



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 1725

DATE SCANNED

8-10-09

SCANNER NO.

2

SCAN OPERATOR

JMB

29092634500



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 18, 2008

MEMORANDUM

SENSITIVE

TO: THE COMMISSION

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

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

PATRICIA CARMONA *PC*
ASSISTANT STAFF DIRECTOR
REPORTS ANALYSIS DIVISION

BY: NATALIYA IOFFE/ *NIO* 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

1000 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.

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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 |
| 1773 | C00390583 | BROWNSTEIN HYATT FARBER SCHRECK, P.C. POLITICAL ACTION COMMITTEE | | MR. STEVEN C. DEMBY | \$143,004 | 0 | 3/18/2008 | Not Filed | \$74,002 | \$2,700 |

| | | | | | | | | | | |
|------|-----------|---|--|-------------------------|-----------|---|-----------|-----------|----------|-------|
| 1775 | C00274944 | COLLEGE OF AMERICAN PATHOLOGISTS POLITICAL ACTION COMMITTEE | | DR. RENEE R. ELLERBROEK | \$942,324 | 0 | 2/7/2008 | 7 | \$68,451 | \$825 |
| 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 |

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9/18/2008 8:50 AM

| 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;)
 BROWNSTEIN HYATT FARBER) AF# 1773
 SCHRECK, P.C. POLITICAL ACTION)
 COMMITTEE, and DEMBY, STEVEN C.)
 MR. as treasurer;)

COLLEGE OF AMERICAN) AF# 1775
 PATHOLOGISTS POLITICAL ACTION)
 COMMITTEE, and ELLERBROEK,)
 RENEE R DR. 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#1773 Decided by a vote of 6-0 to: (1) find reason to believe that BROWNSTEIN HYATT FARBER SCHRECK, P.C. POLITICAL ACTION COMMITTEE, and DEMBY, STEVEN C. 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#1775 Decided by a vote of 6-0 to: (1) find reason to believe that COLLEGE OF AMERICAN PATHOLOGISTS POLITICAL ACTION COMMITTEE, and ELLERBROEK, RENEE R DR. 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#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

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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

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 22, 2008

Dr. Renee R. Ellerbroek
College of American Pathologists Political Action Committee
1350 I Street, N.W.
Washington, DC 20005

C00274944
AF#: 1775

Dear Dr. Renee R. Ellerbroek:

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 2/7/2008, 7 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 College of American Pathologists Political Action Committee 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 \$825. It is due by 10/29/2008 and is based on these factors:

Election Sensitivity of Report: Not Election Sensitive
Level of Activity: \$68,451
Number of Days Late: 7
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 College of American Pathologists 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.

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Additional information on the FEC's administrative fine program, including the final regulations, is located at the FEC's website at www.FEC.gov. If you have questions regarding the payment of the calculated civil money penalty, please contact 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 \$825 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: College of American Pathologists Political Action Committee

FEC ID#: C00274944

AF#: 1775

PAYMENT DUE DATE: 10/29/2008

PAYMENT AMOUNT DUE: \$825

29092634511



College of American Pathologists

325 Waukegan Road, Northfield, Illinois 60093-2750
800-323-4040 • <http://www.cap.org>

FEC OFFICE OF
ADMIN REVIEW

2008 OCT 28 A 9:10

Advancing Excellence

October 23, 2008

FEC's Office of Administrative Review
999 E Street, NW
Washington, DC 20463

C00274944
AF#: 1775

To Whom It May Concern:

The College of American Pathologists is requesting that the fine of \$825.00 on the violation of code 2 U.S.C. 434(a) on January 31, 2008, be waived.

Last year we received an email from the FEC regarding the new filing software format Version 6.0. As FEC instructed, the software was installed successfully on our computers after December 2, 2007. When the time came to file our year end report on January 31, 2008, we had a number of issues with the software. It just would not work. We contacted our technical support analyst in Washington and he informed us that there had been several upgrades of the new format Version 6.0 since our December, 2007, install. There were three to be exact. The College of American Pathologists was never contacted regarding these upgrades. This failure by the FEC to notify the College of these upgrades was beyond our control and we should not be penalized for this failure.

In addition to the above matter, The College also received a letter from the FEC on March 21, 2008 regarding an inaccurate response on our year end report. The inadequate response was due to FEC software issues that we incurred during our filing. I again contacted our technical support analyst in Washington; and he advised me to file an etext with the FEC explaining the issue and we did.

