



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 2537

DATE SCANNED 1-3-13

SCANNER NO. 2

SCAN OPERATOR AMB

13092681645



RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

2012 SEP 14 PM 1:41

September 14, 2012

MEMORANDUM

SENSITIVE

TO: The Commission

THROUGH: Alec Palmer *AP*
Staff Director

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

Debbie Chacona *NUI*
Assistant Staff Director
Reports Analysis Division

BY: *Jodi Winship*
Compliance Branch

SUBJECT: Reason to Believe Recommendation -
Failure to File 48-Hour Notices under the Administrative Fine Program

Attached is the name of a principal campaign committee that has failed to file 48-hour notices with the Commission for contributions of \$1,000.00 or more received from the close of books for the 2010 July Quarterly Report up to 48 hours before the May 4, 2010 Indiana Primary Election and from the close of books for the 2010 30 Day Post-General Report up to 48 hours before the November 2, 2010 General Election in accordance with 2 U.S.C. § 434(a) and 11 CFR. § 104.5(f). The committee, Friends for Todd Young, Inc., represents a candidate who won the 2010 General Election. The committee is being referred for failing to file 48-hour notices for contributions totaling \$75,833.33.

A 48-hour notice is required to report all contributions of a \$1,000.00 or more, to any authorized committee of a candidate, including contributions from the candidate, loans from the candidate and other non-bank sources and endorsements or guarantees of loans from banks, as per, 11 CFR § 104.5(f).

We have attached an information sheet which includes the contributor name, date of receipt, amount, and election of the contributions for which a 48-hour notice was not filed.

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In accordance with the schedule of civil money penalties outlined within 11 CFR § 111.44, this committee should be assessed the civil money penalty so indicated.

Recommendation

1. Find reason to believe that Friends of Todd Young, Inc. and Larry Ness, Treasurer, violated 2 U.S.C. § 434(a) and make a preliminary determination that a civil money penalty of \$8,683.00 be assessed.
2. Send the appropriate letter.

Attachment

13092681647

2010 Primary and General Contributions for Which a 48-Hour Notice Was Not Received

AF 2537

Committee ID: C00459255

Committee Name: Friends of Todd Young, Inc.

Report Types: July Quarterly Report (4/15/2010 - 6/30/2010)

30 Day Post General Report (10/14/2010 - 11/22/2010)

Primary 48-Hour Reporting Period: 4/15/2010 - 5/1/2010

General 48-Hour Reporting Period: 10/14/2010 - 10/30/2010

CONTRIBUTOR	DATE	AMOUNT	ELECTION
NESS, JULIE A.	4/16/2010	\$1,250.00	PRIMARY
NESS, LARRY	4/16/2010	\$1,250.00	PRIMARY
SALLEE, MICHAEL E	10/14/2010	\$1,000.00	GENERAL
AMERICAN BAKERS PAC	10/15/2010	\$1,000.00	GENERAL
BALDWIN, ERIKA M	10/15/2010	\$2,000.00	GENERAL
EDGEWORTH, JOHN L	10/15/2010	\$1,000.00	GENERAL
FOERTSCH, DON RAY	10/15/2010	\$1,200.00	GENERAL
MILLER, VERNON RICHARD	10/15/2010	\$2,400.00	GENERAL
SIMON, DAVID	10/15/2010	\$2,000.00	GENERAL
WELLS, G. GREELEY	10/15/2010	\$1,000.00	GENERAL
VAN DYKE, JEFF	10/16/2010	\$2,000.00	GENERAL
ADAMS, JIMMY W	10/20/2010	\$1,500.00	GENERAL
CHARNETZKI, PAUL	10/20/2010	\$1,000.00	GENERAL
GOHMANN, JOHN R.	10/20/2010	\$2,000.00	GENERAL
HARSHAW, FRANK	10/20/2010	\$1,000.00	GENERAL
KENDALL, RONALD EDWARD	10/20/2010	\$1,000.00	GENERAL
MYERS, CHARLES	10/20/2010	\$2,400.00	GENERAL
NEW PAC	10/20/2010	\$2,000.00	GENERAL
REPUBLICAN JEWISH COALITION PAC	10/20/2010	\$2,500.00	GENERAL
SCHMITT, TIMOTHY	10/20/2010	\$1,000.00	GENERAL
TEXAS BANKERS ASSOCIATION PAC	10/20/2010	\$2,500.00	GENERAL
CUFFIA, JAMES A.	10/25/2010	\$2,400.00	GENERAL
ORTHOPEDICS OF SOUTHERN INDIANA	10/25/2010	\$1,000.00	GENERAL
SIMON, ALLEN H.	10/25/2010	\$2,400.00	GENERAL
CATRON, RONALD N	10/26/2010	\$1,900.00	GENERAL
LAMM, BYRON	10/26/2010	\$1,000.00	GENERAL
TARZIAN, THOMAS N	10/26/2010	\$1,000.00	GENERAL
WYNNE, THOMAS M.	10/26/2010	\$1,400.00	GENERAL
BROPHY, CARLEEN	10/27/2010	\$1,000.00	GENERAL

