



FEDERAL ELECTION COMMISSION  
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 2525

DATE SCANNED 10/4/12

SCANNER NO. 2

SCAN OPERATOR EES

12092681175



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

**SENSITIVE**

June 12, 2012

**MEMORANDUM**

**TO:** The Commission

**THROUGH:** Alec Palmer *AP*  
Staff Director

**FROM:** Patricia Carmona *PC*  
Chief Compliance Officer

Debbie Chacona *DC/MHE*  
Assistant Staff Director  
Reports Analysis Division

**BY:** *JW* Jodi Winship/Saci Pickerall *SP*  
Compliance Branch

**SUBJECT:** Reason To Believe Recommendation – 2012 April Quarterly Report  
(Presidential) for the Administrative Fine Program

Attached is the name of a political committee and its treasurer who failed to file the 2012 April Quarterly Report (Presidential) in accordance with 2 U.S.C. 434(a). The 2012 April Quarterly Report (Presidential) was due on April 15, 2012.

The committee listed in the attached RTB Circulation Report filed the report no more than thirty (30) days after the due date (considered a late filed report). In accordance with the schedule of civil money penalties for reports at 11 CFR 111.43, this committee should be assessed the civil money penalty highlighted on the attached circulation report.

**Recommendation**

1. Find reason to believe that the political committee and its treasurer listed on the RTB Circulation Report violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the RTB Circulation Report.
2. Send the appropriate letter.

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FEDERAL ELECTION COMMISSION

Federal Election Commission  
 Reason to Believe Circulation Report  
 2012 Q1 Presidential Not Election Sensitive 04/15/2012 H\_S\_P\_UNAUTH

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
2525	C00505800	JILL STEIN FOR PRESIDENT	STEIN, JILL	JOHN DAVID PORTELLI	\$159,621	0	5/4/2012	19	\$120,579	\$3,035

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
Reason To Believe Recommendation - 2012 )  
April Quarterly Report (Presidential) for the )  
Administrative Fine Program: )  
JILL STEIN FOR PRESIDENT, and JOHN ) AF# 2525  
DAVID PORTELLI as treasurer; )

CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on June 14, 2012 the Commission took the following actions on the Reason To Believe Recommendation - 2012 April Quarterly Report (Presidential) for the Administrative Fine Program as recommended in the Reports Analysis Division's Memorandum dated June 12, 2012, on the following committees:

AF#2525 Decided by a vote of 6-0 to: (1) find reason to believe that JILL STEIN FOR PRESIDENT, and JOHN DAVID PORTELLI 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.

Attest:

June 15, 2012  
Date

Shawn Woodhead Werth  
Shawn Woodhead Werth  
Secretary and Clerk of the Commission

12092681178



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

June 15, 2012

John David Portelli, in official capacity as Treasurer  
Jill Stein for President  
22 Kendall Road  
Lexington, MA 02421

C00505800  
AF#: 2525

Dear Mr. Portelli:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file an April Quarterly Report of Receipts and Disbursements every calendar year. This report, covering the period through March 31, 2012, shall be filed no later than April 15, 2012. 2 U.S.C. 434(a). Records at the Federal Election Commission ("FEC") indicate that this report was filed on May 4, 2012, nineteen (19) days late.

The Act permits 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 June 14, 2012, the FEC found that there is reason to believe ("RTB") that Jill Stein For President and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) by failing to file timely this report on or before April 15, 2012. Based on the FEC's schedules of civil money penalties at 11 CFR § 111.43, the amount of your civil money penalty calculated at the RTB stage is \$3,035. Please see the attached copy of the Commission's administrative fine regulations at 11 CFR §§ 111.30-111.55. 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 CFR § 111.34. Your payment of \$3,035 is due within forty (40) days of the finding, or by July 24, 2012, and is based on these factors:

Election Sensitivity of Report: Not Election Sensitive  
Level of Activity: \$120,579  
Number of Days Late: 19  
Number of Previous Civil Money Penalties Assessed: 0

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

**1. If You Choose to Challenge the RTB Finding and/or Civil Money Penalty**

If you should decide to challenge the RTB finding and/or calculated civil money penalty, you must submit a written response, including the AF# found at the top of page 1 under your committee's identification number, 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

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Commission's RTB finding, or July 24, 2012. 11 CFR § 111.35(a). Your written response must include the reason(s) why you are challenging the RTB finding and/or calculated civil money penalty, and must include the factual basis supporting the reason(s) and supporting documentation. The FEC strongly encourages that documents be submitted in the form of affidavits or declarations. 11 CFR § 111.36(c).

The FEC will only consider challenges that are based on at least one of three grounds: (1) a factual error in the RTB finding; (2) miscalculation of the calculated civil money penalty by the FEC; or (3) your demonstrated use of best efforts to file in a timely manner when prevented from doing so by reasonably unforeseen circumstances that were beyond your control. 11 CFR § 111.35(b). 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, (1) a failure of Commission computers or Commission-provided software despite your seeking technical assistance from Commission personnel and resources; (2) a widespread disruption of information transmissions over the Internet that is not caused by a failure of the Commission's or your computer systems or Internet service provider; and (3) severe weather or other disaster-related incident. 11 CFR § 111.35(c). Examples of circumstances that will not be considered reasonably unforeseen and beyond your control include, but are not limited to, (1) negligence; (2) delays caused by vendors or contractors; (3) treasurer and staff illness, inexperience or unavailability; (4) committee computer, software, or Internet service provider failures; (5) failure to know filing dates; and (6) failure to use filing software properly. 11 CFR § 111.35(d).

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 U.S. district court under 2 U.S.C. § 437g. 11 CFR § 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.

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

If you do not pay the calculated civil money penalty and do not submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that Jill Stein For President and you, in your official capacity 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 CFR § 111.51(a)(2).

