

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 3089

11/06/24 11:11/006



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

2016 AUG 30 PM 9:35

August 30, 2016

**SENSITIVE**

**MEMORANDUM**

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*  
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 timely file a 48-hour notice with the Commission for contributions of \$1,000.00 or more received from the close of books for the Texas 2016 12 Day Pre-Primary Report up to 48 hours before the March 1, 2016 Primary Election in accordance with 52 U.S.C. § 30104(a) and 11 CFR § 104.5(f). The committee, Vicente Gonzalez for Congress, represents a candidate who won the Primary Election. The committee is being referred for failing to timely file a 48-hour notice for a contribution totaling \$200,000.00.

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 contribution 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.

**Recommendation**

1. Find reason to believe that Vicente Gonzalez for Congress and Lorena Saenz Gonzalez, Treasurer, in her official capacity as treasurer, violated 52 U.S.C. § 30104(a) and make a preliminary determination that a civil money penalty of \$20,137 be assessed.
2. Send the appropriate letter.

**Attachment**

1700992711708

**Contributions for Which a 48-Hour Notice Was Not Timely Received**

AF 3089

Committee ID: C00592659

Committee Name: Vicente Gonzalez for Congress

Report Type: 2016 April Quarterly Report (02/11/2016 - 03/31/2016)

48-Hour Reporting Period: 02/11/2016 - 02/27/2016

CONTRIBUTOR	DATE	AMOUNT
GONZALEZ, VICENTE	02/16/16	\$200,000.00
	<b>TOTAL</b>	<b>\$200,000.00</b>

**Proposed Civil Money Penalty: \$20,137.00** ((1 Notice Not Filed at \$137 each) + (10% of the Overall Contributions Not Filed))

11/03/2016 11:00

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

8/29/2016 5:00 PM

AF#	Committee ID	Committee Name	State	Election	Candidate Name	Treasurer	Prev Violations	Notices Not Filed	LOA	Penalty
3089	C00592659	VICENTE GONZALEZ FOR CONGRESS	TX	2016	MR. VICENTE GONZALEZ	MRS. LORENA SAENZ GONZALEZ	0	1	\$200,000	\$20,137

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 ) AF 3089  
Reason to Believe Recommendation – )  
Failure to File 48-Hour Notices under the )  
Administrative Fine Program: Vicente )  
Gonzalez for Congress and Lorena Saenz )  
Gonzalez, in her official capacity as )  
treasurer )

CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on September 02, 2016, the Commission decided by a vote of 6-0 to take the following actions in AF 3089:

1. Find reason to believe that Vicente Gonzalez for Congress and Lorena Saenz Gonzalez, in her official capacity as treasurer, violated 52 U.S.C. § 30104(a) and make a preliminary determination that a civil money penalty of \$20,137 be assessed.
2. Send the appropriate letter.

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

Attest:

September 2, 2016  
Date

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



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

September 2, 2016

Mrs. Lorena Saenz Gonzalez, in official capacity as Treasurer  
Vicente Gonzalez for Congress  
121 North 10th Street  
McAllen, TX 78501

C00592659

AF#: 3089

Dear Mrs. Gonzalez:

The Federal Election Campaign Act of 1971, as amended, 52 U.S.C. § 30101, *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. 52 U.S.C. § 30104(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. 52 U.S.C. § 30104(a). Our records indicate that Vicente Gonzalez for Congress did not timely submit 48-Hour Notices for contributions of \$1,000 or more, received on February 16, 2016, totaling \$200,000, as required by 52 U.S.C. § 30104(a)(6)(A). Attachment 1.

The Act permits the FEC to impose civil money penalties for violations of the reporting requirements of 52 U.S.C. § 30104(a). 52 U.S.C. § 30109(a)(4). On September 2, 2016, the FEC found that there is Reason to Believe ("RTB") that Vicente Gonzalez for Congress and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(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 \$20,137. 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 \$137 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 \$20,137 within forty (40) days of the finding, or by October 12, 2016.

