



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

SENSITIVE

February 6, 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: Reason To Believe Recommendation – 2022 30-Day Post-General Report
(Authorized Committees) for the Administrative Fine Program

Attached is a list of political committees and their treasurers who failed to file the 2022 30-Day Post-General Report in accordance with 52 U.S.C. § 30104(a). The 30-Day Post-General Report was due on December 8, 2022. The list is comprised of authorized committees whose candidates sought election in the November 8th General Election.

The committees listed on the attached RTB Circulation Report either failed to file the report, filed the report no more than thirty (30) days after the due date (considered a late filed report), or filed the report more than thirty (30) days after the due date (considered a non-filed report). In accordance with the schedule of civil money penalties for reports at 11 C.F.R. 111.43, these committees should be assessed the civil money penalties highlighted on the attached circulation report.

An explanation of the civil money penalty calculation for a committee that failed to timely file the report is outlined below:

Charles Graham for Congress (AF 4494) was required to file a 2022 30-Day Post-General Report (30G) covering October 20, 2022 through November 28, 2022 (40 days). On February 1, 2023, the committee filed a 2022 Year-End Report covering October 5, 2022 through December 31, 2022 (88 days). We utilized a three-step method to arrive at the activity on which to base the 30G fine amount. First, we took the sum of all itemized receipts and disbursements that were disclosed during the required filing dates. Second, if the committee had any unitemized activity, a per diem level of this activity was calculated by multiplying the total amount of unitemized activity on the report by 45.45% (40 days (Committee's 30G Filing Period)/88 days (Committee's YE Filing Period)). Third, we took the sum of the amounts calculated in steps one and two to arrive at the level of activity assigned to the 30G.

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 POST-GENERAL Not Election Sensitive 12/08/2022 AUTH

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
4492	C00817965	AUSMAN FOR CONGRESS	RICHARD AUSMAN	RICHARD AUSMAN	\$169,773	0	12/14/2022	6	\$47,146	\$534
4493	C00728873	CAMPAIGN TO ELECT PHYLLIS HARVEY-HALL	PHYLLIS HARVEY-HALL	MIRANDA BISSOO	\$120,443	0	12/23/2022	15	\$11,597	\$262
4494	C00781575	CHARLES GRAHAM FOR CONGRESS	CHARLES GRAHAM	IAN W. MCDERMOTT	\$540,166	1	2/1/2023	*Not Filed	\$21,904 (est)	\$1,007
4495	C00691832	CHRISTINE FOR CONGRESS	CHRISTINE ALEXANDRIA OLIVO	JESUS OLIVO, JR.	\$269,294	0	12/27/2022	19	\$117	\$117
4496	C00781948	CLAUDIA ZAPATA FOR US CONGRESS	CLAUDIA ANDREANA ZAPATA	CLAUDIA ZAPATA	\$219,979	0		Not Filed	\$24,442 (est)	\$806
4497	C00792515	COMMITTEE TO ELECT KYLE SINCLAIR FOR CONGRESSIONAL DISTRICT 20	KYLE E. SINCLAIR	THOMAS DATWYLER	\$473,343	2		Not Filed	\$78,890 (est)	\$8,991
4498	C00798892	COMMITTEE TO ELECT MONTE HODGES	MONTE HODGES	MONTE HODGES	\$131,052	0	2/1/2023	*Not Filed	\$4,689	\$402
4499	C00808162	DAVID ROTH FOR US SENATE	DAVID JORDAN ROTH	JOHN CONQUERGOOD	\$189,323	0	12/14/2022	6	\$30,130	\$534
4500	C00811729	ERIK OLSEN WI2	ERIK OLSEN	ERIK OLSEN	\$176,512	0	1/31/2023	*Not Filed	\$37,897	\$1,450
4501	C00726539	FRIENDS OF CHRISTINE SCOTT	CHRISTINE SCOTT	CHRISTINE SCOTT	\$205,496	0	12/28/2022	20	\$24,387	\$292
4502	C00718155	FRIENDS OF CINDY BANYAI	CINDY LYN BANYAI	STEPHANIE HOFFMAN	\$202,650	0		Not Filed	\$22,517 (est)	\$806
4503	C00668194	HANK 4 KY	HANK LINDERMAN	STEPHANIE CALLEN	\$182,104	0	2/4/2023	*Not Filed	\$17,017	\$806
4504	C00659367	HENRY MARTIN FOR CONGRESS	HENRY ROBERT MARTIN	AMBROSIA FERREE	\$277,848	0	12/19/2022	11	\$10,973	\$238
4505	C00809145	HERB JONES FOR VIRGINIA	HERBERT CARROLL JONES, JR.	STANTON SCOTT	\$340,193	0		Not Filed	\$113,398 (est)	\$7,708
4506	C00782177	HOLDEN FOR CONGRESS	STEVEN WESLEY HOLDEN, SR.	MARCUS COOPER	\$263,993	0		Not Filed	\$37,713 (est)	\$1,450
4507	C00792812	IROGHAMA OMERE FOR TX	IROGHAMA C. OMERE	IROGHAMA C. OMERE	\$119,066	0		Not Filed	\$119,066 (est)	\$7,708
4508	C00807834	JHT FOR CONGRESS	JOSHUA HARRIS-TILL	SACHE PRIMEAUX SHAW	\$132,526	0		Not Filed	\$33,132 (est)	\$1,450
4509	C00811539	KAREN GREEN FOR FLORIDA	KAREN GREEN	KAREN GREEN	\$100,206	0		Not Filed	\$25,052 (est)	\$1,450

