

RECEIVED

By Office of the Commission Secretary at 11:35 am, Nov 02, 2022



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

SENSITIVE

November 2, 2022

MEMORANDUM

TO: The Commission

THROUGH: Alec Palmer *AP*
Staff Director

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

Debbie Chacona *DC*
Assistant Staff Director
Reports Analysis Division

BY: Kristin D. Roser *KDR*
Compliance Branch

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

Attached is the name of a principal campaign committee that has failed to file 48-hour notices with the Commission for contributions of \$1,000.00 or more received from the close of books for the Illinois 2022 July Quarterly Report up to 48 hours before the June 28, 2022 Primary Election in accordance with 52 U.S.C. § 30104(a) and 11 CFR. § 104.5(f). The committee, Rodney for Congress, represents a candidate who lost the Primary Election. The committee is being referred for failing to file 48-hour notices for contributions totaling \$55,000.00.

A 48-hour notice is required to report all contributions of a \$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 Rodney for Congress and Thomas Datwyler, in their official capacity as treasurer, violated 52 U.S.C. § 30104(a) and make a preliminary determination that a civil money penalty of \$5,820 be assessed.
2. Send the appropriate letter.

Attachments

Contributions for Which a 48-Hour Notice Was Not Received**AF 4398****Committee ID: C00521948****Committee Name: Rodney for Congress****Report Type: July Quarterly Report (06/09/2022 – 06/30/2022)****48-Hour Reporting Period: 06/09/2022 – 06/25/2022**

CONTRIBUTOR	DATE	AMOUNT
PLAIN, SHERRY ¹	6/13/2022	\$2,000.00
GOODWIN, DANIEL L ²	6/15/2022	\$1,000.00
AMERICAN HOSPITAL ASSOCIATION PAC		
	6/22/2022	\$2,500.00
AMGEN POLITICAL ACTION COMMITTEE		
	6/22/2022	\$2,500.00
BODE, DENISE S		
	6/22/2022	\$1,000.00
BUILDING LEADERSHIP AND INSPIRING NEW ENTERPRISE PAC (BLAINE PAC)		
	6/22/2022	\$5,000.00
D.R.I.V.E. - DEMOCRAT, REPUBLICAN, INDEPENDENT VOTER EDUCATION (THE PAC OF THE INTERNATIONAL BROT...		
	6/22/2022	\$1,000.00
DEBOER, JOAN MITCHELL		
	6/22/2022	\$1,000.00
DO RIGHT BAYOU PAC		
	6/22/2022	\$2,500.00
IN THE ARENA PAC		
	6/22/2022	\$2,500.00
LAND OF OPPORTUNITY PAC		
	6/22/2022	\$2,000.00
MICHAEL BEST PAC		
	6/22/2022	\$5,000.00
NATIONAL CORN GROWERS ASSOCIATION (CORNPAC)		
	6/22/2022	\$2,000.00
PRIEBUS, REINCE R		
	6/22/2022	\$1,000.00
RON ESTES FOR CONGRESS		
	6/22/2022	\$2,000.00
TAI, JASON		
	6/22/2022	\$1,000.00
UNITED SERVICES AUTOMOBILE ASSOCIATION EMPLOYEE PAC - USAA EMPLOYEE PAC		
	6/22/2022	\$2,500.00
VERIZON COMMUNICATIONS INC./VERIZON WIRELESS GOOD GOVERNMENT CLUB (VERIZON/VERIZON WIRELES		
	6/22/2022	\$1,000.00
VERIZON COMMUNICATIONS INC./VERIZON WIRELESS GOOD GOVERNMENT CLUB (VERIZON/VERIZON WIRELES		
	6/22/2022	\$1,000.00
NATIONAL ASSOCIATION OF CHAIN DRUG STORES, INC. POLITICAL ACTION COMMITTEE		
	6/23/2022	\$1,000.00

¹ This contribution was earmarked through Votesane PAC and was received by the conduit on 6/13/2022.

² This contribution was earmarked through Votesane PAC and was received by the conduit on 6/15/2022.

NATIONAL ASSOCIATION OF TRAILER MANUFACTURERS POLITICAL ACTION COMMITTEE	6/23/2022	\$1,000.00
AMERICAN HOTEL & LODGING ASSOCIATION PAC (HOTEL PAC)	6/24/2022	\$2,500.00
BEST BUY CO INC PAC	6/24/2022	\$1,000.00
HUSCH BLACKWELL PAC	6/24/2022	\$1,000.00
OWNER OPERATOR INDEPENDENT DRIVERS ASSN INC PAC (AKA OOIDA-PAC)	6/24/2022	\$2,000.00
THRIVENT FINANCIAL FOR LUTHERANS PAC	6/24/2022	\$3,000.00
TRANSPORT WORKERS UNION OF AMERICA POLITICAL CONTRIBUTIONS COMMITTEE	6/24/2022	\$5,000.00
	TOTAL	\$55,000.00

Proposed Civil Money Penalty: \$5,820 ((2 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

