



**FEDERAL ELECTION COMMISSION**

WASHINGTON, DC 20463

THIS IS THE BEGINNING OF ADMINSTRATIVE FINE CASE # 1202

DATE SCANNED 3-30-05

SCANNER NO. 1

SCAN OPERATOR S.E.G

25092570807



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

FEDERAL ELECTION  
COMMISSION  
SECRETARIAT


2004 DEC -1 P 1:08


December 1, 2004


MEMORANDUM

**SENSITIVE**

TO: THE COMMISSION

THROUGH: JAMES A. PEHRKON   
STAFF DIRECTOR

ROBERT J. COSTA   
DEPUTY STAFF DIRECTOR

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

SUBJECT: REASON TO BELIEVE RECOMMENDATION – 2004 (ELECTION-SENSITIVE) OCTOBER QUARTERLY REPORT FOR THE ADMINISTRATIVE FINES PROGRAM

Attached is a list of political committees and their treasurers who failed to file or failed to timely file, the 2004 October Quarterly Report in accordance with 2 U.S.C. 434(a). On September 20, 2004, Prior Notice was sent to all political committees and their treasurers, informing them that the October Quarterly Report was due on October 15, 2004. The report should have covered the period ending on September 30, 2004.

Under the Administrative Fines Program, the October Quarterly Report is considered an election-sensitive filing for authorized committees supporting candidates involved in the general election as well as all unauthorized committees. For the committees listed on the attached RTB Circulation Report, the October Quarterly Report was an election-sensitive filing. The committees either filed the report more than five (5) days after the due date, failed to file the report or failed to file the report prior to four (4) days before the general election (considered a non-filed report). In accordance with the schedule of civil money penalties for reports at 11 C.F.R. 111.43, these committees should be assessed the civil money penalties included on the attached report.

**Recommendation**

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

25092570808

AF #	COMMITTEE NAME	COMMITTEE ID	TREASURER	RECEIPT DATE	DAYS LATE	STATE	THRESHOLD AMOUNT	CANDIDATE NAME	SENSITIVE	PREVIOUS VIOLATIONS	CIVIL MONEY PENALTY
------	----------------	--------------	-----------	--------------	-----------	-------	------------------	----------------	-----------	---------------------	---------------------

AF01189 SAN ANTONIO POLICE OFFICERS ASSOCIATION POLITICAL ACTION COMMITTEE TX	TX
C00396655 Morgan, Clifford Mr.	\$252,340
10/21/2004 6..	\$144,865
	Yes 0

AF01190 AMERICAN PUBLIC POWER ASSOCIATION PUBLIC OWNERSHIP OF ELECTRIC RE DC			
C00161570 P BIANCA DOMALLY			
10/27/2004	12	\$28,700	\$172,422
			Yes
			0
			\$600

AF01192 GILLETTE COMPANY POLITICAL ACTION COMMITTEE THE	MA	
C00375808	\$139,266	0
10/27/2004	Gatlin, John Mr.	
	12	
	\$13,765	\$270

AF01194	SOVEREIGN BANCORP INC PAC	PA	
	C00327072	\$164,155	0
	10/26/2004	\$11,025	\$260

AF #	COMMITTEE NAME	STATE	CANDIDATE NAME	THRESHOLD AMOUNT	SENSITIVE	PREVIOUS VIOLATIONS	CIVIL MONEY PENALTY
	COMMITTEE ID						
	RECEIPT DATE			LEVEL OF ACTIVITY			
	TREASURER						
	DAYS LATE						

AF01195	VERIZON COMMUNICATION INC GOOD GOVT CLUB	PA	
C00186288	JOAN SIMPSON	\$2,372,300	0
10/26/2004	11	\$241,056	
			\$3,425

AF01201 COLONIAL BANCGROUP INC FEDERAL POLITICAL ACTION COMMITTEE (COLONI AL C00309526 Not Filed	GLENDA ALLURED	\$141,709	Yes	2	\$2,100
		\$35,426 (est)			

