



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

SENSITIVE

December 13, 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/Ben Holly *KDR BH*
Reports Analysis Division
Compliance Branch

SUBJECT: Reason To Believe Recommendation – 2022 12-Day Pre-General Report
(Unauthorized Committees – Monthly Filers) for the Administrative Fine
Program

Attached is a list of political committees and their treasurers who failed to file or timely file the 2022 12-Day Pre-General Report in accordance with 52 U.S.C. § 30104(a). The 12-Day Pre-General Report was due on October 27, 2022 and the General Election was held on November 8, 2022. The list is comprised of unauthorized committees that file monthly.

The committees listed on the attached RTB Circulation Report failed to file the report prior to four (4) days before the General Election (considered a non-filed report). In accordance with the schedule of civil money penalties at 11 CFR 111.43, these committees should be assessed the civil money penalties highlighted on the attached circulation report.

Recommendation

1. Find reason to believe that the political committees and their treasurers, in their official capacity, listed on the RTB Circulation Report violated 52 U.S.C. § 30104(a) and make a

preliminary determination that the civil money penalties would be the amounts indicated on the RTB Circulation Report.

2. Send the appropriate letters.

Federal Election Commission
Reason to Believe Circulation Report
2022 PRE-GENERAL Election Sensitive 10/27/2022 UNAUTH_M

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
4481	C00755702	DEFEAT REPUBLICANS PAC		SUE JACKSON	\$3,333,412	0	11/22/2022	*Not Filed	\$166,219	\$9,537
4482	C00793687	DEMOCRACY ON THE LINE		SUE JACKSON	\$257,691	0	11/22/2022	*Not Filed	\$18,599	\$1,346
4483	C00139451	KANSAS CITY SOUTHERN EMPLOYEE PAC		BARBARA BLEVINS	\$124,412	0	11/7/2022	*Not Filed	\$866	\$748
4484	C00377689	PROSPERITY ACTION, INC.		PAUL MAIR	\$1,317,806	0	11/8/2022	*Not Filed	\$30,604	\$2,093
4485	C00454074	TEAPARTYEXPRESS.ORG		KELLY LAWLER	\$7,322,740	0	11/7/2022	*Not Filed	\$39,491	\$2,093
4486	C00770412	THE BLUE SOUTH PAC		SUE JACKSON	\$1,553,820	0	11/22/2022	*Not Filed	\$123,601	\$7,948
4487	C00033779	THE REAL ESTATE ROUNDTABLE POLITICAL ACTION COMMITTEE (REALPAC)		JEFFREY DEBOER	\$1,316,760	0	11/16/2022	*Not Filed	\$30,585	\$2,093

4489	C00484535	VOTESANE PAC		JAMES WILLIAMS	\$11,600,246	0		Not Filed	\$580,012 (est)	\$19,075
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* The committee did not file their report prior to four (4) days before the general election; therefore, per 11 C.F.R. 111.43(e), the report is considered to be not filed.

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Reason To Believe Recommendation –)
2022 12-Day Pre-General Report)
(Unauthorized Committees - Monthly)
Filers) for the Administrative Fine Program:)
DEFEAT REPUBLICANS PAC, and) AF# 4481
JACKSON, SUE as treasurer;)
DEMOCRACY ON THE LINE, and) AF# 4482
JACKSON, SUE as treasurer;)
KANSAS CITY SOUTHERN EMPLOYEE) AF# 4483
PAC, and BLEVINS, BARBARA MS. as)
treasurer;)
PROSPERITY ACTION, INC., and MAIR,) AF# 4484
PAUL as treasurer;)
TEAPARTYEXPRESS.ORG, and) AF# 4485
LAWLER, KELLY as treasurer;)
THE BLUE SOUTH PAC, and JACKSON,) AF# 4486
SUE as treasurer;)
THE REAL ESTATE ROUNDTABLE) AF# 4487
POLITICAL ACTION COMMITTEE)
(REALPAC), and DEBOER, JEFFREY)
MR. as treasurer;)

