

RECEIVED

By Office of the Commission Secretary at 8:03 am, Jun 29, 2022



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

SENSITIVE

June 29, 2022

MEMORANDUM

TO: The Commission

THROUGH: Alec Palmer AP by *KAH*
Staff Director

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

Debbie Chacona *DC*
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
(Kentucky and North Carolina) 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 Kentucky and North Carolina Primary Elections in accordance with 52 U.S.C. § 30104(a). The 12-Day Pre-Primary Report was due on May 5, 2022 and the Primary Election was held on May 17, 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 05/05/2022 AUTH (KY, NC)

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
4327	C00781575	CHARLES GRAHAM FOR CONGRESS	CHARLES GRAHAM	JAMES B. HUNT	\$382,951	0	6/15/2022	*Not Filed	\$33,984	\$2,093
4328	C00793307	GEOFF YOUNG FOR KENTUCKY	GEOFFREY M. YOUNG	GEOFFREY M. YOUNG	\$194,827	0	5/27/2022	*Not Filed	\$2,247	\$748
4329	C00732651	LEE HAYWOOD FOR CONGRESS COMMITTEE	JOSEPH HAYWOOD	STEPHEN E. GOLIMOWSKI	\$130,180	0	5/12/2022	7	\$32,680	\$744
4330	C00769596	WIRTH FOR CONGRESS	CLAIRE WIRTH	CHRISTOPHER WIRTH	\$763,956	0	5/17/2022	*Not Filed	\$262,902	\$14,306

* 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)
)
Reason To Believe Recommendation - 2022)
12-Day Pre-Primary Report (Kentucky and)
North Carolina) for the Administrative Fine)
Program:)
CHARLES GRAHAM FOR CONGRESS,) AF# 4327
and HUNT, JAMES B as treasurer;)
GEOFF YOUNG FOR KENTUCKY, and) AF# 4328
YOUNG, GEOFFREY M MR. as treasurer;)
LEE HAYWOOD FOR CONGRESS) AF# 4329
COMMITTEE, and GOLIMOWSKI,)
STEPHEN E MR as treasurer;)
WIRTH FOR CONGRESS, and WIRTH,) AF# 4330
CHRISTOPHER as treasurer;)

CERTIFICATION

I, Laura E. Sinram, Acting Secretary and Clerk of the Federal Election Commission, do hereby certify that on June 30, 2022 the Commission took the following actions on the Reason To Believe Recommendation - 2022 12-Day Pre-Primary Report (Kentucky and North Carolina) for the Administrative Fine Program, as recommended in the Reports Analysis Division's Memorandum dated June 29, 2022, on the following committees:

AF#4327 Decided by a vote of 4-0 to: (1) find reason to believe that CHARLES GRAHAM FOR CONGRESS, and HUNT, JAMES B 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, and Weintraub voted affirmatively for the decision. Commissioners Trainor and Walther did not vote.

AF#4328 Decided by a vote of 4-0 to: (1) find reason to believe that GEOFF YOUNG FOR KENTUCKY, and YOUNG, GEOFFREY M MR. 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, and Weintraub voted affirmatively for the decision. Commissioners Trainor and Walther did not vote.

AF#4329 Decided by a vote of 4-0 to: (1) find reason to believe that LEE HAYWOOD FOR CONGRESS COMMITTEE, and GOLIMOWSKI, STEPHEN E MR 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, and Weintraub voted affirmatively for the decision. Commissioners Trainor and Walther did not vote.

AF#4330 Decided by a vote of 4-0 to: (1) find reason to believe that WIRTH FOR CONGRESS, and WIRTH, CHRISTOPHER 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, and Weintraub voted affirmatively for the decision. Commissioners Trainor and Walther did not vote.



