



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 1945

DATE SCANNED 8-17-09

SCANNER NO. 2

SCAN OPERATOR JmH

29092641408



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION COMMISSION
SECRETARIAT

2008 DEC 23 P 12:24

December 23, 2008

SENSITIVE

MEMORANDUM

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/RHIANNON MAGRUDER/CHRIS RITCHIE *NI RM CP*
COMPLIANCE BRANCH

SUBJECT: REASON TO BELIEVE RECOMMENDATION - 2008 12 DAY PRE-
GENERAL REPORT (UNAUTHORIZED COMMITTEES - MONTHLY
FILERS) FOR THE ADMINISTRATIVE FINE PROGRAM

Attached is a list of political committees and their treasurers who failed to file or timely file the 2008 12 Day Pre-General Report in accordance with 2 U.S.C. 434(a). The list is comprised of unauthorized committees that file monthly.

The committees appearing on the list either filed the report more than five (5) days after the due date, failed to file the report or failed to file the report prior to four (4) days before the November 4, 2008 General Election (considered a non-filed report). In accordance with the schedule of civil money penalties at 11 CFR 111.43, these committees should be assessed the civil money penalties outlined on the attached Reason to Believe (RTB) circulation list.

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
2008 PRE-GENERAL Election Sensitive 10/23/2008 UNAUTH_M

AF#	Committee ID	Committee Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
1934	C00005462	10TH DISTRICT REPUBLICAN CONGRESSIONAL COMMITTEE	MR. WALTER J. HELM	\$177,197	0	11/10/2008	Not Filed	\$17,940	\$900
1935	C00214304	DELHAIZE AMERICA POLITICAL ACTION COMMITTEE	TEROSS W. YOUNG	\$102,626	0	11/12/2008	Not Filed	\$441	\$441
1936	C00330647	ECHOSTAR CORPORATION AND DISH NETWORK CORPORATION PAC (ECHOSTAR DISH NETWORK PAC)	DAVID R. GOODFRIEND	\$792,293	0	10/29/2008	6	\$13,973	\$210
1937	C00370221	GREEN PARTY OF THE UNITED STATES	JODY T. GRAGE	\$1,470,195	0	10/31/2008	Not Filed	\$25,619	\$1,400
1938	C00200139	HERSHEY COMPANY POLITICAL ACTION COMMITTEE; THE	RICHARD G. RUSSELL	\$106,104	0	11/10/2008	Not Filed	\$3,104	\$500
1939	C00163535	LOCAL 401 IRON WORKERS POLITICAL ACTION FUND	JOSEPH J. DOUGHERTY	\$445,049	2	11/13/2008	Not Filed	\$9,925	\$900
1940	C00283135	NATIONAL ASSOCIATION OF HEALTH UNDERWRITERS PAC (HUPAC)	JENNIFER MURPHY	\$1,195,514	0	11/10/2008	Not Filed	\$10,913	\$900
1941	C00101204	NATIONAL FISHERIES INSTITUTE (FISHPAC)	JOHN P. CONNELLY	\$247,465	0	11/17/2008	Not Filed	\$45,750	\$1,400
1942	C00032797	NATIONAL GOOD GOVERNMENT FUND	MR. THOMAS P. MARINIS, JR.	\$125,462	0	11/10/2008	Not Filed	\$1,000	\$500
1943	C00370015	NELNET INC PAC (NELNET PAC)	BEN KISER	\$482,803	0	11/19/2008	Not Filed	\$7,345	\$600

AF#	Committee ID	Committee Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
1944	C00159954	O'MELVENY & MYERS POLITICAL ACTION COMMITTEE	K. LEE BLALACK	\$158,632	0	11/11/2008	Not Filed	\$1,027	\$500
1945	C00233353	PROFESSIONALS IN ADVERTISING POLITICAL ACTION COMMITTEE	DICK O'BRIEN	\$165,023	0	11/12/2008	Not Filed	\$5,005	\$600
1946	C00274423	SACRAMENTO COUNTY DEMOCRATIC CENTRAL COMMITTEE: UNITED CAMPAIGN COMMITTEE - FEDERAL	WILLIAM GUY CROUCH, CPA EA	\$426,999	0	11/20/2008	Not Filed	\$40,903	\$1,400
1947	C00039503	SHELL OIL COMPANY EMPLOYEES' POLITICAL AWARENESS COMMITTEE	KEN KASNEY	\$248,289	0	11/11/2008	Not Filed	\$2,042	\$500
1948	C00292318	THERMO FISHER SCIENTIFIC INC. PAC	STACY CORDIER	\$234,595	0	11/5/2008	Not Filed	\$1,466	\$500
1949	C00417352	TRONOX INC. PAC	MICHAEL FOSTER	\$175,015	0	11/7/2008	Not Filed	\$5,000	\$600

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
 Reason To Believe Recommendation - 2008)
 12 Day Pre-General Report (Unauthorized)
 Committees – Monthly Filers) for the)
 Administrative Fine Program:)
 ECHOSTAR CORPORATION AND DISH) AF# 1936
 NETWORK CORPORATION PAC)
 (ECHOSTAR DISH NETWORK PAC),)
 and GOODFRIEND, DAVID R as)
 treasurer;)
 10TH DISTRICT REPUBLICAN) AF# 1934
 CONGRESSIONAL COMMITTEE, and)
 HELM, WALTER J. MR. as treasurer;)
 DELHAIZE AMERICA, INC. POLITICAL) AF# 1935
 ACTION COMMITTEE, and YOUNG,)
 TEROSS W as treasurer;)
 GREEN PARTY OF THE UNITED) AF# 1937
 STATES, and GRAGE, JODY T as)
 treasurer;)
 HERSHEY COMPANY POLITICAL) AF# 1938
 ACTION COMMITTEE; THE, and)
 RICHARD G RUSSELL as treasurer;)
 LOCAL 401 IRON WORKERS) AF# 1939
 POLITICAL ACTION FUND, and)
 JOSEPH J DOUGHERTY as treasurer;)
 NATIONAL ASSOCIATION OF) AF# 1940
 HEALTH UNDERWRITERS PAC)
 (HUPAC), and MURPHY, JENNIFER as)
 treasurer;)
 NATIONAL FISHERIES INSTITUTE) AF# 1941
 (FISHPAC), and CONNELLY, JOHN P. as)
 treasurer;)
 NATIONAL GOOD GOVERNMENT) AF# 1942
 FUND, and MARINIS, THOMAS P. MR.)
 JR. as treasurer;)
 NELNET INC PAC (NELNET PAC), and) AF# 1943
 KISER, BEN as treasurer;)

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O'MELVENY & MYERS POLITICAL) AF# 1944
ACTION COMMITTEE, and BLALACK,)
K. LEE as treasurer;)
PROFESSIONALS IN ADVERTISING) AF# 1945
POLITICAL ACTION COMMITTEE, and)
DICK O'BRIEN as treasurer;)
SACRAMENTO COUNTY) AF# 1946
DEMOCRATIC CENTRAL)
COMMITTEE: UNITED CAMPAIGN)
COMMITTEE - FEDERAL, and)
WILLIAM GUY CROUCH CPA EA as)
treasurer;)
SHELL OIL COMPANY EMPLOYEES') AF# 1947
POLITICAL AWARENESS)
COMMITTEE, and KASNEY, KEN as)
treasurer;)
THERMO FISHER SCIENTIFIC INC.) AF# 1948
PAC, and CORDIER, STACY as treasurer;)
TRONOX INC. PAC, and FOSTER,) AF# 1949
MICHAEL as treasurer;)

CERTIFICATION

I, Mary W. Dove, Secretary of the Federal Election Commission, do hereby
certify that on December 24, 2008 the Commission took the following actions on the
Reason To Believe Recommendation - 2008 12 Day Pre-General Report (Unauthorized
Committees - Monthly Filers) for the Administrative Fine Program as recommended in
the Reports Analysis Division's Memorandum dated December 23, 2008, on the
following committees:

AF#I936 Decided by a vote of 6-0 to: (1) find reason to believe that ECHOSTAR
CORPORATION AND DISH NETWORK CORPORATION PAC (ECHOSTAR DISH
NETWORK PAC), and GOODFRIEND, DAVID R 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#1934 Decided by a vote of 6-0 to: (1) find reason to believe that 10TH DISTRICT REPUBLICAN CONGRESSIONAL COMMITTEE, and HELM, WALTER J. 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#1935 Decided by a vote of 6-0 to: (1) find reason to believe that DELHAIZE AMERICA, INC. POLITICAL ACTION COMMITTEE, and YOUNG, TEROSS W 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#1937 Decided by a vote of 6-0 to: (1) find reason to believe that GREEN PARTY OF THE UNITED STATES, and GRAGE, JODY T 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#1938 Decided by a vote of 6-0 to: (1) find reason to believe that HERSHEY COMPANY POLITICAL ACTION COMMITTEE; THE, and RICHARD G RUSSELL 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#1939 Decided by a vote of 6-0 to: (1) find reason to believe that LOCAL 401 IRON WORKERS POLITICAL ACTION FUND, and JOSEPH J DOUGHERTY 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#1940 Decided by a vote of 6-0 to: (1) find reason to believe that NATIONAL ASSOCIATION OF HEALTH UNDERWRITERS PAC (HUPAC), and MURPHY, JENNIFER 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#1941 Decided by a vote of 6-0 to: (1) find reason to believe that NATIONAL FISHERIES INSTITUTE (FISHPAC), and CONNELLY, JOHN P. as treasurer violated

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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#1942 Decided by a vote of 6-0 to: (1) find reason to believe that NATIONAL GOOD GOVERNMENT FUND, and MARINIS, THOMAS P. MR. JR. 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#1943 Decided by a vote of 6-0 to: (1) find reason to believe that NELNET INC PAC (NELNET PAC), and KISER, BEN 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#1944 Decided by a vote of 6-0 to: (1) find reason to believe that O'MELVENY & MYERS POLITICAL ACTION COMMITTEE, and BLALACK, K. 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#1945 Decided by a vote of 6-0 to: (1) find reason to believe that PROFESSIONALS IN ADVERTISING POLITICAL ACTION COMMITTEE, and DICK O'BRIEN 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#1946 Decided by a vote of 6-0 to: (1) find reason to believe that SACRAMENTO COUNTY DEMOCRATIC CENTRAL COMMITTEE: UNITED CAMPAIGN COMMITTEE - FEDERAL, and WILLIAM GUY CROUCH CPA EA 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#1947 Decided by a vote of 6-0 to: (1) find reason to believe that SHELL OIL COMPANY EMPLOYEES' POLITICAL AWARENESS COMMITTEE, and KASNEY, KEN 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

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

AF#1948 Decided by a vote of 6-0 to: (1) find reason to believe that THERMO FISHER SCIENTIFIC INC. PAC, and CORDIER, STACY 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#1949 Decided by a vote of 6-0 to: (1) find reason to believe that TRONOX INC. PAC, and FOSTER, MICHAEL 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:

December 24, 2008
Date

Darlene Harris
for Mary W. Dove
Secretary of the Commission

29092641410



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 29, 2008

Dick O'Brien
Professionals in Advertising Political Action Committee
1203 19th Street, N.W., 4th Floor
Washington, DC 20036

C00233353
AF#: 1945

Dear Dick O'Brien:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file a 12 Day Pre-General Report of Receipts and Disbursements in a calendar year during which there is a regularly scheduled election. This report, covering the period through October 15, 2008, shall be filed no later than October 23, 2008. 2 U.S.C. 434(a). Records at the Federal Election Commission ("FEC") indicate that this report was not filed prior to four (4) days before the General Election held on November 4, 2008. You should file the report if you have not already done so.

The Act was further amended in 1999 to permit the FEC to impose civil money penalties for violations of the reporting requirements of 2 U.S.C. 434(a). 2 U.S.C. 437g(a)(4). On 12/24/2008, the FEC found that there is reason to believe ("RTB") that Professionals in Advertising Political Action Committee and you, as treasurer, violated 2 U.S.C. 434(a) by failing to file timely this report on or before October 23, 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 \$600. It is due by 2/2/2009 and is based on these factors:

Election Sensitivity of Report: Election Sensitive
Level of Activity: \$5,005
Number of Days Late: Not Filed
Number of Previous Civil Money Penalties Assessed: 0

To Pay the Calculated Civil Money Penalty

To pay the calculated civil money penalty, send the enclosed remittance and your payment to the FEC at the address on page 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

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Review, 999 E Street, NW, Washington, DC 20463. Your response must be received by 2/2/2009. Your written response must include the reason(s) why you are challenging the RTB finding and/or calculated civil money penalty. The FEC will only consider challenges that are based on a factual error 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 Professionals in Advertising 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

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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", is written over a faint, circular embossed seal of the Federal Election Commission.

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 \$600 for the 2008 Pre-General 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 2/2/2009. 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: Professionals in Advertising Political Action Committee

FEC ID#: C00233353

AF#: 1945

PAYMENT DUE DATE: 2/2/2009

PAYMENT AMOUNT DUE: \$600

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AMERICAN ASSOCIATION
of ADVERTISING AGENCIES

Washington Office

FEC OFFICE OF
ADMIN REVIEW

2009 JAN 26 P 12: 27

Federal Election Commission
Office of Administrative Review
999 E St. NW
Washington, D. C. 20463

AF# 1945

To Whom It May Concern:

We have received your letter concerning the filing of the 12-Day Pre-General Report by the PROFESSIONALS IN ADVERTISING POLITICAL ACTION COMMITTEE.

As you can see from the enclosed copy, the report was filed on November 12, 2008, and accepted by the FEC under the # FEC-383443.

The report was filed late due to a fire in our offices in October, which incapacitated our computer system. I reported this to the FEC and was told to file the report as soon as the system was available.

Thus, it was filed on November 12, as you see.

Unfortunately, I did not make a record of who I called at the FEC following the fire.

I can supply a copy of the fire report and information about the computer system failure from our IT consultants, if that is needed.

Meanwhile, we ask you to review this case on the basis that the report was filed and to remove the proposed fine.

Please call me if you need any further details.

Linda Dove

On behalf of Dick O'Brien

202-349-3801 - *Temporary number due to fire relocation*
ldove@aaaa.org

DISCLOSE -- FEC Financial Disclosure Filing Acknowledgement

This is to acknowledge the receipt and acceptance of your electronic filing via the DISCLOSE protocol.

Your filing was received and accepted by our system at 11/12/2008 - 11:20:49, and was assigned the Filing ID of: FEC-383443

Please make a note of this, as it will be necessary to refer to this information in the future.

Thank you for using DISCLOSE.

Do not reply to this notice. It is sent from an unattended account that cannot receive email.

For your reference, the output of the validation check was as follows:

FEC File Validator Version 6.2.1.2

Developed for the Federal Election Commission
by NIC Technologies, 1996-2008
Portions Copyright (C) Micro Focus, 1984-1997

=== Identification Section ===

Committee ID: C00233353
Committee Name: PROFESSIONALS IN ADVERTISING POLITICAL ACTION COMMITTEE
Filing Type: F3XN
From/Through: 20081001 - 20081015

Software/Ver#: FECfile / Ver# 6.2.1.0(f22)

=== Results Section ===

>>>----> FEC data file passed validation. <----<<<

Alert: 00001 warnings and/or potential missing information encountered

=== Summary Page Totals Section ===

Cover/Summary Page Totals for Form: F3X

Line No.	Column A	Column B
6A 2008		91,301.33
6B	79,666.30	
6C	5,000.00	27,500.00

29092641422

6D	84,666.30	118,801.33
7	5.00	34,140.03
8	84,661.30	84,661.30
9	0.00	
10	0.00	
11A1	0.00	13,300.00
11A11	0.00	200.00
11A111	0.00	13,500.00
11B	0.00	0.00
11C	5,000.00	14,000.00
11D	5,000.00	27,500.00
12	0.00	0.00
13	0.00	0.00
14	0.00	0.00
15	0.00	0.00
16	0.00	0.00
17	0.00	0.00
18A	0.00	0.00
18B	0.00	0.00
18C	0.00	0.00
19	5,000.00	27,500.00
20	5,000.00	27,500.00
21A1	0.00	0.00
21A11	0.00	0.00
21B	0.00	692.77
21C	0.00	692.77
22	0.00	0.00
23	0.00	33,417.26
24	0.00	0.00
25	0.00	0.00
26	0.00	0.00
27	0.00	0.00
28A	0.00	0.00
28B	0.00	0.00
28C	0.00	0.00
28D	0.00	0.00
29	5.00	30.00
30A1	0.00	0.00
30A11	0.00	0.00
30B	0.00	0.00
30C	0.00	0.00
31	5.00	34,140.03
32	5.00	34,140.03
33	5,000.00	27,500.00
34	0.00	0.00
35	5,000.00	27,500.00
36	0.00	692.77
37	0.00	0.00
38	0.00	692.77

==== Errors & Warnings Section =====

29092641425

Validation Errors & Warnings

ERROR Messages...

No Errors

WARNING Messages...