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
4510	C00723734	TEXANS FOR MIKAL WILLIAMS	MIKAL D. WILLIAMS	MIMI MONTGOMERY	\$127,515	0		Not Filed	\$21,253 (est)	\$806

* The committee filed their report more than thirty (30) days after the due date; therefore, the report is considered not filed.

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)	
)	
Reason To Believe Recommendation 2022)	
30-Day Post-General Report (Authorized)	
Committees) for the Administrative Fine)	
Program:)	
AUSMAN FOR CONGRESS, and	)	AF# 4492
AUSMAN, RICHARD as treasurer;)	
CAMPAIGN TO ELECT PHYLLIS	)	AF# 4493
HARVEY-HALL, and BISSOO,)	
MIRANDA as treasurer;)	
CHARLES GRAHAM FOR CONGRESS,	)	AF# 4494
and MCDERMOTT, IAN W as treasurer;)	
CHRISTINE FOR CONGRESS, and	)	AF# 4495
OLIVO, JESUS JR. as treasurer;)	
CLAUDIA ZAPATA FOR US	)	AF# 4496
CONGRESS, and ZAPATA, CLAUDIA as)	
treasurer;)	
COMMITTEE TO ELECT KYLE	)	AF# 4497
SINCLAIR FOR CONGRESSIONAL)	
DISTRICT 20, and DATWYLER,)	
THOMAS as treasurer;)	
COMMITTEE TO ELECT MONTE	)	AF# 4498
HODGES, and HODGES, MONTE as)	
treasurer;)	
DAVID ROTH FOR US SENATE, and	)	AF# 4499
CONQUERGOOD, JOHN as treasurer;)	
ERIK OLSEN WI2, and OLSEN, ERIK as	)	AF# 4500
treasurer;)	
FRIENDS OF CHRISTINE SCOTT, and	)	AF# 4501
SCOTT, CHRISTINE as treasurer;)	
FRIENDS OF CINDY BANYAI, and	)	AF# 4502
HOFFMAN, STEPHANIE as treasurer;)	
HANK 4 KY, and CALLEN, STEPHANIE	)	AF# 4503
as treasurer;)	
HENRY MARTIN FOR CONGRESS, and	)	AF# 4504
FERREE, AMBROSIA as treasurer;)	
HERB JONES FOR VIRGINIA, and	)	AF# 4505
SCOTT, STANTON as treasurer;)	
HOLDEN FOR CONGRESS, and	)	AF# 4506
COOPER, MARCUS as treasurer;)	
IROGHAMA OMERE FOR TX, and	)	AF# 4507
OMERE, IROGHAMA C as treasurer;)	

JHT FOR CONGRESS, and PRIMEAUX	)	AF# 4508
SHAW, SACHE as treasurer;)	
KAREN GREEN FOR FLORIDA, and	)	AF# 4509
GREEN, KAREN as treasurer;)	
TEXANS FOR MIKAL WILLIAMS, and	)	AF# 4510
MONTGOMERY, MIMI as treasurer)	

CERTIFICATION

I, Vicktoria J. Allen, Deputy Secretary of the Federal Election Commission, do hereby certify that on February 08, 2023 the Commission took the following actions on the Reason To Believe Recommendation 2022 30-Day Post-General Report (Authorized Committees) for the Administrative Fine Program, as recommended in the Reports Analysis Division's Memorandum dated February 06, 2023, on the following committees:

AF#4492 Decided by a vote of 4-0 to: (1) find reason to believe that AUSMAN FOR CONGRESS, and AUSMAN, RICHARD 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, and Weintraub voted affirmatively for the decision. Commissioners Lindenbaum and Trainor did not vote.

AF#4493 Decided by a vote of 4-0 to: (1) find reason to believe that CAMPAIGN TO ELECT PHYLLIS HARVEY-HALL, and BISSOO, MIRANDA 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, and Weintraub voted affirmatively for the decision. Commissioners Lindenbaum and Trainor did not vote.

AF#4494 Decided by a vote of 4-0 to: (1) find reason to believe that CHARLES GRAHAM FOR CONGRESS, and MCDERMOTT, IAN W 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, and Weintraub voted affirmatively for the decision. Commissioners Lindenbaum and Trainor did not vote.

