FEDERAL ELECTION COMMISSION

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

THIS IS THE END OF MUR # 2043

Date Filmed 1/23/86 Camera No. --- 2

Cameraman AS

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FEDERAL ELECTION COMMISSION

Routing slips – Conciliation matrix

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):

✓ (1) Classified Information

___ (2) Internal rules and practices

✓ (3) Exempted by other statute

___ (4) Trade secrets and commercial or financial information

✓ (5) Internal Documents

___ (6) Personal privacy

___ (7) Investigatory files

___ (8) Banking Information

___ (9) Well Information (geographic or geophysical)

Signed [signature]

date 1/8/86

FEC 9-21-77

8604056409 0

MUR # 2047

August 30, 1985 Date of Close-out Letters (Mailing Date)

CONTENT CHECK-OFF

✓ Close-Out Letter(s)

✓ Final OGC Report or Memorandum or Conciliation Agreement(s)

____ Respondent(s) Reply to Brief(s)

____ General Counsel's Brief(s)

✓ Respondent's Reply to RTB Finding

✓ First General Counsel's Report

✓ Respondent's Reply to the Complaint

✓ Original Complaint(s) (If Any)

✓ Other Report or Correspondence*

✓ All Certifications**

Charles Snyder Preparer of the Summary File

Date 1/8/86 File Reviewed by [signature] 1/15/86

* To be included if, in the opinion of the staff member, it is important.

** Certifications of Commission actions should be placed in the Summary File prior to the documents which formed the basis of the action and in reverse chronological order.

(Revised 7/5/83)

8604056409 1

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 30, 1985

Ann F. Lewis, Treasurer
Americans for Democratic Action
Political Action Committee
1411 K Street, N.W.
Suite 850
Washington, D.C. 20005

RE: MUR 2043

Dear Mr. Lewis:

On August 28 , 1985, the Commission accepted the conciliation agreement signed by you and a civil penalty in settlement of a violation of 2 U.S.C. § 434(a)(4)(A)(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

CS #1

8604056409 2

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
Americans for Democratic Action	)	MUR 2043
Political Action Committee and	)	
Leon Shull, 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. Reason to believe has been found that the Americans for Democratic Action Political Action Committee and Leon Shull, as treasurer ("Respondents") violated 2 U.S.C. § 434(a)(4)(A)(ii) by failing to file their 1984 pre-general election report 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.

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

1. Respondent the Americans for Democratic Action Political Action Committee is a non-party political committee

8604056409 3

connected with Americans for Democratic Action, and Respondent Leon Shull is the treasurer of that political committee.

2. Respondents were required by 2 U.S.C. § 434(a)(4)(A)(ii) to file a pre-general election report by October 25, 1984.

3. Respondents failed to file that report until November 9, 1984.

V. Respondents' failure to file their 1984 pre-general election report in a timely manner constitutes a violation of 2 U.S.C. § 434(a)(4)(A)(ii).

VI. Respondents will pay a civil penalty to the Treasurer of the United States in the amount of One Hundred 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 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.

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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.

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 — August 29, 1985
Kenneth A. Gross — Date
Associate General Counsel

FOR THE RESPONDENTS:

Ann J Lewis, Treasurer — 8/5/85
(Name) — Date
(Position)

8604056409 5

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 2043
Americans for Democratic Action Political Action Committee	)	
Leon Shull, as treasurer	)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on August 28, 1985, the Commission decided by a vote of 6-0 to take the following actions in MUR 2043:

1. Accept the agreement submitted with the General Counsel's Report signed August 21, 1985.

2. Close the file.

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

Attest:

8-28-85
Date

Judy C. Hanson
for Marjorie W. Emmons
Secretary of the Commission

Received in Office of Commission Secretary: Friday, 8-23-85, 12:31
Circulated on 48 hour tally basis: Monday, 8-26-85, 11:00
Deadline for votes: Wed., 8-28-85, 11:00

8604056409 6

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM

TO: Office of the Commission Secretary

FROM: Office of General Counsel

DATE: August 23, 1985

SUBJECT: MUR 2043 - 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	[XX]	Compliance	[XX]
Sensitive	[XX]		
Non-Sensitive	[ ]	Audit Matters	[ ]
24 Hour No Objection	[ ]	Litigation	[ ]
Sensitive	[ ]		
Non-Sensitive	[ ]	Closed MUR Letters	[ ]
Information	[ ]	Status Sheets	[ ]
Sensitive	[ ]		
Non-Sensitive	[ ]	Advisory Opinions	[ ]
Other	[ ]	Other (see distribution below)	[ ]

8604056409 7

RECEIVED
OFFICE OF THE FEC
COMMISSION SECRETARY

85 AUG 23 P12: 31

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
Americans for Democratic	)	MUR 2043
Action Political Action	)	
Commiteee and	)	
Leon Shull, as treasurer	)	

GENERAL COUNSEL'S REPORT

SENSITIVE

I. BACKGROUND

Attached is a conciliation agreement which has been signed by Ann F. Lewis, treasurer of the Americans for Democratic Action Political Action Committee.

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

II. RECOMMENDATION

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

Charles N. Steele
General Counsel

August 21, 1985
Date

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

Attachments
1. Conciliation Agreement
2. Photocopy of civil penalty check
3. Letter to Respondents

CS #1

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attachment 1

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
Americans for Democratic Action	)	MUR 2043
Political Action Committee and	)	
Leon Shull, 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. Reason to believe has been found that the Americans for Democratic Action Political Action Committee and Leon Shull, as treasurer ("Respondents") violated 2 U.S.C. § 434(a)(4)(A)(ii) by failing to file their 1984 pre-general election report 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.