AF01202 CONGRESSIONAL BLACK CAUCUS POLITICAL ACTION COMMITTEE (CBC-PAC)	DC
C00147512	\$455,180
Not Filed	
Arthur R. Collins	Yes
	4
	\$91,035 (est)
	\$8,000

AF #	COMMITTEE NAME	COMMITTEE ID	TREASURER	STATE	CANDIDATE NAME	THRESHOLD AMOUNT	SENSITIVE	PREVIOUS VIOLATIONS	CIVIL MONEY PENALTY
	RECEIPT DATE	DAYS LATE	LEVEL OF ACTIVITY						

AF01205 RCG PAC	DAVID DILL	TN	1	\$1,125
C00382101	Not Filed	\$126,651	Yes	\$1,125
11/03/2004		\$16,425		

AF01207 UNITED BROTHERHOOD OF CARPENTERS/JOINERS OF AMER NEW ENGLAND REG CT		
C00150045 GLENN MARSHALL		
11/15/2004	Not Filed	\$80,660
	Yes	1
		\$5,000



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

**SENSITIVE**

DATE & TIME OF TRANSMITTAL: Wednesday, December 01, 2004 4:00

BALLOT DEADLINE: Monday, December 06, 2004 4:00

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

SUBJECT: **Reason to Believe Recommendation – 2004 (Election-Sensitive)  
October Quarterly Report for the Administrative Fines Program.  
Memorandum from the Assistant Staff Director Reports Analysis  
Division dated December 1, 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

25092570812

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
)  
Reason To Believe Recommendation - 2004 )  
(Election-Sensitive) October Quarterly )  
Report for the Administrative Fines )  
Program: )

SAN ANTONIO POLICE OFFICERS ) AF# 1189  
ASSOCIATION POLITICAL ACTION )  
COMMITTEE, and Morgan, Clifford Mr. as )  
treasurer; )  
AMERICAN PUBLIC POWER ) AF# 1190  
ASSOCIATION PUBLIC OWNERSHIP )  
OF ELECTRIC RESOURCES PAC )  
(POWER PAC), and P BIANCA )  
DOMALLY as treasurer; )

GILLETTE COMPANY POLITICAL ) AF# 1192  
ACTION COMMITTEE THE, and Gatlin, )  
John Mr. as treasurer; )

SOVEREIGN BANCORP INC PAC, and ) AF# 1194  
RICHARD E KOSAK as treasurer; )

25092570813

VERIZON COMMUNICATION INC ) AF# 1195  
GOOD GOVT CLUB, and JOAN )  
SIMPSON as treasurer; )

COLONIAL BANCGROUP INC ) AF# 1201  
FEDERAL POLITICAL ACTION )  
COMMITTEE (COLONIAL FED PAC), )  
and GLENDA ALLRED as treasurer; )  
CONGRESSIONAL BLACK CAUCUS ) AF# 1202  
POLITICAL ACTION )  
COMMITTEE(CBC-PAC), and Arthur R. )  
Collins as treasurer; )

RCG PAC, and DAVID DILL as treasurer; ) AF# 1205

UNITED BROTHERHOOD OF ) AF# 1207  
CARPENTERS/JOINERS OF AMER NEW )  
ENGLAND REG CARPENTERS LEGIS )  
EMP CMTE, and GLENN MARSHALL as )  
treasurer; )

25092570814



CERTIFICATION

I, Mary W. Dove, Secretary of the Federal Election Commission, do hereby  
certify that on December 06, 2004 the Commission took the following actions on the  
Reason To Believe Recommendation - 2004 (Election-Sensitive) October Quarterly  
Report for the Administrative Fines Program as recommended in the Reports Analysis  
Division's Memorandum dated December 01, 2004, on the following committees:

25092570815

AF#1189 Decided by a vote of 6-0 to: (1) find reason to believe that SAN ANTONIO POLICE OFFICERS ASSOCIATION POLITICAL ACTION COMMITTEE, and Morgan, Clifford 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 mailgrams. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF#1190 Decided by a vote of 6-0 to: (1) find reason to believe that AMERICAN PUBLIC POWER ASSOCIATION PUBLIC OWNERSHIP OF ELECTRIC RESOURCES PAC (POWER PAC), and P BIANCA DOMALLY 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 mailgrams. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF#1192 Decided by a vote of 6-0 to: (1) find reason to believe that GILLETTE COMPANY POLITICAL ACTION COMMITTEE THE, and Gatlin, John 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 mailgrams. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF#1194 Decided by a vote of 6-0 to: (1) find reason to believe that SOVEREIGN BANCORP INC PAC, and RICHARD E KOSAK 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 mailgrams. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

25092570816

AF#1195      Decided by a vote of 6-0 to: (1) find reason to believe that VERIZON COMMUNICATION INC GOOD GOVT CLUB, and JOAN SIMPSON 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 mailgrams. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

25092570817

AF#1201 Decided by a vote of 6-0 to: (1) find reason to believe that COLONIAL BANCGROUP INC FEDERAL POLITICAL ACTION COMMITTEE (COLONIAL FED PAC), and GLENDA ALLRED 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 mailgrams. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF#1202 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 mailgrams. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF#1205 Decided by a vote of 6-0 to: (1) find reason to believe that RCG PAC, and DAVID DILL 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 mailgrams. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

25092570818

AF#1207 Decided by a vote of 6-0 to: (1) find reason to believe that UNITED BROTHERHOOD OF CARPENTERS/JOINERS OF AMER NEW ENGLAND REG CARPENTERS LEGIS EMP CMTE, and GLENN MARSHALL 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 mailgrams. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

Attest:

December 6, 2004  
Date

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

25092570819

**WESTERN  
UNION.**

CONFIRMATION OF CMGM

WESTERN UNION COMMERCIAL SERVICES  
TO: ARTHUR R. COLLINS  
CONGRESSIONAL BLACK CAUCUS POLITICAL ACT  
509 C ST NE  
WASHINGTON DC 20002-5809

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

DECEMBER 7, 2004

ARTHUR R. COLLINS  
CONGRESSIONAL BLACK CAUCUS POLITICAL ACT  
509 C STREET NE  
WASHINGTON DC 20002

C00147512  
AF#: 1202

DEAR ARTHUR R. COLLINS:

THE FEDERAL ELECTION CAMPAIGN ACT OF 1971, AS AMENDED ("THE ACT"), REQUIRES THAT YOUR COMMITTEE FILE AN OCTOBER QUARTERLY REPORT OF RECEIPTS AND DISBURSEMENTS IN A CALENDAR YEAR DURING WHICH THERE IS A REGULARLY SCHEDULED ELECTION. THIS REPORT, COVERING THE PERIOD THROUGH SEPTEMBER 30TH, SHALL BE FILED NO LATER THAN OCTOBER 15TH. 2 U.S.C. 434(A). YOU WERE PREVIOUSLY NOTIFIED OF THE DUE DATE FOR THIS REPORT. RECORDS AT THE FEDERAL ELECTION COMMISSION ("FEC") INDICATE THAT THIS REPORT WAS NOT FILED PRIOR TO FOUR (4) DAYS BEFORE THE GENERAL ELECTION HELD ON NOVEMBER 2, 2004. YOU SHOULD FILE THE REPORT IF YOU HAVE NOT ALREADY DONE SO.

