

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE #3497



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RECEIVED  
FEDERAL ELECTION COMMISSION  
2018 NOV 27 AM 9:19

**SENSITIVE**

November 26, 2018

MEMORANDUM

TO: The Commission

THROUGH: Alec Palmer *AP by MAM*  
Staff Director

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

Debbie Chacona *DC*  
Assistant Staff Director  
Reports Analysis Division

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

SUBJECT: Reason To Believe Recommendation 2018 October Quarterly Report  
(Election Sensitive) for the Administrative Fine Program

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

Under the Administrative Fine Program, the October Quarterly Report is considered an election-sensitive filing for authorized committees supporting candidates involved in the general election as well as all unauthorized committees. For the committees listed on the attached RTB Circulation Report, the October Quarterly Report was an election-sensitive filing. The committees either filed the report after the due date, failed to file the report or failed to file the report prior to four (4) days before the general election (considered a non-filed report). In accordance with the schedule of civil money penalties for reports at 11 CFR. 111.43, these committees should be assessed the civil money penalties included on the attached report.

**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.

11/26/2018 3:31 PM

Federal Election Commission  
Reason to Believe Circulation Report  
2018 OCTOBER QUARTERLY Election Sensitive 10/15/2018 H\_S\_P\_UNAUTH

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
3490	C00636365	ACTION COALITION PAC		JOANNE RICE	\$1,292,086	0		Not Filed	\$430,695 (est)	\$14,177
3491	C00623256	AMERICA COMES FIRST PAC		DAVID W. SCHAMENS	\$154,404	5		Not Filed	\$154,404 (est)	\$19,136
3492	C00415752	BORDER HEALTH FEDERAL PAC		ERNIE PEREZ	\$1,277,003	0		Not Filed	\$319,251 (est)	\$12,758
3493	C00589200	BROADER REPRESENTATION ADVOCACY TEAM - POLITICAL ACTION COMMITTEE		JASPER HENDRICKS III	\$150,000	0		Not Filed	\$50,000 (est)	\$4,253
3494	C00685693	CASA IN ACTION PAC		MELISSA GUZMAN	\$417,521	0	10/27/2018	12	\$417,520	\$7,649
3495	C00450866	CONCORDIA POLITICAL ACTION COMMITTEE, INC.		DANIEL T. KING	\$113,149	0	10/22/2018	7	\$3,013	\$157
3496	C00679068	DEMOCRACY FIRST		PAMELA PARIZEK	\$137,500	0		Not Filed	\$137,500 (est)	\$7,088
3497	C00427575	EASTERN WASHINGTON VOTERS		BRYAN E. BURKE	\$118,486	0	11/1/2018	17	\$23,765	\$421
3498	C00618033	GRASSROOTS AWARENESS PAC		OFFICE OF TREASURER	\$2,353,115	0		Not Filed	\$784,372 (est)	\$19,846
3499	C00660852	MARLA LIVENGOOD FOC CONGRESS	MARLA LIVENGOOD	LYSA RAY	\$110,191	0	10/23/2018	8	\$28,738 (est)	\$698
3500	C00636902	NY19VOTES		LINDA SAKAI	\$135,524	0	11/4/2018	Not Filed*	\$20,359	\$1,200
3501	C00131706	PIPEFITTERS LOCAL UNION #524		PATRICK DOLAN	\$194,859	0		Not Filed	\$32,477 (est)	\$1,866
3502	C00640516	PROTECT OUR FUTURE		BONNIE ONEIL	\$1,954,247	0		Not Filed	\$651,416 (est)	\$18,430
3503	C00510974	STATE OF HAWAII ORGANIZATION OF POLICE OFFICERS ( SHOPO POLITICAL ACTION FUND)		JAMES M. SMITH	\$107,828	0		Not Filed	\$35,943 (est)	\$1,866
3504	C00637645	TAKING ACTION FOR SUFFOLK COUNTY		ROBERT ERVIN	\$819,287	0	10/30/2018	15	\$534,035	\$9,561
3505	C00653592	TATIANA MATTA FOR CONGRESS	TATIANA MATTA	TATIANA MATTA	\$164,572	0	11/6/2018	Not Filed*	\$100,760	\$7,088
3506	C00574681	VOTER EDUCATION		ANN MATTSON	\$576,734	0		Not Filed	\$192,245 (est)	\$8,505

\* The committee did not file their report prior to four (4) days before the general election; therefore, per 11 C.F.R. 111.43(e), the report is considered to be not filed.

## BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
Reason To Believe Recommendation - 2018	)	
October Quarterly Report (Election	)	
Sensitive) for the Administrative Fine	)	
Program:	)	
ACTION COALITION PAC, and RICE,	)	AF# 3490
JOANNE as treasurer;	)	
AMERICA COMES FIRST PAC, and	)	AF# 3491
SCHAMENS, DAVID W MR. as treasurer;	)	
BORDER HEALTH FEDERAL PAC, and	)	AF# 3492
ERNIE PEREZ as treasurer;	)	
BROADER REPRESENTATION	)	AF# 3493
ADVOCACY TEAM - POLITICAL	)	
ACTION COMMITTEE, and	)	
HENDRICKS, JASPER III as treasurer;	)	
CASA IN ACTION PAC, and GUZMAN,	)	AF# 3494
MELISSA as treasurer;	)	
CONCORDIA POLITICAL ACTION	)	AF# 3495
COMMITTEE, INC., and KING, DANIEL	)	
T as treasurer;	)	
DEMOCRACY FIRST, and PAMELA	)	AF# 3496
PARIZEK as treasurer;	)	
EASTERN WASHINGTON VOTERS, and	)	AF# 3497
BRYAN E BURKE as treasurer;	)	
MARLA LIVENGOD FOC CONGRESS,	)	AF# 3499
and RAY, LYSA as treasurer;	)	
NY19VOTES, and SAKAI, LINDA as	)	AF# 3500
treasurer;	)	
PIPEFITTERS LOCAL UNION #524, and	)	AF# 3501
DOLAN, PATRICK as treasurer;	)	
PROTECT OUR FUTURE, and ONEIL,	)	AF# 3502
BONNIE as treasurer;	)	
STATE OF HAWAII ORGANIZATION	)	AF# 3503
OF POLICE OFFICERS ( SHOPO	)	
POLITICAL ACTION FUND), and	)	
SMITH, JAMES M MR. as treasurer;	)	

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TAKING ACTION FOR SUFFOLK	AF# 3504
COUNTY, and ERVIN, ROBERT as	
treasurer;	
TATIANA MATTA FOR CONGRESS,	) AF# 3505
and MATTA, TATIANA as treasurer;	)
VOTER EDUCATION, and MATTSON,	) AF# 3506
ANN as treasurer;	)

CERTIFICATION

I, Dayna C. Brown, Secretary and Clerk of the Federal Election Commission, do hereby certify that on December 12, 2018 the Commission took the following actions on the Reason To Believe Recommendation - 2018 October Quarterly Report (Election Sensitive) for the Administrative Fine Program as recommended in the Reports Analysis Division's Memorandum dated November 26, 2018, on the following committees:

AF#3490 Decided by a vote of 4-0 to: (1) find reason to believe that ACTION COALITION PAC, and RICE, JOANNE in her 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#3491 Decided by a vote of 4-0 to: (1) find reason to believe that AMERICA COMES FIRST PAC, and SCHAMENS, DAVID W MR. 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#3492 Decided by a vote of 4-0 to: (1) find reason to believe that BORDER HEALTH FEDERAL PAC, and ERNIE PEREZ 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#3493 Decided by a vote of 4-0 to: (1) find reason to believe that BROADER REPRESENTATION ADVOCACY TEAM - POLITICAL ACTION COMMITTEE, and HENDRICKS, JASPER III 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#3494 Decided by a vote of 4-0 to: (1) find reason to believe that CASA IN ACTION PAC, and GUZMAN, MELISSA in her 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#3495 Decided by a vote of 4-0 to: (1) find reason to believe that CONCORDIA POLITICAL ACTION COMMITTEE, INC., and KING, DANIEL T 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#3496 Decided by a vote of 4-0 to: (1) find reason to believe that DEMOCRACY FIRST, and PAMELA PARIZEK in her 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#3497 Decided by a vote of 4-0 to: (1) find reason to believe that EASTERN WASHINGTON VOTERS, and BRYAN E BURKE 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#3499 Decided by a vote of 4-0 to: (1) find reason to believe that MARLA LIVENGOD FOC CONGRESS, and RAY, LYSA in her 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.



