



FEDERAL ELECTION COMMISSION  
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 1465

DATE SCANNED 11/27/06

SCANNER NO. 2

SCAN OPERATOR ESS

26092593198



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
SECRETARIAT

JUN 19 2:52 PM  
June 19, 2006

MEMORANDUM

**SENSITIVE**

TO: THE COMMISSION

THROUGH: ROBERT J. COSTA *RJC*  
ACTING STAFF DIRECTOR

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

SUBJECT: ADMINISTRATIVE FINE PROGRAM  
REASON TO BELIEVE RECOMMENDATION -  
2006 APRIL QUARTERLY REPORT

Attached is a list of political committees and their treasurers who either failed to file or failed to timely file, the 2005 April Quarterly Report in accordance with 2 U.S.C. 434(a). On March 22, 2006, Prior Notice was sent to all authorized committees and their treasurers, informing them that the April Quarterly Report was due on April 15, 2006. Please note, that due to an administrative oversight, unauthorized committees were not mailed the Prior Notice for the April Quarterly Report. In an effort to correct this oversight, an e-mail notification was sent to all unauthorized electronic filers and a scrolling text message was placed on the FEC website highlighting the April Quarterly Report due date of April 15, 2006. The April Quarterly Report is required to cover the time frame from January 1, 2006 through March 31, 2006.

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 attached report.

**Recommendation**

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

26092593199

Federal Election Commission  
Reason to Believe Circulation Report  
2006 APRIL QUARTERLY Non Election Sensitive 04/15/2006

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	Penalty
1453	C00169508	AAI CORPORATION POLITICAL ACTION COMMITTEE		RICHARD F CHRIST	\$125,476.00	0	5/5/2006	20	\$30,049	\$600.00
1454	C00415794	ALLEN W MCCULLOCH MD FOR US SENATE	MCCULLOCH, ALLEN WILSON	R NELSON FRANSE	\$317,171.00	0	4/24/2006	9	\$96,338	\$1,300.00
1455	C00156935	AMERICAN INTELLECTUAL PROPERTY LAW ASSOCIATION INTELLECTUAL PROPERTY PAC		MICHAEL K. KIRK	\$106,650.00	0	5/10/2006	25	\$30,248	\$700.00
1456	C00226472	ARPAC		BROOKS, B. JEFFREY MR. ESQ.	\$171,132.00	0	4/24/2006	9	\$43,500	\$380.00
1457	C00204388	BI-COUNTY POLITICAL ACTION COMMITTEE (FKA SUFFOLK PAC)		IRA LAMEL	\$123,691.00	3	5/9/2006	24	\$15,285	\$385.00
1460	C00280206	CITIZENS FOR ARLEN SPECTER	SPECTER, ARLEN	STEPHEN J. HARMELIN	\$961,040.00	0	5/1/2006	16	\$381,166	\$5,200.00
1461	C00222455	CITIZENS FOR JOE KENNEDY 1988	KENNEDY, JOSEPH P II	KENNEDY, CHRISTOPHER	\$208,065.00	0	5/15/2006	30	\$67,167	\$2,550.00
1462	C00195362	COHEN & GRIGSBY POLITICAL ACTION COMMITTEE		JAMES F CINQUE	\$148,850.00	1	4/27/2006	12	\$56,850	\$1,500.00
1466	C00034470	DIAGEO NORTH AMERICA, INC. EMPLOYEES' POLITICAL PARTICIPATION COMMITTEE		JAMES RICCI	\$142,768.00	1	5/1/2006	16	\$23,077	\$225.00
1467	C00401299	FRESENIUS MEDICAL CARE NORTH AMERICA POLITICAL ACTION COMMITTEE		KATHLEEN SMITH	\$102,333.00	0	5/9/2006	24	\$26,233	\$680.00

26092593201

6/19/2006 1:14 PM

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	Penalty
1468	C00279182	FRIENDS OF FERRIS		ROBERT A. BOYCE	\$230,726.00	2	4/26/2006	11	\$107,111	\$2,962.50
1469	C00414128	GILLESPIE FOR CONGRESS	GILLESPIE, PARK DOUGLAS	WAYNE B. WILKINSON	\$111,120.00	0	4/21/2006	6	\$27,416	\$320.00
1473	C00201491	INTERGRAPH CORPORATION POLITICAL ACTION COMMITTEE		KERRY M. FEHRENBACH	\$113,257.00	0	4/21/2006	6	\$25,891	\$320.00
1474	C00420091	MAATTA FOR CONGRESS CAMPAIGN COMMITTEE	MAATTA, RANDAL G	DEBRA C. MAATTA	\$138,219.00	0	4/24/2006	9	\$138,218	\$1,725.00
1475	C00389882	MARIJUANA POLICY PROJECT MEDICAL MARIJUANA PAC OR MPP MEDICAL MARIJUANA PAC		ROBERT D. KAMPIA	\$104,012.00	0	4/28/2006	13	\$36,146	\$460.00
1480	C00139964	NATIONAL ASSOCIATION OF WHEAT GROWERS POLITICAL ACTION COMMITTEE (WHEATPAC)		COPPOCK, DAREN MR.	\$120,193.00	0	4/21/2006	6	\$31,114	\$320.00
1481	C00343947	NEXT CENTURY FUND		MS MARY FAUTH	\$263,195.00	0	5/6/2006	21	\$88,527	\$2,500.00
1482	C00408146	POLITICAL HALL OF FAME PAC		DEBBIE MCKINNEY	\$124,350.00	0	5/9/2006	24	\$35,646	\$680.00
1485	C00410308	SHORE PAC		WARREN GOODE	\$112,986.00	0	5/5/2006	20	\$20,756	\$200.00
1486	C00252395	STEAMFITTERS LOCAL 475 POLITICAL ACTION COMMITTEE		JAMES HIGGINS	\$537,352.00	1	5/10/2006	25	\$135,123	\$4,656.00

