, and the Analyst simply provided the requested information.

With respect to the Committee’s FECFile screenshot indicating the report was closed on January 29, 2021, the Reviewing Officer notes that the closed status does not indicate whether a report was successfully uploaded to the FEC. Users must take additional steps after closing a report to upload to the FEC.<sup>2</sup> According to a RAD telephone log from April 20, 2021, the Committee

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<sup>1</sup> The Reviewing Officer notes that the Committee’s challenge references the notification was received on 4/15/21, and that the Committee filed the report again that same day. One can reasonably presume that the Committee intended to reference the date of 4/20/21. On 4/20/21, RAD sent the RTB notification in this matter, and the Committee successfully filed the 2020 Year-End Report.

<sup>2</sup> See pp. 38-39, [https://www.fec.gov/resources/cms-content/documents/GettingStarted\\_FECFileManual\\_pac-party.pdf](https://www.fec.gov/resources/cms-content/documents/GettingStarted_FECFileManual_pac-party.pdf)

Representative indicated he may not have uploaded the 2020 Year-End Report because he believed all pending reports would be uploaded to FEC upon uploading a single report.

The Committee also states that it “suspect[s] that there may have [been] a communication issue with the file transmission on January 29, 2021.” However, according to the Commission’s Electronic Filing Office (“EFO”), there is no indication that there were any issues with the Commission’s Electronic Filing System which would have prevented the Committee from filing the report on or around January 29, 2021.

In response to the Committee’s contention that it was not aware of the missing 2020 Year-End Report until receiving the RTB notification in this matter, Commission records indicate the Committee was alerted to its failure to file the report on two prior occasions. On February 1, 2021, the day following the filing deadline, EFO sent a late notification email regarding the 2020 Year-End Report to shang@ibew103.com and kmonahan@ibew103.com because the report had not yet been filed. On February 17, 2021, RAD sent the non-filer notification via email to shang@ibew103.com.

The Reviewing Officer also notes that when an electronic report is successfully uploaded, EFO sends a confirmation email indicating whether the filing was accepted or rejected. Given the Committee’s experience in filing, it should have expected to receive this email immediately after attempting to file the 2020 Year-End Report on January 29, 2021. The absence of this email should have alerted the Committee that its attempt to file was not successful.<sup>3</sup>

While the Reviewing Officer recognizes the Committee may have intended to timely file the report on January 29, 2021, Commission records indicate the 2020 Year-End Report was not timely filed due to the Committee’s failure to properly upload the report to the FEC. Failure to use filing software properly is specifically included at 11 C.F.R. § 111.35(d) as an example of a circumstance that will not be considered reasonably unforeseen and beyond the respondents’ control. Therefore, the Reviewing Officer recommends that the Commission make a final determination that the respondents violated 52 U.S.C. § 30104(a).

At the time of the RTB finding, the Commission used an estimated level of activity (\$97,418) to calculate the penalty because the 2020 Year-End Report had not yet been filed. 11 C.F.R. § 111.43(d)(2). On April 20, 2021, the Committee filed the 2020 Year-End Report, 79 days late. The 2020 Year-End Report discloses \$15,382 in total receipts and \$0 in total disbursements during the reporting period. Therefore, the actual level of activity for the 2020 Year-End reporting period is \$15,382. 11 C.F.R. § 111.43(d)(3). Using the schedule of penalties at 11 C.F.R. § 111.43, a penalty of \$704 should be assessed.

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 \$704 (reduced from the RTB penalty of \$5,237).

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<sup>3</sup> The Committee states that it successfully filed the 2020 Post-General Report on January 29, 2021 but did not receive a confirmation email. However, immediately upon receiving the 2020 Post-General Report on January 29, 2021, the EFO did send a confirmation email to shang@ibew103.com. The receipt of this confirmation email should have further alerted the Committee that its attempt to file the 2020 Year-End Report was not successful.

