



FEDERAL ELECTION COMMISSION  
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 2777

DATE SCANNED 1/30/15

SCANNER NO. 2

SCAN OPERATOR EE5



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
SECRETARIAT

2014 APR -1 PM 4: 32

April 1, 2014

MEMORANDUM

SENSITIVE

TO: The Commission

THROUGH: Alec Palmer *AP*  
Staff Director

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

Debbie Chacona *DC*  
Assistant Staff Director  
Reports Analysis Division

BY: Kristin D. Roser/Sari Pickeral *KOR dp*  
Reports Analysis Division  
Compliance Branch

SUBJECT: Reason To Believe Recommendation –2013 Year-End Report for the  
Administrative Fine Program

Attached is a list of political committees and their treasurers who failed to file the 2013 Year-End Report in accordance with 2 U.S.C. 434(a). The Year-End Report was due on January 31, 2014.

The committees listed in the attached RTB Circulation Report either failed to file the report, filed the report : no more than thirty (30) days after the due date (considered a late filed report), or filed the report more than thirty (30) days after the due date (considered a non-filed report). In accordance with the schedule of civil money penalties for reports at 11 C.F.R. 111.43, these committees should be assessed the civil money penalties highlighted on the attached circulation report.

**Recommendation**

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

**Federal Election Commission**  
**Reason to Believe Circulation Report**  
**2013 YEAR-END Not Election Sensitive 01/31/2014 H\_S\_P\_UNAUTH**

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
2773	C00540385	BEALE FOR CONGRESS	BEALE, ANTHONY A	STEVEN R. BURRIS	\$369,434	2		Not Filed	\$92,359 (est)	\$5,775
2774	C00411173	COMMERCIAL REAL ESTATE FINANCE COUNCIL PAC		STEPHEN RENNA	\$124,627	0	2/7/2014	7	\$36,645	\$340
2775	C00553164	DAVID M ALAMEEL FOR UNITED STATES SENATE	ALAMEEL, DAVID M	DAVID PULLING	\$1,257,586	0	2/6/2014	6	\$1,257,586	\$6,700
2776	C00507780	FLEMMING FOR CONGRESS	FLEMMING, STANLEY L K	MARTHA FLEMMING	\$135,174	0	3/18/2014	Not Filed	\$5,050	\$330
2777	C00279315	FRIENDS OF BARBARA BOXER	BOXER, BARBARA	STEPHEN J. KAUFMAN	\$560,420	0	2/20/2014	20	\$183,838	\$3,980
2778	C00224790	GRAYROBINSON, P.A., POLITICAL ACTION COMMITTEE		J. CHARLES GRAY	\$101,815	0		Not Filed	\$101,815 (est)	\$4,950
2779	C00505800	JILL STEIN FOR PRESIDENT	STEIN, JILL	JAMES MORAN	\$218,403	1		Not Filed	\$19,855 (est)	\$687
2780	C00550780	JIM RUBENS FOR US SENATE	RUBENS, JIM	JEFF POSTUPACK	\$320,860	0	2/18/2014	18	\$43,314	\$560
2781	C00547232	JOE PALUMBO FOR CONGRESS	PALUMBO, JOSEPH E	KEITH BUCKHOUT	\$182,849	0		Not Filed	\$182,849 (est)	\$6,050
2782	C00431304	MCCASKILL FOR MISSOURI	MCCASKILL, CLAIRE	MICHELLE SHEROD	\$1,334,485	0	2/14/2014	14	\$217,010	\$3,550
2783	C00009845	MONTGOMERY COUNTY DEMOCRATIC CENTRAL COMMITTEE		PAMELA E. QUEEN	\$265,722	0		Not Filed	\$184,557 (est)	\$6,050
2784	C00518027	STEVE SALAZAR FOR CONGRESS	SALAZAR, STEVE	ROSARIO RODRIGUEZ	\$110,712	3		Not Filed	\$110,712 (est)	\$8,662
2785	C00546747	WELLS GRIFFITH FOR CONGRESS	GRIFFITH, PRESTON WELLS III	RICHARD BYRON WILLIAMS	\$394,486	0		Not Filed	\$197,243 (est)	\$6,050



CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on April 03, 2014 the Commission took the following actions on the Reason To Believe Recommendation - 2013 Year-End Report for the Administrative Fine Program as recommended in the Reports Analysis Division's Memorandum dated April 01, 2014, on the following committees:

AF#2773 Decided by a vote of 6-0 to: (1) find reason to believe that BEALE FOR CONGRESS, and STEVEN R BURRIS 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 Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#2774 Decided by a vote of 6-0 to: (1) find reason to believe that COMMERCIAL REAL ESTATE FINANCE COUNCIL PAC, and RENNA, STEPHEN 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 Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#2775 Decided by a vote of 6-0 to: (1) find reason to believe that DAVID M ALAMEEL FOR UNITED STATES SENATE, and DAVID PULLING 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 Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#2776 Decided by a vote of 6-0 to: (1) find reason to believe that FLEMMING FOR CONGRESS, and MARTHA FLEMMING 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 Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#2777 Decided by a vote of 6-0 to: (1) find reason to believe that FRIENDS OF BARBARA BOXER, and STEPHEN KAUFMAN 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 Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#2778 Decided by a vote of 6-0 to: (1) find reason to believe that GRAYROBINSON, P.A., POLITICAL ACTION COMMITTEE, and GRAY, J. CHARLES 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 Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#2779 Decided by a vote of 6-0 to: (1) find reason to believe that JILL STEIN FOR PRESIDENT, and MORAN, JAMES 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 Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#2780 Decided by a vote of 6-0 to: (1) find reason to believe that JIM RUBENS FOR US SENATE, and JEFF POSTUPACK 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 Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#2781 Decided by a vote of 6-0 to: (1) find reason to believe that JOE PALUMBO FOR CONGRESS, and KEITH BUCKHOUT 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 Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#2782 Decided by a vote of 6-0 to: (1) find reason to believe that MCCASKILL FOR MISSOURI, and MICHELLE SHEROD 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 Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#2783 Decided by a vote of 6-0 to: (1) find reason to believe that MONTGOMERY COUNTY DEMOCRATIC CENTRAL COMMITTEE, and QUEEN, PAMELA E 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 Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#2784 Decided by a vote of 6-0 to: (1) find reason to believe that STEVE SALAZAR FOR CONGRESS, and ROSARIO RODRIGUEZ 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





FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

April 4, 2014

Stephen J. Kaufman, in official capacity as Treasurer  
Friends of Barbara Boxer  
777 S. Figueroa Street, Suite 4050  
Los Angeles, CA 90017

C00279315  
AF#: 2777

Dear Mr. Kaufman:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file a Year-End Report of Receipts and Disbursements every calendar year. This report, covering the period October 1, 2013 through December 31, 2013, shall be filed no later than January 31, 2014. 2 U.S.C. § 434(a). Records at the Federal Election Commission ("FEC") indicate that this report was filed on February 20, 2014, twenty (20) days late.