Attest:

Laura e
Sinram

Digitally signed by Laura
e Sinram
Date: 2022.07.01
09:33:05 -04'00'

Laura E. Sinram
Acting Secretary and Clerk of the
Commission



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

AF

July 1, 2022

Christopher Wirth, in official capacity as Treasurer
Wirth for Congress
13520 Ridgemoor Dr
Prospect, KY 40059

C00769596
AF#: 4330

Dear Christopher Wirth,

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 April 1, 2022 through April 27, 2022, shall be filed no later than May 5, 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 June 30, 2022, the FEC found that there is reason to believe ("RTB") that Wirth for Congress and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) by failing to file timely this report on or before May 5, 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 \$14,306. Please see the attached copy of the Commission's administrative fine regulations at 11 C.F.R. §§ 111.30-111.46. 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 \$14,306 is due within forty (40) days of the finding, or by August 9, 2022, and is based on these factors:

Election Sensitivity of Report: Election Sensitive

Level of Activity: \$262,902

Number of Days Late: Not Filed (reports not filed prior to four (4) days before the Primary Election held on May 17, 2022 are considered not filed for the purpose 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 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 August 9, 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 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 Wirth for Congress and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) and assess a civil money penalty.

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA"), as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701, *et seq.* The FEC may take any and all appropriate action authorized and required by the DCA, as amended, including transfer to the U.S. Department of the Treasury for collection. 11 C.F.R. § 111.51(a)(2).

3. If You Choose to Pay the Civil Money Penalty

If you should decide to pay the calculated civil money penalty, follow the payment instructions on page 4 of this letter. Upon receipt of your payment, the FEC will send you a final determination letter.

NOTICE REGARDING PARTIAL PAYMENTS AND SETTLEMENT OFFERS

4. Partial Payments

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

5. Settlement Offers

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

Commission assesses upon making a final determination. All unpaid civil money penalty amounts remaining will be subject to the debt collection procedures set forth in Section 2, above.

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 \$14,306 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: Wirth for Congress

WIRTH FOR CONGRESS

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FEC ID#: C00769596

AF#: 4330

PAYMENT DUE DATE: August 9, 2022

PAYMENT AMOUNT DUE: \$14,306

AFFIDAVIT
(SWORN STATEMENT)

July 15, 2022

AF#: 4330

My legal name is Christopher Wirth ("Affiant") and acknowledge I am:

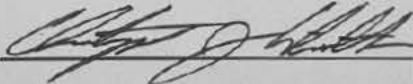
- Age: [REDACTED]
- Address: [REDACTED] Prospect, KY 40059
- Residency: KY

Being duly sworn, hereby swear under oath that:

The Pre-Primary Report due May 5th, 2022 was filed May 17th, 2022 due to unforeseen circumstances of Covid-19 illness. Candidate Claire Wirth and the treasurer, Christopher Wirth, as well as their household with 5 children became seriously ill with Covid-19 at the end of April. [REDACTED]

Best efforts were made to submit the report in a timely manner, a third party was utilized to help complete the report. Without assistance the report would have been weeks late as the entire Wirth household was gravely ill and did not recover until late May.

Under penalty of perjury, I hereby declare and affirm that the above-mentioned statement is, to the best of my knowledge, true and correct.

Affiant's Signature:  Date: 7-15-2022

7/15/2022

Re: Wirth for Congress C00769596 – Pre-Primary Report

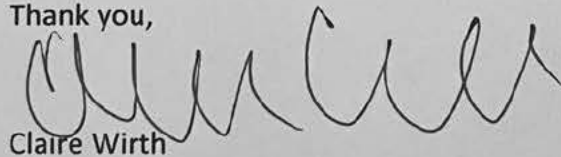
AF#: 4330

Dear Ben Holly,

The Pre-Primary Report due May 5th, 2022 was filed May 17th, 2022 due to unforeseen circumstances of Covid-19 illness. The treasurer (Christopher Wirth) and I, as well as our household with 5 little children became seriously ill with Covid-19 at the end of April.

Best efforts were made to submit the report in a timely manner, a third party was utilized to help complete the report. Without assistance the report would have been weeks late as the entire Wirth household was gravely ill and did not recover until late May. We appreciate any leniency relating to the monetary fine against the campaign. This campaign was primarily self-funded so our resources were limited when dealing with unforeseen circumstances out of our control.

