



FEDERAL ELECTION COMMISSION
WASHINGTON DC 20463

THIS IS THE BEGINNING OF MUR # 2444
DATE FILMED 10/7/87 CAMERA NO. 3
CAMERAMAN GPC

870406553141

PUBLIC RECORD INDEX - MUR 2444

1. Memo, 10 Feb 87, John D. Gibson (Reports Analysis Division) to Charles N. Steele (General Counsel), Subj: Referral of Pepsi Cola Bottlers Association-PAC, w/atch (RAD Referral Package).
2. First General Counsel's Report, 18 May 87.
- 2a. Certification of Commission Vote, dtd 22 May 87.
3. Ltr, 8 Jun 87, Scott E. Thomas (Chrmn, FEC) to Douglas J. Hogan (Treasurer, PCBA-PAC).
4. Ltr, 22 Jun 87, D.J. Hogan to FEC.
5. General Counsel's Report, 9 Jul 87.
6. Certification of Commission Vote, dtd 13 Jul 87.
7. Ltr, 16 Jul 87, Lawrence M. Noble (Acting Gen. Coun.) to D.J. Hogan.
8. General Counsel's Report, 10 Aug 87.
9. Certification of Commission Vote, 13 Aug 87.
10. Ltr, 18 Aug 87, L.M. Noble to D.J. Hogan w/atch Executed Conciliation Agreement).

87040655315

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.

Attachment 1

FEDERAL ELECTION COMMISSION

WASHINGTON, DC 20463

February 10, 1987

MEMORANDUM

TO: CHARLES N. STEELE
GENERAL COUNSEL

THROUGH: JOHN C. SURINA
STAFF DIRECTOR

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

SUBJECT: NON-FILER REFERRALS OF MONTHLY UNAUTHORIZED COMMITTEES

Attached is a listing of thirty-four (34) monthly filers which failed to file a report covering the pre-election period by Election Day, November 4, 1986. In accordance with Standard 3 of the 1985-1986 RAD Review and Referral Procedures, further examination is required by your office.

On September 29, 1986, prior notification was sent to all unauthorized committees which specifically informed monthly filers of the requirement to file a 12 Day Pre-General Report by October 23, 1986 (Attachment 35). Each committee which failed to submit either a 12 Day Pre-General Report or a November Monthly Report was sent a Non-Filer Notice on November 14, 1986 (Attachment 36). The following six (6) committees were not sent Non-Filer Notices because a report covering the pre-election period was indexed by November 14, 1986:

- American Metal Stamping Association Political Action Committee (AMSAPAC) (C00082271)
- American Sugar Cane League Political Action Committee (C00081414)
- Federated Department Stores PAC (C00091660)
- Grumman Political Action Committee (C00042184)
- Squibb Good Government Fund (C00064246)
- United Association of Journeymen and Apprentices of the Plumbing and Pipefitters Industry (C00012476)

87040655316

①

2

The attached printout lists the name, address and treasurer for each committee being referred. Any telephone conversations are referenced under Contacts with Filers. The Summary Pages of the late-filed reports and/or letters of explanation are included under Reports Filed/Response(s).

In addition, a "C" index has been included for each committee. Please note that the aggregate receipt and disbursement figures may be inflated in some cases because a) reports were submitted covering portions of the same period (e.g., a 12 Day Pre-General Report covering October 1, 1986 through October 15, 1986 and a November Monthly Report covering October 1, 1986 through October 31, 1986), or b) 1987 February Monthly Reports have been filed.

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

Attachments

0704065317

96

87040655316

PEPSI-COLA BOTTLERS ASSOCIATION - PAC

(Attachments 26a and 26b)

