

THIS IS THE BEGINNING OF ADMINSTRATIVE FINE CASE  
# 889

DATE FILMED 4-24-04 CAMERA NO. 3

CAMERAMAN S.E.G



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
SECRETARIAT

2003 APR 23 P 3: 58

April 23, 2003

**SENSITIVE**

MEMORANDUM

TO: THE COMMISSION

THROUGH: JAMES A. PEHRKON *JP*  
STAFF DIRECTOR

ROBERT J. COSTA *RC*  
DEPUTY STAFF DIRECTOR

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

SUBJECT: REASON TO BELIEVE RECOMMENDATION -  
12 DAY PRE-GENERAL AND 30 DAY POST-GENERAL  
REPORTS FOR THE ADMINISTRATIVE FINES  
PROGRAM

Attached are two lists of political committees and their treasurers who failed to file or timely file the 2002 12 Day Pre-General and/or the 2002 30 Day Post-General Reports in accordance with 2 U.S.C. 434(a). The 12 Day Pre-General list is comprised of unauthorized committees filing quarterly that made general election contributions or expenditures from October 1, 2002 through October 16, 2002. The 30 Day Post-General list is comprised of authorized committees whose candidates sought election in the November 5th General Election, as well as unauthorized committees filing either quarterly or monthly.

On September 30, 2002, Prior Notice was sent to the political committees and their treasurers, informing them that the 12 Day Pre-General Report was due on October 24, 2002 and should cover the period from October 1, 2002 through October 16, 2002. The same Prior Notice informed the committees that the 30 Day Post-General Report was due on December 5, 2002 and should cover the period

from October 17, 2002 to November 25, 2002 or from October 1, 2002 through November 25, 2002, if the 12 Day Pre-General Report was not required. On November 8, 2002, a reminder notice was sent to the committees.

The committees appearing on the 12 Day Pre-General Report list either filed the report more than five (5) days after the due date or failed to file the report prior to four (4) days before the General Election (considered a non-filed report). The committees appearing on the 30 Day Post-General Report list either failed to file the report, filed the report more than five (5) days after the due date or filed the report more than thirty (30) days after the due date (considered a non-filed report). In accordance with 11 C.F.R. 111.43, these committees should be assessed the civil money penalties included on the attached lists.

As noted above, this circulation includes unauthorized committees filing quarterly that failed to file or failed to timely file the 12 Day Pre-General Report. Unlike unauthorized committees that file on a monthly basis, a quarterly filer need only file this report if it made general election contributions or expenditures between the dates of October 1, 2002 and October 16, 2002. In order to accurately identify the committees for administrative fines purposes, the Reports Analysis Division (RAD) used the following procedures and criteria:

- Every 12 Day Pre-General Report (12 Day Report) submitted by an unauthorized quarterly filer was reviewed to ensure that it disclosed general election contributions or expenditures made during the coverage dates of the report. Any report meeting this definition that was filed late is included in the list. Any report not disclosing general election contributions or expenditures during this period is not included in the list, as it is not a required filing.
- Every 30 Day Post-General Report (30 Day Report) submitted by an unauthorized quarterly filer that covered the period from October 1, 2002 through November 25, 2002 (56 days), was reviewed for activity which would have required the filing of a 12 Day Report. If our research indicated that the 12 Day Report was required, we utilized a two-step method to arrive at the estimated level of activity on which to base the fine amount. First, we found the per diem level of activity by dividing the total amount of activity on the report by 56 days; second, we multiplied that quotient by 16 days. If the same committee also failed to file the 30 Day Report in a timely manner, we based the 30 Day Report fine on the amount of the remaining level of activity. We arrived at this amount by subtracting the estimated level of activity for the 12 Day Report from the total amount of activity on the 30 Day Report. In these cases, the committees will appear on both lists and will be assessed a fine for

both the 12 Day and 30 Day Reports based on the estimated levels of activity described above.

- We discovered several instances of overlapping reporting periods which resulted in duplicate activity. This was most prevalent with unauthorized monthly filers that submitted monthly reports in addition to the 30 Day Reports. For example, a committee files its November Monthly Report on November 20, 2002, covering October 1, 2002 through October 31, 2002. It then files its 30 Day Report on January 4, 2003, thirty days late. Its 30 Day Report covers part of its previously-filed November Report (October 17 through October 31) which was actually filed before the due date of the 30 Day Report. In such instances, we excluded the amount of previously-disclosed activity and based the civil money penalty on the estimated level of per diem activity that was not disclosed timely. We applied this same logic where a monthly filer failed to file the 30 Day Report altogether, but filed monthly reports covering the activity of the 30 Day reporting period.
- Rather than filing a 12 Day Report or a 30 Day Report, some committees filed a Year End Report covering October 1, 2002 through December 31, 2002. Here, we based the fine on the estimated level of per diem activity occurring within the dates of the 12 Day Report, if required, and/or the 30 Day Report.
- In instances where committees used improper coverage dates which extended into the next reporting period, we excluded this activity before calculating the civil money penalty. For example, if a committee filed an October Quarterly Report but improperly extended the coverage period into the month of October, RAD excluded the estimated amount of per diem activity when calculating the fine amount for the 30 Day Report, because that portion of activity was timely reported.

### **Recommendation**

1. Find reason to believe that the political committees and their treasurers listed on the RTB Circulation Reports 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 Reports.
2. Send the appropriate letters.

## **12 DAY PRE-GENERAL REPORT**

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FEDERAL ELECTION COMMISSION 2003-2004  
Reason to Believe Circulation Report  
2002 12 DAY PRE-GENERAL

AF #	COMMITTEE NAME	COMMITTEE ID	TREASURER	RECEIPT DATE	DAYS LATE	LEVEL OF ACTIVITY	THRESHOLD AMOUNT	STATE	CANDIDATE NAME	SENSITIVE	PREVIOUS VIOLATIONS	CIVIL MONEY PENALTY
AF00839	COUNTRYWIDE CREDIT INDUSTRIES INC PAC (COUNTRYWIDE PAC)		Sidney Lenz			\$19,198	\$259,365			Yes	1	\$406
AF00840	U.S. BANCORP POLITICAL PARTICIPATION PROGRAM		Michele G Johnson			\$30,437	\$1,019,239			Yes	0	\$650
AF00841	ACPAC ACA INTERNATIONAL POLITICAL ACTION COMMITTEE		THOMAS CIESLUKOWSKI			\$7,600	\$191,704			Yes	0	\$1,000
AF00842	AMERICAN ASSOCIATION OF PHYSICIAN SPECIALIST INC POLITICAL ACTION GA		STEPHEN A MONTES			\$1,192 (est)	\$126,348			Yes	0	\$1,000
AF00843	AMERICAN CENTURY CO INC POLITICAL ACTION CMTE (AKA AMERICAN CENTU MO		WILLIAM B BATES			\$8,429	\$142,111			Yes	0	\$1,000
AF00844	AMERICAN NURSERY AND LANDSCAPE ASSOCIATION - POLITICAL ACTION COM DC		Meredith, John Mr.			\$14,650	\$213,894			Yes	0	\$1,000
AF00845	AMERICAN SOCIETY OF CATARACT & REFRACTIVE SURGERY POLITICAL ACTIO VA		BERNARD J DELLARIO			\$7,250	\$156,289			Yes	1	\$1,250
AF00846	AMERICAN SPEECH-LANGUAGE-HEARING ASSOCIATION POLITICAL ACTION COM MD		FREDERICK T SPAHR			\$19,936 (est)	\$411,408			Yes	0	\$1,000
AF00847	BI-COUNTY POLITICAL ACTION COMMITTEE (FKA SUFFOLK PAC)		IRA LAMEL			\$14,551 (est)	\$195,547			Yes	1	\$1,250
AF00848	CABLEVISION SYSTEMS CORPORATION POLITICAL ACTION COMMITTEE NY		SHEILA MAHONY			\$15,029 (est)	\$352,386			Yes	0	\$1,000

FEDERAL ELECTION COMMISSION 2003-2004  
Reason to Believe Circulation Report  
2002 12 DAY PRE-GENERAL

AF #	COMMITTEE NAME COMMITTEE ID RECEIPT DATE	TREASURER DAYS LATE	LEVEL OF ACTIVITY	THRESHOLD AMOUNT	STATE	CANDIDATE NAME SENSITIVE	PREVIOUS VIOLATIONS	CIVIL MONEY PENALTY
AF00849	COLONIAL BANCGROUP INC FEDERAL POLITICAL ACTION COMMITTEE (COLONI AL C00309526 11/01/2002	GLENDA ALLRED Not Filed	\$2,745	\$134,887		Yes	0	\$1,000
AF00850	CONGRESSIONAL BLACK CAUCUS POLITICAL ACTION COMMITTEE(CBC-PAC) C00147512 12/06/2002	Arthur R. Collins Not Filed	\$35,359	\$514,144	DC	Yes	1	\$2,500
AF00851	DAVITA PAC C00340943 11/22/2002	Udicious, Steven Not Filed	\$4,250	\$139,085	CA	Yes	0	\$1,000
AF00852	DENEY BALLANTINE LLP POLITICAL ACTION COMMITTEE C00330258 12/09/2002	Dowley, Joseph Mr. Not Filed	\$2,002	\$120,817	DC	Yes	0	\$1,000
AF00853	DORSEY NATIONAL FUND C00018945 11/22/2002	SCOTT COTIE Not Filed	\$3,000	\$169,153	MN	Yes	1	\$1,250
AF00854	FLORIDA SUGAR CANE LEAGUE PAC C00012328 01/09/2003	Yancey III, F. D. Not Filed	\$500	\$299,780	DC	Yes	3	\$1,750
AF00855	FOREST LANDOWNERS ASSOCIATION INC. POLITICAL ACTION COMMITTEE C00242040 11/01/2002	Summer, Robert D. Not Filed	\$11,800	\$214,330	GA	Yes	0	\$1,000
AF00856	GLASS, MOLDERS, POTTERY, PLASTICS & ALLIED WORKERS INTERNATIONAL PA C00011189 11/20/2002	JOSEPH MITCHELL, SR. Not Filed	\$4,195	\$111,230	PA	Yes	0	\$1,000
AF00857	GOOD GOVERNMENT FOR AMERICA C00317479 12/04/2002	Thomson, Gary Mr. Not Filed	\$129,607	\$700,626	VA	Yes	0	\$5,000
AF00858	HEARTLAND PAC FKA: YOUNGSTOWN C00131557 12/05/2002	DAVID B. ORLEAN Not Filed	\$5,571 (est)	\$128,726	OH	Yes	0	\$1,000

FEDERAL ELECTION COMMISSION 2003-2004  
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2002 12 DAY PRE-GENERAL

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AF00859	INDIANA DENTAL PAC	C00082636	11/01/2002	RAYMOND M MADDOX Not Filed	\$9,064	\$119,349	IN	Yes	1		\$1,250
AF00860	INTERNATIONAL FEDERATION/PROFESSIONAL	C00164509	11/06/2002	DOLORES A GORCZYCA Not Filed	\$9,723	\$123,272	MD	Yes	0		\$1,000
AF00861	JONES, WALKER, WAECHTER, POITEVENT, CARRERE & DENEGRÉ POLITICAL A	C00111534	11/06/2002	R PATRICK VANCE Not Filed	\$1,500	\$194,698	LA	Yes	0		\$1,000
AF00862	KENNECOTT HOLDINGS CORPORATION POLITICAL ACTION COMMITTEE A/K/A K UT	C00243675	11/26/2002	ADRIAN F JACKMAN Not Filed	\$6,166 (est)	\$238,733	UT	Yes	0		\$1,000
AF00863	KPMG PARTNERS/PRINCIPALS & EMPLOYEES POLITICAL ACTION COMMITTEE	C00280222	12/04/2002	STEPHEN E ALLIS Not Filed	\$72,686	\$3,094,303	DC	Yes	0		\$3,000
AF00864	MAGAZINE PUBLISHERS OF AMERICA PAC FKA MAGAZINE PUBLISHERS ASSOCIA	C00035774	12/05/2002	JAMES R CREGAN Not Filed	\$12,000	\$125,170	DC	Yes	0		\$1,000
AF00865	MANTECH INTERNATIONAL CORP POLITICAL ACTION COMMITTEE	C00208983	11/11/2002	TERRY G MYERS Not Filed	\$3,637	\$151,009	VA	Yes	0		\$1,000
AF00866	MARYLAND ASSOCIATION FOR CONCERNED CITIZENS POLITICAL ACTION COMM	C00195024	Not Filed	MR JAMES BERG	\$1,124 (est)	\$108,376	MD	Yes	0		\$1,000
AF00867	NATIONAL CHECK CASHERS ASSOCIATION INC POLITICAL ACTION COMMITTEE NJ	C00232843	12/10/2002	HENRY F SHYNE Not Filed	\$19,381 (est)	\$120,619	NJ	Yes	0		\$1,000
AF00868	NATIONAL HEALTH CORPORATION POLITICAL ACTION COMMITTEE	C00153445	11/26/2002	MR DORAN JOHNSON Not Filed	\$10,489 (est)	\$218,454	TN	Yes	0		\$1,000



FEDERAL ELECTION COMMISSION 2003-2004  
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AF00869	NATIONAL PROPANE GAS ASSOCIATION POLITICAL ACTION COMMITTEE -PROP DC	C00079681	Roldan, Richard	01/31/2003	Not Filed	\$7,400	\$178,241		Yes	0		\$1,000
AF00870	NEW JERSEY STATE CARPENTERS NON PARTISAN POLITICAL EDUCATION COMM NJ	C00332593	Patricia Mueller	12/05/2002	Not Filed	\$5,125	\$380,096		Yes	0		\$1,000
AF00871	SOCIETY OF THORACIC SURGEONS POLITICAL ACTION COMMITTEE; THE (STS DC	C00325936	ROBERT WILBUR	01/09/2003	Not Filed	\$11,000	\$203,000		Yes	1		\$1,250
AF00872	SOUTHERN STATES POLICE BENEVOLENT ASSOC PAC FUND	C00265546	JACK L ROBERTS	11/06/2002	Not Filed	\$16,065	\$323,240	GA	Yes	0		\$1,000
AF00873	ST LOUISIANS FOR BETTER GOVERNMENT	C00148155	BERNARD PASTERNAK	11/05/2002	Not Filed	\$19,500	\$157,069	MO	Yes	0		\$1,000
AF00874	THRIVENT FINANCIAL FOR LUTHERANS-EMPLOYEE POLITICAL ACTION COMMIT WI	C00121319	Marsha J. Mahan	11/08/2002	Not Filed	\$7,964	\$172,969		Yes	0		\$1,000
AF00875	UNITED ASSOC OF JOURNEYMEN & APPRENTICES/PLUMBING & PIPE FITTING MI	C00232835	RICHARD G FRANTZ	11/01/2002	Not Filed	\$16,095	\$145,449		Yes	0		\$1,000
AF00876	UNITED BROTHERHOOD OF CARPENTERS/JOINERS OF AMER NEW ENGLAND REG CT	C00150045	GLENN MARSHALL	12/05/2002	Not Filed	\$6,001 (est)	\$231,053		Yes	0		\$1,000
AF00877	UNITED STATES MARINE REPAIR INC POLITICAL ACTION COMMITTEE	C00342170	KENNETH BATSON	12/03/2002	Not Filed	\$19,160 (est)	\$368,365	CA	Yes	0		\$1,000
AF00878	VOLUNTEER PAC	C00341743	Dawn Perkerson	12/05/2002	Not Filed	\$74,591 (est)	\$1,919,165	TN	Yes	1		\$3,750

