



FEDERAL ELECTION COMMISSION  
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 119

DATE SCANNED 10/8/09

SCANNER NO. 2

SCAN OPERATOR EEJ

29092642393



FEDERAL ELECTION COMMISSION  
WASHINGTON, D C 2046J

**SENSITIVE**

December 16, 2008

**MEMORANDUM**

TO: THE COMMISSION

THROUGH: JOSEPH F. STOLTZ *JFS*  
ACTING STAFF DIRECTOR

FROM: JOHN D. GIBSON *JDG*  
CHIEF COMPLIANCE OFFICER

PATRICIA CARMONA *PC*  
ASSISTANT STAFF DIRECTOR  
REPORTS ANALYSIS DIVISION

BY: *NUE* NATALIYA IOFFE/RHIANNON MAGRUDER/CHRIS RITCHEE *PRM*  
COMPLIANCE BRANCH

SUBJECT: REASON TO BELIEVE RECOMMENDATION - 2008 OCTOBER  
QUARTERLY REPORT (NON-ELECTION SENSITIVE) FOR THE  
ADMINISTRATIVE FINE PROGRAM

2008 DEC 16 2:02 PM  
 RECEIVED  
 ST. LOUIS OFFICE

Attached is a list of political committees and their treasurers who failed to file the 2008 October Quarterly Report in accordance with 2 U.S.C. 434(a). The October Quarterly Report was due on October 15, 2008.

The committees listed in the attached RTB Circulation Report either failed to file the report, filed the report more than five (5) days after the due date, or filed the report more than thirty (30) days after the due date (considered a non-filed report). In accordance with the schedule of civil money penalties for reports at 11 CFR 111.43, these committees should be assessed the civil money penalties highlighted on the attached circulation report.

**Recommendation**

1. Find reason to believe that the political committees and their treasurers listed on the RTB Circulation Report 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 Report.
2. Send the appropriate letters.

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Federal Election Commission  
Reason to Believe Circulation Report  
2008 OCTOBER QUARTERLY NoI Election Sensitive 10/15/2008 H\_S\_P\_UNAUTH

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
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1912	C00436790	BOB OLSON FOR U S SENATE	OLSON, ROBERT A.	LEE CONNERTON	\$158,365	0		Not Filed	\$31,273 (est)	\$900
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1914	C00415422	DELECIA HOLT FOR CONGRESS COMMITTEE	HOLT, DELECIA ANN	WHITNEY HARRIS	\$370,187	0		Not Filed	\$61,688 (est)	\$2,700
1915	C00451864	DR SANDRA B LIVINGSTONE FOR CONGRESS	LIVINGSTONE, SANDRA B. DR.	ELEANOR L. BUNN	\$264,544	0		Not Filed	\$132,272 (est)	\$4,500
1916	C00433613	EILEEN DONOGHUE FOR CONGRESS COMMITTEE	DONOGHUE, EILEEN	TIMOTHY J. SULLIVAN	\$1,860,423	0		Not Filed	\$240,060 (est)	\$5,500
1917	C00448423	GREG SOWARDS FOR CONGRESS LLC	SOWARDS, GREGORY EDDIE	KIMBALL HAKES	\$628,017	0		Not Filed	\$209,339 (est)	\$6,500
1918	C00445775	JOE PENNACCHIO FOR U S SENATE	PENNACCHIO, JOSEPH	ALAN ZAKIN	\$853,114	0	10/23/2008	8	\$19,315	\$140
1919	C00437863	KEVIN POWELL FOR CONGRESS	POWELL, KEVIN	TYRA WASHINGTON	\$142,418	1		Not Filed	\$35,605 (est)	\$1,125
1920	C00444844	KOPLIN FOR CONGRESS	KOPLIN, ANDREW DAVID	RALPH J. STEPHENS	\$682,097	1	10/30/2008	15	\$8	\$125
1921	C00444406	OGONOWSKI FOR SENATE	OGONOWSKI, JAMES	KATHLEON HAAS OGONOWSKI	\$1,108,035	0	11/13/2008	29	\$3,913	\$170

