



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 1275

DATE SCANNED 7/11/05

SCANNER NO. 1

SCAN OPERATOR SES

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2005 MAR 28 P 1:18

March 28, 2005

SENSITIVE

MEMORANDUM

TO: THE COMMISSION

THROUGH: JAMES A. PEHRKON *AKJ.P.*
STAFF DIRECTOR

ROBERT J. COSTA *RJ.C.*
DEPUTY STAFF DIRECTOR

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

SUBJECT: REASON TO BELIEVE RECOMMENDATION -
2004 12 DAY PRE-GENERAL AND 30 DAY POST-
GENERAL REPORTS FOR THE ADMINISTRATIVE
FINES PROGRAM

Attached are two lists of political committees and their treasurers who failed to file or timely file the 2004 12 Day Pre-General and/or the 2004 30 Day Post-General Reports in accordance with 2 U.S.C. 434(a). The 12 Day Pre-General list is comprised of unauthorized committees filing quarterly that made general election contributions or expenditures from October 1, 2004 through October 13, 2004. The 30 Day Post-General list is comprised of authorized committees whose candidates sought election in the November 2nd General Election, as well as unauthorized committees filing either quarterly or monthly.

On September 27, 2004, Prior Notice was sent to the political committees and their treasurers, informing them that the 12 Day Pre-General Report was due on October 21, 2004 and should cover the period from October 1, 2004 through October 13, 2004. The same Prior Notice informed the committees that the 30 Day Post-General Report was due on December 2, 2004 and should cover the period

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from October 14, 2004 to November 22, 2004 or from October 1, 2004 through November 22, 2004, if the 12 Day Pre-General Report was not required. On November 5, 2004, a reminder notice was sent to the committees.

The committees appearing on the 12 Day Pre-General Report list failed to file the report prior to four (4) days before the General Election (considered a non-filed report). The committees appearing on the 30 Day Post-General Report list either failed to file the report, filed the report more than five (5) days after the due date or filed the report more than thirty (30) days after the due date (considered a non-filed report). In accordance with 11 C.F.R. 111.43, these committees should be assessed the civil money penalties included on the attached lists.

As noted above, this circulation includes unauthorized committees filing quarterly that failed to file or failed to timely file the 12 Day Pre-General Report. Unlike unauthorized committees that file on a monthly basis, a quarterly filer need only file this report if it made general election contributions or expenditures between the dates of October 1, 2004 and October 13, 2004. In order to accurately identify the committees for administrative fines purposes, the Reports Analysis Division (RAD) used the following procedures and criteria:

- Every 12 Day Pre-General Report (12 Day Report) submitted by an unauthorized quarterly filer was reviewed to ensure that it disclosed general election contributions or expenditures made during the coverage dates of the report. Any report meeting this definition that was filed late is included in the list. Any report not disclosing general election contributions or expenditures during this period is not included in the list, as it is not a required filing.
- Every 30 Day Post-General Report (30 Day Report) submitted by an unauthorized quarterly filer that covered the period from October 1, 2004 through November 22, 2002 (53 days), was reviewed for activity which would have required the filing of a 12 Day Report. If our research indicated that the 12 Day Report was required, we utilized a two-step method to arrive at the estimated level of activity on which to base the fine amount. First, we found the per diem level of activity by dividing the total amount of activity on the report by 53 days; second, we multiplied that quotient by 13 days. If the same committee also failed to file the 30 Day Report in a timely manner, we based the 30 Day Report fine on the amount of the remaining level of activity. We arrived at this amount by subtracting the estimated level of activity for the 12 Day Report from the total amount of activity on the 30 Day Report. In these cases, the committees will appear on both lists and will be assessed a fine for both the 12 Day and 30 Day Reports based on the estimated levels of activity described above.

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- Rather than filing a 12 Day Report or a 30 Day Report, some committees filed a Year End Report covering October 1, 2004 through December 31, 2004. Here, we based the fine on the estimated level of per diem activity occurring within the dates of the 12 Day Report, if required, and/or the 30 Day Report.

Recommendation

1. Find reason to believe that the political committees and their treasurers listed on the RTB Circulation Reports 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 Reports.
2. Send the appropriate mailgrams.

