



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 2867

DATE FILMED 4/13/90 CAMERA NO. 4

CAMERAMAN AS

00740765386



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

January 11, 1989

MEMORANDUM

TO: LAWRENCE M. NOBLE
GENERAL COUNSEL

THROUGH: JOHN C. SURINA *JCS*
STAFF DIRECTOR

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

SUBJECT: REFERRAL OF UNAUTHORIZED COMMITTEES FOR LATE/NON-
FILING OF THE 1988 OCTOBER QUARTERLY REPORT

Attached is a listing of eleven (11) unauthorized committees which failed to file the 1988 October Quarterly Report by Election Day, November 8, 1988.

For your information, each committee was sent prior notice of the due date of the report on September 21, 1988 (Attachment 12). Non-filer notices were sent to the committees on November 8, 1988 (Attachment 13).

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

Attachment

Attachment 1, page 4

00040705387

0104078390

C00144261: Society of Real Estate Appraisers Political 89NF-13
Action Committee (APPAC)

Attach. 1. mae 5

**Society of Real Estate Appraisers Political Action
Committee (APPAC)**

(Attachments 8a - 8d)

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

DATE 22DEC88

PAGE 4

COMMITTEE	DOCUMENT	RECEIPTS	DISBURSEMENTS	COVERAGE DATES	# OF PAGES TYPE OF FILER	MICROFILM LOCATION
SOCIETY OF REAL ESTATE APPRAISERS POLITICAL ACTION COMMITTEE (APPAC) CONNECTED ORGANIZATION: REAL ESTATE APPRAISERS; SOCIETY OF						
1987	MID-YEAR REPORT	13,426	1,250	1JAN87 -30JUN87	4	87FEC/480/0616
	1 ST LETTER INFORMATIONAL NOTICE			1JAN87 -30JUN87	1	87FEC/492/3817
	YEAR-END	1,055	-	1JUL87 -31DEC87	5	88FEC/528/4197
	YEAR-END - AMENDMENT	1,055	-	1JUL87 -31DEC87	5	88FEC/564/0294
	NOTICE OF FAILURE TO FILE			1JUL87 -31DEC87	1	88FEC/528/015
	REQUEST FOR ADDITIONAL INFORMATION			1JUL87 -31DEC87	1	88FEC/547/2588
	REQUEST FOR ADDITIONAL INFORMATION 2ND			1JUL87 -31DEC87	2	88FEC/551/3530
1988	STATEMENT OF ORGANIZATION - AMENDMENT			28OCT88	1	88FEC/564/0285
	MISCELLANEOUS NOTICE FROM FEC			10NOV88	1	88FEC/565/1115
	MISCELLANEOUS REPORT TO FEC			17NOV88	2	88FEC/565/2372
	APRIL QUARTERLY	11,935	7,350	1JAN88 -31MAR88	6	88FEC/519/0163
	APRIL QUARTERLY - AMENDMENT			1JAN88 -31MAR88	4	88FEC/528/5148
	REQUEST FOR ADDITIONAL INFORMATION			1JAN88 -31MAR88	1	88FEC/528/2585
	JULY QUARTERLY	6,790	6,750	1APR88 -30JUN88	6	88FEC/536/3181
	JULY QUARTERLY - AMENDMENT	6,790	6,750	1APR88 -30JUN88	8	88FEC/564/0286
	1 ST LETTER INFORMATIONAL NOTICE			1APR88 -30JUN88	1	88FEC/547/4065
	OCTOBER QUARTERLY	5,050		1JUL88 -30SEP88	4	88FEC/565/2374
	NOTICE OF FAILURE TO FILE			1JUL88 -30SEP88	1	88FEC/564/5388
	POST-GENERAL	160	5,450	1OCT88 -28NOV88	5	88FEC/566/3714
	TOTAL	38,416	0 20,800		59	TOTAL PAGES

ID #C00144261 NON-PARTY QUALIFIED

All reports have been reviewed.
Ending cash-on-hand as of 11/28/88: \$23,163
Outstanding debts owed to or by the committee as of 11/28/88: \$0

Attachment, p. 41

ATTACHMENT 8a

TELECON For the Society of Real Estate Appraisers PAC- C00144261

DATE: 10/28/88

COMMITTEE: Society of Real Estate Appraisers Political Action Committee
C00144261

CONTACT: Christine Williams

ANALYST: Paul W Dickson

SUBJECT: Non-Filing of the 1987 Year-End Report and Late-filing of the 1988 October Quarterly Report

Ms. Williams called in reference to the 1987 Year-End Report. Her records showed it as having been sent. She promised to send the report that day by messenger. Another pressing issue was the time it took her to correct the errors that the Committee's Chicago office made on the reports. She asked if she could be made treasurer or designated agent to save her time in getting amendments from the other office. I advised her to amend the Committee's Statement of Organization to reflect the change. As with the 1987 Year-End Report, she claimed that the Committee's Chicago office sent the October Quarterly Report out on time.

0 3 1 4 0 7 0 6 3 9 9

Attach. 1, p. 42



SOCIETY OF REAL ESTATE APPRAISERS

HAND DELIVERED
FEDERAL ELECTION COMMISSION
NOV 17 1988

OFFICE OF PUBLIC AFFAIRS
SUITE 1111
600 NEW HAMPSHIRE AVE., S.W.
WASHINGTON, D.C. 20007
(202) 298-6487

November 17, 1988

Lisa J. Stolaruk
Chief, Party/Non-Party Branch
Reports Analysis Division
Federal Election Commission
999 E Street, NW
Washington, DC 20463

This is in response to your letter in regard to the late filing of the Year End Report (7/1/87-12/31/87) and the October Quarterly Report (7/1/88-9/30/88). The Year End Report (87) was apparently lost in the mail and when notification of this was sent to the Society, the report was promptly refiled. In regard to the October Quarterly Report (88), I talked to our bookkeeper in Chicago and she said that the report was sent out on time. We do not know why you did not receive it. Enclosed is another filing of that report.

We are sorry for any inconvenience this may of caused you. Thank you for your assistance in this matter. If you need any additional information or have any questions, please feel free to call me at 298-8497.

Sincerely,

Christine Williams
Coordinator, Washington Operations

/cw
Enclosure

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Attch. 1, p. 43

REPORT OF RECEIPTS AND DISBURSEMENTS
(Summary Page)

ATTACHMENT-Bd

FEDERAL ELECTION COMMISSION
 REPORTS ANALYSIS DIVISION

NOV 17 AM 11:18

1. NAME OF COMMITTEE OR CANDIDATE Society Real Estate Advisors Political Action Committee	E-FEC IDENTIFICATION NUMBER C-00144261
ADDRESS (number and street) <input type="checkbox"/> Street address has previously reported 225 N. Michigan Ave.	2. <input type="checkbox"/> This committee qualified as a subordinate committee during this reporting period
CITY, STATE and ZIP CODE Chicago, IL 60601	(Date)

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 28 | <input type="checkbox"/> June 30 | <input type="checkbox"/> October 31 |
| <input type="checkbox"/> March 31 | <input type="checkbox"/> July 31 | <input type="checkbox"/> November 30 |
| <input type="checkbox"/> April 30 | <input type="checkbox"/> August 31 | <input type="checkbox"/> December 31 |
| <input type="checkbox"/> May 31 | <input type="checkbox"/> September 30 | <input 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>7/1/88</u> through <u>9/30/88</u>		
6. (a) Cash on Hand January 1, 19 <u>88</u>		\$ 18,778.28
(b) Cash on Hand at Beginning of Reporting Period	\$ 23,403.78	
(c) Total Receipts (from Line 10)	\$ 5,050.00	\$ 23,775.50
(d) Subtotal (add Lines 6(b) and 6(c) for Column A and Lines 6(a) and 6(c) for Column B)	\$ 28,453.78	\$ 42,553.78
7. Total Disbursements (from Line 20)	\$ --	\$ 14,100.00
8. Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d))	\$ 28,453.78	\$ 28,453.78
9. Debts and Obligations Owed TO the Committee (Remove all on Schedule C and/or Schedule D)	\$	For further information contact: Federal Election Commission 900 E Street, NW Washington, DC 20463 Toll Free 800-424-9630 Local 202-376-3120
10. Debts and Obligations Owed BY the Committee (Remove all on Schedule C and/or Schedule D)	\$	

