

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* *JLS*
Kristin D. Roser/Jamie Sikorsky
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
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
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

Curtis Jackson, in official capacity as Treasurer
Erica for Us
P.O. Box 1236
Gaston, NC 27832

C00696104
AF#: 4583
FINE: \$11,132

Dear Curtis Jackson,

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 October 1, 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 Erica for Us 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 \$11,132. 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 \$11,132 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: \$239,463
Number of Days Late: Not Filed
Number of Previous Civil Money Penalties Assessed: 0

ERICA FOR US

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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

ERICA FOR US

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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 Erica for Us 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.

ERICA FOR US

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

Erica for US -C00696104

To: Federal Elections Commission Office of Administrative Review

From: Erica D. Smith

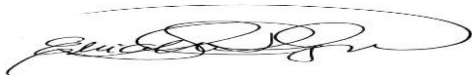
RE: AF#4583

CC: Bee Compliance and Erica for US

This letter is in challenge to the RTB Finding and Civil Money Penalty of \$11,132 assessed to Candidate Committee C00696104 and to request waiver and or significant reduction of the fine for the foregoing reasons:

1. The Committee's Form 99 Filed on April 13, 2023 indicating that the Committee has been inactive since the July 15, 2022 Quarter 2 filing after defeat in the May 17, 2022 NC Primary Election; the Committee has no staff, no unencumbered funds in the treasury and has not campaigned nor received any donations post Primary.
 - a. The Committee was not active during the time period of October 1, 2022-December 31, 2022, the time period for which the fine was assessed; and
 - b. The Committee did not disburse nor receive funds, campaign, nor participate in electioneering activities since FY2022 Quarter 2 filing on October 15, 2022.
2. The Candidate, Erica D. Smith, demonstrated use of best efforts to file in a timely manner but prevented from doing so by reasonably unforeseen circumstances beyond my control.
3. The basis for the fine has been remedied by the filing of all outstanding Committee filing reports by Committee's compliance vendor as of May 11, 2023 including Amended Quarter 3 Report (2022) and Year End Report of Receipts and Disbursements.

Respectfully submitted,



Erica D. Smith



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 30, 2023

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

AF# 4583 – Erica for Us and Erica D. Smith, in their official capacity as Treasurer (C00696104)

Summary of Recommendation

Make a final determination that the respondents violated 52 U.S.C. § 30104(a) and assess a \$402 civil money penalty.

Reason-to-Believe Background

The 2022 Year-End Report was due on January 31, 2023. On May 11, 2023, the respondents filed the report, 100 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 \$11,132 based on the schedule of penalties at 11 C.F.R. § 111.43. A letter was mailed to the respondents’ email address of record from the Reports Analysis Division (“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’ Challenge

On May 11, 2023, the Commission received the written response (“challenge”) from the Candidate, who also serves as Treasurer. They request the penalty be waived or significantly reduced for multiple reasons. First, the campaign became inactive after the 2022 Primary Election. The Committee has no staff, no unencumbered funds, and received no donations after the Primary

Election. They state the Committee was inactive during the 2022 Year-End reporting period, with no funds received nor disbursed. The Candidate also states they demonstrated best efforts to file in a timely manner but were prevented from doing so by a reasonably unforeseen circumstance. They conclude by noting they have filed all outstanding reports, including the 2022 Year-End Report.

Analysis

The Reviewing Officer recognizes the Committee may have started to wind down campaign activities after the 2022 Primary 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 they used best efforts to timely file but were prevented from doing so due to an unforeseen circumstance, 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 any circumstances which 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" does not succeed in this matter, and the Reviewing Officer recommends that the Commission make a final determination that the respondents violated 52 U.S.C. § 30104(a).

In response to the Committee's request for the Commission to waive or significantly reduce 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 (\$239,463) to calculate the penalty because the 2022 Year-End Report had not yet been filed. 11 C.F.R § 111.43(d)(2)(ii). 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 - 4.

Candidate states in the challenge that the Committee had no financial activity during the reporting period. However, on May 11, 2023, the Committee filed the 2022 Year-End Report disclosing \$300 in total receipts and \$1,285 in total disbursements. Therefore, the level of activity of the 2022 Year-End Report is \$1,585. 11 C.F.R. § 111.43(d)(3)(ii). The report was filed 100 days late and is considered not filed. 11 C.F.R. § 111.43(e)(1). Using the schedule of penalties at 11 C.F.R. § 111.43(a) for not election sensitive reports, a \$402 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 a \$402 civil money penalty (reduced from the RTB civil money penalty of \$11,132).

