

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 3471

3471



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION COMMISSION
ON 9/17/18

2018 SEP 17 PM 3:11

September 17, 2018

MEMORANDUM

SENSITIVE

TO: The Commission

THROUGH: Alec Palmer *AP*
Staff Director

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

Debbie Chacona *DC*
Assistant Staff Director
Reports Analysis Division

BY: Kristin D. Roser/Ben Holly *KDR BH*
Reports Analysis Division
Compliance Branch

SUBJECT: Withdrawal and Resubmission of Reason To Believe Recommendation –
2018 July Quarterly Report for the Administrative Fine Program

We are withdrawing the document circulated to the Commission on September 12, 2018 in order to remove a committee that filed a report which would exclude them from the Administrative Fines Program for the 2018 July Quarterly Report. The report was received by the Commission after the RTB Recommendation was circulated, but before the vote due date. Also after submission of the original RTB circulation, Mad Dog PAC (AF 3461) filed the July Quarterly Report. The committee had not previously filed the report. The committee disclosed total receipts and disbursements of \$445,247 (previously estimated to be \$310,157). The attached circulation chart reflects the updated information.

Attached is a list of political committees and their treasurers who failed to file the 2018 July Quarterly Report in accordance with 52 U.S.C. § 30104(a). The July Quarterly Report was due on July 15, 2018.

The committees listed on the attached RTB Circulation Report either failed to file the report, filed the report no more than thirty (30) days after the due date (considered a late filed report), or filed the report more than thirty (30) days after the due date (considered a non-filed report). In accordance with the schedule of civil money penalties

for reports at 11 C.F.R. 111.43, these committees should be assessed the civil money penalties highlighted on the attached circulation report.

An explanation of the civil money penalty calculation for the following committee that filed the report is outlined below:

Recommendation

1. Find reason to believe that the political committees and their treasurers, in their official capacity, listed on the RTB Circulation Report violated 52 U.S.C. § 30104(a) and make a preliminary determination that the civil money penalties would be the amounts indicated on the RTB Circulation Report..
2. Send the appropriate letters.

Federal Election Commission
Reason to Believe Circulation Report
2018 JULY QUARTERLY Not Election Sensitive 07/15/2018 H_S_P_UNAUTH

| AF# | Committee ID | Committee Name | Candidate Name | Treasurer | Threshold | PV | Receipt Date | Days Late | LOA | RTB Penalty |
|-----|--------------|----------------|----------------|-----------|-----------|----|--------------|-----------|-----|-------------|
|-----|--------------|----------------|----------------|-----------|-----------|----|--------------|-----------|-----|-------------|

| | | | | | | | | | | |
|------|-----------|-------------------------------|--|---------------------|-----------|---|----------|----|----------|---------|
| 3455 | C00381517 | DEMOCRATIC ADVANCEMENT PAC | | THOMAS A. CRAMER | \$194,664 | 0 | 8/1/2018 | 17 | \$80,409 | \$2,981 |
|------|-----------|-------------------------------|--|---------------------|-----------|---|----------|----|----------|---------|

| | | | | | | | | | | |
|------|-----------|----------------------------|--------------------|-------------------|-----------|---|--|-----------|----------------|---------|
| 3460 | C00638825 | JON POWELL FOR CONGRESS | JONATHAN A. POWELL | DOUG BLANCHARD | \$167,705 | 0 | | Not Filed | \$33,541 (est) | \$1,200 |
|------|-----------|----------------------------|--------------------|-------------------|-----------|---|--|-----------|----------------|---------|

| | | | | | | | | | | |
|------|-----------|--------------------|----------------|-------------|-----------|---|--|-----------|----------------|---------|
| 3463 | C00634873 | NEILL FOR ILLINOIS | MOHAMMAD NEILL | ANDREW NALL | \$420,980 | 0 | | Not Filed | \$70,163 (est) | \$3,828 |
|------|-----------|--------------------|----------------|-------------|-----------|---|--|-----------|----------------|---------|

| | | | | | | | | | | |
|------|-----------|------------------------------|--------------|---------------------|-----------|---|-----------|----|---------|-------|
| 3471 | C00637728 | SCOTT SALMON FOR CONGRESS | SCOTT SALMON | JARED LINDENBERG | \$155,145 | 0 | 8/11/2018 | 27 | \$3,968 | \$196 |
|------|-----------|------------------------------|--------------|---------------------|-----------|---|-----------|----|---------|-------|

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Withdrawal and Resubmission of Reason)
To Believe Recommendation - 2018 July)
Quarterly Report for the Administrative)
Fine Program:)

DEMOCRATIC ADVANCEMENT PAC,) AF# 3455
and THOMAS A. CRAMER as treasurer;)

JON POWELL FOR CONGRESS, and) AF# 3460
DOUG BLANCHARD as treasurer;)

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NEILL FOR ILLINOIS, and NALL,
ANDREW as treasurer;

AF# 3463

SCOTT SALMON FOR CONGRESS, and) AF#3471
LINDENBERG, JARED as treasurer;)

