



FEDERAL ELECTION COMMISSION

WASHINGTON, D C 20463

THIS IS THE BEGINNING OF MUR # 2416

DATE FILMED 2/17/88 CAMERA NO. 3

CAMERAMAN LPC

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PUBLIC RECORD INDEX - MUR 2416

1. Memo, 7 Apr 87, John D. Gibson (Reports Analysis Division) to Lawrence M. Noble (Acting General Counsel), Subj: Referral of Arizona Politically Interested Citizens, w/atch (RAD Referral Pkg).
2. First General Counsel's Report, 12 May 87.
3. Memo, 14 May 87, M.W. Emmons to L.M. Noble, subj: Comments on First G.C. Report, w/atch (comment sheet).
4. Certification of Commission action, 15 May 87.
5. Ltr, dtd 21 May 87, Scott E. Thomas (Chairman, FEC) to Michael Barinbaum (treas, AZ PIC).
6. Ltr, dtd 1 June 87, M. Barinbaum to FEC.
7. Ltr, dtd 17 July 87, M. Barinbaum to FEC.
8. General Counsel's Report, 13 Aug 87.
9. Memo, 18 Aug 87, M.W. Emmons to L.M. Noble, subj: Objections to G.C. Report.
10. Certification of Commission action, 10 Sept. 87.
11. Ltr, dtd 15 Sept. 87, L.M. Noble to M. Barinbaum.
12. General Counsel's Report, 5 Nov 87, w/atch (civil penalty check).
13. Certification of Commission action, 10 Nov. 87.
14. Clsg. ltr, dtd 17 Nov. 87, L.M. Noble to M. Barinbaum, w/atch (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

7 April 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 ARIZONA POLITICALLY INTERESTED CITIZENS

This is a referral of the Arizona Politically Interested Citizens ("the Committee"). The Committee failed to file the 1986 12 Day Pre-General Report by Election Day, November 4, 1986. Note that all financial activity occurring within the coverage dates for the 12 Day Pre-General Report (10/1/86-10/15/86) is disclosed on the Committee's 1986 30 Day Post-General Report. In addition, the Committee failed to file the 30 Day Post-General Report within thirty (30) calendar days from the date of the Non-Filer Notice. According to the RAD Review and Referral Procedures for Unauthorized Committees (Standard 3), further examination is required by your office.

If you have questions, please contact Alva E. Smith at 376-2480.

Attachment

83040572392

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REPORTS ANALYSIS REFERRAL

TO

OFFICE OF GENERAL COUNSEL

DATE: 7 April 1987

ANALYST: Alva E. Smith

I. COMMITTEE: Arizona Politically Interested
Citizens (C00148874)
Michael Barinbaum, Treasurer
(November 19, 1985 - present)
Irving Shuman, Treasurer
(January 1, 1985 - November 18, 1985)
2929 North 44th Street, Suite 400
Phoenix, AZ 85018

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

The Arizona Politically Interested Citizens ("the Committee") failed to file the 1986 12 Day Pre-General Report of Receipts and Disbursements by Election Day, November 4, 1986. In addition, the Committee failed to file the 1986 30 Day Post-General Report in a timely manner. When filed, the 30 Day Post-General Report included financial activity occurring within the coverage dates for the 12 Day Pre-General Report.

The Committee was notified on September 29, 1986 that:

- a) a 12 Day Pre-General Report was due on October 23, 1986, if contributions or expenditures which had not previously been reported were made in connection with the general election during October 1, 1986 through October 15, 1986; and
- b) a 30 Day Post-General Report was due on December 4, 1986 (Attachment 2).

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**ARIZONA POLITICALLY INTERESTED CITIZENS
REPORTS ANALYSIS OGC REFERRAL
PAGE 2**

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

On January 6, 1987, Sara May, a Committee representative, called the Reports Analysis Division ("RAD") analyst to apologize for the tardiness of the report and said that her office would send it that day (Attachment 4).

On January 29, 1987, the 30 Day Post-General Report covering the period October 1, 1986 through November 24, 1986 was received (Attachment 5). The report disclosed one contribution to a federal candidate on October 8, 1986 for \$500, indicating that a 12 Day Pre-General Report had to be filed.

IV. OTHER PENDING MATTERS INITIATED BY RAD:

None.

