



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 1893

DATE SCANNED 11/25/09

SCANNER NO. 2

SCAN OPERATOR EEJ

29092643328



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20461

DEC 8 2008
DEC 8 P 1:59

December 8, 2008

MEMORANDUM

SENSITIVE

TO: THE COMMISSION

THROUGH: JOSEPH F. STOLTZ *[Signature]*
ACTING STAFF DIRECTOR

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

PATRICIA CARMONA *[Signature]*
ASSISTANT STAFF DIRECTOR
REPORTS ANALYSIS DIVISION

BY: NATALIYA IOFFE/^{ARU}RIILANNON MAGRUDER/^{RMI}CHRIS RITCHIE *[Signature]*
COMPLIANCE BRANCH

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

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

Under the Administrative Fine Program, the October Quarterly Report is considered an election-sensitive filing for authorized committees supporting candidates involved in the general election as well as all unauthorized committees. For the committees listed on the attached RTB Circulation Report, the October Quarterly Report was an election-sensitive filing. The committees either filed the report more than five (5) days after the due date, failed to file the report or failed to file the report prior to four (4) days before the general election (considered a non-filed report). In accordance with the schedule of civil money penalties for reports at 11 C.F.R. 111.43, these committees should be assessed the civil money penalties included on the attached report.

Recommendation

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

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Federal Election Commission
Reason to Believe Circulation Report
2008 OCTOBER QUARTERLY Election Sensitive 10/15/2008 H_S_P_UNAUTH

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
1887	C00135525	AMERICAN NATIONAL INSURANCE COMPANY EMPLOYEE POLITICAL ACTION COMMITTEE		JOHN MARK FLIPPIN	\$178,504	0	11/10/2008	Not Filed	\$58,118	\$3,000
1888	C00034645	AMERICAN SOCIETY FOR CLINICAL LABORATORY SCIENCE POLITICAL ACTION COMMITTEE (FKA ASMT/PAC)		LINDA HICKOK	\$108,237	0	11/6/2008	Not Filed	\$18,167	\$800
1889	C00439042	AMERICANS UNITEO FOR FREEDOM (AUF) PAC	PAUL, RON	BRANDON S. LLOYD	\$184,826	0		Not Filed	\$54,942 (est)	\$3,000
1890	C00395888	ARGON ST PAC		GABRIELLE CARRUTH	\$109,550	0	11/12/2008	Not Filed	\$11,600	\$900
1891	C00449876	COMMITTEE TO ELECT MARY WRIGHT	WRIGHT, MARY D.	MARY WRIGHT	\$328,065	0	10/27/2008	12	\$928	\$170
1892	C00030593	CONSUMER DATA INDUSTRY ASSOCIATION INC POLITICAL ACTION COMMITTEE OR CDIA PAC		JOSEPH RUBIN	\$130,781	0	11/6/2008	Not Filed	\$9,165	\$600
1893	C00381517	DEMOCRATIC ADVANCEMENT PAC		CHRISTOPHER R. GRAMER	\$641,680	0		Not Filed	\$119,843 (est)	\$5,000
1894	C00448241	DOUG TUDOR FOR CONGRESS	TUDOR, DOUGLAS DAVID	JON P. TUDOR	\$175,068	0	10/29/2008	14	\$49,075	\$650
1895	C00429282	HALLIWELL FOR CONGRESS	HALLIWELL, MICHAEL JOHN	MICHAEL HALLIWELL	\$99,953	0	10/22/2008	7	\$13,926	\$220
1896	C00446468	LYNCH FOR CONGRESS	LYNCH, EDWARD J.	EDWARD LYNCH	\$197,985	1		Not Filed	\$65,995 (est)	\$3,750
1897	C00421008	METAL LATHERS LOCAL 46 PAC		ROBERT LEDWITH	\$256,590	0	10/23/2008	6	\$35,396	\$500

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
1998	C00376384	MONROE COUNTY DEMOCRATIC COMMITTEE		LEIGH KEGERREIS	\$1,104,105	4		Not Filed	\$220,821 (est)	\$15,000
1999	C00363812	RECREATIONAL FISHING ALLIANCE, PAC		TONI STEFANO	\$104,392	1		Not Filed	\$28,088 (est)	\$1,750
1900	C00437871	SALAZAR COMISIONADO 2008	SALAZAR, ALFREDO	LUIS SALAZAR	\$710,846	1	10/28/2008	11	\$353,807	\$6,500
1901	C00189286	SHEET METAL WORKERS LOCAL 100 POLITICAL ACTION COMMITTEE (100 PAC)		JOHN R. SHIELDS, JR.	\$120,046	0	11/17/2008	Not Filed	\$10,976	\$800
1902	C00153379	SIERRA PACIFIC EMPLOYEES POLITICAL ACTION COMMITTEE		JOHN VINSKI	\$127,020	0	10/21/2008	6	\$31,925	\$450
1903	C00421962	SOLAR ENERGY INDUSTRIES ASSOCIATION PAC		RHONE RESCH	\$135,255	0	10/27/2008	12	\$23,362	\$270
1904	C00148155	ST LOUISIANS FOR BETTER GOVERNMENT		BERNARD PASTERNAK	\$112,276	0	10/28/2008	11	\$3,762	\$160
1905	C00139867	UGI CORPORATION POLITICAL ACTION COMMITTEE (UGI/PAC)		GREGORY MICHAEL BLICKS	\$206,865	0	12/4/2008	Not Filed	\$30,127	\$1,400
1906	C00377549	USAFARMWORKERPAC		STUART J. MITCHELL	\$103,719	0	11/19/2008	Not Filed	\$34,398	\$1,400

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Reason To Believe Recommendation - 2008)
October Quarterly Report (Election)
Sensitive) for the Administrative Fine)
Program:)
AMERICAN NATIONAL INSURANCE) AF# 1887
COMPANY EMPLOYEE POLITICAL)
ACTION COMMITTEE, and JOHN)
MARK FLIPPIN as treasurer;)
AMERICAN SOCIETY FOR CLINICAL) AF# 1888
LABORATORY SCIENCE POLITICAL)
ACTION COMMITTEE (FKA)
ASMT/PAC), and LINDA HICKOK as)
treasurer;)
AMERICANS UNITED FOR FREEDOM) AF# 1889
(AUF) PAC, and BRANDON S LLOYD as)
treasurer;)
ARGON ST PAC, and GABRIELLE) AF# 1890
CARRUTH as treasurer;)
COMMITTEE TO ELECT MARY) AF# 1891
WRIGHT, and MARY WRIGHT as)
treasurer;)
CONSUMER DATA INDUSTRY) AF# 1892
ASSOCIATION INC POLITICAL)
ACTION COMMITTEE OR CDIA PAC,)
and JOSEPH RUBIN as treasurer;)
DEMOCRATIC ADVANCEMENT PAC,) AF# 1893
and CRAMER, CHRISTOPHER R. as)
treasurer;)
DOUG TUDOR FOR CONGRESS, and) AF# 1894
JON P TUDOR as treasurer;)
HALLIWELL FOR CONGRESS, and) AF# 1895
MICHAEL HALLIWELL as treasurer;)
LYNCH FOR CONGRESS, and EDWARD) AF# 1896
LYNCH as treasurer;)
METAL LATHERS LOCAL 46 PAC, and) AF# 1897
ROBERT LEDWITH as treasurer;)

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MONROE COUNTY DEMOCRATIC)	AF# 1898
COMMITTEE, and KEGERREIS, LEIGH)	
as treasurer;)	
RECREATIONAL FISHING ALLIANCE,)	AF# 1899
PAC, and TONI STEFANO as treasurer;)	
SALAZAR COMISIONADO 2008, and)	AF# 1900
LUIS SALAZAR as treasurer;)	
SHEET METAL WORKERS LOCAL 100)	AF# 1901
POLITICAL ACTION COMMITTEE (100)	
PAC), and JOHN R SHIELDS JR as)	
treasurer;)	
SIERRA PACIFIC EMPLOYEES)	AF# 1902
POLITICAL ACTION COMMITTEE, and)	
VINSKI, JOHN as treasurer;)	
SOLAR ENERGY INDUSTRIES)	AF# 1903
ASSOCIATION PAC, and RHONE)	
RESCH as treasurer;)	
ST LOUISIANS FOR BETTER)	AF# 1904
GOVERNMENT, and BERNARD)	
PASTERNAK as treasurer;)	
UGI CORPORATION POLITICAL)	AF# 1905
ACTION COMMITTEE (UGI/PAC), and)	
GREGORY MICHAEL BUCKS as)	
treasurer;)	
USAFARMWORKERPAC, and STUART J)	AF# 1906
MITCHELL as treasurer;)	