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AF00879	WHITE & CASE POLITICAL ACTION COMMITTEE	C00302059	12/08/2002	OWEN J GAUVIN	Not Filed	\$9,000	\$101,555	DC		Yes	0	\$1,000
AF00880	WOMEN'S PRO-ISRAEL NATIONAL POLITICAL ACTION COMMITTEE ("WIN PAC")	C00203182	12/16/2002	JOYCE ULLMAN	Not Filed	\$1,670 (est)	\$102,705	DC		Yes	0	\$1,000
AF00881	DEMOCRATIC PARTY OF ORANGE COUNTY FED PAC	C00321943	11/12/2002	JAMES PANTONE	Not Filed	\$9,039	\$254,850	CA		Yes	1	\$1,250
AF00882	NEW YORK STATE CONSERVATIVE PARTY	C00282343	11/22/2002	GERARD KASSAR	Not Filed	\$2,300	\$162,445	NY		Yes	2	\$1,500

**30 DAY POST-GENERAL REPORT**

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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
AF00883	LAWRENCE R WIESNER FOR CONGRESS COMMITTEE	C00368100	LAWRENCE R WIESNER	12/13/2002	\$7,690	\$151,598	CA	WIESNER, LAWRENCE R	0		\$300
AF00886	COMMITTEE TO ELECT CLINTON B LESUEUR	C00373811	LEE R BUSH	01/01/2003	\$46,215	\$145,345	MS	LESUEUR, CLINTON B	0		\$1,550
AF00887	COMMITTEE TO ELECT FRANK W BALLANCE JR	C00372300	JOYCE L BULLOCK	12/13/2002	\$279,156	\$1,429,209	NC	BALLANCE, FRANK W JR	0		\$3,100
AF00888	MEL WATT FOR CONGRESS COMMITTEE	C00260604	BOBBY T MARTIN	12/15/2002	\$142,312	\$609,675	NC	WATT, MELVIN LUTHER	0		\$1,850
AF00889	FRIENDS OF JIM FARRIN	C00379206	JULIAN H GINGOLD	12/23/2002	\$29,890	\$139,697	NY	FARRIN, JAMES	0		\$1,100
AF00891	ROB BISHOP FOR CONGRESS	C00374231	CHRISTOPHER LARRY BROWN	01/02/2003	\$393,652	\$1,323,521	UT	BISHOP, ROBERT	0		\$7,600
AF00892	SYED MAHMOOD FOR CONGRESS	C00374629	IMTIAZ AHMAD	Not Filed	\$25,227 (est)	\$101,258	CA	MAHMOOD, SYED R	0		\$1,800

FEDERAL ELECTION COMMISSION 2003-2004  
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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
AF00893	COMMITTEE TO ELECT ROSS MOEN	C00371252	PHILIP M PARLETT	01/29/2003	Not Filed	\$45,978	\$104,008	CA	MOEN, ROSS	No	0	\$1,800
AF00894	COMMITTEE TO ELECT MADELEINE Z BORDALLO 2002	C00369686	P JUNE TERLAJE	03/12/2003	Not Filed	\$46,587	\$171,384	IL	BORDALLO, MADELEINE Z	No	2	\$1,800
AF00895	COMMITTEE TO ELECT KUTSCH	C00374553	MICHAEL J KOLAN	Not Filed		\$38,963 (est)	\$116,690	IL	KUTSCH, JOHN	No	0	\$1,800
AF00897	JOE FINLEY FOR CONGRESS	C00378596	SAL PERROTTA	01/30/2003	Not Filed	\$55,129	\$243,797	NY	FINLEY, JOSEPH P	No	0	\$2,700
AF00899	BUILD AMERICA PAC	C00377143	JOAN FLOWERS	12/20/2002		\$10,000	\$104,872	NY		No	0	\$475
AF00900	FUND FOR A BETTER FUTURE	C00372755	STEPHEN J KAUFMAN	01/03/2003		\$4,011	\$331,571	CA		No	0	\$825
AF00901	PRAIRIE LEADERSHIP COMMITTEE	C00351049	PAM TERRELL	12/11/2002		\$15,163	\$138,238	DC		No	3	\$437
AF00902	SUMMIT PAC	C00382333	JOHN DOUGLAS HARDESTY JR	12/18/2002		\$258,239	\$212,908	DC		No	0	\$4,100

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AP #	COMMITTEE NAME	COMMITTEE ID	TREASURER	RECEIPT DATE	LEVEL OF ACTIVITY	THRESHOLD AMOUNT	STATE	CANDIDATE NAME	SENSITIVE	PREVIOUS VIOLATIONS	CIVIL MONEY PENALTY
AF00903	WHITE MOUNTAIN PAC	C00370932	H SCOTT FLEGAL	25	\$186,327	\$187,024	NH	No	0		\$4,550
AF00904	3M COMPANY	C00084475	Karen K. Martodam	12	\$8,285 (est)	\$341,111	MN	No	0		\$400
AF00905	ACPAC ACA INTERNATIONAL POLITICAL ACTION COMMITTEE	C00034785	THOMAS CIESLUKOWSKI	28	\$84,770	\$276,474	MN	No	0		\$3,200
AF00906	AMERICAN NURSERY AND LANDSCAPE ASSOCIATION - POLITICAL ACTION COM	C00022988	Meredith, John Mr.	25	\$6,560 (est)	\$222,094	DC	No	1		\$906
AF00907	CABLEVISION SYSTEMS CORPORATION POLITICAL ACTION COMMITTEE	C00197863	SHEILA MAHONY	28	\$37,571 (est)	\$429,126	NY	No	0		\$1,600
AF00909	DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP POLITICAL ACTION COMMITTEE	C00110197	L ANDREW ZAUSNER	7	\$10,287	\$276,186	DC	No	0		\$275
AF00910	GAY AND LESBIAN VICTORY FUND	C00251815	Wolfe, Charles A.	8	\$328,615	\$5,773,779	DC	No	0		\$3,100
AF00911	KPAC	C00365551	JILL MELLINGER	27	\$92,732	\$1,280,676	TX	No	0		\$3,100
AF00912	NATIONAL BANK OF COMMERCE COMMITTEE ON POLITICAL AFFAIRS	C00095786	CHARLES A NEALE	22	\$5,978	\$101,129	TN	No	0		\$650

FEDERAL ELECTION COMMISSION 2003-2004  
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2002 30 DAY POST-GENERAL

AF #	COMMITTEE NAME COMMITTEE ID RECEIPT DATE	TREASURER DAYS LATE	LEVEL OF ACTIVITY	THRESHOLD AMOUNT	STATE	CANDIDATE NAME SENSITIVE	PREVIOUS VIOLATIONS	CIVIL MONEY PENALTY
AF00913	NEWSTAR PAC (FKA NEW CENTURY FEDERAL PAC; THE C00325860 12/31/2002	J KAREN BUTLER 26	\$13,028	\$105,844	IL	No	0	\$750
AF00914	OFFICE AND PROFESSIONAL EMPLOYEES INTERNATIONAL UNION-VOICE OF TH DC C00007898 12/11/2002	Wohlforth, Nancy 6	\$7,306	\$491,292	DC	No	1	\$312
AF00917	PRAIRIE POLITICAL ACTION COMMITTEE C00347195 12/12/2002	MICHAEL EDWARD DALY 7	\$34,250	\$299,458	IL	No	0	\$550
AF00918	SALEM COMMUNICATIONS CORPORATION POLITICAL ACTION COMMITTEE C00321158 12/23/2002	RUSSELL R HAUTH 18	\$38,912	\$136,319	CA	No	0	\$1,100
AF00920	SELECT MILK PRODUCERS PAC C00375030 12/31/2002	RANCE MILES 26	\$72,211	\$118,873	NM	No	0	\$2,250
AF00921	SHEET METAL WORKERS INTERNATIONAL ASSOCIATION LOCAL 28 POLITICAL C00169490 12/30/2002	FRED AMATO 25	\$51,884	\$530,125	NY	No	0	\$2,175
AF00922	SHEET METAL WORKERS LOCAL 100 POLITICAL ACTION COMMITTEE (100 PAC MD) C00189266 12/26/2002	ROBERT A WALTER 21	\$10,028	\$115,339	MD	No	0	\$625

FEDERAL ELECTION COMMISSION 2003-2004  
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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
			DAYS LATE								
AF00923	UNITED ASSOC OF JOURNEYMEN & APPRENTICES/PLUMBING & PIPE FITTING	MI									
	C00232835		RICHARD G FRANTZ	15	\$7,236 (est)	\$154,424		No	0		\$475
	12/20/2002										
AF00924	UNITED EMP PAC, CENTRAL LOUISIANA ELECTRIC CO INC	LA									
	C00165878		MELISSA HENRY	8	\$13,090	\$220,508		No	0		\$300
	12/13/2002										
AF00925	WOMEN'S PRO-ISRAEL NATIONAL POLITICAL ACTION COMMITTEE ("WIN PAC")	DC									
	C00203182		JOYCE ULLMAN	11	\$4,175 (est)	\$106,854		No	0		\$375
	12/16/2002										
AF00927	LOUISVILLE & JEFFERSON COUNTY REPUBLICAN EXECUTIVE COMMITTEE	KY									
	C00015594		Bachelder, Chris	18	\$145,812	\$249,019		No	0		\$2,850
	12/23/2002										
AF00928	MISSISSIPPI DEMOCRATIC PARTY POLITICAL ACTION COMMITTEE	MS									
	C00149641		Seale, Audrey Mrs.	26	\$392,808	\$950,719		No	0		\$7,200
	12/31/2002										
AF00931	NATIONAL ITALIAN AMERICAN POLITICAL ACTION COMMITTEE	PA									
	C00353388		VINCENT M LASORSA CPA MBA		\$26,141 (est)	\$104,565		No	4		\$3,600
	Not Filed										
AF00932	PATRIOT PAC	DC									
	C00364422		Mullen, Audrey		\$20,606 (est)	\$581,781		No	2		\$1,350
	01/30/2003		Not Filed								





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AF #	COMMITTEE ID RECEIPT DATE	COMMITTEE NAME TREASURER DAYS LATE	LEVEL OF ACTIVITY	THRESHOLD AMOUNT	CANDIDATE NAME		CIVIL MONEY PENALTY
					STATE	SENSITIVE PREVIOUS VIOLATIONS	
AF00943	ELECT LIFE C00339481 Not Filed	MR JOHN MAWN	\$971,714 (est)	\$3,886,856	NY	0	\$12,000
AF00944	FLORIDA ROCK INDUSTRIES INC GOOD GOVERNMENT COMMITTEE C00125716 JOHN D MILTON JR 03/10/2003 Not Filed		\$3,267	\$103,346	FL	0	\$900
AF00945	FLORIDA SUGAR CANE LEAGUE PAC C00012328 Yancey III, F. D. 01/09/2003 Not Filed		\$4,510	\$304,290	DC	3	\$1,575
AF00946	INDIANA DENTAL PAC C00082636 RAYMOND M MADDOX 01/31/2003 Not Filed		\$1,231 (est)	\$120,611	IN	1	\$1,125
AF00947	IUCE LOCAL 542 OPERATING ENGINEERS POLITICAL ACTION FUND C00136739 ROBERT T HEENAN 01/07/2003 Not Filed		\$24,088	\$264,577	PA	1	\$1,125
AF00949	LABORER'S INTERNATIONAL UNION OF NO AMERICA LOCAL NO 17 POLITICAL C00233049 JOSEPH R LIBONATI 01/30/2003 Not Filed		\$4,341	\$168,079	NY	0	\$900
AF00950	LOCAL 617 COPE COMMITTEE C00305227 MINNIE MCELROY Not Filed		\$42,224 (est)	\$147,083	NJ	0	\$1,800
AF00951	MARYLAND ASSOCIATION FOR CONCERNED CITIZENS POLITICAL ACTION COMM C00195024 MR JAMES BERG Not Filed		\$2,810 (est)	\$108,376	MD	0	\$900
AF00952	NATIONAL PROPANE GAS ASSOCIATION POLITICAL ACTION COMMITTEE -PROP C00079681 Roldan, Richard 01/31/2003 Not Filed		\$102,337	\$280,578	DC	0	\$4,500

FEDERAL ELECTION COMMISSION 2003-2004  
Reason to Believe Circulation Report  
2002 30 DAY POST-GENERAL

AF #	COMMITTEE NAME COMMITTEE ID RECEIPT DATE	TREASURER DAYS LATE	LEVEL OF ACTIVITY	THRESHOLD AMOUNT	STATE	CANDIDATE NAME SENSITIVE	PREVIOUS VIOLATIONS	CIVIL MONEY PENALTY
AF00953	OLD NATIONAL BANK IN EVANSVILLE OLBANK PAC C00165282 01/14/2003	Dan Sauls Not Filed	\$18,263	\$125,065	IN	No	0	\$900
AF00954	POLITICAL ACTION COMMITTEE OF FOCAL COMMUNICATIONS CORPORATION C00360719 Not Filed	ROBERT M JUNKOSKI	\$29,914 (est)	\$149,574	IL	No	0	\$1,800
AF00956	REPUBLICANS FOR CHOICE C00241083 Not Filed	ANN E W STONE	\$102,906 (est)	\$1,234,578	VA	No	0	\$4,500
AF00957	SUPPORTERS OF ENGINEERS LOCAL 3 ENDORSED CANDIDATES (SELEC) C0024422 01/13/2003	GARLAND ROSAURO Not Filed	\$7,052	\$132,455	CA	No	0	\$900
AF00958	TECO ENERGY INC EMPLOYEES' PAC C00161422 Not Filed	ROBIN J HASTINGS	\$18,340	\$168,840	FL	No	1	\$1,125
AF00959	THELEN REID & PRIEST POLITICAL ACTION COMMITTEE C00248641 Not Filed	WILLIAM A KIRK	\$16,398	\$157,299	DC	No	0	\$900
AF00960	15TH DISTRICT DEMOCRATIC PARTY C00362772 03/26/2003	PATRICIA A FEDEWA Not Filed	\$40,027	\$309,831	MI	No	0	\$1,800
AF00961	MINNESOTA DFL HOUSE CAUCUS C00361139 03/03/2003	PAUL ROGOSHESKE Not Filed	\$127,176 (est)	\$870,717	MN	No	0	\$4,500
AF00962	RHODE ISLAND REPUBLICAN STATE CENTRAL COMMITTEE C00078196 02/13/2003	Drew, Merrill C. Not Filed	\$637,097 (est)	\$975,530	RI	No	2	\$15,000

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )

)  
Reason To Believe Recommendation - 30 )  
Day Post-General Report For The )  
Administrative Fines Program: )  
LAWRENCE R WIESNER FOR CONGRESS )  
COMMITTEE, and LAWRENCE R WIESNER as )  
treasurer; )

AF# 883

COMMITTEE TO ELECT CLINTON B LESUEUR, )  
and LEE R BUSH as treasurer; )  
COMMITTEE TO ELECT FRANK W BALLANCE )  
JR, and JOYCE L BULLOCK as treasurer; )  
MEL WATT FOR CONGRESS COMMITTEE, and )  
BOBBY T MARTIN as treasurer; )  
FRIENDS OF JIM FARRIN, and JULIAN H )  
GINGOLD as treasurer; )

