



FEDERAL ELECTION COMMISSION

1325 K STREET NW
WASHINGTON, DC 20463

THIS IS THE END OF MUR # 2042

Date Filmed 3/26/86 Camera No. --- 2

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FEDERAL ELECTION COMMISSION

council check ; ^{proposed} council agreement

objection sheet

routing cards

Correspondence re: conciliator

Duplicates re: conciliator

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

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

Signed S. Gaur
date 2/27/86 2/27/86



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 18, 1985

Thomas J. Lombardi
Assistant Treasurer
Thomson McKinnon Securities Inc. PAC
One New York Plaza
New York, NY 10004

RE: MUR 2042
Thomson McKinnon Securities
Inc. PAC
Joseph F. Marino, Treasurer

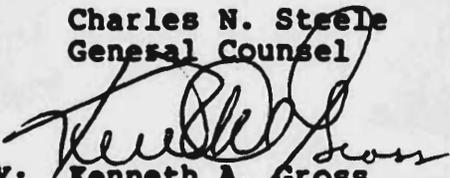
Dear Mr. Lombardi:

On December 3, 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

cc: Robert Beller

85040372543

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Thomson McKinnon Securities Inc. PAC) Mur 2042
Joseph F. Marino, 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 Thomson McKinnon Securities Inc. PAC and Joseph F. Marino, as treasurer ("Respondents"), failed to comply with the reporting provisions of 2 U.S.C. § 434(a)(4)(A)(ii).

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) (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.

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

1. Respondent Thomson McKinnon Securities Inc. PAC is a political committee registered with the Federal Election Commission.

2. At all relevant times herein Joseph F. Marino was the treasurer of the Thomson McKinnon Securities Inc. PAC.

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3. Respondents were required to file a 1984 12 Day Pre-General Election Report of Receipts and Disbursements ("12 Day Report") on October 25, 1984.

4. On December 8, 1984, respondents filed a 1984 30 Day Post-General Election Report of Receipts and Disbursements ("30 Day Report") covering the period October 1, 1984-December 6, 1984. The 30 Day Report contained all information required to be disclosed in the 12 Day Report as well as all information required to be disclosed in the 30 Day Report.

V. Pursuant to 2 U.S.C. §434(a) (4) (A) (ii) all political committees other than authorized committees of a candidate are required to file a pre-election report, which shall be filed no later than the 12th day before an election in which the committee makes a contribution to or expenditure on behalf of a candidate in such election and which shall be complete as of the 20th day before such election.

VI. Although the 30 Day Report contained all information required to be disclosed in the 12 Day Report, Respondents failed to comply with the provisions of 2 U.S.C. §434(a) (4) (A) (ii) by failing to file a 12 Day Report in a timely manner. Respondents contend that their failure to file a 12 Day Report in a timely manner constituted a clerical error which was neither intentional, knowing nor wilful.

VII. Respondents agree to pay a civil penalty to the Treasurer of the United States in the amount of One Hundred Dollars (\$100.00) pursuant to 2 U.S.C. §437g(a)(5)(A).

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

IX. The commission, on request of anyone filing a complaint under 2 U.S.C. § 437g(a) (1) concerning the matters at issue herein or on its own motion, may review compliance with this agreement. If the Commission believes that this

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agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

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

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

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

FOR THE COMMISSION:

Charles N. Steele
General Counsel

By: 
Kenneth A. Gross
Associate General Counsel

Dec. 17, 1985
Date

FOR THE RESPONDENTS:

Thomas J. Lambert

10/23/85
Date

SG#1

06040572546

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Thomson McKinnon Securities,) MUR 2042
 Inc. PAC)
Joseph F. Marino, Treasurer)

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session of December 3, 1985, do hereby certify that the Commission decided by a vote of 6-0 to take the following actions in MUR 2042:

1. Accept the conciliation agreement in settlement of this matter as recommended in the General Counsel's report dated November 14, 1985.
2. Close the file.

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

Attest:

12-5-85

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

86040372547

BEFORE THE FEDERAL ELECTION COMMISSION

RECEIVED
OFFICE OF THE SEC
COMMISSION SECRETARY

In the Matter of)
Thomson McKinnon Securities)
Inc. PAC)
Joseph F. Marino, Treasurer)

MUR 2042

65 NOV 15 12:19

GENERAL COUNSEL'S REPORT

SENSITIVE

I. BACKGROUND

Attached is a conciliation agreement which has been signed by the Assistant Treasurer for Thomson McKinnon Securities Inc. PAC (Attachment I).

