



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 2790

DATE SCANNED 8/29/14

SCANNER NO. 2

SCAN OPERATOR EEJ



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2014 JUN -6 PM 2: 58

June 6, 2014

MEMORANDUM

SENSITIVE

TO: The Commission

THROUGH: Alec Palmer *AP*
Staff Director

FROM: Patricia C. Orrock *PCO*
Chief Compliance Officer

Debbie Chacona *DC*
Assistant Staff Director
Reports Analysis Division

BY: *KDR*
Kristin D. Roser
Compliance Branch

SUBJECT: Reason to Believe Recommendation -
Failure to File 48-Hour Notices under the Administrative Fine Program

Attached is the name of a principal campaign committee that has failed to file 48-hour notices with the Commission for contributions of \$1,000.00 or more received from the close of books for the Texas 2014 12 Day Pre-Primary Report up to 48 hours before the March 4, 2014 Primary Election in accordance with 2 U.S.C. § 434(a) and 11 CFR § 104.5(f). The committee, Texans for Lamar Smith, represents a candidate who won the Primary Election. The committee is being referred for failing to file 48-hour notices for contributions totaling \$26,700.00.

A 48-hour notice is required to report all contributions of a \$1,000.00 or more to any authorized committee of a candidate, including contributions from the candidate, loans from the candidate and other non-bank sources and endorsements or guarantees of loans from banks, as per 11 CFR § 104.5(f).

We have attached an information sheet which includes the contributor name, date of receipt and amount of the contributions for which a 48-hour notice was not filed.

In accordance with the schedule of civil money penalties outlined within 11 CFR § 111.44, this committee should be assessed the civil money penalty so indicated.

1. Find reason to believe that Texans for Lamar Smith and Pike Powers, Treasurer, violated 2 U.S.C. § 434(a) and make a preliminary determination that a civil money penalty of \$2,890 be assessed.
2. Send the appropriate letter.

Attachment

Contributions for Which a 48-Hour Notice Was Not Received

AF 2790

Committee ID: C00197160

Committee Name: Texans for Lamar Smith

Report Type: April Quarterly Report (2/13/14 – 3/31/14)

48-Hour Reporting Period: 2/13/14 – 3/1/14

CONTRIBUTOR	DATE	AMOUNT
BARGER, DARLA S.	2/27/2014	\$2,600.00
BARGER, JOHN	2/27/2014	\$2,600.00
BEEF POLITICAL ACTION COMMITTEE OF TEXAS CATTLE FEEDERS ASSOCIATION	2/27/2014	\$1,000.00
LOCKHEED MARTIN CORPORATION EMPLOYEES POLITICAL ACTION COMMITTEE	2/27/2014	\$1,000.00
NATIONAL ASSOCIATION OF INSURANCE AND FINANCIAL ADVISORS PAC	2/27/2014	\$1,000.00
AMERICAN HOSPITAL ASSOCIATION POLITICAL ACTION COMMITTEE (AHA PAC)	2/28/2014	\$1,000.00
BNSF RAILWAY COMPANY PAC (BNSF RAILPAC)	2/28/2014	\$2,500.00
CHESAPEAKE ENERGY CORPORATION FEDERAL PAC	2/28/2014	\$2,500.00
HEWLETT-PACKARD COMPANY PAC	2/28/2014	\$2,000.00
INDEPENDENT INSURANCE AGENTS OF AMERICA POLITICAL ACTION COMMITTEE (INSURPAC)	2/28/2014	\$4,000.00
NATIONAL MUSIC PUBLISHERS' ASSOCIATION PAC (NMPAC)	2/28/2014	\$2,000.00
SONY PICTURES ENTERTAINMENT, INC. PAC	2/28/2014	\$2,000.00
TESORO PETROLEUM CORPORATION POLITICAL ACTION COMMITTEE	2/28/2014	\$2,500.00
TOTAL		\$26,700.00

Proposed Civil Money Penalty: \$2,890.00 ((2 Notices Not Filed at \$110 each) + (10% of the Overall Contributions Not Filed))

UNCLASSIFIED

Federal Election Commission
Reason to Believe Circulation Report
48-Hour Notification Report

