



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

SENSITIVE

December 7, 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 October Quarterly Report (Non-Election Sensitive) for the Administrative Fine Program

Attached is a list of political committees and their treasurers who failed to file the 2022 October Quarterly Report (Non-Election Sensitive) in accordance with 52 U.S.C. § 30104(a). The October Quarterly Report was due on October 15, 2022.

The committees listed on the attached RTB Circulation Report either failed to file the report or filed the report no more than thirty (30) days after the due date (considered a late filed report). In accordance with the schedule of civil money penalties for reports at 11 C.F.R. 111.43, these committees should be assessed the civil money penalties highlighted on the attached circulation report.

Recommendation

1. Find reason to believe that the political committees and their treasurers, 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 penalties would be the amounts indicated on the RTB Circulation Report.

2. Send the appropriate letters.

Federal Election Commission
Reason to Believe Circulation Report
2022 OCTOBER QUARTERLY Not Election Sensitive 10/15/2022 H_S_P_UNAUTH

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
4422	C00775528	HYDE FOR CONGRESS	MARTIN HYDE	MARTIN EDWARD HYDE	\$448,216	0		Not Filed	\$74,702 (est)	\$4,292

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Reason To Believe Recommendation –)
2022 October Quarterly Report (Non-)
Election Sensitive) for the Administrative)
Fine Program:)

Federal Election Commission
Certification for Administrative Fines
December 08, 2022

HYDE FOR CONGRESS, and HYDE,) AF# 4422
MARTIN EDWARD as treasurer;)

Federal Election Commission
Certification for Administrative Fines
December 08, 2022

CERTIFICATION

I, Vicktoria J. Allen, Acting Deputy Secretary of the Federal Election Commission, do hereby certify that on December 08, 2022 the Commission took the following actions on the Reason To Believe Recommendation – 2022 October Quarterly Report (Non-Election Sensitive) for the Administrative Fine Program, as recommended in the Reports Analysis Division's Memorandum dated December 07, 2022, on the following committees:

Federal Election Commission
Certification for Administrative Fines
December 08, 2022

Federal Election Commission
Certification for Administrative Fines
December 08, 2022

Federal Election Commission
Certification for Administrative Fines
December 08, 2022

Federal Election Commission
Certification for Administrative Fines
December 08, 2022

Page 8

AF#4422 Decided by a vote of 6-0 to: (1) find reason to believe that HYDE FOR CONGRESS, and HYDE, MARTIN EDWARD in their official capacity as treasurer, violated 52 U.S.C. § 30104(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 Broussard, Cooksey, Dickerson, Lindenbaum, Trainor, and Weintraub voted affirmatively for the decision.

Federal Election Commission
Certification for Administrative Fines
December 08, 2022

Federal Election Commission
Certification for Administrative Fines
December 08, 2022

Federal Election Commission
Certification for Administrative Fines
December 08, 2022



Attest:

**Vicktoria J
Allen**

Digitally signed by Vicktoria
J Allen
Date: 2022.12.08 18:12:33
-05'00'

Vicktoria J. Allen
Acting Deputy Secretary of the
Commission



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

AF

December 14, 2022

Martin Edward Hyde, in official capacity as Treasurer
Hyde for Congress
6948 Shotgun Drive
Sarasota, FL 34240

C00775528

AF#: 4422

Dear Martin Edward Hyde,

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file an October Quarterly Report of Receipts and Disbursements every calendar year. This report, covering the period August 4, 2022 through September 30, 2022, shall be filed no later than October 15, 2022. 52 U.S.C. § 30104(a). Because records at the Federal Election Commission ("FEC") indicate that this report was not filed within thirty (30) days of the due date, the report is considered not filed for the purpose of calculating the civil money penalty. You should file this report if you have not already done so.

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 December 8, 2022, the FEC found that there is reason to believe ("RTB") that Hyde 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 October 15, 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 \$4,292. Please see the attached copy of the Commission's administrative fine regulations at 11 C.F.R. §§ 111.30-111.55. 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 \$4,292 is due within forty (40) days of the finding, or by January 17, 2023, and is based on these factors:

Sensitivity of Report: Not Election Sensitive
Level of Activity: \$74,702
Number of Days Late: Not Filed
Number of Previous Civil Money Penalties Assessed: 0

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

HYDE FOR CONGRESS

Page 2 of 5

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 January 17, 2023. 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).

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.

HYDE FOR CONGRESS

Page 3 of 5

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 Hyde 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 making 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 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.

HYDE FOR CONGRESS

Page 4 of 5

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 \$4,292 for the October Quarterly 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.

