



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

9-21-87

THE FOLLOWING MATERIAL IS BEING ADDED TO THE
PUBLIC FILE OF CLOSED MUR 2410

87040654336

NATIONAL ASSOCIATION OF PHARMACISTS

POLITICAL ACTION COMMITTEE

205 DAINGERFIELD ROAD
ALEXANDRIA, VA. 22314

1595

August 10, 1987

66-107/560

PAY TO THE ORDER OF *Federal Election Commission

\$*1,500.00*

One Thousand Five Hundred & 00/100

DOLLARS

United Virginia Bank

Greater Washington Region
Alexandria, Virginia—Operations

John M. Rector
Debra A. Trimpin

FOR

⑈00001595⑈ ⑆056001079⑆0002162490000⑈

CCC#4179

MEMORANDUM

TO: DEBRA A. TRIMPIEN

TO: CECILIA LIEBER

FROM: CECILIA LIEBER

FROM: DEBRA A. TRIMPIEN

CHECK NO. 1595

{ A COPY OF WHICH IS ATTACHED } RELATIVE TO

National Association of Pharmacists PAC

MUR 2410 (Levin) AND NAME John M. Rector, AS Treasurer

WAS RECEIVED ON 8/17/87

PLEASE INDICATE THE ACCOUNT INTO WHICH IT SHOULD BE DEPOSITED:

/ / BUDGET CLEARING ACCOUNT { 95-3875.16 }

/ ✓ / CIVIL PENALTIES ACCOUNT { 95-1049.160 }

/ / OTHER _____

97 AUG 17 6 33 30

SIGNATURE Debra A. Trimpin

DATE 8/18/87

GCCT 4179

SIDLEY & AUSTIN

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

ONE FIRST NATIONAL PLAZA
CHICAGO, ILLINOIS 60602
912: 555-7000 TELEX 25-6964

2049 CENTURY PARK EAST
LOS ANGELES, CALIFORNIA 90067
213: 553-8100 TELEX 18-1391

250 MADISON AVENUE
NEW YORK, NEW YORK 10017
212: 412-5100 TELEX 97-1696

1722 EYE STREET, N.W.
WASHINGTON, D.C. 20006
TELEPHONE 202: 429-4000
TELEX 89-463

15 KING WILLIAM STREET
LONDON, EC4N 7SA, ENGLAND
441 581-1616 TELEX 924925

5 BRENTON WAY
SINGAPORE 0106
65: 224-3000 TELEX 22754

P.O. BOX 5650
RIVADIA, SAUDI ARABIA
9661-480-4160 TELEX 404947

August 11, 1987

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

Re: MUR 2410, National Association of
Pharmacists Political Action Committee,
John M. Rector, as treasurer

Dear Mr. Levin:

Enclosed is a check from the National Association
of Pharmacists' Political Action Committee in the amount
of \$1500 for settlement of MUR 2410.

Very truly yours,



Nancy K. Williams
Secretary to
Michael A. Nemeroff

Enclosure

RECEIVED RECEIVED
OFFICE OF THE
GENERAL COUNSEL GENERAL COUNSEL

07 AUG 12 A10:12 4 AUG 17 P 3:38

87040554338

Sent to OGC 8-17-87

CCC# 3832

SIDLEY & AUSTIN
A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

ONE FIRST NATIONAL PLAZA
CHICAGO, ILLINOIS 60608
312: 555-7000 TELEX 25-4364

2040 CENTURY PARK EAST
LOS ANGELES, CALIFORNIA 90067
213: 555-2100 TELEX 18-1891

380 MADISON AVENUE
NEW YORK, NEW YORK 10017
212: 415-2100 TELEX 97-1596

1722 EYE STREET, N.W.
WASHINGTON, D.C. 20006
TELEPHONE 202: 429-4000
TELEX 89-463

15 KING WILLIAM STREET
LONDON, EC4N 7SA, ENGLAND
441: 891-1815 TELEX 954185

5 SHENTON WAY
SINGAPORE 0105
65: 224-9000 TELEX 25754

PO BOX 2650
RIYADH, SAUDI ARABIA
966: 463-4160 TELEX 404947

July 7, 1987

Jonathan Levin, Esquire
Attorney
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

RECEIVED
OFFICE OF THE
GENERAL COUNSEL
87 JUL 7 8 31 AM

Dear Mr. Levin:

Enclosed is the Conciliation Agreement in MUR 2410, which I have executed on behalf of the National Association of Pharmacists Political Action Committee and John M. Rector, as treasurer. It is my understanding that the agreement in its present form is acceptable to you and that you expect it to be executed by Mr. Noble on behalf of the Commission in the normal course. I have been informed that the National Association of Pharmacists Political Action Committee will pay the civil penalty of \$1500 set forth in the agreement within 30 days from the date that the agreement becomes effective, assuming that the Commission gives us prompt notification that the agreement is effective.

Very truly yours,

Michael Nemeroff

Michael A. Nemeroff

Enclosure

cc: Mr. John M. Rector

87040654339

Michael A. Nemeroff, Esq.
SIDLEY & AUSTIN
1732 EYE STREET, N.W.
WASHINGTON, D.C. 20006

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

370110543.1

87 JUL 7 P 3:14

RECEIVED THE
GENERAL COUNSEL



FEDERAL ELECTION COMMISSION
WASHINGTON, DC 20463

THIS IS THE BEGINNING OF MUR # 2410
DATE FILMED 10/29/87 CAMERA NO. 3
CAMERAMAN GPC

87040561354

PUBLIC RECORD INDEX - MUR 2410

1. Memo, 17 May 87, John D. Gibson (Reports Analysis Division) to Lawrence M. Noble (Acting General Counsel), Subj: Referral of the National Association of Pharmacists Political Action Committee, w/atch (RAD Referral Package).
2. First General Counsel's Report, 1 May 87.
3. Certification of Commission Action, 6 May 87.
4. Ltr, 8 May 87, Scott E. Thomas to John M. Rector, w/encl (Factual and Legal Analysis).
5. Ltr, 12 May 87, Michael A. Nemeroff to FEC, w/encl (Statement of Designation of Counsel).
6. Ltr, 20 May 87, M.A. Nemeroff to FEC.
7. General Counsel's Report, 10 Jun 87,
8. Memo, 16 Jun 87, Office of Cmsn Secretary (OCS) to Office of General Counsel (OGC), Subj: Objection to MUR 2410.
9. Certification of Commission Action, 24 Jun 87.
10. Ltr, 25 Jun 87, L.M. Noble to M.A. Nemeroff.
11. General Counsel's Report, 17 Jul 87.
12. Certification of Commission Action, 22 Jul 87.
13. Ltr, 24 Jul 87, L.M. Noble to M.A. Memeroff, w/encl. (Executed Conciliation Agreement).

