

THIS IS THE BEGINNING OF ADMINSTRATIVE FINE CASE

812

DATE FILMED 2/25/04 CAMERA NO. 3

CAMERAMAN ΞΞΨ

2004-02-25 14:00:00



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20461

RECEIVED
FEDERAL ELECTION COMMISSION
APR 1 2003

2003 APR -1 P 3:56

April 1, 2003

SENSITIVE

MEMORANDUM

TO: THE COMMISSION

THROUGH: JAMES A. PEHRKON
STAFF DIRECTOR

ROBERT J. COSTA
DEPUTY STAFF DIRECTOR

FROM: JOHN D. GIBSON
ASSISTANT STAFF DIRECTOR
REPORTS ANALYSIS DIVISION

SUBJECT: REASON TO BELIEVE RECOMMENDATION -
12 DAY PRE-GENERAL REPORT FOR THE
ADMINISTRATIVE FINES PROGRAM

Attached is a list of political committees and their treasurers who failed to file or timely file the 2002 12 Day Pre-General Report in accordance with 2 U.S.C. 434(a). The list is comprised of unauthorized committees that file monthly and authorized committees whose candidates sought election in the November 5th General Election. The filing of the 12 Day Pre-General Report is mandatory in both cases. On September 30, 2002, Prior Notice was sent to the political committees and their treasurers, informing them that the report was due on October 24, 2002 and should cover the period from October 1, 2002 through October 16, 2002.

The committees appearing on the list either filed the report more than five (5) days after the due date, failed to file the report or failed to file the report prior to four (4) days before the general election (considered a non-filed report). In accordance with the schedule of civil money penalties at 11 CFR 111.43, these committees should be assessed the civil money penalties included on the attached list.

For your information, the Day & Zimmermann, Inc. Federal PAC (AF 813) filed the 2002 November Monthly Report in lieu of the 12 Day Pre-General Report. Because

the committee itemized all receipts and disbursements that transpired during the month, RAD was able to calculate the proposed civil money penalty based on the actual receipts and disbursements that occurred during the 12 Day Pre-General reporting period.

The Friends of Israel Political Action Committee (AF 818) and the National Pest Control Association Political Action Committee (AF 828) also filed 2002 November Monthly Reports in lieu of the 12 Day Pre-General Report. However, in these cases, RAD was unable to distinguish the precise activity that occurred during the 12 Day Pre-General reporting period. Since the coverage dates for the November Monthly Report (10/1/02 - 10/31/02) extend beyond that required for the 12 Day Pre-General Report (10/1/02 - 10/16/02) by fifteen days, RAD used 52% of the total financial activity of the November Monthly Report to calculate the proposed civil money penalty.

Additionally, there were several instances where committees filed both the November Monthly Report and 12 Day Pre-General Report. Where the November Monthly Report was filed before the 12 Day Pre-General, we used the receipt date of the November Monthly (in order to reflect the earliest disclosure) and the level of activity of the 12 Day Pre-General Report.

As stated at the outset, this RTB circulation only includes unauthorized committees filing monthly reports and authorized committees supporting candidates who were in the general election. An unauthorized committee that files on a quarterly basis must file the 12 Day Pre-General Report only if it makes a contribution to, or an expenditure on behalf of, a candidate in the general election between the dates of October 1, 2002 and October 16, 2002, inclusive. The universe of quarterly filers required to file this report cannot be determined with any certainty until we are able to review the activity disclosed in the 30 Day Post-General Report submitted by quarterly filers. Once this research is completed, we will circulate the RTB recommendations for the failure to file or failure to timely file the 12 Day Pre-General Report by unauthorized quarterly filers.

Recommendation

- (1) Find reason to believe that the political committees and their treasurers listed on the RTB Circulation Report violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalties would be the amounts indicated on the RTB Circulation Report.
- (2) Send the appropriate letter.

24-09-2003-0011

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FEDERAL ELECTION COMMISSION 2001-2002
Reason to Believe Circulation Report
2002 12 DAY PRE-GENERAL

AF #	COMMITTEE NAME	COMMITTEE ID	RECEIPT DATE	LEVEL OF ACTIVITY	THRESHOLD AMOUNT	STATE	CANDIDATE NAME	SENSITIVE	PREVIOUS VIOLATIONS	CIVIL MONEY PENALTY
AF00797	SYED MAHMOOD FOR CONGRESS	C00374629	10/31/2002	\$7,977	\$101,258	CA	MAHMOOD, SYED R	Yes	0	\$325
		IMTIAZ AHMAD	7							
AF00798	KENDRICK MEEK FOR CONGRESS	C00379727	10/30/2002	\$63,720	\$436,185	FL	MEEK, KENDRICK B	Yes	0	\$900
		ANTHONY BRUNSON	6							
AF00799	JOE FINLEY FOR CONGRESS	C00378596	10/31/2002	\$52,089	\$243,797	NY	FINLEY, JOSEPH P	Yes	0	\$975
		SAL PEROTTA	7							
AF00802	COMMITTEE TO ELECT MADELEINE Z BORDALLO 2002	C00369686	03/11/2003	\$26,841	\$171,384	GU	BORDALLO, MADELEINE Z	Yes	0	\$2,000
		P JUNE TERLAJE	Not Filed							
AF00803	RON DAUGHERTY FOR CONGRESS	C00371955	11/06/2002	\$116,092	\$437,239	NC	DAUGHERTY, RONALD TYLER	Yes	0	\$5,000
		SCOTT LYKINS	Not Filed							
AF00804	MEEKS FOR CONGRESS	C00329375	11/11/2002	\$20,995	\$843,641	NY	MEEKS, GREGORY W	Yes	2	\$1,500
		Joan E. Flowers Esq.	Not Filed							
AF00805	HORNBERGER FOR SENATE	C00379073	12/11/2002	\$5,950	\$101,449	VA	HORNBERGER, JACOB G JR	Yes	0	\$1,000
		JOHN K BROWN	Not Filed							
AF00806	DONNA 2002 CONGRESSIONAL CAMPAIGN COMMITTEE	C00320754	12/04/2002	\$15,411	\$134,141	VI	CHRISTIAN-CHRISTENSEN, DONNA M	Yes	1	\$1,250
		CAROL LABAN	Not Filed							

FEDERAL ELECTION COMMISSION 2001-2002
Reason to Believe Circulation Report
2002 12 DAY PRE-GENERAL

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AF #	COMMITTEE NAME	COMMITTEE ID	TREASURER	RECEIPT DATE	DAYS LATE	LEVEL OF ACTIVITY	THRESHOLD AMOUNT	STATE	CANDIDATE NAME	SENSITIVE	PREVIOUS VIOLATIONS	CIVIL MONEY PENALTY
AF00817	FIRST NATIONAL OF NEBRASKA PAC	C00300863	Castner, Anna	11/25/2002	Not Filed	\$1,943	\$201,508	NE		Yes	0	\$1,000
AF00818	FRIENDS OF ISRAEL POLITICAL ACTION COMMITTEE - FRIPAC	C00141747	Levinson, Fred	11/17/2002	Not Filed	\$4,480 (est)	\$283,608	CA		Yes	1	\$1,250
AF00819	GREENBERG, TRAUIG, HOFFMAN, LIPOFF, ROSEN & QUENTEL, P A POLITIC FL	C00266585	CLIFFORD A SCHULMAN	11/19/2002	Not Filed	\$4,473	\$537,337	FL		Yes	0	\$1,000
AF00820	INDEPENDENT INSURANCE AGENTS OF AMERICA POLITICAL ACTION COMMITTEE DC	C00022343	Mr. Robert Rusbuldt	11/19/2002	Not Filed	\$61,500	\$1,641,182	DC		Yes	0	\$3,000
AF00821	KANSAS CITY SOUTHERN EMPLOYEE PAC	C00139451	BARBARA L BLEVINS	11/14/2002	Not Filed	\$1,000	\$111,264	MO		Yes	0	\$1,000
AF00822	LEADERSHIP IN THE NEW CENTURY (LINC PAC)	C00366179	Oldaker, William	11/01/2002	Not Filed	\$24,975	\$388,883	DC		Yes	0	\$1,000
AF00823	LOCAL 401 IRON WORKERS POLITICAL ACTION FUND	C00163535	JOSEPH J DOUGHERTY	11/14/2002	Not Filed	\$3,750	\$315,963	PA		Yes	0	\$1,000
AF00824	MCLANE COMPANY INC. FEDERAL POLITICAL ACTION COMMITTEE	C00215558	KEVIN KOCH	11/04/2002	Not Filed	\$19,095	\$125,802	TX		Yes	0	\$1,000
AF00825	MEDTRONIC, INC. MEDICAL TECHNOLOGY FUND	C00311878	GARY L ELLIS	11/15/2002	Not Filed	\$18,500	\$146,000	DC		Yes	0	\$1,000
AF00826	MINNESOTA MINING AND MANUFACTURING COMPANY	C00084475	Karen K. Martodam	11/18/2002	Not Filed	\$9,173	\$335,879	MN		Yes	0	\$1,000

24-09-2002

FEDERAL ELECTION COMMISSION 2001-2002
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2002 12 DAY PRE-GENERAL

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AF #	COMMITTEE NAME	COMMITTEE ID	TREASURER	RECEIPT DATE	LEVEL OF ACTIVITY	THRESHOLD AMOUNT	STATE	CANDIDATE NAME	SENSITIVE	PREVIOUS VIOLATIONS	CIVIL MONEY PENALTY
AF00828	NATIONAL PEST CONTROL ASSOCIATION POLITICAL ACTION COMMITTEE	C00083915	MR ROBERT M ROSENBERG	11/09/2002	Not Filed	\$1,001 (est)	VA		Yes	1	\$1,250
AF00829	NATIONWIDE POLITICAL PARTICIPATION COMMITTEE	C00076174	CAROL DOVE	11/20/2002	Not Filed	\$11,244	OH		Yes	0	\$1,000
AF00830	MCR CORPORATION CITIZENSHIP FUND	C00324103	PHILIP D SERVIDEA	11/15/2002	Not Filed	\$7,315	DC		Yes	0	\$1,000
AF00831	NORTHWEST AIRLINES POLITICAL ACTION COMMITTEE (FKA REPUBLIC AIRLI	C00104802	J O KLINKENBERG	11/07/2002	Not Filed	\$25,801	MN		Yes	0	\$1,000
AF00832	OLDCASTLE MATERIALS INC. PAC	C00346353	Palmer, Steven O.	11/18/2002	Not Filed	\$14,330	DC		Yes	0	\$2,000
AF00833	PHILADELPHIA SUBURBAN CORPORATION H20 PAC	C00340455	DAVID E WILSON	11/15/2002	Not Filed	\$10,533	PA		Yes	0	\$1,000
AF00834	T-MOBILE POLITICAL ACTION COMMITTEE	C00361758	Russo, Tony	11/21/2002	Not Filed	\$1,000	DC		Yes	0	\$1,000
AF00835	TENET HEALTHCARE CORPORATION PAC	C00119154	Limon, Susan Ms.	11/15/2002	Not Filed	\$55,914	CA		Yes	0	\$1,000
AF00836	THE WILLIAMS COMPANIES INC. POLITICAL ACTION COMMITTEE	C00040394	Deborah Lawrence	11/14/2002	Not Filed	\$24,753	DC		Yes	1	\$1,250

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Reason to Believe Circulation Report
2002 12 DAY PRE-GENERAL

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AF #	COMMITTEE ID	COMMITTEE NAME	TREASURER	DAYS LATE	LEVEL OF ACTIVITY	THRESHOLD AMOUNT	STATE	CANDIDATE NAME	SENSITIVE	PREVIOUS VIOLATIONS	CIVIL MONEY PENALTY
AF00837	VENTUREPAC		MARK G. HEESSEN	Not Filed	\$89,120	\$1,882,366	VA		Yes	2	\$6,000
AF00838	XCEL ENERGY EMPLOYEE POLITICAL ACTION COMMITTEE		Bomberger, Charles	Not Filed	\$24,608	\$381,934	CO		Yes	0	\$1,000

Gibson



FEDERAL ELECTION COMMISSION
Washington, DC 20463

SENSITIVE

DATE & TIME OF TRANSMITTAL: Wednesday, April 02, 2003 11:00

BALLOT DEADLINE: Monday, April 07, 2003 4:00

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

SUBJECT: **RTB Recommendation – 12 Day Pre-General Report For the Administrative Fines Program. Memorandum from the Assistant Staff Director, Reports Analysis Division dated April 1, 2003.**

