

RECEIVED

By Office of the Commission Secretary at 11:21 am, Aug 15, 2024



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C.

SENSITIVE

August 15, 2024

MEMORANDUM

TO: The Commission

THROUGH: Alec Palmer *AP*
Staff DirectorFROM: Patricia C. Orrock *PCO*
Chief Compliance OfficerDebbie Chacona *DC*
Assistant Staff Director
Reports Analysis DivisionBY: Kristin D. Roser *KDR*
Compliance BranchSUBJECT: 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 Illinois 12-Day Pre-Primary Report up to 48 hours before the March 19, 2024 Primary Election in accordance with 52 U.S.C. § 30104(a) and 11 CFR. § 104.5(f). The committee, Friends of Nikhil Bhatia, represents a candidate who lost the Primary Election. The committee is being referred for failing to file 48-hour notices for contributions totaling \$32,290.00.

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

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

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

Recommendation

1. Find reason to believe that Friends of Nikhil Bhatia and Tim Herbert in their official capacity as treasurer, violated 52 U.S.C. § 30104(a) and make a preliminary determination that a civil money penalty of \$3,941.
2. Send the appropriate letter.

Attachment

Contributions for Which a 48-Hour Notice Was Not Received**AF 4736****Committee ID: C00839852****Committee Name: Friends of Nikhil Bhatia****Report Type: 2024 April Quarterly Report (02/29/2024 – 03/31/2024)****48-Hour Reporting Period: 02/29/2024 – 03/16/2024**

CONTRIBUTOR	DATE	AMOUNT
MEHTA, CHARU	3/5/2024	\$1,300.00
CHUGH, NAVNEET	3/7/2024	\$1,000.00
BHATIA, NIKHIL	3/8/2024	\$9,990.00
BHATIA, NIKHIL	3/11/2024	\$5,000.00
BHATIA, NIKHIL	3/11/2024	\$10,000.00
RAJAN, KAMALA	3/12/2024	\$1,000.00
BHATIA, NIKHIL	3/15/2024	\$4,000.00
	TOTAL	\$32,290.00

Proposed Civil Money Penalty: \$3,941 ((4 Notices Not Filed at \$178 each) + (10% of the Overall Contributions Not Reported))

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

8/14/2024 10:34 AM

AF#	Committee ID	Committee Name	State	Election	Candidate Name	Treasurer	Prev Violations	Notices Not Filed	LOA	Penalty
4736	C00839852	FRIENDS OF NIKHIL BHATIA	IL	PRIMARY	NIKHIL BHATIA	TIM HERBERT	0	4	\$32,290	\$3,941

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Reason to Believe Recommendation -) AF 4736
Failure to File 48-Hours Notices under)
the Administrative Fine Program: Friends)
of Nikhil Bhatia and Tim Herbert in their)
official capacity as treasurer)

CERTIFICATION

I, Vicktoria J. Allen, Deputy Secretary of the Federal Election Commission, do hereby certify that on August 19, 2024, the Commission decided by a vote of 5-0 to take the following actions in AF 4736:

1. Find reason to believe that Friends of Nikhil Bhatia and Tim Herbert in their official capacity as treasurer, violated 52 U.S.C. § 30104(a) and make a preliminary determination that a civil money penalty of \$3,941.
2. Send the appropriate letter.

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

Attest:

Vicktoria J.
Allen

Digitally signed by Vicktoria
J Allen
Date: 2024.08.19 16:53:24
-04'00'

Vicktoria J. Allen
Deputy Secretary of the Commission

A faint watermark of the Federal Election Commission seal is centered on the page. The seal is circular with the words "FEDERAL ELECTION COMMISSION" at the top and "UNITED STATES OF AMERICA" at the bottom. Inside the circle is a stylized eagle with its wings spread, perched on a shield. The background of the seal features a grid pattern.



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C.

AF

August 22, 2024

Tim Herbert, in official capacity as Treasurer
 Friends of Nikhil Bhatia
 931 West 18th Place
 1E
 Chicago, IL 60608

C00839852

AF#: 4736
 FINE: \$3,941

Dear Tim Herbert,

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 Friends of Nikhil Bhatia did not submit 48-Hour Notices for contributions of \$1,000 or more, received between February 29, 2024 and March 16, 2024, totaling \$32,290, 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 August 19, 2024, the Commission found that there is Reason to Believe ("RTB") that Friends of Nikhil Bhatia and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) by failing to file the 48-Hour Notices. Based on the FEC's schedule of civil money penalties at 11 CFR § 111.44, the amount of your civil money penalty calculated at the RTB stage is \$3,941. Please see the attached copy of the Commission's administrative fine regulations at 11 CFR §§ 111.30-111.55. Attachment 2. The FEC'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 \$178 for each non-filed notice plus 10 percent of the dollar amount of the contributions not timely reported. The civil money penalty

FRIENDS OF NIKHIL BHATIA

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increases by 25 percent for each prior violation. Send your payment of \$3,941 within forty (40) days of the finding, or by September 28, 2024.

