

THIS IS THE BEGINNING OF ADMINSTRATIVE FINE CASE
1081

DATE FILMED 4-1-04 CAMERA NO. 4

CAMERAMAN S-E-G

24.09.255.1697



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20461

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2003 NOV 24 A 9:48

November 21, 2003

MEMORANDUM

SENSITIVE

TO: THE COMMISSION

THROUGH: JAMES A. PEHRKON
STAFF DIRECTOR

ROBERT J. COSTA
DEPUTY STAFF DIRECTOR

FROM: JOHN D. GIBSON
ASSISTANT STAFF DIRECTOR
REPORTS ANALYSIS DIVISION

SUBJECT: REASON TO BELIEVE RECOMMENDATION - 2003 OCTOBER
QUARTERLY REPORT FOR THE ADMINISTRATIVE FINES
PROGRAM

Attached is a list of political committees and their treasurers who failed to file, or failed to timely file, the 2003 October Quarterly Report in accordance with 2 U.S.C. 434(a). On September 19, 2003, Prior Notice was sent to all political committees and their treasurers, informing them that the October Quarterly Report was due on October 15, 2003. The report should cover from July 1, 2003 through September 30, 2003.

The committees listed in the attached RTB Circulation Report either failed to file the report or 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 C.F.R. 111.43, these committees should be assessed the civil money penalties included on the report provided.

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.

24 09 23 1699

FEDERAL ELECTION COMMISSION 2003-2004
Reason to Believe Circulation Report
2003 OCTOBER QUARTERLY

DATE 11/21/2003
PAGE: 1

AF #	COMMITTEE NAME	COMMITTEE ID	TREASURER	RECEIPT DATE	DAYS LATE	LEVEL OF ACTIVITY	THRESHOLD AMOUNT	STATE	CANDIDATE NAME	SENSITIVE	PREVIOUS VIOLATIONS	CIVIL MONEY PENALTY
AF01073	FITZGERALD FOR SENATE INC	C00326124	RICHARD A ROGGEVEEN	10/21/2003	6	\$127,429	\$1,196,201	IL	FITZGERALD, PETER G	No	0	\$1,350
AF01077	PHILIP LOWE FOR CONGRESS	C00364661	PAT JONES	Not Filed		\$496,156 (est)	\$992,312	CA	LOWE, PHILIP A	No	4	\$19,000
AF01080	MIKE GREENE FOR CONGRESS COMMITTEE	C00372516	JOE T FELLEY	Not Filed		\$117,694 (est)	\$353,083	TN	GREENE, MIKE	No	3	\$7,875

**FEDERAL ELECTION COMMISSION 2003-2004
Reason to Believe Circulation Report
2003 OCTOBER QUARTERLY**

AF #	COMMITTEE NAME	COMMITTEE ID	RECEIPT DATE	TREASURER	DAYS LATE	LEVEL OF ACTIVITY	THRESHOLD AMOUNT	STATE	CANDIDATE NAME	SENSITIVE	PREVIOUS VIOLATIONS	CIVIL MONEY PENALTY
AF01081	SUTTON FOR CONGRESS	C00383877	Not Filed	RUTH SCHIERMEUER		\$56,418 (est)		TX	SUTTON, VICKIE	No	0	\$2,700
AF01082	STACE WILLIAMS FOR US CONGRESS	C00385047	Not Filed	CHARLES WADE DARTER JR		\$122,148 (est)		TX	WILLIAMS, STACE LAWRENCE	No	0	\$4,500



FEDERAL ELECTION COMMISSION
Washington, DC 20463

11/24/03
SENSITIVE

DATE & TIME OF TRANSMITTAL: Monday, November 24, 2003 11:00

BALLOT DEADLINE: Friday, November 28, 2003 4:00

COMMISSIONER: MASON, McDONALD, SMITH, THOMAS, TONER, WEINTRAUB

SUBJECT: Reason To Believe Recommendation – 2003 October
Quarterly Report For The Administrative Fines Program.
Memorandum from the Assistant Staff Director Reports
Analysis Division dated November 21, 2003.