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	Penalty
1458	C00285098	BIG TENT PAC, THE		MS SYLVIA L NOLDE	\$108,581.00	1		Not Filed	\$108,581 (est)	\$5,625.00
1464	C00407635	CONSOLIDATED EDISON INC EMPLOYEES POLITICAL ACTION COMMITTEE AKA CEIPAC		EDWARD J RASMUSSEN	\$129,479.00	0	5/17/2006	Not Filed	\$27,376	\$900.00
1465	C00304832	CONSTELLATION BRANDS INC POLITICAL ACTION COMMITTEE		PERRY HUMPHREY	\$172,686.00	0		Not Filed	\$86,343 (est)	\$3,500.00
1476	C00001180	MICHIGAN DOCTORS POLITICAL ACTION COMMITTEE - MICHIGAN STATE MEDICAL SOCIETY		JAMES MD GRANT DR.	\$111,962.00	0		Not Filed	\$47,911 (est)	\$900.00
1478	C00376384	MONROE COUNTY DEMOCRATIC COMMITTEE		KAY SISUNG	\$1,464,975.00	1		Not Filed	\$182,106 (est)	\$6,875.00
1483	C00241083	REPUBLICANS FOR CHOICE, PAC		STONE, ANN E. W. MS.	\$573,057.00	1		Not Filed	\$286,528 (est)	\$10,000.00
1484	C00396655	SAN ANTONIO POLICE OFFICERS ASSOCIATION POLITICAL ACTION COMMITTEE		CLIFFORD MORGAN MR.	\$288,487.00	1		Not Filed	\$144,243 (est)	\$5,625.00



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

**SENSITIVE**

DATE & TIME OF TRANSMITTAL Monday, June 19, 2006 4:00

BALLOT DEADLINE: Thursday, June 22, 2006 4:00

COMMISSIONER: LENHARD, MASON, TONER, von SPAKOVSKY, WALTHER, WEINTRAUB

SUBJECT: **Administrative Fine Program Reason to Believe  
Recommendation – 2006 April Quarterly Report.  
Memorandum from the Assistant Staff Director  
Reports Analysis Division dated June 19, 2006.**

- ( ) I approve the recommendation(s)
- ( ) I object to the recommendation(s)
- ( ) I am recused from voting.
- ( ) No vote by ballot.

COMMENTS: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

DATE: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

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.

FROM THE OFFICE OF THE SECRETARY OF THE COMMISSION

26092593203

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
)  
Administrative Fine Program Reason To )  
Believe Recommendation - 2006 April )  
Quarterly Report: )  
CITIZENS FOR JOE KENNEDY 1988, ) AF# 1461  
and Kennedy, Christopher as treasurer; )

ALLEN W MCCULLOCH MD FOR US ) AF# 1454  
SENATE, and R NELSON FRANSE as )  
treasurer; )

CITIZENS FOR ARLEN SPECTER, and ) AF# 1460  
STEPHEN J. HARMELIN as treasurer; )  
MAATTA FOR CONGRESS CAMPAIGN ) AF# 1474  
COMMITTEE, and DEBRA C MAATTA )  
as treasurer; )  
GILLESPIE FOR CONGRESS, and ) AF# 1469  
WAYNE B WILKINSON as treasurer; )

FRESENTIUS MEDICAL CARE NORTH ) AF# 1467  
AMERICA POLITICAL ACTION )  
COMMITTEE, and KATHLEEN SMITH )  
as treasurer; )  
SHORE PAC, and WARREN GOODE as ) AF# 1485  
treasurer; )  
AAI CORPORATION POLITICAL ) AF# 1453  
ACTION COMMITTEE, and RICHARD F )  
CHRIST as treasurer; )

26092593204

Federal Election Commission  
Certification for Administrative Fines  
June 22, 2006

Page 2

AMERICAN INTELLECTUAL ) AF# 1455  
PROPERTY LAW ASSOCIATION )  
INTELLECTUAL PROPERTY PAC, and )  
MICHAEL K. KIRK as treasurer; )  
ARPAC, and Brooks, B. Jeffrey Mr. Esq. as ) AF# 1456  
treasurer; )  
BI-COUNTY POLITICAL ACTION ) AF# 1457  
COMMITTEE (FKA SUFFOLK PAC), and )  
IRA LAMEL as treasurer; )  
COHEN & GRIGSBY POLITICAL ) AF# 1462  
ACTION COMMITTEE, and JAMES F )  
CINQUE as treasurer; )  
DIAGEO NORTH AMERICA INC. ) AF# 1466  
EMPLOYEES' POLITICAL )  
PARTICIPATION COMMITTEE, and )  
RICCI, JAMES as treasurer; )  
FRIENDS OF FERRIS, and ROBERT A. ) AF# 1468  
BOYCE as treasurer; )  
INTERGRAPH CORPORATION ) AF# 1473  
POLITICAL ACTION COMMITTEE, and )  
KERRY M FEHRENBACH as treasurer; )  
MARIJUANA POLICY PROJECT ) AF# 1475  
MEDICAL MARIJUANA PAC OR MPP )  
MEDICAL MARIJUANA PAC, and )  
Kampia, Robert as treasurer; )