Thank you,

A handwritten signature in black ink, appearing to read 'Claire Wirth', written in a cursive style.

Claire Wirth



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 12, 2022

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

AF# 4330 – Wirth for Congress and Christopher Wirth, in their official capacity as Treasurer (C00769596)

Summary of Recommendation

Make a final determination that the respondents violated 52 U.S.C. § 30104(a) and assess a \$14,306 civil money penalty.

Reason-to-Believe Background

The 2022 Kentucky Pre-Primary Report was due on May 5, 2022. The respondents filed the report on May 17, 2022, 12 days late. The report is election sensitive and was not filed prior to four days before the 2022 Kentucky Primary Election held May 17, 2022; therefore, the report is considered not filed. 11 C.F.R. §§ 111.43(d)(1) and (e)(2).

On June 30, 2022, the Commission found reason to believe (“RTB”) that the respondents violated 52 U.S.C. § 30104(a) for failing to timely file the 2022 Kentucky Pre-Primary Report and made a preliminary determination that the civil money penalty was \$14,306 based on the schedule of penalties at 11 C.F.R. § 111.43. A letter was mailed to the respondents’ email address of record from the Reports Analysis Division (“RAD”) on July 1, 2022 to notify them of the Commission’s RTB finding and civil money penalty.

Legal Requirements

The Federal Election Campaign Act (“Act”) states that the treasurer of a principal campaign committee shall file a pre-election report no later than 12 days before any primary election in which the candidate seeks election. 52 U.S.C. § 30104(a)(2)(A)(i) and 11 C.F.R. § 104.5(a)(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 July 15, 2022, the Commission received the written response (“challenge”) from the respondents stating the Committee’s 2022 Pre-Primary Report was not timely filed due to unforeseen circumstances. The Candidate, her husband who serves as Treasurer, and their five children became seriously ill with COVID-19 at the end of April 2022.

The respondents state that they made best efforts to file in a timely manner, and a third-party assisted them in filing the report by May 17, 2022. “Without assistance the report would have been weeks late as the entire Wirth household was gravely ill and did not recover until late May.” The Candidate requests leniency and notes that the campaign was primarily self-funded.

Analysis

The Candidate and Treasurer explain the 2022 Pre-Primary Report was not timely filed because they and their five children became seriously ill with COVID-19 prior to the May 5, 2022 filing deadline. The Reviewing Officer is sympathetic to their circumstances and recognizes these circumstances may have impacted Committee operations. However, a committee’s treasurer shall be personally responsible for the timely filing of reports. 11 C.F.R. § 104.14(d). Moreover, illness and unavailability of the treasurer and committee staff 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, a “best efforts” defense with respect to COVID-19 does not succeed in this matter.

The Reviewing Officer acknowledges that some operational impacts from COVID-19 may be considered a reasonably unforeseen circumstance beyond a committee’s control. 11 C.F.R. § 111.35. 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 Commission states in its *Explanation and Justification for Revised 11 CFR § 111.35(b)(3) – “Best Efforts” Defense*, 72 Fed. Reg. 14662, 14664-14666 (Mar. 29, 2007) that respondents must show

...that the reasonably unforeseen circumstances in fact *prevented* the timely and proper filing of the required report...[T]his rule requires a strict causal relationship between the circumstances described in the challenge...and the respondent's inability to file the report timely. It is not sufficient for reasonably unforeseen circumstances to make it merely more difficult than usual for the respondent to file on time. The circumstance must cause the respondent to be *unable* to file in a timely and proper manner, despite the respondent attempting to use all available methods of filing. (emphasis included)

The circumstances presented do not qualify as a “best efforts” defense because illness and unavailability of the treasurer and committee staff 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 recommends that the Commission make a final determination that the respondents violated 52 U.S.C. § 30104(a) and assess a \$14,306 civil money penalty.

