



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 2947

DATE FILMED 11/1/89 CAMERA NO. 4

CAMERAMAN AS

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FEDERAL ELECTION COMMISSION

WASHINGTON, DC 20463

June 16, 1989

MEMORANDUM

TO: LAWRENCE M. NOBLE
GENERAL COUNSEL

THROUGH: JOHN C. SURINA
STAFF DIRECTOR

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

SUBJECT: UNAUTHORIZED QUARTERLY FILERS WHICH FAILED TO FILE
THE 1988 12 DAY PRE-GENERAL REPORT BY ELECTION DAY

11:10 6/16/89

The attached list of unauthorized committees consists of thirty-seven (37) quarterly filers which failed to file a 1988 12 Day Pre-General Report by Election Day, November 8, 1988. In accordance with Standard 3 of the RAD Review and Referral Procedures for Unauthorized Committees, further examination is required by your office.

Unlike the mandatory reporting requirement placed upon monthly filers, 2 U.S.C. §434(a)(4)(A)(ii) requires quarterly filers to submit 12 Day Pre-General Reports only if the committees make contributions to or expenditures on behalf of federal candidates in the general election. All unauthorized committees were sent prior notification regarding the pre- and post-general filing requirements on October 3, 1988 (Attachment 38).

The Party/Non-Party Branch conducted a thorough examination to identify quarterly filers disclosing contributions or expenditures between October 1 and October 19, 1988. The research revealed committees that submitted:

- a) 12 Day Pre-General Reports in an untimely manner;
- b) 30 Day Post-General Reports indicating that 12 Day Pre-General Reports should have been filed; and
- c) Year End Reports indicating that 12 Day Pre-General Reports should have been filed.

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

A-000.1

33040771229

List of Committees and Prior Commission Actions

1. (

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~~292~~
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7. C00112110 Commodity Exchange Inc. Political
Action Committee (COMPAC) 89NF-75

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33040771230

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Attachments 7a-7b

CO0112110

COMMODITY EXCHANGE INC POLITICAL ACTION COMMITTEE (COMPAC)

TREASURER'S NAME: JACK GANDOLFO (5/3/89 to present)*

1331 PENNSYLVANIA AVENUE, NW, SUITE 550

WASHINGTON, DC 20004

Telecon

1/9/89

1988 12 Day

Pre-General

and letter

filed 1/13/89

*Andrew Brimmer (7/8/86-4/13/88); Robert Fink (4/14/88 to 5/2/89)

.....

330407/1231

A-00000

Commodity Exchange Inc. Political Action Committee (COMPAC)
(Attachments 7a - 7h)

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3 3 0 4 0 7 7 1 2 3 3

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

DATE 24MAY89

PAGE 4

COMMITTEE	DOCUMENT	RECEIVED	DISBURSEMENTS	COVERAGE DATES	# OF	MICROFILM
					PAGES	LOCATION
					TYPE OF FILER	
COMMODITY EXCHANGE FOR POLITICAL ACTION COMMITTEE (COMPAC)				ID #C00112110 NON-PARTY QUALIFIED		
CONNECTED ORGANIZATION: COMMODITY EXCHANGE, INC						
1987	MID-YEAR REPORT	1,359	3,315	1JAN87 -30JUN87	4	87FEC/478/1396
	YEAR END	112,480	11,370	1JUL87 -31DEC87	42	88FEC/500/4520
	YEAR END - AMENDMENT	112,480	11,370	1JUL87 -31DEC87	4	88FEC/500/0511
1988	STATEMENT OF ORGANIZATION - AMENDMENT			14APR88	1	88FEC/518/2278
	APRIL QUARTERLY	2,619	9,739	1JAN88 -31MAR88	6	88FEC/518/2278
	JULY QUARTERLY	707	19,400	1APR88 -30JUN88	6	88FEC/534/3135
	OCTOBER QUARTERLY	327	9,800	1JUL88 -30SEP88	6	88FEC/551/3834
	PRE-GENERAL	0	6,500	1OCT88 -19OCT88	5	89FEC/578/2654
	POST-GENERAL	729	900	20OCT88 -28NOV88	4	89FEC/578/2659
	NOTICE OF FAILURE TO FILE				1	89FEC/576/2179
	YEAR END	0	0	29NOV88 -31DEC88	3	89FEC/580/4626
	TOTAL	118,612	0	52,524	0	82 TOTAL PAGES

All reports have been reviewed.

