



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 1771

DATE SCANNED 6/5/09

SCANNER NO. 2

SCAN OPERATOR JMP

29092624710



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 18, 2008

MEMORANDUM

SENSITIVE

TO: THE COMMISSION

THROUGH: JOSEPH F. STOLTZ *JS*
ACTING STAFF DIRECTOR

FROM: JOHN D. GIBSON *JG*
CHIEF COMPLIANCE OFFICER

PATRICIA CARMONA *PC*
ASSISTANT STAFF DIRECTOR
REPORTS ANALYSIS DIVISION

BY: NATALIYA IOFFE/ *NIG* RHIANNON MAGRUDER/ *RM* CHRIS RITCHIE *CR*
COMPLIANCE BRANCH

SUBJECT: WITHDRAWAL AND RESUBMISSION OF REASON TO
BELIEVE RECOMMENDATION – 2007 YEAR-END REPORT
FOR THE ADMINISTRATIVE FINE PROGRAM

2008 SEP 18 P 12:15
FEDERAL ELECTION COMMISSION
SECRETARIAT

We are withdrawing the document circulated to the Commission on March 26, 2008 in order to reflect updates disclosed in recent filings received by the Commission. Attached is the list of political committees and their treasurers who failed to file the 2007 Year-End Report in accordance with 2 U.S.C. 434(a). The Year-End Report was due on January 31, 2008.

The committees listed in the attached RTB Circulation Report either filed the report more than five (5) days after the due date or filed the report more than thirty (30) days after the due date (considered a non-filed report). In accordance with the schedule of civil money penalties for reports at 11 CFR 111.43, these committees should be assessed the civil money penalties highlighted on the attached circulation 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 letters.

Federal Election Commission
Reason to Believe Circulation Report
2007 YEAR-END Not Election Sensitive 01/31/2008 H_S_P_UNAUTH

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
1770	C00396028	AL GREEN FOR CONGRESS	GREEN, ALEXANDER	WILLIAM A. LAWSON	\$205,117	5	2/6/2008	6	\$53,559	\$1,687
1771	C00411694	AMERICAN SHIPPING GROUP MARINE RESOURCES GROUP		MR. ROBERT MAGEE	\$125,437	0	2/6/2008	6	\$47,382	\$320
1772	C00434456	BOB HILL FOR CONGRESS	HILL, ROBERT ANTHONY	KATHLEEN KUKIELKA	\$322,400	0	2/24/2008	24	\$5,710	\$170

1776	C00085910	FERT PAC (THE POLITICAL ACTION COMMITTEE OF THE FERTILIZER INSTITUTE)		CAROL-LEE ESTABROOK	\$124,563	0	2/7/2008	7	\$11,153	\$135
1777	C00014555	FOOD MARKETING INSTITUTE POLITICAL ACTION COMMITTEE, FOODPAC		JOHN J. MOTLEY, III	\$396,996	0	2/6/2008	6	\$39,614	\$320
1778	C00326835	HARRIS COUNTY REPUBLICAN PARTY		LARRY M. HICKS	\$137,062	0	2/12/2008	12	\$20,924	\$160
1779	C00158865	HUDSON VALLEY PAC		MR. LEO WEINBERG	\$131,911	0	3/10/2008	Not Filed	\$12,894	\$500

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
1781	C00034272	NATIONAL CHICKEN COUNCIL POLITICAL ACTION COMMITTEE		GEORGE WATTS	\$245,386	0	2/27/2008	27	\$42,220	\$740
1782	C00150045	UNITED BROTHERHOOD OF CARPENTERS/JOINERS OF AMER NEW ENGLAND REG CARPENTERS LEGIS EMP CMTE		GLENN MARSHALL	\$120,758	3	2/8/2008	8	\$60,348	\$1,575

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Withdrawal and Resubmission of Reason)
To Believe Recommendation - 2007 Year-)
End Report for the Administrative Fine)
Program:)
AL GREEN FOR CONGRESS, and) AF# 1770
WILLIAM A LAWSON as treasurer;)
AMERICAN SHIPPING GROUP) AF# 1771
MARINE RESOURCES GROUP, and)
MAGEE, ROBERT MR as treasurer;)
BOB HILL FOR CONGRESS, and) AF# 1772
KATHLEEN KUKIELKA as treasurer;)

FERT PAC (THE POLITICAL ACTION) AF# 1776
COMMITTEE OF THE FERTILIZER)
INSTITUTE), and ESTABROOK, CAROL-)
LEE as treasurer;)
FOOD MARKETING INSTITUTE) AF# 1777
POLITICAL ACTION COMMITTEE,)
FOODPAC, and MOTLEY, JOHN J III as)
treasurer;)
HARRIS COUNTY REPUBLICAN) AF# 1778
PARTY, and LARRY M HICKS as)
treasurer;)
HUDSON VALLEY PAC, and) AF# 1779
WEINBERG, LEO MR. as treasurer;)

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NATIONAL CHICKEN COUNCIL) AF# 1781
POLITICAL ACTION COMMITTEE, and)
WATTS, GEORGE as treasurer;)
UNITED BROTHERHOOD OF) AF# 1782
CARPENTERS/JOINERS OF AMER NEW)
ENGLAND REG CARPENTERS LEGIS)
EMP CMTE, and GLENN MARSHALL as)
treasurer;)

AMENDED CERTIFICATION

I, Mary W. Dove, Secretary of the Federal Election Commission, do hereby
certify that on September 19, 2008 the Commission took the following actions on the
Withdrawal and Resubmission of Reason To Believe Recommendation - 2007 Year-End
Report for the Administrative Fine Program as recommended in the Reports Analysis
Division's Memorandum dated September 18, 2008, on the following committees:

AF#1770 Decided by a vote of 6-0 to: (1) find reason to believe that AL GREEN
FOR CONGRESS, and WILLIAM A LAWSON 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 letter. Commissioners Bauerly, Hunter,
McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#1771 Decided by a vote of 6-0 to: (1) find reason to believe that AMERICAN
SHIPPING GROUP MARINE RESOURCES GROUP, and MAGEE, ROBERT 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
letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub
voted affirmatively for the decision.