VOTESANE PAC, and WILLIAMS,) AF# 4489
JAMES as treasurer;)

Federal Election Commission
Certification for Administrative Fines
December 14, 2022

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CERTIFICATION

I, Vicktoria J. Allen, Acting Deputy Secretary of the Federal Election Commission, do hereby certify that on December 14, 2022 the Commission took the following actions on the Reason To Believe Recommendation – 2022 12-Day Pre-General Report (Unauthorized Committees - Monthly Filers) for the Administrative Fine Program, as recommended in the Reports Analysis Division's Memorandum dated December 13, 2022, on the following committees:

AF#4481 Decided by a vote of 5-0 to: (1) find reason to believe that DEFEAT REPUBLICANS PAC, and JACKSON, SUE in their official capacity as treasurer, violated 52 U.S.C. § 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Broussard, Cooksey, Dickerson, Lindenbaum, and Weintraub voted affirmatively for the decision. Commissioner Trainor did not vote.

AF#4482 Decided by a vote of 5-0 to: (1) find reason to believe that DEMOCRACY ON THE LINE, and JACKSON, SUE in their official capacity as treasurer, violated 52 U.S.C. § 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Broussard, Cooksey, Dickerson, Lindenbaum, and Weintraub voted affirmatively for the decision. Commissioner Trainor did not vote.

AF#4483 Decided by a vote of 5-0 to: (1) find reason to believe that KANSAS CITY SOUTHERN EMPLOYEE PAC, and BLEVINS, BARBARA MS. in their official capacity as treasurer, violated 52 U.S.C. § 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Broussard, Cooksey, Dickerson, Lindenbaum, and Weintraub voted affirmatively for the decision. Commissioner Trainor did not vote.

AF#4484 Decided by a vote of 5-0 to: (1) find reason to believe that PROSPERITY ACTION, INC., and MAIR, PAUL in their official capacity as treasurer, violated 52 U.S.C. § 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Broussard, Cooksey, Dickerson, Lindenbaum, and Weintraub voted affirmatively for the decision. Commissioner Trainor did not vote.

Federal Election Commission
 Certification for Administrative Fines
 December 14, 2022

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AF#4485 Decided by a vote of 5-0 to: (1) find reason to believe that TEAPARTYEXPRESS.ORG, and LAWLER, KELLY in their official capacity as treasurer, violated 52 U.S.C. § 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Broussard, Cooksey, Dickerson, Lindenbaum, and Weintraub voted affirmatively for the decision. Commissioner Trainor did not vote.

AF#4486 Decided by a vote of 5-0 to: (1) find reason to believe that THE BLUE SOUTH PAC, and JACKSON, SUE in their official capacity as treasurer, violated 52 U.S.C. § 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Broussard, Cooksey, Dickerson, Lindenbaum, and Weintraub voted affirmatively for the decision. Commissioner Trainor did not vote.

AF#4487 Decided by a vote of 5-0 to: (1) find reason to believe that THE REAL ESTATE ROUNDTABLE POLITICAL ACTION COMMITTEE (REALPAC), and DEBOER, JEFFREY MR. in their official capacity as treasurer, violated 52 U.S.C. § 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Broussard, Cooksey, Dickerson, Lindenbaum, and Weintraub voted affirmatively for the decision. Commissioner Trainor did not vote.

AF#4489 Decided by a vote of 5-0 to: (1) find reason to believe that VOTESANE PAC, and WILLIAMS, JAMES in their official capacity as treasurer, violated 52 U.S.C. § 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Broussard, Cooksey, Dickerson, Lindenbaum, and Weintraub voted affirmatively for the decision. Commissioner Trainor did not vote.