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II. Recommendation

The Office of General Counsel recommends that the Commission accept this agreement in settlement of this matter and close the file.

Charles N. Steele
General Counsel

November 14, 1985
Date

BY:


Kenneth A. Gross
Associate General Counsel

Attachments

1. Response and Conciliation Agreement
2. Proposed Letter

86040372549

**THOMSON
MCKINNON** SECURITIES INC.
ONE NEW YORK PLAZA, NEW YORK, N.Y. 10004 212 482-7000

RECEIVED AT THE FEC
C.C.# 808
85 OCT 28 11:46

LEGAL DEPARTMENT

October 23, 1985

11:59
OCT 28 11:59

Ms. Shelley Garr
Federal Election Commission
Office of the General Counsel
1325 K Street
N.W. Washington D.C. 20463

Re: MUR 2042

Dear Ms. Garr:

In accordance with our telephone conversation of yesterday afternoon, I have enclosed two copies of the revised Conciliation Agreement (the "Agreement"), one of which is marked to show changes. The second copy has been signed by Mr. Thomas J. Lombardi, the Assistant Treasurer of Thomson McKinnon Securities Inc. - PAC. As you explained, the Commission will not review this matter unless an executed copy of the Agreement is submitted. This will also confirm that the contentions set forth in my letter of October 15, 1985 will be preserved and presented to the Commission for its review together with the Agreement, and that the Commission will not deem our execution of the Agreement at this point as a waiver of any of our rights under the FEA.

Please let me know if any additional information will be required.

Very truly yours,

Robert Beller
Vice President and
Assistant General Counsel

Encl

cc: Thomas Whitehead, Esq.

RB/br

06040372550



11/13/85

85 OCT 17 12:06

LEGAL DEPARTMENT

October 15, 1985

OCT 17 11:57

Ms. Shelley Garr
Federal Election Commission
Office of the General Counsel
1325 K Street
N.W. Washington D.C. 20463

Re: MUR 2042

Dear Ms. Garr:

We are in receipt of the proposed Conciliation Agreement (the "Agreement") regarding the captioned matter and, in accordance with our previous telephone conversations, have enclosed a revised draft which is marked to show changes we would recommend. For purposes of further discussion, and in order to resolve this matter as quickly as possible, I have summarized below the substance of your prior conversations with me and other members of our staff.

When the failure to file the 12 Day Report Pre-General Election Report was first brought to our attention by Duane Brown, the original attorney assigned to this matter, we were specifically advised that the filing of our 30 Day Post-General Election Report with all information required to be contained in the 12 Day Report had satisfied the Commission's filing requirements. This representation was confirmed in a letter dated June 27, 1985 from Joseph Marino to Mr. Brown, a copy of which is attached. In addition, our failure to file the Report was based on a misunderstanding of what we believed to be a confusing reporting requirement. The confusing nature of the reporting requirement was confirmed by Mr. Brown who advised that the same misinterpretation had been made by a number of other registered PACs which filed 30 Day Reports in lieu of 12 Day Reports. As a result of the above, we were surprised and upset to discover, upon our receipt of the Agreement, that the Commission intended to impose both a fine and a cease and desist provision as sanctions for failing to file the 12 Day Report.
violation, cc

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**THOMSON
MCKINNON** SECURITIES INC.

Shelley Garr
Page 2

In addition, in a telephone conversation with Tom Whitehead yesterday afternoon, I explained, given the TMSI-PAC's affiliation to Thomson McKinnon Securities Inc., a brokerage firm subject to numerous regulatory reporting requirements, that imposition of the cease and desist provision contained in Section VIII of the Agreement may very well have other regulatory consequences. totally unrelated to our failure to file the 12 Day Report.

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I would also appreciate your getting back in touch as soon as possible in order to resolve this matter before the 30 day pre-probable cause negotiation period expires, or, in the alternative, to extend the period for an additional 30 day period if more time is required to seek a full review of this matter.

Very truly yours,



Robert Beller
Vice President and
Assistant General Counsel

Encl

cc: Thomas Whitehead, Esq.

RB/br

**THOMSON
MCKINNON SECURITIES INC.**

ONE NEW YORK PLAZA, NEW YORK, N.Y. 10004 212 482 7000

June 27, 1985.