CERTIFICATION

I, Mary W. Dove, Secretary of the Federal Election Commission, do hereby certify that on December 10, 2008 the Commission took the following actions on the Reason To Believe Recommendation - 2008 October Quarterly Report (Election Sensitive) for the Administrative Fine Program as recommended in the Reports Analysis Division's Memorandum dated December 08, 2008, on the following committees:

AF#1887 Decided by a vote of 6-0 to: (1) find reason to believe that AMERICAN NATIONAL INSURANCE COMPANY EMPLOYEE POLITICAL ACTION

COMMITTEE, and JOHN MARK FLIPPIN 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#1888 Decided by a vote of 6-0 to: (1) find reason to believe that AMERICAN SOCIETY FOR CLINICAL LABORATORY SCIENCE POLITICAL ACTION COMMITTEE (FKA ASMT/PAC), and LINDA HICKOK 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#1889 Decided by a vote of 6-0 to: (1) find reason to believe that AMERICANS UNITED FOR FREEDOM (AUF) PAC, and BRANDON S LLOYD 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#1890 Decided by a vote of 6-0 to: (1) find reason to believe that ARGON ST PAC, and GABRIELLE CARRUTH 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#1891 Decided by a vote of 6-0 to: (1) find reason to believe that COMMITTEE TO ELECT MARY WRIGHT, and MARY WRIGHT 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#1892 Decided by a vote of 6-0 to: (1) find reason to believe that CONSUMER DATA INDUSTRY ASSOCIATION INC POLITICAL ACTION COMMITTEE OR CDIA PAC, and JOSEPH RUBIN 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#1893 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

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

AF#1894 Decided by a vote of 6-0 to: (1) find reason to believe that DOUG TUDOR FOR CONGRESS, and JON P TUDOR 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#1895 Decided by a vote of 6-0 to: (1) find reason to believe that HALLIWELL FOR CONGRESS, and MICHAEL HALLIWELL 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#1896 Decided by a vote of 6-0 to: (1) find reason to believe that LYNCH FOR CONGRESS, and EDWARD LYNCH 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#1897 Decided by a vote of 6-0 to: (1) find reason to believe that METAL LATHERS LOCAL 46 PAC, and ROBERT LEDWITH as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#1898 Decided by a vote of 6-0 to: (1) find reason to believe that MONROE COUNTY DEMOCRATIC COMMITTEE, and KEGERREIS, LEIGH as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#1899 Decided by a vote of 6-0 to: (1) find reason to believe that RECREATIONAL FISHING ALLIANCE, PAC, and TONI STEFANO as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#1900 Decided by a vote of 6-0 to: (1) find reason to believe that SALAZAR COMISIONADO 2008, and LUIS SALAZAR as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount

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

AF#1901 Decided by a vote of 6-0 to: (1) find reason to believe that SHEET METAL WORKERS LOCAL 100 POLITICAL ACTION COMMITTEE (100 PAC), and JOHN R SHIELDS 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#1902 Decided by a vote of 6-0 to: (1) find reason to believe that SIERRA PACIFIC EMPLOYEES POLITICAL ACTION COMMITTEE, and VINSKI, JOHN as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#1903 Decided by a vote of 6-0 to: (1) find reason to believe that SOLAR ENERGY INDUSTRIES ASSOCIATION PAC, and RHONE RESCHI 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#1904 Decided by a vote of 6-0 to: (1) find reason to believe that ST LOUISIANS FOR BETTER GOVERNMENT, and BERNARD PASTERNAK 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#1905 Decided by a vote of 6-0 to: (1) find reason to believe that UGI CORPORATION POLITICAL ACTION COMMITTEE (UGI/PAC), and GREGORY MICHAEL BUCKS 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#1906 Decided by a vote of 6-0 to: (1) find reason to believe that USAFARMWORKERPAC, and STUART J MITCHELL as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

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Federal Election Commission
Certification for Administrative Fines
December 10, 2008

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Attest:

December 10, 2008
Date

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

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 11, 2008

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

C00381517
AF#: 1893

Dear Christopher R. Cramer:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file an October Quarterly Report of Receipts and Disbursements in a calendar year during which there is a regularly scheduled election. This report, covering the period through September 30th, shall be filed no later than October 15th. 2 U.S.C. 434(a). Records at the Federal Election Commission ("FEC") indicate that this report was not filed within (30) days of the due date. You should file the October Quarterly Report if you have not already done so.

The Act was further amended in 1999 to permit the FEC to impose civil money penalties for violations of the reporting requirements of 2 U.S.C. 434(a). 2 U.S.C. 437g(a)(4). On 12/10/2008, the FEC found that there is reason to believe ("RTB") that Democratic Advancement PAC and you, as treasurer, violated 2 U.S.C. 434(a) by failing to file timely this report on or before October 15th. Based on the FEC's schedules of civil money penalties at 11 C.F.R. 111.43, the amount of your civil money penalty calculated at the RTB stage is \$5,000. It is due by 1/19/2009 and is based on these factors:

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

To Pay the Calculated Civil Money Penalty

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.

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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 1/19/2009. Your written response must include the reason(s) why you are challenging the RTB finding and/or calculated civil money penalty. The FEC will only consider challenges that are based on a factual error in the RTB finding; miscalculation of the calculated civil money penalty by the FEC; or your demonstrated use of best efforts to file in a timely manner when prevented from doing so by reasonably unforeseen circumstances that were beyond your control. In order for a challenge to be considered on the basis of best efforts, you must have filed the required report no later than 24 hours after the end of these reasonably unforeseen circumstances. Examples of circumstances that will be considered reasonably unforeseen and beyond your control include, but are not limited to, a failure of Commission computers or Commission-provided software despite you seeking technical assistance from Commission personnel and resources; a widespread disruption of information transmissions over the Internet that is not caused by the Commission's or your computer systems or Internet service provider; and severe weather or other disaster-related incident. **Examples of circumstances that will not be considered reasonably unforeseen and beyond your control include, but are not limited to, negligence; delays caused by vendors or contractors; treasurer and staff illness, inexperience or unavailability; committee computer, software, or internet service provider failures; failure to know filing dates; and failure to use filing software properly.** Your response must include the factual basis supporting the reason(s) and supporting documentation. The FEC strongly encourages that documents be submitted in the form of affidavits or declarations. 11 C.F.R. 111.35.

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

If you intend to be represented by counsel, please advise the Office of Administrative Review. You should provide, in writing, the name, address and telephone number of your counsel and authorize counsel to receive notifications and communications relating to this challenge and imposition of the calculated civil money penalty.

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

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

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA") as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. 3701 et seq. The FEC may take any and all appropriate action authorized and required by the DCA, as amended, including transfer to the U.S. Department of the Treasury for collection. 11 C.F.R. 111.45.

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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. If you have questions regarding the payment of the calculated civil money penalty, please contact Rhiannon Magruder in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130. If you have questions regarding the submission of a challenge, please contact the Office of Administrative Review at our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

Sincerely,



Donald F. McGahn II
Chairman

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ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 C.F.R. 111.43, the amount of your civil money penalty calculated at RTB is \$5,000 for the 2008 October Quarterly Report.

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

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

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

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

The remittance and your payment are due by 1/19/2009. Upon receipt of your remittance and payment, the FEC will send you a final determination letter.

