



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

9-21-87

THE FOLLOWING MATERIAL IS BEING ADDED TO THE  
PUBLIC FILE OF CLOSED MR 2334

87040654262

CO0104471

1263

NEW JERSEY DEMOCRATIC STATE COMMITTEE  
FEDERAL ELECTION ACCOUNT

JULY 30 1987 3573 01  
312

PAY TO THE ORDER OF

FEDERAL ELECTION COMMISSION

\$500.00\*\*\*\*

\*\*\*\*\*Five Hundred and No/100\*\*\*\*\* DOLLARS



NEW JERSEY NATIONAL BANK  
MAIN OFFICE  
TRENTON, N.J. 08602

Penalty Paid - FEC

⑆031200230⑆

⑆1185⑆

⑆C#4075

MEMORANDUM

TO: DEBRA A. TRIMIEW

TO: CECILIA LIEBER

17 AUG 3

FROM: CECILIA LIEBER

FROM: DEBRA A. TRIMIEW

CHECK NO. 1263 { A COPY OF WHICH IS ATTACHED } RELATING TO

MUR 2334 AND NAME New Jersey Democratic Committee.  
(Levin) Hugh E. DeFazio, Jr., as treasurer

WAS RECEIVED ON 8/3/87. PLEASE INDICATE THE ACCOUNT INTO

WHICH IT SHOULD BE DEPOSITED:

- / / BUDGET CLEARING ACCOUNT { 95F3875.16 }
- / ✓ / CIVIL PENALTIES ACCOUNT { 95-1099.160 }
- / / OTHER \_\_\_\_\_

SIGNATURE Debra A. Trimiew

DATE 8/6/87



FEDERAL ELECTION COMMISSION  
WASHINGTON, DC 20463

THIS IS THE END OF MUR # 2339

DATE FILMED 9/20/87 CAMERA NO. 2

CAMERAMAN AS

87040654772

Public Record Index MUR 2334

1. Memo, 11 Dec 86, John D. Gibson (Reports Analysis Division) to Lawrence M. Noble (Acting General Counsel), subj: Referral of New Jersey Democratic state (MTE (NJDCS)), w/Atch (RAD Referral Package).
2. Memo, 15 Jan 87, RAD to OGC, subj: Proposed RFAI to NJDCS.
3. First General Counsel's Report, 20 Jan 87.
4. Certification of Commission Action, 29 Jan 87.
5. Ltr, 3 Feb 87, Scott E. Thomas (Chairman, FEC) to Raymond Durkin (Treas. NJDCS).
6. Ltr, 19 Feb 87, Karen Deodato to FEC.
7. Ltr, 2 Mar 87, Raymond M. Durkin (Chairman, NJDCS) to FEC, subj: Request for Pre-probable Cause Conciliation.
8. General Counsel's Report, 19 Mar 87.
9. Memo, 23 Mar 87, M.W. Emmons/J. McFadden to L.M. Noble, subj: Comments to MUR 2334, w/Atch: Commissioner Thomas' vote sheet.
10. Memo, 24 Mar 87, M.W. Emmons/J. McFadden to L.M. Noble, subj: Objections to MUR 2334.
11. Certification of Commission Action, 1 Apr 87.
12. Ltr, 3 Apr 87, L.M. Noble to Hugh E. De Fazio, Jr. (Treas. NJ Dem. State(MTE)).
13. Ltr, 17 Apr 87, Raymond M. Durkin to FEC, subj: Authorization of Law Firm.
14. Ltr, 8 May 87, Peter G. Stewart (counsel to NJDCS) to FEC.
15. Ltr, 12 May 87, Antoinette Bennett (counsel to NJDCS) to FEC.
16. G.C. Report, 4 June 87.
17. Certification of Cmsn. Vote, dtd 10 Jun 87.

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18. Ltr, 11 Jun 87 L.M. Noble to A. Bennett, w/encl (executed conciliation agreement).

-END -

NOTE: In preparing its file for the public record, O.G.C. routinely removes those documents in which it perceives little or no public interest, and those documents, or portions thereof, which are exempt from disclosure under the Freedom of Information Act.

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 2334

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

December 11, 1986

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 THE NEW JERSEY DEMOCRATIC  
STATE COMMITTEE

This is a referral of the New Jersey Democratic State Committee ("the Committee"). The Committee failed to file the 1986 October Quarterly Report of Receipts and Disbursements by Election Day, November 4, 1986. According to the RAD Review and Referral Procedures for Unauthorized Committees (Standard 3), further examination is required by your office.

In addition, please note that a Chronic Late Filer Notice was sent to the Committee on November 25, 1986 for its failure to file the 1986 April Quarterly and October Quarterly Reports in a timely manner. Should the Committee file one additional report in an untimely manner during the election cycle, the Committee will be referred to your office as a Chronic Late Filer.

If you have any questions, please contact Ivonne Cotto at 376-2480.

Attachment

87040654776

## REPORTS ANALYSIS REFERRAL

TO

OFFICE OF GENERAL COUNSEL

DATE: December 11, 1986

ANALYST: Ivonne Cotto

I. COMMITTEE: New Jersey Democratic State  
Committee (C00104471)  
William Doyle, Treasurer\*/  
132 West State Street  
Trenton, NJ 08608

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

## III. BACKGROUND:

Failure to File the 1986 October Quarterly Report  
By Election Day

The New Jersey Democratic State Committee ("the Committee") failed to file the 1986 October Quarterly Report of Receipts and Disbursements by Election Day, November 4, 1986. The Committee was notified on September 19, 1986 that the report was due on October 15, 1986 (Attachment 2).

On November 4, 1986, a Non-Filer Notice was sent to the Committee for its failure to file the 1986 October Quarterly Report (Attachment 3).

On November 10, 1986, Mrs. Carol A. Kenney, the Deputy Executive Director of the Committee, called the Reports Analysis Division ("RAD") analyst. Mrs. Kenney explained that the October Quarterly Report was late due to the heavy

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\*/ On September 19, 1986, Ms. Cathleen Litvack, Executive Director of the Committee, informed the Commission that Mr. Doyle was no longer treasurer. The Committee's 1985 April Quarterly report lists Adam Levin as treasurer and Ms. Litvack as assistant treasurer, and the 1985 July Quarterly Report lists Stephen Wiley as treasurer and Ms. Litvack as assistant treasurer. Both of these reports are signed by Ms. Litvack. Subsequent reports are signed by Raymond Durkin, State Chairman of the Committee. The Committee has never filed an amended Statement of Organization naming a new treasurer. Commission correspondence in 1986 has been addressed to Mr. Wiley.

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workload and reduced staff. The RAD analyst advised her to file the report as soon as possible. Mrs. Kenney stated she would comply with the RAD analyst's request immediately (Attachment 4).

The 1986 October Quarterly Report was filed on November 12, 1986. In a cover letter attached to the report, Mrs. Kenney stated the late filing was "unintentional" and "we have initiated some new measures in the office" to prevent the late filing of reports in the future (Attachment 5).

IV. OTHER PENDING MATTERS INITIATED BY RAD:

None.