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

1. Respondent the Americans for Democratic Action Political Action Committee is a non-party political committee

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connected with Americans for Democratic Action, and Respondent Leon Shull is the treasurer of that political committee.

2. Respondents were required by 2 U.S.C. § 434(a)(4)(A)(ii) to file a pre-general election report by October 25, 1984.

3. Respondents failed to file that report until November 9, 1984.

V. Respondents' failure to file their 1984 pre-general election report in a timely manner constitutes a violation of 2 U.S.C. § 434(a)(4)(A)(ii).

VI. Respondents will pay a civil penalty to the Treasurer of the United States in the amount of One Hundred 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 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.

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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.

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 Date
Associate General Counsel

FOR THE RESPONDENTS:

Ann F. Lewis, Treasurer 8/5/85
(Name) Date
(Position)

8604056410 1

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Ann F. Lewis, Treasurer
Americans for Democratic Action
Political Action Committee
1411 K Street, N.W.
Suite 850
Washington, D.C. 20005

RE: MUR 2043

Dear Mr. Lewis:

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

CB #1

8604056410 2

ADA/PAC
1411 K STREET, N.W.
WASHINGTON, D.C. 20005

0448

Aug 14 1985

PAY TO THE ORDER OF TREASURER OF THE UNITED STATES $ 175.00

One Hundred Seventy-Five & 00/100 DOLLARS

THE NATIONAL BANK OF WASHINGTON
WASHINGTON, D.C. 20005

FOR Civil Penalty Re HUR 2043

Brad Lewis

⑈000448⑈ ⑆054000072⑆ 2⑈222 79 2⑈

attachment 3

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Ann F. Lewis, Treasurer
Americans for Democratic Action
Political Action Committee
1411 K Street, N.W.
Suite 850
Washington, D.C. 20005

RE: MUR 2043

Dear Mr. Lewis:

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

CS #1

GCC#8311

MEMORANDUM

TO: Retha Dixon [redacted]

FROM: JOAN HARRIS

TO: JOAN HARRIS
Retha Dixon

FROM: [redacted]

CHECK NO. D448 (a copy of which is attached) RELATING TO MUR 2043 AND NAME ADA / PAC WAS RECEIVED ON August 15, 1985. PLEASE INDICATE THE ACCOUNT INTO WHICH IT SHOULD BE DEPOSITED:

/ * / BUDGET CLEARING ACCOUNT (#95F3875.16)

/ / CIVIL PENALTIES ACCOUNT (#95-1099.160)

/ / OTHER _____

SIGNATURE Robyn M. Bishop DATE August 15, 1985

8 6 0 4 0 5 5 6 4 1

ADA/PAC
1411 K STREET, N.W.
WASHINGTON, D.C. 20005

0448

August 14 1985

PAY TO THE ORDER OF TREASURER OF THE UNITED STATES $ 175.00

One Hundred Seventy-Five & 00/100 DOLLARS

THE NATIONAL BANK OF WASHINGTON
WASHINGTON, D.C. 20005

FOR Civil Penalty Re HUR 2043 Dan Lewis

⑈000448⑈ ⑆054000072⑆ 1⑈112 79 1⑈

RECEIVED AT THE FEC
GCC #8311
85 AUG 15 A7:56

ADA/PAC

AMERICANS FOR DEMOCRATIC ACTION POLITICAL ACTION COMMITTEE

Suite 850 • 1411 K Street NW • Washington, D.C. 20005 • (202) 638-6447

August 14, 1985

RECEIVED
GENERAL COUNSEL
'85 AUG 15 P12:37

Mr. Kenneth A. Gross
Associate General Counsel
Federal Election Commission
Washington, DC 20463

RE: MUR 2043
Conciliation Agreement

Dear Mr. Gross:

Enclosed please find our signed copy of the concilliation agreement and our check #448 in the sum of $175.00 in payment of the assessed civil penalty.

Thank you for your help in this matter.

Sincerely,

Amy Isaacs

Amy Isaacs
Secretary

AI:wt
Enclosure

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Chairperson ROBERT F. DRINAN • Treasurer LEON SHULL • Trustees JOE BEEMAN, GRAYDON JOHN FORRER, LEONARD GOLDSTEIN, JOANNE HOWES, MILDRED JEFFREY, STANLEY LOWELL, LEON LYNCH, KENNETH MELLEY, PATSY MINK, LIBBY MOROFF, STEWART MOTT, WINN NEWMAN, MARVIN RICH, MARVIN ROSENBERG, WILLIAM WINPISINGER • Secretary AMY ISAACS

A copy of our report is filed with and available for purchase from the Federal Election Commission, Washington, D.C.

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 31 1985

Leon Shull, Treasurer
Americans for Democratic Action
Political Action Committee
1411 K Street, N.W.
Suite 850
Washington, D.C. 20005

RE: MUR 2043
ADA PAC and
Leon Shull, as treasurer

Dear Mr. Shull:

On June 19, 1985, the Commission found reason to believe that the Americans for Democratic Action Political Action Committee and you, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(ii). At your request, the Commission determined on July 24, 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. 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 Charles Snyder, the staff member assigned to this matter, at (202) 523-4000.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

Enclosures

8604056410 9

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
Americans for Democratic Action	)	MUR 2043
Political Action Committee and	)	
Leon Shull, 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. Reason to believe has been found that the Americans for Democratic Action Political Action Committee and Leon Shull, as treasurer ("Respondents") violated 2 U.S.C. § 434(a)(4)(A)(ii) by failing to file their 1984 pre-general election report 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.

