



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MJR # 2347

DATE FILMED 8/3/08 CAMERA NO. 4

CAMERAMAN K.A.U.

88040712191



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20461

19 December 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 REPUBLICAN PARTY OF HAWAII -
FEDERAL ACCOUNT

This is a referral of the Republican Party of Hawaii - Federal Account ("the Committee"). The Committee failed to file the 1986 October Quarterly Report of Receipts and Disbursements

If you have any questions, please contact Anthony Raymond at 376-2480.

Attachment

88040712192

REPORTS ANALYSIS REFERRAL

TO

OFFICE OF GENERAL COUNSEL

DATE: 19 December 1986

ANALYST: Anthony Raymond

I. COMMITTEE: Republican Party of Hawaii - Federal Account (C00085506)
R. M. Torkildson, Treasurer
1270 Queen Emma Street, Suite 300
Honolulu, HI 96813

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 Republican Party of Hawaii - Federal Account ("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 December 4, 1986, the Reports Analysis Division ("RAD") analyst called the Committee regarding the Committee's failure to file the report. Jill Frierson, the Executive Director, stated that a letter had recently been sent in lieu of the report. The letter would clarify that an internally-initiated audit currently taking place within the Committee was the reason for the delinquent report. When the RAD analyst explained that a report should be filed quickly, Ms. Frierson said that the letter contained a date when the Commission could expect the report (Attachment 4).

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THE REPUBLICAN PARTY OF HAWAII - FEDERAL
REPORTS ANALYSIS OGC REFERRAL
PAGE 2

On December 5, 1986, the letter from Ms. Frierson was received at the Commission. The letter explained that the audit "tied up our books and accountant for several months." The letter further stated that the Committee is aware of reporting deadlines and is "working hard" to meet those deadlines (Attachment 5).

As of this date, the report has not been filed.

IV. OTHER PENDING MATTERS INITIATED BY RAD:

None

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

DATE 18DEC86
 PAGE 1

PARTY RELATED

COMMITTEE	DOCUMENT	RECEIPTS	DISBURSEMENTS	TYPE OF FILER COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
REPUBLICAN PARTY OF HAWAII-FEDERAL ACCOUNT CONNECTED ORGANIZATION: REPUBLICAN PARTY OF HAWAII				PARTY QUALIFIED	ID #C00085506	
1985	STATEMENT OF ORGANIZATION - AMENDMENT			5JUN85	1	85FEC/375/1053
	MID-YEAR REPORT	32,270	10,800	1JAN85 -30JUN85	10	85FEC/384/2742
	MID-YEAR REPORT - AMENDMENT	-	-	1JAN85 -30JUN85	3	86FEC/402/4686
	REQUEST FOR ADDITIONAL INFORMATION			1JAN85 -30JUN85	2	86FEC/394/2305
	REQUEST FOR ADDITIONAL INFORMATION 2ND YEAR-END	11,561	6,500	1JAN85 -30JUN85	3	86FEC/398/0005
1986	MISCELLANEOUS REPORT			1JUL85 -31DEC85	5	86FEC/401/0640
	APRIL QUARTERLY	534	10,000	5DEC86 TO FEC	2	86FEC/448/5758
	JULY QUARTERLY	21,340	0	1JAN86 -31MAR86	4	86FEC/412/0233
	REQUEST FOR ADDITIONAL INFORMATION			1APR86 -30JUN86	4	86FEC/424/1740
	REQUEST FOR ADDITIONAL INFORMATION 2ND			1APR86 -30JUN86	1	86FEC/429/1120
	NOTICE OF FAILURE TO FILE			1APR86 -30JUN86	2	86FEC/431/0740
				30SEP86	1	86FEC/443/3923
	TOTAL	65,705	0 27,300	0	38	TOTAL PAGES

All reports have been reviewed

Cash on hand as of 6/30/86: \$52,219

Debts and obligations owed to the committee
 as of 6/30/86: \$0

Debts and obligations owed by the committee
 as of 6/30/86: \$0

Attachment 1

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

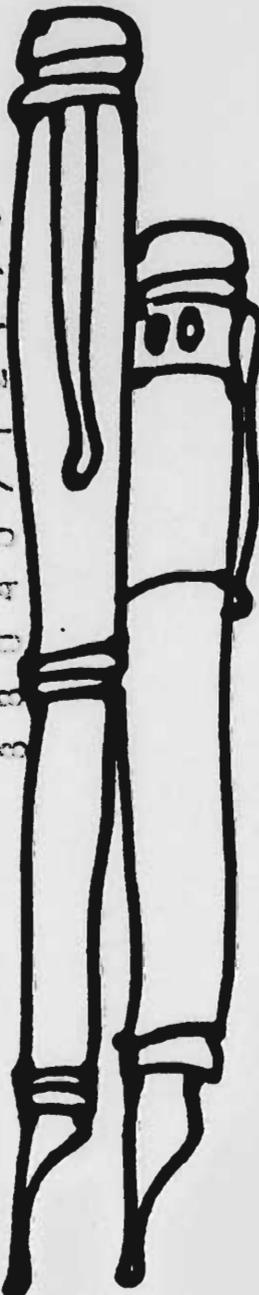
Committees that file on a monthly schedule must file their next report by October 20, 1986, and disclose all financial activity from September 1 through September 30, 1986. (See Monthly Filers on the reverse side.)