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FEDERAL ELECTION COMMISSION  
COMMITTEE INDEX OF DISCLOSURE DOCUMENTS - (C) (83-84)DATE 4DEC84  
PAGE 1

## PARTY RELATED

COMMITTEE	DOCUMENT	RECEIPTS	DISBURSEMENTS	TYPE OF FILES COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
<b>NEW JERSEY DEMOCRATIC STATE COMMITTEE</b>						
				<b>PARTY QUALIFIED</b>		<b>ID 8C00104421</b>
1983	MID-YEAR REPORT	1,000	1,005	1JAN83 -30JUN83	10	83FEC/288/2318
	MID-YEAR REPORT - AMENDMENT	1,000	2,005	1JAN83 -30JUN83	8	84FEC/328/3545
	NOTICE OF FAILURE TO FILE			1JAN83 -30JUN83	1	83FEC/288/1598
	1 <sup>ST</sup> LETTER INFORMATIONAL NOTICE			1JAN83 -30JUN83	1	84FEC/325/4161
	REQUEST FOR ADDITIONAL INFORMATION			1JAN83 -30JUN83	1	84FEC/347/0894
	REQUEST FOR ADDITIONAL INFORMATION 2ND			1JAN83 -30JUN83	2	84FEC/347/5545
	YEAR-END	10	3	1JUL83 -31DEC83	6	84FEC/294/2018
1984	APRIL QUARTERLY	-	2	1JAN84 -31MAR84	4	84FEC/308/1561
	JULY QUARTERLY	770	610	1APR84 -30JUN84	8	84FEC/324/4572
	JULY QUARTERLY - AMENDMENT	770	610	1APR84 -30JUN84	4	84FEC/340/3588
	REQUEST FOR ADDITIONAL INFORMATION			1APR84 -30JUN84	1	84FEC/336/1804
	OCTOBER QUARTERLY	105,000	90,608	1JUL84 -30SEP84	8	84FEC/340/3334
	OCTOBER QUARTERLY - AMENDMENT	-	-	1JUL84 -30SEP84	3	85FEC/369/1603
	REQUEST FOR ADDITIONAL INFORMATION			1JUL84 -30SEP84	3	84FEC/357/1434
	REQUEST FOR ADDITIONAL INFORMATION			1JUL84 -30SEP84	3	85FEC/362/2955
	REQUEST FOR ADDITIONAL INFORMATION 2ND			1JUL84 -30SEP84	1	85FEC/366/4693
	PRE-GENERAL	65,605	59,700	1OCT84 -17OCT84	17	84FEC/345/2291
	PRE-GENERAL - AMENDMENT	65,605	59,700	1OCT84 -17OCT84	11	85FEC/360/2807
	REQUEST FOR ADDITIONAL INFORMATION			1OCT84 -17OCT84	4	84FEC/357/1419
	REQUEST FOR ADDITIONAL INFORMATION 2ND			1OCT84 -17OCT84	5	85FEC/359/1159
	POST-GENERAL	71,544	92,117	18OCT84 - 5DEC84	27	84FEC/353/3791
	POST-GENERAL - AMENDMENT	71,544	92,117	18OCT84 - 5DEC84	67	85FEC/369/3002
	POST-GENERAL - AMENDMENT	-	-	18OCT84 - 5DEC84	3	85FEC/371/1664
	REQUEST FOR ADDITIONAL INFORMATION			18OCT84 - 5DEC84	8	85FEC/362/2962
	REQUEST FOR ADDITIONAL INFORMATION 2ND			18OCT84 - 5DEC84	12	85FEC/366/4400
	YEAR-END	137,149	151,870	1OCT84 -31DEC84	29	85FEC/363/2866
	YEAR-END - AMENDMENT	0	52	6DEC84 -31DEC84	7	85FEC/369/2995
	REQUEST FOR ADDITIONAL INFORMATION			1OCT84 -31DEC84	1	85FEC/366/3707
	REQUEST FOR ADDITIONAL INFORMATION 2ND			1OCT84 -31DEC84	2	85FEC/368/1310
	<b>TOTAL</b>	<b>243,929</b>	<b>0 245,097</b>	<b>0</b>	<b>257</b>	<b>TOTAL PAGES</b>

All reports have been reviewed.

Ending cash-on-hand as of 12/31/84: \$303.

Debts and obligations owed to the committee as of 12/31/84: \$500.

Debts and obligations owed by the committee as of 12/31/84: \$7594.

ATTACHMENT 1  
page 1 of 2

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FEDERAL ELECTION COMMISSION  
COMMITTEE INDEX OF DISCLOSURE DOCUMENTS - (C) (85-86)DATE 4DEC86  
PAGE 1

## PARTY RELATED

COMMITTEE	DOCUMENT	RECEIPTS	DISBURSEMENTS	TYPE OF FILER COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
NEW JERSEY DEMOCRATIC STATE COMMITTEE						
	1985 APRIL QUARTERLY	0	263	1JAN85 - 31MAR85	7	85FEC/370/1752
	JULY QUARTERLY	1,000	1,014	1APR85 - 30JUN85	7	85FEC/379/1355
	YEAR-END	0	29	1JUL85 - 31DEC85	6	86FEC/400/2410
	1986 MISCELLANEOUS NOTICE FROM FEC			25NOV86	1	86FEC/444/5485
	APRIL QUARTERLY	20	0	1JAN86 - 31MAR86	7	86FEC/413/0489
	1'ST LETTER INFORMATIONAL NOTICE			1JAN86 - 31MAR86	1	86FEC/427/2628
	JULY QUARTERLY	24	0	1JAN86 - 30JUN86	7	86FEC/422/133
	JULY QUARTERLY - AMENDMENT	4	0	1APR86 - 30JUN86	3	86FEC/444/2282
	1'ST LETTER INFORMATIONAL NOTICE			1JAN86 - 30JUN86	1	86FEC/427/2626
	OCTOBER QUARTERLY	50	30	1JUL86 - 30SEP86	8	86FEC/444/2274
	NOTICE OF FAILURE TO FILE			30SEP86	1	86FEC/443/3977
	TOTAL	1,074	0	1,336	0	51 TOTAL PAGES

All reports have been reviewed.

End cash-on-hand as of 9/30/86: \$39.

Debts and obligations owed to the committee as of 9/30/86: \$500

Debts and obligations owed by the committee as of 9/30/86: \$6844.

# QUARTERLY REPORT NOTICE

FEDERAL ELECTION COMMISSION

## PARTIES AND PACS

September 19, 1986

### WHO MUST FILE

ALL Party Committees, Nonconnected Committees and Separate Segregated Funds, except those that file monthly (see below), must file a quarterly report by October 15, 1986.

### WHAT MUST BE REPORTED

The report must disclose all financial activity that occurred from the close of books for the last report filed through September 30, 1986. Political committees that have not previously filed a financial disclosure report should report all financial activity through September 30, 1986.\* For more detailed instructions, consult your campaign guide.

### WHEN TO FILE

Reports sent by registered or certified mail must be postmarked no later than midnight October 15, 1986. Reports hand delivered or mailed first class must be received no later than close of business October 15, 1986.