Attest:

Vicktoria J Allen Digitally signed by Vicktoria J Allen
Date: 2022.12.14 18:54:26 -05'00'

Vicktoria J. Allen
 Acting Deputy Secretary of the
 Commission



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

AF

January 18, 2023

James Williams, in official capacity as Treasurer
 Votesane PAC
 PO Box 2713
 Alexandria, VA 22301

C00484535
 AF#: 4489
 FINE: \$19,075

Dear James Williams,

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file a 12-Day Pre-General Report of Receipts and Disbursements in a calendar year during which there is a regularly scheduled election. This report, covering the period October 1, 2022 through October 19, 2022 shall be filed no later than October 27, 2022. 52 U.S.C. § 30104(a). Because records at the Federal Election Commission (the "Commission" or "FEC") indicate that you did not file this report prior to four (4) days before the General Election held on November 8, 2022, the report is considered not filed for the purpose of calculating the civil money penalty. You should file the report if you have not already done so.

The Act permits the FEC to impose civil money penalties for violations of the reporting requirements of 52 U.S.C. § 30104(a). 52 U.S.C. § 30109(a)(4). On December 14, 2022, the Commission found that there is reason to believe ("RTB") that Votesane 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 October 27, 2022. Based on the FEC's schedules of civil money penalties at 11 C.F.R. § 111.43, the amount of your civil money penalty calculated at the RTB stage is \$19,075. Please see the attached copy of the Commission's administrative fine regulations at 11 C.F.R. §§ 111.30-111.55. Attachment 1. The FEC's website contains further information about how the administrative fine program works and how the fines are calculated. See <https://www.fec.gov/af/af.shtml>. 11 C.F.R. § 111.34. Your payment of \$19,075 is due within forty (40) days of the finding, or by January 23, 2023, and is based on these factors:

Sensitivity of Report: Election Sensitive
 Level of Activity: \$580,012
 Number of Days Late: Not Filed
 Number of Previous Civil Money Penalties Assessed: 0

VOTESANE PAC

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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 decide to challenge the RTB finding and/or calculated civil money penalty, you 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 January 23, 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).

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 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).

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 C.F.R. § 111.38.

It should also be noted that 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

VOTESANE PAC

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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 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 are true and make a final determination that Votesane 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 C.F.R. § 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 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.

VOTESANE PAC

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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 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 C.F.R. § 111.42.

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

On behalf of the Commission,



Dara Lindenbaum
Chair

RECEIVED

By Office of the Commission Secretary at 11:28 am, Jul 18, 2023



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

SENSITIVE

July 18, 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
KDR *BH*

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

SUBJECT: Administrative Fine Program – Final Determination Recommendation for the 2022 12-Day Pre-General Report (Unauthorized Committees – Monthly Filers)

Attached are two lists of political committees and their treasurers against which the Commission has found reason to believe (RTB) and assessed proposed civil money penalties calculated at RTB for failure to file or failure to timely file the 2022 12-Day Pre-General Report. The first list represents the committees that have paid the civil money penalty and the second list represents a committee that has not paid the civil money penalty. The committee that has not paid 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 and 11 CFR § 111.40, the Commission shall send a final determination notice to those respondents that have either paid or not paid the civil money penalty.

For your information, one (1) committee disclosed a level of activity after the RTB finding which would result in a lowered civil money penalty. An overview of this case has been provided below.

Votesane PAC (AF 4489) filed the 2022 12-Day Pre-General Report after the RTB finding and disclosed an actual level of activity which would result in a lowered civil money penalty than

that assessed at RTB. The committee disclosed total receipts and disbursements of \$378,211 (previously estimated to be \$580,012), thus the fine would be lowered from \$19,075 to \$15,897.

RAD Recommendation

- (1) Make a final determination that the political committees and their treasurers, in their official capacity, listed on the attached reports violated 52 U.S.C. § 30104(a) and assess the final civil money penalties so indicated.
- (2) Send the appropriate letters.

