



FEDERAL ELECTION COMMISSION  
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 1836

DATE SCANNED 11/25/09

SCANNER NO. 2

SCAN OPERATOR SES

29092643130



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

September 18, 2008

MEMORANDUM

**SENSITIVE**

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: NATALIYA IOFFE *NI* / RHIANNON MAGRUDER *RM* / CHRIS RITCHIE *CR*  
COMPLIANCE BRANCH

SUBJECT: REASON TO BELIEVE RECOMMENDATION - 2008 JULY  
QUARTERLY REPORT FOR THE ADMINISTRATIVE FINE  
PROGRAM

2008 SEP 18 PM 12:00  
RECEIVED  
COMPLIANCE BRANCH

Attached is a list of political committees and their treasurers who failed to file the 2008 July Quarterly Report in accordance with 2 U.S.C. 434(a). The July Quarterly Report was due on July 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 JULY QUARTERLY Not Election Sensitive 07/15/2008 H\_S\_P\_UNAUTH

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
1835	C00396028	AL GREEN FOR CONGRESS	GREEN, ALEXANDER	WILLIAM A. LAWSON	\$394,230	5	8/22/2008	Not Filed	\$127,201	\$10,125
1836	C00439869	BALDERMANN FOR CONGRESS	BALDERMANN, TIM	KENDALL LYNCHY	\$157,306	0		Not Filed	\$157,306 (est)	\$6,500
1837	C00204388	BI-COUNTY POLITICAL ACTION COMMITTEE (FKA SUFFOLK PAC)		IRA LAMEL	\$210,570	3	7/24/2008	9	\$72,611	\$1,706
1838	C00434458	BOB HILL FOR CONGRESS	HILL, ROBERT ANTHONY	KATHLEEN KUKIELKA	\$322,400	0		Not Filed	\$107,467 (est)	\$4,500
1839	C00436030	BUCKEY FOR SENATE	BUCKEY, JAY CLARK	ALBERT MARK BELVEAU	\$270,971	0		Not Filed	\$67,743 (est)	\$2,700
1840	C00445312	CAROLENE MAYS FOR CONGRESS	MAYS, CAROLENE	ANGIE KUHN	\$278,909	0	9/3/2008	Not Filed	\$91,134	\$3,500
1841	C00417972	CHASE FOR SENATE	CHASE, KEN	FRANCIS G. CHASE	\$133,295	0		Not Filed	\$33,324 (est)	\$900
1842	C00450007	CINDY FOR CONGRESS	SHEEHAN, CINDY	CHRISTY MILLER	\$414,640	0	8/21/2008	Not Filed	\$196,972	\$5,500
1843	C00444208	CITIZENS FOR RAY MCKINNEY	MCKINNEY, RAYMOND LOUIS	LISA DARLENE MCKINNEY	\$151,251	0		Not Filed	\$4,273 (est)	\$250
1844	C00408823	COMMITTEE TO RE-ELECT BOBBY JINDAL INC	JINDAL, BOBBY	WILLIAM C. POTTER	\$106,356	0		Not Filed	\$27,090 (est)	\$600
1845	C00147512	CONGRESSIONAL BLACK CAUCUS POLITICAL ACTION COMMITTEE (CBC-PAC)		ARTHUR COLLINS	\$442,307	3	8/6/2008	22	\$132,504	\$5,862

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AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
1846	C00256354	CYNTHIA MCKINNEY FOR CONGRESS	MCKINNEY, CYNTHIA A.	JOAN CHRISTIAN	\$118,664	0	8/29/2008	Not Filed	\$538	\$250
1848	C00433821	DEMMEER FOR CONGRESS	DEMMEER, RANDY LEE	DEBORAH J. TOWEY	\$479,005	0	7/28/2008	13	\$35,670	\$460
1849	C00381517	DEMOCRATIC ADVANCEMENT PAC		CHRISTOPHER R. CRAMER	\$641,680	0	7/22/2008	7	\$84,104	\$1,100
1850	C00427328	DERRICK SHEPHERD CAMPAIGN COMMITTEE	SHEPHERD, DERRICK	DERRICK SHEPHERD	\$346,510	1		Not Filed	\$87,128 (est)	\$4,375
1851	C00440172	DICK VERSACE FOR CONGRESS	VERSACE, RICHARD	THOMAS MASSIMINO	\$678,110	0		Not Filed	\$679,110 (est)	\$10,500
1852	C00362178	FAMILY-PAC FEDERAL		D. PAUL CAPRIO	\$103,147	0	7/24/2008	9	\$45,634	\$380
1853	C00431049	FINEGOLD COMMITTEE	FINEGOLD, BARRY	TRAVIS M. DROUIN	\$1,821,497	0		Not Filed	\$303,583 (est)	\$8,000
1854	C00250068	GROCERY MANUFACTURERS ASSOCIATION POLITICAL ACTION COMMITTEE (GMA PAC)		MR. MICHAEL MCSHANE	\$489,596	0	7/21/2008	6	\$148,233	\$1,950
1855	C00394775	GROOM LAW GROUP, CHARTERED POLITICAL ACTION COMMITTEE		BRIGEN L. WINTERS	\$114,785	0	7/22/2008	7	\$26,015	\$340
1856	C00432245	HONEYCUTT FOR CONGRESS	HONEYCUTT, DEBORAH TRAVIS	SCOTT B. MACKENZIE	\$5,110,389	0	8/12/2008	28	\$164,553	\$5,000
1857	C00084822	INTERNATIONAL ASSOCIATION OF HOLIDAY INNS		EVA FERGUSON	\$121,711	0	7/30/2008	15	\$37,250	\$500

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
1858	C00439513	JOHN ROUNSAVILLE FOR CONGRESS	ROUNSAVILLE, JOHN WALTER	JAMES LAFAYETTE PERRY JR	\$547,317	0		Not Filed	\$182,439 (est)	\$5,500
1859	C00438101	KEVIN BURNS FOR CONGRESS	BURNS, KEVIN	JOHN J BURNS	\$175,553	0	8/4/2008	20	\$8,754	\$150
1860	C00435596	KNIGHT FOR US SENATE	KNIGHT, FRANKLIN RANDOLPH JR	FRANKLIN RANDOLPH KNIGHT JR	\$401,751	0		Not Filed	\$4,444 (est)	\$250
1861	C00444844	KOPFLIN FOR CONGRESS	KOPPLIN, ANDREW DAVID	RALPH J. STEPHENS	\$637,113	0		Not Filed	\$318,557 (est)	\$9,000
1862	C00439877	LEE FOR CONGRESS 2008	LEE, JIMMY D.	GERALD BAUMAN	\$279,286	0	8/20/2008	Not Filed	\$1,884	\$250
1863	C00434670	NACHBAR FOR CONGRESS	NACHBAR, DAVID	NANCY NACHBAR	\$431,747	0		Not Filed	\$143,918 (est)	\$4,500
1864	C00445286	PUCKETT FOR CONGRESS	PUCKETT, LUKE WAYNE	ARTHUR LEE WILLIS II	\$331,257	0	7/21/2008	8	\$120,523	\$1,350
1865	C00433128	RICARDO MUÑOZ FOR CONGRESS	MUNOZ, RICARDO	CARMEN FLORES-RANCE	\$690,313	0		Not Filed	\$172,578 (est)	\$5,500
1866	C00428185	ROBINSON FOR CONGRESS	ROBINSON, CHRISTOPHER R.	MR. TED A BROOKS	\$209,827	0		Not Filed	\$41,965 (est)	\$900
1868	C00414076	SALI FOR CONGRESS	SALI, WILLIAM T.	TERRY SALI	\$1,080,769	0	7/25/2008	10	\$201,475	\$2,750
1869	C00443465	SEAN OKANE FOR US CONGRESS COMMITTEE	O'KANE, SEAN THOMAS	WILLIAM J. SAMMON	\$231,818	0		Not Filed	\$116,810 (est)	\$4,500

AFB	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
1870	C00189480	SHEET METAL WORKERS INTERNATIONAL ASSOCIATION LOCAL 28 POLITICAL COMMITTEE		RICHARD L. KNICE	\$662,512	0	8/7/2008	23	\$112,014	\$3,475
1871	C00402669	SI INTERNATIONAL INC POLITICAL ACTION COMMITTEE		THOMAS E. DUNN	\$264,112	1	7/21/2008	6	\$43,853	\$400
1872	C00359695	SWANSON FOR U.S. SENATE COMMITTEE	SWANSON, JOHNNY III	JOHNNY SWANSON III	\$189,147	0		Not Filed	\$28,191 (est)	\$900
1873	C00253377	WYNN FOR CONGRESS	WYNN, ALBERT R.	MR. CURT CLIFTON	\$2,938,832	0		Not Filed	\$587,726 (est)	\$10,000

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
)  
Reason To Believe Recommendation - 2008 )  
July Quarterly Report for the Administrative )  
Fine Program: )  
HONEYCUTT FOR CONGRESS, and ) AF# 1856  
MACKENZIE, SCOTT B as treasurer; )  
SHEET METAL WORKERS ) AF# 1870  
INTERNATIONAL ASSOCIATION )  
LOCAL 28 POLITICAL COMMITTEE, )  
and KNICE, RICHARD L. as treasurer; )  
CONGRESSIONAL BLACK CAUCUS ) AF# 1845  
POLITICAL ACTION COMMITTEE )  
(CBC-PAC), and ARTHUR COLLINS as )  
treasurer; )  
KEVIN BURNS FOR CONGRESS, and ) AF# 1859  
JOHN J BURNS as treasurer; )  
INTERNATIONAL ASSOCIATION OF ) AF# 1857  
HOLIDAY INNS, and EVA FERGUSON )  
as treasurer; )  
DEMMEER FOR CONGRESS, and ) AF# 1848  
DEBORAH J TOWEY as treasurer; )  
SALI FOR CONGRESS, and SALI, ) AF# 1868  
TERRY as treasurer; )  
BI-COUNTY POLITICAL ACTION ) AF# 1837  
COMMITTEE (FKA SUFFOLK PAC), and )  
IRA LAMEL as treasurer; )  
FAMILY-PAC FEDERAL, and D PAUL ) AF# 1852  
CAPRIO as treasurer; )  
DEMOCRATIC ADVANCEMENT PAC, ) AF# 1849  
and CRAMER, CHRISTOPHER R. as )  
treasurer; )  
GROOM LAW GROUP, CHARTERED ) AF# 1855  
POLITICAL ACTION COMMITTEE, and )  
BRIGEN L WINTERS as treasurer; )

