

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

COMBAT VETERANS FOR CONGRESS)
POLITICAL ACTION COMMITTEE and)
DAVID H. WIGGS, TREASURER)
264 South La Cienega Boulevard)
Suite 186)
Beverly Hills, CA 90211)
))
Plaintiffs,)
))
v.)
))
FEDERAL ELECTION COMMISSION)
999 E Street, NW)
Washington, DC 20463,)
))
Defendant.)

Civil Case No. _____

**PETITION FOR REVIEW OF FEDERAL ELECTION COMMISSION
DETERMINATION AND COMPLAINT FOR DECLARATORY
AND INJUNCTIVE RELIEF**

Plaintiffs Combat Veterans For Congress Political Action Committee (CVFC PAC) and Treasurer David H. Wiggs in his official capacity as Treasurer, by their undersigned attorney, hereby file this petition for review of a determination by defendant Federal Election Commission and complaint for declaratory and injunctive relief, and allege as follows:

INTRODUCTION

1. This is a civil action in which plaintiffs seek to modify or set aside the November 4, 2011 Final Determination by the Federal Election Commission (“FEC” or “Commission”) which improperly imposed fines aggregating \$8,690 upon plaintiffs for alleged violations of the Federal Election Campaign Act (“FECA” or “the Act”), and declaratory and injunctive relief declaring the Commission’s actions to be procedurally and substantively unlawful and enjoining the assessment of a civil money penalty against plaintiffs.
2. The fines imposed relate to the knowing, willful, and/or reckless conduct of a malfeasant former Treasurer who violated the Act by failing to timely file certain reports and should be solely liable for such misconduct in his personal capacity.
3. The Commission’s failure to impose these penalties and pursue such a flagrant malfeasant Treasurer violates the language and spirit of the Act and is contrary to the Commission’s regulations and *Statement of Policy Regarding Treasurers Subject to Enforcement Proceedings*, 70 Fed. Reg. 1 (Jan. 3, 2005).
4. The Commission’s actions in finding liability and assessing the fine in this matter against the plaintiffs instead of the former treasurer, or at least mitigating the fine against the plaintiffs, is arbitrary, capricious, an abuse of discretion or a failure to exercise discretion and otherwise not in accordance with law; violates the procedural and due process rights of plaintiffs; and violates the plaintiffs’ First Amendment rights.

JURISDICTION and VENUE

5. This action arises under the Federal Election Campaign Act (“FECA” or “the Act”), 2 U.S.C. §§ 431, et seq., the Declaratory Judgment Act, 28 U.S.C. §2201, and the Administrative Procedure Act, 5 U.S.C. 701-706. This Court has jurisdiction under 2 U.S.C. §437g(a)(4)(C)(iii) and 28 U.S.C. §1331. This petition and complaint has been filed with this Court within 30 days of plaintiffs’ receipt of the notice of adverse determination as required by 2 U.S.C. §437g(a)(4)(C)(iii).
6. This district has venue under 2 U.S.C. §437g(a)(4)(C)(iii) and 28 U.S.C. §§1391(b) and (e). Combat Veterans For Congress PAC transacts business in this District.

PARTIES

7. Plaintiff Combat Veterans For Congress PAC (“CVFC PAC”) is a non-partisan, non-connected political action committee registered with the Federal Election Commission and is located in Beverly Hills, California, with legal and operational offices in Washington, D.C.
8. David H. Wiggs is the current Treasurer of CVFC PAC, and is a party to this action in his official capacity as the substitute Treasurer.
9. Defendant Federal Election Commission (“FEC”) is an independent administrative agency of the United States, created pursuant to 2 U.S.C. §437(c). It is responsible for enforcing the FECA, and is required to investigate alleged violations of the FECA.

STATEMENT OF FACTS

10. On October 19, 2009, CVFC PAC registered with the FEC as a non-connected political action committee by filing an FEC Form 1, Statement of Organization, pursuant to 11 CFR §102.1(d). CVFC PAC's Statement of Organization named Michael Curry, an attorney, as both Treasurer and Custodian of Records. (Exhibit 1)
11. Subsequent to its registration with the FEC, the Treasurer would have and is presumed to have received the standard "welcome" package of information and resources from the FEC mailed to all new registrants at that time, including separate copies of "Federal Election Campaign Laws" as compiled by the Commission and including all of FECA, Title 11 (Federal Election) of the Code of Federal Regulations, the Federal Election Commission Campaign Guide for Non-Connected Committees ("The Guide"), and various supplemental material for the benefit of the Treasurer in complying with his legal obligations as a Treasurer under FECA.
12. On January 29, 2010, Mr. Curry filed CVFC PAC's 2009 Year-End Report with the FEC pursuant to 2 U.S.C. §434. (Exhibit 2)
13. On March 12, 2010, the FEC sent Mr. Curry a Request for Additional Information (RAI) in order to clarify errors in the 2009 Year End Statement. (Exhibit 3)
14. On April 5, 2010, Mr. Curry filed the amended 2009 Year End Report. (Exhibit 4)
15. On April 15, 2010, Mr. Curry filed the April 2010 Quarterly Report. (Exhibit 5)
16. On June 16, 2010, the FEC sent an RAI in order to clarify errors in the April 2010 Quarterly Report. (Exhibit 6)
17. On July 14, 2011, Mr. Curry filed an amended April 2010 Quarterly Report. (Exhibit 7)

18. On July 15, 2010, Mr. Curry filed the July 2010 Quarterly Report. (Exhibit 8)
19. On August 4, 2010, the FEC sent an RFAI in order to clarify errors in the Amended April 2010 Quarterly Report. Mr. Curry did not submit a response to the August 4 RFAI. (Exhibit 9)
20. On October 12, 2010, three days before the October 2010 Quarterly Report was due and nine days before the FEC Pre-Election Report was due, Mr. Curry verbally communicated to CVFC PAC's Chairman Capt. Joe John [USN Ret.'d] that he intended to resign as Treasurer, but that he would complete the necessary upcoming filings before doing so. (Exhibit 10)
21. On October 14, 2010, legal counsel for CVFC PAC sent Mr. Curry an e-mail informing him of the steps to take in order to formally resign as Treasurer. (Exhibit 10)
22. On October 14, 2010, Capt. John forwarded an to Mr. Curry describing the potential consequences of failing to timely respond to an RFAI and included a reminder of the deadlines for the upcoming reports. (Exhibit 32)
23. On October 15, 2010, legal counsel for CVFC PAC sent Mr. Curry an e-mail reminding him that the 2010 October Quarterly Report was due that day, and reminding Mr. Curry of the due dates and coverage dates for the pre- and post-election reports. (Exhibit 11)
24. On October 15, 2010, the 2010 October Quarterly Report became due, and Mr. Curry did not timely file. Before the report became due, Mr. Curry took no steps to resign as Treasurer. Mr. Curry knowing and willfully or recklessly failed to file this report.

25. On October 18, 2010, Mr. Curry sent to an e-mail to other members of CVFC PAC stating that he would complete the reports with the assistance of CVFC PAC accountant Ken Margala. (Exhibit 12)
26. On October 19, 2010, Mr. Curry telephoned the FEC Reports Analysis Division (RAD) analyst assigned to CVFC PAC, James R. McAllister “to let [Mr. McAllister] know that the committee failed to get their 2010 [October Quarterly Report] in on time because the group was completely ‘swamped’. [Mr. McAllister] urged him to get [the report] in as soon as possible and [Mr. Curry] said it would be in by the end of the week.” (Exhibit 13)
27. On October 21, 2010, the 12-Day Pre-General Election Report became due, and Mr. Curry did not timely file. Before the report became due, Mr. Curry took no steps to resign as Treasurer. Mr. Curry knowing and willfully or recklessly failed to file this report.
28. On November 3, 2010, Mr. Curry telephoned Mr. McAllister to apologize for not submitting the 2010 October Quarterly Report on time. Mr. Curry said he “would try to get it in by the end of the week.” (Exhibit 13)
29. On November 4, 2010, the FEC sent Mr. Curry a Notice of Failure to File regarding the October 2010 Quarterly Report. The notice states: “[t]he failure to timely file this report may result in civil money penalties, an audit or legal enforcement action.” (Exhibit 14)
30. On November 7, 2010, CVFC PAC received for the first time from Mr. Curry the password for electronic filing that had not been previously shared. However, CVFC

PAC still had not been provided access to or copies of the financial and banking records in the exclusive possession of Mr. Curry. (Exhibit 34)

31. On November 8, 2010, Mr. Curry telephoned Mr. McAllister “to say that he needed help itemizing activity [Mr. McAllister] talked [Mr. Curry] through creating a new report and itemizing an individual contribution to get him started. [Mr. Curry] said he would call back if he had any further questions.” (Exhibit 13)
32. On November 8, 2010, CVFC PAC filed an amended Statement of Organization naming Mr. Backer as Assistant Treasurer, but still listing Mr. Curry as CVFC PAC’s Treasurer and Custodian of Records. (Exhibit 15)
33. On November 19, 2010, Mr. Curry received an e-mail from counsel to CVFC PAC again informing Mr. Curry of the liability of the Treasurer to timely file reports, as well as reminding him that the Post General Election Report would be due December 2, 2010. (Exhibit 16)
34. On November 21, 2010, Mr. Curry electronically filed the 2010 October Quarterly Report, thirty seven (37) days after it became due. (Exhibit 17)
35. On November 30, 2010, Mr. Backer e-mailed Mr. Curry and reminded him that the August 4 RFAI had yet to be responded to, that the Pre-General Election Report was overdue and that the Post-General Election Report was due on December 2, 2010. (Exhibit 18)
36. On December 2, 2010, the 30-Day Post-General Election Report became due, and Mr. Curry did not timely file. Before the report became due, Mr. Curry took no steps to resign as Treasurer. Mr. Curry knowingly and willfully or recklessly failed to file this report.

37. On December 2, 2010, Mr. Curry called Mr. McAllister “to get clarification for the coverage dates for the [Post-General Election Report]. (Exhibit 13)
38. On December 2, 2010, Mr. Curry e-mailed Capt. John to say that “[he] spoke to [his] FEC contact [...] who said a post-election report is all that is needed. [The FEC RAD analyst] said the pre-election one was already due and a post-election report as a result would be sufficient.” (Exhibit 19)
39. On December 8, 2010, Mr. Curry sent an e-mail to Capt. John and others at CVFC stating: “As you know I am no longer the Treasurer. My last conversation with the FEC they were reluctant to give me any information because I am no longer the Treasurer. My obligations were fulfilled with the 3rd Qtr. report which has been filed.” (Exhibit 20)
40. On December 8, 2010, Capt. John sent an e-mail to Mr. Curry reminding Mr. Curry to make use of the bookkeeper that the PAC retained in October to assist with filings, continuing to demonstrate his ongoing performance as Treasurer. (Exhibit 42)
41. On December 9 2010, Mr. Curry replied to Capt. John’s e-mail by indicating that it could be useful to have the bookkeeper’s assistance, continuing to demonstrate his ongoing performance as Treasurer. (Exhibit 42)
42. On December 10, 2010, Mr. Curry received an e-mail from Mr. Backer with detailed instructions on how to resign as treasurer. (Exhibit 43)
43. On December 12, 2010, Mr. Curry sent Capt. John an e-mail stating, “When you speak to the FEC tomorrow find out how I need to resign.” (Exhibit 44)
44. On December 13, 2010, Capt. John, called Mr. McAllister because “Mr. Curry, was on his way out as the committee’s Treasurer and he wanted to know what he needed

to do to change the Treasurer. [Mr. McAllister] explained the committee needed to submit a [F1 Statement of Organization] that showed the new Treasurer once a new one was chosen. [Capt. John] then asked if the committee needed to file the [Pre-General Election Report] and [Post-General Election Report] and [Mr. McAllister] said that committee definitely needed to file the [Post-General Election Report] and *may need* [emphasis added] to file the [Pre-General Election Report] based on whether the committee made expenditures to influence a federal election from 10/2/10-10/13/10. [Mr. McAllister] told [Capt. John] that the reports would be late but that he should submit them as soon as possible in order to mitigate any fines or penalties. [Capt. John] then asked whether the reports needed to be filed electronically, and [Mr. McAllister] said that because the committee had filed electronically on previous records, they would need to keep filing electronically for future submissions.” (Exhibit 13)

45. On December 13, 2010, Capt. John circulated an e-mail containing an overview of his conversation with the RAD analyst. This e-mail provided yet another outline of the necessary steps to resign as treasurer, as well as a thorough inventory of the reporting requirements that the PAC needed to satisfy. (Exhibit 44)
46. On December 15, 2010, Mr. Curry telephoned Mr. McAllister to “ask about resigning as Treasurer of the PAC. [Mr. McAllister] explained that as far as the FEC was concerned, Mr. Curry was still listed as the Treasurer for the PAC and would be considered the Treasurer until the committee submitted an [F1 Statement of Organization] that showed a new Treasurer. ...” (Exhibit 13)

47. On December 15, 2010, the FEC found Reason to Believe (“RTB”) that CVFC PAC violated 2 U.S.C. §434(a) by failing to timely file the October Quarterly Report by October 15, 2010. (Exhibit 21)
48. On December 18, 2010, Capt. John sent an e-mail to Mr. Backer and others outlining the many steps that the PAC’s bookkeeper had taken in order to obtain accurate and sufficient records of the PACs funds. (Exhibit 44)
49. On December 18, 2010, Mr. Curry forwarded the August 4 RFAI to other members of the PAC for the first time. (Exhibit 45)
50. On December 20, 2010 the FEC sent a Notice of Failure to File regarding the Post-General Election Report. (Exhibit 22)
51. On December 22, 2010, the FEC sent an RFAI regarding the October 2010 Quarterly Report. (Exhibit 23)
52. On December 30, 2010, Mr. Curry forwarded the RTB regarding the October Quarterly Report to other PAC members via e-mail and merely stating “this related to the October report which you have already filed so it may be moot.” (Exhibit 46)
53. On January 4, 2011, Mr. Backer in his capacity as assistant Treasurer called Mr. McAllister to “check in on the committee’s status with [RFAIs]. [Mr. Curry] had not responded to [RFAIs] regarding the 2010 [April] and [October] reports, dated 8/4/10 and 12/22/10, respectively. Both reports had excessive individual contributions and omitted contributor information....” (Exhibit 13)
54. On January 11, 2011, CVFC PAC filed the delinquent Pre-Election Report and Post-Election Reports, which were due on October 25, 2010 and December 2, 2010, respectively. (Exhibits 24 & 25)

55. On January 12, 2011, an amended F1 Statement of Organization was filed that replaced Mr. Curry as Treasurer with David Wiggs. (Exhibit 26)
56. On January 25, 2011, after identifying and correcting the gross errors in the 2010 reports prepared by Mr. Curry, CVFC PAC filed amended versions of the April 2010 Quarterly Report, the July 2010 Quarterly Report, the October 2010 Quarterly Report, the Pre-Election Report and the Post-Election Report. (Exhibit 27, 28, 29, 30 & 31)
57. On January 25, 2011, Mr. Backer called Mr. McAllister “to let [Mr. McAllister] know that [Mr. Backer] had amended the 2009 [Year End Report] and all of the 2010 reports and that they should all be okay and answer the [RFAIs] the FEC had sent the committee....” (Exhibit 13)
58. On February 4, 2011, Mr. Backer returned a voice message left by Sari Pickerall, an FEC employee, regarding the [RTB] issued by the FEC that Mr. Backer was not previously aware of. “[Ms. Pickerall] stated that [the FEC] had no response from [CVFC PAC] regarding the fine. [Mr. Backer] wanted to know when the letter was delivered and [Ms. Pickerall] told him someone had signed for it on 12/28/2010. [Mr. Backer] stated that address was older and the Treasurer at the time, Michael Curry, must have received the letter and never told them about it. [Mr. Backer] wanted to know if it was posted on the [FEC] website and [Ms. Pickerall] stated that it was not” (Exhibit 13)
59. On February 4, 2011 Capt. John called Ms. Pickerall and stated “Michael Curry walked out in October and did not file the reports. [Capt. John] stated that he is now aware that the reports were not filed timely that he believes Michael Curry (Treasurer

at the time) is responsible and gave [Ms. Pickerall] Mr. Curry's telephone number and address..." (Exhibit 13)

60. On February 16, 2011, Capt. John called Sari Pickerall and "stated that [Mr. Curry] walked out on them and did not share any of the fine information with them. The committee then hired an outside auditor and then filed reports. [Capt. John] questioned as to whether or not consideration was given to committees with situations like this. [Capt. John] was concerned as Mr. Curry was receiving the correspondence of the committee. [Ms. Pickerall] stated the correspondence will go to the current address on the committee's Statement of Organization. (Exhibit 13)

61. On March 11, 2011, the FEC found reason to believe that CVFC PAC's Pre-General Election Report was filed after the deadline of October 21, 2010. (Exhibit 32)

62. On March 22, 2011, Mr. John sent a letter to the FEC to challenge the RTB finding with respect to the October 2010 Quarterly Report by asserting that the conduct of the former Treasurer, Mr. Curry, made it impossible for CVFC PAC to timely file and that the PAC exercised its best efforts. (Exhibit 10)

63. On March 23, 2011, Capt. John sent a letter to the FEC to challenge the RTB finding with respect to the Pre General Election Report by asserting that the conduct of the former Treasurer, Mr. Curry, made it impossible for CVFC PAC to timely file and that the PAC exercised its best efforts to obtain the bank records and other information, retain a bookkeeper to conduct an audit, and take other steps necessary to file the three reports as soon as practicable under the circumstances. (Exhibit 33)

64. On March 25, 2011, the FEC found reason to believe that CVFC PAC's 30 Day Post-General Election Report was filed after the deadline of December 2, 2010. (Exhibit 34)
65. On March 31, 2011, Capt. John sent a letter to the FEC to challenge the RTB finding with respect to the Post General Election Report by asserting that the conduct of the former Treasurer, Mr. Curry, made it impossible for CVFC PAC to timely file and that the PAC exercised its best efforts. (Exhibit 35)
66. On June 16, 2011, Dayna C. Brown, Reviewing Officer for the Office of Administrative Review (OAR) sent CVFC PAC the Recommendation of the Reviewing Officer regarding the RTB for the October 2010 Quarterly Report. (Exhibit 36)
67. On June 20, 2011, Dayna C. Brown, Reviewing Officer for the Office of Administrative Review (OAR) sent CVFC PAC the Recommendation of the Reviewing Officer regarding the RTB for both the Pre- and Post-General Election Reports. (Exhibit 37)
68. On June 24, 2011, counsel for CVFC PAC filed a written response to the Reviewing Officer Recommendation regarding the October 2010 report, the Pre-General Election Report and the Post-General Election Report that clearly established the factual and legal basis why Mr. Curry was solely liable, in his personal capacity, for the knowing, willful, and reckless conduct that precipitated these fines. (Exhibit 38)
69. On August 18, 2011, the Office of General Counsel (OGC) submitted a Memorandum to Dayna Brown providing legal guidance on the disposition of these actions. (Exhibit 47). Notably, the OGC in Part III heading of its memorandum concluded that CVFC

PAC's allegations "**MIGHT JUSTIFY PURSUING [THE FORMER] TREASURER PERSONALLY.**" (p.3) and that the "Commission could conclude that [Mr. Curry's] actions constituted a reckless failure to fulfill his duties as treasurer." (p. 4). More significantly, the OGC noted that the Commission "could consider Mr. Curry's actions as possible mitigating factors in determining the civil penalty for the Committee's violations." Id. at 5.

70. On October 12, 2011, the FEC's Chief Compliance Officer, Patricia Carmona and Reviewing Officer Dayna Brown, made a Final Determination Recommendation to the Commission for all three late filings AF#s 2199, 2312, and 2355 that CVFC PAC and its new Treasurer David Wiggs violated 2 USC 434(a) and to assess respective penalties of \$4,400, \$3,300, and \$990 against them for an aggregate of \$8690. (Exhibit 39). Notably, Ms. Brown requested that "the Commission consider the issue of the [former] Treasurer's personal responsibility in these matters." Id. at 3.

71. On October 27, 2011, 125 days since CVC PAC's response of June 24, the Commission by a notational vote without meeting and without providing plaintiffs with an opportunity to be heard, summarily adopted the Reviewing Officer's recommendation and made a final determination that the CVFC PAC and Mr. Wiggs in his official capacity as the current treasurer violated 2 U.S.C. §434(a) for filing late the October Quarterly Report, the 12 Day Pre-Election, and the 30 Day Post-Election Report, and assessing a civil monetary penalties or fines against them instead of the former Treasurer in his personal capacity for each such late filing in the amount of \$4,400, \$3,300, and \$990, for an aggregate amount of \$8690. (Exhibit 39). However, the Commission failed to address the request by its Reviewing Officer to consider the

issue of the former treasurer's personal liability or whether his actions would be a mitigating factor in determining the civil penalties against CVFC PAC. The Commission also did not give CVFC PAC an opportunity to be heard before the full Commission before making its final determination.

72. On November 4, 2011, notice of the final determination was sent to CVFC PAC. (Exhibit 40) by certified mail.. Notice was received by mail on November 10, 2011.
73. On November 23, 2011, CVFC PAC sent a letter by courier to the Chair of the Commission requesting expedited action that the Commission vacate its final determination as being premature inasmuch as it did not give the respondents a hearing before the full Commission as required by 2 USC 437g(a)(C)(ii). Alternatively, the Commission was asked to reconsider the matter since it neglected to consider the personal liability of the former Treasurer as being solely liable for the fine or at a minimum to mitigate the penalty on CVFC PAC and its current Treasurer, and preserving its procedural and substantive rights, including its claim that its Due Process and First Amendment rights were violated. (Exhibit 41). To date, no response has been received from the FEC.

COUNT I

**THE COMMISSION'S FINAL ADVERSE DETERMINATION IS INVALID
BECAUSE THE COMMISSION FAILED TO PROVIDE PLAINTIFFS WITH
A HEARING**

74. Plaintiffs re-allege and incorporate by reference all of the allegations contained in all of the preceding paragraphs.
75. Pursuant to 2 USC 437g(a)(C)(ii), “the Commission may not make any determination adverse to a person under clause (i) until the person has been given...an opportunity to be heard before the Commission.”
76. On October 27, 2011, the Commission purported to make a final determination regarding liability and assessment of penalties against the plaintiffs without giving them an opportunity to be heard before the Commission.
77. Congress was specific in other parts of 2 USC 437g affording respondents at earlier stages of the enforcement process with the opportunity to file written statements and briefs, e.g. 2 USC 437g(a)(1) (respondent “shall have the opportunity to demonstrate in writing...that no action should be taken against such person”); 2 USC 437g(a)(4)(A)(i) (respondent “may submit a brief” before Commission finds “probable cause” to believe a violation occurred). However, before a final determination is made, the respondents are required to be “heard before the Commission”, i.e., an in-person hearing before the Commission.
78. Plaintiffs were not given an opportunity for a hearing, did not waive their right to a hearing, and specifically reminded the Commission of its non-discretionary duty to provide plaintiffs with a hearing in their November 23, 2011 letter to the FEC.

79. Accordingly, the final determination by the Commission on October 27, 2011 was not issued in accordance with law and is therefore premature, null and void, of no legal effect, and should be set aside. The failure to provide plaintiffs with a hearing also violated their right to Due Process.

COUNT II

THE FORMER TREASURER OF CVFC PAC IS SOLELY LIABLE IN HIS PERSONAL CAPACITY FOR FAILING TO FILE THE REPORTS IN QUESTION

A. TREASURERS' PERSONAL LIABILITY UNDER FECA

80. Plaintiffs re-allege and incorporate by reference all of the allegations contained in all of the preceding paragraphs.

81. The Act clearly intends to impose any liability on the Treasurer as the only statutory officer required of political committees. "Treasurer of a political committee shall file reports of receipts and disbursements in accordance with the provisions of this subsection. The Treasurer shall sign each such report." 2 USC 434(a)(1).

82. 11 C.F.R. 104.1(a) provides as follows: "*Who must report.* Each treasurer of a political committee...shall report in accordance with 11 CFR part 104." **The regulations do not impose any duty on the political committee to file a report.** Further, under 11 C.F.R. 104.14(d), "Each treasurer of a political committee... *shall be personally responsible* for the timely and complete filing of the report or statement and for the accuracy of any information or statement contained in it." (Emphasis added). *See also FEC v. Toledano*, 317 F3d 939, 947 (9th Cir. 2002) ("Treasurers may be held personally liable for failing to fulfill their responsibilities under the Act and the Commission's regulations.").

83. The Act imposes legal obligations on Treasurers of political action committees, “the violation of *which makes them personally liable.*” 70 Fed. Reg. 1 at 5 (Jan., 3, 2005) (emphasis added), noting the absence of permissive language, such as “may”; *See e.g.* 2 U.S.C. 432(c); 2 U.S.C. 432(d);
84. The Federal Election Commission Campaign Guide for Non-connected Committees (May, 2008), Chapter 2, Section 2, (Treasurer’s Duties) states “The Treasurer is responsible for filing complete and accurate reports and statements on time.” *Id.* at 3. The Guide further states that “a committee’s Treasurer is personally responsible for carrying out the duties listed above and should understand these responsibilities (as well as his or her personal liability for fulfilling them) before taking them on Also, the treasurer can be named and found liable in his or her personal capacity if he or she knowingly and willfully violates the Act” *Id.* at 4.
85. Despite the Commission’s own regulations unequivocally and unconditionally mandating that a treasurer “shall be personally liable” for failing to file the required reports in all cases, the Commission has articulated a discretionary enforcement policy that it will impose personal liability on a treasurer for a knowing, willful, or reckless failure to timely file reports: “The Commission *intends to* consider a Treasurer the subject of an enforcement proceeding in his or her personal capacity only when available information (or inferences fairly derived therefrom) indicates that the Treasurer had knowledge that his or her conduct violated a duty imposed by law; or where the Treasurer recklessly failed to fulfill his or her duties under the Act and regulations; or intentionally deprived himself or herself of facts giving rise to the violations.” 70 Fed. Reg. 1 at 5(emphasis added).

86. Knowledge of a legal obligation can be found where the treasurer is expressly made aware of his responsibility by others in writing, and/or by the Commission staff, to timely file reports as required by 2 U.S.C. §434(a), and the deadlines and coverage dates therein.
87. Willful conduct “must necessarily connote ‘defiance or such reckless disregard of the consequences as to be equivalent to a knowing, conscious, and deliberate flaunting of the Act.’” *AFL-CIO v. FEC*, 628 F.2d 97, 110 (D.C. Cir. 1980). Willful conduct may be found where the Treasurer, having been made aware of his legal duties, chooses not to comply with them.
88. Recklessness can be found where a Treasurer has knowledge of the duties imposed by law and negligently fails to fulfill them or intentionally remains ignorant of the facts necessary to prevent a violation of the law. Behaving in a reckless manner is, “more than mere negligence: it is a gross deviation from what a reasonable person would do.” *Black’s Law Dictionary* 1298 (Bryan A. Garner et al. eds., West Publishing 8th ed. 2007).

B. MR. CURRY’S KNOWING, WILLFUL, AND/OR RECKLESS FAILURE TO COMPLY WITH THE ACT.

89. Plaintiffs re-allege and incorporate by reference all of the allegations contained in all of the preceding paragraphs.
90. Mr. Curry’s conduct meets the standard of “knowing”, in that he received repeated written and oral communications, including materials provided to him by the FEC, expressly informing him of his responsibility as Treasurer.