OAR Recommendations

1. Adopt the Reviewing Officer recommendation for AF# 4330 involving Wirth for Congress and Christopher Wirth, in their official capacity as Treasurer, in making the final determination;
2. Make a final determination in AF# 4330 that Wirth for Congress and Christopher Wirth, in their official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess a \$14,306 civil money penalty; and
3. Send the appropriate letter.

Attachments

- Attachment 1 –
- Attachment 2 –
- Attachment 3 –
- Attachment 4 – Declaration from RAD
- Attachment 5 – 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 Wirth for Congress:
 - A) Non-Filer Letter, dated May 6, 2022, referencing the 2022 12-Day Pre-Primary Report (sent via electronic mail to: congresswomanwirth@gmail.com and christopherjwirth@gmail.com);
 - B) Reason-to-Believe Letter, dated July 1, 2022, referencing the 2022 12-Day Pre-Primary Report (sent via electronic mail to: congresswomanwirth@gmail.com and christopherjwirth@gmail.com).
4. I hereby certify that I have searched the Commission’s public records and find that Dr. Laura E. Cisneros for Congress filed the 2022 12-Day Pre-Primary Report with the Commission on May 17, 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 27th day of July, 2022.

Kristin D. Roser

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



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-7

May 6, 2022

WIRTH, CHRISTOPHER, TREASURER
WIRTH FOR CONGRESS
13520 RIDGEMOOR DR
PROSPECT, KY 40059

IDENTIFICATION NUMBER: C00769596

REFERENCE: PRE-PRIMARY REPORT (04/01/2022 - 04/27/2022)

Dear Treasurer:

It has come to the attention of the Federal Election Commission that you may have failed to file the above referenced report of receipts and disbursements as required by the Federal Election Campaign Act, as amended. 52 U.S.C. §30104(a)

You will be allowed until **5:00 pm est on the fourth (4th) business day** from the date of this notice to file this report to avoid publication. If you have already filed the report by express, certified or registered mail or are planning to file it within four (4) business days from the date of this notice, **please notify us immediately** of the certified, registered or express tracking number and the date that the report was sent.

The report must be filed with the Federal Election Commission, 1050 First Street, NE, Washington, DC 20002. Please note that electronic filers must submit their reports electronically, as per 11 CFR §104.18. A copy of the report must also be filed with the Secretary of State or equivalent State officer unless the state is exempt from the federal requirement to receive and maintain paper copies. You can verify the Commission's receipt of any documents submitted by your committee on the FEC website at www.fec.gov.

In addition, the failure to timely file this report may result in civil money penalties, an audit or other legal enforcement action. The civil money penalty calculation for late reports does not include a grace period and begins on the day following the due date for the report.

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

WIRTH FOR CONGRESS

Page 2 of 2

Sincerely,

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

Deborah Chacona
Assistant Staff Director

250

DECLARATION OF RHIANNON MAGRUDER

- 1) I am the Reviewing Officer in the Office of Administrative Review for the Federal Election Commission (“Commission”). In my capacity as Reviewing Officer, I conduct research with respect to all challenges submitted in accordance with the Administrative Fine program.
- 2) A principal campaign committee of a candidate shall file a pre-election report no later than 12 days before any primary election in which the candidate seeks election. Reports filed electronically must be received and validated at or before 11:59 pm, Eastern Standard/Daylight Time on May 5, 2022 for the 2022 Kentucky Pre-Primary 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 2022 Pre-Primary Report filed by Wirth for Congress. The report includes the coverage period of April 1, 2022 through April 27, 2022 and was electronically filed on May 17, 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 12th day of September, 2022.