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

DATE 30MAR87
 PAGE 1

COMMITTEE	DOCUMENT	RECEIPTS	DISBURSEMENTS	TYPE OF FILER COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
ARIZONA POLITICALLY INTERESTED CITIZENS CONNECTED ORGANIZATION: NONE				NON-PARTY QUALIFIED		ID 0C00140074
1985	STATEMENT OF ORGANIZATION - AMENDMENT			26NOV85	2	85FEC/392/0717
	APRIL QUARTERLY	5,345	616	1JAN85 -31MAR85	10	85FEC/371/2303
	JULY QUARTERLY	13,474	17,008	1APR85 -30JUN85	14	85FEC/379/529
	JULY QUARTERLY - AMENDMENT	-	-	1APR85 -30JUN85	4	86FEC/405/24
	REQUEST FOR ADDITIONAL INFORMATION			1APR85 -30JUN85	2	86FEC/402/4027
	REQUEST FOR ADDITIONAL INFORMATION 2ND			1APR85 -30JUN85	3	86FEC/404/5225
	OCTOBER QUARTERLY	7,827	5,000	1JUL85 -30SEP85	7	85FEC/392/1562
	OCTOBER QUARTERLY - AMENDMENT	-	-	1JUL85 -30SEP85	6	86FEC/394/3971
	OCTOBER QUARTERLY - AMENDMENT	7,827	5,000	1JUL85 -30SEP85	8	86FEC/397/1674
	REQUEST FOR ADDITIONAL INFORMATION			1JUL85 -30SEP85	1	85FEC/393/3100
	REQUEST FOR ADDITIONAL INFORMATION 2ND			1JUL85 -30SEP85	1	86FEC/395/1103
	YEAR-END	12,618	10,253	1OCT85 -31DEC85	7	86FEC/401/0455
	YEAR-END - AMENDMENT	-	-	1OCT85 -31DEC85	1	86FEC/405/3030
	YEAR-END - AMENDMENT	-	-	1OCT85 -31DEC85	2	86FEC/413/0375
	REQUEST FOR ADDITIONAL INFORMATION			1OCT85 -31DEC85	1	86FEC/402/4029
	REQUEST FOR ADDITIONAL INFORMATION 2ND			1OCT85 -31DEC85	1	86FEC/404/5220
	REQUEST FOR ADDITIONAL INFORMATION			1OCT85 -31DEC85	4	86FEC/406/4916
	REQUEST FOR ADDITIONAL INFORMATION 2ND			1OCT85 -31DEC85	5	86FEC/412/3109
1986	APRIL QUARTERLY	5,927	11,131	1JAN86 -31MAR86	9	86FEC/410/3190
	JULY QUARTERLY	22,138	26,000	1APR86 -30JUN86	14	86FEC/429/3462
	JULY QUARTERLY - AMENDMENT	-	-	1APR86 -30JUN86	11	86FEC/439/2116
	NOTICE OF FAILURE TO FILE			1APR86 -30JUN86	1	86FEC/426/3526
	REQUEST FOR ADDITIONAL INFORMATION			1APR86 -30JUN86	2	86FEC/430/1661
	REQUEST FOR ADDITIONAL INFORMATION 2ND			1APR86 -30JUN86	3	86FEC/432/3061
	OCTOBER QUARTERLY	9,860	13,407	1JUL86 -30SEP86	10	86FEC/440/05
	OCTOBER QUARTERLY - AMENDMENT	-	-	1JUL86 -30SEP86	2	86FEC/441/2776
	OCTOBER QUARTERLY - AMENDMENT	9,860	10,907	1JUL86 -30SEP86	3	87FEC/463/0463
	POST-GENERAL	5,262	4,750	1OCT86 -24NOV86	8	87FEC/459/4026
	NOTICE OF FAILURE TO FILE			24NOV86	1	86FEC/452/1299
	REQUEST FOR ADDITIONAL INFORMATION			1OCT86 -24NOV86	1	87FEC/461/0564
	REQUEST FOR ADDITIONAL INFORMATION 2ND			1OCT86 -24NOV86	3	87FEC/462/4123
	YEAR-END	5,562	5,773	1OCT86 -31DEC86	7	87FEC/459/4034
	REQUEST FOR ADDITIONAL INFORMATION			1OCT86 -31DEC86	1	87FEC/461/0570
	REQUEST FOR ADDITIONAL INFORMATION 2ND			1OCT86 -31DEC86	1	87FEC/462/4126
1987	MISCELLANEOUS NOTICE FROM FEC			16JAN87	1	87FEC/454/2633
	TOTAL	88,013	0 91,438	0	157	TOTAL PAGES