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

Type or Print Name of Treasurer
CHRISTINE E. WILLIAMS

Signature of Treasurer
Christine E. Williams

Date
11/17/88

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

8 9 0 3 5 6 5 2 3 7 4

FEC FORM 3X
(Revised 4-87)

FEDERAL ELECTION COMMISSION

RECEIVED

FEDERAL ELECTION COMMISSION
999 E STREET, NW
WASHINGTON, D.C. 20463

89 APR 18 PM 3:33

EXECUTIVE SESSION
SENSITIVE

FIRST GENERAL COUNSEL'S REPORT

RAD REFERRAL # 89NF 06-16
STAFF MEMBER: Jeffrey Long

MAY 02 1989

SOURCE: I N T E R N A L L Y G E N E R A T E D

RESPONDENTS:

000407058995

Society of Real Estate Appraisers Political Action
Committee (APPAC) and Bruce D. Greenberg, as
treasurer (89NF-13)

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

INTERNAL REPORTS CHECKED: Disclosure Reports

FEDERAL AGENCIES CHECKED: None

I. GENERATION OF MATTER

The Reports Analysis Division ("RAD") referred the above eleven committees to the Office of the General Counsel on January 12, 1989. The basis for the attached referral is the committees' failure to file the 1988 October Quarterly Reports, 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 quarterly reports in a calendar year in which a regularly scheduled general election is held. 2 U.S.C. § 434(a)(4)(A)(i). Quarterly Reports are to be filed no later than the 15th day after the last day of each calendar quarter. Thus, the due date for the October Quarterly Report was October 15, 1988. The following committees did not file the 1988 October Quarterly Report by this date:

Name of Committee

Date Report Filed

0 1 1 4 7 6 5 8 9 /

Society of Real Estate Appraisers =
Political Action Committee

November 17, 1988

Accordingly, the Office of the General Counsel recommends that the Commission open Matters Under Review and find reason to believe with respect to the above committees and their treasurers,

B. Other Matters Involving These Committees

9 0 0 7 4 0 7 6 3 8 9 0



III. DISCUSSION OF CONCILIATION AND CIVIL PENALTY

This Office recommends that the Commission enter into conciliation prior to finding probable cause to believe with respect to the ten referred committees. Attached for the Commission's approval are proposed conciliation agreements (Attachment 2). The proposed agreements provide for an admission of the violation, the filing of reports if necessary, and civil penalties computed as follows:

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Administrative: Case Files
1970-1971

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1971

1972

90040783900

III. RECOMMENDATIONS

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

89NF-13 g) Society of Real Estate Appraisers PAC and Bruce D. Greenberg, as treasurer

2. Enter into conciliation prior to a finding of probable cause to believe with respect to the committees and treasurers as listed in recommendation 1.

3. Approve the attached letters, Factual and Legal Analyses, and proposed conciliation agreements to the committees listed in recommendation 1.

Lawrence M. Noble
General Counsel

April 18, 1989
Date

BY:

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

Attachments

- 1. Referral Materials
- 2. Proposed Conciliation Agreements (10),
Letters (10), and Factual and Legal Analyses (10)

00040763901

COMMITTEE ID, NAME AND ADDRESS

CONTACTS
WITH FILER ATCH

REPORTS FILED/
RESPONSES

0144261
CITY OF REAL ESTATE APPRAISERS POLITICAL ACTION COMMITTEE (APPAC)
TREASURER'S NAME: BRUCE D GREENBERG
3 N MICHIGAN AVE
CHICAGO IL 60601

October 28, 1988 8b

Letter and report
filed /
November 17, 1988 8c
8d

7 0 6 9 2 0 7 0 0 0

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)

RAD REFERRALS
#89NF 06-16

00040760990

Society of Real Estate Appraisers)
Political Action Committee (APPAC))
and Bruce D. Greenberg, as treasurer)
(89NF-13))

continued)

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session of May 2, 1989, do hereby certify that the Commission decided by a vote of 4-2 to take the following actions with respect to the above-captioned referrals:

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)(i):

(continued)

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Federal Election Commission
Certification for RAD Referrals
#89NF 06-16
May 2, 1989

Page 3

00040760900

89NF-13 g) Society of Real Estate
Appraisers PAC and Bruce
D. Greenberg, as treasurer

2. Enter into conciliation prior to a finding of probable cause to believe with respect to the committees and treasurers listed in action 1 above.

(continued)

3. Approve the letters, Factual and Legal Analyses, and proposed conciliation agreements to the committees listed in action 1 above, as recommended in the General Counsel's report dated April 18, 1989.

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

Attest:

May 3, 1989

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

00040765900



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 10, 1989

Bruce D. Greenberg, Treasurer
Society of Real Estate Appraisers
Political Action Committee
225 N. Michigan Avenue
Chicago, IL 60601

RE: MUR 2867
Society of Real Estate Appraisers
PAC and Bruce D. Greenberg, as
treasurer

Dear Mr. Greenberg:

On May 2, 1989, the Federal Election Commission found that there is reason to believe the Society of Real Estate Appraisers PAC ("Committee") and you, as treasurer, violated 2 U.S.C. § 434(a)(4)(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.

9994070001

plm

Bruce D. Greenberg, Treasurer

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 Frania Monarski, 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

90040763903

REC 3085



SOCIETY OF REAL ESTATE APPRAISERS®

OFFICE OF PUBLIC AFFAIRS
SUITE 1111
600 NEW HAMPSHIRE AVE., N.W.
WASHINGTON, D.C. 20037
(202) 298-8497

RECEIVED
FEDERAL ELECTION COMMISSION
SECRETARIAT
89 JUN 15 PM 5:05

HAND DELIVERED

June 15, 1989

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The Honorable Danny L. McDonald
Chairman
Federal Election Commission
999 E Street, NW
Washington, DC 20463

RE: MUR 2867; Society of Real Estate Appraisers' Political Action
Committee

Dear Mr. Chairman:

As Vice President and Director of Washington Operations for the Society of Real Estate Appraisers, I have only recently become aware of the Commission's correspondence with our Treasurer, Bruce D. Greenberg. I regret that this matter has advanced to this point before I was informed and before action could be taken to correct the situation.

The Commission's letter of May 10, 1989 sites the Commission's factual and legal analysis of this matter which alleges that the Society of Real Estate Appraisers' PAC did not file the 1988 October Quarterly Report by October 15, the due date. The purpose of this letter is to submit factual materials which I believe are relevant to the Commission's consideration of this matter. These materials will demonstrate that no action should be taken against the Committee or its Treasurer. The materials attached are intended to show that the October 1988 filing by the Committee was indeed filed timely and thus no violation of 2 USC 434 (a)(4A)(i) has occurred.

Attached of this is:

1. The affidavit of Christine E. Williams, Coordinator, Washington Operations and Special Projects and designated agent for APPAC. Ms. Williams states under oath that the October 1988 filing was deposited with the U.S. Postal Service in Washington, DC on October 12, 1988.

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF THE SECRETARY
89 JUN 16 AM 11:43

2. A copy of the original October 1988 filing with our internal filing system date noted in the upper right hand corner. This office files all incoming and outgoing material in chronological order and then indexes that file on our computer system for retrieval.

3. A copy of a letter dated October 28, 1988 to the Commission regarding earlier amendment to prior filings. This demonstrates that we have ongoing communication with the Commission on these matters and that because of the proximity in time of this letter and the October filing it is further evidence that we had no knowledge or any suspicion that the Commission may not have received our October 15 filing.