OAR Recommendations

1. Adopt the Reviewing Officer recommendation for AF# 4583 involving Erica for Us and Erica D. Smith, in their official capacity as Treasurer, in making the final determination;
2. Make a final determination in AF# 4583 that Erica for Us and Erica D. Smith, in their official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess a \$402 civil money penalty (reduced from the RTB civil money penalty of \$11,132); and
3. Send the appropriate letter.

Attachments

- Attachment 1 –
- Attachment 2 –
- Attachment 3 –
- 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 Erica for Us:
 - A) Non-Filer Letter, dated February 17, 2023, referencing the 2022 Year-End Report (sent via electronic mail to: senatorerica@gmail.com and contact@beecompliance.co);
 - B) Reason-to-Believe Letter, dated April 3, 2023, referencing the 2022 Year-End Report (sent via electronic mail to: senatorerica@gmail.com and contact@beecompliance.co).
4. I hereby certify that I have searched the Commission’s public records and find that Erica for Us filed the 2022 Year-End Report with the Commission on May 11, 2023.
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 1st day of June, 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

JACKSON, CURTIS, TREASURER
ERICA FOR US
P.O. BOX 1236
GASTON, NC 27832

IDENTIFICATION NUMBER: C00696104

REFERENCE: YEAR-END REPORT (10/01/2022 - 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.

ERICA FOR US

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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

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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 committee authorized by a candidate shall file a report covering through December 31 by January 31 of the following calendar year. 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) Cover, Summary, and Detailed Summary Pages of the 2022 Year-End Report filed by Erica for Us. The report includes the coverage period of October 1, 2022 through December 31, 2022 and was received on May 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 30th day of June, 2023.

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

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

ERICA FOR US

ADDRESS (number and street)

P.O. BOX 1236

Check if different than previously reported. (ACC)

GASTON

NC

27832

CITY ▲

STATE ▲

ZIP CODE ▲

2. FEC IDENTIFICATION NUMBER ▼

C C00696104

3. IS THIS REPORT

NEW (N)

OR

AMENDED (A)

STATE ▼ DISTRICT

NC

01

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

M M /

D D /

Y Y Y Y

in the State of

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

General (30G)

Runoff (30R)

Special (30S)

Election on

M M /

D D /

Y Y Y Y

in the State of

5. Covering Period

M M / D D / Y Y Y Y
10 / 01 / 2022

through

M M / D D / Y Y Y Y
12 / 31 / 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

SMITH, ERICA, DANETTE, ,

Signature of Treasurer

SMITH, ERICA, DANETTE, ,

[Electronically Filed]

Date

M M / D D / Y Y Y Y
05 / 11 / 2023

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

Office Use Only

FEC FORM 3 (Revised 05/2016)

SUMMARY PAGE
of Receipts and Disbursements

FEC Form 3 (Revised 05/2016)

PAGE 2 / 23

Write or Type Committee Name
ERICA FOR US

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)).... | 300.00 | 813612.29 |
| (b) Total Contribution Refunds (from Line 20(d)) | 0.00 | 10558.08 |
| (c) Net Contributions (other than loans) (subtract Line 6(b) from Line 6(a)) | 300.00 | 803054.21 |
| 7. Net Operating Expenditures | | |
| (a) Total Operating Expenditures (from Line 17) | 935.16 | 835028.42 |
| (b) Total Offsets to Operating Expenditures (from Line 14)..... | 0.00 | 979.98 |
| (c) Net Operating Expenditures (subtract Line 7(b) from Line 7(a)) | 935.16 | 834048.44 |
| 8. Cash on Hand at Close of Reporting Period (from Line 27)..... | 22203.07 | |
| 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) | 92523.00 | |

For further information contact:

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

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

POST-ELECTION DETAILED SUMMARY PAGE

Report of Receipts and Disbursements

FEC Form 3 (Revised 07/05)

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- If the candidate participated in the general election, use this form for the 30-day Post-General report.
- If the candidate did NOT participate in the general election, use this form for the Year-end report covering through December 31 of the election year (due on January 31).

This form is used in lieu of filling out Line Numbers 6 through 7 on Page 2 (Summary Page) and Pages 3 and 4 (the Detailed Summary Page) for the last report filed by a candidate during the current election cycle.

