



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 1765

DATE SCANNED 6/15/09

SCANNER NO. 2

SCAN OPERATOR JMP

29092630252



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2007 DEC -4 P 4: 07

December 4, 2007

MEMORANDUM

SENSITIVE

TO: THE COMMISSION

THROUGH: PATRINA M. CLARK *JPC*
STAFF DIRECTOR

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

PATRICIA CARMONA *PC*
ASSISTANT STAFF DIRECTOR
REPORTS ANALYSIS DIVISION

BY: *NR* NATALIYA IOFFE/ *OR* RHIANNON RYAN/ *CR* CHRIS RITCHIE
COMPLIANCE BRANCH

SUBJECT: REASON TO BELIEVE RECOMMENDATION – 2007 OCTOBER
QUARTERLY REPORT FOR THE ADMINISTRATIVE FINE
PROGRAM

Attached is a list of political committees and their treasurers who failed to file the 2007 October Quarterly Report in accordance with 2 U.S.C. 434(a). The October Quarterly Report was due on October 15, 2007.

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

Recommendation

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

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Federal Election Commission
 Reason to Believe Circulation Report
 2007 OCTOBER QUARTERLY Not Election Sensitive 10/15/2007 H_S_P

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
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1765	C00435362	SAUERBERG FOR US SENATE	SAUERBERG, STEVEN KENNETH	LEONARD MEIZL	\$255,532	0	11/9/2007	25	\$255,532	\$6,500
										0

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Reason To Believe Recommendation –) AF 1765
2007 October Quarterly Report for the)
Administrative Fine Program: Sauerberg)
for US Senate and Leonard Metzl, as)
treasurer.)

CORRECTED CERTIFICATION

I, Mary W. Dove, Secretary of the Federal Election Commission, do hereby certify that on December 11, 2007, the Commission decided by a vote of 5-0 to take the following actions in AF 1765:

1. Find reason to believe that Sauerberg for US Senate and Leonard Metzl, as treasurer, violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalties would be in the amount of \$6,500.
2. Send the appropriate letters.

Commissioners Lenhard, Mason, von Spakovsky, Walther and Weintraub voted affirmatively for the decision.

Attest:

February 7, 2008
Date

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

29092630255



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 12, 2007

Leonard MetzI
Sauerberg for US Senate
4700 Gilbert, Suite 47, PMB 249
Western Springs, IL 60558

C00435362
AF#: 1765

Dear Leonard MetzI:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file an October Quarterly Report of Receipts and Disbursements every calendar year. This report, covering the period through September 30th, shall be filed no later than October 15th. 2 U.S.C. 434(a). Records at the Federal Election Commission ("FEC") indicate that this report was filed on 11/9/2007, 25 days late.

The Act was further amended in 1999 to permit the FEC to impose civil money penalties for violations of the reporting requirements of 2 U.S.C. 434(a). 2 U.S.C. 437g(a)(4). On 12/11/2007, the FEC found that there is reason to believe ("RTB") that Sauerberg for US Senate and you, as treasurer, violated 2 U.S.C. 434(a) by failing to file timely this report on or before October 15th. Based on the FEC's schedules of civil money penalties at 11 C.F.R. 111.43, the amount of your civil money penalty calculated at the RTB stage is \$6,500. It is due by 1/20/2008 and is based on these factors:

Election Sensitivity of Report: Not Election Sensitive
Level of Activity: \$255,532
Number of Days Late: 25
Number of Previous Civil Money Penalties Assessed: 0

To Pay the Calculated Civil Money Penalty

To pay the calculated civil money penalty, send the enclosed remittance and your payment to the FEC at the address on page 4. Upon receipt of your payment, the FEC will send you a final determination letter.

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

To challenge the RTB finding and/or calculated civil money penalty, you must submit a written response, including the AF# found on page one, to the FEC's Office of Administrative Review, 999 E Street, NW, Washington, DC 20463. Your response must be received by 1/20/2008. Your written response must include the reason(s) why you are challenging the RTB

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

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

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

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

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

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

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

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Additional information on the FEC's administrative fine program, including the final regulations, is located at the FEC's website at www.FEC.gov. If you have questions regarding the payment of the calculated civil money penalty, please contact Rhiannon Ryan in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130. If you have questions regarding the submission of a challenge, please contact the Office of Administrative Review at our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Lenhard", with a stylized flourish at the end.

Robert D. Lenhard
Chairman

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ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 C.F.R. 111.43, the amount of your civil money penalty calculated at RTB is \$6,500 for the 2007 October Quarterly Report.

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

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

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

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

The remittance and your payment are due by 1/20/2008. Upon receipt of your remittance and payment, the FEC will send you a final determination letter.

