



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

SENSITIVE

November 22, 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

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

SUBJECT: Reason To Believe Recommendation – 2021 October Quarterly Report (Non-Election Sensitive) for the Administrative Fine Program

Attached is a list of political committees and their treasurers who failed to file the 2021 October Quarterly Report (Non-Election Sensitive) in accordance with 52 U.S.C. § 30104(a). The October Quarterly Report was due on October 15, 2021.

The committees listed on 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.

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 OCTOBER QUARTERLY Not Election Sensitive 10/15/2021 H_S_P

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
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4260	C00779132	TOM FOR OHIO	THOMAS HWANG	THOMAS HWANG	\$1,069,596	0		Not Filed	\$1,069,596 (est)	\$17,958
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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Reason To Believe Recommendation –)
2021 October Quarterly Report (Non-)
Election Sensitive) for the Administrative)
Fine Program:)

TOM FOR OHIO, and HWANG,) AF# 4260
THOMAS as treasurer;)

Federal Election Commission
Certification for Administrative Fines
November 24, 2021

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CERTIFICATION

I, Vicktoria J. Allen, Acting Deputy Secretary of the Federal Election Commission, do hereby certify that on November 24, 2021 the Commission took the following actions on the Reason To Believe Recommendation – 2021 October Quarterly Report (Non-Election Sensitive) for the Administrative Fine Program, as recommended in the Reports Analysis Division's Memorandum dated November 22, 2021, on the following committees:

Federal Election Commission
Certification for Administrative Fines
November 24, 2021

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Federal Election Commission
Certification for Administrative Fines
November 24, 2021

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AF#4260 Decided by a vote of 5-0 to: (1) find reason to believe that TOM FOR OHIO, and HWANG, THOMAS 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:

Vicktoria J Allen

Digitally signed by Vicktoria J Allen
Date: 2021.11.26 10:33:57 -05'00'

Vicktoria J. Allen

Acting Deputy Secretary of the Commission



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

AF

November 29, 2021

Thomas Hwang, in official capacity as Treasurer
Tom for Ohio
74 West Oakland Ave
Columbus, OH 43201

C00779132
AF#: 4260

Dear Mr. Hwang,

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file an October Quarterly Report of Receipts and Disbursements every calendar year. This report, covering the period July 1, 2021 through September 30, 2021, shall be filed no later than October 15, 2021. 52 U.S.C. § 30104(a). Because records at the Federal Election Commission ("FEC") indicate that this report was not filed 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 November 24, 2021, the FEC found that there is reason to believe ("RTB") that Tom for Ohio and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) by failing to file timely this report on or before October 15, 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 \$17,958. 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 \$17,958 is due within forty (40) days of the finding, or by January 3, 2022, and is based on these factors:

Sensitivity of Report: Not Election Sensitive
Level of Activity: \$1,069,596
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:

TOM FOR OHIO

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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 January 3, 2022. 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. 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).

TOM FOR OHIO

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 Tom for Ohio 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 correspondence transmitted with your check or money order, will be rejected. Acceptance and deposit or cashing of such a restricted payment does not constitute

TOM FOR OHIO

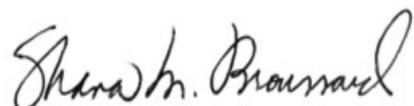
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acceptance of the settlement offer. Payments containing restrictive endorsements will be deposited and treated as a partial payment towards the civil money penalty that the Commission assesses upon making a final determination. All unpaid civil money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

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

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

On behalf of the Commission,



Shana M. Broussard
Chair

ADMINISTRATIVE FINE PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 CFR § 111.43, the amount of your civil money penalty calculated at RTB is \$17,958 for the October Quarterly Report.

You may remit payment by ACH withdrawal from your bank account, or by debit or credit card through Pay.gov, the federal government's secure portal for online collections. Visit www.fec.gov/af/pay.shtml 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

TOM FOR OHIO

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(202) 694-1130.

COMMITTEE NAME: Tom for Ohio

FEC ID#: C00779132

AF#: 4260

PAYMENT DUE DATE: January 3, 2022

PAYMENT AMOUNT DUE: \$17,958

General Affidavit for statements of Tom Hwang regarding Admistrative Fines by the FEC in AF#4260

I, Tom Hwang, acting as Treasurer for Tom For Ohio do solemnly swear that the following statements are true to the best of my knowledge.

Date: December 30, 2021

From:

Tom for Ohio
Tom Hwang, Treasurer
74 West Oakland Avenue
Columbus, OH 43201
Email: Nextgroupup@aol.com

To:

Federal Election Commission
Washington, DC 20463

Regarding:

C00779132
AF#4260

Dear FEC:

I am formally challenging the FEC fine that was recently levied.

Tom Hwang 12/30/21
12/30/21

I recently received a letter via email stating that I would have a fine of \$17,958. The penalty was calculated on activity of \$1,069,596 and filing status was listed as "not filed". These are now incorrect as I have filed and the activity is less than that.

