

THIS IS THE BEGINNING OF ADMINSTRATIVE FINE CASE
212

DATE FILMED 11/28/01 CAMERA NO. 4

CAMERAMAN SES

2001-11-28 15:00

**WESTERN
UNION**

CONFIRMATION OF MAILGRAM TO: ALAN J DEAN
CHICAGO BOARD OF OPTIONS EXCHANGE INC PA
400 S LASALLE ST
CHICAGO IL 60605-1090

JOHN MUCKLE-REPORT ANALYSIS DIV.
FEDERAL ELECTION COMMISSION
999 E ST NW
WASHINGTON DC 20463

NOVEMBER 15, 2000

IDENTIFICATION NUMBER: C00100693

REFERENCE: 12 DAY PRE-GENERAL REPORT (10/01/2000 - 10/18/2000)

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. YOU WERE PREVIOUSLY NOTIFIED OF THE DUE DATE FOR THIS REPORT.

IT IS IMPORTANT THAT YOU FILE THIS REPORT IMMEDIATELY WITH THE FEDERAL ELECTION COMMISSION, 999 E STREET, N.W., WASHINGTON, D.C., 20463. A COPY OF THE REPORT OR RELEVANT PORTIONS SHOULD ALSO BE FILED WITH THE SECRETARY OF STATE OR EQUIVALENT STATE OFFICER, UNLESS THE STATE IS EXEMPT FROM THE FEDERAL REQUIREMENT TO RECEIVE AND MAINTAIN PAPER COPIES.

ALTHOUGH THE COMMISSION MAY INITIATE AN AUDIT OR LEGAL ENFORCEMENT ACTION CONCERNING THIS MATTER, YOUR PROMPT RESPONSE AND A LETTER OF EXPLANATION WILL BE TAKEN INTO CONSIDERATION.

IF YOU HAVE ANY QUESTIONS REGARDING THIS MATTER, PLEASE CONTACT NEIL A. EVANS ON OUR TOLL FREE NUMBER (800)424-9530. OUR LOCAL NUMBER IS (202)694-1130.

SINCERELY,

JOHN D. GIBSON
ASSISTANT STAFF DIRECTOR
REPORTS ANALYSIS DIVISION

20036493683



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 13, 2000

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2000 DEC 14 A 10:20

SENSITIVE

MEMORANDUM

TO: THE COMMISSION

THROUGH: JAMES A. PEHRKON
STAFF DIRECTOR

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

SUBJECT: REASON TO BELIEVE RECOMMENDATION -
12 DAY PRE-GENERAL REPORT FOR THE
ADMINISTRATIVE FINES PROGRAM

Attached is a list of political committees and their treasurers who failed to file or timely file the 2000 12 Day Pre-General Report in accordance with 2 U.S.C. 434(a). The list is comprised of unauthorized committees that file monthly and authorized committees whose candidates sought election in the November 7th General Election. The filing of the 12 Day Pre-General Report is mandatory in both cases. On October 2, 2000, Prior Notice was sent to the political committees and their treasurers, informing them that the report was due on October 26, 2000 and should cover the period from October 1, 2000 through October 18, 2000.

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 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 included on the attached list.

The list includes committees that have been assessed a previous violation under the administrative fines program. The committees are: Richard Pombo for Congress (AF #182), Noble Willingham for Congress (AF #202)

All

committees paid the fine.
letters on October 16, 2000

committees were sent final determination

At the executive session discussion held on December 5, 2000, the Commission directed RAD to come forward with a recommendation regarding the equitable assessment of previous violations. Until the Commission can review and adopt a uniform method of assessing previous violations, we recommend the Commission not consider the previous violations for the committees listed above. If approved, the civil money penalty for Richard Pombo for Congress would be reduced to \$1,650 from \$2,063, for Noble Willingham for Congress it would be reduced to \$2,000 from \$2,500

For your information, nine (9) unauthorized committees filed 2000 November Monthly Reports in lieu of the 12 Day Pre-General Report. Since the coverage dates for the November Monthly Report (10/1/00 - 10/18/00) extend beyond that required for the 12 Day Pre-General Report (10/1/00 - 10/18/00) by thirteen days, RAD used 58% of the total financial activity of the November Monthly Report to calculate the proposed civil money penalty. For your convenience, the nine committees are footnoted on the attached list.

Please note that RAD has made a similar adjustment in the case of Hutchins for Congress (AF #185). This committee filed an October Quarterly Report covering the period 7/16/00 - 10/15/00 on October 24, 2000. Thus, the disclosure of the first 15 days of the 12 Day Pre-General Report (10/1/00 - 10/15/00) was timely. The remaining three days of the reporting period, however, was not disclosed until November 1, 2000. Therefore, RAD calculated the proposed civil money penalty based on a three-day estimated level of activity.

Additionally, there were several instances where committees filed both the November Monthly Report and 12 Day Pre-General Report. Where the November Monthly Report was filed before the 12 Day Pre-General, we used the receipt date of the November Monthly (in order to reflect the earliest disclosure) and the level of activity of the 12 Day Pre-General Report.

As stated at the outset, this RTB circulation only includes unauthorized committees filing monthly reports and authorized committees supporting candidates who were in the general election. An unauthorized committee that files on a quarterly basis must file the 12 Day Pre-General Report only if it makes a contribution to, or an expenditure on behalf of, a candidate in the general election between the dates of October 1, 2000 and October 18, 2000, inclusive. The

universe of quarterly filers required to file this report cannot be determined with any certainty until we are able to review the activity disclosed in the 30 Day Post-General Report submitted by quarterly filers. Once this research is completed, we will circulate the RTB recommendations for the failure to file or failure to timely file the 12 Day Pre-General Report by unauthorized quarterly filers.

Recommendation

- (1) Find reason to believe that the political committees and their treasurers (except for those indentified in recommendation 2 below) 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) Find reason to believe that Richard Pombo for Congress and Randall Pombo, Treasurer (AF #182), Noble Willingham for Congress and Dawn Marie Theure, Treasurer (AF #202)
violated 2 U.S.C. 434(a)
and make a preliminary determination that the civil money penalties for these committees be reduced to \$1,650, \$2,000 respectively, to eliminate the "previous violation" weighting factor.
- (3) Send the appropriate letter.

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FEDERAL ELECTION COMMISSION 1999-2000
Reason to Believe Circulation Report
2000 12 DAY PRE-GENERAL

AF #	COMMITTEE NAME	COMMITTEE ID	TREASURER	RECEIPT DATE	LEVEL OF ACTIVITY	THRESHOLD AMOUNT	STATE	CANDIDATE NAME	SENSITIVE	PREVIOUS VIOLATIONS	CIVIL MONEY PENALTY
AF0182	RICHARD POMBO FOR CONGRESS	C00261370	RANDALL POMBO	11/01/2000	\$114,423	\$801,529	CA	POMBO, RICHARD	Yes	1	\$2,063
AF0184	LAWLER 2000 COMMITTEE	C00350611	PAUL CRESPI	11/02/2000	\$22,128	\$122,018	MA	LAWLER, PHILIP F	Yes	0	\$325
AF0185	HUTCHINS FOR CONGRESS	C00354191	BRUCE E RAFFER	11/01/2000	\$2,442 (est)	\$123,132	MD	HUTCHINS, THOMAS ELLSWORTH	Yes	0	\$300
AF0186	PAUL RAPPAPORT FOR U S SENATE	C00353201	SUSAN M GRAHAM	11/01/2000	\$28,409	\$225,644	MD	RAPPAPORT, PAUL HARRY	Yes	0	\$600
AF0187	DUNN LAMPTON FOR CONGRESS	C00353607	WAYNE HUTCHISON	11/02/2000	\$77,327	\$806,360	MS	LAMPTON, DUNNICA OH	Yes	0	\$1,300
AF0188	DORSO FOR CONGRESS COMMITTEE	C00349464	JOHN T KORSMO	11/01/2000	\$106,319	\$762,531	ND	DORSO, JOHN	Yes	0	\$1,650
AF0189	FRIENDS OF MIKE FORBES	C00294306	ANNE MOROH	11/02/2000	\$41,164	\$2,509,768	NY	FORBES, MICHAEL P	Yes	0	\$650
AF0190	LARRY GRAHAM FOR CONGRESS	C00348052	RICHARD LASTER	11/01/2000	\$83,852	\$701,716	NY	GRAHAM, LARRY	Yes	0	\$1,200
AF0191	GREENE FOR CONGRESS 2000 CAMPAIGN COMMITTEE	C00347054	LYNN HAMBRICK	11/01/2000	\$8,488	\$136,998	TX	GREENE, MARK	Yes	0	\$300

21 09 25 14 13 44

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FEDERAL ELECTION COMMISSION 1999-2000
Reason to Believe Circulation Report
2000 12 DAY PRE-GENERAL

AF #	COMMITTEE NAME		STATE	CANDIDATE NAME		THRESHOLD AMOUNT	LEVEL OF ACTIVITY	PREVIOUS VIOLATIONS	CIVIL MONEY PENALTY
	COMMITTEE ID	RECEIPT DATE		SENSITIVE	PREVIOUS VIOLATIONS				
AF0192	CLINESMITH FOR CONGRESS		TX	CLINESMITH, CURTIS E	0	\$538,619	\$51,818	0	\$975
	C00350769	11/02/2000		Yes					
AF0193	SISISKY FOR CONGRESS		VA	SISISKY, NORMAN	0	\$289,017	\$16,785	0	\$325
	C00153478	11/02/2000		Yes					
AF0194	CARROLL 2000		HI	CARROLL, JOHN STANLEY	0	\$204,660	\$9,213	0	\$1,000
	C00358135	11/08/2000		Yes					
AF0195	WYNN FOR CONGRESS		MD	WYNN, ALBERT R	0	\$938,961	\$107,549	0	\$5,000
	C00253377	11/13/2000		Yes					
AF0196	EVA CLAYTON COMMITTEE FOR CONGRESS		NC	CLAYTON, EVA MCPHERSON	0	\$414,534	\$82,906 (est)	0	\$4,000
	C00257543	Not Filed		Yes					
AF0197	"FRIENDS OF DAVID BISHOP"		NY	BISHOP, DAVID A	0	\$727,848	\$9,314	0	\$1,000
	C00356675	11/03/2000		Yes					
AF0199	PRYCE FOR CONGRESS		OH	PRYCE, DEBORAH D	0	\$983,102	\$185,589	0	\$6,000
	C00265850	11/03/2000		Yes					
AF0200	TRAFICANT FOR CONGRESS		OH	TRAFICANT, JAMES A	0	\$440,153	\$65,348	0	\$3,000
	C00183244	11/03/2000		Yes					
AF0201	DEMINT FOR CONGRESS COMMITTEE		SC	DEMINT, JAMES WARREN	0	\$572,267	\$3,220	0	\$1,000
	C00326314	11/06/2000		Yes					

(1) Defined as not filed.

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FEDERAL ELECTION COMMISSION 1999-2000
Reason to Believe Circulation Report
2000 12 DAY PRE-GENERAL

AF #	COMMITTEE NAME	COMMITTEE ID	TREASURER	RECEIPT DATE	LEVEL OF ACTIVITY	THRESHOLD AMOUNT	STATE	CANDIDATE NAME	SENSITIVE	PREVIOUS VIOLATIONS	CIVIL MONEY PENALTY
AF0202	NOBLE WILLINGHAM FOR CONGRESS	CO0347468	DAWN MARIE THEURE	Not Filed (1)	\$26,502	\$314,561	TX	WILLINGHAM, NOBLE	Yes	1	\$2,500
AF0203	GARZA FOR CONGRESS COMMITTEE	CO0348078	RICARDO E CAUDERON	Not Filed (1)	\$33,405	\$444,645	TX	GARZA, ISIDRO JR	Yes	0	\$2,000
AF0204	AMERICAN ASSOCIATION OF AIRPORT EXECUTIVES GOOD GOVERNMENT COMMITTEE	CO0176727	CHARLES M BARGLEY	Not Filed (1)	\$500	\$111,738	VA	Yes	Yes	0	\$325
AF0205	BAKERY, CONFECTIONERY, TOBACCO WORKERS GRAIN MILLERS INTL UN (BCT MD)	CO0127621	DAVID B DURKEE	Not Filed (1)	\$34,521	\$389,986	MD	Yes	Yes	0	\$650
AF0206	CSX CORPORATION GOOD GOVERNMENT FUND	CO0163832	ALEM WOLDEHAWARIAT	Not Filed (1)	\$37,313	\$422,451	DC	Yes	Yes	0	\$600
AF0207	FPL PAC, FLORIDA POWER & LIGHT CO. EMPLOYERS' POLITICAL ACTION CO	CO0054774	T L WINDER	Not Filed (1)	\$69,720	\$726,955	FL	Yes	Yes	0	\$900
AF0208	"NORTEL NETWORKS INC POLITICAL ACTION COMMITTEE"	CO0167627	MARK D LOFTIS	Not Filed (1)	\$5,160 (est)	\$281,486	TN	Yes	Yes	0	\$1,000
AF0209	AMERICAN HOTEL MOTEL POLITICAL ACTION COMMITTEE	CO0001198	JOORI JEON	Not Filed (1)	\$68,520	\$778,243	DC	Yes	Yes	0	\$3,000
AF0210	CABLE & WIRELESS USA INC POLITICAL ACTION COMMITTEE (C & W USA PA VA)	CO0344846	CATHY SLESINGER	Not Filed (1)	\$4,508	\$151,631	VA	Yes	Yes	0	\$1,000
AF0211	CENTRAL AND SOUTH WEST SERVICES INC POLITICAL ACTION COMMITTEE	CO0083089	ROGER MURPHREE	Not Filed (1)	\$3,241	\$334,650	TX	Yes	Yes	0	\$1,000

(1) Defined as not filed

(2) Filed November Monthly Report in lieu of 12 Day Pre-General Report.