CERTIFICATION

I, Dayna C. Brown, Secretary and Clerk of the Federal Election Commission,
do hereby certify that on September 21, 2018 the Commission took the following
actions on the Withdrawal and Resubmission of Reason To Believe Recommendation
- 2018 July Quarterly Report for the Administrative Fine Program as recommended in
the Reports Analysis Division's Memorandum dated September 17, 2018, on the
following committees:

AF#3455 Decided by a vote of 4-0 to: (1) find reason to believe that DEMOCRATIC ADVANCEMENT PAC, and THOMAS A. CRAMER in his official capacity as treasurer violated 52 U.S.C. 30104(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 Hunter, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#3460 Decided by a vote of 4-0 to: (1) find reason to believe that JON POWELL FOR CONGRESS, and DOUG BLANCHARD in his official capacity as treasurer violated 52 U.S.C. 30104(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 Hunter, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#3463 Decided by a vote of 4-0 to: (1) find reason to believe that NEILL FOR ILLINOIS, and NALL, ANDREW in his official capacity as treasurer violated 52 U.S.C. 30104(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 Hunter, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#3471 Decided by a vote of 4-0 to: (1) find reason to believe that SCOTT SALMON FOR CONGRESS, and LINDENBERG, JARED in his official capacity as treasurer violated 52 U.S.C. 30104(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 Hunter, Petersen, Walther, and Weintraub voted affirmatively for the decision.

FORGOTTEN

FORGOTTEN

Federal Election Commission
Certification for Administrative Fines
September 21, 2018

Page 8

Attest:

September 24, 2018
Date

Dayna C. Brown
Dayna C. Brown
Secretary and Clerk of the Commission



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 24, 2018

Jared Lindenberg, in official capacity as Treasurer
Scott Salmon for Congress
22 Crest Place
Springfield, NJ 07081

C00637728
AF#: 3471

Dear Mr. Lindenberg:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file a July Quarterly Report of Receipts and Disbursements every calendar year. This report, covering the period April 1, 2018 through June 30, 2018, shall be filed no later than July 15, 2018. 52 U.S.C. § 30104(a). Records at the Federal Election Commission ("FEC") indicate that this report was filed on August 11, 2018, 27 days late.

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. § 30109g(a)(4). On September 21, 2018, the FEC found that there is reason to believe ("RTB") that Scott Salmon for Congress and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) by failing to file timely this report on or before July 15, 2018. Based on the FEC's schedules of civil money penalties at 11 CFR § 111.43, the amount of your civil money penalty calculated at the RTB stage is \$196. Please see the attached copy of the Commission's administrative fine regulations at 11 CFR §§ 111.30-111.55. Attachment 1. The Commission's website contains further information about how the administrative fine program works and how the fines are calculated. See <http://www.fec.gov/af/af.shtml>. 11 CFR § 111.34. Your payment of \$196 is due within forty (40) days of the finding, or by October 31, 2018, and is based on these factors:

Election Sensitivity of Report: Not Election Sensitive
Level of Activity: \$3,968
Number of Days Late: 27
Number of Previous Civil Money Penalties Assessed: 0

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, 1050 First

Street, NE, Washington, DC 20002. 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 31, 2018. 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 Scott Salmon 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 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 Ben Holly 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,

Carole C. Hunter

Caroline C. Hunter
Chair

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 \$196 for the 2018 July Quarterly 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 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: Scott Salmon for Congress

FEC ID#: C00637728

AF#: 3471

PAYMENT DUE DATE: October 31, 2018

PAYMENT AMOUNT DUE: \$196

 **Jardim, Meisner & Susser, P.C.**
ATTORNEYS AT LAW

New Jersey
308 Vreeland Road
Suite 201
Florham Park, NJ 07932
office: (973) 845-7640
fax: (973) 845-7645

New York
420 Lexington Avenue
Suite 300-19
New York, NY 10170
office: (646) 205-8038

October 22, 2018

VIA CERTIFIED MAIL ONLY

Office of Administrative Review
Federal Election Commission
1050 First Street, NE
Washington, D.C. 20463

RECEIVED
FEC MAIL CENTER
2018 OCT 30 AM 7:42

RE: Scott Salmon for Congress Campaign Committee
ID: C00637728

Please be advised that we are in receipt of your previous letter to the Scott Salmon for Congress campaign committee (ID: C00637728) (the "Committee"). We write in response to same:

As a threshold matter, we acknowledge that the Committee's quarterly filing was transmitted to the Federal Election Commission ("FEC") on or around August 11, 2018, under one month after the requisite filing deadline. However, despite transmitting after the filing deadline, we believe that the "best efforts" exemption applies, which will obviate the fine. In light of the foregoing and as further explained below, we submit to the FEC that the Committee was prevented from transmitting its quarterly filing on time due to unreasonably unforeseen circumstances beyond the Committee's control, and, as a result, we appeal the FEC's previous decision. See 11 C.F.R. § 111.35(b)(3) and (c)(1).

