



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 1400

DATE SCANNED

2/15/06

SCANNER NO.

2

SCAN OPERATOR

EEJ

26092584363



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2005 JUL -11 A 10:17

June 22, 2005

SENSITIVE

MEMORANDUM

TO: THE COMMISSION

THROUGH: JAMES A. PEHRKON
STAFF DIRECTOR

ROBERT J. COSTA
DEPUTY STAFF DIRECTOR

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

SUBJECT: REASON TO BELIEVE RECOMMENDATION - 2005 APRIL
QUARTERLY REPORT FOR THE ADMINISTRATIVE
FINES PROGRAM

Attached is a list of political committees and their treasurers who failed to file, or failed to timely file, the 2005 April Quarterly Report in accordance with 2 U.S.C. 434(a). On March 21, 2005, Prior Notice was sent to the political committees and their treasurers, informing them that the April Quarterly Report was due on April 15, 2005. The report should have covered the period ending on March 31, 2005.

The committees listed in the attached RTB Circulation Report either failed to file the report or filed the report more than five (5) days after the due date. In accordance with the schedule of civil money penalties located within 11 CFR §111.43, these committees should be assessed the civil money penalties highlighted on the report attached.

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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.

26092584366

FEDERAL ELECTION COMMISSION 2005-2006
Reason to Believe Circulation Report
2005 APRIL QUARTERLY

DATE 06/21/2005
PAGE: 1

AF #	COMMITTEE NAME	COMMITTEE ID	TREASURER	RECEIPT DATE	LEVEL OF ACTIVITY	THRESHOLD AMOUNT	STATE	CANDIDATE NAME	SENSITIVE	PREVIOUS VIOLATIONS	CIVIL MONEY PENALTY
AF01398	FRIENDS OF JEFF SMITH	C00390914	NICK ADAMS	Not Filed		\$186,159 (est)	MO	SMITH, JEFF	No	0	\$5,500
AF01408	STEPHANIE SUMMERS O'NEAL FOR US CONGRESS	C00395863	DEBORAH JOHNSON THORNTON	Not Filed		\$110,474 (est)	MS	SUMMERS-O'NEAL, STEHPANTIE	No	3	\$7,875
AF01400	JAMES A GARNER CONGRESSIONAL COMMITTEE	C00392506	LOUIS M EUSTACHE	Not Filed		\$135,673 (est)	NY	GARNER, JAMES A	No	0	\$4,500
AF01402	COMITE PRATS AL CONGRESO INC	C00387662	JOSE JOAQUIN LEDESMA ESQ	Not Filed		\$222,873 (est)	PR	PRATS PALERM, ROBERTO L	No	0	\$6,500
AF01403	DIEDRICH FOR CONGRESS	C00367276	Harvey C Krautschun	Not Filed		\$423,474 (est)	SD	DIEDRICH, LARRY WILLIAM	No	1	\$11,250
AF01405	SOCAS FOR CONGRESS	C00393345	ANDREW T O'DELL	Not Filed		\$458,073 (est)	VA	SOCAS, JAMES ROBERT	No	1	\$11,875

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FEDERAL ELECTION COMMISSION 2005-2006
Reason to Believe Circulation Report
2005 APRIL QUARTERLY

AF #	COMMITTEE NAME	STATE	CANDIDATE NAME	THRESHOLD AMOUNT	SENSITIVE	PREVIOUS VIOLATIONS	CIVIL MONEY PENALTY
COMMITTEE ID	TREASURER						
RECEIPT DATE	DAYS LATE	LEVEL OF ACTIVITY					
AF01406	MAGNUM FOR CONGRESS	WI	MAGNUM, DAVID ROBERT	\$1,327,097	No	0	\$6,500
C00401067	DIEHL, THOMAS						
Not Filed				\$221,182 (est)			