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CARSON, WILLIAM C.	10/27/2010	\$1,000.00	GENERAL
CARTWRIGHT, BRIAN G	10/27/2010	\$1,000.00	GENERAL
ANDERSON, TRAVIS K.	10/28/2010	\$1,000.00	GENERAL
BREHMER, JOHN R.	10/28/2010	\$1,000.00	GENERAL
HOLT, RICHARD A.	10/28/2010	\$2,400.00	GENERAL
MARLING, ROBERT	10/28/2010	\$1,000.00	GENERAL
STEVENS, CHRISTOPHER	10/28/2010	\$2,400.00	GENERAL
STEVENS, JESSICA J	10/28/2010	\$1,900.00	GENERAL
WHITTINGTON, CHARLES L	10/28/2010	\$1,000.00	GENERAL
ZINK, JAMES C. SR.	10/28/2010	\$1,000.00	GENERAL
ANDERSEN, KENT TUCKER	10/29/2010	\$1,000.00	GENERAL
BARTH, ANDREW F	10/29/2010	\$2,400.00	GENERAL
CAPITAL PAC OF INDIANA	10/29/2010	\$1,000.00	GENERAL
CONCERNED AMERICANS FOR FREEDOM & OPPORTUNITY PAC	10/29/2010	\$1,000.00	GENERAL
GIBSON, GREGORY L.	10/29/2010	\$2,400.00	GENERAL
LACY, ANDRE B.	10/29/2010	\$1,400.00	GENERAL
MERRITT, FREDERICK J	10/29/2010	\$1,333.33	GENERAL
PETERS, LOVETT C	10/29/2010	\$1,000.00	GENERAL
PROSPERITY PAC	10/29/2010	\$2,500.00	GENERAL
VICKERS & VICKERS LLC	10/29/2010	\$1,000.00	GENERAL
WILLIAMS, EDGAR H	10/29/2010	\$1,000.00	GENERAL
YUM! BRANDS INC. GOOD GOVERNMENT FUND	10/29/2010	\$1,000.00	GENERAL
	TOTAL	\$75,833.33	

Proposed Civil Money Penalty: \$8,683.00 ((10 Notices Not Filed at \$110 each) + (10% of the Overall Contributions Not Filed))

13092681650

Federal Election Commission
Reason to Believe Circulation Report
48-Hour Notification Report

9/14/2012 9:53 AM

AF#	Committee ID	Committee Name	State	Election	Candidate Name	Treasurer	Prev Violations	Notices Not Filed	LOA	Penalty
2537	C00459255	FRIENDS OF TODD YOUNG, INC.	IN	2010	YOUNG, TODD CHRISTOPHER	NESS, LARRY	0	10	\$75,833	\$8,683

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) AF 2537
Reason to Believe Recommendation -)
Failure to File 48-Hour Notices under)
the Administrative Fine Program)
(Friends of Todd Young, Inc. and Larry)
Ness, Treasurer))

CERTIFICATION

I, Shelley E. Garr, recording secretary for the Federal Election Commission executive session on October 02, 2012, do hereby certify that the Commission decided by a vote of 6-0 to take the following actions:

1. Find reason to believe that Friends of Todd Young, Inc. and Larry Ness, Treasurer, failed to file 48-hour notices for \$75,700.00 in contributions consistent with the Final Audit Report on the Friends of Todd Young, Inc. (A11-06) adopted by the Commission on August 6, 2012, and the Committee's subsequent amendments to its reports consistent with the Final Audit Report finding.
2. Make a preliminary determination that a civil money penalty of \$8,670.00 be assessed.