PAYMENTS BY PERSONAL CHECK

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

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: Sauerberg for US Senate

FEC ID#: C00435362

AF#: 1765

PAYMENT DUE DATE: 1/20/2008

PAYMENT AMOUNT DUE: \$6,500

29092630259



FORNARO FRANCIOSO LLC
COUNSELLORS AT LAW

4569 SOUTH BROAD STREET • HAMILTON, NEW JERSEY 08620
TELEPHONE: 609-585-1811 • TELEFAX: 609-585-1832

RICHARD D. FORNARO*
ANTHONY R. FRANCIOSO*

Of Counsel
KATHLEEN A. FRANCIOSO*
BILL BARONI^o

*MEMBERS OF THE NEW JERSEY & PENNSYLVANIA BAR
^oMEMBER OF THE NEW JERSEY & DISTRICT OF COLUMBIA BAR

January 17, 2008

Via Telefax 1-202-208-1574 & Regular Mail

2008 JAN 25 A 11: 12

FEDERAL ELECTION COMMISSION
OFFICE OF ADMINISTRATIVE REVIEW

Federal Election Commission
Office of Administrative Review
999 East State NW
Washington, DC 20463

Re: Sauerberg for US Senate
C00435362
AF#: 1765
File No. Sauerberg for US Senate 07227

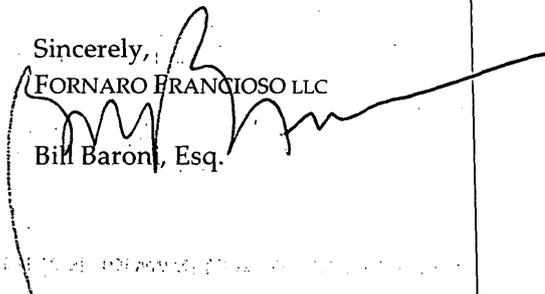
Dear Sir and/or Madam:

This firm represents Sauerberg for United States Senate, a candidate committee in Illinois. Dr. Sauerberg is a candidate for the United States Senate from Illinois. Please allow this letter to serve as the committee's formal Designation of Counsel.

The Committee received a letter dated December 12, 2007 from the Commission regarding the filing of its October 2007 quarterly report. The Commission proposed a fine of \$6,5000.00

We are in the process of establishing the factual basis for the underlying finding by the Commission. It is our intention to again report back to the Commission within the week of this letter with our factual responses to the Commission's letter.

We are grateful for your consideration in this matter and look forward to its rapid conclusion.

Sincerely,
FORNARO FRANCIOSO LLC

Bill Baroni, Esq.

BB/psl

H:\Clients\Sauerberg for US Senate\Correspondence\Federal Election Commission 001 011708.wpd

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Via First Class Mail

January 18, 2008

Leonard Metzl, as Treasurer
Sauerberg for US Senate
P.O. Box 667
Lombard, IL 60148

C00435362
AF# 1765

Dear Mr. Metzl:

On January 17, 2008, the Commission received the written response ("challenge") by Bill Baroni, Esq. which is being reviewed by the Office of Administrative Review. Please note that if your intent is to be represented by this counsel, you should provide in writing, that counsel is to receive notifications and communications relating to this challenge and imposition of the calculated civil money penalty. A Designation of Counsel form is included for your convenience.

Mr. Baroni indicates that the firm is still gathering facts and will submit the challenge by January 24, 2008. Please note that the deadline to submit the challenge is January 20, 2008.

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

Sincerely,

A handwritten signature in cursive script that reads "Jill I. Sugarman".

Jill I. Sugarman
Reviewing Analyst
Office of Administrative Review

Enclosure

29092630261



FORNARO FRANCIOSO LLC
COUNSELLORS AT LAW

4569 SOUTH BROAD STREET • HAMILTON, NEW JERSEY 08620
TELEPHONE: 609-585-1811 • TELEFAX: 609-585-1832

RICHARD D. FORNARO*
ANTHONY R. FRANCIOSO*

Of Counsel
KATHLEEN A. FRANCIOSO*
BILL BARONI^o

*MEMBERS OF THE NEW JERSEY & PENNSYLVANIA BAR
^oMEMBER OF THE NEW JERSEY & DISTRICT OF COLUMBIA BAR

January 20, 2008

Via Telefax 1-202-208-1574 & Regular Mail

Federal Election Commission
Office of Administrative Review
999 East State NW
Washington, DC 20463

Re: Sauerberg for US Senate
C00435362
AF#: 1765
File No. Sauerberg for US Senate 07227

Dear Sir and/or Madam:

This firm represents Sauerberg for United States Senate, a candidate committee in Illinois. Sauerberg is a candidate for the United States Senate from Illinois.

Please let this letter serve as a further response to our January 17, 2008 correspondence regarding the Commission's administrative finding that the Sauerberg for US Senate committee was 25 days late filing its October 2007 quarterly report. Further, the Commission proposes an administrative fine of \$6,500.00 based on the perceived lateness of the report.

On October 15, 2007, the Committee filed its October 2007 quarterly report with the Commission. It was confirmed in an electronic receipt to the Committee at 10:06 am. The Committee timely filed its report electronically. It later also filed its report with the secretary of the Senate via paper copy.

It has always been the intention of the Committee to timely and completely file all reports with the Commission. It did so here. While a delay in the paper filing may have occurred, the complete disclosure of all contributions and expenditures by the Committee took place on time last October. Any administrative fine must certainly be congruous to that fact.

The proposed fine of \$6,500.00, given the campaigns current financial situation and given the campaigns timely intentional filing with the Commission, is clearly incongruous.

We urge the Commission to re-examine the facts in this matter and urge the Commission to revisit any proposed administrative remedy.