PAYMENTS BY PERSONAL CHECK

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

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: Democratic Advancement PAC

FEC ID#: C00381517

AF#: 1893

PAYMENT DUE DATE: 1/19/2009

PAYMENT AMOUNT DUE: \$5,000

29092643342

DAPAC

Democratic Advancement PAC

600 1st Avenue, Ste. 304
Seattle, WA 98104
Phone: 206-382-0222

2009 JAN 23 P 4: 15

FEC OFFICE
ADMIN REVIEW

FAXED TO: 202-208-1574

January 19, 2009

Mr. Donald F. McGahn II,
Federal Election Commission
Office of Administrative Review
999 E Street, NW,
Washington D.C. 20463

RE: C00381517
AF#1893

Dear Mr. McGahn:

On behalf of the committee, I am challenging the RTB finding and calculated civil money penalty. I am challenging on our demonstrated use of best efforts to file in a timely manner when prevented from doing so by reasonably unforeseen circumstances that were beyond our control. Our failure to file resulted from an inability to upload our information due to a failure of Commission provided software despite our seeking technical assistance from Commission personnel and resources.

We tried numerous times to upload the information on our report and were not successful. Historically, the FEC made modifications to its software during 2008 that made it impossible to meet the uploading deadlines. Several contacts with your technical support were ineffective in successfully allowing us to upload our report. The software could not be uploaded until recently because we could not adapt our uploading system to the changes the FEC made in its software. We spent many hours of staff time, many hours on the phone with your tech support and many thousands of dollars of software-engineering time and new equipment to adapt to the changes you made in your software. Ultimately, we went to the final step of purchasing a new computer system, downloaded the new software and back reports, and then re-entered report information that did not download with the reports. We, as a small organization, have used our best efforts to comply with the rules of the FEC.

Sincerely,



Christopher R. Cramer, Treasurer



Thomas A. Cramer, President

29092643343



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Via First Class Mail

January 23, 2009

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

C00381517
AF# 1893

Dear Mr. Cramer:

On January 21 2009, the Commission received your written response ("challenge"), via facsimile, which is being reviewed by the Office of Administrative Review. Please also send a hard copy to this Office if you have not already done so. The mailing address is 999 E Street, NW, Washington, DC 20463. If you have any questions regarding your challenge, 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, appearing to read "Maureen Benitz".

Maureen Benitz
Reviewing Analyst
Office of Administrative Review

29092643344

Date: January 29, 2009

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

AF#: 1893

Committee Name: Democratic Advancement PAC

Committee ID#: C00381517

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 December 8, 2008 and RTB
Certification, dated December 10, 2008: Previously Forwarded**

Attachment #: N/A

Certified Return Receipt (Y/N): Y

Attachment #: 1

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

-Prior Notice, dated September 21, 2008.

-Non-Filer Letter, dated November 3, 2008.

-RTB Letter, dated December 11, 2008.

Attachment #: 3

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

Attachment#: 4

29092643345

COMPLETE THIS SECTION

Complete items 1, 2, and 3. Also complete 4 if Restricted Delivery is desired. Write your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, if the front flap space permits.

Addressed to:

R. Cramer
Economic Advancement PAC
1st Ave., Ste. 304
Seattle, WA 98104

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X *T. Guinn* Agent Addressee

B. Received by (Printed Name) *L. Guinn* C. Date of Delivery *1/11/04*

D. Is delivery address different from item 1? Yes No
If YES, enter delivery address below:

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

Number 7005 1820 0001 7501 3765
for from service

February 2004 Domestic Return Receipt 102585-02-M-1540

290926433

DECLARATION OF NATALIYA IOFFE

1. I am the Chief of the Compliance Branch for the Reports Analysis Division of the Federal Election Commission ("Commission"). In my capacity as Chief of the Compliance Branch, I oversee the initial processing of the Administrative Fine Program. I make this declaration based on my personal knowledge and, if called upon as a witness, could and would testify competently to the following matters.
2. I hereby certify that documents identified herein are true and accurate copies of the following sent by the Commission to Democratic Advancement PAC:
- A) Prior Notice, dated September 21, 2008, referencing the 2008 October Quarterly Report (sent via electronic mail to: CRAYC@DAPAC.ORG);
 - B) Non-Filer Letter, dated November 3, 2008, referencing the 2008 October Quarterly Report;
 - C) Reason-to-Believe Letter, dated December 11, 2008, referencing the 2008 October Quarterly Report.
3. I hereby certify that I have searched the Commission's public records and find that Democratic Advancement PAC has not yet filed the 2008 October 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 29th day of January, 2009.



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



**OCTOBER QUARTERLY
REPORT NOTICE**

FEDERAL ELECTION COMMISSION

PARTIES AND PACS

September 21, 2008

CURRENT REPORT DUE

REPORTING DATES

REPORT	REPORTING PERIOD ¹	REG. CERT. & OVERNIGHT MAILING DEADLINE	FILING DEADLINE
October Quarterly	07/01/08 - 09/30/08	10/15/08	10/15/08

PRE-ELECTION REPORTING

Committees that make contributions or expenditures (including independent expenditures) in connection with an election must also file a Pre-Election Report, if the activity was not previously reported. For the pre-election reporting guidelines, see the January 2008 Record, which can be found on the FEC web site at www.fec.gov/pdf/record/2008/jan08.pdf.

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

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

29092643348

REPORTING SCHEDULE FOR REMAINDER OF 2008

REPORTING DATES

REPORT	REPORTING PERIOD ¹	REG./CERT. & OVERNIGHT MAILING DEADLINE	FILING DEADLINE
Pre-General ²	10/01/08 - 10/15/08	10/20/08	10/23/08
Post-General	10/16/08 - 11/24/08	12/04/08	12/04/08
Year-End	11/25/08 - 12/31/08	01/31/09	01/31/09 ³

PRE-ELECTION REPORTING

Committees that make contributions or expenditures (including independent expenditures) in connection with an election must also file a Pre-Election Report, if the activity was not previously reported. For the pre-election reporting guidelines, see the January 2008 Record, which can be found on the FEC web site at www.fec.gov/pdf/record/2008/jan08.pdf.

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

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

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

³Notice that this filing deadline falls on a weekend. Filing deadlines are not extended when they fall on nonworking days. Accordingly, reports filed by methods other than Registered, Certified or Overnight Mail, or electronically, must be received before the Commission's (or for committees supporting only Senate candidates, the Secretary of the Senate's) close of business on the last business day before the deadline.

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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

All Party Committees and PACs (Nonconnected Committees and Separate Segregated Funds) filing on a quarterly basis must file an October Quarterly Report by October 15, 2008. Before a committee can stop filing with the FEC, it must file a termination report with the Commission. Committees must continue to file reports until the Commission notifies them in writing that their termination report has been accepted.

METHODS OF FILING REPORTS

Electronic Filing

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

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

Registered & Certified Mail

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

Overnight Mail

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

Other Means of Filing

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

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

COMPLIANCE

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

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

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

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

48- AND 24-HOUR REPORTS OF INDEPENDENT EXPENDITURES

Any PAC or Party Committee that makes independent expenditures at any time during the calendar year—up to and including the 20th day before an election (including a special election)—are required to disclose this activity within 48 hours each time that the expenditures aggregate \$10,000 or more in connection with that election. This reporting requirement is in addition to the requirement to file 24-hour reports of independent expenditures each time disbursements for independent expenditures in connection with that election aggregate or exceed \$1,000 during the last 20 days—up to 24 hours—before an election. PACs and Party Committees must report independent expenditures that do not trigger the 48- or 24-hour reporting thresholds on their regularly-scheduled disclosure reports. See 11 CFR 104.4.

These reports are not required when a Party Committee or PAC makes a contribution directly to a candidate. For a chart of 2008 48- and 24-hour reporting periods for independent expenditures, consult the FEC website at www.fec.gov/info/charts_ie_dates_prez.shtml.

