

RECEIVED

By Office of the Commission Secretary at 10:52 am, Dec 08, 2022



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

SENSITIVE

December 8, 2022

MEMORANDUM

TO: The Commission

THROUGH: Alec Palmer *AP*
Staff Director

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

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

BY: Kristin D. Roser
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 (1) from the close of books for the Georgia 12-Day Pre-Primary Report up to 48 hours before the May 24, 2022 Primary Election, and (2) from the close of books for the Georgia 12-Day Pre-Runoff Report up to 48 hours before the June 21, 2022 Runoff Election in accordance with 52 U.S.C. § 30104(a) and 11 CFR. § 104.5(f). The committee, Friends of McCormick, represents a candidate who won the Runoff Election. The committee is being referred for failing to file 48-hour notices for contributions totaling \$105,500.00.

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 Friends of McCormick and Ann Casas, in their official capacity as treasurer, violated 52 U.S.C. § 30104(a) and make a preliminary determination that a civil money penalty of \$11,190 be assessed.
2. Send the appropriate letter.

Attachment

Contributions for Which a 48-Hour Notice Was Not Received**AF 4468****Committee ID: C00706747****Committee Name: Friends of McCormick****Report Type: 12-Day Pre-Runoff Report (5/5/2022 – 6/1/2022)****July Quarterly Report (6/2/2022 – 6/30/2022)****Primary 48-Hour Reporting Period: 5/5/2022 – 5/21/2022****Runoff 48-Hour Reporting Period: 6/2/2022 – 6/18/2022**

CONTRIBUTOR	DATE	AMOUNT	REPORTING PERIOD
SLEPIAN, LINDA J MS ¹	05/10/2022	\$1,800.00	PRIMARY
JOUHET, FREDERIC	06/03/2022	\$2,900.00	RUNOFF
AIR LINE PILOTS ASSOCIATION PAC	06/06/2022	\$5,000.00	RUNOFF
AMERICAN ACADEMY OF DERMATOLOGY ASSOCIATION PAC - SKINPAC	6/13/2022	\$5,000.00	RUNOFF
AMERICAN GASTROENTEROLOGICAL ASSOCIATION INC. PAC	6/13/2022	\$2,500.00	RUNOFF
AMERICAN SOCIETY OF ANESTHESIOLOGISTS PAC	6/13/2022	\$5,000.00	RUNOFF
ANDY HARRIS FOR CONGRESS	6/13/2022	\$2,000.00	RUNOFF
CREDIT UNION NATIONAL ASSOCIATION PAC (CULAC)	6/13/2022	\$5,000.00	RUNOFF
CROWELL, LISA MRS.	6/13/2022	\$2,000.00	RUNOFF
ELECTING MAJORITY MAKING EFFECTIVE REPUBLICANS	6/13/2022	\$2,500.00	RUNOFF
EYE OF THE TIGER PAC	6/13/2022	\$5,000.00	RUNOFF
FREEDOM'S DEFENSE FUND	6/13/2022	\$2,500.00	RUNOFF
HINDU AMERICAN PAC	6/13/2022	\$5,000.00	RUNOFF
HIPP, VAN D JR.	6/13/2022	\$1,000.00	RUNOFF
HOUSE CONSERVATIVES FUND	6/13/2022	\$1,000.00	RUNOFF
INNOVATION PAC	6/13/2022	\$5,000.00	RUNOFF
INSURPAC - INDEPENDENT INSURANCE AGENTS & BROKERS OF AMERICA, INC. PAC	6/13/2022	\$5,000.00	RUNOFF
JOY PAC	6/13/2022	\$1,000.00	RUNOFF
KARMANOS, PETER JR.	6/13/2022	\$2,900.00	RUNOFF
KOCHPAC	6/13/2022	\$5,000.00	RUNOFF

¹ An untimely 48-Hour Notice was filed for this contribution on July 8, 2022.

