



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 8<sup>th</sup> 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 CONQUERGOD	\$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;	)	

Federal Election Commission  
 Certification for Administrative Fines  
 February 8, 2023

Page 2

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.

Federal Election Commission  
Certification for Administrative Fines  
February 8, 2023

Page 3

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.



Federal Election Commission  
Certification for Administrative Fines  
February 8, 2023

Page 4

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

Page 5

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

Thomas Datwyler, in official capacity as Treasurer  
Committee to Elect Kyle Sinclair for Congressional District 20  
203 Langford  
San Antonio, TX 78221

C00792515  
AF#: 4497  
FINE: \$8,991

Dear Thomas Datwyler,

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 Committee to Elect Kyle Sinclair for Congressional District 20 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 \$8,991. 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 \$8,991 is due within forty (40) days of the finding, or by March 20, 2023, and is based on these factors:

Sensitivity of Report: Not Election Sensitive  
Level of Activity: \$78,890  
Number of Days Late: Not Filed

## COMMITTEE TO ELECT KYLE SINCLAIR FOR CONGRESSIONAL DISTRICT 20

Page 2 of 4

Number of Previous Civil Money Penalties Assessed: 2

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](mailto: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 [administrativefines@fec.gov](mailto:administrativefines@fec.gov). The Commission encourages the use of electronic

## COMMITTEE TO ELECT KYLE SINCLAIR FOR CONGRESSIONAL DISTRICT 20

Page 3 of 4

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 are true and make a final determination that Committee to Elect Kyle Sinclair for Congressional District 20 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**

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

## COMMITTEE TO ELECT KYLE SINCLAIR FOR CONGRESSIONAL DISTRICT 20

Page 4 of 4

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

**RECEIVED**

By Office of the Commission Secretary at 2:04 pm, Jul 26, 2023



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

**SENSITIVE**

July 26, 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: *KDR BH*  
Kristin D. Roser/Ben Holly  
Reports Analysis Division  
Compliance Branch

SUBJECT: Administrative Fine Program – Final Determination Recommendation for the 2022 30-Day Post-General Report (Authorized Committees)

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 30-Day Post-General Report. The first list represents the committees that have paid the civil money penalty and the second list represents the committees that have not paid the civil money penalty. The committees that have not paid have 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, three (3) committees disclosed a level of activity after the RTB finding which would result in a lowered civil money penalty. An overview of these cases has been provided below.

Herb Jones for Virginia (AF 4505) filed the 2022 30-Day Post-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



\$51,150 (previously estimated to be \$113,398), thus the fine would be lowered from \$7,708 to \$4,624.

Iroghama Omere for TX (AF 4507) disclosed no activity after the RTB finding (previously estimated to be \$119,066), which would result in no civil money penalty (fine previously assessed to be \$7,708).

Karen Green for Florida (AF 4509) filed the 2022 30-Day Post-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 \$0 (previously estimated to be \$25,052), thus the fine would be lowered from \$1,450 to \$0.

For your information, one (1) committee disclosed a change in treasurer after the RTB finding. An overview of this case has been provided below.

Holden for Congress (AF 4506) filed an Amended Statement of Organization after the RTB finding designating Julie Holden as Treasurer.

### **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) Make a final determination that the political committees and their treasurers, in their official capacity, listed on the attached report with no activity, violated 52 U.S.C. § 30104(a) and will not be assessed a civil money penalty.
- (3) Send the appropriate letters.

Federal Election Commission  
FD Circulation Report Fine Paid  
2022 POST-GENERAL Not Election Sensitive 12/08/2022 AUTH

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
4493	CAMPAIGN TO ELECT PHYLLIS HARVEY-HALL	PHYLLIS HARVEY-HALL	C00728873	MIRANDA BISSOO	12/23/2022	15	\$11,597	0	02/08/2023	\$262	\$262	03/20/2023	\$262
4498	COMMITTEE TO ELECT MONTE HODGES	MONTE HODGES	C00798892	MONTE HODGES	02/01/2023	*Not Filed	\$4,689	0	02/08/2023	\$402	\$402	03/20/2023	\$402
4499	DAVID ROTH FOR US SENATE	DAVID JORDAN ROTH	C00808162	JOHN CONQUERGOD	12/14/2022	6	\$29,147	0	02/08/2023	\$534	\$534	03/13/2023	\$534
4500	ERIK OLSEN WI2	ERIK OLSEN	C00811729	ERIK OLSEN	01/31/2023	*Not Filed	\$37,897	0	02/08/2023	\$1,450	\$1,450	03/03/2023	\$1,450

