

THIS IS THE BEGINNING OF ADMINSTRATIVE FINE CASE

1122

DATE FILMED 2-24-65 CAMERA NO. 1

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2004 JUN -4 P 3: 50

June 4, 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 APRIL
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 2004 April Quarterly Report in accordance with 2 U.S.C. 434(a). On March 22, 2004, Prior Notice was sent to all political committees and their treasurers, informing them that the April Quarterly Report was due on April 15, 2004. The report should have covered the period ending on March 31, 2004.

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 located within 11 CFR §111.43, these committees should be assessed the civil money penalties highlighted on the report attached.

Recommendation

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

FEDERAL ELECTION COMMISSION 2003-2004
Reason to Believe Circulation Report
2004 APRIL 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
AF01111	SKINNER FOR SENATE 2004	C00388843	05/19/2004	NANCY YOUNG	Not Filed	\$22,212	\$188,115	IL	SKINNER, NANCY	No	0	\$500
AF01112	ROLLE FOR CONGRESS	C00391227	05/20/2004	PATRICK MCCLISTER	Not Filed	\$46,007	\$193,339	MD	ROLLE, SCOTT LAWRENCE	No	0	\$900
AF01119	SUTTON FOR CONGRESS	C00383877	Not Filed	RUTH SCHIERMEUER		\$28,192 (est)	\$112,769	TX	SUTTON, VICKIE	No	1	\$1,125
AF01120	STACE WILLIAMS FOR US CONGRESS	C00385047	Not Filed	CHARLES WADE DARTER JR		\$122,148 (est)	\$244,297	TX	WILLIAMS, STACE LAWRENCE	No	2	\$6,750

AF #	COMMITTEE NAME	COMMITTEE ID	TREASURER	RECEIPT DATE	LEVEL OF ACTIVITY	THRESHOLD AMOUNT	STATE	CANDIDATE NAME	SENSITIVE	PREVIOUS VIOLATIONS	CIVIL MONEY PENALTY
AF01121	ALLEGIANCE TELECOM INC. PAC	C00336693	Joseph, Kevin M. Mr.	04/30/2004	\$42,561	\$203,678	DC	NO	0		\$500
AF01122	BREWERY SOFT DRINK BEER DISTR OPTICAL DENTAL MISC WORKERS WAREHOU	C00174847	DANIEL H GRACE	05/07/2004	\$41,747	\$169,011	PA	NO	0		\$640
AF01123	FRIENDS OF FERRIS	C00279182	ROBERT A. BOYCE	04/22/2004	\$98,727	\$200,822	MI	NO	0		\$1,100
AF01124	GENERAL AVIATION MANUFACTURERS ASSOCIATION POLITICAL ACTION	C00041878	JAHAN AHMAD	04/22/2004	\$37,154	\$167,318	DC	NO	0		\$340
AF01125	LINCOLN CLUB OF SAN DIEGO COUNTY	C00177766	C APRIL BOLING	05/06/2004	\$66,941	\$675,161	CA	NO	0		\$1,875
AF01126	MCDERMOTT, WILL & EMERY PAC (MW&E PAC)	C00299701	STATTON D ANDERSON	05/14/2004	\$47,480	\$164,648	DC	NO	0		\$780
AF01127	OWNER-OPERATOR INDEPENDENT DRIVERS ASSN INC POLITICAL ACTION	C00236778	PAUL D CULLEN SR	05/11/2004	\$27,222	\$138,450	DC	NO	0		\$720
AF01128	REGENCY BLUEPAC	C00252684	R PAUL WARBURTON	04/23/2004	\$12,240	\$102,461	UT	NO	0		\$140

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

DATE 06/04/2004
PAGE: 4

AF #	COMMITTEE NAME	COMMITTEE ID	RECEIPT DATE	THRESHOLD AMOUNT	STATE	CANDIDATE NAME	SENSITIVE	PREVIOUS VIOLATIONS	CIVIL MONEY PENALTY
			DAYS LATE	LEVEL OF ACTIVITY					
AF01131	CONGRESSIONAL BLACK CAUCUS POLITICAL ACTION COMMITTEE (CBC-PAC)	C09147512	Arthur R. Collins	\$126,268 (est)	DC		No	2	\$6,750
	Not Filed								
AF01133	UNITED SENIORS PAC INC	C00077354	Erickson, Paul	\$241,077 (est)	SD		No	0	\$6,500
	Not Filed								



FEDERAL ELECTION COMMISSION

Washington, DC 20463

SENSITIVE

DATE & TIME OF TRANSMITTAL: Monday, June 07, 2004 11:00

BALLOT DEADLINE: Thursday, June 10, 2004 4:00

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

SUBJECT: Reason To Believe Recommendation – 2004 April Quarterly Report For the Administrative Fines Program. Memorandum from the Assistant Staff Director, Reports Analysis Division dated June 4, 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

[illegible]

SUTTON FOR CONGRESS, and RUTH) AF# 1119
SCHIERMEUER as treasurer;)
STACE WILLIAMS FOR US) AF# 1120
CONGRESS, and CHARLES WADE)

DARTER JR as treasurer;)
ALLEGIANCE TELECOM INC. PAC. and) AF# 1121
Joseph, Kevin M. Mr. as treasurer;)
BREWERY SOFT DRINK BEER DISTR) AF# 1122
OPTICAL DENTAL MISC WORKERS)
WAREHOUSEMAN HELP LOCAL 830)
PAC, and DANIEL H GRACE as treasurer;)
FRIENDS OF FERRIS, and ROBERT A.) AF# 1123
BOYCE as treasurer;)
GENERAL AVIATION) AF# 1124
MANUFACTURERS ASSOCIATION)
POLITICAL ACTION COMMITTEE)
(GAMAPAC), and JAHAN AHMAD as)
treasurer;)
LINCOLN CLUB OF SAN DIEGO) AF# 1125
COUNTY, and C APRIL BOLING as)
treasurer;)
MCDERMOTT, WILL & EMERY PAC) AF# 1126
(MW&E PAC), and STANTON D)
ANDERSON as treasurer;)
OWNER-OPERATOR INDEPENDENT) AF# 1127
DRIVERS ASSN INC POLITICAL)
ACTION COMMITTEE (AKA OOIDA-)
PAC), and PAUL D CULLEN SR as)
treasurer;)
REGENCE BLUEPAC, and R PAUL) AF# 1128
WARBURTON as treasurer;)

CONGRESSIONAL BLACK CAUCUS) AF# 1131
POLITICAL ACTION)
COMMITTEE(CBC-PAC), and Arthur R.)
Collins as treasurer;)

UNITED SENIORS PAC INC, and) AF# 1133
Erickson, Paul as treasurer;)

CERTIFICATION

I, Mary W. Dove, Secretary of the Federal Election Commission, do hereby certify that on June 10, 2004 the Commission took the following actions on the Reason To Believe Recommendation - 2004 April Quarterly Report for the Administrative Fines Program as recommended in the Reports Analysis Division's Memorandum dated June 04, 2004, on the following committees:

AF#1101 Decided by a vote of 6-0 to: (1) find reason to believe that KHANNA FOR CONGRESS, and KHANNA, ROHIT as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF#1103 Decided by a vote of 6-0 to: (1) find reason to believe that FRIENDS OF RON PACKARD, and DONALD J POLESE as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF#1104 Decided by a vote of 6-0 to: (1) find reason to believe that DANIEL WEBSTER FOR US SENATE, and NANCY H WATKINS as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF#1106 Decided by a vote of 6-0 to: (1) find reason to believe that BROCK HILL CAMPAIGN, and JO SHADDEN BOLIN as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF#1108 Decided by a vote of 6-0 to: (1) find reason to believe that COMMITTEE TO ELECT BILL KIRBY, and Tokutomi, E. Ken as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF#1110 Decided by a vote of 6-0 to: (1) find reason to believe that CLAY COX FOR CONGRESS, and MICHAEL J ROBERTSON as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF#1111 Decided by a vote of 6-0 to: (1) find reason to believe that SKINNER FOR SENATE 2004, and NANCY YOUNG as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF#1112 Decided by a vote of 6-0 to: (1) find reason to believe that ROLLE FOR CONGRESS, and PATRICK MCLISTER as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF#1119 Decided by a vote of 6-0 to: (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 the amount indicated on the report; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF#1120 Decided by a vote of 6-0 to: (1) find reason to believe that STACE WILLIAMS FOR US CONGRESS, and CHARLES WADE DARTER JR as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF#1121 Decided by a vote of 6-0 to: (1) find reason to believe that ALLEGIANCE TELECOM INC. PAC, and Joseph, Kevin M. Mr. as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF#1122 Decided by a vote of 6-0 to: (1) find reason to believe that BREWERY SOFT DRINK BEER DISTR OPTICAL DENTAL MISC WORKERS WAREHOUSEMAN HELP LOCAL 830 PAC, and DANIEL H GRACE as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF#1123 Decided by a vote of 6-0 to: (1) find reason to believe that FRIENDS OF FERRIS, and ROBERT A. BOYCE as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF#1124 Decided by a vote of 6-0 to: (1) find reason to believe that GENERAL AVIATION MANUFACTURERS ASSOCIATION POLITICAL ACTION COMMITTEE (GAMAPAC), and JAHAN AHMAD as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF#1125 Decided by a vote of 6-0 to: (1) find reason to believe that LINCOLN CLUB OF SAN DIEGO COUNTY, and C APRIL BOLING as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF#1126 Decided by a vote of 6-0 to: (1) find reason to believe that MCDERMOTT, WILL & EMERY PAC (MW&E PAC), and STANTON D ANDERSON as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF#1127 Decided by a vote of 6-0 to: (1) find reason to believe that OWNER-OPERATOR INDEPENDENT DRIVERS ASSN INC POLITICAL ACTION COMMITTEE (AKA OOIDA-PAC), and PAUL D CULLEN SR as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF#1128 Decided by a vote of 6-0 to: (1) find reason to believe that REGENCE BLUEPAC, and R PAUL Warburton as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF#1131 Decided by a vote of 6-0 to: (1) find reason to believe that CONGRESSIONAL BLACK CAUCUS POLITICAL ACTION COMMITTEE(CBC-PAC), and Arthur R. Collins as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF#1133 Decided by a vote of 6-0 to: (1) find reason to believe that UNITED SENIORS PAC INC, and Erickson, Paul as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