-END-

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

8704061355



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

17 March 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: REFERRAL OF THE NATIONAL ASSOCIATION OF
PHARMACISTS POLITICAL ACTION COMMITTEE

This is a referral of the National Association of Pharmacists Political Action Committee ("the Committee"). The Committee failed to file the 1986 12 Day Pre-General Report by Election Day, November 4, 1986, and also failed to file the 30 Day Post-General Report within 30 days of the date of the Non-Filer Notice. According to the 1985-86 RAD Review and Referral Procedures for Unauthorized Committees (Standard 3), further examination is required by your office.

If you have any questions on this matter, please contact Michael D. Butterfield at 376-2480.

Attachment

97040361356

REPORTS ANALYSIS REFERRAL

TO

OFFICE OF GENERAL COUNSEL

DATE: 17 March 1987

ANALYST: Michael D. Butterfield

I. COMMITTEE: National Association of Pharmacists Political
Action Committee
(C00030809)
John M. Rector, Treasurer
(April 12, 1986 - present)
Ralph Rooke
(January 1, 1985 - April 11, 1986)
205 Daingerfield Road
Alexandria, VA 22314

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

III. BACKGROUND:

Failure to File the 1986 12 Day Pre-General Report by
Election Day and Failure to Timely File the 1986 30 Day
Post-General Report

The National Association of Pharmacists Political
Action Committee ("the Committee") failed to file the 12 Day
Pre-General Report by Election Day, November 4, 1986 and
also failed to timely file the 1986 30 Day Post-General
Election Report. The Committee was notified on September
29, 1986, that the 12 Day Pre-General Report was due on
October 23, 1986, if contributions and expenditures were
made in connection with the general election during the
period of October 1, 1986 to October 15, 1986. The same
notice informed the Committee of the mandatory filing of the
30 Day Post-General Election Report due on December 4, 1986
(Attachment 2).

A Non-Filer Notice for the 30 Day Post-General Report
was sent to the Committee on December 23, 1986 (Attachment
3).

The Committee submitted a response to the Non-Filer
Notice on December 31, 1986 which stated that the 30 Day
Post-General Report would be filed promptly (Attachment 4).

8704061357

**NATIONAL ASSOCIATION OF PHARMACISTS
POLITICAL ACTION COMMITTEE
REPORTS ANALYSIS OGC REFERRAL
PAGE 2**

The 1986 Year End Report was sent by certified mail to the Commission on January 31, 1987 (Attachment 5). The 1986 Year End Report covered the 30 Day Post-General reporting period, and disclosed one (1) contribution made to a Federal candidate totalling \$2,000 between October 1, 1986 and October 15, 1986, indicating that a 12 Day Pre-General Report should have been filed (Attachment 6).

IV. OTHER PENDING MATTERS INITIATED BY RAD:

None

8704061358

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FEDERAL ELECTION COMMISSION

1985 1986

DATE 10-14-87

COMMITTEE INDEX OF DISCLOSURE DOCUMENTS - (C)

PAGE 1

COMMITTEE	DOCUMENT	RECEIPTS	DISBURSEMENTS	COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
					TYPE OF FILER	
NATIONAL ASSOCIATION OF PHARMACISTS POLITICAL ACTION COMMITTEE				ID #C00030809 NON-PARTY QUALIFIED		
CONNECTED ORGANIZATION: DRUGGISTS; NAT'L ASS N OF RETAIL						
1985	MISCELLANEOUS REPORT TO FEC			12APR85	2	85FEC/370/1659
	APRIL QUARTERLY	2,299	3,845	1JAN85 -31MAR85	10	85FEC/371/0111
	JULY QUARTERLY	21,210	1,120	1APR85 -30JUN85	73	85FEC/382/4685
	JULY QUARTERLY - AMENDMENT	7,525	1,120	1APR85 -30JUN85	17	86FEC/400/3399
	JULY QUARTERLY - AMENDMENT			1APR85 -30JUN85	2	86FEC/405/0291
	REQUEST FOR ADDITIONAL INFORMATION			1APR85 -30JUN85	4	86FEC/405/4000
	YEAR-END	14,096	28,850	1JUL85 -31DEC85	35	86FEC/400/3000
	REQUEST FOR ADDITIONAL INFORMATION			1JUL85 -31DEC85	1	86FEC/403/4000
1986	STATEMENT OF ORGANIZATION - AMENDMENT			15APR86	1	86FEC/409/3031
	MISCELLANEOUS REPORT TO FEC			2AUG86	2	86FEC/429/4055
	MISCELLANEOUS REPORT TO FEC			31DEC86	2	86FEC/452/3167
	APRIL QUARTERLY	3,840	10,500	1JAN86 -31MAR86	13	86FEC/409/4632
	APRIL QUARTERLY - AMENDMENT	3,840	10,500	1JAN86 -31MAR86	12	86FEC/414/3864
	REQUEST FOR ADDITIONAL INFORMATION			1JAN86 -31MAR86	1	86FEC/413/0071
	JULY QUARTERLY	20,759	16,729	1APR86 -30JUN86	65	86FEC/421/1897
	REQUEST FOR ADDITIONAL INFORMATION			1APR86 -30JUN86	2	86FEC/426/5241
	REQUEST FOR ADDITIONAL INFORMATION 2ND			1APR86 -30JUN86	3	86FEC/429/4803
	OCTOBER QUARTERLY	7,586	11,752	1JUL86 -30SEP86	23	86FEC/439/3489
	NOTICE OF FAILURE TO FILE			24NOV86	1	86FEC/452/1377
	YEAR-END	47,319	14,382	1OCT86 -31DEC86	92	87FEC/459/3223
	TOTAL	103,424	0		361	TOTAL PAGES

All reports have been reviewed.

Ending cash-on-hand as of 12/31/86: \$66,595.98

Debts and Obligations owed by the Committee as of 12/31/86: \$0

Debts and Obligations owed to the Committee as of 12/31/86: \$0

Attachment #1

REPORT NOTICE

FEDERAL ELECTION COMMISSION

PARTIES AND PAGE

September 29, 1986

WHO MUST FILE THE PRE-GENERAL ELECTION REPORT

ALL COMMITTEES that file monthly reports must file the pre-general election report due October 23, 1986.

All **COMMITTEES** that file quarterly that have made contributions or expenditures (including independent expenditures and coordinated party expenditures) in connection with the general election must file a pre-election report, if such activity has not previously been reported. See below for post-general filing information.

