



FEDERAL ELECTION COMMISSION

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

THIS IS THE END OF RUC # 2187

Date Filmed 1/9/87 Camera No. --- 2

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FEDERAL ELECTION COMMISSION

Routing Slips

Reconciliation Materials

Internal Memoranda

Drafts

File Index

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

- | | | | |
|-------------------------------------|---|--------------------------|--|
| <input type="checkbox"/> | (1) Classified Information | <input type="checkbox"/> | (6) Personal privacy |
| <input checked="" type="checkbox"/> | (2) Internal rules and practices | <input type="checkbox"/> | (7) Investigatory files |
| <input checked="" type="checkbox"/> | (3) Exempted by other statute | <input type="checkbox"/> | (8) Banking Information |
| <input type="checkbox"/> | (4) Trade secrets and commercial or financial information | <input type="checkbox"/> | (9) Well Information (geographic or geophysical) |
| <input checked="" type="checkbox"/> | (5) Internal Documents | | |

MW

87040522590

Signed *MJ/ent MW*
date 12/23/86

FEC 9-21-77



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

November 21, 1986

Alum

Faye Miller, Treasurer
Populist Party of the United States
1981 Summer Place Drive West
Mobile, Alabama 36618

Re: MUR 2187
Populist Party of the
United States and
Fay Miller,
as treasurer

Dear Ms. Miller:

On November 18, 1986, the Commission accepted the conciliation agreement signed by William K. Shearer and a civil penalty in settlement of a violation of 2 U.S.C. § 434(a)(4)(A)(iv), 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 W. Steele
General Counsel

Lawrence M. Noble
By: Lawrence M. Noble
Deputy General Counsel

Enclosure
Conciliation agreement

cc: William K. Shearer

87040622591

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Populist Party of the United) MUR 2187
States and Faye Miller, as)
treasurer)

CONCILIATION AGREEMENT

This matter was initiated by the Federal Election Commission (hereinafter the "Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. The Commission found reason to believe that Populist Party of the United States and Faye Miller, as treasurer, (hereinafter the "Respondents") violated 2 U.S.C. § 434(a)(4)(A)(iv).

NOW, THEREFORE, the Commission and Respondents, having participated in informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree as follows:

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

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

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

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

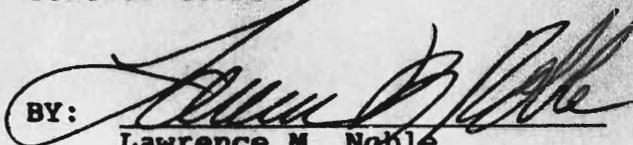
1. Populist Party of the United States is a political committee registered with the Commission.

87040522592

X. 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:

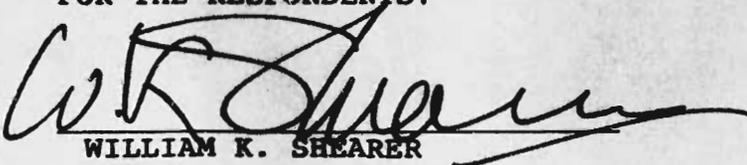
Charles N. Steele
General Counsel

BY: 

Lawrence M. Noble
Deputy General Counsel

Date 11/21/86

FOR THE RESPONDENTS:



WILLIAM K. SHEARER

Date 10/23/86

87040522593

2. Faye Miller is the treasurer of Populist Party of the United States.

3. The Respondents were required to file a 1985 Mid-Year Report by July 31, 1985. The Report was filed on January 21, 1986, 173 days late.

4. The Respondents were required to file a 1985 Year-End Report by January 31, 1986. The Report was filed on April 14, 1986, 104 days late.

V. Respondents failed to file timely 1985 Mid-Year and Year-End Reports, in violation of 2 U.S.C. § 434(a)(4)(A)(iv).

VI. Respondents will pay a civil penalty to the Treasurer of the United States in the amount of Two Thousand Dollars (\$2,000), pursuant to 2 U.S.C. § 437g(a)(5)(A).

VII. 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.

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

IX. 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.

87040522594

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Populist Party of the United) MUR 2187
States and Faye Miller, as)
treasurer)

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session of November 18, 1986, do hereby certify that the Commission decided by a vote of 6-0 to take the following actions in MUR 2187:

1. Accept the respondents' counter-proposal.
2. Approve and send the letter attached to the General Counsel's report dated November 5, 1986.
3. Close the file.

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

Attest:

11-19-86

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

87040622595

SENSITIVE

**BEFORE THE FEDERAL ELECTION COMMISSION OF THE FEC
COMMISSION SECRETARY**

In the Matter of)
)
Populist Party of the)
United States and)
Faye Miller, as)
treasurer)

MOR 21676 A 9:43

GENERAL COUNSEL'S REPORT

I. BACKGROUND

On June 17, 1986 the Commission found reason to believe the respondents violated 2 U.S.C. § 434(a)(4)(A)(iv) by failing to file timely 1985 Mid-Year and Year-End Reports. On September 17, 1986 the Commission voted to enter into conciliation negotiations with the respondents prior to a finding of probable cause to believe. The respondents have now submitted a counter-proposal.

II. DISCUSSION OF CONCILIATION PROVISIONS AND CIVIL PENALTY

III. RECOMMENDATIONS

- 1. Accept the respondents' counter-proposal.

87040522596

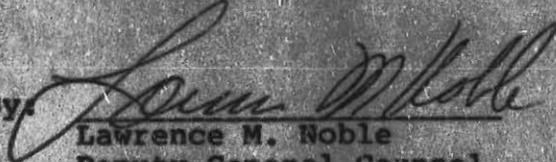
2. Approve and send the attached letter.
3. Close the file.

Charles N. Steele
General Counsel

Date

11/5/86

By



Lawrence M. Noble
Deputy General Counsel

Attachments

1. Respondents' counter-proposal and check
2. Letter

87040622597

DUKE, GERSTEL, SHEARER & BREGANTE

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

ATTORNEYS AT LAW

WELLS FARGO BANK BUILDING
101 WEST BROADWAY, SUITE 400

POST OFFICE BOX 85470
SAN DIEGO, CALIFORNIA 92138-8470
TELEPHONE - (619) 232-0818
TELECOPIER - (619) 232-4661

CC# 1343
REC
OCT 25 11:05

OF COUNSEL
ANDREW A. KURZ
JOHN S. HUISKAMP
ROSALIE SHANKS

OUR FILE NUMBER

CLIFFORD L. DUKE, JR.
BRYAN R. GERSTEL
WILLIAM K. SHEARER
RICHARD D. BREGANTE
LAURIE E. WRIGHT
STEPHEN V. RUFF
DAVID R. VARGAS
J. MICHAEL REED
ANDREW F. LLOYD
DAVID T. PURSIANG
DANIEL J. PERWICH
JOYCE J. BURROWS
ALAN R. JOHNSTON
ANN M. MENENOMY
ANNE M. BRAUDIS

PROFESSIONAL CORPORATION

October 23, 1986

16 OCT 27 12:00

Robert Raich, Esq.
Office of General Counsel
Federal Election Commission
Washington, D.C. 20463

Re: MUR 2187

Dear Mr. Raich:

Per our agreement by telephone, enclosed please find two executed copies of the Conciliation Agreement in the above-designated matter. A check for the full settlement amount is being transmitted to you by Express Mail.

When the agreement has been executed by your officers, please return one fully executed copy to me.

Thank you for your cooperation in this matter.

Sincerely yours,

WKS
WILLIAM K. SHEARER

WKS:mcn
Enclosures
Express Mail No. 71656222

At. 1, p.1

87040622598

600#1864
FEC
HAND DELIVERED
36 OCT 27 AM 11:47

THE POPULIST PARTY OF THE UNITED STATES

Administrative Office
3435 Camino del Rio South
Suite 318
San Diego, CA 92108

Mailing Address
6065 Mission Gorge Road
Box 211
San Diego, CA 92120

Chairman
JOHN M. COUTURE
13131 W. Janesville Rd.
Hales Corners, WI 53130
(414) 425-8181

IN REPLY ADDRESS:

1981 Summer Place Dr W.
Mobile, AL 36618

(619) 282-5614

October 24, 1986

Vice-Chairman
MAUREEN SALAMAN

Secretary
DON KIMBALL

Mr. Robert Raich
General Counsel
Federal Election Commission
999 "E" St NW
Washington, D.C. 20463

Treasurer
FAYE MILLER

Parliamentarian
WILLIAM K. SHEARER

Dear Mr. Raich:

Attached is Cashier Check No. 033849 to cover penalty assessed for late filing of FEC reports, MUR 2187.