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GROCERY MANUFACTURERS	AF# 1854
ASSOCIATION POLITICAL ACTION	
COMMITTEE ('GMA PAC'), and	
MCSHANE, MICHAEL MR. as treasurer;	
PUCKETT FOR CONGRESS, and	) AF# 1864
ARTIUR LEE WILLIS II as treasurer;	)
SI INTERNATIONAL INC POLITICAL	) AF# 1871
ACTION COMMITTEE, and THOMAS E	)
DUNN as treasurer;	)
AL GREEN FOR CONGRESS, and	) AF# 1835
WILLIAM A LAWSON as treasurer;	)
BALDERMANN FOR CONGRESS, and	) AF# 1836
LYNCHEY, KENDALL as treasurer;	)
BOB HILL FOR CONGRESS, and	) AF# 1838
KATHLEEN KUKIELKA as treasurer;	)
BUCKEY FOR SENATE, and ALBERT	) AF# 1839
MARK BELIVEAU as treasurer;	)
CAROLINE MAYS FOR CONGRESS,	) AF# 1840
and ANGIE KUHN as treasurer;	)
CHASE FOR SENATE, and FRANCIS G	) AF# 1841
CHASE as treasurer;	)
CINDY FOR CONGRESS, and CHRISTY	) AF# 1842
MILLER as treasurer;	)
CITIZENS FOR RAY MCKINNEY, and	) AF# 1843
LISA DARLENE MCKINNEY as	)
treasurer;	)
COMMITTEE TO RE-ELECT BOBBY	) AF# 1844
JINDAL, and WILLIAM C POTTER as	)
treasurer;	)
CYNTHIA MCKINNEY FOR	) AF# 1846
CONGRESS, and CHRISTIAN, JOAN as	)
treasurer;	)
DERRICK SHEPHERD CAMPAIGN	) AF# 1850
COMMITTEE, and SHEPHERD,	)
DERRICK as treasurer;	)
DICK VERSACE FOR CONGRESS, and	) AF# 1851
THOMAS MASSIMINO as treasurer;	)
FINEGOLD COMMITTEE, and TRAVIS	) AF# 1853
M DROUIN as treasurer;	)
JOHN ROUNSAVILLE FOR CONGRESS,	) AF# 1858
and JAMES LAFAYETTE PERRY JR as	)
treasurer;	)
KNIGHT FOR US SENATE, and	) AF# 1860
FRANKLIN RANDOLPH KNIGHT JR as	)
treasurer;	)

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KOPPLIN FOR CONGRESS, and RALPH J STEPHENS as treasurer;	)	AF# 1861
LEE FOR CONGRESS 2008, and GERALD BAUMAN as treasurer;	)	AF# 1862
NACHBAR FOR CONGRESS, and NANCY NACHBAR as treasurer;	)	AF# 1863
RICARDO MUNOZ FOR CONGRESS, and CARMEN FLORES-RANCE as treasurer;	)	AF# 1865
ROBINSON FOR CONGRESS, and BROOKS, TED A MR. as treasurer;	)	AF# 1866
SEAN O'KANE FOR US CONGRESS COMMITTEE, and WILLIAM J SAMMON as treasurer;	)	AF# 1869
SWANSON FOR U S SENATE COMMITTEE, and SWANSON, JOHNNY III as treasurer;	)	AF# 1872
WYNN FOR CONGRESS, and MR CURT CLIFTON as treasurer;	)	AF# 1873

AMENDED CERTIFICATION

I, Mary W. Dove, Secretary of the Federal Election Commission, do hereby certify that on September 19, 2008 the Commission took the following actions on the Reason To Believe Recommendation - 2008 July Quarterly Report for the Administrative Fine Program as recommended in the Reports Analysis Division's Memorandum dated September 18, 2008, on the following committees:

**AF#1856** Decided by a vote of 6-0 to: (1) find reason to believe that HONEYCUTT FOR CONGRESS, 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#1870** Decided by a vote of 6-0 to: (1) find reason to believe that SHEET METAL WORKERS INTERNATIONAL ASSOCIATION LOCAL 28 POLITICAL COMMITTEE, and KNICE, RICHARD L. 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#1845 Decided by a vote of 6-0 to: (1) find reason to believe that CONGRESSIONAL BLACK CAUCUS POLITICAL ACTION COMMITTEE (CBC-PAC), and ARTHUR COLLINS 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#1859 Decided by a vote of 6-0 to: (1) find reason to believe that KEVIN BURNS FOR CONGRESS, and JOHN J BURNS 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#1857 Decided by a vote of 6-0 to: (1) find reason to believe that INTERNATIONAL ASSOCIATION OF HOLIDAY INNS, and EVA FERGUSON 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#1848 Decided by a vote of 6-0 to: (1) find reason to believe that DEMMER FOR CONGRESS, and DEBORAH J TOWEY 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#1868 Decided by a vote of 6-0 to: (1) find reason to believe that SALI FOR CONGRESS, and SALI, TERRY 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#1837 Decided by a vote of 6-0 to: (1) find reason to believe that BI-COUNTY POLITICAL ACTION COMMITTEE (FKA SUFFOLK PAC), and IRA LAMEL 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#1852 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

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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#1849 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#1855 Decided by a vote of 6-0 to: (1) find reason to believe that GROOM LAW GROUP, CHARTERED POLITICAL ACTION COMMITTEE, and BRIGEN L WINTERS 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#1854 Decided by a vote of 6-0 to: (1) find reason to believe that GROCERY MANUFACTURERS ASSOCIATION POLITICAL ACTION COMMITTEE ("GMA PAC"), and MCSHANE, MICHAEL 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#1864 Decided by a vote of 6-0 to: (1) find reason to believe that PUCKETT FOR CONGRESS, and ARTHUR LEE WILLIS II 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#1871 Decided by a vote of 6-0 to: (1) find reason to believe that SI INTERNATIONAL INC POLITICAL ACTION COMMITTEE, and THOMAS E DUNN 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#1835 Decided by a vote of 6-0 to: (1) find reason to believe that AL GREEN FOR CONGRESS, and WILLIAM A LAWSON 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#1836 Decided by a vote of 6-0 to: (1) find reason to believe that **BALDERMANN FOR CONGRESS**, and **LYNCHEY, KENDALL** 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#1838 Decided by a vote of 6-0 to: (1) find reason to believe that **BOB HILL FOR CONGRESS**, and **KATHLEEN KUKIELKA** 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#1839 Decided by a vote of 6-0 to: (1) find reason to believe that **BUCKEY FOR SENATE**, and **ALBERT MARK BELIVEAU** 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#1840 Decided by a vote of 6-0 to: (1) find reason to believe that **CAROLENE MAYS FOR CONGRESS**, and **ANGIE KUHN** 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#1841 Decided by a vote of 6-0 to: (1) find reason to believe that **CHASE FOR SENATE**, and **FRANCIS G CHASE** 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#1842 Decided by a vote of 6-0 to: (1) find reason to believe that **CINDY FOR CONGRESS**, and **CHRISTY MILLER** 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#1843 Decided by a vote of 6-0 to: (1) find reason to believe that **CITIZENS FOR RAY MCKINNEY**, and **LISA DARLENE MCKINNEY** 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#1844 Decided by a vote of 6-0 to: (1) find reason to believe that COMMITTEE TO RE-ELECT BOBBY JINDAL, and WILLIAM C POTTER 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#1846 Decided by a vote of 6-0 to: (1) find reason to believe that CYNTHIA MCKINNEY FOR CONGRESS, and CHRISTIAN, JOAN 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#1850 Decided by a vote of 6-0 to: (1) find reason to believe that DERRICK SHEPHERD CAMPAIGN COMMITTEE, and SHEPHERD, DERRICK 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#1851 Decided by a vote of 6-0 to: (1) find reason to believe that DICK VERSACE FOR CONGRESS, and THOMAS MASSIMINO 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#1853 Decided by a vote of 6-0 to: (1) find reason to believe that FINEGOLD COMMITTEE, and TRAVIS M DROUIN 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#1858 Decided by a vote of 6-0 to: (1) find reason to believe that JOHN ROUNSAVILLE FOR CONGRESS, and JAMES LAFAYETTE PERRY 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#1860 Decided by a vote of 6-0 to: (1) find reason to believe that KNIGHT FOR US SENATE, and FRANKLIN RANDOLPH KNIGHT 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,

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

AF#1861 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#1862 Decided by a vote of 6-0 to: (1) find reason to believe that LEE FOR CONGRESS 2008, and GERALD BAUMAN 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#1863 Decided by a vote of 6-0 to: (1) find reason to believe that NACHBAR FOR CONGRESS, and NANCY NACHBAR 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#1865 Decided by a vote of 6-0 to: (1) find reason to believe that RICARDO MUNOZ FOR CONGRESS, and CARMEN FLORES-RANCE 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#1866 Decided by a vote of 6-0 to: (1) find reason to believe that ROBINSON FOR CONGRESS, and BROOKS, TED A 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#1869 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#1872 Decided by a vote of 6-0 to: (1) find reason to believe that SWANSON FOR U S SENATE COMMITTEE, and SWANSON, JOHNNY III 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

29092643143

Bauerly, Hunter, McGahn II, Petersen, Walthcr, and Weintraub voted affirmatively for the decision.

AF#1873 Decided by a vote of 6-0 to: (1) find reason to believe that WYNN FOR CONGRESS, and MR CURT CLIFTON 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, Walthcr, and Weintraub voted affirmatively for the decision.

