



FEDERAL ELECTION COMMISSION

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

THIS IS THE END OF MUR # 1951

Date Filmed 9/20/85 Camera No. --- 2

Cameraman AS

85040552305

The American Waterways Operators, Inc.

GCC # 7971

Executive Offices

1600 Wilson Boulevard
Suite 1000
Arlington, VA 22209

Tel. 703 841-9300

July 10, 1985

Mr. Charles N. Steele
General Counsel
Federal Election Commission
Washington, D.C. 20463

RECEIVED
GENERAL COUNSEL
15 JUL 10 12:32

Re: MJR 1951

Dear Mr. Steele:

This is to formally advise you that I wish to have the following information included as part of the public record in connection with the conciliation agreement settling the above-referenced case:

"On April 4, 1985, I responded to Federal Election Commission Chairman McGarry's letter of March 26, 1985, informing me of a possible violation of the Federal Election Campaign Act of 1971 by The American Waterways Operators-Political Action Committee ("AWO-PAC") and me, as Treasurer. In my April 4 letter I urged the Commission to take no further action in this matter because:

My failure to file the 12-day Pre-Election Report was an inadvertent oversight. As your records will confirm, I became Treasurer of the AWO-PAC following the 1982 general elections. During 1983, the AWO-PAC filed as a semi-annually filer. For the general election year of 1984, AWO-PAC notified the Commission of its change to monthly filing status. (Note: AWO-PAC, for 1985, has received authorization to file semi-annually.)

By way of explanation, and not as an excuse, my unfamiliarity with reporting during a general election year resulted in some confusion regarding the special filing requirements for the general election period. Your records will reflect that the AWO-PAC's monthly reports were submitted in an accurate and timely manner.

When I received the non-filer notice on November 16, 1984, I recognized my error and sought to take corrective action, both by calling the FEC to find out how I could correct the mistake, and by instituting an improved internal "tickler" system, which would prevent recurrence of the problem. The corrective action taken will prevent the violation from occurring in the future, without the need for further action by the Commission."

Thank you for entering this information in the public record.

Sincerely,

Dena L. Wilson
Dena L. Wilson
Treasurer, AWO-PAC

DLW:me

85040552307

8504055303

The American Waterways Operators, Inc.

1600 Wilson Boulevard
Suite 1000
Arlington, VA 22209

TO BE PICKED UP BY RED TOP

Mr. Charles N. Steele
General Counsel
Federal Election Commission - 1325 K St., N.W.
Washington, D.C. 20463 Room 402

15 JUL 10 11 P12:32

GENERAL



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 17, 1985

Dena L. Wilson, Treasurer
American Waterways Operators-
Political Action Committee
1600 Wilson Boulevard
Suite 1000
Arlington, Virginia 22209

RE: MUR 1951

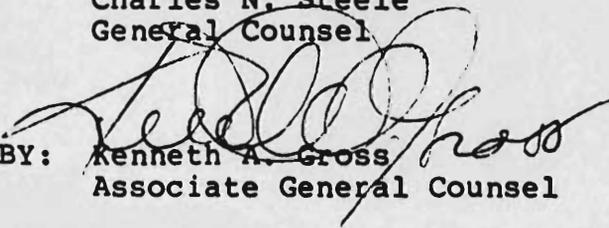
Dear Ms. Wilson:

On June 12, 1985, the Commission accepted the conciliation agreement signed by you in settlement of a violation of 2 U.S.C. § 434(a)(4)(A)(ii), 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

85040552309

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
American Waterways Operators-) MUR 1951
Political Action Committee)
Dena L. Wilson, as treasurer)

CONCILIATION AGREEMENT

This matter was initiated by the Federal Election Commission ("the Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. The Commission found reason to believe that the American Waterways Operators-Political Action Committee and Dena L. Wilson, as treasurer, ("AWO-PAC" or "Respondents") violated 2 U.S.C. § 434(a)(4)(A)(ii) by failing to file the 1984 12 Day Pre-General Report in a timely manner.

NOW, THEREFORE, the Commission and Respondents, having 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 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.