AF#4495 Decided by a vote of 4-0 to: (1) find reason to believe that CHRISTINE FOR CONGRESS, and OLIVO, JESUS JR. 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, and Weintraub voted affirmatively for the decision. Commissioners Lindenbaum and Trainor did not vote.

AF#4496 Decided by a vote of 4-0 to: (1) find reason to believe that CLAUDIA ZAPATA FOR US CONGRESS, and ZAPATA, CLAUDIA 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, and Weintraub voted affirmatively for the decision. Commissioners Lindenbaum and Trainor did not vote.

AF#4497 Decided by a vote of 4-0 to: (1) find reason to believe that COMMITTEE TO ELECT KYLE SINCLAIR FOR CONGRESSIONAL DISTRICT 20, and DATWYLER, THOMAS 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, and Weintraub voted affirmatively for the decision. Commissioners Lindenbaum and Trainor did not vote.

AF#4498 Decided by a vote of 4-0 to: (1) find reason to believe that COMMITTEE TO ELECT MONTE HODGES, and HODGES, MONTE 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, and Weintraub voted affirmatively for the decision. Commissioners Lindenbaum and Trainor did not vote.

AF#4499 Decided by a vote of 4-0 to: (1) find reason to believe that DAVID ROTH FOR US SENATE, and CONQUERGOOD, JOHN 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, and Weintraub voted affirmatively for the decision. Commissioners Lindenbaum and Trainor did not vote.

AF#4500 Decided by a vote of 4-0 to: (1) find reason to believe that ERIK OLSEN WI2, and OLSEN, ERIK 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, and Weintraub voted affirmatively for the decision. Commissioners Lindenbaum and Trainor did not vote.

AF#4501 Decided by a vote of 4-0 to: (1) find reason to believe that FRIENDS OF CHRISTINE SCOTT, and SCOTT, CHRISTINE 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, and Weintraub voted affirmatively for the decision. Commissioners Lindenbaum and Trainor did not vote.

AF#4502 Decided by a vote of 4-0 to: (1) find reason to believe that FRIENDS OF CINDY BANYAI, and HOFFMAN, STEPHANIE 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, and Weintraub voted affirmatively for the decision. Commissioners Lindenbaum and Trainor did not vote.

AF#4503 Decided by a vote of 4-0 to: (1) find reason to believe that HANK 4 KY, and CALLEN, STEPHANIE 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, and Weintraub voted affirmatively for the decision. Commissioners Lindenbaum and Trainor did not vote.

AF#4504 Decided by a vote of 4-0 to: (1) find reason to believe that HENRY MARTIN FOR CONGRESS, and FERREE, AMBROSIA 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, and Weintraub voted affirmatively for the decision. Commissioners Lindenbaum and Trainor did not vote.

AF#4505 Decided by a vote of 4-0 to: (1) find reason to believe that HERB JONES FOR VIRGINIA, and SCOTT, STANTON 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, and Weintraub voted affirmatively for the decision. Commissioners Lindenbaum and Trainor did not vote.

AF#4506 Decided by a vote of 4-0 to: (1) find reason to believe that HOLDEN FOR CONGRESS, and COOPER, MARCUS 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, and Weintraub voted affirmatively for the decision. Commissioners Lindenbaum and Trainor did not vote.

AF#4507 Decided by a vote of 4-0 to: (1) find reason to believe that IROGHAMA OMERE FOR TX, and OMERE, IROGHAMA C in their official capacity as treasurer, violated 52 U.S.C. § 30104(a) and make a preliminary determination that the civil money

Federal Election Commission
 Certification for Administrative Fines
 February 8, 2023

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penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Broussard, Cooksey, Dickerson, and Weintraub voted affirmatively for the decision. Commissioners Lindenbaum and Trainor did not vote.

AF#4508 Decided by a vote of 4-0 to: (1) find reason to believe that JHT FOR CONGRESS, and PRIMEAUX SHAW, SACHE 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, and Weintraub voted affirmatively for the decision. Commissioners Lindenbaum and Trainor did not vote.

AF#4509 Decided by a vote of 4-0 to: (1) find reason to believe that KAREN GREEN FOR FLORIDA, and GREEN, KAREN 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, and Weintraub voted affirmatively for the decision. Commissioners Lindenbaum and Trainor did not vote.

AF#4510 Decided by a vote of 4-0 to: (1) find reason to believe that TEXANS FOR MIKAL WILLIAMS, and MONTGOMERY, MIMI 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, and Weintraub voted affirmatively for the decision. Commissioners Lindenbaum and Trainor did not vote.