Ending cash-on-hand as of 12/31/88: \$70,719

Outstanding debts owed to or by the committee as of 12/31/88: \$0

COMMITTEE	DOCUMENT	RECEIPTS	DISBURSEMENTS	COVERAGE DATES	# OF MICROFILM	
					PAGES	LOCATION
				TYPE OF FILER		
COMMODITY EXCHANGE , INC. POLITICAL ACTION COMMITTEE (COMPAC) C/O STEPHEN E. STORCH				ID #C00112110	NON-PARTY QUALIFIED	
CONNECTED ORGANIZATION: COMMODITY EXCHANGE, INC				8MAY89	2 89FEC/594/2776	
1989 STATEMENT OF ORGANIZATION - AMENDMENT						
TOTAL		0	0	0	0	2 TOTAL PAGES

The Statement of Organization has not been reviewed.

MEMORANDUM TO THE FILES:

COMMITTEE: Commodity Exchange Inc., Political Action Committee (COMPAC)
I.D. NUMBER: C00112110
CONTACT: Barbara Brown
DATE: 1/9/89
ANALYST: Brian Hancock
SUBJECT: Failure to File the 1988 30G

I spoke with Ms. Brown at 10:20 am today. She stated that she had received a Non-Filer Notice for the 30 Day Post General Report. Ms. Brown admitted that the report had not been filed and asked what she should do about it. I advised Ms. Brown to file the report as soon as possible. I also inquired as to whether the Committee received a Reporting Notice from the Commission regarding the 30G Report. Ms. Brown said that she had not received such a notice.

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COMMODITY EXCHANGE, INC. POLITICAL ACTION COMMITTEE

ATTACHMENT 7d

RECEIVED
FEDERAL ELECTION COMMISSION

09 JAN 17 PM 4:03

COMEX
Four World Trade Center
8th Floor
New York, NY 10048
(212) 638-2915

COMEX
1331 Pennsylvania Avenue N.W.
Suite 550
Washington, DC 20004
(202) 662-8770

January 13, 1989

Mr. John D. Gibson
Assistant Staff Director
Reports Analysis Division
Federal Election Commission
999 E Street, NW
Washington, DC 20463

Dear Mr. Gibson:

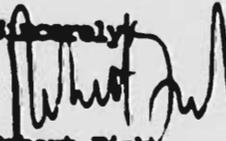
In response to your letter of January 6, 1989, enclosed are COMEX's pre- and post-general reports. Our FEC identification number is C00112110.

We did not receive a report notice for these reports; we prefer to file such required reports in a timely manner. We apologize for the delay and hope you will take the fact that we did not receive prior notice and our previous record into consideration.

In order to lessen the possibility of future delays, please arrange to have all correspondence sent to the Assistant Treasurer of COMEX at the address shown below.

Stephen E. Storch, Vice President
Government Affairs
Commodity Exchange, Inc.
1331 Pennsylvania Avenue, NW, Suite 550
Washington, DC 20004

If you have any questions, please contact Mr. Storch in our Washington office at 662-8770.