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

DATE 4 FEB 87
 PAGE 1

NON-PARTY RELATED

COMMITTEE	DOCUMENT	RECEIPTS	DISBURSEMENTS	TYPE OF FILER COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
PEPSI-COLA BOTTLERS ASSOCIATION-PAC CONNECTED ORGANIZATION: PEPSI-COLA BOTTLERS ASSOCIATION INC				NON-PARTY QUALIFIED		ID #C00122671
1985	STATEMENT OF ORGANIZATION - AMENDMENT			20DEC85	3	85FEC/393/2924
	FEBRUARY MONTHLY	905	5,000	1JAN85 -31JAN85	9	85FEC/366/5440
	MARCH MONTHLY	1,243	2,250	1FEB85 -28FEB85	10	85FEC/368/4773
	APRIL MONTHLY	2,404	1,750	1MAR85 -31MAR85	10	85FEC/371/2076
	MAY MONTHLY	4,038	0	1APR85 -30APR85	10	85FEC/373/5478
	JUNE MONTHLY	9,457	1,250	1MAY85 -31MAY85	11	85FEC/376/4463
	JULY MONTHLY	5,350	200	1JUN85 -30JUN85	9	85FEC/380/5404
	AUGUST MONTHLY	7,320	0	1JUL85 -31JUL85	11	85FEC/386/4410
	SEPTEMBER MONTHLY	3,024	1,000	1AUG85 -31AUG85	10	85FEC/388/1761
	SEPTEMBER MONTHLY - AMENDMENT	3,024	0	1AUG85 -31AUG85	9	85FEC/391/0887
	OCTOBER MONTHLY	5,395	2,000	1SEP85 -30SEP85	6	85FEC/390/1512
	OCTOBER MONTHLY - AMENDMENT	5,395	2,000	1SEP85 -30SEP85	6	85FEC/391/0881
	NOVEMBER MONTHLY	5,836	902	1OCT85 -31OCT85	10	85FEC/391/0871
	DECEMBER MONTHLY	6,462	1,500	1NOV85 -30NOV85	10	85FEC/393/2927
	YEAR-END	1,700	300	1DEC85 -31DEC85	5	86FEC/397/0609
1986	FEBRUARY MONTHLY	650	1,000	1JAN86 -31JAN86	5	86FEC/403/4792
	MARCH MONTHLY	3,249	1,000	1FEB86 -28FEB86	10	86FEC/406/1921
	APRIL MONTHLY	1,000	0	1MAR86 -31MAR86	4	86FEC/413/0952
	MAY MONTHLY	1,595	0	1APR86 -30APR86	5	86FEC/415/2535
	JUNE MONTHLY	2,850	24,000	1MAY86 -31MAY86	7	86FEC/417/4864
	JULY MONTHLY	11,791	2,000	1JUN86 -30JUN86	10	86FEC/424/3083
	JULY MONTHLY - AMENDMENT	11,791	2,000	1JUN86 -30JUN86	14	86FEC/428/0687
	AUGUST MONTHLY	5,173	9,200	1JUL86 -31JUL86	8	86FEC/428/0679
	AUGUST MONTHLY - AMENDMENT	5,073	9,200	1JUL86 -31JUL86	8	86FEC/451/1107
	REQUEST FOR ADDITIONAL INFORMATION			1JUL86 -31JUL86	1	86FEC/446/3892
	SEPTEMBER MONTHLY	820	1,000	1AUG86 -31AUG86	5	86FEC/431/4562
	OCTOBER MONTHLY	1,250	0	1SEP86 -30SEP86	4	86FEC/440/0108
	PRE-GENERAL	1,650	13,500	1OCT86 -15OCT86	10	86FEC/444/2648
	NOTICE OF FAILURE TO FILE			1OCT86 -15OCT86	1	86FEC/444/1516
	POST-GENERAL	5,040	48,000	15OCT86 -24NOV86	11	86FEC/449/1877
	REQUEST FOR ADDITIONAL INFORMATION			15OCT86 -24NOV86	1	87FEC/455/3283
	YEAR-END	500	0	25NOV86 -31DEC86	9	87FEC/455/0750
	TOTAL	88,602	0	114,852	0	242 TOTAL PAGES

Ending cash-on-hand as of 12/31/86: \$80,208

Debts: \$0

All reports have been reviewed except the 1986 Year End Report.

ATTACHMENT 26a

97

SENSITIVE

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

FIRST GENERAL COUNSEL'S REPORT

DATE AND TIME OF TRANSMITTAL
BY OGC TO THE COMMISSION _____

RAD REFERRALS 97NF-08 to 41
STAFF MEMBER
Deborah Curry

SOURCE OF MUR: INTERNALLY GENERATED
RESPONDENTS' NAMES:

8704065321

Pepsi Cola Bottlers Association-PAC and
Douglas J. Hogan as Treasurer

87040655322

RELEVANT STATUTES: 2 U.S.C. § 434(a)(4)(B) and
11 C.F.R. 104.5(c)(3)(ii)

INTERNAL REPORTS CHECKED: Disclosure Reports

FEDERAL AGENCIES CHECKED: None

I. GENERATION OF MATTER

This matter was generated by the Reports Analysis Division ("RAD") after a review of the disclosure reports of the above-named committees. The RAD referral reveals that the above mentioned committees and their treasurers, may have violated 2 U.S.C. § 434(a)(4)(B) by failing to file the 1986 Pre-General Election Report in a timely manner.

