



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 2476

DATE FILMED 3/14/88 CAMERA NO. 2

CAMERAMAN GPC

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20543

May 22, 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: QUARTERLY FILERS (UNAUTHORIZED COMMITTEES) WHICH
FAILED TO FILE THE 1986 12 DAY PRE-GENERAL REPORT
BY ELECTION DAY

The attached list of unauthorized committees consists of forty-nine (49) quarterly filers which failed to file a 1986 12 Day Pre-General Report by Election Day, November 4, 1986. In accordance with Standard 3 of the RAD Review and Referral Procedures, further examination is required by your office.

Unlike the mandatory reporting requirement placed upon monthly filers, 2 U.S.C. §434(a)(4)(A)(ii) requires quarterly filers to submit 12 Day Pre-General Reports only if the committees make contributions to or expenditures on behalf of federal candidates involved in the general election. All unauthorized committees were sent prior notification regarding the pre- and post-general filing requirements on September 29, 1986 (Attachment 50).

The Party/Non-Party Branch conducted a thorough examination to identify quarterly filers disclosing contributions or expenditures between October 1 and October 15, 1986. The research revealed committees that submitted:

- a) 12 Day Pre-General Reports in an untimely manner;
- b) 30 Day Post-General Reports indicating that 12 Day Pre-General Reports should have been filed; and
- c) Year End Reports indicating that 12 Day Pre-General Reports should have been filed.

ATTACHMENT 1

33040574650

For your information, the pertinent supporting documentation on each committee has been arranged in alphabetical order. Statistics on all C indices only reflect activity through December 31, 1986. Any reports disclosing activity in 1987 have not been reviewed.

The following committees were previously referred either to your office or to the Audit Division for a possible 2 U.S.C. §438(b) audit.

(1)

(2)

(3)

(4)

(5)

(6)

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

Attachments

83040674661

83040674652

C00161604

Cooperative of American Physicians
Federal Action Committee (CAP/PAC)

87HF-95

**COOPERATIVE OF AMERICAN PHYSICIANS FEDERAL
ACTION COMMITTEE (CAP/FAC)**

(Attachments 10a - 10g)

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

DATE 27APR87
 PAGE 1

COMMITTEE	DOCUMENT	RECEIPTS	DISBURSEMENTS	TYPE OF FILER COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
COOPERATIVE OF AMERICAN PHYSICIANS FEDERAL ACTION COMMITTEE (CAP/FAC) CONNECTED ORGANIZATION: COOPERATIVE/AMERICAN PHYSICIANS, INC				NON-PARTY QUALIFIED		ID 0C00161604
1985	APRIL QUARTERLY	10,400	6,680	1JAN85 -31MAR85	5	85FEC/369/4734
	JULY QUARTERLY	600	17,060	1APR85 -30JUN85	6	85FEC/378/5071
	JULY QUARTERLY - AMENDMENT	600	7,060	1APR85 -30JUN85	5	85FEC/392/1920
	1'ST LETTER INFORMATIONAL NOTICE			1APR85 -30JUN85	1	86FEC/394/2622
	OCTOBER QUARTERLY	300	3,500	1JUL85 -30SEP85	5	85FEC/389/4072
	OCTOBER QUARTERLY - AMENDMENT	300	3,500	1JUL85 -30SEP85	4	85FEC/392/1916
	YEAR-END	5,600	21,674	1OCT85 -31DEC85	7	86FEC/400/3090
1986	APRIL QUARTERLY	12,850	6,756	1JAN86 -15MAR86	6	86FEC/410/2518
	JULY QUARTERLY	16,100	13,600	1APR86 -30JUN86	6	86FEC/424/0440
	OCTOBER QUARTERLY	17,525	32,550	1JUL86 -30SEP86	7	86FEC/437/4007
	POST-GENERAL	6,175	7,600	1OCT86 -24NOV86	7	87FEC/452/3114
	NOTICE OF FAILURE TO FILE			24NOV86	1	86FEC/452/1402
	YEAR-END	11,400	2,024	25NOV86 -31DEC86	5	87FEC/458/3248
1987	APRIL QUARTERLY	27,550	4,900	1JAN87 -31MAR87	5	87FEC/465/5310
	TOTAL	108,500	0 106,344	0	70	TOTAL PAGES

Total receipts in 1985-1986: \$80,950
 Total disbursements in 1985-1986: \$101,444
 All 1985-1986 reports have been reviewed.
 Ending cash-on-hand as of 12/31/86: \$14,518
 Debts as of 12/31/86: \$0

TELECON

ANALYST: Michael D. Butterfield

CONVERSATION WITH: Henry D. Green M.D.

COMMITTEE: Cooperative of American Physicians Federal Action Committee

DATE: 12/30/86

SUBJECT(S): Non-filer Notice

Dr. Green called to explain that he thought that only monthly filers had to file the 30 Day Post General Report. Dr. Green stated that he would try and file the tardy report as soon as possible.

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Federal
Action
Committee

of the
Cooperative
of American
Physicians, Inc.

