



FEDERAL ELECTION COMMISSION
WASHINGTON DC 20461

M03-14-88

THE FOLLOWING MATERIAL IS BEING ADDED TO THE
PUBLIC FILE OF CLOSED MUR 2505

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BAKER & HOSTETLER

IN CLEVELAND, OHIO
3200 NATIONAL CITY CENTER
CLEVELAND, OHIO 44114
(216) 821-0800
TWX 810 481 8378

IN COLUMBUS, OHIO
65 EAST STATE STREET
COLUMBUS, OHIO 43215
(614) 228-1541

IN MARYLAND
5000 SUNNYSIDE AVE. SUITE 301
BELTSVILLE, MARYLAND 20705
(301) 937-4111

ATTORNEYS AT LAW
WASHINGTON SQUARE, SUITE 1100
1080 CONNECTICUT AVE., N.W.
WASHINGTON, D.C. 20006
(202) 861-1500
TELECOPIER: (202) 466-2387
TELEX 660-205-7276

IN DENVER, COLORADO
SUITE 1100, 303 EAST 17TH AVENUE
DENVER, COLORADO 80203
(303) 861-0800

IN ORLANDO, FLORIDA
13TH FLOOR BARNETT PLAZA
ORLANDO, FLORIDA 32801
(308) 841 1111

IN VIRGINIA
437 N. LEE STREET
ALEXANDRIA, VIRGINIA 22314
(703) 549-1294

October 13, 1987

WRITER'S DIRECT DIAL NO.:
(202) 861 -

BY HAND

Susan Beard, Esq.
Staff Attorney
Federal Election Commission
999 E Street, N.W.
Room No. 657
Washington, D.C. 20463

Re: Matter Under Review 2505

Dear Ms. Beard:

In accordance with our discussions, I am amending my letter to you dated October 5, 1987. NYNEX Federal Political Action Committee ("NYNEX PAC") and Mr. Larry R. Smart request that the fine of \$1,100.00 be reduced to \$600.00. If such fine is reduced, NYNEX PAC and Mr. Smart will accept the conciliation agreement proposed by the Federal Election Commission.

Thank you for your assistance in this matter.

Very truly yours,

William H. Schweitzer
William H. Schweitzer

WHS/rec

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RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
87 OCT 13 PM 3:37



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

10 November 1987

William H. Schweitzer
Baker & Hostetler
Washington Square, Suite 1100
1050 Connecticut Avenue, N.W.
Washington, D.C. 20008

RE: MUR 2505
NYNEX Federal Political Action
Committee and Larry R. Smart,
as treasurer

Dear Mr. Schweitzer:

This letter is to confirm the Federal Election Commission's receipt of the counterproposal you submitted on October 5, 1987, as amended on October 13, 1987. The Commission has reviewed the counterproposal and has decided to decrease the civil penalty to \$600.

Enclosed herewith is a conciliation agreement incorporating this change, which we submit for your signature.

The Commission is still hopeful that this matter can be settled through a conciliation agreement. Since the 30-day period for pre-probable cause conciliation has elapsed, you should respond within five (5) days of your receipt of this notification. If a response is not received within this period, this matter will proceed to the next stage of the enforcement process.

Should you have any further questions, please call Susan Beard, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble
General Counsel

Enclosure
Conciliation Agreement

89040680051

plan

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
NYNEX Federal Political Action) MUR 2505
Committee and Larry R. Smart,)
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 NYNEX Federal Political Action Committee and Larry R. Smart, as treasurer ("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, NYNEX Federal Political Action Committee, is a political committee within the meaning of 2 U.S.C. § 431(4).

93040680052

2. Respondent, Larry R. Smart, is the treasurer of the NYNEX Federal Political Action Committee.

3. Pursuant to 2 U.S.C. § 434(a)(4)(A)(ii), political action committees which file quarterly reports must file a 12 Day Pre-General Election Report if a contribution to or expenditure on behalf of a candidate for Federal office is made.

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

5. Respondents filed a Post-General Election Report which contained information which should have been in a 12 Day Pre-General Election Report on December 22, 1986, 60 days after the due date for a 12 Day Pre-General Election Report.

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

VI. Respondents will pay a civil penalty to the Federal Election Commission in the amount of Six Hundred Dollars (\$600.00), 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.

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

IX. Respondents shall have no more than thirty (30) days from the date this agreement becomes effective to comply with and implement the 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
General Counsel

Date

FOR THE RESPONDENTS:

(Name)
(Position)

Date

8804060054



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

William H. Schweitzer
Baker & Hostetler
Washington Square, Suite 1100
1050 Connecticut Avenue, N.W.
Washington, D.C. 20008

RE: MUR 2505
NYNEX Federal Political Action
Committee and Larry R. Smart,
as treasurer

Dear Mr. Schweitzer:

This letter is to confirm the Federal Election Commission's receipt of the counterproposal you submitted on October 5, 1987, as amended on October 13, 1987. The Commission has reviewed the counterproposal and has decided to decrease the civil penalty to \$600.

Enclosed herewith is a conciliation agreement incorporating this change, which we submit for your signature.

The Commission is still hopeful that this matter can be settled through a conciliation agreement. Since the 30-day period for pre-probable cause conciliation has elapsed, you should respond within five (5) days of your receipt of this notification. If a response is not received within this period, this matter will proceed to the next stage of the enforcement process.

Should you have any further questions, please call Susan Beard, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

LM 11/9/87

Lawrence M. Noble
General Counsel

Enclosure
Conciliation Agreement

LM 11/9/87

93040680053

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
NYNEX Federal Political Action) MUR 2505
Committee and Larry R. Smart, as)
treasurer)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on November 6, 1987, the Commission decided by a vote of 6-0 to take the following actions in MUR 2505:

1. Accept the NYNEX Federal Political Action Committee's counterproposal dated October 5, 1987, as amended on October 13, 1987, as recommended in the General Counsel's report signed November 3, 1987.
2. Approve the proposed conciliation agreement and letter, as recommended in the General Counsel's report signed November 3, 1987.