NATIONAL ASSOCIATION OF WHEAT ) AF# 1480  
GROWERS POLITICAL ACTION )  
COMMITTEE (WHEATPAC), and )  
Coppock, Daren Mr. as treasurer; )  
NEXT CENTURY FUND, and MS MARY ) AF# 1481  
FAUTH as treasurer; )  
POLITICAL HALL OF FAME PAC, and ) AF# 1482  
Mc Kinney, Debbie Ms as treasurer; )  
STEAMFITTERS LOCAL 475 ) AF# 1486  
POLITICAL ACTION COMMITTEE, and )  
James Higgins as treasurer; )  
SAN ANTONIO POLICE OFFICERS ) AF# 1484  
ASSOCIATION POLITICAL ACTION )  
COMMITTEE, and Morgan, Clifford Mr. as )  
treasurer; )

26092593205



BIG TENT PAC;THE, and MS SYLVIA L ) AF# 1458  
NOLDE as treasurer; )  
CONSOLIDATED EDISON INC ) AF# 1464  
EMPLOYEES' POLITICAL ACTION )  
COMMITTEE (CEIPAC), and )  
RASMUSSEN, EDWARD J. as treasurer; )  
CONSTELLATION BRANDS INC ) AF# 1465  
POLITICAL ACTION COMMITTEE, and )  
PERRY HUMPHREY as treasurer; )

MICHIGAN DOCTORS POLITICAL ) AF# 1476  
ACTION COMMITTEE - MICHIGAN )  
STATE MEDICAL SOCIETY, and Grant, )  
James Dr. MD as treasurer; )  
REPUBLICANS FOR CHOICE PAC, and ) AF# 1483  
Stone, Ann E. W. Ms. as treasurer; )  
MONROE COUNTY DEMOCRATIC ) AF# 1478  
COMMITTEE, and KAY SISUNG as )  
treasurer; )

CERTIFICATION

I, Mary W. Dove, Secretary of the Federal Election Commission, do hereby  
certify that on June 22, 2006 the Commission took the following actions on the  
Administrative Fine Program Reason To Believe Recommendation - 2006 April  
Quarterly Report as recommended in the Reports Analysis Division's Memorandum  
dated June 19, 2006, on the following committees:

AF#1461 Decided by a vote of 6-0 to: (1) find reason to believe that CITIZENS  
FOR JOE KENNEDY 1988, and Kennedy, Christopher 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

26092593206

Lenhard, Mason, Toner, von Spakovsky, Walther, and Weintraub voted affirmatively for the decision.

AF#1454 Decided by a vote of 6-0 to: (1) find reason to believe that ALLEN W MCCULLOCH MD FOR US SENATE, and R NELSON FRANSE 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 Lenhard, Mason, Toner, von Spakovsky, Walther, and Weintraub voted affirmatively for the decision.

AF#1460 Decided by a vote of 6-0 to: (1) find reason to believe that CITIZENS FOR ARLEN SPECTER, and STEPHEN J. HARMELIN 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 Lenhard, Mason, Toner, von Spakovsky, Walther, and Weintraub voted affirmatively for the decision.

AF#1474 Decided by a vote of 6-0 to: (1) find reason to believe that MAATTA FOR CONGRESS CAMPAIGN COMMITTEE, and DEBRA C MAATTA 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 Lenhard, Mason, Toner, von Spakovsky, Walther, and Weintraub voted affirmatively for the decision.

AF#1469 Decided by a vote of 6-0 to: (1) find reason to believe that GILLESPIE FOR CONGRESS, and WAYNE B WILKINSON 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 Lenhard, Mason, Toner, von Spakovsky, Walther, and Weintraub voted affirmatively for the decision.

26092593207

AF#1467 Decided by a vote of 6-0 to: (1) find reason to believe that FRESNIUS MEDICAL CARE NORTH AMERICA POLITICAL ACTION COMMITTEE, and KATHLEEN 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 Lenhard, Mason, Toner, von Spakovsky, Walther, and Weintraub voted affirmatively for the decision.

AF#1485 Decided by a vote of 6-0 to: (1) find reason to believe that SHORE PAC, and WARREN GOODE 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 Lenhard, Mason, Toner, von Spakovsky, Walther, and Weintraub voted affirmatively for the decision.

AF#1453 Decided by a vote of 6-0 to: (1) find reason to believe that AAI CORPORATION POLITICAL ACTION COMMITTEE, and RICHARD F CHRIST 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 Lenhard, Mason, Toner, von Spakovsky, Walther, and Weintraub voted affirmatively for the decision.