AF# 886

AF# 887

AF# 888

AF# 889

,  
ROB BISHOP FOR CONGRESS, and )  
CHRISTOPHER LARRY BROWN as treasurer; )  
SYED MAHMOOD FOR CONGRESS, and IMTIAZ )  
AHMAD as treasurer; )  
COMMITTEE TO ELECT ROSS MOEN, and )  
PHILIP M PARLETT as treasurer; )  
COMMITTEE TO ELECT MADELEINE Z )  
BORDALLO 2002, and P JUNE TERLAJE as )  
treasurer; )  
COMMITTEE TO ELECT KUTSCH, and MICHAEL )  
J KOLAN as treasurer; )

AF# 891

AF# 892

AF# 893

AF# 894

AF# 895

JOE FINLEY FOR CONGRESS, and SAL )  
PERROTTA as treasurer; )

AF# 897

BUILD AMERICA PAC, and JOAN FLOWERS as )  
treasurer; )

AF# 899

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FUND FOR A BETTER FUTURE, and STEPHEN ) AF# 900  
J KAUFMAN as treasurer; )  
PRAIRIE LEADERSHIP COMMITTEE, and PAM ) AF# 901  
TERRELL as treasurer; )  
SUMMIT PAC, and JOHN DOUGLAS HARDESTY ) AF# 902  
JR as treasurer; )  
WHITE MOUNTAIN PAC, and H SCOTT FLEGAL ) AF# 903  
as treasurer; )  
3M COMPANY, and Karen K. Martodam as ) AF# 904  
treasurer; )  
ACPAC ACA INTERNATIONAL POLITICAL ) AF# 905  
ACTION COMMITTEE, and THOMAS )  
CIESLUKOWSKI as treasurer; )  
AMERICAN NURSERY AND LANDSCAPE ) AF# 906  
ASSOCIATION - POLITICAL ACTION )  
COMMITTEE, and Meredith, John Mr. as )  
treasurer; )  
CABLEVISION SYSTEMS CORPORATION ) AF# 907  
POLITICAL ACTION COMMITTEE, and SHEILA )  
MAHONY as treasurer; )

DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP ) AF# 909  
POLITICAL ACTION COMMITTEE ("DSMO )  
PAC"), and L ANDREW ZAUSNER as )  
treasurer; )  
GAY AND LESBIAN VICTORY FUND, and ) AF# 910  
Wolfe, Charles A. as treasurer; )  
KPAC, and JILL MELLINGER as treasurer; ) AF# 911  
NATIONAL BANK OF COMMERCE COMMITTEE ON ) AF# 912  
POLITICAL AFFAIRS, and CHARLES A NEALE )  
as treasurer; )  
NEWSTAR PAC (FKA NEW CENTURY FEDERAL ) AF# 913  
PAC; THE, and J KAREN BUTLER as )  
treasurer; )  
OFFICE AND PROFESSIONAL EMPLOYEES ) AF# 914  
INTERNATIONAL UNION-VOICE OF THE )  
ELECTORATE, and Wohlforth, Nancy as )  
treasurer; )

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PRAIRIE POLITICAL ACTION COMMITTEE, ) AF# 917  
and MICHAEL EDWARD DALY as treasurer; )  
SALEM COMMUNICATIONS CORPORATION ) AF# 918  
POLITICAL ACTION COMMITTEE, and )  
RUSSELL R HAUTH as treasurer; )

SELECT MILK PRODUCERS PAC, and RANCE ) AF# 920  
MILES as treasurer; )  
SHEET METAL WORKERS INTERNATIONAL ) AF# 921  
ASSOCIATION LOCAL 28 POLITICAL ACTION )  
COMMITTEE, and FRED AMATO as )  
treasurer; )  
SHEET METAL WORKERS LOCAL 100 ) AF# 922  
POLITICAL ACTION COMMITTEE (100 PAC), )  
and ROBERT A WALTER as treasurer; )  
UNITED ASSOC OF JOURNEYMEN & ) AF# 923  
APPRENTICES/PLUMBING & PIPE FITTING )  
INDUSTRY LOCAL UNION 335 , and RICHARD )  
G FRANTZ as treasurer; )  
UNITED EMP PAC, CENTRAL LOUISIANA ) AF# 924  
ELECTRIC CO INC, and MELISSA HENRY as )  
treasurer; )  
WOMEN'S PRO-ISRAEL NATIONAL POLITICAL ) AF# 925  
ACTION COMMITTEE ("WIN PAC"), and )  
JOYCE ULLMAN as treasurer; )

LOUISVILLE & JEFFERSON COUNTY ) AF# 927  
REPUBLICAN EXECUTIVE COMMITTEE, and )

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Bachelder, Chris as treasurer; )  
MISSISSIPPI DEMOCRATIC PARTY POLITICAL ) AF# 928  
ACTION COMMITTEE, and Seale, Audrey )  
Mrs. as treasurer; )

NATIONAL ITALIAN AMERICAN POLITICAL ) AF# 931  
ACTION COMMITTEE, and VINCENT M )  
LASORSA CPA MBA as treasurer; )  
PATRIOT PAC, and Mullen, Audrey as ) AF# 932  
treasurer; )  
S C JOHNSON & SON INC POLITICAL ACTION ) AF# 933  
COMMITTEE (SCJPAC), and WILLIAM H VAN )  
LOPIK as treasurer; )  
AMERICAN BAKERS ASSOCIATION BREAD ) AF# 934  
POLITICAL ACTION COMMITTEE, and PAUL C )  
ABENANTE as treasurer; )  
AMERICAN FURNITURE MANUFACTURERS ) AF# 935  
ASSOCIATION POLITICAL ACTION )  
COMMITTEE, and MR RUSSELL B BATSON as )  
treasurer; )  
AMERICAN SPEECH-LANGUAGE-HEARING ) AF# 936  
ASSOCIATION POLITICAL ACTION )  
COMMITTEE, and FREDERICK T SPAHR as )  
treasurer; )  
BANK OF NEW YORK COMPANY POLITICAL ) AF# 937  
ACTION COMMITTEE-BNY PAC, and MR )  
THOMAS J MASTRO as treasurer; )

BI-COUNTY POLITICAL ACTION COMMITTEE ) AF# 939  
(FKA SUFFOLK PAC), and IRA LAMEL as )  
treasurer; )  
BIG TENT PAC;THE, and MS SYLVIA L ) AF# 940  
NOLDE as treasurer; )

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DISTILLED SPIRITS COUNCIL OF THE ) AF# 942  
UNITED STATES INC POLITICAL ACTION )  
COMMITTEE, and MS MICHELE FAMIGLIETTI )  
as treasurer; )  
ELECT LIFE, and MR JOHN MAWN as ) AF# 943  
treasurer; )  
FLORIDA ROCK INDUSTRIES INC GOOD ) AF# 944  
GOVERNMENT COMMITTEE, and JOHN D )  
MILTON JR as treasurer; )  
FLORIDA SUGAR CANE LEAGUE PAC, and ) AF# 945  
Yancey III, F. D. as treasurer; )  
INDIANA DENTAL PAC, and RAYMOND M ) AF# 946  
MADDOX as treasurer; )  
IUOE LOCAL 542 OPERATING ENGINEERS ) AF# 947  
POLITICAL ACTION FUND, and ROBERT T )  
HEENAN as treasurer; )

LABORER'S INTERNATIONAL UNION OF NO ) AF# 949  
AMERICA LOCAL NO 17 POLITICAL LEAGUE, )  
and JOSEPH R LIBONATI as treasurer; )  
LOCAL 617 COPE COMMITTEE, and MINNIE ) AF# 950  
MCELROY as treasurer; )  
MARYLAND ASSOCIATION FOR CONCERNED ) AF# 951  
CITIZENS POLITICAL ACTION COMMITTEE, )  
and MR JAMES BERG as treasurer; )  
NATIONAL PROPANE GAS ASSOCIATION ) AF# 952  
POLITICAL ACTION COMMITTEE )  
-PROPANEPAC, and Roldan, Richard as )  
treasurer; )  
OLD NATIONAL BANK IN EVANSVILLE OLBANK ) AF# 953  
PAC, and Dan Sauls as treasurer; )  
POLITICAL ACTION COMMITTEE OF FOCAL ) AF# 954  
COMMUNICATIONS CORPORATION, and ROBERT )  
M JUNKROSKI as treasurer; )



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Gersten, Pablo as treasurer;	)	
REPUBLICANS FOR CHOICE, and ANN E W	)	AF# 956
STONE as treasurer;	)	
SUPPORTERS OF ENGINEERS LOCAL 3	)	AF# 957
ENDORSED CANDIDATES (SELEC), and	)	
GARLAND ROSAURO as treasurer;	)	
TECO ENERGY INC EMPLOYEES' PAC, and	)	AF# 958
ROBIN J HASTINGS as treasurer;	)	
THELEN REID & PRIEST POLITICAL ACTION	)	AF# 959
COMMITTEE, and WILLIAM A KIRK as	)	
treasurer;	)	
15TH DISTRICT DEMOCRATIC PARTY, and	)	AF# 960
PATRICIA A FEDEWA as treasurer;	)	
MINNESOTA DFL HOUSE CAUCUS, and PAUL	)	AF# 961
ROGOSHESKE as treasurer;	)	
RHODE ISLAND REPUBLICAN STATE CENTRAL	)	AF# 962
COMMITTEE, and Drew, Merrill C. as	)	
treasurer;	)	

CERTIFICATION

I, Mary W. Dove, Secretary for the Federal Election Commission, do hereby certify that on April 29, 2003, the Commission took the following actions on the Reason To Believe Recommendation - 30 Day Post-General Report for the Administrative Fines Program, as recommended in the Reports Analysis Division's Memorandum dated April 23, 2003, on the following committees:

AF# 883: Decided by a vote of 6-0 to: (1) reason to believe that LAWRENCE R WIESNER FOR CONGRESS COMMITTEE, and LAWRENCE R WIESNER as treasurer, violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

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AF# 886: Decided by a vote of 6-0 to: (1) reason to believe that COMMITTEE TO ELECT CLINTON B LESUEUR, and LEE R BUSH as treasurer, violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF# 887: Decided by a vote of 6-0 to: (1) reason to believe that COMMITTEE TO ELECT FRANK W BALLANCE JR, and JOYCE L BULLOCK as treasurer, violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF# 888: Decided by a vote of 6-0 to: (1) reason to believe that MEL WATT FOR CONGRESS COMMITTEE, and BOBBY T MARTIN as treasurer, violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

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AF# 889: Decided by a vote of 6-0 to: (1) reason to believe that FRIENDS OF JIM FARRIN, and JULIAN H GINGOLD as treasurer, violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF# 891: Decided by a vote of 6-0 to: (1) reason to believe that ROB BISHOP FOR CONGRESS, and CHRISTOPHER LARRY BROWN as treasurer, violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF# 892: Decided by a vote of 6-0 to: (1) reason to believe that SYED MAHMOOD FOR CONGRESS, and IMTIAZ AHMAD as treasurer, violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF# 893: Decided by a vote of 6-0 to: (1) reason to believe that COMMITTEE TO ELECT ROSS MOEN, and PHILIP M PARLETT as treasurer, violated 2 U.S.C. 434(a) and make a preliminary determination that the

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civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF# 894: Decided by a vote of 6-0 to: (1) reason to believe that COMMITTEE TO ELECT MADELEINE Z BORDALLO 2002, and P JUNE TERLAJE as treasurer, violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF# 895: Decided by a vote of 6-0 to: (1) reason to believe that COMMITTEE TO ELECT KUTSCH, and MICHAEL J KOLAN as treasurer, violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF# 897: Decided by a vote of 6-0 to: (1) reason to believe that JOE FINLEY FOR CONGRESS, and SAL PERROTTA as treasurer, violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner,

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and Weintraub voted affirmatively for the decision.

AF# 899: Decided by a vote of 6-0 to: (1) reason to believe that BUILD AMERICA PAC, and JOAN FLOWERS as treasurer, violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF# 900: Decided by a vote of 6-0 to: (1) reason to believe that FUND FOR A BETTER FUTURE, and STEPHEN J KAUFMAN as treasurer, violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF# 901: Decided by a vote of 6-0 to: (1) reason to believe that PRAIRIE LEADERSHIP COMMITTEE, and PAM TERRELL as treasurer, violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

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AF# 902: Decided by a vote of 6-0 to: (1) reason to believe that SUMMIT PAC, and JOHN DOUGLAS HARDESTY JR as treasurer, violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF# 903: Decided by a vote of 6-0 to: (1) reason to believe that WHITE MOUNTAIN PAC, and H SCOTT FLEGAL as treasurer, violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF# 904: Decided by a vote of 6-0 to: (1) reason to believe that 3M COMPANY, and Karen K. Martodam as treasurer, violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF# 905: Decided by a vote of 6-0 to: (1) reason to believe that ACPAC ACA INTERNATIONAL POLITICAL ACTION COMMITTEE, and THOMAS CIESLUKOWSKI as treasurer, violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF# 906: Decided by a vote of 6-0 to: (1) reason to believe that AMERICAN NURSERY AND LANDSCAPE ASSOCIATION - POLITICAL ACTION COMMITTEE, and Meredith, John Mr. as treasurer, violated 2 U.S.C.

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434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF# 907: Decided by a vote of 6-0 to: (1) reason to believe that CABLEVISION SYSTEMS CORPORATION POLITICAL ACTION COMMITTEE, and SHEILA MAHONY as treasurer, violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF# 909: Decided by a vote of 6-0 to: (1) reason to believe that DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP POLITICAL ACTION COMMITTEE ("DSMO PAC"), and L ANDREW ZAUSNER as treasurer, violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF# 910: Decided by a vote of 6-0 to: (1) reason to believe that GAY AND LESBIAN VICTORY FUND, and Wolfe, Charles A. as treasurer, violated 2 U.S.C. 434(a) and make a preliminary determination that the



civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF# 911: Decided by a vote of 6-0 to: (1) reason to believe that KPAC, and JILL MELLINGER as treasurer, violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF# 912: Decided by a vote of 6-0 to: (1) reason to believe that NATIONAL BANK OF COMMERCE COMMITTEE ON POLITICAL AFFAIRS, and CHARLES A NEALE as treasurer, violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF# 913: Decided by a vote of 6-0 to: (1) reason to believe that NEWSTAR PAC (FKA NEW CENTURY FEDERAL PAC; THE, and J KAREN BUTLER as treasurer, violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF# 914: Decided by a vote of 6-0 to: (1) reason to believe that OFFICE AND PROFESSIONAL EMPLOYEES INTERNATIONAL UNION-VOICE OF THE ELECTORATE, and Wohlforth, Nancy as treasurer, violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on

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

AF# 917: Decided by a vote of 6-0 to: (1) reason  
to believe that PRAIRIE POLITICAL ACTION COMMITTEE,  
and MICHAEL EDWARD DALY as treasurer, violated 2  
U.S.C. 434(a) and make a preliminary determination  
that the civil money penalty would be the amount  
indicated on the report; (2) send the appropriate  
letter. Commissioners Mason, McDonald, Smith,  
Thomas, Toner, and Weintraub voted affirmatively for  
the decision.