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

Federal Election Commission  
FD Circulation Report Fine Not Paid  
2022 POST-GENERAL Not Election Sensitive 12/08/2022 AUTH

AF#	Committee Name	Candidate Name	Committee ID	Treasurer	Receipt Date	Days Late	LOA	PV	RTB Date	RTB Penalty	Days Since RTB	FD Penalty
4492	AUSMAN FOR CONGRESS	RICHARD AUSMAN	C00817965	RICHARD AUSMAN	12/14/2022	6	\$49,523	0	02/08/2023	\$534	168	\$534
4495	CHRISTINE FOR CONGRESS	CHRISTINE ALEXANDRIA OLIVO	C00691832	JESUS OLIVO, JR.	12/27/2022	19	\$117	0	02/08/2023	\$117	168	\$117
4496	CLAUDIA ZAPATA FOR US CONGRESS	CLAUDIA ANDREANA ZAPATA	C00781948	CLAUDIA ZAPATA		Not Filed	\$24,442 (est)	0	02/08/2023	\$806	168	\$806
4497	COMMITTEE TO ELECT KYLE SINCLAIR FOR CONGRESSIONAL DISTRICT 20	KYLE E. SINCLAIR	C00792515	THOMAS DATWYLER	02/09/2023	*Not Filed	\$100,127	2	02/08/2023	\$8,991	168	\$8,991
4501	FRIENDS OF CHRISTINE SCOTT	CHRISTINE SCOTT	C00726539	CHRISTINE SCOTT	12/28/2022	20	\$24,387	0	02/08/2023	\$292	168	\$292
4502	FRIENDS OF CINDY BANYAI	CINDY LYN BANYAI	C00718155	STEPHANIE HOFFMAN	04/15/2023	*Not Filed	\$12,783	0	02/08/2023	\$806	168	\$806
4503	HANK 4 KY	HANK LINDERMAN	C00668194	STEPHANIE CALLEN	02/04/2023	*Not Filed	\$17,017	0	02/08/2023	\$806	168	\$806
4504	HENRY MARTIN FOR CONGRESS	HENRY ROBERT MARTIN	C00659367	AMBROSIA FERREE	12/19/2022	11	\$10,973	0	02/08/2023	\$238	168	\$238
4505	HERB JONES FOR VIRGINIA	HERBERT CARROLL JONES, JR.	C00809145	STANTON SCOTT	07/22/2023	*Not Filed	\$51,150	0	02/08/2023	\$7,708	168	\$4,624
4506	HOLDEN FOR CONGRESS	STEVEN WESLEY HOLDEN, SR.	C00782177	JULIE HOLDEN		**Not Filed	\$33,679	0	02/08/2023	\$1,450	168	\$1,450
4507	IROGHAMA OMERE FOR TX	IROGHAMA C. OMERE	C00792812	IROGHAMA C. OMERE		***Not Filed	\$0	0	02/08/2023	\$7,708	168	NONE
4508	JHT FOR CONGRESS	JOSHUA HARRIS-TILL	C00807834	SACHE PRIMEAUX SHAW		Not Filed	\$33,132 (est)	0	02/08/2023	\$1,450	168	\$1,450
4509	KAREN GREEN FOR FLORIDA	KAREN GREEN	C00811539	KAREN GREEN	03/15/2023	*Not Filed	\$0	0	02/08/2023	\$1,450	168	NONE
4510	TEXANS FOR MIKAL WILLIAMS	MIKAL D. WILLIAMS	C00723734	MIMI MONTGOMERY		Not Filed	\$19,114 (est)	0	02/08/2023	\$806	168	\$806

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

\*\* Per CFR § 104.18, this committee is required to file electronic reports. The committee filed the 2022 30-Day Post-General Report on paper; therefore, the report is considered not filed. Although not considered an acceptable filing, the financial activity on the paper report was used to calculate the committee's level of activity for the reporting period.