AF#1455 Decided by a vote of 6-0 to: (1) find reason to believe that AMERICAN INTELLECTUAL PROPERTY LAW ASSOCIATION INTELLECTUAL PROPERTY PAC, and MICHAEL K. KIRK 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 Lenhard, Mason, Toner, von Spakovsky, Walther, and Weintraub voted affirmatively for the decision.

AF#1456 Decided by a vote of 6-0 to: (1) find reason to believe that ARPAC, and Brooks, B. Jeffrey Mr. 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;

26092593208

(2) send the appropriate mailgram. Commissioners Lenhard, Mason, Toner, von Spakovsky, Walther, and Weintraub voted affirmatively for the decision.

AF#1457 Decided by a vote of 6-0 to: (1) find reason to believe that BI-COUNTY POLITICAL ACTION COMMITTEE (FKA SUFFOLK PAC), and IRA LAMEL 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 Lenhard, Mason, Toner, von Spakovsky, Walther, and Weintraub voted affirmatively for the decision.

AF#1462 Decided by a vote of 6-0 to: (1) find reason to believe that COHEN & GRIGSBY POLITICAL ACTION COMMITTEE, and JAMES F CINQUE 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 Lenhard, Mason, Toner, von Spakovsky, Walther, and Weintraub voted affirmatively for the decision.

AF#1466 Decided by a vote of 6-0 to: (1) find reason to believe that DIAGEO NORTH AMERICA INC. EMPLOYEES' POLITICAL PARTICIPATION COMMITTEE, and RICCI, JAMES 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 Lenhard, Mason, Toner, von Spakovsky, Walther, and Weintraub voted affirmatively for the decision.

AF#1468 Decided by a vote of 6-0 to: (1) find reason to believe that FRIENDS OF FERRIS, and ROBERT A. BOYCE as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate mailgram. Commissioners Lenhard, Mason, Toner, von Spakovsky, Walther, and Weintraub voted affirmatively for the decision.

AF#1473 Decided by a vote of 6-0 to: (1) find reason to believe that INTERGRAPH CORPORATION POLITICAL ACTION COMMITTEE, and KERRY M FEHRENBACH 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 Lenhard, Mason, Toner, von Spakovsky, Walther, and Weintraub voted affirmatively for the decision.

AF#1475 Decided by a vote of 6-0 to: (1) find reason to believe that MARIJUANA POLICY PROJECT MEDICAL MARIJUANA PAC OR MPP MEDICAL MARIJUANA PAC, and Kampia, Robert 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 Lenhard, Mason, Toner, von Spakovsky, Walther, and Weintraub voted affirmatively for the decision.

260992593209

AF#1480 Decided by a vote of 6-0 to: (1) find reason to believe that NATIONAL ASSOCIATION OF WHEAT GROWERS POLITICAL ACTION COMMITTEE (WHEATPAC), and Coppock, Daren Mr. as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate mailgram. Commissioners Lenhard, Mason, Toner, von Spakovsky, Walther, and Weintraub voted affirmatively for the decision.

AF#1481 Decided by a vote of 6-0 to: (1) find reason to believe that NEXT CENTURY FUND, and MS MARY FAUTH 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 Lenhard, Mason, Toner, von Spakovsky, Walther, and Weintraub voted affirmatively for the decision.

AF#1482 Decided by a vote of 6-0 to: (1) find reason to believe that POLITICAL HALL OF FAME PAC, and Mc Kinney, Debbie Ms 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 Lenhard, Mason, Toner, von Spakovsky, Walther, and Weintraub voted affirmatively for the decision.

AF#1486 Decided by a vote of 6-0 to: (1) find reason to believe that STEAMFITTERS LOCAL 475 POLITICAL ACTION COMMITTEE, and James Higgins 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 Lenhard, Mason, Toner, von Spakovsky, Walther, and Weintraub voted affirmatively for the decision.

AF#1484 Decided by a vote of 6-0 to: (1) find reason to believe that SAN ANTONIO POLICE OFFICERS ASSOCIATION POLITICAL ACTION COMMITTEE, and Morgan, Clifford Mr. as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate mailgram. Commissioners Lenhard, Mason, Toner, von Spakovsky, Walther, and Weintraub voted affirmatively for the decision.

AF#1458 Decided by a vote of 6-0 to: (1) find reason to believe that BIG TENT PAC;THE, and MS SYLVIA L NOLDE 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

26092593210

the report; (2) send the appropriate mailgram. Commissioners Lenhard, Mason, Toner, von Spakovsky, Walther, and Weintraub voted affirmatively for the decision.

AF#1464 Decided by a vote of 6-0 to: (1) find reason to believe that CONSOLIDATED EDISON INC EMPLOYEES' POLITICAL ACTION COMMITTEE (CEIPAC), and RASMUSSEN, EDWARD J. 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 Lenhard, Mason, Toner, von Spakovsky, Walther, and Weintraub voted affirmatively for the decision.

AF#1465 Decided by a vote of 6-0 to: (1) find reason to believe that CONSTELLATION BRANDS INC POLITICAL ACTION COMMITTEE, and PERRY HUMPHREY 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 Lenhard, Mason, Toner, von Spakovsky, Walther, and Weintraub voted affirmatively for the decision.