CHANGE IN FILING FREQUENCY

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

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



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 3, 2008

RQ-7

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

IDENTIFICATION NUMBER: C00381517

REFERENCE: OCTOBER QUARTERLY REPORT 7/1/2008 - 9/30/2008

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

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

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

SINCERELY,

Patricia Carmona

PATRICIA CARMONA
ASSISTANT STAFF DIRECTOR
REPORTS ANALYSIS DIVISION (RAD)

29092643352



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2009 MAR 31 P 4: 28

March 31, 2009

MEMORANDUM

SENSITIVE

To: The Commission

Through: Robert A. Hickey
Staff Director

From: John D. Gibson
Chief Compliance Officer

Shawn Woodhead Wern
Reviewing Officer
Office of Administrative Review

By: Maureen Benitz
Reviewing Analyst

Subject: AF# 1893 – Democratic Advancement PAC and Christopher R. Cramer, as Treasurer (C00381517)

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

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

Attachment

29092643353



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 31, 2009

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

AF# 1893 – Democratic Advancement PAC and Christopher R. Cramer, as Treasurer
(C00381517)

On December 10, 2008, the Commission found reason to believe ("RTB") that the respondents violated 2 U.S.C. § 434(a) for failing to file the 2008 October Quarterly Report, an election sensitive report, and made a preliminary determination that the civil money penalty was \$5,000 based on the schedule of penalties at 11 C.F.R. § 111.43. They were notified by the Reports Analysis Division ("RAD") on December 11, 2008 of the Commission's RTB finding and civil money penalty.

Respondents' Response

On January 23, 2009, the Commission received the written response ("challenge") from the Treasurer as well as the President challenging the RTB finding and the calculated civil money penalty. They contend that the Committee used its best efforts to file the report, but was prevented from filing due to a failure of Commission software. The Committee invested many hours of staff time and resources, including thousands of dollars for software engineering time and a new computer system, to try to file the report, without success. Furthermore, the modifications made to the FEC software in 2008 made it impossible for them to file on time, despite seeking assistance from the Commission's technical support and resources.

Analysis

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

The Federal Election Campaign Act ("Act") states that the treasurer of committee not authorized by a candidate shall file, in an election year, a report for the period ending September 30 no later than October 15. 2 U.S.C. § 434(a)(4)(A)(i) and 11 C.F.R. § 104.5(c)(1)(i). Reports filed electronically must be received and validated at or before 11:59 pm Eastern Standard/Daylight Time on October 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).

The Committee asserts that they have used their best efforts to comply with the FEC filing regulations but a failure of the Commission's software and the 2008 modifications prevented them from doing so. An analysis of the Electronic Filing Office ("EFO") logs and the Information Technology Division Manager's ("ITD") response shows that they had filed prior reports in 2008 using FECFile software with a non-

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Windows operating system and should have been able to file the October Quarterly Report.

Telephone records from the EFO corroborate that they spoke, four times, with technical assistance about the FEC software between September 22 and October 10, 2008. During this time, the EFO staff spoke with two representatives of the Committee about their use of Linux, a non-Windows based operating system. During the first three telephone conversations, the EFO staff stressed that they do not support Linux, and that to successfully use the Commission's software, the Committee must use a Windows based system. In the October 8 conversation, the Committee representative said that they were getting a new Windows computer and will call back for help in installing the FECFile software and moving the *.dcf set to the new computer. On October 10, prior to the due date for the October Quarterly Report, the EFO staff explained to the Committee representative where to find the instructions on the website for rebuilding their data file. It was not until November 5, after the October Quarterly Report was due, that another Committee representative called the EFO staff to seek additional help on retrieving their data file and moving it to the new computer.

Based on the EFO records and ITD manager's response, the Committee's representatives understood before the report was due that Linux was not a supported operating system for the FECFile software, and that they would need to use a Windows based operating system to file their reports. This information is also provided on the Commission's website. The FECFiler User's Manual for PAC and Party Committees, and the FECFile introduction page on the FEC web site both explain that FECFile can only be used with Windows based operating systems and that no other system is currently supported.

The ITD manager's response also shows that the respondents had successfully downloaded the FECFile software on four different dates in 2008 and used it to file reports. They used FECFile Version 6.1.1.3 to file the 2007 Year-End and 2008 April Quarterly Reports and then used FECFile Version 6.2.1.0 to file the July Quarterly Report. Since there were no subsequent versions of the software released in 2008, the respondents would have used that same version, Build 6.2.1.0, to file the October Quarterly Report.

At the request of the Reviewing Analyst, the EFO Coordinator called the Committee on March 20, 2009 and left a voice message for the person who handles the Committee's electronic filing to call the EFO for help to file the report. There is no record of them returning his call.

The respondents also challenged the calculated civil money penalty. 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(b)(2), (d) and (e). The October Quarterly Report is an election sensitive report. To date, it has not been filed,

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thus, the RTB fine was based on an estimated level of activity of \$119,843. The respondents have no prior violations. Had the respondents filed the 2008 October 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. Therefore, the RTB civil money penalty is calculated correctly.

The administrative fine regulations specifically state that failure to use filing software properly is not a reasonably unforeseen circumstances. 11 C.F.R § 111.35(d). Their challenge fails to address any of the three valid excuses at 11 C.F.R § 111.35(b). These are: (i) the RTB finding is based on factual errors; and/or (ii) the improper calculation of the civil money penalty; and/or (iii) they used best efforts to file on time but were prevented from doing so by reasonably unforeseen circumstances that were beyond their control and they filed the report no later than 24 hours after the end of these circumstances.

Therefore, the Reviewing Officer recommends that the Commission make a final determination that the respondents violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$5,000.

OAR Recommendations

- (1) Adopt the Reviewing Officer recommendation for AF# 1893 involving the Democratic Advancement PAC and Christopher R. Cramer, as Treasurer, in making the final determination;
- (2) Make a final determination in AF# 1893 that the Democratic Advancement PAC and Christopher R. Cramer, as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$5,000; and
- (3) Send the appropriate letter.

Reviewing Analyst: Maureen Benitz

Attachments

Attachment 1 – Challenge Received from Respondents

Attachment 2 –

Attachment 3 – Declaration from RAD

Attachment 4 – Declaration from OAR

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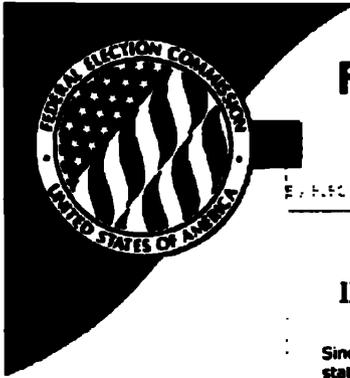
DECLARATION OF MAUREEN BENITZ

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 October Quarterly Report is due October 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 October 15 to be timely filed.
3. It is the practice of the Commission's Electronic Filing Office to document all calls to or from committees regarding an error message they receive while using the FECFile software. It is also this Office's practice to maintain an Electronic Filing section on the Commission's web site at <http://www.fec.gov/elecfil/electron.shtml> for the use of committees and treasurers who are electronic filers and want information about the FECFile software. Included in this section are: a list of the minimum system requirements to use FECFile; the FECFile Update List, which lists the updates made during each new build release; programming tools for software vendors; and a User's Manual for PAC & Party Committees.
4. I hereby certify that I have searched the Commission's public records and that the document identified herein is a true and accurate copy of the electronic text document filed by the Democratic Advancement PAC. According to Commission records, the document was received on October 23, 2008. It says that "[w]e are not able to use the FEC software on our office system. We purchased a new Windows compatible computer...but the system will not work with our system or modem."
5. 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 31st of March, 2009.



Maureen Benitz
Reviewing Analyst
Office of Administrative Review
Federal Election Commission

29092643357



FEDERAL ELECTION COMMISSION

U.S. Department of Justice

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Electronic Filing

Since 2001, electronic filing has become the preferred method for committees to file reports and statements to the FEC. In general, a committee must file all reports and statements electronically if their total contributions or total expenditures exceed, or expect to exceed, \$50,000 in a calendar year. The requirement to file electronically does not apply to Senate candidate committees. Refer to your Campaign Guide for more information.

This section of the website provides information about electronic filing.

[Electronic Filing Overview](#)

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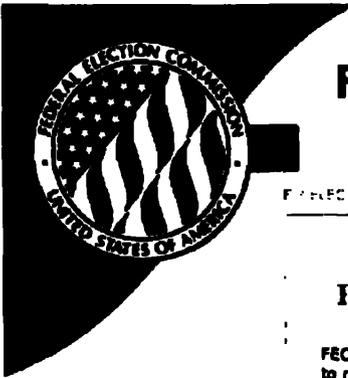
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Federal Election Commission, 999 E Street, NW, Washington, DC 20463 (800) 424-9530 In Washington (202) 694-1000
For the hearing impaired, TTY (202) 219-3336 Send comments and suggestions about this site to the web manager.