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2004 12 Day Pre-General Circulation Report

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FEDERAL ELECTION COMMISSION 2003-2004
Reason to Believe Circulation Report
2004 12 DAY PRE-GENERAL

DATE 03/22/2005
PAGE: 1

AF #	COMMITTEE NAME	COMMITTEE ID	TREASURER	RECEIPT DATE	LEVEL OF ACTIVITY	THRESHOLD AMOUNT	STATE	CANDIDATE NAME	SENSITIVE	PREVIOUS VIOLATIONS	CIVIL MONEY PENALTY
AF01270	CALUMET PAC		TERRENCE BRONOWSKI	Not Filed	\$5,600	\$344,727	IN		Yes	0	\$600
AF01272	BLUE SHIELD OF CALIFORNIA POLITICAL ACTION COMMITTEE		STEVEN STURMAN	Not Filed	\$5,136 (est)	\$153,905	CA		Yes	0	\$600
AF01274	EXPERIAN PAC		Reeves, Tony	Not Filed	\$5,873 (est)	\$155,700	CA		Yes	0	\$600
AF01275	FIRST CITIZENS BANCSHARES INC POLITICAL ACTION COMMITTEE (FIRST C NC		ALEXANDER G MACFADYEN JR	Not Filed	\$1,090 (est)	\$193,080	NC		Yes	0	\$500
AF01276	IUOE LOCAL 542 OPERATING ENGINEERS POLITICAL ACTION FUND		ROBERT T HEENAN	Not Filed	\$10,017 (est)	\$395,505	PA		Yes	0	\$900
AF01277	LIVESTOCK MARKETING ASSOCIATION POLITICAL ACTION COMMITTEE (LMA-P MO		GARY S SMITH	Not Filed	\$1,000	\$117,669	MO		Yes	0	\$500
AF01278	NEWMONT MINING CORPORATION POLITICAL ACTION COMMITTEE (NEWPAC) DC		Mary Elizabeth Donnelly	Not Filed	\$1,032 (est)	\$138,783	DC		Yes	0	\$500
AF01279	UNITED BROTHERHOOD OF CARPENTERS/JOINERS OF AMER NEW ENGLAND REG CT		GLENN MARSHALL	Not Filed	\$10,000	\$255,783	CT		Yes	1	\$1,125

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DATE 03/22/2005
PAGE: 2FEDERAL ELECTION COMMISSION 2003-2004
Reason to Believe Circulation Report
2004 12 DAY PRE-GENERAL

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

AF01281	WOMEN WORKING FOR THE FUTURE AKA THE FUTURE PAC			CA		0	\$600
C00381160	Huffman, Alice		\$460,091		Yes		
12/02/2004	Not Filed		\$8,890 (est)				

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2004 30 Day Post-General Circulation Report

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DATE 03/25/2005
PAGE: 1FEDERAL ELECTION COMMISSION 2003-2004
Reason to Believe Circulation Report
2004 30 DAY POST-GENERAL

AF #	COMMITTEE NAME	COMMITTEE ID	RECEIPT DATE	COMMITTEE TREASURER	COMMITTEE DAYS LATE	STATE	THRESHOLD AMOUNT	LEVEL OF ACTIVITY	CANDIDATE NAME	SENSITIVE	PREVIOUS VIOLATIONS	CIVIL MONEY PENALTY
AF01283	RANDY CAMACHO FOR CONGRESS 2004	C00380832	12/28/2004	STEPHEN L BOYD	26	AZ	\$190,256	\$67,845	CAMACHO, RANDY ROBERT	No	0	\$2,250
AF01285	BYRON FOR CONGRESS	C00382135	12/10/2004	RAMONA BYRON	8	CA	\$134,835	\$18,696	BYRON, MICHAEL	No	0	\$140
AF01290	FRIENDS OF RICHARD HOFFMAN	C00397836	12/27/2004	GREY C HARRIS	25	NY	\$113,881	\$7,353	HOFFMAN, RICHARD A	No	0	\$175
AF01292	AL GREEN FOR CONGRESS	C00396028	12/27/2004	WILLIAM A LAWSON	25	TX	\$1,683,545	\$331,586	GREEN, ALEXANDER	No	0	\$6,500

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DATE 03/25/2005
PAGE: 2FEDERAL ELECTION COMMISSION 2003-2004
Reason to Believe Circulation Report
2004 30 DAY POST-GENERAL

AP #	COMMITTEE NAME	COMMITTEE ID	TREASURER	DAYS LATE	LEVEL OF ACTIVITY	THRESHOLD AMOUNT	STATE	CANDIDATE NAME	SENSITIVE	PREVIOUS VIOLATIONS	CIVIL MONEY PENALTY
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AP01294	JOHN MCKINNIS FOR CONGRESS INC	C00391268	WILLIAM L CALLAHAN	Not Filed							
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MD	MCKINNIS, JOHN R II	0
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\$186,933

