



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 2003

DATE SCANNED 1/22/10

SCANNER NO. 2

SCAN OPERATOR EES

10092650401



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 30, 2009

MEMORANDUM

SENSITIVE

TO: THE COMMISSION

THROUGH: ROBERT A. HICKEY
STAFF DIRECTOR

FROM: JOHN D. GIBSON
CHIEF COMPLIANCE OFFICER

PATRICIA CARMONA *de for PC*
ASSISTANT STAFF DIRECTOR
REPORTS ANALYSIS DIVISION

BY: NATALIYA IOFFE/RHIANNON MAGRUDER/SARI PICKERALL *RM*
COMPLIANCE BRANCH

SUBJECT: REASON TO BELIEVE RECOMMENDATION - 2008 12 DAY PRE-
GENERAL REPORT (UNAUTHORIZED QUARTERLY FILERS) AND
30 DAY POST-GENERAL REPORT (UNAUTHORIZED/AUTHORIZED
FILERS) FOR THE ADMINISTRATIVE FINE PROGRAM

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2009 MAR 30 P 3

Attached are three lists of political committees and their treasurers who failed to file or timely file the 2008 12 Day Pre-General and/or the 2008 30 Day Post-General Report(s) in accordance with 2 U.S.C. 434(a). The first list is comprised of unauthorized quarterly filers that made General Election contributions or expenditures from October 1, 2008 through October 15, 2008, and failed to file or timely file the 2008 12 Day Pre-General Report. The second list is comprised of unauthorized committees that failed to file or timely file the 2008 30 Day Post-General Report. The third list is comprised of authorized committees of candidates who participated in the November 4, 2008 General Election that failed to file or timely file the 30 Day Post-General Report.

The committees appearing on the 2008 12 Day Pre-General Report list either filed the report more than five (5) days after the due date but prior to four (4) days before the 2008 General Election (considered a late filed report), or failed to file the report prior to four (4) days before the General Election (considered a non-filed report). The committees appearing on the 30 Day Post-General Report list either failed to file the report, filed the report more than five (5) days after the due date but within thirty (30) days of the due date (considered a late filed report),

10092650402

or filed the report more than thirty (30) days after the due date (considered a non-filed report). In accordance with 11 C.F.R. 111.43, these committees should be assessed the civil money penalties indicated in the attachments.

As noted above, the 2008 12 Day Pre-General Report circulation list includes unauthorized quarterly filers that made General Election contributions or expenditures from October 1, 2008 through October 15, 2008, but failed to file or timely file the 2008 12 Day Pre-General Election report. In order to accurately identify these committees for administrative fine purposes, the Reports Analysis Division (RAD) used the following procedures and criteria:

- Every 12 Day Pre-General Report (12G) submitted by an unauthorized quarterly filer was reviewed to ensure that it disclosed General Election contributions or expenditures made during the coverage dates of the report. Any report meeting this definition that was filed late is included in the list. Any report not disclosing general election contributions or expenditures during this period is not included in the list, as it is not a required filing.
- Every 30 Day Post-General Report (30G) submitted by an unauthorized quarterly filer that covered the period from October 1, 2008 through November 24, 2008 (55 days) was reviewed for activity which would have required the filing of a 12G. If our research indicated that a 12G was required, we utilized a three-step method to arrive at the activity on which to base the 12G fine amount. First, we took the sum of all itemized receipts and disbursements that should have been disclosed on a 12G. 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 27% (15 days (12G Filing Period)/55 days (30G 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 12G. If the same committee also failed to file the 30G in a timely manner, we based the 30G fine on the amount of the remaining level of activity. We arrived at this amount by subtracting the level of activity assigned to the 12G from the total amount of activity disclosed on the 30G. In this case, the committee will appear on both lists and will be assessed a fine for both the 12G and 30G based on the estimated levels of activity described above.

Recommendation

1. Find reason to believe that the political committees and their treasurers listed on the RTB Circulation Reports violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalties would be the amounts indicated on the RTB Circulation Reports.
2. Send the appropriate letters.

10092650403

Federal Election Commission
Reason to Believe Circulation Report
2008 PRE-GENERAL Election Sensitive 10/23/2008 UNAUTH_Q

AF#	Committee ID	Committee Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
1956	C00213231	A DUDA & SONS, INC. POLITICAL ACTION COMMITTEE	TRACY DUDA CHAPMAN	\$116,833	0	12/3/2008	Not Filed	\$8,250	\$600
1957	C00295097	AMERICAN IRON AND STEEL INSTITUTE POLITICAL ACTION COMMITTEE (STEEL PAC)	THOMAS GIBSON	\$251,156	0	12/4/2008	Not Filed	\$4,000	\$500
1958	C00034645	AMERICAN SOCIETY FOR CLINICAL LABORATORY SCIENCE POLITICAL ACTION COMMITTEE (FKA ASMT/PAC)	LINDA HICKOK	\$110,237	1	11/6/2008	Not Filed	\$1,000	\$625
1959	C00211250	AON CORPORATION POLITICAL ACTION COMMITTEE	PAUL HAGY	\$615,146	0	10/31/2008	Not Filed	\$27,258	\$1,400
1960	C00249359	BAKERY CONFECTIONERY TOBACCO WKRS & GRAIN MILLERS INT'L UNION LOCAL 19 POL ORG 'BCTGM'	THOMAS EDWARD	\$129,499	0	12/18/2008	Not Filed	\$2,893	\$500
1961	C00432724	BEST PAC	GUILLERMO CINTRON	\$211,266	0	12/9/2008	Not Filed	\$3,675	\$500
1962	C00372862	BIKES BELONG COALITION, LTD. POLITICAL ACTION COMMITTEE	GARY SJOQUIST	\$109,242	0	12/8/2008	Not Filed	\$3,010	\$500
1963	C00390583	BROWNSTEIN HYATT FARBER SCHRECK POLITICAL ACTION COMMITTEE	STEVEN DEMBY	\$309,005	0	12/4/2008	Not Filed	\$2,000	\$500
1964	C00386300	CALUMET PAC	TERRENCE BRONOWSKI	\$496,285	0	12/1/2008	Not Filed	\$14,000	\$900
1965	C00099937	COOPER INDUSTRIES POLITICAL ACTION COMMITTEE	MR. TYLER W. JOHNSON	\$314,852	0	10/30/2008	7	\$7,000	\$170

AF#	Committee ID	Committee Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
1966	C00130187	DADE COUNTY FIRE FIGHTERS, LOCAL 1403 PAC	JOAQUIN DEL CUETO	\$290,798	0	12/17/2008	Not Filed	\$8,829	\$600
1967	C00004952	ELECTRIC POWER ASSOCIATIONS OF MISSISSIPPI ACTION COMMITTEE FOR RURAL ELECTRIFICATION	MR. MICHAEL CALLAHAN	\$468,071	0	12/8/2008	Not Filed	\$3,000	\$500
1968	C00208249	EMPIRE DISTRICT ELECTRIC COMPANY POLITICAL ACTION COMMITTEE	LARRY JAY WILLIAMS	\$133,974	0	12/4/2008	Not Filed	\$6,478 (est)	\$600
1969	C00431981	HOME CARE & HOSPICE PAC	RUTH L. CONSTANT	\$252,603	0	11/26/2008	Not Filed	\$6,063 (est)	\$600
1970	C00138966	INTERNATIONAL UNION OF OPERATING ENGINEERS LOCAL 68 POLITICAL ACTION COMMITTEE	JOHN LOMBARDO	\$117,532	0	11/4/2008	Not Filed	\$8,500	\$600
1971	C00388462	ITC HOLDINGS CORP. PAC	ANNE JINKS	\$158,856	0	12/3/2008	Not Filed	\$2,240 (est)	\$500
1972	C00212522	KELLY SERVICES INC POLITICAL ACTION COMMITTEE (KELLYPAC)	JAMES D. MCINTIRE	\$155,917	0	1/31/2009	Not Filed	\$31,700	\$1,400
1974	C00409631	LOUISIANA REFORM PAC	JOHN C. SCHMIDT	\$405,337	0	2/27/2009	Not Filed	\$84,182	\$4,000
1975	C00272724	MAYNARD COOPER AND GALE PC PAC	EDWARD A. HOSP	\$122,266	0	12/4/2008	Not Filed	\$4,038 (est)	\$500
1976	C00421008	METAL LATHERS LOCAL 46 PAC	ROBERT LEDWITH	\$264,728	1	12/10/2008	Not Filed	\$8,138 (est)	\$750
1977	C00233304	NATIONAL ASSOCIATION OF INDUSTRIAL AND OFFICE PROPERTIES, DEVELOPMENT PAC (NAIOP-PAC)	ELIZABETH R. GREENE	\$422,814	0	12/4/2008	Not Filed	\$9,179 (est)	\$600

AF#	Committee ID	Committee Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
1978	C00072025	NATIONAL RURAL LETTER CARRIERS' ASSOCIATION POLITICAL ACTION COMMITTEE	MR. ANTHONY VILARDO	\$2,125,755	0	11/13/2008	Not Filed	\$14,977	\$900
1979	C00167627	NORTEL POLITICAL ACTION COMMITTEE	MARY JO DORR	\$240,104	0	12/3/2008	Not Filed	\$8,869	\$600
1980	C00216754	NORTH CAROLINA FARM BUREAU FEDERATION INC POL ACT CMTE INC (AKA) NC FARM BUREAU FARMPAC	H. JULIAN PHILPOTT, JR.	\$187,936	0	12/4/2008	Not Filed	\$3,058 (est)	\$500
1981	C00134742	PLASTERERS' AND CEMENT MASONS' ACTION COMMITTEE	EARL F. HURD	\$102,460	0	1/7/2009	Not Filed	\$3,589 (est)	\$500
1982	C00237065	PORTLAND CEMENT ASSOCIATION INC. PCA PAC	MR. RICHARD C. CREIGHTON	\$245,129	0	1/6/2009	Not Filed	\$2,240	\$500
1983	C00025395	PUBLIC SERVICE COMPANY OF NEW MEXICO RESPONSIBLE CITIZENS GROUP	MR. THOMAS SATEGNA	\$109,257	1	12/8/2008	Not Filed	\$2,873 (est)	\$625
1984	C00432252	REGIONS FINANCIAL CORPORATION POLITICAL ACTION COMMITTEE	VIRGINIA BEAR	\$887,679	0	12/1/2008	Not Filed	\$13,251 (est)	\$900
1985	C00174011	RETAIL, WHOLESALE & DEPARTMENT STORE UNION COMMITTEE ON POLITICAL EDUCATION (RWDSU COPE)	STUART H. APPELBAUM	\$181,673	0	11/5/2008	Not Filed	\$20,776	\$900
1986	C00220053	RICELAND FOODS, INC. PAC	BILL J. REED	\$124,465	0	12/5/2008	Not Filed	\$5,000	\$600
1987	C00428268	RIGHT TRACK PAC	HAL HYNEMAN	\$171,312	0	10/30/2008	7	\$23,013	\$220
1988	C00381459	SOCIETY FOR VASCULAR SURGERY POLITICAL ACTION COMMITTEE	REBECCA MARON	\$182,712	1	12/4/2008	Not Filed	\$3,102 (est)	\$625

