



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 2911

DATE FILMED 9/28/89 CAMERA NO. 3

CAMERAMAN AS

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## FEDERAL ELECTION COMMISSION

WASHINGTON D.C. 20463

February 15, 1989

MEMORANDUM

TO: LAWRENCE M. NOBLE  
GENERAL COUNSEL

THROUGH: JOHN C. SURINA  
STAFF DIRECTOR

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

SUBJECT: REFERRAL OF MONTHLY UNAUTHORIZED COMMITTEES FOR  
FAILURE TO FILE THE 1988 12 DAY PRE-GENERAL REPORT  
BY ELECTION DAY

Attached are referrals of thirteen (13) monthly unauthorized committees that failed to file the 1988 12 Day Pre-General Report by Election Day, November 8, 1988.

Each monthly filer was sent prior notice of the due date of the report on October 3, 1988 (Attachment 14). Additionally, each committee being referred were sent a Non-Filer Notice on November 15, 1988 (Attachment 15).

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

Attachment

33040764345

C00217638: International Council of Shopping Centers  
Inc. Political Action Committee (AKA ICSC  
PAC)

89NF-34

39040764340

COMMITTEE ID, NAME AND ADDRESS

CONTACTS  
WITH FILER ATCHREPORTS FILED/  
RESPONSES

.....

CO0217638  
INTERNATIONAL COUNCIL OF SHOPPING CENTERS INC POLITICAL ACTION COMMITTEE (ICSC PAC)  
TREASURER'S NAME: BERNARD J ROSENSHEIN (January 26, 1988 - present)\*  
665 FIFTH AVENUE  
NEW YORK NY 10022

Telecon 6b  
11/3/88

12 Day Pre-General  
Report filed  
11/15/88 6a  
Letter filed  
11/15/89 6c

\*Sylvan M. Cohen (date of registration - January 25, 1988)

.....

**International Council of Shopping Centers Inc. Political  
Action Committee (ICSC PAC)**

(Attachments 6a - 6d)

3 9 0 4 0 7 6 4 3 4 8

*Attachment 1 (34)*

FEDERAL ELECTION COMMISSION  
1987-1988

DATE 8FEB89

COMMITTEE INDEX OF DISCLOSURE DOCUMENTS - (C)

PAGE 2

COMMITTEE	DOCUMENT	RECEIPTS	DISBURSEMENTS	COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
				TYPE OF FILER		
INTERNATIONAL COUNCIL OF SHOPPING CENTERS INC POLITICAL ACTION COMMITTEE (ICSC PAC)				ID #C00217638	NON-PARTY NON-QUALIFIED	
CONNECTED ORGANIZATION: INTL COUNCIL OF SHOPPING CENTERS INC						
1987	STATEMENT OF ORGANIZATION			23SEP87	1	87FEC/486/0981
	STATEMENT OF ORGANIZATION - AMENDMENT			16DEC87	3	87FEC/496/1305
	YEAR-END	0	0	23SEP87 -31DEC87	3	88FEC/502/4291
1988	STATEMENT OF ORGANIZATION - AMENDMENT			25JAN88	3	88FEC/500/1244
	MISCELLANEOUS REPORT FROM FEC			22MAR88	1	88FEC/513/5217
	FEBRUARY MONTHLY	0	0	1JAN88 -31JAN88	3	88FEC/510/0513
	MARCH MONTHLY	5,120	0	1FEB88 -29FEB88	3	88FEC/513/2004
	MARCH MONTHLY - AMENDMENT	-	-	1FEB88 -29FEB88	4	88FEC/523/1220
	MARCH MONTHLY - AMENDMENT	-	-	1FEB88 -29FEB88	5	88FEC/528/3852
	APRIL MONTHLY	24,600	0	1MAR88 -31MAR88	6	88FEC/523/1214
	APRIL MONTHLY - AMENDMENT	-	-	1MAR88 -31MAR88	3	88FEC/528/3857
	APRIL MONTHLY - AMENDMENT	-	-	1MAR88 -31MAR88	5	88FEC/529/2203
	REQUEST FOR ADDITIONAL INFORMATION			1MAR88 -31MAR88	1	88FEC/525/0610
	REQUEST FOR ADDITIONAL INFORMATION 2ND			1MAR88 -31MAR88	2	88FEC/528/3238
	MAY MONTHLY	27,786	0	1APR88 -30APR88	6	88FEC/526/2816
	MAY MONTHLY - AMENDMENT	-	-	1APR88 -30APR88	4	88FEC/529/2209
	MAY MONTHLY - AMENDMENT	-	-	1APR88 -30APR88	4	88FEC/546/0914
	JUNE MONTHLY	21,246	0	1MAY88 -31MAY88	5	88FEC/530/4123
	JULY MONTHLY	19,639	1,000	1JUN88 -30JUN88	9	88FEC/540/0206
	AUGUST MONTHLY	21,991	0	1JUL88 -31JUL88	5	88FEC/543/0318
	AUGUST MONTHLY - AMENDMENT	-	-	1JUL88 -31JUL88	3	88FEC/549/0402
	AUGUST MONTHLY - AMENDMENT	21,865	-	1JUL88 -31JUL88	3	88FEC/560/1110
	REQUEST FOR ADDITIONAL INFORMATION			1JUL88 -31JUL88	1	88FEC/547/2538
	SEPTEMBER MONTHLY	8,606	0	1AUG88 -31AUG88	4	88FEC/549/0398
	SEPTEMBER MONTHLY - AMENDMENT	8,491	1,000	1AUG88 -31AUG88	4	88FEC/560/1113
	SEPTEMBER MONTHLY - AMENDMENT	-	-	1AUG88 -31AUG88	3	88FEC/574/1763
	OCTOBER MONTHLY	5,856	55,000	1SEP88 -30SEP88	11	88FEC/560/1099
	OCTOBER MONTHLY - AMENDMENT	-	-	1SEP88 -30SEP88	3	88FEC/565/3645
	OCTOBER MONTHLY - AMENDMENT	-	54,000	1SEP88 -30SEP88	6	88FEC/566/0121
	REQUEST FOR ADDITIONAL INFORMATION			1SEP88 -30SEP88	1	88FEC/565/0412
	PRE-GENERAL	22,257	18,000	1OCT88 -19OCT88	9	88FEC/565/3636
	PRE-GENERAL - AMENDMENT	22,407	19,000	1OCT88 -19OCT88	9	88FEC/566/0127
	NOTICE OF FAILURE TO FILE			1OCT88 -19OCT88	1	88FEC/565/2038
	POST-GENERAL	13,195	1,000	20OCT88 -28NOV88	7	88FEC/574/1756
	YEAR-END	30,760	0	29NOV88 -31DEC88	6	89FEC/581/0961
	TOTAL	200,965	0	76,000	0	147 TOTAL PAGES

All reports except the 1988 Year End Report have been reviewed.  
Ending cash-on-hand as of 12/31/88: \$124,971  
Outstanding debts owed to/by the committee as of 12/31/88: \$0

Attachment 1 (35)

ATTACHMENT 6a

TELECON

**ANALYST:** Kate Henry

**CONVERSATION WITH:** Robin Goodall

**COMMITTEE:** International Council of Shopping Centers Inc. Political Action Committee

**DATE:** November 3, 1988

**SUBJECT(S):** 12 Day Pre-General Report

Ms. Goodall called because she had received a non-filer notice for the 12 Day Pre-General ("12G") Report. She had been told by an analyst that they did not need to file the 12G Report and now needed clarification. I explained that, unlike Quarterly filers, Monthly filers are required to file the 12G Report regardless of whether or not they've had any financial activity between October 1 and October 19. Ms. Goodall indicated that it would take several days to prepare the report, and she asked if she could include it in their next report. I replied that although the report would be considered late whether they sent it within a couple of days or waited until their next filing, I suggested that they send it as soon as possible.

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Attachment 1 (36)

NOV 21 AM 11:16

November 18, 1988

Ms. Kate Henry  
PAC Analyst  
FEC  
999 E St N.W.  
Washington, D.C. 20463

Dear Ms. Henry:

Per your recent letter, enclosed is an amendment filing to the October Monthly report (9/1/88-9/30/88) from the International Council of Shopping Centers.

Also, per our conversation of November 3, enclosed please find a pre-general report. Although you advised to send the late pre-election report along with the December 8 post-election report, it seemed a timely idea to sent it along with the requested amendment filing.

As you may recall from our conversation, the lateness of the pre-election report is due to a misunderstanding between myself and another analyst I spoke to at the FEC in late September. Unfortunately, I cannot locate the name of the gentleman. I thought the analyst agreed that monthly filers may simply submit the usual monthly report for an election report. Thus, I planned on filing a November 20 report covering all October activity. Also, the October 3 Federal Notice providing proper instructions on election filings came in while I was on my honeymoon and did not come to my attention until last Thursday. That is when I called you for further clarification.

This is our first late report and hopefully our last. Please accept my thanks for your patience and helpful assistance. Please advise regarding any penalty for lateness although I hope the circumstances may excuse the mistake this one time.