- () I approve the recommendation(s)
- () I object to the recommendation(s)
- () I approve the recommendations except those following to which I object (please insert AF#)
- _____
- _____
- () I approve the recommendations except those following in which I abstain (please insert AF#)
- _____
- _____
- () I approve the recommendations except those following in which I am recused (please insert AF#)
- _____
- _____
- () 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)
)
Reason To Believe Recommendation - 12)
Day Pre-General Report For The)
Administrative Fines Program:)
SYED MAHMOOD FOR CONGRESS, and IMTIAZ) AF# 797
AHMAD as treasurer;)
KENDRICK MEEK FOR CONGRESS, and) AF# 798
ANTHONY BRUNSON as treasurer;)
JOE FINLEY FOR CONGRESS, and SAL) AF# 799
PERROTTA as treasurer;)

COMMITTEE TO ELECT MADELEINE Z) AF# 802
BORDALLO 2002, and P JUNE TERLAJE as)
treasurer;)
RON DAUGHERTY FOR CONGRESS, and SCOTT) AF# 803
LYKINS as treasurer;)
MEEKS FOR CONGRESS, and Joan E.) AF# 804
Flowers Esq. as treasurer;)
HORNBERGER FOR SENATE, and JOHN K) AF# 805
BROWN as treasurer;)
DONNA 2002 CONGRESSIONAL CAMPAIGN) AF# 806
COMMITTEE, and CAROL LABAN as)
treasurer;)
LEVEL 3 COMMUNICATIONS INC. POLITICAL) AF# 807
ACTION COMMITTEE, and Pribyl, James as)
treasurer;)
AMERICAN FINANCIAL SERVICES ASS'N PAC) AF# 808
(FORMERLY- NATIONAL CONSUMER FINANCE)
ASS'N PAC), and GEORGE SHAWN MCELWEE)
as treasurer;)
APPRAISAL INSTITUTE POLITICAL ACTION) AF# 809
COMMITTEE, and DONALD E KELLY as)
treasurer;)
BUSPAC-POLITICAL ACTION COMMITTEE OF) AF# 810
THE AMERICAN BUS ASSOCIATION, and ERIC)
BRAENDEL as treasurer;)

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CALFEE, HALTER & GRISWOLD LLP FUND FOR)	AF# 811
GOOD GOVERNMENT, and MARC L OBERDORFF)	
as treasurer;)	
CONTINENTAL AIRLINES INC EMPLOYEE FUND	)	AF# 812
FOR A BETTER AMERICA (FKA CONTINENTAL)	
HOLDINGS PAC), and REBECCA COX as)	
treasurer;)	
DAY & ZIMMERMANN INC FEDERAL PAC (AKA	)	AF# 813
'DAYPAC - FEDERAL'), and Ritzel,)	
Joseph Mr. as treasurer;)	
DISTRICT COUNCIL 37, AFSCME PUBLIC	)	AF# 814
EMPLOYEES ORGANIZED FOR POL & LEG)	
EQUALITY (DC37PEOPLE), and ELIOT SEIDE)	
as treasurer;)	
EDS POLITICAL ACTION COMMITTEE, and	)	AF# 815
William R. Sweeney Jr. as treasurer;)	
ENERGY POLITICAL ACTION COMMITTEE OF	)	AF# 816
TXU CORP, and Gonzales, Jacob as)	
treasurer;)	
FIRST NATIONAL OF NEBRASKA PAC, and	)	AF# 817
Castner, Anna as treasurer;)	
FRIENDS OF ISRAEL POLITICAL ACTION	)	AF# 818
COMMITTEE - FRIPAC, and Levinson, Fred)	
as treasurer;)	
GREENBERG, TRAUIG, HOFFMAN, LIPOFF,	)	AF# 819
ROSEN & QUENTEL, P A POLITICAL ACTION)	
COMMITTEE, and CLIFFORD A SCHULMAN as)	
treasurer;)	
INDEPENDENT INSURANCE AGENTS OF	)	AF# 820
AMERICA POLITICAL ACTION COMMITTEE)	
(INSURPAC), and Mr. Robert Rusbuldt as)	
treasurer;)	
KANSAS CITY SOUTHERN EMPLOYEE PAC, and	)	AF# 821
BARBARA L BLEVINS as treasurer;)	
LEADERSHIP IN THE NEW CENTURY (LINC	)	AF# 822
PAC), and Oldaker, William as)	
treasurer;)	
LOCAL 401 IRON WORKERS POLITICAL)	AF# 823
ACTION FUND, and JOSEPH J DOUGHERTY as)	
treasurer;)	

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MCLANE COMPANY INC. FEDERAL POLITICAL ACTION COMMITTEE, and KEVIN KOCH as treasurer;)	AF# 824
MEDTRONIC, INC. MEDICAL TECHNOLOGY FUND, and GARY L ELLIS as treasurer;	)	AF# 825
MINNESOTA MINING AND MANUFACTURING COMPANY, and Karen K. Martodam as treasurer;	)	AF# 826
NATIONAL PEST CONTROL ASSOCIATION POLITICAL ACTION COMMITTEE, and MR ROBERT M ROSENBERG as treasurer;	)	AF# 828
NATIONWIDE POLITICAL PARTICIPATION COMMITTEE, and CAROL DOVE as treasurer;	)	AF# 829
NCR CORPORATION CITIZENSHIP FUND, and PHILIP D SERVIDEA as treasurer;	)	AF# 830
NORTHWEST AIRLINES POLITICAL ACTION COMMITTEE (FKA REPUBLIC AIRLINES PAC), and J O KLINKENBERG as treasurer;	)	AF# 831
OLDCASTLE MATERIALS INC. PAC, and Palmer, Steven O. as treasurer;	)	AF# 832
PHILADELPHIA SUBURBAN CORPORATION H2O PAC, and DAVID E WILSON as treasurer;	)	AF# 833
T-MOBILE POLITICAL ACTION COMMITTEE, and Russo, Tony as treasurer;	)	AF# 834
TENET HEALTHCARE CORPORATION PAC, and Limon, Susan Ms. as treasurer;	)	AF# 835
THE WILLIAMS COMPANIES INC. POLITICAL ACTION COMMITTEE, and Deborah as treasurer;	)	AF# 836
VENTUREPAC, and MARK G. HEESSEN as treasurer;	)	AF# 837
XCEL ENERGY EMPLOYEE POLITICAL ACTION COMMITTEE, and Bomberger, Charles as treasurer;	)	AF# 838

CERTIFICATION

I, Mary W. Dove, Secretary for the Federal Election Commission, do hereby certify that on April 7, 2003, the Commission took the following actions on the Reason To Believe Recommendation for the 2002 12 Day Pre-General Report for the Administrative Fines Program, as recommended in the Reports Analysis Division's Memorandum dated April 1, 2003, on the following committees:

AF# 797: Decided by a vote of 6-0 to: (1) make a final determination that SYED MAHMOOD FOR CONGRESS, and IMTIAZ AHMAD as treasurer, violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF# 798: Decided by a vote of 6-0 to: (1) make a final determination that KENDRICK MEEK FOR CONGRESS, and ANTHONY BRUNSON as treasurer, violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF# 799: Decided by a vote of 6-0 to: (1) make a final determination that JOE FINLEY FOR CONGRESS, and SAL PERROTTA as treasurer, violated 2 U.S.C.

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434(a) and assess the civil money penalty so indicated; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF# 802: Decided by a vote of 6-0 to: (1) make a final determination that COMMITTEE TO ELECT MADELEINE Z BORDALLO 2002, and P JUNE TERLAJE as treasurer, violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF# 803: Decided by a vote of 6-0 to: (1) make a final determination that RON DAUGHERTY FOR CONGRESS, and SCOTT LYKINS as treasurer, violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF# 804: Decided by a vote of 6-0 to: (1) make a

final determination that MEEKS FOR CONGRESS, and Joan E. Flowers Esq. as treasurer, violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF# 805: Decided by a vote of 6-0 to: (1) make a final determination that HORNBERGER FOR SENATE, and JOHN K BROWN as treasurer, violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF# 806: Decided by a vote of 6-0 to: (1) make a final determination that DONNA 2002 CONGRESSIONAL CAMPAIGN COMMITTEE, and CAROL LABAN as treasurer, violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF# 807: Decided by a vote of 6-0 to: (1) make a final determination that LEVEL 3 COMMUNICATIONS INC. POLITICAL ACTION COMMITTEE, and Pribyl, James as treasurer, violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF# 808: Decided by a vote of 6-0 to: (1) make a final determination that AMERICAN FINANCIAL SERVICES ASS'N PAC (FORMERLY- NATIONAL CONSUMER FINANCE ASS'N PAC), and GEORGE SHAWN MCELWEE as treasurer, violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith,

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Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF# 809: Decided by a vote of 6-0 to: (1) make a final determination that APPRAISAL INSTITUTE POLITICAL ACTION COMMITTEE, and DONALD E KELLY as treasurer, violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF# 810: Decided by a vote of 6-0 to: (1) make a final determination that BUSPAC-POLITICAL ACTION COMMITTEE OF THE AMERICAN BUS ASSOCIATION, and ERIC BRAENDEL as treasurer, violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF# 811: Decided by a vote of 6-0 to: (1) make a final determination that CALFEE, HALTER & GRISWOLD LLP FUND FOR GOOD GOVERNMENT, and MARC L OBERDORFF as treasurer, violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF# 812: Decided by a vote of 6-0 to: (1) make a final determination that CONTINENTAL AIRLINES INC EMPLOYEE FUND FOR A BETTER AMERICA (FKA CONTINENTAL HOLDINGS PAC), and REBECCA COX as treasurer, violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

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AF# 813: Decided by a vote of 6-0 to: (1) make a final determination that DAY & ZIMMERMANN INC FEDERAL PAC (AKA 'DAYPAC - FEDERAL'), and Ritzel, Joseph Mr. as treasurer, violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF# 814: Decided by a vote of 6-0 to: (1) make a final determination that DISTRICT COUNCIL 37, AFSCME PUBLIC EMPLOYEES ORGANIZED FOR POL & LEG EQUALITY (DC37PEOPLE), and ELIOT SEIDE as treasurer, violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF# 815: Decided by a vote of 6-0 to: (1) make a final determination that EDS POLITICAL ACTION COMMITTEE, and William R. Sweeney Jr. as treasurer, violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF# 816: Decided by a vote of 6-0 to: (1) make a final determination that ENERGY POLITICAL ACTION COMMITTEE OF TXU CORP, and Gonzales, Jacob as treasurer, violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF# 817: Decided by a vote of 6-0 to: (1) make a final determination that FIRST NATIONAL OF NEBRASKA PAC, and Castner, Anna as treasurer, violated 2 U.S.C. 434(a) and assess the civil money penalty so

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indicated; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF# 818: Decided by a vote of 6-0 to: (1) make a final determination that FRIENDS OF ISRAEL POLITICAL ACTION COMMITTEE - FRIPAC, and Levinson, Fred as treasurer, violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF# 819: Decided by a vote of 5-0 to: (1) make a final determination that GREENBERG, TRAUIG, HOFFMAN, LIPOFF, ROSEN & QUENTEL, P A POLITICAL ACTION COMMITTEE, and CLIFFORD A SCHULMAN as treasurer, violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Toner, and Weintraub voted affirmatively for the decision. Commissioner Thomas recused himself with respect to this matter and did not vote.

AF# 820: Decided by a vote of 6-0 to: (1) make a final determination that INDEPENDENT INSURANCE AGENTS OF AMERICA POLITICAL ACTION COMMITTEE (INSURPAC), and Mr. Robert Rusbuldt as treasurer, violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF# 821: Decided by a vote of 6-0 to: (1) make a final determination that KANSAS CITY SOUTHERN EMPLOYEE PAC, and BARBARA L BLEVINS as treasurer, violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith,

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Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF# 822: Decided by a vote of 6-0 to: (1) make a final determination that LEADERSHIP IN THE NEW CENTURY (LINC PAC), and Oldaker, William as treasurer, violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF# 823: Decided by a vote of 6-0 to: (1) make a final determination that LOCAL 401 IRON WORKERS POLITICAL ACTION FUND, and JOSEPH J DOUGHERTY as treasurer, violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF# 824: Decided by a vote of 6-0 to: (1) make a final determination that MCLANE COMPANY INC. FEDERAL POLITICAL ACTION COMMITTEE, and KEVIN KOCH as treasurer, violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF# 825: Decided by a vote of 6-0 to: (1) make a final determination that MEDTRONIC, INC. MEDICAL TECHNOLOGY FUND, and GARY L ELLIS as treasurer, violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF# 826: Decided by a vote of 6-0 to: (1) make a

Federal Election Commission
Certification for Administrative Fines
April 07, 2003

Page 11

final determination that MINNESOTA MINING AND MANUFACTURING COMPANY, and Karen K. Martodam as treasurer, violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF# 828: Decided by a vote of 6-0 to: (1) make a final determination that NATIONAL PEST CONTROL ASSOCIATION POLITICAL ACTION COMMITTEE, and MR ROBERT M ROSENBERG as treasurer, violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF# 829: Decided by a vote of 6-0 to: (1) make a final determination that NATIONWIDE POLITICAL PARTICIPATION COMMITTEE, and CAROL DOVE as treasurer, violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF# 830: Decided by a vote of 6-0 to: (1) make a final determination that NCR CORPORATION CITIZENSHIP FUND, and PHILIP D SERVIDEA as treasurer, violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate letter.