COMMITTEE NAME: Hyde for Congress

FEC ID#: C00775528

HYDE FOR CONGRESS

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AF#: 4422

PAYMENT DUE DATE: January 17, 2023

PAYMENT AMOUNT DUE: \$4,292

Martin Edward Hyde, *in official capacity as Treasurer,*
 HYDE FOR CONGRESS Committee
 Committee ID #C00775528
 6948 SHOTGUN DRIVE
 SARASOTA, FLORIDA 34240

FEDERAL ELECTION COMMISSION :OFFICE OF ADMINISTRATIVE REVIEW
 1050 FIRST STREET, N.E.
 WASHINGTON, DC 20463
 administrativefines@fec.gov

RE: COMMITTEE ID NUMBER # C00775528, AF# 4422, PENALTY APPEAL

January 11, 2023

To Whom It May Concern,

I have received the letter stating that per 52 U.S. Code § 30104, Reporting Requirements, the Committee named "Hyde for Congress" which states that the October 2022 Quarterly Report is showing to not have been filed within the allotted time frame and therefore, a civil money penalty in the amount of \$4,292.00 is now to be assessed. While I do understand the importance of filing such reports in a timely fashion, however I do wish to appeal said penalty for the following reasons.

I have attached documentation (*declarations, phone records, time stamped emails,etc.*) which support the fact that the Committee has had an ongoing issue utilizing the FECFile software and my assistant has reached out multiple times to speak with either your technical support/electronic filing support department or with the reports analyst for this Committee, Bradley Johnson, as to ensure that the October 2022 Quarterly Report was indeed filed within the time frame permissible.

Submissions of this report were attempted via facsimile, e-mail, USPS postal mail, and utilizing the FECFile software. The supporting timestamped documentation that I am including along with any phone records on file with your agency will support the fact that we have made contact for months, on numerous occasions as to remedy the FECFile issues and ensure that the report went through.

In addition to this, I would also like to state (*supporting declaration attached*) that the financial level of activity for said Committee, "Hyde for Congress", incorrectly reflects the projected amount of \$74,702.00 for the period of August 4, 2022 through September 30, 2022, instead, the Committee's financial activity should accurately reflect \$0.00 for this reporting period, as no financial activity occurred within this time frame. All filings made by the Committee in relation to this reporting period will support this fact as well.

While I do understand that the above figure (\$74,702.00) is a projected amount derived from an overall estimate of financial activity over the span of previous reporting periods for this committee, I would like to clarify that there was no financial activity for the October Quarterly reporting period of August 4, 2022 through September 30,2022 and all other filings for this committee will reflect this as well.

Please let me know if I may provide you with any further documentation, my contact information may be found below. I appreciate your assistance with this matter.

Warm Regards,

A handwritten signature in blue ink, appearing to be 'M. Hyde', is written over the 'Warm Regards,' text. To the left of the signature is a handwritten checkmark or 'X'.

Martin Edward Hyde, *in official capacity as Treasurer,*
 HYDE FOR CONGRESS Committee
 Committee ID #C00775528
 6948 SHOTGUN DRIVE
 SARASOTA, FLORIDA 34240
 (941) 323-2289
 sarasotaeagle@gmail.com

DECLARATION

I, Martin Edward Hyde, in the official capacity as Committee Treasurer for Hyde for Congress Committee, C0077528, DO SOLEMNLY DECLARE THAT:

The Hyde for Congress Committee, for which I, Martin Edward Hyde, act in the official capacity as Committee Treasurer, had no financial activity whatsoever throughout the reporting period of August 4, 2022 through September 30, 2022 (October Quarterly reporting period).

All statements made are of my own knowledge and are true and that all statements made on information and belief are believed to be true.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 11th day of January, 2023,

SIGNED,



Martin Edward Hyde

DECLARATION

I, Martin Edward Hyde, in the official capacity as Committee Treasurer for the Hyde for Congress Committee, C0077528, DO SOLEMNLY DECLARE THAT:

- Both my assistant, Christy Chilton, and I have attempted multiple times to submit the October Quarterly report within the given filing date of October 15, 2022 and within thirty (30) days of the given due date as well.
- Submissions of the October Quarterly Report were attempted via facsimile, e-mail, USPS post mail, and through the FEC File software as well. Both through records provided and through any phone records on behalf of the FEC will support this fact as well.

All statements made are of my own knowledge and are true and that all statements made on information and belief are believed to be true.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 11th day of January, 2023,

SIGNED,

A handwritten signature in blue ink, appearing to read 'M. Hyde', with a long horizontal flourish extending to the right.