AF#1476 Decided by a vote of 6-0 to: (1) find reason to believe that MICHIGAN DOCTORS POLITICAL ACTION COMMITTEE - MICHIGAN STATE MEDICAL SOCIETY, and Grant, James Dr. MD 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 Lenhard, Mason, Toner, von Spakovsky, Walther, and Weintraub voted affirmatively for the decision.

AF#1483 Decided by a vote of 6-0 to: (1) find reason to believe that REPUBLICANS FOR CHOICE PAC, and Stone, Ann E. W. Ms. 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 Lenhard, Mason, Toner, von Spakovsky, Walther, and Weintraub voted affirmatively for the decision.

26092593211

AF#1478 Decided by a vote of 6-0 to: (1) find reason to believe that MONROE COUNTY DEMOCRATIC COMMITTEE, and KAY SISUNG 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 Lenhard, Mason, Toner, von Spakovsky, Walther, and Weintraub voted affirmatively for the decision.

Attest:

June 22, 2006  
Date

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

26092593212



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

June 27, 2006

Perry Humphrey  
Constellation Brands Inc Political Action Committee  
300 Willbrook Office Park  
Fairport, NY 14450

C00304832  
AF#: 1465

Dear Perry Humphrey:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file an April Quarterly Report of Receipts and Disbursements in a calendar year during which there is a regularly scheduled election. This report, covering the period through March 31st, shall be filed no later than April 15th. 2 U.S.C. 434(a). You were previously notified of the due date for this report. Records at the Federal Election Commission ("FEC") indicate that this report was 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 6/22/2006, the FEC found that there is reason to believe ("RTB") that Constellation Brands Inc Political Action 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 \$3500. It is due by 8/1/2006 and is based on these factors:

Election Sensitivity of Report: Not Election Sensitive  
Level of Activity: \$86342  
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 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 8/1/2006. 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

26092593212



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**

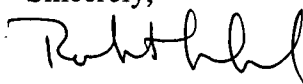
If you do not pay the calculated civil money penalty or submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that Constellation Brands Inc Political Action Committee and you, as treasurer, violated 2 U.S.C. 434(a) and assess a civil 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.

Additional information on the FEC's administrative fine program, including the final regulations, is located at the FEC's website at [www.FEC.gov](http://www.FEC.gov). If you have questions regarding the payment of the calculated civil money penalty, please contact Shara Coutourier 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,



Robert D. Lenhard  
Vice-Chairman

260992593214

---

**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 \$3500 for the 2006 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 979058  
St. Louis, MO 63197-9000

If you choose to send your remittance and payment by courier or overnight delivery, please use this address:

U.S. Bank - Government Lockbox  
FEC #979058  
1005 Convention Plaza  
Attn: Government Lockbox, SL-MO-C2GL  
St. Louis, MO 63101

The remittance and your payment are due by 8/1/2006. Upon receipt of your remittance and payment, the FEC will send you a final determination letter.

**PAYMENTS BY PERSONAL CHECK**

Personal checks will be converted into electronic funds transfers (EFTS). Your account will be electronically debited for the amount on your check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

**PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT**

---

FOR: Constellation Brands Inc Political Action Committee

FEC ID#: C00304832

AF#: 1465

PAYMENT DUE DATE: 8/1/2006

PAYMENT AMOUNT DUE: \$3500

26092593215



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

FEDERAL ELECTION  
COMMISSION  
SECRETARIAT

2006 AUG 28 A 9:40

August 25, 2006

MEMORANDUM

**SENSITIVE**

TO: THE COMMISSION

THROUGH: PATRINA M. CLARK *pnc*  
STAFF DIRECTOR

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

SUBJECT: ADMINISTRATIVE FINE PROGRAM - FINAL  
DETERMINATION RECOMMENDATION FOR THE 2006  
APRIL QUARTERLY REPORT

Attached are two lists of political committees and their treasurers against which the Commission has found reason to believe (RTB) and assessed proposed civil money penalties calculated at RTB for failure to file or failure to timely file the 2006 April Quarterly Report. The first list represents the committees that have paid the civil money penalty and the second list represents those 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 CFR 111.34 and 11 CFR 111.40, the Commission shall send a final determination notice to those respondents that have either paid or not paid the civil money penalty.

For your information, the Big Tent PAC (AF 1458) filed the 2006 April Quarterly Report after the RTB finding and disclosed an actual level of activity which would result in a lowered civil money penalty than that assessed at RTB. The committee disclosed total receipts and disbursements of \$31,005 (previously estimated to be \$108,581), thus lowering the fine from \$5,625 to \$1,125.

Additionally, Constellation Brands Inc. PAC (AF 1465) also filed the 2006 April Quarterly Report after the RTB finding and disclosed a level of activity which would result in a lowered civil money penalty. The committee disclosed total receipts and

26092593216

disbursements of \$8,668 (previously estimated to be \$86,342), thus the fine would be lowered from \$3,500 to \$300.

The Republicans for Choice PAC (AF 1483), a required electronic filer, submitted a paper filing on July 17, 2006. Based upon the paper filing, total receipts and disbursements for the April Quarterly reporting period would be \$168,022 (previously estimated at \$288,528), thus the fine would be lowered from \$10,000 to \$6,875.