II. FACTUAL AND LEGAL ANALYSIS

Attached is a listing of thirty-four (34) monthly filers which failed to file a report covering the pre-election period by Election Day, November 4, 1986. (Attachment 1) On September 29, 1986, prior notification was sent to all unauthorized committees which specifically informed monthly filers of the requirement to file a 12 Day Pre-General Report by October 23, 1986. (Attachment 1, page 137) Each committee which failed to submit either a 12 Day Pre-General Report or a November Monthly Report was sent a Non-Filer Notice on November 14, 1986. (Attachment 1, page 139) The following six (6) committees were not sent Non-Filer Notices because a report covering the pre-election period was indexed by November 14, 1986:

87040615323

- American Metal Stamping Association Political Action Committee (AMSAPAC)
- American Sugar Cane League Political Action Committee
- Federated Department Stores PAC
- Grumman Political Action Committee
- Squibb Good Government Fund
- United Association of Journeymen and Apprentices of the Plumbing and Pipefitters Industry

The attached printout lists the name, address and treasurer for each committee being referred. (Attachment 1, pages 5-10) Any telephone conversations are referenced under Contacts with Filers. The Summary Pages of the late-filed reports and/or letters of explanation are included under Reports Filed/Response(s).

In addition, a "C" index has been included for each committee. (Attachment 1) Please note that the aggregate receipt and disbursement figures may be inflated in some cases because (a) reports were submitted covering portions of the same period (e.g., a 12 Day Pre-General report covering October 1, 1986 through October 15, 1986 and a November Monthly Report covering October 1, 1986 through October 31, 1986), or (b) 1987 February Monthly Reports have been filed.

2 U.S.C. § 434(a)(4)(B) requires that monthly filers file a Pre-General Election Report, covering financial activity from October 1 through October 15, by October 23, 1986. The above

87040655321

referenced committees failed to file the 1986 Pre-General Election Report by the required deadline. Therefore, though the Commission is in receipt of report(s) disclosing financial activity covering the pre-general election period, such report(s) were not filed in a timely manner.

With regard to thirty-two non-filers listed below, the Office of General Counsel recommends that the Commission open NURs and find reason to believe these committees and their treasurers violated 2 U.S.C. § 434(a)(4)(B).

III. RECOMMENDATIONS

1. Open NURs with respect to those committees listed in Recommendation 2.
2. Find reason to believe the following committees and their treasurers violated 2 U.S.C. § 434(a)(4)(B):

87040655325

Pepsi Cola Bottlers Association-PAC and
Douglas J. Hogan as Treasurer

870406553326

87040655327

3. Approve the attached sample letter and sample Factual and Legal Analysis to be sent to each committee listed in Recommendation 2.
- 4.

Date

5/18/87


Lawrence M. Noble
Acting General Counsel

Attachments

1. Referral Materials
2. Sample Letter (1)
3. Sample Factual and Legal Analysis (1)

Federal Election Commission
Certification for RAD Ref. 87NF-08 to 41
May 21, 1987

Page 2.

87040655322

Pepsi-Cola Bottlers Association-PAC and
Douglas J. Hogan, as treasurer

2a

(continued)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on May 21, 1987, the Commission decided by a vote of 6-0 to take the following actions in RAD Ref. 87NF-08 to 41:

1. Open MURs with respect to those committees listed in Recommendation 2.
2. Find reason to believe the following committees and their treasurers violated 2 U.S.C. § 434(a) (4) (B):

87040655330

Federal Election Commission
Certification for RAD Ref. 87NF-08 to 41
May 21, 1987

Page 4

87040655331

Pepsi Cola Bottlers Association-PAC and
Douglas J. Hogan, as Treasurer

2a

(continued)

37040655332

3. Approve the sample letter and sample Factual and Legal Analysis to be sent to each committee listed in Recommendation 2, as recommended in the First General Counsel's Report signed May 18, 1987.
- 4.