I would at a minimum like a recalculation of that fine reflecting the updated filing status and activity amounts. The activity level should be reduced to \$447,513.

The next sections are a series of extenuating circumstances and/or arguments that may or may not apply but I do want to bring them up regardless.

First, regarding the reported activity level. I would like to exclude the final check for \$20,008.42 (Check number 1140) which was to repay myself and more or less close the campaign. I don't think the law meant to levy a fine on activity that constitutes a loan from the candidate to the campaign and a repayment of the excess back to the candidate at the close of the campaign. Is it really activity to self fund a campaign and with excess funds and get the excess returned ? I would like the activity level reduced by \$40,016 to \$ 407,497.

Second, also regarding the reported activity level. I would like to exclude a loan I made to the campaign on 7-19-21 for \$ 100,000.00 because it was reported on 7-20-21 on FEC-1528876. The loan was reported late on the Q3 report but at least it was previously reported to the FEC in a timely manner on FEC-1528876 (see attachments). Similarly, I would like to exclude a loan I made to the campaign on 7-26-21 for \$ 80,000.00 because it was reported in a timely manner on 7-27-21 on FEC-1530728 (see attachments). These amounts were reported in a timely and legal fashion but not timely on the late Q3 report and I wish to reduce the activity level used to calculate the fine by \$180,000.00. For an administrative fine to be levied on activity that was reported to the FEC in a timely manner but not timely on a 2nd form seems to be overkill and not what was intended in the law.

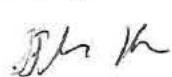
Next, I want to bring up the fact that this was a special election. Congressman Steve Stivers announced he was stepping down on April 19, 2021 (<https://www.nbcnews.com/politics/congress/ohio-rep-steve-stivers-leave-congress-next-month-n1264483>). The primary was on August 3, 2021. That meant citizens who wished to run for that seat had 105 days to set up and run a campaign. This is very different from a normal campaign where you have plenty of time to educate yourself on all the things you need to do. So I am hoping that as a first time politician (And I swear I have never run for public office before.), that the "I was stupid and/or uninformed." excuse might carry a little bit of weight and the fine could be reduced somewhat from what would be a typical fine in a normal election where the candidate can become fully educated about the election process.

The next issue is contact information. The FEC has on file the correct mailing address but I have never received any notices about anything. If I had known in advance that there was a filing problem, it would have been addressed promptly. I guess the notices were being emailed to my former accountant in Georgia but the campaign email never received them and I guess no one sends hard copy letters anymore which I did not know that was the case. And I swear I have never received any postal letters from the FEC to the physical campaign address. I did receive a lot of physical mail regarding the campaign but never from the FEC.

I would like this fact to be considered when calculating the "days late" part of the fine. Although I will admit that my lack of knowledge meant I probably would have been a late filer, but I would have been only a few days late had I known I was late.

The last issue is Covid. I felt ill from about 10-15-21 to 10-19-21. I did not have Covid but I did get a rapid test on 10-19-21 which showed a negative response. So I am asking for a reduction of 4 days in the "days late filing" calculation of the fine. I received the test results via text message on my phone which I can text to you if necessary.

Sincerely,



12/30/21
12/30/21

Tom Hwang.

OHIO 'STATUTORY SHORT FORM OF ACKNOWLEDGMENT' — INDIVIDUAL
§147-55(A)

State of Ohio

County of Franklin

} ss.

The foregoing instrument was acknowledged

before me this December 30th, 2021 by
 Date

Thomas Hwang

Name of Person Acknowledging

David A. Horvath

Signature of Person Taking Acknowledgment

Banker

Title or Rank

Affix Seal Here

OPTIONAL

Completing this information can deter alteration of the document or fraudulent reattachment
 of this form to an unintended document.

Description of Attached Document

Title or Type of Document: General Affidavit

Document Date: 12-30-2021

Number of Pages: 2

Signer(s) Other Than Named Above: _____

©2019 National Notary Association

M1908-05 (09/19)

FEC electronic filing results

Your filing was received and accepted by our system on 12/03/2021 05:59:19 PM, and was assigned the Filing ID: FEC-1550653

Committee ID: C00779132
Committee name: TOM FOR OHIO
Form type: F3N (New Report)
Schedule: October Quarterly
From/through: 07/15/2021 - 09/30/2021
Filing software/version: FECfile/8.3.0.4(f32)

Review your validation warnings:

<https://efoservices.fec.gov/webcheck/services/results/NMHI211203381314>

If you are receiving this email in error or have any questions, please contact the FEC Electronic Filing Office toll-free at (800) 424-9530 ext. 1307 or locally at (202) 694-1307.