\$43,455

\$900

DATE 03/25/2005
PAGE: 3

AF #	COMMITTEE NAME	STATE	CANDIDATE NAME	PREVIOUS VIOLATIONS	CIVIL MONEY PENALTY
COMMITTEE ID	THRESHOLD AMOUNT	SENSITIVE			
RECEIPT DATE	LEVEL OF ACTIVITY				
TREASURER					
DAYS LATE					
AF01303	COMMITTEE TO RE-DEFEAT THE PRESIDENT	DC			
C00389890	DAVID A LYTEL	\$489,345	No	0	\$480
12/16/2004	14	\$41,204			
AF01304	CONTRA COSTA UNITED DEMOCRATIC CAMPAIGN AKA CCUDC	CA			
C00379834	GREGORY E SANBORN	\$107,431	No	0	\$420
12/13/2004	11	\$31,747			
AF01305	SOUTHEAST ANESTHESIA ASSOCIATES POLITICAL ACTION COMMITTEE	NC			
C00306878	H ARTHUR MCCULLOCH MD	\$246,375	No	1	\$425
12/09/2004	7	\$46,395			
AF01306	AMERICAN POLITICAL ACTION COMMITTEE	WA			
C99002396	JULIE H VERSNEL	\$332,855	No	0	\$1,800
12/22/2004	20	\$71,560			
AF01307	DIAGEO NORTH AMERICA INC. EMPLOYEES' POLITICAL PARTICIPATION COM	CT			
C00034470	RICCI, JAMES	\$172,795	No	0	\$190
12/20/2004	18	\$18,750			
AF01309	GRAPHIC COMMUNICATIONS INTERNATIONAL UNION POLITICAL CONTRIBUTION	DC			
C00027144	GERALD DENEAU	\$109,878	No	0	\$500
12/17/2004	15	\$27,665			
AF01310	IUOE LOCAL 542 OPERATING ENGINEERS POLITICAL ACTION FUND	PA			
C00136739	ROBERT T HEENAN	\$395,505	No	3	\$1,295
12/29/2004	27	\$30,874 (est)			
AF01311	KEYSPAN ENERGY POLITICAL ACTION COMMITTEE (KEYPAC)	NY			
C00343988	Carr, Ed Mr.	\$181,232	No	0	\$130
12/08/2004	6	\$10,675			
AF01312	LAFARGE NORTH AMERICA INC PAC	VA			
C00246678	DAVID W CARROLL	\$177,499	No	0	\$195
12/21/2004	19	\$21,483			

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FEDERAL ELECTION COMMISSION 2003-2004
 Reason to Believe Circulation Report
 2004 30 DAY POST-GENERAL

DATE 03/25/2005
 PAGE: 4

AF #	COMMITTEE NAME	COMMITTEE ID	TREASURER	RECEIPT DATE	DAYS LATE	LEVEL OF ACTIVITY	THRESHOLD AMOUNT	STATE	CANDIDATE NAME	SENSITIVE	PREVIOUS VIOLATIONS	CIVIL MONEY PENALTY
AF01313	PIPEFITTERS' LOCAL UNION NO 522					POLITICAL ACTION FUND						
		C00347500	DANNY DESPAIN	12/21/2004	19	\$355	\$104,483	KY	No	No	0	\$120
AF01314	TEAMSTERS LOCAL UNION NO 688					PAC						
		C00282236	JOSEPH A GALLI	12/13/2004	11	\$16,067	\$120,486	MO	No	No	0	\$155
AF01315	TROVER SOLUTIONS INC											
		C00340828	DOUGLAS R SHARPS	12/14/2004	12	\$28,085	\$111,740	KY	No	No	0	\$440
AF01316	UNIFORMED FIREFIGHTERS ASSOCIATION					POLITICAL ACTION COMMITTEE (FI NY						
		C00254193	STRAUB, ROBERT MR.	12/15/2004	13	\$45,875	\$691,185	NY	No	No	2	\$690
AF01317	UNITED BROTHERHOOD OF CARPENTERS/JOINERS OF AMER					NEW ENGLAND REG						
		C00150045	GLENN MARSHALL	12/13/2004	11	\$24,500	\$265,283	CT	No	No	1	\$193
AF01319	WOMEN'S ALLIANCE FOR ISRAEL											
		C00236596	ROBERTA FIRESTONE	12/27/2004	25	\$6,802	\$535,016	CA	No	No	1	\$218
AF01320	DEMOCRATIC PARTY OF ORANGE COUNTY					FED PAC						
		C00321943	JAMES PANTONE	12/27/2004	25	\$26,870	\$210,968	CA	No	No	4	\$1,400
AF01321	INDEPENDENCE PARTY OF MINNESOTA											
		C00305268	Justesen, Daniel	12/28/2004	26	\$17,408	\$140,934	MN	No	No	0	\$230
AF01322	WV REPUBLICAN STATE EXEC COMMITTEE											
		C00081802	Lewis, Hiram C. Mr.	12/10/2004	8	\$1,281,611	\$3,995,518	WV	No	No	0	\$6,600

25092572328

DATE 03/25/2005
PAGE: 5FEDERAL ELECTION COMMISSION 2003-2004
Reason to Believe Circulation Report
2004 30 DAY POST-GENERAL