3500 Wilshire Boulevard
Suite 1801
P.O. Box 4230
Los Angeles, California
90078
(213) 251-0600
(800) 252-7706

Robert A. Seaborn, M.D.
Chairman
Henry D. Green, M.D.
Treasurer
Andrew Bull, M.D.
Matthew C. Gleason, M.D.
David B. Horne, M.D.
Steven Selman, M.D.

Carl A. Blomquist
Chief Executive Officer

Attachment 10c
RECEIVED AT THE FEC
07 JAN 8 4:20

December 31, 1986

Mr. Michael Butterfield
Federal Election Commission
999 "E" Street, N.W.
Washington, DC 20463

RE: ID # C00161604

Dear Mr. Butterfield:

Pursuant to our telephone conversation of December 30th regarding your letter reference RQ-7 dated December 23, 1986 (copy attached) please find enclosed a copy of our report covering the period October 1, 1986 through November 30, 1986.

As I explained to you over the phone the reason why we had not filed a report was because in reading your "Quarterly Report Notice" dated September 19, 1986 we had inferred from the reminder that only Monthly filers were required to file a post-general report.

Please rest assured that this non-compliance was not intentional but rather an inadvertent interpretation of the requirement.

Sincerely,

Uday Chand
Assistant Controller

Federal Election Commission One Year or Termination Report

RECEIVED AT THE FEC

(Summary Page)

12/31/86

1. Name of Committee (in Full)
**Cooperative of American Physicians
 Federal Action Committee**

Address (Number and Street)
**3550 Wilshire Blvd.
 Suite 1800**

City, State and ZIP Code
Los Angeles, CA 90010

Check here if address is different than previously reported.

2. FEC Identification Number
C 00161604

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 End Year Report (Non-Standard Year End)
 Monthly Report for _____
 Twelfth day report preceding _____

Station 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

37734525117

SUMMARY

6. Covering Period 10/1/86 through 11/24/86

6. (a) Cash on hand January 1, 1986

(b) Cash on Hand at Beginning of Reporting Period

(c) Total Receipts (from Line 1b)

(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 2b)

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

9. Debts and Obligations Owed TO The Committee

(Specify all on Schedule C or Schedule D)

10. Debts and Obligations Owed BY the Committee

(Specify all on Schedule C or Schedule D)

	COLUMN A This Period	COLUMN B Schedule Year-to-Date
6. (d) Subtotal	12,742.41	65,648.41
7. Total Disbursements	7,600.00	60,306.00
8. Cash on Hand at Close of Reporting Period	5,142.41	5,342.41

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

Henry D. Green, M.D.
 Type or Print Name of Treasurer

Henry D. Green
 Signature of Treasurer

 Date

For further information contact:
 Federal Election Commission
 Toll Free 800-424-9500
 Local 202-430-4000

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

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)

Coop of American Physio... Federal Action Com

Reporting Period		From	To
		10/1/86	11/24/86
COLUMN A	COLUMN B		
Receipts	Disbursements		
I. RECEIPTS			
11. CONTRIBUTIONS (other than loans) FROM:			
(a) Individuals/Persons Other Than Political Committees	12,650.00	12,650.00	11(a)
(b) Political Party Committees			11(b)
(c) Other Political Committees			11(c)
(d) TOTAL CONTRIBUTIONS (other than loans) (Add 11(a), 11(b) and 11(c))	12,650.00	12,650.00	11(d)
12. TRANSFERS FROM AFFILIATED/OTHER PARTY COMMITTEES			12
13. ALL LOANS RECEIVED			13
14. LOAN REPAYMENTS RECEIVED			14
15. OFFSETS TO OPERATING EXPENDITURES (Refunds, Rebates, etc.)			15
16. REFUNDS OF CONTRIBUTIONS MADE TO FEDERAL CANDIDATES AND OTHER POLITICAL COMMITTEES			16
17. OTHER RECEIPTS (Donations, Interest, etc.)			17
18. TOTAL RECEIPTS (Add 11(d), 12, 13, 14, 15, 16 and 17)	12,650.00	12,650.00	18
II. DISBURSEMENTS			
19. OPERATING EXPENDITURES			19
20. TRANSFERS TO AFFILIATED/OTHER PARTY COMMITTEES			20
21. CONTRIBUTIONS TO FEDERAL CANDIDATES AND OTHER POLITICAL COMMITTEES	7,600.00	60,400.00	21
22. INDEPENDENT EXPENDITURES (see Schedule E)			22
23. COORDINATED EXPENDITURES MADE BY PARTY COMMITTEES (2 U.S.C. § 641 (d)) (Use Schedule F)			23
24. LOAN REPAYMENTS MADE			24
25. LOANS MADE			25
26. REFUNDS OF CONTRIBUTIONS TO:			
(a) Individuals/Persons Other Than Political Committees			26(a)
(b) Political Party Committees			26(b)
(c) Other Political Committees			26(c)
(d) TOTAL CONTRIBUTION REFUNDS (Add 26(a), 26(b) and 26(c))			26(d)
27. OTHER DISBURSEMENTS	-0-	106.00	27
28. TOTAL DISBURSEMENTS (Add lines 19, 20, 21, 22, 23, 24, 25, 26(d) and 27)	7,600.00	60,506.00	28
III. NET CONTRIBUTIONS AND NET OPERATING EXPENDITURES			
29. TOTAL CONTRIBUTIONS (other than loans) from Line 11(d)	12,650.00	12,650.00	29
30. TOTAL CONTRIBUTION REFUNDS from Line 26(d)	-0-	-0-	30
31. NET CONTRIBUTIONS (other than loans) (Subtract Line 30 from Line 29)	12,650.00	12,650.00	31
32. TOTAL OPERATING EXPENDITURES from Line 19			32
33. OFFSETS TO OPERATING EXPENDITURES from Line 15			33
34. NET OPERATING EXPENDITURES (Subtract Line 33 from Line 32)	-0-	-0-	34