We apologize for these late filings and assure you it has never been the intention of the Populist Party of the United States to in any manner be obstinate or uncooperative in the timely filing of these reports. However due to circumstances beyond our control we were unable to comply with the timely filing regulation.

Thank you for your consideration in this matter.

Very truly yours,

POPULIST PARTY OF THE UNITED STATES

Faye G. Miller

Treasurer

Encl. Cashier Check No 033849

87040522599

At. 1, p. 5

600# 1864

040622600



MEMORANDUM

600 1864

TO: Debra A. Reed (TO: Judy Smith)

FROM: Judy Smith (FROM: Debra A. Reed)

CHECK NO. 033849 (a copy of which is attached) RELATING TO MUR 2187(Clark) AND NAME Populist Party of the U.S. WAS RECEIVED ON Oct. 27, 1986. PLEASE INDICATE THE ACCOUNT INTO WHICH IT SHOULD BE DEPOSITED:

- / / BUDGET CLEARING ACCOUNT (#95F3875.16)
- CIVIL PENALTIES ACCOUNT (#95-1099.160)
- ' / OTHER At. 1, p. 6

SIGNATURE Ruth L. DeLoach 10/29/86



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Faye Miller, Treasurer
Populist Party of the United States
1981 Summer Place Drive West
Mobile, Alabama 36618

Re: MUR 2187
Populist Party of the
United States and
Fay Miller,
as treasurer

Dear Ms. Miller:

On , 1986, the Commission accepted the conciliation agreement signed by William K. Shearer and a civil penalty in settlement of a violation of 2 U.S.C. § 434(a)(4)(A)(iv), 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: Lawrence M. Noble
Deputy General Counsel

Enclosure
Conciliation agreement:

cc: William K. Shearer

At. 2

87040522601

40522602



MEMORANDUM

600 1864

TO: Debra A. Reed TO: Judy Smith

FROM: Judy Smith FROM: Debra A. Reed

CHECK NO. 033849 (a copy of which is attached) RELATING
 TO MUR 2187 (Raich) AND NAME Populist Party of the U.S.
 WAS RECEIVED ON Oct. 27, 1986. PLEASE INDICATE THE ACCOUNT INTO
 WHICH IT SHOULD BE DEPOSITED:

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

SIGNATURE Letha L. Dixon DATE 10/29/86

600#186 9 RECEIVED AT THE FEC
HAND DELIVERED

86 OCT 27 AM 11:37

THE POPULIST PARTY OF THE UNITED STATES

Administrative Office
3435 Camino del Rio South
Suite 318
San Diego, CA 92108

Mailing Address
6065 Mission Gorge Road
Box 211
San Diego, CA 92120

Chairman
JOHN M. COUTURE
13131 W. Janesville Rd.
Hales Corners, WI 53130
(414) 425-8181

IN REPLY ADDRESS:

1981 Summer Place Dr W.
Mobile, AL 36618

(619) 282-5614

October 24, 1986

Vice-Chairman
MAUREEN SALAMAN

Secretary
DON KIMBALL

Mr. Robert Raich
General Counsel
Federal Election Commission
999 "E" St NW
Washington, D.C. 20463

Treasurer
FAYE MILLER

Parliamentarian
WILLIAM K. SHEARER

Dear Mr. Raich:

Attached is Cashier Check No. 033849 to cover penalty assessed for late filing of FEC reports, MUR 2187.

We apologize for these late filings and assure you it has never been the intention of the Populist Party of the United States to in any manner be obstinate or uncooperative in the timely filing of these reports. However due to circumstances beyond our control we were unable to comply with the timely filing regulation.

Thank you for your consideration in this matter.

Very truly yours,

POPULIST PARTY OF THE UNITED STATES

Faye G. Miller
Treasurer

Encl. Cashier Check No 033849

3 0 6 2 2 4 0 6 7 9

GCC#1843
RECEIVED BY THE FEC

86 OCT 25 11:05

DUKE, GERSTEL, SHEARER & BREGANTE

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

ATTORNEYS AT LAW

WELLS FARGO BANK BUILDING
101 WEST BROADWAY, SUITE 400

POST OFFICE BOX 85470
SAN DIEGO, CALIFORNIA 92138-5470

TELEPHONE - (619) 232-0818
TELECOPIER - (619) 232-4861

OF COUNSEL
ANDREW A. KURZ
JOHN S. HUISKAMP
ROSALIE SHANKS

OUR FILE NUMBER

CLIFFORD L. DUKE, JR.*
BRYAN R. GERSTEL*
WILLIAM K. SHEARER*
RICHARD D. BREGANTE
LAURIE E. WRIGHT
STEPHEN V. RUPP*
DAVID R. VARGAS
J. MICHAEL REED
ANDREW R. LLOYD
DAVID T. PURSIANO
DANIEL J. PERWICH
JOYCE J. BURROWS
ALAN R. JOHNSTON
ANN M. MEMENOMY
ANNE M. BRAUDIS

*A PROFESSIONAL CORPORATION

October 23, 1986

86 OCT 27 12:00

RECEIVED
OFFICE OF THE
GENERAL COUNSEL

Robert Raich, Esq.
Office of General Counsel
Federal Election Commission
Washington, D.C. 20463

Re: MUR 2187

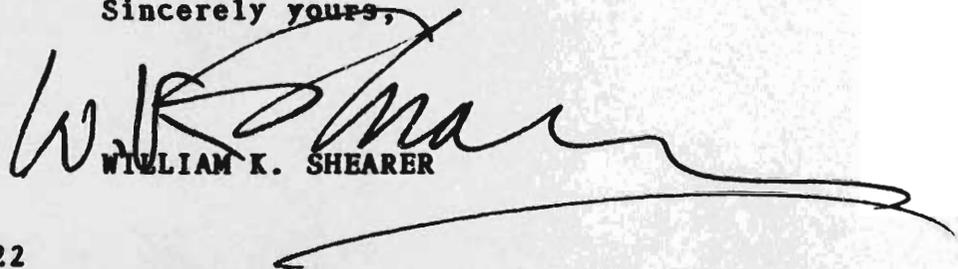
Dear Mr. Raich:

Per our agreement by telephone, enclosed please find two executed copies of the Conciliation Agreement in the above-designated matter. A check for the full settlement amount is being transmitted to you by Express Mail.

When the agreement has been executed by your officers, please return one fully executed copy to me.

Thank you for your cooperation in this matter.

Sincerely yours,


WILLIAM K. SHEARER

WKS:mcm
Enclosures
Express Mail No. 71656222

87040522604



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

September 19, 1986

Alm

Ms. Faye Miller, Treasurer
Populist Party of the United States
1921 Summer Place Drive West
Mobile, Alabama 36618

RE: MUR 2187
Populist Party of the United
States and Faye Miller, as
treasurer

Dear Ms. Miller:

On June 17, 1986, the Commission found reason to believe that Populist Party of the United States and you, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(iv). At your request, the Commission determined on September 17, 1986, 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 Robert Raich, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

Charles N. Steele
General Counsel

Lawrence M. Noble (287)

By: Lawrence M. Noble
Deputy General Counsel

Enclosure
Conciliation Agreement

cc: William Shearer, Esq.
Duke, Gerstel, Shearer & Bregante
101 West Broadway, Suite 400
Post Office Box 85470
San Diego, California 92138

87040522605

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 2187
Populist Party of the)
United States and)
Faye Miller, as treasurer)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on September 17, 1986, the Commission decided by a vote of 4-0 to take the following actions in MUR 2187:

1. Enter into conciliation, prior to a finding of probable cause with Populist Party of the United States and Faye Miller, as treasurer.
2. Approve the conciliation agreement, as recommended in the General Counsel's Report signed September 12, 1986.
3. Approve and send the letter, as recommended in the General Counsel's Report signed September 12, 1986.

Commissioners Aikens, Elliott, Josefiak and McDonald voted affirmatively for this decision; Commissioners Harris and McGarry did not vote.

Attest:

9-17-86

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

| | | | |
|---|-------|----------|-------|
| Received in Office of Commission Secretary: | Fri., | 9-12-86, | 4:11 |
| Circulated on 48 hour tally basis: | Mon., | 9-15-86, | 11:00 |
| Deadline for vote: | Wed., | 9-17-86, | 11:00 |

87040522606

SENSITIVE

BEFORE THE FEDERAL ELECTION COMMISSION

**RECEIVED
OFFICE OF THE FEC
COMMISSION SECRETARY**

86 SEP 12 P4:11

In the Matter of)
)
Populist Party of the) **MUR 2187**
United States and)
Faye Miller, as treasurer)

GENERAL COUNSEL'S REPORT

I. BACKGROUND

On June 17, 1986 the Commission found reason to believe Populist Party of the United States (the "Committee") and Faye Miller, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(iv) by failing to file timely 1985 Mid-Year and Year-End Reports. The Committee filed its 1985 Mid-Year Report on January 21, 1986 (173 days late). The Committee filed its 1985 Year-End Report on April 14, 1986 (104 days late).