WHAT MUST BE REPORTED

Quarterly filers must disclose all financial activity from the close of books of the last report, or from the date of registration* (whichever is later), through October 15, 1986. (Monthly filers must disclose all financial activity from October 1 or from the date of registration* (whichever is later), through October 15, 1986.) For more detailed instructions, consult your campaign guide.

WHEN TO FILE

Pre-general election reports sent registered or certified mail must be postmarked no later than midnight October 20, 1986. Reports hand delivered or mailed first class must be received no later than close of business October 23, 1986.

WHO MUST FILE THE POST-GENERAL ELECTION REPORT

ALL COMMITTEES must file the post-general election report due December 4, 1986, regardless of election activity.

WHAT MUST BE REPORTED

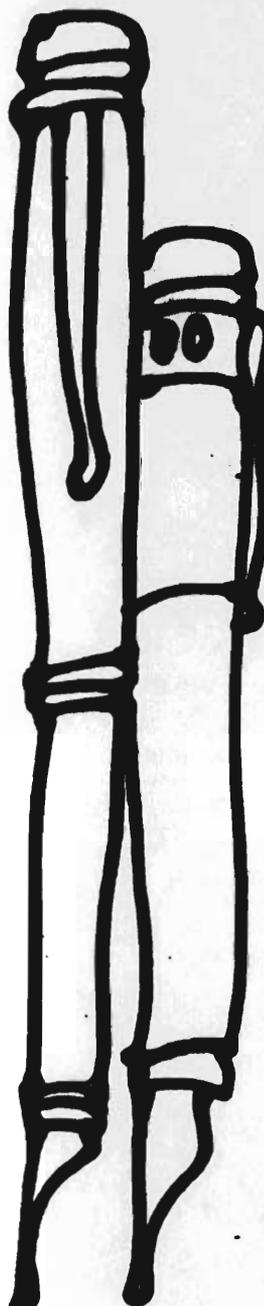
The report must disclose all financial activity from the close of books of the last report, or the date of registration* (whichever is later), through November 24, 1986.

WHEN TO FILE

Post-general election reports sent by registered or certified mail must be postmarked no later than midnight December 4, 1986. Reports hand delivered or mailed first class must be received no later than close of business December 4, 1986.

*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).

07040601360



QUARTERLY FILERS

<u>Name of Report</u>	<u>Period Covered</u>	<u>Reg./Cert. Mailing Date</u>	<u>Filing Date</u>
Oct. Quarterly	07/01 ^{1/} - 09/30	10/15/86	10/15/86
Pre-General	10/01 - 10/15	10/20/86	10/23/86
Post-General ^{2/}	10/16 - 11/24	12/04/86*	12/04/86*
Year-End	11/25 - 12/31	01/31/87	01/31/87

MONTHLY FILERS

<u>Name of Report</u>	<u>Period Covered</u>	<u>Reg./Cert. Mailing Date</u>	<u>Filing Date</u>
Oct. Monthly	09/01 ^{1/} - 09/30	10/20/86	10/20/86
Pre-General	10/01 - 10/15	10/20/86	10/23/86
Post-General	10/16 - 11/24	12/04/86*	12/04/86*
Year-End	11/25 - 12/31	01/31/87	01/31/87

*Follow these dates for mailing and filing the post-general report. Disregard dates shown on the October Quarterly Report Notice dated September 19, 1986.

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.

WHERE AND HOW TO FILE

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

COMPLIANCE

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

^{1/}Or from date of registration, or the close of books of the last report filed, whichever is later.

^{2/}Reports filed by committees that did not file the pre-general election report should cover all financial activity from the closing date of the last report or from the date of registration (whichever is later), through November 24, 1986. See the footnote on the reverse side.

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

8704061361

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FEDERAL ELECTION COMMISSION
WASHINGTON, DC 20543

EG-7

December 23, 1986

John M. Rector, Treasurer
National Association of Pharmacists
Political Action Committee
205 Daingerfield Road
Alexandria, VA 22314

Identification Number: C00030809

Reference: 30 Day Post-General Report (through 11/24/86)

Dear Mr. Rector:

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 Michael Butterfield 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

87040561352
577
1

**NATIONAL ASSOCIATION OF
PHARMACEUTICAL
ACTION COMMITTEE**
225 Salsfield Road
Alexandria, Virginia 22304

Attachment #4

December 23, 1966

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

Identification Number: C00030009

Reference: 30 Day Post-General Report

Dear Mr. Gibson:

The purpose of this correspondence is to acknowledge receipt of your letter dated December 23, 1966.

Our Comptroller departed our organization on December 3, and we have subsequently hired a new Comptroller. We will file the 30 Day Post-General Report promptly.

Sincerely,

John M. Rector

**John M. Rector
Treasurer**

JMR/abs

Political Action Committee of the National Association of Retail Druggists

A copy of our report filed with the appropriate supervisory officer is (or will be) available for purchase from:
Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20540.

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6
7

REPORT OF THE
Candidate

1987

ALABAMA

Name of Committee or Party
**National Association of Pharmacists
Political Action Committee, an in-house
arm of the National Association of
Retail Druggists**

Address (Number and Street)

205 Daringfield Road

City, State and ZIP Code

Alexandria, VA 22314

Check here if address is different than previously reported.

FEC Identification Number
VA 1291509202-00106

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

- Report of Receipts and Disbursements
 - Monthly Report for _____
 - Twenty day report preceding _____
 - Thirty day report following the General Election
 - Termination Report
- Is this Report an Amendment?
 YES NO

SUMMARY

5. Covering Period 10/01/86 through 12/31/86

6. (a) Cash on hand January 1, 19 86

(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 28)

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

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

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

	COLUMN A This Period	COLUMN B Calendar Year-to-Date
6. (a)		\$ 42,452.28
6. (b)	\$ 33,689.40	
6. (c)	\$ 47,319.09	\$ 77,504.73
6. (d)	\$ 80,978.49	\$ 119,957.01
7.	\$ 14,382.51	\$ 53,361.03
8.	\$ 66,595.98	\$ 66,595.98
9.	\$ -0-	
10.	\$ -0-	

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

John H. Rector
Type or Print Name of Treasurer

John H. Rector
SIGNATURE OF TREASURER

1-30-87
Date

For further information contact:
Federal Election Commission
Toll Free 800-434-6630
Local 202-433-4888

NOTE: Submission of false, erroneous or incomplete information may subject the person signing this report to the penalties of 2 USC § 437e

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

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FEC FORM 3X (3/80)
MPCF

87040561364
97034593223

**National Association of Pharmacists
Political Action Committee, an in-house arm of the
National Association of Retail Druggists**

