

THIS IS THE BEGINNING OF ADMINSTRATIVE FINE CASE

1098

DATE FILMED 9/20/04 CAMERA NO. 1

CAMERAMAN ESS



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2004 APR 30 P 4: 06
April 29, 2004

SENSITIVE

MEMORANDUM

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 -
2004 MARCH MONTHLY REPORT
FOR THE ADMINISTRATIVE FINES PROGRAM

Attached is a list of political committees and their treasurers who failed to timely file the 2004 March Monthly Report in accordance with 2 U.S.C. 434(a). On December 30, 2003, Prior Notice was sent to all presidential committees and their treasurers, informing them that the March Monthly Report was due on April 20, 2004. On February 2, 2004, Prior Notice was sent to all other political committees and their treasurers, informing them that the March Monthly Report was due on April 20, 2004.

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 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 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 amount indicated on the RTB Circulation Report.
- (2) Send the appropriate letters.

FEDERAL ELECTION COMMISSION 2003-2004
Reason to Believe Circulation Report
2004 MARCH MONTHLY

DATE 04/29/2004
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
AF01098	GARY NOLAN FOR PRESIDENT	C00384370	STEPHEN L DASBACH	03/29/2004	9	\$32,510	\$149,462	00	NOLAN, GARY P.	No	0	\$380
AF01099	HUMAN RIGHTS CAMPAIGN PAC	C00235853	Hurdle, Harvey	03/30/2004	10	\$131,498	\$1,276,112	DC		No	0	\$1,850



FEDERAL ELECTION COMMISSION
Washington, DC 20463

SENSITIVE

DATE & TIME OF TRANSMITTAL: Monday, May 03, 2004 11:00

BALLOT DEADLINE: Thursday, May 06, 2004 4:00

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

SUBJECT: **Reason To Believe Recommendation – 2004 March Monthly Report for the Administrative Fines Program. Memorandum from the Assistant Staff Director Reports Analysis Division Dated April 29, 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)
)
Reason To Believe Recommendation -) AF #1098
2004 March Monthly Report for the)
Administrative Fines Program)

CERTIFICATION

I, Mary W. Dove, Secretary of the Federal Election Commission, do hereby
certify that on May 06, 2004, the Commission decided by a vote of 6-0 to take the
following actions in AF #1098:

1. Find reason to believe that Gary Nolan for President and Stephen L. Dasbach, as Treasurer, violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be \$380.
2. Send the appropriate letter, as recommended in the Reports Analysis Division's Memorandum dated April 29, 2004.

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

Attest:

May 6, 2004
Date

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

**WESTERN
UNION**

CONFIRMATION OF CMGM

TC:STEPHEN L DASBACH
GARY NOLAN FOR PRESIDENT
PO BOX 6308
FALLS CHURCH VA 22040-6308

FEDERAL ELECTION COMMISSION
DAYNA BROWN
999 E ST NW # 709
WASHINGTON DC 20463

MAY 7, 2004

STEPHEN L DASBACH
GARY NOLAN FOR PRESIDENT
PO BOX 6308
FALLS CHURCH VA 22040

000384370
AF#: 1098

DEAR STEPHEN L DASBACH:

THE FEDERAL ELECTION CAMPAIGN ACT OF 1971, AS AMENDED ("THE ACT"), REQUIRES THAT YOUR COMMITTEE FILE A MARCH MONTHLY REPORT OF RECEIPTS AND DISBURSEMENTS COVERING THE PERIOD THROUGH FEBRUARY 28TH (OR FEBRUARY 29TH IN A LEAP YEAR). THIS REPORT SHALL BE FILED NO LATER THAN MARCH 20TH. 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 FILED ON 03/29/2004, 9 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 05/06/2004, THE FEC FOUND THAT THERE IS REASON TO BELIEVE ("RTB") THAT GARY NOLAN FOR PRESIDENT AND YOU, AS TREASURER, VIOLATED 2 U.S.C. 434(A) BY FAILING TO FILE TIMELY THIS REPORT ON OR BEFORE MARCH 20TH. 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 \$330. IT IS DUE BY 06/15/2004 AND IS BASED ON THESE FACTORS:

ELECTION SENSITIVITY OF REPORT: NOT ELECTION SENSITIVE
LEVEL OF ACTIVITY: \$32510
NUMBER OF DAYS LATE: 9
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. UPON RECEIPT OF YOUR PAYMENT, THE FEC WILL SEND YOU A FINAL

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WESTERN UNION COMMERCIAL SERVICES

DETERMINATION LETTER.