91. Pursuant to Paragraphs 15 and 18, Mr. Curry filed the April and June Quarterly Reports on or before the deadline of the 15th day of the month, demonstrating that he had knowledge of the deadline for filing quarterly reports.
92. Pursuant to Paragraph 23, on October 15, 2010, legal counsel for CVFC PAC sent Mr. Curry an e-mail reminding him that the 2010 October Quarterly Report was due that day, and reminding Mr. Curry of the due dates and coverage dates for the Pre- and Post-General Election Reports.
93. Mr. Curry's conduct was willful in that he was clearly aware of, but made a decision not to fulfill, his legal obligation as Treasurer.
94. Pursuant to Paragraph 28, Mr. Curry telephoned the FEC's Mr. McAllister November 3, 2010 to apologize for not submitting the 2010 October Quarterly Report on time, stating "that he was very busy and would try to get it in by the end of the week."
95. Pursuant to Paragraph 33 and 35, Mr. Curry understood his responsibility to complete the Pre and Post General Election Reports, yet declined assistance from the Assistant Treasurer and others in carrying out this obligation.
96. Pursuant to Paragraph 29, on November 4, 2010, the FEC sent Mr. Curry a Notice of Failure to File regarding the October 2010 Quarterly Report. The notice states: "[t]he failure to timely file this report may result in civil money penalties, an audit or legal enforcement action."
97. Mr. Curry's conduct was reckless in that he failed to meet his obligations and refused assistance despite the fact that he had full knowledge of the potential consequences of failing to timely file, and maintained sole possession of the electronic filing password and financial records, preventing CVFC PAC from otherwise filing.

98. Pursuant to Paragraph 19, Mr. Curry failed to timely respond to the FEC's August 4, 2010, RFAI, even though he the RFAI explicitly states the serious consequences that could result from failure to respond. Further, Mr. Curry failed to timely file the October Quarterly Report despite clear notice that substantial penalties could result from failure to submit on time.
99. Pursuant to Paragraph 25, Mr. Curry expressed his intention to complete the Pre- and Post-General Election Reports on time and discouraged the PAC from obtaining assistance in completing those reports
100. Mr. Curry was particularly reckless in first indicating an interest in resigning as Treasurer, but then committing to complete the work of the Treasurer. Mr. Curry did not resign, despite repeated inquiries and having received information from CVFC PAC legal counsel (Paragraph 21) and the FEC (Paragraph 46) as to how to resign if he desired, and continuing to occupy the role and perform as Treasurer.
101. Mr. Curry's failure to timely file the required reports was a knowing, willful, and/or reckless violation of the reporting requirements and he is therefore personally liable for any fines imposed for the late reporting. The Commission failure to find that Mr. Curry was personally liable for the fines imposed for his misconduct was arbitrary, capricious, an abuse of discretion, and contrary to law.
102. The Commission failure to consider the request by its Reviewing Officer that Mr. Curry may have personal liability and failure to consider the relevant facts was arbitrary, capricious, an abuse of discretion, a failure to exercise its discretion, and otherwise contrary to law.

103. The Commission and its staff had “reason to believe” that Mr .Curry violated the law by failing to timely file reports based upon information that it ascertained in the normal course of carrying out its supervisory responsibilities but arbitrarily and capriciously failed to take any enforcement action against him for such violations under 2 USC 437g.

COUNT III

CVFC PAC AND ITS CURRENT TREASURER ARE NOT LIABLE FOR THE MALFEASANCE OF THE FORMER TREASURER, PARTICULARLY WHEN CVFC PAC USED ITS BEST EFFORTS TO CORRECT THE MISCONDUCT BY FILING THE REQUIRED REPORTS AS SOON AS WAS PRACTICABLE UNDER THE CIRCUMSTANCES

104. Plaintiffs re-allege and incorporate by reference all of the allegations contained in all of the preceding paragraphs.

105. The FEC’s Reason To Believe finding did not identify any conduct on the part of CVFC PAC as an entity or its current Treasurer that, absent the specific misconduct of the former Treasurer for which he is personally liable, would cause or justify CVFC PAC or its current Treasurer in his official capacity to be liable.

106. The CVFC PAC, its current Treasurer, Assistant Treasurer, and Chairman and other personnel used their best efforts to file the required reports as soon as practicable following the malfeasance of its former treasurer. The malfeasance of the treasurer was not reasonably foreseeable and was beyond the control of the plaintiffs and, therefore, liability should not have been imposed on the plaintiffs and/or the fines should have been remitted in whole or in part.

107. The FEC defines “best efforts” under 11 CFR 111.35(c) to “include, but are not limited to” certain computer breakdowns and severe weather as being reasonably unforeseen and beyond the control of the respondent, but does not include “negligence” or “illness, inexperience, or unavailability of the treasurer or other staff.”
108. CVFC PAC provided clear evidence that the failure to file was not due to simple negligence of the former treasurer, but was knowing and willful or reckless.
109. The Commission’s failure to consider these best efforts by plaintiffs to remedy the malfeasance of the former treasurer and the Commission’s failure to find that they serve as grounds for finding no liability on their part and/or a remission or reduction in the fines assessed were arbitrary, capricious, an abuse of discretion, contrary to law and a violation of Due Process.
110. To the extent that plaintiffs’ best efforts to remedy the malfeasance of its former treasurer are not deemed to satisfy the “best efforts” described in 11 CFR 111.35, plaintiffs submit that regulation is arbitrary, capricious, unreasonably narrow, contrary to law and a violation of Due Process.
111. To hold CVFC PAC and its current treasurer solely liable for the malfeasance of its former treasurer violates Due Process and would allow treasurers to violate and evade their statutory responsibilities, resign from the committee, and unfairly leave the innocent PAC and substitute treasurer with liability and civil penalties. This unreasonable practice would undermine compliance with the law.

COUNT IV

**THE COMMISSION UNLAWFULLY FAILED TO MITIGATE THE FINES
IMPOSED ON CVFC PAC AND ITS CURRENT TREASURER**

112. Plaintiffs re-allege and incorporate by reference all of the allegations contained in all of the preceding paragraphs.
113. Both the Office of General Counsel in their August 18, 2011 memo (Para. 69) and the Reviewing Officer in her October 11, 2011 Final Determination Recommendation to the Commission (Para. 70) indicated that the personal liability of the former treasurer could serve to mitigate the fine against the PAC and its current treasurer.
114. Assuming, *arguendo*, that the plaintiffs are liable for the former treasurer's failure to file timely reports, the Commission failed to exercise its discretion or abused its discretion in failing to mitigate or reduce the fine in whole or in part due to the misconduct and personal liability of the former treasurer.
115. The fines imposed on plaintiffs aggregating \$8,690.00 for filing its reports late are unreasonable and are greater than fines that the FEC has imposed on other political and candidate committees who are found to violate more serious substantive provisions of the law, such as receiving and failing to cure excessive contributions, or receiving prohibited contributions from corporations or foreign nationals.

COUNT V

**THE COMMISSION'S FINDING OF LIABILITY AND IMPOSITION OF
SUBSTANTIAL FINES ON PLAINTIFFS RATHER THAN ON ITS
CULPABLE FORMER TREASURER VIOLATES DUE PROCESS AND THE
FIRST AMENDMENT**

116. Plaintiffs re-allege and incorporate by reference all of the allegations contained in all of the preceding paragraphs.
117. The Commission's final determination that the CVFC PAC and its current treasurer are liable for the malfeasance of its former treasurer and subject to substantial fines violates their right to Due Process.
118. The unlawful finding of liability and imposition of fines totaling \$8,690 on the plaintiffs is a significant sum that would have a negative impact on the exercise of CVPC PAC's political speech under the First Amendment. The mere finding that the plaintiffs are guilty of violating federal election laws stigmatizes the PAC and its current treasurer as a lawbreaker and would likely discourage donors from making contributions to the PAC or otherwise volunteering or associating with the PAC, its treasurer, and employees. Furthermore, the imposition of the unlawful and excessive fines would substantially reduce the amount of funds otherwise available to the PAC to make campaign contributions and expenditures in the exercise of its First Amendment rights.
119. Currently, the CVPC PAC has less than \$2,000 cash on hand. Its financial situation has worsened due to the expenditure of human and monetary resources to defend itself in this unreasonable enforcement action. Furthermore, the uncertainty during the inordinate delay by the Commission to decide whether the PAC would be held liable and subject to heavy fines hampered its fundraising efforts and thus further

infringed on the PAC's First Amendment rights and violated due process. Accordingly, the civil penalties in this case are excessive and unreasonable in comparison to the PAC's ability to pay, a factor which the Commission should have but failed to consider, and which penalties would effectively bankrupt the PAC and force it to disband.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray this Court issue:

120. A declaratory judgment that the Commission's November 4, 2011 Final Determination is null and void because the plaintiffs were not given an opportunity to be heard which was a statutory prerequisite to a final determination and violated due process and enjoin its enforcement.
121. A declaratory judgment that the Commission's Final Determination is arbitrary, capricious, an abuse of discretion, a failure to exercise discretion, a violation of Due Process and the First Amendment and otherwise not in accordance with law and enjoin its enforcement.
122. A declaratory judgment that CVFC PAC and its current Treasurer are not liable for the reporting violations as determined by the Commission and are not subject to any civil penalties under FECA or FEC regulations, or alternatively, that the Commission's failure to consider plaintiffs' best efforts as opposed to that of the former Treasurer and mitigation of the fine due to the malfeasance of the former Treasurer was arbitrary, capricious, an abuse of discretion, a failure to exercise

discretion and otherwise contrary to law, and/or that the “best efforts” regulation, 11 CFR 111.35.

123. A declaratory judgment that the former Treasurer is personally liable for any fines imposed by the Commission under FECA and FEC regulations or alternatively, that the Commission’s failure to consider whether he was liable was arbitrary, capricious, an abuse of discretion, a failure to exercise discretion and otherwise contrary to law, and remand this matter to the Commission for further proceedings consistent with this Court’s order.
124. A declaratory judgment that the Commission’s finding of liability and the imposition of the excessive fines on the plaintiffs violates their First Amendment rights of Association and Speech and Due Process.
125. Award costs and attorney’s fees pursuant to any applicable statute or authority;
126. Award any other relief that the Court deems just and appropriate.

Dated this 7th day of December, 2011.

Respectfully submitted,

Dan Backer (DC Bar No. 996641)
209 Pennsylvania Avenue SE
Suite 2109
Washington, DC 20003
(202) 210-5431
dbacker@dbcapitolstrategies.com

TABLE OF EXHIBITS

Please note that for the convenience of the Court and Defendants, only the first page of FEC Reports have been included. The full reports are available at the FEC website at:

<http://query.nictusa.com/cgi-bin/fecimg/?C00469239>

Exhibit 1	10/19/2009	F1 Statement of Organization
Exhibit 2	11/29/2010	2009 Year End Report
Exhibit 3	03/12/2010	Request for Additional Information
Exhibit 4	04/05/2010	Amended 2009 Year End Report
Exhibit 5	04/15/2010	April 2010 Quarterly Report
Exhibit 6	06/16/2010	Request for Additional Information
Exhibit 7	07/14/2010	Amended April 2010 Quarterly Report
Exhibit 8	07/15/2010	July 2010 Quarterly Report
Exhibit 9	08/04/2010	Request for Additional Information Re:
Exhibit 10	03/22/2011	Best Efforts Challenge letter
Exhibit 11	10/15/2010	E- mail from Backer to Curry
Exhibit 12	10/18/2010	E- mail from Curry to CVFC
Exhibit 11		FEC Communications log
Exhibit 14	11/04/2010	Failure to File Notice
Exhibit 15	11/08/2010	Amended F 1 Statement of Organization
Exhibit 16	11/19/2010	E-mail from Backer to Curry
Exhibit 17	11/21/2010	October 2010 Quarterly Report
Exhibit 18	11/30/2010	E- mail from Backer to Curry
Exhibit 19	12/02/2010	E-mail from Curry to John
Exhibit 20	12/08/2010	E- mail from Curry to John and CVFC
Exhibit 21	12/21/2010	RTB re: October 2010 Quarterly Report
Exhibit 22	12/20/2010	Failure to File Notice
Exhibit 23	12/22/2010	RFAI re: October 2010 Quarterly Report
Exhibit 24	01/11/2011	Pre-General Election Report
Exhibit 25	01/11/2011	Post-General Election Report
Exhibit 26	01/12/2011	Amended Statement of Organization

Exhibit 27	01/25/2011	Amended April 2010 Quarterly Report
Exhibit 28	01/25/2011	Amended July 2010 Quarterly Report
Exhibit 29	01/25/2011	Amended October 2010 Quarterly Report
Exhibit 30	01/25/2011	Amended Pre- General Election Report
Exhibit 31	01/25/2011	Amended Post- General Election Report
Exhibit 32	10/14/2010	E-mail regarding filing deadline
Exhibit 33	03/23/2011	Best Efforts Challenge to Pre- General
Exhibit 34	11/07/2010	Password e-mail
Exhibit 35	03/31/2011	Best Efforts Challenge to Post- General
Exhibit 36	06/16/2011	Recommendation of the Reviewing Officer
Exhibit 37	06/20/2011	Recommendation of the Reviewing Officer
Exhibit 38	06/24/2011	Letter from Counsel to FEC
Exhibit 39	10/12/2011	FEC Memo - Final Recommendation
Exhibit 40	11/04/2011	FEC sends notice of the final determination
Exhibit 41	11/23/2011	Letter to FEC from Plaintiff
Exhibit 42	12/09/2010	E- mail regarding bookkeeper assistance
Exhibit 43	12/10/2010	E-mails regarding resignation and filing
Exhibit 44	12/18/2010	Further E- mails regarding filing
Exhibit 45	12/18/2010	Curry forwards 8/4/2010 RFAI
Exhibit 46	12/30/2010	Curry forwards RTB
Exhibit 47	08/18/2011	FEC Memo from OGC

EXHIBIT 1

RECEIVED
FEC MAIL CENTER

2009 OCT 26 AM 7:39

FEC
FORM 1

STATEMENT OF
ORGANIZATION

Office Use Only

1. NAME OF COMMITTEE (in full) (Check if name is changed) Example: If typing, type over the lines. 12FE4M5

COMBAT VETERANS FOR CONGRESS PAC

ADDRESS (number and street)

1425 CENTURY PARK EAST, SUITE 2120

(Check if address is changed)

LOS ANGELES CA 90067

CITY STATE ZIP CODE

COMMITTEE'S E-MAIL ADDRESS (Please provide only one e-mail address)

(Check if address is changed)

vtj@ssoc@earthlink.net

COMMITTEE'S WEB PAGE ADDRESS (URL)

(Check if address is changed)

NONE

29030183194

2. DATE

3. FEC IDENTIFICATION NUMBER

C

4. IS THIS STATEMENT

NEW (N) (N) OR

AMENDED (A)

I certify that I have examined this Statement and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer

MICHAEL CURRY

Signature of Treasurer

Michael Curry

Date

OCTOBER 19, 2009

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Statement to the penalties of 2 U.S.C. 5437g.

ANY CHANGE IN INFORMATION SHOULD BE REPORTED WITHIN 10 DAYS.

Office
Use
Only

For further information contact:
Federal Election Commission
Toll Free 800-424-9530
Local 202-694-1100

FEC FORM 1
(Revised 02/2009)

5. TYPE OF COMMITTEE

Candidate Committee:

- (a) This committee is a principal campaign committee. (Complete the candidate information below.)
- (b) This committee is an authorized committee, and is NOT a principal campaign committee. (Complete the candidate information below.)

Name of Candidate _____

Candidate Party Affiliation	Office Sought:	House	Senate	President	State
					District

- (c) This committee supports/opposes only one candidate, and is NOT an authorized committee.

Name of Candidate _____

Party Committee:

- (d) This committee is a _____ (National, State or subordinate) committee of the _____ (Democratic, Republican, etc.) Party.

Political Action Committee (PAC):

- (e) This committee is a separate segregated fund. (Identify connected organization on line 6.) Its connected organization is a:

Corporation	Corporation w/o Capital Stock	Labor Organization
Membership Organization	Trade Association	Cooperative

In addition, this committee is a Lobbyist/Registrant PAC.

This committee supports/opposes more than one Federal candidate, and is NOT a separate segregated fund or party committee. (i.e., nonconnected committee)

In addition, this committee is a Lobbyist/Registrant PAC.

In addition, this committee is a Leadership PAC. (Identify sponsor on line 6.)

Joint Fundraising Representative:

- (g) This committee collects contributions, pays fundraising expenses and disburses net proceeds for two or more political committees/organizations, at least one of which is an authorized committee of a federal candidate.
- (h) This committee collects contributions, pays fundraising expenses and disburses net proceeds for two or more political committees/organizations, none of which is an authorized committee of a federal candidate.

Committees Participating in Joint Fundraiser

1. _____ FEC ID number C
2. _____ FEC ID number C
3. _____ FEC ID number C
4. _____ FEC ID number C

29030183195

Write or Type Committee Name

COMBAT VETERANS FOR CONGRESS PAC

6. Name of Any Connected Organization, Affiliated Committee, Joint Fundraising Representative, or Leadership PAC Sponsor

NONE

Mailing Address

CITY

STATE

ZIP CODE

Relationship: Connected Organization Affiliated Committee Joint Fundraising Representative Leadership PAC Sponsor

7. Custodian of Records: Identify by name, address (phone number -- optional) and position of the person in possession of committee books and records.

Full Name

MICHAEL CURRY

Mailing Address

1925 CENTURY PARK EAST, SUITE 2120

CENTURY CITY

CA

90067

Title or Position

CITY

STATE

ZIP CODE

TREASURER

Telephone number

310-890-3231

8. Treasurer: List the name and address (phone number -- optional) of the treasurer of the committee; and the name and address of any designated agent (e.g., assistant treasurer).

Full Name of Treasurer

MICHAEL CURRY

Mailing Address

1925 CENTURY PARK EAST, SUITE 2120

CENTURY CITY

CA

90067

Title or Position

CITY

STATE

ZIP CODE

TREASURER

Telephone number

310-890-3231

29030183196

Full Name of Designated Agent

JOSEPH R JOHN

Mailing Address

264 S LA CUYENEGA BLVD, SUITE 186

BEVERLY HILLS

CA

90211

CITY

STATE

ZIP CODE

Title or Position

PRESIDENT

Telephone number

(310) 989-8778

9. Banks or Other Depositories: List all banks or other depositories in which the committee deposits funds, holds accounts, rents safety deposit boxes or maintains funds.

Name of Bank, Depository, etc.

CITIBANK

(310) 553-2243

Mailing Address

1801 AVENUE OF THE STARS

LOS ANGELES

CA

90067

CITY

STATE

ZIP CODE

Name of Bank, Depository, etc.

CITIBANK

(310) 553-2243

Mailing Address

1801 AVENUE OF THE STARS

LOS ANGELES

CA

90067

CITY

STATE

ZIP CODE

29030183197

Federal Election Commission
ENVELOPE REPLACEMENT PAGE FOR INCOMING DOCUMENTS
 The FEC added this page to the end of this filing to indicate how it was received.

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<input type="checkbox"/> USPS Registered/Certified	Postmarked (R/C)
<input type="checkbox"/> USPS Priority Mail	Postmarked
Delivery Confirmation™ or Signature Confirmation™ Label <input type="checkbox"/>	
<input type="checkbox"/> USPS Express Mail	Postmarked
<input type="checkbox"/> Postmark Illegible	
<input type="checkbox"/> No Postmark	
<input type="checkbox"/> Overnight Delivery Service (Specify):	Shipping Date
Next Business Day Delivery <input type="checkbox"/>	
<input type="checkbox"/> Received from House Records & Registration Office	Date of Receipt
<input type="checkbox"/> Received from Senate Public Records Office	Date of Receipt
<input type="checkbox"/> Received from Electronic Filing Office	Date of Receipt
<input type="checkbox"/> Other (Specify):	Date of Receipt or Postmarked

[Signature]

10/26/09

PREPARER

DATE PREPARED

(3/2005)

29030183198

EXHIBIT 2

Federal Election Commission
ENVELOPE REPLACEMENT PAGE FOR INCOMING DOCUMENTS
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<input type="checkbox"/> USPS First Class Mail	Postmarked
<input type="checkbox"/> USPS Registered/Certified	Postmarked (R/C)
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Delivery Confirmation™ or Signature Confirmation™ Label <input type="checkbox"/>	
<input type="checkbox"/> USPS Express Mail	Postmarked
<input type="checkbox"/> Postmark Illegible	
<input type="checkbox"/> No Postmark	
<input checked="" type="checkbox"/> Overnight Delivery Service (Specify): <i>Fed. Exp</i>	Shipping Date <i>1/26/10</i>
Next Business Day Delivery <input type="checkbox"/>	
<input type="checkbox"/> Received from House Records & Registration Office	Date of Receipt
<input type="checkbox"/> Received from Senate Public Records Office	Date of Receipt
<input type="checkbox"/> Received from Electronic Filing Office	Date of Receipt
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Jones *1/29/10*
 PREPARER DATE PREPARED

10030231605

EXHIBIT 3



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-2

March 12, 2010

Michael Curry, Treasurer
Combat Veterans for Congress PAC
1425 Century Park East, Suite 2120
Los Angeles, CA 90067

**Response Due Date:
April 16, 2010**

Identification Number: C00469239

Reference: Year-End Report (10/26/09-12/31/09)

Dear Treasurer:

This letter is prompted by the Commission's preliminary review of the report(s) referenced above. This notice requests information essential to full public disclosure of your federal election campaign finances. **Failure to adequately respond by the response date noted above could result in an audit or enforcement action.** Additional information is needed for the following item:

-Line 11a(i) of the Detailed Summary Page of your report discloses a total of \$16.25 in individual contributions. The sum of the entries itemized on Schedule A, however, indicates the total to be \$1625.00. Please amend your report to clarify the discrepancy.

Please note, you will not receive an additional notice from the Commission on this matter. Adequate responses must be received by the Commission on or before the due date noted above to be taken into consideration in determining whether audit action will be initiated. Failure to comply with the provisions of the Act may also result in an enforcement action against the committee. Any response submitted by your committee will be placed on the public record and will be considered by the Commission prior to taking enforcement action. **Requests for extensions of time in which to respond will not be considered.**

Electronic filers must file amendments (to include statements, designations and reports) in an electronic format and must submit an amended report in its entirety, rather than just those portions of the report that are being amended. If you should have any questions regarding this matter or wish to verify the adequacy of your response, please contact me on our toll-free number (800) 424-9530 (at the prompt press 5 to reach the Reports Analysis Division) or my local number (202) 694-1140.

10030270113

Sincerely,

A handwritten signature in black ink, appearing to read 'J. McAllister', written over the printed name.

James McAllister
Campaign Finance Analyst
Reports Analysis Division

319

10030270114

EXHIBIT 4

DETAILED SUMMARY PAGE
 of Receipts

FEC Form 3X (Rev. 06/2004)

Page 3

Write or Type Committee Name

COMBAT VETERANS FOR CONGRESS PAC

Report Covering the Period: From:

10 26 2009

To:

12 31 2009

I. Receipts	COLUMN A Total This Period	COLUMN B Calendar Year-to-Date
11. Contributions (other than loans) From:		
(a) Individuals/Persons Other Than Political Committees		
(i) Itemized (use Schedule A).....	1,625.-	
(ii) Unitemized.....	1,625.00	
(iii) TOTAL (add Lines 11(a)(i) and (ii)).....▶	1,625.00	
(b) Political Party Committees.....		
(c) Other Political Committees (such as PACs).....		
(d) Total Contributions (add Lines 11(a)(iii), (b), and (c)) (Carry Totals to Line 33, page 5).....▶		
12. Transfers From Affiliated/Other Party Committees.....		
13. All Loans Received.....		
14. Loan Repayments Received.....		
15. Offsets To Operating Expenditures (Refunds, Rebates, etc.) (Carry Totals to Line 37, page 5).....		
16. Refunds of Contributions Made to Federal Candidates and Other Political Committees.....		
17. Other Federal Receipts (Dividends, Interest, etc.).....		
18. Transfers from Non-Federal and Levin Funds		
(a) Non-Federal Account (from Schedule H3).....		
(b) Levin Funds (from Schedule H5).....		
(c) Total Transfers (add 18(a) and 18(b))..		
19. Total Receipts (add Lines 11(d), 12, 13, 14, 15, 16, 17, and 18(c)).....▶	1,625.00	
20. Total Federal Receipts (subtract Line 18(c) from Line 19).....▶	1,625.00	

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Federal Election Commission
ENVELOPE REPLACEMENT PAGE FOR INCOMING DOCUMENTS
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3/30/10

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USPS Priority Mail Postmarked
 Delivery Confirmation™ or Signature Confirmation™ Label

USPS Express Mail Postmarked

Postmark Illegible

No Postmark


Overnight Delivery Service (Specify): Shipping Date
 Next Business Day Delivery

Received from House Records & Registration Office Date of Receipt

Received from Senate Public Records Office Date of Receipt

Received from Electronic Filing Office Date of Receipt

Other (Specify): Date of Receipt or Postmarked



4/5/10

PREPARER
(3/2005)

DATE PREPARED

10030280415

EXHIBIT 5

Federal Election Commission
ENVELOPE REPLACEMENT PAGE FOR INCOMING DOCUMENTS
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<input type="checkbox"/> USPS Registered/Certified	Postmarked (R/C)
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<input type="checkbox"/> Postmark Illegible	
<input type="checkbox"/> No Postmark	
<input type="checkbox"/> Overnight Delivery Service (Specify):	Shipping Date
Next Business Day Delivery <input type="checkbox"/>	
<input type="checkbox"/> Received from House Records & Registration Office	Date of Receipt
<input type="checkbox"/> Received from Senate Public Records Office	Date of Receipt
<input type="checkbox"/> Received from Electronic Filing Office	Date of Receipt
<input type="checkbox"/> Other (Specify):	Date of Receipt or Postmarked

ER
 PREPARER
 (3/2005)

4/15/10
 DATE PREPARED

10030291817

EXHIBIT 6



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-2

June 16, 2010

Michael Curry, Treasurer
Combat Veterans for Congress PAC
1425 Century Park East, Suite 2120
Los Angeles, CA 90067

Response Due Date:
July 21, 2010

Identification Number: C00469239

Reference: April Quarterly Report (1/1/10-3/31/10)

Dear Treasurer:

This letter is prompted by the Commission's preliminary review of the report(s) referenced above. This notice requests information essential to full public disclosure of your federal election campaign finances. **Failure to adequately respond by the response date noted above could result in an audit or enforcement action.** Additional information is needed for the following 5 items:

1. Your report includes computer produced formats of Schedules A and B. Computer produced formats may only be used upon prior approval of the Commission. You should submit a separate sample format with a cover letter requesting approval. Until your format has been approved, FEC forms must be used. 11 CFR §104.2(d)

If the software your committee is using to produce the Schedules of the FEC FORM 3X does not allow you to electronically file your report, you may want to call the vendor who produced your software to inquire about the availability of a software upgrade that includes electronic filing. A number of commercial software companies have added electronic filing capability to their products. A list of these companies is available on the FEC web site, <http://www.fec.gov>.

Alternatively, freeware (FECfile) available from the FEC, can help you complete and file your reports electronically. It installs easily, computerizes every schedule in the FEC FORM 3X, contains features to help you avoid common errors, allows you to file electronically, and has free technical support for your questions. You may obtain your free copy by downloading FECfile from our web site, <http://www.fec.gov>, or by calling the Electronic Filing Office at (202) 694-1307.

10030351170

COMBAT VETERANS FOR COMBAT PAC

Page 2

2. Please provide the total(s) for Line 21(c), Column A of the Detailed Summary Page. Note that changes in your figures may affect your Column B totals on this report and/or on subsequent reports.

