



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C.

SENSITIVE

June 17, 2024

MEMORANDUM

TO: The Commission

THROUGH: Alec Palmer *DCB* for AP
Staff Director

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

Debbie Chacona *NCA for DC*
Assistant Staff Director
Reports Analysis Division

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

SUBJECT: Withdrawal and Resubmission of Reason to Believe Recommendation in
AF 4342 – Making a Difference in Service to Our Nation PAC f/k/a Cawthorn
for NC (C00732958)

We are withdrawing the Reason to Believe (RTB) Recommendation in Administrative Fine (AF) 4342 – Making a Difference in Service to Our Nation PAC f/k/a Cawthorn for NC, previously circulated to the Commission on September 14, 2022. We are resubmitting the RTB Recommendation, in which the recommended civil money penalty has been recalculated. The attached RTB Circulation Report reflects the level of activity disclosed on the Committee's most recent 2022 July Quarterly Report. Also, the civil money penalty has been recalculated in accordance with the schedule of penalties at 11 C.F.R. 111.43 which were adjusted for inflation and became effective January 5, 2024.

Attached is the name of a political committee and its treasurer who failed to file the 2022 July Quarterly Report in accordance with 52 U.S.C. § 30104(a). The July Quarterly Report was due on July 15, 2022. The committee filed the report [REDACTED] no more than thirty (30) days after the due date (considered a late filed report). In accordance with the schedule

of civil money penalties for reports at 11 C.F.R. 111.43, this committee should be assessed the civil money penalty highlighted on the attached circulation report.

Recommendation

1. Find reason to believe that the political committee and its treasurer, 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 penalty would be the amount indicated on the RTB Circulation Report.
2. Send the appropriate letter.

Federal Election Commission
Reason to Believe Circulation Report
2022 JULY QUARTERLY Not Election Sensitive 07/15/2022 H_S_P_UNAUTH

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
4342	C00732958	MAKING A DIFFERENCE IN SERVICE TO OUR NATION PAC		DAVID MADISON CAWTHORN	\$8,763,200	0	8/14/2022	30	\$1,486,473	\$19,432

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) AF 4342
 Withdrawal and Resubmission of Reason)
 to Believe Recommendation – Making a)
 Difference in Service to Our Nation PAC)
 f/k/a Cawthorn for NC (C00732958))

CERTIFICATION

I, Vicktoria J. Allen, recording secretary of the Federal Election Commission executive session, do hereby certify that on July 09, 2024, the Commission took the following actions in the above-captioned matter:

1. Failed by a vote of 2-3 to:
 - a. Find reason to believe that Making a Difference in Service to Our Nation PAC and David Madison Cawthorn 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 in the amount of \$19,432.
 - b. Send the appropriate letter.

Commissioners Broussard and Weintraub voted affirmatively for the motion.

Commissioners Cooksey, Lindenbaum, and Trainor dissented. Commissioner Dickerson abstained.

2. Decided by a vote of 5-0 to:
 - a. Find reason to believe that Making a Difference in Service to Our Nation PAC and David Madison Cawthorn in their official capacity as treasurer violated 52 U.S.C. § 30104(a) and make a determination that the civil money penalty should be adjusted to the amount of \$17,458.
 - b. Send the appropriate letter.

Federal Election Commission
Certification for AF 4342
July 9, 2024

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

Attest:

Vicktoria J
Allen

Digitally signed by Vicktoria J
Allen
Date: 2024.07.12 17:49:06
-04'00'



July 12, 2024

Date

Vicktoria J. Allen
Deputy Secretary of the Commission



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C.

AF

July 16, 2024

David Madison Cawthorn, in official capacity as Treasurer
Making a Difference in Service to
Our Nation PAC
657 N Rugby Rd
Hendersonville, NC 28791

C00732958
AF#: 4342
FINE: \$17,458

Dear David Madison Cawthorn,

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file a July Quarterly Report of Receipts and Disbursements in a calendar year during which there is a regularly scheduled election. This report, covering the period April 28, 2022 through June 30, 2022, shall be filed no later than July 15, 2022. 52 U.S.C. § 30104(a). Records at the Federal Election Commission ("FEC") indicate that this report was filed on August 14, 2022, 30 days late.