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

Attest:

11-6-87
Date

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

Received in the Office of Commission Secretary: Tues., 11-3-87, 3:47
Circulated on 48 hour tally basis: Wed., 11-4-87, 11:00
Deadline for vote: Fri., 11-5-87, 11:00

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In the Matter of)
)
NYNEX Federal Political Action) MUR 2505
Committee and Larry R. Smart, as)
treasurer)

SENSITIVE

GENERAL COUNSEL'S REPORT

I. BACKGROUND

On June 15, 1987, the Commission found reason to believe that the NYNEX Federal Political Action Committee and Larry R. Smart, as treasurer ("Committee") violated 2 U.S.C. § 434(a)(4)(A)(ii), by failing to file its 1986 12 Day Pre-General Election Report in a timely manner. By letter dated July 16, 1987, Respondents requested conciliation prior to a finding of probable cause to believe. The Commission approved this request on August 25, 1987, and a conciliation agreement with a civil penalty of \$1,100 was sent to Respondents on August 27, 1987. On September 17, 1987, representatives of this Office met with Respondents' counsel. Respondents replied to the conciliation agreement in a letter dated October 5, 1987, which was amended by letter dated October 13, 1987.

Respondents propose a reduction of the civil penalty and contend that there are a number of mitigating circumstances in this case. According to Respondents' counsel, the employee who was responsible for preparing reports did not know that a Pre-General Election Report was required. When the employee realized

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that the report should have been filed, she telephoned the Commission. Her understanding of the conversation was that the information, which should have been included on the Pre-General Election Report, should instead be included on the Post-General Election Report.

Respondents stress that with the exception of this matter Respondents have not been involved in any enforcement action. Respondents also stress their history of filing reports in a timely manner. Since Respondents filed its Statement of Organization with the Commission on March 21, 1984, every report has been filed on a timely basis with the exception of the 1986 Pre-General and Post-General Election Reports:

<u>REPORT</u>	<u>DUE</u>	<u>FILED</u>
1984 July Quarterly	7/15/84	7/12/84
1984 October Quarterly	10/15/84	10/12/84
1984 Pre-General	10/25/84	10/18/84
1984 Post-General	12/6/84	12/5/84
1984 Year End	1/31/85	1/30/85
1985 Mid Year	7/31/85	7/30/85
1985 Year End	1/31/86	1/23/86
1986 April Quarterly	4/15/86	4/3/86
1986 July Quarterly	7/15/86	7/14/86
1986 October Quarterly	10/15/86	10/10/86
1986 Post-General	12/4/86	12/22/86 ^{*/}

^{*/} Included pre-election period activity.

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1986 Year End	1/31/87	1/30/87
1987 April Quarterly	4/15/87	4/15/87
1987 July Quarterly	7/15/87	7/13/87

The fact that all of Respondents' other reports with the exception of the 1986 Pre-and Post-General Election Reports have been filed on time is a mitigating factor in this case.

The only change in the conciliation agreement which Respondents have proposed is that the civil penalty be reduced. In Respondents' letter dated October 13, 1987, the Respondents proposed a civil penalty of \$600.

There are several mitigating facts in this matter. This is a first offense by a Committee that has only been in existence since 1984. Respondents contend that their failure to file the 1986 Pre-General Election Report in a timely manner was inadvertent. Also, Respondents have a history of filing reports in a timely manner. Finally, the Pre-General Election Report would have disclosed \$1,105 in receipts and \$13,500 in disbursements, thus a \$600 civil penalty is substantial for this violation. Therefore, in light of these mitigating factors, this Office recommends that the civil penalty be reduced to \$600.

II. RECOMMENDATIONS

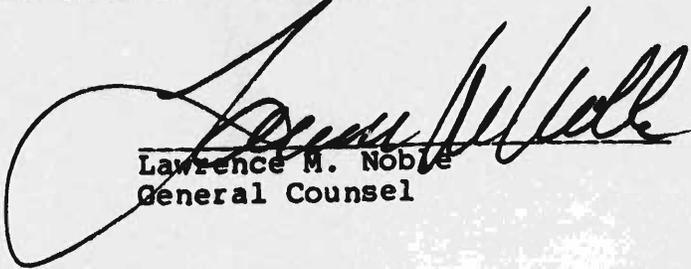
1. Accept the NYNEX Federal Political Action Committee's counterproposal dated October 5, 1987, as amended on October 13, 1987.

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2. Approve the attached proposed conciliation agreement and letter.

Date

11/3/67


Lawrence M. Noble
General Counsel

Attachments

1. Respondents' Counterproposal
2. Conciliation Agreement and Letter

83040660060

422nd

BCC # 4502

BAKER & HOSTETLER

ATTORNEYS AT LAW

WASHINGTON SQUARE, SUITE 1100

1080 CONNECTICUT AVE., N.W.

WASHINGTON, D.C. 20006

(202) 861-1800

TELECOPIER: (202) 466-2087

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COLUMBUS, OHIO 43215
(614) 228-1841

IN MARYLAND
5000 SUNNYSIDE AVE. SUITE 301
BELTSVILLE, MARYLAND 20708
(301) 937-4111

October 5, 1987

WRITER'S DIRECT DIAL NO.

(202) 861 -

BY HAND

Susan Beard, Esq.
Staff Attorney
Federal Election Commission
999 E Street, N.W.
Room No. 657
Washington, D.C. 20463

Re: Matter Under Review 2505

Dear Ms. Beard:

This office represents NYNEX Federal Political Action Committee and Mr. Larry R. Smart in Matter Under Review 2505.

