



FEDERAL ELECTION COMMISSION
WASHINGTON, DC 20463

THIS IS THE BEGINNING OF MUR # 2405
DATE FILMED 4/25/87 CAMERA NO. 3
CAMERAMAN A.S.

87040564170



PUBLIC RECORD INDEX MUR 2405*

1. Memo, 9 Dec 86, John D. Gibson (Reports Analysis Division) to Charles N. Steele (General Counsel), Subj: Referral of Republic Media Group w/atch (RAD Referral Package).
2. First General Counsel's Report (RAD Ref. 86NF30), 13 Jan 87.
3. Certification of Commission Action, 20 Jan 87.
4. Ltr, 28 Jan 87, Scotte E. Thomas (Chairman, FEC) to Michael Mercier (Treasurer, Republic Media Group).
5. Ltr, 5 Feb 87, Michael Mercier to FEC, w/atch (Statment of Designation of Counsel).
6. Ltr, 18 Feb 87, Lowell Finley (Counsel to Republic Media Group) to FEC, Subj: Request for pre-probable cause conciliation.
7. Memo, 19 FEB 87, Oscelyn A. Anderson to Charles Steele, w/atch, Proposed Request for Additional Information ("RFAI") to Republic Media Group.
8. Memo, 2 Mar 87, Oscelyn A. Anderson to Charles Steele, w/atch (RFAI to Republic Media Group).
9. General Counsel's Report, 11 Mar 87.
10. Certification of Commission Action, 16 Mar 87.
11. Ltr, 18 Mar 87, Lawrence M. Noble (Acting General Counsel) to Lowell Finley.
12. Ltr, 30 Mar 87, Lowell Finley to FEC.
13. Ltr, 10 Apr 87, L. Finley to FEC.
14. Comp. Inv. Rpt. #1, 21 Apr 87.
- 14a. Memo 22 Apr 87, Marjorie W. Emmons/Joshua McFadden to L.M. Noble.
15. Memo, 17 Mar 87, John D. Gibson to Lawrence M. Noble, Subj: Referral of Republic Media Group, w/atch (RAD Referral Package).
16. First General Counsel's Report, 20 Apr 87.

*MUR 2329 was merged into MUR 2405

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17. Certification of Commission Action, 23 Apr 87.
18. Ltr, 4 May 87, Scott E. Thomas (Chairman, FEC) to Michael Mercier, w/atch (Factional and Legal Analysis).
19. Ltr, 28 May 87, Lowell Finley to FEC.
20. Affidavit of Michael Mercier, 28 May 87.
21. General Counsel's Report, 25 Jun 87.
22. Memo, 30 Jun 87, Majorie W. Emmons/Jeryl L. Warren to L.M. Noble, w/atch to Commissioner Thomas' vote sheet.
23. Memo, 30 Jun 87, M.W. Emmons/J.C. Warren to L.M. Noble, Subj: Objection to MUR 2405.
24. Certification of Commission Action, 8 Jul 87.
25. Ltr, 9 Jul 87, L.M. Noble to L. Finley.
26. Memo, 28 Jul 87, Oscelyn A. Anderson to L.M. Noble, w/atch ("RFAI" and Memo's).
27. Memo, 11 Aug 87, Oscelyn A. Anderson to L.M. Noble, w/atch ("RFAI").
28. General Counsel's Report, 7 Sept 87.
29. Certification of Commission Action, 11 Sep 87.
30. Ltr, 15 Sep 87, L.M. Noble to Lowell Finley, w/atch (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

9 December 1986

MEMORANDUM

TO: CHARLES W. STEELE
GENERAL COUNSEL

THROUGH: JOHN C. SURINA *Chw*
STAFF DIRECTOR *JS*

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

SUBJECT: REFERRAL OF THE REPUBLIC MEDIA GROUP

This is a referral of the Republic Media Group ("RMG"). RMG 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.

If you have any questions, please contact Tamara Rollins at 376-2480.

Attachment

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REPORTS ANALYSIS REFERRAL

TO

OFFICE OF GENERAL COUNSEL

DATE: 9 December 1986

ANALYST: Tamara K. Rollins

I. COMMITTEE:

Republic Media Group
(C00206664)
Michael Mercier, Treasurer
16582 Burke Lane
Huntington Beach, CA 92647

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 Republic Media Group ("RMG") failed to file the 1986
October Quarterly Report of Receipts and Disbursements
covering the period July 1, 1986 to September 30, 1986 by
Election Day, November 4, 1986. RMG 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 RMG
for its failure to file the 1986 October Quarterly Report
(Attachment 3).

On November 18, 1986, the Reports Analyst Division
("RAD") analyst received a telephone call from Mr. Michael
Mercier, Treasurer of RMG, in response to the Non-Filer
Notice. Mr. Mercier stated that he was not aware of the
requirement to continue to file reports with the Commission
because the RMG was not really a committee but rather an
ongoing business. The RAD analyst advised him that he must
continue to file the required reports until RMG filed a
Termination Report. Mr. Mercier stated that the 1986
October Quarterly Report would be mailed that day
(Attachment 4).

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**REPUBLIC MEDIA GROUP
REPORTS ANALYSIS OGC REFERRAL
PAGE 2**

The 1986 October Quarterly Report was received by the Commission on November 24, 1986 (Attachment 5). A cover letter accompanying the report, reiterated what Mr. Mercier had stated in the November 18, 1986 telephone conversation.

**IV. OTHER PENDING MATTERS INITIATED BY RAD:
None**

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NON-PARTY RELATED

COMMITTEE	DOCUMENT	RECEIPTS	DISBURSEMENTS	TYPE OF FILER COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
REPUBLIC MEDIA GROUP CONNECTED ORGANIZATION: NONE						
	1986 STATEMENT OF ORGANIZATION			19MAY86		2 86FEC/414/1820
	JULY QUARTERLY	461,750	411,197	SMAY86 -30JUN86		25 86FEC/423/4089
	OCTOBER QUARTERLY	1,800	29,958	30JUN86 -30SEP86		7 86FEC/444/4740
	NOTICE OF FAILURE TO FILE			30SEP86		1 86FEC/443/3973
	TOTAL	463,550	0 441,155	0		35 TOTAL PAGES

NON-PARTY NON-QUALIFIED ID 3C00206664

All reports have been reviewed.
 Ending cash on hand as of 9/30/86: \$22394
 Outstanding debts owed to the committee as of 9/30/86: \$51614
 Outstanding debts owed by the committee as of 9/30/86: \$10000

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.

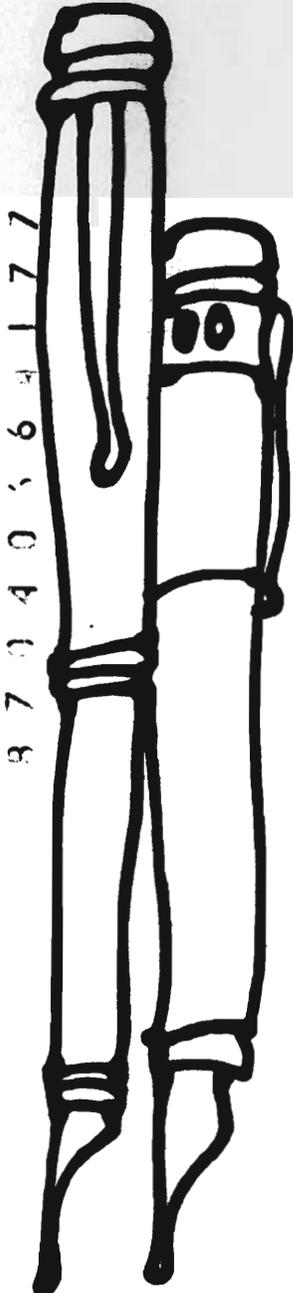
MONTHLY FILERS

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).



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
WASHINGTON, DC 20463

RQ-7

November 4, 1986

Michael Mercier, Treasurer
Republic Media Group
16502 Burke Lane
Huntington Beach, CA 92647

Identification Number: C00206664

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

Dear Mr. Mercier:

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 Tammy Rollins 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

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TELECON

ANALYST: Tamara K. Rollins

CONVERSATION WITH: Michael Mercier, Treasurer

COMMITTEE: Republic Media Group

DATE: 11/18/86

SUBJECT(S): Non-Filer Notice

Mr. Mercier called in response to the Non-Filer Notice that he had received from the Commission. Mr. Mercier stated that Republic Media Group is not really a committee but rather an ongoing Business. Republic Media Group was advised to file with the Commission because of the slate card his company was planning to produce. Mr. Mercier stated that the purpose of his committee was to produce a slate mailer for the June Primary which was going to contain some federal candidates.

Mr. Mercier stated that in light of the type of committee that Republic Media Group is, he did not think the committee had to file any more reports with the Commission. I advised him that Republic Media Group must continue to file timely reports until it files a Termination Report with the Commission.

Mr. Mercier stated that he would mail the 1986 October Quarterly Report today.

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Republic Media Group
16982 Burke Lane
Huntington Beach, CA 92647
(714) 842-4993

RECEIVED BY THE FEC



ATTACHMENT 5
Page 1 of 2

November 10, 1988

Mr. John D. Gibson
Assistant Staff Director
Report Analysis Division
Federal Election Commission
Washington, D.C. 20463

Dear Mr Gibson:

I write you to respond to your letter of 11-4-88 regarding the non filing of an October Quarterly Report for Republic Media Group. Identification number: C00206984.

Due to the nature of our business and the "special circumstances" that prompted Republic Media Group to file with the Federal Elections Committee, we assumed that our inactivity during this quarter and this November's general election exempted our company from filing a statement. As we did not hear differently from the FEC until your notice of 11-4-88, an October Quarterly Report for Republic Media Group was not filed.

After my conversation with Ms. Hollins, I promptly prepared a statement for Republic Media Group for the period in question. If there are any problems do not hesitate to contact me at (213) 859-1233 or (714) 848-3545. Furthermore, please send me the necessary forms for terminating our committee. Thank you.

