RECEIVED

By Office of the Commission Secretary at 8:10 am, Oct 13, 2022



SENSITIVE

October 12, 2022

MEMORANDUM

TO: The Commission

THROUGH: Alec Palmer

Staff Director

FROM: Patricia C. Orrock DC for PCO

Chief Compliance Officer

Debbie Chacona DC Assistant Staff Director Reports Analysis Division

BY: Kristin D. Roser

Compliance Branch

SUBJECT: Reason to Believe Recommendation -

Failure to File 48-Hour Notices under the Administrative Fine Program

Attached is the name of a principal campaign committee that has failed to timely file 48-hour notices with the Commission for contributions of \$1,000.00 or more received (1) from the close of books for the Texas 12-Day Pre-Primary Report up to 48 hours before the March 3, 2020 Election, and (2) from the close of books for the 12-Day Pre-General Report up to 48 hours before the November 3, 2020 General Election in accordance with 52 U.S.C. § 30104(a) and 11 CFR. § 104.5(f). The committee, Weber for Congress, represents a candidate who won the 2020 General Election. The committee is being referred for failing to file 48-hour notices for contributions totaling \$70,300.00.

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

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

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

Recommendation

- 1. Find reason to believe that Weber for Congress and Robert D. Nolen, in their official capacity as treasurer, violated 52 U.S.C. § 30104(a) and make a preliminary determination that a civil money penalty of \$8,470 be assessed.
- 2. Send the appropriate letter.

Attachments

Contributions for Which a 48-Hour Notice Was Not Timely Received

AF 4397

Committee ID: C00502229

Committee Name: Weber for Congress

Report Type: April Quarterly Report (2/13/2020 – 3/31/2020)

30-Day Post-General Report (10/15/2020 – 11/23/2020)

Primary 48-Hour Reporting Period: 2/13/2020 – 2/29/2020 General 48-Hour Reporting Period: 10/15/2020 – 10/31/2020

CONTRIBUTOR	DATE	AMOUNT	REPORTING PERIOD
CHARLES J. GIGLIO	2/15/2020	\$1,000.00	PRIMARY
NATIONAL BEER WHOLESALERS ASSOCIATION PAC (NBWA PAC)	2/15/2020	\$2,500.00	PRIMARY
TEXAS FARM BUREAU FRIENDS AGFUND, INC (FEDERAL)	2/18/2020	\$3,800.00	PRIMARY
IRIS SMITH	2/19/2020	\$2,800.00	PRIMARY
KOCH INDUSTRIES, INC. PAC – KOCHPAC	2/26/2020	\$5,000.00	PRIMARY
ACTION COMMITTEE FOR RURAL ELECTRIFICATION NATIONAL RURAL ELECTRIC COOPERATIVE	2/27/2020	\$1,000.00	PRIMARY
THE BOEING COMPANY PAC	2/29/2020	\$2,000.00	PRIMARY
CULAC THE PAC OF CREDIT UNION NATIONAL ASSOCIATION	10/16/2020	\$2,500.00	GENERAL
KIRBY CORPORATION POLITICAL ACTIONA COMMITTEE	10/16/2020	\$2,500.00	GENERAL
ROGER A. ELSWICK	10/16/2020	\$2,000.00	GENERAL
RYAN LLC PAC – RYAN PAC	10/16/2020	\$1,000.00	GENERAL
JOHN B. TROBOLA	10/20/2020	\$2,800.00	GENERAL
LISA HALILI	10/21/2020	\$2,500.00	GENERAL
BUILD PAC OF THE NATIONAL ASSOCIATION OF HOME BUILDERS	10/22/2020	\$2,500.00	GENERAL
RODERICK M. HALL	10/23/2020	\$1,000.00	GENERAL
RENEE L. MCGUIRE	10/23/2020	\$1,800.00	GENERAL
DAVID SPENCE	10/23/2020	\$1,000.00	GENERAL
MICHAEL JENKINS	10/24/2020	\$1,000.00	GENERAL