29092643358



FEDERAL ELECTION COMMISSION

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FECFile

FECFile is a Windows based electronic report filing application. This easy to use software enables filers to record and track information required for reporting to the Commission and to securely submit this data electronically. The software contains a validation utility to perform checks on certain data fields prior to submission and a high-speed image generator to create a paper rendering of the report among other features.

 Sign up to receive notification any time the Commission's free electronic filing software, FECFile, is updated.

The software is free of charge to the general public. User manuals for the software are available as well.

Minimum system requirements are:

- PC Type computer system
- 8MB RAM
- 3.5 High density floppy diskette drive and/or CD drive
- Microsoft Windows 95, 98, NT, 2000, ME, XP, or Vista operating system

NOTE: No other operating system is supported.

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Page last modified January 2, 2008

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For the hearing impaired, TTY (202) 219-3336 Send comments and suggestions about the site to the web manager.

29092643359

[FEC Home](#) > [Electronic Filing](#)

FECFile Update List

[Download Now](#)

New! Build 6.3.1.1

Release date – March 10, 2009

Updates:

- Corrected a problem where all transactions would auto-itemize.

Build 6.3.1.0

Release date – March 10, 2009

Updates:

- Form 1 updated for Lobbyist/Registrant regulations.
- Values display correctly for summary pages, Form 3 and Form 3PS, sections III/Column C and IV/Column C.
- New "Go to Page Number" function when viewing a report.

Build 6.2.1.0

Release date – June 9, 2008

Updates:

- New data converter tool for importing (.csv to ASCII 28).
- Revised import instructions and made clarifications on the import layouts.
- Changes to Form 1 (new fields).
- Changes to Form 9 (new fields).
- Schedule H6 - output mapping of Act/Event corrected .
- Form 1 - "None" has been removed as a type of connected organization.
- Form 3X, Line 16 - In-Kind check-box removed.
- Percentage outputs corrected for mapping and made consistent across all forms and schedules.
- Year-End Report for Monthly filers will now print the correct check-box.
- Removed previous filing ID field from the "Close report" process.
- Form 3Z-1 pop-up updated and can now be filed with any report.
- Back-Reference fields are now populated for transaction splits.
- Schedule C - added "Memo" check-box.
- Schedule C - added "Personal funds" check-box.
- Form 3X, Schedule B refunds - added "Refund to Prior Calendar Year's Receipt."
- Form 3, Schedule B refunds - added "Refund to Prior Election Cycle Receipt."
- Form 3P, Schedule B refunds - added "Refund to Prior Election Cycle Receipt."
- Schedule L - "Beginning COH" now carries forward from previous Year-End reports.
- Schedule L - Column B totals now appear instantly, no longer after closing the DCF and re-

opening.

- Affiliated Committee pop-up added.
- Redesignation transactions now generated as memo.
- Schedule B - Beneficiary validation removed.
- Merge Names feature to include middle name exception to prompt if one middle name is blank.
- FECLoad - Background status window modified to be more descriptive.
- FECPrint, Form 3P - Added the "-P" to the schedules to reflect the paper rendition.
- FECPrint - Text Record Description modified to avoid overlapping TranID.
- FECPrint, Schedule C2 – Guarantor State field now maps correctly.
- FECPrint, Schedule C/C1 – Convert all loan percentage decimals to percent values (.0450 è 4.5%).
- FECPrint Form 6 – Added “Electronically Filed by” to signature .

Build 6.1.1.3

Release date – January 24, 2008

Update:

- Merge feature corrected so that like records merge properly (state codes).

Build 6.1.1.2

Release date – January 17, 2008

Updates:

- Corrected an import problem where data fields were importing offset.
- Form 3Z-1 now can be created and submitted with any report that contains "12/31" or "6/30" in its coverage period prior to the candidate's General Election. Pop-up reminder message only appears on Year-End and July Quarterly Reports.
- District codes now output with preceding "0" if the district code is 1-9.
- Schedule B CCM/CAN (candidate committee/candidate) now outputting to correct data fields.
- Form 24 aggregate feature removed.
- Campaign committees now able to link a candidate to committee in the Individuals/Organizations.
- Schedule L now outputting Field Column A "11. Ending Cash on Hand".
- Software installation now retains existing upload settings from previous version.
- Schedule H4 activity check-boxes now print correctly.
- Form 1, Name Change and Address Change Check-boxes, now print correctly.
- Corrected schedule titles on the printed Form 3P.
- Form 9, Employer and Occupation Fields are now printing.

Build 6.1.1.1

Release date – January 2, 2008

Updates:

- New software splash screen.
- New Form 5.
- New Form 9.
- “Update Committee List” feature has been enhanced. It now contains and loads current contribution limits in addition to the FEC master committee list.

- New transaction check-box to force aggregate memo activity on Schedule A and Schedule Es.
- Added text description "H4" to the summary page line number 21B.
- Corrected leading space problem in memo text created by a forgiven loan.
- Terminated committees are now removed from the FEC download Committee List.
- Corrected Form 3P run-time error on new disbursements window.
- Added presidential category code to validation for Form 3P, Schedule B.
- Corrected FECFile data output to read "11A1", instead of "11A1".
- Field 27 of Schedule C, if populated in the .fec output file, will now show "13".
- Removed duplicate primary/general options listed in transaction pull-down.
- New pop-up encourages F3 filers to change election cycle on Year-End Reports of even years.
- Schedule E aggregate totals now aggregate accurately based on calendar year per election and office sought.
- Changed default location for the validator output file.
- Added "Recount" to the primary/general pull-down options.
- Added feature to auto-archive, if an archive folder exists.
- Added military state codes to transaction pull-down.
- FECFile output now eliminates the requirement for quotes around text.
- FECFile output now contains separate fields for all names components (last, first, middle, prefix, suffix).
- FECFile now outputs district codes always as two digits.
- Corrected regulation citation in the "Personal Funds" pop-up to reflect "100.33".
- Corrected the F1 "None" functionality to not replace Authorized Committees with the word "None".
- Import formats have been updated to meet Version 6.1 specifications.
- Schedule F interface corrected to only allow the entry of a Designated Committee or a Subordinate Committee per transactions.

Build 5.3.1.2**Release date – June 20, 2007****Updates:**

- Aggregate totaling problem from Build 5.3.1.1 corrected.

Build 5.3.1.1**Release date – June 8, 2007****Updates:**

- Validation output file error corrected (temp file now defaults to FECFile folder, instead of the root directory).
- MS Vista compatible

Build 5.3.1.0**Release date – February 6, 2006****Updates:**

- Check Limits function updated with current contribution limits.
- Help function hyperlink updated with the current FEC web site address for obtaining user

manuals.

- Corrected the spelling of "Massachusetts" in the state drop down of the Individuals/Organizations function.
- FECPrint viewer corrected to prevent overlapping of text for larger filings.
- FECPrint viewer corrected to accommodate scrolling for large filings (missing scroll bar).

Build 5.2.0.1

Release date – February 10, 2005

Updates:

- F3X, line 11i and 11ii Column B totals, now show on the printed report.
- F1 now has a 'Signed By' field so that the report can be signed by the assistant treasurer.
- The Schedule H1 check-boxes can now be used and selected even if 50% is selected.