Sincerely,

Michael Mercier
Treasurer

enclosure

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RECEIVED AT THE FEC

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

(Summary Page)

1. Name of Committee (in Full)

Republic Media Group

Address (Number and Street)

16582 Burke Lane

City, State and ZIP Code

Burlington Beach, CA. 92647

Check here if address is different than previously reported.

2. FEC Identification Number

00020664

3. This committee qualified as a non-federally controlled committee during this Reporting Period on _____

4. TYPE OF REPORT (Check appropriate boxes)

(a) April 15 Quarterly Report October 15 Quarterly Report

July 15 Quarterly Report January 31 Year End Report

July 31 End Year Report (Non-Election Year Only)

Monthly Report for _____

Twelve day report preceding _____

beginning on _____ in the State of _____

Thirtieth day report following the General Election

on _____ in the State of _____

Termination Report

(b) Is this Report an Amendment?

YES

NO

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5. Covering Period 10-30-86 through 9-30-86

6. (a) Cash on hand January 1, 80 _____

(b) Cash on hand at beginning of Reporting Period _____

(c) Total Receipts (from Line 10) _____

(d) Subtotal (add Lines 6(b) and 6(c) for Column A and Lines 6(b) and 6(c) for Column B)

7. Total Disbursements (from Line 11) _____

8. Cash on hand at close of Reporting Period (subtract Line 7 from Line 6(d)) _____

9. Debts and Obligations Owed TO The Committee (Report all on Schedule C or Schedule D)

10. Debts and Obligations Owed BY the Committee (Report all on Schedule C or Schedule D)

Verify that I have completed this report and its attachments to the best of my knowledge and belief. It is true, correct and complete.

Michael Mercier
Type - Chairman of Committee

Richard D. Lewis 11-19-86
Signature of Treasurer

For further information contact:

Federal Election Commission
610 E Street, N.W.
Washington, D.C. 20543
Tel: (202) 453-3400
Toll Free: 1-800-426-9929

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this report to the penalties of 2 U.S.C. § 437c.

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

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FEC FORM 2N (12/80)

End 1

FEDERAL ELECTION COMMISSION
FIRST GENERAL COUNSEL'S REPORT

SENSITIVE

RAD Referral 86NF-30
Staff Maura White
Callaway

SOURCE OF MUR: Internally Generated
RESPONDENTS' NAMES: Republic Media Group;
Michael Mercier, as treasurer
RELEVANT STATUTE: 2 U.S.C. § 434(a)(4)(A)(i)
INTERNAL REPORTS
CHECKED: Public Records
FEDERAL AGENCIES
CHECKED: None

07 JAN 14 1987
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GENERATION OF MATTER

The Reports Analysis Division ("RAD") referred Republic Media Group ("RMG") to the Office of the General Counsel on December 9, 1986, for failure to file the 1986 October Quarterly Report timely (Attachment 1).

FACTUAL AND LEGAL ANALYSIS

(A) The Facts

RMG was notified on September 19, 1986, that the 1986 October Quarterly Report was required to be filed by October 15, 1986. On November 4, 1986, a Non-Filer Notice was sent to RMG for failure to file the 1986 October Quarterly Report.

In response to the Non-Filer Notice, a staff member of RAD received a telephone call from the treasurer of RMG on November 18, 1986. The treasurer stated that he was not aware of the requirement to file reports with the Commission because RMG was

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an ongoing business.^{1/} The staff member of RAD advised the treasurer that he must continue to file all required reports until RMG filed a termination report. The treasurer stated that the 1986 October Quarterly would be mailed that day. The 1986 October Quarterly Report was filed on November 24, 1986.^{2/}

(B) The Applicable Law

Pursuant to 2 U.S.C. § 434(a)(4)(A)(i), all political committees other than authorized committees are required to 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.

(C) Application of the Law to the Facts

The record in this matter demonstrates that RMG was required to file the 1986 October Quarterly Report no later than October 15, 1986. RMG, however, did not file the 1986 October Quarterly Report until November 24, 1986. In view of RMG's

^{1/} According to the memorandum of the November 18, 1986, telephone conversation, the treasurer stated that RMG had been advised to file with the Commission because of the primary election slate card, containing federal candidates, that it was planning to produce.

RMG registered as a political committee on May 19, 1986, and filed a 1986 July Quarterly Report disclosing \$461,750 in receipts and \$411,197 in disbursements.

^{2/} The 1986 October Quarterly Report disclosed \$1,800 in receipts and \$29,958 in disbursements.

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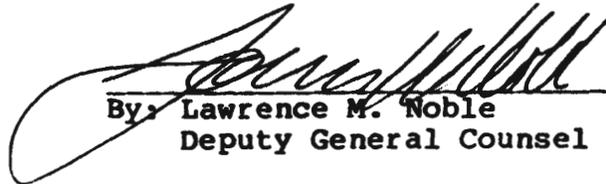
failure to file the 1986 October Quarterly Report by the required filing date, it is the recommendation of this Office that the Commission open a Matter Under Review and find reason to believe RMG and Michael Mercier, as treasurer, violated 2 U.S.C. § 434 (a) (4) (A) (i).

III. RECOMMENDATIONS

1. Open a Matter Under Review.
2. Find reason to believe Republic Media Group and Michael Mercier, as treasurer, violated 2 U.S.C. § 434(a) (4) (A) (i).
3. Approve the attached letter and General Counsel's Factual and Legal Analysis.

Charles N. Steele
General Counsel

1/13/87
Date


By: Lawrence M. Noble
Deputy General Counsel

Attachments

1. RAD Referral
2. Proposed Letter and analysis

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Attachments to First General
Counsel's Report

have been removed from this position in the Public Record File either because they duplicate documents located elsewhere in this file, or because they reflect exempt information.

For Attachment 1 see 1
2 4



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

January 28, 1987

**Michael Mercier, Treasurer
Republic Media Group
16582 Burke Lane
Huntington Beach, California 92647**

**RE: MUR 2329
Republic Media Group;
Michael Mercier, as
treasurer**

Dear Mr. Mercier:

On January 16, 1987, the Federal Election Commission determined that there is reason to believe Republic Media Group 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 Republic Media Group 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 Republic Media Group and you, as treasurer, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation.

If you are interested in pursuing pre-probable cause conciliation, you should so request in writing. See 11 C.F.R. § 111.18(d). Upon receipt of the request, the Office of the General Counsel will make recommendations to the Commission either proposing an agreement in settlement of the matter or recommending declining that pre-probable cause conciliation be pursued. The Office of the General Counsel may recommend that pre-probable cause conciliation not be entered into at this time

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so that it may complete its investigation of the matter. Further, requests for pre-probable cause conciliation will not be entertained after briefs on probable cause have been mailed to the respondent.

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

If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

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

For your information, we have attached a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Maura White Callaway, the staff member 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

87040564189

Doc# 2718

Republic Media Group
16582 Burke Lane
Huntington Beach, CA 92647
(714) 842-4993

February 5, 1987

Mr. Scott Thomas
Chairman
Federal Election Commission
Washington, D.C. 20463

RE; MUR 2329 -Republic Media

Dear Mr. Thomas,

Please refer any further correspondance of this nature to my attorneys, Joe Remcho and Kathy Purcell.

Furthermore, this correspondance was received by my company on 2-4-87. Please adjust your timetable and deadline on this matter to reflect this occurance.

Thank you for your immediate attention on this matter.

Sincerely,

Michael Mercier
Michael Mercier

enclosure

cc: Remcho, Johansen & Purcell
220 Montgomery St
San Francisco, CA 94104

07 FEB 17 P 2:30

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SECRETARY

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07 FEB 17 P 4:27
RECEIVED
GENERAL COUNSEL

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STATEMENT OF DESIGNATION OF COUNSEL

MUR 2329

NAME OF COUNSEL: Remcho, Johansen & Purcell

ADDRESS: 220 Montgomery Street

San Francisco, CA 94104

JOE REMCHO or KATHLEEN PURCELL

TELEPHONE: (415) 398-6230

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.

2-5-87
Date


Signature
Michael Mercier

RESPONDENT'S NAME: Republic Media Group - Michael Mercier

ADDRESS: 16582 Burke Lane

Huntington Beach, CA 92647

HOME PHONE: (714) 848-3545

BUSINESS PHONE: (714) 842-4993

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REMCHO, JOHANSEN & PURCELL
ATTORNEYS AT LAW

220 MONTGOMERY STREET, SUITE 800
SAN FRANCISCO, CALIFORNIA 94104
415 / 398-6230

BCC 2730
RECEIVED AT THE FEC
HAND DELIVERED
87 FEB 19 AM: 34

February 18, 1987

BY FEDERAL EXPRESS

Federal Election Commission
Office of the General Counsel
Attn: Maura White Callaway
999 E Street, N.W.
Washington, D.C. 20463

RECEIVED
Office of the
GENERAL COUNSEL
87 FEB 19 P 2: 56

Re: MUR 2329 Republic Media Group;
Michael Mercier, as treasurer

Dear Ms. Callaway:

Respondents Republic Media Group and Michael Mercier, as treasurer, request pre-probable cause conciliation in the above-referenced MUR, pursuant to 11 CFR §111.18(d). This firm is named on the Statement of Designation of Counsel dated February 5, 1987.

Respondents concede that the October 1986 Quarterly Report, due on October 15, 1986, was not timely filed. Respondents have searched their files and have no record of having received the notification dated September 19, 1986, referred to in the General Counsel's Factual and Legal Analysis. If such a notice was sent, we would be grateful if you could send a copy so that our correspondence file can be made complete.

When respondents received the Commission's Non-Filer Notice, they promptly contacted the Reports Analysis Division by telephone. Mr. Mercier, the treasurer, explained that he did not know that it was necessary to continue to file reports in periods in which the committee had no federal campaign activity. He explained that Republic Media Group's only federal campaign activity was in conjunction with the June, 1986 California primary election.

When Mr. Mercier was informed that continued reporting was required, he immediately complied. The October Quarterly Report was mailed on November 19, 1986,

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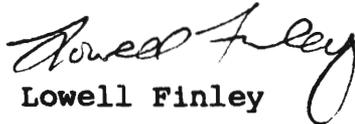
Federal Election Commission
Office of the General Counsel
Attention: Maura White Callaway
February 18, 1987
Page 2

the day of his call, and filed on November 24, 1986. Consistent with the committee's lack of involvement in federal campaign activity after June, 1986, the report showed only \$1,800 in receipts and \$29,958.29 in disbursements, all for operating expenditures. The committee has nothing to hide, and, we believe, no harm resulted from the late filing in this case.