Sincerely,

Robert Fink
Treasurer

RF/bab
cc: A. J. Brody
J. Gandolfo
S. Storch
COMPAC Files

Enclosures: Pre- and Post-General
Reports of Receipts and Disbursements

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RECEIVED
FEDERAL ELECTION COMMISSION

09 JAN 17 PM 4:03

1. NAME OF COMMITTEE
Commodity Exchange, Inc., Political Action Committee ("COMEX")

2. FEDERAL IDENTIFICATION NUMBER
C00112110

3. ADDRESS (number and street)
1331 Pennsylvania Avenue, NW Suite 660
Washington, DC 20004

4. CITY, STATE and ZIP CODE
Washington, DC 20004

5. THIS COMMITTEE QUALIFIED AS A MULTICANDIDATE COMMITTEE DURING THIS REPORTING PERIOD
 YES NO

4. TYPE OF REPORT

- April 15 Quarterly Report
- July 15 Quarterly Report
- October 15 Quarterly Report
- January 31 Year End Report
- July 31 Mid Year Report (Non-election Year Only)
- Termination Report
- 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 General (Type of Election)
election on 11-8-88 in the State of NATIONAL
- Thirtieth day report following the General Election in _____ 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>10-1-88</u> through <u>10-19-88</u>		
6	(a) Cash on Hand January 1, 19 <u>88</u>		\$ 103,174.86
	(b) Cash on Hand at Beginning of Reporting Period	\$ 77,390.10	
	(c) Total Receipts (from Line 18)	\$ 0.00	\$ 4,154.62
	(d) Subtotal (add Lines 6(b) and 6(c) for Column A and Lines 6(a) and 6(c) for Column B)	\$ 77,390.10	\$ 107,329.48
7	Total Disbursements (from Line 28)	\$ 6,500.00	\$ 36,439.38
8	Cash on Hand at Close of Reporting Period (Subtotal Line 7 from Line 6(d))	\$ 70,890.10	\$ 70,890.10
9	Debts and Obligations Owed TO the Committee (Revise all on Schedule C and/or Schedule D)	\$	
10	Debts and Obligations Owed BY the Committee (Revise all on Schedule C and/or Schedule D)	\$	

For further information contact:
Federal Election Commission
999 E Street, NW
Washington, DC 20463
Toll Free 800-424-9630
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
Robert Fink

Signature of Treasurer _____ Date _____

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

DETAILED SUMMARY PAGE
 of Receipts and Disbursements
 Page 2, FSC FORM 282

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Name of Committee (in full)	Report covering the Period		
	From: 10-1-88	To: 10-19-88	
Commodity Exchange, Inc., Political Action Committee ("COMPAC")	COLUMN A	COLUMN B	
I. RECEIPTS	Total This Period	Calendar Year-To-Date	
11. CONTRIBUTIONS (other than loans) FROM:			
(a) Individuals/Persons Other Than Political Committees			
(i) Itemized (use Schedule A)		2,000.00	11000
(ii) Unitemized			11000
(iii) Total of contributions from individuals			11000
(b) Political Party Committees			1100
(c) Other Political Committees (such as PACs)			1100
(d) TOTAL CONTRIBUTIONS (add 11(a)(i), (ii), and (c))		2,000.00	1100
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.)		17.38	15
16 REFUNDS OF CONTRIBUTIONS MADE TO FEDERAL CANDIDATES AND OTHER POLITICAL COMMITTEES			16
17 OTHER RECEIPTS (Dividends, Interest, etc.)		2,137.42	17
18 TOTAL RECEIPTS (add 11(d), 12, 13, 14, 15, 16 and 17)		4,154.62	18
II. DISBURSEMENTS			
19 OPERATING EXPENDITURES		289.00	19
20 TRANSFERS TO AFFILIATED/OTHER PARTY COMMITTEES			20
21 CONTRIBUTIONS TO FEDERAL CANDIDATES AND OTHER POLITICAL COMMITTEES	6,500.00	36,150.00	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)	6,500.00	36,439.00	28
III. NET CONTRIBUTIONS/OPERATING EXPENDITURES			
29 TOTAL CONTRIBUTIONS (other than loans) (from Line 11(d))		2,000.00	29
30 TOTAL CONTRIBUTION REFUNDS (from Line 26(d))			30
31 NET CONTRIBUTIONS (other than loans) (subtract Line 30 from 29)		2,000.00	31
32 TOTAL OPERATING EXPENDITURES (from Line 19)		289.00	32
33 OFFSETS TO OPERATING EXPENDITURES (from Line 15)		17.38	33
34 NET OPERATING EXPENDITURES (subtract Line 33 from 32)		271.62	34