Rhiannon Magruder

Rhiannon Magruder
Reviewing Officer
Office of Administrative Review
Federal Election Commission

SUMMARY PAGE
of Receipts and Disbursements

FEC Form 3 (Revised 05/2016)

Write or Type Committee Name
WIRTH FOR CONGRESS

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

	COLUMN A This Period	COLUMN B Election Cycle-to-Date
6. Net Contributions (other than loans)		
(a) Total Contributions (other than loans) (from Line 11(e))....	1837.88	93972.88
(b) Total Contribution Refunds (from Line 20(d))	0.00	0.00
(c) Net Contributions (other than loans) (subtract Line 6(b) from Line 6(a))	1837.88	93972.88
7. Net Operating Expenditures		
(a) Total Operating Expenditures (from Line 17)	130848.39	358083.20
(b) Total Offsets to Operating Expenditures (from Line 14).....	0.00	0.00
(c) Net Operating Expenditures (subtract Line 7(b) from Line 7(a))	130848.39	358083.20
8. Cash on Hand at Close of Reporting Period (from Line 27).....	8392.01	
9. Debts and Obligations Owed TO the Committee (Itemize all on Schedule C and/or Schedule D)	0.00	
10. Debts and Obligations Owed BY the Committee (Itemize all on Schedule C and/or Schedule D)	292201.32	

For further information contact:

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

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

DETAILED SUMMARY PAGE
of Receipts

FEC Form 3 (Revised 05/2016)

Write or Type Committee Name

WIRTH FOR CONGRESS

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

I. RECEIPTS	COLUMN A Total This Period	COLUMN B Election Cycle-to-Date
11. CONTRIBUTIONS (other than loans) FROM:		
(a) Individuals/Persons Other Than Political Committees		
(i) Itemized (use Schedule A)	500.00	11980.94
(ii) Unitemized	1337.88	5861.61
(iii) TOTAL of contributions from individuals	1837.88	17842.55
(b) Political Party Committees	0.00	0.00
(c) Other Political Committees (such as PACs)	0.00	0.00
(d) The Candidate	0.00	76130.33
(e) TOTAL CONTRIBUTIONS (other than loans) (add Lines 11(a)(iii), (b), (c), and (d))..	1837.88	93972.88
12. TRANSFERS FROM OTHER AUTHORIZED COMMITTEES	0.00	0.00
13. LOANS:		
(a) Made or Guaranteed by the Candidate	130216.00	292201.32
(b) All Other Loans	0.00	0.00
(c) TOTAL LOANS (add Lines 13(a) and (b))	130216.00	292201.32
14. OFFSETS TO OPERATING EXPENDITURES (Refunds, Rebates, etc.)	0.00	0.00
15. OTHER RECEIPTS (Dividends, Interest, etc.)	0.00	0.00
16. TOTAL RECEIPTS (add Lines 11(e), 12, 13(c), 14, and 15) (Carry Total to Line 24, page 4)	132053.88	386174.20

DETAILED SUMMARY PAGE
of Disbursements

FEC Form 3 (Revised 05/2016)

PAGE 4 / 16

II. DISBURSEMENTS	COLUMN A Total This Period	COLUMN B Election Cycle-to-Date
17. OPERATING EXPENDITURES.....	130848.39	358083.20
18. TRANSFERS TO OTHER AUTHORIZED COMMITTEES	0.00	0.00
19. LOAN REPAYMENTS:		
(a) Of Loans Made or Guaranteed by the Candidate.....	0.00	0.00
(b) Of All Other Loans	0.00	0.00
(c) TOTAL LOAN REPAYMENTS (add Lines 19(a) and (b)).....	0.00	0.00
20. REFUNDS OF CONTRIBUTIONS TO:		
(a) Individuals/Persons Other Than Political Committees	0.00	0.00
(b) Political Party Committees.....	0.00	0.00
(c) Other Political Committees (such as PACs).....	0.00	0.00
(d) TOTAL CONTRIBUTION REFUNDS (add Lines 20(a), (b), and (c)).....	0.00	0.00
21. OTHER DISBURSEMENTS	0.00	19698.99
22. TOTAL DISBURSEMENTS (add Lines 17, 18, 19(c), 20(d), and 21) ▶	130848.39	377782.19

III. CASH SUMMARY

23. CASH ON HAND AT BEGINNING OF REPORTING PERIOD.....	7186.52
24. TOTAL RECEIPTS THIS PERIOD (from Line 16, page 3).....	132053.88
25. SUBTOTAL (add Line 23 and Line 24).....	139240.40
26. TOTAL DISBURSEMENTS THIS PERIOD (from Line 22).....	130848.39
27. CASH ON HAND AT CLOSE OF REPORTING PERIOD (subtract Line 26 from Line 25).....	8392.01



