

RECEIVED

By Office of the Commission Secretary at 11:11 am, Mar 27, 2023

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

March 27, 2023

MEMORANDUM

TO: The Commission

THROUGH: Alec Palmer *AP*
Staff Director

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

Debbie Chacona *DC*
Assistant Staff Director
Reports Analysis Division

BY: Kristin D. Roser *KDR*
Compliance Branch

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

Attached is the name of a principal campaign committee that has failed to file 48-hour notices with the Commission for contributions of \$1,000.00 or more received from the close of books for the Maryland 2022 12-Day Pre-Primary Report up to 48 hours before the July 19, 2022 Primary Election in accordance with 52 U.S.C. § 30104(a) and 11 CFR. § 104.5(f). The committee, Nicolee Ambrose for Congress, represents a candidate who won the Primary Election. The committee is being referred for failing to file 48-hour notices for contributions totaling \$29,600.00.

A 48-hour notice is required to report all contributions of a \$1,000.00 or more, to any authorized committee of a candidate, including contributions from the candidate, loans from the candidate and other non-bank sources and endorsements or guarantees of loans from banks, as per 11 CFR § 104.5(f).

We have attached an information sheet which includes the contributor name, date of receipt and amount of the contributions for which a 48-hour notice was not filed.

In accordance with the schedule of civil money penalties outlined within 11 CFR § 111.44, this committee should be assessed the civil money penalty so indicated.

Recommendation

1. Find reason to believe that Nicolee Ambrose for Congress and Chris Rosenthal, in their official capacity as treasurer, violated 52 U.S.C. § 30104(a) and make a preliminary determination that a civil money penalty of \$3,476 be assessed.
2. Send the appropriate letter.

Attachments

Contributions for Which a 48-Hour Notice Was Not Received**AF 4564****Committee ID: C00812891****Committee Name: Nicolee Ambrose for Congress****Report Type: October Quarterly Report (6/30/2022 – 9/30/2022)****48-Hour Reporting Period: 6/30/2022 – 7/16/2022**

CONTRIBUTOR	DATE	AMOUNT
CAROL FOR CONGRESS COMMITTEE	6/30/2022	\$1,000.00
DUFFY, MARCIA ¹	7/11/2022	\$1,000.00
HADEN, JACKSON	7/11/2022	\$3,000.00
SHIPLEY, SETH	7/11/2022	\$1,400.00
SMACK, TERRY	7/11/2022	\$1,500.00
VALUE IN ELECTING WOMEN POLITICAL ACTION COMMITTEE	7/11/2022	\$5,000.00
CAMPO, TERRY ²	7/12/2022	\$2,900.00
BVD ³	7/13/2022	\$1,000.00
FUENTES, JOSE ⁴	7/14/2022	\$2,400.00
ROMIG, GARY	7/14/2022	\$2,500.00
ROMIG, ROBIN	7/14/2022	\$2,500.00
BAUMAN, ROBERT ⁵	7/15/2022	\$2,500.00
FURTH, ELAINE	7/15/2022	\$2,900.00
	TOTAL	\$29,600.00

Proposed Civil Money Penalty: \$3,476 ((3 Notices Not Filed at \$172 each) + (10% of the Overall Contributions Not Reported))

¹ The committee indicated this contribution was earmarked through WinRed but did not provide the date the contribution was received by the conduit.

² See Footnote 1.

³ See Footnote 1.

⁴ See Footnote 1.

⁵ See Footnote 1.

Federal Election Commission
Reason to Believe Circulation Report
48-Hour Notification Report

3/27/2023 8:13 AM

AF#	Committee ID	Committee Name	State	Election	Candidate Name	Treasurer	Prev Violations	Notices Not Filed	LOA	Penalty
4564	C00812891	NICOLEE AMBROSE FOR CONGRESS	MD	2022	NICOLEE AMBROSE	CHRIS ROSENTHAL	0	3	\$29,600	\$3,476

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) AF 4564
 Reason to Believe Recommendation -)
 Failure to File 48-Hour Notices under the)
 Administrative Fine Program: Nicolee)
 Ambrose for Congress and Chris)
 Rosenthal, in their official capacity as)
 treasurer)

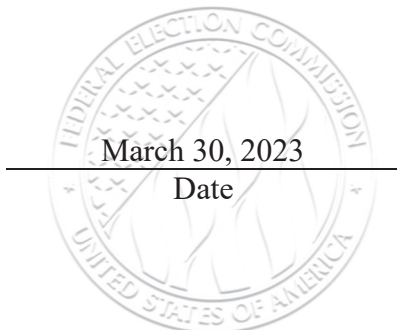
CERTIFICATION

I, Vicktoria J. Allen, Deputy Secretary of the Federal Election
 Commission, do hereby certify that on March 29, 2023, the Commission
 decided by a vote of 6-0 to take the following actions in AF 4564:

1. Find reason to believe that Nicolee Ambrose for Congress and Chris Rosenthal, in their official capacity as treasurer, violated 52 U.S.C. § 30104(a) and make a preliminary determination that a civil money penalty of \$3,476 be assessed.
2. Send the appropriate letter.

Commissioners Broussard, Cooksey, Dickerson, Lindenbaum, Trainor,
 and Weintraub voted affirmatively for the decision.

Attest:



Vicktoria J Allen

Digitally signed by Vicktoria J
 Allen
 Date: 2023.03.30 09:15:29 -04'00'

 Vicktoria J. Allen
 Deputy Secretary of the Commission



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

AF

March 30, 2023

Chris Rosenthal, in official capacity as Treasurer
Nicolee Ambrose for Congress
PO Box 412
White Marsh, MD 21162

C00812891

AF#: 4564
FINE: \$3,476

Dear Chris Rosenthal,

The Federal Election Campaign Act of 1971, as amended, 52 U.S.C. § 30101, et seq. ("the Act"), requires principal campaign committees of candidates for federal office to notify in writing the Federal Election Commission (the "Commission" or "FEC") and the Secretary of State, as appropriate, of any contribution of \$1,000 or more, received by any authorized committee of the candidate after the 20th day, but more than 48 hours before, any election. 52 U.S.C. § 30104(a)(6)(A). The Act further requires notification to be made within 48 hours after the receipt of the contribution and to include the name of the candidate and office sought, the date of receipt, the amount of the contribution, and the identification of the contributor. Id. These notification requirements are in addition to all other reporting requirements. 52 U.S.C. § 30104(a). Our records indicate that Nicolee Ambrose for Congress did not submit 48-Hour Notices for contributions of \$1,000 or more, received between June 30, 2022 and July 16, 2022, totaling \$29,600, as required by 52 U.S.C. § 30104(a)(6)(A). Attachment 1.

