



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

SENSITIVE

March 15, 2022

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

SUBJECT: Reason To Believe Recommendation – 2021 Year-End Report for the
Administrative Fine Program

Attached is a list of political committees and their treasurers who failed to file the 2021 Year-End Report in accordance with 52 U.S.C. § 30104(a). The Year-End Report was due on January 31, 2022.

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.

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 YEAR-END Not Election Sensitive 01/31/2022 H_S_P_UNAUTH

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
4265	C00348540	1199 SERVICE EMPLOYEES INT'L UNION FEDERAL POLITICAL ACTION FUND		HELEN SCHAUB	\$10,723,827	0	2/9/2022	9	\$5,551,417	\$10,801
4266	C00719070	AJA SMITH FOR CONGRESS 2022	AJA SMITH	AJA SMITH	\$234,984	0		Not Filed	\$78,328 (est)	\$5,563
4267	C00197103	AUTOMOBILE CLUB OF MICHIGAN POLITICAL ACTION COMMITTEE		KEVIN GAWRONSKI	\$307,354	0	2/14/2022	14	\$160,210	\$4,606
4268	C00723270	BRAD BARRON FOR US SENATE	STEPHEN BRADLEY BARRON	JILL M. BARRON	\$128,788	6		Not Filed	\$128,788 (est)	\$17,885
4269	C00784041	DREW-MONTEZ CLARK FOR CONGRESS	DREW-MONTEZ CLARK	DREW-MONTEZ CLARK	\$104,462	0	2/18/2022	18	\$50,862	\$2,638
4270	C00717025	EMILY ROBINSON FOR CONGRESS	EMILY ROBINSON	EMILY ROBINSON	\$120,240	8		Not Filed	\$120,240 (est)	\$21,462
4272	C00763995	FRIENDS OF BARBARA SHARIEF FOR CONGRESS	BARBARA SHARIEF	SUZETTE SPALDING	\$1,591,756	0		Not Filed	\$530,585 (est)	\$15,101
4273	C00736736	GEORGE MITRIS FOR CONGRESS	GEORGE MITRIS	THOMAS COSTA	\$145,106	5		Not Filed	\$145,106 (est)	\$16,096
4274	C00765347	GREG LIRETTE FOR CONGRESS	GREGORY LIRETTE	KEVIN KITCHEN	\$144,587	2		Not Filed	\$144,587 (est)	\$10,731
4275	C00732875	JIMMY RODRIGUEZ FOR CONGRESS	JIMMY RODRIGUEZ	JIMMY RODRIGUEZ	\$614,521	6		Not Filed	\$614,521 (est)	\$39,742
4276	C00766642	MATT BERG FOR CONGRESS	MATTHEW RICHARD BERG	GERALD D. GUNN	\$232,836	0		Not Filed	\$77,612 (est)	\$5,563
4277	C00749069	OUR BLACK PARTY		BETTY CRICHLow-EBERHARDT	\$155,353	0	2/7/2022	7	\$52,088	\$1,318
4278	C00776518	PEOPLE FOR ELVIN DOWLING	ELVIN DOWLING	ELVIN DOWLING	\$159,623	0		Not Filed	\$53,208 (est)	\$4,292
4279	C00769828	PEOPLE NOT PROFITS		CIARA CRUZ	\$346,162	0	2/8/2022	8	\$345,332	\$4,921
4280	C00729624	REBA FOR CONGRESS	REBA SHERRILL	BRYON FREDRICK MCCOMB	\$400,168	5		Not Filed	\$400,168 (est)	\$32,188
4281	C00360669	SOUTHWEST AIRLINES PILOTS' ASSOCIATION POLITICAL ACTION COMMITTEE (SWAPA PAC)		TOM NEKOU EI	\$636,576	0	3/8/2022	*Not Filed	\$230,588	\$10,332

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
4282	C00522458	TOGETHER WE THRIVE		CHRISTOPHER ZULLO	\$104,451	3		Not Filed	\$104,451 (est)	\$12,519
4283	C00002840	UAW - V - CAP (UAW VOLUNTARY COMMUNITY ACTION PROGRAM) 'INT'L UNION UNITED AUTOMOBILE AEROSPACE & AGRICULTURAL IMPLEMENT WORKERS OF AMERICA UAW		FRANK STUGLIN	\$10,253,004	1	2/11/2022	11	\$5,670,144	\$14,293
4284	C00616912	WOMEN VOTE SMART		AMY S. KREMER	\$145,616	5		Not Filed	\$145,616 (est)	\$16,096

* The committee filed their report more than thirty (30) days after the due date; therefore, the report is considered not filed.