6/6/2014 2:04 PM

AF#	Committee ID	Committee Name	State	Election	Candidate Name	Treasurer	Prev Violations	Notices Not Filed	LOA	Penalty
2790	C00197160	TEXANS FOR LAMAR SMITH	TX	2014	SMITH, LAMAR	POWERS, PIKE	0	2	\$26,700	\$2,890

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Reason To Believe Recommendation -) AF 2790
Failure to File 48-Hour Notices under the)
Administrative Fine Program: Texans for)
Lamar Smith and Pike Powers, Treasurer)

CERTIFICATION

I, Shelley E. Garr, Acting Secretary and Clerk of the Federal Election Commission, do hereby certify that on June 10, 2014, the Commission decided by a vote of 6-0 to take the following actions in AF 2790:

1. Find reason to believe that Texans for Lamar Smith and Pike Powers, Treasurer, violated 2 U.S.C. § 434(a) and make a preliminary determination that a civil money penalty of \$2,890.00 be assessed.
2. Send the appropriate letter.

Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

Attest:

June 10, 2014
Date

Shelley E. Garr
Shelley E. Garr
Acting Secretary and Clerk of the
Commission



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 11, 2014

Pike Powers, in official capacity as Treasurer
Texans for Lamar Smith
P.O. Box 6155
San Antonio, TX 78209

C00197160
AF#: 2790

Dear Mr. Powers:

The Federal Election Campaign Act of 1971, as amended, 2 U.S.C. § 431, *et seq.* ("the Act"), requires principal campaign committees of candidates for federal office to notify in writing either the Secretary of the Senate or the Federal Election Commission ("FEC"), and the Secretary of State, as appropriate, of any contribution of \$1,000 or more, received by any authorized committee of the candidate after the 20th day, but more than 48 hours before, any election. 2 U.S.C. § 434(a)(6)(A). The Act further requires notification to be made within 48 hours after the receipt of the contribution and to include the name of the candidate and office sought, the date of receipt, the amount of the contribution, and the identification of the contributor. *Id.* These notification requirements are in addition to all other reporting requirements. 2 U.S.C. § 434(a). Our records indicate that Texans for Lamar Smith did not submit 48-Hour Notices for contributions of \$1,000 or more, received between February 27, 2014 and February 28, 2014, totaling \$26,700, as required by 2 U.S.C. § 434(a)(6)(A). Attachment 1.

The Act permits the FEC to impose civil money penalties for violations of the reporting requirements of 2 U.S.C. § 434(a). 2 U.S.C. § 437g(a)(4). On June 10, 2014, the FEC found that there is Reason to Believe ("RTB") that Texans for Lamar Smith and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) by failing to file the 48-Hour Notices. Based on the FEC's schedule of civil money penalties at 11 CFR § 111.44, the amount of your civil money penalty calculated at the RTB stage is \$2,890. Please see the attached copy of the Commission's administrative fine regulations at 11 CFR §§ 111.30-111.55. Attachment 2. The Commission's website contains further information about how the administrative fine program works and how the fines are calculated. <http://www.fec.gov/af/af.shtml>. 11 CFR § 111.34. The amount of the civil money penalty is \$110 for each non-filed notice plus 10 percent of the dollar amount of the contributions not timely reported. The civil money penalty increases by 25 percent for each prior violation. Send your payment of \$2,890 within forty (40) days of the finding, or by July 20, 2014.

At this juncture, the following courses of action are available to you:

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 and do not submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that Texans for Lamar Smith and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty.

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA"), as amended by the Debt Collection

Improvement Act of 1996, 31 U.S.C. § 3701 *et seq.* The FEC may take any and all appropriate action authorized and required by the DCA, as amended, including transfer to the U.S. Department of the Treasury for collection. 11 CFR § 111.51(a)(2).

3. If You Choose to Pay the Civil Money Penalty

If you should decide to pay the calculated civil money penalty, send the enclosed remittance form, along with your payment, to the FEC at the address on page 4. Upon receipt of your payment, the FEC will send you a final determination letter.

