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By Office of the Commission Secretary at 10:53 am, Mar 21, 2022

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

March 21, 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: Kristin D. Roser *KDR*  
Compliance Branch

SUBJECT: Reason to Believe Recommendation -  
Failure to File 48-Hour Notices under the Administrative Fine Program

Attached is the name of a principal campaign committee that has failed to file 48-hour notices with the Commission for contributions of \$1,000.00 or more received from the close of books for the Florida 20<sup>th</sup> Congressional District 12-Day Pre-Special Report up to 48 hours before the November 2, 2021 Special Primary Election in accordance with 52 U.S.C. § 30104(a) and 11 CFR. § 104.5(f). The committee, Sheila Cherfilus McCormick for Congress, Inc, represents a candidate who won the Special Primary Election. The committee is being referred for failing to file 48-hour notices for contributions totaling \$1,369,000.00.

A 48-hour notice is required to report all contributions of \$1,000.00 or more, to any authorized committee of a candidate, including contributions from the candidate, loans from the candidate and other non-bank sources and endorsements or guarantees of loans from banks, as per 11 CFR § 104.5(f).

We have attached an information sheet which includes the contributor name, date of receipt and amount of the contributions for which a 48-hour notice was not filed.

In accordance with the schedule of civil money penalties outlined within 11 CFR § 111.44, this committee should be assessed the civil money penalty so indicated.

**Recommendation**

1. Find reason to believe that Sheila Cherfilus McCormick for Congress, Inc and Dr. Olubisi Aina, in their official capacity as treasurer, violated 52 U.S.C. § 30104(a) and make a preliminary determination that a civil money penalty of \$137,380 be assessed.
2. Send the appropriate letter.

Attachments

**Contributions for Which a 48-Hour Notice Was Not Received****AF 4286****Committee ID: C00677492****Committee Name: Sheila Cherfilus McCormick for Congress, Inc****Report Type: 2021 12-Day Pre-Special Report (10/14/2021 – 12/22/2021)****48-Hour Reporting Period: 10/14/2021 – 10/30/2021**

CONTRIBUTOR	DATE	AMOUNT
SHEILA CHERFILUS-MCCORMICK	10/15/2021	\$40,000.00
SHELETA FOMBY <sup>1</sup>	10/15/2021	\$1,000.00
SHEILA CHERFILUS-MCCORMICK	10/18/2021	\$211,000.00
SHEILA CHERFILUS-MCCORMICK	10/23/2021	\$341,000.00
SHEILA CHERFILUS-MCCORMICK	10/25/2021	\$341,000.00
SHEILA CHERFILUS-MCCORMICK	10/25/2021	\$341,000.00
SHEILA CHERFILUS-MCCORMICK	10/25/2021	\$90,000.00
ALIX DESULME	10/25/2021	\$1,000.00
ALIX DESULME <sup>2</sup>	10/25/2021	\$1,000.00
PAIL EISMA <sup>3</sup>	10/25/2021	\$1,000.00
KARL LATORTUE <sup>4</sup>	10/25/2021	\$1,000.00
	<b>TOTAL</b>	<b>\$1,369,000.00</b>

**Proposed Civil Money Penalty: \$137,380** ((3 Notices Not Filed at \$160 each) + (10% of the Overall Contributions Not Reported))

<sup>1</sup> This contribution was earmarked through ActBlue and was received by the conduit on 10/15/2021. On 1/9/2022, RAD sent an RFAI to clarify the date of receipt from the conduit, but the committee did not respond.

<sup>2</sup> This contribution was earmarked through ActBlue and was received by the conduit on 10/25/2021. On 1/9/2022, RAD sent an RFAI to clarify the date of receipt from the conduit, but the committee did not respond.

<sup>3</sup> This contribution was earmarked through ActBlue and was received by the conduit on 10/25/2021. On 1/9/2022, RAD sent an RFAI to clarify the date of receipt from the conduit, but the committee did not respond.

<sup>4</sup> This contribution was earmarked through ActBlue and was received by the conduit on 10/25/2021. On 1/9/2022, RAD sent an RFAI to clarify the date of receipt from the conduit, but the committee did not respond.

Federal Election Commission  
Reason to Believe Circulation Report  
48-Hour Notification Report

AF#	Committee ID	Committee Name	State	Election	Candidate Name	Treasurer	Prev Violations	Notices Not Filed	LOA	Penalty
4286	C00677492	SHEILA CHERFILUS MCCORMICK FOR CONGRESS, INC	FL	2021	SHEILA CHERFILUS- MCCORMICK	DR OLUBISI AINA	0	3	\$1,369,000	\$137,380

## BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 ) AF 4286  
 Reason to Believe Recommendation – )  
 Failure to File 48-Hour Notices under the )  
 Administrative Fine Program: Sheila )  
 Cherfilus McCormick for Congress, Inc )  
 and Dr. Olubisi Aina, in their official )  
 capacity as treasurer )

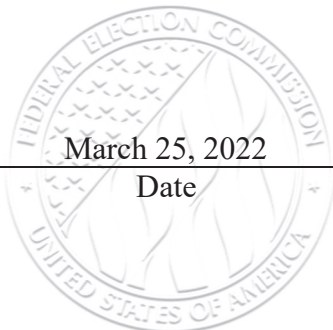
CERTIFICATION

I, Vicktoria J. Allen, Acting Deputy Secretary of the Federal Election Commission, do hereby certify that on March 23, 2022, the Commission decided by a vote of 5-0 to take the following actions in AF 4286:

1. Find reason to believe that Sheila Cherfilus McCormick for Congress, Inc and Dr. Olubisi Aina, in their official capacity as treasurer, violated 52 U.S.C. § 30104(a) and make a preliminary determination that a civil money penalty of \$137,380 be assessed.
2. Send the appropriate letter.