Build 5.2.0.0

Release date – February 2, 2005

Updates:

- Validation routine will run, even if the election cycle field is not filled in on Form 99 and Form 1.
- Form 99 – A carriage return may now be used when entering memo record information in the Form 99.
- Form 3P no longer requires a state to be selected when creating a report. However, the option to enter a state remains as part of this transaction entry.
- The error message associated with transaction and name imports is more descriptive to support proper use of new name fields.
- Printed reports are improved to address some text, content, and format issues.
- General print parameters now print 10 transactions / names per page, rather than 20 to assure universal support for all printer types.
- F1 (Agent/Affiliate Window) defaults to: "Business, Financial institution..." entity type, when adding a new affiliation. This makes it possible to enter "None" or other user text if there is no match in the list/search box.
- Category Code for Form 99, now excludes "Conduit Type – MSJ" from the list of category codes.
- Cloning for in-kind transactions is no longer allowed. Due to the complexity of in-kind transactions, these are to be directly entered. Note: Probable cause of "run-time error" issue, experienced with the deleting of cloned in-kind transactions.
- Refund calculation for Schedule A has been modified so that if a refund to an entity is created, then the aggregate of that entity will be reduced by the refund amount.
- Schedule L now provides a delete function and will also be automatically amended when filers amend the parent report.
- A new search function allows filers to search transactions based on a text matching search, present the results in a separate window, and work with the search results as though in the "All Transactions" window.
- Support for loan handling has been enhanced. When a loan is forgiven or the forgiven status rescinded (as indicated by checking or un-checking the forgiven box on the loan screen) the system automatically generates a memo noting the action.
- Joint Fundraisers on Form 2, are selectable in the drop down list as "PAC/Affiliated".
- The FEC ID label for the information entry screens now changes to match information needed for each selectable drop down item (e.g., Candidate ID for drop down item "Candidate").
- The system now routes committees to complete committee information before proceeding to enter

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reports.

- A Miscellaneous Document is now also labeled as Form 99 in the form type menu.
- The screen now remains at a transaction, (after the transaction is selected for viewing or modification), instead of returning to the top of the list of transactions.
- The validator has been updated to include new forms and checks including embedded quotes and federal funds total checks.
- When an unauthorized committee is entering their committee information the “Authorized Candidate Field” is grayed out since it not applicable.
- The upload function, and the .ini has new default URLs for SSL and direct connections, linking with enhanced server sites for FEC filing.
- The import function is updated to import the description field for H4s, and to exclude an extra field in Schedules A/B.
- Schedule L allows creation of a receipt from the ‘View Receipt’ page.
- Line # 30a and 30b are included in the choices for loan/debt payments.
- Software includes the recent changes to the Schedule H Series.
- User manuals have been updated (not yet posted).
- The ‘None’ radio selection will auto-fill the name with “None” on F1/F2.
- The Debt Owed By Committee now prints on the correct line number (10).
- Loans Made now generates a memo text when forgiving a loan.
- The dial-up string for the test server now reflects the correct number.
- When the ‘Open All’ option is selected on the menu bar, all windows in FECfile now open.
- The Due Date For Loans is free text and prints correctly.
- The HDR version in the output *.fec file reflects 5.2 as the filing format.
- ‘Public Communications’ now added as an event type.
- The spelling of the word ‘FUNDRAISER’ has been corrected on the printed form of Schedule H2.

Build 5.1.2.0

Release date – January 21, 2004

Updates:

- “Copy All” function in Committee Lookup populates Organization field for non-individuals rather than Last Name field.
- “Print Preview” function works from all the transaction views

Build 5.1.1.0

Release date – January 7, 2004

Updates:

- “Names” format change implemented for improved query and clarity - format Version 5.1
- F3P expenditure state allocation added.
- Form 2 can be amended.
- Form 1 candidate state is picked up from Candidate name information if Committee information is blank.
- Form 99 codes updated.
- Memo text update now indicates that the file needs to be saved.
- Partnership records can be entered even if the date range falls in the period of a closed report.
- Check number and account identifier added to SA/SB.
- Debt-to-payments itemization problem corrected.
- 24 hour notices show the aggregates.

- Obsolete loans/debts/accruals no longer show in the loans and debts window.
- F3P verbiage changed to improve clarity.
- Clipboard size for copying Validator window increased
- SC/1 allows interest rate to be alphanumeric (like SC).
- F99 text limit increased: 20,000 characters.
- Software help content removed, replaced with a reference to the user manual on the FEC web-site.
- Download Menu item reads "Update Committee List."

Build 2.0**Release date - July 2, 2003****Updates:**

- Disabled ability to open and work from READ ONLY data files.
- Updated F99 Document Type codes.
- Added reminder pop-up message upon closing report for F3Z-1 filers.
- Enabled text copy and paste from FECheck (validator) output.
- Revised H4 print presentation to sort transactions by event first, then by date, then by order entered into software.
- Improved ability to enter multiple account names for softmoney accounts.
- Limited transactions per page on schedules from 20 to 10 to prevent truncation during printing.
- Enabled 'Cash on Hand' for F3X to display in Column B when no other activity is reported.
- Corrected F3X Column B 18(a) and 18(b) totaling bug.
- Corrected bug that continued reporting Debt/Loan after being forgiven.
- Corrected H4 bug that duplicated the event type within the description field.

Build 1.0**Release date – April 10, 2003****Updates:**

- Corrected F3X Line 21a (H4) totaling error.
- Corrected F3X summary page column b line 20 totaling error.
- Enabled error/warning descriptions for FECheck5 validation output.
- Disabled ability to delete special events.
- Disabled ability to create in-kind SA/SB in SL.
- When importing from DCF 4 Changed Admin/Voter drive from dcf 4 to Administrative.
- Category code values updated.
- Enabled Schedule F memo text to be created, viewed and printed.
- Updated warning message received when user tries to modify a closed report to read: "This report is already closed..." instead of "This report is already filed...."

Build 0.0**Release date – March 14, 2003****Bipartisan Campaign Reform Act (BCRA):**

- SL has been added.
- F3X has been updated with the new summary page with SL, line 18 and line 30.

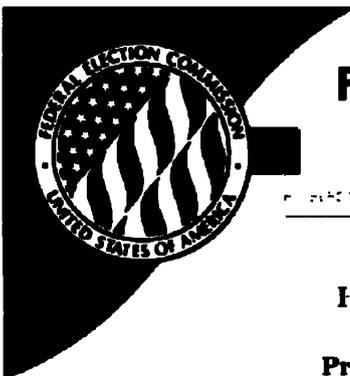
- Schedule H5 and H6 have been added to F3X.
- Schedule H1 modified to reflect version 5 BCRA layout.

Updates:

- F3 has 3Z-1 right click option to generate 3Z-1.
- SA has increased limits for F3s; SB has Refund check box.
- Form 99 can select Document type.
- Category code has been added to all the expenditures.
- Schedule F has "Increased limits" checkbox.
- You can add Schedule F to F24 now.
- New system events for Generic Voter Drive and Exempt activity added.
Administrative/Voter Drive has been modified to reflect only Administrative.
- YE does not select default dates.
- Form 2 fax number has been added

Page updated March 11, 2009

29092643366



FEDERAL ELECTION COMMISSION

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Vendor Tools 6.3

[New]

[Updated 2/26/2009]

If you experience any difficulty using these tools, contact the FEC electronic Filing office at 202-694-1667.

Electronic Filing Specifications Requirements — specifications for all reports and schedules required to be filed with the Commission.

Validation software — a program designed to check files to ensure compliance with the FEC format requirements. The package also includes sample files that comply with the validation specifications.

Executable and related .DLL — files necessary to upload validated reports to the FEC web site via modem and TCP/IP.

If you have any questions about electronic filing, or would like more information, please call toll free 1-800-424-9530 ext. 1667 or locally 202-694-1667.

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Federal Election Commission, 999 E Street, NW, Washington, DC 20463 (800) 424-9530 In Washington (202) 694-1000
For the hearing impaired, TTY (202) 219-3336 Send comments and suggestions about this site to the web manager.

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FECFile Installation and Setup

Before creating reports and filing electronically with FECFile, the software must be installed on the computer. Installation and setup of the committee using the FECFile setup program may be accomplished quickly, but prior to installation, the system must meet the minimum requirements shown below:

Minimum System Requirements

- PC type computer system
- 8 megabytes of RAM
- Microsoft Windows 5, 8, XP, ME or NT 4, 2000 operating system
- 3.5 High Density Floppy Diskette Drive and/or CD Drive
- Modem or Network Internet Connection (to file electronically and download software)

PLEASE NOTE: No other operating system is currently supported.

PLEASE NOTE: It is has been found that selecting an installation directory other than the default can cause the program to operate abnormally. Therefore, it is required that you use the default installation path when installing the software.

