



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

**SENSITIVE**

June 29, 2022

**MEMORANDUM**

TO: The Commission

THROUGH: Alec Palmer AP by *KAH*  
Staff Director

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

Debbie Chacona *DC*  
Assistant Staff Director  
Reports Analysis Division

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

SUBJECT: Reason To Believe Recommendation – 2022 12-Day Pre-Primary Report  
(Kentucky and North Carolina) for the Administrative Fine Program

Attached is a list of political committees and their treasurers who failed to timely file the 2022 12-Day Pre-Primary Report for the Kentucky and North Carolina Primary Elections in accordance with 52 U.S.C. § 30104(a). The 12-Day Pre-Primary Report was due on May 5, 2022 and the Primary Election was held on May 17, 2022.

The committees listed on the attached RTB Circulation Report failed to file the election sensitive report by the required due date. Election sensitive reports filed more than four days prior to the election are considered late, and reports not filed more than four days prior to the election are considered not filed. In accordance with the schedule of civil money penalties for reports at 11 CFR § 111.43, the committees should be assessed the civil money penalties highlighted on the attached circulation 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.

Federal Election Commission  
Reason to Believe Circulation Report  
2022 PRE-PRIMARY Election Sensitive 05/05/2022 AUTH (KY, NC)

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
4327	C00781575	CHARLES GRAHAM FOR CONGRESS	CHARLES GRAHAM	JAMES B. HUNT	\$382,951	0	6/15/2022	*Not Filed	\$33,984	\$2,093
4328	C00793307	GEOFF YOUNG FOR KENTUCKY	GEOFFREY M. YOUNG	GEOFFREY M. YOUNG	\$194,827	0	5/27/2022	*Not Filed	\$2,247	\$748
4329	C00732651	LEE HAYWOOD FOR CONGRESS COMMITTEE	JOSEPH HAYWOOD	STEPHEN E. GOLIMOWSKI	\$130,180	0	5/12/2022	7	\$32,680	\$744

\* The committee did not file their report prior to four (4) days before the primary 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 - 2022	)	
12-Day Pre-Primary Report (Kentucky and	)	
North Carolina) for the Administrative Fine	)	
Program:	)	
CHARLES GRAHAM FOR CONGRESS,	)	AF# 4327
and HUNT, JAMES B as treasurer;	)	
GEOFF YOUNG FOR KENTUCKY, and	)	AF# 4328
YOUNG, GEOFFREY M MR. as treasurer;	)	
LEE HAYWOOD FOR CONGRESS	)	AF# 4329
COMMITTEE, and GOLIMOWSKI,	)	
STEPHEN E MR as treasurer;	)	

CERTIFICATION

I, Laura E. Sinram, Acting Secretary and Clerk of the Federal Election Commission, do hereby certify that on June 30, 2022 the Commission took the following actions on the Reason To Believe Recommendation - 2022 12-Day Pre-Primary Report (Kentucky and North Carolina) for the Administrative Fine Program, as recommended in the Reports Analysis Division's Memorandum dated June 29, 2022, on the following committees:

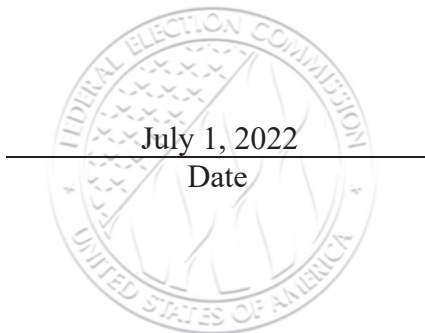
AF#4327      Decided by a vote of 4-0 to: (1) find reason to believe that CHARLES GRAHAM FOR CONGRESS, and HUNT, JAMES B in their official capacity as treasurer, violated 52 U.S.C. § 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Broussard, Cooksey, Dickerson, and Weintraub voted affirmatively for the decision. Commissioners Trainor and Walther did not vote.

Federal Election Commission  
Certification for Administrative Fines  
June 30, 2022

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AF#4328 Decided by a vote of 4-0 to: (1) find reason to believe that GEOFF YOUNG FOR KENTUCKY, and YOUNG, GEOFFREY M MR. in their 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 Broussard, Cooksey, Dickerson, and Weintraub voted affirmatively for the decision. Commissioners Trainor and Walther did not vote.

AF#4329 Decided by a vote of 4-0 to: (1) find reason to believe that LEE HAYWOOD FOR CONGRESS COMMITTEE, and GOLIMOWSKI, STEPHEN E MR in their 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 Broussard, Cooksey, Dickerson, and Weintraub voted affirmatively for the decision. Commissioners Trainor and Walther did not vote.



