



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 1267

DATE SCANNED 6/2/05

SCANNER NO. 1

SCAN OPERATOR CEY

25092571997



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT


February 24, 2005


2005 FEB 24 P 3:20


MEMORANDUM

SENSITIVE

TO: THE COMMISSION

THROUGH: JAMES A. PEHRKONIG 
STAFF DIRECTOR

ROBERT J. COSTA 
DEPUTY STAFF DIRECTOR

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

SUBJECT: REASON TO BELIEVE RECOMMENDATION -
FAILURE TO FILE A 48-HOUR NOTICE UNDER THE
ADMINISTRATIVE FINE PROGRAM

Attached is the name of a principal campaign committee, Brian Higgins for Congress, that has failed to file a 48-hour notice with the Commission for contributions received from the close of books for the 12 Day Pre-General Report up to 48 hours before the November 2, 2004 General Election in accordance with 2 U.S.C. 434(a)(6) and 11 C.F.R. § 104.5(f). The committee represents a candidate who won the New York General Election and failed to file 48-hour notices for contributions totaling \$42,475.00.

On September 27, 2004, Prior Notice was sent to the committee which included a section detailing the requirements for filing 48-hour notices. The section read as follows:

"Notices are required if the committee receives contributions (including in-kind gifts or advances of goods or services; loans from the candidate or other non-bank sources; and guarantees or endorsements of loans to the candidate or committee) of \$1,000 or more, during the period October 14 through October 30, 2004. The notices must reach the appropriate federal and state filing offices within 48 hours of the committee's receipt of the contribution(s)."

A 48-hour notice is required to report all types of contributions, over \$1,000.00, to any authorized committee of a candidate, including contributions from the candidate, loans from the candidate and other non-bank sources and endorsements or guarantees of loans from banks, as per, 11 C.F.R § 104.5(f).

25092571998

We have attached an information sheet which includes the name, date of receipt and amount of the contribution for which a 48-hour notice was not filed.

In accordance with the schedule of civil money penalties outlined within 11 C.F.R. §111.44, this committee should be assessed the civil money penalty so indicated.

Recommendation

1. Find reason to believe that Brian Higgins for Congress and Willam D. Murphy, Treasurer, violated 2 U.S.C. 434(a)(6) and make a preliminary determination that a civil money penalty of \$4,847.00 be assessed.
2. Send the appropriate mailgram notification.

Attachment

25092571999

Contributions for Which a 48-Hour Notice Was Not Received

Admin Fine #: 1267

Committee ID#: C00401034

Committee Name: Brian Higgins for Congress

Report Type: 30 Day Post-General Report (10/14/04-11/22/04)

48-Hour Reporting Period: 10/14/04 – 10/30/04

<u>Contributor</u>	<u>Date</u>	<u>Amount</u>
Conrad,Jeff	10/20/2004	\$1,500.00
Freidman,Mark	10/23/2004	\$1,000.00
Solomon,Jerry	10/23/2004	\$1,000.00
Abercrombie for Congress	10/25/2004	\$1,000.00
Committee on Letter Carriers Political Education	10/25/2004	\$5,000.00
Committee to Re-Elect Gantt	10/25/2004	\$1,000.00
Glownia	10/25/2004	\$2,000.00
Human Rights Campaign PAC	10/25/2004	\$4,975.00
International Longshoremen's Association AFL-CIO	10/25/2004	\$2,500.00
Keefer,Bill	10/25/2004	\$1,000.00
New York Choice PAC II FKA Citizens for Family PLA	10/25/2004	\$2,500.00
Phillips Lytle LLP	10/25/2004	\$1,000.00
United Food & Commercial Workers International UNI	10/25/2004	\$5,000.00
Becerra for Congress	10/26/2004	\$1,000.00
Castiglia,Joseph	10/26/2004	\$1,000.00
Detwiler,Steven	10/26/2004	\$1,000.00
Employees of Northrop Grumman Corporation PAC	10/26/2004	\$1,000.00
Friends of Dick Smith	10/26/2004	\$1,000.00
Friends of the Earth Political Action Committee	10/26/2004	\$1,000.00
Hill,Cheryl	10/26/2004	\$1,000.00
Hill,Gary	10/26/2004	\$1,000.00
International Brotherhood of Boilermakers, in SP B	10/26/2004	\$1,000.00
Osinski,Jodi Hill	10/26/2004	\$1,000.00
Committee for a Democratic Future	10/27/2004	\$1,000.00
McCone,Cody	10/28/2004	\$2,000.00
	Total	\$42,475.00

Proposed Civil Money Penalty: \$4,847.00

25092572000



FEDERAL ELECTION COMMISSION
Washington, DC 20463

SENSITIVE

DATE & TIME TRANSMITTED: Friday, February 25, 2005 12:00

RETURN TO COMMISSION SECRETARY BY: Wednesday, March 02, 2005 4:00

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

SUBJECT: **RTB Recommendation – Failure To File A 48-Hour Notice Under The Administrative Fines Program. Memorandum from the Assistant Staff Director, Reports Analysis Division dated February 24, 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

25092572001

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
 Reason To Believe Recommendation -) AF #1267
 Failure To File A 48-Hour Notice Under)
 The Administrative Fines Program.)