#### **RAD Recommendation**

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

26092593217

26092593218

8/25/2006 12:30 PM

Federal Election Commission  
FD Circulation Report - Fine Paid  
2006 APRIL QUARTERLY Non Election Sensitive 04/15/2006 H\_S\_P\_UNAUTH

AF#	Committee Name	Candidate Name	Committee ID	Treasurer	Receipt Date	Days Late	LOA	PV	RTB Date	RTB Penalty	Final Money Penalty	Date Paid	Amount Paid
1453	AAI CORPORATION POLITICAL ACTION COMMITTEE		C00169508	RICHARD F CHRIST	5/5/2006	20	\$30,049	0	6/22/2006	\$600	\$600	6/30/2006	\$600
1454	ALLEN W MCCULLOCH MD FOR US SENATE	MCCULLOCH, ALLEN WILSON	C00415794	R NELSON FRANSE	4/24/2006	9	\$96,394	0	6/22/2006	\$1,300	\$1,300	8/9/2006	\$1,300
1455	AMERICAN INTELLECTUAL PROPERTY LAW ASSOCIATION INTELLECTUAL PROPERTY PAC		C00156935	MICHAEL K. KIRK	5/10/2006	25	\$30,248	0	6/22/2006	\$700	\$700	7/10/2006	\$700
1456	ARPAC		C00226472	MR. JEFFREY BROOKS, ESQ.	4/24/2006	9	\$43,500	0	6/22/2006	\$380	\$380	8/22/2006	\$380
1461	CITIZENS FOR JOE KENNEDY 1988	KENNEDY, JOSEPH P II	C00222455	KENNEDY, CHRISTOPHER	5/15/2006	30	\$67,167	0	6/22/2006	\$2,550	\$2,550	8/1/2006	\$2,550
1462	COHEN & GRIGSBY POLITICAL ACTION COMMITTEE		C00195362	JAMES F CINQUE	4/27/2006	12	\$56,850	1	6/22/2006	\$1,500	\$1,500	7/24/2006	\$1,500
1466	DIAGEO NORTH AMERICA, INC. EMPLOYEES' POLITICAL PARTICIPATION COMMITTEE		C00034470	ROBERT LABRIOLA	5/1/2006	16	\$23,077	1	6/22/2006	\$225	\$225	8/3/2006	\$225
1467	FRESENIUS MEDICAL CARE NORTH AMERICA POLITICAL ACTION COMMITTEE		C00401299	KATHLEEN SMITH	5/9/2006	24	\$26,233	0	6/22/2006	\$680	\$680	7/26/2006	\$680
1468	FRIENDS OF FERRIS INTERGRAPH		C00279192	ROBERT A. BOYCE	4/26/2006	11	\$107,111	2	6/22/2006	\$2,962	\$2,962	7/13/2006	\$2,962
1473	CORPORATION POLITICAL ACTION COMMITTEE		C00201491	KERRY M FEHRENBACH	4/21/2006	6	\$25,891	0	6/22/2006	\$320	\$320	8/3/2006	\$320
1475	MARIJUANA POLICY PROJECT MEDICAL MARIJUANA PAC OR MPP MEDICAL MARIJUANA PAC		C00389882	ROBERT D KAMPIA	4/28/2006	13	\$36,146	0	6/22/2006	\$460	\$460	8/8/2006	\$460
1480	NATIONAL ASSOCIATION OF WHEAT GROWERS POLITICAL ACTION COMMITTEE (WHEATPAC)		C00139964	MR. DAREN COPPOCK	5/5/2006	6	\$31,114	0	6/22/2006	\$320	\$320	7/7/2006	\$320
1481	NEXT CENTURY FUND		C00343947	MS. MARY FAUTH	5/6/2006	21	\$88,527	0	6/22/2006	\$2,500	\$2,500	7/18/2006	\$2,500
1482	POLITICAL HALL OF FAME PAC		C00408146	DEBBIE MCKINNEY	5/9/2006	24	\$35,846	0	6/22/2006	\$680	\$680	7/7/2006	\$680
1485	SHORE PAC		C00410308	WARREN GOODE	5/5/2006	20	\$20,756	0	6/22/2006	\$200	\$200	7/31/2006	\$200
1486	STEAMFITTERS LOCAL 475 POLITICAL ACTION COMMITTEE		C00252395	JAMES HIGGINS	5/10/2006	25	\$135,123	1	6/22/2006	\$4,656	\$4,656	8/3/2006	\$4,656

26092593219

8/25/2006 12:49 PM

Federal Election Commission  
FD Circulation Report Fine Not Paid  
2006 APRIL QUARTERLY Non Election Sensitive 04/15/2006 H\_S\_P\_UNAUTH