Attest:

Laura E  
Sinram

Laura E. Sinram  
Acting Secretary and Clerk of the  
Commission

Digitally signed by Laura  
E Sinram  
Date: 2022.07.01  
09:33:05 -04'00'



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

AF

July 1, 2022

James B. Hunt, in official capacity as Treasurer  
Charles Graham for Congress  
479 Bee Gee Road  
Lumberton, NC 28358

C00781575

AF#: 4327

Dear James B. Hunt,

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file a 12-Day Pre-Primary Report of Receipts and Disbursements in any calendar year during which there is a regularly scheduled election for which the candidate is seeking election or nomination for election. This report, covering the period April 1, 2022 through April 27, 2022, shall be filed no later than May 5, 2022. 52 U.S.C. § 30104(a). Because records at the Commission indicate that you did not file this report prior to four (4) days before the election, the report is considered not filed for the purpose of calculating the civil money penalty. You should file the report if you have not already done so.

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 June 30, 2022, the FEC found that there is reason to believe ("RTB") that Charles Graham 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 May 5, 2022. Based on the FEC's schedules of civil money penalties at 11 C.F.R. § 111.43, the amount of your civil money penalty calculated at the RTB stage is \$2,093. Please see the attached copy of the Commission's administrative fine regulations at 11 C.F.R. §§ 111.30-111.46. Attachment 1. The Commission's website contains further information about how the administrative fine program works and how the fines are calculated. See <https://www.fec.gov/af/pay.shtml> 11 C.F.R. § 111.34. Your payment of \$2,093 is due within forty (40) days of the finding, or by August 9, 2022, and is based on these factors:

Election Sensitivity of Report: Election Sensitive

Level of Activity: \$33,984

Number of Days Late: Not Filed (reports not filed prior to four (4) days before the Primary Election held on May 17, 2022 are considered not filed for the purpose of calculating the penalty)

Number of Previous Civil Money Penalties Assessed: 0

CHARLES GRAHAM FOR CONGRESS

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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. 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 August 9, 2022. 11 C.F.R. § 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 C.F.R. § 111.36(c).

Please note, all challenges to an RTB finding and/or calculated civil money penalty should be converted to PDF (Portable Document Format) and emailed to [administrativefines@fec.gov](mailto:administrativefines@fec.gov). The Commission encourages the use of electronic signatures on electronically submitted documents, but scanned copies of ink signatures will be accepted. Electronically submitted challenges will be deemed received on the date they are electronically received by staff.

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 C.F.R. § 111.35(b). 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 C.F.R. § 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 C.F.R. § 111.35(d).

The "failure to raise an argument in a timely fashion during the administrative process

CHARLES GRAHAM FOR CONGRESS

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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 C.F.R. § 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 Charles Graham 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 C.F.R. § 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



## CHARLES GRAHAM FOR CONGRESS

Page 4 of 5

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 C.F.R. § 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 <https://www.fec.gov/af/pay.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. 1158) or (202) 694-1158.

On behalf of the Commission,



Allen J. Dickerson  
Chairman

**ADMINISTRATIVE FINE PAYMENT INSTRUCTIONS**

In accordance with the schedule of penalties at 11 C.F.R. § 111.43, the amount of your civil money penalty calculated at RTB is \$2,093 for the Pre-Primary 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. Please use the details below to complete the required fields. For additional payment options, 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.

COMMITTEE NAME: Charles Graham for Congress



CHARLES GRAHAM FOR CONGRESS

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FEC ID#: C00781575

AF#: 4327

PAYMENT DUE DATE: August 9, 2022

PAYMENT AMOUNT DUE: \$2,093

**RECEIVED**

By Office of the Commission Secretary at 11:36 am, Nov 09, 2022



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

**SENSITIVE**

November 9, 2022

**MEMORANDUM**

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

SUBJECT: Administrative Fine Program – Final Determination Recommendation for the  
2022 12-Day Pre-Primary Report (Kentucky and North Carolina)

Attached is a list 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 2022 12-Day Pre-Primary Report. The list represents committees that have paid the civil money penalty.

In accordance with 11 CFR § 111.34, the Commission shall send a final determination notice to those respondents that have paid the civil money penalty.

**RAD Recommendation**

- (1) Make a final determination that the political committees and their treasurers, in their official capacity, listed on the attached report violated 52 U.S.C. § 30104(a) and assess the final civil money penalties so indicated.
- (2) Send the appropriate letters.