We submit to the FEC that certain technical errors in the FEC-provided software (the "FECFile software") prevented the Committee from filing its report in a timely manner. By way of background, in connection with submitting its required filings, the Committee initially used software provided by NGP Software, Inc. ("NGP"); however, for purposes of minimizing campaign costs (as the campaign was no longer ongoing), the Committee switched from NGP's software to the FECFile software to aggregate its required reports. On June 30, 2018, the Committee's treasurer (the "Treasurer") downloaded the software and immediately began experiencing unanticipated technical errors. After calling the FEC's hotline and speaking to a representative, the Treasurer was still unable to resolve the technical errors. Eventually, the Treasurer discovered that the technical errors related to the Committee's identification number as well as the identification numbers of several candidates to

1: The Committee believes the quarterly filing was signed by the Treasurer on August 1, 2018 but received by the FEC on August 11, 2018. We believe that the August 1 signature date was a typographical error and the true filing date was August 11. Despite our best efforts, we have not been able to document this as the Treasurer recently replaced his telephone and computer, and thus has lost access to messages and communications from those dates.

Federal Election Commission

10/22/18

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whom the Committee was donating funds. Moreover, the FECFile software refused to recognize or admit the name of the Committee's candidate, or the signature of the Treasurer. Until these technical errors were resolved, FECFile would not allow the filing to be submitted.

Over the next several weeks, the Treasurer contacted the hotline on approximately six (6) occasions but was either met with insufficient assistance or transferred from department to department until the FEC's representative terminated the call or the Treasurer had to terminate the call. Further, in an effort to better understand the errors, the Treasurer additionally consulted with several publicly available manuals and instructional guides on the software. On August 10, the Treasurer was able to use the FECFile software for the first time without experiencing the same technical issues,² and the Committee immediately filed its report, within 24 hours.

While the Committee acknowledges its failure to timely file its report, we believe: (i) the technical errors resulting from the software provided by the FEC which prevented the filing of the report; (ii) the Committee's efforts to remedy the technical errors; and (iii) the immediate filing of the quarterly report upon resolving the technical errors, together, constitutes justifiable excuse and reaches the threshold under the "best efforts" exemption. Given the Committee's immediate filing upon the resolution of the technical errors, we submit that no harm has or will come from this lapse, and, in fact, the Committee was able to file its latest report in a timely manner and without technical issues.

As a result, we respectfully request that the fine be overturned. We look forward to hearing from you at your earliest convenience.

Very truly yours,



Scott Salmon

-
2. To date, the Committee has been unable to rectify a separate issue regarding its cash-on-hand disclosure, due to continuing issues with FECFile. When the Committee switched to FECFile, the software did not allow the committee to enter its previous on-cash-hand amount. Despite more than a dozen calls to the hotline since, this issue persists.



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 19, 2018

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

AF# 3471 – Scott Salmon for Congress and Jared Lindenberg, in his official capacity as Treasurer (C00637728)

Summary of Recommendation

Make a final determination that the respondents violated 52 U.S.C. § 30104(a) and assess a \$196 civil money penalty.

Reason-to-Believe Background

The 2018 July Quarterly Report was due on July 15, 2018. The respondents filed the report on August 11, 2018, 27 days late. The report is not election sensitive and was filed within 30 days of the due date; therefore, the report is considered late. 11 C.F.R. §§ 111.43(d)(1) and (e)(1).

On September 21, 2018, the Commission found reason to believe ("RTB") that the respondents violated 52 U.S.C. § 30104(a) for failing to timely file the 2018 July Quarterly Report and made a preliminary determination that the civil money penalty was \$196 based on the schedule of penalties at 11 C.F.R. § 111.43. A letter was mailed to the respondents' address of record from the Reports Analysis Division ("RAD") on September 24, 2018 to notify them of the Commission's RTB finding and civil money penalty.

Legal Requirements

The Federal Election Campaign Act ("Act") states that the treasurer of a principal campaign committee shall file a report for the quarter ending June 30 no later than July 15. 52 U.S.C. § 30104(a) and 11 C.F.R. § 104.5(a)(1)(i). 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 30, 2018, the Commission received the written response ("challenge") from the Candidate requesting that the penalty be overturned. The Candidate states that the Committee believes the "best efforts" exemption applies, as it was prevented from timely filing the report due

to circumstances beyond the Committee's control. The Candidate states that technical errors with FECFile prevented them from timely filing the report.

The Candidate further explains that the Committee previously used third-party software to file its reports but transitioned to using FECFile to minimize costs. On June 30, 2018, the Treasurer downloaded FECFile and began experiencing technical difficulty. The Candidate states:

After calling the FEC's hotline and speaking to a representative, the Treasurer was still unable to resolve the technical errors. Eventually, the Treasurer discovered, that the technical errors related to the Committee's identification number as well as the identification numbers of several candidates to whom the Committee was donating funds. Moreover, the FECFile software refused to recognize or admit the name of the Committee's candidate, or the signature of the Treasurer. Until these technical errors were resolved, FECFile would not allow the filing to be submitted.

Over the next several weeks, the Treasurer contacted the hotline on approximately six (6) occasions but was either met with insufficient assistance or transferred from department to department until the FEC's representative terminated the call or the Treasurer had to terminate the call. Further, in an effort to better understand the errors, the Treasurer additionally consulted with several publicly available manuals and instructional guides on the software. On August 10, the Treasurer was able to use the FECFile software for the first time without experiencing the same technical issues, and the Committee immediately filed its report, within 24 hours.