The Act permits the FEC to impose civil money penalties for violations of the reporting requirements of 52 U.S.C. § 30104(a). 52 U.S.C. § 30109g(a)(4). On July 9, 2024, the FEC found that there is reason to believe ("RTB") that Making a Difference in Service to Our Nation PAC 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 July 15, 2022. The amount of your civil money penalty calculated at the RTB stage is \$17,458 which is based on the FEC's 2022 schedule of civil money penalties at 11 CFR § 111.43. Please see the attached copy of the Commission's 2022 administrative fine regulations at 11 CFR §§ 111.30-111.55. Attachment 1. Your payment of \$17,458 is due within forty (40) days of the finding, or by August 18, 2024, and is based on these factors:

Election Sensitivity of Report: Not Election Sensitive
Level of Activity: \$1,486,473
Number of Days Late: 30
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 decide to challenge the RTB finding and/or calculated civil money penalty, you

MAKING A DIFFERENCE IN SERVICE TO OUR NATION PAC

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must email a written response to the FEC's Office of Administrative Review at administrativefines@fec.gov. 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 18, 2024. 11 CFR § 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 CFR § 111.36(c).

The FEC will only consider challenges that are based on at least one of three factors: (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 CFR § 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 CFR § 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 CFR § 111.35(d).

If you fail to timely raise a factual argument in your challenge to the RTB finding, your right to present such an argument in an appeal to the U.S. District Court under 52 U.S.C. § 30109 shall be deemed waived. 11 CFR § 111.38.

It should also be noted that all challenges to an RTB finding and/or calculated civil money penalty should be converted to Portable Document Format ("PDF") 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.

In addition, 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

MAKING A DIFFERENCE IN SERVICE TO OUR NATION PAC

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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 challenging the RTB finding and/or calculated civil money penalty, the FEC will conclude that the factual allegations underlying the RTB finding and/or calculated civil money penalty are true and make a final determination that Making a Difference in Service to Our Nation PAC 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 Commission 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 CFR § 111.51(a)(2).

3. If You Choose to Pay the Civil Money Penalty

If you decide to pay the calculated civil money penalty, please follow the payment instructions below. Upon receipt of your payment, the FEC will send you a final determination letter.

You may remit payment by Automated Clearinghouse ("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 <https://www.fec.gov/af/pay.shtml> to be directed to Pay.gov's Administrative Fine Program Payment form. Please use the details at the top of this letter to complete the required fields.

NOTICE REGARDING PARTIAL PAYMENTS AND SETTLEMENT OFFERS**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.

Settlement Offers

Any offer to settle or compromise a debt owed to the Commission will be rejected. This includes making a payment in an amount less than the calculated civil money penalty

MAKING A DIFFERENCE IN SERVICE TO OUR NATION PAC

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assessed or any restrictive endorsements contained on your check or money order or proposed in correspondence transmitted with your check or money order. 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 CFR § 111.42.

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/af.shtml>. If you have questions regarding the payment of the calculated civil money penalty, please contact Ben Holly on the toll-free number, (800) 424-9530 (at the prompt, press 5 to reach the Reports Analysis Division) or (202) 694-1130. If you have questions regarding the submission of a challenge, please contact the Office of Administrative Review on the 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 that reads "Sean J. Cooksey". The signature is written in a cursive, flowing style.

Sean J. Cooksey
Chairman

RECEIVED

By Office of the Commission Secretary at 10:25 am, Feb 04, 2025

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

February 4, 2025

MEMORANDUM

TO: The Commission

THROUGH: Alec Palmer *AP*
Staff Director

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

Debbie Chacona *DC*
Assistant Staff Director
Reports Analysis Division

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

SUBJECT: Administrative Fine Program – Final Determination Recommendation in AF 4342 – Making a Difference in Service to Our Nation PAC f/k/a Cawthorn for NC (C00732958)

Attached is the name of 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 timely file the 2022 July Quarterly 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.