3. The beginning cash balance of this report should equal the ending balance of your 2009 Year-End Report. Please clarify this discrepancy and amend any subsequent report(s) that may be affected by this correction.

4. Please provide a Schedule A to support the entry disclosed on Line 11(a)(i) of the Detailed Summary Page. All contributions from individuals/persons other than political committees aggregating in excess of \$200 per year must be itemized on Schedule A. 11 CFR §104.3(a)(2)

5. Line 21(b) of the Detailed Summary Page discloses operating expenditures during the reporting period. Please amend your report to clarify whether this figure includes any disbursements to payees that aggregate greater than \$200 in the calendar year. If this is the case, itemize the expenditures on Schedule B. 11 CFR §104.3(b)(3)

-Line 21(a) of the Detailed Summary Page should only be used to report the federal and non-federal shares of allocable activities. If your committee has only one account, the total federal operating expenditures (administrative expenses) should be reported on Line 21(b). Please amend your report to confirm the nature of your expenditures and to provide the total on the appropriate line.

-For future filings, please note that your committee need only file the pages on which you have itemized activity. Schedules with no activity may be omitted.

Please note, you will not receive an additional notice from the Commission on this matter. Adequate responses must be received by the Commission on or before the due date noted above to be taken into consideration in determining whether audit action will be initiated. Failure to comply with the provisions of the Act may also result in an enforcement action against the committee. Any response submitted by your committee will be placed on the public record and will be considered by the Commission prior to taking enforcement action. **Requests for extensions of time in which to respond will not be considered.**

Electronic filers must file amendments (to include statements, designations and reports) in an electronic format and must submit an amended report in its entirety, rather than just those portions of the report that are being amended. If you should have any questions regarding this matter or wish to verify the adequacy of your response, please

10030351171

COMBAT VETERANS FOR COMBAT PAC

Page 3

contact me on our toll-free number (800) 424-9530 (at the prompt press 5 to reach the Reports Analysis Division) or my local number (202) 694-1140.

Sincerely,



James McAllister
Campaign Finance Analyst
Reports Analysis Division

319

10030351172

EXHIBIT 7

EXHIBIT 8

Image# 10990880268

FEC FORM 3X

REPORT OF RECEIPTS AND DISBURSEMENTS For Other Than An Authorized Committee

Office Use Only

1. NAME OF COMMITTEE (in full) USE FEC MAILING LABEL OR TYPE OR PRINT Example: If typing, type over the lines COMBAT VETERANS FOR CONGRESS PAC

ADDRESS (number and street) 1425 CENTURY PARK EAST SUITE 2120 Check if different than previously reported. (ACC) LOS ANGELES CA 90067

2. FEC IDENTIFICATION NUMBER C00469239 3. IS THIS REPORT NEW (N) OR AMENDED (A)

4. TYPE OF REPORT (Choose One) (a) Quarterly Reports: April 15, July 15, October 15, January 31, July 31 Mid-Year Report, Termination Report (b) Monthly Report Due On: Feb 20, Mar 20, Apr 20, May 20, Jun 20, Jul 20, Aug 20, Sep 20, Oct 20, Nov 20, Dec 20, Jan 31 (c) 12-Day Report for the: Primary, General, Runoff, Convention, Special (d) 30-Day Report for the: Post-Election, General, Runoff, Special

5. Covering Period 04 01 2010 through 06 30 2010

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 F. Michael Curry

Signature of Treasurer Electronically Filed by F. Michael Curry Date 07 15 2010

NOTE : Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C 437g.

Table with 10 columns and 1 row, labeled 'Office Use Only' in the first column.

FEC FORM 3X (Rev. 12/2004)

EXHIBIT 9



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-2

August 4, 2010

Michael Curry, Treasurer
Combat Veterans for Congress PAC
1425 Century Park East, Suite 2120
Los Angeles, CA 90067

**Response Due Date:
September 8, 2010**

Identification Number: C00469239

Reference: Amended April Quarterly Report (1/1/10 - 3/31/10), received 7/14/10

Dear Treasurer:

This letter is prompted by the Commission's preliminary review of the report(s) referenced above. This notice requests information essential to full public disclosure of your federal election campaign finances. **Failure to adequately respond by the response date noted above could result in an audit or enforcement action.** Additional information is needed for the following 4 items:

1. Schedule A of your report (see attached) discloses one or more contributions which appear to exceed the limits set forth in the Act. 2 U.S.C. §441a(f) and 11 CFR §§110.1(d) and 110.2(d) prohibit a committee and its affiliates from receiving any contribution from another political committee or person in excess of \$5,000 per calendar year.

If any apparently excessive contribution in question was incompletely or incorrectly disclosed, you must amend your original report with the clarifying information.

If any contribution you received exceeds the limits, you may have to refund the excessive amount. The funds can be retained if within 60 days of receipt, (1) the excessive amount was properly reattributed to another person, such as a joint account holder, by obtaining signed written authorizations from each person making the contribution pursuant to 11 CFR 110.1(k)(3), and (2) the treasurer informs the person making the contribution that he or she may request the return of the excessive portion of the contribution if it is not intended to be a joint contribution. Any request from a donor for a refund must be honored.

10030402613

COMBAT VETERANS FOR CONGRESS PAC

Page 2

Alternatively, the funds can be retained if within 60 days of receipt you (1) transferred the excessive amount to an account not used to influence federal elections, and (2) provided written notice to the person making the contribution of the option of receiving a refund. Any request from a donor for a refund must be honored.

If the foregoing conditions for reattributions or transfers to a non-federal account were not met within 60 days of receipt, the excessive amount must be refunded.

Please inform the Commission of your corrective action promptly in writing and provide a photocopy of your check for any transfer-out or refund. In addition, any reattributions should be reported as memo entries on Schedule A of the report covering the period during which the authorization for the reattribution is received. Any transfers-out or refunds should be disclosed on Schedule B supporting Line 22 or 28 of the report during which the transaction was made.

Although the Commission may take further legal action regarding the acceptance of an excessive contribution(s), prompt action by your committee to seek reattribution, transfer-out or refund the excessive amount will be taken into consideration.

2. Commission Regulations require that a committee discloses the identification of all individuals who contribute in excess of \$200 in a calendar year. (11 CFR § 104.3(a)(4)(i)) Identification for an individual is defined as the full name (first name, middle name or initial, if available, and last name; initials for first and last name are not acceptable), complete mailing address, occupation, and name of employer. (11 CFR § 100.12) Your report discloses contributions from individuals for which the identification is not complete.

You must provide the missing information, or you are unable to do so, you must demonstrate that "best efforts" have been used to obtain the information. To establish "best efforts," you must provide the Commission with a detailed description of your procedures for requesting the information. Establishing "best efforts" is a three-fold process.

First, your original solicitation must include a clear and conspicuous request for the contributor information and must inform the contributor of the requirements of federal law for the reporting of such information. (11 CFR § 104.7(b)(1)) See 11 CFR § 104.7(b)(1)(B) for examples of acceptable statements regarding the requirements of federal law.

10030402614

COMBAT VETERANS FOR CONGRESS PAC

Page 3

Second, if the information is not provided, you must make one follow-up, stand alone effort to obtain this information, regardless of whether the contribution(s) was solicited or not. This effort must occur no later than 30 days after receipt of the contribution and may be in the form of a written request or an oral request documented in writing. (11 CFR § 104.7(b)(2)) The requests must:

- clearly ask for the missing information, without soliciting a contribution;
- inform the contributor of the requirements of federal law for the reporting of such information, and
- if the request is written, include a pre-addressed post card or return envelope.

Third, if you receive contributor information after the contribution(s) has been reported, you should either a) file with your next regularly scheduled report, an amended memo Schedule A listing all the contributions for which additional information was received; or b) file on or before your next regularly scheduled reporting date, amendments to the report(s) originally disclosing the contribution(s). (11 CFR § 104.7(b)(4))

Please amend your report to provide the missing information or a detailed description of your procedures for requesting the information. For more information on demonstrating “best efforts,” please refer to the Campaign Guide.

3. Please amend your report by providing the address and purpose for each disbursement itemized on Schedule(s) H4 supporting Line(s) 21(a).

4. Please clarify all expenditures made for “Printed invitations,” “music for fundraiser” and “liability insurance for fundraiser” on Schedule H4. If a portion or all of these expenditures were made on behalf of specifically identified federal candidates, this amount should be disclosed on Schedules B or E supporting Lines 23 or 24 and include the amount, name, address and office sought by each candidate. 11 CFR §§104.3(b) and 106.1

Alternatively, if the payment(s) on Schedule H4 is associated with fundraising activity conducted for your committee’s federal and non-federal accounts, it must be allocated according to the funds received method and the ratio reflected on Schedule H2. Further, it must be categorized as a fundraising activity on Schedule H4. Please provide clarifying information regarding the nature of this transaction(s) and amend your report(s) as appropriate.

10030402615

COMBAT VETERANS FOR CONGRESS PAC

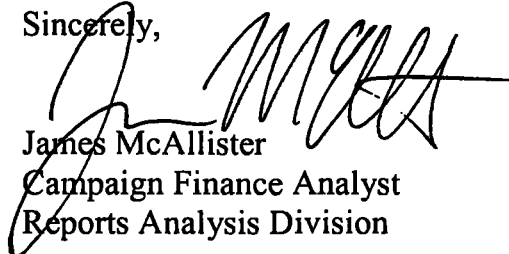
Page 4

-Schedule H4 of your report discloses activity which is 100% federal. For future reporting, please be advised that any activity which is financed entirely by the federal account (including administrative expenses), should be reported on Schedule B supporting Line 21(b).

Please note, you will not receive an additional notice from the Commission on this matter. Adequate responses must be received by the Commission on or before the due date noted above to be taken into consideration in determining whether audit action will be initiated. Failure to comply with the provisions of the Act may also result in an enforcement action against the committee. Any response submitted by your committee will be placed on the public record and will be considered by the Commission prior to taking enforcement action. **Requests for extensions of time in which to respond will not be considered.**

Electronic filers must file amendments (to include statements, designations and reports) in an electronic format and must submit an amended report in its entirety, rather than just those portions of the report that are being amended. If you should have any questions regarding this matter or wish to verify the adequacy of your response, please contact me on our toll-free number (800) 424-9530 (at the prompt press 5 to reach the Reports Analysis Division) or my local number (202) 694-1140.

Sincerely,



James McAllister
Campaign Finance Analyst
Reports Analysis Division

319

10030402616

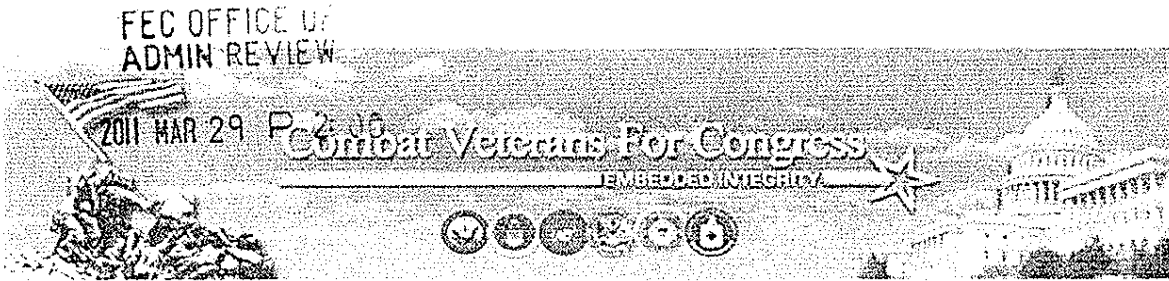
COMBAT VETERANS FOR CONGRESS PAC

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Contributor Name	Date	Amount	Report
Kazanjian, Michael	2/15/10	\$8,300.00	2010 April Quarterly

10030402617

EXHIBIT 10



March 22, 2011

Ms. Debbie Chacona
 Assistant Staff Director
 Reports Analysis Division (RAD)
 Federal Election Commission (FEC)
 999 E. Street, N. W.
 Washington, D. C. 20463

C00469239
 AF#: 2199

RECEIVED
 2011 MAR 29 AM 9:25
 FEC MAIL CENTER

Dear Ms. Chacona:

In response to your letter of December 21, 2010 concerning the late submission of the FEC Third Quarterly Report 2010, we choose to challenge the RTB finding. On March 21, 2010 Sari Pickerall of the FEC called to tell me since we did not receive a copy of the December 21, 2010 FEC letter until after the January 24, 2011, that we have grounds to challenge the RTB finding and Civil Monetary Penalty. We employed our best efforts to respond in a timely manner, but we were prevented from doing so because the former treasurer notified us he abruptly ceased his association with the PAC. We immediately wrote Sari Pickerall on February 5, 2011 and explained because of unforeseen circumstances beyond our control as outlined in 11 C. F. R., 111.35 (b) we were not liable to pay the Civil Monetary Penalty.

On October 12, 2010, eight days before the FEC Third Quarterly Report 2010 was due, the Treasurer, Michael Curry, notified the PAC that he was quitting as Treasurer. What was implied, was that he would be late in submitting the FEC Third Quarterly Report 2010 and that the FEC Pre-Election 2010 and the Post-Election Report 2010 would not be filed. Since no one else had the ten months of records, bank deposit slips, the bank statements, information on Web site donors, the personal records on each of the estimated 210 donors, the password to file electronic reports, nor the knowledge of how to file FEC Reports electronically we were placed in an impossible situation.

Our Washington D. C. attorney, Dan Backer, informed Mike Curry on October 14, 2010 that he had an obligation to inform the FEC of his desire to change his status by submitting a written letter stating the effective date of his resignation, and that he must file an Amended Form 1 listing his replacement; Mike Curry never filed the amended Form 1 or a letter of resignation to the FEC. We immediately appointed Dan Backer, as Assistant Treasurer, so he could help facilitate the filing of the FEC Third Quarterly Report 2010, the FEC Pre-Election 2010, FEC Post-Election Report 2010, and the FEC End of Year Report 2010. In addition we engaged a California Bookkeeper, Amy South, to do a full audit and move as quickly as possible to transfer the copious records. We were not given any bank statements or bank deposit slips; we were required to order them from the bank. It required several weeks to receive hard copies of all the requested material before we could reconcile deposits with bank statements and put names to each

Page 2, FEC ltr. of 3/22/11

deposit. It appeared a number of donors had not provided the PAC with their job titles and employers, so letters were sent to the donors whose phone numbers we did not have a record of, in order to obtain the required information. This required many additional weeks to obtain the necessary information.

In the period while waiting for the bank documents and response from donors, a full blown audit was commenced by Amy South to reconcile information that Mike Curry turned over. We contacted our Web site hosting company to rebuild data previously captured, and used that information to reach out to online donors to capture missing information, which took additional weeks of effort. Every time Amy had a question of Mike Curry, that would have helped her speed up the process, she was informed by E-mail that he no longer had the time to work on PAC matters. James McAllister, the PAC's FEC RAD Analyst, was informed of Mike Curry's actions by me and by Dan Backer, and that the pending FEC Third Quarter Report 2010, FEC Pre-Election 2010, and Post-Election Reports 2010 would be submitted late, because we were awaiting missing information which we were assembling as quickly as possible. Dan Backer obtained the detailed donor information from Amy South, obtained the password from Mike Curry, entered all the data into FEC File (including correcting all prior reports for 2010), and electronically submitted the FEC Third Quarter Report 2010, FEC Pre-Election Report, 2010, and Post-Election Report 2010.

I respectfully request that the FEC consider that we employed our best efforts to obtain substantial missing information as quickly as humanly possible, assembled and audited that information in a timely manner, expending approximately 600 man hours of work, reconstructed the donor information in the proper electronic format, and fully complied with FEC Reporting requirements. We had been prevented from submitting the FEC Third Quarter Report 2010, FEC Pre-Election Report 2010, and FEC Post-Election Reports 2010 by unforeseen abrupt work stoppage of the Treasurer, who at the time was Michael Curry, his actions were completely out of our control; we had to wait for hard copies of bank documents, obtain back end donor information from the Web site hosting company, and had to await letter responses from donors to obtain their employer information before we could complete an audit and submit the reports. We expended substantial legal and accounting expenses to create and submit the 2010 FEC Reports. To fine the PAC on top of those expenses long man hours would be a punitive action against a group of well-meaning volunteers who were blindsided by a Treasurer who abruptly ceased working; we are choosing not to pay the fine on Mr. Curry's behalf it is his responsibility. We subsequently filed the FEC End of Year Report 2010, appointed a new Treasurer in January 2011, and will fully comply with FEC reporting procedures going forward and into 2012. Thank you for your kind consideration.

Respectfully,



Joseph R. John, USNA '62
Capt USN (Ret)
Chairman, Combat Veterans For Congress PAC
Former FBI/Former DHS Federal Law Enforcement Officer

264 S. La Cienega Blvd., Suite 186, Beverly Hills, CA 90211 (310) 859-0800

EXHIBIT 11

Dan Backer

From: Dan Backer <DBacker@DBCapitolStrategies.com>
Sent: Friday, October 15, 2010 10:35 AM
To: 'crryco@aol.com'
Subject: CVFC PAC reporting

Dear Mr. Curry,

I hope you are doing well and catching your breath from the successful Patriotic Gala!

I wanted to see if I could be of any assistance to you with questions you may have regarding the PAC's filings.

I realize that there's a lot coming at you all at once: the Q2 reporting issues & missed deadline to respond to the FEC's Request for Additional Information(RAI), the Q3 report due today, the pre-election report due on 10/21 (covering 10/1 – 10/13), and the post-election (due 12/2, covering 10/14 – 11/22) & year-end (1/31) reports as well. In particular, the potential penalties related to not responding to the RAI on your Q2 and working closely with the FEC can be significant. Your analyst, James McAllister, is a very reasonable fellow with whom I've worked on similar client issues in the past, but at some point his hands are tied by the process.

If you have any questions on this, I am available to discuss.

Regards,

Dan Backer, Esq.
202-210-5431

DB Capitol Strategies

PAC * GRASSROOTS * ADVOCACY * NONPROFIT

Home of The Strategist, a monthly PAC update

www.DBCapitolStrategies.com

EXHIBIT 12

Dan Backer

From: crryco@aol.com
Sent: Monday, October 18, 2010 12:15 PM
To: jrjassoc@earthlink.net; DBacker@DBCapitolStrategies.com
Cc: drdekcombatvet@yahoo.com; tony12pm@yahoo.com; bgoldwaterjr@cox.net; mjk@raregems.net; Jakre@andersonlawcal.com; kenneth.margala@gmail.com
Subject: Re: CVFC PAC Reporting issues

Joe
while I thought you had someone else to do the accounting and reporting, the fact that it will cost the PAC over \$5000 is ridiculous. Ken Margala and I will do it. I have a call in to the FEC. Call me Joe
Mike

-----Original Message-----

From: Joseph R. John <jrjassoc@earthlink.net>
To: 'Dan Backer' <DBacker@DBCapitolStrategies.com>
Cc: 'Capt Frank Drdek' <drdekcombatvet@yahoo.com>; 'Michael Curry' <crryco@aol.com>; 'Reverge C. Anselmo,USMC' <tony12pm@yahoo.com>; 'Cong Barry M. Goldwater' <bgoldwaterjr@cox.net>; 'Michael J. Kazanjian(USN)' <mjk@raregems.net>; 'Jan Akre, Esq, USMC ' <Jakre@andersonlawcal.com>; 'Kenneth Margala' <kenneth.margala@gmail.com>
Sent: Mon, Oct 18, 2010 1:00 am
Subject: CVFC PAC Reporting issues

Dan,
Mike mentioned to me quite sometime back, that he had to correct an Q1 FEC report. That \$8300 was from Michael Kazanjian and his wife, so it should have been \$4150 each, I have no idea what is missing but Mike can clarify that, Mike has the check book and bills, so he knows what was paid for. So you will charge us \$2000 to correct that Q1 FEC report..

You will review and correct the 2Q report for a charge of \$75. It would be helpful if you could tell Mike I wrong with the 2Q Report so he could provide you with the missing information.

I understand from your E-mail that the 3Q FEC Report was due on Friday, and was not submitted. So you would charge us \$1500 to work with Mike to use the information he has to file it.

To file the 10/1-10/3 report you say would require a charge of \$1500. So your total charge to accomplish the above will be \$5075. As we want to distribute as much to the Combat Veterans For Congress for the election in two weeks, would you consider doing the above work, while obtaining the information from Mike going back to the first quarter for a reduced fee?

Have you previously discussed the above information on the three quarterly reports with Mike Curry? We would like you to help bring us in compliance to protect the Treasurer, I feel certain he has the information you need. Thank you for looking out for our welfare Dan.

Respectfully,
Joe

Joseph R. John
Combat Veterans For Congress PAC
264 S. La Cienega Blvd., Suite 186
Beverly Hills, California 90211, USA

Tel: (310) 859-0800
Fax: (310) 859-0811
Cell: (310) 989-8778

jrjassoc@earthlink.net

EXHIBIT 13

Communications Log

Committee ID: C00469239
 Committee Name: COMBAT VETERANS FOR CONGRESS PAC
 Committee Designation: UNAUTHORIZED
 Filing Frequency: QUARTERLY FILER

Multi-Candidate Status/Date: No
 Date Effective:
 Committee Type: NON-PARTY NON-QUALIFIED
 Treasurer Name: WIGGS, DAVID H. MR.

Candidate ID: Not Available

264 SOUTH LA CIENEGA BLV
 Committee Address: SUITE 186
 BEVERLY HILLS, CA 90211

Candidate Name: Not Available

Analyst Assigned: James McAllister

Special Interest Group: Not Available

Analyst Extension: 1140

Michael Curry	10/19/2010 11:00 AM	James R McAllister	Phone Call
Mr. Curry called to let me know the committee failed to get their 2010 Q3 report in on time because the group was completely "swamped". I urged him to get it in as soon as possible and he said it would be in by the end of the week.			

Michael Curry	11/03/2010 11:05 AM	James R McAllister	Phone Call
Mr. Curry called to apologize for not getting his 2010 Q3 report in on time. He said he was very busy and would try to get it in by the end of the week.			

Michael Curry	11/08/2010 11:40 AM	James R McAllister	Phone Call
Mr. Curry called to say that he needed help itemizing activity in FECfile. I explained that he needed to make sure he opened the same .dcf file so his YTD totals would be accurate. I talked him through creating a new report and itemizing an individual contribution to get him started. He said he would call back if he had any further questions.			

Michael Curry	12/02/2010 10:30 AM	James R McAllister	Phone Call
	Mr. Curry called to get clarification for the coverage dates for the 30G report. I told him because his committee didn't file a 12G, the coverage dates were 10/1/10-11/22/10. He said he would call back with any further reporting questions.		

Joe John	12/13/2010 03:50 PM	James R McAllister	Phone Call
	Mr. John called because his committee's treasurer, Mr. Curry, was on his way out as the committee's treasurer and he wanted to know what he needed to do to change the treasurer. I explained the committee needed to submit an F1A that showed the new treasurer once a new one was chosen. He then asked if the committee needed to file the 12G and 30G, and I said the committee definitely needed to file the 30G and may need to file the 12G based on whether the committee made expenditures to influence a federal election from 10/1/10-10/13/10. I told him the coverage dates for the 12G and 30G (10/1/10-10/13/10 and 10/14/10-11/22/10, respectively) and told him that the reports would be late but that he should submit them as soon as possible in order to mitigate any fines or penalties. He then asked whether the reports needed to be filed electronically, and I said that because the committee had filed electronically on previous reports, they would need to keep filing electronically for future submissions. He finally asked the coverage dates for the YE report, which I said were 11/23/10-12/31/10, with a due date of 1/31/11. He said he understood and that he would call me back with any further questions.		

Michael Curry	12/15/2010 10:05 AM	James R McAllister	Phone Call
	Mr. Curry called to ask about resigning as treasurer of the PAC. I explained that as far as the FEC was concerned, he was still listed as the treasurer for the PAC and would be considered the treasurer until the committee submitted a F1A that showed a new treasurer. He asked if he needed to submit a letter of resignation and I told him he could if he wanted to but that all that is required is a F1A that showed a new treasurer. He said he would call back if more questions arose.		

Dan Backer	01/04/2011 10:45 AM	James R McAllister	Phone Call
	Mr. Backer called to check in on the committee's status with RQ-2s. The committee had not responded to RQ-2s regarding the 2010 Q1A and Q3 reports, dated 8/4/10 and 12/22/10, respectively. Both reports had excessive individual contributions and omitted contributor information, which Mr. Backer said was a result of poor record management which was being addressed by the committee. The Q1A report also had omitted information on H4, which Mr. Backer said would be addressed on the amendment. He then said the committee was aware it had failed to file the 2010 30G report and that it would be considered late, and that they would get it in as soon as possible. He then asked about a cash contribution the committee had received of over \$2000. I explained that any cash contribution over \$100 was impermissible and advised the committee to refund the cash and request a check from that donor. He said he would continue to work on the reports in question and call back with any further questions.		

Dan Backer	01/11/2011 02:20 PM	James R McAllister	Phone Call
	Mr. Backer called me to give an update on him fixing the committee's reports. He said he rebuilt the 2010 Q1, Q2 and Q3 reports to get accurate YTD values. He said he was almost done with the late 2010 12G and 30G reports and that he would turn those in today or tomorrow. He said he would call back if he had problems with the upload.		

Dan Backer	01/25/2011 10:55 AM	James R McAllister	Phone Call
	Mr. Backer called to let me know he had amended the 2009 YE and all the 2010 reports and that they should all be okay and answer the RFAIs the FEC had sent the committee. He said that he would call back if anything else arose with the committee.		

Dan Backer	02/04/2011 03:05 PM	Sari Pickerall	Phone Call
	Mr. Backer returned my call regarding AF 2199. I stated we had no response from the committee regarding the fine. He wanted to know when the letter was delivered and I told him someone had signed for it on 12/28/2010. He stated that address was older and the treasurer at the time, Michael Curry, must have received the letter and never told them about it. He wanted to know if it was posted on the website and I stated it was not. We went over the reason - late filing of the 2010 October Quarterly report and the amount. \$4,400. Mr. Backer stated the treasurer disappeared and didn't disclose to the committee that the reports were filed late and the fine was due. He stated they have updated their Form 1 on 1/28/11. However, he stated he filed the reports that were due and also filed an amendment to the 2010 October Quarterly report. I stated at FD the amounts would be recalculated and the fine would be assessed on the amended amount. I guided him to the website for further information. I offered to fax Mr. Backer a copy of the AF letter. He gave me his fax number and I faxed him the letter. He wanted to know if he could dispute it as the treasurer did not let them know what was going on and if the treasurer at the time of the violation would be held responsible. I guided him to the challenge portion of the letter and informed him that the reasons he stated were not "challengeable". I also stated that the challenge deadline was over. He stated he understood and then stated there were some reports following after that were filed late as well. I told him that fines were assessed on a report by report basis. I told him that the FD letter would be sent to the current address of the committee and if he had any further questions he could call me. He wanted to know what would happen if the treasurer doesn't pay. I stated that after FD, there is a time frame to pay, however, it would be best to pay the fine at the FD level to avoid transfer to Treasury and a high interest rate. He stated he understood.		

Joe John	02/04/2011 05:56 PM	Sari Pickerall	Phone Call
	I received a call from Mr. Johns stating that the treasurer Michael Curry walked out in October and did not file the required reports. The committee then hired an attorney, Mr. Backer, to file the reports not filed and amend others to correct the situation. He stated that he is now aware that the reports were not filed timely and he believes Michael Curry (treasurer at the time) is responsible and gave me Mr. Curry's telephone number and address. He stated they filed an amended Statement of Organization in January of 2011 with a new treasurer and address.		