In her response to the Commission's reason to believe notification (Attachment 1), the Committee's treasurer states that the Mid-Year Report was mailed on August 6, 1985. The Commission, however, did not receive the report mailed that day. The treasurer is unable to provide additional evidence, such as a certified mail return receipt, verifying that she mailed the report in August, 1985. In January 1986, upon being notified by a Commission attorney that the Commission had no record of the report, the treasurer mailed the copy of the report received by the Commission.

The treasurer indicates that she filed the Year-End Report late because it took time to gather the required information.

87040622607

The respondents have requested to enter into conciliation prior to a finding of probable cause to believe. (Attachment 2)

II. DISCUSSION OF CONCILIATION PROVISIONS AND CIVIL PENALTY

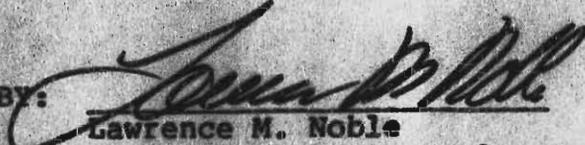
87040522608

III. RECOMMENDATIONS

1. Enter into conciliation, prior to a finding of probable cause, with Populist Party of the United States and Faye Miller, as treasurer.
2. Approve the attached conciliation agreement.
3. Approve and send the attached letter.

Charles N. Steele
General Counsel

9/14/86
Date

BY: 
Lawrence M. Noble
Deputy General Counsel

Attachments

1. Response to reason to believe notification
2. Conciliation requests
3. Proposed conciliation agreement
4. Letter

87040622609

Raich
THE POPULIST PARTY OF THE UNITED STATES Ag: 56

Administrative Office
3435 Camino del Rio South
Suite 318
San Diego, CA 92108

Mailing Address
6065 Mission Gorge Road
Box 211
San Diego, CA 92120

Chairman
JOHN M. COUTURE
13131 W Janesville Rd.
Hales Corners, WI 53130
(414) 425-8181

Vice-Chairman
MAUREEN SALAMAN

Secretary
DON KIMBALL

Treasurer
FAYE MILLER

Parliamentarian
WILLIAM K. SHEARER

IN REPLY ADDRESS:

Populist Party
Faye G. Miller
1921 Summer Place Dr W
Mobile, Ala 36618

(619) 282-5614

August 2, 1986

16 AUG 11 AM 11:36

RECEIVED
GENERAL COUNSEL

Mr. Robert Raich
General Counsel
Federal Election Commission
Washington, D.C. 20463

Re: MUR 2187

Dear Mr. Raich:

In answer to your correspondence regarding the above mentioned.

As a rule Mr. William K. Shearer serves as legal counsel on a free gratis basis. However, he is presently recovering from surgery and all the time he has from his private law practice is totally tied up with the other matters involving the Populist Party that are now before the FEC. Consequently I am forced to supply you with the information involving the above. I ask that you kindly accept my simple answers. If, for any reason, the following is unacceptable, will you please allow us an additional period of time in which to have this done by Mr. Shearer when is sufficiently recovered and has the other matters before him completed for your office.

I trust the following will suffice to explain the later filing of reports.

- I. MID-YEAR REPORT - P/E 6-30-85
(See attached letter of May 21, 1986 to Ms. Lisa J. Stolaruk)
- II. YEAR END REPORT P/E 12-31-85
(See attached letter of May 21, 1986 to Ms. Stolaruk)
- III. QUARTERLY REPORT P/E 3-31-86

I interpreted the phrase "election year" to mean only a year in which presidential candidates were on the ballot and didnot realize I had misinterpreted this until I received a call from your office, at which time I proceeded to comply with this regulation.

- IV. QUARTERLY REPORT P/E 6-30-86

This report was mailed to your office on July 15, 1986, which I understand constitutes timely filing.

At. 1, p. 1

87040522610

Mr. Robert Raich - continued

Page -2-

In answer to your reference in "Summary of Allegations" regarding the mailing of notices from your office. I do not have any record of having received these notices. However, inasmuch as these were probably mailed to the Phoenix, Arizona office, requiring that they be forwarded to the San Diego office and thence to me, it is entirely probable that they were lost in the shuffle, as has so much of our mail over a period of time.

While it is a fact that these reports were not timely filed, with the exception of the last one - P/E 6-30-86, there certainly has never been any intention of my not being cooperative to the best of my ability. This being my first experience with the filing of report with you and the fact that I did not have access to your manual (orange one) until sometime this April, a set of circumstances prevailed whereby these reports were late for the reasons stated herein.

I trust the above will suffice in lieu of a formal document prepared by an attorney. This is the best I personally can do. I would appreciate your accepting these explanations. However, if further information is desired, or different form required, please advise, addressing all mail to the Mobile, Alabama address shown at the top of this letter.

Very truly yours,

POPULIST PARTY OF THE UNITED STATES

Faye G. Miller

Faye G. Miller
Treasurer

I certify that the above statements are true and correct to the best of my knowledge and ability.

FAYE G. MILLER

Faye G. Miller

STATE OF ALABAMA

COUNTY OF MOBILE

Before me, the undersigned Notary Public appeared Faye G. Miller, known to me personally, who states that the above information is true and correct to the best of her knowledge and ability.

Date 8-4-86

Larry R. Puckle

My Commission Expires 1-21-90

At. 1, p. 2

87040622611

THE POPULIST PARTY OF THE UNITED STATES

Administrative Office
3435 Camino del Rio South
Suite 318
San Diego, CA 92108

Mailing Address
6065 Mission Gorge Road
Box 211
San Diego, CA 92120

Chairman
JOHN M. COUTURE
13131 W. Janesville Rd.
Hales Corners, WI 53130
(414) 425-8181

Vice-Chairman
MAUREEN SALAMAN

Secretary
DON KIMBALL

Treasurer
FAYE MILLER

Parliamentarian
WILLIAM K. SHEARER

(619) 282-5614

IN REPLY ADDRESS:

Office of the Treasurer
P.O. Box 377
Dauphin Island, Ala 36528

May 21, 1986

Ms. Lisa J. Stolaruk
Chief, Party/Non Party Branch
Reports Analysis Division
Federal Election Commission
Washington, D.C. 20463

Dear Ms. Stolaruk:

I apologize for the delay in answering your letter of May 6. This letter was sent out of our Administrative Office in San Diego and had to be forwarded to me. In answer to your questions regarding the late filing of reports:

MID-YEAR REPORT P/E 6-30-85

This report was completed on August 5 and mailed on August 6 to your office. Even though, at this time, the report was 6 days late, I was unable to file it until I had received the forms from your office - which was August 5.

I was unaware you had not received this report until I discussed other matters pertaining to Mr. Raich's call of January 1986. A copy was mailed to your office immediately upon my becoming aware of this.

YEAR END REPORT P/E 12-31-85

This report was not mailed timely due to our having to peruse the entire year's receipts to determine who had donated in excess of \$200.00. I was advised, however, at a later date to go ahead and mail the report and supply the additional information later, which I did.

I trust this will answer your questions regarding this matter and I assure you there was never any intent to willfully violate any section of the Election Campaign Act.

Very truly yours,

POPULIST PARTY OF THE UNITED STATES

Faye G. Miller

Faye G. Miller
Treasurer

At. 1/ p. 3

87040522612

DUKE, GERSTEL, SHEARER & BREGANTE
A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

ATTORNEYS AT LAW

WELLS FARGO BANK BUILDING
101 WEST BROADWAY, SUITE 400

POST OFFICE BOX 85470
SAN DIEGO, CALIFORNIA 92138-8470

TELEPHONE - (619) 232-0818
TELECOPIER - (619) 232-4861

OF COUNSEL
ANDREW A. KURZ
JOHN S. HUISKAMP
ROSALIE SHANKS

OUR FILE NUMBER

CLIFFORD L. DUKE, JR.*
BRYAN R. GERSTEL*
WILLIAM K. SHEARER*
RICHARD D. BREGANTE
LAURIE E. WRIGHT
STEPHEN V. RUPP*
DAVID R. VARGAS
J. MICHAEL REED
ANDREW R. LLOYD
DAVID T. PURSIANO
DANIEL J. PERWICH
JOYCE J. BURROWS
ALAN R. JOHNSTON
ANN M. MCMENOMY
ANNE M. BRAUDIS

*A PROFESSIONAL CORPORATION

August 14, 1986

Robert Raich, Esq.
Federal Election Commission
Washington, D.C. 20463

Re: MUR 2187

Dear Mr. Raich:

This letter will confirm on behalf of the Populist Party of the United States and Faye Miller, Treasurer, that these parties are interested in pursuing and hereby request pre-probable cause conciliation.