ATTACHMENT 1

All reports have been reviewed.
 Cash on hand as of 12/31/86: \$15,402

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

GENERAL ELECTION REPORT NOTICE

FEDERAL ELECTION COMMISSION

PARTIES AND PACS

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

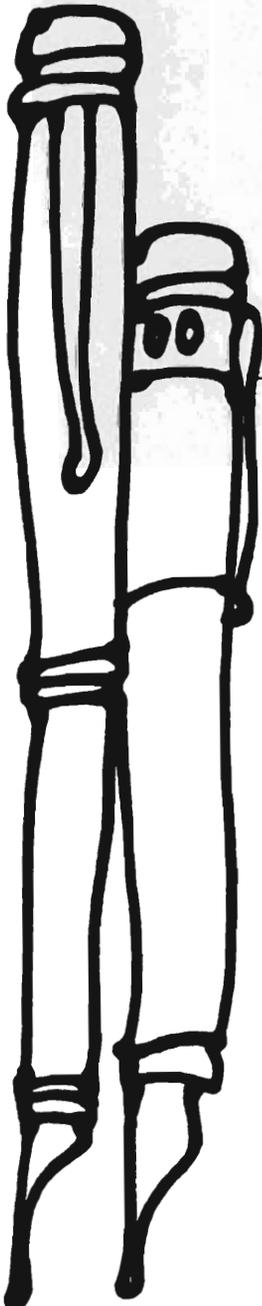
The report must disclose all financial activity from the close of books of the last report, or the date of registration* (whichever is later), through November 24, 1986.

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).

23740572396



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

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20543

ATTACHMENT B

December 23, 1986

Michael Barinbaum, Treasurer
Arizona Politically Interested
Citizens
2020 North 64th Street, Suite 400
Phoenix, AZ 85018

Identification Number: C90140074

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

Dear Mr. Barinbaum:

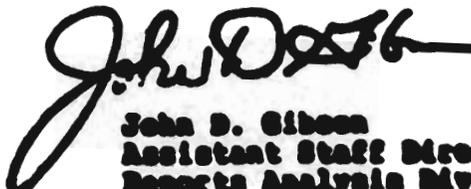
It has come to the attention of the Federal Election Commission ("the Commission") that your committee may be in violation of 2 U.S.C. §434(a) for failing to file the above referenced Report of Receipts and Disbursements. You were notified previously of the due date for this report.

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 Christopher Waland on our toll-free number (800) 424-9530. Our local number is (202) 376-2400.

Sincerely,


John D. Gibson
Assistant Staff Director
Reports Analysis Division

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ANALYST: Christopher L. Nuland

CONVERSATION WITH: Sara May, Committee Representative

COMMITTEE: Arizona Politically Interested Citizens

DATE: 1/6/87

SUBJECT(S): 30 Day Post-General Report

Ms. May apologized for the tardiness of the report and said that her office would send it today.

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RECEIVED A: THE FEC

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

(Summary Page)

87 FEB 4 411 : 49

1. Name of Committee (in Full)
Arizona Politically Interested Citizens

Address (Number and Street)
**2929 North 44th St., #400
Phoenix, Arizona 85018**

City, State and ZIP Code

Check here if address is different than previously reported.

2. FEC Identification Number
CO0148874

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 Interim Report-10/1-11/24 1986
 Twelfth day report preceding _____ (Type of Election)
election on _____ in the State of _____
 Thirtieth day report following the General Election
on _____ in the State of _____
 Termination Report

(b) Is this Report an Amendment?
 YES NO

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17751594827

SUMMARY		COLUMN A This Period	COLUMN B Calendar Year-to-Date
5. Covering Period <u>Oct. 1</u> through <u>Nov. 24, 1986</u>			
6. (a) Cash on hand January 1, 19 <u>86</u>			\$ 25,723.51
(b) Cash on Hand at Beginning of Reporting Period	\$ 15,612.48		
(c) Total Receipts (from Line 10)	\$ 5,262.72	\$ 43,190.01	
(d) Subtotal (add Lines 6(a) and 6(c) for Column A and Lines 6(a) and 6(c) for Column B)	\$ 18,375.20	\$ 68,190.01	
7. Total Disbursements (from Line 20)	\$ 4,750.00	\$ 52,788.32	
8. Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d))	\$ 16,125.20	\$ 16,125.20	
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)	\$		

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

Michael Barinbaum

President of the Committee

Secretary

For further information contact:
Federal Election Commission
1101 Constitution Avenue, N.W.
Washington, D.C. 20543
Tel: (202) 426-6242
Telex: 505433

NOTE: Submission of this or another or incomplete information may subject the person signing this report to the penalties of 2 U.S.C. § 552b.