Attest:

June 18, 2004
Date

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

**WESTERN
UNION**

CONFIRMATION OF CMGM

WESTERN UNION COMMERCIAL SERVICES
TO: DANIEL H GRACE
BREWERY SOFT DRINK BEER DISTR OPTICAL DE
12298 TOWNSEND RD
PHILADELPHIA PA 19154-1203

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

JUNE 15, 2004

DANIEL H GRACE
BREWERY SOFT DRINK BEER DISTR OPTICAL DE
12298 TOWNSEND ROAD
PHILADELPHIA PA 19154

C00174847
AF#: 1122

DEAR DANIEL H GRACE:

THE FEDERAL ELECTION CAMPAIGN ACT OF 1971, AS AMENDED ("THE ACT"), REQUIRES THAT YOUR COMMITTEE FILE AN APRIL QUARTERLY REPORT OF RECEIPTS AND DISBURSEMENTS IN A CALENDAR YEAR DURING WHICH THERE IS A REGULARLY SCHEDULED ELECTION. THIS REPORT, COVERING THE PERIOD THROUGH MARCH 31ST, SHALL BE FILED NO LATER THAN APRIL 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 FILED ON 05/07/2004, 22 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 06/10/2004, THE FEC FOUND THAT THERE IS REASON TO BELIEVE ("RTB") THAT BREWERY SOFT DRINK BEER DISTR OPTICAL DE AND YOU, AS TREASURER, VIOLATED 2 U.S.C. 434(A) BY FAILING TO FILE TIMELY THIS REPORT ON OR BEFORE APRIL 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 \$640. IT IS DUE BY 07/20/2004 AND IS BASED ON THESE FACTORS:

ELECTION SENSITIVITY OF REPORT: NOT ELECTION SENSITIVE
LEVEL OF ACTIVITY: \$41747
NUMBER OF DAYS LATE: 22
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.

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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 07/20/2004. 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 BREWERY SOFT DRINK BEER DISTR OPTICAL DE 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,

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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 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 RTB IS \$640 FOR THE 2004 APRIL 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 07/20/2004. 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: BREWERY SOFT DRINK BEER DISTR OPTICAL DE

FEC ID#: C00174847

AF#: 1122

PAYMENT DUE DATE: 07/20/2004

PAYMENT AMOUNT DUE: \$640



DRIVE

FEC OFFICE OF
ADMINISTRATIVE REVIEW

TEAMSTERS LOCAL 830

12298 TOMLINSON ROAD • PHILADELPHIA, PA 19154 • 215-671-9850 FAX 676-1324

June 23, 2004

Certified Mail #7003-1680-0005-5154-6661

Return Receipt Requested

Federal Election Commission
Office of Administrative Review
999 E Street, N.W.
Washington, DC 20463

**Re: C00174847
AF# 1122**

Dear Sir or Madam:

I am in receipt of your penalty notice dated June 15, 2004 (copy attached).

Please accept this letter as a response setting forth reasonable cause for the late filing of the April Quarterly Report of Receipts and Disbursements.

On April 15, 2004, our bookkeeper filed our report electronically. On May 7, 2004, we received correspondence from John D. Gibson, Assistant Staff Director Reports Analysis Division, indicating that the report was not received. A copy of the correspondence is attached. We immediately resubmitted the report electronically. After resubmitting, we contacted Dayna Brown to confirm receipt of the report.

During the period April 15 through May 5, we believed that the report had been submitted. We made every effort to comply with the filing deadlines and have a history of timely filings. Based on these factors, we respectfully request that the penalty assessed against us be abated.

If you should have any questions, please do not hesitate to contact me.

Sincerely,

Daniel H. Grace
Secretary-Treasurer

Enclosure
Regular Mail

**UNITED STATES
POSTAL SERVICE**

PAH1 - PAHA

*****CERTIFIED*****

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



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 07/20/2004. 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 BREWERY SOFT DRINK BEER DISTR OPTICAL DE 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

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Messaging Services**MAILGRAM****UNITED STATES
POSTAL SERVICE**

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 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 RTB is \$640 for the 2004 APRIL 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 07/20/2004. 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: BREWERY SOFT DRINK BEER DISTR OPTICAL DE

FEC ID#: C00174847

AF#: 1122

PAYMENT DUE DATE: 07/20/2004

PAYMENT AMOUNT DUE: \$640

DISCLOSE --- FEC Financial Disclosure Filing Acknowledgement

This is to acknowledge the receipt and acceptance of your electronic filing via the DISCLOSE protocol.

Your filing was received and accepted by our system at 05/07/2004 - 09:33:29, and was assigned the Filing ID of: FEC-119075

Please make a note of this, as it will be necessary to refer to this information in the future.

Thank you for using DISCLOSE.

Do not reply to this notice. It is sent from an unattended account that cannot receive email.

For your reference, the output of the validation check was as follows:

FEC File Validator Version 5.1.2.0

Developed for the Federal Election Commission
by NIC Technologies, Inc. 1996-2004

=== Identification Section ===

Committee ID: C00174847
Committee Name: BREWERY SOFT DRINK BEER DISTR OPTICAL DENTAL MISC WORKERS WARE
Filing Type: F3XN
From/Through: 20040101 - 20040331

Software/Ver#: FECfile / Ver# 5.1.2.0(f10)

=== Results Section ===

>>>----> FEC data file PASSED validation! <----<<<

=== Summary Page Totals Section ===

Cover/Summary Page Totals for Form: F3X

Line No.	Column A	Column B
6A 2004		217,210.16
6B	217,210.16	
6C	25,757.79	25,757.79
6D	242,967.95	242,967.95
7	15,990.35	15,990.35
8	226,977.60	226,977.60

9	0.00	
10	0.00	
11A1	0.00	0.00
11A2	20,518.85	20,518.85
11A3	20,518.85	20,518.85
11B	0.00	0.00
11C	0.00	0.00
11D	20,518.85	20,518.85
12	0.00	0.00
13	0.00	0.00
14	0.00	0.00
15	0.00	0.00
16	0.00	0.00
17	5,238.94	5,238.94
18A	0.00	0.00
19	25,757.79	25,757.79
20	25,757.79	25,757.79
21A1	0.00	0.00
21A2	0.00	0.00
21B	7,695.35	7,695.35
21C	7,695.35	7,695.35
22	0.00	0.00
23	0.00	0.00
24	0.00	0.00
25	0.00	0.00
26	0.00	0.00
27	0.00	0.00
28A	0.00	0.00
28B	0.00	0.00
28C	0.00	0.00
28D	0.00	0.00
29	8,295.00	8,295.00
31	15,990.35	15,990.35
32	15,990.35	15,990.35
33	20,518.85	20,518.85
34	0.00	0.00
35	20,518.85	20,518.85
36	7,695.35	7,695.35
37	0.00	0.00
38	7,695.35	7,695.35
18B	0.00	0.00
18C	0.00	0.00
30A1	0.00	0.00
30A2	0.00	0.00
30B	0.00	0.00
30C	0.00	0.00

MD5 checksum:

81ffd6d8b0dddf39337cf34ee54b412f3

FEDERAL ELECTION COMMISSION
999 E STREET, NW
WASHINGTON, DC 20463

**WESTERN
UNION**
Messaging Services

MAILGRAM



**UNITED STATES
POSTAL SERVICE**

112030000511 05/05/04
EM16105

PAH2 - PAHB

*Spoke to Dayna,
Confirmed she
received it.*

|||||

DANIEL H GRACE
BREWERY SOFT DRINK BEER DISTR OPTICAL DE
12298 TOWNSEND RD
PHILADELPHIA PA 19154-1203

May 5, 2004

IDENTIFICATION NUMBER: C00174847

REFERENCE: APRIL QUARTERLY (01/01/2004 - 03/31/2004)

DEAR TREASURER:

IT HAS COME TO THE ATTENTION OF THE FEDERAL ELECTION COMMISSION THAT YOU MAY HAVE FAILED TO FILE THE ABOVE REFERENCED REPORTS OF RECEIPTS AND EXPENDITURES AS REQUIRED BY THE FEDERAL ELECTION CAMPAIGN ACT, AS AMENDED. YOU WERE PREVIOUSLY NOTIFIED OF THE DUE DATES FOR THESE REPORTS.

IT IS IMPORTANT THAT YOU FILE THESE REPORTS IMMEDIATELY WITH THE FEDERAL ELECTION COMMISSION, 999 E STREET, N.W., WASHINGTON, D.C., 20463. A COPY OF THE REPORTS OR RELEVANT PORTIONS MUST ALSO BE FILED WITH THE SECRETARY OF STATE OR EQUIVALENT STATE OFFICER UNLESS THE STATE IS EXEMPT FROM THE FEDERAL REQUIREMENT TO RECEIVE AND MAINTAIN PAPER COPIES.

THE FAILURE TO TIMELY FILE THESE REPORTS MAY RESULT IN CIVIL MONEY PENALTIES, AN AUDIT OR LEGAL ENFORCEMENT ACTION. THE CIVIL MONEY PENALTY CALCULATION FOR LATE REPORTS DOES NOT INCLUDE A GRACE PERIOD AND BEGINS ON THE DAY FOLLOWING THE DUE DATE FOR THE REPORT.