Mr. Duane Brown
Attorney
Federal Election Commission
Washington, D.C. 20463

Re: MUR 2042
Thomson McKinnon Securities Inc. PAC

Dear Mr. Brown:

With regard to your telephone conversation with Burt Levine today concerning the requirement to submit a 12 Day Pre-Election Report, I am requesting a Pre-Probable Cause Conciliation. It is also my understanding that, as a result of including the required information on our 30 Day Post-General Election Report, the 12-Day Report need not be filed separately. If you have any questions with regard to this matter, please contact me.

Sincerely,

Joseph F. Marino

Joseph F. Marino
Treasurer

Thomson McKinnon Securities Inc. PAC

86040372556



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

September 20, 1985

Joseph F. Marino, Treasurer
Thomson McKinnon Securities Inc., PAC
1 New York Plaza
New York, New York 10004

RE: MUR 2042

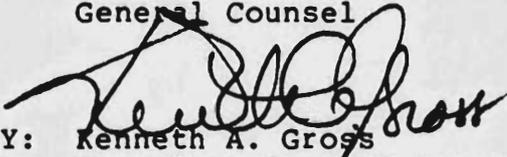
Dear Mr. Marino:

On June 18, 1985, the Commission found reason to believe that the Thomson McKinnon Securities Inc. PAC and you, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(ii) by failing to file a 12 Day Pre-General Election Report in a timely manner. At your request, the Commission determined on September 11, 1985, to enter into negotiations directed towards reaching a conciliation agreement in settlement of this matter prior to a finding of probable cause to believe.

Enclosed is a conciliation agreement that the Commission has approved in settlement of this matter. If you agree with the provisions of the enclosed agreement, please sign and return it, along with the civil penalty, to the Commission. In light of the fact that conciliation negotiations, prior to a finding of probable cause to believe, are limited to a maximum of 30 days, you should respond to this notification as soon as possible. Please note that the 30 day time period in this matter expires on October 21, 1985. If you have any questions or suggestions for changes in the agreement, or if you wish to arrange a meeting in connection with a mutually satisfactory conciliation agreement, please contact Shelley Garr, the staff member assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel


BY: Kenneth A. Gross
Associate General Counsel

Enclosures

SG #1

86040572554



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

Joseph F. Marino, Treasurer
Thomson McKinnon Securities Inc., PAC
1 New York Plaza
New York, New York 10004

RE: MUR 2042

Dear Mr. Marino:

On June 18, 1985, the Commission found reason to believe that the Thomson McKinnon Securities Inc. PAC and you, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(ii) by failing to file a 12 Day Pre-General Election Report in a timely manner. At your request, the Commission determined on September 11, 1985, to enter into negotiations directed towards reaching a conciliation agreement in settlement of this matter prior to a finding of probable cause to believe.

Enclosed is a conciliation agreement that the Commission has approved in settlement of this matter. If you agree with the provisions of the enclosed agreement, please sign and return it, along with the civil penalty, to the Commission. In light of the fact that conciliation negotiations, prior to a finding of probable cause to believe, are limited to a maximum of 30 days, you should respond to this notification as soon as possible. Please note that the 30 day time period in this matter expires on *October 21*, 1985. If you have any questions or suggestions for changes in the agreement, or if you wish to arrange a meeting in connection with a mutually satisfactory conciliation agreement, please contact Shelley Garr, the staff member assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Associate General Counsel

Enclosures

SG #1

peg 9/17/85

86040374535



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

FEDERAL ELECTION COMMISSION
OFFICE OF THE SECRETARY

05 SEP 13 P 3:19

SENSITIVE

MEMORANDUM TO: The Commission

FROM: Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel *KAG*

SUBJECT: General Counsel's Report in MUR 2042
circulated on September 9, 1985--Errata

Since submission of this report it has come to the attention of this office that page 2 of the Commission's proposed conciliation agreement (Attachment II, page 4) contains a typographical error in paragraph IV, number 4. Corrected, the agreement should read:

4. Respondents filed a report covering the period October 1, 1984-December 6, 1984, on December 8, 1984, 44 days late.

Attached is a corrected replacement page.

66040:72556

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Thomson McKinnon) RAD Referral 85NF-110
Securities Inc., PAC)
Joseph F. Marino, as treasurer)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on June 18, 1985, the Commission decided by a vote of 6-0 to take the following actions in RAD Referral 85NF-110:

1. Open a MUR.
2. Find reason to believe Thomson McKinnon Securities, Inc., PAC and Joseph F. Marino, as treasurer, violated 2 U.S.C. § 434(a) (4)(A)(ii).
3. Approve the letter and Factual and Legal Analysis attached to the First General Counsel's Report signed June 13, 1985.

