



FEDERAL ELECTION COMMISSION
WASHINGTON, D C 20463

THIS IS THE BEGINNING OF MUR # 2628

DATE FILMED 8/3/88 CAMERA NO. 4

CAMERAMAN K.A.U.

88040712266

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

FEDERAL

SENSITIVE

FIRST GENERAL COUNSEL'S REPORT

RAD Referral 88NF 3-11
Staff Member: George Rishel

EXECUTIVE SESSION

SOURCE: INTERNALLY GENERATED

RESPONDENTS:

JIN
7 1988

National Venture Capital Association
Political Action Committee and Allen Neece,
Jr., as treasurer

RELEVANT STATUTES: 2 U.S.C. § 433(c)
2 U.S.C. § 434(a)(4)(A)(iv)
11 C.F.R. § 102.2(a)(2)
11 C.F.R. § 104.5(c)(2)(i)(B)

INTERNAL REPORTS CHECKED: Referral Materials

FEDERAL AGENCIES CHECKED: None

I. GENERATION OF MATTER

The Reports Analysis Division ("RAD") referred the above
nine committees to the Office of the General Counsel on April 7,

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1988. The basis for the attached referral is the committees' failure to file the 1987 Year End Report or to do so in a timely fashion.

II. FACTUAL AND LEGAL ANALYSIS

A. Filing of Reports

The Federal Election Campaign Act of 1971, as amended ("the Act"), provides that for unauthorized committees filing quarterly, such committees shall file the Year End Report for years in which no regularly scheduled elections are held no later than January 31 of the following calendar year. 2 U.S.C. § 434(a)(4)(A)(iv). Thus, the due date for the 1987 Year End Report was January 31, 1988. The following committees did not file the 1987 Year End Report by this date:

<u>Name of Committee</u>	<u>Date Report Filed</u>
--------------------------	--------------------------

National Venture Capital Association PAC

April 1

1/ As of May 6, 1988, the Committees referred as nonfilers had not yet filed the Year End Report.

2/ See discussion on page 8.

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Accordingly, the Office of the General Counsel recommends that the Commission open Matters Under Review and find reason to believe these nine committees and their treasurers violated 2 U.S.C. § 434(a)(4)(A)(iv).

B. Changes of Treasurer and Address

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Accordingly, the Office of the General Counsel also recommends that the Commission find reason to believe that the

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III. DISCUSSION OF CONCILIATION AND CIVIL PENALTY

In accordance with revised procedures, this Office also recommends that the Commission offer to enter into preprobable

The proposed conciliation agreements for the nonfilers also contain a requirement that the 1987 Year End Report be filed.

IV. 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)(iv):

a.

b.

c.

d.

e.

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f.

g. National Venture Capital Association Political Action Committee and Allen Neece, Jr., as treasurer;

2.

3.

4.

5. Enter into conciliation with the following committees and their treasurers prior to a finding of probable cause to believe:

a.

b.

c.

d.

e.

f. National Venture Capital Association Political Action Committee and Allen Neece, Jr., as treasurer;

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- 9.
6. Approve the attached letters and factual and legal analyses to the respective committees listed in recommendation 1.
 7. Approve the attached proposed conciliation agreements to the respective committees listed in recommendation 5.

Lawrence M. Noble
General Counsel

Date

5/18/88

BY:


Lois G. Lerner
Associate General Counsel

Attachments

1. Referral Materials
2. Report Filed After Referrals
3. Letters and Factual and Legal Analyses (9)
and Proposed Conciliation Agreements (7)

3 3 0 4 0 7 1 2 2 7 3



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 7, 1988

MEMORANDUM

TO: LAWRENCE M. NOBLE
GENERAL COUNSEL

THROUGH: JOHN C. SURINA
STAFF DIRECTOR

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

SUBJECT: REFERRAL OF YEAR END NON-FILER UNAUTHORIZED
COMMITTEES

Attached, for referral to your office, are nine (9) unauthorized committees that failed to file the 1987 Year End Report within thirty (30) days of the date of the Non-Filer Notice. In accordance with Standard 3 of the 1987-1988 RAD Review and Referral Procedures for Unauthorized Committees, this matter requires further examination by your office.