IF YOU HAVE ANY QUESTIONS REGARDING THIS MATTER, PLEASE CONTACT Dayna Brown ON OUR TOLL FREE NUMBER (800)424-9530. OUR LOCAL NUMBER IS (202)694-1130.

SINCERELY,

1147

JOHN D. GIBSON
ASSISTANT STAFF DIRECTOR
REPORTS ANALYSIS DIVISION

MGMCOMP 18:23 EST

UNITED STATES
POSTAL SERVICE

PAH2 - PAHB

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



FEDERAL ELECTION COMMISSION
WASHINGTON, D C 20461

Via First Class Mail

June 29, 2004

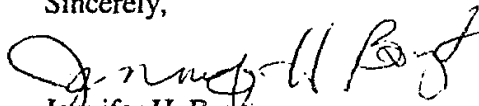
Daniel H. Grace, as Treasurer
Brewery Soft Drink Beer Distr Optical Dental
Misc Workers Warehouseman Help Local 830 PAC
12298 Townsend Road
Philadelphia, PA 19154

C00174847
AF# 1122

Dear Mr. Grace:

On June 29, 2004, the Commission received your written response ("challenge") which is being reviewed by the Office of Administrative Review. 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,


Jennifer H. Boyt
Reviewing Analyst
Office of Administrative Review

2004 JUN 30 11:11:11

Date: June 30, 2004

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

AF#: 1122

Committee Name: Brewery Soft Drink Beer Distr Optical Dental Miscellaneous
Workers Warehouseman Help Local 830 PAC

Committee ID#: C00174847

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

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

Attachments:

**Copy of RTB Circulation Report Dated June 4, 2004 and RTB
Certification Dated June 18, 2004 - Attachment # : 1**
Copy of RTB Mailgram - Attachment # : See Declaration
**Certified Return Receipt (to be forwarded at later date if not yet received) -
Attachment # : To be forwarded**
Telecons and Visitcons in Response to RTB Mailgram (Y/N): N
Attachment # : N/A
**Original Correspondence Received by RAD in Response to
RTB Mailgram (Y/N): N**
Attachment # : N/A
RAD Staff Declaration - Attachment # : 2

DECLARATION OF PATRICIA CARMONA

1. I am the Chief of the Compliance Branch for the Reports Analysis Division of the Federal Election Commission ("Commission"). In my capacity as Chief of the Compliance Branch, I oversee the research conducted with regard to 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 the Brewery Soft Drink Beer Distr Optical Dental Miscellaneous Workers Warehouseman Help Local 830 PAC:
 - A) Prior Notice dated March 22, 2004 referencing the 2004 April Quarterly Report;
 - B) Non-Filer Mailgram dated May 5, 2004 referencing the 2004 April Quarterly Report;
 - C) Reason-to-Believe Mailgram dated June 15, 2004 referencing the 2004 April Quarterly Report.
3. I hereby certify that I have searched the Commission's public records and find that Brewery Soft Drink Beer Distr Optical Dental Miscellaneous Workers Warehouseman Help Local 830 PAC filed the 2004 April Quarterly Report with the Commission on May 7, 2004.
4. 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, D.C. on the 30th day of June, 2004.



Patricia Carmona
Chief, Compliance Branch
Reports Analysis Division
Federal Election Commission

QUARTERLY REPORT NOTICE

FEDERAL ELECTION COMMISSION

PARTIES AND PACS

March 22, 2004

REPORTING DATES

REPORT	REPORTING PERIOD ¹	REG./CERT. & OVERNIGHT	FILING
		MAILING DATE ²	DATE
April Quarterly	01/01/04 - 03/31/04	04/15/04	04/15/04

WHO MUST FILE

All Party Committees and PACs (Nonconnected Committees and Separate Segregated Funds) filing on a quarterly basis must file a Quarterly Report in April. Committees must continue to file reports until the Commission notifies them in writing that their termination report has been accepted.

Recent changes to the law require certain party committees to file monthly reports (quarterly reporting is no longer an option for these committees). See the January 2004 issue of the *Record*, which can be found on the FEC web site at <http://www.fec.gov/pages/record.htm> for more information.

NOTE: A recent legislative change allows committees to file reports using overnight mail on the same terms as registered/certified mail. (See footnote 2).

PRE-ELECTION REPORTING

Committees that make contributions or expenditures (including independent expenditures) in connection with an election must also file a Pre-Election Report, if the activity was not previously reported. For the pre-election reporting guidelines, see the January 2004 *Record*, which can be found on the FEC web site at <http://www.fec.gov/pages/record.htm>.

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.

²Quarterly reports sent by registered or certified mail must be postmarked by the mailing date. Committees should keep the mailing receipt with its postmark as proof of filing. If using overnight mail, the delivery service must receive the report by the mailing date. "Overnight mail" means an overnight service with an on-line tracking system. Quarterly reports filed by any other means must be received by the Commission (or Secretary of the Senate for committees supporting only Senate candidates) by the filing date.

(over)

48- AND 24-HOUR REPORTS ON INDEPENDENT EXPENDITURES

Any PAC or Party Committee that makes independent expenditures in connection with an election may also have to file 48-hour or 24-hour reports. The 48-hour reporting requirement will be triggered each time the committee makes independent expenditures aggregating \$10,000 or more between January 1st and the 20th day before the election. The 24-hour reporting requirement will be triggered each time the committee makes independent expenditures aggregating \$1,000 or more after the 20th day, but more than 24 hours, before the day of the election. See 11 CFR 104.4.

These reports are *not* required when a Party Committee or PAC makes a contribution directly to a candidate. For a state-by-state chart of 48- and 24-hour reporting periods, visit the FEC web site at http://www.fec.gov/pages/charts_ie_dates.htm.

COMPLIANCE

- 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.
- 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). For additional information, see the enclosed handout entitled, "Administrative Fine Program" and visit the FEC web site at <http://www.fec.gov/adminfines1.html>.
- 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 who instead file on paper or submit an electronic report (either by direct transmission or on 3.5" diskette) that does not pass the validation test will be considered non-filers and may be subject to enforcement actions (including administrative fines).

ELECTRONIC FILING

Political committees that receive contributions or make expenditures in excess of \$50,000 in a calendar year, or that expect to do so, must submit their reports electronically. For additional information, review the enclosed handout entitled "Electronic Filing," call the FEC's Electronic Filing office at (800) 424-9530 or (202) 694-1642, and visit our web site at <http://www.fec.gov/elecfil/electron.html>.

CHANGE IN FILING FREQUENCY

Committees able to change their reporting schedule (for example, from quarterly to monthly) who wish to do so must notify the Commission in writing when they file their next report due under their current reporting schedule. Committees may change their filing frequency no more than once per calendar year.

24038411155

**WESTERN
UNION**

WESTERN UNION COMMERCIAL SERVICES
 CONFIRMATION OF MAILGRAM TO: DANIEL H GRACE
 BREWERY SOFT DRINK BEER CISTR OPTICAL DE
 12236 TOWNSEND RD
 PHILADELPHIA PA 19154-1200

JENNIFER S. CINELLI
 FEDERAL ELECTION COMMISSION
 999 E ST NW
 WASHINGTON DC 20463

MAY 5, 2004

IDENTIFICATION NUMBER: 000174647

REFERENCE: APRIL QUARTERLY (01/01/2004 - 03/31/2004)

DEAR TREASURER:

IT HAS COME TO THE ATTENTION OF THE FEDERAL ELECTION COMMISSION THAT YOU MAY HAVE FAILED TO FILE THE ABOVE REFERENCED REPORTS OF RECEIPTS AND EXPENDITURES AS REQUIRED BY THE FEDERAL ELECTION CAMPAIGN ACT, AS AMENDED. YOU WERE PREVIOUSLY NOTIFIED OF THE DUE DATES FOR THESE REPORTS.

IT IS IMPORTANT THAT YOU FILE THESE REPORTS IMMEDIATELY WITH THE FEDERAL ELECTION COMMISSION, 999 E STREET, N.W., WASHINGTON, D.C., 20463. A COPY OF THE REPORTS OR RELEVANT PORTIONS MUST ALSO BE FILED WITH THE SECRETARY OF STATE OR EQUIVALENT STATE OFFICER UNLESS THE STATE IS EXEMPT FROM THE FEDERAL REQUIREMENT TO RECEIVE AND MAINTAIN PAPER COPIES.

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IF YOU HAVE ANY QUESTIONS REGARDING THIS MATTER, PLEASE CONTACT GAYNA BROWN ON OUR TOLL FREE NUMBER (800)424-7530. OUR LOCAL NUMBER IS (202)694-1130.

SINCERELY,

JOHN D. GIBSON
 ASSISTANT STAFF DIRECTOR
 REPORTS ANALYSIS DIVISION



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

SECRETARIAT

2004 DEC 10 P 4:03

December 9, 2004

MEMORANDUM

SENSITIVE

TO: THE COMMISSION

THROUGH: JAMES A. PEHRKON
STAFF DIRECTOR

JOHN C. O'BRIEN
ACTING DEPUTY STAFF DIRECTOR

FROM: SHAWN WOODHEAD WERTH
REVIEWING OFFICER
OFFICE OF ADMINISTRATIVE REVIEW

SUBJECT: AF# 1122 - BREWERY SOFT DRINK BEER DISTRIBUTORS
OPTICAL DENTAL MISC. WORKERS WAREHOUSEMEN
HELP LOCAL 830 PAC AND DANIEL H. GRACE, AS
TREASURER (C00174847)

The attached Reviewing Officer Recommendation is being circulated on an informational basis. A copy was also sent to 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



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

December 9, 2004

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

AF# 1122 – Brewery Soft Drink Beer Distributors Optical Dental Misc. Workers Warehousemen Help Local 830 PAC and Daniel H. Grace, as Treasurer (C00174847)

On June 10, 2004, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that the Brewery Soft Drink Beer Distributors Optical Dental Misc. Workers Warehousemen Help Local 830 PAC and Daniel H. Grace, as Treasurer ("the respondents"), violated 2 U.S.C. § 434(a) for failing to file the 2004 April Quarterly Report in a timely manner. The Commission also made a preliminary determination on that date that the civil money penalty was \$640 based on the schedule of penalties at 11 C.F.R. § 111.43. The respondents were notified via mailgram by the Reports Analysis Division ("RAD") on June 15, 2004 of the Commission's finding and RTB civil money penalty.