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

**1. If You Choose to Challenge the RTB Finding and/or Civil Money Penalty**

If you should decide to challenge the RTB finding and/or calculated civil money penalty, you must submit a written response to the FEC's Office of Administrative Review, 999 E Street, NW, Washington, DC 20463. Your response must include the AF# (found at the top of page 1 under your committee's identification number) and be received within forty (40) days of the Commission's RTB finding, or October 12, 2016. 11 CFR § 111.35(a). Your written response must include the reason(s) why you are challenging the RTB finding and/or calculated civil money penalty, and must include the factual basis supporting the reason(s) and supporting documentation. The FEC strongly encourages that documents be submitted in the form of affidavits or declarations. 11 CFR § 111.36(c).

The FEC will only consider challenges that are based on at least one of three grounds: (1) a factual error in the RTB finding; (2) miscalculation of the calculated civil money penalty by the FEC; or (3) your demonstrated use of best efforts to file in a timely manner when prevented from doing so by reasonably unforeseen circumstances that were beyond your control. 11 CFR § 111.35(b). In order for a challenge to be considered on the basis of best efforts, you must have filed the required report no later than 24 hours after the end of these reasonably unforeseen circumstances. *Id.* Examples of circumstances that will be considered reasonably unforeseen and beyond your control include, but are not limited to: (1) a failure of Commission computers or Commission-provided software despite your seeking technical assistance from Commission personnel and resources; (2) a widespread disruption of information transmissions over the Internet that is not caused by a failure of the Commission's or your computer systems or Internet service provider; and (3) severe weather or other disaster-related incident. 11 CFR § 111.35(c). Examples of circumstances that will not be considered reasonably unforeseen and beyond your control include, but are not limited to: (1) negligence; (2) delays caused by vendors or contractors; (3) treasurer and staff illness, inexperience or unavailability; (4) committee computer, software, or Internet service provider failures; (5) failure to know filing dates; and (6) failure to use filing software properly. 11 CFR § 111.35(d).

The "failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver" of your right to present such argument in a petition to the U.S. District Court under 52 U.S.C. § 30109. 11 CFR § 111.38.

If you intend to be represented by counsel, please advise the Office of Administrative Review. You should provide, in writing, the name, address and telephone number of your counsel and authorize counsel to receive notifications and communications relating to this challenge and imposition of the calculated civil money penalty.

## 2. If You Choose Not to Pay the Civil Money Penalty and Not to Submit a Challenge

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 Vicente Gonzalez for Congress and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(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

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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, follow the payment instructions on page 4 of this letter. 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.

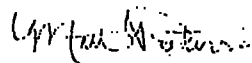
**5. Settlement Offers**

Any offer to settle or compromise a debt owed to the Commission, including a payment in an amount less than the calculated civil money penalty assessed or any restrictive endorsements contained on your check or money order or proposed in correspondence transmitted with your check or money order, will be rejected. 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. 52 U.S.C. § 30109(a)(2). Unless you notify the FEC in writing that you wish the matter to be made public, it will remain confidential in accordance with 52 U.S.C. § 30109(a)(4)(B) and 30109(a)(12)(A) until it is placed on the public record at the conclusion of this matter in accordance with 11 CFR § 111.42.

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,



Matthew S. Petersen  
Chair

17009267114

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**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 \$20,137 for the 2016 Primary Election 48-Hour Notification Report.

You may remit payment by ACH withdrawal from your bank account, or by debit or credit card through Pay.gov, the federal government's secure portal for online collections. Visit [www.fec.gov/af/pay.shtml](http://www.fec.gov/af/pay.shtml) to be directed to Pay.gov's Administrative Fine Program Payment form.