The Act permits the FEC to impose civil money penalties for violations of the reporting requirements of 2 U.S.C. § 434(a). 2 U.S.C. § 437g(a)(4). On April 3, 2014, the FEC found that there is reason to believe ("RTB") that Friends of Barbara Boxer and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) by failing to file timely this report on or before January 31, 2014. Based on the FEC's schedules of civil money penalties at 11 CFR § 111.43, the amount of your civil money penalty calculated at the RTB stage is \$3,980. Please see the attached copy of the Commission's administrative fine regulations at 11 CFR §§ 111.30-111.55. Attachment 1. The Commission's website contains further information about how the administrative fine program works and how the fines are calculated. See <http://www.fec.gov/af/af.shtml>. 11 CFR § 111.34. Your payment of \$3,980 is due within forty (40) days of the finding, or by May 13, 2014, and is based on these factors:

Election Sensitivity of Report: Not Election Sensitive  
Level of Activity: \$183,838  
Number of Days Late: 20  
Number of Previous Civil Money Penalties Assessed: 0

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

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

If you should decide to challenge the RTB finding and/or calculated civil money penalty, you must submit a written response, including the AF# found at the top of page 1 under your committee's identification number, to the FEC's Office of Administrative Review, 999 E Street, NW, Washington, DC 20463. Your response must be received within forty (40) days of the

Commission's RTB finding, or May 13, 2014. 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 Barbara Boxer and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty.

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

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

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.

**NOTICE REGARDING PARTIAL PAYMENTS AND SETTLEMENT OFFERS**

**4. Partial Payments**

If you make a payment in an amount less than the calculated civil money penalty, the amount of your partial payment will be credited towards the full civil money penalty that the Commission assesses upon making a final determination.

**5. Settlement Offers**

If you make a payment in an amount less than the calculated civil money penalty as an offer to settle or compromise a debt owed to the Commission, the offer is herewith rejected despite any restrictive endorsements contained on your check or money order or proposed in correspondence transmitted with your check or money order. Acceptance and deposit or cashing of such a restricted payment does not constitute acceptance of the settlement offer. Payments containing restrictive endorsements will be deposited and treated as a partial payment towards the civil money penalty that the Commission assesses upon making a final determination. All unpaid civil money penalty amounts remaining will be subject to the debt collection procedures set forth in Section 2, above.

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 Sari Pickerall 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,



Lee E. Goodman  
Chairman

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**ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS**

In accordance with the schedule of penalties at 11 CFR § 111.43, the amount of your civil money penalty calculated at RTB is \$3,980 for the 2013 Year-End 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 May 13, 2014. Upon receipt of your remittance and payment, the FEC will send you a final determination letter.

**PAYMENTS BY PERSONAL CHECK**

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

**PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT**  
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FOR: Friends of Barbara Boxer

FEC ID#: C00279315

AF#: 2777

PAYMENT DUE DATE: May 13, 2014

PAYMENT AMOUNT DUE: \$3,980

2014 MAY 19 AM 10: 39

May 13, 2014

Direct: (213) 452-6550

**VIA U.S. MAIL**

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

**Re: Friends of Barbara Boxer – FEC ID No. C00279315/AF No. 2777**  
**Our File No.: BOX2119.012**

To the Office of Administrative Review:

This letter responds to your notification dated April 4, 2014, directed to Friends of Barbara Boxer (“Committee”) and me, as its Treasurer, regarding the Committee’s Year-End Report covering the period from October 1, 2013 through December 31, 2013 (“Year-End Report”). I am responding to the notification of the Commission’s finding of reason to believe that the Committee failed to timely file the Committee’s Year End Report, both in my official capacity as Treasurer of the Committee and as the Committee’s designated counsel.

Consequently, you may direct any further communications regarding to this matter to me on behalf of the Committee, as follows:

Name of Counsel: Stephen J. Kaufman  
Firm: Kaufman Legal Group, APC  
Address: 777 S. Figueroa Street, Suite 4050  
Los Angeles, CA 90017  
Telephone: (213) 452-6565  
Fax: (213) 452-6575  
E-mail: [skaufman@kaufmanlegalgroup.com](mailto:skaufman@kaufmanlegalgroup.com)

The attached Declaration contains the Committee’s response detailing the reasons why the Committee is challenging the Commission’s reason to believe finding. Based on the facts and

Letter to Office of Administrative Review  
May 13, 2014  
Page 2

circumstances detailed in the attached Declaration, the Committee respectfully requests that the Commission waive the civil penalty assessed in the amount of \$3,980.

We thank you for your consideration. Please contact me should you require any additional information regarding this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Stephen J. Kaufman', written over a printed name.

Stephen J. Kaufman

SJK:ss

I, Stephen J. Kaufman, hereby declare as follows:

1. I am the Treasurer of Friends of Barbara Boxer (FEC ID #C00279315) ("Committee"), the principal campaign committee of Senator Barbara Boxer. I have personal knowledge of the facts declared herein and, if called upon as a witness, I could and would competently testify thereto.

2. In my capacity as the Committee's Treasurer, I am providing this Declaration in response to the Federal Election Commission's ("Commission") finding of reason to believe that the Committee failed to timely file the Committee's Year-End Report covering the period from October 1, 2013 through December 31, 2013.

3. The Committee's Year-End Report was due to be filed with the Secretary of Senate by paper on January 31, 2014.

4. The Committee voluntarily filed the Year-End Report in electronic format with the Commission on January 31, 2014, in a timely manner. Consequently, the Committee's full and complete Year-End Report was available to the public by the filing deadline.

5. However, due to an administrative oversight, the paper copy of the Year-End Report was inadvertently placed in an envelope addressed to the California Secretary of State, rather than to the Secretary of the Senate.

6. The Committee was unaware of this issue until February 20, 2014, when the Committee received an e-mail notification from the Commission's Reports Analysis Division advising the Committee that the report had not been received.

7. Following receipt of this email message, the Committee *immediately* filed a paper copy of the Year-End Report with the Secretary of the Senate that same day, February 20, 2014.

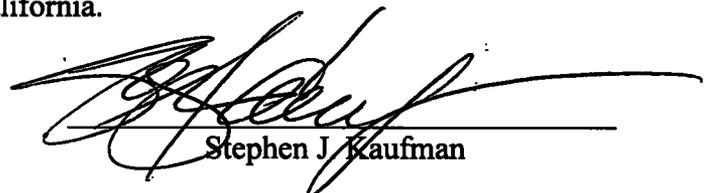
8. The Year-End Report was not an election-sensitive report.

9. Because the Committee voluntarily filed an electronic version of the Year-End Report with the Commission, the public was not deprived of any information regarding the Committee's activities as reflected in the Year-End Report, nor was there any delay in providing such information to the public.

10. Based on the foregoing, the Committee respectfully requests that the Commission waive the civil money penalty assessed under the Commission's administrative fine regulations.

I declare under penalty of perjury under the laws of the State of California and the United States of America that the foregoing is true and correct.

Executed on May 13, 2014, at Los Angeles, California.