Joe John	02/16/2011 11:18 AM	Sari Pickerall	Phone Call
	I spoke to Mr. John regarding a letter he sent to me regarding AF#2199. He stated they did not want the letter made public as he did not want to hurt the treasurer. He stated the treasurer walked out on them and did not share any of the fine information with them. The committee hired an outside auditor and then filed reports. He was concerned about the 2010 12G and 30G reports being late as well. He stated the committee called their analyst and was told not to file the 12G report, just to file the 30G report, however, Mr. John said he believed this information was incorrect and filed a 12G and 30G. He questioned as to whether or not consideration was given to committees with situations like this. I explained the Administrative Fine process and the criteria that goes into the fine calculation. I also stated that there is a challenge process, but situations like this normally do not fit into the challenge process. He stated he understood and that it was pretty cut and dry. I guided him to the website for the AF calculator. He thanked me for my help. I confirmed the new address for the committee with a new Statement of Organization being filed in January of 2011. Mr. John was concerned as Mr. Curry was receiving the correspondence for the committee. I stated the correspondence will go to the current address on the committee's Statement of Organization.		

Joe John	03/31/2011 04:00 PM	Sari Pickerall	Phone Call
	Mr. John called me regarding AF 2355 and stated that he received the RTB Letter; however, the committee is sending a challenge. I advised him to read the challenge section. He stated it is the same scenario with the treasurer resigning and I explained that normally the scenario he is describing does not fall within the challenge guidelines.		

EXHIBIT 14



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 4, 2010

RQ-7

MICHAEL CURRY, TREASURER
COMBAT VETERANS FOR CONGRESS PAC
1425 CENTURY PARK EAST SUITE 2120
LOS ANGELES, CA 90067

IDENTIFICATION NUMBER: C00469239

REFERENCE: OCTOBER QUARTERLY REPORT 7/1/2010 - 9/30/2010

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 EXPENDITURES AS REQUIRED BY THE FEDERAL ELECTION CAMPAIGN ACT, AS AMENDED.

IT IS IMPORTANT THAT YOU FILE THIS REPORT IMMEDIATELY WITH THE FEDERAL ELECTION COMMISSION, 999 E STREET, N.W., WASHINGTON, D.C., 20463. PLEASE NOTE THAT ELECTRONIC FILERS MUST SUBMIT THEIR REPORTS ELECTRONICALLY, AS PER 11 CFR §104.18. A COPY OF THE REPORT OR RELEVANT PORTIONS MUST ALSO BE FILED WITH THE SECRETARY OF THE 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 THIS 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 SARI PICKERALL AT OUR TOLL FREE NUMBER (800)424-9530. OUR DIRECT LOCAL NUMBER IS (202)694-1130.

SINCERELY,

Debbie Chacona

DEBBIE CHACONA
ASSISTANT STAFF DIRECTOR
REPORTS ANALYSIS DIVISION (RAD)

10030484747

EXHIBIT 15

Image# 10931783382

FEC FORM 1

STATEMENT OF ORGANIZATION

(See instructions)

Office use only

1. NAME OF COMMITTEE (in full)

(Check if name is changed)

Example: If typing, type over the lines

12FE4M5

COMBAT VETERANS FOR CONGRESS PAC

ADDRESS (number and street)

1925 CENTURY PARK EAST SUITE 2120

(Check if address is changed)

LOS ANGELES

CA

90067

CITY

STATE

ZIP CODE

COMMITTEE'S E-MAIL ADDRESS (Please provide only one e-mail address)

(Check if address is changed)

jrjassoc@earthlink.net

COMMITTEE'S WEB PAGE ADDRESS (URL)

(Check if address is changed)

www.combatveteransforcongress.org

2. DATE

11 / 07 / 2010

3. FEC IDENTIFICATION NUMBER

C C00469239

4. IS THIS STATEMENT

NEW (N)

OR

AMENDED (A)

I certify that I have examined this Statement and to the best of my knowledge and belief it is true, correct and complete

Type or Print Name of Treasurer

Mr. Dan Backer, Esq.

Signature of Treasurer

Electronically Filed by Mr. Dan Backer, Esq.

Date

11 / 08 / 2010

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Statement to the penalties of 2 U.S.C. §437g.

ANY CHANGE IN INFORMATION SHOULD BE REPORTED WITHIN 10 DAYS

Office Use Only

For further information contact: Federal Election Commission Toll Free 800-424-9530 Local 202-694-1100

FEC FORM 1 (Revised 02/2009)

5. TYPE OF COMMITTEE (Check One)

Candidate Committee:

- (a) This committee is a principal campaign committee. (Complete the candidate information below.)
- (b) This committee is an authorized committee, and is NOT a principal campaign committee. (Complete the candidate information below.)

Name of Candidate _____

Candidate Party Affiliation Office Sought: House Senate President State District

- (c) This committee supports/opposes only one candidate, and is NOT an authorized committee.

Name of Candidate _____

Party Committee:

- (d) This committee is a (National, State (or subordinate) committee of the (Democratic, Republican, etc.) Party.

Political Action Committee (PAC):

- (e) This committee is a separate segregated fund. (Identify connected organization on line 6.) Its connected organization is a:
 - Corporation Corporation w/o Capital Stock Labor Organization
 - Membership Organization Trade Association Cooperative
- (f) This committee supports/opposes more than one Federal candidate, and is NOT a separate segregated fund or party committee. (i.e., nonconnected committee)
 - In addition, this committee is a Lobbyist/Registrant PAC.
 - In addition, this committee is a Lobbyist/Registrant PAC.
 - In addition, this committee is a Leadership PAC. (Identify sponsor on line 6.)

Joint Fundraising Representative:

- (g) This committee collects contributions, pays fundraising expenses and disburses net proceeds for two or more political committees/organizations, at least one of which is an authorized committee of a federal candidate.
- (h) This committee collects contributions, pays fundraising expenses and disburses net proceeds for two or more political committees/organizations, none of which is an authorized committee of a federal candidate.

Committees Participating in Joint Fundraiser

1. _____	FEC ID number	C <input type="text"/>
2. _____	FEC ID number	C <input type="text"/>
3. _____	FEC ID number	C <input type="text"/>
4. _____	FEC ID number	C <input type="text"/>

Image# 10931783384

FEC Form 1 (Revised 02/2009)

Page 3

Write or Type Committee Name

COMBAT VETERANS FOR CONGRESS PAC

6. Name of Any Connected Organization, Affiliated Committee, Joint Fundraising Representative, or Leadership PAC Sponsor

NONE

Mailing Address

CITY ▲

STATE ▲

ZIP CODE ▲

Relationship:

Connected Organization

Affiliated Committee

Joint Fundraising Representative

Leadership PAC Sponsor

7. Custodian of Records: Identify by name, address, (phone number -- optional), and position of the person in possession of Committee books and records.

Full Name

Mr. Michael Curry, Esq.

Mailing Address

1925 Century Park East

Suite 2120

Century City

CA

90067

Title or Position ▼

CITY ▲

STATE ▲

ZIP CODE ▲

Treasurer

Telephone number

310

890

3231

8. Treasurer: List the name and address (phone number -- optional) of the treasurer of the committee; and the name and address of any designated agent (e.g., assistant treasurer).

Full Name

Mr. Michael Curry, Esq.

of Treasurer

Mailing Address

1925 Century Park East

Suite 2120

Century City

CA

90067

Title or Position ▼

CITY ▲

STATE ▲

ZIP CODE ▲

Treasurer

Telephone number

310

890

3231

Image# 10931783385

FEC Form 1 (Revised 02/2009)

Page 4

Full Name of Designated Agent

Mr. Dan Backer, Esq.

Mailing Address

PO BOX 75021

Washington

DC

20013

Title or Position

CITY

STATE

ZIP CODE

Asst. Treasurer

Telephone number

202

210

5431

9. Banks or Other Depositories: List all banks or other depositories in which the committee deposits funds, holds accounts, rents safety deposit boxes or maintains funds.

Name of Bank, Depository, etc.

CitiBank

Mailing Address

1801 Avenue of the Stars

Los Angeles

CA

90067

CITY

STATE

ZIP CODE

Name of Bank, Depository, etc.

Mailing Address

CITY

STATE

ZIP CODE

Image# 10931783386

FEC Form 1 (Revised 02/2009)

Page 5

Banks or Other Depositories: List all banks or other depositories in which the committee deposits funds, holds accounts, rents safety deposit boxes or maintains funds.

Name of Bank, Depository, etc.

[ADDITIONAL]

Mailing Address

_____ - _____

CITY ▲

STATE ▲

ZIP CODE ▲

[ADDITIONAL]

Name of Any Connected Organization, Affiliated Committee, Joint Fundraising Representative, or Leadership PAC Sponsor

Mailing Address

_____ - _____

CITY ▲

STATE ▲

ZIP CODE ▲

Relationship:

Connected Organization

Affiliated Committee

Joint Fundraising Representative

Leadership PAC Sponsor

[ADDITIONAL]

Designated Agent

Full Name

Mr. Joseph R John

Mailing Address

264 S. La Cienega Blvd.

Sutie 186

Beverly hills

CA

90211

Title or Position ▼

President

CITY ▲

STATE ▲

ZIP CODE ▲

Telephone number

310

989

8778

Joint Fundraiser Participant

[ADDITIONAL]

FEC ID number

C

EXHIBIT 16

Dan Backer

From: Dan Backer <DBacker@DBCapitolStrategies.com>
Sent: Friday, November 19, 2010 12:45 PM
To: 'crryco@aol.com'
Cc: 'Joseph R. John'
Subject: CVFC PAC compliance concern

Dear Mr. Curry,

In a recent correspondence with Captain John, he asked that I reach out to you and see if there were any questions you had about the FEC reporting for CFVC PAC.

I saw that the PAC has received a "Notice of Failure to File" from the FEC for the Q3 report. Failure to file can result in a significant fine levied against the PAC and its treasurer who bears personal responsibility for timely reporting. For example, if net receipts and expenditures for that particular report (an "election sensitive report") is \$10,000, the fine is approx. \$990. If the net receipts and expenditures is \$100,000, the fine is approximately \$6875.

Additionally, the PAC did not file a pre-election report (due 10/21) and will likely face additional and potentially larger penalties related to that, and any repercussions related to the failure to respond to the earlier "Request For Additional Information" (RFAI) on an earlier report. This coming Monday is also the closing day for the post-election report due 12/2.

In all, there are a number of significant FEC compliance issues for which the FEC holds the Treasurer accountable and which can lead to very negative outcomes for the PAC and yourself as Treasurer at the time of each issue.

Without the records on receipts, disbursements, and bank activity for the relevant time period(s), there's nothing I can do to directly address these issues, but if there are any specific questions you have, please feel free to ask – hopefully I can help.

Regards,

Dan Backer, Esq.
202-210-5431

DB Capitol Strategies

PAC * GRASSROOTS * ADVOCACY * NONPROFIT

Home of The Strategist, a monthly PAC update

www.DBCapitolStrategies.com

EXHIBIT 17

Image# 10931821080

FEC FORM 3X

REPORT OF RECEIPTS AND DISBURSEMENTS For Other Than An Authorized Committee

Office Use Only

1. NAME OF COMMITTEE (in full) USE FEC MAILING LABEL OR TYPE OR PRINT Example: If typing, type over the lines COMBAT VETERANS FOR CONGRESS PAC

ADDRESS (number and street) 1425 CENTURY PARK EAST SUITE 2120 Check if different than previously reported. (ACC) LOS ANGELES CA 90067

2. FEC IDENTIFICATION NUMBER C00469239 3. IS THIS REPORT NEW (N) OR AMENDED (A)

4. TYPE OF REPORT (Choose One) (a) Quarterly Reports: April 15, July 15, October 15, January 31, July 31 Mid-Year Report, Termination Report (b) Monthly Report Due On: Feb 20, Mar 20, Apr 20, May 20, Jun 20, Jul 20, Aug 20, Sep 20, Oct 20, Nov 20, Dec 20, Jan 31 (c) 12-Day PRE-Election Report for the: Primary, General, Convention, Special, Runoff (d) 30-Day Post -Election Report for the: General, Runoff, Special

5. Covering Period 07 01 2010 through 09 30 2010

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 F. Michael Curry

Signature of Treasurer Electronically Filed by F. Michael Curry Date 10 15 2010

NOTE : Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C 437g.

Table with 7 columns and 1 row for Office Use Only

FEC FORM 3X (Rev. 12/2004)

EXHIBIT 18

Dan Backer

From: Dan Backer <DBacker@DBCapitolStrategies.com>
Sent: Tuesday, November 30, 2010 5:49 PM
To: 'crryco@aol.com'
Cc: 'jrjassoc@earthlink.net'
Subject: RE: CVFC PAC compliance concern

Dear Mr. Curry,

I was glad to see that the Q3 report was filed for CVFC PAC. As a (hopefully helpful) reminder:

1. You still need to respond to the RFAI (08-04-2010) regarding the amended Q1 report (likely re-amending that report).
2. The Pre-election report covering 10/01 – 10/13 was due on 10/21 and still needs to be filed.
3. The Post-election report covering 10/14 – 11/22 is due on 12/02 (this coming Thursday).

Hope that helps with your compliance needs.

Regards,

Dan Backer, Esq.
202-210-5431

DB Capitol Strategies

PAC * GRASSROOTS * ADVOCACY * NONPROFIT

Home of The Strategist, a monthly PAC update

www.DBCapitolStrategies.com

From: crryco@aol.com [<mailto:crryco@aol.com>]
Sent: Friday, November 19, 2010 12:53 PM
To: DBacker@DBCapitolStrategies.com
Cc: jrjassoc@earthlink.net
Subject: Re: CVFC PAC compliance concern

Thanks Dan for your concern - but I have been out of town and back yesterday - it will be filed this weekend

-----Original Message-----

From: Dan Backer <DBacker@DBCapitolStrategies.com>
To: crryco@aol.com
Cc: 'Joseph R. John' <jrjassoc@earthlink.net>
Sent: Fri, Nov 19, 2010 9:45 am
Subject: CVFC PAC compliance concern

Dear Mr. Curry,

In a recent correspondence with Captain John, he asked that I reach out to you and see if there were any questions you had about the FEC reporting for CFVC PAC.

I saw that the PAC has received a "Notice of Failure to File" from the FEC for the Q3 report. Failure to file can result in a significant fine levied against the PAC and its treasurer who bears personal responsibility for timely reporting. For

EXHIBIT 19

From: "Joseph R. John" <jrjassoc@earthlink.net>
Subject: **FEC Reports**
Date: November 29, 2011 6:12:19 AM EST
To: "Dan Backer Esq." <dbacker@dbcapitolstrategies.com>

FYI

Joseph R. John, USNA '62
Capt USN (Ret)
Chairman, Combat Veterans For Congress PAC
264 S. La Cienega Blvd., Suite 186
Beverly Hills, CA 90211

Tel: (310) 859-0800
Fax: (310) 859-0811
Cell: (310) 989-8778

<http://www.CombatVeteransForCongress.org>

From: Joseph R. John [<mailto:jrjassoc@earthlink.net>]
Sent: Thursday, December 02, 2010 9:31 PM
To: 'Michael Curry' (crryco@aol.com)
Subject: FEC Reports

Mike,

Can you please provide me with a copy of the Quarterly Report you just submitted to the FEC for our files? Can you also provide us with the corrections to the two previous quarterly for our files (those are the two FEC Quarterly Reports Dan Becker keeps warning us we will be fined in excess of \$6000 unless we corrected them). I have no idea what is wrong with those two previous Quarterly Reports, nor have I got copies of them.

Respectfully,
Joe

From: Joseph R. John [<mailto:jrjassoc@earthlink.net>]
Sent: Thursday, December 02, 2010 5:52 PM
To: 'crryco@aol.com'
Cc: 'Dan Backer Esq.' (dbacker@dbcapitolstrategies.com)
Subject: FEC

Thanks Mike. I'm in the middle of transferring our Web site to a new host—very time consuming and tedious. I've had my corporation donate \$8000 to the 501 to get it started.

Respectfully,
Joe

Joseph R. John
President and CEO
JRJ And Associates, Inc.
264 S. La Cienega Blvd., Suite 186
Beverly Hills, California 90211, USA

Tel: (310) 859-0800
Fax: (310) 859-0811
Cell: (310) 989-8778

jrjassoc@earthlink.net

From: crryco@aol.com [<mailto:crryco@aol.com>]
Sent: Thursday, December 02, 2010 4:57 PM

To: jrjassoc@earthlink.net
Subject: FEC

Joe
I spoke to my FEC contact today, who said a post election report is all that is needed. He said the pre-election one was already due and a post election report as a result would be sufficient. It is required because money was given to candidates.
Mike

EXHIBIT 20

Dan Backer

From: crryco@aol.com
Sent: Wednesday, December 08, 2010 7:06 PM
To: jrjassoc@earthlink.net; DBacker@DBCapitolStrategies.com
Cc: kenneth.margala@gmail.com; Jakre@andersonlawcal.com
Subject: Re: FEC

Follow Up Flag: Follow up
Flag Status: Completed

Joe
as you know I am no longer the Treasurer. My last conversation with the FEC they were reluctant to give me any information because I am no longer the Treasurer. My obligations were fulfilled with the 3rd Qtr. report which has been filed.
Mike

-----Original Message-----

From: Joseph R. John <jrjassoc@earthlink.net>
To: 'Dan Backer' <DBacker@DBCapitolStrategies.com>
Cc: 'Michael Curry' <crryco@aol.com>; 'Kenneth Margala' <kenneth.margala@gmail.com>; 'Jan Akre, Esq, USMC ' <Jakre@andersonlawcal.com>
Sent: Wed, Dec 8, 2010 3:03 pm
Subject: FEC

Dan,
I appreciate your continued support and caution to protect us from monetary penalties (possibly up to \$6000) you have repeatedly outlined since October 5th. I'm very much involved in transferring hosting of our Web site at the present time; it is time consuming and tedious. You are correct; I am relying on Mike Curry, because I do not have the background information, the ability to audit 12 months of the Xeroxed checks/completed donation forms received, audit the details in our Wells Fargo account, nor do I have knowledge of what information is missing or was improperly submitted in the subject reports. I was not aware that we still have not met our reporting obligations concerning candidates. Of course I believe you when you say the FEC does not waive reporting requirements, and that the pre-election report must still be filled. Are the other issues you referred to in your below listed E-mail, those that you previously identified as still needing action, i. e. corrections are still being required to the Q1 and Q2 FEC Quarterly Reports? I have no information on those errors and believed that they had already been previously corrected.

It is virtually impossible for me to determine everything that has gone on in our Wells Fargo checking accounts over the last 12 months, with receipts and expenditure of funds over the last year, to understand the details in the 3 submitted Quarterly FEC Reports, to review the trail of communications that have gone on between you or the Treasurer and the FEC on errors that need correcting, and all other financial matters over the last 112 months (I do not have the ability to do an audit on documents or matters I have not been seen or been involved in). If you could deal with Mike in correcting those reports and filing the Post-election Report which is now also past due I would appreciate it, please speak to Mike at (310) 890-3231 and let me know how much you would charge us to help correct those issues? I just don't have the ability at all to make the necessary corrections and reports, but will endeavor to get involved in those type financial details in the future. I am reviewing information on the possibility of engaging one of 4 potential Treasurers.

Respectfully,
Joe

Joseph R. John
Combat Veterans For Congress PAC
264 S. La Cienega Blvd., Suite 186
Beverly Hills, California 90211, USA

Tel: (310) 859-0800

EXHIBIT 21



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 21, 2010

Mr. Michael Curry, Esq., in official capacity as Treasurer
Combat Veterans for Congress PAC
1925 Century Park East, Suite 2120
Los Angeles, CA 90067

C00469239
AF#: 2199

Dear Mr. Curry:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file an October Quarterly Report of Receipts and Disbursements in a calendar year during which there is a regularly scheduled election. This report, covering the period through September 30th, shall be filed no later than October 15th. 2 U.S.C. § 434(a). Because records at the Federal Election Commission ("FEC") indicate that this report was not filed prior to four (4) days before the general election held on November 2, 2010, it is considered not filed for the purpose of calculating the civil money penalty.

The Act was further amended in 1999 to permit the FEC to impose civil money penalties for violations of the reporting requirements of 2 U.S.C. § 434(a). 2 U.S.C. § 437g(a)(4). On December 15, 2010, the FEC found that there is reason to believe ("RTB") that Combat Veterans for Congress PAC and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) by failing to file timely this report on or before October 15th.

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 \$4,400. Please see the attached copy of the Commission's administrative fine regulations at 11 C.F.R. §§ 111.30-111.46. Attachment 1. The Commission's website contains further information about how the administrative fine program works and how the fines are calculated. See <http://www.fec.gov/af/af.shtml>. 11 C.F.R. § 111.34. Your payment of \$4,400 is due within forty (40) days of the finding, or by January 24, 2011, and is based on these factors:

Election Sensitivity of Report: Election Sensitive

Level of Activity: \$97,179

Number of Days Late: Not Filed (reports not filed prior to four (4) days before the General Election held on November 2, 2010 are considered not filed for the purpose of calculating the penalty)

Number of Previous Civil Money Penalties Assessed: 0

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

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

If you should decide to challenge the RTB finding and/or calculated civil money penalty, you must submit a written response, including the AF# found at the top of page 1 under your committee's identification number, to the FEC's Office of Administrative Review, 999 E Street, NW, Washington, DC 20463. Your response must be received within forty (40) days of the Commission's RTB finding, or January 24, 2011. 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 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). In order 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 2 U.S.C. § 437g. 11 C.F.R. § 111.38.

If you intend to be represented by counsel, please advise the Office of Administrative Review. You should provide, in writing, the name, address and telephone number of your counsel and authorize counsel to receive notifications and communications relating to this challenge and imposition of the calculated civil money penalty.

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

If you do not pay the calculated civil money penalty and do not submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that Combat Veterans for Congress PAC and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(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).

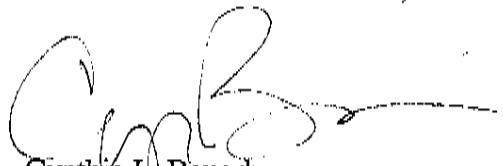
3. If You Choose to Pay the Civil Money Penalty

If you should decide to pay the calculated civil money penalty, send the enclosed remittance form, along with your payment, to the FEC at the address on page 4. Upon receipt of your payment, the FEC will send you a final determination letter.

This matter was generated based on information ascertained by the FEC in the normal course of carrying out its supervisory responsibilities. 2 U.S.C. § 437g(a)(2). It will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and 437g(a)(12)(A) until it is placed on the public record in accordance with 11 C.F.R. § 111.42, unless you notify the FEC in writing that you wish the matter to be made public.

As noted earlier, you may obtain additional information on the FEC's administrative fine program, including the final regulations, on the FEC's website at <http://www.fec.gov/af/af.shtml>. If you have questions regarding the payment of the calculated civil money penalty, please contact Sari Pickerall 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. 1660) or (202) 694-1660.

On behalf of the Commission,



Cynthia L. Bauerly
Vice Chair

ADMINISTRATIVE FINE REMITTANCE & 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 \$4,400 for the 2010 October Quarterly Report.

Please mail this remittance with a check or money order made payable to the Federal Election Commission to the following address:

Federal Election Commission
P.O. Box 979058
St. Louis, MO 63197-9000

If you choose to send your remittance and payment by courier or overnight delivery, please use this address:

U.S. Bank - Government Lockbox
FEC #979058
1005 Convention Plaza
Attn: Government Lockbox, SL-MO-C2GL
St. Louis, MO 63101

The remittance and your payment are due by January 24, 2011. Upon receipt of your remittance and payment, the FEC will send you a final determination letter.

PAYMENTS BY PERSONAL CHECK

Personal checks will be converted into electronic funds transfers (EFTS). Your account will be electronically debited for the amount on your check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: Combat Veterans for Congress PAC

FEC ID#: C00469239

AF#: 2199

PAYMENT DUE DATE: January 24, 2011

PAYMENT AMOUNT DUE: \$4,400

EXHIBIT 22



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 20, 2010

RQ-7

BACKER, DAN MR. ESQ., TREASURER
COMBAT VETERANS FOR CONGRESS PAC
1925 CENTURY PARK EAST SUITE 2120
LOS ANGELES, CA 90067

IDENTIFICATION NUMBER: C00469239

REFERENCE: POST-GENERAL REPORT 10/1/2010 - 11/22/2010

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 EXPENDITURES AS REQUIRED BY THE FEDERAL ELECTION CAMPAIGN ACT, AS AMENDED.

IT IS IMPORTANT THAT YOU FILE THIS REPORT IMMEDIATELY WITH THE FEDERAL ELECTION COMMISSION, 999 E STREET, N.W., WASHINGTON, D.C., 20463. PLEASE NOTE THAT ELECTRONIC FILERS MUST SUBMIT THEIR REPORTS ELECTRONICALLY, AS PER 11 CFR §104.18. A COPY OF THE REPORT OR RELEVANT PORTIONS MUST ALSO BE FILED WITH THE SECRETARY OF THE 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 THIS 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 IAN WANDNER AT OUR TOLL FREE NUMBER (800)424-9530. OUR DIRECT LOCAL NUMBER IS (202)694-1130.

SINCERELY,

Debbie Chacona

DEBBIE CHACONA
ASSISTANT STAFF DIRECTOR
REPORTS ANALYSIS DIVISION (RAD)

10030522117

EXHIBIT 23

RQ-2



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 22, 2010

Dan Backer, Treasurer
Combat Veterans for Congress PAC
1925 Century Park East, Suite 2120
Los Angeles, CA 90067

Response Due Date:
January 26, 2011

Identification Number: C00469239

Reference: October Quarterly Report (7/1/10-9/30/10)

Dear Treasurer:

This letter is prompted by the Commission's preliminary review of the report(s) referenced above. This notice requests information essential to full public disclosure of your federal election campaign finances. **Failure to adequately respond by the response date noted above could result in an audit or enforcement action.** Additional information is needed for the following 2 items:

1. Schedule A of your report (see attached) discloses one or more contributions which appear to exceed the limits set forth in the Act. 2 U.S.C. §441a(f) and 11 CFR §§110.1(d) and 110.2(d) prohibit a committee and its affiliates from receiving any contribution from another political committee or person in excess of \$5,000 per calendar year.

If any apparently excessive contribution in question was incompletely or incorrectly disclosed, you must amend your original report with the clarifying information.

If any contribution you received exceeds the limits, you may have to refund the excessive amount. The funds can be retained if within 60 days of receipt, (1) the excessive amount was properly reattributed to another person, such as a joint account holder, by obtaining signed written authorizations from each person making the contribution pursuant to 11 CFR 110.1(k)(3), and (2) the treasurer informs the person making the contribution that he or she may request the return of the excessive portion of the contribution if it is not intended to be a joint contribution. Any request from a donor for a refund must be honored.

10030522772

COMBAT VETERANS FOR CONGRESS PAC

Page 2

Alternatively, the funds can be retained if within 60 days of receipt you (1) transferred the excessive amount to an account not used to influence federal elections, and (2) provided written notice to the person making the contribution of the option of receiving a refund. Any request from a donor for a refund must be honored.

If the foregoing conditions for reattributions or transfers to a non-federal account were not met within 60 days of receipt, the excessive amount must be refunded.

Please inform the Commission of your corrective action promptly in writing and provide a photocopy of your check for any transfer-out or refund. In addition, any reattributions should be reported as memo entries on Schedule A of the report covering the period during which the authorization for the reattribution is received. Any transfers-out or refunds should be disclosed on Schedule B supporting Line 22 or 28 of the report during which the transaction was made.