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)	
)	
Reason To Believe Recommendation - 2021)	
Year-End Report for the Administrative)	
Fine Program:)	
1199 SERVICE EMPLOYEES INT'L	)	AF# 4265
UNION FEDERAL POLITICAL ACTION)	
FUND, and SCHAUB, HELEN as)	
treasurer;)	
AJA SMITH FOR CONGRESS 2022, and	)	AF# 4266
SMITH, AJA as treasurer;)	
AUTOMOBILE CLUB OF MICHIGAN	)	AF# 4267
POLITICAL ACTION COMMITTEE, and)	
GAWRONSKI, KEVIN as treasurer;)	
BRAD BARRON FOR US SENATE, and	)	AF# 4268
BARRON, JILL M as treasurer;)	
DREW-MONTEZ CLARK FOR	)	AF# 4269
CONGRESS, and CLARK, DREW-)	
MONTEZ as treasurer;)	
EMILY ROBINSON FOR CONGRESS,	)	AF# 4270
and ROBINSON, EMILY as treasurer;)	
FRIENDS OF BARBARA SHARIEF FOR	)	AF# 4272
CONGRESS, and SPALDING, SUZETTE)	
as treasurer;)	
GEORGE MITRIS FOR CONGRESS, and	)	AF# 4273
COSTA, THOMAS as treasurer;)	
GREG LIRETTE FOR CONGRESS, and	)	AF# 4274
KITCHEN, KEVIN as treasurer;)	
JIMMY RODRIGUEZ FOR CONGRESS,	)	AF# 4275
and RODRIGUEZ, JIMMY as treasurer;)	
MATT BERG FOR CONGRESS, and	)	AF# 4276
GUNN, GERALD D as treasurer;)	
OUR BLACK PARTY, and CRICHLOW-	)	AF# 4277
EBERHARDT, BETTY as treasurer;)	
PEOPLE FOR ELVIN DOWLING, and	)	AF# 4278
DOWLING, ELVIN as treasurer;)	
PEOPLE NOT PROFITS, and CRUZ,	)	AF# 4279
CIARA as treasurer;)	
REBA FOR CONGRESS, and MCCOMB,)	AF# 4280
BRYON FREDRICK as treasurer;)	

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SOUTHWEST AIRLINES PILOTS')	AF# 4281
ASSOCIATION POLITICAL ACTION)	
COMMITTEE (SWAPA PAC), and)	
NEKOU EI, TOM CAPTAIN as treasurer;)	
TOGETHER WE THRIVE, and	)	AF# 4282
CHRISTOPHER ZULLO as treasurer;)	
UAW - V - CAP (UAW VOLUNTARY	)	AF# 4283
COMMUNITY ACTION PROGRAM))	
'INT'L UNION UNITED AUTOMOBILE)	
AEROSPACE & AGRICULTURAL)	
IMPLEMENT WORKERS OF AMERICA)	
UAW, and STUGLIN, FRANK as)	
treasurer;)	
WOMEN VOTE SMART, and KREMER,	)	AF# 4284
AMY S as treasurer;)	

CERTIFICATION

I, Vicktoria J. Allen, Acting Deputy Secretary of the Federal Election Commission, do hereby certify that on March 16, 2022 the Commission took the following actions on the Reason To Believe Recommendation - 2021 Year-End Report for the Administrative Fine Program, as recommended in the Reports Analysis Division's Memorandum dated March 15, 2022, on the following committees:

AF#4265 Decided by a vote of 6-0 to: (1) find reason to believe that 1199 SERVICE EMPLOYEES INT'L UNION FEDERAL POLITICAL ACTION FUND, and SCHAUB, HELEN 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, Trainor, Walther, and Weintraub voted affirmatively for the decision.

AF#4266 Decided by a vote of 6-0 to: (1) find reason to believe that AJA SMITH FOR CONGRESS 2022, and SMITH, AJA 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, Trainor, Walther, and Weintraub voted affirmatively for the decision.

AF#4267 Decided by a vote of 6-0 to: (1) find reason to believe that AUTOMOBILE CLUB OF MICHIGAN POLITICAL ACTION COMMITTEE, and GAWRONSKI, KEVIN 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, Trainor, Walther, and Weintraub voted affirmatively for the decision.

AF#4268 Decided by a vote of 6-0 to: (1) find reason to believe that BRAD BARRON FOR US SENATE, and BARRON, JILL M 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, Trainor, Walther, and Weintraub voted affirmatively for the decision.

AF#4269 Decided by a vote of 6-0 to: (1) find reason to believe that DREW-MONTEZ CLARK FOR CONGRESS, and CLARK, DREW-MONTEZ 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, Trainor, Walther, and Weintraub voted affirmatively for the decision.