All previous copies of POC FORMS 3 and POC FORMS 4 are obsolete and should no longer be used.

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POC FORM 3B 12-86

Arizona Politically Interested Citizens

From: Oct. 1 To: Nov. 24, 86

Column A Total This Period
Column B Calendar Year-To-Date

I. RECEIPTS

11. CONTRIBUTIONS (other than loans) FROM:		
(a) Individuals/Persons Other Than Political Committees	\$ 1,000.00	\$ 1,000.00
(Show Every Unitemized \$ _____)		
(b) Political Party Committees		
(c) Other Political Committees		
(d) TOTAL CONTRIBUTIONS (other than loans) (Add 11(a), 11(b) and 11(c))	\$ 1,000.00	\$ 1,000.00
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.)	\$ 262.72	\$ 1,240.01
18. TOTAL RECEIPTS (Add 11(d), 12, 13, 14, 15, 16 and 17)	\$ 1,262.72	\$ 2,240.01

II. DISBURSEMENTS

19. OPERATING EXPENDITURES		162.32
20. TRANSFERS TO AFFILIATED/OTHER PARTY COMMITTEES		
21. CONTRIBUTIONS TO FEDERAL CANDIDATES AND OTHER POLITICAL COMMITTEES	\$ 4,750.00	\$ 4,525.00
22. INDEPENDENT EXPENDITURES (see Schedule E)		
23. COORDINATED EXPENDITURES MADE BY PARTY COMMITTEES (2 U.S.C. § 441 (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		
28. TOTAL DISBURSEMENTS (Add Lines 19, 20, 21, 22, 23, 24, 25, 26(d) and 27)	\$ 4,750.00	\$ 4,687.32

III. NET CONTRIBUTIONS AND NET OPERATING EXPENDITURES

29. TOTAL CONTRIBUTIONS (other than loans) from Line 11(d)	\$ 1,000.00	\$ 1,000.00
30. TOTAL CONTRIBUTION REFUNDS from Line 26(d)		
31. NET CONTRIBUTIONS (other than loans) (Subtract Line 30 from Line 29)	\$ 1,000.00	\$ 1,000.00
32. TOTAL OPERATING EXPENDITURES from Line 19		162.32
33. OFFSETS TO OPERATING EXPENDITURES from Line 15		
34. NET OPERATING EXPENDITURES (Subtract Line 33 from Line 32)		162.32

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SCHEDULE B

ITEMIZED DISBURSEMENTS

Use figures indicated for each category of the Detailed Summary Page

PAGE 2 OF 2 FOR LINE NUMBER

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of collecting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

NAME OF COMMITTEE (in Full)

Arizona Politically Interested Citizens

170304450943402

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
John Break for Senate Louisiana	Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	10/17/86	\$,000.00
Hays for Congress Louisiana	Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	10/17/86	\$250.00
L. Smith for Congress Florida	Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	10/17/86	\$500.00
South Dakota for Democratic Majority Program	Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	10/23/86	\$,500.00
Vin Weber for Congress Minnesota	Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	10/8/86	\$500.00
	Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)		
	Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)		
	Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)		
	Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)		

SUBTOTAL of Disbursements This Page (optional)

TOTAL This Period (last page this line number only)

\$4,750.00

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RECEIVED
COMMUNICATIONS SECTION

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

FIRST GENERAL COUNSEL'S REPORT

**87NF-77
STAFF MEMBER: Garr**

SOURCE OF MUR: INTERNALLY GENERATED
**RESPONDENTS: Arizona Politically Interested Citizens
Michael Barinbaum, Treasurer**
RELEVANT STATUTES: 2 U.S.C. §§ 434(a)(4)(A)(ii) and (iii)
**INTERNAL REPORTS
CHECKED: FEC Disclosure Documents**
**FEDERAL AGENCIES
CHECKED: N/A**

I. GENERATION OF MATTER

The Arizona Politically Interested Citizens committee ("the Committee") and Michael Barinbaum, as treasurer, were referred to the Office of General Counsel by the Reports Analysis Division for failing to file the 1986 12 Day Pre-General and 30 Day Post-General Election Reports in a timely manner.