THE ACT WAS FURTHER AMENDED IN 1999 TO PERMIT THE FEC TO IMPOSE CIVIL MONEY PENALTIES FOR VIOLATIONS OF THE REPORTING REQUIREMENTS OF 2 U.S.C. 434(A). 2 U.S.C. 437G(A)(4). ON 12/06/2004, THE FEC FOUND THAT THERE IS REASON TO BELIEVE ("RTB") THAT CONGRESSIONAL BLACK CAUCUS POLITICAL ACT AND YOU, AS TREASURER, VIOLATED 2 U.S.C. 434(A) BY FAILING TO FILE TIMELY THIS REPORT ON OR BEFORE OCTOBER 15TH. BASED ON THE FEC'S SCHEDULES OF CIVIL MONEY PENALTIES AT 11 C.F.R. 111.43, THE AMOUNT OF YOUR CIVIL MONEY PENALTY CALCULATED AT THE RTB STAGE IS \$8000. IT IS DUE BY 01/15/2005 AND IS BASED ON THESE FACTORS:

ELECTION SENSITIVITY OF REPORT: ELECTION SENSITIVE  
LEVEL OF ACTIVITY: \$91035  
NUMBER OF DAYS LATE: NOT FILED  
NUMBER OF PREVIOUS CIVIL MONEY PENALTIES ASSESSED: 4

TO PAY THE CALCULATED CIVIL MONEY PENALTY

**WESTERN  
UNION®****WESTERN UNION COMMERCIAL SERVICES**

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, YOU MUST SUBMIT A WRITTEN RESPONSE, INCLUDING THE AF# FOUND ON PAGE ONE, TO THE FEC'S OFFICE OF ADMINISTRATIVE REVIEW, 999 E STREET, NW, WASHINGTON, DC 20463. YOUR RESPONSE MUST BE RECEIVED BY 01/15/2005. 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 CONGRESSIONAL BLACK CAUCUS POLITICAL ACT 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

**WESTERN  
UNION.**

WESTERN UNION COMMERCIAL SERVICES

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 (AT THE PROMPT PRESS 5) OR (202)694-1130. IF YOU HAVE QUESTIONS REGARDING THE SUBMISSION OF A CHALLENGE, PLEASE CONTACT THE OFFICE OF ADMINISTRATIVE REVIEW AT OUR TOLL FREE NUMBER (800)424-9530 (PRESS 0, THEN EXT. 1660) OR (202)694-1660.

SINCERELY,

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 \$8000 FOR THE 2004 OCTOBER QUARTERLY REPORT.

PLEASE MAIL THIS REMITTANCE WITH A CHECK OR MONEY ORDER MADE PAYABLE TO THE FEDERAL ELECTION COMMISSION TO THE FOLLOWING ADDRESS:  
FEDERAL ELECTION COMMISSION  
P.O. BOX 952182  
ST. LOUIS, MO 63195-2182

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

THE REMITTANCE AND YOUR PAYMENT ARE DUE BY 01/15/2005. 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: CONGRESSIONAL BLACK CAUCUS POLITICAL ACT

FEC ID#: C00147512

AF#: 1202

PAYMENT DUE DATE: 01/15/2005

PAYMENT AMOUNT DUE: \$8000





FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
SECRETARIAT

2005 FEB 22 A 9: 16

February 18, 2005

MEMORANDUM

**SENSITIVE**

TO: THE COMMISSION

THROUGH: JAMES A. PEHRKON  
STAFF DIRECTOR

ROBERT J. COSTA  
DEPUTY STAFF DIRECTOR

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

SUBJECT: ADMINISTRATIVE FINES FINAL DETERMINATION  
RECOMMENDATION FOR THE 2004 OCTOBER QUARTERLY  
(ELECTION SENSITIVE) REPORT

Attached are two lists of political committees and their treasurers against which the Commission has found reason to believe (RTB) and assessed proposed civil money penalties calculated at RTB for failure to file or failure to timely file the 2004 October Quarterly Report. The first list represents the committees that have paid the civil money penalties and the second list represents the committees that have not paid. The committees that have not paid have been given at least forty (40) days from the date of the Commission's RTB finding to remit payment.