Martin Edward Hyde

FEC FORM 3

REPORT OF RECEIPTS AND DISBURSEMENTS

For An Authorized Committee

Office Use Only

1. NAME OF COMMITTEE (in full) **TYPE OR PRINT** Example: If typing, type over the lines. **12FE4M5**
HYDE FOR CONGRESS

ADDRESS (number and street) **6948 SHOTGUN DRIVE**
Check if different than previously reported. (ACC)
SARASOTA FL 34240

2. **FEC IDENTIFICATION NUMBER** **C00775528**
3. IS THIS REPORT NEW (N) OR AMENDED (A)
STATE **FL** DISTRICT **16**

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)
 Termination Report (TER)

(b) 12-Day **PRE**-Election Report for the:
 Primary (12P) General (12G) Runoff (12R)
 Convention (12C) Special (12S)
Election on **08 / 23 / 2022** in the State of **FL**

(c) 30-Day **POST**-Election Report for the:
 General (30G) Runoff (30R) Special (30S)
Election on _____ in the State of _____

5. Covering Period **07 / 01 / 2022** through **09 / 30 / 2022**

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 **MARTIN HYDE**
Signature of Treasurer *Martin Hyde* (Electronically Filed) Date **11 / 14 / 2022**

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 52 U.S.C. §30109.



When	Who	Destination	Type	
Oct 27	5:03 AM	IN (202) 967-1856	Washington, DC	TXT
	5:03 AM	IN (202) 967-1856	Washington, DC	TXT
	5:03 AM	IN (202) 967-1856	Washington, DC	TXT
	5:03 AM	IN (202) 967-1856	Washington, DC	TXT

X Q Washington



Totals

The date and time corresponds to the local time where the mobile wa:

WHO: **OUT** Outgoing **IN** Incoming TYPE: **W** Wi-Fi Call **F** Mobile2I

TEXT

When	Who	Destination
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Nov 04

3:28 PM IN (202) 780-5888 Washington DC

11:21



◀ Gmail

✕ 🔍 (202)



Nov 26



When	Who	Description	Type
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12:27 PM	OUT (202) 694-1196	to Washington/DC	
12:34 PM	OUT (202) 694-1196	to Washington/DC	
12:47 PM	IN (202) 694-1196	Incoming	
2:31 PM	OUT (202) 694-1307	to Washington/DC	

Nov 22

2:35 PM OUT (800) 424-9530 1-800 #

2:38 PM OUT (800) 424-9530 1-800 #

2:41 PM OUT (800) 424-9530 1-800 #

Nov 23

11:35 AM OUT (800) 424-9530 1-800 #

1:40 PM OUT (800) 424-9530 1-800 #

Dec 02

8:14 AM OUT (800) 424-9530 1-800 #
8:17 AM OUT (800) 424-9530 1-800 #
8:18 AM OUT (202) 219-0174 to Washington/DC
9:26 AM OUT (941) 323-2289 to Sarasota/FL
11:01 AM OUT (202) 694-1196 to Washington/DC

Bill issue date
Dec 03, 2022

Dec 29

1:27 PM IN (202) 694-1196 Incoming

2:23 PM OUT (202) 694-1307 to Washington/DC

2:45 PM IN (202) 694-1044 Incoming

Dec 30

10:37 AM OUT (202) 694-1307 to Washington/DC

10:38 AM OUT (202) 694-1307 to Washington/DC



HYDE FOR CONGRESS OCT QUARTERLY AND TERMINATION REPORT

Christy Chilton

Fri, Dec 2, 2022

to 2022190174, bcc: SARASOTAEAGLE

DATE: DECEMBER 2, 2022

TO: **Federal Election Commi**
1050 First Street, NE
Washington, DC 2040

from: **Christy Chilton**
to: 2022190174@fec.gov
bcc: SARASOTAEAGLE@gmail.com
date: Dec 2, 2022, 8:29 AM
subject: HYDE FOR CONGRESS OCT QUARTERLY AND
TERMINATION REPORT
mailed-by: gmail.com

FAX: 202-219-0174

EMAIL: 2022190174@fec.gov

FROM: "HYDE FOR CONGRESS" COMMITTEE, ID#C00775528

RE: OCTOBER QUARTERLY REPORT AND TERMINATION REPORT

PAGES: 8 (INC COVER)



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 9, 2023

REVIEWING OFFICER RECOMMENDATION OFFICE OF ADMINISTRATIVE REVIEW (“OAR”)

AF# 4422 – Hyde for Congress and Martin Hyde, in their official capacity as Treasurer (C00775528)

Summary of Recommendation

Make a final determination in AF# 4422 that the respondents violated 52 U.S.C. § 30104(a) and assess no civil money penalty.

Reason-to-Believe Background

The 2022 October Quarterly Report was due on October 15, 2022. The respondents filed the report on December 30, 2022, 76 days late. The report is not election sensitive and was not filed within 30 days of the due date; therefore, the report is considered not filed. 11 C.F.R. §§ 111.43(d)(1) and (e)(1).

On December 8, 2022, the Commission found reason to believe (“RTB”) that the respondents violated 52 U.S.C. § 30104(a) for failing to timely file the 2022 October Quarterly Report and made a preliminary determination that the civil money penalty was \$4,292 based on the schedule of penalties at 11 C.F.R. § 111.43. A letter was sent to the respondents’ email address of record from RAD on December 9, 2022 to notify them of the Commission’s RTB finding and civil money penalty.