**OAR Recommendations**

1. Adopt the Reviewing Officer recommendation for AF# 4149 involving I.B.E.W. Local 103 Federal Political Action Committee and Mr. Kevin W. Monahan, in his official capacity as Treasurer, in making the final determination;
2. Make a final determination in AF# 4149 that I.B.E.W. Local 103 Federal Political Action Committee and Mr. Kevin W. Monahan, in his official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess a \$704 civil money (reduced from the RTB civil money penalty of \$5,237); and
3. Send the appropriate letter.

**Attachments**

- Attachment 1 –
- Attachment 2 – Pages 38-39 of *FECFile Getting Started Manual*
- Attachment 3 –
- Attachment 4 – Declaration from RAD
- Attachment 5 – Declaration from OAR

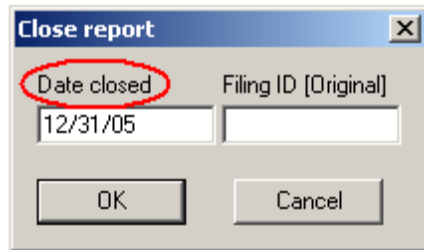
# Closing/Uploading/Amending

## Closing a Report

1. Go to the “Reports” view.
2. Right click the report you want to close.
3. Select “Close Report” from the drop down menu.



4. In the “Close Report” dialog box, enter today’s date in the “Date closed” field and click OK. Note: a Filing ID is only required when filing amendments and should be left blank for new reports.



## Uploading a Report

1. Follow the directions above for closing a report.
2. When a report is closed, the letters should change to pink/purple.
3. Choose “Upload” from the “File” menu or the Upload icon. Note: you can also run a Limits Check from the “File” menu before choosing to upload. This check will make sure all contributions (receipts and disbursements) fall within the limitations.
4. The upload process will automatically run the validation program at this point to detect any errors.
5. The validation program will notify the user if serious errors are found that will prevent the report from being accepted by the Commission’s validation program. Note: for more information on Validation Errors, please see page 42.



6. If no errors are found or the user indicates that they wish to file the report with warnings, the upload settings screen will appear.

7. Enter your password (see page 1), 9-digit committee ID number, and fax OR email address. You must confirm your password and email address by entering it a second time, otherwise the report will not be uploaded. If you have an internet connection choose TCP/IP as the Filing Method and then click OK. Note: the “This filing amends” field should not be filled in for new reports.

8. Make a Backup of your “Date File” (\*.dcf).

## **Amending a Report**

### **Creating an Amendment:**

1. Go to the “Reports” view.
2. Right click the report to be amended and then click on Amend (you may change the name of the treasurer at this point since the Report Information box will appear).
3. Click the OK Button on the Report Information box.
  - Note: reports filed on paper can not be amended electronically
  - The report will now have an A1, A2, etc. in front of it. A1 is for the first amendment; A2 is for the second amendment. Any subsequent amendments will have “A” and the appropriate corresponding number of the amendment. If the user has filed any reports with coverage dates following the amendment, FECfile will automatically generate amendments for those reports. For instance, if the April Monthly report is amended in November, FECfile will also generate amendments for the May Monthly through November Monthly reports.
  - Note: these reports will automatically be generated, but not uploaded. Also, these additional amendments need not be uploaded unless there is a change in any of the dollar figures (most commonly, year-to-date or cash-on-hand totals).



**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 I.B.E.W. Local 103 Federal Political Action Committee:
  - A) Non-Filer Letter, dated February 17, 2021, referencing the 2020 Year-End Report (sent via electronic mail to: shang@ibew103.com);
  - B) Reason-to-Believe Letter, dated April 20, 2021, referencing the 2020 Year-End Report (sent via electronic mail to: shang@ibew103.com).
4. I hereby certify that I have searched the Commission’s public records and find that I.B.E.W. Local 103 Federal Political Action Committee filed the 2020 Year-End Report with the Commission on April 20, 2021.
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 25<sup>th</sup> day of June, 2021.