Republic Media Group is not a typical political committee. It is a small partnership, formed in 1986 to engage in the business of producing and distributing "slate mailers." The June, 1986 primary was its first foray into such election-related business. Due in large part to the complexity of the regulation and reporting requirements in this area, Republic Media Group is getting out of the slate mailer business. The partnership is being wound up, and the committee is in the process of terminating its reporting obligations, in accordance with the procedures provided in the Federal Election Campaign Act and the Commission's regulations.

No purpose would be served by the imposition of penalties for this minor, nonwilful infraction, which resulted from the misunderstanding of newcomers. We hope the Commission will agree.

Sincerely,


Lowell Finley

LF:ph

cc: Michael Mercier
Jim Corey

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

February 19, 1987

MEMORANDUM

TO: CHARLES STEELE
GENERAL COUNSEL

ATTENTION: MAURA CALLAWAY

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

SUBJECT: MUR 2329

Please review the attached Request for Additional Information which is to be sent to Republic Media Group for the Termination 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 3:00 p.m. on Monday, February 23, 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

87040664194



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-2

Michael Mercier, Treasurer
Republic Media Group
16582 Burke Lane
Huntigton Beach, CA 92647

Identification Number: C00206664

Reference: 1986 Termination Report (9/30/86-1/31/87)

Dear Mr. Mercier:

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:

-All reports filed by unauthorized political committees must be on FEC Form 3X. State or non-FEC forms are not acceptable. Your filing will not be considered complete until a report is submitted on FEC Form 3X. 11 CFR 104.5. Please amend your report to include the proper Schedules A and D.

-Line 11a of the Detailed Summary Page discloses a figure for the total amount of contributions from individuals/persons other than political committees. In addition, the memo entry portion of the Detailed Summary Page is blank, and insufficient supporting schedules have been provided. Please amend your report by itemizing all contributions from individuals/persons, which aggregate greater than \$200 in the calendar year, and/or provide a figure for the total amount of unitemized contributions from individuals/persons, which have been received during the reporting period. 11 CFR 104.3(a)(2).

-Your previous filing, the 1986 October Quarterly Report, disclosed a debt owed to your committee from William Campbell for \$10,000. This report, however, does not include a Schedule D to disclose the status of the debt, nor are there any debt repayments on Schedule B. Please provide a Schedule D to show the status of the debt and/or a Schedule B to show debt repayments.

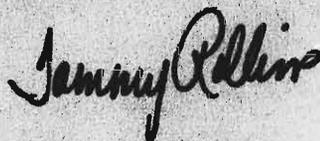
An amendment to your original report(s) correcting the above problem(s) should be filed with the Federal Election Commission

87040564195

2

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,



Tammy Rollins
Reports Analyst
Reports Analysis Division

87040564196

7



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

March 2, 1987

MEMORANDUM

TO: CHARLES STEELE
GENERAL COUNSEL

ATTENTION: Maura Callaway

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

SUBJECT: MUR 2329

Please review the attached Request for Additional Information which is to be sent to the Republic Media Group for the 30 Day Post-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 12:00 p.m. on Wednesday, March 4, 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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8



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-2

Michael Mercier, Treasurer
Republic Media Group
16582 Burke Lane
Huntington Beach, CA 92647

Identification Number: C00206664

Reference: 30 Day Post-General Report (10/13/86-12/4/86)

Dear Mr. Mercier:

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 11a of the Detailed Summary Page discloses a figure for the total amount of contributions from individuals/persons other than political committees. In addition, the memo entry portion of the Detailed Summary Page is blank, and insufficient supporting schedules have been provided. Please amend your report by itemizing all contributions from individuals/persons, which aggregate greater than \$200 in the calendar year, and/or provide a figure for the total amount of unitemized contributions from individuals/persons, which have been received during the reporting period. 11 CFR 104.3(a)(2).

-All reports filed by unauthorized political committees must be on FEC Form 3X. State or non-FEC forms are not acceptable. Your filing will not be considered complete until a report is submitted on FEC Form 3X. 11 CFR 104.5. Please amend your report to include the proper Schedules A and D.

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,

Tammy Rollins
Reports Analyst
Reports Analysis Division

87040564198

SENSITIVE

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 2329
Republic Media Group;)
Michael Mercier, as treasurer)

GENERAL COUNSEL'S REPORT

I. BACKGROUND

On January 16, 1987, the Commission determined that there is reason to believe Republic Media Group and Michael Mercier, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(i) by failing to file the 1986 October Quarterly Report in a timely manner. On February 19, 1987, the respondents submitted a request to settle this matter prior to a finding of probable cause to believe (Attachment 1).

87040564199

III. RECOMMENDATIONS

1. Enter into conciliation with Republic Media Group and Michael Mercier, as treasurer, prior to a finding of probable cause to believe.
2. Approved the attached conciliation agreement and letter.

**Charles N. Steele
General Counsel**

Date 3/11/87

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

Attachments

1. Letter from Finley
2. Proposed agreement and letter

87040664200

Attachments to General
Counsel's Report

have been removed from this position in the Public Record File either because they duplicate documents located elsewhere in this file, or because they reflect exempt information.

For Attachment 1 see 6
2 _____

87040564201

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Republic Media Group;) MUR 2329
Michael Mercier, as treasurer)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on March 16, 1987, the Commission decided by a vote of 6-0 to take the following actions in MUR 2329:

1. Enter into conciliation with Republic Media Group and Michael Mercier, as treasurer, prior to a finding of probable cause to believe.
2. Approve the conciliation agreement and letter, as recommended in the General Counsel's Report signed March 11, 1987.

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

Attest:

3-16-87

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

Received in the Office of Commission Secretary: Wed., 3-11-87, 2:03
Circulated on 48 hour tally basis: Thurs., 3-12-87, 11:00
Deadline for vote: Mon., 3-16-87, 11:00

87040564202



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

fdm

March 18, 1987

Lowell Finley, Esquire
Remcho, Johansen and Purcell
220 Montgomery Street, Suite 800
San Francisco, CA 94104

Re: MUR 2329
Republic Media Group; Michael
Mercier, as treasurer

Dear Mr. Finley:

On January 16, 1987, the Commission found reason to believe that your clients, Republic Media Group and Michael Mercier, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(i). At your request, the Commission determined on March 16, 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. Pursuant to your request for a copy of the September 19, 1986, notice advising that a quarterly report was required to be filed by October 15, 1986, enclosed is a copy of that notice.

Enclosed is a conciliation agreement that the Commission has approved in settlement of this matter. If your clients agree with the provisions of the enclosed agreement, please sign and return it, along with the civil penalty, to the Commission. In light of the fact that conciliation negotiations, prior to a finding of probable cause to believe, are limited to a maximum of 30 days, you should respond to this notification as soon as possible. If you have any questions or suggestions for changes in the agreement, or if you wish to arrange a meeting in connection with a mutually satisfactory conciliation agreement, please contact Maura White Callaway, the staff member assigned to this matter, at (202) 376-5690.

Sincerely,

Lawrence M. Noble
Lawrence M. Noble
Acting General Counsel

Enclosures
Conciliation Agreement
Quarterly Report Notice

87040564203

11

REMCHO, JOHANSEN & PURCELL
ATTORNEYS AT LAW

220 MONTGOMERY STREET, SUITE 800
SAN FRANCISCO, CALIFORNIA 94104
415 / 398-6230

RECEIVED THE FEC
HAND DELIVERED
37 MAR 31 AIO : 32

March 30, 1987

VIA FEDERAL EXPRESS

Lawrence M. Noble
Acting General Counsel
Federal Election Commission
Washington, D.C. 20463

Attn: Maura White Callaway

Re: MUR 2329
Republic Media Group;
Michael Mercier, as treasurer

Dear Mr. Noble:

I have reviewed the proposed conciliation agreement with my clients. I have also read the Quarterly Report Notice, dated September 19, 1986, which you kindly included. Respondents propose the following modifications to the proposed conciliation agreement.

First, Lisa J. Stolaruk of the Reports Analysis Division notified my clients by letter dated February 5, 1987 that the committee may have violated 2 U.S.C. §434(a) by failing to file its 1986 30 Day Post-General Report on time. My clients are currently attempting to terminate their committee status and reporting obligations. To avoid the cost and inconvenience of successive negotiations, they would prefer to resolve all matters concerning any of the reports they have filed with the Commission in a single conciliation agreement. Accordingly, if the Commission is considering enforcement action on the Post-General Report or any other matters involving other reports for 1986, I request that they be consolidated with MUR 2329.

97 MAR 31 ALL : 47

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12

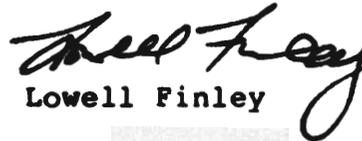
Lawrence M. Noble
March 30, 1987
Page Two

Mr. Mercier has no recollection or record of having received the Quarterly Report Notice dated September 19. In any event, it is a general purpose, form notice sent to all committees. Nothing in the notice would have alerted Mr. Mercier that his understanding of the filing requirements was incorrect.

In short, Mr. Mercier made an honest mistake. When he was told of his error, he promptly corrected it. The report he filed shows that the committee had only \$1,800 in receipts and \$29,958.29 in disbursements during the reporting period, all for operating expenses. The purposes of the reporting requirements were not defeated.

Please call me to discuss these proposals.

Sincerely,


Lowell Finley

LF:lmf

87040664205

REMCHO, JOHANSEN & PURCELL
ATTORNEYS AT LAW

87 APR 13 All : 04

220 MONTGOMERY STREET, SUITE 800
SAN FRANCISCO, CALIFORNIA 94104
415 / 398-6230

April 10, 1987

87 APR 13 P 2 : 19

RECEIVED
OFFICE OF THE
GENERAL COUNSEL

Delanie Painter, Esq.
Federal Election Commission
Washington, D.C. 20463

Re: MUR 2329
Republic Media Group;
Michael Mercier, as treasurer

Dear Ms. Painter:

Because I have not heard from you since our telephone conversation on April 2, 1987, I am writing to confirm the understanding we reached in that conversation.