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

1. Respondent the Americans for Democratic Action Political Action Committee is a non-party political committee

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connected with Americans for Democratic Action, and Respondent Leon Shull is the treasurer of that political committee.

2. Respondents were required by 2 U.S.C. § 434(a)(4)(A)(ii) to file a pre-general election report by October 25, 1984.

3. Respondents failed to file that report until November 9, 1984.

V. Respondents' failure to file their 1984 pre-general election report in a timely manner constitutes a violation of 2 U.S.C. § 434(a)(4)(A)(ii).

VI. Respondents will pay a civil penalty to the Treasurer of the United States in the amount of One Hundred 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 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.

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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.

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 Date
Associate General Counsel

FOR THE RESPONDENTS:

_____ _____
(Name) Date
(Position)

8604056412

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Leon Shull, Treasurer
Americans for Democratic Action
Political Action Committee
1411 K Street, N.W.
Suite 850
Washington, D.C. 20005

RE: MUR 2043
ADA PAC and
Leon Shull, as treasurer

Dear Mr. Shull:

On June 19, 1985, the Commission found reason to believe that the Americans for Democratic Action Political Action Committee and you, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(ii). 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. 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 Charles Snyder, the staff member assigned to this matter, at (202) 523-4000.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

Enclosures

CNS

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 2043
Americans for Democratic Action Political Action Committee	)	
Leon Shull, as treasurer	)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on July 24, 1985, the Commission decided by a vote of 5-0 to take the following actions in MUR 2043:

1. Enter into conciliation with the Americans for Democratic Action Political Action Committee and Leon Shull, as treasurer, prior to a finding of probable cause to believe.

2. Approve the proposed conciliation agreement attached to the General Counsel's Report signed July 18, 1985.

3. Approve and send the letter attached to the General Counsel's Report signed July 18, 1985.

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

Attest:

7/25/85
Date

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

Received in Office of Commission Secretary: 7-22-85, 12:54
Circulated on 48 hour tally basis: 7-22-85, 4:00

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM

TO: Office of the Commission Secretary

FROM: Office of General Counsel

DATE: July 22, 1985

SUBJECT: MUR 2043 - 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	[ ]	Compliance	[x]
Sensitive	[ ]		
Non-Sensitive	[ ]	Audit Matters	[ ]
24 Hour No Objection	[ ]	Litigation	[ ]
Sensitive	[ ]		
Non-Sensitive	[ ]	Closed MUR Letters	[ ]
Information	[ ]	Status Sheets	[ ]
Sensitive	[ ]		
Non-Sensitive	[ ]	Advisory Opinions	[ ]
Other	[ ]	Other (see distribution below)	[ ]

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[redacted]

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
Americans for Democratic Action Political Action Committee and	)	MUR 2043
	)	
Leon Shull, as treasurer	)	

RECEIVED
OFFICE OF THE FEC
COMMISSION SECRETARY
85 JUL 22 PM 2:58

GENERAL COUNSEL'S REPORT

I. BACKGROUND AND LEGAL ANALYSIS

On June 19, 1985, the Commission voted to open a MUR in the above-captioned case, which had been referred to the Office of the General Counsel by the Reports Analysis Division, and to find reason to believe that the Americans for Democratic Action Political Action Committee ("ADA PAC") and Leon Shull, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(ii). By a letter dated July 1, 1985, Respondents requested pre-probable cause conciliation.

Respondents failed to file the 1984 pre-general election report, that was due on October 25, 1984, until November 9, 1984. Since the report that was ultimately filed revealed expenditures amounting to $2,984.66 on behalf of Federal candidates, it was clear that Respondents violated 2 U.S.C. § 434(a)(4)(A)(ii) by filing the report 15 days late.

II. DISCUSSION OF CONCILIATION PROVISIONS AND CIVIL PENALTY

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III. RECOMMENDATIONS

1. Enter into conciliation with the Americans for Democratic Action Political Action Committee and Leon Shull, as treasurer, prior to a finding of probable cause to believe.

2. Approve the attached proposed conciliation agreement.

3. Approve and send the attached letter.

Charles N. Steele
General Counsel

Date July 15, 1986

BY: Kenneth A. Gross
Associate General Counsel

Attachments
1. Proposed Conciliation Agreement
2. Letter to Leon Shull
3. Letter from Leon Shull

8604056417

Attachment 1

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
Americans for Democratic Action	)	MUR 2043
Political Action Committee and	)	
Leon Shull, 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. Reason to believe has been found that the Americans for Democratic Action Political Action Committee and Leon Shull, as treasurer ("Respondents") violated 2 U.S.C. § 434(a)(4)(A)(ii) by failing to file their 1984 pre-general election report 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.

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

1. Respondent the Americans for Democratic Action Political Action Committee is a non-party political committee

8604056418

connected with Americans for Democratic Action, and Respondent Leon Shull is the treasurer of that political committee.

