



FEDERAL ELECTION COMMISSION

1125 K STREET N.W.  
WASHINGTON, D.C. 20543



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THIS IS THE END OF MUR # 11608

Date Filmed 9/26/84 Camera No. --- 2

Cameraman JRL

FEDERAL ELECTION COMMISSION

Routing Slip

12 Day Pre-Brief Rpt

12 Day Rpt

Correlation Information  
Internal Practices

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|--|---|
| <input type="checkbox"/> (1) Classified Information                                | <input type="checkbox"/> (6) Personal privacy                             |
| <input checked="" type="checkbox"/> (2) Internal rules and practices               | <input checked="" type="checkbox"/> (7) Investigatory files               |
| <input checked="" type="checkbox"/> (3) Exempted by other statute <i>FEA</i>       | <input type="checkbox"/> (8) Banking Information                          |
| <input type="checkbox"/> (4) Trade secrets and commercial or financial information | <input type="checkbox"/> (9) Well Information (geographic or geophysical) |
| <input type="checkbox"/> (5) Internal Documents                                    |   |

Signed J. Sheppard  
date 9/24/84

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 1608
Compressed Air, Free Air,	)	
Foundation Tunnel, Caisson	)	
Subway Workers, Local 147	)	
AFL-CIO Political Action	)	
Fund	)	
Richard Fitzsimmons, Treasurer	)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on September 19, 1984, the Commission decided by a vote of 5-0 to take the following actions in MUR 1608:

1. Accept the conciliation agreement submitted with the General Counsel's Report signed September 14, 1984.
2. Close the file.
3. Approve the letter to the respondent attached to the General Counsel's Report signed September 14, 1984.

Commissioners Aikens, Elliott, Harris, McGarry and Reiche voted affirmatively in this matter; Commissioner McDonald did not cast a vote.

Attest:

9-19-84

Date

Marjorie W. Emmons

Marjorie W. Emmons  
Secretary of the Commission

Received in Office of Commission Secretary:  
Circulated on 48 hour tally basis:

9-14-84, 2:35  
9-17-84, 11:00

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

September 20, 1984

Richard Fitzsimmons, Treasurer  
Compressed Air, Free Air, Foundation  
Tunnel, Caisson Subway Workers, Local 147  
AFL-CIO Political Action Fund  
175 5th Avenue  
New York, New York 10010

RE: MUR 1608

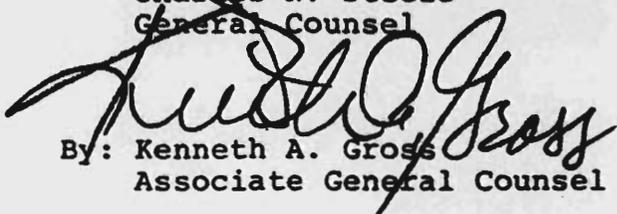
Dear Mr. Fitzsimmons:

On September 19, 1984, the Commission accepted the conciliation agreement signed by you and a civil penalty in settlement of a violation of 2 U.S.C. § 434(b)(6)(B)(i) and a violation of 2 U.S.C. § 434(a)(4)(A), provisions of the Federal Election Campaign Act of 1971, as amended. Accordingly, the file has been closed in this matter and it will become a part of the public record within thirty days. However, 2 U.S.C. § 437g(a)(4)(B) prohibits any information derived in connection with any conciliation attempt from becoming public without the written consent of the respondent and the Commission. Should you wish any such information to become a part of the public record, please advise us in writing.

Enclosed you will find a fully executed copy of the final conciliation agreement for your files.

Sincerely,

Charles N. Steele  
General Counsel

  
By: Kenneth A. Gross  
Associate General Counsel

Enclosure  
Conciliation Agreement

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
Compressed Air, Free Air, )  
Foundation Tunnel, ) MUR 1608  
Caisson Subway Workers, )  
Local 147 AFL-CIO Political )  
Action Fund )  
Richard Fitzsimmons, Treasurer)

CONCILIATION AGREEMENT

This matter was initiated by the Federal Election Commission (hereinafter "the Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. The Commission found probable cause to believe that Compressed Air, Free Air, Foundation Tunnel, Caisson Subway Workers, Local 147 AFL-CIO Political Action Fund and Richard Fitzsimmons, as treasurer, ("Respondents") violated 2 U.S.C. § 434(a)(4)(A) and § 434(b)(6)(B)(i).

NOW, THEREFORE, the Commission and Respondents, having duly entered into conciliation pursuant to 2 U.S.C. § 437g(a)(4)(A)(i) do hereby agree as follows:

I. The Commission has jurisdiction over the Respondents, and the subject matter of proceeding.

II. Respondents have had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. Respondents enter voluntarily into this agreement with the Commission.

IV. The pertinent facts in this matter are as follows:

1. Respondent, Compressed Air, Free Air, Foundation Tunnel, Caisson Subway Workers, Local 147 AFL-CIO Political Action Fund is a political committee registered with the Commission.

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2. Respondent Richard Fitzsimmons is treasurer of Compressed Air, Free Air, Foundation Tunnel, Caisson Subway Workers, Local 147 AFL-CIO Political Action Fund.

3. On the 1982 Year-End Report, Respondents failed to disclose contributions totalling \$650 made to other political committees and candidates.

4. In an amended 1982 Year End Report filed in May 1983, Respondent disclosed four \$100 and one \$250 contribution that it made to other political committees and candidates. These expenditures were required to be disclosed on the 1982 Year-End Report filed in January of 1983.

5. Pursuant to 2 U.S.C. § 434(b)(6)(B)(i), a political committee is required to name and address each political committee which has received a contribution from the reporting committee during the reporting period.

6. Respondents filed the 1982 April Quarterly Report on July 28, 1982, which was due April 15, 1982.

7. Respondents filed the 1982 July Quarterly Report on July 28, 1982, which was due July 15, 1982.

8. Respondents filed the 1982 October Quarterly Report on November 4, 1982, which was due October 15, 1982.

9. Pursuant to 2 U.S.C. § 434(a)(4)(A)(i), a political committee is required to file quarterly reports in a calendar year in which a regularly scheduled general election is held. The report is to be filed no later than the 15th day after the last day of the calendar quarter.

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10. Respondents filed the 30 Day Post General Election Report on January 27, 1983, which was due December 2, 1982.

11. Pursuant to 2 U.S.C. § 434(a)(4)(A)(iii), a post-general election report shall be filed no later than the 30th day after the general election.

V. Respondents violated 2 U.S.C. § 434(b)(6)(B)(i) by failing to timely disclose \$650 in contributions made to other political committees and candidates.

VI. Respondents violated 2 U.S.C. § 434(a)(4)(A) by filing four reports late in the 1982 election cycle.

VII. Respondents will pay a civil penalty to the Treasurer of the United States in the amount two hundred fifty dollars (\$250), pursuant to 2 U.S.C. § 437g(a)(5)(A).

VIII. Respondents agree that they shall not undertake any activity which is in violation of the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. § 431, et seq.

IX. The Commission, on request of anyone filing a complaint under 2 U.S.C. § 437g(a)(1) concerning the matters at issue herein or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

X. This agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

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XI. Respondents shall have no more than thirty (30) days from the date this agreement becomes effective to comply with and implement the requirements contained in this agreement and to so notify the Commission.

XII. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or oral, made by either party or by agents of either party, that is not contained in this written agreement shall be valid.

FOR THE COMMISSION:

Charles N. Steele  
General Counsel

BY: *[Signature]*  
Kenneth A. Gross  
Associate General Counsel

*September 20, 1984*  
Date

FOR THE RESPONDENT:

*[Signature]*  
Compressed Air, Free Air,  
Foundation Tunnel, Caisson  
Subway Workers, Local 147  
AFL-CIO Political Action Fund  
Richard Fitzsimmons, Treasurer

*Sept 7, 1984*  
Date

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

Richard Fitzsimmons, Treasurer  
Compressed Air, Free Air, Foundation  
Tunnel, Caisson Subway Workers, Local 147  
AFL-CIO Political Action Fund  
175 5th Avenue  
New York, New York 10010

RE: MUR 1608

Dear Mr. Fitzsimmons:

On September , 1984, the Commission accepted the conciliation agreement signed by you and a civil penalty in settlement of a violation of 2 U.S.C. § 434(b)(6)(B)(i) and a violation of 2 U.S.C. § 434(a)(4)(A), provisions of the Federal Election Campaign Act of 1971, as amended. Accordingly, the file has been closed in this matter and it will become a part of the public record within thirty days. However, 2 U.S.C. § 437g(a)(4)(B) prohibits any information derived in connection with any conciliation attempt from becoming public without the written consent of the respondent and the Commission. Should you wish any such information to become a part of the public record, please advise us in writing.

Enclosed you will find a fully executed copy of the final conciliation agreement for your files.

Sincerely,

Charles N. Steele  
General Counsel

By: Kenneth A. Gross  
Associate General Counsel

Enclosure  
Conciliation Agreement

*OK 2/19/84*

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

MEMORANDUM

TO: Office of the Commission Secretary  
FROM: Office of General Counsel *Cut*  
DATE: September 14, 1984  
SUBJECT: MUR 1608 - General Counsel's Report

The attached is submitted as an Agenda document  
for the Commission Meeting of \_\_\_\_\_

Open Session \_\_\_\_\_

Closed Session \_\_\_\_\_

CIRCULATIONS

48 Hour Tally Vote            [X]  
    Sensitive                    [X]  
    Non-Sensitive               [ ]  
  
24 Hour No Objection        [ ]  
    Sensitive                    [ ]  
    Non-Sensitive               [ ]  
  
Information                    [ ]  
    Sensitive                    [ ]  
    Non-Sensitive               [ ]

Other                            [ ]

DISTRIBUTION

Compliance                    [X]  
  
Audit Matters                 [ ]  
  
Litigation                      [ ]  
  
Closed MUR Letters            [ ]  
  
Status Sheets                  [ ]  
  
Advisory Opinions            [ ]  
  
Other (see distribution  
    below)                      [ ]

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\_\_\_\_\_

BEFORE THE FEDERAL ELECTION COMMISSION

RECEIVED  
OFFICE OF THE FIC  
COMMISSION SECRETARY

84 SEP 14 P2:35

In the Matter of )  
)  
Compressed Air, Free Air, )  
Foundation Tunnel, Caisson )  
Subway Workers, Local 147 )  
AFL-CIO Political Action )  
Fund )  
Richard Fitzsimmons, Treasurer)

MUR 1608

**SENSITIVE**

GENERAL COUNSEL'S REPORT

Background

Attached is a conciliation agreement which has been signed by Richard Fitzsimmons, treasurer of Compressed Air, Free Air, Foundation Tunnel, Caisson Subway Workers, Local 147 AFL-CIO Political Action Fund ("Local 147 PAC").

