

**RECEIVED**

By Office of the Commission Secretary at 8:17 am, Sep 28, 2020

FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463**SENSITIVE**

September 25, 2020

**MEMORANDUM**

TO: The Commission

THROUGH: Alec Palmer *AP*  
Staff Director

FROM: Patricia C. Orrock *PCO*  
Chief Compliance Officer

Debbie Chacona *DC*  
Assistant Staff Director  
Reports Analysis Division

BY: Kristin D. Roser *KDR*  
Compliance Branch

SUBJECT: Reason to Believe Recommendation -  
Failure to File 48-Hour Notices under the Administrative Fine Program

Attached is the name of a principal campaign committee that has failed to file 48-hour notices with the Commission for contributions of \$1,000.00 or more received from the close of books for the Illinois 12 Day Pre-Primary Report up to 48 hours before the March 17, 2020 Primary Election in accordance with 52 U.S.C. § 30104(a) and 11 CFR. § 104.5(f). The committee, Darren Duncan for Congress, represents a candidate who lost the Primary Election. The committee is being referred for failing to file 48-hour notices for contributions totaling \$31,000.00.

A 48-hour notice is required to report all contributions of a \$1,000.00 or more, to any authorized committee of a candidate, including contributions from the candidate, loans from the candidate and other non-bank sources and endorsements or guarantees of loans from banks, as per 11 CFR § 104.5(f).

We have attached an information sheet which includes the contributor name, date of receipt and amount of the contributions for which a 48-hour notice was not filed.

In accordance with the schedule of civil money penalties outlined within 11 CFR § 111.44, this committee should be assessed the civil money penalty so indicated.

#### Recommendation

1. Find reason to believe that Darren Duncan for Congress and Emily Duncan, in her official capacity as treasurer, violated 52 U.S.C. § 30104(a) and make a preliminary determination that a civil money penalty of \$3,249 be assessed.
2. Send the appropriate letter.

#### Attachment

**Contributions for Which a 48-Hour Notice Was Not Received****AF 3914****Committee ID: C00729210****Committee Name: Darren Duncan for Congress****Report Type: 2020 April Quarterly Report (2/27/2020 – 3/31/2020)****48-Hour Reporting Period: 2/27/2020 – 3/14/2020**

<b>CONTRIBUTOR</b>	<b>DATE</b>	<b>AMOUNT</b>
DARREN DUNCAN	3/10/2020	\$30,000.00
MARK NORTON	3/12/2020	\$1,000.00
	<b>TOTAL</b>	<b>\$31,000.00</b>

**Proposed Civil Money Penalty: \$3,249** ((1 Notice Not Filed at \$149 each) + (10% of the Overall Contributions Not Reported))

Federal Election Commission  
Reason to Believe Circulation Report  
48-Hour Notification Report

9/25/2020 9:54 AM

AF#	Committee ID	Committee Name	State	Election	Candidate Name	Treasurer	Prev Violations	Notices Not Filed	LOA	Penalty
3914	C00729210	DARREN DUNCAN FOR CONGRESS	IL	2020	DARREN DUNCAN	EMILY DUNCAN	0	1	\$31,000	\$3,249

## BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 ) AF 3914  
 Reason to Believe Recommendation - )  
 Failure to File 48-Hour Notices under the )  
 Administrative Fine Program: Darren )  
 Duncan for Congress and Emily Duncan, )  
 in her official capacity as treasurer )

CERTIFICATION

I, Laura E. Sinram, Acting Secretary and Clerk of the Federal Election Commission, do hereby certify that on January 07, 2021, the Commission decided by a vote of 6-0 to take the following actions in AF 3914:

1. Find reason to believe that Darren Duncan for Congress and Emily Duncan, in her official capacity as treasurer, violated 52 U.S.C. § 30104(a) and make a preliminary determination that a civil money penalty of \$3,249 be assessed.
2. Send the appropriate letter.

Commissioners Broussard, Cooksey, Dickerson, Trainor, Walther, and Weintraub voted affirmatively for the decision.