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).

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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./CERT. 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

EQ-7

WASHINGTON, DC 20463

November 4, 1986

R. N. Torkildson, Treasurer
Republican Party of Hawaii-Federal
Account
1270 Queen Emma Street, Suite 300
Honolulu, HI 96813

Identification Number: C00085306

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

Dear Treasurer:

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 Anthony D. Raymond on our toll-free number (800) 424-9530. Our local number is (202) 376-2480.

Sincerely,

John D. Gibson
John D. Gibson
Assistant Staff Director
Reports Analysis Division

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ANALYST: Tony Raymond

CONVERSATION WITH: Jill Frierson

COMMITTEE: Republican Party of Hawaii - Federal Account

DATE: 12/4/86

SUBJECT(S): Non-Filing of the October Quarterly Report

I spoke to Jill Frierson concerning the committee's failure to file the 1986 October Quarterly Report. Ms. Frierson, who identified herself as the executive director of the committee, stated that a letter has been sent to the FEC in lieu of a report. The executive director said that an internally generated audit was the reason for the delinquent report, and that the letter would explain the situation further.

When I explained the need of a report to be filed quickly, Ms. Frierson said that the letter contained a date when the Commission could expect the report.

Ms. Frierson went on to say that a Mr. J.H. Anderson is currently the treasurer of the committee, and that she would notify the FEC in writing accordingly.

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Attachment 5



Republican
Party
of Hawaii

11/28/86

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

Dear Mr. Gibson,

I am writing in response to your letter of November 4th to inform you that the Republican Party of Hawaii is moving quickly to come into compliance with our reporting schedule. The lateness of the report is due to the fact that the party has recently finished a long and complex internally-initiated audit, which tied up our books and accountant for several months.

Please be assured that we are aware of the deadlines and are working hard to meet them. We appreciate your consideration.

Sincerely,

Will E. Frierson
Will E. Frierson
Executive Director
Republican Party
of Hawaii

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SENSITIVE

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

FIRST GENERAL COUNSEL'S REPORT

DATE AND TIME OF TRANSMITTAL
BY OGC TO THE COMMISSION:

RAD # 86NF-48
STAFF MEMBER: Snyder

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

RESPONDENTS' NAMES: The Republican Party of Hawaii - Federal
Account and R.M. Torkildson, as treasurer

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

INTERNAL REPORTS
CHECKED: Respondent's reports

FEDERAL AGENCIES
CHECKED: None

GENERATION OF MATTER

This matter was generated by a referral from the Reports
Analysis Division ("RAD").

SUMMARY OF ALLEGATIONS

According to RAD, the Republican Party of Hawaii - Federal
Account ("RPH") and its treasurer failed to file their 1986
October Quarterly Report. RPH was notified on September 19, 1986
that said report would be due on October 15, 1986; when RPH
nonetheless did not file the report, a Non-Filer Notice was sent
to the Committee on November 4, 1986. In response to a telephone
call by RAD, Jill Frierson, Executive Director of RPH, wrote on
December 5, 1986 that an internally-initiated audit had tied up
the Committee's books and records, but that RPH was "working hard
to meet" its deadlines. The report has not been filed to date.

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FACTUAL AND LEGAL ANALYSIS

Under the Federal Election Campaign Act ("the Act"), a political committee that opts to file quarterly reports rather than monthly reports must 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....

2 U.S.C. § 434(a)(4)(A)(i). See also 11 C.F.R.

§ 104.5(c)(1)(i)(A). The factors cited by respondents to explain their failure to file this report do not, therefore, relieve them of their clear obligation to comply with the above quoted statute. Such factors may only be considered in mitigation of the violation.

Accordingly, this Office recommends that the Commission find reason to believe respondents violated 2 U.S.C.

§ 434(a)(4)(A)(i).

RECOMMENDATIONS

1. Open a MUR.
2. Find reason to believe The Republican Party of Hawaii - Federal Account and R.M. Torkildson, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(i).

