



FEDERAL ELECTION COMMISSION  
WASHINGTON, D C 20463

THIS IS THE BEGINNING OF MUR # 2830

DATE FILMED 5/19/89 CAMERA NO. 4

CAMERAMAN J.A.D.

89040750039

**REPORTS ANALYSIS REFERRAL**

**TO**

**OFFICE OF GENERAL COUNSEL**

**DATE: 21 December 1988**

**ANALYST: Kevin R. Salley**

**I. COMMITTEE:** Committee to Elect Tufele to Congress  
(C00231605)  
Abe U. Malae, Treasurer  
P.O. Box 105  
Pago Pago, American Samoa 96799

**II. RELEVANT STATUTE:** 2 U.S.C. §434(a)(2)(A)(i)  
11 CFR 104.5(a)(1)(i)

**III. BACKGROUND:**

Failure to File a Required Report as of Election Day

The Committee to Elect Tufele to Congress ("the Committee") failed to file the 12 Day Pre-General Report of Receipts and Disbursements as of Election Day, November 22, 1988. The Committee was notified on October 3, 1988, that the 12 Day Pre-General Report was due November 10, 1988 (Attachment 2). A notice was telefaxed to the Committee via satellite on November 10, 1988 for failure to file the 12 Day Pre-General Report (Attachment 3). The notice informed the Committee that failure to file the report immediately might result in publication, audit or legal enforcement action. The name of the Committee was published for failure to file the 12 Day Pre-General Report on November 18, 1988 (Attachment 4).

The 12 Day Pre-General Report (covering dates October 20, 1988 through November 2, 1988) was filed on November 23, 1988 (Attachment 5).

**IV. OTHER PENDING MATTERS INITIATED BY RAD:**

None.

89040750040

FEDERAL ELECTION COMMISSION  
1987-1988  
CANDIDATE INDEX OF SUPPORTING DOCUMENTS - (E)

DATE 14DEC88

PAGE 1

CANDIDATE/COMMITTEE/DOCUMENT	OFFICE SOUGHT/	PARTY	RECEIPTS		DISBURSEMENTS		COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
			PRIMARY	GENERAL	PRIMARY	GENERAL			
TUFELE, F LI'AMATUA		HOUSE 00 INDEPENDENT					1988 ELECTION	ID# H8460029	
1. STATEMENT OF CANDIDATE									
1988 STATEMENT OF CANDIDATE							30AUSE8		1 88HSE/358/3756
2. PRINCIPAL CAMPAIGN COMMITTEE									
COMMITTEE TO ELECT TUFELE TO CONGRESS								ID #C00231605	HOUSE
1988 STATEMENT OF ORGANIZATION							304UG88		1 88HSE/358/3744
OCTOBER QUARTERLY			44,098		41,545	1APR88 -30SEP88			3 88HSE/368/4302
1 <sup>ST</sup> LETTER INFORMATIONAL NOTICE						1APR88 -30SEP88			2 88FEC/565/3460
PRE-GENERAL			5,225		6,980	1OCT88 -19OCT88			2 88HSE/369/4305
1 <sup>ST</sup> LETTER INFORMATIONAL NOTICE						1OCT88 -19OCT88			2 88FEC/565/3455
NOTICE OF FAILURE TO FILE						20OCT88 - 2NOV88			1 88FEC/565/1658
PRE-RUN-OFF			0		7,507	20OCT88 - 2NOV88			2 88HSE/369/2164
TOTAL			0	49,323	0	56,029			13 TOTAL PAGES

8 9 0 4 0 7 5 3 1

3. AUTHORIZED COMMITTEES  
JOINT FUNDRAISING COMMITTEES AUTHORIZED BY THE CAMPAIGN

ALL REPORTS HAVE BEEN REVIEWED.  
ENDING CASH-ON-HAND AS OF 11/02/88: \$2569.68  
DEBTS AND OBLIGATIONS OWED BY THE COMMITTEE AS OF 11/02/88: \$2569.68<sup>1/</sup>

<sup>1/</sup> The Committee's 1988 12 Day Pre-Runoff Report disclosed an amount of \$2569.68 on Line 10 of the Summary Page; however, the Committee failed to provide the appropriate Schedules C and/or D to support this figure. The coincidence of this figure matching exactly with the ending cash-on-hand may suggest a possible typographical error, and a ZERO balance for Debts and Obligations owed by the Committee as of 11/02/88.