- () I approve the recommendation(s)
- () I object to the recommendation(s)
- () I approve the recommendations except those following
to which I object (please insert AF#)
- _____
- _____
- () I approve the recommendations except those following
in which I abstain (please insert AF#)
- _____
- _____
- () I approve the recommendations except those following
in which I am recused (please insert AF#)
- _____
- _____
- () I am not voting on this tally.

A definite vote is required. All ballots must be signed and dated. Please return
ONLY THE BALLOT to the Commission Secretary. Please return ballot no later
than date and time shown above.

DATE: _____

SIGNATURE: _____

FROM THE OFFICE OF THE SECRETARY OF THE COMMISSION

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Reason To Believe Recommendation) AF #1081
2003 October Quarterly Report For)
The Administrative Fines Program.)

CERTIFICATION

I, Mary W. Dove, Secretary of the Federal Election Commission, do hereby certify that on November 28, 2003 the Commission decided by a vote of 6-0 to take the following actions in AF #1081:

1. Find reason to believe that Sutton for Congress and Ruth Schiermeuer, as Treasurer, violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be \$2,700.00.
2. Send the appropriate letter, as recommended in the Reports Analysis Division's Memorandum dated November 21, 2003.

Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

Attest:

November 28, 2003
Date

Darlene Harris
for Mary W. Dove
Secretary of the Commission

**WESTERN
UNION**

CONFIRMATION OF CMGM

WESTERN UNION COMMERCIAL SERVICES
TO: RUTH SCHIERMEUER
SUTTON FOR CONGRESS
PO BOX 6158
LUBBOCK TX 79493-6158

FEDERAL ELECTION COMMISSION
ALAN SHOOK
999 E ST NW # 709
WASHINGTON DC 20463

DECEMBER 1, 2003

RUTH SCHIERMEUER
SUTTON FOR CONGRESS
PO BOX 6158
LUBBOCK TX 79493

C00383877
AF#: 1081

DEAR RUTH SCHIERMEUER:

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). YOU WERE PREVIOUSLY NOTIFIED OF THE DUE DATE FOR THIS REPORT. RECORDS AT THE FEDERAL ELECTION COMMISSION ("FEC") INDICATE THAT THIS REPORT WAS NOT FILED WITHIN THIRTY (30) DAYS OF THE DUE DATE. YOU SHOULD FILE THE OCTOBER QUARTERLY REPORT IF YOU HAVE NOT ALREADY DONE SO.

THE ACT WAS FURTHER AMENDED IN 1999 TO PERMIT THE FEC TO IMPOSE CIVIL MONEY PENALTIES FOR VIOLATIONS OF THE REPORTING REQUIREMENTS OF 2 U.S.C. 434(A). 2 U.S.C. 437G(A)(4). ON 11/28/2003, THE FEC FOUND THAT THERE IS REASON TO BELIEVE ("RTB") THAT SUTTON FOR CONGRESS 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 \$2700. IT IS DUE BY 01/07/2004 AND IS BASED ON THESE FACTORS:

ELECTION SENSITIVITY OF REPORT: NOT ELECTION SENSITIVE
LEVEL OF ACTIVITY: \$56418
NUMBER OF DAYS LATE: NOT FILED
NUMBER OF PREVIOUS CIVIL MONEY PENALTIES ASSESSED: 0

TO PAY THE CALCULATED CIVIL MONEY PENALTY

TO PAY THE CALCULATED CIVIL MONEY PENALTY, SEND THE ENCLOSED REMITTANCE AND YOUR PAYMENT TO THE FEC AT THE ADDRESS ON PAGE 3.


**WESTERN
UNION**

WESTERN UNION COMMERCIAL SERVICES

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 01/07/2004. YOUR WRITTEN RESPONSE MUST INCLUDE THE REASON(S) WHY YOU ARE CHALLENGING THE RTB FINDING AND/OR CALCULATED CIVIL MONEY PENALTY. THE FEC WILL ONLY CONSIDER CHALLENGES THAT ARE BASED ON A FACTUAL ERROR, MISCALCULATION OF THE CALCULATED CIVIL MONEY PENALTY BY THE FEC, OR THE EXISTENCE OF EXTRAORDINARY CIRCUMSTANCES THAT PERSISTED FOR MORE THAN 48 HOURS THAT WERE BEYOND YOUR CONTROL AND PREVENTED YOU FROM FILING THE REPORT IN A TIMELY MANNER. 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. EXAMPLES OF CIRCUMSTANCES THAT WILL NOT BE CONSIDERED EXTRAORDINARY INCLUDE, BUT ARE NOT LIMITED TO, NEGLIGENCE, PROBLEMS WITH VENDORS OR CONTRACTORS, STAFF ILLNESS, COMPUTER FAILURES AND SIMILAR CIRCUMSTANCES. 11 C.F.R. 111.35(b)(1)(iii) AND (4).