MAXA, JOHN E JR.	6/13/2022	\$2,900.00	RUNOFF
MAXA, LEELA S	6/13/2022	\$2,900.00	RUNOFF
NEUROSURGERY PAC	6/13/2022	\$5,000.00	RUNOFF
OLF, NELSON M	6/13/2022	\$1,000.00	RUNOFF
PASSARELLO, CHARLES A	6/13/2022	\$1,000.00	RUNOFF
PATE, LUTHER S MR. IV	6/13/2022	\$5,800.00	RUNOFF
PEROT, HENRY ROSS JR.	6/13/2022	\$2,900.00	RUNOFF
RANGER PAC	6/13/2022	\$1,000.00	RUNOFF
SCALISE FOR CONGRESS	6/13/2022	\$2,000.00	RUNOFF
SILVA, CARLOS	6/13/2022	\$2,500.00	RUNOFF
SLAPPEY, THOMAS GLEN SR.	6/13/2022	\$2,900.00	RUNOFF
HAYDEN, MARILYN J MRS.	6/15/2022	\$5,000.00	RUNOFF
ORAL AND MAXILLOFACIAL SURGERY PAC	6/15/2022	\$3,500.00	RUNOFF
	TOTAL	\$105,500.00	

Proposed Civil Money Penalty: \$11,190 ((4 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

12/7/2022 9:12 AM

AF#	Committee ID	Committee Name	State	Election	Candidate Name	Treasurer	Prev Violations	Notices Not Filed	LOA	Penalty
4468	C00706747	FRIENDS OF MCCORMICK	GA	2022	DR. RICHARD DEAN MCCORMICK	ANN CASAS	0	4	\$105,500	\$11,190

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) AF 4468
Reason to Believe Recommendation -)
Failure to File 48-Hour Notices under the)
Administrative Fine Program: Friends of)
McCormick and Ann Casas, in their)
official capacity as treasurer)

CERTIFICATION

I, Vicktoria J. Allen, Acting Deputy Secretary of the Federal Election Commission, do hereby certify that on December 12, 2022, the Commission decided by a vote of 6-0 to take the following actions in AF 4468:

1. Find reason to believe that Friends of McCormick and Ann Casas, in their official capacity as treasurer, violated 52 U.S.C. § 30104(a) and make a preliminary determination that a civil money penalty of \$11,190 be assessed.
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: 2022.12.12 18:00:42 -05'00'

Vicktoria J. Allen
Acting Deputy Secretary of the
Commission





FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

AF

December 13, 2022

Thomas Datwyler, in official capacity as Treasurer
 Friends of McCormick
 PO Box 134
 Suwanee, GA 30024

C00706747
 AF#: 4468

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 Friends of McCormick did not submit 48-Hour Notices for contributions of \$1,000 or more, received between May 5, 2022 and May 21, 2022, and between June 2, 2022 and June 18, 2022, totaling \$105,500, 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 December 12, 2022, the FEC found that there is Reason to Believe ("RTB") that Friends of McCormick 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 \$11,190. 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 \$11,190 within forty (40) days of the finding, or by January 21, 2023.

FRIENDS OF MCCORMICK

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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 January 21, 2023. 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.

FRIENDS OF MCCORMICK

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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 Friends of McCormick 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

FRIENDS OF MCCORMICK

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

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

As noted earlier, you may obtain additional information on the FEC's administrative fine program, including the final regulations, on the FEC's website at <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 \$11,190 for the 2022 Primary and 2022 Runoff 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 Reports Analysis Division at our toll-free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130.

FRIENDS OF MCCORMICK

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COMMITTEE NAME: Friends of McCormick

FEC ID#: C00706747

AF#: 4468

PAYMENT DUE DATE: January 21, 2023

PAYMENT AMOUNT DUE: \$11,190

Contributions for Which a 48-Hour Notice Was Not Received

AF 4468

Committee ID: C00706747

Committee Name: Friends of McCormick

Report Type: 12-Day Pre-Runoff Report (5/5/2022 – 6/1/2022)

July Quarterly Report (6/2/2022 – 6/30/2022)

