



FEDERAL ELECTION COMMISSION

1125 K STREET NW
WASHINGTON, D.C. 20543

THIS IS THE END OF MUR # 1912

Date Filmed 7/16/85 Camera No. --- 2

Cameraman AS

85040561741

Routing Slips, Conciliation Documents,

Pre Brief Report & Comments, Duplicates

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):

- | | | | |
|-------------------------------------|---|--------------------------|--|
| <input type="checkbox"/> | (1) Classified Information | <input type="checkbox"/> | (6) Personal privacy |
| <input checked="" type="checkbox"/> | (2) Internal rules and practices | <input type="checkbox"/> | (7) Investigatory files |
| <input checked="" type="checkbox"/> | (3) Exempted by other statute | <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 checked="" type="checkbox"/> | (5) Internal Documents | | |

Signed Beverly Kramer

date 7-11-85

85040531745

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)	
)	
Fire Fighters Interested in)	MUR 1912
Registration and Education)	
Political Action Committee-)	
International Association of)	
Fire Fighters)	
Alfred K. Whitehead, as treasurer)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on June 19, 1985, the Commission decided by a vote of 6-0 to take the following actions in MUR 1912:

1. Accept the conciliation agreement attached to the General Counsel's Report signed June 14, 1985.
2. Close the file.

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

Attest:

6-19-85

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

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

6-14-85, 4:11
6-17-85, 11:00

33040651745



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 26, 1985

Thomas A. Woodley
Mulholland & Hickey
Suite 400
1125 Fifteenth Street, N.W.
Washington, D.C. 20005

RE: MUR 1912
FIREPAC
Alfred K. Whitehead, as
treasurer

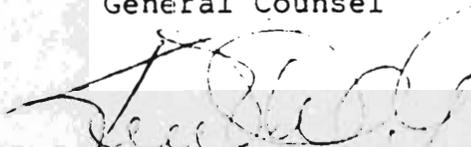
Dear Mr. Woodley:

On June 19, 1985, the Commission accepted the conciliation agreement signed by you and a check for the civil penalty in settlement of a violation of 2 U.S.C. §§ 434(a)(4)(A)(i), (iii) and, (iv), 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 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

35340511747

BEFORE THE FEDERAL ELECTION COMMISSION

In the matter of)
)
Fire Fighters Interested in) MUR 1912
Registration and Education)
Political Action Committee-)
International Association of)
Fire Fighters)
Alfred K. Whitehead, as 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 reason to believe that the Fire Fighters Interested in Registration and Education Political Action Committee-International Association of Fire Fighters and Alfred K. Whitehead, as treasurer ("Respondents") violated 2 U.S.C. §§ 434(a)(4)(A)(i), (iii) and (iv) by failing to file three reports in a timely manner.

NOW, THEREFORE, the Commission and Respondents, having participated in informal methods of conciliation, prior to a finding a 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 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.

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

85040531748

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

1. Fire Fighters Interested in Registration and Education Political Action Committee-International Association of Fire Fighters ("FIREPAC") is a political committee within the meaning of 2 U.S.C. § 431(4)(B).
2. Alfred K. Whitehead is the treasurer of FIREPAC.
3. Pursuant to 2 U.S.C. § 434(a)(4)(A)(iv), FIREPAC was required to file its 1983 Year End Report by January 31, 1984. FIREPAC filed its 1983 Year End Report on February 16, 1984.
4. Pursuant to 2 U.S.C. § 434(a)(4)(A)(i), FIREPAC was required to file its 1984 April Quarterly Report by April 15, 1984. FIREPAC filed its 1984 April Quarterly Report on May 2, 1984.
5. Pursuant to 2 U.S.C. § 434(a)(4)(A)(iii), FIREPAC was required to file its 1984 30 Day Post General Election Report on December 6, 1984. FIREPAC filed its 1984 30 Day Post General Election Report on December 17, 1984.

V. Respondents violated 2 U.S.C. § 434(a)(4)(A)(i), (iii) and (iv) by failing to file their 1983 Year End Report, 1984 April Quarterly Report and 1984 30 Day Post General Election Report in a timely manner.

VI. Respondents will pay a civil penalty to the Treasurer of the United States in the amount of Three Hundred dollars (\$300), pursuant to 2 U.S.C. § 437g(a)(5)(A).

85040531749

VII. 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.

VIII. 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 its 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.

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

X. 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.

85040531750

XI. 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*
Kenneth A. Gross
Associate General Counsel

June 6, 1985
Date

FOR THE RESPONDENT:

Thomas A. Woodley
Thomas A. Woodley
Counsel for the Respondents

May 22, 1985
Date

85040531751

GCC#7563

LAW OFFICES
MULHOLLAND & HICKEY
SUITE 400, 1125 FIFTEENTH STREET, N.W.
PHONE (202) 833-8855
WASHINGTON, D.C. 20005

EDWARD J. HICKEY, JR.
MICHAEL S. WOLLY
THOMAS A. WOODLEY
ERICK J. GENSER
JOSHUA M. JAVITS

CLARENCE M. MULHOLLAND
OF COUNSEL

May 23, 1985

HAND-DELIVERED

Beverly Kramer, Staff Member
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

MAY 23 1985
P 5:07
GENERAL INVESTIGATIVE
DIVISION

Re: MUR 1912 FIREPAC

Dear Ms. Kramer:

Consistent with our telephone conversations, enclosed is the signed Conciliation Agreement and the check made payable to the Treasurer of the United States in the amount of \$300.00.