Respondents' Response

On June 29, 2004, the Commission received the written response and supporting documentation ("challenge") from the Secretary-Treasurer, Daniel H. Grace, "setting forth reasonable cause for the late filing." He states that "[o]n April 15, 2004, our bookkeeper filed our report electronically. On May 7, 2004, we received correspondence from John D. Gibson, Assistant Staff Director ..., indicating that the report was not received.... We immediately resubmitted the report electronically. After resubmitting, we contacted Dayna Brown to confirm receipt of the report." He further states that from "April 15 through May 5, we believed that the report had been submitted. We made every effort to comply with the filing deadlines[,] ... have a history of timely filings[,] ... and respectfully request that the penalty assessed against us be abated." Enclosed with the challenge are two copies of the May 5, 2004 Nonfiler Notice, and copies of an "FEC Financial Disclosure Filing Acknowledgement" and the June 15 RTB notification. The "FEC Financial Disclosure Filing Acknowledgement" is dated "05/07/2004," is for a report covering "20040101-20040331," and shows that "FECfile / Ver# 5.1.2.0(f10)" electronic filing software was used to file the report.

Supplemental Requests and Responses

Because the Treasurer indicates in his challenge that the respondents electronically filed the report on April 15, 2004 and resubmitted it electronically after receipt of the Nonfiler Notice from RAD, OAR sent a request for supplemental information to the Information Technology Division ("ITD") on July 27, 2004. OAR asked for information regarding the issues raised in the challenge and asked if records show that a 12-hour email notification was sent for failing to electronically file the April

Quarterly Report. If an email was sent, OAR asked for the date on which it was sent and to whom it was sent.

In his November 22, 2004 response, the Manager of ITD's Systems Analysis and Design Branch states that the logs for the Electronic Filing Office ("EFO") show that

[o]n April 14, 2004, Ms. Sue Deluigi called ... to request help resolving a validation error "First name missing." Assistance was provided by Ms. Eliza Green ... and the problem was resolved.

On April 16, 2004, [t]he EFO notified the committee by email that they had failed to file their 2004 April Quarterly Report. The FEC server mail log shows that the email was sent to NFORD@Team830.org. This is the same email address that was provided by the committee when the 2003 Year-End Report was electronically filed and the address used by the FEC to send the filing acknowledgment (receipt) to the committee for the Year-End Report.

Because the Treasurer indicates that the respondents contacted RAD staff "to confirm receipt of the report," OAR asked RAD on November 19, 2004 for any information regarding conversations between RAD staff and the respondents about the issues in the challenge. In his November 23, 2004 response, the Assistant Staff Director of RAD states that "a telephone conversation ... occurred on May 6, 2004 between Dayna Brown ... and Mr. Daniel Grace, Treasurer ... in regard to the filing of the committee's 2004 April Quarterly Report. We have no other records of conversations with the committee regarding this matter." In Ms. Brown's telephone record, she states that, on May 6, 2004,

Mr. Grace called regarding the [Non-filer Notification] that was recently sent to the committee referencing the 2004 [April Quarterly R]eport. Mr. Grace, along with his secretary, stated that the report was sent to us electronically on 4/15/04. I checked our website and the raw data page and did not see the committee's report. I then checked the RAD_Compliance database to see if perhaps the committee had submitted the report ... electronically and it was rejected. The committee did not appear in the database. I told Mr. Grace that we did not have [a] record of having received the report and suggested he resend it to us as soon as possible. He stated that he would.

Analysis of Challenge

The April Quarterly Report was electronically filed on May 7, 2004, 22 days late. Based on a review of the Commission's records, there is no indication that the report was filed on a date earlier than May 7, 2004.

The Federal Election Campaign Act ("Act") requires that quarterly reports must be filed by the treasurer of a political committee no later than the 15th day following the close of the immediately preceding calendar quarter. 2 U.S.C. § 434(a)(4)(A)(i) and 11 C.F.R. § 104.5(c)(1)(i)(A). The treasurer shall be personally responsible for the timely filing of reports. 11 C.F.R. § 104.14(d). Reports electronically filed must be received and validated at or before 11:59 p.m., Eastern Standard/Daylight Time on the prescribed filing date to be timely filed. 11 C.F.R. § §104.5(e) and 100.19(c).

Prior Notice for the April Quarterly Report, which was sent to the respondents on March 22, 2004, states that the filing date is April 15, 2004. It also informs them that treasurers are responsible for the timeliness of their reports.

At the Electronic Filing section of the Commission's web site, the reader can access two items: an article titled "Common Electronic Filing Mistakes!" and the "FECFile User Manual for PACs and Party Committees." The article notes that "[a]fter you upload your report electronically a receipt will be sent to you via email or fax. If you do not get the receipt, you must assume that you have not successfully filed. Call the Electronic Filing Office ... if more than a few minutes pass with no receipt. The receipt is proof of filing. Print it out, keep it." The Manual instructs users in the data entry and uploading procedures required to create and file reports electronically. Section G explains the process for filing a report. On page 10-G, it states that "[i]f the file is accepted, the user receives a fax or email within a few minutes notifying them that the filing was accepted. If they do not receive this notification, they should call the electronic filing office immediately." The Manual states at the bottom of the page **"NOTE: The Faxed or emailed receipt is the official receipt and should be kept just as the user would keep a certified mail receipt. This is proof that they filed the report."** [Emphasis in original.]

The respondents state that they timely filed the report and, between April 15 and May 5, they believed the report had been filed. If an electronic filer fails to file a report on time, it is the practice of the Commission's EFO to send an electronic notice to the email address provided by the filer, notifying the filer that they failed to file the report. According to the EFO logs, on April 16, 2004, the EFO sent a failure to file notification for the 2004 April Quarterly Report to the email address provided by the respondents, NFORD@Team830.org.

It does not appear that the respondents took any follow-up action to determine if the report had been accepted and considered filed, until May 6, when they called the Analyst after their receipt of the May 5, 2004 Nonfiler Notification. For example, the respondents could have checked the Commission's web site to see if the report had been received, accepted, and posted. They could have monitored their incoming e-mail for receipt of the Commission's filing acknowledgement to see if the report had been received and accepted by the Commission on April 15, just as the Year End Report's filing confirmation receipt was sent to NFORD@Team830.org on January 16, 2004. They also could have called the EFO in response to the 12 hour nonfiler e-mail notification which was sent on April 16, 2004 to this same e-mail address.

According to Ms. Brown's telephone record, the respondents contacted her on May 6 after receiving the Non-filer Notification. She searched for evidence that they already filed the report, by checking the Commission's website and RAD's records, and recommended that they file the report as soon as possible, as there was no indication that the report had been filed. The Treasurer told her he would. According to the EFO, when the respondents filed the report on May 7, an e-mail filing acknowledgement was sent to NFORD@Team830.org. The Act clearly states that it is the Treasurer's responsibility to file reports in a timely manner and the failure to electronically transmit the report to the Commission does not absolve the respondents from their responsibility.

With respect to the other issues raised in the challenge (their "effort[s] to comply with the filing deadlines and ... history of timely filings"), they do not fall within the list of defenses outlined in 11 C.F.R. § 111.35(b). The respondents' challenge presented no evidence that a factual error was made, that the civil money penalty was miscalculated at RTB or that extraordinary circumstances existed, which prevented them from filing the 2004 April Quarterly Report in a timely manner. 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 \$640.

OAR Recommendations

- (1) Make a final determination in AF# 1122 that the Brewery Soft Drink Beer Distributors Optical Dental Misc. Workers Warehousemen Help Local 830 PAC and Daniel H. Grace, as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$640;
- (2) Send the appropriate letter.

Reviewing Analyst Assigned: Jennifer H. Boyt

Attachments

- Attachment 1 - Challenge Received from Respondents
- Attachment 2 - Supplemental Request Sent to and Response Received from ITD
- Attachment 3 - Supplemental Request Sent to and Response Received from RAD
- Attachment 4 - Declaration from RAD
- Attachment 5 - Declaration from OAR



DRIVE

FEDERAL ELECTION COMMISSION
ADMINISTRATIVE REVIEW

TEAMSTERS LOCAL 830

12298 TOWNSHIP ROAD • PHILADELPHIA, PA 19154 • 215-671-9850 FAX 676-1324

8 Pages

June 23, 2004

Certified Mail #7003-1680-0005-5154-6661

Return Receipt Requested

Federal Election Commission
Office of Administrative Review
999 E Street, N.W.
Washington, DC 20463

Re: C00174847
AF# 1122

Dear Sir or Madam:

I am in receipt of your penalty notice dated June 15, 2004 (copy attached).

Please accept this letter as a response setting forth reasonable cause for the late filing of the April Quarterly Report of Receipts and Disbursements.

On April 15, 2004, our bookkeeper filed our report electronically. On May 7, 2004, we received correspondence from John D. Gibson, Assistant Staff Director Reports Analysis Division, indicating that the report was not received. A copy of the correspondence is attached. We immediately resubmitted the report electronically. After resubmitting, we contacted Dayna Brown to confirm receipt of the report.

During the period April 15 through May 5, we believed that the report had been submitted. We made every effort to comply with the filing deadlines and have a history of timely filings. Based on these factors, we respectfully request that the penalty assessed against us be abated.