AF#4270 Decided by a vote of 6-0 to: (1) find reason to believe that EMILY ROBINSON FOR CONGRESS, and ROBINSON, EMILY 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, Trainor, Walther, and Weintraub voted affirmatively for the decision.

AF#4272 Decided by a vote of 6-0 to: (1) find reason to believe that FRIENDS OF BARBARA SHARIEF FOR CONGRESS, and SPALDING, SUZETTE 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, Trainor, Walther, and Weintraub voted affirmatively for the decision.

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AF#4273 Decided by a vote of 6-0 to: (1) find reason to believe that GEORGE MITRIS FOR CONGRESS, and COSTA, 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, Trainor, Walther, and Weintraub voted affirmatively for the decision.

AF#4274 Decided by a vote of 6-0 to: (1) find reason to believe that GREG LIRETTE FOR CONGRESS, and KITCHEN, KEVIN 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, Trainor, Walther, and Weintraub voted affirmatively for the decision.

AF#4275 Decided by a vote of 6-0 to: (1) find reason to believe that JIMMY RODRIGUEZ FOR CONGRESS, and RODRIGUEZ, JIMMY 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, Trainor, Walther, and Weintraub voted affirmatively for the decision.

AF#4276 Decided by a vote of 6-0 to: (1) find reason to believe that MATT BERG FOR CONGRESS, and GUNN, GERALD D 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, Trainor, Walther, and Weintraub voted affirmatively for the decision.

AF#4277 Decided by a vote of 6-0 to: (1) find reason to believe that OUR BLACK PARTY, and CRICHLow-EBERHARDT, BETTY 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, Trainor, Walther, and Weintraub voted affirmatively for the decision.

AF#4278 Decided by a vote of 6-0 to: (1) find reason to believe that PEOPLE FOR ELVIN DOWLING, and DOWLING, ELVIN 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, Trainor, Walther, and Weintraub voted affirmatively for the decision.

AF#4279 Decided by a vote of 6-0 to: (1) find reason to believe that PEOPLE NOT PROFITS, and CRUZ, CIARA 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, Trainor, Walther, and Weintraub voted affirmatively for the decision.

AF#4280 Decided by a vote of 6-0 to: (1) find reason to believe that REBA FOR CONGRESS, and MCCOMB, BRYON FREDRICK 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, Trainor, Walther, and Weintraub voted affirmatively for the decision.

AF#4281 Decided by a vote of 6-0 to: (1) find reason to believe that SOUTHWEST AIRLINES PILOTS' ASSOCIATION POLITICAL ACTION COMMITTEE (SWAPA PAC), and NEKOU EI, TOM CAPTAIN 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, Trainor, Walther, and Weintraub voted affirmatively for the decision.

AF#4282 Decided by a vote of 6-0 to: (1) find reason to believe that TOGETHER WE THRIVE, and CHRISTOPHER ZULLO 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, Trainor, Walther, and Weintraub voted affirmatively for the decision.

AF#4283 Decided by a vote of 6-0 to: (1) find reason to believe that UAW - V - CAP (UAW VOLUNTARY COMMUNITY ACTION PROGRAM) 'INT'L UNION UNITED AUTOMOBILE AEROSPACE & AGRICULTURAL IMPLEMENT WORKERS OF AMERICA UAW, and STUGLIN, FRANK 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, Trainor, Walther, and Weintraub voted affirmatively for the decision.

AF#4284 Decided by a vote of 6-0 to: (1) find reason to believe that WOMEN VOTE SMART, and KREMER, AMY S 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, Trainor, Walther, and Weintraub voted affirmatively for the decision.

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Attest:


March 17, 2022
Date

Vicktoria J Allen  Digitally signed by Vicktoria J Allen
Date: 2022.03.17 17:21:18 -04'00'

Vicktoria J. Allen
Acting Deputy Secretary of the
Commission



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

AF

March 18, 2022

Drew-Montez Clark, in official capacity as Treasurer
Drew-Montez Clark for Congress
15275 Collier Blvd.
#201-192
Naples, FL 34119

C00784041
AF#: 4269

Dear Mr. Clark,

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 October 1, 2021 through December 31, 2021, shall be filed no later than January 31, 2022. 52 U.S.C. § 30104(a). Records at the Federal Election Commission ("FEC") indicate that this report was filed on February 18, 2022, 18 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 March 16, 2022, the FEC found that there is reason to believe ("RTB") that Drew-Montez Clark for Congress 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, 2022. Based on the FEC's schedules of civil money penalties at 11 C.F.R. § 111.43, the amount of your civil money penalty calculated at the RTB stage is \$2,638. Please see the attached copy of the Commission's administrative fine regulations at 11 C.F.R. §§ 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 C.F.R. § 111.34. Your payment of \$2,638 is due within forty (40) days of the finding, or by April 25, 2022, and is based on these factors:

Election Sensitivity of Report: Not Election Sensitive
Level of Activity: \$50,862
Number of Days Late: 18
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

DREW-MONTEZ CLARK FOR CONGRESS

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If you should decide to challenge the RTB finding and/or calculated civil money penalty, you must submit a written response to the FEC's Office of Administrative Review. Your response must include the AF# (found at the top of page 1 under your committee's identification number) and be received within forty (40) days of the Commission's RTB finding, or April 25, 2022. 11 C.F.R. § 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 C.F.R. § 111.36(c).