10092650407

3/30/2009 12:25 PM

AF#	Committee ID	Committee Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
1989	C00120030	SOCIETY OF INDEPENDENT GASOLINE MARKETERS OF AMERICA PAC	ELAINE TALBOTT	\$495,580	0	12/1/2008	Not Filed	\$6,250	\$600
1990	C00148155	ST. LOUISANS FOR BETTER GOVERNMENT	SHELDON SANDMEL	\$115,326	1	11/6/2008	Not Filed	\$3,049	\$625
1991	C00390179	THE 159 GROUP INC	SAMUEL B. KELLETT, JR	\$129,371	0	12/10/2008	Not Filed	\$12,100	\$900
1992	C00228296	THE ASCAP LEGISLATIVE FUND FOR THE ARTS	SUSAN BOLTERS DORF	\$294,359	0	11/4/2008	Not Filed	\$7,189	\$600
1993	C00165878	UNITED EMP PAC, CENTRAL LOUISIANA ELECTRIC CO. INC.	MELISSA LOHMAN	\$207,535	0	11/24/2008	Not Filed	\$9,137	\$600
1994	C00235036	ZURICH HOLDING COMPANY OF AMERICA COMMITTEE FOR GOOD GOVERNMENT (Z-PAC)	THOMAS A. BRADLEY	\$610,834	0	11/4/2008	Not Filed	\$8,980	\$600

Federal Election Commission
Reason to Believe Circulation Report
2008 POST-GENERAL Not Election Sensitive 12/04/2008 UNAUTH

AF#	Committee ID	Committee Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
1995	C00010322	AMERICAN POSTAL WORKERS UNION COMMITTEE ON POLITICAL ACTION	TERRY R. STAPLETON	\$4,618,749	0	12/11/2008	7	\$467,571	\$3,900
1996	C00412718	AMERICANS AGAINST ILLEGAL IMMIGRATION PAC	SCOTT B. MACKENZIE	\$1,655,187	1	1/30/2009	Not Filed	\$46,623	\$1,125
1997	C00406405	BLOGPAC	CHRISTOPHER BOWERS	\$254,195	0	12/13/2008	9	\$60,625	\$975
1998	C00415752	BORDER HEALTH FEDERAL PAC	ERNIE PEREZ	\$802,565	0	1/29/2009	Not Filed	\$100,107	\$4,500
1999	C00165803	BUNCOMBE COUNTY REPUBLICAN PARTY	EDWARD S. OSADA	\$120,422	0	1/9/2009	Not Filed	\$6,675	\$300
2000	C00410589	CERNER CORPORATION	MARC NAUGHTON	\$263,666	0	12/26/2008	22	\$10,288	\$210
2001	C00130187	DADE COUNTY FIRE FIGHTERS, LOCAL 1403 PAC	JOAQUIN DEL CUETO	\$325,873	0	12/10/2008	6	\$35,074	\$320
2002	C00214304	DELHAIZE AMERICA POLITICAL ACTION COMMITTEE	TEROSS W. YOUNG	\$119,775	2	1/12/2009	Not Filed	\$17,149	\$750
2003	C00381517	DEMOCRATIC ADVANCEMENT PAC	CHRISTOPHER R. CRAMER	\$641,680	0		Not Filed	\$119,843 (est)	\$4,500
2004	C00362178	FAMILY-PAC FEDERAL	D. PAUL CAPRIO	\$119,333	1	12/29/2008	25	\$5,249	\$218

AF#	Committee ID	Committee Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
2005	C00354613	INT LONGSHOREMENS ASSOC (ILA) LOCAL 1291 POLITICAL ACTION COMMITTEE	MARTIN MASCUILLI	\$129,868	0	1/9/2009	Not Filed	\$9,629	\$300
2006	C00276253	INTERNATIONAL BROTHERHOOD OF PAINTERS AND ALLIED TRADES DISTRICT COUNCIL 21 PAC	JOSEPH ASHDALE	\$1,553,623	0	1/8/2009	Not Filed	\$213,959	\$6,500
2007	C00212522	KELLY SERVICES INC POLITICAL ACTION COMMITTEE (KELLYPAC)	JAMES D. MCINTIRE	\$165,194	0	1/31/2009	Not Filed	\$9,277	\$300
2008	C00001743	LOCAL 1814 INTERNATIONAL LONGSHOREMENS ASSOC AFL-CIO POLITICAL ACTION AND EDUCATION FUND	ANTHONY GRAFFINO	\$196,630	0	3/19/2009	Not Filed	\$10,252	\$500
2009	C00409631	LOUISIANA REFORM PAC	JOHN C. SCHMIDT	\$437,034	0	2/27/2009	Not Filed	\$31,696	\$900
2010	C00170696	MARSHALL AND ILSLEY CORPORATION POLITICAL ACTION COMMITTEE	DYANA L. PAPPENFUS	\$132,557	0	1/6/2009	Not Filed	\$44,233	\$900
2011	C00421008	METAL LATHERS LOCAL 46 PAC	ROBERT LEDWITH	\$279,765	1	12/10/2008	6	\$15,037 (est)	\$162
2012	C00366922	METROPOLITAN TRANSPORTATION AUTHORITY POLICE BENEVOLENT ASSOCIATION PAC	RAYMOND GIMMLER	\$144,220	0	1/9/2009	Not Filed	\$11,485	\$500
2013	C00376384	MONROE COUNTY DEMOCRATIC COMMITTEE	LEIGH KEGERREIS	\$1,282,381	1	2/3/2009	Not Filed	\$18,918	\$625
2014	C00092247	NATIONAL ORGANIZATION FOR WOMEN PAC	LATIFA LYLES	\$489,092	0	12/23/2008	19	\$17,000	\$195
2015	C00452854	NEWAYGO COUNTY DEMOCRATIC EXECUTIVE COMMITTEE	CHARLES D. BENHAM	\$145,342	0	12/30/2009	Not Filed	\$8,713 (est)	\$300

AF#	Committee ID	Committee Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
2016	C00362210	O'NEILL AND ASSOCIATES PAC	SUSAN WATSON	\$109,606	0	1/14/2009	Not Filed	\$11,422	\$500
2017	C00165324	PHILADELPHIA JOINT BOARD UNITE HERE TIPS	MS. MILDRED SALDANA	\$153,568	0	2/23/2009	Not Filed	\$643	\$250
2018	C00134742	PLASTERERS' AND CEMENT MASONS' ACTION COMMITTEE	EARL F. HURD	\$114,160	0	1/7/2009	Not Filed	\$11,699 (est)	\$500
2019	C00192849	PLUMBERS AND PIPEFITTERS LOCAL UNION 74	VICTOR SALVATORE	\$103,604	0	1/6/2009	Not Filed	\$2,379	\$250
2020	C00143362	PLUMBERS LOCAL 519 POLITICAL ACTION COMMITTEE	PHIL TRUCKS, JR.	\$259,305	2	12/30/2008	26	\$16,460	\$345
2021	C00237065	PORTLAND CEMENT ASSOCIATION INC. PCA PAC	MR. RICHARD C. CREIGHTON	\$247,169	0	1/6/2009	Not Filed	\$2,040	\$250
2022	C00406553	PROGRESSIVE VOTERS OF AMERICA	PHILIP FIERMONTE	\$194,586	0	12/11/2008	7	\$50,021	\$825
2023	C00363812	RECREATIONAL FISHING ALLIANCE, PAC	TONI STEFANO	\$104,892	2		Not Filed	\$20,978 (est)	\$750
2024	C00153379	SIERRA PACIFIC EMPLOYEES POLITICAL ACTION COMMITTEE	JOHN VINSKI	\$140,541	1	12/11/2008	7	\$13,520	\$168
2025	C00278788	SUFFOLK COUNTY DETECTIVES ASSN INC., POLITICAL ACTION COMMITTEE	WILLIAM RATHJEN	\$173,246	2	1/6/2009	Not Filed	\$12,655	\$750
2026	C00363689	TALLATCHEE CREEK INC. PAC	ELIZABETH EMBER CONATSER	\$493,267	0	1/2/2009	29	\$40,900	\$780
2027	C00390179	THE 159 GROUP INC	SAMUEL B. KELLETT, JR.	\$146,371	0	12/10/2008	6	\$17,000	\$130

AF#	Committee ID	Committee Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
2028	C00400135	UNITED HEALTH SERVICES PAC, INC.	CHRIS C. DOWNING	\$192,434	0	1/8/2009	Not Filed	\$19,105	\$500
2029	C00377549	USAFARMWORKERPAC	STUART J. MITCHELL	\$104,586	0	12/30/2008	26	\$864	\$155
2030	C00417063	WEST VIRGINIA REPUBLICAN PARTY, INC.	MARY V. RIGGALL	\$880,366	0	12/15/2008	11	\$27,446	\$420
2031	C00048181	WISCONSIN BANKERS ASSOCIATION (WISBANKPAC)	MRS. DEBORAH RUFER	\$241,494	0	12/10/2008	6	\$27,016	\$320

Federal Election Commission
Reason to Believe Circulation Report
2008 POST-GENERAL Not Election Sensitive 12/04/2008 AUTH

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
2032	C00450007	CINDY FOR CONGRESS	SHEEHAN, CINDY	CHRISTY MILLER	\$1,180,544	1	2/13/2009	Not Filed	\$272,409	\$10,000
2033	C00449876	COMMITTEE TO ELECT MARY WRIGHT	WRIGHT, MARY D.	MARY WRIGHT	\$343,017	1		Not Filed	\$57,169 (est)	\$3,375
2034	C00418293	COMMITTEE TO RE-ELECT HENRY HANK JOHNSON	JOHNSON, HENRY C. JR.	MALCOLM A. CUNNINGHAM	\$748,019	0	1/13/2009	Not Filed	\$52,265	\$2,700
2036	C00448241	DOUG TUDOR FOR CONGRESS	TUDOR, DOUGLAS DAVID	JON P. TUDOR	\$241,978	2	12/30/2008	26	\$37,596	\$1,080
2037	C00441840	FAULK FOR CONGRESS	FAULK, JOHN M.	MARY LYNN MCKEOWN	\$129,637	0	1/7/2009	Not Filed	\$7,595	\$300
2038	C00393041	FRIENDS OF AMATA	COLEMAN, AUMUA AMATA	MICHAEL LAWRENCE USLE	\$201,698	1	12/14/2008	10	\$37,039	\$500
2039	C00446641	JACK HOOGENDYK FOR US SENATE	HOOGENDYK JR, JACK	JACK HOOGENDYK	\$602,428	0	12/12/2008	8	\$177,298	\$2,000
2040	C00317842	KILPATRICK FOR UNITED STATES CONGRESS	KILPATRICK, CAROLYN MS.	MR. CARL STAFFORD	\$2,084,372	0	12/10/2008	6	\$37,329	\$320
2041	C00449629	REED FOR US SENATE 2008 INC	REED, CHRISTOPHER	KIMBERLY REED	\$117,880	0	1/14/2009	Not Filed	\$26,742	\$900
2042	C00449231	STRATEN FOR CONGRESS INC	STRATEN, ROLAND	RICHARD HOLLAND	\$139,752	0	12/10/2008	6	\$19,399	\$130