Write or Type Committee Name

ERICA FOR US

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

I. RECEIPTS

| COLUMN A Total this Period | COLUMN B Election Cycle Total as of <input type="text" value="11"/> / <input type="text" value="08"/> / <input type="text" value="2022"/> (date of general election) | COLUMN C Total for <input type="text" value="11"/> / <input type="text" value="09"/> / <input type="text" value="2022"/> (date after general election) through <input type="text" value="12"/> / <input type="text" value="31"/> / <input type="text" value="2022"/> (last day of reporting period) |
|---|---|---|
| 11. CONTRIBUTIONS (other than loans) FROM: | | |
| (a) Individuals/Persons Other than Political Committees | | |
| (i) Itemized (use Schedule A) | | |
| <input type="text" value="0.00"/> | <input type="text" value="431437.14"/> | <input type="text" value="0.00"/> |
| (ii) Unitemized | | |
| <input type="text" value="0.00"/> | <input type="text" value="342107.45"/> | <input type="text" value="0.00"/> |
| (iii) Total of contributions from individuals | | |
| <input type="text" value="0.00"/> | <input type="text" value="773544.59"/> | <input type="text" value="0.00"/> |
| (b) Political Party Committees | | |
| <input type="text" value="0.00"/> | <input type="text" value="0.00"/> | <input type="text" value="0.00"/> |
| (c) Other Political Committees | | |
| <input type="text" value="0.00"/> | <input type="text" value="39756.00"/> | <input type="text" value="0.00"/> |

POST-ELECTION DETAILED SUMMARY PAGE

Report of Receipts and Disbursements

FEC Form 3 (Revised 1/01)

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| COLUMN A Total this Period | COLUMN B Election Cycle Total as of * (date of general election) (* See page 5 for date) | COLUMN C Total for * (date after general election) through * (last day of reporting period) (* See page 5 for dates) |
|---|---|---|
| (d) The Candidate | | |
| 300.00 | 311.70 | 300.00 |
| (e) TOTAL CONTRIBUTIONS (other than loans) (add Lines 11(a)(iii), (b), (c) and (d)) | | |
| 300.00 | 813612.29 | 300.00 |
| 12. TRANSFERS FROM OTHER AUTHORIZED COMMITTEES | | |
| 0.00 | 10580.64 | 0.00 |
| 13. LOANS: | | |
| (a) Made or Guaranteed by the Candidate | | |
| 0.00 | 35000.00 | 0.00 |
| (b) All Other Loans | | |
| 0.00 | 100000.00 | 0.00 |
| (c) TOTAL LOANS (add Lines 13(a) and (b)) | | |
| 0.00 | 135000.00 | 0.00 |
| 14. OFFSETS TO OPERATING EXPENDITURES (Refunds, rebates, etc.) | | |
| 0.00 | 979.98 | 0.00 |
| 15. OTHER RECEIPTS (Dividends, Interest, etc.) | | |
| 0.00 | 0.00 | 0.00 |
| 16. TOTAL RECEIPTS (add 11(e), 12, 13(c), 14 and 15) | | |
| 300.00 | 960172.91 | 300.00 |

POST-ELECTION DETAILED SUMMARY PAGE

Report of Receipts and Disbursements

FEC Form 3 (Revised 1/01)

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Write or Type Committee Name

ERICA FOR US

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

II. DISBURSEMENTS

| | COLUMN A Total this Period | COLUMN B Election Cycle Total as of * (date of general election) (* See page 5 for date) | COLUMN C Total for * (date after general election) through * (last day of reporting period) (* See page 5 for dates) |
|---|-------------------------------------|---|---|
| 17. OPERATING EXPENDITURES | <input type="text" value="935.16"/> | <input type="text" value="835028.42"/> | <input type="text" value="1097.94"/> |
| 18. TRANSFERS TO OTHER AUTHORIZED COMMITTEES | <input type="text" value="0.00"/> | <input type="text" value="0.00"/> | <input type="text" value="0.00"/> |
| 19. LOAN REPAYMENTS: | | | |
| (a) Of Loans Made or Guaranteed by the Candidate | <input type="text" value="0.00"/> | <input type="text" value="11283.00"/> | <input type="text" value="0.00"/> |
| (b) Of All Other Loans | <input type="text" value="0.00"/> | <input type="text" value="100000.00"/> | <input type="text" value="0.00"/> |
| (c) TOTAL LOAN REPAYMENTS (add Lines 19(a) and 19(b)) | <input type="text" value="0.00"/> | <input type="text" value="111283.00"/> | <input type="text" value="0.00"/> |
| 20. REFUNDS OF CONTRIBUTIONS TO: | | | |
| (a) Individuals/Persons Other Than Political Committees | <input type="text" value="0.00"/> | <input type="text" value="10558.08"/> | <input type="text" value="0.00"/> |
| (b) Political Party Committees | <input type="text" value="0.00"/> | <input type="text" value="0.00"/> | <input type="text" value="0.00"/> |