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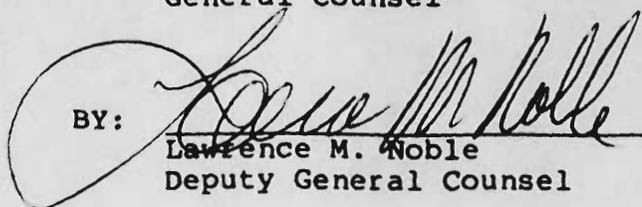
3. Approve and send the attached letter and General Counsel's Legal and Factual Analysis.

Charles N. Steele
General Counsel

Date

2/6/87

BY:


Lawrence M. Noble
Deputy General Counsel

Attachments

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

88040712203

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
The Republican Party of Hawaii -)
Federal Account and R.M. Torkildson,)
as treasurer)

RAD Ref. 86NF-48 (MUR 2347)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on February 11, 1987, the Commission decided by a vote of 6-0 to take the following actions in RAD Ref. 86NF-48.

1. Open a MUR.
2. Find reason to believe The Republican Party of Hawaii - Federal Account and R. M. Torkildson, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(i).
3. Approve and send the letter and General Counsel's Legal and Factual Analysis, as recommended in the First General Counsel's Report signed February 6, 1987.

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

Attest:

2/12/87
Date

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

Received in the Office of Commission Secretary:	Mon.,	2-09-87,	1:07
Circulated on 48 hour tally basis:	Mon.,	2-09-87,	4:00
Deadline for vote:	Wed.,	2-11-87,	4:00

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FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

February 25, 1987

R.M. Torkildson, Treasurer
The Republican Party of Hawaii -
Federal Account
1270 Queen Emma Street, Suite 300
Honolulu, Hawaii 96813

RE: MUR 2347
The Republican Party of
Hawaii - Federal Account
and R.M. Torkildson, as
treasurer

Dear Mr. Torkildson:

On February 11, 1987, the Federal Election Commission determined that there is reason to believe the Republican Party of Hawaii - Federal Account and and you, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(i), 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.

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 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 pursued. The Office of 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,

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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 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 such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

The investigation now being conducted will be confidential in accordance with 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A), unless you notify the Commission in writing that you wish the investigation to be made public.

For your information, we have attached a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Charles Snyder, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,



Scott E. Thomas
Chairman

Enclosures

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

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6CC# 4998

Dinman, Nakamura, Elisha & Nakatani

FEDERAL ELECTION COMMISSION
MAIL ROOM

ATTORNEYS AT LAW
A LAW CORPORATION

87 DEC 23 AM 11:40

BRUCE C. DINMAN
REID A. NAKAMURA
G. STEPHEN ELISHA
GAIL C. NAKATANI

737 BISHOP STREET, SUITE 1850
GROSVENOR CENTER, MAUKA TOWER
HONOLULU, HAWAII 96813-3209
TELEPHONE (808) 523-7021

MARK T. ICHIYAMA
M. ANNE ANDERSON-METCALF
PHILIP L. LAMNE
MARK N. HENRY
RICHARD S. EKIMOTO
PATRICIA A. RILEY
JUNIE HAYASHI

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OFFICE OF GENERAL COUNSEL
87 DEC 23 PM 3:53

LETTER OF TRANSMITTAL

Mr. Charles Snyder, Esq.
Office of the General Counsel
Federal Election Commission
999 E Street NW
Washington, D.C. 20463

Date: December 16, 1987

Re: MUR 2347; The Republican
Party of Hawaii

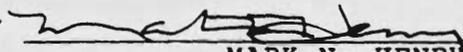
() Hand Deliver (XXX) Mail () Express/Certified Mail

Original/Copies	Description
Original	Statement of Designation of Counsel

Is Transmitted Herewith:

- | | |
|--|--|
| <input type="checkbox"/> For Signature And Return | <input type="checkbox"/> For Your Information |
| <input type="checkbox"/> For Signature, Forwarding
As Noted Below | <input checked="" type="checkbox"/> For Appropriate Action |
| <input type="checkbox"/> For Filing | <input type="checkbox"/> For Your Files |
| <input type="checkbox"/> For Recordation | <input checked="" type="checkbox"/> Per Your Request |
| <input type="checkbox"/> For Your Review | <input type="checkbox"/> Per Our Conversation |
| | <input checked="" type="checkbox"/> See Remarks Below |

Remarks: Enclosed please find Statement of Designation of Counsel, per your request.