AF#1772 Decided by a vote of 6-0 to: (1) find reason to believe that BOB HILL
FOR CONGRESS, and KATHLEEN KUKIELKA 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 letter. Commissioners Bauerly, Hunter,
McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

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AF#1776 Decided by a vote of 6-0 to: (1) find reason to believe that FERT PAC (THE POLITICAL ACTION COMMITTEE OF THE FERTILIZER INSTITUTE), and ESTABROOK, CAROL-LEE 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 letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#1777 Decided by a vote of 6-0 to: (1) find reason to believe that FOOD MARKETING INSTITUTE POLITICAL ACTION COMMITTEE, FOODPAC, and MOTLEY, JOHN J III 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 letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#1778 Decided by a vote of 6-0 to: (1) find reason to believe that HARRIS COUNTY REPUBLICAN PARTY, and LARRY M HICKS 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 letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#1779 Decided by a vote of 6-0 to: (1) find reason to believe that HUDSON VALLEY PAC, and WEINBERG, LEO 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 letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#1781 Decided by a vote of 6-0 to: (1) find reason to believe that NATIONAL CHICKEN COUNCIL POLITICAL ACTION COMMITTEE, and WATTS, GEORGE 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 letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#1782 Decided by a vote of 6-0 to: (1) find reason to believe that UNITED BROTHERHOOD OF CARPENTERS/JOINERS OF AMER NEW ENGLAND REG CARPENTERS LEGIS EMP CMTE, and GLENN MARSHALL as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

Attest:

October 27, 2008
Date

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

29092624717



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 22, 2008

Mr. Robert Magee
American Shipping Group Marine Resources Group
32001 - 32nd Ave South, Suite 200
Federal Way, WA 98001

C00411694
AF#: 1771

Dear Mr. Robert Magee:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file a Year End Report of Receipts and Disbursements every calendar year. This report, covering the period through December 31st, 2007 shall be filed no later than January 31st, 2008. 2 U.S.C. 434(a). Records at the Federal Election Commission ("FEC") indicate that this report was filed on 2/6/2008, 6 days late.

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 9/19/2008, the FEC found that there is reason to believe ("RTB") that American Shipping Group Marine Resources Group and you, as treasurer, violated 2 U.S.C. 434(a) by failing to file timely this report on or before January 31st, 2008. 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 \$320. It is due by 10/29/2008 and is based on these factors:

Election Sensitivity of Report: Not Election Sensitive
Level of Activity: \$47,382
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 4. 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 10/29/2008. Your written response must include the reason(s) why you are challenging the RTB

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finding and/or calculated civil money penalty. The FEC will only consider challenges that are based on a factual error in the RTB finding; miscalculation of the calculated civil money penalty by the FEC; or your demonstrated use of best efforts to file in a timely manner when prevented from doing so by reasonably unforeseen circumstances that were beyond your control. In order for a challenge to be considered on the basis of best efforts, you must have filed the required report no later than 24 hours after the end of these reasonably unforeseen circumstances. Examples of circumstances that will be considered reasonably unforeseen and beyond your control include, but are not limited to, a failure of Commission computers or Commission-provided software despite you seeking technical assistance from Commission personnel and resources; a widespread disruption of information transmissions over the Internet that is not caused by the Commission's or your computer systems or Internet service provider; and severe weather or other disaster-related incident. **Examples of circumstances that will not be considered reasonably unforeseen and beyond your control include, but are not limited to, negligence; delays caused by vendors or contractors; treasurer and staff illness, inexperience or unavailability; committee computer, software, or internet service provider failures; failure to know filing dates; and failure to use filing software properly.** 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. 11 C.F.R. 111.35.

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 American Shipping Group Marine Resources Group 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 Rhiannon Magruder 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,

A handwritten signature in black ink, appearing to read "DFM II", with a stylized flourish at the end.

Donald F. McGahn II
Chairman

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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 \$320 for the 2007 Year-End 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 10/29/2008. 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: American Shipping Group Marine Resources Group

FEC ID#: C00411694

AF#: 1771

PAYMENT DUE DATE: 10/29/2008

PAYMENT AMOUNT DUE: \$320


TOTEM OCEAN TRAILER EXPRESS, INC.

 RECEIVED
 FEDERAL ELECTION
 COMMISSION
 REPORTS ANALYSIS
 DIVISION

September 29, 2008

 PO Box 4129
 Federal Way, WA 98003-4129

 Tel 253.449.8100
 Fax 253.449.8225

www.totemocean.com

 Office of Administrative Review
 Federal Election Commission
 999 E Street NW
 Washington, DC 20463

 Re: AF#: 1771
 C00411694
 American Shipping Group-Marine Resources Group PAC

Dear Sir or Madam,

I am the Assistant Treasurer of the ASG-MRG PAC. I am writing to challenge the RTB finding in Chairman McGahn's letter dated September 22, 2008. The facts in the RTB finding are correct. I am challenging the finding because I used best efforts to file in a timely manner but was prevented from doing so by unforeseen circumstances beyond my control.