EMPLOYEES OF RAYTHEON TECHNOLOGIES CORPORATION PAC	10/26/2020	\$5,000.00	GENERAL
FRANKLIN W. CARNES III	10/26/2020	\$1,000.00	GENERAL
JAY CARNES	10/26/2020	\$1,000.00	GENERAL
REGIONS FINANCIAL CORPORATION PAC – REGIONS FEDERAL ONLY PAC	10/26/2020	\$1,000.00	GENERAL
THOMAS EDWARD FARMERS	10/26/2020	\$1,000.00	GENERAL
MARK AMMERMAN	10/27/2020	\$1,000.00	GENERAL
WILLIAM C. ANSELL	10/27/2020	\$1,000.00	GENERAL
KATHLEEN GUINDON	10/27/2020	\$2,800.00	GENERAL
KEITH GUINDON	10/27/2020	\$2,800.00	GENERAL
JOHN R. SULLIVAN	10/27/2020	\$2,800.00	GENERAL
TODD P. SULLIVAN	10/27/2020	\$2,800.00	GENERAL
DONNA TEICHMAN	10/27/2020	\$2,800.00	GENERAL
KELLY TEICHMAN	10/27/2020	\$2,800.00	GENERAL
MATHEW DILICK	10/28/2020	\$2,800.00	GENERAL
CHARLES DOYLE	10/30/2020	\$1,000.00	GENERAL
	TOTAL	\$70,300.00	

Proposed Civil Money Penalty: \$8,470 ((9 Notices Not Filed at \$160 each) + (10% of the Overall Contributions Not Reported))

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

AF#	Committee ID	Committee Name	State	Election	Candidate Name	Treasurer	Prev Violations	Notices Not Filed	LOA	Penalty
4397	C00502229	WEBER FOR CONGRESS	TX	2020	RANDY WEBER	MR. ROBERT D. NOLEN	0	9	\$70,300	\$8,470

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)	
)	AF 4397
Reason to Believe Recommendation -)	
Failure to File 48-Hour Notices under the)	
Administrative Fine Program: Weber for)	
Congress and Robert D. Nolen, in their)	
official capacity as treasurer)	

CERTIFICATION

I, Vicktoria J. Allen, Acting Deputy Secretary of the Federal Election Commission, do hereby certify that on October 14, 2022, the Commission decided by a vote of 5-0 to take the following actions in AF 4397:

- Find reason to believe that Weber for Congress and Robert D. Nolen, in their official capacity as treasurer, violated 52 U.S.C.
 § 30104(a) and make a preliminary determination that a civil money penalty of \$8,470 be assessed.
- 2. Send the appropriate letter.

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

October 14, 2022

Date

Vicktoria J Allen
Allen
Date: 2022.10.14 16:14:11 -04'00'

Vicktoria J. Allen
Acting Deputy Secretary of the
Commission



October 14, 2022

Mr. Robert D. Nolen, in official capacity as Treasurer Weber for Congress 1701 Bending Stream Friendswood, TX 77546

C00502229 AF#: 4397

Dear Mr. Robert D. Nolen,

The Federal Election Campaign Act of 1971, as amended, 52 U.S.C. § 30101, et seq. ("the Act"), requires principal campaign committees of candidates for federal office to notify in writing the Federal Election Commission ("FEC") and the Secretary of State, as appropriate, of any contribution of \$1,000 or more, received by any authorized committee of the candidate after the 20th day, but more than 48 hours before, any election. 52 U.S.C. § 30104(a)(6)(A). The Act further requires notification to be made within 48 hours after the receipt of the contribution and to include the name of the candidate and office sought, the date of receipt, the amount of the contribution, and the identification of the contributor. Id. These notification requirements are in addition to all other reporting requirements. 52 U.S.C. § 30104(a). Our records indicate that Weber for Congress did not submit 48-Hour Notices for contributions of \$1,000 or more, received between February 13, 2020 and February 29, 2020, and between October 15, 2020 and October 31, 2020, totaling \$70,300, as required by 52 U.S.C. § 30104(a)(6)(A). Attachment 1.