Sincerely,



Robin Goodall  
Legislative Analyst  
(212) 421-8181 ext. 365

Enclosures

89033653636

Attachment 1 (37)

# REPORT OF RECEIPTS AND DISBURSEMENTS

For Other Than An Authorized Committee  
(Summary Page)

ATTACHMENT 6d (Page 1 of 2)

RECEIVED

88 NOV 21 AM 11:10

USE FEC MAILING LABEL OR PRINT TYPE ON FRONT

1 NAME OF COMMITTEE (include International Council of Shopping Centers Inc. (ICSC-PAC))		PRE-ELECTION
2 ADDRESS (number and street) <input type="checkbox"/> Check if different than previously reported 665 Fifth Avenue		3 FEC IDENTIFICATION NUMBER C0021763
4 CITY, STATE and ZIP CODE New York, N.Y. 10022		5 <input type="checkbox"/> This committee qualified as a multicandidate committee DURING THIS Reporting Period on _____ (date)

### 4. TYPE OF REPORT

- (a) April 15 Quarterly Report
- (b) July 15 Quarterly Report
- (c) October 15 Quarterly Report
- (d) January 31 Year End Report
- (e) July 31 Mid Year Report (Non-election Year Only)
- (f) Termination Report

- Monthly Report Due On: Pre-election
- February 20
  - March 20
  - April 20
  - May 20
  - June 20
  - July 20
  - August 20
  - September 20
  - October 20
  - November 20
  - December 20
  - January 31

- (g) Twelfth day report preceding \_\_\_\_\_ (Type of Election) election on \_\_\_\_\_ in the State of \_\_\_\_\_
- (h) Thirtieth day report following the General Election on \_\_\_\_\_ in the State of \_\_\_\_\_

(a) Is this Report an Amendment?  YES  NO

### PRE-ELECTION

SUMMARY		COLUMN A This Period	COLUMN B Calendar Year-to-Date
5	Covering Period <u>10/1/88</u> through <u>10/19/88</u>		
6	(a) Cash on Hand January 1, 19 <u>88</u>		\$ -0-
	(b) Cash on Hand at Beginning of Reporting Period	\$ 77607.35	
	(c) Total Receipts (from Line 18)	\$ 22257.88	\$ 156865.23
	(d) Subtotal (add Lines 6(b) and 6(c) for Column A and Lines 6(a) and 6(c) for Column B)	\$ 99865.23	\$ 156865.23
7	Total Disbursements (from Line 28)	\$ 18000.00	\$ 75000.00
8	Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d))	\$ 81865.23	\$ 81865.23
9	Debts and Obligations Owed TO the Committee (Reportize all on Schedule C and/or Schedule D)	\$ -0-	
10	Debts and Obligations Owed BY the Committee (Reportize all on Schedule C and/or Schedule D)	\$ -0-	

For further information contact:  
Federal Election Commission  
999 E Street, NW  
Washington, DC 20463  
Toll Free 800-424-9530  
Local 202-376-3120

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

Edward J. Sack

Signature of Treasurer

Date

11-14-88

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

Attachment (38)

FEC FORM 3X  
(revised 4/87)

56

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International  
Council of  
Shopping Centers  
665 Fifth Avenue  
New York, N.Y. 10022

PM  
NOV 16



CERTIFIED MAIL  
P 360 649 003

Ms. Kate Henry  
FAC Analyst  
Federal Election Commission  
999 E Street N.W.  
Washington, D.C. 20463

Attachment 1 (39) 57

NOV 21 1976

FORM 4 01 2)

RECEIVED  
FEDERAL ELECTION COMMISSION

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

89 JUN -9 AM 10:16

FIRST GENERAL COUNSEL'S REPORT

**SENSITIVE**

RAD Referral #89NF-29  
thru 89NF-41  
Staff Member Ivonne Cotto

SOURCE:

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

RESPONDENTS:

International Council of Shopping Centers Inc.  
Political Action Committee (AKA ICSC PAC) and  
Bernard J. Rosenshein, as treasurer (89NF-34)

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

INTERNAL REPORTS  
CHECKED: Referral Materials

FEDERAL AGENCIES  
CHECKED: None

I. GENERATION OF MATTER

The Reports Analysis Division ("RAD") referred the above thirteen (13) committees to the Office of the General Counsel on February 16, 1989. (Attachment 1). The basis for the attached referral is the committees' failure to file the 1988 12 Day Pre-General Report in a timely manner.

II. FACTUAL AND LEGAL ANALYSIS

A. Filing of Reports

The Federal Election Campaign Act of 1971, as amended ("the Act"), provides that unauthorized committees which file on a monthly basis shall file a pre-election report, which shall be filed no later than the 12th day before such election, and which should be complete as of the 20th day before the election.

2 U.S.C. § 434(a)(4)(B). The committees were notified on October 3, 1988, that the report was due on October 27, 1988.

89040709355

The committees filed the information required to be in the 1988 12 Day Pre-General Report as follows:

A. 12 Day Report filed late

Name of Committee

Date Report Filed

International Council of  
Shopping Centers Inc.  
Political Action Committee  
(AKA ICSC PAC)

November 15, 1988

3 2 0 4 0 7 0 4 3 5 0

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.

III. DISCUSSION OF CONCILIATION AND CIVIL PENALTY

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III. RECOMMENDATIONS

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

International Council of Shopping Centers Inc.  
Political Action Committee (AKA ICSC PAC) and  
Bernard J. Rosenshein, as treasurer

37040764370

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

International Council of Shopping Centers Inc.  
Political Action Committee (AKA ICSC PAC) and  
Bernard J. Rosenshein, as treasurer

3 7 0 4 0 7 0 4 3 7 1

3. Approve the attached letters, Factual and Legal Analyses, and proposed conciliation agreements to be sent to the respective committees listed in recommendation 2.

Lawrence M. Noble  
General Counsel

6-8-89  
Date

BY:   
Lois G. Lerner  
Associate General Counsel

Attachments

1. Referral Materials
2. Proposed Conciliation Agreements (13)
3. Letters and Factual and Legal Analyses (13)



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CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on June 19, 1989, the Commission decided by a vote of 5-0 to take the following actions with respect to the above-captioned referrals:

1. Open Matters Under Review with respect to the following committees and their treasurers and find reason to believe that these committees and their treasurers violated 2 U.S.C. section 434(a)(4)(B):

(continued)

89040703370

International Council of Shopping Centers  
Inc. Political Action Committee (AKA  
ICSC PAC) and Bernard J. Rosenshein, as  
treasurer

- 3 9 0 4 0 7 6 4 3 7 4
2. Enter into conciliation with the following committees and their treasurers prior to a finding of probable cause to believe:

(continued)

Federal Election Commission  
Certification for RAD Referrals 89NF 29-41  
June 19, 1989

Page 4

International Council of Shopping  
Centers Inc. Political Action Committee  
(AKA ICSC PAC) and Bernard J. Rosenshein,  
as treasurer

8904076467

(continued)

3. Approve the letters, Factual and Legal Analyses, and proposed conciliation agreements to be sent to the respective committees listed in action 2, as recommended in the First General Counsel's Report signed June 8, 1989.

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

Attest:

6-19-89

Date

Marjorie W. Emmons

Marjorie W. Emmons  
Secretary of the Commission

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

June 28, 1989

Bernard J. Rosenshein,  
Treasurer  
International Council of  
Shopping Centers Inc. Political  
Action Committee (ICSC PAC)  
665 Fifth Avenue  
New York, NY 10022

RE: MUR 2911  
International Council of  
Shopping Centers Inc.  
Political Action Committee  
and Bernard J. Rosenshein,  
as treasurer

Dear Mr. Rosenshein:

On June 19, 1989, the Federal Election Commission found that there is reason to believe International Council of Shopping Centers Inc. Political Action Committee ("Committee") and you, as treasurer, violated 2 U.S.C. § 434(a)(4)(B), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

Under the Act, you have an opportunity to demonstrate that no action should be taken against the Committee and you, as treasurer. You may submit any factual or legal materials that you believe are relevant to the Commission's consideration of this matter. Please submit such materials to the General Counsel's Office within 15 days of your receipt of this letter. Where appropriate, statements should be submitted under oath.

In the absence of any additional information demonstrating that no further action should be taken against the Committee and you, as treasurer, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation.

In order to expedite the resolution of this matter, the Commission has also decided to offer to enter into negotiations directed towards reaching a conciliation agreement in settlement

39040764377

Bernard J. Rosenshein  
Page 2

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 pre-probable 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.

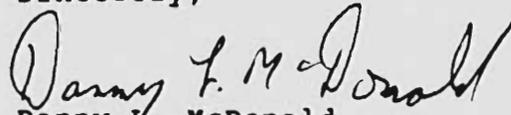
Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

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

Sincerely,

  
Danny F. McDonald  
Chairman

Enclosures

Factual and Legal Analysis  
Procedures  
Designation of Counsel Form  
Conciliation Agreement

8904070373

06C 3610

OFFICERS

- President  
DAVIDE HICKMAN - 270M - Lexington, KY
- Vice President - Committees  
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- Vice President - Eastern Division  
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- Secretary-Treasurer  
MATTHEW W. BUCKLEY - 100M - Miami, FL
- Executive Vice President  
JOHN J. BROWN - 200M - New York, NY



International Council of Shopping Centers

665 Fifth Avenue, New York, NY 10022  
212-421-8181 Telex—128285 Telecopier 212-486-0849

CERTIFIED, RETURN-RECEIPT

July 18, 1989

BOARD OF TRUSTEES

- 1985-1986: M. J. ...
- 1986-1987: M. J. ...
- 1987-1988: M. J. ...
- 1988-1989: M. J. ...
- 1989-1990: M. J. ...
- 1990-1991: M. J. ...
- 1991-1992: M. J. ...
- 1992-1993: M. J. ...
- 1993-1994: M. J. ...
- 1994-1995: M. J. ...
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- 2013-2014: M. J. ...
- 2014-2015: M. J. ...
- 2015-2016: M. J. ...
- 2016-2017: M. J. ...
- 2017-2018: M. J. ...
- 2018-2019: M. J. ...
- 2019-2020: M. J. ...
- 2020-2021: M. J. ...
- 2021-2022: M. J. ...
- 2022-2023: M. J. ...
- 2023-2024: M. J. ...
- 2024-2025: M. J. ...