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

1. Respondent AWO-PAC is a political committee within the meaning of 2 U.S.C. § 431(4)(A).

2. Dena L. Wilson is the treasurer of AWO-PAC.

3. Section 434(a)(4)(A)(ii) of Title 2, United States Code, requires, in a calendar year in which a regularly scheduled general election is held, that a pre-general election report be filed no later than the 12th day before any election in which the committee makes a contribution to or an expenditure on behalf of a candidate.

4. Respondents' 1984 12 Day Pre-General Report was required to be filed on October 15, 1984. Respondent filed the 1984 12 Day Pre-General Report on November 19, 1984, which was 25 days late.

V. Respondents violated 2 U.S.C. § 434(a)(4)(A)(ii) by failing to file the 1984 12 Day Pre-General Report in a timely manner.

VI. Respondents will pay a civil penalty to the Treasurer of the United States in the amount of One Hundred and Seventy-Five Dollars (\$175), pursuant to 2 U.S.C. § 437g(a)(5)(A).

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

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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.

IX. This agreement shall become effective as of the date all parties hereto have executed the 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.

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 17, 1985
Date

FOR THE RESPONDENTS:

Dena L. Wilson
Dena L. Wilson
Treasurer, AWO-PAC

6-5-85
Date

85040552312

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 1951
American Waterways Operators-)
Political Action Committee)
Dena L. Wilson, as treasurer)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on June 12, 1985, the Commission decided by a vote of 5-0 to take the following actions in MUR 1951:

1. Accept the conciliation agreement with the American Waterways Operators-Political Action Committee and Dena L. Wilson, as treasurer, attached to the General Counsel's Report signed June 7, 1985.
2. Approve the proposed letter attached to the General Counsel's Report signed June 7, 1985.
3. Close the file.

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

Attest:

6-13-85

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

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

6-10-85, 9:28
6-10-85, 4:00

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SENSITIVE



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

ED
FEC
SECRETARY

25 MAR 25 4 03 03

March 25, 1985

MEMORANDUM TO: The Commission
FROM: Charles N. Steele
General Counsel
By: Kenneth A. Gross
Associate General Counsel
SUBJECT: RAD Referral 85NF-7

On March 20, 1985 the Commission approved the recommendation that RAD Referral 85NF-7 should become a MUR. Therefore, all documents which had previously been contained in RAD Referral 85NF-7 should now become MUR 1951.

Attachment
Copy of Certification

8504055314

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)	
)	RAD Referral 85NF-7
American Waterways Operators)	
Political Action Committee)	
Dena L. Wilson, as treasurer)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on March 20, 1985, the Commission decided by a vote of 6-0 to take the following actions in RAD Referral 85NF-7:

1. Open a MUR.
2. Find reason to believe that the American Waterways Operators - Political Action Committee and Dena L. Wilson, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(ii).
3. Approve and send the letter and factual and legal analysis attached to the First General Counsel's Report signed March 15, 1985.

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

Attest:

3-21-85

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

Received in Office of Commission Secretary:	3-18-85,	9:57
Circulated on 48 hour tally basis:	3-18-85,	4:00

85040552315

BEFORE THE FEDERAL ELECTION COMMISSION

M1951
Demougeot

In the Matter of)	
)	
American Waterways Operators)	RAD Referral 85NF-7
Political Action Committee)	
Dena L. Wilson, as treasurer)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on March 20, 1985, the Commission decided by a vote of 6-0 to take the following actions in RAD Referral 85NF-7:

1. Open a MUR.
2. Find reason to believe that the American Waterways Operators - Political Action Committee and Dena L. Wilson, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(ii).
3. Approve and send the letter and factual and legal analysis attached to the First General Counsel's Report signed March 15, 1985.

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

Attest:

3-21-85

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

Received in Office of Commission Secretary:	3-18-85,	9:57
Circulated on 48 hour tally basis:	3-18-85,	4:00

85040552316



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 26, 1985

Dena L. Wilson, Treasurer
American Waterways Operators -
Political Action Committee
1600 Wilson Boulevard, Suite 1000
Arlington, Virginia 22209

RE: MUR 1951
American Waterways Operators -
Political Action Committee
Dena L. Wilson, Treasurer

Dear Ms. Wilson:

On March 20, 1985, the Federal Election Commission determined that there is reason to believe that the American Waterways Operators - Political Action Committee, and you, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(ii), 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.