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

For your information, the San Antonio Police Officers Association PAC (AF #1189) filed an Amended October Quarterly Report after the RTB finding. This amendment disclosed a lower level of activity, thereby lowering the civil money penalty from \$1,650 to \$450. The committee paid the civil money penalty assessed at RTB; we will therefore issue a refund of \$1,200.

25092570823

**RAD Recommendation**

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

25092570824

25092570825

## COMMITTEES THAT HAVE PAID

FEDERAL ELECTION COMMISSION 2003-2004  
FINAL DETERMINATION CIRCULATION REPORT

DATE 02/14/2005  
PAGE: 1

AF #	CANDIDATE NAME	RECEIPT DATE	COMMITTEE NAME	REASON TO BELIEVE DATE	DAYS LATE	COMMITTEE ID	LEVEL OF ACTIVITY	TREASURER	PAID	STATE	PREVIOUS VIOLATIONS	REPORT TYPE	AMOUNT PAID
AF1189	SAN ANTONIO POLICE OFFICERS ASSOCIATION POLITICAL ACTION COMMITTEE					C00396655	\$45,865	Morgan, Clifford Mr.		TX	0	2004 OCTOBER QUARTERLY	\$1,650
		10/21/2004			6		\$450						
		12/06/2004											
AF1190	AMERICAN PUBLIC POWER ASSOCIATION PUBLIC OWNERSHIP OF ELECTRIC RESOURCES PA DC					C00161570	\$28,700	P BIANCA DOMALLY			0	2004 OCTOBER QUARTERLY	\$600
		10/27/2004			12		\$600						
		12/06/2004											
AF1192	GILLETTE COMPANY POLITICAL ACTION COMMITTEE THE					C00375808	\$13,765	Gatlin, John Mr.		MA	0	2004 OCTOBER QUARTERLY	\$270
		10/27/2004			12		\$270						
		12/06/2004											
AF1194	SOVEREIGN BANCORP INC PAC					C00327072	\$11,025	RICHARD E KOSAK		PA	0	2004 OCTOBER QUARTERLY	\$260
		10/26/2004			11		\$260						
		12/06/2004											
AF1195	VERIZON COMMUNICATION INC GOOD GOVT CLUB					C00186288	\$241,056	JOAN SIMPSON		PA	0	2004 OCTOBER QUARTERLY	\$3,425
		10/26/2004			11		\$3,425						
		12/06/2004											
AF1201	COLONIAL BANCORP INC FEDERAL POLITICAL ACTION COMMITTEE (COLONIAL FED PAC AL					C00309526	\$35,426 (est)	GLENDAL ALLED			2	2004 OCTOBER QUARTERLY	\$2,100
	Not Filed						\$2,100						
	12/06/2004												
AF1205	RCG PAC					C00382101	\$16,425	DAVID DILL		TN	1	2004 OCTOBER QUARTERLY	\$1,125
		11/03/2004			Not Filed		\$1,125						
		12/06/2004											
AF1207	UNITED BROTHERHOOD OF CARPENTERS/JOINERS OF AMER NEW ENGLAND REG CARPENTERS CT					C00150045	\$80,660	GLENN MARSHALL			1	2004 OCTOBER QUARTERLY	\$5,000
		11/15/2004			Not Filed		\$80,660						
		12/06/2004					\$5,000						

25092570827

## **COMMITTEES THAT HAVE NOT PAID**

25092570828

DATE 02/14/2005  
PAGE: 1

FEDERAL ELECTION COMMISSION 2003-2004  
FINAL DETERMINATION CIRCULATION REPORT  
NOT PAID

AF #	CANDIDATE NAME	RECEIPT DATE	RTB DATE	DAYS LATE	RTB PENALTY	COMMITTEE ID	LEVEL OF ACTIVITY	TREASURER	STATE	PREVIOUS VIOLATIONS	REPORT TYPE
------	----------------	--------------	----------	-----------	-------------	--------------	-------------------	-----------	-------	---------------------	-------------