AF# 918: Decided by a vote of 6-0 to: (1) reason  
to believe that SALEM COMMUNICATIONS CORPORATION  
POLITICAL ACTION COMMITTEE, and RUSSELL R HAUTH as  
treasurer, violated 2 U.S.C. 434(a) and make a  
preliminary determination that the civil money

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penalty would be the amount indicated on the report;  
(2) send the appropriate letter. Commissioners  
Mason, McDonald, Smith, Thomas, Toner, and Weintraub  
voted affirmatively for the decision.

AF# 920: Decided by a vote of 6-0 to: (1) reason  
to believe that SELECT MILK PRODUCERS PAC, and RANCE  
MILES as treasurer, violated 2 U.S.C. 434(a) and  
make a preliminary determination that the civil  
money penalty would be the amount indicated on the  
report; (2) send the appropriate letter.  
Commissioners Mason, McDonald, Smith, Thomas, Toner,  
and Weintraub voted affirmatively for the decision.

AF# 921: Decided by a vote of 6-0 to: (1) reason  
to believe that SHEET METAL WORKERS INTERNATIONAL  
ASSOCIATION LOCAL 28 POLITICAL ACTION COMMITTEE, and  
FRED AMATO as treasurer, violated 2 U.S.C. 434(a)  
and make a preliminary determination that the civil  
money penalty would be the amount indicated on the  
report; (2) send the appropriate letter.  
Commissioners Mason, McDonald, Smith, Thomas, Toner,  
and Weintraub voted affirmatively for the decision.

AF# 922: Decided by a vote of 6-0 to: (1) reason  
to believe that SHEET METAL WORKERS LOCAL 100  
POLITICAL ACTION COMMITTEE (100 PAC), and ROBERT A  
WALTER as treasurer, violated 2 U.S.C. 434(a) and  
make a preliminary determination that the civil  
money penalty would be the amount indicated on the

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

AF# 923: Decided by a vote of 6-0 to: (1) reason to believe that UNITED ASSOC OF JOURNEYMEN & APPRENTICES/PLUMBING & PIPE FITTING INDUSTRY LOCAL UNION 335 , and RICHARD G FRANTZ as treasurer, violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF# 924: Decided by a vote of 6-0 to: (1) reason to believe that UNITED EMP PAC, CENTRAL LOUISIANA ELECTRIC CO INC, and MELISSA HENRY as treasurer, violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF# 925: Decided by a vote of 6-0 to: (1) reason to believe that WOMEN'S PRO-ISRAEL NATIONAL POLITICAL ACTION COMMITTEE ("WIN PAC"), and JOYCE ULLMAN as treasurer, violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

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AF# 927: Decided by a vote of 6-0 to: (1) reason to believe that LOUISVILLE & JEFFERSON COUNTY REPUBLICAN EXECUTIVE COMMITTEE, and Bachelder, Chris as treasurer, violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF# 928: Decided by a vote of 6-0 to: (1) reason to believe that MISSISSIPPI DEMOCRATIC PARTY POLITICAL ACTION COMMITTEE, and Seale, Audrey Mrs. as treasurer, violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

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AF# 931: Decided by a vote of 6-0 to: (1) reason to believe that NATIONAL ITALIAN AMERICAN POLITICAL ACTION COMMITTEE, and VINCENT M LASORSA CPA MBA as treasurer, violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF# 932: Decided by a vote of 6-0 to: (1) reason to believe that PATRIOT PAC, and Mullen, Audrey as treasurer, violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF# 933: Decided by a vote of 6-0 to: (1) reason to believe that S C JOHNSON & SON INC POLITICAL ACTION COMMITTEE (SCJPAC), and WILLIAM H VAN LOPIK as treasurer, violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF# 934: Decided by a vote of 6-0 to: (1) reason to believe that AMERICAN BAKERS ASSOCIATION BREAD POLITICAL ACTION COMMITTEE, and PAUL C ABENANTE as treasurer, violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money

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penalty would be the amount indicated on the report;  
(2) send the appropriate letter. Commissioners  
Mason, McDonald, Smith, Thomas, Toner, and Weintraub  
voted affirmatively for the decision.

AF# 935: Decided by a vote of 6-0 to: (1) reason  
to believe that AMERICAN FURNITURE MANUFACTURERS  
ASSOCIATION POLITICAL ACTION COMMITTEE, and MR  
RUSSELL B BATSON as treasurer, violated 2 U.S.C.  
434(a) and make a preliminary determination that the  
civil money penalty would be the amount indicated on  
the report; (2) send the appropriate letter.  
Commissioners Mason, McDonald, Smith, Thomas, Toner,  
and Weintraub voted affirmatively for the decision.

AF# 936: Decided by a vote of 6-0 to: (1) reason  
to believe that AMERICAN SPEECH-LANGUAGE-HEARING  
ASSOCIATION POLITICAL ACTION COMMITTEE, and  
FREDERICK T SPAHR as treasurer, violated 2 U.S.C.  
434(a) and make a preliminary determination that the  
civil money penalty would be the amount indicated on  
the report; (2) send the appropriate letter.  
Commissioners Mason, McDonald, Smith, Thomas, Toner,  
and Weintraub voted affirmatively for the decision.

AF# 937: Decided by a vote of 6-0 to: (1) reason  
to believe that BANK OF NEW YORK COMPANY POLITICAL  
ACTION COMMITTEE-BNY PAC, and MR THOMAS J MASTRO as  
treasurer, violated 2 U.S.C. 434(a) and make a  
preliminary determination that the civil money  
penalty would be the amount indicated on the report;  
(2) send the appropriate letter. Commissioners  
Mason, McDonald, Smith, Thomas, Toner, and Weintraub  
voted affirmatively for the decision.

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AF# 939: Decided by a vote of 6-3 to: (1) reason to believe that BI-COUNTY POLITICAL ACTION COMMITTEE (FKA SUFFOLK PAC), and IRA LAMEL as treasurer, violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF# 940: Decided by a vote of 6-0 to: (1) reason to believe that BIG TENT PAC;THE, and MS SYLVIA L NOLDE as treasurer, violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF# 942: Decided by a vote of 6-0 to: (1) reason to believe that DISTILLED SPIRITS COUNCIL OF THE UNITED STATES INC POLITICAL ACTION COMMITTEE, and MS MICHELE FAMIGLIETTI as treasurer, violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on



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

AF# 943: Decided by a vote of 6-0 to: (1) reason to believe that ELECT LIFE, and MR JOHN MAWN as treasurer, violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF# 944: Decided by a vote of 6-0 to: (1) reason to believe that FLORIDA ROCK INDUSTRIES INC GOOD GOVERNMENT COMMITTEE, and JOHN D MILTON JR as treasurer, violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF# 945: Decided by a vote of 6-0 to: (1) reason to believe that FLORIDA SUGAR CANE LEAGUE PAC, and Yancey III, F. D. as treasurer, violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF# 946: Decided by a vote of 6-0 to: (1) reason to believe that INDIANA DENTAL PAC, and RAYMOND M MADDOX as treasurer, violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

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AF# 947: Decided by a vote of 6-0 to: (1) reason to believe that IUOE LOCAL 542 OPERATING ENGINEERS POLITICAL ACTION FUND, and ROBERT T HEENAN as treasurer, violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF# 949: Decided by a vote of 6-0 to: (1) reason to believe that LABORER'S INTERNATIONAL UNION OF NO AMERICA LOCAL NO 17 POLITICAL LEAGUE, and JOSEPH R LIBONATI as treasurer, violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF# 950: Decided by a vote of 6-0 to: (1) reason to believe that LOCAL 617 COPE COMMITTEE, and MINNIE MCELROY as treasurer, violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

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AF# 951: Decided by a vote of 6-0 to: (1) reason to believe that MARYLAND ASSOCIATION FOR CONCERNED CITIZENS POLITICAL ACTION COMMITTEE, and MR JAMES BERG as treasurer, violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF# 952: Decided by a vote of 6-0 to: (1) reason to believe that NATIONAL PROPANE GAS ASSOCIATION POLITICAL ACTION COMMITTEE -PROPANEPAC, and Roldan, Richard as treasurer, violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF# 953: Decided by a vote of 6-0 to: (1) reason to believe that OLD NATIONAL BANK IN EVANSVILLE OLBANK PAC, and Dan Sauls as treasurer, violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF# 954: Decided by a vote of 6-0 to: (1) reason to believe that POLITICAL ACTION COMMITTEE OF FOCAL COMMUNICATIONS CORPORATION, and ROBERT M JUNKROSKI as treasurer, violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

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AF# 956: Decided by a vote of 6-0 to: (1) reason to believe that REPUBLICANS FOR CHOICE, and ANN E W STONE as treasurer, violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF# 957: Decided by a vote of 6-0 to: (1) reason to believe that SUPPORTERS OF ENGINEERS LOCAL 3 ENDORSED CANDIDATES (SELEC), and GARLAND ROSAURO as treasurer, violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF# 958: Decided by a vote of 6-0 to: (1) reason to believe that TECO ENERGY INC EMPLOYEES' PAC, and ROBIN J HASTINGS as treasurer, violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

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AF# 959: Decided by a vote of 6-0 to: (1) reason to believe that THELEN REID & PRIEST POLITICAL ACTION COMMITTEE, and WILLIAM A KIRK as treasurer, violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF# 960: Decided by a vote of 6-0 to: (1) reason to believe that 15TH DISTRICT DEMOCRATIC PARTY, and PATRICIA A FEDEWA as treasurer, violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF# 961: Decided by a vote of 6-0 to: (1) reason to believe that MINNESOTA DFL HOUSE CAUCUS, and PAUL ROGOSHESKE as treasurer, violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

AF# 962: Decided by a vote of 6-0 to: (1) reason to believe that RHODE ISLAND REPUBLICAN STATE CENTRAL COMMITTEE, and Drew, Merrill C. as treasurer, violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

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Attest:

May 2, 2003  
Date

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

Received in the Secretariat: Fri., Apr. 23, 2003 3:58 p.m.  
Circulated to the Commission: Mon., Apr. 24, 2003 11:00 a.m.  
Deadline for vote: Thurs., Apr. 29, 2003 4:00 p.m.

**WESTERN  
UNION**

CONFIRMATION OF CMGM

WESTERN UNION COMMERCIAL SERVICES  
TO: JULIAN H GINGOLD  
FRIENDS OF JIM FARRIN  
23 W 73RD ST  
NEW YORK NY 10023-3104

ALICE KANG -REPORT ANALYSIS DIV.  
FEDERAL ELECTION COMMISSION  
999 E ST NW  
WASHINGTON DC 20463

MAY 2, 2003

JULIAN H GINGOLD  
FRIENDS OF JIM FARRIN  
23 WEST 73RD STREET  
NEW YORK NY 10023

C00379206  
AF#: 889

DEAR JULIAN H GINGOLD:

THE FEDERAL ELECTION CAMPAIGN ACT OF 1971, AS AMENDED ("THE ACT"), REQUIRES THAT YOUR COMMITTEE FILE A 30 DAY POST-GENERAL REPORT OF RECEIPTS AND DISBURSEMENTS IN A CALENDAR YEAR DURING WHICH THERE IS A REGULARLY SCHEDULED GENERAL ELECTION FOR WHICH THE CANDIDATE SOUGHT ELECTION. THIS REPORT, COVERING THE PERIOD THROUGH NOVEMBER 25TH, SHALL BE FILED NO LATER THAN DECEMBER 5TH. 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 FILED ON 12/23/2002, 18 DAYS LATE.

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 04/29/2003, THE FEC FOUND THAT THERE IS REASON TO BELIEVE ("RTB") THAT FRIENDS OF JIM FARRIN AND YOU, AS TREASURER, VIOLATED 2 U.S.C. 434(A) BY FAILING TO FILE TIMELY THIS REPORT ON OR BEFORE DECEMBER 5TH. BASED ON THE FEC'S SCHEDULES OF CIVIL MONEY PENALTIES AT 11 C.F.R. 111.43, THE AMOUNT OF YOUR CIVIL MONEY PENALTY CALCULATED AT THE RTB STAGE IS \$1100. IT IS DUE BY 06/11/2003 AND IS BASED ON THESE FACTORS:

ELECTION SENSITIVITY OF REPORT: NOT ELECTION SENSITIVE  
LEVEL OF ACTIVITY: \$29890  
NUMBER OF DAYS LATE: 18  
NUMBER OF PREVIOUS CIVIL MONEY PENALTIES ASSESSED: 0

TO PAY THE CALCULATED CIVIL MONEY PENALTY

TO PAY THE CALCULATED CIVIL MONEY PENALTY, SEND THE ENCLOSED REMITTANCE AND YOUR PAYMENT TO THE FEC AT THE ADDRESS ON PAGE 3.


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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 06/11/2003. 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 FRIENDS OF JIM FARRIN 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 MATTER TO BE MADE PUBLIC.

ADDITIONAL INFORMATION ON THE FEC'S ADMINISTRATIVE FINE PROGRAM,



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INCLUDING THE FINAL REGULATIONS, IS LOCATED AT THE FEC'S WEBSITE AT WWW.FEC.GOV. IF YOU HAVE QUESTIONS REGARDING THE PAYMENT OF THE CALCULATED CIVIL MONEY PENALTY, PLEASE CONTACT ALAN SHOOK 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 RT8 IS \$1100 FOR THE 2002 30 DAY POST-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 06/11/2003. 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: FRIENDS OF JIM FARRIN

FEC ID#: C00379206

AF#: 889

PAYMENT DUE DATE: 06/11/2003

PAYMENT AMOUNT DUE: \$1100

2003 JUN -6 A 11: 08

FRIENDS of JIM FARRIN  
23 West 73rd Street  
New York, NY 10023

FEC's Office of Administrative Review  
999 E Street, NW  
Washington, DC 20463

RE: AF# 889 and the timely filing of the 30-day Post General Election Report

Dear Sir:

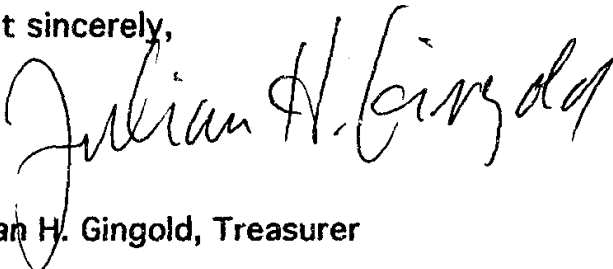
June 4, 2003

Upon notification that our report was required to be filed electronically, our office of FRIENDS of JIM FARRIN did our best to comply with the ACT. Our report had initially been submitted on paper and was received at the commission on December 6. On december 12, we were notified that we were required to submit electronically. We immediately sought the services of someone who could manage the electronic filing for us. Our report was prepared, filed a Statement of Organization so that we were able to access the electronic website. We had the completed electronic report filed on December 21, 2002.

Please understand that this was the first time we were required to file electronically. With regard to our expectation of the need to file electronically, we are not a large organization and did not have obvious expectations of exceeding the \$50,000 threshold in advance of this report due date. The paper report, submitted on December 6, accurately reported the same financial information thereby demonstrating our intention to accurately disclose our FEC related financial information on a timely basis.