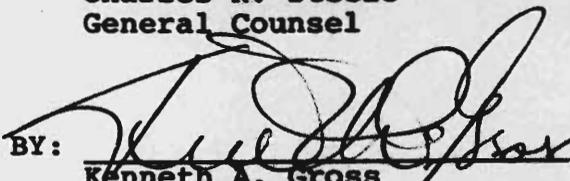
The attached agreement contains no changes from the agreement approved by the Commission and a check for the \$250 civil penalty has been received.

Recommendation

The Office of the General Counsel recommends the acceptance of this agreement, the closing of the file, and approval of the attached letter for sending to the respondent.

Charles N. Steele  
General Counsel

September 14, 1984  
Date

BY:   
Kenneth A. Gross  
Associate General Counsel

Attachments:

- Signed Agreement
- Copy of Civil Penalty Check
- Proposed Letter

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LOCAL 147 POLITICAL  
ACTION FUND  
4332 KATONAH AVENUE  
BRONX, NY 10470

108

Sept. 6 1989

1-7232/2260

PAY  
TO THE  
ORDER OF

Federal Election Commission

\$ 250.00

Two Hundred Fifty +  $\frac{00}{100}$

DOLLARS

YORKVILLE FEDERAL  
SAVINGS AND LOAN ASSOCIATION  
4348 KATONAH AVENUE, BRONX, N. Y. 10470

*Robert J. Symmes*  
*James Murphy*

FOR

⑈000108⑈ ⑆226072320⑆ 050010120904⑈

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
 Compressed Air, Free Air, )  
 Foundation Tunnel, Caisson ) MUR 1608  
 Subway Workers, Local 147 )  
 AFL-CIO Political Action Fund )  
 Richard Fitzsimmons, Treasurer )

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session of July 10, 1984, do hereby certify that the Commission decided by a vote of 5-0 to take the following actions in MUR 1608:

1. Find no probable cause to believe that Compressed Air, Free Air, Foundation Tunnel, Caisson Subway Workers, Local 147 AFL-CIO Political Action Fund and Richard Fitzsimmons, as treasurer, violated 2 U.S.C § 434(b).
2. Find probable cause to believe Compressed Air, Free Air, Foundation Tunnel, Caisson Subway Workers, Local 147 AFL-CIO Political Action Fund and Richard Fitzsimmons, as treasurer, violated 2 U.S.C. § 434(a)(4)(A) and § 434(b)(6)(B)(i).
3. Initiate conciliation with the respondent by sending the conciliation agreement and letter attached to the FEC General Counsel's report dated June 27, 1984.

Commissioners Aikens, Elliott, Harris, McGarry, and Reiche voted affirmatively for the decision; Commissioner McDonald was not present at the time of the vote.

Attest:

7-11-84

Date

Marjorie W. Emmons  
 Marjorie W. Emmons  
 Secretary of the Commission

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

July 12, 1984

Richard Fitzsimmons, Treasurer  
Compressed Air Free Air, Foundation  
Tunnel, Caisson Subway Workers,  
Local 147 AFL-CIO Political Action Fund  
175 5th Avenue  
New York, New York 10010

RE: MUR 1608

Dear Mr. Fitzsimmons:

On July 10, 1984, the Commission determined that there is probable cause to believe Compressed Air, Free Air, Foundation Tunnel, Caisson Subway Workers, Local 147 AFL-CIO Political Action Fund and you, as treasurer, committed a violation of 2 U.S.C. §§ 434(a)(4)(A) and 434(b)(6)(B)(i), provisions of the Federal Election Campaign Act of 1971, as amended.

The Commission has a duty to attempt to correct such violations for a period of thirty to ninety days by informal methods of conference, conciliation and persuasion, and by entering into a conciliation agreement. If we are unable to reach an agreement during that period, the Commission may institute civil suit in United States District Court and seek payment of a civil penalty.

We enclose a conciliation agreement that this office is prepared to recommend to the Commission in settlement of this matter. If you agree with the provisions of the enclosed agreement, please sign and return it along with the civil penalty to the Commission within ten days. I will then recommend that the Commission approve the agreement. Please make your check for the civil penalty payable to the U.S. Treasurer.

If you have any questions or suggestions for changes in the enclosed conciliation agreement, please contact Judy Thedford, at (202) 523-4000.

Sincerely,

Charles N. Steele  
General Counsel

Enclosure  
Conciliation Agreement

84040475180



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

MEMORANDUM

TO: Office of the Commission Secretary  
FROM: Office of General Counsel *Cut*  
DATE: June 29, 1984  
SUBJECT: MUR 1608 - General Counsel's Report

The attached is submitted as an Agenda document  
for the Commission Meeting of July 10, 1984

Open Session \_\_\_\_\_  
Closed Session XX

CIRCULATIONS

48 Hour Tally Vote [ ]  
Sensitive [ ]  
Non-Sensitive [ ]  
24 Hour No Objection [ ]  
Sensitive [ ]  
Non-Sensitive [ ]  
Information [ ]  
Sensitive [ ]  
Non-Sensitive [ ]  
Other [X]

DISTRIBUTION

Compliance [X]  
Audit Matters [ ]  
Litigation [ ]  
Closed MUR Letters [ ]  
Status Sheets [ ]  
Advisory Opinions [ ]  
Other (see distribution below) [ ]

SENSITIVE

CIRCULATE ON BLUE PAPER

ON AGENDA - 7/10/84

8 4 0 4 0 4 7 5 1 8 1

**SENSITIVE**

BEFORE THE FEDERAL ELECTION COMMISSION

RECEIVED  
OFFICE OF THE  
GENERAL COUNSEL

In the Matter of )  
 )  
Compressed Air, Free Air, )  
Foundation Tunnel, Caisson )  
Subway Workers, Local 147 )  
AFL-CIO Political Action Fund )  
Richard Fitzsimmons, Treasurer)

MUR 1608

84 JUN 29 A10: 20

EXECUTIVE SESSION  
JUL 10 1984

GENERAL COUNSEL'S REPORT

**I. BACKGROUND:**

This matter was referred to the Office of General Counsel by Commission on November 29, 1983,

On February 1, 1984, the Commission found reason to believe the respondent violated 2 U.S.C. §§ 434(a)(4)(A), 434(b)(3) and 434(b)(6)(i). After conducting an investigation in the matter, the Office of General Counsel on May 14, 1984, forwarded a brief to the respondent which stated its intention to recommend that no probable cause to believe be found against the respondent with respect to the 2 U.S.C. § 434(b)(3) violation and probable cause to believe be found against the respondent with respect to the 2 U.S.C. § 434(b)(6)(B)(i) and § 434(a)(4)(A) violations.

**II. LEGAL ANALYSIS:**

The General Counsel's legal analysis of this matter is contained in the OGC Brief of May 14, 1984.

Respondent filed the attached response on June 4, 1984.

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**IV. RECOMMENDATION**

1. Find no probable cause to believe that Compressed Air, Free Air, Foundation Tunnel, Caisson Subway Workers, Local 147 AFL-CIO Political Action Fund and Richard Fitzsimmons, as treasurer, violated 2 U.S.C. § 434(b)(3).

2. Find probable cause to believe Compressed Air, Free Air, Foundation Tunnel, Caisson Subway Workers, Local 147 AFL-CIO Political Action Fund and Richard Fitzsimmons, as treasurer, violated 2 U.S.C. § 434(a)(4)(A) and § 434(b)(6)(B)(i).

3. Initiate conciliation with the respondent by sending the attached conciliation agreement and letter to the respondent.

27 June 1984  
Date

  
Charles N. Steele  
General Counsel

**Attachments**

1. June 4 Letter
2. Agreement
3. Letter

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ACC 3439  
FEC

**MAUSNER AND MICHAELOFF, P.C.**

CERTIFIED PUBLIC ACCOUNTANTS

100 MERRICK ROAD, ROCKVILLE CENTRE, N.Y. 11870

TELEPHONE (516) 836-2110

84 JUN 4 AS: 13

EUGENE MAUSNER, CPA  
MARTIN MICHAELOFF, CPA

LAURENCE D. SEIDEN  
GARY PHILLIPS

*Mick 1608  
Theford*

May 30, 1984

Federal Election Committee  
.1325 K Street N.W.  
Washington, D. C. 20467

Dear Mr. Steele:

Re: Compressed Air, Free Air Foundation  
Tunnel, Caisson Subway Workers,  
Local 147, AFL-CIO Political Action  
Committee

I am writing to you today to try and explain why the committee should not take any action against Local 147 AFL-CIO Political Action Fund.

I am the accountant for the Local 147 AFL-CIO Political Action Fund. I admit that the violations which you are charging us with are correct but please allow me to explain how this occurred.

In late 1981, the Local's accountant, Norman Parker, died. Our firm was retained to do the accounting. We were under the misconception that election year filings were only every 4 years and not every 2 years, so that we were filing semi-annually instead of quarterly.

We regret any inconvenience we have caused you and will follow your filing dates in the future.

Very truly yours,

MAUSNER & MICHAELOFF, P. C.

*Gary Phillips*  
Gary Phillips.