Attest:



February 9, 2023

Date

Vicktoria J Allen

Digitally signed by Vicktoria J
Allen

Date: 2023.02.09 20:40:22 -05'00'

Vicktoria J. Allen

Deputy Secretary of the Commission



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

AF

February 10, 2023

Ian W. McDermott, in official capacity as Treasurer
Charles Graham for Congress
479 Bee Gee Road
Lumberton, NC 28358

C00781575

AF#: 4494
FINE: \$1,007

Dear Ian W. McDermott,

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file a 30-Day Post-General Report of Receipts and Disbursements in a calendar year during which there is a regularly scheduled general election for which the candidate sought election. This report, covering the period October 20, 2022 through November 28, 2022 shall be filed no later than December 8, 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 within thirty (30) days of the due date, the report is considered not filed for the purpose of calculating the civil money penalty. You should file this 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 February 8, 2023, the Commission found that there is reason to believe ("RTB") that Charles Graham for Congress 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 December 8, 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 \$1,007. 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 \$1,007 is due within forty (40) days of the finding, or by March 20, 2023, and is based on these factors:

Election Sensitivity of Report: Not Election Sensitive

Level of Activity: \$21,904

Number of Days Late: Not Filed (reports not filed within thirty (30) days of the due date)

CHARLES GRAHAM FOR CONGRESS

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are considered not filed for the purpose of calculating the penalty)
Number of Previous Civil Money Penalties Assessed: 1

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 March 20, 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

CHARLES GRAHAM FOR CONGRESS

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administrativefines@fec.gov. The Commission encourages the use of electronic signatures on electronically submitted documents, but scanned copies of ink signatures will be accepted. Electronically submitted challenges will be deemed received on the date they are electronically received by staff.

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

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

If you do not pay the calculated civil money penalty and do not submit a written response challenging the RTB finding and/or calculated civil money penalty, the FEC will conclude that the factual allegations underlying the RTB finding and/or calculated civil money penalty are true and make a final determination that Charles Graham 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 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 <https://www.fec.gov/af/pay.shtml> to be directed to Pay.gov's Administrative Fine Program Payment form. Please use the details at the top of this letter to complete the required fields.

NOTICE REGARDING PARTIAL PAYMENTS AND SETTLEMENT OFFERS

Partial Payments

CHARLES GRAHAM FOR CONGRESS

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If you make a payment in an amount less than the calculated civil money penalty, the amount of your partial payment will be credited towards the full civil money penalty that the Commission assesses upon making a final determination.

Settlement Offers

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

Charles Graham for Congress
479 Bee Gee Rd. Lumberton, NC 28358

COO781575

Appeal Ref: AF# 4494 Fin: \$1,007.00

To Whom it May Concern:

The civil penalty is being challenged for the following:

Campaign staff with FEC reporting experience were not responsive to coverage guidelines. Coverage delays/problems were not brought to my attention as the candidate until I received notice via certified mail from FEC that timely reports were not filed.

Further reporting requirements will be adhered to by myself. I will personally seek technical assistance from FEC staff to remain in compliance.

Thanks for reconsidering this request.

Charles Graham, Candidate



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 18, 2023

REVIEWING OFFICER RECOMMENDATION OFFICE OF ADMINISTRATIVE REVIEW (“OAR”)

AF# 4494 – Charles Graham for Congress and Ian W. McDermott, in their official capacity as Treasurer (C00781575)

Summary of Recommendation

Make a final determination that the respondents violated 52 U.S.C. § 30104(a) and assess a \$1,007 civil money penalty.

Reason-to-Believe Background

The 2022 Post-General Report was due on December 8, 2022. The respondents filed a report covering the reporting period on February 1, 2023, 55 days late.¹ The report is not election sensitive and was not filed within 30 days of the due date; therefore, the report is considered not filed. 11 C.F.R. §§ 111.43(d)(1) and (e)(1).

On February 8, 2023, the Commission found reason to believe (“RTB”) that the respondents violated 52 U.S.C. § 30104(a) for failing to timely file the 2022 Post-General Report and made a preliminary determination that the civil money penalty was \$1,007 based on the schedule of penalties at 11 C.F.R. § 111.43. A letter was sent to the respondents’ email address of record from the Reports Analysis Division (“RAD”) on February 10, 2023 to notify them of the Commission’s RTB finding and civil money penalty.

Legal Requirements

The Federal Election Campaign Act (“Act”) states that the treasurer of a principal campaign committee shall file a post-general election report no later than 30 days after any general election in which the candidate seeks election. The post-general report must cover the period through the 20th day before the general election. 52 U.S.C. § 30104(a) and 11 C.F.R. § 104.5(a)(2)(ii). Reports electronically filed must be received and validated at or before 11:59 pm Eastern Standard/Daylight Time on the filing deadline to be timely filed. 11 C.F.R. §§ 100.19(c) and 104.5(e). The treasurer shall be personally responsible for the timely filing of reports. 11 C.F.R. § 104.14(d).

¹ On 2/1/23, the Committee filed the 2022 Year-End Report (10/5/22 – 12/31/22). The report included the 2022 Post-General Report coverage period of 10/20/22 – 11/28/22.