We also filed with New York State on a timely basis throughout the campaign and our paperwork was approved promptly.

Most sincerely,



Julian H. Gingold, Treasurer

**FEC OFFICE OF  
ADMIN REVIEW**

2003 JUN -9 P 1: 23

**Date: June 9, 2003**

**REFERRAL TO OFFICE OF ADMINISTRATIVE REVIEW  
CHALLENGE RECEIVED**

**AF#: 889**

**Committee Name: Friends of Jim Farrin**

**Committee ID#: C00379206**

**Committee Address (if different than in RTB mailgram): N/A**

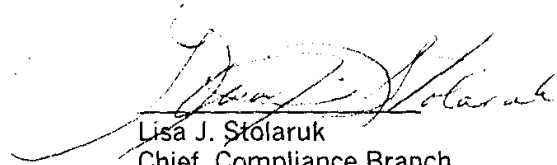
**Treasurer Name (if different than in RTB finding): N/A**

**Attachments:**

**Copy of RTB Circulation Report Dated April 23, 2003 and RTB  
Certifications Dated May 1 and May 2, 2003 – Previously Forwarded**  
**Copy of RTB Mailgram - Attachment # : See Declaration**  
**Certified Return Receipt (to be forwarded at later date if not yet received) -**  
**Attachment #: To be forwarded**  
**Other Reports (Redacted if Necessary) Used for RTB Review -**  
**Attachment # : N/A**  
**Telecons and Visitcons in Response to RTB Mailgram (Y/N): Y**  
**Attachment # : 1**  
**Original Correspondence Received by RAD in Response to**  
**RTB Mailgram (Y/N): N**  
**Attachment # : N/A**  
**RAD Staff Declaration - Attachment # : 2**

**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 Friends of Jim Farrin committee:
  - A) Prior Notice dated September 30, 2002 referencing the 2002 30 Day Post-General Report;
  - B) Reminder Notice dated November 8, 2002 referencing the 2002 30 Day Post-General Report;
  - C) Reason-to-Believe Mailgram dated May 2, 2003 referencing the 2002 30 Day Post-General Report.
3. I hereby certify that I have searched the Commission's public records and find that the Friends of Jim Farrin committee electronically filed the 2002 30 Day Post-General Report with the Commission on December 23, 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 9<sup>th</sup> day of June, 2003.

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

# GENERAL ELECTION REPORT NOTICE

FEDERAL ELECTION COMMISSION

CONGRESSIONAL COMMITTEES

September 30, 2002

## 2002 GENERAL ELECTION CANDIDATE COMMITTEES

REPORT	REPORTING PERIOD <sup>1</sup>	REG./CERT.	FILING
		MAILING DATE <sup>2</sup>	DATE
Pre-General	10/01/02 - 10/16/02	10/21/02	10/24/02
48-Hour Notices	10/17/02 - 11/02/02	----see reverse side----	
Post-General	10/17/02 - 11/25/02	12/05/02	12/05/02

### WHO MUST FILE

Principal campaign committees of congressional candidates<sup>3</sup> (including unopposed candidates and candidates whose names do not appear on the ballot) who seek election in 2002 must file Pre- and Post-General Election Reports.<sup>4</sup>

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.

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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/elecfil/electron.html>.

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Authorized committees of federal candidates must aggregate and report receipts and disbursements on an election-cycle basis. For more information, see the enclosed handout, "Election Cycle Reporting for Candidate Committees."

<sup>1</sup>These 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.

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(over)

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**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 (including 48-hour notices) 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>.
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# GENERAL ELECTION REPORT NOTICE

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FEDERAL ELECTION COMMISSION

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CONGRESSIONAL COMMITTEES

November 8, 2002

**\*\*\*REMINDER**

**REMINDER**

**REMINDER\*\*\***

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**FOR INFORMATION, CALL: (800) 424-9530 or (202) 694-1100**



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

Via First Class Mail

June 10, 2003

Julian H. Gingold, as Treasurer  
Friends of Jim Farrin  
23 West 73<sup>rd</sup> Street  
New York, NY 10023

C00379206  
AF# 889

Dear Mr. Gingold:

On April 29, 2003, the Federal Election Commission ("the Commission") found reason to believe that Friends of Jim Farrin and you, as Treasurer, violated 2 U.S.C. § 434(a) with respect to the 2002 30 Day Post General Report.

On June 6, 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,

A handwritten signature in black ink, appearing to read "Jennifer H. Boyt".

Jennifer H. Boyt  
Reviewing Analyst  
Office of Administrative Review



2003 OCT 27 P 3: 37

FRIENDS of JIM FARRIN  
35 East 85th Street  
New York, NY 10028

Ms. Shawn Woodhead Werth  
FEC's Office of Administrative Review  
999 E Street, NW  
Washington, DC 20463

RE: AE# 889 and the timely filing of the 30-day Post General Election Report

Oct. 21, 2003

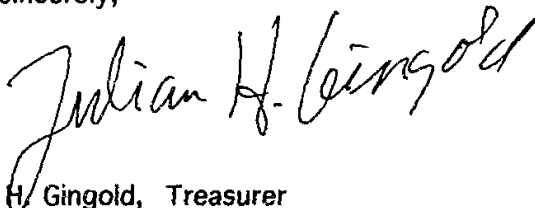
Dear Ms. Shawn Woodhead Werth:

As I explained during our telephone conversation yesterday, FRIENDS of JIM FARRIN filed on time and did not know about the need to file electronically. Upon notification, our office did our best to comply. Our report had initially been submitted on paper which was received at the commission on December 6. On December 12, when we learned that we were required to submit electronically, we immediately sought the services of someone who could manage the filing for us. Our report was prepared, we filed a Statement of Organization, and were able to access the website. We had the completed electronic report filed on December 21, 2002.

Please understand that this was the first time we were required to file electronically. We are not a large organization and did not have expectations of exceeding the \$50,000 threshold. The paper report, submitted on Dec. 6, accurately reported the same financial information thereby demonstrating our intention to disclose our FEC related financial information on a timely basis. We also filed with New York State throughout the campaign and our paperwork was approved promptly.

After we lost the election, our headquarters were closed. Mr. Farrin later moved to a new address. (See header above.) I never received the mail from you; hence, I would like to have the fine reduced or waived. I appeal to common sense since all figures of contributions and pay outs were filed in compliance with the law. New York, one of the three toughest states in the country, approved our filings immediately.

Most sincerely,



Julian H. Gingold, Treasurer  
(212) 903-7601



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RECEIVED -  
FEDERAL ELECTION  
COMMISSION  
SECRETARIAT

2004 FEB 18 A 9:05

February 17, 2004

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: AF# 889 - FRIENDS OF JIM FARRIN AND JULIAN H.  
GINGOLD, AS TREASURER

The attached Reviewing Officer Recommendation is being circulated on an informational basis. A copy was also sent to the respondents in accordance with 11 C.F.R. § 111.36(f). The 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

February 17, 2004

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

AF# 889 – Friends of Jim Farrin and Julian H. Gingold, as Treasurer (C00379206)

On April 29, 2003, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that the Friends of Jim Farrin and Julian H. Gingold, as Treasurer ("the respondents"), violated 2 U.S.C. § 434(a) for failing to file the 2002 30 Day Post-General Report in a timely manner. The Commission also made a preliminary determination that the civil money penalty was \$1,100 based on the schedule of penalties at 11 C.F.R. § 111.43. The respondents were notified by the Reports Analysis Division ("RAD") via mailgram on May 2, 2003 of the Commission's finding and civil money penalty calculated at RTB.

**Respondents' Response**

On June 6, 2003, the Commission received the written response ("challenge") from the Treasurer who states that "this was the first time we were required to file electronically ... and did not have obvious expectations of exceeding the \$50,000 threshold in advance of this report due date. The paper report, submitted on December 6, accurately reported the same financial information." After they were notified on December 12, 2002 that they had to electronically file the report, they "immediately sought the services of someone who could manage the electronic filing for us" and "[w]e had the completed electronic report filed on December 21."

On October 27, 2003, the Commission received the respondents' October 21 letter in which the Treasurer re-iterates that they "did not know about the need to file electronically." The Treasurer explains that "[a]fter we lost the election, our headquarters were closed. Mr. Farrin later moved to a new address.... I never received the mail from you; hence, I would like to have the fine reduced or waived. I appeal to common sense since all ... contributions and pay outs were filed in compliance with the law."

**Analysis of Challenge**

The 30 Day Post-General Report, covering the period from October 17 through November 25, was electronically filed on December 23, 2002, 18 days late. A paper copy of the report, covering the period from October 21 through November 14, was received on December 6, 2002.

The Federal Election Campaign Act ("Act") states that the treasurer of a political committee shall file a 30 day post-general election report no later than 30 days after the General Election which shall be complete as of the 20<sup>th</sup> day after the General Election. 2 U.S.C. § 434(a)(2)(A)(ii) and 11 C.F.R. § 104.5(a)(1)(ii). Effective for reporting periods beginning after December 31, 2000, all political committees must file in an electronic format if they have received contributions or made expenditures, or expect to receive contributions or make expenditures, in a calendar year aggregating in excess of

\$50,000. Once a political committee exceeds or has reason to expect to exceed the appropriate threshold, it must file electronically all subsequent reports covering financial activity for the remainder of the calendar year. Reports filed on paper do not satisfy a political committee's filing obligations. 2 U.S.C. § 434(a)(11) and 11 C.F.R. § 104.18(a). 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. §§ 100.19(c) and 104.5(e). Committees are required to disclose changes to the information on a previously submitted statement of organization no later than 10 days after the date of the change. 2 U.S.C. § 433(c) and 11 C.F.R. § 102.2(a)(2). The treasurer shall be personally responsible for the timely and complete filing of reports. 11 C.F.R. § 104.14(d).

According to the Treasurer, their campaign office closed after the candidate lost the General Election and the candidate "later moved to a new address." He asks that the Commission reduce or waive the civil money penalty because "[we] never received the mail from you."

In accordance with the Act, it is the respondents' responsibility to provide the Commission with their address of record and report any change in that information no later than ten days after the date of change. When the respondents filed their Statement of Organization in June 2002, they listed their address of record as 23 West 73<sup>rd</sup> Street, New York, New York 10023. Commission records disclose no change in that address until December 2003 when they filed another Statement of Organization and provided their new address of record. Thus, Commission correspondence was correctly sent to the 73<sup>rd</sup> Street address. This includes Prior Notices and FEC Records sent by the Information Division and the failure to file in an electronic format notification and the RTB notification sent by RAD. While failure to report an address change may result in the respondents not receiving correspondence, or receiving correspondence late, from the Commission, it does not relieve them of their continued obligation to timely file reports.

Prior Notice for the 30 Day Post-General Report was sent to them on September 30. On the first page, it notes that 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 and they should review the enclosed handout entitled "Electronic Filing." The handout explains the criteria for mandatory electronic filing, directs readers to the Commission's web site, and tells committees and treasurers that if they are required to file electronically but, instead, they file on paper, they will be considered nonfilers and may be subject to enforcement action, including the imposition of civil money penalties under the Administrative Fine program. A Reminder Notice was also sent to them on November 8. The respondents were again informed of the report's filing requirement in an article on page 1 of the November 2002 FEC Record as well as that "[a] committee required to file electronically that instead files on paper reporting forms will be considered a nonfiler." Thus, they were notified of the mandatory electronic filing thresholds and that a report filed on paper by a filer who is required to file electronically does not satisfy the filing obligation.

According to the respondents, they "did not have expectations of exceeding the \$50,000 threshold" during the 30 Day Post-General reporting period. The Act and

regulations clearly state that the Treasurer is required to file reports in an electronic format if the committee has, or has reason to expect to have, aggregate contributions or aggregate expenditures in excess of \$50,000 in a calendar year. A review of the their paper copy of the report shows that the Committee received \$53,395 in total contributions and made \$52,251 in total operating expenditures as of November 14, 2002, and should have filed the report electronically rather than on paper to comply with the Act and regulations.

The other issues raised in the challenge (the Committee is "not a large organization" and they "also filed with New York State throughout the campaign and our paperwork was approved promptly") do not fall within the list of defenses outlined in 11 C.F.R. § 111.35(b). The respondents' challenge 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 30 Day Post-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 \$1,100.

#### **OAR Recommendations**

- (1) Make a final determination in AF# 889 that the Friends of Jim Farrin and Julian H. Gingold, as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$1,100; and
- (2) Send the appropriate letter.

#### **Attachments**

Attachment 1 - Challenge Received from Respondents

Attachment 2 - Declaration from RAD

Attachment 3 - Written Record of Telephone Conversation Provided with RAD  
Declaration

Attachment 4 - Declaration from OAR

2003 JUN -6 A 11: 08

FRIENDS of JIM FARRIN  
23 West 73rd Street  
New York, NY 10023

Attachment # 1  
Pages

FEC's Office of Administrative Review  
999 E Street, NW  
Washington, DC 20463

RE: AF# 889 and the timely filing of the 30-day Post General Election Report

Dear Sir:

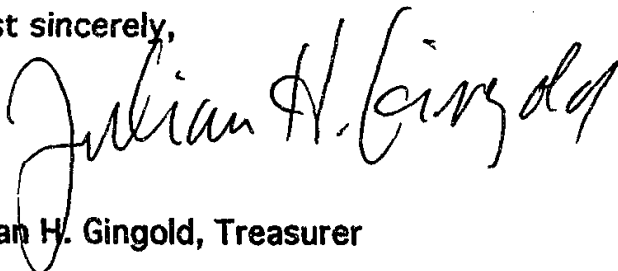
June 4, 2003

Upon notification that our report was required to be filed electronically, our office of FRIENDS of JIM FARRIN did our best to comply with the ACT. Our report had initially been submitted on paper and was received at the commission on December 6. On december 12, we were notified that we were required to submit electronically. We immediately sought the services of someone who could manage the electronic filing for us. Our report was prepared, filed a Statement of Organization so that we were able to access the electronic website. We had the completed electronic report filed on December 21, 2002.

Please understand that this was the first time we were required to file electronically. With regard to our expectation of the need to file electronically, we are not a large organization and did not have obvious expectations of exceeding the \$50,000 threshold in advance of this report due date. The paper report, submitted on December 6, accurately reported the same financial information thereby demonstrating our intention to accurately disclose our FEC related financial information on a timely basis.

We also filed with New York State on a timely basis throughout the campaign and our paperwork was approved promptly.

Most sincerely,



Julian H. Gingold, Treasurer

FRIENDS of JIM FARRIN  
35 East 85th Street  
New York, NY 10028

2003 OCT 27 P 3: 37

Attachment # \_\_\_\_\_  
Pages \_\_\_\_\_

Ms. Shawn Woodhead Werth  
FEC's Office of Administrative Review  
999 E Street, NW  
Washington, DC 20463

RE: AF# 889 and the timely filing of the 30-day Post General Election Report

Oct. 21, 2003

Dear Ms. Shawn Woodhead Werth:

As I explained during our telephone conversation yesterday, FRIENDS of JIM FARRIN filed on time and did not know about the need to file electronically. Upon notification, our office did our best to comply. Our report had initially been submitted on paper which was received at the commission on December 6. On December 12, when we learned that we were required to submit electronically, we immediately sought the services of someone who could manage the filing for us. Our report was prepared, we filed a Statement of Organization, and were able to access the website. We had the completed electronic report filed on December 21, 2002.