All nine committees were sent prior notice of the due date of the report on December 18, 1987 and were sent Non-Filer Notices on February 19, 1988 (see Attachments 1 and 2).

Included in this document is a chart which lists each committee in alphabetical order along with the address and name of treasurer, any contacts with the committees, responses and/or reports filed by the committee and the attachment number where the items can be located within the document.

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

Attachments

Attachment 1

①

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- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.

88NF-9: National Venture Capital Association Political
Action Committee (NVCA PAC) (C00150367)

3 8 0 4 0 7 1 2 2 7 6

CO0150367
NATIONAL VENTURE CAPITAL ASSOCIATION POLITICAL ACTION COMMITTEE (NUCA PAC)
TREASURER'S NAME: ALLEN NEECE JR
SUITE 900 1050 17TH STREET N W
WASHINGTON DC 20036

March 15, 9a-d
1988

Year End Report
filed 4/1/88

5

REPORT NOTICE

FEDERAL ELECTION COMMISSION

PARTIES AND PACS

December 18, 1987

WHO MUST FILE

ALL PARTY COMMITTEES and PACs (NON-CONNECTED COMMITTEES AND SEPARATE SEGREGATED FUNDS) must file a Year End Report in January.

REPORTING DATES

Semiannual. The Year End Report is due January 31, 1988, and must disclose financial activity that occurred from July 1 through December 31, 1987. Committees which have previously filed 1987 reports should only report activity from the closing date of the last report filed.

Monthly. Committees that choose to file on a monthly basis must file the Year End Report due January 31, 1988. The report must disclose financial activity from December 1 through December 31, 1987. All other monthly reports are due by the 20th of each month and cover all financial activity of the previous month.

WHAT MUST BE REPORTED

A report must disclose all receipts and disbursements that occurred during the reporting period. A newly registered political committee filing its first report should also include all amounts received and expended before the committee registered. See 11 CFR 104.3. For more detailed information on reporting instructions, consult your Campaign Guide.

WHERE AND HOW TO FILE

Committees should consult the instructions on the enclosed FEC Form 3X for details. Affix the peel-off label from the envelope to line 1 of the report. Any corrections in the information should be made directly on the label.

CHANGE IN FILING FREQUENCY

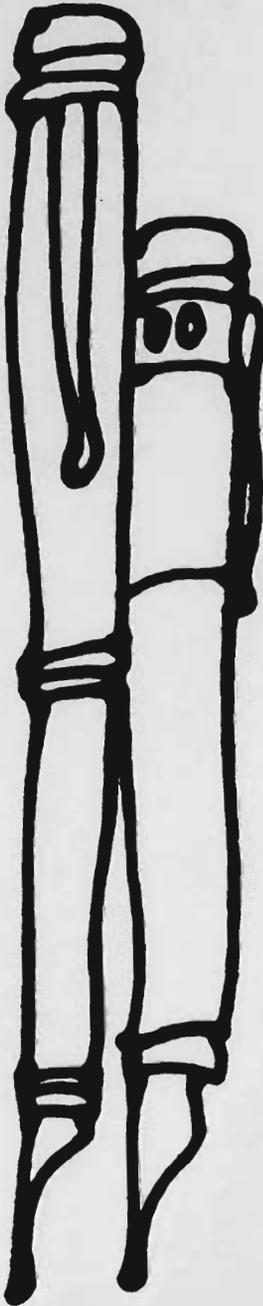
Committees that wish to change their reporting schedule (for example, from semiannual to monthly) must notify the Commission by sending a letter with the next report due under their current reporting schedule. Committees may change their filing frequency only once a year.

COMPLIANCE

Political committees are responsible for filing all reports required under the Act in a timely fashion. Committees and treasurers who file late reports, or fail to file reports, are subject to enforcement action. Illegible reports and reports submitted on non-FEC forms will not be accepted; committees filing such documents will be required to refile.