On July 2, 1987, Mr. Larry R. Smart, treasurer of the NYNEX Federal Political Action Committee (NYNEX PAC) received a letter dated June 29, 1987 from Scott E. Thomas, Chairman, Federal Election Commission ("FEC"). In the July 29 letter, Chairman Thomas advised Mr. Smart that on June 15, 1987 the FEC found reason to believe that Mr. Smart and the NYNEX PAC had violated 2 U.S.C. § 434(a)(4)(A)(ii). This section of the Federal Election Campaign Act of 1971, as amended, requires unauthorized political committees, who file reports on a quarterly basis, to file pre-election reports no later than the 12th day before an election in which the political committee makes a contribution or expenditure on behalf of a candidate in such election. The FEC alleged that NYNEX PAC had not filed its 1986 pre-election report for the 1986 general election. This report was due on October 23, 1986.

NYNEX PAC filed its 1986 third quarter report with the FEC on October 15, 1986. NYNEX PAC received contributions and made expenditures during the period October 1 through October 15, 1986. At the time, the NYNEX employee who was responsible for preparing the FEC reports was unaware that a pre-election report was required to be filed. When such requirement was discovered by the employee, the employee's supervisor instructed the employee to call the FEC's 800 number for advice. The employee advised her supervisor that the FEC's information office told the employee to

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Attachment 1

BAKER & HOSTETLER

Susan Beard, Esq.
October 5, 1987
Page 2

include the contributions and expenditures from the pre-election reporting period in the post-election report. The 1986 post-election report was filed timely and the cover letter sent to the FEC with the report indicated that the report covered the period October 1 through November 24, 1986. (A copy of the cover letter is attached hereto.)

NYNEX PAC was founded in 1984. Since its inception, other than the instant matter, it has not been sanctioned nor even involved in an FEC enforcement action.

The fine of \$1,100.00 suggested by the FEC in its proposed conciliation agreement, which was transmitted to NYNEX PAC by cover letter dated August 27, 1987, is excessive in light of NYNEX PAC's exemplary past record. Also, NYNEX PAC provided the pre-election report information, pursuant to the instruction of the FEC's information office, in its next report. NYNEX PAC did not intend to deceive the FEC or the public by its failure to file the pre-election report.

For the foregoing reasons, NYNEX PAC and its treasurer, Mr. Smart, request that the fine of \$1,100 be reduced to \$500.00. If such fine is reduced, NYNEX PAC and Mr. Smart hereby accept the conciliation agreement proposed by the FEC.

Very truly yours,


William H. Schweitzer

WHS/rec

8 3 0 4 0 5 8 0 0 6 2

NYNEX Federal PAC
335 Madison Avenue
Rm 2004
New York, N.Y. 10017
212-370-7531

NYNEX

December 19, 1986

Public Records Office
Federal Elections Commission
999 E. Street, N.W.
Washington, D.C. 20463

Dear Sirs:

Enclosed is the special post-election report due on December 4, 1986.

I am sorry for the delay in sending this but the report is complete and accurate for the period: October 1 through November 24, 1986.

All NYNEX Federal Political Action Committee (PAC) financial activity for that period is reflected in this report.

Yours very truly,

Constance J. Bontempo

Constance J. Bontempo
Staff Assistant - Cash Operations
NYNEX Treasury

Enc.

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G. Hand

BAKER & HOSTETLER

ATTORNEYS AT LAW

WASHINGTON SQUARE, SUITE 1100

1080 CONNECTICUT AVE., N.W.

WASHINGTON, D.C. 20036

(202) 661-1800

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October 13, 1987

WRITER'S DIRECT DIAL NO.:

(202) 661 -

BY HAND

Susan Beard, Esq.
Staff Attorney
Federal Election Commission
999 E Street, N.W.
Room No. 657
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Re: Matter Under Review 2505

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Thank you for your assistance in this matter.

Very truly yours,

William H. Schweitzer
William H. Schweitzer

WHS/rec

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

87 OCT 13 PM 3:37

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

William H. Schweitzer
Baker & Hostetler
Washington Square, Suite 1100
1050 Connecticut Avenue, N.W.
Washington, D.C. 20008

RE: MUR 2505
NYNEX Federal Political Action
Committee and Larry R. Smart,
as treasurer

Dear Mr. Schweitzer:

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Enclosed herewith is a conciliation agreement incorporating this change, which we submit for your signature.

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Should you have any further questions, please call Susan Beard, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble
General Counsel

Enclosure
Conciliation Agreement

Attachment 2

5

98040680065

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
NYNEX Federal Political Action) MUR 2505
Committee and Larry R. Smart,)
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 NYNEX Federal Political Action Committee and Larry R. Smart, as treasurer ("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, NYNEX Federal Political Action Committee, is a political committee within the meaning of 2 U.S.C. § 431(4).

83040630066

2. Respondent, Larry R. Smart, is the treasurer of the NYNEX Federal Political Action Committee.

3. Pursuant to 2 U.S.C. § 434(a)(4)(A)(ii), political action committees which file quarterly reports must file a 12 Day Pre-General Election Report if a contribution to or expenditure on behalf of a candidate for Federal office is made.

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

5. Respondents filed a Post-General Election Report which contained information which should have been in a 12 Day Pre-General Election Report on December 22, 1986, 60 days after the due date for a 12 Day Pre-General Election Report.

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

VI. Respondents will pay a civil penalty to the Federal Election Commission in the amount of Six Hundred Dollars (\$600.00), 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.