Attest:

October 27, 2008  
Date

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

29092643144



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

September 22, 2008

Kendall Lynchey  
Baldermann for Congress  
P.O. Box 2862  
Joliet, IL 60434

C00439869  
AF#: 1836

Dear Kendall Lynchey:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file a July Quarterly Report of Receipts and Disbursements every calendar year. This report, covering the period through June 30<sup>th</sup>, 2008, shall be filed no later than July 15<sup>th</sup>, 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 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 9/19/2008, the FEC found that there is reason to believe ("RTB") that Baldermann for Congress and you, as treasurer, violated 2 U.S.C. 434(a) by failing to file timely this report on or before July 15<sup>th</sup>, 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 \$5,500. It is due by 10/29/2008 and is based on these factors:

Election Sensitivity of Report: Not Election Sensitive  
Level of Activity: \$157,306  
Number of Days Late: Not Filed  
Number of Previous Civil Money Penalties Assessed: 0

**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 10/29/2008. 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

29092643145

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 Baldermann 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 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

29092645146

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 'DFM II', written in a cursive style.

Donald F. McGahn II  
Chairman

29092643147

-----  
**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 \$5,500 for the 2008 July 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 10/29/2008. 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: Baldermann for Congress

FEC ID#: C00439869

AF#: 1836

PAYMENT DUE DATE: 10/29/2008

PAYMENT AMOUNT DUE: \$5,500

29092643148

**KENDALL B. LYNCH, LTD.**

*Attorney and Counselor at Law*

October 27, 2008

Federal Election Commission  
Office of Administrative Review  
999 E. Street NW  
Washington, DC 20463

**VIA OVERNIGHT DELIVERY**

2008 OCT 26 P 3 10

FEC OFFICE  
ADMIN REVIEW

Attn: Shawn Woodhead Werth

Re: **AF 1836 - RTB**  
FEC ID No.: C00439869  
Response of Kendall Lynchey

Dear Ms. Woodhead Werth:

This letter is my response to the FEC's letter to me dated September 22<sup>nd</sup>, 2008 ("the Letter.") The Letter states that the FEC has found a reason to believe ("RTB") that the Baldermann for Congress Political Committee ("the Committee"), and I, as the Committee's treasurer, violated 2 USC §434(a) by failing to file timely a July Quarterly Report of Receipts and Disbursements for the quarter ending June 30<sup>th</sup>, 2008.

2 USC §434(a)(1) provides that

Each treasurer of a political committee shall file reports of receipts and disbursements in accordance with the provisions of this subsection. The treasurer shall sign each such report.

The above statute section is the basis set forth in the FEC's September 22<sup>nd</sup> letter for the RTB finding.

Pursuant to 11 CFR §111.35(b)(1)(i), I hereby challenge the FEC's RTB finding on the basis that it contains factual errors as it pertains to me personally. The error that forms the basis for my challenge is the fact that I am not, and never have been, the treasurer of the Committee.

The FEC's web site discloses that the Committee filed its FEC-1 Statement of Organization on October 17<sup>th</sup>, 2007. (Copy enclosed as

29092643149

Ms. Woodhead Werth  
October 27, 2008  
Page 2 of 2

"Exhibit A.") That document identifies Christopher J. Ward as the Committee's treasurer.

The FEC's web site also discloses that the Committee filed an FEC-1 Amended Statement of Organization on February 8<sup>th</sup>, 2008. (Copy enclosed as "Exhibit B.") The Amended Statement of Organization identifies me, Kendall Lynchey, as the Committee's treasurer. That document also indicates that it was "Electronically Filed by Kendall Lynchey."

I could not have, and did not, file the Amended Statement of Organization on February 8<sup>th</sup>, 2008, because I did not at any time have access to the Committee's electronic filing password. In addition, I did not file the February 8<sup>th</sup>, 2008 Amended Statement of Organization by mail or by any other means.

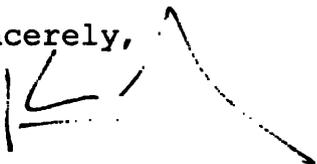
I did not authorize any person connected with the Committee to file an Amended Statement of Organization identifying me as the treasurer of the Committee.

Finally, I did not receive correspondence from the FEC regarding this matter because it was addressed to the Committee's P. O. Box address, to which I did not, and do not, have access.

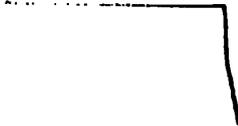
Because 2 USC §434(a)(1) imposes the obligation to file the required reports on a political committee's treasurer, I believe I cannot reasonably be held responsible for the Committee's failure to file timely the July Quarterly Report of Receipts and Disbursements for the quarter ending June 30<sup>th</sup>, 2008.

Based on the above, I request that the FEC make a final determination, pursuant to 11 CFR §111.37, that I have committed no violation of 2 USC §434(a).

Sincerely,



Kendall Lynchey



29092643150

FEC FORM 1

STATEMENT OF ORGANIZATION

(See instructions)

RECEIVED  
FEC MAIL CENTER

2007 OCT 17 AM 10:34

Office use only

1. NAME OF COMMITTEE (in full)

(Check if name is changed)

Example: If typing, type over the lines

12FE4M5

Baldernann for Congress

ADDRESS (number and street)

PO Box 2882

(Check if address is changed)

Joliet

IL

60434

CITY ▲

STATE ▲

ZIP CODE ▲

COMMITTEE'S E-MAIL ADDRESS

chris@ampolweb.com

COMMITTEE'S WEB PAGE ADDRESS (URL)

None

COMMITTEE'S FAX NUMBER

7036367912

2. DATE

MM / DD / YYYY  
10 / 04 / 2007

3. FEC IDENTIFICATION NUMBER

C

4. IS THIS STATEMENT

NEW (N)

OR

AMENDED (A)

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

Type or Print Name of Treasurer

Christopher J. Ward

Signature of Treasurer

Electronically Filed by Christopher J. Ward

Date

10 / 04 / 2007

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Statement to the penalties of 2 U.S.C. 8437g.

ANY CHANGE IN INFORMATION SHOULD BE REPORTED WITHIN 10 DAYS

Office Use Only

For further information contact:  
Federal Election Commission  
Toll Free 800-424-9530  
Local 202-694-1100

FEC FORM 1  
(Revised 02/2003)

EXHIBIT A

29092643151

5. TYPE OF COMMITTEE (Check One)

- (a)  This committee is a principal campaign committee. (Complete the candidate information below.)
- (b)  This committee is an authorized committee, and is NOT a principal campaign committee. (Complete the candidate information below.)

Name of Candidate Tim Baldermann

Candidate Party Affiliation  REP Office Sought:  House  Senate  President State  IL District  11

- (c)  This committee supports/opposes only one candidate, and is NOT an authorized committee.

Name of Candidate \_\_\_\_\_

- (d)  This committee is a \_\_\_\_\_ (National, State (or subordinate) committee of the \_\_\_\_\_ (Democratic, Republican, etc.) Party.

- (e)  This committee is a separate segregated fund

- (f)  This committee supports/opposes more than one Federal candidate, and is NOT a separate segregated fund or party committee.

6. Name of Any Connected Organization or Affiliated Committee

None

Mailing Address \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ - \_\_\_\_\_

CITY ▲ STATE ▲ ZIP CODE ▲

Relationship \_\_\_\_\_

Type of Connected Organization:

- Corporation  Corporation w/o Capital Stock  Labor Organization
- Membership Organization  Trade Association  Cooperative

29092643152

Write or Type Committee Name

Baldernann for Congress

7. Custodian of Records: Identify by name, address, (phone number - optional), and position of the person in possession of Committee books and records.

Full Name Christopher J. Ward

Mailing Address PO Box 2882

Joliet IL 60434

Title or Position CITY STATE ZIP CODE

Treasurer Telephone number 703 635 7883

8. Treasurer: List the name and address (phone number - optional) of the treasurer of the committee; and the name and address of any designated agent (e.g., assistant treasurer).

Full Name of Treasurer Christopher J. Ward

Mailing Address PO Box 2882

Joliet IL 60434

Title or Position CITY STATE ZIP CODE

Treasurer Telephone number 703 635 7883

Full Name of Designated Agent

Mailing Address

Title or Position CITY STATE ZIP CODE

Telephone number

29092643153

9. **Banks or Other Depositories:** List all banks or other depositories in which the committee deposits funds, holds accounts, rents safety deposit boxes or maintains funds.  
Name of Bank, Depository, etc.

First Community Bank

Mailing Address

2001 Black Rd

Joliet

IL

60435

CITY ▲

STATE ▲

ZIP CODE ▲

29092643154

**Federal Election Commission**  
**ENVELOPE REPLACEMENT PAGE FOR INCOMING DOCUMENTS**  
The FEC added this page to the end of this filing to indicate how it was received.

Hand Delivered

Date of Receipt

10/17/07

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USPS Express Mail

Postmarked

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Overnight Delivery Service (Specify):

Shipping Date

Next Business Day Delivery

Received from House Records & Registration Office

Date of Receipt

Received from Senate Public Records Office

Date of Receipt

Received from Electronic Filing Office

Date of Receipt

Other (Specify):

Date of Receipt or Postmarked

*Jms*

PREPARER

(3/2005)

10/17/07

DATE PREPARED

270282330  
29092643155

FEC FORM 1

STATEMENT OF ORGANIZATION

(See instructions)

DFCS - SC CRT

1. NAME OF COMMITTEE (in full) (Check if name is changed) Example: If typing, type over the lines 12FE4M5

BALDERMANN FOR CONGRESS

ADDRESS: PO BOX 2002

(Check if address is changed)

JOLIET IL 60454

CITY STATE ZIP CODE

COMMITTEE'S E-MAIL ADDRESS baldermannforcongress@gmail.com

COMMITTEE'S WEB PAGE ADDRESS (URL) http://www.timbaldermannforcongress.com/

COMMITTEE'S FAX NUMBER 8157176660

2. DATE 02 / 08 / 2008

3. FEC IDENTIFICATION NUMBER C C00439869

4. IS THIS STATEMENT X NEW (N) OR AMENDED (A)

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

Type or Print Name of Treasurer Kendall Lynchey

Signature of Treasurer Electronically Filed by Kendall Lynchey Date 02 / 08 / 2008

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Statement to the penalties of 2 U.S.C. 5437g.