\*\*\* The committee filed a Form 99 (Miscellaneous Text Document) disclosing no activity for the 2022 30-Day Post-General reporting period.

## BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
Administrative Fine Program – Final	)	
Determination Recommendation for the	)	
2022 30-Day Post-General Report	)	
(Authorized Committees):	)	
AUSMAN FOR CONGRESS, and	)	AF# 4492
AUSMAN, RICHARD as treasurer;	)	
CAMPAIGN TO ELECT PHYLLIS	)	AF# 4493
HARVEY-HALL, and BISSOO,	)	
MIRANDA 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
HOLDEN, JULIE 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;	)	

Federal Election Commission  
 Certification for Administrative Fines  
 July 28, 2023

Page 2

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 July 28, 2023 the Commission took the following actions on the Administrative Fine Program – Final Determination Recommendation for the 2022 30-Day Post-General Report (Authorized Committees), as recommended in the Reports Analysis Division's Memorandum dated July 26, 2023, on the following committees:

AF#4492 Decided by a vote of 5-0 to: (1) make a final determination that AUSMAN FOR CONGRESS, and AUSMAN, RICHARD 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, Dickerson, Lindenbaum, and Weintraub voted affirmatively for the decision. Commissioner Trainor did not vote.

AF#4493 Decided by a vote of 5-0 to: (1) make a final determination that CAMPAIGN TO ELECT PHYLLIS HARVEY-HALL, and BISSOO, MIRANDA 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, Dickerson, Lindenbaum, and Weintraub voted affirmatively for the decision. Commissioner Trainor did not vote.

AF#4495 Decided by a vote of 5-0 to: (1) make a final determination that CHRISTINE FOR CONGRESS, and OLIVO, JESUS JR. 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, Dickerson, Lindenbaum, and Weintraub voted affirmatively for the decision. Commissioner Trainor did not vote.

Federal Election Commission  
Certification for Administrative Fines  
July 28, 2023

Page 3

AF#4496 Decided by a vote of 5-0 to: (1) make a final determination that CLAUDIA ZAPATA FOR US CONGRESS, and ZAPATA, CLAUDIA 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, Dickerson, Lindenbaum, and Weintraub voted affirmatively for the decision. Commissioner Trainor did not vote.

AF#4497 Decided by a vote of 5-0 to: (1) make a final determination 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 assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Broussard, Cooksey, Dickerson, Lindenbaum, and Weintraub voted affirmatively for the decision. Commissioner Trainor did not vote.

AF#4498 Decided by a vote of 5-0 to: (1) make a final determination that COMMITTEE TO ELECT MONTE HODGES, and HODGES, MONTE 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, Dickerson, Lindenbaum, and Weintraub voted affirmatively for the decision. Commissioner Trainor did not vote.

AF#4499 Decided by a vote of 5-0 to: (1) make a final determination that DAVID ROTH FOR US SENATE, and CONQUERGOOD, JOHN 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, Dickerson, Lindenbaum, and Weintraub voted affirmatively for the decision. Commissioner Trainor did not vote.

AF#4500 Decided by a vote of 5-0 to: (1) make a final determination that ERIK OLSEN WI2, and OLSEN, ERIK 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, Dickerson, Lindenbaum, and Weintraub voted affirmatively for the decision. Commissioner Trainor did not vote.

AF#4501 Decided by a vote of 5-0 to: (1) make a final determination that FRIENDS OF CHRISTINE SCOTT, and SCOTT, CHRISTINE 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, Dickerson, Lindenbaum, and Weintraub voted affirmatively for the decision. Commissioner Trainor did not vote.



Federal Election Commission  
Certification for Administrative Fines  
July 28, 2023

Page 4

AF#4502 Decided by a vote of 5-0 to: (1) make a final determination that FRIENDS OF CINDY BANYAI, and HOFFMAN, STEPHANIE 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, Dickerson, Lindenbaum, and Weintraub voted affirmatively for the decision. Commissioner Trainor did not vote.

AF#4503 Decided by a vote of 5-0 to: (1) make a final determination that HANK 4 KY, and CALLEN, STEPHANIE 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, Dickerson, Lindenbaum, and Weintraub voted affirmatively for the decision. Commissioner Trainor did not vote.