2. Respondents were required by 2 U.S.C. § 434(a)(4)(A)(ii) to file a pre-general election report by October 25, 1984.

3. Respondents failed to file that report until November 9, 1984.

V. Respondents' failure to file their 1984 pre-general election report in a timely manner constitutes a violation of 2 U.S.C. § 434(a)(4)(A)(ii).

VI. Respondents will pay a civil penalty to the Treasurer of the United States in the amount of One Hundred 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 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.

8604056419

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.

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 Date
Associate General Counsel

FOR THE RESPONDENTS:

_____ _____
(Name) Date
(Position)

8604056412 0

Attachment 2

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Leon Shull, Treasurer
Americans for Democratic Action
Political Action Committee
1411 K Street, N.W.
Suite 850
Washington, D.C. 20005

RE: MUR 2043
ADA PAC and
Leon Shull, as treasurer

Dear Mr. Shull:

On June 19, 1985, the Commission found reason to believe that the Americans for Democratic Action Political Action Committee and you, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(ii). 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. 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 Charles Snyder, the staff member assigned to this matter, at (202) 523-4000.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

Enclosures

8604056412 1

Attachment 3

Snyder

ADA/PAC

AMERICANS FOR DEMOCRATIC ACTION
POLITICAL ACTION COMMITTEE

Suite 850 • 1411 K Street NW • Washington, D.C. 20005 • (202) 638-[illegible]

RECEIVED
OFFICE OF THE
GENERAL COUNSEL
85 JUL 2 PM 1:08

July 1, 1985

RECEIVED
OFFICE OF THE FEC
COMMISSION SECRETARY
85 JUL 2 A9:23

Mr. John Warren McGarry, Chairman
Federal Election Commission
Washington, D.C. 20463
ATT: Mr. Charles Snyder

RE: MUR 2043

Dear Mr. McGarry:

This is a formal request for pre-probable cause conciliation in re MUR 2043. The request comes at the suggestion of Mr. Charles Snyder of your staff following a conversation this morning with Amy Isaacs of our staff.

As we explained in our June 27 letter, we deeply regret the problems caused by our late pre-election filing in 1984 and assure you the problem will not be repeated. It is our sincere hope that this matter can be resolved shortly.

Thank you for your consideration in this matter.

Sincerely,

Leon Shull

Leon Shull
Treasurer

LS:afi

8604056412 2

Chairperson ROBERT F. DRINAN • Treasurer LEON SHULL • Trustees JOE BEEMAN, GRAYDON JOHN FORRER, LEONARD GOLDSTEIN, JOANNE HOWES, MILDRED JEFFREY, STANLEY LOWELL, LEON LYNCH, KENNETH MELLEY, PATSY MINK, LIBBY MOROFF, STEWART MOTT, WINN NEWMAN, MARVIN RICH, MARVIN ROSENBERG, WILLIAM WINPISINGER • Secretary AMY ISAACS

A copy of our report is filed with and available for purchase from the Federal Election Commission, Washington, D.C.

A/PAC
850 • 1411 K Street, N.W.
ngton, D.C. 20005

21

8 6 0 4 0 5 6 4 1

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

ATT: Mr Charles Snyder

GCC# 7904
Snyder

ADA/PAC

AMERICANS FOR DEMOCRATIC ACTION POLITICAL ACTION COMMITTEE

Suite 850 • 1411 K Street NW • Washington, D.C. 20005 • (202) 638-6047

RECEIVED
OFFICE OF THE
GENERAL COUNSEL
'85 JUL 2 PM 00

RECEIVED
OFFICE OF THE FEC
COMMISSION SECRETARY
'85 JUL 2 A9:23

July 1,1985

Mr. John Warren McGarry, Chairman
Federal Election Commission
Washington, D.C. 20463
ATT: Mr. Charles Snyder

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Thank you for your consideration in this matter.

Sincerely,

Leon Shull

Leon Shull
Treasurer

LS:afi

8604056412 4

Chairperson ROBERT F. DRINAN • Treasurer LEON SHULL • Trustees JOE BEEMAN, GARYDON JOHN FORRER, LEONARD GOLDSTEIN, JOANNE HOWES, MILDRED JEFFREY, STANLEY LOWELL, LEON LYNCH, KENNETH MELLEY, PATSY MINK, LIBBY MOROFF, STEWART MOTT, WINN NEWMAN, MARVIN RICH, MARVIN ROSENBERG, WILLIAM WINPISINGER • Secretary AMY ISAACS

A copy of our report is filed with and available for purchase from the Federal Election Commission, Washington, D.C.

MCC#7572
Snyder

ADA/PAC

RECEIVED
OFFICE OF THE FEC
COMMISSION SECRETARY

AMERICANS FOR DEMOCRATIC ACTION
POLITICAL ACTION COMMITTEE

Suite 850 • 1411 K Street NW • Washington, D.C. 20005 • (202) 638-6447

June 27, 1985

RECEIVED
OFFICE OF THE
GENERAL COUNSEL
85 JUN 28 P2:51

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

RE: MUR2043

Dear Mr. McGarry:

Your letter of June 26 was received in this office today.

A review of our records shows that we did, indeed, file our report late. At the time the report was due, we were confronting bookeeping and administrative problems here. It was purely our desire to file absolutely accurate reports that occasioned the delay and not a desire to avoid our legal obligations.

A review of our files will reveal that, in every other instance, we have made every attempt to comply fully with the law. In fact, you will note that a quarterly report was filed this year even though none was required.

We sincerely hope you will take the above information into consideration and excuse our late pre-election filing. We deeply regret the problems this caused and can assure you they will not be repeated.