  
Stephen J. Kaufman



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

May 19, 2014

Stephen J. Kaufman  
Friends of Barbara Boxer  
777 S. Figueroa Street  
Suite 4050  
Los Angeles, CA 90017

C00279315  
AF#: 2777

Dear Mr. Kaufman:

On May 19, 2014, the Commission's Office of Administrative Review ("OAR") received your written response ("challenge") for Friends of Barbara Boxer and you, in your official capacity as Treasurer, which is being reviewed by OAR. If you have any questions regarding your challenge, please contact this Office on our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

Sincerely,

*pp* Kristin D. Reser

*RM* Rhiannon Magruder  
Reviewing Officer  
Office of Administrative Review

Date: May 20, 2014

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

AF#: 2777

Committee Name: Friends of Barbara Boxer

Committee ID#: C00279315

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 April 1, 2014 and RTB Certification, dated April 3, 2014 (Y/N): Previously Forwarded
- Proof of Delivery (to be forwarded at later date if not yet received) (Y/N): Y
- 
- Other Relevant Telecoms (Y/N): N
- Original Correspondence Received by RAD in Response to RTB Letter (Y/N): N
- RAD Staff Declaration (Y/N): Y
  - 2013 Year-End Report Notice, dated December 27, 2013.
  - Non-Filer Letter, dated February 19, 2014.
  - RTB Letter, dated April 4, 2014.
- Other RAD Information: (Y/N): N



## DECLARATION OF KRISTIN D. ROSER

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 Friends of Barbara Boxer:
  - A) Report Notice, dated December 27, 2013, referencing the 2013 Year-End Report (sent via electronic mail to: cacebo@kaufmanlegalgroup.com);
  - B) Non-Filer Letter, dated February 19, 2014, referencing the 2013 Year-End Report;
  - C) Reason-to-Believe Letter, dated April 4, 2014 referencing the 2013 Year-End Report.
3. I hereby certify that I have searched the Commission's public records and find that Friends of Barbara Boxer filed the 2013 Year-End Report with the Commission on February 20, 2014.
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 20<sup>th</sup> day of May, 2014.

*Kristin D. Roser*

Kristin D. Roser  
Chief, Compliance Branch  
Reports Analysis Division  
Federal Election Commission



# YEAR-END REPORT NOTICE

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FEDERAL ELECTION COMMISSION

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CONGRESSIONAL COMMITTEES

December 27, 2013

## CURRENT REPORT DUE:

REPORT	CLOSE OF BOOKS <sup>1</sup>	REG./CERT. & OVERNIGHT MAILING DEADLINE	FILING DEADLINE
Year-End	12/31/13	01/31/14	01/31/14

[Click here for Supplemental Filing Information \(2013\)](#)

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## LOOKING AHEAD TO 2014

REPORT	CLOSE OF BOOKS <sup>1</sup>	REG./CERT. & OVERNIGHT MAILING DEADLINE	FILING DEADLINE
April Quarterly	03/31/14	04/15/14	04/15/14
July Quarterly	06/30/14	07/15/14	07/15/14
October Quarterly	09/30/14	10/15/14	10/15/14
Pre-General	10/15/14	10/20/14	10/23/14
48-Hour Notices	Period: 10/16/14 – 11/01/14 ---- <a href="#">click here for filing info</a> ----		
Post-General	11/24/14	12/04/14	12/04/14
Year-End	12/31/14	01/31/15	01/31/15 <sup>2</sup>

[Click here for Supplemental Filing Information \(2014\)](#)

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

<sup>2</sup>Notice that this filing deadline falls on a weekend. Filing deadlines are not extended when they fall on nonworking days. Accordingly, reports filed by methods other than Registered, Certified or Overnight Mail, or electronically, must be received before the Commission's (or for Senate candidates, the Secretary of the Senate Public Records Office's) close of business on the last business day before the deadline.

## 2013 SUPPLEMENTAL FILING INFORMATION CONGRESSIONAL COMMITTEES

**PLEASE NOTE:** The Commission provides reminders of upcoming filing dates as a courtesy to help committees comply with the filing deadlines set forth in the Act and Commission regulations. Committee treasurers must comply with all applicable filing deadlines established by law, and the lack of prior notice does not constitute an excuse for failing to comply with any filing deadline.

### WHO MUST FILE

Principal campaign committees of current and former congressional candidates<sup>1</sup> (including unopposed candidates and candidates whose names do not appear on the ballot) must file Quarterly Reports in 2013.<sup>2</sup> See 11 CFR 104.5(a). Before a committee can stop filing with the FEC, it must file a termination report with the Commission. See 11 CFR 102.3. Committees must continue to file reports until the Commission notifies them in writing that their termination report has been accepted.

### METHODS OF FILING REPORTS

#### Electronic Filing

Reports filed electronically must be received and validated by the Commission by 11:59 p.m. Eastern Time on the filing deadline. See 11 CFR 104.5(e). See also 11 CFR 104.18 and 100.19.

- Web Page: Electronic Filing Page
- Candidate Guide for Congressional Candidates and Committees (Candidate Guide), pp. 83-86 [PDF]

#### Paper Filing - Meeting the Filing Deadline

Paper Report filing options -- Registered; Certified or Overnight or First Class Mail. See 11 CFR 104.5(e). See also 11 CFR 100.19.

- Web Page: Link to Paper Forms (for downloading and printing)
- Candidate Guide, p. 82 [PDF]

### 2013 REPORTING SCHEDULE

- Web Page: 2013 Reporting Dates Page
- The Record:
  - FEC Record Blog: Reporting
  - January 2013 Reporting Article [PDF]
- Candidate Guide, p. 83 [PDF]

<sup>1</sup> Generally, an individual becomes a candidate for federal office (and thus triggers registration and reporting obligations) when his or her campaign exceeds \$5,000 in either contributions or expenditures. If the campaign has not crossed the \$5,000 threshold, it is not required to file reports. See 11 CFR 100.3(a). See also 11 CFR 104.5(a).

<sup>2</sup> If a candidate has more than one authorized committee, the principal campaign committee files a consolidated report on Form 3Z [PDF]. See 11 CFR 104.3(f).

## COMPLIANCE

### Treasurer Responsibility

Committee Treasurers 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. See 11 CFR 104.14(d).

- Statement of Policy Regarding Treasurers Subject to Enforcement Proceedings [PDF]
- Candidate Guide, p. 7-9 [PDF]

### Administrative Fine Program

Failure to file reports on time may be subject to civil money penalties up to \$17,600 (or more for repeat late- and non-filers).<sup>3</sup> See generally, 11 CFR Part 111 Subpart B. See 11 CFR 111.43(b). See also 11 CFR 111.43.

- Web Page: Administrative Fine Program Page
- Candidate Guide, pp. 82-83 [PDF]

## DISCLOSURE OF LOBBYIST BUNDLING ACTIVITY

Campaign committees must file FEC Form 3L [PDF] if they receive two or more bundled contributions from lobbyists/registrants or lobbyist/registrant PACs that aggregate in excess of \$17,100 during the applicable reporting period (see page 1 of this notice). See 11 CFR 104.22(b) and 11 CFR 110.17(e)(2).

- The Record: March 2009 issue [PDF]
- Candidate Guide, Appendix F, pp. 155-161 [PDF]

## IMPORTANT FILING INFORMATION - PAPER FILERS

In response to the 2001 anthrax threat, the U.S. Postal Service is irradiating mail directed to many federal agencies, including the FEC and the Secretary of the Senate.<sup>4</sup> This process has not only delayed mail delivery, it has also damaged and in some cases destroyed pieces of mail. As a result, committees that file reports with the FEC (rather than the Secretary of the Senate) may want to consider submitting their reports by some means other than U.S. mail. Alternative methods include electronic filing, overnight mail or delivery service, and hand delivery.