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
1922	C00443558	SABRIN FOR SENATE	SABRIN, MURRAY	CHRISTOPHER R. WHALEN, CPA	\$1,315,150	0	11/19/2008	Not Filed	\$12,887	\$500
1923	C00443465	SEAN OKANE FOR US CONGRESS COMMITTEE	OKANE, SEAN THOMAS	WILLIAM J. SAMMON	\$231,618	1		Not Filed	\$1,000	\$312
1924	C00414821	STEVE RATHJE FOR US SENATE	RATHJE, STEVE	KENNETH R. KOLEK	\$210,598	0		Not Filed	\$30,085 (est)	\$900

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
)  
Reason To Believe Recommendation - 2008 )  
October Quarterly Report (Non-Election )  
Sensitive) for The Administrative Fine )  
Program: )  
OGONOWSKI FOR SENATE, and ) AF# 1921  
KATHLEON IIAAS OGONOWSKI as )  
treasurer; )  
KOPPLIN FOR CONGRESS, and RALPH ) AF# 1920  
J STEPHENS as treasurer; )  
JOE PENNACCHIO FOR U S SENATE, ) AF# 1918  
and ALAN ZAKIN as treasurer; )

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BOB OLSON FOR U S SENATE, and LEE ) AF# 1912  
CONNERTON as treasurer: )

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DELECIA HOLT FOR CONGRESS ) AF# 1914  
COMMITTEE, and WHITTNEY HARRIS )  
as treasurer; )  
DR SANDRA B LIVINGSTONE FOR ) AF# 1915  
CONGRESS, and ELEANOR L BUNN as )  
treasurer; )  
EILEEN DONOGHUE FOR CONGRESS ) AF# 1916  
COMMITTEE, and TIMOTHY J )  
SULLIVAN as treasurer; )  
GREG SOWARDS FOR CONGRESS ) AF# 1917  
LLC, and KIMBALL HAKES as treasurer; )  
KEVIN POWELL FOR CONGRESS, and ) AF# 1919  
TYRA WASHINGTON as treasurer; )  
SABRIN FOR SENATE, and ) AF# 1922  
CHRISTOPHER R WHALEN CPA as )  
treasurer; )

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SEAN O'KANE FOR US CONGRESS ) AF# 1923  
COMMITTEE, and WILLIAM J )  
SAMMON as treasurer; )  
STEVE RATHJE FOR US SENATE, and ) AF# 1924  
KENNETH R KOLEK as treasurer; )

CERTIFICATION

I, Mary W. Dove, Secretary of the Federal Election Commission, do hereby certify that on December 18, 2008 the Commission took the following actions on the Reason To Believe Recommendation - 2008 October Quarterly Report (Non-Election Sensitive) for The Administrative Fine Program as recommended in the Reports Analysis Division's Memorandum dated December 16, 2008, on the following committees:

AF#1921 Decided by a vote of 6-0 to: (1) find reason to believe that OGONOWSKI FOR SENATE, and KATHLEON HAAS OGONOWSKI 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#1920 Decided by a vote of 6-0 to: (1) find reason to believe that KOPPLIN FOR CONGRESS, and RALPH J STEPHENS 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#1918 Decided by a vote of 6-0 to: (1) find reason to believe that JOE PENNACCHIO FOR U S SENATE, and ALAN ZAKIN 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.

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AF#1912 Decided by a vote of 6-0 to: (1) find reason to believe that BOB OLSON FOR U S SENATE, and LEE CONNERTON 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#1914 Decided by a vote of 6-0 to: (1) find reason to believe that DELECIA HOLT FOR CONGRESS COMMITTEE, and WHITTNEY HARRIS 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#1915 Decided by a vote of 6-0 to: (1) find reason to believe that DR SANDRA B LIVINGSTONE FOR CONGRESS, and ELEANOR L BUNN 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#1916 Decided by a vote of 6-0 to: (1) find reason to believe that EILEEN DONOGHUE FOR CONGRESS COMMITTEE, and TIMOTHY J SULLIVAN 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#1917 Decided by a vote of 6-0 to: (1) find reason to believe that GREG SOWARDS FOR CONGRESS LLC, and KIMBALL HAKES 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.