4. A copy of our October filing which was resubmitted in November at the request of Lisa Stolaruk. Verbal contact was made between Ms. Williams and Mr. Paul Dickson on this matter and he suggested we refile for the period.

Because of the seriousness of this matter, remedial changes are being implemented to better effectuate our PAC administration. Our PAC Committee has authorized the administration of APPAC to be done in our Washington, DC office rather than in Chicago. It is our belief that the bifurcated system was responsible for earlier incomplete filing and mistakes. With the administration including the collection and disbursement of monies being accomplished in Washington, more consistent and timely filings will be the result.

Thank you for your consideration in this matter.

Sincerely,



Donald E. Kelly
Staff Vice President and
Director of Washington Operations

000090703010

Federal Election Commission

RE: MUR 2867; Society of Real Estate Appraisers'
Political Action Committee

AFFIDAVIT OF CHRISTINE E. WILLIAMS

I, Christine E. Williams, being duly sworn, hereby say, upon personal knowledge:

1. I am the Coordinator of Washington Operations and Special Projects and was so in October, 1988.

2. I am responsible for maintenance and implementation of filing systems for the Washington Office of the Society of Real Estate Appraisers.

3. That on October 12, 1988 I did by my personal hand deliver to the postal station located at 600 New Hampshire Avenue, NW, to be mailed the Society of Real Estate Appraisers' PAC October 1988 filing.

4. That on October 28, 1988 did respond to the Commission's request for amendments to earlier reports.

5. That I did not prior to November 16, 1988 have any knowledge of improper or incomplete filing for October 1988.

6. That I did speak with whom I recall to be Paul W. Dickson on November 16, 1988 regarding the October 1988 filing and at his request resubmitted another filing on November 17, 1988.

7. That in checking the files I found that the October 1988 filing was properly placed in our files in the ordinary course of business for outgoing mail for October 12, 1988.

Christine E. Williams
Christine E. Williams

Sworn and Subscribed before me this 15th day of June, 1989.

Gina R. Kline
Gina R. Kline, Notary Public
My Commission Expires: July 1, 1990

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REPORT OF RECEIPTS AND DISBURSEMENTS

For Other Than An Authorized Committee
(Summary Page)

Sent 10/12/88
Reg. Mail

USE FEC MAILING LABEL
OR
TYPE OR PRINT

1. NAME OF COMMITTEE (Full) Society Real Estate Appraisers Political Action Committee APPAC		2. FEC IDENTIFICATION NUMBER C-001441261
ADDRESS (number and street) <input type="checkbox"/> Check if different than previously reported 225 N. Michigan Ave.		3. <input type="checkbox"/> This committee qualified as a multicandidate committee DURING THIS Reporting Period on _____ (date)
CITY, STATE and ZIP CODE Chicago, IL 60601		

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:
 February 20 June 20 October 20
 March 20 July 20 November 20
 April 20 August 20 December 20
 May 20 September 20 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>7/1/88</u> through <u>9/30/88</u>		
6. (a) Cash on Hand January 1, 19 <u>88</u>		\$ 18,778.28
(b) Cash on Hand at Beginning of Reporting Period	\$ 23,403.78	
(c) Total Receipts (from Line 18)	\$ 5,050.00	\$ 23,775.50
(d) Subtotal (add Lines 6(b) and 6(c) for Column A and Lines 6(a) and 6(c) for Column B)	\$ 28,453.78	\$ 42,553.78
7. Total Disbursements (from Line 28)	\$ --	\$ 14,100.00
8. Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d))	\$ 28,453.78	\$ 28,453.78
9. Debts and Obligations Owed TO the Committee (Itemize all on Schedule C and/or Schedule D)	\$	For further information contact: Federal Election Commission 999 E Street, NW Washington, DC 20463 Toll Free 800-424-9530 Local 202-376-3120
10. Debts and Obligations Owed BY the Committee (Itemize all on Schedule C and/or Schedule D)	\$	

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

Type or Print Name of Treasurer

Robert E. Marin, Assistant Treasurer

Signature of Treasurer:

Robert E. Marin

Date

10/12/88

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

FEC FORM 3X

REVISED 4/87

00740733912

DETAILED SUMMARY PAGE

of Receipts and Disbursements
(Page 2 FEC FORM 3X)

Name of Committee (or Trust) **Society Real Estate Appraisers Committee APPAC** Period Covering the Period
From **7/1/88** To **9/30/88**

9 1 0 4 0 7 4 1 0

	COLUMN A Total This Period	COLUMN B Calendar Year-To-Date	
I. RECEIPTS			
11. CONTRIBUTIONS (other than loans) FROM:			
(a) Individuals/Persons Other Than Political Committees:			
(i) Itemized (use Schedule A)			11(a)(i)
(ii) Unitemized	5,050.00	23,775.50	11(a)(ii)
(iii) Total of contributions from individuals	5,050.00	23,775.50	11(a)(iii)
(b) Political Party Committees			11(b)
(c) Other Political Committees (such as PACs)			11(c)
(d) TOTAL CONTRIBUTIONS (add 11(a)(iii), (b), and (c))	5,050.00	23,775.50	11(d)
12. TRANSFERS FROM AFFILIATED/OTHER PARTY COMMITTEES			12
13. ALL LOANS RECEIVED			13
14. LOAN REPAYMENTS RECEIVED			14
15. OFFSETS TO OPERATING EXPENDITURES (Refunds, Rebates, etc.)			15
16. REFUNDS OF CONTRIBUTIONS MADE TO FEDERAL CANDIDATES AND OTHER POLITICAL COMMITTEES			16
17. OTHER RECEIPTS (Dividends, Interest, etc.)			17
18. TOTAL RECEIPTS (add 11(d), 12, 13, 14, 15, 16 and 17)	5050.00	23,775.50	18
II. DISBURSEMENTS			
19. OPERATING EXPENDITURES			19
20. TRANSFERS TO AFFILIATED/OTHER PARTY COMMITTEES			20
21. CONTRIBUTIONS TO FEDERAL CANDIDATES AND OTHER POLITICAL COMMITTEES		14,100.00	21
22. INDEPENDENT EXPENDITURES (use Schedule E)			22
23. COORDINATED EXPENDITURES MADE BY PARTY COMMITTEES (2 U.S.C. 441a(d)) (use Schedule F)			23
24. LOAN REPAYMENTS MADE			24
25. LOANS MADE			25
26. REFUNDS OF CONTRIBUTIONS TO:			
(a) Individuals/Persons Other Than Political Committees			26(a)
(b) Political Party Committees			26(b)
(c) Other Political Committees (such as PACs)			26(c)
(d) TOTAL CONTRIBUTION REFUNDS (add 26(a), (b), and (c))			26(d)
27. OTHER DISBURSEMENTS			27
28. TOTAL DISBURSEMENTS (add 19, 20, 21, 22, 23, 24, 25, 26(d) and 27)	-----	14,100.00	28
III. NET CONTRIBUTIONS/OPERATING EXPENDITURES			
29. TOTAL CONTRIBUTIONS (other than loans) (from Line 11(d))	5,050.00	23,775.50	29
30. TOTAL CONTRIBUTION REFUNDS (from Line 26(d))			30
31. NET CONTRIBUTIONS (other than loans) (subtract Line 30 from 29)	5,050.00	23,775.50	31
32. TOTAL OPERATING EXPENDITURES (from Line 19)			32
33. OFFSETS TO OPERATING EXPENDITURES (from Line 15)			33
34. NET OPERATING EXPENDITURES (subtract Line 33 from 32)			34



SOCIETY OF REAL ESTATE APPRAISERS

OFFICE OF PUBLIC AFFAIRS
SUITE 1111
600 NEW HAMPSHIRE AVE., N.W.
WASHINGTON, D.C. 20037
(202) 298-8497

October 28, 1988

Paul W. Dickson
Reports Analyst
Reports Analysis Division
Federal Election Commission
999 E Street, NW
Washington, DC 20463

Dear Mr. Dickson:

This letter is in reference to your letter dated September 26, and Mr. Gibson's letter dated October 13, 1988. Attached are the amendments to the 1987 Year End Report and the July, 1988 Quarterly Report. We are sorry for the delay in getting this information to you.