Report Covering the Period
From: **10/01/86** To: **12/31/86**

COLUMN A
Total This Period

COLUMN B
Calendar Year-To-Date

L. RECEIPTS

11. CONTRIBUTIONS (other than loans) FROM:		
(a) Individuals/Persons Other Than Political Committees.	47,075.00	75,462.50
(b) Political Party Committees.		
(c) Other Political Committees.		
(d) TOTAL CONTRIBUTIONS (other than loans) (add 11(a), 11(b) and 11(c))	47,075.00	75,462.50
12. TRANSFERS FROM AFFILIATED/OTHER PARTY COMMITTEES		
13. ALL LOANS RECEIVED		
14. LOAN REPAYMENTS RECEIVED		
15. OFFSETS TO OPERATING EXPENDITURES (Refunds, Rebates, etc.)		
16. REFUNDS OF CONTRIBUTIONS MADE TO FEDERAL CANDIDATES AND OTHER POLITICAL COMMITTEES		
17. OTHER RECEIPTS (Dividends, Interest, etc.)	244.09	2,042.23
18. TOTAL RECEIPTS (Add 11(d), 12, 13, 14, 15, 16 and 17)	47,319.09	77,504.73

H. DISBURSEMENTS

19. OPERATING EXPENDITURES	307.51	347.41
20. TRANSFERS TO AFFILIATED/OTHER PARTY COMMITTEES		
21. CONTRIBUTIONS TO FEDERAL CANDIDATES AND OTHER POLITICAL COMMITTEES	14,075.00	51,925.00
22. INDEPENDENT EXPENDITURES (see Schedule E)		
23. COORDINATED EXPENDITURES MADE BY PARTY COMMITTEES (2 U.S.C. 6441 (d)) (Use Schedule F)		
24. LOAN REPAYMENTS MADE		
25. LOANS MADE		
26. REFUNDS OF CONTRIBUTIONS TO		
(a) Individuals/Persons Other Than Political Committees.		
(b) Political Party Committees.		
(c) Other Political Committees.		
(d) TOTAL CONTRIBUTION REFUNDS (Add 26(a), 26(b) and 26(c))		
27. OTHER DISBURSEMENTS		1,088.62
28. TOTAL DISBURSEMENTS (add lines 19, 20, 21, 22, 23, 24, 25, 26(d) and 27)	14,382.51	53,361.03

III. NET CONTRIBUTIONS AND NET OPERATING EXPENDITURES

29. TOTAL CONTRIBUTIONS (other than loans) from Line 11(d)	47,075.00	75,462.50
30. TOTAL CONTRIBUTION REFUNDS from Line 26(d)	-0-	-0-
31. NET CONTRIBUTIONS (other than loans) (Subtract Line 30 from Line 29)	47,075.00	75,462.50
32. TOTAL OPERATING EXPENDITURES from Line 19	307.51	347.41
33. OFFSETS TO OPERATING EXPENDITURES from Line 15	-0-	-0-
34. NET OPERATING EXPENDITURES (Subtract Line 33 from Line 32)	307.51	347.41

8 7 0 4 0 6 1 3 6 5
 3 7 7 3 4 5 9 3 2 2 4

Attachment #5
Page 3 of 3

Federal Election Commission
Public Records Office
999 E Street, N.W.
Washington, DC 20463



CERTIFIED

P 323 054 926

MAIL

SCHEDULE B

ITEMIZED DISBURSEMENTS

Attachment #6
Page 1 of 1 - 1986 Year-End Report

AH6
Schedule B
The Schedule B is required for each
candidate of the General
Election
Summary Page

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

Name of Committee (B-1)(a)			
National Association of Pharmacists Political Action Committee, an in-house arm of The National Association of Retail Druggists			
A Full Name, Mailing Address and Zip Code DOUG WALGREN FOR CONGRESS COMMITTEE P. O. BOX 8245 WASHINGTON, DC 20024	Purpose of Disbursement CONTRIBUTION Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year) 10/09/86	Amount of Each Disbursement This Period 2,000.00
B Full Name, Mailing Address and Zip Code DEMOCRATIC SENATORIAL CAMPAIGN COMMITTEE 30 SOUTH CAPITOL STREET, S.E. WASHINGTON, DC 20003	Purpose of Disbursement CONTRIBUTION Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year) 10/09/86	Amount of Each Disbursement This Period 500.00
C Full Name, Mailing Address and Zip Code FRIENDS OF LUKEN 501 SEATERS LANE, #1207 ALEXANDRIA, VA 22314	Purpose of Disbursement CONTRIBUTION Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year) 10/16/86	Amount of Each Disbursement This Period 500.00
D Full Name, Mailing Address and Zip Code JOHN BREAU COMMITTEE P. O. BOX 1791 BATON ROUGE, LA 70821	Purpose of Disbursement CONTRIBUTION Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year) 10/16/86	Amount of Each Disbursement This Period 2,000.00
E Full Name, Mailing Address and Zip Code OPEN CARDIN FOR CONGRESS P. O. BOX 65056 BALTIMORE, MD 21209	Purpose of Disbursement CONTRIBUTION Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year) 10/16/86	Amount of Each Disbursement This Period 200.00
F Full Name, Mailing Address and Zip Code COMMITTEE FOR WIRTH P. O. BOX 75428 WASHINGTON, DC 20513	Purpose of Disbursement CONTRIBUTION Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year) 10/23/86	Amount of Each Disbursement This Period 1,000.00
G Full Name, Mailing Address and Zip Code SCHAEFER TO CONGRESS 100 E. HAMPDEN AVENUE MOLLENDOU, CU 00110	Purpose of Disbursement CONTRIBUTION Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year) 10/23/86	Amount of Each Disbursement This Period 250.00
H Full Name, Mailing Address and Zip Code LAMPULL MURPHY FOR CONGRESS COMMITTEE P. O. BOX 562 PAJULAH, KY 42002	Purpose of Disbursement CONTRIBUTION Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year) 10/23/86	Amount of Each Disbursement This Period 250.00
I Full Name, Mailing Address and Zip Code DEMOCRATIC SENATORIAL CAMPAIGN COMMITTEE 30 SOUTH CAPITOL STREET, S.E. WASHINGTON, DC 20003	Purpose of Disbursement CONTRIBUTION Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year) 10/24/86	Amount of Each Disbursement This Period 1,000.00
SUBTOTAL of Disbursements This Page (optional)			
TOTAL This Period (see instructions for this line number only)			

CONFIDENTIAL

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

37 MAY 1 10:45 AM '87
RECEIVED
OFFICE OF THE SECRETARY

FIRST GENERAL COUNSEL'S REPORT

RAD REFERRAL # 87NF-59
STAFF MEMBER: George F. Rishel

SOURCE OF MUR: INTERNALLY GENERATED
RESPONDENTS: National Association of Pharmacists Political Action Committee and John M. Rector, as treasurer;

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

INTERNAL REPORTS CHECKED: Public Disclosure Reports

FEDERAL AGENCIES CHECKED: None

I. GENERATION OF MATTER

The Reports Analysis Division ("RAD") referred the National Association of Pharmacists Political Action Committee and John M. Rector, as treasurer, to the Office of the General Counsel on March 17, 1987. The basis of the attached referrals is the failure of the committee to file the 1986 Post-General Election Report in a timely fashion. The late-filed report also disclosed activity indicating a 12-Day Pre-Election Report should have been filed.