FEDERAL ELECTION COMMISSION
Washington, DC 20463

SENSITIVE

DATE & TIME TRANSMITTED: Friday, July 01, 2005 12:00

RETURN TO COMMISSION SECRETARY BY: Thursday, July 14, 2005 4:00

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

SUBJECT: **RTB Recommendation - 2005 April Quarterly Report For The
Administrative Fines Program. Memorandum from the Assistant
Staff Director, Reports Analysis Division dated June 22, 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

26092584368

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Reason To Believe Recommendation - 2005)
April Quarterly Report For The)
Administrative Fines Program.:)

FRIENDS OF JEFF SMITH, and NICK) AF# 1398
ADAMS as treasurer;)

JAMES A GARNER CONGRESSIONAL) AF# 1400
COMMITTEE, and LOUIS M EUSTACHE)
as treasurer;)
COMITE PRATS AL CONGRESO INC,) AF# 1402
and JOSE JOAQUIN LEDESMA ESQ as)
treasurer;)
DIEDRICH FOR CONGRESS, and Harvey) AF# 1403
C Krautschun as treasurer;)

SOCAS FOR CONGRESS, and ANDREW) AF# 1405
T O'DELL as treasurer;)
MAGNUM FOR CONGRESS, and DIEHL,) AF# 1406
THOMAS as treasurer;)

26092584369

CERTIFICATION

I, Mary W. Dove, Secretary of the Federal Election Commission, do hereby certify that on July 14, 2005 the Commission took the following actions on the Reason To Believe Recommendation - 2005 April Quarterly Report For The Administrative Fines Program. as recommended in the Reports Analysis Division's Memorandum dated July 14, 2005, on the following committees:

AF#1398 Decided by a vote of 6-0 to: (1) find reason to believe that FRIENDS OF JEFF SMITH, and NICK ADAMS 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#1400 Decided by a vote of 6-0 to: (1) find reason to believe that JAMES A GARNER CONGRESSIONAL COMMITTEE, and LOUIS M EUSTACHE 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#1402 Decided by a vote of 6-0 to: (1) find reason to believe that COMITE PRATS AL CONGRESO INC, and JOSE JOAQUIN LEDESMA ESQ 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.

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

AF#1403 Decided by a vote of 6-0 to: (1) find reason to believe that DIEDRICH FOR CONGRESS, and Harvey C Krautschun 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#1405 Decided by a vote of 6-0 to: (1) find reason to believe that SOCAS FOR CONGRESS, and ANDREW T O'DELL 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#1406 Decided by a vote of 6-0 to: (1) find reason to believe that MAGNUM FOR CONGRESS, and DIEHL, THOMAS 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:

July 15 2005
Date

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

26092584371

**WESTERN
UNION.**

WESTERN UNION COMMERCIAL SERVICES

CONFIRMATION OF CMGM

TO: LOUIS M EUSTACHE

JAMES A GARNER CONGRESSIONAL COMMITTEE

C/O C ROBINSON THOMPSON & ASS LLP

NEW YORK NY 10017

FEDERAL ELECTION COMMISSION

TODD GARLAND

999 E ST NW # 709

WASHINGTON DC 20463

JULY 15, 2005

LOUIS M EUSTACHE

JAMES A GARNER CONGRESSIONAL COMMITTEE

C/O C ROBINSON THOMPSON & ASS LLP

NEW YORK NY 10017

C00392506

AF#: 1400

DEAR LOUIS M EUSTACHE:

