



FEDERAL ELECTION COMMISSION
WASHINGTON, D C 20463

THIS IS THE BEGINNING OF MUR # 3016

DATE FILMED 5/15/90 CAMERA NO. 4

CAMERAMAN AS

90040704820



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 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

11:18 6/17/89

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.

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

00040764821

List of Committees and Prior Commission Actions

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.
- 10.
- 11.
- 12.
- 13.
- 14.
- 15.
- 16.
- 17.

00040764822

A-00002



18.

19.

20.

21.

22.

23.

24.

25.

26.

27.

28.

29.

00040784825

A-00003

30.

31.

32.

33.

33. C00005173 State Democratic Executive Committee
of Alabama 89NF-101

Referred to OGC (87NF-84; MUR 2458) as a 1985-86
chronic late filer. MUR is closed.

34.

35.

36.

37.

00040764824

A-00004

90040704825

PAGES 5 THROUGH 10 DO NOT PERTAIN TO THESE RESPONDENTS.

A-00005

COMMITTEE ID, NAME AND ADDRESS

CONTACTS WITH FILER ATCH

REPORTS FILED/ RESPONSES

00407064826

Attachments 33a-33g

C00005173

STATE DEMOCRATIC EXECUTIVE COMMITTEE OF ALABAMA

TREASURER'S NAME: WILLIAM B BLOUNT (3/25/87 to present)*

4120 3RD AVE SOUTH

BIRMINGHAM

AL 35222

Telecon
1/31/89

1988 10 Day P
General Report
and Letter Fil
2/1/89

*Richard P. Humphrey (pre-1/1/87-3/24/87)

A-00011

00040704827

A-00010

State Democratic Executive Committee of Alabama

(Attachments 33a - 33g)

20040784828

0 0 0 4 0 7 8 4 8 2 9

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

DATE 18MAY89

PAGE 2

COMMITTEE	DOCUMENT	RECEIPTS	DISBURSEMENTS	COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
				TYPE OF FILER		
STATE DEMOCRATIC EXECUTIVE COMMITTEE OF ALABAMA CONNECTED ORGANIZATION:				ID #C00005173	PARTY QUALIFIED	
	1987 STATEMENT OF ORGANIZATION - AMENDMENT			30MAR87	2	87FEC/464/0537
	MID-YEAR REPORT	0	13,509	1JAN87 -30JUN87	7	87FEC/479/5463
	YEAR END	8,000	26,229	1JUL87 -31DEC87	8	88FEC/501/2482
1988	APRIL QUARTERLY	65,715	3,050	1JAN88 -31MAR88	17	88FEC/519/0381
	APRIL QUARTERLY - AMENDMENT	65,715	3,050	1JAN88 -31MAR88	4	88FEC/536/4854
	REQUEST FOR ADDITIONAL INFORMATION			1JAN88 -31MAR88	1	88FEC/528/0188
	REQUEST FOR ADDITIONAL INFORMATION 2ND			1JAN88 -31MAR88	2	88FEC/529/2976
	JULY QUARTERLY	12,558	2,250	1APR88 -30JUN88	7	88FEC/536/3957
	1ST LETTER INFORMATIONAL NOTICE			1APR88 -30JUN88	2	88FEC/541/3453
	OCTOBER QUARTERLY	23,476	71,900	1JUL88 -30SEP88	9	88FEC/551/5011
	OCTOBER QUARTERLY - AMENDMENT	-	-	1JUL88 -30SEP88	3	88FEC/574/5552
	OCTOBER QUARTERLY - AMENDMENT	-	-	1JUL88 -30SEP88	3	89FEC/576/4360
	OCTOBER QUARTERLY - AMENDMENT	-	-	1JUL88 -30SEP88	1	89FEC/578/1848
	OCTOBER QUARTERLY - AMENDMENT	-	-	1JUL88 -30SEP88	5	89FEC/585/1824
	REQUEST FOR ADDITIONAL INFORMATION			1JUL88 -30SEP88	3	88FEC/565/0424
	REQUEST FOR ADDITIONAL INFORMATION 2ND			1JUL88 -30SEP88	4	88FEC/566/1637
	REQUEST FOR ADDITIONAL INFORMATION			1JUL88 -30SEP88	2	88FEC/575/4114
	REQUEST FOR ADDITIONAL INFORMATION 2ND			1JUL88 -30SEP88	3	89FEC/578/4559
	POST-GENERAL	38,977	83,925	1OCT88 -28NOV88	19	89FEC/583/0862
	POST-GENERAL - AMENDMENT	-	-	1OCT88 -28NOV88	2	89FEC/589/4069
	NOTICE OF FAILURE TO FILE			28NOV88	1	89FEC/576/2083
	REQUEST FOR ADDITIONAL INFORMATION			1OCT88 -28NOV88	6	89FEC/585/0978
	REQUEST FOR ADDITIONAL INFORMATION 2ND			1OCT88 -28NOV88	7	89FEC/588/0523
	YEAR-END	6,125	0	29NOV88 -31DEC88	6	89FEC/582/1334
	TOTAL	154,851	0 200,863	0	124	TOTAL PAGES

All reports have been reviewed.