Legal Requirements

The Federal Election Campaign Act (“Act”) states that the treasurer of a principal campaign committee shall file a report for the quarter ending September 30 no later than October 15. 52 U.S.C. § 30104(a) and 11 C.F.R. § 104.5(a)(1)(i). Political committees required to file reports with the Commission 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. 52 U.S.C. § 30104(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 filing date to be timely filed. 11 C.F.R. §§ 100.19(c) and 104.5(e). The treasurer shall be personally responsible for the timely filing of reports. 11 C.F.R. § 104.14(d).

Summary of Respondents' Challenges

On January 11, 2023, the Commission received the written response (“challenge”) from the Candidate, who also serves as Treasurer. The Candidate acknowledges the 2022 October Quarterly Report was not timely filed. He states the Committee has had ongoing issues using FECFile and has contacted FEC staff on multiple occasions for technical assistance. The Candidate also states that the projected level of activity amount of \$74,702 is incorrect, and the actual level of activity for the 2022 October Quarterly reporting period is \$0. The challenge includes additional supporting documentation.

Analysis

The Candidate refers to technical issues with FECFile which prevented the Committee from timely filing the 2022 October Quarterly Report. Based on the information provided and review of Commission records, the Reviewing Officer concludes the Committee’s filing difficulties are attributed to its inexperience with electronic reporting requirements and using FECFile.

On October 12, 2022, three days before the report was due, the Candidate contacted RAD to request a filing extension due to Hurricane Ian.¹ RAD informed the Candidate that the Commission does not have statutory authority to extend any filing deadlines. There were no further conversations between the Committee and FEC staff until the Committee attempted to submit the 2022 October Quarterly Report via email on December 2, 2022. RAD contacted the Committee that same day to explain the Commission was unable to accept the report via email, and the Committee must submit the report using an acceptable electronic filing software. The Committee representative stated she was unaware of this requirement. Over the next four weeks, RAD and Electronic Filing Office (“EFO”) staff provided filing assistance to the Committee on multiple occasions. On December 30, 2022, the Committee successfully electronically filed the 2022 October Quarterly Report.

The Candidate also indicates the civil money penalty calculated at RTB was calculated using an incorrect level of activity. At the time of the RTB finding, the Commission used an estimated level of activity (\$74,702) to calculate the penalty because the report had not yet been filed. 11 C.F.R. § 111.43(d)(2)(i). On December 30, 2022, the Committee filed the 2022 October Quarterly Report. On January 11, 2023, the Committee filed the Amended 2022 October Quarterly Report. The report discloses \$0 in total receipts and \$0 in total disbursements during the reporting period. For authorized committees, the level of activity is the amount of total receipts plus total disbursements disclosed on the report. 11 C.F.R. § 111.43(d)(3)(i). Therefore, the actual level of activity for the 2022 October Quarterly reporting period is \$0.

Inexperience of the treasurer/committee staff and failure to use filing software properly are specifically included at 11 C.F.R. § 111.35(d) as examples of circumstances that will not be considered reasonably unforeseen and beyond the respondents’ control. Therefore, the Reviewing Officer recommends that the Commission make a final determination that the respondents violated 52 U.S.C. § 30104(a). Using the schedule of penalties at 11 C.F.R. § 111.43(a), no civil money

¹ The challenge does not contend Hurricane Ian impacted the Committee’s ability to timely file the report.

penalty should be assessed for a level of activity of \$0. Therefore, the Reviewing Officer recommends that the Commission assess no civil money penalty (reduced from the RTB civil money penalty of \$4,292).

OAR Recommendations

1. Make a final determination in AF# 4422 that Hyde for Congress and Martin Hyde, in their official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess no civil money penalty (reduced from the RTB civil money penalty of \$4,292); and
2. Send the appropriate letters.

Attachments

Attachment 4 – Declaration from RAD

Attachment 5 – Declaration from OAR

DECLARATION OF KRISTIN D. ROSER

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 initial processing of 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. It is the practice of the Reports Analysis Division to document all calls to or from committees regarding a letter they receive or any questions relating to the FECFile software or administrative fine regulations, including due dates of reports and filing requirements.
3. I hereby certify that documents identified herein are true and accurate copies of the following sent by the Commission to Hyde for Congress:
 - A) Non-Filer Letter, dated November 9, 2022, referencing the 2022 October Quarterly Report (sent via electronic mail to: sarasotaeagle@gmail.com);
 - B) Reason-to-Believe Letter, dated December 14, 2022, referencing the 2022 October Quarterly Report (sent via electronic mail to: sarasotaeagle@gmail.com).
4. I hereby certify that I have searched the Commission’s public records and find that Hyde for Congress filed the 2022 October Quarterly Report with the Commission on December 30, 2022.
5. Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct and that all relevant telecoms for the matter have been provided. This declaration was executed on the 25th day of January, 2023.

