



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20543

THIS IS THE END OF MUR # 1902

Date Filmed 9/11/85 Camera No. --- 2

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Conciliation Agreements, 3 Blue Cards, Posting Slip

3 Tally sheets, 2 RFAT's, objection Memos

Control slip, RAD. referral report, Co-Day Report.

The above-described material was removed from this file pursuant to the following exemption provided in the Freedom of Information Act; 5 U.S.C. Section 552 (b):

185040550222

- (1) Classified Information
- (2) Internal rules and practices
- (3) Exempted by other statute
- (4) Trade secrets and commercial or financial information
- (5) Internal Documents
- (6) Personal privacy
- (7) Investigatory files
- (8) Banking Information
- (9) Well Information (geographic or geophysical)

Signed Robert J. Mikovick
date 8/27/85

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Democratic Party of) MUR 1902
New Mexico)
Richard Kennedy, as treasurer)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on July 17, 1985, the Commission decided by a vote of 5-0 to take the following actions in MUR 1902:

1. Accept the conciliation agreement submitted with the General Counsel's Report signed July 12, 1985.
2. Close the file.

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

Attest:

7-18-85

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

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

7-15-85, 12:00
7-15-85, 4:00

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Democratic Party of New Mexico) MUR 1902
Richard Kennedy, 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 the Democratic Party of New Mexico and Richard Kennedy, as treasurer (hereinafter "the Respondents"), violated 2 U.S.C. § 434(a)(4)(A)(i) by filing the 1984 April Quarterly Report late and failing to file the 1984 July Quarterly Report. The Commission also found reason to believe that the Respondents violated 2 U.S.C. § 434(a)(4)(A)(i) by failing to file the 1984 October Quarterly Report.

NOW, THEREFORE, the Commission and Respondents, having duly entered into conciliation, pursuant to 2 U.S.C. § 437g(a)(4)(A)(i), and having, also participated in informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree as follows:

I. The Commission has jurisdiction over the Respondents, and the subject matter of this proceeding, and this agreement has the effect of an agreement entered into pursuant to 2 U.S.C. § 437g(a)(4)(A)(i).

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

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OFFICE OF THE
GENERAL COUNSEL
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III. Respondents enter voluntarily into this agreement with the Commission.

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

1. The Democratic Party of New Mexico is a political committee registered with the Commission.

2. Richard Kennedy is the treasurer of the Democratic Party of New Mexico.

3. The Respondents were required to file the 1984 April Quarterly Report on April 15, 1984. The report was filed on July 26, 1984.

4. The Respondents were required to file the 1984 July Quarterly Report on July 15, 1984. The report has not been filed.

5. The Respondents were required to file the 1984 October Quarterly Report on October 15, 1984. The report has not been filed.

V. Respondents agree to file all reports outstanding.

VI. Respondents violated 2 U.S.C. § 434(a)(4)(A)(i) by failing to file timely the 1984 April Quarterly and by not filing the July Quarterly and October Quarterly reports.

VII. Respondents will pay a civil penalty to the Treasurer of the United States in the amount of Five Hundred Seventy Five Dollars (\$575), 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.

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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.

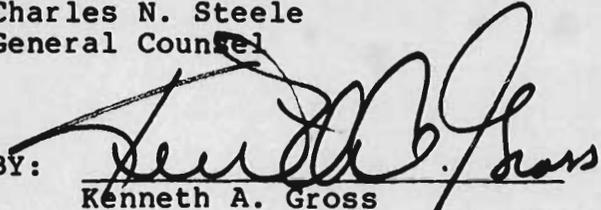
X. This agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

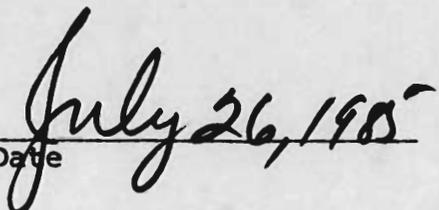
XI. Respondents shall have no more than thirty (30) days from the date this agreement becomes effective to comply with and implement the requirements contained in this agreement and to so notify the Commission.

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.

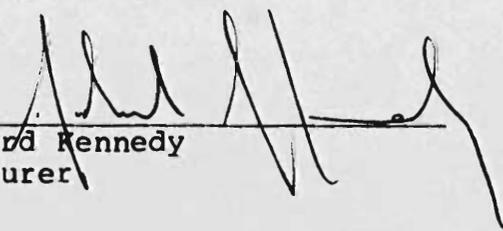
FOR THE COMMISSION:

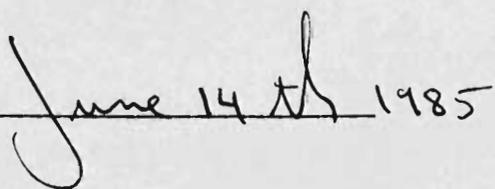
Charles N. Steele
General Counsel

BY: 
Kenneth A. Gross
Associate General Counsel


Date

FOR THE RESPONDENTS:


Richard Kennedy
Treasurer


Date

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 20 1985

Richard Kennedy, Treasurer
615 First Street, N.W.
Suite 100
Albuquerque, New Mexico 87104

RE: MUR 1902

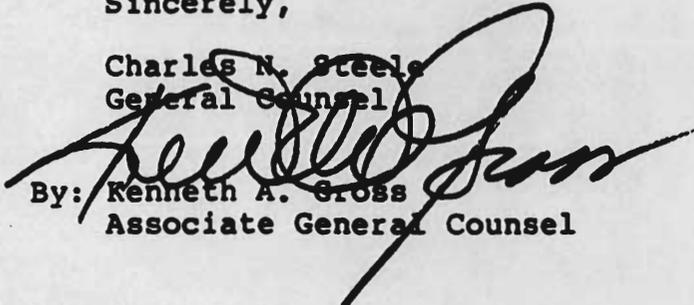
Dear Mr. Kennedy:

On July 17, 1985, the Commission accepted the conciliation agreement signed by you and a civil penalty in settlement of a violation of 2 U.S.C. §§ 434(a)(4)(A)(i), a provision 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 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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SECRET

BEFORE THE FEDERAL ELECTION COMMISSION OF THE FEDERAL ELECTION COMMISSION SECRETARY

RECEIVED

MUR 890211 15 P12:00

In the Matter of)
Democratic Party of)
New Mexico)
Richard Kennedy, as treasurer)

GENERAL COUNSEL'S REPORT

Background

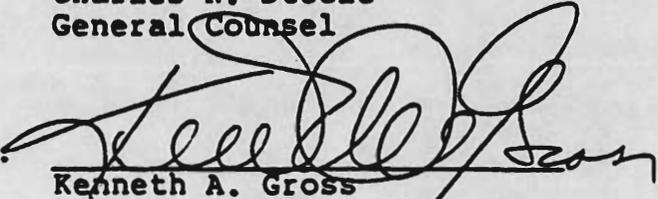
Attached is a conciliation agreement which has been signed by treasurer of the Democratic Party of New Mexico.