Tom for Ohio

74 West Oakland Ave.
Columbus, OH 43201

LOOK FOR

3D hologram foil across top
Heat-reactive circle in upper right corner

1140

25-2440

8/19/21

Date

Pay to the
Order of

Theresa Hwang

\$ 20,008.42

twenty thousand eight ⁴²/₅₀ —

Dollars



Security
Features
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Huntington National Bank

For



NP

Attachment 1
Page 5 of 7

48-HOUR NOTICE OF CONTRIBUTIONS/LOANS RECEIVED

(See Reverse Side for Instructions)

To be used to report all contributions (including loans) of \$1000 or more, received within 20 days of the election.

1. NAME OF COMMITTEE IN FULL Tom for Ohio			
ADDRESS (number and street) 74 West Oakland Ave			
CITY Columbus	STATE OH	ZIP CODE 43201	
2. NAME OF CANDIDATE Hwang, Thomas, , ,		3. OFFICE SOUGHT (State and District) House OH 15	4. FEC IDENTIFICATION NUMBER C00779132
5. IS THIS AN AMENDMENT? <input checked="" type="checkbox"/> NO, THIS IS A NEW FILING <input type="checkbox"/> YES, IT AMENDS THE NOTICE FILED ON _____ / _____ / _____			
A. FULL NAME Hwang, Thomas, , ,			Name of Employer Self Employed Transaction ID : F6.4192
MAILING ADDRESS 300 Cherry St			Occupation Entrepreneur
CITY Waverly	STATE OH	ZIP CODE 45690	
B. FULL NAME			Name of Employer
MAILING ADDRESS			
CITY	STATE	ZIP CODE	Occupation
C. FULL NAME			Name of Employer
MAILING ADDRESS			
CITY	STATE	ZIP CODE	Occupation
D. FULL NAME			Name of Employer
MAILING ADDRESS			
CITY	STATE	ZIP CODE	Occupation
E. FULL NAME			Name of Employer
MAILING ADDRESS			
CITY	STATE	ZIP CODE	Occupation
SIGNATURE (optional) <i>Hwang, Thomas, , ,</i>			DATE 07/20/2021
<i>[Electronically Filed]</i>			For further information contact: Federal Election Commission 999 E Street, NW, Washington, DC 20463 Toll Free 800-424-9530, Local 202-694-1100

Any information copied from reports and statements filed under the Federal Election Campaign Act may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes other than using the name and address of any political committee to solicit contributions from such committee.

FEC FORM 6
(Revised 03/2016)

48-HOUR NOTICE OF CONTRIBUTIONS/LOANS RECEIVED

(See Reverse Side for Instructions)

To be used to report all contributions (including loans) of \$1000 or more, received within 20 days of the election.

1. NAME OF COMMITTEE IN FULL Tom for Ohio				
ADDRESS (number and street) 74 West Oakland Ave				
CITY Columbus		STATE OH	ZIP CODE 43201	
2. NAME OF CANDIDATE Hwang, Thomas, , ,		3. OFFICE SOUGHT (State and District) House OH 15		4. FEC IDENTIFICATION NUMBER C00779132
5. IS THIS AN AMENDMENT? <input checked="" type="checkbox"/> NO, THIS IS A NEW FILING <input type="checkbox"/> YES, IT AMENDS THE NOTICE FILED ON _____ / _____ / _____				
A. FULL NAME Hwang, Thomas, , ,			Name of Employer Self Employed	Date (month, day, year) 07/26/2021
MAILING ADDRESS 300 Cherry St			Transaction ID : F6.4199	Amount 80000.00
CITY Waverly	STATE OH	ZIP CODE 45690	Occupation Entrepreneur	
B. FULL NAME			Name of Employer	Date (month, day, year)
MAILING ADDRESS				
CITY	STATE	ZIP CODE	Occupation	
C. FULL NAME			Name of Employer	Date (month, day, year)
MAILING ADDRESS				
CITY	STATE	ZIP CODE	Occupation	
D. FULL NAME			Name of Employer	Date (month, day, year)
MAILING ADDRESS				
CITY	STATE	ZIP CODE	Occupation	
E. FULL NAME			Name of Employer	Date (month, day, year)
MAILING ADDRESS				
CITY	STATE	ZIP CODE	Occupation	
SIGNATURE (optional) <i>Hwang, Thomas, , ,</i>			DATE 07/27/2021	For further information contact: Federal Election Commission 999 E Street, NW, Washington, DC 20463 Toll Free 800-424-9530, Local 202-694-1100
<i>[Electronically Filed]</i>				

Any information copied from reports and statements filed under the Federal Election Campaign Act may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes other than using the name and address of any political committee to solicit contributions from such committee.

FEC FORM 6
(Revised 03/2016)



**FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463**

February 28, 2022

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

AF# 4260 – Tom for Ohio and Thomas Hwang, in their official capacity as Treasurer (C00779132)

Summary of Recommendation

Make a final determination that the respondents violated 52 U.S.C. § 30104(a) and assess a \$13,468 civil money penalty.

