

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE

511

DATE FILMED 11/7/02

CAMERA NO. 4

CAMERAMAN EEJ

2002-11-07 14:50:22



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

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2002 SEP 25 P 1:18

September 25, 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# 511 -
MONTGOMERY WATSON AMERICAS INC., EMPLOYEE
PAC AND DAVID J. D. HARPER, AS TREASURER
(C00242370)

On November 2, 2001, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that the Montgomery Watson Americas Inc., Employee PAC and David J. D. Harper, as Treasurer ("the respondents"), violated 2 U.S.C. § 434(a) for failing to file in a timely manner the 2001 Mid Year Report. The report was filed on August 9, 2001, 9 days late. As a result, on November 2, 2001, the Commission also made a preliminary determination that the civil money penalty was \$1,725.00 based on the schedule of penalties at 11 C.F.R. § 111.43.

On December 18, 2001, the Commission received the respondents' written response and supporting documentation ("challenge"). After reviewing the challenge, the Reviewing Officer's recommendation dated September 6, 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 assess a civil money penalty of \$1,725.00 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 2001 Mid Year 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 \$1,725.00 civil money penalty.

OAR Recommendations

- (1) Make a final determination in AF# 511 that the Montgomery Watson Americas Inc., Employee PAC and David J. D. Harper, as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$1,725.00; and
- (2) Send the appropriate letter.

Staff Assigned: Jennifer H. Boyd



FEDERAL ELECTION COMMISSION
Washington, DC 20463

with
SENSITIVE

DATE & TIME OF TRANSMITTAL: Wednesday, September 25, 2002 4:00

BALLOT DEADLINE: Monday, September 30, 2002 4:00

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

SUBJECT: **Final Determination Recommendation in AF #511
Montgomery Watson Americas Inc., Employee PAC
And David J.D. Harper, as Treasurer. Memorandum
from the Reviewing Officer dated September 25, 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)
)
Montgomery Watson Americas Inc.,) AF #511
Employee PAC and David J.D. Harper,)
as Treasurer.)

CERTIFICATION

I, Mary W. Dove, Secretary of the Federal Election Commission, do hereby certify that on September 30, 2002 the Commission decided by a vote of 6-0 to take the following actions in AF #511:

1. Make a final determination in AF #511 that the Montgomery Watson Americas Inc., Employee PAC and David J.D. Harper, as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$1,725.00.
2. Send the appropriate letter, as recommended in the Reviewing Officer's Memorandum dated September 25, 2002.

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

Attest:

September 30, 2002
Date

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

Received in the Secretariat: Wed., Sept. 25, 2002 1:18 p.m.
Circulated to the Commission: Wed., Sept. 25, 2002 4:00 p.m.
Deadline for vote: Mon., Sept. 30, 2002 4:00 p.m.

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DATE September 18, 2002

PAY
TO THE
ORDER OF Federal Election Commission

\$1,725.00

One thousand seven hundred twenty five and 00/100.

DOLLARS @ 1000



Los Angeles Mar. Office #1000
931 S. Figueroa Street
Los Angeles, CA 90017
408-261-1000

AP513

THIS IS THE END OF ADMINISTRATIVE FINE CASE

511

DATE FILMED 11/7/02 CAMERA NO. 4

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