Sincerely yours,

MULHOLLAND & HICKEY

Thomas A. Woodley
Thomas A. Woodley

TAW:dr

Enclosure

85040541752

MEMORANDUM

sent 5/23/85

GCT# 1463

TO: CHERYL THOMAS

TO: JOAN HARRIS

FROM: JOAN HARRIS

FROM: CHERYL THOMAS

CHECK NO. 4502 (a copy of which is attached) RELATING
TO MUR 1912 AND NAME FinePac + Alfred K. Whitehead, Pres
WAS RECEIVED ON May 23, 1985. PLEASE INDICATE THE ACCOUNT INTO
WHICH IT SHOULD BE DEPOSITED:

- BUDGET CLEARING ACCOUNT (#95F3875.16)
- / / CIVIL PENALTIES ACCOUNT (#95-1099.160)
- / / OTHER _____

SIGNATURE C. Thomas DATE 5/23/85

531753
40
5
8
9

INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS

AFFILIATED WITH AFL-CIO-CLC
WASHINGTON, D.C. 20006

GENERAL FUND

NS&T BANK
WASHINGTON D.C. 20005

15-52
540

CHECK DATE	CHECK NO.
MAY 23, 1985	4502

NET CHECK
\$300.00*

INT'L ASSN. OF
FIRE FIGHTERS \$3000.00

[Handwritten signature]

TREASURER OF THE UNITED STATES

⑈00004502⑈ ⑆054000522⑆ 118⑈ 1703388⑈

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)	MUR 1912
)	
Fire Fighters Interested in)	
Registration and Education)	
Political Action Committee-)	
International Association of)	
Fire Fighters)	
Alfred K. Whitehead, treasurer)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on April 4, 1985, the Commission decided by a vote of 5-0 to take the following actions in MUR 1912:

1. Enter into conciliation with the Fire Fighters Interested in Registration and Education Political Action Committee-International Association of Fire Fighters and Alfred K. Whitehead, as treasurer, prior to a finding of probable cause to believe.
2. Approve and send the proposed conciliation agreement and letter attached to the General Counsel's Report signed April 1, 1985.

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

Attest:

4-4-85

Date

Jody C. Ransom

for Marjorie W. Emmons
Secretary of the Commission

35040561754

SENSITIVE

BEFORE THE FEDERAL ELECTION COMMISSION

RECEIVED
THE SEC
COMMISSION SECRETARY

In the matter of)
)
Fire Fighters Interested in)
Registration and Education)
Political Action Committee-)
International Association of)
Fire Fighters)
Alfred K. Whitehead, as treasurer)

25 APR 2 10:03
MUR 1912

GENERAL COUNSEL'S REPORT

I. BACKGROUND

On March 4, 1985, the Commission found reason to believe that Fire Fighters Interested in Registration and Education Political Action Committee-International Association of Fire Fighters ("FIREPAC") and Alfred K. Whitehead, as treasurer, violated 2 U.S.C. §§ 434(a)(4)(A)(i), (iii) and (iv) by failing to file three reports in a timely manner during the 1983-84 election cycle. On March 20, 1985, the respondents submitted their response to the Commission's finding. See Attachments at 1. In its response, FIREPAC attributes the late filing of its reports to "the failure of the employee assigned to this responsibility to carry out the task in a timely and efficient manner." See Attachment at 1. The response notes that the organization is taking measures to correct this deficiency and expresses the respondents' interest in entering into conciliation prior to a finding of probable cause to believe.

It is the recommendation of this Office that the Commission enter into conciliation with the respondents prior to a finding of probable cause to believe.

85040561725

II. DISCUSSION OF CONCILIATION PROVISIONS AND CIVIL PENALTY

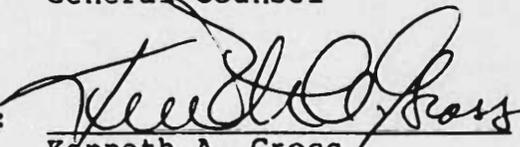
85040531756

III. RECOMMENDATIONS

1. Enter into conciliation with the Fire Fighters Interested in Registration and Education Political Action Committee-International Association of Fire Fighters and Alfred K. Whitehead, as treasurer, prior to a finding of probable cause to believe.
2. Approve and send the attached proposed conciliation agreement and letter.

Charles N. Steele
General Counsel

April 1, 1985
Date

BY: 
Kenneth A. Gross
Associate General Counsel

Attachments

1. Response from FIREPAC
2. Proposed agreement and letter

8 5 0 4 0 5 3 1 7 5 7

RECEIVED A THE FEC
MUR 6932
05 MAR 20 1985 09:10

LAW OFFICES
MULHOLLAND & HICKEY
SUITE 400, 1125 FIFTEENTH STREET, N.W.
PHONE (202) 833-8855
WASHINGTON, D.C. 20005

EDWARD J. HICKEY, JR.
MICHAEL S. WOLLY
THOMAS A. WOODLEY
ERICK J. GENSER
JOSHUA M. JAVITS

CLARENCE M. MULHOLLAND
OF COUNSEL

March 18, 1985

Beverly Kramer, Staff Member
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Re: MUR 1912
FIREPAC

5
20
11:37

Dear Ms. Kramer:

This will confirm our telephone conversation in which we discussed the letter from FEC Chairman John W. McGarry dated March 7, 1985 to Alfred K. Whitehead, Treasurer, FIREPAC, and the accompanying General Counsel's Factual and Legal Analysis. The allegations in the analysis relate to the failure of FIREPAC to file three reports in a timely manner during the 1983-1984 election cycle pursuant to 2 U.S.C. §§ 434(a)(4)(A)(i), (iii) and (iv).

As I indicated, each of the three reports were apparently a couple of weeks late primarily because of the failure of the employee assigned this responsibility to carry out the task in a timely and efficient manner. The organization is presently in the process of taking measures to remedy this deficiency and it has every expectation that future reports will be filed by the dates they are due.

Accordingly, FIREPAC is interested in entering into conciliation prior to any prospective finding by the FEC of probable cause to believe that a statutory violation has occurred. In this regard, I would appreciate it if you would contact me to discuss a potential conciliation arrangement that will resolve this matter without the necessity of further proceedings. Enclosed please find the respondent's Statement of Designation of Counsel.

