

SENSITIVE

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 29, 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: *KDR* Kristin D. Roser/Jamie Sikorsky *JLS*
Reports Analysis Division
Compliance Branch

SUBJECT: Reason To Believe Recommendation – 2022 Year-End Report for the
Administrative Fine Program

Attached is a list of political committees and their treasurers who failed to file the 2022 Year-End Report in accordance with 52 U.S.C. § 30104(a). The Year-End Report was due on January 31, 2023.

The committees listed in the attached RTB Circulation Report either failed to file the report, filed the report no more than thirty (30) days after the due date (considered a late filed report), or filed the report more than thirty (30) days after the due date (considered a non-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.

In order to determine the level of activity for unauthorized quarterly filers that filed a Year-End Report and were required to but failed to file the 30-Day Post-General Report, the Reports Analysis Division (RAD) used the following procedures and criteria:

- Every Year-End Report (YE) submitted by an unauthorized quarterly filer that covered the period from October 1, 2022 through December 31, 2022 (92 days) was reviewed for activity which would have required the filing of a 30-Day Post-General Report (30G Report). If our research indicated that a 30G was required, we utilized a three-step method to arrive at the activity on which to base the YE fine amount. First, we took the sum of all itemized receipts and disbursements that should have been disclosed on a YE that covered the period from November 29, 2022 through December 31, 2022 (33 days). Second, if the committee had any unitemized activity, a per diem level of this activity was calculated by multiplying the total amount of unitemized activity on the report by 35.87% (33 days (correct YE Filing Period)/92 days (submitted YE Filing Period)). Third, we took the sum of the amounts calculated in steps one and two to arrive at the level of activity assigned to the YE.

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 YEAR-END Not Election Sensitive 01/31/2023 H_S_P_UNAUTH

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
4572	C00791558	CANDIDATE KATHY WARNER-STANTON	KATHY L WARNER-STANTON	ELLA WARNER	\$169,856	0		Not Filed	\$28,309 (est)	\$1,450
4583	C00696104	ERICA FOR US	ERICA DANETTE SMITH	CURTIS JACKSON	\$1,915,703	0		Not Filed	\$239,463 (est)	\$11,132

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Reason To Believe Recommendation 2022)
Year-End Report for the Administrative)
Fine Program:)

CANDIDATE KATHY WARNER-) AF# 4572
STANTON, and WARNER, ELLA as)
treasurer;)

Federal Election Commission
Certification for Administrative Fines
March 31, 2023

ERICA FOR US, and JACKSON, CURTIS) AF# 4583
as treasurer;)

Federal Election Commission
Certification for Administrative Fines
March 31, 2023

Federal Election Commission
Certification for Administrative Fines
March 31, 2023

CERTIFICATION

I, Vicktoria J. Allen, Deputy Secretary of the Federal Election Commission, do hereby certify that on March 31, 2023 the Commission took the following actions on the Reason To Believe Recommendation 2022 Year-End Report for the Administrative Fine Program, as recommended in the Reports Analysis Division's Memorandum dated March 29, 2023, on the following committees:

AF#4572 Decided by a vote of 4-0 to: (1) find reason to believe that CANDIDATE KATHY WARNER-STANTON, and WARNER, ELLA 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, Lindenbaum, Trainor, and Weintraub voted affirmatively for the decision. Commissioners Cooksey and Dickerson did not vote.

Federal Election Commission
Certification for Administrative Fines
March 31, 2023

AF#4583 Decided by a vote of 4-0 to: (1) find reason to believe that ERICA FOR US, and JACKSON, CURTIS 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, Lindenbaum, Trainor, and Weintraub voted affirmatively for the decision. Commissioners Cooksey and Dickerson did not vote.