# REPORT NOTICE

## FEDERAL ELECTION COMMISSION

AMERICAN SAMOA

October 3, 1988

**FOR ALL COMMITTEES, IF ONLY ONE ELECTION (11/08/88) IS HELD:**

REPORT	REPORTING PERIOD	REG./CERT. MAILING DATE*	FILING DATE
Pre-General	10/01/88**-10/19/88	10/24/88	10/27/88
Post-General	10/20/88 - 11/28/88	12/08/88	12/08/88

**FOR ALL COMMITTEES INVOLVED IN TWO ELECTIONS (11/08) AND (11/22):**

REPORT	REPORTING PERIOD	REG./CERT. MAILING DATE*	FILING DATE
Pre-Primary	10/01/88**-10/19/88	10/24/88	10/27/88
Pre-General	10/20/88 - 11/02/88	11/10/88	11/10/88
Post-General	11/03/88 - 12/12/88	12/22/88	12/22/88

**FOR COMMITTEES INVOLVED IN THE ELECTION HELD (11/8), BUT NOT THE ELECTION HELD (11/22):**

REPORT	REPORTING PERIOD	REG./CERT. MAILING DATE*	FILING DATE
Pre-Primary	10/01/88**-10/19/88	10/24/88	10/27/88
Year-End	10/20/88 - 12/31/88	01/31/89	01/31/89

**WHO MUST FILE**

PRINCIPAL CAMPAIGN COMMITTEES OF CONGRESSIONAL "CANDIDATES" who seek nomination in the November 8, 1988 and, if held, November 22, 1988 American Samoa Elections.

\*Reports sent by registered or certified mail must be postmarked by the mailing date. Otherwise, they must be received by the filing date.

\*\*From the date of registration, or the close of books of the last report filed, whichever is later.

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

(over)

3 3 7 4 0 7 5 0 0 4 2



**WHAT MUST BE REPORTED**

All financial activity that occurred during the reporting period (or before, if not previously reported).

**REPORTING FORMS**

Candidate committees use FORM 3 (enclosed). If the campaign has more than one authorized committee, the principal campaign committee must also file a consolidated report on FORM 3Z.

**WHERE TO FILE**

Consult the instructions on the back of the FORM 3 Summary Page. Note state filing requirements also.

**LABEL**

Committees should affix the peel-off label from the envelope to Line 1 of the report. Corrections should be made on the label.

**LAST-MINUTE CONTRIBUTIONS**

Committees which receive a contribution of \$1,000 or more, between 20 and 2 days before the election, must report it within 48 hours of its receipt.

**COMPLIANCE**

TREASURERS OF POLITICAL COMMITTEES ARE RESPONSIBLE FOR FILING ALL REPORTS ON TIME. FAILURE TO DO SO IS SUBJECT TO ENFORCEMENT ACTION. COMMITTEES FILING ILLEGIBLE REPORTS OR USING NON-FEC FORMS WILL BE REQUIRED TO REFILE.

89040750043



## FEDERAL ELECTION COMMISSION

WASHINGTON DC 20463

80-7

November 10, 1988

Abe U. Malae, Treasurer  
 Committee to Elect Tufele  
 to Congress  
 P.O. Box 105  
 Pago Pago, American Samoa 96799

Identification Number: C00231605

Reference: 12 Day Pre-General Report (10/20/88-11/02/88)

Dear Mr. Malae:

It has come to the attention of the Federal Election Commission that you may have failed to file the above referenced Report of Receipts and Disbursements as required by the Federal Election Campaign Act. You were previously notified of the due date for this report.

It is important that you file this report immediately with the Clerk of the House, Office of Records and Registration, 1036 Longworth House Office Building, Washington, DC 20515, or the Secretary of the Senate, 232 Hart Senate Office Building, Washington, DC 20510, as appropriate. A copy of the report should also be filed with the Secretary of State or equivalent state officer of your state.

The failure to file this report may result in publication, audit or legal enforcement action.

If you have any questions regarding this matter, please contact Kevin Salley 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

This notice was telefaxed via satellite.