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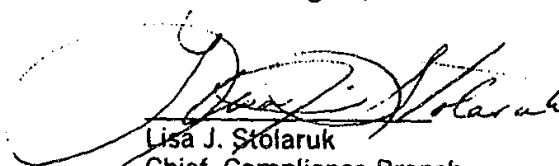
Most sincerely,



Julian H. Gingold, Treasurer  
(212) 903-7601

**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 Friends of Jim Farrin committee:
  - A) Prior Notice dated September 30, 2002 referencing the 2002 30 Day Post-General Report;
  - B) Reminder Notice dated November 8, 2002 referencing the 2002 30 Day Post-General Report;
  - C) Reason-to-Believe Mailgram dated May 2, 2003 referencing the 2002 30 Day Post-General Report.
3. I hereby certify that I have searched the Commission's public records and find that the Friends of Jim Farrin committee electronically filed the 2002 30 Day Post-General Report with the Commission on December 23, 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 9<sup>th</sup> day of June, 2003.

  
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Chief, Compliance Branch  
Reports Analysis Division  
Federal Election Commission



# GENERAL ELECTION REPORT NOTICE

FEDERAL ELECTION COMMISSION

CONGRESSIONAL COMMITTEES

September 30, 2002

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# GENERAL ELECTION REPORT NOTICE

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FEDERAL ELECTION COMMISSION

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CONGRESSIONAL COMMITTEES

November 8, 2002

**\*\*\*REMINDER                      REMINDER                      REMINDER\*\*\***

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**FOR INFORMATION, CALL: (800) 424-9530 or (202) 694-1100**

**WESTERN  
UNION**

CONFIRMATION OF CMGM

WESTERN UNION COMMERCIAL SERVICES  
TO: JULIAN H GINGOLD  
FRIENDS OF JIM FARRIN  
23 W 73RD ST  
NEW YORK NY 10023-3104

ALICE KANG -REPORT ANALYSIS DIV.  
FEDERAL ELECTION COMMISSION  
999 E ST NW  
WASHINGTON DC 20463

MAY 2, 2003

JULIAN H GINGOLD  
FRIENDS OF JIM FARRIN  
23 WEST 73RD STREET  
NEW YORK NY 10023

C00379206  
AF#: 889

DEAR JULIAN H GINGOLD:

THE FEDERAL ELECTION CAMPAIGN ACT OF 1971, AS AMENDED ("THE ACT"), REQUIRES THAT YOUR COMMITTEE FILE A 30 DAY POST-GENERAL REPORT OF RECEIPTS AND DISBURSEMENTS IN A CALENDAR YEAR DURING WHICH THERE IS A REGULARLY SCHEDULED GENERAL ELECTION FOR WHICH THE CANDIDATE SOUGHT ELECTION. THIS REPORT, COVERING THE PERIOD THROUGH NOVEMBER 25TH, SHALL BE FILED NO LATER THAN DECEMBER 5TH. 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 FILED ON 12/23/2002, 18 DAYS LATE.

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 04/29/2003, THE FEC FOUND THAT THERE IS REASON TO BELIEVE ("RTB") THAT FRIENDS OF JIM FARRIN AND YOU, AS TREASURER, VIOLATED 2 U.S.C. 434(A) BY FAILING TO FILE TIMELY THIS REPORT ON OR BEFORE DECEMBER 5TH. BASED ON THE FEC'S SCHEDULES OF CIVIL MONEY PENALTIES AT 11 C.F.R. 111.43, THE AMOUNT OF YOUR CIVIL MONEY PENALTY CALCULATED AT THE RTB STAGE IS \$1100. IT IS DUE BY 06/11/2003 AND IS BASED ON THESE FACTORS:

ELECTION SENSITIVITY OF REPORT: NOT ELECTION SENSITIVE  
LEVEL OF ACTIVITY: \$29890  
NUMBER OF DAYS LATE: 18  
NUMBER OF PREVIOUS CIVIL MONEY PENALTIES ASSESSED: 0

TO PAY THE CALCULATED CIVIL MONEY PENALTY

TO PAY THE CALCULATED CIVIL MONEY PENALTY, SEND THE ENCLOSED REMITTANCE AND YOUR PAYMENT TO THE FEC AT THE ADDRESS ON PAGE 3.

# WESTERN UNION

## WESTERN UNION COMMERCIAL SERVICES

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 06/11/2003. 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 FRIENDS OF JIM FARRIN 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("OCA") 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 MATTER TO BE MADE PUBLIC.

ADDITIONAL INFORMATION ON THE FEC'S ADMINISTRATIVE FINE PROGRAM,

**WESTERN  
UNION****WESTERN UNION COMMERCIAL SERVICES**

INCLUDING THE FINAL REGULATIONS, IS LOCATED AT THE FEC'S WEBSITE AT WWW.FEC.GOV. IF YOU HAVE QUESTIONS REGARDING THE PAYMENT OF THE CALCULATED CIVIL MONEY PENALTY, PLEASE CONTACT ALAN SHOOK 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 \$1100 FOR THE 2002 30 DAY POST-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 06/11/2003. 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: FRIENDS OF JIM FARRIN

FEC ID#: C00379206

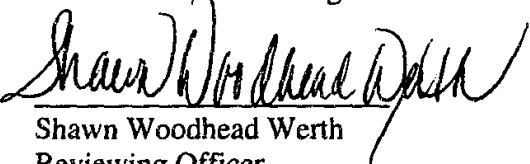
AF#: 889

PAYMENT DUE DATE: 06/11/2003

PAYMENT AMOUNT DUE: \$1100

### 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 30 Day Post-General Report, covering the period October 17 through November 25, 2002, is due December 5, 2002. If electronically filed, it must be received and validated at or before 11:59 p.m., Eastern Standard/Daylight Time on December 5 to be timely filed.
3. It is the practice of the Commission's Information Division to send the Record to treasurers and committees at their address of record and to include the Electronic Filing handout with all prior notifications.
4. It is the practice of the Reports Analysis Division to send a mailgram to mandatory electronic filing committees and treasurers at their address of record notifying them that they failed to file a report in an electronic format.
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:
  - a) Page 1 of the Statement of Organization filed by the Friends of Jim Farrin and Julian H. Gingold, as Treasurer. According to the Commission's records, the Statement was received on June 21, 2002. On Line 1, it lists the address as 23 West 73<sup>rd</sup> Street, New York, New York 10023;
  - b) Summary and Envelope Replacement Pages for the paper copy of the report covering the period of October 21 through November 14, 2002 for the Friends of Jim Farrin and Julian H. Gingold, as Treasurer. According to the Commission's records, the paper copy was hand delivered on December 6, 2002. For the election cycle-to-date, it lists \$53,395.51 in net contributions received on Line 6(c) and \$52,251.74 in net operating expenditures made on Line 7(c);
  - c) Page 1 of the Summary Page for the 2002 30 Day Post-General Report electronically filed by the Friends of Jim Farrin and Julian H. Gingold, as Treasurer. According to the Commission's records, the report covers the period of October 17 through November 25, 2002 and was received on December 23, 2002; and
  - d) Page 1 of the Statement of Organization electronically filed by the Friends of Jim Farrin and Gingold, as Treasurer. According to the Commission's records, the Statement was received on December 5, 2003. On Line 1, the address is listed as 35 E. 85<sup>th</sup> St. #16C, New York, NY 10028 and the address change box is checked.
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 17<sup>th</sup> of February, 2004.

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



## FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

### *Electronic Filing\**

Under the Commission's mandatory electronic filing regulations, all persons required to file their reports with the FEC who receive contributions or make expenditures in excess of \$50,000 in a calendar year, or who expect to do so, must submit their campaign finance reports electronically. Any filers who are required to file electronically, but who file on paper, will be considered nonfilers and may be subject to enforcement action by the Commission, including publication of their names and the imposition of civil money penalties under the Administrative Fine Program. 11 CFR 104.18(a)(2) and Part 111, Subpart B and 2 U.S.C §437g(a)(4) and (6)(A).

#### **Mandatory v. Voluntary Filing**

The mandatory electronic filing regulations (11 CFR 104.18) apply to any political committee or other person required to file reports, statements or designations with the FEC. This includes all filers except Senate candidate committees (and other persons who support only Senate candidates), who are required to file with the Secretary of the Senate.<sup>1</sup>

Since 1996, the Commission has encouraged voluntary electronic filing. For those individuals and political committees that do not exceed (or do not expect to exceed) the \$50,000 threshold, voluntary electronic filing is still encouraged.

Voluntary electronic filers must continue to file electronically for the remainder of the calendar year unless the Commission determines that unusual circumstances make continued electronic filing impractical. 11 CFR 104.18(b). No such waiver by the Commission, however, has been established for mandatory electronic filers.

#### **Who Must File Electronically**

**Candidate Committees.** All committees authorized by one candidate must file electronically if their combined total contributions or combined total

expenditures exceed, or are expected to exceed, the \$50,000 threshold.

**PACs and Party Committees.** By contrast, each unauthorized committee (PAC or party committee), whether or not it is affiliated, must file electronically if its total contributions or total expenditures exceed, or are expected to exceed, the threshold.

**Joint Fundraising Representatives.** A joint fundraising representative must file electronically if its total contributions or total expenditures exceed, or are expected to exceed, the \$50,000 threshold.<sup>2</sup>

**Independent Expenditures.** Individuals and qualified nonprofit corporations whose independent expenditures exceed, or are expected to exceed, the \$50,000 threshold must file electronically on FEC Form 5. Because Form 5 must be notarized, filers are required to submit a paper copy of Form 5 bearing the notarized seal and signature, or, if filing on diskette, attach a digital version of the seal and signature as a separate file when filing Form 5 electronically. 11 CFR 104.18(h) and 109.2(a).

#### **Calculating the Threshold**

A committee (other than a Senate committee) must file electronically if:

- It has received contributions of more than \$50,000 or made expenditures of more than \$50,000 during any calendar year; or
- It has "reason to expect to exceed" the above threshold in any calendar year. 11 CFR 104.18(a)(1) and 104.18(a)(3)(i).

**"Have Reason to Expect to Exceed."** Once filers actually exceed the threshold, they have "reason to expect to exceed" the threshold in the following two calendar years. 11 CFR 104.18 (a)(3)(i). This means they must continue to file electronically for the next two years (January through December).

\* This handout is based on an article that appeared in the August 2000 Record, p. 1.

<sup>1</sup> Senate candidates, however, are encouraged to voluntarily file electronically an unofficial copy of their reports with the FEC to ensure faster disclosure.

<sup>2</sup> For more information on joint fundraising, see 11 CFR 102.17, the Campaign Guides for Congressional Candidates and Committees and Campaign Guides for party committees.



**Exception for Candidate Committees.** In some cases, a candidate committee that has exceeded the threshold and filed electronically may not have to continue filing electronically. This exception applies to a candidate committee that:

- Has \$50,000 or less in net debts outstanding on January 1 of the year following the election;
- Anticipates terminating prior to the next election year; and
- Supports a candidate who has not qualified for the next election and does not intend to become a candidate in the next election. 11 CFR 104.18 (a)(3)(i).

**Persons With No History.** New political committees or other persons with no history of campaign finance activity may rely on one of the following formulas to determine whether they will exceed, or should expect to exceed, the threshold:

- The filer receives contributions or makes expenditures that exceed one-quarter of the threshold amount in the first calendar quarter of the calendar year; or
- The filer receives contributions or makes expenditures that exceed one-half of the threshold amount in the first half of the calendar year. 11 CFR 104.18 (a)(3)(ii).

**Other Considerations.** When a committee calculates whether it has exceeded, or expects to exceed, the \$50,000 threshold, it should keep in mind the following:

- The calculation is based on either making \$50,000 in expenditures or receiving \$50,000 in contributions during the calendar year; it is not based on a combination of expenditures and contributions.
- Nonfederal funds are excluded from the calculation.
- Cash on hand and outstanding debt at the beginning of the calendar year are excluded from the calculation.

(Also, see chart on page 3: *Calculating the Electronic Filing Threshold.*)

#### Filing Reports and Statements

**Validation of Report.** Electronic filers (whether mandatory or voluntary) must file all their reports electronically. The reports must follow the FEC's Electronic Filing Specifications Requirements, available online or on paper from the FEC. 11 CFR 104.18(d). An electronic report is considered "filed" when it is received and validated by the Commission's computer system on or before 11:59

p.m. on the prescribed filing date. Incomplete or inaccurate reports that do not pass the FEC's validation program will not be considered filed. The Commission will notify the filer that the report has not been accepted. 11 CFR 104.18(e)(2).

**Filing an Amendment.** To amend an electronically filed report, the filer must electronically resubmit the entire report, not just the amended portions. Additionally, the amendments must comply with the formatting rules contained in the FEC's Electronic Filing Specifications Requirements. 11 CFR 104.18(f).

#### Registration Documents (FEC Forms 1 and 2)

If a committee has exceeded or expects to exceed the \$50,000 threshold, its Statement of Organization (FEC Form 1) and Statement of Candidacy (FEC Form 2), and any amendments to either form, must be filed electronically. 11 CFR 102.2(a)(2) and 104.18(c). Note that all filers (whether electronic or paper) must include on their Statement of Organization the URL for their Web site, if they maintain one. Those committees that file electronically must also include their e-mail address on their Statement of Organization. 11 CFR 102.2(a)(1)(vii).

#### Refiling Paper Reports

Filers will not be expected to refile any reports or statements that were correctly filed on paper earlier in the calendar year or election cycle. 11 CFR 104.18(a)(2).

#### Signature Requirements

A committee's treasurer (or other person responsible for filing designations with the FEC) must verify that all electronically filed documents have been examined by the treasurer and (to the best of that person's knowledge) are accurate and complete. Verification may be:

- Direct transmission of the filing, using the treasurer's personal password received from the FEC. (In order to receive a password, treasurers should fax a request letter to the password office at 202/219-0674); or
- If filing on diskette, a digitized copy of a signed certification sent, as a separate file on the diskette, with the electronically filed documents. 11 CFR 104.18(g).

#### More Information

Free copies of the final rules, and their Explanation and Justification, as they appeared in the Federal Register (65 FR 38415, June 21, 2000) are available through the FEC Faxline (202/501-3413, document 227). For further information, see the FEC's Web site at <http://www.fec.gov/electron.html>. +

### Calculating the Electronic Filing Threshold

Political committees should use the following formulas to determine if their total expenditures or total contributions are over \$50,000 per calendar year:

#### CANDIDATE COMMITTEES

$$\begin{array}{rcl} & \text{Total Contributions Received}^1 & \\ - & \text{Refunds of Contributions} & \\ \hline & \text{Total Contributions (if over \$50,000, must file electronically)} & \\ \\ & \text{Total Operating Expenditures} & \\ + & \text{Contributions Made} & \\ \hline & \text{Total Expenditures (if over \$50,000, must file electronically)} & \end{array}$$

#### PACS

$$\begin{array}{rcl} & \text{Total Contributions Received} & \\ - & \text{Refunds of Contributions} & \\ + & \text{Transfers from affiliated federal committees} & \\ \hline & \text{Total Contributions (if over \$50,000, must file electronically)} & \\ \\ & \text{Total Federal Operating Expenditures} & \\ + & \text{Transfers to affiliated federal committees} & \\ + & \text{Contributions Made} & \\ + & \text{Independent Expenditures} & \\ \hline & \text{Total Expenditures (if over \$50,000, must file electronically)} & \end{array}$$

#### POLITICAL PARTY COMMITTEES

$$\begin{array}{rcl} & \text{Total Contributions Received} & \\ - & \text{Refunds of Contributions} & \\ + & \text{Transfers from affiliated federal political party committees} & \\ \hline & \text{Total Contributions (if over \$50,000, must file electronically)} & \\ \\ & \text{Total Federal Operating Expenditures} & \\ + & \text{Transfers to affiliated federal political party committees} & \\ + & \text{Contributions Made} & \\ + & \text{Independent Expenditures} & \\ + & \text{Coordinated Expenditures} & \\ \hline & \text{Total Expenditures (if over \$50,000, must file electronically)} & \end{array}$$

<sup>1</sup> Including the outstanding balance of any loans made, guaranteed or endorsed by the candidate or other person.