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

Re: MUR 2911  
International Council of Shopping  
Centers, Inc.  
Political Action Committee

Dear Chairman McDonald:

This is in reply to your letter dated June 28, 1989, received July 5, 1989, addressed to Mr. Bernard J. Rosenshein, Treasurer of the International Council of Shopping Centers, Inc. Political Action Committee (ICSC PAC). The ICSC PAC accepts resolution of this matter as proposed in the pre-probable cause Conciliation Agreement enclosed with your letter. Accordingly, I enclose two copies of the agreement signed on behalf of the ICSC PAC by myself as Assistant Treasurer. Please return one fully executed copy to me.

Although we acknowledge the accuracy of the facts set forth on the Conciliation Agreement, I would like to assure you that the late filing was unintentional and was caused by the misunderstanding of the individual responsible for these filings that monthly filers did not have to file this additional pre-election report. When we were notified of our error immediately after the election, we took immediate corrective action and, as noted in the Conciliation Agreement, filed the report on November 15, 1988. There was no intention to withhold this information. All other reports have been filed on time.

The individual responsible for this error, who

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89 JUL 31 PM 4:05  
FEDERAL RECEIVED  
FEDERAL ELECTION COMMISSION



International Council  
of Shopping Centers

Mr. Danny L. McDonald  
July 18, 1989  
Page Two

is no longer with ICSC, says that she was informed by someone on the FEC staff in late September that the pre-election report was not required for monthly filers. I recognize that this is not binding on the Commission but mention it as an explanation of the misunderstanding.

Very truly yours,

A handwritten signature in cursive script that reads "Edward J. Sack".

Edward J. Sack  
General Counsel

/ip

Enc.

8 0 0 4 0 7 0 3 3 0

89 AUG 17 AM 9:39

BEFORE THE FEDERAL ELECTION COMMISSION

**SENSITIVE**

In the Matter of )  
International Council of ) MUR 2911  
Shopping Centers, Inc. Political )  
Action Committee and Bernard J. )  
Rosenshein, as treasurer )

GENERAL COUNSEL'S REPORT

I. BACKGROUND

Attached is a conciliation agreement which has been signed by Edward J. Sack, the assistant treasurer of the International Council of Shopping Centers, Inc. Political Action Committee. (Attachment 1).

The attached agreement contains no changes from the agreement approved by the Commission on June 19, 1989. A check for the civil penalty has been received.

II. RECOMMENDATIONS

1. Accept the attached conciliation agreement with the International Council of Shopping Centers, Inc. and Bernard J. Rosenshein, as treasurer.
2. Close the file.
3. Approve the attached letter.

Lawrence M. Noble  
General Counsel

8/16/89  
Date

BY:   
Lois G. Lerner  
Associate General Counsel

Attachments

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

Staff Assigned: A. Buckley

8 2 0 4 0 7 0 3 8 1

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
International Council of	)	MUR 2911
Shopping Centers, Inc. Political	)	
Action Committee and Bernard J.	)	
Rosenshein, as treasurer	)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on August 22, 1989, the Commission decided by a vote of 5-0 to take the following actions in MUR 2911:

1. Accept the conciliation agreement with the International Council of Shopping Centers, Inc. and Bernard J. Rosenshein, as treasurer, as recommended in the General Counsel's Report to the Commission dated August 16, 1989.
2. Close the file.
3. Approve the letter, as recommended in the General Counsel's Report to the Commission dated August 16, 1989.

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

Attest:

8-22-89

Date

Marjorie W. Emmons

Marjorie W. Emmons  
Secretary of the Commission

Received in the Secretariat:	Thursday, August 17, 1989 at 9:39 a.m.
Circulated to the Commission:	Thursday, August 17, 1989 at 4:00 p.m.
Deadline for vote:	Monday, August 21, 1989 at 4:00 p.m.

3 3 0 4 0 7 0 4 3 3 2



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

August 30, 1989

Bernard J. Rosenshein, Treasurer  
International Council of Shopping  
Centers, Inc. Political Action Committee  
665 Fifth Avenue  
New York, NY 10022

RE: MUR 2911  
International Council of  
Shopping Centers, Inc.  
Political Action Committee

Dear Mr. Rosenshein:

On August 21, 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)(4)(B), 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 Anthony Buckley, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble  
General Counsel

A handwritten signature in black ink, appearing to be "LGL", written over a horizontal line.

BY: Lois G. Lerner  
Associate General Counsel

Enclosure  
Conciliation Agreement

8 2 0 4 0 7 6 3 8 5

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
International Council of Shopping ) MUR 2911  
Centers Inc. Political Action )  
Committee, and Bernard J. )  
Rosenshein, as treasurer )

CONCILIATION AGREEMENT

This matter was initiated by the Federal Election Commission ("Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. The Commission found reason to believe that International Council of Shopping Centers Inc. Political Action Committee and Bernard J. Rosenshein, as treasurer, ("Respondents") violated 2 U.S.C. § 434(a)(4)(B).

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.

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

1. International Council of Shopping Centers Inc. Political Action Committee is a political committee within the meaning of 2 U.S.C. § 431(4).

2. Bernard J. Rosenshein is the treasurer of International Council of Shopping Centers Inc. Political Action Committee.

3. Section 434(a)(4)(B) of Title 2 provides that unauthorized committees which file on a monthly basis shall file a pre-election report, which shall be filed no later than the 12th day before such election, and which shall be complete as of the 20th day before the election.

4. Respondents filed the 1988 12 Day Pre-General Report on November 15, 1988, nineteen days after the October 27 deadline. The total amount of financial activity disclosed was \$41,407.00.

V. Respondents failed to file the 1988 12 Day Pre-General Report in a timely manner, in violation of 2 U.S.C. § 434(a)(4)(B).

VI. Respondents will pay a civil penalty to the Federal Election Commission in the amount of Eight Hundred Twenty-five Dollars (\$825.00), 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

3 7 0 4 0 7 0 5 8 2

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.

FOR THE COMMISSION:

Lawrence M. Noble  
General Counsel

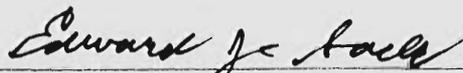
BY:

  
Lois G. Lerner  
Associate General Counsel

Date

8-24-89

FOR THE RESPONDENT(S):

  
(Name) Edward J. Sack  
(Position) Assistant Treasurer  
ICSC PAC

Date

July 18, 1989

8 2 0 9 0 7 0 4 3 8 0

MUR STATUS REPORT

MUR 2911  
(89NF-34)

International Council of Shopping Centers Inc.  
Political Action Committee (AKA IXSC PAC) and  
Bernard J. Rosenshein, as treasurer

TAB	DATE	ITEM
1	2-16-89	RAD Referral
2	6-8-89	First GC's Report
3	6-28-89	Notification Ltrs
4	7-31-89	Check, Ltr fm Edward Sack
5	08-15-89	Conciliation Agreement

3 3 0 4 0 7 6 4 3 3 7

OGC 4007

OFFICERS

- President  
DAVID HOCKER, CSM, Glenboro, NY
- Vice President, Committees  
W. EDWARD BRANDON, CSM, Miami, FL
- Vice President, Eastern Division  
RICHARD J. BRONSON, Hartford, CT
- Vice President, Central Division  
L. MICHAEL FOLEY, CSM, Chicago, IL
- Vice President, Western Division  
GARY J. MATHIAS, Los Angeles, CA
- Vice President, Southern Division  
ROBERT D. COLE, Park Ridge, IL
- Vice President, Canadian Division  
ROBERT J. ... Toronto, Canada
- Secretary/Treasurer  
MATT ...
- Executive Vice President  
...



International Council of Shopping Centers

665 Fifth Avenue, New York, NY 10022  
212 421-8181 Telex—128285 Telecopier 212 486-0849

**CLOSED**

September 12, 1989

Anthony Buckley  
General Counsel Office  
Federal Election Commission  
Washington, DC 20463

Re: MUR 2911  
International Council of Shopping  
Centers, Inc.  
Political Action Committee

Dear Mr. Buckley:

In accordance with your letter to Mr. Bernard J. Rosenshein dated August 30, 1989, received September 6, 1989, please find enclosed a copy of my letter dated July 18, 1989 to Mr. Danny L. McDonald, Chairman of the Federal Election Commission.

I request that this letter be included in the public record of this matter.

Very truly yours,

Edward J. Sack  
General Counsel

/ip

Enc.

FEDERAL ELECTION COMMISSION  
89 SEP 14 PM 3:51

89 SEP 14 11:10:18

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International Council  
of Shopping Centers

Mr. Danny L. McDonald  
July 18, 1989  
Page Two

is no longer with ICSC, says that she was informed by someone on the FEC staff in late September that the pre-election report was not required for monthly filers. I recognize that this is not binding on the Commission but mention it as an explanation of the misunderstanding.

Very truly yours,

*Edward J. Sack*

Edward J. Sack  
General Counsel

/ip

Enc.

80040764390

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
International Council of Shopping ) MUR 2911  
Centers Inc. Political Action )  
Committee, and Bernard J. )  
Rosenshein, as treasurer )

CONCILIATION AGREEMENT

3 7 0 0 7 0 4 3 9 1  
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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. International Council of Shopping Centers Inc. Political Action Committee is a political committee within the meaning of 2 U.S.C. § 431(4).

2. Bernard J. Rosenshein is the treasurer of International Council of Shopping Centers Inc. Political Action Committee.

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V. Respondents failed to file the 1988 12 Day Pre-General Report in a timely manner, in violation of 2 U.S.C. § 434(a)(4)(B).