CERTIFICATION

I, Mary W. Dove, Secretary of the Federal Election Commission, do hereby
 certify that on March 02, 2005, the Commission decided by a vote of 6-0 to take
 the following actions in AF #1267:

1. Find reason to believe that Brian Higgins for Congress and William D. Murphy, Treasurer, violated 2 U.S.C. 434(a)(6) and make a preliminary determination that a civil money penalty of \$4,847.00 be assessed.
2. Send the appropriate mailgram notification.

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

Attest:

March 2, 2005
 Date

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

25092572002

**WESTERN
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CONFIRMATION OF CMGM

WESTERN UNION COMMERCIAL SERVICES
TO: MR. WILLIAM D. MURPHY, TREASURER
BRIAN HIGGINS FOR CONGRESS
PO BOX 28
BUFFALO NY 14220-0028

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

MARCH 3, 2005

MR. WILLIAM D. MURPHY, TREASURER
BRIAN HIGGINS FOR CONGRESS
P.O. BOX 28
BUFFALO, NY 14220

C00401034
AF# 1267

DEAR MR. WILLIAM D. MURPHY, TREASURER,

THE FEDERAL ELECTION CAMPAIGN ACT OF 1971, AS AMENDED ("THE ACT"), REQUIRES PRINCIPAL CAMPAIGN COMMITTEES OF CANDIDATES FOR FEDERAL OFFICE TO NOTIFY IN WRITING EITHER THE SECRETARY OF THE SENATE OR THE FEDERAL ELECTION COMMISSION ("FEC"), AND THE SECRETARY OF STATE, AS APPROPRIATE, OF ANY CONTRIBUTION OF \$1,000 OR MORE, RECEIVED BY ANY AUTHORIZED COMMITTEE OF THE CANDIDATE AFTER THE 20TH DAY, BUT MORE THAN 48 HOURS BEFORE, ANY ELECTION. THE ACT FURTHER REQUIRES NOTIFICATION TO BE MADE WITHIN 48 HOURS AFTER THE RECEIPT OF THE CONTRIBUTION AND TO INCLUDE THE NAME OF THE CANDIDATE AND OFFICE SOUGHT, THE DATE OF RECEIPT, THE AMOUNT OF THE CONTRIBUTION, AND THE IDENTIFICATION OF THE CONTRIBUTOR. THE NOTIFICATION OF THESE CONTRIBUTIONS SHALL BE IN ADDITION TO ALL OTHER REPORTING REQUIREMENTS. 2 U.S.C. 434(A). YOU WERE PREVIOUSLY NOTIFIED OF THE REQUIREMENT TO FILE THESE NOTICES. RECORDS AT THE FEC INDICATE THAT YOU DID NOT SUBMIT 48-HOUR NOTICES FOR CONTRIBUTIONS OF \$1,000 OR MORE, RECEIVED BETWEEN 10/14/2004 AND 10/30/2004, TOTALING \$42,475.

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 03/02/2005, THE FEC FOUND THAT THERE IS REASON TO BELIEVE ("RTB") THAT BRIAN HIGGINS FOR CONGRESS AND YOU, AS TREASURER, VIOLATED 2 U.S.C. 434(A) BY FAILING TO FILE THE 48-HOUR NOTICES. BASED ON THE FEC'S SCHEDULE OF CIVIL MONEY PENALTIES AT 11 C.F.R. 111.44, THE AMOUNT OF YOUR CIVIL MONEY PENALTY CALCULATED AT THE RTB STAGE IS \$4,847. SEND YOUR PAYMENT BY 04/11/2005. THE AMOUNT OF THE CIVIL MONEY PENALTY IS \$100 FOR EACH NON-FILED NOTICE PLUS 10 PERCENT OF THE DOLLAR AMOUNT OF

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THE CONTRIBUTIONS NOT TIMELY REPORTED. THE CIVIL MONEY PENALTY INCREASES BY 25 PERCENT FOR EACH PRIOR VIOLATION.

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 THREE. UPON RECEIPT OF THE REMITTANCE AND 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 TO THE FEC'S OFFICE OF ADMINISTRATIVE REVIEW, 999 E STREET, NW, WASHINGTON, DC 20463. YOUR RESPONSE MUST BE RECEIVED BY 04/11/2005. 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 48-HOUR NOTICE(S) 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 BRIAN HIGGINS FOR CONGRESS AND YOU, AS TREASURER, VIOLATED 2 U.S.C. 434(A) AND ASSESS A CIVIL MONEY PENALTY.