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FEDERAL ELECTION COMMISSION 1999-2000
Reason to Believe Circulation Report
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AP #	COMMITTEE NAME	COMMITTEE ID	RECEIPT DATE	THESAURER	DAYS LATE	LEVEL OF ACTIVITY	THRESHOLD AMOUNT	STATE	CANDIDATE NAME	SENSITIVE	PREVIOUS VIOLATIONS	CIVIL MONEY PENALTY
AF0212	CHICAGO BOARD OF OPTIONS EXCHANGE INC PAC							IL				
		C00100691	12/01/2000	ALAN J DEAN	Not Filed (1)	\$83,500	\$934,189		Yes		0	\$4,000
AF0213	CIRCUIT CITY STORES INC POLITICAL ACTION COMMITTEE (CIRCUIT CITY							VA				
		C00296632	11/17/2000	W STEPHEN CANNON	Not Filed (1)	\$1,000	\$187,394		Yes		0	\$1,000
AF0214	COMMITTEE FOR THE PRESERVATION OF CAPITALISM							VA				
		C00328468	11/24/2000	BRUCE GATES	Not Filed (1) (2)	\$85,740 (est)	\$1,387,523		Yes		0	\$4,000
AF0215	COUNTRYWIDE CREDIT INDUSTRIES INC PAC (COUNTRYWIDE PAC)							TX				
		C00282731	11/08/2000	SIDNEY LENZ	Not Filed (1) (2)	\$8,567 (est)	\$285,328		Yes		0	\$1,000
AF0216	DRUMMOND COMPANY INC POLITICAL ACTION COMMITTEE (DPAC) (FKA ALABA							AL				
		C00160630	11/16/2000	JOHN P STILLWELL	Not Filed (1)	\$1,750	\$171,687		Yes		0	\$1,000
AF0217	ERNST & YOUNG POLITICAL ACTION COMMITTEE							DC				
		C00227744	11/17/2000	ALLEN W URBAN	Not Filed (1)	\$31,661	\$2,689,048		Yes		0	\$2,000
AF0218	EXXON MOBIL CORPORATION POLITICAL ACTION COMMITTEE (EXXONMOBIL PA							TX				
		C00121368	11/14/2000	KAREN M KRESTA	Not Filed (1) (2)	\$256,071 (est)	\$1,512,437		Yes		0	\$9,000
AF0220	FIRST HEALTH GROUP CORP (FHGPAC)							IL				
		C00217216		JOSEPH E WHITERS	Not Filed	\$35,036 (est)	\$350,362		Yes		0	\$2,000
AF0221	INSTITUTE OF SCRAP RECYCLING INDUSTRIES POLITICAL ACTION COMMITTEE							DC				
		C00046086	11/14/2000	ROBIN WIENER	Not Filed (1)	\$6,515	\$222,289		Yes		0	\$1,000

(1) Defined as not filed.

(2) Filed November Monthly Report in lieu of 12 Day Pre-General Report.

21 09 254 0317

DATE 12/12/2000
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FEDERAL ELECTION COMMISSION 1999-2000
Reason to Believe Circulation Report
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AF #	COMMITTEE NAME	COMMITTEE ID	RECEIPT DATE	COMMITTEE TREASURER	LEVEL OF ACTIVITY	THRESHOLD AMOUNT	STATE	CANDIDATE NAME	SENSITIVE	PREVIOUS VIOLATIONS	CIVIL MONEY PENALTY
AF0222	NATIONAL ASSOCIATION OF PROFESSIONAL INSURANCE AGENTS POLITICAL A	VA									
	C00004994			SHEILA M GREENWOOD	\$14,345	\$426,884		Yes	0		\$1,000
	11/15/2000			Not Filed (1)							
AF0223	NATIONAL BEER WHOLESALERS' ASSOCIATION POLITICAL ACTION COMMITTEE	VA									
	C00144766			DAVID K REHR	\$123,678 (est)	\$3,891,657		Yes	0		\$5,000
	11/10/2000			Not Filed (1) (2)							
AF0224	NATIONAL COMMUNITY PHARMACISTS ASSOCIATION POLITICAL ACTION COMMITTEE	VA									
	C00030809			MARK W LAPPEN	\$15,615 (est)	\$254,573		Yes	0		\$1,000
	11/17/2000			Not Filed (1) (2)							
AF0225	NATIONAL FISHERIES INSTITUTE FISHERIES POLITICAL ACTION COMMITTEE	VA									
	C00101204			MR RICHARD E GUTTING JR	\$15,645	\$160,606		Yes	0		\$1,000
	11/20/2000			Not Filed (1)							
AF0226	OSTEOPATHIC POLITICAL ACTION COMMITTEE	DC									
	C00113803			DR ROBERT GEORGE	\$30,198	\$889,515		Yes	0		\$2,000
	11/14/2000			Not Filed (1)							
AF0227	POLITICAL ACTION COMMITTEE OF THE INTERNATIONAL ALLIANCE OF THEAT	NY									
	C00344325			MICHAEL W PROSCIA	\$1,294	\$221,209		Yes	0		\$1,000
	11/16/2000			Not Filed (1)							
AF0228	RELIANT ENERGY ENTEX (RELIANT ENERGY RESOURCES CORP) CITIZENSHIP	TX									
	C00333534			ROBERT W CLAUDE	\$10,648	\$181,776		Yes	0		\$1,000
	11/08/2000			Not Filed (1)							
AF0229	SECURITIES INDUSTRY ASSOCIATION POLITICAL ACTION COMMITTEE	DC									
	C00067504			J STEVEN JUDGE	\$8,742	\$397,600		Yes	0		\$1,000
	11/21/2000			Not Filed (1)							
AF0231	TITLE-INDUSTRY POLITICAL ACTION COMMITTEE	DC									
	C00012914			JAMES R MAHER	\$9,845	\$484,117		Yes	0		\$1,000
	11/09/2000			Not Filed (1)							

(1) Defined as not filed.

(2) Filed November Monthly Report in lieu of 12 Day Pre-General Report.

21.09.2004.03.18

DATE 12/12/2000
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FEDERAL ELECTION COMMISSION 1999-2000
Reason to Believe Circulation Report
2000 12 DAY PRE-GENERAL

AF #	COMMITTEE NAME	COMMITTEE ID	RECEIPT DATE	THRESHOLD AMOUNT	STATE	CANDIDATE NAME	SENSITIVE	PREVIOUS VIOLATIONS	CIVIL MONEY PENALTY
AF0232	TRANSPORT WORKERS UNION - LOCAL 100 POLITICAL CONTRIBUTIONS	COMM1 NY							
	DENNIS CALHOUN			\$2,570,800			Yes	0	\$4,000
	Not Filed (1) (2)			\$79,357 (est)					
AF0233	TRINITY INDUSTRIES EMPLOYEE POLITICAL ACTION COMMITTEE (SF)	TX					Yes	0	\$2,000
	MIKE MASON (1)			\$305,304					
	Not Filed			\$33,654					
AF0234	UNITED STATES TELECOM ASSOCIATION POLITICAL ACTION COMMITTEE (UST)	DC					Yes	0	\$2,000
	LISA M COSTELLO			\$394,526					
	Not Filed (1)			\$31,888					
AF0235	VOLUNTEER PAC	TN					Yes	0	\$1,000
	LINUS CATIGNANI			\$499,787					
	Not Filed (1)			\$17,193					
AF0236	REPUBLICAN PARTY OF MINNESOTA	MN					Yes	0	\$16,000
	RON CAREY (1) (2)			\$20,469,035					
	Not Filed			\$4,266,914 (est)					

(1) Defined as not filed.

(2) Filed November Monthly Report in lieu of 12 Day Pre-General Report.



FEDERAL ELECTION COMMISSION
Washington, DC 20463

SENSITIVE

DATE & TIME OF TRANSMITTAL: Thursday, December 14, 2000 11:00

BALLOT DEADLINE: Tuesday, December 19, 2000 4:00

COMMISSIONER: MASON, McDONALD, SANDSTROM, SMITH, THOMAS, WOLD

SUBJECT: Reason To Believe Recommendation -
12 Day Pre-General Report For The
The Administrative Fines Program.

() I approve the recommendation(s)

() I approve the recommendations except those following
to which I object (please insert AF#)

() I approve the recommendations except those following
in which I abstain (please insert AF#)

() I approve the recommendations except those following
in which I am recused (please insert AF#)

A definite vote is required. All ballots must be signed and dated. Please return
ONLY THE BALLOT to the Commission Secretary. Please return ballot no later
than date and time shown above.

DATE: _____

SIGNATURE: _____

FROM THE OFFICE OF THE SECRETARY OF THE COMMISSION

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Reason to Believe Recommendation)
12 Day Pre-General Report for the)
Administrative Fines Program:)
)
RICHARD POMBO FOR CONGRESS, and) AF# 182
RANDALL POMBO as treasurer;)

LAWLER 2000 COMMITTEE, and PAUL CRESPI) AF# 184
as treasurer;)
HUTCHINS FOR CONGRESS, and BRUCE E) AF# 185
RAFER as treasurer;)
PAUL RAPPAPORT FOR U S SENATE, and) AF# 186
SUSAN M GRAHAM as treasurer;)
DUNN LAMPTON FOR CONGRESS, and WAYNE) AF# 187
HUTCHISON as treasurer;)
DORSO FOR CONGRESS COMMITTEE, and JOHN) AF# 188
T KORSMO as treasurer;)
FRIENDS OF MIKE FORBES, and ANNE MOROH) AF# 189
as treasurer;)
LARRY GRAHAM FOR CONGRESS, and RICHARD) AF# 190
LASTER as treasurer;)
GREENE FOR CONGRESS 2000 CAMPAIGN) AF# 191
COMMITTEE, and LYNN HAMBRICK as)
treasurer;)
CLINESMITH FOR CONGRESS, and KARL) AF# 192
LYNCH as treasurer;)
SISISKY FOR CONGRESS, and MARK B.) AF# 193
SISISKY as treasurer;)
CARROLL 2000, and BRIAN K YOMONO as) AF# 194
treasurer;)
WYNN FOR CONGRESS, and ALBERT WYNN as) AF# 195
treasurer;)
EVA CLAYTON COMMITTEE FOR CONGRESS,) AF# 196
and PATSY T HARGROVE as treasurer;)
"FRIENDS OF DAVID BISHOP", and GARSON) AF# 197
K GOLDSTEIN as treasurer;)

Federal Election Commission
Certification for Administrative Fines
December 19, 2000

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PRYCE FOR CONGRESS, and ROBERT J PECK) AF# 199
as treasurer;)
TRAFICANT FOR CONGRESS, and ROBERT W) AF# 200
BARLOW as treasurer;)
DEMINT FOR CONGRESS COMMITTEE, and) AF# 201
DELL BAKER as treasurer;)
NOBLE WILLINGHAM FOR CONGRESS, and) AF# 202
DAWN MARIE THEURE as treasurer;)
GARZA FOR CONGRESS COMMITTEE, and) AF# 203
RICARDO E CALDERON as treasurer;)
AMERICAN ASSOCIATION OF AIRPORT) AF# 204
EXECUTIVES GOOD GOVERNMENT COMMITTEE,)
and CHARLES M BARCLAY as treasurer;)
BAKERY, CONFECTIONERY, TOBACCO WORKERS) AF# 205
GRAIN MILLERS INTL UN (BCTGM), and)
DAVID B DURKEE as treasurer;)
CSX CORPORATION GOOD GOVERNMENT FUND,) AF# 206
and ALEM WOLDEHAWARIAT as treasurer;)
FPL PAC, FLORIDA POWER & LIGHT CO.) AF# 207
EMPLOYEES' POLITICAL ACTION COMMITTEE,)
and T L WINDER as treasurer;)
"NORTEL NETWORKS INC POLITICAL ACTION) AF# 208
COMMITTEE", and MARK D LOFTIS as)
treasurer;)
AMERICAN HOTEL MOTEL POLITICAL ACTION) AF# 209
COMMITTEE, and JOORI JEON as)
treasurer;)
CABLE & WIRELESS USA INC POLITICAL) AF# 210
ACTION COMMITTEE (C & W USA PAC), and)
CATHY SLESINGER as treasurer;)
CENTRAL AND SOUTH WEST SERVICES INC) AF# 211
POLITICAL ACTION COMMITTEE, and ROGER)
MURPHREE as treasurer;)
CHICAGO BOARD OF OPTIONS EXCHANGE INC) AF# 212
PAC, and ALAN J DEAN as treasurer;)
CIRCUIT CITY STORES INC POLITICAL) AF# 213
ACTION COMMITTEE (CIRCUIT CITY PAC),)
and W STEPHEN CANNON as treasurer;)
COMMITTEE FOR THE PRESERVATION OF) AF# 214
CAPITALISM, and BRUCE GATES as)
treasurer;)

Federal Election Commission
Certification for Administrative Fines
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COUNTRYWIDE CREDIT INDUSTRIES INC PAC)	AF# 215
(COUNTRYWIDE PAC), and SIDNEY LENZ as)	
treasurer;)	
DRUMMOND COMPANY INC POLITICAL ACTION	)	AF# 216
COMMITTEE (DPAC) (FKA ALABAMA)	
BY-PRODUCTS PAC), and JOHN P STILWELL)	
as treasurer;)	
ERNST & YOUNG POLITICAL ACTION	)	AF# 217
COMMITTEE, and ALLEN W URBAN as)	
treasurer;)	
EXXON MOBIL CORPORATION POLITICAL	)	AF# 218
ACTION COMMITTEE (EXXONMOBIL PAC), and)	
KAREN M KRESTA as treasurer;)	
FIRST HEALTH GROUP CORP (FHGPAC), and	)	AF# 220
JOSEPH E WHITTERS as treasurer;)	
INSTITUTE OF SCRAP RECYCLING	)	AF# 221
INDUSTRIES POLITICAL ACTION COMMITTEE,)	
and ROBIN WIENER as treasurer;)	
NATIONAL ASSOCIATION OF PROFESSIONAL	)	AF# 222
INSURANCE AGENTS POLITICAL ACTION)	
COMMITTEE;THE, and SHEILA M GREENWOOD)	
as treasurer;)	
NATIONAL BEER WHOLESALERS' ASSOCIATION	)	AF# 223
POLITICAL ACTION COMMITTEE (NBWA PAC),)	
and DAVID K REHR as treasurer;)	
NATIONAL COMMUNITY PHARMACISTS	)	AF# 224
ASSOCIATION POLITICAL ACTION COMMITTEE)	
AKA NCPAPAC, and MARK W LAPPEN as)	
treasurer;)	
NATIONAL FISHERIES INSTITUTE FISHERIES	)	AF# 225
POLITICAL ACTION COMMITTEE (FISHPAC),)	
and MR RICHARD E GUTTING JR as)	
treasurer;)	
OSTEOPATHIC POLITICAL ACTION	)	AF# 226
COMMITTEE, and DR ROBERT GEORGE as)	
treasurer;)	
POLITICAL ACTION COMMITTEE OF THE)	AF# 227

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INTERNATIONAL ALLIANCE OF THEATRICAL)
STAGE EMPLOYEES, and MICHAEL W PROSCIA)
as treasurer;)
RELIANT ENERGY ENTEX (RELIANT ENERGY) AF# 228
RESOURCES CORP) CITIZENSHIP)
RESPONSIBILITY GROUP, and ROBERT W)
CLAUDE as treasurer;)
SECURITIES INDUSTRY ASSOCIATION) AF# 229
POLITICAL ACTION COMMITTEE, and J)
STEVEN JUDGE as treasurer;)

TITLE INDUSTRY POLITICAL ACTION) AF# 231
COMMITTEE, and JAMES R MAHER as)
treasurer;)
TRANSPORT WORKERS UNION - LOCAL 100) AF# 232
POLITICAL CONTRIBUTIONS COMMITTEE, and)
DENNIS CALHOUN as treasurer;)
TRINITY INDUSTRIES EMPLOYEE POLITICAL) AF# 233
ACTION COMMITTEE (SF) INC, and MIKE)
MASON as treasurer;)
UNITED STATES TELECOM ASSOCIATION) AF# 234
POLITICAL ACTION COMMITTEE (USTAPAC),)
and LISA M COSTELLO as treasurer;)
VOLUNTEER PAC, and LINUS CATIGNANI as) AF# 235
treasurer;)
REPUBLICAN PARTY OF MINNESOTA, and RON) AF# 236
CAREY as treasurer;)

CERTIFICATION

I, Mary W. Dove, Acting Secretary for the Federal Election Commission, do hereby certify that on December 19, 2000 the Commission took the following actions on the Reason to Believe Recommendations for the 12 Day Pre-General Report for the Administrative Fines Program, as recommended in the Reports Analysis Division's Memorandum dated December 13, 2000, on the following committees:

AF# 182: Decided by a vote of 6-0 to: (1) find reason to believe that RICHARD POMBO FOR CONGRESS, and RANDALL POMBO as treasurer, violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty be reduced to \$1,650 to eliminate the "previous violation" weighting factor; (2) send the appropriate letter. Commissioners Mason, McDonald, Sandstrom, Smith, Thomas, and Wold voted affirmatively for the decision.