Commissioners Broussard, Cooksey, Dickerson, Walther, and Weintraub voted affirmatively for the decision. Commissioner Trainor did not vote.

Attest:



Vicktoria J Allen

Digitally signed by Vicktoria J Allen  
 Date: 2022.03.25 11:51:02 -04'00'

Vicktoria J. Allen  
 Acting Deputy Secretary of the  
 Commission



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

AF

March 28, 2022

Dr. Olubisi Aina, in official capacity as Treasurer  
Sheila Cherfilus McCormick for Congress, Inc  
4577 North Nob Hill Rd  
Suite 203  
Sunrise, FL 33351

C00677492

AF#: 4286

Dear Dr. Aina,

The Federal Election Campaign Act of 1971, as amended, 52 U.S.C. § 30101, et seq. ("the Act"), requires principal campaign committees of candidates for federal office to notify in writing the Federal Election Commission ("FEC") and the Secretary of State, as appropriate, of any contribution of \$1,000 or more, received by any authorized committee of the candidate after the 20th day, but more than 48 hours before, any election. 52 U.S.C. § 30104(a)(6)(A). The Act further requires notification to be made within 48 hours after the receipt of the contribution and to include the name of the candidate and office sought, the date of receipt, the amount of the contribution, and the identification of the contributor. Id. These notification requirements are in addition to all other reporting requirements. 52 U.S.C. § 30104(a). Our records indicate that Sheila Cherfilus McCormick for Congress, Inc did not submit 48-Hour Notices for contributions of \$1,000 or more, received between October 14, 2021 and October 30, 2021, totaling \$1,369,000, as required by 52 U.S.C. § 30104(a)(6)(A). Attachment 1.

The Act permits the FEC to impose civil money penalties for violations of the reporting requirements of 52 U.S.C. § 30104(a). 52 U.S.C. § 30109(a)(4). On March 23, 2022, the FEC found that there is Reason to Believe ("RTB") that Sheila Cherfilus McCormick for Congress, Inc and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) by failing to file the 48-Hour Notices. Based on the FEC's schedule of civil money penalties at 11 C.F.R. § 111.44, the amount of your civil money penalty calculated at the RTB stage is \$137,380. Please see the attached copy of the Commission's administrative fine regulations at 11 C.F.R. §§ 111.30-111.55. Attachment 2. The Commission's website contains further information about how the administrative fine program works and how the fines are calculated. <http://www.fec.gov/af/af.shtml>. 11 CFR § 111.34. The amount of the civil money penalty is \$160 for each non-filed notice plus 10 percent of the dollar amount of the contributions not timely reported. The civil money penalty increases by 25 percent for each prior violation. Send your payment of \$137,380 within forty (40) days of the finding, or by May 2, 2022.

SHEILA CHERFILUS MCCORMICK FOR CONGRESS, INC

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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 penalty, you must submit a written response to the FEC's Office of Administrative Review. Your response must include the AF# (found at the top of page 1 under your committee's identification number) and be received within forty (40) days of the Commission's RTB finding, or May 2, 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](mailto:administrativefines@fec.gov). The Commission encourages the use of electronic signatures on electronically submitted documents, but scanned copies of ink signatures will be accepted. Electronically submitted challenges will be deemed received on the date it is electronically received by staff.

The FEC will only consider challenges that are based on at least one of three grounds: (1) a factual error in the RTB finding; (2) miscalculation of the calculated civil money penalty by the FEC; or (3) your demonstrated use of best efforts to file in a timely manner when prevented from doing so by reasonably unforeseen circumstances that were beyond your control. 11 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

SHEILA CHERFILUS MCCORMICK FOR CONGRESS, INC

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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 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 Sheila Cherfilus McCormick for Congress, Inc 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



SHEILA CHERFILUS MCCORMICK FOR CONGRESS, INC

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

This matter was generated based on information ascertained by the FEC in the normal course of carrying out its supervisory responsibilities. 52 U.S.C. § 30109(a)(2). Unless you notify the FEC in writing that you wish the matter to be made public, it will remain confidential in accordance with 52 U.S.C. § 30109(a)(4)(B) and 30109(a)(12)(A) until it is placed on the public record at the conclusion of this matter in accordance with 11 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 <http://www.fec.gov/af/af.shtml>. If you have questions regarding the payment of the calculated civil money penalty, please contact Jacqueline Gausepohl 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 CFR § 111.44, the amount of your civil money penalty calculated at RTB is \$137,380 for the 2021 Special Primary Election 48-Hour Notification Report.

You may remit payment by ACH withdrawal from your bank account, or by debit or credit card through Pay.gov, the federal government's secure portal for online collections. Visit [www.fec.gov/af/pay.shtml](http://www.fec.gov/af/pay.shtml) to be directed to Pay.gov's Administrative Fine Program Payment form. Please use the details below to complete the required fields. For additional payment options, please contact Jacqueline Gausepohl in the

SHEILA CHERFILUS MCCORMICK FOR CONGRESS, INC

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Reports Analysis Division at our toll-free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130.

