



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

**SENSITIVE**

September 14, 2021

**MEMORANDUM**

TO: The Commission

THROUGH: Alec Palmer *AP*  
Staff Director

FROM: Patricia C. Orrock *DC* for 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 – 2021 July Monthly Report for the  
Administrative Fine Program

Attached is a list of political committees and their treasurers who failed to file the 2021 July Monthly Report in accordance with 52 U.S.C. § 30104(a). The July Monthly Report was due on July 20, 2021.

The committees listed on the attached RTB Circulation Report filed the report no more than thirty (30) days after the due date (considered a late filed report). In accordance with the schedule of civil money penalties for reports at 11 CFR 111.43, these committees should be assessed the civil money penalties highlighted on the attached circulation report.

**Recommendation**

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

Federal Election Commission  
Reason to Believe Circulation Report  
2021 JULY MONTHLY Not Election Sensitive 07/20/2021 P\_UNAUTH

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
4238	C00471540	ENVIRONMENTAL DEFENSE ACTION FUND PAC (EDAF PAC)		WILLIAM O'BRIEN	\$111,721	0	7/29/2021	9	\$9,884	\$124
4239	C00416743	VICTORY NOW PAC		STACEY MAUD	\$357,461	0	7/26/2021	6	\$87,404	\$1,504

## BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
 Reason To Believe Recommendation – 2021 )  
 July Monthly Report for the Administrative )  
 Fine Program: )  
 ENVIRONMENTAL DEFENSE ACTION ) AF# 4238  
 FUND PAC (EDAF PAC), and O'BRIEN, )  
 WILLIAM as treasurer; )  
 VICTORY NOW PAC, and MAUD, STACEY ) AF# 4239  
 as treasurer; )

CERTIFICATION

I, Laura E. Sinram, Acting Secretary and Clerk of the Federal Election Commission, do hereby certify that on September 15, 2021 the Commission took the following actions on the Reason To Believe Recommendation – 2021 July Monthly Report for the Administrative Fine Program, as recommended in the Reports Analysis Division's Memorandum dated September 14, 2021, on the following committees:

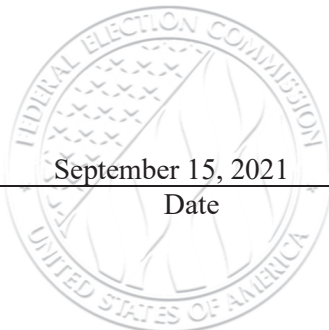
AF#4238 Decided by a vote of 5-0 to: (1) find reason to believe that ENVIRONMENTAL DEFENSE ACTION FUND PAC (EDAF PAC), and O'BRIEN, WILLIAM in their official capacity as treasurer, violated 52 U.S.C. § 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated 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#4239 Decided by a vote of 5-0 to: (1) find reason to believe that VICTORY NOW PAC, and MAUD, STACEY in their 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.

Attest:

**Laura e  
Sinram**

Digitally signed by  
Laura e Sinram  
Date: 2021.09.15  
18:57:52 -04'00'



September 15, 2021

Date

Laura E. Sinram

Acting Secretary and Clerk of the Commission



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

AF

September 16, 2021

William O'Brien, in official capacity as Treasurer  
Environmental Defense Action Fund PAC (EDAF PAC)  
257 Park Avenue South  
17th Floor  
New York, NY 10010

C00471540  
AF#: 4238

Dear Mr. O'Brien,

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file a July Monthly Report of Receipts and Disbursements covering the period June 1, 2021 through June 30, 2021. This report shall be filed no later than July 20, 2021. 52 U.S.C. § 30104(a). Records at the Federal Election Commission ("FEC") indicate that this report was filed on July 29, 2021, 9 days late.

The Act permits the FEC to impose civil money penalties for violations of the reporting requirements of 52 U.S.C. § 30104(a). 52 U.S.C. § 30109g(a)(4). On September 15, 2021, the FEC found that there is reason to believe ("RTB") that Environmental Defense Action Fund PAC (EDAF PAC) and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) by failing to file timely this report on or before July 20, 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 \$124. 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 \$124 is due within forty (40) days of the finding, or by October 25, 2021, and is based on these factors:

Election Sensitivity of Report: Not Election Sensitive  
Level of Activity: \$9,884  
Number of Days Late: 9  
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**

## ENVIRONMENTAL DEFENSE ACTION FUND PAC (EDAF PAC)

Page 2 of 5

If you should decide to challenge the RTB finding and/or calculated civil money penalty, you must submit a written response to the FEC's Office of Administrative Review. Your response must include the AF# (found at the top of page 1 under your committee's identification number) and be received within forty (40) days of the Commission's RTB finding, or October 25, 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; and (6) failure to use filing software properly. 11 CFR § 111.35(d).

## ENVIRONMENTAL DEFENSE ACTION FUND PAC (EDAF PAC)

Page 3 of 5

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

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

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

If you do not pay the calculated civil money penalty and do not submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that Environmental Defense Action Fund PAC (EDAF PAC) and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) and assess a civil money penalty.

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

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

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

NOTICE REGARDING PARTIAL PAYMENTS AND SETTLEMENT OFFERS

**4. Partial Payments**

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

**5. Settlement Offers**

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

## ENVIRONMENTAL DEFENSE ACTION FUND PAC (EDAF PAC)

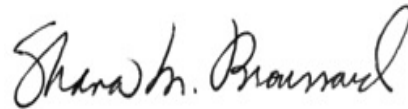
Page 4 of 5

acceptance of the settlement offer. Payments containing restrictive endorsements will be deposited and treated as a partial payment towards the civil money penalty that the Commission assesses upon making a final determination. All unpaid civil money penalty amounts remaining will be subject to the debt collection procedures set forth in Section 2, above.