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Page 1 of 1 for
 LINE NUMBER
 Use separate schedule for each category of the Disbursements (Summary Page)

SCHEDULE B

ITEMIZED DISBURSEMENTS

Any information copied from such Reports and Statements may not be sold 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 contributors.

Name of Committee (in Full)

Cooperative of American Physicians/Federal Action Committee

MB
 93773450574669

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
Hollings for Senator Committee 1120 Connecticut Ave., N.W. Washington, DC 20036	Campaign Contribution Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	10/8/86	1,000.00
Breaux for Senate 327 A Street, N.E. Washington, DC	Campaign Contribution Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	10/20/86	1,000.00
Matsui for Congress Committee P.O. Box 1347 Sacramento, CA 95806	Campaign Contribution Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	10/17/86	2,000.00
Ed Markey for Congress Committee 4422 South 36th St. Arlington, VA 22206	Campaign Contribution Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	10/27/86	250.00
Brennan for Congress P.O. Box 5373 Augusta, ME 04330	Campaign Contribution Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	10/20/86	350.00
Daschle for Senate 6 East St., S.E. Washington, DC 20003	Campaign Contribution Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	10/28/86	1,000.00
Friends of Richard Robinson P.O. Box 702 Santa Ana, CA 92702	Campaign Contribution Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	10/24/86	1,000.00
Ed Zachau for U.S. Senate 830 Maude Ave. Mountain View, CA 94043	Campaign Contribution Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	10/31/86	1,000.00
1. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
SUBTOTAL of Disbursements This Page (optional)			\$7,600.00
TOTAL This Period (last page this line number only)			\$7,600.00

Attachment 10g

9-105



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COOPERATIVE OF AMERICAN PHYSICIANS, INC.
P.O. Box 4028, Los Angeles, California 90008

TO:



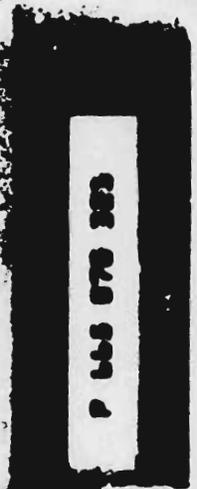
**MUTUAL
PROTECTION
TRUST**

**Cooperative
of American
Physicians, Inc.**

MEMBER OFFICE
P.O. Box 4028
Los Angeles - California
90008
(213) 281-4028

Mr. Michael Butterfield
Federal Election Commission
999 "F" Street, N.W.
Washington, DC 20543

7-15 2 1 00



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

FIRST GENERAL COUNSEL'S REPORT

RAD REFERRALS: 87NF-66-134
STAFF MEMBER: George F. Rishel

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P12:

SOURCE OF MUR: INTERNALLY GENERATED

Cooperative of American Physicians Federal
Action Committee and Henry D. Green, M.D.,
as treasurer

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Page 2 deleted

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

INTERNAL REPORTS
CHECKED: Referral Materials

FEDERAL AGENCIES
CHECKED: None

I. GENERATION OF MATTER

The Report Analysis Division ("RAD") referred the above-listed 49 committees to the Office of the General Counsel on May 22, 1987. The basis of the attached referrals is their failure to either file a 12-day Pre-Election Report or file such report in a timely fashion.

II. FACTUAL AND LEGAL ANALYSIS

The Federal Election Campaign Act of 1971, as amended ("the Act"), provides that for unauthorized committees filing quarterly, 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 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, complete as of October 15, 1986. Quarterly

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filers were notified on September 29, 1986, of the requirement for filing the Pre-Election Report.

The following committees filed a 12-Day Pre-Election Report, but did not file it in a timely fashion:

<u>Committee</u>	<u>Date Filed</u>	<u>Pre-Election Activity</u>
------------------	-------------------	------------------------------

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The following committees filed a 1986 Post-General Report that disclosed activity indicating a 12-Day Pre-Election Report should have been filed:

<u>Committee</u>	<u>Date Filed</u> ^{1/}	<u>Pre-Election Activity</u>
Cooperative of American Physicians Federal Action Committee	12-30-86 (68 days late)	\$1,000 in contributions to one candidate

- Pp. 6, 7 deleted -

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The following committees filed a Year End Report disclosing activity indicating that 12-Day Pre-Election Report should have been filed:

<u>COMMITTEE</u>	<u>Date Filed^{4/}</u>	<u>Pre-Election Activity</u>
------------------	--------------------------------	------------------------------

Accordingly, with regard to 48 of these 49 committees, the Office of the General Counsel recommends that the Commission open Matter Under Review and find reason to believe these committees

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and their treasurers violated 2 U.S.C. § 434(a)(4)(A)(ii). This Office recommends that the Commission decline to open a Matter Under Review in 87NF-114 (Massachusetts Freeze Voter). See footnote 2.