This penalty may also be paid by check or money order, made payable to the Federal Election Commission. It should be sent by mail to:

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

If you choose to send your payment by courier or overnight delivery, please send to:

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

**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: Vicente Gonzalez for Congress

FEC ID#: C00592659

AF#: 3089

PAYMENT DUE DATE: October 12, 2016

PAYMENT AMOUNT DUE: \$20,137

**Contributions for Which a 48-Hour Notice Was Not Timely Received**

**AF 3089**

**Committee ID: C00592659**

**Committee Name: Vicente Gonzalez for Congress**

**Report Type: 2016 April Quarterly Report (02/11/2016 - 03/31/2016)**

**48-Hour Reporting Period: 02/11/2016 - 02/27/2016**

CONTRIBUTOR	DATE	AMOUNT
GONZALEZ, VICENTE	02/16/16	\$200,000.00
	TOTAL	\$200,000.00

**Proposed Civil Money Penalty: \$20,137.00 ((1 Notice Not Filed at \$137 each) + (10% of the Overall Contributions Not Filed))**

# VICENTEGONZALEZ

for U.S. CONGRESS

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

C00592659  
AF#:3089

RECEIVED  
FEC MAIL CENTER  
2016 OCT -4 AM 7:38

To whom this may concern,

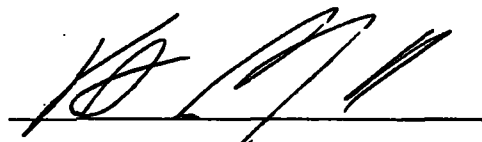
I am corresponding regarding the above referenced ID info. I would like to respectfully challenge this fine. And ask the board to re-consider the assessed fine.

This is my first time running for any political office. Unfortunately, even with some compliance assistance, I was never made aware of a 48hr reporting rule applying on my own contributions. I assumed contributions meant funds coming from other than myself. We reported it as soon as we were made aware and have reported timely on all others.

This was an honest mistake with no mal intent and resulted in no harm. We would ask that you please take this into consideration and reconsider waiving the fine, or at the minimum to please reconsider the brutal amount of this fine, and I respectfully ask for a reduction in this amount.

Your consideration is greatly appreciated,

Sincerely



Vicente Gonzalez  
TX-D 15 Candidate



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

November 16, 2016

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

AF# 3089 – Vicente Gonzalez for Congress and Mrs. Lorena Saenz Gonzalez, in her official capacity as Treasurer (C00592659)

**Summary of Recommendation**

Make a final determination that the respondents violated 52 U.S.C. § 30104(a) and assess a \$20,137 civil money penalty.

**Reason-to-Believe Background**

In connection with the 2016 Texas Primary Election held on March 1, 2016, the respondents were required to file 48-Hour Notices for contributions of \$1,000 or more received between February 11, 2016 and February 27, 2016. On September 2, 2016, the Commission found reason to believe ("RTB") that the respondents violated 52 U.S.C. § 30104(a) for failing to timely file 48-Hour Notices for one contribution of \$200,000 and made a preliminary determination that the civil money penalty was \$20,137 based on the schedule of penalties at 11 C.F.R. § 111.44. A letter was mailed to the respondents' address of record from the Reports Analysis Division ("RAD") on September 2, 2016 to notify them of the Commission's RTB finding and civil money penalty.

**Legal Requirements**

The Federal Election Campaign Act ("Act") requires that the principal campaign committee of a candidate must notify the Commission, in writing, of any contribution of \$1,000 or more received after the 20<sup>th</sup> day but more than 48 hours before an election. The principal campaign committee must notify the Commission within 48 hours of receipt of the contribution. The 48-hour notification shall be in addition to all other reporting requirements under the Act. 52 U.S.C. § 30104(a)(6)(A) and 11 C.F.R. § 104.5(f). Reports electronically filed must be received and validated at or before 11:59 pm Eastern Standard/Daylight Time on the filing deadline to be timely filed. 11 C.F.R. §§ 100.19(c) and 104.5(e). The treasurer shall be personally responsible for the timely filing of reports. 11 C.F.R. § 104.14(d).

## Summary of Respondents' Challenge

On October 4, 2016, the Commission received the written response ("challenge") from the Candidate. He explains that this was his first time running for any political office, and he was unaware that the 48-Hour reporting requirement applied to contributions he made to the Committee. He states that "[t]his was an honest mistake with no mal intent and resulted in no harm." He concludes by requesting that the Commission reconsider the "brutal" penalty.