Sincerely,

MULHOLLAND & HICKEY
Thomas A. Woodley
Thomas A. Woodley

TAW:jmc

Enclosure

cc: Alfred K. Whitehead

①

35040531753

RECEIVED AT THE FEC

MAR 19 69 32

05 MAR 20 49:00

LAW OFFICES
MULHOLLAND & HICKEY

SUITE 400, 1125 FIFTEENTH STREET, N.W.
PHONE (202) 833-8855
WASHINGTON, D.C. 20005

EDWARD J. HICKEY, JR.
MICHAEL S. WOLLY
THOMAS A. WOODLEY
ERICK J. GENSER
JOSHUA M. JAVITS

CLARENCE M. MULHOLLAND
OF COUNSEL

March 18, 1985

Beverly Kramer, Staff Member
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Re: MUR 1912
FIREPAC

MAR 20 11:37

Dear Ms. Kramer:

This will confirm our telephone conversation in which we discussed the letter from FEC Chairman John W. McGarry dated March 7, 1985 to Alfred K. Whitehead, Treasurer, FIREPAC, and the accompanying General Counsel's Factual and Legal Analysis. The allegations in the analysis relate to the failure of FIREPAC to file three reports in a timely manner during the 1983-1984 election cycle pursuant to 2 U.S.C. §§ 434(a)(4)(A)(i), (iii) and (iv).

As I indicated, each of the three reports were apparently a couple of weeks late primarily because of the failure of the employee assigned this responsibility to carry out the task in a timely and efficient manner. The organization is presently in the process of taking measures to remedy this deficiency and it has every expectation that future reports will be filed by the dates they are due.

Accordingly, FIREPAC is interested in entering into conciliation prior to any prospective finding by the FEC of probable cause to believe that a statutory violation has occurred. In this regard, I would appreciate it if you would contact me to discuss a potential conciliation arrangement that will resolve this matter without the necessity of further proceedings. Enclosed please find the respondent's Statement of Designation of Counsel.

Sincerely,

MULHOLLAND & HICKEY

Thomas A. Woodley
Thomas A. Woodley

TAW:jmc

Enclosure

cc: Alfred K. Whitehead

85040531757

STATEMENT OF DESIGNATION OF COUNSEL

MUR 1912

NAME OF COUNSEL: Thomas A. Woodley

ADDRESS: MULHOLLAND & HICKEY

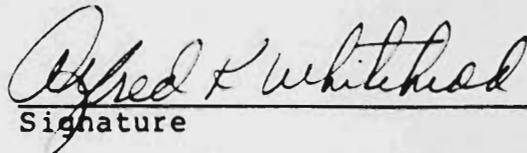
1125 Fifteenth St., N.W. Suite 400

Washington, D.C. 20005

TELEPHONE: (202) 833-8855

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.

March 18, 1985
Date


Signature

RESPONDENT'S NAME: FIREPAC - International Ass'n of Fire Fighters

ADDRESS: 1750 New York Avenue, N.W.

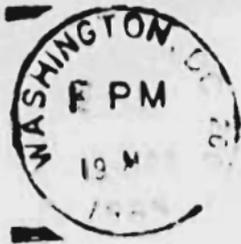
Washington, D.C. 20006

HOME PHONE: _____

BUSINESS PHONE: 737-8484

35040531760

OLHOLLAND & HICKEY
SUITE 400, 1125 FIFTEENTH STREET, N.W.
WASHINGTON, D. C. 20005



040531761

Beverly Kramer, Staff Member
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

1965 MAR 19
11:00 AM



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
OFFICE OF THE FEDERAL
COMMERCIAL SECRETARY

05 MAR 18 11:56

SENSITIVE

March 18, 1985

MEMORANDUM TO: The Commission
FROM: Charles N. Steele
General Counsel
By: Kenneth A. Gross
Associate General Counsel

KAG

SUBJECT: RAD Referral 85NF-38

On March 4, 1985 the Commission approved the recommendation that RAD Referral 85NF-38 should become a MUR. Therefore, all documents which had previously been contained in RAD Referral 85NF-38 should now become MUR 1912.

Attachment
Copy of Certification

1750



BEFORE THE FEDERAL ELECTION COMMISSION

M1912

Kran

In the Matter of)	
Fire Fighters Interested in)	RAD #85NF-38
Registration and Education)	
Political Action Committee -)	
International Association of)	
Fire Fighters)	
Alfred K. Whitehead, Treasurer)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on March 4, 1985, the Commission decided by a vote of 6-0 to take the following actions in RAD #85NF-38:

1. Open a MUR.
2. Find reason to believe that Fire-fighters Interested in Registration and Education Political Action Committee - International Association of Fire Fighters and Alfred K. Whitehead, as treasurer, violated 2 U.S.C. §§ 434(a)(4)(A)(i), (iii) and (iv).
3. Approve and send the letter and General Counsel's Factual and Legal Analysis attached to the First General Counsel's Report signed February 27, 1985.

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

Attest:

3-5-85

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

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

2-28-85, 10:00
2-28-85, 4:00

85040531755

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)	
)	RAD #85NF-38
Fire Fighters Interested in)	
Registration and Education)	
Political Action Committee -)	
International Association of)	
Fire Fighters)	
Alfred K. Whitehead, Treasurer)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on March 4, 1985, the Commission decided by a vote of 6-0 to take the following actions in RAD #85NF-38:

1. Open a MUR.
2. Find reason to believe that Fire-fighters Interested in Registration and Education Political Action Committee - International Association of Fire Fighters and Alfred K. Whitehead, as treasurer, violated 2 U.S.C. §§ 434(a)(4)(A)(i), (iii) and (iv).
3. Approve and send the letter and General Counsel's Factual and Legal Analysis attached to the First General Counsel's Report signed February 27, 1985.

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

Attest:

3-5-85
Date

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

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

2-28-85, 10:00
2-28-85, 4:00

85040531764



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 7, 1985

Alfred K. Whitehead, Treasurer
FIREPAC
1750 New York Avenue, N.W.
Washington, D.C. 20006

RE: MUR 1912
FIREPAC
Alfred K. Whitehead, as treasurer

Dear Mr. Whitehead:

On March 4, 1985, the Federal Election Commission determined that there is reason to believe Fire Fighters Interested in Registration and Education Political Action Committee-International Association of Fire Fighters (FIREPAC) and you, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(i), (iii) and (iv), 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. 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

85040531765

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.

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 Beverly Kramer, the staff member assigned to this matter, at (202) 523-4143.