## **3. If You Choose to Pay the Civil Money Penalty**

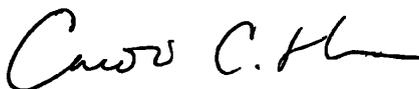
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If you should decide to pay the calculated civil money penalty, send the enclosed remittance form, along with your payment, to the FEC at the address on page 4. Upon receipt of your payment, the FEC will send you a final determination letter.

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 CFR § 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 David Garr 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,



Caroline C. Hunter  
Chair

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**ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS**

In accordance with the schedule of penalties at 11 CFR § 111.43, the amount of your civil money penalty calculated at RTB is \$3,035 for the 2012 April Quarterly Presidential 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 July 24, 2012. 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**  
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FOR: Jill Stein For President

FEC ID#: C00505800

AF#: 2525

PAYMENT DUE DATE: July 24, 2012

PAYMENT AMOUNT DUE: \$3,035

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
SECRETARIAT

2012 AUG 15 PM 4: 19

**SENSITIVE**

August 15, 2012

**MEMORANDUM**

TO: The Commission

THROUGH: Alec Palmer *AP*  
Staff Director

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

Debbie Chacona *DC*  
Assistant Staff Director  
Reports Analysis Division

BY: *JP* Jodi Winship/Sari Pickerall *JP*  
Compliance Branch

SUBJECT: Administrative Fine Program – Final Determination Recommendation for the  
2012 April Quarterly Report - Presidential

Attached is a list identifying a political committee and its treasurer against which the Commission has found reason to believe (RTB) and assessed proposed a civil money penalty calculated at RTB for failure to file or failure to timely file the 2012 April Quarterly Report - Presidential. The committee has paid the civil money penalty requested at RTB.

In accordance with 11 CFR § 111.34, the Commission shall send a final determination notice to the respondent that has paid the civil money penalty.

**RAD Recommendation**

- (1) Make final determination that the political committee and its treasurer listed on the attached report violated 2 U.S.C. § 434(a) and assess the final civil money penalty so indicated.
- (2) Send the appropriate letter.

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Federal Election Commission  
FD Circulation Report - Fine Paid  
2012 Q1 - Presidential Not Election Sensitive 04/15/2012 H\_S\_P\_UNAUTH

AF#	Committee Name	Candidate Name	Committee ID	Treasurer	Receipt Date	Days Late	LOA	PV	RTB Date	RTB Penalty	Final Money Penalty	Date Paid	Amount Paid
2525	JILL STEIN FOR PRESIDENT	STEIN, JILL	C00505800	JOHN DAVID PORTELLI	05/04/2012	19	\$120,579	0	06/14/2012	\$3,035	\$3,035	07/25/2012	\$3,035

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
Administrative Fines Final Program - Final )  
Determination Recommendation for the )  
2012 April Quarterly Report - Presidential: )  
JILL STEIN FOR PRESIDENT, and JOHN ) AF# 2525  
DAVID PORTELLI as treasurer; )

CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on August 17, 2012 the Commission took the following actions on the Administrative Fines Final Program - Final Determination Recommendation for the 2012 April Quarterly Report - Presidential as recommended in the Reports Analysis Division's Memorandum dated August 15, 2012, on the following committees:

AF#2525 Decided by a vote of 6-0 to: (1) make a final determination that JILL STEIN FOR PRESIDENT, and JOHN DAVID PORTELLI as treasurer , violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

Attest:

August 17, 2012  
Date

Shawn Woodhead Werth  
Shawn Woodhead Werth  
Secretary and Clerk of the Commission

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

August 20, 2012

John David Portelli, in official capacity as Treasurer  
Jill Stein for President  
22 Kendall Road  
Lexington, MA 02421

C00505800  
AF#: 2525

Dear Mr. Portelli:

On June 14, 2012, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Jill Stein for President and its treasurer violated 2 U.S.C. § 434(a) for filing late or failing to file the 2012 April Quarterly Report. By letter dated June 15, 2012, the Commission sent notification of the RTB finding that included a civil money penalty calculated at the RTB stage of \$3,035 in accordance with the schedule of penalties at 11 CFR § 111.43.

On July 25, 2012, the FEC received payment of the civil money penalty calculated at the RTB stage. The FEC made a final determination on August 17, 2012 that you, in your official capacity as treasurer, and Jill Stein for President violated 2 U.S.C. § 434(a), assessed a civil money penalty in the amount of \$3,035 in accordance with 11 CFR § 111.43, and voted to close the file.

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 CFR § 111.42(b). Although the file must be placed on the public record within thirty (30) days from the date of the Commission's notification, this could occur at anytime following certification of the Commission's vote.

If you have any questions regarding this matter, please contact Sari Pickerall on our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130.

On behalf of the Commission,

A handwritten signature in cursive script that reads "Carol C. Hunter".

Caroline C. Hunter  
Chair

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QUALITY IS OUR PRIORITY FOR LOCKBOX 9058  
SEQ# 001 \$ 0000303500 BA# 1 07-25-12 20 4

JILL STEIN FOR PRESIDENT		601
PO BOX 9058 MILWAUKEE, WI 53228		70-3000270
ATTENTION:		
DATE	<i>FEDERAL ELECTION COMMISSION</i>	<i>July 22, 2012</i>
TO	<i>THOMAS AND STEVE</i>	
AMOUNT	<i>summit</i>	<i>\$ 3,000.00</i>
AP-#	<i>AS 25</i>	
FE-#	<i>CPASVSR00</i>	
PO BOX 9058 MILWAUKEE WI 53218		



FEDERAL ELECTION COMMISSION  
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 2525

DATE SCANNED 10/4/12

SCANNER NO. 2

SCAN OPERATOR SES

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