ANY CHANGE IN INFORMATION SHOULD BE REPORTED WITHIN 10 DAYS

Table with 5 columns and 1 row, labeled 'Office Use Only'.

For further information contact: Federal Election Commission Toll Free 800-424-9530 Local 202-694-1100

FEC FORM 1 (Revised 02/21/05)

FE1ANDZ.PDF

29092643156

5. TYPE OF COMMITTEE (Check One)

- (a)  This committee is a principal campaign committee. (Complete the candidate information below.)
- (b)  This committee is an authorized committee, and is NOT a principal campaign committee. (Complete the candidate information below.)

Name of Candidate: TIM BALDERMANN

Candidate Party Affiliation: REP Office Sought:  House  Senate  President State: IL District: 11

- (c)  This committee supports/opposes only one candidate, and is NOT an authorized committee.

Name of Candidate: \_\_\_\_\_

(d)  This committee is a \_\_\_\_\_ (National, State or subordinate) committee of the \_\_\_\_\_ (Democratic, Republican, etc.) Party.

(e)  This committee is a separate segregated fund

(f)  This committee supports/opposes more than one Federal candidate, and is NOT a separate segregated fund or party committee.

6. Name of Any Connected Organization or Affiliated Committee

\_\_\_\_\_  
 \_\_\_\_\_

Mailing Address: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP CODE: \_\_\_\_\_

Relationship: \_\_\_\_\_

Type of Connected Organization:

- Corporation
- Membership Organization
- Corporation w/o Capital Stock
- Trade Association
- Labor Organization
- Cooperative

29092643157

Write or Type Committee Name

BALDERMANN FOR CONGRESS

7. Custodian of Records: Identify by name, address, (phone number - optional), and position of the person in possession of Committee books and records.

Full Name Margarita Alnaaza

Mailing Address 1938 E. Lincoln Highway

Suite 213

New Lenox

IL

60451 -

Title or Position

CITY

STATE

ZIP CODE

Deputy Campaign Mgr

Telephone number 815 - 717 - 6650

8. Treasurer: List the name and address (phone number - optional) of the treasurer of the committee; and the name and address of any designated agent (e.g., assistant treasurer).

Full Name of Treasurer Kendall Lynchey

Mailing Address 1938 E. Lincoln Highway

Suite 210

New Lenox

IL

60451 -

Title or Position

CITY

STATE

ZIP CODE

Treasurer

Telephone number 815 - 482 - 2410

Full Name of Designated Agent

Mailing Address

Title or Position

CITY

STATE

ZIP CODE

Telephone number - -

29092643158

9. Banks or Other Depositories: List all banks or other depositories in which the committee deposits funds, holds accounts, rents safety deposit boxes or maintains funds.

Name of Bank, Depository, etc.

First Community Bank

Mailing Address

2801 Black Rd

Joliet

IL

60435

CITY Δ

STATE Δ

ZIP CODE Δ

Name of Bank, Depository, etc.

Mailing Address

CITY Δ

STATE Δ

ZIP CODE Δ

29092643159

**FLY URGENT!** Please Rush to Addressee Home or Office at usps.com/urgent

Print postage online - Go to uspo

PLEASE PRESS FIRMLY



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NEW DENNK, IL  
OCT 27 2008  
AMOUNT

\$16.50  
00076117-06



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(SERVICE USE ONLY)

Day of Delivery  Sat  Sun  Mon  Tue  Wed  Thu  Fri

Scheduled Date of Delivery **10/31** Return Receipt For

Registered Mail  Signature Required  Insured For

Declared Value of Contents **10.50**

Postage **10.50**

Weight **10.50** lbs

Actual Time of Delivery **10:50**

Actual Date of Delivery **10/31**

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Actual Country Code **US**

Actual ZIP Code **60451**

1 Lynchey  
Lincoln Highway  
Lenox, IL 60451

FOR TRACKING  
usps.com



TO: (PLEASE PRINT) PHONE: 1-202-442-2046

FEDERAL ELECTION COMMISSION  
OFFICE OF ADMINISTRATIVE REV.  
999 E STREET NW  
WASHINGTON DC 20463

ZIP+4™ ADDRESS ONLY: 2024422046

NON-INTERNATIONAL DESTINATION, WHITE COUNTRY NAME BELOW

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Customer Use Only

PAYMENT BY ACCOUNT  (Signature of Addressee Required)

Customer requires number of signatures  (with delivery to be made without obtaining signature of addressee or addressee's agent if delivery employee advises that article can be left in secure location and valid proof of delivery)

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affix customs declarations  
(PS Form 2976, or 2976A).



Grade to Create Certification  
is awarded to products that  
pursue an innovative vision of  
ecologically-intelligent design  
that eliminates the concept  
of waste.  
This USPS® packaging has been  
certified for its material content,  
recyclability, and manufacturing  
characteristics.  
Please recycle.

2008 OCT 28 PM 1:39



EP13F



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

Via First Class Mail

October 29, 2008

Kendall Lynchey, as Treasurer  
Baldermann for Congress  
P.O. Box 2862  
Joliet, IL 60434

C00439869  
AF# 1836

Dear Mr. Lynchey:

On October 28, 2008 the Commission received your written response ("challenge") which is being reviewed by the Office of Administrative Review. 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

cc: Tim Baldermann

29092643161

Date: November 3, 2008

**REFERRAL TO OFFICE OF ADMINISTRATIVE REVIEW  
CHALLENGE RECEIVED**

AF#: 1836

Committee Name: Baldermann for Congress

Committee ID#: C00439869

Committee Address (if different than in RTB letter): N/A

Treasurer Name (if different than in RTB finding): N/A

**Attachments:**

**Copy of RTB Circulation Report, dated September 18, 2008 and RTB Certification, dated October 27, 2008: Previously Forwarded**

Attachment #: N/A

**Certified Return Receipt (Y/N): N**

Attachment #: N/A

**Other Relevant Telecoms (Y/N): N**

Attachment #: N/A

**Original Correspondence Received by RAD in Response to RTB Letter (Y/N): N**

Attachment #: N/A

**RAD Staff Declaration (Y/N): Y**

-2008 July Quarterly Report Prior Notice, dated June 21, 2008.

-Non-Filer Letter, dated August 1, 2008.

-RTB Letter, dated September 22, 2008.

Attachment #: 2

**Other RAD Information: (Y/N): Y – RAD Memo to File, Returned RTB Letter, Fax Transmittal**

Attachment#: 3

2008 NOV -3 A 11: 59

FEC OFFICE OF  
ADMIN REVIEW

29092643162

**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 Baldermann for Congress:
- A) Prior Notice, dated June 21, 2008, referencing the 2008 July Quarterly Report (sent via electronic mail to: baldermannforcongress@gmail.com)
  - B) Non-Filer Letter, dated August 1, 2008, referencing the 2008 July Quarterly Report;
  - C) Reason-to-Believe Letter, dated September 22, 2008, referencing the 2008 July Quarterly Report.
3. I hereby certify that I have searched the Commission's public records and find that Baldermann for Congress has not yet filed the 2008 July Quarterly 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 3rd day of November, 2008.

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



# JULY QUARTERLY REPORT NOTICE

FEDERAL ELECTION COMMISSION

CONGRESSIONAL COMMITTEES

June 21, 2008

## CURRENT REPORT DUE

### REPORTING DATES

REPORT	REPORTING PERIOD <sup>1</sup>	REG. CERT. & OVERNIGHT MAILING DEADLINE	FILING DEADLINE
July Quarterly	04/01/08 - 06/30/08	07/15/08	07/15/08

### PRE- AND POST-ELECTION REPORTS

A committee whose candidate participates in a 2008 state primary, nominating convention or runoff election – even if unopposed – must also file a pre-election report 12 days prior to the primary, nominating convention or runoff. The campaign committee of a candidate who participates in the general election must file pre- and post-general election reports. Separate notices will be sent to explain these additional reporting obligations. See the January 2008 Record, which can be found on the FEC web site at [www.fec.gov/pdf/record/2008/jan08.pdf](http://www.fec.gov/pdf/record/2008/jan08.pdf)

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

<sup>1</sup>These 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.

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## REPORTING SCHEDULE FOR REMAINDER OF 2008

### REPORTING DATES

REPORT	REPORTING PERIOD <sup>1</sup>	REG./CERT. & OVERNIGHT MAILING DEADLINE	FILING DEADLINE
October Quarterly	07/01/08 - 09/30/08	10/15/08	10/15/08
Pre-General	10/01/08 - 10/15/08	10/20/08	10/23/08
48 Hour Notices	10/16/08 - 11/01/08	---see p. 4 of notice---	
Post-General	10/16/08 - 11/24/08	12/04/08	12/04/08
Year-End	11/25/08 - 12/31/08	01/31/09	01/31/09 <sup>2</sup>

### PRE- AND POST-ELECTION REPORTS

A committee whose candidate participates in a 2008 state primary, nominating convention or runoff election – even if unopposed – must also file a pre-election report 12 days prior to the primary, nominating convention or runoff. The campaign committee of a candidate who participates in the general election must file pre- and post-general election reports. Separate notices will be sent to explain these additional reporting obligations. See the January 2008 Record, which can be found on the FEC web site at [www.fec.gov/pdf/record/2008/jan08.pdf](http://www.fec.gov/pdf/record/2008/jan08.pdf).

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

<sup>1</sup>These 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.

<sup>2</sup>Notice 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 Senate candidates, the Secretary of the Senate's) close of business on the last business day before the deadline.