You informed me that you had assumed responsibility for this matter, replacing Maura White Callaway, who is on leave from the Commission. You stated that you had read my letter dated March 30, 1987, requesting the consolidation with MUR 2329, for purposes of conciliation, of any other matters involving 1986 reports on which the Commission was considering enforcement action. You also stated that you were recommending that the Commission consolidate with MUR 2329 the matter of the late filing of my clients' 1986 30 Day Post-General Election Report.

You stated that the Commission's decision on consolidation would be made very soon, and that we should defer negotiations on conciliation of MUR 2329 until that decision had been made. I expressed concern that any delay might leave inadequate time for the conciliation negotiations in MUR 2329, which Mr. Noble's letter dated March 18, 1987 indicated was limited to 30 days. You assured me that the 30 day limitation would not present a problem.

I write to confirm my understanding that the running of the 30 day period for negotiation in MUR 2329 was tolled as of April 2nd, the date of our conversation, and continuing until such time as the Commission decides the consolidation question. In the event the Commission does decide to consolidate the two matters, I request that a new 30 day negotiation period commence on the date of notice of that decision.

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Delanie Painter, Esq.
April 10, 1987
Page Two

Thank you for your cooperation in this matter.

Sincerely,

Lowell Finley
Lowell Finley

LF:lmf

cc: Michael Mercier
Jim Corey

87040664207

17

SENSITIVE

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Republic Media Group) MUR 2329
and Michael Mercier, as treasurer)

87 APR 21
AIO: SJ
RECEIVED
OFFICE OF THE FEDERAL ELECTION COMMISSION SECRETARY

COMPREHENSIVE INVESTIGATIVE REPORT #1

On January 16, 1987, the Commission found reason to believe that Republic Media Group, and Michael Mercier, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(i) by failing to file the 1986 October Quarterly Report in a timely manner. At respondent's request, the Commission determined on March 16, 1987 to enter into negotiations toward a pre-probable cause conciliation agreement. Accordingly, the Office of the General Counsel sent a conciliation agreement, approved by the Commission, to respondents on March 18, 1987.

Concurrently, the Reports Analysis Division referred another matter involving Republic Media Group to this Office. That matter, designated as RAD Referral 87NF-74, involves the late filing of the 1986 30 Day Post-General Report. This referral is one of 15 respondents who did not file their 1986 30 Day Post-General Reports in a timely manner, all referred to this Office as a group.

Counsel for Republic Media Group responded to the proposed conciliation agreement on March 30, 1987. Respondents proposed certain modifications to the conciliation agreement. Respondents were notified of the late filing of the 1986 30 Day Post-General Report, by the Reports Analysis Division on February 5, 1987. Respondents are currently attempting to terminate their committee

87040564208

status and reporting obligations. They wish to avoid the "cost and inconvenience of successive negotiations" if the Commission "is considering enforcement action" with regard to the Post General Election Report. Respondents request that the two matters be consolidated for a pre-probable cause conciliation agreement covering both matters. Respondents also ask that sufficient time be made available for pre-probable cause conciliation if the two matters are consolidated.

In the First General Counsel's Report covering the RAD Referral 87NF-74 (now in circulation), this Office is recommending that the Commission find reason to believe that Republic Media Group violated 2 U.S.C. § 434(a) by failing to file its 1986 30 Day Post-General Report in a timely manner, and that the new matter be merged with MUR 2329 for pre-probable cause conciliation in order to provide for an expeditious resolution of all issues involved. On the same basis this Office has also concluded that an extension of the conciliation period in MUR 2329 is warranted in order to facilitate the conclusion of a satisfactory comprehensive settlement.

Date

4/21/87

George F. Rishel
George F. Rishel
Acting Associate General
Counsel

H

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO: LAWRENCE M. NOBLE
ACTING GENERAL COUNSEL

FROM: *mwe* MARJORIE W. EMMONS/JOSHUA MCFADDEN *JR*

DATE: APRIL 22, 1987

SUBJECT: MUR 2329 - COMPREHENSIVE INVESTIGATIVE
REPORT #1

The above-captioned matter was received in the Office of the Secretary of the Commission Tuesday, April 21, 1987 at 10:57 A.M. and circulated to the Commission on a 24-hour no-objection basis Tuesday, April 21, 1987 at 4:00 P.M.

There were no objections received in the Office of the Secretary of the Commission to the Comprehensive Investigative Report #1 at the time of the deadline.

87040564210

HW



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

March 17, 1987

MEMORANDUM

TO: LAWRENCE M. NOBLE
ACTING GENERAL COUNSEL

THROUGH: JOHN C. SURINA
STAFF DIRECTOR

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

SUBJECT: 30 DAY POST-GENERAL REPORT NON-FILER REFERRALS OF
UNAUTHORIZED COMMITTEES

Attached is a listing of fifteen (15) unauthorized committees which failed to file the 1986 30 Day Post-General Report within thirty (30) days of the date of the Non-Filer Notice. In accordance with Standard 3 of the 1985-1986 RAD Review and Referral Procedures for Unauthorized Committees, further examination is required by your office.

On September 29, 1986, prior notification was sent to all unauthorized committees informing them that all committees, regardless of election activity, must file the 30 Day Post-General Report by December 4, 1986 (Attachment 16). Each committee which failed to submit a report covering the post-election reporting period was sent a Non-Filer Notice on December 23, 1986 (Attachment 17).

The attached printout lists the name, address and treasurer for each committee being referred. Any telephone conversations are referenced under Contacts with Filers. The Summary Pages of late-filed reports and/or letters of explanation are included under Reports Filed/Response(s). In addition, a "C" index accompanies each committee. In a few instances, the aggregate receipt and disbursement figures may be inflated because reports were submitted covering portions of the same reporting period.

Please note that one of the committees, Republic Media Group, is a respondent in MUR 2329 for failing to file the 1986 October Quarterly Report by Election Day (RAD referral 86NF-30).

If you have any questions, please contact Lisa J. Stolaruk at 376-2480.

Attachments

15

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C00206664

Republic Media Group

87NF-74

87040664213

REPUBLICAN MEDIA GROUP
(Attachments 14a - 14d)



NON-PARTY RELATED

COMMITTEE	DOCUMENT	RECEIPTS	DISBURSEMENTS	TYPE OF FILER COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
REPUBLIC MEDIA GROUP CONNECTED ORGANIZATION: NONE						NON-PARTY NON-QUALIFIED ID 0C00206664
1986	STATEMENT OF ORGANIZATION JULY QUARTERLY	461,750	411,197	19MAY86 - 30JUN86	2	86FEC/414/1820
	OCTOBER QUARTERLY	1,800	29,958	30JUN86 - 30SEP86	28	86FEC/423/4889
	OCTOBER QUARTERLY - AMENDMENT	1,800	29,958	30JUN86 - 30SEP86	7	86FEC/444/4740
	NOTICE OF FAILURE TO FILE REQUEST FOR ADDITIONAL INFORMATION POST-GENERAL	78,805	82,500	30JUN86 - 30SEP86	9	86FEC/451/4486
	NOTICE OF FAILURE TO FILE			30SEP86	1	86FEC/443/3973
	MISCELLANEOUS NOTICE FROM FEC	78,805	101,199	13OCT86 - 4DEC86	2	86FEC/450/5402
	TERMINATION REPORT			24NOV86	12	87FEC/460/4947
	TOTAL	621,160	624,854	SEP867 - 31JAN87	1	86FEC/452/1325
					9	87FEC/459/5227
					9	87FEC/460/1304
					69	TOTAL PAGES

All reports have been reviewed.
 Cash on Hand as of 1/31/87: \$0.00
 Outstanding Debts and Obligations as of 1/31/87: \$0.00

15

TELECON

ANALYST: Tamara Rollins

Attachment 14b

CONVERSATION WITH: A Committee Representative

COMMITTEE: Republic Media Group

DATE: 12/30/86

SUBJECT(S): Failure to File The 30 Day Post-General Report

I called the Republic Media Group office today to inquire why the 30 Day Post-General Report had not been filed. The committee representative stated that Michael Mercier, the treasurer, would not return to the office until January 5, 1987. I left a message with her to have Mr. Mercier return my call when he returned.

Mr. Mercier never returned my call.

87040664215

15

Republic Media Group
16582 Burke Lane
Huntington Beach, CA 92647
(714) 842-4993

Attachment 14c

27 FEB 17 4:00 PM '87

February 12, 1987

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

Dear Ms. Stolaruk,

Per your correspondence of February 5, 1987 which I received on February 9, 1987. - Please contact my attorney, Kathleen Purcell (415) 398-6230, regarding the late filing of our October quarterly report.

As for your claim that you have not received our 30 day close report, I am enclosing a copy of the report that I sent to your office on 12-16-1987 covering that period.

Finally, I recently terminated Republic Media Group and noted such in our year-end report. Please contact me immediately if your office has not received this report or does not have Republic Media Group listed as a terminated committee.

Thank you for your cooperation.

Sincerely,


Michael Mercier

enclosure

37040564210

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

Attachment 14d
77 FEB 17 AM 8:00

(Summary Page)

1. Name of Committee (or Full)

REPUBLIC MEDIA GROUP

Address (Number and Street)

16582 BURKE LANE

City, State and ZIP Code

HUNTINGTON BEACH, CA

Check here if address is different than previously reported.

2. FEC Identification Number

C0020664

3. This committee qualified as a multicandidate committee during this Reporting Period on _____

4. TYPE OF REPORT (Check appropriate boxes)

(a) April 15 Quarterly Report October 15 Quarterly Report

July 15 Quarterly Report January 31 Year End Report

July 31 Mid-Year Report (Non-Election Year Only)

Monthly Report for _____

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

Tenth day report following the General Election

on **11-4-86** in the State of **CALIFORNIA**

Termination Report

(b) Is this Report an Amendment?