Recommendation

The Office of General Counsel recommends the acceptance of this agreement and the closing of the file.

Charles N. Steele
General Counsel

July 12, 1985
Date

BY: 
Kenneth A. Gross
Associate General Counsel

Attachments

- Conciliation Agreement
- Photocopy of civil penalty check

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Democratic Party of New Mexico) MUR 1902
Richard Kennedy, Treasurer)

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session of May 7, 1985, do hereby certify that the Commission decided by a vote of 4-1 to take the following actions in MUR 1902:

1. Enter into pre-probable cause conciliation with the Democratic Party of New Mexico and Richard Kennedy, as treasurer.
2. Merge MUR 1767 into MUR 1902.
3. Approve and send the letter and conciliation agreement attached to the General Counsel's report dated April 26, 1985, subject to amendment of Paragraph V of the agreement to say, "all reports outstanding," instead of listing those outstanding at this moment.

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

Attest:

5-8-85

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

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SENSITIVE

BEFORE THE FEDERAL ELECTION COMMISSION

RECEIVED
OFFICE OF THE FEC
COMMISSION SECRETARY

In the Matter of)
)
Democratic Party of New)
Mexico)
Richard Kennedy, Treasurer)

MUR 1902

25 APR 30 P 1:40

GENERAL COUNSEL'S REPORT

I. Background

On February 27, 1985, the Commission found reason to believe that the Democratic Party of New Mexico and Richard Kennedy, as treasurer, ("DPNM") violated 2 U.S.C. § 434(a)(4)(A)(i) by failing to file the 1984 October Quarterly Report. DPNM was notified of the Commission's action by letter dated March 5, 1985.

On March 18, and April 4, 1985, DPNM responded to the reason to believe notice. In the March reply, DPNM stated that it would file, by March 29, 1985, the outstanding October Quarterly report along with the July Quarterly report, subject of MUR 1767, and the 30 Day post-general election report. These reports were not filed by this date and still remain outstanding. Subsequently, DPNM submitted another letter to the Commission requesting pre-probable cause conciliation in MUR 1902 for the pre-and post-general election and the year-end reports. These reports are not subject of either MURs 1767 or 1902.

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II. Legal Analysis

It appears from the letters submitted by DPNM that conciliation of all its late and non-filing violations is requested and desired. As both MUR 1767 and 1902 deal with the same respondent, it would seem advantageous to merge the MURs and present one agreement to the respondents inclusive of all its reporting violations.

Should conciliation fail to result in a mutually acceptable agreement within the next thirty days, a report recommending filing suit against DPNM will be presented to the Commission for the issues previously handled as MUR 1767. The non-filing of the October Quarterly report (previously MUR 1902) will be handled in the suit by requiring DPNM to file all outstanding reports to date.

III. Discussion of Conciliation and Civil Penalty

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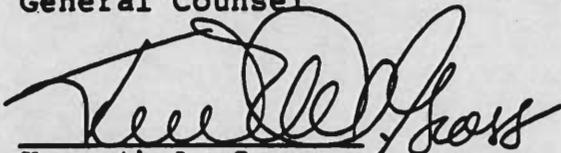
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IV. Recommendation

1. Enter into pre-probable cause conciliation with the Democratic Party of New Mexico and Richard Kennedy, as treasurer.
2. Merge MUR 1767 into 1902.
3. Approve and send the attached letter and agreement.

Charles N. Steele
General Counsel

April 26, 1985
Date

By: 
Kenneth A. Gross
Associate General Counsel

Attachments

1. Letters
2. Proposed Agreement
3. Proposed Letter

DEMOCRATIC PARTY OF NEW MEXICO

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FRED MONDRAGON
State Chair

BEA CASTELLANO
State Vice Chair

March 18, 1985

John Warren McGarry
Chairman
Federal Election Commission
Washington, D.C. 20463

RE: MUR 1902

Dear Mr. McGarry,

Today we received your letter dated March 5, 1985. Our headquarters moved in July 1984 from the Rio Grande address to the current one: Suite 100 615 First Street N.W. Albuquerque, New Mexico 87102. This information was communicated to the F.E.C. last July.

I apologize for the inconvenience we have created and plan to submit the three reports that are overdue by March 29 at the very latest. The reports that we will send you are:

- July Quarterly
- October Quarterly
- 30 Day Post-General

The Democratic Party of New Mexico has gone through some very difficult changes in the last six months. We have been understaffed, I am the sole employee, we have had three State Chairs, because of resignations. Again, I apologize for the delay and hope that you can wait til March 29, before you initiate any legal action. As soon as the reports are completed and accurate I shall send them by overnight service. Therefore I request that no action be taken against me or the committee until that date. Our sincere thanks and appreciation in regards to this matter.

If you need further information or documentation please call me at the following number (505) 242 6000. Thanks.

Sincerely,


Richard Kennedy
Executive Director

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CP: 00 11/11/85

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DEMOCRATIC PARTY OF NEW MEXICO

HAND DELIVERED
85 APR 8 12:58

FRED MONDRAGON
State Chair

BEA CASTELLANO
State Vice Chair

April 4, 1985

Federal Election Commission
1325 K Street N.W.
Washington D.C. 20463

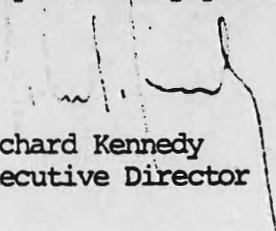
Dear Sir:

We would like to request that pre-probable cause conciliation 1902
be made for the following reports of the Democratic Party of New Mexico:

- pre-general report
- post-general report
- year end report

Please advise us of any other information we need to provide to you
in regards to this matter.

