

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE

# 862

DATE FILMED 12-30-03

CAMERA NO. 4

CAMERAMAN J.E.G.

1084 152 10 23 04 254 484



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
SECRETARIAT

November 7, 2003 - 7 P 1 05

MEMORANDUM

**SENSITIVE**

TO: THE COMMISSION

THROUGH: JAMES A. PEHRKON *[Signature]*  
STAFF DIRECTOR

ALISON L. DOONE *[Signature]*  
DEPUTY STAFF DIRECTOR

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

SUBJECT: FINAL DETERMINATION RECOMMENDATION IN  
AF# 862 - KENNECOTT HOLDINGS CORPORATION  
POLITICAL ACTION COMMITTEE A/K/A KENNECOTT PAC  
AND ADRIAN F. JACKMAN, AS TREASURER (C00243675)

On April 29, 2003, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that the Kennecott Holdings Corporation Political Action Committee A/K/A Kennecott PAC and Adrian F. Jackman, as Treasurer ("the respondents"), violated 2 U.S.C. § 434(a) for failing to file the 2002 12 Day Pre-General Report. Although they did not file the 12 Day Pre-General Report, the respondents did file the 30 Day Post General Report. The 30 Day Post General Report included the 12 Day Pre-General reporting period of October 1 through October 16, 2002. It was received on November 26, 2002, 33 days after the due date for the 12 Day Pre-General Report, or 33 days late. As a result, on April 29, 2003, the Commission also made a preliminary determination that the civil money penalty was \$1,000 based on the schedule of penalties at 11 C.F.R. § 111.43.

On June 9, 2003, the Commission received the respondents' written response and supporting documentation ("challenge"). On June 11, 2003, the respondents paid the RTB civil money penalty. After reviewing the challenge, the Reviewing Officer's recommendation dated October 20, 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 \$1,000 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.

Within 10 days of transmittal of the recommendation, the respondents may file a written response with the Commission Secretary which may not raise any arguments not raised in the respondents' challenge or not directly responsive to the Reviewing Officer's recommendation. 11 C.F.R. § 111.36(f). As of this date, a written response has not been received from the respondents. As noted above, the respondents paid the civil money penalty.

#### **OAR Recommendations**

- (1) Make a final determination in AF# 862 that the Kennecott Holdings Corporation Political Action Committee A/K/A Kennecott PAC and Adrian F. Jackman, as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$1,000; and
- (2) Send the appropriate letter.

Reviewing Analyst: Jennifer H. Boyt



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

*Werth*  
**SENSITIVE**

DATE & TIME OF TRANSMITTAL: Monday, November 10, 2003 11:00

BALLOT DEADLINE: Friday, November 14, 2003 4:00

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

SUBJECT: **Final Determination Recommendation in AF #862  
Kennecott Holdings Corporation Political Action  
Committee A/K/A Kennecott PAC and Adrian F.  
Jackman, as Treasurer (C00243675). Memorandum  
from the Reviewing Officer dated November 7, 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 )  
 )  
Kennecott Holdings Corporation ) AF #862  
Political Action Committee A/K/A )  
Kennecott PAC and Adrian F. Jackman, )  
as Treasurer (C00243675) - Final )  
Determination Recommendation. )

CERTIFICATION

I, Mary W. Dove, Secretary of the Federal Election Commission, do hereby certify that on November 14, 2003 the Commission decided by a vote of 6-0 to take the following actions in AF #862:

1. Make a final determination in AF #862 that the Kennecott Holdings Corporation Political Action Committee A/K/A Kennecott PAC and Adrian F. Jackman, as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$1,000.00.
2. Send the appropriate letter, as recommended in the Reviewing Officer's Memorandum dated November 7, 2003.

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

Attest:

November 14, 2003  
Date

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

QUALITY IS OUR PRIORITY FOR LOCKBOX 2182  
SEQ# 005 \$ 0000100000 BA# 1 06-11-03 20 9



KENNECOTT EXPLORATION COMPANY

Wells Fargo Bank, N.A.  
SALT LAKE CITY UT 84111

28769

DATE	CHECK NO.	AMOUNT
6/8/2003	28769	**\$1,000.00**

PAY One Thousand Dollars and 00 Cents

PAY  
TO THE  
ORDER  
OF

FEDERAL ELECTION COMMISSION  
US BANK - GOVERNMENT LOCKBOX  
1005 CONVENTION PLAZA  
ST. LOUIS MO 63101

*Cheryl Lenker*  
TWO SIGNATURES REQUIRED

*Paul R. Miller*  
NOT VALID AFTER 180 DAYS

US Bank

THIS IS THE END OF ADMINSTRATIVE FINE CASE

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DATE FILMED 12-30-03

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CAMERAMAN S.E.G.

23 "04" 254 "4807

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#### **OAR Recommendations**

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Reviewing Analyst: Jennifer H. Boyt



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Secretary of the Commission

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