Reason-to-Believe Background

The 2021 October Quarterly Report was due on October 15, 2021. The respondents filed the report on December 3, 2021, 49 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 November 24, 2021, the Commission found reason to believe (“RTB”) that the respondents violated 52 U.S.C. § 30104(a) for failing to timely file the 2021 October Quarterly Report and made a preliminary determination that the civil money penalty was \$17,958 based on the schedule of penalties at 11 C.F.R. § 111.43. A letter was sent to the respondents’ email address of record from the Reports Analysis Division (“RAD”) on November 29, 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 principal campaign committee shall file a report for the quarter ending September 30 no later than October 15. 52 U.S.C. § 30104(a) and 11 C.F.R. § 104.5(a)(1)(i). Reports electronically filed must be received and validated at or before 11:59 p.m. Eastern Standard/Daylight Time on the filing date 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 December 30, 2021, the Commission received the written response (“challenge”) from the Candidate, who is also serving as Treasurer. He states that the Committee has since filed the

2021 October Quarterly Report, and the level of activity should at least be adjusted to \$447,513. He seeks further reduction in the level of activity, and states that the level of activity should not consider candidate loan activity, including repayments made to wind down a campaign. Additionally, he notes that while the candidate loans may not have been timely reported on the 2021 October Quarterly Report, they were timely reported on 48-Hour Notices. He states, “[f]or an administrative fine to be levied on activity that was reported to the FEC in a timely manner but not timely on a 2nd form seems to be overkill and not what was intended in the law.”

The Candidate requests that the level of activity exclude the following activity:

- 1) \$20,008 in candidate loans received but not used;
- 2) \$20,008 in loan repayments made to the Candidate;
- 3) \$100,000 candidate loan timely reported on 7/20/21 48-Hour Notice
- 4) \$80,000 candidate loan timely reported on 7/27/21 48-Hour Notice

The Candidate also explains the circumstances of the 2021 Ohio Special Election. He states that “...citizens who wished to run for that seat had 105 days to set up and run a campaign. This is very different from a normal campaign where you have plenty of time to educate yourself on all the things you need to do.” He requests that the fine be reduced considering he was a first-time politician, inexperienced, and did not have the normal amount of time to educate himself on the election process.

In addition, the Candidate states that he did not receive any notifications from the FEC. He indicates he was unaware that all notifications were sent by email. Further, he notes that the emails were being sent to his previous accountant and not the campaign’s email address. He states that had he received notifications regarding the late filing, he would have filed the report only a few days late. He requests that this be considered in calculating the number of days late.

Finally, the Candidate explains he was ill from October 15-19, 2021. He requests that the calculation of the number of days late be reduced by these four days.

Analysis

Calculation of Level of Activity

At the time of the RTB finding, the Commission used an estimated level of activity (\$1,069,596) to calculate the penalty because the 2021 October Quarterly Report had not yet been filed. 11 C.F.R § 111.43(d)(2)(i). On December 3, 2021, the Committee filed the 2021 October Quarterly Report disclosing a level of activity of \$447,513, lower than previously estimated. The Reviewing Officer confirms that the penalty should be recalculated based on this actual level of activity, as initially presented by the Candidate in the challenge.

The Candidate requests that the level of activity be further reduced by removing specific candidate loan activity. The Reviewing Officer notes that the level of activity is defined as “the total amount of receipts and disbursements for the period covered by the late report.” 11 C.F.R § 111.43(d)(3)(i). Candidate loans are specifically included in the definition of a

contribution at 11 C.F.R. § 100.52; thus, any loan made to a committee by the candidate should be reported as a receipt. Further, a disbursement is defined as any purchase or payment made by a political committee. 11 C.F.R. § 300.2(d). Therefore, the \$20,008 in candidate loans received but not used and \$20,008 in loan repayments to the Candidate shall be included in the calculation of the level of activity. In addition, the \$180,000 in candidate loans which were previously disclosed on 48-Hour Notices shall be considered a receipt and included in the calculation of the level of activity. While previously disclosed, 48-Hour Notice reporting requirements are separate and in addition to regularly scheduled reports. 11 C.F.R. § 104.5(f). Contributions reported on a 48-Hour Notice must still be disclosed on the next scheduled report and are thus included in the calculation of the level of activity of that report. The Reviewing Officer concludes that level of activity should not be further reduced below \$447,513.

Commission Notifications

The Candidate indicates he did not personally receive any notifications regarding the 2021 October Quarterly Report, as all notifications were sent via email to the Committee's previous accountant. The Reviewing Officer confirms that the Commission appropriately sent all notifications via email in accordance with normal business procedures.