Very sincerely yours,


Richard Kennedy
Executive Director

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Richard Kennedy, Treasurer
Democratic Party of New Mexico
Suite 100
615 First Street, N.W.
Albuquerque, New Mexico 87102

RE: MUR 1902

Dear Mr. Kennedy:

On February 27, 1985, the Commission found reason to believe that the Democratic Party of New Mexico and Richard Kennedy, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(i). At your request, the Commission determined on April , 1985, to enter into negotiations directed towards reaching a conciliation agreement in settlement of this matter prior to a finding of probable cause to believe. The Commission also determined to merge MURs 1767 and MUR 1902. This matter will thereafter be referred to as MUR 1902.

Enclosed is a conciliation agreement that the Commission has approved in settlement of this entire matter. If you agree with the provisions of the enclosed agreement, please sign and return it, along with the civil penalty, to the Commission. In light of the fact that conciliation negotiations, prior to a finding of probable cause to believe, are limited to a maximum of 30 days, you should respond to this notification as soon as possible. If you have any questions or suggestions for changes in the agreement, or if you wish to arrange a meeting in connection with a mutually satisfactory conciliation agreement, please contact Andrew Maikovich, the attorney assigned to this matter, at (202) 523-4000.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

Enclosures

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85040550235

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Democratic Party of New Mexico) RAD Referral 85NF-1
Richard Kennedy, Treasurer)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on February 27, 1985, the Commission decided by a vote of 6-0 to take the following actions in RAD Referral 85NF-1:

1. Open a MUR.
2. Find reason to believe the Democratic Party of New Mexico and Richard Kennedy, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(i).
3. Approve and send the letter and legal and factual analysis attached to the First General Counsel's Report signed February 22, 1985.

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

Attest:

2-27-85
Date

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

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

2-22-85, 4:07
2-25-85, 11:00

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SENSITIVE

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

RECEIVED
OFFICE OF THE FEC
COMMISSION SECRETARY

FIRST GENERAL COUNSEL'S REPORT

DATE AND TIME OF TRANSMITTAL
BY OGC TO THE COMMISSION 3/22/85-4:00

RAD Referral 85NF21 P 4:07
STAFF MEMBER Theford

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: Democratic Party of New Mexico
Richard Kennedy, Treasurer

RELEVANT STATUTE: 2 U.S.C. § 434(a)(4)(A)(i)

INTERNAL REPORTS CHECKED: Democratic Party of New Mexico
by RAD

FEDERAL AGENCIES CHECKED: N/A

GENERATION OF MATTER

This matter was referred to the Office of General Counsel by the Reports Analysis Division on January 3, 1985.

SUMMARY OF ALLEGATIONS

The Democratic Party of New Mexico ("the Committee") failed to file the 1984 October Quarterly Report of Receipts and Disbursements as of Election Day, November 6, 1984. The Committee was notified on September 21, 1984, that the report was due on October 15, 1984.

On November 6, 1984, a Non-Filer Notice was sent to the Committee for its failure to file the 1984 October Quarterly Report.

On November 28, 1984, a Reports Analysis Division ("RAD") analyst attempted to contact Richard Kennedy, treasurer of the Committee; however, he was not available. A message was left, but the call was not returned.

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On December 6, 1984, a RAD analyst again phoned to inquire about the non-filing. Bea Castellano, the executive director, stated that Mr. Kennedy was out of the country, but she would give him a message upon his arrival. Ms. Castellano added that she had no knowledge of FEC regulations, but would attempt to expedite the matter. As of this date, the 1984 October Quarterly Report has not been received.

It should also be noted that on December 27, 1984, a Chronic Late Filer Notice was sent to the Committee for its failure to timely file the 1984 April Quarterly, July Quarterly, October Quarterly, and 30 Day Post-General Reports. Additionally, on December 28, 1984, a Non-Filer Notice was sent to the Committee for its failure to file the 1984 30 Day Post-General Report.

LEGAL AND FACTUAL ANALYSIS

2 U.S.C. § 434(a)(4)(A)(i) requires a political committee such as the Democratic Party of New Mexico to file quarterly reports in an election year. The quarterly reports are due the 15th day after each calendar quarter.

The Democratic Party of New Mexico has failed to file the 1984 October Quarterly reports due October 15, 1984. It is recommended that the Commission open a MUR and find reason to believe the Democratic Party of New Mexico violated 2 U.S.C. § 434(a)(4)(A)(i).*/

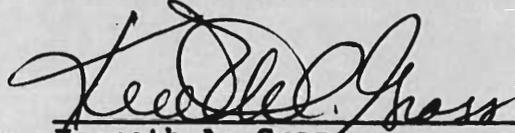
*/ It should also be noted that the Democratic Party of New Mexico has also failed to file the 30 Day Post-General Election report. However, RAD is referring the failure to file the 30 Day Post-General Election Report to the Office of General Counsel in a separate referral.

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RECOMMENDATIONS

1. Open a MUR.
2. Find reason to believe the Democratic Party of New Mexico and Richard Kennedy, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(i).
3. Approve and send the attached letter and legal and factual analysis.

Charles N. Steele
General Counsel



BY: Kenneth A. Gross
Associate General Counsel

February 22, 1985
Date

Attachments

1. Referral
2. Letter
3. Legal and Factual Analysis

85040550239



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

January 3, 1985

MEMORANDUM

TO: CHARLES N. STEELE
GENERAL COUNSEL

THROUGH: JOHN C. SURINA 15/
STAFF DIRECTOR

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

SUBJECT: REFERRAL OF THE DEMOCRATIC PARTY OF NEW MEXICO

This is a referral of the Democratic Party of New Mexico ("the Committee"). The Committee failed to file the 1984 October Quarterly Report of Receipts and Disbursements as of Election Day, November 6, 1984. According to the Review and Referral Procedures for Unauthorized Committees (Standard 3), further examination is required by your office.

For your information, a Matter Under Review (MUR 1767) has been opened regarding the Committee's failure to file the 1984 April and July Quarterly Reports.

If you have any questions, please contact Paul Kolesa at 523-4048.

