



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

SENSITIVE

April 11, 2022

MEMORANDUM

TO: The Commission

THROUGH: Alec Palmer *AP*
Staff Director

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

Debbie Chacona *M.H.* for D.C.
Assistant Staff Director
Reports Analysis Division

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

SUBJECT: Reason To Believe Recommendation – 2022 12-Day Pre-Primary Report
(Texas) for the Administrative Fine Program

Attached is a list of political committees and their treasurers who failed to timely file the 2022 12-Day Pre-Primary Report for the Texas Primary Election in accordance with 52 U.S.C. § 30104(a). The 12-Day Pre-Primary Report was due on February 17, 2022 and the Primary Election was held on March 1, 2022.

The committees listed on the attached RTB Circulation Report failed to file the election sensitive report by the required due date. Election sensitive reports filed more than four days prior to the election are considered late, and reports not filed more than four days prior to the election are considered not filed. In accordance with the schedule of civil money penalties for reports at 11 CFR § 111.43, the 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
2022 PRE-PRIMARY Election Sensitive 02/17/2022 AUTH (TX)

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
4287	C00792515	COMMITTEE TO ELECT KYLE SINCLAIR FOR CONGRESSIONAL DISTRICT 20	KYLE E. SINCLAIR	ROBERT CASTANEDA	\$105,071	0		Not Filed	\$105,071 (est)	\$7,948

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)	
)	
Reason To Believe Recommendation –)	
2022 12-Day Pre-Primary Report (Texas))	
for the Administrative Fine Program:)	
COMMITTEE TO ELECT KYLE)	AF# 4287
SINCLAIR FOR CONGRESSIONAL)	
DISTRICT 20, and CASTANEDA,)	
ROBERT as treasurer;)	

CERTIFICATION

I, Laura E. Sinram, Acting Secretary and Clerk of the Federal Election Commission, do hereby certify that on April 13, 2022 the Commission took the following actions on the Reason To Believe Recommendation – 2022 12-Day Pre-Primary Report (Texas) for the Administrative Fine Program, as recommended in the Reports Analysis Division's Memorandum dated April 11, 2022, on the following committees:

AF#4287 Decided by a vote of 6-0 to: (1) find reason to believe that COMMITTEE TO ELECT KYLE SINCLAIR FOR CONGRESSIONAL DISTRICT 20, and CASTANEDA, ROBERT 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 Reason To Believe
Recommendation – 2022 12-Day Pre-
Primary Report (Texas) for the
Administrative Fine Program



April 13, 2022
Date

Attest:

**Laura e
Sinram**

Digitally signed by
Laura e Sinram
Date: 2022.04.13
17:28:52 -04'00'

Laura E. Sinram
Acting Secretary and Clerk of the
Commission



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

AF

April 14, 2022

Robert Castaneda, in official capacity as Treasurer
Committee to Elect Kyle Sinclair for Congressional District 20
203 Langford
San Antonio, TX 78221

C00792515

AF#: 4287

Dear Mr. Castaneda,

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file a 12-Day Pre-Primary Report of Receipts and Disbursements in any calendar year during which there is a regularly scheduled election for which the candidate is seeking election or nomination for election. This report, covering the period January 1, 2022 through February 9, 2022, shall be filed no later than February 17, 2022. 52 U.S.C. § 30104(a). Because records at the Commission indicate that you did not file this report prior to four (4) days before the election, the report is considered not filed for the purpose of calculating the civil money penalty. You should file the report if you have not already done so.