GP:bdd

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REC 3439  
RECEIVED AT THE FEC

**MAUSNER AND MICHAELOFF, P.C.**

CERTIFIED PUBLIC ACCOUNTANTS

160 MERRICK ROAD, ROCKVILLE CENTER, N.Y. 11870

TELEPHONE (516) 936-2110

1984 JUN 4 9:13

EUGENE MAUSNER, CPA  
MARTIN MICHAELOFF, CPA

LAURENCE D. SEIDEN  
GARY PHILLIPS

*MUR 160P  
Theoford*

May 30, 1984

Federal Election Committee  
1325 K Street N.W.  
Washington, D. C. 20467

Dear Mr. Steele:

**Re: Compressed Air, Free Air Foundation  
Tunnel, Caisson Subway Workers,  
Local 147, AFL-CIO Political Action  
Committee**

I am writing to you today to try and explain why the committee should not take any action against Local 147 AFL-CIO Political Action Fund.

I am the accountant for the Local 147 AFL-CIO Political Action Fund. I admit that the violations which you are charging us with are correct but please allow me to explain how this occurred.

In late 1981, the Local's accountant, Norman Parker, died. Our firm was retained to do the accounting. We were under the misconception that election year filings were only every 4 years and not every 2 years, so that we were filing semi-annually instead of quarterly.

We regret any inconvenience we have caused you and will follow your filing dates in the future.

Very truly yours,

MAUSNER & MICHAELOFF, P. C.

*Gary Phillips*  
Gary Phillips

GP:bdd

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

May 14, 1984

**Richard Fitzsimmons, Treasurer  
Compressed Air, Free Air,  
Foundation Tunnel, Caisson Subway  
Workers, Local 147, AFL-CIO Political  
Action Fund  
175 5th Avenue  
New York, New York 10010**

**Re: MUR 1608**

**Dear Mr. Fitzsimmons:**

Based on information ascertained in the normal course of carrying out its supervisory responsibilities, the Federal Election Commission, on February 1, 1984, found reason to believe that Compressed Air, Free Air, Foundation Tunnel, Caisson Subway Workers, Local 147 AFL-CIO Political Action Fund and you, as treasurer violated 2 U.S.C. §§ 434(a)(4)(A), 434(b)(3) and 434(b)(6)(B)(i), and instituted an investigation in this matter.

After considering all the evidence available to the Commission, the Office of the General Counsel is prepared to recommend that the Commission find probable cause to believe that violations have occurred with regard to 2 U.S.C. § 434(a)(4)(A) and § 434(b)(6)(B)(i) and no probable cause to believe that a violation has occurred with regard to 2 U.S.C. § 434(b)(3).

Submitted for your review is a brief stating the position of the General Counsel on the legal and factual issues of the case. Within fifteen days of your receipt of this notice, you may file with the Secretary of the Commission a brief (10 copies if possible) stating your position on the issues and replying to the brief of the General Counsel. (Three copies of your brief should also be forwarded to the Office of General Counsel, if possible.) The General Counsel's brief and any brief which you may submit will be considered by the Commission before proceeding to a vote of probable cause to believe a violation has occurred.

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Richard Fitzsimmons, Treasurer  
Page 2

If you are unable to file a responsive brief within 15 days, you may submit a written request to the Commission for an extension of time in which to file a brief. The Commission will not grant an extension beyond 20 days.

A finding a probable cause to believe requires that the Office of General Counsel attempt for a period for not less than thirty, but not more than ninety days to settle this matter through a conciliation agreement.

Should you have any question, please contact Judy Thedford at (202) 523-4000.

Sincerely,



Charles N. Steele  
General Counsel

Enclosure  
Briefs

84040475188

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
Compressed Air, Free Air, ) MUR 1608  
Foundation Tunnel, Caisson )  
Subway Workers, Local 147 )  
AFL-CIO Political Action Fund )  
Richard Fitzsimmons, Treasurer )

GENERAL COUNSEL'S BRIEF

I. Statement of the Case:

On February 1, 1984, the Commission found reason to believe the Compressed Air, Free Air, Foundation Tunnel, Caisson Subway Workers, Local 147 AFL-CIO Political Action Fund ("Local 147") and its treasurer violated 2 U.S.C. §§ 434(a)(4)(A), 434(b)(3), and 434(b)(6)(B)(i). Local 147 was apprised of the Commission's determination by letter dated February 2, 1984. Local 147 submitted a response dated February 13, 1984, in reply to the Commission's notification of the reason to believe determination.

II. Legal Analysis:

The Commission found reason to believe that Local 147 failed to provide supporting Schedules for \$54,940 in itemized contributions; failed to disclose \$650 in contributions made to Federal candidates and committees; and failed to file four reports on time in 1982. In the February 13 response, Gary Phillips, the accountant for Local 147, clarified the two reporting violations and explained the reason for the late filings.

A. Unitemized Contributions Received

Local 147 reported contributions totalling \$54,950 on the detailed summary pages of its 1981 Mid-Year Report, 1981 Year-End

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Report, 1982 April Quarterly Report and July Quarterly Report. No supporting itemized schedules were include with the reports. Also, Local 147 left blank the memo entry line for unitemized contributions.

Mr. Phillips, in the February 13 response, states that none of the contributors gave in excess of \$55 a year. Individuals who make contributions aggregating less than \$200 per calendar year to a committee are not required to be itemized by the committee. Mr. Phillips explains that the contributions totalling \$54,950 which were listed on the detailed summary pages should have also been listed on the memo entry lines for unitemized contributions. If Local 147 had entered the contributions totals on the memo entry line, it would have been clear that these contributions were unitemized. A review of current reports indicates that Local 147 is now reporting its unitemized contributions on the correct line.

Therefore, the Office of General Counsel recommends finding no probable cause to believe that Local 147 violated 2 U.S.C. § 434(b)(3).

**B. Unitemized Disbursements**

In its 1982 Year End Report, Local 147 disclosed \$8,175 in contributions which it made to candidates. However, the supporting schedule only itemized \$7,525 in contributions, leaving \$650 of contributions unitemized. A review of Local

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147's reports revealed that an amendment was filed in May of 1983 which itemized the \$650 in contributions. Four contributions of \$100 each were to non-federal candidates<sup>1/</sup> and one contribution of \$250 was to a Federal candidate. The response from Local 147 describes the error as an adding error.

The Office of General Counsel recommends finding probable cause to believe that Local 147 violated 2 U.S.C. § 434(b)(6)(B)(i) by failing to timely disclose disbursements made to other political committees or candidates.

C. Late Reports

Local 147 filed four reports late in 1982. The due date and the actual date the reports were filed are listed below:

<u>Report</u>	<u>Due Date</u>	<u>Date Filed</u>	<u>Days Filed Late</u>
1982 April Quarterly	4/15/82	7/28/82	104
1982 July Quarterly	7/15/82	7/28/82	13
1982 October Quarterly	10/15/82	11/4/82	20
1982 30 Day Post-General	12/2/82	1/27/83	56

The February 13 letter explained that the reports were filed late because Local 147's accountant died. The new accountants who were to file the reports thought that the reference in 2 U.S.C. § 434(a)(4)(A) to election year meant those years in which a Presidential election is held.<sup>2/</sup> The notation in 2 U.S.C. § 434(a)(4)(A) to "a calendar year in which a regularly

<sup>1/</sup> One contribution is listed as \$1,000, however, it appears to be a clerical error.

<sup>2/</sup> In an election year quarterly reports and pre and post election reports are required to be filed. In a non-election year reports are required to be filed every six months.

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scheduled general election is held" refers to congressional elections as well as Presidential elections.

As shown by the chart above, the four reports were between 13 to 104 days late. The Office of General Counsel recommends finding probable cause to believe that Local 147 violated 2 U.S.C. § 434(a)(4)(A) by filing the reports late.

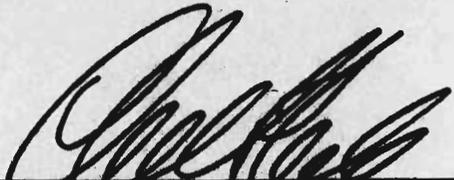
**III. General Counsel's Recommendation**

1. Find no probable cause to believe that Compressed Air, Free Air, Foundation Tunnel, Caisson Subway Workers, Local 147 AFL-CIO Political Action fund violated 2 U.S.C. § 434(b)(3).

2. Find probable cause to believe Compressed Air, Free Air, Foundation Tunnel, Caisson Subway Workers, Local 147 AFL-CIO Political Action Fund violated 2 U.S.C. § 434(b)(6)(B)(i) and 2 U.S.C. § 434(a)(4)(A).

14 May 1964  
\_\_\_\_\_

date

  
\_\_\_\_\_  
Charles N. Steele  
General Counsel

84040475192

ER AND MURANLOFF, P.C.  
CERTIFIED PUBLIC ACCOUNTANTS  
ROAD • ROCKVILLE CENTRE, N.Y. 11870



Federal Election Committee  
1325 K Street N. W.  
Washington, D. C. 20467



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RECEIVED  
OFFICE OF THE  
COMMISSION SECRETARY

84 MAY 14 All: 31

May 14, 1984

MEMORANDUM TO: The Commission

FROM: Charles N. Steele  
General Counsel *CS*

SUBJECT: MUR 1608

Attached for the Commission's review is a brief stating the position of the General Counsel on the legal and factual issues of the above-captioned matter. A copy of this brief and a letter notifying each respondent of the General Counsel's intent to recommend to the Commission a finding of no probable cause to believe and probable cause to believe was mailed May 14, 1984. Following receipt of a respondents' reply to this notice, this Office will make a further report to the Commission.

Attachments

1. Brief
2. Letters to Respondent

84040475194

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
Compressed Air, Free Air, ) MUR 1608  
Foundation Tunnel, Caisson )  
Subway Workers, Local 147 )  
AFL-CIO Political Action Fund )  
Richard Fitzsimmons, Treasurer )

GENERAL COUNSEL'S BRIEF

I. Statement of the Case:

On February 1, 1984, the Commission found reason to believe the Compressed Air, Free Air, Foundation Tunnel, Caisson Subway Workers, Local 147 AFL-CIO Political Action Fund ("Local 147") and its treasurer violated 2 U.S.C. §§ 434(a)(4)(A), 434(b)(3), and 434(b)(6)(B)(i). Local 147 was apprised of the Commission's determination by letter dated February 2, 1984. Local 147 submitted a response dated February 13, 1984, in reply to the Commission's notification of the reason to believe determination.