### WHERE AND HOW TO FILE

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

### MONTHLY FILERS

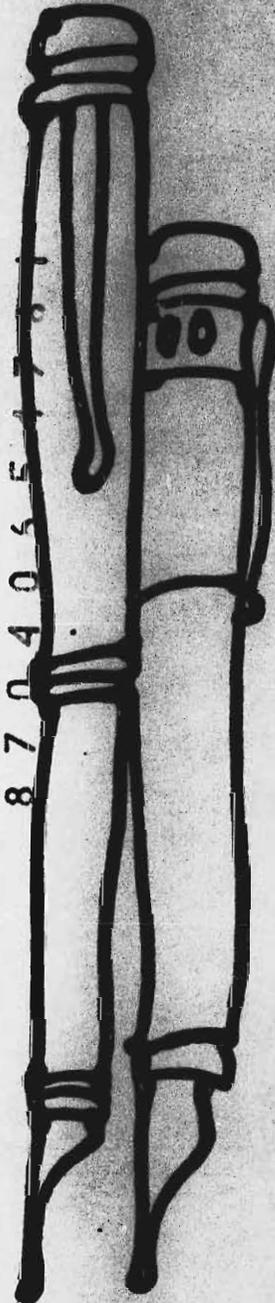
Committees that file on a monthly schedule must file their next report by October 20, 1986, and disclose all financial activity from September 1 through September 30, 1986. (See Monthly Filers on the reverse side.)

### 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.

\*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 or disbursed during the current reporting period. See 11 CFR 104.3(a) and (b).

-over-



**REMINDERS**

**QUARTERLY FILERS**

Committees that make contributions or expenditures (including independent expenditures) in connection with an election, and coordinated party expenditures in connection with a general election, must file a pre-election report if this activity has not been previously disclosed. See the January 1986 issue of the Federal Election Commission Record for primary and general election filing requirements.

**MONTHLY FILERS**

Committees that are filing monthly must file a pre-general election report due on October 23, a post-general election report due on December 24, and a year-end report due January 31, 1987, instead of monthly reports on November 20, December 20 and January 20, 1987. See the schedule below.

<u>REPORT</u>	<u>PERIOD COVERED</u>	<u>REG./CHRT. MAILING DATE</u>	<u>FILING DATE</u>
Pre-general	10/01 - 10/15	10/20/86	10/23/86
Post-general	10/16 - 11/24	12/24/86	12/24/86
Year-end	11/25 - 12/31	01/31/87	01/31/87

*See General Election Notice*

**INDEPENDENT EXPENDITURES**

Any independent expenditure aggregating \$1,000 or more and made between 2 and 20 days before an election must be reported within 24 hours after the expenditure is made. See 11 CFR 104.4(c)(2) and (3) for information concerning where to file.

A notice explaining general election filing requirements will be sent to you before the general election.

**FOR INFORMATION CALL: Information Services Division  
800/424-9530 or 202/376-3120**

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20541

RG-7

November 4, 1986

Stephen Wiley, Treasurer  
New Jersey Democratic State  
Committee  
132 West State Street  
Trenton, NJ 08606

Identification Number: C00104471

Reference: October Quarterly Report (through 9/30/86)

Dear Mr. Wiley:

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 Ivonne Cotto 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

87040654783  
33977

TELECON

ANALYST : Ivonne Cotto  
CONVERSATION WITH: Carol A. Kenney, Deputy Executive Director  
COMMITTEE : New Jersey Democratic State Committee  
DATE : November 10, 1986  
SUBJECT(S) : Non-Filing of the 1986 October Quarterly Report

Mrs. Carol A. Kenney contacted the analyst in reference to a non-filing letter dated 11/4/86. Mrs. Carol A. Kenney stated that the 1986 October Quarterly Report had not been filed due to the heavy workload and reduced staff. The analyst advised her to file the report as soon as possible. Mrs. Carol A. Kenney said she will comply with the analyst's request immediately.

87040554784

 **New Jersey  
Democratic  
State Committee**  
132 West State Street  
Trenton, New Jersey 08608

RECEIVED  
26 NOV 17 P 1: 03  
ATTACHMENT 5  
page 1 of 3

**Raymond M. Durkin**  
State Chairman

November 11, 1986

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

**RE: New Jersey Democratic State Committee  
October Quarterly Report (through 9/30/86)**

Dear Mr. Gibson:

We are in receipt of your correspondence of November 4, 1986. Enclosed please find our Quarterly Report - October (through 9/30/86).

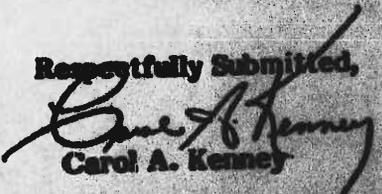
This immediate transmittal of our report is filed with considerable regret, as we take pride in filing on-time and respect the process of filing appropriately when due.

Upon receipt of your letter, I immediately called your office and spoke to Ms. Ivonne Cotto. I explained in all honesty our dilemma at the time of filing. It seems our extremely heavy workload and overwhelming hectic pace, inclusive of a reduced staff, during this last Election caused a significant error in our general operation. However, there is absolutely no excuse for this high priority to be neglected. Please know this late filing is totally unintentional. We assure you late filing will not occur in the future. We have initiated some new measures in the office to prevent any such recurrence.

Thank you for any considerations in this important matter. Again, we have not been delinquent in the past and we do not intend to have this happen again.

If you have any questions whatsoever, please do not hesitate to call.

Respectfully Submitted,

  
Carol A. Kenney

Enclosures-October Quarterly Report and Amended July 15 Quarterly Report

cc: Raymond M. Durkin  
State Chairman - Treasurer

Emma N. Byrne  
Executive Director

Karen Deodato  
Democratic State Committee  
Bookkeeper

886700340437AS

RECEIVED AT THE PEC

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

96 NOV 17 10 54 08  
PI: 08

(Summary Page)

1. Name of Committee On Full  
**NEW JERSEY DEMOCRATIC STATE COMMITTEE**

Address (Number and Street)  
**133 West State Street**

City, State and ZIP Code  
**Trenton, New Jersey 08600**

Check here if address is different than previously reported.

2. PEC Identification Number  
**CO 0104471**

3.  This committee qualified as a non-charitable organization during this Reporting Period on \_\_\_\_\_

4. TYPE OF REPORT (Check appropriate boxes)

6a  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 \_\_\_\_\_

Yearly day report preceding \_\_\_\_\_  
election on \_\_\_\_\_ in the State of \_\_\_\_\_

Yearly day report following the General Election  
on \_\_\_\_\_ in the State of \_\_\_\_\_

Transition Report

6b Is this Report an Amendment?  
 YES  NO

767304401257386

SUMMARY		COLUMN A This Period	COLUMN B Calendar Year-to-Date
6. Covering Period	7-1-96 through 9-30-96		
6. (a) Cash on hand January 1, 1996			6.42
(b) Cash on Hand at Beginning of Reporting Period		50.00	
(c) Total Receipts (From Line 10)		50.00	76.42
(d) Subtotal (Add Lines 6(b) and 6(c) for Column A and Lines 6(a) and 6(c) for Column B)		70.00	76.42
7. Total Disbursements (From Line 20)		20.00	20.00
8. Cash on Hand at Close of Reporting Period (Subtotal Line 7 from Line 6(d))		50.00	56.42
9. Debt and Collections Owed TO The Committee (Items 9a on Schedule C or Schedule D)		500.00	
10. Debt and Obligations Owed BY the Committee (Items 10a on Schedule C or Schedule D)		6,004.00	

**RAYMOND M. DURKIN**  
Type or Print Name of Treasurer

*Raymond M. Durkin*  
Signature of Treasurer

11/19/96  
Date

For further information contact:  
Federal Election Commission  
430 E Street, N.W.  
Washington, D.C. 20543  
Tel: (202) 418-6500  
TDD: (202) 418-6500

(NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this report to the penalties of 2 U.S.C. § 6407.)