Form{Item}: F3XN

Field Name: #013 Type of Report: Election State Code

Warning Conditionally Required field is Empty

MD5 checksum:

2d3445d35b9e0f499ba99b5cba4ea41e

29092641424

Incident Report

Washington, DC Fire & EMS Dept

2008-0130180-000

Basic

Alarm Date and Time 12:20:14 Saturday, October 4, 2008
 Arrival Time 12:24:51
 Controlled Date and Time
 Last Unit Cleared Date and Time 17:05:22 Saturday, October 4, 2008
 Response Time 0:04:37
 Priority Response Yes
 Incident Type 110 - Structure fire, other
 Aid Given or Received N - None
 Alarms 2
 Action Taken 1 86 - Investigate
 Apparatus - Suppression 32
 Property Loss \$0.00
 Contents Loss \$0.00
 Property Value \$0.00
 Contents Value \$0.00
 Detector Alerted occupants 1
 Property Use 161 - Restaurant or cafeteria
 Location Type Address
 Address 1203 19TH ST NW
 City, State Zip WASHINGTON, DC 20008

Fire

Structure Type 1 - Enclosed building
 Area of Origin 24 - Cooking area, kitchen
 Heat Source 11 - Spark, ember or flame from operating equipment
 Item First Ignited 76 - Cooking materials, including edible materials
 Type of Material 27 - Cooking oil, transformer or lubricating oil
 Cause of Ignition 2 - Unintentional
 Human Factors None
 Equipment Type 600 - Kitchen & cooking equipment, other
 Equipment Power 21 - Natural gas or other lighter than air gas
 Equipment Portability 2 - Stationary

Structure

Status 2 - Occupied and operating
 Floor of Origin 3
 Building Length 100
 Building Width 500
 Total Square Feet 50000
 Fire Spread 4 - Confined to building of origin
 Item Contributing To Spread 76 - Cooking materials, including edible materials
 Type of Material Contributing To 27 - Cooking oil, transformer or lubricating oil
 Detector Presence Yes
 Detector Type 3 - Combination smoke & heat in a single unit
 Detector Power 4 - Hardwire with battery
 Detector Operation 2 - Detector operated
 Detector Effectiveness 3 - There were no occupants
 AES Presence Yes

29092641425

Incident Report

Washington, DC Fire & EMS Dept

2008-0130180-000

Structure

AES Type	1 - Wet-pipe sprinkler
Number of Sprinklers Present	50
AES Operation	2 - System operated and was not effective

Authority

Reported By	001018 - TAYLOR, RODNEY L
	06:57:11 Sunday, October 5, 2008
Officer In Charge	- ,
Reviewer	- ,

Narratives

Narrative Name	CAD Narrative
Narrative Type	CAD Narrative
Author	- ,
Narrative Text	<p>F080130180 E Type: BLDG BUILDING ON FIRE Sub Type:</p> <p>Disp:</p> <p>E23 ON THE SCENE 3 STY ROW HEAVY SMKE FROM ROOF SIDE ATRANSFER E07 TO E16COMMAND 6 REPORTS 4 STY ORD.20 X 50 ROW HSE FIRE ON THE 3RD AND 4TH FLR. GETT ALINE ON THE FIRE ON THE 3RD C FLR. CONTI, TO HOLD ALL UNITSTRANSFER T14 TO T02COMMAND 6 REPORTS 4TH STY 20 X 50 ORD, CONST MID OF ROW SOME FIRE ON THE 2NDFLR. OPEN UP NOW . CHECK FOR EXT. CONTI. TO HOLD ALL UNITSGROUP 1 PAGE SENT FOR WFD AND 2ND ALARM, 2ND ALARM CALLBACK COMPLETECOMMAND 6 REPORTS FIRE ON 2ND AND 3RD FLR AND THE ROOF ACCT EVEN , PRIMARY ISNEG. CONIT. TO HOLD ALL UNITS FIRE UNDER CONTROLCOMMAND 6 REQ. THE HEALTH DEPTCOOMAND 6 REPORTS FIR UNDER CONTROL ACC. EVEN HOLDING E23. E16. E09, T02. T09,T04. B6. FF DEPTY I/S BUT WILL REM. ON THE SCENE , UNITS WILL GO THUR REHABEMA NOTIFIED FOR HEALTH DEPT SPOKE WITH KEVIN.....BC6 IS HOLDING E1,T2,.....COMMENTS: 4107851740 NANI/ALI BLDG BUILDING ON FIRE CD 8003563322EMS2 NO RESPONSE@1223DUPLICATE EVENT: DC : ALIAS 19 ST NW/M ST NW DC, CROSS STREET 1 = 19TH ST NW,CROSS STREET 2 = M ST NW, TYPE = BLDG BUILDING ON FIRE, CALLER NAME = VERIZONWIRELESS/MALE CALLER, CALLER PH NUMBER = 202-494-8999, CALLER ADDRESS = 1350CONNECTICUT SUITE 802 AVE NW, CALL SOURCE = ANI/ALI, ALARM LEVEL = 0DCSE SECTOR -77.0432990 +38.9042830CALLER WAS UNSURE BUT STATED SOMEONE MAYBE INSIDE..DUPLICATE EVENT:LOCATION = 19TH ST NW/M ST NW DC, CROSS STREET 1 = 19TH ST NW MST NW, CROSS STREET 2 = M ST NW, ALARM LEVEL = 0END OF DUPLICATE EVENT DATADUPLICATE EVENT:LOCATION = 19TH ST NW/M ST NW DC, CROSS STREET 1 = 19TH ST NW MST NW, CROSS STREET 2 = M ST NW, ALARM LEVEL = 0END OF DUPLICATE EVENT DATA2ND 3 OR 4 LEVEL LOOKS TOWN HOUSE ACROSS FROM WACHOVIA SMOKING FROM TOP OF BLDGREST. THAT LOOKS LIKE A TOWN HOUSEEND OF DUPLICATE EVENT DATADUPLICATE EVENT: DC, CROSS STREET 1 =</p>

29092641426

2008-0130180-000

Narratives

19TH ST NW, CROSS STREET 2 = M ST NW, TYPE= BLDG BUILDING ON FIRE, ALARM LEVEL = 0AT STARBUCKS,,,COMPL STATES REVD CALL THAT LOC WAS ON FIREEND OF DUPLICATE EVENT DATADVOP REQ. A 2ND ALRM AND STAGE 20 AND MDFCOP CANCEL THE 2ND ALARMUNITS DID NOT ANSWER I ADVISE DFCOP UNITS TO NOT ANSWERS TO CANCEL CORR. DID NOT ANSWER STRANSFER R3 TO R1...E26 TO E09TRANFER T13 TO T04COMMAND 6 REPORTS USED 2 UNITS FROM THE 2ND ALRME23 L/O 18 AND M

Narrative Name
Narrative Type
Narrative Date
Author
Author Rank
Author Assignment
Narrative Text

New Narrative

Incident

06:57:30 Sunday, October 5, 2008

001018 - TAYLOR, RODNEY L

FI

8

At 1220 hours on Saturday October 4, 2008. Thirty-two units were assigned to this incident. We arrived on scene at 1224 hours and cleared at 1705 hours. The incident occurred at 1203 19TH St NW, WASHINGTON. The general description of this property is restaurant or cafeteria. The primary task(s) performed at the scene by responding personnel was investigation. No mutual/automatic aid was given or received.

The involved structure is described as an enclosed building. The building was occupied and operating. "Cooking area, kitchen" best describes the primary use of the room or space where the fire originated. The fire occurred on the third floor. The fire was confined to building of origin. "Spark, ember or flame from operating equipment" best describes the heat source that caused the ignition. The cause of ignition was unintentional. The material first ignited was "cooking oil, transformer or lubricating oil". The use, or purpose of the material that was first ignited was "cooking materials".

The material contributing most to flame spread was "cooking oil, transformer or lubricating oil". The use, or purpose of the contributing material was "cooking materials".

The building was equipped with single unit smoke/heat detectors. The detection system was hardwired with battery backup. The detector(s) operated properly. The building was equipped with a wet-pipe sprinkler system. The system operated and was not effective. Fifty sprinkler heads were activated during the incident.

Alarm number 0130180 has been assigned to this incident.

End of Report

29092641427

2009 FEB 20 A 9: 22

January 30, 2009

Office of Administrative Review
Federal Election Commission
Washington, DC 20463

Attention: Shawn Woodhead Werth

ID Number: C00233353
AF# 1945

Dear Ms. Werth:

This is further information on the fire at 1203 19th Street which resulted in the relocation of PRO-AD PAC to temporary offices and the disruptions of PAC activities, including the filing of 12-Day Pre-General Report.

The report was filed on November 12, 2008.

Please note that previous to this time, PRO-AD PAC has had a 100% record of compliance with all FEC deadlines and information requests. This is the first and only time that that we have missed any deadline.