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 12, 2022

Christopher Wirth, in official capacity as Treasurer
Wirth for Congress
13520 Ridgemoor Dr.
Prospect, KY 40059

C00769596
AF# 4330

Dear Treasurer:

On June 30, 2022, the Federal Election Commission (“the Commission”) found reason to believe (“RTB”) that Wirth for Congress and you, in your official capacity as Treasurer, violated 52 U.S.C. § 30104(a) for failing to file the 2022 Pre-Primary Report. The Commission also made a preliminary determination that the civil money penalty was \$14,306 based on the schedule of penalties at 11 C.F.R. § 111.43.

After reviewing your written response and any supplemental information submitted by you and Commission staff, the Reviewing Officer has recommended that the Commission make a final determination and assess a civil money penalty. A copy of the Reviewing Officer’s recommendation is attached.

You may file with the Commission Secretary a written response to the recommendation within 10 days of the date of this letter. Please note, all written responses and supporting documentation should be converted to PDF (Portable Document Format) and emailed to the Commission Secretary at secretary@fec.gov. The Commission encourages the use of electronic signatures on electronically submitted documents, but scanned copies of ink signatures will be accepted. Electronically submitted responses will be deemed received on the date it is electronically received by staff. Please include the AF # in your response. Your response may not raise any arguments not raised in your original written response or not directly responsive to the Reviewing Officer’s recommendation. 11 C.F.R. § 111.36(f). The Commission will then make a final determination in this matter.

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

Sincerely,

Rhiannon Magruder

Rhiannon Magruder
Reviewing Officer
Office of Administrative Review

From: [Claire Wirth](#)
To: [FEC Administrative Fines](#)
Cc: christopherjwirth@gmail.com
Subject: Re: FEC Reviewing Officer Recommendation in AF# 4330 - Wirth for Congress
Date: Thursday, September 22, 2022 6:29:56 AM

Hello Rhiannon,

We are in receipt of your email and intent to submit the attached as a response.

The filing was completed a few days late due to severe Covid-19 complications (please see attached letter).

Please advise if submitting here is adequate or if a different process or contact is required.

Thank you,



Candidate for KY's Fourth Congressional District
Phone: (502) 208-8558 | Email: claire@district4ky.com
Website: BuilderClaire.com

On Mon, Sep 12, 2022 at 11:00 AM FEC Administrative Fines

<AdministrativeFines@fec.gov> wrote:

Good morning,

Attached is the Reviewing Officer Recommendation in AF# 4330 - Wirth for Congress. Please confirm receipt of this email, and let me know if you intend to submit a formal response. The Commission will review the matter and make a final determination after receiving your response, if you choose to submit one. Feel free to contact me if you have any questions. Thank you.

Rhiannon Magruder

Reviewing Officer

Federal Election Commission

(202) 694-1158

This email may contain privileged or confidential information and is for the sole use of the intended recipient(s). If this email has been received in error, please notify the sender immediately at (202) 694-1158, or by reply email, and delete the message without copying or disclosing its contents. Thank you.

PHONE: 502-895-5088
FAX: 502-897-2426

FRANK G SIMON MD PSC
1404 B. BROWNS LANE
PO BOX 6148
LOUISVILLE, KY 40206
www.simonallergy.com

CERTIFIED IN:
Allergy & Internal Medicine
FELLOW:
American College of Physicians

To whom it may concern:
Claire Wirth [REDACTED] had covid at the
end of April 2022 and early May 2022.

[REDACTED]

These mad it hard for her to get her
campaign report in on time.