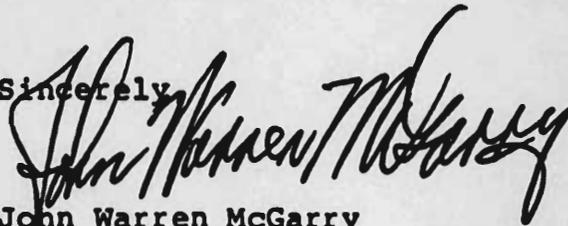
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Dena L. Wilson, Treasurer
Page 2

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 George Demougeot, the staff member assigned to this matter, 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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GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

RESPONDENT American Waterways Operators - MUR NO. 1951
Political Action Committee
Dena L. Wilson, as treasurer

SUMMARY OF ALLEGATIONS

The American Waterways Operators - Political Action Committee and Dena L. Wilson, as treasurer, failed to timely file the 12 Day Pre-General Election Report of receipts and disbursements.

FACTUAL AND LEGAL ANALYSIS

Based on information obtained in the normal course of its supervisory duties under the Federal Election Campaign Act of 1971, as amended (the "Act"), the Reports Analysis Division ("RAD") referred this matter to the Office of General Counsel on January 16, 1985.

Section 434(a)(4)(A)(ii) of Title 2, United States Code, requires, in a calendar year in which a regularly scheduled general election is held, that a pre-general election report be filed no later than the 12th day before any election in which the committee makes a contribution to or an expenditure on behalf of a candidate. A regularly scheduled general election was held in 1984 on November 6. The American Waterways Operators - Political Action Committee was notified on October 1, 1984, that its pre-general election report was due on October 25, 1984. The American Waterways Operators - Political Action Committee was mailed a non-filer notice on November 16, 1984.

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On November 19, 1984, the American Waterways Operators - Political Action Committee filed a 1984 October Monthly Report. In response to the non-filer notice, the treasurer of the committee telephoned RAD and asked whether it was necessary to file a 12 Day Pre-General Election Report even though, through an oversight, the committee had filed a monthly report which covered the pre-election period. The RAD analyst informed the treasurer that an additional report was unnecessary. However, since the pre-election reporting information was filed twenty-five (25) days late, the Office of General Counsel recommends that the Commission find reason to believe that the American Waterways Operators - Political Action Committee and Dena L. Wilson, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(ii).

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM

TO: Office of the Commission Secretary
FROM: Office of General Counsel *Wet*
DATE: March 18, 1985
SUBJECT: RAD 85NF-7: First General Counsel's Report

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

CIRCULATIONS		DISTRIBUTION	
48 Hour Tally Vote	<input checked="" type="checkbox"/>	Compliance	<input checked="" type="checkbox"/>
Sensitive	<input checked="" type="checkbox"/>	Audit Matters	<input type="checkbox"/>
Non-Sensitive	<input type="checkbox"/>	Litigation	<input type="checkbox"/>
24 Hour No Objection	<input type="checkbox"/>	Closed MUR Letters	<input type="checkbox"/>
Sensitive	<input type="checkbox"/>	Status Sheets	<input type="checkbox"/>
Non-Sensitive	<input type="checkbox"/>	Advisory Opinions	<input type="checkbox"/>
Information	<input type="checkbox"/>	Other (see distribution below)	<input type="checkbox"/>
Sensitive	<input type="checkbox"/>		
Non-Sensitive	<input type="checkbox"/>		
Other	<input type="checkbox"/>		
_____		_____	
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_____		_____	

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SENSITIVE

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

RECEIVED
COMMISSIONER OF THE FEC
SECRETARY

FIRST GENERAL COUNSEL'S REPORT 25 MAR 18 A 9: 57

DATE AND TIME OF TRANSMITTAL BY RAD REFERRAL: 85NF-7
OGC TO THE COMMISSION 3/18/85 9:55 STAFF MEMBER:
George Demougeot

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

RESPONDENTS' NAMES: American Waterways Operators - Political
Action Committee
Dena L. Wilson, as treasurer