## 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

Principal campaign committees of congressional candidates<sup>3</sup> (including unopposed candidates and candidates whose names do not appear on the ballot) must file a July Quarterly Report by July 15, 2008.<sup>4</sup>

Campaigns that raise or spend more than \$5,000 for the 2008 election cycle (and thus trigger registration and reporting requirements) must file quarterly reports throughout 2008, even if the candidate plans to retire, withdraws from the race prior to the primary election, loses the primary or drops out of the race prior to the general election. 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

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/electfil/electron.shtml](http://www.fec.gov/electfil/electron.shtml).

Under the Commission's mandatory electronic filing regulations, U.S. House committees that receive contributions or make expenditures in excess of \$50,000 in a calendar year, or that have reason to expect to do so, must file all reports and statements with the FEC electronically. Other U.S. House 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. U.S. Senate committees that file with the Secretary of the Senate are not subject to the mandatory electronic filing rules, but may file an unofficial copy of their reports with the Commission in order to speed disclosure.

#### Registered & Certified Mail

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. 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

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.

<sup>3</sup>Generally, an individual becomes a candidate for Federal office (and thus triggers registration and reporting obligations) when his or her campaign exceeds \$5,000 in either contributions received or expenditures made. If the campaign has not exceeded the \$5,000 threshold, it is not required to file reports. See 11 CFR 100.3(a).

<sup>4</sup>If a candidate has more than one authorized committee, the principal campaign committee must also file a consolidated report on Form 3Z.

### Other Means of Filing

Reports filed by any other means—including first class mail and courier—must be received by the Commission (or for Senate committees, 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](http://www.fec.gov/info/forms.shtml).

### 48 HOUR NOTICES ON CONTRIBUTIONS

Notices are required if the committee receives any contribution (including in-kind gifts or advances of goods or services; Loans from the candidate or other non-bank sources; and guarantees or endorsements of bank loans to the candidate or committee) of \$1,000 or more per source, during the period less than 20 days but more than 48 hours before any election in which the candidate is running.

The notices, which may be filed using Form 6, or under limited circumstances Form 10, must reach the appropriate federal and/or state filing office(s) within 48 hours of the committee's receipt of the contribution(s). U.S. Senate candidates must transmit the notices to the Secretary of the Senate by fax at (202) 224-1851. Campaign committees that file electronically MUST submit their 48-hour notices electronically. For more information, visit the FEC web site at [www.fec.gov/electfil/online.shtml](http://www.fec.gov/electfil/online.shtml).

U.S. House candidates faxing 48-hour notices should transmit them to the FEC at (202) 219-0174. Paper forms are available at the FEC web site at [www.fec.gov/info/forms.shtml](http://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](http://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).<sup>5</sup> For additional information, visit the FEC website at [www.fec.gov/af/af.shtml](http://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 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).

### IMPORTANT FILING INFORMATION - PAPER FILERS

In response to the anthrax threat, the U.S. Postal Service is irradiating mail directed to many federal agencies, including the FEC and the Secretary of the Senate.<sup>6</sup> This process has not only delayed mail delivery, it has also damaged and in some cases destroyed pieces of mail. As a result, committees that file reports with the FEC may want to consider submitting their reports by some means other than U.S. mail. Alternative methods include electronic filing, overnight mail service, and hand delivery.

<sup>5</sup>Penalties for late- or non-filing of 48-hour notices are based on the amount of contributions not timely disclosed. As a result, these penalties may exceed \$16,000, even for first-time violations.

<sup>6</sup>Senate committees should contact the Secretary of the Senate at (202) 224-0322 for more on filing reports via US mail.

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



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

August 1, 2008

RQ-7

KENDALL LYNCH, TREASURER  
BALDERMANN FOR CONGRESS  
PO BOX 2862  
JOLIET, IL 60434

IDENTIFICATION NUMBER: C00439869

REFERENCE: JULY QUARTERLY REPORT 4/1/2008 - 6/30/2008

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 FOR HOUSE CANDIDATES, OR THE SECRETARY OF THE SENATE, 232 HART SENATE OFFICE BUILDING, WASHINGTON, D.C. 20510, FOR SENATE CANDIDATES. PLEASE NOTE THAT ELECTRONIC FILERS MUST SUBMIT THEIR REPORTS ELECTRONICALLY, AS PER 11 CFR §104.18. A COPY OF THE REPORT MUST ALSO BE FILED WITH THE SECRETARY OF 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 SARI PICKERALL 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)

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
SECRETARIAT

2009 JUN 11 A 9 00

**SENSITIVE**  
June 10, 2009

**MEMORANDUM**

To: The Commission

Through: Robert A. Hickey  
Staff Director

From: John D. Gibson  
Chief Compliance Officer

Shawn Woodhead Werth  
Reviewing Officer  
Office of Administrative Review

By: Maureen Benitz  
Reviewing Analyst

Subject: AF# 1836 – Baldermann for Congress and its Treasurer  
(C00439869)

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 recommendations.

The Committee is a respondent in three other cases: AF# 1795, AF# 1910 and AF# 2045. These four cases are being circulated together, and should be reviewed together, given the unique circumstances surrounding the Treasurer of the Committee.

On October 17, 2007, the Committee's original Statement of Organization was filed naming Christopher J. Ward as both the Treasurer and Custodian of Records. No other individuals are named as Designated Agents of the Committee. This Statement of Organization was hand delivered to the Commission. The Committee's first and only report was electronically filed on January 24, 2008 by Mr. Ward. On February 8, 2008, the Committee's Amended Statement of Organization was electronically filed. The Treasurer was changed from Christopher J. Ward to Kendall Lynchey. Margarita Almanza, the Deputy Campaign Manager, was named as the Custodian of Records.

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Based on the response received from the Information Technology Division's Manager, confirmation of the successful upload of the February 8, 2008 Amended Statement of Organization was emailed to paul@pdscompliance.com.

In AF# 1795 and 1836, Mr. Lynchey is named as the respondent Treasurer. He submitted the challenges for these cases, denies any association with the Committee, and says he was named as Treasurer without his knowledge.

In AF# 1910, the Candidate is named as the respondent Treasurer. In Mr. Baldermann's challenge to the RTB finding in this case, he states that he was "aware of Christopher Ward being treasurer" but "was not informed" and does "not believe that Kendall Lynchey ever served" as Treasurer of the Committee. This corroborates Mr. Lynchey's assertion that he was not the Treasurer of the Committee.

As part of his challenge for AF# 1910, the Candidate includes two letters, one he sent to the Chairman of the Illinois Republican Party and one he received from Andrew D. Sere (whom he identifies as his campaign manager) and Martin Ozinga, III. In his letter to the Chairman, the Candidate specifically states that the Party will "assume all responsibility to administer the closing of my congressional committee including completing all reports required by the FEC," that the "Ozinga campaign and Marty Ozinga will also guarantee payment of approximately \$8,000.00 to repay the outstanding obligations," and there "will be approximately \$4,000.00 available ... to repay the ... obligations." In the letter from Mr. Sere and Mr. Ozinga, they state that they "shall be responsible for retiring the campaign debt" and the Party will complete "all administrative tasks related to closing down Baldermann for Congress." In this correspondence, there is no reference to naming a new Treasurer.

In AF# 2045, Mr. Lynchey is named as the respondent Treasurer. The Candidate submitted the challenge which is identical to the one he submitted for AF# 1910.

Staff has appealed in their conversations with the Candidate to file the missing reports with the expectation that the level of activity on the missing reports would go down and result in a significantly lower or possibly \$0 civil money penalty. The Reviewing Officer did this in her December 2008 conversation as well as the RAD Analyst in her May 11, 2009 conversation. As of this date, none of the reports have been filed.

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Please note that in a conversation with the Reviewing Analyst who explained that future contacts will be with counsel since it appears he designated counsel for AF# 1910, Mr. Baldermann said he decided not to designate counsel at this time.

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.

**Attachments**



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

June 10, 2009

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

**AF# 1836 – Baldermann for Congress and Kendall Lynchey, as Treasurer  
(C00439869)**

On September 19, 2008, the Commission found reason to believe ("RTB") that the respondents violated 2 U.S.C. § 434(a) for failing to file the 2008 July Quarterly Report and made a preliminary determination that the civil money penalty was \$5,500 based on the schedule of penalties at 11 C.F.R. § 111.43. They were notified by the Reports Analysis Division ("RAD") on September 22, 2008 of the Commission's RTB finding and civil money penalty. The RTB letter, sent to their address of record, was returned; and a copy was faxed to Mr. John Scanlin.

**Respondents' Response**

On October 28, 2008, the Commission received the written response ("challenge") from Mr. Kendall Lynchey requesting that the Commission make a final determination that he did not violate 2 U.S.C. § 434(a) as he is not, and has never been, the Treasurer and has never filed or signed a Statement of Organization naming himself as Treasurer of the Committee. He states that he has never had access to the Committee's electronic filing password and could not, and did not, file the February amended Statement of Organization. He never had access to the Committee's P.O. Box, which is why he did not receive the Commission's correspondence. He further states that he never authorized any individual associated with the Committee to name him as Treasurer.

Included with the challenge is a copy of the Statement of Organization, received October 17, 2007, and the Amended Statement of Organization, electronically filed on February 8, 2008.

**Analysis**

The 2008 July Quarterly Report has not been filed as of this date.

The Federal Election Campaign Act ("Act") states that the treasurer of a principal campaign committee of a candidate shall file a report for the period ending June 30 no later than July 15. 2 U.S.C. § 434(a)(2)(A)(iii) and 11 C.F.R. § 104.5(a)(1)(i). Reports electronically filed must be received and validated at or before 11:59 pm Eastern Standard/Daylight Time on July 15 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). Every political committee shall have a treasurer and may designate an assistant treasurer who shall assume the treasurer's duties and

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responsibilities if there is a temporary or permanent vacancy in the office or the treasurer is unavailable. 2 U.S.C. § 432(a) and 11 C.F.R. § 102.7(a).