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

AF# 831: Decided by a vote of 6-0 to: (1) make a final determination that NORTHWEST AIRLINES POLITICAL ACTION COMMITTEE (FKA REPUBLIC AIRLINES PAC), and J O KLINKENBERG as treasurer, violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF# 832: Decided by a vote of 6-0 to: (1) make a final determination that OLDCASTLE MATERIALS INC. PAC, and Palmer, Steven O. as treasurer, violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF# 833: Decided by a vote of 6-0 to: (1) make a final determination that PHILADELPHIA SUBURBAN CORPORATION H20 PAC, and DAVID E WILSON as treasurer, violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF# 834: Decided by a vote of 6-0 to: (1) make a final determination that T-MOBILE POLITICAL ACTION COMMITTEE, and Russo, Tony as treasurer, violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF# 835: Decided by a vote of 6-0 to: (1) make a final determination that TENET HEALTHCARE CORPORATION PAC, and Limon, Susan Ms. as treasurer,

violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF# 836: Decided by a vote of 6-0 to: (1) make a final determination that THE WILLIAMS COMPANIES INC. POLITICAL ACTION COMMITTEE, and Deborah as treasurer, violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF# 837: Decided by a vote of 6-0 to: (1) make a final determination that VENTUREPAC, and MARK G. HEESEN as treasurer, violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF# 838: Decided by a vote of 6-0 to: (1) make a final determination that XCEL ENERGY EMPLOYEE POLITICAL ACTION COMMITTEE, and Bomberger, Charles as treasurer, violated 2 U.S.C. 434(a) and assess the civil money penalty so indicated; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

Federal Election Commission
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April 07, 2003

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Attest:

April 9, 2003
Date

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

Received in the Secretariat:	Tues. Apr. 01, 2003	3:56 p.m.
Circulated to the Commission:	Wed. Apr. 02, 2003	11:00 a.m.
Deadline for vote:	Mon. Apr. 07, 2003	4:00 p.m.

**WESTERN
UNION**

CONFIRMATION OF CMGM

TO: REBECCA COX

WESTERN UNION COMMERCIAL SERVICES

CONTINENTAL AIRLINES INC EMPLOYEE FUND F
1600 SMITH ST 18TH FLOOR HQSGV
HOUSTON TX 77002-7362FEDERAL ELECTION COMMISSION
ALAN SHOOK
999 E ST NW # 709
WASHINGTON DC 20463

APRIL 10, 2003

REBECCA COX
CONTINENTAL AIRLINES INC EMPLOYEE FUND F
1600 SMITH STREET 18TH FLOOR-HQSGV
HOUSTON TX 77002C00101766
AF#: 312

DEAR REBECCA COX:

THE FEDERAL ELECTION CAMPAIGN ACT OF 1971, AS AMENDED ("THE ACT"), REQUIRES THAT YOUR COMMITTEE FILE A 12 DAY PRE-GENERAL REPORT OF RECEIPTS AND DISBURSEMENTS IN A CALENDAR YEAR DURING WHICH THERE IS A REGULARLY SCHEDULED ELECTION. THIS REPORT, COVERING THE PERIOD THROUGH OCTOBER 16TH, SHALL BE FILED NO LATER THAN OCTOBER 24TH. 2 U.S.C. 434(A). YOU WERE PREVIOUSLY NOTIFIED OF THE DUE DATE FOR THIS REPORT. RECORDS AT THE FEDERAL ELECTION COMMISSION ("FEC") INDICATE THAT THIS REPORT WAS NOT FILED PRIOR TO FOUR (4) DAYS BEFORE THE GENERAL ELECTION HELD ON NOVEMBER 5, 2002. YOU SHOULD FILE THE 12 DAY PRE-GENERAL REPORT IF YOU HAVE NOT ALREADY DONE SO.

THE ACT WAS FURTHER AMENDED IN 1999 TO PERMIT THE FEC TO IMPOSE CIVIL MONEY PENALTIES FOR VIOLATIONS OF THE REPORTING REQUIREMENTS OF 2 U.S.C. 434(A). 2 U.S.C. 437G(A)(4). ON 04/07/2003, THE FEC FOUND THAT THERE IS REASON TO BELIEVE ("RTB") THAT CONTINENTAL AIRLINES INC EMPLOYEE FUND F AND YOU, AS TREASURER, VIOLATED 2 U.S.C. 434(A) BY FAILING TO FILE TIMELY THIS REPORT ON OR BEFORE OCTOBER 24TH. BASED ON THE FEC'S SCHEDULES OF CIVIL MONEY PENALTIES AT 11 C.F.P. 111.43, THE AMOUNT OF YOUR CIVIL MONEY PENALTY CALCULATED AT THE RTB STAGE IS \$2000. IT IS DUE BY 05/17/2003 AND IS BASED ON THESE FACTORS:

ELECTION SENSITIVITY OF REPORT: ELECTION SENSITIVE
LEVEL OF ACTIVITY: \$29971
NUMBER OF DAYS LATE: NOT FILED
NUMBER OF PREVIOUS CIVIL MONEY PENALTIES ASSESSED: 0

TO PAY THE CALCULATED CIVIL MONEY PENALTY

**WESTERN
UNION**

WESTERN UNION COMMERCIAL SERVICES

TO PAY THE CALCULATED CIVIL MONEY PENALTY, SEND THE ENCLOSED REMITTANCE AND YOUR PAYMENT TO THE FEC AT THE ADDRESS ON PAGE 3. UPON RECEIPT OF YOUR PAYMENT, THE FEC WILL SEND YOU A FINAL DETERMINATION LETTER.

TO CHALLENGE THE RTB FINDING AND/OR CALCULATED CIVIL MONEY PENALTY TO CHALLENGE THE RTB FINDING AND/OR CALCULATED CIVIL MONEY PENALTY, YOU MUST SUBMIT A WRITTEN RESPONSE, INCLUDING THE AF# FOUND ON PAGE ONE, TO THE FEC'S OFFICE OF ADMINISTRATIVE REVIEW, 999 E STREET, NW, WASHINGTON, DC 20463. YOUR RESPONSE MUST BE RECEIVED BY 05/17/2003. YOUR WRITTEN RESPONSE MUST INCLUDE THE REASON(S) WHY YOU ARE CHALLENGING THE RTB FINDING AND/OR CALCULATED CIVIL MONEY PENALTY. THE FEC WILL ONLY CONSIDER CHALLENGES THAT ARE BASED ON A FACTUAL ERROR, MISCALCULATION OF THE CALCULATED CIVIL MONEY PENALTY BY THE FEC, OR THE EXISTENCE OF EXTRAORDINARY CIRCUMSTANCES THAT PERSISTED FOR MORE THAN 48 HOURS THAT WERE BEYOND YOUR CONTROL AND PREVENTED YOU FROM FILING THE REPORT IN A TIMELY MANNER. YOUR RESPONSE MUST INCLUDE THE FACTUAL BASIS SUPPORTING THE REASON(S) AND SUPPORTING DOCUMENTATION. THE FEC STRONGLY ENCOURAGES THAT DOCUMENTS BE SUBMITTED IN THE FORM OF AFFIDAVITS OR DECLARATIONS. EXAMPLES OF CIRCUMSTANCES THAT WILL NOT BE CONSIDERED EXTRAORDINARY INCLUDE, BUT ARE NOT LIMITED TO, NEGLIGENCE, PROBLEMS WITH VENDORS OR CONTRACTORS, STAFF ILLNESS, COMPUTER FAILURES AND SIMILAR CIRCUMSTANCES. 11 C.F.R. 111.35(b)(1)(iii) AND (4).

YOUR FAILURE TO RAISE AN ARGUMENT IN A TIMELY FASHION DURING THE ADMINISTRATIVE PROCESS SHALL BE DEEMED A WAIVER OF YOUR RIGHT TO PRESENT SUCH ARGUMENT IN A PETITION TO THE DISTRICT COURT UNDER 2 U.S.C. 437G. 11 C.F.R. 111.38.

IF YOU INTEND TO BE REPRESENTED BY COUNSEL, PLEASE ADVISE THE OFFICE OF ADMINISTRATIVE REVIEW. YOU SHOULD PROVIDE, IN WRITING, THE NAME, ADDRESS AND TELEPHONE NUMBER OF YOUR COUNSEL AND AUTHORIZE COUNSEL TO RECEIVE NOTIFICATIONS AND COMMUNICATIONS RELATING TO THIS CHALLENGE AND IMPOSITION OF THE CALCULATED CIVIL MONEY PENALTY.

IF YOU DO NOT PAY THE CALCULATED CIVIL MONEY PENALTY OR SUBMIT A CHALLENGE

IF YOU DO NOT PAY THE CALCULATED CIVIL MONEY PENALTY OR SUBMIT A WRITTEN RESPONSE, THE FEC WILL ASSUME THAT THE PRECEDING FACTUAL ALLEGATIONS ARE TRUE AND MAKE A FINAL DETERMINATION THAT CONTINENTAL AIRLINES INC EMPLOYEE FUND F AND YOU, AS TREASURER, VIOLATED 2 U.S.C. 434(A) AND ASSESS A CIVIL MONEY PENALTY.

UNPAID CIVIL MONEY PENALTIES ASSESSED THROUGH THE ADMINISTRATIVE FINE REGULATIONS WILL BE SUBJECT TO THE DEBT COLLECTION ACT OF 1982("DCA")AS AMENDED BY THE DEBT COLLECTION IMPROVEMENT ACT OF 1996, 31 U.S.C. 3701 ET SEQ. THE FEC MAY TAKE ANY AND ALL APPROPRIATE ACTION AUTHORIZED AND REQUIRED BY THE DCA, AS AMENDED, INCLUDING TRANSFER TO THE U.S. DEPARTMENT OF THE TREASURY FOR COLLECTION. 11 C.F.R. 111.45.

THIS MATTER WAS GENERATED BASED ON INFORMATION ASCERTAINED BY THE FEC IN THE NORMAL COURSE OF CARRYING OUT ITS SUPERVISORY RESPONSIBILITIES. 2 U.S.C. 437G(A)(2). IT WILL REMAIN CONFIDENTIAL IN ACCORDANCE WITH 2 U.S.C. 437G(A)(4)(B) AND 437G(A)(12)(A) UNTIL IT IS PLACED ON THE PUBLIC RECORD IN ACCORDANCE WITH 11 C.F.R. 111.42, UNLESS YOU NOTIFY THE FEC IN WRITING THAT YOU WISH THE

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WESTERN UNION COMMERCIAL SERVICES

MATTER TO BE MADE PUBLIC.

ADDITIONAL INFORMATION ON THE FEC'S ADMINISTRATIVE FINE PROGRAM, INCLUDING THE FINAL REGULATIONS, IS LOCATED AT THE FEC'S WEBSITE AT WWW.FEC.GOV. IF YOU HAVE QUESTIONS REGARDING THE PAYMENT OF THE CALCULATE CIVIL MONEY PENALTY, PLEASE CONTACT ALICE KANG IN THE REPORTS ANALYSIS DIVISION AT OUR TOLL FREE NUMBER (800)424-9530 (PRESS 1, THEN PRESS 2) OR (202)694-1130. IF YOU HAVE QUESTIONS REGARDING THE SUBMISSION OF A CHALLENGE, PLEASE CONTACT THE OFFICE OF ADMINISTRATIVE REVIEW AT OUR TOLL FREE NUMBER (800)424-9530 (PRESS 0, THEN EXT. 1660) OR (202)694-1660.

SINCERELY,

ELLEN L. WEINTRAUB
CHAIR* * * * *
ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS

IN ACCORDANCE WITH THE SCHEDULE OF PENALTIES AT 11 C.F.R. 111.43, THE AMOUNT OF YOUR CIVIL MONEY PENALTY CALCULATED AT RTB IS \$2000 FOR THE 2002 12 DAY PRE-GENERAL REPORT.

PLEASE MAIL THIS REMITTANCE WITH A CHECK OR MONEY ORDER MADE PAYABLE TO THE FEDERAL ELECTION COMMISSION TO THE FOLLOWING ADDRESS:
FEDERAL ELECTION COMMISSION
P.O. BOX 952182
ST. LOUIS, MO 63195-2182

IF YOU CHOOSE TO SEND YOUR REMITTANCE AND PAYMENT BY COURIER OR OVERNIGHT DELIVERY, PLEASE USE THIS ADDRESS:
U.S. BANK - GOVERNMENT LOCKBOX
FEC #952182
1005 CONVENTION PLAZA
ST. LOUIS, MO 63101

THE REMITTANCE AND YOUR PAYMENT ARE DUE BY 05/17/2003. UPON RECEIPT OF YOUR REMITTANCE AND PAYMENT, THE FEC WILL SEND YOU A FINAL DETERMINATION LETTER.