All previous versions of PEC FORM 8 and PEC FORM 8a are obsolete and should no longer be used.

PEC FORM 8a (2004)



**CERTIFIED**

P 937 837 077

NEW JERSEY DEMOCRATIC STATE COMMITTEE  
23 West State Street  
Newark, New Jersey 07102



①



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

January 15, 1987

MEMORANDUM

TO: CHARLES STEELE  
GENERAL COUNSEL

ATTENTION: JONATHAN LEVIN

FROM: OSCELYN A. ANDERSON *aa*  
COMPLIANCE CLERK  
COMPLIANCE BRANCH, REPORTS ANALYSIS DIVISION

SUBJECT: RAD REFERRAL 86NF-39

Please review the attached Request for Additional Information which is to be sent to the New Jersey Democratic State Committee for the 12 Day Pre-General Report. If no response or an inadequate response is received, a Second Notice will be sent.

Any comments which you may have must be forwarded to RAD in writing by 4:00 p.m. on Monday, January 19, 1987.

If comments are not received in writing by the above date and time, the RFAI notice will be sent.

If you have any questions, please contact Oscelyn A. Anderson at 376-2490. Thank you.

COMMENTS:

Attachment

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RQ-2

Stephen Wiley, Treasurer  
New Jersey Democratic State  
Committee  
132 West State Street  
Trenton, NJ 08608

Identification Number: C00104471

Reference: 12 Day Pre-General Report (10/1/86-10/15/86)

Dear Mr. Wiley:

This letter is prompted by the Commission's preliminary review of the report(s) referenced above. The review raised questions concerning certain information contained in the report(s). An itemization follows:

-Line 19 of the Detailed Summary Page of your report discloses a total of \$13,257.11 for "NJDCS expenditures as agent of candidate mailings." Please clarify the exact nature of these expenditures.

An amendment to your original report(s) correcting the above problem(s) should be filed with the Federal Election Commission within fifteen (15) days of the date of this letter. If you need assistance, please feel free to contact me on our toll-free number, (800) 424-9530. My local number is (202) 376-2480.

Sincerely,

Ivonne Cotto  
Reports Analyst  
Reports Analysis Division

87040554789

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

FIRST GENERAL COUNSEL'S REPORT

RAD Referral 86NF-39  
Staff: Jonathan Levin

**RECEIVED**  
OFFICE OF THE GENERAL COUNSEL  
07 JAN 20 12 33

SOURCE OF MUR: INTERNALLY GENERATED

RESPONDENTS' NAMES: New Jersey Democratic State Committee  
Raymond Durkin, as treasurer

RELEVANT STATUTE: 2 U.S.C. § 434(a)(4)(A)(i)  
2 U.S.C. § 433(c)

INTERNAL REPORTS CHECKED: Public Records

FEDERAL AGENCIES CHECKED: None

GENERATION OF THE MATTER

The Reports Analysis Division ("RAD") referred the New Jersey Democratic State Committee ("the Committee") to the Office of the General Counsel on December 11, 1986, for the failure to file the 1986 October Quarterly Report.

FACTUAL AND LEGAL ANALYSIS

On September 19, 1986, the Committee was notified that the 1986 October Quarterly Report was due by October 15, 1986. On November 4, 1986, RAD sent a letter to the Committee noting the failure to file the October Quarterly and informing the Committee that the Commission may initiate an audit or legal enforcement

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action concerning this matter." The Committee's report was received on November 17, 1986.

According to 2 U.S.C. § 434(a)(4)(A)(i), all political committees that are not authorized committees of candidates, if not filing monthly, shall file

quarterly reports, in a calendar year in which a regularly scheduled general election is held, which shall be filed no later than the 15th day after the last day of each calendar quarter; except that the report for the quarter ending on December 31 of such calendar year shall be filed no later than January 31 of the following calendar year.

It appears that the Committee did not file the 1986 October Quarterly until 33 days after October 15. Because of the apparent failure to file the 1986 October Quarterly in a timely manner, this Office recommends that the Commission open a Matter Under Review and find reason to believe that the Committee and Raymond Durkin, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(i).

Although William J. Doyle was the last treasurer designated on an amended Statement of Organization, the Executive Director of the Committee, Ms. Cathleen Litvack, informed the Commission on September 19, 1986, that Mr. Doyle was no longer treasurer. The Committee's last four reports, i.e., the 1985 Year End, the 1986 April Quarterly, the 1986 July Quarterly, and the 1986 October Quarterly, have been signed by Raymond Durkin. A letter from the New Jersey Democratic State Committee enclosing the October Quarterly and dated November 11, 1986, indicates that a courtesy copy of the letter was being sent to Raymond M. Durkin, "State

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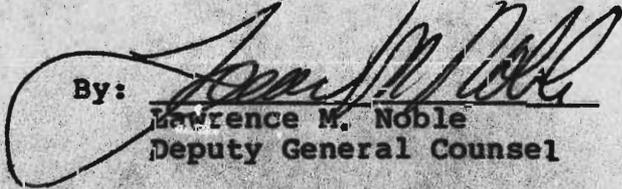
Chairman-Treasurer." Although Mr. Durkin appears to be the treasurer of the Committee, the Committee has not filed an amended Statement of Organization designating him as treasurer, as required by 2 U.S.C § 433(c). According to that subsection, any change in information previously submitted in a Statement of Organization shall be reported not later than ten days after the date of the change. This Office, therefore, recommends that the Commission find reason to believe that the Committee and Raymond Durkin, as treasurer, violated 2 U.S.C. § 433(c).

**RECOMMENDATIONS**

1. Open a Matter Under Review.
2. Find reason to believe that the New Jersey Democratic State Committee and Raymond Durkin, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(i).
3. Find reason to believe that the New Jersey Democratic State Committee and Raymond Durkin, as treasurer, violated 2 U.S.C. § 433(c).
4. Approve the attached letter and General Counsel's Factual and Legal Analysis.

Charles N. Steele  
General Counsel

Date 1/20/87

By:   
Lawrence M. Noble  
Deputy General Counsel

1. RAD Referral
2. Proposed letter and analysis

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Attachment(s) 1 + 2  
to First General Counsel's Report  
have been removed from this  
position in Public Record File.  
See Index Item(s) 1 + 5

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
New Jersey Democratic State )  
Committee )  
Raymond Durkin, as treasurer )

RAD Ref. 86NF-39 (NUR 2334)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on January 27, 1987, the Commission decided by a vote of 5-1 to take the following actions in RAD Ref. 86NF-39.