By 
MARK N. HENRY

Enclosures

3304712207

STATEMENT OF DESIGNATION OF COUNSEL

MUR 2347

NAME OF COUNSEL: Mark N. Henry

ADDRESS: 707 Richards Street, PH-1
Honolulu, Hawaii 96813

TELEPHONE: (808) 523-7021

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

12/14/87
Date

Walter Decker
Signature

RESPONDENT'S NAME: Walter Decker, (Treasurer of Republican Party of Hawaii)

ADDRESS: P.O. Box AC
Kaneohe, Hawaii 96744

HOME PHONE: (808) 235-6510

BUSINESS PHONE: (808) 235-0035

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Dinman, Nakamura, Elisha & Nakatani

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MAIL ROOM

ATTORNEYS AT LAW
A LAW CORPORATION

88 JAN 14 AM 9:23

OCT OCEAN VIEW CENTER
707 RICHARDS STREET, SUITE PH-1
HONOLULU, HAWAII 96813
808-523-7021

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

BRUCE C. DINMAN
REID A. NAKAMURA
G. STEPHEN ELISHA
GAIL C. NAKATANI

MARK T. ICHIYAMA
M. ANNE ANDERSON-METCALF
PHILIP L. LAHNE
MARK N. HENRY
RICHARD S. EKIMOTO
PATRICIA A. RILEY
JUNIE HAYASHI

LETTER OF TRANSMITTAL

Office of General Counsel
Federal Election Commission
999 E. Street NW
Washington, D.C. 20463

Date: January 11, 1988

Re: MUR 2347, The Republican
Party of Hawaii

Attn: Mr. Charles Snyder, Esq.

Original/Copies

Date

Description

3 COPIES

01/11/88

Response to brief filed
with Federal Election
Commission by General Counsel.

Is/Are Transmitted Herewith:

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|--------------------------|--------------------------|---|-------------------------------------|------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | For Signature And Return | <input type="checkbox"/> | For Your Information |
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As Noted Below | <input checked="" type="checkbox"/> | For Appropriate Action |
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| <input type="checkbox"/> | <input type="checkbox"/> | For Review And Comment | <input type="checkbox"/> | Per Our Conversation |
| | | | <input type="checkbox"/> | See Remarks Below |

Remarks:

By

Mark N. Henry
MARK N. HENRY

Enclosure

60207120403

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of) MUR 2347
The Republican Party of Hawaii-)
Federal Account and Walter Decker,)
as Treasurer)
_____)

RESPONDENT'S BRIEF

I. INTRODUCTION

This proceeding was initiated when the Federal Election Commission (hereinafter "the Commission") found that it had reason to believe the Republican Party of Hawaii, by and through its treasurer, Walter C. Decker (hereinafter collectively referred to as "the Respondent") had violated provisions of the Federal Election Campaign Act (hereinafter "the Act").^{1/} Specifically, it is alleged that Respondent failed to file its 1986 October quarterly report on a timely basis thereby violating 2 U.S.C. Sec. 434(a)(4)(A)(i). Additionally it is asserted that Respondent failed to file its 1986 post-general election report on a timely basis in violation of 2 U.S.C. Sec. 434(a)(4)(A)(iii). Finally, it is alleged that Respondent did not amend its statement of organization on a timely basis in violation of 2 U.S.C. Sec. 433(c).

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II. DISCUSSION

As stated above, this proceeding was initiated by the Commission to determine whether Respondent failed to file the aforesaid amendment and reports (hereinafter "FEC reports") in accordance with the requirements set forth under the Act. It is Respondent's position that while it may not have filed said FEC reports prior to the deadlines prescribed by the Act, it has nevertheless used its best effort to compile and furnish this information to the Commission in accordance with the provisions of the Act. Moreover, since the date this proceeding was initiated Respondent has taken remedial measures designed to ensure that the FEC reports which Respondents are required by the

Act to submit to the Commission are filed in the future in a timely manner. For this reason, Respondent respectfully requests that the Commission find that Respondent is deemed to be in substantial compliance with the aforesaid provisions of the Act.

Initially, it should be noted that there is no question that Respondent did in fact file the FEC reports even though these documents were filed after the deadlines provided for in the Act. This proceeding is, therefore, concerned primarily with determining the consequences of filing these FEC reports with the Commission beyond the prescribed deadlines and how to ensure that such documents are filed with the Commission in a timely manner in the future. To ensure that the Commission is able to consider all available facts and information before reaching an equitable decision in this matter it is necessary to review the circumstances which contributed to Respondent's filing these documents with the Commission after the prescribed deadlines.

Respondents failure to comply with these deadlines occurred as a result of certain financial and administrative difficulties which hampered Respondents ability to function as a party-related political committee. Since the date of the last general election Respondent has had very limited financial resources. Respondent's severe financial condition can be confirmed by a review of the "Report of Receipts and Disbursements" covering the period from October 1, 1986 through

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December 31, 1986, which it previously filed with the Commission. Significantly, this report discloses that Respondent had total cash on hand of only \$75.04 at the end of the aforesaid period. As a result of these financial limitations, Respondent was not able to retain the type of staff that it needed in order to effectively run its day-to-day operations.