10092650413

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
 Reason To Believe Recommendation -)
 2008 12 Day Pre-General)
 Report(Unauthorized Quarterly Filers) and)
 30 Day Post-General Report)
 (Unauthorized/Authorized Filers) for the)
 Administrative Fine Program (2008 Post)
 General) (UNAUTH):)
 TALLATCHEE CREEK INC. PAC, and) AF# 2026
 CONATSER, ELIZABETH EMBER as)
 treasurer;)
 PLUMBERS LOCAL 519 POLITICAL) AF# 2020
 ACTION COMMITTEE, and PHIL)
 TRUCKS JR as treasurer;)
 USAFARMWORKERPAC, and STUART J) AF# 2029
 MITCHELL as treasurer;)
 FAMILY-PAC FEDERAL, and D PAUL) AF# 2004
 CAPRIO as treasurer;)
 CERNER CORPORATION, and) AF# 2000
 NAUGHTON, MARC as treasurer;)
 NATIONAL ORGANIZATION FOR) AF# 2014
 WOMEN PAC, and LYLES^LATIFA^^ as)
 treasurer;)
 WEST VIRGINIA REPUBLICAN PARTY,) AF# 2030
 INC., and RIGGALL, MARY V. as)
 treasurer;)
 BLOGPAC, and BOWERS,) AF# 1997
 CHRISTOPHER as treasurer;)
 COMMITTEE ON POLITICAL ACTION) AF# 1995
 OF THE AMERICAN POSTAL)
 WORKERS UNION, AFL-CIO, and)
 TERRY STAPLETON as treasurer;)
 PROGRESSIVE VOTERS OF AMERICA,) AF# 2022
 and PHILIP FIERMONTE as treasurer;)
 SIERRA PACIFIC EMPLOYEES) AF# 2024
 POLITICAL ACTION COMMITTEE, and)
 VINSKI, JOHN as treasurer;)

Federal Election Commission
Certification for Administrative Fines
March 31, 2009

Page 2

DADE COUNTY FIRE FIGHTERS,) AF# 2001
LOCAL 1403 PAC, and DEL CUETO,)
JOAQUIN as treasurer;)
METAL LATHERS LOCAL 46 PAC, and) AF# 2011
ROBERT LEDWITH as treasurer;)
THE 159 GROUP INC, and SAMUEL B) AF# 2027
KELLETT JR as treasurer;)
WISCONSIN BANKERS ASSOCIATION) AF# 2031
(WISBANKPAC), and RUFER,)
DEBORAH MRS. as treasurer;)
AMERICANS AGAINST ILLEGAL) AF# 1996
IMMIGRATION PAC, and MACKENZIE,)
SCOTT B as treasurer;)
BORDER HEALTH FEDERAL PAC, and) AF# 1998
ERNIE PEREZ as treasurer;)
BUNCOMBE COUNTY REPUBLICAN) AF# 1999
PARTY, and EDWARD S OSADA as)
treasurer;)
DELHAIZE AMERICA, INC. POLITICAL) AF# 2002
ACTION COMMITTEE, and YOUNG,)
TEROSS W as treasurer;)
DEMOCRATIC ADVANCEMENT PAC,) AF# 2003
and CRAMER, CHRISTOPHER R. as)
treasurer;)
INT LONGSHOREMENS ASSOC (ILA)) AF# 2005
LOCAL 1291 POLITICAL ACTION)
COMMITTEE, and MARTIN MASCULLI)
as treasurer;)
INTERNATIONAL BROTHERHOOD OF) AF# 2006
PAINTERS AND ALLIED TRADES)
DISTRICT COUNCIL 21 PAC, and)
ASHDALE, JOSEPH as treasurer;)
KELLY SERVICES INC POLITICAL) AF# 2007
ACTION COMMITTEE (KELLYPAC),)
and JAMES D MCINTIRE as treasurer;)
LOCAL 1814 INTERNATIONAL) AF# 2008
LONGSHOREMENS ASSOC AFL-CIO)
POLITICAL ACTION AND EDUCATION)
FUND, and ANTHONY GRAFFINO as)
treasurer;)
LOUISIANA REFORM PAC, and) AF# 2009
SCHMIDT, JOHN C as treasurer;)

10092650414

Federal Election Commission
Certification for Administrative Fines
March 31, 2009

Page 3

MARSHALL AND ILSLEY CORPORATION POLITICAL ACTION COMMITTEE, and DYANA L PAPPENFUS as treasurer;	)	AF# 2010
METROPOLITAN TRANSPORTATION AUTHORITY POLICE BENEVOLENT ASSOCIATION PAC, and RAYMOND GIMMLER as treasurer;	)	AF# 2012
MONROE COUNTY DEMOCRATIC COMMITTEE, and KEGERREIS, LEIGH as treasurer;	)	AF# 2013
NEWAYGO COUNTY DEMOCRATIC EXECUTIVE COMMITTEE, and CHARLES D BENHAM as treasurer;	)	AF# 2015
O'NEILL AND ASSOCIATWS PAC, and SUSAN WATSON as treasurer;	)	AF# 2016
PHILADELPHIA JOINT BOARD UNITE HERE TIPS, and MS MILDRED SALDANA as treasurer;	)	AF# 2017
PLASTERERS' AND CEMENT MASONS' ACTION COMMITTEE, and HURD, EARL F as treasurer;	)	AF# 2018
PLUMBERS AND PIPEFITTERS LOCAL UNION 74, and VICTOR SALVATORE as treasurer;	)	AF# 2019
PORTLAND CEMENT ASSOCIATION INC. PCA PAC, and RICHARD C. CREIGHTON MR. as treasurer;	)	AF# 2021
RECREATIONAL FISHING ALLIANCE, PAC, and TONI STEFANO as treasurer;	)	AF# 2023
SUFFOLK COUNTY DETECTIVES ASSN INC., POLITICAL ACTION COMMITTEE, and WILLIAM RATHJEN, TREASURER as treasurer;	)	AF# 2025
UNITED HEALTH SERVICES PAC, INC., and CHRIS C DOWNING as treasurer;	)	AF# 2028

10092650415

CERTIFICATION

I, Mary W. Dove, Secretary of the Federal Election Commission, do hereby certify that on March 31, 2009 the Commission took the following actions on the Reason To Believe Recommendation – 2008 12 Day Pre-General Report (Unauthorized Quarterly Filers) and 30 Day Post-General Report (Unauthorized/Authorized Filers) for the Administrative Fine Program (2008 Post General) (UNAUTH) as recommended in the Reports Analysis Division's Memorandum dated March 30, 2009, on the following committees:

AF#2026 Decided by a vote of 6-0 to: (1) find reason to believe that TALLATCHEE CREEK INC. PAC, and CONATSER, ELIZABETH EMBER as treasurer violated 2 U.S.C. 434(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 Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2020 Decided by a vote of 6-0 to: (1) find reason to believe that PLUMBERS LOCAL 519 POLITICAL ACTION COMMITTEE, and PHIL TRUCKS JR as treasurer violated 2 U.S.C. 434(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 Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2029 Decided by a vote of 6-0 to: (1) find reason to believe that USAFARMWORKERPAC, and STUART J MITCHELL as treasurer violated 2 U.S.C. 434(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 Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2004 Decided by a vote of 6-0 to: (1) find reason to believe that FAMILY-PAC FEDERAL, and D PAUL CAPRIO as treasurer violated 2 U.S.C. 434(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 Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

10092650416

AF#2000 Decided by a vote of 6-0 to: (1) find reason to believe that CERNER CORPORATION, and NAUGHTON, MARC as treasurer violated 2 U.S.C. 434(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 Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2014 Decided by a vote of 6-0 to: (1) find reason to believe that NATIONAL ORGANIZATION FOR WOMEN PAC, and LYLES^LATIFA^^ as treasurer violated 2 U.S.C. 434(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 Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2030 Decided by a vote of 6-0 to: (1) find reason to believe that WEST VIRGINIA REPUBLICAN PARTY, INC., and RIGGALL, MARY V. as treasurer violated 2 U.S.C. 434(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 Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#1997 Decided by a vote of 6-0 to: (1) find reason to believe that BLOGPAC, and BOWERS, CHRISTOPHER as treasurer violated 2 U.S.C. 434(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 Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#1995 Decided by a vote of 6-0 to: (1) find reason to believe that COMMITTEE ON POLITICAL ACTION OF THE AMERICAN POSTAL WORKERS UNION, AFL-CIO, and TERRY STAPLETON as treasurer violated 2 U.S.C. 434(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 Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2022 Decided by a vote of 6-0 to: (1) find reason to believe that PROGRESSIVE VOTERS OF AMERICA, and PHILIP FIERMONTE as treasurer violated 2 U.S.C. 434(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 Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2024 Decided by a vote of 6-0 to: (1) find reason to believe that SIERRA PACIFIC EMPLOYEES POLITICAL ACTION COMMITTEE, and VINSKI, JOHN as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate

10092650417

letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2001 Decided by a vote of 6-0 to: (1) find reason to believe that **DADE COUNTY FIRE FIGHTERS, LOCAL 1403 PAC, and DEL CUETO, JOAQUIN** as treasurer violated 2 U.S.C. 434(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 Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2011 Decided by a vote of 6-0 to: (1) find reason to believe that **METAL LATHERS LOCAL 46 PAC, and ROBERT LEDWITH** as treasurer violated 2 U.S.C. 434(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 Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2027 Decided by a vote of 6-0 to: (1) find reason to believe that **THE 159 GROUP INC, and SAMUEL B KELLETT JR** as treasurer violated 2 U.S.C. 434(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 Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2031 Decided by a vote of 6-0 to: (1) find reason to believe that **WISCONSIN BANKERS ASSOCIATION (WISBANKPAC), and RUFER, DEBORAH MRS.** as treasurer violated 2 U.S.C. 434(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 Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#1996 Decided by a vote of 6-0 to: (1) find reason to believe that **AMERICANS AGAINST ILLEGAL IMMIGRATION PAC, and MACKENZIE, SCOTT B** as treasurer violated 2 U.S.C. 434(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 Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#1998 Decided by a vote of 6-0 to: (1) find reason to believe that **BORDER HEALTH FEDERAL PAC, and ERNIE PEREZ** as treasurer violated 2 U.S.C. 434(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 Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#1999 Decided by a vote of 6-0 to: (1) find reason to believe that **BUNCOMBE COUNTY REPUBLICAN PARTY, and EDWARD S OSADA** as treasurer violated 2

10092650418

U.S.C. 434(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 Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2002 Decided by a vote of 6-0 to: (1) find reason to believe that DELHAIZE AMERICA, INC. POLITICAL ACTION COMMITTEE, and YOUNG, TEROSS W as treasurer violated 2 U.S.C. 434(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 Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2003 Decided by a vote of 6-0 to: (1) find reason to believe that DEMOCRATIC ADVANCEMENT PAC, and CRAMER, CHRISTOPHER R. as treasurer violated 2 U.S.C. 434(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 Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2005 Decided by a vote of 6-0 to: (1) find reason to believe that INT LONGSHOREMENS ASSOC (ILA) LOCAL 1291 POLITICAL ACTION COMMITTEE, and MARTIN MASCUILLI as treasurer violated 2 U.S.C. 434(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 Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2006 Decided by a vote of 6-0 to: (1) find reason to believe that INTERNATIONAL BROTHERHOOD OF PAINTERS AND ALLIED TRADES DISTRICT COUNCIL 21 PAC, and ASHDALE, JOSEPH as treasurer violated 2 U.S.C. 434(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 Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2007 Decided by a vote of 6-0 to: (1) find reason to believe that KELLY SERVICES INC POLITICAL ACTION COMMITTEE (KELLYPAC), and JAMES D MCINTIRE as treasurer violated 2 U.S.C. 434(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 Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2008 Decided by a vote of 6-0 to: (1) find reason to believe that LOCAL 1814 INTERNATIONAL LONGSHOREMENS ASSOC AFL-CIO POLITICAL ACTION AND EDUCATION FUND, and ANTHONY GRAFFINO as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the