On May 10, 2021, the Committee filed its initial Statement of Organization (FEC Form 1) and registered with the Commission. The Committee disclosed the Candidate as Treasurer and provided two email addresses: hwang@pdscompliance.com and admin@pdscompliance.com. The Reviewing Officer recognizes both email addresses may be assigned to the Committee's previous consultants but notes that committees are required to report any change of information contained in its Statement of Organization within 10 days after the change. 11 C.F.R. § 102.2(a)(2). To date, the Committee has not amended its Statement of Organization to provide any updated information, including changes to its email addresses. Therefore, all Commission notifications have been sent via email to these two email addresses.¹

The Reviewing Officer also notes that RAD informs committees of its practice to send correspondence via email. On May 11, 2021, the day following the Committee's registration, RAD sent a notification to both email addresses listed on the Statement of Organization. The notice explained that RAD's Requests for Additional Information ("RFAs") would be sent via email to the email addresses provided, and the Committee would not receive paper notices. The notice also informed the Committee that if it preferred to receive paper RFAs, it could opt out of email delivery

¹ On June 28, 2021, the Commission's Information Division sent the 2021 Ohio Special Primary Notice to hwang@pdscompliance.com and admin@pdscompliance.com, the email addresses listed on the Committee's Statement of Organization. The notice included the 2021 October Quarterly reporting requirement for those candidates participating only in the Special Primary Election. On September 30, 2021, the Information Division sent the 2021 October Quarterly Report Notice to the same email addresses. On October 12, 2021, the Commission's Electronic Filing Office ("EFO") sent a reminder email regarding the 2021 October Quarterly Report to hwang@pdscompliance.com, admin@pdscompliance.com, and paul@pdscompliance.com. On October 16, 2021, the day following the filing deadline, EFO sent a late notification email to the same email addresses because the report had not yet been filed. Further, on November 3, 2021, RAD sent the non-filer notification to hwang@pdscompliance.com and admin@pdscompliance.com.

by filing a Form 99 (Miscellaneous Electronic Submission) to indicate this preference. To date, the Committee has not filed a Form 99 to indicate it prefers to receive paper RFAs.

Conclusion

The Reviewing Officer recognizes the Candidate, serving as Treasurer, may have been inexperienced and unaware of the reporting requirement. However, the Commission appropriately notified the Committee of its requirement to file the 2021 October Quarterly Report. Moreover, failure to know reporting dates and illness, inexperience, or unavailability of the treasurer/committee staff are specifically included at 11 C.F.R. § 111.35(d) as examples of a circumstance that will not be considered reasonably unforeseen and beyond the respondents' control. The challenge fails to adequately address any of the three valid grounds at 11 C.F.R. § 111.35(b). These are: (i) the RTB finding is based on factual errors; and/or (ii) the improper calculation of the civil money penalty; and/or (iii) they used best efforts to file on time but were prevented from doing so by reasonably unforeseen circumstances that were beyond their control and they filed the report no later than 24 hours after the end of these circumstances. 11 C.F.R. § 111.35(b).

The 2021 October Quarterly was filed on December 3, 2021, 49 days late, and is considered not filed. 11 C.F.R. § 111.43(e). The report discloses \$180,147 in total receipts and \$267,366 in total disbursements during the reporting period. Therefore, the actual level of activity for the 2021 October Quarterly reporting period is \$447,513. 11 C.F.R. § 111.43(d)(3). Using the schedule of penalties at 11 C.F.R. § 111.43(a), a penalty of \$13,468 should be assessed (reduced from the RTB civil money penalty of \$17,958).

The Reviewing Officer recommends that the Commission make a final determination that the respondents violated 52 U.S.C. § 30104(a) and assess a \$13,468 civil money penalty.

OAR Recommendations

1. Adopt the Reviewing Officer recommendation for AF# 4260 involving Tom for Ohio and Thomas Hwang, in their official capacity as Treasurer, in making the final determination;
2. Make a final determination in AF# 4260 that Tom for Ohio and Thomas Hwang, in their official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess a \$13,468 civil money penalty (reduced from the RTB civil money penalty of \$17,958); and
3. Send the appropriate letter.

Attachments

Attachment 1 –

Attachment 2 –

Attachment 3 –

Attachment 4 – Declaration from RAD

Attachment 5 –

Attachment 6 – Declaration from OAR

DECLARATION OF KRISTIN D. ROSER

1. I am the Chief of the Compliance Branch for the Reports Analysis Division of the Federal Election Commission (“Commission”). In my capacity as Chief of the Compliance Branch, I oversee the initial processing of the Administrative Fine Program. I make this declaration based on my personal knowledge and, if called upon as a witness, could and would testify competently to the following matters.
2. It is the practice of the Reports Analysis Division to document all calls to or from committees regarding a letter they receive or any questions relating to the FECFile software or administrative fine regulations, including due dates of reports and filing requirements.
3. I hereby certify that documents identified herein are true and accurate copies of the following sent by the Commission to Tom for Ohio:
 - A) Non-Filer Letter, dated November 3, 2021, referencing the 2021 October Quarterly Report (sent via electronic mail to: hwang@pdscompliance.com and admin@pdscompliance.com);
 - B) Reason-to-Believe Letter, dated November 29, 2021, referencing the 2021 October Quarterly Report (sent via electronic mail to: hwang@pdscompliance.com and admin@pdscompliance.com).
4. I hereby certify that I have searched the Commission's public records and find that Tom for Ohio filed the 2021 October Quarterly Report with the Commission on December 3, 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 27th day of January, 2022.

