



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 1487

DATE SCANNED 9/15/06

SCANNER NO. 2

SCAN OPERATOR SES

26092591106



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

FEDERAL ELECTION
COMMISSION
SECRETARIAT

2006 JUN 13 P 4: 02
June 13, 2006

MEMORANDUM

SENSITIVE

TO: THE COMMISSION

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

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

SUBJECT: ADMINISTRATIVE FINE PROGRAM
REASON TO BELIEVE RECOMMENDATION -
12 DAY PRE-PRIMARY REPORT (IN, OH, NC)

Attached are the names of political committees and their treasurers who failed to timely file the 2006 12 Day Pre-Primary Report for Ohio and North Carolina in accordance with 2 U.S.C. 434(a). On March 27, 2006, Prior Notice was sent to the political committees and treasurers, informing them that the report was due on April 20, 2006 and should cover the period from January 1, 2006 through April 12, 2006.

The committees appearing on the list failed to timely file the election sensitive report by the required due date. They did, however, file the report more than four days before the May 2, 2006 Primary Election in Ohio and North Carolina and thus the report would be considered late. In accordance with the schedule of civil money penalties located within 11 CFR §111.43, the committees should be assessed the civil money penalty outlined on the attached list.

Recommendation

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

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FEDERAL ELECTION COMMISSION 2006-1006003
Reason to Believe Circulation Report
2006 12 DAY PRE-PRIMARY

| AF # | COMMITTEE NAME | COMMITTEE ID | TREASURER | RECEIPT DATE | LEVEL OF ACTIVITY | THRESHOLD AMOUNT | STATE | CANDIDATE NAME | SENSITIVE | PREVIOUS VIOLATIONS | CIVIL MONEY PENALTY |
|---------|------------------------------|--------------|-----------------|--------------|-------------------|------------------|-------|------------------------|-----------|---------------------|---------------------|
| AF01487 | LARRY KISSELL FOR CONGRESS | C00416719 | JACKIE KINNEY | 04/26/2006 | \$14,325 | \$151,776 | NC | KISSELL, LARRY | Yes | 0 | \$210 |
| AF01488 | VICTORIA WULSIN FOR CONGRESS | C00411777 | DAVID KASANICKY | 04/27/2006 | \$35,601 | \$169,355 | OH | WULSIN, VICTORIA WELLS | Yes | 0 | \$475 |



FEDERAL ELECTION COMMISSION
Washington, DC 20463

SENSITIVE

DATE & TIME OF TRANSMITTAL Wednesday, June 14, 2006 11:00

BALLOT DEADLINE: Monday, June 19, 2006 4:00

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

SUBJECT: **Administrative Fine Program. Reason to Believe
Recommendation – 12 Day Pre-Primary Report
(IN, OH, NC). Memorandum from the Assistant
Staff Director Reports Analysis Division dated
June 13, 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

26092591109

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Administrative Fine Program Reason to) AF 1487
Believe Recommendation - 12 Day Pre-)
Primary Report (IN, OH, NC))

CERTIFICATION

I, Mary W. Dove, Secretary of the Federal Election Commission, do hereby
certify that on June 19, 2006, the Commission decided by a vote of 6-0 to take the
following actions in AF 1487:

1. Find reason to believe that Larry Kissell for Congress and Jackie Kinney, as Treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be \$210.
2. Send the appropriate Reason to Believe letter to the committee.

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

Attest:

June 20 2006
Date

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

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 21, 2006

Jackie Kinney
Larry Kissell for Congress
106 East Main Street
Post Office Box 1530
Biscoe, NC 27209

C00416719
AF#: 1487

Dear Jackie Kinney:

The Federal Election Campaign Act of 1971, as amended ("The Act"), requires that your committee file a 12 Day Pre-Primary Report of receipts and disbursements in any calendar year during which there is a regularly scheduled election for which the candidate is seeking election, or nomination for election. This report, covering the period through April 12, 2006, shall be filed no later than April 20, 2006. 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 filed on 04/26/2006, 6 days late.

The act was further amended in 1999 to permit the FEC to impose civil money penalties for violation of the reporting requirements of 2 U.S.C. 434(A). 2 U.S.C. 437G(A)(4). On 06/19/2006, the FEC found that there is Reason to Believe ("RTB") that Larry Kissell for Congress and you, as treasurer, violated 2 U.S.C. 434 (A) by failing to file timely this report on or before April 20, 2006. Based upon 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 \$210. It is due by 07/29/2006 and is based upon these factors:

Election Sensitivity of Report: Election Sensitive
Level of Activity: \$14,325.00
Number of Days Late: 6
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 07/29/2006. 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 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

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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 Larry Kissell for Congress and you, as treasurer, violated 2 U.S.C. 434(a) and assess a civil money penalty.

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA") as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. 3701 et seq. The FEC may take any and all appropriate action authorized and required by the DCA, as amended, including transfer to the U.S. Department of the Treasury for collection. 11 C.F.R. 111.45.

This matter was generated based on information ascertained by the FEC in the normal course of carrying out its supervisory responsibilities. 2 U.S.C. 437g(a)(2). It will remain confidential in accordance with 2 U.S.C. 437g(a)(4)(B) and 437g(a)(12)(A) until it is placed on the public record in accordance with 11 C.F.R. 111.42, unless you notify the FEC in writing that you wish the matter to be made public.