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AF#1919 Decided by a vote of 6-0 to: (1) find reason to believe that KEVIN POWELL FOR CONGRESS, and TYRA WASHINGTON 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#1922 Decided by a vote of 6-0 to: (1) find reason to believe that SABRIN FOR SENATE, and CHRISTOPHER R WHALEN CPA 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#1923 Decided by a vote of 6-0 to: (1) find reason to believe that SEAN O'KANE FOR US CONGRESS COMMITTEE, and WILLIAM J SAMMON 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#1924 Decided by a vote of 6-0 to: (1) find reason to believe that STEVE RATHJE FOR US SENATE, and KENNETH R KOLEK 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:

December 23, 2008  
Date

*for* Venechi Feneba-Vene  
Mary W. Dove  
Secretary of the Commission

29092642400



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

December 22, 2008

Tyra Washington  
Kevin Powell for Congress  
93 Montague St., PMB 240  
Brooklyn, NY 11201

C00437863  
AF#: 1919

Dear Tyra Washington:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file an October Quarterly Report of Receipts and Disbursements every calendar year. This report, covering the period through September 30th, shall be filed no later than October 15th. 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 further 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 12/18/2008, the FEC found that there is reason to believe ("RTB") that Kevin Powell for Congress and you, as treasurer, violated 2 U.S.C. 434(a) by failing to file timely this report on or before October 15th. 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 \$1,125. It is due by 1/27/2009 and is based on these factors:

Election Sensitivity of Report: Not Election Sensitive  
Level of Activity: \$35,605  
Number of Days Late: Not Filed  
Number of Previous Civil Money Penalties Assessed: 1

**To Pay the Calculated Civil Money Penalty**

To pay the calculated civil money penalty, send the enclosed remittance and 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.

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

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 by

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1/27/2009. 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. 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. 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. **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.** 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. 111.35.

Your 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 Kevin Powell for Congress 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.

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

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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.

Additional information on the FEC's administrative fine program, including the final regulations, is located at the FEC's website at [www.FEC.gov](http://www.FEC.gov). 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.

Sincerely,

A handwritten signature in black ink, appearing to read "DM II", is written over a horizontal line.

Donald F. McGahn II  
Chairman

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**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 \$1,125 for the 2008 October Quarterly 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 1/27/2009. 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**  
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FOR: Kevin Powell for Congress

FEC ID#: C00437863

AF#: 1919

PAYMENT DUE DATE: 1/27/2009

PAYMENT AMOUNT DUE: \$1,125

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
SECRETARIAT

2009 MAR 16 P 1:03

March 16, 2009

MEMORANDUM

**SENSITIVE**

TO: THE COMMISSION

THROUGH: ROBERT A. HICKEY  
STAFF DIRECTOR *[Signature]*

FROM: JOHN D. GIBSON *[Signature]*  
CHIEF COMPLIANCE OFFICER

PATRICIA CARMONA *PC*  
ASSISTANT STAFF DIRECTOR  
REPORTS ANALYSIS DIVISION

BY: NATALIYA IOFFE/RHIANNON MAGRUDER *NM* *RM*  
COMPLIANCE BRANCH

SUBJECT: ADMINISTRATIVE FINE PROGRAM –  
FINAL DETERMINATION RECOMMENDATION FOR THE  
2008 OCTOBER QUARTERLY REPORT (NON-ELECTION SENSITIVE)

Attached are two lists of political committees and their treasurers against which the Commission has found reason to believe (RTB) and assessed proposed civil money penalties calculated at RTB for failure to file or failure to timely file the 2008 October Quarterly Report. The first list represents the committees that have paid the civil money penalty and the second list represents those committees that have not paid the civil money penalty. The committees that have not paid have been given at least forty (40) days from the date of the Commission's RTB finding to remit payment.