Kristin D. Roser

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



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-7

November 3, 2021

HWANG, THOMAS, TREASURER
TOM FOR OHIO
74 WEST OAKLAND AVE
COLUMBUS, OH 43201

IDENTIFICATION NUMBER: C00779132

REFERENCE: OCTOBER QUARTERLY REPORT (07/15/2021 - 09/30/2021)

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. The report must be filed with the Federal Election Commission, 1050 First Street, NE, Washington, DC 20002. 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 campaign finance reports filed by mail, though processing will not occur on a daily basis until the agency resumes normal mail operations. As a result, paper filers may continue to receive non-filer letters. Nevertheless, filers should continue to file their reports on time. 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 at this time. 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. See 11 CFR 111.35. If you have already filed the report by express, certified or registered mail, please notify us immediately of the certified, registered or express tracking number and the date that the report was sent.

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.

TOM FOR OHIO

Page 2 of 2

The failure to timely file a complete report may result in civil money penalties, 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.

If you have any questions regarding this matter, please contact Christopher Ritchie in the Reports Analysis Division on our toll-free number (800)424-9530. The analyst's direct number is (202)694-1146.

Sincerely,



Deborah Chacona
Assistant Staff Director
Reports Analysis Division

250

DECLARATION OF RHIANNON MAGRUDER

- 1) I am the Reviewing Officer in the Office of Administrative Review for the Federal Election Commission (“Commission”). In my capacity as Reviewing Officer, I conduct research with respect to all challenges submitted in accordance with the Administrative Fine program.
- 2) A principal campaign committee of a candidate shall file a report for the period ending September 30 no later than October 15. Reports filed electronically must be received and validated at or before 11:59 pm, Eastern Standard/Daylight Time on October 15, 2021 for the 2021 October Quarterly Report to be timely filed.
- 3) I hereby certify that I have searched the Commission’s public records and that the documents identified herein are the true and accurate copies of:
 - a) Cover Page, Summary Page, and Detailed Summary Pages of the 2021 October Quarterly Report filed by Tom for Ohio. The report includes the coverage period of July 15, 2021 through September 30, 2021 and was electronically filed on December 3, 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 28th day of February, 2022.

Rhiannon Magruder
Rhiannon Magruder
Reviewing Officer
Office of Administrative Review
Federal Election Commission

FEC
FORM 3REPORT OF RECEIPTS
AND DISBURSEMENTS
For An Authorized Committee

Office Use Only

1. NAME OF
COMMITTEE (in full)

TYPE OR PRINT ▼

Example: If typing, type
over the lines.

12FE4M5

Tom for Ohio

ADDRESS (number and street)

74 West Oakland Ave.

Check if different
than previously
reported. (ACC)

Columbus

OH

43201

CITY ▲

STATE ▲

ZIP CODE ▲

2. FEC IDENTIFICATION NUMBER ▼

C C00779132

3. IS THIS
REPORTNEW
(N)

OR

AMENDED
(A)

STATE ▼ DISTRICT

OH

15

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)
- Termination Report (TER)

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

- Primary (12P)
- General (12G)
- Runoff (12R)
- Convention (12C)
- Special (12S)

Election on

M M / D D / Y Y Y Y

in the
State of

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

- General (30G)
- Runoff (30R)
- Special (30S)

Election on

M M / D D / Y Y Y Y

in the
State of

5. Covering Period

M M 07 / D D 15 / Y Y 2021

through

M M 09 / D D 30 / Y Y 2021

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

Hwang, Tom, , ,

Type or Print Name of Treasurer

Signature of Treasurer

Hwang, Tom, , ,

[Electronically Filed]

Date

M M 12 / D D 03 / Y Y 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
OnlyFEC FORM 3
(Revised 05/2016)

Write or Type Committee Name
Tom for Ohio

Report Covering the Period: From:

M M 07 / D D 15 / Y Y 2021

To:

M M 09 / D D 30 / Y Y 2021

COLUMN A
This Period

COLUMN B
Election Cycle-to-Date

6. Net Contributions (other than loans)

- (a) Total Contributions (other than loans) (from Line 11(e))
- (b) Total Contribution Refunds (from Line 20(d))
- (c) Net Contributions (other than loans) (subtract Line 6(b) from Line 6(a))