III. RECOMMENDATIONS

1. Open Matters Under Review with respect to the following committees and find reason to believe the following committees and their treasurers violated 2 U.S.C. § 434(a)(4)(A)(ii):

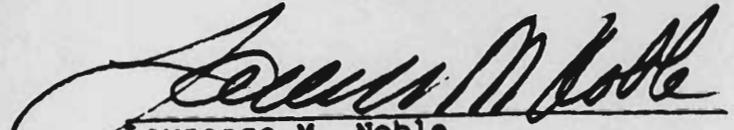
Cooperative of American Physicians Federal Action Committee
and Henry D. Green, M.D., as treasurer

P. 10 deleted

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2. Approve and send the attached letters and factual and legal analyses to the respective committees listed in recommendation 1.
- 3.

6/10/57
Date


Lawrence M. Noble
Acting General Counsel

Attachments

1. Referral Materials
2. Letters and Factual and Legal Analyses (48)

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Federal Election Commission
Certification for RAD Ref.'s 87NF-86
through 87NF-134
June 15, 1987

Page 4

Cooperative of American Physicians Federal Action Committee
and Henry D. Green, M.D., as treasurer

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(continued)

Federal Election Commission
Certification for RAD Ref.'s 87NF-86
through 87NF-134
June 15, 1987

Page 5

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2. Approve and send the letters and factual and legal analyses to the respective committees listed in recommendation 1.

3

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

Attest:

6-16-87

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

Received in Office of Commission Secretary: Thurs., 6-11-87, 12:34
Circulated on 48 hour tally basis: Thurs., 6-11-87, 4:00
Deadline for vote: Mon., 6-15-87, 4:00

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

June 29, 1987

Henry D. Green, M.D., Treasurer
Cooperative of American Physicians
Federal Action Committee
3550 Wilshire Boulevard, Suite 1800
P. O. Box 4230
Los Angeles, CA 90078

RE: MUR 2476
Cooperative of American
Physicians Federal Action
Committee and Henry D. Green,
M.D., as treasurer

Dear Dr. Green:

On June 15, 1987, the Federal Election Commission found that there is reason to believe Cooperative of American Physicians Federal Action Committee ("Committee") and you, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(ii), 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 the Committee and you, as treasurer. You may submit any factual or legal materials that you believe are relevant to the Commission's consideration of this matter. Please submit such materials to the General Counsel's Office, within 15 days of your receipt of this letter. Where appropriate, statements should be submitted under oath.

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

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

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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 will not ordinarily 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 Anthony Marshall, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,



Scott E. Thomas
Chairman

Enclosures
Factual and Legal Analysis
Procedures
Designation of Counsel Form

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FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENTS: Cooperative of American Physicians Federal Action Committee and Henry D. Green, M.D., as treasurer MUR: 2476

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The Federal Election Campaign Act of 1971, as amended ("the Act"), provides that for unauthorized committees filing quarterly, 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, and complete as of October 15, 1986. Quarterly filers were notified on September 29, 1986, of the requirement for filing the Pre-Election Report. The committee filed a 1986 Post-General Election Report that disclosed a \$1,000 contribution to one candidate between October 1, 1986, and October 15, 1986. Thus, the committee was required to file a 12-Day Pre-Election Report by October 23, 1986, and complete as of October 15, 1986. The Committee did not file a report disclosing this activity until it filed its 1986 Post-General Election Report on December 30, 1986. Accordingly, the committee and its treasurer have violated 2 U.S.C. § 434(a)(4)(A)(ii).

600# 3939

**FINLEY, KUMBLE, WAGNER, HEINE,
UNDERBERG, MANLEY, MYERSON & CASEY**

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

1120 CONNECTICUT AVENUE, N. W.
WASHINGTON, D. C. 20036

(202) 857-4000
CABLE: DANKEY

TELEX: 882415 / 804000
TELECOPIER: (202) 857-4410

425 PARK AVENUE
NEW YORK, NEW YORK 10022
(212) 371-8900

9100 WILSHIRE BOULEVARD
BEVERLY HILLS, CALIFORNIA 90212
(213) 550-8100

101 WEST BROADWAY
SAN DIEGO, CALIFORNIA 92101
(619) 231-8700

777 BRICKELL AVENUE
MIAMI, FLORIDA 33131
(305) 371-2800

110 EAST BROWARD BOULEVARD
FT. LAUDERDALE, FLORIDA 33301
(305) 827-2800

707 WILSHIRE BOULEVARD
LOS ANGELES, CALIFORNIA 90017
(213) 812-3100

4400 McARTHUR BOULEVARD
NEWPORT BEACH, CALIFORNIA 92660
(714) 851-2255

444 WORLD TRADE CENTER
401 EAST PRATT STREET
BALTIMORE, MARYLAND 21202
(301) 962-0212

LECONFIELD HOUSE
CURZON STREET, 5TH FLOOR
LONDON, W1Y 7PB, ENGLAND
1-491-4888

BY HAND

July 16, 1987

37 JUL 16 P 4: 48

Celia Jacoby, Esq.
Office of the General Counsel
Federal Election Commission
Pepco Building
999 E Street, N.W.
Washington, D.C. 20463