2008 JAN 28 A 10:17

FEDERAL ELECTION COMMISSION
OFFICE OF ADMINISTRATIVE REVIEW

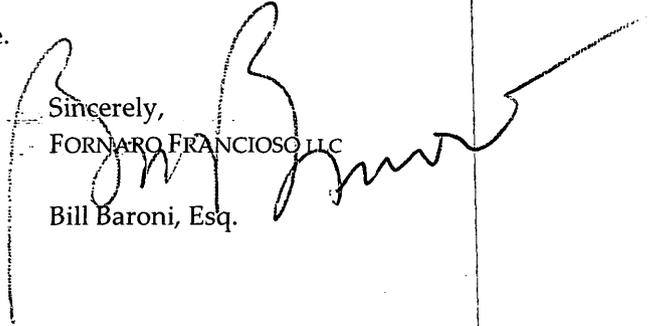
29205926062

Federal Election Commission
Office of Administrative Review
Sauerberg for US Senate
C00435362
AF#: 1765
File No. Sauerberg for US Senate 07227
January 20, 2008
Page 2 of 2

Please contact me if I can be of any further assistance.

Sincerely,
FORNARO FRANCIOSO LLC

Bill Baroni, Esq.

A handwritten signature in black ink, appearing to read 'Bill Baroni', is written over the typed name. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

BB/psl

H:\Clients\Sauerberg for US Senate\Correspondence\Federal Election Commission 002 012108.wpd

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2008 JAN 22 A 10:28



FEDERAL ELECTION COMMISSION
999 E Street, NW
Washington, DC 20463

STATEMENT OF DESIGNATION OF COUNSEL
Please use one form for each Respondent/Client
FAX (202) 218-3923

AF
MUR# 1765

NAME OF COUNSEL: WILLIAM E. BARONI JR

FIRM: FORNARO FRANCIOSO

ADDRESS: 4569 SOUTH BROAD STREET

HAMILTON NJ 08620

TELEPHONE- OFFICE (609) 585-1811

FAX (609) 585-1832

The above-named individual and/or firm is hereby designated as my
counsel and is authorized to receive any notifications and other communications
from the Commission and to act on my behalf before the Commission.

1/18/08
Date

[Signature]
Respondent/ Client Signature

TREASURER
Title

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
2008 JAN 18 3:05

RESPONDENT/CLIENT LEONARD METZL
(Please Print)

MAILING
ADDRESS: _

LOMBARD, IL 60148

TELEPHONE- HOME () _____

BUSINESS (630) 424-3490

Information is being sought as part of an investigation being conducted by the Federal Election
Commission and the confidentiality provisions of 2 U.S.C. § 437g(a)(12)(A) apply. This section
prohibits making public any investigation conducted by the Federal Election Commission without
the express written consent of the person under investigation

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2008 JAN 24 P 3: 02

Date: January 24, 2008

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

AF#: 1765

Committee Name: Sauerberg for US Senate

Committee ID#: C00435362

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

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

Attachments:

Copy of RTB Circulation Report, dated December 4, 2007 and RTB
Certification, dated December 11, 2007: Y

Attachment #: 1

Certified Return Receipt (to be forwarded at later date if not yet received)(Y/N):Y

Attachment #: 2

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

Attachment #: N/A

RAD Staff Declaration (Y/N): Y

-RTB Letter, dated December 12, 2007.

Attachment #: 4

Other RAD Information: (Y/N): N

Attachment#: N/A

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SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	A. Signature <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee	
1. Article Addressed to: Leonard Metzler Sauerberg for US Senate 4700 Albert, Ste 47, PMB Western Springs, IL 60558	B. Received by (Printed Name)	C. Date of Delivery 12-15-07
2. Article Number (Transfer from service label) 7001 0360 0003 1651 9989	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
	3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
	4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

DECLARATION OF NATALIYA IOFFE

1. I am the Acting Chief of the Compliance Branch for the Reports Analysis Division of the Federal Election Commission ("Commission"). In my capacity as Acting 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 Sauerberg for US Senate:
- A) Reason-to-Believe Letter, dated December 12, 2007, referencing the 2007 October Quarterly Report.
3. I hereby certify that I have searched the Commission's public records and find that Sauerberg for US Senate filed the 2007 October Quarterly Report with the Commission on November 9, 2007.
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 24th day of January, 2008.



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

29092630267



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2008 MAR 13 P 2: 37

March 13, 2008

MEMORANDUM

To: The Commission

Through: Patrina M. Clark *mc*
Staff Director

From: John D. Gibson *JG*
Chief Compliance Officer

Shawn Woodhead Wert *SW*
Reviewing Officer
Office of Administrative Review

By: Jill Sugarman *JS*
Reviewing Analyst

Subject: AF# 1765 – Sauerberg for US Senate and Leonard Metzl, as Treasurer
(C00435362)

SENSITIVE

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

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

Attachment

29092630268



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 13, 2008

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

AF# 1765 – Sauerberg for US Senate and Leonard Metzl, as Treasurer (C00435362)

On December 11, 2007, the Commission found reason to believe ("RTB") that the respondents violated 2 U.S.C. § 434(a) for failing to timely file the 2007 October Quarterly Report and made a preliminary determination that the civil money penalty was \$6,500 based on the schedule of penalties at 11 C.F.R. § 111.43. They were notified by the Reports Analysis Division ("RAD") on December 12, 2007, of the Commission's RTB finding and civil money penalty.