Federal Election Commission
Certification for Administrative Fines
March 31, 2023

Federal Election Commission
Certification for Administrative Fines
March 31, 2023

Federal Election Commission
Certification for Administrative Fines
March 31, 2023

Federal Election Commission
Certification for Administrative Fines
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Certification for Administrative Fines
March 31, 2023

Federal Election Commission
Certification for Administrative Fines
March 31, 2023

Federal Election Commission
Certification for Administrative Fines
March 31, 2023



April 3, 2023
Date

Attest:

Vicktoria J Allen Digitally signed by Vicktoria J
Allen
Date: 2023.04.03 15:41:38 -04'00'

Vicktoria J. Allen
Deputy Secretary of the Commission



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

AF

April 3, 2023

Ella Warner, in official capacity as Treasurer
Candidate Kathy Warner-Stanton
1937 Red Sunset Dr
Decatur, AL 35603

C00791558
AF#: 4572
FINE: \$1,450

Dear Ella Warner,

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file a Year-End Report of Receipts and Disbursements every calendar year. This report, covering the period November 29, 2022 through December 31, 2022, shall be filed no later than January 31, 2023. 52 U.S.C. § 30104(a). Because records at the Federal Election Commission (the "Commission" or "FEC") indicate that you did not file this report 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 March 31, 2023, the Commission found that there is reason to believe ("RTB") that Candidate Kathy Warner-Stanton 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 January 31, 2023. 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 \$1,450. Please see the attached copy of the Commission's administrative fine regulations at 11 C.F.R. §§ 111.30-111.55. Attachment 1. The FEC's website contains further information about how the administrative fine program works and how the fines are calculated. See <https://www.fec.gov/af/af.shtml>. 11 C.F.R. § 111.34. Your payment of \$1,450 is due within forty (40) days of the finding, or by May 10, 2023, and is based on these factors:

Sensitivity of Report: Not Election Sensitive
Level of Activity: \$28,309
Number of Days Late: Not Filed
Number of Previous Civil Money Penalties Assessed: 0

CANDIDATE KATHY WARNER-STANTON

Page 2 of 4

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 decide to challenge the RTB finding and/or calculated civil money penalty, you must email a written response to the FEC's Office of Administrative Review at administrativefines@fec.gov. 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 May 10, 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).

The FEC will only consider challenges that are based on at least one of three factors: (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).

If you fail to timely raise a factual argument in your challenge to the RTB finding, your right to present such an argument in an appeal to the U.S. District Court under 52 U.S.C. § 30109 shall be deemed waived. 11 C.F.R. § 111.38.

It should also be noted that 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

CANDIDATE KATHY WARNER-STANTON

Page 3 of 4

date they are electronically received by staff.

In addition, 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 challenging the RTB finding and/or calculated civil money penalty, the FEC will conclude that the factual allegations are true and make a final determination that Candidate Kathy Warner-Stanton 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 Commission 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 decide to pay the calculated civil money penalty, please follow the payment instructions below. Upon receipt of your payment, the FEC will send you a final determination letter.

You may remit payment by Automated Clearinghouse ("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 <https://www.fec.gov/af/pay.shtml> to be directed to Pay.gov's Administrative Fine Program Payment form. Please use the details at the top of this letter to complete the required fields.

NOTICE REGARDING PARTIAL PAYMENTS AND SETTLEMENT OFFERS

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.

CANDIDATE KATHY WARNER-STANTON

Page 4 of 4

Settlement Offers

Any offer to settle or compromise a debt owed to the Commission will be rejected. This includes 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. 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 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/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,



Dara Lindenbaum

Chair

1937 Red Sunset Drive
Decatur, Alabama 35603

Reference: C00791558
AF#: 4572
FINE: \$1,450

To Whom It May Concern:

My name is Kathy Warner- Stanton. I was the 2022 Congressional Candidate for Alabama District 5. I am challenging the RTB finding and/or calculated civil money penalty. Jan 2023, severe weather stroke for two consecutive months. My area was considered a disaster zone. My property was affected by the storms.

I submitted a filing in April 2023 indicating no actions happened to the campaign. I will be closing the account. After the campaign, I have experienced a significant financial hardship not receiving the funds. My Campaign had over \$100,000 in loans and expenses.

The election may be over but the campaign expenses still exist. I am writing to respond to the FEC's Office of Administrative Review at administrativefines@fec.gov have to the amount owed reduced to \$0 owed.

Please feel free to contact me with any questions.

Sincerely,

Kathy Warner-Stanton

KATHY WARNER-STANTON



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 9, 2023

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

AF# 4572 – Candidate Kathy Warner-Stanton and Ella Warner, in their official capacity as Treasurer (C00791558)

Summary of Recommendation

Make a final determination in AF# 4572 that the respondents violated 52 U.S.C. § 30104(a) and assess no civil money penalty.

