

THIS IS THE BEGINNING OF ADMINSTRATIVE FINE CASE
793

DATE FILMED 5-28-04 CAMERA NO. 3

CAMERAMAN JMP

2587.1252.60.42
24.09.1252



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2003 JUN 27 P 2:35

June 27, 2003

SENSITIVE

MEMORANDUM

TO: THE COMMISSION

THROUGH: JAMES A. PEHRKON
STAFF DIRECTOR *[Signature]*
ALISON L. DOONE *[Signature]*
DEPUTY STAFF DIRECTOR

FROM: SHAWN WOODHEAD WERTH *[Signature]*
REVIEWING OFFICER
OFFICE OF ADMINISTRATIVE REVIEW

SUBJECT: FINAL DETERMINATION RECOMMENDATION IN AF# 793 -
FRIENDS OF BOB GROSS COMMITTEE AND CLARK A.
WILKINSON, AS TREASURER (C00374314)

On December 23, 2002, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that the Friends of Bob Gross Committee and Clark A. Wilkinson, as Treasurer ("the respondents"), violated 2 U.S.C. § 434(a) for failing to file the 2002 October Quarterly Report. Because the respondents had not filed the report at the time of the Commission's RTB finding, the estimated level of activity was used to calculate the civil money penalty. Therefore, the Commission also made a preliminary determination on December 23, 2002 that the civil money penalty was \$2,700 based on the schedule of penalties at 11 C.F.R. § 111.43.

On January 28, 2003, the Commission received the respondents' written response and supporting documentation ("challenge"). After reviewing the challenge, the Reviewing Officer's recommendation dated June 9, 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, based on the estimated level of activity of \$59,464, 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 October 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 June 23, 2003 and is attached for your review. As of this date, the respondents have not filed the report.

OAR Recommendations

- (1) Make a final determination in AF# 793 that the Friends of Bob Gross Committee and Clark A. Wilkinson, as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$2,700; and
- (2) Send the appropriate letter.

Attachment



FEDERAL ELECTION COMMISSION
Washington, DC 20463

SENSITIVE

DATE & TIME OF TRANSMITTAL: Monday, June 30, 2003 11:00

BALLOT DEADLINE: Thursday, July 03, 2003 4:00

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

SUBJECT: **Final Determination Recommendation in AF #793 – Friends of Bob Gross Committee and Clark A. Wilkinson, as treasurer. (C00374314). Memorandum from The Reviewing Officer, Office of Administrative Review dated June 27, 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

2003 JUN 30 11:00

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
)
Final Determination Recommendation) AF #793
in AF #793 - Friends of Bob Gross)
Committee and Clark A. Wilkinson,)
as treasurer (C00374314))

CERTIFICATION

I, Darlene Harris, recording secretary for the Federal
Election Commission executive session on July 8, 2003,
do hereby certify that the Commission decided by a vote of
4-2 to take the following actions with respect to the
above-captioned matter:

1. Make a final determination in AF #793
that the Friends of Bob Gross Committee
and Clark A. Wilkinson, as Treasurer,
violated 2 U.S.C. § 434(a) and assess
a civil money penalty of \$2700; and
2. Send the appropriate letter, as
recommended in the Office of
Administrative Review's memorandum
dated June 27, 2003.

(continued)

Federal Election Commission
Certification for AF #793
July 8, 2003

Page 2

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

Commissioners Smith and Toner dissented.

Attest:

July 9, 2003
Date

Darlene Harris
Darlene Harris
Deputy Secretary of
the Commission

24.09.2003.12:55

THIS IS THE END OF ADMINISTRATIVE FINE CASE

793

DATE FILMED 5-28-04 CAMERA NO. 3

CAMERAMAN JM#

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