I understand that there is the possibility of a civil penalty in this case, and would respectfully ask the Commission consider the following facts:

1. The violation was not willful, the failure to file the reports in a timely manner being a misunderstanding by the Treasurer of her duty in this regard.
2. There has been no concealment of any of the information required to be disclosed, and the Commission and the public have been provided the full accounting of the transactions of the Populist Party required to be reported.

Please transmit to me, as well as to Mrs. Miller, a copy of any conciliation agreement proposed, and if further information or discussion is required, please do not hesitate to contact me.

Thanking you for your courtesies in this and other matters, I remain

Sincerely yours,

William K. Shearer
WILLIAM K. SHEARER

WKS:mcm
cc: Mrs. Faye Miller

At. 2, p.1

87040622613

16 AUG 19 13:32

SEARCHED
SERIALIZED
INDEXED
FILED

Raich
CC#1316

THE POPULIST PARTY OF THE UNITED STATES

Administrative Office
3435 Camino del Rio South
Suite 318
San Diego, CA 92108

Mailing Address
6065 Mission Gorge Road
Box 211
San Diego, CA 92120

Chairman
JOHN M. COUTURE
13131 W. Janesville Rd.
Hales Corners, WI 53130
(414) 425-8181

IN REPLY ADDRESS
Populist Party
Faye G. Miller
1921 Summer Place Dr W
Mobile, AL 36618

(619) 282-5614

Vice-Chairman
MAUREEN SALAMAN

August 14, 1986

Secretary
DON KIMBALL

Mr. Robert Raich
General Counsel
Federal Election Commission
Washington, D.C. 20463

Re: MUR 2187

Treasurer
FAYE MILLER

Parliamentarian
WILLIAM K. SHEARER

Dear Sir:

I respectfully request that the Federal Election Commission engage in pre-probable casue conciliation in the above mentioned.

If additional information is desired, please contact me at either of the following numbers

(205) 344-5975
(205) 344-7956

Very truly yours,
Faye G. Miller
Faye G. Miller

87040622614

16 AUG 25 9:3:58

GENERAL
FEDERAL

At. 2, p. 2



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Ms. Faye Miller, Treasurer
Populist Party of the United States
1921 Summer Place Drive West
Mobile, Alabama 36618

RE: MUR 2187
Populist Party of the United
States and Faye Miller, as
treasurer

Dear Ms. Miller:

On June 17, 1986, the Commission found reason to believe that Populist Party of the United States and you, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(iv). At your request, the Commission determined on _____, 1986, 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 Robert Raich, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

Charles N. Steele
General Counsel

By: Lawrence M. Noble
Deputy General Counsel

Enclosure
Conciliation Agreement

cc: William Shearer, Esq.
Duke, Gerstel, Shearer & Bregante
101 West Broadway, Suite 400
Post Office Box 85470
San Diego, California 92138

At. 4

87040522615

CCC#1316

THE POPULIST PARTY OF THE UNITED STATES

Administrative Office
3435 Camino del Rio South
Suite 318
San Diego, CA 92108

Mailing Address
6065 Mission Gorge Road
Box 211
San Diego, CA 92120

Chairman
JOHN M. COUTURE
13131 W. Janesville Rd.
Hales Corners, WI 53130
(414) 425-8181

IN REPLY ADDRESS
Populist Party
Faye G. Miller
1921 Summer Place Dr W
Mobile, Al 36618

(619) 282-5614

Vice-Chairman
MAUREEN SALAMAN

August 14, 1986

Secretary
DON KIMBALL

Mr. Robert Raich
General Counsel
Federal Election Commission
Washington, D.C. 20463

Re: MUR 2187

Treasurer
FAYE MILLER

Parliamentarian
WILLIAM K. SHEARER

Dear Sir:

I respectfully request that the Federal Election Commission engage in pre-probable casue conciliation in the above mentioned.

If additional information is desired, please contact me at either of the following numbers

- (205) 344-5975
- (205) 344-7956

Very truly yours,
Faye G. Miller
Faye G. Miller

87040522616

86 AUG 25 P 3: 58

RECEIVED
OFFICE OF THE
GENERAL COUNSEL

POPULIST PARTY

607 Mission Gorge Road
Box 211
San Diego, CA 92121



Populist Party
1921 Summer Place Dr W
Mobile, Ala 36618

37119

Mr. Robert Raich
General Counsel
Federal Election Commission
Washington, D.C. 20463



RECEIVED AT THE FEC
GCC# 1242
86 AUG 19 12:38

DUKE, GERSTEL, SHEARER & BREGANTE

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

ATTORNEYS AT LAW

WELLS FARGO BANK BUILDING
101 WEST BROADWAY, SUITE 400

POST OFFICE BOX 85470
SAN DIEGO, CALIFORNIA 92138-8470
TELEPHONE - (619) 232-0816
TELECOPIER - (619) 232-4661

OF COUNSEL
ANDREW A. KURZ
JOHN S. HUIEKAMP
ROSALIE SHANKS

OUR FILE NUMBER

CLIFFORD L. DUKE, JR.*
BRYAN R. GERSTEL*
WILLIAM K. SHEARER*
RICHARD D. BREGANTE
LAURIE E. WRIGHT
STEPHEN V. RUPP*
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JOYCE J. BURROWS
ALAN R. JOHNSTON
ANN M. MEMENOMY
ANNE M. BRAUDIS

*A PROFESSIONAL CORPORATION

August 14, 1986

Robert Raich, Esq.
Federal Election Commission
Washington, D.C. 20463

Re: MUR 2187

Dear Mr. Raich:

This letter will confirm on behalf of the Populist Party of the United States and Faye Miller, Treasurer, that these parties are interested in pursuing and hereby request pre-probable cause conciliation.

I understand that there is the possibility of a civil penalty in this case, and would respectfully ask the Commission consider the following facts:

1. The violation was not willful, the failure to file the reports in a timely manner being a misunderstanding by the Treasurer of her duty in this regard.
2. There has been no concealment of any of the information required to be disclosed, and the Commission and the public have been provided the full accounting of the transactions of the Populist Party required to be reported.

Please transmit to me, as well as to Mrs. Miller, a copy of any conciliation agreement proposed, and if further information or discussion is required, please do not hesitate to contact me.

Thanking you for your courtesies in this and other matters, I remain

Sincerely yours,

W.K. Shearer
WILLIAM K. SHEARER

WKS:mc
cc: Mrs. Faye Miller

86 AUG 19 P 3: 32
GENERAL COUNSEL

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DUKE, GERSTEL, SHEARER & BREGANTE

A PARTNERSHIP (WELLS FARGO PROFESSIONAL CORPORATION)

ATTORNEYS AT LAW

WELLS FARGO BANK BUILDING

101 WEST BROADWAY, SUITE 400

SAN DIEGO, CALIFORNIA 92101



Robert Raich, Esq.
Federal Election Commission
Washington, D.C. 20463

NOV 10 1988

10:30



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9

GCC#1175
RECEIVED AT THE FEC

THE POPULIST PARTY OF THE UNITED STATES

Administrative Office
3435 Camino del Rio South
Suite 318
San Diego, CA 92108

Mailing Address
6065 Mission Gorge Road
Box 211
San Diego, CA 92120

Chairman
JOHN M. COUTURE
13131 W. Janesville Rd.
Hales Corners, WI 53130
(414) 425-8181

Vice-Chairman
MAUREEN SALAMAN

Secretary
DON KIMBALL

Treasurer
FAYE MILLER

Parliamentarian
WILLIAM K. SHEARER

(619) 282-5614

IN REPLY ADDRESS:

Populist Party
Faye G. Miller
1921 Summer Place Dr W
Mobile, Ala 36618

August 2, 1986

86 AUG 11 AM 1:36

RECEIVED
OFFICE OF THE
GENERAL COUNSEL

Mr. Robert Raich
General Counsel
Federal Election Commission
Washington, D.C. 20463

Re: MUR 2187

Dear Mr. Raich:

In answer to your correspondence regarding the above mentioned.