Attached is the Incident Report of the DC Fire Department concerning the fire. You will note that 32 units were assigned to the fire, totaling 110 different fire fighters and personnel. It was a very serious fire.

Our building is a 5 storey building. The fire began on the 1st floor and moved up through the chimney, which unfortunately is located in the center of the townhouse, meaning that all floors, including our offices on the 4th floor, were severely affected, both by fire damage and more, significantly, in our case by water and 'axe' damage.

We relocated to a temporary office and did not return to our offices at 1203 19th Street until January 21, 2009.

During this period, much of our work was performed by remote access to our computers, which meant that we had access to email only; no other documents or software. It was an extremely disorganized work situation.

2009 FEB 20 A 9: 22

Page 2

I called the FEC sometime during the week of October 21, when it was clear that we were going to have problems with our pre-election FEC filing. As noted in my earlier letter, I did not get the name of the person with whom I spoke. I told them that there had been a fire and that we were having a problem getting full use of our files and software.

I was told to keep records about the fire and file when it was possible, which I did.

For your information, here is a timeline of events surrounding the fire and their impact on our offices:

October 4, 2008	Fire at 1203 19 th Street
October 4 – October 15	No access to building due to insurance liability and unsafe conditions, including holes in floors of offices; All computer use via remote webmail. No computer access to PAC files.
October 16	Move to temporary offices at 1725 I Street; FEC software installed on temp computer which contained September Pac information but we had no access to other PAC files for October data which were located in “old” offices
October 21	Access to 1203 finally permitted; water damage to many files required significant work to make them usable
Week of October 21	Call to FEC to report fire and delay in filing due to work conditions and file access. Did not note name of person to whom I spoke unfortunately.
Week of November 4	All PAC files recovered and collated; staff members involved in election activities out of the office and thus unable to access FEC software in the office
November 12	Report filed.

Frankly, I’m sure this is more than you want to know about our fire. However, I do want to capture the chaos and difficulties that we experienced during October and November. We did not have a good recovery plan in place and our backup systems were clearly Inadequate, something we have remedied, I can assure you.

We would appreciate your understanding during this very difficult period.

29092641429

Sincerely,

A handwritten signature in cursive script that reads "Linda Dove". The signature is fluid and elegant, with the first name "Linda" and the last name "Dove" clearly distinguishable.

Linda Dove
PROFESSIONALS IN ADVERTISING
1203 19th St. NW
Washington, DC 20036

202-331-7345

29092641430

Incident Report

Washington, DC Fire & EMS Dept

2008-0130180-000

Basic

Alarm Date and Time 12:20:14 Saturday, October 4, 2008
 Arrival Time 12:24:51
 Controlled Date and Time
 Last Unit Cleared Date and Time 17:05:22 Saturday, October 4, 2008
 Response Time 0:04:37
 Priority Response Yes
 Incident Type 110 - Structure fire, other
 Aid Given or Received N - None
 Alarms 2
 Action Taken 1 86 - Investigate
 Apparatus - Suppression 32
 Property Loss \$0.00
 Contents Loss \$0.00
 Property Value \$0.00
 Contents Value \$0.00
 Detector Alerted occupants 1
 Property Use 161 - Restaurant or cafeteria
 Location Type Address
 Address 1203 19TH ST NW
 City, State Zip WASHINGTON, DC 20008

Fire

Structure Type 1 - Enclosed building
 Area of Origin 24 - Cooking area, kitchen
 Heat Source 11 - Spark, ember or flame from operating equipment
 Item First Ignited 76 - Cooking materials, including edible materials
 Type of Material 27 - Cooking oil, transformer or lubricating oil
 Cause of Ignition 2 - Unintentional
 Human Factors None
 Equipment Type 600 - Kitchen & cooking equipment, other
 Equipment Power 21 - Natural gas or other lighter than air gas
 Equipment Portability 2 - Stationary

Structure

Status 2 - Occupied and operating
 Floor of Origin 3
 Building Length 100
 Building Width 500
 Total Square Feet 50000
 Fire Spread 4 - Confined to building of origin
 Item Contributing To Spread 76 - Cooking materials, including edible materials
 Type of Material Contributing To 27 - Cooking oil, transformer or lubricating oil
 Detector Presence Yes
 Detector Type 3 - Combination smoke & heat in a single unit
 Detector Power 4 - Hardwire with battery
 Detector Operation 2 - Detector operated
 Detector Effectiveness 3 - There were no occupants
 AES Presence Yes

11/15/2008 12:22:52

Incident Report

Washington, DC Fire & EMS Dept

2008-0130180-000

Structure	
AES Type	1 - Wet-pipe sprinkler
Number of Sprinklers Present	50
AES Operation	2 - System operated and was not effective

Authority	
Reported By	001018 - TAYLOR, RODNEY L 06:57:11 Sunday, October 5, 2008
Officer In Charge	- ,
Reviewer	- ,

Narratives	
Narrative Name	CAD Narrative
Narrative Type	CAD Narrative
Author	- ,
Narrative Text	F080130180 E Type: BLDG BUILDING ON FIRE Sub Type: Disp: E23 ON THE SCENE 3 STY ROW HEAVY SMKE FROM ROOF SIDE ATRANSFER E07 TO E16COMMAND 6 REPORTS 4 STY ORD.20 X 50 ROW HSE FIRE ON THE 3RD AND 4TH FLR. GETT ALINE ON THE FIRE ON THE 3RD C FLR. CONTI, TO HOLD ALL UNITSTRANSFER T14 TO T02COMMAND 6 REPORTS 4TH STY 20 X 50 ORD, CONST MID OF ROW SOME FIRE ON THE 2NDFLR. OPEN UP NOW . CHECK FOR EXT. CONTI. TO HOLD ALL UNITSGROUP 1 PAGE SENT FOR WFD AND 2ND ALARM, 2ND ALARM CALLBACK COMPLETECOMMAND 6 REPORTS FIRE ON 2ND AND 3RD FLR AND THE ROOF ACCT EVEN , PRIMARY ISNEG. CONIT. TO HOLD ALL UNITS FIRE UNDER CONTROLCOMMAND 6 REQ. THE HEALTH DEPTCOOMAND 6 REPORTS FIR UNDER CONTROL ACC. EVEN HOLDING E23. E16. E09, T02. T09,T04. B6. FF DEPTY I/S BUT WILL REM. ON THE SCENE , UNITS WILL GO THUR REHABEMA NOTIFIED FOR HEALTH DEPT SPOKE WITH KEVIN.....BC6 IS HOLDING E1,T2,.....COMMENTS: 4107851740 NANI/ALI BLDG BUILDING ON FIRE CD 8003563322EMS2 NO RESPONSE@1223DUPLICATE EVENT: DC : ALIAS 19 ST NW/M ST NW DC, CROSS STREET 1 = 19TH ST NW,CROSS STREET 2 = M ST NW, TYPE = BLDG BUILDING ON FIRE, CALLER NAME = VERIZONWIRELESS/MALE CALLER, CALLER PH NUMBER = 202-494-8999, CALLER ADDRESS = 1350CONNECTICUT SUITE 802 AVE NW, CALL SOURCE = ANI/ALI, ALARM LEVEL = 0DCSE SECTOR -77.0432990 +38.9042830CALLER WAS UNSURE BUT STATED SOMEONE MAYBE INSIDE..DUPLICATE EVENT:LOCATION = 19TH ST NW/M ST NW DC, CROSS STREET 1 = 19TH ST NW MST NW, CROSS STREET 2 = M ST NW, ALARM LEVEL = 0END OF DUPLICATE EVENT DATADUPLICATE EVENT:LOCATION = 19TH ST NW/M ST NW DC, CROSS STREET 1 = 19TH ST NW MST NW, CROSS STREET 2 = M ST NW, ALARM LEVEL = 0END OF DUPLICATE EVENT DATA2ND 3 OR 4 LEVEL LOOKS TOWN HOUSE ACROSS FROM WACHOVIA SMOKING FROM TOP OF BLDGREST. THAT LOOKS LIKE A TOWN HOUSEEND OF DUPLICATE EVENT DATADUPLICATE EVENT: DC, CROSS STREET 1 =

2008-0130180-000

Narratives

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Narrative Name

New Narrative

Narrative Type

Incident

Narrative Date

06:57:30 Sunday, October 5, 2008

Author

001018 - TAYLOR, RODNEY L

Author Rank

FI

Author Assignment

8

Narrative Text

At 1220 hours on Saturday October 4, 2008. Thirty-two units were assigned to this incident. We arrived on scene at 1224 hours and cleared at 1705 hours. The incident occurred at 1203 19TH St NW, WASHINGTON. The general description of this property is restaurant or cafeteria. The primary task(s) performed at the scene by responding personnel was investigation. No mutual/automatic aid was given or received.