Please note, all challenges to an RTB finding and/or calculated civil money penalty should be converted to PDF (Portable Document Format) and 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 they are 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 C.F.R. § 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 C.F.R. § 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 C.F.R. § 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 C.F.R. § 111.38.

If you intend to be represented by counsel, please advise the Office of Administrative

DREW-MONTEZ CLARK FOR CONGRESS

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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 Drew-Montez Clark for Congress 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 C.F.R. § 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 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.

DREW-MONTEZ CLARK FOR CONGRESS

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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 C.F.R. § 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,



Allen J. Dickerson
Chairman

ADMINISTRATIVE FINE PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 C.F.R. § 111.43, the amount of your civil money penalty calculated at RTB is \$2,638 for the 2021 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 to be directed to Pay.gov's Administrative Fine Program Payment form. Please use the details below to complete the required fields. For additional payment options, please contact Ben Holly in the Reports Analysis Division at our toll-free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130.

COMMITTEE NAME: Drew-Montez Clark for Congress

FEC ID#: C00784041

AF#: 4269

DREW-MONTEZ CLARK FOR CONGRESS

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PAYMENT DUE DATE: April 25, 2022

PAYMENT AMOUNT DUE: \$2,638

Drew-Montez Clark
info@DrewMontezClark.com
[@DrewMontezClark](https://www.instagram.com/DrewMontezClark)
239-887-2752



AF#4269,

April 25, 2022

My name is Dr Drew Montez Clark and I am sending this letter to request that you consider waiving the administrative fine for late filing based on grounds outlined in your third example. I made an attempt to submit my filling on time to only receive error messages. Upon calling the next day I was told that the computers were down and that no one knew when they would be up again. They were also not operations the day after. Due to these unforeseen circumstances I humbly request that the fine be waived. Thank you

Yours in Service to Country,





FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 23, 2022

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

AF# 4269 – Drew-Montez Clark for Congress and Drew-Montez Clark, in their official capacity as Treasurer (C00784041)

Summary of Recommendation

Make a final determination that the respondents violated 52 U.S.C. § 30104(a) and assess a \$2,638 civil money penalty.

Reason-to-Believe Background

The 2021 Year-End Report was due on January 31, 2022. The respondents filed the report on February 18, 2022, 18 days late. The report is not election sensitive and was filed within 30 days of the due date; therefore, the report is considered late. 11 C.F.R. §§ 111.43(d)(1) and (e)(1).

On March 16, 2022, the Commission found reason to believe (“RTB”) that the respondents violated 52 U.S.C. § 30104(a) for failing to timely file the 2021 Year-End Report and made a preliminary determination that the civil money penalty was \$2,638 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 March 18, 2022 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 December 31 no later than January 31 of the following calendar year. 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 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 April 26, 2022, the Commission received the written response (“challenge”) from the Candidate requesting the penalty be waived due to unforeseen circumstances. He states that when attempting to timely file the 2021 Year-End Report, he received error messages. On the following day, he called the Commission and “...was told that the computers were down and that no one knew when they would be up again.” Again, on the third day of attempting to file, the system was not operational.

Analysis

The respondents indicate they used their best efforts to timely file the 2021 Year-End Report but were prevented from doing so due to technical difficulties with the Commission’s electronic filing system. The challenge indicates that the Candidate experienced technical difficulties on the filing deadline of January 31, 2022 and the following two days.

According to the Commission’s Electronic Filing Office (“EFO”), there were no technical issues which would have prevented the Committee from filing the report on the filing deadline of January 31, 2022. On February 1, 2022, the day after the report was due, network traffic was impacted from 2:28pm EST until 4:18pm EST. Committees may have experienced difficulty transmitting electronic reports to the FEC during this time. Once the issue was resolved at 4:18pm EST on February 1, 2022, there were no additional technical issues which would have prevented the Committee from filing the report thereafter.¹

Commission records indicate the Treasurer spoke to the Committee’s assigned RAD Analyst regarding the 2021 Year-End Report on February 1, 2022 during the system downtime. RAD communication logs (written records of telephone conversations) confirm that the Candidate was informed that the Commission’s electronic filing system was down at that time. The RAD Analyst advised the Candidate to monitor the Commission’s website for service updates.² Commission records do not indicate the Candidate made any other attempts to contact Commission staff regarding filing the 2021 Year-End Report.³ On February 18, 2022, 17 days after the February 1, 2022 downtime, the Committee filed the 2021 Year-End Report.