COMMITTEE NAME: Sheila Cherfilus McCormick for Congress, Inc

FEC ID#: C00677492

AF#: 4286

PAYMENT DUE DATE: May 2, 2022

PAYMENT AMOUNT DUE: \$137,380

**Contributions for Which a 48-Hour Notice Was Not Received****AF 4286****Committee ID: C00677492****Committee Name: Sheila Cherfilus McCormick for Congress, Inc****Report Type: 2021 12-Day Pre-Special Report (10/14/2021 – 12/22/2021)****48-Hour Reporting Period: 10/14/2021 – 10/30/2021**

CONTRIBUTOR	DATE	AMOUNT
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SHELETA FOMBY <sup>1</sup>	10/15/2021	\$1,000.00
SHEILA CHERFILUS-MCCORMICK	10/18/2021	\$211,000.00
SHEILA CHERFILUS-MCCORMICK	10/23/2021	\$341,000.00
SHEILA CHERFILUS-MCCORMICK	10/25/2021	\$341,000.00
SHEILA CHERFILUS-MCCORMICK	10/25/2021	\$341,000.00
SHEILA CHERFILUS-MCCORMICK	10/25/2021	\$90,000.00
ALIX DESULME	10/25/2021	\$1,000.00
ALIX DESULME <sup>2</sup>	10/25/2021	\$1,000.00
PAIL EISMA <sup>3</sup>	10/25/2021	\$1,000.00
KARL LATORTUE <sup>4</sup>	10/25/2021	\$1,000.00
	<b>TOTAL</b>	<b>\$1,369,000.00</b>

**Proposed Civil Money Penalty: \$137,380** ((3 Notices Not Filed at \$160 each) + (10% of the Overall Contributions Not Reported))

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<sup>4</sup> This contribution was earmarked through ActBlue and was received by the conduit on 10/25/2021. On 1/9/2022, RAD sent an RFAI to clarify the date of receipt from the conduit, but the committee did not respond.



**April 27, 2022**

Sheila Cherfilus McCormick for Congress, Inc.  
4577 North Nob Hill Rd  
Suite 203  
Sunrise, FL 33351

C00677492

AF#: 4286

Federal Election Commission  
Administrative Fines  
Attention: Rhiannon Magruder, Reviewing Officer  
[administrativefines@fec.gov](mailto:administrativefines@fec.gov)  
CC: Jacqueline K. Gausepohl,  
Senior Campaign Finance Analyst, Compliance  
[jgausepohl@fec.gov](mailto:jgausepohl@fec.gov)

*Delivered by Electronic Mail*

Re: RTB Challenge Letter for Sheila Cherfilus McCormick for Congress, Inc (C00677492)-  
Administrative Fine for failure to file 48-Hour Notices (AF# 4286)

Dear Administrative Fines Department:

On March 28, 2022, we received an email from Federal Elections Commission ("FEC") containing a Reason-To-Believe ("RTB") administrative letter for failure to file 48-Hour Notices (AF# 4286) for Sheila Cherfilus McCormick for Congress, Inc (C00677492) ("Committee").

After reviewing the RTB finding, the Committee has decided to challenge the RTB finding through the below declarations and is submitting this challenge within the forty (40) day window or prior to May 2, 2022 to do so. The Committee believes that the RTB findings rely on incomplete information and as a result the FEC based their conclusion on factual errors. Through this challenge letter, the Committee respectfully asserts its right to provide additional information that it could not provide at an earlier date to dispute the RTB findings.

### Basis for Challenging the RTB finding

*Without the Committee audit and amendments, the FEC relied on factual errors in RTB finding*

After a successful special election, the Committee had reported nearly \$3 million in expenses and over \$4 million in personal loans. The compressed special election schedule with a primary election in November 2, 2021 and a general election in January 11, 2022 which covered the entire holiday season did not afford the Committee time after the special election to review its finances and perform an adequate audit in order to properly answer the Request for Information (RFI) letter dated January 9, 2022 which was mailed and received weeks later. Until the audit was completed in late February, the Committee was not in a position to respond conclusively to the RFI. As a result of the delay in our audit further delayed the Committee's amended filings, the FEC entered their RTB findings based on factual errors. The Committee provides below the results of its audit with respect to the RTB findings to demonstrate the Committee's compliance with the 48-Hour Notice reporting requirement.

### Updated Information Disputes the RTB Findings

*Contributions referenced in RTB findings were erroneously reported as received when they had not or otherwise was received on dates outside of the 48-Hour Notice reporting period*

The audit indicated that contributions referenced by the RTB findings were duplicate entries or entries entered with an incorrect received date in which they were not required to be included in a 48-Hour Notice. The Committee's accounting for a \$341,000 personal loan amount was based on an incorrect recording of three personal loans being made the *same day*. Instead, these three personal loans were made on two separate days: the \$40,000 personal loan amount was made days before the 48-Hour Notice reporting period (and not subject to a 48-Hour Notice); and the amounts of \$211,000 and \$90,000 were made on the same day and covered in the \$341,000 amount dated 10/23/21 reported on the 48-Hour Notice (which should have been reported as \$301,000). **The Committee disclosed more contributions than it had received in its 48-Hour Notices and in its regularly filed reports.**

In addition, the regularly filed report included a personal loan amount of \$341,000 (explained above as an incorrect amount) that was entered erroneously several times and a personal loan amount of \$211,000 was also entered erroneously (which was double-counted or accounted for already in the reporting of the \$341,000 personal loan amount). Other entries were reported erroneously as falling into the 48-Hour Notice (an initial \$40,000 personal loan and the several \$1,000 contributions through conduit checks were received weeks later). Of the contributions, reported in the 48-Hour Notice, we also reported a \$50,000 personal loan dated November 1, 2021 which is outside of the 48-Hour Notice reporting period. **The Committee disclosed more contributions than it was required to in its 48-Hour Notices.**

Below is an explanation breaking down this information for every entry discussed in the RTB findings that will be amended to demonstrate the Committee's compliance efforts.