Reason-to-Believe Background

The 2022 Year-End Report was due on January 31, 2023. The respondents filed a statement disclosing the activity for the period on April 14, 2023, 73 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 March 31, 2023, the Commission found reason to believe (“RTB”) that the respondents violated 52 U.S.C. § 30104(a) for failing to timely file the 2022 Year-End Report and made a preliminary determination that the civil money penalty was \$1,450 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 April 3, 2023 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 political committee authorized by a candidate shall file a report for the period ending December 31 no later than January 31 of the following calendar year. 52 U.S.C. § 30104(a) and 11 C.F.R. § 104.5(a)(1)(i). Reports electronically filed must be received and validated at or before 11:59 pm Eastern Standard/Daylight Time on the filing deadline 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 June 11, 2023, the Commission received the written response (“challenge”) from the Candidate requesting the penalty be reduced to \$0. The Candidate explains the campaign was impacted by severe weather in early 2023. In addition, the Committee “...submitted a filing in

April 2023 indicating no actions happened to the campaign.” Further, the Candidate states they experienced personal financial hardship after the campaign while campaign loans and expenses remain outstanding.

Analysis

The Reviewing Officer recognizes the Committee may have started to wind down campaign activities after the 2022 General Election. However, a committee’s filing obligation ends only when a committee files a termination report, and the Commission notifies them in writing that their termination report has been accepted. 11 C.F.R § 102.3.¹ Therefore, the respondents were required to file the 2022 Year-End Report by January 31, 2023.²

With respect to the Candidate’s statement that the Committee was impacted by severe weather, the Reviewing Officer recognizes this defense may be considered an unforeseen circumstance. 11 C.F.R. § 111.35. However, the Reviewing Officer notes they did not provide any supporting details. The “best efforts” defense is a two-part test: the respondents used best efforts to file on time but were prevented from doing so by reasonably unforeseen circumstances that were beyond their control, and they filed the report no later than 24 hours after the end of these circumstances. The Commission states in its *Explanation and Justification for Revised 11 CFR § 111.35(b)(3) – “Best Efforts” Defense*, 72 Fed. Reg. 14662, 14664-14666 (Mar. 29, 2007) that respondents must show

...that the reasonably unforeseen circumstances in fact *prevented* the timely and proper filing of the required report...[T]his rule requires a strict causal relationship between the circumstances described in the challenge...and the respondent's inability to file the report timely. It is not sufficient for reasonably unforeseen circumstances to make it merely more difficult than usual for the respondent to file on time. The circumstance must cause the respondent to be *unable* to file in a timely and proper manner, despite the respondent attempting to use all available methods of filing. (emphasis included)

The Committee did not demonstrate how the circumstances directly *prevented* the respondents from filing the report. Nor did the respondents demonstrate that they filed the report no later than 24 hours after the end of a circumstance considered to be unforeseen and beyond the respondents’ control. Therefore, a “best efforts” defense does not succeed in this matter, and the Reviewing Officer recommends that the Commission make a final determination the respondents violated 52 U.S.C. § 30104(a).

In response to the Committee’s request for the Commission to waive the penalty, the Reviewing Officer agrees that the penalty should be recalculated. At the time of the RTB finding, the Commission used an estimated level of activity (\$28,309) to calculate the penalty because the 2022 Year-End Report had not yet been filed. 11 C.F.R § 111.43(d)(2)(ii). As indicated in the

¹ See <https://www.fec.gov/help-candidates-and-committees/terminating-a-committee/>

² The Reviewing Officer confirms the Committee was appropriately notified and reminded of its requirement to file the 2022 Year-End Report. See Attachments 2 and 3.

challenge, on April 14, 2023, the Committee filed a statement disclosing it had no activity for the reporting period.³ 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 Year-End reporting period is \$0. Using the schedule of penalties at 11 C.F.R § 111.43(a) for not election sensitive reports, no penalty should be assessed.

The Reviewing Officer recommends that the Commission make a final determination that the respondents violated 52 U.S.C. § 30104(a) and assess no civil money penalty (reduced from the RTB civil money penalty of \$1,450).