VI. Respondents will pay a civil penalty to the Federal Election Commission in the amount of Eight Hundred Twenty-five Dollars (\$825.00), 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. § 437y(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

990407064392

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.

FOR THE COMMISSION:

Lawrence M. Noble  
General Counsel

BY:

Lois G. Lerner  
Associate General Counsel

\_\_\_\_\_  
Date

FOR THE RESPONDENT(S):

Edward J. Sack  
(Name) Edward J. Sack  
(Position) Assistant Treasurer  
ICSC PAC

July 18, 1989  
Date

Buckley

International Council of Shopping Centers, Inc.

665 FIFTH AVENUE, NEW YORK, NEW YORK 10022

1-2  
210

019387

THE CHASE MANHATTAN BANK  
INTERNATIONAL ASSOCIATION  
80 MADISON AVENUE, NEW YORK, N.Y.

CHECK #  
19387

DATE  
7/18/89

AMOUNT  
\$825.00

PAY EXACTLY EIGHT HUNDRED TWENTY FIVE & 00/100 ONLY

TO THE ORDER OF  
Federal Election Commission  
Washington, DC 20463

INTERNATIONAL COUNCIL OF SHOPPING CENTERS, INC.  
OPERATING ACCOUNT

*Edward A. Smith*  
AUTHORIZED SIGNATURE

⑈019387⑈ ⑆021000021⑆ 033 1 000000

Doc 3610

MEMORANDUM

TO: DEBRA A. TRIMIEW

TO: CHERYL T WILLIAMS

FROM: CHERYL T WILLIAMS

FROM: DEBRA A. TRIMIEW

CHECK NO. 019387 [A COPY OF WHICH IS ATTACHED] RELATING TO

MUR 2911 AND NAME International Council of Shopping Centers Inc. PAC

WAS RECEIVED ON 7/31/89 PLEASE INDICATE THE ACCOUNT INTO

WHICH IT SHOULD BE DEPOSITED:

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

RECEIVED  
FEDERAL ELECTION COMMISSION  
OFFICE OF GENERAL COUNSEL  
89 JUL 31 PM 4:05

SIGNATURE Debra A. Trimiew

DATE 8/1/89

ATTACHMENT 2 (4)



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

Bernard J. Rosenshein, Treasurer  
International Council of Shopping  
Centers, Inc. Political Action Committee  
665 Fifth Avenue  
New York, NY 10022

RE: MUR 2911  
International Council of  
Shopping Centers, Inc.  
Political Action Committee

Dear Mr. Rosenshein:

On August , 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)(4)(B), 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 Anthony Buckley, 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

ATTACHMENT 3





FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

Bernard J. Rosenshein, Treasurer  
International Council of Shopping  
Centers, Inc. Political Action Committee  
665 Fifth Avenue  
New York, NY 10022

RE: MUR 2911  
International Council of  
Shopping Centers, Inc.  
Political Action Committee

Dear Mr. Rosenshein:

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Sincerely,

Lawrence M. Noble  
General Counsel

BY: Lois G. Lerner  
Associate General Counsel

Enclosure  
Conciliation Agreement

AW  
8/21/89  
8-24-89  
ATB

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## FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

February 15, 1989

MEMORANDUM

TO: LAWRENCE M. NOBLE  
GENERAL COUNSEL

THROUGH: JOHN C. SURINA  
STAFF DIRECTOR

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

SUBJECT: REFERRAL OF MONTHLY UNAUTHORIZED COMMITTEES FOR  
FAILURE TO FILE THE 1988 12 DAY PRE-GENERAL REPORT  
BY ELECTION DAY

Attached are referrals of thirteen (13) monthly unauthorized committees that failed to file the 1988 12 Day Pre-General Report by Election Day, November 8, 1988. In accordance with Standard 3 of the 1987-1988 RAD Review and Referral Procedures for Unauthorized Committees, this matter requires further examination by your office.

Each monthly filer was sent prior notice of the due date of the report on October 3, 1988 (Attachment 14). Additionally, each committee being referred, with the exception of two (2), were sent a Non-Filer Notice on November 15, 1988 (Attachment 15). The Political Education Fund of the Building and Construction Trades Department filed the report on November 9, 1988 and was therefore not sent a Non-Filer Notice. Participation 2000 Inc. stated in a cover letter submitted with its 1988 October Quarterly Report that it would file on a monthly basis for the rest of 1988. The filing frequency change was not noted until after the Non-Filer Notice was sent.

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

Attachment

89040704398

C00196618: Association of Independent Colleges and Schools Political Action Committee 89NF-29

Prior referral

- #87NF-15: referred February 10, 1987 for failing to file the 1986 12 Day Pre-General Report by Election Day, November 4, 1986. The Commission voted not to open a MUR.

C00080721: Committee for Good Government of Temple-Eastex Incorporated 89NF-30

C00091884: Employees Federal PAC - Carolina Power & Light Co. 89NF-31

C00035493: Federal Arthur Young & Company Political Action Committee 89NF-32

C00035691: Halliburton PAC 89NF-33

C00217638: International Council of Shopping Centers Inc. Political Action Committee (AKA ICSC PAC) 89NF-34

C00176990: McDonald & Company Securities, Inc. Political Action Committee 89NF-35

C00215558: McLane Company Inc. Political Action Committee 89NF-36

C00221887: Participation 2000 Inc. 89NF-37

C00003160: Political Educational Fund of the Building and Construction Trades Department 89NF-38

C00097220: Scott Paper Company Political Action Committee (SCOTTPAC) 89NF-39

C00226753: Sovran Financial Corporation Political Action Committee (SOVRAN PAC) 89NF-40

C00010470: Union Pacific Fund for Effective Government 89NF-41

89040764394

## COMMITTEE ID, NAME AND ADDRESS

CONTACTS  
WITH FILER ATCHREPORTS FILED/  
RESPONSES

C00196618 ASSOCIATION OF INDEPENDENT COLLEGES AND SCHOOLS POLITICAL ACTION COMMITTEE TREASURER'S NAME: CHARLES E PALMER SR ONE DUPONT CIRCLE, N W SUITE 350 WASHINGTON DC 20036	None	12 Day Pre-General Report filed 11/14/88 (Summary Page Only) 1b Amended report filed 12/15/88 1c
C00080721 COMMITTEE FOR GOOD GOVERNMENT OF TEMPLE-EASTEX INCORPORATED TREASURER'S NAME: M RICHARD WARNER P.O. BOX 405 DIBOLL TX 75941	None	November Monthly Report filed 11/15/88 2b Letter and 12 Day Pre-General Report filed 11/22/88 2c & 2d
C00091884 EMPLOYEES FEDERAL PAC - CAROLINA POWER & LIGHT CO TREASURER'S NAME: JAMES W FULLER III PO BOX 1510/411 FAYETTEVILLE ST RALEIGH NC 27602	None	12 Day Pre-General Report filed 11/21/88 3b
C00035493 FEDERAL ARTHUR YOUNG & COMPANY POLITICAL ACTION COMMITTEE TREASURER'S NAME: CARL D. LIGGIO 277 PARK AVE NEW YORK NY 10172	None	12 Day Pre-General Report filed 11/9/88 4
C00035691 HALLIBURTON PAC TREASURER'S NAME: BILL M MCQUAIN P O DRAWER 1431 DUNCAN OK 73536	Telecon 5c 11/20/88	November Monthly Report filed 11/18/88 5b Letter filed 11/23/88 5d

COMMITTEE ID, NAME AND ADDRESS	CONTACTS WITH FILER ATCH	REPORTS FILED/ RESPONSES
CO0217638 INTERNATIONAL COUNCIL OF SHOPPING CENTERS INC POLITICAL ACTION COMMITTEE (ICSC PAC) TREASURER'S NAME: BERNARD J ROSENSHEIN (January 26, 1988 - present)* 665 FIFTH AVENUE NEW YORK NY 10022	Telecon 6b 11/3/88	12 Day Pre-General Report filed 11/15/88 6a Letter filed 11/15/88 6c
*Sylvan M. Cohen (date of registration - January 25, 1988)		
CO0176990 MCDONALD & COMPANY SECURITIES, INC POLITICAL ACTION COMMITTEE TREASURER'S NAME: ROBERT A PERRIER 2100 SOCIETY BUILDING CLEVELAND OH 44114	None	November Monthly Report 11/21/88 7b Letter and 12 Day Pre-General Report filed 11/23/88 7c & 7d
CO0215558 MCLANE COMPANY INC. FEDERAL POLITICAL ACTION COMMITTEE TREASURER'S NAME: GIDEON WILLIAM SANFORD JR P O DRAWER 128 TEMPLE TX 76503	None	November Monthly Report filed 11/11/88 8b Letter filed 11/18/88 8c
CO0221887 PARTICIPATION 2000 INC TREASURER'S NAME: JERRY M. HULTIN 691 N HIGH ST SUITE 200 COLUMBUS OH 43215	None	Letter and November Monthly Report filed 9b & 9c
CO0003160 POLITICAL EDUCATIONAL FUND OF THE BUILDING AND CONSTRUCTION TRADES DEPARTMENT TREASURER'S NAME: LEO C ZEFERETTI (November 14, 1987 - present)* 815 16TH STREET, N.W., SUITE 603 WASHINGTON DC 20006	None	12 Day Pre-General Report filed 11/9/88 10b

\*Joseph F. Maloney (January 1, 1987 - November 13, 1987)