II. Legal Analysis:

The Commission found reason to believe that Local 147 failed to provide supporting Schedules for \$54,940 in itemized contributions; failed to disclose \$650 in contributions made to Federal candidates and committees; and failed to file four reports on time in 1982. In the February 13 response, Gary Phillips, the accountant for Local 147, clarified the two reporting violations and explained the reason for the late filings.

A. Unitemized Contributions Received

Local 147 reported contributions totalling \$54,950 on the detailed summary pages of its 1981 Mid-Year Report, 1981 Year-End

84040475195

Report, 1982 April Quarterly Report and July Quarterly Report. No supporting itemized schedules were include with the reports. Also, Local 147 left blank the memo entry line for unitemized contributions.

Mr. Phillips, in the February 13 response, states that none of the contributors gave in excess of \$55 a year. Individuals who make contributions aggregating less than \$200 per calendar year to a committee are not required to be itemized by the committee. Mr. Phillips explains that the contributions totalling \$54,950 which were listed on the detailed summary pages should have also been listed on the memo entry lines for unitemized contributions. If Local 147 had entered the contributions totals on the memo entry line, it would have been clear that these contributions were unitemized. A review of current reports indicates that Local 147 is now reporting its unitemized contributions on the correct line.

Therefore, the Office of General Counsel recommends finding no probable cause to believe that Local 147 violated 2 U.S.C. § 434(b)(3).

**B. Unitemized Disbursements**

In its 1982 Year End Report, Local 147 disclosed \$8,175 in contributions which it made to candidates. However, the supporting schedule only itemized \$7,525 in contributions, leaving \$650 of contributions unitemized. A review of Local

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147's reports revealed that an amendment was filed in May of 1983 which itemized the \$650 in contributions. Four contributions of \$100 each were to non-federal candidates<sup>1/</sup> and one contribution of \$250 was to a Federal candidate. The response from Local 147 describes the error as an adding error.

The Office of General Counsel recommends finding probable cause to believe that Local 147 violated 2 U.S.C. § 434(b)(6)(B)(i) by failing to timely disclose disbursements made to other political committees or candidates.

C. Late Reports

Local 147 filed four reports late in 1982. The due date and the actual date the reports were filed are listed below:

<u>Report</u>	<u>Due Date</u>	<u>Date Filed</u>	<u>Days Filed Late</u>
1982 April Quarterly	4/15/82	7/28/82	104
1982 July Quarterly	7/15/82	7/28/82	13
1982 October Quarterly	10/15/82	11/4/82	20
1982 30 Day Post-General	12/2/82	1/27/83	56

The February 13 letter explained that the reports were filed late because Local 147's accountant died. The new accountants who were to file the reports thought that the reference in 2 U.S.C. § 434(a)(4)(A) to election year meant those years in which a Presidential election is held.<sup>2/</sup> The notation in 2 U.S.C. § 434(a)(4)(A) to "a calendar year in which a regularly

<sup>1/</sup> One contribution is listed as \$1,000, however, it appears to be a clerical error.

<sup>2/</sup> In an election year quarterly reports and pre and post election reports are required to be filed. In a non-election year reports are required to be filed every six months.

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scheduled general election is held" refers to congressional elections as well as Presidential elections.

As shown by the chart above, the four reports were between 13 to 104 days late. The Office of General Counsel recommends finding probable cause to believe that Local 147 violated 2 U.S.C. § 434(a)(4)(A) by filing the reports late.

**III. General Counsel's Recommendation**

1. Find no probable cause to believe that Compressed Air, Free Air, Foundation Tunnel, Caisson Subway Workers, Local 147 AFL-CIO Political Action fund violated 2 U.S.C. § 434(b)(3).

2. Find probable cause to believe Compressed Air, Free Air, Foundation Tunnel, Caisson Subway Workers, Local 147 AFL-CIO Political Action Fund violated 2 U.S.C. § 434(b)(6)(B)(i) and 2 U.S.C. § 434(a)(4)(A).

14 May 1984  
\_\_\_\_\_  
date

  
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Charles N. Steele  
General Counsel

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

May 14, 1984

Richard Fitzsimmons, Treasurer  
Compressed Air, Free Air,  
Foundation Tunnel, Caisson Subway  
Workers, Local 147, AFL-CIO Political  
Action Fund  
175 5th Avenue  
New York, New York 10010

Re: MUR 1608

Dear Mr. Fitzsimmons:

Based on information ascertained in the normal course of carrying out its supervisory responsibilities, the Federal Election Commission, on February 1, 1984, found reason to believe that Compressed Air, Free Air, Foundation Tunnel, Caisson Subway Workers, Local 147 AFL-CIO Political Action Fund and you, as treasurer violated 2 U.S.C. §§ 434(a)(4)(A), 434(b)(3) and 434(b)(6)(B)(i), and instituted an investigation in this matter.

After considering all the evidence available to the Commission, the Office of the General Counsel is prepared to recommend that the Commission find probable cause to believe that violations have occurred with regard to 2 U.S.C. § 434(a)(4)(A) and § 434(b)(6)(B)(i) and no probable cause to believe that a violation has occurred with regard to 2 U.S.C. § 434(b)(3).

Submitted for your review is a brief stating the position of the General Counsel on the legal and factual issues of the case. Within fifteen days of your receipt of this notice, you may file with the Secretary of the Commission a brief (10 copies if possible) stating your position on the issues and replying to the brief of the General Counsel. (Three copies of your brief should also be forwarded to the Office of General Counsel, if possible.) The General Counsel's brief and any brief which you may submit will be considered by the Commission before proceeding to a vote of probable cause to believe a violation has occurred.

84040475199

Richard Fitzsimmons, Treasurer  
Page 2

If you are unable to file a responsive brief within 15 days, you may submit a written request to the Commission for an extension of time in which to file a brief. The Commission will not grant an extension beyond 20 days.

A finding a probable cause to believe requires that the Office of General Counsel attempt for a period for not less than thirty, but not more than ninety days to settle this matter through a conciliation agreement.

Should you have any question, please contact Judy Thedford at (202) 523-4000.

Sincerely,



Charles N. Steele  
General Counsel

Enclosure  
Briefs

84040475200



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

MEMORANDUM

TO: Office of the Commission Secretary

FROM: Office of General Counsel *GC*

DATE: May 14, 1984

SUBJECT: MUR 1608 - Memorandum and GC's Brief

The attached is submitted as an Agenda document  
for the Commission Meeting of \_\_\_\_\_

Open Session \_\_\_\_\_

Closed Session \_\_\_\_\_

CIRCULATIONS

48 Hour Tally Vote [ ]  
 Sensitive [ ]  
 Non-Sensitive [ ]

24 Hour No Objection [ ]  
 Sensitive [ ]  
 Non-Sensitive [ ]

Information [X]  
 Sensitive [X]  
 Non-Sensitive [ ]

Other [ ]

DISTRIBUTION

Compliance [X]

Audit Matters [ ]

Litigation [ ]

Closed MUR Letters [ ]

Status Sheets [ ]

Advisory Opinions [ ]

Other (see distribution below) [ ]

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

May 14, 1984

MEMORANDUM TO: The Commission

FROM: Charles N. Steele  
General Counsel *CS*

SUBJECT: MUR 1608

Attached for the Commission's review is a brief stating the position of the General Counsel on the legal and factual issues of the above-captioned matter. A copy of this brief and a letter notifying each respondent of the General Counsel's intent to recommend to the Commission a finding of no probable cause to believe and probable cause to believe was mailed May 14, 1984. Following receipt of a respondents' reply to this notice, this Office will make a further report to the Commission.

Attachments

1. Brief
2. Letters to Respondent

84040475202

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
Compressed Air, Free Air, ) MUR 1608  
Foundation Tunnel, Caisson )  
Subway Workers, Local 147 )  
AFL-CIO Political Action Fund )  
Richard Fitzsimmons, Treasurer )

GENERAL COUNSEL'S BRIEF

I. Statement of the Case:

On February 1, 1984, the Commission found reason to believe the Compressed Air, Free Air, Foundation Tunnel, Caisson Subway Workers, Local 147 AFL-CIO Political Action Fund ("Local 147") and its treasurer violated 2 U.S.C. §§ 434(a)(4)(A), 434(b)(3), and 434(b)(6)(B)(i). Local 147 was apprised of the Commission's determination by letter dated February 2, 1984. Local 147 submitted a response dated February 13, 1984, in reply to the Commission's notification of the reason to believe determination.

II. Legal Analysis:

The Commission found reason to believe that Local 147 failed to provide supporting Schedules for \$54,940 in itemized contributions; failed to disclose \$650 in contributions made to Federal candidates and committees; and failed to file four reports on time in 1982. In the February 13 response, Gary Phillips, the accountant for Local 147, clarified the two reporting violations and explained the reason for the late filings.

A. Unitemized Contributions Received

Local 147 reported contributions totalling \$54,950 on the detailed summary pages of its 1981 Mid-Year Report, 1981 Year-End

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Report, 1982 April Quarterly Report and July Quarterly Report. No supporting itemized schedules were include with the reports. Also, Local 147 left blank the memo entry line for unitemized contributions.

Mr. Phillips, in the February 13 response, states that none of the contributors gave in excess of \$55 a year. Individuals who make contributions aggregating less than \$200 per calendar year to a committee are not required to be itemized by the committee. Mr. Phillips explains that the contributions totalling \$54,950 which were listed on the detailed summary pages should have also been listed on the memo entry lines for unitemized contributions. If Local 147 had entered the contributions totals on the memo entry line, it would have been clear that these contributions were unitemized. A review of current reports indicates that Local 147 is now reporting its unitemized contributions on the correct line.

Therefore, the Office of General Counsel recommends finding no probable cause to believe that Local 147 violated 2 U.S.C. § 434(b)(3).

**B. Unitemized Disbursements**

In its 1982 Year End Report, Local 147 disclosed \$8,175 in contributions which it made to candidates. However, the supporting schedule only itemized \$7,525 in contributions, leaving \$650 of contributions unitemized. A review of Local

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147's reports revealed that an amendment was filed in May of 1983 which itemized the \$650 in contributions. Four contributions of \$100 each were to non-federal candidates<sup>1/</sup> and one contribution of \$250 was to a Federal candidate. The response from Local 147 describes the error as an adding error.