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

80040712277



6



FEDERAL ELECTION COMMISSION

RQ-7

WASHINGTON, D.C. 20463

February 19, 1988

XX

Identification Number: XX

Reference: Year End Report (through 12/31/87)

Dear XX:

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

It is important that you file this report immediately with the Federal Election Commission, 999 E Street, NW, Washington, DC 20463 (or with the Clerk of the House or the Secretary of the Senate, as appropriate). A copy of the report or the relevant portions should also be filed with the Secretary of State or equivalent State officer. See 2 U.S.C. §439.

Although the Commission may initiate an audit or legal enforcement action concerning this matter, your prompt response and a letter of explanation will be taken into consideration.

If you have any questions, please contact ANALYST on our toll-free number (800) 424-9530. Our local number is (202) 376-2480.

Sincerely,

John D. Gibson
Assistant Staff Director
Reports Analysis Division

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⑦

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National Venture Capital Association Political
Action Committee (NVCA PAC) (C00150367)

(Attachments 9a - d)

44

FEDERAL ELECTION COMMISSION
1987-1988
COMMITTEE INDEX OF DISCLOSURE DOCUMENTS - (C)

DATE 4APR88

PAGE 3

COMMITTEE	DOCUMENT	RECEIPTS	DISBURSEMENTS	COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
				TYPE OF FILER		
NATIONAL VENTURE CAPITAL ASSOCIATION POLITICAL ACTION COMMITTEE (NVCA PAC)				ID #C00150367 NON-PARTY QUALIFIED		
CONNECTED ORGANIZATION: NATIONAL VENTURE CAPITAL ASSOCIATION						
	1987 MID-YEAR REPORT	35,546	47,610	1JAN87 -30JUN87	14	87FEC/479/1836
	YEAR-END	74,364	74,210	1JUL87 -31DEC87	25	88FEC/515/3439
	NOTICE OF FAILURE TO FILE			31DEC87	1	88FEC/510/2886
	TOTAL	109,910	0 121,820	0	40	TOTAL PAGES

All reports have been reviewed except the Year-End
Ending cash-on-hand balance as of 12/31/87 : \$84,928
Debts and obligations owed by the committee as of 12/31/87 : \$580

3 8 0 4 0 7 1 2 2 8 0

45

FEDERAL ELECTION COMMISSION
1985-1986
COMMITTEE INDEX OF DISCLOSURE DOCUMENTS - (C)