THE FEDERAL ELECTION CAMPAIGN ACT OF 1971, AS AMENDED ("THE ACT"), REQUIRES THAT YOUR COMMITTEE FILE AN APRIL QUARTERLY REPORT OF RECEIPTS AND DISBURSEMENTS EVERY CALENDAR YEAR. THIS REPORT, COVERING THE PERIOD THROUGH MARCH 31ST, SHALL BE FILED NO LATER THAN APRIL 15TH. 2 U.S.C. 434(A). YOU WERE PREVIOUSLY NOTIFIED OF THE DUE DATE FOR THIS REPORT. RECORDS AT THE FEDERAL ELECTION COMMISSION ("FEC") INDICATE THAT THIS REPORT WAS NOT FILED WITHIN THIRTY (30) DAYS OF THE DUE DATE. YOU SHOULD FILE THIS 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 07/14/2005, THE FEC FOUND THAT THERE IS REASON TO BELIEVE ("RTB") THAT JAMES A GARNER CONGRESSIONAL COMMITTEE AND YOU, AS TREASURER, VIOLATED 2 U.S.C. 434(A) BY FAILING TO FILE TIMELY THIS REPORT ON OR BEFORE APRIL 15TH. BASED ON THE FEC'S SCHEDULES OF CIVIL MONEY PENALTIES AT 11 C.F.R. 111.43, THE AMOUNT OF YOUR CIVIL MONEY PENALTY CALCULATED AT THE RTB STAGE IS \$4,500. IT IS DUE BY 08/23/2005 AND IS BASED ON THESE FACTORS:

ELECTION SENSITIVITY OF REPORT: NOT ELECTION SENSITIVE
LEVEL OF ACTIVITY: \$135673
NUMBER OF DAYS LATE: NOT FILED
NUMBER OF PREVIOUS CIVIL MONEY PENALTIES ASSESSED: 0

TO PAY THE CALCULATED CIVIL MONEY PENALTY
TO PAY THE CALCULATED CIVIL MONEY PENALTY, SEND THE ENCLOSED

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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 08/23/2005. 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 JAMES A
GARNER CONGRESSIONAL COMMITTEE AND YOU, AS TREASURER, VIOLATED 2
U.S.C. 434(A) AND ASSESS A CIVIL MONEY PENALTY.

UNPAID CIVIL MONEY PENALTIES ASSESSED THROUGH THE ADMINISTRATIVE
FINE REGULATIONS WILL BE SUBJECT TO THE DEBT COLLECTION ACT OF
1982("DCA") AS AMENDED BY THE DEBT COLLECTION IMPROVEMENT ACT OF
1996, 31 U.S.C. 3701 ET SEQ. THE FEC MAY TAKE ANY AND ALL
APPROPRIATE ACTION AUTHORIZED AND REQUIRED BY THE DCA, AS AMENDED,
INCLUDING TRANSFER TO THE U.S. DEPARTMENT OF THE TREASURY FOR
COLLECTION. 11 C.F.R. 111.45.

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

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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 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 \$4,500 FOR THE 2005 APRIL QUARTERLY REPORT.

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

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

THE REMITTANCE AND YOUR PAYMENT ARE DUE BY 08/23/2005. 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: JAMES A GARNER CONGRESSIONAL COMMITTEE

FEC ID#: C00392506

AF#: 1400

PAYMENT DUE DATE: 08/23/2005

PAYMENT AMOUNT DUE: \$4,500



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

2005 SEP 19

September 16, 2005

SECRETARIAT

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 2005 APRIL QUARTERLY
REPORT

Attached is a list 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 2005 April Quarterly Report. The 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, the Commission shall send a final determination notice to those respondents that have either paid or not paid the civil money penalty.

Please note that five (5) committees filed reports which disclosed a level of activity less than that which was estimated at RTB, thus resulting in a reduced civil money penalty. Friends of Jeff Smith (AF1398) disclosed \$0.00 in activity, lowering the fine from \$5,500.00 to \$0.00. Comite Prats Al Congreso Inc (AF1402) disclosed \$525.00 in activity, lowering the fine from \$6,500.00 to \$250.00. Diedrich for Congress (AF1403) disclosed \$41,174.00 in activity, lowering the fine from \$11,250.00 to \$1,125.00. Magnum for Congress (AF1406) disclosed \$161.00 in activity, lowering the fine from \$6,500.00 to \$161.00. Stephanie Summers O'Neal for US Congress (AF1408) disclosed \$0.00 in activity, lowering the fine from \$7,875.00 to \$0.00.