Federal Election Commission  
FD Circulation Report Fine Paid  
2022 PRE-PRIMARY Election Sensitive 05/05/2022 AUTH (KY, NC)

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
4327	CHARLES GRAHAM FOR CONGRESS	CHARLES GRAHAM	C00781575	JAMES B. HUNT	06/15/2022	*Not Filed	\$33,984	0	06/30/2022	\$2,093	\$2,093	08/09/2022	\$2,093
4328	GEOFF YOUNG FOR KENTUCKY	GEOFFREY M. YOUNG	C00793307	GEOFFREY M. YOUNG	05/27/2022	*Not Filed	\$2,247	0	06/30/2022	\$748	\$748	07/15/2022	\$748
4329	LEE HAYWOOD FOR CONGRESS COMMITTEE	JOSEPH HAYWOOD	C00732651	STEPHEN E. GOLIMOWSKI	05/12/2022	7	\$32,680	0	06/30/2022	\$744	\$744	07/29/2022	\$744

\* The committee did not file their report prior to four (4) days before the primary 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	)	
	)	
Administrative Fine Program – Final	)	
Determination Recommendation for the	)	
2022 12-Day Pre-Primary Report (Kentucky	)	
and North Carolina):	)	
CHARLES GRAHAM FOR CONGRESS,	)	AF# 4327
and HUNT, JAMES B as treasurer;	)	
GEOFF YOUNG FOR KENTUCKY, and	)	AF# 4328
YOUNG, GEOFFREY M MR. as treasurer;	)	
LEE HAYWOOD FOR CONGRESS	)	AF# 4329
COMMITTEE, and GOLIMOWSKI,	)	
STEPHEN E MR as treasurer;	)	

CERTIFICATION

I, Vicktoria J. Allen, Acting Deputy Secretary of the Federal Election Commission, do hereby certify that on November 14, 2022 the Commission took the following actions on the Administrative Fine Program – Final Determination Recommendation for the 2022 12-Day Pre-Primary Report (Kentucky and North Carolina), as recommended in the Reports Analysis Division's Memorandum dated November 09, 2022, on the following committees:

AF#4327      Decided by a vote of 6-0 to: (1) make a final determination that CHARLES GRAHAM FOR CONGRESS, and HUNT, JAMES B in their 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 Broussard, Cooksey, Dickerson, Lindenbaum, Trainor, and Weintraub voted affirmatively for the decision.

AF#4328      Decided by a vote of 6-0 to: (1) make a final determination that GEOFF YOUNG FOR KENTUCKY, and YOUNG, GEOFFREY M MR. in their 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 Broussard, Cooksey, Dickerson, Lindenbaum, Trainor, and Weintraub voted affirmatively for the decision.

Federal Election Commission  
Certification for Administrative Fines  
November 14, 2022

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AF#4329 Decided by a vote of 6-0 to: (1) make a final determination that LEE HAYWOOD FOR CONGRESS COMMITTEE, and GOLIMOWSKI, STEPHEN E MR in their 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 Broussard, Cooksey, Dickerson, Lindenbaum, Trainor, and Weintraub voted affirmatively for the decision.

Attest:

**Vicktoria J Allen**

Digitally signed by Vicktoria J  
Allen  
Date: 2022.11.16 14:28:24 -05'00'

Vicktoria J. Allen  
Acting Deputy Secretary of the  
Commission



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

AF

November 17, 2022

James B. Hunt, in official capacity as Treasurer  
Charles Graham for Congress  
479 Bee Gee Road  
Lumberton, NC 28358

C00781575

AF#: 4327

Dear James B. Hunt,

On June 30, 2022, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Charles Graham for Congress and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) for filing late or failing to file the 2022 Pre-Primary Report. By letter dated July 1, 2022, the Commission notified you of the RTB finding and the civil money penalty calculated at the RTB stage totaling \$2,093, in accordance with the schedule of penalties at 11 C.F.R. § 111.43.

On August 9, 2022, the FEC received payment of the civil money penalty calculated at the RTB stage. The FEC made a final determination on November 14, 2022 that Charles Graham for Congress and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a), assessed a civil money penalty in the amount of \$2,093, in accordance with 11 C.F.R. § 111.43, and voted to close the file.

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 thirty (30) days from the date of this notification.

If you have any questions regarding this matter, please contact Ben Holly on our toll-free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130.

On behalf of the Commission,

A handwritten signature in blue ink, appearing to read "Allen J. Dickerson", is written over a horizontal line.

Allen J. Dickerson  
Chairman