I file all ASG-MRG PAC reports electronically to the FEC. On Thursday, January 31, 2008, I attempted to file electronically the Year End Report of Receipts and Disbursements. I received a message on my screen indicating that the transmission was unsuccessful. After at least one more unsuccessful attempt at filing electronically, I called the FEC on the telephone. I called both the analyst assigned to our PAC and the electronic filing technical support staff. I left substantive messages, including my name, phone number and the fact that my electronic filing transmission was unsuccessful. I called at least once a day on February 1, February 4, and February 5; February 3 and 4 were a weekend. I finally received a return phone call from the analyst on Wednesday, February 6. After her call, I was able to file successfully. I recall that she told me that the FEC's electronic filing system was overloaded on January 31, 2008, because so many filers wait until the last day. (She advised that in the future I should file at least several days before the deadline, which I have done for the two reports filed since then.)

With respect to the requirement that my best efforts must be demonstrated, I cannot provide any documentation of my best efforts, as all of my efforts were phone calls and I did not keep a log. I can offer only this statement. Perhaps the FEC analyst currently assigned to us, Julie Fleming, has some notes in her records that can confirm the phone calls that I made starting on January 31.

29092624722

Thank you for considering this challenge.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert A. Lowe". The signature is fluid and cursive, with a prominent initial "R" and a long, sweeping underline.

Robert A. Lowe
Assistant Treasurer

29092624723

U.S. Postal Service CERTIFIED MAIL RECEIPT

(Domestic Mail Only; No Insurance Coverage Provided)

7000 0600 0026 2908 5362

Postage	\$0.42
Certified Fee	2.70
Return Receipt Fee (Endorsement Required)	2.20
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$5.32



Recipient's Name (Please Print Clearly) (to be completed by mailer)
OFFICE OF ADMINISTRATIVE REVIEW
 Street, Apt. No., or PO Box No.
FEC 999 E ST NW
 City, State, ZIP+4
WASHINGTON DC 20463
 PS Form 3811, February 2004 Use Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

OFFICE OF ADMINISTRATIVE
 REVIEW
 FEDERAL ELECTION COMMISSION
 999 E ST NW
 WASH DC 20463

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Addressee
☐ Addressee

B. Received by (Printed Name)

Date of Delivery

D. Is delivery address different from item 1?

☐ Yes
☐ No

3. Service Type

☒ Certified Mail ☐ Express Mail
☐ Registered ☒ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

7000 0600 0026 2908 5362

29092624724

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Track & Confirm

Search Results

Label/Receipt Number: 7000 0600 0026 2908 6362

Detailed Results:

- Delivered, October 06, 2008, 12:04 pm, WASHINGTON, DC 20463
- Notice Left, October 06, 2008, 11:25 am, WASHINGTON, DC 20022
- Arrival at Unit, October 06, 2008, 10:27 am, WASHINGTON, DC 20022
- Processed, September 29, 2008, 2:45 pm, FEDERAL WAY, WA 98003

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FOIA



United States Postal Service



United States Postal Service

29092624725



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

Via First Class Mail

October 22, 2008

Mr. Robert Magee, as Treasurer
American Shipping Group-Marine Resources Group PAC
32001 32nd Ave South, Suite 200
Federal Way, WA 98001

C00411694
AF# 1771

Dear Mr. Magee:

On October 16, 2008, the Commission received your written response ("challenge") which is being reviewed by the Office of Administrative Review. If you have any questions regarding your challenge, please contact this Office on our toll free number (800)424-9530 (press 0, then ext. 1660) or (202)694-1660.

Sincerely,

A handwritten signature in cursive script that reads "Jill Sugarman".

Jill Sugarman
Reviewing Analyst
Office of Administrative Review

29092624726

REC OFFICE OF
ADMIN REVIEW
2008 OCT 28 P 3:05

Date: October 28, 2008

**REFERRAL TO OFFICE OF ADMINISTRATIVE REVIEW
CHALLENGE RECEIVED**

AF#: 1771

Committee Name: American Shipping Group Marine Resources Group

Committee ID#: C00411694

Committee Address (if different than in RTB letter): N/A

Treasurer Name (if different than in RTB finding): N/A

Attachments:

**Copy of RTB Circulation Report, dated September 18, 2008 and RTB
Certification, dated October 27, 2008: Y**

Attachment #: 1

Certified Return Receipt (Y/N): Y

Attachment #: 2

Original Correspondence Received by RAD in Response to RTB Letter (Y/N): Y

Attachment #: 4

RAD Staff Declaration (Y/N): Y

-2007 Year-End Report Prior Notice, dated December 27, 2007.

-RTB Letter, dated September 22, 2008.

Attachment #: 5

Other RAD Information: (Y/N): N

Attachment#: N/A

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SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

MR. ROBERT MAGEE
 AMERICAN SHIPPING GROUP
 MARINE RESOURCES GROUP
 32001 - 32ND AVE S., SUITE 200
 FEDERAL WAY, WA 98001

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X Denise Foste

- ☒ Agent
☐ Addressee

B. Received by (Printed Name)

DENISE FOSTE

C. Date of Delivery

9-25

- D. Is delivery address different from item 1? ☐ Yes
 If YES, enter delivery address below: ☐ No

3. Service Type

- ☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

- ☐ Yes

2. Article Number

(Transfer from service label)

7001 0360 0003 1652 2101


PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

DECLARATION OF NATALIYA IOFFE

1. I am the Chief of the Compliance Branch for the Reports Analysis Division of the Federal Election Commission ("Commission"). In my capacity as Chief of the Compliance Branch, I oversee the initial processing of the Administrative Fine Program. I make this declaration based on my personal knowledge and, if called upon as a witness, could and would testify competently to the following matters.
 2. I hereby certify that documents identified herein are true and accurate copies of the following sent by the Commission to American Shipping Group Marine Resources Group:
 - A) Prior Notice, dated December 27, 2007, referencing the 2007 Year-End Report (sent via electronic mail to: robert.lowe@totemocean.com);
 - B) Reason-to-Believe Letter, dated September 22, 2008, referencing the 2007 Year-End Report.
 3. I hereby certify that I have searched the Commission's public records and find that American Shipping Group Marine Resources Group electronically filed the 2007 Year-End Report with the Commission on February 6, 2008.
 4. Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct and that all relevant telecoms for the matter have been provided.
- This declaration was executed at Washington, D.C. on the 28th day of October, 2008.