Ending cash-on-hand as of 12/31/88: \$7,623

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

00040784830

FEDERAL ELECTION COMMISSION
 1989-1990
 COMMITTEE INDEX OF DISCLOSURE DOCUMENTS - (C)

DATE 13JUN89

PAGE 9

COMMITTEE	DOCUMENT	RECEIPTS	DISBURSEMENTS	COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
				TYPE OF FILER		
STATE DEMOCRATIC EXECUTIVE COMMITTEE OF ALABAMA CONNECTED ORGANIZATION: ALABAMA DEMOCRATIC PARTY 1989 PRE-SPECIAL		62,157	44,000	1JAN89 -21MAR89	16	09FEC/590/0247
TOTAL	.	62,157	0 44,000	0	16	TOTAL PAGES

ID #C00005173 PARTY QUALIFIED

This report has not been reviewed.
 Ending cash-on-hand as of 3/21/89: \$25,781
 Outstanding debts owed to the committee as of 3/21/89: \$5,000
 Outstanding debts owed by the committee as of 3/21/89: \$0

ATTACHMENT 33b

Mr. Donald Averette
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Dear Mr. Averette:

This letter is in response to the Commission's inquiries concerning the following:

1. Enclosed is a copy of the State Democratic Executive Committee of Alabama's (ID #000003173) 30 day post general election report.
2. Concerning the Commission's request for information about a \$20,200 transfer from the State Democratic Executive Committee of Alabama to the New Jersey Democratic Committee and an \$11,600 transfer from the State Democratic Executive Committee of Alabama to the Missouri State Committee, we never transferred these amounts to these parties and know nothing about them. I know this answer is very short concerning this matter, but I am really at a loss as to what else we can say when we are ignorant of these transfers.

Thanks again for all your help. If you have any questions, please feel free to call on me.

Yours truly,

Albert W. LaPierre

ALBERT W. LAPIERRE
Executive Director

AWL/fq
enc

8 7 0 0 3 4 3 8 3 0 6 8 2 2

SEARCHED
SERIALIZED
INDEXED
MAY 1 1983
FBI - MEMPHIS



09 FEB -1 PM 2-83

STATE OF ALABAMA
COMMISSIONERS OF ALABAMA
4120 3rd Avenue South
BIRMINGHAM, AL 35222

C 0000 5173
This election period is a calendar committee which will report period

TYPE OF REPORT

- (a) April 15 Quarterly Report
 July 15 Quarterly Report
 October 15 Quarterly Report
 January 31 Year End Report
 July 31 Mid Year Report (Non-election Year Only)
 Termination Report
- Monthly Report Due On:
 February 20 June 20 October 20
 March 20 July 20 November 20
 April 20 August 20 December 20
 May 20 September 20 January 21
- Tenth day report preceding _____ (Type of Election)
election on _____ in the State of _____
- Thirtieth day report following the General Election on
NOV 2/82 in the State of Alabama

(b) Is this Report an Amendment? YES NO

SUMMARY		COLUMN A This Period	COLUMN B Calendar Year-to-Date
5. Covering Period	<u>10/1/82</u> through <u>11/28/82</u>		
6. (a) Cash on Hand January 1, 19 <u>83</u>			\$ 21,894.84
(b) Cash on Hand at Beginning of Reporting Period		\$ 46,445.21	
(c) Total Receipts (from Line 18)		\$ 38,977.39	\$ 140,727.76
(d) Subtotal (add Lines 6(b) and 6(c) for Column A and Lines 6(a) and 6(c) for Column B)		\$ 85,422.60	\$ 162,622.60
7. Total Disbursements (from Line 20)		\$ 83,925.00	\$ 161,125.00
8. Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d))		\$ 1,497.60	\$ 1,497.60
9. Debts and Obligations Owed TO the Committee (Itemize all on Schedule C and/or Schedule U)		\$ 5,000.00	
10. Debts and Obligations Owed BY the Committee (Itemize all on Schedule C and/or Schedule D)		\$ - 0 -	

For further information contact:
Federal Election Commission
680 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
ALBERT W. LAPIERRE (ASST'TREASURER)
Signature of Treasurer
Albert W. Lapiere
Date
11/30/82