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The material contributing most to flame spread was "cooking oil, transformer or lubricating oil". The use, or purpose of the contributing material was "cooking materials".

The building was equipped with single unit smoke/heat detectors. The detection system was hardwired with battery backup. The detector(s) operated properly. The building was equipped with a wet-pipe sprinkler system. The system operated and was not effective. Fifty sprinkler heads were activated during the incident.

Alarm number 0130180 has been assigned to this incident.

End of Report

200810050641433



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Via First Class Mail

January 26, 2009

Dick O'Brien, as Treasurer
Professionals in Advertising Political Action Committee
1203 19th Street, NW, 4th Floor
Washington, DC 20036

C00233353
AF# 1945

Dear Mr. O'Brien:

On January 26, 2009 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 black ink, appearing to read "Shawn Woodhead Werth".

Shawn Woodhead Werth
Reviewing Officer
Office of Administrative Review

29092641434

Date: January 29, 2009

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

AF#: 1945

Committee Name: Professionals in Advertising Political Action Committee

Committee ID#: C00233353

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 December 23, 2008 and RTB
Certification, dated December 24, 2008: Y**

Attachment #: 1

Certified Return Receipt (Y/N): Y

Attachment #: 2

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

-Prior Notice, dated August 27, 2008.

-Non-Filer Letter, dated November 7, 2008.

-RTB Letter, dated December 29, 2008.

Attachment #: 4

Other RAD Information: (Y/N): N

Attachment#: N/A

29092641433

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:

Dick O'Brien
Professionals In Advertising Political
Action Committee
1203 19th Street, N.W., 4th Floor
Washington, DC 20036

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X☐ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

Jennifer Ekater 12/31/08

D. Is delivery address different from item 1? ☐ YesIf 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)

7008 1140 0000 9103 6914

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 Professionals in Advertising Political Action Committee:
 - A) Prior Notice, dated August 27, 2008, referencing the 2008 12 Day Pre-General Report (sent via electronic mail to: PROADPAC@AAAADC.ORG);
 - B) Non-Filer Letter, dated November 7, 2008, referencing the 2008 12 Day Pre-General Report;
 - C) Reason-to-Believe Letter, dated December 29, 2008, referencing the 2008 12 Day Pre-General Report.
3. I hereby certify that I have searched the Commission's public records and find that Professionals in Advertising Political Action Committee filed the 2008 12 Day Pre-General Report with the Commission on November 12, 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 29th day of January, 2009.



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



MONTHLY REPORT NOTICE

FEDERAL ELECTION COMMISSION

PARTIES AND PACS

August 27, 2008

MONTHLY REPORTING SCHEDULE FOR REMAINDER OF 2008

REPORTING DATES

REPORT	REPORTING PERIOD ¹	REG./CERT. & OVERNIGHT MAILING DEADLINE	FILING DEADLINE
September	08/01/08 - 08/31/08	09/20/08	09/20/08 ²
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 ²

Supplemental Filing Information is available on pages 2 and 3 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 up through the close of books for the first report due.

²Notice that this filing deadline falls on a weekend. Filing deadlines 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 the Commission's (or for committees supporting only Senate candidates, the Secretary of the Senate's) 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

As a monthly filer, you must file monthly reports in 2008. 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 the Commission 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

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

Monthly Reports filed by any other means—including first class mail 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.

Forms are available for downloading and printing 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. For additional information, see the Commission's *Statement of Policy Regarding Treasurers Subject to Enforcement Proceedings* on the web site at www.fec.gov/law/policy/2004/notice2004-20.pdf.

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 in connection with that election. This reporting requirement is in addition to the requirement to file 24-hour reports of independent expenditures each time disbursements for independent expenditures in connection with that election aggregate or exceed \$1,000 during the last 20 days—up to 24 hours—before an 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 the 2008 48- and 24-hour reporting periods for independent expenditures, consult the FEC website at www.fec.gov/info/charts_ie_dates_prez.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 providing such a notice of 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.

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



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 7, 2008

RQ-7

DICK O'BRIEN, TREASURER
PROFESSIONALS IN ADVERTISING POLITICAL ACTION COMMITTEE
1203 19TH STREET, NW 4TH FLOOR
WASHINGTON, DC 20036

IDENTIFICATION NUMBER: C00233353

REFERENCE: PRE-GENERAL REPORT 10/1/2008 - 10/15/2008

DEAR TREASURER:

IT HAS COME TO THE ATTENTION OF THE FEDERAL ELECTION COMMISSION THAT YOU MAY HAVE FAILED TO FILE THE ABOVE REFERENCED REPORT OF RECEIPTS AND EXPENDITURES AS REQUIRED BY THE FEDERAL ELECTION CAMPAIGN ACT, AS AMENDED.

IT IS IMPORTANT THAT YOU FILE THIS REPORT IMMEDIATELY WITH THE FEDERAL ELECTION COMMISSION, 999 E STREET, N.W., WASHINGTON, D.C., 20463. PLEASE NOTE THAT ELECTRONIC FILERS MUST SUBMIT THEIR REPORTS ELECTRONICALLY, AS PER 11 CFR §104.18. A COPY OF THE REPORT OR RELEVANT PORTIONS MUST ALSO BE FILED WITH THE SECRETARY OF THE STATE OR EQUIVALENT STATE OFFICER UNLESS THE STATE IS EXEMPT FROM THE FEDERAL REQUIREMENT TO RECEIVE AND MAINTAIN PAPER COPIES. YOU CAN VERIFY THE COMMISSION'S RECEIPT OF ANY DOCUMENTS SUBMITTED BY YOUR COMMITTEE ON THE FEC WEBSITE AT WWW.FEC.GOV.

THE FAILURE TO TIMELY FILE THIS REPORT MAY RESULT IN CIVIL MONEY PENALTIES, AN AUDIT OR LEGAL ENFORCEMENT ACTION. THE CIVIL MONEY PENALTY CALCULATION FOR LATE REPORTS DOES NOT INCLUDE A GRACE PERIOD AND BEGINS ON THE DAY FOLLOWING THE DUE DATE FOR THE REPORT. DUE TO HEIGHTENED SECURITY SCREENING MEASURES, DELIVERY OF MAIL BY THE US POSTAL SERVICE MAY BE DELAYED. THE COMMISSION RECOMMENDS THAT YOU SUBMIT YOUR REPORT VIA OVERNIGHT DELIVERY OR COURIER SERVICE.

IF YOU HAVE ANY QUESTIONS REGARDING THIS MATTER, PLEASE CONTACT CHRISTOPHER RITCHIE AT OUR TOLL FREE NUMBER (800)424-9530. OUR DIRECT LOCAL NUMBER IS (202)694-1130.

SINCERELY,

A handwritten signature in cursive script that reads "Patricia Carmona".

PATRICIA CARMONA
ASSISTANT STAFF DIRECTOR
REPORTS ANALYSIS DIVISION (RAD)

2803991429092641441



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

FEDERAL ELECTION COMMISSION
SECRETARIAT

2009 MAY 21 P 1:02

May 20, 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: Maureen Benitz
Reviewing Analyst

Subject: Reviewing Officer Recommendation in AF# 1945 – Professionals
in Advertising Political Action Committee and Dick O'Brien, as
Treasurer (C00233353)

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

29092641442



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 20, 2009

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

AF# 1945 – Professionals in Advertising Political Action Committee and Dick O'Brien,
as Treasurer (C00233353)

On December 24, 2008, the Commission found reason to believe ("RTB") that the respondents violated 2 U.S.C. § 434(a) for failing to file the 2008 12 Day Pre-General Report, an election sensitive report, and made a preliminary determination that the civil money penalty was \$600 based on the schedule of penalties at 11 C.F.R. § 111.43. They were notified by the Reports Analysis Division ("RAD") on December 29, 2008 of the Commission's RTB finding and civil money penalty.

Respondents' Response

On January 26, 2009, the Commission received the written response ("challenge") from Linda Dove, on behalf of the Committee's Treasurer, asking that the fine be waived. She states that the report was filed, but filed late, on November 12, 2008, due to a fire in the Committee's office. She states that she told the FEC about the fire (she does not know whom she spoke to) and was advised to file as soon as possible, which was November 12. Furthermore, she offered to provide documentation about the fire and their computer system failure if the Commission requires it. Submitted with the challenge is the FEC Financial Disclosure Filing Acknowledgement which shows the report passed validation on November 12.

At the request of the Reviewing Analyst, they supplemented their challenge with additional information about the fire. In the supplement, received on February 20, 2008, Ms. Dove further details the effects of the fire and includes a copy of the incident report of the Washington, DC Fire & EMS Department.