On September 29, 1986, the Committee was notified that a 12 Day Pre-General Report was due on October 23, 1986, if contributions or expenditures which had not previously been reported were made in connection with the general election during October 1, 1986 through October 15, 1986, and that a 30 Day Post-General Election Report was due on December 4, 1986.

On December 23, 1986, a Non-Filer Notice was sent to the Committee for failing to file the 1986 30 Day Post General Election Report.

93040672404

A Committee representative contacted the Commission on January 6, 1987, to apologize for the delay in filing the report and to advise that the report would be sent that day.

On January 29, 1987, the 30 Day Post-General Report covering the period October 1, 1986 through November 23, 1986 was filed with the Commission. The report disclosed one \$500 contribution to a federal candidate on October 8, 1986 indicating that a 12 Day Pre-General Report was required.^{1/}

II. FACTUAL AND LEGAL ANALYSIS

Pursuant to 2 U.S.C. § 434(a)(4)(A)(ii) all political committees other than authorized committees of a candidate which file quarterly reports, are required to file a pre-election report, which shall be filed no later than the 12th day before any election in which the committee makes a contribution to or expenditure on behalf of a candidate in such election, and which shall be complete as of the 20th day before the election. Further, 2 U.S.C. § 434(a)(4)(A)(iii) requires those committees to 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.

1/ While the Committee failed to file a 12 Day Pre-General Report, its 1986 30 Day Post-General Report included financial activity which occurred during the coverage dates for the 12 Day Pre-General Report. This Office, then, views the filing of the 12 Day Pre-General Report as being 98 days late and the 30 Day Post-General Election Report as being 56 days late.

93040672405

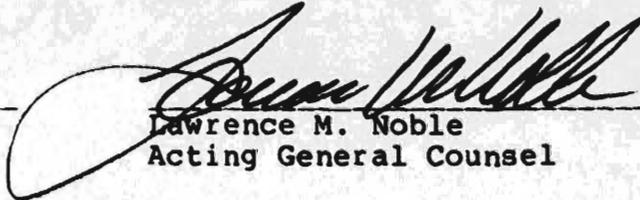
The Committee's failure to file a 1986 12 Day Pre-General Election Report and a 1986 30 Day Post-General Election Report in a timely manner is, in the General Counsel's view, in violation of 2 U.S.C. §§ 434(a)(4)(A)(ii) and (iii).

III. RECOMMENDATIONS

1. Open a MUR;
2. Find reason to believe that the Arizona Politically Interested Citizens committee and Michael Barinbaum, as treasurer, violated 2 U.S.C. §§ 434(a)(4)(A)(ii) and (iii);
3. Approve the attached letter and Factual and Legal Analysis.

Date

5/12/87



Lawrence M. Noble
Acting General Counsel

Attachments:

- 1-Referral
- 2-Proposed Letter and Factual and Legal Analysis

88040672406



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

88040672407

Attachments to First General
Council'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 5



FEDERAL ELECTION COMMISSION
WASHINGTON DC 20461

MEMORANDUM TO: LAWRENCE M. NOBLE
ACTING GENERAL COUNSEL

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

DATE: MAY 14, 1987

SUBJECT: COMMENTS TO RAD Ref. 87NF-77: FIRST G. C. REPORT
SIGNED MAY 12, 1987

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

88040572400

Attachment:
copy of vote sheet



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

SENSITIVE

DATE & TIME TRANSMITTED: WEDNESDAY, MAY 13, 1987 11:00

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

RETURN TO COMMISSION SECRETARY BY FRIDAY, MAY 15, 1987 11:00

SUBJECT: RAD Ref. 87NF-77: First General Counsel's Report
Signed May 12, 1987

R 3 0 4 0 5 7 2 4 0 9

97 MAY 14 11:11

- I approve the recommendation
- I object to the recommendation

COMMENTS: Should be "November 24, 1986" on p. 1, 4th line from bottom of GCFB A.

DATE: 5/14/87 SIGNATURE [Signature]

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

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)

Arizona Politically Interested Citizens)
Michael Barinbaum, Treasurer)

RAD Ref. 87NF-77

(MUR
2416)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on May 15, 1987, the Commission decided by a vote of 6-0 to take the following actions in RAD Ref. 87NF-77:

1. Open a MUR.
2. Find reason to believe that the Arizona Politically Interested Citizens committee and Michael Barinbaum, as treasurer, violated 2 U.S.C. §§ 434(a)(4)(A)(ii) and (iii).
3. Approve the letter and Factual and Legal Analysis, as recommended in the First General Counsel's Report signed May 12, 1987.