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 SUTTON FOR CONGRESS AND YOU, AS TREASURER, VIOLATED 2 U.S.C. 434(A) AND ASSESS A CIVIL MONEY PENALTY.

UNPAID CIVIL MONEY PENALTIES ASSESSED THROUGH THE ADMINISTRATIVE FINE REGULATIONS WILL BE SUBJECT TO THE DEBT COLLECTION ACT OF 1982 ("DCA") AS AMENDED BY THE DEBT COLLECTION IMPROVEMENT ACT OF 1996, 31 U.S.C. 3701 ET SEQ. THE FEC MAY TAKE ANY AND ALL APPROPRIATE ACTION AUTHORIZED AND REQUIRED BY THE DCA, AS AMENDED, INCLUDING TRANSFER TO THE U.S. DEPARTMENT OF THE TREASURY FOR COLLECTION. 11 C.F.R. 111.45.

THIS MATTER WAS GENERATED BASED ON INFORMATION ASCERTAINED BY THE FEC IN THE NORMAL COURSE OF CARRYING OUT ITS SUPERVISORY RESPONSIBILITIES. 2 U.S.C. 437G(A)(2). IT WILL REMAIN CONFIDENTIAL IN ACCORDANCE WITH 2 U.S.C. 437G(A)(4)(B) AND 437G(A)(12)(A) UNTIL IT IS PLACED ON THE PUBLIC RECORD IN ACCORDANCE WITH 11 C.F.R. 111.42, UNLESS YOU NOTIFY THE FEC IN WRITING THAT YOU WISH THE MATTER TO BE MADE PUBLIC.

ADDITIONAL INFORMATION ON THE FEC'S ADMINISTRATIVE FINE PROGRAM,

WESTERN UNION COMMERCIAL SERVICES

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 ALAN SHOOK IN THE REPORTS ANALYSIS DIVISION AT OUR TOLL FREE NUMBER (800)424-9530 (PRESS 1, THEN PRESS 2) 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,

ELLEN L. WEINTRAUB
CHAIR

* * * * *
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 \$2700 FOR THE 2003 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 952182
ST. LOUIS, MO 63195-2182

IF YOU CHOOSE TO SEND YOUR REMITTANCE AND PAYMENT BY COURIER OR OVERNIGHT DELIVERY, PLEASE USE THIS ADDRESS:
U.S. BANK - GOVERNMENT LOCKBOX
FEC #952182
1005 CONVENTION PLAZA
ST. LOUIS, MO 63101

THE REMITTANCE AND YOUR PAYMENT ARE DUE BY 01/07/2004. UPON RECEIPT OF YOUR REMITTANCE AND PAYMENT, THE FEC WILL SEND YOU A FINAL DETERMINATION LETTER.

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: SUTTON FOR CONGRESS

FEC ID#: C00383877

AF#: 1081

PAYMENT DUE DATE: 01/07/2004

PAYMENT AMOUNT DUE: \$2700



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2004 JAN 13 P 3:18

January 13, 2004

MEMORANDUM

SENSITIVE

TO: THE COMMISSION

THROUGH: JAMES A. PEHRKON *JP*
STAFF DIRECTOR

ROBERT J. COSTA *RC*
DEPUTY STAFF DIRECTOR

FROM: JOHN D. GIBSON *JG*
ASSISTANT STAFF DIRECTOR
REPORTS ANALYSIS DIVISION

SUBJECT: ADMINISTRATIVE FINES FINAL DETERMINATION
RECOMMENDATION FOR THE 2003 OCTOBER QUARTERLY
REPORT

Attached are two lists of political committees and their treasurers against which the Commission has found reason to believe (RTB) and assessed proposed civil money penalties calculated at RTB for failure to file or failure to timely file the 2003 October Quarterly Report. The first list represents the committee that has paid the civil money penalty and the second list represents the committees that have not paid. The committees that have not paid have been given at least forty (40) days from the date of the Commission's RTB finding to remit payment.