PLEASE NOTE: It is has been found running more than one version of FECFile at a time may cause the program to operate abnormally. Therefore, it is strongly advised that you uninstall a previous version(s) of FECFile prior to installing the current version of FECFile. Uninstalling FECFile does not remove data files that have been created. It is always best practice to back up all data files. This especially true when changing applications. Data files are saved in the default directory, unless you save them in another location upon creation.

We are not able to use the FEC software on our office system. We purchased a new Windows compatible computer for the office, but the system will not work with our system or modem. Our internet access supplier said this was common with new computers and tried to help us. They were unsuccessful. We then hired a computer technologist to make changes, but he could not get the new Windows computer to function.

We downloaded the new software and the July report on a laptop with windows software at my home, but the report did not load into the new software We cannot open the July report so we will have to re-enter all the data (names, addresses, occupation, employer and amounts for all donors, names and addresses for all expenditures) to submit the July report and then the same with the 3rd quarter report.

Please note we have offered to send paper copies until the software incompatibility issues are resolved. This problem stemmed from software upgrades you have made at the FEC this year.

The fellow who helped us in Tech Support in the past is no longer there. He was able to offer the commands that would allow our Linux operating system to work with your software program.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

VIA OVERNIGHT DELIVERY

April 2, 2009

Christopher R. Cramer, as Treasurer
Democratic Advancement Political Action Committee
600 1st Avenue, Ste. 304
Seattle, WA 98104

C00381517
AF# 1849 and AF# 1893

Dear Mr. Cramer:

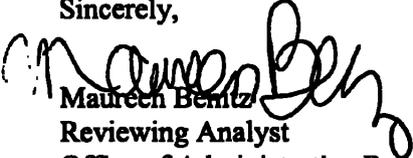
On September 19 and December 10, 2008, the Federal Election Commission ("Commission") found reason to believe ("RTB") that the Democratic Advancement Political Action Committee and you, as Treasurer ("respondents"), violated 2 U.S.C. § 434(a) for failing to timely file the 2008 July Quarterly Report and failing to file the 2008 October Quarterly Report, respectively. The Commission also made a preliminary determination that the civil money penalty was \$1,100 for the July Quarterly Report and \$5,000 for the October Quarterly Report 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. A copy of the Reviewing Officer's recommendation is 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 response or not directly responsive to the Reviewing Officer's recommendation. 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
Reviewing Analyst
Office of Administrative Review

Attachment

29092643370

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

DAPAC

Democratic Advancement PAC
600 1st Avenue, Ste. 305
Seattle, WA 98104

2009 APR 13 P 4:42

April 12, 2009

Federal Election Commission
Commission Secretary
999 E Street, NW
Washington, DC 20463

Committee Designation: C00381517
AF# 1849 and AF# 1893

Dear sir:

This will serve as my written response and challenge to the recommendations of the office of Administrative Review under the name of reviewing analyst Maureen Bemtz.

Noted in the review is the act 2U.S.C. 434(a)(12) which states that the commission must promulgate standards for software vendors to use to develop electronic filing software and make a copy of the software available to each person required to electronically file reports. The commission did not abide by this law because the law stating vendors clearly meant all vendors not a select group of vendors using a single operating system. Further regulations at 11C.F.R. 104.18(d) require that electronically filed reports shall conform to the technical electronic filing specification requirements. This law was violated when the electronically filing specifications were designed to favor the development under one proprietary operating system. This violates these mandates along with federal laws requiring open and democratic access to all systems not just certain proprietary systems. in addition not allowing for integration with a Linux operating system and allowing only support for on proprietary system is clearly a violation of federal law and the two prior stated mandates of the FEC. These violations of mandates caused the result, even though we used best efforts, not to file on time but were prevented from doing so by reasonably unforeseen circumstances that were beyond our control and these circumstances did not change but were exacerbated by updates in th commission's software and change in staff that had no knowledge of other operating systems.

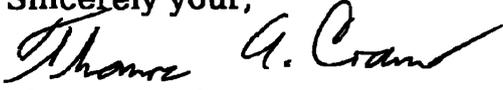
2009 APR 14 A 8:49

REC OF
ADMIN REVIEW

29092643371

We believe the fine should be dismissed and our committee and other committees should be allowed to use Linux based operating systems and the FEC should allow the same level of support they do the one propriety operating system they do support.

Sincerely your,



Thomas A. Cramer
President DAPAC



Christopher R. Cramer
Treasurer DAPAC

Paid for and authorized by the Democratic Advancement PAC (DAPAC). Contributions will be used in connection with federal elections and they are subject to the limits and prohibitions of the Federal Election Campaign Act. Federal law requires us to report the name address, occupation and employer for each individual whose contribution aggregate in excess of \$200 in a calendar year. Corporate and non-citizen contributions are prohibited. Contributions are not tax deductible.

29092643372



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

May 6, 2009

Christopher R. Cramer, as Treasurer
Democratic Advancement Political Action Committee
600 1st Avenue
Suite 305
Seattle, WA 98104

C00381517
AF# 1849 and 1893

Dear Mr. Cramer:

On September 19 and December 10, 2008, the Federal Election Commission (“the Commission”) found reason to believe that Democratic Advancement Political Action Committee and you, as Treasurer, violated 2 U.S.C. § 434(a) for failing to timely file the 2008 July Quarterly Report and failing to file the 2008 October Quarterly Report. On October 29, 2008 and January 23, 2009, the Commission received your written responses and supporting documentation (“challenges”).

In response to the Reviewing Officer recommendations, both dated March 31, 2009, you submitted additional information. You state that the Commission did not abide by 2 U.S.C § 434(a)(12) because it “clearly meant all vendors not a select group of vendors using a single operating system.” You further state that the Commission violated the Act and 11 C.F.R. § 104.18(d) because the technical specifications favored one operating system and that federal laws require “open and democratic access to all systems not just certain propriety systems.”

In order for the Office of Administrative Review (“OAR”) to complete its review of the challenge, please clarify which federal laws you are referring to and require that the Commission provide electronic filing software that is compatible with more than one operating system.

The Commission strongly encourages that documents be submitted in the form of affidavits or declarations. 11 C.F.R. § 111.36(c). Failure to provide the supplemental information entitles the Reviewing Officer to assume that the Commission’s factual allegations are true. 11 C.F.R. § 111.36(b).

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Your written response should be sent to OAR at the Federal Election Commission, 999 E Street, NW, Washington, DC 20463 by May 20, 2009. 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 OAR via facsimile (202-219-0613) or by courier at the same address (if you use an overnight delivery service, please use zip code 20004 instead of zip code 20463).

If you have any questions regarding this matter, please contact Maureen Benitz on our toll free number (800)424-9530 (press 0, then ext. 1660) or (202)694-1660.

Sincerely,

Shawn Woodhead Werth
Reviewing Officer
Office of Administrative Review

29092643374



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2009 JUN 25 P 2:46

June 25, 2009

MEMORANDUM

SENSITIVE

To: The Commission

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

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

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

By: Maureen Benitz *[Signature]*
Reviewing Analyst

Subject: Final Determination Recommendation in AF# 1893 – Democratic
Advancement PAC and Christopher R. Cramer, as Treasurer
(C00381517)

On December 10, 2008, the Commission found reason to believe (“RTB”) that the respondents violated 2 U.S.C. § 434(a) for failing to file the 2008 October Quarterly Report. As a result, the Commission also made a preliminary determination that the civil money penalty was \$5,000 based on the schedule of penalties at 11 C.F.R. § 111.43.

On January 23, 2009, the Commission received their written response (“challenge”), from Christopher R. Cramer, the Treasurer, and Thomas A. Cramer, the President. After reviewing the challenge, the Reviewing Officer’s recommendation (“ROR”), dated March 31, 2009, was forwarded to the Commission, a copy was forwarded to the respondents, and is hereby incorporated by reference. The Reviewing Officer recommended that the Commission make a final determination that they violated 2 U.S.C. § 434(a) and assess a \$5,000 civil money penalty because they submitted no evidence that a factual error was made in the RTB finding, that the penalty was miscalculated at RTB or that they used best efforts to file on time. 11 C.F.R. § 111.35(b).