COMMITTEE ID, NAME AND ADDRESS	CONTACTS WITH FILER ATCH	REPORTS FILED/ RESPONSES
C00097220 SCOTT PAPER COMPANY POLITICAL ACTION COMMITTEE (SCOTT PAC) TREASURER'S NAME: EDWARD B BETZ 1726 M STREET NW SUITE 901 WASHINGTON DC 20036	Telecon 11b 11/16/88	Letter and 12 Day Pre-General Report filed 11/16/88 11c & 11d
C00226753 SOVRAN FINANCIAL CORPORATION POLITICAL ACTION COMMITTEE (SOVRAN PAC) TREASURER'S NAME: DONALD R FISHER JR ONE COMMERCIAL PLACE NORFOLK VA 23510	Telecon 12d 12/12/88	November Monthly Report filed 12b 11/17/88 Letter filed 12c 11/21/89 Letter filed 12e 12/16/88
C00010470 UNION PACIFIC FUND FOR EFFECTIVE GOVERNMENT TREASURER'S NAME: EDMUND S HAWLEY (October 8, 1987 - present)* 345 PARK AVE. 31ST FLR. SUITE 3100 NEW YORK NY 10154	None	12 Day Pre-General Report filed 13b 11/11/88

\*Eugene P. Kopp (April 13, 1984 - October 7, 1987)

ASSIGNMENT SHEET

RAD REFERRAL: # 89NF-29 thru 89NF-41  
DATE RECEIVED: -OGC R02-16-89  
DATE TRANSMITTED TO AGC: -F02-17-89 4:22 *lw*  
RESPONDENT: -Monthly Unauthorized Cmtes For Failure  
to file the 1988 12-Day Pre-General  
Report by Election day.

TEAM ASSIGNED: Anne Weissenborn  
STAFF ASSIGNED: Inoune Cotto  
12 DAY REPORT DUE: \_\_\_\_\_  
FIRST G.C. REPORT DUE: 4/3/89

Lois D. Leiner *by nuc*  
Signature of AGC  
2/21/89  
Date

COMMENTS: See attached  
-to stf M2-27 10:45/lw

Please return to Docket after assignment.

39040764400



Sovran Financial Corporation Political )  
Action Committee (SOVRAN PAC) and )  
Donald R. Fisher, Jr., as treasurer )  
(89NF-40) )  
 )  
Union Pacific Fund for Effective )  
Government and Edmund S. Hawley, as )  
treasurer (89NF-41) )

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal  
Election Commission, do hereby certify that on June 19,  
1989, the Commission decided by a vote of 5-0 to take  
the following actions with respect to the above-  
captioned referrals:

1. Open Matters Under Review with respect to the  
following committees and their treasurers and  
find reason to believe that these committees  
and their treasurers violated 2 U.S.C.  
section 434(a)(4)(B):

Association of Independent Colleges and Schools  
Political Action Committee and Charles E. Palmer,  
Sr., as treasurer

Committee for Good Government of Temple-Eastex  
Incorporated and M. Richard Warner, as  
treasurer

Employees Federal PAC - Carolina Power &  
Light Co. and James W. Fuller III, as  
treasurer

Federal Arthur Young & Company Political  
Action Committee and Carl D. Liggio, as  
treasurer

Halliburton PAC and Bill M. McQuain, as  
treasurer

(continued)

99040769405

International Council of Shopping Centers  
Inc. Political Action Committee (AKA  
ICSC PAC) and Bernard J. Rosenshein, as  
treasurer

McDonald & Company Securities, Inc.  
Political Action Committee and Robert A.  
Perrier, as treasurer

McLane Company Inc. Federal Political  
Action Committee and Gideon William  
Sanford, Jr., as treasurer

Participation 2000 Inc. and H. Ritchey  
Hollenbaugh, as treasurer

Political Educational Fund of the  
Building and Construction Trades  
Department and Leo C. Zeferetti, as  
treasurer

Scott Paper Company Political Action  
Committee (SCOTTPAC) and Edward B.  
Betz, as treasurer

Sovran Financial Corporation Political  
Action Committee (SOVRAN PAC) and  
Donald R. Fisher, Jr., as treasurer

Union Pacific Fund for Effective  
Government and Edmund S. Hawley, as  
treasurer

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

Association of Independent Colleges and  
Schools Political Action Committee and  
Charles E. Palmer, Sr., as treasurer

Committee for Good Government of Temple-  
Eastex Incorporated and M. Richard Warner,  
as treasurer

Employees Federal PAC - Carolina Power &  
Light Co. and James W. Fuller III, as  
treasurer

(continued)

89040769406

Federal Arthur Young & Company Political  
Action Committee and Carl D. Liggio, as  
treasurer

Halliburton PAC and Bill M. McQuain, as  
treasurer

International Council of Shopping  
Centers Inc. Political Action Committee  
(AKA ICSC PAC) and Bernard J. Rosenshein,  
as treasurer

McDonald & Company Securities, Inc. Political  
Action Committee and Robert A. Perrier, as  
treasurer

McLane Company Inc. Federal Political  
Action Committee and Gideon William  
Sanford, Jr., as treasurer

Participation 2000 Inc. and H. Ritchey  
Hollenbaugh, as treasurer

Political Educational Fund of the  
Building and Construction Trades  
Department and Leo C. Zeferetti, as  
treasurer

Scott Paper Company Political  
Action Committee (SCOTTPAC) and  
Edward B. Betz, as treasurer

Sovran Financial Corporation Political  
Action Committee (SOVRAN PAC) and  
Donald R. Fisher, Jr., as treasurer

Union Pacific Fund for Effective  
Government and Edmund S. Hawley,  
as treasurer

(continued)

8904076407

3. Approve the letters, Factual and Legal Analyses, and proposed conciliation agreements to be sent to the respective committees listed in action 2, as recommended in the First General Counsel's Report signed June 8, 1989.

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

Attest:

6-19-89

Date

Marjorie W. Emmons

Marjorie W. Emmons  
Secretary of the Commission

89040764408

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

89 JUN -9 AM 10:16

FIRST GENERAL COUNSEL'S REPORT

**SENSITIVE**

RAD Referral #89NF-29  
thru 89NF-41  
Staff Member Ivonne Cotto

SOURCE:

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

RESPONDENTS:

Association of Independent Colleges and  
Schools Political Action Committee and  
Charles E. Palmer, Sr., as treasurer  
(89NF-29)

Committee for Good Government of Temple-Eastex  
Incorporated and M. Richard Warner,  
as treasurer (89NF-30)

Employees Federal PAC - Carolina Power & Light  
Co. and James W. Fuller III, as  
treasurer (89NF-31)

Federal Arthur Young & Company Political  
Action Committee and Carl D. Liggio,  
as treasurer (89NF-32)

Halliburton PAC and Bill M. McQuain, as  
treasurer (89NF-33)

International Council of Shopping Centers Inc.  
Political Action Committee (AKA ICSC PAC) and  
Bernard J. Rosenshein, as treasurer (89NF-34)

McDonald & Company Securities, Inc. Political  
Action Committee and Robert A. Perrier, as  
treasurer (89NF-35)

McLane Company Inc. Federal Political Action  
Committee and Gideon William Sanford, Jr., as  
treasurer (89NF-36)

Participation 2000 Inc. and H. Ritchey Hollenbaugh  
as treasurer (89NF-37)

Political Educational Fund of the Building and  
Construction Trades Department and Leo C.  
Zeferetti, as treasurer (89NF-38)

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Scott Paper Company Political Action Committee  
(SCOTTPAC) and Edward B. Betz, as treasurer  
(89NF-39)

Sovran Financial Corporation Political Action  
Committee (SOVRAN PAC) and Donald R.  
Fisher, Jr., as treasurer (89NF-40)

Union Pacific Fund for Effective Government and  
Edmund S. Hawley, as treasurer (89NF-41)

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

INTERNAL REPORTS  
CHECKED: Referral Materials

FEDERAL AGENCIES  
CHECKED: None

I. GENERATION OF MATTER

The Reports Analysis Division ("RAD") referred the above thirteen (13) committees to the Office of the General Counsel on February 16, 1989. (Attachment 1). The basis for the attached referral is the committees' failure to file the 1988 12 Day Pre-General Report in a timely manner.

II. FACTUAL AND LEGAL ANALYSIS

A. Filing of Reports

The Federal Election Campaign Act of 1971, as amended ("the Act"), provides that unauthorized committees which file on a monthly basis shall file a pre-election report, which shall be filed no later than the 12th day before such election, and which should be complete as of the 20th day before the election.

2 U.S.C. § 434(a)(4)(B). The committees were notified on October 3, 1988, that the report was due on October 27, 1988.

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The committees filed the information required to be in the 1988 12 Day Pre-General Report as follows:

A. 12 Day Report filed late

<u>Name of Committee</u>	<u>Date Report Filed</u>
Association of Independent <sup>1/</sup> Colleges and Schools Political Action Committee	November 14, 1988
Committee for Good Government of Temple-Eastex Incorporated	November 22, 1988
Employees Federal PAC - Carolina Power & Light Co.	November 21, 1988
Federal Arthur Young & Company Political Action Committee	November 9, 1988
International Council of Shopping Centers Inc. Political Action Committee (AKA ICSC PAC)	November 15, 1988
McDonald & Company Securities, Inc. Political Action Committee	November 23, 1988
Political Educational Fund of the Building and Construction Trades Department	November 9, 1988
Scott Paper Company Political Action Committee (SCOTTPAC)	November 16, 1988
Union Pacific Fund for Effective Government	November 11, 1988

<sup>1/</sup> This Committee was previously referred for failing to file the 1986 12 Day Pre-General Report, but the Commission did not open a MUR.