In accordance with 11 C.F.R. § 111.35, 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) demonstrated use of best efforts to file in a timely manner when prevented from doing so by reasonably unforeseen circumstances that were beyond the respondents’ control. The “best efforts” defense is a two-part test: the respondents used best efforts to file on time but were prevented from doing so by reasonably unforeseen circumstances

¹ See Attachment 2.

² During the system downtime, the Commission notified the public of the outage. Notifications were posted to the FEC.gov homepage and FEC Status Page Application. See Attachments 3 and 5.

³ See Attachment 4.

that were beyond their control, and they filed the report no later than 24 hours after the end of these circumstances.

The Reviewing Officer recognizes that the failure of the Commission's electronic filing system may be considered a reasonably unforeseen circumstance. 11 C.F.R. § 111.35(c). However, the respondents failed to file the report no later than 24 hours after the end of these circumstances as required by 11 C.F.R. § 111.35(b)(3)(ii). The respondents filed the report 17 days after the end of the reasonably unforeseen circumstance. Therefore, the "best efforts" defense does not succeed.

The Reviewing Officer recommends that the Commission make a final determination that the respondents violated 52 U.S.C. § 30104(a) and assess a \$2,638 civil money penalty.

OAR Recommendations

1. Adopt the Reviewing Officer recommendation for AF# 4269 involving Drew-Montez Clark for Congress and Drew-Montez Clark, in their official capacity as Treasurer, in making the final determination;
2. Make a final determination in AF# 4269 that Drew-Montez Clark for Congress and Drew-Montez Clark, in their official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess a \$2,638 civil money penalty; and
3. Send the appropriate letter.

Attachments

Attachment 1 –
Attachment 2 –
Attachment 3 –
Attachment 4 –
Attachment 5 – Declaration from RAD
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 Drew-Montez Clark for Congress:
 - A) Non-Filer Letter, dated February 15, 2022, referencing the 2021 Year-End Report (sent via electronic mail to: info@drewmontezclark.com);
 - B) Reason-to-Believe Letter, dated March 18, 2022, referencing the 2021 Year-End Report (sent via electronic mail to: info@drewmontezclark.com).
4. I hereby certify that I have searched the Commission’s public records and find that Drew-Montez Clark for Congress filed the 2021 Year-End Report with the Commission on February 18, 2022.
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 15th day of June, 2022.



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



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-7

February 15, 2022

CLARK, DREW-MONTEZ, TREASURER
DREW-MONTEZ CLARK FOR CONGRESS
15275 COLLIER BLVD
#201-192
NAPLES, FL 34119

IDENTIFICATION NUMBER: C00784041

REFERENCE: YEAR-END REPORT (10/01/2021 - 12/31/2021)

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

DREW-MONTEZ CLARK FOR CONGRESS

Page 2 of 2

submitted by your committee on the FEC website at www.fec.gov.

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 Jamie Sikorsky in the Reports Analysis Division on our toll-free number (800)424-9530. The analyst's direct number is (202)694-1137.

Sincerely,

A handwritten signature in black ink that reads "Debbie Chacona". The script is cursive and fluid.

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 December 31 no later than January 31 of the following calendar year. Reports filed electronically must be received and validated at or before 11:59 pm, Eastern Standard/Daylight Time on January 31, 2022 for the 2021 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, and Detailed Summary Pages of the 2021 Year-End Report filed by Drew-Montez Clark for Congress. The report includes the coverage period of October 1, 2021 through December 31, 2021 and was electronically filed on February 18, 2022.
- 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 23rd day of June, 2022.



Rhiannon Magruder
Reviewing Officer
Office of Administrative Review
Federal Election Commission

**FEC
FORM 3****REPORT 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

DREW-MONTEZ CLARK FOR CONGRESS

ADDRESS (number and street)

15275 COLLIER BLVD

#201-192

Check if different than previously reported. (ACC)

NAPLES

FL

34119

CITY ▲

STATE ▲

ZIP CODE ▲

2. FEC IDENTIFICATION NUMBER ▼

C C00784041

3. IS THIS REPORT

☒

NEW (N)

OR

☐

AMENDED (A)

STATE ▼ DISTRICT

FL

25

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 / D D / Y Y Y Y

10 01 / 2021

through

M M / D D / Y Y Y Y

12 31 / 2021

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

Type or Print Name of Treasurer

Clark, Drew-Montez, , ,

Signature of Treasurer

Clark, Drew-Montez, , ,

[Electronically Filed]