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

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TRANSFER TO THE U.S. DEPARTMENT OF THE TREASURY FOR COLLECTION. 11
C.F.R. 111.45.

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

ADDITIONAL INFORMATION ON THE FEC'S ADMINISTRATIVE FINE PROGRAM,
INCLUDING THE FINAL REGULATIONS, IS LOCATED AT THE FEC'S WEBSITE AT
WWW.FEC.GOV. IF YOU HAVE QUESTIONS REGARDING THE PAYMENT OF THE
CALCULATED CIVIL MONEY PENALTY, PLEASE CONTACT DAYNA 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,

SCOTT E. THOMAS
CHAIRMAN* * * * *
ADMINISTRATIVE FINE PAYMENT INSTRUCTIONS

IN ACCORDANCE WITH THE SCHEDULE OF PENALTIES AT 11 C.F.R.
111.44, THE AMOUNT OF YOUR CIVIL MONEY PENALTY CALCULATED AT RTB IS
\$4,847

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

SEND YOUR REMITTANCE AND YOUR PAYMENT BY 04/11/2005. UPON
RECEIPT OF YOUR REMITTANCE AND PAYMENT, THE COMMISSION WILL SEND YOU
A LETTER OF FINAL DETERMINATION.

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

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FOR: BRIAN HIGGINS FOR CONGRESS

FEC ID#: C00401034

AF#: 1267

PAYMENT DATE: 04/11/2005

PAYMENT AMOUNT DUE: \$4,847

CONTRIBUTOR NAME	DATE	AMOUNT
CONRAD, JEFF	10/20/2004	\$1,500
FREIDMAN, MARK	10/23/2004	\$1,000
SOLOMON, JERRY	10/23/2004	\$1,000
ABERCROMBIE FOR CONGRESS	10/25/2004	\$1,000
COMMITTEE ON LETTER CARRIERS		
POLITICAL EDUCATION	10/25/2004	\$5,000
COMMITTEE TO RE-ELECT GANTT	10/25/2004	\$1,000
GLOWNIA	10/25/2004	\$2,000
HUMAN RIGHTS CAMPAIGN PAC	10/25/2004	\$4,975
INTERNATIONAL LONGSHOREMEN'S		
ASSOCIATION AFL-CIO	10/25/2004	\$2,500
KEEFER, BILL	10/25/2004	\$1,000
NEW YORK CHOICE PAC II FKA CITIZENS		
FOR FAMILY PLA	10/25/2004	\$2,500
PHILLIPS LYTTLE LLP	10/25/2004	\$1,000
UNITED FOOD & COMMERCIAL WORKERS		
INTERNATIONAL UNI	10/25/2004	\$5,000
BECERRA FOR CONGRESS	10/26/2004	\$1,000
CASTIGLIA, JOSEPH	10/26/2004	\$1,000
DETWILER, STEVEN	10/26/2004	\$1,000
EMPLOYEES OF NORTHROP GRUMMAN		
CORPORATION PAC	10/26/2004	\$1,000
FRIENDS OF DICK SMITH	10/26/2004	\$1,000
FRIENDS OF EARTH PAC	10/26/2004	\$1,000
HILL, CHERYL	10/26/2004	\$1,000
HILL, GARY	10/26/2004	\$1,000
INTERNATIONAL BROTHERHOOD OF		
BOILERMAKERS, IN SP B	10/26/2004	\$1,000
OSINSKI, JODI HILL	10/26/2004	\$1,000
COMMITTEE FOR A DEMOCRATIC FUTURE	10/27/2004	\$1,000
MCCONE, CODY	10/28/2004	\$2,000

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIATFEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463


2005 APR 26 P 12: 20


April 26, 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 FAILURE TO FILE 48-HOUR
NOTICES

Attached is the name of a principal campaign committee, Brian Higgins for Congress, and its treasurer against which the Commission has found reason to believe (RTB) and assessed a proposed civil money penalty calculated at RTB for failure to file 48-hour notices for the 2004 General Election. The committee failed to provide 48-hour notices for contributions which totaled \$42,475.00. The committee paid the civil money penalty of \$4847.00 on March 31, 2005.

In accordance with 11 CFR 111.34, the Commission shall send a final determination notice to a respondent that has paid the civil money penalty.

RAD Recommendation

- (1) Make a final determination that the political committee and its treasurer on the attached report violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated.
- (2) Send the appropriate mailgram.