*Kristin D. Roser*

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



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RQ-7

February 17, 2021

MONAHAN, KEVIN W MR., TREASURER  
I.B.E.W. LOCAL 103 FEDERAL POLITICAL ACTION COMMITTEE  
256 FREEPORT STREET  
FLOOR 1  
BOSTON, MA 02122

IDENTIFICATION NUMBER: C00702043

REFERENCE: YEAR-END REPORT (11/24/2020 - 12/31/2020)

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

I.B.E.W. LOCAL 103 FEDERAL POLITICAL ACTION COMMITTEE

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 Ben Holly in the Reports Analysis Division on our toll-free number (800)424-9530. The analyst's direct number is (202)694-1129.

Sincerely,



Deborah Chacona  
Assistant Staff Director  
Reports Analysis Division

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**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 a report for the period ending December 31 no later than January 31 of the following calendar year. Reports electronically filed must be received and validated at or before 11:59 pm Eastern Standard/Daylight Time on January 31, 2021 for the 2020 Year-End 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 Page, Summary Page, Detailed Summary Pages, and Envelope of the 2020 Year-End Report filed by I.B.E.W. Local 103 Federal Political Action Committee. The report includes the coverage period of November 24, 2020 through December 31, 2020 and was electronically filed April 20, 2021.
- 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 1<sup>st</sup> day of July, 2021.

*Rhiannon Magruder*

Rhiannon Magruder  
Reviewing Officer  
Office of Administrative Review  
Federal Election Commission

# 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**  
I.B.E.W. LOCAL 103 FEDERAL POLITICAL ACTION COMMITTEE

ADDRESS (number and street) 256 Freeport Street  
Check if different than previously reported. (ACC) Dorchester MA 02122

2. FEC IDENTIFICATION NUMBER ▼ CITY ▲ STATE ▲ ZIP CODE ▲

**C** C00702043 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:
- |                                      |                                      |                                       |  |
|--------------------------------------|--------------------------------------|---------------------------------------|--|
| <input type="checkbox"/> Feb 20 (M2) | <input type="checkbox"/> May 20 (M5) | <input type="checkbox"/> Aug 20 (M8)  | <input type="checkbox"/> Nov 20 (M11) (Non-Election Year Only) |
| <input type="checkbox"/> Mar 20 (M3) | <input type="checkbox"/> Jun 20 (M6) | <input type="checkbox"/> Sep 20 (M9)  | <input type="checkbox"/> Dec 20 (M12) (Non-Election Year Only) |
| <input type="checkbox"/> Apr 20 (M4) | <input type="checkbox"/> Jul 20 (M7) | <input type="checkbox"/> Oct 20 (M10) | <input type="checkbox"/> Jan 31 (YE)                           |

- (c) 12-Day PRE-Election Report for the:
- |   |  |                                       |
|---|--|---------------------------------------|
| <input type="checkbox"/> Primary (12P)    | <input type="checkbox"/> General (12G) | <input type="checkbox"/> Runoff (12R) |
| <input type="checkbox"/> Convention (12C) | <input type="checkbox"/> Special (12S) |                                       |

Election on [M M] / [D D] / [Y Y Y Y] in the State of [ ]

- (d) 30-Day POST-Election Report for the:
- |  |                                       |  |
|--|---------------------------------------|--|
| <input type="checkbox"/> General (30G) | <input type="checkbox"/> Runoff (30R) | <input type="checkbox"/> Special (30S) |
|--|---------------------------------------|--|

Election on [M M] / [D D] / [Y Y Y Y] in the State of [ ]

5. Covering Period [11] / [24] / [2020] through [12] / [31] / [2020]

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

Monahan, Kevin, W., ,

Type or Print Name of Treasurer

Signature of Treasurer

Monahan, Kevin, W., ,

[Electronically Filed]

Date

[01] / [29] / [2021]