Sincerely,



John Warren McGarry
Chairman

Enclosures

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

85040531766

FEDERAL ELECTION COMMISSION
GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

MUR No. 1912
Staff Member
Beverly Kramer

RESPONDENTS: Fire Fighters Interested In Registration
and Education Political Action Committee
-International Association of Fire Fighters
Alfred K. Whitehead, Treasurer

SUMMARY OF ALLEGATIONS

The Reports Analysis Division referred this matter to the Office of the General Counsel on January 17, 1985. The referral alleges that Fire Fighters Interested in Registration and Education Political Action Committee - International Association of Fire Fighters ("FIREPAC") and Alfred K. Whitehead, as treasurer, failed to file three reports in a timely manner during the 1983-84 election cycle in accordance with 2 U.S.C. §§ 434(a)(4)(A)(i), (iii) and (iv).

FACTUAL BASIS AND LEGAL ANALYSIS

1. The Facts

FIREPAC is a political committee within the meaning of 2 U.S.C. § 431(4)(B) and Alfred K. Whitehead is its treasurer.

FIREPAC failed to file three reports in a timely manner during the 1983-84 election cycle. The reports were filed between 11 and 17 calendar days later. Listed below are the reports filed late, the date each was due, and the date each report was filed:

85040531767

<u>Report Type</u>	<u>Due Date</u>	<u>Date Filed</u>
1983 Year End (7/1/83-12/31/83)	1/31/84	2/16/84
1984 April Quarterly (1/1/84-3/31/84)	4/15/84	5/2/84
1984 30 Day Post General (10/18/84-11/26/84)	12/6/84	12/17/84 ^{1/}

Before the due date of each of the above reports, the Commission sent general notices advising FIREPAC of the filing requirements for these reports. In addition, on May 16, 1984, the Reports Analysis Division notified Mr. Whitehead that FIREPAC's 1983 Year End and 1984 April Quarterly reports were filed late and expressed the Commission's view that reports not filed in a timely manner were serious violations of the Act. The notice also advised FIREPAC that any additional late filings of reports may result in legal enforcement action. Subsequent to this warning notice, FIREPAC failed to timely file its 30 Day Post-General Election Report.

2. The law.

During an election year the treasurer of a political committee is required to file quarterly reports no later than 15 days after the close of the immediately preceding calendar quarter. 2 U.S.C. § 434(a)(4)(i) and 11 C.F.R. 104.5(c)(1)(i)(A). Pre-election reports must be filed no later

^{1/} FIREPAC's 30 Day Post General Election Report gives coverage dates of 1/1/84 through 11/26/84. However, the report only discloses financial activity for the period October 18, 1984, through November 26, 1984.

85040531763

than 12 days before any primary or general election. 2 U.S.C. § 434(a)(4)(A)(ii). Post-general election reports must be filed no later than 30 days after any general election. 2 U.S.C. § 434(a)(4)(A)(iii) and 11 C.F.R. § 104.5(c)(1)(iii).

During a non-election year, the treasurer of a political committee is required to file semi-annual reports. The first report must cover January 1 through June 30 and must be filed no later than July 31. The second report must cover July 1 through December 31 and must be filed no later than January 31 of the following year. 2 U.S.C. § 434(a)(4)(A)(iv) and 11 C.F.R. § 104.5(c)(2)(i)(B).

3. Application of the law to the facts.

The record in this case reveals that FIREPAC failed to file three reports within the time-frame required by 2 U.S.C. §§ 434(a)(4)(A), (iii) and (iv). Failure to file reports within the time-frame required is a violation of these sections. Accordingly, the General Counsel's Office recommends that the Commission open a matter of review and find reason to believe that FIREPAC and Alfred K. Whitehead, as treasurer, violated 2 U.S.C. §§ 434(a)(4)(A)(i), (iii) and (iv).

85040501767

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.

85040531770

If, during this period of investigation, the respondent(s) indicate a desire to enter into conciliation, the Office of General Counsel staff may begin the conciliation process prior to a finding of probable cause to believe a violation has been committed. Conciliation is an informal method of conference and persuasion to endeavor to correct or prevent a violation of the Federal Election Campaign Act (FECA). Most often, the result of conciliation is an agreement signed by the Commission and the respondent(s). The Conciliation Agreement must be adopted by four votes of the Commission before it becomes final. After signature by the Commission and the respondent(s), the Commission shall make public the Conciliation Agreement.

[If the investigation warrants], and no conciliation agreement is entered into prior to a probable cause to believe finding, the General Counsel must notify the respondent(s) of his intent to proceed to a vote on probable cause to believe that a violation of the Federal Election Campaign Act (FECA) has been committed or is about to be committed. Included with the notification to the respondent(s) shall be a brief setting forth the position of the General Counsel on the legal and factual issues of the case. Within 15 days of receipt of such brief, the respondent(s) may submit a brief posing the position of respondent(s) and replying to the brief of the General Counsel. Both briefs will then be filed with the Commission Secretary and will be considered by the Commission. Thereafter, if the Commission determines by an affirmative vote of four (4) Commissioners, that there is probable cause to believe that a violation of the FECA has been committed or is about to be committed conciliation must be undertaken for a period of at least 30 days but not more than 90 days. If the Commission is unable to correct or prevent any violation of the FECA through conciliation the Office of General Counsel may recommend that the Commission file a civil suit against the respondent(s) to enforce the Federal Election Campaign Act (FECA). Thereafter, the Commission may, upon an affirmative vote of four (4) Commissioners, institute civil action for relief in the District Court of the United States.

See 2 U.S.C. § 437g, 11 C.F.R. Part 111.

November 1980

85040531771

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 2/28/85-10:00

RECEIVED
AID: 00
RAD #85NF-38
Staff Member
Beverly Kramer

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

RESPONDENTS' NAMES: Fire Fighters Interested In Registration
and Education Political Action Committee
-International Association of Fire Fighters
Alfred K. Whitehead, Treasurer

RELEVANT STATUTES: 2 U.S.C. § 434(a)(4)(A)(i)
2 U.S.C. § 434(a)(4)(A)(iii)
2 U.S.C. § 434(a)(4)(A)(iv)
11 C.F.R. § 104.5(c)(1)(i)(A)
11 C.F.R. § 104.5(c)(1)(iii)
11 C.F.R. § 104.5(c)(2)(i)(B)

INTERNAL REPORTS CHECKED: Public Record

FEDERAL AGENCIES CHECKED: None

GENERATION OF MATTER

85040531772

The Reports Analysis Division referred this matter to the Office of the General Counsel on January 17, 1985. The referral alleges that Fire Fighters Interested in Registration and Education Political Action Committee - International Association of Fire Fighters ("FIREPAC") and Alfred K. Whitehead, as treasurer, failed to file three reports in a timely manner during the 1983-84 election cycle in accordance with 2 U.S.C. §§ 434(a)(4)(A)(i), (iii) and (iv). See Attached Referral at 1-13.