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AF#3500 Decided by a vote of 4-0 to: (1) find reason to believe that NY19VOTES, and SAKAI, LINDA in her 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#3501 Decided by a vote of 4-0 to: (1) find reason to believe that PIPEFITTERS LOCAL UNION #524, and DOLAN, PATRICK 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#3502 Decided by a vote of 4-0 to: (1) find reason to believe that PROTECT OUR FUTURE, and ONEIL, BONNIE in her 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#3503 Decided by a vote of 4-0 to: (1) find reason to believe that STATE OF HAWAII ORGANIZATION OF POLICE OFFICERS ( SHOPO POLITICAL ACTION FUND), and SMITH, JAMES M MR. 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#3504 Decided by a vote of 4-0 to: (1) find reason to believe that TAKING ACTION FOR SUFFOLK COUNTY, and ERVIN, ROBERT 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#3505 Decided by a vote of 4-0 to: (1) find reason to believe that TATIANA MATTA FOR CONGRESS, and MATTA, TATIANA in her 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#3506 Decided by a vote of 4-0 to: (1) find reason to believe that VOTER EDUCATION, and MATTSO, ANN in her official capacity as treasurer violated 52 U.S.C. 30104(a) and make a preliminary determination that the civil money penalty



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would be the amount indicated on the report; (2) send the appropriate letter.  
Commissioners Hunter, Petersen, Walther, and Weintraub voted affirmatively for the decision.

Attest:

December 13, 2018  
Date

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



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

December 13, 2018

Bryan E. Burke, in official capacity as Treasurer  
Eastern Washington Voters  
1024 W. 13th, Apt #4  
Spokane, WA 99204

C00427575  
AF#: 3497

Dear Mr. Burke:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file an October Quarterly Report of Receipts and Disbursements in a calendar year during which there is a regularly scheduled election. This report, covering the period July 1, 2018 through September 30, 2018, shall be filed no later than October 15, 2018. 52 U.S.C. § 30104(a). Records at the Federal Election Commission ("FEC") indicate that this report was filed on November 1, 2018, 17 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 December 12, 2018, the FEC found that there is reason to believe ("RTB") that Eastern Washington Voters 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 October 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 \$421. 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 \$421 is due within forty (40) days of the finding, or by January 21, 2019, and is based on these factors:

Election Sensitivity of Report: Election Sensitive  
Level of Activity: \$23,765  
Number of Days Late: 17  
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 January 21, 2019. 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 Eastern Washington Voters 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,



Caroline C. Hunter  
Chair

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**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 \$421 for the 2018 October 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](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**

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FOR: Eastern Washington Voters

FEC ID#: C00427575

AF#: 3497

PAYMENT DUE DATE: January 21, 2019

PAYMENT AMOUNT DUE: \$421

**RECEIVED**

By Office of the Commission Secretary at 9:06 am, Jun 08, 2020



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

**SENSITIVE**

June 5, 2020

**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/Ben Holly *KDR BH*  
Reports Analysis Division  
Compliance Branch

SUBJECT: Withdrawal and Resubmission of Final Determination Recommendation – 2018 October Quarterly Report (Election Sensitive) for the Administrative Fine Program

We are withdrawing the document circulated to the Commission on September 24, 2019 in order to reflect updates disclosed in filings, received by the Commission after the initial submission of this recommendation. On December 18, 2019, CASA in Action PAC (AF 3494) filed an Amended 2018 October Quarterly Report that disclosed a level of activity lower than previously disclosed. The circulation report has been updated to reflect the level of activity and final civil money penalty amounts disclosed on the most recent filing for AF 3494. On February 5, 2020, NY19Votes (AF 3500) filed an Amended 2018 October Quarterly Report that disclosed a level of activity higher than previously disclosed. The circulation report has also been updated to reflect the level of activity disclosed on the most recent filing for AF 3500.