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, 9:46
6-14-85, 2:00

86040171357

BEFORE THE FEDERAL ELECTION COMMISSION

RECEIVED
FEDERAL ELECTION COMMISSION SECRETARY
85 SEP 8 2042 3:01

In the Matter of
Thomson McKinnon, Securities, Inc. PAC
Joseph F. Marino, Treasurer

GENERAL COUNSEL'S REPORT

SENSITIVE

I. BACKGROUND

On June 18, 1985, the Commission determined there is a reason to believe that the Thomson McKinnon Securities, Inc. PAC ("the Committee") and Joseph F. Marino, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(ii) by failing to file its 1984 12 Day Pre General Report.^{1/}

By letter dated June 27, 1985, Mr. Marino requested that this matter be resolved through pre-probable cause conciliation (Attachment I).

Attached for the Commission's approval is a conciliation agreement which the Office of General Counsel recommends be sent to the Committee (Attachment II). The proposed agreement provides for an admission of violation and a civil penalty of \$100. This civil penalty is based upon the formula for arriving at proposed civil penalties for late filers. Because the Committee reported total activity of \$3,587 on the 30 Day Post General Election Report (which included the period of the 12 Day Pre General Report), the Committee does not meet the required

^{1/} On December 8, 1984, the Committee filed a 1984 30 Day Post General Election Report. The report, which covered October 1, 1984-December 6, 1984, included the period covered by the 12 Day Report (October 1-October 17). The report listed total receipts of \$587 and disbursements of \$3,000.

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financial activity outlined in the civil penalty memo. The \$100 figure represents the base amount assessed for late filer committees.

II. RECOMMENDATIONS

The Office of General Counsel recommends that the Commission:

1. Enter into preprobable cause conciliation with the Thomson McKinnon Securities, Inc. PAC and Joseph F. Marino, as treasurer; and
2. Approve and authorize the sending of the attached letter and conciliation agreement.

Charles N. Steele
General Counsel

September 5, 1955
Date

BY:

Kenneth A. Gross
Kenneth A. Gross
Associate General Counsel

Attachments

- 1) Preprobable cause conciliation request
- 2) Proposed agreement and letter

SG #1

86040572559

**THOMSON
MCKINNON SECURITIES INC.**
ONE NEW YORK PLAZA, NEW YORK, N.Y. 10004 212 482-7000

RECEIVED AT THE FEC

85 JUL 2 AM: 53

June 27, 1985

Mr. Duane Brown
Attorney
Federal Election Commission
Washington, D.C. 20463

RECEIVED
GENERAL ELECTORAL
15 JUL 2 PM: 42

Re: MUR 2042
Thomson McKinnon Securities Inc. PAC

Dear Mr. Brown:

With regard to your telephone conversation with Burt Levine today concerning the requirement to submit a 12 Day Pre-Election Report, I am requesting a Pre-Probable Cause Conciliation. It is also my understanding that, as a result of including the required information on our 30 Day Post-General Election Report, the 12-Day Report need not be filed separately. If you have any questions with regard to this matter, please contact me.

Sincerely,

Joseph F. Marino
Joseph F. Marino
Treasurer

Thomson McKinnon Securities Inc. PAC

Attachment I - page 1

860403/2560



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Joseph F. Marino, Treasurer
Thomson McKinnon Securities Inc., PAC
1 New York Plaza
New York, New York 10004

RE: MUR 2042

Dear Mr. Marino:

On June 18, 1985, the Commission found reason to believe that the Thomson McKinnon Securities Inc. PAC and you, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(ii) by failing to file a 12 Day Pre-General Election Report in a timely manner. At your request, the Commission determined on _____, 1985, to enter into negotiations directed towards reaching a conciliation agreement in settlement of this matter prior to a finding of probable cause to believe.