In accordance with 11 CFR 111.34 and 11 CFR 111.40, the Commission shall send a final determination notice to those respondents that have either paid or not paid the civil money penalty.

Reports Analysis Division (RAD) recommends that the Commission take no further action against Delecia Holt for Congress Committee (AF 1914) based on the information from the Office of General Counsel (OGC) and the Orange County District Attorney's Office. In December 2008, an Orange County District Attorney's Major Fraud Unit investigator advised RAD and OGC that the candidate, Delecia Holt, has been in custody since October 9, 2008

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awaiting trial. According to the investigator, the individual disclosed as treasurer on the committee's Statement of Organization was homeless, there was no campaign account at the bank listed on Ms. Holt's Statement of Candidacy, and the campaign appeared to be fictitious. According to the Orange County Superior Court Docket (Case 08CF2906), Ms. Holt's next scheduled pre-trial hearing is her third mental competency hearing set for April 17, 2009. As such, RAD recommends no further action against Delecia Holt for Congress Committee.

In addition, three (3) committees detailed below disclosed a level of activity after the RTB finding which would result in a lowered civil money penalty at Final Determination (FD).

Bob Olson for US Senate (AF 1912) disclosed no activity after the RTB finding, which would result in no civil money penalty (previously assessed to be \$900).

Greg Sowards for Congress LLC (AF 1917) filed the 2008 October Quarterly Report after the RTB finding and disclosed a level of activity which would result in a lowered civil money penalty. The committee disclosed total receipts and disbursements of \$26,469 (previously estimated to be \$209,339), thus the fine would be lowered from \$6,500 to \$900.

Steve Rathje for US Senate (AF 1924) filed the 2008 October Quarterly Report after the RTB finding and disclosed a level of activity which would result in a lowered civil money penalty. The committee disclosed total receipts and disbursements of \$3,937 (previously estimated to be \$30,085), thus the fine would be lowered from \$900 to \$250.

#### **RAD Recommendation**

- (1) Take no further action against Delecia Holt for Congress Committee and Whitney Harris, Treasurer, in regards to AF 1914.
- (2) Make final determination that all other political committees and their treasurers listed on the attached reports violated 2 U.S.C. 434(a) and assess the final civil money penalties so indicated.
- (3) Send the appropriate letters.

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Federal Election Commission  
 FD Circulation Report - Fine Paid  
 2008 OCTOBER QUARTERLY Not Election Sensitive 10/15/2008 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
1920	KOPPLIN FOR CONGRESS	KOPPLIN, ANDREW DAVID	C00444844	RALPH J. STEPHENS	10/30/2008	15	\$8	1	12/18/2008	\$125	\$125	01/29/2009	\$125
1921	OGONOWSKI FOR SENATE	OGONOWSKI, JAMES	C00444408	KATHLEON HAAS OGONOWSKI	11/13/2008	29	\$3,913	0	12/18/2008	\$170	\$170	01/22/2009	\$170

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Federal Election Commission  
 FD Circulation Report Fine Not Paid  
 2008 OCTOBER QUARTERLY Not Election Sensitive 10/15/2008 H\_S\_P\_UNAUTH