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

--	--	--	--	--	--	--	--

89035030863

DETAILED SUMMARY PAGE
 of the Form 11120-1000
 Page 2, 11120-1000

Name of Candidate (in full)		Reporting Period	
STATE DEMOCRATIC EXECUTIVE COUNCIL OF FLORIDA		10/1/88 to 11/30/88	
I. RECEIPTS		SCHEDULE A	SCHEDULE B
		Individuals	Political Parties
11. CONTRIBUTIONS (other than loans) FROM:			
(a) Individuals/Persons Other Than Political Committees			
(1) Itemized (use Schedule A)	18,050.00	25,496.00	
(2) Unitemized	5,351.00	10,125.87	
(3) Total of contributions from individuals	19,401.12	36,175.87	
(b) Political Party Committees	10,676.27	15,939.59	
(c) Other Political Committees (such as PACs)	2,900.00	40,974.64	
(d) TOTAL CONTRIBUTIONS (add 11(a)(1), (a)(2), and (b))	32,977.39	93,092.10	
12. TRANSFERS FROM AFFILIATED/OTHER PARTY COMMITTEES	- 0 -	- 0 -	
13. ALL LOANS RECEIVED	- 0 -	- 0 -	
14. LOAN REPAYMENTS RECEIVED	- 0 -	- 0 -	
15. OFFSETS TO OPERATING EXPENDITURES (Refunds, Rebates, etc.)	- 0 -	- 0 -	
16. REFUNDS OF CONTRIBUTIONS MADE TO FEDERAL CANDIDATES AND OTHER POLITICAL COMMITTEES	- 0 -	- 0 -	
17. OTHER RECEIPTS (Dividends, Interest, etc.)	- 0 -	47,635.66	
18. TOTAL RECEIPTS (add 11(d), 12, 13, 14, 15, 16 and 17)	38,977.39	140,439.76	
II. DISBURSEMENTS			
19. OPERATING EXPENDITURES	63,925.00	90,375.00	
20. TRANSFERS TO AFFILIATED/OTHER PARTY COMMITTEES	15,000.00	22,500.00	
21. CONTRIBUTIONS TO FEDERAL CANDIDATES AND OTHER POLITICAL COMMITTEES	5,000.00	48,250.00	
22. INDEPENDENT EXPENDITURES (use Schedule E)	- 0 -	- 0 -	
23. COORDINATED EXPENDITURES MADE BY PARTY COMMITTEES (2 U.S.C. 441a(d)) (use Schedule F)	- 0 -	- 0 -	
24. LOAN REPAYMENTS MADE	- 0 -	- 0 -	
25. LOANS MADE	- 0 -	- 0 -	
26. REFUNDS OF CONTRIBUTIONS TO:			
(a) Individuals/Persons Other Than Political Committees	- 0 -	- 0 -	
(b) Political Party Committees	- 0 -	- 0 -	
(c) Other Political Committees (such as PACs)	- 0 -	- 0 -	
(d) TOTAL CONTRIBUTION REFUNDS (add 26(a), (b), and (c))	- 0 -	- 0 -	
27. OTHER DISBURSEMENTS	- 0 -	- 0 -	
28. TOTAL DISBURSEMENTS (add 19, 20, 21, 22, 23, 24, 25, 26(d) and 27)	83,925.00	161,125.00	
III. NET CONTRIBUTIONS/OPERATING EXPENDITURES			
29. TOTAL CONTRIBUTIONS (other than loans) (from Line 11(d))	32,977.39	92,794.10	
30. TOTAL CONTRIBUTION REFUNDS (from Line 26(d))	- 0 -	- 0 -	
31. NET CONTRIBUTIONS (other than loans) (subtract Line 30 from 29)	32,977.39	92,794.10	
32. TOTAL OPERATING EXPENDITURES (from Line 19)	63,925.00	90,375.00	
33. OFFSETS TO OPERATING EXPENDITURES (from Line 15)	- 0 -	- 0 -	
34. NET OPERATING EXPENDITURES (subtract Line 33 from 32)	63,925.00	90,375.00	

4
6
8
0
3
8
13
3
0
9
0
8

SCHEDULE B

ITEMIZED DISBURSEMENTS

Use spaces available for each category of the Detailed Summary Page	PAGE	OF
	FOR LINE NUMBER	

Any information supplied 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 solicit contributions from such committee.

NAME OF COMMITTEE (in Full)

STATE DEMOCRATIC EXECUTIVE COMMITTEE OF ALABAMA

A. Full Name, Mailing Address and ZIP Code

**FRIENDS OF HOWELL HEALIN
P.O. Box 1990
TALLAHASSEE, AL 32314**

Purpose of Disbursement

CONTRIBUTION

Disbursement for: Primary General

Other (specify)

Date (month, day, year)

10/19/88

Amount of Each Disbursement This Period

\$5,000.00

B. Full Name, Mailing Address and ZIP Code

Purpose of Disbursement

Disbursement for: Primary General

Other (specify)

Date (month, day, year)

Amount of Each Disbursement This Period

C. Full Name, Mailing Address and ZIP Code

Purpose of Disbursement

Disbursement for: Primary General

Other (specify)

Date (month, day, year)

Amount of Each Disbursement This Period

D. Full Name, Mailing Address and ZIP Code

Purpose of Disbursement

Disbursement for: Primary General

Other (specify)

Date (month, day, year)

Amount of Each Disbursement This Period

E. Full Name, Mailing Address and ZIP Code

Purpose of Disbursement

Disbursement for: Primary General

Other (specify)

Date (month, day, year)

Amount of Each Disbursement This Period

F. Full Name, Mailing Address and ZIP Code

Purpose of Disbursement

Disbursement for: Primary General

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: Primary General

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: Primary General

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: Primary General

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)

5,000.00

89035830880

RECEIVED
FEDERAL ELECTION COMMISSION

89 AUG -9 4:10:03

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.

b.

c.

d.

e.

f.

g.

h.

i.

j.

k.

l.

00040764830

m.

n.

o.

p.

q.

r.

s.

t.

u.

v.

w.

x.

y.

z.