She provides a time line of how the fire effected their operations. The fire occurred on October 4, 2008. From October 4 to October 15, they did not have access to the building because of insurance liability and unsafe conditions. They had remote Webmail access but no computer access to PAC files. On October 16, they moved to a temporary office, and only had access to the September PAC information, as the October data for the 12 Day Pre-General Report was in the office where the fire occurred. On October 21, they were granted access to the building, but water damage to files made them unusable. During the week of October 21, she called the Commission to explain why there would be a delay in the filing, but did not obtain the name of the person she spoke with at the Commission. During the week of November 4, PAC data was recovered and collated. Additionally, staff members were out of the office involved in election activities; therefore, they were not able to file the PAC report. On November 12,

the 12 Day Pre-General Report was filed. Because of the fire, the Committee was in a temporary office until January 21, 2009.

She says that this is the first time PRO-AD PAC has missed a filing deadline and asks for the Commission's understanding during this chaotic period. She acknowledges that they did not have a good recovery plan in place and their backup systems were clearly inadequate but they have since remedied this situation.

Analysis

The 12 Day Pre-General Report was filed on November 12, 2008, 20 days late.

The Federal Election Campaign Act ("Act") states that, in lieu of filing the report due in November of any year in which a regularly scheduled general election is held, the treasurer of a political committee not authorized by a candidate shall file a 12 day pre-election report no later than the 12th day before the election. 2 U.S.C. § 434(a)(4)(B) and 11 C.F.R. § 104.5(c)(3)(ii). 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).

Based on Ms. Dove's description of what occurred, it appears that two separate events contributed to the late filing of the report on November 12: the resulting fire and water damage to the Committee's office from the October 4 fire and the inability of staff to access the FECFile software because they were involved in election activities and out of the office the week of November 4.

Under the best efforts defense, the Commission may decide that no violation occurred because the respondents demonstrated that they used their best efforts to file on time. 11 C.F.R. § 111.35(b)(3) and (c)(3). This defense is a two-part test. The first part consists of the respondents demonstrating that they were prevented from filing on time by reasonably unforeseen circumstances that were beyond their control. With respect to this defense, the Commission states in its Explanation and Justification that the respondent bears the burden of showing that the reasonably unforeseen circumstances in fact prevented the timely and proper filing of the required report. The Commission has decided that this rule requires a strict causal relationship between the circumstances described in the challenge and the respondent's inability to timely file the report. A disaster-related incident is an example of a circumstance that is considered reasonably unforeseen and beyond the respondents' control. For the second part of the test, the respondents must show that the report was properly filed within 24 hours after the resolution of the circumstances that prevented the report's timely filing.

They provide compelling evidence that the fire and water damage to the Committee's office is a reasonably unforeseen circumstance under the best efforts defense. The Incident Report as well as an October 5, 2008 Washington Post article show that there was extensive fire-related damage in the building in which the

Committee's office was located. They had no computer access to Committee files until October 16, the same day they moved to their temporary office (they stayed in the temporary office until January 2009). They installed the FECFile software on a temporary computer which had the information needed for the October Monthly Report but not the information needed for the 12 Day Pre-General Report (Commission records show they filed the October Monthly Report on October 16). They gained access to the office on October 21, and found that many files were affected by water damage and needed significant work to make them usable. They were finally able to recover and collate their PAC files the week of November 4.

The Reviewing Officer concludes that the October 4 fire which resulted in fire and water damage to the Committee's records and restricted the respondents' ability to gain access to their office constitutes reasonably unforeseen circumstances beyond their control and that they meet the first part of the best efforts test.

The second part of the test consists of them demonstrating that they filed the report no later than 24 hours after the reasonably unforeseen circumstances ended. In other words, when did these circumstances end? Ms. Dove does not provide a specific date during the week of November 4 by which they recovered and collated all Committee files. Nonetheless, they did not file the report until November 12, the Wednesday of the following week. The additional delay was not the result of the fire. It was the result of the second, unrelated event: the staff was out of the office involved in election activities and could not access the FECFile software to file the report.

The Reviewing Officer believes that the reasonably unforeseen circumstances ended during the week of November 4. Because they did not file the report within 24 hours after the resolution of the circumstances that prevented its timely filing, the Reviewing Officer concludes that they do not meet the second part of the best efforts test. Furthermore, the reason for the additional delay - the unavailability of staff - is an example of a circumstance that is not considered reasonably unforeseen and beyond the respondents' control. 11 C.F.R. § 111.35(d)(3).

With respect to the conversation Ms. Dove had with Commission staff during the week of October 21 about the fire and their inability to file the report on time, it is possible that she spoke with Information Division staff; however, they do not maintain written records of telephone conversations to protect the anonymity of callers. Phone records provided by RAD ("telecoms") do not show any telephone conversation with her until the day the report was filed - November 12. On this day, she called the Committee's RAD Analyst for help with an electronic filing question on the November Monthly Report and did not mention the fire. The Analyst explained that there was not a monthly report due on November 20 and she should have filed the 12 Day Pre-General Report. After he helped her switch the November Monthly to the Pre-General Report, he also explained how to change the FECFile settings to eliminate a false warning message.

While their challenge fails to meet the second part of the best efforts test and it appears from the RAD telecom that Ms. Dove did not know they were required to file a

12 Day Pre-General Report by October 23, the Reviewing Officer believes that the fire and water damage sustained by their office and Committee files should be taken into consideration at final determination. The respondents obtained access to all PAC records sometime during the week of November 4. Assuming they obtained and collated the records by Friday, November 7, which is the last day of the work week, the report would be considered 5 days late as it was filed on November 12. The level of activity has not changed, and remains \$5,005 as the report shows only two transactions during the 12 Day Pre-General reporting period: the receipt of a contribution and the payment of a bank fee. The civil money penalty for an election sensitive report filed 5 days late by respondents with no prior violations and using the \$5,000 - \$9,999.99 level of activity bracket equals $[\$100 + (\$10 \times 5)] \times [1 + (.25 \times 0)]$, or \$150, reduced from the \$600 RTB civil money penalty. 11 C.F.R. § 111.43(b)(2), (d) and (e).

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 \$150.

OAR Recommendations

- (1) Adopt the Reviewing Officer recommendation for AF# 1945 involving the Professionals in Advertising Political Action Committee and Dick O'Brien, as Treasurer, in making the final determination;
- (2) Make a final determination in AF# 1945 that the Professionals in Advertising Political Action Committee and Dick O'Brien, as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$150 (reduced from \$600); and
- (3) Send the appropriate letter.

Reviewing Analyst: Maureen Benitz

Attachments

Attachment 1 – Challenge Received from Respondents

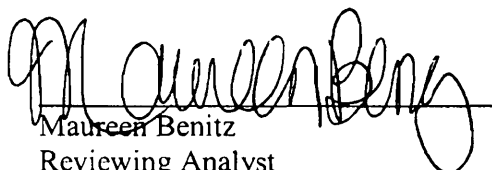
Attachment 2 – Declaration from RAD

Attachment 3 – “Fire Damages 4 Buildings Near Dupont” by Bill Turque, The Washington Post, October 2, 2008 retrieved May 10, 2009 from http://www.washingtonpost.com/wp.dyn/content/article/2008/10/04/AR2008100401898_pf.html

Attachment 4 – Declaration from OAR

DECLARATION OF MAUREEN BENITZ

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 2008 12 Day Pre-General Report is due October 23, 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 October 23 to be timely filed.
3. It is the practice of the Commission's Information Division to not to keep formal records of telephone conversations so that callers feel free to ask questions.
4. I hereby certify that I have searched the Commission's public records and that the documents identified herein are true and accurate copies of:
 - a) Page 1 of the 2008 October Monthly Report filed electronically by Professionals in Advertising Political Action Committee and Dick O'Brien, as Treasurer. According to Commission records, it was received on October 16, 2008; and
 - b) Pages 1 through 7 of the 12 Day Pre-General Report filed electronically by Professionals in Advertising Political Action Committee and Dick O'Brien, as Treasurer. According to Commission records, the report was received on November 12, 2008. Line 19 lists \$5,000.00 in receipts and Line 31 discloses \$5.00 in disbursements.
5. 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 20th of May, 2009.



