



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;)	

Federal Election Commission
 Certification for Administrative Fines
 March 16, 2022

Page 2

SOUTHWEST AIRLINES PILOTS'	)	AF# 4281
ASSOCIATION POLITICAL ACTION)	
COMMITTEE (SWAPA PAC), and)	
NEKOUEI, 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.

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.

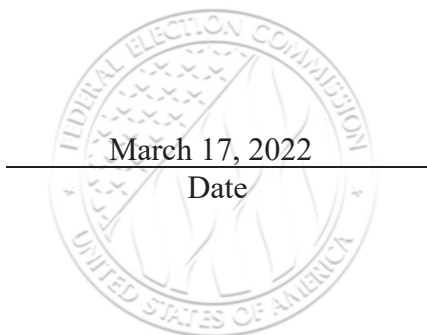
AF#4282 Decided by a vote of 6-0 to: (1) find reason to believe that TOGETHER WE THRIVE, and CHRISTOPHER ZULLO in their official capacity as treasurer, violated 52 U.S.C. § 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send 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.

Federal Election Commission
Certification for Administrative Fines
March 16, 2022

Attest:



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

Ciara Cruz, in official capacity as Treasurer
People Not Profits
1101 Brickell Ave.
310-155
Miami, FL 33131

C00769828
AF#: 4279

Dear Ms. Cruz,

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 July 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 8, 2022, 8 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 People Not Profits 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 \$4,921. 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 \$4,921 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: \$345,332
Number of Days Late: 8
Number of Previous Civil Money Penalties Assessed: 0

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

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

If you should decide to challenge the RTB finding and/or calculated civil money

PEOPLE NOT PROFITS

Page 2 of 5

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 Review. You should provide, in writing, the name, address, and telephone number of your

PEOPLE NOT PROFITS

Page 3 of 5

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 People Not Profits 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.

This matter was generated based on information ascertained by the FEC in the normal

PEOPLE NOT PROFITS

Page 4 of 5

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 \$4,921 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: People Not Profits

FEC ID#: C00769828

AF#: 4279

PEOPLE NOT PROFITS

Page 5 of 5

PAYMENT DUE DATE: April 25, 2022

PAYMENT AMOUNT DUE: \$4,921

April 12, 2022

Office of Administrative Review
Federal Election Commission
1050 First St NE
Washington, DC 20463

AF#: 4279


Via email: administrativefines@fec.gov

Dear Office of Administrative Review,

People Not Profits (the “Committee”) is represented by counsel in this matter. The Committee is represented by Adam Clark and Marguerite Mills, from Utrecht, Kleinfeld, Fiori, Clark, Partners. The firm’s phone number is (202) 778-4000 and is located at 1634 Eye Street NW, Suite 1250, Washington, D.C. 20006.

The Committee authorizes Utrecht, Kleinfeld, Fiori, Clark, Partners to receive notifications and communications relating to this challenge and civil penalty.

Sincerely,

DocuSigned by:

7111E9A79DC64F6...
Ciara Cruz, Treasurer

UTRECHT, KLEINFELD, FIORI, CLARK, PARTNERS

ATTORNEYS AT LAW

1634 Eye Street NW, Suite 1250, Washington, D.C. 20006

Main (202) 778-4000

www.up-law.com

April 13, 2022

Office of Administrative Review
Federal Election Commission
1050 First St NE
Washington, DC 20463

AF#: 4279

Via email: administrativefines@fec.gov

Dear Office of Administrative Review,


This letter is in response to the March 18, 2022 letter sent by the Commission regarding the administrative fine assessed against People Not Profits (C00769828) in AF# 4279.

People Not Profits (the “Committee”) intends to challenge the reason to believe (“RTB”) finding and civil penalty. The Committee used best efforts to file in a timely manner and was prevented from doing so by reasonably unforeseen circumstances that were beyond its control. The Committee attempted to file its 2021 Year-End Report on January 31, 2022 but was prevented from doing so by a failure of Commission-provided software. The Committee then sought technical assistance from Commission personnel and resources, but the issue remained unremedied until the Committee successfully filed on February 8, 2022. These circumstances outside of the Committee’s control caused the Year-End Report to be filed after the deadline.