1. Open a Matter Under Review.
2. Find reason to believe that the New Jersey Democratic State Committee and Raymond Durkin, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(i).
3. Find reason to believe that the New Jersey Democratic State Committee and Raymond Durkin, as treasurer, violated 2 U.S.C. § 433(c).
4. Approve the letter and General Counsel's Factual and Legal Analysis, as recommended in the First General Counsel's Report sigend January 20, 1987.

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

Attest:



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

Received in the Office of Commission Secretary:	Tues., 1-20-87,	12:53
Circulated on 48 hour tally basis:	Tues., 1-20-87,	4:00
Deadline for vote:	Thurs., 1-22-87,	4:00
	(deadline extended)	

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

February 3, 1987

Raymond Durkin, Treasurer  
New Jersey Democratic State Committee  
132 West State Street  
Trenton, New Jersey 08608

RE: MUR 2334  
New Jersey Democratic  
State Committee;  
Raymond Durkin, as  
treasurer

Dear Mr. Durkin:

On January 27, 1987, the Federal Election Commission determined that there is reason to believe the New Jersey Democratic State Committee ("the Committee") and Raymond Durkin, as treasurer, violated 2 U.S.C. §§ 434(a)(4)(A)(i) and 433(c), provisions of the Federal Election Campaign Act of 1971, as amended ("the Act"). The General Counsel's Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

Under the Act, you have an opportunity to demonstrate that no action should be taken against the Committee and you, as treasurer. 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.

In the absence of any additional information which demonstrates that no further action should be taken against the 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

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recommending declining that pre-probable cause conciliation be 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 a brief on probable cause has been mailed to the respondents.

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, 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 Jonathan Levin, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,



Scott E. Thomas  
Chairman

**Enclosures**

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

87040654796

 **New Jersey  
Democratic  
State Committee**

132 West State Street  
Trenton, NJ 08608

Federal Election Commission  
999 E Street, N.W.  
Washington, D.C. 20463

ATTN: Scott E. Thomas  
Chairman

February 16, 1987

RE: MUR 2334  
N.J. Democratic State Committee  
Raymond Durkin, as treasurer

600 #2746  
- La Lora  
RECEIVED  
OFFICE OF THE  
GENERAL COUNSEL  
SECRETARY  
07 FEB 24 10:45  
07 FEB 19 5:19

Dear Mr. Thomas:

In response to your letter of February 3, 1987, we wish to respond to the Federal Election Commission violations as stated in the Commission's findings.

First, the New Jersey Democratic State Committee responded on November 11, 1986, copy of original letter attached, with the October 15, 1986 F.E.C. report filed on that date. The return receipt for filing of this quarterly report was stamped "November 17, 1986", copy attached. We do not understand why the U.S. Postal Service took six (6) days to deliver a registered letter, but the State Committee, none the less, filed this report beyond the October 15th deadline, as explained in our letter of November 11th.

Secondly, in response to notification of the Committee's Statement of Organization, Raymond Durkin as treasurer, the Form CPC-1, copy attached, was filed before June 13, 1986 with the New Jersey Election Law Enforcement Commission. Our designated report filer was in the hospital at this time having maternity complications, therefore, we have no file copy of the F.E.C. Statement of Organization filed during this time period.

We, again, apologize for the late response due to extreme lack of staff at the State Committee's office. Please contact our office if there are any questions, or additional information requested. Thank you.

Sincerely yours,



Karen Deodato, bookkeeper  
for  
New Jersey Democratic State Committee

/kld  
cc: file  
encl.

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KID copy

**Raymond M. Durkin**  
State Chairman

**November 11, 1986**

**Mr. John D. Gibson**  
Assistant Staff Director  
Reports Analysis Division  
Federal Election Commission  
999 E Street, NW  
Washington, D.C. 20463

**RE: New Jersey Democratic State Committee  
October Quarterly Report (through 9/30/86)**

**Dear Mr. Gibson:**

We are in receipt of your correspondence of November 4, 1986. Enclosed please find our Quarterly Report - October (through 9/30/86).

This immediate transmittal of our report is filed with considerable regret, as we take pride in filing on-time and respect the process of filing appropriately when due.

Upon receipt of your letter, I immediately called your office and spoke to Ms. Ivonne Cotto. I explained in all honesty our dilemma at the time of filing. It seems our extremely heavy workload and overwhelming hectic pace, inclusive of a reduced staff, during this last Election caused a significant error in our general operation. However, there is absolutely no excuse for this high priority to be neglected. Please know this late filing is totally unintentional. We assure you late filing will not occur in the future. We have initiated some new measures in the office to prevent any such recurrence.

Thank you for any considerations in this important matter. Again, we have not been delinquent in the past and we do not intend to have this happen again.

If you have any questions whatsoever, please do not hesitate to call.

**Respectfully Submitted,**

**Carol A. Kenney**

**Enclosures**

**cc: Raymond M. Durkin**  
State Chairman - Treasurer

**Emma N. Byrne**  
Executive Director

**Karen Deodato**  
Democratic State Committee  
Bookkeeper

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6

**New Jersey  
Democratic  
State Committee**

240 West State Street, Suite 1627  
Trenton, New Jersey 08608  
(609) 392-3397

**RAYMOND DURKIN**  
State Chairman

GCC 2810

RECEIVED AT THE FEC

87 MAR 2 P 1:35

February 24, 1987

Jonathan Levin, Esq.  
Federal Election Commission  
999 E Street, N.W.  
Room 657  
Washington, D.C. 20463

**RE: REQUEST FOR PRE-PROBABLE CAUSE CONCILIATION**  
**MUR 2334 - New Jersey Democratic State Committee;**  
**Raymond Durkin, as treasurer**

RECEIVED  
OFFICE OF THE  
GENERAL COUNSEL

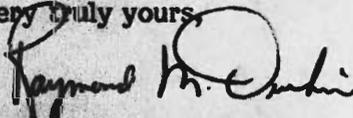
87 MAR 2 P 1:35

Dear Mr. Levin:

Please be advised that as State Chairman of the New Jersey Democratic State Committee, I hereby formally request **PRE-PROBABLE CAUSE CONCILIATION**, in accordance with paragraph (4) (citing See 11 C.F.R. s 111.18 (d) - of correspondence from Mr. Scott E. Thomas, Chairman, Federal Election Commission dated February 3, 1987.

Thank you for your consideration in this regard.

Very truly yours,



**RAYMOND M. DURKIN**  
State Chairman

Hugh E. DeFazio, Jr., State Treasurer  
cc: Emma N. Byrne, Executive Director, N.J. Democratic State Committee  
Karen Deodato, Bookkeeper for the Committee

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7

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
New Jersey Democratic State ) MUR 2334  
Committee )  
Hugh E. DeFazio, Jr., as treasurer )

7 MAR 19 10:41

SENSITIVE

GENERAL COUNSEL'S REPORT

I. BACKGROUND

On January 22, 1987, the Commission found reason to believe that the New Jersey Democratic State Committee ("the Committee") and Raymond Durkin, as treasurer, violated 2 U.S.C.

§ 434(a)(4)(A)(i) in connection with the apparent failure to file the 1986 October Quarterly Report in a timely manner and 2 U.S.C.