Maureen Benitz
Reviewing Analyst
Office of Administrative Review
Federal Election Commission

29092641447

**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

PROFESSIONALS IN ADVERTISING POLITICAL ACTION COMMITTEE

ADDRESS (number and street)

1203 19TH STREET, NW

4TH FLOOR

Check if different
than previously
reported. (ACC)

WASHINGTON

DC

20036

2. FEC IDENTIFICATION NUMBER CITY STATE ZIPCODE

C00233353

3. IS THIS REPORT ☒ 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)

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 09 01 2008 through 09 30 2008

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 Dick O'Brien

Signature of Treasurer Electronically Filed by Dick O'Brien Date 10 16 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 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

PROFESSIONALS IN ADVERTISING POLITICAL ACTION COMMITTEE

ADDRESS (number and street)

1203 19TH STREET, NW

4TH FLOOR

Check if different
than previously
reported. (ACC)

WASHINGTON

DC

20036

2. **FEC IDENTIFICATION NUMBER** CITY STATE ZIP CODE

C00233353

3. IS THIS REPORT ☒ 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) | Jan 31 (YE) |
- (c) 12-Day PRE-Election Report for the:
- | | | | |
|------------------|-------------------------------------|---------------|--------------|
| Primary (12P) | <input checked="" type="checkbox"/> | General (12G) | Runoff (12R) |
| Convention (12C) | | Special (12G) | |
- Election on 11 04 2008 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 10 01 2008 through 10 15 2008

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 Dick O'BrienSignature of Treasurer Electronically Filed by Dick O'Brien Date 11 12 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)

SUMMARY PAGE OF RECEIPTS AND DISBURSEMENTS

FEC Form 3X (Rev. 02/2003)

Page 2

Write or Type Committee Name

PROFESSIONALS IN ADVERTISING POLITICAL ACTION COMMITTEE

Report Covering the Period: From: ^{M M} 1 0 ^{D D} 0 1 ^{Y Y W Y} 2 0 0 8 To: ^{M M} 1 0 ^{D D} 1 5 ^{Y Y Y Y} 2 0 0 8

	COLUMN A This Period	COLUMN B Calendar Year-to-Date
6. (a) Cash on Hand January 1 ^{Y Y Y Y} 2008		91301.33
(b) Cash on Hand at Beginning of Reporting Period	79666.30	
(c) Total Receipts (from Line 19)	5000.00	27500.00
(d) Subtotal (add lines 6(b) and 6(c) for Column A and Lines 6(a) and 6(c) for Column B)	84666.30	118801.33
7. Total Disbursements (from Line 31)	5.00	34140.03
8. Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d))	84661.30	84661.30
9. Debts and Obligations owed TO the committee (Itemize all on Schedule C and/or Schedule D)	0.00	
10. Debts and Obligations owed BY the committee (Itemize all on Schedule C and/or Schedule D)	0.00	

☒ This Committee has qualified as a multicandidate committee. (see FEC FORM 1M)

For further information contact:

Federal Election Commission
999 E street, NW
Washington, DC 20463

Toll Free 800-424-9530
Local 202-694-1100

DETAILED SUMMARY PAGE OF RECEIPTS

FEC Form 3X (Rev. 06/2004)

Page 3

Write or Type Committee Name

PROFESSIONALS IN ADVERTISING POLITICAL ACTION COMMITTEE

Report Covering the Period: From: ^{M M}1 0 ^{D D}0 1 ^{Y Y W Y}2 0 0 8 To: ^{M M}1 0 ^{D D}1 5 ^{Y Y Y Y}2 0 0 8

I. Receipts	COLUMN A Total This Period	COLUMN B Calendar Year-to-Date
11. Contributions (other than loans) From:		
(a) Individuals/Persons Other Than Political Committees		
(i) Itemized (use Schedule A)	0.00	13300.00
(ii) Unitemized	0.00	200.00
(iii) TOTAL (add Lines 11(a)(i) and (ii)	0.00	13500.00
(b) Political Party Committees	0.00	0.00
(c) Other Political Committees (such as PACs)	5000.00	14000.00
(d) Total Contributions (add Lines 11(a)(iii),(b) and (c)) (Carry Totals to Line 33, page 5)	5000.00	27500.00
12. Transfers From Affiliated/Other Party Committees	0.00	0.00
13. All Loans Received	0.00	0.00
14. Loan Repayments Received	0.00	0.00
15. Offsets To Operating Expenditures (Refunds, Rebates, etc.) (Carry Totals to Line 37, page 5)	0.00	0.00
16. Refunds of Contributions Made to Federal candidates and Other Political Committees	0.00	0.00
17. Other Federal Receipts (Dividends, Interest, etc.)	0.00	0.00
18. Transfers from Non-Federal and Levin Funds		
(a) Non-Federal Account (from Schedule H3)	0.00	0.00
(b) Levin Funds (from Schedule H5)	0.00	0.00
(c) Total Transfer (add 18(a) and 18(b)).	0.00	0.00
19. Total Receipts (add Lines 11(d), 12, 13, 14, 15, 16, 17, and 18(c))	5000.00	27500.00
20. Total Federal Receipts (subtract Line 18(c) from Line 19)	5000.00	27500.00

DETAILED SUMMARY PAGE of Disbursements

FEC Form 3X (Rev. 02/2003)

Page 4

II. DISBURSEMENTS		COLUMN A Total This Period	COLUMN B Calendar Year-to-Date
21. Operating Expenditures:			
(a) Shared Federal/Non-Federal Activity (from Schedule H4)			
(i) Federal Share.....	0.00	0.00	
(ii) Non-Federal Share.....	0.00	0.00	
(b) Other Federal Operating Expenditures.....	0.00	692.77	
(c) Total Operating Expenditures (add 21(a)(i), (a)(ii) and (b)).....	0.00	692.77	
22. Transfers to Affiliated/Other Party Committees.....	0.00	0.00	
23. Contributions to Federal Candidates/Committees and Other Political Committees.....	0.00	33417.26	
24. Independent Expenditure (use Schedule E).....	0.00	0.00	
25. Coordinated Expenditures Made by Party Committees (2 U.S.C. 441a(d)) (use Schedule F).....	0.00	0.00	
26. Loan Repayments Made.....	0.00	0.00	
27. Loans Made.....	0.00	0.00	
28. Refunds of Contributions To:			
(a) Individuals/Persons Other Than Political Committees.....	0.00	0.00	
(b) Political Party Committees.....	0.00	0.00	
(c) Other Political Committees (such as PACs).....	0.00	0.00	
(d) Total Contribution Refunds (add Lines 28(a), (b), and (c)).....	0.00	0.00	
29. Other Disbursements.....	5.00	30.00	
30. Federal Election Activity (2 U.S.C 431(20))			
(a) Shared Federal Election Activity (from Schedule H6)			
(i) Federal Share.....	0.00	0.00	
(ii) "Levin" Share.....	0.00	0.00	
(b) Federal Election Activity Paid Entirely With Federal Funds.....	0.00	0.00	
(c) Total Federal Election Activity (add Lines 30(a)(i), 30(a)(ii) and 30(b))....	0.00	0.00	
31. Total Disbursements (add Lines 21(c), 22, 23, 24, 25, 26, 27, 28(d), 29 and 30(c))..	5.00	34140.03	
32. Total Federal Disbursements (subtract Line 21(a)(ii) and Line 30(a)(ii) from Line 31).....	5.00	34140.03	

DETAILED SUMMARY PAGE
of Disbursements

FEC Form 3X (Rev. 02/2003)

Page 5

III. Net Contributions/Operating Expenditures	COLUMN A Total This Period	COLUMN B Calendar Year-to-Date
33. Total Contributions (other than loans) from Line 11(d), page 3)	5000.00	27500.00
34. Total Contribution Refunds (from Line 28(d))	0.00	0.00
35. Net Contributions (other than loans) (subtract Line 34 from Line 33)	5000.00	27500.00
36. Total Federal Operating Expenditures (add Line 21(a)(i) and Line 21(b)).....	0.00	692.77
37. Offsets to Operating Expenditures (from Line 15, page 3)	0.00	0.00
38. Net Operating Expenditures (subtract Line 37 from Line 36)	0.00	692.77

FE6AN026

29092641453

**SCHEDULE A (FEC Form 3X)
ITEMIZED RECEIPTS**Use separate schedule(s)
for each category of the
Detailed Summary Page

FOR LINE NUMBER: PAGE 6 / 7

(check only one)

<input type="checkbox"/> 11a	<input type="checkbox"/> 11b	<input checked="" type="checkbox"/> 11c	<input type="checkbox"/> 12
<input type="checkbox"/> 13	<input type="checkbox"/> 14	<input type="checkbox"/> 15	<input type="checkbox"/> 16
			<input type="checkbox"/> 17

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

NAME OF COMMITTEE (In Full)

PROFESSIONALS IN ADVERTISING POLITICAL ACTION COMMITTEE

A.

Full Name (Last, First, Middle Initial)

ENTERPRISE RENT-A-CAR COMPANY POLITICAL ACTION COMMITTEE

Mailing Address 600 Corporate Park Drive

City

St. Louis

State

MO

Zip Code

63105

FEC ID number of contributing
federal political committee.