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

Attest:

October 4, 2012
Date

Shelley E. Garr
Shelley E. Garr
Deputy Secretary of the Commission

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2012 OCT -3 PM 3: 12

October 3, 2012

MEMORANDUM

SENSITIVE

TO: The Commission

THROUGH: Alec Palmer *AP*
Staff Director

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

Debbie Chacona *NUE for DC*
Assistant Staff Director
Reports Analysis Division

BY: Jodi Winship *NUE for DC*
Compliance Branch

SUBJECT: Reason to Believe Recommendation -
Failure to File 48-Hour Notices under the Administrative Fine Program

At the October 2, 2012 Executive Session, the Commission approved the motion to find reason to believe that Friends of Todd Young, Inc. and Larry Ness, Treasurer, violated 2 U.S.C. § 434(a), and to make a preliminary determination to assess a civil money penalty. During the preparation of the Certification for the motion, it was discovered that the motion inadvertently failed to include a recommendation to send the appropriate letter.

We request the Commission's approval to send the appropriate letter.

Recommendation

1. Send the appropriate letter.

13092681652

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Reason to Believe Recommendation -) AF 2537
Failure to File 48-Hour Notices under the)
Administrative Fine Program: Friends of)
Todd Young, Inc. and Larry Ness,)
Treasurer)

CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on October 04, 2012, the Commission decided by a vote of 6-0 to send the appropriate letter, as recommended in the Memorandum from the Chief Compliance Officer and the Assistant Staff Director, Reports Analysis Division dated October 3, 2012.

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

Attest:

October 5, 2012
Date

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

13092681653



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 5, 2012

Larry Ness, in official capacity as Treasurer
Friends of Todd Young, Inc.
P.O. Box 1053
Bloomington, IN 47402

C00459255
AF#: 2537

Dear Mr. Ness:

The Federal Election Campaign Act of 1971, as amended, 2 U.S.C. § 431, *et seq.* ("the Act"), requires principal campaign committees of candidates for federal office to notify in writing either the Secretary of the Senate or the Federal Election Commission ("FEC"), and the Secretary of State, as appropriate, of any contribution of \$1,000 or more, received by any authorized committee of the candidate after the 20th day, but more than 48 hours before, any election. 2 U.S.C. § 434(a)(6)(A). The Act further requires notification to be made within 48 hours after the receipt of the contribution and to include the name of the candidate and office sought, the date of receipt, the amount of the contribution, and the identification of the contributor. *Id.* These notification requirements are in addition to all other reporting requirements. 2 U.S.C. § 434(a). Our records indicate that Friends of Todd Young, Inc. did not submit 48-Hour Notices for contributions of \$1,000 or more, received between April 16, 2010 and October 29, 2010, totaling \$75,700, as required by 2 U.S.C. § 434(a)(6)(A). Attachment 1.

The Act permits the FEC to impose civil money penalties for violations of the reporting requirements of 2 U.S.C. § 434(a). 2 U.S.C. § 437g(a)(4). On October 2, 2012, the FEC found that there is Reason to Believe ("RTB") that Friends of Todd Young, Inc. and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) by failing to file the 48-Hour Notices. Based on the FEC's schedule of civil money penalties at 11 CFR § 111.44, the amount of your civil money penalty calculated at the RTB stage is \$8,670. Please see the attached copy of the Commission's administrative fine regulations at 11 CFR §§ 111.30-111.55. Attachment 2. The Commission's website contains further information about how the administrative fine program works and how the fines are calculated. <http://www.fec.gov/af/af.shtml>. 11 CFR § 111.34. The amount of the civil money penalty is \$110 for each non-filed notice plus 10 percent of the dollar amount of the contributions not timely reported. The civil money penalty increases by 25 percent for each prior violation. Send your payment of \$8,670 within forty (40) days of the finding, or by November 11, 2012.