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: CONTINENTAL AIRLINES INC EMPLOYEE FUND F

FEC ID#: C00101766

AF#: 912

PAYMENT DUE DATE: 05/17/2003

PAYMENT AMOUNT DUE: \$2000

**CONTINENTAL AIRLINES, INC. EMPLOYEE FUND FOR A BETTER
AMERICA**

FEC OFFICE OF
ADMIN REVIEW

2003 MAY -8 P 2:18

May 1, 2003

Federal Election Commission
Office of Administrative Review
999 E Street, NW
Washington, DC 20463

RE: Continental Airlines, Inc. Employee Fund
C00101766
AF #812

Dear Sir or Madam:

The Continental Airlines, Inc. Employee Fund (The Fund) respectfully challenges the calculated civil money penalty of \$2,000.00 imposed by the Commission for its alleged failure to file the 2002 12-Day Pre-General Report that was due on October 24, 2002. The certified letter received by The Fund on April 11, 2003, states that the report has not been filed.

The Fund in fact filed the 12-Day Pre-General Report on November 5, 2002, and was assigned identification number FEC-63769. Therefore, according to the Commission's fine calculator, the fine assessed against The Fund should only be \$900.00.

Sincerely,



Rebecca Cox
Treasurer

1350 Eye Street, NW, Suite 1250
Washington, D.C. 20005
(202) 289-6060



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Via First Class Mail

May 9, 2003

Rebecca Cox, as Treasurer
Continental Airlines, Inc. Employee Fund for a Better America
(FKA Continental Holdings PAC)
1600 Smith Street
Suite HQSGV
Houston, Texas 77002


C00101766
AF# 812

Dear Ms. Cox:

On April 7, 2003, the Federal Election Commission ("the Commission") found reason to believe that the Continental Airlines, Inc. Employee Fund for a Better America (FKA Continental Holdings PAC) and you, as Treasurer, violated 2 U.S.C. § 434(a) with respect to the 2002 12 Day Pre-General Report.

On May 8, 2003, the Commission received your written response ("challenge") which is being reviewed by the Office of Administrative Review. If you have any questions regarding your challenge, please contact this Office on our toll free number (800)424-9530 (press 0, then ext. 1660) or (202)694-1660.

Sincerely,


Shawn Woodhead Werth
Reviewing Officer
Office of Administrative Review



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Werth
RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2003 NOV 25 A 9:40

November 24, 2003

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: AF# 812 - CONTINENTAL AIRLINES INC. EMPLOYEE
FUND FOR A BETTER AMERICA AND REBECCA COX,
AS TREASURER (C00101766)

SENSITIVE

The attached Reviewing Officer Recommendation is being circulated on an informational basis. A copy was also sent to respondents in accordance with 11 C.F.R. § 111.36(f). Respondents may file with the Commission Secretary a written response within 10 days of transmittal of the recommendation.

After the 10 day period, the Reviewing Officer Recommendation and the respondents' written response, if any, will be circulated to the Commission to make a final determination.

Attachment



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 24, 2003

**REVIEWING OFFICER RECOMMENDATION
OFFICE OF ADMINISTRATIVE REVIEW ("OAR")**

AF# 812 – Continental Airlines Inc. Employee Fund for a Better America and Rebecca Cox, as Treasurer (C00101766)

On April 7, 2003, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that the Continental Airlines Inc. Employee Fund for a Better America and Rebecca Cox, as Treasurer ("the respondents"), violated 2 U.S.C. § 434(a) for failing to file the 2002 12 Day Pre-General Report. The Commission also made a preliminary determination that the civil money penalty was \$2,000 based on the schedule of civil money penalties at 11 C.F.R. § 111.43. The respondents were notified by the Reports Analysis Division ("RAD") via mailgram on April 10, 2003 of the Commission's finding and the civil money penalty calculated at RTB.

Respondents' Response

On May 8, 2003, the Commission received the written response ("challenge") from the respondents. The respondents state that they are challenging the civil money penalty calculated at RTB because "[t]he certified letter received by The Fund on April 11, 2003, states that the report has not been filed. The Fund in fact filed the 12 Day Pre-General Report on November 5, 2002." They state that "according to the Commission's fine calculator, the fine assessed against The Fund should only be \$900.00."

Analysis of Challenge

The 12 Day Pre-General Report covering the period of October 1 through October 16, 2002 was received on November 5, 2002. It was received 12 days after the filing date for the 12 Day Pre-General Report, or 12 days late.

The Federal Election Campaign Act ("Act") states that, in lieu of filing the report due in November of any year in which a regularly scheduled general election is held, the treasurer of a political committee shall file a 12 day pre-election report no later than the 12th day before the election. 2 U.S.C. § 434(a)(4)(B) and 11 C.F.R. § 104.5(c)(3)(ii). Reports electronically filed must be received and validated at or before 11:59 p.m., Eastern Standard/Daylight Time on the prescribed filing date to be timely filed. 11 C.F.R. § 104.5(e). Thus, the 12 Day Pre-General Report for the 2002 General Election, held on November 5, shall be received no later than October 24 to be filed timely. The treasurer shall be personally responsible for the timely filing of reports. 11 C.F.R. § 104.14(d). The 12 Day Pre-General Report is an election sensitive report

and, for purposes of the schedules of penalties, an election sensitive report is considered to be not filed if it is not filed prior to four (4) days before the General Election. 11 C.F.R. § 111.43(d) and (e)(2).

Prior Notice for the 12 Day Pre-General Report, which was sent to the address of record for the respondents on August 27, states that the coverage dates for the report are October 1 through October 16, and that the filing date is October 24. On the first page, it reminds monthly filers that "in an election year, the 12 Day Pre-General ... [Report is] filed in lieu of the November ... Monthly Report." On the second page, it notes that Treasurers are responsible for both the timeliness and the accuracy of all reports. Further, in a January 2002 FEC Record article explaining 2002 filing requirements for all committees, it states that a political action committee filing on a monthly basis is required to file the 12 Day Pre-General Report in lieu of the November Monthly Report. The respondents were subsequently reminded of the 12 Day Pre-General Report filing requirement in an article on page 1 of the October 2002 FEC Record. Thus, the respondents were notified on several occasions of their obligation to electronically file the 12 Day Pre-General Report by the October 24, 2002 filing date.

The respondents state that, using the Administrative Fine calculator located at the Commission's website, the civil money penalty "should only be \$900." Under the administrative fine regulations, the four criteria used to calculate the civil money penalty are explained. 11 C.F.R. § 111.43(b) through (e). The Commission also provides a calculator at its website for filers to use as well as *Step-by-Step Instructions* ("Instructions") for using the calculator. The Instructions include definitions of the four criteria used to determine the civil money penalty amount, such as the election sensitivity of the report and whether the report is considered filed late or not filed.

When the respondents calculated the civil money penalty amount, it appears that they correctly entered information for three of the criteria: an election-sensitive report, level of activity of \$29,971 (\$15,671 in total receipts and \$14,300 in total disbursements), and number of previous violations (0). With respect to the fourth criteria, whether the report is considered filed late or not filed, it appears that they clicked on the "Late Filer" box and entered 12 in the "Number of Days Late" box. When they then clicked on the "Calculate Fine" button, the calculator correctly computed the civil money penalty as \$900 based on the four criteria they used. However, the respondents' 12 Day Pre-General Report was not considered late; it was considered not filed since it was not filed prior to four (4) days before the November 5 General Election. If they had followed the Instructions at the "Late Filer or Non-Filer" section of the calculator and clicked on the "Non-Filer" instead of "Late Filer" box, the respondents would have received the correct civil money penalty amount of \$2,000 for an election-sensitive report which is considered not filed with a level of activity of \$29,971 and no previous violations. This is the same civil money penalty amount if they had used the schedule of penalties found at 11 C.F.R. § 111.43(b) for the \$25,000 - \$49,999.99 level of activity bracket: $\$2,000 \times [1 + (.25 \times 0)]$ or \$2,000.

The respondents presented 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 12 Day Pre-General Report in a timely manner. The Reviewing Officer, therefore, recommends that the Commission make a final determination that the respondents violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$2,000.

OAR Recommendations

- (1) Make a final determination in AF# 812 that the Continental Airlines, Inc. Employee Fund for a Better America and Rebecca Cox, as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$2,000; and
- (2) Send the appropriate letter.

Attachments

- Attachment 1 – Challenge received from Respondents
- Attachment 2 – Declaration from the RAD
- Attachment 3 – Declaration from OAR

**CONTINENTAL AIRLINES, INC. EMPLOYEE FUND FOR A BETTER
AMERICA**

FEC OFFICE OF
ADMIN REVIEW

2003 MAY -8 P 2:18

May 1, 2003

Federal Election Commission
Office of Administrative Review
999 E Street, NW
Washington, DC 20463

RE: Continental Airlines, Inc. Employee Fund
C00101766
AF #812

Dear Sir or Madam:

The Continental Airlines, Inc. Employee Fund (The Fund) respectfully challenges the calculated civil money penalty of \$2,000.00 imposed by the Commission for its alleged failure to file the 2002 12-Day Pre-General Report that was due on October 24, 2002. The certified letter received by The Fund on April 11, 2003, states that the report has not been filed.

The Fund in fact filed the 12-Day Pre-General Report on November 5, 2002, and was assigned identification number FEC-63769. Therefore, according to the Commission's fine calculator, the fine assessed against The Fund should only be \$900.00.

Sincerely,

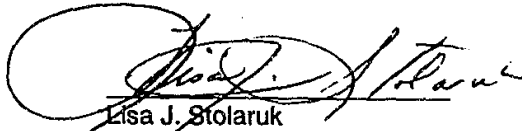


Rebecca Cox
Treasurer

1350 Eye Street, NW, Suite 1250
Washington, D.C. 20005
(202) 289-6060

DECLARATION OF LISA J. STOLARUK

1. I am the Chief of the Compliance Branch for the Reports Analysis Division of the Federal Election Commission ("Commission"). In my capacity as Chief of the Compliance Branch, I oversee the research conducted with regard to the Administrative Fine Program. I make this declaration based on my personal knowledge and, if called upon as a witness, could and would testify competently to the following matters.
2. I hereby certify that documents identified herein are true and accurate copies of the following sent by the Commission to the Continental Airlines, Inc. Employee Fund for a Better America:
 - A) Prior Notice dated August 27, 2002 referencing the 2002 12 Day Pre-General Report;
 - B) Reason-to-Believe Mailgram dated April 10, 2003 referencing the 2002 12 Day Pre-General Report.
3. I hereby certify that I have searched the Commission's public records and find that Continental Airlines, Inc. Employee Fund for a Better America electronically filed the 2002 12 Day Pre-General Report with the Commission on November 5, 2002.
4. Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at Washington, D.C. on the 12th day of May, 2003.


Lisa J. Stolaruk
Chief, Compliance Branch
Reports Analysis Division
Federal Election Commission

MONTHLY REPORT NOTICE

FEDERAL ELECTION COMMISSION

PARTIES AND PACS

August 27, 2002

WHO MUST FILE

Party Committees and PACs (Nonconnected Committees and Separate Segregated Funds) filing on a monthly basis must file Monthly Reports in 2002. Committees must continue to file reports until the Commission notifies them in writing that their termination report has been accepted. Note that, in an election year, the 12-Day Pre-General and 30-Day Post-General Election Reports are filed in lieu of the November and December Monthly Reports.

REPORTING DATES FOR REMAINDER OF 2002

REPORT	REPORTING PERIOD ¹	REG./CERT. MAILING DATE ²	FILING DATE
September	08/01/02 - 08/31/02	09/20/02	09/20/02
October	09/01/02 - 09/30/02	10/20/02	10/20/02 ³
Pre-General	10/01/02 - 10/16/02	10/21/02	10/24/02
Post-General	10/17/02 - 11/25/02	12/05/02	12/05/02
Year-End	11/26/02 - 12/31/02	01/31/03	01/31/03

IMPORTANT FILING INFORMATION

In response to the anthrax threat, the US Postal Service is irradiating mail directed to many federal government agencies, including the FEC and the Secretary of the Senate.⁴ This process has not only delayed mail delivery, it has also damaged and in some cases destroyed pieces of mail. As a result, committees that file reports with the FEC may want to consider submitting their reports by some means other than regular US mail. Alternative methods include:

- Electronic Filing (see reverse side of notice for more information);
- Overnight mail service; and
- Hand delivery.

¹These dates indicate the beginning and the end of the reporting period. A reporting period always begins the day after the closing date of the last report filed. If the committee is new and has not previously filed a report, the first report must cover all activity that occurred before the committee registered.

²Reports sent by registered or certified mail must be postmarked by the mailing date; otherwise, they must be received by the filing date.

