

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE

662

DATE FILMED 11/26/03

CAMERA NO. 27

CAMERAMAN SES

2003.11.26.15.00.00



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 28, 2003

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# 662 - STUART JOHNSON FOR CONGRESS AND
DARALYN E. REED, AS TREASURER (C00371419)

On October 29, 2002, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Stuart Johnson for Congress and Daralyn E. Reed, as Treasurer ("respondents"), violated 2 U.S.C. § 434(a) for failing to file the 2002 July Quarterly Report. The report was filed on August 23, 2002, 39 days late, and was considered not filed for purposes of the civil money penalty calculation. As a result, on October 29, 2002, the Commission also made a preliminary determination that the civil money penalty was \$2,700 based on the schedule of penalties at 11 C.F.R. § 111.43.

On November 29, 2002, the Commission received the respondents' written response and supporting documentation ("challenge"). After reviewing the challenge, the Reviewing Officer's recommendation dated April 30, 2003 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 \$2,700 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 July Quarterly 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). The respondents' written response was received via facsimile on May 27, 2003 and is attached for your review.

OAR Recommendations

- (1) Make a final determination in AF# 662 that Stuart Johnson for Congress and Daralyn E. Reed, as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$2,700; and
- (2) Send the appropriate letter.

Staff Assigned: Mary E. Seiler

Attachment



FEDERAL ELECTION COMMISSION
Washington, DC 20463

Worth
SENSITIVE

DATE & TIME OF TRANSMITTAL: Thursday, May 29, 2003 11:00

BALLOT DEADLINE: Tuesday, June 03, 2003 4:00

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

SUBJECT: **Final Determination Recommendation in AF #662 --Stuart Johnson for Congress and Daralyn E. Reed, as Treasurer (C00371419). Memorandum from the Reviewing Officer Office of Administrative Review dated May 28, 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

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Stuart Johnson for Congress and) AF #662
Daralyn E. Reed, as Treasurer)
(C00371419) - Final Determination)
Recommendation.)

CERTIFICATION

I, Mary W. Dove, Secretary of the Federal Election Commission, do hereby certify that on June 3, 2003 the Commission decided by a vote of 6-0 to take the following actions in AF #662:

1. Make a final determination in AF #662 that Stuart Johnson for Congress and Daralyn E. Reed, as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$2,700.
2. Send the appropriate letter, as recommended in the Reviewing Officer's Memorandum dated May 28, 2003.

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

Attest:

June 3, 2003
Date

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

FOR Stuart Johnson for Congress

FEC ID # C00371419

AF # 662

PAYMENT AMOUNT DUE \$2,700

MGMCOMP 19:11 EST

QUALITY IS OUR PRIORITY FOR LOCKBOX 2182
SEQ# 001 \$ 0000104559 BA# 1 09-26-03 20 9

usbancorp.
The New Better Community

STUART JOHNSON FOR CONGRESS		1140
[REDACTED]		
PAY TO THE ORDER OF	Federal Election Commission	DATE 9/23/03
One Thousand Forty-five and 59/100		\$1,045.59
UNION BANK OF CALIFORNIA		DOLLARS
CREDIT CITY 6204 1901 Ave. of the Stars, Los Angeles, CA 90067-4301 800 238 4466		
FOR FEC ID # C00371419 / AF#662		<i>Shirley E. Reed</i>
[REDACTED]		

THIS IS THE END OF ADMINISTRATIVE FINE CASE

662

DATE FILMED 11/26/03 CAMERA NO. 3

CAMERAMAN EES

2011-09-25 14:53:00



FEDERAL ELECTION COMMISSION

WASHINGTON, DC 20463

THE ATTACHED MATERIAL IS BEING ADDED TO CLOSED ADMINISTRATIVE
FINE CASES# 662

Date Filmed 7/9/04 Camera No. 3

Camera Person JAD



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 29, 2004

Daralyn E. Reed, Treasurer
Stuart Johnson for Congress
P.O. Box 3118
Manhattan Beach, CA 90266


Dear Ms. Reed,

On October 15, 2003, you filed a report requesting that the Federal Election Commission permit Stuart Johnson for Congress to terminate pursuant to 2 U.S.C. §433(d) and 11 CFR 102.3 of the Commission's Regulations. Because of the administrative fines matter involving your committee, your termination request has been denied.

Your committee must continue to file all required reports with the Commission. You will be notified when your request to terminate has been granted and your committee is no longer required to file reports with the Commission. If you have any questions regarding this matter, please do not hesitate to contact Dayna Brown on our toll free number at (800)424-9530. Our local phone number is (202)694-1130.

Sincerely,

A handwritten signature in black ink, appearing to read "John D. Gibson".

 John D. Gibson
Assistant Staff Director
Reports Analysis Division