Sincerely,

Leon Shull

Leon Shull
Treasurer

LS:wt

Chairperson ROBERT F. DRINAN • Treasurer LEON SHULL • Trustees JOE BEEMAN, GRAYDON JOHN FORRER, LEONARD GOLDSTEIN, JOANNE HOWES, MILDRED JEFFREY, STANLEY LOWELL, LEON LYNCH, KENNETH MELLEY, PATSY MINK, LIBBY MOROFF, STEWART MOTT, WINN NEWMAN, MARVIN RICH, MARVIN ROSENBERG, WILLIAM WINPISINGER • Secretary AMY ISAACS

A copy of our report is filed with and available for purchase from the Federal Election Commission, Washington, D.C.

8604005641

DA/PAC
850 • 1411 K Street, N.W.
hington, D.C. 20005
21

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

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 26, 1985

Leon Shull, treasurer
Americans for Democratic Action
Political Action Committee
1411 K Street, N.W.
Suite 850
Washington, D.C. 20005

RE: MUR 2043
ADA PAC and
Leon Shull, as treasurer

Dear Mr. Shull:

On June 19, 1985, the Federal Election Commission determined that there is reason to believe Americans for Democratic Action 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. Statements should be submitted under oath.

In the absence of any additional information which demonstrates that no further action should be taken against your committee and you, as treasurer, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation. Of course, this does not preclude the settlement of this matter through conciliation prior to a finding of probable cause to believe if 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.

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 Charles Snyder, the attorney 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

8604056412 8

FEDERAL ELECTION COMMISSION
GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

MUR 2043
STAFF MEMBER & TEL. NO.
Charles Snyder
(202)523-4000

RESPONDENT Americans for Democratic Action Political Action Committee and Leon Shull, as treasurer

GENERATION OF MATTER

The Reports Analysis Division ("RAD") referred this matter to the Office of the General Counsel on the grounds that the Americans for Democratic Action Political Action Committee ("ADAPAC") and Leon Shull, as treasurer, failed to file their 1984 pre-general election report, due October 25, until November 9, 1984.

FACTUAL AND LEGAL ANALYSIS

The pertinent statute states that political committees that file quarterly reports shall file

> (ii) 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 expenditures on behalf of a candidate in such election, and which shall be complete as of the 20th day before the election....

2 U.S.C. § 434(a)(4)(A). The report ADAPAC ultimately did file revealed some $2,984.66 worth of contributions to Federal candidates. Since that report was filed 15 days late, it is recommended that the commission find reason to believe that ADAPAC and its treasurer violated 2 U.S.C. § 434(a)(4)(A)(ii).

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FEDERAL ELECTION COMMISSION
GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

MUR
STAFF MEMBER & TEL. NO.
Charles Snyder
(202)523-4000

RESPONDENT Americans for Democratic Action Political Action Committee and Leon Shull, as treasurer

GENERATION OF MATTER

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STATEMENT OF DESIGNATION OF COUNSEL

MUR _____

NAME OF COUNSEL: _____

ADDRESS: _____

_____

_____

TELEPHONE: _____

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

_____ _____

Date Signature

RESPONDENT'S NAME: _____

ADDRESS: _____

_____

_____

HOME PHONE: _____

BUSINESS PHONE: _____

8604056413 1

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.

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

8604056413 3

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Leon Shull, treasurer
Americans for Democratic Action
Political Action Committee
1411 K Street, N.W.
Suite 850
Washington, D.C. 20005

RE: MUR
ADA PAC and
Leon Shull, as treasurer

Dear Mr. Shull:

On , 1985, the Federal Election Commission determined that there is reason to believe Americans for Democratic Action 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. Statements should be submitted under oath.

In the absence of any additional information which demonstrates that no further action should be taken against your committee and you, as treasurer, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation. Of course, this does not preclude the settlement of this matter through conciliation prior to a finding of probable cause to believe if 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

8604056413 4

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 Charles Snyder, the attorney 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

CLS

8604056413 5

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	RAD 85NF-113
Americans for Democratic Action	)	
Political Action Committee and	)	
Leon Shull, 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 RAD 85NF-113:

1. Open a MUR.
2. Find reason to believe that the Americans for Democratic Action Political Action Committee and Leon Shull, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(ii).
3. Approve the letter and General Counsel's Legal and Factual Analysis attached to the First General Counsel's Report signed June 14, 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: 6-14-85, 4:11
Circulated on 48 hour tally basis: 6-17-85, 11:00

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM

TO: Office of the Commission Secretary

FROM: Office of General Counsel

DATE: June 14, 1985

SUBJECT: RAD 85NF-113 : 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	[X]	Compliance	[X]
Sensitive	[X]		
Non-Sensitive	[ ]	Audit Matters	[ ]
24 Hour No Objection	[ ]	Litigation	[ ]
Sensitive	[ ]		
Non-Sensitive	[ ]	Closed MUR Letters	[ ]
Information	[ ]	Status Sheets	[ ]
Sensitive	[ ]		
Non-Sensitive	[ ]	Advisory Opinions	[ ]
Other	[ ]	Other (see distribution below)	[ ]

8604056413 7

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

FIRST GENERAL COUNSEL'S REPORT [illegible]

DATE AND TIME OF TRANSMITTAL
BY OGC TO THE COMMISSION: 6/14/85 [illegible]

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

RESPONDENTS' NAME: Americans for Democratic Action Political
Action Committee and Leon Shull, as treasurer

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

INTERNAL REPORTS CHECKED: None

FEDERAL AGENCIES CHECKED: None

SENSITIVE

GENERATION OF MATTER and
SUMMARY OF ALLEGATIONS

The Reports Analysis Division ("RAD") referred this matter to the Office of the General Counsel on the grounds that the Americans for Democratic Action Political Action Committee ("ADAPAC") and Leon Shull, as treasurer, failed to file their 1984 pre-general election report, due October 25, until November 9, 1984.