³Note that the filing date falls on a weekend. Filing deadlines are not extended when they fall on nonworking days. Reports filed on paper or diskette must be received by the appropriate filing office(s) the Friday before the filing date.

⁴Committees that support only Senate candidates should contact the Secretary of the Senate at (202) 224-0322 for more information on filing reports via regular US mail.

(over)

ELECTRONIC FILING

Political committees that receive contributions or make expenditures in excess of \$50,000 in a calendar year, or that expect to do so, must submit their reports electronically. For additional information, review the enclosed handout entitled "Electronic Filing," call the FEC's Electronic Filing office at (800) 424-9530 or (202) 694-1642, and visit our web site at <http://www.fec.gov/electfil/electron.html>.

24 HOUR REPORT ON INDEPENDENT EXPENDITURES

Any PAC or Party Committee that makes independent expenditures in connection with an election may also have to file a 24-hour report. This reporting requirement will be triggered if the committee makes independent expenditures aggregating \$1,000 or more after the 20th day, but more than 24 hours, before the day of the election. This report is *not* required when a Party Committee or PAC makes a contribution directly to a candidate.

COMPLIANCE

- Treasurers of political committees are responsible for both the timeliness and the accuracy of all reports. They may be subject to monetary penalties if reports are inaccurate or are not filed on time.
- Under the Administrative Fine Program, political committees and their treasurers who fail to file their reports on time may be subject to civil money penalties ranging from \$125 to \$16,000 (or more for repeat late- and non-filers). For additional information, see the enclosed handout entitled, "Administrative Fine Program," and visit the FEC web site at <http://www.fec.gov/adminfines1.html>.
- In addition, political committees that file illegible reports or use non-FEC forms (except for FEC-approved, computer-generated forms) will be required to refile their reports.
- Electronic filers who instead file on paper or submit an electronic report that does not pass the validation test will be considered non-filers and may be subject to enforcement actions (including administrative fines).

CHANGE IN FILING FREQUENCY

Committees wishing to change their reporting schedule (for example, from monthly to quarterly) must notify the Commission in writing when they file their next report due under their current reporting schedule. Committees may change their filing frequency no more than once per calendar year.

**WESTERN
UNION**

CONFIRMATION OF CMGM

WESTERN UNION COMMERCIAL SERVICES
TO: REBECCA COX
CONTINENTAL AIRLINES INC EMPLOYEE FUND F
1600 SMITH ST 18TH FLOOR HQSGV
HOUSTON TX 77002-7362

FEDERAL ELECTION COMMISSION
ALAN SHOOK
999 E ST NW # 709
WASHINGTON DC 20463

APRIL 10, 2003

REBECCA COX
CONTINENTAL AIRLINES INC EMPLOYEE FUND F
1600 SMITH STREET 18TH FLOOR-HQSGV
HOUSTON TX 77002

C00101766
AF#: 312

DEAR REBECCA COX:

THE FEDERAL ELECTION CAMPAIGN ACT OF 1971, AS AMENDED ("THE ACT"), REQUIRES THAT YOUR COMMITTEE FILE A 12 DAY PRE-GENERAL REPORT OF RECEIPTS AND DISBURSEMENTS IN A CALENDAR YEAR DURING WHICH THERE IS A REGULARLY SCHEDULED ELECTION. THIS REPORT, COVERING THE PERIOD THROUGH OCTOBER 16TH, SHALL BE FILED NO LATER THAN OCTOBER 24TH. 2 U.S.C. 434(A). YOU WERE PREVIOUSLY NOTIFIED OF THE DUE DATE FOR THIS REPORT. RECORDS AT THE FEDERAL ELECTION COMMISSION ("FEC") INDICATE THAT THIS REPORT WAS NOT FILED PRIOR TO FOUR (4) DAYS BEFORE THE GENERAL ELECTION HELD ON NOVEMBER 5, 2002. YOU SHOULD FILE THE 12 DAY PRE-GENERAL REPORT IF YOU HAVE NOT ALREADY DONE SO.

THE ACT WAS FURTHER AMENDED IN 1999 TO PERMIT THE FEC TO IMPOSE CIVIL MONEY PENALTIES FOR VIOLATIONS OF THE REPORTING REQUIREMENTS OF 2 U.S.C. 434(A). 2 U.S.C. 437G(A)(4). ON 04/07/2003, THE FEC FOUND THAT THERE IS REASON TO BELIEVE ("RTB") THAT CONTINENTAL AIRLINES INC EMPLOYEE FUND F AND YOU, AS TREASURER, VIOLATED 2 U.S.C. 434(A) BY FAILING TO FILE TIMELY THIS REPORT ON OR BEFORE OCTOBER 24TH. BASED ON THE FEC'S SCHEDULES OF CIVIL MONEY PENALTIES AT 11 C.F.P. 111.43, THE AMOUNT OF YOUR CIVIL MONEY PENALTY CALCULATED AT THE RTB STAGE IS \$2000. IT IS DUE BY 05/17/2003 AND IS BASED ON THESE FACTORS:

ELECTION SENSITIVITY OF REPORT: ELECTION SENSITIVE
LEVEL OF ACTIVITY: \$29971
NUMBER OF DAYS LATE: NOT FILED
NUMBER OF PREVIOUS CIVIL MONEY PENALTIES ASSESSED: 0

TO PAY THE CALCULATED CIVIL MONEY PENALTY

**WESTERN
UNION**

WESTERN UNION COMMERCIAL SERVICES

TO PAY THE CALCULATED CIVIL MONEY PENALTY, SEND THE ENCLOSED REMITTANCE AND YOUR PAYMENT TO THE FEC AT THE ADDRESS ON PAGE 3. UPON RECEIPT OF YOUR PAYMENT, THE FEC WILL SEND YOU A FINAL DETERMINATION LETTER.

TO CHALLENGE THE RTB FINDING AND/OR CALCULATED CIVIL MONEY PENALTY TO CHALLENGE THE RTB FINDING AND/OR CALCULATED CIVIL MONEY PENALTY, YOU MUST SUBMIT A WRITTEN RESPONSE, INCLUDING THE AF# FOUND ON PAGE ONE, TO THE FEC'S OFFICE OF ADMINISTRATIVE REVIEW, 999 E STREET, NW, WASHINGTON, DC 20463. YOUR RESPONSE MUST BE RECEIVED BY 05/17/2003. YOUR WRITTEN RESPONSE MUST INCLUDE THE REASON(S) WHY YOU ARE CHALLENGING THE RTB FINDING AND/OR CALCULATED CIVIL MONEY PENALTY. THE FEC WILL ONLY CONSIDER CHALLENGES THAT ARE BASED ON A FACTUAL ERROR, MISCALCULATION OF THE CALCULATED CIVIL MONEY PENALTY BY THE FEC, OR THE EXISTENCE OF EXTRAORDINARY CIRCUMSTANCES THAT PERSISTED FOR MORE THAN 48 HOURS THAT WERE BEYOND YOUR CONTROL AND PREVENTED YOU FROM FILING THE REPORT IN A TIMELY MANNER. YOUR RESPONSE MUST INCLUDE THE FACTUAL BASIS SUPPORTING THE REASON(S) AND SUPPORTING DOCUMENTATION. THE FEC STRONGLY ENCOURAGES THAT DOCUMENTS BE SUBMITTED IN THE FORM OF AFFIDAVITS OR DECLARATIONS. EXAMPLES OF CIRCUMSTANCES THAT WILL NOT BE CONSIDERED EXTRAORDINARY INCLUDE, BUT ARE NOT LIMITED TO, NEGLIGENCE, PROBLEMS WITH VENDORS OR CONTRACTORS, STAFF ILLNESS, COMPUTER FAILURES AND SIMILAR CIRCUMSTANCES. 11 C.F.R. 111.35(B)(1)(III) AND (4).

YOUR FAILURE TO RAISE AN ARGUMENT IN A TIMELY FASHION DURING THE ADMINISTRATIVE PROCESS SHALL BE DEEMED A WAIVER OF YOUR RIGHT TO PRESENT SUCH ARGUMENT IN A PETITION TO THE DISTRICT COURT UNDER 2 U.S.C. 437G. 11 C.F.R. 111.38.

IF YOU INTEND TO BE REPRESENTED BY COUNSEL, PLEASE ADVISE THE OFFICE OF ADMINISTRATIVE REVIEW. YOU SHOULD PROVIDE, IN WRITING, THE NAME, ADDRESS AND TELEPHONE NUMBER OF YOUR COUNSEL AND AUTHORIZE COUNSEL TO RECEIVE NOTIFICATIONS AND COMMUNICATIONS RELATING TO THIS CHALLENGE AND IMPOSITION OF THE CALCULATED CIVIL MONEY PENALTY.

IF YOU DO NOT PAY THE CALCULATED CIVIL MONEY PENALTY OR SUBMIT A CHALLENGE

IF YOU DO NOT PAY THE CALCULATED CIVIL MONEY PENALTY OR SUBMIT A WRITTEN RESPONSE, THE FEC WILL ASSUME THAT THE PRECEDING FACTUAL ALLEGATIONS ARE TRUE AND MAKE A FINAL DETERMINATION THAT CONTINENTAL AIRLINES INC EMPLOYEE FUND F AND YOU, AS TREASURER, VIOLATED 2 U.S.C. 434(A) AND ASSESS A CIVIL MONEY PENALTY.

UNPAID CIVIL MONEY PENALTIES ASSESSED THROUGH THE ADMINISTRATIVE FINE REGULATIONS WILL BE SUBJECT TO THE DEBT COLLECTION ACT OF 1982("DCA") AS AMENDED BY THE DEBT COLLECTION IMPROVEMENT ACT OF 1996, 31 U.S.C. 3701 ET SEQ. THE FEC MAY TAKE ANY AND ALL APPROPRIATE ACTION AUTHORIZED AND REQUIRED BY THE DCA, AS AMENDED, INCLUDING TRANSFER TO THE U.S. DEPARTMENT OF THE TREASURY FOR COLLECTION. 11 C.F.R. 111.45.

THIS MATTER WAS GENERATED BASED ON INFORMATION ASCERTAINED BY THE FEC IN THE NORMAL COURSE OF CARRYING OUT ITS SUPERVISORY RESPONSIBILITIES. 2 U.S.C. 437G(A)(2). IT WILL REMAIN CONFIDENTIAL IN ACCORDANCE WITH 2 U.S.C. 437G(A)(4)(B) AND 437G(A)(12)(A) UNTIL IT IS PLACED ON THE PUBLIC RECORD IN ACCORDANCE WITH 11 C.F.R. 111.42, UNLESS YOU NOTIFY THE FEC IN WRITING THAT YOU WISH THE


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WESTERN UNION COMMERCIAL SERVICES

MATTER TO BE MADE PUBLIC.

ADDITIONAL INFORMATION ON THE FEC'S ADMINISTRATIVE FINE PROGRAM, INCLUDING THE FINAL REGULATIONS, IS LOCATED AT THE FEC'S WEBSITE AT WWW.FEC.GOV. IF YOU HAVE QUESTIONS REGARDING THE PAYMENT OF THE CALCULATE CIVIL MONEY PENALTY, PLEASE CONTACT ALICE KANG IN THE REPORTS ANALYSIS DIVISION AT OUR TOLL FREE NUMBER (800)424-9530 (PRESS 1, THEN PRESS 2) OR (202)694-1130. IF YOU HAVE QUESTIONS REGARDING THE SUBMISSION OF A CHALLENGE, PLEASE CONTACT THE OFFICE OF ADMINISTRATIVE REVIEW AT OUR TOLL FREE NUMBER (800)424-9530 (PRESS 0, THEN EXT. 1660) OR (202)694-1660.

SINCERELY,

ELLEN L. WEINTRAUB
CHAIR

* * * * *
ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS

IN ACCORDANCE WITH THE SCHEDULE OF PENALTIES AT 11 C.F.R. 111.43, THE AMOUNT OF YOUR CIVIL MONEY PENALTY CALCULATED AT RTB IS \$2000 FOR THE 2002 12 DAY PRE-GENERAL REPORT.

PLEASE MAIL THIS REMITTANCE WITH A CHECK OR MONEY ORDER MADE PAYABLE TO THE FEDERAL ELECTION COMMISSION TO THE FOLLOWING ADDRESS:
FEDERAL ELECTION COMMISSION
P.O. BOX 952182
ST. LOUIS, MO 63195-2182

IF YOU CHOOSE TO SEND YOUR REMITTANCE AND PAYMENT BY COURIER OR OVERNIGHT DELIVERY, PLEASE USE THIS ADDRESS:
U.S. BANK - GOVERNMENT LOCKBOX
FEC #952182
1005 CONVENTION PLAZA
ST. LOUIS, MO 63101

THE REMITTANCE AND YOUR PAYMENT ARE DUE BY 05/17/2003. UPON RECEIPT OF YOUR REMITTANCE AND PAYMENT, THE FEC WILL SEND YOU A FINAL DETERMINATION LETTER.