Attachment 9b
DATE 25MAR88

PAGE 2

COMMITTEE	DOCUMENT	RECEIPTS	DISBURSEMENTS	COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
					TYPE OF FILER	
NATIONAL VENTURE CAPITAL ASSOCIATION POLITICAL ACTION COMMITTEE (NVCA PAC)				ID #000150367 NON-PARTY QUALIFIED		
CONNECTED ORGANIZATION: NATIONAL VENTURE CAPITAL ASSOCIATION						
1985	APRIL QUARTERLY	5,703	4,400	1JAN85 -31MAR85	9	85FEC/374/4071
	APRIL QUARTERLY - AMENDMENT	5,811	4,409	1JAN85 -31MAR85	7	85FEC/375/2990
	MID-YEAR REPORT	36,115	33,109	1JAN85 -30JUN85	22	85FEC/385/0816
	MID-YEAR REPORT - AMENDMENT	30,303	28,700	1APR85 -30JUN85	20	86FEC/393/0793
	1'ST LETTER INFORMATIONAL NOTICE			1JAN85 -30JUN85	1	85FEC/393/4079
	YEAR-END	91,906	82,800	1JUL85 -31DEC85	31	86FEC/401/5393
	YEAR-END - AMENDMENT	-	-	1JUL85 -31DEC85	2	86FEC/405/3367
	REQUEST FOR ADDITIONAL INFORMATION			1JUL85 -31DEC85	4	86FEC/403/4399
1986	MISCELLANEOUS NOTICE FROM FEC			13JUN86	1	86FEC/416/4173
	APRIL QUARTERLY	2,750	10,000	1JAN86 -31MAR86	7	86FEC/411/2232
	JULY QUARTERLY	80,853	21,100	1APR86 -30JUN86	22	86FEC/418/5064
	JULY QUARTERLY - AMENDMENT	-	-	1APR86 -30JUN86	6	86FEC/426/1031
	REQUEST FOR ADDITIONAL INFORMATION			1APR86 -30JUN86	3	86FEC/424/3368
	OCTOBER QUARTERLY	32,609	22,519	1JUL86 -30SEP86	14	86FEC/433/1250
	OCTOBER QUARTERLY - AMENDMENT	32,609	22,519	1JUL86 -30SEP86	13	86FEC/439/5483
	OCTOBER QUARTERLY - AMENDMENT	-	-	1JUL86 -30SEP86	4	86FEC/442/4036
	OCTOBER QUARTERLY - AMENDMENT	-	-	1JUL86 -30SEP86	2	86FEC/444/4609
	REQUEST FOR ADDITIONAL INFORMATION			1JUL86 -30SEP86	6	86FEC/441/2701
	REQUEST FOR ADDITIONAL INFORMATION 2ND			1JUL86 -30SEP86	2	86FEC/444/1376
	PRE-GENERAL	0	0	1OCT86 -15OCT86	6	86FEC/440/0003
	POST-GENERAL	0	0	16OCT86 -24NOV86	7	86FEC/448/1515
	YEAR-END	14,862	0	25NOV86 -31DEC86	8	87FEC/456/2899
	YEAR-END - AMENDMENT	14,862	53	25NOV86 -31DEC86	5	87FEC/479/1850
	1'ST LETTER INFORMATIONAL NOTICE			25NOV86 -31DEC86	3	87FEC/486/2670
TOTAL		259,096	0 169,581 0	205 TOTAL PAGES		

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All reports listed above have been reviewed.
Ending cash-on-hand balance as of 12/31/86: \$96,838
Debts and obligations owed by the committee as of 12/31/86: \$0

46

TELECON**ANALYST:** Jimason**CONVERSATION WITH:** Shawn Browning, Office Manager**COMMITTEE:** National Venture Capital Association Political Action Committee**DATE:** 3/15/88**SUBJECT(S):** Non Filing of Year End Report

I spoke with Ms. Shawn Browning about the 1987 Year End Report not being filed.

Ms Browning stated the report would be filed by 3/18/88.

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(47)

REPORT OF RECEIPTS AND DISBURSEMENTS

For Other Than An Authorized Committee
(Summary Page)

88 APR -1 AM 9:03

USE FEC MAILING LABEL OR TYPE OR PRINT

1 NAME OF COMMITTEE (or Club) National Venture Capital Association Political Action Committee		2 FEC IDENTIFICATION NUMBER C 001 50367
ADDRESS (number and street) <input type="checkbox"/> Check if different than previously reported 1050 17th Street, N.W. Suite 900		
CITY, STATE and ZIP CODE Washington, D.C. 20036		

4. TYPE OF REPORT

- (a) April 15 Quarterly Report
- July 15 Quarterly Report
- October 15 Quarterly Report
- January 31 Year End Report
- July 31 Mid Year Report (Non-election Year Only)
- Termination Report
- Monthly Report Due On
- | | | |
|--------------------------------------|---------------------------------------|--|
| <input type="checkbox"/> February 20 | <input type="checkbox"/> June 20 | <input type="checkbox"/> October 20 |
| <input type="checkbox"/> March 20 | <input type="checkbox"/> July 20 | <input type="checkbox"/> November 20 |
| <input type="checkbox"/> April 20 | <input type="checkbox"/> August 20 | <input type="checkbox"/> December 20 |
| <input type="checkbox"/> May 20 | <input type="checkbox"/> September 20 | <input checked="" type="checkbox"/> January 31 |
- Twelfth day report preceding _____ (Type of Election)
election on _____ in the State of _____
- Thirtieth day report following the General Election on _____ in the State of _____
- (b) Is this Report an Amendment? YES NO