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# FEDERAL ELECTION COMMISSION

ATTACHMENT 4



Press Office  
999 E Street, N.W., Washington, D.C. 20463  
Phone: Local 376-3155 Toll Free 800-424-9530

FOR IMMEDIATE RELEASE:  
FRIDAY, NOVEMBER 18, 1988

CONTACT: FRED EILAND  
SHARON SNYDER  
SCOTT MOXLEY

## FEC CITES CONGRESSIONAL CAMPAIGN FOR FAILING TO FILE 12 DAY PRE-RUNOFF ELECTION REPORT

WASHINGTON — The Federal Election Commission has cited the campaign committee of one 1988 U.S. House candidate for failing to file the required 12 day pre-runoff election report.

A financial disclosure report from the following committee had not been filed as of 5 p.m., November 18:

[ AMERICAN SAMOA...COM. TO ELECT TUFELE TO CONGRESS...F. LI'AMATUA TUFELE...IND ]

K.R.S.

The report was due November 10, covering activity from October 20 through November 2. If sent by regular mail or hand-delivered, the report should have been received by close-of-business on November 10. If sent by certified or registered mail, the reports were to have been postmarked by November 10. Committees were notified of their filing requirements on October 3 and those which failed to file were again notified on November 14. The runoff is scheduled for November 22.

The 1979 Amendments to the Federal Election Campaign Act specify that the Commission publish the names of only those committees authorized by candidates to raise and spend money on their behalf. Therefore, this list does not include other types of political committees which may have also been required to file.

In addition, individuals register as candidates only after they have raised or spent in excess of \$5,000. Prior to reaching that threshold, no registration or reporting is required. Therefore, some individuals whose names appear on state ballots may have no filing obligations.

Further FEC action against non-filers will be decided on a case-by-case basis. The Federal Election Campaign Act gives the Commission broad authority to initiate enforcement actions, including civil court enforcement and the imposition of civil penalties (\$5,000 for "any violation" and \$10,000 for any "knowing and willful" violation) for infractions of the law, including failure to file required disclosure reports.

\*\*\*

REGULAR MAIL

REPORT OF RECEIPTS AND DISBURSEMENTS

For An Authorized Committee  
(Summary Page)

NOV 17 1988

RECEIVED  
NOV 23 1988  
K.R.S.  
129887

USE FEC MAILING LABEL  
OR  
TYPE ON PINK

1. NAME OF COMMITTEE (in full)  
**Committee to Elect Tufele for Congress**

ADDRESS (number and street)  Check if different than previously reported  
**P.O. Box 105**

CITY, STATE AND ZIP CODE  
**Paso Paso American Samoa 96799**

2. FEC IDENTIFICATION NUMBER  
**C 00231606**

3. IS THIS REPORT AN AMENDMENT?  
 YES  NO

4. TYPE OF REPORT

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

Twelfth day report preceding General (Type of Election)  
election on 11-8-88 in the State of American Samoa

Thirtieth day report following the General Election on \_\_\_\_\_ in the State of \_\_\_\_\_

This report contains activity for:  Primary Election  General Election  Special Election  Runoff Election

SUMMARY

	COLUMN A This Period	COLUMN B Calendar Year-to-Date
5. Covering Period <u>10-20-88</u> through <u>11-02-88</u>		
6. Net Contributions (other than loans)		
(a) Total Contributions (other than loans) (from Line 11(a))	8,857.00	58,180.53
(b) Total Contribution Refunds (from Line 20(a))	0	0
(c) Net Contributions (other than loans) (subtract Line 6(b) from 6(a))	8,857.00	58,180.53
7. Net Operating Expenditures		
(a) Total Operating Expenditures (from Line 17)	7,508.20	55,938.85
(b) Total Offsets to Operating Expenditures (from Line 14)	0	0
(c) Net Operating Expenditures (subtract Line 7(b) from 7(a))	7,508.20	55,938.85
8. Cash on Hand at Close of Reporting Period (from Line 27)	2,569.68	
9. Debts and Obligations Owed TO the Committee (Reported on Schedule C and/or Schedule D)	0	
10. Debts and Obligations Owed BY the Committee (Reported on Schedule C and/or Schedule D)	2,569.68	

For further information contact:  
Federal Election Commission  
900 E Street, NW  
Washington, DC 20463  
Toll Free 800-424-9600  
Local 202-576-3180

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  
**Abe U. Mahe**

Signature of Treasurer  
*[Signature]*

Date  
**11/15/88**

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. 9437g.