Summary of Respondents' Challenge

On March 20, 2023, the Commission received the written response (“challenge”) from the Candidate. He explains that experienced campaign staff failed to file the report, and he was unaware of the missing report until receiving the notification in this matter. He states that he will personally ensure future compliance and requests the Commission’s reconsideration.

Analysis

The Committee was required to file the 2022 Post-General Report, covering October 20, 2022 through November 28, 2022, by December 8, 2022. The Commission appropriately notified and reminded the Committee of its requirement to file the 2022 Post-General Report on multiple occasions. *See* Attachments 2 and 3. However, the Committee did not disclose activity for the 2022 Post-General reporting period until filing its 2022 Year-End Report on February 1, 2023.

While campaign staff may have been assigned to file the Committee’s reports, the Reviewing Officer notes that the treasurer shall be personally responsible for the timely filing of reports. 11 C.F.R. § 104.14(d). In accordance with 11 C.F.R. § 111.35, 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) demonstrated use of best efforts to file in a timely manner when prevented from doing so by reasonably unforeseen circumstances that were beyond the respondents’ control. Failure to know reporting dates, unavailability and inexperience of the treasurer or other committee staff, and negligence are all specifically included at 11 C.F.R. § 111.35(d) as examples of circumstances that will not be considered reasonably unforeseen and beyond the respondents’ control. Therefore, the Reviewing Officer recommends that the Commission make a final determination that the respondents violated 52 U.S.C. § 30104(a) and assess a \$1,007 civil money penalty.

OAR Recommendations

1. Adopt the Reviewing Officer recommendation for AF# 4494 involving Charles Graham for Congress and Ian W. McDermott, in their official capacity as Treasurer, in making the final determination;
2. Make a final determination in AF# 4494 that Charles Graham for Congress and Ian W. McDermott, in their official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess a \$1,007 civil money penalty; and
3. Send the appropriate letter.

Attachments

Attachment 1 –
Attachment 2 –
Attachment 3 –
Attachment 4 – Declaration from RAD
Attachment 5 – Declaration from OAR

DECLARATION OF KRISTIN D. ROSER

1. I am the Chief of the Compliance Branch for the Reports Analysis Division of the Federal Election Commission (“Commission”). In my capacity as Chief of the Compliance Branch, I oversee the initial processing of the Administrative Fine Program. I make this declaration based on my personal knowledge and, if called upon as a witness, could and would testify competently to the following matters.
2. It is the practice of the Reports Analysis Division to document all calls to or from committees regarding a letter they receive or any questions relating to the FECFile software or administrative fine regulations, including due dates of reports and filing requirements.
3. I hereby certify that documents identified herein are true and accurate copies of the following sent by the Commission to Charles Graham for Congress:
 - A) Non-Filer Letter, dated December 22, 2022, referencing the 2022 30-Day Post-General Report (sent via electronic mail to: charles@votecharlesgraham.com);
 - B) Reason-to-Believe Letter, dated February 10, 2023, referencing the 2022 30-Day Post-General Report (sent via electronic mail to: iwmcdermott@gmail.com).
4. I hereby certify that I have searched the Commission’s public records and find that Charles Graham for Congress filed the 2022 Year-End Report with the Commission on February 1, 2023, which included activity covering the reporting period for the 30-Day Post-General Report,
5. Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct and that all relevant telecoms for the matter have been provided. This declaration was executed on the 28th day of March, 2023.

Kristin D. Roser

Kristin D. Roser
Chief, Compliance Branch
Reports Analysis Division
Federal Election Commission



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-7

December 22, 2022

HUNT, JAMES B, TREASURER
CHARLES GRAHAM FOR CONGRESS
479 BEE GEE ROAD
LUMBERTON, NC 28358

IDENTIFICATION NUMBER: C00781575

REFERENCE: POST-GENERAL REPORT (10/20/2022 - 11/28/2022)

Dear Treasurer:

It has come to the attention of the Federal Election Commission that you may have failed to file the above referenced report of receipts and disbursements or failed to file a report covering the entire reporting period as required by the Federal Election Campaign Act, as amended. 52 U.S.C. §30104(a)

It is important that you file this report immediately. The report must be filed with the Federal Election Commission, 1050 First Street, NE, Washington, DC 20002. Please note that electronic filers must submit their reports electronically, as per 11 CFR §104.18. A copy of the report must also be filed with the Secretary of State or equivalent State officer unless the State is exempt from the federal requirement to receive and maintain paper copies. You can verify the Commission's receipt of any documents submitted by your committee on the FEC website at www.fec.gov.

The failure to timely file a complete report may result in civil money penalties, an audit or legal enforcement action. The civil money penalty calculation for late reports does not include a grace period and begins on the day following the due date for the report. Due to heightened security screening measures, delivery of mail by the US Postal Service may be delayed. The Commission recommends that you submit your report via overnight delivery or courier service.