10092650419

amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2009 Decided by a vote of 6-0 to: (1) find reason to believe that LOUISIANA REFORM PAC, and SCHMIDT, JOHN C as treasurer violated 2 U.S.C. 434(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 Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2010 Decided by a vote of 6-0 to: (1) find reason to believe that MARSHALL AND ILSLEY CORPORATION POLITICAL ACTION COMMITTEE, and DYANA L PAPPENFUS as treasurer violated 2 U.S.C. 434(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 Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2012 Decided by a vote of 6-0 to: (1) find reason to believe that METROPOLITAN TRANSPORTATION AUTHORITY POLICE BENEVOLENT ASSOCIATION PAC, and RAYMOND GIMMLER as treasurer violated 2 U.S.C. 434(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 Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2013 Decided by a vote of 6-0 to: (1) find reason to believe that MONROE COUNTY DEMOCRATIC COMMITTEE, and KEGERREIS, LEIGH as treasurer violated 2 U.S.C. 434(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 Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2015 Decided by a vote of 6-0 to: (1) find reason to believe that NEWAYGO COUNTY DEMOCRATIC EXECUTIVE COMMITTEE, and CHARLES D BENHAM as treasurer violated 2 U.S.C. 434(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 Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2016 Decided by a vote of 6-0 to: (1) find reason to believe that O'NEILL AND ASSOCIATES PAC, and SUSAN WATSON as treasurer violated 2 U.S.C. 434(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 Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

10092650420

AF#2017 Decided by a vote of 6-0 to: (1) find reason to believe that PHILADELPHIA JOINT BOARD UNITE HERE TIPS, and MS MILDRED SALDANA as treasurer violated 2 U.S.C. 434(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 Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2018 Decided by a vote of 6-0 to: (1) find reason to believe that PLASTERERS' AND CEMENT MASONS' ACTION COMMITTEE, and HURD, EARL F as treasurer violated 2 U.S.C. 434(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 Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2019 Decided by a vote of 6-0 to: (1) find reason to believe that PLUMBERS AND PIPEFITTERS LOCAL UNION 74, and VICTOR SALVATORE as treasurer violated 2 U.S.C. 434(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 Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2021 Decided by a vote of 6-0 to: (1) find reason to believe that PORTLAND CEMENT ASSOCIATION INC. PCA PAC, and RICHARD C. CREIGHTON MR. as treasurer violated 2 U.S.C. 434(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 Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2023 Decided by a vote of 6-0 to: (1) find reason to believe that RECREATIONAL FISHING ALLIANCE, PAC, and TONI STEFANO as treasurer violated 2 U.S.C. 434(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 Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2025 Decided by a vote of 6-0 to: (1) find reason to believe that SUFFOLK COUNTY DETECTIVES ASSN INC., POLITICAL ACTION COMMITTEE, and WILLIAM RATHJEN, TREASURER as treasurer violated 2 U.S.C. 434(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 Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2028 Decided by a vote of 6-0 to: (1) find reason to believe that UNITED HEALTH SERVICES PAC, INC., and CHRIS C DOWNING as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would

10092650421

Federal Election Commission
Certification for Administrative Fines
March 31, 2009

Page 10

be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

Attest:

March 31, 2009
Date

Mary W. Dove
Mary W. Dove
Secretary of the Commission

10092650422



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 6, 2009

Christopher R. Cramer as Treasurer
Democratic Advancement PAC
600 1st Ave. Ste. 304
Seattle, WA 98104

C00381517
AF#: 2003

Dear Mr. Cramer:

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 in which a regularly scheduled general election is held. This report, covering the period through November 24, 2008, was due no later than December 4, 2008. 2 U.S.C. 434(a). Records at the Federal Election Commission ("FEC") indicate that this report was not filed within thirty (30) days of the due date. You should file this report if you have not already done so.

The Act was amended in 1999 to permit the FEC to impose civil money penalties for violations of the reporting requirements of 2 U.S.C. § 434(a). 2 U.S.C. § 437g(a)(4). On March 31, 2009, the FEC found that there is reason to believe ("RTB") that Democratic Advancement PAC and you as treasurer violated 2 U.S.C. § 434(a) by failing to file timely this report on or before December 4, 2008. 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 \$4,500. Please see the attached copy of the Commission's administrative fine regulations at 11 C.F.R. §§ 111.30-11.46. Attachment 1. The Commission's website contains further information about how the administrative fine program works and how the fines are calculated. See <http://www.fec.gov/af/af.shtml>. 11 C.F.R. § 111.34. Your payment is due within forty (40) days of the finding, or by May 10, 2009, and is based on these factors:

Election Sensitivity of Report: Not Election Sensitive
Level of Activity: \$119,843
Number of Days Late: Not Filed
Number of Previous Civil Money Penalties Assessed: 0

To Pay the Calculated Civil Money Penalty

If you should decide to pay the calculated civil money penalty, send the enclosed remittance form, along with your payment, to the FEC at the address on page 4. Upon receipt of your payment, the FEC will send you a final determination letter.

10092650423

To Challenge the RTB Finding and/or Calculated Civil Money Penalty

If you should decide to challenge the RTB finding and/or calculated civil money penalty, you must submit a written response, including the AF# found on page one, to the FEC's Office of Administrative Review, 999 E Street, NW, Washington, DC 20463. Your response must be received within forty (40) days of the Commission's RTB finding, or May 10, 2009. 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. The FEC will only consider challenges that are based on a factual error in the RTB finding; miscalculation of the calculated civil money penalty by the FEC; or 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). In order 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, a failure of Commission computers or Commission-provided software despite you seeking technical assistance from Commission personnel and resources; a widespread disruption of information transmissions over the Internet that is not caused by the Commission's or your computer systems or Internet service provider; and 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, negligence; delays caused by vendors or contractors; treasurer and staff illness, inexperience or unavailability; committee computer, software, or internet service provider failures; failure to know filing dates; and failure to use filing software properly. 11 C.F.R. § 111.35(d). Your response 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).

Pursuant to the Commission's regulations, the "failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver" of your right to present such argument in a petition to the district court under 2 U.S.C. § 437g. 11 C.F.R. § 111.38.

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.

If You Do Not Pay the Calculated Civil Money Penalty or Submit a Challenge

If you do not pay the calculated civil money penalty or submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that Democratic Advancement PAC and you as treasurer violated 2 U.S.C. § 434(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 FEC 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. § 111.45.

10092650424

This matter was generated based on information ascertained by the FEC in the normal course of carrying out its supervisory responsibilities. 2 U.S.C. § 437g(a)(2). It will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and 437g(a)(12)(A) until it is placed on the public record in accordance with 11 C.F.R. § 111.42, unless you notify the FEC in writing that you wish the matter to be made public.

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 Rhiannon Magruder 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. 1660) or (202) 694-1660.

On behalf of the Commission,



Steven T. Walther
Chairman

10092650425

ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 C.F.R. § 111.43, the amount of your civil money penalty calculated at RTB is \$4,500 for the 2008 Post-General Report.

Please mail this remittance with a check or money order made payable to the Federal Election Commission to the following address:

Federal Election Commission
P.O. Box 979058
St. Louis, MO 63197-9000

If you choose to send your remittance and payment by courier or overnight delivery, please use this address:

U.S. Bank - Government Lockbox
FEC #979058
1005 Convention Plaza
Attn: Government Lockbox, SL-MO-C2GL
St. Louis, MO 63101

The remittance and your payment are due by May 10, 2009. Upon receipt of your remittance and payment, the FEC will send you a final determination letter.

PAYMENTS BY PERSONAL CHECK

Personal checks will be converted into electronic funds transfers (EFTS). Your account will be electronically debited for the amount on your check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: Democratic Advancement PAC

FEC ID#: C00381517

AF#: 2003

PAYMENT DUE DATE: May 10, 2009

PAYMENT AMOUNT DUE: \$4,500

10092650426

Tuesday, May 12, 2009 6:26 PM

10092650427

To:
Federal Election Commission
Office of Administrative Review
999 E Street, NW
Washington DC, 20463
Steven T. Walther, Chairman

From:

Thomas A. Cramer President
Christopher R. Cramer Treasurer
Democratic Advancement PAC
18227 NE 24th Street
Redmond, WA 98052.

Committee # C00381517
AF#: 2003 & 2060

Dear Mr Walther,

This letter serves as a challenge to the RTB findings for AF# 2003 & 2060 and the calculated civil money penalty. Our organization demonstrated use of best efforts to file in a timely manner when we were prevented from doing so by reasonably unforeseen circumstances that were beyond our control. These circumstances have not been addressed by the FEC. The FEC software was altered so that it was not compatible with our normally available operating system. FEC staff was deliberately eliminated who could handle tech support to address our compatibility issues. In doing so the FEC did not comply with it's own legal mandate to provide technical support for more than one operating system thus giving one a monopoly and unequal access for other operating systems and a real monopoly to one manufacturer.

The fine is also being disputed and challenged because our activity during October and other reporting periods was much less. The amount of activity during October was less than \$20,000.

Sincerely yours,


Thomas A. Cramer President Christopher R. Cramer Treasurer



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Via First Class Mail

May 13, 2009

Christopher R. Cramer, as Treasurer
Democratic Advancement PAC
600 1st Ave., Ste. 304
Seattle, WA 98104

C00381517
AF# 2003 and 2060

Dear Mr. Cramer:

On May 13, 2009, the Commission received your written response ("challenge") via facsimile which is being reviewed by the Office of Administrative Review. If you have not already done so, please forward the original challenge to this office at 999 E St., NW, Washington, DC. If you have any questions regarding your challenge, please contact this Office on our toll free number (800)424-9530 (press 0, then ext. 1660) or (202)694-1660.

Sincerely,

A handwritten signature in black ink that reads "Shawn Woodhead Werth".

Shawn Woodhead Werth
Reviewing Officer
Office of Administrative Review

10092650428

DECLARATION OF NATALIYA IOFFE

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. I hereby certify that documents identified herein are true and accurate copies of the following sent by the Commission to Democratic Advancement PAC:
 - A) Prior Notice, dated September 29, 2008, referencing the 2008 30 Day Post-General Report (sent via electronic mail to: crayc@dapac.org);
 - B) Non-Filer Letter, dated December 22, 2008, referencing the 2008 30 Day Post-General Report;
 - C) Reason-to-Believe Letter, dated April 6, 2009, referencing the 2008 30 Day Post-General Report.
3. I hereby certify that I have searched the Commission's public records and find that Democratic Advancement PAC has not yet filed the 2008 30 Day Post-General Report with the Commission.
4. 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 at Washington, D.C. on the 18th day of May, 2009.



Nataliya Ioffe
Chief, Compliance Branch
Reports Analysis Division
Federal Election Commission

10092650430



GENERAL ELECTION REPORT NOTICE

FEDERAL ELECTION COMMISSION

PARTIES AND PACS

September 29, 2008

CURRENT REPORT DUE

I. QUARTERLY FILERS THAT MAKE GENERAL ELECTION CONTRIBUTIONS OR EXPENDITURES FROM OCTOBER 1 THROUGH OCTOBER 15

REPORT	REPORTING PERIOD ¹	REG./CERT. & OVERNIGHT MAILING DEADLINE	FILING DEADLINE
Pre-General ²	10/01/08 - 10/15/08	10/20/08	10/23/08
Post-General	10/16/08 - 11/24/08	12/04/08	12/04/08

II. QUARTERLY FILERS THAT DO NOT MAKE GENERAL ELECTION CONTRIBUTIONS OR EXPENDITURES FROM OCTOBER 1 THROUGH OCTOBER 15³

REPORT	REPORTING PERIOD ¹	REG./CERT. & OVERNIGHT MAILING DEADLINE	FILING DEADLINE
Post-General	10/01/08 - 11/24/08	12/04/08	12/04/08

Supplemental Filing Information available on pages 3 and 4 of this notice.