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AF# 184: Decided by a vote of 6-0 to: (1) find reason to believe that LAWLER 2000 COMMITTEE, and PAUL CRESPI 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 Mason, McDonald, Sandstrom, Smith, Thomas, and Wold voted affirmatively for the decision.

AF# 185: Decided by a vote of 6-0 to: (1) find reason to believe that HUTCHINS FOR CONGRESS, and BRUCE E RAFFER 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 Mason, McDonald, Sandstrom, Smith, Thomas, and Wold voted affirmatively for the decision.

AF# 186: Decided by a vote of 6-0 to: (1) find reason to believe that PAUL RAPPAPORT FOR U S SENATE, and SUSAN M GRAHAM 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 Mason, McDonald, Sandstrom, Smith, Thomas, and Wold voted affirmatively for the decision.

AF# 187: Decided by a vote of 6-0 to: (1) find reason to believe that DUNN LAMPTON FOR CONGRESS, and WAYNE HUTCHISON 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 Mason, McDonald, Sandstrom, Smith, Thomas, and Wold voted affirmatively for the decision.

AF# 188: Decided by a vote of 6-0 to: (1) find reason to believe that DORSO FOR CONGRESS COMMITTEE, and JOHN T KORSMO 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 Mason, McDonald, Sandstrom, Smith, Thomas, and Wold voted affirmatively for the decision.

AF# 189: Decided by a vote of 6-0 to: (1) find reason to believe that FRIENDS OF MIKE FORBES, and ANNE MOROH 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 Mason, McDonald, Sandstrom, Smith, Thomas, and Wold voted affirmatively for the decision.

AF# 190: Decided by a vote of 6-0 to: (1) find reason to believe that LARRY GRAHAM FOR CONGRESS, and RICHARD LASTER 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 Mason, McDonald, Sandstrom, Smith, Thomas, and Wold voted affirmatively for the decision.

AF# 191: Decided by a vote of 6-0 to: (1) find reason to believe that GREENE FOR CONGRESS 2000 CAMPAIGN COMMITTEE, and LYNN HAMBRICK 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 Mason, McDonald, Sandstrom, Smith, Thomas, and Wold voted affirmatively for the decision.

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AF# 192: Decided by a vote of 6-0 to: (1) find reason to believe that CLINESMITH FOR CONGRESS, and KARL LYNCH 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 Mason, McDonald, Sandstrom, Smith, Thomas, and Wold voted affirmatively for the decision.

AF# 193: Decided by a vote of 6-0 to: (1) find reason to believe that SISISKY FOR CONGRESS, and MARK B. SISISKY 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 Mason, McDonald, Sandstrom, Smith, Thomas, and Wold voted affirmatively for the decision.

AF# 194: Decided by a vote of 6-0 to: (1) find reason to believe that CARROLL 2000, and BRIAN K YOMONO 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 Mason, McDonald, Sandstrom, Smith, Thomas, and Wold voted affirmatively for the decision.

AF# 195: Decided by a vote of 6-0 to: (1) find reason to believe that WYNN FOR CONGRESS, and ALBERT WYNN 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 Mason, McDonald, Sandstrom, Smith, Thomas, and Wold voted affirmatively for the decision.

AF# 196: Decided by a vote of 6-0 to: (1) find reason to believe that EVA CLAYTON COMMITTEE FOR CONGRESS, and PATSY T HARGROVE 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 Mason, McDonald, Sandstrom, Smith, Thomas, and Wold voted affirmatively for the decision.

AF# 197: Decided by a vote of 6-0 to: (1) find reason to believe that "FRIENDS OF DAVID BISHOP", and GARSON K GOLDSTEIN 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 Mason, McDonald, Sandstrom, Smith, Thomas, and Wold voted affirmatively for the decision.

AF# 199: Decided by a vote of 6-0 to: (1) find reason to believe that PRYCE FOR CONGRESS, and ROBERT J PECK 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 Mason, McDonald, Sandstrom, Smith, Thomas, and Wold voted affirmatively for the decision.

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AF# 200: Decided by a vote of 6-0 to: (1) find reason to believe that TRAFICANT FOR CONGRESS, and ROBERT W BARLOW 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 Mason, McDonald, Sandstrom, Smith, Thomas, and Wold voted affirmatively for the decision.

AF# 201: Decided by a vote of 6-0 to: (1) find reason to believe that DEMINT FOR CONGRESS COMMITTEE, and DELL BAKER 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 Mason, McDonald, Sandstrom, Smith, Thomas, and Wold voted affirmatively for the decision.

AF# 202: Decided by a vote of 6-0 to: (1) find reason to believe that NOBLE WILLINGHAM FOR CONGRESS, and DAWN MARIE THEURE as treasurer, violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty be reduced to \$2,000 to eliminate the "previous violation" weighting factor; (2) send the appropriate letter. Commissioners Mason, McDonald, Sandstrom, Smith, Thomas, and Wold voted affirmatively for the decision.

AF# 203: Decided by a vote of 6-0 to: (1) find reason to believe that GARZA FOR CONGRESS COMMITTEE, and RICARDO E CALDERON 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 Mason, McDonald, Sandstrom, Smith, Thomas, and Wold voted affirmatively for the decision.

AF# 204: Decided by a vote of 6-0 to: (1) find reason to believe that AMERICAN ASSOCIATION OF AIRPORT EXECUTIVES GOOD GOVERNMENT COMMITTEE; and CHARLES M BARCLAY 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 Mason, McDonald, Sandstrom, Smith, Thomas, and Wold voted affirmatively for the decision.

AF# 205: Decided by a vote of 6-0 to: (1) find reason to believe that BAKERY, CONFECTIONERY, TOBACCO WORKERS GRAIN MILLERS INTL UN (BCTGM), and DAVID B DURKEE 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 Mason, McDonald, Sandstrom, Smith, Thomas, and Wold voted affirmatively for the decision.

AF# 206: Decided by a vote of 6-0 to: (1) find reason to believe that CSX CORPORATION GOOD GOVERNMENT FUND, and ALEM WOLDEHAWARIAT 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 Mason, McDonald, Sandstrom, Smith, Thomas, and Wold voted affirmatively for the decision.

AF# 207: Decided by a vote of 6-0 to: (1) find reason to believe that FPL PAC, FLORIDA POWER & LIGHT CO. EMPLOYEES' POLITICAL ACTION COMMITTEE, and T L WINDER 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 Mason, McDonald, Sandstrom, Smith, Thomas, and Wold voted affirmatively for the decision.

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AF# 208: Decided by a vote of 6-0 to: (1) find reason to believe that "NORTEL NETWORKS INC POLITICAL ACTION COMMITTEE", and MARK D LOFTIS 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 Mason, McDonald, Sandstrom, Smith, Thomas, and Wold voted affirmatively for the decision.

AF# 209: Decided by a vote of 6-0 to: (1) find reason to believe that AMERICAN HOTEL MOTEL POLITICAL ACTION COMMITTEE, and JOORI JEON 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 Mason, McDonald, Sandstrom, Smith, Thomas, and Wold voted affirmatively for the decision.

AF# 210: Decided by a vote of 6-0 to: (1) find reason to believe that CABLE & WIRELESS USA INC POLITICAL ACTION COMMITTEE (C & W USA PAC), and CATHY SLESINGER 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 Mason, McDonald, Sandstrom, Smith, Thomas, and Wold voted affirmatively for the decision.

AF# 211: Decided by a vote of 6-0 to: (1) find reason to believe that CENTRAL AND SOUTH WEST SERVICES INC POLITICAL ACTION COMMITTEE, and ROGER MURPHREE 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 Mason, McDonald, Sandstrom, Smith, Thomas, and Wold voted affirmatively for the decision.

AF# 212: Decided by a vote of 6-0 to: (1) find reason to believe that CHICAGO BOARD OF OPTIONS EXCHANGE INC PAC, and ALAN J DEAN 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 Mason, McDonald, Sandstrom, Smith, Thomas, and Wold voted affirmatively for the decision.

AF# 213: Decided by a vote of 6-0 to: (1) find reason to believe that CIRCUIT CITY STORES INC POLITICAL ACTION COMMITTEE (CIRCUIT CITY PAC), and W STEPHEN CANNON 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 Mason, McDonald, Sandstrom, Smith, Thomas, and Wold voted affirmatively for the decision.

AF# 214: Decided by a vote of 6-0 to: (1) find reason to believe that COMMITTEE FOR THE PRESERVATION OF CAPITALISM, and BRUCE GATES 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 Mason, McDonald, Sandstrom, Smith, Thomas, and Wold voted affirmatively for the decision.

AF# 215: Decided by a vote of 6-0 to: (1) find reason to believe that COUNTRYWIDE CREDIT INDUSTRIES INC PAC (COUNTRYWIDE PAC), and SIDNEY LENZ as treasurer, violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money

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penalty would be the amount indicated on the report;
(2) send the appropriate letter. Commissioners
Mason, McDonald, Sandstrom, Smith, Thomas, and Wold
voted affirmatively for the decision.

AF# 216: Decided by a vote of 6-0 to: (1) find
reason to believe that DRUMMOND COMPANY INC
POLITICAL ACTION COMMITTEE (DPAC) (FKA ALABAMA
BY-PRODUCTS PAC), and JOHN P STILWELL 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 Mason, McDonald,
Sandstrom, Smith, Thomas, and Wold voted
affirmatively for the decision.

AF# 217: Decided by a vote of 6-0 to: (1) find
reason to believe that ERNST & YOUNG POLITICAL
ACTION COMMITTEE, and ALLEN W URBAN 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 Mason, McDonald,
Sandstrom, Smith, Thomas, and Wold voted
affirmatively for the decision.

AF# 218: Decided by a vote of 6-0 to: (1) find
reason to believe that EXXON MOBIL CORPORATION
POLITICAL ACTION COMMITTEE (EXXONMOBIL PAC), and
KAREN M KRESTA 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 Mason, McDonald, Sandstrom, Smith,
Thomas, and Wold voted affirmatively for the
decision.

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AF# 220: Decided by a vote of 6-0 to: (1) find reason to believe that FIRST HEALTH GROUP CORP (FHGPAC), and JOSEPH E WHITTERS 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 Mason, McDonald, Sandstrom, Smith, Thomas, and Wold voted affirmatively for the decision.

AF# 221: Decided by a vote of 6-0 to: (1) find reason to believe that INSTITUTE OF SCRAP RECYCLING INDUSTRIES POLITICAL ACTION COMMITTEE, and ROBIN WIENER 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 Mason, McDonald, Sandstrom, Smith, Thomas, and Wold voted affirmatively for the decision.

AF# 222: Decided by a vote of 6-0 to: (1) find reason to believe that NATIONAL ASSOCIATION OF PROFESSIONAL INSURANCE AGENTS POLITICAL ACTION COMMITTEE;THE, and SHEILA M GREENWOOD 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 Mason, McDonald, Sandstrom, Smith, Thomas, and Wold voted affirmatively for the decision.

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AF# 223: Decided by a vote of 6-0 to: (1) find reason to believe that NATIONAL BEER WHOLESALERS' ASSOCIATION POLITICAL ACTION COMMITTEE (NBWA PAC), and DAVID K REHR 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 Mason, McDonald, Sandstrom, Smith, Thomas, and Wold voted affirmatively for the decision.

AF# 224: Decided by a vote of 6-0 to: (1) find reason to believe that NATIONAL COMMUNITY PHARMACISTS ASSOCIATION POLITICAL ACTION COMMITTEE AKA NCPAPAC, and MARK W LAPPEN 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 Mason, McDonald, Sandstrom, Smith, Thomas, and Wold voted affirmatively for the decision.

AF# 225: Decided by a vote of 6-0 to: (1) find reason to believe that NATIONAL FISHERIES INSTITUTE FISHERIES POLITICAL ACTION COMMITTEE (FISHPAC), and MR RICHARD E GUTTING 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 Mason, McDonald, Sandstrom, Smith, Thomas, and Wold voted affirmatively for the decision.

AF# 226: Decided by a vote of 6-0 to: (1) find reason to believe that OSTEOPATHIC POLITICAL ACTION COMMITTEE, and DR ROBERT 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.

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Commissioners Mason, McDonald, Sandstrom, Smith, Thomas, and Wold voted affirmatively for the decision.

AF# 227: Decided by a vote of 6-0 to: (1) find reason to believe that POLITICAL ACTION COMMITTEE OF THE INTERNATIONAL ALLIANCE OF THEATRICAL STAGE EMPLOYEES, and MICHAEL W PROSCIA 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 Mason, McDonald, Sandstrom, Smith, Thomas, and Wold voted affirmatively for the decision.