Although the Commission may take further legal action regarding the acceptance of an excessive contribution(s), prompt action by your committee to seek reattribution, transfer-out or refund the excessive amount will be taken into consideration.

2. Commission Regulations require that a committee discloses the identification of all individuals who contribute in excess of \$200 in a calendar year. (11 CFR § 104.3(a)(4)(i)) Identification for an individual is defined as the full name (first name, middle name or initial, if available, and last name; initials for first and last name are not acceptable), complete mailing address, occupation, and name of employer. (11 CFR § 100.12) Your report discloses contributions from individuals for which the identification is not complete.

You must provide the missing information, or you are unable to do so, you must demonstrate that "best efforts" have been used to obtain the information. To establish "best efforts," you must provide the Commission with a detailed description of your procedures for requesting the information. Establishing "best efforts" is a three-fold process.

First, your original solicitation must include a clear and conspicuous request for the contributor information and must inform the contributor of the requirements of federal law for the reporting of such information. (11 CFR § 104.7(b)(1)) See 11 CFR § 104.7(b)(1)(B) for examples of acceptable statements regarding the requirements of federal law.

10030522773

COMBAT VETERANS FOR CONGRESS PAC

Page 3

Second, if the information is not provided, you must make one follow-up, stand alone effort to obtain this information, regardless of whether the contribution(s) was solicited or not. This effort must occur no later than 30 days after receipt of the contribution and may be in the form of a written request or an oral request documented in writing. (11 CFR § 104.7(b)(2)) The requests must:

- clearly ask for the missing information, without soliciting a contribution;
- inform the contributor of the requirements of federal law for the reporting of such information, and
- if the request is written, include a pre-addressed post card or return envelope.

Third, if you receive contributor information after the contribution(s) has been reported, you should either a) file with your next regularly scheduled report, an amended memo Schedule A listing all the contributions for which additional information was received; or b) file on or before your next regularly scheduled reporting date, amendments to the report(s) originally disclosing the contribution(s). (11 CFR § 104.7(b)(4))

Please amend your report to provide the missing information or a detailed description of your procedures for requesting the information. For more information on demonstrating "best efforts," please refer to the Campaign Guide.

Please note, you will not receive an additional notice from the Commission on this matter. Adequate responses must be received by the Commission on or before the due date noted above to be taken into consideration in determining whether audit action will be initiated. Failure to comply with the provisions of the Act may also result in an enforcement action against the committee. Any response submitted by your committee will be placed on the public record and will be considered by the Commission prior to taking enforcement action. **Requests for extensions of time in which to respond will not be considered.**

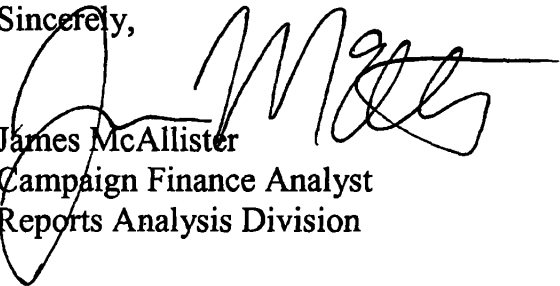
Electronic filers must file amendments (to include statements, designations and reports) in an electronic format and must submit an amended report in its entirety, rather than just those portions of the report that are being amended. If you should have any questions regarding this matter or wish to verify the adequacy of your response, please contact me on our toll-free number (800) 424-9530 (at the prompt press 5 to reach the Reports Analysis Division) or my local number (202) 694-1140.

10030522774

COMBAT VETERANS FOR CONGRESS PAC

Page 4

Sincerely,


James McAllister
Campaign Finance Analyst
Reports Analysis Division

319

10030522775

COMBAT VETERANS FOR CONGRESS PAC

Page 5

Contributor Name	Date	Amount	Report
Lichter, Robert	9/14/10	\$5,000.00	2010 October Quarterly
Lichter, Robert	9/14/10	\$5,000.00	2010 October Quarterly

1003052276

EXHIBIT 24

EXHIBIT 25

EXHIBIT 26

5. TYPE OF COMMITTEE (Check One)

Candidate Committee:

- (a) This committee is a principal campaign committee. (Complete the candidate information below.)
- (b) This committee is an authorized committee, and is NOT a principal campaign committee. (Complete the candidate information below.)

Name of Candidate _____

Candidate Party Affiliation Office Sought: House Senate President State District

- (c) This committee supports/opposes only one candidate, and is NOT an authorized committee.

Name of Candidate _____

Party Committee:

- (d) This committee is a (National, State (or subordinate) committee of the (Democratic, Republican, etc.) Party.

Political Action Committee (PAC):

- (e) This committee is a separate segregated fund. (Identify connected organization on line 6.) Its connected organization is a:
 - Corporation Corporation w/o Capital Stock Labor Organization
 - Membership Organization Trade Association Cooperative
- (f) This committee supports/opposes more than one Federal candidate, and is NOT a separate segregated fund or party committee. (i.e., nonconnected committee)
 - In addition, this committee is a Lobbyist/Registrant PAC.
 - In addition, this committee is a Lobbyist/Registrant PAC.
 - In addition, this committee is a Leadership PAC. (Identify sponsor on line 6.)

Joint Fundraising Representative:

- (g) This committee collects contributions, pays fundraising expenses and disburses net proceeds for two or more political committees/organizations, at least one of which is an authorized committee of a federal candidate.
- (h) This committee collects contributions, pays fundraising expenses and disburses net proceeds for two or more political committees/organizations, none of which is an authorized committee of a federal candidate.

Committees Participating in Joint Fundraiser

1. _____	FEC ID number	C <input type="text"/>
2. _____	FEC ID number	C <input type="text"/>
3. _____	FEC ID number	C <input type="text"/>
4. _____	FEC ID number	C <input type="text"/>

Image# 11930063667

FEC Form 1 (Revised 02/2009)

Page 3

Write or Type Committee Name

COMBAT VETERANS FOR CONGRESS PAC

6. Name of Any Connected Organization, Affiliated Committee, Joint Fundraising Representative, or Leadership PAC Sponsor

NONE

Mailing Address

CITY ▲

STATE ▲

ZIP CODE ▲

Relationship:

Connected Organization

Affiliated Committee

Joint Fundraising Representative

Leadership PAC Sponsor

7. Custodian of Records: Identify by name, address, (phone number -- optional), and position of the person in possession of Committee books and records.

Full Name

Capt. Joseph R John, USNR (Ret)

Mailing Address

264 S. La Cienega Blvd.

Sutie 186

Beverly Hills

CA

90211

Title or Position ▼

CITY ▲

STATE ▲

ZIP CODE ▲

Chairman

Telephone number

310

989

8778

8. Treasurer: List the name and address (phone number -- optional) of the treasurer of the committee; and the name and address of any designated agent (e.g., assistant treasurer).

Full Name

Mr. David H. Wiggs

of Treasurer

Mailing Address

22 Belmont Avenue

Newport Beach

CA

92660

Title or Position ▼

CITY ▲

STATE ▲

ZIP CODE ▲

Treasurer

Telephone number

949

887

3911

Image# 11930063668

FEC Form 1 (Revised 02/2009)

Page 4

Full Name of Designated Agent

Capt. Joseph R John, USNR (Ret)

Mailing Address

264 S. La Cienega Blvd.

Sutie 186

Beverly Hills

CA

90211

Title or Position

CITY

STATE

ZIP CODE

Chairman

Telephone number

310

989

8778

9. Banks or Other Depositories: List all banks or other depositories in which the committee deposits funds, holds accounts, rents safety deposit boxes or maintains funds.

Name of Bank, Depository, etc.

Wells Fargo Bank N.A. (114)

Mailing Address

1801 Avenue of the Stars

Los Angeles

CA

90067

CITY

STATE

ZIP CODE

Name of Bank, Depository, etc.

Mailing Address

CITY

STATE

ZIP CODE

Image# 11930063669

FEC Form 1 (Revised 02/2009)

Page 5

Banks or Other Depositories: List all banks or other depositories in which the committee deposits funds, holds accounts, rents safety deposit boxes or maintains funds.

Name of Bank, Depository, etc.

[ADDITIONAL]

Mailing Address

_____ - _____

CITY ▲

STATE ▲

ZIP CODE ▲

[ADDITIONAL]

Name of Any Connected Organization, Affiliated Committee, Joint Fundraising Representative, or Leadership PAC Sponsor

Mailing Address

_____ - _____

CITY ▲

STATE ▲

ZIP CODE ▲

Relationship:

Connected Organization

Affiliated Committee

Joint Fundraising Representative

Leadership PAC Sponsor

[ADDITIONAL]

Designated Agent

Full Name

Mr. Dan Backer, Esq.

Mailing Address

PO BOX 75021

Washington

DC

20013

Title or Position ▼

Assistant Treasurer

CITY ▲

STATE ▲

ZIP CODE ▲

Telephone number

202

210

5431

[ADDITIONAL]

Joint Fundraiser Participant

FEC ID number

C

EXHIBIT 27

EXHIBIT 28

Image# 11990080747

FEC FORM 3X

REPORT OF RECEIPTS AND DISBURSEMENTS For Other Than An Authorized Committee

Office Use Only

1. NAME OF COMMITTEE (in full) USE FEC MAILING LABEL OR TYPE OR PRINT Example: If typing, type over the lines COMBAT VETERANS FOR CONGRESS PAC

ADDRESS (number and street) 264 South La Cienega Blvd. Suite 186 Beverly Hills CA 90211

2. FEC IDENTIFICATION NUMBER C00469239 3. IS THIS REPORT NEW (N) OR AMENDED (A) X

4. TYPE OF REPORT (Choose One) (a) Quarterly Reports: April 15, July 15, October 15, January 31, July 31 Mid-Year Report, Termination Report (b) Monthly Report Due On: Feb 20, Mar 20, Apr 20, May 20, Jun 20, Jul 20, Aug 20, Sep 20, Oct 20, Nov 20, Dec 20, Jan 31 (c) 12-Day Report for the: Primary, General, Runoff, Convention, Special (d) 30-Day Report for the: Post-Election, General, Runoff, Special

5. Covering Period 04 01 2010 through 06 30 2010

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 Mr. Dan Backer, Esq.

Signature of Treasurer Electronically Filed by Mr. Dan Backer, Esq. Date 01 25 2011

NOTE : Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C 437g.

Table with 7 columns and 1 row for Office Use Only

FEC FORM 3X (Rev. 12/2004)

EXHIBIT 29

Image# 11990080838

**FEC
FORM 3X**

**REPORT OF RECEIPTS
AND DISBURSEMENTS**
For Other Than An Authorized Committee

Office Use Only

1. NAME OF COMMITTEE (in full) **USE FEC MAILING LABEL OR TYPE OR PRINT** Example: If typing, type over the lines
 COMBAT VETERANS FOR CONGRESS PAC

ADDRESS (number and street) 264 South La Cienega Blvd.
 Suite 186
 Check if different than previously reported. (ACC)
 Beverly Hills CA 90211

2. **FEC IDENTIFICATION NUMBER** C00469239
 3. IS THIS REPORT NEW (N) OR AMENDED (A)

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 Quarterly Report(YE)
 July 31 Mid-Year Report(Non-election Year Only) (MY)
 Termination Report (TER)
 (b) Monthly Report Due On:
 Feb 20 (M2) May 20 (M5) Aug 20 (M8) Nov 20 (M11) (Non-Election Year Only)
 Mar 20 (M3) Jun 20 (M6) Sep 20 (M9) Dec 20 (M12) (Non-Election Year Only)
 Apr 20 (M4) Jul 20 (M7) Oct 20 (M10) Jan 31 (YE)
 (c) 12-Day **PRE-Election** Report for the: Primary (12P) General (12G) Runoff (12R)
 Convention (12C) Special (12S)
 Election on _____ in the State of _____
 (d) 30-Day **Post -Election** Report for the: General (30G) Runoff (30R) Special (30S)
 Election on _____ in the State of _____

5. Covering Period 07 01 2010 through 09 30 2010

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 Mr. Dan Backer, Esq.

Signature of Treasurer Electronically Filed by Mr. Dan Backer, Esq. Date 01 25 2011

NOTE : Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C 437g.

Office Use Only							
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FEC FORM 3X
(Rev. 12/2004)

EXHIBIT 30

Image# 11990080867

**FEC
FORM 3X**

**REPORT OF RECEIPTS
AND DISBURSEMENTS**
For Other Than An Authorized Committee

Office Use Only

1. NAME OF COMMITTEE (in full) **USE FEC MAILING LABEL OR TYPE OR PRINT** Example: If typing, type over the lines
 COMBAT VETERANS FOR CONGRESS PAC

ADDRESS (number and street) 264 South La Cienega Blvd.
 Suite 186
 Check if different than previously reported. (ACC)
 Beverly Hills CA 90211

2. **FEC IDENTIFICATION NUMBER** C00469239
 3. IS THIS REPORT NEW (N) OR AMENDED (A)

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 Quarterly Report(YE)
 July 31 Mid-Year Report(Non-election Year Only) (MY)
 Termination Report (TER)
 (b) Monthly Report Due On:
 Feb 20 (M2) May 20 (M5) Aug 20 (M8) Nov 20 (M11) (Non-Election Year Only)
 Mar 20 (M3) Jun 20 (M6) Sep 20 (M9) Dec 20 (M12) (Non-Election Year Only)
 Apr 20 (M4) Jul 20 (M7) Oct 20 (M10) Jan 31 (YE)
 (c) 12-Day **PRE-Election** Report for the: Primary (12P) General (12G) Runoff (12R)
 Convention (12C) Special (12S)
 Election on 11 02 2010 in the State of
 (d) 30-Day **Post -Election** Report for the: General (30G) Runoff (30R) Special (30S)
 Election on in the State of

5. Covering Period 10 01 2010 through 10 13 2010

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 Mr. Dan Backer, Esq.

Signature of Treasurer Electronically Filed by Mr. Dan Backer, Esq. Date 01 25 2011

NOTE : Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C 437g.

Office Use Only							
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FEC FORM 3X
(Rev. 12/2004)

EXHIBIT 31

EXHIBIT 32

From: "Joseph R. John" <jrjassoc@earthlink.net>
Subject: **FW: CVFC PAC Reporting issues**
Date: December 5, 2011 7:21:47 PM EST
To: "Dan Backer Esq." <dbacker@dbcapitolstrategies.com>

I forwarded your below listed e-mail to Mike Curry, the day I got it.

Joseph R. John, USNA '62
Capt USN (Ret)
Chairman, Combat Veterans For Congress PAC
264 S. La Cienega Blvd., Suite 186
Beverly Hills, CA 90211

Tel: (310) 859-0800
Fax: (310) 859-0811
Cell: (310) 989-8778

<http://www.CombatVeteransForCongress.org>

From: Dan Backer [<mailto:DBacker@DBCapitolStrategies.com>]
Sent: Thursday, October 14, 2010 9:46 PM
To: 'Joseph R. John'
Subject: CVFC PAC Reporting issues

Captain,

I was about to send a quick note to Mr. Curry, and remembered that I'd mentioned to you some time ago – about when we first started speaking – that CVFC PAC had a pending "Request for Additional Information" (RAI) dated 08/04/10 that was sent to the PAC. I'm glad I did (was this the report you needed audited?). I took a quick look and that RAI, which required a response by 09/08/10 has not yet been officially responded too (it would be posted online).

The RAI pointed out some serious issues with the Q2 report that could lead to an audit and/or penalties (including contributions received in excess of the limits). I don't want to get in the middle of your relationship with Mr. Curry who is probably a good friend of yours and an exceptional lawyer. But, he probably doesn't do a lot of work in this arena, and that can be problematic (I certainly wouldn't hire myself to do patent prosecution or criminal defense).

I have another PAC client whose FEC analyst is the same as yours – James McAllister – and I've found him very reasonable so long as the need for remedial action was recognized and steps to remediate taken. On the flip side, his hands are tied if the PAC goes into enforcement – something that includes mandatory fines.

I don't want to seem alarmist, and perhaps Mr. Curry is on top of it (though a response is a month late at this point), but this is probably something you want to get fixed ASAP, either with Mr. Curry or by retaining me or another professional in this particular field to deal with the problem (especially since you have additional reports due tomorrow and again in less than a week).

Regards,

Dan Backer, Esq.
202-210-5431

DB Capitol Strategies

PAC * GRASSROOTS * ADVOCACY * NONPROFIT

Home of The Strategist, a monthly PAC update

www.DBCapitolStrategies.com

EXHIBIT 33



March 23, 2011

Ms. Debbie Chacona
Assistant Staff Director
Reports Analysis Division (RAD)
Federal Election Commission (FEC)
999 E. Street, N. W.
Washington, D. C. 20463

Coo469239
AF#: 2312

Dear Ms. Chacona:

In response to your letter of March 14, 2011 concerning the late submission of the FEC Pre-Election Report for the period October 1-13, 2010, we choose to respectfully challenge the RTB finding and Civil Monetary Penalty. We will demonstrate that we employed our best effort to file in a timely manner, but we were prevented from doing so by unforeseen circumstances beyond our control as outlined in 11 C. F. R., 111.35 (b).

On October 12, 2010, nine days before the FEC Pre-Election Report was due, the Treasurer, Michael Curry, notified the PAC that he was quitting as Treasurer. What was not said, but what was implied, was that he would not be submitting the FEC 2010 Pre-Election and Post-Election Reports. It was an impossible position to put the PAC in, since no one else had the ten months of records, bank deposit slips, the bank statements, personal information on Web site donors, the personal records on each of the estimated 210 donors, the password to make electronic reports, and the knowledge of how to electronically submit FEC Reports.

Our Washington D. C. attorney, Dan Backer, informed Mike Curry on October 14, 2010 that he had an obligation to inform the FEC of his desire to change his status by submitting a written letter stating the effective date of his resignation, and that he must file an Amended Form 1 listing his replacement. Mike Curry never filed the amended Form 1 or a letter of resignation to the FEC. We immediately appointed Dan Backer, as Assistant Treasurer, so he could help facilitate the filing of the FEC 2010 Pre-Election and Post-Election Reports. In addition we engaged a California Bookkeeper, Amy South, to do a thorough audit and move as quickly as possible to transfer the copious records. We were not given any bank statements, or bank deposit slips; we were required to order them from the bank. It required several weeks to obtain hard copies of the requested information before we could reconcile deposits with bank statements and put names to each deposit. It appeared a number of donors had not provided the PAC with their job titles and employers, so letters were sent to the donors if we did not have a record of their whose phone numbers, in order to obtain the required information. This required many additional weeks of waiting to obtain the necessary information.

In the period while waiting for the bank documents and response from donors, a full audit was commenced by Amy South to reconcile information that Mike Curry turned over. We contacted our Web hosting company, in order to rebuild data previously captured, and used that to then reach out to online donors to capture their information, which took additional weeks of effort. Every time Amy had a question of Mike Curry, that would have helped her speed up the process, she was informed by E-mail that he no longer had the time to work on PAC matters. James McAllister, the PAC's FEC RAD Analyst, was informed of Mike Curry's actions by me and by Dan Backer, and that the pending FEC Pre-Election 2010 and FEC Post-Election Report 2010 would be submitted late, because we were awaiting missing information which we were assembling as quickly as possible. Dan Backer obtained the detailed donor information from Amy South, obtained the password from Mike Curry, and electronically submitted the 2010 FEC Pre-Election and Post-Election Reports.

I respectfully request that the FEC consider that we employed our best efforts to obtain substantial missing information as quickly as humanely possible, assembled and audited that information in a timely manner, expending approximately 600 man hours of work, reconstructed the donor information in the proper electronic format, and fully complied with FEC Reporting requirements. We had been prevented from submitting the 2010 FEC Pre-Election and Post-Election Reports by unforeseen abrupt work stoppage of the Treasurer, who at the time was Michael Curry, his actions were completely out of our control; we had to wait for hard copies of bank documents, obtain back end donor information from the Web site hosting company, and had to await for letter responses from donors to obtain their employer information before we could complete the audit and submit the reports. We expended substantial legal and accounting expenses to create and submit the 2010 FEC Pre-Election and Post-Election Reports. To fine the PAC on top of those heavy expenses would be a punitive action against a group of well-meaning volunteers who were blindsided by a Treasurer who abruptly ceased working; we are choosing not to pay the fine on Mr. Curry's behalf, it is his responsibility. We subsequently filed the FEC End of Year Report 2010, appointed a new Treasurer in January 2011, and will fully comply with FEC reporting procedures going forward and into 2012. Thank you for your kind consideration.

Respectfully,

Joseph R. John, USNA '62
Capt USN (Ret)
Chairman, Combat Veterans For Congress PAC
Former FBI/Former DHS Federal Law Enforcement Officer

264 S. La Cienega Blvd., Suite 186, Beverly Hills, CA 90211 (310) 859-0800

EXHIBIT 34

From: Joseph R. John [<mailto:jrjassoc@earthlink.net>] **Sent:** Sunday, November 07, 2010 3:05 PM **To:** 'Dan Backer' **Subject:** CVFC 501C4 IE report, other items

The password is Kenneth 22

Respectfully,
Joe

Joseph R. John
President and CEO
JRJ And Associates, Inc.
264 S. La Cienega Blvd., Suite 186
Beverly Hills, California 90211, USA

Tel: (310) 859-0800
Fax: (310) 859-0811
Cell: (310) 989-8778

jrjassoc@earthlink.net

From: Dan Backer [<mailto:DBacker@DBCapitolStrategies.com>] **Sent:** Saturday, November 06, 2010 9:34 AM **To:** 'Joseph R. John' **Subject:** CVFC 501C4 IE report, other items

Captain John,

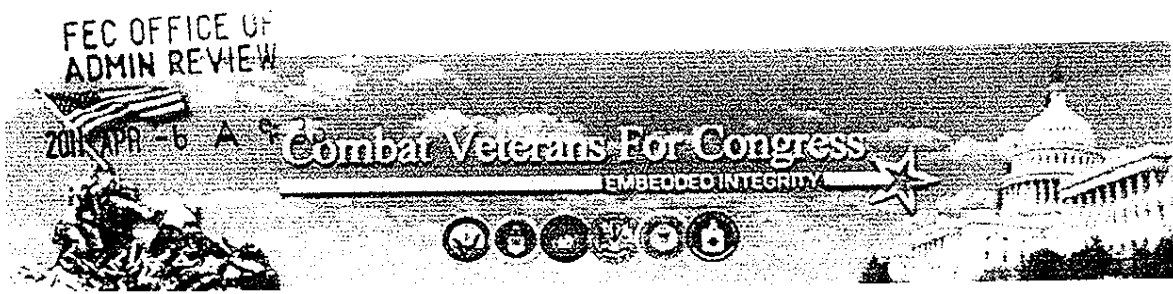
Please find attached the following:

1. In MS Word, a notice to the FEC clarifying the duplicate filings of the IE report data. Unless you have any requested changes, I will fax to the FEC on Monday morning.
2. In PDF, a copy of the most recent CVFC 501C4 invoice marked paid for your records (for this IE reporting process).

As for CVFC PAC, I have not received the FEC File password (or a new password received using the draft request letter I sent last week). I can't file the multi-candidate status filing – or any other filing – without the password.

EXHIBIT 35

2



March 31, 2011

Ms. Debbie Chacona
 Assistant Staff Director
 Reports Analysis Division (RAD)
 Federal Election Commission (FEC)
 999 E. Street, N. W.
 Washington, D. C. 20463

Coo469239
 AF#: 2355

2011 APR -6 AM 11:12
 RECEIVED
 FEDERAL ELECTION COMMISSION

Dear Ms. Chacona:

In response to your letter of March 28, 2011 concerning the late submission of the FEC Post-General Election Report for the period thru November 22, 2010, we choose to respectfully challenge the RTB finding and Civil Monetary Penalty. We will demonstrate that we employed our best effort to file in a timely manner, but we were prevented from doing so by unforeseen circumstances beyond our control as outlined in 11 C. F. R., 111.35 (b).


On October 12, 2010, nine days before the FEC Pre-Election Report was due, the Treasurer, Michael Curry, notified the PAC that he was quitting as Treasurer. What was not said, but what was implied, was that he would not be submitting the FEC 2010 Pre-Election and Post-General Election Reports. It was an impossible position to put the PAC in, since no one else had the ten months of records, bank deposit slips, the bank statements, personal information on Web site donors, the personal records on each of the estimated 210 donors, the password to make electronic reports, and the knowledge of how to electronically submit FEC Reports.

Our Washington D. C. attorney, Dan Backer, informed Mike Curry on October 14, 2010 that he had an obligation to inform the FEC of his desire to change his status by submitting a written letter stating the effective date of his resignation, and that he must file an Amended Form 1 listing his replacement. Mike Curry never filed the amended Form 1 or a letter of resignation to the FEC. We immediately appointed Dan Backer, as Assistant Treasurer, so he could help facilitate the filing of the FEC 2010 Pre-Election and Post-General Election Reports. In addition we engaged a California Bookkeeper, Amy South, to do a thorough audit and move as quickly as possible to transfer the copious records. We were not given any bank statements, or bank deposit slips; we were required to order them from the bank. It required several weeks to obtain hard copies of the requested information before we could reconcile deposits with bank statements and put names to each deposit. It appeared a number of donors had not provided the PAC with their job titles and employers, so letters were sent to the donors if we did not have a record of their whose phone numbers, in order to obtain the required information. This required many additional weeks of waiting to obtain the necessary information.

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I respectfully request that the FEC consider that we employed our best efforts to obtain substantial missing information as quickly as humanely possible, assembled and audited that information in a timely manner, expending approximately 600 man hours of work, reconstructed the donor information in the proper electronic format, and fully complied with FEC Reporting requirements. We had been prevented from submitting the 2010 FEC Pre-Election and Post-Election Reports by unforeseen abrupt work stoppage of the Treasurer, who at the time was Michael Curry, his actions were completely out of our control; we had to wait for hard copies of bank documents, obtain back end donor information from the Web site hosting company, and had to await for letter responses from donors to obtain their employer information before we could complete the audit and submit the reports. We expended substantial legal and accounting expenses to create and submit the 2010 FEC Pre-Election and Post-Election Reports. To fine the PAC on top of those heavy expenses would be a punitive action against a group of well-meaning volunteers who were blindsided by a Treasurer who abruptly ceased working; we are choosing not to pay the fine on Mr. Curry's behalf, it is his responsibility. We subsequently filed the FEC End of Year Report 2010, appointed a new Treasurer in January 2011, and will fully comply with FEC reporting procedures going forward and into 2012. Thank you for your kind consideration.

Respectfully,



Joseph R. John, USNA '62
Capt USN (Ret)
Chairman, Combat Veterans For Congress PAC
Former FBI/Former DHS Federal Law Enforcement Officer

264 S. La Cienega Blvd., Suite 186, Beverly Hills, CA 90211 (310) 859-0800

EXHIBIT 36



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

VIA OVERNIGHT DELIVERY

June 16, 2011

David H. Wiggs, in his official capacity as Treasurer
Combat Veterans for Congress PAC
264 South La Cienega Boulevard
Suite 186
Beverly Hills, CA 90211

C00469239
AF# 2199

Dear Mr. Wiggs:

On December 15, 2010, the Federal Election Commission ("Commission") found reason to believe ("RTB") that the Combat Veterans for Congress PAC and Michael Curry, in his official capacity as Treasurer ("respondents"), violated 2 U.S.C. § 434(a) for failing to file the 2010 October Quarterly Report. The Commission also made a preliminary determination that the civil money penalty was \$4,400 based on the schedule of penalties at 11 C.F.R. § 111.43.