Respondents' Response

On January 25 and 28, 2007, the Commission received the written responses ("challenge") from the respondents' counsel, William E. Baroni, Jr., who states that they electronically filed the report on time and received a receipt confirming the transmission on October 15 at 10:06 am.¹ While the paper copy of the report sent to the Secretary of the Senate was delayed, all activity for the reporting period was disclosed electronically by the filing deadline. He asks that the Commission revisit the proposed penalty, which he calls incongruous given the Committee's current financial status and its intention to file the report on time.

Analysis

The 2007 October Quarterly Report was filed with the Secretary of the Senate's Office of Public Records on November 9, 2007, 25 days late. An unofficial electronic version of the report was received at the Commission on October 15, 2007.

The Federal Election Campaign Act ("Act") requires that quarterly reports be filed by the treasurer of a principal campaign committee no later than the 15th day after the last day of each calendar quarter in non-election years. 2 U.S.C. § 434(a)(2)(B) and 11 C.F.R. § 104.5(a)(1). 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)(1) and 11 C.F.R. § 105.2. Reports sent by certified or registered mail, Priority or Express Mail with delivery confirmation, or by an overnight delivery service with an on-line tracking system must be postmarked or deposited with the mailing service no later than October 15 to be timely filed. 2 U.S.C. § 434(a)(5) and 11 C.F.R. § 104.5(e). The treasurer shall be personally responsible for the timely filing of reports. 11 C.F.R. § 104.14(d).

There are mandatory electronic filing rules for certain filers who meet the requirements outlined in the Act at 2 U.S.C. § 434(a)(11) but the Act also explains at

¹ These same responses were received via facsimile on January 17 and 22. Their designation of counsel statement was received via facsimile on January 18.

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2 U.S.C. § 434(a)(11)(D) that electronic filing applies to reports required to be filed with the Commission. Because 2 U.S.C. § 432(g)(1) states that reports of principal campaign committees of Senatorial candidates shall be filed with the Secretary of the Senate, the respondents are required to file their reports with the Senate and the electronic filing rules do not apply to them. Consequently, the electronic copy of the report submitted to the Commission on October 15 does not satisfy the filing requirements.

According to counsel, the respondents received a notice confirming the receipt of the electronic filing. The logs from the Electronic Filing Office ("EFO") show that a notice was sent to tbelmonte@sauerbergforussenate.com on October 15. While the notice confirmed that the filing was received, it also states "FEC UNOFFICIAL SENATE Filing Acknowledgement -- YOU MUST ALSO TIMELY FILE YOUR REPORT ON PAPER WITH THE SECRETARY OF THE SENATE." Thus, on the same day they filed the report with the Commission, they were notified that it must also be filed with the Secretary of the Senate. There is no indication from RAD's telecoms (written records of telephone conversations) or the EFO logs that the respondents tried to contact anyone in response to the notice. Instead, it appears they waited more than three weeks, until November 9, to send the paper copy of the report to the Secretary of the Senate.

Negligence is included at 11 C.F.R. § 111.35(d) as an example of a circumstance that is not considered reasonably unforeseen and beyond the respondents' control. The other issues raised in the challenge (the Committee's financial situation and its intent to file the report on time) also do not fall within the list of defenses enumerated 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. The Reviewing Officer, therefore, recommends that the Commission make a final determination that the respondents violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$6,500.

OAR Recommendations

- (1) Adopt the Reviewing Officer recommendation for AF# 1765 involving Sauerberg for US Senate and Leonard Metzl, as Treasurer, in making the final determination;
- (2) Make a final determination in AF# 1765 that Sauerberg for US Senate and Leonard Metzl, as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$6,500; and
- (3) Send the appropriate letter.

Reviewing Analyst: Jill I. Sugarman

Attachments

- Attachment 1 - Challenge Received from Respondents
- Attachment 2 -
- Attachment 3 - Declaration from RAD
- Attachment 4 - Declaration from OAR