As a rule Mr. William K. Shearer serves as legal counsel on a free gratis basis. However, he is presently recovering from surgery and all the time he has from his private law practice is totally tied up with the other matters involving the Populist Party that are now before the FEC. Consequently I am forced to supply you with the information involving the above. I ask that you kindly accept my simple answers. If, for any reason, the following is unacceptable, will you please allow us an additional period of time in which to have this done by Mr. Shearer when is sufficiently recovered and has the other matters before him completed for your office.

I trust the following will suffice to explain the later filing of reports.

I. MID-YEAR REPORT - P/E 6-30-85

(See attached letter of May 21, 1986 to Ms. Lisa J. Stolaruk)

II. YEAR END REPORT P/E 12-31-85

(See attached letter of May 21, 1986 to Ms. Stolaruk)

III. QUARTERLY REPORT P/E 3-31-86

I interpreted the phrase "election year" to mean only a year in which presidential candidates were on the ballot and didnot realize I had misinterpreted this until I received a call from your office, at which time I proceeded to comply with this regulation.

IV. QUARTERLY REPORT P/E 6-30-86

This report was mailed to your office on July 15, 1986, which I understand constitutes timely filing.

87040522620

Mr. Robert Raich - continued

Page -2-

In answer to your reference in "Summary of Allegations" regarding the mailing of notices from your office. I do not have any record of having received these notices. However, inasmuch as these were probably mailed to the Phoenix, Arizona office, requiring that they be forwarded to the San Diego office and thence to me, it is entirely probable that they were lost in the shuffle, as has so much of our mail over a period of time.

While it is a fact that these reports were not timely filed, with the exception of the last one - P/E 6-30-86, there certainly has never been any intention of my not being cooperative to the best of my ability. This being my first experience with the filing of report with you and the fact that I did not have access to your manual (orange one) until sometime this April, a set of circumstances prevailed whereby these reports were late for the reasons stated herein.

I trust the above will suffice in lieu of a formal document prepared by an attorney. This is the best I personally can do. I would appreciate your accepting these explanations. However, if further information is desired, or different form required, please advise, addressing all mail to the Mobile, Alabama address shown at the top of this letter.

Very truly yours,

POPULIST PARTY OF THE UNITED STATES

Faye G. Miller

Faye G. Miller
Treasurer

I certify that the above statements are true and correct to the best of my knowledge and ability.

FAYE G. MILLER

Faye G. Miller

STATE OF ALABAMA

COUNTY OF MOBILE

Before me, the undersigned Notary Public appeared Faye G. Miller, known to me personally, who states that the above information is true and correct to the best of her knowledge and ability.

Date 2-4-86

Long to Public

My Commission Expires 1-21-90

87040522621

THE POPULIST PARTY OF THE UNITED STATES

Administrative Office
3435 Camino del Rio South
Suite 318
San Diego, CA 92108

Mailing Address
6065 Mission Gorge Road
Box 211
San Diego, CA 92120

Chairman
JOHN M. COUFURE
13131 W. Janesville Rd.
Hales Corners, WI 53130
(414) 425-8181

Vice-Chairman
MAUREEN SALAMAN

Secretary
DON KIMBALL

Treasurer
FAYE MILLER

Parliamentarian
WILLIAM K. SHEARER

IN REPLY ADDRESS:

Office of the Treasurer
P.O. Box 377

Dauphin Island, Ala 36528

May 21, 1986

(619) 282-5614

Ms. Lisa J. Stolaruk
Chief, Party/Non Party Branch
Reports Analysis Division
Federal Election Commission
Washington, D.C. 20463

Dear Ms. Stolaruk:

I apologize for the delay in answering your letter of May 6. This letter was sent to our Administrative Office in San Diego and had to be forwarded to me. In answer to your questions regarding the late filing of reports:

MID-YEAR REPORT P/E 6-30-85

This report was completed on August 5 and mailed on August 6 to your office. Even though, at this time, the report was 6 days late, I was unable to file it until I had received the forms from your office - which was August 5.

I was unaware you had not received this report until I discussed other matters pertaining to Mr. Raich's call of January 1986. A copy was mailed to your office immediately upon my becoming aware of this.

YEAR END REPORT P/E 12-31-85

This report was not mailed timely due to our having to peruse the entire year's receipts to determine who had donated in excess of \$200.00. I was advised, however, at a later date to go ahead and mail the report and supply the additional information later, which I did.

I trust this will answer your questions regarding this matter and I assure you there was never any intent to willfully violate any section of the Election Campaign Act.

Very truly yours,

POPULIST PARTY OF THE UNITED STATES

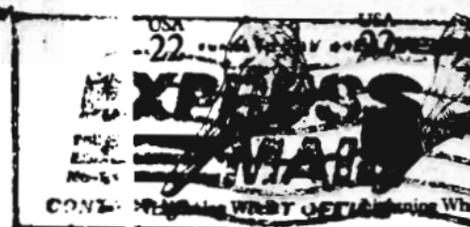
Faye G. Miller

Faye G. Miller
Treasurer

87040522622

POPULIST PARTY

666 Mission Gorge Road
Box 211
San Diego, CA 92120



1921 Summer Place Dr W
Mobile, Alabama 36618

Mr. Robert Raich
General Counsel
Federal Election Commission
Washington, D.C 20463

3704054



AUG 19 1986

87040522624

Form 3811, Jan. 1979
RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

SENDER: Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one.)
 Show to whom and date delivered.....
 Show to whom, date and address of delivery.....
 RESTRICTED DELIVERY
 Show to whom and date delivered.....
 RESTRICTED DELIVERY.
 Show to whom, date, and address of delivery.....

(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:
 Faye Miller
 1921 Summer Place Drive WOT
 Mobile, Alabama 36618

3. ARTICLE DESCRIPTION:

| | | |
|----------------|---------------|-------------|
| REGISTERED NO. | CERTIFIED NO. | INSURED NO. |
| — | 943601 | — |

 (Always obtain signature of addressee or agent)

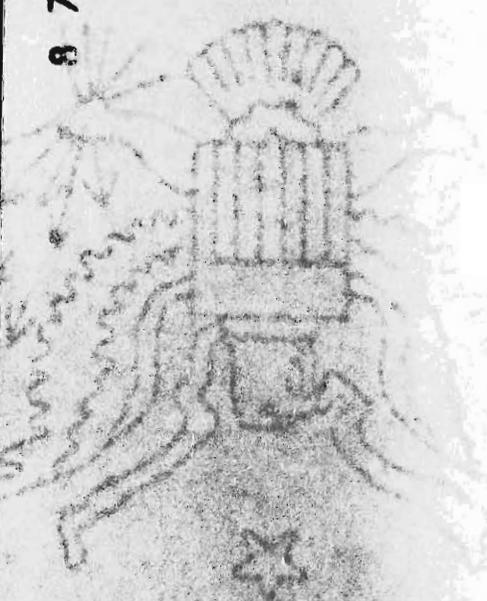
I have received the article described above.
 SIGNATURE Addressee Authorized agent
 Faye Miller

4. DATE OF DELIVERY: 7-22-86
 POSTMARK

5. ADDRESS (Complete only if registered):
 1921 Summer Pl
 Dr. W

6. UNABLE TO DELIVER BECAUSE: Mobile Ala 36618
 CLERK'S INITIALS

RAR MUR 2187 ☆GPO: 1979-255-546





FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

June 24, 1986

Faye Miller, Treasurer
Populist Party of the United States
P.O. Box 377
Dauphin Island, Alabama 36528

RE: MUR 2187
Populist Party of the
United States and Faye
Miller, as treasurer

Dear Ms. Miller:

On June 17, 1986, the Federal Election Commission found reason to believe Populist Party of the United States and you, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(iv), 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 fifteen 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.

If you are interested in pursuing pre-probable cause conciliation, you should so request in writing. See 11 C.F.R. § 111.18(d). Upon receipt of the request, the Office of the General Counsel will make recommendations to the Commission either proposing an agreement in settlement of the matter or recommending declining that pre-probable cause conciliation be

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pursued. The Office of the General Counsel may recommend that pre-probable cause conciliation not be entered into at this time so that it may complete its investigation of the matter. Further, requests for pre-probable cause conciliation will not be entertained after briefs on probable cause have been mailed to the respondent.

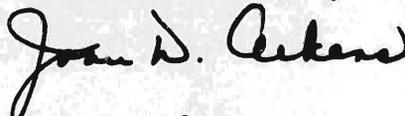
Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of the General Counsel is not authorized to give extensions beyond 20 days.