The Office of General Counsel recommends finding probable cause to believe that Local 147 violated 2 U.S.C. § 434(b)(6)(B)(i) by failing to timely disclose disbursements made to other political committees or candidates.

C. Late Reports

Local 147 filed four reports late in 1982. The due date and the actual date the reports were filed are listed below:

<u>Report</u>	<u>Due Date</u>	<u>Date Filed</u>	<u>Days Filed Late</u>
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1982 October Quarterly	10/15/82	11/4/82	20
1982 30 Day Post-General	12/2/82	1/27/83	56

The February 13 letter explained that the reports were filed late because Local 147's accountant died. The new accountants who were to file the reports thought that the reference in 2 U.S.C. § 434(a)(4)(A) to election year meant those years in which a Presidential election is held.<sup>2/</sup> The notation in 2 U.S.C. § 434(a)(4)(A) to "a calendar year in which a regularly

<sup>1/</sup> One contribution is listed as \$1,000, however, it appears to be a clerical error.

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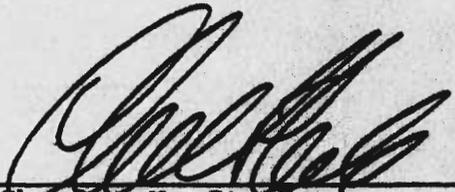
As shown by the chart above, the four reports were between 13 to 104 days late. The Office of General Counsel recommends finding probable cause to believe that Local 147 violated 2 U.S.C. § 434(a)(4)(A) by filing the reports late.

**III. General Counsel's Recommendation**

1. Find no probable cause to believe that Compressed Air, Free Air, Foundation Tunnel, Caisson Subway Workers, Local 147 AFL-CIO Political Action fund violated 2 U.S.C. § 434(b)(3).

2. Find probable cause to believe Compressed Air, Free Air, Foundation Tunnel, Caisson Subway Workers, Local 147 AFL-CIO Political Action Fund violated 2 U.S.C. § 434(b)(6)(B)(i) and 2 U.S.C. § 434(a)(4)(A).

14 May 1984  
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date

  
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Charles N. Steele  
General Counsel

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

May 14, 1984

Richard Fitzsimmons, Treasurer  
Compressed Air, Free Air,  
Foundation Tunnel, Caisson Subway  
Workers, Local 147, AFL-CIO Political  
Action Fund  
175 5th Avenue  
New York, New York 10010

Re: MUR 1608

Dear Mr. Fitzsimmons:

Based on information ascertained in the normal course of carrying out its supervisory responsibilities, the Federal Election Commission, on February 1, 1984, found reason to believe that Compressed Air, Free Air, Foundation Tunnel, Caisson Subway Workers, Local 147 AFL-CIO Political Action Fund and you, as treasurer violated 2 U.S.C. §§ 434(a)(4)(A), 434(b)(3) and 434(b)(6)(B)(i), and instituted an investigation in this matter.

After considering all the evidence available to the Commission, the Office of the General Counsel is prepared to recommend that the Commission find probable cause to believe that violations have occurred with regard to 2 U.S.C. § 434(a)(4)(A) and § 434(b)(6)(B)(i) and no probable cause to believe that a violation has occurred with regard to 2 U.S.C. § 434(b)(3).

Submitted for your review is a brief stating the position of the General Counsel on the legal and factual issues of the case. Within fifteen days of your receipt of this notice, you may file with the Secretary of the Commission a brief (10 copies if possible) stating your position on the issues and replying to the brief of the General Counsel. (Three copies of your brief should also be forwarded to the Office of General Counsel, if possible.) The General Counsel's brief and any brief which you may submit will be considered by the Commission before proceeding to a vote of probable cause to believe a violation has occurred.

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Richard Fitzsimmons, Treasurer  
Page 2

If you are unable to file a responsive brief within 15 days, you may submit a written request to the Commission for an extension of time in which to file a brief. The Commission will not grant an extension beyond 20 days.

A finding a probable cause to believe requires that the Office of General Counsel attempt for a period for not less than thirty, but not more than ninety days to settle this matter through a conciliation agreement.

Should you have any question, please contact Judy Thedford at (202) 523-4000.

Sincerely,



Charles N. Steele  
General Counsel

Enclosure  
Briefs

84040475208



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

24 February 1984

MEMORANDUM

**TO:** CHARLES N. STEELE  
GENERAL COUNSEL

**THROUGH:** JOHN C. SURINA  
STAFF DIRECTOR

**FROM:** JOHN D. GIBSON  
ASSISTANT STAFF DIRECTOR  
REPORTS ANALYSIS DIVISION

**SUBJECT:** RAD UPDATE TO MUR 1608

This update is to provide you with information regarding the items contained in MUR 1608. When the Compressed Air, Free Air, Foundation Tunnel, Caisson Subway Workers, Local 147 AFL-CIO Political Action Fund ("Local 147") was considered for possible audit by the Commission at the November 29, 1983 Executive Session meeting, there were three (3) non-compliance standards discussed: a) failure to provide supporting schedules for contributions from individuals; b) failure to provide supporting schedules for contributions to Federal candidates; and c) failure to file reports in a timely manner.

On November 30, 1983, a telephone call was made to Local 147 by the Reports Analyst to obtain information regarding the contributions from individuals (Attachment 1). In response to the telephone call, a letter was received on December 2, 1983. The letter stated that voluntary contributions are pledged by the membership of Local 147 at the rate of "3 cents an hour or 24 cents a day" and that this results in an individual contributing no "more than \$55 a year" (Attachment 2).

With respect to the question on itemizing all contributions to Federal candidates, an amendment was received from Local 147 on May 23, 1983 which disclosed one (1) contribution to a Federal candidate totalling \$250 that had not previously been reported (Attachment 3).

The final item in MUR 1608 concerns late filing. A notice was never sent to Local 147 for chronic late filing, because the appropriate threshold had not been met.

If you have any questions, please contact Michael Filler at 523-4048.

84040475209

TELECONANALYST Mike Tangney

TELECON WITH: Richard Fitzsimmons, Treasurer

Candidate/Committee: Compressed Air, Free Air, Foundation Tunnel, Caisson Subway  
Workers, Local 147 AFL-CIO Political Action Fund

DATE: November 30, 1983

SUBJECT(S): Individual Contributor Information

---

I telephoned Mr. Fitzsimmons to determine why the committees amended reports did not contain information requested concerning contributions from individuals. Mr. Fitzsimmons explained that members pledge a certain amount of their hourly wage to be deducted as contributions to the political action committee and that the amount from each individual does not exceed fifty to sixty dollars a year. He stated that he would sent written confirmation of this and in the future would provide the sum of unitimized contributions on the memo entry of the Detailed Summary Page.

84040475210



# LOCAL UNION 147, I. I. U. N. A.

COMPRESSED AIR and FREE AIR • SHALT • TUNNELL • FOUNDATION •  
CAISSON • SUBWAY • COFFERDAM • SEWER CONSTRUCTION WORKERS  
of New York and New Jersey States and Vicinity

NEW YORK STATE A. F. L. - C. I. O.

175 Fifth Avenue • New York, N. Y. 10010

EDWARD F. McGUINESS  
President  
212 254 9222

RICHARD F. DILLSIMMONS  
Business Manager  
212 254 9222

DENNIS G. ANSA  
Secretary  
212 254 9222

Dear Mr. Murphy,

As I have explained to you over the phone.

Local 147 has a political action fund, that was started  
some years ago. The fund contribution on a scale is as follows:

The fund is strictly voluntary.  
Each member who wants give is voluntary \$1 or less or 24 cent add.

This comes to roughly \$1.25 per week.

In any event more is by local dues contribute give more that  
\$55.00 a year.

In the event that the contribution rate was raised in the future  
I would be in touch with your office to find out how to report to  
you so that we fall within the necessary guide lines.

If I am reporting wrong I would appreciate it if you would  
send me a letter so that I can show our accountant  
what we are doing wrong.

Again I want to thank you for your patience and  
understanding.

Sincerely yours  
Richard Dill Simmons

4040475211

SCHEDULE B

ITEMIZED DISBURSEMENTS

See instructions on the reverse side of this Schedule Page

Any information copied from such Returns and Statements may not be sold or used by any person for the purpose of soliciting contributions for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

Name of Committee (in Full)

LOCAL 147 POLITICAL ACTION FUND 1982 Year-End Amendment

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Disbursement
Committee to Reelect MANUPELLI 4308 WHITE PLAINS ROAD Bronx NY 10466	CONTRIBUTION Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	10-21-82	25
Committee to Reelect ROBERT ABRAMS 369 LEXINGTON ME NY NY	CONTRIBUTION Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	10-21-82	1000
Howard For Congress 902 MAIN ST BELMONT NJ 07719	CONTRIBUTION Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	10-21-82	50
Mario Cuomo For GARDNER 15 W 39 ST NY NY	CONTRIBUTION Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	10-21-82	1500
CITIZENS FOR CONNELLY 94 BENEDICT AVE STATEN ISLAND NY 10314	CONTRIBUTION Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	10-22-82	250
MPC 393 E 57th ST BROOKLYN NY 11231	CONTRIBUTION Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	10-22-82	1200
People For MAZEK PO BOX 303 CONCEPT NY 11721	CONTRIBUTION Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	10-22-82	25
MAYOR OWENS FOR CONGRESS 1125-29 EAST 14th AVE BROOKLYN NY 11213	CONTRIBUTION Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	10-22-82	25
ARNOLD MILLER FOR CONGRESS 50 LINCOLN BOULEVARD HAMPSHIRE NY 11930	CONTRIBUTION Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	10-22-82	5

SUBTOTAL of Disbursements This Page (optional) ..... 57

TOTAL This Period (last page this line number only) .....