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

INTERNAL REPORTS
CHECKED: Committee Reports

FEDERAL AGENCIES
CHECKED: None

GENERATION OF MATTER

Based on information obtained in the normal course of its supervisory duties under the Federal Election Campaign Act of 1971, as amended (the "Act"), the Reports Analysis Division ("RAD") referred this matter to the Office of General Counsel on January 16, 1985.

SUMMARY OF ALLEGATIONS

The American Waterways Operators - Political Action Committee and Dena L. Wilson, as treasurer, failed to timely file the 12 Day Pre-General Election Report of receipts and disbursements.

FACTUAL AND LEGAL ANALYSIS

Section 434(a)(4)(A)(ii) of Title 2, United States Code, requires, in a calendar year in which a regularly scheduled

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general election is held, that a pre-general election report be filed no later than the 12th day before any election in which the committee makes a contribution to or an expenditure on behalf of a candidate. A regularly scheduled general election was held in 1984 on November 6. The American Waterways Operators - Political Action Committee was notified on October 1, 1984, that its pre-general election report was due on October 25, 1984. The American Waterways Operators - Political Action Committee was mailed a non-filer notice on November 16, 1984.

On November 19, 1984, the American Waterways Operators - Political Action Committee filed a 1984 October Monthly Report. In response to the non-filer notice, the treasurer of the committee telephoned RAD and asked whether it was necessary to file a 12 Day Pre-General Election Report even though, through an oversight, the committee had filed a monthly report which covered the pre-election period. The RAD analyst informed the treasurer that an additional report was unnecessary. However, since the pre-election reporting information was filed twenty-five (25) days late, the Office of General Counsel recommends that the Commission find reason to believe that the American Waterways Operators - Political Action Committee and Dena L. Wilson, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(ii).

RECOMMENDATIONS

1. Open a MUR.
2. Find reason to believe that the American Waterways Operators - Political Action Committee and Dena L. Wilson, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(ii).

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3. Approve and send the attached letter and factual and legal analysis.

Charles N. Steele
General Counsel

March 15, 1985
Date

BY:

Kenneth A. Gross
Kenneth A. Gross
Associate General Counsel

Attachments

- I. Referral Materials
- II. Proposed letter
- III. General Counsel's Factual and Legal Analysis

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85040552325

AMERICAN WATERWAYS OPERATORS - POLITICAL ACTION COMMITTEE
(Attachments 6a - d)

Attachment I
3



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

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).

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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

Attachment I
(5)

85040552327



FEDERAL ELECTION COMMISSION
WASHINGTON, DC 20463

RQ-7

November 16, 1984

Identification Number:

Reference: 12 Day Pre-General Report (10/1/84-10/17/84)

Dear

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 the relevant portions should also be filed with the Secretary of State or equivalent state officer (see 11 CFR 108.2, 108.3, 108.4).

If the report in question was filed, please submit documentation for the public record. Although the Commission may take further legal steps concerning this matter, your prompt response will be taken into consideration.

If you have any questions, please contact _____ 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

Attachment I
⑥

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FEDERAL ELECTION COMMISSION
COMMITTEE INDEX OF DISCLOSURE DOCUMENTS - (C) (83-84)DATE 11JAN85
PAGE 1