Frank G. Simon, MD



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

SENSITIVE

November 16, 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# 4330 – Wirth for Congress and Christopher Wirth, in their official capacity as Treasurer (C00769596)

On June 30, 2022, the Commission found reason to believe (“RTB”) that the respondents violated 52 U.S.C. § 30104(a) for failing to timely file the 2022 Kentucky Pre-Primary Report and made a preliminary determination that the civil money penalty was \$14,306 based on the schedule of penalties at 11 C.F.R. § 111.43. On July 15, 2022, the Commission received their written response (“challenge”). After reviewing the challenge, the Reviewing Officer Recommendation (“ROR”) dated September 12, 2022 was forwarded to the Commission, a copy was forwarded to the respondents, and is hereby incorporated by reference.

The Candidate and Treasurer explained the 2022 Pre-Primary Report was not timely filed because they and their five children became seriously ill with COVID-19 prior to the May 5, 2022 filing deadline. While sympathetic to their circumstances, the Reviewing Officer determined that the circumstances presented did not qualify as a “best efforts” defense because illness and unavailability of the treasurer and committee staff 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 recommended that the Commission make a final determination that the respondents violated 52 U.S.C. § 30104(a) and assess a \$14,306 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 provided additional documentation to support the Candidate's severe illness with COVID-19. *See Attachment 1.*

The Reviewing Officer's analysis and recommendations are unchanged. The Reviewing Officer recommends that the Commission make a final determination that the respondents violated 52 U.S.C. § 30104(a) and assess a \$14,306 civil money penalty.

OAR Recommendations

1. Adopt the Reviewing Officer recommendation for AF# 4330 involving Wirth for Congress and Christopher Wirth, in their official capacity as Treasurer, in making the final determination;
2. Make a final determination in AF# 4330 that Wirth for Congress and Christopher Wirth, in their official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess a \$14,306 civil money penalty; and
3. Send the appropriate letter.

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) AF 4330
Final Determination Recommendation –)
Wirth for Congress and Christopher)
Wirth, in their official capacity as)
Treasurer (C00769596))

CERTIFICATION

I, Vicktoria J. Allen, Acting Deputy Secretary of the Federal Election Commission, do hereby certify that on November 30, 2022, the Commission decided by a vote of 4-0 to take the following actions in AF 4330:

1. Adopt the Reviewing Officer recommendation for AF# 4330 involving Wirth for Congress and Christopher Wirth, in their official capacity as Treasurer, in making the final determination.
2. Make a final determination in AF# 4330 that Wirth for Congress and Christopher Wirth, in their official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess a \$14,306 civil money penalty.
3. Send the appropriate letter.

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

Attest:



Vicktoria J Allen Digitally signed by Vicktoria J Allen
Date: 2022.12.02 10:52:40 -05'00'

Vicktoria J. Allen
Acting Deputy Secretary of the
Commission



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 7, 2022

Christopher Wirth, in official capacity as Treasurer
Wirth for Congress
13520 Ridgemoor Dr
Prospect, KY 40059

C00769596
AF#:4330

Dear Christopher Wirth:

On June 30, 2022, the Federal Election Commission (“the Commission”) found reason to believe (“RTB”) that Wirth for Congress and you, in your official capacity as Treasurer, violated 52 U.S.C. § 30104(a) for failing to file the 2022 12-Day Pre-Primary Report. By letter dated July 1, 2022, the Commission sent notification of the RTB finding that included a civil money penalty calculated at \$14,306 in accordance with the schedule of penalties at 11 C.F.R. § 111.43. On July 15, 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 Wirth for Congress and you, in your official capacity as Treasurer, violated 52 U.S.C. § 30104(a), and assess a civil money penalty in the amount of \$14,306 in accordance with 11 C.F.R. § 111.43. The Reviewing Officer Recommendation was sent to you on September 12, 2022.

On November 30, 2022, the Commission adopted the Reviewing Officer’s recommendation and made a final determination that Wirth for Congress and you, in your official capacity as Treasurer, violated 52 U.S.C. § 30104(a), and assessed a civil money penalty in the amount of \$14,306. 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 \$14,306 for the 2022 12-Day 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 Rhiannon Magruder on our toll-free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

COMMITTEE NAME: Wirth for Congress

FEC ID#: C00769596

AF#: 4330

PAYMENT AMOUNT DUE: \$14,306