SUMMARY

	COLUMN A This Period	COLUMN B Calendar Year-to-Date
5 Covering Period <u>7/1/87</u> through <u>12/31/87</u>		
6 a) Cash on Hand January 1, 19 <u>87</u>		\$ 96,838.35
b) Cash on Hand at Beginning of Reporting Period	\$ 84,774.35	
c) Total Receipts (from Line 1a)	\$ 74,364.25	\$ 109,911.21
d) Subtotal (add Lines 6(b) and 6(c) for Column A and Lines 6(a) and 6(c) for Column B)	\$ 159,138.80	\$ 206,749.56
7 Total Disbursements (from Line 2b)	\$ 74,210.17	\$ 121,920.93
8 Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d))	\$ 84,928.63	\$ 84,928.63
9 Debts and Obligations Owed TO the Committee (itemize on Schedule C and or Schedule D)	\$ None	For further information contact Federal Election Commission 999 F Street NW Washington, DC 20541 Tel: Free 800 424 9610 202 275 3111
10 Debts and Obligations Owed BY the Committee (itemize on Schedule C and or Schedule D)	\$ 580.00	

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

Type or Print Name of Treasurer

Arthur Newce, Jr.
Signature of Treasurer

Date
3/30/88

NOTE: Submission of false, erroneous or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. §417c.

48 **FEC FORM 3X**
1987

38040712283

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)(iv):

a.

b.

c.

d.

e.

f. National Venture Capital Association
Political Action Committee and Allen
Neece, Jr., as treasurer;

g.

h.

2. Find reason to believe the National Pro-Life PAC and Rev. Charles C. Fiore, as treasurer, violated 2 U.S.C. § 433(c).

(continued)

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- 3.
4. Enter into conciliation with the following committees and their treasurers prior to a finding of probable cause to believe:
 - a.
 - b.
 - c.
 - d.
 - e.
 - f. National Venture Capital Association
Political Action Committee and Allen
Neece, Jr., as treasurer;
 - g.
5. Direct the Office of the General Counsel to send appropriate letters and factual and legal analyses pursuant to the above actions.

(continued)

88040712286

6. Approve the proposed conciliation agreements, as amended, to the respective committees listed in action number 4 noted above.

Commissioners Aikens, Elliott, Josefiak, McDonald, and Thomas voted affirmatively for the decision. Commissioner McGarry was not present at the time of the vote.

Attest:

6-9-88

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

88040712287



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

June 15, 1988

Allen Neece, Jr., Treasurer
National Venture Capital Association
Political Action Committee
Suite 900
1050 17th Street, N.W.
Washington, D.C. 20036

RE: MUR 2628
National Venture Capital
Association Political
Action Committee and
Allen Neece, Jr., as
treasurer

Dear Mr. Neece:

On June 7, 1988, the Federal Election Commission found that there is reason to believe the National Venture Capital Association Political Action Committee ("Committee") and you, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(iv), 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.

In order to expedite the resolution of this matter, the Commission has also decided to offer 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.

88040712233

flm

Allen Neece, Jr.
Page 2

If you are interested in expediting the resolution of this matter by pursuing preprobable cause conciliation and if you agree with the provisions of the enclosed agreement, please sign and return the agreement, 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.

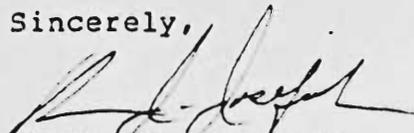
Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

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.

This matter will remain 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 Frances B. Hagan, the staff member assigned to this matter, at (202) 376-8200.