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<sup>3</sup> Penalties for late- or non-filing of 48-hour notices are based on the amount of contributions received that are not timely disclosed. As a result, these penalties may exceed \$17,600, even for first-time violations. See 11 CFR 111.44.

<sup>4</sup> Senate committees should contact the Secretary of the Senate at (202) 224-0322 for more information on filing reports via US mail.

## LOOKING AHEAD TO 2014

### WHO MUST FILE

Principal campaign committees of current and former congressional candidates<sup>1</sup> (including unopposed candidates and candidates whose names do not appear on the ballot) must file Quarterly Reports in 2014.<sup>2</sup> In addition, committees of candidates participating in an election must file pre-election and, as applicable, post-election reports, as described below.

All ongoing committees (regardless of the level of financial activity) and new campaigns that raise or spend more than \$5,000 for the 2014 election cycle (and thus trigger registration and reporting requirements) must file quarterly reports throughout 2014. This applies even if the candidate plans to retire, withdraws from the race prior to the primary election, loses the primary or drops out of the race prior to the general election. See 11 CFR 104.5(a)(1).

Before a committee can stop filing with the FEC, it must file a termination report with the Commission. See 11 CFR 102.3. Committees must continue to file reports until the Commission notifies them in writing that their termination report has been accepted.

### PRE- AND POST-ELECTION REPORTS

A committee whose candidate participates in a 2014 state primary, nominating convention or runoff election – even if unopposed – must also file a pre-election report 12 days prior to the primary, nominating convention or runoff. The campaign committee of a candidate who participates in the general election must file pre- and post-general election reports.

11 CFR 104.5(a)(2).

- Web Page: 2014 Congressional Pre-Primary Reporting Dates – coming in 2014
- The Record:
  - FEC Record Blog: Reporting
  - January 2014 Article [PDF] – coming in 2014
- Candidate Guide, pp. 81-82 [PDF]

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<sup>1</sup> Generally, an individual becomes a candidate for federal office (and thus triggers registration and reporting obligations) when his or her campaign exceeds \$5,000 in either contributions received or expenditures made. If the campaign has not crossed the \$5,000 threshold, it is not required to file reports. See 11 CFR 100.3(a).

<sup>2</sup> If a candidate has more than one authorized committee, the principal campaign committee must also file a consolidated report on Form 3Z [PDF].

#### **48 HOUR NOTICES ON CONTRIBUTIONS**

The principal campaign committee must file notices if any authorized committees of the candidate receive any contribution (**including in-kind gifts or advances of goods or services; loans from the candidate or other non-bank sources; and guarantees or endorsements of bank loans to the candidate or committee**) of \$1,000 or more per source, during the period less than 20 days but more than 48 hours before any election in which the candidate is running. See 11 CFR 104.5(f).

The notices which may be filed using Form 6, or a letter containing the same information, must reach the appropriate federal and/or state filing office(s) within 48 hours of the committee's receipt of the contribution(s). See 11 CFR 104.5(f). Senate candidates file 48 hour notices with the Secretary of the Senate; all other candidate committees file with the FEC. **Campaign committees that file electronically MUST submit their 48 hour notices electronically.**

See 11 CFR 104.5(f).

- Web Page: Electronic Filing
- Web Page: Link to Paper Forms (for downloading and printing)
- Web Page: Link to Web Form 6 (for online submission)
- Web Page: State Filing Waivers
- Form 6 Fax numbers
  - Senate campaigns (Secretary of the Senate): (202) 224-1851
  - House Campaigns (FEC): (202) 219-0174
- Campaign Guide: Candidate Guide, p. 81 [PDF]

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



FRIENDS OF BARBARA BOXER

Page 2 of 2

If you have any questions regarding this matter, please contact Christopher Ritchie at our toll-free number (800)424-9530. Our direct local number is (202)694-1130.

Sincerely,

*Debbie Chacona*

Deborah Chacona  
Assistant Staff Director  
Reports Analysis Division

250

UNRECORDED





FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

June 25, 2014

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

AF# 2777 – Friends of Barbara Boxer and Stephen J. Kaufman, in his official capacity as Treasurer (C00279315)

**Summary of Recommendation**

Make a final determination that the respondents violated 2 U.S.C. § 434(a) and assess a \$3,980 civil money penalty.

**Reason-to-Believe Background**

The 2013 Year End Report was due on January 31, 2014. The respondents filed the report on February 20, 2014, 20 days late. The report is not election sensitive and was filed within 30 days of the due date; therefore, the report is considered late. 11 C.F.R. §§ 111.43(d)(1) and (e)(1).

On April 3, 2014, the Commission found reason to believe ("RTB") that the respondents violated 2 U.S.C. § 434(a) for failing to timely file the 2013 Year End Report and made a preliminary determination that the civil money penalty was \$3,980 based on the schedule of penalties at 11 C.F.R. § 111.43. A letter was mailed to the respondents' address of record from the Reports Analysis Division ("RAD") on April 4, 2014 to notify them of the Commission's RTB finding and civil money penalty.

**Legal Requirements**

The Federal Election Campaign Act ("Act") states that the treasurer of a principal campaign committee shall file a report for the quarter ending December 31 no later than January 31 of the following calendar year. 2 U.S.C. § 434(a)(2)(B) and 11 C.F.R. § 104.5(a)(1)(i). All reports required to be filed by the principal campaign committee of a candidate for the office of U.S. Senator shall be filed with the Secretary of the Senate. 2 U.S.C. § 432(g) and 11 C.F.R. § 105.2. If the report is sent by registered or certified mail, by Express or Priority Mail with delivery confirmation or by overnight delivery service with an online tracking system, and scheduled for next business day delivery, it must be postmarked, or deposited with the mailing service, no later than the filing date to be timely filed. 2 U.S.C. § 434(a)(5), and 11 C.F.R. §§ 100.19 and 104.5(e). The treasurer shall be personally responsible for the timely filing of reports. 11 C.F.R. § 104.14(d).

**Respondents' Challenge**

On May 19, 2014, the Commission received the written response ("challenge") from Stephen J. Kaufman, the Committee's Treasurer and designated Counsel, challenging the RTB finding. The challenge states:

“The Committee voluntarily filed the Year-End Report in electronic format with the Commission on January 31, 2014, in a timely manner. Consequently, the Committee’s full and complete Year-End Report was available to the public by the filing deadline...However, due to an administrative oversight, the paper copy of the Year-End Report was inadvertently placed in an envelope addressed to the California Secretary of State, rather than to the Secretary of the Senate...The Committee was unaware of this issue until February 20, 2014, when the Committee received an e-mail notification from the Commission’s Reports Analysis Division advising the Committee that the report had not been received...Following receipt of this email message, the Committee *immediately* filed a paper copy of the Year-End Report with the Secretary of the Senate that same day, February 20, 2014...Because the Committee voluntarily filed an electronic version of the Year-End Report with the Commission, the public was not deprived of any information regarding the Committee’s activities as reflected in the Year-End Report, nor was there any delay in providing such information to the public.”