Enclosed is a conciliation agreement that the Commission has approved in settlement of this matter. If you agree with the provisions of the enclosed agreement, please sign and return it, along with the civil penalty, to the Commission. In light of the fact that conciliation negotiations, prior to a finding of probable cause to believe, are limited to a maximum of 30 days, you should respond to this notification as soon as possible. Please note that the 30 day time period in this matter expires on _____, 1985. If you have any questions or suggestions for changes in the agreement, or if you wish to arrange a meeting in connection with a mutually satisfactory conciliation agreement, please contact Shelley Garr, the staff member assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Associate General Counsel

Enclosures

SG #1

Attachment II - page 2

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

RECEIVED
OFFICE OF THE FEC
COMMISSION SECRETARY

SENSITIVE

FIRST GENERAL COUNSEL'S REPORT 85 JUN 14 A 9:46

DATE AND TIME OF TRANSMITTAL RAD REFERRAL 85NF-110
BY OGC TO THE COMMISSION 6/14/85 STAFF MEMBER D.A. Brown

SOURCE OF MUR: INTERNALLY GENERATED

RESPONDENTS NAMES: Thomson McKinnon Securities Inc., PAC
Joseph F. Marino, as treasurer

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

INTERNAL REPORTS CHECKED: Respondents'

FEDERAL AGENCIES CHECKED: None

GENERATION OF MATTER

This matter was generated by the Reports Analysis Division ("RAD") based on a review of the respondents' 30 Day Post General Report (Attachment I).

SUMMARY OF ALLEGATIONS

Thomson McKinnon Securities Inc., PAC is an unauthorized political committee which is registered with the Commission and files reports on a quarterly basis. Joseph F. Marino is its designated treasurer ("respondents"). All unauthorized committees filing reports on a quarterly basis are required to submit a 12 Day Pre-General Report if the committee makes contributions to or expenditures on behalf of Federal Candidates involved in the general election. All unauthorized committees were notified on October 1, 1984 that the 12 Day report was due on October 25, 1985. The respondents made a \$2,000^{1/}

^{1/}The committee is a qualified multicandidate committee.

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contribution to a Federal candidate on October 4, 1984, but failed to file the 12 Day Pre-General Report. A 30 Day Post-General Report reflecting this contribution was filed December 6, 1984.

FACTUAL BASIS AND LEGAL ANALYSIS

2 U.S.C. § 434(a)(4)(A)(ii) requires unauthorized committees to file:

a pre-election report, which shall be filed no later than the 12th day before... any election in which the committee makes a contribution to or expenditure on behalf of a candidate in such election, and which shall be complete as of the 20th day before the election;

The respondents' failure to file the 12 Day Pre-General Report violates 2 U.S.C. § 434(a)(4)(A)(ii).

Accordingly, this Office recommends that the Commission open a MUR and find reason to believe the respondents violated 2 U.S.C. § 434(a)(4)(A)(ii).

RECOMMENDATIONS

1. Open a MUR.
2. Find reason to believe Thomson McKinnon Securities Inc., PAC and Joseph F. Marino, as treasurer violated 2 U.S.C. § 434(a)(4)(A)(ii).
3. Approve the attached letter and Factual and Legal Analysis.

Charles N. Steele
General Counsel

June 13, 1985
Date

Kenneth A. Gross
By: Kenneth A. Gross
Associate General Counsel

Attachments

1. RAD Referral
2. Factual and Legal Analysis
3. Letter to Joseph Marino

86040372563

ATTACHMENT I

85NF-110

36040:71564

THOMSON MCKINNON SECURITIES INC. POLITICAL
ACTION COMMITTEE (TMSI-PAC)

(Attachments 22a - 22c)

86040572565
 FEDERAL ELECTION COMMISSION
 COMMITTEE INDEX OF DISCLOSURE DOCUMENTS - (C) (83-84)

DATE CHANGED
 PAGE 32

NON-PARTY RELATED

COMMITTEE	DOCUMENT	RECEIPTS	DISBURSEMENTS	TYPE OF FILER COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
THOMSON MCKINNON SECURITIES INC POLITICAL ACTION COMMITTEE (TMSI-PAC)				NON-PARTY QUALIFIED		10 #000162214
CONNECTED ORGANIZATION:	THOMSON MCKINNON SECURITIES INC					
1983	STATEMENT OF ORGANIZATION - AMENDMENT			29JUN83	3	83FEC/274/2107
	APRIL QUARTERLY	22,000	2,200	1JAN83 - 31MAR83	14	83FEC/269/2434
	MID-YEAR REPORT	2,200	4,500	1APR83 - 30JUN83	1	83FEC/216/2045
	MID-YEAR REPORT - AMENDMENT	-	-	1APR83 - 30JUN83	2	83FEC/281/3674
	YEAR-END	1,403	10,000	1JUL83 - 31DEC83	1	84FEC/290/4090
1984	APRIL QUARTERLY	51,047	5,405	1JAN84 - 31MAR84	10	84FEC/310/3311
	JULY QUARTERLY	896	4,500	1APR84 - 30JUN84	1	84FEC/321/3504
	OCTOBER QUARTERLY	523	3,250	1JUL84 - 30SEP84	5	84FEC/337/2404
	OCTOBER QUARTERLY - AMENDMENT	-	-	1JUL84 - 30SEP84	4	84FEC/357/3030
	REQUEST FOR ADDITIONAL INFORMATION			1JUL84 - 30SEP84	1	84FEC/356/2754
	POST-GENERAL	587	3,000	1OCT84 - 00DEC84	6	84FEC/353/5041
	YEAR-END	1,535	3,000	7DEC84 - 31DEC84	8	85FEC/359/4643
	TOTAL	80,231	0		80	TOTAL PAGES