After reviewing the written response and any supplemental information submitted by you and Commission staff, the Reviewing Officer has recommended that the Commission make a final determination in this matter. 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. Your written response should be sent to the Commission Secretary, 999 E Street, NW, Washington, DC 20463. As a result of the anthrax threat in the Washington, DC area, US Postal Service mail delivery to federal agencies, including the Commission, has been interrupted. Until regular mail delivery resumes, you may also file your written response with the Commission Secretary via facsimile (202-208-3333) or by courier at the same address (if you use an overnight delivery service, please use zip code 20004 instead of zip code 20463). 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 202-694-1660 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Dayna C. Brown".

Dayna C. Brown
Reviewing Officer
Office of Administrative Review

Attachment

EXHIBIT 37



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

VIA OVERNIGHT DELIVERY

June 20, 2011

David H. Wiggs, in his official capacity as Treasurer
Combat Veterans for Congress PAC
264 South La Cienega Boulevard
Suite 186
Beverly Hills, CA 90211

C00469239
AF#s 2312 and 2355

Dear Mr. Wiggs:

On March 11 and March 25, 2011, the Federal Election Commission ("Commission") found reason to believe ("RTB") that the Combat Veterans for Congress PAC and you, in your official capacity as Treasurer ("respondents"), violated 2 U.S.C. § 434(a) for failing to file the 2010 12 Day Pre-General Report and 30 Day Post-General Report, respectively. The Commission also made a preliminary determination that the civil money penalties were \$3,300 and \$990, respectively, based on the schedule of penalties at 11 C.F.R. § 111.43.

After reviewing the written responses and any supplemental information submitted by you and Commission staff, the Reviewing Officer has recommended that the Commission make a final determination in this matter. 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. Your written response should be sent to the Commission Secretary, 999 E Street, NW, Washington, DC 20463. As a result of the anthrax threat in the Washington, DC area, US Postal Service mail delivery to federal agencies, including the Commission, has been interrupted. Until regular mail delivery resumes, you may also file your written response with the Commission Secretary via facsimile (202-208-3333) or by courier at the same address (if you use an overnight delivery service, please use zip code 20004 instead of zip code 20463). Please include the AF #s 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 202-694-1660 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Dayna C. Brown".

Dayna C. Brown
Reviewing Officer
Office of Administrative Review

Attachment

EXHIBIT 38



PAC • GRASSROOTS • ADVOCACY • NON-PROFIT

June 24, 2011

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

RE: C00469239, Combat Veterans For Congress PAC
AF: #2199, #2312, #2355

To whom it may concern:

In response to the Office of Administrative Review's ("OAR") recommendations concerning the late submission of the 2010 Third Quarterly Report, 2010 12-Day Pre-General Report, and 2010 30-Day Post-General Report, Combat Veterans For Congress PAC (CVFC PAC), through counsel, respectfully challenges the recommendation to find CVFC PAC liable for the collective sum of \$8690 as a civil penalty arising out of violation of 2 U.S.C. § 434(a). The following clarifies and elaborates upon the March 22, March 31, and April 6, 2011 written responses from CVFC PAC, and demonstrates that Michael Curry, the Committee's Treasurer at all times relevant to this action, should be properly and solely responsible in his personal capacity for each violation and the resulting fines.

CVFC PAC concedes that the late submissions of the three subject reports violated the provisions set forth in 2 U.S.C. § 434(a) and that such violation is not excused by a best efforts defense pursuant to 111 C.F.R. § 111.35(b)(3). Additionally, CVFC PAC concedes the calculation of the cumulative civil penalty pursuant to 11 C.F.R. § 111.43.

However, CVFC PAC challenges the commissions assertion that the PAC, and not then-Treasurer Michael Curry in his personal capacity, is liable for the infractions and resulting fines. Pursuant to 111 C.F.R. § 111.36(f), CVFC PAC offers the following clarification and expansion upon previously offered arguments firmly establishing Mr. Curry's exclusive liability in his personal capacity.

First, CVFC PAC clarifies that Mr. Curry did not resign on October 12, 2010 nor does CVFC PAC assert that he had, but rather that Mr. Curry first indicated his desire to ultimately resign on that date. As discussed in CVFC PAC's letters in response to the RTB finding as well as OAR's June 17, 2011 recommendation, Mr. Curry was promptly and repeatedly informed in writing that such resignation required Mr. Curry to inform the FEC in writing of his resignation as Treasurer and the effective date thereof and/or file an amended Form 1 designating a new Treasurer.

At no time during the pendency of this matter did Mr. Curry actually resign, or communicate such resignation to the FEC, or file an amended Form 1 designating a replacement, despite repeated written & oral guidance that he should do so to properly effect a resignation.

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Second, as asserted in the letters from CVFC PAC and noted in the responses from the FEC, Mr. Curry continued to act as Treasurer in fact, most notably when he called the Commission's Reports Analysis Division ("RAD") in his capacity as Treasurer on October 19, November 3, November 8, and December 2, 2010 as stated in the OAR's June 15 and June 17, 2011 recommendations concerning AF#s 2199, 2312 and 2355. Additionally, as noted in the OAR recommendation, Mr. Curry electronically filed the original October Quarterly Report on November 21. Therefore, CVFC PAC concurs with the Commissions finding that at all times relevant to this matter, Mr. Curry was in fact the Treasurer of CVFC PAC, until the filing of an amended Form 1 on January 12, 2011.

CVFC PAC, however, challenges OAR's recommendation to not find Mr. Curry responsible in his personal capacity. The relevant statutes make clear that Mr. Curry is solely and properly liable in his personal capacity for the entirety of the fines levied against CVFC PAC for Mr. Curry's misconduct and any such fines should be solely attributable to and collectible against him.

Treasurers are responsible for carrying out their duties under 2 U.S.C. § 434(a)(1) and 11 C.F.R. § 104.14(d). In December 2004, the Commission approved a statement of policy that clarifies when a treasurer is subject to Commission action in his or her official or personal capacity or both. *Statement of Policy Regarding Treasurers Subject to Enforcement Proceedings*, 70 Fed. Reg. 1 (Jan. 3, 2005). As set forth in the statement of policy, a Treasurer is generally held personally responsible for failure to comply with FEC regulations upon fulfillment of the following two criteria:

1. The FEC's *Statement of Policy* states "a treasurer may be named as a respondent in a Matter Under Review in his or her personal capacity, and findings may be made against a treasurer in the same capacity, when the MUR involves the treasurer's violation of a legal obligation that the statute or regulations impose specifically on committee treasurers or when a reasonable inference from the alleged violation is that the treasurer knew, or should have known, about the fact constituting a violation." 70 Fed. Reg. 1 at 5. A treasurer's duty to file reports in a timely and complete fashion is specifically imposed upon committee treasurers as set forth in 11 C.F.R. § 104.14(d), "each treasurer of a political committee, and any other person required to file any report or statement under these regulations and under the Act, shall be personally responsible for the timely and complete filing of the report or statement and for the accuracy of any information or statement contained in it."
2. The FEC's *Statement of Policy* requires that a treasurer have possessed requisite intent amounting to recklessness, knowledge, or willfulness in failing to fulfill his or her duties. The *Statement of Policy* states "in practice, however, the Commission intends to consider a treasurer the subject of an enforcement proceeding in his or her personal capacity only when available information (or inferences fairly derived therefrom) indicates that the treasurer had knowledge that his or her conduct violated a duty imposed by law, or where the treasurer recklessly failed to fulfill his or her duties under the act and regulations, or intentionally deprived himself or herself of facts giving rise to the violations." *Statement of Policy Regarding Treasurers Subject to Enforcement Proceedings*, 70 Fed. Reg. 1 (Jan. 3, 2005).

As previously set forth in CVFC PAC's letters in response to the RTB finding as well as in OAR's recommendations to the Commission, all available information clearly indicates that Mr. Curry was fully aware of his duty to file the subject reports in a timely manner, willfully chose not to do so, and possessed the necessary requisite intent to be held personally responsible for his violation of 2 U.S.C. § 434(a). First, Mr. Curry's October 19, November 3, November 8, and December 2, 2010 phone calls to

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202-210-5431 (direct) • 202-478-0750 (fax)
www.DBCapitolStrategies.com



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RAD regarding his failure to file the subject reports indicate that Mr. Curry understood his obligation to file the reports in a timely manner. Second, Mr. Curry's refusal to cooperate with CVFC PAC to complete the subject reports – Mr. Curry's failure to provide any bank statements, bank deposit slips, or proper record of donors to CVFC PAC, Mr. Curry's refusal to assist Amy South, the hired auditor to complete Mr. Curry's work, on the basis that he no longer had the time to work on PAC matters, and Mr. Curry's failure to inform CVFC PAC of the Commission's December 15, 2010 RTB – indicates that Mr. Curry willfully refused to fulfill his duty to file the subject reports or permit the PAC to otherwise comply with the reporting requirement. Last, Mr. Curry's abrupt stoppage of work mere days before the relevant reporting deadlines and subsequent refusal to cooperate with CVFC PAC amounts to a reckless failure to fulfill his duty as Treasurer.

Allowing Treasurers to escape personal liability for their obligations under FECA is directly contrary to the purpose, intent, and spirit of the law. The FEC's *Statement of Policy* declares that "this statement of policy is intended to provide clearer notice to respondents and the public as to the nature of the Commission's enforcement actions, improve the perceptions of fairness throughout the regulated community, and merge the Commission's treasurer designation into conceptually familiar legal principles for the federal judiciary." 70 Fed. Reg. 1 at 4. OAR's recommendation to hold CVFC PAC and CVFC PACS's present treasurer liable in their official capacities runs contrary to these purposes. In particular, OAR's recommendation allows Treasurers to escape liability for malfeasance without regard to the nature or extent of their personal conduct.

At a time of significantly increased numbers of political committees and rapidly evolving changes to the campaign finance regulatory system, OAR's recommendation encourages the very conduct that the appointment of a specific Treasurer was intended to prevent. Treasurers could freely engage in activities grossly outside the regulations then simply resign, leaving an empty shell – or worse, innocent dupes – to absorb any potential liability resulting from the Treasurer's actions. Failing to hold Treasurers personally responsible, particularly in this instance of knowing, willful, and reckless abrogation of duty, is contrary to the applicable regulations and objectives of FECA and the Commission.

For the foregoing reasons, CVFC PAC strongly urges the Commission to adhere to the letter and spirit of the Act and applicable regulations and properly lay these fines solely against Michael Curry in his personal capacity, and not the PAC itself.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dan Backer', written over a horizontal line.

Dan Backer, Esq.

EXHIBIT 39



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 12, 2011

MEMORANDUM

To: The Commission

Through: Alec Palmer
Staff Director

From: Patricia Carmona
Chief Compliance Officer

Dayna C. Brown *DCB*
Reviewing Officer
Office of Administrative Review

Subject: Final Determination Recommendation in AF#s 2199, 2312 and 2355 – Combat Veterans for Congress and David H. Wiggs, in his official capacity as Treasurer (C00469239)

On December 15, 2010, the Commission found reason to believe (“RTB”) that the respondents violated 2 U.S.C. § 434(a) for failing to file the 2010 October Quarterly Report and also made a preliminary determination that the civil money penalty was \$4,400 based on the schedule of penalties at 11 C.F.R. § 111.43.

On March 11 and 25, 2011, the Commission found reason to believe (“RTB”) that the respondents violated 2 U.S.C. § 434(a) for failing to file the 2010 12 Day Pre-General Report and 30 Day Post-General Report, respectively, and made a preliminary determination that the civil money penalties were \$3,300 and \$990, respectively, based on the schedule of penalties at 11 C.F.R. § 111.43.

On March 29 and 31, and April 6, 2011, the Office of Administrative Review (“OAR”) received their written responses (“challenges”). After reviewing the challenges, the respective Reviewing Officer recommendations (“RORs”) were forwarded to the Commission, copies were forwarded to the respondents, and are hereby incorporated by reference. The Reviewing Officer recommended that the Commission make a final determination that they violated 2 U.S.C. § 434(a) and assess respective civil money penalties of \$4,400, \$3,300, and \$990 because they submitted no evidence that a factual error was made in the RTB findings, that the penalties were miscalculated at RTB or that they used best efforts to file on time. 11 C.F.R. § 111.35(b).

Within 10 days of transmittal of the recommendation, they 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 Reviewing Officer's recommendation. 11 C.F.R. § 111.36(f).

On June 27, 2011, the Commission received the written response from the Assistant Treasurer, Dan Baker, in which the respondents concede that each of the late reports do not meet best efforts. Although the original challenges state that the former Treasurer, Michael Curry, informed the Committee on October 12, 2010, that he was "quitting as Treasurer," the Assistant Treasurer's response states that Mr. Curry did not resign on October 12, but rather, it was on this date that he first indicated his "desire to ultimately resign" and that at all relevant times concerning the filing of the October Quarterly, 12 Day Pre-General and 30 Day Post-General Reports, Mr. Curry was Treasurer of the Committee. Given this, the respondents challenge OAR's recommendation to not find Mr. Curry responsible in his personal capacity.

The respondents state that relevant statutes make clear that Mr. Curry is solely liable, in his personal capacity, for each of the three civil money penalties, and specifically cite 2 U.S.C. § 434(a)(1) and 11 C.F.R. § 104.14(d) regarding treasurers' responsibility for carrying out their duties. Additionally, the respondents point to the Commission's *Statement of Policy Regarding Treasurers Subject to Enforcement Proceedings* and assert that Mr. Curry fulfilled the criteria to be held personally responsible under this policy.

Given the specific legal issues raised regarding the personal responsibility versus the official capacity of the Treasurer, as it relates who is responsible for the penalties incurred in these cases, the Reviewing Officer asked for the Office of General Counsel's ("OGC") guidance.

OGC confirms that pursuing Mr. Curry in his official capacity would be a departure from the Commission's usual practice in administrative fine matters, wherein the Commission names Treasurer's solely in their official capacity and substitutes successor treasurers for predecessor Treasurers. OGC explains that the treasurer procedures in administrative fine matters are consistent with the Commission's treasurer policy for enforcement matters in that treasurers are generally subject to action only in their official capacity. Although a treasurer may be pursued in personal capacity under the enforcement policy, the Commission would only do so when information indicates that the treasurer "knowingly and willfully" violated a provision of the Act or regulations, or has recklessly failed to fulfill duties specifically imposed on treasurers by the Act, or intentionally deprived himself or herself of the operative facts giving rise to a violation.

OGC notes that accepting the Committee's allegations as accurate would not be sufficient to support findings that Mr. Curry knowingly and willfully acted to prevent the Committee from timely filing and that available information is incomplete without Mr. Curry's side of the story. If the Commission determines that the Committee has raised questions of recklessness, on Mr. Curry's part, that are sufficient to explore pursuing, the matter should be transferred to OGC for processing in the enforcement context. The matter would then be pursued as a Matter Under Review ("MUR") where an investigation, if necessary, could be conducted and Mr. Curry's actions could be considered as possible mitigating factors in determining the civil penalty for the Committee's violations. Whether or not the Commission pursues Mr. Curry in his personal

capacity, the Committee would not be not legally absolved of the reporting violations or civil money penalties in these cases, as the Committee was responsible for filing the reports timely and failed to do so. 2 U.S.C. § 434(a) and 11 C.F.R. § 104.5.

Finally, OGC concludes that the Committee's allegations against Mr. Curry are consistent with an individual who has resigned or is transitioning out of office. They note that Mr. Curry did not prevent the Committee from filing its reports or appointing a new treasurer and that his contacts with RAD asking questions about the reports were not consistent with a deliberate effort to prevent the timely filing of the reports.

Pursuant to OGC's guidance, the Reviewing Officer requests that the Commission consider the issue of the Treasurer's personal responsibility in these matters. However, in keeping with current Commission procedures to substitute successor treasurers, in their official capacity, in administrative fine matters, the Reviewing Officer, recommends that the Commission make final determinations to include the current Treasurer, David H. Wiggs, and the Committee. Therefore, because the respondents failed to address any of the three valid grounds at 11 C.F.R § 111.35(b): (i) the RTB finding is based on factual errors; and/or (ii) the improper calculation of the civil money penalty; and/or (iii) they 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 Reviewing Officer recommends that the Commission make a final determination that the respondents violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$4,400 in AF# 2199, \$3,300 in AF# 2312, and \$990 in AF# 2355.

OAR Recommendations

- (1) Adopt the Reviewing Officer recommendation for AF# 2199 involving the Combat Veterans for Congress PAC and David H. Wiggs, in his official capacity as Treasurer, in making the final determination;
- (2) Make a final determination in AF# 2199 that the Combat Veterans for Congress PAC and David H. Wiggs, in his official capacity as Treasurer, violated 2 U.S.C. § 434(a) and, assess a civil money penalty of \$4,400;
- (3) Adopt the Reviewing Officer recommendation for AF# 2312 involving the Combat Veterans for Congress PAC and David H. Wiggs, in his official capacity as Treasurer, in making the final determination;
- (4) Make a final determination in AF# 2312 that the Combat Veterans for Congress PAC and David H. Wiggs, in his official capacity as Treasurer, violated 2 U.S.C. § 434(a) and, assess a civil money penalty of \$3,300;
- (5) Adopt the Reviewing Officer recommendation for AF# 2355 involving the Combat Veterans for Congress PAC and David H. Wiggs, in his official capacity as Treasurer, in making the final determination;
- (6) Make a final determination in AF# 2355 that the Combat Veterans for Congress PAC and David H. Wiggs, in his official capacity as Treasurer, violated 2 U.S.C. § 434(a) and, assess a civil money penalty of \$990; and
- (7) Send the appropriate letters.

Attachments

Attachment 1 – Response Received from Assistant Treasurer

Attachment 2 – Request for Legal Guidance Sent to and Response Received from OGC

EXHIBIT 40



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 4, 2011

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

David H. Wiggs, in official capacity as Treasurer
Combat Veterans for Congress PAC
264 South La Cienega Blvd.
Suite 186
Beverly Hills, CA 90211

C00469239
AF# 2199

Dear Mr. Wiggs:

On December 15, 2010, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that the Combat Veterans for Congress PAC and Michael Curry, in his official capacity as Treasurer, violated 2 U.S.C. § 434(a) for failing to file the 2010 October Quarterly Report. By letter dated December 21, 2010, the Commission sent you notification of the RTB finding that included a civil money penalty calculated at RTB of \$4,400 in accordance with the schedule of penalties at 11 C.F.R. § 111.43. On March 29, 2011, the Office of Administrative Review received your written response.

The Reviewing Officer reviewed the Commission's RTB finding with its supporting documentation and the written response. Based on this review, the Reviewing Officer recommended that the Commission make a final determination that the Combat Veterans for Congress PAC and you, your official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty in the amount of \$4,400 in accordance with 11 C.F.R. § 111.43. The basis for the Reviewing Officer's recommendation was included in the Final Determination Report, a copy of which was sent to you on June 16, 2011.

On June 27, 2011, the Commission received your response. On October 27, 2011, the Commission adopted the Reviewing Officer's recommendation and made a final determination that the Combat Veterans for Congress PAC and you, in your official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assessed a civil money penalty of \$4,400. It is based on the same factors used to calculate the civil money penalty at RTB. A copy of the final determination recommendation is attached.

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

If you choose to appeal the final determination, you should submit a written petition, within 30 days of receipt of this letter, to the district court of the United States for the district in which the committee or treasurer reside, or transact business, requesting that the final determination be modified or set aside. See 2 U.S.C. § 437g(a)(4)(C)(iii). The failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver of the respondents' right to present such argument in a petition to the district court under 2 U.S.C. § 437g, 11 C.F.R. § 111.38.

If You Choose Not to Pay the Civil Money Penalty and Not to 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 30 days (or file a written petition to a federal district court - see below), the Commission will transfer the debt to the U.S. Department of the Treasury ("Treasury") for collection. Within 5 days of the transfer to Treasury, Treasury will contact the debtor and request payment. Treasury currently charges a fee of 28% of the civil money penalty amount for its collection services. The fee will be added to the amount of the civil money penalty that you owe. Should Treasury's attempts fail, Treasury will refer the debt to a private collection agency ("PCA"). If the debt remains unpaid, Treasury may recommend that the Commission refer the matter to the Department of Justice for litigation.


If You Choose to Pay the Civil Money Penalty

If you should decide to pay the civil money penalty, send the enclosed form and payment to the address on page 3 within 30 days of receipt of this letter.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. The file will be made a part of the public record pursuant to 11 C.F.R. § 111.42(b). Although the file must be placed on the public record within 30 days from the date of the Commission's notification, this could occur at any time following certification of the Commission's vote.

If you have any questions regarding the payment of the civil money penalty, please contact Dayna Brown on our toll free number (800)424-9530 (press 0, then ext. 1660) or (202)694-1660.

On behalf of the Commission,


Cynthia L. Bauerly
Chair

Attachment

ADMINISTRATIVE FINE PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 C.F.R. § 111.43, the civil money penalty is \$4,400 for the 2010 October Quarterly Report.

This penalty should be paid by check or money order, made payable to the Federal Election Commission. It should be sent by mail to:

Federal Election Commission
PO Box 979058
St. Louis, MO 63197-9000

If you choose to send your payment by courier or overnight delivery, please use this address:

U.S. Bank - Government Lockbox
FEC # 979058
1005 Convention Plaza
Attn: Government Lockbox, SL-MO-C2GL
St. Louis, MO 63101

The form and payment are due within 30 days of receipt of this letter.

PAYMENTS BY PERSONAL CHECK

Personal checks will be converted into electronic funds transfers (EFTs). Your account will be electronically debited for the amount on the check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: Combat Veterans for Congress PAC

FEC ID#: C00469239

AF#: 2199

PAYMENT AMOUNT DUE: \$4,400

EXHIBIT 41



November 23, 2011

VIA COURIER - EXPEDITED REQUEST

The Honorable Cynthia L. Bauerly, Chair
Federal Election Commission
c/o Commission Secretary
999 E Street, NW
Washington, DC 20063

**Re: Request for Hearing: Combat Veterans for Congress PAC; AF#s 2199, 2312, 2355
Committee ID# C00469239**

Dear Chair Bauerly:

As counsel for Combat Veterans For Congress PAC (CVFC PAC) and its current Treasurer, David H. Wiggs, I received by facsimile on November 7, 2011 your three letters dated November 4, 2011 and sent certified mail to David H. Wiggs in his official capacity as Treasurer of the PAC that Mr. Wiggs and CVFC PAC were found by the Commission to have violated 2 U.S.C. §434(a) on three separate occasions for late-filing the 2010 October Quarterly Report, the 2010 12 Day Pre-General Report and the 2010 30 Day Post-General Report.

Those letters note that on October 27, 2011 the Commission “made a final determination that the [PAC] and [current] Treasurer” violated 2 U.S.C. §434(a) with regard to the late filings, and assessed civil penalties aggregating \$8,690.00. As we noted in writing in our responses, and as evidenced by the Commission’s own records, those violations were committed by the prior Treasurer, Michael Curry, who knowing and willfully failed to file the reports and/or acted recklessly in doing so, and should be held liable in his personal capacity rather than CVFC PAC or the current Treasurer.

However, according to 2 U.S.C. §437g(C)(ii), the Commission was precluded from making its October 27 determination against us “until the person has been given written notice and an opportunity to be heard before the Commission.” (emphasis added). While we did receive written notice that the Commission was considering making a final determination, and the Commission took in excess of 120 days to do so, we were “not given...an opportunity to be heard by the Commission.” *Id.* The law does not require that the respondent first request such a hearing or else it is considered waived; rather, the law clearly precludes the Commission from making its final determination until the respondent is first “given an opportunity to be heard by



the Commission” as a condition precedent. In short, the finding by the Commission was premature, procedurally defective, and therefore null and void and should be immediately vacated and reconsidered.

We therefore request that the Commission withdraw its final determination and give CVFC PAC and its current Treasurer “an opportunity to be heard by the Commission” on this matter. We note that when Congress believed that written submissions were only required, it clearly said so. For example, before the Commission finds “reason to believe” that a violation of the law has occurred, 2 U.S.C. §437g(a)(1) states that the respondent “shall have an opportunity to demonstrate in writing” (emphasis added) why no action should be taken. And if the Commission is proceeding to a “probable cause” stage, 2 U.S.C. §437g(a)(3), the law specifies the right to “submit a brief.” Here, however, Congress specified that before a final determination is made for late or non-filers, the Commission must give the respondent an opportunity for a hearing. The respondent was never given this opportunity, nor did they waive it. I further note that the Commission also gives respondents in non-filer cases the opportunity to be heard. We also submit that the Due Process rights of CVFC PAC and Mr. Wiggs requires such a hearing.

We further note that a hearing in this matter would not be a *pro forma* exercise in that there are disputed issues of fact and law, including the personal liability of the former Treasurer, Mr. Curry, and concomitantly, the liability of CVFC PAC and its current Treasurer. Even if the Commission properly determines after a hearing that CVFC PAC and the current Treasurer are liable, which we deny, there is nevertheless a major issue of mitigation of the fine due to the actions of the former Treasurer, as well as the extensive remedial efforts and expense CVFC PAC incurred to remedy his misconduct. While we recognize that these efforts do not satisfy the “best efforts” defense with respect to the past Treasurer, though not necessarily with respect to CVFC PAC, as arbitrarily defined and unlawfully and unreasonably limited in scope by the FEC’s regulation, 11 C.F.R. §111.35(b)(3), those efforts nevertheless should have been considered by the Commission both as a matter of law and equity.

Indeed, we note that the Final Determination Recommendations from the Chief Compliance Officer, each dated October 12, 2011, on each page 3, states, “The Reviewing Officer requests that the Commission consider the issues of the Treasurer’s personal liability in these matters.” However, from your letter dated November 4, it does not appear that the Commission did in fact consider this important issue. If the Commission were to consider this issue, we would argue at the hearing that neither CVFC PAC nor the current Treasurer should be liable and, in the alternative, the fine should be remitted or substantially reduced. As it stands, the pending fine of \$8,690 to be imposed upon CVFC PAC is a significant sum that has already, and if levied would further, have an impact on the exercise of the CVPC PAC’s political speech under the First



Amendment. Furthermore, the Commissions' finding and imposition of a fine stigmatizes CVFC PAC as a law breaker, thereby further inhibiting contributions.

As a final matter, I note that at the end of your November 4 letter, you state that "the confidentiality provisions of 2 U.S.C. §437g(a)(12) no longer apply and this matter is now public." That is not correct. 2 U.S.C. §437g(a)(12)(A) states that the notification and investigation "shall not be made public by the Commission or by any person without the written consent" of the respondent. We have not given the Commission our written consent; accordingly, this matter is confidential and please be advised that any violation of that confidentiality by the Commission or its staff subjects them to fines for releasing such information, and for increased fines if done "knowingly and willfully." 2 U.S.C. 437g(a)(12)(B).

Conclusion

For all these reasons, we again request that the Commission withdraw its premature determination of October 27, 2011, provide CVFC PAC with an opportunity to be heard on this matter before the full Commission as required by law, and reconsider this matter. We further ask that this request be acted upon on an expedited basis inasmuch as the statutory 30-day period for seeking court review will end on December 7, 2011. In that regard, please notify me by phone and email at the below email address that the Commission received this letter and further notify me of its response to this request.

We hereby expressly reserve all our procedural and substantive rights in this matter and do not waive any of them.

Thank you for your prompt attention to this matter. If you or the Commission staff have any questions about this matter, please contact me at 202-210-5431 or via the below email address.