OAR Recommendations

1. Adopt the Reviewing Officer recommendation for AF# 4572 involving Candidate Kathy Warner-Stanton and Ella Warner, in their official capacity as Treasurer, in making the final determination;
2. Make a final determination in AF# 4572 that Candidate Kathy Warner-Stanton and Ella Warner, 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 \$1,450); and
3. Send the appropriate letters.

Attachments

- Attachment 1 –
- Attachment 2 –
- Attachment 3 –
- Attachment 4 – Declaration from RAD
- Attachment 5 – Declaration from OAR

³ See <https://docquery.fec.gov/pdf/015/202304149580418015/202304149580418015.pdf>.

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 Candidate Kathy Warner-Stanton:
 - A) Non-Filer Letter, dated February 17, 2023, referencing the 2022 Year-End Report (sent via electronic mail to: klwshral5@gmail.com and treasurer@kathyforcongress.com);
 - B) Reason-to-Believe Letter, dated April 3, 2023, referencing the 2022 Year-End Report (sent via electronic mail to: klwshral5@gmail.com and treasurer@kathyforcongress.com).
4. I hereby certify that I have searched the Commission’s public records and find that Candidate Kathy Warner-Stanton has not yet filed the 2022 Year-End Report with the Commission; however, the Committee filed a Form 99 (Miscellaneous Electronic Submission) on April 14, 2023, indicating there was no Committee activity following the 2022 General Election held on November 8, 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 8th day of August, 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

February 17, 2023

WARNER, ELLA, TREASURER
CANDIDATE KATHY WARNER-STANTON
1937 RED SUNSET DR
DECATUR, AL 35603

IDENTIFICATION NUMBER: C00791558

REFERENCE: YEAR-END REPORT (11/29/2022 - 12/31/2022)

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 Jamie Sikorsky in the Reports Analysis Division on our toll-free number (800)424-9530. The analyst's direct number is (202)694-1137.

CANDIDATE KATHY WARNER-STANTON

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 January 31, 2023 for the 2022 Year-End 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) Miscellaneous Text Submission (FEC Form 99) electronically filed by Candidate Kathy Warner-Stanton on April 14, 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 10th day of August, 2023.

Rhiannon Magruder
Rhiannon Magruder
Reviewing Officer
Office of Administrative Review
Federal Election Commission

MISCELLANEOUS TEXT (FEC Form 99)

NAME OF COMMITTEE (In Full)

FEC IDENTIFICATION NUMBER

CANDIDATE KATHY WARNER-STANTON

C00791558

Mailing Address 1937 RED SUNSET DR

City	State	ZIP Code
DECATUR	AL	35603

There is not any activity after the general election.

There is not any activity going forward.



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 10, 2023

Ella Warner, in official capacity as Treasurer
Candidate Kathy Warner-Stanton
1937 Red Sunset Dr.
Decatur, AL 35603

C00791558
AF# 4572

Dear Treasurer:

On March 31, 2023, the Federal Election Commission (“the Commission”) found reason to believe (“RTB”) that Candidate Kathy Warner-Stanton and you, in your official capacity as Treasurer, violated 52 U.S.C. § 30104(a) for failing to file the 2022 Year-End Report. The Commission also made a preliminary determination that the civil money penalty was \$1,450 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 2:25 pm, Sep 19, 2023

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

September 19, 2023

MEMORANDUM

To: The Commission

Through: Alec Palmer
Staff Director *AP*

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

Rhiannon Magruder *RM*
Reviewing Officer
Office of Administrative Review

Subject: Final Determination Recommendation in AF# 4572 – Candidate Kathy Warner-Stanton and Ella Warner, in their official capacity as Treasurer (C00791558)

On March 31, 2023, the Commission found reason to believe (“RTB”) that the respondents violated 52 U.S.C. § 30104(a) for failing to timely file the 2022 Year-End Report and made a preliminary determination that the civil money penalty was \$1,450 based on the schedule of penalties at 11 C.F.R. § 111.43. On June 11, 2023, the Commission received their written response (“challenge”). After reviewing the challenge, the Reviewing Officer Recommendation (“ROR”) dated August 9, 2023 was forwarded to the Commission, a copy was forwarded to the respondents, and is hereby incorporated by reference.