146.92	341.92
0.00	0.00
146.92	341.92

7. Net Operating Expenditures

- (a) Total Operating Expenditures (from Line 17)
- (b) Total Offsets to Operating Expenditures (from Line 14).....
- (c) Net Operating Expenditures (subtract Line 7(b) from Line 7(a))

267328.78	267328.78
0.00	0.00
267328.78	267328.78

8. Cash on Hand at Close of Reporting Period (from Line 27).....

500.00

9. Debts and Obligations Owed TO the Committee (Itemize all on Schedule C and/or Schedule D)

0.00

10. Debts and Obligations Owed BY the Committee (Itemize all on Schedule C and/or Schedule D)

180000.00

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

PAGE 3 / 12

FEC Form 3 (Revised 05/2016)

Write or Type Committee Name

Tom for Ohio

Report Covering the Period: From:

M M 07 / D D 15 / Y Y Y 2021

To:

M M 09 / D D 30 / Y Y Y 2021

I. RECEIPTS

COLUMN A
Total This PeriodCOLUMN B
Election Cycle-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

146.92

341.92

(iii) TOTAL of contributions
from individuals

146.92

341.92

(b) Political Party Committees.....

0.00

0.00

(c) Other Political Committees
(such as PACs)

0.00

0.00

(d) The Candidate.....

0.00

0.00

(e) TOTAL CONTRIBUTIONS

(other than loans)

(add Lines 11(a)(iii), (b), (c), and (d))..

146.92

341.92

12. TRANSFERS FROM OTHER
AUTHORIZED COMMITTEES

0.00

0.00

13. LOANS:

(a) Made or Guaranteed by the
Candidate.....

180000.00

180000.00

(b) All Other Loans.....

0.00

0.00

(c) TOTAL LOANS

(add Lines 13(a) and (b)).....

180000.00

180000.00

14. OFFSETS TO OPERATING
EXPENDITURES
(Refunds, Rebates, etc.)

0.00

0.00

15. OTHER RECEIPTS
(Dividends, Interest, etc.)

0.00

0.00

16. TOTAL RECEIPTS (add Lines
11(e), 12, 13(c), 14, and 15)
(Carry Total to Line 24, page 4).....

180146.92

180341.92

DETAILED SUMMARY PAGE

of Disbursements

PAGE 4 / 12

FEC Form 3 (Revised 05/2016)

II. DISBURSEMENTS	COLUMN A Total This Period	COLUMN B Election Cycle-to-Date
17. OPERATING EXPENDITURES.....	267328.78	267328.78
18. TRANSFERS TO OTHER AUTHORIZED COMMITTEES	0.00	0.00
19. LOAN REPAYMENTS:		
(a) Of Loans Made or Guaranteed by the Candidate.....	0.00	0.00
(b) Of All Other Loans	0.00	0.00
(c) TOTAL LOAN REPAYMENTS (add Lines 19(a) and (b)).....	0.00	0.00
20. 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 20(a), (b), and (c)).....	0.00	0.00
21. OTHER DISBURSEMENTS	36.78	36.78
22. TOTAL DISBURSEMENTS (add Lines 17, 18, 19(c), 20(d), and 21) ►	267365.56	267365.56

III. CASH SUMMARY

23. CASH ON HAND AT BEGINNING OF REPORTING PERIOD.....	87718.64
24 TOTAL RECEIPTS THIS PERIOD (from Line 16, page 3).....	180146.92
25. SUBTOTAL (add Line 23 and Line 24).....	267865.56
26. TOTAL DISBURSEMENTS THIS PERIOD (from Line 22).....	267365.56
27. CASH ON HAND AT CLOSE OF REPORTING PERIOD (subtract Line 26 from Line 25).....	500.00



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 28, 2022

Thomas Hwang, in official capacity as Treasurer
Tom for Ohio
74 West Oakland Ave.
Columbus, OH 43201

C00779132
AF# 4260

Dear Mr. Hwang:

On November 24, 2021, the Federal Election Commission (“the Commission”) found reason to believe (“RTB”) that Tom for Ohio and you, in your official capacity as Treasurer, violated 52 U.S.C. § 30104(a) for failing to file the 2021 October Quarterly Report. The Commission also made a preliminary determination that the civil money penalty was \$17,958 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. 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

RECEIVED

By Office of the Commission Secretary at 11:14 am, Apr 11, 2022

SENSITIVE

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 11, 2022

MEMORANDUM

To: The Commission

Through: Alec Palmer *AP*
Staff DirectorFrom: Patricia C. Orrock *PCO*
Chief Compliance OfficerRhiannon Magruder *RM*
Reviewing Officer
Office of Administrative Review

Subject: Final Determination Recommendation in AF# 4260 – Tom for Ohio and Thomas Hwang, in their official capacity as Treasurer (C00779132)