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 September 28, 2024. 11 CFR § 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 CFR § 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 CFR § 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 CFR § 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 CFR § 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 CFR § 111.38.

It should also be noted that, all challenges to an RTB finding and/or calculated civil

FRIENDS OF NIKHIL BHATIA

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money penalty should be converted to Portable Document Format ("PDF") and emailed to administrativefines@fec.gov. The Commission encourages the use of electronic signatures on electronically submitted documents, but scanned copies of ink signatures will be accepted. Electronically submitted challenges will be deemed received on the date 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 Friends of Nikhil Bhatia 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 CFR § 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

FRIENDS OF NIKHIL BHATIA

Page 4 of 5

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

Settlement Offers

Any offer to settle or compromise a debt owed to the Commission will be rejected. This includes making a payment in an amount less than the calculated civil money penalty assessed or any restrictive endorsements contained on your check or money order or proposed in correspondence transmitted with your check or money order. Acceptance and deposit or cashing of such a restricted payment does not constitute acceptance of the settlement offer. Payments containing restrictive endorsements will be deposited and treated as a partial payment towards the civil money penalty that the Commission assesses upon making a final determination. All unpaid civil money penalty amounts remaining will be subject to the debt collection procedures set forth in Section 2, above.

This matter was generated based on information ascertained by the FEC in the normal course of carrying out its supervisory responsibilities. 52 U.S.C. § 30109(a)(2). Unless you notify the FEC in writing that you wish the matter to be made public, it will remain confidential in accordance with 52 U.S.C. § 30109(a)(4)(B) and 30109(a)(12)(A) until it is placed on the public record at the conclusion of this matter in accordance with 11 CFR § 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 on the toll-free number, (800) 424-9530 (at the prompt, press 5 to reach the Reports Analysis Division) or (202) 694-1130. If you have questions regarding the submission of a challenge, please contact the Office of Administrative Review on the toll-free number, (800) 424-9530 (press 0, then ext. 1158) or (202) 694-1158.

On behalf of the Commission,



Sean J. Cooksey
Chairman

FRIENDS OF NIKHIL BHATIA

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Contributions for Which a 48-Hour Notice Was Not Received**AF 4736****Committee ID: C00839852****Committee Name: Friends of Nikhil Bhatia****Report Type: 2024 April Quarterly Report (02/29/2024 – 03/31/2024)****48-Hour Reporting Period: 02/29/2024 – 03/16/2024**

CONTRIBUTOR	DATE	AMOUNT
MEHTA, CHARU	3/5/2024	\$1,300.00
CHUGH, NAVNEET	3/7/2024	\$1,000.00
BHATIA, NIKHIL	3/8/2024	\$9,990.00
BHATIA, NIKHIL	3/11/2024	\$5,000.00
BHATIA, NIKHIL	3/11/2024	\$10,000.00
RAJAN, KAMALA	3/12/2024	\$1,000.00
BHATIA, NIKHIL	3/15/2024	\$4,000.00
	TOTAL	\$32,290.00

Proposed Civil Money Penalty: \$3,941 ((4 Notices Not Filed at \$178 each) + (10% of the Overall Contributions Not Reported))

RECEIVED

By Office of the Commission Secretary at 9:57 am, Oct 08, 2024



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

SENSITIVE

October 8, 2024

MEMORANDUM

TO: The Commission

THROUGH: Alec Palmer AP by *DCB*
Staff Director

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

Debbie Chacona *DC*
Assistant Staff Director
Reports Analysis Division

KDR
BY: Kristin D. Roser
Reports Analysis Division
Compliance Branch

SUBJECT: Administrative Fine Program – Final Determination Recommendation for the Failure to File 48-Hour Notices

Attached is a list identifying a political committee and its treasurer against which the Commission has found reason to believe (RTB) and assessed a proposed civil money penalty calculated at RTB for failure to file or failure to timely file the appropriate 48-Hour Notices for the Illinois 2024 Primary Election. The committee has not paid the civil money penalty requested at RTB and has been given at least forty (40) days from the date of the Commission's RTB finding to remit payment.

In accordance with 11 CFR § 111.34, the Commission shall send a final determination notice to the respondent that has not paid the civil money penalty.

RAD Recommendation

- (1) Make a final determination that the political committee and its treasurer, in their official capacity, listed on the attached report violated 52 U.S.C. § 30104(a) and assess the final civil money penalty so indicated.
- (2) Send the appropriate letter.