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

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

If you should decide to challenge the RTB finding and/or calculated civil money penalty, you must submit a written response, including the AF# found at the top of page 1 under your committee's identification number, to the FEC's Office of Administrative Review, 999 E Street, NW, Washington, DC 20463. Your response must be received within forty (40) days of the Commission's RTB finding, or November 11, 2012. 11 CFR § 111.35(a). Your written response must include the reason(s) why you are challenging the RTB finding and/or calculated civil money penalty, and must include the factual basis supporting the reason(s) and supporting documentation. The FEC strongly encourages that documents be submitted in the form of affidavits or declarations. 11 CFR § 111.36(c).

The FEC will only consider challenges that are based on at least one of three grounds: (1) a factual error in the RTB finding; (2) miscalculation of the calculated civil money penalty by the FEC; or (3) your demonstrated use of best efforts to file in a timely manner when prevented from doing so by reasonably unforeseen circumstances that were beyond your control. 11 CFR § 111.35(b). In order for a challenge to be considered on the basis of best efforts, you must have filed the required report no later than 24 hours after the end of these reasonably unforeseen circumstances. *Id.* Examples of circumstances that will be considered reasonably unforeseen and beyond your control include, but are not limited to, (1) a failure of Commission computers or Commission-provided software despite your seeking technical assistance from Commission personnel and resources; (2) a widespread disruption of information transmissions over the Internet that is not caused by a failure of the Commission's or your computer systems or Internet service provider; and (3) severe weather or other disaster-related incident. 11 CFR § 111.35(c). Examples of circumstances that will not be considered reasonably unforeseen and beyond your control include, but are not limited to, (1) negligence; (2) delays caused by vendors or contractors; (3) treasurer and staff illness, inexperience or unavailability; (4) committee computer, software, or Internet service provider failures; (5) failure to know filing dates; and (6) failure to use filing software properly. 11 CFR § 111.35(d).

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

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

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

If you do not pay the calculated civil money penalty and do not submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that Friends of Todd Young, Inc. and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty.

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Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA"), as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 *et seq.* The FEC may take any and all appropriate action authorized and required by the DCA, as amended, including transfer to the U.S. Department of the Treasury for collection. 11 CFR § 111.51(e)(2).

3. If You Choose to Pay the Civil Money Penalty

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

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

As noted earlier, you may obtain additional information on the FEC's administrative fine program, including the final regulations, on the FEC's website at <http://www.fec.gov/af/af.shtml>. If you have questions regarding the payment of the calculated civil money penalty, please contact David Garr in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130. If you have questions regarding the submission of a challenge, please contact the Office of Administrative Review at our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

On behalf of the Commission,



Caroline C. Hunter
Chair

13092681656

ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 CFR § 111.44, the amount of your civil money penalty calculated at RTB is \$8,670 for the 2010 Primary and General Election 48-Hour Notification 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 November 11, 2012. Upon receipt of your remittance and payment, the FEC will send you a final determination letter.

PAYMENTS BY PERSONAL CHECK

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

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: Friends of Todd Young, Inc.

FEC ID#: C00459255

AF#: 2537

PAYMENT DUE DATE: November 11, 2012

PAYMENT AMOUNT DUE: \$8,670

13092681657

2010 Primary and General Contributions for Which a 48-Hour Notice Was Not Received

AF 2537

Committee ID: C00459255

Committee Name: Friends of Todd Young, Inc.

Report Types: July Quarterly Report (4/15/2010 - 6/30/2010)