The attached declaration of the Committee’s treasurer, Ciara Cruz, further explains the factual basis for the Committee’s challenge.

The Committee does not waive any future arguments or defenses in asserting the above. If there are any questions on this matter, please feel free to contact our office.

Sincerely,


Adam Clark


Marguerite Mills

BEFORE THE FEDERAL ELECTION COMMISSION

_____)
)
AF#: 4279)
)
 _____)

DECLARATION OF CIARA CRUZ

I, Ciara Cruz, do hereby certify:

1. I am the Treasurer of People Not Profits PAC (FEC ID#: C00769828).
2. Before and on January 31, 2022, I initiated steps to submit the 2021 Year-End Report (“Report”) for People Not Profits.
3. Upon attempting to submit the Report, the FEC Filing software was not operating properly, and I was unable to submit the Report. I made several more attempts to submit, but the portal was still not allowing the submission.
4. February 1, 2022, I spoke on the phone with People Not Profits’ Campaign Finance Analyst, Brian Wetzel, at 1:58 PM and 2:55 PM.
5. During our phone calls, Mr. Wetzel notified me that a note will be made that there was an issue with the FEC Filing software, and that an attempt to file the Report was made before February 1, 2022.
6. Upon information and belief, and to the best that I can recall and determine at this date, between February 1 and February 8, I made multiple phone calls to the FEC to notify an analyst that the issue with the FEC Filing software was ongoing. During these phone calls, I was told each time by FEC analysts that this would not negatively impact People Not Profits’ Report. It was my understanding that People Not Profits would not be penalized for the issue arising from the FEC Filing software.
7. I successfully filed the Report on February 8, 2022.

I declare under penalty of perjury that the foregoing is true and correct.

DocuSigned by:
 Signed: Ciara Cruz
 7111E9A79DC04F6...
 Ciara Cruz

Date: 4/5/2022



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 9, 2022

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

AF# 4279 – People Not Profits and Ciara Cruz, in their official capacity as Treasurer (C00769828)

Summary of Recommendation

Make a final determination that the respondents violated 52 U.S.C. § 30104(a) and assess a \$4,921 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 8, 2022, 8 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 \$4,921 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 political committee not authorized by a candidate which is filing on a quarterly basis shall file, in a non-election year, a report for the period ending December 31 no later than January 31 of the following calendar year. U.S.C. § 30104(a) and 11 C.F.R. § 104.5(c)(2)(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 13, 2022, the Commission received the written response (“challenge”) from the respondents’ counsel, stating in part:

The Committee used best efforts to file in a timely manner and was prevented from doing so by reasonably unforeseen circumstances that were beyond its control. The Committee attempted to file its 2021 Year-End Report on January 31, 2022 but was prevented from doing so by a failure of Commission-provided software. The Committee then sought technical assistance from Commission personnel and resources, but the issue remained unremedied until the Committee successfully filed on February 8, 2022. These circumstances outside of the Committee’s control caused the Year-End Report to be filed after the deadline.

The challenge includes a declaration of the Committee’s Treasurer which provides additional details of the Treasurer’s attempts to file and contacts with the FEC from January 31, 2022 through February 8, 2022. The Treasurer states, in part:

Upon information and belief, and to the best that I can recall and determine at this date, between February 1 and February 8, I made multiple phone calls to the FEC to notify an analyst that the issue with the FEC Filing software was ongoing. During these phone calls, I was told each time by FEC analysts that this would not negatively impact People Not Profits’ Report. It was my understanding that People Not Profits would not be penalized for the issue arising from the FEC Filing software.

