

RECEIVED

By Office of the Commission Secretary at 12:14 pm, Sep 14, 2022



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

SENSITIVE

September 14, 2022

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/Ben Holly *KDR BH*
Reports Analysis Division
Compliance Branch

SUBJECT: Reason To Believe Recommendation – 2022 12-Day Pre-Primary Report
(Minnesota) for the Administrative Fine Program

Attached is a list of a political committee and its treasurer who failed to timely file the 2022 12-Day Pre-Primary Report for the Minnesota Primary Election in accordance with 52 U.S.C. § 30104(a). The 12-Day Pre-Primary Report was due on July 28, 2022 and the Primary Election was held on August 9, 2022.

The committee listed on the attached RTB Circulation Report failed to file the election sensitive report by the required due date. Election sensitive reports filed more than four days prior to the election are considered late, and reports not filed more than four days prior to the election are considered not filed. In accordance with the schedule of civil money penalties for reports at 11 CFR § 111.43, the committee should be assessed the civil money penalty highlighted on the attached circulation report.

Recommendation

1. Find reason to believe that the political committee and its treasurer, in their official capacity, listed on the RTB Circulation Report violated 52 U.S.C. § 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the RTB Circulation Report.
2. Send the appropriate letter.

Federal Election Commission
Reason to Believe Circulation Report
2022 PRE-PRIMARY Election Sensitive 07/28/2022 AUTH (MN)

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
4388	C00806133	ROYCE WHITE FOR CONGRESS	ROYCE ALEXANDER WHITE	OFFICE OF TREASURER	\$654,721	0	8/9/2022	*Not Filed	\$109,995	\$7,948

* The committee did not file their report prior to four (4) days before the primary election; therefore, per 11 C.F.R. 111.43(e), the report is considered to be not filed.

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) AF 4388
 Reason To Believe Recommendation –)
 2022 12-Day Pre-Primary Report)
 (Minnesota) for the Administrative Fine)
 Program)

CERTIFICATION

I, Vicktoria J. Allen, Acting Deputy Secretary of the Federal Election Commission, do hereby certify that on September 16, 2022, the Commission decided by a vote of 5-0 to take the following actions in AF 4388:

1. Find reason to believe that Royce White for Congress and Office of Treasurer, violated 52 U.S.C. § 30104(a) and make a preliminary determination that a civil money penalty would be the amount of \$7,948.
2. Send the appropriate letter.

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

Attest:



Vicktoria J Allen Digitally signed by Vicktoria J Allen
 Date: 2022.09.16 16:28:32 -04'00'

Vicktoria J. Allen
 Acting Deputy Secretary of the
 Commission



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

AF

September 21, 2022

Office of Treasurer, in official capacity as Treasurer
Royce White for Congress
150 S 5th St.
Suite 3100
Minneapolis, MN 55402

C00806133
AF#: 4388

Dear Office of Treasurer,

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file a 12-Day Pre-Primary Report of Receipts and Disbursements in any calendar year during which there is a regularly scheduled election for which the candidate is seeking election or nomination for election. This report, covering the period July 1, 2022 through July 20, 2022, shall be filed no later than July 28, 2022. 52 U.S.C. § 30104(a). Because records at the Commission indicate that you did not file this report prior to four (4) days before the election, the report is considered not filed for the purpose of calculating the civil money penalty.

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. § 30109g(a)(4). On September 16, 2022, the FEC found that there is reason to believe ("RTB") that Royce White for Congress and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) by failing to file timely this report on or before July 28, 2022. 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 \$7,948. Please see the attached copy of the Commission's administrative fine regulations at 11 C.F.R. §§ 111.30-111.46. Attachment 1. The Commission's website contains further information about how the administrative fine program works and how the fines are calculated. *See* <https://www.fec.gov/af/pay.shtml> 11 C.F.R. § 111.34. Your payment of \$7,948 is due within forty (40) days of the finding, or by October 26, 2022, and is based on these factors:

Election Sensitivity of Report: Election Sensitive

Level of Activity: \$109,995

Number of Days Late: Not Filed (reports not filed prior to four (4) days before the Primary Election held on August 9, 2022 are considered not filed for the purpose of calculating the penalty)

ROYCE WHITE FOR CONGRESS

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Number of Previous Civil Money Penalties Assessed: 0

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 October 26, 2022. 11 C.F.R. § 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 C.F.R. § 111.36(c).

Please note, all challenges to an RTB finding and/or calculated civil money penalty should be converted to PDF (Portable Document Format) and emailed to 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 they are 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 C.F.R. § 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 C.F.R. § 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 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 C.F.R. § 111.35(d).

ROYCE WHITE FOR CONGRESS

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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 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.