AF #	COMMITTEE NAME	COMMITTEE ID	TREASURER	RECEIPT DATE	LEVEL OF ACTIVITY	THRESHOLD AMOUNT	STATE	CANDIDATE NAME	SENSITIVE	PREVIOUS VIOLATIONS	CIVIL MONEY PENALTY
AF01323	AMERICAN ACADEMY OF NURSE PRACTITIONERS POLITICAL ACTION COMMITTEE	DC									
	C00358903	DEE SWANSON				\$126,621	DC		No	0	\$300
	01/06/2005	Not Filed			\$8,439						
AF01324	CALUMET PAC						IN		No	0	\$500
	C00386300	TERRENCE BRONOWSKI				\$344,727					
	01/03/2005	Not Filed			\$10,700						
AF01327	AMERICANS FOR DEMOCRATIC ACTION INC POLITICAL ACTION COMMITTEE	DC									
	C00112680	Dulk Jacobs, Valerie				\$103,081	DC		No	0	\$250
	Not Filed				\$4,847 (est)						
AF01328	BLUE SHIELD OF CALIFORNIA POLITICAL ACTION COMMITTEE	CA									
	C00340364	STEVEN STURMAN				\$153,905	CA		No	0	\$500
	01/03/2005	Not Filed			\$15,830 (est)						
AF01329	COLONIAL BANGROUP INC FEDERAL POLITICAL ACTION COMMITTEE (COLONI AL	AL									
	C00309526	GLENDAL ALFRED				\$141,709	AL		No	2	\$1,350
	Not Filed				\$35,427 (est)						
AF01330	CONGRESSIONAL BLACK CAUCUS POLITICAL ACTION COMMITTEE (CBC-PAC)	DC									
	C00147512	Arthur R. Collins				\$680,400	DC		No	4	\$9,000
	Not Filed				\$136,080 (est)						
AF01332	ITALIAN AMERICAN DEMOCRATIC LEADERSHIP COUNCIL	DC									
	C00299396	CHARLES A GUELI				\$123,160	DC		No	0	\$300
	01/31/2005	Not Filed			\$7,250						

25092572329

DATE 03/25/2005
PAGE: 6

FEDERAL ELECTION COMMISSION 2003-2004
Reason to Believe Circulation Report
2004 30 DAY POST-GENERAL

AF #	COMMITTEE ID	COMMITTEE NAME	RECEIPT DATE	TREASURER	DAYS LATE	LEVEL OF ACTIVITY	THRESHOLD AMOUNT	STATE	CANDIDATE NAME	SENSITIVE	PREVIOUS VIOLATIONS	CIVIL MONEY PENALTY
AF01333	KELLY SERVICES INC	POLITICAL ACTION COMMITTEE (KELLYPAC)						MI				
	C00212522	JAMES D MCINTIRE					\$131,372		No	0		\$900
	01/05/2005	Not Filed				\$34,659 (est)						
AF01336	CONSTITUTIONAL PARTY OF PENNSYLVANIA							PA				
	C00324350	JAMES N CLYMER					\$136,944		No	0		\$500
	01/30/2005	Not Filed				\$15,118						
AF01337	KENNEBUNKPORT DEMOCRATIC COMMITTEE							ME				
	C00406629	RICHARD VAN BERGEN					\$104,085		No	0		\$300
	01/07/2005	Not Filed				\$7,731						



FEDERAL ELECTION COMMISSION

Washington, DC 20463

SENSITIVEDATE & TIME TRANSMITTED: Monday, March 28, 2005 4:00RETURN TO COMMISSION SECRETARY BY: Thursday, March 31, 2005 4:00

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

SUBJECT: **RTB Recommendation – 2004 12 Day Pre-General and 30 Day Post-General Reports For The Administrative Fines Program**
Memorandum from the Assistant Staff Director, Reports Analysis Division dated March 28, 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

25092572330

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
 Reason To Believe Recommendation - 2004)
 12 Day Pre-General Circulation Report for)
 The Administrative Fines Program:)
 CALUMET PAC, and TERRENCE) AF# 1270
 BRONOWSKI as treasurer;)

BLUE SHIELD OF CALIFORNIA) AF# 1272
 POLITICAL ACTION COMMITTEE, and)
 STEVEN STURMAN as treasurer;)

EXPERIAN PAC, and Reeves, Tony as) AF# 1274
 treasurer;)
 FIRST CITIZENS BANCSHARES INC) AF# 1275
 POLITICAL ACTION COMMITTEE)
 (FIRST CITIZENS BANCSHARES PAC),)
 and ALEXANDER G MACFADYEN JR as)
 treasurer;)
 IUOE LOCAL 542 OPERATING) AF# 1276
 ENGINEERS POLITICAL ACTION)
 FUND, and ROBERT T HEENAN as)
 treasurer;)
 LIVESTOCK MARKETING) AF# 1277
 ASSOCIATION POLITICAL ACTION)
 COMMITTEE (LMA-PAC), and GARY S)
 SMITH as treasurer;)
 NEWMONT MINING CORPORATION) AF# 1278
 POLITICAL ACTION COMMITTEE)
 (NEWPAC), and Mary Elizabeth Donnelly)
 as treasurer;)