Attachment

35040550240

(1)

REPORTS ANALYSIS REFERRAL

TO

OFFICE OF GENERAL COUNSEL

DATE: January 3, 1985

ANALYST: Paul Kolesa

I. COMMITTEE: Democratic Party of New Mexico
(C00161810)
Richard Kennedy, Treasurer
621 Rio Grande Boulevard, NW
Albuquerque, NM 87104

II. RELEVANT STATUTE: 2 U.S.C. §434(a)(4)(A)(i)
11 CFR 104.5(c)(1)(i)(A)

III. BACKGROUND:

Non-Filing of the 1984 October Quarterly Report

The Democratic Party of New Mexico ("the Committee") failed to file the 1984 October Quarterly Report of Receipts and Disbursements as of Election Day, November 6, 1984. The Committee was notified on September 21, 1984 that the report was due on October 15, 1984 (Attachment 2).

On November 6, 1984, a Non-Filer Notice was sent to the Committee for its failure to file the 1984 October Quarterly Report (Attachment 3).

On November 28, 1984, a Reports Analysis Division ("RAD") analyst attempted to contact Richard Kennedy, treasurer of the Committee; however, he was not available. A message was left, but the call was not returned (Attachment 4).

On December 6, 1984, a RAD analyst again phoned to inquire about the non-filing. Bea Castellano, the executive director, stated that Mr. Kennedy was out of the country, but she would give him a message upon his arrival. Ms. Castellano added that she had no knowledge of FEC regulations, but would attempt to expedite the matter (Attachment 5).

As of this date, the 1984 October Quarterly Report has not been received.

85040550241

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**DEMOCRATIC PARTY OF NEW MEXICO
REPORTS ANALYSIS OGC REFERRAL
PAGE 2**

IV. OTHER PENDING MATTERS INITIATED BY RAD:

On December 27, 1984, a Chronic Late Filer Notice was sent to the Committee for its failure to timely file the 1984 April Quarterly, July Quarterly, October Quarterly, and 30 Day Post-General Reports.

On December 28, 1984, a Non-Filer Notice was sent to the Committee for its failure to file the 1984 30 Day Post-General Report.

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(3)

8 5 0 4 0 5 5 0 2 4 3
 FEDERAL ELECTION COMMISSION
 COMMITTEE INDEX OF DISCLOSURE DOCUMENTS - (C) (83-84)

DATE 3JAN85
 PAGE 1

PARTY RELATED

COMMITTEE	DOCUMENT	RECEIPTS	DISBURSEMENTS	TYPE OF FILER COVERAGE DATES	NO OF PAGES	MICROFILM LOCATION
DEMOCRATIC PARTY OF NEW MEXICO CONNECTED ORGANIZATION: NONE				PARTY QUALIFIED		ID 0C00161010
1983	MID-YEAR REPORT	20,481	20,460	1JAN83 -30JUN83	10	03FEC/278/3835
	1 ST LETTER INFORMATIONAL NOTICE			1JAN83 -30JUN83	1	04FEC/306/4837
	YEAR-END	4,650	17,040	1JUL83 -31DEC83	7	04FEC/294/1996
	1 ST LETTER INFORMATIONAL NOTICE			1JUL83 -31DEC83	1	04FEC/306/4929
1984	MISCELLANEOUS NOTICE FROM FEC			27DEC84	1	04FEC/357/4880
	APRIL QUARTERLY	10,025	7,298	1JAN84 -31MAR84	10	04FEC/324/2880
	NOTICE OF FAILURE TO FILE			1JAN84 -31MAR84	1	04FEC/313/4757
	REQUEST FOR ADDITIONAL INFORMATION			1JAN84 -31MAR84	2	04FEC/329/4730
	REQUEST FOR ADDITIONAL INFORMATION 2ND			1JAN84 -31MAR84	3	04FEC/341/4391
	NOTICE OF FAILURE TO FILE			1APR84 -30JUN84	1	04FEC/329/1381
	NOTICE OF FAILURE TO FILE			1JUL84 -30SEP84	1	04FEC/348/2057
	NOTICE OF FAILURE TO FILE			1OCT84 -28NOV84	1	04FEC/357/4880
	TOTAL	35,156	0	0	47	TOTAL PAGES

All reports have been reviewed.
 Cash on hand as of 3/31/84: \$8,319.

Debts and obligations owed to the committee as of 3/31/84: \$0
 Debts and obligations owed by the committee as of 3/31/84: \$0

(P)

PARTY RELATED

COMMITTEE	DOCUMENT	RECEIPTS	DISBURSEMENTS	TYPE OF FILED COVERAGE DATES	0 OF PAGES	MICROFILM LOCATION
DEMOCRATIC PARTY OF NEW MEXICO CONNECTED ORGANIZATION: NONE						PARTY NON-QUALIFIED ID 0C00161810
1982	REQUEST FOR ADDITIONAL INFORMATION					1 02FEC/244/5034
	STATEMENT OF ORGANIZATION - AMENDMENT			30AUG82		2 02FEC/242/1503
	STATEMENT OF ORGANIZATION			17SEP82		2 02FEC/243/3516
	STATEMENT OF ORGANIZATION - AMENDMENT			15OCT82		3 02FEC/247/3300
	OCTOBER QUARTERLY	21,415	8,406	15JUL82 -30SEP82	10	02FEC/247/1256
	OCTOBER QUARTERLY - AMENDMENT	21,415	8,406	15JUL82 -30SEP82	19	03FEC/274/1001
	REQUEST FOR ADDITIONAL INFORMATION			15JUL82 -30SEP82	1	03FEC/273/
	PRE-GENERAL	6,750	948	1OCT82 -13OCT82	9	02FEC/250/4504
	PRE-GENERAL - AMENDMENT	6,750	948	1OCT82 -13OCT82	10	03FEC/274/1020
	REQUEST FOR ADDITIONAL INFORMATION			1OCT82 -13OCT82	1	03FEC/273/0901
	POST-GENERAL	15,270	20,886	14OCT82 -22NOV82	16	02FEC/256/2234
	POST-GENERAL - AMENDMENT	15,270	20,886	14OCT82 -22NOV82	18	03FEC/274/0903
	REQUEST FOR ADDITIONAL INFORMATION			14OCT82 -22NOV82	1	03FEC/273/0099
	YEAR-END	175	1,000	23NOV82 -31DEC82	8	03FEC/264/0754
	TOTAL	43,610	0	31,240	0	109 TOTAL PAGES

All reports have received review.