29092630270

DECLARATION OF JILL I. SUGARMAN

1. I am the Reviewing Analyst in the Office of Administrative Review for the Federal Election Commission ("Commission"). In my capacity as Reviewing Analyst, I conduct research with respect to all challenges submitted in accordance with the Administrative Fine program.
2. The 2007 October Quarterly Report is due October 15, 2007. Senate principal campaign committees must file reports with the Secretary of the Senate. Reports sent by an overnight delivery service with an on-line tracking system and scheduled for next day delivery are considered filed on the date of deposit with the delivery service.
3. It is the practice of the Commission to maintain unofficial Senate electronic filings on the website at the Senate Campaign Finance Database found at <http://www.fec.gov/disclosure.shtml> and <http://disclose.nictusa.com/senate/>.
4. It is the practice of the Commission's Information Division to send, via email, prior notification of a report's due date to committees and treasurers approximately 3 weeks before the due date if they have provided an email address on the Statement of Organization. It is also the practice of this Division to place reporting notices on the Commission's web site for public access at http://www.fec.gov/info/report_dates.shtml#quarterly.
5. It is the practice of the Office of Public Records, Secretary of the Senate to date stamp each report as it is received and complete an envelope processing page disclosing the method used to file the report as well as either the date of receipt or postmark.
6. I hereby certify that I have searched the Commission's public records and that the documents identified herein are true and accurate copies of:
 - (a) the Summary and Detailed Summary Pages for the electronic copy of the report for Sauerberg for US Senate and Leonard Metzl, as Treasurer. According to Commission records, the electronic copy covers the period from July 1 through September 30, 2007 and was received on October 15, 2007; and
 - (b) Page 1 of the Summary Page, envelope, and Senate Office of Public Records postmark sheet for the 2007 October Quarterly Report filed by Sauerberg for US Senate and Leonard Metzl, as Treasurer. According to Commission records, the report was sent November 9, 2007 via Federal Express for next business day delivery and received November 19, 2007.
6. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at Washington on the 13th of March, 2008.



Jill I. Sugarman
Reviewing Analyst
Office of Administrative Review
Federal Election Commission

29092630271



FEDERAL ELECTION COMMISSION

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Research assistance, publications and other disclosure materials from the Public Records Office.

Notice: Reports and statements filed by political committees may be inspected and copied by anyone. The names and addresses of individual contributors, however, may not be sold or used for any commercial purpose or to solicit any type of contribution or donation, such as political or charitable contributions. 2 U.S.C. §438(a)(4); 11 CFR 104.15. This restriction applies to Federal reports and statements. Any person who violates this restriction is subject to the penalties of 2 U.S.C. §437g.

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29092630272



Senate Unofficial Electronic Filing Report Retrieval

Committee ID:
Partial Name of Candidate/Committee:

State (Select as many as appropriate): ALL ALASKA ALABAMA ARKANSAS
Party Designation (Select as many as appropriate): ALL AMERICAN INDEPENDENT CONSERVATIVE AMERICAN INDEPENDENT PARTY AMERICAN PARTY

Committee Type (Select as many as appropriate): ALL COMMUNICATION COST DELEGATE HOUSE

Type: Date Filed:

Form Type:

WARNING!!!:

Any information copied, or otherwise obtained, from any report or statement, or any copy, reproduction, or publication thereof, filed under the Act, shall not be sold or used by any person for the purpose of soliciting contributions or for any commercial purpose, except that the name and address of any political committee may be used to solicit contributions from such committees.

Last modified: 2 January 2008

29092630273



OCTOBER QUARTERLY REPORT NOTICE

FEDERAL ELECTION COMMISSION

CONGRESSIONAL COMMITTEES

September 21, 2007

CURRENT REPORT DUE:

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

REPORTING SCHEDULE FOR REMAINDER OF 2007:

REPORT	REPORTING PERIOD ¹	REG./CERT. & OVERNIGHT MAILING DEADLINE	FILING DEADLINE
Year-End	10/01/07 - 12/31/07	01/31/08	01/31/08

Supplemental Filing Information is available on pages 2 and 3 of this notice.

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

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SUPPLEMENTAL FILING INFORMATION

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

WHO MUST FILE

Principal campaign committees of congressional candidates² (including unopposed candidates and candidates whose names do not appear on the ballot) must file Quarterly Reports.³ Before a committee can stop filing with the FEC, it must file a termination report with the Commission. Committees must continue to file reports until the Commission notifies them in writing that their termination report has been accepted.

METHODS OF FILING REPORTS

Electronic Filing

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

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

Registered & Certified Mail

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

²Generally, an individual becomes a candidate for Federal office (and thus triggers registration and reporting obligations) when his or her campaign exceeds \$5,000 in either contributions received or expenditures made. If the campaign has not exceeded the \$5,000 threshold, it is not required to file reports. See also 11 CFR 100.3(a)(2) & (3).

³If the campaign has more than one authorized committee in addition to the principal campaign committee, the principal campaign committee must also file a consolidated report on Form 3Z.

29092630275

Overnight Mail

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

Other Means of Filing

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

Paper forms are available at the FEC website at www.fec.gov/info/forms.shtml.

COMPLIANCE

Treasurer Responsibility. Treasurers of political committees are responsible for both the timeliness and the accuracy of all reports. They may be subject to monetary penalties if reports are inaccurate or are not filed on time.

Administrative Fine Program. Under the Administrative Fine Program, political committees and their treasurers who fail to file their reports on time may be subject to civil money penalties up to \$16,000 (or more for repeat late- and non-filers).⁴ For additional information, visit the FEC website at www.fec.gov/af/af.shtml.

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

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

Form 3Z-1. Principal campaign committees of U.S. House and U.S. Senate candidates running in 2008 must file FEC Form 3Z-1 as part of their 2007 July Quarterly and Year-End Reports. The information provided on this form allows opposing candidates to compute their "gross receipts advantage" which is used to determine whether a candidate is entitled to increased contribution and coordinated expenditure limits under the "Millionaires' Amendment."⁵

⁴Penalties for late- or non-filing of 48-hour notices are based on the amount of contributions not timely disclosed. As a result, these penalties may exceed \$16,000, even for first-time violations.