Attest:

**Laura  
 Sinram**

Digitally signed by  
 Laura Sinram  
 Date: 2021.02.04  
 18:39:16 -05'00'

\_\_\_\_\_  
 Laura E. Sinram  
 Acting Secretary and Clerk of the  
 Commission



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

AF

February 8, 2021

Emily Duncan, in official capacity as Treasurer  
Darren Duncan for Congress  
508 N. Chicago St.  
Rossville, IL 60963

C00729210

AF#: 3914

Dear Ms. Duncan,

The Federal Election Campaign Act of 1971, as amended, 52 U.S.C. § 30101, et seq. ("the Act"), requires principal campaign committees of candidates for federal office to notify in writing the Federal Election Commission ("FEC") and the Secretary of State, as appropriate, of any contribution of \$1,000 or more, received by any authorized committee of the candidate after the 20th day, but more than 48 hours before, any election. 52 U.S.C. § 30104(a)(6)(A). The Act further requires notification to be made within 48 hours after the receipt of the contribution and to include the name of the candidate and office sought, the date of receipt, the amount of the contribution, and the identification of the contributor. *Id.* These notification requirements are in addition to all other reporting requirements. 52 U.S.C. § 30104(a). Our records indicate that Darren Duncan for Congress did not submit 48-Hour Notices for contributions of \$1,000 or more, received between February 27, 2020 and March 14, 2020, totaling \$31,000, as required by 52 U.S.C. § 30104(a)(6)(A). Attachment 1.

The Act permits the FEC to impose civil money penalties for violations of the reporting requirements of 52 U.S.C. § 30104(a). 52 U.S.C. § 30109(a)(4). On January 7, 2021, the FEC found that there is Reason to Believe ("RTB") that Darren Duncan for Congress and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) by failing to file the 48-Hour Notices. Based on the FEC's schedule of civil money penalties at 11 CFR § 111.44, the amount of your civil money penalty calculated at the RTB stage is \$3,249. Please see the attached copy of the Commission's administrative fine regulations at 11 CFR §§ 111.30-111.55. Attachment 2. The Commission's website contains further information about how the administrative fine program works and how the fines are calculated. <http://www.fec.gov/af/af.shtml>. 11 CFR § 111.34. The amount of the civil money penalty is \$149 for each non-filed notice plus 10 percent of the dollar amount of the contributions not timely reported. The civil money penalty increases by 25 percent for each prior violation. Send your payment of \$3,249 within forty (40) days of the finding, or by February 16, 2021.

DARREN DUNCAN FOR CONGRESS

Page 2 of 5

At this juncture, the following courses of action are available to you:

**1. If You Choose to Challenge the RTB Finding and/or Civil Money Penalty**

If you should decide to challenge the RTB finding and/or calculated civil money penalty, you must submit a written response to the FEC's Office of Administrative Review. Your response must include the AF# (found at the top of page 1 under your committee's identification number) and be received within forty (40) days of the Commission's RTB finding, or February 16, 2021. 11 CFR § 111.35(a). Your written response must include the reason(s) why you are challenging the RTB finding and/or calculated civil money penalty and 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. 11 CFR § 111.36(c).

Please note, on June 18, 2020, the Federal Election Commission began the initial phase (Phase I) of its return to normal operations. At this stage, the agency's offices will remain closed to visitors and most of its employees will continue to telework in an effort to limit the spread of coronavirus (COVID-19). The Commission is processing some documents submitted by mail, though processing will not occur daily until the agency resumes normal mail operations. Nevertheless, a challenge to an RTB finding and/or calculated civil money penalty must be received on time. Thus, all written responses and supporting documentation should be converted to PDF (Portable Document Format) and must be emailed to [administrativefines@fec.gov](mailto:administrativefines@fec.gov). The Commission encourages the use of electronic signatures on electronically submitted documents, but scanned copies of ink signatures will be accepted. Electronically submitted challenges will be deemed received on the date it is electronically received by staff.

The FEC will only consider challenges that are based on at least one of three grounds: (1) a factual error in the RTB finding; (2) miscalculation of the calculated civil money penalty by the FEC; or (3) your demonstrated use of best efforts to file in a timely manner when prevented from doing so by reasonably unforeseen circumstances that were beyond your control. 11 CFR § 111.35(b). For a challenge to be considered on the basis of best efforts, you must have filed the required report no later than 24 hours after the end of these reasonably unforeseen circumstances. *Id.* Examples of circumstances that will be considered reasonably unforeseen and beyond your control include, but are not limited to: (1) a failure of Commission computers or Commission-provided software despite your seeking technical assistance from Commission personnel and resources; (2) a widespread disruption of information transmissions over the Internet that is not caused by a failure of the Commission's or your computer systems or Internet service provider; and (3) severe weather or other disaster-related incident. 11 CFR § 111.35(c). Examples of circumstances that will not be considered reasonably unforeseen and beyond your control include, but are not limited to: (1) negligence; (2) delays caused by vendors or

DARREN DUNCAN FOR CONGRESS

Page 3 of 5

contractors; (3) treasurer and staff illness, inexperience or unavailability; (4) committee computer, software, or Internet service provider failures; (5) failure to know filing dates; and (6) failure to use filing software properly. 11 CFR § 111.35(d).