At this time, I would also like to amend our statement of organization and add myself as a designated agent - Assistant Treasurer. If there are any necessary forms to be completed in that regard, I would appreciate you sending them to me.

Thank you for your cooperation, and once again, we are sorry for the delay.

Sincerely,

Christine E. Williams

Christine E. Williams
Coordinator for Washington Operations

/cw

00040785915

REPORT OF RECEIPTS AND DISBURSEMENTS

For Other Than An Authorized Committee
(Summary Page)

USE FEC MAILING LABEL OR TYPE OR PRINT

1. NAME OF COMMITTEE (in full) Society Real Estate Appraisers Political Action Committee APPAC	2. FEC IDENTIFICATION NUMBER CO0144261
ADDRESS (number and street) <input type="checkbox"/> Check if different than previously reported 225 N. Michigan Ave.	3. <input type="checkbox"/> This committee qualified as a multicandidate committee DURING THIS Reporting Period on _____ (date)
CITY, STATE and ZIP CODE Chicago, IL 60601	

4. TYPE OF REPORT

- (a) April 15 Quarterly Report Monthly Report Due On:
- February 20 June 20 October 20
 July 15 Quarterly Report March 20 July 20 November 20
 October 15 Quarterly Report April 20 August 20 December 20
 January 31 Year End Report May 20 September 20 January 31
- July 31 Mid Year Report (Non-election Year Only)
- Termination Report
- 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>7/1/88</u> through <u>9/30/88</u>		
6. (a) Cash on Hand January 1, 19 <u>88</u>		\$ 18,778.28
(b) Cash on Hand at Beginning of Reporting Period	\$ 23,403.78	
(c) Total Receipts (from Line 18)	\$ 5,050.00	\$ 23,775.50
(d) Subtotal (add Lines 6(b) and 6(c) for Column A and Lines 6(a) and 6(c) for Column B)	\$ 28,453.78	\$ 42,553.78
7. Total Disbursements (from Line 28)	\$ --	\$ 14,100.00
8. Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d))	\$ 28,453.78	\$ 28,453.78
9. Debts and Obligations Owed TO the Committee (Itemize all on Schedule C and/or Schedule D)	\$	For further information contact: Federal Election Commission 999 E Street, NW Washington, DC 20463 Toll Free 800-424-9530 Local 202-376-3120
10. Debts and Obligations Owed BY the Committee (Itemize all on Schedule C and/or Schedule D)	\$	

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

Type or Print Name of Treasurer <i>Christine E. Williams</i>	
Signature of Treasurer <i>Christine E. Williams</i>	Date 11/17/88

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

0004075910

DETAILED SUMMARY PAGE

of Receipts and Disbursements

(Page 2 FEC FORM 3X)

Name of Committee (Full Name)	Report Covering the Period	
Society Real Estate Appraisers Committee - APPAC	From 7/1/88	To 9/30/88
I. RECEIPTS	COLUMN A Total This Period	COLUMN B Calendar Year-To-Date
11. CONTRIBUTIONS (other than loans) FROM:		
(a) Individuals/Persons Other Than Political Committees:		
(i) Itemized (use Schedule A)		
(ii) Unitemized	5,050.00	23,775.50
(iii) Total of contributions from individuals	5,050.00	23,775.50
(b) Political Party Committees		
(c) Other Political Committees (such as PACs)		
(d) TOTAL CONTRIBUTIONS (add 11(a)(iii), (b), and (c))	5,050.00	23,775.50
12. TRANSFERS FROM AFFILIATED/OTHER PARTY COMMITTEES		
13. ALL LOANS RECEIVED		
14. LOAN REPAYMENTS RECEIVED		
15. OFFSETS TO OPERATING EXPENDITURES (Refunds, Rebates, etc.)		
16. REFUNDS OF CONTRIBUTIONS MADE TO FEDERAL CANDIDATES AND OTHER POLITICAL COMMITTEES		
17. OTHER RECEIPTS (Dividends, Interest, etc.)		
18. TOTAL RECEIPTS (add 11(d), 12, 13, 14, 15, 16 and 17)	5050.00	23,775.50
II. DISBURSEMENTS		
19. OPERATING EXPENDITURES		
20. TRANSFERS TO AFFILIATED/OTHER PARTY COMMITTEES		
21. CONTRIBUTIONS TO FEDERAL CANDIDATES AND OTHER POLITICAL COMMITTEES		14,100.00
22. INDEPENDENT EXPENDITURES (use Schedule E)		
23. COORDINATED EXPENDITURES MADE BY PARTY COMMITTEES (2 U.S.C. 441a(d)) (use Schedule F)		
24. LOAN REPAYMENTS MADE		
25. LOANS MADE		
26. REFUNDS OF CONTRIBUTIONS TO:		
(a) Individuals/Persons Other Than Political Committees		
(b) Political Party Committees		
(c) Other Political Committees (such as PACs)		
(d) TOTAL CONTRIBUTION REFUNDS (add 26(a), (b), and (c))		
27. OTHER DISBURSEMENTS		
28. TOTAL DISBURSEMENTS (add 19, 20, 21, 22, 23, 24, 25, 26(d) and 27)		14,100.00
III. NET CONTRIBUTIONS/OPERATING EXPENDITURES		
29. TOTAL CONTRIBUTIONS (other than loans) (from Line 11(d))	5,050.00	23,775.50
30. TOTAL CONTRIBUTION REFUNDS (from Line 26(d))		
31. NET CONTRIBUTIONS (other than loans) (subtract Line 30 from 29)	5,050.00	23,775.50
32. TOTAL OPERATING EXPENDITURES (from Line 19)		
33. OFFSETS TO OPERATING EXPENDITURES (from Line 15)		
34. NET OPERATING EXPENDITURES (subtract Line 33 from 32)		

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Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial uses, other than using the name and address of any political committee to solicit contributions from such committee.

NAME OF COMMITTEE (in Full) Society Real Estate Appraisers Political Action Committee APRAC

A. Full Name, Mailing Address and ZIP Code Miscellaneous Voluntary Contributions less than \$ 200.00	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
	Occupation	9/30/88	5,050.00
	Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):		
Aggregate Year-to-Date > \$			
B. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
	Occupation		
	Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):		
Aggregate Year-to-Date > \$			
C. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
	Occupation		
	Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):		
Aggregate Year-to-Date > \$			
D. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
	Occupation		
	Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):		
Aggregate Year-to-Date > \$			
E. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
	Occupation		
	Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):		
Aggregate Year-to-Date > \$			
F. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
	Occupation		
	Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):		
Aggregate Year-to-Date > \$			
G. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
	Occupation		
	Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):		
Aggregate Year-to-Date > \$			

SUBTOTAL of Receipts This Page (optional)

TOTAL This Period (last page this line number only) 5,050.00

0004070919

89 JUL -6 AM 9:55

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Society of Real Estate) MUR 2867
Appraisers PAC and Bruce)
D. Greenberg, as treasurer)

SENSITIVE

GENERAL COUNSEL'S REPORT

I. BACKGROUND

On May 2, 1989, the Commission found reason to believe that the Society of Real Estate Appraisers PAC (the "Committee") and Bruce D. Greenberg, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(i) by failing to file the 1988 October Quarterly Report. On June 15, 1989, the Committee submitted a response to the Commission's findings.

II. FACTUAL AND LEGAL ANALYSIS

The Federal Election Campaign Act of 1971, as amended (the "Act"), provides that for unauthorized committees filing quarterly, such committees shall file quarterly reports in a calendar year in which a regularly scheduled election is held. 2 U.S.C. § 434(a)(4)(A)(i). Quarterly Reports are to be filed no later than the 15th day after the last day of each calendar quarter. Thus, the due date for the 1988 October Quarterly Report was October 15, 1988.