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

RECEIVED  
FEDERAL ELECTION COMMISSION  
ELECTORAL

89 FEB 23 PM 12:01

FIRST GENERAL COUNSEL'S REPORT

**SENSITIVE**

RAD Referral 88 HF-59  
Staff Member: Keith V. Morgan

SOURCE: INTERNALLY GENERATED

RESPONDENTS: Committee to Elect Tufele to Congress and Abe A. Malae, as treasurer

RELEVANT STATUTES: 2 U.S.C. § 434(a)(2)(A)(i)  
11 C.F.R. § 104.5(a)(1)

INTERNAL REPORTS CHECKED: Referral Material

FEDERAL AGENCIES CHECKED: None

I. GENERATION OF MATTER

The Reports Analysis Division ("RAD") referred the Committee to Elect Tufele to Congress (the "Committee") and Abe U. Malae, as treasurer, to the Office of the General Counsel on December 27, 1988 (Attachment A). The basis for the referral is the Committee's failure to file a 12 Day Pre-Runoff Election Report in a timely fashion.

II. FACTUAL AND LEGAL ANALYSIS

The Federal Election Campaign Act of 1971, as amended ("the Act"), provides that a political committee that is the principal campaign committee of a candidate for the House of Representatives must file a pre-election report, which shall be filed no later than the 12th day before any election in which such candidate shall be seeking election or nomination for election, and which shall be complete as of the 20th day before such election. 2 U.S.C. § 434(a)(2)(A)(i). The Committee is F. Li Amatua Tufele's principal campaign committee. Tufele was a candidate in the November 22, 1988 runoff election for a seat in

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the House of Representatives representing American Samoa. The 12 Day Pre-Runoff Election Report of receipts and disbursements was therefore due on November 10, 1988. The Committee did not file its Pre-Runoff Report until November 23, 1988, one day after the election and 13 days late. Accordingly, the Office of the General Counsel recommends that the Commission open a Matter Under Review and find reason to believe that the Committee to Elect Tufele to Congress and Abe A. Malae, as treasurer, violated 2 U.S.C. § 434(a)(2)(A)(1).

**III. DISCUSSION OF CONCILIATION AND CIVIL PENALTY**

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**IV. RECOMMENDATIONS**

1. Open a Matter Under Review.
2. Find reason to believe that the Committee to Elect Tufele, and Abe D. Malae, as treasurer, violated 2 U.S.C. § 434(a)(2)(A)(i).
3. Enter into conciliation prior to finding probable cause to believe.
4. Approve the attached letter, factual and legal analysis and proposed conciliation agreement.

Lawrence M. Noble  
General Counsel

Date 2/22/88

BY:   
Lois G. Lerner  
Associate General Counsel

**Attachments**

- A. Referral Material
- B. Proposed Conciliation Agreement
- C. Letter and Factual and Legal Analysis

Staff Person: Keith V. Morgan

BEFORE THE FEDERAL ELECTION COMMISSION

(MUR)  
2830

In the Matter of	)	
	)	
Committee to Elect Tufele to Congress	)	RAD Ref. 88NF-59
and Abe A. Malae, as treasurer	)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on February 28, 1989, the Commission decided by a vote of 6-0 to take the following actions in RAD Ref. 88NF-59:

1. Open a Matter Under Review.
2. Find reason to believe that the Committee to Elect Tufele, and Abe D. Malae, as treasurer, violated 2 U.S.C. § 434(a)(2)(A)(i).
3. Enter into conciliation prior to finding probable cause to believe, as recommended in the First General Counsel's Report signed February 22, 1989.

(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 February 22, 1989.