AF# 228: Decided by a vote of 6-0 to: (1) find reason to believe that RELIANT ENERGY ENTEX (RELIANT ENERGY RESOURCES CORP) CITIZENSHIP RESPONSIBILITY GROUP, and ROBERT W CLAUDE 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 Mason, McDonald, Sandstrom, Smith, Thomas, and Wold voted affirmatively for the decision.

AF# 229: Decided by a vote of 6-0 to: (1) find reason to believe that SECURITIES INDUSTRY ASSOCIATION POLITICAL ACTION COMMITTEE, and J STEVEN JUDGE 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 Mason, McDonald, Sandstrom, Smith, Thomas, and Wold voted affirmatively for the decision.

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AF# 231: Decided by a vote of 6-0 to: (1) find reason to believe that TITLE INDUSTRY POLITICAL ACTION COMMITTEE, and JAMES R MAHER 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 Mason, McDonald, Sandstrom, Smith, Thomas, and Wold voted affirmatively for the decision.

AF# 232: Decided by a vote of 6-0 to: (1) find reason to believe that TRANSPORT WORKERS UNION - LOCAL 100 POLITICAL CONTRIBUTIONS COMMITTEE, and DENNIS CALHOUN 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 Mason, McDonald, Sandstrom, Smith, Thomas, and Wold voted affirmatively for the decision.

AF# 233: Decided by a vote of 6-0 to: (1) find reason to believe that TRINITY INDUSTRIES EMPLOYEE POLITICAL ACTION COMMITTEE (SF) INC, and MIKE MASON 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 Mason, McDonald, Sandstrom, Smith, Thomas, and Wold voted affirmatively for the decision.

AF# 234: Decided by a vote of 6-0 to: (1) find reason to believe that UNITED STATES TELECOM ASSOCIATION POLITICAL ACTION COMMITTEE (USTAPAC), and LISA M COSTELLO as treasurer, violated 2 U.S.C. 434(a) and make a preliminary determination that the

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civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Mason, McDonald, Sandstrom, Smith, Thomas, and Wold voted affirmatively for the decision.

AF# 235: Decided by a vote of 6-0 to: (1) find reason to believe that VOLUNTEER PAC, and LINUS CATIGNANI 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 Mason, McDonald, Sandstrom, Smith, Thomas, and Wold voted affirmatively for the decision.

AF# 236: Decided by a vote of 6-0 to: (1) find reason to believe that REPUBLICAN PARTY OF MINNESOTA, and RON CAREY 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 Mason, McDonald, Sandstrom, Smith, Thomas, and Wold voted affirmatively for the decision.

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Attest:

December 20, 2000
Date

Darlene Harris
for Mary W. Dove
Acting Deputy Secretary
of the Commission

Received in the Secretariat: Thurs., Dec. 14, 2000 10:20 a.m.
Circulated to the Commission: Thurs., Dec. 14, 2000 11:00 a.m.
Deadline for vote: Tues., Dec. 19, 2000 4:00 p.m.

**WESTERN
UNION**

CONFIRMATION OF CMGM

WESTERN UNION COMMERCIAL SERVICES
TO: ALAN J DEAN
CHICAGO BOARD OF OPTIONS EXCHANGE PAC
400 S LASALLE ST
CHICAGO IL 60605-1090

FEDERAL ELECTION COMMISSION
LEAH PALMER
999 E ST NW # 709
WASHINGTON DC 20463

DECEMBER 21, 2000

ALAN J DEAN
CHICAGO BOARD OF OPTIONS EXCHANGE PAC
400 SOUTH LASALLE
CHICAGO IL 60605

C00100693
AF#: 212

DEAR ALAN J DEAN:

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 LIEU OF FILING THE REPORT OTHERWISE DUE IN NOVEMBER OF ANY YEAR IN WHICH A REGULARLY SCHEDULED GENERAL ELECTION IS HELD. THIS REPORT, COVERING THE PERIOD THROUGH OCTOBER 18, 2000, SHALL BE FILED NO LATER THAN OCTOBER 26, 2000. 2 U.S.C. 434(A). YOU WERE PREVIOUSLY NOTIFIED OF THE DUE DATE FOR THE REPORT. RECORDS AT THE COMMISSION INDICATE THAT THIS REPORT WAS NOT FILED PRIOR TO FOUR (4) DAYS BEFORE THE GENERAL ELECTION HELD ON NOVEMBER 7, 2000. YOU SHOULD FILE THE 12 DAY PRE-GENERAL REPORT IF YOU HAVE NOT ALREADY DONE SO.

THE ACT WAS FURTHER AMENDED IN 1999 TO PERMIT THE FEDERAL ELECTION COMMISSION ("THE COMMISSION") 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 12/19/2000, THE COMMISSION FOUND THAT THERE IS REASON TO BELIEVE ("RTB") THAT CHICAGO BOARD OF OPTIONS EXCHANGE PAC AND YOU, AS TREASURER, VIOLATED 2 U.S.C. 434(A) BY FAILING TO FILE TIMELY THIS REPORT ON OR BEFORE OCTOBER 26, 2000. BASED ON THE COMMISSION'S SCHEDULES OF CIVIL MONEY PENALTIES AT 11 CFR 111.43, THE AMOUNT OF YOUR CIVIL MONEY PENALTY CALCULATED AT RTB IS \$4000.00. IT IS DUE BY 01/28/2001 AND IS BASED ON THESE FACTORS:

ELECTION SENSITIVITY OF REPORT: ELECTION SENSITIVE
LEVEL OF ACTIVITY*: \$83500
NUMBER OF DAYS LATE: NOT FILED
NUMBER OF PREVIOUS CIVIL MONEY PENALTIES ASSESSED: 0

**WESTERN
UNION****WESTERN UNION COMMERCIAL SERVICES**

*IF THE REPORT WAS NOT RECEIVED, THE LEVEL OF ACTIVITY WAS ESTIMATED USING TOTAL RECEIPTS AND DISBURSEMENTS FOR THE CURRENT 2-YEAR ELECTION CYCLE (OR PRIOR CYCLE, IF NO REPORTS WERE FILED THIS CYCLE) DIVIDED BY THE NUMBER OF REPORTS FILED.

TO PAY THE CALCULATED CIVIL MONEY PENALTY

TO PAY THE CALCULATED CIVIL MONEY PENALTY, SEND THE ENCLOSED REMITTANCE AND YOUR PAYMENT TO THE COMMISSION AT THE ADDRESS ON PAGE 3. UPON RECEIPT OF YOUR PAYMENT, THE COMMISSION 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 TO THE COMMISSION'S OFFICE OF ADMINISTRATIVE REVIEW, 999 E STREET, NW, WASHINGTON, DC 20463. YOUR RESPONSE MUST BE RECEIVED BY 01/28/2001. YOUR WRITTEN RESPONSE MUST INCLUDE THE REASON(S) WHY YOU ARE CHALLENGING THE RTB FINDING AND/OR CALCULATED CIVIL MONEY PENALTY. THE COMMISSION WILL ONLY CONSIDER CHALLENGES THAT ARE BASED ON A FACTUAL ERROR, MISCALCULATION OF THE CALCULATED CIVIL MONEY PENALTY BY THE COMMISSION, OR THE EXISTENCE OF EXTRAORDINARY CIRCUMSTANCES THAT PERSISTED FOR MORE THAN 48 HOURS THAT WERE BEYOND YOUR CONTROL AND PREVENTED YOU FROM FILING THE REPORT IN A TIMELY MANNER. YOUR RESPONSE MUST INCLUDE THE FACTUAL BASIS SUPPORTING THE REASON(S) AND SUPPORTING DOCUMENTATION. THE COMMISSION STRONGLY ENCOURAGES THAT DOCUMENTS BE SUBMITTED IN THE FORM OF AFFIDAVITS OR DECLARATIONS. EXTRAORDINARY CIRCUMSTANCES THAT WILL NOT BE CONSIDERED INCLUDE, BUT ARE NOT LIMITED TO, NEGLIGENCE, PROBLEMS WITH VENDORS OR CONTRACTORS, STAFF ILLNESS, COMPUTER FAILURES AND SIMILAR CIRCUMSTANCES. 11 CFR 111.35(B)(1)(III) AND (4).

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 COMMISSION WILL ASSUME THAT THE PRECEDING FACTUAL ALLEGATIONS ARE TRUE AND MAKE A FINAL DETERMINATION THAT CHICAGO BOARD OF OPTIONS EXCHANGE PAC 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 COMMISSION 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 CFR 111.45.

THIS MATTER WAS GENERATED BASED ON INFORMATION ASCERTAINED BY THE COMMISSION 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) UNLESS

**WESTERN
UNION**

WESTERN UNION COMMERCIAL SERVICES

YOU NOTIFY THE COMMISSION IN WRITING THAT YOU WISH THE MATTER TO BE MADE PUBLIC.

ADDITIONAL INFORMATION ON THE COMMISSION'S ADMINISTRATIVE FINE PROGRAM, INCLUDING THE FINAL REGULATIONS, IS LOCATED AT THE COMMISSION'S WEBSITE AT WWW.FEC.GOV. IF YOU HAVE QUESTIONS REGARDING THE PAYMENT OF THE CALCULATED CIVIL MONEY PENALTY, PLEASE CONTACT JOHN G. MUCKLE IN THE REPORTS ANALYSIS DIVISION AT OUR TOLL FREE NUMBER (800)424-9530 (PRESS 1, THEN PRESS 2) 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,

DARRYL WOLD
CHAIRMAN

* * * * *
ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS

IN ACCORDANCE WITH THE SCHEDULE OF PENALTIES AT 11 CFR 111.43, THE AMOUNT OF YOUR CIVIL MONEY PENALTY CALCULATED AT RTB IS \$4000.00 FOR THE 2000 12 DAY 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 952182
ST. LOUIS, MO 63195-2182

IF YOU CHOOSE TO SEND YOUR REMITTANCE AND PAYMENT BY COURIER OR OVERNIGHT DELIVERY, PLEASE USE THIS ADDRESS:
FIRSTAR - GOVERNMENT LOCKBOX
FEC #952182
1005 CONVENTION PLAZA
ST. LOUIS, MO 63101

THE REMITTANCE AND YOUR PAYMENT ARE DUE BY 01/28/2001. UPON RECEIPT OF YOUR REMITTANCE AND PAYMENT, THE COMMISSION WILL SEND YOU A FINAL DETERMINATION LETTER.

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: CHICAGO BOARD OF OPTIONS EXCHANGE PAC

FEC ID#: C00100693

AF#: 212

PAYMENT DUE DATE: 01/28/2001

PAYMENT AMOUNT DUE: \$4000.00



Stanley E. Leimer
Assistant Controller

Phone: 312 786-7299
Fax: 312 786-7409
leimer@cboe.com

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

January 22, 2001

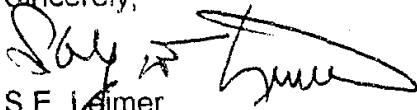
Dear Sirs:

This letter is in response to the Commission's letter to Alan J. Dean, dated December 21, 2000, indicating that our 12-Day Pre-General Report of Receipts and Disbursements had not been filed. I reviewed the FEC website noting that this Report was filed on December 1, 2000. Under Federal Election Commission reporting guidelines, it had been my understanding that the Report would have been considered filed. I spoke with Shawn Werth on January 8, 2001. She explained the difference in non-election and election sensitive reports, and in particular the required filing date for the above-mentioned Report. Ms. Werth noted that this Report is considered an election sensitive Report and should have been filed four days prior to the General Election held on November 7, 2000. I am responsible for reviewing the accuracy and timeliness of our reporting. Only after my review did I become aware that the filing date had been accelerated for this Report.

Additionally, the individual responsible for preparing the monthly reports was delayed in filing the 12-Day Pre-General Report because she had been amending prior months' reports, including the October Monthly Report, as requested by Commission staff.

I would ask that you considering the above extraordinary events and abate the \$4,000.00 civil penalty assessed to us. You may contact me at 312-786-7299 should you have any further questions.

Sincerely,


S.E. Leimer

cc: Alan J. Dean (CBOE)



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Via First Class Mail

January 26, 2001

Alan Dean, Treasurer
Chicago Board of Options Exchange Inc. PAC
400 South LaSalle
Chicago, IL 60605

AF# 212
ID# C00100693

Dear Mr. Dean:

On December 19, 2000, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that the Chicago Board of Options Exchange Inc. PAC and you, as Treasurer, violated 2 U.S.C. § 434(a) with respect to the 2000 12 Day Pre-General Report.

On January 25, 2001, 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 me 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 "Jennifer H. Boyd".

Jennifer H. Boyd
Reviewing Analyst
Office Of Administrative Review

Date: January 29, 2001

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

AF#: 212

Committee Name: Chicago Board of Options Exchange Inc. PAC

Committee ID#: C00100693

Committee Address (if different than in RTB mailgram) :

Treasurer Name (if different than in RTB finding):

Attachments:

Copy of RTB Report - Attachment #: 1

Copy of Redacted RTB Circulation Report - Attachment # : 2

Copy of RTB Mailgram - Attachment # : See Declaration

Certified Return Receipt (to be forwarded at later date if not yet received) -

Attachment #: N/A

Other Reports (Redacted if Necessary) Used for RTB Review -

Attachment # : N/A

Telecons and Visitcons in Response to RTB Mailgram (Y/N): N

Attachment # : N/A

Original Correspondence Received by RAD in Response to

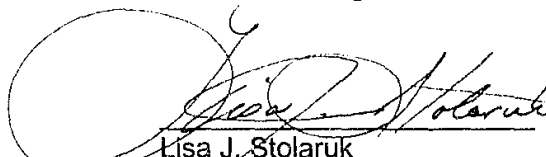
RTB Mailgram (Y/N): N

Attachment # : N/A

RAD Staff Declaration - Attachment # : 3

DECLARATION OF LISA J. STOLARUK

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 research conducted with regard to 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 the Chicago Board of Options Exchange Inc. Political Action Committee:
 - A) Prior Notice dated October 2, 2000 referencing the 2000 12 Day Pre-General Report;
 - B) Non-Filer Mailgram dated November 15, 2000 referencing the 2000 12 Day Pre-General Report;
 - C) Reason-to-Believe Mailgram dated December 21, 2000 referencing the 2000 12 Day Pre-General Report.
3. I hereby certify that I have searched the Commission's public records and find that the Chicago Board of Options Exchange Inc. Political Action Committee filed the 2000 12 Day Pre-General Report with the Commission on December 1, 2000.
4. 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, D.C. on the 29th day of January, 2001.