Detailed Explanation for Each Transaction Referenced in the RTB Findings

No.	Contributor	Date	Amount	Explanation
1	Sheila Cherfilus-McCormick	10/15/2021	\$40,000.00	This personal loan amount was received before the 48-Hour Notice reporting period and as a result, <u>was not required to be disclosed as a 48-Hour Notice</u> . This entry will be amended in the regularly filed report to the appropriate earlier date of receipt.
2	Sheleta Fomby	10/18/2021	\$1,000.00	This contribution was received through ActBlue (conduit) but the funds were not received to the Committee for several weeks later via conduit's check. As a result, this entry <u>was not required to be disclosed as a 48-Hour Notice</u> . This entry will be amended to the appropriate later date of receipt.
3	Sheila Cherfilus-McCormick	10/18/2021	\$211,000.00	This personal loan amount was incorrectly included in the regularly filed report and as a result, <u>was not required to be disclosed as a 48-Hour Notice</u> . Our audit indicates that this amount was included in the report entry on 10/23/21 for \$341,000 representing the candidate's personal loan.
4	Sheila Cherfilus-McCormick	10/23/2021	\$341,000.00	This personal loan amount was an incorrect, duplicate entry in the regularly filed report and as a result, <u>was not required to be disclosed as a 48-Hour Notice</u> . This entry will be amended.
5	Sheila Cherfilus-McCormick	10/25/2021	\$341,000.00	This amount in personal loan was an incorrect, duplicate entry in the regularly filed report and as a result, <u>was not required to be disclosed as a 48-Hour Notice</u> . This entry will be amended.
6	Sheila Cherfilus-McCormick	10/25/2021	\$341,000.00	This personal loan amount was an incorrect, duplicate entry in the regularly filed report and as a result, <u>was not</u>

				<u>required to be disclosed as a 48-Hour Notice.</u> This entry will be amended.
7	Sheila Cherfilus-McCormick	10/25/2021	\$90,000.00	This personal loan amount was an incorrect entry in the regularly filed report and <u>covered in the 48-Hour Notice filed 10/23/21 for \$341,000</u> representing the candidate's personal loan. This entry will be amended.
8	Alix Desulme	10/25/2021	\$1,000.00	This contribution was a duplicate entry to entry #9 below. <u>As a result, this entry was not required to be disclosed as a 48-Hour Notice.</u> This entry will be amended.
9	Alix Desulme	10/25/2021	\$1,000.00	This contribution was received through ActBlue (conduit) but the funds were not received to the Committee for several weeks later via conduit's check. <u>As a result, this entry was not required to be disclosed as a 48-Hour Notice.</u> This entry will be amended to the appropriate later date of receipt.
10	Pail Eisma	10/25/2021	\$1,000.00	This contribution was received through ActBlue (conduit) but the funds were not received to the Committee for several weeks later via conduit's check. <u>As a result, this entry was not required to be disclosed as a 48-Hour Notice.</u> This entry will be amended to the appropriate later date of receipt.
11	Karl Latortue	10/25/2021	\$1,000.00	This contribution was received through ActBlue (conduit) but the funds were not received to the Committee for several weeks later via conduit's check. <u>As a result, this entry was not required to be disclosed as a 48-Hour Notice.</u> This entry will be amended to the appropriate later date of receipt.

The Committee has demonstrated its commitment to go above and beyond for the sake of public transparency and disclosure. We are working carefully to complete the necessary amendments to its regularly filed reports.

As indicated from the above, the Committee feels that it has provided sufficient information to indicate compliance with the 48-Hour Notice reporting requirement and respectfully requests the FEC reconsider the issuance of Administrative Fine #4286 while the Committee's amended reports are being entered.

Thank you.

*Olubisi Aina*

**Dr. Olubisi Aina**

Treasurer





FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

June 23, 2022

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

AF# 4286 – Sheila Cherfilus McCormick for Congress, Inc and Dr. Olubisi Aina, in their official capacity as Treasurer (C00677492)

### **Summary of Recommendation**

Make a final determination that the respondents violated 52 U.S.C. § 30104(a) and assess a \$137,380 civil money penalty.

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

In connection with the 2021 Special Primary Election for Florida’s 20<sup>th</sup> Congressional District held on November 2, 2021, the respondents were required to file 48-Hour Notices for contributions of \$1,000 or more received between October 14, 2021 and October 30, 2021. On March 23, 2022, the Commission found reason to believe (“RTB”) that the respondents violated 52 U.S.C. § 30104(a) for failing to timely file 48-Hour Notices for 11 contributions totaling \$1,369,000 and made a preliminary determination that the civil money penalty was \$137,380 based on the schedule of penalties at 11 C.F.R. § 111.44. A letter was sent to the respondents’ e-mail address of record from the Reports Analysis Division (“RAD”) on March 28, 2022 to notify them of the Commission’s RTB finding and civil money penalty.

### **Legal Requirements**

The Federal Election Campaign Act (“Act”) requires that the principal campaign committee of a candidate must notify the Commission, in writing, of any contribution of \$1,000 or more received after the 20<sup>th</sup> day but more than 48 hours before an election. The principal campaign committee must notify the Commission within 48 hours of receipt of the contribution. The 48-hour notification shall be in addition to all other reporting requirements under the Act. 52 U.S.C. § 30104(a)(6)(A) and 11 C.F.R. § 104.5(f). 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 27, 2022, the Commission received the written response (“challenge”) from the Treasurer stating that the RTB finding was based on factual errors. The Treasurer further explains that after the January 11, 2022 Special General Election, the Committee reviewed its finances and performed an audit. “The audit indicated that contributions referenced by the RTB findings were duplicate entries or entries entered with an incorrect received date in which they were not required to be included in a 48-Hour Notice.”

The Treasurer also explains that given the timing of the audit, the Committee was not able to conclusively respond to RAD’s January 9, 2022 Request for Additional Information (“RFAI”) regarding the missing 48-Hour Notices. Further, the Committee was delayed in filing the related amendments to correct the erroneous reporting. Therefore, the Commission’s RTB finding is based on erroneous reporting and is incorrect.