II. FACTUAL AND LEGAL ANALYSIS

The Federal Election Campaign Act of 1971, as amended ("the Act"), provides that for unauthorized committees filing quarterly in a year in which a regularly scheduled general election is held, such committees shall file a Post-General Election Report
no

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later than the 30th day after the general election and which shall be complete as of the 20th day after such general election. 2 U.S.C. § 434(a)(4)(A)(iii). The 1986 Post-General Election Report was due on December 4, 1987.

The Act also provides that such committees shall file a Pre-Election Report before any election in which the committee makes a contribution to or expenditure on behalf of a candidate in such election. Such report shall be filed no later than the 12th day before (or posted by registered or certified mail no later than the 15th day before) such election and which shall be complete as of the 20th day before the election. 2 U.S.C. § 434(a)(4)(A)(ii). The 1986 Pre-Election Report for the 1986 General Election was due on October 23, 1986.

The Committee was notified on September 29, 1986, of the requirements for filing the Pre-Election Report and the Post-General Election Report. It also was sent a non-filer notice for the Post-General Election Report on December 23, 1986.

The National Association of Pharmacists Political Action Committee is a political committee registered with the Commission. The Committee sent its Post-General Election Report to the Commission by certified mail on January 31, 1987 (received on February 4, 1987). Thus, the Committee filed this report 58 days late. This report also disclosed a \$2,000 contribution made on October 9, 1986, to the Doug Walgren for Congress Committee. Doug Walgren was a candidate in the 1986 general election. Thus, the Committee was also required to file a Pre-Election Report no

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later than October 23, 1986. Activity for the period covered by the Pre-Election Report was not reported until the Post-General Election Report was filed on January 31, 1987, which was 100 days late.

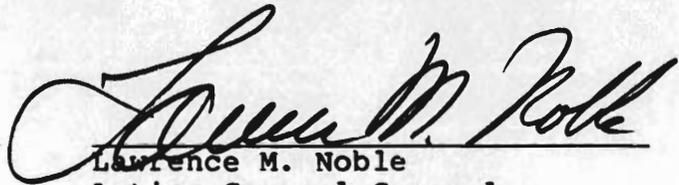
Accordingly, the Office of the General Counsel recommends that the Commission open a matter under review and find reason to believe the National Association of Pharmacists Political Action Committee and John M. Rector, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(ii) and (iii).

III. RECOMMENDATIONS

1. Open a Matter Under Review.
2. Find reason to believe the National Association of Pharmacists Political Action Committee and John M. Rector, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(ii) and (iii).
3. Approve and send the attached letter and Factual and Legal Analysis.

Date

5/1/87


Lawrence M. Noble
Acting General Counsel

Attachments

1. RAD Referral 87NF-59
2. Proposed Letter and Factual and Legal Analysis

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Attachment(s) 1,2
to First General Court's Report
have been removed from this
position in Public Record File.
See Index Item(s) 1,4

BEFORE THE FEDERAL ELECTION COMMISSION

(MUR)
2410

In the Matter of)

National Association of Pharmacists Political)
Action Committee and John M. Rector, as)
treasurer)

RAD Ref. 87NF-59

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on May 6, 1987, the Commission decided by a vote of 6-0 to take the following actions in RAD Ref. 87NF-59:

1. Open a Mater Under Review.
2. Find reason to believe the National Association of Pharmacists Political Action Committee and John M. Rector, as treasurer, violated 2 U.S.C. § 434 (a) (4) (A) (ii) and (iii).
3. Approve and send the letter and Factual and Legal Analysis, as recommended in the First General Counsel's Report signed May 1, 1987.

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

Attest:

5-6-87
Date

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

Received in the Office of Commission Secretary:	Fri.,	5-1-87,	4:55
Circulated on 48 hour tally basis:	Mon.,	5-4-87,	11:00
Deadline for vote:	Wed.,	5-6-87,	11:00

/jm/

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 8, 1987

John M. Rector, Treasurer
National Association of Pharmacists
Political Action Committee
205 Daingerfield Road
Alexandria, VA 22314

Re: MUR 2410
National Association of
Pharmacists Political Action
Committee and John M. Rector,
as treasurer

Dear Mr. Rector:

On May 6, 1987, the Federal Election Commission found that there is reason to believe the National Association of Pharmacists Political Action Committee ("Committee") and you, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(ii) and (iii), provisions 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.

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

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Letter to John M. Rector, Treasurer
Page 2

recommending declining that pre-probable cause conciliation be pursued. The Office of the General Counsel may recommend that pre-probable cause conciliation not be entered into at this time so that it may complete its investigation of the matter. Further, 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 George Rishel, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,



Scott E. Thomas
Chairman

Enclosures
Factual and Legal Analysis
Procedures
Designation of Counsel Form

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4

FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

MUR 2410

RESPONDENTS: National Association of Pharmacists Political Action Committee and John M. Rector, as treasurer

The Federal Election Campaign Act of 1971, as amended ("the Act"), provides that for unauthorized committees filing quarterly in a year in which a regularly scheduled general election is held, such committees shall file a Post-General Election Report no later than the 30th day after the general election and which shall be complete as of the 20th day after such general election. 2 U.S.C. § 434(a)(4)(A)(iii). The 1986 Post-General Election Report was due on December 4, 1986.

The Act also provides that such committees shall file a Pre-Election Report before any election in which the committee makes a contribution to or expenditure on behalf of a candidate in such election. Such report shall be filed no later than the 12th day before (or posted by registered or certified mail no later than the 15th day before) such election and which shall be complete as of the 20th day before the election. 2 U.S.C. § 434(a)(4)(A)(ii). The 1986 Pre-Election Report for the 1986 General Election was due on October 23, 1986.

The Committee was notified on September 29, 1986, of the requirements for filing the Pre-Election Report and the Post-General Election Report. The Committee also was sent a non-filer notice for the Post-General Election Report on December 23, 1986.

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rlm

The National Association of Pharmacists Political Action Committee is a political committee registered with the Commission. The Committee sent its Post-General Election Report to the Commission by certified mail on January 31, 1987 (received on February 4, 1987). Thus, the Committee filed this report 58 days late. This report also disclosed a \$2,000 contribution made on October 9, 1986, to the Doug Walgren for Congress Committee. Doug Walgren was a candidate in the 1986 general election. Thus, the Committee was also required to file a Pre-Election Report no later than October 23, 1986. Activity for the period covered by the Pre-Election Report was not reported until the Post-General Election Report was filed on January 31, 1987, which was 100 days late.