Mr. Kaufman concludes with a request for the Commission to waive the civil money penalty.

#### Analysis

On February 19, 2014, RAD sent a non-filer letter to the respondents informing them that they did not file the 2013 Year End Report. According to Commission records, the Secretary of the Senate’s Office of Public Records physically received the respondents’ 2013 Year End Report on February 24, 2014. It is considered filed on the overnight delivery service shipment date of February 20, 2014 pursuant to 2 U.S.C. § 434(a)(5), and 11 C.F.R. §§ 100.19 and 104.5(e).

Although the respondents’ challenge notes that they timely submitted an unofficial electronic filing of the 2013 Year End Report, these voluntary filings are not considered when determining compliance with filing requirements. All reports required to be filed by the principal campaign committee of a candidate for the office of U.S. Senator shall be filed with the Secretary of the Senate. 2 U.S.C. § 432(g) and 11 C.F.R. § 105.2. The Commission’s Campaign Guide for Congressional Candidates and Committees clearly states that Senate candidate committees...

“...are required to file their reports on paper with the Secretary of the Senate... Senate candidates are encouraged to voluntarily file electronically an unofficial copy of their reports with the FEC (in addition to their official paper copy with the Secretary of the Senate) to ensure faster disclosure.”

The Reviewing Officer recognizes the delay in filing was due to inadvertent administrative oversight. However, negligence is included at 11 C.F.R. § 111.35(d) as an example of a circumstance that will not be considered reasonably unforeseen and beyond the respondents’ control. Their challenge fails to address any of the three valid grounds 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 \$3,980 civil money penalty.

**OAR Recommendations**

- 1) Adopt the Reviewing Officer recommendation for AF# 2777 involving Friends of Barbara Boxer and Stephen J. Kaufman, in his official capacity as Treasurer, in making the final determination;
- 2) Make a final determination in AF# 2777 that Friends of Barbara Boxer and Stephen J. Kaufman, in his official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assess a \$3,980 civil money penalty; and
- 3) Send the appropriate letter.

---

~~Reviewing Officer: Rhiannon Magruder~~

**Attachments**

- Attachment 1 –
- Attachment 2 –
- Attachment 3 – Declaration from OAR



RECEIVED  
SECRETARY OF THE SENATE  
PUBLIC RECORDS

14 FEB 24 PM 1:42

Office Use Only

FEC  
FORM 3

REPORT OF RECEIPTS  
AND DISBURSEMENTS  
For An Authorized Committee

1. NAME OF COMMITTEE (in full) TYPE OR PRINT Example: If typing, type over the lines.

12FE4M5

Friends of Barbara Boxer

ADDRESS (number and street)

777 S. Figueroa Street, Suite 4050



Check if different than previously reported. (ACC)

Los Angeles

CA

90017

2. FEC IDENTIFICATION NUMBER

C00279315

CITY

STATE

ZIP CODE

STATE DISTRICT

3. IS THIS REPORT



NEW (N)

OR



AMENDED (A)

CA

00

4. TYPE OF REPORT (Choose One)

(a) Quarterly Reports:



April 15 Quarterly Report (Q1)



July 15 Quarterly Report (Q2)



October 15 Quarterly Report (Q3)



January 31 Year-End Report (YE)



Termination Report (TER)

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



Primary (12P)



General (12G)



Runoff (12R)



Convention (12C)



Special (12S)

Election on

MM

DD

YYYY

in the State of

CA

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



General (30G)



Runoff (30R)



Special (30S)

Election on

MM

DD

YYYY

in the State of

CA

5. Covering Period

MM 10

DD 01

YYYY 2013

through

MM 12

DD 31

YYYY 2013

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

Type or Print Name of Treasurer Stephen J. Kaufman

Signature of Treasurer

Stephen J. Kaufman

Date

MM 01

DD 31

YYYY 2014

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. §437g.

Office Use Only

FEC FORM 3  
(Revised 02/2003)

**SUMMARY PAGE**  
of Receipts and Disbursements

Write or Type Committee Name  
**Friends of Barbara Boxer**

Report Covering the Period: From: MM / DD / YYYY 10 / 01 / 2013 To: MM / DD / YYYY 12 / 31 / 2013

	COLUMN A This Period	COLUMN B Election Cycle-to-Date
<b>6. Net Contributions (other than loans)</b>		
(a) Total Contributions (other than loans) (from Line 11(e)) ....	95038.72	421089.09
(b) Total Contribution Refunds (from Line 20(d)) .....	72.29	39322.74
(c) Net Contributions (other than loans) (subtract Line 6(b) from Line 6(a)) .....	94966.43	381766.35
<b>7. Net Operating Expenditures</b>		
(a) Total Operating Expenditures (from Line 17) .....	81444.23	1589601.04
(b) Total Offsets to Operating Expenditures (from Line 14) .....	0.00	314710.55
(c) Net Operating Expenditures (subtract Line 7(b) from Line 7(a)) .....	81444.23	1274890.49
<b>8. Cash on Hand at Close of Reporting Period (from Line 27) .....</b>	<b>293305.59</b>	
<b>9. Debts and Obligations Owed TO the Committee (Itemize all on Schedule C and/or Schedule D) .....</b>	<b>0.00</b>	
<b>10. Debts and Obligations Owed BY the Committee (Itemize all on Schedule C and/or Schedule D) .....</b>	<b>1390.10</b>	

**For further information contact:**

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

Toll Free 800-424-9530  
Local 202-694-1100

14020161516

14020161516

**DETAILED SUMMARY PAGE  
of Receipts**

FEC Form 3 (Revised 12/2003)

PAGE 3 / 90

Write or Type Committee Name

Friends of Barbara Boxer

Report Covering the Period: From:

MM/DD/YYYY  
10/01/2013

To:

MM/DD/YYYY  
12/31/2013

**I. RECEIPTS**

**COLUMN A  
Total This Period**

**COLUMN B  
Election Cycle-to-Date**

**11. CONTRIBUTIONS (other than loans) FROM:**

(a) Individuals/Persons Other Than  
Political Committees

(i) Itemized (use Schedule A).....

54387.50

269327.50

(ii) Unitemized.....

8901.22

76512.90

(iii) TOTAL of contributions  
from individuals ▶

63288.72

345840.40

(b) Political Party Committees.....

0.00

0.00

(c) Other Political Committees  
(such as PACs).....

31750.00

75248.69

(d) The Candidate.....

0.00

0.00

(e) TOTAL CONTRIBUTIONS  
(other than loans)  
(add Lines 11(a)(ii), (b), (c), and (d))..

95038.72

421088.09

**12. TRANSFERS FROM OTHER  
AUTHORIZED COMMITTEES.....**

0.00

30156.78

**13. LOANS:**

(a) Made or Guaranteed by the  
Candidate.....

0.00

0.00

(b) All Other Loans.....

0.00

0.00

(c) TOTAL LOANS  
(add Lines 13(a) and (b)).....

