



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 2711

DATE FILMED 4/6/89 CAMERA NO. 4

CAMERAMAN AS

89040742523



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 20, 1988

MEMORANDUM

TO: LAWRENCE M. NOBLE
GENERAL COUNSEL

THROUGH: JOHN C. SURINA
STAFF DIRECTOR

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

SUBJECT: REFERRAL OF ACCION DEMOCRATA PUERTORRIQUEÑA

This is a referral of the Accion Democrata Puertorriqueña ("ADP") for failing to file the 1988 April Monthly Report

According to the 1987-1988 RAD Review and Referral Procedures for Unauthorized Committees (Standard 3), further examination is required by your office.

The ADP was sent a Post-Registration Packet by the Information Division. This packet contained a notice explaining filing requirements for 1988.

If you have any questions, please contact Tony Raymond at 376-2480.

Attachment

89040742524

REPORTS ANALYSIS REFERRAL

TO

OFFICE OF GENERAL COUNSEL

DATE: June 20, 1988ANALYST: Anthony Raymond

I. COMMITTEE: Accion Democrata Puertorriqueña
(C00222869)
Lucas Malavé, Treasurer
G.P.O. Box 3788
San Juan, PR 00936

II. RELEVANT STATUTE: 2 U.S.C. §434(a)(4)(B)
11 CFR 104.5(c)(3)(i)

III. BACKGROUND:

Failure to Timely File the 1988 April Monthly Report

The Accion Democrata Puertorriqueña ("ADP") failed to timely file the 1988 April Monthly Report of Receipts and Disbursements covering the period from March 1, 1988 to March 31, 1988. A Non-Filer Notice was sent to ADP on May 9, 1988 (Attachment 2).

On June 9, 1988, the Reports Analysis Division ("RAD") analyst called Lucas Malavé, ADP's treasurer, about the delinquent report. Mr. Malavé stated that the report was being prepared and would be filed immediately (Attachment 3).

On June 10, 1988, ADP filed a Termination Report, which included the 1988 April Monthly reporting period within its coverage dates, via certified mail. Mr. Malavé's cover letter stated that the report was filed late, "due mainly to the fact that we were awaiting your [the Commission's] decision on our request to use computerized [sic] produced schedules to report the individual contributions" (Attachment 5).

IV. OTHER PENDING MATTERS INITIATED BY RAD:

None.

89040742525

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FEDERAL ELECTION COMMISSION
1987-1988

DATE 17JUN88

COMMITTEE INDEX OF DISCLOSURE DOCUMENTS - (C)

PAGE 1

COMMITTEE	DOCUMENT	RECEIPTS	DISBURSEMENTS	COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
					TYPE OF FILER	
	ACTION DEMOCRATA PUERTORRIQUENA					ID #C00222869 NON-PARTY NON-QUALIFIED
	CONNECTED ORGANIZATION: NONE					
	REQUEST FOR ADDITIONAL INFORMATION			0 00		1 88FEC/512/1004
	REQUEST FOR ADDITIONAL INFORMATION 2ND			0 00		2 88FEC/515/1798
1988	STATEMENT OF ORGANIZATION			16FEB88		2 88FEC/509/1810
	STATEMENT OF ORGANIZATION - AMENDMENT			31MAR88		2 88FEC/515/5192
	MISCELLANEOUS REPORT TO FEC			3MAY88		3 88FEC/524/1604
	FEBRUARY MONTHLY	84,968	11,429	11JAN88 -10FEB88		8 88FEC/515/3102
	FEBRUARY MONTHLY AMENDMENT	81,068	5,529	11JAN88 -10FEB88		16 88FEC/529/1878
	REQUEST FOR ADDITIONAL INFORMATION			11JAN88 -10FEB88		7 88FEC/523/5020
	REQUEST FOR ADDITIONAL INFORMATION 2ND			11JAN88 -10FEB88		8 88FEC/526/0024
	NOTICE OF FAILURE TO FILE			11FEB88 -29FEB88		1 88FEC/528/4673
	NOTICE OF FAILURE TO FILE			1MAR88 -31MAR88		1 88FEC/524/4945
	NOTICE OF FAILURE TO FILE			1APR88 -30APR88		1 88FEC/528/4678
	TERMINATION REPORT	76,831	152,198	11FEB88 -30APR88		14 88FEC/529/1426
	TOTAL	157,899	0 157,727	0		66 TOTAL PAGES

All reports have been reviewed.