## Analysis

The Reviewing Officer confirms that the 48-Hour Notice requirements do apply to a committee's receipt of candidate loans. The Commission's regulations, publications, and website explain 48-Hour Notice reporting requirements. Candidate loans are specifically included in the definition of a contribution at 11 C.F.R. § 100.52. In addition, page 81 of the *Campaign Guide for Congressional Candidates and Committees* explains that 48-Hour Notice requirements "[apply] to all types of contributions to any authorized committee of the candidate, including...loans from the candidate..." Further, on January 27, 2016, the Commission's Information Division sent an email to [vgonzalezforcongress@gmail.com](mailto:vgonzalezforcongress@gmail.com) and [janica@pcmsllc.com](mailto:janica@pcmsllc.com), the email addresses disclosed on the Committee's Statement of Organization. The email included a link to the 2016 Texas Pre-Primary Report Prior Notice on the Commission's website. The notice detailed the reporting requirements in connection with the 2016 Texas Primary Election, including the 48-Hour Notice requirement for contributions of \$1,000 or more received from February 11, 2016 through February 27, 2016. Within the Prior Notice, there was a link to the Supplemental Filing Information for Congressional Committees page of the Commission's website, which states:

The principal campaign committee must file notices if any authorized committees receive any contribution **(including in-kind gifts or advances of goods or services; Loans from the candidate or other non-bank sources; and guarantees or endorsements of bank loans to the candidate or committee)** of \$1,000 or more per source, during the period less than 20 days but more than 48 hours before any election in which the candidate is running. See 11 CFR 104.5(f). (emphasis included)

The Reviewing Officer confirms that the Commission correctly calculated the civil money penalty assessed at RTB pursuant to 11 C.F.R. § 111.44. The calculation is \$137 plus 10 percent of the amount of the contributions not reported on each 48-Hour Notice. The respondents failed to file a 48-Hour Notice for one contribution of \$200,000 received on February 16, 2016. Therefore, the amount of the civil money penalty is  $(\$137 \times 1) + (.10 \times \$200,000)$  or \$20,137, as assessed at RTB.

Negligence is specifically included at 11 C.F.R. § 111.35(d) as an example of a circumstance that will not be considered reasonably unforeseen and beyond the respondents' control. Their challenge fails to address any of the three valid grounds at 11 C.F.R. § 111.35(b). These are: (i) the RTB finding is based on factual errors; and/or (ii) the improper calculation of the civil money penalty; and/or (iii) they used best efforts to file on time but were prevented

from doing so by reasonably unforeseen circumstances that were beyond their control and they filed the report no later than 24 hours after the end of these circumstances. 11 C.F.R. § 104.14(d). Therefore, the Reviewing Officer recommends that the Commission make a final determination that the respondents violated 52 U.S.C. § 30104(a) and assess a \$20,137 civil money penalty.

#### **OAR Recommendations**

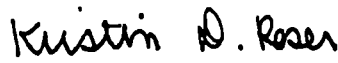
1. Adopt the Reviewing Officer recommendation for AF# 3089 involving Vicente Gonzalez for Congress and Mrs. Lorena Saenz Gonzalez, in her official capacity as Treasurer, in making the final determination;
2. Make a final determination in AF# 3089 that Vicente Gonzalez for Congress and Mrs. Lorena Saenz Gonzalez, in her official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess a \$20,137 civil money penalty; and
3. Send the appropriate letter.

#### **Attachments**

Attachment 1 – Challenge Received from Respondents  
Attachment 2 –  
Attachment 3 – Declaration from RAD  
Attachment 4 – Declaration from OAR