Additional information on the FEC's administrative fine program, including the final regulations, is located at the FEC's website at www.FEC.gov. If you have questions regarding the payment of the calculated civil money penalty, please contact 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,



Michael E. Toner
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 \$210 for the 12 Day Pre-Primary 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 07/29/2006. 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: Larry Kissell for Congress

FEC ID#: C00416719

AF#: 1487

PAYMENT DUE DATE: July 29, 2006

PAYMENT AMOUNT DUE: \$210.00



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2006 AUG -4 P 12: 51

August 4, 2006

MEMORANDUM

SENSITIVE

TO: THE COMMISSION

THROUGH: PATRINA M. CLARK *PMC*
STAFF DIRECTOR

FROM: *[Signature]* JOHN D. GIBSON
ASSISTANT STAFF DIRECTOR
REPORTS ANALYSIS DIVISION

SUBJECT: ADMINISTRATIVE FINE PROGRAM - FINAL
DETERMINATION RECOMMENDATION FOR THE 2006 12
DAY PRE-PRIMARY REPORT (OH, NC, IN)

Attached is a circulation report identifying two (2) 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 timely file the 2006 12 Day Pre-Primary Report. The committees have both paid the civil money penalty requested at RTB.

In accordance with 11 C.F.R. 111.34, the Commission shall send a final determination notice to those respondents that have paid the civil money penalty.

RAD Recommendation

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

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FEDERAL ELECTION COMMISSION
FD Circulation Report - Fine Paid
2006 Pre-Primary Election Sensitive, OH, NC, IN 04/20/2006 H

| AF# | Committee ID | Committee Name | Candidate Name | Treasurer | Threshold | PV | Report Receipt Date | Days Late | LOA | RTB Penalty | FD Penalty | Date Penalty Paid | Amount Paid |
|------|--------------|----------------------------|------------------------|------------------------|--------------|----|---------------------|-----------|----------|-------------|------------|-------------------|-------------|
| 1487 | C00416719 | LARRY KISSELL FOR CONGRESS | KISSELL, LARRY | JACKIE KINNEY | \$151,776.00 | 0 | 4/26/2006 | 6 | \$14,325 | \$210.00 | \$210.00 | 7/11/2006 | \$210.00 |
| 1488 | C00411777 | WULSIN FOR CONGRESS | WULSIN, VICTORIA WELLS | ANNE C. ZIMMERMAN, CPA | \$189,355.00 | 0 | 4/27/2006 | 7 | \$43,808 | \$475.00 | \$475.00 | 7/11/2006 | \$475.00 |



FEDERAL ELECTION COMMISSION

Washington, DC 20463

SENSITIVE

DATE & TIME OF TRANSMITTAL: Monday, August 07, 2006 11:00

BALLOT DEADLINE: Thursday, August 10, 2006 4:00

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

SUBJECT: **Administrative Fine Program – Final Determination
Recommendation For The 2006 12 Day Pre-Primary
Report (OH, NC, IN) Memorandum from the Assistant
Staff Director, Reports Analysis Division dated
August 4, 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

26092591115

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Administrative Fine Program Final) AF 1487
Determination Recommendation For The)
2006 12 Day Pre-Primary Report (OH,)
NC, IN))

CERTIFICATION

I, Mary W. Dove, Secretary of the Federal Election Commission, do hereby
certify that on August 10, 2006, the Commission decided by a vote of 5-0 to take
the following actions in AF 1487:

1. Make a final determination that Larry Kissell for Congress and Jackie Kinney, as treasurer, violated 2 U.S.C. 434(a) and assess the final civil money penalty in the amount of \$210.00
2. Send the appropriate letter.

Commissioners Mason, Toner, von Spakovsky, Walther, and Weintraub
voted affirmatively for the decision. Commissioner Lenhard did not vote.

Attest:

August 11, 2006
Date

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

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 16, 2006

Jackie Kinney, Treasurer
Larry Kissell for Congress
P.O. Box 1530
Biscoe, NC 27209

C00416719
AF#: 1487

Dear Jackie Kinney,

On 6/19/2006, the Federal Election Commission ("FEC") found reason to believe ("RTB") that Larry Kissell for Congress and you, as treasurer, violated 2 U.S.C. 434(a) for filing late or failing to file the 2006 12 Day Pre-Primary Report. By letter dated 6/21/2006 the FEC sent you notification of the RTB finding that included a civil money penalty calculated at the RTB stage of \$210 in accordance with the schedule of penalties at 11 C.F.R. 111.43.

On 7/11/2006 the FEC received payment of your civil money penalty calculated at the RTB stage. Therefore, the FEC made a final determination on 8/10/2006 that you, as treasurer, and Larry Kissell For Congress violated 2 U.S.C. 434(a), assessed a civil money penalty in the amount of \$210 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's notification, this could occur at anytime following certification of the Commission's vote.

If you have any questions regarding this matter, please contact Laura Sinram on our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130.

Sincerely,

A handwritten signature in black ink that reads "Michael E. Toner". The signature is stylized with a large, flowing "M" and "T".

Michael E. Toner
Chairman

FOR: Larry Kissell for Congress

FEC ID#: C00416719

AF#: 1487

PAYMENT DUE DATE: July 29, 2006

PAYMENT AMOUNT DUE: \$210.00

QUALITY IS OUR PRIORITY FOR LOCKBOX 2182
SEQ# 002 \$ 0000021000 BA# 1 07-11-06 20 4

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usbancorp.
The Sun Belt Community Bank

66-358/531
0131213067

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LARRY KISSELL FOR CONGRESS

DATE 7/5/06

PAY TO THE ORDER OF Federal Election Commission

Two hundred & ten & no/100

\$210.00

DOLLARS

Fidelity Bank
PO Box 778, Raleigh, NC 27609

MEMO

LK



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 1487

DATE SCANNED

9/15/06

SCANNER NO.

2

SCAN OPERATOR

SES

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