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 Robert Raich, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,



Joan D. Aikens
Chairman

Enclosures

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

87040522626

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of
Populist Party of the United States
and Faye Miller, as treasurer

RAD Ref. 86NF-5

(M 2187)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on June 17, 1986, the Commission decided by a vote of 5-0 to take the following actions in RAD Ref. 86NF-5:

1. Open a MUR.
2. Find reason to believe the Populist Party of the United States and Faye Miller, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(iv).
3. Approve and send the letter and General Counsel's Factual and Legal Analysis, as recommended in the First General Counsel's Report signed June 12, 1986.

Commissioners Aikens, Elliott, Harris, Josefiak and McGarry voted affirmatively for this decision; Commissioner McDonald did not cast a vote.

Attest:

6-18-86

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

| | | | |
|---|---------|----------|------|
| Received in Office of Commission Secretary: | Thurs., | 6-12-86, | 2:54 |
| Circulated on 48 hour tally basis: | Fri., | 6-13-86, | 2:00 |
| Deadline for vote: | Tues., | 6-17-86, | 4:00 |

87040522627

FEDERAL ELECTION COMMISSION
999 E Street, N.W.
Washington, D.C. 20463

RECEIVED
OFFICE OF THE FIC
COMMISSION SECRETARY

00 JUN 12 P 2: 54

FIRST GENERAL COUNSEL'S REPORT

SENSITIVE

DATE AND TIME OF TRANSMITTAL _____ MUR _____
BY OGC TO THE COMMISSION _____ STAFF MEMBER: Robert Raich

Source of MUR: I N T E R N A L L Y G E N E R A T E D

RESPONDENTS' NAMES: Populist Party of the United States and
Faye Miller, as treasurer

RELEVANT STATUTE: 2 U.S.R. § 434(a) (4) (A) (iv)

INTERNAL REPORTS CHECKED: Respondents'

FEDERAL AGENCIES CHECKED: None

GENERATION OF MATTER

This matter was generated as a result of a referral by the Reports Analysis Division ("RAD") concerning the failure of the Populist Party of the United States (the "Committee") to file a timely 1985 Year-End Report. See Attachment 1.

SUMMARY OF ALLEGATIONS

According to RAD, on December 20, 1985, February 25, 1986, and March 19, 1986, RAD informed the Committee that its 1985 Year-End Report was due on January 31, 1986. The Committee did not file that report until April 14, 1986.

This Office notes that the Committee's 1985 Mid-Year Report was due on July 31, 1985. The Committee did not file that report until January 21, 1986.

87040622628

FACTUAL AND LEGAL ANALYSIS

All political committees (other than authorized committees of a candidate) must file either regular monthly reports or a series of reports, including reports covering the periods from January 1 through June 30 and from July 1 through December 31 during years in which there is no general election. 2 U.S.C. § 434(a)(4). The Mid-Year Report must be filed no later than July 31 and the Year-End Report must be filed no later than January 31 of the following year. 2 U.S.C. § 434(a)(4)(A)(iv).

Apparently the Committee did not begin operating until March 10, 1985. Its 1985 Mid-Year Report, covering the period March 10 through June 30, 1985, was not filed until January 21, 1986. The Committee's 1985 Year-End Report, covering the period July 1 through December 31, 1985, was not filed until April 14, 1986. Accordingly, this Office recommends that the Commission find reason to believe the Populist Party of the United States and Faye Miller, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(iv) by failing to file timely 1985 Mid-Year and Year-End Reports.

RECOMMENDATIONS

1. Open a NUR.
2. Find reason to believe the Populist Party of the United States and Faye Miller, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(iv).

R 7 0 4 0 6 2 2 6 2 9

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

Charles N. Steele
General Counsel

June 12, 1986
Date

BY: 
Lawrence M. Noble
Deputy General Counsel

Attachments

1. Referral
2. Letter to respondents
3. General Counsel's Factual and Legal Analysis

87040522630

REPORTS ANALYSIS REFERRAL
TO
OFFICE OF GENERAL COUNSEL

DATE: 25 April 1986

ANALYST: Bill Baber

- I. COMMITTEE: Populist Party of the United States
(C00201343)
Faye G. Miller, Treasurer
6065 Mission Gorge, Box 211
San Diego, CA 92108
- II. RELEVANT STATUTE: 2 U.S.C. §434(a)(4)(A)(iv)
11 CFR 104.5(c)(2)(i)(B)
- III. BACKGROUND:

Failure to Timely File the 1985 Year End Report

The Populist Party of the United States ("the Party") failed to file the 1985 Year End Report of Receipts and Disbursements covering the period from July 1, 1985 through December 31, 1985 in a timely manner. The Committee was notified on December 20, 1985 that the report was due on January 31, 1986 (Attachment 2).

A Non-Filer Notice was sent to the Party on February 25, 1986 (Attachment 3). On March 19, 1986, the Reports Analysis Division ("RAD") analyst contacted Faye G. Miller, the treasurer of the Party, concerning the non-filing of the 1985 Year End Report.

Ms. Miller said that she was holding back the report because she still lacked the names of employers and occupations for a few of the Committee's contributors. The RAD analyst encouraged her to send the report in anyway and then amend the report when all of the information had been gathered. She assured the RAD analyst that the report would be in the mail by Monday, March 24, 1986 (Attachment 4). The report was received on April 14, 1986 with an attached cover memo that expressed an apology for being delinquent in filing the Year End Report (Attachment 5).

IV. OTHER PENDING MATTERS INITIATED BY RAD:

None.

Att. 1, p. 2

87040522631

PARTY RELATED

| COMMITTEE | DOCUMENT | RECEIPTS | DISBURSEMENTS | TYPE OF FILES COVERAGE DATES | # OF PAGES | MICROFILM LOCATION |
|---|---------------------------------------|----------|---------------|---------------------------------|---------------|-----------------------|
| POPULIST PARTY OF THE UNITED STATES CONNECTED ORGANIZATION: NONE | | | | PARTY NON-QUALIFIED | | ID #C00201343 |
| 1985 | MID-YEAR REPORT | 54,775 | 51,157 | 10MAR85 - 30JUN85 | 6 | 36FEC/395/2267 |
| | MID-YEAR REPORT | 54,775 | 51,157 | 10MAR85 - 30JUN85 | 9 | 86FEC/395/2918 |
| | YEAR-END | 91,487 | 41,314 | 1JUL85 - 31DEC85 | 15 | 86FEC/409/1612 |
| | NOTICE OF FAILURE TO FILE | | | 1JUL85 - 31DEC85 | 1 | 86FEC/403/3640 |
| 1986 | STATEMENT OF ORGANIZATION | | | 21JAN86 | 4 | 86FEC/395/2914 |
| | STATEMENT OF ORGANIZATION - AMENDMENT | | | 14APR86 | 2 | 86FEC/409/1609 |
| | TOTAL | 146,262 | 0 | 92,471 | 0 | 39 TOTAL PAGES |

Att. 1 p. 3

Debts Owed To The Party \$0
 Debts Owed By The Party \$0
 Ending Cash Balance as of 12/31/85 \$53,791.36
 All Reports Have Been Reviewed

ATTACHMENT 1

YEAR-END REPORT NOTICE

FEDERAL ELECTION COMMISSION

PARTIES AND PACS

December 20, 1985

WHO MUST FILE

ALL PARTY COMMITTEES, NON-CONECTED COMMITTEES, AND SEPARATE SEGREGATED FUNDS must file a year-end report by January 31, 1986.

WHAT MUST BE REPORTED

The report must disclose all financial activity that occurred from the close of books for the last report through December 31, 1985. Political committees which have not previously filed a financial disclosure report should report all financial activity from the date of registration* through December 31, 1985. For more detailed instructions, consult your campaign guide.

FILING DATE

Reports sent by registered or certified mail must be postmarked no later than midnight January 31, 1986. Reports hand delivered or mailed first class must be received no later than close of business January 31, 1986.