The Act permits the FEC to impose civil money penalties for violations of the reporting requirements of 52 U.S.C. § 30104(a). 52 U.S.C. § 30109(a)(4). On October 14, 2022, the FEC found that there is Reason to Believe ("RTB") that Weber for Congress and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) by failing to file the 48-Hour Notices. Based on the FEC's schedule of civil money penalties at 11 C.F.R. § 111.44, the amount of your civil money penalty calculated at the RTB stage is \$8,470. Please see the attached copy of the Commission's administrative fine regulations at 11 C.F.R. §§ 111.30-111.55. Attachment 2. The Commission's website contains further information about how the administrative fine program works and how the fines are calculated. http://www.fec.gov/af/af.shtml. 11 CFR § 111.34. The amount of the civil money penalty is \$160 for each non-filed notice plus 10 percent of the dollar amount of the contributions not timely reported. The civil money penalty increases by 25 percent for each prior violation. Send your payment of \$8,470 within forty (40) days of the finding, or by November 23, 2022.

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 November 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 be converted to PDF (Portable Document Format) and emailed to should administrativefines@fec.gov. The Commission encourages the use ofelectronic signatures on electronically submitted documents, but scanned copies of ink signatures will be accepted. Electronically submitted challenges will be deemed received on the date it is electronically received by staff.

The FEC will only consider challenges that are based on at least one of three grounds: (1) a factual error in the RTB finding; (2) miscalculation of the calculated civil money penalty by the FEC; or (3) your demonstrated use of best efforts to file in a timely manner when prevented from doing so by reasonably unforeseen circumstances that were beyond your control. 11 C.F.R. § 111.35(b). For a challenge to be considered on the basis of best efforts, you must have filed the required report no later than 24 hours after the end of these reasonably unforeseen circumstances. Id. Examples of circumstances that will be considered reasonably unforeseen and beyond your control include, but are not limited to: (1) a failure of Commission computers or Commission-provided software despite your seeking technical assistance from Commission personnel and resources; (2) a widespread disruption of information transmissions over the Internet that is not caused by a failure of the Commission's or your computer systems or Internet service provider; and (3) severe weather or other disaster-related incident. 11 C.F.R. § 111.35(c). Examples of circumstances that will not be considered reasonably unforeseen and beyond your control include, but are not limited to: (1) negligence; (2) delays caused by vendors or contractors; (3) treasurer and staff illness, inexperience or unavailability; (4) committee computer, software, or Internet service provider failures; (5) failure to know filing dates; and (6) failure to use filing software properly. 11 C.F.R. § 111.35(d).

The "failure to raise an argument in a timely fashion during the administrative process

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shall be deemed a waiver" of your right to present such argument in a petition to the U.S. District Court under 52 U.S.C. § 30109. 11 C.F.R. § 111.38.

If you intend to be represented by counsel, please advise the Office of Administrative Review. You should provide, in writing, the name, address and telephone number of your counsel and authorize counsel to receive notifications and communications relating to this challenge and imposition of the calculated civil money penalty.

2. If You Choose Not to Pay the Civil Money Penalty and Not to Submit a Challenge

If you do not pay the calculated civil money penalty and do not submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that Weber 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

WEBER FOR CONGRESS

Page 4 of 5

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 including the FEC's website fine program, the final regulations, on http://www.fec.gov/af/af.shtml. If you have questions regarding the payment of the calculated civil money penalty, please contact Jacqueline Gausepohl in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130. If you have questions regarding the submission of a challenge, please contact the Office of Administrative Review at our toll-free number (800) 424-9530 (press 0, then ext. 1158) or (202) 694-1158.

On behalf of the Commission.

Allen J. Dickerson

Chairman

ADMINISTRATIVE FINE PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 CFR § 111.44, the amount of your civil money penalty calculated at RTB is \$8,470 for the 2020 Primary and 2020 General Election 48-Hour Notification Reports.