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

Attest:

5-15-87

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

Received in the Office of Commission Secretary:	Tues.,	5-12-87,	4:57
Circulated on 48 hour tally basis:	Wed.,	5-13-87,	11:00
Deadline for vote:	Fri.,	5-15-87,	11:00

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

May 21, 1987

Michael Barinbaum, Treasurer
Arizona Politically Interested Citizens
2929 North 44th Street
Suite 400
Phoenix, AZ 85018

RE: MUR 2416
Arizona Politically Interested
Citizens
Michael Barinbaum, Treasurer

Dear Mr. Barinbaum:

On May 15, 1987, the Federal Election Commission found that there is reason to believe Arizona Politically Interested Citizens ("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.

In the absence of any additional information which demonstrates that no further action should be taken against your committee and you, as treasurer, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation.

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

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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 Shelley Garr, the staff member assigned to this matter, at (202) 376-8200.

Sincerely,



Scott E. Thomas
Chairman

Enclosures

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

03040572412

600 3583

Arizona Politically Interested Citizens
c/o The Robard Co., Inc.
5707 W. Buckeye Rd. Bldg B
Phoenix, Az. 85043

June 1, 1987

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

Ref: MUR 2416
Arizona Politically Interested Citizens
Michael Barinbaum, Treasurer

Dear Mr. Thomas,

I sincerely regret that the Federal Election Commission has found that we have violated provisions of the Federal Election Campaign Act of 1971. It was not my intentions to do so, however, I must accept full responsibility.

I had assigned the task of reporting to my secretary and I did not provide sufficient supervision and guidance to her. I assure you this has been corrected and that, in the future, all requirements and regulations of the Commission will be met without delay.

Thank you for your consideration.

Sincerely,



Michael Barinbaum
Treasurer
Arizona Politically Interested Citizens

P.S. Please note our new mailing address.

MB/ek

07 JUN 11 P 3:32

07 JUN 11 P 3:59

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6CC 3970

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Arizona Politically Interested Citizens
c/o The Robard Co., Inc.
5707 W. Buckeye Rd. Bldg B
Phoenix, Az. 85043

87 JUL 21 A 8: 48

July 17, 1987

Ms. Shelly Garr
Federal Elections Commission
Washington, D.C. 20463

Ref: MUR 2416
Arizona Politically Interested Citizens
Michael Barinbaum, Treasurer

87 JUL 21 A 9: 36

RECEIVED
OFFICE OF THE
GENERAL COUNSEL

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Dear Ms. Garr,

Pursuant to our conversation I agree to "Propable Cause Con-
ciliation."

I would, again, like to tell you that I deeply regret that
which has led to your action, but the causes have been cor-
rected and future reports will be filed on time.

Sincerely,



Michael Barinbaum
Treasurer
Arizona Politically Interested Citizens

MB/ek

SENSITIVE

BEFORE THE FEDERAL ELECTION COMMISSION

STAMP: JUN 13 12:36

In the Matter of)	
Arizona Politically Interested)	MUR 2416
Citizens)	
Michael Barinbaum, as treasurer)	

GENERAL COUNSEL'S REPORT

I. BACKGROUND

On May 15, 1987, the Commission found reason to believe that the Arizona Politically Interested Citizens committee ("Committee") and Michael Barinbaum, as treasurer, violated 2 U.S.C. §§ 434(a)(4)(A)(ii) and (iii) by failing to file the Committee's 1986 12 Day Pre-General Election and 30 Day Post General Election Reports in a timely manner. Mr. Barinbaum responded to the Commission's notification on June 1, 1987, and on July 17, 1987, he requested that this matter be settled prior to a finding of probable cause to believe (Attachment I).

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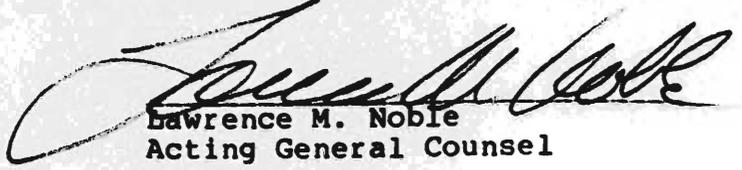
III. RECOMMENDATIONS

1. Enter into conciliation with the Arizona Politically Interested Citizens committee and Michael Barinbaum, as treasurer, prior to a finding of probable cause to believe.