NON-PARTY RELATED

COMMITTEE	DOCUMENT	RECEIPTS	DISBURSEMENTS	TYPE OF FILER COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
AMERICAN WATERWAYS OPERATORS-PAC						
CONNECTED ORGANIZATION: WATERWAYS OPERATORS INC; AMER						
				NON-PARTY QUALIFIED		ID #C00034678
1983	STATEMENT OF ORGANIZATION - AMENDMENT			1MAR83	2	83FEC/267/1254
	STATEMENT OF ORGANIZATION - AMENDMENT			5JUL83	2	83FEC/274/4363
	APRIL QUARTERLY	-	-	1JAN83 -31MAR83	5	83FEC/269/1380
	MID-YEAR REPORT	6,700	5,075	1JAN83 -30JUN83	8	83FEC/277/3823
	YEAR-END	3,650	5,050	1JUL83 -31DEC83	6	84FEC/294/20
1984	MISCELLANEOUS REPORT			9MAY84 FROM FEC	1	84FEC/313/49
	MISCELLANEOUS REPORT			17DEC84 TO FEC	5	84FEC/357/0172
	FEBRUARY MONTHLY	2,300	500	1JAN84 -31JAN84	6	84FEC/297/2502
	MARCH MONTHLY	1,375	2,325	1FEB84 -29FEB84	5	84FEC/299/4374
	APRIL MONTHLY	1,500	2,250	1MAR84 -31MAR84	5	84FEC/311/4686
	MAY MONTHLY	5,850	1,500	1APR84 -30APR84	6	84FEC/314/4574
	JUNE MONTHLY	2,050	2,700	1MAY84 -31MAY84	5	84FEC/317/1729
	JUNE MONTHLY - AMENDMENT	2,050	2,700	1MAY84 -31MAY84	5	84FEC/323/0954
	JULY MONTHLY	2,400	5,000	1JUN84 -30JUN84	6	84FEC/323/0959
	AUGUST MONTHLY	100	300	1JUL84 -31JUL84	4	84FEC/325/2295
	SEPTEMBER MONTHLY	1,100	519	1AUG84 -31AUG84	5	84FEC/328/4678
	OCTOBER MONTHLY	1,550	1,250	1SEP84 -30SEP84	5	84FEC/342/4642
	NOTICE OF FAILURE TO FILE			1OCT84 -17OCT84	1	84FEC/349/0545
	NOVEMBER MONTHLY	2,750	5,050	1OCT84 -31OCT84	6	84FEC/349/0533
	NOVEMBER MONTHLY - AMENDMENT	2,750	5,050	1OCT84 -31OCT84	6	84FEC/357/0177
	POST-GENERAL	0	300	1NOV84 -26NOV84	4	84FEC/350/5296
	TOTAL	31,325	0	31,819	0	98 TOTAL PAF
	ENDING CASH (11/26):	\$ 688				
	DEBTS:	\$ 0				

Attachment I
(7)

Attachment 6a

ANALYST: Mike Tangney

CONVERSATION WITH: Dena L. Wilson

COMMITTEE: American Waterways Operators Political Action Committee

DATE: 11/21/84

SUBJECT(S): Non filing of 12 Day Pre General Report

Ms. Wilson telephoned in response to a non filer notice that had been sent to the committee. She asked whether it would be necessary to file a 12 Day Pre General report even though she had submitted a monthly report which covered that period. I informed her of the election year filing requirements and told her that it would not be necessary to file an additional report for the period since this would be a duplication of what had already been filed.

85040552330

Attachment I

8

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

Form No. 28 - FEB

(Summary Page)

84 NOV 19 4 28 PM '84

ALION AREA

1. Name of Committee (in Full)
AMERICAN WATERWAYS OPERATORS POLITICAL ACTION COMMITTEE

Address (Number and Street)
**1600 Wilson Boulevard
Suite 1000**

City, State and ZIP Code
Arlington, VA 22209

Check here if address is different than previously reported

2. FEC Identification Number
C-00034678

This committee qualified as a multicandidate committee during the Reporting Period on _____

4. TYPE OF REPORT (Check appropriate boxes)

(a) April 15 Quarterly Report October 15 Quarterly Report
 July 15 Quarterly Report January 31 Year End Report
 July 31 Mid Year Report (Non Election Year Only)
 Monthly Report for October 1984
 Twelfth day report preceding _____
 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	COLUMN B
Covering Period <u>10-1-84</u> through <u>10-31-84</u>		This Period	Calendar Year-to-Date
6	Cash on hand January 1, 19 <u>84</u>		\$ 1,408.51
1b	Cash on Hand at Beginning of Reporting Period	\$ 3,288.56	
1c	Total Receipts (from Line 1B)	\$ 2,750.00	\$ 20,975.00
1d	Subtotal (add Lines 6(b) and 6(c) for Column A and Lines 6(a) and 6(c) for Column B)	\$ 6,038.56	\$ 22,383.51
7	Total Disbursements (from Line 2B)	\$ 5,050.00	\$ 21,394.95
8	Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d))	\$ 988.56	\$ 988.56
9	Debits and Obligations Owed TO The Committee (Itemize all on Schedule C or Schedule D)	\$ ---	
10	Debits 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 and complete.