Nataliya Ioffe
Chief, Compliance Branch
Reports Analysis Division
Federal Election Commission

29092624729



YEAR-END

REPORT NOTICE

FEDERAL ELECTION COMMISSION

PARTIES AND PACS

December 27, 2007

CURRENT REPORTS DUE:

QUARTERLY FILERS

REPORT	REPORTING PERIOD ¹	REG./CERT. & OVERNIGHT MAILING DEADLINE	FILING DEADLINE
Year-End	07/01/07 - 12/31/07	01/31/08	01/31/08

MONTHLY FILERS

REPORT	REPORTING PERIOD ¹	REG./CERT. & OVERNIGHT MAILING DEADLINE	FILING DEADLINE
Year-End	12/01/07 - 12/31/07	01/31/08	01/31/08

Supplemental Filing Information available on pages 3, 4 and 5 of this notice.

¹These dates indicate the beginning and the end of the reporting period. A reporting period always begins the day after the closing date of the last report filed. If the committee is new and has not previously filed a report, the first report must cover all activity that occurred before the committee registered.

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REPORTING SCHEDULE FOR 2008:

QUARTERLY FILERS

REPORT	REPORTING PERIOD ¹	REG./CERT. & OVERNIGHT MAILING DEADLINE	FILING DEADLINE
April Quarterly	01/01/08 - 03/31/08	04/15/08	04/15/08
July Quarterly	04/01/08 - 06/30/08	07/15/08	07/15/08
October Quarterly	07/01/08 - 09/30/08	10/15/08	10/15/08
Pre-General ²	10/01/08 - 10/15/08	10/20/08	10/23/08
Post-General	10/16/08 - 11/24/08	12/04/08	12/04/08
Year-End	11/25/08 - 12/31/08	01/31/09	01/31/09 ³

MONTHLY FILERS

REPORT	REPORTING PERIOD ¹	REG./CERT. & OVERNIGHT MAILING DEADLINE	FILING DEADLINE
February	01/01/08 - 01/31/08	02/20/08	02/20/08
March	02/01/08 - 02/29/08	03/20/08	03/20/08
April	03/01/08 - 03/31/08	04/20/08	04/20/08 ³
May	04/01/08 - 04/30/08	05/20/08	05/20/08
June	05/01/08 - 05/31/08	06/20/08	06/20/08
July	06/01/08 - 06/30/08	07/20/08	07/20/08 ³
August	07/01/08 - 07/31/08	08/20/08	08/20/08
September	08/01/08 - 08/31/08	09/20/08	09/20/08 ³
October	09/01/08 - 09/30/08	10/20/08	10/20/08
Pre-General	10/01/08 - 10/15/08	10/20/08	10/23/08
Post-General	10/16/08 - 11/24/08	12/04/08	12/04/08
Year-End	11/25/08 - 12/31/08	01/31/09	01/31/09 ³

Supplemental Filing Information available on pages 3, 4 and 5 of this notice.

¹These dates indicate the beginning and the end of the reporting period. A reporting period always begins the day after the closing date of the last report filed. If the committee is new and has not previously filed a report, the first report must cover all activity that occurred before the committee registered.

²Required only if committee makes contributions or expenditures in connection with the election during the reporting period.

³Notice that this filing date falls on a weekend. Filing dates are not extended when they fall on nonworking days. Accordingly, reports filed by methods other than Registered, Certified or Overnight Mail, or electronically, must be received before close of business on the last business day before the deadline.

SUPPLEMENTAL FILING INFORMATION

PLEASE NOTE: The Commission provides reminders of upcoming filing dates as a courtesy to help committees comply with the filing deadlines set forth in the Act and Commission regulations. Committee treasurers must comply with all applicable filing deadlines established by law, and the lack of prior notice does not constitute an excuse for failing to comply with any filing deadline.

WHO MUST FILE

All Party Committees and PACs (Nonconnected Committees and Separate Segregated Funds) must file either semiannual or monthly reports in 2007. Before a committee can stop filing with the FEC, it must file a termination report with the Commission. Committees must continue to file reports until the Commission notifies them in writing that their termination report has been accepted.

METHODS OF FILING REPORTS

Electronic Filing

Reports filed electronically must be received and validated by 11:59 p.m. Eastern Time on the filing deadline. For additional information, call the Electronic Filing Office at (800) 424-9530 or (202) 694-1642 or visit our website at www.fec.gov/electfil/electron.shtml.

Under the Commission's mandatory electronic filing regulations, political committees that receive contributions or make expenditures, including independent expenditures, in excess of \$50,000 in a calendar year, or that have reason to expect to do so, must file all reports with the FEC electronically. Other committees may voluntarily file electronically; however, any entity that files electronically, whether required to do so or not, must comply with the electronic filing rules.