The "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 U.S. District Court under 52 U.S.C. § 30109. 11 CFR § 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.

## **2. If You Choose Not to Pay the Civil Money Penalty and Not to Submit a Challenge**

If you do not pay the calculated civil money penalty and do not submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that Darren Duncan for Congress and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(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 CFR § 111.51(a)(2).

## **3. If You Choose to Pay the Civil Money Penalty**

If you should decide to pay the calculated civil money penalty, follow the payment instructions on page 4 of this letter. Upon receipt of your payment, the FEC will send you a final determination letter.

## **NOTICE REGARDING PARTIAL PAYMENTS AND SETTLEMENT OFFERS**

### **4. Partial Payments**

If you make a payment in an amount less than the calculated civil money penalty, the amount of your partial payment will be credited towards the full civil money penalty that the Commission assesses upon making a final determination.

### **5. Settlement Offers**

Any offer to settle or compromise a debt owed to the Commission, including a payment in an amount less than the calculated civil money penalty assessed or any



DARREN DUNCAN FOR CONGRESS

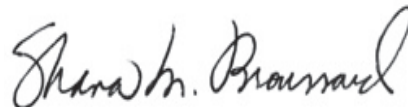
Page 4 of 5

restrictive endorsements contained on your check or money order or proposed in correspondence transmitted with your check or money order, will be rejected. Acceptance and deposit or cashing of such a restricted payment does not constitute acceptance of the settlement offer. Payments containing restrictive endorsements will be deposited and treated as a partial payment towards the civil money penalty that the Commission assesses upon making a final determination. All unpaid civil money penalty amounts remaining will be subject to the debt collection procedures set forth in Section 2, above.

This matter was generated based on information ascertained by the FEC in the normal course of carrying out its supervisory responsibilities. 52 U.S.C. § 30109(a)(2). Unless you notify the FEC in writing that you wish the matter to be made public, it will remain confidential in accordance with 52 U.S.C. § 30109(a)(4)(B) and 30109(a)(12)(A) until it is placed on the public record at the conclusion of this matter in accordance with 11 CFR § 111.42.

As noted earlier, you may obtain additional information on the FEC's administrative fine program, including the final regulations, on the FEC's website at <http://www.fec.gov/af/af.shtml>. If you have questions regarding the payment of the calculated civil money penalty, please contact Jamie Sikorsky in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) 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. 1158) or (202) 694-1158.

On behalf of the Commission,



Shana M. Broussard  
Chair

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#### **ADMINISTRATIVE FINE PAYMENT INSTRUCTIONS**

In accordance with the schedule of penalties at 11 CFR § 111.44, the amount of your civil money penalty calculated at RTB is \$3,249 for the 2020 Illinois Primary Election 48-Hour Notification Report.

You may remit payment by ACH withdrawal from your bank account, or by debit or credit card through Pay.gov, the federal government's secure portal for online

DARREN DUNCAN FOR CONGRESS

Page 5 of 5

collections. Visit [www.fec.gov/af/pay.shtml](http://www.fec.gov/af/pay.shtml) to be directed to Pay.gov's Administrative Fine Program Payment form. Please use the details below to complete the required fields. For additional payment options, please contact Jamie Sikorsky in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130.

COMMITTEE NAME: Darren Duncan for Congress

FEC ID#: C00729210

AF#: 3914

PAYMENT DUE DATE: February 16, 2021

PAYMENT AMOUNT DUE: \$3,249

**Contributions for Which a 48-Hour Notice Was Not Received****AF 3914****Committee ID: C00729210****Committee Name: Darren Duncan for Congress****Report Type: 2020 April Quarterly Report (2/27/2020 – 3/31/2020)****48-Hour Reporting Period: 2/27/2020 – 3/14/2020**

<b>CONTRIBUTOR</b>	<b>DATE</b>	<b>AMOUNT</b>
DARREN DUNCAN	3/10/2020	\$30,000.00
MARK NORTON	3/12/2020	\$1,000.00
	<b>TOTAL</b>	<b>\$31,000.00</b>