00040764837

aa.

bb.

cc.

dd.

ee.

ff.

gg. State Democratic Executive Committee of Alabama
and William D. Blount, as treasurer (89NF-101)

hh.

ii.

jj.

kk.

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

90040784838

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.

90040784932

00040764840

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

00040784841

State Democratic Executive Committee
of Alabama (89NF-101)

February 1, 1989^{3/}

3/ This Committee was previously referred as a chronic late
filer in 1985-86. The MUR was closed on December 14, 1987
(87NF-84; MUR 2458).

(3) Year End Reports Indicating that 12 day Pre-General Reports should have been filed.

Name of Committee

Date Report Filed

00040784842

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:

00040764845

PAGES 9 THROUGH 44 DO NOT PERTAIN TO THESE RESPONDENTS.

000407044844

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).

20040704343

00040764946

State Democratic Executive Committee of Alabama and
William D. Blount, as treasurer (89NF-101)

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

000407884847

00040704848

90040764847

State Democratic Executive Committee of Alabama and
William D. Blount, as treasurer (89NF-101)

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)

00040704850

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):

00040704855

(continued)

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

Page 6

00040704850

(continued)

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

Page 7

90040764857

(continued)

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

Page 8

9 0 0 4 0 7 6 4 8 5 8

State Democratic Executive Committee of Alabama
and William D. Blount, as treasurer (89NF-101)

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-69 through 89NF-105
August 22, 1989

Page 9

00040764859

(continued)

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

Page 10

00040764350

(continued)

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

Page 11

00040784861

State Democratic Executive Committee of
Alabama and William D. Blount, as treasurer
(89NF-101)

(continued)

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

Page 12

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

00040764862



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 20, 1989

William D. Blount, Treasurer
State Democratic Executive
Committee of Alabama
4120 3rd Avenue South
Birmingham, AL 35222

RE: MUR 2973
State Democratic Executive Committee
of Alabama and William D. Blount,
as treasurer

Dear Mr. Blount:

On August 22, 1989, the Federal Election Commission found that there is reason to believe State Democratic Executive Committee of Alabama ("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.

00040704353

William D. Blount, 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 Anthony Buckley, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,


Danny L. McDonald
Chairman

Enclosures

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

00040764364



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 16, 1989

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

William D. Blount, Treasurer
State Democratic Executive
Committee of Alabama
4120 3rd Avenue South
Birmingham, AL 35222

RE: MUR 2973
State Democratic Executive
Committee of Alabama and
William D. Blount, as
treasurer

Dear Mr. Blount:

On September 20, 1989, you were notified that the Federal Election Commission determined to enter into negotiations directed toward reaching a conciliation agreement in settlement of this matter prior to a finding of probable cause to believe. On that same date you were sent a conciliation agreement offered by the Commission in settlement of this matter.

Please note that conciliation negotiations entered into prior to a finding of probable cause to believe are limited to a maximum of 30 days. To date, you have not responded to the proposed agreement. The 30 day period for negotiations will soon expire. Unless we receive a response from you within five days, this Office will consider these negotiations terminated and will proceed to the next stage of the enforcement process.

Should 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 cursive script, appearing to read "Lois G. Lerner".

BY: Lois G. Lerner
Associate General Counsel

20040764365



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

November 2, 1989

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Al La Pierre, Assistant Treasurer
State Democratic Executive
Committee of Alabama
4120 3rd Avenue South
Birmingham, AL 35222

RE: MUR 2973
State Democratic Executive
Committee of Alabama and
William D. Blount, as
treasurer

Dear Mr. La Pierre:

On September 20, 1989 you were notified by letter that the Federal Election Commission (the "Commission"), had found reason to believe that the State Democratic Executive Committee of Alabama ("the Committee"), and William D. Blount, as treasurer had violated 2 U.S.C. § 434(a)(4)(A)(ii). Enclosed with this letter was a proposed conciliation agreement which the Commission had approved in settlement of this matter prior to a finding of probable cause to believe. On October 16, 1989, you were notified by letter that the period for conciliation negotiations was about to expire and that you should contact the Office of the General Counsel within 5 days or this Office would consider these negotiations terminated.

On October 31, 1989 in a conversation with Karen Powell, a member of the staff of this Office, you stated that you had not received the Commission's letter of September 20, 1989. Please find enclosed a copy of the Commission's letter of September 20, 1989 including the proposed conciliation agreement.

During this conversation you were also informed that this Office had received an additional referral concerning the Committee's failure to file a second report. We will notify you in due course of any action taken by the Commission in this regard.

000407599660

Mr. La Pierre
page 2

Should you have any questions, please contact Karen Powell,
the staff member assigned to this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble
General Counsel



By: Lois G. Lerner
Associate General Counsel

Enclosure
Commission Letter of September 20, 1989

00040704357

REPORTS ANALYSIS REFERRAL

TO

OFFICE OF GENERAL COUNSEL

DATE: October 10, 1989

ANALYST: Elizabeth Jones

I. COMMITTEE: State Democratic Executive Committee
of Alabama (C0005173)
William B. Blount, Treasurer
4120 3rd Avenue South
Birmingham, AL 35222

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

III. BACKGROUND:

Failure to File the 1989 Mid-Year Report

The State Democratic Executive Committee of Alabama ("the Committee") has failed to file the 1989 Mid-Year Report covering the period from March 22, 1989 to June 30, 1989. The Committee was notified on June 26, 1989 that the report was due on July 31, 1989 (Attachment 2). A Non-Filer Notice was sent to the Committee on August 23, 1989 (Attachment 3).