Please review your correspondence files for the College of American Pathologists during our year end filing date. You will find that there was an unusually high volume of calls from the College requesting assistance with these software issues. It is my understanding that we were not the only filers with these issues. Please remove your violation and penalty from our records and this was clearly and unforeseen issue due to the lack of communication by the FEC regarding these software upgrades.

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Please contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Rosa A. Rosado'.

Rosa A. Rosado
Accountant
Finance Department
College of American Pathologists

29092634513



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

Via First Class Mail

October 29, 2008

Dr. Renee R. Ellerbroek, as Treasurer
College of American Pathologists Political Action Committee
1350 I St. NW, Suite 590
Washington, DC 20005

C00274944
AF# 1775

Dear Dr. Ellerbroek:

On October 28, 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, appearing to read "Shawn Woodhead Werth".

Shawn Woodhead Werth
Reviewing Officer
Office of Administrative Review

29092634514

2008 OCT 30 P 4: 30

Date: October 30, 2008

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

AF#: 1775

Committee Name: College of American Pathologists Political Action Committee

Committee ID#: C00274944

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: Previously Forwarded**

Attachment #: N/A

Certified Return Receipt (Y/N): Y

Attachment #: 1

Other Relevant Telecoms (Y/N): N

Attachment #: N/A

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

Attachment #: N/A

RAD Staff Declaration (Y/N): Y

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

-RTB Letter, dated September 22, 2008.

Attachment #: 3

Other RAD Information (Y/N): N

Attachment#: N/A

29092634515

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.

Article Addressed to:

DR. RENEE R. ELLERBROEK
COLLEGE OF AMERICAN
PATHOLOGISTS PAC
1350 I STREET, N.W., SUITE 590
WASHINGTON, DC 20005

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent

☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

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

Article Number

(Transfer from service label)

7001 0360 0003 1652 2088

Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

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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 College of American Pathologists Political Action Committee:
 - A) Prior Notice, dated December 27, 2007, referencing the 2007 Year-End Report (sent via electronic mail to: dfroemm@cap.org);
 - 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 College of American Pathologists Political Action Committee electronically filed the 2007 Year-End Report with the Commission on February 7, 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 30th day of October, 2008.



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

29092634517



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.

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/elecfil/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.

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*.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2009 MAR 25 A 8:46

March 24, 2009

MEMORANDUM

SENSITIVE

To: The Commission

Through: Robert A. Hickey
Staff Director

From: John D. Gibson
Chief Compliance Officer

Shawn Woodhead Werth
Reviewing Officer
Office of Administrative Review

By: Jill I. Sugarman
Reviewing Analyst

Subject: AF# 1775 - College of American Pathologists Political Action
Committee and Dr. Renee R. Ellerbroek, as Treasurer (C00274944)

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

29092634523



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 24, 2009

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

AF# 1775 – College of American Pathologists Political Action Committee and Dr. Renee R. Ellerbrook, as Treasurer (C00274944)

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 \$825 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 28, 2008, the Commission received the written response ("challenge") from the Committee's Accountant, Rosa A. Rosado, on behalf on the respondents. She attributes the late filing to the Commission's lack of communication regarding software upgrades and asks that the Commission remove the RTB finding and fine. In 2007, they received an email about the new filing software format for Version 6.0. They successfully installed the software after December 2, 2007, but they had many problems when they tried to file the report on January 31, 2008. Since the system would not work, they contacted the tech support analyst who said there had been three upgrades since their December install. She asks that the fine be waived since they were not notified of the subsequent upgrades. She says that a review of their contacts with the Commission will show an unusually high volume of calls requesting help with software issues, and it is her understanding, that they were not the only committee with these problems. She also refers to a letter dated March 21 citing an error on the Year End Report and details her attempts to resolve the matter as that, too, was due to software issues.

Analysis

The Year End Report was filed on February 7, 2008, 7 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).

Ms. Rosado says the late filing was caused by the upgrades to the FECFile software and the Commission's failure to notify them of the new versions. The RAD telecoms (written records of telephone conversations) and logs from the Electronic Filing Office ("EFO"), however, show that other factors including validation errors and password problems were the actual reason for the late filing. The first part of the analysis will focus on the software upgrades; the second part will focus on the validation errors and password problems.