Registered & Certified Mail

Quarterly and Monthly Reports sent by Registered or Certified Mail must be postmarked on or before the mailing deadline to be considered timely filed. A committee sending its reports by Certified Mail should keep its certified mailing receipt with the U.S. Postal Service (USPS) postmark as proof of filing because the USPS does not keep complete records of items sent by Certified Mail. A committee sending its report by Registered Mail should keep its proof of mailing. Please note that a Certificate of Mailing from the USPS is not sufficient to prove that a report is timely filed using Registered, Certified or Overnight Mail.

Overnight Mail

Reports filed via overnight mail will be considered timely filed if the report is received by the delivery service on or before the mailing deadline. "Overnight mail" includes Priority or Express Mail having a delivery confirmation, or an overnight delivery service with which the report is scheduled for next business day delivery and is recorded in the service's on-line tracking system.

Other Means of Filing

Quarterly and Monthly Reports filed by any other means—including first class and courier—must be received by the Commission (or for committees supporting only Senate candidates, the Secretary of the Senate) before the close of business on the last business day before the filing deadline.

Paper forms are available at the FEC website at www.fec.gov/info/forms.shtml.

COMPLIANCE

Treasurer Responsibility. Treasurers of political committees are responsible for both the timeliness and the accuracy of all reports. They may be subject to monetary penalties if reports are inaccurate or are not filed on time.

Administrative Fine Program. Under the Administrative Fine Program, political committees and their treasurers who fail to file their reports on time may be subject to civil money penalties up to \$16,000 (or more for repeat late- and non-filers). For additional information, visit the FEC website at www.fec.gov/af/af.shtml.

Report Format. In addition, political committees that file illegible reports or use non-FEC forms (except for FEC-approved, computer-generated forms) will be required to refile their reports.

Electronic Filers Must File Electronically. Electronic filers who instead file on paper, or who submit an electronic report (either by direct transmission, 3.5" diskette or CD) that does not pass the validation program by 11:59 p.m. Eastern Time on the filing deadline, will be considered non-filers and may be subject to enforcement actions (including administrative fines).

48- AND 24-HOUR REPORTS OF INDEPENDENT EXPENDITURES

Any PAC or Party Committee that makes independent expenditures at any time during the calendar year—up to and including the 20th day before an election (including a special election)—are required to disclose this activity within 48 hours each time that the expenditures aggregate \$10,000 or more. This reporting requirement is in addition to the requirement to file 24-hour reports of independent expenditures each time disbursements for independent expenditures aggregate or exceed \$1,000 during the last 20 days—up to 24 hours—before an election (including a special election). PACs and Party Committees must report independent expenditures that do not trigger the 48- or 24-hour reporting thresholds on their regularly-scheduled disclosure reports. See 11 CFR 104.4.

These reports are not required when a Party Committee or PAC makes a contribution directly to a candidate. For a chart of 2007 special election 48- and 24-hour reporting periods for independent expenditures, consult the FEC website at www.fec.gov/info/charts_ie_dates_special.shtml.

CHANGE IN FILING FREQUENCY

Committees able to change their reporting schedule (for example, from monthly to quarterly) who wish to do so must notify the Commission in writing when filing a report under the committee's current schedule. All reports filed after a change in filing frequency must follow the new filing schedule. Electronic filers must file this request electronically. Committees may change their filing frequency no more than once per calendar year.

29092624733

LOOKING AHEAD TO 2008

PRE-ELECTION REPORTING

Quarterly filing committees that make contributions or expenditures (including independent expenditures) in connection with an election must also file a Pre-Election Report, if the activity was not previously reported. More information on the pre-election reporting guidelines will be available on the FEC website in late 2007 and in the January 2008 issue of the *Record*.

FOR INFORMATION, CALL: (800) 424-9530 or (202) 694-1100



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

FEDERAL ELECTION
COMMISSION
SECRETARIAT

2009 FEB -4 P 3: 03

February 4, 2009

MEMORANDUM

SENSITIVE

To: The Commission

Through: Joseph Stoltz *JS*
Acting Staff Director

From: John D. Gibson *JG*
Chief Compliance Officer

Shawn Woodhead Wern *SW*
Reviewing Officer
Office of Administrative Review

By: Jill Sugarman *JS*
Reviewing Analyst

Subject: AF# 1771 – American Shipping Group Marine Resources Group and
Robert Magee, as Treasurer (C00411694)

The attached Reviewing Officer Recommendation is being circulated on an informational basis. A copy was also sent to the respondents in accordance with 11 C.F.R. § 111.36(f). The respondents may file with the Commission Secretary a written response within 10 days of transmittal of the recommendation.

After the 10 day period, the Reviewing Officer Recommendation and the respondents' written response, if any, will be circulated to the Commission to make a final determination.

Attachment

29092624735



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 4, 2009

**REVIEWING OFFICER RECOMMENDATION
OFFICE OF ADMINISTRATIVE REVIEW ("OAR")**

AF# 1771 – American Shipping Group Marine Resources Group and Robert Magee, as Treasurer
(C00411694)

On September 19, 2008, the Commission found reason to believe ("RTB") that the respondents violated 2 U.S.C. § 434(a) for failing to timely file the 2007 Year End Report and made a preliminary determination that the civil money penalty was \$320 based on the schedule of penalties at 11 C.F.R. § 111.43. They were notified by the Reports Analysis Division ("RAD") on September 22, 2008 of the Commission's RTB finding and civil money penalty.