Kristin D. Roser

Kristin D. Roser
Chief, Compliance Branch
Reports Analysis Division
Federal Election Commission



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-7

November 9, 2022

HYDE, MARTIN, TREASURER
HYDE FOR CONGRESS
1655 ALDERMAN STREET
SARASOTA, FL 34236

IDENTIFICATION NUMBER: C00775528

REFERENCE: OCTOBER QUARTERLY REPORT (08/04/2022 - 09/30/2022)

Dear Treasurer:

It has come to the attention of the Federal Election Commission that you may have failed to file the above referenced report of receipts and disbursements or failed to file a report covering the entire reporting period as required by the Federal Election Campaign Act, as amended. 52 U.S.C. §30104(a)

It is important that you file this report immediately. The report must be filed with the Federal Election Commission, 1050 First Street, NE, Washington, DC 20002. Please note that electronic filers must submit their reports electronically, as per 11 CFR §104.18. A copy of the report must also be filed with the Secretary of State or equivalent State officer unless the State is exempt from the federal requirement to receive and maintain paper copies. You can verify the Commission's receipt of any documents submitted by your committee on the FEC website at www.fec.gov.

The failure to timely file a complete report may result in civil money penalties, an audit or legal enforcement action. The civil money penalty calculation for late reports does not include a grace period and begins on the day following the due date for the report. Due to heightened security screening measures, delivery of mail by the US Postal Service may be delayed. The Commission recommends that you submit your report via overnight delivery or courier service.

If you have any questions regarding this matter, please contact Christopher Ritchie in the Reports Analysis Division on our toll-free number (800)424-9530. The analyst's direct number is (202)694-1146.

HYDE FOR CONGRESS

Page 2 of 2

Sincerely,

A handwritten signature in black ink that reads "Debbie Chacona". The signature is written in a cursive, flowing style.

Deborah Chacona
Assistant Staff Director

250

DECLARATION OF RHIANNON MAGRUDER

- 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 conduct research with respect to all challenges submitted in accordance with the Administrative Fine program.
- 2) A principal campaign committee of a candidate shall file a report for the period ending September 30 no later than October 15. Reports filed electronically must be received and validated at or before 11:59 pm, Eastern Standard/Daylight Time on October 15, 2022 for the 2022 October Quarterly Report to be timely filed.
- 3) I hereby certify that I have searched the Commission’s public records and that the documents identified herein are the true and accurate copies of:
 - a) Cover Page, Summary Page, and Detailed Summary Pages of the 2022 October Quarterly Report filed by Hyde for Congress. The report includes the coverage period of August 4, 2022 through September 30, 2022 and was electronically filed on December 30, 2022.
 - b) Cover Page, Summary Page, and Detailed Summary Pages of the Amended 2022 October Quarterly Report filed by Hyde for Congress. The report includes the coverage period of August 4, 2022 through September 30, 2022 and was electronically filed on January 11, 2023.
- 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 on the 9th day of March, 2023.

Rhiannon Magruder

Rhiannon Magruder
Reviewing Officer
Office of Administrative Review
Federal Election Commission

SUMMARY PAGE
of Receipts and Disbursements

FEC Form 3 (Revised 05/2016)

PAGE 2 / 5

Write or Type Committee Name
HYDE FOR CONGRESS

Report Covering the Period: From: / / To: / /

	COLUMN A This Period	COLUMN B Election Cycle-to-Date
6. Net Contributions (other than loans)		
(a) Total Contributions (other than loans) (from Line 11(e))....	0.00	0.00
(b) Total Contribution Refunds (from Line 20(d))	0.00	0.00
(c) Net Contributions (other than loans) (subtract Line 6(b) from Line 6(a))	0.00	0.00
7. Net Operating Expenditures		
(a) Total Operating Expenditures (from Line 17)	0.00	0.00
(b) Total Offsets to Operating Expenditures (from Line 14).....	0.00	0.00
(c) Net Operating Expenditures (subtract Line 7(b) from Line 7(a))	0.00	0.00
8. Cash on Hand at Close of Reporting Period (from Line 27).....	6813.38	
9. Debts and Obligations Owed TO the Committee (Itemize all on Schedule C and/or Schedule D)	0.00	
10. Debts and Obligations Owed BY the Committee (Itemize all on Schedule C and/or Schedule D)	60000.00	

For further information contact:

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

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

DETAILED SUMMARY PAGE
of Receipts

FEC Form 3 (Revised 05/2016)