FACTUAL BASIS AND LEGAL ANALYSIS

1. The Facts

FIREPAC is a political committee within the meaning of 2 U.S.C. § 431(4)(B) and Alfred K. Whitehead is its treasurer.

FIREPAC failed to file three reports in a timely manner during the 1983-84 election cycle. The reports were filed between 11 and 17 calendar days later. 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>
1983 Year End (7/1/83-12/31/83)	1/31/84	2/16/84
1984 April Quarterly (1/1/84-3/31/84)	4/15/84	5/2/84
1984 30 Day Post General (10/18/84-11/26/84)	12/6/84	12/17/84 ^{1/}

Before the due date of each of the above reports, the Commission sent general notices advising FIREPAC of the filing requirements for these reports. See Attachments at 5, 7-8, 11-12. In addition, on May 16, 1984, the Reports Analysis Division notified Mr. Whitehead that FIREPAC's 1983 Year End and 1984 April Quarterly reports were filed late and expressed the Commission's view that reports not filed in a timely manner were serious violations of the Act. The notice also advised FIREPAC that any additional late filings of reports may result in legal enforcement action. Subsequent to this warning notice, FIREPAC failed to timely file its 30 Day Post-General Election Report.

^{1/} FIREPAC's 30 Day Post General Election Report gives coverage dates of 1/1/84 through 11/26/84. However, the report only discloses financial activity for the period October 18, 1984, through November 26, 1984.

85040531773

2. The law.

During an election year the treasurer of a political committee is required to file quarterly reports no later than 15 days after the close of the immediately preceding calendar quarter. 2 U.S.C. § 434(a)(4)(i) and 11 C.F.R.

104.5(c)(1)(i)(A). Pre-election reports must be filed no later than 12 days before any primary or general election. 2 U.S.C. § 434(a)(4)(A)(ii). Post-general election reports must be filed no later than 30 days after any general election. 2 U.S.C. § 434(a)(4)(A)(iii) and 11 C.F.R. § 104.5(c)(1)(iii).

During a non-election year, the treasurer of a political committee is required to file semi-annual reports. The first report must cover January 1 through June 30 and must be filed no later than July 31. The second report must cover July 1 through December 31 and must be filed no later than January 31 of the following year. 2 U.S.C. § 434(a)(4)(A)(iv) and 11 C.F.R. § 104.5(c)(2)(i)(B).

3. Application of the law to the facts.

The record in this case reveals that FIREPAC failed to file three reports within the time-frame required by 2 U.S.C. §§ 434(a)(4)(A), (iii) and (iv). Failure to file reports within the time-frame required is a violation of these sections. Accordingly, the General Counsel's Office recommends that the Commission open a matter of review and find reason to believe that FIREPAC and Alfred K. Whitehead, as treasurer, violated 2 U.S.C. §§ 434(a)(4)(A)(i), (iii) and (iv).

85040561774

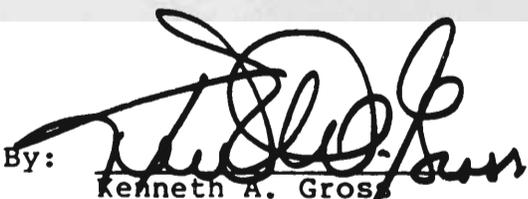
RECOMMENDATIONS

1. Open a matter under review.
2. Find reason to believe that Firefighters Interested in Registration and Education Political Action Committee-International Association of Fire Fighters and Alfred K. Whitehead, as treasurer, violated 2 U.S.C. §§ 434(a)(4)(A)(i), (iii) and (iv).
3. Approve and send the attached letter and General Counsel's Factual and Legal Analysis.

Charles N. Steele
General Counsel

February 27, 1985
Date

By:


Kenneth A. Gross
Associate General Counsel

Attachments

1. RAD referral (pages 1-13)
2. Letter to respondents (pages 14-15)
3. General Counsel's Factual and Legal Analysis (pages 16-18)

25740561775

REPORTS ANALYSIS REFERRAL

TO

OFFICE OF GENERAL COUNSEL

DATE: 17 January 1985

ANALYST: Alva Smith

I. COMMITTEE: Fire Fighters Interested in Registration and Education Political Action Committee (FIREPAC) International Association of Fire Fighters (C00029447)
Alfred K. Whitehead, Treasurer
1750 New York Avenue, NW
Washington, DC 20006

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

III. BACKGROUND:

Failure to Timely File Reports

The Fire Fighters Interested in Registration and Education Political Action Committee (FIREPAC) International Association of Fire Fighters ("FIREPAC") failed to file three (3) Reports of Receipts and Disbursements in a timely manner for the 1983-84 election cycle (see chart on page 2). The reports were filed between eleven (11) and seventeen (17) calendar days late.

On May 16, 1984, a Chronic Late Filing Notice was sent to FIREPAC for failing to file the 1983 Year End and 1984 April Quarterly Reports in a timely manner (Attachment 6). The notice advised FIREPAC that any additional late filing of reports may result in legal enforcement action. Subsequent to the sending of the warning notice, FIREPAC failed to timely file the 30 Day Post-General Report.