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: CONTINENTAL AIRLINES INC EMPLOYEE FUND F

FEC ID#: C00101766

AF#: 812

PAYMENT DUE DATE: 05/17/2003

PAYMENT AMOUNT DUE: \$2000

DECLARATION OF SHAWN WOODHEAD WERTH

1. I am the Reviewing Officer in the Office of Administrative Review for the Federal Election Commission ("Commission"). In my capacity as Reviewing Officer, I supervise the research conducted with respect to all challenges submitted in accordance with the Administrative Fine program.
2. The 2002 12 Day Pre-General Report, covering the period October 1 through October 16, 2002, is due October 24, 2002. If electronically filed, it must be received and validated at or before 11:59 p.m., Eastern Standard/Daylight Time on October 24 to be timely filed.
3. It is the practice of the Commission's Information Division to send prior notification of a report's due date to committees and treasurers at their address of record approximately 3 weeks before the due date. It is also this Division's practice to send the FEC Record to committees and treasurers at their address of record.
4. It is the practice of the Commission's Information Technology Division to maintain an Administrative Fines section on the Commission's web site at <http://www.fec.gov/adminfines1.html> for the use of committees and treasurers. It is also the practice of this Division to maintain an Administrative Fine calculator on the Commission's web site at the Administrative Fines section for the use of committees and treasurers to calculate the civil money penalty.
5. I hereby certify that I have searched the Commission's public records and that the documents identified herein are true and accurate copies of the Summary Pages for the 2002 12 Day Pre-General Report electronically filed by Continental Airlines Inc. Employee Fund for a Better America and Rebecca Cox, as Treasurer. According to the Commission's records, the report covering the period October 1 through October 16, 2002, was received on November 5, 2002. On page 2 of the Summary Page, it lists total receipts for the period of \$15,671.76 on Line 6(c) and total disbursements for the period of \$14,300.00 on Line 7.
6. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at Washington on the 24th of November, 2003.



Shawn Woodhead Werth
Reviewing Officer
Office of Administrative Review
Federal Election Commission

Commissioners

New Chairman and Vice Chairman Elected

On December 13, 2001, the Commission elected David M. Mason as its Chairman and Karl J. Sandstrom as its Vice Chairman for 2002.

Chairman Mason, a Republican, was nominated to the Commission by President Clinton in 1998. Prior to his appointment, Mr. Mason served as Senior Fellow, Congressional Studies, at the Heritage Foundation. He joined Heritage in 1990 as Director of Executive Branch Liaison. In 1995 he became Vice President, Government Relations, and in 1997 he was designated Senior Fellow with a focus on research, writing and commentary on Congress and national politics.

Before joining the Heritage Foundation, Chairman Mason served as Deputy Assistant Secretary of Defense and also served on

Federal Election Commission
999 E Street, NW
Washington, DC 20463

800/424-9530
202/694-1100
202/501-3413 (FEC Faxline)
202/219-3336 (TDD for the
hearing impaired)

David M. Mason, Chairman
Karl J. Sandstrom, Vice Chairman
Danny L. McDonald,
Commissioner

Bradley Smith, Commissioner
Scott E. Thomas, Commissioner
Darryl R. Wold, Commissioner

James A. Pehrkon, Staff Director
Lawrence H. Norton, General
Counsel

Published by the Information
Division

Greg J. Scott, Acting Assistant
Staff Director
Amy Kort, Editor

<http://www.fec.gov>

the staffs of Senator John Warner, Representative Tom Bliley and then-House Republican Whip Trent Lott. He worked in numerous Congressional, Senatorial, Gubernatorial and Presidential campaigns, and was himself the Republican nominee for the Virginia House of Delegates in the 48th District in 1982.

Chairman Mason attended Lynchburg College in Virginia and graduated *cum laude* from Claremont McKenna College in California.

Vice-Chairman Sandstrom was also nominated to the Commission by President Clinton in 1998. Prior to his appointment, Vice-Chairman Sandstrom served as Chairman of the Administrative Review Board at the Department of Labor. From 1988 to 1992, he was Staff Director of the House Subcommittee on Elections, during which time he also served as the Staff Director of the Speaker of the House's Task Force on Electoral Reform. From 1979 to 1988, Vice-Chairman Sandstrom served as the Deputy Chief Counsel to the House Administration Committee of the House of Representatives.

Vice-Chairman Sandstrom received a B.A. degree from the University of Washington, a J.D. from George Washington University and a Masters of the Law of Taxation from Georgetown University Law Center. ♦

—Amy Kort

Reports

Reports Due in 2002

This article on filing requirements for 2002 is supplemented by the reporting tables on the following pages.

It is the responsibility of the committee treasurer to file required reports on time. To assist treasurers, the Commission sends committees

notices of upcoming reporting deadlines.

Under the Commission's mandatory electronic filing regulations, individuals and organizations¹ that receive contributions or make expenditures in excess of \$50,000 in a calendar year—or expect to do so—must file all reports and statements with the FEC electronically. Electronic filers who instead file on paper or submit an electronic report that does not pass the validation test will be considered nonfilers and may be subject to enforcement actions (including administrative fines).

Committees that file with the Secretary of the Senate² are not subject to the mandatory electronic filing rules, but may file an unofficial electronic copy of their reports with the FEC in order to speed disclosure. 11 CFR 104.18.

The Commission's electronic filing software, FECFile 4, can be downloaded from the FEC's web site at www.fec.gov (click on the Electronic Filing icon). Filers may also use commercial or privately-developed software as long as the software meets the Commission's format specifications, which are available on the Commission's web site.

Most paper forms are available at the FEC's web site (<http://www.fec.gov/reporting.html>) and from FEC Faxline, the agency's automated fax system (202/501-3413). The 2002 Reporting Schedule is also available on the FEC's web site (<http://www.fec.gov/pages/report.htm>). For more information on reporting, call the FEC at 800/424-9530 (press 1, then 3) or 202/694-1100.

(continued on page 4)

¹ The regulation covers individuals and organizations required to file reports with the Commission, including any person making an independent expenditure.

² See "Where to File" on page 10.

Guide to 2002 Reporting

All committees must also file a 2001 Year-End Report, due January 31, 2002.

Required Reports

Type of Filer	Semiannual	Quarterly	Monthly	Pre-Primary ¹	Pre-General	Post-General
House and Senate Campaigns of 2002 Candidates		✓		✓ required if candidate runs in election, even if unopposed	✓	✓
Other House and Senate Campaigns ²	✓					
Presidential Campaigns ³		✓	or ✓			
PACs and Party Committees Filing Monthly			✓		✓ filed in lieu of November and December monthly reports	✓
PACs and Party Committees Filing Quarterly ⁴		✓		✓ required only if committee makes contributions or expenditures in connection with a federal election during the reporting period ⁵	✓	✓ required regardless of activity

¹ Category also includes pre-convention and pre-runoff reports. For pre-election reporting dates, see the table on pages 5-8.

² Special election candidates must file additional reports pertaining to their special elections. See periodic Record announcements.

³ Presidential committees that wish to change their filing frequency during 2002 should notify the Commission in writing.

⁴ PACs and party committees that filed on a semiannual basis in 2001 file on a quarterly basis in 2002. To avoid the need to file pre-primary and pre-runoff reports, these committees may change to monthly filing if they first notify the Commission in writing. Committees may change filing frequency only once a year. 11 CFR 104.5(c).

⁵ A reporting period begins with the close of books for the last report filed and ends with the closing date for the applicable report.

Reports

(continued from page 2)

Year-End Reports Covering 2001 Activity

All committees must file a 2001 year-end report due January 31, 2002. The coverage and reporting dates are found in Table 1.

Reports Covering 2002 Activity

To find out which reports your committee must file in 2002, check the Guide to 2002 Reporting on page 3. Then check the tables on the following pages for reporting dates. Please note that committees active in special elections in 2002 may have to file additional special election reports, as explained on page 10.

Authorized Committees of Candidates

2002 House and Senate Candidates. Campaigns that raise or spend more than \$5,000 for the 2002 election cycle (and thus trigger registration and reporting requirements) must file quarterly reports throughout 2002, even if the candidate plans to retire, withdraws from the race prior to the primary election, loses the primary or drops out of the race prior to the general election. Committees must continue to file reports until the Commission notifies them in writing that their termination report has been accepted.

Authorized committees of 2002 House and Senate candidates file the following reports:

- Quarterly reports;
- A pre-primary report;
- Pre- and post-general election reports (if the candidate participates in the general election);
- A year-end report; and
- 48-hour notices on contributions of \$1,000 or more received less than 20 days, but more than 48 hours, before the day of each election in which the candidate participates.

(continued on page 9)

Table 1

2001 Year-End Report

Note: All committees file this report.

Report	Period Covered	Filing Date ¹
Year-End	Closing date of last report through 12/31/01	January 31, 2002

2002 Monthly Reports

Report	Period Covered	Filing Date ¹
February	January 1-31	February 20
March	February 1-28	March 20
April	March 1-31	April 20 ²
May	April 1-30	May 20
June	May 1-31	June 20
July	June 1-30	July 20 ²
August	July 1-31	August 20
September	August 1-31	September 20
October	September 1-30	October 20 ²
Pre-General ³	October 1-16	October 24
Post-General	Oct. 17-Nov. 25	December 5
Year-End	Nov. 26-Dec. 31	January 31, 2003

2002 Quarterly Reports

Report	Close of Books	Filing Date ¹
1st Quarter	March 31	April 15
2nd Quarter	June 30	July 15
3rd Quarter	September 30	October 15
Year-End	December 31	January 31, 2003

Pre- and Post-Election Reports for November 5 General Election

Report	Close of Books	Filing Date ¹
Pre-General ³	October 16	October 24
Post-General	November 25	December 5

¹ Reports sent by registered or certified mail must be postmarked by the filing date (except in the case of the pre-general election report). Reports sent by other means—including first class mail—must be received by the filing date. 11 CFR 104.5(e).

² Notice that this deadline falls on a Saturday or Sunday. Filing dates are not extended for weekends or holidays. Reports filed on paper or diskette should be received by the appropriate filing office the Friday before the filing date.

³ If sent by registered or certified mail, the pre-general must be postmarked by October 21.

Reports

(continued from page 4)

These notices are due within 48 hours of the committee's receipt of the contribution. 11 CFR 104.5(a)(1) and (f).³

Note: Committees are required to file election reports and 48-hour notices even if the candidate is unopposed in the election. Moreover, these reporting requirements still apply even if a primary or general election is not held because the candidate is unopposed or received a majority of votes in the previous election. However, no report is required for a primary election that is not held because the candidate was nominated by a caucus or convention,⁴ for which a pre-election report was filed. See 11 CFR 110.1(j). Also, a candidate who withdraws from the election before participating in the primary would not have to file a pre-primary report or other pre-election reports unless the candidate's name remained on the ballot.

Other House and Senate Candidates. Committees authorized by House and Senate candidates who ran or intend to run in a year other than 2002 file on a semiannual basis. 11 CFR 104.5(a)(2).

Presidential Candidates. All committees authorized by Presidential candidates must file on either a monthly or a quarterly schedule. A Presidential committee wishing to

change its filing schedule should notify the Commission in writing. 11 CFR 104.5(b)(2).

PACs and Party Committees

PACs (separate segregated funds and nonconnected committees) and party committees that filed on a semiannual basis during 2001 now file on a quarterly basis. Monthly filers continue on the monthly schedule. PACs and party committees may, however, change their filing schedule, as explained later in this section.

Note that all PACs, whichever schedule they follow, are subject to the 24-hour filing requirement for last-minute independent expenditures (also explained later).

Quarterly Filers. A PAC or party committee that files on a quarterly basis must file a post-general election report and a year-end report. 11 CFR 104.5(c)(1)(i) and (iii).

Additionally, quarterly filers may have to file pre-convention, pre-primary, pre-runoff and pre-general election reports (see the table on pages 5-8). The requirement to file a pre-election report is triggered if the committee makes a contribution or expenditure in connection with a federal election during the applicable reporting period. 11 CFR 104.5(c)(1)(ii). A reporting period begins the day after the close of books for the last report filed and continues through the close of books for the pre-election report.

Note that, although the FEC sends committees notices of upcoming reporting deadlines for quarterly reports and general election reports, the agency does not send PACs or party committees pre-election reporting notices for Congressional conventions, primaries or runoffs.

Monthly Filers. Unlike quarterly filers, PACs and party committees filing on a monthly basis do not file pre-election reports for conventions, primaries or runoff elections. They must, however, file pre- and post-

general election reports in lieu of the November and December monthly reports. Monthly filers must also file a year-end report. 11 CFR 104.5(c)(3).