The Reports Analysis Division ("RAD") received the Committee's 1988 October Quarterly Report on November 17, 1988, thirty-three days late.

The Committee filed a response to the Commission's findings

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the Committee from its Washington office rather than its Chicago office.

This Office recommends that the Commission reject the Committee's request to take no further action in this matter because the Committee has not submitted adequate proof that the report was filed in a timely manner.

III. RECOMMENDATIONS

1. Reject the request of the Society of Real Estate Appraisers PAC and Bruce Greenberg, as treasurer, to take no further action.

2. Approve the proposed letter and the amended Conciliation Agreement.

Lawrence M. Noble
General Counsel

7/5/89
Date


By: Lois G. Lerner
Associate General Counsel

Attachments

- 1. Response
- 2. Proposed letter and amended Conciliation Agreement

Staff person: Frania Monarski

00040766921

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Society of Real Estate) MUR 2867
Appraisers PAC and Bruce)
D. Greenberg, as treasurer)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on July 10, 1989, the Commission decided by a vote of 6-0 to take the following actions in MUR 2867:

1. Reject the request of the Society of Real Estate Appraisers PAC and Bruce Greenberg, as treasurer, to take no further action.
2. Approve the proposed letter and the amended Conciliation Agreement as recommended in the General Counsel's report dated July 5, 1989.

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

Attest:

7-10-89

Date

Marjorie W Emmons

Marjorie W. Emmons
Secretary of the Commission

Received in the FEC Secretariat at 9:55 a.m. on July 6, 1989.
Circulated to the Commission at 4:00 p.m. on July 6, 1989.
Vote deadline: 4:00 p.m. on July 10, 1989.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 13, 1989

Bruce D. Greenberg, Treasurer
Society of Real Estate Appraisers PAC
225 N. Michigan Avenue
Chicago, IL 60601

RE: MUR 2867
Society of Real Estate
Appraisers and
Bruce D. Greenberg, as
treasurer

Dear Mr. Greenberg:

This letter is to confirm the Federal Election Commission's receipt of the response you submitted on June 15, 1989. The Commission has reviewed and rejected your request that the Commission take no further action in this matter.

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

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Bruce D. Greenberg
Page 2

Should you have any further questions, please contact Frania Monarski, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble
General Counsel



BY: Lois G. Lerner
Associate General Counsel

Enclosure
Conciliation Agreement

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89 SEP -1 PM 3:49



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

SENSITIVE

September 1, 1989

MEMORANDUM

TO: The Commission

FROM: Lawrence M. Noble *LMN (47)*
General Counsel

SUBJECT: MUR 2867

Attached for the Commission's review is a brief stating the position of the General Counsel on the legal and factual issues of the above-captioned matter. A copy of this brief and a letter notifying the Respondents of the General Counsel's intent to recommend to the Commission a finding of probable cause to believe was mailed on September 1, 1989. Following receipt of the Respondents' reply to this notice, this Office will make a further report to the Commission.

Attachments

1. Brief
2. Letter to Respondent

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actually recorded at the Commission.

On July 16, 1988, the Committee submitted an affidavit in which Christine Williams, the Coordinator of Washington Operations and Special Projects for the Committee, averred that she mailed the 1988 October Quarterly Report on October 12, 1988. However, the Committee could not produce a certified mail receipt, and there is no record of the report being actually recorded as filed at the Commission until November 17, 1988.

Therefore, the Committee's 1988 October Quarterly Report was filed 33 days late in violation of 2 U.S.C. § 434(a)(4)(A)(i), as evidenced by the date of receipt at the Commission.

III. GENERAL COUNSEL'S RECOMMENDATION

Find probable cause to believe that the Society of Real Estate Appraisers PAC and Bruce D. Greenberg, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(i).

8-31-89
Date

LM Noble (7/2)
Lawrence M. Noble
General Counsel

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Letter to Bruce D. Greenberg, Treasurer
Page 2

A finding of probable cause to believe requires that the Office of the General Counsel attempt for a period of not less than 30, but not more than 90 days, to settle this matter through a conciliation agreement.

Should you have any questions, please contact Jeffrey Long, the staff member assigned to this matter, at (202) 376-5690.

Sincerely,

Lawrence M. Noble (L.M.N.)

Lawrence M. Noble
General Counsel

Enclosure
Brief

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89 SEP -1 PM 3:49

BEFORE THE FEDERAL ELECTION COMMISSION

SENSITIVE

In the Matter of)
)
Society of Real Estate) MUR 2867
Appraisers PAC and Bruce D.)
Greenberg, as treasurer)

GENERAL COUNSEL'S REPORT

The Office of the General Counsel is prepared to close the investigation in this matter as to Society of Real Estate Appraisers PAC and Bruce D. Greenberg, as treasurer, based on the assessment of the information presently available.

8-31-89
Date

Lawrence M. Noble
Lawrence M. Noble
General Counsel

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DGC 4087

LAXALT, WASHINGTON, PERITO & DUBUC

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

1455 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, D.C. 20004
(202) 857-2000

1120 CONNECTICUT AVENUE, N.W.

780 THIRD AVENUE
NEW YORK, N.Y. 10017
(212) 826-3400

WASHINGTON, D.C. 20036

(202) 857-4000

2852 WORLD TRADE CENTER
401 EAST PRATT STREET
BALTIMORE, MARYLAND 21202
(301) 962-0212

TELEX: 892415 / 904000
TELECOPIER: (202) 857-4410
CABLE: DANKEY

September 22, 1989

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
89 SEP 22 PM 2:46

HAND DELIVERED

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

RE: MUR 2867: Society of Real Estate
Appraisers and Bruce D. Greenberg, Treasurer

Dear Mr. Noble:

Since early May 1989, the Society of Real Estate Appraisers, (the "Society"), for which we are General Counsel, has been defending its actions with respect to one Quarterly Report which was mailed timely but apparently not received by the Federal Election Commission. The Commission, on the recommendation of your office, might soon approve the initiation of an enforcement proceeding in Federal Court concerning this matter. Enforcement action has progressed despite two detailed responses and supporting documentation from the Society and its representatives. We respectfully request that no further action be taken in this matter for the reasons stated below and in the attached Respondents' Reply to General Counsel's Brief:

1. The Society and its segregated fund has consistently performed its obligations in conformity with the Election Campaign Act (the "Act").

2. The one Quarterly Report in question was posted by regular mail three days before its October 15, 1988 due date. It was hand carried by the Society to a post office in Washington, D.C. on October 12, 1988. Years of previous filings had been delivered timely by regular mail so the Society had no reason to believe that this method of filing was inefficient or inappropriate. The Society has submitted an Affidavit from the person mailing the Report as evidence of these facts. (A second October report was signed and filed on

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LAXALT, WASHINGTON, PERITO & DUBUC

Lawrence M. Noble, Esquire
September 22, 1989
Page 2

November 17, 1988 at the request of the Commission. An explanation of that action is described in Paragraph D of the Reply to General Counsel's Brief.)

3. When the Society was notified in November 1988 that the Report had not been received, it immediately furnished a copy of the Report which was dated October 12, 1988.

4. While the Commission's allegation that it failed to receive the Report timely constitutes a technical violation of the Act by the Society, we believe that the facts fully mitigate the violation. Accordingly, we believe that it is appropriate, pursuant to the Commission's discretion, to take no further action in this matter.

5. The Treasurer certainly demonstrated that he used best efforts to submit the information as required under §104.7(a).

This appears to be the clearest case of the Commission's enforcement mechanism proceeding automatically without a thorough review of the trivial nature of the offense and the conscientious good-faith efforts of the Respondents. The Respondents will certainly send all further filings by messenger or certified mail now that a problem with the regular mail has been demonstrated.