The Reviewing Officer recognized the Committee may have started to wind down campaign activities after the 2022 General Election but noted that a committee’s filing obligation ends only when a committee files a termination report, and the Commission notifies them in writing that their termination report has been accepted. 11 C.F.R § 102.3. The Reviewing Officer confirmed the respondents were required to file the 2022 Year-End Report by January 31, 2023 and determined their “best efforts” defense did not succeed in this matter. In response to the Committee’s request for the Commission to waive the penalty, the Reviewing Officer agreed that the penalty should be recalculated. At the time of the RTB finding, the Commission used an estimated level of activity (\$28,309) to calculate the penalty because the 2022 Year-End Report had not yet been filed. 11 C.F.R § 111.43(d)(2)(ii). On April 14, 2023, the Committee filed a statement disclosing it had no activity for the reporting period. Using the schedule of penalties at 11 C.F.R § 111.43(a) for not election sensitive reports, the Reviewing Officer determined no penalty should be assessed. The Reviewing Officer recommended that the Commission make a

final determination that the respondents violated 52 U.S.C. § 30104(a) and assess no civil money penalty (reduced from the RTB civil money penalty of \$1,450). *See* ROR.

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.

The Reviewing Officer recommends that the Commission make a final determination that the respondents violated 52 U.S.C. § 30104(a) and assess no civil money penalty (reduced from the RTB civil money penalty of \$1,450).

OAR Recommendations

1. Adopt the Reviewing Officer recommendation for AF# 4572 involving Candidate Kathy Warner-Stanton and Ella Warner, in their official capacity as Treasurer, in making the final determination;
2. Make a final determination in AF# 4572 that Candidate Kathy Warner-Stanton and Ella Warner, 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 \$1,450); and
3. Send the appropriate letters.

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) AF 4572
 Final Determination Recommendation:)
 Candidate Kathy Warner-Stanton and)
 Ella Warner, in their official capacity as)
 Treasurer (C00791558))

CERTIFICATION

I, Vicktoria J. Allen, Deputy Secretary of the Federal Election Commission, do hereby certify that on September 27, 2023, the Commission decided by a vote of 6-0 to take the following actions in AF 4572:

1. Adopt the Reviewing Officer recommendation for AF# 4572 involving Candidate Kathy Warner-Stanton and Ella Warner, in their official capacity as Treasurer, in making the final determination.
2. Make a final determination in AF# 4572 that Candidate Kathy Warner-Stanton and Ella Warner, 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 \$1,450).
3. Send the appropriate letters.

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



Attest:

Vicktoria J Allen

Digitally signed by Vicktoria J
Allen
Date: 2023.09.27 17:10:35 -04'00'

Vicktoria J. Allen
Deputy Secretary of the Commission



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 29, 2023

Ella Warner, in official capacity as Treasurer
Candidate Kathy Warner-Stanton
1937 Red Sunset Dr.
Decatur, AL 35603

C00791558
AF# 4572

Dear Treasurer:

On March 31, 2023, the Federal Election Commission (the "Commission") found reason to believe ("RTB") that Candidate Kathy Warner-Stanton and you, in your official capacity as Treasurer, violated 52 U.S.C. § 30104(a) for failing to file the 2022 Year-End Report. By letter dated April 3, 2023, the Commission sent notification of the RTB finding that included a civil money penalty calculated at \$1,450 in accordance with the schedule of penalties at 11 C.F.R. § 111.43. On June 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 Candidate Kathy Warner-Stanton 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 April 14, 2023 (\$0), assess no civil money penalty in accordance with 11 C.F.R. § 111.43. The Reviewing Officer Recommendation was sent to you on August 10, 2023.

On September 27, 2023, the Commission adopted the Reviewing Officer's recommendation and made a final determination that Candidate Kathy Warner-Stanton and you, in your official capacity as Treasurer, violated 52 U.S.C. § 30104(a), and based on the level of activity disclosed on April 14, 2023, assessed no civil money penalty (reduced from the RTB civil money penalty of \$1,450). 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 at the end.

Dara Lindenbaum
Chair

Attachment