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 Jacqueline Gausepohl in the Reports Analysis Division at our toll-free number (800) 424-9530 (at the prompt press

WEBER FOR CONGRESS

Page 5 of 5

5) or (202) 694-1130.

COMMITTEE NAME: Weber for Congress

FEC ID#: C00502229

AF#: 4397

PAYMENT DUE DATE: November 23, 2022

PAYMENT AMOUNT DUE: \$8,470

Contributions for Which a 48-Hour Notice Was Not Timely Received

AF 4397

Committee ID: C00502229

Committee Name: WEBER FOR CONGRESS

Report Type: April Quarterly Report (2/13/2020 – 3/31/2020)

30-Day Post-General Report (10/15/2020 – 11/23/2020)

Primary 48-Hour Reporting Period: 2/13/2020 – 2/29/2020 General 48-Hour Reporting Period: 10/15/2020 – 10/31/2020

CONTRIBUTOR	DATE	AMOUNT	REPORTING
			PERIOD
CHARLES J. GIGLIO	2/15/2020	\$1,000.00	PRIMARY
NATIONAL BEER WHOLESALERS ASSOCIATION PAC (NBWA PAC)	2/15/2020	\$2,500.00	PRIMARY
TEXAS FARM BUREAU FRIENDS AGFUND, INC (FEDERAL)	2/18/2020	\$3,800.00	PRIMARY
IRIS SMITH	2/19/2020	\$2,800.00	PRIMARY
KOCH INDUSTRIES, INC. PAC – KOCHPAC	2/26/2020	\$5,000.00	PRIMARY
ACTION COMMITTEE FOR RURAL ELECTRIFICATION NATIONAL RURAL ELECTRIC COOPERATIVE	2/27/2020	\$1,000.00	PRIMARY
THE BOEING COMPANY PAC	2/29/2020	\$2,000.00	PRIMARY
CULAC THE PAC OF CREDIT UNION NATIONAL ASSOCIATION	10/16/2020	\$2,500.00	GENERAL
KIRBY CORPORATION POLITICAL ACTIONA COMMITTEE	10/16/2020	\$2,500.00	GENERAL
ROGER A. ELSWICK	10/16/2020	\$2,000.00	GENERAL
RYAN LLC PAC – RYAN PAC	10/16/2020	\$1,000.00	GENERAL
JOHN B. TROBOLA	10/20/2020	\$2,800.00	GENERAL
LISA HALILI	10/21/2020	\$2,500.00	GENERAL
BUILD PAC OF THE NATIONAL ASSOCIATION OF HOME BUILDERS	10/22/2020	\$2,500.00	GENERAL
RODERICK M. HALL	10/23/2020	\$1,000.00	GENERAL
RENEE L. MCGUIRE	10/23/2020	\$1,800.00	GENERAL
DAVID SPENCE	10/23/2020	\$1,000.00	GENERAL
MICHAEL JENKINS	10/24/2020	\$1,000.00	GENERAL

EMPLOYEES OF RAYTHEON TECHNOLOGIES CORPORATION PAC	10/26/2020	\$5,000.00	GENERAL
FRANKLIN W. CARNES III	10/26/2020	\$1,000.00	GENERAL
JAY CARNES	10/26/2020	\$1,000.00	GENERAL
REGIONS FINANCIAL CORPORATION PAC – REGIONS FEDERAL ONLY PAC	10/26/2020	\$1,000.00	GENERAL
THOMAS EDWARD FARMERS	10/26/2020	\$1,000.00	GENERAL
MARK AMMERMAN	10/27/2020	\$1,000.00	GENERAL
WILLIAM C. ANSELL	10/27/2020	\$1,000.00	GENERAL
KATHLEEN GUINDON	10/27/2020	\$2,800.00	GENERAL
KEITH GUINDON	10/27/2020	\$2,800.00	GENERAL
JOHN R. SULLIVAN	10/27/2020	\$2,800.00	GENERAL
TODD P. SULLIVAN	10/27/2020	\$2,800.00	GENERAL
DONNA TEICHMAN	10/27/2020	\$2,800.00	GENERAL
KELLY TEICHMAN	10/27/2020	\$2,800.00	GENERAL
MATHEW DILICK	10/28/2020	\$2,800.00	GENERAL
CHARLES DOYLE	10/30/2020	\$1,000.00	GENERAL
	TOTAL	\$70,300.00	