Attached are two lists of political committees and their treasurers against which the Commission has found reason to believe (RTB) and assessed proposed civil money penalties calculated at RTB for failure to file or failure to timely file the 2018 October Quarterly Report (Election Sensitive). The first list represents the committees that have paid the civil money penalty and the second list represents the committees that have not paid the civil money penalty. The committees that have not paid have been given at least forty (40) days from the date of the Commission's RTB finding to remit payment.

In accordance with 11 CFR § 111.34 and 11 CFR § 111.40, the Commission shall send a final determination notice to those respondents that have either paid or not paid the civil money penalty.

The Reports Analysis Division (RAD) recommends that the Commission take no further action against Broader Representation Advocacy Team – Political Action Committee (AF 3493). After RTB, it was discovered that the committee may not have reported actual campaign finance related activity on the 2018 October Quarterly Report. The committee appears to be a fictitious filer and will be addressed in accordance with the RAD Review and Referral Procedures. As such, RAD recommends no further action against Broader Representation Advocacy Team – Political Action Committee.

For your information, five (5) committees disclosed a level of activity after the RTB finding which would result in a lowered civil money penalty. An overview of these cases has been provided below.

Action Coalition PAC (AF 3490) filed the 2018 October Quarterly Report after the RTB finding and disclosed an actual level of activity which would result in a lowered civil money penalty than that assessed at RTB. The committee disclosed total receipts and disbursements of \$1,556 (previously estimated to be \$430,695), thus the fine would be lowered from \$14,177 to \$667.

Border Health Federal PAC (AF 3492) filed the 2018 October Quarterly Report after the RTB finding and disclosed an actual level of activity which would result in a lowered civil money penalty than that assessed at RTB. The committee disclosed total receipts and disbursements of \$197,754 (previously estimated to be \$319,251), thus the fine would be lowered from \$12,758 to \$8,505.

CASA in Action PAC (AF 3494) filed the 2018 October Quarterly Report after the RTB finding and disclosed an actual level of activity which would result in a lowered civil money penalty than that assessed at RTB. The committee disclosed total receipts and disbursements of \$317,520 (previously estimated to be \$417,520), thus the fine would be lowered from \$7,649 to \$6,586. The committee paid the civil money penalty assessed at RTB; we will therefore issue a refund for the difference (\$1,063).

Grassroots Awareness PAC (AF 3498) filed the 2018 October Quarterly Report after the RTB finding and disclosed an actual level of activity which would result in a lowered civil money penalty than that assessed at RTB. The committee disclosed total receipts and disbursements of \$889 (previously estimated to be \$784,372), thus the fine would be lowered from \$19,846 to \$667.

Protect Our Future (AF 3502) filed the 2018 October Quarterly Report after the RTB finding and disclosed an actual level of activity which would result in a lowered civil money penalty than that assessed at RTB. The committee disclosed total receipts and disbursements of \$938 (previously estimated to be \$651,416), thus the fine would be lowered from \$18,430 to \$667.

Voter Education (AF 3506) filed the 2018 October Quarterly Report after the RTB finding and disclosed an actual level of activity which would result in a lowered civil money penalty than that assessed at RTB. The committee disclosed total receipts and disbursements of \$1,084 (previously estimated to be \$192,245), thus the fine would be lowered from \$8,505 to \$667.



For your information, five (5) committees disclosed a change in treasurer after the RTB finding. An overview of these cases has been provided below.

Action Coalition PAC (AF 3490) filed an Amended Statement of Organization after the RTB finding designating Pam Mattson as Treasurer.

Grassroots Awareness PAC (AF 3498) filed an Amended Statement of Organization after the RTB finding designating Pam Mattson as Treasurer.

Protect Our Future (AF 3502) filed an Amended Statement of Organization after the RTB finding designating Pam Mattson as Treasurer.

Taking Action for Suffolk County (AF 3504) filed an Amended Statement of Organization after the RTB finding designating Cindy Morris as Treasurer.

Voter Education (AF 3506) filed an Amended Statement of Organization after the RTB finding designating Pam Mattson as Treasurer.

### **RAD Recommendation**

- (1) Take no further action against Broader Representation Advocacy Team – Political Action Committee and Jasper Hendricks, in his official capacity as treasurer, in regards to AF 3492.
- (2) Make a final determination that the political committees and their treasurers, in their official capacity, listed on the attached reports violated 52 U.S.C. § 30104(a) and assess the final civil money penalties so indicated.
- (3) Send the appropriate letters.