401075212

SCHEDULE B

ITEMIZED DISBURSEMENTS

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

Name of Committee (in Full)		1982 Year-End Amendment MK	
LOCAL 147 POLITICAL ACTION FUND			
A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
FRIENDS OF PETER PO BOX 1982 IRVINGTON N.Y. 10533	CONTRIBUTION		
	Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	10-22-82	500-
B. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
DELAWARE COUNTY DEMOCRATIC CLUB 100 MAIN ST DELI NY 13753	CONTRIBUTION		
	Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	10-22-82	200-
C. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
CITIZENS FOR HALPIN	CONTRIBUTION		
	Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	10-22-82	250-
D. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
JEROME O'DONOHUE 160 MAJOR AVE SI NY 10205	CONTRIBUTION		
	Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	10-27-82	250-
E. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
GLEASON TESTIMONIAL IRISH AMERICAN LABOR COALITION 111 BROADWAY ROOM 800 N.Y., N.Y. 10006	CONTRIBUTION		
	Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	12-22-82	625.-
F. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
FRIENDS OF DICK GOTTFRIED 114 W 70 ST NY NY 10013	CONTRIBUTION		
	Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	10-21-82	100-
G. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
Comm. He to Protect Councilman Kings 121 W 30 ST NY NY 10012	CONTRIBUTION		
	Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	10-21-82	100-
H. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
KEEP CAROL BERMAN STAT. SA 142 OAK ST WOODMERE NY 11598	CONTRIBUTION		
	Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	10-21-82	100-
I. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
PATRICK VECCHIO FOR SENATE 15 JACHTON LANE FORT SAUGER NY 11768	CONTRIBUTION		
	Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	10-22-82	1000-
SUBTOTAL of Disbursements This Page (optional) .....			2235
TOTAL This Period (last page this line number only) .....			

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**SCHEDULE B**

**ITEMIZED DISBURSEMENTS**

Page 3 of 4 by  
 List Number  
 This column (checkboxes) for each  
 category of the Detailed  
 Summary Page

Attachment #3  
 Page 3 of 3 *MK*

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

Name of Committee (in Full) **LOCAL 147 POLITICAL ACTION FUND** 1982 Year-End Amendment *MK*

6303272477

40475214

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
<b>Zimmerman For Congress Corp.</b>	<b>CONTRIBUTOR</b> Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	<b>10/2/82</b>	<b>250-</b>
B. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
C. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
D. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
E. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
F. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
G. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
H. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
I. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
<b>SUBTOTAL of Disbursements This Page (optional)</b> .....			<b>250</b>
<b>TOTAL This Period (last page this line number only)</b> .....			<b>8175</b>

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RECEIVED AT THE FEC

**MAUSNER AND MICHAELLOFF, P.C.**

84 FEB 21 9:21

CERTIFIED PUBLIC ACCOUNTANTS

100 HERRICK ROAD, ROCKVILLE CENTRE, N.Y. 11570

TELEPHONE (516) 836-2110

EUGENE MAUSNER, CPA  
MARTIN MICHAELLOFF, CPA

LAURENCE D. SEIDEN  
GARY PHILLIPS

February 13, 1984

RECEIVED  
FEB 22 9:28  
GENERAL COUNSEL

MUR 1608

Federal Election Committee  
1325 K Street N.W.  
Washington, D.C. 20467

Dear Ms. Thedford:

Re: Compressed Air, Free Air Foundation  
Tunnel, Caisson Subway Workers, Local 147,  
AFL-CIO Political Action Committee

As per our conversation on February 6, 1984, I am writing to you to explain the filing discrepancies.

The first problem was the \$54,950 stated on page 2 were all contributions from members at 3¢ an hour and that amount should have been listed as a memo entry unitemized. The second charge was that the committee filed reports late because the committee's original accountant, Norman Parker, died in July 1981 and Mausner & Michaeloff, P.C., the new accountants, were not aware that election years were every two years, not every four years. The third charge that the committee failed to itemize approximately \$650.00 in its 1982 year end report was actually an adding mistake on page 2 of itemized disbursements. The correct figures on the detailed summary page of receipts and disbursements should be added to column 21 and subtracted from column 19.

We are truly sorry for any inconvenience that were caused to you and we will try to make sure that future filings are to your utmost satisfaction.

Very truly yours,

*Gary Phillips*

MAUSNER & MICHAELLOFF, P. C.  
Gary Phillips

MM:bdd

84040475215



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

February 2, 1984

Richard Fitzsimmons, Treasurer  
Compressed Air, Free Air Foundation Tunnel,  
Caisson Subway Workers, Local 147 AFL-CIO  
Political Action Committee  
175 5th Avenue  
New York, New York 10010

Re: MUR 1608

Dear Mr. Fitzsimmons:

On February 1, 1984, the Federal Election Commission determined that there is reason to believe that the Compressed Air, Free Air Foundation Tunnel, Caisson Subway Workers, Local 147 AFL-CIO Political Action Committee and you, as treasurer, violated 2 U.S.C. §§ 434(a) and 434(b), provisions of the Federal Election Campaign Act of 1971, as amended ("the Act"). The General Counsel's factual and legal analysis, which formed a basis for the Commission's finding, is attached for your information.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you and the committee. Please submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter.

In the absence of any additional information which demonstrates that no further action should be taken against you or your committee, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation. Of course, this does not preclude the settlement of this matter through conciliation prior to a finding of probable cause to believe if you so desired. See 11 C.F.R. § 111.18(d).

If you and your committee intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

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Richard Fitzsimmons, Treasurer  
Page 2

The investigation now being conducted will be confidential in accordance with 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A), unless you notify the Commission in writing that you wish the investigation to be made public.

For your information, we have attached a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Judy Thedford at 202/523-4529.

Sincerely,



Lee Ann Elliott,  
Chairman

**Enclosures**

General Counsel's Factual and Legal Analysis  
Procedures  
Designation of Counsel Statement

84040475217

2 U.S.C. § 434(b)(3) requires a political committee to provide the identification of each person who makes to the reporting committee during the reporting period a contribution or contributions which have an aggregate amount or value in excess of \$200 per calendar year.

2 U.S.C. § 434(b)(6)(B)(i) requires a political committee to report the name and address of each political committee which has received a contribution from the reporting committee during the reporting period together with the date and amount of the contribution.

The respondent committee failed to submit supporting schedules for contributions it reported receiving from individuals on its 1981-Mid-Year Report, 1981 Year-End report, 1982 April Quarterly report, and 1982 July Quarterly Report. The Act requires the identification of any contributor whose contributions aggregate in excess of \$200 for the calendar year. In total, the Committee has failed to disclose \$54,950 in contributions. The Office of General Counsel recommends finding reason to believe that the Committee and its treasurer violated 2 U.S.C. § 434(b)(3).

The Committee filed four reports late. Below is a schedule prepared by the Reports Analysis Division showing the report, its due date and the actual date the report was filed.

<u>Report</u>	<u>Due Date</u>	<u>Date Filed</u>
1982 April Quarterly	4/15/82	7/28/82
1982 July Quarterly	7/15/82	7/28/82
1982 October Quarterly	10/15/82	11/4/82
1982 30 Day Post-General	12/2/82	1/27/83

84040475218

As shown above, the reports were between 13 to 104 days late. The late filings are clearly in violation of 2 U.S.C. § 434(a)(4)(A). The Office of General Counsel recommends finding reason to believe the Committee and its treasurer violated 2 U.S.C. § 434(a)(4)(A).

The last violation is the Committee's failure to itemize approximately \$650 in contributions it made to candidate committees on its 1982 Year-End Report. The information is required to be reported pursuant to 2 U.S.C. § 434(b)(5)(B)(i). The Office of General Counsel recommends finding reason to believe the committee and its treasurer violated 2 U.S.C. § 434(b)(6)(B)(i).

RECOMMENDATION

1. Find reason to believe the Compressed Air, Free Air Foundation Tunnel, Caisson Subway Workers, Local 147 AFL-CIO Political Action Committee and Richard Fitzsimmons, as treasurer, violated 2 U.S.C. §§ 434(a)(4)(A), 434(b)(3), and 434(b)(6)(B)(i).

2. Approve the sending of the attached letter and General Counsel's Legal and Factual Analysis to the respondent.

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DESCRIPTION OF PRELIMINARY PROCEDURES  
FOR PROCESSING POSSIBLE VIOLATIONS DISCOVERED BY THE  
FEDERAL ELECTION COMMISSION

Possible violations discovered during the normal course of the Commission's supervisory responsibilities shall be referred to the Enforcement Division of the Office of General Counsel where they are assigned a MUR (Matter Under Review) number, and assigned to a staff member.

Following review of the information which generated the MUR, a recommendation on how to proceed on the matter, which shall include preliminary legal and factual analysis, and any information compiled from materials available to the Commission shall be submitted to the Commission. This initial report shall recommend either: (a) that the Commission find reason to believe that a possible violation of the Federal Election Campaign Act (FECA) may have occurred or is about to occur and that the Commission conduct an investigation of the matter; or (b) that the Commission find no reason to believe that a possible violation of the FECA has occurred and that the Commission close the file on the matter.

Thereafter, if the Commission decides by an affirmative vote of four (4) Commissioners that there is reason to believe that a violation of the Federal Election Campaign Act (FECA) has been committed or is about to be committed, the Office of the General Counsel shall open an investigation into the matter. Upon notification of the Commission's finding(s), within 15 days a respondent(s) may submit any factual or legal materials relevant to the allegations. During the investigation, the Commission shall have the power to subpoena documents, to subpoena individuals to appear for depositions, and to order answers to interrogatories. The respondent(s) may be contacted more than once by the Commission in its investigation.

84040475220

STATEMENT OF DESIGNATION OF COUNSEL

NAME OF COUNSEL:

ADDRESS:

TELEPHONE:

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

NAME:

ADDRESS:

HOME PHONE:

BUSINESS PHONE:

84040475221

FEDERAL ELECTION COMMISSION  
GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

MUR 1608

Staff MEMBER & TELE. NO.  
Judy Thedford 523-4039

RESPONDENT Compressed Air, Free Air Foundation Tunnel,  
Caisson Subway Workers, Local 147 AFL-CIO  
Political Action Committee

SOURCE OF MUR: I N T E R N A L L Y G E N E R A T E D

SUMMARY OF ALLEGATIONS

This matter was referred to the Office of General Counsel by the Commission on November 29, 1983. The Compressed Air, Free Air Foundation Tunnel, Caisson Subway Workers, Local 147 AFL-CIO Political Action Committee ("the Committee") appears to have violated the Act by filing four reports late, failing to disclose a total of \$54,950 in contributions from individuals on the Detailed Summary Page for which no supporting schedules itemizing the individual contributions were submitted and for failing to disclose \$650 in contributions it made to candidates.