Lisa J. Stolaruk
Chief, Compliance Branch
Reports Analysis Division
Federal Election Commission

GENERAL ELECTION REPORT NOTICE

FEDERAL ELECTION COMMISSION

PARTIES AND PACS

October 2, 2000

I. ALL MONTHLY FILERS

REPORT	REPORTING PERIOD ¹	REG./CERT. MAILING DATE ²	FILING DATE
Pre-General	10/01/00 - 10/18/00	10/23/00	10/26/00
Post-General	10/19/00 - 11/27/00	12/07/00	12/07/00

II. QUARTERLY FILERS THAT MAKE GENERAL ELECTION CONTRIBUTIONS OR EXPENDITURES FROM OCTOBER 1 THROUGH OCTOBER 18

REPORT	REPORTING PERIOD ¹	REG./CERT. MAILING DATE ²	FILING DATE
Pre-General	10/01/00 - 10/18/00	10/23/00	10/26/00
Post-General	10/19/00 - 11/27/00	12/07/00	12/07/00

III. QUARTERLY FILERS THAT DO NOT MAKE GENERAL ELECTION CONTRIBUTIONS OR EXPENDITURES FROM OCTOBER 1 THROUGH OCTOBER 18³

REPORT	REPORTING PERIOD ¹	REG./CERT. MAILING DATE ²	FILING DATE
Post-General	10/01/00 - 11/27/00	12/07/00	12/07/00

WHO MUST FILE

Party Committees and PACs must follow the above charts in order to determine whether they must file a report 12 days before the general election on November 7 (the Pre-General Report). All Party Committees and PACs, regardless of financial activity, must file a report 30 days after the general election (the Post-General Election Report).

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.

²Reports sent by registered or certified mail must be postmarked by the mailing date; otherwise, they must be received by the filing date.

³Committees that made general election contributions or expenditures before October 1 and did not previously report them must also follow Chart II.

(over)

24 HOUR REPORT ON INDEPENDENT EXPENDITURES

Any Party Committee or PAC that makes independent expenditures aggregating \$1,000 or more during the period beginning October 19 and ending November 5 must report them within 24 hours. This report is *not* required when a Party Committee or PAC makes a contribution directly to a candidate.

LABEL

Committees should affix the peel-off label from the envelope to line 1 of the report. Corrections should be made on the label.

ELECTRONIC FILING

Political committees have the option of filing electronically. If you are interested in this option, review the enclosed handout entitled "Electronic Filing," and call the Data Division at (800) 424-9530 or (202) 694-1306.

COMPLIANCE

- Treasurers of political committees are responsible for both the timeliness and the accuracy of all reports. They may be subject to enforcement action if reports are inaccurate or are not filed on time.
- Beginning with the July 2000 reports, the Federal Election Commission implemented a **new administrative fine program**. Under this program, political committees that fail to file their reports on time may be subject to administrative penalties ranging from \$125 to \$16,000 (or more for repeat late- and non-filers).
- 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.



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

VIA OVERNIGHT DELIVERY

October 1, 2001

Alan J. Dean, Treasurer
Chicago Board of Options Exchange Inc. PAC
400 South LaSalle
Chicago, IL 60605

AF# 212
C00100693

Dear Mr. Dean:

On December 19, 2000, the Federal Election Commission ("Commission") found reason to believe ("RTB") that the Chicago Board of Options Exchange Inc. PAC and you, as Treasurer, ("respondents") violated 2 U.S.C. § 434(a) for failing to file the 2000 12 Day Pre-General Report. The Commission also made a preliminary determination that the civil money penalty was \$4,000.00 based on the schedule of penalties at 11 C.F.R. § 111.43.

After reviewing your 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. 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 Jennifer Boyt, Reviewing Analyst, 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 "Shawn Woodhead Werth".

Shawn Woodhead Werth
Reviewing Officer
Office of Administrative Review

Attachment



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463


September 28, 2001

MEMORANDUM

TO: THE COMMISSION

THROUGH: JAMES A. PEHRKON
STAFF DIRECTOR

ALISON L. DOONE
DEPUTY STAFF DIRECTOR

FROM: SHAWN WOODHEAD WERTH 
REVIEWING OFFICER
OFFICE OF ADMINISTRATIVE REVIEW

SUBJECT: AF# 212 - CHICAGO BOARD OF OPTIONS EXCHANGE INC.
PAC AND ALAN J. DEAN, AS TREASUER

The attached Reviewing Officer Recommendation is being circulated on an informational basis. A copy was also sent to 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



FEDERAL ELECTION COMMISSION September 28, 2001
WASHINGTON, D.C. 20463
REVIEWING OFFICER RECOMMENDATION
OFFICE OF ADMINISTRATIVE REVIEW ("OAR")

AF# 212 - Chicago Board of Options Exchange Inc. PAC and Alan J. Dean, as Treasurer

On December 19, 2000, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that the Chicago Board of Options Exchange Inc. PAC and Alan J. Dean, as Treasurer ("the respondents"), violated 2 U.S.C. § 434(a) for failing to file the 2000 12 Day Pre-General Report and made a preliminary determination that the civil money penalty was \$4,000.00 based on the schedule of civil money penalties at 11 C.F.R. § 111.43. The respondents were notified by the Reports Analysis Division ("RAD") via mailgram on December 21, 2000 of the Commission's finding and the civil money penalty calculated at RTB.

Respondents' Response

On January 25, 2001, the Commission received the written response ("challenge") from Stanley Leimer on behalf of the respondents in which they challenge the RTB finding and civil money penalty due to "extraordinary events." Mr. Leimer, who is "responsible for reviewing the accuracy and timeliness of [the respondents'] reporting," states that under the Commission's "reporting guidelines, it was my understanding that the Report would have been considered filed" because it had been filed on December 1, 2000. He spoke with the Reviewing Officer who "explained the difference in non-election and election sensitive reports, and in particular the required filing date for [this] Report," and that it "is considered an election sensitive Report and should have been filed four days prior to the General Election held on November 7." He indicates that "[o]nly after my review did I become aware that the filing date had been accelerated." The filing was delayed, according to Mr. Leimer, because "the individual responsible for preparing the monthly reports ... had been amending prior months' reports ... as requested by Commission staff."

Analysis of Challenge

The 12 Day Pre-General Report was hand delivered on December 1, 2000. It was filed 36 days after the October 26 filing deadline, or 36 days late. The attached cover letter states that the respondents "were not aware of the twelve-day Pre-Election filing deadline for October. Our normal filing period is month end."

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 shall file a 12 day pre-general election report no later than the 12th day before the election (or posted by registered or certified mail no later than

the 15th day before the election). 2 U.S.C. § 434(a)(4)(B) and 11 C.F.R. §104.5(c)(3)(ii). Unless sent timely by certified/registered mail, the 12 Day Pre-General Report for the General election, held on November 7, shall be received no later than October 26 to be filed timely. The treasurer shall be personally responsible for the timely and complete filing of reports. 11 C.F.R. § 104.14(d). The 12 Day Pre-General Report is an election sensitive report and, for purposes of the schedules of penalties, an election sensitive report is considered to be filed late if it is filed after the due date but prior to four (4) days before the general election and to be not filed if it is not filed prior to four (4) days before the general election. 11 C.F.R. § 111.43(d) and (e)(2).

Prior Notice for the 12 Day Pre-General Report, which was sent to the respondents on October 2, states that the filing date is October 26 and that all monthly filers are required to file a 12 Day Pre-General Report. It further informs them on the second page that treasurers are responsible for the timeliness and accuracy of their reports and that, beginning with the July 2000 reports, the Commission is implementing the administrative fine program. The Commission also sent several notices, including articles in the FEC Record, describing the administrative fine program in addition to the publication of the final rule on May 19, 2000 in the Federal Register (65 Fed. Reg. 31787 - 31798). An article in the September Record informed committees of the 12 Day Pre-General Report's filing deadline. Thus, the respondents were notified of their obligation to file the report, and the distinctions between election- and non-election sensitive reports and between late- and not-filed reports.

Although Mr. Leimer indicates that he is responsible for "reviewing the accuracy and timeliness of [their] reporting" and that another individual is "responsible for preparing the monthly reports," it is the Treasurer's responsibility under the Act to file reports in a timely manner, just as it is the Treasurer's responsibility to file amended reports in response to RAD's written requests. He notes that the 12 Day Pre-General Report's "filing date had been accelerated" as it "should have been filed four days prior to the General Election;" however, the report's filing date was not changed in 2000. It was still due October 26. He is, instead, referring to the date on which the report is considered not filed for purposes of calculating the amount of the civil money penalty. Since it is an election sensitive report under the administrative fine regulations and it was filed on December 1, 24 days after the November 7 General election, it is considered not filed as it was not filed prior to four days before the General election.

The respondents filed the 12 Day Pre-General Report 36 days late. They presented no evidence that a factual error was made, that the civil money penalty was miscalculated at RTB or that extraordinary circumstances existed which prevented them from filing the 12 Day Pre-General Report in a timely manner. The Reviewing Officer, therefore, 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 \$4,000.00.

OAR Recommendations

- (1) Make a final determination in AF# 212 that the Chicago Board of Options Exchange Inc. PAC and Alan J. Dean, as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$4,000.00; and
- (2) Send the appropriate letter.

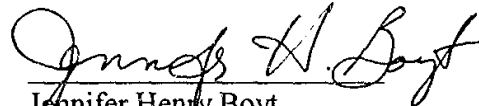
Staff Assigned: Jennifer H. Boyt

Attachments

- Attachment 1 - Challenge Received from Respondents
- Attachment 2 - Declaration from the Reports Analysis Division
- Attachment 3 - Declaration from OAR

DECLARATION OF JENNIFER HENRY BOYT

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 2000 12 Day Pre-General Report, covering the period October 1 through October 18, is due October 26. Unless sent by certified or registered mail, the report must be received by the close of business on October 26 to be filed in a timely manner.
3. It is the practice of the Commission's Mail Room to date stamp each report as it is received and the Commission's Disclosure Division to complete an Envelope Replacement Page disclosing the method used to file the report.
4. It is the practice of the Commission's Information Division to send the FEC Record to committees and treasurers at their address of record.
5. I hereby certify that I have searched the Commission's public records and that the documents identified herein are true and accurate copies of the:
 - a) Amended Statement of Organization for the Chicago Board of Options Exchange, Inc. PAC and Alan J. Dean, as Treasurer. According to the Commission's records, the statement was received June 23, 1988 and on Line 1 lists the address as 400 South LaSalle, Chicago, IL 60605; and
 - b) copy of the Non-Filer Notification dated November 15, 2000 referencing the 12 Day Pre-General Report sent by the Reports Analysis Division, Summary Page and Envelope Replacement Page for the 2000 12 Day Pre-General Report hand delivered by the Chicago Board of Options Exchange Inc. PAC and Alan J. Dean, as Treasurer. According to the Commission's records, the report was received on December 1, 2000.
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 28th of September, 2001.



Jennifer Henry Boyt
Reviewing Analyst
Office of Administrative Review
Federal Election Commission

STATEMENT OF ORGANIZATION

(See reverse side for instructions)

1. NAME OF COMMITTEE (FEC)		2. DATE
Chicago Board Options Exchange, Inc./PAC		6/8/88 JUN 23 11 9:13
10. Number and Street Address		3. FEC IDENTIFICATION NUMBER
400 South LaSalle		C00100693
12. City, State and ZIP Code		4. IS THIS STATEMENT AN AMENDMENT?
Chicago, Illinois 60605		<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO

5. TYPE OF COMMITTEE (Check one)

- (a) This committee is a principal campaign committee. (Complete the candidate information below.)
- (b) This committee is an authorized committee, and is NOT a principal campaign committee. (Complete the candidate information below.)
- | Name of Candidate | Candidate Party Affiliation | Office Sought | State/District |
|-------------------|-----------------------------|---------------|----------------|
| | | | |
- (c) This committee supports/opposes only one candidate _____ and is NOT an authorized committee.
(name of candidate)
- (d) This committee is a _____ committee of the _____ Party.
(National, State or subordinate) (Democratic, Republican, etc.)
- ☒ (e) This committee is a separate segregated fund.
- (f) This committee supports/opposes more than one Federal candidate and is NOT a separate segregated fund or a party committee.

Name of Any Connected Organization or Affiliated Committee	Mailing Address and ZIP Code	Relationship
Chicago Board Options Exchange, Inc.	400 South LaSalle Chicago, Illinois 60605	Sponsor

Type of Connected Organization
☐ Corporation ☐ Corporation w/o Capital Stock ☐ Labor Organization ☐ Membership Organization ☐ Trade Association ☐ Cooperative

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	Mailing Address	Title or Position
Alan J. Dean	400 South LaSalle Chicago, Illinois 60605	Treasurer

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	Mailing Address	Title or Position
Alan J. Dean	400 South LaSalle Chicago, Illinois 60605	Treasurer

9. Banks or Other Depositories: List all banks or other depositories in which the committee deposits funds, holds accounts, rents safety deposit boxes or maintains funds.

Name of Bank, Depository, etc.	Mailing Address and ZIP Code
Harris Bank	111 West Monroe P.O. Box 755 Chicago, Illinois 60690

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

SIGNATURE OF TREASURER

DATE

Alan J. Dean

Alan J. Dean

6/20/88

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.

For further information contact:
 Federal Election Commission
 Toll-free 800-424-9530
 Local 202-376-3120

FEC FORM 1
 (revised 4/87)

Reports

Reports Due in 2000

This article on filing requirements for election year 2000 is supplemented by accompanying reporting tables.

It is the responsibility of the committee treasurer to file required reports on time. To assist treasurers, the Commission sends committees FEC reporting forms and notices of upcoming reporting deadlines.

For further information on reporting or to order extra forms, call the FEC: 800/424-9530 (press 1) or 202/694-1100. Additionally, most forms are available at the FEC's Web site (<http://www.fec.gov>) and from the agency's Faxline system (dial 202/501-3413).

Reports Covering 2000 Activity

To find out which reports your committee must file in 2000, check the Guide to Reporting chart on page 6. Please note that committees active in special elections in 2000 may have to file additional special election reports, as explained below.

Committees Active in Special Elections

Committees authorized by candidates running in any 2000 special election must file special election reports in addition to regularly scheduled reports. 11 CFR 104.5(h). They are also required to comply with the 48-hour notice requirement for contributions of \$1,000 or more (including loans) received shortly before an election. See 11 CFR 104.5(f).

PACs and party committees supporting candidates running in special elections also may have to file pre- and post-election reports unless they file on a monthly basis. 11 CFR 104.5(c)(3) and 104.5(h). However, all PACs are subject to 24-hour reporting of independent expenditures made shortly before an election. See 11 CFR 104.4(b) and (c) and 104.5(g).