Request to Respondents to Provide Supplemental Information

On May 26, 2022, the Reviewing Officer requested that the respondents provide additional information. 11 CFR § 111.36(b). The Reviewing Officer noted that the challenge suggests the Committee experienced technical issues with FECFile when attempting to file the 2021 Year-End Report. However, Commission records indicate the report was filed using third-party software. The Reviewing Officer requested that respondents clarify the electronic filing software used to file the 2021 Year-End Report and provide additional details to explain the technical issues experienced.

On June 2, 2022, counsel responded to the Reviewing Officer’s request for supplemental information and confirmed the Committee used third-party software to file the 2021 Year-End Report. Counsel states that on January 31, 2022, while attempting to file the report, the Treasurer experienced technical issues with the software and contacted the software provider for assistance. Counsel’s response further explains the Treasurer’s contacts with the RAD Analyst, as detailed below.

On February 1, 2022, the Treasurer called the RAD Analyst regarding the 2021 Year-End Report. The Treasurer explained she reached out to the software provider for assistance with technical issues. Counsel states:

[The RAD Analyst] informed Ms. Cruz that he could not assist with third party software issues. Ms. Cruz asked if she should submit the report, which was incomplete at the time due to those issues, so that it would be filed on time.

To the best of Ms. Cruz's recollection, [the RAD Analyst] responded that she should not submit an incorrect report, and that, generally, other filers were also having issues filing. Ms. Cruz asked if there would be a penalty for late filing, and, to the best of her recollection, [the RAD Analyst] informed Ms. Cruz that People Not Profits would not be penalized for filing late if the report was correct.

Counsel further states that the Treasurer communicated with the third-party software provider from February 1 through February 8, 2022 "to fix the issues so the report would reflect accurate information" and called the RAD Analyst to provide a progress update on February 4, 2022. "[On] February 8, 2022, the issue was resolved, the report was deemed accurate and ready to file, and the report was filed." Counsel concludes by requesting the matter be dismissed, given the Committee has no prior FEC infractions and has since hired counsel in an effort to enhance compliance.

Analysis

The respondents contend they used their best efforts to timely file the 2021 Year-End Report but were prevented from doing so due to technical difficulties with electronic filing software. After submitting the original challenge, the respondents acknowledge that the technical issues were connected to its third-party software and not Commission-provided software. On February 8, 2022, the technical issues with the third-party software were resolved, and the Committee filed the 2021 Year-End Report, 8 days late.

The respondents state, and Commission records confirm, the Treasurer first spoke to the Committee's assigned RAD Analyst regarding the 2021 Year-End Report on February 1, 2022, the day after the report was due. RAD communication logs (written records of telephone conversations) indicate the Treasurer was having a specific issue related to reporting unitemized contributions. The Treasurer explained the technical issue was with the Committee's third-party software, and she had contacted the software provider for assistance.¹ The Treasurer did not suggest she was experiencing any issues with Commission-provided software or with the process of transmitting a report to the FEC.²

¹ The original challenge suggests the Committee received additional guidance relating to inaccurate reports, late filing, and penalties. However, the respondents' supplemental response and RAD communication logs do not corroborate the statements made in the original challenge. According to the Assistant Staff Director for RAD, RAD analysts are required to document any telephone conversations concerning filing requirements. Further, RAD analysts do not provide any type of formal or informal filing extensions or penalty waivers. *See* Attachment 3.

² According to the Commission's Electronic Filing Office ("EFO"), on 2/1/22, 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. *See* Attachment 4. Given the information provided by respondents and supported by RAD communication logs, the Reviewing Officer concludes this downtime did not impact the Committee's ability to file the 2021 Year-End Report.

The respondents also state the Treasurer contacted the Committee's assigned RAD Analyst on February 4, 2022 to provide a progress update. However, Commission call data suggests no contact between the Treasurer and the assigned RAD Analyst on February 4, 2022. Instead, RAD telephone logs indicate the Treasurer spoke to a different RAD Analyst two days prior, on February 2, 2022. During this conversation, the Treasurer explained that the Committee's 2021 Year-End Report had not been filed and asked if she should amend the 2021 Mid-Year Report to include the Year-End coverage period. The RAD Analyst explained that the Year-End Report should be filed as a separate report, and no action was necessary on the Mid-Year Report. The Treasurer stated she would file the 2021 Year-End Report that same day and did not mention any outstanding technical issues.