On September 14, 1989, the Reports Analysis Division ("RAD") analyst called the treasurer of the Committee, William B. Blount. Mr. Blount was not available, but his secretary said he would return the call (Attachment 4).

The RAD analyst telephoned Mr. Blount again on September 15, 1989. The secretary said that he was unavailable. The analyst left a message that the Commission had not received the Committee's 1989 Mid-Year Report (Attachment 5).

On September 18, 1989, the RAD analyst spoke with Mr. Al LaPierre, the Assistant Treasurer. Mr. LaPierre said that he had mailed the report earlier, but he would send another copy that day (Attachment 6).

1.

The Committee filed a 12 Day Pre-Special Report covering the period from January 1, 1989 to March 21, 1989.

20040761858

STATE DEMOCRATIC EXECUTIVE
COMMITTEE OF ALABAMA
REPORTS ANALYSIS OGC REFERRAL
PAGE 2

As of this date, the 1989 Mid-Year Report has not been filed.

IV. OTHER PENDING MATTERS INITIATED BY RAD:

None.

90040734359

COMMITTEE	DOCUMENT	RECEIPTS	DISBURSEMENTS	COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
						TYPE OF FILER
STATE DEMOCRATIC EXECUTIVE COMMITTEE OF ALABAMA				ID 0C00005173		PARTY QUALIFIED
CONNECTED ORGANIZATION: ALABAMA DEMOCRATIC PARTY						
1989 PRE-SPECIAL		62,157	44,000	1JAN89 -21MAR89	16	89FEC/590/0247
NOTICE OF FAILURE TO FILE				1JAN89 -30JUN89	1	89FEC/608/1279
TOTAL		62,157	0 44,000	0	17	TOTAL PAGES

All reports have been reviewed.

Beginning Cash on Hand 1/1/89: \$7,623

Ending Cash on Hand 3/21/89: -\$25,781

Debts and Obligations Owed To the Committee: \$5,000

Debts and Obligations Owed By the Committee: \$0

01040701370



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20543

EG-7

August 23, 1989

William B. Blount, Treasurer
State Democratic Executive
Committee of Alabama
4120 3rd Avenue South
Birmingham, AL 35222

Identification Number: C00005173

Reference: Mid-Year Report (1/1/89-6/30/89)

Dear Mr. Blount:

It has come to the attention of the Federal Election Commission ("the Commission") that your committee may be in violation of 2 U.S.C. §434(a) for failing to file the above referenced Report of Receipts and Disbursements. You were notified previously of the due date for this report.

It is important that you file this report immediately with the Federal Election Commission, 999 E Street, NW, Washington, DC 20463 (or with the Clerk of the House or the Secretary of the Senate, as appropriate). A copy of the report or the relevant portions should also be filed with the Secretary of State or equivalent State officer. See 2 U.S.C. §439.

Although the Commission may initiate an audit or legal enforcement action concerning this matter, your prompt response and a letter of explanation will be taken into consideration.

If you have any questions, please contact Elizabeth Jones on our toll-free number (800) 424-9530. Our local number is (202) 376-2480.

Sincerely,

John D. Gibson
Assistant Staff Director
Reports Analysis Division

93036081279

TELECON

ANALYST: ELIZABETH JONES

CONVERSATION WITH: MR. BLOUNT'S SECRETARY

COMMITTEE: STATE DEMOCRATIC EXECUTIVE COMMITTEE OF ALABAMA

DATE: 9/14/89

SUBJECT(S): NON-FILING OF 1989 MID-YEAR REPORT

I asked to speak with Mr. Blount, but he was on another line. His secretary said she would have him call me back today.

00040764875

* TYPE DAL2.1

TELECON

ANALYST: ELIZABETH JONES

CONVERSATION WITH: MR. BLOUNT'S SECRETARY

COMMITTEE: STATE DEMOCRATIC EXECUTIVE COMMITTEE OF ALABAMA

DATE: SEPTEMBER 15, 1989

SUBJECT(S): NON-FILING OF 1989 MID-YEAR REPORT

I spoke with Mr. Blount's secretary, and she said that he was still unavailable. I told her that I was calling in regard to the Committee's failure to file the 1989 Mid-Year Report. I said that the Committee should send the report as soon as possible or the Commission might take legal action.

00040764374

TELECON

ANALYST: ELIZABETH JONES

CONVERSATION WITH: AL LAPIERRE

COMMITTEE: STATE DEMOCRATIC EXECUTIVE COMMITTEE OF ALABAMA

DATE: 9/18/89

SUBJECT(S): NON-FILING OF 1989 MID-YEAR REPORT

Mr. LaPierre said that he had mailed the report, but he would mail a copy today. I told him to get it in as soon as possible to avoid legal action.