If you have any questions regarding this matter, please contact Jamie Sikorsky in the Reports Analysis Division on our toll-free number (800)424-9530. The analyst's direct number is (202)694-1137.

CHARLES GRAHAM FOR CONGRESS

Page 2 of 2

Sincerely,

A handwritten signature in black ink that reads "Debbie Chacona". The signature is written in a cursive, flowing style.

Deborah Chacona
Assistant Staff Director

250

DECLARATION OF RHIANNON MAGRUDER

- 1) I am the Reviewing Officer in the Office of Administrative Review for the Federal Election Commission (“Commission”). In my capacity as Reviewing Officer, I conduct research with respect to all challenges submitted in accordance with the Administrative Fine program.
- 2) A committee authorized by a candidate shall file a post-general election report no later than 30 days after any general election in which the candidate seeks election. The post-general report must cover the period through the 20th day before the general election. Reports filed electronically must be received and validated at or before 11:59 pm, Eastern Standard/Daylight Time on December 8, 2022 for the 2022 Post-General Report to be timely filed.
- 3) I hereby certify that I have searched the Commission’s public records and that the documents identified herein are the true and accurate copies of:
 - a) Cover, Summary, and Detailed Summary Pages of the 2022 Year-End Report filed by Charles Graham for Congress. The report includes the coverage period of October 5, 2022 through December 31, 2022 and was electronically filed on February 1, 2023.
- 4) Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 18th day of May, 2023.

Rhiannon Magruder

Rhiannon Magruder
Reviewing Officer
Office of Administrative Review
Federal Election Commission

FEC FORM 3

REPORT OF RECEIPTS AND DISBURSEMENTS For An Authorized Committee

Office Use Only

1. NAME OF COMMITTEE (in full) TYPE OR PRINT Example: If typing, type over the lines. 12FE4M5 Charles Graham For Congress

ADDRESS (number and street) 479 Bee Gee Road Lumberton NC 28358 CITY STATE ZIP CODE

2. FEC IDENTIFICATION NUMBER C C00781575 3. IS THIS REPORT NEW (N) OR AMENDED (A) STATE DISTRICT NC 07

4. TYPE OF REPORT (Choose One) (a) Quarterly Reports: April 15 Quarterly Report (Q1) July 15 Quarterly Report (Q2) October 15 Quarterly Report (Q3) January 31 Year-End Report (YE) Termination Report (TER) (b) 12-Day PRE-Election Report for the: Primary (12P) General (12G) Runoff (12R) Convention (12C) Special (12S) Election on M M / D D / Y Y Y Y in the State of (c) 30-Day POST-Election Report for the: General (30G) Runoff (30R) Special (30S) Election on M M / D D / Y Y Y Y in the State of

5. Covering Period M M / D D / Y Y Y Y 10 / 05 / 2022 through M M / D D / Y Y Y Y 12 / 31 / 2022

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete. Type or Print Name of Treasurer Hunt, James, , , Signature of Treasurer Hunt, James, , , [Electronically Filed] Date M M / D D / Y Y Y Y 01 / 31 / 2023

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 52 U.S.C. §30109.

SUMMARY PAGE
of Receipts and Disbursements

FEC Form 3 (Revised 05/2016)

PAGE 2 / 30

Write or Type Committee Name
Charles Graham For Congress

Report Covering the Period: From: / / To: / /

	COLUMN A This Period	COLUMN B Election Cycle-to-Date
6. Net Contributions (other than loans)		
(a) Total Contributions (other than loans) (from Line 11(e))....	17568.00	283945.59
(b) Total Contribution Refunds (from Line 20(d))	0.00	0.00
(c) Net Contributions (other than loans) (subtract Line 6(b) from Line 6(a))	17568.00	283945.59
7. Net Operating Expenditures		
(a) Total Operating Expenditures (from Line 17)	29090.07	210641.17
(b) Total Offsets to Operating Expenditures (from Line 14).....	0.00	0.00
(c) Net Operating Expenditures (subtract Line 7(b) from Line 7(a))	29090.07	210641.17
8. Cash on Hand at Close of Reporting Period (from Line 27).....	1517.86	
9. Debts and Obligations Owed TO the Committee (Itemize all on Schedule C and/or Schedule D)	0.00	
10. Debts and Obligations Owed BY the Committee (Itemize all on Schedule C and/or Schedule D)	0.00	

For further information contact:

Federal Election Commission
999 E Street, NW
Washington, DC 20463

Toll Free 800-424-9530
Local 202-694-1100

DETAILED SUMMARY PAGE
of Receipts

FEC Form 3 (Revised 05/2016)