93040660057

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

IX. Respondents shall have no more than thirty (30) days from the date this agreement becomes effective to comply with and implement the 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
General Counsel

Date

FOR THE RESPONDENTS:

(Name)
(Position)

Date

8804060058



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 2505

DATE FILMED 3/25/88 CAMERA NO. 4

CAMERAMAN lpc

88040685042



FEDERAL ELECTION COMMISSION
 WASHINGTON, D.C. 20543

May 22, 1987

MEMORANDUM

TO: LAWRENCE H. 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

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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, 1996. Any reports disclosing activity in 1997 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

88040585044

C80179762

WINEY Federal Political Action
Committee

87HF-125

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NYNEX FEDERAL POLITICAL ACTION COMMITTEE

(Attachments 40a - 40f)

COMMITTEE	DOCUMENT	RECEIPTS	DISBURSEMENTS	TYPE OF FILER COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
NYNEX FEDERAL POLITICAL ACTION COMMITTEE CONNECTED ORGANIZATION: NYNEX CORPORATION				NON-PARTY QUALIFIED		IN SC00179762
1985	STATEMENT OF ORGANIZATION - AMENDMENT			26JUN85	3	86FEC/381/2803
	MID-YEAR REPORT	11,497	5,276	1JAN85 -30JUN85	9	85FEC/383/0853
	MID-YEAR REPORT - AMENDMENT	11,497	5,276	1JAN85 -30JUN85	6	86FEC/414/1790
	REQUEST FOR ADDITIONAL INFORMATION			1JAN85 -30JUN85	1	86FEC/413/2457
	YEAR-END	14,513	12,400	1JUL85 -31DEC85	14	86FEC/396/5073
1986	APRIL QUARTERLY	10,403	4,900	1JAN86 -31MAR86	4	86FEC/407/2513
	APRIL QUARTERLY - AMENDMENT	10,403	4,800	1JAN86 -31MAR86	4	86FEC/414/1796
	REQUEST FOR ADDITIONAL INFORMATION			1JAN86 -31MAR86	1	86FEC/413/2458
	JULY QUARTERLY	10,976	7,405	1APR86 -30JUN86	10	86FEC/423/0030
	OCTOBER QUARTERLY	15,646	7,945	1JUL86 -30SEP86	12	86FEC/434/2378
	POST-GENERAL	11,492	14,500	1OCT86 -24NOV86	13	86FEC/451/4340
	YEAR-END	6,370	2,060	25NOV86 -31DEC86	22	87FEC/437/1733
	YEAR-END - AMENDMENT	6,370	2,060	25NOV86 -31DEC86	4	87FEC/461/2951
	1ST LETTER INFORMATIONAL NOTICE			25NOV86 -31DEC86	1	87FEC/460/4289
1987	MISCELLANEOUS REPORT			10MAR87 TO FEC	2	87FEC/462/3195
	APRIL QUARTERLY	17,971	10,290	1JAN87 -31MAR87	9	87FEC/465/4379
	TOTAL	98,060	0		9	119 TOTAL PAGES

Total 1985-1986 receipts: \$80,897
 Total 1985-1986 disbursements: \$54,386

All 1985-1986 reports have been reviewed.
 Ending cash-on-hand as of 12/31/86: \$37,321
 Outstanding debts owed by the committee as of 12/31/86: \$0

Attachment 40b
RECEIVED AT THE FEC
HAND DELIVERED
86DEC22 02:18

NYNEX Federal PAC
335 Madison Avenue
Rm 2004
New York, N.Y. 10017
212-370-7531

NYNEX

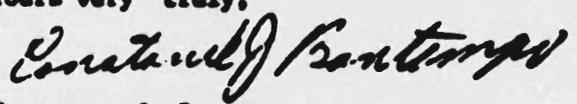
December 19, 1986

**Public Records Office
Federal Elections Commission
999 E. Street, N.W.
Washington, D.C. 20463**

Dear Sirs:

Enclosed is the special post-election report due on December 4, 1986.
I am sorry for the delay in sending this but the report is complete
and accurate for the period: October 1 through November 24, 1986.
All NYNEX Federal Political Action Committee (PAC) financial
activity for that period is reflected in this report.

Yours very truly,



Constance J. Bontempo
Staff Assistant - Cash Operations
NYNEX Treasury

Enc.

88040685317

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

RECEIVED
FEB 22 1986
FEB 19

Summary Page

AL 148 0124

AL 148 0124

1 Name of Committee on Form
NYNEX Federal Political Action Committee

Address Number and Street
**335 Madison Avenue
Rm 3004
New York, N.Y. 10017**

City, State and ZIP Code

Check here if address is different than previously reported

2 FEC Identification Number
000179762

3 The committee qualified as a multicandidate committee during the Reporting Period on _____

4 TYPE OF REPORT (Check appropriate box)

(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 _____
 Twelfth day report preceding _____
 Election on, _____ in the State of _____
 Thirtieth day report following the General Election

Special Post-Election Report due Dec. 4

Termination Report

5a Is this Report an Amendment?
 YES NO

SUMMARY		COLUMN A This Period	COLUMN B Calendar Year-to-Date
6 Covering Period <u>October 1, 1986</u> through <u>November 24, 1986</u>			
6 (a) Cash on hand January 1, 19 <u>86</u>			\$ 19,142.08
6 (b) Cash on Hand at Beginning of Reporting Period		\$ 36,018.82	
6 (c) Total Receipts (from Line 3b)		\$ 11,492.50	\$ 48,519.24
6 (d) Subtotal (add Lines 6(b) and 6(c) for Column A and Lines 6(a) and 6(c) for Column B)		\$ 47,511.32	\$ 67,661.32
7 Total Disbursements (from Line 3b)		\$ 14,500.00	\$ 34,650.00
8 Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d))		\$ 33,011.32	\$ 33,011.32
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.

Signature of Treasurer: William N. Malone
 Date: 12/14/86

For further information contact:
 Federal Election Commission
 Toll Free 800 438 6630
 Local 202 527 4888

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

FEC FORM 3R (3/80)

DETAILED SUMMARY PAGE
of Receipts and Disbursements
(Page 2, FEC FORM 3X)