The Act permits the FEC to impose civil money penalties for violations of the reporting requirements of 52 U.S.C. § 30104(a). 52 U.S.C. § 30109(a)(4). On March 29, 2023, the Commission found that there is Reason to Believe ("RTB") that Nicolee Ambrose for Congress and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) by failing to file the 48-Hour Notices. Based on the Commission's schedule of civil money penalties at 11 C.F.R. § 111.44, the amount of your civil money penalty calculated at the RTB stage is \$3,476. Please see the attached copy of the Commission's administrative fine regulations at 11 C.F.R. §§ 111.30-111.55. Attachment 2. The Commission's website contains further information about how the administrative fine program works and how the fines are calculated. <http://www.fec.gov/af/af.shtml>. 11 CFR § 111.34. The amount of the civil money penalty is \$172 for each non-filed notice plus 10 percent of the dollar amount of the contributions not timely reported. The civil money penalty increases by 25 percent for each prior violation. Send your payment of \$3,476

NICOLEE AMBROSE FOR CONGRESS

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within forty (40) days of the finding, or by May 8, 2023.

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 May 8, 2023. 11 C.F.R. § 111.35(a). Your written response must include the reason(s) why you are challenging the RTB finding and/or calculated civil money penalty and must include the factual basis supporting the reason(s) and supporting documentation. The FEC strongly encourages that documents be submitted in the form of affidavits or declarations. 11 C.F.R. § 111.36(c).

The FEC will only consider challenges that are based on at least one of three factors: (1) a factual error in the RTB finding; (2) miscalculation of the calculated civil money penalty by the FEC; or (3) your demonstrated use of best efforts to file in a timely manner when prevented from doing so by reasonably unforeseen circumstances that were beyond your control. 11 C.F.R. § 111.35(b). For a challenge to be considered on the basis of best efforts, you must have filed the required report no later than 24 hours after the end of these reasonably unforeseen circumstances. *Id.* Examples of circumstances that will be considered reasonably unforeseen and beyond your control include, but are not limited to: (1) a failure of Commission computers or Commission-provided software despite your seeking technical assistance from Commission personnel and resources; (2) a widespread disruption of information transmissions over the Internet that is not caused by a failure of the Commission's or your computer systems or Internet service provider; and (3) severe weather or other disaster-related incident. 11 C.F.R. § 111.35(c). Examples of circumstances that will not be considered reasonably unforeseen and beyond your control include, but are not limited to: (1) negligence; (2) delays caused by vendors or contractors; (3) treasurer and staff illness, inexperience or unavailability; (4) committee computer, software, or Internet service provider failures; (5) failure to know filing dates; and (6) failure to use filing software properly. 11 C.F.R. § 111.35(d).

If you fail to timely raise a factual argument in your challenge to the RTB finding, your right to present such an argument in an appeal to the U.S. District Court under 52 U.S.C. § 30109 shall be deemed waived. 11 C.F.R. § 111.38.

It should also be noted that, all challenges to an RTB finding and/or calculated civil money penalty should be converted to PDF (Portable Document Format) and emailed to administrativefines@fec.gov. The Commission encourages the use of electronic

NICOLEE AMBROSE FOR CONGRESS

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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 Nicolee Ambrose 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 <http://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

NICOLEE AMBROSE FOR CONGRESS

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 <http://www.fec.gov/af/af.shtml>. If you have questions regarding the payment of the calculated civil money penalty, please contact Jacqueline Gausepohl in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130. If you have questions regarding the submission of a challenge, please contact the Office of Administrative Review at our toll-free number (800) 424-9530 (press 0, then ext. 1158) or (202) 694-1158.

On behalf of the Commission,

A handwritten signature in black ink, appearing to read 'Dara Lindenbaum', with a long horizontal flourish extending to the right.

Dara Lindenbaum
Chair

Contributions for Which a 48-Hour Notice Was Not Received**AF 4564****Committee ID: C00812891****Committee Name: Nicolee Ambrose for Congress****Report Type: October Quarterly Report (6/30/2022 – 9/30/2022)****48-Hour Reporting Period: 6/30/2022 – 7/16/2022**

CONTRIBUTOR	DATE	AMOUNT
CAROL FOR CONGRESS COMMITTEE	6/30/2022	\$1,000.00
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HADEN, JACKSON	7/11/2022	\$3,000.00
SHIPLEY, SETH	7/11/2022	\$1,400.00
SMACK, TERRY	7/11/2022	\$1,500.00
VALUE IN ELECTING WOMEN POLITICAL ACTION COMMITTEE	7/11/2022	\$5,000.00
CAMPO, TERRY ²	7/12/2022	\$2,900.00
BVD ³	7/13/2022	\$1,000.00
FUENTES, JOSE ⁴	7/14/2022	\$2,400.00
ROMIG, GARY	7/14/2022	\$2,500.00
ROMIG, ROBIN	7/14/2022	\$2,500.00
BAUMAN, ROBERT ⁵	7/15/2022	\$2,500.00
FURTH, ELAINE	7/15/2022	\$2,900.00
TOTAL		\$29,600.00

Proposed Civil Money Penalty: \$3,476 ((3 Notices Not Filed at \$172 each) + (10% of the Overall Contributions Not Reported))

¹ The committee indicated this contribution was earmarked through WinRed but did not provide the date the contribution was received by the conduit.

² See Footnote 1.

³ See Footnote 1.

⁴ See Footnote 1.

⁵ See Footnote 1.