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

Attest:

5-22-87

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

2a

Received in the Office of Commission Secretary:	Tues.,	5-19-87,	9:22
Circulated on 48 hour tally basis:	Tues.,	5-19-87,	4:00
Deadline for vote:	Thurs.,	5-21-87,	4:00



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

June 8, 1987

Douglas J. Hogan, Treasurer
Pepsi-Cola Bottlers Association - PAC
1040 Bayview Drive, Suite 419
Ft. Lauderdale, FL 33304

RE: MUR 2444
Pepsi-Cola Bottlers
Association - PAC
and Douglas J. Hogan, as
treasurer

Dear Mr. Hogan:

On May 21, 1987, the Federal Election Commission determined there is reason to believe Pepsi-Cola Bottlers Association - PAC and you, as treasurer, violated 2 U.S.C. § 434(a)(4)(B), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). The factual and legal analysis, which formed a basis for the Commission's finding, is attached for your information.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you and the committee. You may submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter. Please submit any such materials within fifteen days of your receipt of this letter.

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

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

9704065333

plm

recommending declining that pre-probable cause conciliation be pursued. The Office of General Counsel may recommend that pre-probable cause conciliation not be entered into at this time so that it may complete its investigation of the matter. Further, requests for pre-probable cause conciliation will not be entertained after briefs on probable cause have been mailed to the respondent.

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

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

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

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

Sincerely,



Scott E. Thomas
Chairman

Enclosures

- Factual and Legal Analysis
- Procedures
- Designation of Counsel Statement

8704065534

File

FEDERAL ELECTION COMMISSION
FACTUAL AND LEGAL ANALYSIS

RESPONDENTS: Pepsi-Cola Bottlers Association-PAC
and Douglas J. Hogan, as treasurer

MUR 2444

The RAD referral reveals that the above-mentioned committee and treasurer, may have violated 2 U.S.C. § 434(a)(4)(B) by failing to file the 1986 Pre-General Election Report in a timely manner.

On September 29, 1986, prior notification was sent to all unauthorized committees which specifically informed monthly filers of the requirement to file a 12 Day Pre-General Election Report by October 23, 1986. The above-mentioned Committee failed to file a report covering the pre-election period by Election Day, November 4, 1986. Each Committee which failed to submit either a 12 Day Pre-General Election Report or a November Monthly Report was sent a Non-filer Notice on November 14, 1986, unless the Commission had received the reports by that date.

2 U.S.C. § 434(a)(4)(B) required that monthly filers file a Pre-General Election Report, covering financial activity from October 1 through October 15, by October 23, 1986. The above-referenced committee failed to file the 1986 Pre-General Election Report by the required deadline. Though the Committee may have filed a report which disclosed financial activity covering the pre-general election period, such report was not filed in a

870406335

timely manner. Therefore, the Office of General Counsel recommends the Commission open a MUR in this matter and find reason to believe the above-mentioned Respondents have violated 2 U.S.C. § 434(a)(4)(B).

87040635336



ACC# 3640
RECEIVED AT THE FEC

87 JUN 22 09:00

DOUG HOGAN
EXECUTIVE DIRECTOR

June 17, 1987

Anthony Marshall, Esq.
FEDERAL ELECTION COMMISSION
1325 "K" Street, NW
Washington, DC 20463

RE: MUR 2444
Pepsi-Cola Bottlers Association-PAC and
Douglas J. Hogan, as Treasurer

17 JUN 22 10:21

RECEIVED
GENERAL MAIL

Dear Mr. Marshall:

We received your correspondence and attachments on the above-cited matter on June 13, 1987. We do not dispute the factual analysis that PCBA-PAC failed to file the 1986 Pre-General Election Report in a timely manner.

At that point last year, the Pepsi-Cola Bottlers Association had just engaged its first permanent paid President and Chief Operating Officer. His official commencement date was November 1, 1986. During the weeks immediately prior to commencement of his employment my time was taken up preparing for the transition and the Pre-General Election Report, being a special report, was not filed at the appropriate time.

We received notification of our failure to file on November 17, 1986 (see attached correspondence from John D. Gibson), whereupon the report was prepared that very day and sent via Federal Express to the Commission (see receipt attached).

We wish to pursue pre-probable cause conciliation with a view to obtaining an agreement in settlement of this matter.

Please advise me of what further steps may be required at this time.