Name of Committee (See Part 1) Federal ID # C00179762		Report Covering the Period		
NYEX Federal Political Action Committee (PAC)		From Oct. 1	To Nov. 14, 1980	
		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	\$4,420.00	\$10,999.00	\$47,277.50	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))		\$10,999.00	\$47,277.50	11(d)
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.)				
18 TOTAL RECEIPTS (Add 11(d), 12, 13, 14, 15, 16 and 17)				
II. DISBURSEMENTS				
19 OPERATING EXPENDITURES				
20 TRANSFERS TO AFFILIATED/OTHER PARTY COMMITTEES				
21 CONTRIBUTIONS TO FEDERAL CANDIDATES AND OTHER POLITICAL COMMITTEES				
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				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				
28 TOTAL DISBURSEMENTS (add lines 19, 20, 21, 22, 23, 24, 25, 26(d) and 27)				
III. NET CONTRIBUTIONS AND NET OPERATING EXPENDITURES				
29 TOTAL CONTRIBUTIONS (other than loans) from Line 11(d)				
30 TOTAL CONTRIBUTION REFUNDS from Line 26(d)				
31 NET CONTRIBUTIONS (other than loans) (Subtract Line 30 from Line 29)				
32 TOTAL OPERATING EXPENDITURES from Line 19				
33 NET OPERATING EXPENDITURES from Line 19				
34 NET OPERATING EXPENDITURES (Subtract Line 31 from Line 32)				

SCHEDULE B

ITEMIZED DISBURSEMENTS

Page 1 of 2
 Line Number 21
 Also check attachment for each category of the Data in Summary Page!

Any information received from such Reports and Statements may not be used or sold 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 committee.

Name of Committee (in Full)
WYNEX Federal Political Action Committee (PAC) - Federal ID# C00179762

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
Ken Kramer '86 (Kenneth B. Kramer) 101 University Blvd. (#310) Denver, Colorado 80206 Fed ID # C00194530	General Elections Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify)	10/03/86	\$2,500.00
Re-Elect Paula Hawkins for Senate Senator Paula Hawkins Box 193, Winter Park, Fla. 32790 Fed. ID # C00167122	General Elections Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify)	10/03/86	\$1,500.00
Santini For Senate James Santini Box 15230 (Fed ID# C00145110) Las Vegas, Nevada 89114-5230	General Elections Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify)	10/03/86	\$2,000.00
Mikulski for Senate Barbara A. Mikulski Box 13147 (Fed. ID# C00199273) Baltimore, Maryland 21203	General Elections Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify)	10/03/86	\$1,000.00
Henson Moore Election Committee W. Henson Moore Box 6-Baton Rouge, Louisiana 70821 Fed. ID# C00194704	General Elections Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify)	10/03/86	\$1,000.00
Broyhill for Senate Committee James T. Broyhill 1400 Battleground Ave. #100 Greensboro, N. Carolina 27408 Fed. ID # C00198242	General Elections Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify)	10/03/86	\$1,000.00
Moynihan Committee Daniel P. Moynihan 800 Third Ave. New York, N.Y. 10022 Fed. ID # C00078295	General Elections Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify)	10/03/86	\$1,000.00
Eckert for Congress Committee Fred J. Eckert Box 41146 Rochester, New York 14604 Fed. ID # C00184804	General Elections Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify)	10/03/86	\$ 500.00
Friends of Luken Thomas A. Luken 501 Slaters Lane #1207 Alexandria, Virginia 22314 Fed. ID # C00062511	General Elections Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify)	10/03/86	\$ 250.00
SUBTOTAL			\$10,750.00
TOTAL			

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 individual contributor to solicit contributions from such contributor.

Name of Committee (or Fund)

SYNEX Federal Political Action Committee (FAC) - Federal ID# C00179762

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
<u>Blattery for Congress</u> Jim Blattery Box 1978 Topeka, Kansas 66601 Fed. ID #C00148692	General Elections Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	10/03/86	\$ 250.00
<u>Dan Coats for Congress Committee</u> Daniel K. Coats Box 523 Auburn, Indiana 46706 Fed. ID # C00110361	General Elections Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	10/03/86	\$ 250.00
<u>Oxley for Congress</u> Michael G. Oxley Box 1986 Findlay, Ohio 45839 Fed. ID #C00142000	General Elections Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	10/03/86	\$ 250.00
<u>Nielson Re-Election Committee</u> Howard G. Nielson 1132 North Taylor Arlington, Virginia 12201 Fed. ID #C00184085	General Elections Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	10/03/86	\$ 500.00
<u>Eckart for Congress Committee</u> Dennis E. Eckart Box 1020 Mentor, Ohio 44061 Fed. ID # C00121210	General Elections Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	10/03/86	\$ 250.00
<u>Whittaker for Congress Committee</u> Robert Whittaker Box 1906 Emporia, Kansas Fed. ID # C00077453	General Elections Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	10/03/86	\$ 250.00
<u>Michael Bilirakis for Congress Committee</u> Box 1077, Tarpon Springs, FLA 34286 Fed. ID # C00153213	General Elections Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	10/03/86	\$ 250.00
<u>Synar for Congress</u> Michael L. Synar 212 North Fourth Street Muskogee, Oklahoma 74401 Fed. ID # C00081877	General Elections Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	10/03/86	\$ 250.00
<u>Committee to Elect Stewart McKinney</u> Box 338 Fairfield, Conn. 06430 Fed. ID # C00143339	General Elections Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	10/03/86	\$ 500.00

SUBTOTAL (if disbursements on this page optional)

\$2,750.00

TOTAL This Period (list page this line number only)

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

FIRST GENERAL COUNSEL'S REPORT

RAD REFERRALS: 87NF-82134
STAFF MEMBER: George F. Rishel

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PI2:

SOURCE OF NUR: INTERNALLY GENERATED

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**NYNEX Federal Political Action Committee and
Larry R. Smart, as treasurer**

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>
------------------	-------------------	------------------------------

88040485056

disclosed activity indicating a 12-Day Pre-Election Report should have been filed:

Committee

Date Filed^{1/}

Pre-Election Activity

83040685057

^{1/} The date filed is that on which the Post-General Election Report was filed. The number of days late is that for the filing of the 12-Day Pre-Election Report. In some cases, the Post-General Election Report was filed after December 4, 1986. The late filings of such reports, however, were not included as a basis for these referrals. Therefore, no recommendations have been made with respect to the late filing of any Post-General Election Report.