Federal Election Commission
 FD Circulation Report Fine Paid
 2022 PRE-GENERAL Election Sensitive 10/27/2022 UNAUTH_M

AF#	Committee Name	Candidate Name	Committee ID	Treasurer	Receipt Date	Days Late	LOA	PV	RTB Date	RTB Penalty	Final Money Penalty	Date Paid	Amount Paid
4481	DEFEAT REPUBLICANS PAC		C00755702	SUE JACKSON	11/22/2022	*Not Filed	\$166,219	0	12/14/2022	\$9,537	\$9,537	01/30/2023	\$9,537
4482	DEMOCRACY ON THE LINE		C00793687	SUE JACKSON	11/22/2022	*Not Filed	\$18,599	0	12/14/2022	\$1,346	\$1,346	01/30/2023	\$1,346
4483	KANSAS CITY SOUTHERN EMPLOYEE PAC		C00139451	BARBARA BLEVINS	11/07/2022	*Not Filed	\$866	0	12/14/2022	\$748	\$748	02/06/2023	\$748
4485	TEAPARTYEXPRESS.ORG		C00454074	KELLY LAWLER	11/07/2022	*Not Filed	\$126,236	0	01/20/2023	\$8,564	\$8,564	03/01/2023	\$8,564
4486	THE BLUE SOUTH PAC		C00770412	SUE JACKSON	11/22/2022	*Not Filed	\$123,601	0	12/14/2022	\$7,948	\$7,948	01/30/2023	\$7,948
4487	THE REAL ESTATE ROUNDTABLE POLITICAL ACTION COMMITTEE (REALPAC)		C00033779	JEFFREY DEBOER	11/16/2022	*Not Filed	\$30,585	0	12/14/2022	\$2,093	\$2,093	01/19/2023	\$2,093

* The committee did not file their report prior to four (4) days before the general election; therefore, per 11 C.F.R. 111.43(e), the report is considered to be not filed.

Federal Election Commission
FD Circulation Report Fine Not Paid
2022 PRE-GENERAL Election Sensitive 10/27/2022 UNAUTH_M

AF#	Committee Name	Candidate Name	Committee ID	Treasurer	Receipt Date	Days Late	LOA	PV	RTB Date	RTB Penalty	Days Since RTB	FD Penalty
4489	VOTESANE PAC		C00484535	JAMES WILLIAMS	01/28/2023	*Not Filed	\$378,211	0	12/14/2022	\$19,075	216	\$15,897

* The committee did not file their report prior to four (4) days before the general election; therefore, per 11 C.F.R. 111.43(e), the report is considered to be not filed.

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Administrative Fine Program – Final)
Determination Recommendation for the)
2022 12-Day Pre-General Report)
(Unauthorized Committees – Monthly)
Filers):
DEFEAT REPUBLICANS PAC, and) AF# 4481
JACKSON, SUE as treasurer;)
DEMOCRACY ON THE LINE, and) AF# 4482
JACKSON, SUE as treasurer;)
KANSAS CITY SOUTHERN EMPLOYEE) AF# 4483
PAC, and BLEVINS, BARBARA as)
treasurer;)
TEAPARTYEXPRESS.ORG, and) AF# 4485
LAWLER, KELLY as treasurer;)
THE BLUE SOUTH PAC, and JACKSON,) AF# 4486
SUE as treasurer;)
THE REAL ESTATE ROUNDTABLE) AF# 4487
POLITICAL ACTION COMMITTEE)
(REALPAC), and DEBOER, JEFFREY as)
treasurer;)
VOTESANE PAC, and WILLIAMS,) AF# 4489
JAMES as treasurer;)

Federal Election Commission
Certification for Administrative Fines
July 20, 2023

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CERTIFICATION

I, Laura E. Sinram, Secretary and Clerk of the Federal Election Commission, do hereby certify that on July 20, 2023 the Commission took the following actions on the Administrative Fine Program – Final Determination Recommendation for the 2022 12-Day Pre-General Report (Unauthorized Committees – Monthly Filers), as recommended in the Reports Analysis Division's Memorandum dated July 18, 2023, on the following committees:

AF#4481 Decided by a vote of 5-0 to: (1) make a final determination that DEFEAT REPUBLICANS PAC, and JACKSON, SUE 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, Cooksey, Lindenbaum, Trainor, and Weintraub voted affirmatively for the decision. Commissioner Dickerson did not vote.