11/1/2022 2:49 PM

AF#	Committee ID	Committee Name	State	Election	Candidate Name	Treasurer	Prev Violations	Notices Not Filed	LOA	Penalty
4398	C00521948	RODNEY FOR CONGRESS	IL	2022	RODNEY L DAVIS	THOMAS DATWYLER	0	2	\$55,000	\$5,820

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) AF 4398
 Reason To Believe Recommendation –)
 Failure to File 48-Hour Notices under the)
 Administrative Fine Program: Rodney)
 for Congress and Thomas Datwyler, in)
 their official capacity as treasurer)

CERTIFICATION

I, Vicktoria J. Allen, Acting Deputy Secretary of the Federal Election Commission, do hereby certify that on November 04, 2022, the Commission decided by a vote of 5-0 to take the following actions in AF 4398:

1. Find reason to believe that Rodney for Congress and Thomas Datwyler, in their official capacity as treasurer, violated 52 U.S.C. § 30104(a) and make a preliminary determination that a civil money penalty of \$5,820 be assessed.
2. Send the appropriate letter.

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

Attest:



Vicktoria J Allen Digitally signed by Vicktoria J Allen
 Date: 2022.11.07 10:41:05 -05'00'

 Vicktoria J. Allen
 Acting Deputy Secretary of the
 Commission



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

AF

November 7, 2022

Thomas Datwyler, in official capacity as Treasurer
Rodney for Congress
PO Box 344
Taylorville, IL 62568-0344

C00521948

AF#: 4398

Dear Thomas Datwyler,

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 Rodney for Congress did not submit 48-Hour Notices for contributions of \$1,000 or more, received between June 9, 2022 and June 25, 2022, totaling \$55,000, as required by 52 U.S.C. § 30104(a)(6)(A). Attachment 1.

The Act permits the FEC to impose civil money penalties for violations of the reporting requirements of 52 U.S.C. § 30104(a). 52 U.S.C. § 30109(a)(4). On November 4, 2022, the FEC found that there is Reason to Believe ("RTB") that Rodney 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 \$5,820. 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 \$5,820 within forty (40) days of the finding, or by December 14, 2022.

RODNEY FOR CONGRESS

Page 2 of 5

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 December 14, 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 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 shall be deemed a waiver" of your right to present such argument in a petition to the U.S.

RODNEY FOR CONGRESS

Page 3 of 5

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 Rodney 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

RODNEY FOR CONGRESS

Page 4 of 5

amounts remaining will be subject to the debt collection procedures set forth in Section 2, above.

This matter was generated based on information ascertained by the FEC in the normal course of carrying out its supervisory responsibilities. 52 U.S.C. § 30109(a)(2). Unless you notify the FEC in writing that you wish the matter to be made public, it will remain confidential in accordance with 52 U.S.C. § 30109(a)(4)(B) and 30109(a)(12)(A) until it is placed on the public record at the conclusion of this matter in accordance with 11 C.F.R. § 111.42.

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

On behalf of the Commission,



Allen J. Dickerson
Chairman

ADMINISTRATIVE FINE PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 CFR § 111.44, the amount of your civil money penalty calculated at RTB is \$5,820 for the 2022 Primary Election 48-Hour Notification Report.

You may remit payment by ACH withdrawal from your bank account, or by debit or credit card through Pay.gov, the federal government's secure portal for online collections. Visit www.fec.gov/af/pay.shtml 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

RODNEY FOR CONGRESS

Page 5 of 5

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

COMMITTEE NAME: Rodney for Congress

FEC ID#: C00521948

AF#: 4398

PAYMENT DUE DATE: December 14, 2022

PAYMENT AMOUNT DUE: \$5,820

Contributions for Which a 48-Hour Notice Was Not Received

AF 4398

Committee ID: C00521948

Committee Name: Rodney for Congress

Report Type: July Quarterly Report (06/09/2022 – 06/30/2022)

48-Hour Reporting Period: 06/09/2022 – 06/25/2022

CONTRIBUTOR	DATE	AMOUNT
PLAIN, SHERRY ¹	6/13/2022	\$2,000.00
GOODWIN, DANIEL L ²	6/15/2022	\$1,000.00
AMERICAN HOSPITAL ASSOCIATION PAC		
AMGEN POLITICAL ACTION COMMITTEE	6/22/2022	\$2,500.00
BODE, DENISE S	6/22/2022	\$1,000.00
BUILDING LEADERSHIP AND INSPIRING NEW ENTERPRISE PAC (BLAINE PAC)	6/22/2022	\$5,000.00
D.R.I.V.E. - DEMOCRAT, REPUBLICAN, INDEPENDENT VOTER EDUCATION (THE PAC OF THE INTERNATIONAL BROT...	6/22/2022	\$1,000.00
DEBOER, JOAN MITCHELL	6/22/2022	\$1,000.00
DO RIGHT BAYOU PAC	6/22/2022	\$2,500.00
IN THE ARENA PAC	6/22/2022	\$2,500.00
LAND OF OPPORTUNITY PAC	6/22/2022	\$2,000.00
MICHAEL BEST PAC	6/22/2022	\$5,000.00
NATIONAL CORN GROWERS ASSOCIATION (CORNPAC)	6/22/2022	\$2,000.00
PRIEBUS, REINCE R	6/22/2022	\$1,000.00
RON ESTES FOR CONGRESS	6/22/2022	\$2,000.00
TAI, JASON	6/22/2022	\$1,000.00
UNITED SERVICES AUTOMOBILE ASSOCIATION EMPLOYEE PAC - USAA EMPLOYEE PAC	6/22/2022	\$2,500.00
VERIZON COMMUNICATIONS INC./VERIZON WIRELESS GOOD GOVERNMENT CLUB (VERIZON/VERIZON WIRELES	6/22/2022	\$1,000.00
VERIZON COMMUNICATIONS INC./VERIZON WIRELESS GOOD GOVERNMENT CLUB (VERIZON/VERIZON WIRELES	6/22/2022	\$1,000.00
NATIONAL ASSOCIATION OF CHAIN DRUG STORES, INC. POLITICAL ACTION COMMITTEE	6/23/2022	\$1,000.00