IV. OTHER PENDING MATTERS INITIATED BY RAD:

None

85040561776

8 5 0 4 0 5 6 1 7 7 7

LATE FILING HISTORY

REPORT TYPE	PRIOR NOTICE	DATE DUE	NON-FILER NOTICE	DATE FILED
1983 Year End (7/1/83-12/31/83)	1/7/84 (Attachment 2)	1/31/84	N/A	2/16/84 (Attachment 3)
1984 April Quarterly (1/1/84-3/31/84)	3/22/84 (Attachment 4)	4/15/84	N/A	5/02/84 (Attachment 5)
1984 30 Day Post-General (1/1/84-11/26/84)	10/1/84 (Attachment 7)	12/6/84	N/A	12/17/84 (Attachment 8)

3

FIRE FIGHTERS INTERNATIONAL UNION
AND EDUCATIONAL POLITICAL ACTION COMMITTEE (IEPAC)
INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS
REPORTS ANALYSIS OGC REFERRAL
PAGE 2

8 5 0 4 0 5 3 1 7 7 3

FEDERAL ELECTION COMMISSION
 COMMITTEE INDEX OF DISCLOSURE DOCUMENTS - (C) (83-84)

DATE 14JAN85
 PAGE 1

NON PARTY RELATED

COMMITTEE	DOCUMENT	RECEIPTS	DISBURSEMENTS	TYPE OF FILER COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
	INT'L ASS'N FIRE FIGHTERS INTERESTED IN REGISTRATION AND EDUCATION PAC (FIREPAC) CONNECTED ORGANIZATION: FIRE FIGHTERS; INTERNATIONAL ASS'N OF			NON-PARTY QUALIFIED		ID #C00029447
1983	STATEMENT OF ORGANIZATION - AMENDMENT			12MAY83	2	83FEC/271/4838
	STATEMENT OF ORGANIZATION - AMENDMENT			1JUN83	2	83FEC/272/4722
	MID-YEAR REPORT	13,918	20,538	1JAN83 -30JUN83	7	83FEC/277/3289
	YEAR-END	7,616	4,810	1JUL83 -31DEC83	5	84FEC/296/4644
1984	MISCELLANEOUS NOTICE FROM FEC			16MAY84	1	84FEC/314/2309
	APRIL QUARTERLY	12,018	5,650	1JAN84 -31MAR84	6	84FEC/313/1559
	JULY QUARTERLY	1,619	15,006	1JAN84 -30JUN84	5	84FEC/322/0109
	JULY QUARTERLY - AMENDMENT	1,619	15,006	1JAN84 -30JUN84	6	84FEC/328/1692
	REQUEST FOR ADDITIONAL INFORMATION			1JAN84 -30JUN84	1	84FEC/326/3207
	REQUEST FOR ADDITIONAL INFORMATION 2ND			1JAN84 -30JUN84	2	84FEC/328/1452
	OCTOBER QUARTERLY	14,535	11,400	1JAN84 -30SEP84	7	84FEC/340/1728
	PRE-GENERAL	3,338	2,150	1JAN84 -17OCT84	4	84FEC/347/4603
	POST-GENERAL	3,069	4,050	1JAN84 -26NOV84	5	84FEC/356/5143
	TOTAL	56,113	0 63,604	0	53	TOTAL PAGES

All reports have been reviewed.
 Ending cash on hand as of 11/26/84: \$3,472
 Debts: \$0

(F)



FEDERAL ELECTION COMMISSION
WASHINGTON DC 20463

January 7, 1984

JANUARY 31 YEAR-END REPORT NOTICE

WHO MUST FILE

ALL POLITICAL COMMITTEES currently registered with the Commission must file a year-end report by January 31, 1984.

WHAT MUST BE REPORTED

All financial activity must be disclosed from the last report filed through December 31, 1983. Registered committees which have not previously filed a financial disclosure report should report all financial activity from the date of registration* through December 31, 1983.

FILING DATE

Reports sent by registered or certified mail must be postmarked no later than midnight January 31, 1984. Reports hand delivered or mailed first class must be received no later than close of business January 31, 1984.

WHERE TO FILE

Committees should consult the instructions on the enclosed form for details.

COMPLIANCE

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

1984 FILING REQUIREMENTS

See the January 1984 issue of the FEC Record for filing requirements during 1984.

*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
202/523-4068 or 800/424-9530

85040531772

REPORT OF RECEIPTS AND DISBURSEMENTS
For a Political Committee Other Than an Authorized Committee

(Summary Page)

10:215 9:1:4J

1. Name of Committee (in Full)
Fire Fighters Interested in Registration and Education Political Action Committee International Association of Fire Fighters

Address (Number and Street)
1750 New York Avenue, N. W.

City, State and ZIP Code
Washington, D. C. 20006

Check if address is different than previously reported.

2. FEC Identification Number
C-000 29447

3. This committee qualified as a multicandidate committee during this Reporting Period on _____ (date)

4. TYPE OF REPORT (check appropriate boxes)

(a) April 15 Quarterly Report
 July 15 Quarterly Report
 October 15 Quarterly Report
 January 31 Year End Report
 July 31 Mid Year Report (Non-election Year Only)
 Monthly Report for _____
 Twelfth day report preceding _____ (Type of Election) election on _____ in the State of _____
 Thirtieth day report following the General Election on _____ in the State of _____
 Termination Report

(b) Is this Report an Amendment?
 YES NO

SUMMARY

	Column A This Period	Column B Calendar Year-to-Date
5. Covering Period <u>July 1, 1983</u> Through <u>December 31, 1983</u>		
6. (a) Cash on Hand January 1, 1983		\$ 10,531.15
(b) Cash on Hand at Beginning of Reporting Period	\$ 4,342.90	
(c) Total Receipts (from Line 1B)	\$ 7,616.48	\$ 21,534.45
(d) Subtotal (add lines 6(b) and 6(c) for Column A and lines 6(a) and 6(c) for Column B)	\$ 11,959.38	\$ 32,977.61
7. Total Disbursements (from Line 2B)	\$ 4,810.00	\$ 25,111.15
8. Cash on Hand at Close of Reporting Period (subtract line 7 from 6(d))	\$ 7,149.38	\$ 7,866.46
9. Debts and Obligations Owed TO the Committee (Itemize all on Schedule C or Schedule D)	\$ ---	
10. Debts and Obligations Owed BY the Committee (Itemize all on Schedule C or Schedule D)	\$ ---	

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

For further information, contact:

Federal Election Commission
 Toll Free 800-424-9530
 Local 202-523-4068

Alfred K. Whitehead, Secretary-Treasurer
 Type or Print Name of Treasurer

Alfred K. Whitehead
 SIGNATURE OF TREASURER

February 6, 1984
 Date

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

All previous versions of FEC FORM 3 and FEC FORM 3a are obsolete and should no longer be used.