Dear Ms. Jacoby:

This letter concerns the matter of the Cooperative of American Physicians Federal Action Committee (CAP/FAC). As indicated in our telephone conversation today, CAP/FAC has designated the law firm of Finley, Kumble, Wagner, Heine, Underberg, Manley, Myerson & Casey as its counsel. Enclosed is CAP/FAC's Statement of Designation of Counsel, signed by Richard Sawhill, Assistant Treasurer of CAP/FAC.

We look forward to working with you in cooperatively resolving the CAP/FAC matter. If you have any questions, please contact me at (202) 857-4498.

Sincerely,

Marc J. Scheineson
Marc J. Scheineson, Esq.

/dll

1318Z

93040574687

STATEMENT OF DESIGNATION OF COUNSEL

MUR 2476

NAME OF COUNSEL: Finley, Kumble, Wagner, et.al,
Attn: Peter Kyros or Marc J. Scheineson

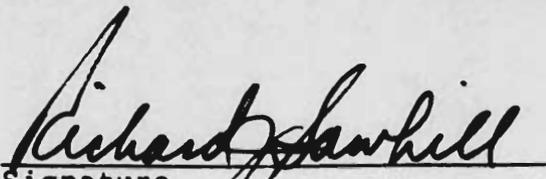
ADDRESS: 1120 Connecticut Ave., N.W.

Washington, D.C. 20036

TELEPHONE: (202) 857-4000

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.

July 9, 1987
Date


Signature
Richard Sawhill, Asst. Treasurer

RESPONDENT'S NAME: Cooperative of American Physicians
Federal Action Committee and Henry D Green, M.D., Treasurer

ADDRESS: Henry D. Green, M.D., Treasurer
Cooperative of American Physicians
Federal Action Committee
3550 Wilshire Blvd., Suite 1800
P.O. Box 76998
Los Angeles, Ca 90076-0998

HOME PHONE: _____

BUSINESS PHONE: (213) 251-0650

8885740403

6cc 4022

**FINLEY, KUMBLE, WAGNER, HEINE,
UNDERBERG, MANLEY, MYERSON & CASEY**

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

**1120 CONNECTICUT AVENUE, N. W.
WASHINGTON, D. C. 20006**

(202) 857-4000
CABLE: DANKEY

TELEX: 882415 / 804000
TELECOM: (202) 857-4410

87 JUL 27 AM 11 05

RECEIVED
GENERAL

425 PARK AVENUE
NEW YORK, NEW YORK 10022
(212) 371-8900

9100 WILSHIRE BOULEVARD
BEVERLY HILLS, CALIFORNIA 90212
(213) 550-6100

101 WEST BROADWAY
SAN DIEGO, CALIFORNIA 92101
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(305) 527-2800

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LECONFIELD HOUSE
CURSON STREET, 5TH FLOOR
LONDON, W1Y 7FB, ENGLAND
1-491-4556

HAND DELIVERED

July 23, 1987

The Honorable Scott E. Thomas
Chairman
Federal Election Commission
PEPCO Building
999 E Street, NW
Washington, DC 20463

Re: Cooperative of American Physicians
Federal Action Committee
(FEC ID No. C00161604; MUR2476)

87 JUL 24 P 4: 02

Dear Mr. Chairman:

By letter dated June 29, 1987, the Federal Election Commission (the "Commission") indicated that it had "reason to believe" that the Cooperative of American Physicians Federal Action Committee ("CAP/FAC") may have neglected to file a pre-election report on October 23, 1986 as required under 2 U.S.C. § 434(a)(4)(A)(ii). On behalf of CAP/FAC, we respectfully request pre-probable cause conciliation under 11 C.F.R. § 111.18(d) with respect to the above matter. As counsel to CAP/FAC, we wish to bring the following facts to the Commission's attention.

CAP/FAC is a small organization that has been in existence since September 1982. It is composed of no full-time professional staff. The fund is administered by financial personnel from the sponsoring organization, the Cooperative of American Physicians/Mutual Protection Trust ("CAP"). CAP is a California interindemnity arrangement that provides medical malpractice coverage to approximately 2,500 physicians and surgeons in California. In the past, CAP/FAC has participated in the federal election process by contributing intermittently to the federal campaigns of candidates involved with issues of interest to malpractice self-insurers. Those contributions have averaged approximately \$8,000 per quarter.

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CAP/FAC is a quarterly filer for purposes of Commission filings. CAP/FAC is familiar with the requirement of filing general quarterly reports and has diligently done so in the past. To our knowledge, since its organization in 1982, CAP/FAC has never failed to file any report in a timely and complete manner.