YES

NO

SUMMARY

5. Covering Period **10-13-86** through **12-4-86**

6. (a) Cash on hand January 1, 19 _____

(b) Cash on Hand at Beginning of Reporting Period

(c) Total Receipts (from Line 10)

(d) Subtotal (add Lines 6(b) and 6(c) for Column A and
Lines 6(a) and 6(c) for Column B)

7. Total Disbursements (from Line 20)

* Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d))

8. Debts and Obligations Owed TO The Committee

9. Debts and Obligations Owed BY the Committee

	COLUMN A This Period	COLUMN B Calendar Year-to-Date
6. (a)		—
6. (b)	\$ 22,394.25	
6. (c)	\$ 78,805.00	\$ 542,355
6. (d)	\$ 101,199.25	—
7.	\$ 82,500	\$ 523,355
*	\$ 18,699.25	—
8.	\$ 4,014	
9.	\$ 5,023	

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

Michael Meccie
Name of Principal Officer or Treasurer

Richard Percin
Name of Treasurer

12-10-86
Date

For further information contact:

Federal Election Commission
400 E Street, N.W.
Washington, D.C. 20543
Tel: (202) 426-6200
(Local) 202 576-3200

NOTE: Submission of false or incorrect, or incomplete information may subject the person signing this report to the penalties of 2 U.S.C. § 1900.

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

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FEC FORM 2a (3-80)

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SENSITIVE

**FEDERAL ELECTION COMMISSION
FIRST GENERAL COUNSEL'S REPORT**

**RAD Referrals 87NF-61
through 87NF-76
STAFF: A. Weissenboth**

57
57

57

**SOURCE OF MUR: INTERNALLY GENERATED
RESPONDENTS':**

8
7
0
4
0
5
6
4
2
1
8

**Republic Media Group and Michael Mercier; as
treasurer;**

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

**INTERNAL REPORTS
CHECKED: Public Records**

**FEDERAL AGENCIES
CHECKED: None**

16

I. GENERATION OF MATTER

On March 17, 1987, the Reports Analysis Division ("RAD") referred the following 15 unauthorized political committees to the Office of the General Counsel for failure to file the 1986 Post-General Election Report timely:^{1/}

Republic Media Group;

(Attachment 1).^{2/}

II. FACTUAL AND LEGAL ANALYSIS

(A) The Facts

On September 29, 1986, notification was sent to all unauthorized political committee advising that regardless of

^{1/} The 1986 Post-General Election Report must disclose all financial activity from the close of books of the last report, or the date of registration (whichever is later), through November 24, 1986.

^{2/} The fifteen committees discussed in this report were referred to this Office as a group by the Reports Analysis Division. Each referral in which the Commission decides to open a MUR will be assigned a separate MUR number and handled by the staff person indicated in the attached notification letters.

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election activity, the 1986 Post-General Election Report was required to be filed by December 4, 1986. Each political committee which failed to submit a report covering the post-general election reporting period was sent a Non-Filer Notice on December 23, 1986.

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14. Republic Media Group

87090564221
On February 17, 1987, the 1986 Post-General Election Report was filed disclosing receipts of \$78,805 and disbursements of \$82,500. The report covered the period of October 13, 1986, through December 4, 1986.^{5/} Insofar as Republic Media Group's previous filing covered activity through September 30, 1986, the 1986 Post-General Election Report was required to cover the period of October 1, 1986, through November 24, 1986. As of March 16, 1987, the activity of Republic Media Group for the period of October 1, 1986, through October 12, 1986, had not been disclosed.

A letter dated February 12, 1987, which accompanied the Post-General Election Report asserted that the report had been mailed earlier on December 10, 1987. No documentation supporting this claim was provided. The report submitted on February 17, 1987, was filed 75 days late.

^{4/} The 1986 Post-General Election Report covered six days (11-25-86 through 11-30-86) of the 1986 Year-End reporting period.

^{5/} The 1986 Post-General Election Report covered 11 days (11-25-86 through 12-4-86) of the 1986 Year-End reporting period.

16

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This Office also recommends that the Commission open a matter under review, find reason to believe that Republic Media Group and Michael Mercier, as treasurer, violated 2 U.S.C. § 434(b)(4)(A)(iii) and merge this matter with MUR 2329.^{1/}

^{1/} Republic Media Group is a respondent in MUR 2329. On March 16, 1987, the Commission approved the request of Republic Media Group to enter into conciliation prior to a finding of probable cause to believe with respect to the late filing of the 1986 October Quarterly Report. A proposed conciliation agreement was mailed to Republic Media Group on March 18, 1987. Since the present matter also involves late filing, this Office proposes to merge the two for purposes of administrative economy.

16

III. RECOMMENDATIONS

1. **Open Matters Under Review with respect to each of the following.**

- a) .
- b) .
- c)
- d).
- e)
- f)
- g)
- h)
- i)
- j)
- k)
- l)
- m)

2. **Find reason to believe those political committees and individuals listed in recommendation one above violated 2 U.S.C. § 434(a)(4)(A)(iii).**

3. **Open a Matter Under Review with respect to Republic Media Group and Michael Mercier, as treasurer, find reason to believe this committee and treasurer violated 2 U.S.C. § 434(a)(4)(A)(iii), and merge with MUR 2329.**

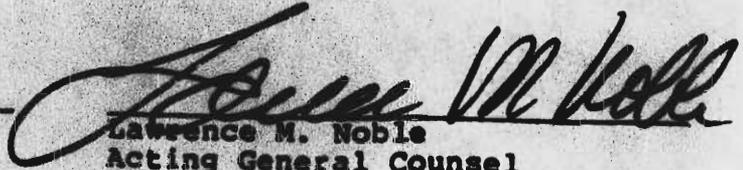
87040564223

4.

5. Approve the attached letters and Factual and Legal Analyses.

Date

4/20/87



Lawrence M. Noble
Acting General Counsel

Attachments

1. RAD Referral
2. Letters (14) and Analyses (14)

87040564224

16

Federal Election Commission
Certification for RAD Ref. 87NF-61
through 87NF-75
April 23, 1987

Page 2

1. Open Matters Under Review with respect to each
of the following:

a)

b)

c)

d)

e)

f)

g)

h)

i)

j)

k)

l)

m)

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17

(continued)

Federal Election Commission
Certification for RAD Ref. 87NF-61
through 87NF-75
April 23, 1987

Page 3

2. Find reason to believe those political committees and individuals listed above violated 2 U.S.C. § 434(a)(4)(A)(iii).
3. Open a Matter Under Review with respect to Republic Media Group and Michael Mercier, as treasurer, find reason to believe this committee and treasurer violated 2 U.S.C. § 434(a)(4)(A)(iii), and merge with MUR 2329.
- 4.
5. Approve the letters and Factual and Legal Analyses, as recommended in the First General Counsel's Report signed April 20, 1987.

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

Attest:

4-23-87

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

Received in the Office of Commission Secretary: Mon., 4-20-87, 4:57
Circulated on 48 hour tally basis: Tues., 4-21-87, 11:00
Deadline for vote: Thurs., 4-23-87, 11:00

/jm/

17

87040564227



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Tracy

May 4, 1987

Michael Mercier, Treasurer
Republic Media Group
165 Burke Lane
Huntington Beach, CA 92647

Re: MUR 2405
Republic Media Group; Michael
Mercier, as treasurer

Dear Mr. Mercier:

On April 23, 1987, the Federal Election Commission found that there is reason to believe Republic Media Group ("Committee") and you, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(iii), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information. The Commission also voted to merge this matter with MUR 2329.

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 that you believe are relevant to the Commission's consideration of this matter. Please submit such materials to the General Counsel's Office within 15 days of your receipt of this letter. Where appropriate, statements should be submitted under oath.

In the absence of any additional information demonstrating 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 recommending declining that pre-probable cause conciliation be

87040564228

Letter to Michael Mercier
Page 2

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, the Commission will not entertain requests for pre-probable cause conciliation after briefs on probable cause have been mailed to the respondent.

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

If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address, and telephone number of such counsel, and 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 Delanie D. Painter, at (202) 376-5690.

Sincerely,



Scott E. Thomas
Chairman

Enclosures
Factual and Legal Analysis
Procedures
Designation of Counsel Form

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Plum

FEDERAL ELECTION COMMISSION
FACTUAL AND LEGAL ANALYSIS

RESPONDENTS: Republic Media Group and
Michael Mercier, as treasurer

MUR 2405

On September 29, 1986, notification was sent to all unauthorized political committees advising that regardless of election activity, the 1986 Post-General Election Report was required to be filed by December 4, 1986. The 1986 Post-General Report is required to disclose all financial activity from the close of books of the last report, or the date of registration (whichever is later), through November 24, 1986. Each political committee which failed to submit a report covering the post-general election reporting period was sent a Non-Filer Notice on December 23, 1986.

On February 17, 1987, the 1986 Post-General Election Report was filed disclosing receipts of \$78,805 and disbursements of \$82,500. The report covered the period of October 13, 1986, through December 4, 1986.^{2/} Insofar as Republic Media Group's previous filing covered activity through September 30, 1986, the 1986 Post-General Election Report was required to cover the period of October 1, 1986, through November 24, 1986. As of March 16, 1987, the activity of Republic Media Group for the period of October 1, 1986, through October 12, 1986, had not been disclosed.

A letter accompanying the report asserted that the report had been mailed on December 10, 1986, but no documentation

^{2/} The 1986 Post-General Election Report covered 11 days (11-25-86 through 12-4-86) of the 1986 Year-End Reporting period.

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supporting this claim was provided. The report submitted on February 17, 1987, was filed 75 days late.

Pursuant to 2 U.S.C. § 434(a)(4)(A)(iii), all political committees other than the authorized committees of a candidate shall file a post-general election report, which shall be filed no later than the 30th day after the general election and which shall be complete as of the 20th day after such general election.

The record in this matter demonstrates that respondents were required to file the 1986 Post-General Election Report by December 4, 1986. The respondents, however, failed to file the report in a timely manner. In consideration of this circumstance it is the recommendation of the Office of the General Counsel that the Commission find reason to believe Republic Media Group and Michael Mercier, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(iii), and merge this matter with MUR 2329.

