

THIS IS THE BEGINNING OF ADMINSTRATIVE FINE CASE

398

DATE FILMED 4/20- CAMERA NO. 3

CAMERAMAN SES

1961-453-60-22



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
WASHINGTON, D.C.

2001 JUL 15 A 9:22

July 13, 2001

SENSITIVE

MEMORANDUM

TO: THE COMMISSION

THROUGH: JAMES A. PEHRKON
STAFF DIRECTOR

ALISON L. DOONE
DEPUTY STAFF DIRECTOR

FROM: SHAWN WOODHEAD WERTH
REVIEWING OFFICER
OFFICE OF ADMINISTRATIVE REVIEW

SUBJECT: FINAL DETERMINATION RECOMMENDATION IN AF# 398 -
BRIAN BAIRD FOR CONGRESS AND CHRIS CROWLEY,
AS TREASURER

On May 9, 2001, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Brian Baird for Congress and Chris Crowley, as Treasurer ("the respondents") violated 2 U.S.C. § 434(a) for failing to file the 2000 Year End Report in a timely manner. Because it appeared that the respondents had filed the report on February 7, 2001, 7 days late, the Commission also made a preliminary determination on May 9, 2001 that the civil money penalty was \$275.00 based on the schedule of penalties at 11 C.F.R. § 111.43.

On May 25, 2001, the Commission received the respondents' written response and supporting documentation ("challenge"). After reviewing the challenge and determining that the report was filed in a timely manner by registered/certified mail postmarked January 31, 2001, the Reviewing Officer's recommendation dated June 27, 2001 was forwarded to the Commission. A copy was simultaneously forwarded to the respondents. Because the respondents' challenge presented evidence that a factual error was made in that the Year End Report was filed in a timely manner, the Reviewing Officer recommended that the Commission take no further action against the respondents with respect to 2 U.S.C. § 434(a) and close the file.

Within 10 days of transmittal of the recommendation, the respondents may file a written response with the Commission Secretary which may not raise any arguments not raised in the

respondents' challenge or not directly responsive to the Reviewing Officer's recommendation. 11 C.F.R. § 111.36(f). As of this date, a written response has not been received from the respondents.

OAR Recommendations

- (1) Take no further action in AF# 398 against Brian Baird for Congress and Chris Crowley, as Treasurer, with respect to 2 U.S.C. § 434(a) and close the file; and
- (2) Send the appropriate letter.

11-06-15 15:22:00

Shawn



FEDERAL ELECTION COMMISSION
Washington, DC 20463

SENSITIVE

DATE & TIME OF TRANSMITTAL: Monday, July 16, 2001 11:00

BALLOT DEADLINE: Thursday, July 19, 2001 4:00

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

SUBJECT: **Final Determination Recommendation in AF #398
Brian Baird for Congress and Chris Crowley, as treasurer.
Memorandum from the Reviewing Officer, Office of
Administrative Review dated July 13, 2001.**

- () I approve the recommendation(s)
- () I object to the recommendation(s)
- () I abstain from voting on the recommendation(s)
- () I am recused from voting on the recommendation(s)

A definite vote is required. All ballots must be signed and dated. Please return **ONLY THE BALLOT** to the Commission Secretary. Please return ballot no later than date and time shown above.

DATE: _____

SIGNATURE: _____

FROM THE OFFICE OF THE SECRETARY OF THE COMMISSION

4967-1-964-23-00-22

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Brian Baird For Congress and) AF #398
Chris Crowley, as treasurer -)
Final Determination)
Recommendation.)

CERTIFICATION

I, Mary W. Dove, Secretary of the Federal
Election Commission, do hereby certify that on
July 19, 2001 the Commission decided by a vote
of 6-0 to take the following actions in the above-
captioned matter:

1. Take no further action in AF #398 against
Brian Baird for Congress and Chris Crowley,
as treasurer, with respect to 2 U.S.C.
§ 434(a) and close the file.
2. Send the appropriate letter, as recommended
in the Reviewing Officer's Memorandum dated
July 13, 2001.

(Continued)

Federal Election Commission
Certification for AF #398
July 19, 2001

Page 2

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

Attest:

July 19, 2001
Date

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

Received in the Secretariat: Mon., July 16, 2001 9:22 a.m.
Circulated to the Commission: Mon., July 16, 2001 11:00 a.m.
Deadline for vote: Thurs., July 19, 2001 4:00 p.m.

lrd

996 F. 152. 60. 22
22. 09. 254. 1965

THIS IS THE END OF ADMINSTRATIVE FINE CASE

398

DATE FILMED 4/2/02 CAMERA NO. 3

CAMERAMAN ΣΣΣ

2001.152.60.23