

THIS IS THE BEGINNING OF ALTERNATIVE DISPUTE RESOLUTION

452

DATE FILMED 7/10/02 CAMERA NO. 3

CAMERAMAN EES



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
STAFF

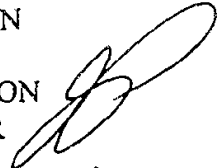

2002 MAY 30 A 9:15


May 29, 2002

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# 452 -
D.C. DEMOCRATIC STATE COMMITTEE AND RONNIE L.
EDWARDS, AS TREASURER (C00295964)

On May 9, 2001, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that the D. C. Democratic State Committee and Ronnie L. Edwards, as Treasurer ("the respondents"), violated 2 U.S.C. § 434(a) for failing to file in a timely manner the 2000 Year End Report. The report was filed on February 28, 2001, 28 days late. As a result, on May 9, 2001, the Commission also made a preliminary determination that the civil money penalty was \$1,600.00 based on the schedule of penalties at 11 C.F.R. § 111.43.

On June 15, 2001, the Commission received the respondents' written response, declaration and supporting documentation ("challenge"). Subsequent to filing the challenge, the respondents filed an amended Year End Report itemizing all receipts and disbursements occurring during the November 28 through December 31 Year End reporting period. The Amended Year End Report discloses \$4,699 in total receipts and \$2,690 in total disbursements. Had the report been filed disclosing this level of activity (\$7,359) prior to the Commission's RTB finding, the civil money penalty would have been \$800.00 based on the actual level of activity disclosed during the Year End reporting period and the schedule of penalties at 11 C.F.R. § 111.43(a).

After reviewing the challenge, the Reviewing Officer's recommendation dated May 10, 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 on the amended Year End Report (\$7,359), assess a civil money penalty of \$800.00 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.

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) Make a final determination in AF# 452 that the D. C. Democratic State Committee and Ronnie L. Edwards, as Treasurer, violated 2 U.S.C. § 434(a) and, based on the level of activity for the November 28 through December 31 reporting period on the Year End Report (\$7,359), assess a civil money penalty of \$800.00 (reduced from the RTB civil money penalty of \$1,600.00); and
- (2) Send the appropriate letter.

Werth



FEDERAL ELECTION COMMISSION
Washington, DC 20463

SENSITIVE

DATE & TIME OF TRANSMITTAL: Thursday, May 30, 2002 11:00

BALLOT DEADLINE: Tuesday, June 04, 2002 4:00

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

SUBJECT: **Final Determination Recommendation in AF #452 – D.C.
Democratic State Committee and Ronnie L. Edwards, as
treasurer (C00295964). Memorandum from the Reviewing
Officer, Office of Administrative Review dated May 29, 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

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
D.C. Democratic State Committee) AF #452
and Ronnie L. Edwards, as)
treasurer - Final Determination)
Recommendation.)

CERTIFICATION

I, Mary W. Dove, Secretary of the Federal
Election Commission, do hereby certify that on
June 4, 2002 the Commission decided by a vote
of 6-0 to take the following actions in AF #452:

1. Make a final determination in AF #452
that the D.C. Democratic State Committee
and Ronnie L. Edwards, as Treasurer,
violated 2 U.S.C. § 434(a) and, based on
the level of activity for the November 28
through December 31 reporting period on
the Year End Report (\$7,359), assess a
civil money penalty of \$800.00 (reduced
from the RTB civil money penalty of
(\$1,600.00)).
2. Send the appropriate letter, as
recommended in the Reviewing Officer's
Memorandum dated May 29, 2002.

(Continued)

Federal Election Commission
Certification for AF #452
June 4, 2002

Page 2

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

Attest:

June 4, 2002
Date

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

Received in the Secretariat: Thurs., May 30, 2002 9:15 a.m.
Circulated to the Commission: Thurs., May 30, 2002 11:00 a.m.
Deadline for vote: Tues., June 04, 2002 4:00 p.m.

lrd

FOR D.C. Democratic State Committee

FEC ID #C00295964

AF #452

PAYMENT AMOUNT DUE \$800.00

MGMCOMP 16:53 EST

QUALITY IS OUR PRIORITY FOR LOCKBOX 2182
SEQ# 001 \$ 0000080000 BA# 1 07-03-02 20 9

D.C. DEMOCRATIC STATE COMMITTEE

FEDERAL ACCOUNT
400 SOUTH CAPITOL STREET S.W. STE 410
WASHINGTON, DC 20540-4001
(202) 544-6700

DEPOSITED WITH F.B.I.
WASHINGTON, DC 20535
10-72700000

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9/21/2002

PAY TO THE
ORDER OF

Federal Election Commission

\$ 800.00

Eight Hundred and 00/100

DOLLARS 00

Federal Election Commission

MEMO

Late Filing of Yr End 2000 - Penalty Pay

Franklin Wells
Norwood Brown

usbankcorp

THIS IS THE END OF ALTERNATIVE DISPUTE RESOLUTION

452

DATE FILMED 7/10/02 CAMERA NO. 3

CAMERAMAN EEJ