NOTICE REGARDING PARTIAL PAYMENTS AND SETTLEMENT OFFERS

4. Partial Payments

If you make a payment in an amount less than the calculated civil money penalty, the amount of your partial payment will be credited towards the full civil money penalty that the Commission assesses upon making a final determination.

5. Settlement Offers

If you make a payment in an amount less than the calculated civil money penalty as an offer to settle or compromise a debt owed to the Commission, the offer is herewith rejected despite any restrictive endorsements contained on your check or money order or proposed in correspondence transmitted with your check or money order. Acceptance and deposit or cashing of such a restricted payment does not constitute acceptance of the settlement offer. Payments containing restrictive endorsements will be deposited and treated as a partial payment towards the civil money penalty that the Commission assesses upon making a final determination. All unpaid civil money penalty amounts remaining will be subject to the debt collection procedures set forth in Section 2, above.

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

As noted earlier, you may obtain additional information on the FEC's administrative fine program, including the final regulations, on the FEC's website at <http://www.fec.gov/af/af.shtml>. If you have questions regarding the payment of the calculated civil money penalty, please contact David Garr in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130. If you have questions regarding the submission of a challenge, please contact the Office of Administrative Review at our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

On behalf of the Commission,



Lee E. Goodman
Chair

ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 CFR § 111.44, the amount of your civil money penalty calculated at RTB is \$2,890 for the 2014 Primary Election 48-Hour Notification Report.

Please mail this remittance with a check or money order made payable to the Federal Election Commission to the following address:

Federal Election Commission
P.O. Box 979058
St. Louis, MO 63197-9000

If you choose to send your remittance and payment by courier or overnight delivery, please use this address:

U.S. Bank - Government Lockbox
FEC #979058
1005 Convention Plaza
Attn: Government Lockbox, SL-MO-C2GL
St. Louis, MO 63101

The remittance and your payment are due by July 20, 2014. Upon receipt of your remittance and payment, the FEC will send you a final determination letter.

PAYMENTS BY PERSONAL CHECK

Personal checks will be converted into electronic funds transfers (EFTS). Your account will be electronically debited for the amount on your check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: Texans for Lamar Smith

FEC ID#: C00197160

AF#: 2790

PAYMENT DUE DATE: July 20, 2014

PAYMENT AMOUNT DUE: \$2,890

Contributions for Which a 48-Hour Notice Was Not Received

AF 2790

Committee ID: C00197160

Committee Name: Texans for Lamar Smith

Report Type: April Quarterly Report (2/13/14 – 3/31/14)

48-Hour Reporting Period: 2/13/14 – 3/1/14

CONTRIBUTOR	DATE	AMOUNT
BARGER, DARLA S.	2/27/2014	\$2,600.00
BARGER, JOHN	2/27/2014	\$2,600.00
BEEF POLITICAL ACTION COMMITTEE OF TEXAS CATTLE FEEDERS ASSOCIATION	2/27/2014	\$1,000.00
LOCKHEED MARTIN CORPORATION EMPLOYEES POLITICAL ACTION COMMITTEE	2/27/2014	\$1,000.00
NATIONAL ASSOCIATION OF INSURANCE AND FINANCIAL ADVISORS PAC	2/27/2014	\$1,000.00
AMERICAN HOSPITAL ASSOCIATION POLITICAL ACTION COMMITTEE (AHA PAC)	2/28/2014	\$1,000.00
BNSF RAILWAY COMPANY PAC (BNSF RAILPAC)	2/28/2014	\$2,500.00
CHESAPEAKE ENERGY CORPORATION FEDERAL PAC	2/28/2014	\$2,500.00
HEWLETT-PACKARD COMPANY PAC	2/28/2014	\$2,000.00
INDEPENDENT INSURANCE AGENTS OF AMERICA POLITICAL ACTION COMMITTEE (INSURPAC)	2/28/2014	\$4,000.00
NATIONAL MUSIC PUBLISHERS' ASSOCIATION PAC (NMPAC)	2/28/2014	\$2,000.00
SONY PICTURES ENTERTAINMENT, INC. PAC	2/28/2014	\$2,000.00
TESORO PETROLEUM CORPORATION POLITICAL ACTION COMMITTEE	2/28/2014	\$2,500.00
TOTAL		\$26,700.00