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**NYNEX Federal
PAC**

**12-22-86
(60 days late)**

**\$13,500 in
contributions to 18
candidates**

29040685059

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

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):

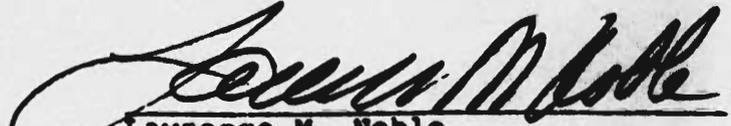
88040685060

38040585061

**NYNEX Federal Political Action Committee and Larry R. Smart,
as treasurer**

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)

89040685062

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

RAD Ref.'s
87NF-86
THROUGH
87NF-134

9 9 0 4 0 5 8 5 0 6 3

(continued)

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

Page 2

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NYNEX Federal Political Action Committee and
Larry R. Smart, as treasurer

(continued)

CERTIFICATION

I. Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on June 15, 1987, the Commission decided by a vote of 6-0 to take the following actions in RAD Ref.'s 87NF-86 through 87NF-134:

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):

(continued)

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Federal Election Commission
Certification for RAD Ref.'s 87NF-86
through 87NF-134
Jul

Page 5

89040585066

NYNEX Federal Political Action Committee and Larry R. Smart,
as treasurer

(continued)

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

89040585067



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

film

June 29, 1987

Larry R. Smart, Treasurer
NYNEX Federal Political Action Committee
335 Madison Avenue
New York, NY 10017

RE: MUR 2505
NYNEX Federal Political Action
Committee and Larry R. Smart,
as treasurer

Dear Mr. Smart:

On June 15, 1987, the Federal Election Commission found that there is reason to believe NYNEX Federal Political 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 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-

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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 Anne Weissenborn, 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

88040585069

**FEDERAL ELECTION COMMISSION
FACTUAL AND LEGAL ANALYSIS**

RESPONDENTS: WYNEK Federal Political Action Committee and Larry R. Smart, as treasurer **NUR: 2505**

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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 \$13,500 in contributions to 18 candidates 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 22, 1986. Accordingly, the committee and its treasurer have violated 2 U.S.C. § 434(a)(4)(A)(ii).

RECEIVED AT THE FEC
600# 3955
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WILEY, REIN & FIELDING

1778 K STREET, N.W.
WASHINGTON, D. C. 20006
(202) 429-7000

JAN W. BARAN
(202) 429-7330

July 16, 1987

87 JUL 20 11:57

RECEIVED
OFFICE OF THE
GENERAL COUNSEL

Lawrence M. Noble, Esquire
Acting General Counsel
Federal Election Commission
999 E Street, N.W.
9th Floor
Washington, D.C. 20463

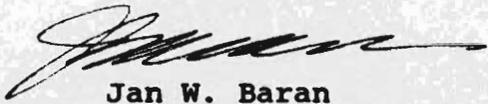
Re: MUR 2505, NYNEX Federal Political
Action Committee ("PAC"), et al.

Dear Mr. Noble:

This office represents NYNEX Federal PAC and Larry R. Smart, as treasurer, in Federal Election Commission ("FEC") Matter Under Review ("MUR") 2505. Enclosed please find a Statement of Designation of Counsel form executed by Mr. Smart confirming our representation.

In response to Chairman Scott E. Thomas' letter of June 29, 1987 to Mr. Smart, and pursuant to 11 C.F.R. § 111.18(d), I hereby request negotiations directed towards reaching a conciliation agreement in this matter.

Sincerely,



Jan W. Baran

Enclosure

cc: Larry R. Smart
Darlene D. Kleiner, Esquire

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STATEMENT OF DESIGNATION OF COUNSEL

MUR 2505

NAME OF COUNSEL: JAN BARAN, Esq.

ADDRESS: Wiley, Rein & Fielding

1776 K Street, N.W.

Washington, D. C. 20006

TELEPHONE: (202) 429-7000 / 429-7330

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

Larry R. Smart
Signature

RESPONDENT'S NAME: NYNEX Federal Political Action Committee and Larry R. Smart

ADDRESS: 335 Madison Avenue

New York, New York 10017

HOME PHONE: _____

BUSINESS PHONE: _____

88040585072

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
NYNEX Federal Political Action) MUR 2505
Committee and Larry R. Smart,)
as treasurer)

GENERAL COUNSEL'S REPORT

I. BACKGROUND

On June 15, 1987, the Commission found reason to believe that the NYNEX Federal Political Action Committee and Larry R. Smart, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(ii), by failing to file its 1986 12 Day Pre-General Election Report in a timely manner. By letter dated July 16, 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

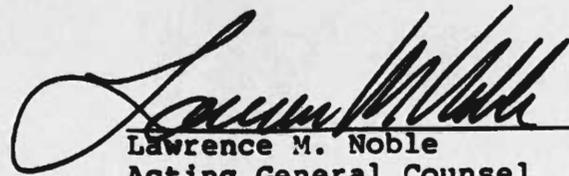
*/ Receipts appear to come from monthly payroll deductions. Respondents filed a Post-General Election Report which covered October 1, 1986, to November 24, 1986. From that report it is not possible to determine the specific date the funds were actually received. Therefore, the amount listed as receipts is 1/4 of the total \$4,420.00 in receipts for October and (Footnote continued)

83040385073

III. RECOMMENDATIONS

1. Enter into conciliation with the NYNEX Federal Political Action Committee and Larry R. Smart, as treasurer, prior to a finding of probable cause to believe.
2. Approve the attached proposed conciliation agreement and letter.

8/26/87
Date


Lawrence M. Noble
Acting General Counsel

Attachments

1. Request for conciliation
2. Proposed agreement and letter

(Footnote continued)
November of 1986. The 1/4 figure approximates the time period which should have been covered by the 12 Day Pre-General Election Report.

89040585074



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 19, 1987

SUBJECT: OBJECTION TO MUR 2505 - GENERAL COUNSEL'S REPORT
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 _____
Commissioner McGarry _____
Commissioner Thomas _____ X

This matter will be placed on the Executive Session agenda for Wednesday, September 9, 1987.

