

THIS IS THE BEGINNING OF ADMINSTRATIVE FINE CASE

347

DATE FILMED 4/2/02 CAMERA NO. 3

CAMERAMAN ESS

22-09-254-1876



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
COMMUNICAT

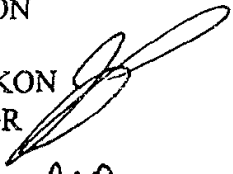

2002 JAN 18 A 9:10


SENSITIVE

January 17, 2002

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# 347 -
ECKERD CORPORATION POLITICAL ACTION COMMITTEE
(ECKPAC) AND GERALD THOMPSON, AS TREASURER
(C00041558)

On March 20, 2001, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that the Eckerd Corporation Political Action Committee (ECKPAC) and Gerald Thompson, as Treasurer ("the respondents"), violated 2 U.S.C. § 434(a) for failing to file the 2000 12 Day Pre-General Report. The report was filed on November 17, 2000, 22 days late and 10 days after the General Election. As a result, on March 20, 2001, the Commission also made a preliminary determination that the civil money penalty was \$1,000.00 based on the schedule of penalties at 11 C.F.R. § 111.43.

On April 27, 2001, the Commission received the respondents' written response, affidavit and supporting documentation ("challenge"). After reviewing the challenge, the Reviewing Officer's recommendation dated January 7, 2002 was forwarded to the Commission. A copy was simultaneously forwarded to the respondents. The Reviewing Officer recommended that the Commission make a final determination that the respondents violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$1,000.00 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.

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). The respondents' written response was received via facsimile on January 17, 2002, and is attached for your review.

OAR Recommendations

- (1) Make a final determination in AF# 347 that the Eckerd Corporation Political Action Committee (ECKPAC) and Gerald Thompson, as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$1,000.00; and
- (2) Send the appropriate letter.

Attachment



FEDERAL ELECTION COMMISSION
Washington, DC 20463

SENSITIVE

DATE & TIME OF TRANSMITTAL: Friday, January 18, 2002 12:00

BALLOT DEADLINE: Thursday, January 24, 2002 4:00

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

SUBJECT: **Final Determination Recommendation in AF #347 - Eckerd Corporation Political Action Committee (ECPAC) and Gerald Thompson, as Treasurer. Memorandum from the Reviewing Officer, Office of Administrative Review dated January 17, 2002.**

- () 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)
)
Eckerd Corporation Political Action) AF #347
Committee (ECKPAC) and Gerald)
Thompson, as Treasurer - Final)
Determination Recommendation.)

CERTIFICATION

I, Mary W. Dove, Secretary of the Federal
Election Commission, do hereby certify that on
January 24, 2002 the Commission decided by a vote
of 6-0 to take the following actions in the above-
captioned matter:

1. Make a final determination in AF #347
that the Eckerd Corporation Political
Action Committee (ECKPAC) and Gerald
Thompson, as Treasurer, violated 2 U.S.C.
§ 434(a) and assess a civil money penalty
of \$1,000.00.
2. Send the appropriate letter, as recommended
in the Reviewing Officer's Memorandum dated
January 17, 2002.

(Continued)

2002 JAN 24 10 09 AM '02

Federal Election Commission
Certification for AF #347
January 24, 2002

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

Attest:

January 24, 2002
Date

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

Received in the Secretariat: Fri., Jan. 18, 2002 9:10 a.m.
Circulated to the Commission: Fri., Jan. 18, 2002 12:00 a.m.
Deadline for vote: Thurs., Jan. 24, 2002 4:00 p.m.

lrd

FOR Eckerd Corporation Political Action Committee (ECKPAC)

FEC ID # C00041558

AF # 347

PAYMENT AMOUNT DUE \$1,000.00

MGMCOMP 18:06 EST

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

QUALITY IS OUR PRIORITY FOR LOCKBOX 2182
SEQ# 001 \$ 0000100000 BA# 1 02-27-02 20 9

ECKPAC ECKERD CORPORATION
POLITICAL ACTION COMMITTEE
QUALIFIED MULTICANDIDATE COMMITTEE
P O BOX 4080
CLEARWATER, FL 34783

ECKERD CREDIT UNION #001
CLEARWATER, FLORIDA
PAYABLE THROUGH FIRST SECURITY STATE BANK
SLEEPY EYE, MN
75-107/510

1740

***One Thousand & 00/100 Dollars

DATE

AMOUNT

02/20/2002

***\$1,000.00

Memo:

VOID AFTER 60 DAYS

Federal Election Commission
PO Box 983162
St. Louis, MO 63165-2162

PAID
TO THE
ORDER
OF

★ FIRST
STAR
MAIL

THIS IS THE END OF ADMINSTRATIVE FINE CASE

347

DATE FILMED 4/2/02 CAMERA NO. 3

CAMERAMAN SES

2002.09.25.10.10