Changing the Filing Schedule. PACs and party committees filing on a quarterly schedule may change to a monthly schedule in order to avoid having to file pre-convention, pre-primary and pre-runoff reports. Committees changing from a quarterly to a monthly schedule, or from a monthly to a quarterly schedule, must first notify the Commission in writing. The notification must accompany a report filed under the committee's current reporting schedule. A committee may change its filing frequency only once a year. 11 CFR 104.5(c).

24-Hour Reports on Independent Expenditures. Any PAC (including a monthly filer) that makes independent expenditures in connection with any federal election (convention, primary, runoff, general) may have to file a 24-hour report. This report is required when a committee makes independent expenditures aggregating \$1,000 or more less than 20 days, but more than 24 hours, before the day of the election. The report must be received within 24 hours after the expenditure is made. For more information on the 24-hour reporting requirement, see 11 CFR 104.4(b) and (c) and 104.5(g). See also "Where to File" (below) for special filing requirements.

Waiver of State Filing

Under the Commission's State Filing Waiver program, qualified states are relieved of the requirement to make paper copies of FEC reports available to the public. As a result, political committees no longer have to file copies of their

³ Since 48-hour notices do not have to be signed by the treasurer, paper filers may submit them by fax—other reports and statements may not be faxed. AO 1988-32. Committees, other than Senate committees, may also file their 48-hour notices online. For more information concerning online filing, visit the FEC web site at www.fec.gov and click on the Electronic Filing logo.

⁴ A pre-convention report is required only if the convention has authority to nominate. See 11 CFR 100.2(e).

(continued on page 10)

Reports

(continued from page 9)

federal reports at the state level in the states that have received the waiver.⁵ Committees in states not certified for the waiver must continue to file copies of their reports with the appropriate state election office. The addresses for the federal offices (FEC and Secretary of the Senate) appear in the instructions for the Summary Page of FEC Forms 3 and 3X. A list of state filing offices is available from the Commission.

Where to File

Committee treasurers must file FEC reports with the appropriate federal and state filing offices.

House Candidate Committees. Principal campaign committees of House candidates file with the FEC. 11 CFR 105.1. The principal campaign committee must simultaneously file a copy of each report and statement with the Secretary of State (or equivalent officer) of the state in which the candidate seeks (or sought) election *only* if that state has *not* been certified for a waiver. 2 U.S.C. §439(a)(2)(B). See footnote 5.

⁵ The Commission has certified that the following states and territories qualify for filing waivers: Alabama, American Samoa, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maine, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Virgin Islands, Washington, West Virginia, Wisconsin and Wyoming.

Senate Candidate Committees. Principal campaign committees of Senate candidates file with the Secretary of the Senate. 11 CFR 105.2. The principal campaign committee must simultaneously file a copy of each report and statement with the Secretary of State (or equivalent officer) of the state in which the candidate seeks (or sought) election *only* if that state has *not* been certified for a waiver. 2 U.S.C. §439(a)(2)(B). See footnote 5.

Presidential Committees. Principal campaign committees of Presidential candidates file with the FEC. 11 CFR 105.3. The principal campaign committee must simultaneously file a copy of each report and statement with the Secretary of State (or equivalent officer) of each state in which the committee makes expenditures *only* if that state has *not* been certified for a waiver. 11 CFR 108.2. See footnote 5.

Candidate Committees with More Than One Authorized Committee. If a campaign includes more than one authorized committee, the principal campaign committee files, with its own report, the reports prepared by the other authorized committees as well as a consolidated report (FEC Form 3Z). 11 CFR 104.3(f).

PACs and Party Committees. Generally, PACs and party committees file with the FEC. 11 CFR 105.4. However, committees supporting only Senate candidates, and the national Democratic and Republican senatorial committees, file with the Secretary of the Senate. 11 CFR 105. PACs and party committees that support candidates running in states not certified for the waiver must simultaneously file copies of reports and statements with the Secretary of State or equivalent officer. See footnote 5.

Election Cycle Reporting

Authorized candidate committees must aggregate receipts and disbursements on an election-cycle

basis, rather than on a calendar-year basis. 11 CFR 104.3.

Late Filing

The Federal Election Campaign Act does not permit the Commission to grant extensions of filing deadlines under any circumstances. Filing late reports can result in enforcement action by the Commission.

The agency pursues compliance actions against late-filers and nonfilers under the Administrative Fine program and on a case-by-case basis. For more information on the Administrative Fine program, visit the FEC web site at www.fec.gov and click on the Administrative Fine icon.

Committees Active in Special Elections

Committees authorized by candidates running in any 2002 special election must file pre- and post-election reports in addition to regularly-scheduled reports. 11 CFR 104.5(h). They are also required to comply with the 48-hour notice requirement for contributions of \$1,000 or more (including loans) received shortly before an election. See 11 CFR 104.5(f).

PACs and party committees supporting candidates running in special elections may also have to file pre- and post-election reports—unless they file on a monthly basis. 11 CFR 104.5(c)(3) and 104.5(h). All PACs are subject to 24-hour reporting of independent expenditures made shortly before an election. See 11 CFR 104.4(b) and (c) and 104.5(g).

When timing permits, the *Record* will alert committees to special election reporting dates. ♦

—Amy Kort

Record

October 2002

Federal Election Commission

Volume 28, Number 10

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Regulations

Notice of Proposed Rulemaking on Disclaimers, Fraudulent Solicitation, Civil Penalties and Personal Use of Campaign Funds

On August 29, 2002, the Commission published in the *Federal Register* a Notice of Proposed Rulemaking (NPRM) seeking comments on proposed regulations to implement provisions of the Bipartisan Campaign Reform Act of 2002 (BCRA). These provisions:

- Specify new requirements for disclaimers accompanying radio, television and print campaign communications;
- Expand the scope of the statutory prohibition on fraudulent misrepresentation;
- Increase the civil penalties for violating the ban on contributions in the name of another; and
- Codify several aspects of the current regulatory test for the permissible use of campaign funds by candidates and federal officeholders.

The proposed rules are available on the FEC web site at <http://www.fec.gov/register.htm> and were

(continued on page 3)

Reports

October Reporting Reminder

Committees should take note of the following due dates for October reports:

- Third Quarter reports for quarterly filers are due on October 15 (close of books, September 30);
- October monthly reports for monthly filers are due on October 20 (close of books, September 30); and
- Pre-general reports are due on October 24 (close of books, October 16). Candidate committees must file this report if their candidate is running in the general election. PACs and party committees that file quarterly must file this report if they make contributions or expenditures between the 1st and 16th of October in connection with a federal election. PACs and party committees that file on a monthly schedule must file a pre-general report in lieu of the scheduled November monthly report.

In addition to these reports, candidate committees may also have to file 48-hour notices of last-minute contributions, and PACs and party committees may need to file 24-

(continued on page 2)

Reports

(continued from page 1)

hour notices to disclose any last-minute independent expenditures.

Filing Electronically

Under the Commission's mandatory electronic filing regulations, individuals and organizations that receive contributions or make expenditures in excess of \$50,000 in a calendar year—or that expect to do so—must file *all* reports and statements with the FEC electronically. Electronic filers who instead file on paper or submit an electronic report that does not pass the validation test will be considered nonfilers and may be subject to enforcement actions (including administrative fines). If the report passes the validation test and is accepted, the filer will receive a faxed or e-mailed receipt; if a filer does not receive this receipt, he or she should assume that the report is not successfully filed.

Federal Election Commission
999 E Street, NW
Washington, DC 20463

800/424-9530
202/694-1100
202/501-3413 (FEC Faxline)
202/219-3336 (TDD for the
hearing impaired)

David M. Mason, Chairman
Karl J. Sandstrom, Vice Chairman
Danny L. McDonald,
Commissioner

Bradley A. Smith, Commissioner
Scott E. Thomas, Commissioner
Michael E. Toner, Commissioner

James A. Pehrkon, Staff Director
Lawrence H. Norton, General Counsel

Published by the Information
Division

**Greg J. Scott, Assistant Staff
Director**

Amy Kort, Editor

<http://www.fec.gov>

Senate committees and other committees that file with the Secretary of the Senate are not subject to the mandatory electronic filing rules, but may file an unofficial copy of their reports with the Commission in order to speed disclosure. 11 CFR 104.18.

Filing by Mail

All reports sent via first-class or overnight mail must be received by the Commission by the filing date, or by the Friday before if the due date falls on a weekend or federal holiday. Thus, in the case of the October monthly report, reports filed by first-class or overnight mail must be received by the Commission on or before Friday, October 18.

October monthly and quarterly reports sent by registered or certified mail must be postmarked by the filing date to be considered timely filed. The pre-general report, however, must have a registered or certified postmark on or before October 21 in order to be considered timely filed. A committee sending its reports via registered or certified mail should keep its mailing receipt with the U.S. Postal Service postmark as proof of filing. The U.S. Postal Service does not keep complete records of items sent by certified mail.

Please note that the Postal Service continues to irradiate mail directed to many federal agencies, including the FEC. This process has not only delayed mail delivery, but it has also damaged and in some cases destroyed pieces of mail. As a result, committees that file reports with the Commission may want to consider submitting their reports by some means other than regular U.S. mail. Alternative methods include:

- Electronic filing;
- Overnight mail delivery; and
- Hand delivery.

If you use one of these alternate methods, your report must be

received by the Commission on or before the filing date to be timely filed (or by October 18 for the October monthly report). Committees that choose to file electronically can download free FECFile software from the FEC web site at <http://www.fec.gov/electfil/electron.html>, and may contact the Commission's Electronic Filing office for assistance at 800/424-9530 or 202/694-1307.

Additional Information

For more information on 2002 reporting dates:

- See the reporting tables in the *January 2002 Record*, page 4;
- Call and request the reporting tables from the FEC at 800/424-9530 (press 1, then 3) or 202/694-1100;
- Fax the reporting tables to yourself using the FEC's Faxline (202/501-3413, document 586); or
- Visit the FEC's web page at <http://www.fec.gov/pages/report.htm> to view the reporting tables online. ♦

—Amy Kort

Federal Register

Federal Register notices are available from the FEC's Public Records Office, on the FEC web site at <http://www.fec.gov/register.htm> and from the FEC faxline, 202/501-3413.

Notice 2002-15

Notice of Proposed Rulemaking on Disclaimers, Fraudulent Solicitation, Civil Penalties and Personal Use of Campaign Funds (67 FR 55348, August 29, 2002).

Notice 2002-16

Notice of Proposed Rulemaking on Coordinated and Independent Expenditures (67 FR 60042, September 24, 2002).

Administrative Fine Calculator

[Click Here for Instructions](#)

☒ Election Sensitive Report

☐ 48-Hour Notice

☒ Late Filer ☐ Non-Filer

15671.00 Total Receipts

14300.00 Total Disbursements

12 Number of Days Late

0 Number of Previous Violations

Calculate Fine

Reset

\$29971.00 Total Receipts & Disbursements

\$900.00 Total Fine

[Administrative Fine Web Page](#)

Step-by-Step Instructions:

Administrative Fine Calculator

[Click Here for Instructions](#)

☒ Election Sensitive Report

☐ 48-Hour Notice

☒ Late Filer ☐ Non-Filer

15671.00 Total Receipts

14300.00 Total Disbursements

- N/A - Number of Days Late

0 Number of Previous Violations

Calculate Fine

Reset

\$29971.00 Total Receipts & Disbursements

\$2000.00 Total Fine

[Administrative Fine Web Page](#)

Step-by-Step Instructions:

1. Select 48-Hour Notice or Election Sensitive Report if applicable.
2. Choose Late Filer or Non-filer. (If you selected "48-Hour Notice" in Step 1, you may skip this step.)
3. Enter Total Receipts, Total Disbursements, Number of Days Late and Number of Previous Violations. If "N/A" appears in a field, it is not necessary to enter a figure for that item.
4. Click the "Calculate Fine" button.

[Back to Calculator](#)

48-Hour Notice (FEC Form 6)

Check this box if the late/non-filed report is a 48-hour notice. (A candidate's campaign committee must file 48-hour notices to disclose contributions of \$1,000 or more received less than 20 days but more than 48 hours before any election in which the candidate participates.)

When calculating an administrative fine related to 48-hour notices, the number of days late and total disbursements are not relevant. As a result, when you check the "48-Hour Notice" box, "N/A" will automatically appear in those fields.

[Back to Calculator](#)

Election Sensitive Report

Click the "Election Sensitive Report" check box if the late/non-filed report is the:

- October quarterly report;
- October monthly report; or
- Pre-election report for a primary, general or special election.

For all other reports, leave the "Election Sensitive Report" box unchecked.

[Back to Calculator](#)

Late filer or Non-filer

For Non-Election Sensitive Reports:

In the case of nonsensitive reports, a committee will be considered a late filer if it files its report within 30 days after the due date, and a non-filer if it files its report later than that.

For Election-Sensitive Reports

In the case of election-sensitive reports, a committee will be considered a late filer if it files a report after its due date, but more than four days before the applicable election; a committee that files later than that will be considered a non-filer.