Date

M M / D D / Y Y Y Y

01 31 / 2022

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 3**
(Revised 05/2016)

SUMMARY PAGE

of Receipts and Disbursements

FEC Form 3 (Revised 05/2016)

PAGE 2 / 21

Write or Type Committee Name
DREW-MONTEZ CLARK FOR CONGRESS

Report Covering the Period: From: M M / D D / Y Y Y Y
10 / 01 / 2021 To: M M / D D / Y Y Y Y
12 / 31 / 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))	17856.68	48838.12
(b) Total Contribution Refunds (from Line 20(d))	0.00	0.00
(c) Net Contributions (other than loans) (subtract Line 6(b) from Line 6(a))	17856.68	48838.12
7. Net Operating Expenditures		
(a) Total Operating Expenditures (from Line 17)	29425.82	51543.82
(b) Total Offsets to Operating Expenditures (from Line 14)	0.00	0.00
(c) Net Operating Expenditures (subtract Line 7(b) from Line 7(a))	29425.82	51543.82
8. Cash on Hand at Close of Reporting Period (from Line 27)	1374.55	
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)	4000.00	

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

FEC Form 3 (Revised 05/2016)

PAGE 3 / 21

Write or Type Committee Name

DREW-MONTEZ CLARK FOR CONGRESS

Report Covering the Period:

From:

M	M	/	D	D	/	Y	-	Y	-	Y	-	Y
1	0		0	1		2	0	2	1			

To:

M	M	/	D	D	/	Y	-	Y	-	Y	-	Y
1	2		3	1		2	0	2	1			

I. RECEIPTS
COLUMN A
Total This Period

COLUMN B
Election Cycle-to-Date
11. CONTRIBUTIONS (other than loans) FROM:**(a) Individuals/Persons Other Than Political Committees****(i) Itemized (use Schedule A)**

16445.00

42478.92

(ii) Unitemized

1411.68

6359.20

(iii) TOTAL of contributions from individuals

17856.68

48838.12

(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))..

17856.68

48838.12

12. TRANSFERS FROM OTHER AUTHORIZED COMMITTEES

0.00

0.00

13. LOANS:**(a) Made or Guaranteed by the Candidate**

3500.00

4000.00

(b) All Other Loans

0.00

0.00

(c) TOTAL LOANS

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

3500.00

4000.00

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

0.00

0.00

15. OTHER RECEIPTS

(Dividends, Interest, etc.)

80.25

80.25

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

21436.93

52918.37

DETAILED SUMMARY PAGE of Disbursements

FEC Form 3 (Revised 05/2016)

PAGE 4 / 21

II. DISBURSEMENTS	COLUMN A Total This Period	COLUMN B Election Cycle-to-Date
17. OPERATING EXPENDITURES.....	29425.82	51543.82
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	0.00	0.00
22. TOTAL DISBURSEMENTS (add Lines 17, 18, 19(c), 20(d), and 21) ►	29425.82	51543.82

III. CASH SUMMARY

23. CASH ON HAND AT BEGINNING OF REPORTING PERIOD.....	9363.44
24. TOTAL RECEIPTS THIS PERIOD (from Line 16, page 3).....	21436.93
25. SUBTOTAL (add Line 23 and Line 24)	30800.37
26. TOTAL DISBURSEMENTS THIS PERIOD (from Line 22).....	29425.82
27. CASH ON HAND AT CLOSE OF REPORTING PERIOD (subtract Line 26 from Line 25).....	1374.55



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 24, 2022

Drew-Montez Clark, in official capacity as Treasurer
Drew-Montez Clark for Congress
17113 Miramar Pkwy, #167
Miramar, FL 33027

C00784041
AF# 4269

Dear Mr. Clark:

On March 16, 2022, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Drew-Montez Clark for Congress and you, in your official capacity as Treasurer, violated 52 U.S.C. § 30104(a) for failing to file the 2021 Year-End Report. The Commission also made a preliminary determination that the civil money penalty was \$2,638 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 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, all written responses and supporting documentation should be converted to PDF (Portable Document Format) and 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

Dr. Drew Montez Clark
info@DrewMontezClark.com
[@DrewMontezClark](https://www.instagram.com/DrewMontezClark)



July 11, 2022

Federal Election Commission
999 E Street NW
Washington, D.C. 20463

C00591537
AF#4271

Attn: Commission Secretary

Please consider the following information in making your final determination regarding this matter.

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 December 31 no later than January 31 of the following calendar year. 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 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).