When timing permits, the *Record* will alert committees to special election reporting dates in 2000.

Waiver of State Filing

On October 14, 1999, the Commission approved a state filing waiver program, relieving qualified states of the requirement to make paper copies of FEC reports available to the public.

As a result, beginning with the December 1999 monthly report, most political committees will no longer have to file copies of their reports at the state level in the states that have received the waiver.¹ The exception is Senate candidates. They must continue to file copies of their reports with the states.

All Committees: Year-End Reports Covering 1999 Activity

All committees must file a 1999 Year-End report due January 31, 2000. The coverage and reporting dates are found on page 7.

Authorized Committees of Candidates

2000 House and Senate Candidates. Authorized committees of 2000 House and Senate candidates file the following reports:

- Quarterly reports;²
- A pre-primary report;
- Pre- and post-general election reports (if the candidate participates in the general election); and
- 48-hour notices on contributions of \$1,000 or more received after the 20th day, but more than 48 hours, before the day of each election in which the candidate participates. These notices are due within 48 hours of the committee's receipt of the contribution. 11 CFR 104.5(a)(1) and (f).³

Note: Committees are required to file election reports and 48-hour notices even if the candidate is unopposed in the election. Moreover, these reporting requirements still apply even if a primary or general election is not held because the candidate is unopposed or received a majority of votes in the previous election. However, no report is required for a primary election that is not held because the candidate was nominated by a caucus or convention,⁴ for which a pre-election report would have already been filed. See 11 CFR 110.1(j).

(continued on page 7)

² Note that an authorized committee of a 2000 candidate must file on a quarterly basis in 2000 even if the candidate withdraws before participating in the primary. However, such a committee would not have to file a pre-primary report (or other election reports) unless the candidate's name remained on the ballot.

³ Since 48-hour notices do not have to be signed by the treasurer, they may be sent by mailgram, telegram or telefacsimile (fax) machine in order to meet the 48-hour requirement. AO 1988-32. Fax numbers for: the Secretary of the Senate--202/224-1851; FEC--202/219-0174. Note: Other reports and statements may not be faxed.

⁴ A pre-convention report is required only if the convention has authority to nominate. See 11 CFR 100.2(e).

¹ Currently twelve states have qualified for the state waiver: Arkansas, Florida, Idaho, Illinois, Kansas, Michigan, Nebraska, New York, North Dakota, South Dakota, Utah and Wisconsin.

Other House and Senate Candidates. Committees authorized by House and Senate candidates who ran or intend to run in a year other than 2000 file on a semiannual basis. 11 CFR 104.5(a)(2).

Presidential Candidates. All committees authorized by Presidential candidates must file on either a monthly or a quarterly schedule. 11 CFR 104.5(b)(2).

A Presidential committee wishing to change its filing schedule should notify the Commission in writing.

Presidential committees active in the 2000 race that have received contributions or made expenditures aggregating \$100,000 or that anticipate this level of activity file on a monthly basis. If the candidate runs in the general election, the campaign must file pre-and post-general election reports in lieu of the November and December monthly reports.

Presidential committees active in the 2000 race with financial activity under \$100,000 file on a quarterly basis. They must also file pre- and post-election reports for the elections they run in.

Presidential committees retiring debts from previous campaigns may file on either a monthly or a quarterly schedule.

PACs and Party Committees

PACs (separate segregated funds and nonconnected committees) and party committees that filed on a semiannual basis during 1999 now file on a quarterly basis. Monthly filers continue on the monthly schedule. PACs and party committees may, however, change their filing schedule, as explained later in this section.

Note that all PACs, whichever schedule they follow, are subject to the 24-hour filing requirement for last-minute independent expenditures (also explained later).

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1999 Year-End Report

Note: All committees file this report.

Report	Period Covered	Filing Date ¹
Year-End	Closing date of last report through 12/31/99	January 31, 2000

2000 Monthly Reports

Report	Period Covered	Filing Date ¹
February	January 1-31	February 20 ²
March	February 1-29	March 20
April	March 1-31	April 20
May	April 1-30	May 20 ²
June	May 1-31	June 20
July	June 1-30	July 20
August	July 1-31	August 20 ²
September	August 1-31	September 20
October	September 1-30	October 20
Pre-General ³	October 1-18	October 26
Post-General	Oct. 19-Nov. 27	December 7
Year-End	Nov. 28-Dec. 31	January 31, 2001

2000 Quarterly Reports

Report	Close of Books	Filing Date ¹
1st Quarter	March 31	April 15 ²
2nd Quarter	June 30	July 15 ²
3rd Quarter	September 30	October 15 ²
Year-End	December 31	January 31, 2001

Pre- and Post-Election Reports for November 7 General Election²

Report	Close of Books	Filing Date ¹
Pre-General ³	October 18	October 26
Post-General	November 27	December 7

¹ Reports sent by registered or certified mail must be postmarked by the filing date (except in the case of the pre-general election report; see footnote 2). Reports sent by other means must be received by the filing date. 11 CFR 104.5(e).

² Note that the filing date falls on a weekend. Filing dates are not extended when they fall on nonworking days.

³ If sent by registered or certified mail, the pre-general must be postmarked by October 23.

Quarterly Filers. A PAC or party committee that files on a quarterly basis must additionally file a post-general election report. 11 CFR 104.5(c)(1)(i) and (iii).

Quarterly filers may also have to file pre-convention, pre-primary, pre-runoff and pre-general election reports. The requirement to file a pre-election report is triggered if the committee makes a contribution or expenditure in connection with the election during the applicable reporting period. 11 CFR 104.5(c)(1)(ii). A reporting period begins the day after the close of books for the last report filed and continues through the close of books for the pre-election report.

Note that, although the FEC sends committees notices of upcoming reporting deadlines for quarterly reports and general election reports, the agency does not send PACs or party committees pre-election reporting notices for Congressional conventions, primaries or runoffs.

Monthly Filers. Unlike quarterly filers, PACs and party committees filing on a monthly basis do not file pre-election reports for conventions, primaries or runoff elections. They must, however, file pre- and post-general election reports in lieu of the November and December monthly reports. Monthly filers must also file a Year-End report. 11 CFR 104.5(c)(3).

Changing the Filing Schedule. PACs and party committees filing on a quarterly schedule may change to a monthly schedule in order to avoid having to file pre-convention, pre-primary and pre-runoff reports. The committee must first notify the Commission in writing. The notification should accompany a report filed under the committee's current reporting schedule. A committee may change its filing frequency only once a year. 11 CFR 104.5(c).

24-Hour Reports on Independent Expenditures. Any PAC (including a monthly filer) that makes indepen-

dent expenditures in connection with any election (convention, primary, runoff, general) may have to file a 24-hour report. This report is required when a committee makes independent expenditures aggregating \$1,000 or more after the 20th day, but more than 24 hours, before the day of the election. The report must be filed within 24 hours after the expenditure is made. For more information on the 24-hour reporting requirement, see 11 CFR 104.4(b) and (c) and 104.5(g). See also "Where to File" (below) for special filing requirements.

Where to File

Committee treasurers must file FEC reports with the appropriate federal and state filing offices. Please note that:

- The addresses for the federal offices (FEC and Secretary of the Senate) appear in the instructions to the Summary Page of FEC Forms 3 and 3X.
- A list of state filing offices is available from the Commission.

House Candidate Committees. Principal campaign committees of House candidates file with the FEC. 11 CFR 105.1. The principal campaign committee must simultaneously file a copy of each report and statement with the Secretary of State (or equivalent officer) of the state in which the candidate seeks (or sought) election. 2 U.S.C. §439(a)(2)(B).⁵

Senate Candidate Committees. Principal campaign committees of Senate candidates file with the Secretary of the Senate, as appropriate. 11 CFR 105.2. The principal campaign committee must simultaneously file a copy of each report and statement with the Secretary of State (or equivalent officer) of the state in which the candidate seeks (or sought) election. 2 U.S.C. §439(a)(2)(B).

Presidential Candidate Committees. Principal campaign committees of Presidential candidates file

with the FEC. 11 CFR 105.3. The principal campaign committee must also file a copy of each report and statement with the filing office of each state in which the committee makes expenditures. 2 U.S.C. §439(a)(2)(A); 11 CFR 108.2.⁵

Candidate Committees with More Than One Authorized Committee. If a campaign includes more than one authorized committee, the principal campaign committee files, with its own report, the reports prepared by the other authorized committees as well as a consolidated report (FEC Form 3Z or page 5 of FEC Form 3P, as appropriate). 11 CFR 104.3(f).

PACs and Party Committees. Generally PACs and party committees file with the FEC. There are, however, exceptions:

- Committees supporting only Senate candidates file with the Secretary of the Senate; and
- PACs file 24-hour notices disclosing independent expenditures on behalf of House and Senate candidates with the FEC and the Secretary of the Senate as appropriate. 11 CFR 104.4(c) and 104.5(g).

PACs and party committees must simultaneously file copies of reports and statements with the Secretary of the State (or equivalent officer) as follows⁵:

- Committees making contributions or expenditures in connection with House and Senate campaigns also file in the state in which the candidate seeks election. The committee is required to file only that portion of the report applicable to the candidate in that state (e.g., the Summary Page and the schedule showing the contribution or expenditure). 2 U.S.C. §439(a)(2)(B); 11 CFR 108.3.

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⁵ Please see article on the waiver of state office filings on page 2.

Record

July 2000

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Regulations

Administrative Fines Program

Beginning with the July 15 quarterly reports, the Commission will implement a new program for assessing civil money penalties for violations involving:

- Failure to file reports on time;
- Failure to file reports at all; and
- Failure to file 48-hour notices.

The Administrative Fines program is based on amendments to the Federal Election Campaign Act (the Act) that permit the FEC to impose civil money penalties, based on schedules of penalties, for violations of reporting requirements that occur between January 1, 2000, and December 31, 2001.

If the Administrative Fines program had been in place for the April 2000 quarterly reports, approximately 90 committees would have faced civil money penalties ranging from \$275 to \$12,000.

How the Program Works

In the past, the FEC handled reporting violations (late filers, nonfilers and committees that failed to file 48-hour notices) under the same enforcement procedures it employs for other alleged campaign finance violations, culminating in agreement on a civil penalty or court

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Court Cases

FEC v. Colorado Republican Federal Campaign Committee

On May 5, 2000, the U.S. Court of Appeals for the 10th Circuit affirmed a district court decision that the coordinated party expenditure limits at 2 U.S.C. 441a(d)(3) are unconstitutional.

Background

This case—on remand from the U.S. Supreme Court—involves \$15,000 worth of expenditures the Colorado Republican Party made in 1986 for advertisements critical of Democratic Senate candidate Tim Wirth. The Commission argued that those ads contained an “electioneering message” relating to a clearly identified candidate, and therefore represented coordinated expenditures by the party. (The Commission further maintained that these expenditures, when aggregated with previous expenditures by the party, exceeded the statutory limits of 441(a)(d).) The party contended that the ads did not contain express advocacy and were not subject to the 441a(d) limits. The party further argued that the 441a(d) limits violated its First Amendment rights.

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action. Under the new rules, if the Commission finds "reason to believe" that a committee violated the law, the Commission will provide written notification to the committee containing the factual and legal basis of its finding and the amount of the proposed civil money penalty. The committee will have 40 days from the date of the reason-to-believe finding to either pay the civil money penalty or submit to the Commission a written response, with supporting documentation outlining the reasons why it believes the Commission's finding and/or penalty is in error. (The Commission strongly encourages respondents to submit their documents in the form of affidavits or declarations. Documents submitted in these forms are generally given more weight and credibility.) If the committee submits such a response, it will be forwarded to an impartial reviewing officer—someone employed by the FEC who was not involved in the original reason-to-believe finding.

After reviewing the Commission's reason-to-believe finding and the committee's written response, the reviewing officer will forward a recommendation to the Commission, along with the original reason-to-believe finding, the committee's written response and any supporting documentation. Respondents will have an opportunity to submit a written response to the reviewing officer's recommendation. The Commission will then make a final determination as to whether the committee violated 2 U.S.C. §434a and, if so, assess a civil money penalty based on the schedules of penalties.

Committee treasurers may be liable for civil money penalties if reports are not filed on time.

Challenging Commission Determinations

As noted above, the new rules allow committees to challenge the reason-to-believe finding of the Commission and to seek review by submitting documentation to a reviewing officer, who will make a recommendation to the Commission as to the final determination.

Should a committee fail to pay the civil money penalties or submit a challenge within the original 40 days, the Commission will issue a final determination with an appropriate civil money penalty. The committee will then have 30 days to pay the civil penalty or seek judicial review through a U.S. district court in the area where the committee resided or conducted business.¹

Reports Covered

All reports that committees are required to file are covered under the Administrative Fines program. This includes semi-annual, quarterly, monthly, pre-election, 30-day post-general and special election reports, as well as 48-hour notices that candidate committees are required to file for elections in which the candidate participates.

Calculating Penalties

The interaction of several factors will determine the size of the penalty:

1. Election sensitivity of the report;
2. Committee as late filer, including the number of days late, or nonfiler;
3. The amount of financial activity in the report; and
4. Prior civil money penalties for reporting violations.

One factor used to determine the amount of the civil money penalty is the *election sensitivity* of the report.

¹ The committee may also seek judicial review if it disagrees with a final determination made by the Commission after the committee submits a challenge.

Under the new rules, the following reports are considered election sensitive: the October quarterly, the October monthly and the pre-election reports for primary, general and special elections. All other reports are considered nonsensitive.

The Commission will also consider whether the committee is a *late filer* or a *nonfiler*. In the case of nonsensitive reports, a committee will be considered a late filer if it files its report within 30 days after the due date, and a nonfiler if it files its report later than that.

In the case of election-sensitive reports, a committee will be considered a late filer if it files a report after its due date, but more than four days before the applicable election; a committee that files later than that will be considered a nonfiler.

The third factor is the *amount of financial activity*—that is, the total amount of receipts and disbursements in the report.

The final factor is the existence of *prior civil money penalties* for reporting violations under the Administrative Fines program.

Schedules of Penalties

The schedules of penalties, included in the new regulations, are based on the factors described above.

For Reports Other Than 48-Hour Notices

The calculation of the civil money penalties for late filers and nonfilers of reports, other than 48-hour notices, has four components, as described below.