WHERE TO FILE

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

COMPLIANCE

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

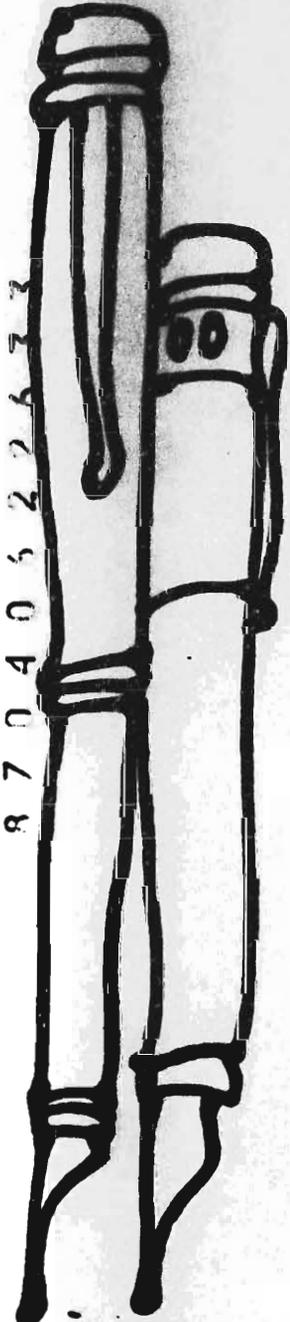
1986 FILING REQUIREMENTS

See the January 1986 issue of the FEC Record for filing requirements during 1986. A committee that wishes to change its reporting schedule (e.g. from semiannually in 1985 to monthly—rather than quarterly in 1986) must notify the Commission by submitting a letter with the next report due under its current reporting schedule.

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

FOR INFORMATION CALL: Information Services Division
202/523-4068 or 800/424-9530

Att. 1, p. 4





FEDERAL ELECTION COMMISSION
WASHINGTON, DC 20543

BQ-7

February 25, 1986

Paye G. Miller, Treasurer
Populist Party of The United States
2303 N. 44th Street, Ste. 14-345
Phoenix, AZ 85035

Identification Number: C00201343

Reference: Year-End Report (7/1/85-12/31/85)

Dear Ms. Miller:

It has come to the attention of the Federal Election Commission ("the Commission") that your committee may be in violation of 2 U.S.C. §436(a) for failing to file the above referenced Report of Receipts and Disbursements. You were notified previously of the due date for this report.

It is important that you file this report immediately with the Federal Election Commission, 999 E Street, NW, Washington, DC 20463 (or with the Clerk of the House or the Secretary of the Senate, as appropriate). A copy of the report or the relevant portions should also be filed with the Secretary of State or equivalent state officer. See 2 U.S.C. §439.

Although the Commission may initiate an audit or legal enforcement action concerning this matter, your prompt response and a letter of explanation will be taken into consideration.

If you have any questions, please contact Bill Sabar on our toll-free number (800) 424-9530. Our local number is (202) 376-2480.

Sincerely,

John D. Gibson
Assistant Staff Director
Reports Analysis Division

R.7 0 4 0 5 2 3 6 7 4

Att. 1, p. 5

MEMORANDUM TO THE FILES:

COMMITTEE: POPULIST PARTY OF THE UNITED STATES (C00201343)

CONTACT: FAYE G. MILLER

DATE: MARCH 19, 1986

ANALYST: BILL BABER

SUBJECT: NON-FILING OF THE 1986 YEAR-END REPORT

I called Ms. Miller to inform her that we had not received the 1985 Year-End Report for the Populist Party of The United States as of March 19, 1986.

She said that it was nearly completed but she was holding it back because they were missing the names of employers and occupations of a few of their contributors. I encouraged her to file her report anyway and to amend her report later when all of the information had been gathered. I encouraged her to send her report in by registered or certified mail as soon as possible. She assured me it would be in the mail by Monday, March 24, 1986.

I mentioned to Ms. Miller that the Committee may have received an apparent corporate contribution on its Mid-Year Report and that I was preparing a letter regarding this matter.

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3/14/86

Att. 1, p. 6

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

ATTACHMENT 5 (2 OF 2)

(Summary Page)

| | |
|--|--|
| <p>1 Name of Committee POPULIST PARTY OF THE UNITED STATES</p> <hr/> <p>Address (Number and Street) Treasurer's Address (205) 861-6462 P.O. Box 377 Dauphin Island, Ala 36528</p> <hr/> <p>City, State and ZIP Code Administrative Office (619) 282-5614 6065 Mission Gorge Rd Box 211 San Diego, Calif 92108</p> <hr/> <p>2 FEC Identification Number C00201363</p> <hr/> <p>3 <input checked="" type="checkbox"/> This committee qualified as a multicandidate committee during this Reporting Period on 3-10-85</p> | <p>4 TYPE OF REPORT (Check appropriate boxes)</p> <p>for <input type="checkbox"/> April 15 Quarterly Report <input type="checkbox"/> October 15 Quarterly Report</p> <p><input type="checkbox"/> July 15 Quarterly Report <input checked="" type="checkbox"/> January 31 Year End Report</p> <p><input type="checkbox"/> July 31 Mid Year Report (Not in System Year Only)</p> <p><input type="checkbox"/> Monthly Report for _____</p> <p><input type="checkbox"/> Tenth day report preceding _____ election on _____ in the State of _____</p> <p><input type="checkbox"/> Tenth day report following the General Election on _____ in the State of _____</p> <p><input type="checkbox"/> Termination Report</p> <p>Is this Report an Amendment? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO</p> |
|--|--|

| SUMMARY | | COLUMN A This Period | COLUMN B Calendar Year-to-Date |
|---|-------------------------------|-------------------------|-----------------------------------|
| 5 Covering Period | 7-1-85 12-31-85 | | |
| 6 a Cash on hand January 1, 19__ | | | \$ NA |
| b Cash on Hand at Beginning of Reporting Period | | \$ 3,618.21 | |
| c Total Receipts (from Line 18) | | \$ 91,487.50 | \$ 146,263.19 |
| d Subtotal (add Lines 6(b) and 6(c) for Column A and Lines 6(a) and 6(c) for Column B) | | \$ 95,105.71 | \$ 146,263.19 |
| e Total Disbursements (from Line 28) | | \$ 41,314.35 | \$ 92,471.83 |
| 6 Cash on hand at Close of Reporting Period (subtract Line 7 from Line 6(d)) | | \$ 53,791.36 | \$ 53,791.36 |
| 9 Debts and Obligations Owed TO The Committee (Itemize on Schedule C or Schedule D) | | \$ -0- | |
| 10 Debts and Obligations Owed BY the Committee (Itemize on Schedule C or Schedule D) | | \$ -0- | |

FAYE G. MILLER

Faye G. Miller

3-30-86

Att. 1, p. 8



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

Faye Miller, Treasurer
Populist Party of the United States
P.O. Box 377
Dauphin Island, Alabama 36528

RE: MUR
Populist Party of the
United States and Faye
Miller, as treasurer

Dear Ms. Miller:

On , 1986, the Federal Election Commission found reason to believe Populist Party of the United States and you, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(iv), 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 fifteen 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.

If you are interested in pursuing pre-probable cause conciliation, you should so request in writing. See 11 C.F.R. § 111.18(d). Upon receipt of the request, the Office of the General Counsel will make recommendations to the Commission either proposing an agreement in settlement of the matter or recommending declining that pre-probable cause conciliation be

Att. 2, p. 1

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pursued. The Office of the General Counsel may recommend that pre-probable cause conciliation not be entered into at this time so that it may complete its investigation of the matter. Further, requests for pre-probable cause conciliation will not be entertained after briefs on probable cause have been mailed to the respondent.

Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of the General Counsel is not authorized to give extensions beyond 20 days.

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 Robert Raich, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

Joan D. Aikens
Chairman

Enclosures

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

Att. 2, p. 2

87040622639

FEDERAL ELECTION COMMISSION

GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

MUR NO:
STAFF MEMBER & TEL. NO.:
Robert Raich, 202/376-8200

RESPONDENTS' NAMES: Populist Party of the United States and
Faye Miller, as treasurer

SUMMARY OF ALLEGATIONS

This matter was generated as a result of a referral by the Reports Analysis Division ("RAD") concerning the failure of the Populist Party of the United States (the "Committee") to file a timely 1985 Year-End Report.

According to RAD, on December 20, 1985, February 25, 1986, and March 19, 1986, RAD informed the Committee that its 1985 Year-End Report was due on January 31, 1986. The Committee did not file that report until April 14, 1986.

This Office notes that the Committee's 1985 Mid-Year Report was due on July 31, 1985. The Committee did not file that report until January 21, 1986.

FACTUAL BASIS AND LEGAL ANALYSIS

All political committees (other than authorized committees of a candidate) must file either regular monthly reports or a series of reports, including reports covering the periods from January 1 through June 30 and from July 1 through December 31 during years in which there is no general election. 2 U.S.C. § 434(a)(4). The Mid-Year Report must be filed no later than July 31 and the Year-End Report must be filed no later than January 31 of the following year. 2 U.S.C. § 434(a)(4)(A)(iv).