Ending cash on hand as of 12/31/82: \$12369
 Outstanding debts owed to the committee as of 12/31/82: \$ 0
 Outstanding debts owed by the committee as of 12/31/82: \$24783

5



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 21, 1984

OCTOBER REPORTING NOTICE FOR UNAUTHORIZED COMMITTEES

WHO MUST FILE

ALL unauthorized political committees, except those that file monthly, must file a quarterly report by October 15, 1984. (See Monthly Filers below.)

WHAT MUST BE REPORTED

All financial activity must be disclosed from the last report filed through September 30, 1984. Political committees which have not previously filed a financial disclosure report should report all financial activity from the date of registration,* through September 30, 1984.

WHEN TO FILE

Reports sent by registered or certified mail must be postmarked no later than October 15, 1984. Reports hand delivered or mailed first class must be received no later than close of business October 15, 1984.

WHERE AND HOW TO FILE

Committees should consult the instructions on the enclosed FEC Form 3X for details.

MONTHLY FILERS

Committees that file on a monthly schedule must file their next report by October 20, 1984, and disclose all financial activity of their committee from September 1 through September 30, 1984. Monthly reports are due by the twentieth of each month and should cover all financial activity of the previous month.

COMPLIANCE

Political committees are fully liable for failure to file any report required under the Act. Failure to file in a timely fashion is a serious violation. Committees are subject to enforcement action for late filing. Illegible reports which can not be clearly reproduced and reports submitted on non-FEC forms will not be accepted. Committees filing such documents will be required to refile.

*The first report filed by a committee shall include all amounts received or disbursed prior to becoming a political committee, even if such amounts were not received during the current reporting period. See 11 CFR 104.3(a) and (b).

FOR INFORMATION CALL: Office of Public Communications
800/424-9530 or 202/523-4068

85040550245

6



FEDERAL ELECTION COMMISSION
WASHINGTON, DC 20463

BQ-7

November 6, 1984

Richard Kennedy, Treasurer
Democratic Party of New Mexico
621 Rio Grand Blvd., N.W.
Albuquerque, NM 87104

Identification Number: C00161810

Reference: OCTOBER QUARTERLY REPORT (7/1/84-9/30/84)

Dear Mr. Kennedy:

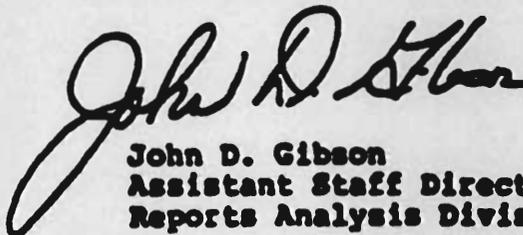
It has come to the attention of the Federal Election Commission that you may have failed to file the above referenced Report of Receipts and Disbursements as required by the Federal Election Campaign Act. You were previously notified of the due date for this report.

It is important that you file this report immediately with the Federal Election Commission, 1325 K Street, NW, Washington, DC 20463 (or with the Clerk of the House or the Secretary of the Senate, as appropriate). A copy of the report or its relevant portions should also be filed with the Secretary of State or equivalent state officer (see 11 CFR 108.2, 108.3, 108.4).

The failure to file this report may result in an audit or legal enforcement action.

If you have any questions regarding this matter, please contact Paul Kolesa on our toll-free number (800) 424-9530. Our local number is (202) 523-4048.

Sincerely,


John D. Gibson
Assistant Staff Director
Reports Analysis Division

RR 99 55947

(7)

ANALYST: Kolesa

CONVERSATION WITH: Richard Kennedy

COMMITTEE: Democratic Party of New Mexico

DATE: November 28, 1984

SUBJECT(S): Non-Filing of the October Quarterly report

I phoned Mr. Kennedy to inquire about the October Quarterly report. I left a message with an administrative clerk regarding the non-filing but my call was not returned.

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ANALYST: Kolesa

CONVERSATION WITH: Bea Castellano

COMMITTEE: Democratic Party of New Mexico

DATE: December 6, 1984

SUBJECT(S): Non-Filing of October Quarterly report

Ms. Castellano returned my call on behalf of Mr. Kennedy who she said was out of the country. She responded that as executive director she has no knowledge of filing reports or FEC regulations. I told her to expedite sending a third Quarter report.

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(9)



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

Richard Kennedy, Treasurer
Democratic Party of New Mexico
621 Rio Grande Boulevard, N.W.
Albuquerque, New Mexico 87104

RE: MUR

Dear Mr. Kennedy:

On _____, 1985, the Federal Election Commission determined that there is reason to believe the Democratic Party of New Mexico and you, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(i), a provision 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. You may submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter. Please submit any such materials within ten days of your receipt of this letter.

In the absence of any additional information which demonstrates that no further action should be taken against your committee and you, as treasurer, 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 so desired. See 11 C.F.R. § 111.18(d).

If you 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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(10)

Richard Kennedy, 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) 523-4000.

Sincerely,

John Warren McGarry
Chairman

Enclosures

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

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(11)

FEDERAL ELECTION COMMISSION

GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

RESPONENT Democratic Party of
New Mexico
Richard Kennedy, Treasurer

MUR NO.
STAFF MEMBER(S) & TEL. NO.
Judy Thedford 523-4000

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

The Democratic Party of New Mexico ("the Committee") failed to file the 1984 October Quarterly Report of Receipts and Disbursements as of Election Day, November 6, 1984. The Committee was notified on September 21, 1984, that the report was due on October 15, 1984.

On November 6, 1984, a Non-Filer Notice was sent to the Committee for its failure to file the 1984 October Quarterly Report.

On November 28, 1984, a Reports Analysis Division ("RAD") analyst attempted to contact Richard Kennedy, treasurer of the Committee; however, he was not available. A message was left, but the call was not returned.

On December 6, 1984, a RAD analyst again phoned to inquire about the non-filing. Bea Castellano, the executive director, stated that Mr. Kennedy was out of the country, but she would give him a message upon his arrival. Ms. Castellano added that she had no knowledge of FEC regulations, but would attempt to expedite the matter. As of this date, the 1984 October Quarterly Report has not been received.

