

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE

547

DATE FILMED 9/20/02

CAMERA NO. 3

CAMERAMAN ΣΣΣ

9/20/02 4:52 PM



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

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FEDERAL ELECTION
COMMISSION
SECRETARIAT

2002 AUG 13 P 12: 25
August 13, 2002

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# 547 -
FRIENDS OF BOB GRAHAM COMMITTEE AND ROBIN GIBSON,
AS TREASURER (C00196527)

On June 14, 2002 the Federal Election Commission ("the Commission") found reason to believe ("RTB") that the Friends of Bob Graham Committee and Robin Gibson, as Treasurer ("the respondents"), violated 2 U.S.C. § 434(a) for failing to file the 2001 Year End Report in a timely manner. Because it appeared that the respondents had filed the report via certified/registered mail on February 6, 2002, 6 days late, the Commission also made a preliminary determination on June 14, 2002 that the civil money penalty was \$1,000.00 based on the schedule of penalties at 11 C.F.R. § 111.43.

On July 1, 2002, the Commission received the respondents' written response and supporting documentation ("challenge"). After reviewing the challenge and determining that the report was filed in a timely manner via registered mail on January 31, 2002, the Reviewing Officer's recommendation dated July 25, 2002 was forwarded to the Commission. A copy was simultaneously forwarded to the respondents. Because the respondents' challenge presented evidence that a factual error was made in that the Year End Report was filed in a timely manner, the Reviewing Officer recommended that the Commission take no further action against the respondents with respect to 2 U.S.C. § 434(a) 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 from the respondents.

OAR Recommendations

- (1) Take no further action in AF# 547 against the Friends of Bob Graham Committee and Robin Gibson, as Treasurer, with respect to 2 U.S.C. § 434(a) and close the file; and
- (2) Send the appropriate letter.

Reviewing Analyst: Mary E. Seiler



FEDERAL ELECTION COMMISSION
Washington, DC 20463

Wirth
SENSITIVE

DATE & TIME OF TRANSMITTAL: Tuesday, August 13, 2002 4:00

BALLOT DEADLINE: Friday, August 16, 2002 4:00

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

SUBJECT: **Final Determination Recommendation in AF #547
Friends of Bob Graham Committee and Robin Gibson,
as treasurer. Memorandum from the Reviewing Officer
dated August 13, 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)
)
Friends of Bob Graham Committee and) AF #547
Robin Gibson, as Treasurer -)
Final Determination Recommendation.)

CERTIFICATION

I, Mary W. Dove, Secretary of the Federal
Election Commission, do hereby certify that on
August 16, 2002 the Commission decided by a vote
of 6-0 to take the following actions in AF #547:

1. Take no further action in AF #547 against
the Friends of Bob Graham Committee and
Robin Gibson, as Treasurer, with respect
to 2 U.S.C. § 434(a) and close the file.
2. Send the appropriate letter, as
recommended in the Reviewing Officer's
Memorandum dated August 13, 2002.

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

Attest:

August 16, 2002
Date

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

Received in the Secretariat: Tues., Aug. 13, 2002 12:25 p.m.
Circulated to the Commission: Tues., Aug. 13, 2002 4:00 p.m.
Deadline for vote: Fri., Aug. 16, 2002 4:00 p.m.

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