All Reports Reviewed
 Ending Cash on Hand as of 12/31/84= \$55,430.32
 Outstanding Debts as of 12/31/84= \$0

ATTACHMENT 2a

2



FEDERAL ELECTION COMMISSION
WASHINGTON, DC 20540

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).

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

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ALION AREA

Summary Page

RECEIVED AT THE FEC

1. Name of Committee (Do Not Print)
**Thomson McKinnon Securities Inc.
 Political Action Committee
 (TKSI-PAC)**

Address (Number and Street)
One New York Plaza

City, State and ZIP Code
New York, N.Y. 10004

Check here if address is different than previously reported.

2. FEC Identification Number

3. This committee qualified as a multicandidate committee during this 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 (Election Year Only)
 Monthly Report for _____
 Twelfth day report preceding _____
 election on _____ in the State of _____

Twelfth day report following the General Election
 on 11/6/84 in the State of New York

Termination Report

(b) Is this Report an Amendment?
 YES NO

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SUMMARY		
5. Covering Period	COLUMN A This Period	COLUMN B Calendar Year-to-Date
<u>Oct. 1, 1984</u> through <u>Dec. 6, 1984</u>		
6 (a) Cash on hand January 1, 19 _____		\$ 19,955.99
(b) Cash on Hand at Beginning of Reporting Period	\$59,307.89	
(c) Total Receipts (from Line 18)	\$ 587.41	\$ 53,094.73
(d) Subtotal (add Lines 6(b) and 6(c) for Column A and Lines 6(a) and 6(c) for Column B)	\$59,895.30	\$ 73,050.72
7 Total Disbursements (from Line 28)	\$ 3000.00	\$ 16,155.42
8 Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d))	\$ 56,895.30	\$ 56,895.30
9 Debts and Obligations Owed TO The Committee (Itemize all on Schedule C or Schedule D)	\$ -0-	
10 Debts and Obligations Owed BY the Committee (Itemize all on Schedule C or Schedule D)	\$ -0-	

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

Joseph F. Marino
 Type or Print Name of Treasurer

Joseph F. Marino
 SIGNATURE OF TREASURER

12/6/84
 Date

For further information contact:
 Federal Election Commission
 Toll Free 800 424 9630
 Local 202 673 4038

NOTE: Supplying an untrue or incorrect or incomplete information may subject the person signing this report to the penalties of 2 U.S.C. § 437e.

All previous versions of FEC FORM 2 and FEC FORM 3a are obsolete and should no longer be used.

FEC FORM 3X (3/80)

5

THOMAS P. ...
Form 2, FD-302 (FORM 3X)