While the Committee acknowledges its failure to timely file its report, we believe: (i) the technical errors resulting from the software provided by the FEC which prevented the filing of the report; (ii) the Committee's efforts to remedy the technical errors; and (iii) the immediate filing of the quarterly report upon resolving the technical errors, together, constitutes justifiable excuse and reaches the threshold under the "best efforts" exemption. Given the Committee's immediate filing upon the resolution of the technical errors, we submit that no harm has or will come from this lapse, and, in fact, the Committee was able to file its latest report in a timely manner and without technical issues.

Analysis

The Candidate contends they were prevented from timely filing the 2018 July Quarterly Report due to errors with FECFile after transitioning from a third-party software.¹ The Candidate indicates that the Treasurer contacted the FEC approximately six times for assistance with FECFile but "was either met with insufficient assistance or transferred from department to department until the FEC's representative terminated the call or the Treasurer had to terminate the call." The challenge does not contain any other details of the Committee's attempts to contact Commission staff.

¹ Commission records confirm that the Committee used a third-party software prior to the 2018 July Quarterly Report. According to the Electronic Filing Office ("EFO"), the Committee downloaded the FECFile software on January 2, 2018, June 20, 2018, and July 12, 2018.

OAR Recommendations

1. Adopt the Reviewing Officer recommendation for AF# 3471 involving Scott Salmon for Congress and Jared Lindenberg, in his official capacity as Treasurer, in making the final determination;
2. Make a final determination in AF# 3471 that Scott Salmon for Congress and Jared Lindenberg, in his official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess a \$196 civil money penalty; and
3. Send the appropriate letter.

Attachments

- Attachment 1 –
- 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 Scott Salmon for Congress:
 - A) Non-Filer Letter, dated July 31, 2018, referencing the 2018 July Quarterly Report (sent via electronic mail to: scott@salmon.vote and jared@salmon.vote);
 - B) Reason-to-Believe Letter, dated September 24, 2018, referencing the 2018 July Quarterly Report (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 Scott Salmon for Congress filed the 2018 July Quarterly Report with the Commission on August 11, 2018.
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 7th day of November, 2018.

Kristin Roser

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



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-7

July 31, 2018

LINDENBERG, JARED, TREASURER
SCOTT SALMON FOR CONGRESS
P.O. BOX 32
SCOTCH PLAINS, NJ 07076

IDENTIFICATION NUMBER: C00637728

REFERENCE: JULY QUARTERLY REPORT (04/01/2018 - 06/30/2018)

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 disbursements or failed to file a report covering the entire reporting period as required by the Federal Election Campaign Act, as amended. 52 U.S.C. §30104(a)

It is important that you file this report immediately. The report must be filed with the Federal Election Commission, 1050 First Street, NE, Washington, DC 20002 for House candidates, or the Secretary of the Senate, 232 Hart Senate Office Building, Washington, DC 20510 (if sent via overnight delivery service) or Senate Office of Public Records, P.O. Box 77578, Washington, DC 20013-7578 (if sent via USPS) for Senate Candidates. Please note that electronic filers must submit their reports electronically, as per 11 CFR §104.18. A copy of the report must 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. You can verify the Commission's receipt of any documents submitted by your committee on the FEC website at www.fec.gov.

The failure to timely file a complete report may result in civil money penalties, an audit or legal enforcement action. The civil money penalty calculation for late reports does not include a grace period and begins on the day following the due date for the report. Due to heightened security screening measures, delivery of mail by the US Postal Service may be delayed. The Commission recommends that you submit your report via overnight delivery or courier service.

SCOTT SALMON FOR CONGRESS

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If you have any questions regarding this matter, please contact Ben Holly in the Reports Analysis Division on our toll-free number (800)424-9530. The analyst's direct number is (202)694-1129.

Sincerely,

Debbie Chacona

Deborah Chacona
Assistant Staff Director
Reports Analysis Division

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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) A principal campaign committee shall file a report for the quarter ending June 30 no later than July 15. Reports filed electronically must be received and validated at or before 11:59 pm, Eastern Standard/Daylight Time July 15, 2018 for the 2018 July Quarterly Report to be timely filed.
- 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) Cover, Summary, and Detailed Summary Pages of the 2018 July Quarterly Report filed by Scott Salmon for Congress and Jared Lindenburg, in his official capacity as Treasurer. The report includes the coverage period of April 1, 2018 through June 30, 2018 and was electronically filed on August 11, 2018.
- 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 19th day of December, 2018.

Rhiannon Magruder
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

SALMON, SCOTT

ADDRESS (number and street)

22 Crest Place

Check if different
than previously
reported. (ACC)

Springfield

NJ

07081

CITY ▲

STATE ▲

ZIP CODE ▲

2. FEC IDENTIFICATION NUMBER ▼

C00637728

3. IS THIS
REPORT

x

NEW
(N) ORAMENDED
(A)

STATE ▼ DISTRICT

NJ

07

4. TYPE OF REPORT (Choose One)

(a) Quarterly Reports:

April 15 Quarterly Report (Q1)

x 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

MM / DD / YYYY

in the
State of

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

General (30G)

Runoff (30R)

Special (30S)

Election on

MM / DD / YYYY

in the
State of

5. Covering Period

MM / DD / YYYY
04 / 01 / 2018

through

MM / DD / YYYY
08 / 30 / 2018

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

Lindenberg, Jared, ..