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DATE 09/16/2005
PAGE: 1

FEDERAL ELECTION COMMISSION 2005-2006
FINAL DETERMINATION CIRCULATION REPORT

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

AF1398	FRIENDS OF JEFF SMITH SMITH, JEFF	07/06/2005	Not Filed	07/14/2005	C00390914	STEVE SMITH \$0	MO	2005 APRIL QUARTERLY	0	\$0
AF1400	JAMES A GARNER CONGRESSIONAL COMMITTEE GARNER, JAMES A	Not Filed	07/14/2005		C00392506	LOUIS M EUSTACHE \$135,673 (est)	NY	2005 APRIL QUARTERLY	0	\$4,500
AF1402	COMITE PRATS AL CONGRESO INC PRATS PALERM, ROBERTO L	09/15/2005	Not Filed	07/14/2005	C00387662	JOSE JOAQUIN LEDESMA ESQ \$525	PR	2005 APRIL QUARTERLY	0	\$250
AF1403	DIEDRICH FOR CONGRESS DIEDRICH, LARRY WILLIAM	07/01/2005	Not Filed	07/14/2005	C00367276	Harvey C Krautschun \$41,174	SD	2005 APRIL QUARTERLY	1	\$1,125
AF1405	SOCAS FOR CONGRESS SOCAS, JAMES ROBERT	Not Filed	07/14/2005		C00399345	ANDREW T O'DELL \$458,073 (est)	VA	2005 APRIL QUARTERLY	1	\$11,875
AF1406	MAGNUM FOR CONGRESS MAGNUM, DAVID ROBERT	08/26/2005	Not Filed	07/14/2005	C00401067	DIEHL, THOMAS \$161	WI	2005 APRIL QUARTERLY	0	\$161
AF1408	STEPHANIE SUMMERS O'NEAL FOR US CONGRESS SUMMERS-O'NEAL, STEHPANIE	09/11/2005	Not Filed	07/14/2005	C00395863	DEBORAH JOHNSON THORNTON \$0	MS	2005 APRIL QUARTERLY	3	\$0



FEDERAL ELECTION COMMISSION
Washington, DC 20463

SENSITIVE

DATE & TIME OF TRANSMITTAL: Monday, September 19, 2005 11:00

BALLOT DEADLINE: Thursday, September 22, 2005 4:00

COMMISSIONER: MASON, McDONALD, THOMAS, TONER, WEINTRAUB

SUBJECT: **Administrative Fines Final Determination Recommendation for the 2005 April Quarterly Report. Memorandum from the Assistant Staff Director Reports Analysis Division dated September 16, 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

26092584377

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Administrative Fines Final Determination)
Recommendation for the 2005 April)
Quarterly Report:)
FRIENDS OF JEFF SMITH, and STEVE) AF# 1398
SMITH as treasurer;)
JAMES A GARNER CONGRESSIONAL) AF# 1400
COMMITTEE, and LOUIS M EUSTACHE)
as treasurer;)
COMITE PRATS AL CONGRESO INC,) AF# 1402
and JOSE JOAQUIN LEDESMA ESQ as)
treasurer;)
DIEDRICH FOR CONGRESS, and Harvey) AF# 1403
C Krautschun as treasurer;)
SOCAS FOR CONGRESS, and ANDREW) AF# 1405
T O'DELL as treasurer;)
MAGNUM FOR CONGRESS, and DIEHL,) AF# 1406
THOMAS as treasurer;)
STEPHANIE SUMMERS O'NEAL FOR) AF# 1408
US CONGRESS, and DEBORAH)
JOHNSON THORNTON as treasurer;)

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CERTIFICATION

I, Mary W. Dove, Secretary of the Federal Election Commission, do hereby certify that on September 22, 2005 the Commission took the following actions on the Administrative Fines Final Determination Recommendation for the 2005 April Quarterly Report as recommended in the Reports Analysis Division's Memorandum dated September 16, 2005, on the following committees:

AF#1398 Decided by a vote of 5-0 to: (1) make a final determination that FRIENDS OF JEFF SMITH, and STEVE SMITH 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, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF#1400 Decided by a vote of 5-0 to: (1) make a final determination that JAMES A GARNER CONGRESSIONAL COMMITTEE, and LOUIS M EUSTACHE 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, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF#1402 Decided by a vote of 5-0 to: (1) make a final determination that COMITE PRATS AL CONGRESO INC, and JOSE JOAQUIN LEDESMA ESQ 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, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF#1403 Decided by a vote of 5-0 to: (1) make a final determination that DIEDRICH FOR CONGRESS, and Harvey C Krautschun 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, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF#1405 Decided by a vote of 5-0 to: (1) make a final determination that SOCAS FOR CONGRESS, and ANDREW T O'DELL 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, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF#1406 Decided by a vote of 5-0 to: (1) make a final determination that MAGNUM FOR CONGRESS, and DIEHL, THOMAS as treasurer, violated 2 U.S.C.

26092584379

434(a) and assess the civil money penalty so indicated; (2) send the appropriate mailgram. Commissioners Mason, McDonald, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF#1408 Decided by a vote of 5-0 to: (1) make a final determination that STEPHANIE SUMMERS O'NEAL FOR US CONGRESS, and DEBORAH JOHNSON THORNTON 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, Thomas, Toner, and Weintraub voted affirmatively for the decision.

Attest:

September 22, 2005
Date

Darlene Harris
for Mary W. Dove
Secretary of the Commission

26092584380

**WESTERN
UNION.**

CONFIRMATION OF CMGM

WESTERN UNION COMMERCIAL SERVICES
TO: LOUIS M EUSTACHE
JAMES A GARNER CONGRESSIONAL COMMITTEE
820 2ND AVE RM 7B C/O C ROBIN & ASSOC
NEW YORK NY 10017-4528

FEDERAL ELECTION COMMISSION
TODD GARLAND
999 E ST NW # 709
WASHINGTON DC 20463

SEPTEMBER 26, 2005

LOUIS M EUSTACHE
JAMES A GARNER CONGRESSIONAL COMMITTEE
C/O C. ROBIN & ASSOC. 820 2ND AVE #7B
NEW YORK NY 10017

C00392506
AF# 1400

DEAR LOUIS M EUSTACHE,

ON 07/14/2005, THE FEDERAL ELECTION COMMISSION ("FEC") FOUND REASON TO BELIEVE ("RTB") THAT JAMES A GARNER CONGRESSIONAL COMMITTEE AND YOU, AS TREASURER, VIOLATED 2 U.S.C. 434(A) FOR FAILING TO FILE THE 2005 APRIL QUARTERLY REPORT. BY MAILGRAM DATED 07/15/2005, THE FEC SENT YOU NOTIFICATION OF THE RTB FINDING THAT INCLUDED A CIVIL MONEY PENALTY CALCULATED AT THE RTB STAGE OF \$4,500 IN ACCORDANCE WITH THE SCHEDULE OF PENALTIES AT 11 C.F.R. 111.43. WITHIN 40 DAYS OF THE FEC'S RTB FINDING, YOU WERE REQUIRED TO EITHER TRANSMIT PAYMENT OF THE CALCULATED CIVIL MONEY PENALTY OR SUBMIT A WRITTEN RESPONSE CHALLENGING EITHER THE RTB FINDING OR THE CALCULATED CIVIL MONEY PENALTY. YOU MUST ALSO FILE THE 2005 APRIL QUARTERLY REPORT IF YOU HAVE NOT ALREADY DONE SO.