DECLARATION OF KRISTIN D. ROSER

1. I am the Chief of the Compliance Branch for the Reports Analysis Division of the Federal Election Commission ("Commission"). In my capacity as Chief of the Compliance Branch, I oversee the initial processing of the Administrative Fine Program. I make this declaration based on my personal knowledge and, if called upon as a witness, could and would testify competently to the following matters.
2. It is the practice of the Reports Analysis Division to document all calls to or from committees regarding a letter they receive or any questions relating to the FECFile software or administrative fine regulations, including due dates of reports and filing requirements.
3. I hereby certify that documents identified herein are true and accurate copies of the following sent by the Commission to Vicente Gonzalez for Congress:
- A) Request for Additional Information for the 2016 April Quarterly Report, dated June 13, 2016, referencing the missing 48-Hour Notice (sent via electronic mail to: [vgonzalezforcongress@gmail.com](mailto:vgonzalezforcongress@gmail.com) and [janica@pcmsllc.com](mailto:janica@pcmsllc.com));
  - B) Reason-to-Believe Letter, dated September 2, 2016 referencing the missing 48-Hour Notice (sent via overnight mail to the address of record).
4. I hereby certify that I have searched the Commission's public records and find that Vicente Gonzalez for Congress filed the missing 48-Hour Notice with the Commission on March 22, 2016.
5. Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct and that all relevant telecoms for the matter have been provided. This declaration was executed at Washington, D.C. on the 6<sup>th</sup> day of October, 2016.

  
Kristin D. Roser  
Chief, Compliance Branch  
Reports Analysis Division  
Federal Election Commission





FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20543

RQ-2

June 13, 2016

MRS. LORENA SAENZ GONZALEZ, TREASURER  
VICENTE GONZALEZ FOR CONGRESS  
121 NORTH 10TH STREET  
MCALLEN, TX 78501

Response Due Date

07/18/2016

IDENTIFICATION NUMBER: C00592659

REFERENCE: APRIL QUARTERLY REPORT (02/11/2016 - 03/31/2016)

Dear Treasurer:

This letter is prompted by the Commission's preliminary review of the report referenced above. This notice requests information essential to full public disclosure of your federal election campaign finances. **Failure to adequately respond by the response date noted above could result in an audit or enforcement action.** Additional information is needed for the following 1 item(s):

- Schedule A of your report indicates that your committee may have failed to file one or more of the required 48-hour notices regarding "last minute" contributions received by your committee after the close of books for the 12 Day Pre-Primary Report (see attached). A principal campaign committee must notify the Commission, in writing, within 48 hours of any contribution of \$1,000 or more received between two and twenty days before an election. These contributions are then reported on the next report required to be filed by the committee. To ensure that the Commission is notified of last minute contributions of \$1,000 or more to your campaign, it is recommended that you review your procedures for checking contributions received during the aforementioned time period. The failure to file 48-hour notices may result in civil money penalties or legal enforcement action. (11 CFR § 104.5(f))

If any contribution of \$1,000 or more was incorrectly reported, you must amend your original report with the clarifying information.

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

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VICENTE GONZALEZ FOR CONGRESS

Page 2 of 2

taking enforcement action. Requests for extensions of time in which to respond will not be considered.

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

If you should have any questions regarding this matter or wish to verify the adequacy of your response, please contact me on our toll-free number (800) 424-9530 (at the prompt press 5 to reach the Reports Analysis Division) or my local number (202) 694-1187.

Sincerely,



Laura Beaufort  
Sr. Campaign Finance & Reviewing Analyst  
Reports Analysis Division

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120027112M

**Missing 48-Hour Notices**

**Vicente Gonzalez for Congress (C00592659)**

Contributor Name	Date	Amount	Election
Gonzalez, Vicente	2/16/16	\$200,000.00	P2016

1700927117224

### DECLARATION OF RHIANNON MAGRUDER

- 1) I am the Reviewing Officer in the Office of Administrative Review for the Federal Election Commission ("Commission"). In my capacity as Reviewing Officer, I conduct research with respect to all challenges submitted in accordance with the Administrative Fine program.
- 2) The principal campaign committee of a candidate must file notifications disclosing contributions of \$1,000 or more which are received after the 20<sup>th</sup> day but more than 48 hours before an election. These notifications (also called 48-Hour Notices) must be filed with the Commission within 48 hours of the committee's receipt of the contribution(s).
- 3) I hereby certify that I have searched the Commission's public records and that the documents identified herein are the true and accurate copies of:
  - a) Report Cover Page and 1 page of Schedule A for the 2016 April Quarterly Report filed by Vicente Gonzalez for Congress and Mrs. Lorena Saenz Gonzalez, in her official capacity as Treasurer. According to the Commission's records, the report covers the period from February 11, 2016 through March 31, 2016 and was received on April 15, 2016.
  - b) Page 1 of the Statement of Organization filed by Vicente Gonzalez for Congress and Mrs. Lorena Saenz Gonzalez, in her official capacity as Treasurer on November 21, 2015. The filing discloses vgonzalezforcongress@gmail.com and janica@pcmsllc.com as the Committee's email addresses.
- 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 16th day of November, 2016.