In addition, during the last quarter of 1986 Respondent's limited staff was faced with the added responsibility of conducting an audit of its financial records. Prior to beginning this audit Respondent's staff had already encountered difficulties in keeping up with the day-to-day requirements of operating a political committee. However, the additional demands which this audit placed upon Respondent's staff and limited resources severely hampered Respondent's ability to comply with the reporting requirements imposed on it by the Act.

The circumstances described above make it readily apparent that Respondent was operating under conditions which made it very difficult to manage its operations. Notwithstanding the foregoing, Respondent's former treasurer, John M. Anderson, Jr. was able to ensure that the 1986 October quarterly report and post election report as well as the amendment to the statement of organization were prepared and submitted to the Commission, although these documents were not submitted before the deadlines prescribed by the Act. In light of the difficult circumstances

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which Respondent was operating under it is respectfully submitted that Respondent used its best efforts to obtain and submit to the Commission the information which was contained in the FEC reports. For this reason, it is respectfully submitted that even though Respondent did not strictly comply with the deadlines for filing such documents, it nevertheless substantially complied with the reporting requirements imposed on it by the aforesaid sections of the Act.

It is important to note that since the date that the alleged violations of the Act occurred Respondent has taken significant steps to reduce the likelihood of such violations occurring again in the future. Specifically, the membership of the Republican Party of Hawaii has elected new officers who have implemented changes involving Respondent's office staffing and organization. For example, Respondent has retained Gayle Gardner to serve as acting executive director to replace Jill Frierson who occupied this post at the time the alleged violations of the Act's reporting requirements occurred. Additionally, Respondent has reorganized staff assignments to ensure that primary responsibility for preparing regulatory reports and disclosure statements is assigned to one individual, as opposed to relying on different staff members to take care of these matters. Finally, Respondent has retained legal counsel to advise it with respect to various regulatory matters including, but not limited to, Federal Election Campaign Act matters. The remedial action

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taken by Respondent in this regard has increased its ability to comply with the Acts various reporting requirements on a timely basis.

The fact that the steps which Respondent has taken has increased its ability to comply with various regulatory requirements such as the aforesaid provisions of the Act is best evidenced by the fact that subsequent to the date this proceeding was initiated Respondent has complied with the Acts reporting requirements on a timely basis. For example, upon the election of Respondent's new treasurer, Walter C. Decker, Respondent filed an amendment to its statement of organization pursuant to which it notified the Commission of this change on July 9, 1987, well within the deadline prescribed for in the Act. Additionally, Respondent has taken measures designed to ensure that it continues to comply with the Acts various reporting requirements including the filing of Respondent's next semi-annual report with the Commission which is due on or by January 31, 1988. Accordingly, it is apparent that Respondent has taken real and substantial remedial action intended to insure that Respondent fully complies with both the language and the purpose of the aforesaid provisions of the Act.

III. CONCLUSION

As stated above, the financial and administrative difficulties that Respondent encountered during 1986 interfered with its day-to-day operations and made it difficult for

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Respondent to comply with the Acts reporting requirements. However, Respondent used its best efforts to obtain and submit this information and it proceeded to file the required FEC reports with the Commission, even though these reports were filed after the deadlines prescribed in the Act. Moreover, since the date this investigation was initiated Respondent has taken steps to ensure that it fully complies with the Acts reporting requirements in a timely manner. Based upon the foregoing, it is respectfully requested that the Commission find that the Respondent has substantially complied with the provisions of the Act which are described aforesaid.

Alternatively, in the event the Commission finds probable cause to believe that a violation of the Act has occurred it is hereby requested that the Commission refrain from instituting a civil suit against the Respondent to enforce the Act and that this matter be settled informally through conciliation. It is our belief that it would be appropriate for the terms of the conciliation agreement to take into account the fact that Respondent has enacted significant changes in its office organization which have enabled it to fully comply with the Acts reporting requirements. Moreover, the fact that Respondent has very limited resources should also be taken into account in arriving at an equitable conciliation agreement in

68040712216

DATED: Honolulu, Hawaii, January 11, 1988.