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 Royce White 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 C.F.R. § 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 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

ROYCE WHITE FOR CONGRESS

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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 C.F.R. § 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 <https://www.fec.gov/af/pay.shtml>. If you have questions regarding the payment of the calculated civil money penalty, please contact Ben Holly 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,



Allen J. Dickerson
Chairman

ADMINISTRATIVE FINE 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 \$7,948 for the Pre-Primary 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 collections. Visit 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 Ben Holly in the Reports Analysis Division at our toll-free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130.

ROYCE WHITE FOR CONGRESS

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COMMITTEE NAME: Royce White for Congress

FEC ID#: C00806133

AF#: 4388

PAYMENT DUE DATE: October 26, 2022

PAYMENT AMOUNT DUE: \$7,948

RECEIVED

By Office of the Commission Secretary at 11:36 am, May 22, 2023



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

SENSITIVE

May 22, 2023

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* / Ben Holly *BH*
Reports Analysis Division
Compliance Branch

SUBJECT: Administrative Fine Program – Final Determination Recommendation for the 2022 12-Day Pre-Primary Report (Minnesota)

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 2022 12-Day Pre-Primary Report. The committee has paid the civil money penalty requested at RTB.

In accordance with 11 CFR § 111.34, the Commission shall send a final determination notice to the respondent that has 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
FD Circulation Report Fine Paid
2022 PRE-PRIMARY Election Sensitive 07/28/2022 AUTH (MN)

AF#	Committee Name	Candidate Name	Committee ID	Treasurer	Receipt Date	Days Late	LOA	PV	RTB Date	RTB Penalty	Final Money Penalty	Date Paid	Amount Paid
4388	ROYCE WHITE FOR CONGRESS	ROYCE ALEXANDER WHITE	C00806133	OFFICE OF TREASURER	08/09/2022	*Not Filed	\$109,995	0	09/16/2022	\$7,948	\$7,948	03/30/2023	\$7,948

* The committee did not file their report prior to four (4) days before the primary election; therefore, per 11 C.F.R. 111.43(e), the report is considered to be not filed.

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) AF 4388
 Administrative Fine Program – Final)
 Determination Recommendation for the)
 2022 12-Day Pre-Primary Report (MN):)
 Royce White for Congress and Office of)
 Treasurer)

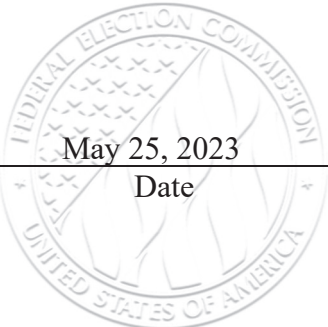
CERTIFICATION

I, Vicktoria J. Allen, Deputy Secretary of the Federal Election Commission, do hereby certify that on May 24, 2023, the Commission decided by a vote of 6-0 to take the following actions in AF 4388:

1. Make a final determination that Royce White for Congress and Office of Treasurer violated 52 U.S.C. § 30104(a) and assess the final money penalty in the amount of \$7,948.
2. Send the appropriate letter.

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

Attest:

The seal of the Federal Election Commission is circular, featuring a central eagle with wings spread, perched on a shield. The words "FEDERAL ELECTION COMMISSION" are inscribed around the top inner edge, and "UNITED STATES OF AMERICA" around the bottom inner edge. The date "May 25, 2023" is written across the center of the seal, and the word "Date" is written below it.

May 25, 2023
 Date

Vicktoria J Allen Digitally signed by Vicktoria J Allen
 Date: 2023.05.25 10:33:25 -04'00'

 Vicktoria J. Allen
 Deputy Secretary of the Commission



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

AF

May 25, 2023

Office of Treasurer, in official capacity as Treasurer
Royce White for Congress
150 S 5th St
Suite 3100
Minneapolis, MN 55402

C00806133
AF#: 4388

Dear Office of Treasurer,

On September 16, 2022, the Federal Election Commission ("the Commission" or "FEC") found reason to believe ("RTB") that Royce White for Congress and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) for filing late or failing to file the 2022 Pre-Primary Report. By letter dated September 21, 2022, the Commission notified you of the RTB finding and the civil money penalty calculated at the RTB stage totaling \$7,948, in accordance with the schedule of penalties at 11 C.F.R. § 111.43.

On March 30, 2023, the FEC received payment of the civil money penalty calculated at the RTB stage. The Commission made a final determination on May 24, 2023 that Royce White for Congress and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a), assessed a civil money penalty in the amount of \$7,948, in accordance with 11 C.F.R. § 111.43, and voted to close the file.

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 thirty (30) days from the date of this notification.

If you have any questions regarding this matter, please contact Ben Holly on our toll-free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130.

ROYCE WHITE FOR CONGRESS

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On behalf of the Commission,

A handwritten signature in black ink, appearing to read 'Dara Lindenbaum', with a long horizontal flourish extending to the right.

Dara Lindenbaum
Chair