Type or Print Name of Treasurer

Signature of Treasurer

Lindenberg, Jared, ..

[Electronically Filed]

Date

MM / DD / YYYY
08 / 01 / 2018

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 52 U.S.C. §30109.

Office
Use
Only**FEC FORM 3**
(Revised 05/2016)

SUMMARY PAGE of Receipts and Disbursements

FEC Form 3 (Revised 05/2016)

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Write or Type Committee Name

SALMON, SCOTT

Report Covering the Period:

From:

M M / D D / Y Y Y Y
04 / 01 / 2018

To:

M M / D D / Y Y Y Y
06 / 30 / 2018

| | COLUMN A This Period | COLUMN B Election Cycle-to-Date |
|---|-------------------------|------------------------------------|
| 6. Net Contributions (other than loans) | | |
| (a) Total Contributions (other than loans) (from Line 11(e)).... | 0.00 | 0.00 |
| (b) Total Contribution Refunds (from Line 20(d))..... | 0.00 | 0.00 |
| (c) Net Contributions (other than loans) (subtract Line 6(b) from Line 6(a))..... | 0.00 | 0.00 |
| 7. Net Operating Expenditures | | |
| (a) Total Operating Expenditures (from Line 17)..... | 1468.92 | 1468.92 |
| (b) Total Offsets to Operating Expenditures (from Line 14)..... | 0.00 | 0.00 |
| (c) Net Operating Expenditures (subtract Line 7(b) from Line 7(a))..... | 1468.92 | 1468.92 |
| 8. Cash on Hand at Close of Reporting Period (from Line 27)..... | -3968.92 | |
| 9. Debts and Obligations Owed TO the Committee (Itemize all on Schedule C and/or Schedule D)..... | 0.00 | |
| 10. Debts and Obligations Owed BY the Committee (Itemize all on Schedule C and/or Schedule D)..... | 0.00 | |

For further information contact:

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

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

DETAILED SUMMARY PAGE
of Receipts

FEC Form 3 (Revised 05/2016)

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Write or Type Committee Name

SALMON, SCOTT

Report Covering the Period:

From:

MM / DD / YYYY
04 / 01 / 2018

To:

MM / DD / YYYY
06 / 30 / 2018**I. RECEIPTS****COLUMN A**
Total This Period**COLUMN B**
Election Cycle-to-Date**11. CONTRIBUTIONS (other than loans) FROM:**(a) Individuals/Persons Other Than
Political Committees

(i) Itemized (use Schedule A)

0.00

0.00

(ii) Unitemized

0.00

0.00

(iii) TOTAL of contributions

from individuals ▶

0.00

0.00

(b) Political Party Committees

0.00

0.00

(c) Other Political Committees

(such as PACs)

0.00

0.00

(d) The Candidate

0.00

0.00

(e) TOTAL CONTRIBUTIONS

(other than loans)

(add Lines 11(a)(iii), (b), (c), and (d))..

0.00

0.00

12. TRANSFERS FROM OTHER

AUTHORIZED COMMITTEES

0.00

0.00

13. LOANS:(a) Made or Guaranteed by the
Candidate

0.00

0.00

(b) All Other Loans

0.00

0.00

(c) TOTAL LOANS

(add Lines 13(a) and (b))

0.00

0.00

**14. OFFSETS TO OPERATING
EXPENDITURES**

(Refunds, Rebates, etc.)

0.00

0.00

15. OTHER RECEIPTS

(Dividends, Interest, etc.)

0.00

0.00

**16. TOTAL RECEIPTS (add Lines
11(e), 12, 13(c), 14, and 15)**

(Carry Total to Line 24, page 4)

0.00

0.00

DETAILED SUMMARY PAGE of Disbursements

FEC Form 3 (Revised 05/2016)

PAGE 4 / 6

| II. DISBURSEMENTS | COLUMN A Total This Period | COLUMN B Election Cycle-to-Date |
|--|-------------------------------|------------------------------------|
| 17. OPERATING EXPENDITURES..... | 1468.92 | 1468.92 |
| 18. TRANSFERS TO OTHER AUTHORIZED COMMITTEES | 2500.00 | 2500.00 |
| 19. LOAN REPAYMENTS: | | |
| (a) Of Loans Made or Guaranteed by the Candidate..... | 0.00 | 0.00 |
| (b) Of All Other Loans | 0.00 | 0.00 |
| (c) TOTAL LOAN REPAYMENTS (add Lines 19(a) and (b))..... | 0.00 | 0.00 |
| 20. REFUNDS OF CONTRIBUTIONS TO: | | |
| (a) Individuals/Persons Other Than Political Committees..... | 0.00 | 0.00 |
| (b) Political Party Committees..... | 0.00 | 0.00 |
| (c) Other Political Committees (such as PACs)..... | 0.00 | 0.00 |
| (d) TOTAL CONTRIBUTION REFUNDS (add Lines 20(a), (b), and (c))..... | 0.00 | 0.00 |
| 21. OTHER DISBURSEMENTS | 0.00 | 0.00 |
| 22. TOTAL DISBURSEMENTS (add Lines 17, 18, 19(c), 20(d), and 21) ► | 3968.92 | 3968.92 |