Dena L. Wilson
Type or Print Name of Treasurer
Dena L. Wilson
SIGNATURE OF THE TREASURER

11-16-84
Date

For further information contact
 Federal Election Commission
 11 E. W. 424 9530
 202-453-6089

NOTE: Information reported on this form is incomplete information that subject the person filing this report to the provisions of the law.

All previous editions of FEC FORM 2 and FEC FORM 2a are obsolete and should no longer be used.

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84 DEC 17 10:47

Executive Offices

1600 Wilson Boulevard
Suite 1000
Arlington, VA 22209
Tel 703 841-9300

December 14, 1984

Mr. John D. Gibson
Assistant Staff Director
Reports Analysis Division
Federal Election Commission
Washington, D.C. 20463

Reference: 12 Day Pre-General Report (10/1/84-10/17/84)
Identification Number: C00034678

Dear Mr. Gibson:

Per your letter of November 16 concerning failure to file the above-referenced report, I contacted Mike Tangney by telephone about this matter. I informed Mr. Tangney that this was strictly an oversight and that we had instead filed the monthly report for October 1984. He suggested that this filing would probably be sufficient. A copy of this report is attached.

On December 3, we filed our Thirtieth Day post-General Election report which covered the period November 1, 1984 through November 26, 1984, copy attached.

Please let me know, in writing, if we will be required to file an amended report to either of the above-referenced reports. Thank you for your consideration in this matter.

Sincerely,

Dena L. Wilson

Dena L. Wilson
Treasurer, American Waterways Operators-PAC

DLW:me

Enclosures

85040552332

ACTION COMMITTEE FOR RURAL ELECTRIFICATION (ACRE)
 TREASURER'S NAME: BOB BERGLAND
 1800 MASSACHUSETTS AVE. N.W.
 WASHINGTON DC 20036
 85NF-3
 None
 Letter, Pre-General and November Monthly Reports received 11/21/84
 1b-1d

~~ALLIED BANKSHARES LEADERSHIP FUNDS FEDERAL~~
~~TREASURER'S NAME: JAMES C TOLLARD~~
~~PO BOX 1515, 800 FRANKS~~
~~HOUSTON TX 77002~~
 REFERRED FOR EXPEDITED AUDIT
~~11/20/84 2b~~
~~Letter and November Monthly Report received 11/26/84~~
~~3c3d~~

AMERICAN CONSULTING ENGINEERS PAC
 TREASURER'S NAME: LARRY N SPILLER
 1015 15TH STREET, NW #502
 WASHINGTON DC 20005
 85NF-4
 None
 November Monthly Report received 11/20/84
 3b

AMERICAN HEALTH CARE ASSOCIATION POLITICAL ACTION COMM (AHCA-PAC)
 TREASURER'S NAME: DAVE HEILLIER
 1200 15TH STREET NW
 WASHINGTON DC 20005
 85NF-5
 11/26/84 4b
 November Monthly Report received 11/21/84
 Letter received 11/29/84
 4c&4d

AMERICAN SECURITY COUNCIL POLITICAL ACTION COMMITTEE
 TREASURER'S NAME: JOSEPH L PUTHERFORD
 499 SOUTH CAPITOL STREET, S.W.
 WASHINGTON DC 20003
 85NF-6
 None
 November Monthly Report received 11/23/84
 Pre-General Report received 12/17/84
 5b&5c