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B. The 1988 November Monthly Report contained information relevant to the coverage dates for the 1988 12 Day Pre-General Report

Halliburton PAC	November 18, 1988
McLane Company Inc. Political Action Committee	November 11, 1988
Participation 2000 Inc.	November 19, 1988
Sovran Financial Corporation Political Action Committee (SOVRAN PAC)	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.

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

This Office also recommends that the Commission offer to enter into conciliation prior to a finding of probable cause to believe with respect to the thirteen (13) referred committees. Attached for the Commission's approval are proposed conciliation agreements (Attachment 2). The proposed agreements provide for an admission of the violation and civil penalties computed as follows:

**A. 1. Association of Independent Colleges and Schools Political Action Committee**

1988 12 Day Pre-General Report

<u>RECEIPTS</u>	<u>DISBURSEMENTS</u>	<u>REPORT DUE</u>	<u>REPORT FILED</u>	<u>DAYS LATE</u>
\$-0-	\$-0-	10/27/88	11/14/88	18

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A1. Base:	\$125.00
A2. Report disclosed combined receipts and disbursements over \$10,000, more than 30 days late	\$-0-
A3. Report disclosed combined receipts and disbursements in excess of \$10,000 filed in a calendar year during which a regularly scheduled election was held and covered a period of activity during an election year	\$-0-
A4. Report due for a calendar month immediately prior to a primary or general election	\$250.00
A5. Report disclosed receipts or disbursements between \$10,000 and \$20,000	\$-0-
	<u>\$375.00</u>
SUBTOTAL:	\$375.00
Recidivist Factor	(not applicable)
TOTAL:	<u>\$375.00</u>

2. **Committee for Good Government of Temple-Eastex Incorporated**  
1988 12 Day Pre-General Report

<u>RECEIPTS</u>	<u>DISBURSEMENTS</u>	<u>REPORT DUE</u>	<u>REPORT FILED</u>	<u>DAYS LATE</u>
\$409.00	\$1,000.00	10/27/88	11/22/88	26

A1. Base:	\$125.00
A2. Report disclosed combined receipts and disbursements over \$10,000, more than 30 days late	\$-0-
A3. Report disclosed combined receipts and disbursements in excess of \$10,000 filed in a calendar year during	\$-0-

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which a regularly scheduled election was held and covered a period of activity during an election year

A4. Report due for a calendar month immediately prior to a primary or general election	\$250.00
A5. Report disclosed receipts or disbursements between \$10,000 and \$20,000	\$-0-
SUBTOTAL:	\$375.00
Recidivist Factor	(not applicable)
TOTAL:	\$375.00

3. Employees Federal PAC - Carolina Power & Light Co.

1988 12 Day Pre-General Report

<u>RECEIPTS</u>	<u>DISBURSEMENTS</u>	<u>REPORT DUE</u>	<u>REPORT FILED</u>	<u>DAYS LATE</u>
\$3,124.00	\$-0-	10/27/88	11/21/88	25
A1. Base:			\$125.00	
A2. Report disclosed combined receipts and disbursements over \$10,000, more than 30 days late			\$-0-	
A3. Report disclosed combined receipts and disbursements in excess of \$10,000 filed in a calendar year during which a regularly scheduled election was held and covered a period of activity during an election year			\$-0-	
A4. Report due for a calendar month immediately prior to a primary or general election			\$250.00	

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A5. Report disclosed receipts or disbursements between \$10,000 and \$20,000		\$-0-
	SUBTOTAL:	<u>\$375.00</u>
	Recidivist Factor	(not applicable)
	TOTAL:	<u>\$375.00</u>

4. **Federal Arthur Young & Company Political Action Committee**  
1988 12 Day Pre-General Report

<u>RECEIPTS</u>	<u>DISBURSEMENTS</u>	<u>REPORT DUE</u>	<u>REPORT FILED</u>	<u>DAYS LATE</u>
\$352.00	\$1,602.00	10/27/88	11/9/88	13
A1. Base:			\$125.00	
A2. Report disclosed combined receipts and disbursements over \$10,000, more than 30 days late			\$-0-	
A3. Report disclosed combined receipts and disbursements in excess of \$10,000 filed in a calendar year during which a regularly scheduled election was held and covered a period of activity during an election year			\$-0-	
A4. Report due for a calendar quarter immediately prior to a primary or general election			\$250.00	
A5. Report disclosed receipts or disbursements between \$10,000 and \$20,000			\$-0-	
	SUBTOTAL:		<u>\$375.00</u>	
	Recidivist Factor		(not applicable)	
	TOTAL:		<u>\$375.00</u>	

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5. International Council of Shopping Centers Inc. Political Action Committee (AKA ICSC PAC)

1988 12 Day Pre-General Report

<u>RECEIPTS</u>	<u>DISBURSEMENTS</u>	<u>REPORT DUE</u>	<u>REPORT FILED</u>	<u>DAYS LATE</u>
\$22,407.00	\$19,000.00	10/27/88	11/15/88	19
A1. Base:			\$125.00	
A2. Report disclosed combined receipts and disbursements over \$10,000, more than 30 days late			\$-0-	
A3. Report disclosed combined receipts and disbursements in excess of \$10,000 filed in a calendar year during which a regularly scheduled election was held and covered a period of activity during an election year			\$250.00	
A4. Report due for a calendar quarter immediately prior to a primary or general election			\$250.00	
A5. Report disclosed receipts or disbursements between \$10,000 and \$20,000			\$200.00	
			<u>\$825.00</u>	
			Recidivist Factor	(not applicable)
			<u>TOTAL:</u>	\$825.00

6. McDonald & Company Securities, Inc. Political Action Committee

1988 12 Day Pre-General Report

<u>RECEIPTS</u>	<u>DISBURSEMENTS</u>	<u>REPORT DUE</u>	<u>REPORT FILED</u>	<u>DAYS LATE</u>
\$9,959.00	\$-0-	10/27/88	11/23/88	27
A1. Base:			\$125.00	

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- A2. Report disclosed combined receipts and disbursements over \$10,000, more than 30 days late \$-0-
  - A3. Report disclosed combined receipts and disbursements in excess of \$10,000 filed in a calendar year during which a regularly scheduled election was held and covered a period of activity during an election year \$-0-
  - A4. Report due for a calendar quarter immediately prior to a primary or general election \$250.00
  - A5. Report disclosed receipts or disbursements between \$10,000 and \$20,000 \$-0-
- SUBTOTAL: \$375.00  
 Recidivist Factor (not applicable)  
 TOTAL: \$375.00

7. **Political Educational Fund of the Building and Construction Trades Department**

1988 12 Day Pre-General Report

<u>RECEIPTS</u>	<u>DISBURSEMENTS</u>	<u>REPORT DUE</u>	<u>REPORT FILED</u>	<u>DAYS LATE</u>
\$402.00	\$11,800.00	10/27/88	11/9/88	13

- A1. Base: \$125.00
- A2. Report disclosed combined receipts and disbursements over \$10,000, more than 30 days late \$-0-
- A3. Report disclosed combined receipts and disbursements in excess of \$10,000 filed in a calendar year during which a regularly scheduled \$250.00

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election was held and covered a period of activity during an election year

A4. Report due for a calendar quarter immediately prior to a primary or general election	\$250.00
A5. Report disclosed receipts or disbursements between \$10,000 and \$20,000	\$100.00
SUBTOTAL:	<u>\$725.00</u>
Recidivist Factor	<u>(not applicable)</u>
TOTAL:	\$725.00

8. Scott Paper Company Political Action Committee (SCOTTPAC)

1988 12 Day Pre-General Report

<u>RECEIPTS</u>	<u>DISBURSEMENTS</u>	<u>REPORT DUE</u>	<u>REPORT FILED</u>	<u>DAYS LATE</u>
\$-0-	\$6,500.00	10/27/88	11/16/88	20
A1. Base:			\$125.00	
A2. Report disclosed combined receipts and disbursements over \$10,000, more than 30 days late			\$-0-	
A3. Report disclosed combined receipts and disbursements in excess of \$10,000 filed in a calendar year during which a regularly scheduled election was held and covered a period of activity during an election year			\$-0-	
A4. Report due for a calendar month immediately prior to a primary or general election			\$250.00	

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B. 1. Halliburton PAC  
1988 12 Day Pre-General Report

<u>RECEIPTS</u>	<u>DISBURSEMENTS</u> <sup>2/</sup>	<u>REPORT DUE</u>	<u>REPORT FILED</u>	<u>DAYS LATE</u>
\$979.21	\$2,440.00	10/27/88	11/18/88	22
A1. Base:			\$125.00	
A2. Report disclosed combined receipts and disbursements over \$10,000, more than 30 days late			\$-0-	
A3. Report disclosed combined receipts and disbursements in excess of \$10,000 filed in a calendar year during which a regularly scheduled election was held and covered a period of activity during an election year			\$-0-	
A4. Report due for a calendar quarter immediately prior to a primary or general election			\$250.00	

2/ The Halliburton PAC filed a November Monthly Report which covered all receipts and disbursements from 10/1/88 through 10/31/88. The following is a breakdown for the activity from 10/1/88 through 10/19/88:

<u>Receipts</u>		<u>Disbursements</u>	
Itemized receipts -	\$195.20	Contributions to Federal candidates and other political committees -	\$2,440.00
Unitemized receipts (prorated) -	\$693.53		
Other receipts -	\$ 90.48		
	\$979.21		<hr/>
			\$2,440.00

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A5. Report disclosed receipts or disbursements between \$10,000 and \$20,000	\$-0-
SUBTOTAL:	<u>\$375.00</u>
Recidivist Factor	(not applicable)
TOTAL:	<u>\$375.00</u>