On April 13, 2009, the Commission received, via facsimile, their response to the ROR from the Treasurer and the President. In the response, additional information was

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submitted, specifically they say that the Commission did not abide by 2 U.S.C. § 434(a)(12) because it “clearly meant all vendors not a select group of vendors using a single operating system.” Furthermore, it was stated that the Commission violated the Act and 11 C.F.R. § 104.18(d) because the technical specifications favored one operating system and that federal laws require “open and democratic access to all systems not just certain propriety systems.”

By letter dated May 6, 2009, OAR requested clarifying information from the respondents. This letter was sent via certified mail to the address of record. To date, it has not been claimed by the respondents. On May 15, a copy of the letter was sent via FedEx to an alternate address (18227 NE 24th St, Redmond, WA 98052) for the Committee. On May 18, the FedEx letter was delivered. To date, no response has been received from the respondents.

The Reviewing Analyst attempted to reach the respondents on two different occasions. The number originally provided by the respondents appears to be out of service. The Reviewing Analyst obtained an alternate number and left a voicemail asking for a representative to return her call. To date, the respondents have not contacted the Reviewing Analyst regarding the supplemental request for information.

The Reviewing Officer, therefore, recommends that the Commission make a final determination and assess a \$5,000 civil money penalty.

OAR Recommendations

- (1) Adopt the Reviewing Officer recommendation for AF# 1893 involving the Democratic Advancement PAC and Christopher R. Cramer, as Treasurer, in making the final determination;
- (2) Make a final determination in AF# 1893 that the Democratic Advancement PAC and Christopher R. Cramer, as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$5,000; and
- (3) Send the appropriate letter.

Attachment 1 – Response Received from Thomas A. Cramer and Christopher R. Cramer

Attachment 2 – Supplemental Request Sent to Respondents

29092643376

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Final Determination Recommendation:) AF 1893
Democratic Advancement PAC and)
Christopher R. Cramer, as Treasurer)
(C00381517))

CERTIFICATION

I, Mary W. Dove, Secretary of the Federal Election Commission, do hereby certify that on July 09, 2009, the Commission decided by a vote of 6-0 to take the following actions in AF 1893:

1. Adopt the Reviewing Officer recommendation for AF 1893 involving the Democratic Advancement PAC and Christopher R. Cramer, as Treasurer, in making the final determination.
2. Make a final determination in AF 1893 that the Democratic Advancement PAC and Christopher R. Cramer, as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$5,000.
3. Send the appropriate letter.

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

Weintraub voted affirmatively for the decision.

Attest:

July 9, 2009
Date

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

29092643377



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 16, 2009

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

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

C00381517
AF# 1893

Dear Mr. Cramer:

On December 10, 2008, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that the Democratic Advancement PAC and you, as Treasurer, violated 2 U.S.C. § 434(a) for failing to file the 2008 October Quarterly Report, an election sensitive report. By letter dated December 11, 2008, the Commission sent you notification of the RTB finding that included a civil money penalty calculated at RTB of \$5,000 in accordance with the schedule of penalties at 11 C.F.R. § 111.43. On January 23, 2009, the Office of Administrative Review received the written response from you as well as the Committee's President, 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 the Democratic Advancement PAC and you, as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty in the amount of \$5,000 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 April 2, 2009.

On July 9, 2009, the Commission adopted the Reviewing Officer's recommendation and made a final determination that the Democratic Advancement PAC and you, as Treasurer, violated 2 U.S.C. § 434(a) and assessed a civil money penalty of \$5,000. 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

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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

29092643379

ADMINISTRATIVE FINE PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 C.F.R. § 111.43, the civil money penalty is \$5,000 for the 2008 October Quarterly Report.

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

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

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

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

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

PAYMENTS BY PERSONAL CHECK

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

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: Democratic Advancement PAC

FEC ID#: C00381517

AF#: 1893

PAYMENT AMOUNT DUE: \$5,000

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**AGREEMENT AS TO THE METHOD OF CERTIFYING
DEBTS SUBMITTED TO THE FINANCIAL MANAGEMENT SERVICE'S
CROSS-SERVICING PROGRAM**

This Agreement is submitted by: Federal Election Commission

Creditor Agency: Federal Election Commission

Date of Agreement: December 18, 2008

The Creditor Agency agrees that:

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

3. **Administrative Offset and Tax Refund Offset.** If the Agency has established a profile instructing FMS to refer debts to the Treasury Offset Program (TOP) on its behalf for the purposes of tax refund and administrative offset, the person submitting such debts will be certifying to the following:

- a. The Agency has complied with all of the provisions of 31 U.S.C. § 3716, 31 U.S.C. § 3720A, 31 C.F.R. §§ 285.2 and 285.5, and the Federal Claims Collection Standards (31 C.F.R. Parts 900-904), as may be amended, as well as other statutes, regulations and policies applicable to collection by administrative offset and tax refund offset. No Debt is more than 10 years delinquent, except for those Debts that may be legally offset if more than 10 years delinquent.
- b. At least 60 days prior to the date of the certification (i.e., date of Electronic Transmission), the Agency has provided, or made a reasonable attempt to provide in accordance with applicable offset regulations, each debtor with:
 - i. written notification, at the debtor's most current known address, of the nature and the amount of the debt, the intention of the Agency to collect the debt through administrative offset and tax refund offset, including offset of State payments, and an explanation of the rights of the debtor;
 - ii. an opportunity to inspect and copy the records of the Agency with respect to the debt;
 - iii. an opportunity for review within the Agency of the determination of the Agency with respect to the debt, including the opportunity to present evidence that all or part of the debt is not past-due or legally enforceable; and
 - iv. an opportunity to enter into a written repayment agreement with the Agency
- c. The Agency has considered any evidence presented by the debtor and determined that the amount of the debt is past-due and legally enforceable and there are no pending appeals of such determination.
- d. The Agency has, at minimum, made the following reasonable efforts to obtain payment of the debt: demanded payment and provided the debtor with the notice and opportunities described in paragraph 3.b.

4. ***Due Process Compliance for Salary Offset.*** With respect to the offset of Federal salaries, if the Agency has authorized FMS to set up an agency profile so that all debts are referred to TOP for offset of federal salary payments:

- a. The Agency has complied with all of the provisions of 5 U.S.C. § 5514, 5 C.F.R. §§ 550.1101-1110, and 31 CFR 285.7, as may be amended, as well as other statutes, regulations and policies applicable to collection by salary offset.
- b. The Agency has provided, or made a reasonable attempt to provide, each debtor with the notice, opportunities, and considerations described in paragraphs 3.B. and 3.C. and the additional notices and opportunities, including the opportunity for waiver consideration and for a hearing, required for salary offset.

5. ***Consumer Reporting Agencies.*** The Agency has complied with all of the provisions of 31 U.S.C. § 3711(e) and the Federal Claims Collection Standards, as well as other statutes, regulations and policies applicable to the Agency's reporting of delinquent debts to consumer reporting agencies. The Agency has:

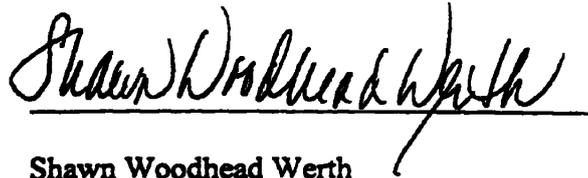
- a. determined that the debts are valid and overdue;
- b. notified the debtor, more than 60 days prior to the date of the certification:
 - i. that the debt is overdue,
 - ii. that the Agency intends to disclose to a consumer reporting agency that the debtor is responsible for the debt,
 - iii. of the specific information to be disclosed to the consumer reporting agency, and
 - iv. of the debtor's rights to an explanation of the claim, to dispute the information in the Agency's records about the claim, and to administrative repeal or review of the claim; and
- c. upon the request of a debtor, provided for a review of any debtor's claim, including an opportunity for reconsideration of the initial decision on the claim.

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

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

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



A handwritten signature in cursive script, reading "Shawn Woodhead Werth", is written over a horizontal line.

Shawn Woodhead Werth

Director, Office of Administrative Review

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FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 1893

DATE SCANNED 11/25/09

SCANNER NO. 2

SCAN OPERATOR EES

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