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

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

**I.B.E.W. LOCAL 103 FEDERAL POLITICAL ACTION COMMITTEE**

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"/>		<input type="text" value="52159.60"/>
(b) Cash on Hand at Beginning of Reporting Period.....	<input type="text" value="86116.75"/>	
(c) Total Receipts (from Line 19) .....	<input type="text" value="15382.33"/>	<input type="text" value="314339.48"/>
(d) Subtotal (add Lines 6(b) and 6(c) for Column A and Lines 6(a) and 6(c) for Column B).....	<input type="text" value="101499.08"/>	<input type="text" value="366499.08"/>
7. Total Disbursements (from Line 31).....	<input type="text" value="0.00"/>	<input type="text" value="265000.00"/>
8. Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d)).....	<input type="text" value="101499.08"/>	<input type="text" value="101499.08"/>
9. Debts and Obligations Owed TO the Committee (Itemize all on Schedule C and/or Schedule D).....	<input type="text" value="0.00"/>	
10. Debts and Obligations Owed BY the Committee (Itemize all on Schedule C and/or Schedule D).....	<input type="text" value="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

**I.B.E.W. LOCAL 103 FEDERAL POLITICAL ACTION COMMITTEE**

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

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	0.00
(ii) Unitemized .....	15382.33	314339.48
(iii) TOTAL (add Lines 11(a)(i) and (ii)).....▶	15382.33	314339.48
(b) Political Party Committees .....	0.00	0.00
(c) Other Political Committees (such as PACs).....	0.00	0.00
(d) Total Contributions (add Lines 11(a)(iii), (b), and (c)) (Carry Totals to Line 33, page 5) .....	15382.33	314339.48
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)).....▶	15382.33	314339.48
20. Total Federal Receipts (subtract Line 18(c) from Line 19).....▶	15382.33	314339.48

**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.....	0.00	115000.00
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	150000.00
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)) ..	0.00	265000.00
32. Total Federal Disbursements (subtract Line 21(a)(ii) and Line 30(a)(ii) from Line 31).....	0.00	265000.00



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) .....	15382.33	314339.48
34. Total Contribution Refunds (from Line 28(d)) .....	0.00	0.00
35. Net Contributions (other than loans) (subtract Line 34 from Line 33) .....	15382.33	314339.48
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

July 2, 2021

Mr. Kevin W. Monahan, in official capacity as Treasurer  
I.B.E.W. Local 103 Federal Political Action Committee  
256 Freeport Street, Floor 1  
Boston, MA 02122

C00702043  
AF# 4149

Dear Mr. Monahan:

On April 5, 2021, the Federal Election Commission (“the Commission”) found reason to believe (“RTB”) that I.B.E.W. Local 103 Federal Political Action Committee and you, in your official capacity as Treasurer, violated 52 U.S.C. § 30104(a) for failing to timely file the 2020 Year-End Report. The Commission also made a preliminary determination that the civil money penalty was \$5,237 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 reduced 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



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

**SENSITIVE**

October 12, 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# 4149 – I.B.E.W. Local 103 Federal Political Action Committee and Mr. Kevin W. Monahan, in their official capacity as Treasurer (C00702043)

On April 5, 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 Year-End Report and made a preliminary determination that the civil money penalty was \$5,237 based on the schedule of penalties at 11 C.F.R. § 111.43. On May 6, 2021, the Commission received their written response (“challenge”). After reviewing the challenge, the Reviewing Officer Recommendation (“ROR”) dated July 1, 2021 was forwarded to the Commission, a copy was forwarded to the respondents, and is hereby incorporated by reference. While the Reviewing Officer recognizes the Committee may have intended to timely file the report on January 29, 2021, Commission records indicate the 2020 Year-End Report was not timely filed due to the Committee’s failure to properly upload the report to the FEC. Failure to use filing software properly is specifically included at 11 C.F.R. § 111.35(d) as an example of a circumstance that will not be considered reasonably unforeseen and beyond the respondents’ control. Therefore, the Reviewing Officer recommended that the Commission make a final determination that the respondents violated 52 U.S.C. § 30104(a).

The Reviewing Officer also recommended that the Commission assess a civil money penalty of \$704 (reduced from the RTB penalty of \$5,237). At the time of the RTB finding, the Commission used an estimated level of activity (\$97,418) to calculate the penalty because the 2020 Year-End Report had not yet been filed. 11 C.F.R. § 111.43(d)(2). After the RTB finding, the Committee filed the 2020 Year-End Report. Based on the actual level of activity for the

reporting period (\$15,382) and the schedule of penalties at 11 C.F.R § 111.43, a penalty of \$704 should be assessed.