Respondents' Response

On October 6, 2008, the Commission received the written response ("challenge") from the Assistant Treasurer, Robert A. Lowe, on behalf of the respondents, who states that he used best efforts to file on time but was prevented from doing so by unforeseen circumstances beyond his control.¹ He attempted to electronically file the report on January 31, but received an error message that the transmission was unsuccessful. He tried to contact the Electronic Filing Office ("EFO") and the RAD Analyst but could not reach anyone, so he left detailed voice mail messages. He called at least once a day on February 1, 4, and 5, but did not keep a log of his calls and believes that the RAD Analyst has notes to confirm his phone calls. On February 6, the RAD Analyst called him and the report was filed. She said that the electronic filing system was overloaded on January 31 and advised him, in the future, to file several days before a deadline, which he did for the next two reports.

Analysis

The Year End Report was filed on February 6, 2008, 6 days late.

The Federal Election Campaign Act ("Act") states that the treasurer of a political committee shall file a report for the quarter ending December 31 no later than January 31 of the following calendar year. 2 U.S.C. § 434(a)(4)(A)(iv) and 11 C.F.R. § 104.5(c)(2)(i)(B). Reports electronically filed must be received and validated at or before 11:59 p.m., Eastern Standard/Daylight Time on the prescribed filing date to be timely filed. 11 C.F.R. § 104.5(e). The treasurer shall be personally responsible for the timely filing of reports. 11 C.F.R. § 104.14(d).

The contacts mentioned in the challenge do not match the EFO logs according to the response from the Information Technology Division ("ITD") Manager. Consequently, the EFO

¹ The original challenge sent via certified mail was received at the Commission on October 6, 2008; however, it cannot be located. The respondents sent a copy of the challenge via facsimile on October 20, 2008 and included copies of the certified mailing receipt, green card and Track & Confirm Page from the U.S.P.S. web site showing a receipt date of October 6 for the original challenge.

analyzed call activity for the applicable period and details their procedures for answering calls and returning messages. The EFO's analysis showed that activity was heavy during the end of January and that most calls were answered live through January 25. From January 26 to January 31, the EFO returned calls from the voice mailbox. On February 1, they resumed taking live calls.

According to the challenge, the Assistant Treasurer left messages for the EFO on four days (January 31 and February 1, 4 and 5). Based on the EFO logs, if he called on January 31, he would have had to leave a voice mail message. If he called on February 1, 4, or 5, EFO staff would have answered the call. Thus, he would have needed to leave a voice mail message only once. The EFO logs, however, show no contact with the respondents on those dates or any other dates regarding the Year End Report. Furthermore, the ITD Manager's response shows that the Committee experienced problems connecting to the internet on three prior occasions (December 6, 2006 and July 20 and 23, 2007) and clarifies that the filing system was not overburdened on January 31.

The respondents' assertion that they left messages for their analyst also differs from the RAD telecoms (written records of telephone conversations). RAD has no records of any calls on January 31 or February 1, 4, or 5. In RAD's supplemental response, the Unauthorized Branch Chief states that analysts are required to document all contacts with committees and return phone calls on the same day they are received. The telecoms and supplemental response show that the first contact with the Assistant Treasurer was on February 6 when he called the Analyst for assistance with a FECFile error message regarding the candidate identification field. The Analyst helped him resolve that issue, but he called again because he still could not file the report. The Analyst advised him to check the internet connection and speak with his own IT department. The report was filed later that day.

Although the Assistant Treasurer asserts he used his best efforts to file on time, the best efforts defense is a two-part test: the respondents used best efforts to file on time but were prevented from doing so by reasonably unforeseen circumstances that were beyond their control and they filed the report no later than 24 hours after the end of these circumstances.

With respect to this defense, the Commission states in its Explanation and Justification that committees must use all available resources to aid with electronic filing, such as technical support manuals and personnel, before they will be considered "prevented" from timely filing the required report. The respondents describe their attempts to contact EFO and RAD staff, however, it appears they did not seek help from the FECFile User Manual and other available resources on validation and system errors found in the electronic filing section of the Commission's website.

A "best efforts" defense will not succeed if it is based on any circumstances listed at 11 C.F.R. § 111.35(d), and two of those circumstances are negligence and failure to use filing software properly. In this case, the failure to file timely rests on the Assistant Treasurer as he waited until the filing deadline to try to file the report, despite his past problems connecting to the internet, and his inability to use the electronic filing software to prepare the report and successfully upload it to the Commission. Therefore, the respondents do not meet the first part of the test and their "best efforts" defense does not succeed.

The other issue raised in the challenge (he filed the next two reports several days before the deadline) does not fall within the list of any of the three valid excuses at

11 C.F.R. § 111.35(b). These are: (i) the RTB finding is based on factual errors; and/or (ii) the improper calculation of the civil money penalty; and/or (iii) they used best efforts to file on time but were prevented from doing so by reasonably unforeseen circumstances that were beyond their control and they filed the report no later than 24 hours after the end of these circumstances.

Therefore, the Reviewing Officer recommends that the Commission make a final determination that the respondents violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$320.

OAR Recommendations

- (1) Adopt the Reviewing Officer recommendation for AF# 1771 involving the American Shipping Group Marine Resources Group and Robert Magee, as Treasurer, in making the final determination;
- (2) Make a final determination in AF# 1771 that the American Shipping Group Marine Resources Group and Robert Magee, as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$320; and
- (3) Send the appropriate letter.