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SIDLEY & AUSTIN

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

1722 EYE STREET, N.W.
WASHINGTON, D.C. 20006
TELEPHONE 202: 429-4000
TELEX 89-463

ONE FIRST NATIONAL PLAZA
CHICAGO, ILLINOIS 60603
312: 650-7000 TELEX 25-4364

2049 CENTURY PARK EAST
LOS ANGELES, CALIFORNIA 90067
213: 550-2100 TELEX 18-1391

550 MADISON AVENUE
NEW YORK, NEW YORK 10022
212: 462-2100 TELEX 97-1696

15 KING WILLIAM STREET
LONDON, EC4M 7SA, ENGLAND
441: 621-1616 TELEX 664125

5 BRENTON WAY
SINGAPORE 0206
65: 224-8000 TELEX 26754

P.O. BOX 6680
RIYADH, SAUDI ARABIA
966-1-460-4160 TELEX 404947

May 12, 1987

George Rishel, Esq.
Office of the General Counsel
Federal Election Commission
999 E St., N.W.
Washington, D.C. 20463

Dear Mr. Rishel:

We have been retained by the National Association of Pharmacists PAC to represent the Committee in MUR 2410. Enclosed is a copy of the Statement of Designation of Counsel signed by John Rector, the Committee's treasurer.

Very truly yours,

Michael A. Nemeroff

Michael A. Nemeroff

cc: Mr. John M. Rector

Enclosure

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MAY 13 PM 2: 33

STATEMENT OF DESIGNATION OF COUNSEL

NO: 2410

NAME OF COUNSEL: Mr. Michael A. Nemeroff

ADDRESS: 1722 Eye Street, N.W.
Washington, DC 20006

TELEPHONE: 429-4235

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.

May 12, 1989
Date

John M. Rector
Signature

RESPONDENT'S NAME: John M. Rector

ADDRESS: 205 Daingerfield Road
Alexandria, VA 22314

HOME PHONE: _____

BUSINESS PHONE: 7036838200

87040361378

SCC# 3421

SIDLEY & AUSTIN
A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

ONE FIRST NATIONAL PLAZA
CHICAGO, ILLINOIS 60603
312: 853-7000 TELEX 28-4364

3040 CENTURY PARK EAST
LOS ANGELES, CALIFORNIA 90007
213: 553-8100 TELEX 18-1391

330 MADISON AVENUE
NEW YORK, NEW YORK 10022
212: 418-2100 TELEX 97-1896

18 KING WILLIAM STREET
LONDON, EC4N 7SA, ENGLAND
441: 621-1818 TELEX 924195

5 SHENTON WAY
SINGAPORE 0106
65: 224-5000 TELEX 28754

1722 EYE STREET, N.W.
WASHINGTON, D.C. 20006
TELEPHONE 202: 429-4000
TELEX 89-463

P.O. BOX 6750
DEIRA, DUBAI, U.A.E.
9714-263184 TELEX 47216

P.O. BOX 6891
ABU DHABI, U.A.E.
9712-321550 TELEX 23603

P.O. BOX 6650
RIYADH, SAUDI ARABIA
966-1-463-4160 TELEX 404947

SIDLEY & AUSTIN & NAQUIB
19, MIDAN EL SHEIKH YOUSSEF
GARDEN CITY, CAIRO, EGYPT
202: 3540-608 TELEX 21014

May 20, 1987

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

RE: MUR 2410

Dear Mr. Richel:

We represent National Association of Pharmacists Political Action Committee ("NAPPAC") and John M. Rector, Treasurer. On or about May 12, 1987, NAPPAC received a letter from Chairman Thomas stating that the FEC had found reason to believe that NAPPAC and Mr. Rector had violated 2 U.S.C. § 434(a)(4)(A)(ii) and (iii) by failing to file pre-general and post-general election reports in 1986. The Commission's Factual and Legal Analysis of this matter asserted that the pre-election report was required because NAPPAC had made a contribution to the Doug Walgren for Congress Committee of \$2000 on October 9, 1986.

NAPPAC and Mr. Rector accept responsibility for the failure to file a post-general election report and request pre-probable cause conciliation to bring this matter to a prompt and appropriate settlement. For the record, NAPPAC failed to file the post-general report because its Comptroller voluntarily terminated her employment on December 3, 1986, one day before the report was due. During the period immediately prior to the Comptroller's departure, she ceased performing many of her duties, including preparing the FEC reports. Mr. Rector, the Treasurer, did not learn of this until the Comptroller departed, and NAPPAC was unable to prepare the report until a new Comptroller was hired. By that time, the year end report was due, and NAPPAC chose to include all information required for the post-general report in its year end report.

With respect to the Commission's assertion concerning a pre-election report, we believe that a report

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DIVISION

George Richel, Esq.
May 20, 1987
Page Two

was not required in this case. Although NAPPAC's year end report lists the Walgren contribution as of October 9, 1986 (the only contribution to a candidate during the relevant period), this was based on the date its contribution check was prepared. However, the Walgren Committee reported the contribution as having been received on October 20, 1986, which was after the closing date for the pre-election report. Indeed, it is significant to note that NAPPAC's contribution appears in the Walgren Committee's post-general election report, a portion of which is attached.

Section 434(a)(4)(A)(ii) conditions the obligation to file a pre-election report upon NAPPAC making a contribution to a candidate not less than 20 days before the election. A contribution is not made until it is actually received by the recipient. In this case, NAPPAC does not appear to have made any contribution within the period that triggers a pre-election report and, therefore, no report was required.

If you have any questions concerning this response, please do not hesitate to contact us.

Respectfully submitted,



Michael A. Nemeroff

MAN:gln

Attach.