The challenge provides a detailed explanation of why a 48-Hour Notice was not required for each of the 11 contributions included in the RTB finding. *See* Attachment 1. The Treasurer requests that the Commission reconsider the RTB finding based on this information and notes that the Committee will file the related amendments.

## Analysis

The respondents acknowledge the RTB finding was based on the Commission’s review of contributions disclosed on the Committee’s 2021 Pre-Special Report. However, they note that they have since determined the contributions were erroneously reported, and 48-Hour Notices were not required for any of the 11 contributions included in the RTB finding. Despite communicating their intent to file necessary amendments, the Committee has not yet corrected the public record.<sup>1</sup>

The Reviewing Officer will only consider the explanations provided in the Committee’s challenge in conjunction with the public record. The Committee shall correct the public record prior to the Reviewing Officer’s Final Determination Recommendation to the Commission and no later than July 23, 2022. The Final Determination Recommendation will rely on the most recent Committee information available on the public record.

At the time of this Reviewing Officer Recommendation, the Reviewing Officer recommends that the Commission make a final determination that the respondents violated 52 U.S.C. § 30104(a) and assess a \$137,380 civil money penalty.

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<sup>1</sup> On 3/29/22, prior to receiving the Committee’s challenge, the Reviewing Officer (RO) advised the Committee that the amendment must be filed in order to fully review the Committee’s challenge. On 6/9/22, the RO advised the Committee that the amendment must be filed by 6/16/22 in order to be considered in the Reviewing Officer’s Recommendation. On 6/15/22, the RO sent a courtesy reminder because the amendment had not yet been filed. On 6/17/22, the RO informed the Committee that it had failed to file the amendment by the 6/16/22 due date. On 6/17/22, the Candidate informed the RO that the previous Committee Representative was no longer with the Committee and another representative would be contacting the RO. To date, the Committee has not contacted the RO, filed the amendment, or otherwise corrected the public record. *See* Attachment 3.

**OAR Recommendations**

1. Adopt the Reviewing Officer recommendation for AF# 4286 involving Sheila Cherfilus McCormick for Congress, Inc and Dr. Olubisi Aina, in their official capacity as Treasurer, in making the final determination;
2. Make a final determination in AF# 4286 that Sheila Cherfilus McCormick for Congress, Inc and Dr. Olubisi Aina, in their official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess a \$137,380 civil money penalty; and
3. Send the appropriate letter.

**Attachments**

Attachment 1 –

Attachment 2 – Declaration from RAD

Attachment 3 – 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 Sheila Cherfilus McCormick for Congress, Inc:
  - A) Request for Additional Information for the 2021 12-Day Pre-Special Report, dated January 9, 2022, referencing missing 48-Hour Notices (sent via electronic mail to: [scherfilus@hotmail.com](mailto:scherfilus@hotmail.com));
  - B) Reason-to-Believe Letter, dated March 28, 2022, referencing the missing 48-Hour Notices (sent via electronic mail to: [info@sheilaforcongress.com](mailto:info@sheilaforcongress.com) and [scherfilus@hotmail.com](mailto:scherfilus@hotmail.com)).
4. I hereby certify that I have searched the Commission's public records and find that Sheila Cherfilus McCormick for Congress, Inc has not yet filed the missing 48-Hour Notices with the Commission.
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 17<sup>th</sup> day of June, 2022.

*Kristin D. Roser*

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



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RQ-2

January 9, 2022

DR OLUBISI AINA, TREASURER  
SHEILA CHERFILUS MCCORMICK FOR  
CONGRESS, INC  
6151 MIRAMAR PKWY SUITE 101  
MIRAMAR, FL 33023

**Response Due Date**  
**02/14/2022**

IDENTIFICATION NUMBER: C00677492

REFERENCE: 12 DAY PRE-SPECIAL REPORT (10/14/2021 - 12/22/2021)

Dear Treasurer:

This letter is prompted by the Commission's preliminary review of the report referenced above. This notice requests information essential to full public disclosure of your federal election campaign finances. **Failure to adequately respond by the response date noted above could result in an audit or enforcement action.** Additional information is needed for the following 8 item(s):

1. Your report fails to provide proper election designations for contributions disclosed on Schedule A supporting Lines 11(a)(i) and 13(a). Authorized committees should indicate the election for which the contribution was designated. If no election is designated, the contribution is applied to the next election for the federal office the candidate is seeking after the contribution date. Please be advised that incorrect election designations may result in excessive or impermissible contributions. Please amend your report to clarify election designations "O2022, S". (11 CFR §§ 110.1(b) and 110.2(b))
2. Schedule B of your report discloses memo entries for in-kind contributions from the candidate to your committee. Please be advised that the value of in-kind contributions must be added to the receipts and disbursements total in order to avoid either inflating or deflating the cash on hand amount, and itemized on the appropriate Schedules A and B. (11 CFR § 104.13(a)) Please amend your report to itemize the in-kind contributions from the candidate on Schedules A and B.
3. Schedule A of your report indicates that your committee may have failed to file one or more of the required 48-hour notices regarding "last minute" contributions (to include loans, in-kind contributions, and advances) received by your committee after the close of books for the 12 Day Pre-Special Primary Report (see attached). A principal campaign committee must notify the

## SHEILA CHERFILUS MCCORMICK FOR CONGRESS, INC

Page 2 of 4

Commission, in writing, within 48 hours of any contribution of \$1,000 or more received between two and twenty days before an election. These contributions are then reported on the next report required to be filed by the committee. To ensure that the Commission is notified of last minute contributions of \$1,000 or more to your campaign, it is recommended that you review your procedures for checking contributions received during the aforementioned time period. The failure to file 48-hour notices may result in civil money penalties or legal enforcement action. (11 CFR § 104.5(f))

If any contribution of \$1,000 or more was incorrectly reported, you must amend your original report with the clarifying information.