Name of Committee in Full		Report Covering the Period	
Thomson McKinnon Securities Inc. Political Action Committee		From 10/1/84	To 12/6/84
		COLUMN A Total This Period	COLUMN B Calendar Year To-Date
I. RECEIPTS			
11. CONTRIBUTIONS (other than loans) FROM:			
(a) Individuals/Persons Other Than Political Committees	-0-	50,601.16	11(a)
(b) Political Party Committees	-0-	-0-	11(b)
(c) Other Political Committees	-0-	-0-	11(c)
(d) TOTAL CONTRIBUTIONS (other than loans) (Add 11(a), 11(b) and 11(c))	-0-	50,601.16	11(d)
12. TRANSFERS FROM AFFILIATED/OTHER PARTY COMMITTEES	-0-	-0-	12
13. ALL LOANS RECEIVED	-0-	-0-	13
14. LOAN REPAYMENTS RECEIVED	-0-	-0-	14
15. OFFSETS TO OPERATING EXPENDITURES (Refunds, Rebates, etc.)	-0-	-0-	15
16. REFUNDS OF CONTRIBUTIONS MADE TO FEDERAL CANDIDATES AND OTHER POLITICAL COMMITTEES	-0-	-0-	16
17. OTHER RECEIPTS (Dividends, Interest, etc.)	587.41	2,493.57	17
18. TOTAL RECEIPTS (Add 11(d), 12, 13, 14, 15, 16 and 17)	587.41	53,094.73	18
II. DISBURSEMENTS			
19. OPERATING EXPENDITURES	-0-	-0-	19
20. TRANSFERS TO AFFILIATED/OTHER PARTY COMMITTEES	-0-	-0-	20
21. CONTRIBUTIONS TO FEDERAL CANDIDATES AND OTHER POLITICAL COMMITTEES	2,000	12,750	21
22. INDEPENDENT EXPENDITURES (Use Schedule E)	-0-	-0-	22
23. COORDINATED EXPENDITURES MADE BY PARTY COMMITTEES (2 U.S.C. § 441 et al) (Use Schedule F)	-0-	-0-	23
24. LOAN REPAYMENTS MADE	-0-	-0-	24
25. LOANS MADE	-0-	-0-	25
26. REFUNDS OF CONTRIBUTIONS TO:			
(a) Individuals/Persons Other Than Political Committees	-0-	-0-	26(a)
(b) Political Party Committees	-0-	-0-	26(b)
(c) Other Political Committees	-0-	-0-	26(c)
(d) TOTAL CONTRIBUTION REFUNDS (Add 26(a), 26(b) and 26(c))	-0-	-0-	26(d)
27. OTHER DISBURSEMENTS	1,000	3,405.42	27
28. TOTAL DISBURSEMENTS (Add lines 19, 20, 21, 22, 23, 24, 25, 26(d) and 27)	3,000	16,155.42	28
III. NET CONTRIBUTIONS AND NET OPERATING EXPENDITURES			
29. TOTAL CONTRIBUTIONS (other than loans) from Line 11(d)	-0-	50,601.16	29
30. TOTAL CONTRIBUTION REFUNDS from Line 26(d)	-0-	-0-	30
31. NET CONTRIBUTIONS (other than loans) (Subtract Line 30 from Line 29)	-0-	50,601.16	31
32. TOTAL OPERATING EXPENDITURES from Line 19	-0-	-0-	32
33. OFFSETS TO OPERATING EXPENDITURES from Line 15	-0-	-0-	33
34. NET OPERATING EXPENDITURES (Subtract Line 33 from Line 32)	-0-	-0-	34

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Contributions to Federal Candidates

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

Name of Committee (in Full)

Thomson McKinnon Securities Inc. Political Action Committee

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement to Senate Candidate - New Jersey	Date (month, day, year)	Amount of Each Disbursement This Period
Mary Eckhart for U.S. Senate 26 Park St Montclair, N.J. 07042	Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	10/6/84	\$2,000
B. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
C. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
D. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
E. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
F. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
G. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
H. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
I. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
SUBTOTAL of Disbursements This Page (optional)			\$2,000
TOTAL This Period (last page this line number only)			\$2,000

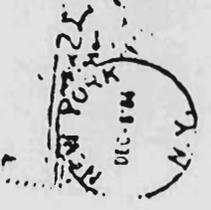
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ATTACHMENT 22c
page 4 of 4

**THOMSON
MCKINNON** SECURITIES INC
ONE NEW YORK PLAZA NEW YORK, N.Y. 10004

Federal Election Commission
1325 K Street, N.W.
Washington, DC 20463



b-v'

ATTACHMENT II

GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

MUR NO. _____

RESPONDENTS Thomas McKinnon Securities, Inc., PAC
Joseph F. Marino, as treasurer

SUMMARY OF ALLEGATIONS

Thomson McKinnon Securities Inc., PAC is an unauthorized political committee which is registered with the Commission and files reports on a quarterly basis. Joseph F. Marino is its designated treasurer ("respondents"). All unauthorized committees filing reports on a quarterly basis are required to submit a 12 Day Pre-General Report if the committee makes contributions to or expenditures on behalf of Federal Candidates involved in the general election. All unauthorized committees were notified on October 1, 1984 that the 12 Day report was due October 25, 1985. The respondents made a \$2,000^{1/} contribution to a Federal candidate on October 4, 1984, but failed to file the 12 Day Pre-General Report. A 30 Day Post-General Report reflecting this contribution was filed December 6, 1984.