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STATE OF CALIFORNIA
COMMISSION ON GOVERNMENTAL ETHICS

I. RECEIPTS

- 11. CONTRIBUTIONS (other than loans) FROM:
 - (a) Individuals/Persons Other Than Political Committees
 (Name Entry Unlimited \$ 22,224.75)
 - (b) Political Party Committees
 - (c) Other Political Committees
 - (d) The Candidate
 - (e) TOTAL CONTRIBUTIONS (other than loans) (add 11(a), 11(b), 11(c) and 11(d))
- 12. TRANSFERS FROM OTHER AUTHORIZED COMMITTEES
- 13. LOANS:
 - (a) Made or Guaranteed by the Candidate
 - (b) All Other Loans
 - (c) TOTAL LOANS (add 13(a) and 13(b))
- 14. OFFSETS TO OPERATING EXPENDITURES (Refunds, Returns, etc.)
- 15. OTHER RECEIPTS (Dividends, Interest, etc.)
- 16. TOTAL RECEIPTS (add 11 (e), 12, 13 (c), 14 and 15)

	From 10/15/85 COLUMN A Fiscal Year Period	To 11/24/85 COLUMN B Calendar Year-to-Date	
	\$2,750.50	162,475.50	11 (e)
	525.00	575.00	11 (e)
	62,040.00	317,132.60	11 (e)
	0	0	11 (e)
	136,115.50	480,183.50	11 (e)
	0	0	12
	0	0	13 (c)
	0	0	13 (c)
	0	0	13 (c)
	0	0	14
	20.00	3,455.00	15
	136,335.50	483,638.50	16
II. DISBURSEMENTS			
17. OPERATING EXPENDITURES	138,434.50	488,488.23	17
18. TRANSFERS TO OTHER AUTHORIZED COMMITTEES	0	0	18
19. LOAN REPAYMENTS:			
(a) Of Loans Made or Guaranteed by the Candidate	0	0	19 (a)
(b) Of All Other Loans	0	0	19 (b)
(c) TOTAL LOAN REPAYMENTS (add 19 (a) and 19 (b))	0	0	19 (c)
20. REFUNDS OF CONTRIBUTIONS TO:			
(a) Individuals/Persons Other Than Political Committees	400.74	650.74	20 (a)
(b) Political Party Committees	1,000.00	1,000.00	20 (b)
(c) Other Political Committees	1,000.00	3,100.00	20 (c)
(d) TOTAL CONTRIBUTION REFUNDS (add 20 (a), 20 (b), and 20 (c))	2,400.74	4,750.74	20 (d)
21. OTHER DISBURSEMENTS	1,500.00	11,167.45	21
22. TOTAL DISBURSEMENTS (add 17, 18, 19 (c), 20 (d) and 21)	142,335.24	496,376.42	22

III. CASH SUMMARY

23. CASH ON HAND AT BEGINNING OF REPORTING PERIOD	\$	59,826.60	23
24. TOTAL RECEIPTS THIS PERIOD (From Line 16)	\$	136,336.50	24
25. SUBTOTAL (Add Line 23 and Line 24)	\$	196,163.10	25
26. TOTAL DISBURSEMENTS THIS PERIOD (From Line 22)	\$	142,335.24	26
27. CASH ON HAND AT CLOSE OF THE REPORTING PERIOD (Subtract Line 26 from 25)	\$	53,827.86	27

SENSITIVE

BEFORE THE FEDERAL ELECTION COMMISSION

97 JUN 11 11:39

In the Matter of)	
National Association of)	MUR 2410
Pharmacists Political Action)	
Committee)	
John M. Rector, as treasurer)	

GENERAL COUNSEL'S REPORT

I. BACKGROUND

On May 6, 1987, the Commission found reason to believe that the National Association of Pharmacists Political Action Committee and John M. Rector, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(ii) and (iii) by failing to file the 1986 12 Day Pre-Election Report and the 1986 30 Day Post-General Election Report in a timely manner. By letter dated May 20, 1987, respondents requested to settle this matter prior to a finding of probable cause to believe. (Attachment 1).

One argument presented by counsel for the respondents in the request for pre-probable cause conciliation requires discussion. Counsel notes that, although the respondents reported a contribution to the Doug Walgren for Congress Committee with an October 9 date, the Walgren Committee reported it with an October 21 date. Counsel contends that a "contribution is not made until it is actually received" and argues that, on this basis, the respondents were not required to file a 12 Day Pre-Election Report covering the period of October 1 - 15, 1986.

In the view of this Office, counsel's argument is incorrect. According to 2 U.S.C. § 434(a)(4)(A)(ii), political committees, other than authorized committees of a candidate, filing quarterly

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reports shall file a pre-election report before any election in which the committee "makes a contribution to ... a candidate in such election"; this report shall cover the period up to the twentieth day before an election. It is the "making" of a contribution that triggers the requirement to file this report. Such requirement is not dependent on when the candidate actually receives the contribution. See, e.g., 11 C.F.R.

§ 110.1(b)(6)(1987).^{1/} Counsel's argument would require a contributing committee to know when its contributions to candidates are actually received in order for it to determine its filing requirements. To accept counsel's argument would mean that a committee would incur a requirement to file a pre-election report if it mailed a contribution on September 27 but the contribution was not actually received by the candidate until October 2.

We note also that counsel has presented this argument only as a justification for the respondents' failure to file the Pre-General Report in a timely manner. Counsel has not argued that respondents relied on such a legal opinion at the time the report was due. Moreover, the filing notice sent to the respondents on September 29, 1986, informed them of the requirements for filing this report.

Accordingly, this Office concludes that, on the basis of the information presently available, the respondents were required to file a pre-election report. The failure to file this report is

^{1/} Although this regulation was not in effect at the time of the contribution, it is consistent with previous policy.

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appropriately included in the proposed conciliation agreement and proposed civil penalty.

II. DISCUSSION OF CONCILIATION PROVISIONS AND CIVIL PENALTY

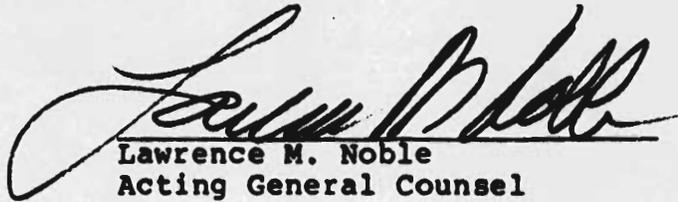
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III. RECOMMENDATIONS

1. Enter into conciliation with the National Association of Pharmacists Political Action Committee and John M. Rector, as treasurer, prior to a finding of probable cause to believe.
2. Approve the attached proposed conciliation agreement and letter.

Date

6/10/87


Lawrence M. Noble
Acting General Counsel

Attachments

1. Request for conciliation
2. Proposed agreement and letter

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Attachment(s) 4, 2
to General Counsel's Report
have been removed from this
position in Public Record File.
See Index Item(s) 6, 10



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO: LAWRENCE M. NOBLE
ACTING GENERAL COUNSEL

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

DATE: JUNE 16, 1987

SUBJECT: OBJECTION TO MUR 2410 - General Counsel's Report
Signed June 10, 1987

The above-captioned document was circulated to the Commission on Thursday, June 11, 1987 at 4:00 P.M.