Cash on hand as of 4/30/88: \$172.00

Debts and obligations owed to the committee as of 4/30/88: \$-0-

Debts and obligations owed by the committee as of 4/30/88: \$-0-



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-7

May 9, 1988

Lucas Malave, Treasurer
Accion Democrata Puertorriquena
GPO Box 3788
San Juan, PR 00936

Identification Number: C00222869

Reference: April Monthly Report (3/1/88-3/31/88)

Dear Mr. Malave:

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 Anthony Raymond 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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REPORT OF CANDIDATE FOR FEDERAL OFFICE
For Other Than An Electoral Committee
(Summary Page)

Attachment 4 (1 of 2)

FEDERAL ELECTION COMMISSION RECEIVED

08 JUN 16 01:11:26

1 NAME OF COMMITTEE (in full)
ACCION DEMOCRATA PUERTORRIQUENA

2 ADDRESS (number and street) Check if different than previously reported
G.P.O. Box 3788

3 CITY, STATE and ZIP CODE
San Juan, Puerto Rico 00936

4 FEDERAL IDENTIFICATION NUMBER
C - 00222869

5 This committee qualified as a non-profit committee DURING THIS Reporting Period

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)

- Monthly Report Due On:**
- February 20 June 20 October 20
 - March 20 July 20 November 20
 - April 20 August 20 December 20
 - May 20 September 20 January 21

Twelfth day report preceding _____ (Type of Election)
 election on _____ in the State of _____

Thirtieth day report following the General Election on _____
 in the State of _____

Termination Report

(b) Is this Report an Amendment? YES NO

SUMMARY

	COLUMN A This Period	COLUMN B Calendar Year-to-Date
2.5 Covering Period <u>1/1/88</u> through <u>4/30/88</u>		
3.5 (a) Cash on Hand XXXXXXXXXXXX 2/10/88		\$ 75,539.65
(b) Cash on Hand at Beginning of Reporting Period	\$ 75,739.65	
(c) Total Receipts (from Line 18)	\$ 76,831.03	\$ 157,899.68
(d) Subtotal (add Lines 6(b) and 6(c) for Column A and Lines 6(a) and 6(c) for Column B)	\$ 152,370.68	\$ 157,899.68
7 Total Disbursements (from Line 28)	\$ 152,198.68	\$ 157,727.68
8 Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d))	\$ 172.00	\$ 172.00
9 Debts and Obligations Owed TO the Committee (Itemize all on Schedule C and/or Schedule D)	\$ -0-	For further information contact: Federal Election Commission 999 E Street, NW Washington, DC 20463 Toll Free 800-434-8630 Local 202-376-3120
10 Debts and Obligations Owed BY the Committee (Itemize all on Schedule C and/or Schedule D)	\$ -0-	

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
LUCAS MALAVE

Signature of Treasurer *[Signature]* Date **6/10/88**

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. §437c

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00136



TO:

Miss Tamey Rollins
Reports Analyst
Reports Analyst Division
FEDERAL ELECTION COMMISSION
999 R. Street NW
Washington, D.C. 20463

CERTIFIED

P 704 737 767

MAIL

Attachment 4 (2 of 2)

RECEIVED

88 JUN 14 AM 11:23

DEMOCRATIC PARTY
(PUERTO RICO)
G.P.O. Box 3788
San Juan, Puerto Rico 00936

June 7, 1988

Federal Election Commission
999 E Street, NW
Washington, DC 20463

ATTENTION: Miss Tammy Rollins

RE: Identification Numbers

C 00222877

C 00222851

C 00222869

Gentlemen:

We are including the amended reports as of February 10, 1988, and the report of Receipts and Disbursements up to April 30, 1988, which should be considered our termination reports, for each of the above referenced Committees.