Write or Type Committee Name

HYDE FOR CONGRESS

Report Covering the Period: From: / / To: / /

I. RECEIPTS	COLUMN A Total This Period	COLUMN B Election Cycle-to-Date
11. CONTRIBUTIONS (other than loans) FROM:		
(a) Individuals/Persons Other Than Political Committees		
(i) Itemized (use Schedule A)	0.00	0.00
(ii) Unitemized	0.00	0.00
(iii) TOTAL of contributions from individuals	0.00	0.00
(b) Political Party Committees	0.00	0.00
(c) Other Political Committees (such as PACs)	0.00	0.00
(d) The Candidate	0.00	0.00
(e) TOTAL CONTRIBUTIONS (other than loans) (add Lines 11(a)(iii), (b), (c), and (d))..	0.00	0.00
12. TRANSFERS FROM OTHER AUTHORIZED COMMITTEES	0.00	0.00
13. LOANS:		
(a) Made or Guaranteed by the Candidate	0.00	0.00
(b) All Other Loans	0.00	0.00
(c) TOTAL LOANS (add Lines 13(a) and (b))	0.00	0.00
14. OFFSETS TO OPERATING EXPENDITURES (Refunds, Rebates, etc.)	0.00	0.00
15. OTHER RECEIPTS (Dividends, Interest, etc.)	0.00	0.00
16. TOTAL RECEIPTS (add Lines 11(e), 12, 13(c), 14, and 15) (Carry Total to Line 24, page 4)	0.00	0.00

DETAILED SUMMARY PAGE
of Disbursements

FEC Form 3 (Revised 05/2016)

PAGE 4 / 5

II. DISBURSEMENTS	COLUMN A Total This Period	COLUMN B Election Cycle-to-Date
17. OPERATING EXPENDITURES.....	0.00	0.00
18. TRANSFERS TO OTHER AUTHORIZED COMMITTEES	0.00	0.00
19. LOAN REPAYMENTS:		
(a) Of Loans Made or Guaranteed by the Candidate.....	0.00	0.00
(b) Of All Other Loans	0.00	0.00
(c) TOTAL LOAN REPAYMENTS (add Lines 19(a) and (b)).....	0.00	0.00
20. REFUNDS OF CONTRIBUTIONS TO:		
(a) Individuals/Persons Other Than Political Committees	0.00	0.00
(b) Political Party Committees.....	0.00	0.00
(c) Other Political Committees (such as PACs).....	0.00	0.00
(d) TOTAL CONTRIBUTION REFUNDS (add Lines 20(a), (b), and (c)).....	0.00	0.00
21. OTHER DISBURSEMENTS	0.00	0.00
22. TOTAL DISBURSEMENTS (add Lines 17, 18, 19(c), 20(d), and 21) ▶	0.00	0.00

III. CASH SUMMARY

23. CASH ON HAND AT BEGINNING OF REPORTING PERIOD.....	6813.38
24. TOTAL RECEIPTS THIS PERIOD (from Line 16, page 3).....	0.00
25. SUBTOTAL (add Line 23 and Line 24).....	6813.38
26. TOTAL DISBURSEMENTS THIS PERIOD (from Line 22).....	0.00
27. CASH ON HAND AT CLOSE OF REPORTING PERIOD (subtract Line 26 from Line 25).....	6813.38

SUMMARY PAGE
of Receipts and Disbursements

FEC Form 3 (Revised 05/2016)

PAGE 2 / 5

Write or Type Committee Name
HYDE FOR CONGRESS

Report Covering the Period: From: / / To: / /

	COLUMN A This Period	COLUMN B Election Cycle-to-Date
6. Net Contributions (other than loans)		
(a) Total Contributions (other than loans) (from Line 11(e))....	0.00	0.00
(b) Total Contribution Refunds (from Line 20(d))	0.00	0.00
(c) Net Contributions (other than loans) (subtract Line 6(b) from Line 6(a))	0.00	0.00
7. Net Operating Expenditures		
(a) Total Operating Expenditures (from Line 17)	0.00	0.00
(b) Total Offsets to Operating Expenditures (from Line 14).....	0.00	0.00
(c) Net Operating Expenditures (subtract Line 7(b) from Line 7(a))	0.00	0.00
8. Cash on Hand at Close of Reporting Period (from Line 27).....	11796.45	
9. Debts and Obligations Owed TO the Committee (Itemize all on Schedule C and/or Schedule D)	0.00	
10. Debts and Obligations Owed BY the Committee (Itemize all on Schedule C and/or Schedule D)	194000.00	

For further information contact:

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

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

DETAILED SUMMARY PAGE
of Receipts

FEC Form 3 (Revised 05/2016)