2704704372

89 DEC 12 PM 12:49

SENSITIVE

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

FIRST GENERAL COUNSEL'S REPORT

RAD Referral 89NF-111

Source of MUR: INTERNALLY GENERATED

Respondent: The State Democratic Executive Committee
of Alabama and William B. Blount,
as treasurer

Relevant Statutes: 2 U.S.C. § 434(a)(4)(A)(iv)
2 U.S.C. § 434(a)(4)(A)(ii)

Internal Reports checked: Disclosure Reports

Federal Agencies checked: None

I. GENERATION OF THE MATTER

On October 12, 1989, the Reports Analysis Division ("RAD") referred the The State Democratic Executive Committee of Alabama (the "Committee"), and William B. Blount, as treasurer to the Office of the General Counsel for its failure to file a 1989 Mid-Year Report.

II. FACTUAL AND LEGAL ANALYSIS

A. Failure to file the 1989 Mid-Year Report

The Federal Election Campaign Act of 1971, as amended provides that, in years in which there is no regularly scheduled general election, political committees must file a Mid-Year Report covering the period from the close of books of the last report filed and ending June 30 which shall be filed no later than July 31 of that year. 2 U.S.C. § 434(a)(4)(A)(iv). The

00040704870

State Democratic Executive Committee of Alabama (the "Committee"), was required to file a Mid-Year Report covering the period from March 22, 1989 to June 30, 1989 on July 31, 1989.¹ The Committee failed to file its 1989 Mid-Year Report.

Accordingly, the Office of the General Counsel recommends that the Commission open a Matter Under Review and find reason to believe that the State Democratic Executive Committee of Alabama and William B. Blount, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(iv).

B. Merger

The Committee is involved in another non-filer case, MUR 2973. In that case, the Commission, on August 22, 1989, found reason to believe that the Committee violated 2 U.S.C. § 434(a)(4)(A)(ii) as a result of the Committee's failure to timely file its 1988 12 Day Pre-General Report. Because the Committee never received the initial notification of the Commission's finding, the notification letter was resent on November 2, 1989. Given that MUR 2973 and the present matter are closely related, and that the notification of the finding in MUR 2973 was not received by the Committee until November 7, 1989, it is appropriate that these matters be merged. Therefore, this Office recommends merger of the current referral with the current open MUR concerning the Committee.

III. DISCUSSION OF CONCILIATION AND CIVIL PENALTY

1. The Committee filed a 12 Day Pre-Special Report covering the period from January 1, 1989 to March 21, 1989.

00040704877

90040704378

IV. RECOMMENDATIONS

1. Open a MUR.
2. Find reason to believe that The State Democratic Executive Committee of Alabama and William B. Blount, as treasurer violated 2 U.S.C. § 434(a)(4)(A)(iv).
3. Merge MUR 2973 with this MUR.
3. Approve the attached conciliation agreement, Factual and Legal Analysis and letter.

Lawrence M. Noble
General Counsel

12-11-89
Date

BY: 
Lois G. Lerner
Associate General Counsel

Attachment
Referral Materials
Conciliation Agreement
Factual and Legal Analysis
Letter

Staff assigned: Karen Powell

00040764379

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
The State Democratic Executive)
Committee of Alabama and) RAD Referral 89NF-111
William B. Blount, as treasurer)

(MUR 3016)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on December 15, 1989, the Commission decided by a vote of 6-0 to take the following actions in RAD Referral 89NF-111:

1. Open A MUR.
2. Find reason to believe that The State Democratic Executive Committee of Alabama and William B. Blount, as treasurer violated 2 U.S.C. § 434(a)(4)(A)(iv).
3. Merge MUR 2973 with this MUR.
4. Approve the conciliation agreement, Factual and Legal Analysis and letter as recommended in the General Counsel's Report dated December 11, 1989.

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

Attest:

12/15/89
Date

Hilda Arnold
for Marjorie W. Emmons
Secretary of the Commission

Received in the Secretariat:	Tuesday, December 12, 1989	12:49
Circulated to the Commission:	Wednesday, December 13, 1989	11:00
Deadline for vote:	Friday, December 15, 1989	11:00

20040764830



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

January 5, 1990

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

William B. Blount
State Democratic Executive Committee
of Alabama
4120 3rd Avenue South
Birmingham, AL 35222

RE: MUR 3016
State Democratic Executive
Committee of Alabama and
William B. Blount, as treasurer

Dear Mr. Blount:

On December 15, 1989, the Federal Election Commission found that there is reason to believe the State Democratic Executive Committee of Alabama ("Committee") and you, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(iv), 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.

On December 15, 1989, the Commission also determined to merge this matter with MUR 2973. Both matters will now be known as MUR 3016. In order to expedite the resolution of this matter the Commission has also decided to extend its offer to enter into negotiations directed towards reaching a conciliation agreement to include both of the Commission's reason to believe findings. The attached proposed agreement includes the Committee's failures to file both the 1988 12 Day Pre-General

20040754381

Mr. William B. Blount
Page 2

and 1989 Mid-Year Reports. This agreement supersedes the proposed conciliation agreement sent to you on September 20, 1989, and resent on October 31, 1989.