We feel that in your analysis of these reports consideration should be given to the following comments:

Although it appears that under the provisions of the Federal Election Campaign Act (the Act), we were not required to file these reports with the Commission, we voluntarily elected to be covered as an indication of pureness in our doings among our hundreds of contributors.

9994074153

Federal Election Commission
June 7, 1988
Page Two

It should be noted that what we held in March 20, 1988 in Puerto Rico was indeed an election among our voters to decide who was to represent the Democratic Party in Puerto Rico. If Mr. Carlos Romero Barceló, the ex-Governor of Puerto Rico representing the New Progressive Party or Senator Miguel Hernández Agosto, President of the Senate in the local Legislature representing the Popular Democratic Party.

Each of these two leaders proposed a slate of persons, who were to become delegates in the forthcoming Democratic Convention to be held in Atlanta, Georgia.

All our monetary contributions came from people residing in Puerto Rico and all our disbursements, related to this election, were made to individuals and/or entities operating in Puerto Rico.

Although our efforts were directed to comply as close as possible with the provisions and requirements of the Act, there were various contributions received by mail and/or collected by individuals, working on a voluntarily basis, from whom we did not obtain their occupation and name of employer.

We were completely aware of the \$5,000 annual limits per individual and in accordance therewith we limited the contributions to a maximum of \$3,000 per individual. However, it may appear that the same individual is contributing \$3,000 per Committee and since these three committees all affiliated, in adding the amounts contributed to each committee it may look as if there is a violation of the \$5,000 limit. However, Puerto Rico is a

RECEIVED
FEDERAL ELECTION COMMISSION
SECRETARIAT

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

88 SEP 29 PM 3:24

SENSITIVE

FIRST GENERAL COUNSEL'S REPORT

RAD REFERRAL 88NF-22
Staff Member: Beverly Kramer

SOURCE: INTERNALLY GENERATED

RESPONDENTS: Accion Democrata Puertorriquena
and Lucas Malave, as treasurer

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

INTERNAL REPORTS CHECKED: Referral Materials
Public Record

FEDERAL AGENCIES CHECKED: None

I. GENERATION OF MATTER

The Reports Analysis Division ("RAD") referred the Accion Democrata Puertorriquena ("the Committee") to the Office of the General Counsel on June 20, 1988. The basis for the attached referral is the Committee's failure to file the 1988 April Monthly Report in a timely manner.^{1/}

II. FACTUAL AND LEGAL ANALYSIS

The Federal Election Campaign Act of 1971, as amended, provides that for unauthorized committees filing monthly, such committees shall file monthly reports in all calendar years which

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shall be filed no later than the 20th day after the last day of the month. 2 U.S.C. § 434(a)(4)(B). Thus, the due date for the 1988 April Monthly Report was April 20, 1988.

The Committee did not file the 1988 April Monthly Report by April 20, 1988. Rather, on June 10, 1988 the Committee filed a Termination Report that included the 1988 April Monthly reporting period within its coverage dates.^{2/} Accordingly, the Office of the General Counsel recommends that the Commission open a matter under review and find reason to believe the Committee and Lucas Malave, as treasurer, violated 2 U.S.C. § 434(a)(4)(B).

III. DISCUSSION OF CONCILIATION AND CIVIL PENALTY

^{2/} The treasurer's cover letter stated that the report was filed late "due mainly to the fact that we were awaiting [the Commission's] decision on our request to use computerized produced schedules to report the individual contributions."

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IV. RECOMMENDATIONS

1. Open a MUR
2. Find reason to believe Accion Democrata Puertorriquena and Lucas Malave, as treasurer, violated 2 U.S.C. § 434(a)(4)(B).
3. Enter into conciliation with Accion Democrata Puertorriquena and Lucas Malave, as treasurer, prior to a finding of probable cause to believe.