Statement of Consideration

In accordance with 11 C.F.R. § 111.35, the FEC will only consider challenges that are based on demonstrated use of best efforts to file in a timely manner when prevented from doing so by reasonably unforeseen circumstances that were beyond the respondents' control. It is important to note that the reviewing officers confirmed that the Commission's electronic filing system was down, which prevented timely filing and the fact that it was down can be considered a reasonably unforeseen circumstance. Furthermore, The Treasurer made 3 immediate attempts to rectify, the agreed upon, reasonable unforeseen circumstance to no avail. Upon calling the RAD Analyst, the Treasurer was told that they had no idea when the system would be fixed and to try again the following day. For 3 days, the Treasurer attempted to file the quarterly report to no avail. Considering that there were reasonable attempts by the Treasure to rectify this problem in a timely fashion and there was no official notification of when the FEC's system was repaired; please consider waiving the associated fine.

Dr. Drew Montez Clark
info@DrewMontezClark.com
[@DrewMontezClark](#)



Name: Dr. Drew Montez Clark

Address:

Plantation, FL 33322

Phone:

Office: U.S. House of Representatives, District 20

Party Affiliation: Republican

Thank you in advance for your time and attention regarding this request.

Yours in Service to Country,

A handwritten signature in black ink, appearing to be 'Drew Montez Clark'.

Dr. Drew Montez Clark



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

SENSITIVE

August 17, 2022

MEMORANDUM

To: The Commission

Through: Alec Palmer
Staff Director *AP*

From: Patricia C. Orrock *PM* for
Chief Compliance Officer

Rhiannon Magruder *PM*
Reviewing Officer
Office of Administrative Review

Subject: Final Determination Recommendation in AF# 4269 – Drew-Montez Clark for Congress and Drew-Montez Clark, in their official capacity as Treasurer (C00784041)

On March 16, 2022, the Commission found reason to believe (“RTB”) that the respondents violated 52 U.S.C. § 30104(a) for failing to timely file the 2021 Year-End Report and made a preliminary determination that the civil money penalty was \$2,638 based on the schedule of penalties at 11 C.F.R. § 111.43. On April 26, 2022, the Commission received their written response (“challenge”). After reviewing the challenge, the Reviewing Officer Recommendation (“ROR”) dated June 23, 2022 was forwarded to the Commission, a copy was forwarded to the respondents, and is hereby incorporated by reference.

The Reviewing Officer recognized that the failure of the Commission’s electronic filing system may be considered a reasonably unforeseen circumstance. 11 C.F.R. § 111.35(c). However, the respondents failed to file the report no later than 24 hours after the end of these circumstances as required by 11 C.F.R. § 111.35(b)(3)(ii). The respondents filed the report 17 days after the end of the reasonably unforeseen circumstance. The Reviewing Officer concluded that the respondents’ “best efforts” defense did not succeed and recommended that the Commission make a final determination that the respondents violated 52 U.S.C. § 30104(a) and assess a \$2,638 civil money penalty.

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 July 13, 2022, the

Commission received their written response reiterating the points made in the original challenge. *See Attachment 1.*

The Reviewing Officer's analysis and recommendations are unchanged. The Reviewing Officer recommends that the Commission make a final determination that the respondents violated 52 U.S.C. § 30104(a) and assess a \$2,638 civil money penalty.

OAR Recommendations

1. Adopt the Reviewing Officer recommendation for AF# 4269 involving Drew-Montez Clark for Congress and Drew-Montez Clark, in their official capacity as Treasurer, in making the final determination;
2. Make a final determination in AF# 4269 that Drew-Montez Clark for Congress and Drew-Montez Clark, in their official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess a \$2,638 civil money penalty; and
3. Send the appropriate letter.

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) AF 4269
 Final Determination Recommendation -)
 Drew-Montez Clark for Congress and)
 Drew-Montez Clark, in their official)
 capacity as Treasurer (C00784041))

CERTIFICATION

I, Vicktoria J. Allen, recording secretary for the Federal Election Commission executive session on September 15, 2022, do hereby certify that the Commission decided by a vote of 6-0 to take the following action in AF 4269:

1. Adopt the Reviewing Officer recommendation for AF# 4269 involving Drew-Montez Clark for Congress and Drew-Montez Clark, in their official capacity as Treasurer, in making the final determination.
2. Make a final determination in AF# 4269 that Drew-Montez Clark for Congress and Drew-Montez Clark, in their official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess a \$2,638 civil money penalty.
3. Send the appropriate letter.