¹These dates indicate the beginning and the end of the reporting period. A reporting period always begins the day after the closing date of the last report filed. If the committee is new and has not previously filed a report, the first report must cover all activity that occurred before the committee registered up through the close of books for the first report due.

²Required only if committee makes contributions or expenditures in connection with the general election during the reporting period.

³Committees that made general election contributions or expenditures before October 1 and did not previously report them must also follow Chart I.

10092650431

REPORTING SCHEDULE FOR REMAINDER OF 2008

REPORTING DATES

REPORT	REPORTING PERIOD ¹	REG./CERT. & OVERNIGHT MAILING DEADLINE	FILING DEADLINE
Year-End	11/25/08 - 12/31/08	01/31/09	01/31/09 ⁴

Supplemental Filing Information available on pages 3 and 4 of this notice.

¹These dates indicate the beginning and the end of the reporting period. A reporting period always begins the day after the closing date of the last report filed. If the committee is new and has not previously filed a report, the first report must cover all activity that occurred before the committee registered up through the close of books for the first report due.

⁴Notice that this filing deadline falls on a weekend. Filing deadlines are not extended when they fall on nonworking days. Accordingly, reports filed by methods other than Registered, Certified or Overnight Mail, or electronically, must be received before the Commission's (or for committees supporting only Senate candidates, the Secretary of the Senate's) close of business on the last business day before the deadline.

10092650432

SUPPLEMENTAL FILING INFORMATION

PLEASE NOTE: The Commission provides reminders of upcoming filing dates as a courtesy to help committees comply with the filing deadlines set forth in the Act and Commission regulations. Committee treasurers must comply with all applicable filing deadlines established by law, and the lack of prior notice does not constitute an excuse for failing to comply with any filing deadline.

WHO MUST FILE

Party Committees and PACs (Nonconnected Committees and Separate Segregated Funds) must follow the above charts in order to determine whether they must file a report 12 days before the general election on November 4 (the Pre-General Election Report). All Party Committees and PACs, regardless of financial activity, must file a report 30 days after the general election (the Post-General Election Report). Before a committee can stop filing with the FEC, it must file a termination report with the Commission. Committees must continue to file reports until the Commission notifies them in writing that their termination report has been accepted.

METHODS OF FILING REPORTS

Electronic Filing

Quarterly Reports filed electronically must be received and validated by the Commission by 11:59 p.m. Eastern Time on the filing deadline. For additional information, call the Electronic Filing Office at (800) 424-9530 or (202) 694-1642 or visit our website at www.fec.gov/elecfil/electron.shtml.

Under the Commission's mandatory electronic filing regulations, political committees that receive contributions or make expenditures, including independent expenditures, in excess of \$50,000 in a calendar year, or that have reason to expect to do so, must file all reports with the FEC electronically. Other committees may voluntarily file electronically; however, any entity that files electronically, whether required to do so or not, must comply with the electronic filing rules.

Registered & Certified Mail

Quarterly Reports sent by Registered or Certified Mail must be postmarked on or before the mailing deadline to be considered timely filed. A committee sending its reports by Certified Mail should keep its certified mailing receipt with the U.S. Postal Service (USPS) postmark as proof of filing because the USPS does not keep complete records of items sent by Certified Mail. A committee sending its report by Registered Mail should keep its proof of mailing. Please note that a Certificate of Mailing from the USPS is not sufficient to prove that a report is timely filed using Registered, Certified or Overnight Mail.

Overnight Mail

Quarterly Reports filed via overnight mail will be considered timely filed if the report is received by the delivery service on or before the mailing deadline. "Overnight mail" includes Priority or Express Mail having a delivery confirmation, or an overnight delivery service with which the report is scheduled for next business day delivery and is recorded in the service's on-line tracking system.

Other Means of Filing

Quarterly Reports filed by any other means—including first class mail and courier—must be received by the Commission (or for committees supporting only Senate candidates, the Secretary of the Senate) before the close of business on the last business day before the filing deadline.

Forms are available for downloading and printing at the FEC website at www.fec.gov/info/forms.shtml.

COMPLIANCE

Treasurer Responsibility. Treasurers of political committees are responsible for both the timeliness and the accuracy of all reports. They may be subject to monetary penalties if reports are inaccurate or are not filed on time. For additional information, see the Commission's *Statement of Policy Regarding Treasurers Subject to Enforcement Proceedings* on the web site at www.fec.gov/law/policy/2004/notice2004-20.pdf

Administrative Fine Program. Under the Administrative Fine Program, political committees and their treasurers who fail to file their reports on time may be subject to civil money penalties up to \$16,000 (or more for repeat late- and non-filers). For additional information, visit the FEC website at www.fec.gov/af/af.shtml.

Report Format. In addition, political committees that file illegible reports or use non-FEC forms (except for FEC-approved, computer-generated forms) will be required to refile their reports.

Electronic Filers Must File Electronically. Electronic filers who instead file on paper, or who submit an electronic report (either by direct transmission, 3.5" diskette or CD) that does not pass the validation program by the 11:59 p.m. Eastern Time on the filing deadline, will be considered non-filers and may be subject to enforcement actions (including administrative fines).

CHANGE IN FILING FREQUENCY

Committees able to change their reporting schedule (for example, from monthly to quarterly) who wish to do so must notify the Commission in writing when filing a report under the committee's current schedule. All reports filed after providing such a notice of change in filing frequency must follow the new filing schedule. Electronic filers must file this request electronically. Committees may change their filing frequency no more than once per calendar year.

FOR INFORMATION, CALL: (800) 424-9530 or (202) 694-1100

10092650434



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 22, 2008

RQ-7

CHRISTOPHER R. CRAMER, TREASURER
DEMOCRATIC ADVANCEMENT PAC
600 1ST AVE. STE. 304
SEATTLE, WA 98104

IDENTIFICATION NUMBER: C00381517

REFERENCE: POST-GENERAL REPORT 10/1/2008 - 11/24/2008

DEAR TREASURER:

IT HAS COME TO THE ATTENTION OF THE FEDERAL ELECTION COMMISSION THAT YOU MAY HAVE FAILED TO FILE THE ABOVE REFERENCED REPORT OF RECEIPTS AND EXPENDITURES AS REQUIRED BY THE FEDERAL ELECTION CAMPAIGN ACT, AS AMENDED.

IT IS IMPORTANT THAT YOU FILE THIS REPORT IMMEDIATELY WITH THE FEDERAL ELECTION COMMISSION, 999 E STREET, N.W., WASHINGTON, D.C., 20463. PLEASE NOTE THAT ELECTRONIC FILERS MUST SUBMIT THEIR REPORTS ELECTRONICALLY, AS PER 11 CFR §104.18. A COPY OF THE REPORT OR RELEVANT PORTIONS MUST ALSO BE FILED WITH THE SECRETARY OF THE STATE OR EQUIVALENT STATE OFFICER UNLESS THE STATE IS EXEMPT FROM THE FEDERAL REQUIREMENT TO RECEIVE AND MAINTAIN PAPER COPIES. YOU CAN VERIFY THE COMMISSION'S RECEIPT OF ANY DOCUMENTS SUBMITTED BY YOUR COMMITTEE ON THE FEC WEBSITE AT WWW.FEC.GOV.

THE FAILURE TO TIMELY FILE THIS REPORT MAY RESULT IN CIVIL MONEY PENALTIES, AN AUDIT OR LEGAL ENFORCEMENT ACTION. THE CIVIL MONEY PENALTY CALCULATION FOR LATE REPORTS DOES NOT INCLUDE A GRACE PERIOD AND BEGINS ON THE DAY FOLLOWING THE DUE DATE FOR THE REPORT. DUE TO HEIGHTENED SECURITY SCREENING MEASURES, DELIVERY OF MAIL BY THE US POSTAL SERVICE MAY BE DELAYED. THE COMMISSION RECOMMENDS THAT YOU SUBMIT YOUR REPORT VIA OVERNIGHT DELIVERY OR COURIER SERVICE.

IF YOU HAVE ANY QUESTIONS REGARDING THIS MATTER, PLEASE CONTACT CHRISTOPHER RITCHIE AT OUR TOLL FREE NUMBER (800)424-9530. OUR DIRECT LOCAL NUMBER IS (202)694-1130.

SINCERELY,

A handwritten signature in cursive script that reads "Patricia Carmona".

PATRICIA CARMONA
ASSISTANT STAFF DIRECTOR
REPORTS ANALYSIS DIVISION (RAD)

2803996410092650435



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

SECRETARIAT
2009 JUL 10 A 11: 12

July 9, 2009

MEMORANDUM

SENSITIVE

To: The Commission

Through: Robert A. Hickey *[Signature]*
Staff Director

From: John D. Gibson *[Signature]*
Chief Compliance Officer

Shawn Woodhead Wertz *[Signature]*
Reviewing Officer
Office of Administrative Review

By: Maureen Benitz *[Signature]*
Reviewing Analyst

Subject: Reviewing Officer Recommendation AF# 2003 and 2060 –
Democratic Advancement PAC and Christopher R. Cramer, as
Treasurer (C00381517)

The attached Reviewing Officer Recommendation is being circulated on an informational basis. A copy was also sent to the respondents in accordance with 11 C.F.R. § 111.36(f). The respondents may file with the Commission Secretary a written response within 10 days of transmittal of the recommendation.

After the 10 day period, the Reviewing Officer Recommendation and the respondents' written response, if any, will be circulated to the Commission to make a final determination.

Attachment

10092650436



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 9, 2009

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

**AF# 2003 and 2060 – Democratic Advancement PAC and Christopher R. Cramer, as
Treasurer (C00381517)**

On March 31, 2009 and April 8, 2009, the Commission found reason to believe ("RTB") that the respondents violated 2 U.S.C. § 434(a) for failing to file the 2008 30 Day Post-General and Year-End Reports and made a preliminary determination that the civil money penalty was \$4,500 for each report, based on the schedule of penalties at 11 C.F.R. § 111.43. They were notified by the Reports Analysis Division ("RAD") on April 6 and 13, 2009, respectively, of the Commission's RTB findings and civil money penalties. Both RTB letters were returned to RAD. After several attempts to contact the Committee to obtain a viable fax number, the RTB letters were successfully faxed on May 12, 2009.

Respondents' Response

On May 13, 2009, the Commission received the written response ("challenge") from the Treasurer as well as the Committee's President for both cases. They state that they used their best efforts to file the reports, but were prevented from doing so by reasonably unforeseen circumstances. Specifically, the FECFile software was altered in a manner that made it incompatible with their normally available operating system. In addition, the FEC deliberately eliminated the staff member who was able to assist the Committee with their filing needs. By supporting only one operating system, the FEC is not complying with the legal mandate to provide technical support for more than one operating system. Lastly, they state that the reportable activity during October and other reporting periods was much less than \$20,000 and, therefore, they also dispute the amount of the fines.

Analysis

To date, the 2008 30 Day Post-General and Year-End Reports have not been filed.

The Federal Election Campaign Act ("Act") states that the treasurer of committee not authorized by a candidate shall file, in an election year, reports for the period ending November 24 no later than December 4 and for the period ending December 31 no later than January 31. 2 U.S.C. § 434(a)(4)(A)(i) and (iii) and 11 C.F.R. § 104.5(c)(1)(i) and (iii). Political committees required to file reports with the Commission must file in an electronic format if they received or expect to receive contributions or made or expect to make expenditures in a calendar year aggregating in excess of \$50,000. 2 U.S.C. § 434(a)(11) and 11 C.F.R. § 104.18(a). Reports filed electronically must be

10092650437

received and validated at or before 11:59 pm Eastern Standard/Daylight Time on December 4 for the 30 Day Post-General Report and January 31 for the Year-End Report 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).