Write or Type Committee Name

Charles Graham For Congress

Report Covering the Period: From: / / To: / /

I. RECEIPTS	COLUMN A Total This Period	COLUMN B Election Cycle-to-Date
11. CONTRIBUTIONS (other than loans) FROM:		
(a) Individuals/Persons Other Than Political Committees		
(i) Itemized (use Schedule A)	8436.00	96620.00
(ii) Unitemized	9132.00	187325.59
(iii) TOTAL of contributions from individuals	17568.00	283945.59
(b) Political Party Committees	0.00	0.00
(c) Other Political Committees (such as PACs)	0.00	0.00
(d) The Candidate	0.00	0.00
(e) TOTAL CONTRIBUTIONS (other than loans) (add Lines 11(a)(iii), (b), (c), and (d))..	17568.00	283945.59
12. TRANSFERS FROM OTHER AUTHORIZED COMMITTEES	0.00	0.00
13. LOANS:		
(a) Made or Guaranteed by the Candidate	0.00	0.00
(b) All Other Loans	0.00	0.00
(c) TOTAL LOANS (add Lines 13(a) and (b))	0.00	0.00
14. OFFSETS TO OPERATING EXPENDITURES (Refunds, Rebates, etc.)	0.00	0.00
15. OTHER RECEIPTS (Dividends, Interest, etc.)	0.00	0.00
16. TOTAL RECEIPTS (add Lines 11(e), 12, 13(c), 14, and 15) (Carry Total to Line 24, page 4)	17568.00	283945.59

DETAILED SUMMARY PAGE
of Disbursements

FEC Form 3 (Revised 05/2016)

PAGE 4 / 30

II. DISBURSEMENTS	COLUMN A Total This Period	COLUMN B Election Cycle-to-Date
17. OPERATING EXPENDITURES.....	29090.07	210641.17
18. TRANSFERS TO OTHER AUTHORIZED COMMITTEES	0.00	0.00
19. LOAN REPAYMENTS:		
(a) Of Loans Made or Guaranteed by the Candidate.....	0.00	0.00
(b) Of All Other Loans	0.00	0.00
(c) TOTAL LOAN REPAYMENTS (add Lines 19(a) and (b)).....	0.00	0.00
20. REFUNDS OF CONTRIBUTIONS TO:		
(a) Individuals/Persons Other Than Political Committees	0.00	0.00
(b) Political Party Committees.....	0.00	0.00
(c) Other Political Committees (such as PACs).....	0.00	0.00
(d) TOTAL CONTRIBUTION REFUNDS (add Lines 20(a), (b), and (c)).....	0.00	0.00
21. OTHER DISBURSEMENTS	0.00	0.00
22. TOTAL DISBURSEMENTS (add Lines 17, 18, 19(c), 20(d), and 21) ▶	29090.07	210641.17

III. CASH SUMMARY

23. CASH ON HAND AT BEGINNING OF REPORTING PERIOD.....	13039.93
24. TOTAL RECEIPTS THIS PERIOD (from Line 16, page 3).....	17568.00
25. SUBTOTAL (add Line 23 and Line 24).....	30607.93
26. TOTAL DISBURSEMENTS THIS PERIOD (from Line 22).....	29090.07
27. CASH ON HAND AT CLOSE OF REPORTING PERIOD (subtract Line 26 from Line 25).....	1517.86



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 18, 2023

Ian W. McDermott, in official capacity as Treasurer
Charles Graham for Congress
479 Bee Gee Road
Lumberton, NC 28358

C00781575
AF# 4494

Dear Treasurer:

On February 8, 2023, the Federal Election Commission (“the Commission”) found reason to believe (“RTB”) that Charles Graham for Congress and you, in your official capacity as Treasurer, violated 52 U.S.C. § 30104(a) for failing to file the 2022 Post-General Report. The Commission also made a preliminary determination that the civil money penalty was \$1,007 based on the schedule of penalties at 11 C.F.R. § 111.43.

After reviewing your written response and any supplemental information submitted by you and Commission staff, the Reviewing Officer has recommended that the Commission make a final determination and assess a civil money penalty. A copy of the Reviewing Officer’s recommendation is attached.

You may file with the Commission Secretary a written response to the recommendation within 10 days of the date of this letter. All written responses and supporting documentation should be converted to PDF (Portable Document Format) and must be emailed to the Commission Secretary at secretary@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 responses will be deemed received on the date it is electronically received by staff. Please include the AF # in your response. Your response may not raise any arguments not raised in your original written response or not directly responsive to the Reviewing Officer’s recommendation. 11 C.F.R. § 111.36(f). The Commission will then make a final determination in this matter.

Please contact me at the toll free number 800-424-9530 (press 0, then press 1660) or 202-694-1158 if you have any questions.

