

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE

470

DATE FILMED 10/1/03

CAMERA NO. 4

CAMERAMAN SES

8483-452-60-22



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

700 AUG 18 19 03

August 18, 2003

MEMORANDUM

SENSITIVE

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# 470
- DISTRICT COUNCIL 37, AFSCME PUBLIC EMPLOYEES
ORGANIZED FOR POLITICAL & LEGISLATIVE EQUALITY
(DC37PEOPLE) AND ELIOT SEIDE, AS TREASURER
(C00149211)

On May 31, 2001, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that the District Council 37, AFSCME Public Employees Organized for Political & Legislative Equality (DC37PEOPLE) and Eliot Seide, as Treasurer ("the respondents"), violated 2 U.S.C. § 434(a) for failing to file in a timely manner the 2001 February Monthly Report. The report was electronically filed on March 14, 2001, 22 days late. As a result, the Commission also made a preliminary determination on May 31, 2001 that the civil money penalty was \$3,350 based on the schedule of penalties at 11 C.F.R. § 111.43.

On June 27, 2001, the Commission received the respondents' written response ("challenge"). After reviewing the challenge, the Reviewing Officer's recommendation dated December 19, 2001 was forwarded to the Commission. A copy was forwarded to the respondents on July 16, 2003. According to the Commission's records and information provided in the respondents' challenge, had the respondents' attempted electronic filing on February 21 been successful, they would have received an acknowledgement that it had been received. Therefore, they should have known that they had not completed the electronic filing on February 21. The 2001 February Monthly Report, however, was the first report filed under the mandatory electronic filing

648E-452-60-22

regulations, and therefore, the report was due during the transition to the required electronic filing format. The respondents successfully completed their transition to election filing and filed all subsequent monthly reports electronically. Because the late filing occurred during the transition to mandatory electronic filing, and occurred with the first filing under the new regulation, the Reviewing Officer recommended that the Commission take no further action 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.

OAR Recommendations

- (1) Take no further action in AF# 470 that the District Council 37, AFSCME Public Employees Organized for Political & Legislative Equality (DC37PEOPLE) and Eliot Seide, as Treasurer, violated 2 U.S.C. § 434(a) and close the file; and
- (2) Send the appropriate letter.



FEDERAL ELECTION COMMISSION
Washington, DC 20463

11/1-11/11
SENSITIVE

DATE & TIME OF TRANSMITTAL: Monday, August 18, 2003 4:00

BALLOT DEADLINE: Thursday, August 14, 2003 4:00

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

SUBJECT: Final Determination Recommendation in AF #470 – District Council 37, AFSCME Public Employees Organized For Political & Legislative Equality (DC37PEOPLE) and Eliot Seide, as treasurer (C00149211).
Memorandum from The Reviewing Officer, Office of Administrative Review dated August 18, 2003.

- () 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

23-09-254-3851

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Final Determination) AF #470
Recommendation: District)
Council 37, AFSCME Public)
Employees Organized For)
Political and Legislative)
Equality(DC37PEOPLE) and)
Eliot Seide, as treasurer.)
(COO149211))

CERTIFICATION

I, Mary W. Dove, Secretary of the Federal Election Commission, do hereby certify that on August 21, 2003, the Commission decided by a vote of 6-0 to take the following actions in AF #470:

1. Take no further action that the District Council 37, AFSCME Public Employees Organized for Political and Legislative Equality (DC37PEOPLE) and Eliot Seide, as treasurer, violated 2 U.S.C. §434(a) and close the file.
2. Send the appropriate letter, as recommended in Reviewing Officer's Memorandum dated August 18, 2003.

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

Attest:

August 22, 2003
Date

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

23.09.254.3852

THIS IS THE END OF ADMINISTRATIVE FINE CASE

470

DATE FILMED 10/7/03 CAMERA NO. 4

CAMERAMAN SES

23.09.254.3853