4. Approve the attached letter, Factual and Legal Analysis and proposed conciliation agreement.

Lawrence M. Noble
General Counsel

9/29/88
Date


Lois G. Lerner
Associate General Counsel

Attachments

1. Referral materials
2. Letter, Factual and Legal Analysis and proposed conciliation agreement

89040742537

(Concerning certification)

(MUR 2711)

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
)
 Accion Democrata Puertorriquena)
 and Lucas Malave, as treasurer)

RAD Ref. 88NF-22

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on October 4, 1988, the Commission decided by a vote of 6-0 to take the following actions in RAD Ref. 88NF-22:

1. Open a MUR.
2. Find reason to believe Accion Democrata Puertorriquena and Lucas Malave, as treasurer, violated 2 U.S.C. § 434(a)(4)(B).
3. Enter into conciliation with Accion Democrata Puertorriquena and Lucas Malave, as treasurer, prior to finding of probable cause to believe.

(Continued)

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4. Approve the letter, Factual and Legal Analysis and proposed conciliation agreement, as recommended in the First General Counsel's report signed September 29, 1988.

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

Attest:

10/6/88
Date

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

Received in the Office of Commission Secretary: Thurs., 9-29-88, 3:24
Circulated on 48 hour tally basis: Fri., 9-30-88, 12:00
Deadline for vote: Tues., 10-04-88, 4:00

99040742539



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

October 7, 1988

Mr. Lucas Malave, Treasurer
Accion Democrata Puertorriquena
G.P.O. Box 3788
San Juan, PR 00936

RE: MUR 2711
Accion Democrata
Puertorriquena and Lucas
Malave, as treasurer

Dear Mr. Malave:

On October 4, 1988, the Federal Election Commission found that there is reason to believe Accion Democrata Puertorriquena ("Committee") and you, as treasurer, violated 2 U.S.C. § 434(a)(4)(B), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

Under the Act, you have an opportunity to demonstrate that no action should be taken against 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.

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plm

Lucas Malave
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.

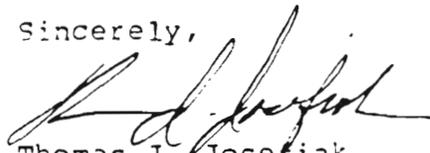
Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of General Counsel ordinarily will not give extensions beyond 20 days.

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

Sincerely,



Thomas J. Josefak
Chairman

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

33040742541

RECEIVED
FEDERAL ELECTION COMMISSION

BEFORE THE FEDERAL ELECTION COMMISSION FEB -2 AM 8:56

In the Matter of)	
)	
Accion Democrata Puertorriquena	)	MURs 2711
and Lucas Malave, as treasurer	)	2716
Democratas al Servicio de Puerto	)	2731
Rico and Lucas Malave, as treasurer)	
Accion Democrata Popular and)	
Lucas Malave, as treasurer)	

SENSITIVE

GENERAL COUNSEL'S REPORT

I. BACKGROUND

On October 4, 1988, the Commission found reason to believe Accion Democrata Puertorriquena and Lucas Malave, as treasurer, violated 2 U.S.C. § 434(a)(4)(B) by failing to timely file its 1988 April Monthly Report (MUR 2711). Additionally, on October 6, 1988, the Commission found reason to believe Democratas al Servicio de Puerto Rico and Lucas Malave, as treasurer, violated 2 U.S.C. § 434(a)(4)(B) by failing to timely file its 1988 April Monthly Report (MUR 2716).^{1/} Additionally, on October 13, 1988, the Commission found reason to believe the Accion Democrata Popular and Lucas Malave, as treasurer, violated 2 U.S.C. § 434(a)(4)(B) by failing to file timely its 1988 March and April Monthly Reports (MUR 2731). The Commission further determined to enter into conciliation prior to a finding of probable cause to believe with each of the committees.^{2/}

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1/ The Commission also voted on that date to merge MUR 2636 with this matter. MUR 2636 addressed the committee's failure to file timely its 1988 March Monthly Report.