If you should have any questions, please do not hesitate to contact me.

Sincerely,

Daniel H. Grace
Secretary-Treasurer

Enclosure
Regular Mail

F.E.C. RTB
999 E Street, NW
Washington, DC 20463

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EM16105

PAH1 - PAHA

|||||

CERTIFIED RETURN RECEIPT P 910 149 620
DANIEL H GRACE
BREWERY SOFT DRINK BEER DISTR OPTICAL DE
12298 TOWNSEND RD
PHILADELPHIA PA 19154-1203

****CERTIFIED****

June 15, 2004

DANIEL H GRACE
BREWERY SOFT DRINK BEER DISTR OPTICAL DE
12298 TOWNSEND ROAD
PHILADELPHIA PA 19154

C00174847
AF#: 1122

Dear DANIEL H GRACE:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file an April Quarterly Report of Receipts and Disbursements in a calendar year during which there is a regularly scheduled election. This report, covering the period through March 31st, shall be filed no later than April 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 filed on 05/07/2004, 22 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 06/10/2004, the FEC found that there is reason to believe ("RTB") that BREWERY SOFT DRINK BEER DISTR OPTICAL DE and you, as treasurer, violated 2 U.S.C. 434(a) by failing to file timely this report on or before April 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 \$640. It is due by 07/20/2004 and is based on these factors:

Election Sensitivity of Report: Not election sensitive
Level of Activity: \$41747
Number of Days Late: 22
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 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 07/20/2004. 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 BREWERY SOFT DRINK BEER DISTR OPTICAL DE 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

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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 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 RTB is \$640 for the 2004 APRIL 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 07/20/2004. 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: BREWERY SOFT DRINK BEER DISTR OPTICAL DE

FEC ID#: C00174847

AF#: 1122

PAYMENT DUE DATE: 07/20/2004

PAYMENT AMOUNT DUE: \$640

DISCLOSE --- FEC Financial Disclosure Filing Acknowledgement

This is to acknowledge the receipt and acceptance of your electronic filing via the DISCLOSE protocol.

Your filing was received and accepted by our system at 05/07/2004 - 09:33:29, and was assigned the Filing ID of: FEC-119075

Please make a note of this, as it will be necessary to refer to this information in the future.

Thank you for using DISCLOSE.

Do not reply to this notice. It is sent from an unattended account that cannot receive email.

For your reference, the output of the validation check was as follows:

FEC File Validator Version 5.1.2.0

Developed for the Federal Election Commission
by NIC Technologies, Inc. 1996-2004

=== Identification Section ===

Committee ID: C00174847
Committee Name: BREWERY SOFT DRINK BEER DISTR OPTICAL DENTAL MISC WORKERS WARE
Filing Type: F3XX
From/Through: 20040101 - 20040331
Software/Ver#: FECfile / Ver# 5.1.2.0(f10)

=== Results Section ===

>>>----> FEC data file PASSED validation! <----<<<

=== Summary Page Totals Section ===

Cover/Summary Page Totals for Form: F3X

Line No.	Column A	Column B
6A 2004		217,210.16
6B	217,210.16	
6C	25,757.79	25,757.79
6D	242,967.95	242,967.95
7	15,990.35	15,990.35
8	226,977.60	226,977.60

9	0.00	
10	0.00	
11A1	0.00	0.00
11A2	20,518.85	20,518.85
11A3	20,518.85	20,518.85
11B	0.00	0.00
11C	0.00	0.00
11D	20,518.85	20,518.85
12	0.00	0.00
13	0.00	0.00
14	0.00	0.00
15	0.00	0.00
16	0.00	0.00
17	5,238.94	5,238.94
18A	0.00	0.00
19	25,757.79	25,757.79
20	25,757.79	25,757.79
21A1	0.00	0.00
21A2	0.00	0.00
21B	7,695.35	7,695.35
21C	7,695.35	7,695.35
22	0.00	0.00
23	0.00	0.00
24	0.00	0.00
25	0.00	0.00
26	0.00	0.00
27	0.00	0.00
28A	0.00	0.00
28B	0.00	0.00
28C	0.00	0.00
28D	0.00	0.00
29	8,295.00	8,295.00
31	15,990.35	15,990.35
32	15,990.35	15,990.35
33	20,518.85	20,518.85
34	0.00	0.00
35	20,518.85	20,518.85
36	7,695.35	7,695.35
37	0.00	0.00
38	7,695.35	7,695.35
18B	0.00	0.00
18C	0.00	0.00
30A1	0.00	0.00
30A2	0.00	0.00
30B	0.00	0.00
30C	0.00	0.00

MD5 checksum:

81ffd6d8b0ddf39337cf34ee54b412f3

**UNITED STATES
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AHB 5 page to Bayna,
confirmed she
received it.

MGMCOMP 18:23 EST

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PAH2 - PAHB

DANIEL H GRACE
BREWERY SOFT DRINK BEER DISTR OPTICAL DE
12298 TOWNSEND RD
PHILADELPHIA PA 19154-1203

IDENTIFICATION NUMBER: C00174847

REFERENCE: APRIL QUARTERLY (01/01/2004 - 03/31/2004)

DEAR TREASURER:

IT HAS COME TO THE ATTENTION OF THE FEDERAL ELECTION COMMISSION THAT YOU MAY HAVE FAILED TO FILE THE ABOVE REFERENCED REPORTS OF RECEIPTS AND EXPENDITURES AS REQUIRED BY THE FEDERAL ELECTION CAMPAIGN ACT, AS AMENDED. YOU WERE PREVIOUSLY NOTIFIED OF THE DUE DATES FOR THESE REPORTS.

IT IS IMPORTANT THAT YOU FILE THESE REPORTS IMMEDIATELY WITH THE FEDERAL ELECTION COMMISSION, 999 E STREET, N.W., WASHINGTON, D.C., 20463. A COPY OF THE REPORTS OR RELEVANT PORTIONS MUST ALSO BE FILED WITH THE SECRETARY OF STATE OR EQUIVALENT STATE OFFICER UNLESS THE STATE IS EXEMPT FROM THE FEDERAL REQUIREMENT TO RECEIVE AND MAINTAIN PAPER COPIES.

THE FAILURE TO TIMELY FILE THESES REPORTS MAY RESULT IN CIVIL MONEY PENALTIES, AN AUDIT OR LEGAL ENFORCEMENT ACTION. THE CIVIL MONEY PENALTY CALCULATION FOR LATE REPORTS DOES NOT INCLUDE A GRACE PERIOD AND BEGINS ON THE DAY FOLLOWING THE DUE DATE FOR THE REPORT.

IF YOU HAVE ANY QUESTIONS REGARDING THIS MATTER, PLEASE
CONTACT Dayna Brown ON OUR TOLL FREE NUMBER (800)424-9530. OUR
LOCAL NUMBER IS (202)694-1130.


SINCERELY,

JOHN D. GIBSON
ASSISTANT STAFF DIRECTOR
REPORTS ANALYSIS DIVISION

MGMCOMP 18:23 EST

DECLARATION OF PATRICIA CARMONA

1. I am the Chief of the Compliance Branch for the Reports Analysis Division of the Federal Election Commission ("Commission"). In my capacity as Chief of the Compliance Branch, I oversee the research conducted with regard to 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 the Brewery Soft Drink Beer Distr Optical Dental Miscellaneous Workers Warehouseman Help Local 830 PAC:
 - A) Prior Notice dated March 22, 2004 referencing the 2004 April Quarterly Report;
 - B) Non-Filer Mailgram dated May 5, 2004 referencing the 2004 April Quarterly Report;
 - C) Reason-to-Believe Mailgram dated June 15, 2004 referencing the 2004 April Quarterly Report.
3. I hereby certify that I have searched the Commission's public records and find that Brewery Soft Drink Beer Distr Optical Dental Miscellaneous Workers Warehouseman Help Local 830 PAC filed the 2004 April Quarterly Report with the Commission on May 7, 2004.
4. 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, D.C. on the 30th day of June, 2004.



Patricia Carmona
Chief, Compliance Branch
Reports Analysis Division
Federal Election Commission

QUARTERLY REPORT NOTICE

FEDERAL ELECTION COMMISSION

PARTIES AND PACS

March 22, 2004

REPORTING DATES

REPORT	REPORTING PERIOD ¹	REG./CERT. &	FILING
		OVERNIGHT	DATE
April Quarterly	01/01/04 - 03/31/04	MAILING DATE ²	
		04/15/04	04/15/04

WHO MUST FILE

All Party Committees and PACs (Nonconnected Committees and Separate Segregated Funds) filing on a quarterly basis must file a Quarterly Report in April. Committees must continue to file reports until the Commission notifies them in writing that their termination report has been accepted.

Recent changes to the law require certain party committees to file monthly reports (quarterly reporting is no longer an option for these committees). See the January 2004 issue of the *Record*, which can be found on the FEC web site at <http://www.fec.gov/pages/record.htm> for more information.

NOTE: A recent legislative change allows committees to file reports using overnight mail on the same terms as registered/certified mail. (See footnote 2).

PRE-ELECTION REPORTING

Committees that make contributions or expenditures (including independent expenditures) in connection with an election must also file a Pre-Election Report, if the activity was not previously reported. For the pre-election reporting guidelines, see the January 2004 *Record*, which can be found on the FEC web site at <http://www.fec.gov/pages/record.htm>.

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.

²Quarterly reports sent by registered or certified mail must be postmarked by the mailing date. Committees should keep the mailing receipt with its postmark as proof of filing. If using overnight mail, the delivery service must receive the report by the mailing date. "Overnight mail" means an overnight service with an on-line tracking system. Quarterly reports filed by any other means must be received by the Commission (or Secretary of the Senate for committees supporting only Senate candidates) by the filing date.