¹ This contribution was earmarked through Votesane PAC and was received by the conduit on 6/13/2022.

² This contribution was earmarked through Votesane PAC and was received by the conduit on 6/15/2022.

NATIONAL ASSOCIATION OF TRAILER MANUFACTURERS POLITICAL ACTION COMMITTEE	6/23/2022	\$1,000.00
AMERICAN HOTEL & LODGING ASSOCIATION PAC (HOTEL PAC)	6/24/2022	\$2,500.00
BEST BUY CO INC PAC	6/24/2022	\$1,000.00
HUSCH BLACKWELL PAC	6/24/2022	\$1,000.00
OWNER OPERATOR INDEPENDENT DRIVERS ASSN INC PAC (AKA OOIDA-PAC)	6/24/2022	\$2,000.00
THRIVENT FINANCIAL FOR LUTHERANS PAC	6/24/2022	\$3,000.00
TRANSPORT WORKERS UNION OF AMERICA POLITICAL CONTRIBUTIONS COMMITTEE	6/24/2022	\$5,000.00
	TOTAL	\$55,000.00

Proposed Civil Money Penalty: \$5,820 ((2 Notices Not Filed at \$160 each) + (10% of the Overall Contributions Not Reported))

RECEIVED

By Office of the Commission Secretary at 8:09 am, Jan 19, 2023

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

January 19, 2023

MEMORANDUM

TO: The Commission

THROUGH: Alec Palmer *AP*
Staff Director

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

Debbie Chacona *DC*
Assistant Staff Director
Reports Analysis Division

BY: Kristin D. Roser *KDR*
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 2022 Primary Election. 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

1/18/2023 8:51 AM

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
4398	C00521948	RODNEY FOR CONGRESS	IL	2022	RODNEY L DAVIS	THOMAS DATWYLER	0	2	\$55,000	11/04/2022	\$5,820	\$5,820	11/14/2022	\$5,820

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) AF 4398
 Administrative Fine Program - Final)
 Determination Recommendation for the)
 Failure to File 48-Hour Notices: Rodney)
 for Congress and Thomas Datwyler, in)
 their official capacity as treasurer)

CERTIFICATION

I, Vicktoria J. Allen, Acting Deputy Secretary of the Federal Election Commission, do hereby certify that on January 20, 2023, the Commission decided by a vote of 5-0 to take the following actions in AF 4398:

1. Make a final determination that Rodney for Congress and Thomas Datwyler, in their official capacity as treasurer, violated 52 U.S.C. § 30104(a) and assess the final civil money penalty in the amount of \$5,820.
2. Send the appropriate letter.

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

Attest:

The seal of the Federal Election Commission is circular, featuring a central eagle with wings spread, perched on a shield. The words "FEDERAL ELECTION COMMISSION" are inscribed around the top inner edge, and "UNITED STATES OF AMERICA" around the bottom inner edge. The date "January 20, 2023" is written across the center of the seal, and the word "Date" is written below it.

January 20, 2023
 Date

Vicktoria J Allen Digitally signed by Vicktoria J Allen
 Date: 2023.01.20 18:35:38 -05'00'

Vicktoria J. Allen
 Acting Deputy Secretary of the
 Commission



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

AF

January 23, 2023

Thomas Datwyler, in official capacity as Treasurer
Rodney for Congress
PO Box 344
Taylorville, IL 62568-0344

C00521948
AF#: 4398

Dear Thomas Datwyler,

On November 4, 2022, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Rodney 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 June 9, 2022 and June 25, 2022, totaling \$55,000. By letter dated November 7, 2022, the Commission notified you of the RTB finding and the civil money penalty calculated at the RTB stage totaling \$5,820, in accordance with the schedule of penalties at 11 C.F.R. § 111.44.

On November 14, 2022, the Commission received payment of the civil money penalty calculated at the RTB stage. The Commission made a final determination on January 20, 2023 that Rodney 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 \$5,820 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,

A handwritten signature in black ink, appearing to read "Dara Lindenbaum".

Dara Lindenbaum
Chair