Sincerely,



Thomas J. Josefiak
Chairman

Enclosures
Factual and Legal Analysis
Procedures
Designation of Counsel Form
Conciliation Agreement

83040712289

FEDERAL ELECTION COMMISSION

LEGAL AND FACTUAL ANALYSIS

RESPONDENTS: National Venture Capital MUR: 2628
Association Political Action
Committee and Allen Neece, Jr.,
as treasurer

38040712270

The Federal Election Campaign Act of 1971, as amended ("the Act"), provides that for unauthorized committees filing quarterly, such committees shall file a Year End Report for any calendar year in which a regularly scheduled election is not held. Such report shall cover the period beginning July 1 and ending December 31. It shall be filed no later than January 31 of the following calendar year. 2 U.S.C. § 434(a)(4)(A)(iv) and 11 C.F.R. § 104.5(c)(2)(i)(B). Thus, for unauthorized committees filing quarterly, the 1987 Year End Report was required to be filed no later than January 31, 1988. The committee, however, did not file the 1987 Year End Report by January 31, 1988.

Accordingly, there is reason to believe the committee and its treasurer have violated 2 U.S.C. § 434(a)(4)(A)(iv).

003#9633

RECEIVED
FEDERAL ELECTION COMMISSION
ADMINISTRATIVE DIVISION

88 JUN 28 AM 11:07

STATEMENT OF DESIGNATION OF COUNSEL

MUR 2628

NAME OF COUNSEL: Benjamin M. Vandegrift

ADDRESS: 1667 K Street, N.W.

Suite 1100

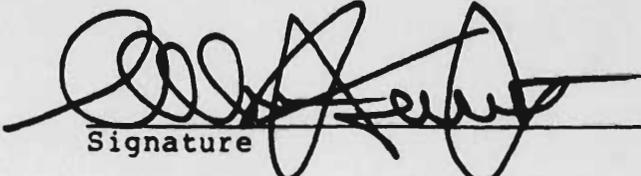
Washington, D.C. 20006

TELEPHONE: (202) 463-2329

RECEIVED
FEDERAL ELECTION COMMISSION
88 JUN 29 AM 11:34

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.

6/27/88
Date


Signature

RESPONDENT'S NAME: National Venture Capital Associates

ADDRESS: Suite 900

1050 17th Street, N.W.

Washington, D.C. 20036

HOME PHONE: _____

BUSINESS PHONE: (202) 887-5599

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6CC # 9715
RECEIVED
FEDERAL ELECTION COMMISSION
ADMINISTRATIVE DIVISION

LAW OFFICES OF
PILLSBURY, MADISON & SUTRO

88 JUL -6 AM 10:02

SAN FRANCISCO
225 BUSH STREET
SAN FRANCISCO, CALIFORNIA 94104
TELEPHONE (415) 983-1000

SUITE 1100
1667 K STREET, N.W.
WASHINGTON, D. C. 20006
TELEPHONE (202) 887-0300
TELECOPIER (202) 296-7605

SAN JOSE
333 WEST SANTA CLARA STREET
SAN JOSE, CALIFORNIA 95113
TELEPHONE (408) 947-4000

LOS ANGELES
SUITE 3300
515 SOUTH FLOWER STREET
LOS ANGELES, CALIFORNIA 90071
TELEPHONE (213) 612-7500

WALNUT CREEK
SUITE 800
1646 N. CALIFORNIA BLVD.
WALNUT CREEK, CALIFORNIA 94596
TELEPHONE (415) 946-2500

WRITER'S DIRECT DIAL NUMBER
(202) 463-2329

July 5, 1988

In the Matter of

National Venture Capital
Association Political
Action Committee and
Allen Neece, Jr.,
as Treasurer
MUR 2628

Ms. Frances B. Hagan
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Dear Fran:

Enclosed please find the signed Conciliation Agreement in the above-referenced matter together with a check in the amount of \$1,000 drawn to the order of the Federal Election Commission. I assume you will let us know as soon as possible whether the Commission has accepted this.

Please accept my thanks for your cooperation in this matter. If there are any questions please don't hesitate to telephone.

It was good to have seen you again after all these years.

Very truly yours,

Benjamin M. Vandegriff

Enc.

03040712292

FEDERAL ELECTION COMMISSION
88 JUL -7 AM 11:42

6cc # 9715
Hagan

NEECE, CATOR & ASSOCIATES, INC.