**Proposed Civil Money Penalty: \$3,249** ((1 Notice Not Filed at \$149 each) + (10% of the Overall Contributions Not Reported))

**RECEIVED**

By Office of the Commission Secretary at 11:39 am, Sep 15, 2021



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

**SENSITIVE**

September 15, 2021

**MEMORANDUM**

TO: The Commission

THROUGH: Alec Palmer *AP*  
Staff Director

FROM: Patricia C. Orrock *PCO*  
Chief Compliance Officer

Debbie Chacona *DC*  
Assistant Staff Director  
Reports Analysis Division

BY: *KDR*  
Kristin D. Roser  
Reports Analysis Division  
Compliance Branch

SUBJECT: Administrative Fine Program – Final Determination Recommendation for the Failure to File 48-Hour Notices

Attached is a list identifying a political committee and its treasurer against which the Commission has found reason to believe (RTB) and assessed a proposed civil money penalty calculated at RTB for failure to file or failure to timely file the appropriate 48-Hour Notices for the Illinois 2020 Primary Election. The committee has not paid the civil money penalty requested at RTB and has been given at least forty (40) days from the date of the Commission's RTB finding to remit payment.

In accordance with 11 CFR § 111.34, the Commission shall send a final determination notice to the respondent that has not paid the civil money penalty.

**RAD Recommendation**

- (1) Make a final determination that the political committee and its treasurer, in their official capacity, listed on the attached report violated 52 U.S.C. § 30104(a) and assess the final civil money penalty so indicated.
- (2) Send the appropriate letter.

Federal Election Commission  
Final Determination Circulation Report  
48-Hour Notification Report

AF#	Committee ID	Committee Name	State	Election	Candidate Name	Treasurer	Prev Violations	Notices Not Filed	LOA	RTB Date	RTB Penalty	Days Since RTB	FD Penalty
3914	C00729210	DARREN DUNCAN FOR CONGRESS	IL	2020	DARREN DUNCAN	EMILY DUNCAN	0	1	\$31,000	01/07/2021	\$3,249	250	\$3,249

## BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 ) AF 3914  
 Administrative Fine Program - Final )  
 Determination Recommendation for the )  
 Failure to File 48-Hour Notices: Darren )  
 Duncan for Congress and Emily Duncan, )  
 in their official capacity as treasurer )

CERTIFICATION

I, Vicktoria J. Allen, Acting Deputy Secretary of the Federal Election Commission, do hereby certify that on September 17, 2021, the Commission decided by a vote of 4-0 to take the following actions in AF 3914:

1. Make a final determination that Darren Duncan for Congress and Emily Duncan, in their official capacity as treasurer, violated 52 U.S.C. § 30104(a) and assess the final civil money penalty in the amount of \$3,249.
2. Send the appropriate letter.

Commissioners Broussard, Dickerson, Trainor, and Walther voted affirmatively for the decision. Commissioners Cooksey and Weintraub did not vote.

Attest:



**Vicktoria Allen** Digitally signed by Vicktoria Allen  
 Date: 2021.09.20 10:16:32 -04'00'

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Vicktoria J. Allen  
 Acting Deputy Secretary of the  
 Commission



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

AF

September 21, 2021

Emily Duncan, in official capacity as Treasurer  
Darren Duncan for Congress  
508 N. Chicago St.  
Rossville, IL 60963

C00729210

AF#: 3914

Dear Ms. Duncan,

On January 7, 2021, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Darren Duncan for Congress and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) for failing to file 48-Hour Notices for contributions of \$1,000 or more, received between February 27, 2020 and March 14, 2020, totaling \$31,000. By letter dated February 10, 2021, the Commission notified you of the RTB finding and the civil money penalty calculated at the RTB stage to be \$3,249 in accordance with the schedule of penalties at 11 CFR § 111.44. Within forty (40) days of the FEC's RTB finding, you, as treasurer, were required to either transmit payment of the calculated civil money penalty or submit a written response challenging either the RTB finding or the calculated civil money penalty.

The FEC did not receive payment of the calculated civil money penalty or a written response within the time permitted. The FEC made a final determination on September 17, 2021 that Darren Duncan for Congress and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) and assessed a civil money penalty in the amount of \$3,249 in accordance with 11 CFR § 111.44.