At the time of the RTB finding, the Treasurer of the Committee was Kendall Lynchey. In his response, Mr. Lynchey explains how he did not file or sign a Statement of Organization allowing himself to be named as Treasurer of the Committee. He contends that he has never been the Treasurer of this Committee and thus, was incorrectly named in the RTB finding.

On October 17, 2007, the Committee filed its original Statement of Organization naming Christopher J. Ward as both the Treasurer and Custodian of Records. It appears that Mr. Ward signed the Statement. No other individuals are named as Designated Agents of the Committee. This Statement of Organization was hand delivered to the Commission. On February 8, 2008, Mr. Ward contacted the EFO requesting help with amending the Statement of Organization. Specifically, he called because the candidate name was not appearing on the form. Staff in the EFO assisted him and the Committee electronically filed an Amended Statement of Organization on that same day. The Treasurer was changed from Christopher J. Ward to Kendall Lynchey. Margarita Almanza, the Deputy Campaign Manager, is named as the Custodian of Records. Based on the response received from the Information Technology Division's Manager, confirmation of the successful upload of the February 8, 2008 Amended Statement of Organization was emailed to paul@pdscompliance.com.

The candidate, Timothy Baldermann, submitted the challenge to the RTB finding in AF# 1910 and 2045, two other cases involving the Committee. Mr. Baldermann states that he "was aware of Christopher Ward being treasurer" but he states that he "was not informed" and does "not believe that Kendall Lynchey ever served" as Treasurer of the Committee. Thus, the candidate corroborates Mr. Lynchey's assertion that he was not the Treasurer of the Committee.

As part of his challenge for AF# 1910, the Candidate includes two letters, one he sent to the Chairman of the Illinois Republican Party and one he received from Andrew D. Sere (whom he identifies as his campaign manager) and Martin Ozinga, III. In his letter to the Chairman, the Candidate specifically states that the Party will "assume all responsibility to administer the closing of my congressional committee including completing all reports required by the FEC," that the "Ozinga campaign and Marty Ozinga will also guarantee payment of approximately \$8,000.00 to repay the outstanding obligations," and there "will be approximately \$4,000.00 available ... to repay the ... obligations." In the letter from Mr. Sere and Mr. Ozinga, they state that they "shall be responsible for retiring the campaign debt" and the Party will complete "all administrative tasks related to closing down Baldermann for Congress." In this correspondence, there is no reference to naming a new Treasurer.

Based on the evidence provided, it appears that Kendall Lynchey was not Treasurer, as he has affirmed that he did not sign or authorize the signing of the Amended Statement of Organization filed on February 8, 2008. Neither Statement of Organization

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discloses an Assistant Treasurer for the Committee. In the challenge to AF# 1910 and AF# 2045, the Candidate references the Illinois Republican Party, Mr. Sere and Mr. Ozinga, who had agreed to close down the Committee, yet no one is designated as Treasurer nor is it clear who may have been acting as Treasurer. Nonetheless, whomever was serving in that capacity did not adequately close the Committee, as required by 2 U.S.C. § 433(d)(1) and 11 C.F.R § 102.3(b), and file the missing reports. As such, the Reviewing Officer recommends that the Commission make a final determination against the Committee and its Treasurer in AF# 1836.

Staff members from both RAD and OAR have spoken with the Candidate on several occasions, urging him to file the missing reports. In March of 2008, the RAD Analyst spoke with the Candidate at length, explaining how to download the FECFile software and user manual, amend the Statement of Organization (the Candidate told her he is handling everything for the Committee), file a debt settlement plan and terminate the Committee. Furthermore, the Analyst explained that the Committee could not terminate until several issues raised in the Request for Additional Information were addressed. The Analyst clearly stated that the Committee was not eligible for termination at that point.

In December of 2008, the Reviewing Officer spoke with the Candidate in great detail about the Administrative Fine Program, the basis of Mr. Lynchey's challenge, and the missing reports. In this conversation, the Candidate acknowledged having some records, as well as stating that there was activity during the reporting periods in question. The Candidate stated that he did not remember downloading the FECFile software, as the RAD Analyst instructed in March of 2008. It was stressed that any documentation regarding the naming of Treasurer should be provided to OAR with the challenge. Furthermore, the Reviewing Officer emphasized that the reports should be filed and that, based on his description of the financial activity, the RTB fine may be reduced if the actual level of activity is closed. Lastly, the Reviewing Officer faxed copies of the RTB letters, the challenges submitted by Mr. Lynchey, as well as the Summary and Detailed Summary Pages for the 2008 12 Day Pre-Primary Report, to the Candidate.

The last report received by the Commission from the Committee is the 12 Day Pre-Primary Report which covers October 1, 2007 – January 16, 2008 and was electronically filed on January 24, 2008. This report discloses an ending cash balance of \$50,414.33. In the challenges for AF# 1910 and 2045, the Candidate includes a list of financial activity that has not been disclosed on the proper FEC form. Based on this information, it is clear that there was financial activity during the reporting periods in question and reports must be filed to accurately disclose such activity.

The administrative fine regulations' schedule of civil money penalties is based on four factors – if the report is election sensitive or not election sensitive, the level of activity on the late report or the estimated level of activity if it is not filed, the number of days late, and any previous civil money penalties assessed. 11 C.F.R. § 111.43(a)(2), (d) and (e). The July Quarterly Report is not an election sensitive report. To date, it has not been filed, thus, the RTB fine was based on an estimated level of activity of \$157,306.

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The respondents have no prior violations. Had the respondents filed the 2008 July Quarterly Report prior to the Commission's RTB finding, the amount of the civil money penalty would have been calculated using the actual level of activity disclosed for that reporting period.

Staff appealed in their conversations with the Candidate to file the missing reports with the expectation that the level of activity on the missing reports would go down and result in a significantly lower or possibly \$0 civil money penalty. The Reviewing Officer did this in her December 2008 conversation as well as the RAD Analyst in her May 11, 2009 conversation. As of this date, none of the reports have been filed.

Therefore, the Reviewing Officer recommends that the Commission make a final determination that the Committee and its Treasurer violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$5,500.

**OAR Recommendations**

- (1) Adopt the Reviewing Officer recommendation for AF# 1836 involving Baldermann for Congress and its Treasurer in making the final determination;
- (2) Make a final determination in AF# 1836 that Baldermann for Congress and its Treasurer violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$5,500; and
- (3) Send the appropriate letter.

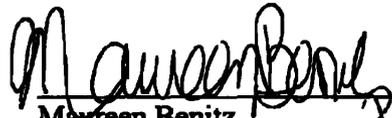
Reviewing Analyst: Maureen Benitz

Attachments

- Attachment 1 – Challenge Received from Respondents
- Attachment 2 – Declaration from RAD, \_\_\_\_\_
- Attachment 3 – \_\_\_\_\_
- Attachment 4 – \_\_\_\_\_
- Attachment 5 – \_\_\_\_\_
- Attachment 6 – Declaration from OAR

**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 April Quarterly Report is due April 15, 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 April 15 to be timely filed.
3. I hereby certify that I have searched the Commission's public records and that the documents identified herein are true and accurate copies of the:
  - a) Page 1 and 2 of the Summary Page for the 2008 12 Day Pre-Primary Report electronically filed by Baldermann for Congress and Christopher Ward, as Treasurer. According to Commission records, the report was received on January 24, 2008 and covers the period from October 1, 2007 through January 16, 2008. Line 8 shows an ending cash on hand balance of \$50,414.33; and
  - b) Six 48-Hour Notices electronically filed by Baldermann for Congress and Christopher Ward, as Treasurer. According to Commission records, the Notices were received on January 19, January 23, two on January 27, January 29 and February 2, 2008. The Notices list 18 contributions totaling \$28,600 received on January 1, 17, 22, 25, 26, 29 and 31, 2008.
4. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at Washington on the 10<sup>th</sup> of June, 2009.



Maureen Benitz  
Reviewing Analyst  
Office of Administrative Review  
Federal Election Commission

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**FEC  
FORM 3**

**REPORT OF RECEIPTS  
AND DISBURSEMENTS**  
For 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

BALDERMANN FOR CONGRESS

ADDRESS (number and street)

PO BOX 2862

Check if different than previously reported. (ACC)

JOLIET

IL

60434

2. FEC IDENTIFICATION NUMBER

C00439869

CITY

STATE

ZIP CODE

STATE DISTRICT

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

IL 11

4. TYPE OF REPORT (Choose One)

(a) Quarterly Reports:

April 15 Quarterly Report (Q1)

July 15 Quarterly Report (Q2)

October 15 Quarterly Report (Q3)

January 31 Year-End Report (YE)

Termination Report (TER)

(b) 12-Day PRE-Election Report for the:

Primary (12P)  General (12G)  Runoff (12R)

Convention (12C)  Special (12S)

Election on 02 05 2008 in the State of IL

(c) 30-Day POST-Election Report for the:

General (30G)  Runoff (30R)  Special (30S)

Election on in the State of

5. Covering Period 10 01 2007 through 01 16 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 Ward

Signature of Treasurer Electronically Filed by Christopher Ward Date 01 24 2008

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 3**  
(Revised 02/2003)

29092643177

**SUMMARY PAGE**  
of Receipts and Disbursements

Write or Type Committee Name

**BALDERMANN FOR CONGRESS**

Report Covering the Period: From: M M D D Y Y Y Y To: M M D D Y Y Y Y  
1 0 0 1 2 0 0 7 0 1 1 6 2 0 0 8

29092643178

	COLUMN A This Period	COLUMN B Election Cycle-to-Date
<b>6. Net Contributions (other than loans)</b>		
(a) Total Contributions (other than loans) (from Line 11(e)).....	103819.00	103819.00
(b) Total Contribution Refunds (from Line 20(d)).....	0.00	0.00
(c) Net Contributions (other than loans) (subtract Line 6(b) from Line 6(a)).....	103819.00	103819.00
<b>7. Net Operating Expenditures</b>		
(a) Total Operating Expenditures (from Line 17).....	53245.76	53245.76
(b) Total Offsets to Operating Expenditures (from Line 14).....	0.00	0.00
(c) Net Operating Expenditures (subtract Line 7(b) from Line 7(a)).....	53245.76	53245.76
<b>8. Cash on Hand at Close of Reporting Period (from Line 27).....</b>	50414.33	
<b>9. Debts and Obligations Owed TO the Committee (Itemize all on Schedule C and/or Schedule D).....</b>	0.00	
<b>10. Debts and Obligations Owed BY the Committee (Itemize all on Schedule C and/or Schedule D).....</b>	0.00	

**For further information contact:**

Federal Election Commission  
999 E Street, NW  
Washington, DC 20463  
Toll Free 800-424-9530  
Local 202-694-1100

# 48 HOURS NOTICE OF CONTRIBUTIONS/LOANS RECEIVED

(See Reverse Side for Instructions)

To be used to report all contributions (including loans) of \$1000 or more, received within 20 days of the election.