(over)

48- AND 24-HOUR REPORTS ON INDEPENDENT EXPENDITURES

Any PAC or Party Committee that makes independent expenditures in connection with an election may also have to file 48-hour or 24-hour reports. The 48-hour reporting requirement will be triggered each time the committee makes independent expenditures aggregating \$10,000 or more between January 1st and the 20th day before the election. The 24-hour reporting requirement will be triggered each time the committee makes independent expenditures aggregating \$1,000 or more after the 20th day, but more than 24 hours, before the day of the election. See 11 CFR 104.4.

These reports are *not* required when a Party Committee or PAC makes a contribution directly to a candidate. For a state-by-state chart of 48- and 24-hour reporting periods, visit the FEC web site at http://www.fec.gov/pages/charts_ie_dates.htm.

COMPLIANCE

- 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.
- 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). For additional information, see the enclosed handout entitled, "Administrative Fine Program" and visit the FEC web site at <http://www.fec.gov/adminfines1.html>.
- 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 who instead file on paper or submit an electronic report (either by direct transmission or on 3.5" diskette) that does not pass the validation test will be considered non-filers and may be subject to enforcement actions (including administrative fines).

ELECTRONIC FILING

Political committees that receive contributions or make expenditures in excess of \$50,000 in a calendar year, or that expect to do so, must submit their reports electronically. For additional information, review the enclosed handout entitled "Electronic Filing," call the FEC's Electronic Filing office at (800) 424-9530 or (202) 694-1642, and visit our web site at <http://www.fec.gov/elecfil/electron.html>.

CHANGE IN FILING FREQUENCY

Committees able to change their reporting schedule (for example, from quarterly to monthly) who wish to do so must notify the Commission in writing when they file their next report due under their current reporting schedule. Committees may change their filing frequency no more than once per calendar year.

24038411155

**WESTERN
UNION**

CONFIRMATION OF MAILERAM

WESTERN UNION COMMERCIAL SERVICE
 TO: DANIEL H GRACE
 BREWERY SOFT DRINK SEER SYSTEM OPTICAL DE
 12236 TOWNSHIP RD
 PHILADELPHIA PA 19154-1236

JENNIFER S. CINELLI
 FEDERAL ELECTION COMMISSION
 999 E ST NW
 WASHINGTON DC 20463

MAY 5, 2004

IDENTIFICATION NUMBER: 000174647

REFERENCE: APRIL QUARTERLY (01/01/2004 - 03/31/2004)

DEAR TREASURER:

IT HAS COME TO THE ATTENTION OF THE FEDERAL ELECTION COMMISSION THAT YOU MAY HAVE FAILED TO FILE THE ABOVE REFERENCED REPORTS OF RECEIPTS AND EXPENDITURES AS REQUIRED BY THE FEDERAL ELECTION CAMPAIGN ACT, AS AMENDED. YOU WERE PREVIOUSLY NOTIFIED OF THE DUE DATES FOR THESE REPORTS.

IT IS IMPORTANT THAT YOU FILE THESE REPORTS IMMEDIATELY WITH THE FEDERAL ELECTION COMMISSION, 999 E STREET, N.W., WASHINGTON, D.C., 20463. A COPY OF THE REPORTS OR RELEVANT PORTIONS MUST ALSO BE FILED WITH THE SECRETARY OF STATE OR EQUIVALENT STATE OFFICER UNLESS THE STATE IS EXEMPT FROM THE FEDERAL REQUIREMENT TO RECEIVE AND MAINTAIN PAPER COPIES.

THE FAILURE TO TIMELY FILE THESE REPORTS MAY RESULT IN CIVIL MONEY PENALTIES, AN AUDIT OR LEGAL ENFORCEMENT ACTION. THE CIVIL MONEY PENALTY CALCULATION FOR LATE REPORTS DOES NOT INCLUDE A GRACE PERIOD AND BEGINS ON THE DAY FOLLOWING THE DUE DATE FOR THE REPORT.

IF YOU HAVE ANY QUESTIONS REGARDING THIS MATTER, PLEASE CONTACT DAYNA BROWN ON OUR TOLL FREE NUMBER (800)424-1530. OUR LOCAL NUMBER IS (202)694-1130.

SINCERELY,

JOHN D. GIBSON
 ASSISTANT STAFF DIRECTOR
 REPORTS ANALYSIS DIVISION

**WESTERN
UNION**

CONFIRMATION OF CMGM

WESTERN UNION COMMERCIAL SERVICES
TO: DANIEL H GRACE
BREWERY SOFT DRINK BEER DISTR OPTICAL DE
12298 TOWNSEND RD
PHILADELPHIA PA 19154-1203

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

JUNE 15, 2004

DANIEL H GRACE
BREWERY SOFT DRINK BEER DISTR OPTICAL DE
12298 TOWNSEND ROAD
PHILADELPHIA PA 19154

C00174847
AF#: 1122

DEAR DANIEL H GRACE:

THE FEDERAL ELECTION CAMPAIGN ACT OF 1971, AS AMENDED ("THE ACT"), REQUIRES THAT YOUR COMMITTEE FILE AN APRIL QUARTERLY REPORT OF RECEIPTS AND DISBURSEMENTS IN A CALENDAR YEAR DURING WHICH THERE IS A REGULARLY SCHEDULED ELECTION. THIS REPORT, COVERING THE PERIOD THROUGH MARCH 31ST, SHALL BE FILED NO LATER THAN APRIL 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 FILED ON 05/07/2004, 22 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 06/10/2004, THE FEC FOUND THAT THERE IS REASON TO BELIEVE ("RTB") THAT BREWERY SOFT DRINK BEER DISTR OPTICAL DE AND YOU, AS TREASURER, VIOLATED 2 U.S.C. 434(A) BY FAILING TO FILE TIMELY THIS REPORT ON OR BEFORE APRIL 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 \$640. IT IS DUE BY 07/20/2004 AND IS BASED ON THESE FACTORS:

ELECTION SENSITIVITY OF REPORT: NOT ELECTION SENSITIVE
LEVEL OF ACTIVITY: \$41747
NUMBER OF DAYS LATE: 22
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 07/20/2004. 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 BREWERY SOFT DRINK BEER DISTR OPTICAL DE 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**

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 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 RTB IS \$640 FOR THE 2004 APRIL 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 07/20/2004. 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: BREWERY SOFT DRINK BEER DISTR OPTICAL DE

FEC ID#: C00174847

AF#: 1122

PAYMENT DUE DATE: 07/20/2004

PAYMENT AMOUNT DUE: \$640

DECLARATION OF JENNIFER HENRY BOYT

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 2004 April Quarterly Report covering the period January 1 through March 31, 2004 is due April 15, 2004. If electronically filed, it must be received and validated by the Commission at or before 11:59 p.m., Eastern Standard/Daylight Time on April 15 to be timely filed.
3. It is the practice of the Commission's Electronic Filing Office to maintain an Electronic Filing section on the Commission's web site at <http://www.fec.gov/electfil/electron.shtml> (formerly located at <http://www.fec.gov/electfil>) for the use of committees and treasurers who are electronic filers. It is also the practice of this Office to send a fax or an electronic notice acknowledging the receipt and acceptance of electronic filings and to maintain the FECFile User's Manual for PACs and Party Committees on the Commission's web site at http://www.fec.gov/electfil/unauthorized_manual/manual.shtml (formerly located at <http://www.fec.gov/electfil>).
4. 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) Page 1 of the Summary Page for the 2003 Year End Report electronically filed by the Brewery Soft Drink Beer Distributors Optical Dental Misc. Workers Warehousemen Help Local 830 PAC and Daniel H. Grace, as Treasurer. According to the Commission's records, the report covers the period from September 1 through December 31, 2003 and was received on January 16, 2004; and
 - b) Page 1 of the Summary Page for the 2004 April Quarterly Report electronically filed by the Brewery Soft Drink Beer Distributors Optical Dental Misc. Workers Warehousemen Help Local 830 PAC and Daniel H. Grace, as Treasurer. According to the Commission's records, the report covers the period from January 1 through March 31, 2004 and was received on May 7, 2004.
5. 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 9th of December, 2004.



Jennifer Henry Boyt
Reviewing Analyst
Office of Administrative Review
Federal Election Commission



Federal Election Commission

[FEC Home](#) > [Electronic Filing](#) > [Help for Electronic Filers](#)

Common Electronic Filing Mistakes

Passwords

- Not getting a password
- Waiting until the last minute to get a password
- Forgetting your password

If you forget to get a password or put it off until the last minute, it may not be possible to get one on a filing deadline day.

If you forget your password, we can't look it up for you. It is encrypted. You have to request another one.

Attempting a first filing on the filing deadline day

Any problem, be it technical or a matter of non-familiarity with the software, can be difficult to deal with during the rush of a deadline day. Always file as early as possible, especially the first time you file electronically.

No Receipt, no Filing

After you upload your report electronically a receipt will be sent to you via email or fax. If you do not get the receipt, you must assume that you have not successfully filed. Call the Electronic Filing Office - 202-694-1642 - if more than a few minutes pass with no receipt.

The receipt is proof of filing. Print it out, keep it.

Validate early and often

Don't wait until the last minute to validate your filing. Validation will find problems that you might not have noticed. If you validate on a regular basis, you will run much less risk of finding a long list of problems to resolve before uploading is possible.

Diskette Filing

If you file your report on diskette:

- ▶ Use a 3.5" floppy. No other form of magnetic media is acceptable.
- ▶ Don't forget to include a signed summary page.
- ▶ Only one report per diskette.

Back up your Data File!

The file that contains all of your reports (data file *.dcf) should be backed up to tape or floppy disk regularly. It is very difficult and time consuming to recreate your file should you loose your data.