AF#	Committee Name	Candidate Name	Committee ID	Treasurer	Receipt Date	Days Late	LOA	PV	RTB Date	RTB Penalty	Days Since RTB	FD Penalty
1457	BI-COUNTY POLITICAL ACTION COMMITTEE (FKA SUFFOLK PAC)		C00204388	IRA LAMEL	5/9/2006	24	\$15,285	3	6/22/2006	\$385	64	\$385
1460	CITIZENS FOR ARLEN SPECTER	SPECTER, ARLEN	C00280206	STEPHEN J. HARMELIN	5/1/2006	16	\$383,576	0	6/22/2006	\$5,200	64	\$5,200
1469	GILLESPIE FOR CONGRESS	GILLESPIE, PARK DOUGLAS	C00414128	WAYNE B. WILKINSON	4/21/2006	6	\$27,416	0	6/22/2006	\$320	64	\$320
1474	MAATTA FOR CONGRESS CAMPAIGN COMMITTEE	MAATTA, RANDAL G	C00420091	DEBRA C. MAATTA	4/24/2006	9	\$138,018	0	6/22/2006	\$1,725	64	\$1,725
1458	BIG TENT PAC: THE		C00285098	MS SYLVIA L. NOLDE	7/14/2006	Not Filed	\$31,005	1	6/22/2006	\$5,625	64	\$1,125
1464	CONSOLIDATED EDISON INC EMPLOYEES' POLITICAL ACTION COMMITTEE (CEIPAC)		C00407635	EDWARD J. RASMUSSEN	5/17/2006	Not Filed	\$27,376	0	6/22/2006	\$900	64	\$900
1465	CONSTELLATION BRANDS INC. POLITICAL ACTION COMMITTEE		C00304832	PERRY HUMPHREY	7/12/2006	Not Filed	\$8,668	0	6/22/2006	\$3,500	64	\$300
1476	MICHIGAN DOCTORS POLITICAL ACTION COMMITTEE - MICHIGAN STATE MEDICAL SOCIETY		C00001180	JAMES MD GRANT DR.	7/26/2006	Not Filed	\$36,835	0	6/22/2006	\$900	64	\$900
1478	MONROE COUNTY DEMOCRATIC COMMITTEE		C00376384	LEIGH KEGGERREIS	8/25/2006	Not Filed	\$185,703	1	6/22/2006	\$6,875	64	\$6,875
1483	REPUBLICANS FOR CHOICE, PAC		C00241083	MS. ANN E. W. STONE	Not Filed	Not Filed	\$168,022	1	6/22/2006	\$10,000	64	\$6,875
1484	SAN ANTONIO POLICE OFFICERS ASSOCIATION POLITICAL ACTION COMMITTEE		C00396655	MR. CLIFFORD MORGAN	Not Filed	Not Filed	\$144,243	1	6/22/2006	\$5,625	64	\$5,625



FEDERAL ELECTION COMMISSION

Washington, DC 20463

**SENSITIVE**

DATE & TIME OF TRANSMITTAL: Monday, August 28, 2006 11:00

BALLOT DEADLINE: Thursday, August 31, 2006 4:00

COMMISSIONER: LENHARD, MASON, TONER, von SPAKOVSKY, WALTHER, WEINTRAUB

SUBJECT: **Administrative Fine Program – Final Determination  
Recommendation For The 2006 April Quarterly Report  
Memorandum from the Assistant Staff Director, Reports  
Analysis Division dated August 25, 2006.**

- ( ) 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

26092593220

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
)  
Administrative Fine Program - Final ) AF 1465  
Determination Recommendation for the )  
2006 April Quarterly Report: )  
Constellation Brands Inc. PAC )

CERTIFICATION

I, Mary W. Dove, Secretary of the Federal Election Commission, do hereby  
certify that on September 01, 2006, the Commission decided by a vote of 6-0 to  
take the following actions in AF 1465:

1. Make a final determination that Constellation Brands Inc. Political  
Action Committee and Perry Humphrey, as treasurer, violated  
2 U.S.C. 434(a) and assess the final civil money penalty of \$300.
2. Send the appropriate letter.

Commissioners Lenhard, Mason, Toner, von Spakovsky, Walther, and  
Weintraub voted affirmatively for the decision.

Attest:

September 5, 2006  
Date

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

26092593221





FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

September 5, 2006

Perry Humphrey, Treasurer  
Constellation Brands Inc. Political  
Action Committee  
300 Willbrook Office Park  
Fairport, NY 14450

C00304832  
AF# 1465

Dear Perry Humphrey,

On 6/22/2006 the Federal Election Commission ("FEC") found reason to believe ("RTB") that Constellation Brands Inc. Political Action Committee and you, as treasurer, violated 2 U.S.C. 434(a) for failing to file the 2006 April Quarterly Report. By letter dated 6/27/2006, the FEC sent you notification of the RTB finding that included a civil money penalty calculated at the RTB stage of \$3,500 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.

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 8/31/2006 that you, as treasurer, and Constellation Brands Inc. Political Action Committee violated 2 U.S.C. 434(a) and assessed a civil money penalty in the amount of \$300 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: \$8,668  
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 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

260992593222

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 Patricia Carmona 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,



Michael E. Toner  
Chairman

26092593223

---

**ADMINISTRATIVE FINE PAYMENT INSTRUCTIONS**

In accordance with the schedule of penalties at 11 C.F.R. 111.43, the civil money penalty is \$300 for the 2006 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 979058  
St. Louis, MO 63197-9000

If you choose to send your payment by courier or overnight delivery, please use this address:

U.S. Bank - Government Lockbox  
FEC #979058  
1005 Convention Plaza  
Attn: Government Lockbox, SL-MO-C2GL  
St. Louis, MO 63101

The form and payment are due within 30 days of receipt of this letter.