2. McLane Company Inc. Federal Political Action Committee

1988 12 Day Pre-General Report

<u>RECEIPTS</u>	<u>DISBURSEMENTS</u> <sup>3/</sup>	<u>REPORT DUE</u>	<u>REPORT FILED</u>	<u>DAYS LATE</u>
\$1,331.22	\$11,529.00	10/27/88	11/11/88	15
A1. Base:			\$125.00	
A2. Report disclosed combined receipts and disbursements over \$10,000, more than 30 days late			\$-0-	
A3. Report disclosed combined receipts and disbursements in excess of \$10,000 filed in a calendar year during which a regularly scheduled election was held and covered a period of activity during an election year			\$250.00	

3/ The McLane Company Inc. Federal Political Action Committee filed a November Monthly Report which covered all receipts and disbursements from 10/1/88 through 10/31/88. The following is a breakdown for activity from 10/1/88 through 10/19/88:

<u>Receipts</u>	<u>Disbursements</u>
Itemized receipts - \$834.74	Contributions to Federal candidates and other political committees \$ 9,760.00
Unitemized receipts - \$303.35 (prorated)	
Other receipts - <u>\$193.13</u>	Other disbursements \$ 1,769.00
\$1,331.22	<u>\$11,529.00</u>

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A4. Report due for a calendar quarter immediately prior to a primary or general election	\$250.00
A5. Report disclosed receipts or disbursements between \$10,000 and \$20,000	\$100.00
SUBTOTAL:	<u>\$725.00</u>
Recidivist Factor	<u>(not applicable)</u>
TOTAL:	<u>\$725.00</u>

3. Participation 2000, Inc.

1988 12 Day Pre-General Report

<u>RECEIPTS</u>	<u>DISBURSEMENTS</u> <sup>4/</sup>	<u>REPORT DUE</u>	<u>REPORT FILED</u>	<u>DAYS LATE</u>
\$414.22	\$5,249.08	10/27/88	11/19/88	23
A1. Base:			\$125.00	
A2. Report disclosed combined receipts and disbursements over \$10,000, more than 30 days late			\$-0-	

4/ Participation 2000, Inc. filed a November Monthly Report which covered all receipts and disbursements from 10/1/88 through 10/31/88. The following is a breakdown for activity from 10/1/88 to 10/19/88:

<u>Receipts</u>		<u>Disbursements</u>	
Itemized receipts	- \$268.40	Operating expenditures	- \$2,961.58
Loan repayment received	- \$120.58	Contribution to Federal candidates and other political committees	- \$1,982.50
Other receipts	- <u>\$ 25.24</u>	Other disbursements	- \$ 305.00
	\$414.22		<u>                    </u>
			\$5,249.08

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- A3. Report disclosed combined receipts and disbursements in excess of \$10,000 filed in a calendar year during which a regularly scheduled election was held and covered a period of activity during an election year \$-0-
  - A4. Report due for a calendar quarter immediately prior to a primary or general election \$250.00
  - A5. Report disclosed receipts or disbursements between \$10,000 and \$20,000 \$-0-
- SUBTOTAL: \$375.00  
 Recidivist Factor (not applicable)  
 TOTAL: \$375.00

4. Sovran Financial Corporation Political Action Committee (SOVRAN PAC)

1988 12 Day Pre-General Report

<u>RECEIPTS</u>	<u>DISBURSEMENTS</u> <sup>5/</sup>	<u>REPORT DUE</u>	<u>REPORT FILED</u>	<u>DAYS LATE</u>
\$3,203.02	\$1,234.85	10/27/88	11/17/88	21
A1. Base:			\$125.00	
A2. Report disclosed combined receipts and disbursements			\$-0-	

5/ Sovran Financial Corporation Political Action Committee filed a November Monthly Report which covered all receipts and disbursements from 10/1/88 through 10/30/88. The following is a breakdown for activity from 10/1/88 to 10/19/88:

<u>Receipts</u>		<u>Disbursements</u>	
Unitemized receipts (prorated)	\$3,075.62	Operating expenditures -	\$ 14.85
Other receipts	- \$ 127.40	Contributions to Federal candidates and other political committees	- \$1,220.00
	\$3,203.02		\$1,234.85

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over \$10,000, more than 30 days late

A3.	Report disclosed combined receipts and disbursements in excess of \$10,000 filed in a calendar year during which a regularly scheduled election was held and covered a period of activity during an election year	\$-0-
A4.	Report due for a calendar month immediately prior to a primary or general election	\$250.00
A5.	Report disclosed receipts or disbursements between \$10,000 and \$20,000	\$-0-
	SUBTOTAL:	\$375.00
	Recidivist Factor	(not applicable)
	TOTAL:	\$375.00

III. RECOMMENDATIONS

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

Association of Independent Colleges and Schools Political Action Committee and Charles E. Palmer, Sr., as treasurer

Committee for Good Government of Temple-Eastex Incorporated and M. Richard Warner, as treasurer

Employees Federal PAC - Carolina Power & Light Co. and James W. Fuller III, as treasurer

Federal Arthur Young & Company Political Action Committee and Carl D. Liggio, as treasurer

Halliburton PAC and Bill M. McQuain, as treasurer

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International Council of Shopping Centers Inc.  
Political Action Committee (AKA ICSC PAC) and  
Bernard J. Rosenshein, as treasurer

McDonald & Company Securities, Inc. Political  
Action Committee and Robert A. Perrier, as  
treasurer

McLane Company Inc. Federal Political Action  
Committee and Gideon William Sanford, Jr., as  
treasurer

Participation 2000 Inc. and H. Ritchey Hollenbaugh  
as treasurer

Political Educational Fund of the Building and  
Construction Trades Department and Leo C.  
Zeferetti, as treasurer

Scott Paper Company Political Action Committee  
(SCOTTPAC) and Edward B. Betz, as treasurer

Sovran Financial Corporation Political Action  
Committee (SOVRAN PAC) and Donald R.  
Fisher, Jr., as treasurer

Union Pacific Fund for Effective Government and  
Edmund S. Hawley, as treasurer

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

Association of Independent Colleges and  
Schools Political Action Committee and  
Charles E. Palmer, Sr., as treasurer

Committee for Good Government of Temple-Eastex  
Incorporated and M. Richard Warner,  
as treasurer

Employees Federal PAC - Carolina Power & Light  
Co. and James W. Fuller III, as  
treasurer

Federal Arthur Young & Company Political  
Action Committee and Carl D. Liggio,  
as treasurer

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Halliburton PAC and Bill M. McQuain, as treasurer

International Council of Shopping Centers Inc. Political Action Committee (AKA ICSC PAC) and Bernard J. Rosenshein, as treasurer

McDonald & Company Securities, Inc. Political Action Committee and Robert A. Perrier, as treasurer

McLane Company Inc. Federal Political Action Committee and Gideon William Sanford, Jr., as treasurer

Participation 2000 Inc. and H. Ritchey Hollenbaugh as treasurer

Political Educational Fund of the Building and Construction Trades Department and Leo C. Zeferetti, as treasurer

Scott Paper Company Political Action Committee (SCOTTPAC) and Edward B. Betz, as treasurer

Sovran Financial Corporation Political Action Committee (SOVRAN PAC) and Donald R. Fisher, Jr., as treasurer

Union Pacific Fund for Effective Government and Edmund S. Hawley, as treasurer

- 3. Approve the attached letters, Factual and Legal Analyses, and proposed conciliation agreements to be sent to the respective committees listed in recommendation 2.

Lawrence M. Noble  
General Counsel

C-8-89

Date

BY:

  
 \_\_\_\_\_  
 Lois G. Lerner  
 Associate General Counsel

Attachments

- 1. Referral Materials
- 2. Proposed Conciliation Agreements (13)
- 3. Letters and Factual and Legal Analyses (13)

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

Bernard J. Rosenshein,  
Treasurer  
International Council of  
Shopping Centers Inc. Political  
Action Committee (ICSC PAC)  
665 Fifth Avenue  
New York, NY 10022

RE: MUR  
International Council of  
Shopping Centers Inc.  
Political Action Committee  
and Bernard J. Rosenshein,  
as treasurer

Dear Mr. Rosenshein:

On , 1989, the Federal Election Commission found that there is reason to believe International Council of Shopping Centers Inc. Political Action Committee ("Committee") and you, as treasurer, violated 2 U.S.C. § 434(a)(4)(B), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

Under the Act, you have an opportunity to demonstrate that no action should be taken against the Committee and you, as treasurer. You may submit any factual or legal materials that you believe are relevant to the Commission's consideration of this matter. Please submit such materials to the General Counsel's Office within 15 days of your receipt of this letter. Where appropriate, statements should be submitted under oath.

In the absence of any additional information demonstrating that no further action should be taken against the Committee and you, as treasurer, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation.

In order to expedite the resolution of this matter, the Commission has also decided to offer to enter into negotiations directed towards reaching a conciliation agreement in settlement

Attachment 3 (13)  
148

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Bernard J. Rosenshein

Page 2

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 pre-probable 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 Ivonne Cotto, the staff member 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

Attachment 3 (14) 149

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FEDERAL ELECTION COMMISSION  
FACTUAL AND LEGAL ANALYSIS

RESPONDENTS:

International Council of Shopping Centers  
Inc. Political Action Committee and  
Bernard J. Rosenshein, as treasurer

MUR:

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The Federal Election Campaign Act of 1971, as amended (the "Act"), provides that unauthorized committees should file a pre-election report, which should be filed no later than the 12th day before such election, and which should be complete as of the 20th day before the election. 2 U.S.C. § 434(a)(4)(B). The Committee was notified on October 3, 1988, that the report was due on October 27, 1988. The Committee filed the 12 Day Pre-General Report on November 15, 1988, nineteen days late.