Reviewing Analyst: Jill I. Sugarman

Attachments

Attachment 1 – Challenge Received from Respondents

Attachment 2 –

Attachment 3 –

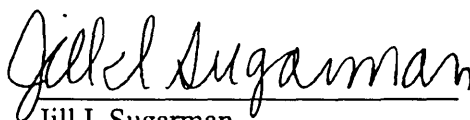
Attachment 4 – Declaration from RAD,

and Fax Received from Respondents

Attachment 5 – Declaration from OAR

DECLARATION OF JILL I. SUGARMAN

- 1) I am the Reviewing Analyst in the Office of Administrative Review for the Federal Election Commission ("Commission"). In my capacity as Reviewing Analyst, I conduct research with respect to all challenges submitted in accordance with the Administrative Fine program.
- 2) The 2007 Year End Report is due January 31, 2008. If electronically filed, it must be received, and validated by the Commission at or before 11:59 p.m., Eastern Standard/Daylight Time on January 31 to be timely filed.
- 3) It is the practice of the Reports Analysis Division to document all calls to or from committees regarding a mailgram they receive or any questions relating to the FECFile software or administrative fine regulations including due dates of reports and filing requirements.
- 4) It is the practice of the Electronic Filing Office to document all calls to or from committees regarding an error message they receive while using the FECFile software. It is also this office's practice to maintain an Electronic Filing section on the Commission's web site at <http://www.fec.gov/electfil/electron.shtml> for the use of committees and treasurers who are electronic filers.
- 5) It is the practice of the Commission to maintain an Administrative Fines section on its web site at <http://www.fec.gov/af/af.shtml> for the use of committees and treasurers. This section includes information on how the Administrative Fine Program works as well as the current Administrative Fine Regulations by issue date.
- 6) I hereby certify that I have searched the Commission's public records and that the document identified herein is the true and accurate copy of Page 1 of the Summary Page for the 2007 Year End Report electronically filed by the American Shipping Group Marine Resources Group and Robert Magee, as Treasurer. According to the Commission's records, the report covers the period from July 1 through December 31, 2007, and was received on February 6, 2008.
- 7) Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at Washington on the 4th of February, 2009.



Jill I. Sugarman

Reviewing Analyst

Office of Administrative Review

Federal Election Commission

29092624739

**FEC
FORM 3X****REPORT OF RECEIPTS
AND DISBURSEMENTS**
For Other Than An Authorized Committee

Office Use Only

1. NAME OF COMMITTEE (in full) **USE FEC MAILING LABEL OR TYPE OR PRINT** Example: If typing, type over the lines

AMERICAN SHIPPING GROUP MARINE RESOURCES GROUP

ADDRESS (number and street)

32001 - 32ND AVE SOUTH SUITE 200

Check if different
than previously
reported. (ACC)

FEDERAL WAY

WA

98001

2. FEC IDENTIFICATION NUMBER

CITY

STATE

ZIP CODE

C00411694

3. IS THIS
REPORT

X

NEW
(N)

OR

AMENDED
(A)

4. TYPE OF REPORT

(Choose One)

(a) Quarterly Reports:

April 15
Quarterly Report(Q1)July 15
Quarterly Report(Q2)October 15
Quarterly Report(Q3)X January 31
Quarterly Report(YE)July 31 Mid-Year
Report(Non-election
Year Only) (MY)Termination Report
(TER)(b) Monthly
Report
Due On:

Feb 20 (M2)

May 20 (M5)

Aug 20 (M8)

Nov 20 (M11)
(Non-Election
Year Only)

Mar 20 (M3)

Jun 20 (M6)

Sep 20 (M9)

Dec 20 (M12)
(Non-Election
Year Only)

Apr 20 (M4)

Jul 20 (M7)

Oct 20 (M10)

Jan 31 (YE)

(c) 12-Day
PRE-Election
Report for the:

Primary (12P)

General (12G)

Runoff (12R)

Convention (12C)

Special (12G)

Election on

in the
State of(d) 30-Day
Post -Election
Report for the:

General (30G)

Runoff (30R)

Special (30S)

Election on

in the
State of

5. Covering Period

07

01

2007

through

12

31

2007

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer

Robert A Lowe

Signature of Treasurer

Electronically Filed by Robert A Lowe

Date

02

06

2008

NOTE : Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C 437g.

Office
Use
Only**FEC FORM 3X**
(Rev. 12/2004)



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

VIA OVERNIGHT DELIVERY

February 5, 2009

Robert Magee, as Treasurer
American Shipping Group Marine Resources Group
32001 - 32nd Avenue South, Suite 200
Federal Way, WA 98001

C00411694
AF# 1771

Dear Mr. Magee:

On September 19, 2008, the Federal Election Commission ("Commission") found reason to believe ("RTB") that the American Shipping Group Marine Resources Group and you, as Treasurer ("respondents"), violated 2 U.S.C. § 434(a) for failing to timely file the 2007 Year End Report. The Commission also made a preliminary determination that the civil money penalty was \$320 based on the schedule of penalties at 11 C.F.R. § 111.43.

After reviewing the written response and any supplemental information submitted by you and Commission staff, the Reviewing Officer has recommended that the Commission make a final determination in this matter. A copy of the Reviewing Officer's recommendation is attached.

You may file with the Commission Secretary a written response to the recommendation within 10 days of the date of this letter. Your written response should be sent to the Commission Secretary, 999 E Street, NW, Washington, DC 20463. As a result of the anthrax threat in the Washington, DC area, US Postal Service mail delivery to federal agencies, including the Commission, has been interrupted. Until regular mail delivery resumes, you may also file your written response with the Commission Secretary via facsimile (202-208-3333) or by courier at the same address (if you use an overnight delivery service, please use zip code 20004 instead of zip code 20463). Please include the AF # in your response. Your response may not raise any arguments not raised in your original written response or not directly responsive to the Reviewing Officer's recommendation. 11 C.F.R. § 111.36(f). The Commission will then make a final determination in this matter.

Please contact me at the toll free number 800-424-9530 (press 0, then press 1660) or 202-694-1660 if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Jill I. Sugarman".