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

Attest:

2/28/89

Date

Marjorie W. Emmons

Marjorie W. Emmons  
Secretary of the Commission

Received in the Office of Commission Secretary: Thurs., 2-23-89, 12:01  
Circulated on 48 hour tally basis: Fri., 2-24-89, 12:00  
Deadline for vote: Tues., 2-28-89, 4:00

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

March 3, 1989

Abe U. Malae, Treasurer  
Committee to Elect Tufele  
to Congress  
P.O. Box 105  
Pago Pago, American Samoa 96799

RE: MUR 2830  
Committee to Elect  
Tufele to Congress

Dear Mr. Malae:

On February 28, 1989, the Federal Election Commission found that there is reason to believe the Committee to Elect Tufele to Congress ("Committee") and you, as treasurer, violated 2 U.S.C. § 434(a)(2)(A)(i), 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.

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,

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Abe U. Malae  
Page 2

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.

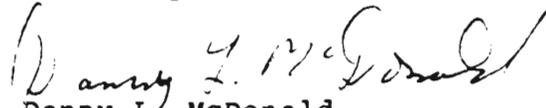
Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

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 Keith Morgan, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

  
Danny L. McDonald  
Chairman

Enclosures

Factual and Legal Analysis  
Procedures  
Designation of Counsel Form  
Conciliation Agreement

cc: F. Li'Amatua Tufele

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**FEDERAL ELECTION COMMISSION**

**FACTUAL AND LEGAL ANALYSIS**

**RESPONDENTS:** Committee to Elect Tufele to  
Congress and Abe A. Malae, as  
treasurer

MUR: 2830

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The Federal Election Campaign Act of 1971, as amended ("the Act"), provides that a political committee that is the principal campaign committee of a candidate for the House of Representatives must file a pre-election report, which shall be filed no later than the 12th day before any election in which such candidate shall be seeking election, or nomination for election, and which shall be complete as of the 20th day before such election. The Committee is F. Li Amatua Tufele's principal campaign committee. Tufele was a candidate in the November 22, 1988 runoff election for a seat in the House of Representatives representing American Samoa. The 12 Day Pre-Runoff Election Report of receipts and disbursements was therefore due on November 10, 1988. The Committee did not file its Pre-Runoff Report until November 23, 1988, one day after the election and 13 days late.

Therefore, there is reason to believe that the Committee to Elect Tufele to Congress and Abe A. Malae, as treasurer violated 2 U.S.C. § 434(a)(2)(A)(i).

March 17, 1989

Mr. Danny L. McDonald, Chairman  
Federal Election Commission  
Washington, D.C. 20463

RE: Your Memo of 3/3/89  
Received 3/13/89, MUR 2830

Dear Mr. McDonald,

When I volunteered to work part time as Treasurer for a campaign committee I had no idea I would be paying for a civil penalty out of my own pocket. Nevertheless, the check for \$750 is attached along with the signed Conciliation Agreement.

The reason the pre-election report was late was because of the tremendous workload I am faced with which gives me little time for myself. There are four other civic, church and community organizations for which I volunteer my time in addition to my own full time job. There was no intent whatsoever in trying to break any laws and am sorry that my report was late.

Sincerely,



ABE U. MALAE

/et

Attachment

cc: Clerk of the House of Representatives

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0750056

**ABE MALAE**  
P. O. BOX 105  
PAGO PAGO, AMERICAN SAMOA 96799

1724

1989  
Federal Election Commission \$ 750.<sup>00</sup>  
Seventy five hundred fifty Dollars

**Amerika Samoa Bank**  
P. O. BOX 3790, PAGO PAGO  
AMERICAN SAMOA 96799

For MUR 2830

101-402  
1214

1710065413

06C 2321

MEMORANDUM

TO: DEBRA A. TRIMIEW TO: CECILIA LIEBER

FROM: CECILIA LIEBER FROM: DEBRA A. TRIMIEW

CHECK NO. 1724 { A COPY OF WHICH IS ATTACHED } RELATING TO  
MUR 2830 AND NAME Committee to Elect Tufele to Congress  
(Morgan)  
WAS RECEIVED ON 3/29/89. 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 3/30/89

11:33:30

BEFORE THE FEDERAL ELECTION COMMISSION

RECEIVED  
FEDERAL ELECTION COMMISSION  
3/27/89

89 APR -6 AM 12:40

In the Matter of )  
 )  
Committee to Elect Tufele to ) MUR 2830  
Congress and Abe U. Malae, )  
as treasurer )

**SENSITIVE**

**GENERAL COUNSEL'S REPORT**

**I. BACKGROUND**

Attached is a conciliation agreement which has been signed by Abe U. Malae, the treasurer of the Committee to Elect Tufele to Congress.