Respectfully submitted,


Mark N. Henry
Attorney for Respondent

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
The Republican Party of Hawaii -) MUR 2347
Federal Account and Walter C.)
Decker, as treasurer)

FEB 23 11:25

~~CONFIDENTIAL~~

FEDERAL ELECTION COMMISSION

GENERAL COUNSEL'S REPORT

FEB 23 1988

I. BACKGROUND

On February 11, 1987, the Commission found reason to believe that the Republican Party of Hawaii - Federal Account ("the Committee") and Walter Decker, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(i). The basis for this finding was respondents' failure to file their 1986 October Quarterly report in a timely manner. On May 28, 1987, the Commission found reason to believe respondents violated 2 U.S.C. §§ 434(a)(4)(A)(iii) and 433(c). The bases for these findings were, respectively, that respondents failed to file their 1986 Post-General Election report in a timely manner and that they failed to amend their Statement of Organization in a timely manner upon the appointment of a new treasurer.

38040712218

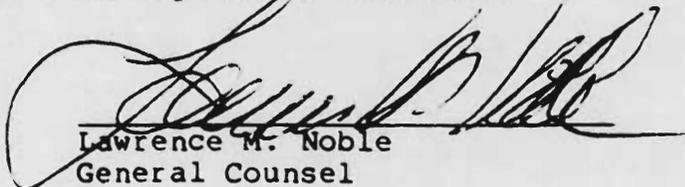
38040712219

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IV. RECOMMENDATIONS

1. Find probable cause to believe that The Republican Party of Hawaii - Federal Account and Walter C. Decker, as treasurer, violated 2 U.S.C. §§ 434(a)(4)(A)(i), 434(a)(4)(A)(iii), and 433(c).
2. Approve the attached conciliation agreement and letter.

 Date 2/9/38



 Lawrence M. Noble
 General Counsel

Attachments

1. Respondents' brief
2. Proposed Conciliation Agreement
3. Letter

Staff Person: Charles Snyder

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
The Republican Party of Hawaii -) MUR 2347
Federal Account and Walter C.)
Decker, as treasurer)

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session of February 23, 1988, do hereby certify that the Commission decided by a vote of 4-2 to take the following actions in MUR 2347:

1. Find probable cause to believe that The Republican Party of Hawaii - Federal Account and Walter C. Decker, as treasurer, violated 2 U.S.C. §§ 434(a)(4)(A)(i), 434(a)(4)(A)(iii), and 433(c).
2. Approve the conciliation agreement and letter attached to the General Counsel's report dated February 9, 1988,

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

Attest:

2/24/88
Date

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

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plum



FEDERAL ELECTION COMMISSION
WASHINGTON DC 20463

February 29, 1988

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mark N. Henry, Esquire
Dinman, Nakamura, Elisha
& Nakatani
Oct Ocean View Center
707 Richards Street, Suite PH-1
Honolulu, Hawaii 96813

RE: MUR 2347
The Republican Party of
Hawaii and Walter C.
Decker, as treasurer

Dear Mr. Henry:

On February 23, 1988, the Federal Election Commission found that there is probable cause to believe your clients violated 2 U.S.C. §§ 434(a)(4)(A)(i), 434(a)(4)(A)(iii), and 433(c), provisions of the Federal Election Campaign Act of 1971, as amended, in connection with their failure to file their 1986 October Quarterly and Post-General Election reports in a timely manner and their failure to amend their Statement of Organization in a timely manner upon the appointment of a new treasurer.

The Commission has a duty to attempt to correct such violations for a period of 30 to 90 days by informal methods of conference, conciliation, and persuasion, and by entering into a conciliation agreement with a respondent. If we are unable to reach an agreement during that period, the Commission may institute a civil suit in United States District Court and seek payment of a civil penalty.

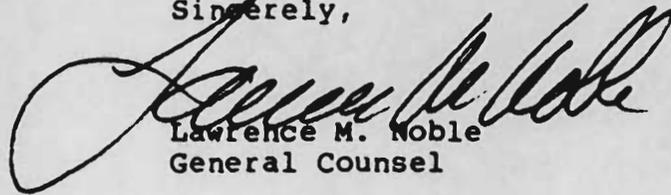
Enclosed is a conciliation agreement that the Commission has approved in settlement of this matter. If you agree with the provisions of the enclosed agreement, please sign and return it, along with the civil penalty, to the Commission within 10 days. I will then recommend that the Commission approve the agreement. Please make your check for the civil penalty payable to the Federal Election Commission.

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Letter to Mark N. Henry, Esquire
Page 2

If you have any questions or suggestions for changes in the enclosed conciliation agreement, or if you wish to arrange a meeting in connection with a mutually satisfactory conciliation agreement, please contact Charles Snyder, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,



Lawrence M. Noble
General Counsel

Enclosure
Conciliation Agreement

38040712223

88 JUN 17 PM 12:00

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
The Republican Party of Hawaii -)
Federal Account and Walter Decker,)
as treasurer)
)

MUR 2347

SENSITIVE

GENERAL COUNSEL'S REPORT

I. BACKGROUND

Attached is a conciliation agreement which has been signed by Walter C. Decker, the treasurer of The Republican Party of Hawaii - Federal Account.