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 JULY QUARTERLY Not Election Sensitive 07/15/2022 H_S_P_UNAUTH

AF#	Committee Name	Candidate Name	Committee ID	Treasurer	Receipt Date	Days Late	LOA	PV	RTB Date	RTB Penalty	Days Since RTB	FD Penalty
4342	MAKING A DIFFERENCE IN SERVICE TO OUR NATION PAC		C00732958	DAVID MADISON CAWTHORN	08/14/2022	30	\$1,486,473	0	07/09/2024	\$17,458	210	\$17,458

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
 Administrative Fine Program – Final)
 Determination Recommendation in:)
 MAKING A DIFFERENCE IN SERVICE) AF# 4342
 TO OUR NATION PAC f/k/a Cawthorn for)
 NC, and CAWTHORN, DAVID)
 MADISON as treasurer;)

CERTIFICATION

I, Laura E. Sinram, Secretary and Clerk of the Federal Election Commission, do hereby certify that on February 05, 2025 the Commission took the following action on the Administrative Fine Program – Final Determination Recommendation in Making a Difference in Service To Our Nation PAC f/k/a Cawthorn for NC, and Cawthorn, David Madison as treasurer, as recommended in the Reports Analysis Division's Memorandum dated February 04, 2025, on the following committee:

AF#4342 Decided by a vote of 5-0 to: (1) make a final determination that MAKING A DIFFERENCE IN SERVICE TO OUR NATION PAC, and CAWTHORN, DAVID MADISON 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, Dickerson, Lindenbaum, Trainor, and Weintraub voted affirmatively for the decision.



Attest:

**Laura E
 Sinram**

Laura E. Sinram
 Secretary and Clerk of the Commission

Digitally signed by Laura
 E Sinram
 Date: 2025.02.10 11:35:03
 -05'00'



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C.

AF

February 12, 2025

David Madison Cawthorn, in official capacity as Treasurer
Making a Difference in Service to Our Nation PAC
657 N Rugby Rd
Hendersonville, NC 28791

C00732958

AF#: 4342

FINE: \$17,458

Dear David Madison Cawthorn,

On July 9, 2024, the Federal Election Commission (the "Commission" or "FEC") found reason to believe ("RTB") that Making a Difference in Service to Our Nation PAC and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) for filing late or failing to file the 2022 July Quarterly Report. By letter dated July 16, 2024, the Commission notified you of the RTB finding and the civil money penalty calculated at the RTB stage to be \$17,458, in accordance with the FEC's 2022 schedule of penalties at 11 CFR § 111.43. Within forty (40) days of the Commission'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. The Commission made a final determination on February 5, 2025 that Making a Difference in Service to Our Nation PAC 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 \$17,458, in accordance with 11 CFR § 111.43. The civil money penalty is based on these factors:

Election Sensitivity of Report: Not Election Sensitive
Level of Activity: \$1,486,473
Number of Days Late: 30
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

MAKING A DIFFERENCE IN SERVICE TO OUR NATION PAC

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If you choose to appeal the final determination, you must 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). If you did not timely raise a factual argument in a challenge to the Commission's RTB finding, your right to present such an argument in an appeal to the U.S. District Court under 52 U.S.C. § 30109 shall be deemed waived. 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 thirty (30) days and do not appeal the Commission's final determination to the U.S. District Court (see above), the Commission will transfer the debt to the U.S. Department of the Treasury ("Treasury") for collection. Treasury will contact you to request payment within five (5) days of receiving the debt. Treasury currently charges a fee of 30 percent 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 percent 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. 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 decide to pay the civil money penalty, please follow the payment instructions below. You should make payment within thirty (30) days of receipt of this letter.

You may remit payment by Automated Clearinghouse ("ACH") withdrawal from your

MAKING A DIFFERENCE IN SERVICE TO OUR NATION PAC

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bank account, or by debit or credit card through Pay.gov, the federal government's secure portal for online collections. Visit <http://www.fec.gov/af/pay.shtml> to be directed to Pay.gov's Administrative Fine Program Payment form. Please use the details above to complete the required fields.

NOTICE REGARDING PARTIAL PAYMENTS AND SETTLEMENT OFFERS**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.

Settlement Offers

Any offer to settle or compromise a debt owed to the Commission will be rejected. This includes 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. 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 CFR §§ 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 on the toll-free number, (800) 424-9530 (at the prompt, press 5 to reach the Reports Analysis Division) or (202) 694-1130.

On behalf of the Commission,



James E. "Trey" Trainor III
Acting Chairman

MAKING A DIFFERENCE IN SERVICE TO OUR NATION PAC

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