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Federal Election Commission
 Certification for Administrative Fines
 April 01, 2005

Page 2

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

AF# 1279

WOMEN WORKING FOR THE FUTURE) AF# 1281
 AKA THE FUTURE PAC, and Huffman,)
 Alice as treasurer;)

CERTIFICATION

I, Mary W. Dove, Secretary of the Federal Election Commission, do hereby
 certify that on April 01, 2005 the Commission took the following actions on the Reason
 To Believe Recommendation - 2004 12 Day Pre-General Circulation Report for The
 Administrative Fines Program as recommended in the Reports Analysis Division's
 Memorandum dated April 01, 2005, on the following committees:

AF#1270 Decided by a vote of 6-0 to: (1) find reason to believe that CALUMET
 PAC, and TERRENCE BRONOWSKI 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 mailgram. Commissioners Mason, McDonald, Smith,
 Thomas, Toner, and Weintraub voted affirmatively for the decision.

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AF#1272 Decided by a vote of 6-0 to: (1) find reason to believe that BLUE SHIELD OF CALIFORNIA POLITICAL ACTION COMMITTEE, and STEVEN STURMAN 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 mailgram. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF#1274 Decided by a vote of 6-0 to: (1) find reason to believe that EXPERIAN PAC, and Reeves, Tony 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 mailgram. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF#1275 Decided by a vote of 6-0 to: (1) find reason to believe that FIRST CITIZENS BANCSHARES INC POLITICAL ACTION COMMITTEE (FIRST CITIZENS BANCSHARES PAC), and ALEXANDER G MACFADYEN 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 mailgram. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF#1276 Decided by a vote of 6-0 to: (1) find reason to believe that IUOE LOCAL 542 OPERATING ENGINEERS POLITICAL ACTION FUND, and ROBERT T HEENAN 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 mailgram. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF#1277 Decided by a vote of 6-0 to: (1) find reason to believe that LIVESTOCK MARKETING ASSOCIATION POLITICAL ACTION COMMITTEE (LMA-PAC), and GARY S SMITH 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 mailgram. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF#1278 Decided by a vote of 6-0 to: (1) find reason to believe that NEWMONT MINING CORPORATION POLITICAL ACTION COMMITTEE (NEWPAC), and Mary Elizabeth Donnelly as treasurer violated 2 U.S.C. 434(a) and make a preliminary

25092572333

Federal Election Commission
Certification for Administrative Fines
April 01, 2005

Page 4

determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate mailgram. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF#1279 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 mailgram. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF#1281 Decided by a vote of 6-0 to: (1) find reason to believe that WOMEN WORKING FOR THE FUTURE AKA THE FUTURE PAC, and Huffman, Alice 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 mailgram. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

Attest:

April 1, 2005
Date

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

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**WESTERN
UNION.**

CONFIRMATION OF CMGM

WESTERN UNION COMMERCIAL SERVICES
 TO: ALEXANDER G MACFADYEN JR
 FIRST CITIZENS BANCSHARES INC POLITICAL
 3128 SMOKETREE CT
 RALEIGH NC 27604-1014

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

APRIL 5, 2005

ALEXANDER G MACFADYEN JR
 FIRST CITIZENS BANCSHARES INC POLITICAL
 3128 SMOKETREE COURT
 RALEIGH NC 27604

C00334193
 AF#: 1275

DEAR ALEXANDER G MACFADYEN JR:

THE FEDERAL ELECTION CAMPAIGN ACT OF 1971, AS AMENDED ("THE ACT"), REQUIRES THAT YOUR COMMITTEE FILE A 12 DAY PRE-GENERAL REPORT OF RECEIPTS AND DISBURSEMENTS IN A CALENDAR YEAR DURING WHICH THERE IS A REGULARLY SCHEDULED ELECTION. THIS REPORT IS REQUIRED IF YOUR COMMITTEE MAKES A CONTRIBUTION TO OR EXPENDITURE ON BEHALF OF A CANDIDATE IN THE GENERAL ELECTION. THIS REPORT, COVERING THE PERIOD THROUGH OCTOBER 13TH, SHALL BE FILED NO LATER THAN OCTOBER 21ST. 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 2ND. 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 04/01/2005, THE FEC FOUND THAT THERE IS REASON TO BELIEVE ("RTB") THAT FIRST CITIZENS BANCSHARES INC POLITICAL AND YOU, AS TREASURER, VIOLATED 2 U.S.C. 434(A) BY FAILING TO FILE TIMELY THIS REPORT ON OR BEFORE OCTOBER 21ST. 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 \$500. IT IS DUE BY 05/11/2005 AND IS BASED ON THESE FACTORS:

ELECTION SENSITIVITY OF REPORT: ELECTION SENSITIVE
 LEVEL OF ACTIVITY: \$1090
 NUMBER OF DAYS LATE: NOT FILED
 NUMBER OF PREVIOUS CIVIL MONEY PENALTIES ASSESSED: 0

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**WESTERN
UNION.**
WESTERN UNION COMMERCIAL SERVICES
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 05/11/2005. 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 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 FIRST CITIZENS BANCSHARES INC POLITICAL 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

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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 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,

SCOTT E. THOMAS
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 \$500 FOR THE 2004 12 DAY PRE-GENERAL 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 05/11/2005. 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: FIRST CITIZENS BANCSHARES INC POLITICAL

FEC ID#: C00334193

AF#: 1275

PAYMENT DUE DATE: 05/11/2005

PAYMENT AMOUNT DUE: \$500

25092572337



FEDERAL ELECTION
COMMISSION
SECRETARIAT

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

2005 MAY 26 P 1:32 May 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 THE 2004 12 DAY PRE-
GENERAL

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 the RTB stage for failure to file the 2004 12 Day Pre-General Report. The first list represents 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 RTB notification 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, two of the committees that have paid the fine assessed at RTB will require refunds. Calumet PAC (AF #1270) and Women Working for the Future AKA The Future PAC (AF #1281) each filed the 12 Day Pre-General Report after the RTB finding. The reports disclosed lower levels of activity than reported at the time of RTB, thereby lowering the civil money penalty from \$600 to \$500 for both committees. The committees paid the civil money penalty assessed at RTB; we will therefore issue a refund of \$100 to each committee.

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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.
- (3) Issue \$100 refunds to both Calumet PAC (AF #1270) and Women Working for the Future AKA The Future PAC (AF #1281).

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COMMITTEES THAT HAVE PAID

DATE 05/26/2005
PAGE: 1FEDERAL ELECTION COMMISSION 2005-2006
FINAL DETERMINATION CIRCULATION REPORT

AF #	COMMITTEE NAME	RECEIPT DATE	DAYS LATE	REASON TO BELIEVE DATE	COMMITTEE ID	TREASURER	LEVEL OF ACTIVITY	CIVIL MONEY PENALTY	PAID	STATE	REPORT TYPE	PREVIOUS VIOLATIONS	DATE PAID	AMOUNT PAID
AF1270	CALUMET PAC	01/03/2005	Not Filed		C00386300	TERRENCE BRONOWSKI	\$3,200	\$500		IN	2004 12 DAY PRE-GENERAL	0	04/20/2005	\$600
AF1272	BLUE SHIELD OF CALIFORNIA POLITICAL ACTION COMMITTEE	04/01/2005	Not Filed		C00340364	STEVEN STURMAN	\$5,136	\$600		CA	2004 12 DAY PRE-GENERAL	0	05/11/2005	\$600
AF1274	EXPERIAN NORTH AMERICA INC. POLITICAL ACTION COMMITTEE (EXPERIAN PAC)	11/24/2004	Not Filed		C00379768	Reeves, Anthony D. Mr.	\$5,873	\$600		CA	2004 12 DAY PRE-GENERAL	0	04/12/2005	\$600
AF1275	FIRST CITIZENS BANCSHARES INC POLITICAL ACTION COMMITTEE (FIRST CITIZENS BA NC	11/22/2004	Not Filed		C00334193	ALEXANDER G MACFADYEN JR	\$1,090	\$500		NC	2004 12 DAY PRE-GENERAL	0	05/05/2005	\$500
AF1276	IUOE OPERATING ENGINEERS	12/29/2004	Not Filed		C00136739	JAMES JONES	\$10,017	\$900		PA	2004 12 DAY PRE-GENERAL	0	05/12/2005	\$900
AF1277	LIVESTOCK MARKETING ASSOCIATION POLITICAL ACTION COMMITTEE (LMA-PAC)	11/16/2004	Not Filed		C00244400	NANCY J ROBINSON	\$1,000	\$500		MO	2004 12 DAY PRE-GENERAL	0	04/27/2005	\$500
AF1278	NEWMONT MINING CORPORATION POLITICAL ACTION COMMITTEE (NEWPAC)	12/02/2004	Not Filed		C00206672	Donnelly, Mary Elizabeth	\$1,032	\$500		DC	2004 12 DAY PRE-GENERAL	0	05/12/2005	\$500
AF1279	UNITED BROTHERHOOD OF CARPENTERS/JOINERS OF AMER NEW ENGLAND REG CARPENTERS CT	12/13/2004	Not Filed		C00150045	GLENN MARSHALL	\$10,000	\$1,125		CT	2004 12 DAY PRE-GENERAL	1	05/10/2005	\$1,125
AF1281	WOMEN WORKING FOR THE FUTURE AKA THE FUTURE PAC	12/02/2004	Not Filed		C00381160	Huffman, Alice	\$3,935	\$500		CA	2004 12 DAY PRE-GENERAL	0	05/12/2005	\$600