25092572007

AF #	CANDIDATE NAME	COMMITTEE NAME	COMMITTEE ID	TREASURER	STATE	REPORT TYPE
	RECEIPT DATE	DAYS LATE	LEVEL OF ACTIVITY			PREVIOUS VIOLATIONS
	REASON TO BELIEVE DATE		CIVIL MONEY PENALTY		DATE PAID	AMOUNT PAID

AF1267 BRIAN HIGGINS FOR CONGRESS
HIGGINS, BRIAN M
11/02/2004 Not Filed
03/02/2005

C00401034	WILLIAM D MURPHY	NY	2004 48 HOUR NOTIFICATION
\$4,847	\$0	03/31/2005	0
			\$4,847



FEDERAL ELECTION COMMISSION

Washington, DC 20463

SENSITIVEDATE & TIME OF TRANSMITTAL: Tuesday, April 26, 2005 4:00BALLOT DEADLINE: Friday, April 29, 2005 4:00

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

SUBJECT: **Administrative Fines Final Determination Recommendation for Failure to File 48-Hour Notices. Memorandum from the Assistant Staff Director Reports Analysis Division dated April 26, 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

25092572009

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
 Administrative Fines Final Determination) AF #1267
 Recommendation for Failure to File 48-)
 Hour Notices)

CERTIFICATION

I, Mary W. Dove, Secretary of the Federal Election Commission, do hereby
 certify that on April 29, 2005, the Commission decided by a vote of 5-0 to take the
 following actions in AF #1267:

1. Make a final determination that Brian Higgins for Congress and William D. Murphy, as Treasurer violated 2 U.S.C. 434(a) and assess the civil money penalty of \$4,847.
2. Send the appropriate mailgram.

Commissioners Mason, McDonald, Smith, Thomas, and Weintraub voted affirmatively for the decision. Commissioner Toner did not vote.

Attest:

April 29, 2005
 Date

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

25092572010

**WESTERN
UNION.**

CONFIRMATION OF MAILGRAM TO: WILIAM D. MURPHY
BRIAN HIGGINS FOR CONGRESS
PO BOX 28
BUFFALO NY 14220-0028

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

MAY 3, 2005

WILIAM D. MURPHY
BRIAN HIGGINS FOR CONGRESS
P.O. BOX 28
BUFFALO, NY 14220

C00401034
AF#: 1267

DEAR WILIAM D. MURPHY:

ON 03/02/2005, THE FEDERAL ELECTION COMMISSION ("THE COMMISSION") FOUND REASON TO BELIEVE ("RTB") THAT BRIAN HIGGINS FOR CONGRESS AND YOU, AS TREASURER, VIOLATED 2 U.S.C. 434(A) FOR FAILING TO FILE 48-HOUR NOTICES FOR CONTRIBUTIONS OF \$1,000 OR MORE, RECEIVED BETWEEN 10/14/2004 AND 10/30/2004, TOTALING \$42,475. BY MAILGRAM DATED 03/03/2005, THE COMMISSION SENT YOU NOTIFICATION OF THE RTB FINDING THAT INCLUDED A CIVIL MONEY PENALTY CALCULATED AT THE RTB STAGE OF \$4,847 IN ACCORDANCE WITH THE SCHEDULE OF PENALTIES AT 11 C.F.R. 111.44.

ON 03/31/2005, THE COMMISSION RECEIVED PAYMENT OF YOUR CIVIL MONEY PENALTY CALCULATED AT THE RTB STAGE. THEREFORE, THE COMMISSION MADE A FINAL DETERMINATION ON 04/29/2005 THAT YOU, AS TREASURER, AND BRIAN HIGGINS FOR CONGRESS VIOLATED 2 U.S.C. 434(A), ASSESSED A CIVIL MONEY PENALTY IN THE AMOUNT OF \$4,847 IN ACCORDANCE WITH 11 C.F.R. 111.44, AND VOTED TO CLOSE THE FILE.

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 THIS MATTER, PLEASE CONTACT DAYNA C. BROWN ON OUR TOLL FREE NUMBER (800)424-9530 (AT THE PROMPT, PRESS 5) OR (202)694-1130.

SINCERELY,

SCOTT E. THOMAS

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WESTERN UNION COMMERCIAL SERVICES

CHAIRMAN

25092572012

QUALITY IS OUR PRIORITY FOR LOCKBOX 2182
SEQ# 001 \$ 0000484700 BA# 1 03-31-05 20 4



1483

HIGGINS FOR CONGRESS
P.O. BOX 28
BUFFALO, NY 14220

PAY TO THE ORDER OF
Federal Election Commission

DATE 3/22/15

FOR DEPOSIT ONLY
M&T Bank
Member FDIC

FOR response to PTA letter dated 3/3/15

THIRTY-THREE THOUSAND EIGHT HUNDRED FOR NINE SEVEN AND NO/1003

\$ 447.00

DOLLARS



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 1267

DATE SCANNED 6/2/05

SCANNER NO. 1

SCAN OPERATOR ECF

25092572014