Sincerely,

Rhiannon Magruder

Rhiannon Magruder
Reviewing Officer
Office of Administrative Review

SENSITIVE



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 18, 2023

MEMORANDUM

To: The Commission

Through: Alec Palmer *AP*
Staff Director

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

Rhiannon Magruder *RM*
Reviewing Officer
Office of Administrative Review

Subject: Final Determination Recommendation in AF# 4494 – Charles Graham for Congress and Ian W. McDermott, in their official capacity as Treasurer (C00781575)

On February 8, 2023, the Commission found reason to believe (“RTB”) that the respondents violated 52 U.S.C. § 30104(a) for failing to timely file the 2022 Post-General Report and made a preliminary determination that the civil money penalty was \$1,007 based on the schedule of penalties at 11 C.F.R. § 111.43. On March 20, 2023, the Commission received their written response (“challenge”). After reviewing the challenge, the Reviewing Officer Recommendation (“ROR”) dated May 18, 2023 was forwarded to the Commission, a copy was forwarded to the respondents, and is hereby incorporated by reference.

While campaign staff may have been assigned to file the Committee’s reports, the Reviewing Officer noted that the treasurer shall be personally responsible for the timely filing of reports. 11 C.F.R. § 104.14(d). The Reviewing Officer also confirmed the Commission appropriately notified and reminded the Committee of its requirement to file the 2022 Post-General Report on multiple occasions. Moreover, failure to know reporting dates, unavailability and inexperience of the treasurer or other committee staff, and negligence are all specifically included at 11 C.F.R. § 111.35(d) as examples of circumstances that will not be considered reasonably unforeseen and beyond the respondents’ control. Therefore, the Reviewing Officer recommended that the Commission make a final determination that the respondents violated 52 U.S.C. § 30104(a) and assess a \$1,007 civil money penalty. *See* ROR.

Within 10 days of transmittal of the recommendation, the respondents may file a written response with the Commission Secretary which may not raise any arguments not raised in their challenge or not directly responsive to the ROR. 11 C.F.R. § 111.36(f). To date, a response has not been received.

OAR Recommendations

1. Adopt the Reviewing Officer recommendation for AF# 4494 involving Charles Graham for Congress and Ian W. McDermott, in their official capacity as Treasurer, in making the final determination;
2. Make a final determination in AF# 4494 that Charles Graham for Congress and Ian W. McDermott, in their official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess a \$1,007 civil money penalty; and
3. Send the appropriate letter.

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) AF 4494
 Final Determination Recommendation:)
 Charles Graham for Congress and Ian W.)
 McDermott, in their official capacity as)
 Treasurer (C00781575))

CERTIFICATION

I, Vicktoria J. Allen, Deputy Secretary of the Federal Election

Commission, do hereby certify that on July 26, 2023, the Commission decided
 by a vote of 6-0 to take the following actions in AF 4494:

1. Adopt the Reviewing Officer recommendation for AF# 4494 involving Charles Graham for Congress and Ian W. McDermott, in their official capacity as Treasurer, in making the final determination.
2. Make a final determination in AF# 4494 that Charles Graham for Congress and Ian W. McDermott, in their official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess a \$1,007 civil money penalty.
3. 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: 2023.07.27 08:36:47
 -04'00'



Vicktoria J. Allen
 Deputy Secretary of the Commission



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 3, 2023

Ian W. McDermott, in official capacity as Treasurer
Charles Graham for Congress
479 Bee Gee Road
Lumberton, NC 28358

C00781575
AF# 4494
\$1,007

Dear Ian W. McDermott:

On February 8, 2023, the Federal Election Commission (the “Commission” or “FEC”) found reason to believe (“RTB”) that Charles Graham for Congress and you, in your official capacity as Treasurer, violated 52 U.S.C. § 30104(a) for failing to file the 30-Day Post-General Report. By letter dated February 10, 2023, the Commission sent notification of the RTB finding that included a civil money penalty calculated at \$1,007 in accordance with the schedule of penalties at 11 C.F.R. § 111.43. On March 20, 2023, the Office of Administrative Review received your written response challenging the RTB finding.

The Reviewing Officer reviewed the Commission’s RTB finding with its supporting documentation and your written response. Based on this review, the Reviewing Officer recommended that the Commission make a final determination that Charles Graham for Congress and you, in your official capacity as Treasurer, violated 52 U.S.C. § 30104(a), and assess a civil money penalty in the amount of \$1,007 in accordance with 11 C.F.R. § 111.43. The Reviewing Officer Recommendation was sent to you on May 18, 2023.

On July 26, 2023, the Commission adopted the Reviewing Officer’s recommendation and made a final determination that Charles Graham for Congress 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 \$1,007. A copy of the Final Determination Recommendation is attached.

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 requesting that the final determination be modified or set aside. This request must be made within

thirty (30) days of receipt of this letter and sent to the U.S. District Court for the district in which the committee or you reside or transact business. *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 to Not Pay the Civil Money Penalty and to Not 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 the 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 by Treasury to enforce recovery of a delinquent debt 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.

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 this matter, please contact Rhiannon Magruder on our toll-free number (800) 424-9530 (press 0, then ext. 1158) or (202) 694-1158.

On behalf of the Commission,



Dara Lindenbaum
Chair