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The challenge refers to an unusually high volume of calls about software issues, but the RAD telecoms only show two software related calls made by Ms. Rosado. On August 27, 2007, she inquired about the FECFile update needed for the Year End filing and asked if there would be a new user manual. The Analyst said she had no knowledge of major changes to the software or a new manual, but she referred her to the current Getting Started with FECFile User Manual, found on the Commission's website. On January 31, 2008, she called another Analyst because she could not import receipt data into the software. It appeared to the Analyst that she was using Build 6.1.1.1 of the software, which had known import problems. To resolve the issue, he advised her to upgrade to Build 6.1.1.3 and call back if she had further problems. There is no evidence that she made any other calls to RAD about the Year End Report until April 15.

The response from the Information Technology Division ("ITD") Manager states that three communications went out, via email, to the filing community informing them of a new electronic filing format for the FECFile software, which would be available for download after December 2, 2007. Build 6.1.1.1 of the software was subsequently released on January 2, 2008. It contained an importing error, so Build 6.1.1.2 was released on January 17 to correct the problem. Build 6.1.1.3 was released on January 24 to fix a problem with the data merge function. According to the ITD Manager's response, Ms. Rosado downloaded the software on January 11, 30 and February 4, 2008. The software she downloaded on January 30 and February 4 was Build 6.1.1.3 which had no importing or data merge problems. The response also clarifies that when a user downloads and installs a new version of FECFile, it overwrites the current version and does not affect the dataset or any information that was previously entered.

According to the FECFile User Manual for PACs and Party Committees, a user must first download the software and save the setup file to a location on the hard drive. The user then clicks on the setup file and follows the instructions to complete the installation. It is possible that while Ms. Rosado downloaded Build 6.1.1.3 on January 30, she had not yet installed it when she called the Analyst on January 31. This may explain why the Analyst thought she was using the older version (Build 6.1.1.1) and instructed her to download the new version. Had Ms. Rosado installed Build 6.1.1.3 on the same date she downloaded it (January 30), the new build would have overwritten the previous flawed version (Build 6.1.1.1). This process would not have affected the dataset or caused her to re-enter any information.

It is true that Build 6.1.1.1 of the software, which Ms. Rosado downloaded on January 11, contained an importing issue; however, that issue was corrected by the time she downloaded Build 6.1.1.3 on January 30. The Reviewing Officer acknowledges that the multiple software builds may have caused confusion for the respondents, but since they had the corrected Build on January 30, they should have been able to prepare and file the report by the filing deadline. Thus, the software upgrades did not prevent them from filing on time.

On February 1, the respondents were notified via email that they failed to file the Year End Report. On February 4, the Accountant called twice for help because the report failed validation. On the first call, the EFO's Ms. Green had her email the dataset to the EFO. Ms. Green reproduced the validation errors and explained how to correct them. During the second call, she told Ms. Rosado to reinstall the software. There is no evidence that the respondents contacted RAD or the EFO for help with these issues on or before the filing deadline.

Ms. Rosado called again on February 4 because she did not have an electronic filing password. When the EFO's Ms. Smith explained the procedures for obtaining a password, Ms.

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Rosado said she was upset with the Treasurer for not telling her that she would need a password to file the report. The EFO received their password request letter on February 5. When Ms. Smith left a message for the Treasurer on February 6 about selecting a password, Ms. Rosado was not pleased. Ms. Smith explained that only a Treasurer could be assigned a password. The password was assigned on February 7 and the Year End Report was filed that day using Build 6.1.1.3 of the software.

The respondents could not file the report timely because they needed a password. This issue was not brought up by Ms. Rosado until the third phone call on February 4. The EFO logs show that February 4 was Ms. Rosado's first contact with them. Prior to that date, the Committee last contacted the EFO on June 25, 2004. Given her remarks to Ms. Smith that she was upset with the Treasurer for not telling her about the password, it appears that Ms. Rosado was inexperienced with the electronic filing requirements. According to the Commission's records, the Committee has been an electronic filer since March of 2000. Their previous electronic filing, the 2007 December Monthly Report, was filed on December 20, 2007. It is not clear why Ms. Rosado needed a new password for the Year End Report, just six weeks later.