The respondents state that they worked with their third-party software provider from February 1 through February 8, 2022 to resolve the technical issues. On February 8, 2022, six days after last speaking to a RAD Analyst, the Committee electronically filed the 2021 Year-End Report using the third-party software. On April 1, 2022, while speaking to a third RAD Analyst regarding the RTB notification in this matter, the Treasurer informed the Analyst that the late filing was due to technical issues with their third-party software.

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 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 the Committee may have experienced technical issues when attempting to file its 2021 Year-End Report. However, as acknowledged by the respondents on multiple occasions, the technical issues were with the Committee's third-party software and not due to a failure of Commission-provided software. Delays caused by vendors and computer/software failures are specifically included at 11 C.F.R. § 111.35(d) as examples of circumstances that will not be considered reasonably unforeseen and beyond the respondents' control. 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 \$4,921 civil money penalty.

OAR Recommendations

1. Adopt the Reviewing Officer recommendation for AF# 4279 involving People Not Profits and Ciara Cruz, in their official capacity as Treasurer, in making the final determination;
2. Make a final determination in AF# 4279 that People Not Profits and Ciara Cruz, in their official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess a \$4,921 civil money penalty; and
3. Send the appropriate letter.

Attachments

- Attachment 1 –
- Attachment 2 –
- Attachment 3 –
- Attachment 4 –
- Attachment 5 –
- Attachment 6 – Declaration from RAD
- Attachment 7 – 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 People Not Profits:
 - A) Reason-to-Believe Letter, dated March 18, 2022, referencing the 2021 Year-End Report (sent via electronic mail to: treasurer@peoplenotprofits.org and ciara@progressivestrategiesllc.com).
4. I hereby certify that I have searched the Commission’s public records and find that People Not Profits filed the 2021 Year-End Report with the Commission on February 8, 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 6th day of May, 2022.

Kristin D. Roser

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

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) Political committees not authorized by a candidate which are filing on a quarterly basis shall file, in a non-election year, 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 People Not Profits. The report includes the coverage period of July 31, 2021 through December 31, 2021 and was electronically filed on February 8, 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 9th day of June, 2022.

Rhiannon Magruder

Rhiannon Magruder
Reviewing Officer
Office of Administrative Review
Federal Election Commission

FEC FORM 3X

REPORT OF RECEIPTS AND DISBURSEMENTS

For Other Than An Authorized Committee

Office Use Only

1. NAME OF COMMITTEE (in full) TYPE OR PRINT ▼ Example: If typing, type over the lines. **12FE4M5**
People Not Profits

ADDRESS (number and street) 1101 Brickell Ave
310-155
 Check if different than previously reported. (ACC)
Miami FL 33131

2. FEC IDENTIFICATION NUMBER ▼ CITY ▲ STATE ▲ ZIP CODE ▲
C C00769828 3. IS THIS REPORT NEW (N) OR AMENDED (A)

4. TYPE OF REPORT (Choose One)
(a) Quarterly Reports:
 April 15 Quarterly Report (Q1)
 July 15 Quarterly Report (Q2)
 October 15 Quarterly Report (Q3)
 January 31 Year-End Report (YE)
 July 31 Mid-Year Report (Non-election Year Only) (MY)
 Termination Report (TER)
(b) Monthly Report Due On:
 Feb 20 (M2) May 20 (M5) Aug 20 (M8) Nov 20 (M11) (Non-Election Year Only)
 Mar 20 (M3) Jun 20 (M6) Sep 20 (M9) Dec 20 (M12) (Non-Election Year Only)
 Apr 20 (M4) Jul 20 (M7) Oct 20 (M10) Jan 31 (YE)
(c) 12-Day PRE-Election Report for the:
 Primary (12P) General (12G) Runoff (12R)
 Convention (12C) Special (12S)
Election on [] / [] / [] in the State of []
(d) 30-Day POST-Election Report for the:
 General (30G) Runoff (30R) Special (30S)
Election on [] / [] / [] in the State of []

5. Covering Period [07] / [31] / [2021] through [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.
Cruz, Ciara, Gloachiguan, ,
Type or Print Name of Treasurer

Signature of Treasurer *Cruz, Ciara, Gloachiguan, ,* [Electronically Filed] Date [02] / [01] / [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.