AMERICAN WATERWAYS OPERATORS-PAC
 TREASURER'S NAME: DENA L WILSON
 1600 WILSON BLVD SUITE 1000
 ARLINGTON VA 22209
 85NF-7
 11/21/84 6b
 November Monthly Report received 11/19/84
 Letter received 12/17/84
 6c&6d

ASHLAND OIL POLITICAL ACTION COMMITTEE FOR EMPLOYEES (PACE)
 TREASURER'S NAME: JOHN T DOYLE
 1409 WINCHESTER AVENUE
 ASHLAND KY 41101
 85NF-8
 11/20/84 7b
 November Monthly Report received 11/20/84
 Letter and Pre-General Report received 11/21/84
 7c-7e

Attachment I
 (11)



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Dena L. Wilson, Treasurer
American Waterways Operators -
Political Action Committee
1600 Wilson Boulevard, Suite 1000
Arlington, Virginia 22209

RE: MUR
American Waterways Operators -
Political Action Committee
Dena L. Wilson, Treasurer

Dear Ms. Wilson:

On , 1985, the Federal Election Commission determined that there is reason to believe that the American Waterways Operators - Political Action Committee, and you, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(ii), 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.

Attachment II

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Dena L. Wilson, 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 George Demougeot, the staff member assigned to this matter, 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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Attachment II
(13)

GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

RESPONDENT American Waterways Operators - MUR NO. _____
Political Action Committee
Dena L. Wilson, as treasurer

SUMMARY OF ALLEGATIONS

The American Waterways Operators - Political Action Committee and Dena L. Wilson, as treasurer, failed to timely file the 12 Day Pre-General Election Report of receipts and disbursements.

FACTUAL AND LEGAL ANALYSIS

Based on information obtained in the normal course of its supervisory duties under the Federal Election Campaign Act of 1971, as amended (the "Act"), the Reports Analysis Division ("RAD") referred this matter to the Office of General Counsel on January 16, 1985.

Section 434(a)(4)(A)(ii) of Title 2, United States Code, requires, in a calendar year in which a regularly scheduled general election is held, that a pre-general election report be filed no later than the 12th day before any election in which the committee makes a contribution to or an expenditure on behalf of a candidate. A regularly scheduled general election was held in 1984 on November 6. The American Waterways Operators - Political Action Committee was notified on October 1, 1984, that its pre-general election report was due on October 25, 1984. The American Waterways Operators - Political Action Committee was mailed a non-filer notice on November 16, 1984.

Attachment III

14

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On November 19, 1984, the American Waterways Operators - Political Action Committee filed a 1984 October Monthly Report. In response to the non-filer notice, the treasurer of the committee telephoned RAD and asked whether it was necessary to file a 12 Day Pre-General Election Report even though, through an oversight, the committee had filed a monthly report which covered the pre-election period. The RAD analyst informed the treasurer that an additional report was unnecessary. However, since the pre-election reporting information was filed twenty-five (25) days late, the Office of General Counsel recommends that the Commission find reason to believe that the American Waterways Operators - Political Action Committee and Dena L. Wilson, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(ii).

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Attachment III
(15)



FEDERAL ELECTION COMMISSION

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

THIS IS THE BEGINNING OF MUR # 1951

Date Filmed 9/20/85 Camera No. --- 2

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THE FOLLOWING MATERIAL IS BEING ADDED TO THE
PUBLIC FILE OF CLOSED MUR 1951 .

85040554226



GOC # 7123
Demougeot

ASHLAND OIL, INC. • POST OFFICE BOX 391 • ASHLAND, KENTUCKY • 41114 • PHONE (606) 329-3333

JOHN C. BIEHL
General Attorney
(606) 329-4764

MUR 1951

VIA COURIER

April 9, 1985

RECEIVED
OFFICE OF THE
GENERAL COUNSEL
APR 10 9 51 AM '85

Mr. George Demougeot
Federal Election Commission
1325 K Street, NW
Washington, DC 20463

Dear Mr. Demougeot:

On April 1, 1985 John T. Doyle, Treasurer of Ashland Oil Political Action Committee for Employees (PACE) received notice from the Federal Election Commission (the "Commission") that there was reason to believe that he and PACE may have violated 2 U.S.C. §434(a)(4)(A)(ii), a provision of the Federal Election Campaign Act of 1971, as amended (the "Act").