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

- Commissioner Aikens _____
- Commissioner Elliott _____
- Commissioner Josefiak _____
- Commissioner McDonald _____ X _____
- Commissioner McGarry _____
- Commissioner Thomas _____

This matter will be placed on the Executive Session agenda for June 23, 1987.

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

87040:61389

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
National Association of) MUR 2410
Pharmacists Political)
Action Committee)
John M. Rector, as treasurer)

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session of June 23, 1987, do hereby certify that the Commission decided by a vote of 6-0 to take the following actions in MUR 2410:

1. Enter into conciliation with the National Association of Pharmacists Political Action Committee and John M. Rector, as treasurer, prior to a finding of probable cause to believe.
2. Approve the proposed conciliation agreement and letter attached to the General Counsel's report dated June 10, 1987.

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

Attest:

June 24, 1987
Date

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

87040561390



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 25, 1987

Michael A. Nemeroff, Esquire
Sidley & Austin
1722 Eye Street, N.W.
Washington, D.C. 20006

RE: MUR 2410
National Association of
Pharmacists Political Action
Committee
John M. Rector, as treasurer

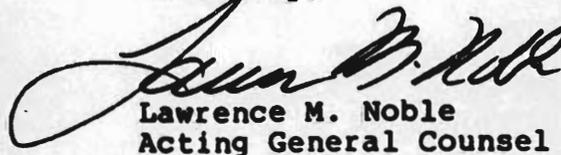
Dear Mr. Nemeroff:

On May 6, 1987, the Federal Election Commission found reason to believe that your clients violated 2 U.S.C. § 434(a)(4)(A)(ii) and (iii). At your request, on June 23, 1987, the Commission determined to enter into negotiations directed towards reaching a conciliation agreement in settlement of this matter prior to a finding of probable cause to believe.

Enclosed is a conciliation agreement that the Commission has approved in settlement of this matter. If your clients agree with the provisions of the enclosed agreement, please have them 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 Jonathan Levin, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,


Lawrence M. Noble
Acting General Counsel

Enclosure
Conciliation Agreement

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SENSITIVE

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)	
)	
National Association of)	MUR 2410
Pharmacists Political Action))	
Committee)	
John M. Rector, as treasurer)	

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GENERAL COUNSEL'S REPORT

I. BACKGROUND

Attached is a conciliation agreement which has been signed by counsel for the National Association of Pharmacists Political Action Committee and John M. Rector, as treasurer.

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II. RECOMMENDATIONS

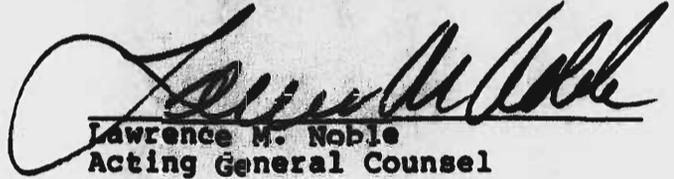
1. Accept the attached conciliation agreement with the National Association of Pharmacists Political Action Committee and John M. Rector, as treasurer.

//

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

Date

7/17/87



Lawrence M. Noble
Acting General Counsel

Attachments

1. Conciliation agreement with cover letter
2. Proposed letter to respondents' counsel

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
National Association of)
Pharmacists Political Action) MUR 2410
Committee)
John M. Rector, as treasurer)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on July 22, 1987, the Commission decided by a vote of 6-0 to take the following actions in MUR 2410:

1. Accept the conciliation agreement with the National Association of Pharmacists Political Action Committee and John M. Rector, as treasurer, as recommended in the General Counsel's Report signed July 17, 1987.
2. Close the file.
3. Approve the letter, as recommended in the General Counsel's Report signed July 17, 1987.

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

Attest:

7-22-87

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

Received in the Office of Commission Secretary: Fri., 7-17-87, 1:57
Circulated on 48 hour tally basis: Mon., 7-20-87, 11:00
Deadline for vote: Wed., 7-22-87, 11:00

/jw/

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 24, 1987

Michael A. Nemeroff, Esquire
Sidley & Austin
1722 Eye Street, N.W.
Washington, D.C. 20006

Re: MUR 2410
National Association of
Pharmacists Political
Action Committee
John M. Rector, as
treasurer

Dear Mr. Nemeroff:

On July 22, 1987, the Federal Election Commission accepted the signed conciliation agreement submitted on your client's behalf in settlement of violations of 2 U.S.C. § 434(a)(4)(A)(ii) and (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 Jonathan Levin, the attorney assigned to this matter at (202) 376-5690.

Sincerely,

Lawrence M. Noble (LF)

Lawrence M. Noble
Acting General Counsel

Enclosure
Conciliation Agreement

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
National Association of) MUR 2410
Pharmacists Political Action)
Committee)
John M. Rector, as treasurer)

CONCILIATION AGREEMENT

This matter was initiated by the Federal Election Commission ("the Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. The Commission found reason to believe that the National Association of Pharmacists Political Action Committee and John M. Rector, as treasurer, ("Respondents") violated 2 U.S.C. § 434(a)(4)(A)(ii) and (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 National Association of Pharmacists Political Action Committee is a political committee within the meaning of 2 U.S.C. § 431(4).

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2. Respondent John M. Rector is the treasurer of the National Association of Pharmacists Political Action Committee.

3. Respondents made a contribution of \$2,000 on October 9, 1986, to the Doug Walgren for Congress Committee. Doug Walgren was a candidate for federal office in the 1986 general election. Thus, pursuant to 2 U.S.C. § 434(a)(4)(A)(ii), the Respondents were required to file a 12-Day Pre-Election Report by October 23, 1986. A report covering this period was filed on January 31, 1987, 100 days late.

4. Pursuant to 2 U.S.C. § 434(a)(4)(A)(iii), the respondents were required to file the 1986 Post-General Election Report by December 4, 1986. The report was filed on January 31, 1987, 58 days late.

V. Respondents failed to file the 12-Day Pre-Election Report and the 1986 Post-General Election Report in a timely manner in violation of 2 U.S.C. § 434(a)(4)(A)(ii) and (iii).

VI. Respondents will pay a civil penalty to the Federal Election Commission in the amount of One Thousand Five Hundred Dollars (\$1,500.00) pursuant to 2 U.S.C. § 437g(a)(5)(A).

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

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action for relief in the United States District Court for the District of Columbia.

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

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

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

FOR THE COMMISSION:

Lawrence M. Noble (GZ) 7/24/87
Lawrence M. Noble Date
Acting General Counsel

FOR THE RESPONDENTS:

Michael Nemeroff 7/2/87
Date

Michael A. Nemeroff
Sidley & Austin
Attorney for National Association
of Pharmacists Political Action
Committee
John M. Rector, as treasurer

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 2410
DATE FILMED 10/29/87 CAMERA NO. 3
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