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

As noted earlier, you may obtain additional information on the FEC's administrative fine program, including the final regulations, on the FEC's website at <https://www.fec.gov/af/pay.shtml>. If you have questions regarding the payment of the calculated civil money penalty, please contact 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 \$124 for the July Monthly Report.

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

ENVIRONMENTAL DEFENSE ACTION FUND PAC (EDAF PAC)

Page 5 of 5

694-1130.

COMMITTEE NAME: Environmental Defense Action Fund PAC (EDAF PAC)

FEC ID#: C00471540

AF#: 4238

PAYMENT DUE DATE: October 25, 2021

PAYMENT AMOUNT DUE: \$124



**RECEIVED**

By Office of the Commission Secretary at 10:47 am, Feb 23, 2022



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

**SENSITIVE**

February 23, 2022

**MEMORANDUM**

TO: The Commission

THROUGH: Alec Palmer *AP*  
Staff Director

FROM: Patricia C. Orrock *DC* for 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: Administrative Fine Program – Final Determination Recommendation for the 2021 July Monthly Report

Attached is a list 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 2021 July Monthly Report. The list represents committees that have paid the civil money penalty.

For your information, one (1) committee disclosed a change in treasurer after the RTB finding. An overview of this case has been provided below.

Victory Now PAC (AF 4239) filed an Amended Statement of Organization after the RTB finding designating Janica Kyriacopoulos as Treasurer.

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 paid the civil money penalty.

**RAD Recommendation**

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

Federal Election Commission  
FD Circulation Report Fine Paid  
2021 JULY MONTHLY Not Election Sensitive 07/20/2021 P\_UNAUTH

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
4238	ENVIRONMENTAL DEFENSE ACTION FUND PAC (EDAF PAC)		C00471540	WILLIAM O'BRIEN	07/29/2021	9	\$9,884	0	09/15/2021	\$124	\$124	10/19/2021	\$124
4239	VICTORY NOW PAC		C00416743	JANICA KYRIACOPOULOS	07/26/2021	6	\$87,404	0	09/15/2021	\$1,504	\$1,504	09/17/2021	\$1,504

## BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
 Administrative Fine Program – Final )  
 Determination Recommendation for the )  
 2021 July Monthly Report: )  
 ENVIRONMENTAL DEFENSE ACTION ) AF# 4238  
 FUND PAC (EDAF PAC), and O'BRIEN, )  
 WILLIAM as treasurer; )  
 VICTORY NOW PAC, and ) AF# 4239  
 KYRIACOPOULOS, JANICA as treasurer; )

CERTIFICATION

I, Vicktoria J. Allen, Acting Deputy Secretary of the Federal Election Commission, do hereby certify that on February 25, 2022 the Commission took the following actions on the Administrative Fine Program – Final Determination Recommendation for the 2021 July Monthly Report, as recommended in the Reports Analysis Division's Memorandum dated February 23, 2022, on the following committees:

AF#4238 Decided by a vote of 6-0 to: (1) make a final determination that ENVIRONMENTAL DEFENSE ACTION FUND PAC (EDAF PAC), and O'BRIEN, WILLIAM 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 Broussard, Cooksey, Dickerson, Trainor, Walther, and Weintraub voted affirmatively for the decision.

AF#4239 Decided by a vote of 6-0 to: (1) make a final determination that VICTORY NOW PAC, and KYRIACOPOULOS, JANICA 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 Broussard, Cooksey, Dickerson, Trainor, Walther, and Weintraub voted affirmatively for the decision.

Federal Election Commission  
Certification for Administrative Fines  
February 25, 2022



Attest:

**Vicktoria J Allen** Digitally signed by Vicktoria J Allen  
Date: 2022.02.28 13:28:40 -05'00'

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Vicktoria J. Allen  
Acting Deputy Secretary of the  
Commission



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

AF

February 28, 2022

William O'Brien, in official capacity as Treasurer  
Environmental Defense Action Fund PAC (EDAF PAC)  
257 Park Avenue South  
17th Floor  
New York, NY 10010

C00471540  
AF#: 4238

Dear Mr. O'Brien,

On September 15, 2021, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Environmental Defense Action Fund PAC (EDAF PAC) and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) for filing late or failing to file the 2021 July Monthly Report. By letter dated September 16, 2021, the Commission notified you of the RTB finding and the civil money penalty calculated at the RTB stage totaling \$124, in accordance with the schedule of penalties at 11 C.F.R. § 111.43.

On October 19, 2021, the FEC received payment of the civil money penalty calculated at the RTB stage. The FEC made a final determination on February 25, 2022 that Environmental Defense Action Fund PAC (EDAF PAC) and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a), assessed a civil money penalty in the amount of \$124, in accordance with 11 C.F.R. § 111.43, and voted to close the file.

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 thirty (30) days from the date of this notification.

If you have any questions regarding this matter, please contact Ben Holly on our toll-free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130.

ENVIRONMENTAL DEFENSE ACTION FUND PAC (EDAF PAC)

Page 2 of 2

On behalf of the Commission,

A handwritten signature in blue ink, appearing to read "Allen J. Dickerson", written in a cursive style.

Allen J. Dickerson  
Chairman