The attached agreement contains no changes from the agreement approved by the Commission on March 1, 1989. A check for the civil penalty has been received.

**II. RECOMMENDATIONS**

1. Accept the attached conciliation agreement with the Committee to Elect Tufele to Congress and Abe U. Malae, as treasurer.
2. Close the file.
3. Approve the attached letter.

Lawrence M. Noble  
General Counsel

April 5, 1989  
Date

BY: George F. Rishel  
George F. Rishel  
Acting Associate General Counsel

**Attachments**

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

Staff Assigned: Keith V. Morgan

89040750057

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
Committee to Elect Tufele to ) MUR 2830  
Congress and Abe U. Malae, )  
as treasurer )

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on April 10, 1989, the Commission decided by a vote of 5-0 to take the following actions in MUR 2830:

1. Accept the conciliation agreement with the Committee to Elect Tufele to Congress and Abe U. Malae, as treasurer, as recommended in the General Counsel's report signed April 6, 1989.
2. Close the file.
3. Approve the letter, as recommended in the General Counsel's report signed April 6, 1989.

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

Attest:

4-10-89

Date

*Marjorie W. Emmons*

Marjorie W. Emmons  
Secretary of the Commission

Received in the Office of Commission Secretary:	Thurs.,	4-6-89,	12:40
Circulated on 48 hour tally basis:	Thurs.,	4-6-89,	4:00
Deadline for vote:	Mon.,	4-10-89,	4:00

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*plm*



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

April 14, 1989

Abe U. Malae, Treasurer  
Committee to Elect Tufele to Congress  
P.O. Box 105  
Pago Pago, American Samoa 96799

RE: MUR 2830  
Committee to Elect Tufele  
to Congress

Dear Mr. Malae:

On April 10, 1989, the Federal Election Commission accepted the signed conciliation agreement and civil penalty submitted on your behalf in settlement of a violation of 2 U.S.C. § 434(a)(2)(A)(i), 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 Keith V. Morgan, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble  
General Counsel

BY: George F. Risher  
Acting Associate General Counsel

Enclosure  
Conciliation Agreement

89040750059

060 2321

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 2830
Committee to Elect Tufele to	)	
Congress and Abe A. Malae, as	)	
treasurer	)	

89 MAR 29 PM 3:35

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 Committee to Elect Tufele to Congress and Abe U. Malae, as Treasurer ("Respondents") violated 2 U.S.C. § 434(a)(2)(A)(i).

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. Committee to Elect Tufele to Congress is a political committee within the meaning of 2 U.S.C. § 431(4)(A).

2. Abe U. Malae is the treasurer of the Committee to Elect Tufele to Congress.

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3. Section 434(a)(2)(A)(i) of Title 2 provides that a political committee that is the principal campaign committee of a candidate for the House of Representatives must file a pre-election report, which shall be filed no later than the 12th day before any election in which such candidate is seeking election or nomination for election.

4. The respondent committee was F. Li Amatha Tufele's principal campaign committee within the meaning of 2 U.S.C. § 431(5). Tufele was a candidate for a seat in the House of Representatives representing American Samoa, in a November 22, 1988 runoff election.

5. Respondents were required to file a Pre-Runoff Election Report 12 days before the November 22, 1988 runoff election. The report was due no later than November 10, 1988. Respondents filed the Pre-Runoff Report on November 23, 1988, thirteen days late, disclosing \$8,857 in receipts and \$7,503.20 in disbursements.

V. Respondents failed to file the 12 Day Pre-Runoff Election Report in a timely fashion in violation of 2 U.S.C. § 434(a)(2)(A)(i).

VI. Respondents will pay a civil penalty to the Federal Election Commission in the amount of seven hundred and fifty dollars (\$750.00), 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

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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 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 April 13, 1989  
Associate General Counsel Date

FOR THE RESPONDENTS:

THUSUND 3/21/89  
(Name) (Position) Date

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 2830

DATE FILMED 5/19/89 CAMERA NO. 4

CAMERAMAN J.A.Q.

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