30 Day Post General Report (10/14/2010 - 11/22/2010)

Primary 48-Hour Reporting Period: 4/15/2010 - 5/1/2010

General 48-Hour Reporting Period: 10/14/2010 - 10/30/2010

CONTRIBUTOR	DATE	AMOUNT	ELECTION
NESS, JULIE A.	4/16/2010	\$1,250.00	PRIMARY
NESS, LARRY	4/16/2010	\$1,250.00	PRIMARY
SALLEE, MICHAEL E	10/14/2010	\$1,000.00	GENERAL
AMERICAN BAKERS PAC	10/15/2010	\$1,000.00	GENERAL
BALDWIN, ERIKA M	10/15/2010	\$2,000.00	GENERAL
EDGEWORTH, JOHN L	10/15/2010	\$1,200.00	GENERAL
FOERTSCH, DON RAY	10/15/2010	\$1,200.00	GENERAL
MILLER, VERNON RICHARD	10/15/2010	\$2,400.00	GENERAL
SIMON, DAVID	10/15/2010	\$2,000.00	GENERAL
WELLS, G. GREELEY	10/15/2010	\$1,000.00	GENERAL
VAN DYKE, JEFF	10/16/2010	\$2,000.00	GENERAL
ADAMS, JIMMY W	10/20/2010	\$1,500.00	GENERAL
CHARNETZKI, PAUL	10/20/2010	\$1,000.00	GENERAL
GOHMANN, JOHN R.	10/20/2010	\$2,000.00	GENERAL
HARSHAW, FRANK	10/20/2010	\$1,000.00	GENERAL
KENDALL, RONALD EDWARD	10/20/2010	\$1,000.00	GENERAL
MYERS, CHARLES	10/20/2010	\$2,400.00	GENERAL
NEW PAC	10/20/2010	\$2,000.00	GENERAL
REPUBLICAN JEWISH COALITION PAC	10/20/2010	\$2,500.00	GENERAL
SCHMITT, TIMOTHY	10/20/2010	\$1,000.00	GENERAL
TEXAS BANKERS ASSOCIATION PAC	10/20/2010	\$2,500.00	GENERAL
CUFFIA, JAMES A.	10/25/2010	\$2,400.00	GENERAL
DONNER, JOSEPH	10/25/2010	\$1,000.00	GENERAL
ORTHOPEDICS OF SOUTHERN INDIANA	10/25/2010	\$1,000.00	GENERAL
SIMON, ALLEN H.	10/25/2010	\$2,400.00	GENERAL
CATRON, RONALD N	10/26/2010	\$1,900.00	GENERAL
LAMM, BYRON	10/26/2010	\$1,000.00	GENERAL
TARZIAN, THOMAS N	10/26/2010	\$1,000.00	GENERAL

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WYNNE, THOMAS M.	10/26/2010	\$1,400.00	GENERAL
BROPHY, CARLEEN	10/27/2010	\$1,000.00	GENERAL
CARSON, WILLIAM C.	10/27/2010	\$1,000.00	GENERAL
CARTWRIGHT, BRIAN G	10/27/2010	\$1,000.00	GENERAL
ANDERSON, TRAVIS K.	10/28/2010	\$1,000.00	GENERAL
BREHMER, JOHN R.	10/28/2010	\$1,000.00	GENERAL
HOLT, RICHARD A.	10/28/2010	\$2,400.00	GENERAL
MARLING, ROBERT	10/28/2010	\$1,000.00	GENERAL
STEVENS, CHRISTOPHER	10/28/2010	\$2,400.00	GENERAL
STEVENS, JESSICA J	10/28/2010	\$1,900.00	GENERAL
WHITTINGTON, CHARLES L	10/28/2010	\$1,000.00	GENERAL
ZINK, JAMES C. SR.	10/28/2010	\$1,000.00	GENERAL
ANDERSEN, KENT TUCKER	10/29/2010	\$1,000.00	GENERAL
BARTH, ANDREW F	10/29/2010	\$2,400.00	GENERAL
CAPITAL PAC OR INDIANA	10/29/2010	\$1,000.00	GENERAL
CONCERNED AMERICANS FOR FREEDOM & OPPORTUNITY PAC	10/29/2010	\$1,000.00	GENERAL
GIBSON, GREGORY L.	10/29/2010	\$2,400.00	GENERAL
LACY, ANDRE B.	10/29/2010	\$1,400.00	GENERAL
PETERS, LOVETT C	10/29/2010	\$1,000.00	GENERAL
PROSPERITY PAC	10/29/2010	\$2,500.00	GENERAL
VICKERS & VICKERS LLC	10/29/2010	\$1,000.00	GENERAL
WILLIAMS, EDGAR H	10/29/2010	\$1,000.00	GENERAL
YUM! BRANDS INC. GOOD GOVERNMENT FUND	10/29/2010	\$1,000.00	GENERAL
	TOTAL	\$75,700.00	

Proposed Civil Money Penalty: \$8,670.00 ((10 Notices Not Filed at \$110 each) + (10% of the Overall Contributions Not Filed))



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2012 NOV 20 PM 12: 33

November 19, 2012

MEMORANDUM

SENSITIVE

TO: The Commission

THROUGH: Alec Palmer
Staff Director *AP*

FROM: Patricia C. Orrock *NRE for PO*
Chief Compliance Officer

Debbie Chacona *NRE for DC*
Assistant Staff Director
Reports Analysis Division

BY: *M*odi Winship/David Garr *DC*
Compliance Branch

SUBJECT: Administrative Fine Program – Final Determination Recommendation for the Failure to File 48 Hour Notices

Attached is a list identifying a political committee and its treasurer against which the Commission has found reason to believe (RTB) and assessed proposed a civil money penalty calculated at RTB for failure to file or failure to timely file the appropriate 48 Hour notices for the Indiana 2010 Primary and General Elections. The committee has paid the civil money penalty requested at RTB.