At this juncture, the following courses of action are available to you:

**1. 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 thirty (30) days of receipt of this letter, to the U.S. District Court for the district in which the committee or you reside, or transact business, requesting that the final determination be modified or set aside. See 52 U.S.C. § 30109(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 52 U.S.C. § 30109. 11 CFR § 111.38.

**2. If You Choose Not to Pay the Civil Money Penalty and Not to Appeal**

DARREN DUNCAN FOR CONGRESS

Page 2 of 4

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 thirty (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 five (5) days of the transfer to Treasury, Treasury will contact you to request payment. Treasury currently charges a fee of 30% of the civil money penalty amount for its collection services. If the age of the debt is greater than or equal to two years old, Treasury will charge a fee of 32% 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's attempts fail, Treasury will refer the debt to a private collection agency ("PCA"). If the debt remains unpaid, Treasury may recommend that the Commission refer the matter to the Department of Justice for litigation.

Actions which may be taken to enforce recovery of a delinquent debt by Treasury may also include: (1) offset of any payments, which the debtor is due, including tax refunds and salary; (2) referral of the debt to agency counsel for litigation; (3) reporting of the debt to a credit bureau; (4) administrative wage garnishment; and (5) reporting of the debt, if discharged, to the IRS as potential taxable income. In addition, under the provisions of DCIA and other statutes applicable to the FEC, the debtor may be subject to the assessment of other statutory interest, penalties, and administrative costs.

In accordance with the DCIA, at your request, the agency will offer you the opportunity to inspect and copy records relating to the debt, the opportunity for a review of the debt, and the opportunity to enter into a written repayment agreement.

### **3. If You Choose to Pay the Civil Money Penalty**

If you should decide to pay the civil money penalty, follow the payment instructions on page 4 of this letter. You should make payment within thirty (30) days of receipt of this letter.

## **NOTICE REGARDING PARTIAL PAYMENTS AND SETTLEMENT OFFERS**

### **4. Partial Payments**

If you make a payment in an amount less than the calculated civil money penalty, the amount of your partial payment will be credited towards the full civil money penalty that the Commission assesses upon making a final determination.

### **5. Settlement Offers**

Any offer to settle or compromise a debt owed to the Commission, including a payment in an amount less than the civil money penalty assessed or any restrictive



DARREN DUNCAN FOR CONGRESS

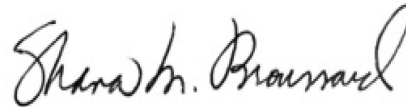
Page 3 of 4

endorsements contained on your check or money order or proposed in correspondence transmitted with your check or money order, will be rejected. Acceptance and deposit or cashing of such a restricted payment does not constitute acceptance of the settlement offer. Payments containing restrictive endorsements will be deposited and treated as a partial payment towards the civil money penalty that the Commission assessed upon making a final determination. All unpaid civil money penalty amounts remaining will be subject to the debt collection procedures set forth in Section 2, above.

The confidentiality provisions at 52 U.S.C. § 30109(a)(12) no longer apply and this matter is now public. Pursuant to 11 C.F.R. §§ 111.42(b) and 111.20(c), the file will be placed on the public record within 30 days from the date of this notification.

If you have any questions regarding the payment of the civil money penalty, please contact Jamie Sikorsky at Federal Election Commission, 1050 First Street, NE, Washington, DC 20002, or our toll free number (800) 424-9530 (at the prompt, press 5) or (202) 694-1130.

On behalf of the Commission,



Shana M. Broussard  
Chair

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**ADMINISTRATIVE FINE PAYMENT INSTRUCTIONS**

In accordance with the schedule of penalties at 11 CFR § 111.44, the civil money penalty is \$3,249 for the 2020 Illinois Primary Election 48-Hour Notification Report. The payment is due within 30 days of receipt of this letter.

You may remit payment by ACH withdrawal from your bank account, or by debit or credit card through Pay.gov, the federal government's secure portal for online collections. Visit [www.fec.gov/af/pay.shtml](http://www.fec.gov/af/pay.shtml) to be directed to Pay.gov's Administrative Fine Program Payment form. Please use the details below to complete the required fields. For additional payment options, please contact Jamie Sikorsky in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130.

COMMITTEE NAME: Darren Duncan for Congress

DARREN DUNCAN FOR CONGRESS

Page 4 of 4

FEC ID#: C00729210

AF#: 3914

PAYMENT AMOUNT DUE: \$3,249