Primary 48-Hour Reporting Period: 5/5/2022 – 5/21/2022

Runoff 48-Hour Reporting Period: 6/2/2022 – 6/18/2022

CONTRIBUTOR	DATE	AMOUNT	REPORTING PERIOD
SLEPIAN, LINDA J MS ¹	05/10/2022	\$1,800.00	PRIMARY
JOUHET, FREDERIC	06/03/2022	\$2,900.00	RUNOFF
AIR LINE PILOTS ASSOCIATION PAC	06/06/2022	\$5,000.00	RUNOFF
AMERICAN ACADEMY OF DERMATOLOGY ASSOCIATION PAC - SKINPAC	6/13/2022	\$5,000.00	RUNOFF
AMERICAN GASTROENTEROLOGICAL ASSOCIATION INC. PAC	6/13/2022	\$2,500.00	RUNOFF
AMERICAN SOCIETY OF ANESTHESIOLOGISTS PAC	6/13/2022	\$5,000.00	RUNOFF
ANDY HARRIS FOR CONGRESS	6/13/2022	\$2,000.00	RUNOFF
CREDIT UNION NATIONAL ASSOCIATION PAC (CULAC)	6/13/2022	\$5,000.00	RUNOFF
CROWELL, LISA MRS.	6/13/2022	\$2,000.00	RUNOFF
ELECTING MAJORITY MAKING EFFECTIVE REPUBLICANS	6/13/2022	\$2,500.00	RUNOFF
EYE OF THE TIGER PAC	6/13/2022	\$5,000.00	RUNOFF
FREEDOM'S DEFENSE FUND	6/13/2022	\$2,500.00	RUNOFF
HINDU AMERICAN PAC	6/13/2022	\$5,000.00	RUNOFF
HIPP, VAN D JR.	6/13/2022	\$1,000.00	RUNOFF
HOUSE CONSERVATIVES FUND	6/13/2022	\$1,000.00	RUNOFF
INNOVATION PAC	6/13/2022	\$5,000.00	RUNOFF
INSURPAC - INDEPENDENT INSURANCE AGENTS & BROKERS OF AMERICA, INC. PAC	6/13/2022	\$5,000.00	RUNOFF
JOY PAC	6/13/2022	\$1,000.00	RUNOFF
KARMANOS, PETER JR.	6/13/2022	\$2,900.00	RUNOFF
KOCHPAC	6/13/2022	\$5,000.00	RUNOFF

¹ An untimely 48-Hour Notice was filed for this contribution on July 8, 2022.

MAXA, JOHN E JR.	6/13/2022	\$2,900.00	RUNOFF
MAXA, LEELA S	6/13/2022	\$2,900.00	RUNOFF
NEUROSURGERY PAC	6/13/2022	\$5,000.00	RUNOFF
OLF, NELSON M	6/13/2022	\$1,000.00	RUNOFF
PASSARELLO, CHARLES A	6/13/2022	\$1,000.00	RUNOFF
PATE, LUTHER S MR. IV	6/13/2022	\$5,800.00	RUNOFF
PEROT, HENRY ROSS JR.	6/13/2022	\$2,900.00	RUNOFF
RANGER PAC	6/13/2022	\$1,000.00	RUNOFF
SCALISE FOR CONGRESS	6/13/2022	\$2,000.00	RUNOFF
SILVA, CARLOS	6/13/2022	\$2,500.00	RUNOFF
SLAPPEY, THOMAS GLEN SR.	6/13/2022	\$2,900.00	RUNOFF
HAYDEN, MARILYN J MRS.	6/15/2022	\$5,000.00	RUNOFF
ORAL AND MAXILLOFACIAL SURGERY PAC	6/15/2022	\$3,500.00	RUNOFF
	TOTAL	\$105,500.00	

Proposed Civil Money Penalty: \$11,190 ((4 Notices Not Filed at \$160 each) + (10% of the Overall Contributions Not Reported))

RECEIVED

By Office of the Commission Secretary at 11:19 am, Jan 24, 2023



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

SENSITIVE

January 24, 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 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 § 111.34, 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
Final Determination Circulation Report
48-Hour Notification Report