§ 433(c) in connection with the apparent failure to file an amended Statement of Organization designating a new treasurer.

The Committee sent an amendment to the Statement of Organization by certified mail on February 19, 1987, designating Hugh E.

DeFazio, Jr., as treasurer. On February 24, 1987, this Office

received a letter from the Committee responding to the reason to believe notification. On March 2, this Office received a request

for pre-probable cause conciliation in this matter. (See Attachments 1 and 2.)

In its response, the Committee acknowledges that the report was filed late but asserts that even though the Commission received the report on November 17, the letter was sent by registered mail six days previously. The envelope attached to the report indicates that the report was sent by certified mail with a postmark of November 12, 1987.

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According to the response and a follow-up phone conversation during which the response was explained, an amended Statement of Organization was filed with the New Jersey Election Law Enforcement Commission "before June 13, 1986" (the date the Committee gained new officers), but, due to the health problems of the "designated report filer," no amendment was sent at that time to the Commission.

## II. LEGAL ANALYSIS

Section 434(a) (5) (A) of Title 2 states that if a report [other than one filed under paragraph (2) (A) (i) or (4) (A) (ii)] is sent by registered or certified mail, the postmark shall be considered the date of the filing. It appears, therefore, that the Committee's 1986 October Quarterly Report, which was due on October 15, 1986, was filed 28 days late, rather than 33 days late as indicated in the First General Counsel's Report.

Although the Committee offers an explanation as to why no amended Statement of Organization was filed with the Commission at the time an amendment was sent to state election authorities, the response does not explain the Committee's failure to file an amended Statement of Organization designating a new treasurer after William J. Doyle (the last treasurer designated on an amended Statement of Organization) was replaced. A review of the Committee's reports indicates that Mr. Doyle was replaced at some point during 1983. Furthermore, the response does not explain a failure to amend during the time period between June, 1986, and February, 1987.

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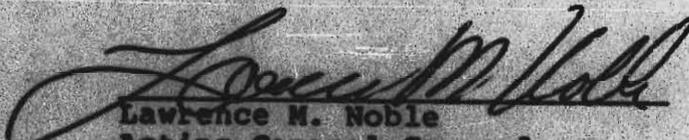
III. DISCUSSION OF CONCILIATION PROVISIONS AND CIVIL PENALTY

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RECOMMENDATIONS

1. Enter into conciliation prior to a finding of probable cause to believe with the New Jersey Democratic State Committee and Hugh E. DeFazio, Jr., as treasurer.
2. Approve the attached conciliation agreement and letter.

Date 3/19/87

  
 Lawrence M. Noble  
 Acting General Counsel

Attachments

1. Letter from the Committee, received on February 24, 1987
2. Pre-probable cause conciliation request received on March 2, 1987
3. Proposed letter and conciliation agreement

8

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Attachment(s) 1, 2, 3  
to General Counsel's Report  
have been removed from this  
position in Public Record File.  
See Index Item(s) 6, 7, 12



FEDERAL ELECTION COMMISSION  
WASHINGTON D.C. 20463

MEMORANDUM TO: LAWRENCE M. NOBLE  
ACTING GENERAL COUNSEL

FROM: MARJORIE W. EMMONS/ JOSHUA MCFADDEN *JM*

DATE: MARCH 23, 1987

SUBJECT: COMMENTS TO MUR 2334 - GENERAL COUNSEL'S REPORT  
SIGNED MARCH 18, 1987

Attached is a copy of Commissioner Thomas's  
vote sheet with comments regarding the above-captioned matter.

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9

Attachment:  
copy of vote sheet



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

DATE & TIME TRANSMITTED: THURSDAY, MARCH 19, 1987 4:00

COMMISSIONER: AIKENS, ELLIOTT, JOSEFIAK, McDONALD, MCGARRY, THOMAS

RETURN TO COMMISSION SECRETARY BY MONDAY, MARCH 23, 1987 4:00

SUBJECT: MUR 2334 - General Counsel's Report  
Signed March 18, 1987

87040654805

97 MAR 23 AID: 18

SECRETARY

- I approve the recommendation
- I object to the recommendation

COMMENTS: Writes/types in letter and agreement.

DATE: 3/23/87

SIGNATURE *Jack Thomas*

A DEFINITE VOTE IS REQUIRED. ALL BALLOTS MUST BE SIGNED AND DATED.  
 PLEASE RETURN ONLY THE BALLOT TO THE COMMISSION SECRETARY.  
 PLEASE RETURN BALLOT NO LATER THAN DATE AND TIME SHOWN ABOVE.



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

MEMORANDUM TO: LAWRENCE M. NOBLE  
ACTING GENERAL COUNSEL  
FROM: MARJORIE W. EMMONS/JOSHUA MCFADDEN  
DATE: MARCH 24, 1987  
SUBJECT: OBJECTIONS TO MUR 2334 - GENERAL COUNSEL'S REPORT  
SIGNED MARCH 18, 1987

The above-captioned document was circulated to the Commission on Thursday, March 19, 1987 at 4:00 P.M.

Objections have been received from the Commissioners as indicated by the name(s) checked:

Commissioner Aikens \_\_\_\_\_  
Commissioner Elliott \_\_\_\_\_  
Commissioner Josefiak \_\_\_\_\_  
Commissioner McDonald \_\_\_\_\_ X  
Commissioner McGarry \_\_\_\_\_  
Commissioner Thomas \_\_\_\_\_

This matter will be placed on the Executive Session agenda for March 31, 1987.

Please notify us who will represent your Division before the Commission on this matter.

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
New Jersey Democratic )  
State Committee ) MUR 2334  
Hugh E. DeFazio, Jr., as )  
treasurer )

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session of March 31, 1987, do hereby certify that the Commission decided by a vote of 6-0 to take the following actions in MUR 2334:

1. Enter into conciliation prior to a finding of probable cause to believe with the New Jersey Democratic State Committee and Hugh E. DeFazio, Jr., as treasurer.
2. Approve the conciliation agreement and letter attached to the General Counsel's report dated March 18, 1987.

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

Attest:



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

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//



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

April 3, 1987

Hugh E. DeFazio, Jr., Treasurer  
New Jersey Democratic State Committee  
132 West State Street  
Trenton, NJ 08608

RE: MUR 2334  
New Jersey Democratic State  
Committee  
Hugh E. DeFazio, Jr., as  
treasurer

Dear Mr. DeFazio:

On January 22, 1987, the Commission found reason to believe that the New Jersey Democratic State Committee and its treasurer violated 2 U.S.C. §§ 434(a)(4)(A)(i) and 433(c). At the Committee's request, the Commission determined, on March 31, 1987, 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 the agreement, 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 Jonathan Levin, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,

Lawrence M. Noble  
Acting General Counsel

Enclosure  
Conciliation Agreement

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87 APR 17 AM: 00

MTN 2334

THE NEW JERSEY DEMOCRATIC  
STATE COMMITTEE

Raymond M. Durkin  
Chairman

Emma N. Byrne  
Executive Director

April 15, 1987

Mr. Johnathan Levin  
Federal Election Commission  
999 E Street, N.W.  
Washington, D.C. 20483

Dear Mr. Levin:

This is to confirm the authorization of the law firm  
of Carella, Byrne, Bain and Gilfillan of Roseland, New Jersey to  
act on behalf of the New Jersey Democratic State Committee.