In accordance with 11 C.F.R. 111.34 and 11 C.F.R. 111.40, the Commission shall send a final determination notice to those respondents that have either paid or not paid the civil money penalty.

For your information, Sutton for Congress (AF #1081) has filed its report. This report disclosed total receipt and total disbursement figures which result in a civil money penalty that is lower than that found at the RTB stage (\$25 versus \$2,700).

RAD Recommendation

- (1) Make final determinations that the political committees and their treasurers on the attached lists violated 2 U.S.C. 434(a) and assess the civil money penalties so indicated.
- (2) Send the appropriate letters.

24.09.255.1707

COMMITTEES THAT HAVE PAID

2021-09-25 17:03

24 "09" 255 "1709

DATE 01/13/2004
PAGE: 1

FEDERAL ELECTION COMMISSION 2003-2004
FINAL DETERMINATION CIRCULATION REPORT
PAID

AF #	CANDIDATE NAME	COMMITTEE NAME	COMMITTEE ID	TREASURER	STATE	REPORT TYPE	PREVIOUS VIOLATIONS	DATE PAID	AMOUNT PAID
	RECEIPT DATE	DAYS LATE	LEVEL OF ACTIVITY	CIVIL MONEY PENALTY					
	REASON TO BELIEVE DATE								
AF1073	FITZGERALD FOR SENATE INC		C00326124	RICHARD A ROGGEVEEN	IL	2003 OCTOBER QUARTERLY	0	01/07/2004	\$1,350
	FITZGERALD, PETER G			\$127,429					
	10/21/2003	6		\$1,350					
	11/28/2003								

COMMITTEES THAT HAVE NOT PAID

0127.255.60.10

24 "09" 255 "1711

FEDERAL ELECTION COMMISSION 2003-2004
FINAL DETERMINATION CIRCULATION REPORT

DATE 01/13/2004
PAGE: 1

AF #	COMMITTEE NAME	RECEIPT DATE	RTB DATE	DAYS LATE	RTB PENALTY	COMMITTEE ID	LEVEL OF ACTIVITY	TREASURER	NOT PAID	STATE	REPORT TYPE	PREVIOUS VIOLATIONS	FINAL CIVIL MONEY PENALTY
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AF1077	PHILIP LOWE FOR CONGRESS					C00364661		PAT JONES		CA	2003 OCTOBER QUARTERLY	4	\$19,000
	LOWE, PHILIP A							\$496,156 (est)					
	Not Filed												

AF1080	MIKE GREENE FOR CONGRESS COMMITTEE					C00372516		JOE T KELLEY		TN	2003 OCTOBER QUARTERLY	3	\$7,875
	GREENE, MIKE							\$117,694 (est)					
	Not Filed							46					

AF1081	SUTTON FOR CONGRESS					C00383877		RUTH SCHIERMEUER		TX	2003 OCTOBER QUARTERLY	0	\$25
	SUTTON, VICKIE							\$25					
	Not Filed							46					

AF1082	STACE WILLIAMS FOR US CONGRESS					C00385047		CHARLES WADE DARTER JR		TX	2003 OCTOBER QUARTERLY	0	\$4,500
	WILLIAMS, STACE LAWRENCE							\$122,148 (est)					
	Not Filed							46					



FEDERAL ELECTION COMMISSION
Washington, DC 20463

Gilson
SENSITIVE

DATE & TIME OF TRANSMITTAL: Tuesday, January 13, 2004 4:00

BALLOT DEADLINE: Friday, January 16, 2004 4:00

COMMISSIONER: MASON, McDONALD, SMITH, THOMAS, TONER, WEINTRAUB

SUBJECT: **Administrative Fines Final Determination Recommendation
For the 2003 October Quarterly Report. Memorandum from
The Assistant Staff Director Reports Analysis Division dated
January 13, 2004.**

- () I approve the recommendation(s)
- () I object to the recommendation(s)
- () I approve the recommendations except those following
to which I object (please insert AF#)

- () I approve the recommendations except those following
in which I abstain (please insert AF#)

- () I approve the recommendations except those following
in which I am recused (please insert AF#)

- () I am not voting on this tally.