1. NAME OF COMMITTEE IN FULL

BALDERMANN FOR CONGRESS

ADDRESS (number and street)

PO BOX 2862

CITY, STATE, and ZIP CODE

JOLIET

IL

60434

2. NAME OF CANDIDATE

TIM BALDERMANN

Any information copied from such Reports and Statements may not to be sold or used by any person for the purpose of soliciting contributions or for commercial purposes other than using the name and address of any political committee to solicit contributions from such committee.

4. FEC IDENTIFICATION NUMBER  
C00439869

SIGNATURE(Optional)

DATE  
01/19/2008

For further information contact:  
Federal Election Commission  
999 E Street, NW, Washington, DC 20463  
Toll Free 800-424-9530, Local 202-694-1100

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**FEC FORM 6**  
(Revised 1/2001)

29092643179

**FEC FORM 6 - 48 HOUR NOTICE OF CONTRIBUTIONS / LOANS**

(continuation page)

Any information reported herein may not be copied for sale or use by any person for the purposes of soliciting contributions or for any other commercial purpose except that the name and address of any political committee may be used to solicit contributions from that committee.

Name of Individual, Organization, or Corporation

Full Name, Address, and ZIP Code	Name of Employer	Date (month, day, year)	Amount Received this Period
Craig J. Duchossois 845 Larch Ave Elmhurst IL 60126	Duchossois Industries Occupation CEO	01/01/2008	2300.00
Ronald J. Gidwitz 200 S Wacker Dr, Ste 4000 Chicago IL 60606	GCG Partners Occupation Partner	01/17/2008	1000.00
Heidi A. Huizenga 2215 York Rd, Ste 500 Oak Brook IL 60523	Self Employed Occupation Consultant	01/17/2008	2000.00
Peter H. Huizenga 2215 York Rd, Ste 500 Oak Brook IL 60523	Huizenga Capital Occupation Investments	01/17/2008	2000.00
<b>TOTAL THIS PERIOD (last page only)</b>			<b>7300.00</b>

# 48 HOURS NOTICE OF CONTRIBUTIONS/LOANS RECEIVED

(See Reverse Side for Instructions)

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1. NAME OF COMMITTEE IN FULL

BALDERMANN FOR CONGRESS

ADDRESS (number and street)

PO BOX 2862

CITY, STATE, and ZIP CODE

JOLIET

IL

60434

2. NAME OF CANDIDATE

TIM BALDERMANN

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4. FEC IDENTIFICATION NUMBER  
C00439869

SIGNATURE(Optional)

DATE  
01/23/2008

For further information contact:  
Federal Election Commission  
999 E Street, NW, Washington, DC 20463  
Toll Free 800-424-9530, Local 202-694-1100

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**FEC FORM 6**  
(Revised 1/2001)

29092643181

**FEC FORM 6 - 48 HOUR NOTICE OF CONTRIBUTIONS / LOANS**

(continuation page)

Any information reported herein may not be copied for sale or use by any person for the purposes of soliciting contributions or for any other commercial purpose except that the name and address of any political committee may be used to solicit contributions from that committee.

Name of Individual, Organization, or Corporation

Full Name, Address, and ZIP Code	Name of Employer	Date (month, day, year)	Amount Received this Period
Noreen Dollinger 7502 W. Hansel Rd Channahon IL 60410	Self Employed Occupation Farming	01/22/2008	1000.00
Sebastian S. Paulmbo 4401 West Roosevelt Rd Hillside IL 60162	Orange Crush LLC Occupation Vice President	01/22/2008	1000.00
Sue Rezin 5395 Crescent Green Ct Morris IL 60450	Homemaker Occupation Homemaker	01/22/2008	1000.00

**TOTAL THIS PERIOD (last page only)**

**3000.00**

**48 HOURS NOTICE OF  
CONTRIBUTIONS/LOANS RECEIVED**  
(See Reverse Side for Instructions)

1 / 2

To be used to report all contributions (including loans) of \$1000 or more, received within 20 days of the election.

**1. NAME OF COMMITTEE IN FULL**

BALDERMANN FOR CONGRESS

**ADDRESS (number and street)**

PO BOX 2862

**CITY, STATE, and ZIP CODE**

JOLIET

IL

60434

**2. NAME OF CANDIDATE**

TIM BALDERMANN

Any information copied from such Reports and Statements may not to be sold or used by any person for the purpose of soliciting contributions or for commercial purposes other than using the name and address of any political committee to solicit contributions from such committee.

**4. FEC IDENTIFICATION NUMBER**  
C00439869

29092643183

<b>SIGNATURE(Optional)</b>	<b>DATE</b> 01/27/2008	<b>For further information contact:</b> Federal Election Commission 999 E Street, NW, Washington, DC 20463 Toll Free 800-424-9530, Local 202-694-1100

**FEC FORM 6**  
(Revised 1/2001)

**FEC FORM 6 - 48 HOUR NOTICE OF CONTRIBUTIONS / LOANS**  
(continuation page)

Any information reported herein may not be copied for sale or use by any person for the purposes of soliciting contributions or for any other commercial purpose except that the name and address of any political committee may be used to solicit contributions from that committee.

Name of Individual, Organization, or Corporation

Full Name, Address, and ZIP Code	Name of Employer	Date (month, day, year)	Amount Received this Period
Thomas D. Grusecki 5060 River Rd Schiller Park IL 60176	Northern Builders Inc Occupation Executive Vice President	01/25/2008	1000.00
Gregory P. Kolinski 10532 Great Egret Dr Orland Park IL 60467	Ledcor Construction Occupation Preconstruction Manager	01/25/2008	1000.00
Fred A. Krehbiel 505 South County Line Rd Hinsdale IL 60521	Moler Inc Occupation Executive	01/25/2008	1000.00
John D. Peacock 2576 Creekside Ln Morris IL 60450	Peacock & McFarland Occupation Attorney	01/25/2008	1000.00
Charles E. Smith, Jr 18645 W West Creek Dr Tinley Creek IL 60477	Occupation	01/25/2008	1000.00
Mark Vandenberg 20658 Francisca Way Frankfort IL 60423	Occupation	01/25/2008	1000.00

**TOTAL THIS PERIOD (last page only)**

**6000.00**

29092643184

**48 HOURS NOTICE OF  
CONTRIBUTIONS/LOANS RECEIVED**  
(See Reverse Side for Instructions)

1 / 2

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**1. NAME OF COMMITTEE IN FULL**

BALDERMANN FOR CONGRESS

**ADDRESS (number and street)**

PO BOX 2862

**CITY, STATE, and ZIP CODE**

JOLIET

IL

60434

**2. NAME OF CANDIDATE**

TIM BALDERMANN

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**4. FEC IDENTIFICATION NUMBER**  
C00439869

29092643185

<b>SIGNATURE(Optional)</b>	<b>DATE</b> 01/27/2008	<b>For further information contact:</b> Federal Election Commission 999 E Street, NW, Washington, DC 20463 Toll Free 800-424-9530, Local 202-694-1100
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**FEC FORM 6**  
(Revised 1/2001)

**FEC FORM 6 - 48 HOUR NOTICE OF CONTRIBUTIONS / LOANS**  
 (continuation page)

Any information reported herein may not be copied for sale or use by any person for the purposes of soliciting contributions or for any other commercial purpose except that the name and address of any political committee may be used to solicit contributions from that committee.

**Name of Individual, Organization, or Corporation**

Full Name, Address, and ZIP Code	Name of Employer	Date (month, day, year)	Amount Received this Period
George Barr 2801 Black Rd Joliet IL 60435	Self Employed Occupation Contractor	01/26/2008	1500.00
FREEDOM PROJECT; THE 424 C Street NE Basement UNIT Washington DC 20002	Name of Employer Occupation	01/26/2008	5000.00

29092643186

**TOTAL THIS PERIOD (last page only)**

**6500.00**

# 48 HOURS NOTICE OF CONTRIBUTIONS/LOANS RECEIVED

(See Reverse Side for Instructions)

To be used to report all contributions (including loans) of \$1000 or more, received within 20 days of the election.

1. NAME OF COMMITTEE IN FULL

BALDERMANN FOR CONGRESS

ADDRESS (number and street)

PO BOX 2862

CITY, STATE, and ZIP CODE

JOLIET

IL

60434

2. NAME OF CANDIDATE

TIM BALDERMANN

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4. FEC IDENTIFICATION NUMBER  
C00439869

SIGNATURE(Optional)

DATE  
01/29/2008

For further information contact:  
Federal Election Commission  
999 E Street, NW, Washington, DC 20463  
Toll Free 800-424-9530, Local 202-694-1100

**FEC FORM 6**  
(Revised 1/2001)

29092643187

**FEC FORM 6 - 48 HOUR NOTICE OF CONTRIBUTIONS / LOANS**

(continuation page)

Any information reported herein may not be copied for sale or use by any person for the purposes of soliciting contributions or for any other commercial purpose except that the name and address of any political committee may be used to solicit contributions from that committee.