88040585075

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
NYNEX Federal Political Action) MUR 2505
Committee and Larry R. Smart,)
as treasurer)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on August 25, 1987, the Commission decided by a vote of 6-0 to take the following actions in MUR 2505:

1. Enter into conciliation with the NYNEX Federal Political Action Committee and Larry R. Smart, 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 August 20, 1987.

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

Attest:

8-25-87

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

Received in the Office of Commission Secretary: Thurs., 8-20-87, 3:33
Circulated on 48 hour tally basis: Fri., 8-21-87, 12:00
Deadline for vote: Tues., 8-25-87, 4:00

98040585076



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 27, 1987

Jan W. Baran, Esquire
Wiley, Rein & Fielding
1776 K Street, N.W.
Washington, D.C. 20006

RE: MUR 2505
NYNEX Federal Political
Action Committee and
Larry R. Smart, as
treasurer

Dear Mr. Baran:

On June 15, 1987, the Federal Election Commission found reason to believe that the NYNEX Federal Political Action Committee and Larry R. Smart, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(ii). At your request, on August 25, 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 Susan Beard, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble (LH)
Lawrence M. Noble
Acting General Counsel

Enclosure
Conciliation Agreement

88040585077

plan

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BAKER & HOSTETLER

IN CLEVELAND, OHIO
3200 NATIONAL CITY CENTER
CLEVELAND, OHIO 44114
(216) 881-0800
TWX 810 481 8378

IN COLUMBUS, OHIO
65 EAST STATE STREET
COLUMBUS, OHIO 43215
(614) 828-1541

IN MARYLAND
5000 SUNNYSIDE AVE. SUITE 301
BELTSVILLE, MARYLAND 20705
(301) 837-4111

ATTORNEYS AT LAW
WASHINGTON SQUARE, SUITE 1100
1050 CONNECTICUT AVE., N.W.
WASHINGTON, D.C. 20036
(202) 681-1500
TELECOPIER: (202) 466-8887
TELEX 850-808-7978

IN DENVER, COLORADO
SUITE 1100, 303 EAST 17TH AVENUE
DENVER, COLORADO 80203
(303) 861-0800

IN ORLANDO, FLORIDA
19TH FLOOR BARNETT PLAZA
ORLANDO, FLORIDA 32801
(309) 841-1111

IN VIRGINIA
437 N. LEE STREET
ALEXANDRIA, VIRGINIA 22314
(703) 548-1284

September 16, 1987

WRITER'S DIRECT DIAL NO.:
(202) 661 - 1531

BY HAND

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

Re: MUR 2505

Dear Ms. Beard:

This office represents Nynex Federal Political Action Committee and Larry R. Smart in the above-referenced Matter Under Review. Enclosed is a Statement of Designation of Counsel. Pursuant to our discussion, I request a meeting with you and your supervisor on Thursday, September 17, 1987, at 10:00 a.m. at the Federal Election Commission. The purpose of this meeting is to discuss the proposed conciliation agreement sent to the above-mentioned respondents on August 27, 1987.

I look forward to meeting with you on September 17, 1987.

Very truly yours,

William H. Schweitzer

WHS/rec
81962-87-001
Enclosure

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RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
87 SEP 16 PM 12:02

STATEMENT OF DESIGNATION OF COUNSEL

MUR 2505

NAME OF COUNSEL: William H. Schweitzer

ADDRESS: Baker & Hostetler

1050 Connecticut Avenue, N.W.

Washington, D.C. 20036

TELEPHONE: (202) 861-1531

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.

September 1, 1987
Date

Larry R. Smart
Signature

RESPONDENT'S NAME: Nynex Federal Political Action Committee and
Larry R. Smart

ADDRESS: 335 Madison Avenue

New York, NY 10017

HOME PHONE: _____

BUSINESS PHONE: (212) 370-7676

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SENSITIVE

In the Matter of)
) MUR 2505
 NYNEX Federal Political Action)
 Committee and Larry R. Smart,)
 as treasurer)

RECEIVED
 FEDERAL ELECTION COMMISSION
 SECRETARY'S OFFICE
 87 DEC -4 PM 4:23

GENERAL COUNSEL'S REPORT

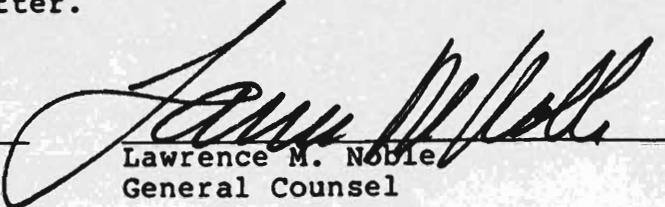
I. BACKGROUND

Attached is a conciliation agreement which has been signed by William H. Schweitzer, the counsel for the Respondents.

The attached agreement contains no changes from the agreement approved by the Commission on November 6, 1987. A check in the amount of \$600, the amount of the civil penalty, has been received.

II. RECOMMENDATIONS

1. Accept the attached conciliation agreement with NYNEX Federal Political Action Committee and Larry R. Smart, as treasurer.
2. Close the file.
3. Approve the attached letter.

Date 12/4/87 
 Lawrence M. Noble
 General Counsel

Attachments

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

Staff Person: Susan Beard

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)	
)	MUR 2505
NYNEX Federal Political Action)	
Committee and Larry R. Smart,)	
as treasurer)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on December 9, 1987, the Commission decided by a vote of 6-0 to take the following actions in MUR 2505:

1. Accept the conciliation agreement with NYNEX Federal Political Action Committee and Larry R. Smart, as treasurer, as recommended in the General Counsel's report signed December 4, 1987.
2. Close the file.
3. Approve the letter, as recommended in the General Counsel's report signed December 4, 1987.