Federal Election Commission Letter Dated March 30, 2023

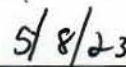
Declaration for AF#4564

In response to the Federal Election Commission (FEC) letter dated March 30, 2023, I offer the following information and corrections. Some contribution checks were recorded with the check date instead of the received date on the Third Quarterly Report for 2022. It has been the Campaign's policy to deposit checks on the received date and if a check is received after the bank is closed, it will be deposited the next day. Attached are copies from TD Bank of validated deposit slips and cancelled checks from 7/12/22 and 7/18/22. Based on our deposit policy and the attached deposit documentation the three checks (#'s 820, 821 & 6124) deposited on 7/18/22 were received no earlier than 7/17/22 which is outside the 48-Hour Reporting Period. Additionally, the one check (#1024) dated 6/30/22 was deposited on 7/12/22. This check still should have been reported on a 48-Hour Reporting Period but there would have been only two Notices not filed instead of three as mentioned in the FEC letter. I have also attached a worksheet that details these findings. These adjustments reduce the FEC penalty from \$3476 to \$2514.

Per conversation with our campaign's FEC analyst, Bradley Austin, of the Office of Administrative Review, we will be submitting an amended Third Quarterly Report to reflect these changes.



Chris Rosenthal, Treasurer
Nicolee Ambrose for Congress
ID#C000812891



Date

Worksheet

Contributions for Which a 48-Hour Notice was Not Received

<u>Contributor</u>	<u>Type</u>	<u>Check #</u>	<u>Report Date</u>	<u>Deposit Date</u>	<u>Amount</u>	<u>Comments</u>
Carol for Congress Com.	Check	1024	06/30/22	07/12/22	1,000.00	Not a separate notice
Duffy, Marcia	Win Red		07/11/22		1,000.00	
Haden, Jackson	Check		07/11/22	07/12/22	3,000.00	
Shiple, Seth	Check		07/11/22	07/12/22	1,400.00	
Smack, Terry	Check		07/11/22	07/12/22	1,500.00	
Value in Electing Woman PAC	Check		07/11/22	07/12/22	5,000.00	
Campo, Terry	Win Red		07/12/22		2,900.00	
BVD	Win Red		07/13/22		1,000.00	
Fuentes, Jose	Win Red		07/14/22		2,400.00	
Romig, Gary	Check	820	07/14/22	07/18/22	2,500.00	Outside reporting period
Romig, Robin	Check	821	07/14/22	07/18/22	2,500.00	Outside reporting period
Bauman, Robert	Win Red		07/15/22		2,500.00	
Furth, Elaine	Check	6124	07/15/22	07/18/22	2,900.00	Outside reporting period
Total					29,600.00	
Adjustment					(7,900.00)	
Corrected Total					21,700.00	

Corrected Civil Penalty - 2 notices @ \$172 each + 10% of contributions not reported for \$2,170
for a total of \$2,514.

①



CHECKING DEPOSIT

CASH / CURRENCY ▶

820

821

6124

TOTAL FROM
OTHER SIDE ▶

SUBTOTAL ▶

LESS CASH ▶

② 2500.00
 ③ 2500.00
 2900.00
 451.00
 .
 .
 \$ 8351.00

TD Bank N.A.

CAD-64-TD (25/14)

DATE July 18, 2022

DEPOSITS MAY NOT BE AVAILABLE FOR IMMEDIATE WITHDRAWAL

TOTAL
ITEMSNAME Nicole Ambrose For Congress

PLEASE PRINT

ACCT. #

Account:

Amount: 8,351.00

PostDate: 20220718

Tran_ID:

CheckNum: u

DIN:

ReturnReasonCode:

ReturnReasonDescription:

Orig_DIN:

ECEItemSeqNum

RECORD OF CHECKS FOR DEPOSIT
 DOLLARS 45100
 CENTS

CHECKS
 LIST SEPARATELY
 3067

DDA_CREDIT SMC GEE2 0.00
 Canton Crossing

ENTER TOTAL
 ON FRONT \$

Account:

Amount: 8,351.00

PostDate: 20220718

Tran_ID:

CheckNum: 0

DIN:

ReturnReasonCode:

ReturnReasonDescription:

Orig_DIN:

ECEItemSeqNum:

(2)

GARY L ROMIG 022012
ROBIN B ROMIG

COLLEGEVILLE, PA 19426

PAY to the
Order of Nicolee Ambrose For Congress \$2,500.00
Two thousand five hundred and 00/100 Dollars

July 14, 2022 Date

820
60-1804/433
2878

First National Bank
For Nicolee Ambrose

Photo Safe Deposit
Details on back

Handwritten Signature: [Signature]

Handwritten Note: 2/200

Handwritten Note: For

Account:
Amount: 2,500.00
PostDate: 20220718
Tran_ID:
CheckNum: 0
DIN:
ReturnReasonCode:
ReturnReasonDescription:
Orig_DIN:
ECEItemSeqNum:

TRN_DEBIT SMC GEE2 2500.00
Canton Crossing

For
it only

Account:
Amount: 2,500.00
PostDate: 20220718
Tran_ID:
CheckNum: 0
DIN:
ReturnReasonCode:
ReturnReasonDescription:
Orig_DIN:
ECEItemSeqNum:

3

GARY L ROMIG 022012
ROBIN B ROMIG

COLLEGEVILLE, PA 19426

821
60-1809/433
2678

July 14, 2022
Date

PAY to the
Order of Nicole Ambrose For Congress \$ 2500.00

Two thousand five hundred and 00/100 Dollars

First National Bank
For Nicole Ambrose

Robin B Romig

COLONIAL CLASSIC

Account:
Amount: 2,500.00
PostDate: 20220718
Tran_ID:
CheckNum: 0
DIN:
ReturnReasonCode:
ReturnReasonDescription:
Orig_DIN:
ECEItemSeqNum:

TRN_DEBIT SMC GEE2 2500.00
Canton Crossing

For
Post Only

Account:
Amount: 2,500.00
PostDate: 20220718
Tran_IC
CheckNum: 0
DIN:
ReturnReasonCode:
ReturnReasonDescription:
Orig_DIN:
ECEItemSeqNum:

(4)

ALLEN J. FURTH 06-94
ELAINE M FURTH ✓

ANNAPOLIS, MD 21401

7-11 0332
520

6124

DATE July 15, 2022

NICOLE AMBROSIO FOR CONGROSS \$ 2,900 =

PAY TO THE ORDER OF
Five Thousand Nine Hundred AND NO DOLLARS

M&T Bank

MEMO MD PRIMARY 2022

Elaine M Furth

Account:
Amount: 2,900.00
PostDate: 20220718
Tran_ID:
CheckNum: 0
DIN:
ReturnReasonCode:
ReturnReasonDescription:
Orig_DIN:
ECEItemSeqNum:

TRN_DEBIT SMC GEE2 2900.00
Canton Crossing

AT 0332
520

For deposit only

OR REMOTE DEPOSIT ONLY

ONLINE

Account:
Amount: 2,900.00
PostDate: 20220718
Tran_ID:
CheckNum: 0
DIN:
ReturnReasonCode:
ReturnReasonDescription:
Orig_DIN:
ECEItemSeqNum:

5



CHECKING DEPOSIT

CASH / CURRENCY ▶

1024

1 0 0 0 . 0 0

TD Bank N.A. (6)

TOTAL
ITEMS

5413

3 0 0 0 . 0 0

1398

1 4 0 0 . 0 0

TOTAL FROM
OTHER SIDE ▶

SUBTOTAL ▶

1 5 0 0 . 0 0

LESS CASH ▶

0 . 0 0

CUD-04-10 (08/14)

\$ 6 9 0 0 . 0 0

DATE 7/12/2022

DEPOSITS MAY NOT BE AVAILABLE FOR IMMEDIATE WITHDRAWAL

NAME Nizkor Ambrose for Congress

PLEASE PRINT

ACCT. #

Account:
Amount: 6,900.00
PostDate: 20220712
Tran_ID:
CheckNum: 0
DIN:
ReturnReasonCode:
ReturnReasonDescription:
Orig_DIN
ECEItemSeqNum:

RECORD OF CHECKS FOR DEPOSIT:
CENTS
DOLLARS

1 5 0 0 0

CHECKS
LIST SEPARATELY

114

DDA_CREDIT SWILL62 6900.00
Essex

ENTER TOTAL
ON FRONT \$ 1 5 0 0 0

Account:
Amount: 6,900.00
PostDate: 20220712
Tran_ID:
CheckNum: 0
DIN:
ReturnReasonCode:
ReturnReasonDescription:
Orig_DIN
ECEItemSeqNum:

6

1024

CAROL FOR CONGRESS

1316 12TH ST
HUNTINGTON, WV 25701-4015DATE 6/30/22

69-339/515

PAY TO THE ORDER OF Nicolee Ambrose for Congress

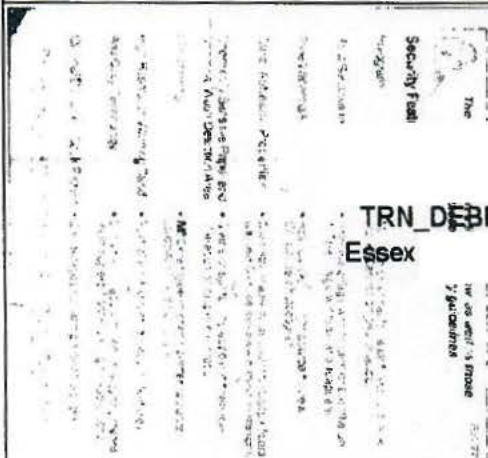
\$1,000.00

one thousand and 00/100

DOLLARS

TRUIST FOR primary 2022Sally K. Ambrose

Account:
Amount: 1,000.00
PostDate: 20220712
Tran_ID:
CheckNum: 1024
DIN:
ReturnReasonCode:
ReturnReasonDescription:
Orig_DIN:
ECEItemSeqNum:



TRN_DEBIT SWILL62 1000.00

Essex

Security Features

☐ CHECK HERE FOR MOBILE OR REMOTE DEPOSIT ONLY
AT _____ NAME OF FINANCIAL INSTITUTION _____ DATE _____
DO NOT WRITE, STAMP OR SIGN BELOW THIS LINE
RESERVED FOR FINANCIAL INSTITUTION USE *

For Deposit Only

Account:
Amount: 1,000.00
PostDate: 20220712
Tran_ID:
CheckNum: 1024
DIN:
ReturnReasonCode:
ReturnReasonDescription:
Orig_DIN:
ECEItemSeqNum



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 29, 2023

REVIEWING OFFICER RECOMMENDATION OFFICE OF ADMINISTRATIVE REVIEW ("OAR")

AF# 4564 – Nicolee Ambrose for Congress and Chris Rosenthal, in their official capacity as Treasurer (C00812891)

Summary of Recommendation

Make a final determination that the respondents violated 52 U.S.C. § 30104(a) and assess a \$2,514 civil money penalty.

Reason-to-Believe Background

In connection with the 2022 Maryland Primary Election held on July 19, 2022, the respondents were required to file 48-Hour Notices of Contributions/Loans ("48-Hour Notices") for contributions of \$1,000 or more received between June 30, 2022 and July 16, 2022.

On March 29, 2023, the Commission found reason to believe ("RTB") that the respondents violated 52 U.S.C. § 30104(a) for failing to timely file three 48-Hour Notices for 13 contributions totaling \$29,600 and made a preliminary determination that the civil money penalty was \$3,476 based on the schedule of penalties at 11 C.F.R. § 111.44. A letter was sent to the respondents' email address of record from the Reports Analysis Division ("RAD") on March 30, 2023 to notify them of the Commission's RTB finding and civil money penalty.

Legal Requirements

The Federal Election Campaign Act ("Act") requires that the principal campaign committee of a candidate notify the Commission, in writing, of any contribution of \$1,000 or more received after the 20th day but more than 48 hours before an election. The principal campaign committee must notify the Commission within 48 hours of receipt of the contribution. The 48-hour notification shall be in addition to all other reporting requirements under the Act. 52 U.S.C. § 30104(a)(6)(A) and 11 C.F.R. § 104.5(f). 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).

Summary of Respondents' Challenge

On May 8, 2023, the Commission received the written response (“challenge”) from the Treasurer stating some of the questioned contributions were incorrectly disclosed on the Committee’s 2022 October Quarterly Report and were not required to be disclosed on 48-Hour Notices. The Treasurer explains that four contributions were incorrectly reported as received on the check date rather than the date received by the Committee and provides the following details:

Based on our deposit policy and attached deposit documentation the three checks...deposited on 7/18/22 were received no earlier than 7/17/22 which is outside the 48-Hour Reporting Period. Additionally, the one check...dated 6/30/22 was deposited on 7/12/22. This check still should have been reported on a 48-Hour [Notice] but there would have only been two Notices not filed instead of three as mentioned in the FEC Letter.