Sincerely,

Douglas J. Hogan
Treasurer
Pepsi-Cola Bottlers Association-PAC

DH/pan
Enclosures

8704065337

PEPSI-COLA BOTTLERS' ASSOCIATION

1040 BAYVIEW DR., SUITE 419, FT. LAUDERDALE, FL 33304 • TEL (305) 563-5656

4



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-7

November 14, 1986

Douglas J. Hogan, Treasurer
Pepsi-Cola Bottlers Association-
Political Action Committee
1040 Bayview Drive, Suite 419
Ft. Lauderdale, FL 33304

Identification Number: C00122671

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

Dear Mr. Hogan:

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 Edward Ryan 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



BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

Pepsi-Cola Bottlers Association-PAC
and Douglas J. Hogan, as treasurer

)
)
)
)
)

MUR 2444

GENERAL COUNSEL'S REPORT

I. BACKGROUND

On May 21, 1987, the Commission found reason to believe that Pepsi-Cola Bottlers Association-PAC and Douglas J. Hogan, as treasurer, violated 2 U.S.C. § 434(a) by failing to file its 1986 12 Day Pre-General Report in a timely manner. By letter dated June 17, 1987, respondents requested to settle this matter prior to a finding of probable cause to believe (Attachment 1).

II. DISCUSSION OF CONCILIATION PROVISIONS AND CIVIL PENALTY

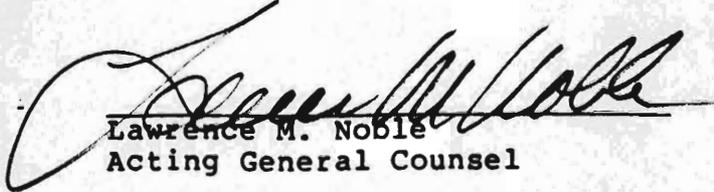
87040655310

III. RECOMMENDATIONS

1. Enter into conciliation with Pepsi-Cola Bottlers Association-PAC and Douglas J. Hogan, as treasurer, prior to a finding of probable cause to believe.
2. Approve the attached proposed conciliation agreement and letter.

Date

7/9/57


Lawrence M. Noble
Acting General Counsel

Attachments

1. Request for conciliation
2. Proposed agreement and letter

87040635341

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Pepsi-Cola Bottlers Association-PAC) MUR 2444
and Douglas J. Hogan, as treasurer)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on July 13, 1987, the Commission decided by a vote of 6-0 to take the following actions in MUR 2444:

1. Enter into conciliation with Pepsi-Cola Bottlers Association-PAC and Douglas J. Hogan, as treasurer, prior to a finding of probable cause to believe.
2. Approve the proposed conciliation agreement and letter, as recommended in the General Counsel's Report signed July 9, 1987.

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

Attest:

7-13-87

Date

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

Received in the Office of Commission Secretary: Thurs., 7-9-87, 11:14
Circulated on 48 hour tally basis: Thurs., 7-9-87, 4:00
Deadline for vote: Mon., 7-13-87, 4:00

87040655342



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 16, 1987

Douglas J. Hogan, Treasurer
Pepsi-Cola Bottlers Association-PAC
1040 Bayview Drive, Suite 419
Ft. Lauderdale, FL 33304

RE: MUR 2444
Pepsi-Cola Bottlers
Association-PAC
and Douglas J. Hogan,
as treasurer

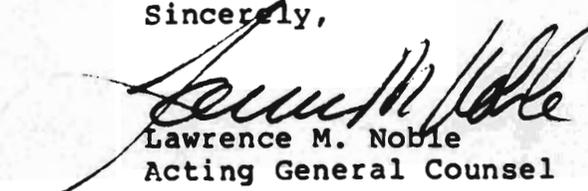
Dear Mr. Hogan:

On May 21, 1987, the Federal Election Commission found reason to believe that Pepsi-Cola Bottlers Association-PAC and you as treasurer, violated 2 U.S.C. § 434(a)(4)(B). At your request, on July 13, 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 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 Anthony L. Marshall, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,


Lawrence M. Noble
Acting General Counsel

Enclosure
Conciliation Agreement

7

87040635343

SENSITIVE

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Pepsi-Cola Bottlers Association PAC) MUR 2444
and Douglas J. Hogan, as treasurer)

GENERAL COUNSEL'S REPORT

I. BACKGROUND

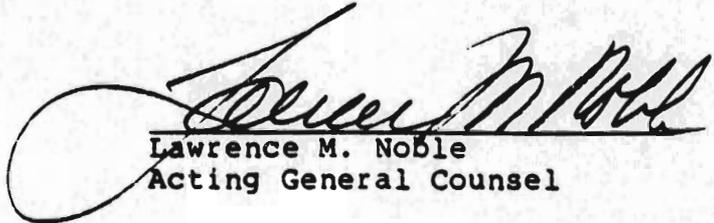
Attached is a conciliation agreement which has been signed by Douglas J. Hogan, treasurer of the Pepsi-Cola Bottlers Association Political Action Committee PAC ("the Committee") (Attachment I).