TO CHALLENGE THE RTE FINDING AND/OR CALCULATED CIVIL MONEY PENALTY
 TO CHALLENGE THE RTE FINDING AND/OR CALCULATED CIVIL MONEY
 PENALTY, YOU MUST SUBMIT A WRITTEN RESPONSE, INCLUDING THE AFM 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 05/15/2004. YOUR WRITTEN RESPONSE MUST INCLUDE THE REASON(S) WHY
 YOU ARE CHALLENGING THE RTE 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 GARY
 NOLAN FOR PRESIDENT 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,
 INCLUDING THE FINAL REGULATIONS, IS LOCATED AT THE FEC'S WEBSITE AT


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WWW.FEC.GOV. IF YOU HAVE QUESTIONS REGARDING THE PAYMENT OF THE CALCULATED CIVIL MONEY PENALTY, PLEASE CONTACT DAYNA C. BROWN 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,

BRADLEY A. SMITH
CHAIRMAN

* * * * *
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 RTG IS \$380 FOR THE 2004 MARCH MONTHLY 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 63193-2182

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 06/15/2004. 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: GARY NOLAN FOR PRESIDENT

FEC ID#: C00384370

APA: 1098

PAYMENT DUE DATE: 06/15/2004

PAYMENT AMOUNT DUE: \$330



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2004 JUN 22 A 11:40

June 21, 2004

SENSITIVE

MEMORANDUM

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: ADMINISTRATIVE FINES FINAL DETERMINATION
RECOMMENDATION FOR THE 2004 MARCH MONTHLY
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 timely file the 2004 March Monthly Report. The first list represents the committee that has paid the civil money penalty and the second list represents the committee that has not paid. The committee that has not paid has 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.

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.

COMMITTEE THAT HAS PAID

DATE 06/21/2004

PAGE: 1

FEDERAL ELECTION COMMISSION 2003-2004
FINAL DETERMINATION CIRCULATION REPORT

AF #	COMMITTEE NAME	RECEIPT DATE	DAYS LATE	REASON TO BELIEVE DATE	COMMITTEE ID	TREASURER	STATE	REPORT TYPE	PREVIOUS VIOLATIONS	DATE PAID	AMOUNT PAID
AF1099	HUMAN RIGHTS CAMPAIGN PAC	03/30/2004	10	05/06/2004	C00235853	Hurdle, Harvey	DC	2004 MARCH MONTHLY	0	06/08/2004	\$1,850
						\$131,498					
						\$1,850					

COMMITTEE THAT HAS NOT PAID

FEDERAL ELECTION COMMISSION 2003-2004
FINAL DETERMINATION CIRCULATION REPORT

AP #	CANDIDATE NAME	COMMITTEE NAME	RECEIPT DATE	RTB DATE	DAYS LATE	COMMITTEE ID	LEVEL OF ACTIVITY	TREASURER	STATE	REPORT TYPE
										PREVIOUS VIOLATIONS
										FINAL CIVIL MONEY PENALTY

RAFT098	GARY NOLAN FOR PRESIDENT			00	
NOLAN, GARY P.					
03/29/2004	9	C00384370	\$32,510	STEPHEN L DASBACH	2004 MARCH MONTHLY
05/06/2004		\$380	46	0	\$380



FEDERAL ELECTION COMMISSION
Washington, DC 20463

SENSITIVE

DATE & TIME OF TRANSMITTAL: Tuesday, June 22, 2004 4:00

BALLOT DEADLINE: Friday, June 25, 2004 4:00

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

SUBJECT: **Administrative Fines Final Determination Recommendation For The 2004 March Monthly Report. Memorandum from the Assistant Staff Director, Reports Analysis Division dated June 21, 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 Determination) AF #1098
Recommendation For The 2004 March)
Monthly Report: Gary Nolan For)
President and Stephen L. Dasbach.)

CERTIFICATION

I, Mary W. Dove, Secretary of the Federal Election Commission,
do hereby certify that on June 25, 2004, the Commission decided by a vote
of 6-0 to take the following actions in AF #1098:

1. Make a final determination that Gary Nolan For President
and Stephen L. Dasbach, as treasurer, violated 2 U.S.C.
434(a) and asses the civil money penalty of \$380.
2. Send the appropriate letters.