The Treasurer notes that the Committee will file an Amended 2022 October Quarterly Report to correctly disclose the receipt dates for these contributions. Further, they note that the penalty should be reduced from \$3,476 to \$2,514.

Analysis

The Treasurer reviewed the contributions cited in the Commission’s RTB finding and states the Committee’s 2022 October Quarterly Report disclosed incorrect receipt dates for four of the contributions. Three contributions were actually received no earlier than July 17, 2022, outside of the 48-Hour Notice reporting period. One contribution originally reported as received on June 30, 2022 was actually received on July 12, 2022 and should have been reported on a 48-Hour Notice with the other contributions received around that date.¹

On May 16, 2023, the Committee filed an Amended 2022 October Quarterly Report to correct the receipt dates for the four contributions.² The Reviewing Officer agrees with the Committee’s assessment that the three contributions now reported as received on July 17, 2022 were received outside the 48-Hour Notice reporting period and did not require 48-Hour Notices. These three contributions, totaling \$7,900, should be removed from the calculation of the civil money penalty. Further, the Reviewing Officer agrees that the Committee could have disclosed the corrected July 12, 2022 contribution on the same 48-Hour Notice as the other contributions received around that date. Therefore, one missing notice should be removed from the calculation of the civil money penalty. *See Attachment 2.*

The Committee still failed to timely file two 48-Hour Notices for 10 contributions totaling \$21,700. *See Attachment 2.* The civil money penalty calculation for 48-Hour Notices is contained at 11 C.F.R. § 111.44. The calculation is \$172 plus 10% of the amount of the contributions not reported on *each* 48-Hour Notice, plus 25% for each previous violation. The number of missing

¹ While the respondents do not indicate they were unaware of 48-Hour Notice filing requirements, the Reviewing Officer confirms the Commission appropriately notified the Committee of its requirement to file 48-Hour Notices in connection with the 2022 Maryland Primary Election. *See Attachment 3.*

² See <https://docquery.fec.gov/pdf/716/202305169581523716/202305169581523716.pdf>.

notices should be calculated by determining the minimum number of notices the Committee could have filed to cover the contributions in question. The minimum number of 48-Hour Notices the Committee could have filed to cover the contributions in question equals 2. Thus, the amount of the civil money penalty is $[(\$172 \times 2 \text{ missing notices}) + (.10 \times \$21,700 \text{ in total contributions})]$ or \$2,514.

The Reviewing Officer recommends that the Commission make a final determination that the respondents violated 52 U.S.C. § 30104(a) and assess a \$2,514 civil money penalty (reduced from the RTB civil money penalty of \$3,476).

OAR Recommendations

1. Adopt the Reviewing Officer recommendation for AF# 4564 involving Nicolee Ambrose for Congress and Chris Rosenthal, in their official capacity as Treasurer, in making the final determination;
2. Make a final determination in AF# 4564 that Nicolee Ambrose for Congress and Chris Rosenthal, in their official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess a \$2,514 civil money penalty (reduced from the RTB civil money penalty of \$3,476); and
3. Send the appropriate letter.

Attachments

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

OAR's Chart of Contributions for Which a 48-Hour Notice Was Not Received

CONTRIBUTIONS INCLUDED IN RTB FINDING			COMMITTEE'S RESPONSE	OAR FD RECOMMENDATION	
CONTRIBUTOR	RECEIPT DATE	AMOUNT		ACTION	VIOLATION AMOUNT
CAROL FOR CONGRESS COMMITTEE	6/30/2022	\$1,000.00	Amendment filed to disclose corrected receipt date of 7/12/22. Contribution could have been reported on same notice as other contributions received on that date.	Include	\$1,000.00
DUFFY, MARCIA	7/11/2022	\$1,000.00	None	Include	\$1,000.00
HADEN, JACKSON	7/11/2022	\$3,000.00	None	Include	\$3,000.00
SHIPLEY, SETH	7/11/2022	\$1,400.00	None	Include	\$1,400.00
SMACK, TERRY	7/11/2022	\$1,500.00	None	Include	\$1,500.00
VALUE IN ELECTING WOMEN POLITICAL ACTION COMMITTEE	7/11/2022	\$5,000.00	None	Include	\$5,000.00
CAMPO, TERRY	7/12/2022	\$2,900.00	None	Include	\$2,900.00
BVD	7/13/2022	\$1,000.00	None	Include	\$1,000.00
FUENTES, JOSE	7/14/2022	\$2,400.00	None	Include	\$2,400.00
ROMIG, GARY	7/14/2022	\$2,500.00	Amendment filed to disclose corrected receipt date of 7/17/22, which is outside 48-Hour Notice reporting period.	Remove – No Violation	
ROMIG, ROBIN	7/14/2022	\$2,500.00	Amendment filed to disclose corrected receipt date of 7/17/22, which is outside 48-Hour Notice reporting period.	Remove – No Violation	
BAUMAN, ROBERT	7/15/2022	\$2,500.00	None	Include	\$2,500
FURTH, ELAINE	7/15/2022	\$2,900.00	Amendment filed to disclose corrected receipt date of 7/17/22, which is outside 48-Hour Notice reporting period.	Remove – No Violation	
RTB Violation Total		\$29,600.00	FD Violation Total		\$21,700.00

Recommended FD Civil Money Penalty: \$2,514

[(\$172 x 2 missing notices) + (.10 x \$21,700 in total contributions)]

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 Nicolee Ambrose for Congress:
 - A) Request for Additional Information for the 2022 October Quarterly Report, dated November 13, 2022, referencing missing 48-Hour Notices (sent via electronic mail to: nicolee@nicoleeambrose.com and info@ambroseforcongress.com);
 - B) Reason-to-Believe Letter, dated March 30, 2023, referencing the missing 48-Hour Notices (sent via electronic mail to: nicolee@nicoleeambrose.com and info@ambroseforcongress.com and emailed to crosenthal2018@gmail.com on April 5, 2023, per the treasurer's request).
4. I hereby certify that I have searched the Commission’s public records and find that Nicolee Ambrose for Congress has not yet filed the missing 48-Hour Notices with the Commission.
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 25th day of May, 2023.