Sincerely,

  
RAYMOND M. DURKIN  
CHAIRMAN

RMD/eb  
cc: Peter Stewart  
Carella, Byrne, Bain and Gilfillan

87 APR 17 P 2: 57

RECEIVED  
OFFICE OF THE  
GENERAL COUNSEL

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ROSELAND, N.J.

ROSELAND, N.J.

**CARELLA, BYRNE, BAIN & GILFILLAN**  
A PROFESSIONAL CORPORATION

RECEIVED  
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57 MAY 11 9:29  
GOC#3334

CHARLES C. CARELLA\*  
BRENDAN T. BYRNE\*  
JOHN N. BAIN  
JOHN G. GILFILLAN, III\*  
HERBERT N. RINALDI\*  
PETER S. STERN\*  
ELLIOT H. OLSTEN\*\*  
ARTHUR T. VANDERSILT, II  
JAMES T. BYERS  
GEORGE J. KINSH\*\*  
GEORGE L. SCHNEIDER  
CHRISTINE V. BAYOR\*

**COUNSELLORS AT LAW**  
6 BECKER FARM ROAD  
ROSELAND, N.J. 07068-1739  
(201) 994-1700

CABLE ADDRESS  
TECHLAW  
TELEX NO.  
138318  
TELEPHONE  
(201) 994-1744

KENNETH L. WINTERS  
ALFRED C. CONSTANTIS, III\*  
GIUSEPPE M. ZACCAGNINI\*  
CARL H. RIFINO  
PHILIP S. HARRISON\*  
AMY N. RIEL\*  
NANCY S. PERLMAN\*  
DONNA L. RINALDI  
JOHN F. HIPP  
MICHAEL S. MILLER\*  
EVAN L. STENBERG  
ANNAMARIA FORCARD  
JOYCE N. PARBEGIAN  
RAYMOND J. LILLIE  
ANTOINETTE BENNETT

JAMES J. SHERMAN  
DONALD F. NICOLI  
LOUIS S. CONDI  
JAMES F. MATTHEWS\*  
OF COUNSEL

PLEASE REPLY TO

- \*MEMBER N.Y. BAR
- \*MEMBER D.C. BAR
- \*MEMBER VA. BAR
- \*MEMBER MD. BAR
- \*MEMBER CA. BAR
- \*MEMBER FL. BAR

May 8, 1987

FEDERAL EXPRESS

Jonathan Levin, Esq.  
Federal Election Commission  
999 E Street, N.W.  
Room 657  
Washington, DC 20463

Re: New Jersey Democratic  
State Committee, Raymond Durkin,  
as treasurer  
Docket No. MUR-2334

Dear Mr. Levin:

In accordance with your telephone discussions with this office, I enclose a Conciliation Agreement in settlement of the matter referenced above, which Agreement has been executed by the chairman of the New Jersey Democratic State Committee. You will note that Paragraph VII states that Respondents agree to pay a civil penalty in the amount of five hundred dollars (\$500); and Paragraph X allows Respondents 45 days from the effective date of the Agreement in which to comply with the terms of the Agreement.

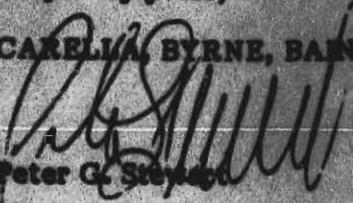
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first such report which was filed late. In view of these circumstances, the Democratic State Committee requests the FEC's leniency in resolving this matter. On behalf of the Committee, I would ask that the FEC execute and approve the enclosed Conciliation Agreement in its present form.

Thanking you in advance for your kind consideration, I remain

Very truly yours,

CARELLA, BYRNE, BAIN & GILFILLAN

  
Peter G. Steyer

Enc.  
PGS:AB:dmc

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CARELLA, BYRNE, BAIN & GILFILLAN  
A PROFESSIONAL CORPORATION

14

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37 MAY 13 12:06  
GCC # 3364

**CARELLA, BYRNE, BAIN & GILFILLAN**  
A PROFESSIONAL CORPORATION  
COUNSELLORS AT LAW  
6 BECKER FARM ROAD  
ROSELAND, N.J. 07068-1739  
(201) 994-1700

CHARLES C. CARELLA\* \*MEMBER N.Y. BAR  
BRENDAN T. BYRNE\* \*MEMBER D.C. BAR  
JOHN N. BAIN \*MEMBER N.J. BAR  
JOHN S. GILFILLAN, III\* \*MEMBER N.J. BAR  
HERBERT M. RINALDI\* \*MEMBER CA. BAR  
PETER S. STEWART \*MEMBER FL. BAR  
ELLIOT M. OLSTEN\*\*  
ARTHUR T. WANDERLIT, II  
JAMES T. BYRNE  
GEORGE J. HENRY\*\*  
GEORGE L. SCHNEIDER  
CHRISTINE V. SATOFF  
JAMES J. SHEERAN  
DONALD P. NICOLI  
LOUIS S. CONER  
JAMES P. MATTHEWS\*  
ERIC S. HANAR  
OF COUNSEL

CABLE ADDRESS KENNETH L. WINTERS  
TELETYPE ALFRED C. CONSTANT, III\*  
TELEPHONE GIUSEPPE M. ZACCAGNINI\*  
139318 CARL H. RIFINO  
TELEGRAPHER ARY N. BEL\*  
(201) 994-1746 NANCY S. PERLMAN  
DONNA L. RINALDI  
MICHAEL S. MILLER\*  
ANNAMARIA PORCARO  
JOYCE R. PARSEGHIAN  
RAYMOND J. LILLIE  
ANTOINETTE BENNETT\*  
ROBERT EDERER  
BENJAMIN D. LEIBOWITZ  
MARLYN D. LUDWIG  
DARIUS N. WINNICK\*  
JUDITH A. HEIM  
DAVID R. COSSGROVE\*

May 12, 1987

**FEDERAL EXPRESS**

Jonathan Levin, Esq.  
Federal Election Commission  
999 E Street, N.W.  
Room 657  
Washington, DC 20463

Re: New Jersey Democratic State  
Committee,  
Hugh E. DeFazio, Jr., as  
Treasurer  
Docket No. MUR-2334

87040554812

Dear Mr. Levin:

I enclose a revised Conciliation Agreement in the above-referenced matter, and I would ask that said Agreement supercede the prior Agreement forwarded to you under letter dated May 8, 1987. The enclosed Agreement is identical to the Agreement prepared by you and forwarded to the Democratic State Committee on April 3, 1987, except that Paragraphs VII and X have been revised as we discussed.

I trust that the terms of this Agreement will be satisfactory to you. If you have any additional questions or comments, please do not hesitate to call me. Thank you for your continued assistance.