In response to the March 21 letter citing omitted candidate information on Schedule B of Year End Report, Ms. Rosado called the RAD Analyst on April 15. The Analyst told her this issue is a known problem with the current version of the software. She then filed an electronic letter in which she blames the errors on the software upgrade she installed in November 2007. According to the ITD Manager's response, there were no issues with the software she downloaded on January 30 (Build 6.1.1.3) which would have resulted in missing data for the candidate information fields on Schedule B. Also, the respondents did not download software in November of 2007.

Negligence, inexperience, and the failure to use filing software properly are included at 11 C.F.R. § 111.35(d) as examples of circumstances that are not considered reasonably unforeseen and beyond the respondents' control. The other issue raised in the challenge (she resolved the issue cited in the March 21 letter) 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 \$825.

OAR Recommendations

- (1) Adopt the Reviewing Officer recommendation for AF# 1775 involving the College of American Pathologists Political Action Committee and Dr. Renee R. Ellerbroek, as Treasurer, in making the final determination;
- (2) Make a final determination in AF# 1775 that the College of American Pathologists Political Action Committee and Dr. Renee R. Ellerbroek, as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$825; and
- (3) Send the appropriate letter.

Reviewing Analyst: Jill I. Sugarman

Attachments

Attachment 1 – Challenge Received from Respondents

Attachment 2 – _____

Attachment 3 – Declaration from RAD _____ with the Declaration

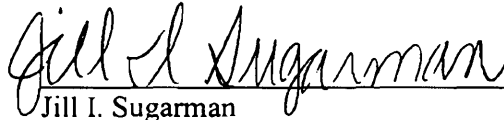
Attachment 4 – Declaration from OAR

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 letter 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. I hereby certify that I have searched the Commission's public records and that the documents identified herein are the true and accurate copies of:
 - (a) Page 1 of the Summary Page for the 2000 March Monthly Report electronically filed by the College of American Pathologists Political Action Committee and Thomas Puckett, MD, as Treasurer. According to the Commission's records, the report covers the period from February 1 through 29, 2000 and was received on March 20, 2000;
 - (b) Page 1 of the Summary Page for the 2007 December Monthly Report electronically filed by the College of American Pathologists Political Action Committee and Dr. Alfred Wray Campbell, as Treasurer. According to the Commission's records, the report covers the period from November 1 through 30, 2007 and was received on December 20, 2007;
 - (c) Page 1 of the Summary Page for the 2007 Year End Report electronically filed by the College of American Pathologists Political Action Committee and Dr. Alfred Wray Campbell, as Treasurer. According to the Commission's records, the report covers the period from December 1 through December 31, 2007 and was received on February 7, 2008;
 - (d) Pages 1 and 3 of the Statement of Organization electronically filed by the College of American Pathologists Political Action Committee and Dr. Renee R. Ellerbroek, as Treasurer. According to the Commission's records, the report was received on June 18, 2008. Line 8 lists "Dr. Renee R. Ellerbroek" as the Treasurer;
 - (e) Request for Additional Information dated March 21, 2008 which is addressed to the College of American Pathologists Political Action Committee and Dr. Alfred Wray Campbell, as Treasurer. According to the Commission's records, the Request was sent by the Reports Analysis Division and references the Year End Report. On Page 1 of the Request, it states "[P]lease amend Schedule B supporting Line 23 by providing the candidate name, office sought, state and district for each contribution made;" and

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- (f) electronic submission received on April 15, 2008 from the College of American Pathologists Political Action Committee. According to the Commission's records, the letter is signed by Rosa A. Rosado and states "...you stated that there were errors in our year end report dated 12/01/07 to 12/31/07. Please note that these errors were due to the FEC software upgrade that we installed in November 2007."
6. 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 24th of March, 2009.