0.00

0.00

**14. OFFSETS TO OPERATING  
EXPENDITURES  
(Refunds, Rebates, etc.).....**

0.00

314710.55

**15. OTHER RECEIPTS  
(Dividends, Interest, etc.).....**

4483.94

130368.81

**16. TOTAL RECEIPTS (add Lines  
11(e), 12, 13(c), 14, and 15)  
(Carry Total to Line 24, page 4)..... ▶**

99522.66

898325.23

14020161517

14020161517

**DETAILED SUMMARY PAGE**  
of Disbursements

FEC Form 3 (Revised 02/2003)

PAGE 4 / 90

**II. DISBURSEMENTS**

**COLUMN A**  
Total This Period

**COLUMN B**  
Election Cycle-to-Date

17. OPERATING EXPENDITURES.....	81444.23	1589601.04
18. TRANSFERS TO OTHER AUTHORIZED COMMITTEES.....	0.00	19819.30
19. LOAN REPAYMENTS:		
(a) Of Loans Made or Guaranteed by the Candidate.....	0.00	0.00
(b) Of All Other Loans.....	0.00	0.00
(c) TOTAL LOAN REPAYMENTS (add Lines 19(a) and (b)).....	0.00	0.00
20. REFUNDS OF CONTRIBUTIONS TO:		
(a) Individuals/Persons Other Than Political Committees.....	72.29	33383.29
(b) Political Party Committees.....	0.00	0.00
(c) Other Political Committees (such as PACs).....	0.00	5959.45
(d) TOTAL CONTRIBUTION REFUNDS (add Lines 20(a), (b), and (c)).....	72.29	39322.74
21. OTHER DISBURSEMENTS.....	2800.00	263230.56
22. TOTAL DISBURSEMENTS (add Lines 17, 18, 19(c), 20(d), and 21) ▶	84316.52	1911973.64

**III. CASH SUMMARY**

23. CASH ON HAND AT BEGINNING OF REPORTING PERIOD.....	278099.45
24. TOTAL RECEIPTS THIS PERIOD (from Line 16, page 3).....	98522.68
25. SUBTOTAL (add Line 23 and Line 24).....	376622.11
26. TOTAL DISBURSEMENTS THIS PERIOD (from Line 22).....	84316.52
27. CASH ON HAND AT CLOSE OF REPORTING PERIOD (subtract Line 26 from Line 25).....	293305.59

NANCY ERICKSON  
SECRETARY

DANA K. MCCALLUM  
SUPERINTENDENT

MARY SENATE OVER BUILDING  
SUITE 232  
WASHINGTON, DC 20510-7116  
PHONE: (202) 224-0322

# United States Senate

OFFICE OF THE SECRETARY

OFFICE OF PUBLIC RECORDS

THE PRECEDING DOCUMENT WAS:

HAND DELIVERED \_\_\_\_\_  
Date of Receipt

USPS FIRST CLASS MAIL \_\_\_\_\_  
Postmark

USPS REGISTERED/CERTIFIED \_\_\_\_\_  
Postmark

USPS PRIORITY MAIL \_\_\_\_\_  
Postmark

DELIVERY CONFIRMATION OR SIGNATURE CONFIRMATION LABEL

USPS EXPRESS MAIL \_\_\_\_\_  
Postmark

OVERNIGHT DELIVERY SERVICE:

	SHIPPING DATE	NEXT BUSINESS DAY DELIVERY
FEDERAL EXPRESS	<u>2/20/14</u>	<input checked="" type="checkbox"/>
UPS	_____	<input type="checkbox"/>
DHL	_____	<input type="checkbox"/>
AIRBORNE EXPRESS	_____	<input type="checkbox"/>

RECEIVED FROM FEDERAL ELECTION COMMISSION \_\_\_\_\_  
Date of Receipt

POSTMARK ILLEGIBLE  NO POSTMARK

FAX \_\_\_\_\_  
Date of Receipt

OTHER \_\_\_\_\_  
Date of Receipt or Postmark

PREPARER MN DATE PREPARED 2/24/14

UNRECORDED

14020161606



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

VIA OVERNIGHT DELIVERY

June 30, 2014

Stephen J. Kaufman  
Friends of Barbara Boxer  
777 S. Figueroa Street  
Suite 4050  
Los Angeles, CA 90017

C00279315  
AF#: 2777

Dear Mr. Kaufman:

On April 3, 2014, the Federal Election Commission ("Commission") found reason to believe ("RTB") that Friends of Barbara Boxer and you, in your official capacity as Treasurer ("respondents"), violated 2 U.S.C. § 434(a) for failing to file the 2013 Year End Report. The Commission also made a preliminary determination that the civil money penalty was \$3,980 based on the schedule of penalties at 11 C.F.R. § 111.43.

After reviewing the written response and any supplemental information submitted by you and Commission staff, the Reviewing Officer has recommended that the Commission make a final determination. A copy of the Reviewing Officer's recommendation is attached.

You may file with the Commission Secretary a written response to the recommendation 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 or via facsimile (202-208-3333). Please include the AF # in your response. Your response may not raise any arguments not raised in your 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 a final determination in this matter.

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,

*Rhiannon Magruder*

Rhiannon Magruder

Reviewing Officer

Office of Administrative Review

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
SECRETARIAT

2014 JUL 11 A 11: 38

July 10, 2014

Direct: (213) 452-6550

**VIA FACSIMILE & EXPRESS OVERNIGHT**

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

**Re: Friends of Barbara Boxer – FEC ID No. C00279315**  
**AF No. 2777**

Dear Chairman Goodman, Vice-Chair Ravel and Commissioners:

This letter responds to the Federal Election Commission's notification dated June 30, 2014, regarding the Reviewing Officer's recommendation in the above-referenced matter.

Respondents Friends of Barbara Boxer ("Committee") and I, in my official capacity as its Treasurer, were required to file a Year-End Report for the period from October 1, 2013 through December 31, 2013 with the Secretary of the Senate by paper on January 31, 2014. According to the Commission's Campaign Guide for Congressional Candidates and Committees, "Senate candidates are encouraged to file an unofficial, electronic copy of their reports with the FEC (in addition to their official paper copy with the Secretary of the Senate) to ensure faster disclosure." (FEC Campaign Guide for Congressional Candidates and Committees, p. 83, fn. 8.)

The Committee voluntarily filed the Year-End Report electronically on January 31, 2014. However, as a result of my office's administrative error in addressing the overnight envelope containing the Committee's paper report, the official paper copy of the Committee's report was inadvertently sent on January 31 to the Secretary of State (of the State of California) rather than the Secretary of the Senate. (See enclosed Federal Express label.) The Committee was unaware of these circumstances until February 20, 2014, when it received notification from the Commission's Reports Analysis Division advising the Committee that the report had not yet been received. Upon receipt of this message and upon confirming the circumstances regarding the paper filing, the Committee *immediately* filed a paper copy of the Year-End Report with the Secretary of Senate *that same day*, February 20, 2014, by overnight delivery.

The Reviewing Officer acknowledges that the delay in filing the paper report was due to an inadvertent administrative error, and further recognizes that the Committee voluntarily filed an electronic version of the report on January 31, 2014, the filing deadline. Nonetheless, the Reviewing officer has recommended that that the Commission make a determination that the Respondents violated 2 U.S.C. Section 434(a) and assess a full civil monetary penalty of \$3,980.