1050 - 17TH STREET, N.W., SUITE 810
WASHINGTON, D.C. 20038

4647

PAY
TO THE
ORDER OF

Federal Election Commission

July 5 19 88

15-55/640

\$ 1,000.00

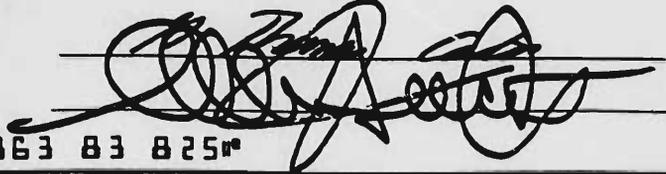
One Thousand and 00/100

DOLLARS

 **AMERICAN SECURITY BANK, N.A.**

City Office
1812 K Street, N.W.
Washington, D.C. 20006

FOR _____



⑈004647⑈ ⑆054000551⑆ 13 883 83 825⑈

6cc # 9715

RECEIVED
FEDERAL ELECTION COMMISSION

88 JUL -7 A111:42

MEMORANDUM

TO: DEBRA A. TRIMIEW

TO: CECILIA LIEBER

FROM: CECILIA LIEBER

FROM: DEBRA A. TRIMIEW

CHECK NO. 4647 [A COPY OF WHICH IS ATTACHED] RELATING TO

MUR 2628 AND NAME National Venture Capital Association PAC

WAS RECEIVED ON 7/7/88. PLEASE INDICATE THE ACCOUNT INTO

WHICH IT SHOULD BE DEPOSITED:

BUDGET CLEARING ACCOUNT { 95F3875.16 }

CIVIL PENALTIES ACCOUNT { 95-1099.160 }

OTHER _____

SIGNATURE Debra A. Trimiew DATE 7/7/88

7
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RECEIVED
FEDERAL ELECTION COMMISSION

88 JUL 12 AM 9:57

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)	
)	MUR 2628
National Venture Capital)	
Association Political Action)	
Committee and Allen Neece, Jr.,)	
as treasurer)	

SENSITIVE

GENERAL COUNSEL'S REPORT

I. BACKGROUND

Attached is a conciliation agreement which has been signed by Allen Neece, Jr., treasurer of the National Venture Capital Association Political Action Committee. The attached agreement contains one change from the agreement approved by the Commission on June 7, 1988. At Section VI, the civil penalty has been reduced from \$1,450 to \$1,000. This Office recommends accepting this reduction. The Committee stated that as a result of the late report finding, it has changed staff members handling the reporting function and, further, has implemented a computerized system to prevent recurrences. The Committee submitted a check for the civil penalty.

The Commission found reason to believe and approved pre-probable cause conciliation on June 7, 1988. The notification letter and proposed agreement were mailed on June 15, 1988. On July 5, 1988, Committee officials met with OGC staff to negotiate the agreement. On July 7, 1988, the signed agreement and a check for the civil penalty were received. This matter is among the first cases to be processed under the expedited conciliation procedures for late-filers.

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II. RECOMMENDATIONS

1. Accept the attached conciliation agreement with the National Venture Capital Association Political Action Committee and Allen Neece, Jr., as treasurer.
2. Close the file.
3. Approve the attached letter.

Lawrence M. Noble
General Counsel

July 11, 1988
Date

BY:

Lois G. Lerner
Associate General Counsel *by 10/88*

Attachments

- A. Conciliation Agreement
- B. Photocopy of Civil Penalty Check
- C. Letter to Respondent

Staff Assigned: Frances B. Hagan

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM

TO: LAWRENCE M. NOBLE
GENERAL COUNSEL

FROM: MARJORIE W. EMMONS/KAREN E. TRACH *NET*
COMMISSION SECRETARY

DATE: JULY 14, 1988

SUBJECT: COMMENT TO: MUR 2628 - GENERAL COUNSEL'S REPORT
SIGNED JULY 11, 1988

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

Attachment:
Copy of Vote Sheet

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

SENSITIVE

DATE & TIME TRANSMITTED: TUESDAY, JULY 12, 1988 4:00

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

RETURN TO COMMISSION SECRETARY BY THURSDAY, JULY 14, 1988 4:00

SUBJECT: MUR 2628 - General Counsel's Report
Signed July 11, 1988

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- I approve the recommendation
- I object to the recommendation