1/23/2023 1:46 PM

AF#	Committee ID	Committee Name	State	Election	Candidate Name	Treasurer	Prev Violations	Notices Not Filed	LOA	RTB Date	RTB Penalty	Days Since RTB	FD Penalty
4468	C00706747	FRIENDS OF MCCORMICK	GA	2022	DR. RICHARD DEAN MCCORMICK	THOMAS DATWYLER	0	4	\$105,500	12/12/2022	\$11,190	42	\$11,190

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) AF 4468
Administrative Fine Program – Final)
Determination Recommendation for the)
Failure to File 48-Hour Notices: Friends)
of McCormick 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 26, 2023, the Commission decided by a vote of 4-0 to take the following actions in AF 4468:

1. Make a final determination that Friends of McCormick 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 \$11,190.
2. Send the appropriate letter.

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

Attest:



The seal of the Federal Election Commission is a circular emblem. The outer ring contains the text "FEDERAL ELECTION COMMISSION" at the top and "UNITED STATES OF AMERICA" at the bottom. The inner circle features a stylized eagle with its wings spread, perched on a shield. The shield is divided into four quadrants, with the top left quadrant showing a field of stars and the other three showing a field of stripes. The entire seal is rendered in a light gray color.

January 27, 2023

Date

Vicktoria J Allen  Digitally signed by Vicktoria J Allen
Date: 2023.01.27 12:04:28 -05'00'

Vicktoria J. Allen
Acting Deputy Secretary of the
Commission



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

AF

January 30, 2023

Thomas Datwyler, in official capacity as Treasurer
 Friends of McCormick
 PO Box 134
 Suwanee, GA 30024

C00706747

AF#: 4468
 FINE: \$11,190

Dear Thomas Datwyler,

On December 12, 2022, the Federal Election Commission (the "Commission" or "FEC") found reason to believe ("RTB") that Friends of McCormick 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 May 5 and May 21, 2022, and between June 2, 2022 and June 18, 2022, totaling \$105,500. By letter dated December 13, 2022, the Commission notified you of the RTB finding and the civil money penalty calculated at the RTB stage to be \$11,190, in accordance with the schedule of penalties at 11 C.F.R. § 111.44. 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 January 26, 2023 that Friends of McCormick 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 \$11,190, in accordance with 11 C.F.R. § 111.44.

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 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

FRIENDS OF MCCORMICK

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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 C.F.R. § 111.38.

2. If You Choose Not to Pay the Civil Money Penalty and Not to Appeal

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA"), as amended by the Debt Collection Improvement Act of 1996 ("DCIA"), 31 U.S.C. § 3701, et seq. If you do not pay this debt within thirty (30) days 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% 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. If the debt remains unpaid, Treasury may recommend that the Commission refer the matter to the Department of Justice for litigation.

Actions which may be taken to enforce recovery of a delinquent debt by Treasury may also include: (1) offset of any payments, which the debtor is due, including tax refunds and salary; (2) referral of the debt to agency counsel for litigation; (3) reporting of the debt to a credit bureau; (4) administrative wage garnishment; and (5) reporting of the debt, if discharged, to the IRS as potential taxable income. In addition, under the provisions of DCIA and other statutes applicable to the FEC, the debtor may be subject to the assessment of other statutory interest, penalties, and administrative costs.

In accordance with the DCIA, at your request, the agency will offer you the opportunity to inspect and copy records relating to the debt, the opportunity for a review of the debt, and the opportunity to enter into a written repayment agreement.

3. If You Choose to Pay the Civil Money Penalty

If you should decide to pay the civil money penalty, 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 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 above to complete the required fields.

FRIENDS OF MCCORMICK

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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 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 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 Jacqueline Gausepohl at Federal Election Commission, 1050 First Street, NE, Washington, DC 20002, or our toll-free number (800) 424-9530 (at the prompt, press 5) or (202) 694-1130.

On behalf of the Commission,



Dara Lindenbaum
Chair