⁵See *Millionaires' Amendment* brochure on the FEC website at www.fec.gov/pages/brochures/millionaire.shtml.

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

29092630276



FEC FORM 3

REPORT OF RECEIPTS AND DISBURSEMENTS

For An Authorized Committee

FILING SEN-251

1. Sauerberg for US Senate

4700 Gilbert
Suite 47
Western Springs, Illinois 60558

State is Illinois in District: 0

2. FEC Committee ID #: C00435362

3. This report is NOT an AMENDMENT

4. Report Type = OCT QUARTERLY

For election on 11/04/2008 in the State of Illinois

Filed 10/15/2007

This report contains activity for a Primary Election

SUMMARY PAGE

DETAILED SUMMARY PAGE

Schedule A Filings (ITEMIZED RECEIPTS)

Schedule B Filings (ITEMIZED DISBURSEMENTS)

Schedule C Filings (LOAN INFORMATION)

29092630277

(End FEC FORM 3)

SUMMARY PAGE

Of Receipts And Disbursements

5. Covering Period 07/01/2007 Through 09/30/2007

	Column A This Period	Column B Election Cycle-To-Date
6. Net Contributions (other than loans)		
(a) Total Contributions (other than loans)	66591.00	125100.45
(b) Total Contribution Refunds	0.00	0.00
(c) Net Contributions (6(a) - 6(b))	66591.00	125100.45
7. Net Operating Expenditures		
(a) Total Operating Expenditures	183708.36	201257.80
(b) Total Offsets to Operating Expenditures	0.00	2000.00
(c) Net Operating Expenditures	183708.36	199257.80
8. Cash on Hand at Close of Reporting Period	170978.32	
9. Debts and Obligations Owed TO the Committee	0.00	
Itemize all on SCHEDULE C or SCHEDULE D		
10. Debts and Obligations Owed BY the Committee	250000.00	
Itemize all on SCHEDULE C or SCHEDULE D		

Treasurer: Leonard Metz1

Date Signed: 10/15/2007

(End Summary Page, FEC FORM 3)

DETAILED SUMMARY PAGE

Of Receipts And Disbursements

	Column A	Column B	Column C

29092630278

	This Period	Election Cycle-To-Date	Post-Election
I. RECEIPTS			
11. Contributions (other than loans) From:			
(a) Individuals/Persons Other than Political Committees			
(i) Itemized	43850.00		
(ii) Unitemized	22741.00		
(iii) Total Of Contributions From Individuals	66591.00	125100.45	0.00
(b) Political Party Committees	0.00	0.00	0.00
(c) Other Political Committees (such as PACS)	0.00	0.00	0.00
(d) The Candidate	0.00	0.00	0.00
(e) Total Contributions (11(a)(iii) + (b) + (c))	66591.00	125100.45	0.00
12. Transfers From Other Authorized Committees	0.00	0.00	0.00
13. Loans			
(a) Made Or Guaranteed By The Candidate	0.00	250000.00	0.00
(b) All Other Loans	0.00	0.00	0.00
(c) Total Loans ((a) + (b))	0.00	250000.00	0.00
14. Offsets to Operating Expenditures (Refunds, Rebates, etc)	0.00	2000.00	0.00
15. Other Receipts	820.27	822.73	0.00
16. Total Receipts (11(e) + 12 + 13(c) + 14 + 15)	67411.27	377923.18	0.00
II. DISBURSEMENTS			
17. Operating Expenditures	183708.36	201257.80	0.00
18. Transfers to Other Authorized Committees	0.00	0.00	0.00
19. Loan Repayments:			
(a) Of Loans Made or Guaranteed by the Candidate	0.00	0.00	0.00
(b) Of All Other Loans	0.00	0.00	0.00
(c) Total Loan Repayments ((a) + (b))	0.00	0.00	0.00
20. Refunds of Contributions To:			
(a) Individuals/Persons Other Than Political Committees	0.00	0.00	0.00
(b) Political Party Committees	0.00	0.00	0.00

(c) Other Political Committees (such as PACs)	0.00	0.00	0.00
(d) Total Contribution Refunds (28(a) + (b) + (c))	0.00	0.00	0.00
21. Other Disbursements	5254.26	5254.26	0.00
22. Total Disbursements (17 + 18 + 19(c) + 20 (d) + 21)	188962.62	206512.06	0.00
III. CASH SUMMARY			
23. Cash On Hand At Beginning Of Reporting Period	292529.67		
24. Total Receipts This Period (line 16)	67411.27	377923.18	0.00
25. Subtotal (23 + 24)	359940.94		
26. Total Disbursements This Period (line 22)	188962.62	206512.06	0.00
27. Cash On Hand At Close Of The Reporting Period (25 - 26)	170978.32		

(End Detailed Summary Page, FEC FORM 3)



Generated Thu Feb 14 10:09:08 2008

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FEC FORM 3

REPORT OF RECEIPTS AND DISBURSEMENTS

For An Authorized Committee

SECRETARY OF THE SENATE

07 NOV 19 PM 4: 07

Office Use Only

1. NAME OF COMMITTEE (in full)

USE FEC MAILING LABEL OR TYPE OR PRINT

Example: if typing, type over the lines

Sauerberg for US Senate

ADDRESS (number and street)