4. Your committee filed 48-hour notices reporting the following "last minute" contributions (see attached). However, these contributions do not appear on Schedule A of this report. Please amend your report to include these contributions or provide an explanation of these apparent discrepancies. (11 CFR § 104.3(a)(4)(i))

5. Itemized disbursements must include a brief statement or description of why each disbursement was made. Please amend Schedule B supporting Line 17 of your report to clarify the following descriptions: "Collateral," "Consulting," "Donation," "Political Consulting," and "Step and Repeat." For further guidance regarding acceptable purposes of disbursement, please refer to 11 CFR 104.3(b)(4)(i)(A).

Additional clarification regarding inadequate purposes of disbursement and a non-exhaustive list of acceptable purposes are available on the FEC website at <http://www.fec.gov/help-candidates-and-committees/purposes-disbursement/>.

6. Schedule B of your report discloses disbursements to "Future Adventures," "JETBLUE," "Miami Kitchen Kreations," and "Our City Media" for "Wages." Please be advised that when itemizing disbursements to companies for payroll services, if the payment to the salary recipient aggregates in excess of \$200 in an election cycle, a memo entry including the name and address of the individual receiving the salary, as well as the date, amount, and purpose of the original disbursement must be provided. Please amend your report to include the missing information or provide clarifying information if memo items are not required. (11 CFR § 104.9)

7. Schedule C of your report discloses loans from the candidate where the aggregate amount outstanding in excess of \$250,000.00 was not repaid within 20 days after the special primary election.

## SHEILA CHERFILUS MCCORMICK FOR CONGRESS, INC

Page 3 of 4

Outstanding loan amounts from the candidate personal loans (including advances of personal funds or endorsements of bank loans to the committee) aggregating in excess of \$250,000.00 and designated to the special primary election must be repaid within 20 days after that election. If loans are not repaid by the twenty-day deadline, the committee must treat the portion of the aggregate outstanding balance that exceeds \$250,000.00 as a contribution from the candidate, which cannot be repaid. (11 CFR § 116.11)

If any of the apparent personal loans in question were incompletely or incorrectly disclosed, you must amend your original report with the clarifying information. Otherwise, you must amend your report to show the outstanding balance of candidate loans for the special primary election exceeding \$250,000.00 as a contribution from the candidate and adjust the closing loan balance(s) on Schedule C so that the loan(s) for a specific election no longer aggregate in excess of \$250,000.00. Please contact the undersigned analyst for assistance with making this adjustment on your report(s).

8. Schedule A of your report discloses contributions earmarked through a conduit. However, your report does not clearly disclose which conduit memo entry corresponds to each earmarked contribution.

**Please be reminded that when a committee receives an earmarked contribution(s) through an allowable conduit, each individual contribution must be itemized when the individual's total contributions to your committee aggregate over \$200 per election cycle. This itemization must include the full name, address, occupation, and employer of the individual contributor along with the date the contribution(s) was received by the conduit. Any un-itemized contributions received through the conduit must be included in your totals on Line 11(a)(ii) of the Detailed Summary Page.**

**In addition, information regarding the conduit or intermediary for each contribution must be itemized on Schedule A as a memo not use memo text to disclose this information). The conduit's full name and address (and occupation and employer if the conduit is an individual) must also be provided, along with the date the contribution(s) was received by your committee and the total amount of earmarked contributions received from the conduit.**

Please amend your report to disclose the proper format for earmarked contributions received from a conduit or intermediary. Please clearly indicate which conduit memo entry corresponds to each earmarked contribution. You can

SHEILA CHERFILUS MCCORMICK FOR CONGRESS, INC

Page 4 of 4

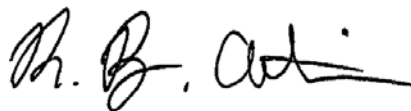
refer to the FEC Campaign Guide for Congressional Candidates and Committees for further guidance on how to report earmarked contributions through a conduit (11 CFR § 110.6(c)(2))

- Your report disclosed a category of financial activity that appears to be disclosed on the wrong line of the Detailed Summary Page. For your information and consideration when preparing future filings, Contributions from other committees registered with the Federal Election Commission should be properly disclosed on a separate Schedule A, supporting Line 11(c) of the Detailed Summary Page. Please refer to the Form 3 instructions for each line when determining the proper categorization(s) for your next filing. (11 CFR § 104.3(a) and (b))

**Please note, you will not receive an additional notice from the Commission on this matter.** Adequate responses must be received by the Commission on or before the due date noted above to be taken into consideration in determining whether audit action will be initiated. Failure to comply with the provisions of the Act may also result in an enforcement action against the committee. Any response submitted by your committee will be placed on the public record and will be considered by the Commission prior to taking enforcement action. **Requests for extensions of time in which to respond will not be considered.**

Electronic filers must file amendments (to include statements, designations and reports) in an electronic format and must submit an amended report in its entirety, rather than just those portions of the report that are being amended. For information about the report review process or specific filing information for your committee type, please visit [www.fec.gov/help-candidates-and-committees](http://www.fec.gov/help-candidates-and-committees). For more information about Requests for Additional Information (RFAI), why you received a letter, and how to respond, please visit [www.fec.gov/help-candidates-and-committees/request-additional-information](http://www.fec.gov/help-candidates-and-committees/request-additional-information). Should you have any questions regarding this matter or wish to verify the adequacy of your response, please contact me on our toll-free number (800) 424-9530 (at the prompt press 5 to reach the Reports Analysis Division) or my local number (202) 694-1196.