1. Base Amount for Late Filers.

In calculating the penalty, the Commission begins with the *base amount*, a prescribed figure that depends on the total amount of financial activity in the report and the election sensitivity of the report. For example, on an election-sensitive report, if the total amount

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Regulations

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of receipts and disbursements is \$80,000, the base amount will be \$600. Or, if the total amount of receipts and disbursements is \$500,000, the base amount will be \$3,750. The base amount ranges from \$100 to \$5,000 for nonsensitive reports and from \$150 to \$7,500 for election-sensitive reports.

2. Additional Set Amount for Late Filers.

The Commission then adds to the base amount a number that is calculated by multiplying a *set amount*, based on the financial activity in the report, by the number of days the report is filed late (up to 30 days). The set amount ranges from \$25 to \$200 per day, depending on the total amount of receipts and disbursements.

3. Base Amount for Nonfilers.

In the case of nonfilers, the Commission begins with a *base amount* that depends on both the election sensitivity of the nonfiled report and the estimated level of activity based on the average activity in the current or prior two-year election cycle. The base amount will range from \$900 to \$12,000 for nonsensitive reports and from \$1,000 to \$16,000 for election-sensitive reports.

4. Additional Premium for Previous Violation(s).

With regard to both late filers and nonfilers, the Commission adds a premium for prior civil money penalties assessed for failure to file timely reports. The premium is equal to 25 percent of the civil money penalty times the number of final civil money penalties assessed during the previous and current two-year election cycles under the Administrative Fines program.

For 48-Hour Notices

The calculation of the civil money penalties for committees that fail to file timely 48-hour notices is \$100 for each nonfiled notice plus 10 percent of the dollar amount of the contributions not timely reported. The civil money penalty increases by 25 percent for each

time a prior civil money penalty was assessed during the previous and current two-year election cycles under the Administrative Fines program.

The table below provides examples of how civil money penalties are calculated.

EXAMPLE 1: Late Filer of Election-Sensitive Report. A committee files its October quarterly report (an election-sensitive report) 10 days late. The level of financial activity on the report is \$105,000, and the committee has one prior violation in the current two-year election cycle.

Applicable formula:

Penalty = [base amount + (set amount x number of days late)] x [1 + (.25 x number of previous violations)]

Penalty = [\$900 + (\$125 x 10)] x [1 + (.25 x 1)]

Penalty = \$2687.50

EXAMPLE 2: Late Filer with Relatively Little Activity, No Prior Violations. A committee files its July quarterly report on August 4. The report contains \$500 in receipts and disbursements, and the committee has no prior violations.

Applicable formula:

Penalty = The lesser of: the level of activity in the report; or
[base amount + (set amount x number of days late)]

Penalty = The lesser of: \$500 or [\$100 + (\$25 x 20)]

Penalty = The lesser of: \$500 or \$600

Penalty = \$500

EXAMPLE 3: Nonfiler of Nonelection-Sensitive Report. A committee fails to file its July quarterly report within 30 days of its due date. Based on its previous filings, the committee's estimated level of activity is \$50,000. The committee has one prior violation in the current two-year election cycle.

Applicable formula:

Penalty = base amount x [1 + (.25 x number of previous violations)]

Penalty = \$2,700 x [1 + (.25 x 1)]

Penalty = \$3,375

EXAMPLE 4: Nonfiler of 48-Hour Notice. A House campaign committee fails to submit a 48-hour notice to disclose its receipt of a last-minute \$5,000 PAC contribution. The campaign has two prior violations in the current two-year election cycle.

Applicable formula:

Penalty = [\$100 + (.10 x amount of contribution(s) not timely reported)] x [1 + (.25 x number of previous violations)]

Penalty = [\$100 + (.10 x \$5,000)] x [1 + (.25 x 2)]

Penalty = \$900

Collecting Unpaid Penalties

When a respondent fails to pay the civil penalty, the Commission will transfer the case to the U.S. Department of the Treasury for collection.² Alternatively, the Commission may decide to file suit in the appropriate U.S. district court to collect owed civil money penalties, under 2 U.S.C. §437g(a)(6).

More Information

Copies of this article will soon be mailed to all political committees. Additional information is available on the Commission's home page (www.fec.gov). Click on the Administrative Fines graphic. Committees seeking additional information on the program may contact the FEC's Information Division, 202/694-1100 or toll free at 800/424-9530 (press 1, then 3).

Free copies of the final rules as they appeared in the *Federal Register* (65 FR 31787, May 19, 2000) are available through the FEC Faxline (202/501-3413, document 247) and on the FEC's Web site at <http://www.fec.gov/pdf/00%20Administrative%20Fines%20E&J.pdf>. ♦

² In compliance with the Debt Collection Improvement Act of 1996 (31 U.S.C. §3711(g)).

FECFile Help on Web

The manual for the Commission's FECFile 3 electronic filing software is now available on the FEC's web site. You can download a PDF version of the manual at <http://www.fec.gov/pdf/fecfile3.pdf>.

State Filing Waiver Rules Take Effect

The FEC's revised rules on filing copies of reports and statements with state officers—the State Filing Waiver program—took effect June 7, 2000. (65 FR 36053, June 7, 2000).

The rules implement a 1995 amendment to the Federal Election Campaign Act that gives the FEC authority to exempt states meeting certain criteria from the requirement to receive and maintain copies of FEC reports. 2 U.S.C. §439(c). To date, 45 states/territories have qualified for the exemption, referred to as a state filing waiver.²

The final rules appeared in the *Federal Register* on March 22, 2000 (65 FR 15221). For a summary of the rules, see the *April Record*, p. 3.

¹ The waiver program, itself, has been in place since October 1999.

² The Commission has certified that the following states and territories qualify for filing waivers: Alabama, American Samoa, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Hawaii, Idaho, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maine, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Virgin Islands, Washington, West Virginia, Wisconsin and Wyoming. Committees that file their reports at the FEC need not file copies in these states.

Court Cases

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Colorado I

In the first ruling on this case, the U.S. District Court for the District of Colorado concluded that the ads were not subject to the 441a(d) limits because they did not contain express advocacy. Having already ruled in the party's favor, the court did not address the party's constitutional challenge.

On appeal, the U.S. Court of Appeals for the 10th Circuit, agreeing with the FEC that a 441(a)(d) expenditure need only depict a clearly identified candidate and convey an electioneering message, reversed the district court's decision. The appeals court also held that the 441a(d) limits did not violate the party's First Amendment rights.

The U.S. Supreme Court agreed to hear the case principally to resolve the constitutional question. In its June 26, 1996, plurality decision, the Court concluded that the Party's expenditures had not been coordinated with a candidate, and were instead independent expenditures. The Court then also concluded that the 441a(d) limits were unconstitutional as applied to political parties' independent expenditures. The Court did not rule on the constitutionality of the limits as applied to coordinated party expenditures, but instead, remanded the case to the district court for further proceedings on that issue.

Colorado II

On remand, both sides compiled an extensive record focusing on the constitutional issue raised in Colorado I. On February 23, 1999, the district court ruled that the coordinated expenditure limits were unconstitutional. The court concluded the FEC had failed to offer

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Reports

October Reporting Reminder

Committees should take note of the following due dates for October reports:

- Third quarter reports for quarterly filers are due on October 15 (reporting period July 1-September 30).
- Monthly reports for monthly filers are due on October 20 (reporting period September 1-30).
- Pre-general reports are due on October 26 (reporting period October 1-18). Candidate committees must file this report if their candidate is running in the general election. PACs and party committees that file quarterly must file this report if they make contributions or expenditures in connection with an election during this reporting period. PACs and party committees that file on a monthly schedule must file a pre-general report in lieu of the scheduled November monthly report.

Last Minute Reports

In addition to these reports, candidate committees may also have to file 48-hour notices on last-minute contributions, and PACs and

800 Line

Excessive Contributions

When a committee receives an excessive contribution, the committee may remedy the violation by refunding the excessive amount or by seeking a *redesignation* and/or *retribution* of it. Until the committee receives instructions from the contributor, it cannot use the excessive portion of the contribution.

In the case of a *redesignation*, the contributor instructs the committee to use the excessive portion of a contribution for an election other than the one for which the funds were originally given. In the case of a *retribution*, the contributor instructs the committee to attribute the excessive portion of the contribution to another individual—for example, a portion of a contribution from a joint checking account may be reattributed to the other account holder.

While the committee is waiting for a contributor to redesignate or reattribute the excess portion of the contribution, it may not use the excessive funds, but must put them aside. The committee must be prepared to make a full refund of the excessive portion within 60 days if the contributor fails to reattribute or redesignate the funds.

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Reports

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party committees may need to file 24-hour reports to disclose any last-minute independent expenditures.

Administrative Fines

The Commission has recently implemented a new Administrative Fines program for assessing civil penalties for violations involving:

- Failure to file reports on time;
- Failure to file reports at all; and
- Failure to file 48-hour notices.

Under this program, the Commission will assess civil money penalties based on a schedule of penalties in cases where it determines a committee has committed one of the above violations. Reports due in October are considered "Election Sensitive," which means that the penalty amount can be increased. The schedule of penalties included in the new regulations—and other information on the new program—is available on the FEC Web site at <http://www.fec.gov/adminfines1.html>. See also the *July 2000 Record*, page 1.

More Information

For more information on 2000 reporting dates:

- Visit the FEC's website at <http://www.fec.gov/pages/charts.htm> to view the reporting tables;
- Obtain a faxed copy of the reporting tables by calling FEC Faxline (202/501-3413, request documents 586 and 587);
- See the reporting tables in the *January 2000 Record*; or
- Call and request the reporting tables from the FEC at 800/424-9530 (press 1, then 3) or 202/694-1100. ♦

Advisory Opinions

AO 2000-12

Using Campaign Funds to Pay Convention Expenses of Former Candidates

Former Presidential candidates Bill Bradley and John McCain may use federal matching funds to pay for travel and other expenses associated with their parties' national conventions, so long as their convention expenses are "qualified campaign expenses" directed toward fundraising efforts to pay down their campaigns' outstanding obligations. Additionally, Mr. Bradley and Senator McCain may use campaign funds from other, non-presidential committees to pay for convention expenses involved in fundraising for these committees without violating the prohibition against the personal use of campaign funds.

Although neither Mr. Bradley nor Senator McCain is an active candidate for the Presidency, both of their Presidential campaign committees have debts outstanding, and both continue to receive matching funds to pay these debts. Additionally, neither former candidate has "released" his delegates, and each plans to travel to his respective convention in order to:

- Attend receptions hosted by his campaign to thank delegates and supporters and to encourage their continued support;
- Attend fundraising events to retire his campaign's primary election debts; and
- Participate in the official proceedings of the convention.

Under the Act and Commission regulations, a candidate and candidate committee have wide discretion in making expenditures to influence the candidate's election, but they may not convert campaign funds to personal use—that is, they may not use the funds for any expense that would exist irrespective of the candidate's campaign or duties as a federal office holder. Additionally, under the Matching Fund Act, a committee may use matching funds to pay for "qualified campaign expenses," which include any lawful purchases, payments or anything of value incurred by the candidate or committee in connection with his campaign for nomination. 26 U.S.C. §9032(9).

Matching Funds

In the past, the Commission has determined that the expenses necessary to travel to, and attend, a Presidential nominating convention are nonqualified expenses for candidates who are no longer seeking the party's nomination. In this case, however, Mr. Bradley and Senator McCain may use federal matching funds to pay for travel to the convention and for activities at the convention that are a part of their committees' "winding down" expenses. Specifically, following Commission guidelines, they may use matching funds to pay for gifts and "thank-you" receptions for committee employees, consultants and volunteers.¹ Commission guidelines do not permit the use of matching funds to pay for travel expenses to attend or organize these events. However, the former candi-

¹ A committee that is in the process of "winding down" from a campaign may give gifts and monetary bonuses to committee employees, consultants and volunteers provided that such gifts do not exceed \$150 total per individual and the total of all gifts does not exceed \$20,000. 11 CFR 9034.4(a)(3)(i).

Neil A. Evans
Federal Election Commission
999 W. Street NW - Room #709
Washington DC 20463

Dear Sir

Please accept this Pre-General Report (10/01/2000 - 10/18/2000) as our response to your letter dated November 15, 2000. As noted in a conversation with Ed Ryan earlier this month, we were not aware of the twelve-day Pre-Election filing deadline for October. Our normal filing period is month end. Please accept our apologies.

Thank you for your consideration. If you have any questions please contact me at (312) 786-7042.

Respectfully,
Ermer Love

Staff Accountant
Accounting Department
ID#C00100693

REPORT OF RECEIPTS AND DISBURSEMENTSFor Other than An Authorized Committee
(Summary Page)RECEIVED
FEC MAIL ROOM

2000 DEC -1 A 10:00

1. NAME OF COMMITTEE (In full) Chicago Board Options Exchange/PAC		2. FEC IDENTIFICATION NUMBER C00100693
ADDRESS (number and street) <input type="checkbox"/> Check if different than previously reported. 400 S. La Salle Street		
CITY, STATE and ZIP CODE Chicago, IL 60605		
		3. <input type="checkbox"/> This committee qualified as a multicandidate 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☐ June 20☒ October 20☐ March 20☐ July 20☐ November 20☐ April 20☐ August 20☐ December 20☐ May 20☐ September 20☐ January 31☒ Twelfth day report precedingPRE GENERAL
(Type of Election)

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 10/01/2000 through 10/18/20006. (a) Cash on Hand January 1, 1900

(b) Cash on Hand at Beginning of Reporting Period

(c) Total Receipts (from Line 19)

(d) Subtotal (add Lines 6(b) and 6(c) for Column A and Lines 6(a) and 6(c) for Column B)

7. Total Disbursements (from Line 30)

8. Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d))

9. Debts and Obligations Owed TO the Committee
(Itemize all on Schedule C and/or Schedule D)10. Debts and Obligations Owed BY the Committee
(Itemize all on Schedule C and/or Schedule D)**COLUMN A**
This Period**COLUMN B**
Calendar Year-to-date

\$674057.12

\$361605.36

\$0.00

\$47048.24

\$361605.36

\$721105.36

\$83500.00

\$443000.00

\$278105.36

\$278105.36

For further information contact:
Federal Election Commission
999 E Street, NW
Washington, DC 20463
Toll Free 800-424-9530
Local 202-219-3420

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

ALAN J. DEAN

Signature of Treasurer

Alan J. Dean (EL)

Date

11-28-00

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

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FEC FORM 3X
(Revised 9/93)

Federal Election Commission

ENVELOPE REPLACEMENT PAGE FOR INCOMING DOCUMENTS

The Commission has added this page to the end of this filing to indicate how it was received.