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

RAD Recommendation

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

13092681660

13092681661

11/20/2012 11:28 AM

Federal Election Commission
Final Determination Circulation Report
48-Hour Notification Report

AFP	Committee ID	Committee Name	State	Election	Candidate Name	Treasurer	Prev Violations	Notices Not Filed	LOA	RTB Date	RTB Penalty	FD Penalty	Date Paid	Amount Paid
2537	C00459255	FRIENDS OF TODD YOUNG, INC.	IN	2010	YOUNG, TODD CHRISTOPHER	NESS, LARRY	0	10	\$0.00	10/02/2012	\$8,670	\$8,670	11/05/2012	\$8,670

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Administrative Fine Program - Final) AF 2537
Determination Recommendation for the)
Failure to File 48-Hour Notices)

CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on November 21, 2012, the Commission decided by a vote of 6-0 to take the following actions in AF 2537:

1. Make final determination that Friends of Todd Young, Inc. and Larry Ness, Treasurer, violated 2 U.S.C. § 434(a) and assess the final civil money penalty in the amount of \$8,670.
2. Send the appropriate letter.

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

Attest:

November 21, 2012
Date

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

13092681662



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 26, 2012

Larry Ness, in official capacity as Treasurer
Friends of Todd Young, Inc.
P.O. Box 1053
Bloomington, IN 47402

C00459255
AF#: 2537

Dear Mr. Ness:

On October 4, 2012, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Friends of Todd Young, Inc. and its treasurer violated 2 U.S.C. § 434(a) for failing to file 48-Hour Notices for contributions of \$1,000 or more, received between April 16, 2010 and October 29, 2010, totaling \$75,700. By letter dated October 5, 2012, the Commission sent notification of the RTB finding that included a civil money penalty calculated at the RTB stage of \$8,670 in accordance with the schedule of penalties at 11 C.F.R. § 111.44.

On November 5, 2012, the FEC received payment of the civil money penalty calculated at the RTB stage. The FEC made a final determination on November 21, 2012 that you, in your official capacity as treasurer, and Friends of Todd Young, Inc. violated 2 U.S.C. § 434(a), assessed a civil money penalty in the amount of \$8,670 in accordance with 11 C.F.R. § 111.44 and voted to close the file.

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

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

On behalf of the Commission,

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

Caroline C. Hunter
Chair

13092681663

FOR: Friends of Todd Young, Inc.

FEC ID#: C00459255

AF#: 2537

PAYMENT DUE DATE: November 11, 2012

PAYMENT AMOUNT DUE: \$8,670

QUALITY IS OUR PRIORITY FOR LOCKBOX 9058
SEQ# 001 \$ 0000867000 BA# 1 11-05-12 20 3



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FOR SECURITY PURPOSES, THE FRONT OF THIS DOCUMENT CONTAINS A COLORED BACKGROUND AND MICROPRINTING IN THE BORDER.

Friends of Todd Young Federal Candidate Campaign Committee PO Box 1053 Bloomington, IN 47402 FEC ID C00459255 Phone (812) 250-6399	FIRST FINANCIAL BANK	4206
	88-01082	10/30/2012
PAY TO THE ORDER OF	Federal Election Commission	\$8,670.00
	Eight Thousand Six Hundred Seventy and XX/100	DOLLARS
Federal Election Commission PO Box 879058 Saint Louis, MO 63197-9000 Settlement	 	

THE REVERSE SIDE OF THIS DOCUMENT INCLUDES A MICROCOPY OF THE ORIGINAL CHECK.

13092681664



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 2537

DATE SCANNED 1-3-12

SCANNER NO. 2

SCAN OPERATOR AmH

13092681665