Their challenge primarily focuses on electronic filing related issues. Their first issue is that the FECFile software was altered in a way that rendered it incompatible with their operating system. In the Electronic Filing Office's ("EFO") response, the Information Technology Division ("ITD") Manager states that "between the time the committee successfully uploaded the July Quarterly Report (July 22) and March 10, 2009, when FECFile, Version 6.3.1.0, was released, there were no changes to the software, or to the operating system options compatible with the software." Thus, the same FECFile software version, 6.2.1.0, that they used to successfully file the 2008 new and amended July Quarterly Reports (in July 2008 and January 2009) is the same version they would have used to file the 30 Day Post-General and Year-End Reports.

The ITD Manager also states that the EFO staff explained to the Committee's representative in October 2008 that an operating system other than Windows is not supported. This is made clear from the information provided to electronic filers at the Electronic Filing section of the Commission's website as well as in the FECFile User's Manual for unauthorized committees. The website article and User's Manual give electronic filers the minimum Windows operating system requirements they need to use the FECFile software and clearly state that no other operating system is supported.

Subsequent to the successful filing of the July Quarterly Report, the EFO and RAD staff spoke with several representatives of the Committee about their use of the Linux operating system. During their telephone conversations, the EFO staff stressed that the Linux operating system is not supported by FECFile and they must use a Windows based system. The Committee's President told the RAD Analyst on October 22, 2008 that they had purchased new Windows based computers, and in a November conversation said he would contact the EFO staff for help with the software. The last contact recorded by the EFO with the Committee occurred on April 3, 2009, when Ms. Cramer left a voicemail explaining that the Committee has moved to a Microsoft based system and should not experience filing issues. She also stated that her report was late and would try to call back the next day. There is no record of a telephone conversation on April 4, 2009 or later.

The second electronic filing related issue raised in the challenge is that the FEC staff member who helped them in the past was deliberately eliminated. In the ITD Manager's response, he says that this is not accurate and explains that the staff member who helped the Committee in the past, Mr. Carlos Luna, has not had a leave of absence since first assisting them with their compatibility problems, and is the person who researched and found the Wine emulator, which allowed them to upload their 2008 July Quarterly Report. The same is true of Mr. Lally who most recently contacted them in March 2009 to offer help filing their reports.

10092650438

10092650439

The third electronic filing related issue presented in the challenge is that the Commission did not comply with its own mandate to provide technical assistance for more than one operating system. A response similar to this was submitted to the Commission for two earlier cases involving this Committee – AF# 1849 and AF# 1893. By letter dated May 6, 2009, OAR requested clarifying information from the respondents: which federal laws they are referring to and require that the Commission provide electronic filing software that is compatible with more than one operating system. This letter was sent via certified mail to their address of record. To date, it has not been claimed by the respondents. On May 15, a copy of the letter was sent via FedEx to an alternate address (Redmond, WA) for the Committee. On May 18, the FedEx letter was delivered. To date, no response has been received from the respondents. Therefore, it is unclear what mandate they are referring to as the request for clarifying information remains unanswered.

The Act states that the Commission must promulgate standards for software vendors to use to develop electronic filing software and to make a copy of the software available to each person required to electronically file reports. 2 U.S.C. § 434(a)(12). The Commission's regulations at 11 C.F.R. § 104.18(d) require that electronically filed reports shall conform to the technical electronic filing specifications requirements. In addition to its own FECFile software, the Commission provides on its website a list of software vendors who offer electronic filing software as well as programming tools for software vendors. Thus, the Commission has complied with the Act as it has promulgated electronic filing software standards, developed technical specification requirements, and provided electronic filers with several software sources: the Commission's electronic filing software (which it provides for free) or electronic filing software provided by other vendors.

On December 5, 2008 and February 1, 2009, a 12-hour non-filer email notification was sent to tam@dapac.org and barbara_cramer28@yahoo.com, respectively, alerting them that the 30 Day Post-General and Year-End Reports had not been filed. There is no record of the Committee calling the EFO for assistance after receiving these emails.

The fourth issue raised in the Committee's challenge references their level of activity. They state "our activity during October and other reporting periods was much less. The amount of activity during October was less than \$20,000." At the time of the RTB finding, the Commission estimated the level of activity to be \$119,843, for each report, because no report was received. 11 C.F.R § 111.43(a)(2)(ii), (d) and (e). To date, these reports have not been filed, and thus, the fines remain the same as at the time of the RTB findings. If they file reports and disclose an actual level of activity which is lower, the civil money penalties may be reduced based on the fine schedules at 11 C.F.R § 111.43(a)(2).

The administrative fine regulations specifically state that failure to use filing software properly is not a reasonably unforeseen circumstance. 11 C.F.R § 111.35(d). Their challenge fails to address any of the three valid excuses at 11 C.F.R § 111.35(b).

These are: (i) the RTB finding is based on factual errors; and/or (ii) the improper calculation of the civil money penalty; and/or (iii) they used best efforts to file on time but were prevented from doing so by reasonably unforeseen circumstances that were beyond their control and they filed the report no later than 24 hours after the end of these circumstances.

Therefore, the Reviewing Officer recommends that the Commission make a final determination that the respondents violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$4,500 in each case.

OAR Recommendations

- (1) Adopt the Reviewing Officer recommendation for AF# 2003 involving the Democratic Advancement PAC and Christopher R. Cramer, as Treasurer, in making the final determination;
- (2) Make a final determination in AF# 2003 that the Democratic Advancement PAC and Christopher R. Cramer, as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$4,500;
- (3) Adopt the Reviewing Officer recommendation for AF# 2060 involving the Democratic Advancement PAC and Christopher R. Cramer, as Treasurer, in making the final determination;
- (4) Make a final determination in AF# 2060 that the Democratic Advancement PAC and Christopher R. Cramer, as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$4,500; and
- (5) Send the appropriate letter.

Reviewing Analyst: Maureen Benitz

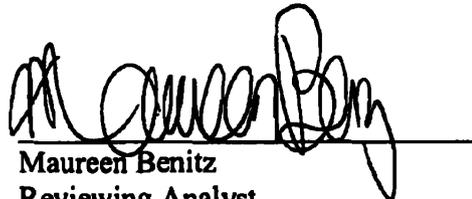
Attachments

- Attachment 1 – Challenge Received from Respondents
- Attachment 2 – _____
- Attachment 3 – _____
- Attachment 4 – Declarations from RAD, _____
- Attachment 5 – Declaration from OAR

10092650440

DECLARATION OF MAUREEN BENITZ

1. I am the Reviewing Analyst in the Office of Administrative Review for the Federal Election Commission ("Commission"). In my capacity as Reviewing Analyst, I conduct research with respect to all challenges submitted in accordance with the Administrative Fine program.
2. The 2008 30 Day Post General Report is due December 4, 2008. If electronically filed, it must be received and validated by the Commission at or before 11:59 p.m., Eastern Standard/Daylight Time on December 4 to be timely filed.
3. The 2008 Year-End Report is due January 31, 2009. If electronically filed, it must be received and validated by the Commission at or before 11:59 p.m., Eastern Standard/Daylight Time on January 31, 2009 to be timely filed.
4. It is the practice of the Commission's Electronic Filing Office to document all calls to or from committees regarding an error message they receive while using the FECFile software. It is also this Office's practice to maintain an Electronic Filing section on the Commission's web site at <http://www.fec.gov/elecfil/electron.shtml> for the use of committees and treasurers who are electronic filers and want information about the FECFile software. Included in this section are: a list of the minimum system requirements to use FECFile; the FECFile Update List, which lists the updates made during each new build release; programming tools for software vendors; and a User's Manual for PAC & Party Committees.
5. I hereby certify that I have searched the Commission's public records and that the document identified herein is a true and accurate copy of Page 1 of the Summary Page for the amended July Quarterly Report electronically filed by the Democratic Advancement PAC and Christopher R. Cramer, as Treasurer. According to Commission records, the report was received on January 6, 2009.
6. 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 at Washington on the 8th of July, 2009.



Maureen Benitz
Reviewing Analyst
Office of Administrative Review
Federal Election Commission

1009265041

**FEC
FORM 3X**

**REPORT OF RECEIPTS
AND DISBURSEMENTS**
For Other Than An Authorized Committee

Office Use Only

1. NAME OF COMMITTEE (in full) **USE FEC MAILING LABEL OR TYPE OR PRINT** Example: If typing, type over the lines

Democratic Advancement PAC

ADDRESS (number and street)

600 1st Ave. Ste. 304

Check if different than previously reported. (ACC)

Seattle

WA

98104

2. FEC IDENTIFICATION NUMBER CITY STATE ZIP CODE

C00381517

3. IS THIS REPORT NEW (N) OR X AMENDED (A)

4. TYPE OF REPORT (Choose One)

(a) Quarterly Reports:

April 15 Quarterly Report(Q1)
X July 15 Quarterly Report(Q2)
October 15 Quarterly Report(Q3)
January 31 Quarterly Report(YE)

July 31 Mid-Year Report(Non-election Year Only) (MY)
Termination Report (TER)

(b) Monthly Report Due On:
Feb 20 (M2) May 20 (M5) Aug 20 (M8) Nov 20 (M11) (Non-Election Year Only)
Mar 20 (M3) Jun 20 (M6) Sep 20 (M9) Dec 20 (M12) (Non-Election Year Only)
Apr 20 (M4) Jul 20 (M7) Oct 20 (M10) Jan 31 (YE)

(c) 12-Day PRE-Election Report for the: Primary (12P) General (12G) Runoff (12R)
Convention (12C) Special (12G)
Election on in the State of

(d) 30-Day Post-Election Report for the: General (30G) Runoff (30R) Special (30S)
Election on in the State of

5. Covering Period 04 01 2008 through 06 30 2008

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer Christopher R. Cramer

Signature of Treasurer Electronically Filed by Christopher R. Cramer Date 01 06 2009

NOTE : Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C 437g.

Office Use Only							
-----------------	--	--	--	--	--	--	--

FEC FORM 3X
(Rev. 12/2004)

10092650442



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

VIA OVERNIGHT DELIVERY

July 13, 2009

Christopher R. Cramer, as Treasurer
Democratic Advancement PAC
600 1st Ave., Ste. 304
Seattle, WA 98104

C00381517
AF# 2003 and 2060

Dear Mr. Cramer:

On March 31, 2009 and April 8, 2009, the Federal Election Commission ("Commission") found reason to believe ("RTB") that Democratic Advancement PAC and you, as Treasurer ("respondents"), violated 2 U.S.C. § 434(a) for failing to file the 2008 30 Day Post General and Year-End Reports. The Commission also made a preliminary determination that the civil money penalty was \$4,500 for each report based on the schedule of penalties at 11 C.F.R. § 111.43.

After reviewing the written response submitted by you and any supplemental information submitted Commission staff, the Reviewing Officer has recommended that the Commission make a final determination in this matter. 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. Your written response should be sent to the Commission Secretary, 999 E Street, NW, Washington, DC 20463. As a result of the anthrax threat in the Washington, DC area, US Postal Service mail delivery to federal agencies, including the Commission, has been interrupted. Until regular mail delivery resumes, you may also file your written response with the Commission Secretary via facsimile (202-208-3333) or by courier at the same address (if you use an overnight delivery service, please use zip code 20004 instead of zip code 20463). 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 202-694-1660 if you have any questions.