Very truly yours,

CARELLA, BYRNE, BAIN & GILFILLAN

*Antoinette Bennett*  
Antoinette Bennett

Enc.  
AB:dmc

**BEFORE THE FEDERAL ELECTION COMMISSION**

In the Matter of	)	
	)	
New Jersey Democratic State	)	MUR 2334
Committee	)	
Hugh E. DeFazio, Jr.,	)	
as treasurer	)	

APR 11 1987

**GENERAL COUNSEL'S REPORT**

**I. BACKGROUND**

On March 31, 1987, the Commission approved a conciliation agreement to be sent prior to a finding of probable cause to the New Jersey Democratic State Committee ("the Committee") and Hugh E. DeFazio, Jr., as treasurer.

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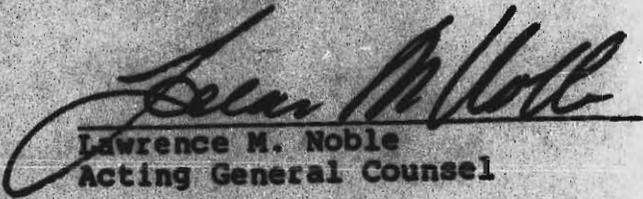
II. ANALYSIS

III. RECOMMENDATIONS

1. Approve the conciliation agreement at Attachment 2 with the New Jersey Democratic State Committee and Hugh E. DeFazio, Jr., as treasurer.
2. Close the file.
3. Approve the attached letter.

Date

6/4/87

  
Lawrence M. Noble  
Acting General Counsel

Attachments

1. Letter from counsel for the respondents with proposed conciliation agreement, dated May 8, 1987.

\*/ This Office is cognizant of the more substantial amount of activity reflected on the two reports following the October Quarterly Report. This factor was taken into account in the negotiation of terms for a counterproposal.

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2. Letter from counsel for the respondents with proposed conciliation agreement, dated May 12, 1987.
3. Proposed letter to counsel for the respondents.

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
New Jersey Democratic State ) MUR 2334  
Committee )  
Hugh E. DeFazio, Jr., )  
as treasurer )

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on June 9, 1987, the Commission decided by a vote of 6-0 to take the following actions in MUR 2334:

1. Approve the conciliation agreement with the New Jersey Democratic State Committee and Hugh E. DeFazio, Jr., as treasurer, as recommended in the General Counsel's Report signed June 4, 1987.
2. Close the file.
3. Approve the letter, as recommended in the General Counsel's Report signed June 4, 1987.

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

Attest:

6-10-87  
Date

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

Received in the Office of Commission Secretary: Fri., 6-5-87, 11:04  
Circulated on 48 hour tally basis: Fri., 6-5-87, 2:00  
Deadline for vote: Tue., 6-9-87, 4:00

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

June 11, 1987

Antoinette Bennett, Esquire  
Carella, Byrne, Bain & Gilfallan  
6 Becker Farm Road  
Roseland, NJ 07068-1739

Re: MUR 2334  
New Jersey Democratic  
State Committee  
Hugh E. DeFazio, Jr., as  
treasurer

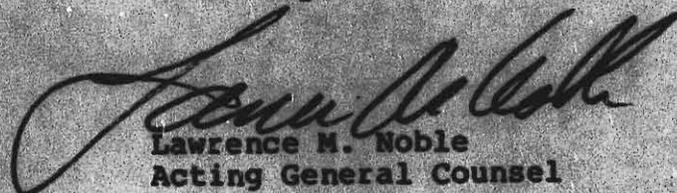
Dear Ms. Bennett:

On June 9, 1987, the Federal Election Commission accepted the signed conciliation agreement submitted on your clients' behalf in settlement of violations of 2 U.S.C. §§ 434(a)(4)(A)(i) and 433(c), provisions of the Federal Election Campaign Act of 1971, as amended. Accordingly, the file has been closed in this matter. This matter will become a part of the public record within 30 days. If you wish to submit any factual or legal materials to appear on the public record, please do so within ten days. Such materials should be sent to the Office of the General Counsel.

Please be advised that information derived in connection with any conciliation attempt will not become public without the written consent of the respondent and the Commission. See 2 U.S.C. § 437g(a)(4)(B). The enclosed conciliation agreement, however, will become a part of the public record.

Enclosed you will find a copy of the fully executed conciliation agreement for your files. If you have any questions, please contact Jonathan Levin, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,

  
Lawrence M. Noble  
Acting General Counsel

Enclosure  
Conciliation Agreement

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BEFORE THE  
FEDERAL ELECTION COMMISSION

In the Matter of :  
NEW JERSEY DEMOCRATIC : MUR 2334  
COMMITTEE, :  
HUGH E. DEFAZIO, JR., :  
AS TREASURER :

**CONCILIATION AGREEMENT**

This matter was initiated by the Federal Election Commission (hereinafter "the Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. The Commission found reason to believe that the New Jersey Democratic State Committee and Hugh E. DeFazio, Jr., as treasurer (hereinafter "the Respondents"), violated 2 U.S.C. §434 (a) (4) (A) (i) and §433(c).

NOW, <sup>2</sup> THEREFORE, the Commission and the 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:

I. The New Jersey Democratic State Committee is a political committee registered with the Commission.

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2. Hugh E. DeFazio, Jr., is the treasurer of the New Jersey Democratic State Committee.
3. Respondents did not file the 1986 October Quarterly Report until November 12, 1986.
4. In 1983, William J. Doyle was replaced as treasurer of the New Jersey Democratic State Committee. Respondents did not file an amended Statement of Organization designating a new treasurer until February 19, 1987.
5. Section 434 (a) (4) (A) (i) of Title 2 states that all political committees that are not authorized committees of candidates, if not filing monthly, shall file quarterly reports, in a calendar year in which a regularly scheduled general election is held, which shall be filed no later than the 15th day after the last day of each calendar quarter; except that the report for the quarter ending on December 31 of such calendar year shall be filed no later than January 31 of the following calendar year.
6. Section 433 (c) of Title 2 provides that any change in information previously submitted in a Statement of Organization shall be reported not later than ten days after the change.

V. Respondents failed to file the 1986 October Quarterly Report in a timely manner in violation of 2 U.S.C. §434 (a) (4) (A) (i).

VI. Respondents failed to file an amended Statement of Organization designating a new treasurer in a timely manner in violation of 2 U.S.C. §433 (c).

VII. Respondents will pay a civil penalty to the Federal Election Commission in the amount of Five Hundred Dollars (\$500), pursuant to 2 U.S.C. §437g (a) (5) (A).

*Raymond M. Durkin by Johanne Bennett*

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 hereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

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

X. Respondents shall have forty-five (45) 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.

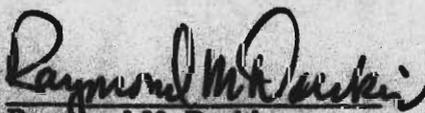
XI. This Conciliation Agreement constitutes the entire agreement between the Commission and the Respondents on the matters raised herein, and no other statement, promise or agreement, either written or oral, made by any party or by agents of any party, that is not contained in this written agreement,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

FOR THE COMMISSION:

  
Lawrence M. Noble  
Acting General Counsel

6/11/87  
Date

FOR THE RESPONDENTS:

  
Raymond M. Durkin  
Chairman

May 12, 1987  
Date

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 2337<sup>2</sup>  
DATE FILMED 9/30/87 CAMERA NO. 2  
CAMERAMAN AS

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