We understand that the Treasurer of a political action committee ("PAC") is presumed to know the law and that the Commission frequently reminds a PAC to file through periodic mailings. In this instance, however, the PAC's administrative personnel became confused about the filing responsibilities in an election year. A new official has been charged with the responsibility of preparing the reports since the 2nd Quarter of 1986. She mistakenly believed that the pre-election report was required only for monthly filers and that October contributions could be properly reported in the year-end report for quarterly filers. As soon as CAP/FAC was notified of its filing responsibility by letter dated December 23, 1986 and by a follow-up telephone conversation with Mr. Michael Butterfield of the Commission on December 30, 1986, the post-general election report was filed on December 31, 1986 summarizing all contributions made during this period.

CAP/FAC is an organization with a history of faithfully complying with its statutory obligations. We understand that this is the first time that CAP/FAC has missed any filing or been the subject of any Commission investigation. The failure to file a pre-election report as required by statute was an unintentional oversight evidencing the inexperience and unfamiliarity with this particular procedure by a new preparer. It would seem, with all due respect, that at least one such mistake should be permitted without penalty or fine if it was unintentional and is not repeated.

Finally, CAP/FAC was not attempting to conceal facts from the Commission when it did not file the report. This is demonstrated by the fact that all October contributions were included in the post-general election report filed by CAP/FAC, including the contribution to the campaign of Sen. Ernest F. Hollings. These contributions would have been disclosed in the regular quarterly report if this additional filing requirement had not been brought to the attention of CAP/FAC. In addition, the above contribution to the Hollings campaign is the lone subject of the Commission's investigation. This matter does not involve a substantial number of undisclosed contributions, rather it concerns one solitary gift which was innocently not revealed until a date later than that ordinarily required.

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- 3 -

Based on the foregoing, CAP/FAC respectfully requests that it not be civilly fined or similarly punished. Its omission was unintentional and will not be repeated. The error when brought to CAP/FAC's attention was immediately corrected voluntarily. The management of CAP/FAC is now fully on notice of the extent of its future filing responsibilities. A public conciliation agreement admitting the error on the part of CAP/FAC is the appropriate remedy. Under the enforcement provisions of the Federal Election Campaign Act of 1971, as amended, a monetary penalty would not appear to be necessary to accomplish future compliance if a conciliation agreement can be negotiated and will serve "to correct or prevent any violation." See 2 U.S.C. §§ 437g(a)(4)(A)(i), (a)(6)(A).

CAP/FAC regrets this matter and intends to employ the resources of its counsel in coordinating and overseeing the proper and timely execution of all required filings with the Commission.

Thank you for your consideration of this conciliation request and for your continued cooperation.

Respectfully submitted,

Peter N. Kyros

Peter N. Kyros

Marc J. Scheineson
Marc J. Scheineson
Counsel for CAP/FAC

cc: Celia Jacoby, Esq.
Mr. Carl A. Blomquist
Mr. Richard J. Sawhill
Howard Wollitz, Esq.

20040674691

SENSITIVE

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Cooperative of American)
Physicians Federal Action)
Committee and Henry D. Green,)
M.D., as treasurer)

MUR 2476

67 APR 13 12:35

GENERAL COUNSEL'S REPORT

I. BACKGROUND

On June 15, 1987, the Federal Election Commission (the "Commission") found reason to believe that the Cooperative of American Physicians Federal Action Committee and Henry D. Green, M.D., as treasurer (the "Respondents"), violated 2 U.S.C. § 434(a)(4)(A)(ii) by failing to file the 1986 Pre-Election Report in a timely manner. By letter dated July 23, 1987, the Respondents requested that this matter be settled prior to a finding of probable cause to believe (Attachment 1).

II. DISCUSSION OF CONCILIATION PROVISIONS AND CIVIL PENALTY

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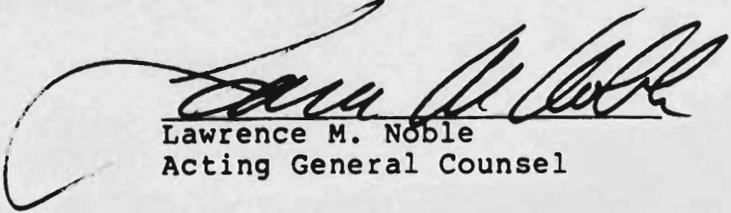
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III. RECOMMENDATIONS

1. Enter into conciliation with Cooperative of American Physicians Federal Action Committee and Henry D. Green, M.D., as treasurer, prior to a finding of probable cause to believe.
2. Approve and send the attached proposed conciliation agreement and letter.

Date

8/13/87


Lawrence M. Noble
Acting General Counsel

Attachments

1. Request for conciliation
2. Proposed agreement and letter

1/ The 1986 Post-General Election Report, covering the period October 1 through December 31, 1986, contained the 1986 Pre-Election Report. Receipts and disbursements were calculated by allocating the itemized amounts according to the reported date, and pro-rating unitemized amounts according to the number of days in the respective reporting periods.



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO: LAWRENCE M. NOBLE
ACTING GENERAL COUNSEL

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

DATE: AUGUST 18, 1987

SUBJECT: OBJECTION TO MUR 2476 - 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.