# Record

November 2002

Federal Election Commission

Volume 28, Number 11

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## Regulations

### BCRA Takes Effect

Many provisions of the Bipartisan Campaign Reform Act of 2002 (BCRA) take effect November 6, 2002. With the exception of the national party committees' soft money rules, the rules taking effect on November 6 do not apply to activity resulting from elections held before November 6th, including general election runoffs and recounts. However, after November 5, committees, organizations and individuals must otherwise comply with provisions of the BCRA, as appropriate, for all of their other activity, including activity related to the upcoming special general election in Hawaii. See related article on page 5.

### BCRA Requirements that Become Effective November 6

Provisions that take effective on November 6 include:

- A ban on the use of nonfederal funds by national party committees, including funds raised or spent for the purpose of building or purchasing a party office building;
- Rules governing fundraising and disbursements by state, district and local party committees—including the raising and spending of so-called "Levin funds;"

(continued on page 2)

## Reports

### Post-General Reporting Reminder

The 30-day Post-General Election report is due on December 5. The Post-General report covers activity from October 17 (or from the close of books of the last report filed) through November 25. The following committees must file this report:

- All registered PACs and party committees—even committees with little or no activity to disclose. Monthly filers must submit this report in lieu of the November monthly report.<sup>1</sup>
- Authorized committees of federal candidates running in the general election, including committees of unopposed candidates. Note that because the reporting period for the Post-General report spans two election cycles, candidate committees should use the Post-Election Detailed Summary Page (FEC Form 3, Pages 5-8) instead of the normal Detailed Summary Page.

In order to be considered timely filed, reports sent electronically must be received by the Commission, and pass the validation test,

(continued on page 2)

<sup>1</sup> Monthly filers should not file a November monthly report in addition to the Post-General report.

## Reports

(continued from page 1)

before midnight on the December 5 filing deadline. A committee required to file electronically that instead files on paper reporting forms will be considered a nonfiler.

Reports sent by regular first-class or overnight mail, or by hand delivery, must be received by the Commission's close of business on the filing deadline. Reports sent via registered or certified mail must be postmarked on or before December 5 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.

### Additional Information

For more information on 2002 reporting dates:

- See the reporting tables in the *January 2002 Record*, page 4;

**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>

- 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

## Commission Certifies Massachusetts for State Filing Waiver

The Commission has certified that Massachusetts qualifies for a state filing waiver.<sup>1</sup> Consequently, federal committees and candidates in Massachusetts no longer have to file copies of their federal reports with the Massachusetts Secretary of the Commonwealth. ♦

—Amy Kort

<sup>1</sup> The Commission has certified that the following states and territories qualify for filing waivers: Alabama, Alaska, American Samoa, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, 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, Virgin Islands, Virginia, Washington, West Virginia, Wisconsin and Wyoming. Committees that file their reports at the FEC need not file copies in these states. Guam, Montana and Puerto Rico are not currently in the State Filing Waiver Program.

## Regulations

(continued from page 1)

- Rules defining and governing "federal election activity;"
- Rules governing nonfederal fundraising by federal candidates and officeholders;
- Restrictions on donations to and solicitations for 501(c) and so-called "527" organizations by party committees, federal candidates and federal officeholders;<sup>1</sup>
- Requirements for the funding and reporting of "electioneering communications;"<sup>2</sup>
- Prohibitions on contributions by minors;
- Strengthened prohibitions on contributions, expenditures, independent expenditures and disbursements for electioneering communications by foreign nationals;<sup>3</sup>
- Additional requirements for disclaimers accompanying radio, television and print campaign materials;
- Increases to the civil penalties for violations of the ban on contributions in the name of another and the expansion of the prohibition on fraudulent misrepresentation;
- The codification of several aspects of the current regulatory test for the permissible use of campaign

<sup>1</sup> All of the above rules relating to the use of nonfederal funds are addressed in the Commission's "Final Rules on Prohibited and Excessive Contributions: Nonfederal Funds or Soft Money" (67 FR 49064, July 29, 2002). These rules are summarized in the *September 2002 Record*, page 1.

<sup>2</sup> The Commission approved final rules on "electioneering communications" on September 26, 2002. See related article on page 3.

<sup>3</sup> The Commission published a Notice of Proposed Rulemaking (NPRM) on contribution limitations and prohibitions in the August 22, 2002, *Federal Register* (67 FR 54366). The NPRM is summarized in the *September 2002 Record*, page 11.

FEC  
FORM 1STATEMENT OF  
ORGANIZATION

(See instructions)

RECEIVED  
FEC MAIL ROOM

2002 JUN 21 A 11:51

Office Use Only

1. NAME OF  
COMMITTEE (in full)(Check if name  
is changed)Example: If typing, type  
over the lines.

12FE4M5

FRIENDS OF JIM FARRIN

ADDRESS (number and street)

123 WEST 73RD STREET

(Check if address  
is changed)

NEW YORK, NY

NEW YORK

NY

10023-1

CITY ▲

STATE ▲

ZIP CODE ▲

COMMITTEE'S E-MAIL ADDRESS

J.FARRIN@NYC.MET

COMMITTEE'S WEB PAGE ADDRESS (URL)

WWW.JIMFARRIN.COM

2. DATE

06/19/2002

3. FEC IDENTIFICATION NUMBER ▶

C

4. IS THIS STATEMENT



NEW (N)

OR



AMENDED (A)

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

Type or Print Name of Treasurer

JULIAN H. GINGOLD

Signature of Treasurer

Julian H. Gingold

Date

06/19/2002

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

ANY CHANGE IN INFORMATION SHOULD BE REPORTED WITHIN 10 DAYS.

Office  
Use  
OnlyFor further information contact:  
Federal Election Commission  
Toll Free 800-424-9530  
Local 202-694-1100FEC FORM 1  
(Revised 1/01)

FEC  
FORM 3REPORT OF RECEIPTS  
AND DISBURSEMENTS

For An Authorized Committee

RECEIVED  
FEC MAIL  
OPERATIONS CENTER

2002 DEC -6 P 12:07

Office Use Only

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

12FE4MS

ADDRESS (number and street)

Check if different  
than previously  
reported (ACC)

2. FEC IDENTIFICATION NUMBER ▼

CITY ▲

STATE ▲

ZIP CODE ▲

STATE ▼ DISTRICT

C00379206

3. IS THIS  
REPORTNEW  
(N)

OR

AMENDED  
(A)

NY

108

4. TYPE OF REPORT (Choose One)

(a) Quarterly Reports:



April 15 Quarterly Report (Q1)



July 15 Quarterly Report (Q2)



October 15 Quarterly Report (Q3)



January 31 Year-End Report (YE)

July 31 Mid-Year Report  
(Non-election Year Only) (MY)

Termination Report (TER)

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



Primary (12P)...



General (12G)...



Runoff (12R)



Convention (12C)...



Special (12S)

Election on

00

00

in the  
State of

(c) 30-Day POST-Election Report for the:



General (30G)



Runoff (30R)



Special (30S)

Election on

11

05

2002

in the  
State of

NY

5. Covering Period

10

21

through

11

14

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

JULIAN H. GINGOLD

Signature of Treasurer

Julian H. Gingold

Date

12

04

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 3  
(Revised 1/01)

22-03-787-1821

# SUMMARY PAGE

of Receipts and Disbursements

FEC Form 3 (Revised 1/01)

Page 2

Write or Type Committee Name

FRIENDS OF Jim FARRIN

Report Covering the Period:

From:

10 21 2002

To:

11 14 2002

## 6. Net Contributions (other than loans)

(a) Total Contributions  
(other than loans) (from Line 11(e)) ...

976000

533955.1

(b) Total Contribution Refunds  
(from Line 20(d)) .....

NONE

NONE

(c) Net Contributions (other than loans)  
(subtract Line 6(b) from Line 6(a)) .....

976000

533955.1

## 7. Net Operating Expenditures

(a) Total Operating Expenditures  
(from Line 17) .....

2013070

5225174

(b) Total Offsets to Operating  
Expenditures (from Line 14) .....

NONE

NONE

(c) Net Operating Expenditures  
(subtract Line 7(b) from Line 7(a)) .....

2013070

5225174

8. Cash on Hand at Close of  
Reporting Period (from Line 27) .....

96794

9. Debts and Obligations Owed TO  
the Committee (Itemize all on  
Schedule C and/or Schedule D) .....

NONE

10. Debts and Obligations Owed BY  
the Committee (Itemize all on  
Schedule C and/or Schedule D) .....

NONE

For further information contact:

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

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

## Federal Election Commission

# **ENVELOPE REPLACEMENT PAGE FOR INCOMING DOCUMENTS**

The Commission has added this page to the end of this filing to indicate how it was received.

<input checked="" type="checkbox"/>	Hand Delivered	Date of Receipt <i>12-6-02</i>
<input type="checkbox"/>	First Class Mail	POSTMARKED
<input type="checkbox"/>	Registered/Certified Mail	POSTMARKED (R/C)
<input type="checkbox"/>	No Postmark	
<input type="checkbox"/>	Postmark Illegible	
<input type="checkbox"/>	Received from the House office of Records and Registration	Date of Receipt
<input type="checkbox"/>	Received from the Senate Office of Public Records	Date of Receipt
<input type="checkbox"/>	Other (Specify):	Postmarked and/or Date of Receipt
<input type="checkbox"/>	Electronic Filing	
<i>DMW</i> PREPARER		<i>12-6-02</i> DATE PREPARED



**WESTERN  
UNION**

CONFIRMATION OF MAILGRAM

TO: MR. JULIAN H GINGOLD

WESTERN UNION COMMERCIAL SERVICES

FRIENDS OF FARRIN

23 W 73RD ST

NEW YORK NY 10023-3104

FEDERAL ELECTION COMMISSION

DAYNA BROWN

999 E ST NW # 709

WASHINGTON DC 20463

DECEMBER 12, 2002

MS-P

IDENTIFICATION NUMBER: 000379206

REFERENCE: 30 DAY POST GENERAL REPORT (10/21/2002 - 11/14/2002)

DEAR TREASURER:

YOUR COMMITTEE HAS FAILED TO FILE THE ABOVE-REFERENCED REPORT IN AN ELECTRONIC FORMAT. IN ACCORDANCE WITH 11 C.F.R. 104.18(A)(1), YOU ARE REQUIRED TO FILE THIS REPORT, AND ALL SUBSEQUENT REPORTS FOR THE CALENDAR YEAR, ELECTRONICALLY. 11 C.F.R. 104.18(A)(2) FURTHER STATES THAT REPORTS FILED ON PAPER DO NOT SATISFY A POLITICAL COMMITTEE'S FILING OBLIGATION. YOUR REPORTING OBLIGATION WILL NOT BE SATISFIED UNTIL YOU FILE THE ABOVE-REFERENCED REPORT IN AN ELECTRONIC FORMAT.

IF YOU HAVE ANY QUESTIONS REGARDING THIS MATTER, PLEASE CONTACT DAYNA C. BROWN IN THE REPORTS ANALYSIS DIVISION ON OUR TOLL FREE NUMBER (800) 424-9530. OUR LOCAL NUMBER IS (202) 694-1130.

SINCERELY,

JOHN D. GIBSON  
ASSISTANT STAFF DIRECTOR  
REPORTS ANALYSIS DIVISION

FEC  
FORM 3REPORT OF RECEIPTS  
AND DISBURSEMENTS

For An Authorized Committee

Office Use Only

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

Friends of Jim Farrin

ADDRESS (number and street)

23 W 73rd Street

Check if different  
than previously  
reported. (ADC)

New York

NY

10023

2. FEC IDENTIFICATION NUMBER

CITY

STATE

ZIP CODE

STATE DISTRICT

C00379208

3. IS THIS  
REPORT

X

NEW  
(N)

OR

AMENDED  
(A)

NY

8

4. TYPE OF REPORT (Choose One)

(a) Quarterly Reports:

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

April 15 Quarterly Report (Q1)

Primary (12P)

General (12G)

Runoff (12R)

July 15 Quarterly Report (Q2)

Convention (12C)

Special (12S)

October 15 Quarterly Report (Q3)

Election on

in the  
State of

January 31 Year-End Report (YE)

(c) 30-Day POST-Election Report for the:

July 31 Mid-Year Report  
(Non-election Year Only) (MY)

X

General (30G)

Runoff (30R)

Special (30S)

Termination Report (TER)

Election on

11

05

2002

in the  
State of

NY

5. Covering Period

10

17

2002

through

11

25

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

Julian M Gingold

Signature of Treasurer

Electronically Filed by Julian M Gingold

Date

12

21

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 3  
(Revised 1/2001)

**FEC  
FORM 1****STATEMENT OF  
ORGANIZATION**

(See Instructions)

2702-22.cnt

1. NAME OF COMMITTEE (in full) (Check if name is changed) Example: If typing, type over the lines 12FE4M5

FRIENDS OF JIM FARRIN

ADDRESS (street or P.O. box)

35 e. 85th st. #16C

X

(Check if address is changed)

NEW YORK

NY

10028

CITY ▲

STATE ▲

ZIP CODE ▲

COMMITTEE'S E-MAIL ADDRESS

COMMITTEE'S WEB PAGE ADDRESS (URL)

COMMITTEE'S FAX NUMBER

2. DATE 10 27 2003

3. FEC IDENTIFICATION NUMBER C C00379205

4. IS THIS STATEMENT X NEW (N) OR AMENDED (A)

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

Type or Print Name of Treasurer gingold

Signature of Treasurer Electronically Filed by gingold

Date 12 05 2003

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Statement to the penalties of 18 U.S.C. 5437g.

ANY CHANGE IN INFORMATION SHOULD BE REPORTED WITHIN 10 DAYS

Office  
Use  
OnlyFor further information contact:  
Federal Election Commission  
Toll Free 800-424-0630  
Local 202-694-1100**FEC FORM 1**  
(Revised 02/2003)



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

VIA OVERNIGHT DELIVERY

February 18, 2004

Julian H. Gingold, Treasurer  
Friends of Jim Farrin  
35 East 85<sup>th</sup> Street, #16C  
New York, NY 10028

C00379206  
AF # 889

Dear Mr. Gingold:

On April 29, 2003, the Federal Election Commission ("Commission") found reason to believe ("RTB") that the Friends of Jim Farrin and you, as Treasurer ("respondents"), violated 2 U.S.C. § 434(a) for failing to file the 2002 30 Day Post-General Report in a timely manner. The Commission also made a preliminary determination that the civil money penalty was \$1,100 based on the schedule of penalties at 11 C.F.R. § 111.43.