Name of Individual, Organization, or Corporation

Full Name, Address, and ZIP Code	Name of Employer	Date (month, day, year)	Amount Received this Period
Daniel Para 17 Ridge Farm Rd	Self Employed	01/29/2008	1000.00
Burr Ridge IL 60527	Occupation Investor		

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<b>TOTAL THIS PERIOD (last page only)</b>	<b>1000.00</b>
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**48 HOURS NOTICE OF  
CONTRIBUTIONS/LOANS RECEIVED**  
(See Reverse Side for Instructions)

1 / 2

To be used to report all contributions (including loans) of \$1000 or more, received within 20 days of the election.

**1. NAME OF COMMITTEE IN FULL**

BALDERMANN FOR CONGRESS

**ADDRESS (number and street)**

PO BOX 2862

**CITY, STATE, and ZIP CODE**

JOLIET

IL

60434

**2. NAME OF CANDIDATE**

TIM BALDERMANN

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes other than using the name and address of any political committee to solicit contributions from such committee.

**4. FEC IDENTIFICATION NUMBER**  
C00439869

29092643189

<b>SIGNATURE(Optional)</b>	<b>DATE</b> 02/02/2008	<b>For further information contact:</b> Federal Election Commission 999 E Street, NW, Washington, DC 20463 Toll Free 800-424-9530, Local 202-694-1100
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**FEC FORM 6**  
(Revised 1/2001)

**FEC FORM 6 - 48 HOUR NOTICE OF CONTRIBUTIONS / LOANS**

(continuation page)

Any information reported herein may not be copied for sale or use by any person for the purposes of soliciting contributions or for any other commercial purpose except that the name and address of any political committee may be used to solicit contributions from that committee.

Name of Individual, Organization, or Corporation

Full Name, Address, and ZIP Code	Name of Employer	Date (month, day, year)	Amount Received this Period
C&F Partnership 9821 S 78th Ave Hickory Hills IL 60457	Occupation	01/31/2008	2300.00
AMERICAN BANKERS ASSOCIATION PAC (BANKPA-C) 1120 Connecticut Avenue NW Washington DC 20036	Occupation	01/31/2008	2500.00

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**TOTAL THIS PERIOD (last page only)**

**4800.00**

29092643190



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

VIA OVERNIGHT DELIVERY

June 15, 2009

Kendall Lynchey  
Baldermann for Congress  
c/o 1938 E. Lincoln Highway, Suite 210  
New Lenox, Illinois 60451

C00439869  
AF# 1795, 1836 and 2045

Dear Mr. Lynchey:

On September 19, 2008 and April 8, 2009, the Federal Election Commission ("Commission") found reason to believe ("RTB") that Baldermann for Congress and you, as Treasurer ("respondents"), violated 2 U.S.C. § 434(a) for failing to file the 2008 April and July Quarterly, and Year End Reports, respectively. The Commission also made preliminary determinations on these dates that the civil money penalty was \$5,500 for each of these three reports based on the schedule of penalties at 11 C.F.R. § 111.43.

After reviewing the written responses and any supplemental information submitted by you and Commission staff, the Reviewing Officer has recommended that the Commission make a final determination in these matters. Copies of the Reviewing Officer's recommendations are attached.

You may file with the Commission Secretary a written response to the recommendations 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 numbers in your response. Your response may not raise any arguments not raised in the original written responses or not directly responsive to the Reviewing Officer's recommendations. 11 C.F.R. § 111.36(f). The Commission will then make final determinations in these matters.

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*  
Maureen Benitz  
Reviewing Analyst  
Office of Administrative Review

cc: Timothy Baldermann  
Attachments

29092643191



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

FEDERAL ELECTION  
COMMISSION  
SECRETARIAT

2009 JUL 22 P 3:53

July 22, 2009

**MEMORANDUM**

**SENSITIVE**

To: The Commission

Through: Robert A. Hickey  
Staff Director *[Signature]* 22 Jul 09

From: John D. Gibson  
Chief Compliance Officer *[Signature]*  
Shawn Woodhead Werth  
Reviewing Officer *[Signature]*  
Office of Administrative Review

By: Maureen Benitz *[Signature]*  
Reviewing Analyst

Subject: Final Determination Recommendation in AF# 1836 – Baldermann  
for Congress and Kendall Lynchey, as Treasurer (C00439869)

On September 19, 2008, the Commission found reason to believe (“RTB”) that the respondents violated 2 U.S.C. § 434(a) for failing to file the 2008 July Quarterly Report. The Commission also made a preliminary determination that the civil money penalty was \$5,500 based on the schedule of penalties at 11 C.F.R. § 111.43.

On October 28, 2008, the Commission received the respondents’ written response (“challenge”). After reviewing the challenge, the Reviewing Officer’s recommendation (“ROR”) dated June 10, 2009 was forwarded to the Commission, a copy was sent to the respondents and candidate, and is hereby incorporated by reference. The Reviewing Officer recommended that the Commission make a final determination that the Committee and its Treasurer violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$5,500.

Within 10 days of transmittal of the recommendation, the respondents may file a written response with the Commission Secretary which may not raise any arguments not raised in the respondents’ challenge or not directly responsive to the Reviewing Officer’s recommendation. 11 C.F.R. § 111.36(f). The Reviewing Analyst spoke with Mr. Lynchey’s representative on June 15 who said he would likely respond to the ROR to clarify that Mr. Lynchey was not involved with Christopher Ward, the Committee’s

29092643192

original Treasurer. She also spoke with Mr. Baldermann on June 25 about the ROR; he did not indicate if he would respond to it. As of this date, no written response has been received.

On July 7, 2009, the Commission received, via facsimile, the paper copy of the July Quarterly Report which discloses \$7 in total receipts and \$2,175 in total disbursements. The report was filed electronically on July 10, 2009. Had the report been received disclosing this level of activity (\$2,182) prior to the Commission's RTB finding, the civil money penalty would have been \$250 based on the schedule of penalties at 11 C.F.R. § 111.43(a)(2)(i)(A) and (iii).

Therefore, the Reviewing Officer recommends that the Commission make a final determination that Baldermann for Congress and its Treasurer violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$250 (reduced from \$5,500).

#### **OAR Recommendations**

- (1) Adopt the Reviewing Officer recommendation for AF# 1836 involving Baldermann for Congress and its Treasurer in making the final determination;
- (2) Make a final determination in AF# 1836 that Baldermann for Congress and its Treasurer violated 2 U.S.C. § 434(a) and, based on the July Quarterly Report filed July 10 which discloses an actual level of activity totaling \$2,182, assess a civil money penalty of \$250 (reduced from \$5,500); and
- (3) Send the appropriate letter.

29092643193

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
Final Determination Recommendation: ) AF 1836  
Baldermann for Congress and Kendall )  
Lynchey, as Treasurer (C00439869) )

CERTIFICATION

I, Mary W. Dove, Secretary of the Federal Election Commission, do hereby certify that on August 06, 2009, the Commission decided by a vote of 5-0 to take the following actions in AF 1836:

1. Adopt the Reviewing Officer recommendation for AF 1836 involving Baldermann for Congress and its Treasurer in making the final determination.
2. Make a final determination in AF 1836 that Baldermann for Congress and its Treasurer violated 2 U.S.C. § 434(a) and, based on the July Quarterly Report filed July 10 which discloses an actual level of activity totaling \$2,182, assess a civil money penalty of \$250 (reduced from \$5,500).
3. Send the appropriate letter.

Commissioners Bauerly, Hunter, Petersen, Walther, and Weintraub voted affirmatively for the decision. Commissioner McGahn II did not vote.

Attest:

August 6, 2009  
Date

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

29092643194



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

August 20, 2009

VIA CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Kendall Lynchey  
Baldermann for Congress  
c/o 1938 E. Lincoln Highway, Suite 210  
New Lenox, Illinois 60451

C00439869  
AF# 1836

Dear Mr. Lynchey:

On September 19, 2008, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Baldermann for Congress and you, as Treasurer, violated 2 U.S.C. § 434(a) for failing to file the 2008 July Quarterly Report. By letter dated September 22, 2008, the Commission sent you notification of the RTB finding that included a civil money penalty calculated at RTB of \$5,500 in accordance with the schedule of penalties at 11 C.F.R. § 111.43. On October 28, 2008, 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 Baldermann for Congress and its Treasurer violated 2 U.S.C. § 434(a) and assess a civil money penalty in the amount of \$5,500 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 June 15, 2009.

On July 7, 2009, the Commission received, via facsimile, the paper copy of the July Quarterly Report. The report was filed electronically on July 10, 2009. Based on the report's 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 Baldermann for Congress and its Treasurer violated 2 U.S.C. § 434(a) and, based on the actual level of activity disclosed on the July Quarterly Report filed July 10, 2009 (\$2,182), assess a civil money penalty in the amount of \$250 in accordance with 11 C.F.R. § 111.43.

On August 6, 2009, the Commission adopted the Reviewing Officer's recommendation, made a final determination that Baldermann for Congress and its Treasurer violated 2 U.S.C. § 434(a) and based on the level of activity disclosed on the July Quarterly Report (\$2,182), assessed a civil money penalty of \$250 (reduced from the RTB civil money penalty of \$5,500). It is based on the same factors used to calculate the civil money penalty at RTB except

29092643195

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

CC: Timothy A. Baldermann

29092643196

29092643197

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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 \$250 for the 2008 July 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**  
-----

FOR: Baldermann for Congress

FEC ID#: C00439869

AF#: 1836

PAYMENT AMOUNT DUE: \$250

QUALITY IS OUR PRIORITY FOR LOCKBOX 9058  
SEQ# 001 60000025000 BA# 1 10-07-09 20 4



23 US Bank Corp

Megan L. Baldermann  
Tina M. Baldermann

3941

Sep 27 2009

Check # [redacted]

Two Hundred Fifty Dollars

\$ 250.00

POSTAL SERVICE

FIRST BANK OF MANHATTAN  
MANHATTAN, NY

[Signature]



FEDERAL ELECTION COMMISSION  
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 1836

DATE SCANNED 11/25/09

SCANNER NO. 2

SCAN OPERATOR EES

29092643199