Commission Secretary

July 10, 2014

Page 2

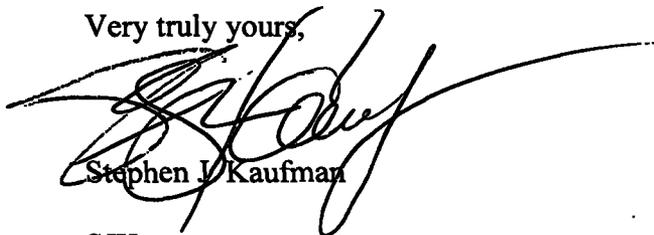
Respondents do not dispute the paper filing requirement of the statute. Nonetheless, Respondents request that the Commission dismiss this matter and waive the civil penalty under the circumstances for the following reasons:

- As stated in the Commission's own Campaign Guide, voluntarily filing the report electronically with the FEC ensures "faster disclosure" than filing on paper.
- Respondents voluntarily filed their Year-End Report electronically with the FEC by the statutory deadline, making the report immediately available for public review. Even if Respondents had timely filed the original paper report, it would not have been available for public review until days after the filing deadline while the Secretary of Senate transmitted a copy of the report to the FEC, and the FEC uploaded the report to its website. Therefore, Respondents provided more timely disclosure to the public than if they had simply filed their report in accordance with the statutory requirement.
- The Year-End Report was not an election sensitive report. In fact, Senator Boxer is not even on the ballot in 2014.
- The delay in filing the official paper copy of the Year-End Report occurred as a result of my office mislabeling the overnight delivery package containing the report, which was sent on January 31, 2014, the filing deadline. Upon receiving notice that the report had not been received, Respondents immediately filed another paper report that same day.

The purpose of the reporting requirements of the Federal Election Campaign Act, as amended, is to provide the public with full disclosure of a committee's campaign activities. In this case, Respondents provided the public with full and timely disclosure – in fact, more immediate disclosure than the statute even provides. Therefore, the Commission should reject the Reviewing Officer's recommendation and waive any civil penalties in the present case.

We thank you for your consideration of this response.

Very truly yours,



Stephen J. Kaufman

SJK:ss

Enclosures



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
SECRETARIAT

2014 JUL 14 PM 2:31

July 14, 2014

MEMORANDUM

**SENSITIVE**

To: The Commission

Through: Alec Palmer *AP*  
Staff Director

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

Rhiannon Magruder *RM*  
Reviewing Officer  
Office of Administrative Review

Subject: AF# 2777 – Friends of Barbara Boxer and Stephen J. Kaufman, in his official capacity as Treasurer (C00279315)

On April 3, 2014, the Commission found reason to believe (“RTB”) that the respondents violated 2 U.S.C. § 434(a) for failing to timely file the 2013 Year End Report and made a preliminary determination that the civil money penalty was \$3,980, based on the schedule of penalties at 11 C.F.R. § 111.43.

On May 19, 2014, the Commission received their written response (“challenge”). After reviewing the challenge, the Reviewing Officer Recommendation (“ROR”) dated June 25, 2014 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 \$3,980 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).

Within 10 days of transmittal of the recommendation, they may file a written response with the Commission Secretary which may not raise any arguments not raised in their challenge or not directly responsive to the ROR. 11 C.F.R. § 111.36(f). On July 10, 2014, the Treasurer submitted a response which stated, in part:

“Respondents do not dispute the paper filing requirement of the statute. Nonetheless, Respondents request that the Commission dismiss this matter and waive the civil penalty under the circumstances for the following reasons:

- As stated in the Commission's own Campaign Guide, voluntarily filing the report electronically with the FEC ensures 'faster disclosure' than filing on paper.
- Respondents voluntarily filed their Year-End Report electronically with the FEC by the statutory deadline, making the report immediately available for public review. Even if Respondents had timely filed the original paper report, it would not have been available for public review until days after the filing deadline while the Secretary of Senate transmitted a copy of the report to the FEC, and the FEC uploaded the report to its website. Therefore, Respondents provided more timely disclosure to the public than if they simply filed their report in accordance with the statutory requirement.
- The Year-End Report was not an election sensitive report. In fact, Senator Boxer is not even on the ballot in 2014.
- The delay in filing the official paper copy of the Year-End Report occurred as a result of my office mislabeling the overnight delivery package containing the report, which was sent on January 31, 2014, the filing deadline. Upon receiving notice that the report had not been received, Respondents immediately filed another paper report that same day.

The purpose of the reporting requirements of the Federal Election Campaign Act, as amended, is to provide the public with full disclosure of a committee's campaign activities. In this case, Respondents provided the public with full and timely disclosure – in fact, more immediate disclosure than the statute even provides..."

As stated in the ROR, electronic voluntary filings are not considered when determining compliance with filing requirements. All reports required to be filed by the principal campaign committee of a candidate for the office of U.S. Senator shall be filed with the Secretary of the Senate. 2 U.S.C. § 432(g) and 11 C.F.R. § 105.2. In addition, negligence is included at 11 C.F.R. § 111.35(d) as an example of a circumstance that will not be considered reasonably unforeseen and beyond the respondents' control. 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 \$3,980 civil money penalty.

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 ) AF 2777  
Final Determination Recommendation: )  
Friends of Barbara Boxer and Stephen J. )  
Kaufman, in his official capacity as )  
Treasurer (C00279315) )

CERTIFICATION

I, Shelley E. Garr, recording secretary of the Federal Election Commission executive session, do hereby certify that on December 16, 2014, the Commission took the following actions in the above-captioned matter:

1. Failed by a vote of 2-3 to:

Terminate the proceedings pursuant to 11 C.F.R. 111.37(b).

Commissioners Ravel and Weintraub voted affirmatively for the motion. Commissioners Goodman, Hunter, and Petersen dissented. Commissioner Walther did not vote.

2. Decided by a vote of 4-2 to:

- a. Adopt the Reviewing Officer recommendation for AF# 2777 involving Friends of Barbara Boxer and Stephen J. Kaufman, in his official capacity as Treasurer, in making the final determination.
- b. Make a final determination in AF# 2777 that Friends of Barbara Boxer and Stephen J. Kaufman, in his official capacity as Treasurer, violated 52 U.S.C. § 30104(a) (formerly 2 U.S.C. § 434(a)) and assess a \$3,980 civil money penalty.
- c. Send the appropriate letter.

Commissioners Goodman, Hunter, Petersen, and Walther voted affirmatively for the decision. Commissioners Ravel and Weintraub dissented.

Attest:

December 17, 2014  
Date

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

10/20/2014 10:00 AM



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

December 18, 2014

Stephen J. Kaufman  
Friends of Barbara Boxer  
777 S. Figueroa Street  
Suite 4050  
Los Angeles, CA 90017

C00279315  
AF#: 2777

Dear Mr. Kaufman:

On April 3, 2014, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Friends of Barbara Boxer and you, in your official capacity as Treasurer, violated 52 U.S.C. § 30104(a) (formerly 2 U.S.C. § 434(a))<sup>1</sup> for failing to file the 2013 Year End Report. By letter dated April 4, 2014, the Commission sent notification of the RTB finding that included a civil money penalty calculated at RTB of \$3,980 in accordance with the schedule of penalties at 11 C.F.R. § 111.43. On May 19, 2014, the Office of Administrative Review received your written response, challenging the RTB finding.