The attached agreement contains no changes from the agreement approved by the Commission on May 18, 1988. A check for the civil penalty has not been received.

II. RECOMMENDATIONS

1. Accept the attached conciliation agreement with The Republican Party of Hawaii - Federal Account and Walter C. Decker, as treasurer.
2. Close the file.
3. Approve the attached letter.

Lawrence M. Noble
General Counsel

Date 6/16/88

BY: 
Lois G. Lerner
Associate General Counsel

Attachments

1. Conciliation Agreement
2. Letter to Respondents

Staff Assigned: Charles Snyder

38040712224

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
The Republican Party of Hawaii -) MUR 2347
Federal Account and Walter Decker,)
as treasurer)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on June 22, 1988, the Commission decided by a vote of 6-0 to take the following actions in MUR 2347:

1. Accept the conciliation agreement with The Republican Party of Hawaii - Federal Account and Walter C. Decker, as treasurer, as recommended in the General Counsel's report signed June 16, 1988.
2. Close the file.
3. Approve the letter, as recommended in the General Counsel's report signed June 16, 1988.

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

Attest:

6-22-88

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

Received in the Office of Commission Secretary: Fri., 6-17-88, 12:00
Circulated on 48 hour tally basis: Mon., 6-20-88, 11:00
Deadline for vote: Wed., 6-22-88, 11:00

38040712225



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 29, 1988

Mark N. Henry, Esquire
Dirman, Nakamura, Elisha, Nakatani & Neeley
Oct Ocean View Center
707 Richards Street, Penthouse One
Honolulu, Hawaii 96813

RE: MUR 2347
The Republican Party of Hawaii -Federal
Account and Walter C. Decker, as treasurer

Dear Mr. Henry:

On June 22, 1988, the Federal Election Commission accepted the signed conciliation agreement submitted on your clients' behalf in settlement of a violation of 2 U.S.C. §§ 434(a)(4)(A)(i), 434(a)(4)(A)(iii) 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 Charles Snyder, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosure
Conciliation Agreement

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plm

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
The Republican Party of Hawaii-Federal) MUR 2347
Account and Walter Decker, as treasurer)
)

CONCILIATION AGREEMENT

This matter was initiated by the Federal Election Commission ("the Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. The Commission found probable cause to believe that The Republican Party of Hawaii-Federal Account and Walter Decker, as treasurer ("Respondents") violated 2 U.S.C. §§ 434(a)(4)(A)(i), 434(a)(4)(A)(iii), and 433(c).

NOW, THEREFORE, the Commission and the Respondents, having duly entered into conciliation pursuant to 2 U.S.C. § 437g(a)(4)(A)(i), do hereby agree as follows:

I. The Commission has jurisdiction over the Respondents and the subject matter of this proceeding.

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

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

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

1. Respondent, The Republican Party of Hawaii-Federal Account, is a political committee within the meaning of 2 U.S.C. § 431(4).

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2. Respondent, Walter Decker, is the treasurer of The Republican Party of Hawaii-Federal Account.

3. Respondents were required by 2 U.S.C. § 434(a)(4)(A)(i) to file their 1986 October Quarterly Report on October 15, 1986.

4. Respondents failed to file said 1986 October Quarterly Report until March 16, 1987.

5. Respondents were required by 2 U.S.C. § 434(a)(4)(A)(iii) to file a 1986 Post-General Election report by December 4, 1986.

6. Respondents failed to file said 1986 Post-General Election report until March 23, 1987.

7. Respondents were required by 2 U.S.C. § 433(c) to file an amendment to their Statement of Organization within 10 days of their making any change in the office of treasurer.

8. Respondents failed to file such an amendment to their Statement of Organization in a timely manner when John W. Anderson, Jr. assumed the office of treasurer.

V.1. Respondents' failure to file their 1986 October Quarterly report in a timely manner was in violation of 2 U.S.C. § 434(a)(4)(A)(i).

2. Respondents' failure to file their 1986 Post-General Election report in a timely manner was in violation of 2 U.S.C. § 434(a)(4)(A)(iii).

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3. Respondents' failure to amend their Statement of Organization in a timely manner upon the appointment of a new treasurer was in violation of 2 U.S.C. § 433(c).

4. Respondents contend that they have enacted significant changes in their office organization that will henceforth enable them to comply fully with the reporting requirements of the Federal Election Campaign Act.

VI. Respondents will pay a civil penalty to the Federal Election Commission in the amount of One Thousand Eight Hundred dollars (\$1,800.00), 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 that all parties hereto have executed same and the Commission has approved the entire agreement.