FEDERAL ELECTION COMMISSION
Washington, DC 20463

SENSITIVE

DATE & TIME OF TRANSMITTAL: Thursday, May 26, 2005 4:00

BALLOT DEADLINE: Wednesday, June 01, 2005 4:00

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

SUBJECT: **Administrative Fines Final Determination Recommendation for the 2004 12 Day Pre-General under the Administrative Fine Program. Memorandum from the Assistant Staff Director Reports Analysis Division dated May 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

25092572342

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
 Administrative Fines Final Determination)
 Recommendation for the 2004 12 Day Pre-)
 General:)
 CALUMET PAC, and TERRENCE) AF# 1270
 BRONOWSKI as treasurer;)
 BLUE SHIELD OF CALIFORNIA) AF# 1272
 POLITICAL ACTION COMMITTEE, and)
 STEVEN STURMAN as treasurer;)
 EXPERIAN NORTH AMERICA INC.) AF# 1274
 POLITICAL ACTION COMMITTEE)
 (EXPERIAN PAC), and Reeves, Anthony)
 D. Mr. as treasurer;)
 FIRST CITIZENS BANCSHARES INC) AF# 1275
 POLITICAL ACTION COMMITTEE)
 (FIRST CITIZENS BANCSHARES PAC),)
 and ALEXANDER G MACFADYEN JR as)
 treasurer;)
 IUOE OPERATING ENGINEERS, and) AF# 1276
 JAMES JONES as treasurer;)
 LIVESTOCK MARKETING) AF# 1277
 ASSOCIATION POLITICAL ACTION)
 COMMITTEE (LMA-PAC), and NANCY J)
 ROBINSON as treasurer;)
 NEWMONT MINING CORPORATION) AF# 1278
 POLITICAL ACTION COMMITTEE)
 (NEWPAC), and Donnelly, Mary Elizabeth)
 as treasurer;)
 UNITED BROTHERHOOD OF) AF# 1279
 CARPENTERS/JOINERS OF AMER NEW)
 ENGLAND REG CARPENTERS LEGIS)
 EMP CMTE, and GLENN MARSHALL as)
 treasurer;)
 WOMEN WORKING FOR THE FUTURE) AF# 1281
 AKA THE FUTURE PAC, and Huffman,)
 Alice as treasurer;)

25092572343

CERTIFICATION

I, Mary W. Dove, Secretary of the Federal Election Commission, do hereby certify that on June 01, 2005 the Commission took the following actions on the Administrative Fines Final Determination Recommendation for the 2004 12 Day Pre-General as recommended in the Reports Analysis Division's Memorandum dated May 26, 2005, on the following committees:

AF#1270 Decided by a vote of 6-0 to: (1) make a final determination that CALUMET PAC, and TERRENCE BRONOWSKI as treasurer , violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate mailgram. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF#1272 Decided by a vote of 6-0 to: (1) make a final determination that BLUE SHIELD OF CALIFORNIA POLITICAL ACTION COMMITTEE, and STEVEN STURMAN as treasurer , violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate mailgram. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF#1274 Decided by a vote of 6-0 to: (1) make a final determination that EXPERIAN NORTH AMERICA INC. POLITICAL ACTION COMMITTEE (EXPERIAN PAC), and Reeves, Anthony D. Mr. as treasurer , violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate mailgram. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF#1275 Decided by a vote of 6-0 to: (1) make a final determination that FIRST CITIZENS BANCSHARES INC POLITICAL ACTION COMMITTEE (FIRST CITIZENS BANCSHARES PAC), and ALEXANDER G MACFADYEN JR as treasurer , violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate mailgram. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF#1276 Decided by a vote of 6-0 to: (1) make a final determination that IUOE OPERATING ENGINEERS, and JAMES JONES as treasurer , violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate mailgram.