SCHEDULE B

ITEMIZED DISBURSEMENTS

Use separate schedules for each category of the Detailed Summary Page

PAGE 1 OF 1
FOR LINE NUMBER 21

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 purposes, other than using the name and address of any political committee to collect contributions from such or similar

NAME OF COMMITTEE (in Full)

CREDIBILITY EXCHANGE, INC., POLITICAL ACTION COMMITTEE ("COMFAC")

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
Rangel for Congress 2030 Allen Place, NW Washington, DC 20009	Campaign Contribution Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify)	10-4-88	1,000.00
B. Full Name, Mailing Address and ZIP Code Bill Schutte for Congress '88 133 Broad Street Post Office Box 351	Campaign Contribution Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify)	10-4-88	300.00
C. Full Name, Mailing Address and ZIP Code Campaign America	Campaign Contribution Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify)	10-5-88	1,000.00
D. Full Name, Mailing Address and ZIP Code Glickman for Congress Committee Post Office Box 2884 Washington, DC 20013	Campaign Contribution Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify)	10-5-88	200.00
E. Full Name, Mailing Address and ZIP Code Re-Elect Chuck Schumer Post Office Box 2884 Washington, DC 20013	Campaign Contribution Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify)	10-6-88	4,000.00
F. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
G. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
H. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
I. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period

SUBTOTAL of Disbursements This Page (optional)

TOTAL This Period (last page this line number only)

6,500.00

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CERTIFIED

P 794 542 356

MAIL

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1331 PENNSYLVANIA AVENUE NW, WASHINGTON, DC 20004

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

ATTENTION:
Reports Analysis Section
Mr. J. D. Gibson

20 JUN 17 PM 6-03
ATTACHMENT 7/1

RECEIVED
FEDERAL ELECTION COMMISSION

89 AUG -9 AM 10:03

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

SENSITIVE

FIRST GENERAL COUNSEL'S REPORT

RAD REFERRAL: 89NF-69 thru
89NF-105

STAFF MEMBER: Gregory Baker

SOURCE: Internally Generated

RESPONDENTS: a.

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g. Commodity Exchange Inc. Political Action
Committee (COMPAC) and Jack Gandolfo, as
treasurer (89NF-75)

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

INTERNAL REPORTS CHECKED: Disclosure Reports and
Referral Materials

FEDERAL AGENCIES CHECKED: None

I. GENERATION OF MATTER

The Reports Analysis Division ("RAD") referred the above (37) committees to the Office of the General Counsel on June 16, 1989. (Attachment 1). The basis for the attached referral is

the committees' failure to file the 12 Day Pre-General Report by October 27, 1988.

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 submit 12 Day Pre-General Reports if the Committees make any contributions to or expenditures on behalf of federal candidates in the general election. 2 U.S.C. § 434(a)(4)(A)(ii). The 12 Day Pre-General Report is due as of the 12th day before the election (October 27, 1988) and should be complete as of the 20th day before the election (October 19, 1988). The Committees were notified on October 3, 1988, that the report was due on October 27, 1988.

The (37) committees fall into three categories; (1) committees that filed 12 Day Pre-General Reports in an untimely manner, (2) committees that filed 30 Day Post-General Reports indicating that 12 Day Pre-General Reports should have been filed, and (3) committees that filed Year End Reports indicating that 12 Day Pre-General Reports should have been filed. The following Committees did not file the 1988 12 Day Pre-General Report by October 27, 1988:

(1) 12 Day Pre-General Reports Filed in an Untimely Manner.