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.

88040574694

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Cooperative of American Physicians) MUR 2476
Federal Action Committee and)
Henry D. Green, M.D., 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 2476:

1. Enter into conciliation with Cooperative of American Physicians Federal Action Committee and Henry D. Green, M.D., as treasurer, prior to a finding of probable cause to believe.
2. Approve and send 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:

9-9-87
Date

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

93040674695



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

September 11, 1987

Marc J. Scheineson, Esquire
Finley, Kumble, Wagner, Heine,
Underberg, Manley, Myerson & Casey
1120 Connecticut Avenue, N.W.
Washington, D.C. 20036

RE: MUR 2476
Cooperative of
American
Physicians Federal
Action Committee
and Henry D.
Green, M.D., as
treasurer

Dear Mr. Scheineson:

On June 15, 1987, the Federal Election Commission found reason to believe that your clients, Cooperative of American Physicians Federal Action Committee and Henry D. Green, M.D., as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(ii). At your request, on September 9, 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.

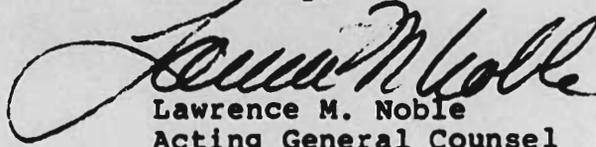
Enclosed is a conciliation agreement that the Commission has approved in settlement of this matter. If your clients agree with the provisions of the enclosed agreement, please sign and return it, along with the civil penalty, to the Commission. In light of the fact that conciliation negotiations, prior 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.

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John

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 Celia L. Jacoby, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,



Lawrence M. Noble
Acting General Counsel

Enclosure
Conciliation Agreement

83040674697

000#4513

**FINLEY, KUMBLE, WAGNER, HEINE,
UNDERBERG, MANLEY, MYERSON & CASEY**

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

**1190 CONNECTICUT AVENUE, N. W.
WASHINGTON, D. C. 20036**

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BALTIMORE, MARYLAND 21202
(301) 962-0212

LECONFIELD HOUSE
CURZON STREET, 5TH FLOOR
LONDON, W1Y 7FB, ENGLAND
1-491-4856

October 6, 1987

HAND DELIVERED

Lawrence M. Noble, Esq.
Acting General Counsel
Federal Election Commission
PEPCO Building
999 E Street, N.W.
Washington, D.C. 20463

Re: Cooperative of American Physicians Federal Action
Committee (FEC ID No. C00161604; MUR 2476)

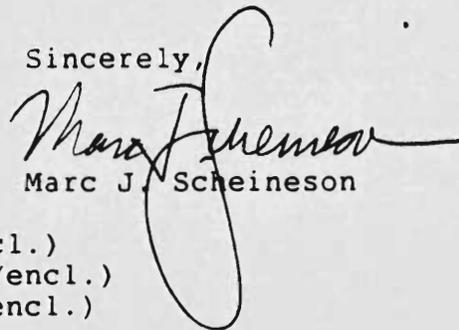
Dear Mr. Noble:

Pursuant to your letter of September 11, 1987, enclosed are two signed copies of the Commission's Conciliation Agreement and a check in the amount of \$500.00 as requested. We would appreciate your office returning an executed copy of this agreement for our records.

Please telephone me with any questions and if I may be of further assistance.

Best regards.

Sincerely,


Marc J. Scheineson

cc: Celia Jacoby, Esq. (w/encl.)
Mr. Carl A. Blomquist (w/encl.)
Howard Wollitz, Esq. (w/encl.)

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RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
87 OCT -7 PM 12:57

105460

10/2/87

Cooperative of American Physicians, Inc.

3550 Wilshire Boulevard, Suite 1801
Los Angeles, California 90010

CHECK NUMBER

105460

CITY NATIONAL BANK
6th & OLIVE STREETS
LOS ANGELES, CA 90014

OPERATING ACCOUNT

16-1606
1220

CHECK AMOUNT

PAY

The sum of 500 and 00/100ths

\$500.00

BP

TO THE
ORDER OF

Federal Election Commission
Washington, D.C. 20463

Michael J. Smith
Michael J. Smith

⑈ 105460⑈ ⑆ 122016066⑆ 016⑈ 185574⑈

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In the Matter of)
)
Cooperative of American)
Physicians Federal Action)
Committee and Henry D. Green,)
M.D., as treasurer)

87 NOV -5 PM 3:54
MUR 2476

SENSITIVE

GENERAL COUNSEL'S REPORT

I. BACKGROUND

Attached is a conciliation agreement which has been signed by Henry D. Green, treasurer of the Cooperative of American Physicians Federal Action Committee.

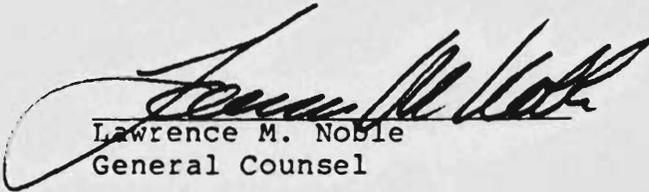
The attached agreement contains no changes from the agreement approved by the Commission on September 9, 1987. A check in the amount of Five Hundred Dollars (\$500.00), representing payment of the civil penalty, was also received. This Office recommends that the Commission accept this agreement in settlement of this matter with the Cooperative of American Physicians Federal Action Committee and Henry D. Green, M.D., as treasurer.