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REMCHO, JOHANSEN & PURCELL
ATTORNEYS AT LAW

220 MONTGOMERY STREET, SUITE 800
SAN FRANCISCO, CALIFORNIA 94104
415 / 398-6230

May 28, 1987

GCC# 3523

87 JUN 2 P 2:28

RECEIVED
GENERAL COUNSEL
JUN 2 1987

Via Certified Mail

Scott E. Thomas
Chairman
Federal Election Commission
Washington, D.C. 20463

Attn: Delanie D. Painter

Re: MUR 2405
Republic Media Group; Michael
Mercier, as treasurer

87 JUN 2 P 3:55

RECEIVED
GENERAL COUNSEL
JUN 2 1987

Dear Ms. Painter:

Respondents Republic Media Group and Michael Mercier, as treasurer, hereby request that no action be taken against them in MUR 2405. In the alternative, respondents request pre-probable cause conciliation of MUR 2405.

MUR 2405 concerns the late filing of respondents' 1986 30 Day Post-General Election Report. As noted in your letter dated May 4, 1987, the Commission has voted to merge this matter with MUR 2329, which concerns the late filing of respondents' October 15 Quarterly Report. Pre-probable cause conciliation of MUR 2329 is pending.

Respondents submit the following factual and legal materials in support of their request:

(1) Respondents have searched their files and have no record of having received a notification dated September 29, 1986, referred to in the General Counsel's Factual and Legal Analysis, or any other communication dated prior to February 5, 1987 that listed the due date for the 30 Day Post-General Election Report. The Commission has recently supplied respondents with a copy of a form notice dated September 19, 1986, which does list the due date for the 30 Day Post-General Election Report. (See Mr. Noble's letter dated March 18, 1987 in MUR 2329.) As explained in my letter dated February 18, 1987 in MUR 2329, respondents have no record of having received the original September 19 notice.

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Scott E. Thomas
May 28, 1987
Page Two

(2) On December 10, 1986, respondent Michael Mercier placed Republic Media Group's 1986 30 Day Post-General Election Report, with postage fully prepaid, in the U.S. mail, addressed to the Commission. (See the attached copy of the affidavit of Michael Mercier. The signed and notarized affidavit is being sent today by certified mail under separate cover.)

(3) Respondents have searched their files and have no record of having received the Non-Filer Notice dated December 23, 1986, referred to in the General Counsel's Factual and Legal Analysis.

(4) On February 9, 1987, Mr. Mercier received a letter dated February 5, 1987 from Lisa J. Stolaruk of the Reports Analysis Division, advising him that the 1986 30 Day Post-General Election Report had not been filed. A copy of the February 5, 1987 letter is attached to Mr. Mercier's affidavit as Exhibit A. By letter dated February 12, 1987, Mr. Mercier informed Ms. Stolaruk that he had mailed the report on December 10, 1986, and enclosed a copy. A copy of Mr. Mercier's letter is attached to Mr. Mercier's affidavit as Exhibit B.

(5) Respondents' 30 Day Post-General Election Report erroneously lists October 13, 1986 as the first day of the reporting period. In fact, the period covered by the report begins on October 1, 1986. October 13, 1986 was erroneously listed as the first day of the reporting period because it was the first day within the period for which there was any reportable activity. This fact is reflected on the Year-end/Termination Report, filed on or about January 31, 1987. The Year-end report lists the correct starting date of October 1, 1986, but, like the 30 Day Post-General Election Report, shows the first reportable activity on October 13, 1986.

(6) It is true that the 30 Day Post-General Election Report was mailed on December 10, 1986, six days after the December 4, 1986 deadline. The tardiness was inadvertent, however; it was the result of respondents' misunderstanding of the length of the reporting period. Respondents, based on the name of the report, incorrectly believed that December 4, 1986 -- thirty days after the election -- was the last day of the reporting period rather than the due date for the report. This misunderstanding is reflected on the report as filed, which lists the final day of the reporting period as December 4, 1986, when in fact

87040564233

Scott E. Thomas
May 28, 1987
Page Three

the final day of the reporting period was November 24, 1986.
(See 2 U.S.C. §434(a)(4)(A)(iii); 11 C.F.R.
§104.5(a)(1)(ii).)

(7) The tardy filings of the 30 Day Post-General Election Report at issue here and of the October 15 Quarterly Report in MUR 2329 were both minor, nonwillful infractions. As the reports show, Republic Media Group engaged in no federal election campaign activity in conjunction with the November, 1986 election. In each case, the report was filed late due to an admittedly incorrect but very understandable reading of the Commission's complex reporting requirements.

Republic Media Group is not a typical political committee. It is a small partnership, formed in 1986 to engage in the business of producing and distributing "slate mailers." The June, 1986 primary was its first foray into such election-related business. Due in large part to the complexity of the regulation and reporting requirements in this area, the committee is in the process of terminating its existence and reporting obligations.

The late filing in MUR 2405 was the result of a regrettable but understandable misreading of the filing instructions. No purpose would be served by the imposition of penalties for this minor and nonwillful infraction. Respondents request that the Commission take the information presented here into account in proposing a new conciliation agreement covering MUR 2405 and MUR 2329.

Sincerely,


Lowell Finley

LF:lmf

Enclosure

87040564234

1 KATHLEEN J. PURCELL
2 LOWELL FINLEY
3 REMCHO, JOHANSEN & PURCELL
4 220 Montgomery Street, Suite 800
5 San Francisco, CA 94104
6 415/398-6230
7
8 Attorneys for Respondents
9 MUR 2405

8 AFFIDAVIT OF MICHAEL MERCIER

10 STATE OF CALIFORNIA)
11)ss.
12 COUNTY OF LOS ANGELES)

13 I, MICHAEL MERCIER, declare:

14 1. I am the treasurer of Republic Media Group, an unin-
15 corporated association.

16 2. On December 10, 1986, I signed and dated Republic
17 Media Group's Report of Receipts and Disbursements (FEC Form 3X),
18 after checking the box marked "Thirtieth day report following the
19 General Election."

20 3. On December 10, 1986, I placed the completed report
21 in a sealed envelope, addressed to the Federal Election Com-
22 mission, 999 E Street, N.W., Washington, D.C. 20463, and depos-
23 ited it with first class postage fully prepaid in the United
24 States mail in Huntington Beach, California.

25 4. I have searched the files of Republic Media Group
26 and have found no record of having received a notification dated
September 29, 1986, or any other communication dated prior to

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1 February 5, 1987 that listed the due date for the 30 Day
2 Post-General Election Report.

3 5. In my search of the files, I have also found no
4 record of having received a Non-Filer Notice, dated December 23,
5 1986 or any other date, relating to the 1986 30 Day Post-General
6 Election Report.

7 6. On February 9, 1987, I received a letter dated
8 February 5, 1987 from Lisa J. Stolaruk of the Reports Analysis
9 Division. The letter stated that the 1986 Post-General Election
10 Report had not been filed. This letter was the first indication
11 I had that the Commission had not received the report I mailed on
12 December 10, 1986. A true and complete copy of the February 5,
13 1986 letter is attached hereto as Exhibit A.

14 7. On February 12, 1987, I wrote to Ms. Stolaruk,
15 informing her that I had mailed the report on December 10, 1986,
16 and enclosing a copy of the report. A true and complete copy of
17 my letter dated February 12, 1987 is attached hereto as Exhibit B.

18 I declare under penalty of perjury that the foregoing is
19 true and correct of my own personal knowledge and if called upon
20 to do so I could and would competently so testify.

21 Executed this __th day of May, 1987 at _____,
22 California.

23
24 _____
25 MICHAEL MERCIER
26

1 STATE OF CALIFORNIA)
2 COUNTY OF LOS ANGELES) SS.

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Subscribed and sworn to before me this ___th day of May,
1987.

Notary Public in and for said County and State

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87040564238

EXHIBIT A

20

FEB 09 '87



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MS-1

FEB 5 1987

Michael Mercier, Treasurer
Republic Media Group
16582 Burke Lane
Huntington Beach, CA 92647

Identification Number: C00206664

Reference: 1985-1986 Election Cycle Reports

Dear Mr. Mercier:

It has come to the attention of the Federal Election Commission ("the Commission") that your committee may have violated 2 U.S.C. §434(a), by failing to timely file Reports of Receipts and Disbursements. The following is a list of the reports in question.

<u>Report Type</u>	<u>Due Date</u>	<u>Date Filed</u>
1986 October Quarterly (6/30/86-9/30/86)	10/15/86	11/24/86
1986 30 Day Post-General (10/1/86-11/24/86)	12/4/86	Not Filed

Timely filing is a specific requirement of the Federal Election Campaign Act ("the Act") and is essential to fulfilling the public disclosure concept embodied in that law. The Commission views the untimely filing of reports as a serious violation of the Act. This communication is to advise you that, notwithstanding any matters which may be pending before the Commission, any additional report which is not submitted in a timely manner by your committee may result in the Commission initiating legal enforcement or audit action.

You may submit a letter of explanation in response to this notification. If, however, you have any questions, please feel free to contact Tammy Rollins on our toll-free number, (800) 424-9530. Our local number is (202) 376-2480.

Sincerely,

Lisa J. Stolaruk
Chief, Party/Non-Party Branch
Reports Analysis Division

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EXHIBIT B

20

Republic Media Group
16582 Burke Lane
Huntington Beach, CA 92647
(714) 842-4993

February 12, 1987

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

Dear Ms. Stolaruk,

Per your correspondence of February 5, 1987 which I received on February 9, 1987. Please contact my attorney, Kathleen Purcell (415) 398-6230, regarding the late filing of our October quarterly report.

As for your claim that you have not received our 30 day close report, I am enclosing a copy of the report that I sent to your office on 12-10-1987 covering that period.

Finally, I recently terminated Republic Media Group and noted such in our year-end report. Please contact me immediately if your office has not received this report or does not have Republic Media Group listed as a terminated committee.

Thank you for your cooperation.