AF#4482 Decided by a vote of 5-0 to: (1) make a final determination that DEMOCRACY ON THE LINE, and JACKSON, SUE 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, Cooksey, Lindenbaum, Trainor, and Weintraub voted affirmatively for the decision. Commissioner Dickerson did not vote.

AF#4483 Decided by a vote of 5-0 to: (1) make a final determination that KANSAS CITY SOUTHERN EMPLOYEE PAC, and BLEVINS, BARBARA 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, Cooksey, Lindenbaum, Trainor, and Weintraub voted affirmatively for the decision. Commissioner Dickerson did not vote.

AF#4485 Decided by a vote of 5-0 to: (1) make a final determination that TEAPARTYEXPRESS.ORG, and LAWLER, KELLY 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, Cooksey, Lindenbaum, Trainor, and Weintraub voted affirmatively for the decision. Commissioner Dickerson did not vote.

Federal Election Commission
Certification for Administrative Fines
July 20, 2023

Page 3

AF#4486 Decided by a vote of 5-0 to: (1) make a final determination that THE BLUE SOUTH PAC, and JACKSON, SUE 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, Cooksey, Lindenbaum, Trainor, and Weintraub voted affirmatively for the decision. Commissioner Dickerson did not vote.

AF#4487 Decided by a vote of 5-0 to: (1) make a final determination that THE REAL ESTATE ROUNDTABLE POLITICAL ACTION COMMITTEE (REALPAC), and DEBOER, JEFFREY 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, Cooksey, Lindenbaum, Trainor, and Weintraub voted affirmatively for the decision. Commissioner Dickerson did not vote.

AF#4489 Decided by a vote of 5-0 to: (1) make a final determination that VOTESANE PAC, and WILLIAMS, JAMES 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, Cooksey, Lindenbaum, Trainor, and Weintraub voted affirmatively for the decision. Commissioner Dickerson did not vote.



Attest:

**Laura e
Sinram**

Laura E. Sinram

Secretary and Clerk of the Commission

Digitally signed by
Laura e Sinram
Date: 2023.07.21
09:21:39 -04'00'



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

AF

July 24, 2023

James Williams, in official capacity as Treasurer
 Votesane PAC
 PO Box 2713
 Alexandria, VA 22301

C00484535

AF#: 4489
 FINE: \$15,897

Dear James Williams,

On December 14, 2022, the Federal Election Commission (the "Commission" or "FEC") found reason to believe ("RTB") that Votesane 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 Pre-General Report. By letter dated January 18, 2023, the Commission notified you of the RTB finding and the preliminary civil money penalty calculated at the RTB stage to be \$19,075, in accordance with the schedule of penalties at 11 C.F.R. § 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. Since that time, the amount of the civil money penalty has been changed to reflect the level of activity of the Amended Pre-General Report. The Commission made a final determination on July 20, 2023 that Votesane 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 \$15,897, in accordance with 11 C.F.R. § 111.43. The civil money penalty is based on these factors:

Election Sensitivity of Report: Election Sensitive

Level of Activity: \$378,211

Number of Days Late: Not Filed (reports not filed prior to four (4) days before the General Election held on November 8, 2022 are considered not filed for the purposes of calculating the penalty)

Number of Previous Civil Money Penalties Assessed: 0

VOTESANE PAC

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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 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 decide to pay the civil money penalty, please follow the payment instructions

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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 <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 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 the payment of the civil money penalty, please contact Ben Holly at Federal Election Commission, 1050 First St., NE, Washington, DC 20002, or our toll-free number (800) 424-9530 (at the prompt, press 5) or (202) 694-1130.

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On behalf of the Commission,

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

Dara Lindenbaum
Chair