Respectfully submitted,

Dan Backer, Esq.
Counsel,
Combat Veterans For Congress PAC

DBacker@DBCapitolStrategies.com

202-210-5431 email

202-478-0750 fax

EXHIBIT 42

From: "Joseph R. John" <jrjassoc@earthlink.net>
Subject: **FW: FEC**
Date: December 5, 2011 8:32:15 PM EST
To: "Dan Backer Esq." <dbacker@dbcapitolstrategies.com>

FYI

Joseph R. John, USNA '62
Capt USN (Ret)
Chairman, Combat Veterans For Congress PAC
264 S. La Cienega Blvd., Suite 186
Beverly Hills, CA 90211

Tel: (310) 859-0800
Fax: (310) 859-0811
Cell: (310) 989-8778

<http://www.CombatVeteransForCongress.org>

From: crryco@aol.com [<mailto:crryco@aol.com>]
Sent: Thursday, December 09, 2010 5:35 AM
To: jrjassoc@earthlink.net
Cc: kenneth.margala@gmail.com
Subject: Re: FEC

Joe
we corrected one report but then they want more - the corrections seem endless - I will speak to Ken about it. Not sure if Amy can help - but if you could send me her phone number it would help. The FEC told me we can send in a post election report which is detail about the contributions I believe.
Mike

-----Original Message-----

From: Joseph R. John <jrjassoc@earthlink.net>
To: crryco@aol.com
Sent: Wed, Dec 8, 2010 11:43 pm
Subject: FEC

Mike,

I hired and paid Amy to work with you to help you correct the two FEC Quarterly reports, and I just need to know if you submitted the corrections. The two quarterly reports were sent in long before you resigned, and I have no idea what the problems are. I don't think either of us want to see the PAC get fined because of failure to correct those reports. Dan Backer has been bugging me about them for nearly three months. I'll deal with the rest of it somehow, after even though I don't have the information, even if I have to personally pay Dan; I am in the dark about all the reports he keeps referring to.

Respectfully,
Joe

From: crryco@aol.com [<mailto:crryco@aol.com>]
Sent: Wednesday, December 08, 2010 5:11 PM
To: jrjassoc@earthlink.net
Subject: Fwd: FEC

bounced back - hope this goes through

-----Original Message-----

From: crryco@aol.com

EXHIBIT 43

From: "Joseph R. John" <jrjassoc@earthlink.net>
Subject: FW: FEC
Date: December 5, 2011 8:05:07 PM EST
To: "Dan Backer Esq." <dbacker@dbcapitolstrategies.com>

This is important, we are still asking him to resign on December 10th.

Joseph R. John, USNA '62
Capt USN (Ret)
Chairman, Combat Veterans For Congress PAC
264 S. La Cienega Blvd., Suite 186
Beverly Hills, CA 90211

Tel: (310) 859-0800
Fax: (310) 859-0811
Cell: (310) 989-8778

<http://www.CombatVeteransForCongress.org>

From: Dan Backer [<mailto:DBacker@DBCapitolStrategies.com>]
Sent: Friday, December 10, 2010 1:11 PM
To: crryco@aol.com; jrjassoc@earthlink.net
Cc: kenneth.margala@gmail.com; Jakre@andersonlawcal.com
Subject: RE: FEC

All,

First, for Mr. Curry's benefit, resignation as Treasurer of a PAC requires written notice to the FEC, generally in the form of (a) a letter from you to them, or (b) an amended Form 1 filing listing a new Treasurer (both of which would be posted on the FEC website). There isn't a letter on file w/the FEC as of now, and the amended Form 1 that I filed did not remove you as Treasurer (I didn't know you had resigned and that wasn't part of my instructions), it merely added me as Assistant Treasurer for the purpose of being able to make other filings (the Form 1M). Until written notice is received by the FEC, they will consider you the Treasurer, and the reporting obligations and Treasurers liability would still fall on you. For obvious reasons, if you're no longer the Treasurer, you'd want to get that notice filed as soon as possible. Even so, that does not necessarily relieve you of all potential liability with respect to reporting issues prior to the resignation (such as the pre-election report). Nor does it help secure a new Treasurer since that person may be named as respondent in any matter arising out of reporting issues that predate his or her tenure.

Second, In the absence of a Treasurer, a PAC may not raise or spend funds. It is not necessarily "automatic" that in the absence of the Treasurer, the Asst. Treasurer steps into the Treasurers role for this purpose, though the ability to continue with required reporting is provided for. This, at least, you probably don't need to worry about at the moment unless you are making debt retirement contributions to candidates.

In terms of "fixing" this situation, you only need a few things that cover the periods at issue (in this case pretty much all year):

1. A list of online contributions with the data that was captured.
2. A list of offline contributions (checks), either with the same data or check images. Where information (employer/occupation) is missing, we can make "best efforts" to obtain it now.
3. A list of all expenditures, to whom made, and the payee address.
4. Copies of your bank statements to reconcile all this.

If you have a book keeper or someone else who used quickbooks or a similar software, a lot of the info will be contained in there. Many banks can provide you with copies of deposited checks if you ask. Your online vendor will be able to export the CC data it captures.

If provided the raw information above, and authorized to speak to the bank & CC vendor as necessary, I can:

1. Respond to the FEC's unanswered RFAI & correct the Q1 report

2. File the two missed reports – pre-election and post-election
3. Make any necessary corrections to the Q2 and Q3
4. Get everything as close to squared away as possible so you can end the year with a relatively clean slate, and file the Year-end report.
5. Generally, communicate with James McAllister at the FEC (your analyst, who I have another PAC client with, thankfully) to try and minimize any problems.
6. Get this done in December, and probably fairly quickly once I have everything since none of my other PAC clients have reports due now.

That's 4 reporting incidents plus any necessary amendments, FEC interaction, and a lot of data crunching. I'll charge the same rate I quoted several months ago (to have filed all these before they became overdue), \$1500/report or \$6,000 for the entire thing (including all the related work to get them done). I know that seems like a lot, but I'm pretty reasonable for someone who does this level of work at your level of organization, and this is now a bigger mess to straighten out. If the PAC doesn't have that kind of available cash on hand, I'd be willing to work something out – I value my relationship with CVFC PAC and I'd like to see it succeed.

Please let me know.

Regards,

Dan Backer, Esq.
202-210-5431

DB Capitol Strategies

*PAC * GRASSROOTS * ADVOCACY * NONPROFIT*

Home of The Strategist, a monthly PAC update

www.DBCapitolStrategies.com

From: crryco@aol.com [<mailto:crryco@aol.com>]
Sent: Wednesday, December 08, 2010 7:06 PM
To: jrjassoc@earthlink.net; DBacker@DBCapitolStrategies.com
Cc: kenneth.margala@gmail.com; Jakre@andersonlawcal.com
Subject: Re: FEC

Joe
as you know I am no longer the Treasurer. My last conversation with the FEC they were reluctant to give me any information because I am no longer the Treasurer. My obligations were fulfilled with the 3rd Qtr. report which has been filed.

Mike

-----Original Message-----

From: Joseph R. John <jrjassoc@earthlink.net>
To: 'Dan Backer' <DBacker@DBCapitolStrategies.com>
Cc: 'Michael Curry' <crryco@aol.com>; 'Kenneth Margala' <kenneth.margala@gmail.com>; 'Jan Akre, Esq, USMC ' <Jakre@andersonlawcal.com>
Sent: Wed, Dec 8, 2010 3:03 pm
Subject: FEC

Dan,

I appreciate your continued support and caution to protect us from monetary penalties (possibly up to \$6000) you have repeatedly outlined since October 5th. I'm very much involved in transferring hosting of our Web site at the present time; it is time consuming and tedious. You are correct; I am relying on Mike Curry, because I do not have the background information, the ability to audit 12 months of the Xeroxed checks/completed donation forms received, audit the details in our Wells Fargo account, nor do I have knowledge of what information is missing or was improperly submitted in the subject reports. I was not aware that we still have not met our reporting obligations concerning candidates. Of course I believe you when you say the FEC does not waive reporting requirements, and that the pre-election report must still be filled. Are the other issues you referred to in your below listed E-mail, those that you previously identified as still needing action, i. e. corrections are still being required to the Q1 and Q2 FEC Quarterly Reports? I have no information on those errors and believed that they had already been previously corrected.

EXHIBIT 44

From: "Joseph R. John" <jrjassoc@earthlink.net>
Subject: **FEC Reports and Treasurer's Resignation**
Date: December 5, 2011 8:12:47 PM EST
To: "Dan Backer Esq." <dbacker@dbcapitolstrategies.com>

This tells you our bookkeeper has been working for 4 weeks trying to verify information since Amike Curry will not respond to requests for information.

Joseph R. John, USNA '62
Capt USN (Ret)
Chairman, Combat Veterans For Congress PAC
264 S. La Cienega Blvd., Suite 186
Beverly Hills, CA 90211

Tel: (310) 859-0800
Fax: (310) 859-0811
Cell: (310) 989-8778

<http://www.CombatVeteransForCongress.org>

From: Joseph R. John [<mailto:jrjassoc@earthlink.net>]
Sent: Saturday, December 18, 2010 11:56 PM
To: 'Dan Backer'
Cc: 'Ryan Merritt' (ryimerritt@gmail.com); 'Amy R. South' (south.amy@gmail.com); 'Nicole V. Parsons' (nviolet6186@gmail.com)
Subject: FEC Reports and Treasurer's Resignation

Dan,

I would like to work with you and have been trying to figure out a mutually acceptable formula going forward, but under guidelines the Board would like me to follow. They do not want us to lose complete control on submission of FEC reports. I have been trying for nearly a month to work out some formula to work with you that is acceptable to you and the Board. You expressed that you are interested, but the only option you seem to give us is that you prefer to do the FEC reports without the Treasure doing it. We do not currently have the funds to pay you to do everything with little help from our staff; we are willing to participate to try to keep the cost down. At some point next year the PAC will have substantial funds, we expect to raise in excess of \$127,000 we raised this year, and we wouldn't be so conservative on paying fees at that time. In the New Year we will start the process of raising funds for thru the 501, we will have regional representatives nationally with the goal of raising very substantial funds from corporations; we expect to raise much more than we will be raising for the PAC.

The Board would like our new Treasurer, the new bookkeeper, and me to be involved in screening the FEC reports (the Pre-election, the Post-Election, and the End of year Report), and to have you check the inputs, as if you were a stand alone entity like the FEC. Currently, the FEC receives our reports and checks our inputs, without seeing Xerox copies of each check, without reviewing every bank statement, and without preventing our staff from filing their reports. We "need" to be involved in the FEC reports, and would "like" you to be involved in supporting us. When I told every Board member you said it would be as much work to check our input as it would be to do the actual report, I was close to being ridiculed. You know are Board members; they are supportive on most issues, but do not want me to pass on responsibility to someone on the East Coast. We could easily send you the underlying information, copies of every check, from donors, every bank statements, list of expenditures, and the Excel spread sheet our bookkeeper prepared. You could easily spot check randomly to make sure we were providing the FEC with accurate information.

Our new bookkeeper has been working for four weeks to verify the accuracy of information for the three reports (Pre-Election, Post Election, and End of Year Reports), including writing 4 letters and sending 10 E-mails to donors who donated \$200 or more to get information on who their employers are, because she determined that information was not provided to us when they donated. The bookkeeper went thru Mike's Excel spread sheet to make sure all donors of on line Internet donations were included in his quarterly reports, and verified that information agreed with the bank statements. The new Treasure who is Internet savvy will prepare that information from detailed information the bookkeeper compiled for submission to the FEC, but will initially need your guidance; we will pay you for that support. Please consider working with our two staff personnel going forward; they can work with your pdf file.

With regard to the problem on the Michael Kazanjian donation it was not a check; Mike and his wife donated jewelry for a Silent Auction for our February Fundraising Event in Malibu. They put a value on the donated jewelry of \$8300. We announced the Silent auction at the fundraiser and asked the attendees to write down their bids on bid sheets next to each piece of jewelry; I wrote the starting bid price for every piece in the Silent Auction to get the bidding started. I brought cash to the fundraiser in the event no one else did bid in the Silent auction to purchase each item (we didn't have the ability to accept master card or visa card charges at the event). At the end of the night the final bids on each piece generated only about half the Kazanjian's estimated value for the jewelry pieces, and some of the pieces never had any of the bids beyond the starting bid price I placed on each piece at the beginning of the night (it wasn't a very successful Silent Auction). Attendees at the fundraising event actually paid for the various items they bid on at the end of the Silent Auction, their donations were recorded by Mike in the Quarterly Report. I had to purchase the pieces I put the starting bid on, and no one

else bid on; the total amount of all the staring bids for the jewelry no one else bid on was \$3400. My purchase of the jewelry was listed as donating \$3400 on the first FEC Quarterly Report. Mike submitted the dollar amount the Kazanjian's estimated the value of their jewelry as their donation, but should have said that both Mr. & Mrs. Kazanjian donated the jewelry. I wanted to submit a simple letter saying Mr & Mrs Kazanjian jointly donated the jewelry for the Silent Auction. I will cal Jim McAllister. I got a response from Michael Curry that he would correct any defuiciencies in the Q1 or Q3 FEC Reports---I am unfamiliar with the rtwo reports he submitted.

We are already planning our next national event for Orlando in October 2011 with the Tea Party Patriots in Florida and the 10/11 Project in Florida (However it will be billed as a Combat Veterans For Congress event). We have no steady cash flow before that date, and would not be able to pay off a \$6000 bill until October. We have to pay a \$2600 bill remaining from the \$8700 bill we were hit with after the election by the Internet hosting company. We hope to pay off that bill by the end of December with donations we are soliciting. Your offer of a monthly fee is fair, except that we only have \$1300 in our treasury. We need to raise funds to be able to do that, or engage you with the 501. I would be happy to discuss thee issues by phone to come to a mutually acceptable resolution.

Joseph R. John
Chairman, Combat Veterans For Congress PAC
264 S. La Cienega Blvd., Suite 186
Beverly Hills, California 90211, USA

Tel: (310) 859-0800
Fax: (310) 859-0811
Cell: (310) 989-8778

jriassoc@earthlink.net

From: Dan Backer [<mailto:DBacker@DBCapitolStrategies.com>]
Sent: Thursday, December 16, 2010 10:28 AM
To: 'Joseph R. John'
Subject: RE: FEC Reports and Treasurer's Resignation

Captain John,

(NOTE – PAC & c4 info below)

1. Electronic filing must be done using electronic filing software, not a physical form. The software (FECFile) is available for free download at <http://www.fec.gov/electfil/electron.shtml>. Importing data en masse is tricky if you're not familiar with or tech-savvy – it's a 'particular' system and not very intuitive, but there is a downloadable instruction manual. Depending on the number of transaction, it may be easier (though far more time consuming) to individually enter each contribution/expenditure.
2. I apologize for not being clearer – As per your instructions, I meant I would I would prepare the filing as requested w/new Treasurers info left blank so it could be entered later (once known) and then filed at month's end. Also, both (a) the initial filing preparation I can do this weekend and (b) actually entering the Treasurers info when determined and submitting it on 12/31 I would do for free since neither would take me very long. I did not mean to convey that I would actually file the form this weekend; I apologize for not being clearer in my understanding of your instructions.
3. The problem with my reviewing the submissions is that I would still need the underlying information – records of all receipts, expenses, and bank statements to verify accuracy of submitted data. It's actually less time consuming to create the reports then to simply verify them, since not all reported transactions are actually in the report. You would report (enter into FECFile) all contributions and expenditures to the FEC, but in the printed report only those meeting certain thresholds appear, so reviewing the data off the report is not effective. I can't review the data entered into FECFile either if its not entered into my application; FECFile does not upload all data, much of it is "native" on the computer running the software. I can export to you the ".dcf" file I created for you to upload to your computer in preparing the report, and you can send it back to me once all the data is entered, but it's a clumsy and inefficient means of doing this. BOTTOM LINE: I can't effectively review the accuracy of the reports if I don't create them myself, so paying me to do so offers no value to you.

The continued success of CVFC PAC is very important to me – you are a valuable partner to NDPAC and an important organization fighting for what I believe in. I want to see you succeed, and I know how important accurate & timely reporting is to that process – if for no other reason than it is an enormous drain on your time as the leader of this effort to be wasting on this purpose. Leaders should lead, not get bogged down in (necessary but tedious) administrivia.

What I can offer is (if you provide me the underlying data on receipts, expenditures & bank statements from your book keeper) to do the work now, and bill you as a "monthly client" for \$500/month for the year. Next year, you only have 2 reports due (provided you

don't get involved in any special elections): the mid-year report and the 2011 year-end report, both of which I'll include at that price (again, assuming no special election activity which would require additional reporting). By comparison, I charge \$1500/month to my regular clients (for whom I am also on-call legal counsel).

That way, you stretch my cost out so it's more manageable and the problems get addressed in a professional way. For me, I get to add you as a client and peace of mind that CVFC PAC will continue to be a strong player for 2012. And together, from what I glean of your plans from emails, I think we are building complimentary efforts that will be very mutually beneficial in the future (we're less focused on fundraising and more on building a volunteer action network).

If that's acceptable, please let me know.

CVFC 501C4: The latest I'm hearing from the IRS is that they are going to be paying closer attention to c4's that engage in "political activity". I think it will be important for CVFC 501C4 to demonstrate it's non-political activities (veterans educational/informational, etc.) to protect it from any possible risk.

ALSO – I am not a tax attorney and don't offer tax advice, BUT the c4 almost certainly has to file some kind of tax return this year. I can't do it for you, but you should keep that in mind. Nothing gets you audited faster than late/non/improper filings!

Regards,

Dan Backer, Esq.
202-210-5431

DB Capitol Strategies

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Home of The Strategist, a monthly PAC update

www.DBCapitolStrategies.com

From: Joseph R. John [<mailto:jrjassoc@earthlink.net>]
Sent: Thursday, December 16, 2010 3:55 AM
To: 'Dan Backer'
Subject: FEC Reports and Treasurer's Resignation

Dan,

I would like to get off the electronic submissions as you suggested, how do I do that? I will be working with my bookkeeper to prepare the FEC Pre-Election and the FEC Post-Election report this weekend. I need to know how to get the blank forms. I would prefer not to do this, but must get it done, since Mike Curry did not file them. Mike said he will make the Q1 and Q3 corrections

I do not want to submit the Amendment for the address change and the new treasurer's name, until I have a firm commitment from the new treasurer to replace Mike Curry, so please do not make that submission over the weekend as you indicated you would do in your E-mail, kindly follow my requests in my previous E-mail, and wait until I ask you to do so. I want the date of that Amendment to be December 31st, as I previously requested.

Unfortunately Dan, we do not have the funds to hire you to do the submissions; we will prepare the reports and will ask you to review them if you can quote us a fee to do so. Maybe that will result in a much more acceptable fee to members of the Board. As you know, we can't afford to pay you \$6000; in the future we be in a much more secure financial position.

Respectfully,
Joe

Joseph R. John
Chairman, Combat Veterans For Congress PAC
264 S. La Cienega Blvd., Suite 186
Beverly Hills, California 90211, USA

Tel: (310) 859-0800
Fax: (310) 859-0811
Cell: (310) 989-8778

jrjassoc@earthlink.net

From: Dan Backer [<mailto:DBacker@DBCapitolStrategies.com>]
Sent: Wednesday, December 15, 2010 5:30 AM
To: 'Joseph R. John'; 'Michael Curry'
Cc: 'Jan Akre, Esq, USMC '; 'Kenneth Margala'; 'Cong Barry M. Goldwater'; 'Capt Frank Drdek'; 'Amy R. South'
Subject: RE: FEC Reports and Treasurer's Resignation

The information re: reporting & resignation of Treasurer matches my understanding, as previously communicated to you.

You don't need bank statements & copies of checks to give to the FEC, but they are extremely useful in properly reporting your transactions for the effected period and ESPECIALLY in reconciling the bank data and the data being reported. It is an exceedingly common occurrence that mistakes will creep in at this point – small transactions get missed, data is entered incorrectly, etc. That's why whomever prepares the reports should reconcile the data against the bank statements. Check copies are useful to capture the address of donors that may not have been previously recorded (another very common error), and that in turn is necessary if you need to conduct "best efforts" (as defined by the FEC) to inquire as to occupation and employer for certain donors for whom that information needs to be reported and may not have been captured. That's why I – or any compliance professional who knows what he is doing – would want them to prepare the reports.

If the only change is the Treasurers info and the new office address, and since it's not time sensitive/can be done over the weekend, that takes no time at all and I'll do it without charge.

With respect to Mr. Curry's assertions, had the reporting been done properly in advance – as I repeatedly warned before the deadlines for the Q3, and before both the pre- and post-election reports – there wouldn't be any need to fix it now (a process that is sucking up all of your time that is probably better spent elsewhere). Moreover, that the FEC only observed facial errors in the reporting (hard to do with online reporting) does NOT mean there are not more serious, substantive errors in those reports. Where there is smoke, there is usually fire – and it's very easy to inadvertently misreport and not know it. But, in an audit, it will be discovered and create much more work going back years to then find and fix the errors, and greater potential fines. FEC reporting should be done right and on time.

CVFC PAC is not a small PAC – it's already a significant political operation with tremendous potential heading into 2012, and it will be increasingly in the public eye. As such, you absolutely should have professional management of your compliance activities. You don't have to hire me (and I understand that you may not have the budget to do so now), or hire anyone and instead rely on volunteers. But, not having a professional manage activities on this level is a very significant risk. Entrusting it too a volunteer – or anyone - without substantive experience in this area is almost certainly going to come back to haunt you. It's far better to do it right from the get-go.

I would certainly like CVFC PAC as a client – I've said so since we first spoke. Whether or not you hire me doesn't change the fact that the PAC has reporting obligations that need to be taken seriously and done right; it's federal law and subjects the PAC – and particularly the Treasurer (for purposes of all these missed reports, Mr. Curry) – to potential liability for doing it wrong. I encourage you to hire a professional to do it right, me or someone else.

Regards,

Dan Backer, Esq.
202-210-5431

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Home of The Strategist, a monthly PAC update

www.DBCapitolStrategies.com

From: Joseph R. John [<mailto:jrjassoc@earthlink.net>]
Sent: Monday, December 13, 2010 5:39 PM
To: 'Michael Curry'
Cc: 'Dan Backer Esq.'; 'Jan Akre, Esq, USMC '; 'Kenneth Margala'; 'Cong Barry M. Goldwater'; 'Capt Frank Drdek'; 'Amy R. South'
Subject: FEC Reports and Treasurer's Resignation

Mike,

I had a long and cordial discussion with James McAllister at the FEC this afternoon, and my understanding of various issues are listed:

Q1 FEC Quarterly Report- they have received your corrections to that report, sent a follow up E-mail or letter, and are awaiting your response to that letter.

Q2 FEC Quarterly Report---that is clear, no corrections are required.

Q3 FEC Quarterly Report—that report was received and had some corrections required; the request for corrections will be sent to you by the FEC next week.

The Pre-election Report (1-13 October); that report is still required to document expenditures made and donations received from 1 October thru 13 October

The Post-election Report (14 October-22 November); that report is still required to document expenditure and donations made from 14 October thru 22 November.

End of Year Report (23 November thru 31 December); that report will be due in January 2011

All reports and corrections must be filed electronically.

What is required for resignation of a PAC Treasurer:

The filing of an Amendment to the Statement of Organization by Dan (office addresses will also have to be changed in that filing)

Letter of Resignation to the Board of Directors from Mike

No copies of bank statements are required to be submitted to the FEC (Jim said we should retain them to deal with possible future audits).

No copies of all checks received are required to be submitted the FEC (Jim said we should retain them to deal with possible future audits)

Following your assurance in our conversation, I expect that you will correct the Q1 and Q3 FEC Quarterly Reports as you volunteered you would do.

I request that you work with me and Amy to help "us" submit the Pre-election Report (we need guidance on how to file electronically and must pick up where you left off with the Q3 report)

We will file the Post Election Report without your involvement

We will file the End of Year Report without your involvement

Since you've retained the copies of all checks you received, can we have copies for our records, in accordance with Jim's recommendation; we will get the copies of bank statement from the Wells Fargo if you no longer have those as well.

I would like to get all of this done, by the end of the month (literally two weeks and a few days away). I am expecting that one of the 4 potential candidates for Treasurers we are speaking to will accept the position as the new Treasurer by the 31st (I am tentatively considering an MBA candidate with financial experience, Ryan Merritt, whom I will meet for lunch on Friday). Mike, can you submit a letter of resignation to me dated December 31st; and Dan, can you please prepare an Amendment to the Statement of Organization dated December 31st, we will include the new Treasurer's name in that Amendment (leave that space blank for the time being); the Amendment should also have my offices addresses (so the FEC won't bother Mike with correspondence in the future)? Dan, will you be charging the same fee you charged for filing the last Amendment when you were appointed Assistant Treasurer?

Respectfully,

Joe

Joseph R. John
Chairman, Combat Veterans For Congress PAC.
264 S. La Cienega Blvd., Suite 186
Beverly Hills, California 90211, USA

Tel: (310) 859-0800

Fax: (310) 859-0811

Cell: (310) 989-8778

jrjassoc@earthlink.net

From: crryco@aol.com [<mailto:crryco@aol.com>]

Sent: Sunday, December 12, 2010 6:15 PM

To: jrjassoc@earthlink.net

Subject:

when you speak to the FEC tomorrow find out how I need to resign. Also Joe, I think Dan wants to create work for himself so if you push the FEC they will say yes to everything probably. When I spoke to him all he said was we needed to send in the post election report and that there were some minor corrections on the Q 3 report.

EXHIBIT 45

From: "Joseph R. John" <jrjassoc@earthlink.net>
Date: December 5, 2011 8:09:34 PM EST
To: "Dan Backer Esq." <dbacker@dbcapitolstrategies.com>
Subject: **FEC.August 4th ltr.**

FYI, on this date Mike said he could not respond to the FEC letter and still had not resigned.

Joseph R. John, USNA '62
Capt USN (Ret)
Chairman, Combat Veterans For Congress PAC
264 S. La Cienega Blvd., Suite 186
Beverly Hills, CA 90211

Tel: (310) 859-0800
Fax: (310) 859-0811
Cell: (310) 989-8778

<http://www.CombatVeteransForCongress.org>

-----Original Message-----

From: Joseph R. John [mailto:jrjassoc@earthlink.net]
Sent: Saturday, December 18, 2010 11:17 AM
To: 'Dan Backer Esq.'
Cc: 'Amy R. South'
Subject: FEC.August 4th ltr.

Dan,

Michael Kazanjian and his wife Virginia donated the \$8,300.00; that donation was below the \$10,000 joint donation limit that is acceptable for husbands and wives. Mike simply misreported the donation in the Q1 FEC Report as a donation from Michael Kazanjian. I would like to simply write a one line letter to explain that this was a joint donation and should have been reported as a donation from Mr & Mrs. Michael Kazanjian;

I received the attachment from Mike Curry yesterday for the first time. To summarize the FEC letter to Mike dated August 4th, the due date for a response concerning Michael Kazanjian's donation was September 8th, with the threat of an audit if a response was not received by September 8th. The response is over 3 months past due; I can respond to it today, if you provide me with some guidance.

Mike informed me today that he cannot respond to the attached letter.

Respectfully,

Joe

Joseph R. John

Chairman, Combat Veterans For Congress PAC

264 S. La Cienega Blvd., Suite 186

Beverly Hills, California 90211, USA

Tel: (310) 859-0800

Fax: (310) 859-0811

Cell: (310) 989-8778

jrjassoc@earthlink.net

From: crryco@aol.com [mailto:crryco@aol.com]
Sent: Saturday, December 18, 2010 8:12 AM
To: jrjassoc@earthlink.net
Cc: south.amy@gmail.com; CrryCo@aol.com
Subject: FEC.August 4th ltr.