The Act permits the FEC to impose civil money penalties for violations of the reporting requirements of 52 U.S.C. § 30104(a). 52 U.S.C. § 30109g(a)(4). On April 13, 2022, the FEC found that there is reason to believe ("RTB") that Committee to Elect Kyle Sinclair for Congressional District 20 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 February 17, 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 \$7,948. 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 \$7,948 is due within forty (40) days of the finding, or by May 23, 2022, and is based on these factors:

Sensitivity of Report: Election Sensitive

Level of Activity: \$105,071

Number of Days Late: Not Filed

Number of Previous Civil Money Penalties Assessed: 0

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

COMMITTEE TO ELECT KYLE SINCLAIR FOR CONGRESSIONAL DISTRICT 20

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

If you should decide to challenge the RTB finding and/or calculated civil money penalty, you must submit a written response to the FEC's Office of Administrative Review. Your response must include the AF# (found at the top of page 1 under your committee's identification number) and be received within forty (40) days of the Commission's RTB finding, or May 23, 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.

COMMITTEE TO ELECT KYLE SINCLAIR FOR CONGRESSIONAL DISTRICT 20

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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 Committee to Elect Kyle Sinclair for Congressional District 20 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 making a payment in an amount less than the calculated civil money penalty assessed or any restrictive endorsements contained on your check or money order or proposed in correspondence transmitted with your check or money order, will be rejected. Acceptance and deposit or cashing of such a restricted payment does not constitute 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

COMMITTEE TO ELECT KYLE SINCLAIR FOR CONGRESSIONAL DISTRICT 20

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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 <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 \$7,948 for the Pre-Primary 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: Committee to Elect Kyle Sinclair for Congressional District 20

COMMITTEE TO ELECT KYLE SINCLAIR FOR CONGRESSIONAL DISTRICT 20

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FEC ID#: C00792515

AF#: 4287

PAYMENT DUE DATE: May 23, 2022

PAYMENT AMOUNT DUE: \$7,948

RECEIVED

By Office of the Commission Secretary at 9:21 am, Jul 27, 2022



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

Debbie Chacona *DC*
Assistant Staff Director
Reports Analysis Division
KDR

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

SUBJECT: Administrative Fine Program – Final Determination Recommendation for the 2022 12-Day Pre-Primary Report (Texas)

Attached is a list identifying a political committee and its treasurer against which the Commission has found reason to believe (RTB) and assessed a proposed civil money penalty calculated at RTB for failure to file or failure to timely file the 2022 12-Day Pre-Primary Report. The committee has not paid the civil money penalty requested at RTB and has been given at least forty (40) days from the date of the Commission's RTB finding to remit payment.

In accordance with 11 CFR § 111.40, the Commission shall send a final determination notice to the respondent that has not paid the civil money penalty.

For your information the committee disclosed a level of activity after the RTB finding which would result in a lowered civil money penalty. An overview has been provided below.

Committee to Elect Kyle Sinclair (AF 4287) filed the 2022 12-Day Pre-Primary Report after the RTB finding and disclosed an actual level of activity which would result in a lowered civil money penalty than that assessed at RTB. The committee disclosed total receipts and disbursements of \$27,963 (previously estimated to be \$105,071), thus the fine would be lowered from \$7,948 to \$2,093.

RAD Recommendation

- (1) Make a final determination that the political committee and its treasurer, in their official capacity, listed on the attached report violated 52 U.S.C. § 30104(a) and assess the final civil money penalty so indicated.
- (2) Send the appropriate letter.

Federal Election Commission
 FD Circulation Report Fine Not Paid
 2022 PRE-PRIMARY Election Sensitive 02/17/2022 AUTH (TX)

AF#	Committee Name	Candidate Name	Committee ID	Treasurer	Receipt Date	Days Late	LOA	PV	RTB Date	RTB Penalty	Days Since RTB	FD Penalty
4287	COMMITTEE TO ELECT KYLE SINCLAIR FOR CONGRESSIONAL DISTRICT 20	KYLE E. SINCLAIR	C00792515	ROBERT CASTANEDA	05/05/2022	*Not Filed	\$27,963	0	04/13/2022	\$7,948	105	\$2,093

* The committee did not file their report prior to four (4) days before the primary election; therefore, per 11 C.F.R. 111.43(e), the report is considered to be not filed.