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It should also be noted that on December 27, 1984, a Chronic Late Filer Notice was sent to the Committee for its failure to timely file the 1984 April Quarterly, July Quarterly, October Quarterly, and 30 Day Post-General Reports. Additionally, on December 28, 1984, a Non-Filer Notice was sent to the Committee for its failure to file the 1984 30 Day Post-General Report.

LEGAL AND FACTUAL ANALYSIS

2 U.S.C. § 434(a)(4)(A)(i) requires a political committee such as the Democratic Party of New Mexico to file quarterly reports in an election year. The quarterly reports are due the 15th day after each calendar quarter.

The Democratic Party of New Mexico has failed to file the 1984 October Quarterly reports due October 15, 1984. It is recommended that the Commission open a MUR and find reason to believe the Democratic Party of New Mexico violated 2 U.S.C. § 434(a)(4)(A)(i).

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 1902

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Democratic Party of New Mexico) MUR 1767
Richard Kennedy, treasurer)

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session of January 23, 1985, do hereby certify that the Commission decided by a vote of 6-0 to take the following actions in MUR 1767:

1. Find probable cause to believe the Democratic Party of New Mexico and Richard Kennedy, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(i).
2. Approve and authorize sending the proposed conciliation agreement and letter attached to the General Counsel's report dated January 8, 1985.

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

Attest:

1-23-85

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

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SENSITIVE

FEDERAL ELECTION COMMISSION

RECEIVED
OFFICE OF THE FEC
COMMISSION SECRETARY

In the Matter of)
)
Democratic Party of New Mexico)
Richard Kennedy, treasurer)

MUR 17675 JAN 9 All : 35

EXECUTIVE SESSION
JAN 22 1985

GENERAL COUNSEL'S REPORT

I. BACKGROUND

On March 22, 1984, the Democratic Party of New Mexico ("DPNM") was notified that its 1984 April Quarterly Reports of Receipts and Disbursements would be due on April 15, 1984. DPNM failed to file the April Quarterly Report.

On May 8, 1984, DPNM was mailed a non-filer notice. On June 5, 6, 7 and 8, 1984, a Reports Analysis Division analyst telephoned DPNM's treasurer, Richard Kennedy. Mr. Kennedy was not available to answer any of the several phone calls. On July 26, 1984, DPNM filed its 1984 April Quarterly Report.

DPNM's July Quarterly Report was due on July 15, 1984. DPNM has not filed its July Quarterly Report.

On August 28, 1984, the Commission found reason to believe that DPNM violated 2 U.S.C. § 434(a)(4)(A)(i) for failure to timely file its 1984 April Quarterly Report and for not filing its 1984 July Quarterly Report.

II. LEGAL ANALYSIS

The legal analysis is contained in the General Counsel's Brief circulated December 3, 1984. No response has been received from DPNM or its treasurer, Richard Kennedy.

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**III. DISCUSSION OF CONCILIATION PROVISIONS
AND CIVIL PENALTY**

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IV. GENERAL COUNSEL'S RECOMMENDATIONS

1. Find probable cause to believe the Democratic Party of New Mexico and Richard Kennedy, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(i).
2. Approve and authorize sending the attached proposed conciliation agreement and letter to the respondent.

R. J. [Signature] 1985
Date

[Signature]
Charles N. Steele
General Counsel

Attachments

1. Proposed Conciliation Agreement and Letter



SENSITIVE

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
OFFICE OF THE FEC
COMM. SECRETARY

84 NOV 30 P12:42

November 30, 1984

MEMORANDUM TO: The Commission

FROM: Charles N. Steel *CNS*
General Counsel

SUBJECT: MUR 1767

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 the respondent of the General Counsel's intent to recommend to the Commission a finding of probable cause to believe was mailed November 30, 1984. Following receipt of a respondents' reply to this notice, this Office will make a further report to the Commission.

Attachments

1. Brief
2. Letter to Respondent

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SENSITIVE

FEDERAL ELECTION COMMISSION

In the Matter of)
Democratic Party of New Mexico) MUR 1767
Richard Kennedy, treasurer)

GENERAL COUNSEL'S BRIEF

I. STATEMENT OF CASE

On March 22, 1984, the Democratic Party of New Mexico was notified that its 1984 April Quarterly Reports of Receipts and Disbursements would be due on April 15, 1984. DPNM failed to file the April Quarterly Report.

On May 8, 1984, DPNM was mailed a non-filer notice. On June 5, 6, 7 and 8, 1984, a Reports Analysis Division analyst telephoned DPNM's treasurer, Richard Kennedy. Mr. Kennedy was not available to answer any of the several phone calls. On July 26, 1984, DPNM filed its 1984 April Quarterly Report.

DPNM's July Quarterly Report was due on July 15, 1984. DPNM has not filed its July Quarterly Report.

Listed below are the reports filed late, the date each was due and the date each report was filed.

<u>Report type</u>	<u>Due Date</u>	<u>Date Filed</u>
1984 April Quarterly	April 15	July 26
1984 July Quarterly	July 15	Not filed to date

On August 28, 1984, the Commission found reason to believe that DPNM violated 2 U.S.C. § 434(a)(4)(A)(i) for failure to timely file its 1984 April Quarterly Report and for not filing its 1984 July Quarterly Report.

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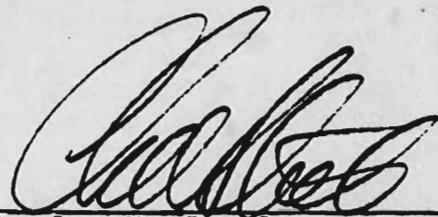
II. LEGAL ANALYSIS

The Democratic Party of New Mexico is a party committee not authorized by a candidate. As such, DPNM must file the necessary reports as prescribed in 2 U.S.C. § 434(a)(4)(A)(i). This section requires unauthorized committees, such as DPNM, to file quarterly reports in an election year on April 15 and July 15. DPNM, in the election year of 1984, failed to timely file its April 15 Quarterly Report and as of this date has not filed its July 15 Quarterly Report. Thus, the Office of General Counsel recommends that the Commission find probable cause to believe that DPNM and its treasurer, Richard Kennedy, violated 2 U.S.C. § 434(a)(4)(A)(i) in failing to timely file its 1984 April Quarterly Report and in failing to file its 1984 July Quarterly Report.