After reviewing your written response and any supplemental information submitted by you and Commission staff, the Reviewing Officer has recommended that the Commission make a final determination in this matter. A copy of the Reviewing Officer's recommendation is attached.

You may file with the Commission Secretary a written response to the recommendation within 10 days of the date of this letter. Your written response should be sent to the Commission Secretary, 999 E Street, NW, Washington, DC 20463. As a result of the anthrax threat in the Washington, DC area, US Postal Service mail delivery to federal agencies, including the Commission, has been interrupted. Until regular mail delivery resumes, you may also file your written response with the Commission Secretary via facsimile (202-208-3333) or by courier at the same address (if you use an overnight delivery service, please use zip code 20004 instead of zip code 20463). Please include the AF # in your response. Your response may not raise any arguments not raised in your original written response or not directly responsive to the Reviewing Officer's recommendation. 11 C.F.R. § 111.36(f). The Commission will then make a final determination in this matter.

Please contact me at the toll free number 800-424-9530 (press 0, then press 1660) or 202-694-1660 if you have any questions.

Sincerely,

A handwritten signature in dark ink, appearing to read "Shawn Woodhead Werth".

Shawn Woodhead Werth  
Reviewing Officer  
Office of Administrative Review

Attachment

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
SECRETARIAT

FRIENDS of JIM FARRIN  
35 East 85th Street  
New York, NY 10028  
Julian H. Gingold, Treasurer

2004 FEB 25 A 8:47

**BY FAX TO: (202) 208-3333**

Commission Secretary  
Federal Election Commission  
909 E Street, NW  
Washington, D.C. 20463

Re: Friends of Jim Farrin  
Julian H. Gingold, as Treasurer

File Nos. C00379206  
AF#889

Dear Mr. Secretary:

February 25, 2004

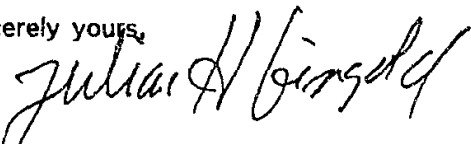
I am in receipt of a letter dated February 18, 2004 from Shawn Woodhead Werth, Reviewing Officer, Office of Administrative Review, advising that the Reviewing Officer has recommended that the Commission make final determination in this matter affirming the imposition of a civil money penalty in the sum of \$1,100 against Friends of Jim Farrin and Julian H. Gingold, as Treasurer, for our having failed timely to file electronically our 2002 30 Day Post-General Report.

We of course recognize the importance of strict enforcement by the Federal Election Commission of the applicable rules and regulations respecting post-election filings.

However, in this case we respectfully request that you apply your discretion to forego or reduce the amount of the penalty which has been assessed. This was our first experience in such electronic election filings and unfortunately, despite our good-faith attempts, failed to meet strict compliance, having completed filing compliance 18 days late. We sincerely believe that we made good-faith efforts in such substantial compliance, and that no one suffered prejudice by reason of such delay.

Under the circumstances, in the interest of justice we request that the penalty amount be reduced or canceled.

Sincerely yours,



Friends of Jim Farrin  
Julian H. Gingold, as Treasurer  
tel: (212) 903-7601 Fax: (212) 319-0933



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
SECRETARIAT

2004 MAR -2 A 10:14

March 1, 2004

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# 889 -  
FRIENDS OF JIM FARRIN AND JULIAN H. GINGOLD, AS  
TREASURER (C00379206)

On April 29, 2003, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that the Friends of Jim Farrin and Julian H. Gingold, as Treasurer ("respondents"), violated 2 U.S.C. § 434(a) for failing to file the 2002 30 Day Post-General Report in a timely manner. The report was electronically filed on December 23, 2002, 18 days late. A paper copy was received on December 6, 2002. As a result, on April 29, 2003, the Commission also made a preliminary determination that the civil money penalty was \$1,100 based on the schedule of penalties at 11 C.F.R. § 111.43.

On June 6, 2003, the Commission received the respondents' written response ("challenge") and, on October 27, the Commission received their October 21 letter. After reviewing the challenge, the Reviewing Officer's recommendation dated February 17, 2004 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 \$1,100 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 30 Day Post-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). The respondents' written response was received via facsimile on February 25, 2004 and is attached for your review.

#### **OAR Recommendations**

- (1) Make a final determination in AF# 889 that the Friends of Jim Farrin and Julian H. Gingold, as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$1,100; and
- (2) Send the appropriate letter.

Attachment



FEDERAL ELECTION COMMISSION

Washington, DC 20463

**SENSITIVE**

DATE & TIME OF TRANSMITTAL: Tuesday, March 02, 2004 4:00

BALLOT DEADLINE: Friday, March 05, 2004 4:00

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

SUBJECT: **Final Determination Recommendation in AF #889  
Friends of Jim Farrin and Julian H. Gingold, as  
Treasurer (C00379206). Memorandum from the  
Reviewing Officer Office of Administrative Review  
dated March 1, 2004.**

- ☐ I approve the recommendation(s)
- ☐ I object to the recommendation(s)
- ☐ I abstain from voting on the recommendation(s)
- ☐ I am recused from voting on the recommendation(s)
- ☐ I am not voting on this tally.

A definite vote is required. All ballots must be signed and dated. Please return ONLY THE BALLOT to the Commission Secretary. Please return ballot no later than date and time shown above.

DATE: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

FROM THE OFFICE OF THE SECRETARY OF THE COMMISSION



BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
Friends of Jim Farrin and Julian H. ) AF #889  
Gingold, as Treasurer (C00379206) - )  
Final Determination Recommendation. )

CERTIFICATION

I, Mary W. Dove, Secretary of the Federal Election Commission, do hereby certify that on March 5, 2004 the Commission decided by a vote of 6-0 to take the following actions in AF #889:

1. Make a final determination in AF #889 that the Friends of Jim Farrin and Julian H. Gingold, as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$1,100.
2. Send the appropriate letter, as recommended in the Reviewing Officer's Memorandum dated March 1, 2004.

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

Attest:

March 5, 2004  
Date

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

**WESTERN  
UNION**

CONFIRMATION OF CMGM

WESTERN UNION COMMERCIAL SERVICES  
TO: JULIAN H. GINGOLD, TREASURER  
FRIENDS OF JIM FARRIN  
35 E 85TH ST APT 16C  
NEW YORK NY 10028-0962

JENNIFER BOYT/OAR, REVIEW  
FEDERAL ELECTION COMMISSION  
999 E ST NW  
WASHINGTON DC 20463

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

MARCH 8, 2004

VIA CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

JULIAN H. GINGOLD, TREASURER  
FRIENDS OF JIM FARRIN  
35 EAST 85TH STREET, #16C  
NEW YORK, NY 10028

ID# C00379206  
AF# 889

DEAR MR. GINGOLD:

ON APRIL 29, 2003, THE FEDERAL ELECTION COMMISSION ("THE COMMISSION") FOUND REASON TO BELIEVE ("RTB") THAT THE FRIENDS OF JIM FARRIN AND YOU, AS TREASURER, VIOLATED 2 U.S.C. 434(A) FOR FAILING TO FILE THE 2002 30 DAY POST GENERAL REPORT IN A TIMELY MANNER. BY MAILGRAM DATED MAY 2, 2003, THE COMMISSION SENT YOU NOTIFICATION OF THE RTB FINDING THAT INCLUDED A CIVIL MONEY PENALTY CALCULATED AT RTB OF \$1,100 IN ACCORDANCE WITH THE SCHEDULE OF PENALTIES AT 11 C.F.R. 111.43. ON JUNE 6, 2003, THE OFFICE OF ADMINISTRATIVE REVIEW RECEIVED YOUR WRITTEN RESPONSE CHALLENGING THE RTB FINDING.

THE REVIEWING OFFICER REVIEWED THE COMMISSION RTB FINDING WITH ITS SUPPORTING DOCUMENTATION AND YOUR WRITTEN RESPONSE. BASED ON THIS REVIEW, THE REVIEWING OFFICER RECOMMENDED THAT THE COMMISSION MAKE A FINAL DETERMINATION THAT THE FRIENDS OF JIM FARRIN AND YOU, AS TREASURER, VIOLATED 2 U.S.C. 434(A) AND ASSESS A CIVIL MONEY PENALTY IN THE AMOUNT OF \$1,100 IN ACCORDANCE WITH 11 C.F.R. 111.43.

THE BASIS FOR THE REVIEWING OFFICER RECOMMENDATION WAS INCLUDED IN THE FINAL DETERMINATION REPORT, A COPY OF WHICH WAS SENT TO YOU ON FEBRUARY 18, 2004. THE COMMISSION SECRETARY RECEIVED YOUR WRITTEN RESPONSE ON FEBRUARY 25, 2004, AND A COPY WAS FORWARDED TO THE COMMISSION.

**WESTERN  
UNION****WESTERN UNION COMMERCIAL SERVICES**

ON MARCH 5, 2004, THE COMMISSION ADOPTED THE REVIEWING OFFICER'S RECOMMENDATION AND MADE A FINAL DETERMINATION THAT THE FRIENDS OF JIM FARRIN AND YOU, AS TREASURER, VIOLATED 2 U.S.C. 434(A) AND ASSESSED A CIVIL MONEY PENALTY OF \$1,100. IT IS BASED ON THE SAME FACTORS USED TO CALCULATE THE CIVIL MONEY PENALTY AT RTB.

**TO PAY THE CIVIL MONEY PENALTY**

TO PAY THE CIVIL MONEY PENALTY, SEND THE ENCLOSED FORM AND YOUR PAYMENT TO THE ADDRESS ON PAGE 3 WITHIN 30 DAYS OF RECEIPT OF THIS LETTER.

**IF YOU DO NOT PAY THE 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 ("DCIA"), 31 U.S.C. 3701 ET SEQ. IF YOU DO NOT PAY THIS DEBT WITHIN 30 DAYS (OR FILE A WRITTEN PETITION TO A FEDERAL DISTRICT COURT - SEE BELOW), THE COMMISSION WILL TRANSFER THE DEBT TO THE U.S. DEPARTMENT OF THE TREASURY ("TREASURY") FOR COLLECTION. WITHIN 5 DAYS OF THE TRANSFER TO TREASURY, TREASURY WILL CONTACT THE DEBTOR AND REQUEST PAYMENT. TREASURY CURRENTLY CHARGES A FEE OF 19% OF THE CIVIL MONEY PENALTY AMOUNT FOR ITS COLLECTION SERVICES. THE FEE WILL BE ADDED TO THE AMOUNT OF THE CIVIL MONEY PENALTY THAT YOU OWE. SHOULD TREASURY ATTEMPTS FAIL, TREASURY WILL REFER THE DEBT TO A PRIVATE COLLECTION AGENCY ("PCA"). IF THE DEBT IS REFERRED TO A PCA, THE TREASURY AND PCA COLLECT A FEE OF 28% OF THE CIVIL MONEY PENALTY AMOUNT WHICH WILL BE ADDED TO THE AMOUNT OF THE CIVIL MONEY PENALTY THAT YOU OWE. IF THE DEBT REMAINS UNPAID, TREASURY MAY RECOMMEND THAT THE COMMISSION REFER THE MATTER TO THE DEPARTMENT OF JUSTICE FOR LITIGATION.

**IF YOU CHOOSE TO APPEAL THE FINAL DETERMINATION AND/OR CIVIL MONEY PENALTY**

IF YOU CHOOSE TO APPEAL THE FINAL DETERMINATION, YOU SHOULD SUBMIT A WRITTEN PETITION, WITHIN 30 DAYS OF RECEIPT OF THIS LETTER, TO THE DISTRICT COURT OF THE UNITED STATES FOR THE DISTRICT IN WHICH THE COMMITTEE OR YOU RESIDE, OR TRANSACT BUSINESS, REQUESTING THAT THE FINAL DETERMINATION BE MODIFIED OR SET ASIDE. SEE 2 U.S.C. 437G(A)(4)(C)(III). YOUR FAILURE TO RAISE AN ARGUMENT IN A TIMELY FASHION DURING THE ADMINISTRATIVE PROCESS SHALL BE DEEMED A WAIVER OF THE RESPONDENTS' RIGHT TO PRESENT SUCH ARGUMENT IN A PETITION TO THE DISTRICT COURT UNDER 2 U.S.C. 437G. 11 C.F.R. 111.38.

THE CONFIDENTIALITY PROVISIONS AT 2 U.S.C. 437G(A)(12) NO LONGER APPLY AND THIS MATTER IS NOW PUBLIC. THE FILE WILL BE MADE A PART OF THE PUBLIC RECORD PURSUANT TO 11 C.F.R. 111.42(B). ALTHOUGH THE FILE MUST BE PLACED ON THE PUBLIC RECORD WITHIN 30 DAYS FROM THE DATE OF THE COMMISSION'S NOTIFICATION, THIS COULD OCCUR AT ANY TIME FOLLOWING CERTIFICATION OF THE COMMISSION'S VOTE.

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

SINCERELY,

**WESTERN  
UNION**

WESTERN UNION COMMERCIAL SERVICES

BRADLEY A. SMITH  
CHAIRMAN-----  
**ADMINISTRATIVE FINE PAYMENT INSTRUCTIONS**

IN ACCORDANCE WITH THE SCHEDULE OF PENALTIES AT 11 C.F.R.  
111.43, THE CIVIL MONEY PENALTY IS \$1,100 FOR THE 2002 30 DAY POST  
GENERAL REPORT.

THIS PENALTY SHOULD BE PAID BY CHECK OR MONEY ORDER, MADE  
PAYABLE TO THE FEDERAL ELECTION COMMISSION. IT SHOULD BE SENT BY  
MAIL TO:

FEDERAL ELECTION COMMISSION  
PO BOX 952182  
ST. LOUIS, MO 63195-2182

IF YOU CHOOSE TO SEND YOUR 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 FORM AND PAYMENT ARE DUE WITHIN 30 DAYS OF RECEIPT OF THIS  
LETTER.

PLEASE DETACH AND RETURN THIS PORTION BELOW WITH YOUR PAYMENT

-----

FOR FRIENDS OF JIM FARRIN

FEC ID # C00379206

AF # 889

PAYMENT AMOUNT DUE \$1,100

FOR Friends of Jim Farrin

FEC ID # C00379206

AF # 889

PAYMENT AMOUNT DUE \$1,100

MGMCOMP 15:32 EST

To reply by Mailgram Message, see reverse side for Western Union's toll-free number.

QUALITY IS OUR PRIORITY FOR LOCKBOX 2182  
SEQ# 001 \$ 0000110000 BA# 1 03-29-04 20 9

usbancorp.  
AN AMERICAN BANK

JAMES S. FARRIN MARIANNE M. FARRIN		1-2 500 210	1923
[REDACTED]		DATE	3/2/04
PAY TO THE ORDER OF	Federal Election Commission	\$	1,100.00
one thousand one hundred and no/100		DOLLARS	100
CHASE	JPMorgan Chase Bank 35 East 72nd Street New York, NY 10021		
MEMO	James S. Farrin		

THIS IS THE END OF ADMINISTRATIVE FINE CASE

# 889

DATE FILMED 4-29-04 CAMERA NO. 3

CAMERAMAN S.E.G