Rhiannon Magruder  
Reviewing Officer  
Office of Administrative Review  
Federal Election Commission

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

Office Use Only

1. NAME OF COMMITTEE (in full) TYPE OR PRINT ▼ Example: If typing, type over the lines. 12FE4M5

Vicente Gonzalez for Congress

ADDRESS (number and street) 121 North 10th St

Check if different  
than previously  
reported. (ACC)

McAllen

TX

78501

2. FEC IDENTIFICATION NUMBER ▼

C C00592659

CITY ▲

STATE ▲

ZIP CODE ▲

STATE ▼ DISTRICT

3. IS THIS  
REPORT

X

NEW  
(N)

OR

AMENDED  
(A)

TX

15

4. TYPE OF REPORT (Choose One)

(a) Quarterly Reports:

X April 15 Quarterly Report (Q1)

July 15 Quarterly Report (Q2)

October 15 Quarterly Report (Q3)

January 31 Year-End Report (YE)

Termination Report (TER)

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

Primary (12P)

General (12G)

Runoff (12R)

Convention (12C)

Special (12S)

Election on

in the  
State of

(c) 30-Day POST-Election Report for the:

General (30G)

Runoff (30R)

Special (30S)

Election on

in the  
State of

5. Covering Period 02 11 2016 through 03 31 2016

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 Lorena Saenz Gonzalez

Signature of Treasurer Lorena Saenz Gonzalez

[Electronically Filed]

Date

04

15

2016

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

Office  
Use  
Only**FEC FORM 3**  
(Revised 02/2003)

**SCHEDULE A (FEC Form 3)**  
**ITEMIZED RECEIPTS**

 Use separate schedule(s)  
 for each category of the  
 Detailed Summary Page

 FOR LINE NUMBER:  
 (check only one)

PAGE 18 OF 84

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

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

 NAME OF COMMITTEE (In Full)  
 Vicente Gonzalez for Congress

Full Name (Last, First, Middle Initial) <b>A. Vicente Gonzalez</b>			Date of Receipt 02 16 2016		
Mailing Address PO Box 720603			Transaction ID : VR0SRFPETW3		
City McAllen	State TX	Zip Code 78504-0603	Amount of Each Receipt this Period 200000.00		
FEC ID number of contributing federal political committee. C H6TX15162			Memo Item		
Name of Employer N/A		Occupation Candidate	Election Cycle-to-Date 1200000.00		
Receipt For: 2016 <input checked="" type="checkbox"/> Primary General Other (specify)					
Full Name (Last, First, Middle Initial) <b>B. Vicente Gonzalez</b>			Date of Receipt 02 26 2016		
Mailing Address PO Box 720603			Transaction ID : VR0SRFHA7J3		
City McAllen	State TX	Zip Code 78504-0603	Amount of Each Receipt this Period 200000.00		
FEC ID number of contributing federal political committee. C H6TX15162			Memo Item		
Name of Employer N/A		Occupation Candidate	Election Cycle-to-Date 1400000.00		
Receipt For: 2016 <input checked="" type="checkbox"/> Primary General Other (specify)					
Full Name (Last, First, Middle Initial) <b>C. Vicente Gonzalez</b>			Date of Receipt 03 10 2016		
Mailing Address PO Box 720603			Transaction ID : VR0SRGDSBE8		
City McAllen	State TX	Zip Code 78504-0603	Amount of Each Receipt this Period 50000.00		
FEC ID number of contributing federal political committee. C H6TX15162			Memo Item		
Name of Employer N/A		Occupation Candidate	Election Cycle-to-Date 1450000.00		
Receipt For: 2016 <input checked="" type="checkbox"/> Other (specify) Run-off Primary Primary General					
<b>SUBTOTAL of Receipts This Page (optional)</b> .....			450000.00		
<b>TOTAL This Period (last page this line number only)</b> .....					