THE FEC DID NOT RECEIVE PAYMENT OF THE CALCULATED CIVIL MONEY PENALTY OR YOUR WRITTEN RESPONSE WITHIN THE TIME PERMITTED. THEREFORE, THE FEC MADE A FINAL DETERMINATION ON 09/22/2005 THAT YOU, AS TREASURER, AND JAMES A GARNER CONGRESSIONAL COMMITTEE VIOLATED 2 U.S.C. 434(A) AND ASSESSED A CIVIL MONEY PENALTY IN THE AMOUNT OF \$4,500 IN ACCORDANCE WITH 11 C.F.R. 111.43. THE CIVIL MONEY PENALTY IS BASED ON THESE FACTORS:

ELECTION SENSITIVITY OF REPORT: NOT ELECTION SENSITIVE
LEVEL OF ACTIVITY: \$135673

NUMBER OF PREVIOUS VIOLATIONS: 0 NUMBER OF DAYS LATE: NOT
FILED

TO PAY THE CIVIL MONEY PENALTY

TO PAY THE CIVIL MONEY PENALTY, SEND THE ENCLOSED FORM AND YOUR
PAYMENT TO THE ADDRESS ON PAGE 3 WITHIN 30 DAYS OF RECEIPT OF THIS

**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'S 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'S 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'S NOTIFICATION, THIS COULD OCCUR AT ANYTIME FOLLOWING CERTIFICATION OF THE COMMISSION'S VOTE.

IF YOU HAVE ANY QUESTIONS REGARDING THE PAYMENT OF THE CIVIL MONEY PENALTY, PLEASE CONTACT ELIZABETH GOINGS 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 \$4,500 FOR THE

**WESTERN
UNION.**

WESTERN UNION COMMERCIAL SERVICES

2005 APRIL QUARTERLY REPORT.

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

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

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

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

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

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: JAMES A GARNER CONGRESSIONAL COMMITTEE

FEC ID: C00392506

AF#: 1400

PAYMENT AMOUNT DUE: \$4,500


CERTIFICATION - DEBT COLLECTION

With respect to the debts attached or transmitted with this certification, I certify the following:

1. **Valid Debts.** The debts are delinquent, valid and legally enforceable in the amounts stated. No debtor has repaid or agreed to repay the claim under a signed repayment agreement or filed for review of the claim.
2. **No Bar to Collection.** The debts are not subject to any circumstances that legally preclude or bar collection. There are no foreclosures pending with respect to any collateral securing a debt. The Agency's records do not show that any debtor owing a debt has filed for bankruptcy protection. Alternatively, the Agency can clearly establish that any automatic stay has been lifted or is no longer in effect.
3. **Due Process.** The Agency, at a minimum, has made reasonable efforts to obtain payment of the debt: demanded payment and provided the debtor with the notice and opportunities described below:
 - A. At least 30 days prior to the date of this certification, the Agency has provided, or made reasonable efforts to provide each debtor with:
 - written notice, at the debtor's most current known address, of the nature and the amount of the debt, the intention of the Agency to collect the debt through referral to Treasury, and actions that may be taken by Treasury including referral of the debt to a private collection agency and referral of the debt to the Department of Justice for litigation.
 - an opportunity to inspect and copy the records of the Agency with respect to the debt;
 - an opportunity for review within the Agency of the determination of the Agency with respect to the debt, including the opportunity to present evidence that all or part of the debt is not past-due or legally enforceable.
 - B. The Agency has considered any evidence presented by the debtor and determined that the amount of the debt is past-due and legally enforceable and there are no pending appeals of such determination.
4. **Interest and Penalties.** The Agency has complied with all of the provisions of 31 U.S.C. § 3717 and 4 C.F.R. Part 102, as well as other statutes, regulations and policies applicable to the Agency's assessment of interest, penalties and administrative costs. The Agency has mailed or hand-delivered a written notice to all debtors explaining the Agency's requirements concerning the charges.

CERTIFICATION: Pursuant to 28 U.S.C. § 1746, I certify under penalty of perjury that to the best of my knowledge and belief, and/or based upon Agency certification, that the foregoing is true and correct. I certify that I have been delegated authority to execute this certification on behalf of the head of my agency.

January 26, 2006
Date


Signature of Certifying Official
Print Name: Shawn Woodhead Werth
Title: Director, Office of Administrative Review
Agency: Federal Election Commission

26092584384



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 1400

DATE SCANNED 2/15/06

SCANNER NO. 2

SCAN OPERATOR SES

26092584385