The Commission's belief is based upon the date on which Ashland filed the 12 Day Pre-General Election Report. Section 434 (a)(4)(A)(ii) of Title 2, United States Code, requires a pre-election report be filed no later than the 12th day before a regularly scheduled general election, in this case, October 25, 1984. Due to an oversight, Ashland filed this report on November 21, 1984.

Ashland does not deny the fact that the report in question was filed after its due date. However, it believes there are mitigating circumstances, which when considered, will cause the Commission to find that this oversight was an inadvertent and isolated act that will not be repeated. Accordingly, Ashland requests the initiation of the pre-probable cause conciliation process for purposes of resolving this matter in an amicable fashion.

The circumstances that Ashland believes militates against a find of violation include the following:

1. PACE was organized early in 1977. Since that time, with the exception of the 12 Day Pre-General Report, every report has been filed in a timely fashion.
2. The facts are clear that the filing date was missed because of an oversight, there was no intent involved. Facts to support this position, in addition to past performance, include the filing of a report that reflected October receipts and disbursements. This

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report, though not legally required, was submitted before the 20th day of the month, which is the normal filing date for most reports, and before notice of the missing report was received.

3. Immediately upon receiving notice of the missing report on November 20, 1984, Ashland telephoned Commission staff to acknowledge the oversight and stated that the report would be filed promptly. It was completed the same day, sent via overnight mail and delivered to the Commission the following day, November 21, 1984.
4. In the material received from the Commission, it is stated that Ashland was "previously notified of the due date for the report." I have been unable to identify any Ashland employee who received such a notice. Affidavits from those employees who may reasonably be expected to be recipients of such a notice can be submitted which attests that they did not receive it.
5. Since notice of the missing report was received, Ashland has instituted new procedures to be sure that all future reports are filed in a timely fashion. In brief, these procedures place the burden of confirming that reports are timely filed on two persons, in addition to the Treasurer of PACE, and require each of them to prepare two calendars that will serve to alert them to filing deadlines. While such procedures cannot, of course, correct the past oversight, they will serve to satisfy the disclosure objectives of the Act and the Commission.

I trust the foregoing will serve as the basis for a just settlement of this matter.

Yours truly,

John C. Biehl
John C. Biehl
General Attorney

JCB/lr

cc: John T. Doyle

85040554228

Purolator courier SM

Purolator Account No. to be billed: 4/9/85

654771372

Service - Check One - See reverse side for detail

Purolator Overnight Letter
 PurePak Overnight Pack
 Priority National Overnight Service Nationwide
 Priority Regional Service up to 400 miles
 Standard 2-day Service
 Optional Service: Saturday Deliv. Extra Charge
 Hold for Pick-up
 Payment: Sender Prepaid
 Third Party Cash/Check
 Collect

From Sender's Name: **John C. Biehl**
 Sender's Area Code/Phone Number: **(606) 329-4764**

To Recipient's Name: **George Demougeot**
 Recipient's Area Code/Phone Number: **(202) 523-4000**

Company Name: **ASHLAND OIL**

Company Name: **Federal Election Commission**
 Dept./Suite:

Street Address: **200 BIEDERICH BLVD**

Street Address (P.O. Box numbers not deliverable): **1325 K Street NW**

City: **RUSSELL** State: **WY** Zip Code - Required: **82801**

City: **Washington** State: **D.C.** Zip Code - Required: **20046**

Sender's Signature: *John Biehl* P.O. or Reference Number: **Box 391**

Third Party Billing Name/Address: **13**

Tariff	Rate Item	SM	Origin Airport	Destination Airport		
			HTS	DCA		
Advance	Valuation	Code	Amount	Code	Amount	Total Charge
Special Charge	Route	Courier Guard Initial	S.S. - Last 4 digits	PUROLATOR USE ONLY		
<input type="checkbox"/> DB	110	2	1093			

Weight	L	W	H

RECIPIENT'S COPY

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