IX. Respondents shall have no more than ninety (90) 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.

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

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oral, made by either party or by agents of either party, that is not contained in this written agreement shall be enforceable.

FOR THE COMMISSION:

Lawrence M. Noble
General Counsel

By: Lois G. Lerner
Lois G. Lerner
Associate General Counsel

Date June 29, 1988

FOR THE RESPONDENTS:

Walter C. Decker
(Name)
(Position)

Date JUNE 2, 1988

~~WALTER C. DECKER~~
TREASURER
REPUBLICAN PARTY of HAWAII

38040712230



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 2347

DATE FILMED 8/3/80 CAMERA NO. 4

CAMERAMAN K.A.U.

8 3 0 4 0 7 1 2 2 3 1



FEDERAL ELECTION COMMISSION
WASHINGTON, D C 20463

N 4.25.44

THE FOLLOWING MATERIAL IS BEING ADDED TO THE
PUBLIC FILE OF CLOSED MUR 2347 .

38040712730

CC#9587

Dinman, Nakamura, Elisha, Nakatani & Neeley

BRUCE C. DINMAN
REID A. NAKAMURA
G. STEPHEN ELISHA
GAIL C. NAKATANI
JOYCE Y. NEELEY
MARK T. ICHIMYAMA
M. ANNE ANDERSON-METCALF
PHILIP L. LAHNE
MARK N. HENRY
RICHARD S. EKIMOTO
PATRICIA GREEN RILEY
JUNIE HAYASHI
ARLETTE S. HARADA

ATTORNEYS AT LAW
A LAW CORPORATION
OCT OCEAN VIEW CENTER
707 RICHARDS STREET, PENTHOUSE ONE
HONOLULU, HAWAII 96813
TELEPHONE: (808) 523-7021
FACSIMILE: (808) 538-1927

RECEIVED
FEDERAL ELECTION COMMISSION

88 JUN 20 PM 1:45

MAUI OFFICE
2080 WELLS STREET
WAILUKU, MAUI, HAWAII 96783
TELEPHONE: (808) 244-2100

RECEIVED
FEDERAL ELECTION COMMISSION
88 JUN 22 PM 3:18

LETTER OF TRANSMITTAL

Office of General Counsel
Federal Election Committee
999 E. Street N.W.
Washington, D.C. 20463

Date: June 14, 1988

Re: MUR 2347; Republican
Party of Hawaii

Attn: Lois G. Lerner

(XXX) Mail () Pick-Up () Express/Certified Mail

Original/Copies	Date	Description
Original		Check No. 2324 to FEC in the amount of \$1,800.00

Is Transmitted Herewith:

- | | |
|--|--|
| <input type="checkbox"/>] For Signature And Return | <input type="checkbox"/>] For Your Information |
| <input type="checkbox"/>] For Signature, Forwarding
As Noted Below | <input type="checkbox"/>] For Appropriate Action |
| <input type="checkbox"/>] For Filing | <input type="checkbox"/>] For Your Files |
| <input type="checkbox"/>] For Recordation | <input checked="" type="checkbox"/>] Per Your Request |
| <input type="checkbox"/>] For Your Review | <input type="checkbox"/>] Per Our Conversation |
| | <input type="checkbox"/>] See Remarks Below |

Remarks:

By


MARK N. HENRY

Enclosure

38040712731



Republican Party of Hawaii

1270 QUEEN EMMA STREET, SUITE 300
HONOLULU, HAWAII 96813

DATE	INVOICE	AMOUNT
<i>6/22/88</i>	<i>civil</i>	
	<i># MUR</i>	
	<i>2347</i>	<i>1800</i>

59-102 / 1213

No 2324

PAY One Thousand Eight Hundred and 00/100 DOLLARS

CHECK NO.

TO THE ORDER OF

Federal Election Commission
Washington, D.C. 20546

DATE	DESCRIPTION	CHECK AMOUNT
<i>6/22/88</i>	<i>Civil Penalty</i> <i>Re. MUR 2347</i>	<i>1800-</i>

Debra A. Trimiew
[Signature]

BANK OF HAWAII
Market Branch Honolulu, Hawaii

⑈002324⑈ ⑆121301028⑆ 0009⑈002960⑈

600# 9587

40712732

MEMORANDUM

TO: DEBRA A. TRIMIEW TO: CECILIA LIEBER

FROM: CECILIA LIEBER FROM: DEBRA A. TRIMIEW

CHECK NO. 2324 [A COPY OF WHICH IS ATTACHED] RELATING TO

MUR 2347 AND NAME The Republican Party of Hawaii -
(Snyder) Federal Account

WAS RECEIVED ON 6/22/88. 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 6/22/88

RECEIVED
83 JUN 22 P11 3:18
FEDERAL ELECTION COMMISSION