AF#4504 Decided by a vote of 5-0 to: (1) make a final determination that HENRY MARTIN FOR CONGRESS, and FERREE, AMBROSIA 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, Dickerson, Lindenbaum, and Weintraub voted affirmatively for the decision. Commissioner Trainor did not vote.

AF#4505 Decided by a vote of 5-0 to: (1) make a final determination that HERB JONES FOR VIRGINIA, and SCOTT, STANTON 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, Dickerson, Lindenbaum, and Weintraub voted affirmatively for the decision. Commissioner Trainor did not vote.

AF#4506 Decided by a vote of 5-0 to: (1) make a final determination that HOLDEN FOR CONGRESS, and HOLDEN, JULIE 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, Dickerson, Lindenbaum, and Weintraub voted affirmatively for the decision. Commissioner Trainor did not vote.

AF#4507 Decided by a vote of 5-0 to: (1) make a final determination that IROGHAMA OMERE FOR TX, and OMERE, IROGHAMA C in their official capacity as treasurer, violated 52 U.S.C. § 30104(a) and will not be assessed a civil penalty; (2) send the appropriate letter. Commissioners Broussard, Cooksey, Dickerson, Lindenbaum, and Weintraub voted affirmatively for the decision. Commissioner Trainor did not vote.

AF#4508 Decided by a vote of 5-0 to: (1) make a final determination that JHT FOR CONGRESS, and PRIMEAUX SHAW, SACHE 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, Dickerson, Lindenbaum, and Weintraub voted affirmatively for the decision. Commissioner Trainor did not vote.

Federal Election Commission  
Certification for Administrative Fines  
July 28, 2023

Page 5

AF#4509 Decided by a vote of 5-0 to: (1) make a final determination that KAREN GREEN FOR FLORIDA, and GREEN, KAREN in their official capacity as treasurer, violated 52 U.S.C. § 30104(a) and will not be assessed a civil penalty; (2) send the appropriate letter. Commissioners Broussard, Cooksey, Dickerson, Lindenbaum, and Weintraub voted affirmatively for the decision. Commissioner Trainor did not vote.

AF#4510 Decided by a vote of 5-0 to: (1) make a final determination that TEXANS FOR MIKAL WILLIAMS, and MONTGOMERY, MIMI 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, 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: 2023.07.31 12:25:29 -04'00'

Vicktoria J. Allen  
Deputy Secretary of the Commission



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

AF

July 31, 2023

Thomas Datwyler, in official capacity as Treasurer  
Committee to Elect Kyle Sinclair for Congressional District 20  
203 Langford  
San Antonio, TX 78221

C00792515

AF#: 4497  
FINE: \$8,991

Dear Thomas Datwyler,

On February 8, 2023, the Federal Election Commission (the "Commission" or "FEC") found reason to believe ("RTB") that Committee to Elect Kyle Sinclair for Congressional District 20 and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) for filing late or failing to file the 2022 Post-General Report. By letter dated February 10, 2023, the Commission notified you of the RTB finding and the civil money penalty calculated at the RTB stage to be \$8,991, 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 level of activity has been changed to reflect the actual level of activity of the Post-General Report. The Commission made a final determination on July 28, 2023 that Committee to Elect Kyle Sinclair for Congressional District 20 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 \$8,991, in accordance with 11 C.F.R. § 111.43. The civil money penalty is based on these factors:

Election Sensitivity of Report: Not Election Sensitive

Level of Activity: \$100,127

Number of Days Late: Not Filed (reports not filed within thirty (30) days of the due date are considered not filed for the purposes of calculating the penalty)

Number of Previous Civil Money Penalties Assessed: 2

## COMMITTEE TO ELECT KYLE SINCLAIR FOR CONGRESSIONAL DISTRICT 20

Page 2 of 4

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 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 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 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

## COMMITTEE TO ELECT KYLE SINCLAIR FOR CONGRESSIONAL DISTRICT 20

Page 3 of 4

below. You should make payment within 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.

COMMITTEE TO ELECT KYLE SINCLAIR FOR CONGRESSIONAL DISTRICT 20

Page 4 of 4

On behalf of the Commission,

A handwritten signature in black ink, appearing to read 'Dara Lindenbaum', with a stylized flourish at the end.

Dara Lindenbaum  
Chair