Sincerely,

Maureen Benitz
Reviewing Analyst
Office of Administrative Review

Attachment

10092650443

DAPAC

**Democratic Advancement PAC
600 1st Avenue, Ste. 305
Seattle, WA 98104
Phone: 206-382-0222
Website: dapac.org**

|Date: Thursday, July 23, 2009, 7:52 PM

To: Commission Secretary
Federal Election Commission
999 E Street , NW
Washington D.C.

Committee #C00381517

2009 JUL 24 P 12:35

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

AF# 2003 and 2060

Dear Sir:

The response received and the review offered is both factually incorrect and does not respond directly to my objections to the fines.

The letter and accompanying documentation dated July 18,2009 by Maureen Benitz does not address my willingness to file written reports nor the compliance to regulations 11 C.F.R. 104.18(d) that the FEC is mandated to adhere to.

We maintain the right to have support for a generally available operating system namely the LINUX operating system. The FEC by so doing has screened out people from using software of their choice. Updates produced by the FEC add further discrimination and do not allow other vendors to use and coordinate their adherence. The architecture of the government system should be open sourced and available for LINUX designers to modify in a timely manner their software.

The FEC in so doing violates 2U.S.C. 434(a) (12) which states that the commission must promulgate standards for software vendors to use to develop electronic filing software. I have yet to receive the architecture produced in enough detail to modify our software to respond to changes. Please send our committee a copy.

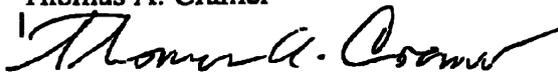
We will produce a copy of our reports as soon as possible in coordination with your staff and the level of activity is much lower than you allege.

Sincerely,

Christopher R. Cramer



Thomas A. Cramer



10092650444





FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2009 SEP 21 A 10:44

September 21, 2009

MEMORANDUM

SENSITIVE

To: The Commission

Through: Robert A. Hickey *RFH*
Staff Director

From: John D. Gibson *JDG*
Chief Compliance Officer

Shawn Woodhead *SW*
Reviewing Officer
Office of Administrative Review

By: Maureen Benitz *MB*
Reviewing Analyst

Subject: Final Determination Recommendation in AF# 2003 and 2060 –
Democratic Advancement PAC and Christopher R. Cramer, as
Treasurer (C00381517)

On March 31 and April 8, 2009, the Commission found reason to believe (“RTB”) that the respondents violated 2 U.S.C. § 434(a) for failing to file the 2008 30 Day Post-General and Year-End Reports. As a result, the Commission also made a preliminary determination on those dates that the civil money penalty was \$4,500 for each report based on the schedule of penalties at 11 C.F.R. § 111.43.

On May 13, 2009, the Commission received their written response (“challenge”) for both cases. After reviewing the challenge, the Reviewing Officer’s recommendation (“ROR”) dated July 9, 2009 was forwarded to the Commission, a copy was forwarded to the respondents, and is hereby incorporated by reference. The Reviewing Officer recommended that the Commission make a final determination that they violated 2 U.S.C. § 434(a) and assess a \$4,500 civil money penalty in each case because they submitted no evidence that a factual error was made in the RTB finding, that the penalty was miscalculated at RTB or that they used best efforts to file on time. 11 C.F.R. § 111.35(b).

Within 10 days of transmittal of the recommendation, they 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). A response was received from the Treasurer and Committee’s President on July 24, 2009.

10092650445

10092650446

The Committee's response primarily focuses on the use of Linux as an operating system ("Linux") and the Commission's failure to support Linux, the same issue raised in the challenge and addressed in the ROR. To address new facts about this issue, the Reviewing Officer requested clarifying information from the Electronic Filing Office ("EFO") on August 6, 2009. On August 11, the EFO responded to OAR's request.

As both EFO responses indicate, the respondents' inability to file the reports is not a result of the government's failure to offer open source software or the Commission's failure to offer its FECFile software ("FECFile") for Linux users. Their failure to file the 30 Day Post-General and Year-End Reports is the result of their failure to use software properly despite numerous attempts to help them or unavailability of the person (Ms. Cramer's son) who installed Linux on their computer and handled FECFile updates. Both of these circumstances – failure to use filing software properly and unavailability of committee staff - are not considered reasonably unforeseen and beyond their control. 11 C.F.R. § 111.35(c) and (d).

The respondents contend that the government's "architecture ... should be open sourced and available for Linux designers to modify [their software] in a timely manner." The EFO response points out that they could have selected vendor electronic filing software instead of FECFile. Some vendors provide electronic filing software packages which do not require a Windows based platform and are not dependent on any particular operating system. A list of vendors and contact information is on the Commission's website. With respect to their request for a copy of the Commission's architecture, the EFO response indicates that this appears to be a request for the Vendor Tool Kit, also on the Commission's website. Anyone can download the Kit which contains all the electronic filing specifications a developer needs to file a report. Mr. Lally left a message for them on August 11, 2009 with directions on how to find the Kit on the website.

The respondents chose to use FECFile as Commission records show that they filed all of their reports since April 2004, 24 reports in total, using FECFile. It appears that at least some of these reports were filed with Linux according to Ms. Cramer's July 22, 2008 conversation with Mr. Luna. As of that date, based on the assistance and instructions provided to Ms. Cramer by Mr. Luna, they should have been able to file the 30 Day Post-General and Year-End Reports on time with Linux as they had a Windows emulator to use for FECFile.

Three months later and two months before the Post-General Report was due, Committee representatives told the EFO and RAD staff that they were purchasing, or had purchased, a Windows based computer to file their reports. In early April 2009, six months later, Ms. Cramer returned Mr. Lally's March 20 call and left a message for him: they had moved to a Windows based product and would no longer have filing issues. At that point, they should have been able to file both reports using FECFile with a Windows operating system. Nonetheless, four months later on July 29, Ms. Cramer contacted the EFO again for help rebuilding her data set. The EFO staff gave her instructions to do this; Ms. Cramer said she would call back if she had further problems.

The respondents have had multiple opportunities to file these reports using FECFile on Linux with a Windows emulator, FECFile on a Windows operating system,

or vendor electronic filing software which does not require a Windows operating system. The EFO staff also helped them on several occasions over a one-year period with recurring electronic filing issues (such as locating, converting, or constructing the Committee's data set; and rebuilding reports).

The respondents again raise the issue that the Committee's level of activity is lower than what the Commission estimated, and express a willingness to file reports on paper. On several occasions, they were notified that if their reports are filed and disclose a lower level of activity that the civil money penalties will be recalculated. After several unsuccessful attempts to contact them, the Reviewing Analyst obtained another telephone number for the President and was able to contact him. After several phone conversations, the President ultimately and electronically filed the 30 Day Post-General and Year-End Reports on September 16, 2009.

The 30 Day Post-General Report discloses \$20,710 in total receipts and \$14,827 in total disbursements for an actual level of activity of \$35,537. The Year End Report discloses \$5,715 in total receipts and \$4,850 in total disbursements for an actual level of activity of \$10,565. Both reports are non-election sensitive and considered not filed for purposes of the civil money penalty calculation. Had they been filed disclosing these levels of activity prior to the RTB finding, the amount of the civil money penalties would have been \$900 and \$500, respectively, based on the level of activity brackets and calculated as follows: $\$900 \times [1 + (.25 \times 0)]$ or \$900 and $\$500 \times [1 + (.25 \times 0)]$ or \$500. 11 C.F.R. § 111.43(a)(2), (d) and (e).

The Reviewing Officer, therefore, recommends that the Commission make a final determination in both cases that they violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$900 in AF# 2003 (reduced from \$4,500) and \$500 in AF# 2060 (reduced from \$4,500).

OAR Recommendations

- (1) Adopt the Reviewing Officer recommendation for AF# 2003 involving the Democratic Advancement PAC and Christopher R. Cramer, as Treasurer, in making the final determination;
- (2) Make a final determination in AF# 2003 that the Democratic Advancement PAC and Christopher R. Cramer, as Treasurer, violated 2 U.S.C. § 434(a) and, based on the actual level of activity disclosed on the 30 Day Post-General Report filed on September 16, 2009 (\$35,537) assess a civil money penalty of \$900;
- (3) Adopt the Reviewing Officer recommendation for AF# 2060 involving the Democratic Advancement PAC and Christopher R. Cramer, as Treasurer, in making the final determination;
- (4) Make a final determination in AF# 2060 that the Democratic Advancement PAC and Christopher R. Cramer, as Treasurer, violated 2 U.S.C. § 434(a) and, based on the actual level of activity disclosed on the Year-End Report, filed on September 16, 2009 (\$10,565) assess a civil money penalty of \$500; and
- (5) Send the appropriate letter.

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Final Determination Recommendation:) AFs 2003 and 2060
Democratic Advancement PAC and)
Christopher R. Cramer, as Treasurer)
(C00381517))

CERTIFICATION

I, Mary W. Dove, Secretary of the Federal Election Commission, do hereby certify that on October 19, 2009, the Commission decided by a vote of 6-0 to take the following actions in AFs 2003 and 2060:

1. Adopt the Reviewing Officer recommendation for AF 2003 involving the Democratic Advancement PAC and Christopher R. Cramer, as Treasurer, in making the final determination.
2. Make a final determination in AF 2003 that the Democratic Advancement PAC and Christopher R. Cramer, as Treasurer, violated 2 U.S.C. § 434(a) and, based on the actual level of activity disclosed on the 30 Day Post-General Report filed on September 16, 2009 (\$35,537) assess a civil money penalty of \$900.
3. Adopt the Reviewing Officer recommendation for AF 2060 involving the Democratic Advancement PAC and Christopher R. Cramer, as Treasurer, in making the final determination.

10092650448

Federal Election Commission
AFs 2003 and 2060
October 19, 2009

4. Make a final determination in AF 2060 that the Democratic Advancement PAC and Christopher R. Cramer, as Treasurer, violated 2 U.S.C. § 434(a) and, based on the actual level of activity disclosed on the Year End Report, filed on September 16, 2009 (\$10,565) assess a civil money penalty of \$500.
5. Send the appropriate letter.

Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther and

Weintraub voted affirmatively for the decision.

Attest:

October 19, 2009
Date

Mary W. Dove
Mary W. Dove
Secretary of the Commission

10092650449



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 22, 2009

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Christopher R. Cramer, as Treasurer
Democratic Advancement PAC
600 1st Avenue, Suite 304
Seattle, WA 98104

C00381517
AF# 2003 and 2060

Dear Mr. Cramer:

On March 31, 2009 and April 8, 2009, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Democratic Advancement PAC and you, as Treasurer, violated 2 U.S.C. § 434(a) for failing to file the 2008 30 Day Post-General and Year-End Reports. By letters dated April 6 and 13, 2009, the Commission sent you notification of the RTB finding that included a civil money penalty calculated at RTB of \$4,500 for each report in accordance with the schedule of penalties at 11 C.F.R. § 111.43. On May 13, 2009, the Office of Administrative Review received the written response from you challenging the RTB finding and civil money penalty.

The Reviewing Officer reviewed the Commission's RTB finding with its supporting documentation and the written response. Based on this review, the Reviewing Officer recommended that the Commission make a final determination that Democratic Advancement PAC and you, as Treasurer violated 2 U.S.C. § 434(a) and assess a civil money penalty in the amount of \$4,500 for each report, in accordance with 11 C.F.R. § 111.43. The basis for the Reviewing Officer's recommendation was included in the Final Determination Report, a copy of which was sent to you on July 13, 2009.