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

Attest:

June 28, 2004
Date

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

**WESTERN
UNION**

CONFIRMATION OF MAILGRAM

TO: STEPHEN L DASBACH

GARY NOLAN FOR PRESIDENT

PO BOX 6308

FALLS CHURCH VA 22040-6308

FEDERAL ELECTION COMMISSION

DAYNA BROWN

999 E ST NW # 709

WASHINGTON DC 20463

JUNE 29, 2004

STEPHEN L DASBACH
GARY NOLAN FOR PRESIDENT
PO BOX 6308
FALLS CHURCH VA 22040

CO0384370

AF#: 1098

DEAR STEPHEN L DASBACH:

ON 05/06/2004, THE FEDERAL ELECTION COMMISSION ("FEC") FOUND REASON TO BELIEVE ("RTB") THAT GARY NOLAN FOR PRESIDENT AND YOU, AS TREASURER, VIOLATED 2 U.S.C. 434(A) FOR FILING LATE OR FAILING TO FILE THE MARCH MONTHLY REPORT. BY MAILGRAM DATED 05/07/2004, THE FEC SENT YOU NOTIFICATION OF THE RTB FINDING THAT INCLUDED A CIVIL MONEY PENALTY CALCULATED AT THE RTB STAGE OF \$380 IN ACCORDANCE WITH THE SCHEDULE OF PENALTIES AT 11 C.F.R. 111.43.

ON 06/22/2004, THE FEC RECEIVED PAYMENT OF YOUR CIVIL MONEY PENALTY CALCULATED AT THE RTB STAGE. THEREFORE, THE FEC MADE A FINAL DETERMINATION ON 06/25/2004 THAT YOU, AS TREASURER, AND GARY NOLAN FOR PRESIDENT VIOLATED 2 U.S.C. 434(A), ASSESSED A CIVIL MONEY PENALTY IN THE AMOUNT OF \$380 IN ACCORDANCE WITH 11 C.F.R. 111.43, AND VOTED TO CLOSE THE FILE.

THE CONFIDENTIALITY PROVISIONS AT 2 U.S.C. 437G(A)(2) NO LONGER APPLY AND THIS MATTER IS NOW PUBLIC. THE FILE WILL BE MADE A PART OF THE PUBLIC RECORD PURSUANT TO 11 C.F.R. 111.42(b). ALTHOUGH THE FILE MUST BE PLACED ON THE PUBLIC RECORD WITHIN THIRTY (30) DAYS FROM THE DATE OF THE COMMISSION NOTIFICATION, THIS COULD OCCUR AT ANYTIME FOLLOWING CERTIFICATION OF THE COMMISSION VOTE.

IF YOU HAVE ANY QUESTIONS REGARDING THIS MATTER, PLEASE CONTACT DAYNA C. BROWN ON OUR TOLL FREE NUMBER (800)424-9530 (PRESS 1, THEN PRESS 2) OR (202)694-1130.

SINCERELY,
BRADLEY A. SMITH
CHAIRMAN

1098

TO Whom It may concern,

I apologize for the delay in
remitting payment. Prior to today,
there were insufficient funds in
our account to cover this check.
That situation was resolved this
morning and payment is enclosed

Sincerely,

Steve Dasbach
Treasurer

FOR: GARY NOLAN FOR PRESIDENT

FEC ID# C00384370

AF#: 1098

PAYMENT DUE DATE: 06/15/2004




PAYMENT AMOUNT DUE: \$380

MGMCOMP 15:05 EST

To reply by Mailgram Message, see reverse side for Western Union's toll-free number.

QUALITY IS OUR PRIORITY FOR LOCKBOX 2182
SEQ# 001 \$ 0000038000 BA# 1 06-22-04 20 9

usbancorp.
The First Union Bank

		GARY NOLAN FOR PRESIDENT AMERICA'S VOICE OF LIBERTY		88-780-650	1171
				DATE	6-17-04
PAY TO THE ORDER OF		FEC		\$ 380.00	
		<i>Three hundred eighty and 00/100</i>		DOLLARS	
FIRST UNION		First Union National Bank firstunion.com Org. 007 R/T 056007604			
MEMO					

THIS IS THE END OF ADMINISTRATIVE FINE CASE

1098

DATE FILMED 9/20/04 CAMERA NO. 1

CAMERAMAN EEJ