Jill I. Sugarman
Reviewing Analyst
Office of Administrative Review
Federal Election Commission

29092634529

REPORT OF RECEIPTS AND DISBURSEMENTS

For Other Than An Authorized Committee
(Summary Page)

1 / 10
03/20/2000 16 : 61

| | |
|--|--|
| 1. NAME OF COMMITTEE (in full) College of American Pathologists Political Action Committee | |
| ADDRESS (number and street) 1350 I Street, NW Suite 500 | <input type="checkbox"/> Check if different than previously reported |
| CITY, STATE, and ZIP CODE Washington DC 20005 | 2. FEC IDENTIFICATION NUMBER C00274544 |
| 3. <input type="checkbox"/> This committee has qualified as a multi-candidate committee (see FEC Form 1M) | |

4. TYPE OF REPORT

(a) ☐ April 15 Quarterly Report

☐ July 15 Quarterly Report

☐ October 15 Quarterly Report

☐ January 31 Year End Report

☐ July 31 Mid-Year Report (Non-election Year Only)

☐ Termination report

Monthly Report Due On:

☐ February 20

☒ March 20

☐ April 20

☐ May 20

☐ June 20

☐ July 20

☐ August 20

☐ September 20

☐ October 20

☐ November 20

☐ December 20

☐ January 31

☐ Twelfth day report preceding

(election type)

election on _____ in the State of _____

☐ Thirtieth day report following the General Election

on _____ in the State of _____

(b) Is this Report an Amendment

☐ YES

☒ NO

SUMMARY

| 5. Covering Period | COLUMN A This Period | COLUMN B Calendar Year-to-Date |
|---|-------------------------|--|
| 6. (a) Cash on Hand, January 1, 2000 | | 92496.57 |
| (b) Cash on Hand at Beginning of Reporting Period | 89727.57 | |
| (c) Total Receipts (from line 19) | 38950.00 | 48194.00 |
| (d) Subtotal (add Lines 6(b) and 6(c) for Column A and Lines 6(a) and 6(c) for Column B) | 138677.57 | 136692.57 |
| 7. Total Disbursements (from line 30) | 10215.00 | 10230.00 |
| 8. Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d)) | 128462.57 | 126462.57 |
| 9. Debts and Obligations Owed TO the Committee (Itemize all on Schedule C and/or Schedule D) | 0.00 | For further information contact: Federal Election Commission 999 E Street, NW Washington, DC 20463 Toll Free 800-424-9530 Local 202-219-3420 |
| 10. Debts and Obligations Owed BY the Committee (Itemize all on Schedule C and/or Schedule D) | 0.00 | |
| 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 Electronically Filed by John H. Scott | | |
| Signature of Treasurer | | Date 03/20/2000 |

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

| | | | | | | | | | |
|--|--|--|--|--|--|--|--|--|--|
| | | | | | | | | | |
|--|--|--|--|--|--|--|--|--|--|

4-00173

FEC FORM 3X
(revised 9/98)

**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

College of American Pathologists Political Action Committee

ADDRESS (number and street)

1350 I Street, NW

Suite 590

Check if different
than previously
reported. (ACC)

Washington

DC

20005

- 2.
- FEC IDENTIFICATION NUMBER**

CITY

STATE

ZIPCODE

C00274944

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)
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)

X 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

11

01

2007

through

11

30

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

Dr. Alfred Wray Campbell

Signature of Treasurer

Electronically Filed by Dr. Alfred Wray Campbell

Date

12

20

2007

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. 02/2003)

29092634531

**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

College of American Pathologists Political Action Committee

ADDRESS (number and street)

1350 I Street, NW

Suite 590



Check if different than previously reported. (ACC)

Washington

DC

20005

- 2.
- FEC IDENTIFICATION NUMBER**

CITY

STATE

ZIP CODE

C00274944

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)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)

X

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 12 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 Dr. Alfred Wray Campbell

Signature of Treasurer Electronically Filed by Dr. Alfred Wray Campbell

Date 01 31 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)

**FEC
FORM 1****STATEMENT OF
ORGANIZATION**

(See instructions)

Office use only

1. NAME OF COMMITTEE (in full) (Check if name is changed) Example: If typing, type over the lines 12FE4M5

College of American Pathologists Political Action Committee

ADDRESS (number and street)

1350 I Street, NW

(Check if address is changed)

Suite 590

Washington

DC

20005

CITY ▲

STATE ▲

ZIP CODE ▲

COMMITTEE'S E-MAIL ADDRESS

dfroemm@cap.org

COMMITTEE'S WEB PAGE ADDRESS (URL)