III. CASH SUMMARY

| | |
|---|-----------|
| 23. CASH ON HAND AT BEGINNING OF REPORTING PERIOD..... | 0.00 |
| 24. TOTAL RECEIPTS THIS PERIOD (from Line 16, page 3)..... | 0.00 |
| 25. SUBTOTAL (add Line 23 and Line 24)..... | 0.00 |
| 26. TOTAL DISBURSEMENTS THIS PERIOD (from Line 22)..... | 3968.92 |
| 27. CASH ON HAND AT CLOSE OF REPORTING PERIOD (subtract Line 26 from Line 25)..... | - 3968.92 |



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 19, 2018

Jared Lindenburg, in official capacity as Treasurer
Scott Salmon for Congress
22 Crest Place
Springfield, NJ 07081

AF#: 3471
C00637728

Dear Mr. Lindenburg:

On September 21, 2018, the Commission found reason to believe ("RTB") that the respondents violated 52 U.S.C. § 30104(a) for failing to timely file the 2018 July Quarterly Report. The Commission also made a preliminary determination that the civil money penalty was \$196 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 and assess a civil money penalty. 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, 1050 First Street, NE, 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 202-694-1158 if you have any questions.

Sincerely,

Rhiannon Magruder
Rhiannon Magruder
Reviewing Officer
Office of Administrative Review



Jardim, Meisner & Susser, P.C.
ATTORNEYS AT LAW

New Jersey
308 Vreeland Road, Suite 100
Florham Park, NJ 07932
office: (973) 845-7640
fax: (973) 845-7645

New York
420 Lexington Ave., Suite 300-19
New York, NY 10170
office: (646) 205-8038

February 6, 2019

VIA ELECTRONIC MAIL ONLY

Office of Administrative Review
Federal Election Commission
1050 First Street, NE
Washington, D.C. 20463

RE: Scott Salmon for Congress Campaign Committee
ID: C00637728
AF: 3471

Please be advised that we are in receipt of your previous letter to the Scott Salmon for Congress campaign committee (ID: C00637728) (the "Committee"). We write in response to same:

In its analysis, the Reviewing Officer ("RO") states that "Commission records detail a single telephone communication between the Committee and Commission staff regarding the filing of the 2018 July Quarterly Report." The RO further states that there are no records of other contacts by the Committee with the Commission. However, as stated in the Committee's initial response, the Treasurer was repeatedly passed along from individual-to-individual. The RO's position is that there is only one record of any attempt at assistance by the Commission and the Committee agrees, the Treasurer was only able to speak in any depth with one employee. During every other attempt to contact the Commission, the Treasurer was passed along until the call was either terminated or was placed on hold until he had to terminate the call himself. No other assistance was ever rendered, which is why it took nearly a month to file the report. It is precisely because the Commission failed to provide any reasonable assistance, despite the Committee's best efforts, that the report was late.

The RO additionally mischaracterizes the Committee's position that it was the FECFile software that failed and refused to accept even the Candidate's own name, and states that the Committee "failed to use software properly." To be clear, because it is an important distinction, it was not the Committee failing to use the software properly but the software failing to work at all.¹

1. 11 C.F.R. § 111.35(c)(1) states that "Circumstances that will be considered reasonably unforeseen and beyond the control of the respondent include . . . [a] failure of . . . Commission-provided software despite the respondent seeking technical assistance from Commission personnel and resources." The Committee unquestionably, and by the RO's own admission, sought assistance but was delayed by a specific failure of the Commission-provided software to accept the information required for the filing.

Federal Election Commission

2/6/2019

Page 2 of 2

Ultimately, the RO states that "there is no evidence to suggest FECFile malfunctioned," which is the basis of the Committee's appeal. It is unclear what evidence could exist, as the RO is asking the Committee to prove a negative. FECFile would not allow the Committee to enter certain information, including the Candidate's name or the Treasurer's signature, which was required before the software would allow the Committee to file the report. As the Committee could not enter the information, there is nothing to display that would serve as "evidence," except the Treasurer's testimony.

The Committee did its best to file the report in a timely manner. It was met with a software failure and bureaucratic resistance, which was almost certainly unintentional. The Committee was able to file its report less than one month later and has never had any disputes with the Commission. The Committee has repeatedly filed its reports in a timely manner and attempted to do so here as well. We fervently believe that it would be an unjust response for the FEC to penalize the Committee given the circumstances stated herein.

As a result, we respectfully request that the fine be overturned. We look forward to hearing from you at your earliest convenience.

Very truly yours,

/s/ Scott D. Salmon

Scott D. Salmon, Esq.

From: Scott Salmon
To: FECAdministrativeFines
Cc: Jared Lindenberg, CPA
Subject: Re: AF 3471 Reply to RO
Date: Wednesday, February 13, 2019 11:08:38 AM
Attachments: Gmail - Hangout with Jared Lindenberg.pdf
Gmail - Hangout with Jared Lindenberg 2 Redacted.pdf

Very much appreciate it. We really did not intend to file late, we just couldn't get an answer on why the software wouldn't let us enter the info it needed to allow us to submit. Unfortunately, the phone that was used to make most of the calls is no longer in service... my treasurer didn't save the records before getting rid of the phone because he didn't realize there would be an issue.