Jill I. Sugarman
Reviewing Analyst
Office of Administrative Review

Attachment

29092624741



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
SECRETARIAT

2009 FEB 24 P 2: 59

February 23, 2009

MEMORANDUM

To: The Commission

Through: Joseph F. Stoltz *JFS*
Acting Staff Director

From: John D. Gibson *JG*
Chief Compliance Officer

Shawn Woodhead *SW*
Reviewing Officer
Office of Administrative Review

By: Jill I. Sugarman *JIS*
Reviewing Analyst

Subject: Final Determination Recommendation in AF# 1771 – American Shipping Group Marine Resources Group and Robert Magee, as Treasurer (C00411694)

SENSITIVE

On September 19, 2008, the Commission found reason to believe that the respondents violated 2 U.S.C. § 434(a) for failing to timely file the 2007 Year End Report and also made a preliminary determination that the civil money penalty was \$320 based on the schedule of penalties at 11 C.F.R. § 111.43.

On October 6, 2008, the Commission received their written response (“challenge”). After reviewing the challenge, the Reviewing Officer’s recommendation dated February 4, 2009 was forwarded to the Commission, a copy was forwarded to the respondents, and is hereby incorporated by reference. The Reviewing Officer recommended that the Commission make a final determination that they violated 2 U.S.C. § 434(a) and assess a \$320 civil money penalty because they submitted no evidence that a factual error was made in the RTB finding, that the penalty was miscalculated at RTB or that they used best efforts to file on time. 11 C.F.R. § 111.35(b).

Instead of filing a written response with the Commission Secretary within 10 days of transmittal of the recommendation in accordance with 11 C.F.R. § 111.36(f), the respondents paid the civil money penalty.

29092624742

OAR Recommendations

- (1) Adopt the Reviewing Officer recommendation for AF# 1771 involving the American Shipping Group Marine Resources Group and Robert Magee, as Treasurer, in making the final determination;
- (2) Make a final determination in AF# 1771 that the American Shipping Group Marine Resources Group and Robert Magee, as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$320; and
- (3) Send the appropriate letter.

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Final Determination Recommendation:) AF 1771
American Shipping Group Marine)
Resources Group and Robert Magee, as)
Treasurer (C00411694))

CERTIFICATION

I, Mary W. Dove, Secretary of the Federal Election Commission, do hereby
certify that on March 06, 2009, the Commission decided by a vote of 6-0 to take
the following actions in AF 1771:

1. Adopt the Reviewing Officer recommendation for AF 1771 involving the American Shipping Group Marine Resources Group and Robert Magee, as Treasurer, in making the final determination.
2. Make a final determination in AF 1771 that the American Shipping Group Marine Resources Group and Robert Magee, as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$320.
3. Send the appropriate letter.

Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and
Weintraub voted affirmatively for the decision.

Attest:

March 6, 2009
Date

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

29092624744



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 9, 2009

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Robert Magee, as Treasurer
American Shipping Group Marine Resources Group
32001 - 32nd Avenue South, Suite 200
Federal Way, WA 98001

C00411694
AF# 1771

Dear Mr. Magee:

On September 19, 2008, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that the American Shipping Group Marine Resources Group and you, as Treasurer, violated 2 U.S.C. § 434(a) for failing to timely file the 2007 Year End Report. By letter dated September 22, 2008, the Commission sent you notification of the RTB finding that included a civil money penalty calculated at RTB of \$320 in accordance with the schedule of penalties at 11 C.F.R. § 111.43. On October 6, 2008, the Office of Administrative Review received the written response from Mr. Lowe challenging the RTB civil money penalty.

The Reviewing Officer reviewed the Commission's RTB finding with its supporting documentation and the written response. Based on this review, the Reviewing Officer recommended that the Commission make a final determination that the American Shipping Group Marine Resources Group and you, as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty in the amount of \$320 in accordance with 11 C.F.R. § 111.43. The basis for the Reviewing Officer's recommendation was included in the Final Determination Report, a copy of which was sent to you on February 5, 2009.

The \$320 payment for the civil money penalty was received on February 13, 2009.

On March 6, 2009, the Commission adopted the Reviewing Officer's recommendation and made a final determination that the American Shipping Group Marine Resources Group and you, as Treasurer, violated 2 U.S.C. § 434(a) and assessed a civil money penalty of \$320. It is based on the same factors used to calculate the civil money penalty at RTB. A copy of the final determination recommendation is attached.

29092624745

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 30 days from the date of the Commission's notification, this could occur at any time following certification of the Commission's vote.

If you have any questions regarding the payment of the civil money penalty, please contact Jill Sugarman on our toll free number (800)424-9530 (press 0, then ext. 1660) or (202)694-1660.

On behalf of the Commission,



Steven T. Walther
Chairman

Attachment



QUALITY IS OUR PRIORITY FOR LOCKBOX 9058
SEQ# 001 \$ 0000032000 BA# 2 02-12-09 20 4



29092624747

ASG-MRG PAC
32001 32ND AVE S SUITE 200
FEDERAL WAY, WA 98001-9601

Pay to the
Order of Federal Election Commission \$ 320.00

Three hundred twenty even Dollars

Bank of America
Federal Way 021204

For A.F.# 1771 FEC# C00411694

1093
15-2/12/08 WA
21204

FOR: American Shipping Group Marine Resources Group

FEC ID#: C00411694

AF#: 1771

PAYMENT DUE DATE: 10/29/2008

PAYMENT AMOUNT DUE: \$320

2-10

OTIC 69



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 1771

DATE SCANNED 6/5/09

SCANNER NO. 2

SCAN OPERATOR JMP

29092624748