<input checked="" type="checkbox"/>	Hand Delivered	Date of Receipt <i>12-1-00</i>
<input type="checkbox"/>	First Class Mail	POSTMARKED
<input type="checkbox"/>	Registered/Certified Mail	POSTMARKED (R/C)
<input type="checkbox"/>	No Postmark	
<input type="checkbox"/>	Postmark Illegible	
<input type="checkbox"/>	Received from the House office of Records and Registration	Date of Receipt
<input type="checkbox"/>	Received from the Senate Office of Public Records	Date of Receipt
<input type="checkbox"/>	Other (Specify):	Postmarked and/or Date of Receipt
<input type="checkbox"/>	Electronic Filing	
<i>See</i>		<i>12-1-00</i>
PREPARER		DATE PREPARED

(6/2000)



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2001 OCT 12 A 11: 21

October 11, 2001

MEMORANDUM

TO: THE COMMISSION

THROUGH: JAMES A. PEHRKON
STAFF DIRECTOR

ALISON L. DOONE
DEPUTY STAFF DIRECTOR

FROM: SHAWN WOODHEAD WERTH
REVIEWING OFFICER
OFFICE OF ADMINISTRATIVE REVIEW

SUBJECT: FINAL DETERMINATION RECOMMENDATION IN
AF# 212 - CHICAGO BOARD OF OPTIONS EXCHANGE INC.
PAC AND ALAN J. DEAN, AS TREASURER

SENSITIVE

On December 19, 2000, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that the Chicago Board of Options Exchange Inc. PAC and Alan J. Dean, as Treasurer ("the respondents") violated 2 U.S.C. § 434(a) for failing to file the 2000 12 Day Pre-General Report. It was filed on December 1, 2000, 36 days late, and is considered not filed as it was not filed prior to 4 days before the General election. As a result, on December 19, 2000, the Commission also made a preliminary determination that the civil money penalty was \$4,000.00 based on the schedule of penalties at 11 C.F.R. § 111.43.

On January 25, 2001, the Commission received the respondents' written response ("challenge"). After reviewing the challenge, the Reviewing Officer recommended in a report to the Commission dated September 28, 2001 that the Commission make a final determination that the respondents violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$4,000.00 because the respondents submitted no evidence that a factual error was made, that the civil money penalty was miscalculated at RTB or that extraordinary circumstances existed which prevented them from filing the 12 Day Pre-General Report in a timely manner.

A copy of the Reviewing Officer's recommendation was simultaneously forwarded to the respondents. 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). As of this date, a written response has not been received from the respondents.

OAR Recommendations

- (1) Make a final determination in AF# 212 that Chicago Board of Options Exchange Inc. PAC and Alan J. Dean, as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$4,000.00; and
- (2) Send the appropriate letter.



FEDERAL ELECTION COMMISSION
Washington, DC 20463

Worth
SENSITIVE

DATE & TIME OF TRANSMITTAL: Monday, October 15, 2001 11:00

BALLOT DEADLINE: Thursday, October 18, 2001 4:00

COMMISSIONER: MASON, McDONALD, SANDSTROM, SMITH, THOMAS, WOLD

SUBJECT: **Final Determination Recommendation In AF #212 -
Chicago Board Of Options Exchange Inc. PAC and
Alan J. Dean, as Treasurer**

- () I approve the recommendation(s)
- () I object to the recommendation(s)
- () I abstain from voting on the recommendation(s)
- () I am recused from voting on the recommendation(s)

A definite vote is required. All ballots must be signed and dated. Please return
ONLY THE BALLOT to the Commission Secretary. Please return ballot no later
than date and time shown above.

DATE: _____

SIGNATURE: _____

FROM THE OFFICE OF THE SECRETARY OF THE COMMISSION

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Chicago Board of Options) AF #212
Exchange Inc. PAC and Alan J.)
Dean, as Treasurer - Final)
Determination Recommendation.)

CERTIFICATION

I, Mary W. Dove, Secretary of the Federal
Election Commission, do hereby certify that on
October 18, 2001 the Commission decided by a vote
of 6-0 to take the following actions in AF #212:

1. Make a final determination in AF #212 that
Chicago Board of Options Exchange Inc. PAC
and Alan J. Dean, as Treasurer, violated
2 U.S.C. § 434(a) and assess a civil money
penalty of \$4,000.00.
2. Send the appropriate letter, as recommended
in the Reviewing Officer's Memorandum dated
October 11, 2001.

(Continued)

Federal Election Commission
Certification for AF #212
October 18, 2001

Page 2

Commissioners Mason, McDonald, Sandstrom, Smith,
Thomas, and Wold voted affirmatively for the decision.

Attest:

October 18, 2001
Date

Mary W. Dove
Secretary of the Commission

Received in the Secretariat: Fri., Oct. 12, 2001 11:21 a.m.
Circulated to the Commission: Mon., Oct. 15, 2001 4:00 p.m.
Deadline for vote: Thurs., Oct. 18, 2001 4:00 p.m.

lrd

**WESTERN
UNION**

CONFIRMATION OF CMGM

WESTERN UNION COMMERCIAL SERVICES
TO: ALAN J. DEAN, TREASURER
CHICAGO BOARD OF OPTIONS EXCHANGE INCPAC
400 S LASALLE ST
CHICAGO IL 60605-1090

JENNIFER BOYT/OAR, REVIEW
FEDERAL ELECTION COMMISSION
999 E ST NW
WASHINGTON DC 20463

FEDERAL ELECTION COMMISSION
999 E STREET, NW
WASHINGTON, DC 20463

OCTOBER 19, 2001

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

ALAN J. DEAN, TREASURER
CHICAGO BOARD OF OPTIONS EXCHANGE INC. PAC
400 SOUTH LASALLE
CHICAGO, IL 60605

ID# C00100693
AF# 212

DEAR MR. DEAN:

ON DECEMBER 19, 2000, THE FEDERAL ELECTION COMMISSION ("THE COMMISSION") FOUND REASON TO BELIEVE ("RTB") THAT THE CHICAGO BOARD OF OPTIONS EXCHANGE INC. PAC AND YOU, AS TREASURER, VIOLATED 2 U.S.C. 434(A) FOR FAILING TO FILE THE 2000 12 DAY PRE-GENERAL REPORT. BY MAILGRAM DATED DECEMBER 21, 2000, THE COMMISSION SENT YOU NOTIFICATION OF THE RTB FINDING THAT INCLUDED A CIVIL MONEY PENALTY CALCULATED AT RTB OF \$4,000.00 IN ACCORDANCE WITH THE SCHEDULE OF PENALTIES AT 11 C.F.R. 111.43. ON JANUARY 25, 2001, THE OFFICE OF ADMINISTRATIVE REVIEW RECEIVED YOUR WRITTEN RESPONSE CHALLENGING THE RTB FINDING AND THE CIVIL MONEY PENALTY CALCULATED AT RTB.

THE REVIEWING OFFICER REVIEWED THE COMMISSION'S RTB FINDING WITH ITS SUPPORTING DOCUMENTATION AND YOUR WRITTEN RESPONSE. BASED ON THIS REVIEW, THE REVIEWING OFFICER RECOMMENDED THAT THE COMMISSION MAKE A FINAL DETERMINATION THAT THE CHICAGO BOARD OF OPTIONS EXCHANGE INC. PAC AND YOU, AS TREASURER, VIOLATED 2 U.S.C. 434(A) AND ASSESS A CIVIL MONEY PENALTY IN THE AMOUNT OF \$4,000.00 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 OCTOBER 1, 2001

WESTERN UNION

WESTERN UNION COMMERCIAL SERVICES

ON OCTOBER 18, 2001, THE COMMISSION ADOPTED THE REVIEWING OFFICER'S RECOMMENDATION AND MADE A FINAL DETERMINATION THAT THE CHICAGO BOARD OF OPTIONS EXCHANGE INC. PAC AND YOU, AS TREASURER, VIOLATED 2 U.S.C. 434(A) AND ASSESSED A CIVIL MONEY PENALTY OF \$4,000.00. IT IS BASED ON THE SAME FACTORS USED TO CALCULATE THE CIVIL MONEY PENALTY AT RTB.

TO PAY THE CIVIL MONEY PENALTY

TO PAY THE CIVIL MONEY PENALTY, SEND THE ENCLOSED FORM AND YOUR PAYMENT TO THE ADDRESS ON PAGE 3 WITHIN 30 DAYS OF RECEIPT OF THIS LETTER.

IF YOU DO NOT PAY THE CIVIL MONEY PENALTY

UNPAID CIVIL MONEY PENALTIES ASSESSED THROUGH THE ADMINISTRATIVE FINE REGULATIONS WILL BE SUBJECT TO THE DEBT COLLECTION ACT OF 1982 ("DCA") AS AMENDED BY THE DEBT COLLECTION IMPROVEMENT ACT OF 1996 ("DCIA"), 31 U.S.C. 3701 ET SEQ. IF YOU DO NOT PAY THIS DEBT WITHIN 30 DAYS (OR FILE A WRITTEN PETITION TO A FEDERAL DISTRICT COURT - SEE BELOW), THE COMMISSION WILL TRANSFER THE DEBT TO THE U.S. DEPARTMENT OF THE TREASURY ("TREASURY") FOR COLLECTION. WITHIN 5 DAYS OF THE TRANSFER TO TREASURY, TREASURY WILL CONTACT THE DEBTOR AND REQUEST PAYMENT. TREASURY CURRENTLY CHARGES A FEE OF 18% OF THE CIVIL MONEY PENALTY AMOUNT FOR ITS COLLECTION SERVICES. THE FEE WILL BE ADDED TO THE AMOUNT OF THE CIVIL MONEY PENALTY THAT YOU OWE. SHOULD TREASURY'S ATTEMPTS FAIL, TREASURY WILL REFER THE DEBT TO A PRIVATE COLLECTION AGENCY ("PCA"). IF THE DEBT IS REFERRED TO A PCA, THE TREASURY AND PCA COLLECT A FEE OF 28% OF THE CIVIL MONEY PENALTY AMOUNT WHICH WILL BE ADDED TO THE AMOUNT OF THE CIVIL MONEY PENALTY THAT YOU OWE. IF THE DEBT REMAINS UNPAID, TREASURY MAY RECOMMEND THAT THE COMMISSION REFER THE MATTER TO THE DEPARTMENT OF JUSTICE FOR LITIGATION.

IF YOU CHOOSE TO APPEAL THE FINAL DETERMINATION AND/OR CIVIL MONEY PENALTY

IF YOU CHOOSE TO APPEAL THE FINAL DETERMINATION, YOU SHOULD SUBMIT A WRITTEN PETITION, WITHIN 30 DAYS OF RECEIPT OF THIS LETTER, TO THE DISTRICT COURT OF THE UNITED STATES FOR THE DISTRICT IN WHICH THE COMMITTEE OR TREASURER RESIDE, OR TRANSACT BUSINESS, REQUESTING THAT THE FINAL DETERMINATION BE MODIFIED OR SET ASIDE. SEE 2 U.S.C. 437G(A)(4)(C)(III). YOUR FAILURE TO RAISE AN ARGUMENT IN A TIMELY FASHION DURING THE ADMINISTRATIVE PROCESS SHALL BE DEEMED A WAIVER OF THE RESPONDENTS' RIGHT TO PRESENT SUCH ARGUMENT IN A PETITION TO THE DISTRICT COURT UNDER 2 U.S.C. 437G. 11 C.F.R. 111.38.

THE CONFIDENTIALITY PROVISIONS AT 2 U.S.C. 437G(A)(12) NO LONGER APPLY AND THIS MATTER IS NOW PUBLIC. THE FILE WILL BE MADE A PART OF THE PUBLIC RECORD PURSUANT TO 11 C.F.R. 111.42(B). ALTHOUGH THE COMPLETE 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 JENNIFER H. BOYT ON OUR TOLL FREE NUMBER (800)424-9530 (PRESS 0, THEN EXT. 1660) OR (202)694-1660.

SINCERELY,

**WESTERN
UNION**

WESTERN UNION COMMERCIAL SERVICES

DANNY L. McDONALD
CHAIRMAN-----
ADMINISTRATIVE FINE PAYMENT INSTRUCTIONS

IN ACCORDANCE WITH THE SCHEDULE OF PENALTIES AT 11 C.F.R.
111.43, THE CIVIL MONEY PENALTY IS \$4,000.00 FOR THE 2000 12 DAY
PRE-GENERAL REPORT.

THIS PENALTY SHOULD BE PAID BY CHECK OR MONEY ORDER, MADE
PAYABLE TO THE FEDERAL ELECTION COMMISSION. IT SHOULD BE SENT BY
MAIL TO:

FEDERAL ELECTION COMMISSION
PO BOX 952182
ST. LOUIS, MO 63195-2182

IF YOU CHOOSE TO SEND YOUR PAYMENT BY COURIER OR OVERNIGHT
DELIVERY, PLEASE USE THIS ADDRESS:

FIRSTAR - GOVERNMENT LOCKBOX
FEC # 952182
1005 CONVENTION PLAZA
ST. LOUIS, MO 63101

THE FORM AND PAYMENT ARE DUE WITHIN 30 DAYS OF RECEIPT OF THIS
LETTER.

PLEASE DETACH AND RETURN THIS PORTION BELOW WITH YOUR PAYMENT

FOR CHICAGO BOARD OF OPTIONS EXCHANGE INC. PAC

FEC ID # C00100693

AF # 212

PAYMENT AMOUNT DUE \$4,000.00

FOR Chicago Board of Options Exchange Inc. PAC

FEC ID # C00100693

AF # 212

PAYMENT AMOUNT DUE \$4,000.00

MGMCOMP 14:22 EST

To reply by Mailgram Message, see reverse side for Western Union's toll-free number.

QUALITY IS OUR PRIORITY FOR LOCKBOX 2182

SEQ# 002 \$ 0000400000 BR# 1 11-13-01 20 9



LaSalle et Van Horn
Chicago, Illinois 60604



134097

DATE

CHIEF OF BR

NET AMOUNT

11/7/01

134097

\$4,000.00

PAY

Four Thousand Dollars And 00 Cents

TO THE
ORDER
OF

FEDERAL ELECTION COMMISSION
P.O. BOX 952182

ST LOUIS MO 63195-2182

VOID OVER 90 DAYS

THE CHICAGO BOARD OPTIONS EXCHANGE

AUTHORIZED SIGNATURE

FIRST STAR

THIS IS THE END OF ADMINSTRATIVE FINE CASE

212

DATE FILMED 11/28/61 CAMERA NO. 4

CAMERAMAN ESS

430454037