Federal Election Commission  
FD Circulation Report Fine Paid  
2018 OCTOBER QUARTERLY Election Sensitive 10/15/2018 H\_S\_P\_UNAUTH

AF#	Committee Name	Candidate Name	Committee ID	Treasurer	Receipt Date	Days Late	LOA	PV	RTB Date	RTB Penalty	Final Money Penalty	Date Paid	Amount Paid
3494	CASA IN ACTION PAC		C00685693	MELISSA GUZMAN	10/27/2018	12	\$317,520	0	12/12/2018	\$7,649	\$6,586	03/07/2019	\$7,649**
3495	CONCORDIA POLITICAL ACTION COMMITTEE, INC.		C00450866	DANIEL T. KING	10/22/2018	7	\$3,013	0	12/12/2018	\$157	\$157	01/18/2019	\$157
3499	MARLA LIVENGOD FOC CONGRESS	MARLA LIVENGOD	C00660852	LYSA RAY	10/23/2018	8	\$28,738	0	12/12/2018	\$698	\$698	03/19/2019	\$698
3500	NY19VOTES		C00636902	LINDA SAKAI	11/04/2018	Not Filed*	\$21,052	0	12/12/2018	\$1,200	\$1,200	01/02/2019	\$1,200
3504	TAKING ACTION FOR SUFFOLK COUNTY		C00637645	CINDY MORRIS	10/30/2018	15	\$534,035	0	12/12/2018	\$9,561	\$9,561	01/08/2019	\$9,561

\* The committee did not file their report prior to four (4) days before the general election; therefore, per 11 C.F.R. 111.43(e), the report is considered to be not filed.

\*\* This committee disclosed a level of activity after the RTB finding which would result in a lowered civil money penalty and will be assessed a civil money penalty at Final Determination (FD) that has been reduced since the RTB finding. This committee paid the civil money penalty assessed at RTB; therefore, we will issue a refund for the difference.

Federal Election Commission  
FD Circulation Report Fine Not Paid  
2018 OCTOBER QUARTERLY Election Sensitive 10/15/2018 H\_S\_P\_UNAUTH

AF#	Committee Name	Candidate Name	Committee ID	Treasurer	Receipt Date	Days Late	LOA	PV	RTB Date	RTB Penalty	Days Since RTB	FD Penalty
3490	ACTION COALITION PAC		C00636365	PAM MATTSON	02/12/2019	Not Filed*	\$1,556	0	12/12/2018	\$14,177	541	\$667
3491	AMERICA COMES FIRST PAC		C00623256	DAVID W. SCHAMENS		Not Filed	\$154,404 (est)	5	12/12/2018	\$19,136	541	\$19,136
3492	BORDER HEALTH FEDERAL PAC		C00415752	ERNIE PEREZ	01/28/2019	Not Filed*	\$197,754	0	12/12/2018	\$12,758	541	\$8,505
3493	BROADER REPRESENTATION ADVOCACY TEAM - POLITICAL ACTION COMMITTEE		C00589200	JASPER HENDRICKS III	12/21/2018	Not Filed*	\$50,000	0	12/12/2018	\$4,253	541	NFA
3497	EASTERN WASHINGTON VOTERS		C00427575	BRYAN E. BURKE	11/01/2018	17	\$24,438	0	12/12/2018	\$421	541	\$421
3498	GRASSROOTS AWARENESS PAC		C00618033	PAM MATTSON	03/29/2019	Not Filed*	\$889	0	12/12/2018	\$19,846	541	\$667
3502	PROTECT OUR FUTURE		C00640516	PAM MATTSON	02/13/2019	Not Filed*	\$938	0	12/12/2018	\$18,430	541	\$667
3503	STATE OF HAWAII ORGANIZATION OF POLICE OFFICERS ( SHOPO POLITICAL ACTION FUND)		C00510974	JAMES M. SMITH	12/20/2018	Not Filed*	\$30,245	0	12/12/2018	\$1,866	541	\$1,866
3505	TATIANA MATTA FOR CONGRESS	TATIANA MATTA	C00653592	TATIANA MATTA	11/06/2018	Not Filed*	\$100,760	0	12/12/2018	\$7,088	541	\$7,088
3506	VOTER EDUCATION		C00574681	PAM MATTSON	02/13/2019	Not Filed*	\$1,084	0	12/12/2018	\$8,505	541	\$667

\* The committee did not file their report prior to four (4) days before the general election; therefore, per 11 C.F.R. 111.43(e), the report is considered to be not filed.

## BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
Withdrawal and Resubmission of Final	)	
Determination Recommendation - 2018	)	
October Quarterly Report (Election	)	
Sensitive) for the Administrative Fine	)	
Program:	)	
ACTION COALITION PAC, and	)	AF# 3490
MATTSON, PAM as treasurer;	)	
AMERICA COMES FIRST PAC, and	)	AF# 3491
SCHAMENS, DAVID W MR. as treasurer;	)	
BORDER HEALTH FEDERAL PAC, and	)	AF# 3492
ERNIE PEREZ as treasurer;	)	
CASA IN ACTION PAC, and GUZMAN,	)	AF# 3494
MELISSA as treasurer;	)	
CONCORDIA POLITICAL ACTION	)	AF# 3495
COMMITTEE, INC., and KING, DANIEL	)	
T as treasurer;	)	
EASTERN WASHINGTON VOTERS, and	)	AF# 3497
BURKE, BRYAN E as treasurer;	)	
GRASSROOTS AWARENESS PAC, and	)	AF# 3498
MATTSON, PAM as treasurer;	)	
MARLA LIVENGOD FOC CONGRESS,	)	AF# 3499
and RAY, LYSA as treasurer;	)	
NY19VOTES, and SAKAI, LINDA as	)	AF# 3500
treasurer;	)	
PROTECT OUR FUTURE, and	)	AF# 3502
MATTSON, PAM as treasurer;	)	
STATE OF HAWAII ORGANIZATION	)	AF# 3503
OF POLICE OFFICERS ( SHOPO	)	
POLITICAL ACTION FUND), and	)	
SMITH, JAMES M MR. as treasurer;	)	
TAKING ACTION FOR SUFFOLK	)	AF# 3504
COUNTY, and MORRIS, CINDY as	)	
treasurer;	)	
TATIANA MATTA FOR CONGRESS,	)	AF# 3505
and MATTA, TATIANA as treasurer;	)	

Federal Election Commission  
Certification for Withdrawal and  
Resubmission of Final Determination  
Recommendation - 2018 October Quarterly  
Report (Election Sensitive) for the  
Administrative Fine Program  
June 29, 2020

VOTER EDUCATION, and MATTSON, AF# 3506  
PAM as treasurer;

### CERTIFICATION

I, Laura E. Sinram, Acting Secretary and Clerk of the Federal Election Commission, do hereby certify that on June 29, 2020 the Commission took the following actions on the Withdrawal and Resubmission of Final Determination Recommendation - 2018 October Quarterly Report (Election Sensitive) for the Administrative Fine Program, as recommended in the Reports Analysis Division's Memorandum dated June 05, 2020, on the following committees:

AF#3490 Decided by a vote of 4-0 to: (1) make a final determination that ACTION COALITION PAC, and MATTSON, PAM in her official capacity as treasurer, violated 52 U.S.C. § 30104(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Hunter, Trainor, Walther, and Weintraub voted affirmatively for the decision.

AF#3491 Decided by a vote of 4-0 to: (1) make a final determination that AMERICA COMES FIRST PAC, and SCHAMENS, DAVID W MR. in his official capacity as treasurer, violated 52 U.S.C. § 30104(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Hunter, Trainor, Walther, and Weintraub voted affirmatively for the decision.

AF#3492 Decided by a vote of 4-0 to: (1) make a final determination that BORDER HEALTH FEDERAL PAC, and ERNIE PEREZ in his official capacity as treasurer, violated 52 U.S.C. § 30104(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Hunter, Trainor, Walther, and Weintraub voted affirmatively for the decision.