4700 Guberl

Check if different than previously reported (ADC)

Check if different than previously reported (ADC)

Suite 47

Western Springs

IL

80558

2. FEC IDENTIFICATION NUMBER

CITY

STATE

ZIP CODE

STATE DISTRICT

C00435362

3. IS THIS REPORT

NEW (N)

OR

AMENDED (A)

AMENDED (A)

IL

00

4. TYPE OF REPORT (Choose One)

(a) Quarterly Reports:

April 15 Quarterly Report (Q1)

April 15 Quarterly Report (Q1)

July 15 Quarterly Report (Q2)

July 15 Quarterly Report (Q2)

October 15 Quarterly Report (Q3)

October 15 Quarterly Report (Q3)

January 31 Year-End Report (YE)

January 31 Year-End Report (YE)

Termination Report (TER)

Termination Report (TER)

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

Primary (12P)

Primary (12P)

General (12G)

General (12G)

Runoff (12R)

Runoff (12R)

Convention (12C)

Convention (12C)

Special (12S)

Special (12S)

Election on

in the State of

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

General (30G)

General (30G)

Runoff (30R)

Runoff (30R)

Special (30S)

Special (30S)

Election on

in the State of

5. Covering Period

07

01

2007

through

09

30

2007

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

LEONARD METZL

Signature of Treasurer Electronically Filed by

[Signature]

Date

10

12

2007

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)

29092630281

27020380816

29092630282

FOR INSPECTION

FOR INSPECTION

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Post Office

United States Senate



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1 From
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3 To
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PHONE: (202) 224-8222

United States Senate

OFFICE OF THE SECRETARY

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NO POSTMARK

FAX _____

Date of Receipt

OTHER _____

Date of Receipt or Postmark

PREPARER

RD

DATE PREPARED

11-19-07

29092630283

27020380896



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

VIA OVERNIGHT DELIVERY

March 18, 2008

William E. Baroni, Jr., Esq.
Fornaro Francioso
4569 South Broad Street
Hamilton, NJ 08620

C00435362
AF# 1765

Dear Mr. Baroni:

On December 11, 2007, the Federal Election Commission ("Commission") found reason to believe ("RTB") that Sauerberg for US Senate and Leonard Metzl, as Treasurer ("respondents"), violated 2 U.S.C. § 434(a) for failing to timely file the 2007 October Quarterly Report. The Commission also made a preliminary determination that the civil money penalty was \$6,500 based on the schedule of penalties at 11 C.F.R. § 111.43.

After reviewing the written response submitted by you and any supplemental information submitted Commission staff, the Reviewing Officer has recommended that the Commission make a final determination in this matter. 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. As a result of the anthrax threat in the Washington, DC area, US Postal Service mail delivery to federal agencies, including the Commission, has been interrupted. Until regular mail delivery resumes, you may also file your written response with the Commission Secretary via facsimile (202-208-3333) or by courier at the same address (if you use an overnight delivery service, please use zip code 20004 instead of zip code 20463). Please include the AF # 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,

A handwritten signature in black ink that reads "Jill I. Sugarman". The signature is written in a cursive, flowing style.

Jill I. Sugarman
Reviewing Analyst
Office of Administrative Review

Attachment

29092630284



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2008 APR -2 A 9:58

SENSITIVE

April 2, 2008

MEMORANDUM

To: The Commission

Through: Patrina M. Clark *me*
Staff Director

From: John D. Gibson *JDG*
Chief Compliance Officer

Shawn Woodhead Wertz *SW*
Reviewing Officer
Office of Administrative Review

By: Jill I. Sugarman *JIS*
Reviewing Analyst

Subject: Final Determination Recommendation in AF# 1765 – Sauerberg
for US Senate and Leonard Metzl, as Treasurer (C00435362)

On December 11, 2007, the Commission found reason to believe (“RTB”) that the respondents violated 2 U.S.C. § 434(a) for failing to timely file the 2007 October Quarterly Report. The report was filed with the Secretary of the Senate on November 9, 2007. An electronic copy was voluntarily submitted to the Commission on October 15, 2007. As a result, on December 11, 2007, the Commission also made a preliminary determination that the civil money penalty was \$6,500 based on the schedule of penalties at 11 C.F.R. § 111.43.

On January 25 and 28, 2007, the Commission received their written responses (“challenge”). After reviewing the challenge, the Reviewing Officer’s recommendation dated March 13, 2008 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 civil money penalty of \$6,500 because they submitted no evidence that a factual error was made in the RTB finding, that the civil money penalty was miscalculated at RTB, or that 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.

29092630285

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 Reviewing Officer's recommendation. 11 C.F.R. § 111.36(f). As of this date, a written response has not been received.

OAR Recommendations

- (1) Adopt the Reviewing Officer Recommendation in AF# 1765 involving Sauerberg for US Senate and Leonard Metzl, as Treasurer, in making the final determination;
- (2) Make a final determination in AF# 1765 that Sauerberg for US Senate and Leonard Metzl, as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$6,500; and
- (3) Send the appropriate letter.