II. RECOMMENDATIONS

1. Accept the attached conciliation agreement with the Cooperative of American Physicians Federal Action Committee and Henry D. Green, M.D., as treasurer.
2. Close the file.
3. Approve and send the attached letter.

Date

11/5/87


Lawrence M. Noble
General Counsel

Attachments

1. Conciliation Agreement
2. Photocopy of civil penalty check
3. Letter to Respondents

98040514700

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
 Cooperative of American)
 Physicians Federal Action) MUR 2476
 Committee and Henry D. Green,)
 M.D., 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 2476:

1. Accept the conciliation agreement with the Cooperative of American Physicians Federal Action Committee and Henry D. Green, M.D., as treasurer, as recommended in the General Counsel's Report signed November 5, 1987.
2. Close the file.
3. Approve and send 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: Thurs., 11-05-87, 3:54
 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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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

13 November 1987

Marc J. Scheineson, Esquire
Finley, Kumble, Wagner, Heine, Underberg,
Manley, Myerson & Casey
1120 Connecticut Avenue, N.W.
Washington, D.C. 20036

RE: MUR 2476
Cooperative of American
Physicians Federal
Action Committee and
Henry D. Green, M.D.,
as treasurer

Dear Mr. Scheineson:

On November 10 , 1987, the Federal Election Commission accepted the signed conciliation agreement and civil penalty submitted on behalf of your clients, Cooperative of American Physicians Federal Action Committee and Henry D. Green, M.D., as treasurer in settlement of a violation of 2 U.S.C. § 434(a)(4)(A)(ii), a provision 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.

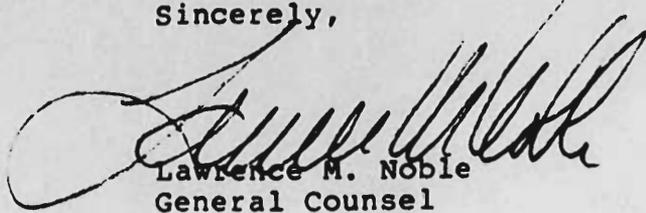
Please be advised that information derived in connection with any conciliation attempt will not become public without the written consent of the respondent and the Commission. See 2 U.S.C. § 437g(a)(4)(B). The enclosed conciliation agreement, however, will become a part of the public record.

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plm

Enclosed you will find a copy of the fully executed conciliation agreement for your files. If you have any questions, please contact Celia L. Jacoby, the attorney assigned to this matter at (202)376-5690.

Sincerely,



Lawrence M. Noble
General Counsel

Enclosure
Conciliation Agreement

88040674703

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Cooperative of American) MUR 2476
Physicians Federal Action)
Committee and Henry D. Green,)
M.D., 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 Cooperative of American Physicians Federal Action Committee and Henry D. Green, M.D., as treasurer (the "Respondents"), violated 2 U.S.C. § 434(a)(4)(A)(ii).

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, Cooperative of American Physicians Federal Action Committee, is a political committee within the meaning of 2 U.S.C. § 431(4).

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2. Respondent, Henry D. Green, is the treasurer of Cooperative of American Physicians Federal Action Committee.

3. Section 434(a)(4)(A)(ii), Title 2, United States Code provides that the treasurer of a political committee must file a pre-election report before any election in which the committee makes a contribution to or an expenditure on behalf of a candidate in such election. Such report must 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 must be complete as of the 20th day before the election.

4. Respondents filed a 1986 Post-General Election Report that disclosed a contribution to a candidate between October 1 and October 15, 1986, the period required to be reported in a pre-election report.

5. Respondents were required to file the 1986 Pre-Election Report by October 23, 1986. Respondents filed on December 31, 1986, the 1986 Post-General Election Report which covered the period (October 1 to October 15, 1986, inclusive) required to be disclosed on the 1986 Pre-Election Report. The information required to be reported in the pre-election report was accordingly submitted sixty-eight (68) days late.

V. Respondents violated 2 U.S.C. § 434(a)(4)(A)(ii) by their failure to timely file the 1986 Pre-Election Report.

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

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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 the 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 requirements contained in this agreement and to so notify the Commission.

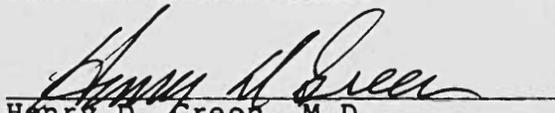
X. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or oral, made by either party or by agents of either party, that is not contained in this written agreement shall be valid.

FOR THE COMMISSION:


Lawrence M. Noble
Acting General Counsel

11/13/87
Date

FOR THE RESPONDENTS:


Henry D. Green, M.D.
Treasurer

9-30-87
Date

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 2476

DATE FILMED 3/14/88 CAMERA NO. 2

CAMERAMAN GRC

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