Sincerely,



Bradley Austin

Sr. Campaign Finance & Reviewing Analyst

436



**Missing 48-Hour Notices****Sheila Cherfilus McCormick for Congress, Inc. (C00677492)**

<b>Contributor Name</b>	<b>Date</b>	<b>Amount</b>	<b>Election</b>
Cherfilus-McCormick, Sheila	10/15/21	\$40,000.00	S2022, Special- General
Fomby, Sheleta	10/15/21	\$1,000.00	O2022, S
Cherfilus-McCormick, Sheila	10/18/21	\$211,000.00	S2022, Special- General
Cherfilus-McCormick, Sheila	10/23/21	\$341,000.00	S2022, Special- Primary
Cherfilus-McCormick, Sheila	10/25/21	\$341,000.00	O2022, 11/2/2021
Cherfilus-McCormick, Sheila	10/25/21	\$341,000.00	S2022, Special- Primary
Cherfilus-McCormick, Sheila	10/25/21	\$90,000.00	S2022, Special- General
Desulme, Alix	10/25/21	\$1,000.00	O2022, S
Desulme, Alix	10/25/21	\$1,000.00	O2022, S
Eisma, Paul	10/25/21	\$1,000.00	O2022, S
Latortue, Karl	10/25/21	\$1,000.00	O2022, S

**Incorrectly Reported Receipts on 48-Hour Notices**  
**Sheila Cherfilus McCormick for Congress, Inc. (C00677492)**

**48-Hour Notices Filed/Contributions Not Disclosed on Schedule A**

<b>Contributor Name</b>	<b>Date</b>	<b>Amount</b>
Cherfulis-McCormick, Sheila	10/26/21	\$8,893.56
Cherfilus-McCormick, Sheila	10/27/21	\$7,200.00
Cherfilus-McCormick, Sheila	10/28/21	\$2,700.00

**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) The principal campaign committee of a candidate must file notifications disclosing contributions of \$1,000 or more which are received after the 20<sup>th</sup> day but more than 48 hours before an election. These notifications (also called 48-Hour Notices) must be filed with the Commission within 48 hours of the committee's receipt of the contribution(s).
- 3) I hereby certify that I have searched the Commission's public records and find that Sheila Cherfilus McCormick for Congress, Inc did not file the required 48-Hour Notices for the contributions included in the Commission's March 16, 2022 RTB finding.
- 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 23<sup>rd</sup> day of June, 2022.



Rhiannon Magruder  
Reviewing Officer  
Office of Administrative Review  
Federal Election Commission



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

June 24, 2022

Dr. Olubisi Aina, in official capacity as Treasurer  
Sheila Cherfilus McCormick for Congress, Inc  
17113 Miramar Pkwy, #167  
Miramar, FL 33027

C00677492  
AF# 4286

Dear Dr. Aina:

On March 16, 2022, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Sheila Cherfilus McCormick for Congress, Inc 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 \$137,380 based on the schedule of penalties at 11 C.F.R. § 111.44.

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](mailto:secretary@fec.gov). The Commission encourages the use of electronic signatures on electronically submitted documents, but scanned copies of ink signatures will be accepted. Electronically submitted responses will be deemed received on the date it is electronically received by staff. Please include the AF # in your response. Your response may not raise any arguments not raised in your original written response or not directly responsive to the Reviewing Officer's recommendation. 11 C.F.R. § 111.36(f). The Commission will then make a final determination in this matter.

Please contact me at the toll free number 800-424-9530 (press 0, then press 1660) or 202-694-1158 if you have any questions.

Sincerely,

*Rhiannon Magruder*

Rhiannon Magruder  
Reviewing Officer  
Office of Administrative Review



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

**SENSITIVE**

December 14, 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# 4286 – Sheila Cherfilus McCormick for Congress, Inc and Dr. Olubisi Aina, in their official capacity as Treasurer (C00677492)

On March 23, 2022, the Commission found reason to believe (“RTB”) that the respondents violated 52 U.S.C. § 30104(a) for failing to timely file 48-Hour Notices for 11 contributions totaling \$1,369,000 and made a preliminary determination that the civil money penalty was \$137,380 based on the schedule of penalties at 11 C.F.R. § 111.44. On April 27, 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 stated the explanations provided in the Committee’s challenge would only be considered in conjunction with the public record. Further, the Committee shall correct the public record prior to the Reviewing Officer’s Final Determination Recommendation to the Commission. At the time of ROR, because the Committee had not yet corrected the public record, the Reviewing Officer recommended that the Commission make a final determination that the respondents violated 52 U.S.C. § 30104(a) and assess a \$137,380 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). The Committee did not submit a formal written response but did follow the Reviewing Officer’s guidance to correct the public record. After receiving the ROR, the Committee requested reporting guidance on several

occasions and filed multiple amendments to correct reporting issues. On December 8, 2022, the Committee filed an Amended 2021 Pre-Special Report to correct all duplicate and erroneous transactions described in the Committee's challenge.<sup>1</sup> In consultation with the Reports Analysis Division, the Reviewing Officer confirms that the Committee has adequately responded to all violations contained in the RTB assessment. *See* Attachment 1. Therefore, the Reviewing Officer now recommends that the Commission terminate the proceedings in accordance with 11 C.F.R. § 111.37(b) and close the file.

**OAR Recommendations**

1. Terminate the proceedings in AF# 4286 that Sheila Cherfilus McCormick for Congress, Inc and Dr. Olubisi Aina, in their official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and close the file; and
2. Send the appropriate letter.