--	--	--	--	--	--	--	--	--	--

FEC FORM 3R (3/80)

6



FEDERAL ELECTION COMMISSION
WASHINGTON DC 20463

March 22, 1984

APRIL REPORTING NOTICE FOR UNAUTHORIZED COMMITTEES

WHO MUST FILE

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

WHAT MUST BE REPORTED

All financial activity must be disclosed from the last report filed through March 31, 1984. Political committees which have not previously filed a financial disclosure report covering any period in 1984 should report all financial activity from the later of January 1, 1984, or date of registration,* through March 31, 1984.

WHEN TO FILE

Reports sent by registered or certified mail must be postmarked no later than April 15, 1984. Reports hand delivered or mailed first class must be received no later than close of business April 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 April 20, 1984, and disclose all financial activity of their committee from March 1 through March 31, 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 in 1984, and 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) Activity which occurred prior to 1984 should be reported separately.

A R E M I N D E R

All committees that have made contributions or expenditures (including independent expenditures) in connection with a primary election, which have not previously been reported, must file a pre-election report.

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

35040531732

8

REPORT OF RECEIPTS AND DISBURSEMENTS
For a Political Committee Other Than an Authorized Committee

ATTACHMENT 5

REC'D MAY 2 1984

(Summary Page)

84 MAY 2 8:51

1. Name of Committee (in Full)
Fire Fighters Interested in Registration & Education - Political Action Committee
International Association of Fire Fighters

Address (Number and Street)
1750 New York Ave., N.W.

City, State and ZIP Code
Washington, D. C. 20006

Check if address is different than previously reported.

2. FEC Identification Number
C-00029447

3. This committee qualified as a multicandidate committee during this Reporting Period on _____ (date)

4. TYPE OF REPORT (check appropriate boxes)

(a) April 15 Quarterly Report
 July 15 Quarterly Report
 October 15 Quarterly Report
 January 31 Year End Report
 July 31 Mid Year Report (Pre-election Year Only)
 Monthly Report for _____
 Twelfth day report preceding _____ (Type of Election) election on _____ in the State of _____
 Thirtieth day report following the General Election on _____ in the State of _____
 Termination Report

(b) Is this Report an Amendment?
 YES NO

SUMMARY

5. Covering Period January 1, '84 Through March 31, 1984

6. (a) Cash on Hand January 1, 1984

(b) Cash on Hand at Beginning of Reporting Period

(c) Total Receipts (from Line 18)

(d) Subtotal (add lines 6(b) and 6(c) for Column A and lines 6(a) and 6(c) for Column B)

7. Total Disbursements (from Line 28)

8. Cash on Hand at Close of Reporting Period (subtract line 7 from 6(d))

9. Debts and Obligations Owed TO the Committee (Itemize all on Schedule C or Schedule D)

10. Debts and Obligations Owed BY the Committee (Itemize all on Schedule C or Schedule D)

	Column A This Period	Column B Calendar Year-to-Date
6. (a) Cash on Hand January 1, 1984		\$ 7,149.38
6. (b) Cash on Hand at Beginning of Reporting Period	\$ 7,149.38	
6. (c) Total Receipts (from Line 18)	\$ 12,018.00	\$ 12,018.00
6. (d) Subtotal (add lines 6(b) and 6(c) for Column A and lines 6(a) and 6(c) for Column B)	\$ 19,167.38	\$ 19,167.38
7. Total Disbursements (from Line 28)	\$ 5,650.00	\$ 5,650.00
8. Cash on Hand at Close of Reporting Period (subtract line 7 from 6(d))	\$ 13,517.38	\$ 13,517.38
9. Debts and Obligations Owed TO the Committee (Itemize all on Schedule C or Schedule D)	\$ ---	
10. Debts and Obligations Owed BY the Committee (Itemize all on Schedule C or Schedule D)	\$ ---	

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

For further information, contact:

Federal Election Commission
Toll Free 800-424-9630
Local 707-633-4068

Alfred K. Whitehead, Secretary-Treasurer
Type or Print Name of Treasurer

Alfred K. Whitehead
SIGNATURE OF TREASURER

April 25, 1984
Date

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

All previous versions of FEC FORM 3 and FEC FORM 3a are obsolete and should no longer be used.

--	--	--	--	--	--	--	--	--	--

FEC FORM 3X (3/81)

⑨



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MS-L

May 16, 1984

Alfred K. Whitehead, Treasurer
International Association Fire
Fighters Interested in Registration
and Education PAC
1750 New York Avenue, NW
Washington, DC 20006

Identification Number: C00029447

Reference: 1983-1984 Election Cycle Reports

Dear Mr. Whitehead:

This letter is prompted by the Commission's review of the reports filed by your committee. The following is a list of reports your committee has failed to file in a timely manner.

<u>Report Type</u>	<u>Due Date</u>	<u>Date Filed</u>
Year End (7/1/83-12/31/83)	1/31/84	2/16/84
April Quarterly (1/1/84-3/31/84)	4/15/84	5/2/84

Timely filing is a specific requirement of the Federal Election Campaign Act and is essential to fulfilling the public disclosure concept embodied in that law. The Commission views late filing as a serious violation of the Act. This communication is to advise you that any additional late filing of a required report by your committee may result in the Commission initiating legal enforcement action.

If you need assistance or have any questions regarding this matter, please feel free to contact me on our toll-free number, (800) 424-9530. My local number is (202) 523-4048.

Sincerely,

Michael B. Filler
Chief
Party/Non-Party Branch

10

038983147399



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20546

October 1, 1984

**GENERAL ELECTION FILING NOTICE
FOR UNAUTHORIZED COMMITTEES**

WHO MUST FILE THE PRE-GENERAL ELECTION REPORT

All committees that file monthly reports must file the pre-general election report due October 25, 1984.

In addition all quarterly filing committees that have made contributions or expenditures (including independent expenditures) in connection with the general election must file a pre-election report, if such activity has not previously been reported. See below for post-general filing information.

WHAT MUST BE REPORTED

The report must disclose all financial activity of the committee from the later of, the last report filed or the date of registration* through October 17, 1984. (Monthly filers must disclose all financial activity from the later of October 1 or the date of registration* through October 17, 1984.)