On November 24, 2021, the Commission found reason to believe (“RTB”) that the respondents violated 52 U.S.C. § 30104(a) for failing to timely file the 2021 October Quarterly Report and made a preliminary determination that the civil money penalty was \$17,958 based on the schedule of penalties at 11 C.F.R. § 111.43. On December 30, 2021, the Commission received their written response (“challenge”). After reviewing the challenge, the Reviewing Officer Recommendation (“ROR”) dated February 28, 2022 was forwarded to the Commission, a copy was forwarded to the respondents, and is hereby incorporated by reference. The Reviewing Officer recognized the Candidate, serving as Treasurer, may have been inexperienced and unaware of the reporting requirement. However, the Commission appropriately notified the Committee of its requirement to file the 2021 October Quarterly Report. Moreover, failure to know reporting dates and illness, inexperience, or unavailability of the treasurer/committee staff are specifically included at 11 C.F.R. § 111.35(d) as examples of a circumstance that will not be considered reasonably unforeseen and beyond the respondents’ control. With respect to the calculation of the civil money penalty, the Reviewing Officer confirmed that the penalty should be recalculated based on the actual level of activity disclosed on the 2021 October Quarterly Report filed December 3, 2021. The Reviewing Officer recommended that the Commission make a final determination that the respondents violated 52 U.S.C. § 30104(a) and assess a \$13,468 civil money penalty (reduced from the RTB civil money penalty of \$17,958).

Within 10 days of transmittal of the recommendation, the respondents may file a written response with the Commission Secretary which may not raise any arguments not raised in their challenge or not directly responsive to the ROR. 11 C.F.R. § 111.36(f). On April 6, 2022, the Commission received the respondents' payment of \$13,468.

OAR Recommendations

1. Adopt the Reviewing Officer recommendation for AF# 4260 involving Tom for Ohio and Thomas Hwang, in their official capacity as Treasurer, in making the final determination;
2. Make a final determination in AF# 4260 that Tom for Ohio and Thomas Hwang, in their official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess a \$13,468 civil money penalty (reduced from the RTB civil money penalty of \$17,958); and
3. Send the appropriate letter.

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) AF 4260
Final Determination Recommendation:)
Tom for Ohio and Thomas Hwang, in)
their official capacity as Treasurer)
(C00779132))

CERTIFICATION

I, Vicktoria J. Allen, Acting Deputy Secretary of the Federal Election Commission, do hereby certify that on April 20, 2022, the Commission decided by a vote of 6-0 to take the following actions in AF 4260:

1. Adopt the Reviewing Officer recommendation for AF# 4260 involving Tom for Ohio and Thomas Hwang, in their official capacity as Treasurer, in making the final determination.
2. Make a final determination in AF# 4260 that Tom for Ohio and Thomas Hwang, in their official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess a \$13,468 civil money penalty (reduced from the RTB civil money penalty of \$17,958).
3. Send the appropriate letter.

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

Attest:

Vicktoria J Allen Digitally signed by Vicktoria J Allen
Date: 2022.04.20 19:04:54 -04'00'

Vicktoria J. Allen
Acting Deputy Secretary of the
Commission



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 2, 2022

Thomas Hwang, in official capacity as Treasurer
Tom for Ohio
74 West Oakland Ave
Columbus, OH 43201

C00779132
AF# 4260

Dear Mr. Hwang:

On November 24, 2021, the Federal Election Commission (“the Commission”) found reason to believe (“RTB”) that Tom for Ohio and you, in your official capacity as Treasurer, violated 52 U.S.C. § 30104(a) for failing to file the 2021 October Quarterly Report. By letter dated November 29, 2021, the Commission sent notification of the RTB finding that included a civil money penalty calculated at \$17,958 in accordance with the schedule of penalties at 11 C.F.R. § 111.43. On December 30, 2021, the Office of Administrative Review received your written response challenging the RTB finding.

The Reviewing Officer reviewed the Commission’s RTB finding with its supporting documentation and your written response. Based on this review, the Reviewing Officer recommended that the Commission make a final determination that Tom for Ohio and you, in your official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess a civil money penalty in the amount of \$13,468 (reduced from the RTB civil money penalty of \$17,958) in accordance with 11 C.F.R. § 111.43. The Reviewing Officer Recommendation was sent to you on February 28, 2022.

On April 20, 2022, the Commission adopted the Reviewing Officer’s recommendation and made a final determination that Tom for Ohio and you, in your official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assessed a civil money penalty of \$13,468. It is based on the same factors used to calculate the civil money penalty at RTB. A copy of the Final Determination Recommendation is attached.

On April 6, 2022, the Commission received your \$13,468 payment.

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 Rhianne Magruder on our toll-free number (800) 424-9530 (press 0, then ext. 1158) or (202) 694-1158.

On behalf of the Commission,

A handwritten signature in blue ink, appearing to read "Allen Dickerson".

Allen Dickerson
Chairman