C C00219642

Name of Employer

Occupation

Receipt For:

Primary

General

Other (specify) ▼

Aggregate Year-to-Date ▼

5000.00

Date of Receipt

M	M	/	D	D	/	Y	Y	Y	Y
1	0		1	3		2	0	0	8

Transaction ID: SA11C.5895

Amount of Each Receipt this Period

5000.00

SUBTOTAL of Receipts This Page (optional)

5000.00

TOTAL This Period (last page this line number only)

5000.00

**SCHEDULE B (FEC Form 3X)
ITEMIZED DISBURSEMENTS**Use separate schedule(s)
for each category of the
Detailed Summary PageFOR LINE NUMBER:
(check only one)

PAGE 7 / 7

<input type="checkbox"/> 21b	<input type="checkbox"/> 22	<input type="checkbox"/> 23	<input type="checkbox"/> 24	<input type="checkbox"/> 25	<input type="checkbox"/> 26
<input type="checkbox"/> 27	<input type="checkbox"/> 28a	<input type="checkbox"/> 28b	<input type="checkbox"/> 28c	<input checked="" type="checkbox"/> 29	<input type="checkbox"/> 30b

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee

NAME OF COMMITTEE (In Full)

PROFESSIONALS IN ADVERTISING POLITICAL ACTION COMMITTEE

A.

Full Name (Last, First, Middle Initial)

Wachovia Bank, N.A.

Transaction ID: SB29.5904

Date of Disbursement

M	M	/	D	D	/	Y	Y	Y	Y
1	0		0	9		2	0	0	8

Mailing Address NC8502
P.O. Box 563966

City Charlotte State NC Zip Code 28262-3966

Amount of Each Disbursement this Period

Purpose of Disbursement
commercial bank fee

5.00

Candidate Name

Category/
TypeOffice Sought: House
Senate
PresidentDisbursement For:
Primary General
Other (specify) ▼

State: District:

SUBTOTAL of Disbursements This Page (optional) ►

5.00

TOTAL This Period (last page this line number only) ►

5.00



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

VIA OVERNIGHT DELIVERY

May 27, 2009

Dick O'Brien, as Treasurer
Professionals in Advertising Political Action Committee
1203 19th Street, NW, 4th Floor
Washington, DC 20036

C00233353
AF# 1945

Dear Mr. O'Brien:

On December 24, 2008, the Federal Election Commission ("Commission") found reason to believe ("RTB") that the Professionals in Advertising Political Action Committee and you, as Treasurer ("respondents"), violated 2 U.S.C. § 434(a) for failing to file the 2008 12 Day Pre-General Report. The Commission also made a preliminary determination that the civil money penalty was \$600 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 black ink, appearing to read "Maureen Benitz", is written over the typed name.

Maureen Benitz
Reviewing Analyst
Office of Administrative Review

Attachment

29092641456



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

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FEDERAL ELECTION
COMMISSION
SECRETARIAT


2009 JUN 30 P 2:00


June 30, 2009

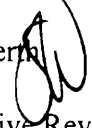
MEMORANDUM


SENSITIVE

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: Maureen Benitz 
Reviewing Analyst

Subject: Final Determination Recommendation in AF# 1945 – Professionals
in Advertising Political Action Committee and Dick O'Brien, as
Treasurer (C00233353)

On December 24, 2008, the Commission found reason to believe ("RTB") that the respondents violated 2 U.S.C. § 434(a) for failing to file the 2008 12 Day Pre-General Report, an election sensitive report. The Commission also made a preliminary determination that the civil money penalty was \$600 based on the schedule of penalties at 11 C.F.R. § 111.43.

On January 26, 2009, the Commission received the respondents' written response ("challenge"). After reviewing the challenge, the Reviewing Officer's recommendation dated May 20, 2009 was forwarded to the Commission, a copy was sent to the respondents, and is hereby incorporated by reference. The Reviewing Officer believed that the fire and water damage sustained by their office and Committee files should be taken into consideration at final determination. The respondents obtained access to all PAC records sometime during the week of November 4. Assuming they obtained and collated the records by Friday, November 7, which is the last day of the work week, the report would be considered 5 days late as it was filed on November 12. The level of activity has not changed, and remains \$5,005 as the report shows only two transactions during the 12 Day Pre-General reporting period: the receipt of a contribution and the payment of a bank fee.

The civil money penalty for an election sensitive report filed 5 days late by respondents with no prior violations and using the \$5,000 - \$9,999.99 level of activity bracket equals $[\$100 + (\$10 \times 5)] \times [1 + (.25 \times 0)]$, or \$150, reduced from the \$600 RTB civil money penalty. 11 C.F.R. § 111.43(b)(2), (d) and (e). Therefore, the Reviewing Officer recommended that the Commission make a final determination that the respondents violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$150.

Within 10 days of transmittal of the recommendation, the respondents may file a written response with the Commission Secretary which may not raise any arguments not raised in the respondents' challenge or not directly responsive to the Reviewing Officer's recommendation. 11 C.F.R. § 111.36(f). On June 16, 2009, the Commission received the \$150 payment for the civil money penalty recommended by the Reviewing Officer.

OAR Recommendations

- (1) Adopt the Reviewing Officer recommendation for AF# 1945 involving the Professionals in Advertising Political Action Committee and Dick O'Brien, as Treasurer, in making the final determination;
- (2) Make a final determination in AF# 1945 that the Professionals in Advertising Political Action Committee and Dick O'Brien, as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$150 (reduced from \$600); and
- (3) Send the appropriate letter.

Attachment

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Final Determination Recommendation:) AF 1945
Professionals in Advertising Political)
Action Committee and Dick O'Brien, as)
Treasurer (C00233353))

CERTIFICATION

I, Mary W. Dove, Secretary of the Federal Election Commission, do hereby
certify that on July 09, 2009, the Commission decided by a vote of 5-1 to take the
following actions in AF 1945:

1. Adopt the Reviewing Officer recommendation for AF 1945 involving the Professionals in Advertising Political Action Committee and Dick O'Brien, as Treasurer, in making the final determination.
2. Make a final determination in AF 1945 that the Professionals in Advertising Political Action Committee and Dick O'Brien, as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$150 (reduced from \$600).
3. Send the appropriate letter.

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

Attest:

July 9, 2009
Date

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

29092641459



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 16, 2009

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Dick O'Brien, as Treasurer
Professionals in Advertising Political Action Committee
1203 19th Street, NW, 4th Floor
Washington, DC 20036

C00233353
AF# 1945

Dear Mr. O'Brien:

On December 24, 2008, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that the Professionals in Advertising Political Action Committee and you, as Treasurer, violated 2 U.S.C. § 434(a) for failing to file the 2008 12 Day Pre-General Report, an election sensitive report. By letter dated December 29, 2008, the Commission sent you notification of the RTB finding that included a civil money penalty calculated at RTB of \$600 in accordance with the schedule of penalties at 11 C.F.R. § 111.43. On January 26, 2009, the Office of Administrative Review received the written response from Ms. Linda Dove, on your behalf, 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 reduce the RTB civil money penalty because of the fire and water damage sustained by your office, make a final determination that the Professionals in Advertising Political Action Committee and you, as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty in the amount of \$150 (reduced from \$600) 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 May 27, 2009.

On June 16, 2009, the Commission received the \$150 civil money penalty payment.

On July 9, 2009, the Commission adopted the Reviewing Officer's recommendation, made a final determination that the Professionals in Advertising Political Action Committee, and you, as Treasurer, violated 2 U.S.C. § 434(a) and assessed a civil money penalty of \$150 (reduced from the RTB civil money penalty of \$600). A copy of the final determination recommendation 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.

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

On behalf of the Commission,

A handwritten signature in cursive script, appearing to read "Steven T. Walther".

Steven T. Walther
Chairman

Attachment

29092641461

29092641462



QUALITY IS OUR PRIORITY FOR LOCKBOX 9058
SEQ# 001 \$ 0000015000 BA# 1 06-15-09 20 9



PROFESSIONALS IN ADVERTISING POLITICAL ACTION COMMITTEE 1203 18TH ST NW 4TH FLOOR WASHINGTON, DC 20036		1333
Date <u>June 9, 2009</u>		15-122/540 BRANCH 97702
Pay to the Order of	Federal Election Commission	\$ 150.00
One hundred and fifty and 00/100		Dollars
FIRST UNION First Union National Bank firstunion.com Orig. 052 R/T 054001220	<i>[Signature]</i> <i>Linda M. Dore</i>	
For <i>AF # 1945</i>		



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 1945

DATE SCANNED 8-17-09

SCANNER NO. 2

SCAN OPERATOR Jm D

29092641463