2. Approve the attached proposed conciliation agreement and letter.

Date

8/13/82


Lawrence M. Noble
Acting General Counsel

Attachments

1. Response
2. Proposed agreement and letter

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Attachments to General
Council'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	<u>1</u>	see	<u>7</u>
	<u>2</u>		<u>11</u>
	_____		_____
	_____		_____
	_____		_____

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20461

MEMORANDUM TO: LAWRENCE M. NOBLE
ACTING GENERAL COUNSEL

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

DATE: AUGUST 18, 1987

SUBJECT: OBJECTION TO MUR 2416 - General Counsel's Report
Signed August 13, 1987

The above-captioned document was circulated to the Commission on Friday, August 14, 1987 at 12:00 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 Wednesday, September 9, 1987.

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

38040672419

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)	
)	
Arizona Politically Interested)	MUR 2416
Citizens)	
Michael Barinbaum, as treasurer)	

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session of September 9, 1987, do hereby certify that the Commission decided by a vote of 6-0 to take the following actions in MUR 2416:

1. Enter into conciliation with the Arizona Politically Interested Citizens committee and Michael Barinbaum, 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 August 13, 1987.

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

Attest:

9-10-87

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

83040572420



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

September 15, 1987

Michael Barinbaum, Treasurer
Arizona Politically Interested Citizens
2929 North 44th Street
Suite 400
Phoenix, AZ 85018

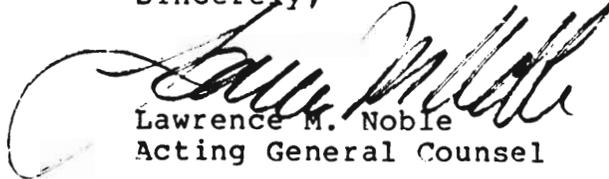
RE: MUR 2416
Arizona Politically Interested
Citizens, and Michael
Barinbaum, as treasurer

Dear Mr. Barinbaum:

On May 15, 1987, the Federal Election Commission found that there is reason to believe Arizona Politically Interested Citizens ("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"). At your request, the Commission determined on September 9, 1987, to enter into negotiations directed towards reaching a conciliation agreement in settlement of this matter prior to a finding of probable cause to believe.

Enclosed is a conciliation agreement that the Commission has approved in settlement of this matter. If you agree with the provisions of the enclosed agreement, please sign and return 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 Shelley Garr, the staff member assigned to this matter, at (202) 376-8200.

Sincerely,


Lawrence M. Noble
Acting General Counsel

Enclosures

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TLH

SENSITIVE

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FEDERAL ELECTION COMMISSION
SECRETARY

87 NOV -6 AM 9:51

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)	
)	
Arizona Politically)	MUR 2416
Interested Citizens)	
)	
Michael Barinbaum, as treasurer)	
)	

GENERAL COUNSEL'S REPORT

I. BACKGROUND

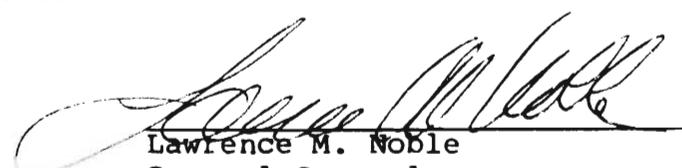
Attached is a conciliation agreement which has been signed by Michael Barinbaum, treasurer of the Arizona Politically Interested Citizens committee (Attachment I). The agreement contains no changes from that originally approved by the Commission on September 9, 1987. Included with the agreement is a check for \$750 which represents payment of the civil penalty.

II. RECOMMENDATION

1. Accept the agreement with the Arizona Politically Interested Citizens committee and Michael Barinbaum, as treasurer;
2. Close the file; and
3. Approve the attached letter.

Date

11/5/87


Lawrence M. Noble
General Counsel

Attachments

1. Conciliation Agreement
2. Proposed letter

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Arizona Politically)
Interested Citizens) MUR 2416
Michael Barinbaum,)
as treasurer)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on November 10, 1987, the Commission decided by a vote of 6-0 to take the following actions in MUR 2416:

1. Accept the agreement with the Arizona Politically Interested Citizens committee and Michael Barinbaum, as treasurer, as recommended in the General Counsel's Report signed November 5, 1987.
2. Close the file.
3. Approve the letter, as recommended in the General Counsel's Report signed November 5, 1987.