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 Friends of Barbara Boxer and you, in your official capacity as Treasurer, violated 52 U.S.C. § 30104(a) (formerly 2 U.S.C. § 434(a)) and assess a civil money penalty in the amount of \$3,980 in accordance with 11 C.F.R. § 111.43. The basis for the Reviewing Officer's recommendation was included in the Reviewing Officer Recommendation, a copy of which was sent to you on June 30, 2014.

On December 16, 2014, the Commission adopted the Reviewing Officer's recommendation and made a final determination that Friends of Barbara Boxer and you, in your official capacity as Treasurer, violated 52 U.S.C. § 30104(a) (formerly 2 U.S.C. § 434(a)) and assessed a civil money penalty of \$3,980. It is based on the same factors used to calculate the civil money penalty at RTB. A copy of the Final Determination Recommendation is attached.

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

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<sup>1</sup> On September 1, 2014, the Federal Election Campaign Act of 1971, as amended ("the Act"), was transferred from Title 2 of the United States Code to new Title 52 of the United States Code.

**1. 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 you reside, or transact business, requesting that the final determination be modified or set aside. See 52 U.S.C. § 30109(a)(4)(C)(iii) (formerly 2 U.S.C. § 437g(a)(4)(C)(iii)). Your failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver of the respondents' right to present such argument in a petition to the district court under 52 U.S.C. § 30109 (formerly 2 U.S.C. § 437g). 11 CFR § 111.38.

**2. 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 you to 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.

Actions which may be taken to enforce recovery of a delinquent debt by Treasury may also include: (1) offset of any payments, which the debtor is due, including tax refunds and salary; (2) referral of the debt to agency counsel for litigation; (3) reporting of the debt to a credit bureau; (4) administrative wage garnishment; and (5) reporting of the debt, if discharged, to the IRS as potential taxable income. In addition, under the provisions of DCIA and other statutes applicable to the FEC, the debtor may be subject to the assessment of other statutory interest, penalties, and administrative costs.

In accordance with the DCIA, at your request, the agency will offer you the opportunity to inspect and copy records relating to the debt, the opportunity for a review of the debt, and the opportunity to enter into a written repayment agreement.

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

If you should decide to pay the civil money penalty, send the enclosed remittance form, along with your payment, to the address on page 4 within 30 days of receipt of this letter.

**NOTICE REGARDING PARTIAL PAYMENTS AND SETTLEMENT OFFERS**

**4. Partial Payments**

If you make a payment in an amount less than the civil money penalty, the amount of your partial payment will be credited towards the full civil money penalty that the Commission assessed upon making a final determination.

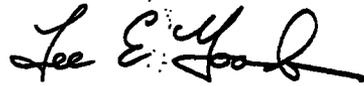
**5. Settlement Offers**

If you make a payment in an amount less than the civil money penalty as an offer to settle or compromise a debt owed to the Commission, the offer is herewith rejected despite any restrictive endorsements contained on your check or money order or proposed in correspondence transmitted with your check or money order. Acceptance and deposit or cashing of such a restricted payment does not constitute acceptance of the settlement offer. Payments containing restrictive endorsements will be deposited and treated as a partial payment towards the civil money penalty that the Commission assessed upon making a final determination. All unpaid civil money penalty amounts remaining will be subject to the debt collection procedures set forth in Section 2, above.

The confidentiality provisions at 52 U.S.C. § 30109(a)(12) (formerly 2 U.S.C. § 437g(a)(12)) no longer apply and this matter is now public. The file will be made a part of the public record pursuant to 11 CFR § 111.42(b). Although the file must be placed on the public record within thirty (30) days from the date of the Commission's notification, this could occur at anytime following certification of the Commission's vote.

If you have any questions regarding the payment of the civil money penalty, please contact Rhiannon Magruder on our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

On behalf of the Commission,



Lee E. Goodman  
Chairman

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**ADMINISTRATIVE FINE PAYMENT INSTRUCTIONS**

In accordance with the schedule of penalties at 11 C.F.R. § 111.43, the civil money penalty is \$3,980 for the 2013 Year End Report.

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

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

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

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

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

**PAYMENTS BY PERSONAL CHECK**

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

**PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT**  
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FOR: Friends of Barbara Boxer

FEC ID#: C00279315

AF#: 2777

PAYMENT AMOUNT DUE: \$3,980

**OAR Recommendations**

- 1) Adopt the Reviewing Officer recommendation for AF# 2777 involving Friends of Barbara Boxer and Stephen J. Kaufman, in his official capacity as Treasurer, in making the final determination;
- 2) Make a final determination in AF# 2777 that Friends of Barbara Boxer and Stephen J. Kaufman, in his official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assess a \$3,980 civil money penalty; and
- 3) Send the appropriate letter.

Reviewing Officer: Rhiannon Magruder

STANDARD

FOR: Friends of Barbara Boxer

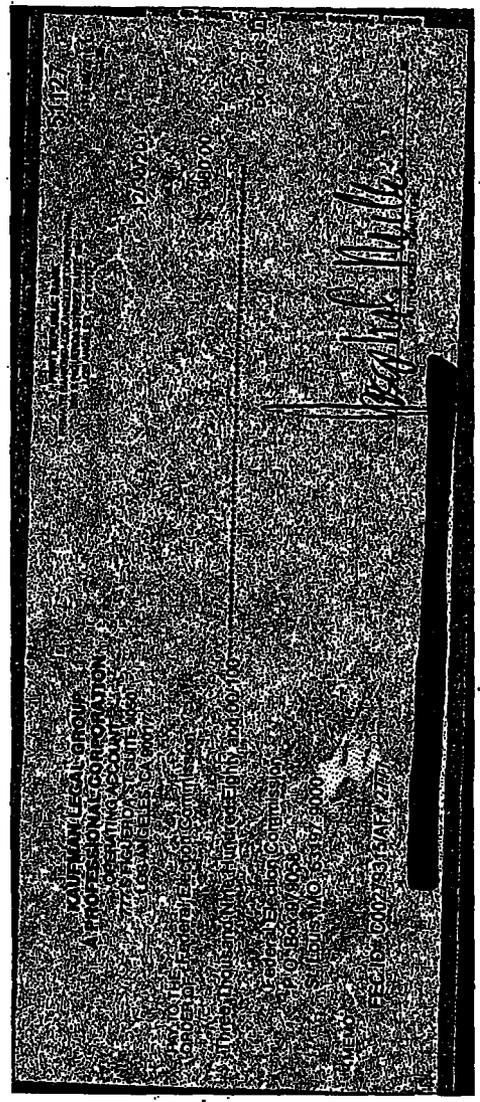
FEC ID#: C00279315

AF#: 2777

PAYMENT AMOUNT DUE: \$3,980

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FEDERAL ELECTION COMMISSION Lockbox: GLX-979058 Ledger Date 01/13/2015



**usbank**  
 St. Louis GA Lockbox  
 (314) 425-1818

Batch	Item	TID	Batch Total	Amount
1	1	Y-3058239	\$3,980.00	\$3,980.00