FACTUAL BASIS AND LEGAL ANALYSIS

2 U.S.C. § 434(a)(4)(A)(ii) requires unauthorized committees to file:

a pre-election report, which shall be filed no later than the 12th day before... any election in which the committee makes a contribution to or expenditure on behalf of a candidate in such election, and which shall be complete as of the 20th day before the election;

^{1/}The committee is a qualified multicandidate committee.

The respondents' failure to file the 12 Day Pre-General Report violates 2 U.S.C. § 434(a)(4)(A)(ii).

Accordingly, this Office recommends that the Commission open a MUR and find reason to believe the respondents violated 2 U.S.C. § 434(a)(4)(A)(ii).

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ATTACHMENT III



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Joseph F. Marino, Treasurer
Thomson McKinnon Securities Inc., PAC
One New York Plaza
New York, N.Y. 10004

Re: MUR
Thomson McKinnon Securities Inc., PAC
Joseph F. Marino, as treasurer

Dear Mr. Marino:

On June , 1985, the Federal Election Commission determined that there is reason to believe Thomson McKinnon Securities Inc., PAC 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

360401/2574

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Letter to Joseph F. Marino
Page 2

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 Duane A. Brown, the attorney assigned this matter, at (202)523-4000.

Sincerely,

Enclosures

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

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**THOMSON
MCKINNON SECURITIES INC.**
ONE NEW YORK PLAZA, NEW YORK, N.Y. 10004 212 482-7000

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June 27, 1985

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GENERAL COUNCIL
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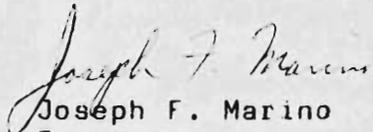
Mr. Duane Brown
Attorney
Federal Election Commission
Washington, D.C. 20463

Re: MUR 2042
Thomson McKinnon Securities Inc. PAC

Dear Mr. Brown:

With regard to your telephone conversation with Burt Levine today concerning the requirement to submit a 12 Day Pre-Election Report, I am requesting a Pre-Probable Cause Conciliation. It is also my understanding that, as a result of including the required information on our 30 Day Post-General Election Report, the 12-Day Report need not be filed separately. If you have any questions with regard to this matter, please contact me.

Sincerely,



Joseph F. Marino
Treasurer
Thomson McKinnon Securities Inc. PAC

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**DMSON
KINNON** SECURITIES INC.

NEW YORK PLAZA NEW YORK N.Y. 10004

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Mr. Duane Brown
Attorney
Federal Election Commission
Washington, D.C. 20463

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

June 20, 1985

Joseph F. Marino, Treasurer
Thomson McKinnon Securities Inc., PAC
One New York Plaza
New York, N.Y. 10004

Re: MUR 2042
Thomson McKinnon Securities Inc., PAC
Joseph F. Marino, as treasurer

Dear Mr. Marino:

On June 18, 1985, the Federal Election Commission determined that there is reason to believe Thomson McKinnon Securities Inc., PAC 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

860403/2578

Letter to Joseph F. Marino
Page 2

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 Duane A. Brown, the attorney assigned this matter, at (202)523-4000.

Sincerely,



John Warren McGarry
Chairman

Enclosures

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

360403/2579

GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

MUR NO. 2042

RESPONDENTS Thomas McKinnon Securities, Inc., PAC
Joseph F. Marino, as treasurer

SUMMARY OF ALLEGATIONS

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FACTUAL BASIS AND LEGAL ANALYSIS

2 U.S.C. § 434(a)(4)(A)(ii) requires unauthorized committees to file:

a pre-election report, which shall be filed no later than the 12th day before... any election in which the committee makes a contribution to or expenditure on behalf of a candidate in such election, and which shall be complete as of the 20th day before the election;

^{1/}The committee is a qualified multicandidate committee.

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The respondents' failure to file the 12 Day Pre-General Report violates 2 U.S.C. § 434(a)(4)(A)(ii).

Accordingly, this Office recommends that the Commission open a MUR and find reason to believe the respondents violated 2 U.S.C. § 434(a)(4)(A)(ii).

360400 / 4581



FEDERAL ELECTION COMMISSION

1325 K STREET NW
WASHINGTON, DC 20463

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THIS IS THE BEGINNING OF MUR # 2042

Date Filmed 3/26/86 Camera No. --- 2

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