Also attached is a copy of a check for \$725.00 representing the Committee's payment of a civil penalty.

II. RECOMMENDATION

The Office of General Counsel recommends that the Commission accept the agreement in settlement of this matter and close the file.

Date 8/10/07


Lawrence M. Noble
Acting General Counsel

- Attachments:
1) Conciliation agreement
2) Proposed letter

87040655344

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Pepsi-Cola Bottlers Association PAC) MUR 2444
and Douglas J. Hogan, as treasurer)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on August 13, 1987, the Commission decided by a vote of 5-0 to accept the agreement in settlement of this matter and close the file, as recommended in the General Counsel's Report signed August 10, 1987.

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

Attest:

8-13-87

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

Received in the Office of Commission Secretary: Tue., 8-11-87, 10:33
Circulated on 48 hour tally basis: Tue., 8-11-87, 4:00
Deadline for vote: Thur., 8-13-87, 4:00

jw

87040655345



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 18, 1987

Douglas J. Hogan, Treasurer
Pepsi-Cola Bottlers Association PAC
1040 Bayview Drive
Suite 419
Ft. Lauderdale, FL 33304

RE: MUR 2444
Pepsi-Cola Bottlers
Association PAC and
Douglas J. Hogan, as
treasurer

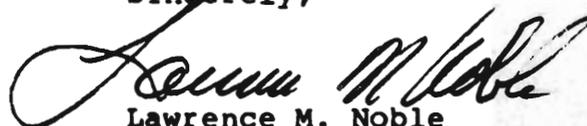
Dear Mr. Hogan:

On August 13, 1987, the Federal Election Commission accepted the signed conciliation agreement and civil penalty submitted by you in settlement of a violation of 2 U.S.C. § 434(a)(4)(B), a provision of the Federal Election Campaign Act of 1971, as amended. Accordingly, the file has been closed in this matter as it pertains to the Pepsi-Cola Bottlers Association PAC and you, as treasurer. 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 file. If you have any questions, please contact Shelley Garr, the staff member assigned to this matter at (202) 376-8200.

Sincerely,


Lawrence M. Noble
Acting General Counsel

Enclosure
Conciliation Agreement

87040655346

plm

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 2444
Pepsi-Cola Bottlers Association)
PAC and Douglas J. Hogan,)
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 Pepsi-Cola Bottlers Association-PAC and Douglas J. Hogan, as treasurer ("Respondents") violated 2 U.S.C. § 434(a)(4)(B).

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, Pepsi-Cola Bottlers Association-PAC, is a political committee within the meaning of 2 U.S.C. § 431(4).

87040655347

2. Respondent, Douglas J. Hogan, is the treasurer of Pepsi-Cola Bottlers Association-PAC.

3. On September 29, 1986, prior notification was sent to the respondents specifically informing them to file a 12 Day Pre-General Election Report by October 23, 1986.

4. During the time period between October 1, 1986 and October 15, 1986, respondents made contributions to or expenditures on behalf of a candidate for Federal election.

5. Respondents filed a 12 Day Pre-General Election Report November 18, 1986, 26 days after the due date.

V. Respondents failed to file a 12 Day Pre-General Election Report by October 23, 1986, in violation of 2 U.S.C. § 434(a)(4)(B).

VI. Respondents will pay a civil penalty to the Federal Election Commission in the amount of Seven Hundred Twenty Five dollars (\$725.00), pursuant to 2 U.S.C. § 437g(a)(5)(A).

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

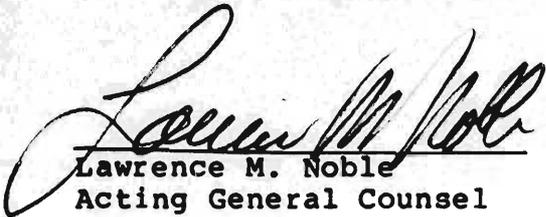
VIII. This agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

87040655348

IX. 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.

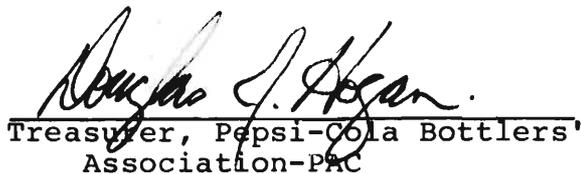
X. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or oral, made by either party or by agents of either party, that is not contained in this written agreement shall be enforceable.