Based on messages my treasurer sent to me, he called (202) 694-1130 on 7/12/2018, 7/15/2018, 7/16/2018, and 7/30/2018. He called three times in total on 7/16, with someone picking up only once. I was on the third 7/16 call, it's the one we got through to the analyst who would only tell us to check the website for more information, which was unhelpful as we had already checked and it hadn't solved the issue. He would not provide any other assistance. My treasurer believes he used his [REDACTED] number on each of those occasions. He also believes he made 2-3 calls from [REDACTED], which is a google voice number he doesn't have access to anymore as well.

With the one exception of the 7/16/2018 call that went through to an analyst, most of his calls would continue to ring with nobody picking up and without even being given a menu option. On the 7/30/2018 call, he sent me a message that said, "I've spent an hour on hold. I gotta drop and try again in a bit. This is a massive waste of time." That was at 1:38 p.m. I just spoke with the treasurer and he said 'on hold' is a misnomer, as it just rang and nobody picked up. He indicated that was what happened on most of his calls; on the remainder, when he actually got to a menu and spoke to a person, he was transferred from department to department repeatedly until someone would hang up on him without having an opportunity to speak to anyone about the issues preventing the filing.

I attached two of the messages in my records. Again, we appreciate your outreach and hope we can resolve this issue.

On Tue, Feb 12, 2019 at 10:01 AM FECAdministrativeFines <AdministrativeFines@fec.gov> wrote:

Mr. Salmon,

I would like to gather more details related to your call attempts. Please answer the questions below, if possible. Thank you!

Date(s)/Time(s):

Number(s) dialed:

Were you prompted to leave a voicemail message?:

If you left a message, was it returned?:

Did you use another phone number or contact method the time you successfully reached the RAD Analyst?

Any other comments:

Rhiannon Magruder

Reviewing Officer

Federal Election Commission

(202) 694-1158 (Office)

This email may contain privileged or confidential information and is for the sole use of the intended recipient(s). If this email has been received in error, please notify the sender immediately at (202) 694-1158, or by reply email, and delete the message without copying or disclosing its contents. Thank you.

From: Scott Salmon [mailto:scott@salmon.vote]

Sent: Wednesday, February 06, 2019 2:58 PM

To: FECAAdministrativeFines <AdministrativeFines@fec.gov>

Subject: AF 3471 Reply to RO

Please see attached. Thank you.

--

Scott Salmon

www.salmon.vote

www.facebook.com/votesalmon

www.twitter.com/votesalmon

—

Scott Salmon

www.salmon.vote

www.facebook.com/votesalmon

www.twitter.com/votesalmon

TOP SECRET



July 16, 2018

these [REDACTED]

My god I hate the FEC

ok we'll keep trying i guess

But yes I know they close at 5 so I'll keep it up

okay cool



Scott S

Hangout with Jared Lindenberg

July 30, 2018

Jared Lindenberg - 1:38 PM

welp

I've spent an hour on hold

I gotta drop and try again in a bit

This is a massive waste of time

1-800-NUMBER



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION COMMISSION
APR 10 2019

2019 APR 10 AM 11:25
SENSITIVE

April 10, 2019

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# 3471 – Scott Salmon for Congress and Jared Lindenberg, in his official capacity as Treasurer (C00637728)

On September 21, 2018, the Commission found reason to believe ("RTB") that the respondents violated 52 U.S.C. § 30104(a) for failing to timely file the 2018 July Quarterly Report. The Commission made a preliminary determination that the civil money penalty was \$196 based on the schedule of penalties at 11 C.F.R. § 111.43.

On October 30, 2018, the Commission received their written response ("challenge"). After reviewing the challenge, the Reviewing Officer Recommendation ("ROR") dated December 19, 2018 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 \$196 civil money penalty.

Within 10 days of transmittal of the recommendation, respondents 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). The respondents submitted a response, and the Reviewing Officer subsequently requested additional information from the respondents and other Commission offices. The Reviewing Officer is modifying its recommendations in consideration of all information received in the original challenge, subsequent correspondence from the respondents, and information from Commission offices. The Reviewing Officer recommends that the Commission take no further action in AF# 3471 that Scott Salmon for Congress and Jared Lindenberg, in his official capacity as Treasurer, violated 52 U.S.C. § 30104(a).

Analysis

The respondents contend they were prevented from timely filing the 2018 July Quarterly Report due to errors with FECFile after transitioning from a third-party software. As stated in the ROR and reconfirmed by EFO, there is no indication of any problem with the Commission's computers or electronic filing system that would have caused FECFile to malfunction or otherwise prevented the Committee from timely filing the 2018 July Quarterly Report. The respondents explain that "FECFile would not allow the Committee to enter certain information, including the Candidate's name or the Treasurer's signature, which was required before the software would allow the Committee to file the report." According to EFO, the filer is prompted to input this information when initially creating the committee file in FECFile. This process is outlined on pages 5-6 of the FECFile User Manual.¹

The respondents also state they made multiple attempts to contact Commission staff for technical assistance but only reached staff on one occasion. The respondents explain that most of their call attempts led to continuous ringing or unsuccessful transfers between offices. After receiving their response to the ROR, the Reviewing Officer requested that the respondents provide call details to assist the Commission in gathering data related to the Committee's call attempts. The respondents stated they called (202) 694-1130 (RAD main line) in all instances, and all calls were placed from either _____ or _____. The respondents stated they made calls on July 12, 15, 16, and 30, 2018. On July 16, they made three separate attempts to call, in which only the last attempt was successful. The respondents also provided google chat transcripts dated July 16 and 30 discussing their attempts to contact the FEC.