Revised February 24, 2004



Federal Election Commission | 999 E Street, NW | Washington, DC 20463
(800) 424-9530 | In Washington (202) 694-1100
For the hearing impaired, TTY (202) 219-3336

Send comments and suggestions about this site to: webmaster@fec.gov
[FEC Privacy Policy](#) | [Viewing Requirements](#) | [FOIA](#)

File Submission, Uploading the Report and Error Messages

The most common failures are:

- incorrect passwords (The password /S case sensitive) and
- uploading without first connecting to the Internet (TCP/IP only). If the upload process generates a *FAILED* message at any point, call Tech Support.

If the password is correct, and there are no other reasons to reject the file (the Validator usually eliminates most other problems), the last line of the message is *Succeeded*. At this point the user is notified that the file has been received by the FEC.

This does not mean that the file has been accepted!

If the file is accepted, the user receives a fax or email within a few minutes notifying them that the filing was accepted. If they do not receive this notification, they should call the electronic filing office immediately.

When the user receives notification they will recognize it as the same printout that the validator provided. It should in fact be nearly identical. The MD5 Checksum number should match exactly.

Example:

The only difference between this notification and the one printed from the validator is the addition of a block of information about filing date and time and a Filing ID number. This number is assigned when the report is received and it is important. If it is found that the report must be amended, the user must provide the Filing ID of the report. The Filing ID is automatically saved inside the user's file, after they upload. They may look up the Filing ID by activating the Reports View, Selecting Edit, and clicking Close Report. There is a field that will hold the Filing ID of the report.

NOTE: The Faxed or emailed receipt is the official receipt and should be kept just as the user would keep a certified mail receipt. This is proof that they filed the report.

FEC
FORM 3XREPORT OF RECEIPTS
AND DISBURSEMENTS
For Other Than An Authorized Committee

Office Use Only

1. NAME OF
COMMITTEE (in full)USE FEC MAILING LABEL
OR TYPE OR PRINTExample: If typing, type
over the linesBREWERY SOFT DRINK BEER DISTR OPTICAL DENTAL MISC WORKERS WAREHOUSEMAN HELP LOCAL
880 PA

ADDRESS (number and street)

12288 TOWNSEND ROAD

Check if different
than previously
reported. (ACC)

PHILADELPHIA

PA

19154

2. FEC IDENTIFICATION NUMBER

CITY

STATE

ZIP CODE

C00174847

3. IS THIS
REPORT

X

NEW
(N) ORAMENDED
(A)4. TYPE OF REPORT
(Choose One)

(a) Quarterly Reports:

April 15
Quarterly Report (Q1)July 15
Quarterly Report (Q2)October 15
Quarterly Report (Q3)X January 31
Quarterly Report (YE)July 31 Mid-Year
Report (Non-election
Year Only) (MY)Termination Report
(TER)(b) Monthly
Report
Due On:

Feb 20 (M2)

May 20 (M5)

Aug 20 (M8)

Nov 20 (M11)
(Non-Election
Year Only)

Mar 20 (M3)

Jun 20 (M6)

Sep 20 (M9)

Dec 20 (M12)
(Non-Election
Year Only)

Apr 20 (M4)

Jul 20 (M7)

Oct 20 (M10)

Jan 31 (YE)

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

Primary (12P)

General (12G)

Runoff (12R)

Convention (12C)

Special (12S)

Election on

in the
State of(d) 30-Day
Post-Election
Report for the:

General (30G)

Runoff (30R)

Special (30S)

Election on

in the
State of

5. Covering Period

07

D1

2003

through

12

31

2003

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

Daniel H. Grace

Signature of Treasurer

Electronically Filed by Daniel H. Grace

Date

01

18

2004

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
OnlyFEC FORM 3X
(Rev. 02/2003)

FEC
FORM 3XREPORT OF RECEIPTS
AND DISBURSEMENTS
For Other Than An Authorized Committee

Office Use Only

1. NAME OF
COMMITTEE (in full)USE FEC MAILING LABEL
OR TYPE OR PRINTExample: If typing, type
over the linesBREWERY SOFT DRINK BEER DISTR OPTICAL DENTAL MISC WORKERS WAREHOUSEMAN HELP LOCAL
080 PA

ADDRESS (number and street)

12288 TOWNSEND ROAD

Check if different
than previously
reported. (ACC)

PHILADELPHIA

PA

19154

2. FEC IDENTIFICATION NUMBER

CITY A

STATE A

ZIP CODE A

C00174847

3. IS THIS
REPORT

X

NEW
(N)

OR

AMENDED
(A)4. TYPE OF REPORT
(Choose One)(b) Monthly
Report
Due On:

Feb 20 (M2)

May 20 (M5)

Aug 20 (M8)

Nov 20 (M11)
(Non-Election
Year Only)

Mar 20 (M3)

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Year Only)

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Oct 20 (M10)

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X

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Election on

in the
State of(d) 30-Day
Post-Election
Report for the:

General (30G)

Runoff (30R)

Special (30B)

Election on

in the
State of

5. Covering Period

01

01

2004

through

03

31

2004

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

Daniel H. Grace

Signature of Treasurer

Electronically Filed by Daniel H. Grace

Date

04

15

2004

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
OnlyFEC FORM 3X
(Rev. 02/2003)



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

VIA OVERNIGHT DELIVERY

December 13, 2004

Daniel H. Grace, as Treasurer
Brewery Soft Drink Beer Distributors Optical
Dental Misc. Workers Warehousemen Help Local 830 PAC
12298 Townsend Road
Philadelphia, PA 19154

C00174847
AF # 1122

Dear Mr. Grace:

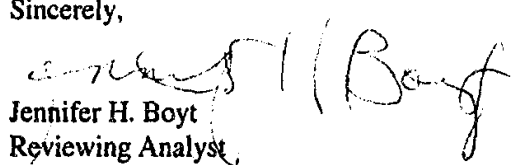
On June 10, 2004, the Federal Election Commission ("Commission") found reason to believe ("RTB") that Brewery Soft Drink Beer Distributors Optical Dental Misc. Workers Warehousemen Help Local 830 PAC and you, as Treasurer ("respondents"), violated 2 U.S.C. § 434(a) for failing to file the 2004 April Quarterly Report in a timely manner. The Commission also made a preliminary determination that the civil money penalty was \$640 based on the schedule of penalties at 11 C.F.R. § 111.43.

After reviewing your written response and any supplemental information submitted by you and 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,


Jennifer H. Boyt
Reviewing Analyst
Office of Administrative Review

Attachment



TEAMSTERS LOCAL UNION NO. 830

BREWERS • SOFT DRINK • BEER DISTRIBUTION • LAUNDRY
COMMISSIONED DRIVERS • OPTICAL AND DENTAL
MISCELLANEOUS WORKERS • WAREHOUSEMEN AND HELPERS

AFFILIATED WITH
INTERNATIONAL BROTHERHOOD OF TEAMSTERS

12298 TOWNSEND ROAD • PHILADELPHIA, PENNSYLVANIA 19154
215-671-9850 • FAX: 215-676-1324

DANIEL H. GRACE
Secretary-Treasurer



JOSEPH BROCK, JR.
President

December 21, 2004

Commission Secretary
Federal Election Commission
999 E Street, N.W.
Washington, DC 20463

Via Fax: 202-208-3333

Re: C00174847
AF# 1122

DEC 28 P 12:08
FEDERAL ELECTION
COMMISSION
SECRETARIAT

Dear Sir / Madam:

I am in receipt of correspondence dated December 13, 2004 from Jennifer H. Boyt, Reviewing Analyst, Office of Administrative Review. The correspondence is in response to our request for abatement of penalties resulting from the late filing of FEC report due April 15, 2004. Please accept this letter as a response to the recommendation of the Reviewing Officer.

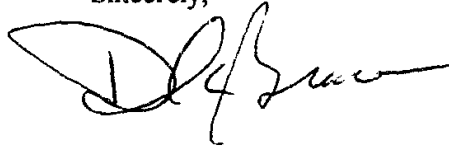
As outlined in both our initial letter dated June 23, 2004 and the Reviewing Officer's report, I believed that our organization had filed the report in a timely manner and was not aware that the report was not successfully filed until we received correspondence on May 7, 2004 from John D. Gibson, Assistant Staff Director.

The Reviewing Officer's report indicated that an e-mail was sent to NFOR@Team830.org on April 16, 2004 notifying us of our failure to file in a timely manner. In response to the Reviewing Officer's report, we have conducted an exhaustive search of our e-mail server in order to verify that the e-mail was received. As a result of our search, we have found no record that the e-mail had been received. Had we received the e-mail, we would have taken immediate action to rectify the situation and our report would have been received by the Commission significantly sooner, resulting in a greatly reduced penalty assessment.

During the period April 15 through May 7, we believed that the report had been submitted. We made every effort to comply with the filing deadlines and have a history of timely filings. Based on these factors, we respectfully request that the penalty assessed against us be abated.

If you should have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. H. Grace', written in a cursive style.

Daniel H. Grace
Secretary-Treasurer

2025 RELEASE UNDER E.O. 14176



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

January 3, 2005

9:06

SENSITIVE

MEMORANDUM

TO: THE COMMISSION

THROUGH: JAMES A. PEHRKON
STAFF DIRECTOR

JOHN C. O'BRIEN
ACTING DEPUTY STAFF DIRECTOR

FROM: SHAWN WOODHEAD WERTH
REVIEWING OFFICER
OFFICE OF ADMINISTRATIVE REVIEW

SUBJECT: FINAL DETERMINATION RECOMMENDATION IN
AF# 1122 - BREWERY SOFT DRINK BEER DISTRIBUTORS
OPTICAL DENTAL MISC. WORKERS WAREHOUSEMEN
HELP LOCAL 830 PAC AND DANIEL H. GRACE, AS
TREASURER (C00174847)

On June 10, 2004, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that the Brewery Soft Drink Beer Distributors Optical Dental Misc. Workers Warehousemen Help Local 830 PAC and Daniel H. Grace, as Treasurer ("the respondents"), violated 2 U.S.C. § 434(a) for failing to file in a timely manner the 2004 April Quarterly Report. The report was filed on May 7, 2004, 22 days late. As a result, on June 10, 2004, the Commission also made a preliminary determination that the civil money penalty was \$640 based on the schedule of penalties at 11 C.F.R. § 111.43.