A definite vote is required. All ballots must be signed and dated. Please return
ONLY THE BALLOT to the Commission Secretary. Please return ballot no later
than date and time shown above.

DATE: _____

SIGNATURE: _____

FROM THE OFFICE OF THE SECRETARY OF THE COMMISSION

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Administrative Fines Final) AF #1081
Determination Recommendation)
for the 2003 October Quarterly)
Report.)

AMENDED CERTIFICATION

I, Mary W. Dove, Secretary of the Federal Election Commission, do hereby certify that on January 15, 2004 the Commission decided by a vote of 6-0 to take the following actions in AF #1081:

1. Make a final determination that Sutton for Congress and Ruth Schiermeier, as treasurer violated 2 U.S.C. 434(a) and assess the civil money penalty of \$25.00.
2. Send the appropriate letter, as recommended in the Assistant Staff Director Reports Analysis Division Memorandum dated January 13, 2004.

Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

Attest:

March 2, 2004
Date

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

**WESTERN
UNION**

CONFIRMATION OF CMGM

WESTERN UNION COMMERCIAL SERVICES
TO: RUTH SCHIERMEUER
SUTTON FOR CONGRESS
PO BOX 6158
LUBBOCK TX 79493-6158

FEDERAL ELECTION COMMISSION
ALAN SHOCK
999 E ST NW # 709
WASHINGTON DC 20463

JANUARY 16, 2004

RUTH SCHIERMEUER
SUTTON FOR CONGRESS
PO BOX 6158
LUBBOCK TX 79493

C00383877
AF# 1081

DEAR RUTH SCHIERMEUER,

ON 11/28/2003, THE FEDERAL ELECTION COMMISSION ("THE COMMISSION") FOUND REASON TO BELIEVE ("RTB") THAT SUTTON FOR CONGRESS AND YOU, AS TREASURER, VIOLATED 2 U.S.C. 434(A) FOR FAILING TO FILE THE 2003 OCTOBER QUARTERLY REPORT. BY MAILGRAM DATED 12/01/2003, THE COMMISSION SENT YOU NOTIFICATION OF THE RTB FINDING THAT INCLUDED A CIVIL MONEY PENALTY CALCULATED AT THE RTB STAGE OF \$2700 IN ACCORDANCE WITH THE SCHEDULE OF PENALTIES AT 11 C.F.R. 111.43. WITHIN 40 DAYS OF THE COMMISSION'S RTB FINDING, YOU WERE REQUIRED TO EITHER TRANSMIT PAYMENT OF THE CALCULATED CIVIL MONEY PENALTY OR SUBMIT A WRITTEN RESPONSE CHALLENGING EITHER THE RTB FINDING OR THE CALCULATED CIVIL MONEY PENALTY. THE AMOUNT OF THE CIVIL MONEY PENALTY HAS BEEN CHANGED TO REFLECT THE ACTUAL LEVEL OF ACTIVITY OF YOUR 2003 OCTOBER QUARTERLY REPORT.

THE COMMISSION DID NOT RECEIVE PAYMENT OF THE CALCULATED CIVIL MONEY PENALTY OR YOUR WRITTEN RESPONSE WITHIN THE TIME PERMITTED. THEREFORE, THE COMMISSION MADE A FINAL DETERMINATION ON 01/15/2004 THAT YOU, AS TREASURER, AND SUTTON FOR CONGRESS VIOLATED 2 U.S.C. 434(A) AND ASSESSED A CIVIL MONEY PENALTY IN THE AMOUNT OF \$25 IN ACCORDANCE WITH 11 C.F.R. 111.43. THE CIVIL MONEY PENALTY IS BASED ON THESE FACTORS:

ELECTION SENSITIVITY OF REPORT: NOT ELECTION SENSITIVE

LEVEL OF ACTIVITY: \$25

NUMBER OF DAYS LATE: NOT FILED

NUMBER OF PREVIOUS CIVIL MONEY PENALTIES ASSESSED: 0

TO PAY THE CIVIL MONEY PENALTY


**WESTERN
UNION**

WESTERN UNION COMMERCIAL SERVICES

TO PAY THE CIVIL MONEY PENALTY, SEND THE ENCLOSED FORM AND YOUR 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 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 ITS TRANSFER TO TREASURY, TREASURY WILL CONTACT THE DEBTOR AND REQUEST PAYMENT. TREASURY CURRENTLY CHARGES A FEE OF 18% OF THE CIVIL MONEY PENALTY 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 TRANSFER THE DEBT TO A PRIVATE COLLECTION AGENCY ("PCA"). IF THE DEBT IS REFERRED TO A PCA, THE TREASURY AND PCA COLLECT A FEE OF 28% OF THE CIVIL MONEY PENALTY AMOUNT WHICH WILL BE ADDED TO THE AMOUNT OF THE CIVIL MONEY PENALTY. 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 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 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 RESPONDENT'S RIGHT TO PRESENT SUCH ARGUMENT IN A PETITION TO THE DISTRICT COURT UNDER 2 U.S.C. 437G. 11 C.F.R. 111.38.

BECAUSE OF RESTRICTIONS RECENTLY PLACED ON THE FEC IN AFL-CIO V. FEC, 177 F. SUPP. 2D 48 (D.D.C. 2002), THE PUBLIC RECORD FILE IN THIS MATTER WILL CONSIST OF THE REPORTS ANALYSIS DIVISION'S MEMORANDUM ON FINAL DETERMINATION (INCLUDING COMMITTEE LIST) AND THE CERTIFICATION OF THE FEC'S VOTE ON FINAL DETERMINATION.

IF YOU HAVE ANY QUESTIONS REGARDING THE PAYMENT OF THE CIVIL MONEY PENALTY, PLEASE CONTACT ALAN SHOOK AT FEDERAL ELECTION COMMISSION, 999 E ST., NW, WASHINGTON, DC 20463, OR OUR TOLL FREE NUMBER (800)424-9530 (PRESS 1, THEN PRESS 2) OR (202)694-1130.

SINCERELY,

BRADLEY A. SMITH
CHAIRMAN

WESTERN UNION COMMERCIAL SERVICES

ADMINISTRATIVE FINE PAYMENT INSTRUCTIONS

IN ACCORDANCE WITH THE SCHEDULE OF PENALTIES AT 11 C.F.R.
111.43, THE CIVIL MONEY PENALTY IS \$25 FOR THE
2003 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 952182
ST. LOUIS, MO 63195-2182

IF YOU CHOOSE TO SEND YOUR PAYMENT BY COURIER OR OVERNIGHT
DELIVERY, PLEASE USE THIS ADDRESS:

U.S. BANK - GOVERNMENT LOCKBOX
FEC #952182
1005 CONVENTION PLAZA
ST. LOUIS, MO 63101

THE FORM AND PAYMENT ARE DUE WITHIN 30 DAYS OF RECEIPT OF THIS
LETTER.

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR SUTTON FOR CONGRESS

FEC ID# C00383877

AF# 1081

PAYMENT AMOUNT DUE \$25

SUBSEQUENT TO THE JANUARY 13, 2004 MEMORANDUM TO THE
COMMISSION IN WHICH THEY WERE LISTED AS NOT HAVING PAID, THE
COMMITTEE IN THE FOLLOWING CASE HAS PAID ADMINISTRATIVE FINES:

1081

2009-09-25 17:17

QUALITY IS OUR PRIORITY FOR LOCKBOX 2182
SEQ# 001 \$ 0000002500 BA# 103-01-04 20 9

usbankcorp.

RUTH C. SCHIERMEYER

Date 2/20/04

Pay to the
Order of

Federal Election Commission \$ 25.00

twenty five & no/100

Dollars

PNB Financial

www.pnbfinancial.com
Lockport, Texas

For

R. Schiermeyer

THIS IS THE END OF ADMINISTRATIVE FINE CASE

1081

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