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

Attest:



September 19, 2022

Date

Vicktoria J Allen

Digitally signed by Vicktoria J Allen
 Date: 2022.09.19 18:34:09 -04'00'

Vicktoria J. Allen
 Acting Deputy Secretary of the Commission



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 26, 2022

Drew-Montez Clark, in official capacity as Treasurer
Drew-Montez Clark for Congress
17113 Miramar Pkwy, #167
Miramar, FL 33027

C00784041
AF# 4269

Dear Drew-Montez Clark:

On March 16, 2022, the Federal Election Commission (“the Commission”) found reason to believe (“RTB”) that Drew-Montez Clark for Congress and you, in your official capacity as Treasurer, violated 52 U.S.C. § 30104(a) for failing to file the 2021 Year-End. By letter dated March 18, 2022, the Commission sent notification of the RTB finding that included a civil money penalty calculated at \$2,638 in accordance with the schedule of penalties at 11 C.F.R. § 111.43. On April 26, 2022, 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 Drew-Montez Clark for Congress 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 \$2,638 in accordance with 11 C.F.R. § 111.43. The Reviewing Officer Recommendation was sent to you on June 24, 2022.

On September 15, 2022, the Commission adopted the Reviewing Officer’s recommendation and made a final determination that Drew-Montez Clark for Congress and you, in your official capacity as Treasurer, violated 52 U.S.C. § 30104(a), and assessed a civil money penalty in the amount of \$2,638. A copy of the Final Determination Recommendation is attached.

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

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

If you choose to appeal the final determination, you should submit a written petition, within 30 days of receipt of this letter, to the U.S. District Court for the district in which the committee or you reside, or transact business, requesting that the final determination be modified or set aside. See 52 U.S.C. § 30109(a)(4)(C)(iii). Your failure to raise an argument in a timely fashion during

the administrative process shall be deemed a waiver of the respondents' right to present such argument in a petition to the district court under 52 U.S.C. § 30109. 11 CFR § 111.38.

2. If You Choose Not to Pay the Civil Money Penalty and Not to Appeal

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA") as amended by the Debt Collection Improvement Act of 1996 ("DCIA"), 31 U.S.C. § 3701, *et seq.* If you do not pay this debt within 30 days (or file a written petition to a federal district court - see below), the Commission will transfer the debt to the U.S. Department of the Treasury ("Treasury") for collection. Within 5 days of the transfer to Treasury, Treasury will contact you to request payment. Treasury currently charges a fee of 30% of the civil money penalty amount for its collection services. If the age of the debt is greater than or equal to two years old, Treasury will charge a fee of 32% of the civil money penalty amount for its collection services. The fee will be added to the amount of the civil money penalty that you owe. Should Treasury's attempts fail, Treasury will refer the debt to a private collection agency ("PCA"). If the debt remains unpaid, Treasury may recommend that the Commission refer the matter to the Department of Justice for litigation.

Actions which may be taken to enforce recovery of a delinquent debt by Treasury may also include: (1) offset of any payments that the debtor is due, including tax refunds and salary; (2) referral of the debt to agency counsel for litigation; (3) reporting of the debt to a credit bureau; (4) administrative wage garnishment; and (5) reporting of the debt, if discharged, to the IRS as potential taxable income. In addition, under the provisions of DCIA and other statutes applicable to the FEC, the debtor may be subject to the assessment of other statutory interest, penalties, and administrative costs.

In accordance with the DCIA, at your request, the agency will offer you the opportunity to inspect and copy records relating to the debt, the opportunity for a review of the debt, and the opportunity to enter into a written repayment agreement.

3. If You Choose to Pay the Civil Money Penalty

If you should decide to pay the civil money penalty, follow the payment instructions on page 4 of this letter. You should make payment within thirty (30) days of receipt of this letter.

NOTICE REGARDING PARTIAL PAYMENTS AND SETTLEMENT OFFERS

4. Partial Payments

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

5. Settlement Offers

Any offer to settle or compromise a debt owed to the Commission, including a payment in an amount less than the civil money penalty assessed or any restrictive endorsements contained on your check or money order or proposed in correspondence transmitted with your check or money order, will be rejected. Acceptance and deposit or cashing of such a restricted payment does not constitute acceptance of the settlement offer. Payments containing restrictive endorsements will

be deposited and treated as a partial payment towards the civil money penalty that the Commission assessed upon making a final determination. All unpaid civil money penalty amounts remaining will be subject to the debt collection procedures set forth in Section 2, above.

The confidentiality provisions at 52 U.S.C. § 30109(a)(12) no longer apply and this matter is now public. Pursuant to 11 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. 1158) or (202) 694-1158.

On behalf of the Commission,



Allen Dickerson
Chairman

Attachment

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 final determination is \$2,638 for the 2021 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 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 Rhiannon Magruder on our toll-free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

COMMITTEE NAME: Drew-Montez Clark for Congress

FEC ID#: C00784041

AF#: 4269

PAYMENT AMOUNT DUE: \$2,638