The Commission's Office of the Chief Information Officer ("OCIO") reviewed the Commission's phone service data for calls received during the period of July 1, 2018 through July 31, 2018. OCIO's phone records detail two calls matching the details provided by the respondents. The first call was received on July 15, 2018, and the duration was 9 seconds. Given July 15, 2018 was a Sunday, Commission staff would not have been available to take the call. The second call was received on July 16, 2018, and the duration was 3 minutes. OCIO does not have enough data to definitively determine why the respondents' other attempts were unsuccessful and are not included in the call history.

During the July 16, 2018 call with the RAD Analyst, the Treasurer explained the Committee was now using FECFile to submit reports and requested assistance importing the Committee's previous data into FECFile. The RAD Analyst directed him to the portion of the Commission's website which provides assistance on this topic. The RAD Analyst also transferred the caller to EFO and provided him EFO's contact number for future reference. In response to the ROR, the respondents indicated the guidance provided in this call was not helpful. RAD explains that "RAD Analysts are not experts in resolving technical issues with FECFile. The RAD Analyst appropriately provided the relevant website link and explained that the Committee would need to contact EFO for further assistance with importing data." The telecom indicates that the RAD Analyst provided the respondents with the EFO phone number and also transferred the call to EFO.

¹ See <https://www.fec.gov/help-candidates-and-committees/filing-reports/fecfile-software/>.

After further reviewing its records, RAD acknowledges that there were instances in which the phone system made it difficult to manage the hold queue during times of heavy call volume. RAD also acknowledges there were issues transferring calls to EFO during July 2018, and it is possible that the respondents' July 16, 2018 call was not successfully transferred. RAD and OCIO have since worked to resolve both issues.

The additional details and documentation provided by the respondents support the Committee's contention that it attempted to reach Commission staff on multiple occasions. Commission phone service issues may have prevented the Committee from receiving the assistance needed to successfully file the report. If the Committee had received assistance on July 12, 2018, the Committee may have been able to timely file the report. If the Committee had received assistance on July 16, 2018, the Committee may have been able to file the report the day after the filing deadline. Therefore, the Reviewing Officer recommends that the Commission take no further action and close the file.

OAR Recommendations

1. Adopt the Reviewing Officer's final determination recommendation for AF# 3471 involving Scott Salmon for Congress and Jared Lindenberg, in his official capacity as Treasurer, in taking no further action;
2. Take no further action in AF# 3471 that Scott Salmon for Congress and Jared Lindenberg, in his official capacity as Treasurer, violated 52 U.S.C. § 30104(a); and
3. Send the appropriate letter.

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) AF 3471
Final Determination Recommendation:)
Scott Salmon for Congress and Jared)
Lindenberg, in his official capacity as)
Treasurer (C00637728))

CERTIFICATION

I, Dayna C. Brown, Secretary and Clerk of the Federal Election
Commission, do hereby certify that on May 01, 2019, the Commission decided
by a vote of 4-0 to take the following actions in AF 3471:

1. Adopt the Reviewing Officer's final determination recommendation
for AF# 3471 involving Scott Salmon for Congress and Jared
Lindenberg, in his official capacity as Treasurer, in taking no
further action.
2. Take no further action in AF# 3471 that Scott Salmon for Congress
and Jared Lindenberg, in his official capacity as Treasurer, violated
52 U.S.C. § 30104(a).
3. Send the appropriate letter.

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

Attest:

May 2, 2019
Date

Dayna C. Brown
Dayna C. Brown
Secretary and Clerk of the Commission



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 7, 2019

Jared Lindenburg, in official capacity as Treasurer
Scott Salmon for Congress
22 Crest Place
Springfield, NJ 07081

AF#: 3471
C00637728

Dear Mr. Lindenburg:

On September 21, 2018, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Scott Salmon for Congress and you, in your official capacity as Treasurer, violated 52 U.S.C. § 30104(a) for failing to file the 2018 July Quarterly Report. By letter dated September 24, 2018, the Commission sent notification of the RTB finding that included a civil money penalty calculated at RTB of \$196 in accordance with the schedule of penalties at 11 C.F.R. § 111.43. On October 30, 2018, 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. The Reviewing Officer Recommendation was sent to you on December 19, 2018. The Commission received your response.

The Reviewing Officer subsequently modified its recommendations in consideration of all information received in the original challenge, additional correspondence from the respondents, and information from Commission offices. The Reviewing Officer recommended that the Commission take no further action in AF# 3471 that Scott Salmon for Congress and Jared Lindenberg, in his official capacity as Treasurer, violated 52 U.S.C. § 30104(a).

On May 1, 2019, the Commission adopted the Reviewing Officer's recommendation to take no further action with respect to 52 U.S.C. § 30104(a) and close the file. A copy of the Final Determination Recommendation is attached.

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.

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 3471