We hope that the file will be thoroughly reviewed by the Commission, if it has not been already, in light of the legislative purpose of its enforcement powers, before a costly and unnecessary enforcement action is authorized and initiated. The legal fees in this matter have already exceeded by far the civil penalty requested. The Society cannot in good-faith, however, agree to pay a civil penalty and sign a broad Conciliation Agreement which assesses blame against its Treasurer, and subjects it to increased liability to its members and the Commission in the future, when the facts in this matter do not warrant such a harsh disposition.

Thank you for your consideration of this matter. Please telephone me if further information is required.

Sincerely,


Marc J. Scheineson

cc: The Commissioners
George F. Rishel, Esq.
Jeffrey Lang, Esq.
Mr. Donald Kelly

E. On May 16, 1989, Respondents received Commission correspondence dated May 10, 1989 requesting it to demonstrate why no action should be taken against the Respondents based on a reason to believe that the Report had not been timely filed. On June 15, 1989, a complete explanation, affidavit and corroborating exhibits were furnished to the Commission.

F. On July 17, 1989, Respondents received Commission correspondence dated July 13, 1989, rejecting its request that no further action be taken and demanding the execution of a Conciliation Agreement and the payment of a ~~penalty~~. On July 25, 1989, the Respondents' counsel replied to the Commission that the evidence demonstrated best efforts by the Respondents to comply with the Act and that no further action should be taken.

G. On September 11, 1989, Respondents received Commission correspondence dated September 1, 1989 notifying it that an investigation had been instituted and that the Commission had found reason to believe that Respondents had violated the Act. This Brief is submitted in response to the Commission's finding in the hope that an enforcement action in this matter will not be initiated.

II. Analysis

A. Filing of a Quarterly Report is required no later than the 15th day after the last day of each calendar quarter which in this case was October 15, 1988. 2 U.S.C. §434(a)(4)(A)(i). If a report is sent by registered or certified mail, the U.S. postmark shall be considered the date of filing. §434(a)(5); 11 C.F.R. §104.5(e). Otherwise, presumably, the report is filed when received by the Commission. Id.

B. Respondents must accept the Commission's determination that the original filing was not received by that date, or thereafter. Likewise, the Commission must accept the Respondents' evidence that the Report was prepared timely and mailed by first-class mail from Washington, D.C. three full days before its due date. Respondents cannot dispute that a technical violation of the Act occurred since the risk in a regular mail filing falls on the Respondents.

C. The issue is simple. In the case where the Respondents have consistently performed its obligations in conformance with the Act, should the Commission's discretionary enforcement powers be used to punish the Respondents' reasonable and diligent performance? A PAC Treasurer is required to show that best efforts have been used to submit the required information. §104.7(a). Where prior filings have

been successfully received timely, using regular mail, Respondents contend that they used their best efforts in preparing the Report and depositing it in regular mail from Washington D.C. three full days before its due date. Respondents should not be punished civilly for the misfeasance.

D. Respondents respectfully request that the Commission not use its discretionary enforcement powers to file a legal claim against it, and that no further action be taken to pursue this matter.

9-22-89

Date



Marc J. Scheineson
Laxalt, Washington, Perito & Dubuc
Attorney for Respondents

1679I

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STATEMENT OF DESIGNATION OF COUNSEL

NO. 2867

NAME OF COUNSEL: Marc J. Scheineson, Esq.

ADDRESS: Laxalt, Washington, Parito & Dubuo
1120 Connecticut Ave., N.W.
Suite 1000
Washington, D.C. 20036

TELEPHONE: (202) 857-4498

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.

9-21-89
Date

Donald E. Kelly
Signature

RESPONDENT'S NAME: Society of Real Estate Appraisers
ADDRESS: Office of Public Affairs-Suite 111
600 New Hampshire Ave., N.W.
Washington, D.C. 20037

BOOK FROM: _____

BUSINESS PHONE: (202) 298-0497

07040763030

89 SEP 22 AM 11



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

SENSITIVE

October 31, 1989

MEMORANDUM

TO: The Commission

FROM: Lawrence M. Noble *LMN*
General Counsel

SUBJECT: MUR 2867 (Society of Real Estate Appraisers)

Attached for the Commission's review is a supplemental brief stating the position of the General Counsel on the legal and factual issues of the above-captioned matter. On September 1, 1989, this Office sent a brief to the Committee and Bruce D. Greenberg, as treasurer. A response was received from counsel on October 2, 1989. Nevertheless, this Office has discovered that on July 24, 1989, the Committee filed an amended Statement of Organization to reflect Keith L. Honnold as the new treasurer. Therefore, this supplemental brief is prepared to identify the new treasurer. A copy of this brief and a letter notifying the Respondents of the General Counsel's intent to recommend to the Commission a finding of probable cause to believe was mailed on October 31, 1989. Following receipt of the Respondent's reply to this notice, this Office will make a further report to the Commission.

Attachments

1. Brief
2. Letter to Respondent

89 OCT 31 AM 11:16

RECEIVED
FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

October 31, 1989

Marc Scheineson, Esquire
Laxalt, Washington, Perito & Dubuc
1120 Connecticut Avenue, N.W.
Suite 1000
Washington, D.C. 20036

RE: MUR 2867
Society of Real Estate
Appraisers Political
Action Committee and
Keith L. Honnold, as
treasurer

Dear Mr. Scheineson:

Based on information ascertained in the normal course of carrying out its supervisory responsibilities, the Federal Election Commission, on May 2, 1989, found reason to believe that the Society of Real Estate Appraisers Political Action Committee ("Committee") and Bruce D. Greenberg, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(i), and instituted an investigation in this matter.

On September 1, 1989, the Office of the General Counsel forwarded to the Committee, a brief stating the position of the General Counsel on the legal and factual issues of the case. Your response was received on October 2, 1989. It has since come to our attention that on July 24, 1989, the Committee filed an amended Statement of Organization naming Keith L. Honnold as the new treasurer. Accordingly, a supplemental brief has been prepared identifying Mr. Honnold as the treasurer and is submitted for your review.

After considering all the evidence available to the Commission, the Office of the General Counsel is prepared to recommend that the Commission find probable cause to believe that a violation has occurred.

The Commission may or may not approve the General Counsel's recommendation. Within 15 days of your receipt of this notice, you may file with the Secretary of the Commission a brief (ten copies if possible) stating your position on the issues and replying to the brief of the General Counsel. (Three copies of such brief should also be forwarded to the

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Letter to Marc J. Scheineson
Page 2

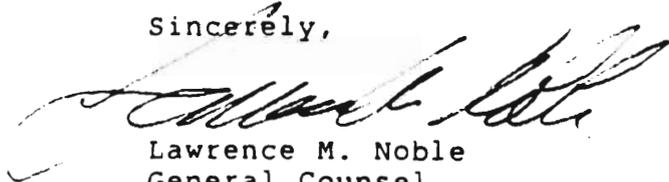
Office of the General Counsel, if possible.) The General Counsel's brief and any brief which you may submit will be considered by the Commission before proceeding to a vote of whether there is probable cause to believe a violation has occurred.

If you are unable to file a responsive brief within 15 days, you may submit a written request for an extension of time. All requests for extensions of time must be submitted in writing five days prior to the due date, and good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

A finding of probable cause to believe requires that the Office of the General Counsel attempt for a period of not less than 30, but not more than 90 days, to settle this matter through a conciliation agreement.

Should you have any questions, please contact Jeffrey Long, the staff member assigned to this matter, at (202) 376-5690.

Sincerely,



Lawrence M. Noble
General Counsel

Enclosure
Supplemental Brief

00040766737

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

Society of Real Estate)
Appraisers PAC and Keith L.) MUR 2867
Honnold, as treasurer)

GENERAL COUNSEL'S SUPPLEMENTAL BRIEF

I. STATEMENT OF THE CASE

On May 2, 1989, the Commission found reason to believe that the Society of Real Estate Appraisers PAC ("the Committee") and Bruce D. Greenberg, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(i) for failing to file the 1988 October Quarterly Report in a timely manner.¹

II. ANALYSIS

2 U.S.C. § 434(a)(4)(A)(i) states that unauthorized committees filing quarterly shall file quarterly reports in a calendar year in which a regularly scheduled election is held, no later than the 15th day after the last day of each calendar quarter.