25092572344

Federal Election Commission
Certification for Administrative Fines
June 01, 2005

Page 3

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

AF#1277 Decided by a vote of 6-0 to: (1) make a final determination that LIVESTOCK MARKETING ASSOCIATION POLITICAL ACTION COMMITTEE (LMA-PAC), and NANCY J ROBINSON as treasurer, violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate mailgram. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF#1278 Decided by a vote of 6-0 to: (1) make a final determination that NEWMONT MINING CORPORATION POLITICAL ACTION COMMITTEE (NEWPAC), and Donnelly, Mary Elizabeth as treasurer, violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate mailgram. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF#1279 Decided by a vote of 6-0 to: (1) make a final determination 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 assess the civil money penalty so indicated; (2) send the appropriate mailgram. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF#1281 Decided by a vote of 6-0 to: (1) make a final determination that WOMEN WORKING FOR THE FUTURE AKA THE FUTURE PAC, and Huffman, Alice as treasurer, violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate mailgram. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

Attest:

June 2, 2005
Date

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

25092572345

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CONFIRMATION OF MAILGRAM

TO: ALEXANDER G MACFADYEN JR
FIRST CITIZENS BANCSHARES INC PAC
3128 SMOKETREE CT
RALEIGH NC 27604-1014FEDERAL ELECTION COMMISSION
DAYNA BROWN
999 E ST NW # 709
WASHINGTON DC 20463

JUNE 3, 2005

ALEXANDER G MACFADYEN JR
FIRST CITIZENS BANCSHARES INC PAC
3128 SMOKETREE COURT
RALEIGH NC 27604C00334193
AF#: 1275

DEAR ALEXANDER G MACFADYEN JR:

ON 04/01/2005, THE FEDERAL ELECTION COMMISSION ("FEC") FOUND REASON TO BELIEVE ("RTB") THAT FIRST CITIZENS BANCSHARES INC PAC AND YOU, AS TREASURER, VIOLATED 2 U.S.C. 434(A) FOR FILING LATE OR FAILING TO FILE THE 2004 12 DAY PRE-GENERAL REPORT. BY MAILGRAM DATED 04/05/2005, THE FEC SENT YOU NOTIFICATION OF THE RTB FINDING THAT INCLUDED A CIVIL MONEY PENALTY CALCULATED AT THE RTB STAGE OF \$500 IN ACCORDANCE WITH THE SCHEDULE OF PENALTIES AT 11 C.F.R. 111.43.

ON 05/05/2005, THE FEC RECEIVED PAYMENT OF YOUR CIVIL MONEY PENALTY CALCULATED AT THE RTB STAGE. THEREFORE, THE FEC MADE A FINAL DETERMINATION ON 06/01/2005 THAT YOU, AS TREASURER, AND FIRST CITIZENS BANCSHARES INC PAC VIOLATED 2 U.S.C. 434(A), ASSESSED A CIVIL MONEY PENALTY IN THE AMOUNT OF \$500 IN ACCORDANCE WITH 11 C.F.R. 111.43, AND VOTED TO CLOSE THE FILE.

THE CONFIDENTIALITY PROVISIONS AT 2 U.S.C. 437G(A)(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 BROWN ON OUR TOLL FREE NUMBER (800)424-9530 (AT THE PROMPT PRESS 5) OR (202)694-1130.

SINCERELY,
SCOTT E. THOMAS
CHAIRMAN



May 2, 2005

Federal Election Commission
Post Office Box 952182
St. Louis, MO 63195-2182

RE: First Citizens BancShares, Inc. Political Action Committee
FEC ID# C00334193
AF# 1275

Ladies and Gentlemen:

In your April 5, 2005 Mailgram, you outline a deficiency resulting from the failure of the First Citizens BancShares, Inc. Political Action Committee to file a 12-Day Pre-General Report for the General Election (the Pre-Election Report).

Upon review of our records, we do find that we did fail to file Pre-Election Report. However, the receipts and disbursements that would have been included in the Pre-Election Report (had it been filed) were included in the 30-Day Post Election Report for the General Election (the Post-Election Report). Our Post-Election Report covered the period from October 1, 2004 through November 22, 2004.

Following instructions received from Mary Siler of the Federal Elections Commission on April 7, 2005, we have not 'corrected' this omission by filing a Pre-Election Report since the information that would have been reported in the Pre-Election Report was instead included on the Post-Election Report that was timely filed.

We regret this error. Enclosed is a check for \$500.

If you have any questions, please contact John Gray at (919)716-7337.

Sincerely,

A handwritten signature in black ink that reads "Alexander G. MacFadyen, Jr." followed by a stylized monogram.

Alexander G. MacFadyen, Jr.
Treasurer

First Citizens BancShares, Inc. Political Action Committee

Enclosure

QUALITY IS OUR P

SEQ# 002 \$ 000050000 BA# 1 05-05-05 20 3

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FCB COMBINED PAC FEDERAL 498 829
DATE APR 11 27 2005
PAY TO THE ORDER OF Federal Election Commission \$ **500.00**
Five Hundred and 00/100
DOLLARS 00
FIRST CITIZENS BANK
C000334193
FOR



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 1275

DATE SCANNED 7/11/05

SCANNER NO. 1

SCAN OPERATOR EEJ

25092572349