**Payments by Personal Check**

Personal checks will be converted into electronic funds transfers (EFTs). Your account will be electronically debited for the amount on the check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your originally check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the originally check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

**PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT**

---

FOR: Constellation Brands Inc. Political Action Committee

FEC ID: C00304832

AF#: 1465

PAYMENT AMOUNT DUE: \$300

26092593224



2006 SEP 27 A 10:30

370 Woodcliff Drive, Third Floor  
Fairport, NY 14450

Constellation Brands, Inc. Political Action Committee

Phone 585.218.3600  
Fax 585.218.3601

September 20, 2006

Robert D. Lenhard  
Vice-Chairman  
Federal Election Commission  
P.O. Box 979058  
St. Louis, MO 63197-9000

**RE: Constellation Brands, Inc. Political Action Committee**  
**FEC ID#: C00304832 AF#: 1465**

Dear Mr. Lenhard,

I am responding to your letter dated June 27, 2006 regarding the above PAC (copy enclosed). The letter proposes to assess a fine for failure to file a PAC Report for the quarter ending March 31, 2006.

We received your letter and immediately researched the issue of the March 31, 2006 FEC PAC report that was not filed as alleged in your correspondence. We realized at that point the report was not filed timely. We therefore undertook to immediately remedy the situation and electronically file the report in question with the FEC.

Following the FEC correspondence, we researched the situation and confirmed the Constellation Brands Inc. PAC was required to file as of March 31, 2006. The error was administrative and caused by a filing calendar error. At the time the filing calendar was prepared, I followed the prior year filing requirements which were semi-annual filings. I was not aware the requirements changed to quarterly in 2006 due to the election year FEC requirements. This was an oversight on my behalf.

The proposed penalty of \$3,500 appears excessive for a PAC that has historically attempted to maintain full and timely compliance. We frequently contact our FEC representative when we encounter difficulties or as questions arise regarding our reports to ensure minimization of potential errors.

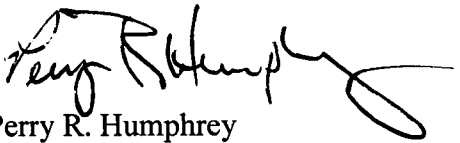
The penalty is approximately 3% of our available funds. Until recently, we were a very small PAC (i.e., less than \$10,000 and we recently grew our assets due to an effort to increase participation) and remain small by comparative standards. We manage our PAC without the use of outside assistance to minimize administrative costs, the lack of complexity and infrequent transactions.

20092593225

I respectfully request you consider waiving the penalty of \$3,500 or apply any reduction to the penalty as this was an oversight on my behalf as a result of my following the 2005 semi-annual filing requirements calendar and not an intention to avoid the required filing.

Please consider my request and I will be glad to answer any other questions you may have.

Respectfully,



Perry R. Humphrey  
Treasurer

Enclosure



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

September 28, 2006

VIA CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Perry Humphrey, as Treasurer  
Constellation Brands Inc. Political Action Committee  
300 Willbrook Office Park  
Fairport, NY 14450

AF# 1465  
C00304832

Dear Mr. Humphrey:

On June 22, 2006, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that the Constellation Brands Inc. Political Action Committee and you, as treasurer, violated 2 U.S.C. § 434(a) with respect to the 2006 April Quarterly Report. Within 40 days of the Commission's RTB finding, you shall either pay the calculated civil money penalty or submit your written response ("challenge") explaining why you are challenging the Commission's RTB finding and/or civil money penalty. 11 C.F.R. § 111.35.

The Commission's RTB notification was sent to you at the committee's address of record, in accordance with 11 C.F.R. § 111.46, on June 27, 2006 and the return receipt card shows that it was received on July 7, 2006. On page 1 of the RTB notification, it states that your challenge must be submitted by August 1, 2006.

On September 27, 2006, the Commission received your challenge dated September 20, which is also postmarked September 20, 2006. Because the challenge was not timely submitted by the August 1 deadline, it will not be reviewed by this Office.

If you have questions regarding the payment of the calculated civil money penalty or future Commission action on your case, please contact Patricia Carmona in the Reports Analysis Division at our toll free number (800)424-9530 (press 5) or (202)694-1130.

Sincerely,

A handwritten signature in dark ink, appearing to read "Shawn Woodhead Werth".

Shawn Woodhead Werth

Reviewing Officer

Office of Administrative Review

26092593227

FOR: Constellation Brands Inc. Political Action Committee

FEC ID: C00304832

AF#: 1465

PAYMENT AMOUNT DUE: \$300

QUALITY IS OUR PRIORITY FOR LOCKBOX 9058  
SEQ# 001 \$ 0000030000 BA# 1 10-18-06 20 4



25092593228  
usbancorp.  
The Sunbelt Company

Constellation Brands, Inc. PAC		JPMORGAN CHASE BANK PENFIELD, NY 14526 60-17/226	2628
Fairport NY 14450		10/13/2006	
PAY TO THE ORDER OF	Federal Election Commission	\$	300.00
Three hundred dollars and 00/100		DOLLARS	
Constellation Brands, Inc. Political Action Committee			
MEMO	Penalty		



FEDERAL ELECTION COMMISSION  
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 1465

DATE SCANNED 11/27/06

SCANNER NO. 2

SCAN OPERATOR SES

26092593229