III. GENERAL COUNSEL'S RECOMMENDATION

Find probable cause to believe the Democratic Party of New Mexico and Richard Kennedy, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(i).

29 November 1984
Date



Charles N. Steele
General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, DC 20463

November 30, 1984

Richard Kennedy, Treasurer
Democratic Party of New Mexico
621 Rio Grande Boulevard, N.W.
Albuquerque, New Mexico 87104

RE: MUR 1767

Dear Mr. Kennedy:

Based on information ascertained in the normal course of carrying out its supervisory responsibilities the Federal Election Commission, on August 28, 1984, found reason to believe that Democratic Party of New Mexico and you, as treasurer, had violated 2 U.S.C. § 434(a)(4)(A)(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 a violation has occurred.

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 such 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.

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 any extensions beyond 20 days.

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Richard Kennedy, Treasurer
Page 2

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

Should you have any questions, please contact Andrew Maikovich, the staff member assigned to handle this matter, at (202)523-4000.

Sincerely,



Charles N. Steele
General Counsel

Enclosure
Brief

85040550261

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) RAD REFERRAL 84NF-43
The Democratic Party of New Mexico)
Richard Kennedy, Treasurer)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on August 28, 1984, the Commission decided by a vote of 6-0 to take the following actions in RAD Referral 84NF-43:

1. Open a MUR.
2. Find reason to believe that the Democratic Party of New Mexico and its treasurer, Richard Kennedy, violated 2 U.S.C. § 434(a)(4)(A)(i).
3. Approve the letter attached to the First General Counsel's Report dated August 23, 1984.

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

Attest:

8-28-84
Date

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

Received in Office of Commission Secretary: 8-23-84, 10:17
Circulated on tally vote basis: 8-23-84, 4:00

85040550262



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 30, 1984

Richard Kennedy, Treasurer
Democratic Party of New Mexico
621 Rio Grand Boulevard, N.W.
Albuquerque, New Mexico 87104

RE: MUR 1767
The Democratic Party of
New Mexico and its treasurer,
Richard Kennedy

Dear Mr. Kennedy:

On August 28 , 1984, the Federal Election Commission determined that there is reason to believe that the Democratic Party of New Mexico and you, as treasurer, violated 2 U.S.C. § 434a(4)(A)(i), a provision 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 your committee. You may submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter. Please submit any such materials within ten days of your receipt of this letter. Statements should be submitted under oath.

In the absence of any additional information which demonstrates that no further action should be taken against your committee and you, as treasurer, 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 desire. See 11 C.F.R. § 111.18(d).

If you 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.

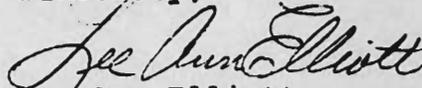
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Richard Kennedy, Treasurer
Page 2

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 Andrew Maikovich, the attorney assigned to this matter, at (202) 523-4000.

Sincerely,



Lee Ann Elliott
Chairman

Enclosures

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

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GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

SUMMARY OF ALLEGATIONS

It is alleged that the Democratic Party of New Mexico ("DPNM") violated 2 U.S.C. § 434(a)(4)(A)(i) by not filing its 1984 April Quarterly Report.

FACTUAL AND LEGAL ANALYSIS

FACTS

On March 22, 1984, the Democratic Party of New Mexico was notified that its 1984 April Quarterly Reports of Receipts and Disbursements would be due on April 15, 1984. DPNM failed to file the April quarterly report.

On May 8, 1984, DPNM was mailed a non-filer notice. On June 5, 6, 7 and 8, 1984, a Reports Analysis Division analyst telephoned DPNM's treasurer, Richard Kennedy. Mr. Kennedy was not available to answer any of the several phone calls. On July 26, 1984, DPNM filed its April Quarterly Report. Additionally, a review of DPNM's reports reveals that DPNM has not to date filed its July Quarterly Report.

LEGAL ANALYSIS

The Democratic Party of New Mexico is a party committee not authorized by a candidate. As such, DPNM must file the necessary reports as prescribed in 2 U.S.C. § 434(a)(4)(A)(i). This section requires unauthorized committees, such as DPNM, to file quarterly reports in an election year on April 15, July 15, and October 15 and a Year-End Report on January 31. DPNM, in the election year of 1984 failed to timely file an April 15 Quarterly Report of Receipts and Disbursements and as of this date has not.

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filed its July 15 Quarterly Report of Receipts and Disbursements.

Find reason to believe that the Democratic Party of New Mexico and its treasurer, Richard Kennedy, violated 2 U.S.C. § 434(a)(4)(A)(i) of the Federal Election Campaign Act of 1971, as amended.

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

SENSITIVE

FIRST GENERAL COUNSEL'S REPORT

DATE AND TIME OF TRANSMITTAL BY RAD REFFERAL: 84NF-43
OGC TO THE COMMISSION 8/23/84 - 10:20 STAFF MEMBER: Peter Knych

SOURCE OF MUR: INTERNALLY GENERATED

RESPONDENTS' NAME: The Democratic Party of New Mexico and
its treasurer, Richard Kennedy

RELEVANT STATUTES: 2 U.S.C. § 434(a)(4)(A)(i)
2 U.S.C. § 434(a)(1)

INTERNAL REPORTS CHECKED: The Democratic Party of New Mexico
Committee Reports

RECEIVED
OFFICE OF THE FEC
COMMISSION SECRETARY
84 AUG 23 A10:17

GENERATION OF MATTER

This matter was referred to the Office of General Counsel on
June 27, 1984, by the Reports Analysis Division, (Attachment 1).

SUMMARY OF ALLEGATIONS

It is alleged that the Democratic Party of New Mexico
("DPNM") violated 2 U.S.C. § 434(a)(4)(A)(i) by not filing its
1984 April Quarterly Report.

FACTUAL AND LEGAL ANALYSIS

FACTS

On March 22, 1984, the Democratic Party of New Mexico was
notified that its 1984 April Quarterly Reports of Receipts and
Disbursements would be due on April 15, 1984. DPNM failed to
file the April quarterly report.