FEC  
FORM 1

STATEMENT OF  
ORGANIZATION

PAGE 1 / 4

RECEIVED  
FEC MAIL CENTER

2015 SEP 29 AM 10:42

1. NAME OF  
COMMITTEE (in full)



(Check if name  
is changed)

Example: If typing, type  
over the lines.

12FE4M5

Vicente Gonzalez for Congress

ADDRESS (number and street)

121 North 10th Street



(Check if address  
is changed)

McAllen

CITY ▲

TX

STATE ▲

78501

ZIP CODE ▲

COMMITTEE'S E-MAIL ADDRESS



(Check if address  
is changed)

vgonzalezforcongress@gmail.com

Optional Second E-Mail Address

janica@pcmsllc.com

COMMITTEE'S WEB PAGE ADDRESS (URL)



(Check if address  
is changed)

gonzalezforcongress.com

2. DATE

SEP 11

2015

2015

3. FEC IDENTIFICATION NUMBER ►

C TO BE ASSIGNED

4. IS THIS STATEMENT



NEW (N)

OR



AMENDED (A)

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

Type or Print Name of Treasurer Mrs. Lorena Saenz Gonzalez

Signature of Treasurer

Mrs. Lorena Saenz Gonzalez

*L. Saenz*

Date

SEP 11

2015

2015

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

ANY CHANGE IN INFORMATION SHOULD BE REPORTED WITHIN 10 DAYS.

Office  
Use  
Only

For further information contact:  
Federal Election Commission  
Toll Free 800-424-9530  
Local 202-694-1100

FEC FORM 1  
(Revised 06/2012)

FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

November 16, 2016

**Mrs. Lorena Saenz Gonzalez, Treasurer**  
**Vicente Gonzalez for Congress**  
121 N. 10th St.  
McAllen, TX 78501

C00592659  
AF#: 3089

**Dear Mrs. Gonzalez:**

On September 2, 2016, the Federal Election Commission ("Commission") found reason to believe ("RTB") that Vicente Gonzalez for Congress and you, in your official capacity as Treasurer ("respondents"), violated 52 U.S.C. § 30104(a) for failing to file a 48-Hour Notice. The Commission also made a preliminary determination that the civil money penalty was \$20,137 based on the schedule of penalties at 11 C.F.R. § 111.44.

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. 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 or via facsimile (202-208-3333). Please include the AF # in your response. Your response may not raise any arguments not raised in your original written response or not directly responsive to the Reviewing Officer's recommendation. 11 C.F.R. § 111.36(f). The Commission will then make a final determination in this matter.

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

Sincerely,

Rhiannon Magruder

**Rhiannon Magruder**  
**Reviewing Officer**  
**Office of Administrative Review**





FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

2016 DEC -7 AM 11:21

**SENSITIVE**

December 7, 2016

**MEMORANDUM**

To: The Commission

Through: Alec Palmer *AP*  
Staff Director

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

Rhiannon Magruder *RM*  
Reviewing Officer  
Office of Administrative Review

Subject: Final Determination Recommendation in AF# 3089 – Vicente Gonzalez for Congress and Mrs. Lorena Saenz Gonzalez, in her official capacity as Treasurer (C00592659)

On September 2, 2016, the Commission found reason to believe ("RTB") that the respondents violated 52 U.S.C. § 30104(a) for failing to timely file a 48-Hour Notice and made a preliminary determination that the civil money penalty was \$20,137 based on the schedule of penalties at 11 C.F.R. § 111.44.