FACTUAL AND LEGAL ANALYSIS

The pertinent statute states that political committees that file quarterly reports shall file

> (ii) 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 expenditures on behalf of a candidate in such election, and which shall be complete as of the 20th day before the election....

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86040564130

recommended that the commission find reason to believe that ADAPAC and its treasurer violated 2 U.S.C. § 434(a)(4)(A)(ii).

RECOMMENDATIONS

1. Open a MUR.

2. Find reason to believe that the Americans for Democratic Action Political Action Committee and Leon Shull, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(ii).

3. Approve the attached letter and General Counsel's Legal and Factual Analysis.

Charles N. Steele
General Counsel

June 14, 1985
Date

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

Attachments
1. Proposed Letter
2. Referral Materials
3. General Counsel's Factual and Legal Analysis

8604005641 3 9

Attachment 1

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Leon Shull, treasurer
Americans for Democratic Action
Political Action Committee
1411 K Street, N.W.
Suite 850
Washington, D.C. 20005

RE: MUR
ADA PAC and
Leon Shull, as treasurer

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If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form

8604056414 0

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 Charles Snyder, the attorney 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

86040564141

Attachment 2

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 28, 1985

MEMORANDUM

TO: CHARLES N. STEELE
GENERAL COUNSEL

THROUGH: JOHN C. SURINA
STAFF DIRECTOR

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

SUBJECT: REFERRAL OF AMERICANS FOR DEMOCRATIC ACTION POLITICAL ACTION COMMITTEE

This is a referral of the Americans for Democratic Action Political Action Committee ("ADA/PAC") for failing to file the 12 Day Pre-General Report by Election Day, November 6, 1984. According to the Review and Referral Procedures for Unauthorized Committees (Standard 3), further examination is required by your office.

For your information, ADA/PAC was referred for a possible audit pursuant to 2 U.S.C. §438(b) on November 11, 1983. The Commission disapproved the audit on November 29, 1983 (see A83-110).

If you have any questions, please contact Carol Caldwell at 523-4048.

Attachment

8604056414 2

REPORTS ANALYSIS REFERRAL

TO

OFFICE OF GENERAL COUNSEL

DATE: May 28, 1985

ANALYST: Carol Caldwell

I. COMMITTEE: Americans for Democratic Action Political Action Committee (C00112680)
Leon Shull, Treasurer
1411 K Street, NW, Suite 850
Washington, DC 20005

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

III. BACKGROUND:

Failure to Timely File the 1984 12 Day Pre-General Report

The Americans for Democratic Action Political Action Committee ("ADA/PAC") failed to file the 12 Day Pre-General Report by Election Day, November 6, 1984. ADA/PAC was notified on October 1, 1984 that the 12 Day Pre-General Report was due on October 25, 1984, if contributions or expenditures in connection with the general election were made during the period ending October 17, 1984 (Attachment 2).

ADA/PAC submitted the 12 Day Pre-General Report November 9, 1984, which disclosed $3,227 in contributions to five (5) Federal candidates (Attachment 3).

IV. OTHER PENDING MATTERS INITIATED BY RAD:

None.

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

DATE 30MAY85
PAGE 1

NON-PARTY RELATED

COMMITTEE	DOCUMENT	RECEIPTS		DISBURSEMENTS		TYPE OF FILER COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
AMERICANS FOR DEMOCRATIC ACTION POLITICAL ACTION COMMITTEE						NON-PARTY QUALIFIED		ID #C00112680
CONNECTED ORGANIZATION: AMERICANS FOR DEMOCRATIC ACTION								
1983	JULY QUARTERLY	6,437		1,488		1JAN83 -30JUN83	5	83FEC/275/0040
	YEAR-END	24,085		16,862		1JUL83 -31DEC83	7	84FEC/293/0553
	YEAR-END - AMENDMENT	-		-		1JUL83 -31DEC83	2	84FEC/313/187[illegible]
	REQUEST FOR ADDITIONAL INFORMATION					1JUL83 -31DEC83	2	84FEC/313/235[illegible]
1984	APRIL QUARTERLY	15,975		18,150		1JAN84 -31MAR84	7	84FEC/307/1516
	APRIL QUARTERLY - AMENDMENT	7,772		18,150		1JAN84 -31MAR84	6	84FEC/320/2976
	JULY QUARTERLY	11,871		4,190		1APR84 -30JUN84	5	84FEC/320/2970
	OCTOBER QUARTERLY	39,255		47,695		1JUL84 -30SEP84	17	84FEC/338/4030
	OCTOBER QUARTERLY - AMENDMENT	39,255		47,695		1JUL84 -30SEP84	9	84FEC/351/4396
	OCTOBER QUARTERLY - AMENDMENT	39,255		47,695		1JUL84 -30SEP84	16	85FEC/369/3962
	REQUEST FOR ADDITIONAL INFORMATION					1JUL84 -30SEP84	1	84FEC/349/4300
	PRE-GENERAL	8,803		3,231		10CT84 -17OCT84	5	84FEC/348/3641
	PRE-GENERAL - AMENDMENT	8,803		3,231		10CT84 -17OCT84	6	85FEC/369/3943
	1'ST LETTER INFORMATIONAL NOTICE					10CT84 -17OCT84	1	84FEC/357/2931
	POST-GENERAL	6,473		12,142		18OCT84 -17NOV84	5	84FEC/351/4201
	POST-GENERAL - AMENDMENT	6,473		12,142		18OCT84 -17NOV84	10	85FEC/364/1384
	POST-GENERAL - AMENDMENT	6,473		12,142		18OCT84 -17NOV84	7	85FEC/369/3960
	REQUEST FOR ADDITIONAL INFORMATION					18OCT84 -17NOV84	1	85FEC/362/3731
	REQUEST FOR ADDITIONAL INFORMATION					18OCT84 -25NOV84	1	85FEC/365/3913
	YEAR-END	773		-		18NOV84 -31DEC84	3	85FEC/358/5052
	YEAR-END - AMENDMENT	773		-		18NOV84 -31DEC84	3	85FEC/369/3958
	1'ST LETTER INFORMATIONAL NOTICE					18NOV84 -31DEC84	1	85FEC/362/3207
	TOTAL	105,459	0	103,758	0		130	TOTAL PAGES