29092630286

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Final Determination Recommendation:) AF 1765
Sauerberg for US Senate and Leonard)
Metzl, as Treasurer)

CERTIFICATION

I, Mary W. Dove, Secretary of the Federal Election Commission, do hereby certify that on January 30, 2009, the Commission decided by a vote of 5-0 to take the following actions in AF 1765:

1. Adopt the Reviewing Officer recommendation in AF 1765 involving Sauerberg for US Senate and Leonard Metzl, as Treasurer, in making the final determination.
2. Make a final determination in AF 1765 that Sauerberg for US Senate and Leonard Metzl, as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$6,500.
3. Send the appropriate letter.

Commissioners Bauerly, Hunter, Petersen, Walther and Weintraub voted affirmatively for the decision. Commissioner McGahn II recused himself with respect to this matter and did not vote.

Attest:

January 30, 2009
Date

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

29092630287



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 13, 2009

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

William E. Baroni, Jr., Esq.
Fornaro Francioso
4569 South Broad Street
Hamilton, NJ 08620

C00435362
AF# 1765

Dear Mr. Baroni:

On December 11, 2007, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Sauerberg for US Senate and Leonard Metzl, as Treasurer, violated 2 U.S.C. § 434(a) for failing to timely file the 2007 October Quarterly Report. By letter dated December 12, 2007, the Commission sent notification of the RTB finding that included a civil money penalty calculated at RTB of \$6,500 in accordance with the schedule of penalties at 11 C.F.R. § 111.43. On January 25 and 28, 2008, the Office of Administrative Review received the written response from you challenging the RTB civil money penalty.

The Reviewing Officer reviewed the Commission's RTB finding with its supporting documentation and the written response. Based on this review, the Reviewing Officer recommended that the Commission make a final determination that Sauerberg for US Senate and Leonard Metzl, as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty in the amount of \$6,500 in accordance with 11 C.F.R. § 111.43. The basis for the Reviewing Officer's recommendation was included in the Final Determination Report, a copy of which was sent to you on March 18, 2008.

On January 30, 2009, the Commission adopted the Reviewing Officer's recommendation and made a final determination that Sauerberg for US Senate and Leonard Metzel, as Treasurer, violated 2 U.S.C. § 434(a) and assessed a civil money penalty of \$6,500. 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.

To Pay the Civil Money Penalty

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

If You Do Not Pay the Civil Money Penalty

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA") as amended by the Debt Collection

29092630288

Improvement Act of 1996 ("DCIA"), 31 U.S.C. § 3701 et seq. If you do not pay this debt within 30 days (or file a written petition to a federal district court - see below), the Commission will transfer the debt to the U.S. Department of the Treasury ("Treasury") for collection. Within 5 days of the transfer to Treasury, Treasury will contact the debtor and request payment. Treasury currently charges a fee of 28% of the civil money penalty amount for its collection services. The fee will be added to the amount of the civil money penalty that you owe. Should Treasury's attempts fail, Treasury will refer the debt to a private collection agency ("PCA"). If the debt remains unpaid, Treasury may recommend that the Commission refer the matter to the Department of Justice for litigation.

If You Choose to Appeal the Final Determination and/or Civil Money Penalty

If you choose to appeal the final determination, you should submit a written petition, within 30 days of receipt of this letter, to the district court of the United States for the district in which the committee or treasurer reside, or transact business, requesting that the final determination be modified or set aside. See 2 U.S.C. § 437g(a)(4)(C)(iii). Your failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver of the respondents' right to present such argument in a petition to the district court under 2 U.S.C. § 437g. 11 C.F.R. § 111.38.

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

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

On behalf of the Commission,


Steven T. Walther
Chairman

Attachment

29092630289

ADMINISTRATIVE FINE PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 C.F.R. § 111.43, the civil money penalty is \$6,500 for the 2007 October Quarterly Report.

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

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

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

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

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

PAYMENTS BY PERSONAL CHECK

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

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: Sauerberg for US Senate

FEC ID#: C00435362

AF#: 1765

PAYMENT AMOUNT DUE: \$6,500



QUALITY IS OUR PRIORITY FOR LOCKBOX 9058
SEQ# 001 \$ 000065000 BA# 1 03-18-09 20 4



PAY TO THE ORDER OF <u>Federal Election Commission</u> Six Thousand Five Hundred and no/100*****	SAUERBERG FOR US SENATE PO BOX 667 LOMBARD, IL 60148	WASHINGTON MUTUAL BANK FA BROADVIEW VILLAGE SQUARE FIN CTR BROADVIEW, IL 60155 2-7452-710	5425 3/17/2009 \$***** 6,500.00	1369
FEDERAL ELECTION COMMISSION U.S. BANK-GOVERNMENT LOCKBOX FEC #979058	MEMO - [REDACTED]		DOLLARS \$***** 6,500.00	TWO SIGNATURES REQUIRED OVER \$ 1,000.00 <i>Miss Sauerberg</i>

FOR: Sauerberg for US Senate

FEC ID#: C00435362

AF#: 1765

PAYMENT AMOUNT DUE: \$6,500

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07/03



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 1765

DATE SCANNED 6/5/07

SCANNER NO. 2

SCAN OPERATOR JWP

29092630292