Kristin D. Roser

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



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-2

November 13, 2022

CHRIS ROSENTHAL, TREASURER
NICOLEE AMBROSE FOR CONGRESS
PO BOX 4014
TIMONIUM, MD 21094

Response Due Date
12/19/2022

IDENTIFICATION NUMBER: C00812891

REFERENCE: OCTOBER QUARTERLY REPORT (06/30/2022 - 09/30/2022)

Dear Treasurer:

This letter is prompted by the Commission's preliminary review of the report referenced above. This notice requests information essential to full public disclosure of your federal election campaign finances. **Failure to adequately respond by the response date noted above could result in an audit or enforcement action.** Additional information is needed for the following 4 item(s):

1. Schedule A of your report discloses one or more contributions that appear to exceed the limits set forth in the Act (see attached).

An individual or a political committee other than an authorized committee or qualified multi-candidate committee may not make a contribution(s) to a candidate for federal office in excess of \$2,900 per election. An authorized committee may not make a contribution(s) to a candidate for federal office in excess of \$2,000 per election. A qualified multi-candidate committee and all affiliated committees may not make a contribution(s) to a candidate for federal office in excess of \$5,000 per election. The term "contribution" includes any gift, subscription, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing any election for federal office. (52 U.S.C. § 30116(a) and (f) (formerly 2 U.S.C. § 441a(a) and (f)); 11 CFR § 110.1(b), (e) and (k))

If any apparently excessive contribution in question was incompletely or incorrectly disclosed, you must amend your original report with the clarifying information. If any contribution you received exceeds the limits, you may have to refund the excessive amount.

Excessive contributions may be retained if, within 60 days of receipt, the excessive portions are properly redesignated or reattributed. Guidelines for each option are provided below.

NICOLEE AMBROSE FOR CONGRESS

Page 2 of 5

For reattributions, excessive contributions from individuals can be retained if, within 60 days of receipt, the excessive amount is properly reattributed to another person. Please note that reattributions only apply to excessive contributions from individuals. An excessive contribution is considered properly reattributed if (1) the contributors provide the committee with written documentation, signed by each contributor, authorizing a reattribution and indicating the amount of the contribution to be attributed to each contributor; or (2) the committee reattributes by presumption the excessive portion of the contribution if the contribution was made on a written instrument from a joint account and was signed by only one of the account holders. In this case, the treasurer must notify the contributors in writing within 60 days of receiving the contribution that the committee intends to reattribute the excessive portion and must give the contributor an opportunity to request a refund. (11 CFR § 110.1(k)(3)(ii)(B))

For redesignations, the funds can be retained if, within 60 days of receipt, the excessive amount is properly redesignated for a different election. An excessive contribution is considered properly redesignated if (1) the committee obtains signed written documentation from the contributor(s) authorizing the redesignation of the contribution for another election, provided that the new designation does not exceed the limitations on contributions made with respect to that election; or (2) your committee redesignates by presumption the excessive portion of the contribution for another election provided that the new designation does not exceed the limitations on contributions made with respect to that election. In this case, the treasurer must notify the contributor of the redesignation in writing within 60 days of the treasurer's receipt of the contribution. The notification must give the contributor an opportunity to request a refund. (11 CFR § 110.1(b)(5)(ii)(B)) Please note that you cannot presumptively redesignate an excessive contribution from a multi-candidate committee. Also, a contribution can only be redesignated to a previous election to the extent that the contribution does not exceed the committee's net debts outstanding for that election. (11 CFR § 110.1(b)(3)(i))

If the foregoing conditions for reattributions or redesignations are not met within 60 days of receipt of the contribution, the excessive amount must be refunded. See 11 CFR § 103.3(b)(1).

If you have not already done so, please inform the Commission of your corrective action immediately in writing and provide photocopies of any refund checks and/or letters reattributing or redesignating the contributions in question.

NICOLEE AMBROSE FOR CONGRESS

Page 3 of 5

Refunds are reported on Line 20(a), (b), or (c), as applicable, of the Detailed Summary Page and on a supporting Schedule B of the report covering the period in which they are made. Redesignations and reattributions are reported as memo entries on Schedule A of the report covering the period in which the authorization for the redesignation and/or reattribution is received. (11 CFR § 104.8(d)(2), (3) and (4))

Although the Commission may take further legal action concerning the acceptance of excessive contributions, your prompt action to refund, redesignate, and/or reattribute the excessive amount will be taken into consideration.

2. Schedule A of your report discloses one or more contributions from an organization(s) which is not a political committee registered with the Commission (see attached). In order for your committee to accept contributions from unregistered organizations, your committee should take steps to ensure that the contributor(s) used permissible funds to make the contribution(s) to avoid violating 52 U.S.C. §§ 30116(f) and 30118 (formerly 2 U.S.C. §§ 441a(f) and 441b) or 11 CFR §102.5(b). Under 11 CFR §102.5(b), organizations which are not political committees under the Act and choose to contribute to federal committees must either: (1) establish a separate account which contains only those funds permitted under the Act, or (2) demonstrate through a reasonable accounting method that the organization has received sufficient funds subject to the limitations and prohibitions in order to make the contribution.

If any apparently prohibited contribution in question was incompletely or incorrectly disclosed, you should amend your original report with clarifying information. In addition, please clarify whether the contribution(s) received from the referenced organization(s) is permissible.

If you have received prohibited contributions, you must make a refund. (11 CFR § 103.3(b)(1)) The refund must be made within 30 days of the treasurer becoming aware of the illegality of the contribution. (11 CFR § 103.3(b)(2))

If you have not already done so, please inform the Commission of your corrective action immediately in writing and provide a photocopy of any refund checks. Refunds must be reported on a Schedule B supporting Line 20(b) or (c), as applicable, of the report covering the period in which the refund was made. (11 CFR § 104.8(d)(4))

Although the Commission may take further legal action concerning the acceptance of prohibited contributions, your prompt action to refund the

NICOLEE AMBROSE FOR CONGRESS

Page 4 of 5

prohibited amount will be taken into consideration.

3. Schedule A of your report indicates that your committee may have failed to file one or more of the required 48-hour notices regarding "last minute" contributions (to include loans, in-kind contributions, and advances) received by your committee after the close of books for the 12 Day Pre-Primary Report (see attached). A principal campaign committee must notify the Commission, in writing, within 48 hours of any contribution of \$1,000 or more received between two and twenty days before an election. These contributions are then reported on the next report required to be filed by the committee. To ensure that the Commission is notified of last minute contributions of \$1,000 or more to your campaign, it is recommended that you review your procedures for checking contributions received during the aforementioned time period. The failure to file 48-hour notices may result in civil money penalties or legal enforcement action. (11 CFR § 104.5(f))

If any contribution of \$1,000 or more was incorrectly reported, you must amend your original report with the clarifying information.