Therefore, there is reason to believe that the International Council of Shopping Centers, Inc. Political Action Committee and Bernard J. Rosenshein, as treasurer, violated 2 U.S.C. § 434(a)(4)(B).

Attachment 3 (15)  
150

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
International Council of Shopping ) MUR  
Centers Inc. Political Action )  
Committee, and Bernard J. )  
Rosenstein, as treasurer )

CONCILIATION AGREEMENT

This matter was initiated by the Federal Election Commission ("Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. The Commission found reason to believe that International Council of Shopping Centers Inc. Political Action Committee and Bernard J. Rosenstein, as treasurer, ("Respondents") violated 2 U.S.C. § 434(a)(4)(B).

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.

Attachment (13)

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

1. International Council of Shopping Centers Inc. Political Action Committee is a political committee within the meaning of 2 U.S.C. § 431(4).

2. Bernard J. Rosenshein is the treasurer of International Council of Shopping Centers Inc. Political Action Committee.

3. Section 434(a)(4)(B) of Title 2 provides that unauthorized committees which file on a monthly basis shall file a pre-election report, which shall be filed no later than the 12th day before such election, and which shall be complete as of the 20th day before the election.

4. Respondents filed the 1988 12 Day Pre-General Report on November 15, 1988, nineteen days after the October 27 deadline. The total amount of financial activity disclosed was \$41,407.00.

V. Respondents failed to file the 1988 12 Day Pre-General Report in a timely manner, in violation of 2 U.S.C. § 434(a)(4)(B).

VI. Respondents will pay a civil penalty to the Federal Election Commission in the amount of Eight Hundred Twenty-five Dollars (\$825.00), 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

Attachment 2 (14)

33040769931

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.

FOR THE COMMISSION:

Lawrence M. Noble  
General Counsel

BY:

\_\_\_\_\_  
Lois G. Lerner  
Associate General Counsel

\_\_\_\_\_ Date

FOR THE RESPONDENT(S):

\_\_\_\_\_  
(Name)  
(Position)

\_\_\_\_\_ Date

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*Attachment 2 (15)*



FEDERAL ELECTION COMMISSION  
WASHINGTON D.C. 20463

Bernard J. Rosenshein,  
Treasurer  
International Council of  
Shopping Centers Inc. Political  
Action Committee (ICSC PAC)  
665 Fifth Avenue  
New York, NY 10022

RE: MUR  
International Council of  
Shopping Centers Inc.  
Political Action Committee  
and Bernard J. Rosenshein,  
as treasurer

Dear Mr. Rosenshein:

On , 1989, the Federal Election Commission found that there is reason to believe International Council of Shopping Centers Inc. Political Action Committee ("Committee") and you, as treasurer, violated 2 U.S.C. § 434(a)(4)(B), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

Under the Act, you have an opportunity to demonstrate that no action should be taken against the Committee and you, as treasurer. You may submit any factual or legal materials that you believe are relevant to the Commission's consideration of this matter. Please submit such materials to the General Counsel's Office within 15 days of your receipt of this letter. Where appropriate, statements should be submitted under oath.

In the absence of any additional information demonstrating that no further action should be taken against the Committee and you, as treasurer, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation.

In order to expedite the resolution of this matter, the Commission has also decided to offer to enter into negotiations directed towards reaching a conciliation agreement in settlement

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Bernard J. Rosenshein  
Page 2

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 pre-probable 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 ~~Ivonne~~ Cotto, the staff member 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

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ATB  
AW 5/27/89

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
International Council of Shopping ) MUR 2911  
Centers Inc. Political Action )  
Committee, and Bernard J. )  
Rosenstein, as treasurer )

CONCILIATION AGREEMENT

This matter was initiated by the Federal Election Commission ("Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. The Commission found reason to believe that International Council of Shopping Centers Inc. Political Action Committee and Bernard J. Rosenstein, as treasurer, ("Respondents") violated 2 U.S.C. § 434(a)(4)(B).

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.

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

1. International Council of Shopping Centers Inc. Political Action Committee is a political committee within the meaning of 2 U.S.C. § 431(4).

2. Bernard J. Rosenshein is the treasurer of International Council of Shopping Centers Inc. Political Action Committee.

3. Section 434(a)(4)(B) of Title 2 provides that unauthorized committees which file on a monthly basis shall file a pre-election report, which shall be filed no later than the 12th day before such election, and which shall be complete as of the 20th day before the election.

4. Respondents filed the 1988 12 Day Pre-General Report on November 15, 1988, nineteen days after the October 27 deadline. The total amount of financial activity disclosed was \$41,407.00.

V. Respondents failed to file the 1988 12 Day Pre-General Report in a timely manner, in violation of 2 U.S.C. § 434(a)(4)(B).

VI. Respondents will pay a civil penalty to the Federal Election Commission in the amount of Eight Hundred Twenty-five Dollars (\$825.00), 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

39040761430

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.

FOR THE COMMISSION:

Lawrence M. Noble  
General Counsel

BY:

Lois G. Lerner  
Associate General Counsel

\_\_\_\_\_ Date

FOR THE RESPONDENT(S):

*Edward J. Sack*  
\_\_\_\_\_  
(Name) Edward J. Sack  
(Position) Assistant Treasurer  
ICSC PAC

July 18, 1989  
\_\_\_\_\_  
Date

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International Council of Shopping Centers, Inc.

1-2  
210

019387

665 FIFTH AVENUE, NEW YORK, NEW YORK 10022

THE CHASE MANHATTAN BANK  
NATIONAL ASSOCIATION  
380 MADISON AVENUE, NEW YORK, N.Y.

CHECK #  
19387

DATE  
7/18/89

AMOUNT  
\$825.00

PAY EXACTLY EIGHT HUNDRED TWENTY FIVE & 00/100 ONLY

TO THE ORDER OF  
Federal Election Commission  
Washington, DC 20463

INTERNATIONAL COUNCIL OF SHOPPING CENTERS, INC  
OPERATING ACCOUNT

*[Signature]*  
AUTHORIZED SIGNATURE

⑈019387⑈ ⑆021000021⑆ 033 1 000000⑆

Doc 3610

MEMORANDUM

TO: DEBRA A. TRIMIEW

TO: CHERYL T WILLIAMS

FROM: CHERYL T WILLIAMS

FROM: DEBRA A. TRIMIEW

CHECK NO. 019387 [A COPY OF WHICH IS ATTACHED] RELATING TO

MUR 2911

AND NAME

International Council of Shopping Centers Inc. PAC

WAS RECEIVED ON

7/31/89

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

8/1/89

89 JUL 31 PM 4:05

RECEIVED  
FEDERAL ELECTION COMMISSION



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 2911

DATE FILMED 9/28/89 CAMERA NO. 3

CAMERAMAN AS

39040765439



FEDERAL ELECTION COMMISSION  
WASHINGTON DC 20463

THE FOLLOWING MATERIAL IS BEING ADDED TO THE  
PUBLIC RECORD IN (CLOSED) MUR 2911

890407/1756

CG 4007

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- Executive Committee
- Past President



**International Council of Shopping Centers**

665 Fifth Avenue, New York, NY 10022  
212 421-8181 Telex—128285 Telecopier: 212 486-0849

September 12, 1989

Anthony Buckley  
General Counsel Office  
Federal Election Commission  
Washington, DC 20463

Re: MUR 2911  
International Council of Shopping  
Centers, Inc.  
Political Action Committee

Dear Mr. Buckley:

In accordance with your letter to Mr. Bernard J. Rosenshein dated August 30, 1989, received September 6, 1989, please find enclosed a copy of my letter dated July 18, 1989 to Mr. Danny L. McDonald, Chairman of the Federal Election Commission.

I request that this letter be included in the public record of this matter.

Very truly yours,

Edward J. Sack  
General Counsel

/ip

Enc.

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89 SEP 14 11:10:18

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International Council of Shopping Centers

665 Fifth Avenue, New York, NY 10022
212 421-8181 Telex—128285 Telecopier 212 486-0849

CERTIFIED, RETURN-RECEIPT

July 18, 1989

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

Re: MUR 2911
International Council of Shopping
Centers, Inc.
Political Action Committee

Dear Chairman McDonald:

This is in reply to your letter dated June 28, 1989, received July 5, 1989, addressed to Mr. Bernard J. Rosenshein, Treasurer of the International Council of Shopping Centers, Inc. Political Action Committee (ICSC PAC). The ICSC PAC accepts resolution of this matter as proposed in the pre-probable cause Conciliation Agreement enclosed with your letter. Accordingly, I enclose two copies of the agreement signed on behalf of the ICSC PAC by myself as Assistant Treasurer. Please return one fully executed copy to me.

Although we acknowledge the accuracy of the facts set forth on the Conciliation Agreement, I would like to assure you that the late filing was unintentional and was caused by the misunderstanding of the individual responsible for these filings that monthly filers did not have to file this additional pre-election report. When we were notified of our error immediately after the election, we took immediate corrective action and, as noted in the Conciliation Agreement, filed the report on November 15, 1988. There was no intention to withhold this information. All other reports have been filed on time.

The individual responsible for this error, who



International Council  
of Shopping Centers

Mr. Danny L. McDonald  
July 18, 1989  
Page Two

is no longer with ICSC, says that she was informed by someone on the FEC staff in late September that the pre-election report was not required for monthly filers. I recognize that this is not binding on the Commission but mention it as an explanation of the misunderstanding.

Very truly yours,

Edward J. Sack  
General Counsel

/ip

Enc.

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