POST-ELECTION DETAILED SUMMARY PAGE

Report of Receipts and Disbursements

FEC Form 3 (Revised 1/01)

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| COLUMN A Total this Period | COLUMN B Election Cycle Total as of * (date of general election) (* See page 5 for date) | COLUMN C Total for * (date after general election) through * (last day of reporting period) (* See page 5 for dates) |
|-------------------------------|---|---|
|-------------------------------|---|---|

(c) Other Political Committees (such as PACs)

| | | |
|------|------|------|
| 0.00 | 0.00 | 0.00 |
|------|------|------|

(d) TOTAL CONTRIBUTION REFUNDS (add Lines 20(a), (b) and (c))

| | | |
|------|----------|------|
| 0.00 | 10558.08 | 0.00 |
|------|----------|------|

21. OTHER DISBURSEMENTS

| | | |
|--------|------|--------|
| 350.00 | 0.00 | 350.00 |
|--------|------|--------|

22. TOTAL DISBURSEMENTS (add Lines 17, 18, 19(c), 20(d) and 21)

| | | |
|---------|-----------|---------|
| 1285.16 | 956869.50 | 1447.94 |
|---------|-----------|---------|

III. NET CONTRIBUTIONS (OTHER THAN LOANS)

(Note: Substitute in lieu of Line #6 of Summary Page for this report only; subtract Line 20(d) from Line 11(e))

| | | |
|--------|-----------|--------|
| 300.00 | 803054.21 | 300.00 |
|--------|-----------|--------|

IV. NET OPERATING EXPENDITURES

(Note: Substitute in lieu of Line #7 of Summary Page for this report only; subtract Line 14 from Line 17)

| | | |
|--------|-----------|---------|
| 935.16 | 834048.44 | 1097.94 |
|--------|-----------|---------|

V. CASH SUMMARY

| | |
|---|----------|
| 23. CASH ON HAND AT BEGINNING OF REPORTING PERIOD..... | 23188.23 |
| 24. TOTAL RECIEPTS THIS PERIOD (from Line 16)..... | 300.00 |
| 25. SUBTOTAL (add Line 23 and Line 24)..... | 23488.23 |
| 26. TOTAL DISBURSEMENTS THIS PERIOD (from Line 22)..... | 1285.16 |
| 27. CASH ON HAND AT CLOSE OF REPORTING PERIOD (subtract Line 26 from Line 25) | 22203.07 |



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 30, 2023

Erica D. Smith, in official capacity as Treasurer
Erica for Us
PO Box 1236
Gaston, NC 27832

C00696104
AF# 4583

Dear Treasurer:

On March 31, 2023, the Federal Election Commission (“the Commission”) found reason to believe (“RTB”) that Erica for Us 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 \$11,132 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 a reduced 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 2:37 pm, Sep 19, 2023

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

September 19, 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# 4583 – Erica for Us and Erica D. Smith, in their official capacity as Treasurer (C00696104)

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 \$11,132 based on the schedule of penalties at 11 C.F.R. § 111.43. On May 11, 2023, the Commission received their written response (“challenge”). After reviewing the challenge, the Reviewing Officer Recommendation (“ROR”) dated June 30, 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 or significantly reduce 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 (\$239,463) to calculate the penalty because the 2022 Year-End Report had not yet been filed. 11 C.F.R § 111.43(d)(2)(ii). While the challenge stated the Committee had no financial activity during the reporting period, on May 11, 2023, the Committee filed the 2022 Year-End Report disclosing a level of activity of \$1,585. Using the schedule of penalties at 11 C.F.R § 111.43(a) for not election sensitive reports, the

Reviewing Officer determined a \$402 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 a \$402 civil money penalty (reduced from the RTB civil money penalty of \$11,132). *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). The respondents have since indicated their intent to pay the recommended penalty of \$402.