FOR THE COMMISSION:


Lawrence M. Noble
Acting General Counsel

2/12/87
Date

FOR THE RESPONDENTS:


Treasurer, Pepsi-Cola Bottlers'
Association-PAC

7-21-87
Date

87040615347



FEDERAL ELECTION COMMISSION
WASHINGTON DC 20463

THIS IS THE END OF MUR # 2444

DATE FILMED 10/7/87 CAMERA NO. 3

CAMERAMAN GPC

87040655330



FEDERAL ELECTION COMMISSION
WASHINGTON DC 20463

M12-21-87

THE FOLLOWING MATERIAL IS BEING ADDED TO THE
PUBLIC FILE OF CLOSED MUR 2444 .

88040570215

MEMORANDUM

TO: DEBRA A. TRIMIEW

TO: CECILIA LIEBER

FROM: CECILIA LIEBER

FROM: DEBRA A. TRIMIEW

87 JUL 27 P 4 39

RECEIVED
GENERAL INVESTMENT

CHECK NO. 000670 { A COPY OF WHICH IS ATTACHED } RELATING TO
MUR 2444 (Marshall) AND NAME Pepsi-Cola Bottlers Association PAC and Douglas J. Hogan, as treasurer

WAS RECEIVED ON 7/27/87. PLEASE INDICATE THE ACCOUNT INTO WHICH IT SHOULD BE DEPOSITED:

- / BUDGET CLEARING ACCOUNT { 95F3875.16 }
- / CIVIL PENALTIES ACCOUNT { 95-1099.160 }
- / OTHER _____

SIGNATURE Debra A. Trimiew DATE 7/28/87

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



PCBA PAC
PEPSI-COLA BOTTLERS'
ASSOCIATION, INC.
1040 BAYVIEW DRIVE
FORT LAUDERDALE, FLORIDA 33304

000670

July 21 19 87

63-607
670 429

PAY TO THE ORDER OF FEDERAL ELECTION COMMISSION \$725.00*

THE SUM OF 725 DOLS 00 CTS DOLLARS



Sun Bank / South Florida, N.A.
North Lauderdale Beach Office 429
P.O. Box 5100
Fort Lauderdale, Florida 33310

BY Douglas J. Hogan AUTH. SIG.

⑈000670⑈ •⑈067006076⑈ 0429000119830⑈



6 CC 4039
RECEIVED AT THE FEC

87 JUL 23 09:22

DOUG HOGAN
EXECUTIVE DIRECTOR

July 21, 1987

Lawrence M. Noble, Esq.
Acting General Counsel
FEDERAL ELECTION COMMISSION
999 "E" Street, NW
Washington, DC 20463

RE: MUR 2444
Pepsi-Cola Bottlers Association - PAC
and Douglas J. Hogan, as Treasurer

Dear Mr. Noble:

I am in receipt of your letter dated July 16, 1987 and the proposed Conciliation Agreement that the Commission has approved in settlement of the above referenced matter.

I agree with the provisions in this agreement and I am enclosing the signed agreement along with a check in the amount of \$725 in payment of the civil penalty. Please have the agreement countersigned on behalf of the Commission and forward a copy to me by return mail.

If there is anything else you require, please contact me at (305) 563-5656.

Sincerely,

Douglas J. Hogan
Treasurer
Pepsi-Cola Bottlers Association - PAC

DJH/pan
Enclosures - 2

PEPSI-COLA BOTTLERS' ASSOCIATION

1040 BAYVIEW DR., SUITE 419, FT. LAUDERDALE, FL 33304 • TEL (305) 563-5656

33040670217

87 JUL 27 04:40



ING FRANCHISE EQUITY

NEW YORK, NY 10017-2498

Lawrence M. Noble, Esq.
Acting General Counsel
FEDERAL ELECTIONS COMMISSION
999 "E" Street, NW
Washington, DC 20463

87 JUL 23 A9:22

2 3 0 4 0 6 7 0 2 1

W GENERATION OF PEPSI BOTTLERS