Name of Committee

Date Report filed

3904071243

Commodity Exchange Inc. Political
Action Committee (COMPAC)
(89NF-75)

January 13, 1989

3 9 0 4 0 7 1 2 4 4

(2) 30 Day Post-General Reports Indicating that 12 Day
Pre-General Reports should have been filed.

Name of Committee

Date filed

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

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 (37) 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:

1

3 3 0 4 0 7 7 1 2 4 5

7. **Commodity Exchange Inc. Political Action
Committee (COMPAC) (89NF-75).**

8 9 0 4 0 7 7 1 2 4 6

IV. 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)(A)(ii).

Commodity Exchange Inc. Political Action Committee
(COMPAC) and Jack Gandolfo, as treasurer (89NF-75)

39040771247

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

8904071248

Commodity Exchange Inc. Political Action Committee
(COMPAC) and Jack Gandolfo, as treasurer (89NF-75)

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

Lawrence M. Noble
General Counsel

8/7/89
Date

BY: 
Lois G. Lerner
Associate General Counsel

Attachments:

- A. Referral materials
- B. Proposed Conciliation Agreements (37),
Letters and Factual and Legal Analyses (37)

83040771249

Federal Election Commission
Certification for RAD Referrals
89NF-69 through 89 NF-105
August 22, 1989

Page 5

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session of August 22, 1989, do hereby certify that the Commission decided by a vote of 4-0 to take the following actions with respect to RAD Referrals 89NF-69 through 89NF-105:

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)(A)(ii):

Commodity Exchange Inc. Political Action
Committee (COMPAC) and Jack Gandolfo, as
treasurer (89NF-75)

(continued)

8 0 0 4 0 7 7 1 2 5 1

3. Approve the letters, Factual and Legal Analyses, and proposed conciliation agreements to be sent to the respective respondents listed in Action 2 above, as recommended in the General Counsel's report dated August 7, 1989, subject to amendment of two of the agreements as agreed in the meeting of August 22, 1989.

Commissioners Aikens, Elliott, Josefiak, and McDonald voted affirmatively for the decision; Commissioners McGarry and Thomas were not present.

Attest:

8-25-89

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

32040771252



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

September 6, 1989

Jack Gandolfo, Treasurer
Commodity Exchange Inc.
Political Action Committee (COMPAC)
1331 Pennsylvania Avenue, N.W.
Suite 550
Washington, D.C. 20004

RE: MUR 2947
Commodity Exchange Inc.
Political Action Committee
(COMPAC) and
Jack Gandolfo, as treasurer

Dear Mr. Gandolfo:

On August 22, 1989, the Federal Election Commission found that there is reason to believe Commodity Exchange Inc. Political Action Committee (COMPAC) ("Committee") and you, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(ii), 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.

3304071253

Jack Gandolfo, Treasurer
Page 2

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.

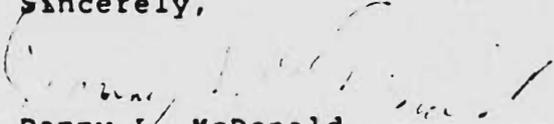
Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

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 Patty Reilly, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,


Danny L. McDonald
Chairman

Enclosures

- A. Factual and Legal Analysis
- B. Procedures
- C. Designation of Counsel Form
- D. Conciliation Agreement

8904071254

09 OCT -4 AM 9:27

BEFORE THE FEDERAL ELECTION COMMISSION

SENSITIVE

In the Matter of)
) MUR 2947
Commodity Exchange Inc. Political)
Action Committee and Jack)
Gandolfo, as treasurer)

GENERAL COUNSEL'S REPORT

I. BACKGROUND

Attached is a conciliation agreement which has been signed by Jack Gandolfo, the treasurer of Commodity Exchange, Inc. Political Action Committee.

The attached agreement contains no changes from the agreement approved by the Commission. A check for the civil penalty accompanied the agreement.

II. RECOMMENDATIONS

1. Accept the attached conciliation agreement with Commodity Exchange Inc. Political Action Committee and Jack Gandolfo, as treasurer.
2. Close the file.
3. Approve the attached letter.