AF1202	CONGRESSIONAL BLACK CAUCUS POLITICAL ACTION COMMITTEE (CBC-PAC)	02/01/2005	Not Filed	12/06/2004	\$8,000	C00147512	\$91,035	Arthur R. Collins	DC	4	2004 OCTOBER QUARTERLY	\$8,000
--------	---	------------	-----------	------------	---------	-----------	----------	-------------------	----	---	------------------------	---------



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

**SENSITIVE**

DATE & TIME OF TRANSMITTAL: Tuesday, February 22, 2005 11:00

BALLOT DEADLINE: Friday, February 25, 2005 4:00

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

SUBJECT: **Administrative Fines Final Determination Recommendation  
for the 2004 October Quarterly (Election Sensitive) Report.  
Memorandum from the Assistant Staff Director Reports  
Analysis Division dated February 18, 2005.**

- ( ) 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

25092570829

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
Administrative Fines Final Determination )  
Recommendation for the 2004 October )  
Quarterly (Election Sensitive) Report: )

CONGRESSIONAL BLACK CAUCUS ) AF# 1202  
POLITICAL ACTION )  
COMMITTEE(CBC-PAC), and Arthur R. )  
Collins as treasurer; )

CERTIFICATION

I, Mary W. Dove, Secretary of the Federal Election Commission, do hereby  
certify that on February 28, 2005 the Commission took the following actions on the  
Administrative Fines Final Determination Recommendation for the 2004 October  
Quarterly (Election Sensitive) Report as recommended in the Reports Analysis Division's  
Memorandum dated February 18, 2005, on the following committees:

25092570830



AF#1202 Decided by a vote of 6-0 to: (1) make a final determination that CONGRESSIONAL BLACK CAUCUS POLITICAL ACTION COMMITTEE(CBC-PAC), and Arthur R. Collins as treasurer , violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate mailgrams. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

Attest:

February 28, 2005  
Date

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

25092570831

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

**WESTERN  
UNION.****WESTERN UNION COMMERCIAL SERVICES****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 FEC WILL TRANSFER THE DEBT TO THE U.S. DEPARTMENT OF THE TREASURY ("TREASURY") FOR COLLECTION. WITHIN 5 DAYS OF ITS TRANSFER TO TREASURY, TREASURY WILL CONTACT THE DEBTOR AND REQUEST PAYMENT. TREASURY CURRENTLY CHARGES A FEE OF 18% OF THE CIVIL MONEY PENALTY FOR ITS COLLECTION SERVICES. THE FEE WILL BE ADDED TO THE AMOUNT OF THE CIVIL MONEY PENALTY THAT YOU OWE. SHOULD TREASURY ATTEMPTS FAIL, TREASURY WILL TRANSFER THE DEBT TO A PRIVATE COLLECTION AGENCY ("PCA"). IF THE DEBT IS REFERRED TO A PCA, THE TREASURY AND PCA COLLECT A FEE OF 28% OF THE CIVIL MONEY PENALTY AMOUNT WHICH WILL BE ADDED TO THE AMOUNT OF THE CIVIL MONEY PENALTY.

IF THE DEBT REMAINS UNPAID, TREASURY MAY RECOMMEND THAT THE FEC REFER THE MATTER TO THE DEPARTMENT OF JUSTICE FOR LITIGATION.

**IF YOU CHOOSE TO APPEAL THE FINAL DETERMINATION OR CIVIL MONEY PENALTY**

IF YOU CHOOSE TO APPEAL THE FINAL DETERMINATION, YOU SHOULD SUBMIT A WRITTEN PETITION, WITHIN 30 DAYS OF RECEIPT OF THIS LETTER, TO THE DISTRICT COURT OF THE UNITED STATES FOR THE DISTRICT IN WHICH THE COMMITTEE OR YOU RESIDE, OR TRANSACT BUSINESS, REQUESTING THAT THE FINAL DETERMINATION BE MODIFIED OR SET ASIDE. SEE 2 U.S.C. 437G(A)(4)(C)(III). YOUR FAILURE TO RAISE AN ARGUMENT IN A TIMELY FASHION DURING THE ADMINISTRATIVE PROCESS SHALL BE DEEMED A WAIVER OF THE RESPONDENT RIGHT TO PRESENT SUCH ARGUMENT IN A PETITION TO THE DISTRICT COURT UNDER 2 U.S.C. 437G. 11 C.F.R. 111.38.