On September 16, 2009, the reports were electronically filed. Based on the reports' receipt, the Reviewing Officer recommended that the Commission reduce the RTB civil money penalty because it was calculated on an estimated level of activity, make a final determination that Democratic Advancement PAC and you, as Treasurer violated 2 U.S.C. § 434(a) and, based on the actual level of activity disclosed on the 30 Day Post-General Report filed September 16, 2009 (\$35,537) and the Year-End Report filed September 16, 2009 (\$10,565), assess a civil money penalty in the amount of \$900 and \$500, respectively, in accordance with 11 C.F.R. § 111.43.

On October 19, 2009, the Commission adopted the Reviewing Officer's recommendation, made a final determination that Democratic Advancement PAC and you, as Treasurer violated 2 U.S.C. § 434(a) and based on the level of activity disclosed on the 30 Day Post-General Report

filed September 16, 2009 (\$35,537) and the Year-End Report filed September 16, 2009 (\$10,565), assessed a civil money penalty of \$900 (reduced from the RTB civil money penalty of \$4,500) and \$500 (reduced from the RTB civil money penalty of \$4,500). It is based on the same factors used to calculate the civil money penalty at RTB except that the actual rather than the estimated level of activity was used. A copy of the final determination recommendation is attached.

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

If you choose to appeal the final determination, you should submit a written petition, within 30 days of receipt of this letter, to the district court of the United States for the district in which the committee or treasurer reside, or transact business, requesting that the final determination be modified or set aside. See 2 U.S.C. § 437g(a)(4)(C)(iii). Your failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver of the respondents' right to present such argument in a petition to the district court under 2 U.S.C. § 437g. 11 C.F.R. § 111.38.

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 (or file a written petition to a federal district court - see below), the Commission will transfer the debt to the U.S. Department of the Treasury ("Treasury") for collection. Within 5 days of the transfer to Treasury, Treasury will contact the debtor and request payment. Treasury currently charges a fee of 28% 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 ("PCA"). If the debt remains unpaid, Treasury may recommend that the Commission refer the matter to the Department of Justice for litigation.

If You Choose To Pay the Civil Money Penalty

If you should decide to pay the civil money penalty, send the enclosed form and payment to the address on page 3 within 30 days of receipt of this letter.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. The file will be made a part of the public record pursuant to 11 C.F.R. § 111.42(b). Although the file must be placed on the public record within 30 days from the date of the Commission's notification, this could occur at any time following certification of the Commission's vote.

If you have any questions regarding the payment of the civil money penalty, please contact Maureen Benitz on our toll free number (800)424-9530 (press 0, then ext. 1660) or (202)694-1660.

On behalf of the Commission,



Steven T. Walther
Chairman

Attachment

10092650451

ADMINISTRATIVE FINE PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 C.F.R. § 111.43, the civil money penalty is \$900 for the 2008 30 Day Post-General Report and \$500 for the 2008 Year-End Report.

This penalty should be paid by check or money order, made payable to the Federal Election Commission. It should be sent by mail to:

Federal Election Commission
PO Box 979058
St. Louis, MO 63197-9000

If you choose to send your payment by courier or overnight delivery, please use this address:

U.S. Bank - Government Lockbox
FEC # 979058
1005 Convention Plaza
Attn: Government Lockbox, SL-MO-C2GL
St. Louis, MO 63101

The form and payment are due within 30 days of receipt of this letter.

PAYMENTS BY PERSONAL CHECK

Personal checks will be converted into electronic funds transfers (EFTs). Your account will be electronically debited for the amount on the check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: Democratic Advancement PAC

FEC ID#: C00381517

AF#: 2003 and 2060

PAYMENT AMOUNT DUE: \$900 and \$500

10092650452

**ELECTRONIC CERTIFICATION AGREEMENT FOR
DEBTS SUBMITTED TO THE FINANCIAL MANAGEMENT SERVICE'S
CROSS-SERVICING PROGRAM**

This Agreement is submitted by: Federal Election Commission

Creditor Agency: Federal Election Commission

Date of Agreement: November 18, 2009

The Creditor Agency agrees that:

- I. This Agreement covers all debts, including updates, changes, and modifications (Debts) submitted by Electronic Transmission on or after the date of this Agreement, by the above-named Creditor Agency ("Agency") to the Financial Management Service ("FMS"), a bureau of the U.S. Department of the Treasury, for collection through the FMS's Cross-Servicing Program (Cross-Servicing).;
- II. The Agency will submit debts to Cross-Servicing via Electronic Transmission of "Add Records" or "Update Records," as described in the attached Exhibit A. Each time the Agency submits a Debt via an Add Record or Update Record, the Agency is certifying the Debt;
- III. Any person who submits Debts via an Add Record or Update Record has or will have delegated authority to certify the Debts on behalf of the head of the Agency, and the Agency will provide a copy of this Agreement to any such person;
- IV. By submitting Debts via an Add Record or Update Record, the person submitting such Debts is certifying to the U.S. Department of the Treasury, under penalty of perjury pursuant to 5 U.S.C. § 5514, 31 U.S.C. § 3716, 31 U.S.C. § 3720A, and 28 U.S.C. § 1746, that to the best of his or her knowledge and belief, the following is true and correct:
 1. **Valid Debts.** The debts are delinquent, valid and legally enforceable in the amounts stated.
 2. **No Bar to Collection.** The debts are not subject to any circumstances that legally preclude or bar collection, including collection by offset. There are no foreclosures pending with respect to any collateral securing a debt. The Agency's records do not show that any debtor owing a debt has filed for bankruptcy protection. Alternatively, the Agency can clearly establish that any automatic stay has been lifted or is no longer in effect.

10092650453

10092650454

3. **Administrative Offset and Tax Refund Offset.** If the Agency has established a profile instructing FMS to refer debts to the Treasury Offset Program (TOP) on its behalf for the purposes of tax refund and administrative offset, the person submitting such debts will be certifying to the following:
- a. The Agency has complied with all of the provisions of 31 U.S.C. § 3716, 31 U.S.C. § 3720A, 31 C.F.R. §§ 285.2 and 285.5, and the Federal Claims Collection Standards (31 C.F.R. Parts 900-904), as may be amended, as well as other statutes, regulations and policies applicable to collection by administrative offset and tax refund offset. .
 - b. At least 60 days prior to the date of the certification (i.e., date of Electronic Transmission), the Agency has provided, or made a reasonable attempt to provide in accordance with applicable offset regulations, each debtor with:
 - i. written notification, at the debtor's most current known address, of the nature and the amount of the debt, the intention of the Agency to collect the debt through administrative offset and tax refund offset, including offset of State payments, and an explanation of the rights of the debtor;
 - ii. an opportunity to inspect and copy the records of the Agency with respect to the debt;
 - iii. an opportunity for review within the Agency of the determination of the Agency with respect to the debt, including the opportunity to present evidence that all or part of the debt is not past-due or legally enforceable; and
 - iv. an opportunity to enter into a written repayment agreement with the Agency
 - c. The Agency has considered any evidence presented by the debtor and determined that the amount of the debt is past-due and legally enforceable and there are no pending appeals of such determination.
 - d. The Agency has, at minimum, made the following reasonable efforts to obtain payment of the debt: demanded payment and provided the debtor with the notice and opportunities described in paragraph 3.b.

10092650455

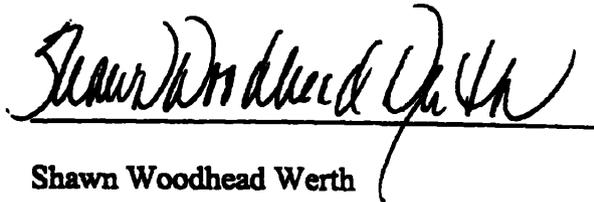
- e. For debts outstanding more than ten years on or before **December 31, 2009**, the notice described in paragraph 3.b. was sent to the debtor after the debt was outstanding for more than ten years, and that the debtor was afforded the rights described in paragraphs 3.b. – 3.d. at that time. This requirement does not apply to any debt that could be collected by offset without regard to any time limitation prior to **December 31, 2009** (e.g., student loans debts, judgments).
4. ***Due Process Compliance for Salary Offset.*** With respect to the offset of Federal salaries, if the Agency has authorized FMS to set up an agency profile so that all debts are referred to TOP for offset of federal salary payments:
- a. The Agency has complied with all of the provisions of 5 U.S.C. § 5514, 5 C.F.R. §§ 550.1101-1110, and 31 CFR 285.7, as may be amended, as well as other statutes, regulations and policies applicable to collection by salary offset.
 - i. The Agency has provided, or made a reasonable attempt to provide, each debtor with the notice, opportunities, and considerations described in paragraphs 3.b., 3.c. and 3.e (if applicable) and the additional notices and opportunities, including the opportunity for waiver consideration and for a hearing, required for salary offset.
5. ***Consumer Reporting Agencies.*** The Agency has complied with all of the provisions of 31 U.S.C. § 3711(e) and the Federal Claims Collection Standards, as well as other statutes, regulations and policies applicable to the Agency's reporting of delinquent debts to consumer reporting agencies. The Agency has:
- a. determined that the debts are valid and overdue;
 - b. notified the debtor, more than 60 days prior to the date of the certification:
 - i. that the debt is overdue,
 - ii. that the Agency intends to disclose to a consumer reporting agency that the debtor is responsible for the debt,
 - iii. of the specific information to be disclosed to the consumer reporting agency, and
 - iv. of the debtor's rights to an explanation of the claim, to dispute the information in the Agency's records about the claim, and to administrative repeal or review of the claim; and

- c. upon the request of a debtor, provided for a review of any debtor's claim, including an opportunity for reconsideration of the initial decision on the claim.

In addition, no debtor has repaid or agreed to repay the claim under a signed repayment agreement or filed for review of the claim.

- d. ***Interest and Penalties.*** The Agency has complied with all of the provisions of 31 U.S.C. § 3717 and the Federal Claims Collection Standards, as well as other statutes, regulations and policies applicable to Agency's assessment of interest, penalties and administrative costs. The Agency has mailed or hand-delivered a written notice to all debtors explaining the Agency's requirements concerning the charges.

CERTIFICATION: Pursuant to 28 U.S.C. § 1746, I certify that I have been delegated authority to execute this Agreement on behalf of the head of my agency.



Shawn Woodhead Werth

Director, Office of Administrative Review

10092650456

ATTACHMENT A
TREASURY CROSS-SERVICING PROGRAM
CERTIFICATION TERMINOLOGY

For purposes of the foregoing Agreement, the following describes how creditor agencies submit debts via Electronic Transmission of computer records to the Cross-Servicing program. (Please note this form is not for use by creditor agencies that submit their debts via manual transmission.):

1. **Electronic Transmission.** Any transmission from creditor agencies to the Cross-Servicing Program via any form of electronic media (including, but not limited to, tapes, diskettes, and on-line access), as more particularly described in Step 7; Electronic Format in the "Cross-servicing Implementation Guide", dated November 1998, as may be amended or updated ("Cross Servicing Guide"), is an Electronic Transmission.
2. **Add Records.** Add Records are electronic records which creditor agencies use to add new debts to Cross-Servicing. Add Records are more particularly described in "Step 7; Agency File Formats" in the Cross Servicing Guide.
3. **Update Records.** Update Records are electronic records that creditor agencies use to update, change or modify information about debts previously transmitted to Cross-Servicing by creditor agencies. Update Records are more particularly described in "Step 7; Agency File Formats" in the Cross Servicing Guide.

10092650457



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 2003

DATE SCANNED 1/22/10

SCANNER NO. 2

SCAN OPERATOR EEJ

10092650458