Att. 2, p. 1

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Apparently the Committee did not begin operating until March 10, 1985. Its 1985 Mid-Year Report, covering the period March 10 through June 30, 1985, was not filed until January 21, 1986. The Committee's 1985 Year-End Report, covering the period July 1 through December 31, 1985, was not filed until April 14, 1986. Accordingly, this Office recommends that the Commission find reason to believe the Populist Party of the United States and Faye Miller, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(iv) by failing to file timely 1985 Mid-Year and Year-End Reports.

87040522641

Att. 3, p. 2

REPORTS ANALYSIS REFERRAL

TO

OFFICE OF GENERAL COUNSEL

DATE: 25 April 1986

ANALYST: Bill Baber

I. COMMITTEE: Populist Party of the United States
(C00201343)
Faye G. Miller, Treasurer
6065 Mission Gorge, Box 211
San Diego, CA 92108

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

III. BACKGROUND:

Failure to Timely File the 1985 Year End Report

The Populist Party of the United States ("the Party") failed to file the 1985 Year End Report of Receipts and Disbursements covering the period from July 1, 1985 through December 31, 1985 in a timely manner. The Committee was notified on December 20, 1985 that the report was due on January 31, 1986 (Attachment 2).

A Non-Filer Notice was sent to the Party on February 25, 1986 (Attachment 3). On March 19, 1986, the Reports Analysis Division ("RAD") analyst contacted Faye G. Miller, the treasurer of the Party, concerning the non-filing of the 1985 Year End Report.

Ms. Miller said that she was holding back the report because she still lacked the names of employers and occupations for a few of the Committee's contributors. The RAD analyst encouraged her to send the report in anyway and then amend the report when all of the information had been gathered. She assured the RAD analyst that the report would be in the mail by Monday, March 24, 1986 (Attachment 4). The report was received on April 14, 1986 with an attached cover memo that expressed an apology for being delinquent in filing the Year End Report (Attachment 5).

IV. OTHER PENDING MATTERS INITIATED BY RAD:

None.

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87 FEDERAL ELECTION COMMISSION 13
COMMITTEE INDEX OF DISCLOSURE DOCUMENTS - (C) (85-86)

DATE 22APR86
PAGE 1

| COMMITTEE | DOCUMENT | PARTY RELATED | | | | MICROFILM LOCATION |
|---|---------------------------------------|----------------|---------------|---------------------------------|------------|-----------------------|
| | | RECEIPTS | DISBURSEMENTS | TYPE OF FILER COVERAGE DATES | # OF PAGES | |
| POPULIST PARTY OF THE UNITED STATES CONNECTED ORGANIZATION: NONE | | | | PARTY NON-QUALIFIED | | ID #C00201343 |
| 1985 | MID-YEAR REPORT | 54,775 | 51,157 | 10MAR85 -30JUN85 | 8 | 86FEC/395/2267 |
| | MID-YEAR REPORT | 54,775 | 51,157 | 10MAR85 -30JUN85 | 9 | 86FEC/395/2918 |
| | YEAR-END | 91,487 | 41,314 | 1JUL85 -31DEC85 | 15 | 86FEC/409/1612 |
| | NOTICE OF FAILURE TO FILE | | | 1JUL85 -31DEC85 | 1 | 86FEC/403/3640 |
| 1986 | STATEMENT OF ORGANIZATION | | | 21JAN86 | 4 | 86FEC/395/2914 |
| | STATEMENT OF ORGANIZATION - AMENDMENT | | | 14APR86 | 2 | 86FEC/409/1609 |
| | TOTAL | 146,262 | 0 | 92,471 | 0 | 39 TOTAL PAGES |

| | |
|------------------------------------|-------------|
| Debts Owed To The Party | \$0 |
| Debts Owed By The Party | \$0 |
| Ending Cash Balance as of 12/31/85 | \$53,791.36 |
| All Reports Have Been Reviewed | |

YEAR-END REPORT NOTICE

FEDERAL ELECTION COMMISSION

PARTIES AND PACS

December 20, 1985

WHO MUST FILE

ALL PARTY COMMITTEES, NON-CONECTED COMMITTEES, AND SEPARATE SEGREGATED FUNDS must file a year-end report by January 31, 1986.

WHAT MUST BE REPORTED

The report must disclose all financial activity that occurred from the close of books for the last report through December 31, 1985. Political committees which have not previously filed a financial disclosure report should report all financial activity from the date of registration* through December 31, 1985. For more detailed instructions, consult your campaign guide.

FILING DATE

Reports sent by registered or certified mail must be postmarked no later than midnight January 31, 1986. Reports hand delivered or mailed first class must be received no later than close of business January 31, 1986.

WHERE TO FILE

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

COMPLIANCE

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

1986 FILING REQUIREMENTS

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FOR INFORMATION CALL: Information Services Division
202/523-4068 or 800/424-9530

87040522644





FEDERAL ELECTION COMMISSION
 WASHINGTON, DC 20463

BQ-7

February 25, 1986

Faye G. Miller, Treasurer
 Populist Party of The United States
 2303 N. 44th Street, Ste. 14-345
 Phoenix, AZ 85035

Identification Number: C00201343

Reference: Year-End Report (7/1/85-12/31/85)

Dear Ms. Miller:

It has come to the attention of the Federal Election Commission ("the Commission") that your committee may be in violation of 2 U.S.C. §434(a) for failing to file the above referenced Report of Receipts and Disbursements. You were notified previously of the due date for this report.

It is important that you file this report immediately with the Federal Election Commission, 999 E Street, NW, Washington, DC 20463 (or with the Clerk of the House or the Secretary of the Senate, as appropriate). A copy of the report or the relevant portions should also be filed with the Secretary of State or equivalent state officer. See 2 U.S.C. §439.

Although the Commission may initiate an audit or legal enforcement action concerning this matter, your prompt response and a letter of explanation will be taken into consideration.

If you have any questions, please contact Bill Baber on our toll-free number (800) 424-9530. Our local number is (202) 376-2480.

Sincerely,

John D. Gibson
 Assistant Staff Director
 Reports Analysis Division

87040523645

MEMORANDUM TO THE FILES:

COMMITTEE: POPULIST PARTY OF THE UNITED STATES (C00201343)

CONTACT: FAYE G. MILLER

DATE: MARCH 19, 1986

ANALYST: BILL BABER

SUBJECT: NON-FILING OF THE 1986 YEAR-END REPORT

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I mentioned to Ms. Miller that the Committee may have received an apparent corporate contribution on its Mid-Year Report and that I was preparing a letter regarding this matter.

87040522646

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

ATTACHMENT 5 (2 of 2)

(Summary Page)

30

1 Name of Committee (in full)
POPULIST PARTY OF THE UNITED STATES

2 Address (Number and Street)
Treasurer's Address (205) 861-6462
P.O. Box 377
Dauphin Island, Ala 36528

3 City, State and ZIP Code
Administrative Office (619) 282-5614
6065 Mission Gorge Rd Box 211
San Diego, Calif. 92108

4 FEC Identification Number
C00201343

5 This committee qualified as a multicandidate committee during this Reporting Period on **3-10-85**

6 TYPE OF REPORT (Check appropriate boxes)

(a) April 15 Quarterly Report October 15 Quarterly Report

July 15 Quarterly Report January 31 Year End Report

July 31 Mid Year Report (Non Election Year Only)

Monthly Report for _____

Twelfth day report preceding _____ election on _____ in the State of _____

Thirtieth day report following the General Election on _____ in the State of _____

Termination Report

(b) Is this Report an Amendment?
 YES NO

| SUMMARY | | COLUMN A This Period | COLUMN B Calendar Year-to-Date |
|--|--|-------------------------|-----------------------------------|
| 5 Covering Period 7-1-85 12-31-85 | | | |
| 6 a Cash on hand January 1, 19__ | | | \$ NA |
| b Cash on Hand at Beginning of Reporting Period | | \$ 3,618.21 | |
| c Total Receipts (from Line 13) | | \$ 91,487.50 | \$ 146,263.19 |
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| 8 Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d)) | | \$ 53,791.36 | \$ 53,791.36 |
| 9 Debts and Obligations Owed TO The Committee (Itemize on Schedule C or Schedule D) | | \$ -0- | |
| 10 Debts and Obligations Owed BY the Committee (Itemize on Schedule C or Schedule D) | | \$ -0- | |

I hereby certify that this Report is true and to the best of my knowledge and belief correct.

For further information or contact

FAYE G. MILLER
Faye G. Miller
TREASURER

3-30-86

Be sure to check the instructions for this form and the instructions for the applicable reporting period.



FEDERAL ELECTION COMMISSION

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

THIS IS THE BEGINNING OF FUR # 2187

Date Filmed 11/9/87 Camera No. --- 2

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