**SUMMARY PAGE
OF RECEIPTS AND DISBURSEMENTS**

FEC Form 3X (Rev. 05/2016)

Page 2

Write or Type Committee Name

People Not Profits

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

	COLUMN A This Period	COLUMN B Calendar Year-to-Date
6. (a) Cash on Hand January 1, <input type="text" value="2021"/>	<input type="text" value="0.00"/>	<input type="text" value="0.00"/>
(b) Cash on Hand at Beginning of Reporting Period.....	<input type="text" value="112.12"/>	
(c) Total Receipts (from Line 19)	<input type="text" value="175478.79"/>	<input type="text" value="176307.79"/>
(d) Subtotal (add Lines 6(b) and 6(c) for Column A and Lines 6(a) and 6(c) for Column B)	<input type="text" value="175590.91"/>	<input type="text" value="176307.79"/>
7. Total Disbursements (from Line 31)	<input type="text" value="169854.19"/>	<input type="text" value="169854.19"/>
8. Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d))	<input type="text" value="5736.72"/>	<input type="text" value="6453.60"/>
9. Debts and Obligations Owed TO the Committee (Itemize all on Schedule C and/or Schedule D)	<input type="text" value="0.00"/>	
10. Debts and Obligations Owed BY the Committee (Itemize all on Schedule C and/or Schedule D)	<input type="text" value="0.00"/>	

This committee has qualified as a multicandidate committee. (see FEC FORM 1M)

For further information contact:

Federal Election Commission
999 E Street, NW
Washington, DC 20463

Toll Free 800-424-9530
Local 202-694-1100

DETAILED SUMMARY PAGE of Receipts

FEC Form 3X (Rev. 05/2016)

Page 3

Write or Type Committee Name

People Not Profits

Report Covering the Period: From: M M / D D / Y Y Y Y 07 / 31 / 2021 To: M M / D D / Y Y Y Y 12 / 31 / 2021

I. Receipts	COLUMN A Total This Period	COLUMN B Calendar Year-to-Date
11. Contributions (other than loans) From:		
(a) Individuals/Persons Other Than Political Committees		
(i) Itemized (use Schedule A).....	49388.29	49388.29
(ii) Unitemized	126090.50	126919.50
(iii) TOTAL (add Lines 11(a)(i) and (ii)).....▶	175478.79	176307.79
(b) Political Party Committees	0.00	0.00
(c) Other Political Committees (such as PACs).....	0.00	0.00
(d) Total Contributions (add Lines 11(a)(iii), (b), and (c)) (Carry Totals to Line 33, page 5)	175478.79	176307.79
12. Transfers From Affiliated/Other Party Committees.....	0.00	0.00
13. All Loans Received	0.00	0.00
14. Loan Repayments Received.....	0.00	0.00
15. Offsets To Operating Expenditures (Refunds, Rebates, etc.) (Carry Totals to Line 37, page 5).....	0.00	0.00
16. Refunds of Contributions Made to Federal Candidates and Other Political Committees.....	0.00	0.00
17. Other Federal Receipts (Dividends, Interest, etc.).....	0.00	0.00
18. Transfers from Non-Federal and Levin Funds		
(a) Non-Federal Account (from Schedule H3).....	0.00	0.00
(b) Levin Funds (from Schedule H5)	0.00	0.00
(c) Total Transfers (add 18(a) and 18(b))..	0.00	0.00
19. Total Receipts (add Lines 11(d), 12, 13, 14, 15, 16, 17, and 18(c)).....▶	175478.79	176307.79
20. Total Federal Receipts (subtract Line 18(c) from Line 19)	175478.79	176307.79