Joe and Amy - see attached letter from the FEC. We need to deal with this
a) if a refund is due Mike K - where are we going to get that money b) the
donors employers seems hard to come by and I believe Amy you have some of
that information ??





FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 4, 2010

Michael Curry, Treasurer
Combat Veterans for Congress PAC
1425 Century Park East, Suite 2120
Los Angeles, CA 90067

Respon
Septen

Identification Number: C00469239

Reference: Amended April Quarterly Report (1/1/10 - 3/31/10),

Dear Treasurer:

This letter is prompted by the Commission's preliminary review referenced above. This notice requests information essential to full your federal election campaign finances. **Failure to adequate response date noted above could result in an audit or enforcement** information is needed for the following 4 items:

1. Schedule A of your report (see attached) discloses contributions which appear to exceed the limits set forth in U.S.C. §441a(f) and 11 CFR §§110.1(d) and 110.2(d) prohibi and its affiliates from receiving any contribution from an committee or person in excess of \$5,000 per calendar year.

If any apparently excessive contribution in question was in incorrectly disclosed, you must amend your original rep clarifying information.

If any contribution you received exceeds the limits, you refund the excessive amount. The funds can be retained if v of receipt, (1) the excessive amount was properly reattribu person, such as a joint account holder, by obtaining s authorizations from each person making the contribution p CFR 110.1(k)(3), and (2) the treasurer informs the perso contribution that he or she may request the return of the exc of the contribution if it is not intended to be a joint contr request from a donor for a refund must be honored.

EXHIBIT 46

From: "Joseph R. John" <jrjassoc@earthlink.net>
Date: December 5, 2011 8:16:58 PM EST
To: "Dan Backer Esq." <dbacker@dbcapitolstrategies.com>
Subject: FW:

FYI

Joseph R. John, USNA '62
Capt USN (Ret)
Chairman, Combat Veterans For Congress PAC
264 S. La Cienega Blvd., Suite 186
Beverly Hills, CA 90211

Tel: (310) 859-0800
Fax: (310) 859-0811
Cell: (310) 989-8778

<http://www.CombatVeteransForCongress.org>

From: Joseph R. John [mailto:jrjassoc@earthlink.net]
Sent: Saturday, January 01, 2011 2:23 PM
To: Joseph R. John
Subject: Fw:

-----Forwarded Message-----
From: " Joseph R. John"
Sent: Dec 31, 2010 10:03 PM
To: "Joseph R. John"
Subject: Fw:

-----Forwarded Message-----
From: crryco@aol.com
Sent: Dec 30, 2010 6:40 AM
To: jrjassoc@earthlink.net
Cc: south.amy@gmail.com
Subject:

Joe and Amy

Please find attached a letter just received from FEC. This relates to the October report which you have already filed so it may be moot. Also, I have other mail here addressed to you Joe and Dan Backer which I am forwarding on to you.

Mike



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 21,

Mr. Michael Curry, Esq., in official capacity as Treasurer
Combat Veterans for Congress PAC
1925 Century Park East, Suite 2120
Los Angeles, CA 90067

C00469239
AF#: 2199

Dear Mr. Curry:

The Federal Election Campaign Act of 1971, as amended ("the Act") requires a committee file an October Quarterly Report of Receipts and Disbursements during which there is a regularly scheduled election. This report, covering the period from September 30th to October 15th, shall be filed no later than October 15th. 2 U.S.C. § 434(a)(2). The Federal Election Commission ("FEC") indicates that this report was not filed 15 days before the general election held on November 2, 2010, it is considered a violation for the purpose of calculating the civil money penalty.

The Act was further amended in 1999 to permit the FEC to impose civil money penalties for violations of the reporting requirements of 2 U.S.C. § 434(a). 2 U.S.C. § 434(a)(2). On December 15, 2010, the FEC found that there is reason to believe ("RTB") that you, in your official capacity as treasurer, violated the Act by failing to file timely this report on or before October 15th.

Based on the FEC's schedules of civil money penalties at 11 C.F.R. § 101.111, the amount of your civil money penalty calculated at the RTB stage is \$4,400. Please refer to the Commission's administrative fine regulations at 11 C.F.R. §§ 111.111-111.119. 1. The Commission's website contains further information about how to pay a civil money penalty.

program works and how the fines are calculated. See <http://www.tec.gov>
§ 111.34. Your payment of \$4,400 is due within forty (40) days of the first
2011, and is based on these factors:

Election Sensitivity of Report: Election Sensitive

Level of Activity: \$97,179

Number of Days Late: Not Filed (reports not filed prior to four (4) days before
Election held on November 2, 2010 are considered not filed for the purpose of
penalty)

Number of Previous Civil Money Penalties Assessed: 0

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

EXHIBIT 47



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 18, 2011

MEMORANDUM

TO: Dayna Brown
Reviewing Officer,
Office of Administrative Review

FROM: Christopher Hughey *pch*
Acting General Counsel

Lawrence Calvert *LC*
Associate General Counsel

Lorenzo Holloway *LH by AAP*
Assistant General Counsel
for Public Finance and Audit Advice

Delanie DeWitt Painter *AAP*
Attorney

SUBJECT: Combat Veterans for Congress— AF 2199, 2312, 2355 (LRA 859)

I. INTRODUCTION

This memorandum responds to your query about a successor treasurer issue raised in three administrative fines matters (AF 2199, 2312, 2355) involving one committee, Combat Veterans for Congress ("the Committee"). The Committee contends that its former treasurer, Michael Curry, should be personally and solely liable for the civil money penalties instead of the Committee and its current treasurer. We conclude that the former treasurer's actions do not absolve the Committee from liability for these violations. We recommend, however, that the Office of Administrative Review ("OAR") raise this issue to the Commission in the memorandum recommending final determinations in these matters. The Commission may wish to consider whether the Committee's allegations about Mr. Curry would, if true, constitute behavior sufficiently reckless to support pursuing him in his personal capacity in an enforcement matter.

II. BACKGROUND

The Commission found reason to believe that the Committee violated 2 U.S.C. § 434(a) in three administrative fine matters for failing to file: 1) the 2010 October Quarterly Report (AF 2199, civil penalty \$4,400); 2) the 2010 12 Day Pre-General

Memorandum to Office of Administrative Review
Combat Veterans for Congress AF 2199, 2312, 2355 (LRA 859)
Page 2

Report (AF 2312, civil penalty \$3,300); and 3) the 30 Day Post General Report (AF 2355, civil penalty \$990). The Committee challenged these matters in three responses and filed a response to the Reviewing Officer's Recommendation in all three matters on June 24, 2011.

The Committee challenged the collective civil money penalty of \$8,690 and argued that Mr. Curry should be solely responsible in his personal capacity for the violations and the administrative fines. While the Committee concedes that the late filings were violations, it asserts that the Commission should only pursue the former treasurer, not the Committee. The Committee contends that Mr. Curry's actions meet the requirements for findings against a treasurer in his personal capacity under the Commission's treasurer policy. *See Statement of Policy Regarding Treasurers Subject to Enforcement Proceedings*, 70 Fed. Reg. 3 (Jan. 3, 2005). The Committee contends that Mr. Curry was aware of his duty to timely file reports and willfully refused to do so or permit the Committee to comply with the reporting requirement.

It is unclear when Mr. Curry resigned as treasurer, but the available information indicates he continued to act as the Committee's treasurer until mid-December 2010, after the three reports at issue were due. The Committee asserts that Mr. Curry informed it that he wished to resign on October 12, 2010. He filed the October Quarterly Report, which was due October 15, 2010, on November 21, 2010. He contacted the Reports Analysis Division ("RAD") about the Committee's reports several times, on October 19, 2010, November 3, 2010, December 2, 2010, and December 15, 2010. His last call concerned the treasurer resignation process. The Committee's assistant treasurer filed the Pre-General and Post-General Reports and the Form 1 designating a third individual as treasurer in January 2011. Thus, it appears that Mr. Curry resigned as treasurer at some point after his last contact with RAD in December 2010, and that he was the treasurer when the three reports were due.

The Committee asserts that Mr. Curry neither filed the final two reports, nor took actions that he was requested to take in order to permit other Committee personnel to file the reports. In particular, the Committee asserts that it asked Mr. Curry to provide someone else with the bank statements, bank deposit slips, and donor records, as well as the Committee's electronic filing password that would enable the Committee to complete and file its reports. However, it asserts, Mr. Curry refused these requests and told the Committee that he no longer had time to attend to Committee matters. It also asserts that he received, but failed to inform the Committee of, the first reason to believe notification (AF 2199). The Committee appears to assert that all of this took place between October 12, 2010, when Mr. Curry first indicated an intent to resign, and mid-December 2010. Ultimately, the Committee asserts, it appointed an assistant treasurer to assist with the filing and a bookkeeper to audit and work with the records. They obtained the bank records from the bank and information from donors, which the Committee asserts took several weeks. The Committee eventually obtained the electronic filing password from Mr. Curry. The Committee asserts that Mr. Curry's stoppage of work "mere days before

Memorandum to Office of Administrative Review
Combat Veterans for Congress AF 2199, 2312, 2355 (LRA 859)
Page 3

the relevant reporting deadlines and subsequent refusal to cooperate" with the Committee was a "reckless failure to fulfill his duty as Treasurer."

III. COMMITTEE'S ALLEGATIONS DO NOT ABSOLVE COMMITTEE OF VIOLATIONS BUT MIGHT JUSTIFY PURSUING TREASURER PERSONALLY

Whether or not the Commission pursues Mr. Curry in his personal capacity, the Committee is separately liable for its untimely filing of disclosure reports. The Commission might conclude that the circumstances alleged by the Committee indicate that Mr. Curry's actions were sufficiently reckless to justify pursuing him in his personal capacity. If the Commission reaches that conclusion, however, the matter should be pursued in the enforcement context rather than as an administrative fine.

Even if the Commission were to pursue Mr. Curry personally, the action would not legally absolve the Committee of the reporting violations or the civil money penalties in these administrative fines matters. The Committee was responsible for filing the reports timely and failed to do so. *See* 2 U.S.C. § 434(a); 11 C.F.R. § 104.5. The Committee itself acknowledges, after initially raising a "best efforts" defense under 11 C.F.R. § 111.35(b)(3), that the violations are "not excused by a best efforts defense" under 11 C.F.R. § 111.35(b)(3). Response to Reviewing Officer's Recommendations in AF 2199, 2312, 2355 (June 24, 2011) at 1; *cf.* AO 1995-10 (Helms for Senate) (where former treasurer failed to turn over committee records, circumstances would not affect committee's liability for any failure to file complete and accurate reports.) The Commission might pursue a committee and the current treasurer in his official capacity as treasurer while also pursuing the former treasurer in his personal capacity, in cases where the personal liability of the treasurer is warranted. *See* "Statement of Policy Regarding Treasurers Subject to Enforcement Proceedings," 70 Fed. Reg. 5-6 (Jan. 3, 2005).

Pursuing Mr. Curry in his personal capacity would be a departure from the Commission's usual practice in administrative fines matters. The Commission names treasurers as respondents in administrative fines matters solely in their official capacity as treasurer, and substitutes successor treasurers for predecessor treasurers. *See* Memorandum to Commission, "New Procedures for Successor Treasurers in Administrative Fines Matters (LRA # 784)" (April 2, 2010). The treasurer procedures in administrative fines matters are consistent with the Commission's treasurer policy for enforcement matters, where the treasurer is generally subject to action only in his official capacity as the committee representative, not in his personal capacity. *See* "Statement of Policy Regarding Treasurers Subject to Enforcement Proceedings," 70 Fed. Reg. 3 (Jan. 3, 2005). Under the Commission's enforcement treasurer policy, the Commission will only pursue a treasurer in his or her personal capacity in a Matter Under Review ("MUR") when information indicates the treasurer has "knowingly and willfully violated a provision of the Act or regulations, or has recklessly failed to fulfill duties specifically imposed on treasurers by the Act, or has intentionally deprived himself or herself of the operative facts giving rise to a violation." 70 Fed. Reg. at 3 and 5. The phrase "knowing

Memorandum to Office of Administrative Review
Combat Veterans for Congress AF 2199, 2312, 2355 (LRA 859)
Page 4

and willful" indicates that "actions [were] taken with full knowledge of all the relevant facts and a recognition that the action is prohibited by law," see 122 Cong. Rec. H3778 (daily ed. May 3, 1976); see also *Federal Election Comm'n v. Dramesi for Cong. Comm.*, 640 F. Supp. 985, 987 (D.N.J. 1986)(distinguishing between "knowing" and "knowing and willful"). A knowing and willful violation may be established "by proof that the defendant acted deliberately and with knowledge" that the action was unlawful, or an inference of knowing and willful conduct can be drawn "from the defendants' elaborate scheme for disguising" his actions. *United States v. Hopkins*, 916 F.2d 207, 214-15 (5th Cir. 1990). "Reckless" is defined as "characterized by the creation of a substantial and unjustifiable risk of harm to others and by a conscious (and sometimes deliberate) disregard for or indifference to that risk; heedless; rash," and reckless "conduct is much more than mere negligence: it is a gross deviation from what a reasonable person would do." Black's Law Dictionary 587 (2nd Pocket Ed. 1996).

It is unclear whether the Commission would conclude that the circumstances alleged by the Committee justify making an exception to the treasurer procedures and pursuing Mr. Curry personally in the enforcement context. The available information is incomplete because we do not have Mr. Curry's side of the story, which could be quite different from the Committee's allegations. It is possible that there was a dispute between the Committee and Mr. Curry over his resignation as Committee treasurer at an inconvenient time for the Committee. It is unclear exactly when Mr. Curry resigned and ceased to be the Committee's treasurer. Even accepting the Committee's allegations as accurate, they are not sufficient to support findings that Mr. Curry knowingly and willfully acted to prevent the Committee from timely filing its reports. Rather, the Committee's allegations are consistent with an individual who has either resigned or is transitioning out of the office of treasurer. The Committee alleges that he was not helpful in response to questions and did not provide records. It is unclear whether he refused to provide records or was simply unresponsive. But Mr. Curry did not deliberately prevent the Committee from filing its reports or appointing a new treasurer. Mr. Curry's contacts with RAD asking questions about reports are also not consistent with a deliberate effort to prevent timely filing of Committee reports. He contacted RAD four times with questions about Committee reports between October and December 2010 and filed the October Quarterly report electronically on November 21, 2010. He also provided the electronic filing password to the Committee at some point.

Nevertheless, the Commission could conclude that if Mr. Curry was still the Committee's treasurer and neglected his duties while still treasurer to the extent alleged by the Committee, his actions constituted a reckless failure to fulfill his duties as treasurer.

If the Commission determines that the Committee has raised questions of recklessness on Mr. Curry's part that are sufficient to explore pursuing Mr. Curry in his personal capacity, it should transfer this matter to the Office of General Counsel for handling in the enforcement context. See Memorandum to Commission, "New Procedures for Successor Treasurers in Administrative Fines Matters (LRA # 784)"

Memorandum to Office of Administrative Review
Combat Veterans for Congress AF 2199, 2312, 2355 (LRA 859)
Page 5

(April 2, 2010) at 5, n. 2. The violations would need to be pursued as a Matter Under Review ("MUR") rather than as administrative fines so that the treasurer could respond and the Commission could, if necessary, conduct an investigation.¹ The administrative fines process is a streamlined process and is not the proper context for conducting an investigation. *See* Explanation and Justification, Administrative Fines, 65 Fed. Reg. 31787-88 (May 19, 2000). Moreover, the Commission cannot mitigate an administrative fine, 11 C.F.R. §§ 111.37(c), 111.43, but in the enforcement context it could consider Mr. Curry's actions as possible mitigating factors in determining the civil penalty for the Committee's violations.

On the other hand, if the Commission determines that the Committee has not raised questions of recklessness on Mr. Curry's part that warrant exploring Mr. Curry's potential personal liability, then it would be appropriate for the Commission to sustain the reviewing officer's recommendation and make final determinations with respect to the Committee and its current treasurer, in his official capacity.

Therefore, we recommend that OAR raise this issue for the Commission's consideration in the memorandum recommending final determinations in these matters.

¹ The Committee has not filed a complaint against Mr. Curry.

JS-44
(Rev. 1/05 DC)

C 11-2168 CKK

<p>I (a) PLAINTIFFS</p> <p>Combat Veterans For Congress Political Action Committee, and David H Wiggs, Treasurer</p>	<p>DEFENDANTS</p> <p>Federal Election Commission</p>
<p>(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF (EXCEPT IN U.S. PLAINTIFF CASES) <u>Los Angeles, CA</u> 87880</p>	<p>COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT (IN U.S. PLAINTIFF CASES ONLY) _____</p> <p>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED _____</p>
<p>(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)</p> <p>Dan Backer, Esq. DB Capitol Strategies, PLLC 209 Pennsylvania Ave. SE, Suite 2109 Washington, DC 20003 202.210.5431</p>	<p>Case: 1:11-cv-02168 Assigned To : Kollar-Kotelly, Colleen Assign. Date : 12/7/2011 Description: Admn. Agency Review</p>

<p>II. BASIS OF JURISDICTION (PLACE AN X IN ONE BOX ONLY)</p> <p><input type="radio"/> 1 U.S. Government Plaintiff</p> <p><input checked="" type="radio"/> 2 U.S. Government Defendant</p> <p><input type="radio"/> 3 Federal Question (U.S. Government Not a Party)</p> <p><input type="radio"/> 4 Diversity (Indicate Citizenship of Parties in item III)</p>	<p>III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN X IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT) FOR DIVERSITY CASES ONLY!</p> <table style="width:100%; border-collapse: collapse;"> <thead> <tr> <th></th> <th>PTF</th> <th>DFT</th> <th></th> <th>PTF</th> <th>DFT</th> </tr> </thead> <tbody> <tr> <td>Citizen of this State</td> <td><input type="radio"/> 1</td> <td><input type="radio"/> 1</td> <td>Incorporated or Principal Place of Business in This State</td> <td><input type="radio"/> 4</td> <td><input type="radio"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td><input type="radio"/> 2</td> <td><input type="radio"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td><input type="radio"/> 5</td> <td><input type="radio"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td><input type="radio"/> 3</td> <td><input type="radio"/> 3</td> <td>Foreign Nation</td> <td><input type="radio"/> 6</td> <td><input type="radio"/> 6</td> </tr> </tbody> </table>		PTF	DFT		PTF	DFT	Citizen of this State	<input type="radio"/> 1	<input type="radio"/> 1	Incorporated or Principal Place of Business in This State	<input type="radio"/> 4	<input type="radio"/> 4	Citizen of Another State	<input type="radio"/> 2	<input type="radio"/> 2	Incorporated and Principal Place of Business in Another State	<input type="radio"/> 5	<input type="radio"/> 5	Citizen or Subject of a Foreign Country	<input type="radio"/> 3	<input type="radio"/> 3	Foreign Nation	<input type="radio"/> 6	<input type="radio"/> 6
	PTF	DFT		PTF	DFT																				
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Citizen or Subject of a Foreign Country	<input type="radio"/> 3	<input type="radio"/> 3	Foreign Nation	<input type="radio"/> 6	<input type="radio"/> 6																				

IV. CASE ASSIGNMENT AND NATURE OF SUIT

(Place a X in one category, A-N, that best represents your cause of action and one in a corresponding Nature of Suit)

<p><input type="radio"/> A. Antitrust</p> <p><input type="checkbox"/> 410 Antitrust</p>	<p><input type="radio"/> B. Personal Injury/Malpractice</p> <p><input type="checkbox"/> 310 Airplane</p> <p><input type="checkbox"/> 315 Airplane Product Liability</p> <p><input type="checkbox"/> 320 Assault, Libel & Slander</p> <p><input type="checkbox"/> 330 Federal Employers Liability</p> <p><input type="checkbox"/> 340 Marine</p> <p><input type="checkbox"/> 345 Marine Product Liability</p> <p><input type="checkbox"/> 350 Motor Vehicle</p> <p><input type="checkbox"/> 355 Motor Vehicle Product Liability</p> <p><input type="checkbox"/> 360 Other Personal Injury</p> <p><input type="checkbox"/> 362 Medical Malpractice</p> <p><input type="checkbox"/> 365 Product Liability</p> <p><input type="checkbox"/> 368 Asbestos Product Liability</p>	<p><input checked="" type="radio"/> C. Administrative Agency Review</p> <p><input type="checkbox"/> 151 Medicare Act</p> <p>Social Security:</p> <p><input type="checkbox"/> 861 HIA ((1395ff)</p> <p><input type="checkbox"/> 862 Black Lung (923)</p> <p><input type="checkbox"/> 863 DIWC/DIWW (405(g)</p> <p><input type="checkbox"/> 864 SSID Title XVI</p> <p><input type="checkbox"/> 865 RSI (405(g)</p> <p>Other Statutes</p> <p><input type="checkbox"/> 891 Agricultural Acts</p> <p><input type="checkbox"/> 892 Economic Stabilization Act</p> <p><input type="checkbox"/> 893 Environmental Matters</p> <p><input type="checkbox"/> 894 Energy Allocation Act</p> <p><input checked="" type="checkbox"/> 890 Other Statutory Actions (If Administrative Agency is Involved)</p>	<p><input type="radio"/> D. Temporary Restraining Order/Preliminary Injunction</p> <p>Any nature of suit from any category may be selected for this category of case assignment.</p> <p>*(If Antitrust, then A governs)*</p>
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<p><input type="radio"/> E. General Civil (Other)</p> <p>Real Property</p> <p><input type="checkbox"/> 210 Land Condemnation</p> <p><input type="checkbox"/> 220 Foreclosure</p> <p><input type="checkbox"/> 230 Rent, Lease & Ejectment</p> <p><input type="checkbox"/> 240 Torts to Land</p> <p><input type="checkbox"/> 245 Tort Product Liability</p> <p><input type="checkbox"/> 290 All Other Real Property</p> <p>Personal Property</p> <p><input type="checkbox"/> 370 Other Fraud</p> <p><input type="checkbox"/> 371 Truth in Lending</p> <p><input type="checkbox"/> 380 Other Personal Property Damage</p> <p><input type="checkbox"/> 385 Property Damage Product Liability</p>	<p style="text-align: center;">OR</p> <p><input type="radio"/> F. Pro Se General Civil</p> <p>Bankruptcy</p> <p><input type="checkbox"/> 422 Appeal 28 USC 158</p> <p><input type="checkbox"/> 423 Withdrawal 28 USC 157</p> <p>Prisoner Petitions</p> <p><input type="checkbox"/> 535 Death Penalty</p> <p><input type="checkbox"/> 540 Mandamus & Other</p> <p><input type="checkbox"/> 550 Civil Rights</p> <p><input type="checkbox"/> 555 Prison Condition</p> <p>Property Rights</p> <p><input type="checkbox"/> 820 Copyrights</p> <p><input type="checkbox"/> 830 Patent</p> <p><input type="checkbox"/> 840 Trademark</p> <p>Federal Tax Suits</p> <p><input type="checkbox"/> 870 Taxes (US plaintiff or defendant)</p> <p><input type="checkbox"/> 871 IRS-Third Party 26 USC 7609</p>	<p>Forfeiture/Penalty</p> <p><input type="checkbox"/> 610 Agriculture</p> <p><input type="checkbox"/> 620 Other Food & Drug</p> <p><input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881</p> <p><input type="checkbox"/> 630 Liquor Laws</p> <p><input type="checkbox"/> 640 RR & Truck</p> <p><input type="checkbox"/> 650 Airline Regs</p> <p><input type="checkbox"/> 660 Occupational Safety/Health</p> <p><input type="checkbox"/> 690 Other</p> <p>Other Statutes</p> <p><input type="checkbox"/> 400 State Reapportionment</p> <p><input type="checkbox"/> 430 Banks & Banking</p> <p><input type="checkbox"/> 450 Commerce/ICC Rates/etc.</p> <p><input type="checkbox"/> 460 Deportation</p>	<p><input type="checkbox"/> 470 Racketeer Influenced & Corrupt Organizations</p> <p><input type="checkbox"/> 480 Consumer Credit</p> <p><input type="checkbox"/> 490 Cable/Satellite TV</p> <p><input type="checkbox"/> 810 Selective Service</p> <p><input type="checkbox"/> 850 Securities/Commodities/Exchange</p> <p><input type="checkbox"/> 875 Customer Challenge 12 USC 3410</p> <p><input type="checkbox"/> 900 Appeal of fee determination under equal access to Justice</p> <p><input type="checkbox"/> 950 Constitutionality of State Statutes</p> <p><input type="checkbox"/> 890 Other Statutory Actions (if not administrative agency review or Privacy Act)</p>
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NOT USA - NOT USA

<input type="radio"/> G. Habeas Corpus/ 2255 <input type="checkbox"/> 530 Habeas Corpus-General <input type="checkbox"/> 510 Motion/Vacate Sentence	<input type="radio"/> H. Employment Discrimination <input type="checkbox"/> 442 Civil Rights-Employment (criteria: race, gender/sex, national origin, discrimination, disability age, religion, retaliation) *(If pro se, select this deck)*	<input type="radio"/> I. FOIA/PRIVACY ACT <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 890 Other Statutory Actions (if Privacy Act) *(If pro se, select this deck)*	<input type="radio"/> J. Student Loan <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (excluding veterans)
<input type="radio"/> K. Labor/ERISA (non-employment) <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Labor Railway Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="radio"/> L. Other Civil Rights (non-employment) <input type="checkbox"/> 441 Voting (if not Voting Rights Act) <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 445 American w/Disabilities-Employment <input type="checkbox"/> 446 Americans w/Disabilities-Other	<input type="radio"/> M. Contract <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholder's Suits <input type="checkbox"/> 190 Other Contracts <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<input type="radio"/> N. Three-Judge Court <input type="checkbox"/> 441 Civil Rights-Voting (if Voting Rights Act)

V. ORIGIN

1 Original Proceeding
 2 Removed from State Court
 3 Remanded from Appellate Court
 4 Reinstated or Reopened
 5 Transferred from another district (specify)
 6 Multi district Litigation
 7 Appeal to District Judge from Mag. Judge

VI. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE.)
 [2 USC section XXX, Petition for review of final adverse determination by Federal Election Commission]

VII. REQUESTED IN COMPLAINT CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 **DEMAND \$** _____ **JURY DEMAND:** YES NO (Check YES only if demanded in complaint)

VIII. RELATED CASE(S) IF ANY (See instruction) YES NO If yes, please complete related case form

DATE 12/07/2011 SIGNATURE OF ATTORNEY OF RECORD 

INSTRUCTIONS FOR COMPLETING CIVIL COVER SHEET JS-44
 Authority for Civil Cover Sheet

The JS-44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. Listed below are tips for completing the civil cover sheet. These tips coincide with the Roman Numerals on the Cover Sheet.

- I. COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF/DEFENDANT (b) County of residence Use 11001 to indicate plaintiff is resident of Washington, D.C., 88888 if plaintiff is resident of the United States but not of Washington, D.C., and 99999 if plaintiff is outside the United States
- III. CITIZENSHIP OF PRINCIPAL PARTIES This section is completed only if diversity of citizenship was selected as the Basis of Jurisdiction under Section II
- IV. CASE ASSIGNMENT AND NATURE OF SUIT The assignment of a judge to your case will depend on the category you select that best represents the primary cause of action found in your complaint. You may select only one category. You must also select one corresponding nature of suit found under the category of case.
- VI. CAUSE OF ACTION Cite the US Civil Statute under which you are filing and write a brief statement of the primary cause.
- VIII. RELATED CASES, IF ANY If you indicated that there is a related case, you must complete a related case form, which may be obtained from the Clerk's Office.

Because of the need for accurate and complete information, you should ensure the accuracy of the information provided prior to signing the form.

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