The 1988 October Quarterly Report was due on October 15, 1988. The Committee was notified of its failure to file the report on November 8, 1988. The Committee filed the October

1. On July 24, 1989, the Committee filed an amended Statement of Organization to reflect Keith L. Honnold as the new treasurer. Commission policy, adopted May 24, 1984, provides for the naming of committee treasurers in their official capacity rather than their personal capacity and, thus, for substituting the name of new treasurers where such change occurs during the pendency of an enforcement matter. Accordingly, this supplemental brief has been prepared to identify Keith L. Honnold, as treasurer.

Quarterly Report November 17, 1988, 33 days late and disclosing \$5,050 in receipts and \$0 in disbursements.

According to 2 U.S.C. § 434(a)(5), if a report is sent by registered or certified mail, the United States postmark shall be considered the date of filing of the report. Otherwise, the controlling date of the filing of the report is the date it was actually recorded at the Commission.

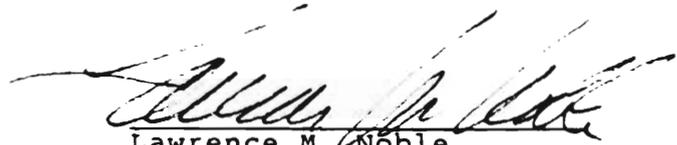
On July 16, 1988, the Committee submitted an affidavit in which Christine Williams, the Coordinator of Washington Operations and Special Projects for the Committee, averred that she mailed the 1988 October Quarterly Report on October 12, 1988. However, the Committee could not produce a certified mail receipt, and there is no record of the report being actually recorded as filed at the Commission until November 17, 1988.

Therefore, the Committee's 1988 October Quarterly Report was filed 33 days late in violation of 2 U.S.C. § 434(a)(4)(A)(i), as evidenced by the date of receipt at the Commission.

III. GENERAL COUNSEL'S RECOMMENDATION

Find probable cause to believe that the Society of Real Estate Appraisers PAC and Keith L. Honnold, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(i).

10/30/89
Date


Lawrence M. Noble
General Counsel

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DGC 4522

LAXALT, WASHINGTON, PERITO & DUBUC

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

1455 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, D.C. 20004
(202) 857-2000

1120 CONNECTICUT AVENUE, N.W.

780 THIRD AVENUE
NEW YORK, N.Y. 10017
(212) 826-3400

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2852 WORLD TRADE CENTER
401 EAST PRATT STREET
BALTIMORE, MARYLAND 21202
(301) 962-0212

TELEX: 892415 / 904000
TELECOPIER: (202) 857-4410
CABLE: DANKEY

November 9, 1989

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

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
89 NOV 13 PM 4:00

Re: MUR 2867: Society of Real Estate
Appraisers and Keith L. Honnold, Treasurer

Dear Mr. Noble:

This correspondence is submitted in response to your letter of October 31, 1989 notifying me that the Federal Election Commission (the "Commission") has found reason to believe that the Society of Real Estate Appraisers Political Action Committee (the "PAC") made a late filing in October 1988.

We have made a number of responses to your office in this matter, none of which have been discussed or responded to directly. We acknowledge that a filing due on October 15, 1988, which was mailed by regular mail from Washington, D.C. on October 12, 1988, was apparently not received timely by the Commission. Our client has acknowledged that since the filing was made by regular and not certified mail, these facts constitute a violation of 2 U.S.C. §434(a)(4)(A)(i) of the Act. We continue to believe, however, that full mitigation exists in the records of the Commission to support a recommendation that this matter be dismissed. Rather than proceed any further, however, and continue to incur legal expenses that dramatically exceed the value of the claim, our client desires to enter into pre-probable cause conciliation discussions at the earliest possible time to resolve this matter. In this regard, we would appreciate your office reviewing the numerous prior correspondence we have submitted in this matter prior to these discussions. We look forward to discussing this matter with your office at their convenience.

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LAXALT, WASHINGTON, PERITO & DUBUC

Lawrence M. Noble, Esquire
November 8, 1989
Page 2

Thank you for your consideration of this matter and its prompt disposition.

Sincerely,


Marc J. Scheineson

cc: Mr. Jeffrey Long
Mr. Donald Kelly

20361

00040063740



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 6, 1990

Marc J. Scheineson, Esquire
Laxalt, Washington, Perito & Dubuc
1120 Connecticut Ave., NW
Suite 1000
Washington, D.C. 20036

RE: MUR 2867
Society of Real Estate
Appraisers PAC and
Keith L. Honnold, as
treasurer

Dear Mr. Scheineson:

On January 30, 1990, the Federal Election Commission found that there is probable cause to believe your clients, the Society of Real Estate Appraisers PAC and Keith L. Honnold, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(i), a provisions of the Federal Election Campaign Act of 1971, as amended, in connection with the late filing of the 1988 October Quarterly Report.

The Commission has a duty to attempt to correct such violations for a period of 30 to 90 days by informal methods of conference, conciliation, and persuasion, and by entering into a conciliation agreement with a respondent. If we are unable to reach an agreement during that period, the Commission may institute a civil suit in United States District Court and seek payment of a civil penalty.

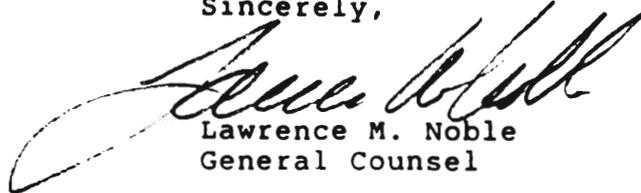
Enclosed is a conciliation agreement that the Commission has approved in settlement of this matter. If you agree with the provisions of the enclosed agreement, please sign and return it, along with the civil penalty, to the Commission within ten days. I will then recommend that the Commission accept the agreement. Please make your check for the civil penalty payable to the Federal Election Commission.

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Letter to Marc Scheineson, Esquire
Page 2.

If you have any questions or suggestions for changes in the enclosed conciliation agreement, or if you wish to arrange a meeting in connection with a mutually satisfactory conciliation agreement, please contact Jeffrey Long, the staff member assigned to this matter, at (202) 376-5690.

Sincerely,



Lawrence M. Noble
General Counsel

Enclosure
Conciliation Agreement

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RECEIVED
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JAN 23 11:02:02

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

Society of Real Estate Appraisers
PAC and Keith L. Honnold, as
treasurer

)
) MUR 2867
)
)

SENSITIVE

JAN 30 1990

EXECUTIVE SESSION

GENERAL COUNSEL'S REPORT

I. BACKGROUND

On May 2, 1989, the Commission determined that there was reason to believe the Society of Real Estate Appraisers PAC ("the Committee") and Bruce D. Greenberg, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(i), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). At that time the Commission also determined to enter in pre-probable cause conciliation and approved a conciliation agreement that provided for the payment of a civil penalty. However, in a letter dated July 25, 1989 the Committee contended that they had shown that the treasurer used best efforts to file the report on time and therefore refused to conciliate. A brief notifying the respondents of this Office's intent to recommend probable cause to believe was mailed on September 1, 1989. The Committee's response brief was received on September 22, 1989 (Attachment 1). The Committee was sent a supplemental brief on October 31, 1989, after the Commission received an amended statement of organization identifying Keith L. Honnold as the new treasurer. In response to the supplemental brief, received November 13, 1989, the Committee maintains that full mitigation exists, but

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that it is now ready to pursue pre-probable cause conciliation (Attachment 2).¹

II. ANALYSIS

This report incorporates the factual and legal analysis in the brief dated August 31, 1989. The Committee's 1988 October Quarterly Report was due on October 15, 1988, but was recorded as being received at the Commission on November 17, 1989. According to the Committee's response brief, (Attachment 1), after receiving notice from the Reports Analysis Division that the Report had not been received, their treasurer signed and filed with the Commission on November 17, 1989, a copy of the original October Quarterly Report.