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FEDERAL ELECTION COMMISSION
88 JUL 14 PM 12:52

COMMENTS: Supra in letter. See J. Bowman

DATE: 7/14/88 SIGNATURE [Signature]

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

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
National Venture Capital)
Association Political Action)
Committee and Allen Neece, Jr.,)
as treasurer)

MUR 2628

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on July 14, 1988, the Commission decided by a vote of 6-0 to take the following actions in MUR 2628:

1. Accept the conciliation agreement with the National Venture Capital Association Political Action Committee and Allen Neece, Jr., as treasurer, as recommended in the General Counsel's report signed July 11, 1988.
2. Close the file.
3. Approve the letter, as recommended in the General Counsel's report signed July 11, 1988.

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

Attest:

7-15-88
Date

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

Received in the Office of Commission Secretary:	Tues.,	7-12-88,	9:57
Circulated on 48 hour tally basis:	Tues.,	7-12-88,	4:00
Deadline for vote:	Thurs.,	7-14-88,	4:00

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plm



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 19, 1988

Benjamin M. Vandegrift, Esquire
Pillsbury, Madison & Sutro
Suite 1100
1667 K Street, N.W.
Washington, D.C. 20006

RE: MUR 2628
National Venture Capital
Association Political Action
Committee
Allen Neece, Jr., as treasurer

Dear Mr. Vandegrift:

On , 1988, 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)(iv), 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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Benjamin M. Vandegrift
Page 2

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

Sincerely,

Lawrence M. Noble
General Counsel

Lois G. Lerner

BY: Lois G. Lerner *by LGL*
Associate General Counsel

Enclosure
Conciliation Agreement

38040712300

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
National Venture Capital) MUR 2628
Association Political Action)
Committee and Allen Neece, Jr.,)
as treasurer)

CONCILIATION AGREEMENT

This matter was initiated by the Federal Election Commission ("the Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. The Commission found reason to believe that the National Venture Capital Association Political Action Committee and Allen Neece, Jr., as treasurer, ("Respondents") violated 2 U.S.C. § 434(a)(4)(A)(iv).

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

I. The Commission has jurisdiction over the Respondents and the subject matter of this proceeding, and this agreement has the effect of an agreement entered pursuant to 2 U.S.C. § 437g(a)(4)(A)(i).

II. Respondents have had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. Respondents enter voluntarily into this agreement with the Commission.

IV. The pertinent facts in this matter are as follows:

1. Respondent, National Venture Capital Association Political Action Committee, is a political committee within the meaning of 2 U.S.C. § 431(4).

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2. Respondent, Allen Neece, Jr., is the treasurer of the National Venture Capital Association Political Action Committee.

3. Section 434(a)(4)(A)(iv) of Title 2 provides that unauthorized committees filing quarterly shall file a Year End Report for years in which no regularly scheduled elections are held no later than January 31 of the following calendar year.

4. Respondents were required to file the 1987 Year End Report no later than January 31, 1988. Respondents filed the 1987 Year End Report on April 1, 1988.

V. Respondents failed to file the 1987 Year End Report in a timely fashion in violation of 2 U.S.C. § 434(a)(4)(A)(iv).

VI. Respondents will pay a civil penalty to the Federal Election Commission in the amount of one thousand dollars (\$1,000.00), pursuant to 2 U.S.C. § 437g(a)(5)(A).

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

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

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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

BY: Lois G. Lerner
Lois G. Lerner
Associate General Counsel

July 19, 1988
Date

FOR THE RESPONDENTS:

[Signature] Treas.
(Name)
(Position)

7/5/88
Date

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 2628

DATE FILMED 8/3/88 CAMERA NO. 4

CAMERAMAN K.A.U.

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