FACTUAL BASIS AND LEGAL ANALYSIS

Pursuant to 2 U.S.C. § 434(a)(4)(A), a political committee in an election year is required to file quarterly reports due April 15, July 15, October 15; a pre-election report due no later than 12 days before any election in which the committee makes a contribution or expenditure on behalf of a candidate in such election; a post-general election report due no later than 30 days after the general election; and a year-end report due January 31 of the following year.

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MAUSER AND HICKMAN, INC.

CERTIFIED PUBLIC ACCOUNTANTS

100 HERRICK ROAD • ROCKVILLE CENTER, N.Y. 10850



Federal Election Committee  
1325 K Street N.W.  
Washington, D.C. 20467

Attn: Ms. J. Thedford



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

February 2, 1984

Richard Fitzsimmons, Treasurer  
Compressed Air, Free Air Foundation Tunnel,  
Caisson Subway Workers, Local 147 AFL-CIO  
Political Action Committee  
175 5th Avenue  
New York, New York 10010

Re: MUR 1608

Dear Mr. Fitzsimmons:

On February 1, 1984, the Federal Election Commission determined that there is reason to believe that the Compressed Air, Free Air Foundation Tunnel, Caisson Subway Workers, Local 147 AFL-CIO Political Action Committee and you, as treasurer, violated 2 U.S.C. §§ 434(a) and 434(b), provisions of the Federal Election Campaign Act of 1971, as amended ("the Act"). The General Counsel's factual and legal analysis, which formed a basis for the Commission's finding, is attached for your information.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you and the committee. Please submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter.

In the absence of any additional information which demonstrates that no further action should be taken against you or your committee, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation. Of course, this does not preclude the settlement of this matter through conciliation prior to a finding of probable cause to believe if you so desired. See 11 C.F.R. § 111.18(d).

If you and your committee intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

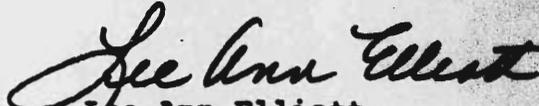
8-4040475224

Richard Fitzsimmons, Treasurer  
Page 2

The investigation now being conducted will be confidential in accordance with 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A), unless you notify the Commission in writing that you wish the investigation to be made public.

For your information, we have attached a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Judy Thedford at 202/523-4529.

Sincerely,

  
Lee Ann Elliott,  
Chairman

**Enclosures**

General Counsel's Factual and Legal Analysis  
Procedures  
Designation of Counsel Statement

84040475225

FEDERAL ELECTION COMMISSION

GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

MUR 1608

Staff MEMBER & TELE. NO.  
Judy Thedford 523-4039

RESPONDENT Compressed Air, Free Air Foundation Tunnel,  
Caisson Subway Workers, Local 147 AFL-CIO  
Political Action Committee

SOURCE OF MUR: I N T E R N A L L Y G E N E R A T E D

SUMMARY OF ALLEGATIONS

This matter was referred to the Office of General Counsel by the Commission on November 29, 1983. The Compressed Air, Free Air Foundation Tunnel, Caisson Subway Workers, Local 147 AFL-CIO Political Action Committee ("the Committee") appears to have violated the Act by filing four reports late, failing to disclose a total of \$54,950 in contributions from individuals on the Detailed Summary Page for which no supporting schedules itemizing the individual contributions were submitted and for failing to disclose \$650 in contributions it made to candidates.

FACTUAL BASIS AND LEGAL ANALYSIS

Pursuant to 2 U.S.C. § 434(a)(4)(A), a political committee in an election year is required to file quarterly reports due April 15, July 15, October 15; a pre-election report due no later than 12 days before any election in which the committee makes a contribution or expenditure on behalf of a candidate in such election; a post-general election report due no later than 30 days after the general election; and a year-end report due January 31 of the following year.

84040475226

2 U.S.C. § 434(b)(3) requires a political committee to provide the identification of each person who makes to the reporting committee during the reporting period a contribution or contributions which have an aggregate amount or value in excess of \$200 per calendar year.

2 U.S.C. § 434(b)(6)(B)(i) requires a political committee to report the name and address of each political committee which has received a contribution from the reporting committee during the reporting period together with the date and amount of the contribution.

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The respondent committee failed to submit supporting schedules for contributions it reported receiving from individuals on its 1981-Mid-Year Report, 1981 Year-End report, 1982 April Quarterly report, and 1982 July Quarterly Report. The Act requires the identification of any contributor whose contributions aggregate in excess of \$200 for the calendar year. In total, the Committee has failed to disclose \$54,950 in contributions. The Office of General Counsel recommends finding reason to believe that the Committee and its treasurer violated 2 U.S.C. § 434(b)(3).

The Committee filed four reports late. Below is a schedule prepared by the Reports Analysis Division showing the report, its due date and the actual date the report was filed.

<u>Report</u>	<u>Due Date</u>	<u>Date Filed</u>
1982 April Quarterly	4/15/82	7/28/82
1982 July Quarterly	7/15/82	7/28/82
1982 October Quarterly	10/15/82	11/4/82
1982 30 Day Post-General	12/2/82	1/27/83

As shown above, the reports were between 13 to 104 days late. The late filings are clearly in violation of 2 U.S.C. § 434(a)(4)(A). The Office of General Counsel recommends finding reason to believe the Committee and its treasurer violated 2 U.S.C. § 434(a)(4)(A).

The last violation is the Committee's failure to itemize approximately \$650 in contributions it made to candidate committees on its 1982 Year-End Report. The information is required to be reported pursuant to 2 U.S.C. § 434(b)(6)(B)(i). The Office of General Counsel recommends finding reason to believe the committee and its treasurer violated 2 U.S.C. § 434(b)(6)(B)(i).

RECOMMENDATION

1. Find reason to believe the Compressed Air, Free Air Foundation Tunnel, Caisson Subway Workers, Local 147 AFL-CIO Political Action Committee and Richard Fitzsimmons, as treasurer, violated 2 U.S.C. §§ 434(a)(4)(A), 434(b)(3), and 434(b)(6)(B)(i).

2. Approve the sending of the attached letter and General Counsel's Legal and Factual Analysis to the respondent.

84040475228



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

Richard Fitzsimmons, Treasurer  
Compressed Air, Free Air Foundation Tunnel,  
Caisson Subway Workers, Local 147 AFL-CIO  
Political Action Committee  
175 5th Avenue  
New York, New York 10010

Re: MUR 1608

Dear Mr. Fitzsimmons:

On , 1984, the Federal Election Commission determined that there is reason to believe that the Compressed Air, Free Air Foundation Tunnel, Caisson Subway Workers, Local 147 AFL-CIO Political Action Committee and you, as treasurer, violated 2 U.S.C. §§ 434(a) and 434(b), provisions of the Federal Election Campaign Act of 1971, as amended ("the Act"). The General Counsel's factual and legal analysis, which formed a basis for the Commission's finding, is attached for your information.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you and the committee. Please submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter.

In the absence of any additional information which demonstrates that no further action should be taken against you or your committee, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation. Of course, this does not preclude the settlement of this matter through conciliation prior to a finding of probable cause to believe if you so desired. See 11 C.F.R. § 111.18(d).

If you and your committee intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

84040475229

Richard Fitzsimmons, Treasurer  
Page 2

The investigation now being conducted will be confidential in accordance with 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A), unless you notify the Commission in writing that you wish the investigation to be made public.

For your information, we have attached a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Judy Thedford at 202/523-4529.

Sincerely,

**Enclosures**

**General Counsel's Factual and Legal Analysis  
Procedures  
Designation of Counsel Statement**

84040475230

OK  
2-1-84

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
Compressed Air, Free Air Foundation	)	MUR 1608
Tunnel, Caisson Subway Workers,	)	
Local 147 AFL-CIO Political	)	
Action Committee	)	
Richard Fitzsimmons, Treasurer	)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on February 1, 1984, the Commission decided by a vote of 6-0 to take the following actions in MUR 1608:

1. Find reason to believe the Compressed Air, Free Air Foundation Tunnel, Caisson Subway Workers, Local 147 AFL-CIO Political Action Committee and Richard Fitzsimmons, as treasurer, violated 2 U.S.C. §§ 434(a)(4)(A), 434(b)(3), and 434(b)(6)(B)(i).
2. Approve the sending of the letter and General Counsel's Legal and Factual Analysis to the respondent as submitted with the First General Counsel's Report dated January 27, 1984.

Commissioners Aikens, Elliott, Harris, McDonald, McGarry and Reiche voted affirmatively in this matter.

Attest:

2-1-84  
Date

Marjorie W. Emmons  
Marjorie W. Emmons  
Secretary of the Commission

Received in Office of Commission Secretary:  
Circulated on 48 hour tally basis:

1-27-84, 10:21  
1-30-84, 11:00

84040475231



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

MEMORANDUM

TO: Office of the Commission Secretary  
 FROM: Office of General Counsel *Cot*  
 DATE: January 27, 1984  
 SUBJECT: MUR 1608 - First General Counsel's Report

The attached is submitted as an Agenda document  
 for the Commission Meeting of \_\_\_\_\_  
 Open Session \_\_\_\_\_  
 Closed Session \_\_\_\_\_

CIRCULATIONS

48 Hour Tally Vote            [X]  
     Sensitive                    [X]  
     Non-Sensitive                [ ]  
 24 Hour No Objection        [ ]  
     Sensitive                    [ ]  
     Non-Sensitive                [ ]  
 Information                    [ ]  
     Sensitive                    [ ]  
     Non-Sensitive                [ ]

Other                            [ ]

DISTRIBUTION

Compliance                    [X]  
 Audit Matters                 [ ]  
 Litigation                     [ ]  
 Closed MUR Letters            [ ]  
 Status Sheets                 [ ]  
 Advisory Opinions             [ ]  
 Other (see distribution  
     below)                        [ ]

8-4040475232

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**SENSITIVE**

FEDERAL ELECTION COMMISSION  
1325 K Street, N.W.  
Washington, D.C. 20463

RECEIVED  
OFFICE OF THE  
COMMISSION SECRETARY

FIRST GENERAL COUNSEL'S REPORT

84 JAN 27 AIO: 21

DATE AND TIME OF TRANSMITTAL  
BY OGC TO THE COMMISSION 1/27/84 - 10:25

MUR 1608  
STAFF MEMBER  
Judy Thedford

COMPLAINANT'S NAME: I N T E R N A L L Y G E N E R A T E D

RESPONDENT'S NAME: Compressed Air, Free Air Foundation Tunnel,  
Caisson Subway Workers, Local 147 AFL-CIO  
Political Action Committee  
Richard Fitzsimmons, Treasurer

RELEVANT STATUTE: 2 U.S.C. § 434(a), 2 U.S.C. § 434(b)(3),  
§ 434(b)(6)(B)(i)

INTERNAL REPORTS CHECKED: 1981 and 1982 Reports by RAD

FEDERAL AGENCIES CHECKED: None

GENERATION OF MATTER

This matter was referred to the Office of General Counsel by  
the Commission on November 29, 1983.