All reports have been reviewed.

Cash on hand as of 12/31/84: $3,318.
Debts owed to committee as of 12/31/84: $ -0-
Debts owed by committee as of 12/31/84: $ -0-

FEDERAL ELECTION COMMISSION
COMMITTEE INDEX OF DISCLOSURE DOCUMENTS - (C) (85-86)

NON-PARTY RELATED

TEE	DOCUMENT	RECEIPTS		DISBURSEMENTS		TYPE OF FILER COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
CANS FOR DEMOCRATIC ACTION POLITICAL ACTION COMMITTEE						NON-PARTY QUALIFIED		ID C00112580
TED ORGANIZATION: AMERICANS FOR DEMOCRATIC ACTION								
	1985 APRIL QUARTERLY	1,415		1,000		1JAN85 -31MAR85	5	85FEC/372/0305
	TOTAL	1,415	0	1,000	0		5	TOTAL PAGES

No reports have been reviewed.

Cash on hand as of 3/31/85: $3,443.12
Debts owed to committee as of 3/31/85: $ -0-
Debts owed by committee as of 3/31/85: $ -0-

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).

-over-

8 6 0 4 0 5 6 4 1 4 6

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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Attachment 3
(Page 1 of 3)

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

(Summary Page)

ALIGN AREA

1 Name of Committee (In Full)
Americans For Democratic Action Political Action Committee (ADA/PAC)

Address (Number and Street)
1411 K Street, N.W.
Suite 830

City, State and ZIP Code
Washington, DC 20005

☐ Check here if address is different than previously reported

2 FEC Identification Number
C00112680

3 ☐ This committee qualified as a multicandidate committee during the Reporting Period on 10/10/79
Date

4. TYPE OF REPORT (Check appropriate box)

(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
☒ Twelfth day report preceding General election on November 6, 1984 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 October 1, 1984 through October 17, 1984		
6 (a) Cash on hand January 1, 19 84		$13,779.80
(b) Cash on Hand at Beginning of Reporting Period	$2,642.96	
(c) Total Receipts (from Line 18)	$8,803.00	$ 67,703.17
(d) Subtotal (add Lines 6(b) and 6(c) for Column A and Lines 6(a) and 6(c) for Column B)	$11,445.96	$ 81,482.97
7 Total Disbursements (from Line 28)	$ 3,231.50	$ 73,268.51
8 Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d))	$ 8,214.46	$ 8,214.46
9 Debts and Obligations Owed TO The Committee (Itemize all on Schedule C or Schedule D)	$ NONE	
10 Debts and Obligations Owed BY the Committee (Itemize all on Schedule C or Schedule D)	$ NONE	

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

LEON SHULL
Type or Print Name of Treasurer

Leon Shull
SIGNATURE OF TREASURER

Date 11/9/84

For further information contact
Federal Election Commission
[illegible]

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

FEC FORM 3X (3/80)

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Attachment 3
(page 2 of 3)