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
 Administrative Fine Program – Final)
 Determination Recommendation for the)
 2022 12-Day Pre-Primary Report (Texas):)
 COMMITTEE TO ELECT KYLE) AF# 4287
 SINCLAIR FOR CONGRESSIONAL)
 DISTRICT 20, and CASTANEDA,)
 ROBERT as treasurer;)

CERTIFICATION


I, Vicktoria J. Allen, Acting Deputy Secretary of the Federal Election Commission, do hereby certify that on July 28, 2022 the Commission took the following actions on the Administrative Fine Program – Final Determination Recommendation for the 2022 12-Day Pre-Primary Report (Texas), as recommended in the Reports Analysis Division's Memorandum dated July 27, 2022, on the following committee:

AF#4287 Decided by a vote of 6-0 to: (1) make a final determination that COMMITTEE TO ELECT KYLE SINCLAIR FOR CONGRESSIONAL DISTRICT 20, and CASTANEDA, ROBERT in their official capacity as treasurer, violated 52 U.S.C. § 30104(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Broussard, Cooksey, Dickerson, Trainor, Walther, and Weintraub voted affirmatively for the decision.

Attest:


 July 28, 2022

 Date

Vicktoria J Allen  Digitally signed by Vicktoria J Allen
 Date: 2022.07.28 16:13:11 -04'00'

 Vicktoria J. Allen
 Acting Deputy Secretary of the
 Commission



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

AF

July 29, 2022

Robert Castaneda, in official capacity as Treasurer
Committee to Elect Kyle Sinclair for Congressional District 20
203 Langford
San Antonio, TX 78221

C00792515

AF#: 4287

Dear Robert Castaneda,

On April 13, 2022, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Committee to Elect Kyle Sinclair for Congressional District 20 and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) for filing late or failing to file the 2022 Pre-Primary Report. By letter dated April 14, 2022, the Commission notified you of the RTB finding and the preliminary civil money penalty calculated at the RTB stage to be \$7,948, in accordance with the schedule of penalties at 11 C.F.R. § 111.43. Within forty (40) days of the FEC's RTB finding, you, in your official capacity as treasurer, were required to either transmit payment of the calculated civil money penalty or submit a written response challenging either the RTB finding or the calculated civil money penalty.

The FEC did not receive payment of the calculated civil money penalty or a written response within the time permitted. Since that time, the amount of the civil money penalty has been changed to reflect the level of activity of the Pre-Primary Report. The FEC made a final determination on July 28, 2022 that Committee to Elect Kyle Sinclair for Congressional District 20 and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) and assessed a civil money penalty in the amount of \$2,093, in accordance with 11 C.F.R. § 111.43. The civil money penalty is based on these factors:

Election Sensitivity of Report: Election Sensitive

Level of Activity: \$27,963

Number of Days Late: Not Filed (reports not filed prior to four (4) days before the Primary Election held on March 1, 2022 are considered not filed for the purposes of calculating the penalty)

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 Appeal the Final Determination and/or Civil Money Penalty

COMMITTEE TO ELECT KYLE SINCLAIR FOR CONGRESSIONAL DISTRICT 20

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If you choose to appeal the final determination, you should submit a written petition, within thirty (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 respondent's right to present such argument in a petition to the district court under 52 U.S.C. § 30109. 11 C.F.R. § 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 thirty (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 five (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, which 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

COMMITTEE TO ELECT KYLE SINCLAIR FOR CONGRESSIONAL DISTRICT 20

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

If you have any questions regarding the payment of the civil money penalty, please contact Ben Holly at Federal Election Commission, 1050 First St., NE, Washington, DC 20002, or our toll-free number (800) 424-9530 (at the prompt, press 5) or (202) 694-1130.

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 civil money penalty is \$2,093 for the 2022 Pre-Primary Report. The payment is due within 30 days of receipt of this letter.

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

COMMITTEE TO ELECT KYLE SINCLAIR FOR CONGRESSIONAL DISTRICT 20

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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: Committee to Elect Kyle Sinclair for Congressional District 20

FEC ID#: C00792515

AF#: 4287

PAYMENT AMOUNT DUE: \$2,093