Proposed Civil Money Penalty: \$8,470 ((9 Notices Not Filed at \$160 each) + (10% of the Overall Contributions Not Reported))

RECEIVED

By Office of the Commission Secretary at 4:13 pm, Dec 05, 2022



SENSITIVE

December 6, 2022

MEMORANDUM

TO: The Commission

THROUGH: Alec Palmer

Staff Director

FROM: Patricia C. Orrock *PCO*

Chief Compliance Officer

Debbie Chacona *DC*Assistant Staff Director
Reports Analysis Division

KDR

BY: Kristin D. Roser

Reports Analysis Division

Compliance Branch

SUBJECT: Administrative Fine Program – Final Determination Recommendation for the

Failure to File 48-Hour Notices

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 appropriate 48-Hour Notices for the 2020 Primary and 2020 General Elections. The committee has paid the civil money penalty requested at RTB.

In accordance with 11 CFR § 111.34, the Commission shall send a final determination notice to the respondent that has 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 Final Determination Circulation Report 48-Hour Notification Report

AF#	Committee ID	Committee Name	State	Election	Candidate Name	Treasurer	Prev Violations	Notices Not Filed	LOA	RTB Date	RTB Penalty	FD Penalty	Date Paid	Amount Paid
4397	C00502229	WEBER FOR CONGRESS	TX	2020	RANDY WEBER	MR. ROBERT D. NOLEN	0	9	\$70,300	10/14/2022	\$8,470	\$8,470	11/21/2022	\$8,470

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)	
)	AF 4397
Administrative Fine Program – Final)	
Determination Recommendation for the)	
Failure to File 48-Hour Notices: Weber)	
for Congress and Robert D. Nolen, in)	
their official capacity as treasurer)	

AMENDED CERTIFICATION

I, Vicktoria J. Allen, Acting Deputy Secretary of the Federal Election Commission, do hereby certify that on December 07, 2022, the Commission decided by a vote of 6-0 to take the following actions in AF 4397:

- Make a final determination that Weber for Congress and Robert D. Nolen, in their official capacity as treasurer, violated 52 U.S.C. § 30104(a) and assess the final civil money penalty in the amount of \$8,470.
- 2. Send the appropriate letter.

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



Attest:

Vicktoria J Allen Digitally signed by Vicktoria J Allen Date: 2022.12.15 15:18:19 -05'00'

Vicktoria J. Allen Acting Deputy Secretary of the Commission



December 9, 2022

Mr. Robert D. Nolen, in official capacity as Treasurer Weber for Congress 1701 Bending Stream Friendswood, TX 77546

C00502229 AF#: 4397

Dear Mr. Robert D. Nolen,

On October 14, 2022, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Weber for Congress and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) for failing to file 48-Hour Notices for contributions of \$1,000 or more, received between February 13, 2020 and February 29, 2020, and between October 15, 2020 and October 31, 2020, totaling \$70,300. By letter dated October 14, 2022, the Commission notified you of the RTB finding and the civil money penalty calculated at the RTB stage totaling \$8,470, in accordance with the schedule of penalties at 11 C.F.R. § 111.44.

On November 21, 2022, the FEC received payment of the civil money penalty calculated at the RTB stage. The FEC made a final determination on December 7, 2022 that Weber for Congress and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a), assessed a civil money penalty in the amount of \$8,470 in accordance with 11 C.F.R. § 111.44, and voted to close the file.

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 this matter, please contact Jacqueline Gausepohl on 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