WHEN TO FILE

Pre-general election reports sent registered or certified mail must be postmarked no later than October 22, 1984. Reports hand delivered or mailed first class must be received no later than close of business October 25, 1984.

* * * * *

WHO MUST FILE THE POST-GENERAL ELECTION REPORT

All committees must file the post-general election report due December 6, 1984, regardless of election activity.

WHAT MUST BE REPORTED

The post-general election report must cover all financial activity of the committee from either the date of the last report filed or the date of registration, whichever is later* through November 26, 1984.

WHEN TO FILE

Post-general election reports sent by registered or certified mail must be postmarked no later than December 6, 1984. Reports hand delivered or mailed first class must be received no later than close of business December 6, 1984.

*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).

65040531735

WHERE AND HOW TO FILE

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

QUARTERLY FILERS

Name of Report	Period Covered	Reg./Cert. Mailing Date	Filing Date
3rd Q-Report	07/01* - 09/30	10/15/84	10/15/84
Pre-General	10/01 - 10/17	10/22/84	10/25/84
Post-General**	10/18 - 11/26	12/06/84	12/06/84
Year-end	11/27 - 12/31	01/31/85	01/31/85

*Or from date of registration, or the close of books of the last report filed, whichever is later.

**Reports filed by committees that did not file the pre-General report should cover all financial activity from the last report filed through November 26, 1984.

* * *

MONTHLY FILERS

Name of Report	Period Covered	Reg./Cert. Mailing Date	Filing Date
Oct. Monthly	09/01 - 09/30	10/20/84	10/20/84
Pre-General	10/01 - 10/17	10/22/84	10/25/84
Post-General	10/18 - 11/26	12/06/84	12/06/84
Year-end	11/27 - 12/31	01/31/85	01/31/85

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.

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

35040531736



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Alfred K. Whitehead, Treasurer
FIREPAC
1750 New York Avenue, N.W.
Washington, D.C. 20006

RE: MUR
FIREPAC
Alfred K. Whitehead, as treasurer

Dear Mr. Whitehead:

On , 1985, the Federal Election Commission determined that there is reason to believe Fire Fighters Interested in Registration and Education Political Action Committee-International Association of Fire Fighters (FIREPAC) and you, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(i), (iii) and (iv), 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. 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

85040531733

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.

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 Beverly Kramer, the staff member assigned to this matter, at (202) 523-4143.

Sincerely,

Enclosures

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

85040531732

FEDERAL ELECTION COMMISSION
GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

MUR No.
Staff Member
Beverly Kramer

RESPONDENTS: Fire Fighters Interested In Registration
and Education Political Action Committee
-International Association of Fire Fighters
Alfred K. Whitehead, Treasurer

SUMMARY OF ALLEGATIONS

The Reports Analysis Division referred this matter to the Office of the General Counsel on January 17, 1985. The referral alleges that Fire Fighters Interested in Registration and Education Political Action Committee - International Association of Fire Fighters ("FIREPAC") and Alfred K. Whitehead, as treasurer, failed to file three reports in a timely manner during the 1983-84 election cycle in accordance with 2 U.S.C. §§ 434(a)(4)(A)(i), (iii) and (iv).

FACTUAL BASIS AND LEGAL ANALYSIS

1. **The Facts**

FIREPAC is a political committee within the meaning of 2 U.S.C. § 431(4)(B) and Alfred K. Whitehead is its treasurer.

FIREPAC failed to file three reports in a timely manner during the 1983-84 election cycle. The reports were filed between 11 and 17 calendar days later. Listed below are the reports filed late, the date each was due, and the date each report was filed:

85040531790

<u>Report Type</u>	<u>Due Date</u>	<u>Date Filed</u>
1983 Year End (7/1/83-12/31/83)	1/31/84	2/16/84
1984 April Quarterly (1/1/84-3/31/84)	4/15/84	5/2/84
1984 30 Day Post General (10/18/84-11/26/84)	12/6/84	12/17/84 ¹ /

Before the due date of each of the above reports, the Commission sent general notices advising FIREPAC of the filing requirements for these reports. In addition, on May 16, 1984, the Reports Analysis Division notified Mr. Whitehead that FIREPAC's 1983 Year End and 1984 April Quarterly reports were filed late and expressed the Commission's view that reports not filed in a timely manner were serious violations of the Act. The notice also advised FIREPAC that any additional late filings of reports may result in legal enforcement action. Subsequent to this warning notice, FIREPAC failed to timely file its 30 Day Post-General Election Report.

2. The law.

During an election year the treasurer of a political committee is required to file quarterly reports no later than 15 days after the close of the immediately preceding calendar quarter. 2 U.S.C. § 434(a)(4)(i) and 11 C.F.R. 104.5(c)(1)(i)(A). Pre-election reports must be filed no later

¹/ FIREPAC's 30 Day Post General Election Report gives coverage dates of 1/1/84 through 11/26/84. However, the report only discloses financial activity for the period October 18, 1984, through November 26, 1984.

85040531791

than 12 days before any primary or general election. 2 U.S.C. § 434(a)(4)(A)(ii). Post-general election reports must be filed no later than 30 days after any general election. 2 U.S.C. § 434(a)(4)(A)(iii) and 11 C.F.R. § 104.5(c)(1)(iii).

During a non-election year, the treasurer of a political committee is required to file semi-annual reports. The first report must cover January 1 through June 30 and must be filed no later than July 31. The second report must cover July 1 through December 31 and must be filed no later than January 31 of the following year. 2 U.S.C. § 434(a)(4)(A)(iv) and 11 C.F.R. § 104.5(c)(2)(i)(B).

3. Application of the law to the facts.

The record in this case reveals that FIREPAC failed to file three reports within the time-frame required by 2 U.S.C. §§ 434(a)(4)(A), (iii) and (iv). Failure to file reports within the time-frame required is a violation of these sections. Accordingly, the General Counsel's Office recommends that the Commission open a matter of review and find reason to believe that FIREPAC and Alfred K. Whitehead, as treasurer, violated 2 U.S.C. §§ 434(a)(4)(A)(i), (iii) and (iv).

35040531792



FEDERAL ELECTION COMMISSION

1325 K STREET NW
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 1912,

Date Filmed 7/16/85 Camera No. --- 2

Camerman AS

35040531793