2/ According to responses submitted in this matter, these three committees are affiliated political committees.

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Accordingly, attached for Commission approval is a combined conciliation agreement for these three affiliated committees.

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III. RECOMMENDATION

1. Approve the attached counterproposal and letter.

Lawrence M. Noble
General Counsel

2/1/89
Date

By: 
Lois G. Lerner
Associate General Counsel

Attachments

1. October 28, 1988 Response
2. December 6, 1988 Response
3. Proposed conciliation agreement
4. Proposed letter

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)	
)	
Accion Democrata Puertorriquena)	MURs 2711
and Lucas Malave, as treasurer	)	2716
Democrat as al Servicio de Puerto	)	2731
Rico and Lucas Malave, as treasurer)	
Accion Democrata Popular and)	
Lucas Malave, as treasurer)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on February 6, 1989, the Commission decided by a vote of 6-0 to approve the counterproposal and letter, as recommended in the General Counsel's report signed February 1, 1989.

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

Attest:

2/6/89
Date

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

Received in the Office of Commission Secretary:	Thurs.,	2-2-89,	8:56
Circulated on 48 hour tally basis:	Thurs.,	2-2-89,	11:00
Deadline for vote:	Mon.,	2-6-89,	11:00

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BEFORE THE FEDERAL ELECTION COMMISSION

89 MAR -2 AM 11:15

In the Matter of)	
)	
Accion Democrata Puertorriquena)	MURs 2711
and Lucas Malave, as treasurer	)	2716
Democrat as al Servicio de Puerto	)	2731
Rico and Lucas Malave, as)	
treasurer)	
Accion Democrata Popular and)	
Lucas Malave, as treasurer)	

SENSITIVE

GENERAL COUNSEL'S REPORT

I. BACKGROUND

Attached for Commission approval is a conciliation agreement signed by Lucas Malave, treasurer of the three respondent Committees in the above-captioned matters. The proposed agreement contains no changes from the agreement most recently approved by the Commission. A check for the civil penalty accompanied the agreement. Therefore, the Office of the General Counsel recommends that the Commission approve the attached agreement and close the files in these matters.

II. RECOMMENDATIONS

1. Accept the attached agreement signed by Lucas Malave, treasurer of Accion Democrata Puertorriquena, Democrat as al Servicio de Puerto Rico, and Accion Democrata Popular.
2. Approve the attached letter.
3. Close the files in these matters.

Lawrence M. Noble
General Counsel

3/1/89
Date

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

- Attachments
1. Agreement
 2. Check
 3. Proposed Letter

Staff Person: Patty Reilly

89040742547

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)	
)	
Accion Democrata Puertorriquena	)	MURs 2711
and Lucas Malave, as treasurer	)	2716
Democrat as al Servicio de Puerto	)	2731
Rico and Lucas Malave, as)	
treasurer)	
Accion Democrata Popular and)	
Lucas Malave, as treasurer)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on March 6 1989, the Commission decided by a vote of 6-0 to take the following actions in MURs 2711, 2716, and 2731:

1. Accept the agreement signed by Lucas Malave, treasurer of Accion Democrata Puertorriquena, Democrat as al Servicio de Puerto Rico, and Accion Democrata Popular.
2. Approve the letter, as recommended in the General Counsel's report signed March 1, 1989.
3. Close the files in these matters.

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

Attest:

3-6-89

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

Received in the Office of Commission Secretary:	Thurs.,	3-2-89,	11:15
Circulated on 48 hour tally basis:	Thurs.,	3-2-89,	4:00
Deadline for vote:	Mon.,	3-6-89,	4:00

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plus



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

March 10, 1989

Lucas Malave, Treasurer
Democratic Party of Puerto Rico
G.P.O. Box 3788
San Juan, Puerto Rico 00936

RE: MURS 2711, 2716 and 2731

Dear Mr. Malave:

On March 6, 1989, the Federal Election Commission accepted the signed conciliation agreement and civil penalty submitted on your behalf in settlement of violations of 2 U.S.C. § 434(a)(4)(B), a provision of the Federal Election Campaign Act of 1971, as amended. Accordingly, the files have been closed in these matters. These matters 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 Patty Reilly, the attorney assigned to this matter, at (202) 370-5690.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosure

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
) MURs 2711
) 2716
Democratas al Servicio de Puerto) 2731
Rico and Lucas Malave, as treasurer)
)
Accion Democrata Puertorriquena and)
Lucas Malave, as treasurer)
)
Accion Democrata Popular and)
Lucas Malave, as treasurer)

CONCILIATION AGREEMENT

This matter was initiated by the Federal Election Commission ("Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. The Commission found reason to believe that the Democratas al Servicio de Puerto Rico and Lucas Malave, as treasurer, violated 2 U.S.C. § 434(a)(4)(B). Additionally, the Commission found reason to believe that Accion Democrata Puertorriquena and Lucas Malave, as treasurer, violated 2 U.S.C. § 434(a)(4)(B). The Commission also found reason to believe that Accion Democrata Popular and Lucas Malave, as treasurer, violated 2 U.S.C. § 434(a)(4)(B). This agreement collectively refers to all three committees and their treasurer as "Respondents."

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)(i).

99040742550

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:

A. The Respondents

1. Respondent, *Democratatas al Servicio de Puerto Rico* is a political committee within the meaning of 2 U.S.C. § 431(4).

2. Respondent, *Accion Democrata Puertorriquena* is a political committee within the meaning of 2 U.S.C. § 431(4).

3. Respondent, *Accion Democrata Popular*, is a political committee within the meaning of 2 U.S.C. § 431(4).

4. Respondent, *Lucas Malave*, is treasurer of the three respondent committees. These respondent committees are affiliated political committees within the meaning of 2 U.S.C. § 441a(a)(5).

B. The Law

5. Section 434(a)(4)(B) of Title 2, United States Code, provides that unauthorized committees filing monthly shall file monthly reports in all calendar years which shall be filed no later than the 20th day after the last day of the month.

6. In lieu of the 1988 March and April Monthly reports which were due on March 20th and April 20th, 1988, respectively, Respondents *Democratatas al Servicio de Puerto Rico* and *Lucas*

R 9 0 4 0 7 4 2 5 5 1

Malave, as treasurer, filed a Termination Report on June 10, 1988, that included the 1988 March and April Monthly reporting periods within its coverage dates.

7. In lieu of the 1988 April Monthly Report which was due by April 20, 1988, Respondents Accion Democrata Puertorriquena and Lucas Malave, as treasurer, filed a Termination Report on June 10, 1988, that included the 1988 April Monthly reporting period within its coverage dates.

8. In lieu of the 1988 March and April Monthly reports which were due on March 20th and April 20th, 1988, respectively, Respondents Accion Democrata Popular and Lucas Malave, as treasurer, filed a Termination Report on June 10, 1988, that included the 1988 March and April Monthly reporting periods within its coverage dates.

V. 1. Respondents Democratas al Servicio de Puerto Rico and Lucas Malave, as treasurer, failed to file the 1988 March and April Monthly Reports in a timely fashion, in violation of 2 U.S.C. § 434(a)(4)(B).

2. Respondents Accion Democrata Puertorriquena and Lucas Malave, as treasurer, failed to file the 1988 April Monthly Report in a timely fashion, in violation of 2 U.S.C. § 434(a)(4)(B).

3. Respondents Accion Democrata Popular and Lucas Malave, as treasurer, failed to file the 1988 March and April Monthly Reports in a timely fashion, in violation of 2 U.S.C. § 434(a)(4)(B).

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VI. Respondents will pay a civil penalty to the Federal Election Commission in the amount of three thousand one hundred and twenty-five dollars (\$3,125), 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.

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

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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

3/9/89
Date

FOR THE RESPONDENTS:

J. Madeline - Treasurer
(Name)
(Position)

February 15, 1989
Date

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

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