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

Attest:

12-9-87
Date

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

Received in the Office of Commission Secretary:	Fri.,	12-4-87,	4:23
Circulated on 48 hour tally basis:	Mon.,	12-7-87,	11:00
Deadline for vote:	Wed.,	12-9-87,	11:00

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BAKER & HOSTETLER

ATTORNEYS AT LAW

WASHINGTON SQUARE, SUITE 1100

1080 CONNECTICUT AVE., N.W.

WASHINGTON, D.C. 20006

(202) 661-1600

TELECOPIER: (202) 466-8287

TELEX 650-636-7879

IN DENVER, COLORADO
SUITE 1100, 303 EAST 17TH AVENUE
DENVER, COLORADO 80203
(303) 661-0600

IN ORLANDO, FLORIDA
13TH FLOOR BARNETT PLAZA
ORLANDO, FLORIDA 32801
(305) 641-1111

IN VIRGINIA
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ALEXANDRIA, VIRGINIA 22314
(703) 840-1264

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CLEVELAND, OHIO 44114
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IN COLUMBUS, OHIO
65 EAST STATE STREET
COLUMBUS, OHIO 43215
(614) 228-1241

IN MARYLAND
8000 SUNNYSIDE AVE. SUITE 301
BELTSVILLE, MARYLAND 20705
(301) 637-4111

WRITER'S DIRECT DIAL NO.:

(202) 661 -

November 25, 1987

BY HAND

Lawrence N. Noble, Esquire
General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: MUR 2505
NYNEX Federal Political Action Committee and Larry R. Smart,
as treasurer

Dear Mr. Noble:

Enclosed is the original conciliation agreement submitted to the respondents in Matter Under Review 2505 and a check for \$600.00 made payable to the Federal Election Commission. This conciliation agreement was received by me on November 18, 1987. I discussed with Mr. George Rishel a two-day extension for the submission to you of the signed agreement. He agreed to such an extension. The above-mentioned payment by respondents fulfills the terms of the conciliation agreement.

If you have any questions or if, in your view, the respondents have not complied with the terms of the conciliation agreement, please notify me immediately. Thank you for your assistance in this matter.

Very truly yours,

William H. Schweitzer

William H. Schweitzer

WHS/rec
Enclosure

cc: Mr. Larry R. Smart

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To **NYNEX**

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NYNEX 108 11/23/87

C#118143

DATE 11/23/87

NO. 757743C

50-943213

To the order of FEDERAL ELECTION COMMISSION
999 E STREET N.W.
WASHINGTON D.C. 20463

PAY\$***600.00***

Through CHEMICAL BANK
SYRACUSE, NEW YORK

NYNEX CORPORATION

[Signature]
Authorized Signature

⑈00757743⑈ ⑆021309434⑆ 755⑈504054⑈

GCC #4857

MEMORANDUM

TO: DEBRA A. TRIMIEW

TO: CECILIA LIEBER

FROM: CECILIA LIEBER

FROM: Michele Broussard
~~DEBRA A. TRIMIEW~~

CHECK NO. 757743c (A COPY OF WHICH IS ATTACHED) RELATING TO

MUR 2505 AND NAME NYNEX Federal PAC and Larry R Smart, treasurer
(Beard)

WAS RECEIVED ON 11/30/87. PLEASE INDICATE THE ACCOUNT INTO WHICH IT SHOULD BE DEPOSITED:

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

SIGNATURE Michele Broussard

DATE 12/1/87

87 NOV 30 PM 3:19
RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

87 NOV 30 PM 3:19
RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

GCC # 4857



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

plm

11 December 1987

William H. Schweitzer
Baker & Hostetler
Washington Square, Suite 1100
1050 Connecticut Avenue, N.W.
Washington, D.C. 20036

RE: MUR 2505
NYNEX Federal Political
Action Committee and
Larry R. Smart, as
treasurer

Dear Mr. Schweitzer:

On December 9, 1987, the Federal Election Commission accepted the signed conciliation agreement and civil penalty submitted on your clients' behalf 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.

Enclosed you will find a copy of the fully executed conciliation agreement for your files. If you have any questions, please contact Susan Beard, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble
General Counsel

Enclosure
Conciliation Agreement

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
NYNEX Federal Political Action) MUR 2505
Committee and Larry R. Smart,)
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 NYNEX Federal Political Action Committee and Larry R. Smart, as treasurer ("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, NYNEX Federal Political Action Committee, is a political committee within the meaning of 2 U.S.C. § 431(4).

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2. Respondent, Larry R. Smart, is the treasurer of the NYNEX Federal Political Action Committee.

3. Pursuant to 2 U.S.C. § 434(a)(4)(A)(ii), political action committees which file quarterly reports must file a 12 Day Pre-General Election Report if a contribution to or expenditure on behalf of a candidate for Federal office is made.

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

5. Respondents filed a Post-General Election Report which contained information which should have been in a 12 Day Pre-General Election Report on December 22, 1986, 60 days after the due date for a 12 Day Pre-General Election Report.

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

VI. Respondents will pay a civil penalty to the Federal Election Commission in the amount of Six Hundred Dollars (\$600.00), 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.

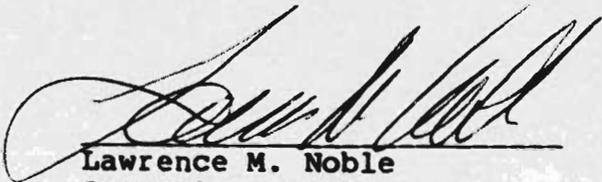
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VIII. This agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

IX. Respondents shall have no more than thirty (30) days from the date this agreement becomes effective to comply with and implement the 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:

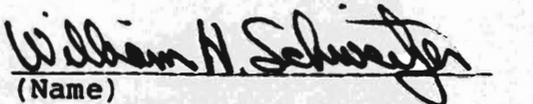


Lawrence M. Noble
General Counsel

12/11/87

Date

FOR THE RESPONDENTS:



(Name)
(Position)
Council for Respondents

November 25, 1987

Date

8 8 0 4 0 5 8 5 0 8 7



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 2505

DATE FILMED 3/25/88 CAMERA NO. 4

CAMERAMAN GPC

88040585088