If you are interested in expediting the resolution of this matter by pursuing preprobable cause conciliation and if you agree with the provisions of the enclosed agreement, please sign and return the agreement, along with the civil penalty, to the Commission. In light of the fact that conciliation negotiations, prior to a finding of probable cause to believe, are limited to a maximum of 30 days, you should respond to this notification as soon as possible.

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

If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address, and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

This matter will remain confidential in accordance with 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A), unless you notify the Commission in writing that you wish the investigation to be made public.

For your information, we have attached a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Karen Powell, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,



Lee Ann Elliott
Chairman

Enclosures

Factual and Legal Analysis
Procedures
Designation of Counsel Form
Conciliation Agreement

00040704332

0009580



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 20, 1990

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Al La Pierre, Assistant Treasurer
State Democratic Executive
Committee of Alabama
4120 3rd Avenue South
Birmingham, AL 35222

RE: MUR 3016
State Democratic Executive
Committee of Alabama and
William B. Blount, as treasurer

Dear Mr. La Pierre:

On January 5, 1990, you were notified that the Federal Election Commission determined to enter into negotiations directed toward reaching a conciliation agreement in settlement of this matter prior to a finding of probable cause to believe. On that same date you were sent a conciliation agreement offered by the Commission in settlement of this matter.

Please note that conciliation negotiations entered into prior to a finding of probable cause to believe are limited to a maximum of 30 days. To date, you have not responded to the proposed agreement. The 30 day period for negotiations has expired. Unless we receive a response from you within five days, this Office will consider these negotiations terminated and will proceed to the next stage of the enforcement process.

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

Sincerely,

Lawrence M. Noble
General Counsel

BY: 
Lois G. Lerner
Associate General Counsel

00040704890



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

March 2, 1990

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. John Baker, Chairman
State Democratic Executive
Committee of Alabama
c/o Norfolk Southern Corp.
P.O. Box 1870
Montgomery, AL 36103

RE: MUR 3016
State Democratic Executive
Committee of Alabama and
William D. Blount, as
treasurer

Dear Mr. Baker:

On September 20, 1989, the State Democratic Executive Committee of Alabama, and William D. Blount, as treasurer, (the "Committee") was notified by letter that the Federal Election Commission (the "Commission"), on August 22, 1989, had found reason to believe that the Committee had violated 2 U.S.C. § 434(a)(4)(A)(ii). This matter, originally designated as MUR 2973, was merged on December 15, 1989 with the Commission's finding of reason to believe that the Committee had violated 2 U.S.C. § 434(a)(4)(A)(iv), to form one matter to be denoted MUR 3016.

On January 5, 1990, the Commission notified the Committee by letter of these determinations. Enclosed with this letter was a proposed conciliation agreement which the Commission had approved in settlement of MUR 3016 prior to a finding of probable cause to believe. On February 20, 1990, the Committee was notified by letter that the period for conciliation negotiations had expired.

On February 27, 1990, in a conversation with Karen Powell of this Office, you stated that you had not seen the Commission's letter of January 5, 1990. Please find enclosed a copy of the Commission's letter of January 5, 1990, together with the proposed conciliation agreement.

00040754384

Mr. Baker
page 2

Please note that conciliation negotiations entered into prior to a finding of probable cause to believe are limited to a maximum of 30 days. Unless we receive a response from you within ten days, this Office will consider these negotiations terminated and will proceed to the next stage of the enforcement process.

Should you have any questions, please contact Karen Powell, the staff member assigned to this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble
General Counsel


By: Lois G. Lerner
Associate General Counsel

Enclosure
Commission Letter of January 5, 1989

00040704885

RECEIVED
FEDERAL ELECTION COMMISSION
SECRETARIAT

90 MAR -2 PM 3:51

SENSITIVE

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
The State Democratic Executive Committee) MUR 3016
of Alabama and William B. Blount,)
as treasurer)

GENERAL COUNSEL'S REPORT

On December 15, 1989, the Commission found reason to believe that the State Democratic Executive Committee of Alabama and William B. Blount, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(iv), merged this matter with MUR 2973, and voted to extend its earlier offer of pre-probable cause conciliation to include this new finding. On January 5, 1990, the Committee was notified of the Commission's determinations. Based on a new contact with the Committee Chairman on February 26, 1990, it appears that the matter can be resolved through conciliation. Accordingly, this Office will continue conciliation for another 10 days.

Lawrence M. Noble
General Counsel

Date 3/1/90

BY: 
Lois G. Ferner
Associate General Counsel

Staff assigned: Karen Powell

00040764330

06C 5934

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

90 APR 16 AM 9:52

STATE DEMOCRATIC EXECUTIVE
COMMITTEE OF ALABAMA
4120 Third Avenue South
Birmingham, Alabama 35222
April 9, 1990

CERTIFIED MAIL

Karen Powell, Esquire
Federal Election Commission
999 E Street N.W.
Washington, D.C. 20463

RE: MUR 3016
State Democratic Executive
Committee of Alabama

Dear Ms. Powell:

Mr. Baker asked that I send to you the Conciliation Agreement dated April 6, 1990. The Agreement is signed by Mr. Baker.