DETAILED SUMMARY PAGE
of Disbursements

FEC Form 3X (Rev. 05/2016)

Page 4

II. Disbursements	COLUMN A Total This Period	COLUMN B Calendar Year-to-Date
21. Operating Expenditures:		
(a) Allocated Federal/Non-Federal Activity (from Schedule H4)		
(i) Federal Share	0.00	0.00
(ii) Non-Federal Share.....	0.00	0.00
(b) Other Federal Operating Expenditures	169854.19	169854.19
(c) Total Operating Expenditures (add 21(a)(i), (a)(ii), and (b))	169854.19	169854.19
22. Transfers to Affiliated/Other Party Committees.....	0.00	0.00
23. Contributions to Federal Candidates/Committees and Other Political Committees.....	0.00	0.00
24. Independent Expenditures (use Schedule E)	0.00	0.00
25. Coordinated Party Expenditures (52 U.S.C. § 30116(d)) (use Schedule F).....	0.00	0.00
26. Loan Repayments Made.....	0.00	0.00
27. Loans Made.....	0.00	0.00
28. Refunds of Contributions To:		
(a) Individuals/Persons Other Than Political Committees	0.00	0.00
(b) Political Party Committees	0.00	0.00
(c) Other Political Committees (such as PACs).....	0.00	0.00
(d) Total Contribution Refunds (add Lines 28(a), (b), and (c)).....	0.00	0.00
29. Other Disbursements (Including Non-Federal Donations).....	0.00	0.00
30. Federal Election Activity (52 U.S.C. § 30101(20))		
(a) Allocated Federal Election Activity (from Schedule H6)		
(i) Federal Share	0.00	0.00
(ii) "Levin" Share.....	0.00	0.00
(b) Federal Election Activity Paid Entirely With Federal Funds	0.00	0.00
(c) Total Federal Election Activity (add Lines 30(a)(i), 30(a)(ii) and 30(b)).....	0.00	0.00
31. Total Disbursements (add Lines 21(c), 22, 23, 24, 25, 26, 27, 28(d), 29 and 30(c))..	169854.19	169854.19
32. Total Federal Disbursements (subtract Line 21(a)(ii) and Line 30(a)(ii) from Line 31).....	169854.19	169854.19

DETAILED SUMMARY PAGE
of Disbursements

FEC Form 3X (Rev. 05/2016)

Page 5

III. Net Contributions/ Operating Expenditures	COLUMN A Total This Period	COLUMN B Calendar Year-to-Date
33. Total Contributions (other than loans) (from Line 11(d), page 3)	175478.79	176307.79
34. Total Contribution Refunds (from Line 28(d))	0.00	0.00
35. Net Contributions (other than loans) (subtract Line 34 from Line 33)	175478.79	176307.79
36. Total Federal Operating Expenditures (add Line 21(a)(i) and Line 21(b))	169854.19	169854.19
37. Offsets to Operating Expenditures (from Line 15, page 3).....	0.00	0.00
38. Net Operating Expenditures (subtract Line 37 from Line 36)	169854.19	169854.19



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 10, 2022

Adam Clark
Margueritte Mills
Utrecht, Kleinfeld, Fiori, Clark, Partners
1634 Eye Street NW, Suite 1250
Washington, DC 20006

People Not Profits
C00769828
AF# 4279

Dear Mr. Clark and Ms. Mills:

On March 16, 2022, the Federal Election Commission (“the Commission”) found reason to believe (“RTB”) that People Not Profits and Ciara Cruz, in their 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 \$4,921 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 1158) or 202-694-1158 if you have any questions.