AF#3494 Decided by a vote of 4-0 to: (1) make a final determination that CASA IN ACTION PAC, and GUZMAN, MELISSA in her official capacity as treasurer, violated

Federal Election Commission  
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Resubmission of Final Determination  
Recommendation - 2018 October Quarterly  
Report (Election Sensitive) for the  
Administrative Fine Program  
June 29, 2020

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52 U.S.C. § 30104(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Hunter, Trainor, Walther, and Weintraub voted affirmatively for the decision.

AF#3495 Decided by a vote of 4-0 to: (1) make a final determination that CONCORDIA POLITICAL ACTION COMMITTEE, INC., and KING, DANIEL T in his official capacity as treasurer, violated 52 U.S.C. § 30104(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Hunter, Trainor, Walther, and Weintraub voted affirmatively for the decision.

AF#3497 Decided by a vote of 4-0 to: (1) make a final determination that EASTERN WASHINGTON VOTERS, and BURKE, BRYAN E in his official capacity as treasurer, violated 52 U.S.C. § 30104(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Hunter, Trainor, Walther, and Weintraub voted affirmatively for the decision.

AF#3498 Decided by a vote of 4-0 to: (1) make a final determination that GRASSROOTS AWARENESS PAC, and MATTSON, PAM in her official capacity as treasurer, violated 52 U.S.C. § 30104(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Hunter, Trainor, Walther, and Weintraub voted affirmatively for the decision.

AF#3499 Decided by a vote of 4-0 to: (1) make a final determination that MARLA LIVENGOD FOC CONGRESS, and RAY, LYSA in her official capacity as treasurer, violated 52 U.S.C. § 30104(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Hunter, Trainor, Walther, and Weintraub voted affirmatively for the decision.

AF#3500 Decided by a vote of 4-0 to: (1) make a final determination that NY19VOTES, and SAKAI, LINDA in her official capacity as treasurer, violated 52 U.S.C. § 30104(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Hunter, Trainor, Walther, and Weintraub voted affirmatively for the decision.

AF#3502 Decided by a vote of 4-0 to: (1) make a final determination that PROTECT OUR FUTURE, and MATTSON, PAM in her official capacity as treasurer, violated 52 U.S.C. § 30104(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Hunter, Trainor, Walther, and Weintraub voted affirmatively for the decision.

Federal Election Commission  
 Certification for Withdrawal and  
 Resubmission of Final Determination  
 Recommendation - 2018 October Quarterly  
 Report (Election Sensitive) for the  
 Administrative Fine Program  
 June 29, 2020

AF#3503 Decided by a vote of 4-0 to: (1) make a final determination that STATE OF HAWAII ORGANIZATION OF POLICE OFFICERS ( SHOPO POLITICAL ACTION FUND), and SMITH, JAMES M MR. in his official capacity as treasurer, violated 52 U.S.C. § 30104(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Hunter, Trainor, Walther, and Weintraub voted affirmatively for the decision.

AF#3504 Decided by a vote of 4-0 to: (1) make a final determination that TAKING ACTION FOR SUFFOLK COUNTY, and MORRIS, CINDY in her official capacity as treasurer, violated 52 U.S.C. § 30104(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Hunter, Trainor, Walther, and Weintraub voted affirmatively for the decision.

AF#3505 Decided by a vote of 4-0 to: (1) make a final determination that TATIANA MATTA FOR CONGRESS, and MATTA, TATIANA in her official capacity as treasurer, violated 52 U.S.C. § 30104(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Hunter, Trainor, Walther, and Weintraub voted affirmatively for the decision.

AF#3506 Decided by a vote of 4-0 to: (1) make a final determination that VOTER EDUCATION, and MATTSOON, PAM in her official capacity as treasurer, violated 52 U.S.C. § 30104(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Hunter, Trainor, Walther, and Weintraub voted affirmatively for the decision.



July 24, 2020  
 Date

Attest:

Laura  
 Sinram

Laura E. Sinram  
 Acting Secretary and Clerk of the  
 Commission

Digitally signed by Laura  
 Sinram  
 Date: 2020.07.24  
 15:15:56 -04'00'





FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

AF

July 28, 2020

Bryan E. Burke, in official capacity as Treasurer  
Eastern Washington Voters  
25 W. Main Ave., Suite 300  
Spokane, WA 99201

C00427575

AF#: 3497

Dear Mr. Burke,

On December 12, 2018, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Eastern Washington Voters and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) for filing late or failing to file the October Quarterly Report. By letter dated December 13, 2018, the Commission notified you of the RTB finding and the civil money penalty calculated at the RTB stage to be \$421 in accordance with the schedule of penalties at 11 CFR § 111.43. Within forty (40) days of the FEC's RTB finding, you, as treasurer, were required to either transmit payment of the calculated civil money penalty or submit a written response challenging either the RTB finding or the calculated civil money penalty.