DETAILED SUMMARY PAGE
of Receipts and Disbursements
Part A and Part B

Name of Committee: Americans for Democratic Action Political Action Committee

Period: From 1/1/84 To 12/17/84

	Calendar Year This Period	Calendar Year Last Year
I. RECEIPTS		
11. CONTRIBUTIONS (other than loans) FROM:		
(a) Individuals/Persons Other Than Political Committees	[illegible]	[illegible]
Itemized Entry Attached $ [illegible]		
(b) Political Party Committees	--	--
(c) Other Political Committees	--	--
(d) TOTAL CONTRIBUTIONS (other than loans) (add 11(a), 11(b) and 11(c))	[illegible]	[illegible]
12. TRANSFERS FROM AFFILIATED/OTHER PARTY COMMITTEES		
13. ALL LOANS RECEIVED		
14. LOAN REPAYMENTS RECEIVED		
15. OFFSETS TO OPERATING EXPENDITURES (Refunds, Rebates, etc.)		
16. REFUNDS OF CONTRIBUTIONS MADE TO FEDERAL CANDIDATES AND OTHER POLITICAL COMMITTEES		
17. OTHER RECEIPTS (Dividends, Interest, etc.)		
18. TOTAL RECEIPTS (add 11(d), 12, 13, 14, 15, 16 and 17)	[illegible]	[illegible]
II. DISBURSEMENTS		
19. OPERATING EXPENDITURES	[illegible]	[illegible]
20. TRANSFERS TO AFFILIATED/OTHER PARTY COMMITTEES	--	--
21. CONTRIBUTIONS TO FEDERAL CANDIDATES AND OTHER POLITICAL COMMITTEES	[illegible]	[illegible]
22. INDEPENDENT EXPENDITURES (see Schedule E)	--	--
23. COORDINATED EXPENDITURES MADE BY PARTY COMMITTEES (2 U.S.C. § 441a(d) (see Schedule F)	--	--
24. LOAN REPAYMENTS MADE	--	--
25. LOANS MADE	--	--
26. REFUNDS OF CONTRIBUTIONS TO:		
(a) Individuals/Persons Other Than Political Committees	--	--
(b) Political Party Committees	--	--
(c) Other Political Committees	--	--
(d) TOTAL CONTRIBUTION REFUNDS (add 26(a), 26(b) and 26(c))	--	--
27. OTHER DISBURSEMENTS	--	--
28. TOTAL DISBURSEMENTS (add lines 19, 20, 21, 22, 23, 24, 25, 26(d) and 27)	[illegible]	[illegible]
III. NET CONTRIBUTIONS AND NET OPERATING EXPENDITURES		
29. TOTAL CONTRIBUTIONS (other than loans) from Line 11(d)	[illegible]	[illegible]
30. TOTAL CONTRIBUTION REFUNDS from Line 26(d)	--	--
31. NET CONTRIBUTIONS (other than loans) (Subtract Line 30 from Line 29)	[illegible]	[illegible]
32. TOTAL OPERATING EXPENDITURES from Line 19	[illegible]	[illegible]
33. OFFSETS TO OPERATING EXPENDITURES from Line 15	--	--
34. NET OPERATING EXPENDITURES (Subtract Line 33 from Line 32)	[illegible]	[illegible]

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Attachment 3
(page 3 of 3)

Page 1 of 1 for
LINE NUMBER _____
(List reverse schedule for each category of the Detailed Summary Page)

SCHEDULE B **ITEMIZED DISBURSEMENTS**

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

Name of Committee (in Full)

Americans For Democratic Action Political Action Committee

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
Fabian Mail Service 1200 J North Henry Street Alexandria, VA 22314	cc [242.33-[illegible] For Senate in Kind 242.33-Grove For Senate in Kind] Operating Expenses Disbursement for ☐ Primary ☒ General ☐ Other (specify) Mailing	10/01/84	$727.00
B. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
cc Studds For Congress Committee 38 Rosas Lane Schwartz, MA 02066	Contribution Disbursement for ☐ Primary ☒ General ☐ Other (specify)	10/1/84	$1,000.00
C. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
cc Jane Wells Schooley For Congress Committee P.O. Box 3034 Allentown, PA 18106	Contribution Disbursement for ☐ Primary ☒ General ☐ Other (specify)	10/4/84	$1,000.00
D. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
cc Larryann Willis For Congress Committee 724 South Central, #108 Medford, OR 97501	Contribution Disbursement for ☐ Primary ☒ General ☐ Other (specify)	10/4/84	$500.00
E. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
National Bank of Washington 825-15th Street, N.E. Washington, DC 20005	Bank Charge Disbursement for ☐ Primary ☐ General ☐ Other (specify) Operating Expense	10/1/84	$4.50
F. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
	Disbursement for ☐ Primary ☐ General ☐ Other (specify)		
G. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
	Disbursement for ☐ Primary ☐ General ☐ Other (specify)		
H. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
	Disbursement for ☐ Primary ☐ General ☐ Other (specify)		
I. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
	Disbursement for ☐ Primary ☐ General ☐ Other (specify)		
SUBTOTAL of Disbursements This Page (optional)			$3,231.50
TOTAL This Period (last page this line number only)			$3,231.50

Attachment 3

FEDERAL ELECTION COMMISSION
GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

MUR
STAFF MEMBER & TEL. NO.
Charles Snyder
(202)523-4080

RESPONDENT Americans for Democratic Action Political Action Committee and Leon Shull, as treasurer

GENERATION OF MATTER

The Reports Analysis Division ("RAD") referred this matter to the Office of the General Counsel on the grounds that the Americans for Democratic Action Political Action Committee ("ADAPAC") and Leon Shull, as treasurer, failed to file their 1984 pre-general election report, due October 25, until November 9, 1984.

FACTUAL AND LEGAL ANALYSIS

The pertinent statute states that political committees that file quarterly reports shall file

> (ii) 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 expenditures on behalf of a candidate in such election, and which shall be complete as of the 20th day before the election....

2 U.S.C. § 434(a)(4)(A). The report ADAPAC ultimately did file revealed some $2,984.66 worth of contributions to Federal candidates. Since that report was filed 15 days late, it is recommended that the commission find reason to believe that ADAPAC and its treasurer violated 2 U.S.C. § 434(a)(4)(A)(ii).

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FEDERAL ELECTION COMMISSION

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

THIS IS THE BEGINNING OF MUR # 2043

Date Filmed 4/23/86 Camera No. --- 2

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