Federal Election Commission
Final Determination Circulation Report
48-Hour Notification Report

10/7/2024 12:27 PM

AF#	Committee ID	Committee Name	State	Election	Candidate Name	Treasurer	Prev Violations	Notices Not Filed	LOA	RTB Date	RTB Penalty	Days Since RTB	FD Penalty
4736	C00839852	FRIENDS OF NIKHIL BHATIA	IL	PRIMARY	NIKHIL BHATIA	TIM HERBERT	0	4	\$32,290	08/19/2024	\$3,941	49	\$3,941

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) AF 4736
Administrative Fine Program – Final)
Determination Recommendation for the)
Failure to File 48-Hour Notices: Friends)
of Nikhil Bhatia)

CERTIFICATION

I, Vicktoria J. Allen, Deputy Secretary of the Federal Election Commission, do hereby certify that on October 09, 2024, the Commission decided by a vote of 6-0 to take the following actions in AF 4736:

1. Make a final determination that Friends of Nikhil Bhatia and Tim Herbert, in their official capacity as treasurer, violated 52 U.S.C. § 30104(a) and assess the final civil money penalty in the amount of \$3,941.
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: 2024.10.11 12:00:28
-04'00'

Vicktoria J. Allen
Deputy Secretary of the Commission

October 11, 2024

Date



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C.

AF

October 17, 2024

Tim Herbert, in official capacity as Treasurer
 Friends of Nikhil Bhatia
 931 West 18th Place
 1E
 Chicago, IL 60608

C00839852

AF#: 4736
 FINE: \$3,941

Dear Tim Herbert,

On August 19, 2024, the Federal Election Commission (the "Commission" or "FEC") found reason to believe ("RTB") that Friends of Nikhil Bhatia and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) for failing to file 48-Hour Notices for contributions of \$1,000 or more, received between February 29, 2024 and March 16, 2024, totaling \$32,290. By letter dated August 22, 2024, the Commission notified you of the RTB finding and the civil money penalty calculated at the RTB stage to be \$3,941, in accordance with the schedule of penalties at 11 CFR § 111.44. Within forty (40) days of the Commission's RTB finding, you, in your official capacity as treasurer, were required to either transmit payment of the calculated civil money penalty or submit a written response challenging either the RTB finding or the calculated civil money penalty.

The FEC did not receive payment of the calculated civil money penalty or a written response within the time permitted. The Commission made a final determination on October 9, 2024 that Friends of Nikhil Bhatia 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 \$3,941, in accordance with 11 CFR § 111.44.

At this juncture, the following courses of action are available to you:

1. If You Choose to Appeal the Final Determination and/or Civil Money Penalty

If you choose to appeal the final determination, you must submit a written petition, within thirty (30) days of receipt of this letter, to the U.S. District Court for the district in which the committee or you reside or transact business, requesting that the final determination be modified or set aside. See 52 U.S.C. §30109(a)(4)(C)(iii). If you did not timely raise a factual argument in a challenge to the Commission's RTB finding, your

FRIENDS OF NIKHIL BHATIA

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right to present such an argument in an appeal to the U.S. District Court under 52 U.S.C. § 30109 shall be deemed waived. 11 CFR § 111.38.

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

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA"), as amended by the Debt Collection Improvement Act of 1996 ("DCIA"), 31 U.S.C. § 3701, et seq. If you do not pay this debt within thirty (30) days and do not appeal the Commission's final determination to the U.S. District Court (see above), the Commission will transfer the debt to the U.S. Department of the Treasury ("Treasury") for collection. Treasury will contact you to request payment within five (5) days of receiving the debt. Treasury currently charges a fee of 30 percent 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 percent of the civil money penalty amount for its collection services. The fee will be added to the amount of the civil money penalty that you owe. Should Treasury's attempts fail, Treasury will refer the debt to a private collection agency. If the debt remains unpaid, Treasury may recommend that the Commission refer the matter to the Department of Justice for litigation.

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

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

3. If You Choose to Pay the Civil Money Penalty

If you should decide to pay the civil money penalty, please follow the payment instructions below. You should make payment within thirty (30) days of receipt of this letter.

You may remit payment by Automated Clearinghouse ("ACH") withdrawal from your bank account, or by debit or credit card through Pay.gov, the federal government's secure portal for online collections. Visit <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.

FRIENDS OF NIKHIL BHATIA

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NOTICE REGARDING PARTIAL PAYMENTS AND SETTLEMENT OFFERS

Partial Payments

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

Settlement Offers

Any offer to settle or compromise a debt owed to the Commission will be rejected. This includes a payment in an amount less than the civil money penalty assessed or any restrictive endorsements contained on your check or money order or proposed in correspondence transmitted with your check or money order. Acceptance and deposit or cashing of such a restricted payment does not constitute acceptance of the settlement offer. Payments containing restrictive endorsements will be deposited and treated as a partial payment towards the civil money penalty that the Commission assessed upon making a final determination. All unpaid civil money penalty amounts remaining will be subject to the debt collection procedures set forth in Section 2, above.

The confidentiality provisions at 52 U.S.C. § 30109(a)(12) no longer apply and this matter is now public. Pursuant to 11 CFR §§ 111.42(b) and 111.20(c), the file will be placed on the public record within 30 days from the date of this notification.

If you have any questions regarding the payment of the civil money penalty, please contact Jacqueline Gausepohl on the toll-free number, (800) 424-9530 (at the prompt, press 5 to reach the Reports Analysis Division) or (202) 694-1130.

On behalf of the Commission,



Sean J. Cooksey
Chairman