**Attachments**

Attachment 1 – OAR's Chart of Contributions

Attachment 2 –

Attachment 3 – Declaration from OAR

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<sup>1</sup> <https://docquery.fec.gov/pdf/155/202212089550578155/202212089550578155.pdf>



**OAR's Chart of Contributions for Which a 48-Hour Notice Was Not Received**

CONTRIBUTIONS INCLUDED IN RTB FINDING			COMMITTEE'S RESPONSE	OAR FD RECOMMENDATION
CONTRIBUTOR	RECEIPT DATE	AMOUNT		
SHEILA CHERFILUS-MCCORMICK	10/15/2021	\$40,000.00	Amendment filed to disclose corrected contribution date of 9/27/21. 48-Hour Notice not required.	Remove – No Violation
SHELETA FOMBY	10/15/2021	\$1,000.00	Amendment filed to disclose corrected contribution date of 10/23/21. 48-Hour Notice timely filed 10/25/22.	Remove – No Violation
SHEILA CHERFILUS-MCCORMICK	10/18/2021	\$211,000.00	Amendment filed to remove erroneously itemized transaction.	Remove – No Violation
SHEILA CHERFILUS-MCCORMICK	10/23/2021	\$341,000.00	Amendment filed to remove erroneous duplicate transaction.	Remove – No Violation
SHEILA CHERFILUS-MCCORMICK	10/25/2021	\$341,000.00	Amendment filed to remove erroneous duplicate transaction.	Remove – No Violation
SHEILA CHERFILUS-MCCORMICK	10/25/2021	\$341,000.00	Amendment filed to remove erroneous duplicate transaction.	Remove – No Violation
SHEILA CHERFILUS-MCCORMICK	10/25/2021	\$90,000.00	Amendment filed to remove erroneously itemized transaction.	Remove – No Violation
ALIX DESULME	10/25/2021	\$1,000.00	Amendment filed to disclose corrected contribution date of 11/12/21. 48-Hour Notice not required.	Remove – No Violation
ALIX DESULME	10/25/2021	\$1,000.00	Amendment filed to remove erroneous duplicate transaction.	Remove – No Violation
PAUL EISMA	10/25/2021	\$1,000.00	Amendment filed to disclose corrected contribution date of 11/12/21. 48-Hour Notice not required.	Remove – No Violation
KARL LATORTUE	10/25/2021	\$1,000.00	Amendment filed to disclose corrected contribution date of 11/12/21. 48-Hour Notice not required.	Remove – No Violation
<b>RTB Violation Total</b>		<b>\$1,369,000.00</b>	<b>FD Violation Total</b>	<b>\$0.00</b>

**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) The principal campaign committee of a candidate must file notifications disclosing contributions of \$1,000 or more which are received after the 20<sup>th</sup> day but more than 48 hours before an election. These notifications (also called 48-Hour Notices) must be filed with the Commission within 48 hours of the committee's receipt of the contribution(s).
- 3) I hereby certify that I have searched the Commission's public records and find that based on the Amended 2021 Pre-Special Report filed by Sheila Cherfilus McCormick for Congress, Inc on December 8, 2022, the Committee did not fail to file 48-Hour Notices for the contributions included in the Commission's March 16, 2022 RTB finding.
- 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 14th day of December, 2022.



Rhiannon Magruder  
Reviewing Officer  
Office of Administrative Review  
Federal Election Commission



## BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 ) AF 4286  
 Final Determination Recommendation: )  
 Sheila Cherfilus McCormick for )  
 Congress, Inc and Dr. Olubisi Aina, in )  
 their official capacity as Treasurer )  
 (C00677492) )

CERTIFICATION

I, Vicktoria J. Allen, Acting Deputy Secretary of the Federal Election Commission, do hereby certify that on January 11, 2023, the Commission decided by a vote of 6-0 to take the following actions in AF 4286:

1. Terminate the proceedings in AF# 4286 that Sheila Cherfilus McCormick for Congress, Inc and Dr. Olubisi Aina, in their official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and close the file.
2. 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: 2023.01.12 09:50:40 -05'00'

Vicktoria J. Allen  
 Acting Deputy Secretary of the  
 Commission



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

January 13, 2023

Dr. Olubisi Aina, in official capacity as Treasurer  
Sheila Cherfilus McCormick for Congress, Inc  
4577 North Nob Hill Rd  
Suite 203  
Sunrise, FL 33351

C00677492  
AF#: 4286

Dear Dr. Olubisi Aina:

On March 23, 2022, the Federal Election Commission (the "Commission") found reason to believe ("RTB") that Sheila Cherfilus McCormick for Congress, Inc (the "Committee") and you, in your official capacity as Treasurer, violated 52 U.S.C. § 30104(a) for failing to file 48-Hour Notices for contributions totaling \$1,369,000. By letter dated March 28, 2022, the Commission sent notification of the RTB finding that included a civil money penalty calculated at \$137,380 in accordance with the schedule of penalties at 11 C.F.R. § 111.43. On April 27, 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 and because the Committee had not yet corrected the public record, the Reviewing Officer recommended that the Commission make a final determination that the respondents violated 52 U.S.C. § 30104(a) and assess a \$137,380 civil money penalty. The Reviewing Officer Recommendation was sent to you on June 24, 2022. Subsequently, the Committee corrected the public record and adequately responded to all violations contained in the RTB assessment. Therefore, the Reviewing Officer made a final recommendation that the Commission terminate the proceedings in accordance with 11 C.F.R. § 111.37(b) and close the file.

On January 11, 2023, the Commission adopted the Reviewing Officer's recommendation to terminate the proceedings with respect to 52 U.S.C. § 30104(a) and close the file. A copy of the Final Determination Recommendation is attached.

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 this matter, 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 black ink, appearing to read 'Dara Lindenbaum', with a stylized flourish extending to the right.

Dara Lindenbaum  
Chair