THE CONFIDENTIALITY PROVISIONS AT 2 U.S.C. 437G(A)(12) NO LONGER APPLY AND THIS MATTER IS NOW PUBLIC. THE FILE WILL BE MADE A PART OF THE PUBLIC RECORD PURSUANT TO 11 C.F.R. 111.42(B). ALTHOUGH THE FILE MUST BE PLACED ON THE PUBLIC RECORD WITHIN THIRTY (30) DAYS FROM THE DATE OF THE COMMISSION NOTIFICATION, THIS COULD OCCUR AT ANYTIME FOLLOWING CERTIFICATION OF THE COMMISSION VOTE.

IF YOU HAVE ANY QUESTIONS REGARDING THE PAYMENT OF THE CIVIL MONEY PENALTY, PLEASE CONTACT DAYNA C. BROWN AT FEDERAL ELECTION COMMISSION, 999 E ST., NW, WASHINGTON, DC 20463, OR OUR TOLL FREE NUMBER (800)424-9530 (AT THE PROMPT, PRESS 5) OR (202)694-1130.

**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 \$8000 FOR THE

25092570833

WESTERN  
UNION.

WESTERN UNION COMMERCIAL SERVICES

2004 OCTOBER QUARTERLY REPORT.

THIS PENALTY SHOULD BE PAID BY CHECK OR MONEY ORDER MADE PAYABLE TO THE FEDERAL ELECTION COMMISSION. IT SHOULD BE SENT BY MAIL TO:

FEDERAL ELECTION COMMISSION  
PO BOX 952182  
ST. LOUIS, MO 63195-2182

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

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

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

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

-----

FOR: CONGRESSIONAL BLACK CAUCUS POLITICAL ACT

FEC ID: C00147512

AF#: 1202

PAYMENT AMOUNT DUE: \$8000

25092570834

SUBSEQUENT TO THE FEBRUARY 18, 2005 MEMORANDUM TO THE  
COMMISSION IN WHICH THEY WERE LISTED AS NOT HAVING PAID, THE  
COMMITTEE IN THE FOLLOWING CASE HAS PAID ADMINISTRATIVE FINES:

1202

25092570835

FOR: CONGRESSIONAL BLACK CAUCUS POLITICAL ACT

FEC ID#: C00147512

AF#: 1202

PAYMENT DUE DATE: 01/15/2005

MGM CS (10/99)

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

QUALITY IS OUR PRIORITY FOR LOCKBOX 2182  
SEQ# 001 \$ 0000800000 BA# 1 03-16-05 20 9

**usbancorp.**  
The New Service Company

<b>CONGRESSIONAL BLACK CAUCUS PAC</b>		Bank of America ACH R/T 054001204	1
[REDACTED]		3/14/2005	15-1
PAY TO THE ORDER OF	Federal Election Commission	\$**8,000.00	
Eight Thousand and 00/100*****			D
Federal Election Commission 999 E Street Northwest Washington, DC 20463			
MEMO	FEC # C00147512 Civil Money Penalty 2004 October Quarter I [REDACTED]		

*[Handwritten signatures]*

25092570836



**FEDERAL ELECTION COMMISSION**

WASHINGTON, DC 20463

THIS IS THE ENDING OF ADMINSTRATIVE FINE CASE # 1202

DATE SCANNED 3-30-05

SCANNER NO. 1

SCAN OPERATOR S.E.G

25092570837