[Back to Calculator](#)

Total Receipts

For Late Filers:

Enter the total receipts from the Detailed Summary
Page of the late-filed report.

For Non-Filers:

Because the report has not been filed, the total receipts
are unknown. As a result, you must enter the
committee's average total receipts for the current
election cycle. This is derived by dividing the total
receipts reported in the current election cycle by the
number of reports filed during the cycle.

For 48-Hour Notices:

Enter the dollar amount of the contribution(s) that
would have appeared on the 48-hour notice.

[Back to Calculator](#)

Total Disbursements

For Late Filers:

Enter the total disbursements from the Detailed Summary Page of the late-filed report.

For Non-Filers:

Because the report has not been filed, the total disbursements are unknown. As a result, you must enter the committee's average total disbursements for the current election cycle. This is derived by dividing the total disbursements reported in the current election cycle by the number of reports filed during the cycle.

For 48-Hour Notices:

Since 48-Hour notices disclose only receipts, "N/A" will automatically appear in the "Total Disbursements" field.

[Back to Calculator](#)

Number of Days Late

For Late Filers:

Enter the number of days past the filing deadline that the report was filed.

For Non-Filers and 48-Hour Notices:

The number of days late is not a factor. N/A will automatically appear in the Number of Days Late field.

[Back to Calculator](#)

Number of Previous Violations

Enter the number of previous administrative fines during the current and most recently completed two-year election cycle.

[Back to Calculator](#)

Last updated 08/01/2000

FEC
FORM 3XREPORT OF RECEIPTS
AND DISBURSEMENTS
For Other Than An Authorized Committee

Office Use Only

1. NAME OF COMMITTEE (in full) **USE FEC MAILING LABEL OR TYPE OR PRINT** Example: If typing, type over the lines

CONTINENTAL AIRLINES INC EMPLOYEE FUND FOR A BETTER AMERICA (FKA CONTINENTAL HOL-
DINGS PA)

ADDRESS (number and street) 1000 Smith Street, 19th Floor

Check if different than previously reported. (ACC) Houston TX 77002

2. FEC IDENTIFICATION NUMBER CITY STATE ZIP CODE

C00101766

3. IS THIS REPORT X NEW (N) OR AMENDED (A)

4. TYPE OF REPORT (Choose One)

(a) Quarterly Reports:

Report Type	Due On:	Feb 20 (M2)	May 20 (M5)	Aug 20 (M8)	Nov 20 (M11) (Non-Election Year Only)
April 15 Quarterly Report (Q1)	Mar 20 (M3)	Jun 20 (M6)	Sep 20 (M9)	Dec 20 (M12) (Non-Election Year Only)	
July 15 Quarterly Report (Q2)	Apr 20 (M4)	Jul 20 (M7)	Oct 20 (M10)	Jan 31 (M13)	
October 15 Quarterly Report (Q3)					
January 31 Quarterly Report (YE)					
July 31 Mid-Year Report (Non-election Year Only) (MY)					
Termination Report (TER)					

(b) Monthly Report Due On:

(c) 12-Day PRE-Election Report for the:

Primary (12P) X General (12G) Runoff (12R)

Convention (12C) Special (12S)

(d) 30-Day Post-Election Report for the:

General (30G) Runoff (30R) Special (30S)

Election on 11 05 2002 in the State of

5. Covering Period 10 01 2002 through 10 18 2002

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer Rebecca Cox

Signature of Treasurer Electronically Filed by Rebecca Cox Date 11 05 2002

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. 437g.

Office
Use
OnlyFEC FORM 3X
(Revised 1/2001)

SUMMARY PAGE

OF RECEIPTS AND DISBURSEMENTS

FEC Form 3X (Revised 1/2001)

Page 2

Write or Type Committee Name

CONTINENTAL AIRLINES INC EMPLOYEE FUND FOR A BETTER AMERICA (FKA CONTINENTAL HOLDINGS PA

Report Covering the Period:

From:

10 01 2002

To:

10 16 2002

	COLUMN A This Period	COLUMN B Calendar Year-to-Date
6. (a) Cash on Hand January 1 2002		224022.33
(b) Cash on Hand at Beginning of Reporting Period	237056.92	
(c) Total Receipts (from Line 19)	15671.76	195498.73
(d) Subtotal (add lines 6(b) and 6(c) for Column A and Lines 6(a) and 6(c) for Column B)	252728.68	419521.06
7. Total Disbursements (from Line 30)	14300.00	181092.38
8. Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d))	238428.68	238428.68
9. Debts and Obligations owed TO the committee (itemize all on Schedule C and/or Schedule D)	0.00	
10. Debts and Obligations owed BY the committee (itemize all on Schedule C and/or Schedule D)	0.00	

X This Committee has qualified as a multicandidate committee. (see FEC FORM 1M)

For further information contact:

Federal Election Commission
999 E street, NW
Washington, DC 20483

Toll Free 800-424-9530
Local 202-694-1100



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2003 DEC -9 A 9 15

December 9, 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# 812 - CONTINENTAL AIRLINES INC. EMPLOYEE FUND
FOR A BETTER AMERICA AND REBECCA COX, AS
TREASURER (C00101766)

On April 7, 2003, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that the Continental Airlines Inc. Employee Fund for a Better America and Rebecca Cox, as Treasurer ("respondents"), violated 2 U.S.C. § 434(a) for failing to file the 2002 12 Day Pre-General Report. The report was filed on November 5, 2002, 12 days late, and was considered not filed for purposes of the civil money penalty calculation. As a result, on April 7, 2003, the Commission also made a preliminary determination that the civil money penalty was \$2,000 based on the schedule of penalties at 11 C.F.R. § 111.43.

On May 8, 2003, the Commission received the respondents' written response ("challenge"). After reviewing the challenge, the Reviewing Officer's recommendation dated November 24, 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 \$2,000 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 12 Day Pre-General 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 \$2,000 civil money penalty.

OAR Recommendations

- (1) Make a final determination in AF# 812 that the Continental Airlines Inc. Employee Fund for a Better America and Rebecca Cox, as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$2,000; and
- (2) Send the appropriate letter.



FEDERAL ELECTION COMMISSION
Washington, DC 20463

Weath
SENSITIVE

DATE & TIME OF TRANSMITTAL: Tuesday, December 09, 2003 11:00

BALLOT DEADLINE: Friday, December 12, 2003 4:00

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

SUBJECT: **Final Determination Recommendation in AF #812 -Continental Airlines Inc. Employee Fund for a Better America and Rebecca Cox, as Treasurer (C00101766). Memorandum from the Reviewing Officer and Office of Administrative Review dated December 9, 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)
)
Continental Airlines Inc. Employee) AF #812
Fund for a Better America and)
Rebecca Cox, as Treasurer)
(C00101766) - Final Determination)
Recommendation.)

CERTIFICATION

I, Mary W. Dove, Secretary of the Federal Election Commission, do hereby certify that on December 12, 2003 the Commission decided by a vote of 6-0 to take the following actions in AF #812:

1. Make a final determination in AF #812 that the Continental Airlines Inc. Employee Fund for a Better America and Rebecca Cox, as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$2,000.
2. Send the appropriate letter, as recommended in the Reviewing Officer's Memorandum dated December 9, 2003.

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

Attest:

December 12, 2003
Date

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

CONFIRMATION OF CMGM

WESTERN UNION COMMERCIAL SERVICES
TO: REBECCA COX, TREASURER
CONTINENTAL AIRLINES INC. EMPLOYEE FUND
1600 SMITH ST 18TH FL HQSGV
HOUSTON TX 77002-7362

FEDERAL ELECTION COMMISSION
MARY SEILER
999 E ST NW # 709
WASHINGTON DC 20463

FEDERAL ELECTION COMMISSION
999 E STREET, NW
WASHINGTON, DC 20463

DECEMBER 15, 2003

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

REBECCA COX, TREASURER
CONTINENTAL AIRLINES INC. EMPLOYEE
FUND FOR A BETTER AMERICA
1600 SMITH STREET, 18TH FLOR HQSGV
HOUSTON, TX 77002

ID# C00101766
AF# 812

DEAR MS. COX:

ON APRIL 7, 2003, THE FEDERAL ELECTION COMMISSION ("THE COMMISSION") FOUND REASON TO BELIEVE ("RTB") THAT THE CONTINENTAL AIRLINES INC. EMPLOYEE FUND FOR A BETTER AMERICA AND YOU, AS TREASURER, VIOLATED 2 U.S.C. 434(A) FOR FAILING TO FILE THE 2002 12 DAY PRE-GENERAL REPORT. BY LETTER DATED APRIL 10, 2003, THE COMMISSION SENT YOU NOTIFICATION OF THE RTB FINDING THAT INCLUDED A CIVIL MONEY PENALTY CALCULATED AT RTB OF \$2,000 IN ACCORDANCE WITH THE SCHEDULE OF PENALTIES AT 11 C.F.R. 111.43. ON MAY 8, 2003, THE OFFICE OF ADMINISTRATIVE REVIEW RECEIVED YOUR WRITTEN RESPONSE ("CHALLENGE") CHALLENGING THE CIVIL MONEY PENALTY CALCULATED AT RTB.

THE REVIEWING OFFICER REVIEWED THE COMMISSION'S RTB FINDING AND SUPPORTING DOCUMENTATION AND YOUR WRITTEN RESPONSE AND RECOMMENDED IN A REPORT DATED NOVEMBER 24, 2003, THAT THE COMMISSION MAKE A FINAL DETERMINATION THAT THE CONTINENTAL AIRLINES INC. EMPLOYEE FUND FOR A BETTER AMERICA AND YOU, AS TREASURER, VIOLATED 2 U.S.C. 434(A) AND ASSESS A CIVIL MONEY PENALTY OF \$2,000. THE BASIS FOR THE REVIEWING OFFICER'S RECOMMENDATION WAS INCLUDED IN THE FINAL

WESTERN UNION COMMERCIAL SERVICES

DETERMINATION REPORT, A COPY OF WHICH WAS SENT TO YOU ON NOVEMBER 25, 2003.

ON DECEMBER 5, 2003, THE COMMISSION RECEIVED YOUR PAYMENT OF THE CIVIL MONEY PENALTY RECOMMENDED BY THE REVIEWING OFFICER. THEREFORE, THE COMMISSION ADOPTED THE REVIEWING OFFICER'S RECOMMENDATION AND MADE A FINAL DETERMINATION ON DECEMBER 12, 2003 THAT THE CONTINENTAL AIRLINES INC. EMPLOYEE FUND FOR A BETTER AMERICA AND YOU, AS TREASURER, VIOLATED 2 U.S.C. 434(A), AND ASSESSED A CIVIL MONEY PENALTY IN THE AMOUNT OF \$2,000 IN ACCORDANCE WITH 11 C.F.R. 111.43.

BECAUSE OF THE RESTRICTIONS RECENTLY PLACED ON THE COMMISSION IN AFL-CIO V. FEC, 177 F. SUPP. 2D 48 (D.D.C. 2002), THE PUBLIC RECORD FILE IN THIS MATTER WILL CONSIST OF THE OFFICE OF ADMINISTRATIVE REVIEW'S MEMORANDUM RECOMMENDING FINAL DETERMINATION, THE CERTIFICATION OF THE COMMISSION'S VOTE ON FINAL DETERMINATION AND A COPY OF THE CHECK OR MONEY ORDER, REDACTED AS APPROPRIATE, USED TO PAY THE CIVIL MONEY PENALTY.

IF YOU HAVE ANY QUESTIONS REGARDING THIS MATTER, PLEASE CONTACT SHAWN WOODHEAD WERTH ON OUR TOLL FREE NUMBER (800)424-9530 (PRESS 0, THEN EXT. 1660) OR (202)694-1660.

SINCERELY,

ELLEN L. WEINTRAUB
CHAIR

FOR: CONTINENTAL AIRLINES INC EMPLOYEE FUND F

FEC ID#: C00101766

AF#: 812

PAYMENT DUE DATE: 05/17/2003

Mail your money on your side for Western Union's toll-free number

QUALITY IS OUR PRIORITY FOR LOCKBOX 2182
SEQ# 001 \$ 0000200000 BA# 1 12-05-03 20 9

usbancorp.
The Sun Bank Company

CONTINENTAL AIRLINES INC
EMPLOYEE FUND FOR A BETTER
AMERICA POLITICAL ACTION
COMMITTEE

State Street Bank and Trust Company
Boston, Massachusetts 02101

939

Date 12/2/03

6-2/110

Pay to the order of Federal Election Commission \$2,000.00
Two Thousand & 00/100 Dollars

NOT VALID FOR LESS THAN \$500.00

TRowellHice
INVEST WITH CONFIDENCE

Summit Cash Reserves Fund

For FEC ID# C00101766

Rebecca Cox

THIS IS THE END OF ADMINISTRATIVE FINE CASE

812

DATE FILMED 2/26/04 CAMERA NO. 3

CAMERAMAN ESS