It is my understanding that when the Agreement is signed by all parties you will forward a copy of the Agreement to Mr. Baker.

Sincerely,

Sara Jane Tackett
Sara Jane Tackett

/sjt

cc: John Baker, Chairman

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
90 APR 16 PM 3:24

1 3 3 9 7 0 4 0 0 0

90 APR 23 PM 4:22

SENSITIVE

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 3016
The State Democratic Executive Committee)
of Alabama and Michael A. Figures,)
as treasurer)

GENERAL COUNSEL'S REPORT

Attached is a conciliation agreement which has been signed
by John Baker, Chairman of the State Democratic Executive
Committee of Alabama (the "Committee").

00040764338

00040704389

II. RECOMMENDATIONS

1. Accept the attached conciliation agreement with the State Democratic Executive Committee of Alabama and Michael A. Figures, as treasurer.
2. Close the file.
3. Approve the attached letter.

Lawrence M. Noble
General Counsel

Date

4/23/90

BY:


Lois G. Lerner
Associate General Counsel

Attachments

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

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
The State Democratic Executive Committee) MUR 3016
of Alabama and Michael A. Figures,)
as treasurer)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on April 26, 1990, the Commission decided by a vote of 6-0 to take the following actions in MUR 3016:

1. Accept the attached conciliation agreement with the State Democratic Executive Committee of Alabama and Michael A. Figures, as treasurer, as recommended in the General Counsel's Report dated April 23, 1990.
2. Close the File.
3. Approve the letter, as recommended in the General Counsel's Report dated April 23, 1990.

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

Attest:

4-26-90
Date

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

Received in the Secretariat:	Mon.,	April 23, 1990	4:22 p.m.
Circulated to the Commission:	Tues.,	April 24, 1990	11:00 a.m.
Deadline for vote:	Thurs.,	April 26, 1990	11:00 a.m.

dr

90040704800



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 1, 1990

Mr. John Baker, Chairman
State Democratic Executive
Committee of Alabama
c/o Northfolk Southern Corp.
P.O. Box 1870
Montgomery, AL 36103

CLOSED

RE: MUR 3016
State Democratic
Executive Committee of
Alabama and Michael A.
Figures, as treasurer

Dear Mr. Baker:

On April 26, 1990, the Federal Election Commission accepted the signed conciliation agreement and civil penalty submitted by you in settlement of violations of 2 U.S.C. §§ 434(a)(4)(A)(ii) and 434(a)(4)(A)(iv), provisions 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 Karen Powell, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble
General Counsel


BY: Lois G. Lerner
Associate General Counsel

Enclosure

00040704891

THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
The State Democratic Executive)
Committee of Alabama and) MUR 3016
Michael A. Figures, as treasurer)

CONCILIATION AGREEMENT

This matter was initiated by the Federal Election Commission (the "Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. The Commission found reason to believe that The State Democratic Executive Committee of Alabama and William B. Blount, as treasurer, ("Respondents") violated 2 U.S.C. §§ 434(a)(4)(A)(ii) and (iv).

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:

00040764322

1. The State Democratic Executive Committee of Alabama is a political committee within the meaning of 2 U.S.C. § 431(4).

2. William B. Blount was the treasurer of The State Democratic Executive Committee of Alabama at the time of the violations in question.

3. 2 U.S.C. § 434(a)(4)(A)(ii) 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 February 1, 1989, 97 days late, disclosing \$20,818.59 in receipts and \$30,256.00 in disbursements for the relevant reporting period.

5. 2 U.S.C. § 434(a)(4)(A)(iv) provides that in years in which there is no regularly scheduled general election, political committees must file a Mid-Year Report covering the period from the close of books of the last report filed to June 30 which shall be filed no later than July 31 of the year in which the report is due.

000407009893

6. Respondents were required to file a 1989 Mid-Year Report covering the period March 22, 1989 to June 30, 1989 on July 31, 1989. Respondents did not file the Mid-Year Report until March 9, 1990, 221 days late, disclosing \$25,102.00 in receipts and \$37,352.00 in disbursements for the relevant reporting period.

V. 1. 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).

2. Respondents failed to file the 1989 Mid-Year Report in a timely fashion in violation of 2 U.S.C. § 434(a)(4)(A)(iv).

VI. Respondents will pay a civil penalty to the Federal Election Commission in the amount of three thousand eight hundred dollars (\$3,800.00) pursuant to 2 U.S.C. § 437g(a)(5)(A).

VII. The Commission, on request of anyone filing a complaint under 2 U.S.C. § 437g(a)(1) concerning the matters at issue herein or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

VIII. This agreement shall become effective as of the date that all parties hereto executed same and the Commission has approved the entire agreement.

00040764894

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

4/30/90

FOR THE RESPONDENTS:


(Name) JOHN M. BAKER
(Position) CHAIRMAN

Date

4/6/90

00040784895



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 3016

DATE FILMED 5/15/90 CAMERA NO. 4

CAMERAMAN AS

00040764890