The Reviewing Officer recommends that the Commission make a final determination that the respondents violated 52 U.S.C. § 30104(a) and assess a \$402 civil money penalty (reduced from the RTB civil money penalty of \$11,132).

OAR Recommendations

1. Adopt the Reviewing Officer recommendation for AF# 4583 involving Erica for Us and Erica D. Smith, in their official capacity as Treasurer, in making the final determination;
2. Make a final determination in AF# 4583 that Erica for Us and Erica D. Smith, in their official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess a \$402 civil money penalty (reduced from the RTB civil money penalty of \$11,132); and
3. Send the appropriate letter.

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) AF 4583
 Final Determination Recommendation:)
 Erica for Us and Erica D. Smith, in their)
 official capacity as Treasurer)
 (C00696104))

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 4583:

1. Adopt the Reviewing Officer recommendation for AF# 4583 involving Erica for Us and Erica D. Smith, in their official capacity as Treasurer, in making the final determination.
2. Make a final determination in AF# 4583 that Erica for Us and Erica D. Smith, in their official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess a \$402 civil money penalty (reduced from the RTB civil money penalty of \$11,132).
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: 2023.09.27 16:48:04 -04'00'

Vicktoria J. Allen
Deputy Secretary of the Commission



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 29, 2023

Erica D. Smith, in official capacity as Treasurer
Erica for Us
PO Box 1236
Gaston, NC 27832

C00696104
AF# 4583

Dear Treasurer:

On March 31, 2023, the Federal Election Commission (“the Commission”) found reason to believe (“RTB”) that Erica for Us 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 \$11,132 in accordance with the schedule of penalties at 11 C.F.R. § 111.43. On May 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 Erica for Us 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 Year-End Report filed May 11, 2023 (\$1,585), assess a civil money penalty in the amount of \$402 in accordance with 11 C.F.R. § 111.43. The Reviewing Officer Recommendation was sent to you on June 30, 2023.

On September 27, 2023, the Commission adopted the Reviewing Officer’s recommendation and made a final determination that Erica for Us 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 Year-End Report (\$1,585), assessed a civil money penalty in the amount of \$402 (reduced from the RTB civil money penalty of \$11,132). 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.

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

1. If You Choose to Appeal the Final Determination and/or Civil Money Penalty

If you choose to appeal the final determination, you must submit a written petition requesting that the final determination be modified or set aside. This request must be made within thirty (30) days of receipt of this letter and sent to the U.S. District Court for the district in which the committee or you reside or transact business. *See* 52 U.S.C. § 30109(a)(4)(C)(iii). If you did not timely raise a factual argument in a challenge to the Commission’s 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.

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

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 (“DCA”), as amended by the Debt Collection Improvement Act of 1996 (“DCIA”), 31 U.S.C. § 3701, *et seq.* If you do not pay this debt within thirty (30) days and do not appeal the Commission’s final determination to the U.S. District Court (see above), the Commission will transfer the debt to the U.S. Department of the Treasury (“Treasury”) for collection. Treasury will contact you to request payment within five (5) days of the receiving the debt. Treasury currently charges a fee of 30% of the civil money penalty amount for its collection services. If the age of the debt is greater than or equal to two years old, Treasury will charge a fee of 32% of the civil money penalty amount for its collection services. The fee will be added to the amount of the civil money penalty that you owe. Should Treasury’s attempts fail, Treasury will refer the debt to a private collection agency. If the debt remains unpaid, Treasury may recommend that the Commission refer the matter to the Department of Justice for litigation.

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

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

3. If You Choose to Pay the Civil Money Penalty

If you should decide to pay the civil money penalty, please follow the payment instructions below. You should make payment within thirty (30) days of receipt of this 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 www.fec.gov/af/pay.shtml to be directed to Pay.gov’s

Administrative Fine Program Payment form. Please use the details above 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 civil money penalty, the amount of your partial payment will be credited towards the full civil money penalty that the Commission assessed upon making a final determination.

Settlement Offers

Any offer to settle or compromise a debt owed to the Commission will be rejected. This includes a payment in an amount less than the 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 assessed upon making a final determination. All unpaid civil money penalty amounts remaining will be subject to the debt collection procedures set forth in Section 2, above.

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



Dara Lindenbaum
Chair