COMMITTEE'S FAX NUMBER

8478328484

2. DATE 06 / 18 / 2008

3. FEC IDENTIFICATION NUMBER C C00274944

4. IS THIS STATEMENT NEW (N) OR X AMENDED (A)

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

Type or Print Name of Treasurer Dr. Renee R Ellerbroek

Signature of Treasurer Electronically Filed by Dr. Renee R Ellerbroek

Date 06 / 18 / 2008

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

ANY CHANGE IN INFORMATION SHOULD BE REPORTED WITHIN 10 DAYS

Office
Use
OnlyFor further information contact:
Federal Election Commission
Toll Free 800-424-9530
Local 202-694-1100**FEC FORM 1**
(Revised 12/2007)

Write or Type Committee Name

College of American Pathologists Political Action Committee

6. Name of Any Connected Organization, Affiliated Committee, Leadership PAC Sponsor or Joint Fundraising Representative

NONE

Mailing Address

CITY ▲

STATE ▲

ZIP CODE ▲

Relationship:

Connected Organization

Affiliated Committee

Leadership PAC Sponsor

Joint Fundraising Representative

7. Custodian of Records: Identify by name, address, (phone number -- optional), and position of the person in possession of Committee books and records.

Full Name

Susan Askew

Mailing Address

1350 I Street, NW**Suite 590****Washington****DC****20005**

Title or Position ▼

CITY ▲

STATE ▲

ZIP CODE ▲

Manager

Telephone number

202**354****8105**

8. Treasurer: List the name and address (phone number -- optional) of the treasurer of the committee; and the name and address of any designated agent (e.g., assistant treasurer).

Full Name

of Treasurer

Dr. Renee R Ellerbroek

Mailing Address

1212 Pleasant Street**Suite LL3****Des Moines****IA****50309**

Title or Position ▼

CITY ▲

STATE ▲

ZIP CODE ▲

Treasurer

Telephone number

515**241****8870**



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-2

March 21, 2008

Dr. Alfred Wray Campbell, Treasurer
College of American Pathologists Political Action Committee
1350 I Street NW
Suite 590
Washington, DC 20005

Response Due Date:
April 21, 2008

Identification Number: C00274944

Reference: Year End Report (12/01/07-12/31/07)

Dear Treasurer:

This letter is prompted by the Commission's preliminary review of the report(s) referenced above. This notice requests information essential to full public disclosure of your federal election campaign finances. **Failure to adequately respond by the response date noted above could result in an audit or enforcement action.** Additional information is needed for the following item:

- Please amend Schedule B supporting Line 23 by providing the candidate name, office sought, state and district for each contribution made. 11 CFR §104.3(b)(3)(ii) and (v)

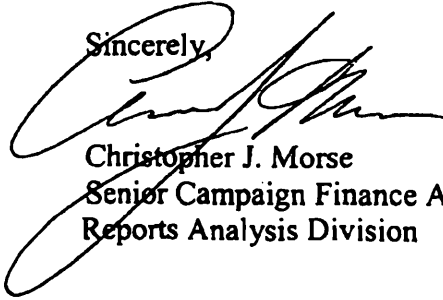
Please note, you will not receive an additional notice from the Commission on this matter. Adequate responses must be received by the Commission on or before the due date noted above to be taken into consideration in determining whether audit action will be initiated. Failure to comply with the provisions of the Act may also result in an enforcement action against the committee. Any response submitted by your committee will be placed on the public record and will be considered by the Commission prior to taking enforcement action. **Requests for extensions of time in which to respond will not be considered.**

Electronic filers must file amendments (to include statements, designations and reports) in an electronic format and must submit an amended report in its entirety, rather than just those portions of the report that are being amended.

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If you should have any questions regarding this matter or wish to verify the adequacy of your response, please contact me on our toll-free number (800) 424-9530 (at the prompt press 5 to reach the Reports Analysis Division) or my local number (202) 694-1133.

Sincerely,



Christopher J. Morse
Senior Campaign Finance Analyst
Reports Analysis Division

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ETEXT ATTACHMENT

04/15/2008 16 : 23

April 15, 2008

To: Federal Election Commission, Washington, D.C. 20463

From: College of American Pathologists, ID# C00274944

The letter is in regards to your letter dated March 21, 2008. In your letter, you stated that there were errors in our year end report dated 12/01/07 to 12/31/07. Please note that these errors were due to the FEC software upgrade that we installed in November 2007. Should you have any questions, please contact me at (847)832-7307.