On May 8, 1984, DPNM was mailed a non-filer notice. On
June 5, 6, 7 and 8, 1984, a Reports Analysis Division analyst
telephoned DPNM's treasurer, Richard Kennedy. Mr. Kennedy was
not available to answer any of the several phone calls. On

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July 26, 1984, DPNM filed its April Quarterly Report. Additionally, a review of DPNM's reports reveals that DPNM has not to date filed its July Quarterly Report.

LEGAL ANALYSIS

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The Democratic Party of New Mexico is a party committee not authorized by a candidate. As such, DPNM must file the necessary reports as prescribed in 2 U.S.C. § 434(a)(4)(A)(i). This section requires unauthorized committees, such as DPNM, to file quarterly reports in an election year on April 15, July 15, and October 15 and a Year-End Report on January 31. DPNM, in the election year of 1984 failed to timely file an April 15 Quarterly Report of Receipts and Disbursements and as of this date has not filed its July 15 Quarterly Reports and Disbursements. Thus, there is reason to believe that DPNM and its treasurer, Richard Kennedy violated 2 U.S.C. § 434(a)(4)(A)(i) in failing to timely file its 1984 April Quarterly Report and in failing to file its 1984 July Quarterly Report.

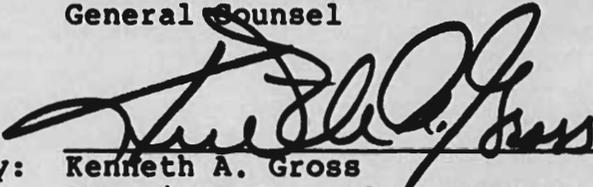
RECOMMENDATION

1. Open a MUR.
2. Find reason to believe that the Democratic Party of New Mexico and its treasurer, Richard Kennedy, violated 2 U.S.C. § 434(a)(4)(A)(i).

3. Approve the attached letter.

Charles N. Steele
General Counsel

August 22, 1984
Date


By: Kenneth A. Gross
Associate General Counsel

Attachments

1. Reports Analysis Referral
2. Letter to Respondent
3. Summary of Reason to Believe finding

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REPORTS ANALYSIS REFERRAL

TO

OFFICE OF GENERAL COUNSEL

DATE: 27 June 1984

ANALYST: Theresa Harley

I. COMMITTEE: Democratic Party of New Mexico
C00161810
Richard Kennedy, Treasurer
621 Rio Grande Boulevard, NW
Albuquerque, NM 87104

II. RELEVANT STATUTE: 2 U.S.C. 434(a)(4)(A)(i)
11 CFR 104.5(c)(1)(i)(A)

III. BACKGROUND:

Non-filing of the 1984 April Quarterly Report

The Democratic Party of New Mexico ("DPNM") failed to file the 1984 April Quarterly Report of Receipts and Disbursements. DPNM was notified on March 22, 1984 that the report was due on April 15, 1984 (Attachment 2).

DPNM was mailed a Non-Filer Notice on May 8, 1984 (Attachment 3). No response was received.

The Reports Analysis Division ("RAD") analyst called on June 5, 1984 to speak to the treasurer, Richard Kennedy, but he was not available. A message was left with the secretary to have him return the call. Mr. Kennedy returned the call later that day, but the RAD analyst was not available. The RAD analyst returned Mr. Kennedy's call, but he was out of the office. Several additional attempts were made by the RAD analyst to contact Mr. Kennedy on June 6, 7 and 8. Although messages were left with the secretary, Mr. Kennedy did not return the calls (Attachment 4).

As of this date, the DPNM has failed to file the 1984 April Quarterly Report.

IV. OTHER PENDING MATTERS INITIATED BY RAD:

None.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Richard Kennedy, Treasurer
Democratic Party of New Mexico
621 Rio Grand Boulevard, N.W.
Albuquerque, New Mexico 87104

RE: MUR
The Democratic Party of
New Mexico and its treasurer,
Richard Kennedy

Dear Mr. Kennedy:

On , 1984, the Federal Election Commission determined that there is reason to believe that the Democratic Party of New Mexico and you, as treasurer, violated 2 U.S.C. § 434a(4)(A)(i), a provision 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 your committee. You may submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter. Please submit any such materials within ten days of your receipt of this letter. Statements should be submitted under oath.

In the absence of any additional information which demonstrates that no further action should be taken against your committee and you, as treasurer, 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 desire. See 11 C.F.R. § 111.18(d).

If you 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 Kennedy, 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 Andrew Maikovich, the attorney assigned to this matter, at (202)523-4000.

Sincerely,

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

85040550272

GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

SUMMARY OF ALLEGATIONS

It is alleged that the Democratic Party of New Mexico ("DPNM") violated 2 U.S.C. § 434(a)(4)(A)(i) by not filing its 1984 April Quarterly Report.

FACTUAL AND LEGAL ANALYSISFACTS

On March 22, 1984, the Democratic Party of New Mexico was notified that its 1984 April Quarterly Reports of Receipts and Disbursements would be due on April 15, 1984. DPNM failed to file the April quarterly report.

On May 8, 1984, DPNM was mailed a non-filer notice. On June 5, 6, 7 and 8, 1984, a Reports Analysis Division analyst telephoned DPNM's treasurer, Richard Kennedy. Mr. Kennedy was not available to answer any of the several phone calls. On July 26, 1984, DPNM filed its April Quarterly Report. Additionally, a review of DPNM's reports reveals that DPNM has not to date filed its July Quarterly Report.

LEGAL ANALYSIS

The Democratic Party of New Mexico is a party committee not authorized by a candidate. As such, DPNM must file the necessary reports as prescribed in 2 U.S.C. § 434(a)(4)(A)(i). This section requires unauthorized committees, such as DPNM, to file quarterly reports in an election year on April 15, July 15, and October 15 and a Year-End Report on January 31. DPNM, in the election year of 1984 failed to timely file an April 15 Quarterly Report of Receipts and Disbursements and as of this date has not.

filed its July 15 Quarterly Report of Receipts and Disbursements.

Find reason to believe that the Democratic Party of New Mexico and its treasurer, Richard Kennedy, violated 2 U.S.C. § 434(a)(4)(A)(i) of the Federal Election Campaign Act of 1971, as amended.

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FEDERAL ELECTION COMMISSION

1125 K STREET N.W.
WASHINGTON, D.C. 20463

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