



STATE BOARD OF ELECTIONS

6400 Mail Service Center • Raleigh, North Carolina 27699-6400

GARY O. BARTLETT

Executive Director

**Certified Mail
Return Receipt Requested**

March 27, 2009

Tom Roper, Candidate
Committee to Elect Tom Roper for County Commissioner
805 Eastwood Court
Burgaw, NC 28425

Re: Committee to Elect Tom Roper for County Commissioner
Notice of Penalty Assessment, dated February 11, 2009

Dear Mr. Roper:

On February 11, 2009 your committee was notified that a penalty assessment for the late filing of the 2008 Second Quarter Report, 2008 Third Quarter Plus Report and the 2008 Fourth Quarter Report had been levied pursuant to N.C.G.S. § 163-278.34 (a) (copy enclosed). In our letter, your committee was given the opportunity to either pay the penalty assessment or appeal the assessment to the State Board of Elections within fifteen (15) days from the date of the letter. As of the date of this letter, we have received no response from your committee regarding this matter.

The purpose of this letter is to inform you that at this juncture the penalty is due, and you are afforded two options under applicable statutes. Under N.C.G.S. § 163-278.34 (e), your committee must pay the assessment or "contest the assessment within 30 days by filing a petition for a contested case under Article 3 of Chapter 150B of the General Statutes."

N.C.G.S. § 163-278.34 (e) further provides that the State Board of Elections "shall request the Attorney General to institute a civil action to recover the amount of the assessment" if it is not paid within thirty (30) days after it is due.

If you wish to pay the penalty assessment, please remit payment to the State Board of Elections with the notation "**Civil Penalty and Forfeiture Fund**" in the memo line.

If you have any questions or need assistance in this matter, please contact Adam Ragan in this office at (919) 733-7173.

Sincerely,

Kim W. Strach, Deputy Director
Campaign Finance Division

MAILING ADDRESS:

P.O. BOX 27255

RALEIGH, NC 27611-7255



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NOTICE OF PENALTY ASSESSMENT

February 11, 2009

Tom Roper, Candidate
Committee to Elect Tom Roper for County Commissioner
805 Eastwood Court
Burgaw, NC 28425

Re: Committee to Elect Tom Roper for County Commissioner

Dear Mr. Roper:

The State Board of Elections, pursuant to N.C.G.S. §163-278.34(a), is required to assess a late filing penalty at the rate of \$50.00 per day, not to exceed \$500.00 for a report affecting non-statewide elections or \$250.00 per day, not to exceed \$10,000 for a report affecting statewide elections. Since these reports do not appear to affect a statewide election, the rate of \$50.00 per day applies and a late filing penalty of \$1,500.00 has been assessed for the following report(s):

<u>REPORT</u>	<u>DATE DUE</u>	<u>DATE FILED</u>	<u>PENALTY</u>
2008 First Quarter Plus Report	4/28/08	NOT FILED	WAIVED
2008 Second Quarter Report	7/10/08	NOT FILED	\$500.00
2008 Third Quarter Plus Report	10/27/08	NOT FILED	\$500.00
2008 Fourth Quarter Report	1/12/09	NOT FILED	\$500.00
			\$1,500.00

Failure to pay or respond to this penalty will render the committee ineligible to receive or make contributions pursuant to Chapter 1.0104(d) of Title 8 of the North Carolina Administrative Code until the statutory penalty is paid and all scheduled reports filed. Please remit payment to the State Board of Elections with the notation "Civil Penalty and Forfeiture Fund."

If you wish to appeal this assessment to the State Board of Elections, please respond in writing within fifteen (15) days from the date of this letter. The Campaign Finance Division takes no exception to a request for an appeal to the State Board of Elections and will present your written request to waive the late penalty to the Board at their next meeting. We will provide written notification of the date and time for the scheduled meeting.

For further information or assistance in this matter, you may contact Adam Ragan in this office at (919) 733-7173 or the Pender County Board of Elections office at (910) 259-1220.

Sincerely,

Kim W. Strach, Deputy Director
Campaign Finance Division

LOCATION: 506 NORTH HARRINGTON STREET • RALEIGH, NORTH CAROLINA 27603 • (919) 733-7173