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). The respondents have since paid the recommended civil money penalty of \$704.

### **OAR Recommendations**

1. Adopt the Reviewing Officer recommendation for AF# 4149 involving I.B.E.W. Local 103 Federal Political Action Committee and Mr. Kevin W. Monahan, in their official capacity as Treasurer, in making the final determination;
2. Make a final determination in AF# 4149 that I.B.E.W. Local 103 Federal Political Action Committee and Mr. Kevin W. Monahan, in their official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess a \$704 civil money (reduced from the RTB civil money penalty of \$5,237); and
3. Send the appropriate letter.

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 ) AF 4149  
 Final Determination Recommendation: )  
 I.B.E.W. Local 103 Federal Political )  
 Action Committee and Mr. Kevin W. )  
 Monahan, in their official capacity as )  
 Treasurer (C00702043) )

CERTIFICATION

I, Laura E. Sinram, Acting Secretary and Clerk of the Federal Election Commission, do hereby certify that on October 20, 2021, the Commission decided by a vote of 6-0 to take the following actions in AF 4149:

1. Adopt the Reviewing Officer recommendation for AF# 4149 involving I.B.E.W. Local 103 Federal Political Action Committee and Mr. Kevin W. Monahan, in their official capacity as Treasurer, in making the final determination.
2. Make a final determination in AF# 4149 that I.B.E.W. Local 103 Federal Political Action Committee and Mr. Kevin W. Monahan, in their official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess a \$704 civil money penalty (reduced from the RTB civil money penalty of \$5,237).
3. Send the appropriate letter.

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

  
 October 21, 2021  
 \_\_\_\_\_  
 Date

Attest:

**Laura e  
Sinram**

Digitally signed by  
 Laura e Sinram  
 Date: 2021.10.21  
 15:36:42 -04'00'

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



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

October 22, 2021

Mr. Kevin W. Monahan, in official capacity as Treasurer  
I.B.E.W. Local 103 Federal Political Action Committee  
256 Freeport Street, Floor 1  
Boston, MA 02122

C00702043  
AF# 4149

Dear Mr. Monahan:

On April 5, 2021, the Federal Election Commission (“the Commission”) found reason to believe (“RTB”) that I.B.E.W. Local 103 Federal Political Action Committee and you, in your official capacity as Treasurer, violated 52 U.S.C. § 30104(a) for failing to timely file the 2020 Year-End Report. By letter dated April 20, 2021, the Commission sent notification of the RTB finding that included a civil money penalty calculated at RTB of \$5,237 in accordance with the schedule of penalties at 11 C.F.R. § 111.43. On May 6, 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 reduce the RTB civil money penalty because it was calculated using an estimated level of activity, make a final determination that I.B.E.W. Local 103 Federal Political Action Committee and you, in your official capacity as Treasurer, violated 52 U.S.C. § 30104(a), and based on the actual level of activity disclosed on the 2020 Year-End Report filed April 20, 2021 (\$15,382), assess a civil money penalty in the amount of \$704 in accordance with 11 C.F.R. § 111.43. The Reviewing Officer Recommendation was sent to you on July 2, 2021. On July 6, 2021, the Commission received your \$704 payment.

On October 20, 2021, the Commission adopted the Reviewing Officer’s recommendation and made a final determination that I.B.E.W. Local 103 Federal Political Action Committee and you, in your official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assessed a civil money penalty of \$704. A copy of the Final Determination Recommendation is attached.

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

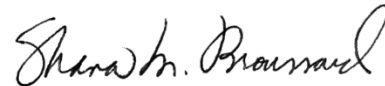
If you choose to appeal the final determination, you should submit a written petition, within 30 days of receipt of this letter, to the U.S. District Court for the district in which the committee or you reside, or transact business, requesting that the final determination be modified or set aside.

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.

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) 694-1660.

On behalf of the Commission,



Shana M. Broussard  
Chair