On June 29, 2004, the Commission received the respondents' written response and supporting documentation ("challenge"). After reviewing the challenge, the Reviewing Officer's recommendation dated December 9, 2004, was forwarded to the Commission. A copy was simultaneously forwarded to the respondents. The Reviewing Officer recommended that the Commission make a final determination that the respondents violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$640 because the respondents submitted no evidence that a factual error was made, that the civil money penalty was miscalculated at RTB or that extraordinary circumstances existed which prevented them from filing the April Quarterly Report in a timely manner.

Within 10 days of transmittal of the recommendation, the respondents may file a written response with the Commission Secretary which may not raise any arguments not raised in the respondents' challenge or not directly responsive to the Reviewing Officer's recommendation. 11 C.F.R. § 111.36(f). The respondents' written response was received via facsimile on December 21, 2004, and is attached for your review.

OAR Recommendations

- (1) Make a final determination in AF# 1122 that the Brewery Soft Drink Beer Distributors Optical Dental Misc. Workers Warehousemen Help Local 830 PAC and Daniel H. Grace, as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$640; and
- (2) Send the appropriate letter.

Staff Assigned: Jennifer H. Boyt

Attachment



FEDERAL ELECTION COMMISSION
Washington, DC 20463

SENSITIVE

DATE & TIME TRANSMITTED: Tuesday, January 04, 2005 11:00

RETURN TO COMMISSION SECRETARY BY: Friday, January 07, 2005 4:00

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

SUBJECT: **Final Determination Recommendation in AF #1122 –
Brewery Soft Drink Beer Distributors Optical Dental Misc.
Workers Warehousemen Help Local 830 PAC and Daniel H.
Grace, as treasurer (C00174847). Memorandum from The
Reviewing Officer, Office of Administrative Review dated
January 3, 2005.**

- () I approve the recommendation(s)
- () I object to the recommendation(s)
- () I abstain from voting on the recommendation(s)
- () I am recused from voting on the recommendation(s)
- () 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)
)
Final Determination Recommendation:) AF #1122
Brewery Soft Drink Beer Distributors)
Optical Dental Misc. Workers)
Warehousemen Help Local 830 PAC and)
Daniel H. Grace, as treasurer.)
(C00174847))

CERTIFICATION

I, Mary W. Dove, Secretary of the Federal Election Commission, do hereby
certify that on January 07, 2005, the Commission decided by a vote of 6-0 to take
the following actions in AF #1122:

1. Make a final determination in AF #1122 that the Brewery Soft Drink Beer Distributors Optical Dental Misc. Workers Warehousemen Help Local 830 PAC and Daniel H. Grace, as treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$640.00.
2. Send the appropriate letter.

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

Attest:

January 7, 2005
Date

Darlene Harris
for Mary W. Dove
Secretary of the Commission

**WESTERN
UNION**

CONFIRMATION OF CMGM

WESTERN UNION COMMERCIAL SERVICES
TC: DANIEL H. GRACE, AS TREASURER
BREW SOFT DRINK BEER DIST OPTICAL DENTAL
MISC WRKRS WRHSMN HELP LOC 830 PAC
12298 TOWNSEND RD
PHILADELPHIA PA 19154-1203

JENNIFER BOYTT/JAR, REVIEW
FEDERAL ELECTION COMMISSION
999 E ST NW
WASHINGTON DC 20463

FEDERAL ELECTION COMMISSION
599 E STREET, NW
WASHINGTON, DC 20463

JANUARY 10, 2005

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

DANIEL H. GRACE, AS TREASURER
BREWERY SOFT DRINK BEER DIST OPTICAL DENTAL
MISC WRKRS WAREHOUSEMEN HELP LOC 830 PAC
12298 TOWNSEND ROAD
PHILADELPHIA, PA 19154

ID# C00174347
AF# 1122

DEAR MR. GRACE:

ON JUNE 10, 2004, THE FEDERAL ELECTION COMMISSION ("THE COMMISSION") FOUND REASON TO BELIEVE ("RTB") THAT THE BREWERY SOFT DRINK BEER DISTRIBUTORS OPTICAL DENTAL MISC. WORKERS WAREHOUSEMEN HELP LOCAL 830 PAC AND YOU, AS TREASURER, VIOLATED 2 U.S.C. 434(A) FOR FAILING TO FILE THE 2004 APRIL QUARTERLY REPORT IN A TIMELY MANNER. BY MAILGRAM DATED JUNE 15, 2004, THE COMMISSION SENT YOU NOTIFICATION OF THE RTB FINDING THAT INCLUDED A CIVIL MONEY PENALTY CALCULATED AT RTB OF \$640 IN ACCORDANCE WITH THE SCHEDULE OF PENALTIES AT 11 C.F.R. 111.43. ON JUNE 29, 2004, THE OFFICE OF ADMINISTRATIVE REVIEW RECEIVED YOUR WRITTEN RESPONSE AND SUPPORTING DOCUMENTATION CHALLENGING THE RTB FINDING.

THE REVIEWING OFFICER REVIEWED THE COMMISSION 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 THE BREWERY SOFT DRINK BEER DISTRIBUTORS OPTICAL DENTAL MISC. WORKERS WAREHOUSEMEN HELP LOCAL 830 PAC AND YOU, AS TREASURER, VIOLATED 2 U.S.C. 434(A) AND ASSESS A CIVIL MONEY PENALTY IN THE AMOUNT OF \$640 IN ACCORDANCE WITH 11 C.F.R. 111.43. THE BASIS FOR THE REVIEWING OFFICER RECOMMENDATION

**WESTERN
UNION**
WESTERN UNION COMMERCIAL SERVICES

WAS INCLUDED IN THE FINAL DETERMINATION REPORT, A COPY OF WHICH WAS SENT TO YOU ON DECEMBER 13, 2004. THE COMMISSION SECRETARY RECEIVED YOUR WRITTEN RESPONSE ON DECEMBER 21, 2004, AND A COPY WAS FORWARDED TO THE COMMISSION.

ON JANUARY 7, 2005, THE COMMISSION ADOPTED THE REVIEWING OFFICER'S RECOMMENDATION AND MADE A FINAL DETERMINATION THAT THE BREWERY SOFT DRINK BEER DISTRIBUTORS OPTICAL DENTAL MISC. WORKERS WAREHOUSEMEN HELP LOCAL 830 PAC AND YOU, AS TREASURER, VIOLATED 2 U.S.C. 434(A) AND ASSESSED A CIVIL MONEY PENALTY OF \$640. IT IS BASED ON THE SAME FACTORS USED TO CALCULATE THE CIVIL MONEY PENALTY AT RT6.

TO PAY THE CIVIL MONEY PENALTY

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 THE TRANSFER TO TREASURY, TREASURY WILL CONTACT THE DEBTOR AND REQUEST PAYMENT. TREASURY CURRENTLY CHARGES A FEE OF 18% 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 ATTEMPTS FAIL, TREASURY WILL REFER THE DEBT TO A PRIVATE COLLECTION AGENCY ("PCA"). IF THE DEBT IS REFERRED TO A PCA, THE TREASURY AND PCA COLLECT A FEE OF 23% OF THE CIVIL MONEY PENALTY AMOUNT WHICH WILL BE ADDED TO THE AMOUNT OF THE CIVIL MONEY PENALTY THAT YOU OWE. 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 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 RESPONDENTS' RIGHT TO PRESENT SUCH ARGUMENT IN A PETITION TO THE DISTRICT COURT UNDER 2 U.S.C. 437G. 11 C.F.R. 111.35.

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.

WESTERN
UNION

WESTERN UNION COMMERCIAL SERVICES

IF YOU HAVE ANY QUESTIONS REGARDING THE PAYMENT OF THE CIVIL
MONEY PENALTY, PLEASE CONTACT JENNIFER H. BOYT ON OUR TOLL FREE
NUMBER (800)424-9530 (PRESS 0, THEN EXT. 1660) OR (202)694-1660.

SINCERELY,

SCOTT E. THOMAS
CHAIRMAN

ADMINISTRATIVE FINE PAYMENT INSTRUCTIONS

IN ACCORDANCE WITH THE SCHEDULE OF PENALTIES AT 11 C.F.R.
111.43, THE CIVIL MONEY PENALTY IS \$640 FOR THE 2004 APRIL 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 THIS PORTION BELOW WITH YOUR PAYMENT

FOR BREWERY SOFT DRINK BEER DISTRIBUTORS OPTICAL DENTAL MISC.
WORKERS WAREHOUSEMEN HELP LOCAL 830 PAC

FEC ID # C00174847

AF # 1122

PAYMENT AMOUNT DUE \$640

St. Paul, MN 55101-1000
Workers Warehouse Help Local 830 PAC

ID # 000-74847





AP # 1122

640

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

QUALITY IS OUR PRIORITY FOR LOCKBOX 2182
SEQ# 001 \$ 0000064000 BA# 1 02-01-05 20 9

usbancorp.
The Bank Company

	DANIEL H. GRACE 	55-7283 2513 000253823 DATE 1-24-05	297
FEDERAL ELECTION COMMISSION		\$ 640.00	
SIX HUNDRED & FORTY		00	
			
THIRD FEDERAL SAVINGS BANK			
FEC ID # 000174847			

THIS IS THE END OF ADMINISTRATIVE FINE CASE

1122

DATE FILMED 2-24-05 CAMERA NO. 1

CAMERAMAN JMP

2005.03.24.2904