Lawrence M. Noble
General Counsel

10-3-89
Date

BY: 
Lois G. Lerner
Associate General Counsel

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

Staff Assigned: Patty Reilly

3304071255

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Commodity Exchange Inc. Political) MUR 2947
Action Committee and Jack)
Gandolfo, as treasurer)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on October 6, 1989, the Commission decided by a vote of 5-0 to take the following actions in MUR 2947:

1. Accept the conciliation agreement with Commodity Exchange Inc. Political Action Committee and Jack Gandolfo, as treasurer, as recommended in the General Counsel's Report dated October 3, 1989.
2. Close the file.
3. Approve the letter, as recommended in the General Counsel's Report dated October 3, 1989.

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

Attest:

Oct. 6, 1989
Date

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

Received in the Secretariat: Wednesday, October 4, 1989 9:27 a.m.
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Deadline for vote: Friday, October 6, 1989 11:00 a.m.

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FEDERAL ELECTION COMMISSION
WASHINGTON DC 20463

October 11, 1989

Jack Gandolfo, Treasurer
Commodity Exchange Inc.
Political Action Committee
1331 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

CLOSED

RE: MUR 2947
Commodity Exchange Inc. Political
Action Committee and Jack Gandolfo,
as treasurer

Dear Mr. Gandolfo:

On October 6, 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)(A)(ii), 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 Patty Reilly, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,

Lawrence M. Noble
General Counsel

BY: 
Lois G. Lerner
Associate General Counsel

Enclosure

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)	
)	
Commodity Exchange Inc. Political)	MUR 2947
Action Committee (COMPAC) and)	
Jack Gandolfo, as treasurer)	

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CONCILIATION AGREEMENT

This matter was initiated by the Federal Election Commission ("Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. The Commission found reason to believe that the Commodity Exchange Inc. Political Action Committee (COMPAC) and Jack Gandolfo, as treasurer, ("Respondents") violated 2 U.S.C. § 434(a)(4)(A)(ii).

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 his matter.

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

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

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1. Commodity Exchange Inc. Political Action Committee (COMPAC) is a political committee within the meaning of 2 U.S.C. § 431(4).

2. Jack Gandolfo is the treasurer of Commodity Exchange Inc. Political Action Committee (COMPAC).

3. Section 434(a)(4)(A)(ii) of Title 2 provides that unauthorized committees filing quarterly shall file 12 Day Pre-General Reports if the committee makes any contributions to or expenditures on behalf of federal candidates in the general election. The pre-election reports are to be filed no later than the 12th day before the election and should be complete as of the 20th day before the election.

4. Respondents were required to file the 1988 12 Day Pre-General Report no later than October 27, 1988. Respondents did not file the 12 Day Pre-General Report until January 13, 1989, 78 days late, disclosing \$0.00 in receipts and \$6,500.00 in disbursements for the relevant reporting period.

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

VI. Respondents will pay a civil penalty to the Federal Election Commission in the amount of Five Hundred Dollars (\$500.00), 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

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issue herein or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

VIII. This agreement shall become effective as of the date that all parties hereto have executed the 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.

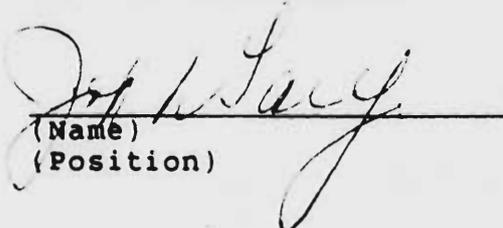
FOR THE COMMISSION:

Lawrence M. Noble
General Counsel

BY: 
Lois G. Lerner
Associate General Counsel

10-11-89
Date

FOR THE RESPONDENTS:


(Name)
(Position)

9/13/89
Date

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 2947

DATE FILMED 11/1/89 CAMERA NO. 4

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