Write or Type Committee Name

HYDE FOR CONGRESS

Report Covering the Period: From: / / To: / /

I. RECEIPTS	COLUMN A Total This Period	COLUMN B Election Cycle-to-Date
11. CONTRIBUTIONS (other than loans) FROM:		
(a) Individuals/Persons Other Than Political Committees		
(i) Itemized (use Schedule A)	0.00	0.00
(ii) Unitemized	0.00	0.00
(iii) TOTAL of contributions from individuals	0.00	0.00
(b) Political Party Committees	0.00	0.00
(c) Other Political Committees (such as PACs)	0.00	0.00
(d) The Candidate	0.00	0.00
(e) TOTAL CONTRIBUTIONS (other than loans) (add Lines 11(a)(iii), (b), (c), and (d))..	0.00	0.00
12. TRANSFERS FROM OTHER AUTHORIZED COMMITTEES	0.00	0.00
13. LOANS:		
(a) Made or Guaranteed by the Candidate	0.00	0.00
(b) All Other Loans	0.00	0.00
(c) TOTAL LOANS (add Lines 13(a) and (b))	0.00	0.00
14. OFFSETS TO OPERATING EXPENDITURES (Refunds, Rebates, etc.)	0.00	0.00
15. OTHER RECEIPTS (Dividends, Interest, etc.)	0.00	0.00
16. TOTAL RECEIPTS (add Lines 11(e), 12, 13(c), 14, and 15) (Carry Total to Line 24, page 4)	0.00	0.00

DETAILED SUMMARY PAGE
of Disbursements

FEC Form 3 (Revised 05/2016)

PAGE 4 / 5

II. DISBURSEMENTS	COLUMN A Total This Period	COLUMN B Election Cycle-to-Date
17. OPERATING EXPENDITURES.....	0.00	0.00
18. TRANSFERS TO OTHER AUTHORIZED COMMITTEES	0.00	0.00
19. LOAN REPAYMENTS:		
(a) Of Loans Made or Guaranteed by the Candidate.....	0.00	0.00
(b) Of All Other Loans	0.00	0.00
(c) TOTAL LOAN REPAYMENTS (add Lines 19(a) and (b)).....	0.00	0.00
20. REFUNDS OF CONTRIBUTIONS TO:		
(a) Individuals/Persons Other Than Political Committees	0.00	0.00
(b) Political Party Committees.....	0.00	0.00
(c) Other Political Committees (such as PACs).....	0.00	0.00
(d) TOTAL CONTRIBUTION REFUNDS (add Lines 20(a), (b), and (c)).....	0.00	0.00
21. OTHER DISBURSEMENTS	0.00	0.00
22. TOTAL DISBURSEMENTS (add Lines 17, 18, 19(c), 20(d), and 21) ▶	0.00	0.00

III. CASH SUMMARY

23. CASH ON HAND AT BEGINNING OF REPORTING PERIOD.....	11796.45
24. TOTAL RECEIPTS THIS PERIOD (from Line 16, page 3).....	0.00
25. SUBTOTAL (add Line 23 and Line 24).....	11796.45
26. TOTAL DISBURSEMENTS THIS PERIOD (from Line 22).....	0.00
27. CASH ON HAND AT CLOSE OF REPORTING PERIOD (subtract Line 26 from Line 25).....	11796.45



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 10, 2023

Martin Hyde, in official capacity as Treasurer
Hyde for Congress
6948 Shotgun Drive
Sarasota, FL 34240

C00775528
AF# 4422

Dear Treasurer:

On December 8, 2022, the Federal Election Commission (“the Commission”) found reason to believe (“RTB”) that Hyde for Congress and you, in your official capacity as Treasurer, violated 52 U.S.C. § 30104(a) for failing to file the 2022 October Quarterly Report. The Commission also made a preliminary determination that the civil money penalty was \$4,292 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 and assess no civil money penalty. 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. All written responses and supporting documentation should be converted to PDF (Portable Document Format) and must be emailed to the Commission Secretary at secretary@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 responses will be deemed received on the date it is electronically received by staff. 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 202-694-1158 if you have any questions.

Sincerely,

Rhiannon Magruder

Rhiannon Magruder
Reviewing Officer
Office of Administrative Review

RECEIVED

By Office of the Commission Secretary at 8:13 am, Jun 14, 2023

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

June 14, 2023

MEMORANDUM

To: The Commission

Through: Alec Palmer *AP*
Staff Director

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

Rhiannon Magruder *RM*
Reviewing Officer
Office of Administrative Review

Subject: Final Determination Recommendation in AF# 4422 – Hyde for Congress and Martin Hyde, in their official capacity as Treasurer (C00775528)

On December 8, 2022, the Commission found reason to believe (“RTB”) that the respondents violated 52 U.S.C. § 30104(a) for failing to timely file the 2022 October Quarterly Report and made a preliminary determination that the civil money penalty was \$4,292 based on the schedule of penalties at 11 C.F.R. § 111.43. On January 11, 2023, the Commission received their written response (“challenge”). After reviewing the challenge, the Reviewing Officer Recommendation (“ROR”) dated March 9, 2023 was forwarded to the Commission, a copy was forwarded to the respondents, and is hereby incorporated by reference.

Based on the information provided and review of Commission records, the Reviewing Officer concluded the Committee’s filing difficulties are attributed to its inexperience with electronic reporting requirements and using FECFile. The Reviewing Officer noted that inexperience of the treasurer/committee staff and failure to use filing software properly are specifically included at 11 C.F.R. § 111.35(d) as examples of circumstances that will not be considered reasonably unforeseen and beyond the respondents’ control. Therefore, the Reviewing Officer recommended that the Commission make a final determination that the respondents violated 52 U.S.C. § 30104(a).