In its first response dated July 16, 1988, the Committee submitted an affidavit in which Christine Williams, the Coordinator of Washington Operations and Special Projects for the Committee, averred that she mailed the 1988 October Quarterly Report on October 12, 1988. However, the Committee can not produce a certified mail receipt as the report was sent by regular first class mail.

According to 2 U.S.C. § 434(a)(5), if a report is sent by registered or certified mail, the United States postmark shall be considered the date of filing the report. Otherwise, the controlling date of the filing of the report is the date it is recorded and received at the Commission.

1. The Commission does not entertain requests for pre-probable cause conciliation after the General Counsel's Brief has been mailed.

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reports were filed on time. On February 24, 1988, the Commission found probable cause to believe that HILLPAC violated the Act by failing to file timely. It later authorized suit, but the case settled prior to the filing of the suit.

The Respondent's have submitted an affidavit stating that the report was placed in the regular mail, but can offer no direct evidence that the report was filed on time. Therefore, this Office recommends that the Commission find probable cause to believe that the Society of Real Estate Appraisers PAC and Keith L. Honnold, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(i).

III. DISCUSSION OF CONCILIATION AND CIVIL PENALTY

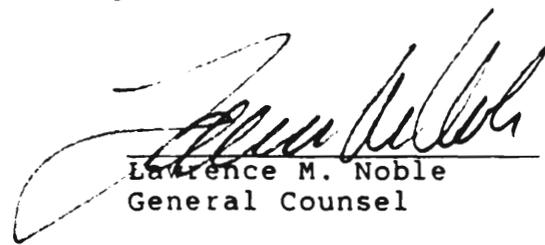
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IV. RECOMMENDATIONS

1. Find probable cause to believe that the Society of Real Estate Appraisers PAC and Keith L. Honnold, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(i).
2. Approve the attached conciliation agreement and letter.

Date

1/22/90


Lawrence M. Noble
General Counsel

Attachments:

1. Response Brief
2. Response to Supplemental Brief
3. Conciliation Agreement
4. Proposed Letter

Staff assigned: Jeffrey Long

93090701070

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 2867
Society of Real Estate Appraisers PAC)
and Keith L. Honnold, as treasurer)

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session on January 30, 1990, do hereby certify that the Commission decided by a vote of 6-0 to take the following actions in MUR 2867:

1. Find probable cause to believe that the Society of Real Estate Appraisers PAC and Keith L. Honnold, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(i).
2. Approve the conciliation agreement and letter attached to the General Counsel's report dated January 22, 1990.

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

Attest:

2-1-90
Date

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

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RECEIVED

BEFORE THE FEDERAL ELECTION COMMISSION

SENSITIVE

In the Matter of

Society of Real Estate Appraisers)
PAC and Keith L. Honnold, as treasurer) MUR 2867
)

GENERAL COUNSEL'S REPORT

I. BACKGROUND

Attached is a conciliation agreement which has been signed by Donald E. Kelly, Vice President and Director, Washington, D.C. Operations of the Society of Real Estate Appraisers PAC.¹

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1. The Commission found probable cause to believe the Committee and its treasurer violated 2 U.S.C. § 434(a)(4)(A)(i), on January 30, 1990.

The Commission and the Respondents were unable to reach agreement, in the pre-probable cause to believe stage, on the issue of the date of filing of the October Quarterly Report. Therefore, in an effort to resolve this matter before it advances to the civil suit stage of the enforcement process, this Office recommends acceptance of the attached agreement and the civil penalty payment.

II. RECOMMENDATIONS

1. Accept the attached conciliation agreement with Society of Real Estate Appraisers PAC and Keith L. Honnold, as treasurer.
2. Close the file.
3. Approve the attached letter.

Lawrence M. Noble
General Counsel

3/23/90
Date

BY: 
Lois G. Lerner
Associate General Counsel

Attachments

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

Staff Assigned: Jeffrey Long

007470195

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 2867
Society of Real Estate Appraisers)
PAC and Keith L. Honnold, as treasurer)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on March 30, 1990, the Commission decided by a vote of 6-0 to take the following actions in MUR 2867:

1. Accept the conciliation agreement with Society of Real Estate Appraisers PAC and Keith L. Honnold, as treasurer, as recommended in the General Counsel's report dated March 23, 1990.
2. Close the file.
3. Approve the letter, as recommended in the General Counsel's report dated March 23, 1990.

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

Attest:

3-30-90

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

Received in the Secretariat: Mon., March 26, 1990 11:06 p.m.
Circulated to the Commission: Mon., March 26, 1990 4:00 p.m.
Deadline for vote: Fri., March 30, 1990 4:00 p.m.

90040761054

CLOSED



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 3, 1990

Marc J. Scheineson, Esquire
Laxalt, Washington, Perito & Dubuc
1120 Connecticut Ave., NW
Suite 1000
Washington, D.C. 20036

RE: MUR 2867
Society of Real Estate
Appraisers PAC and
Keith L. Honnold, as
treasurer

Dear Mr. Scheineson:

On March 30, 1990, the Federal Election Commission accepted the signed conciliation agreement and civil penalty submitted on your client's behalf in settlement of a violation of 2 U.S.C. § 434(a)(4)(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

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 2867
Society of Real Estate Appraisers PAC)
and Keith L. Honnold, 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 probable cause to believe that the Society of Real Estate Appraisers PAC and Keith L. Honnold, as treasurer ("Respondents"), violated 2 U.S.C. § 434(a)(4)(A)(i).

NOW, THEREFORE, the Commission and the Respondents, having duly entered into conciliation pursuant to 2 U.S.C. § 437g(a)(4)(A)(i), do hereby agree as follows:

I. The Commission has jurisdiction over the Respondents and the subject matter of this proceeding.

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. Society of Real Estate Appraisers PAC is a political committee within the meaning of 2 U.S.C. § 431(4).

2. Keith L. Honnold succeeded Bruce D. Greenberg as the treasurer of Society of Real Estate Appraisers PAC on July 24, 1989.

3. Section 434(a)(4)(A)(i) of Title 2 provides that unauthorized committees filing quarterly shall file quarterly reports in a calendar year in which a regularly scheduled election is held. Quarterly reports are to be filed no later than the 15th day after the last day of each calendar quarter.

4. Respondents were required to file the 1988 October Quarterly Report no later than October 15, 1988. The Commission did not receive the October Quarterly Report until November 17, 1988, 33 days late, disclosing \$5,050 in receipts and \$0 in disbursements. The report was sent immediately upon notice by the Commission to the Respondents that no report had yet been received. Since the report was sent by regular mail, however, the risk of loss falls on the Respondents.

5. Respondents submitted an affidavit of Christine E. Williams, the Coordinator of Washington Operations and Special Projects. Williams states in the affidavit that she delivered the 1988 October Quarterly Report to the Post Office on October 12, 1988 where it was posted by regular mail. The Respondents have not submitted any additional documentation to prove that the 1988 October Quarterly Report was actually filed prior to the November 17, 1988 filing. Pursuant to 2 U.S.C. § 434(a)(5), since the Committee did not produce a certified-mail receipt, the controlling date of the filing of the report is the date it was actually filed at the Commission.

V. Respondents failed to file the 1988 October Quarterly Report in a timely fashion in violation of 2 U.S.C. § 434(a)(4)(A)(i).

VI. Respondents will pay a civil penalty to the Federal Election Commission in the amount of two hundred fifty dollars (\$250.00), 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 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.



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 2867

DATE FILMED 4/13/90 CAMERA NO. 4

CAMERAMAN AS

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