4. Schedule A of your report discloses contributions earmarked through a conduit but fails to disclose required information for the conduit(s).

Please be reminded that when a committee receives an earmarked contribution(s) through an allowable conduit, each individual contribution must be itemized when the individual's total contributions to your committee aggregate over \$200 per election cycle. This itemization must include the full name, address, occupation, and employer of the individual contributor along with the date the contribution(s) was received by the conduit. Any un-itemized contributions received through the conduit must be included in your totals on Line 11(a)(ii) of the Detailed Summary Page.

In addition, information regarding the conduit or intermediary for each contribution must be itemized on Schedule A as a memo entry. The conduit's full name and address (and occupation and employer if the conduit is an individual) must also be provided, along with the date the contribution(s) was received by your committee and the total amount of earmarked contributions received from the conduit.

Please amend your report to disclose the proper format for earmarked contributions received from a conduit or intermediary. Please clearly indicate which conduit memo entry corresponds to each earmarked contribution. You can refer to the FEC Campaign Guide for Congressional Candidates and Committees

NICOLEE AMBROSE FOR CONGRESS

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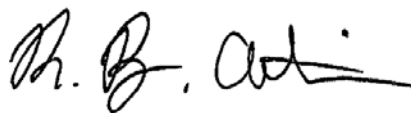
for further guidance on how to report earmarked contributions through a conduit (11 CFR § 110.6(c)(2))

- Please be advised that the FEC Committee ID numbers for the following contributions from political committees appear to be incorrect: Citizens United (C30002877). Use of incorrect FEC Committee ID numbers may create difficulty in identifying the contributing committee for the public record. (11 CFR § 104.3(a)(4))

Please note, you will not receive an additional notice from the Commission on this matter. Adequate responses must be received by the Commission on or before the due date noted above to be taken into consideration in determining whether audit action will be initiated. Failure to comply with the provisions of the Act may also result in an enforcement action against the committee. Any response submitted by your committee will be placed on the public record and will be considered by the Commission prior to taking enforcement action. **Requests for extensions of time in which to respond will not be considered.**

Electronic filers must file amendments (to include statements, designations and reports) in an electronic format and must submit an amended report in its entirety, rather than just those portions of the report that are being amended. For information about the report review process or specific filing information for your committee type, please visit www.fec.gov/help-candidates-and-committees. For more information about Requests for Additional Information (RFAI), why you received a letter, and how to respond, please visit www.fec.gov/help-candidates-and-committees/request-additional-information. Should you have any questions regarding this matter or wish to verify the adequacy of your response, please contact me on our toll-free number (800) 424-9530 (at the prompt press 5 to reach the Reports Analysis Division) or my local number (202) 694-1196.

Sincerely,



Bradley Austin

Sr. Campaign Finance & Reviewing Analyst

436

Apparent Excessive, Prohibited, and Impermissible Contributions
Nicolee Ambrose for Congress (C00812891)

Apparent Excessive Contributions from Individuals

Contributor Name	Date	Amount	Election
Ashburn, James	4/22/22	\$500.00	P2022
Ashburn, James	4/22/22	\$500.00	P2022
Ashburn, James	6/15/22	\$1,000.00	P2022
Ashburn, James	6/15/22	\$1,000.00	P2022
Ashburn, James	7/12/22	\$500.00	P2022
Bauman, Carolyn	7/1/22	\$2,500.00	G2022
Bauman, Carolyn	9/8/22	\$2,900.00	G2022
Fuentes, Jose	6/7/22	\$500.00	P2022
Fuentes, Jose	6/7/22	\$500.00	P2022
Fuentes, Jose	7/14/22	\$2,400.00	P2022
Gaines, David	9/19/22	\$2,900.00	G2022
Gaines, David	9/19/22	\$2,900.00	G2022
Gaines, Katherine	9/19/22	\$2,900.00	G2022
Gaines, Katherine	9/19/22	\$2,900.00	G2022
Green, Keith	5/11/22	\$50.00	P2022
Green, Keith	5/11/22	\$50.00	P2022
Green, Keith	5/25/22	\$400.00	P2022
Green, Keith	5/25/22	\$400.00	P2022
Green, Keith	6/7/22	\$1,000.00	P2022
Green, Keith	6/7/22	\$1,000.00	P2022
Green, Keith	7/18/22	\$50.00	P2022
Haden, Jackson	7/11/22	\$3,000.00	P2022
Shipley, Seth	6/1/22	\$1,500.00	P2022
Shipley, Seth	6/1/22	\$1,500.00	P2022
Shipley, Seth	7/11/22	\$1,400.00	P2022

Contributions from Possible Unregistered Organizations

Contributor Name	Date	Amount	Election
Baltimore County Republican Central Committee	9/25/22	\$999.00	G2022
BVD	7/13/22	\$1,000.00	P2022
Friends Of Nathan Volke	9/30/22	\$900.00	G2022

Apparent Excessive, Prohibited, and Impermissible Contributions**Nicolee Ambrose for Congress (C00812891)**

Republican Central Committee Of Carroll Co	9/3/22	\$999.00	G2022
Republican Women Baltimore County	9/26/22	\$850.00	G2022
SJUIT	8/5/22	\$1,000.00	G2022

Missing 48-Hour Notices**Nicolee Ambrose for Congress (C00812891)**

Contributor Name	Date	Amount	Election
Carol For Congress Committee	6/30/22	\$1,000.00	P2022
Duffy, Marcia	7/11/22	\$1,000.00	P2022
Haden, Jackson	7/11/22	\$3,000.00	P2022
Shipley, Seth	7/11/22	\$1,400.00	P2022
Smack, Terry	7/11/22	\$1,500.00	P2022
Value In Electing Women Political Action Committee	7/11/22	\$5,000.00	P2022
Campo, Terry	7/12/22	\$2,900.00	G2022
BVD	7/13/22	\$1,000.00	P2022
Fuentes, Jose	7/14/22	\$2,400.00	P2022
Romig, Gary	7/14/22	\$2,500.00	P2022
Romig, Robin	7/14/22	\$2,500.00	P2022
Bauman, Robert	7/15/22	\$2,500.00	P2022
Furth, Elaine	7/15/22	\$2,900.00	P2022

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) The principal campaign committee of a candidate must file notifications disclosing contributions of \$1,000 or more which are received after the 20th day but more than 48 hours before an election. These notifications (also called 48-Hour Notices) must be filed with the Commission within 48 hours of the committee's receipt of the contribution(s).
- 3) I hereby certify that I have searched the Commission's public records and find that Nicolee Ambrose for Congress did not file the required 48-Hour Notices for the contributions included in the Reviewing Officer's Recommendation dated June 29, 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 29th day of June, 2023.