Sincerely,
Rosa A. Rosado
Accountant
College of American Pathologists

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

VIA OVERNIGHT DELIVERY

March 25, 2009

Dr. Renee R. Ellerbroek, as Treasurer
College of American Pathologists
Political Action Committee
1350 I St. NW, Suite 590
Washington, DC 20005

C00274944
AF# 1775

Dear Dr. Ellerbroek:

On September 19, 2008, the Federal Election Commission ("Commission") found reason to believe ("RTB") that the College of American Pathologists Political Action Committee and you, as Treasurer ("respondents"), violated 2 U.S.C. § 434(a) for failing to file the 2007 Year End Report. The Commission also made a preliminary determination that the civil money penalty was \$825 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

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

SECTION
SECRETARIAT
2009 APR 14 P 4:00

April 14, 2009

MEMORANDUM

To: The Commission

Through: Robert A. Hickey
Staff Director

From: John D. Gibson
Chief Compliance Officer

Shawn Woodhead Wern
Reviewing Officer
Office of Administrative Review

By: Jill I. Sugarman
Reviewing Analyst

Subject: Final Determination Recommendation in AF# 1775 – College of
American Pathologists Political Action Committee and Dr. Renee R.
Ellerbroek, as Treasurer (C00274944)

SENSITIVE

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 also made a preliminary determination that the civil money penalty was \$825 based on the schedule of penalties at 11 C.F.R. § 111.43.

On October 28, 2008, the Commission received their written response ("challenge"). After reviewing the challenge, the Reviewing Officer's recommendation dated March 24, 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 \$825 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).

Within 10 days of transmittal of the recommendation, they may file a written response with the Commission Secretary which may not raise any arguments not raised in

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their challenge or not directly responsive to the Reviewing Officer's recommendation.
11 C.F.R. § 111.36(f). As of this date, a written response has not been received.

OAR Recommendations

- (1) Adopt the Reviewing Officer recommendation for AF# 1775 involving the College of American Pathologists Political Action Committee and Dr. Renee R. Ellerbroek, as Treasurer, in making the final determination;
- (2) Make a final determination in AF# 1775 that the College of American Pathologists Political Action Committee and Dr. Renee R. Ellerbroek, as Treasurer, violated U.S.C. § 434(a) and assess a civil money penalty of \$825; and
- (3) Send the appropriate letter.

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) AF 1775
Final Determination Recommendation:)
College of American Pathologists
Political Action Committee and Dr.
Renee R. Ellerbroek, as Treasurer
(C00274944)

CERTIFICATION

I, Mary W. Dove, recording secretary of the Federal Election Commission executive session, do hereby certify that on April 30, 2009, the Commission took the following actions in the above-captioned matter:

1. Failed by a vote of 3-3 to

- a) Adopt the Reviewing Officer recommendation for AF #1775 involving the College of American Pathologists Political Action Committee and Dr. Renee R. Ellerbroek, as Treasurer, in making the final determination.
- b) Make a final determination in AF #1775 that the College of American Pathologists Political Action Committee and Dr. Renee R. Ellerbroek, as Treasurer, Violated U.S.C. § 434(a) and assess a civil money penalty of \$825.
- c) Send the appropriate letter.

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

2. Decided by a vote of 6-0 to

Close the file.

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

Attest:

April 30, 2009
Date

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

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 10, 2009

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Dr. Renee R. Ellerbroek, as Treasurer
College of American Pathologists Political Action Committee
1350 I Street, NW, Suite 590
Washington, DC 20005

ID# C00274944
AF# 1775

Dear Dr. Ellerbroek:

On September 19, 2008, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that the College of American Pathologists Political Action Committee 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 \$825 in accordance with the schedule of penalties at 11 C.F.R. § 111.43. On October 28, 2008, the Office of Administrative Review received the written response from Ms. Rosado challenging the RTB civil money penalty.

The Reviewing Officer reviewed the Commission's RTB finding with its supporting documentation and the challenge. Based on this review, the Reviewing Officer recommended that the Commission make a final determination that the College of American Pathologists Political Action Committee and you, as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty in the amount of \$825 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 March 25, 2009.

On April 30, 2009, the Commission failed to adopt the Reviewing Officer's recommendations contained in the Final Determination Report. The Commission then voted to close the file. A copy of the final determination memorandum is attached.

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.

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If you have any questions regarding this matter, 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

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FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 1775

DATE SCANNED 8-10-09

SCANNER NO. 2

SCAN OPERATOR Jm12

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