Sincerely,



Michael Mercier

enclosure

RECEIVED AT THE FEC
GCC# 3505

87 JUN 1 10:34

STATEMENT OF DESIGNATION OF COUNSEL

NO. 2405

NAME OF COUNSEL: Buncho, Johnson & Purcell

ADDRESS: 220 Montgomery Street, #200

San Francisco, CA 94104

Kathleen Purcell and Lowell Finley

TELEPHONE: 415/398-6230

Buncho, Johnson & Purcell
220 Montgomery St
Suite 200
San Francisco, CA
Kathleen Purcell
Lowell Finley

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.

5-21-87
Date

Michael Mercier
Signature

Michael Mercier

RESPONDENT'S NAME: Republic Media Group - Michael Mercier

ADDRESS: 16582 Burke Lane

Huntington Beach, CA 92647

HOME PHONE: 714/848-3545

BUSINESS PHONE: [REDACTED] 4993

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87 JUN 1 11:02

GENERAL COUNSEL

RECEIVED AT THE FEC

CC#3521

87 JUN 2 10:30

1 KATHLEEN J. PURCELL
2 LOWELL FINLEY
3 REMCHO, JOHANSEN & PURCELL
4 220 Montgomery Street, Suite 800
5 San Francisco, CA 94104
6 415/398 6230

7 Attorneys for Respondents
8 MUR 2405

RECEIVED
OFFICE OF THE
GENERAL COUNSEL

87 JUN 2 11:01

9 AFFIDAVIT OF MICHAEL MERCIER

10 STATE OF CALIFORNIA)
11) ss.
12 COUNTY OF LOS ANGELES)

13 I, MICHAEL MERCIER, declare:

14 1. I am the treasurer of Republic Media Group, an unin-
15 corporated association.

16 2. On December 10, 1986, I signed and dated Republic
17 Media Group's Report of Receipts and Disbursements (FEC FORM 3A),
18 after checking the box marked "Thirtieth day report following the
19 General Election."

20 3. On December 10, 1986, I placed the completed report
21 in a sealed envelope, addressed to the Federal Election Com-
22 mission, 999 E Street, N.W., Washington, D.C. 20463, and depos-
23 ited it with first class postage fully prepaid in the United
24 States mail in Huntington Beach, California.

25 4. I have searched the files of Republic Media Group
26 and have found no record of having received a notification dated
September 29, 1986, or any other communication dated prior to

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1 February 5, 1987 that listed the due date for the 30 Day Post-
2 General Election Report.

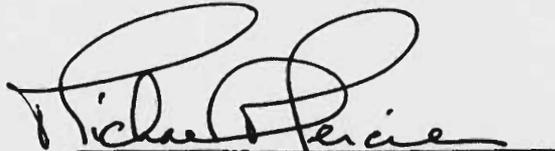
3 5. In my search of the files, I have also found no
4 record of having received a Non-Filer Notice, dated December 23,
5 1986 or any other date, relating to the 1986 30 Day Post-General
6 Election Report.

7 6. On February 9, 1987, I received a letter dated
8 February 5, 1987 from Lisa J. Stolaruk of the Reports Analysis
9 Division. The letter stated that the 1986 Post-General Election
10 Report had not been filed. This letter was the first indication
11 I had that the Commission had not received the report I mailed on
12 December 10, 1986. A true and complete copy of the February 5,
13 1986 letter is attached hereto as Exhibit A.

14 7. On February 12, 1987, I wrote to Ms. Stolaruk,
15 informing her that I had mailed the report on December 10, 1986,
16 and enclosing a copy of the report. A true and complete copy of
17 my letter dated February 12, 1987 is attached hereto as Exhibit B.

18 I declare under penalty of perjury that the foregoing is
19 true and correct of my own personal knowledge and if called upon
20 to do so I could and would competently so testify.

21 Executed this 28th day of May, 1987 at Beverly Hills,
22 California.


MICHAEL MERCIER

SENSITIVE

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 2405
Republic Media Group;)
Michael Mercier, as treasurer)

GENERAL COUNSEL'S REPORT

I. BACKGROUND

On January 16, 1987, in MUR 2329 the Commission found reason to believe that Republic Media Group and Michael Mercier, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(i) by failing to file the 1986 October Quarterly Report in a timely manner. On March 16, 1987, the Commission determined to enter into negotiations toward a pre-probable cause conciliation agreement. Accordingly, the Office of the General Counsel sent a conciliation agreement, approved by the Commission, to respondents on March 18, 1987.

On April 23, 1987, in MUR 2405 the Commission found reason to believe Republic Media Group and Michael Mercier, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(iii) by failing to file the 1986 Post-General Election Report in a timely manner. At the respondents' request, the Commission determined to merge MUR 2329 with MUR 2405 for pre-probable cause conciliation in order to facilitate a comprehensive settlement. By letter dated May 28, 1987, respondents, through their counsel, restated their request that no action be taken against them in MUR 2405 or in the alternative requested pre-probable cause conciliation.

(Attachment 1).

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A number of arguments presented by counsel for respondents requires discussion. First, counsel argues that respondents have no record of having received the September 29, 1986, notification that the Post-General Election Report had to be filed, or the December 23, 1986, non-filer notice. Counsel further asserts that respondents mailed the Post-General Election Report to the FEC on December 10, 1986. A sworn affidavit from the treasurer stated the aforementioned facts.

Second, counsel asserts that the Post-General Election Report, erroneously listed October 13, 1986, as the first day of the reporting period because it was the first day of any reportable activity. The period actually covered by the report began on October 1, 1986.

This Office believes that the facts do not support counsel's arguments that no action be taken against respondents in MUR 2405. The record in this matter demonstrates that respondents were required to file the Post-General Election Report by December 4, 1986. Counsel concedes the Post-General Election Report was untimely filed. Respondents state that the report was mailed to the FEC on December 10, 1986. The report was to be filed on December 4, 1986. This report was received on February 17, 1987.

Accordingly, this Office concludes, on the basis of the information presently available, that the respondents were

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required to file a Post-General Election Report on December 4, 1986. The failure to file this report is appropriately included in the proposed conciliation agreement and proposed penalty.

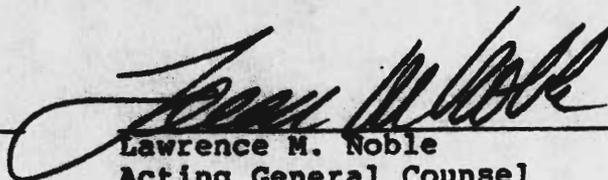
87040564247

III. RECOMMENDATIONS

1. Enter into conciliation with Republic Media Group and Michael Mercier, as treasurer, prior to a finding of probable cause to believe.
2. Approve the attached proposed conciliation agreement and letter.

Date

6/25/87


Lawrence M. Noble
Acting General Counsel

Attachments

1. Request for conciliation
2. Proposed agreement and letter

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Attachments to General
Counsel's Report

have been removed from this position in the Public Record File either because they duplicate documents located elsewhere in this file, or because they reflect exempt information.

For Attachment 1 see 19

2 25



FEDERAL ELECTION COMMISSION
WASHINGTON, DC 20463

MEMORANDUM TO: LAWRENCE M. NOBLE
ACTING GENERAL COUNSEL

FROM: MARJORIE W. EMMONS/JERYL L. WARREN *JW*

DATE: JUNE 30, 1987

SUBJECT: COMMENT ON MUR 2405 - GENERAL COUNSEL'S REPORT
SIGNED JUNE 25, 1987

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

Vote sheet deleted
See 2 USC § 437g (a)(4)(B)(i).

Attachment:
copy of vote sheet

22

87040564250



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO: LAWRENCE M. NOBLE
ACTING GENERAL COUNSEL

FROM: MARJORIE W. EMMONS/JERYL L. WARREN *JW*

DATE: JUNE 30, 1987

SUBJECT: OBJECTION TO MUR 2405 - GENERAL COUNSEL'S REPORT
SIGNED JUNE 25, 1987

The above-captioned document was circulated to the Commission on Friday, June 26, 1987 at 12:00.

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

Commissioner Aikens _____
Commissioner Elliott _____
Commissioner Josefiak _____
Commissioner McDonald _____
Commissioner McGarry _____
Commissioner Thomas _____ x

This matter will be placed on the Executive Session agenda for Tuesday, July 7, 1987.

87040664251

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Republic Media Group;) MUR 2405
Michael Mercier, as treasurer)

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session of July 7, 1987, do hereby certify that the Commission decided by a vote of 6-0 to take the following actions in MUR 2405:

1. Enter into conciliation with Republic Media Group and Michael Mercier, as treasurer, prior to a finding of probable cause to believe.
2. Approve the proposed conciliation agreement attached to the General Counsel's report dated June 25, 1987
3. Approve the letter attached to the General Counsel's report dated June 25, 1987.

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

Attest:

7-8-87

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

87040564252



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 9, 1987

Lowell Finley, Esquire
Remcho, Johansen & Purcell
220 Montgomery Street, Suite 800
San Francisco, CA 94104

Re: MUR 2405
Republic Media Group;
Michael Mercier, as
treasurer

Dear Mr. Finley:

On January 16, 1987 in MUR 2329 and on April 23, 1987 in MUR 2405 the Federal Election Commission found reason to believe that Republic Media Group and Michael Mercier, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(i) and 2 U.S.C. § 434(a)(4)(A)(iii) respectively and on April 23, 1987, merged MURs 2329 and 2405. At your request, on July 7, 1987 the Commission determined to enter into negotiations directed towards reaching a conciliation agreement in settlement of these matters 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 your clients agree with the provisions of the enclosed agreement, please sign and return it, along with the civil penalty, to the Commission. In light of the fact that conciliation negotiations, prior to a finding of probable cause to believe, are limited to a maximum of 30 days, you should respond to this notification as soon as possible.

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

Sincerely,

Lawrence M. Noble
Acting General Counsel

Enclosure
Conciliation Agreement

25

87040664253



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

July 28, 1987

MEMORANDUM

TO: LAWRENCE M. NOBLE
ACTING GENERAL COUNSEL

ATTENTION: CELIA JACOBY & PHILLIP WISE

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

SUBJECT: MURS 2405 and 2255

Please review the attached Request for Additional Information which is to be sent to Republic Media Group for the Termination Report. If no response or an inadequate response is received, a Second Notice will be sent.