On October 4, 2016, the Commission received their written response ("challenge"). After reviewing the challenge, the Reviewing Officer Recommendation ("ROR") dated November 16, 2016 was forwarded to the Commission, a copy was forwarded to the respondents, and is hereby incorporated by reference. The Reviewing Officer recommended that the Commission make a final determination that the respondents violated 52 U.S.C. § 30104(a) and assess a \$20,137 civil money penalty.

Within 10 days of transmittal of the recommendation, they may file a written response with the Commission Secretary which may not raise any arguments not raised in their challenge or not directly responsive to the ROR. 11 C.F.R. § 111.36(f). On November 23, 2016, the Commission received the respondents' payment of \$20,137.

### **OAR Recommendations**

1. Adopt the Reviewing Officer recommendation for AF# 3089 involving Vicente Gonzalez for Congress and Mrs. Lorena Saenz Gonzalez, in her official capacity as Treasurer, in making the final determination;
2. Make a final determination in AF# 3089 that Vicente Gonzalez for Congress and Mrs. Lorena Saenz Gonzalez, in her official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess a \$20,137 civil money penalty; and
3. Send the appropriate letter.

11/06/2011 11:11 AM

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 ) AF 3089  
Final Determination Recommendation: )  
Vicente Gonzalez for Congress and Mrs. )  
Lorena Saenz Gonzalez, in her official )  
capacity as Treasurer (C00592659) )

CERTIFICATION

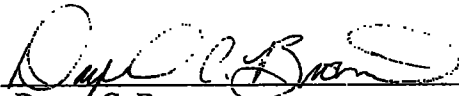
I, Dayna C. Brown, Acting Secretary and Clerk of the Federal Election Commission, do hereby certify that on January 09, 2017, the Commission decided by a vote of 6-0 to take the following actions in AF# 3089:

1. Adopt the Reviewing Officer Recommendation for AF# 3089 involving Vicente Gonzalez for Congress and Mrs. Lorena Saenz Gonzalez, in her official capacity as Treasurer, in making the final determination.
2. Make a final determination in AF# 3089 that Vicente Gonzalez for Congress and Mrs. Lorena Saenz Gonzalez, in her official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess a \$20,137 civil money penalty.
3. Send the appropriate letter.

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

Attest:

January 9, 2017  
Date

  
Dayna C. Brown  
Acting Secretary and Clerk of the  
Commission



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

January 18, 2017

Mrs. Lorena Saenz Gonzalez, Treasurer  
Vicente Gonzalez for Congress  
121 N. 10th St.  
McAllen, TX 78501

C00592659  
AF#: 3089

Dear Mrs. Gonzalez:

On September 2, 2016, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Vicente Gonzalez for Congress and you, in your official capacity as Treasurer, violated 52 U.S.C. § 30104(a) for failing to file 48-Hour Notices. By letter dated September 2, 2016, the Commission sent notification of the RTB finding that included a civil money penalty calculated at RTB of \$20,137 in accordance with the schedule of penalties at 11 C.F.R. § 111.44. On October 4, 2016, the Office of Administrative Review received your written response challenging the RTB finding.

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 Vicente Gonzalez for Congress and you, in your official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess a civil money penalty in the amount of \$20,137 in accordance with 11 C.F.R. § 111.44. The Reviewing Officer Recommendation was sent to you on November 16, 2016.

On January 9, 2017, the Commission adopted the Reviewing Officer's recommendation and made a final determination that Vicente Gonzalez for Congress and you, in your official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assessed a civil money penalty of \$20,137. It is based on the same factors used to calculate the civil money penalty at RTB. A copy of the Final Determination Recommendation is attached.

On November 23, 2016, the Commission received your \$20,137 payment.

**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 U.S. District Court for the district in which the committee or you reside, or transact business, requesting that the final determination be modified or set aside. See 52 U.S.C. § 30109(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 52 U.S.C. § 30109. 11 CFR § 111.38.

The confidentiality provisions at 52 U.S.C. § 30109(a)(12) no longer apply and this matter is now public. Pursuant to 11 C.F.R. §§ 111.42(b) and 111.20(c), the file will be placed on the public record within 30 days from the date of this notification.

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

On behalf of the Commission,



Steven T. Walther  
Chairman

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 3089

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