Further, the Reviewing Officer recognized the Committee filed the 2022 October Quarterly Report after the RTB finding. At the time of the RTB finding, the Commission used an estimated level of activity (\$74,702) to calculate the penalty because the report had not yet been filed.

11 C.F.R § 111.43(d)(2)(i). The actual level of activity for the 2022 October Quarterly reporting period is \$0. 11 C.F.R § 111.43(d)(3)(i). Therefore, the Reviewing Officer recommended that the Commission assess no civil money penalty (reduced from the RTB civil money penalty of \$4,292). 11 C.F.R § 111.43(a)

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 their challenge or not directly responsive to the ROR. 11 C.F.R. § 111.36(f). To date, a response has not been received.

OAR Recommendations

- 1) Adopt the Reviewing Officer recommendation for AF# 4422 involving Hyde for Congress and Martin Hyde, in their official capacity as Treasurer in making the final determination;
- 2) Make a final determination in AF# 4422 that Hyde for Congress and Martin Hyde, in their official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess no civil money penalty; and
- 3) Send the appropriate letter.

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) AF 4422
 Final Determination Recommendation:)
 Hyde for Congress and Martin Hyde, in)
 their official capacity as Treasurer)
 (C00775528))

CERTIFICATION

I, Vicktoria J. Allen, Deputy Secretary of the Federal Election

Commission, do hereby certify that on June 21, 2023, the Commission decided

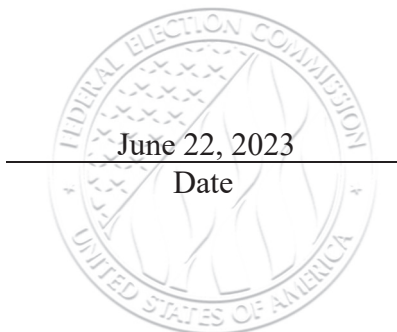
by a vote of 6-0 to take the following actions in AF 4422:

1. Adopt the Reviewing Officer recommendation for AF# 4422 involving Hyde for Congress and Martin Hyde, in their official capacity as Treasurer, in making the final determination.
2. Make a final determination in AF# 4422 that Hyde for Congress and Martin Hyde, in their official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess no civil money penalty.
3. Send the appropriate letter.

Commissioners Broussard, Cooksey, Dickerson, Lindenbaum, Trainor, and

Weintraub voted affirmatively for the decision.

Attest:



**Vicktoria J
Allen**

Digitally signed by Vicktoria J
Allen
Date: 2023.06.22 15:54:34
-04'00'

Vicktoria J. Allen
Deputy Secretary of the Commission



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 28, 2023

Martin Hyde, in official capacity as Treasurer
Hyde for Congress
6948 Shotgun Drive
Sarasota, FL 34240

C00775528
AF# 4422

Dear Martin Hyde:

On December 8, 2022, the Federal Election Commission (the "Commission") found reason to believe ("RTB") that Hyde for Congress and you, in your official capacity as Treasurer, violated 52 U.S.C. § 30104(a) for failing to file the 2022 October Quarterly Report. By letter dated December 9, 2022 the Commission sent notification of the RTB finding that included a civil money penalty calculated at \$4,292 in accordance with the schedule of penalties at 11 C.F.R. § 111.43. On January 11, 2023, the Office of Administrative Review received your written response challenging the RTB finding.

The Reviewing Officer reviewed the Commission's RTB finding with its supporting documentation and your written response. Based on this review, the Reviewing Officer recommended that the Commission reduce the RTB civil money penalty because it was calculated using an estimated level of activity, make a final determination that Hyde for Congress and you, in your official capacity as Treasurer, violated 52 U.S.C. § 30104(a), and based on the actual level of activity disclosed on the 2022 October Quarterly Report filed December 30, 2022 (\$0), assess no civil money penalty in accordance with 11 C.F.R. § 111.43. The Reviewing Officer Recommendation was sent to you on March 10, 2023.

On June 21, 2023, the Commission adopted the Reviewing Officer's recommendation and made a final determination that Hyde for Congress and you, in your official capacity as Treasurer, violated 52 U.S.C. § 30104(a), and based on the level of activity disclosed on the 2022 October Quarterly Report (\$0), assessed no civil money penalty (reduced from the RTB civil money penalty of \$4,292). It is based on the same factors used to calculate the civil money penalty at RTB except that the actual level of activity, rather than the estimated level of activity, was used. A copy of the Final Determination Recommendation is attached.

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 this matter, please contact Rhiannon Magruder on our toll-free number (800) 424-9530 (press 0, then ext. 1158) or (202) 694-1158.

On behalf of the Commission,

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

Dara Lindenbaum
Chair