AF#	Committee Name	Candidate Name	Committee ID	Treasurer	Receipt Date	Days Late	LOA	PV	RTB Date	RTB Penalty	Days Since RTB	FD Penalty
1912	BOB OLSON FOR U S SENATE	OLSON, ROBERT A.	C00436790	LEE CONNERTON		Not Filed	\$0	0	12/18/2008	\$900	88	\$0
1914	DELECIA HOLT FOR CONGRESS COMMITTEE	HOLT, DELECIA ANN	C00415422	WHITTNEY HARRIS		Not Filed	\$0	0	12/18/2008	\$2,700	88	NFA
1917	GREG SOWARDS FOR CONGRESS LLC	SOWARDS, GREGORY EDDIE	C00448423	KIMBALL HAKES	01/15/2009	Not Filed	\$26,469	0	12/18/2008	\$6,500	88	\$900
1919	KEVIN POWELL FOR CONGRESS	POWELL, KEVIN	C00437863	TYRA WASHINGTON		Not Filed	\$35,605 (est)	1	12/18/2008	\$1,125	88	\$1,125
1923	SEAN OKANE FOR US CONGRESS COMMITTEE	OKANE, SEAN THOMAS	C00443465	WILLIAM J. SAMMON		Not Filed	\$1,000	1	12/18/2008	\$312	88	\$312
1924	STEVE RATHJE FOR US SENATE	RATHJE, STEVE	C00414821	KENNETH R. KOLEK	02/13/2009	Not Filed	\$3,937	0	12/18/2008	\$900	88	\$250

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
)  
Administrative Fines Final Determination )  
Recommendation for the October Quarterly )  
Report (Non Election Sensitive): )  
OGONOWSKI FOR SENATE, and ) AF# 1921  
KATHLEON HAAS OGONOWSKI as )  
treasurer; )  
KOPPLIN FOR CONGRESS, and RALPH ) AF# 1920  
J STEPHENS as treasurer; )  
BOB OLSON FOR U S SENATE, and LEE ) AF# 1912  
CONNERTON as treasurer; )  
DELECIA HOLT FOR CONGRESS ) AF# 1914  
COMMITTEE, and WHITTNEY HARRIS )  
as treasurer; )  
GREG SOWARDS FOR CONGRESS ) AF# 1917  
LLC, and KIMBALL HAKES as treasurer; )  
KEVIN POWELL FOR CONGRESS, and ) AF# 1919  
TYRA WASHINGTON as treasurer; )  
SEAN O'KANE FOR US CONGRESS ) AF# 1923  
COMMITTEE, and WILLIAM J )  
SAMMON as treasurer; )  
STEVE RATHJE FOR US SENATE, and ) AF# 1924  
KENNETH R KOLEK as treasurer; )

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CERTIFICATION

I, Mary W. Dove, Secretary of the Federal Election Commission, do hereby certify that on March 17, 2009 the Commission took the following actions on the Administrative Fines Final Determination Recommendation for the October Quarterly Report (Non Election Sensitive) as recommended in the Reports Analysis Division's Memorandum dated March 16, 2009, on the following committees:

AF#1921 Decided by a vote of 6-0 to: (1) make a final determination that OGONOWSKI FOR SENATE, and KATHLEON HAAS OGONOWSKI as treasurer , violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#1920 Decided by a vote of 6-0 to: (1) make a final determination that KOPPLIN FOR CONGRESS, and RALPH J STEPHENS as treasurer , violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#1912 Decided by a vote of 6-0 to: (1) make a final determination that BOB OLSON FOR U S SENATE, and LEE CONNERTON as treasurer , violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#1914 Decided by a vote of 6-0 to: (1) make a final determination that DELECIA HOLT FOR CONGRESS COMMITTEE, and WHITNEY HARRIS as treasurer , violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#1917 Decided by a vote of 6-0 to: (1) make a final determination that GREG SOWARDS FOR CONGRESS LLC, and KIMBALL HAKES as treasurer , violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

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AF#1919 Decided by a vote of 6-0 to: (1) make a final determination that KEVIN POWELL FOR CONGRESS, and TYRA WASHINGTON as treasurer, violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#1923 Decided by a vote of 6-0 to: (1) make a final determination that SEAN O'KANE FOR US CONGRESS COMMITTEE, and WILLIAM J SAMMON as treasurer, violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#1924 Decided by a vote of 6-0 to: (1) make a final determination that STEVE RATHJE FOR US SENATE, and KENNETH R KOLEK as treasurer, violated 2 U.S.C. 434(a) and assess the 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:

March 18, 2009  
Date

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

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

March 19, 2009

Tyra Washington as Treasurer  
Kevin Powell for Congress  
93 Montague St., P.M.B. 240  
Brooklyn, NY 11201

C00437863  
AF#: 1919

Dear Tyra Washington,

On December 18, 2008, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Kevin Powell for Congress and you as treasurer violated 2 U.S.C. § 434(a) for filing late or failing to file the 2008 October Quarterly Report. By letter dated December 22, 2008, the Commission sent you notification of the RTB finding that included a civil money penalty calculated at the RTB stage of \$1,125 in accordance with the schedule of penalties at 11 C.F.R. § 111.43. Within 40 days of the FEC's RTB finding, you were required to either transmit payment of the calculated civil money penalty or submit a written response challenging either the RTB finding or the calculated civil money penalty. You must also file the 2008 October Quarterly Report if you have not already done so.

The FEC did not receive payment of the calculated civil money penalty or your written response within the time permitted. The FEC made a final determination on March 17, 2009 that you as treasurer and Kevin Powell for Congress violated 2 U.S.C. § 434(a) and assessed a civil money penalty in the amount of \$1,125 in accordance with 11 C.F.R. § 111.43. The civil money penalty is based on these factors:

Election Sensitivity of Report: Not Election Sensitive  
Level of Activity: \$35,605  
Number of Days Late: Not Filed  
Number of Previous Civil Money Penalties Assessed: 1

**To Pay the Civil Money Penalty**

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

**If You Do Not Pay the 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

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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 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.

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 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 the payment of the civil money penalty, please contact Rhiannon Magruder at Federal Election Commission, 999 E St., NW, Washington, DC 20463, or our toll free number (800) 424-9530 (at the prompt, press 5) or (202) 694-1130.

On behalf of the Commission,



Steven T. Walther  
Chairman

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**ADMINISTRATIVE FINE PAYMENT INSTRUCTIONS**

In accordance with the schedule of penalties at 11 C.F.R. § 111.43, the civil money penalty is \$1,125 for the 2008 October Quarterly 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**

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FOR: Kevin Powell for Congress

FEC ID#: C00437863

AF#: 1919

PAYMENT AMOUNT DUE: \$1,125

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**AGREEMENT AS TO THE METHOD OF CERTIFYING  
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:** December 18, 2008

**The Creditor Agency agrees that:**

- I. This Agreement (henceforth referenced as 'Agreement') covers all debts, including updates, changes, and modifications (Debts) submitted by Electronic Transmission on or after the date of this Agreement, by the Creditor Agency (henceforth referenced as '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; and,
- 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.

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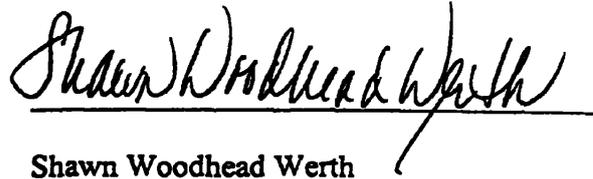
3. ***Administrative Offset and Tax Refund Offset.*** If the Agency has established a profile instructing FMS to refer debts to the Treasury Offset Program (TOP) on its behalf for the purposes of tax refund and administrative offset, the person submitting such debts will be certifying to the following:
- 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. No Debt is more than 10 years delinquent, except for those Debts that may be legally offset if more than 10 years delinquent.
  - 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.

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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.
    - b. The Agency has provided, or made a reasonable attempt to provide, each debtor with the notice, opportunities, and considerations described in paragraphs 3.B. and 3.C. 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 appeal 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.

6. ***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



FEDERAL ELECTION COMMISSION  
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 1919

DATE SCANNED 10/8/09

SCANNER NO. 2

SCAN OPERATOR EEJ

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