SUMMARY OF ALLEGATIONS

The Compressed Air, Free Air Foundation Tunnel, Caisson  
Subway Workers, Local 147 AFL-CIO Political Action Committee  
("the Committee") appears to have violated the Act by filing four  
reports late, failing to disclose a total of \$54,950 in  
contributions from individuals on the Detailed Summary Page for  
which no supporting schedules itemizing the individual  
contributions were submitted and for failing to disclose \$650 in  
contributions it made to candidates.

FACTUAL AND LEGAL ANALYSIS

Pursuant to 2 U.S.C. § 434(a)(4)(A), a political committee  
in an election year is required to file quarterly reports due  
April 15, July 15, October 15; a pre-election report due no later

84040475233

than 12 days before any election in which the committee makes a contribution or expenditure on behalf of a candidate in such election; a post-general election report due no later than 30 days after the general election; and a year-end report due January 31 of the following year.

2 U.S.C. § 434(b)(3) requires a political committee to provide the identification of each person who makes to the reporting committee during the reporting period a contribution or contributions which have an aggregate amount or value in excess of \$200 per calendar year.

2 U.S.C. § 434(b)(6)(B)(i) requires a political committee to report the name and address of each political committee which has received a contribution from the reporting committee during the reporting period together with the date and amount of the contribution.

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The Committee filed four reports late. Below is a schedule prepared by the Reports Analysis Division showing the report, its due date and the actual date the report was filed.

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As shown above, the reports were between 13 to 104 days late.

The late filings are clearly in violation of 2 U.S.C.

§ 434(a)(4)(A). The Office of General Counsel recommends finding reason to believe the Committee and its treasurer violated 2 U.S.C. § 434(a)(4)(A).

The last violation is the Committee's failure to itemize approximately \$650 in contributions it made to candidate committees on its 1982 Year-End Report. The information is required to be reported pursuant to 2 U.S.C. § 434(b)(6)(B)(i). The Office of General Counsel recommends finding reason to believe the committee and its treasurer violated 2 U.S.C. § 434(b)(6)(B)(i).

#### RECOMMENDATION

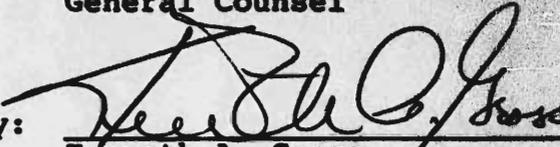
1. Find reason to believe the Compressed Air, Free Air Foundation Tunnel, Caisson Subway Workers, Local 147 AFL-CIO Political Action Committee and Richard Fitzsimmons, as treasurer, violated 2 U.S.C. §§ 434(a)(4)(A), 434(b)(3), and 434(b)(6)(B)(i).

84040475235

2. Approve the sending of the attached letter and General Counsel's Legal and Factual Analysis to the respondent.

January 26, 1954  
Date

Charles N. Steele  
General Counsel

By:   
Kenneth A. Gross  
Associate General Counsel

**Attachments**

Letter  
General Counsel's Legal and Factual Analysis

84040475236



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

Richard Fitzsimmons, Treasurer  
Compressed Air, Free Air Foundation Tunnel,  
Caisson Subway Workers, Local 147 AFL-CIO  
Political Action Committee  
175 5th Avenue  
New York, New York 10010

Re: MUR 1608

Dear Mr. Fitzsimmons:

On , 1984, the Federal Election Commission determined that there is reason to believe that the Compressed Air, Free Air Foundation Tunnel, Caisson Subway Workers, Local 147 AFL-CIO Political Action Committee and you, as treasurer, violated 2 U.S.C. §§ 434(a) and 434(b), provisions of the Federal Election Campaign Act of 1971, as amended ("the Act"). The General Counsel's factual and legal analysis, which formed a basis for the Commission's finding, is attached for your information.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you and the committee. Please submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter.

In the absence of any additional information which demonstrates that no further action should be taken against you or your committee, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation. Of course, this does not preclude the settlement of this matter through conciliation prior to a finding of probable cause to believe if you so desired. See 11 C.F.R. § 111.18(d).

If you and your committee intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

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Richard Fitzsimmons, Treasurer  
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The investigation now being conducted will be confidential in accordance with 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A), unless you notify the Commission in writing that you wish the investigation to be made public.

For your information, we have attached a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Judy Thedford at 202/523-4529.

Sincerely,

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Enclosures

General Counsel's Factual and Legal Analysis  
Procedures  
Designation of Counsel Statement

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FEDERAL ELECTION COMMISSION

GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

MUR 1608

Staff MEMBER & TELE. NO.  
Judy Thedford 523-4039

RESPONDENT Compressed Air, Free Air Foundation Tunnel,  
Caisson Subway Workers, Local 147 AFL-CIO  
Political Action Committee

SOURCE OF MUR: I N T E R N A L L Y G E N E R A T E D

SUMMARY OF ALLEGATIONS

This matter was referred to the Office of General Counsel by the Commission on November 29, 1983. The Compressed Air, Free Air Foundation Tunnel, Caisson Subway Workers, Local 147 AFL-CIO Political Action Committee ("the Committee") appears to have violated the Act by filing four reports late, failing to disclose a total of \$54,950 in contributions from individuals on the Detailed Summary Page for which no supporting schedules itemizing the individual contributions were submitted and for failing to disclose \$650 in contributions it made to candidates.

FACTUAL BASIS AND LEGAL ANALYSIS

Pursuant to 2 U.S.C. § 434(a)(4)(A), a political committee in an election year is required to file quarterly reports due April 15, July 15, October 15; a pre-election report due no later than 12 days before any election in which the committee makes a contribution or expenditure on behalf of a candidate in such election; a post-general election report due no later than 30 days after the general election; and a year-end report due January 31 of the following year.

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2 U.S.C. § 434(b) (3) requires a political committee to provide the identification of each person who makes to the reporting committee during the reporting period a contribution or contributions which have an aggregate amount or value in excess of \$200 per calendar year.

2 U.S.C. § 434(b) (6) (B) (i) requires a political committee to report the name and address of each political committee which has received a contribution from the reporting committee during the reporting period together with the date and amount of the contribution.

The respondent committee failed to submit supporting schedules for contributions it reported receiving from individuals on its 1981-Mid-Year Report, 1981 Year-End report, 1982 April Quarterly report, and 1982 July Quarterly Report. The Act requires the identification of any contributor whose contributions aggregate in excess of \$200 for the calendar year. In total, the Committee has failed to disclose \$54,950 in contributions. The Office of General Counsel recommends finding reason to believe that the Committee and its treasurer violated 2 U.S.C. § 434(b) (3).

The Committee filed four reports late. Below is a schedule prepared by the Reports Analysis Division showing the report, its due date and the actual date the report was filed.

<u>Report</u>	<u>Due Date</u>	<u>Date Filed</u>
1982 April Quarterly	4/15/82	7/28/82
1982 July Quarterly	7/15/82	7/28/82
1982 October Quarterly	10/15/82	11/4/82
1982 30 Day Post-General	12/2/82	1/27/83

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As shown above, the reports were between 13 to 104 days late. The late filings are clearly in violation of 2 U.S.C.

§ 434(a)(4)(A). The Office of General Counsel recommends finding reason to believe the Committee and its treasurer violated 2 U.S.C. § 434(a)(4)(A).

The last violation is the Committee's failure to itemize approximately \$650 in contributions it made to candidate committees on its 1982 Year-End Report. The information is required to be reported pursuant to 2 U.S.C. § 434(b)(6)(B)(i). The Office of General Counsel recommends finding reason to believe the committee and its treasurer violated 2 U.S.C. § 434(b)(6)(B)(i).

RECOMMENDATION

1. Find reason to believe the Compressed Air, Free Air Foundation Tunnel, Caisson Subway Workers, Local 147 AFL-CIO Political Action Committee and Richard Fitzsimmons, as treasurer, violated 2 U.S.C. §§ 434(a)(4)(A), 434(b)(3), and 434(b)(6)(B)(i).

2. Approve the sending of the attached letter and General Counsel's Legal and Factual Analysis to the respondent.

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
Compressed Air, Free Air, )  
Foundation Tunnel, Caisson )  
Subway Workers, Local 147 )  
AFL-CIO Political Action )  
Fund )

AB3-98

CERTIFICATION

I, Marjorie W. Emons, Recording Secretary for the Federal Election Commission Executive Session on November 29, 1983, do hereby certify that the Commission decided by a vote of 6-0 not to conduct an audit with respect to the above-captioned matter, but to refer the entire matter to the Office of General Counsel with the direction that the General Counsel review all of the violations noted therein and report back to the Commission.

Commissioners Aikens, Elliott, Harris, McDonald, McGarry, and Reiche voted affirmatively for the decision.

Attest:

12-6-83

Date

Marjorie W. Emons

Marjorie W. Emons  
Secretary of the Commission

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FEDERAL ELECTION COMMISSION

1325 K STREET N.W.  
WASHINGTON, D.C. 20463

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THIS IS THE BEGINNING OF MUR # 1608

Date Filmed 9/26/84 Camera No. --- 2

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