Sincerely,

Rhiannon Magruder

Rhiannon Magruder
Reviewing Officer
Office of Administrative Review



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

SENSITIVE

July 27, 2022

MEMORANDUM

To: The Commission

Through: Alec Palmer *AP*
Staff Director

From: Patricia C. Orrock *PCO*
Chief Compliance Officer

Rhiannon Magruder *RM*
Reviewing Officer
Office of Administrative Review

Subject: Final Determination Recommendation in AF# 4279 – People Not Profits and Ciara Cruz, in their official capacity as Treasurer (C00769828)

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 \$4,921 based on the schedule of penalties at 11 C.F.R. § 111.43. On April 13, 2022, the Commission received their written response (“challenge”). After reviewing the challenge, the Reviewing Officer Recommendation (“ROR”) dated June 9, 2022 was forwarded to the Commission, a copy was forwarded to the respondents, and is hereby incorporated by reference.

The Reviewing Officer recognized the Committee may have experienced technical issues when attempting to file its 2021 Year-End Report. However, as acknowledged by the respondents on multiple occasions, the technical issues were with the Committee’s third-party software and not due to a failure of Commission-provided software. Delays caused by vendors and computer/software failures are specifically included at 11 C.F.R. § 111.35(d) as examples of circumstances that will not be considered reasonably unforeseen and beyond the respondents’ control. Therefore, the Reviewing officer determined the “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 \$4,921 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 June 17, 2022, counsel stated, in part: “The Committee’s recollection to the best of its ability of the events in this matter differs from the records provided by the Reports and Analysis and Administrative Fines divisions. The Committee does not intend to provide any further response in this matter.”¹

OAR Recommendations

1. Adopt the Reviewing Officer recommendation for AF# 4279 involving People Not Profits and Ciara Cruz, in their official capacity as Treasurer, in making the final determination;
2. Make a final determination in AF# 4279 that People Not Profits and Ciara Cruz, in their official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess a \$4,921 civil money penalty; and
3. Send the appropriate letter.

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) AF 4279
 Final Determination Recommendation –)
 People Not Profits and Ciara Cruz, in)
 their official capacity as Treasurer)
 (C00769828))

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 actions in AF 4279.

1. Adopt the Reviewing Officer recommendation for AF# 4279 involving People Not Profits and Ciara Cruz, in their official capacity as Treasurer, in making the final determination.
2. Make a final determination in AF# 4279 that People Not Profits and Ciara Cruz, in their official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess a \$4,921 civil money penalty.
3. Send the appropriate letter.

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

Attest:



Vicktoria J Allen Digitally signed by Vicktoria J Allen
 Date: 2022.09.19 17:51:22 -04'00'

Vicktoria J. Allen
 Acting Deputy Secretary of the Commission



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 26, 2022

Adam Clark
Margueritte Mills
Utrecht, Kleinfeld, Fiori, Clark, Partners
1634 Eye Street NW, Suite 1250
Washington, DC 20006

People Not Profits
C00769828
AF# 4279

On March 16, 2022, the Federal Election Commission (“the Commission”) found reason to believe (“RTB”) that People Not Profits and Ciara Cruz, in their official capacity as Treasurer, violated 52 U.S.C. § 30104(a) for failing to file the 2021 Year-End Report. By letter dated March 18, 2022, the Commission sent notification of the RTB finding that included a civil money penalty calculated at \$4,921 in accordance with the schedule of penalties at 11 C.F.R. § 111.43. On April 13, 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 People Not Profits and Ciara Cruz, in their official capacity as Treasurer, violated 52 U.S.C. § 30104(a), and assess a civil money penalty in the amount of \$4,921 in accordance with 11 C.F.R. § 111.43. The Reviewing Officer Recommendation was sent to you on June 9, 2022.

On September 15, 2022, the Commission adopted the Reviewing Officer’s recommendation and made a final determination that People Not Profits and Ciara Cruz, in their official capacity as Treasurer, violated 52 U.S.C. § 30104(a), and assessed a civil money penalty in the amount of \$4,921. 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,

A handwritten signature in blue ink, appearing to read "Allen Dickerson", written over a horizontal line.

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 \$4,921 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: People Not Profits

FEC ID#: C00769828

AF#: 4279

PAYMENT AMOUNT DUE: \$4,921