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

Attest:

11-10-87
Date

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

Received in the Office of Commission Secretary: Fri., 11-06-87, 9:51
Circulated on 48 hour tally basis: Fri., 11-06-87, 12:00
Deadline for vote: Tues., 11-10-87, 4:00

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13



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

17 November 1987

Michael Barinbaum
c/o The Robard Co., Inc.
5707 W. Buckeye Road Bldg. B
Phoenix, Arizona 85043

RE: MUR 2416
Arizona Politically Interested
Citizens
Michael Barinbaum, as treasurer

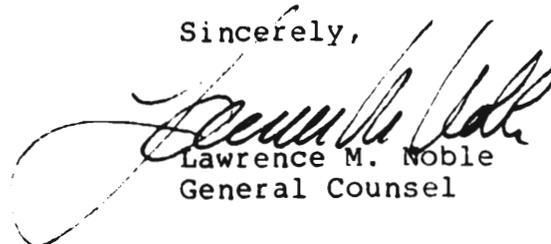
Dear Mr. Barinbaum:

On November 10, 1987, the Federal Election Commission accepted the signed conciliation agreement and civil penalty submitted on behalf of the Arizona Politically Interested Citizens committee and you, as treasurer, 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 Shelley Garr, the staff member assigned to this matter at (202) 376-8200.

Sincerely,



Lawrence M. Noble
General Counsel

Enclosure
Conciliation Agreement

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FEDERAL ELECTION COMMISSION
MAIL ROOM

BEFORE THE FEDERAL ELECTION COMMISSION

87 OCT 20 AM 10:44

In the Matter of)	
Arizona Politically Interested)	MUR 2416
Citizens)	
Michael Barinbaum, as treasurer)	

87 OCT 21 PM 3:05
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 OFFICE OF GENERAL COUNSEL

CONCILIATION AGREEMENT

This matter was initiated by the Federal Election Commission (hereinafter "the Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. The Commission found reason to believe that the Arizona Politically Interested Citizens committee and Michael Barinbaum, as treasurer, (hereinafter "the Respondents") violated 2 U.S.C. §§ 434(a)(4)(A)(ii) and (iii).

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

I. The Commission has jurisdiction over 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 Arizona Politically Interested Citizens is a political committee registered with the Commission.

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2. Michael Barinbaum is the treasurer of the Arizona Politically Interested Citizens committee.

3. Respondents were required to file the 1986 12 Day Pre General Election Report by October 23, 1986. The report was filed on January 29, 1987, 98 days late.

4. Respondents were required to file the 1986 30 Day Post General Election Report by December 4, 1986. The report was filed on January 29, 1987, 56 days late.

V. Pursuant to 2 U.S.C. § 434(a)(4)(A)(ii) all political committees other than authorized committees of a candidate which file quarterly reports, are required to file a pre-election report, which shall be filed no later than the 12th day before any election in which the committee makes a contribution to or expenditure on behalf of a candidate in such election, and which shall be complete as of the 20th day before the election. Further, 2 U.S.C. § 434(a)(4)(A)(iii) requires those committees to 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.

VI. Respondents failure to file a 1986 12 Day Pre-General Election Report and a 1986 30 Day Post-General Election Report in a timely manner is in violation of 2 U.S.C. §§ 434(a)(4)(A)(ii) and (iii).

VII. Respondents will pay a civil penalty to the Federal Election Commission in the amount of Seven Hundred and Fifty Dollars (\$750.00) pursuant to 2 U.S.C. § 437g(a)(5)(A).

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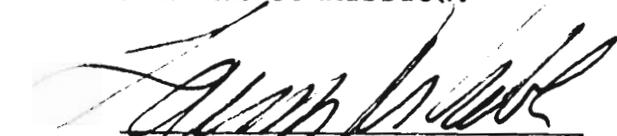
VIII. The Commission, on request of anyone filing a complaint under 2 U.S.C. § 437g(a) (1) concerning the matters at issue herein or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute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

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
General Counsel

10/17/87
Date

FOR THE RESPONDENT:



October 15, 1987
Date

83040572428



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 2416

DATE FILMED 2/17/88 CAMERA NO. 3

CAMERAMAN GPC

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