Proposed Civil Money Penalty: \$2,890.00 ((2 Notices Not Filed at \$110 each) + (10% of the Overall Contributions Not Filed))



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2014 JUL 23 AM 9:54

July 22, 2014

MEMORANDUM

SENSITIVE

TO: The Commission

THROUGH: Alec Palmer *AP*
Staff Director

FROM: Patricia C. Orrock *PCO*
Chief Compliance Officer

Debbie Chacona *DC*
Assistant Staff Director
Reports Analysis Division

BY: Kristin D. Roser *KDR*
Reports Analysis Division
Compliance Branch

SUBJECT: Administrative Fine Program – Final Determination Recommendation for the
Failure to File 48-Hour Notices

Attached is a list identifying a political committee and its treasurer against which the Commission has found reason to believe (RTB) and assessed a proposed civil money penalty calculated at RTB for failure to file or failure to timely file the appropriate 48 Hour Notices for the Texas 2014 Primary Election. The committee has paid the civil money penalty requested at RTB.

In accordance with 11 CFR § 111.34, the Commission shall send a final determination notice to the respondent that has paid the civil money penalty.

RAD Recommendation

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

Federal Election Commission
Final Determination Circulation Report
48-Hour Notification Report

7/22/2014 12:54 PM

AF#	Committee ID	Committee Name	State	Election	Candidate Name	Treasurer	Prev Violations	Notices Not Filed	LOA	RTB Date	RTB Penalty	FD Penalty	Date Paid	Amount Paid
2790	C00197160	TEXANS FOR LAMAR SMITH	TX	2014	SMITH, LAMAR	POWERS, PIKE	0	2	\$26,700	06/10/2014	\$2,890	\$2,890	06/24/2014	\$2,890

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Administrative Fine Program - Final) AF 2790
Determination Recommendation for the)
Failure to File 48-Hour Notices: Texans)
for Lamar Smith and Pike Powers,)
Treasurer)

CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on July 24, 2014, the Commission decided by a vote of 6-0 to take the following actions in AF 2790:

1. Make a final determination that Texans for Lamar Smith and Pike Powers, Treasurer violated 2 U.S.C. § 434(a) and assess the final civil money penalty in the amount of \$2,890.
2. Send the appropriate letter.

Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

Attest:

July 25, 2014
Date

Shawn Woodhead Werth
Shawn Woodhead Werth
Secretary and Clerk of the Commission

1400626648894



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 25, 2014

Pike Powers, in official capacity as Treasurer
Texans for Lamar Smith
P.O. Box 6155
San Antonio, TX 78209

C00197160
AF#: 2790

Dear Mr. Powers:

On June 10, 2014, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Texans for Lamar Smith and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) for failing to file 48-Hour Notices for contributions of \$1,000 or more, received between February 27, 2014 and February 28, 2014, totaling \$26,700. By letter dated June 11, 2014, the Commission notified you of the RTB finding and the civil money penalty calculated at the RTB stage totaling \$2,890 in accordance with the schedule of penalties at 11 CFR § 111.44.

On June 24, 2014, the FEC received payment of the civil money penalty calculated at the RTB stage. The FEC made a final determination on July 24, 2014 that Texans for Lamar Smith and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a), assessed a civil money penalty in the amount of \$2,890 in accordance with 11 CFR § 111.44 and voted to close the file.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. The file will be made a part of the public record pursuant to 11 CFR § 111.42(b). Although the file must be placed on the public record within thirty (30) days from the date of the Commission's notification, this could occur at anytime following certification of the Commission's vote.

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

On behalf of the Commission,

A handwritten signature in black ink, appearing to read "Lee E. Goodman".

Lee E. Goodman
Chair

PAYMENT AMOUNT DUE: \$2,890

FEDERAL ELECTION COMMISSION

Lockbox: GLX-979058 Ledger Date 06/23/2014



usbank
St. Louis GA Lockbox
(314) 425-1818

Batch	Item	TID	Batch Total	Amount
1	1	Y-3097256	\$2,890.00	\$2,890.00



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 2790

DATE SCANNED 8/29/14

SCANNER NO. 2

SCAN OPERATOR EES