The FEC did not receive payment of the calculated civil money penalty or a written response within the time permitted. The FEC made a final determination on June 29, 2020 that Eastern Washington Voters and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) and assessed a civil money penalty in the amount of \$421 in accordance with 11 CFR § 111.43. The civil money penalty is based on these factors:

Election Sensitivity of Report: Election Sensitive  
Level of Activity: \$24,438  
Number of Days Late: 17  
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 Appeal the Final Determination and/or Civil Money Penalty**

If you choose to appeal the final determination, you should submit a written petition, within thirty (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

## EASTERN WASHINGTON VOTERS

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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.

**2. If You Choose Not to Pay the Civil Money Penalty and Not to Appeal**

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA") as amended by the Debt Collection Improvement Act of 1996 ("DCIA"), 31 U.S.C. § 3701 et seq. If you do not pay this debt within thirty (30) days (or file a written petition to a federal district court - see below), the Commission will transfer the debt to the U.S. Department of the Treasury ("Treasury") for collection. Within five (5) days of the transfer to Treasury, Treasury will contact you to request payment. Treasury currently charges a fee of 30% of the civil money penalty amount for its collection services. If the age of the debt is greater than or equal to two years old, Treasury will charge a fee of 32% of the civil money penalty amount for its collection services. The fee will be added to the amount of the civil money penalty that you owe. Should Treasury's attempts fail, Treasury will refer the debt to a private collection agency ("PCA"). If the debt remains unpaid, Treasury may recommend that the Commission refer the matter to the Department of Justice for litigation.

Actions which may be taken to enforce recovery of a delinquent debt by Treasury may also include: (1) offset of any payments, which the debtor is due, including tax refunds and salary; (2) referral of the debt to agency counsel for litigation; (3) reporting of the debt to a credit bureau; (4) administrative wage garnishment; and (5) reporting of the debt, if discharged, to the IRS as potential taxable income. In addition, under the provisions of DCIA and other statutes applicable to the FEC, the debtor may be subject to the assessment of other statutory interest, penalties, and administrative costs.

In accordance with the DCIA, at your request, the agency will offer you the opportunity to inspect and copy records relating to the debt, the opportunity for a review of the debt, and the opportunity to enter into a written repayment agreement.

**3. If You Choose to Pay the Civil Money Penalty**

If you should decide to pay the civil money penalty, follow the payment instructions on page 4 of this letter. You should make payment within thirty (30) days of receipt of this letter.

**NOTICE REGARDING PARTIAL PAYMENTS AND SETTLEMENT OFFERS****4. Partial Payments**

If you make a payment in an amount less than the civil money penalty, the amount of your partial payment will be credited towards the full civil money penalty that the

EASTERN WASHINGTON VOTERS

Page 3 of 4

Commission assessed 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 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 assessed 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.

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

If you have any questions regarding the payment of the civil money penalty, please contact Ben Holly at Federal Election Commission, 1050 First St., NE, Washington, DC 20002, or our toll free number (800) 424-9530 (at the prompt, press 5) or (202) 694-1130.

Sincerely,



James E. "Trey" Trainor III  
Chair

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### **ADMINISTRATIVE FINE PAYMENT INSTRUCTIONS**

In accordance with the schedule of penalties at 11 CFR § 111.43, the civil money penalty is \$421 for the October Quarterly Report. The payment is due within 30 days of receipt of this letter.

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. Please use the details below to complete the required fields. For additional payment options, please contact Ben Holly in the Reports Analysis

EASTERN WASHINGTON VOTERS

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Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130.

COMMITTEE NAME: Eastern Washington Voters

FEC ID#: C00427575

AF#: 3497

PAYMENT AMOUNT DUE: \$421

THIS IS THE END OF ADMINISTRATIVE FINE CASE #3497