

THIS IS THE BEGINNING OF ADMINSTRATIVE FINE CASE

# 426

DATE FILMED 5-29-02 CAMERA NO. 3

CAMERAMAN JMN

2002.05.29



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
MAY 1 2002

2002 MAY -2 A 9 34

May 1, 2002

MEMORANDUM

TO: THE COMMISSION

THROUGH: JAMES A. PEHRKON  
STAFF DIRECTOR

ALISON L. DOONE  
DEPUTY STAFF DIRECTOR

FROM: SHAWN WOODHEAD WERTH  
REVIEWING OFFICER  
OFFICE OF ADMINISTRATIVE REVIEW

SUBJECT: FINAL DETERMINATION RECOMMENDATION IN AF# 426 -  
FRIENDS OF BOB MOPPERT AND RON LESCH, AS  
TREASURER (C00291062)

**SENSITIVE**

On May 9, 2001, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that the Friends of Bob Moppert and Ron Lesch, as Treasurer ("the respondents"), violated 2 U.S.C. § 434(a) for failing to file the 2000 Year End Report. Because the respondents had not filed the report at the time of the Commission's RTB finding, the estimated level of activity was used to calculate the civil money penalty. Therefore, the Commission also made a preliminary determination on that same date that the civil money penalty was \$3,500.00 based on the schedule of penalties at 11 C.F.R. § 111.43.

On May 24, 2001, the respondents filed the Year End Report via certified mail, 113 days late, which is considered not filed for purposes of the civil money penalty calculation, and an amended Year End Report on January 14, 2002 which discloses \$783 in total receipts and \$0 in total disbursements. Had the report been filed prior to the Commission's RTB finding, the civil money penalty would have been \$783.00 because the amount of the civil money penalty will not exceed the level of activity on the report (\$783) if the respondents have no previous violations. 11 C.F.R. § 111.43(a).

The Commission received the respondents' written response ("challenge") on May 29, 2001. After reviewing the challenge, the Reviewing Officer's recommendation dated April 18, 2002 was forwarded to the Commission. A copy was simultaneously forwarded to the respondents. The Reviewing Officer recommended that the

Commission make a final determination that the respondents violated 2 U.S.C. § 434(a) and, based on the level of activity of the Year End Report (\$783), assess a civil money penalty of \$783.00 because the respondents submitted no evidence that a factual error was made, that the civil money penalty was miscalculated at RTB or that extraordinary circumstances existed which prevented them from filing the Year End Report in a timely manner.

Instead of filing a written response with the Commission Secretary within 10 days of transmittal of the recommendation in accordance with 11 C.F.R. § 111.36(f), the respondents paid the \$783.00 civil money penalty.

#### **OAR Recommendations**

- (1) Make a final determination in AF# 426 that the Friends of Bob Moppert and Ron Lesch, as Treasurer, violated 2 U.S.C. § 434(a) and, based on the level of activity on the Year End Report (\$783), assess a civil money penalty of \$783.00; and
- (2) Send the appropriate letter.



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

*Werth*  
**SENSITIVE**

DATE & TIME OF TRANSMITTAL: Thursday, May 02, 2002 11:00

BALLOT DEADLINE: Tuesday, May 07, 2002 4:00

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

SUBJECT: **Final Determination Recommendation in AF #426 –  
Friends of Bob Moppert and Ron Lesch, as treasurer.  
(C00291062) Memorandum from the Reviewing Officer  
dated May 1, 2002.**

- ( ) I approve the recommendation(s)
- ( ) I object to the recommendation(s)
- ( ) I abstain from voting on the recommendation(s)
- ( ) I am recused from voting on the recommendation(s)
- ( ) I am not voting on this tally.

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

2002 05 02 11:00

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
Friends of Bob Moppert and Ron ) AF #426  
Lesch, as treasurer - Final )  
Determination Recommendation. )

CERTIFICATION

I, Mary W. Dove, Secretary of the Federal  
Election Commission, do hereby certify that on  
May 7, 2002 the Commission decided by a vote  
of 6-0 to take the following actions in AF #426:

1. Make a final determination in AF #426  
that the Friends of Bob Moppert and  
Ron Lesch, as treasurer, violated  
2 U.S.C. § 434(a) and, based on the  
level of activity on the Year End Report  
(\$783), assess a civil money penalty  
of \$783.00.
2. Send the appropriate letter, as  
recommended in the Reviewing Officer's  
Memorandum dated May 1, 2002.

(Continued)

Federal Election Commission  
Certification for AF #426  
May 7, 2002

Page 2

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

Attest:

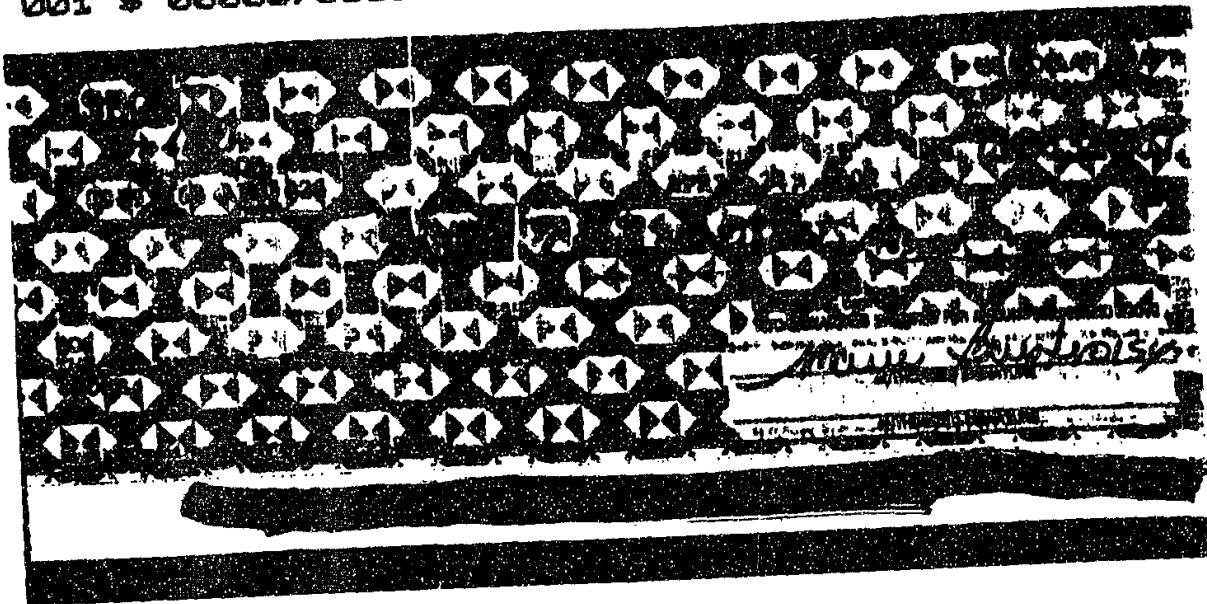
May 8, 2002  
Date

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

Received in the Secretariat: Thurs., May 02, 2002 9:34 a.m.  
Circulated to the Commission: Thurs., May 02, 2002 11:00 a.m.  
Deadline for vote: Tues., May 07, 2002 4:00 p.m.

lrd

QUALITY IS OUR PRIORITY FOR LOCKBOX 2182  
SEQ# 001 \$ 0000078300 BA# 1 04-30-02 20 9



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THIS IS THE END OF ADMINSTRATIVE FINE CASE  
# 426

DATE FILMED 5-29-02 CAMERA NO. 3

CAMERAMAN IMP

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