Rhiannon Magruder
Reviewing Officer
Office of Administrative Review
Federal Election Commission



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 29, 2023

Chris Rosenthal, in official capacity as Treasurer
Nicolee Ambrose for Congress
PO Box 412
White Marsh, MD 21162

C00812891
AF# 4564

Dear Chris Rosenthal:

On March 29, 2023, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Nicolee Ambrose for Congress and you, in your official capacity as Treasurer, violated 52 U.S.C. § 30104(a) for failing to timely file 48-Hour Notices for thirteen contributions totaling \$29,600. The Commission also made a preliminary determination that the civil money penalty was \$3,476 based on the schedule of penalties at 11 C.F.R. § 111.44.

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 reduced 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. Please note, all written responses and supporting documentation should be converted to PDF (Portable Document Format) and 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

RECEIVED

By Office of the Commission Secretary at 8:16 am, Sep 13, 2023

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

September 12, 2023

MEMORANDUM

To: The Commission

Through: Alec Palmer *AP*
Staff Director

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

Rhiannon Magruder *RM*
Reviewing Officer
Office of Administrative Review

Subject: Final Determination Recommendation in AF# 4564 – Nicolee Ambrose for Congress and Chris Rosenthal, in their official capacity as Treasurer (C00812891)

On March 29, 2023, the Commission found reason to believe (“RTB”) that the respondents violated 52 U.S.C. § 30104(a) for failing to timely file three 48-Hour Notices for 13 contributions totaling \$29,600 and made a preliminary determination that the civil money penalty was \$3,476 based on the schedule of penalties at 11 C.F.R. § 111.44. On May 8, 2023, the Commission received their written response (“challenge”). After reviewing the challenge, the Reviewing Officer Recommendation (“ROR”) dated June 29, 2023 was forwarded to the Commission, a copy was forwarded to the respondents, and is hereby incorporated by reference.

The Treasurer stated the Committee’s 2022 October Quarterly Report disclosed incorrect receipt dates for four of the contributions and requested the Commission recalculate the civil money penalty accordingly. On May 16, 2023, the Committee filed an Amended 2022 October Quarterly Report to correct the receipt dates for the four contributions. The Reviewing Officer agreed with the Committee’s assessment that three contributions, totaling \$7,900, should be removed from the calculation of the civil money penalty. Further, the Reviewing Officer agreed that the Committee could have disclosed the corrected July 12, 2022 contribution on the same 48-Hour Notice as the other contributions received around that date. Therefore, one missing notice should be removed from the calculation of the civil money penalty. The Committee still failed to timely file two 48-Hour Notices for 10 contributions totaling \$21,700. 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 \$2,514 civil money penalty (reduced from the RTB civil money penalty of \$3,476). *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). The respondents stated they would not be submitting a formal response.

The Reviewing Officer recommends that the Commission make a final determination that the respondents violated 52 U.S.C. § 30104(a) and assess a \$2,514 civil money penalty (reduced from the RTB civil money penalty of \$3,476).

OAR Recommendations

1. Adopt the Reviewing Officer recommendation for AF# 4564 involving Nicolee Ambrose for Congress and Chris Rosenthal, in their official capacity as Treasurer, in making the final determination;
2. Make a final determination in AF# 4564 that Nicolee Ambrose for Congress and Chris Rosenthal, in their official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess a \$2,514 civil money penalty (reduced from the RTB civil money penalty of \$3,476); and
3. Send the appropriate letter.

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) AF 4564
 Final Determination Recommendation:)
 Nicolee Ambrose for Congress and Chris)
 Rosenthal, in their official capacity as)
 Treasurer (C00812891))

CERTIFICATION

I, Vicktoria J. Allen, Deputy Secretary of the Federal Election Commission, do hereby certify that on September 20, 2023, the Commission decided by a vote of 6-0 to take the following actions in AF 4564:

1. Adopt the Reviewing Officer recommendation for AF# 4564 involving Nicolee Ambrose for Congress and Chris Rosenthal, in their official capacity as Treasurer, in making the final determination.
2. Make a final determination in AF# 4564 that Nicolee Ambrose for Congress and Chris Rosenthal, in their official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess a \$2,514 civil money penalty (reduced from the RTB civil money penalty of \$3,476).
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: 2023.09.20 18:14:45 -04'00'

Vicktoria J. Allen
Deputy Secretary of the Commission



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 25, 2023

Chris Rosenthal, in official capacity as Treasurer
Nicolee Ambrose for Congress
PO Box 412
White Marsh, MD 21162

C00812891
AF#: 4564
FINE: \$2,514

Dear Chris Rosenthal:

On March 29, 2023, the Federal Election Commission (the "Commission" or "FEC") found reason to believe ("RTB") that Nicolee Ambrose for Congress and you, in your official capacity as Treasurer, violated 52 U.S.C. § 30104(a) for failing to file 48-Hour Notices for contributions totaling \$29,600. By letter dated March 30, 2023, the Commission sent notification of the RTB finding that included a civil money penalty calculated at \$3,476 in accordance with the schedule of penalties at 11 C.F.R. § 111.44. On May 8, 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 reduce the RTB civil money penalty, make a final determination that Nicolee Ambrose 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 \$2,514 in accordance with 11 C.F.R. § 111.44. The Reviewing Officer Recommendation was sent to you on June 29, 2023.

On September 20, 2023, the Commission adopted the Reviewing Officer's recommendation and made a final determination that Nicolee Ambrose 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 \$2,514 (reduced from the RTB civil money penalty of \$3,476). 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,

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

Dara Lindenbaum
Chair