On February 19, 1987 the letter was circulated to Eric Kleinfeld and Maura Calloway. Any comments which you may have must be forwarded to RAD in writing by 1:00 p.m. on Friday, July 30, 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

26

87040664254



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

February 19, 1987

MEMORANDUM

TO: CHARLES STEELE
GENERAL COUNSEL

ATTENTION: MAURA CALLAWAY

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

SUBJECT: MUR 2329

Please review the attached Request for Additional Information which is to be sent to Republic Media Group for the Termination 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 3:00 p.m. on Monday, February 23, 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:

Handwritten signature/initials

Attachment

87040564255



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-2

Michael Mercier, Treasurer
Republic Media Group
16582 Burke Lane
Huntington Beach, CA 92647

Identification Number: C00206664

Reference: 1986 Termination Report (9/30/86-1/31/87)

Dear Mr. Mercier:

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:

-All reports filed by unauthorized political committees must be on FEC Form 3X. State or non-FEC forms are not acceptable. Your filing will not be considered complete until a report is submitted on FEC Form 3X. 11 CFR 104.5. Please amend your report to include the proper Schedules A and D.

-Line 11a of the Detailed Summary Page discloses a figure for the total amount of contributions from individuals/persons other than political committees. In addition, the memo entry portion of the Detailed Summary Page is blank, and insufficient supporting schedules have been provided. Please amend your report by itemizing all contributions from individuals/persons, which aggregate greater than \$200 in the calendar year, and/or provide a figure for the total amount of unitemized contributions from individuals/persons, which have been received during the reporting period. 11 CFR 104.3(a)(2).

-Your previous filing, the 1986 October Quarterly Report, disclosed a debt owed to your committee from William Campbell for \$10,000. This report, however, does not include a Schedule D to disclose the status of the debt, nor are there any debt repayments on Schedule B. Please provide a Schedule D to show the status of the debt and/or a Schedule B to show debt repayments.

An amendment to your original report(s) correcting the above problem(s) should be filed with the Federal Election Commission

87040564256

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,



Tammy Rollins
Reports Analyst
Reports Analysis Division

87040564257



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 11, 1987

MEMORANDUM

TO: LAWRENCE M. NOBLE
ACTING GENERAL COUNSEL

ATTENTION: JACQUELINE JONES-SMITH

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

SUBJECT: MUR 2405

Please review the attached Request for Additional Information which is to be sent to the Republic Media Group for the Termination 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 11:00 a.m. on Thursday, August 13, 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

27

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-2

Michael Mercier, Treasurer
Republic Media Group
11080 Talbert Avenue
Fountain Valley, CA 92701

Identification Number: C00206654

Reference: 1986 Termination Report (9/30/86-1/31/87)

Dear Mr. Mercier:

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:

-All reports filed by unauthorized political committees must be on FEC FORM 3X. State or non-FEC forms are not acceptable. Your filing will not be considered complete until a report is submitted on FEC Form 3X. 11 CFR 104.5.

-Line 11a of the Detailed Summary Page discloses a figure for the total amount of contributions from individuals/persons other than political committees. In addition, the memo entry portion of the Detailed Summary Page is blank, and insufficient supporting schedules have been provided. Please amend your report by itemizing all contributions from individuals/persons, which aggregate greater than \$200 in the calendar year, and/or provide a figure for the total amount of unitemized contributions from individuals/persons, which have been received during the reporting period. 11 CFR 104.3(a)(2).

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Sincerely,



Tammy Rollins
Reports Analyst
Reports Analysis Division

87040664260

BEFORE THE FEDERAL ELECTION COMMISSION

SENSITIVE

RECEIVED
FEDERAL ELECTION COMMISSION
SECRETARIAT

87 SEP -4 PM 4:09

In the Matter of)
) MUR 2405
Republic Media Group and)
Michael Mercier, as treasurer)

GENERAL COUNSEL'S REPORT

I. BACKGROUND

On January 16, 1987, in MUR 2329 the Commission found reason to believe that Republic Media Group and Michael Mercier, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(i) by failing to file the 1986 October Quarterly Report in a timely manner. On April 23, 1987, in MUR 2405 the Commission found reason to believe Republic Media Group and Michael Mercier, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(iii) by failing to file the 1986 Post-General Election Report in a timely manner. At respondents' request, the Commission determined to merge MUR 2329 with MUR 2405 for pre-probable cause conciliation in order to facilitate a comprehensive settlement.

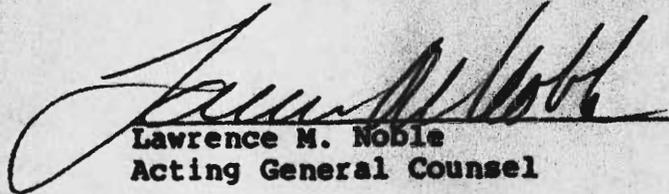
87040564251

III. RECOMMENDATIONS

1. Accept the attached conciliation agreement with Republic Media Group and Michael Mercier, as treasurer.
2. Close the file.
3. Approve the attached letter.

Date

9/4/87


Lawrence M. Noble
Acting General Counsel

Attachments

- 1-Respondent's counteroffer
- 2-Proposed letter

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Attachments to General
Counsel's Report

have been removed from this position in the Public Record File either because they duplicate documents located elsewhere in this file, or because they reflect exempt information.

For Attachment 1 see Removed from Public Record
2 30

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Republic Media Group and) MUR 2405
Michael Mercier, as treasurer)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on September 10, 1987, the Commission decided by a vote of 5-0 to take the following actions in MUR 2405:

1. Accept the conciliation agreement with Republic Media Group and Michael Mercier, as treasurer, as recommended in the General Counsel's report signed September 4, 1987.
2. Close the file.
3. Approve the letter, as recommended in the General Counsel's report signed September 4, 1987.

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

Attest:

9-11-87
Date

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

Received in the Office of Commission Secretary: Fri., 9-4-87, 4:09
Circulated on 48 hour tally basis: Tues., 9-8-87, 11:00
Deadline for vote: Thurs., 9-10-87, 11:00

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Handwritten initials

September 15, 1987

Lowell Finley, Esquire
Remcho, Johansen & Purcell
220 Montgomery Street, Suite 800
San Francisco, CA 94104

RE: MUR 2405
Republic Media Group and
Michael Mercier, as
treasurer

87040564255

Dear Mr. Finley:

On September 10, 1987, the Federal Election Commission accepted the signed conciliation agreement submitted on your client's behalf in settlement of a violation of 2 U.S.C. §§ 434(a)(4)(A)(i) and 434(a)(4)(A)(iii) 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 Jacqueline Jones-Smith, the attorney assigned to this matter at (202) 376-5690.

Sincerely,

Lawrence M. Noble
Acting General Counsel

Enclosure
Conciliation Agreement

30

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 2405
Republic Media Group;)
Michael Mercier, 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 Republic Media Group and Michael Mercier, as treasurer, (hereinafter "Respondents") violated 2 U.S.C. § 434(a)(4)(A)(i) and 2 U.S.C. § 434(a)(4)(A)(iii).

NOW, 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:

1. Respondent, Republic Media Group, is a political committee within the meaning of 2 U.S.C. § 431(4).
2. Respondent, Michael Mercier, is the treasurer of Republic Media Group.

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3. The Respondents were required to file the 1986 October Quarterly Report by October 15, 1986. The report was filed on November 24, 1986, 40 days late.

4. The Respondents were required to file the 1986 Post-General Election Report by December 4, 1986. This report was received on February 17, 1987.

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

VI. Respondents failed to file the 1986 Post-General Election Report timely, in violation of 2 U.S.C. § 434(a)(4)(A)(iii).

VII. Respondents will pay a civil penalty to the Federal Election Commission in the amount of One Thousand Dollars (\$1,000), pursuant to 2 U.S.C. § 437g(a)(5)(A).

VIII. The Commission, on request of anyone filing a complaint under 2 U.S.C. § 437g(a)(1) concerning the matters at issue herein or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

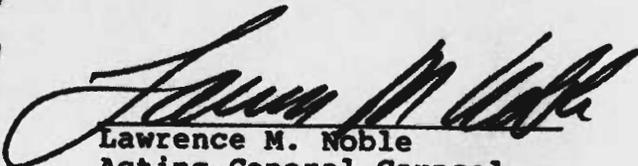
IX. This agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

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

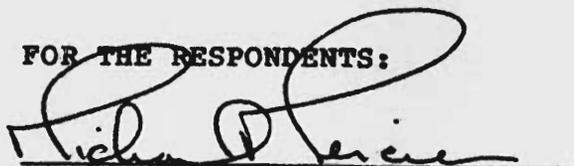
XI. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or oral, made by either party or by agents of either party, that is not contained in this written agreement shall be valid.

FOR THE COMMISSION:


Lawrence M. Noble
Acting General Counsel

9/15/87
Date

FOR THE RESPONDENTS:


Michael Mercier, Treasurer
Republic Media Group

2-4-87
Date

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FEDERAL ELECTION COMMISSION
WASHINGTON DC 20463

THIS IS THE END OF MUR # 2415

DATE FILMED 11/25/87 CAMERA NO. 3
CAMERAMAN AS

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FEDERAL ELECTION COMMISSION
WASHINGTON, D C 20463

N 8.25.88

THE FOLLOWING MATERIAL IS BEING ADDED TO THE
PUBLIC FILE OF CLOSED MUR 2405 .

88040712719

600#9187

MICHAEL ANTHONY MERCIER

April 25, 1988

Certified Mail-
Return Receipt Requested

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF THE CLERK
88 MAY -2 PM 2:23

Ms. Jackie-Jones-Smith
Federal Election Commission
Washington, D.C. 20463

Dear Ms. Jones-Smith:

Enclosed is a check for \$1,000.00. The enclosed check is for payment of the civil penalty of \$1,000.00 as agreed upon in our concilation agreement for MUR 2405.

This is the second time I have sent the Federal Election Commission a check for this settlement and I hope it will be the last.

Sincerely,


Michael Mercier

enclosures; check #1124- \$1,000.00
copies of receipts for sending Check #1 to FEC

RECEIVED
FEDERAL ELECTION COMMISSION
88 APR 29 AM 10:58

88040712720